

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, June 9, 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 May 12, 2022

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #22-06-17: 724 and 730 N. Burdick St/108 and 128 E Frank St./729 N Edwards St./121, 125, 129, 131, 135 E North St./709 and 713 N Edwards St. Mt. Zion Baptist Church and Hollander Development Co. are requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 17 off-street parking spaces which will allow a total of 56 off-street parking spaces for a 70-unit senior living facility where 39 off-street parking spaces are the maximum allowed.
2. ZBA #22-06-18: 331 Ingleside Terrace. Jacob Tardani is requesting the following:
 1. A use variance from Chapter 4, 4.1, to authorize the re-use of the structure as a duplex in the Residential – Single Dwelling District.
 2. A dimensional variance from Chapter 5, 5.3, 5e, to authorize a zero setback for steps and elevated walkway for the north side yard where a three-foot setback is required.
 3. A dimensional variance from Chapter 5, 5.3, 5d, to authorize a 5-foot setback for a porch on the west side of the structure where a 15-foot rear yard setback is required.
3. ZBA #22-06-19: 3919 and 3921 Oakland Dr./1823 Hazel Ave./3903 Ruthin Rd./1609 Whites Rd. Oakland Financial Co. is requesting the following variances:
 - 1) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development proposed to encroach onto a

protected slope (which has a grade greater than 20%) and protected slope setback.

2) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 G, to authorize a 17.5% increase in the removal area of woodlands on the site to allow 67.5% clearing of woodlands, where 50% is the maximum permitted.

E. DISCUSSION/ACTION ITEMS

1. ZBA Interviews Held on May 25, 2022

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
May 12, 2022 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Matt Lager, Christina Doane, Jeff Carroll, Beth van den Hombergh, Remi Harrington

Members Absent: Jeremy Terpening

City Staff: Pete Eldridge, Assistant City Planner; Charles Bear, Assistant City Attorney; Beth Cheeseman, Recording Secretary; Nolan Bergstrom, Community Planner; Zach DuMont, AmeriCorps

CALL TO ORDER/ROLL CALL:

Chair Carroll called the meeting to order at 7:07 p.m.

Chair Carroll shared the phone number for public comments. He explained that callers would be heard live and would not have the opportunity to leave a message.

Planner Eldridge called the roll call and determined the aforementioned members were present and there was a quorum.

Planner Eldridge confirmed there were no changes to the agenda.

APPROVAL OF MINUTES:

Ms. Doane, moved to approve the minutes of April 14, 2022 as submitted, seconded by Vice Chair Lager.

Ms. Harrington asked if any of the zoning amendments mentioned in the last meeting were done in response to recent cases that came before their board. Mr. Eldridge said that the most significant changes were in the commercial zones – CC, CN1, and CO. He said those zones don't allow residential units on the ground floor level. Mr. Eldridge shared that staff evaluated the type of variance cases that have gone to ZBA, areas where ground floor residential in commercial zones was desirable, and where it should be limited. He went on to explain what was proposed for amendment in the ordinance regarding ground floor residential. Mr. Eldridge commented that those changes went out for public comment and would be before the City Commission on Monday for a public hearing. He informed the Board that more information could be found on imaginekalamazoo.com and in the City Commission agenda packet.

Ms. Harrington asked about the reason for the changes. Mr. Eldridge said the issue of ground floor residential in commercial zones kept coming up year after year on a variety of projects.

The motion was approved by voice vote unanimously.

COMMUNICATIONS AND ANNOUNCEMENTS:

None.

PUBLIC HEARINGS: Chair Carroll 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 the time allowed. Following that, those in opposition will be invited to speak for the time allowed and afterward, those received via phone will be aired for the panelist and audience. The public can call in to 269-226-6573 to speak for any of the properties 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.

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).

Ms. Doane read the case into the record. Ms. Maria Teresa Hernandez requested a variance for 1620 Bloomfield Ave, CC district, 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). This is a request for variance only regarding the item described.

Applicant, Ms. Hernandez, came forward to speak. She said they have a food truck and food trailer. They have been at 1620 Bloomfield for one month and the people are happy to have them there. Ms. Hernandez said they would like to extend their stay in that location for six more months.

Ms. Harrington asked what prompted her to come before the board. Ms. Hernandez said she wanted to do what was required to be legal. She has a permit for one month, and she was referred to the city.

Mr. Eldridge added that the zoning inspector does reviews of the administrative temporary use permits. Those permits are valid for 30 days. Ms. Hernandez received a 30 day temporary use

permit to begin operating at this location. At the end of 30 days, she wanted to know process to get additional time at this location. Mr. Eldridge reported that the location is working out well and the business owner is good with her being there longer. That's what led to Ms. Hernandez applying to the ZBA.

Chair Carroll invited people to speak in favor or opposed to the variance. No citizens came forward to speak and there were no phone calls.

Mr. Eldridge provided the staff comments. He explained that Ms. Hernandez has a food trailer and a food truck now. Both synonymous with a mobile food business. Mr. Eldridge said that what is up for approval tonight may be the truck or trailer on site. He said that neither take up more space than what has been reviewed for on the site. Mr. Eldridge specified that only one can be on the site at a time. He said staff look at these situations to see if extending beyond 30 days is problematic, if the business fits the area, if it causes difficulty with surrounding businesses or any difficulty with traffic flow. Mr. Eldridge said there is no adjacent residential in this instance, it is on a commercial thoroughfare. It is a large parcel with parking that wraps around the side and back of the building. They looked at this request in a similar light as other temporary uses. Staff has no concerns about extending the time for Ms. Hernandez at this site, and they have not received any complaints.

Ms. Harrington asked if it could be written in the ordinance for Ms. Hernandez to stay there as long as she wants. Mr. Eldridge stated that anything longer than 6 months is considered permanent. If permanent, then other code requirements come into play. He said that other factors would have to be considered because temporary uses are located on property where there is already another primary use.

FINDING OF FACT

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

- 1.) The Finding of Fact for shall include all information included in the notice of public hearing dated April 27, 2022.
- 2.) 33 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 documents described and all facts and comments made during the public hearing which are summarized to include without limitation, the following: Maria Teresa Hernandez is requesting an extension of a 30 day permit she has to allow for an outdoor temporary sales use for a kitchen food truck/trailer to operate in the parking lot of a convenience store in the Milwood neighborhood - Milwood Quick Stop. She is looking for a 6 month permit from May 13, 2022 to November 13, 2022. Her truck/trailer times of operation are Tuesday-Sunday 11:30am-7:00pm. The applicant shared that she has been at this location for one

month and has been well received by the Milwood community, and she would like to extend their stay.

Vice Chair Lager seconded the Finding of Fact.

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

Ms. Doane made a motion for approval of a variance from provisions of the zoning ordinance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use for Teresa's Kitchen Food Trailer to operate in the parking lot of the convenience store from May 13, 2022 to November 13, 2022 for a period of 6 months. 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; seconded by Vice Chair Lager.

Chair Carroll noted that this request seems a little outside the normal criteria, but he couldn't see any objection. He stated he would be supporting the variance.

Vice Chair Lager said he was in favor of the variance. When they had temporary use permits in the past, he considered whether there was enough space, if it interferes with adjacent businesses, and if it interferes with residential property. In this case, there is enough space and extra parking for more patrons, this sounds like a welcome addition to the existing businesses, and there is no adjacent residential property.

Ms. Harrington said she was in complete support of the variance. Ms. Harrington said she was sorry Ms. Hernandez had to go through this review and inspection process.

Motion approved by roll call vote unanimously.

DISCUSSION/ACTION ITEMS:

Mr. Eldridge announced that they wanted to talk about the Finding of Fact, interviews for alternate positions, and NFP/ZBA training.

Mr. Eldridge stated that the Finding of Fact handout lays out general information about what the Finding of Fact process is and the steps of properly recording the Finding of Fact. He said the facts are provided by the applicant, public comment, and staff comments.

Attorney Bear created a draft worksheet. This document is a reminder of what needs to go in the Finding of Fact. The worksheet is tailored to dimensional and use variances. It can be used to take notes, as a template, or just as a reminder for those recording the Finding of Facts. Attorney Bear encouraged them to focus on what is important and the facts to consider. He reminded Board members that they are not trying to reach a conclusion with this process. Attorney Bear also urged them to use the application and staff comments to fill out what they can ahead of time to streamline the process.

Ms. Harrington asked if there was an accompanying document to go to the applicants that would coincide with what the Board member was writing down. Mr. Eldridge stated that the top of the first page is what staff typically fills out before the meeting. Only what happens at the meeting will need to be added to the page. He told the Board that they hope to come up with something that works for them. Mr. Eldridge requested they review the draft and/or put it into practice and give them feedback.

Chair Carroll stated that having a Word version of the document would help him. He asked if they are required to capture the address of everyone who speaks in person, writing, and telephone. Mr. Eldridge said people who speak in-person are supposed to sign in and provide their address when they speak. It should then be in the recording and can be obtained that way. Attorney Bear said that the address is not critical for Finding of Fact. He said they need to have their name, if they are for or against the variance, and a brief summary of what they said. Chair Carroll said he noticed the outlining of criteria for acceptance of a variance, and he appreciated that. He also wondered if they should include the opinions of the applicant or citizens in the Finding of Fact. Attorney Bear indicated that opinion shouldn't be included with the Finding of Fact. He also shared that if a variance is appealed at circuit court, they will critique the Finding of the Facts. Attorney Bear said he was trying to help Board members put together a record in the event of an appeal.

Ms. Harrington said she understands the importance of keeping minutes and keeping track of what happens during the course of the meeting. She thought the facts were what was presented to them and not their interpretation of whether it is fact or opinion. Ms. Harrington asked Attorney Bear for an example of where the opportunity was for them to decipher between fact and opinion. Attorney Bear said an opinion could be something like, "This is the best project Kalamazoo has ever seen and it will bring all this money to the community."

Chair Carroll said he understood to always bring it back to the criteria. Ms. Doane said she tries to just record the main point of what someone is talking about. She wants to condense it but stay true to their intent.

Ms. Harrington indicated it is important to her that people can come to this Board. She wants to reflect and record whether the public is in favor or opposed to a variance.

Vice Chair Lager asked if the standards provided for them are written into the local zoning ordinance or if it is uniform zoning language throughout the State of Michigan. Mr. Eldridge said it is taken from the Planning and Zoning Enabling Act. It may not be verbatim, but it does talk about practical difficulty, unnecessary hardship, and the impact on adjacent properties. Certain phrases of the criteria are commonplace.

Vice Chair Lager noted that the standards themselves are not really fact based in some regards. He cited the case of a use variance for a woman in the Winchell neighborhood who wanted a daycare in her house. He didn't think the form would have been useful for that case. Attorney Bear stated that there would be a separate worksheet for a use variance and one for a dimensional variance. Vice Chair Lager thought that this could be a useful tool, but it would take some practice. They will have to be thinking in terms of standards while they listen to the applicants.

Mr. Eldridge said that one change in the application process was to add review sheets. They will have the review sheets that the applicant filled out. Some of that may be opinion based, but it may point to obvious practical difficulties or hardships. Attorney Bear said that will give them a heads-up as to where the applicant is coming from.

Chair Carroll said he appreciated the work that was done. They can review the form and provide feedback at the next meeting.

Ms. Harrington referred to the training they had and how the Board is confined in terms of interpretation and how to vote by the criteria and how it aligns with the Master Plan. She thought that people are different in the way they interpret the Master Plan and that everyone doesn't engage with tools like this. There should be something that reflects the interest of the people in a different way. Mr. Eldridge asked if she wanted something to see if it aligns with the Master Plan – it could be something they can add to the Finding of the Fact. Vice Chair Lager noted that he liked that the new staff reports do that.

Ms. Harrington spoke about filtering the information through her own perspective and interpretation of the Master Plan. Attorney Bear stated that she will bring her own experiences to the Board, and she should use them while taking the facts and comments in consideration.

Mr. Eldridge agreed with Attorney Bear saying to think about City Commission's Strategic Vision and Goals. Ms. Hernandez' food truck aligns with economic vitality by helping a business owner grow their business and be successful. Those are great things to put in, but they need to have the core criteria covered.

Chair Carroll said they think they are doing a good job. In the food truck case, the criteria came out even if it was a unique situation.

REPORTS:

Mr. Eldridge announced the upcoming virtual training for the NFP/ZBA. He said it would cover site plan review, a review of the Natural Features Protection ordinance and its link with the ZBA. He shared there would be one on NFP case at the June 9 meeting. The training would be good preparation for that meeting.

Mr. Eldridge asked for Board volunteers to interview candidates to fill the alternate positions. Ms. van den Hombergh, Chair Carroll, and Vice Chair Lager volunteered. Chair Carroll asked Mr. Eldridge to offer the opportunity to Mr. Terpening.

ADJOURNMENT:

The meeting was adjourned at 8:12 p.m.

Submitted By _____ **Date** _____

Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Zoning Board of Appeals Staff Report

Date: **6/9/2022**

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: June 9, 2022

SUBJECT: ZBA #22-06-17: 724 and 730 N. Burdick St/108 and 128 E Frank St./729 N Edwards St./121, 125, 129 , 131, 135 E North St./709 and 713 N Edwards St. Mt. Zion Baptist Church and Hollander Development Co. are requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 17 off-street parking spaces which will allow a total of 56 off-street parking spaces for a 70-unit senior living facility where 39 off-street parking spaces are the maximum allowed.

BACKGROUND:

The site is 1.7 acres in the block surrounded by Frank Street, Edwards Street, North Street, and Burdick Street in the Northside Neighborhood. It is zoned a mix of LW-1 and RM-36 Districts. Mt. Zion Baptist Church and Hollander Development Co. have been working together to develop a plan for a 70-unit mix of affordable and market-rate senior housing units. The proposed project will consist of two three-story buildings with one building (36 units) positioned on the northwest corner of the site at N. Burdick Street and E. Frank Street and the other building (34 units) at the southwest corner of the site at E. North Street and N. Edwards Street. The parking will be located on the interior of the block with an outdoor community space planned on the northeast corner at E Frank Street and N Edwards Street. This is a Low-Income Housing Tax Credit (LIHTC) project and will be reviewed by MSHDA for eligibility for funding.

The senior housing off-street parking standard is .5 spaces per unit. However, because this project is applying for the competitive round of financing through the LIHTC program, the MSHDA design standard of 1 space per unit applies to the project. The developer, based on their study of and experience building this type of housing, believes the appropriate amount of parking is closer to .8 spaces per unit, which is between the City standard and that of MSHDA. The applicant is requesting 17 additional spaces for a total of 56 off-street parking spaces for 70-units (.8 spaces per dwelling unit) from the City. They are also seeking relief from MSHDA on their parking standard, again supporting their request based on their experience with and study of senior housing.

STRATEGIC VISION ALIGNMENT:



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

Strategic Vision, Master Plan 2025 and Neighborhood Plan Alignment:

The project aligns with the Strategic Vision goal of complete neighborhoods by adding to the variety of housing types available. The Future Land Use Map indicates this block is 'Neighborhood Edge' which includes medium density residential developments such as the one proposed. The 2018 Northside Neighborhood Plan has a stated strategy to build new housing to accommodate all residents and create affordable housing opportunities.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

The applicant has reached out to adjacent property owners and the city has sent letters to surrounding property owners. The Northside Association for Community Development (NACD) has also been contacted.

Engagement/Communication Tools:

Letters were sent to all surrounding property owners within 300 feet of the site.

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.

The parcels that make up this project front all four streets that surround the block, but the whole block is not taken up by this project. This has forced the developer to be creative with the location of the parking so as not to negatively impact the urban, neighborhood feel of the adjacent streets. The difference between the MSHDA parking requirement and the City's Zoning Code requirements is at the center of this case.

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

The special circumstance of the case is the difference between MSHDA requirements and the City's requirements for off-street parking. This is not the fault of the applicant who is working to provide additional housing units for Kalamazoo residents using the State's funding support, which is critical to making projects like this one work.

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 land in the same zone district, and would cause practical difficulty.

Literal enforcement of the code provisions would make this project ineligible for the funding support the State provides for affordable housing developments. This funding is critical to making affordable housing plans a reality.

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 will allow for this development project to balance the requirements of the state, the City's Ordinance, and what the developer has found as the sweet spot for parking provisions for affordable senior housing development.

