

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, July 14, 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 June 9, 2022

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #22-05-15: 1014 Mills Street. Bennett Bellinger is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to allow the property to be used for 'Light Equipment Repair' (which is defined as repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting).
2. ZBA #22-07-21: 315 E. Frank Street. Bogan Developments LLC is requesting a dimensional variance from Chapter 50-5.6 to allow up to a 27-foot setback where a build-to zone of 0-10 feet is required.
3. ZBA #22-07-22: 3650 Alvan Road. 3650 Alvan, LLC (The Refinery) is requesting a dimensional variance from Chapter 50-7.2, to allow 32 off-street parking spaces, where 7 spaces is the maximum permitted for this retail use.
4. ZBA #22-07-23: 333 E. Alcott Street. Hollander Development Corporation is requesting a dimensional variance from Chapter 50-7.2, to allow 75 off-street parking spaces, where 56 is the maximum number of spaces permitted.
5. ZBA #22-07-24: 3110 Oakland Drive. Sign Art Inc. on behalf Consumers Credit Union is requesting:
 1. A dimensional variance from Appendix A, Chapter 7, Section 7.3, to allow a 128 square foot freestanding sign along the Oakland Drive frontage where the maximum sign area permitted is 100 square feet.
 2. A dimensional variance from Appendix A, Chapter 7, Section 7.2D, to allow

a 28% changeable copy portion of the freestanding sign where 25% is the maximum permitted.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
June 9, 2022 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

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

Members Absent:

City Staff: Pete Eldridge, Assistant City Planner; Charles Bear, Assistant City Attorney; Beth Cheeseman, Recording Secretary; Zach DuMont, AmeriCorps Service Member; Jamie McCarthy, Sustainable Development Coordinator

CALL TO ORDER/ROLL CALL:

Chair Carroll called the meeting to order at 7:00 p.m.

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

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 confirmed there were no changes to the agenda.

APPROVAL OF MINUTES:

Ms. Doane, moved to approve the minutes of May 12, 2022 as submitted, seconded by Mr. Lager. The motion was approved by voice vote unanimously.

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 #22-06-17: 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.

Ms. Doane read the case into record and noted that the request would not change the zoning classification of the properties. The request is only for the variance regarding the item described.

Mr. Jason Muniz, Hollander Development, and Mr. Mike Flynn, Byce and Associates, came forward to speak to the request. Mr. Muniz stated that they are proposing to develop a 70 unit multi-family development across two buildings on the subject parcels. These affordable units will be available to seniors 55+ earning between 20% and 60% AMI. He stated that a key portion of their funding, up to 70% of equity, would be provided through the Michigan State Housing Development Authority (MSHDA). MSHDA has minimum parking guidelines that are in excess of what they are requesting.

Mr. Michael Flynn from Byce said he was representing Hollander and Mt. Zion. He shared that the crux of their request for a dimensional variance is parking requirements. The City requires a maximum of .5 parking space per dwelling unit. MSHDA requires one parking space per unit. Mr. Flynn said they are trying to meet in the middle of those requirements by requesting .8 parking space per unit. He believes this will be consistent with the intent of the zoning regulation. Mr. Flynn said they have two buildings, and the parking will be internal on the block. He said that characteristics of the site allows them to hide/shield the slight increase in parking. The conflicting requirements from the City and MSHDA are not the fault of the development team. Mr. Flynn didn't feel there would be any adverse effect on neighbors or other developments in the area.

Mr. Muniz addressed the marketing perspective. They have one site comparable that is also at approximately .8 spaces per unit. He said they've operated that site for about 20 years. Parking is tight there, but it is enough. Mr. Muniz was concerned about being fair and equitable with the affordable housing and treat them the same as market rate units.

Ms. Harrington clarified what they meant by a parking ratio of .8 vs. .5. Ms. Doane clarified MSHDA's requirement and asked if they would accept .8. Mr. Muniz said because of preliminary conversations with MSHDA, they have high confidence they will accept that number. Ms. Harrington asked if there was a precedent of them accepting that number of parking spaces. Mr. Muniz confirmed they have.

Chair Carroll called for Public Comments. No one came forward for in-person comments and there were no phone comments.

Planner Eldridge said the MSHDA standard and the City of Kalamazoo standard for parking for senior housing doesn't align. This is a LIHTC project submitted to MSHDA for funding. Planner Eldridge said they don't want to risk having this project found to be ineligible for funding due to lack of parking. He felt that .8 is a balance between the two standards. It has been demonstrated through the applicant that this has worked for other projects. Planner Eldridge stated that the request meets the review criteria and staff are in support of it.

FINDING OF FACT

Ms. Harrington moved the Finding of Fact as follows:

2. The Finding of Fact for shall include all information included in the notice of public hearing dated May 25, 2022, and the agenda packet staff provided for this request.
3. 60 notices of public hearing were sent, and zero responses were received.
4. A public hearing was held before the board and public comments were accepted.
5. 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: Jason Muniz from Hollander Development came before the board and stated that they were requesting a dimensional variance for parking for a 70 unit, multi-family dwelling affordable senior living facility. Mr. Muniz is lead developer with Hollander Development. He outlined that MSHDA is funding a large part of the project. Statewide guidance and design minimums conflict with the City ordinance and that is why they are seeking the dimensional variance. Michael Flynn from Bryce said that the request is consistent with intent of the zoning ordinance which would allow for the facility to be erected. This is something they have done many times before, having over 1100 units of affordable housing. There is a precedent set that they can have .8 spaces per unit. MSHDA has accepted .8 parking before, and they are confident it will happen again.

Mr. Lager seconded the Finding of Fact.

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

Ms. Doane moved approval of a variance from the zoning ordinance filed by Mt. Zion Baptist Church and Hollander Development 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 is situated in Live Work and one district of residential multi-unit district RM-36. The 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; seconded by Ms. Harrington.

Mr. Lager stated that he was in favor of granting the variance. He said it was a great location for a senior housing facility but also for senior housing for low and moderate income households. Mr. Lager thought that people 55+ are likely to have vehicles or visitors with vehicles. The parking allowance of .5 vehicles per unit may be impractical. He believed that the way this affordable housing is being financed and the conflict between MSHDA and City parking guidelines created a special circumstance.

