

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, May 12, 2022

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on April 14, 2022

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #22-05-15: 1620 Bloomfield Avenue. Maria Teresa Hernandez is requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Teresa's Kitchen Food Trailer) to operate in the parking lot of the convenience store from May 13, 2022 to November 13, 2022 (6 months).

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
April 14, 2022 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Matt Lager, Christina Doane, Jeff Carroll, Beth van den Hombergh, Remi Harrington, and Jeff Carroll (arrived at 7:25 PM)

Members Absent: Jeremy Terpening

City Staff: Pete Eldridge, Assistant City Planner; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

Vice Chair Lager called the meeting to order at 7:12 p.m.

Vice Chair Lager asked if there were any changes to the agenda and Mr. Eldridge noted the last item for 231 East Ransom Street had been withdrawn for the use variance for the Marihuana facilities and the meeting would start with the second item, 3433 Oakland Drive for Sign Art.

MINUTES:

Ms. Doane, moved to approve the minutes of March 10, 2021 as submitted, seconded by Ms. van den Hombergh.

Motion approved by voice vote unanimously.

Mr. Eldridge asked for a roll call of board members present for the meeting.

NEW BUSINESS:

PUBLIC HEARINGS: Vice Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments in favor of the application where they will state their name and address and speak for four minutes. Following that those in opposition will be invited to speak for four minutes and afterward, those received via phone will be aired for the panelist and audience. The public can call in to 269-226-6573 to leave comments for any of the property on the agenda then the public hearing will be closed on that request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is

closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance. He explained that since there are only four members present at the moment, all four would have to be in favor.

Ms. Doane read the application for 3433 Oakland Drive, Parcel #06-32-235-001

ZBA#22-03-09: 3433 Oakland Drive: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Sign Art Inc. for Edward Fletcher at 3433 Oakland Drive in the Residential-Single Dwelling District (RS-5). The applicant is requesting a dimensional variance from Appendix A, Chapter 7, Section 7.3 A 1 to authorize the installation of a six-foot high, 32 square foot freestanding sign for the office building, where there is no sign allowance identified for an office building in the RS-5 District.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Steve Vandersloot, an employee of Sign Art Inc. spoke on behalf of the applicant. He explained that Mr. Fletcher had a long-term tenant, Hamilton Law that needed a sign in a residentially zoned area. Mr. Vandersloot also stated he was informed by city staff that the ordinance was soon to change and in anticipation of the change, Sign Art moved forward with Mr. Fletcher and Mr. Hamilton. Mr. Eldridge explained it's out for public comment right now. Mr. Vandersloot explained that rather than wait, they decided to bring it before the board now. He also pointed out that the position of the office makes it very easy to drive past.

Vice Chair Lager asked how the sign is lit and Mr. Vandersloot said it is internally illuminated with soft light and the only lighting that will come through will be around the lettering as it is designed for night view. Vice Chair Lager asked Mr. Eldridge to speak about the ordinance again and Mr. Eldridge stated the sign standards are being updated because presently there is no commercial building signage allowed in a residential zone. He added that the building was constructed in 2019 and the issue of signage could have been addressed then but Mr. Fletcher was the only occupant. Once Mr. Hamilton moved into the building and needed to direct his clients, signage became an issue. Ms. van den Hombergh said her concerns are lights shining into residences living rooms and Mr. Vandersloot stated the sign faces north and south and the residences are to the west of where the sign will be.

Vice Chair Lager asked for comments/questions from the public and there were none. He then asked if there were any phone calls and were none.

Vice Chair Lager closed the public hearing.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3433 Oakland Drive shall include all information included in the notice of public hearing dated February 22, 2022.
- 2.) 17 notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

The applicant designed a sign that is in keeping with a future ordinance but as it won't be approved for approximately three months and the applicant wanted to move forward now. The need for signage is because the building is set back and can be missed. The sign will be lit with night view of black background and soft lighting. The sign will be six by 10 feet by four inches. Staff reports that local uses of the area are mostly low intensity semi commercial. The applicant reports the sign won't face nearby homes.