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

The proposed development will not adversely impact adjacent properties. The parking areas are shielded from street view by buildings where possible and driveways are limited to two of the four street frontages.

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

The proposed development is consistent with the intent of the Ordinance to allow multiple-story, mixed-use development in this location.

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.

This criterion is not applicable to this dimensional variance.

RECOMMENDATION:

Staff recommends approval of the dimensional variance as it meets the above criteria.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

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www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

May 25, 2022

RE: ZBA #22-06-17

724 and 730 N. Burdick St/108 and 128 E Frank St./729 N Edwards St./121, 125, 129 131, 135 E North St./709 and 713 N Edwards St.

Parcel #: 06-15-181-001, 06-05-181-118, 06-15-182-002, 06-15-182-010, 06-15-183-106, 06-15-182-009, 06-15-182-310, 06-15-182-108, 06-15-182-310, 06-15-188-207, 06-15-183-007, 06-15-183-107.

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Mt. Zion Baptist Church and Hollander Development Co. for 724 and 730 N. Burdick St/108 and 128 E Frank St./729 N Edwards St./121, 125, 129 131, 135 E North St./709 and 713 N Edwards St., which are situated in Live-Work-1 District and Residential – Multi Dwelling District (RM-36).

The applicants are requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 17 off-street parking spaces which will allow a total of 56 off-street parking spaces for 70-unit senior living facility where 39 off-street parking spaces is the maximum allowed.

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

The meeting will be held on Thursday, June 9, 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-city.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Byce & Associates, Inc.		Mailing Address: 306 S Kalamazoo Mall
City: Kalamazoo	State: Michigan	ZIP Code: 49007
Phone: 269-381-6170	Email: danielle.rhodes@byce.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: Cathy L Wortham for Mt. Zion Baptist Church		Mailing Address: 120 Roberson St
City: Kalamazoo	State: MI	ZIP Code: 49007
Phone: 2693883475	Email: clworth@mtzionkalamazoo.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): Multiple properties -see attached		
Parcel Identification Number(s): Multiple -see attached		Zone District (kalamazoo-city.org/maps): LW-1
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>50</u> , Section(s) <u>Article 7 Parking</u>		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☐ Use Variance to allow _____		
☐ Temporary Use Approval		
Reason for Request: See letter request to the ZBA attached outlining variance request(s) and reasoning		
ATTACHMENTS		
☒ \$ <u>300</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: <i>Danielle M. Rhodes</i>		Date: <u>5/12/2022</u>
Signature of Owner (if different than applicant): <i>Cathy L Wortham</i>		Date: <u>4/14/22</u>

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Mt Zion Baptist Church Senior Independent Living Development project consists of two proposed independent living apartment building structures totaling for 70 senior independent living apartment units and relative site developments.

Refer to attached plans and variance request letter. Developments will require single variance for relief to off street parking requirements; allowing an increase in parking in accordance with development anticipated parking demand

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The proposed development is unique in that it has two separate apartment buildings with street facing facades, parcel with four street facing property lines and internal parking which is aimed to accommodate residents of both proposed building structures, visitors and staff of these residents.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

Special circumstances are that the City's maximum allowable parking is below that required by MSHDA. We are requesting relief from both the City's 0.5 parking space / unit standard and MSHDAs 1 space / unit standard; proposing to meet in the middle at 0.8 spaces/ unit.

Also, without granting of requested parking variance the development may be challenged with inability to rent units without adequate off-street overnight parking capacity.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

The proposed development is consistent with the spirit of the ordinance and development intent for the Live-Work 1 District; to promote a wide mix of commercial and residential uses in a scale and with a building form that is compatible with Kalamazoo neighborhoods and corridors. Live Work 1 standards focus on the building form, specifically along the street, while allowing a flexible list of uses within the building.

The proposed project will need approval of a single variance to make project come together integrally tied.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

The proposed development is consistent with the spirit of the ordinance and development intent for the Live-Work 1 District; to promote a wide mix of commercial and residential uses in a scale and with a building form that is compatible with Kalamazoo neighborhoods and corridors. Live Work 1 standards focus on the building form, specifically along the street, while allowing a flexible list of uses within the building.

Will the granting of the variance negatively affect adjacent land?

We are confident that granting of the requested variances will not adversely affect adjacent land in a material way. While it was revealed that adjacent residential properties at 717, 721 and 725 N. Edwards Streets currently encroach onto subject development properties; the proposed site layout configuration has been designed in a manner which accommodates the existing residential structures without impact. And developer has initiated agreements to allow encroachment of these existing structures via easement agreement language.

Additionally, the proposed development has been communicated with adjacent landowners; considering cohesiveness of design in conjunction with plans for adjacent future developments. We are confident that the proposed developments will have positive impact on all neighboring landowners.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

The proposed development maintains the spirit and general development intent of the ordinance and future land use development plans to the maximum extent feasible while providing benefit to the Kalamazoo community; proposing to provide affordable housing to a market in need

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Existing and proposed landscape will comply with requirements and spirit of Ordinance. There are not believed to be special circumstances that will restrict our ability to comply with all landscape requirements in full.

No landscape variance required or requested

Does the landscaping proposed by the applicant meet the intent of this section?

Ample landscaping proposed throughout subject development and outdoor amenity green spaces provided for residents



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Are there steep changes in topography that would limit the benefits of landscaping?

N/A

Are the proposed building and parking lot locations setback beyond the required setback?

N/A

Are there abutting lands developed or could be developed in the near future with a use other than residential?

N/A

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

N/A

May 12, 2022

City of Kalamazoo Zoning Board of Appeals
Peter C. Eldridge, Assistant City Planner
Community Planning & Economic Development (CPED)
245 North Rose Street, Suite 100
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Phone: (269) 337-8806

306 S. KALAMAZOO MALL
KALAMAZOO, MICHIGAN 49007
INFO@BYCE.COM
WWW.BYCE.COM
TEL: 269.381.6170
FAX: 269.381.6176

RE: Mt Zion Independent Living Development
127 E North Street, Kalamazoo, MI
Variance Request to the Zoning Board of Appeals
B/A Project No: 21100233

Dear Mr. Eldridge,

Byce & Associates, Inc. submits this letter on behalf of Mt Zion Baptist Church and Hollander Development as supporting documentation to the submitted *Application Request to the Zoning Board of Appeals*. The proposed Mt Zion Senior Independent Living MSHDA Housing Development is proposed on 1.756 acres, consisting of 11 separate parcels currently residing within the City of Kalamazoo's Live Work LW-1 and RM-36 base zoning districts. It has been confirmed that the LW-1 zoning designation is the prominent of the two applicable zoning districts. Thus, the LW-1 development standards are being followed for proposed project. The various properties included in proposed development, with their relevant Parcel ID, acreage and zoning designation are summarized below:

Property Address	Parcel Number	Acreage	Current Zoning District
730 N Burdick Street	06-15-181-118	0.041	LW-1
724 N Burdick Street	06-15-181-001	0.084	LW-1
108 E Frank Street	06-15-182-002	0.126	LW-1
128 E Frank Street	06-15-182-010	0.712	RM-36
729 N Edwards Street	06-15-183-106	0.063	RM-36
121 E North Street	06-15-182-009	0.250	LW-1
125 E North Street	06-15-182-208	0.125	LW-1
131 E North Street	06-15-182-108	0.049	LW-1
129 E North Street	06-15-182-310	0.134	LW-1
135 E North Street	06-15-188-207	0.058	LW-1
709 N Edwards Street	06-15-183-007	0.057	LW-1
713 N Edwards Street	06-15-183-107	0.057	LW-1
Property Zoning Distribution Summary			
Total LW-1 Property			0.981 (56%)
Total RM-36 Property			0.775 (44%)
Total Development Property			1.756 Acres

The proposed project consists of two separate independent living MSHDA apartment buildings totaling for 70 single bedroom affordable housing apartments proposed to accommodate Kalamazoo's north side neighborhood. Under the City of Kalamazoo's Chapter 50 Zoning Ordinance requirements for Lot Type Development in LW-1 Live Work zoning district, the project scope proposes to target the permitted Flex Lot Type Development standards and is currently in compliance with all required dimensional requirements of the Flex Lot Type standards. However, the projects proposed 56 total parking spaces to accommodate 70 units will require a single variance to achieve project goals.

We kindly request that the City ZBA exercise their reasonable flexibility in granting approval of a single necessary variance to support the proposed Independent Living Development project, summarized as follows:

1. Dimensional Variance Request for relief to Chapter 50, Article 7 Parking & Loading Regulations.

Project team requests relief to the City's off-street parking requirements, in reasonable proposed quantities exceeding the minimum ordinance requirement. According to the Ordinance Table 7.2-1 Required Parking Table, the applicable parking standard for Residential Senior Housing is 0.5 parking spaces per dwelling unit. While Table 7.2-1 standard for residential developments is 1 space per dwelling unit. This standard is consistent with the MSHDA parking criteria applicable to subject development; which we feel is more favorable to our proposed application. We feel the allowable parking quantity for subject development in accordance with City code standards is an insufficient parking ratio for Independent Living Senior Developments, which more common than not are characterized by residents with vehicles.

We kindly request the City's relief from the applicable Parking Standard which we feel strongly will not provide for adequate parking to accommodate proposed developments. According to the applicable City standard the proposed development would only be allowed 35 parking spaces to accommodate 70 Independent Living Apartment Units, visitors and staff alike. While we are not proposing parking in quantities that achieve the 1 per dwelling unit minimum preferred by MSHDA we are requesting 56 total spaces which achieves 0.8 parking spaces per unit ratio. While the site has potential to accommodate increased parking beyond that proposed we have elected to maintain several outdoor amenity and green spaces on property which has facilitated compliance with other applicable City standards, including a maximum 75% impervious surfaces achieved by the proposed plan.

We request approval of the proposed site layout and parking counts, proposing 56 total off-street parking spaces to accommodate the proposed 70 dwelling units. The proposed 56 off-street parking spaces equates to roughly 0.8 spaces / dwelling unit. We feel this request to be very reasonable with consideration to relative market studies of vehicular parking demands for similar resident populations, the developments need for visitor parking, staff parking for office and leasing areas and a potential for future commercial and residential amenity spaces. Additionally, it is important to note that the requested increase in parking counts still allow project to satisfy zoning requirement for 75% maximum impervious surface coverage and provide ample on site green space and outdoor park and pedestrian amenity spaces.

We are optimistic that the ZBA will approve the submitted Variance Request Application, authorizing the proposed Mt. Zion Senior Housing Development to proceed with processes for Site Plan Review and Approval, as required for



Mr. Peter Eldridge

May 12, 2022

Page 3

MSHDA applications. We are confident the planned developments will contribute beneficially to the local community and surrounding stake holders while maintaining the intent of the City of Kalamazoo Ordinance requirements for the LW-1 Zoning District and taking into consideration future Master Planning objectives.

Sincerely,

Byce & Associates, Inc.



Danielle M Rhodes

Civil Engineer

Byce & Associates, Inc.



Michael Flynn, AIA

Vice-President

Attachments:

- Zoning Board of Appeals Application Form
- Zoning Board of Appeals Dimensional Variance Review Sheet
- Conceptual Site Plans