Ms. Harrington said she would be in favor of the variance. She wondered what would happen if they approved the variance, but MSHDA says no to the .8 parking. Chair Carroll explained that the variance runs with the land. They would lose MSHDA support. Ms. Harrington asked if development would still be able to happen if MSHDA doesn't approve. Chair Carroll said the project could be financed in some other way. Mr. Eldridge stated that the Board is weighing whether this is a balance based on the practical difficulty of how this is being financed and the standards with which they are working. He said there would be a certain demand for parking on the site from residents, workers, and visitors. Planner Eldridge said that first and foremost they want to make sure the project has the opportunity to be funded by MSHDA. The parking is interior to the development, so the additional parking spaces won't be seen. In addition, they've only asked for enough additional parking for what they've seen work for MSHDA projects in the past.

A roll call vote was taken and approved unanimously.

6. 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.

Ms. Doane read the case into the record and noted that the request would not change the zoning classification of the properties. The request is only for the variances regarding the items described.

Applicant, Mr. Jake Tardani, came and shared that this is a unique house he is renovating. He said it sits on very small parcel compared to the house itself. The house is fairly large, almost 3,000 finished sq ft. Mr. Tardani said this structure was originally one of the first churches in the West Main Hill area. The house was originally a duplex in the 90s, then it was owner-occupied. The house was not a rental at that time, so the rental certification lapsed. Mr. Tardani would now like to rent this property as a duplex - two bed and one bath per unit. If using the property as a duplex is not approved, he will rent the house as a single-family rental (five bedrooms and two baths). The house is currently laid out as a duplex. Mr. Tardani said he needs approval for variances to rent it as a duplex, and to add passage from outside of the structure to the NW corner where there is access to it. He shared that renovating this property is in the scope of what he has experience to

do. Mr. Tardani shared his success in obtaining HOME funds from HUD. He stated that approval of these variances will allow them to provide additional units in Kalamazoo.

Mr. Lager asked Mr. Tardani to describe the walkway and the porch. He wondered about the function of them and the reason they need to be so close to the lot lines. Mr. Tardani responded that there was an existing space of 6 feet from subject property and the neighboring property to the north. Previously there was a walkway about 36" wide spanning from the subject property towards that one. The parcel the subject property sits on is only 1.5' from the structure. He said the walkway requires a minimum of 36" for building code. They need passage to go from Ingleside Terrace, up along property, to the rear entry way for that specific unit. As of now, there is no way to create a hallway or walkway through the main level to get to the stairs accessing unit two at the very rear of the property. It would make unusable space on the main level itself. Mr. Lager asked if they intended to use a concrete pad. Mr. Tardani reported they planned to go with crushed gravel and pavers. He explained there were gas utility lines under the walkway. Pavers would allow access to those lines if needed. Mr. Tardani said there were two exterior doors leading out to a dilapidated porch overlooking Mt. Home Cemetery. The porch currently encroaches the property line up to about one to two feet from his property line. He said it rests on the subject property's parcel. Mr. Tardani said they are looking for approval for a deck to be rebuilt in the exact same size as the existing one. He said there wouldn't be any digging or intrusion to natural features. Mr. Tardani said he understands now that there were certain setbacks they should have looked at in the process of reconstruction. Mr. Lager noted that it seemed Mr. Tardani was restoring the property as it had been in the past. Mr. Tardani commented that he wanted to make sure it is legal and approved.

Planner Eldridge reminded the board that there were three separate variance requests. He said they could do one public hearing, but each variance should be voted on separately.

Chair Carroll called for any public comments. No one came forward to speak and there were no phone comments.

Planner Eldridge said they confirmed that the property was used as registered rental (duplex) until 1999. The interior layout is designed as a duplex. He said if it is not approved as a duplex, Mr. Tardani would need to do alterations to the floor plan to make it a single-family home. There are no exterior changes being proposed for the structure. Planner Eldridge stated that the doors are positioned the same as when the property was purchased. The main entrance is on the side of the house. Mr. Tardani has worked out an easement with the neighbor to build stairs and an elevated walkway/landing in front of the side doors. Planner Eldridge stated that there are other multi-units on the street, other duplexes, and a five unit. This property backs up to a cemetery to the west. He said on the east side of Ingleside Terrace it transitions to RD-19 which is a duplex zone district. One side of the road is RD-19, and the other side is RS-5 residential single dwelling.

There was some discussion whether there should be three Finding of Facts or just one. Ms. van den Hombergh said she would be comfortable combining all three variances into one Finding of Fact.

Planner Eldridge added that, for the use variance, the applicant has sufficient parking for a duplex. The first dimensional variance request is related to a walkway on the north side of the house.

Typically, a stair or landing is required to have a three-foot setback from property line. In this case there is only 1.8' from the side of the house to the property line. There are entry doors at least 3.5-4' above grade, so Mr. Tardani will need an elevated deck or landing with stairs leading down. Planner Eldridge said that Mr. Tardani worked with neighbors to establish an easement to use the entire property and overhang on the neighboring property to build a sufficient deck and staircase. The practical difficulty is the layout. Stairs to the second floor apartment is in the back of the house and accessed from the door on the side of the house. Mr. Tardani is trying to reuse the entry door in safe manner.

Planner Eldridge shared that the second dimensional variance is for a replacement of the existing deck on the west side of the house. A deck normally needs to be positioned 15' from the rear property line. This is five feet from the rear property line. He said the difficulty is because of the positioning of the house. Planner Eldridge said Mr. Tardani is replacing the same size deck that was removed. The property backs up to a cemetery, so there are no structures that are in close proximity. There is a tree line separating the properties. Planner Eldridge stated there would be no adverse impact in replacing the rear deck. Footings and steel posts for the existing rear deck will be reused.

FINDING OF FACT

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

2. The Finding of Fact for shall include all information included in the notice of public hearing dated May 25, 2022, and the agenda packet staff provided for this request.
3. 50 notices of public hearing were sent, and 5 responses were received. Raymond Patterson of 308 Prairie Ave. in support; Carrie Hill of 1315 Blakeslee Street in support; Ethan Eplet of 308 Prairie Ave., Unit 2 in support; Isaac Stekosywics of 216 Ingleside in support; Oakwood Neighborhood Association in opposition.