Ms. van den Hombergh seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application for a dimensional variance, made by Edward Fletcher, from Appendix A, Chapter 7, Section 7.3 A 1 to authorize the installation of a six-foot high, 32 square foot freestanding sign where there is no sign allowance identified for an office building in this zone district, seconded by Jeff Carroll

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Discussion:

Mr. Carroll stated he was in favor but questions the speed in which the city will update the ordinance. He wanted to know should they wait until the ordinance passes or can they put a condition on the variance that it expires, and Mr. Eldridge said the variance will no longer be needed once the ordinance is adopted and if approved, the variance will disappear. He added that there can be delays but he doesn't see them coming from the residential district standards that are being proposed.

Vice Chair Lager added he will be in favor based on the standards that are normally used when granting this type of variance and based on the criteria, and the care taken in making the sign, he can see this will not negatively affect adjacent properties.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 3400 Stadium Drive, Parcel #06-30-231-005

ZBA#22-03-08: 3400 Stadium Drive: An application for a use variance of the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Yes Acquisitions LLC for 3400 Stadium Drive, which is situated in the Commercial-Community District (CC). The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1 to authorize the redevelopment of a mobile home park on this site, where in the CC District this is not a permitted land use.

Brian Dougherty, representing Yes Acquisitions LLC, and Alex Phelan of Hurley Stewart. Mr. Dougherty stated they want to purchase the land contingent on the granting of the variance. He noted two other mobile home parks in the area owned and operated by them. Mr. Phelan reviewed the standards and added that they wrote a letter replying how they feel they meet certain standards. One was they met the standard, does the strict interpretation of ordinance deny them from meeting the standard and he pointed out their plan of being in keeping with the other mobile homes in the area. The second is there any hardships that are unique, and he stated that with there only being 50 feet of frontage the parcel is difficult to develop since the bulk of the land is in the back. He also said the property has changed hands many times because no one can figure out how to commercially develop the property. The third item is that the location is near the old Wayside, which is prime real estate, and that property is having issues with development. The fourth one is are there any special circumstances created by the applicant and he replied no. The next item was is this the minimum action necessary and he said yes, they could try to rezone it or get a variance and they chose to get the variance because rezoning takes a long time and there are a lot of things that they would have to legally do that they can't. The next is, will granting the variance negatively affect the land and he said no because Yes Acquisitions owns and carefully maintains two nearby, this one wouldn't be any different. The next was will this be consistent with the ordinance and he felt they can meet the standards he spelled out.

Mr. Lager pointed out that this used to be a mobile home park and asked will they use the infrastructure that is there, and Mr. Phelan said no, they plan to work with a clean slate because the old infrastructure is old. Ms. van den Hombergh said she drove around the other two properties and knows there is a need for affordable housing, and she found it to be very well maintained. She said she found the green space at Americana but couldn't locate one at Twin Leafs. They told her there is one.

Chair Carroll asked for comments/questions from the public and there were none. He then asked if there were any phone calls and there were none.

Mr. Eldridge commented that there have been several attempts to develop this site. He said this provides an opportunity for it to be developed into a use that worked for it in the past and that it does have some unique challenges. Staff looked at rezoning but didn't want to rezone it permanently for mobile home use. He also pointed out that Stadium Drive is a commercial corridor and there is a mobile home zone.

Chair Carroll asked for comments/questions from the public and there were none. He then asked if there were any phone calls and there were none.

Chair Carroll closed the public hearing.

FINDING OF FACT

Vice Chair Lager moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3400 Stadium Drive shall include all information included in the notice of public hearing dated February 23, 2022.
- 2.) 194 notices of public hearing were sent, and one response was received from James Pollock of The Hinman Company.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Brian Dougherty of Yes Acquisitions, and Alex Fay of Hurley Stewart spoke on behalf of the applicant. The applicant's purchase of the property is contingent upon the granting of the variance, and they operate two other mobile home parks in the area. The property has 50 feet of frontage and the bulk of the 10 acres lies to the rear. There is an Amtrak railroad line behind it that makes it difficult to develop, as does the unique layout. The applicant noted that the Wayside property, which is directly in front of it, is struggling to get redeveloped as well. Staff also noted the attempts to redevelop this parcel. The applicant noted their experience operating mobile home parks and said on this parcel they would start with a clean slate and replace the infrastructure.