cc: Jason Muniz, Hollander Development
Christina Anderson, City of Kalamazoo



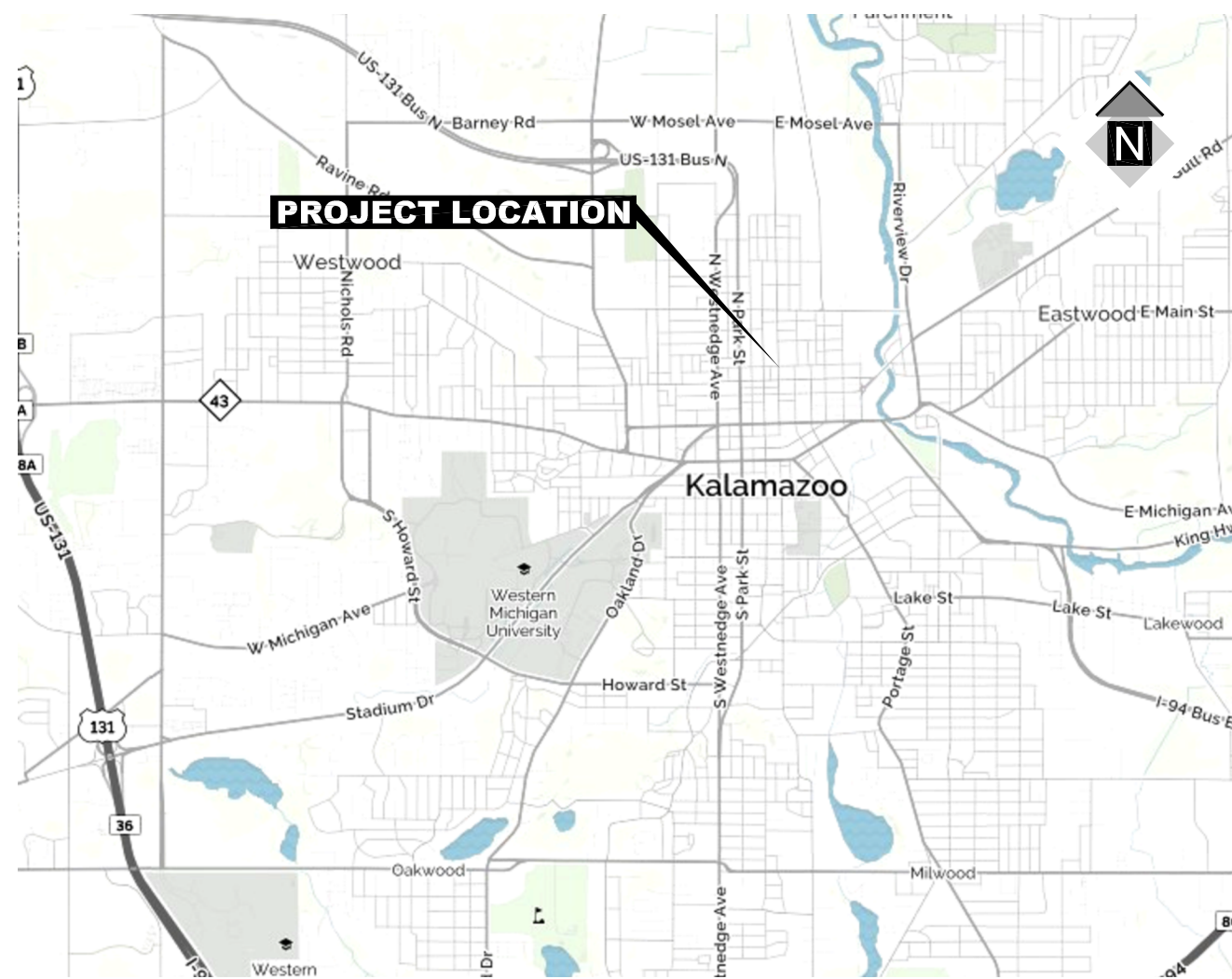
INNOVATIVE PRACTICAL SOLUTIONS

CIVIL ARCHITECTURAL INTERIOR DESIGN STRUCTURAL MECHANICAL ELECTRICAL PROJECT MANAGEMENT BUILDING COMMISSIONING

Senior Housing Development for: Mt. Zion Baptist Church

720 N. Burdick Street · Kalamazoo, Michigan

LOCATION MAP



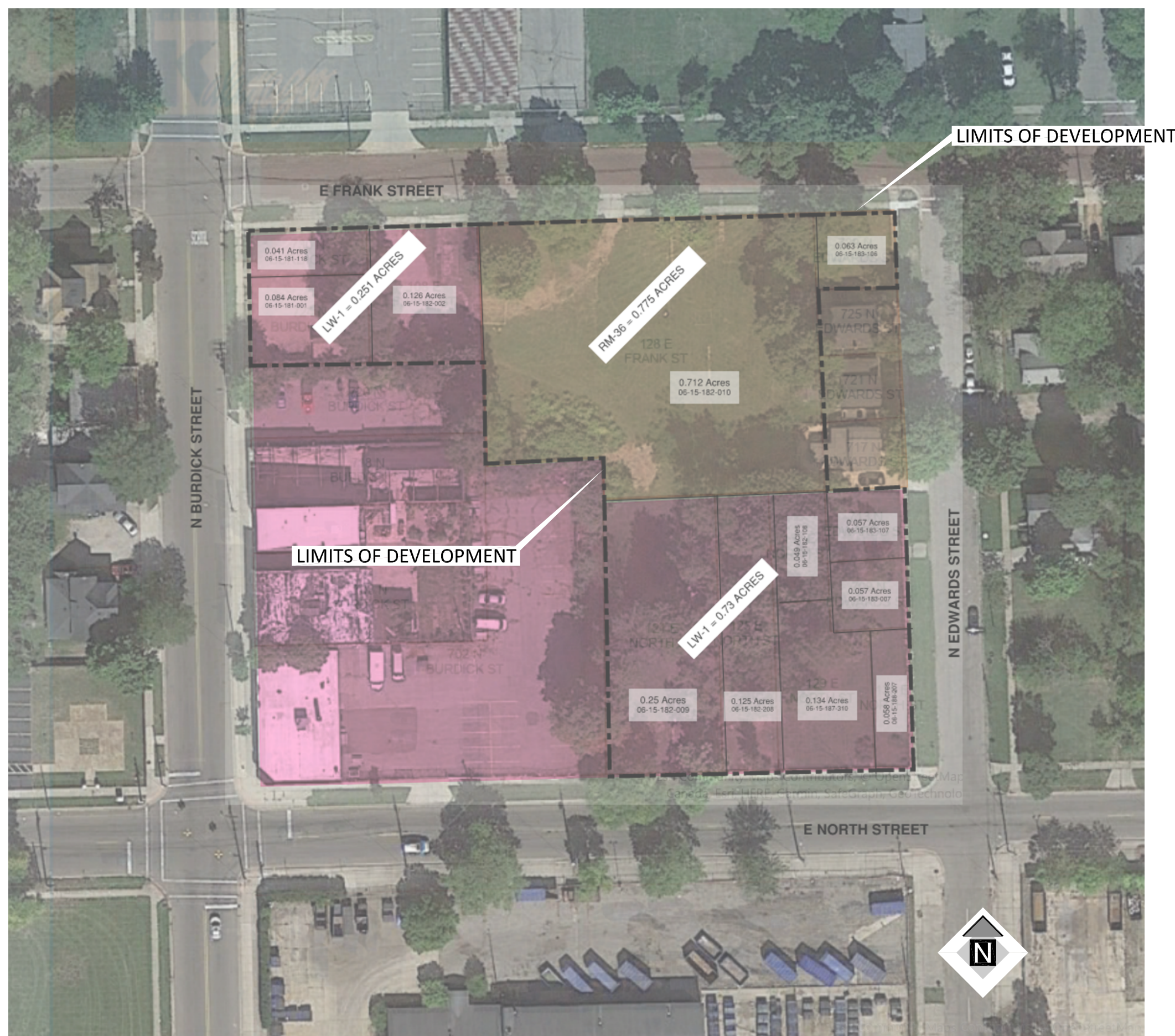
MICHIGAN LOCATION MAP



DRAWING LIST

G001	Project Cover
CIVIL	
C200	Site Plan
C400	Utility Plan
L100	Landscape Plan

AERIAL ZONING MAP



PROJECT SUMMARY

Mt. Zion Baptist Church, Multi-Family, Senior Independent Living & Mixed-Use Development project is proposed on multiple parcels bordered by North Burdick, East North, North Edwards, & East Frank Street public right of ways. It is the intent of the developer to combine development parcels under single ownership prior to construction.

The intent of the Project is to provide a contextually sensitive, multi-family apartment buildings, including limited, strategically located mixed-use commercial lease spaces and retail & service areas targeting resident amenity uses. The Project is intended to provide low-income senior housing, but also to include economic development opportunities in the form of commercial lease spaces for compatible and supportive community partners. The project is also intended to be a catalyst to spur on neighboring economic development.

General site improvements to accommodate proposed developments include overall enhancements to the city block such as greenspace improvements and streetscape upgrades.

Component parts of the development will include approximately 70 low-income senior independent living apartments comprised in two separate primary building structures also encompassing resident amenity areas, community use space and office and leasing areas within.

PROJECT INFORMATION

OWNER: Mt. Zion Baptist Church 120 Roberson Street Kalamazoo, MI 49007	BUILDING CODE: Michigan Barrier Free Design Guide 2015 Michigan Building Code
BUILDING SITE ADDRESSES: 720 North Burdick Street Kalamazoo, Michigan	NUMBER OF STORIES: North Building - 3 Stories South Building - 4 Stories (55 ft height)
INDIVIDUAL PARCELS: 730 N. Burdick St. 06-15-181-118 724 N. Burdick St. 06-15-181-001 108 E. Frank St. 06-15-182-002 128 E. Frank St. 06-15-182-010 121 E. North St. 06-15-182-009 125 E. North St. 06-15-182-208 131 E. North St. 06-15-182-108 129 E. North St. 06-15-187-310 135 E. North St. 06-15-188-207 729 N. Edwards St. 06-15-183-106 713 N. Edwards St. 06-15-183-107 709 N. Edwards St. 06-15-183-007	

FORM BASED ZONING CODE REQUIREMENTS		
ZONING	LIVE-WORK 1	
TYPE	FLEX	
REQUIREMENT	ALLOWABLE	ACTUAL PROPOSED
MULTIPLE PRINCIPAL BUILDINGS	YES	YES
FRONT LINE COVERAGE	70% MIN.	SEE C200
N BURDICK ST (FRONT)	70% MIN.	64/81.1=78.9%
E FRANK ST	N/A	N/A
E NORTH ST (FRONT)	70% MIN.	158/185.71=85%
N EDWARDS S	N/A	N/A
OCCUPATION OF CORNER	YES	YES
FRONT BUILD-TO-LINE	0-10 FEET	NORTH BUILDING: E FRANK ST: 5 FT N BURDICK ST: 4-5 FT SOUTH BUILDING: N EDWARDS ST: 7-8 FT E NORTH ST: 9-10 FT
CORNER BUILD-TO-ZONE	0-10 FEET	NORTH BUILDING: 0-10 FT SOUTH BUILDING: 0-10 FT
IMPERVIOUS SURFACE MAX.	75%	74%
SEMI-IMPERVIOUS SURFACE	15%	0
PARKING LOCATION	REAR YARD	REAR/SIDE YARD
LOADING & SERVICE LOCATION	REAR/SIDE YARD	REAR /SIDE YARD
BUILDING HEIGHT		
MAX. BUILDING HEIGHT	3 STORIES	(N) 3 STORIES / (S) 3 STORIES
GROUND FLOOR HEIGHT	12-24 FEET	12-24 FT / 12-24 FT
UPPER FLOOR HEIGHT(S)	9-14 FEET	9-14 FT / 9-14 FT
TRANSPARENCY (MINIMUM)		3 STORIES / 3 STORIES
GROUND FLOOR	70% BETWEEN 2-8 FT ABOVE GRADE	WILL COMPLY WITH REQUIREMENTS
UPPER FLOORS	20% PER FLOOR	70% BETWEEN 2-8 FT ABOVE GRADE
BLANK WALL LIMITATIONS	YES	MIN. 20% PER FLOOR
ENTRANCE		YES
LOCATION	FRONT FACADE / CORNER	WILL COMPLY WITH REQUIREMENTS
ENTRANCE TREATMENT	STOREFRONT / STOOP	FRONT FACADE / CORNER
ENTRANCES ON STREET SIDE	1 PER 60' BUILDING LENGTH	STOREFRONT / STOOP
N BURDICK STREET	58' LENGTH = 0 ENTRANCES REQ'D	WILL COMPLY WITH REQUIREMENT
E FRANK STREET	250' LENGTH = 4 ENTRANCES REQ'D	> 0 PROVIDED
E NORTH STREET	150' LENGTH = 2 ENTRANCES REQ'D	> 4 PROVIDED
N EDWARDS STREET	70' LENGTH = 1 ENTRANCES REQ'D	> 2 PROVIDED

Senior Housing Development for:

Mt. Zion Baptist Church

720 N. Burdick Street · Kalamazoo, Michigan

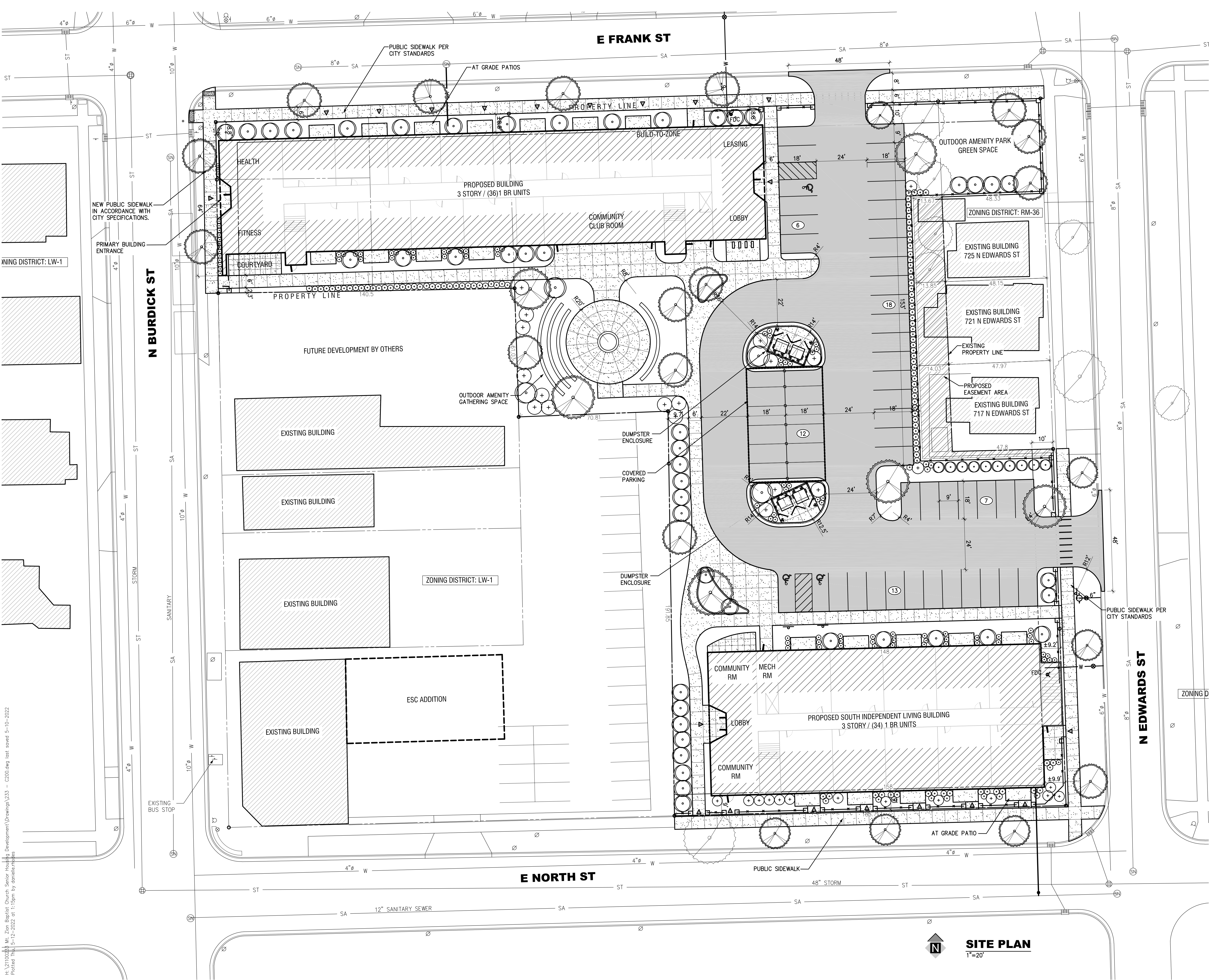
PRELIMINARY
Not for construction

2022.05.12 ZBL SUBMITTAL
2022.03.16 CONDITIONAL SITE PLAN APPROVAL
2022.03.01 PRELIMINARY SITE PLAN SUBMITTAL
2022.02.23 PRELIMINARY SITE PLAN SUBMITTAL
PROJECT COVER

21100233

G001

HA/VP/000001 Mt. Zion Baptist Church Senior Housing Development (Drawings) 033 - C200.dwg last saved 5-10-2022
Plotted on 5-17-2022 at 1:15pm by danielchadwick



SITE DATA:	
ZONING: LW-1 LIVE WORK 1	(0.981 ACRES)
RM-36	(0.775 ACRES)
TOTAL DEVELOPMENT PROPERTY: 1.756 ACRES	
76,491.36 SF	
DIMENSIONAL STANDARDS:	
MAX. BUILDING HEIGHT:	3 STORIES
MAX. IMPERVIOUS COVER:	75%
MAX. SEMI-IMPERVIOUS COVER:	15%
SIDE YARD SETBACK:	0 FT
REAR YARD SETBACK:	N/A
BUILD TO ZONE:	0-10FT
FRONT LOT LINE COVERAGE:	70%
PROPOSED SENIOR INDEPENDENT LIVING UNITS:	
NORTH BUILDING:	36 UNITS
SOUTH BUILDING:	34 UNITS
TOTAL 1 BR APARTMENTS:	70
OFF-STREET PARKING REQUIREMENTS:	
0.5 PER DWELLING UNIT	
NORTH BUILDING:	18 SPACES
SOUTH BUILDING:	17 SPACES
MINIMUM REQUIRED:	35 SPACES
MAXIMUM ALLOWABLE:	38.5 SPACES
PROPOSED OFF-STREET PARKING:	
TOTAL PARKING SPACES:	56 SPACES
PROPOSED DEVELOPMENT AREAS:	
NORTH BUILDING FOOTPRINT:	13,931.5 SF
SOUTH BUILDING FOOTPRINT:	10,909 SF
TOTAL BUILDING COVER:	24,840.5 SF (32.5%)
TOTAL PAVEMENT COVER:	31,860 SF (41.5%)
TOTAL PROPOSED IMPERVIOUS:	56,700.5 SF (74%)
ENCROACHING PROPERTY IMPERVIOUS:	665 SF
TOTAL IMPERVIOUS COVER:	56,700.5 SF (75%)
TOTAL SEMI-IMPERVIOUS COVER:	0 SF (0%)
PROPOSED FRONT LOT LINE COVERAGE:	
SOUTH BUILDING (NORTH STREET ADDRESS)	
N EDWARDS STREET:	N/A
E NORTH STREET (PRIMARY FACADE):	85%
NORTH BUILDING (BURDICK STREET ADDRESS)	
E FRANK STREET:	N/A
N BURDICK STREET (PRIMARY FACADE):	78.9%

LEGEND:	
	PROPERTY LINE
	PROPERTY LINE OTHERS
	BUILDING SETBACK
	RIGHT OF WAY (R.O.W.)
	SEMI-IMPERVIOUS SURFACE
	NEW CONCRETE
	NEW BITUMINOUS
	EXISTING GATE VALVE
	EXISTING HYDRANT
	HYDRANT
	GATE VALVE
	MANHOLE / CATCH BASIN
	EXISTING CATCH BASIN / MANHOLE
	NEW SIGN
	EXISTING SIGN
	NEW LIGHT POLE
	EXISTING LIGHT POLE
	EXISTING TREE
	EXISTING EVERGREEN
	PROPOSED DECIDUOUS TREE
	PLANTING
	SHRUB
	EXISTING FENCE
	NEW FENCE

BYCE
ENGINEERS & ARCHITECTS
306 S. KALAMAZOO MALL
KALAMAZOO, MI 49007
CORPORATE@BYCE.COM
WWW.BYCE.COM
TEL: 269-381-6170
FAX: 269-381-6176

Senior Housing Development for:
Mt. Zion Baptist Church
720 N. Burdick Street • Kalamazoo, Michigan

PRELIMINARY
Not for construction

2022.05.12 ZBA SUBMITTAL
2022.03.16 CONDITIONAL SITE PLAN APPROVAL
2022.03.01 PRELIMINARY SITE PLAN SUBMITTAL - AMENDED
2022.02.23 PRELIMINARY SITE PLAN SUBMITTAL

SITE PLAN

21100233
C200



Parcels within 300' Mailing Radius Various Northside

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



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **6/9/2022**

Item: **D.2.**

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: June 9, 2022

SUBJECT: ZBA #22-06-18: 331 Ingleside Terrace. Jacob Tardani is requesting the following:

1. A use variance from Chapter 4, 4.1, to authorize the re-use of the structure as a duplex in the Residential – Single Dwelling District.
2. A dimensional variance from Chapter 5, 5.3, 5e, to authorize a zero setback for steps and elevated walkway for the north side yard where a three-foot setback is required.
3. A dimensional variance from Chapter 5, 5.3, 5d, to authorize a 5-foot setback for a porch on the west side of the structure where a 15-foot rear yard setback is required.