Mr. Lager, with agreement from Chair Carroll, noted that two of the additional correspondence were related to another case. Ms. van den Hombergh asked to strike Raymond Patterson and the Oakwood Neighborhood Association from her list of responses received.

4. A public hearing was held before the board and public comments were accepted.
5. 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: The applicant is requesting two dimensional variances and one use variance. The use variance is to authorize reuse of the structure as a duplex due to a lapse in dwelling zoning status. The dimensional variance is to authorize a zero setback for steps and an elevated walkway where a 3' setback is required. There is also a dimensional variance to authorize a 5'

setback for a porch where a 15' rear yard setback is required. This home was a former church in Douglas Westmain Hill neighborhood. It was a duplex in the 1990s and the rental certification lapsed. They are looking for 2-bedroom 1 bath per unit as a duplex. For the walkway, there is a current 6' with 1.5' for walkway. Need to have the walkway to access the unit in the rear. They plan for surfacing of this access to be crushed gravel and concrete pavers. The porch on the westside encroaches on the property line. They want to rebuild a deck that was already there. Neighbors along the property line are supportive.

Chair Carroll appreciated that Ms. van den Hombergh included opposition and comments of support received.

Mr. Terpening seconded the Finding of Fact.

A voice vote was taken, and the Finding of Fact motion passed unanimously.

Ms. Doane moved to approve a use variance from Chapter 4, 4.1, to authorize the re-use of the structure at 331 Ingleside Terrace as a duplex in the Residential – Single Dwelling District; seconded by Mr. Terpening.

Chair Carroll said he would be in support of the request because there was a precedence of this being used as a duplex in the past.

Mr. Lager said he would be in favor of all three variances. He felt Mr. Tardani was restoring a very unique building situated on a small lot on a street with very small lots. The street is narrow and backs up to the cemetery. He believed a variety of houses on this street have the features they do because of the shape of the lots and sizes of houses on the lots. Mr. Lager thought that restoring this property to productive use and creating more units was a good policy. The fact that duplexes are allowed on one side and not the other may also be construed as an impractical zoning boundary line.

Planner Eldridge took a roll call vote, and the motion passed unanimously.

Ms. Doane moved to approve a dimensional variance from Chapter 5, 5.3, 5e, for 331 Ingleside Terrace to authorize a zero setback for steps and elevated walkway for the north side yard where a three-foot setback is required; seconded by Mr. Terpening.

Ms. Harrington wondered about wheelchair accessibility for the building. Mr. Jake Tardani said that most houses on this street sit 10-15' higher than street. Properties along the eastside of the street are typically on grade with road and allow better access. This house is situated on the west side of the street where properties sit up 10-15' and have concrete steps. Currently the house has a 10' wide concrete stair coming from the front door to Ingleside. Mr. Tardani reported that the feasibility for a ramp is cost prohibitive and there is no at grade access. He said the house is not laid out for handicap accessibility. Ms. Harrington wondered how they managed it in the past. Mr. Tardani said there are stairs leading to each unit. He assured Ms. Harrington that he gives serious consideration to handicap access as well.

Chair Carroll expressed support of all three variance requests. They are in line with the previous use. He thought it was well thought through and Mr. Tardani has worked things out well with his neighbor.

Planner Eldridge took a roll call vote and the motion passed unanimously.

Ms. Doane moved to approve a dimensional variance from Chapter 5, 5.3, 5d, for 331 Ingleside Terrace 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; seconded by Mr. Terpening.

Mr. Terpening said he was also in support of the variance request. He felt Mr. Tardani should be commended. As long as he has sat on the Board, he hadn't seen this many mailings or emails sent in approval of a submitted application. Mr. Terpening thought that spoke highly of his motivation to do things the correct way.

Planner Eldridge took a roll call vote and the motion passed unanimously.

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.

Ms. Doane read the application into the record and noted that the request would not change the zoning classification of the properties. The request is only for the variances regarding the items described.

Applicants, John Fulling, Golf Course Superintendent at Kalamazoo Country Club; Tim Stewart, Hurley & Stewart; Noah Schneider, CSM; Todd MacDonald, CSM; and JJ Hen, representing ownership were present to speak to the application. Mr. Fulling gave a development summary for the former Lakeside property. They have proposed a clubhouse, golf performance center, indoor tennis facility, and golf short course for the property. He said they have tried to be sensitive to the NFP requirements for woodlands, slopes, water features, and wetlands. He explained they revised their plans due to NFP Board's feedback. Mr. Fulling said they made the buildings smaller and moved them to the south. They tried to use the previous buildings footprint as much as possible to lessen their impact on natural features. He said they also brought forward their plans for replanting. The NFP gave their recommendation to move forward. Mr. Fulling shared that Lakeside had a brand new gymnasium that they will reuse.

Mr. Stewart showed an inventory of natural features of the property - man-made and naturally occurring slopes greater than 20% and the existing woodlands. He said they had gone through a very extensive process quantifying and identifying the natural features and having ongoing discussions with NFP Board. Mr. Stewart said they concentrated development in the central area, but they cannot develop responsibly without impacting natural features to some point. He said

they had two public hearings with the NFP Board. He had a dozen residents come to his office and no one objected to the plan. Mr. Stewart shared that the woodlands comprise up to 57.3% of the site. Per ordinance, they are allowed to remove 50% of those. He said they are asking for a 17.5% variance for that aspect, and they are asking for slope and slope setback requirements. The vast majority of those are to man-made slopes. Mr. Stewart said they will have very minimal impacts to natural slopes.

Mr. John Fulling spoke about the restoration plan. They plan to plant 4.5 acres of woodlands and 2.8 acres of native natural grass lands. He said they will plant overstory and understory trees and focus on the sustainability of woodland long-term, but also on a wildlife habitat. Mr. Fulling indicated they regularly work with a wildlife biologist. He said that when they do this, they will look at corridors to water and plant materials that are beneficial to wildlife.

Mr. Lager asked if the overall reduction would be 53% of the current woodland with the 4.5 acres added back. Mr. Stewart shared that 53% is only the woodlands. They are allowed to remove 50% of the woodlands. If the count included the 2.8 acres of grasslands they will add, then it is below 50%.