Ms. Harrington asked what happened to the mobile home park that was there, and Mr. Eldridge said the former owner of Wayside purchased the property with the intention of redeveloping it. He evicted the residents, demolished the homes and made attempts to redevelop but nothing happened in 2008 or 2012. He then sold the property and Wayside to Plazacorp, who somehow got connected with Yes Acquisitions.

Ms. van den Homberg seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application for a use variance from Appendix A, Chapter 4, Section 4.1 to authorize the redevelopment of a mobile home park on this site, where in the CC District this is not a permitted land use, seconded by Mr. Lager.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Discussion:

Ms. Harrington said she was in favor.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 437 Stone Street, Parcel #06-21-131-003

ZBA#22-04-11: 437 Stone Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Austrins Family Dentistry for 437 Stone Street in the Residential-Multi Dwelling District (RM-15C). The applicant is requesting a dimensional variance from Appendix A, Chapter 7, Section 7.3 A1 to authorize the installation of a nine (9) square foot projecting sign for this office building, where there is no sign allowance identified for an office building in the RM-15C District.

Dr. Mara Madison was the applicant for the variance. She is requesting the variance because there were some updates done to the outside of the building and she wants to update the sign, which sits parallel to the road, as well. She would like to raise it up and have it higher and perpendicular to the road. The new sign would be 36 inches in diameter and 8 7/8 inches of a metal bracket. She would like to get it mounted and bracketed onto the building.

Chair Carroll asked for questions from the board and Mr. Lager asked if it would be able to be reached in any way and Dr. Madison said you would have to stand in the landscaping to touch it and it will be under the roof line. Ms. Harrington asked was the variance so she could put the sign on the building and Mr. Eldridge said there is no allowance for a wall sign because the dentist office isn't considered a special use in the RM-15C zone district. Ms. van den Hombergh wanted to make sure there will be no questions about this sign being conforming when the new ordinance takes effect and Mr. Eldridge said there are none.

There were no questions/comments from the public. There were also no phone calls.

Chair Carroll closed the public hearing and asked for staff comments.

Mr. Eldridge stated there were special circumstances regarding this office use not being considered a special use in the residential zone district so there is no assigned sign allowance for it. He added that the uniqueness of the area, it is not the typical residential area.

FINDING OF FACT

Ms. Harrington moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 437 Stone Street shall include all information included in the notice of public hearing dated March 29, 2022.
- 2.) 62 notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including a packet with photographs.

- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Austrins Family Dentistry is requesting a variance to authorize the installation of a nine square foot sign where there is no sign allowance identified in the RM15C district. Dr. Mara Madison indicated her desire to get the sign off the ground and staff indicated the signage would be a conforming use in the zone with the new amendments. They want the building to be more visible.

Mr. Lager seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application a dimensional variance from Appendix A, Chapter 7, Section 7.3 A1 to authorize the installation of a nine (9) square foot projecting sign for this office building, where there is no sign allowance identified for an office building in the RM-15C District, seconded by Mr. Lager

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Discussion:

Chair Carroll he used to be a patient and when he first came to Michigan from Phoenix, he had a hard time navigating hills and trying to find the dental office. He was in favor because he feels the sign will be an improvement.

Mr. Lager stated he will be in favor because the street and the uses on the street would favor having a sign here even without the new amendments.

Ms. Harrington said she is in favor from a (familial) historical standpoint.

Ms. Doane was in favor because of the nature of the sign.

Ms. van den Homberg was in favor as well.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 667 Carr Street, Parcel #06-22-291-003:

ZBA#22-04-12: 667 Carr Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Chestity West for 667 Carr Street in the Manufacturing-Limited District (M-1). The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1 to authorize a group daycare (7-12 children) in her residence where residential daycare is not a permitted use in the M-1 District and a variance from Appendix A, Chapter 4, Section 4.2 K2C to authorize a group daycare

on a local street where group daycares are required to be located on collector or arterial streets.