BACKGROUND:

The structure at 331 Ingleside Terrace was built in the late 1920's as a church in the RS-5 District. It was converted to a duplex in the 1970's. Records indicate it was utilized as a duplex up until 1999, when it was purchased and occupied as a single-family dwelling. As a result, the legal nonconforming status as a duplex lapsed. In December of 2020, Mr. Tardani purchased the property and began planning for the renovation of the deteriorated structure. He was aware of the use variance required to be able to use the structure again as a duplex but later realized that dimensional variances were also needed for the stairs and decks to provide ingress/egress.

Use variance: There are no permit records to identify the exact date of transition from church to duplex, other than that it was done in the 1970s. The rental records do indicate that this structure was last utilized as a duplex in 1999. The current layout has a 2,258 square foot apartment on the lower level and an 880 square foot apartment on the second floor. Off-street parking requirements for the two units are met through spaces on an adjacent lot owned by the applicant. The west side of Ingleside Terrace and all of Mountain Home Cemetery are in the RS-5 District while the east side is in the RD-19 (duplex district). Existing land use shows that there is only one multi-unit building on the west side of Ingleside Terrace, which is at 1128 W Main Street at the end of the block; the remaining 15 lots on the west side of the block, all contain a single dwelling unit. The dwelling units are a mix of owner-occupied and rental, with more rentals on

the eastside of the block. This area, along with the structures on Douglas, are a mix of one and multiple unit structures, both rental and owner occupied. These blocks are within walking distance o both Kalamazoo College and Western Michigan University.

Dimensional Variance #1: Mr. Tardani had the property surveyed and developed a site layout to illustrate the areas where reconstruction of decks was within the required setbacks. The building occupies 55% of the lot. The survey shows the building is only 1.8 feet from the north property line; this is also the side of the building with the entrance for the dwelling units. Mr. Tardani has proposed a new at-grade level walkway extending halfway down the north side of the house. The walkway provides access to a new staircase leading to a three-foot-wide elevated deck next to the existing entry doors. Due to the narrowness of the side yard, an easement was agreed to by the neighbor at 333 Ingleside Terrace to allow the stairs and deck to encroach 20 inches onto an adjacent lot. However, the elevated deck and stairs are required to have a building setback of three feet from the side property line. A dimensional variance is being requested for a zero-side yard setback on the north side of the house to replace the stairs and deck surface.

Dimensional Variance #2: The second dimensional variance is for an existing deck that had deteriorated on the west side of the structure and is in need of replacement. The deck extends eight feet out from the house and is 18 feet in width. The deck is supported by footings and steel posts that are original to the structure. A dimensional variance is being requested to replace this deck in order to keep it the same size as it was originally constructed. The deck is located five feet from the west rear property line. The required building setback for an uncovered, unenclosed deck is 15 feet from the rear property line. Therefore, a dimensional variance of 10 feet is required to authorize the reconstruction of this deck.

STRATEGIC VISION ALIGNMENT:



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

Strategic Vision and Master Plan 2025 alignment:

The project aligns with the Strategic Vision goal of complete neighborhoods as it will add to the available house units in the neighborhood. The Future Land Use Plan Map designates this lot as 'R1' low-intensity residential, which would include duplexes.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

The applicant has been in contact with other residents on the block and the city has sent a notice to all property owners within 300 feet.

Engagement/Communication Tools:

Letters have been mailed and the owner has talked with surrounding property owners.

FINDINGS:

The staff has made the following findings regarding the use variance:

1. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

The enforcement of the provisions of the Ordinance would not deprive the applicant of use of the site as a single family dwelling. However, this structure's prior use for a duplex and before that a church, the fact that the current interior layout is that of a duplex, and that the other side of the street is zoned to allow duplexes make the request appropriate for the location.

2. That there is an unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.

The structure is currently divided into two units: a 2,258 square foot apartment on the main level and an 880 square foot apartment on the second floor. Each is a complete unit with a full bathroom, kitchen, and separate laundry facilities.

3. That the special circumstances are not the result of the actions of the applicant.

Based on the research completed by the applicant and the city records, it is clear that the structure was registered as a rental property, inspected, and occupied for years as a duplex. The permission to continue the use of the property as a duplex lapsed between owners who did not continue to rent the property. The applicant did not create the two-unit set up.

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.

The granting of the use variance will not be contrary to the public interest. The zoning across the street is RD-19, which allows duplexes and attached housing (row houses). There is sufficient parking. It should also be noted that occupancy of the dwelling units will be limited due to the RS-5 District which allows a family, a functional family or a maximum of two unrelated adults per dwelling unit.

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

The granting of the use variance will not adversely impact the adjacent properties. There are no changes proposed to the exterior of the structure other than the replacement of the decks and one set of stairs. The property owner to the north has signed an easement agreement with Mr. Tardani to allow for new stairs and a deck to be constructed for safe ingress and egress to the apartments. The property to the west is the Mountain Home Cemetery, the property to the south is a single unit dwelling, and the zoning on the eastside of the street allows duplexes.

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

The granting of the use variance will be generally consistent with allowed re-use of nonconforming structures.

The staff has also made the following findings with regard to the dimensional variances:

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.

Dimensional Variance #1: The size and placement of the original structure on the lot has resulted in a 1.8 foot setback from the north property line, which is also the location of the building's entrance doors for the apartments. The lots on the westside of Ingleside Terrace, including this one, are both narrow and shallow compared to lots in the Douglas Neighborhood.

Dimensional Variance #2: The size and placement of the original structure has resulted in a 13-foot setback from the west, rear, property line. The existing deck on the west side of the dwelling serves the second floor apartment. The deck is located five feet from the property line. The lots on the westside of Ingleside Terrace, including this one, are both narrow and shallow compared to lots in the Douglas Neighborhood.

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

Dimensional Variance #1: The entry doors on the north side of the structure have been there for years and were not installed by the property owner.

Dimensional Variance #2: The rear deck has existed for years and the original steel support posts are still in place below the deck. Using the existing structure is logical

for the renovations. The lots on the westside of Ingleside Terrace, including this one, are both narrow and shallow compared to lots in the Douglas Neighborhood.

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 land in the same district zone, and would cause practical difficulty.

Dimensional Variance #1: The enforcement of the provisions of the Ordinance would require the applicant to relocate the entrance to the apartments as there is not sufficient space in the north side yard to meet the three-foot building setback. This would require major interior and exterior construction to shift the buildings' entrance locations.

Dimensional Variance #2: The enforcement of the provisions of the Ordinance would result in the elimination of deck as the deck could only legally extend three feet from the rear of the dwelling.

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.

Dimensional Variance #1: The grant of the variance is the minimum action that will make possible the continued use of the existing entry doors on the north side of the dwelling. A lesser variance would not permit sufficient width per building code for the staircase and deck that serves as the landing for the entry doors. Additionally, the neighboring property owner has signed an easement agreement to allow a 20 inch encroachment of the improvements.

Dimensional Variance #2: The granting of the variance is the minimum action that will make it possible to keep the deck located at the rear of the structure. A lesser variance would again eliminate the functional use of the deck. It should also be noted that this property backs up to Mountain Home Cemetery. There are no adjacent structures close to the deck on adjoining lots.

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

Dimensional Variances #1 and #2: The granting of the variances will not adversely impact the adjacent properties. The property owner to the north has signed an easement agreement with Mr. Tardani to allow for new stairs and a deck to be constructed for safe ingress and egress to the apartments. The property to the west is the Mountain Home Cemetery.

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

Dimensional Variances #1 and #2: The granting of the use variance will be consistent with the intent of the ordinance to limit improvements to dwellings which are in close proximity to the property lines to create separation between dwellings. However, the neighbor is in support of the new stairs and deck on the side of the dwelling and the deck on the rear of the dwelling faces a cemetery.

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.

This criterion is not applicable to the requested variances.

RECOMMENDATION:

Staff recommends approval of the use variance as this meets the above criteria and the square footage and existing layout lends to reuse as a duplex. Staff also recommends approval of the two dimensional variances as these meet the above criteria.



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

May 25, 2022

**RE: ZBA #22-06-18
331 Ingleside Terrace
Parcel #06-16-338-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jacob Tardani for 331 Ingleside Terrace which is situated in the Residential - Single Dwelling District (RS-5).

The applicant is requesting the following:

1. A use variance from Chapter 4, 4.1, to authorize the re-use of the structure as a duplex in the Residential – Single Dwelling District.
2. A dimensional variance from Chapter 5, 5.3, 5e, to authorize a zero setback for steps and elevated walkway for the north side yard where a three-foot setback is required.
3. A dimensional variance from Chapter 5, 5.3, 5d, to authorize a 5-foot setback for a porch on the west side of the structure where a 15-foot rear yard setback is required.

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

The meeting will be held on Thursday, June 9, 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: Jacob Tardani		Mailing Address: 2330 S Park St	
City: Kalamazoo	State: MI	ZIP Code: 49001	
Phone: (269) 873-4203	Email: jake@odysseyprops.com	Preferred Contact: ☒ Email ☒ Phone	
PROPERTY OWNER INFORMATION			
<i>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.</i>			
Name: Jacob Tardani		Mailing Address: 2330 S Park St	
City: Kalamazoo	State: MI	ZIP Code: 49001	
Phone: (269) 873-4203	Email: jake@odysseyprops.com	Preferred Contact: ☒ Email ☒ Phone	
PROPERTY INFORMATION			
Property Address(s): 331 Ingleside Ter Kalamazoo, MI 49006			
Parcel Identification Number(s): 06-16-338-003		Zone District (kalamazoo.org/maps): West Douglas	
TYPE OF REQUEST			
☒ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☒ Use Variance to allow <u>property to be utilized as a duplex rental home within SFD zoning.</u>		☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval	
Reason for Request: Dimensional Variance and Use Variance approval requested in order to operate 331 Ingleside Ter Kalamazoo, MI 49006 as a duplex rental property.			
ATTACHMENTS			
☐ \$ _____ 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:		Date:	
Signature of Owner (if different than applicant):		Date:	

ZONING BOARD OF APPEALS

USE VARIANCE REVIEW SHEET

General Information

Project Description (may also provide on a separate sheet):

Seeking Use Variance to operate 331 Ingleside Ter Kalamazoo, MI 49006 as a duplex rental property. Current zoning in which the subject property is located is: RS-5 / Single-Family Zoning.

- The current and historic layout of this subject property is that of a duplex.
- Each unit already has its own exterior access, egress, living room, kitchen, laundry, and bathroom.
- No structural changes would need to be made for the subject property to be operated as a duplex rental home.
- Accompanying Dimensional Variance to reconstruct exterior walkway access to Unit 2 is being submitted with this request.
- Subject property is 1 of 5 properties along Ingleside Terrace (4 of which are multi-family) presently owned by the applicant.

Review Criteria for Use Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Does the Ordinance deprive the applicant from using the property for a permitted use, which is a right enjoyed by other property owners in the same zone district?

Approval of this Use Variance request would enable the subject property to be operated as a duplex rental, conforming with other grandfathered multi-family rental properties along Ingleside Terrace.

Is there a hardship that is unique to the land or structure that is not applicable to other land or structures in the same zone district?

The structure of this subject property is particularly wide in comparison to the lot.

The dimensions of the lot are 41.25 feet wide x 99 feet deep; the structure is 38 feet wide x 60 feet deep.

Exterior access to the upper unit (Unit 2) is located at the Northwest corner of the structure. Approval of this Use Variance and the accompanying Dimensional Request pertaining to the reconstruction of the walkway, privacy fence, and raised porch would enable the operation of this subject property to be operated as a duplex rental property.

Are the special circumstances created by actions of the applicant?

The subject property was purchased by the applicant in October 2018.

The original non-conforming walkway, privacy fence, and raised porch for exterior access to Unit 2 were constructed decades ago, when both 331 Ingleside Ter and 333 Ingleside were owned by the same owner.

Applicant removed the original deteriorating wooden raised porch and privacy fence for having been unsafe.

Will the granting of the variance be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance?

Approval of both a Use Variance and a Dimensional Variance is required to restore this property back to an accessible duplex home. Operation of the property as a duplex rental property requires a Use Variance; reconstruction of the exterior side walkway to access Unit 2 requires a Dimensional Variance.

Exterior access to Unit 2 would require approval of the accompanying Dimensional Variance request to be the minimum action required to meet the spirits of this Ordinance.

Will the granting of the variance negatively affect adjacent land?

The granting of this variance will not negatively affect adjacent land. Owner of neighboring house 333 Ingleside Ter Kalamazoo, MI 49006 to the North has signed an easement and right-of-way granting permission for the reconstruction of the walkway to access Unit 2 of the subject property.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

The granting of this variance will be generally consistent with the purpose and intent of this Ordinance, with a limited number (2) of dwelling units operating within a single-family ordinance.

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Seeking the following Dimensional Variance to enable 331 Ingleside Ter Kalamazoo, MI 49006 to be operated as a duplex rental property:

- Dimensional Variance to allow a zero setback for the reconstruction of a former ground-level walkway, privacy fence, and raised porch walkway measuring 18' long by 3' wide and 4' high along the North side of the subject property.
- A professional boundary survey was obtained in November 2020.
- The owner of 333 Ingleside Ter signed a legal, recorded easement in December 2020 granting permission for the reconstruction and maintenance of this ground-level walkway, privacy fence, and raised porch walkway.
- An accompanying Use Variance is being submitted simultaneously.
- Please see ZBA Type Plan for additional details.

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The structure of the subject property is particularly wide in comparison to the lot.

The dimensions of the lot are 41.25 feet wide x 98 feet deep; the structure is 38 feet wide x 60 feet deep.

A total of 6 feet exists between the subject property structure and the adjacent property structure to the North (333 Ingleside Ter), of which approximately 1.8 feet lies within the property boundary of the subject property.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The subject property was purchased by the applicant in October 2018.

The original non-conforming walkway, privacy fence, and raised porch were constructed decades ago, when both 331 Ingleside Ter and 333 Ingleside were owned by the same owner.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

Approval of this Dimensional Variance request would enable the subject property to be operated as a duplex rental again, conforming with other grandfathered multi-family rental properties along Ingleside Terrace.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

This Dimensional Variance request, and the accompanying Use Variance request, represents the minimum action required to restore accessibility to the upper unit of the subject property (Unit 2), permitting operation of the property as a duplex without negative impact to the public, while still meeting the spirit of this Ordinance.

Approval of this Dimensional Variance to reconstruct the ground-level walkway, privacy fence, and raised porch walkway along the North side of the subject property would allow for the most reasonable access to Unit 2 of the subject property. Operation of the subject property as a duplex rental property requires approval of the Use Variance request.

Will the granting of the variance negatively affect adjacent land?

Approval of this Dimensional Variance request will have negligible affect on adjacent lands. Footings for the privacy fence and raised porch will be created for approximately fifteen treated 4x4 posts, dug at 4' intervals along the walkway between the subject property and 333 Ingleside Ter to the North.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

The granting of this Variance will be generally consistent with the purpose and intent of this Ordinance, permitting a limited number (2) of dwelling units within a single-family Ordinance. Quiet enjoyment of all adjacent properties is still expected with approval of this Dimensional Variance.

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

N/A

Does the landscaping proposed by the applicant meet the intent of this section?

N/A



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Are there steep changes in topography that would limit the benefits of landscaping?

N/A

Are the proposed building and parking lot locations setback beyond the required setback?

N/A

Are there abutting lands developed or could be developed in the near future with a use other than residential?

N/A

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

N/A

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Seeking the following Dimensional Variance to allow for the already-reconstructed raised deck on the West side of the subject property to remain as-is without alteration:

- Dimensional Variance to allow 10-foot setback for a reconstructed raised deck measuring 8' long by 18' wide and 8' high along the West side of the subject property.
- No new footings were required to be dug for the reconstruction of the raised deck.
- A professional boundary survey was obtained in November 2020.
- Adjacent parcel to the West is non-residential, comprised of Mountain Home Cemetery on West Main Hill.
- An accompanying Use Variance is being submitted simultaneously.
- Please see ZBA Type Plan for additional information.