Ms. van den Hombergh asked what was specifically holding them back from adhering to 50%. Mr. Stewart said the big issue is that the woodlands are all over property. There is no way to develop this property without impacting woodlands. He said that arborists have said the quality of the woodlands is very low with a lot of invasives. Mr. Fulling added that a golf course has to flow from one side to the other. He said they have tried to reduce, redesign, and mitigate as much as they can. Ms. van den Hombergh reiterated the variance and their reasons for clarity.

Mr. Stewart shared that they are required to meet higher standards for stormwater because the property is in the NFP Overlay. He said they have done a study of the watershed area. All the property will be managed, treated, and discharged at an acceptable rate to the wetlands system to the south, east, and ultimately to the lake. Mr. Stewart said this will be evaluated as they go through the site plan approval process.

Mr. Schneider, CSM Group, spoke a little about the phased project.

Chair Carroll asked if they wanted to put an apartment complex on the property, would there be the same NFP problems. Planner Eldridge confirmed that any proposed redevelopment for this site would come under the NFP standards. There wouldn't be the same issues if a developer only used the existing buildings on the site.

Ms. Harrington talked about the concept of using the land in a way that follows its previous layout. She commented that maybe it just wouldn't accommodate a golf course because of the NFP. Ms. Harrington thought that the 17.5% variance they requested was significant. Planner Eldridge suggested that Ms. McCarthy come and speak about the unique circumstances of the site.

Ms. McCarthy said that one thing that is unique about placing natural features in zoning ordinances is that unlike physically developed characteristics on a site, natural features move over time. Trees and woodlands could exist around a building, and they may have not been there 20 years ago. She reminded the Board that NFP standards didn't exist when Lakeside was constructed. They can't

say that the same development would be allowed in today's time. She said they are really evaluating what would be in the spirit of NFP but allow a permitted use like this to move forward. Ms. Harrington asked for her perspective on the developer's mitigation plan. Ms. McCarthy said the staff recommendation to NFP board was positive for this plan. They felt the developer showed a good faith effort to save as much as could be saved. The idea of replacement trees and grasses was the balance that was required. Ms. McCarthy said that replanting wasn't required. Staff thought that was a good balance. There will be healthy new trees and the golf course is committed to them in good condition. They will help remove invasives. She thought the plan presented would likely result in high quality woodland that is not existing right now. In response from a question from Ms. Harrington, Ms. McCarthy explained the changes the developer made to the plan in response to NFP concerns. She also added that they plan to utilize the slope for green building techniques.

Ms. Harrington expressed discomfort with the plan due to the history of the property, the proposed project, and the variance of 17.5%.

Planner Eldridge gave additional information about the former development speaking about the placement of buildings in low laying areas, creation of slopes behind the building sites. He said that Lakeside manipulated the landscape significantly because of the positioning of the buildings and created stormwater management situations as well.

Ms. van den Hombergh asked for an estimate of how many trees would be planted on the 4.5 acre parcel. Mr. Fulling gave an estimate of 800-1,000 trees - both understory and overstory.

Attorney Bear emphasized the criteria of whether the parcel can be reasonably utilized for a permitted use. The standard is requiring the Board to determine is the application of ordinance creates a practical difficulty in implementing and developing this use. As with other variance requests, there may be circumstances and conditions that may be appropriate for a variance. Attorney Bear said that he understood Ms. Harrington's sensitivity to the history of the parcel, but that the history was not relevant to the determination.

Chair Carroll thanked him for shedding light on the reasonable aspect. He wondered what other types of things could be developed there. Planner Eldridge said it is zoned RS-5 (residential single dwelling) and RM-15 (residential multi-dwelling). He said that single family developments or medium density multi-family developments could be developed on the property. Recreational facilities are also permitted by right and that is what this fall under.

Chair Carroll invited the public to speak.

Ms. Emily Demerest, member of the Oakwood Association, came forward in opposition to the variances. She spoke against allowing them to remove trees and disturb areas beyond the NFP standards. Ms. Demerest shared that each high quality or low quality tree cut releases a ton of carbon in the atmosphere and eliminates habitat for hundreds of species. Replanting takes a couple of decades to begin to replace what was lost. She cited a U.S. Golf Association study that found that golf courses across the country suck up two billion gallons of water. Ms. Demerest said this is a time when we have a megadrought happening in the western part of the country. She believed that turf grass would be maintained with pesticides, chemicals, and fuels for mowing this property.

Ms. Demerest cautioned that environmental devastation happens through the attrition of an acre at a time. She requested the Board hold line on existing environmental standards. Ms. Demerest noted that the two people on NFP that voted against the variances were wildlife biologists.

Ms. Janis Hall also came forward in opposition to the variance. She cited they presented little data for their plan and an overall lack of detail. She also felt there was a negotiation of the NFP ordinances. Ms. Hall noted that the ordinances are there for a reason and consideration shouldn't simply go to the golf course. She said that Oakwood Neighborhood and the wildlife would be impacted by even short-term changes. Ms. Hall stated that representatives of the golf course have not exhibited any financial hardship data for following the ordinance. She also noted that the NFP Board vote wasn't unanimous. Ms. Hall shared that she sent a letter in opposition to the Board. She noted that the Oakwood Association's questions have not been addressed.

Ms. Mary Spradling said she didn't see the grasslands they are replanting on the presentation slides. She doesn't see that as a wildlife habitat because golf balls tend to kill birds. Ms. Spradling said the woods to the north are full of beautiful mature oak trees. She also noted that taking down that many trees would result in a lot of carbon released. Ms. Spradling indicated a preference for them to not remove the oak woods. She didn't think leaving them would impede their plans.

There were no phone comments.