Chestity West was the applicant for the variances. She is requesting to run a group daycare but is currently doing family childcare, servicing 1-6 children per shift. The area she is in doesn't allow for group daycare setting but would allow for a daycare center setting. Mr. Lager asked how many children she has in attendance, which she said she has seven enrolled at the moment. Mr. Lager asked if she ever has issues with pickup and drop off and she said her driveway fits six cars. Chair Carroll asked what the difference between a group daycare and a home daycare. She said there is none but the difference between a group daycare and a family daycare is there are more allowed in the group daycare while a family daycare maxes out at six. Mr. Lager asked if there were only minors and no adults, she said yes but with proper documentation she can have special needs children. Chair Carroll asked where the number of 12 came from, and she said it is state guidelines and she is licensed by the state. Ms. Harrington wanted to verify it's not a group home, but a group daycare. Mr. Eldridge reiterated that a family daycare is 1-6 and a group daycare is 7-12 children so adding just one child puts her into a group situation. Chair Carroll wanted to make it clear that she has two requests in. Mr. Eldridge said there is the use variance because of the zone district and there are three criteria for a group daycare: the exterior has to retain its residential character, it has to have 100 square feet of play space per child, and it has to be on an arterial or collector street, not a local street. He explained that Carr is a local street and Portage is a collector street. Ms. Harrington asked why a commercial daycare and not a home daycare is allowed, and Mr. Eldridge explained the M-1 district allows for a commercial daycare but is silent on the issue of a home daycare so that makes it an unpermitted use. Ms. Harrington asked what the difference is and Mr. Eldridge explained that normally in a manufacturing zone you wouldn't have single family homes so this circumstance wouldn't typically come up and that's why this is a unique situation. Chair Carroll added that she could have a daycare center there, but the ordinance didn't plan for homes to be built in the manufacturing district or for people to want to have daycares in them. Mr. Eldridge added that the Edison plan referred to looking closely at the zoning and land uses for better alignment because there are areas where there are groupings of residential homes in the manufacturing district.

Chair Carroll asked if there were more questions for the applicant and there were none. He then asked the applicant if she had more to add and Ms. West added that she has been doing childcare for at least 20 years in the various places she has lived in the city. She said she was before the board in 2014 for the same type of approval and it was approved.

Chair Carroll asked for comments/questions from the public and there were none. He then asked if there were any phone calls and there were none.

Chair Carroll asked if there were any staff comments and Mr. Eldridge replied he wanted to reiterate that the side of Carr Street the house is located on is in the manufacturing zone but looking at the totality of Carr Street there are nine residences located there. He added that on the future land use map the east end of Carr Street, near Portage, is in a neighborhood edge district where there is a mixture of commercial and residential and the west end is shown as R-2 residential. He said the future land use map is more in line with the current land use than current zoning map.

Chair Carroll closed the public hearing.

FINDING OF FACT

Ms. van den Hombergh moved the Finding of Fact as follows:

1. The Finding of Fact for 667 Carr St shall include all information included in the notices of public hearing dated March 29, 2022, and April 6, 2022.
2. 31 notices of public hearing were sent, and zero responses were received.
3. A public hearing was held before the board and public comments were accepted.
4. The Zoning Board of Appeals received documents on the request including two letters of support from Oscar Johnson and Christopher Carter.
5. The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Chestity West is requesting a use variance for a group daycare and a dimensional variance to authorize daycare on a local street. She is looking to have the capacity for 12 children and has adequate parking. She is 125 feet from Portage, which is a main street.

Mr. Lager seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application for a use variance from Appendix A, Chapter 4, Section 4.1 to authorize a group daycare (7-12 children) in her residence where residential daycare is not a permitted use in the M-1 District, seconded by Ms. Harrington.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Discussion:

Mr. Lager will be in favor due to the unique circumstances of her residence being in a manufacturing zone. He added that driving down the street it would be thought of as a residential area.