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The structure of this subject property is particularly wide in comparison to the lot.

The dimensions of the lot are 41.25 feet wide x 98 feet deep; the structure is 38 feet wide x 60 feet deep.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The subject property was purchased by the applicant in October 2018.

The original non-conforming raised deck and vertical iron beam deck supports were erected decades ago. The wooden decking, railing, and joists of the original raised deck were unsafe and in disrepair. Reconstruction of the deck was done to the same dimensions as the original deck, performed by the applicant prior to their awareness of the Ordinance.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

Approval of this Variance request would enable occupants of the subject property to enjoy an outdoor recreation area, as found on the lots of many adjacent properties along Ingleside Terrace.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

Approval to allow the reconstructed raised deck along the West side of the subject property to remain is the minimum action possible to use the lot in a manner that does not negatively impact the public, while still meeting the spirit of this Ordinance. It would require no deconstruction or modification of the deck and its present dimensions has a negligible impact on the surrounding property owners.

Will the granting of the variance negatively affect adjacent land?

The reconstructed raised deck along the West side of the subject property was built with joists extending from a ledger board attached to the structure, spanning outward to the two existing 10" vertical iron beam deck support sunk into the ground; no new footings are required for this Variance.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

Approval of this Variance will be generally consistent with the purpose and intent of this Ordinance. Quiet enjoyment of all adjacent properties is still expected with approval of this Dimensional Variance.

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

N/A

Does the landscaping proposed by the applicant meet the intent of this section?

N/A



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(269) 337-8026 • www.kalamazoocity.org

Are there steep changes in topography that would limit the benefits of landscaping?

N/A

Are the proposed building and parking lot locations setback beyond the required setback?

N/A

Are there abutting lands developed or could be developed in the near future with a use other than residential?

N/A

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

N/A

331 Ingleside Ter Use Variance & Dimensional Variance Request

This request comes largely from the desire to continue providing as much decent rental housing within our city as reasonably possible, while remaining respectful to our neighbors and to the neighborhoods in which our rental properties are located. The subject property for which the request is being made - 331 Ingleside Ter, is a truly unique home.

Built from 1926 to 1929, this property was erected as the very first church on West Main Hill. It was initially named “The Victory Tabernacle”, and from 1931-1932 it was known as “The Church of Four-Square Gospel”; from 1935 – 1948 “The Victory Tabernacle” (again); and from 1950 – 1960, it was called “The Church of God”.

In the early 1970s, a single owner purchased 331 Ingleside Ter and the three adjacent properties to the north - 333 Ingleside Ter, 403 Ingleside Ter, and 405 Ingleside Ter. At that time, 331 Ingleside Ter was converted from a church, into a large duplex residential rental property.

Historic rental inspection records confirm the operation of 331 Ingleside Ter as a certified duplex rental throughout the 1970s, 1980s, and 1990s. In 1999, ownership of this property changed hands yet again and the property was lived in as a wholly owner-occupied home. As a result, the duplex rental certification lapsed, and the zoning district for the area had changed to RS-5: Single-Family.

Upon purchasing 331 Ingleside Ter, we began to renovate the home - clearing out yards and yards of discarded personal property, repairing walls, painting the 15’ high ceilings, and restoring the ornate trim work throughout. We began reconstruction of the deteriorating decks and replacement of the raised exterior walkway leading to Unit 2, with the intent to transform the sprawling home back into a restored, fully-functional duplex rental home.

Our company, Odyssey Properties LLC, is a twice recipient of HOME funds from the City of Kalamazoo Community Planning & Economic Development department to create affordable rental housing from blighted properties. It is with passion and dedication that we continue restoring some of Kalamazoo’s worst houses in neighborhoods that need this revitalization the most. We sincerely appreciate the ZBA’s consideration and review of this request.

The following three Variances are being requested for 331 Ingleside Ter:

- 1. Use Variance to allow duplex in RS-5 District;**
- 2. Dimensional Variance to allow a zero setback for a ground-level walkway, privacy fence, and raised porch walkway measuring 18’ long by 3’ wide and 4’ high along the north side of the subject property;**
- 3. Dimensional Variance to allow a 10-foot setback for an already-reconstructed raised deck measuring 8’ long by 18’ wide and 8’ high along the west side of the subject property.**

The following elements support this request as a worthy candidate:

1. Use Variance to allow duplex in RS-5 District:

- Current and historic layout of subject property is that of a duplex –

Unit 1 (main-level): 2,258sq ft • Unit 2 (upper-level): 880sq ft

- Both units already have their own respective exterior access, egress, living room, kitchen, laundry, and bathroom.
- No structural changes would need to be made for the property to be operated as a duplex rental home.
- Multiple properties along Ingleside Terrace are grandfathered multi-unit rentals and non-conforming to the RS-5 zoning.

2. Dimensional Variance to allow a zero setback for a ground-level walkway, privacy fence, and raised porch walkway measuring 18' long by 3' wide and 4' high along the north side of the subject property:

- Request is for Dimensional Variance to replace the original, deteriorating raised porch walkway and privacy fence along the north side of the subject property, between the subject property and 333 Ingleside Ter. The raised porch walkway has historically provided for the primary and most reasonable access the entrance to Unit 2, located on the northwest corner of the subject property.
- On 11/14/2020, a professional boundary line survey of the subject property was performed (see Addendum A). Approximately 1.8 feet exist between the actual subject property and the property boundary line to the north.
- Approximately 20" of the 36" wide raised porch walkway and privacy fence would lie across the property boundary line, onto that belonging to the owner of 333 Ingleside Ter. On 12/7/2020, the owner of 333 Ingleside Ter signed a legal, recorded 'Easement and Right of Way', granting perpetual permission for the re-construction and maintenance of the raised porch walkway and privacy fence (see Addendum B).
- Professional 3D renditions have been drafted to show the layout and location of the raised walkway and its proximity to the adjacent house to the North (See Addendum C).
- The building permit plans for the reconstruction of this raised porch walkway and privacy fence have been reviewed by the City of Kalamazoo building inspector, and the building permit application for this project has been tentatively approved, pending approval of this dimensional variance request (see Addendum D).

3. Dimensional Variance to allow a 10-foot setback for an already-reconstructed raised deck measuring 8’ long by 18’ wide and 8’ high along the west side of the subject property:

- Request is for Dimensional Variance to allow for an already-reconstructed deck along the west side of the subject property, between the subject property and non-residential property comprised of the Mountain Home Cemetery.
- The original wooden raised deck and railings were unsafe and in disrepair, cantilevered from the house ledger support board on 10” round vertical iron deck support beams sunk into the ground, located 6 feet to the West of the subject property and 7 feet from the boundary line to the West towards the cemetery.
- The replacement raised deck was built in the same place and to the same 8’ x 18’ dimensions as the original deck. The existing vertical iron deck support beams were secure, plumb, and functional, so no new footings, holes, or support beams were required for the reconstruction of the deck.
- On 11/14/2020, a professional boundary survey of the subject property was performed (see Addendum A). A total of 13 feet exists between the West wall of the subject property and the property boundary line to the West. The raised deck extends 8 feet outward from West wall of the subject property, to within 5’ of the property boundary line to the west towards the cemetery.
- This deck is accessible exclusively from Unit 2 (upstairs) via two exterior doors on the south end of the upper apartment unit living quarters, with a western facing view overlooking the cemetery.
- The building permit plans for the reconstruction of this deck have been reviewed by the City of Kalamazoo building inspector, and the building permit application for this project has been tentatively approved, pending approval of this dimensional variance request.

4. Ample qualifying parking spaces exist within the required 660 ft of the subject property to allow for its operation as a duplex.

- In addition to the subject property (331 Ingleside Ter), Odyssey Properties LLC also owns and operates the following four rental properties along Ingleside Terrace, all located within 500 feet of the subject property and each containing large, non-conforming parking lots:

216/220 Ingleside Ter (a triplex), 403 Ingleside Ter (Single-Family), 1118 W Main (a duplex) and 1128 W Main (a 5-Unit).

The collective number of parking spaces for the 13 total rental units comprised of the subject property (331 Ingleside Ter) and these four additionally owned properties is 19. This meets the Ch. 50 ‘Off-Street Parking’ requirements for the subject property to be operated as a duplex.

Conclusion

Approval of this request would enable us to operate 331 Ingleside Ter as a long-term, quality duplex rental property, maximizing the existing layout of the subject property and helping to ease the burden of the lack of available quality rental housing within Kalamazoo.

The remaining work required to implement the plans above are well within our scope of experience and abilities, and shall be carried out under the review of the City of Kalamazoo Building Department permit inspections process.

The ZBA's review and consideration this request is greatly appreciated.

Your collective feedback is warmly welcomed, and I look forward to continuing to expand Kalamazoo's affordable rental housing offerings.

Warm Regards,

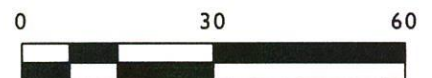
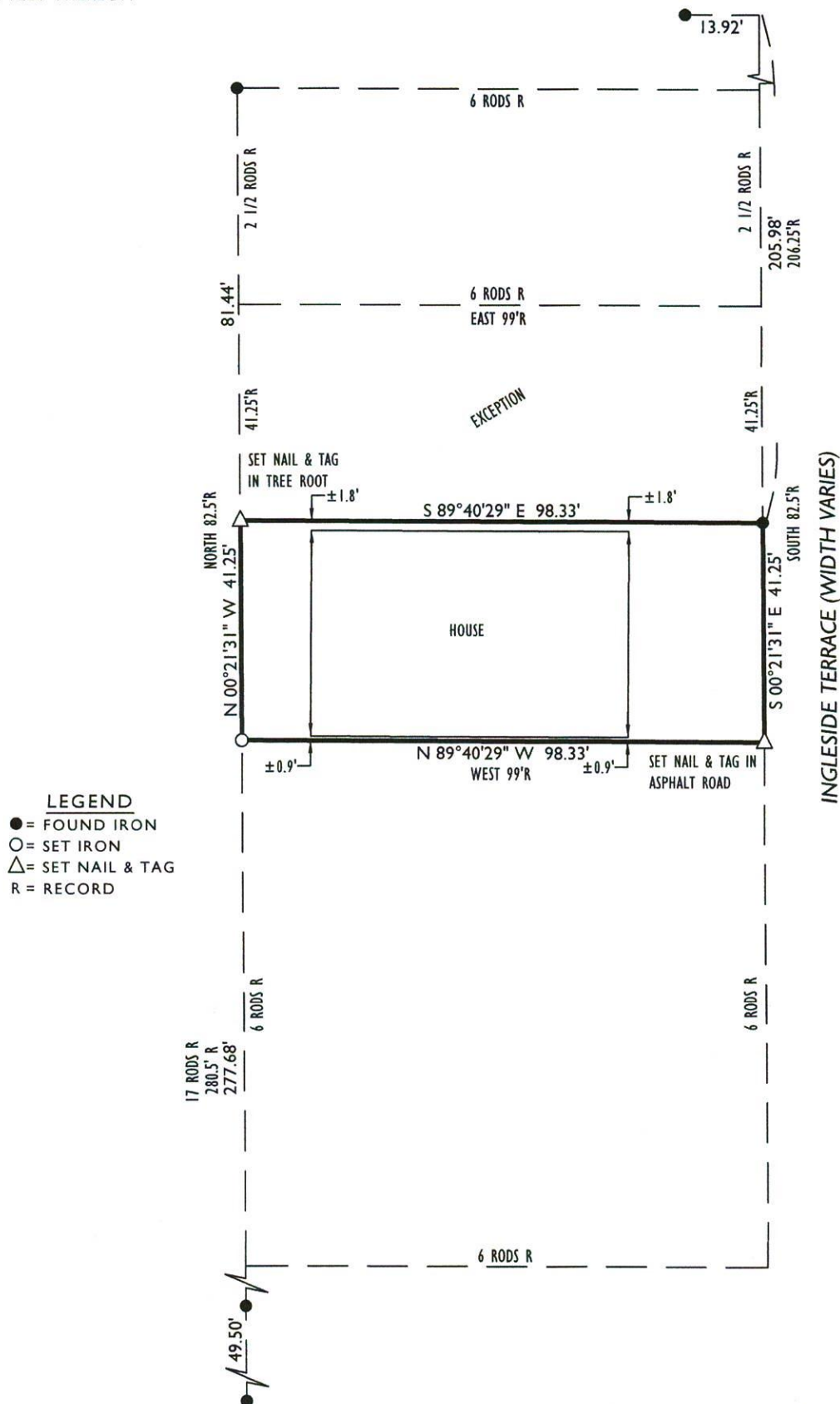
Jake Tardani, Director
Odyssey Properties LLC
269.873.4203
jake@odysseyprops.com

"Live a New Way"
Odyssey Properties LLC

SURVEY IN SECTION 16, T2S, R11W, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN

DESCRIPTION FURNISHED (DOC. NO.: 2001-035600, KALAMAZOO COUNTY RECORDS):

SECTION 16, TOWN 2 SOUTH, RANGE 11 WEST, COMMENCING AT A POINT ON THE
EXTENSION WEST OF THE NORTH LINE OF KALAMAZOO AVENUE, 17 RODS WEST OF
THE WEST LINE OF DOUGLAS AVENUE; THENCE SOUTH 82.5 FEET; THENCE WEST 99 FEET;
THENCE NORTH 82.5 FEET; THENCE EAST 99 FEET TO BEGINNING; EXCEPT THE NORTH
41.25 FEET THEREOF.



OTTO
LAND SURVEYING

11263 U.S. HWY 31
BERRIEN SPRINGS, MI 49103
WWW.OTTOLANDSURVEYING.COM
269.635.0117

CLIENT: JAKE TARDANI
ADDRESS: 331 INGLESIDE
TERRACE

DATE OF SURVEY: 11-14-2020
DATE OF CERT.: 11-20-2020
DRAWN BY: D. OTTO

SCALE: 1" = 30'
TC:
JOB #: 20064

I, DUSTIN J. OTTO, A PROFESSIONAL SURVEYOR IN THE
STATE OF MICHIGAN HEREBY CERTIFY THAT I HAVE
SURVEYED THE ABOVE MAPPED AND DESCRIBED
PROPERTY, AND THAT THIS MAP COMPLIES WITH
SECTION 3 (A-F) ACT 132, P.A. 1970

DUSTIN J. OTTO

DUSTIN J. OTTO PS - 62696



Addendum B

331 Ingleside Ter Kalamazoo, MI 49006
Signed Easement and Right Of Way

EASEMENT AND RIGHT OF WAY
(Nonexclusive to Use Portion of Grantor's Lands)

State: Michigan

County: Kalamazoo

Grantor: Brian M. Dubrish, 333 Ingleside Ter Kalamazoo, MI 49006

Grantee: Jacob A. Tardani, 2330 S Park St Kalamazoo, MI 49006

Effective Date: 12/7/2020

For the consideration of One Thousand Dollars (\$1,000.00), the receipt and sufficiency of which is hereby acknowledged, Grantor, named above, grants and conveys to Grantee, named above, and Grantee's heirs, successors, and assigns, a nonexclusive easement and right of way across the following lands in the county and state named above:

5266 Commencing at a point of the extension West of the north line of Kalamazoo Avenue, 17 Rods West of the west line of Douglas Avenue; thence South 41.25ft; thence West 99ft; thence North 41.25ft; thence East 99ft to the point of beginning.

Commonly Known As: 333 Ingleside Ter Kalamazoo, MI 49006

This right of ingress and egress to, over, across, and from those lands, at all times, is granted to allow Grantee access to and from Grantee's property adjacent to the lands described above.

Grantee shall have the right to make use of no more than 20" of the Southernmost edge of Grantor's lands, described above, for: the construction of a 36" wooden exterior staircase, a 36" - lined paver walkway with wooden privacy fence, and an apx 5' high wooden porch measuring apx 36" x 18' for residential use of occupants and guests of the property located at 331 Ingleside Ter Kalamazoo, MI 49006.

In the event Grantor shall ever abandon or fail to maintain the aforementioned portion of their lands, the course of which is described above, the abandonment or failure to maintain shall not terminate this Easement and Right of Way, but Grantee shall have a continuing easement and right of way across Grantor's lands at a course of Grantee's selection.