Planner Eldridge noted that the parcel is 55 acres of land. He attended the NFP meetings and saw the changes they made to the plans – shifting the building locations and changing the location of the drive. Planner Eldridge said there has been a lot of efforts made to accommodate the facilities needed to operate in this space. There is low quality tree growth and old growth woodland and man-made slopes. He stated that a literal interpretation of ordinance would limit redevelopment of the site if they had to work around groupings of trees and spread out the buildings rather than consolidate them. The redevelopment effort will be focused as much as possible outside of the old growth woodland areas. Planner Eldridge said there were substantial areas not being impacted by the redevelopment plan. He responded to the concern regarding level of detail of the plan. This is just a step of the review and approval process of the development plan. Any project requiring a variance, needs approval before it goes to the site plan review process. Based on the outcome of the meeting, the applicant will know if they can proceed to site plan review. That is when they will get the detailed engineering work done. Planner Eldridge said this plan is lacking detail because it is focused on slope, slope setbacks and woodland areas. He indicated that when the project is in site plan, the public can access and provide feedback on their site plan documents on the City's website. The recommendation put forward from the NFP board is to approve the slope, and slope setback, and woodland variance requests. Secondly the NFP Board heard that the applicant was intent on replanting. They would like the ZBA to add a condition to the variance that the applicant shall replant at least 2.5 acres of native grasses and at least 4.5 acres of woodland.

Ms. Harrington requested more information from Ms. McCarthy. Ms. McCarthy shared that the applicant has done multiple meetings and responded in a good faith effort to adapt their original plan to address some of the main concerns of the NFP board. Ms. Harrington asked what made them feel they were not negotiating the NFP standards. McCarthy shared that in this case, shifting the buildings and making them smaller were positive things. The commitment to replanting the

woodland and grassland areas made it feel like the plan was more balanced than their previous plans.

Ms. Doane asked if there was any concern about the delay in replanting for the animals. Ms. McCarthy didn't remember any comments from the meeting about the construction period. Ms. Doane asked if the grass lands would be piecemeal or one place. Ms. McCarthy said it was going to be spread throughout the golf course.

Mr. Terpening asked if the green techniques were considered by NFP. Ms. McCarthy said she thought those were positive things that showed the developer was trying to be environmentally sensitive and thoughtful of any lasting effects on the environment.

FINDING OF FACT

Mr. Lager moved the Finding of Fact as follows:

2. The Finding of Fact for shall include all information included in the notice of public hearing dated May 25, 2022, and the agenda packet staff provided for this request.
3. 212 notices of public hearing were sent, and two responses were received – one from Raymond Peterson in support, and one from the Oakwood Neighborhood Association in opposition.
4. A public hearing was held before the board and public comments were accepted.
5. 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: Speaking tonight on behalf of the applicant was John Fulling from the Kalamazoo Country Club and Tim Stewart from Hurley and Stewart. They indicated the site is a 55 acre site known in Kalamazoo as being the former home of the Lakeside facility. Currently the site is approximately 57% covered with protected natural features. It is the intent to use this facility as a golf course and physical activity recreation center that would include a clubhouse, a golf performance center, indoor tennis facility, and a short 9-hole golf course. There is a newer gymnasium on site to be repurposed. This case came to ZBA after going through the NFP Board review process. Indicated by staff and applicant as being a several month process where plans were revised on multiple iterations. Resulted in recommendation before board today. Applicant indicated that without relief from NFP standards, because of where natural and man-made slopes are and because of the dispersion of woodlands across the site, it wouldn't be possible to use parcel for intended permitted use. They described the site, pictured, and showed a mix of natural and man-made slopes and a map where the woodlands are. Additional comments were made about the woodlands and slopes

indicating that the man-made slopes were a result of former placement of buildings and a seeming adhoc sloping around buildings that happened in the past. Staff and applicant made comments about the nature and quality of some of the woodlands on the site. Indicating that some of the trees, scrub trees, have accumulated on site and haven't been maintained. Woodlands comprise 57.3% of site. By right applicant can remove up to 50%. Asking for 17.5% increase in that so they can remove 67.5% of the current woodlands. They've indicated the recommended condition from NFP Board to add 4.5 acres of new woodlands and 2.5 acres of natural grasses is something they would comply with and add to quality of the site. They've stated that with addition of woodland, there would be a 53.6% reduction if you netted that out by the time the development is done, of woodlands. It is a phased process for approval and the development. Mr. Stuart indicated that stormwater plans, and other critical decisions will come in future. Staff indicated regarding phasing of project - some lack of detail alluded to in public comments would come at site review process which cannot proceed unless ZBA approves the variance. Speaking in person in opposition was Emily Demerest who spoke on environmental impact; Janice Hall who spoke on the lack of specificity of plan; and Mary Spradling who spoke in opposition.

Mr. Terpening seconded the Finding of Fact.

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

Ms. Harrington and Attorney Bear had a conversation regarding the past history of the property, culture, spirit, and the legality of the ordinance.

Mr. Lager asked Attorney Bear to read the standard again. Attorney Bear read the standards of a variance from the NFP Overlay.

Mr. Lager thought this was a difficult case because they are used to hearing appeals for zoning issues and this is only their second time for an NFP variance. He said when he hears the standards, whether this cannot be reasonably utilized for the permitted purpose, he needs to rely on the applicant's statements. When Mr. Fulling indicated based on his experience that this could not be used for what the applicant proposes, he doesn't have any evidence that contradicts that. Mr. Lager found that credible based on his experience and assumption that he knows his job. With regard to whether this is the minimum variance granted for this case. Mr. Lager found persuasive the process described by applicant, Ms. McCarthy, and Planner Eldridge when they said it was a multi-month process with iterations. They tried to get a better plan that met the needs of NFP. The fact that this came back with a recommendation from NFP is the best evidence for the minimum variance. The conditions that came from NFP board seems to persuasively balance conservation and restoration needs with the desire of the developer to have a golf course and sports facility. As such, based upon procedure that brought the case, the evidence presented to them, he will be in favor of granting the variance with the condition.

Mr. Terpening said he fully anticipates the Country Club will move forward. He hoped the concerted efforts shown in process thus far would be shown in the future too. Mr. Terpening said

that ideally every tree would be replanted. He knows that is not a doable suggestion in the way things are laid out. As a woods person, he understands that not every tree will be a prime specimen of its kind. There will also be upkeep and manipulation of undergrowth. He will be in favor of the variance. Mr. Terpening encouraged them to keep their changes to the bare minimum required for the variance.

Chair Carroll clarified that this is not a use or dimensional criteria variance. Planner Eldridge said it is a non-use variance. The specific standards for NFP criteria align very closely with dimensional variance criteria. Mr. Carroll asked him to supply those criteria in their packets along with the other two sets of criteria. Planner Eldridge said they are identical except for the first criteria. Chair Carroll asked if the minimum necessary criteria applied only to the use they wanted or to all available uses. Attorney Bear said it is for the point of use they were considering then.