Ms. Harrington added that she would be in favor as well because she feels there is a need for more childcare facilities but is wondering how homes ended up in a manufacturing district in the first place and what the city plans to do to shift that. Mr. Eldridge said the city is working to update the zoning map and when the Edison neighborhood plan was put together, they noted this as one of the deficiencies.

Motion approved to pass the use variance by roll call vote unanimously.

Ms. Doane moved to approve the application for a dimensional variance from Appendix A, Chapter 4, Section 4.2 K2C to authorize a group daycare on a local street where group daycares are required to be located on collector or arterial streets, seconded by Ms. van den Homberg.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Discussion:

Chair Carroll stated he will be in favor because of the proximity to Portage Road makes it congruent with the variance.

Ms. Harrington asked if this is a cul de sac that dead ends and Mr. Eldridge said it does dead end but there is a street that t's off of it and wraps around to where the U-Haul business is and that street has homes on it as well.

Motion for the dimensional variance was approved by roll call vote unanimously.

OTHER BUSINESS:

Mr. Eldridge and Mr. Bear are working on more training for the Finding of Fact because if an appeal is filed, this record is very important.

Mr. Eldridge touched on other amendments and ordinances that the Planning Commission approved regarding Medical Marihuana versus Adult use facilities, Bed and Breakfast criteria, off-street parking. He added that commercial-community district items will be going from Appendix A to Chapter 50. Residential will now be allowed on the ground floor level.

ADJOURNMENT:

The meeting was adjourned at 9:06 p.m.

Submitted By _____ Date _____
Recording Secretary

Reviewed By _____ Date _____
City Staff

Approved By _____ Date _____
Chair



Zoning Board of Appeals Staff Report

Date: **5/12/2022**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Assistant City Planner

DATE: May 12, 2022

SUBJECT: ZBA #22-05-15: 1620 Bloomfield Avenue. Maria Teresa Hernandez is requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Teresa's Kitchen Food Trailer) to operate in the parking lot of the convenience store from May 13, 2022 to November 13, 2022 (6 months).

BACKGROUND:

Maria Teresa Hernandez has been operating Teresa's Kitchen, a food trailer, for two years. She has sold food at the Kalamazoo Farmers' Market, participated in the lunchtime live events at Bronson Park, participated in local food truck rallies, and operated from commercial parking lots after obtaining required City approval.

Ms. Hernandez last operated from this location at 1620 Bloomfield Avenue from April 1, 2022 to April 30, 2022. This was approved under the Temporary Use Permit which staff can approve for transient merchants or mobile food vendors for up to 30 days. Ms. Hernandez would like to extend her operation at this location and is requesting approval to return to this parking lot from May 13, 2022 to November 13, 2022 (6 months). Teresa's Kitchen is open Tuesday to Sunday from 11:30 AM to 7 PM.

The site was cleaned up daily and no complaints have been received regarding the operation of the food trailer during the month of April.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Strategic Vision and Master Plan 2025 Impact:

This application touches on the Strategic Vision goal of Complete Neighborhoods by providing another food service option for the neighborhood. This application also touches on the Economic Vitality goal by helping support a diverse mix of businesses by residents. The Future Land Use Map of the Master Plan identifies this property as commercial and the existing zoning is Commercial - Community (CC). This is an appropriate location to consider extending the time allowed for a temporary use.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

The City has sent letters to all property owners within 300 feet of the property. The Milwood Neighborhood Watch has also been notified.

Engagement/Communication Tools:

Letters mailed to property owners

FINDINGS:

The staff has made the following findings regarding this request:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

This temporary use is on a commercially zoned property in the Portage Street corridor. The site has sufficient customer parking around the side and behind the building to allocate spaces for a food trailer. Additionally, the site is not adjacent to any residential uses.

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

The applicant is requesting additional time to operate the food trailer from this location in 2022. This food trailer will not be permanently located on the property. Additional time has been granted in the past for similar mobile food service businesses.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands in the same zone district and would cause practical difficulty.

The CC District allows for restaurants as a permitted use. This is a temporary business that will operate six days per week until November 13, 2022. If this is not approved the applicant will need to find another commercial site for food sales.