This Easement and Right of Way is executed as of the date of acknowledgment of Grantor's signature but shall be effective as of the Effective Date stated above and shall be deemed a covenant running with the lands.

Grantor:

Brian Dubrish
(Signature)
BRIAN DUBRISH
(Printed Name)

12.7.2020
(Date)

Grantee:

Jacob Tardani
(Signature)
Jacob Tardani
(Printed Name)

12/7/2020
(Date)

ACKNOWLEDGMENT

State of Michigan

County of Kalamazoo

On December 7, 2020, Jacob Tardani and Brian Dubrish personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of Michigan that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Sandra Zukowski

My Commission Expires 10/6/2024

SANDRA ZUKOWSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF KALAMAZOO
MY COMMISSION EXPIRES Oct 6, 2024
ACTING IN COUNTY OF

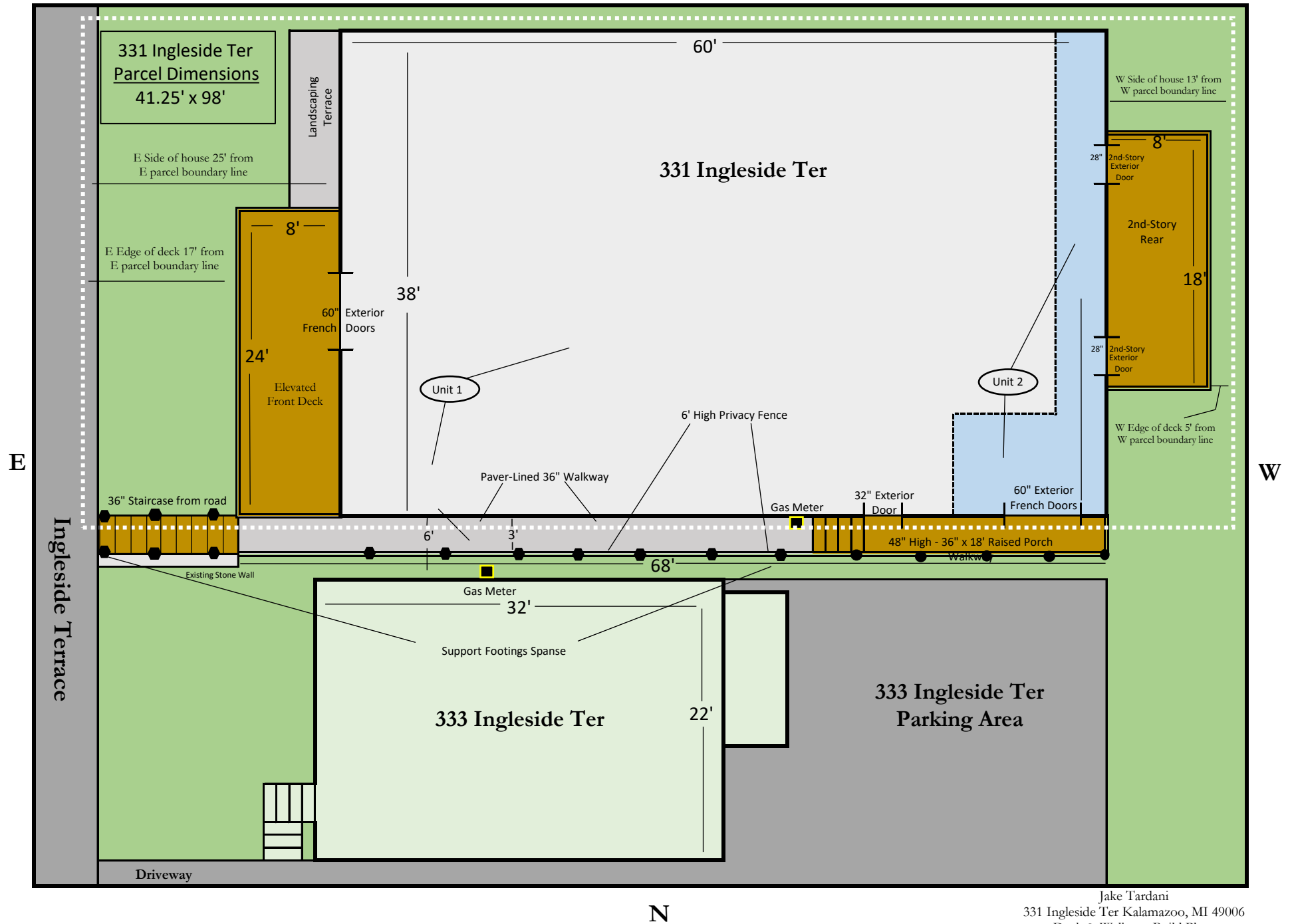
(Seal)

Addendum C - 331 Ingleside Ter Kalamazoo, MI 49006
Deck & Raised Walkway 3D Renditions





S





Parcels within 300' Mailing Radius 331 Ingleside Terr



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **6/9/2022**

Item: **D.3.**

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: June 9, 2022

SUBJECT: ZBA #22-06-19: 3919 and 3921 Oakland Dr./1823 Hazel Ave./3903 Ruthin Rd./1609 Whites Rd. Oakland Financial Co. is requesting the following variances:

- 1) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development proposed to encroach into a protected slope (which has a grade greater than 20%) and protected slope setback.
- 2) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 G, to authorize a 17.5% increase in the removal area of woodlands on the site to allow 67.5% clearing of woodlands, where 50% is the maximum permitted.

BACKGROUND:

In May of 2021, the Oakland Finance Co. acquired the former Lakeside for Children parcels which total approximately 55 acres. The proposed development plan will merge this acreage with the 134 acres owned by the Kalamazoo Country Club to redevelop the Kalamazoo Country Club recreational facilities. The proposed plan includes incorporating a former gymnasium building which was part of the Lakeside campus. In addition, a golf performance center, clubhouse, and indoor/ outdoor tennis facility will be constructed. The golf course will be expanded, and a new driving range added behind the golf performance center.

The parcels of land around Whites Lake are all within the Natural Features Protection Overlay due to their proximity to a waterbody, slopes greater than 20%, and the presence of woodlands. The prior development of Lakeside for Children resulted in the placement of buildings in low areas, which caused significant alteration of the natural slopes on the site. The development team mapped both man-made and native slopes, the slope setback areas, wetlands, and old-growth woodlands to best understand the site's features relative to the development plans.

On February 22nd, the project was brought before the Natural Features Protection Review

Board. The Board did not act on the request to allow more time for the applicant to review the development plans and the natural features on the site. The NFP Board reviewed a revised set of plans on May 24th. The revised plan included moving the private road leading into the site from Oakland Drive to the north further from a wetland area, shifting the building locations further to the west away from Whites Lake, and reducing the footprint of the buildings. An arborist was retained to evaluate the tree species and quality of the woodlands on the site, which allowed for more precise natural features mapping, and a revised layout of the new facilities was provided.

The NFP Board determined that the revised plans were a more robust approach to minimizing the impact on the existing natural features. The Board approved a recommendation for the variance requested to impact approximately 4.5 acres of man-made and natural slopes. This also included impacting a protected slope setback area, which encompasses approximately 3.5 acres of man-made and natural slopes. The NFP Board also recommends approving the increase in woodland removal from the permitted 50% to 67.5% for the overall site. This recommendation was conditioned on the replanting of at least 2.5 acres of native grasses and at least 4.5 acres of woodlands. A recording of the NFP Review Board meeting where this case was discussed can be found at the City of Kalamazoo's YouTube Channel and from this link:
<https://www.youtube.com/watch?v=l2-BwVifcN0>.

STRATEGIC VISION ALIGNMENT:



Environmental Responsibility - A green and healthy City.

Strategic Vision and Master Plan 2025 Alignment:

This project aligns with Strategic Vision goal of environmental responsibility with sensitivity to the areas with greater than 20% slope, woodlands, and replanting of native trees and grasses on the site. The Future Land Use Map identifies these parcels as 'R1- Residential' and 'Open Space/Parks'. The RS-5 and RM-15 Zone Districts allow recreational facilities as a permitted use.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

The applicant sent notices to the surrounding property owners prior to each NFP Board meeting in February and again in May. They have also talked with neighbors on Stevens Avenue and Ruthin Road about their drainage concerns.

Engagement/Communication Tools:

Letters have been sent by the applicant and the city to surrounding property owners within 300 feet. Two public NFP Board meetings have been held with this topic on the agenda.

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.

Slope Variance: There is one main native slope on the eastern edge of the property, extending north to south adjacent to Whites Lake. This slope is important in protecting Whites Lake water quality and as a habitat area for animals. The redevelopment area will be located to the west of this native slope, impacting the man-made slopes that were created with the construction of Lakeside.

Woodland Variance: The extensive old growth woodlands along the Whites Lake frontage which then extend southwest along the southern border of the site. The redevelopment area, which focuses on areas already disturbed with development, and new private drive aligned with Angling Road have all been positioned to minimize the impact on the woodland.

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

Slope Variance: The man-made alterations to the terrain for prior use have resulted in the placement of buildings and parking lots in low lying areas, creating adjacent steep slopes. This past site layout has also resulted in poor storm water management practices. The redevelopment will be focused on this area of man-made slopes and away from as much of the native slopes as possible.

Woodland Variance: The former campus area has the least amount of woodland. The woodland growth that is in and around the former campus is described as low value secondary woodland. Further, the lack of vegetation management has caused the spread of invasive species. Focusing on the redevelopment effort in this area will help clear out invasive species and limit the impact on old growth woodland portions of the site.

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 land in the same zone district, and would cause practical difficulty.

Slope Variance: The provisions of the Ordinance would limit the redevelopment of this site with respect to the numerous slopes which exceed 20%. Other sites in this same NFP Overlay do not have significant slope challenges. Balancing conservation and green practices, the redevelopment can be accomplished with less impact on the natural features.

Woodland Variance: The provisions of the Ordinance would limit redevelopment. Even with the applicant focusing on the redevelopment effort in the areas with the least old growth woodland, the enforcement of the provision would hinder redevelopment.

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.

Slope /Woodland Variances: The granting of the variances is the minimum action that will allow for a balance of natural features protection and redevelopment of the site. Additionally, this is a large-scale recreational facility, which is permitted in the residential districts but is not very common due to the amount of land required. The NFP Board recommended approval of the variances on May 24, 2022.

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

Slope and Woodland Variances: The granting of the variances will have no negative impact on the adjacent land. In addition, the old driveway for Lakeside for Children that was directly behind the lots on Stevens Avenue is being removed and a new entrance constructed that aligns with the intersection of Angling Road and Oakland Drive.

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

Slope and Woodland Variances: The granting of the variance will be consistent with the ordinance and the intent to preserve natural features on the site. The applicant will also complete significant replanting on the site of native grasses and trees.

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.

This criterion is not applicable to the proposed variances.

RECOMMENDATION:

Staff recommends approval of the variances as they meet the above criteria. Staff also supports inclusion of the condition made by the NFP Board which states that the applicant shall replant at least 2.5 acres of native grasses and at least 4.5 acres of woodlands.



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

May 25, 2022

RE: ZBA #22-06-19
3919 and 3921 Oakland Dr./1823 Hazel Ave./3903 Ruthin Rd./1609 Whites Rd.
Parcel #06-32-438-001, 06-33-300-001, 06-32-299-00, 06-32-298-003
and 06-33-112-001

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Oakland Financial Company, LLC for 3919 and 3921 Oakland Dr./1823 Hazel Ave./3903 Ruthin Rd./1609 Whites Rd. in the Residential – Single Dwelling District (RS-5) and Residential – Multi Dwelling District (RM-15)

The applicant is requesting the following variances:

- 1) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development proposed to encroach into a protected slope (which has a grade greater than 20%) and protected slope setback. This will impact approximately 4.5 acres of man-made and natural slopes. It will also impact 3.5 acres of man-made and natural slope protected setback area.
- 2) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 G, to authorize a 17.5% increase allowing for removal of 67.5% of woodlands, where 50% is the maximum permitted.

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

The meeting will be held on Thursday, June 9, 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-city.org

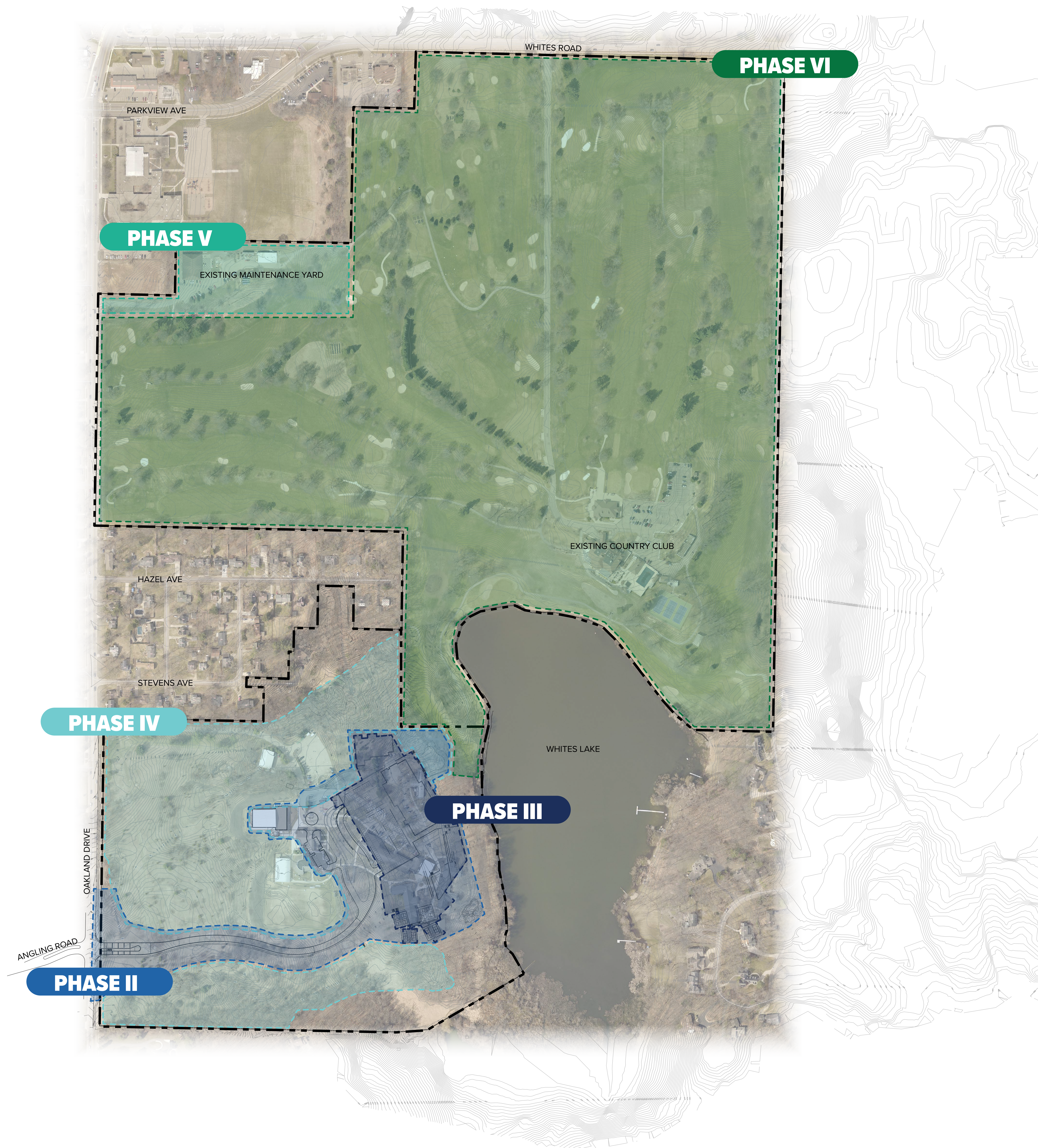
ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Timothy Stewart - Hurley & Stewart		Mailing Address: 2800 S. 11th Street
City: Kalamazoo	State: MI	ZIP Code: 49009
Phone: 269.552.4960	Email: tstewart@hurleystewart.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: Oakland Finance Company, LLC		Mailing Address: 100 W. Michigan Ave., Suite 300
City: Kalamazoo	State: MI	ZIP Code: 49007
Phone: 269.553.6924	Email: melliston@greenleafcompanies.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 3919 & 3921 Oakland Drive, 1823 Hazel Ave., 3903 Ruthin Rd., 1609 Whites Rd.		
Parcel Identification Number(s): 32-438-001		Zone District (kalamazoo-city.org/maps):
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>50</u> , Section(s) <u>6.2</u>		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) <u>50</u> , Section(s) _____		
☐ Use Variance to allow _____		
☐ Temporary Use Approval		
Reason for Request: Development of the property will require disturbance and removal of woodlands and disturbance of slopes within 500 ft of a water resource.		
ATTACHMENTS		
☐ \$ <u>300</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:		Date: <u>2/16/22</u>
Signature of Owner (if different than applicant):		Date: <u>2/16/2022</u>