Chair Carroll shared that he struggles with NFP. He is environmentally minded and supportive of the NFP, but he struggles because of private property rights. Telling people who own property what they can or can't do. Then again, there is a bigger picture of the environment and the community.

Planner Eldridge reminded them that the NFP Board are the experts on the natural features. They looked at this project at multiple meetings and came up with a recommendation with a condition tied to it which allows preservation of many natural features on the site along with future replantings. He said that if there is information that staff should go back and collect and provide to the ZBA to make an informed decision, they can postpone action and bring this back next month. Chair Carroll expressed how he has felt the NFP cases presented to them were pretty ambiguous on what was asked of the board to decide. He said he appreciated the information regarding a possibility to postpone action.

Attorney Bear explained there is a different element in the ZBA review because they have the introduction of the NFP Board. Attorney Bear read requirements for membership on NFP Board. The ordinance intends to have a review by people with expertise and training so the ZBA Board can benefit by their expertise and recommendation.

Chair Carroll expressed that he didn't know if the developer had met the standard of minimum necessary criteria. Ms. Doane asked if they should delay a decision. Chair Carroll said he would entertain a motion to delay a decision, but it would need to come with a specific reason and request for information.

Ms. Harrington said she needed more clarity surrounding standards of NFP but said that she didn't need a delay. She said this is their property - they get to decide what to do on their property. Her issue was feeling that they had negotiated NFP standards. She wanted to be clear from NFP on what their willingness was to negotiate the standards. Ms. Harrington said she didn't have a problem with the developer building a golf course.

Planner Eldridge made the point that without the NFP standards, this project would already be in site plan, and they wouldn't have changed their plan to accommodate natural features. Having the ordinance allows those natural features to be considered for any redevelopment in the NFP Overlay parcels around the City. Planner Eldridge didn't feel there was a negotiation. Instead, it was the

applicant demonstrating how they can develop property and protect natural features to the best of their ability. There is a give and take. What's happening is that natural features are now a part of the discussion. NFP isn't to stop development, but to find a balance to protect features and allow use of land.

Ms. Harrington noted what the neighbors had said during public comment. She appreciated their input.

Ms. van den Hombergh said she felt the NFP Board have done their due diligence and the people from the Country Club were working in good faith. They've met with the NFP Board before and decreased their footprint. They will plant 800-1000 trees (4.5 acres of woodland) and 2.5 or 2.8 acres of grass.

Planner Eldridge stated that because there was one recommendation from NFP for both variances, he would advise not separating them. Attorney Bear said it was acceptable to consider them together.

Ms. van den Hombergh moved to have both variance requests in one motion; seconded by Chair Carroll.

Mr. Lager said he wanted to make a motion that included the condition.

Mr. Lager moved to grant the following variances: 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. And also, 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. Conditioned upon the applicant planting 4.5 approximate acres of replacement woodland and 2.5 approximate acres of natural grasses.

Planner Eldridge noted that Mr. Lager was working off the agenda page, but the public hearing notice has specificity as far the impact on slopes. There's a sentence, **"this will impact approximately 4.5 acres of man-made and natural slopes and it will also impact 3.5 acres of man-made and natural slope protected setback area."**

Mr. Lager amended his motion to include the sentence Planner Eldridge read.

Planner Eldridge said that Ms. van den Hombergh technically made a motion. Attorney Bear said that if she withdraws the motion, they can continue. Ms. van den Hombergh withdrew the motion. Chair Carroll accepted the withdrawal.

Mr. Terpening seconded Mr. Lager's motion.

A roll call vote was taken, and the motion passed. Ms. Harrington abstained.

DISCUSSION/ACTION ITEMS:

1. ZBA Interviews Held on May 25, 2022

Chair Carroll stated that he, Mr. Terpening, and Ms. van den Hombergh met with two qualified candidates to add as alternates to the board. Jerrid Burdue was selected as a good fit for the Board. They would like to recommend him to the City Commission as an alternate for the ZBA Board. Chair Carroll said they are still in the process of identifying additional candidates for another alternate position.

Chair Carroll moved to recommend Jerrid Burdue to the City Commission for placement on the ZBA board; seconded by Mr. Lager.

A voice vote was taken and passed unanimously.

REPORTS:

None.

ADJOURNMENT:

The meeting was adjourned at 9:57 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **7/14/2022**

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: July 14, 2022

SUBJECT: ZBA #22-05-15: 1014 Mills Street. Bennett Bellinger is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to allow the property to be used for 'Light Equipment Repair' (which is defined as repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting).

BACKGROUND:

This property at 1014 Mills Street has two buildings on it. The first building is a 1,055 square foot commercial building built in 1935 that was used for an auto service business. The second building is a 2,950 square foot residential structure with three apartments built in 1900. It is unclear the history of how these two uses evolved on the same property in the CN-1 District or if the business owner at one point lived in the residential structure. Over the last twenty years, the property has changed ownership many times and the commercial building has been vacant. The intersection of Mills and Lake Street, where this property is located, functions as a neighborhood commercial hub with an auto service operation (East Lake Street Auto), the Mills Street Convenience Store, and a grocery / cafe opening at 1116 Mills Street (use variance approved in 2019).

Bennett Bellinger of BB Prop, LLC acquired the property in February 2020. He has continued to rent out the three residential units and is working to actively use the commercial building, which has not been occupied in many years. Mr. Bellinger identified a tenant and set up a lease for a car audio business, unaware that this was not permitted in the CN-1 District. A zoning violation notice was sent in February 2022, which resulted in Mr. Bellinger applying for a variance to allow the car audio business; the case did not come before the ZBA until now as staff was working with the applicant on their request and business plan, which at one time included more intensive auto-related businesses. The car audio business operator has indicated that he would not have evening business hours, as noise has been a concern of neighbors.

STRATEGIC VISION ALIGNMENT:



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



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

Strategic Vision, Master Plan 2025 and Neighborhood Plan Alignment:

This request touches on the Strategic Vision goal of Economic Vitality and Complete Neighborhoods by providing a commercial space which will be leased to a local business owner and providing another automotive service business to the neighborhood.