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

This is the minimum action that would allow for Teresa's Kitchen food trailer to continue to operate at this location. The alternative is Ms. Hernandez would need to wait until January of 2023 to return to this site since the 30 days of temporary use allowance allocated by the Zoning Ordinance to each commercial parcel has already been utilized for 2022.

5. That the granting of the variance will not adversely affect adjacent land in a material way.

The adjacent properties are commercially zoned and commercially developed. The placement of the food trailer is in a commercial parking lot and is set back from the front property line. There are no restaurants on this block of Portage Street.

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

The granting of the variance will allow for this temporary use to remain for six months. This is consistent with the intent of the ordinance as restaurants are a permitted use in the CC District. This request is for additional time only for the food trailer to operate on this site in 2022.

The Planning Division and Community Investment Divisions will be reviewing how small food businesses can operate outside of a permanent building, as this is becoming a more common option for community chefs. In several of the new commercial and mixed-use districts, food trucks/trailers and kiosks (pop-up shops) are permitted by right on a site.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent

land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Not applicable for this temporary use application.

RECOMMENDATION:

Staff recommends the granting of the temporary use request as there are no adjacent residential parcels, the location is on a commercial corridor and the large parcel has excess parking spaces to accommodate this temporary business.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

April 27, 2022

**RE: ZBA #22-05-15
1620 Bloomfield Avenue
Parcel #06-35-450-387**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Maria Teresa Hernandez for 1620 Bloomfield Avenue in the Commercial – Community District (CC).

The applicant is requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Teresa's Kitchen Food Trailer) to operate in the parking lot of the convenience store from May 13, 2022 to November 13, 2022 (6 months).

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the item described above.

The meeting will be held on Thursday, May 12, 2022, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Assistant City Planner



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007
(269) 337-8026 • www.kalamazoo.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: <u>Maria Teresahernandez</u>		Mailing Address: <u>821 Fulton St</u>
City: <u>Kalamazoo</u>	State: <u>MI</u>	ZIP Code: <u>49009</u>
Phone: <u>254.4079</u>	Email: <u>teresaki@kalamazoo.org</u>	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.		
Name: <u>Amit Patel</u>		Mailing Address: <u>1620 Bloomfield</u>
City: <u>Kalamazoo</u>	State: <u>MI</u>	ZIP Code: <u>49001</u>
Phone: <u>269.267.4377</u>	Email: <u>amit@att.net</u>	Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): <u>1620 Bloomfield Ave</u>		
Parcel Identification Number(s):		Zone District (kalamazoo.org/maps):
TYPE OF REQUEST		
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☐ Use Variance to allow _____ ☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☒ Temporary Use Approval		
Reason for Request: <u>To operate food truck</u>		
ATTACHMENTS		
☒ \$ <u>150</u> Fee ☐ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.		
☐ Review Sheet for Request Type ☐ Optional: Photos of property, architecture plans, etc.		
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support		
SIGNATURE		
Signature of Applicant: <u>Maria</u>		Date: <u>04-14-22</u>
Signature of Owner (if different than applicant): <u>SD Gity</u>		Date: <u>04-14-22</u>



ZONING BOARD OF APPEALS

TEMPORARY USE PERMIT REVIEW SHEET

General Information

Specific project details on temporary use (may also provide on a separate sheet):

Permit to operate at 1620 Bloofield Ave Kalamazoo MI

What is the specific timeframe for which you are requesting a temporary use approval?

6 months

Is the property located in one of the following districts: Commercial, Manufacturing, Parking, or Institutional Campus District, or located in a Residential Zone containing a permitted non-residential use?