KALAMAZOO COUNTRY CLUB







BOUNDARY/TOPOGRAPHIC SURVEY

SURVEYOR'S NOTES

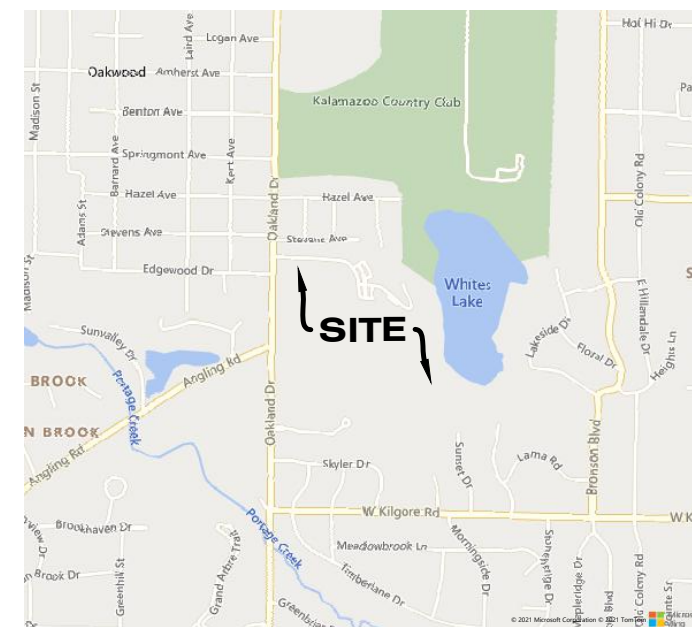
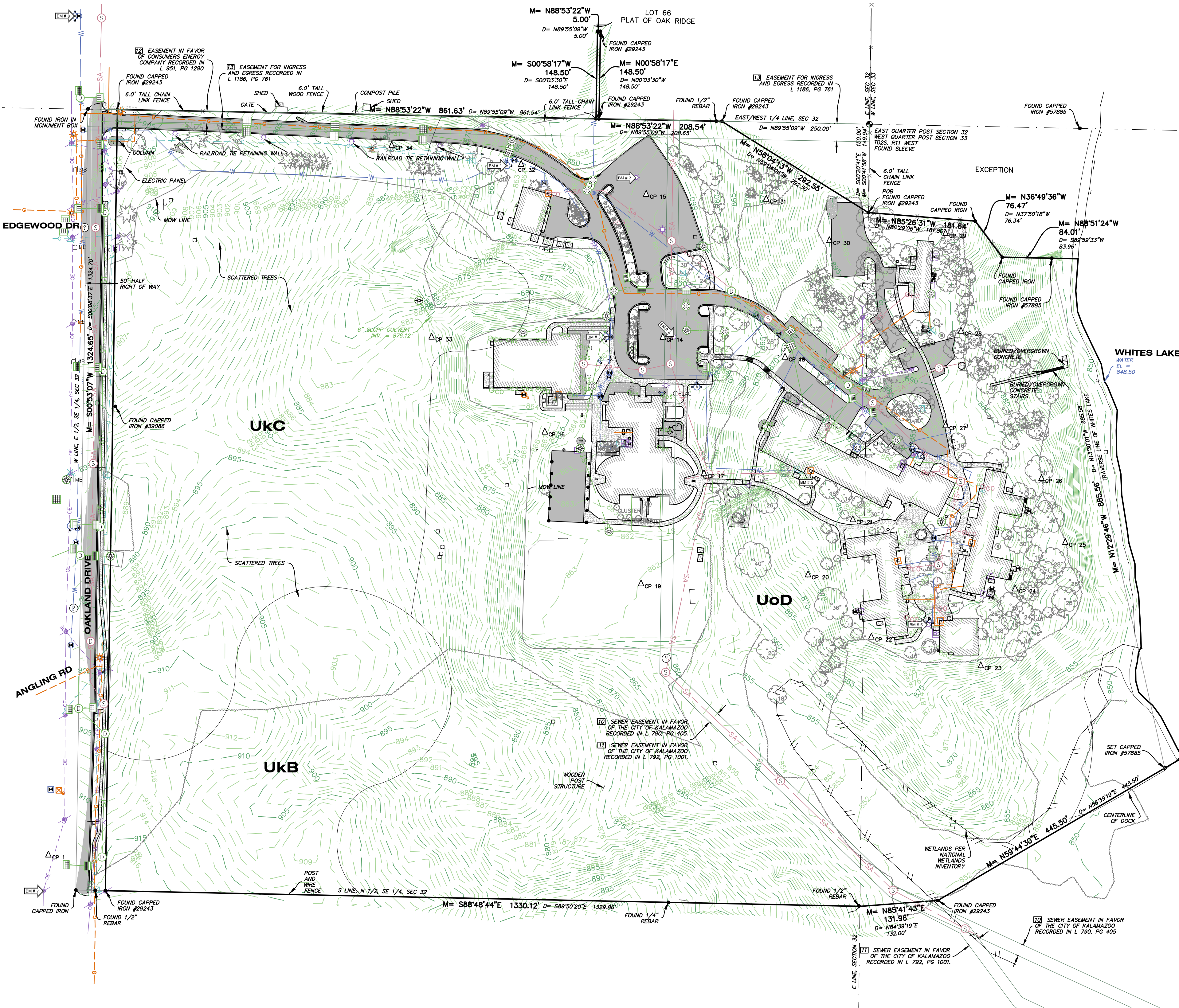
1. BASIS OF BEARINGS: MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83
2. CONTOUR INTERVAL = 1 FOOT
3. UTILITIES SHOWN ARE BASED ON FIELD LOCATION OF SURFACE EVIDENCE AND RECORDS PROVIDED BY OTHERS. UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. ADDITIONAL UTILITIES MAY BE ENCOUNTERED. PRIOR TO ANY EXCAVATION THE CONTRACTOR SHALL CALL MISS DIG AT 1-800-482-7171.
4. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE LAND DEPICTED IN THIS SURVEY LIES IN ZONE X. MAP 26077001880, EFFECTIVE DATE 02/17/2010.
5. WETLANDS ARE ON SITE PER THE NATIONAL WETLANDS INVENTORY AND HAVE BEEN SHOWN. A DELINEATION OF THE WETLANDS BY A QUALIFIED CONSULTANT WAS NOT PERFORMED AT THE TIME OF SURVEY.
6. 49.16± ACRES (NOT INCLUDING RIGHT OF WAY AND INCLUDING LAND TO WATERS EDGE).
7. 2001 SITE PLAN FROM KINGSCOTT SHOWS WATERMAIN & RE-LOCATED SANITARY SEWER IN EASEMENTS. NO SUCH EASEMENTS WERE PROVIDED IN TITLE WORK.
8. SEE SHEETS S-2 AND S-3 FOR OAKLAND DRIVE STRUCTURES NUMBERS AND ENLARGED FIELD AREA, SEE S-4, S-5, S-6, AND S-7 FOR ENLARGED BUILDING AREA AND STRUCTURES NUMBERS, SEE SHEET S-8 FOR WETLAND AREA AND STRUCTURE NUMBERS SOUTH OF BUILDINGS, SEE SHEET S-9 FOR STRUCTURE DATA TABLE.
9. DESCRIBED DISTANCES SHOWN ON THIS SURVEY ARE FROM SURVEY BY CRANE LAND SURVEYING DATED 2001.

LEGEND

BM X	BENCH MARK	CLMB	MAILBOX
■	SET MONUMENT	CP	PARKING METER (SINGLE/DOUBLE)
●	FOUND MONUMENT	CP	POST
●	FOUND IRON	CP	SOIL BORING
●	SET CHISELED "X"	CP	FLAG
●	FOUND CHISELED "X"	CP	COLUMN
▲	CONTROL POINT	CP	BOLLARD
P	PLATTED	CP	CONTOUR HIGHLIGHTED
D	DESCRIBED	CP	CONTOUR NORMAL
M	MEASURED	CP	POWER LINE
R	RECORD	CP	MISS DIG COMMUNICATION
C	CALCULATED	CP	MISS DIG ELECTRIC
CP	CURB CATCH BASIN	CP	MISS DIG FIBEROPTIC
CP	SQUARE CATCH BASIN	CP	MISS DIG GAS
CP	ROUND CATCH BASIN	CP	MISS DIG SANITARY SEWER
CP	MANHOLE STORM	CP	MISS DIG STORMWATER
CP	DOWN SPOUT	CP	MISS DIG TELEPHONE
CP	YARD DRAIN	CP	MISS DIG WATER
CP	FLARED END SECTION	CP	WETLAND MARKER
CP	MANHOLE SANITARY	CP	MISS DIG UNKNOWN
CP	SANITARY CLEANOUT	CP	TREE LINE
CP	FIRE HYDRANT	CP	FENCE
CP	FIRE DEPARTMENT CONNECTION	CP	GUARD RAIL
CP	WATER VALVE	CP	DECIDUOUS TREE
CP	WATER METER	CP	CONIFEROUS TREE
CP	WELL HEAD	CP	BUSH
CP	SPRINKLER CONTROL VALVE	CP	PAVEMENT
CP	POST INDICATOR VALVE	CP	CONCRETE SURFACE
CP	SPIGOT	CP	ADA RAMP BUMPS
CP	TRANSFORMER	CP	GRAVEL
CP	YARD LIGHT	CP	LANDSCAPING
CP	HAND HOLE (ELECTRIC)	CP	PAVERS
CP	UTILITY, GUY, POWER) POLE	CP	SOIL SECTION LINES
CP	GUY WIRE	CP	
CP	ELECTRIC MANHOLE	CP	
CP	ELECTRIC METER	CP	
CP	AIR CONDITIONER	CP	
CP	GAS METER	CP	
CP	GAS VALVE	CP	
CP	TELEPHONE MANHOLE	CP	
CP	COMMUNICATION MANHOLE	CP	
CP	UNKNOWN VALVE	CP	
CP	UNKNOWN MANHOLE	CP	

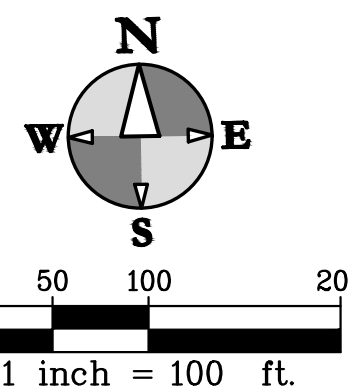
BENCHMARKS

UkB	Urban land-Kalamazoo complex, 0 to 6 percent slopes
UkC	Urban land-Kalamazoo complex, 6 to 12 percent slopes
UoD	Urban land-Oshkosh complex, 12 to 25 percent slopes



SITE LOCATION MAP

SECTION 32 & 33, TOWN 02 S RANGE 11 W,
CITY OF KALAMAZOO, KALAMAZOO COUNTY,
MICHIGAN
3921 OAKLAND DR



SURVEY CONTROL

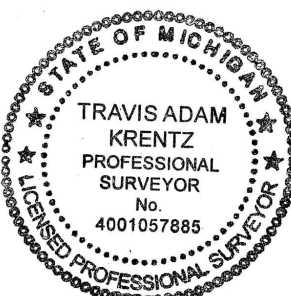
CP 1	N = 16001.42	E = 17901.82	(NOT SHOWN)
CP 2	N = 20000.00	E = 20000.00	(NOT SHOWN)
CP 3	N = 18035.27	E = 19907.87	(NOT SHOWN)
CP 4	N = 18295.84	E = 21356.75	(NOT SHOWN)
CP 5	N = 18195.95	E = 21274.69	(NOT SHOWN)
CP 6	N = 18149.74	E = 21346.50	(NOT SHOWN)
CP 7	N = 18302.48	E = 20916.88	(NOT SHOWN)
CP 8	N = 18161.52	E = 20914.67	(NOT SHOWN)
CP 9	N = 18290.61	E = 21348.19	(NOT SHOWN)
CP 10	N = 20088.94	E = 21230.50	(NOT SHOWN)
CP 11	N = 20095.83	E = 20950.91	(NOT SHOWN)
CP 12	N = 17843.00	E = 20891.21	(NOT SHOWN)
CP 13	N = 17483.97	E = 20673.33	(NOT SHOWN)
CP 14	N = 16879.19	E = 18943.47	EL = 861.18
CP 15	N = 17121.73	E = 18915.18	EL = 861.45 (NOT SHOWN)
CP 16	N = 1718.67	E = 18743.34	EL = 867.74
CP 17	N = 16847.95	E = 19015.27	EL = 862.76
CP 18	N = 16845.71	E = 19150.67	EL = 871.58 (NOT SHOWN)
CP 19	N = 16481.13	E = 18906.50	EL = 861.96
CP 20	N = 16476.40	E = 19189.65	EL = 874.24
CP 21	N = 16568.88	E = 19265.55	EL = 885.75
CP 22	N = 16370.93	E = 19297.10	EL = 883.58
CP 23	N = 16322.30	E = 19482.59	EL = 878.05
CP 24	N = 16452.69	E = 19540.79	EL = 879.12
CP 25	N = 16531.41	E = 19625.72	EL = 873.48
CP 26	N = 16639.83	E = 19585.52	EL = 880.51
CP 27	N = 16728.40	E = 19422.88	EL = 868.53
CP 28	N = 16889.61	E = 19449.07	EL = 888.47
CP 29	N = 17055.36	E = 19422.74	EL = 894.53
CP 30	N = 17043.16	E = 19225.77	EL = 895.27
CP 31	N = 17113.45	E = 19118.82	EL = 876.30
CP 32	N = 17172.55	E = 18703.34	EL = 863.82
CP 33	N = 16879.65	E = 18551.41	EL = 881.04
CP 34	N = 17204.37	E = 18463.79	EL = 881.36

BENCHMARKS

- ELEVATIONS OF THIS SURVEY ARE BASED ON NAVD 88 AS DERIVED FROM GPS
- BM 1 EL = 864.93
CUT X IN SOUTHWEST BOLT OF HYDRANT NORTH OF NORTHWEST MOST BUILDING.
- BM 2 EL = 864.80
CUT BOX IN S FACE OF LIGHT POLE BASE ON THE NORTHMOST LIGHT POLE OF THE NORTHMOST PARKING LOT.
- BM 3 EL = 863.72
CUT X ON BURY BOLT OF HYDRANT EAST OF THE HEALTH BUILDING.
- BM 4 EL = 863.95
CUT BOX IN THE NORTH BASE OF LIGHT POLE EAST OF THE HEALTH BUILDING.
- BM 5 EL = 864.38
BOX CUT ON SOUTHEAST CORNER OF GENERATOR PAD SOUTH OF BUILDING.
- BM 6 EL = 865.40
SPIKE IN WEST FACE OF LIGHT POLE WEST OF BUILDING.
- BM 7 EL = 920.23
SPIKE IN EAST FACE OF UTILITY POLE ON THE WEST SIDE OF OAKLAND DRIVE 1300± FEET SOUTH OF ENTRY DRIVE.
- BM 8 EL = 911.59
CHISELED X ON BURY BOLT OF HYDRANT ON THE WEST SIDE OF OAKLAND DRIVE NORTH OF EDGEWOOD DRIVE.