The Future Land Use Map identifies this property as R2- Medium Density, however, the intersection serves as a neighborhood commercial hub and a variance has been granted in the past to support commercial uses here. Mr. Bellinger has made a request to staff about the facade improvement grants, which would be supported by the Edison Neighborhood Plan goal of improving the appearance of businesses and commercial corridors.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement

Notices were initially sent out for the May ZBA meeting, but the case was moved as the applicant adjusted their variance request. Notices were resent with the updated request for the July meeting. These notices were sent to all the property owners within 300 feet. The owner has reached out to neighbors and the Edison Neighborhood Association.

Engagement/Communication Tools:

Gazette notice, letters, and emails

FINDINGS:

The staff has made the following findings regarding this request:

1. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of 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 owners in the same zone district.

The CN-1 District does not allow vehicle equipment and repair businesses. However, there is an auto repair business operating across the street in the CN-1 District at

1110 Lake Street (East Lake Street Auto Service) and this building was constructed expressly for automotive uses.

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 commercial building on this site was built to serve as an automotive service use; it has two garage bays, a parts storage area, a small office, and a bathroom. The applicant would need to significantly alter this building to accommodate the commercial uses allowed in the CN-1 District. This may have contributed to the building remaining vacant for a significant period of time.

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

The applicant did not construct the building; they purchased the property with the two existing buildings on it.

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 minimal action will allow for the reuse of the existing commercial building. The CN-1 District expressly states that business activities must be conducted indoors. The proposed car audio business can adhere to this requirement based on the building's setup.

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

The intersection contains commercial uses, one of which is an auto repair shop. The reactivation of this vacant building should not adversely impact adjacent land. The owner has signatures of support from residents on Lake Street.

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

This will be consistent with the ordinance and allow for the reuse of the existing building for a small-scale automotive service business. The 'Light Equipment Repair' category does limit the intensity of use of the building.

RECOMMENDATION:

Staff recommends approval of the use 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

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

June 29, 2022

**RE: ZBA #22-05-14
1014 Mills Street
Parcel #06-23-303-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bennett Bellinger for 1014 Mills Street in the Commercial – Neighborhood District (CN-1).

The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to allow the property to be used for ‘Light Equipment Repair’ (which is defined as repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting).

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

The meeting will be held on Thursday, July 14, 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: Bennett Bellinger		Mailing Address: 1414 W. Maple St
City: Kalamazoo	State: MI	ZIP Code: 49008
Phone: 269-203-5440	Email: bellinger88@gmail.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:		Mailing Address:
City:	State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 1014 mills st, Kalamazoo, MI 49001		
Parcel Identification Number(s): 06-23-303-004		Zone District (kalamazoo.org/maps): CN-1
TYPE OF REQUEST		
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☒ Use Variance to allow <u>Automotive business use</u> <u>Vehicle and Equipment Sales and service</u> ☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval		
Reason for Request: Commercial building at corner addressed 1029 Lake St is a purpose built building for automotive business. Requesting Use Variance so the building can be put back into service.		
ATTACHMENTS		
☒ \$ 375 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.
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>		
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):

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?

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?



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Are the special circumstances created by actions of the applicant?

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?

Will the granting of the variance negatively affect adjacent land?

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

1014 Mills Street – Aerial View Showing Parking Space Locations



Letter of Support

To Whom it may concern,

This letter is to show my support for the Use Variance requested at 1014 Mills St, which is a neighboring property to my own. I fully support the variance to use the commercial building on this property for 'car wash' and 'Light Equipment Repair' which is defined by the city as "repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting." The allowance of this variance provides a new storefront for a local entrepreneur and small business to both operate and serve their community. I believe this will be a benefit to the community and help rebuild the neighborhood by utilizing a previously vacant building. Please approve the Use Variance requested at 1014 Mills St.

Thanks,

<u>Kallan Jain</u>	<u>5-2-22</u>	<u>1023 Lake St.</u>
Name	Date	Address
<u>Sol Jackson</u>	<u>5/2/22</u>	<u>1106 Mills</u>
Name	Date	Address
<u>Sukhwinder Singh</u>	<u>5/2/22</u>	<u>1102 Lake ST</u>
Name	Date	Address
<u>Antone Galt</u>	<u>5-2-22</u>	<u>1110 LAKE ST</u>
Name	Date	Address
<u>W'COSE</u>	<u>Boobers 5-2-22</u>	<u>1105 Lake st #2</u>
Name	Date	Address
_____	_____	_____
Name	Date	Address
_____	_____	_____
Name	Date	Address

From: reborntwin@gmail.com
To: [Eldridge, Peter](#)
Subject: [External Email] Re: Zoning Board of Appeals Application for 1014 Mills Street
Date: Saturday, May 7, 2022 12:02:36 AM

Mr Eldridge,

I am responding to the variance request ZBA #22-05-14 for 1014 Mills St, Parcel #06-23-303-004.

I am requesting that this variance request ZBA #22-05-14 be denied.

1. This location is not created for a legal car wash/audio installation/car repairs business. It does not have its own water filtration system for properly disposing of water waste, water and other auto cleaning products that currently runs down to the street, then into city gutters. This would include grit, the many chemicals, and solvents used in the process.
2. Noise pollution and air pollution. Excessive noise levels all day (and night), including honking of car horns and car alarms, and car fumes from cars sitting yet running.
3. Location of this property is not advisable for car wash due to dangerous entry onto Lake Street and Mills Street, not enough access way unless right turn only from both exits. Customers has used this exit turning left where they become a hazard to oncoming Lake Street traffic, blocking right turning and/or left turning traffic from Mills Street. Same hazards have occurred using the Mills Street exit, endangering normal traffic flow on Mills Street and turning traffic from Lake Street.
4. Equipment used in car washes are LOUD and ONGOING! There are wands, blowers, dryers, vacuums, brushes, polishers, ect.
5. Does this business have any environmental licenses and what about their insurance for this business? Should there be a fire, or chemical spill, fuel fire (auto gas leak) or any other calamities, what about the neighborhood? How are we affected, and who will cover ALL CLEAN UP expenses?
6. Trash littered by customers, along with smoking-related items, cans, broken glass etc.
7. What are the business hours, and would they be strictly enforced?
8. Audio installation would use air drills, be testing sound levels for boom boxes or bass levels. Again noise levels, and auto fumes. Extreme volume causing ground and home vibrations.
9. Loitering and attraction of non-customers just sitting around.
10. Elementary school and Head Start will be one block away....this business would be great place for unsavory peoples to gather to watch and entice children and youth.
11. This business has done nothing to show the Edison Neighborhood and its neighbors that it wants to be a benefit to the neighborhood.
12. Increased traffic in neighborhood, with speed laws disregarded, and parking laws violated.
13. The quality of life would be drastically, negatively impacted by this business. Peace and quiet, walking down the street, going to Mills Street Market safely, or trying to get/from the Metro Bus stops safely would all be effected by this business. We already are impacted by trains, heavy equipment vehicles, various shootings, and drug transactions frequently.
14. In the past, this business has sold various snacks and drinks, and have sold meals, to include fish and ribs. Will this be allowed to continue? They have set up tables for fireworks and have have used the lot for lighting fireworks.