Commercial property



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

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What is the permitted primary use of the property? to operate our food truck

Will the temporary use be outside of the right-of-way? no

Will the temporary use be on an asphalt or concrete surface? yes

Will there be adequate off-street parking for the primary use and no impact on traffic flow through the site with the addition of this temporary use (no more than 20% of the required off-street parking spaces may be occupied by temporary use)?

no impact would be made on traffic flow

Will there be tents or other types of temporary structures as part of the temporary use?

no

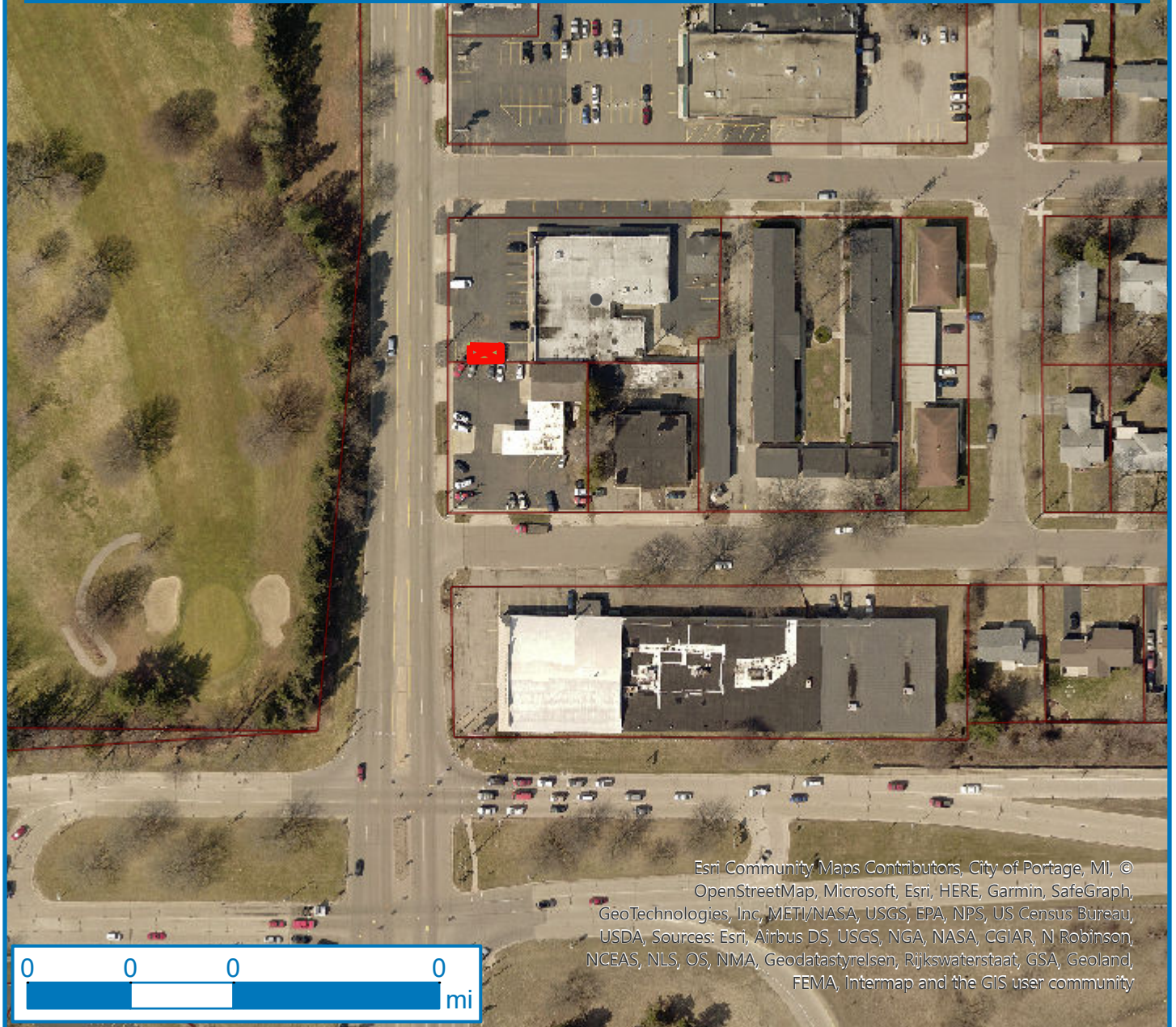
What sort of signage is proposed, if any, with this temporary use?