MISS DIG DESIGN TICKET DATA

AT&T - TODD BERGHUSENONNEER 269-384-4475 - MAPS PROVIDED - 005-17-21 (NOT SPECIFIC ENOUGH TO PLOT)
CONSUMERS ENERGY (ELECTRIC DISTRIBUTION) - DYLAN P. SHAW 517-581-9723 - MAPS PROVIDED - 05-17-21
CONSUMERS ENERGY (GAS DISTRIBUTION) - CONSUMERS ENERGY SIMS WEBSITE - MAPS PROVIDED - 06/23/21
CHARTER COMMUNICATIONS - JOHN S BUDGE 800-242-8511 - MAPS PROVIDED - 05-17-21 (NOT SPECIFIC ENOUGH TO PLOT)
CLIMAX TELEPHONE - TOM WARD 269-746-4411 - NO RESPONSE
CITY OF KALAMAZOO - ELISE V. MACARTHUR 269-337-8772 - MAPS PROVIDED - 05-18-21



TRAVIS A. KRENTZ PROFESSIONAL SURVEYOR # 57885



Sheet Title:
Project:
Client:

01/13/22
Sheet

S-1

BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO COUNTRY CLUB
OAKLAND FINANCE COMPANY, LLC

Job No. 21-046D P.M.TAK DTL BDE QA/QC 01/13/22
ISSUED FOR REVISIONS:
#1 TOPOGRAPHIC SURVEY 07/14/21
#2 PROVIDED TITLE WORK 07/27/21

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hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com





KALAMAZOO COUNTRY CLUB





Kalamazoo Country Club

Tree Planting Replacement



Key

Large Trees

Medium Trees

Small Trees/Shrubs

Existing Trees

Large Tree Plantings
(30' Diameter)

Elm, American

Maple, Red

Maple, Sugar

Oak, Black

Oak, Bur

Oak, Chinquapiun

Oak, Pin

Oak, Northern Red

Oak, Swamp White

Oak, White

Pine, Red

Pine, White

Sycamore, American

Oak Post

Beech, American

Ash, White

Tulpi 'Tree

Black Cherry

Basswood

Medium Tree Plantings
(20' Diameter)

Birch

Birch, River

Black Tupelo, Black Gum

Hickory, Shagbark

Hickory, Bitternut

Honey Locust

Small Tree/Shrubs Plantings
(10' Diameter)

American Hophornbeam

American Hornbeam, Blue Beech

Flowering Dogwood

Alternate-leaved Dogwood

Eastern Redbud

Pawpaw

Leatherwood

Witch Hazel

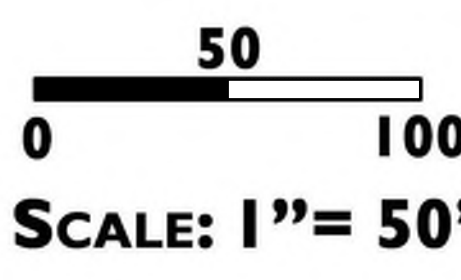
Spicebush

Canadian Fly Honeysuckle

Prickly Gooseberry

Red Elderberry

Maple-Leaved Arrow-Wood



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Development of the property will require disturbance and removal of woodlands and disturbance of slopes within 500 ft of a water resource. Variances we're seeking are:

- Disturb 3.0 Ac of man-made slopes greater than 20%
- Disturb 2.5 Ac of man-made slope setbacks
- Disturb 1.5 Ac of native slopes greater than 20%
- Disturb 1.0 Ac of native slope setbacks
- Remove 67.5% of wooded area instead of 50% as allowed per ordinance

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The property has significant grade changes across it making redevelopment difficult without impacts to protected natural features. Disturbance to lower value secondary growth woodlands and manmade slopes are our primary impacts.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

A great majority of the impacted natural features are a result of the prior development's forced layout and inadequate maintenance strategies. The greatest contributors are buildings in natural low areas fighting natural grades and the permitted proliferation of scrub brush and invasives.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

Yes, the NFP overlay ordinance does deprive the applicant of rights enjoyed by others in the same zone district.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

Yes, great care has been taken with the proposed development to limit impacts to protected natural features. As identified in the attached drawing set, the limits of construction avoid the great majority of all protected features - especially those of higher value.

Will the granting of the variance negatively affect adjacent land?

No, granting the variance will not negatively affect adjacent land.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

Yes, granting the variance will be generally consistent with the purpose and intent of this Ordinance. The limits of construction avoid the great majority of all protected features.

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

N/A

Does the landscaping proposed by the applicant meet the intent of this section?



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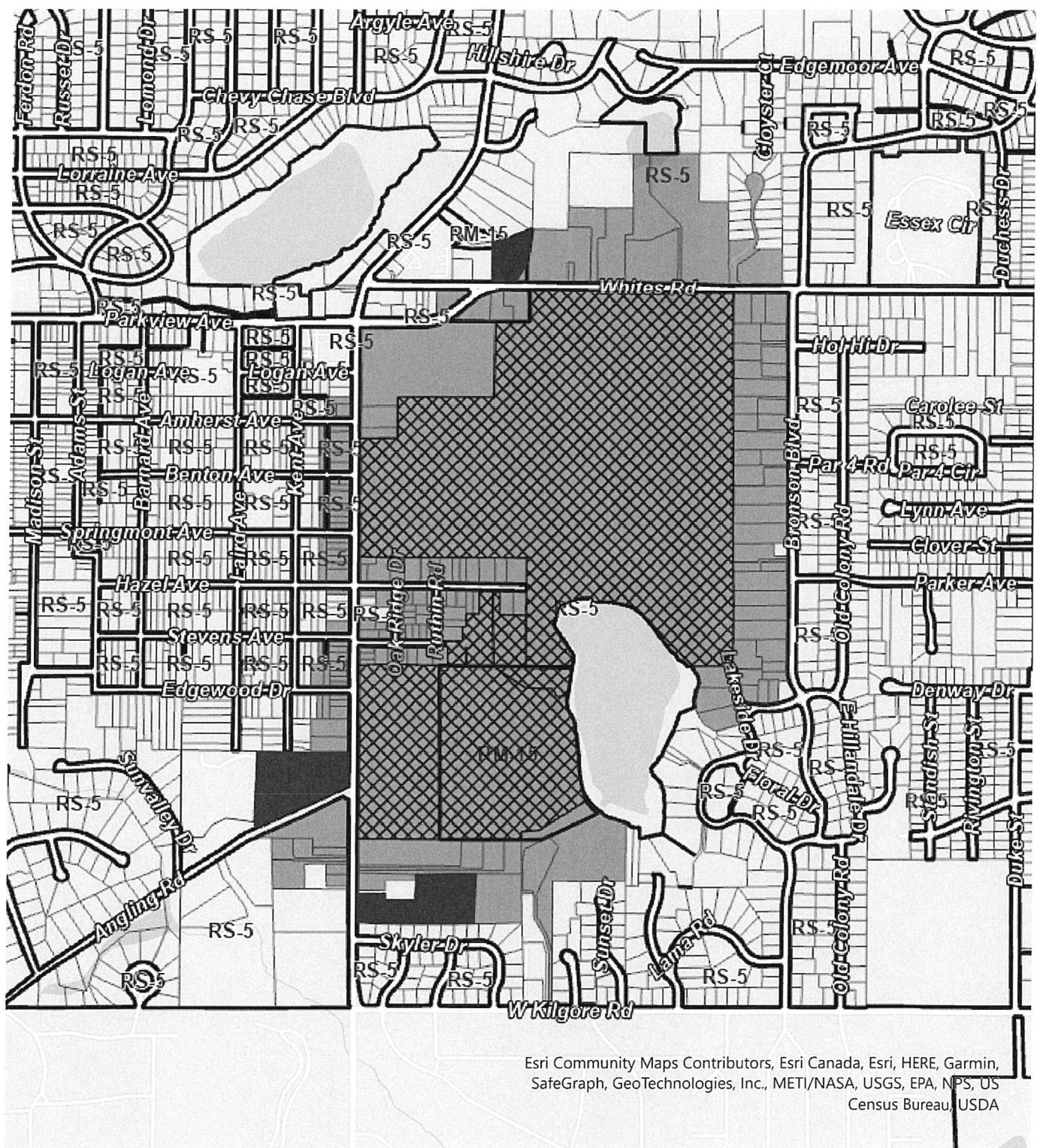
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Are there steep changes in topography that would limit the benefits of landscaping?

Are the proposed building and parking lot locations setback beyond the required setback?

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?



Parcels within 300' Mailing Radius See other side for exact addresses

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



0 420 840 1,680 ft



Agenda
Natural Features Protection Review Board
May 24, 2022
Regular Meeting

Held at City Hall, Community Room

4:00 p.m.

- A. Call to Order
- B. Roll Call and Excuse Absent Members
- C. Adoption of Agenda (ACTION: Motion to approve the agenda as presented)
- D. General Citizen Comments
- E. Board Comments
- F. New Business
 - 1. **Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Woodland Preservation Standard and Slope Protection Standard for the redevelopment project at 3921 Oakland Drive.**
 - Presentation
 - Public Comments
 - Questions from the Board
 - Motion & Discussion

(ACTION: Motion to approve a recommendation to the Zoning Board of Appeals to grant relief from the NFP Woodland Preservation Standard and Slope Protection Standard for the redevelopment project at 3921 Oakland Drive).
- G. Old Business
 - 1. Resolution to grant staff authority to approve projects within the NFP Overlay District when no natural features are impacted.

(NO ACTION)
- H. Staff Updates
 - 1. Comments on landscape standards within Chapter 50 Zoning Ordinance
- I. Announcements
- J. Adjourn Meeting

NFP VARIANCE EVALUATION FORM

Applicant/Owner: Oakland Finance Company, LLC

Parcel(s): 3919 and 3921 Oakland Drive, 1823 Hazel Ave, 3903 Ruthin Road, and 1609 Whites Road

Proposed Project: Redevelopment of an institutional campus into a golf course, clubhouse, and recreational facilities

ATTACHMENTS:

- Variance Application
- Variance Review Sheet
- NFP Site Plan Drawing(s)
- NFP Variance Public Notice Letter
- Additional Materials: Variance Review Sheet

APPLICABLE NATURAL FEATURE STANDARDS

Protected Woodlands

Woodland preservation requirement:

25 - 75% of woodland cover is required to be preserved based on existing coverage on each parcel.

LOT 1 (3921 Oakland Dr): 53.4% existing coverage, 50% removal by right (571,700 SF), ***requesting variance to remove 70% (880,196 SF)***

LOT 2 (3919 Oakland Dr): 67.5% existing coverage, 50% removal by right (28,482 SF), ***requesting variance to remove 87.3% (49,743 SF)***

LOT 3 (1823 Hazel): 100% existing coverage, 75% removal by right, removing only 59.9% (***NO VARIANCE required***)

LOT 4 (3903 Ruthin): 77.8% existing coverage, 75% removal by right, removing only 36.5% (***NO VARIANCE required***)

Preservation ratio met:

Woodland removal at Lots 3 and 4 is well within the preservation ratio. These lots are closest to neighboring homes to the north. The woodland preservation ratio at Lots 1 and 2 cannot be met with the proposed use. A variance is being requested to provide relief from the Woodland NFP Standard. The standard limits woodland clearing to 50% of existing coverage.

The applicant is requesting an allowance for clearing up to 70% of woodlands when averaged across all four lots. To offset the loss and meet the intent of the NFP ordinance to preserve natural features, the project proposes significant replanting of trees and other vegetation interspersed within the new golf course. Sheet 7 shows the approximate size and location of tree replanting. This replanting plan offsets almost all the 20% variance the applicant is requesting.

Protected Slopes

Slope protection requirement:

Slopes with a grade of 20% or greater, when located within 500 ft of a water resource, are considered “protected” under the ordinance. No ground disturbance is allowed in a protected slope. This includes site preparation and earth work, trenching for underground infrastructure, and new construction of buildings and impervious services.

The site has a legacy of human-made slopes around many of the existing and former building foundations on the campus. The scattered human-made slopes are primarily located in the central and northeastern portion of the property.

The main native slope is on the eastern edge of the property, stretching from north to south. The land slopes down to Whites Lake. The NFP board discussed how the integrity of this slope is important in protecting Whites Lake. Rare and threatened species on the property rely on good water quality and wetland habitat, making the lake and connected wetland the most important natural features on the site.

Slope and setback protection met:

The proposed design shrinks the footprint of the building and shifts it south away from neighboring residential properties (when compared to the plan presented in February). The proposed use and new layout still presents a hardship in protecting all slopes on the property. The applicant is requesting a variance from the slope standard. Specific impacts by category are described on Sheet 6. The site plan is designed to prioritize protection of natural slopes over human-made slopes left behind from the former development.

The variance request is to impact to 3.04 acres of human-made slopes, 1.48 acres of natural slopes. The project is requesting ground disturbance in 3.44 acres of the slope setback area (2.46 acres within human-made slope setbacks and 0.98 acres within natural slope setbacks). The disturbance is related to regrading and building construction. If granted, the variance would be limited to the requested acreage according to the site plan drawings. The slope setbacks would need to be revegetated post-construction to stabilize new grades.

Staff Comments: _____

CRITERIA FOR GRANTING RELIEF

Section 6.2K(3) of the Zoning Ordinance describes criteria for granting relief:

- Relief will not be a detriment to the public good and not impair the intent and purpose of NFP
- Parcel cannot be reasonably used for its zoned use without the requested relief
- Extent of relief is the minimum needed to allow reasonable use of the site
- Relief is balanced by conservation and green development tools and actions

Woodland Variance

- Public good and the intent and purpose of NFP

Re-using the footprint of the former campus impacts the fewest woodlands on the site. The applicant adjusted the site layout to reduce the footprint. It places buildings farthest away from the neighborhood to the north and leaves a substantial buffer between new development and residential homes. The driveway into the site has also been modified to reduce impact and pull back from the neighboring properties to the south.

The intent and purpose of NFP is to balance development with natural feature protection. NFP is meant to shape the design process in context to the natural features on the site. This project accomplishes this by prioritizing the design around highest value natural features: Whites Lake and connected wetlands. The design is also responsive to the woodland removal criteria in the code. The proposed drive on the south edge of the property impacts the less dense parts of the woodland and removes fewer individual trees.

- Zoned use

The property is zoned RM-15. The project use is considered Community Recreation – Recreation Facility. Using the property as a recreation facility will require a reasonable tree clearing.

- Minimum needed

The project has shrunk the building footprint and shifted development envelope to the south to reduce the amount of clearing of woodland. Since the wetlands are one of the priority natural features on the site, the proposed development/building envelope is preferable. This design option presents the minimum woodland removal.

- Balanced by other conservation and green practices

The project is proposing a substantial replanting plan to offset losses from woodland clearing. Much of the clearing is unavoidable because the underlying grades need to be changed to allow for good stormwater management. The plan aims to establish native species well suited to the new use for long-term success and health.

Slope & Setback Variance

- Public good and the intent and purpose of NFP

While the ordinance does not distinguish between human-made and native slopes, this distinction is important for this site. Slopes within 500 feet of water resources are considered protected to prevent changes to slopes that would cause erosion. Erosion into water resources threatens water quality and wildlife habitat. The design and variance request prioritizes native slopes located along Whites Lake and connected wetlands for protection.

The slopes on the interior of the property are generally human-made. They are the result from construction of former buildings and foundations. They are mostly lawn covered and serve to keep stormwater away from buildings. Any redevelopment project would need to re-grade and re-seed this area to some degree. Re-using the former campus footprint is the most desirable design option for the site.

- Zoned use

The property is zoned RM-15. The project use is considered Community Recreation – Recreation Facility. It is reasonable to expect earthwork and re-grading of slopes and slope setbacks when using the property as a recreation facility.

- Minimum needed

The project is re-using the former development footprint as much as possible. It is reasonable to expect slopes and slope setbacks will be re-graded in these areas to accommodate new buildings and parking areas. The project is shifting impacts to more human-made slopes and protecting the vast majority of the priority native slope along Whites Lake. In terms of area, around 20% of the impacted slopes are native slopes and almost 80% are human-made.

- Balanced by other conservation and green practices

The human-made slopes on the former campus do not provide adequate stormwater drainage. The project intends to improve drainage using low impact development practices to filter and treat stormwater before it drains to water resources.

The project plans to use green building practices such as geothermal heating. The main building will be sunken into the ground on the backside of the priority slope away from Whites Lake. This creates an efficient building where geothermal heating can be used to condition the building.

The project will also be working toward an ecological certification for the future golf course. The goal is to manage the site to benefit wildlife and water quality. Overall, the project is focused on using the natural features to create opportunities for outdoor recreation in an environmentally sensitive way.