no additional signs





Food Trailer Location

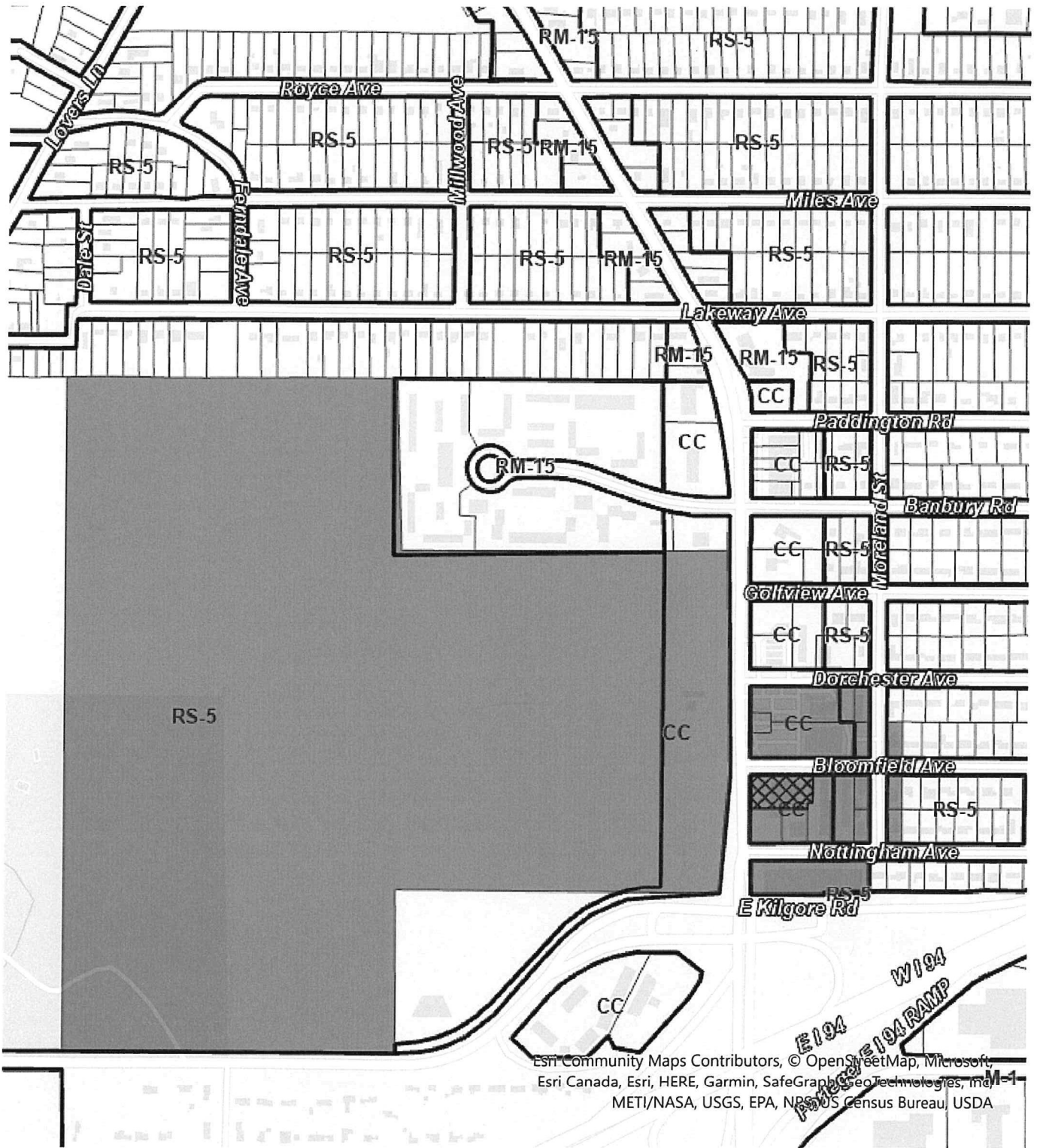


LEGEND

-  Parcel Boundary
-  City Boundary



City of Kalamazoo,
5/2/2022



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Parcels within 300' Mailing Radius 1620 Bloomfield Ave

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary



0 220 440 880 ft