These are just some of the observations and concerns I have as a homeowner and neighbor of this business. I would advise you to check with Kalamazoo Police Department and Edison

Neighborhood Association (Hot Spots reports).

Thank you for listening to my concerns. Please keep my address and phone number confidential, as I don't wish to have my person or property compromised for my opinion and concerns.

Renee Brown
1013 Garden Street, Kalamazoo, MI 49001
269-806-8642

On Monday, May 2, 2022, 9:34 AM, Eldridge, Peter <EldridgeP@kalamazoocity.org> wrote:

Renee,

I appreciate you reaching out. Please respond to my email with you concerns about his variance request. I have included below what was in the notice mailed out:

RE: ZBA #22-05-14

1014 Mills Street

Parcel #06-23-303-004

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bennett Bellingar for 1014 Mills Street in the Commercial – Neighborhood District (CN-1).

The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to authorize the premises to be used for 'Car Wash' and 'Light Equipment Repair' (which is defined as repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting). Please note that 'Car Wash' and 'Light Equipment Repair' are not a permitted uses in the CN-1 District.

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

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

Peter C. Eldridge, AICP

Assistant City Planner

PH: 269-337-8806

FAX: 269-337-8513

EMAIL: eldridgep@kalamazoocity.org

Community Planning & Economic Development (CPED) - Planning Division

City of Kalamazoo

245 North Rose Street, Suite 100

Kalamazoo, MI 49007

Most City services are available online at: www.kalamazoocity.org.

If you need immediate information dial 311 or (269) 337-8000.

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From: [Renee Brown](#)
To: [Eldridge, Peter](#)
Subject: [External Email] Re: Zoning Board of Appeals Application for 1014 Mills Street
Date: Thursday, May 12, 2022 7:36:06 PM

Dear Mr. Eldridge:

I, Janet Germain, am asking that the variance request ZBA #22-05-14 for 1014 Mills Street (aka The Wash) be DENIED! I have lived within 300ft of this location since 1990, and have been active in the Edison schools, Boys and Girls Club, and community service since 1969. I am a registered voter. Within my immediate family, I have various races and religious faiths, so this is not a race nor faith issue.

Within a two block area are several schools and community businesses. These include Edison Elementary, KRESA Head Start, Hispanic school, the Boys and Girls Club (currently relocating on Portage Street), a food bank, and St. Joseph Church. The safety and well being of Edison residence and minor children are and have been an ongoing concern.

All these things have been happening and is currently happening while The Wash is technically not a legal business. What am I and my neighbors to expect when this becomes a legal business? Cars are illegally parked along Lake Street, in front of posted 'No Parking' signs. The customers block driveways and have even parked in my driveway, when no parking was available on the street. When customers are asked to move their vehicles, we get no response, and no assistance from The Wash. Last night there were nine cars parked on Lake Street illegally, and the parking at the Wash was full. Daily, especially at night, the noise levels and sound levels are loud and ongoing. Customers rev their engine causing my home to shake, to the point of items on walls and shelves rattling. I must keep my doors and windows closed always due to the noise and air quality (grills smoking and car exhaust) levels.

When they wash the cars, the water, soap, grime, etc. goes into the street drains, including papers, used diapers, trash ect. filling up and blocking the storm drain from their customers.

My quality of life is compromised to the point of non-existent. I cannot enjoy my home, my porch, or my yard. I get severe headaches from the noise and air. I wish them success in their business but this is not the corner or site for it.

Thank you for listening to my personal concerns.
Please keep my address and phone number confidential.

Sincerely,

Janet Germain
1012 Lake Street. Kalamazoo
269-249-8794

[Sent from Yahoo Mail](#)

On Monday, May 9, 2022, 5:14 PM, Renee Brown <reborntwin@gmail.com> wrote:

Hi Mr. Eldridge:

Thank you for the response to my concerns. I completely forgot about the ADA concerns.

I will also do my best to tell everybody I spoke with that there will be a delay and it won't be on the agenda until June 9. I

t deeply concerns me that even in this late date, this location is not anywhere near compliance. My other concern is once it is in compliance, will they maintain it.

Thank you again for your active role and looking out for our community.

Sincerely,

Renee Brown

269-806-8642

Life is about accepting the challenges along the way, choosing to keep moving forward, and savoring the journey.

On Monday, May 9, 2022, 6:02 AM, Eldridge, Peter <EldridgeP@kalamazoocity.org> wrote:

Renee,

I appreciate you taking the time to articulate the problems that have occurred on this site and your concerns with the proposed businesses legal (which have already popped up on the site).

This application for the ZBA is not going to be on the agenda for this Thursday, May 12th. There are too many issues that need to be worked out from the barrier free (ADA) requirements for the building to reviewing options for conditions the ZBA could place on an approval to protect the neighborhood. I agree with you that the car wash does not fit the site for multiple reasons. The car audio would have to be managed with controls like limited hours of operations and restriction on noise.

We are working through several things right now and plan to have this on the June 9th ZBA agenda. Please help me spread the word that this case has been postponed until June 9th. Lastly, your email comments of opposition will be shared with the ZBA to demonstrate the concerns that the neighbors in the area have about the use of this site.

Peter C. Eldridge, AICP
Assistant City Planner

PH: 269-337-8806
FAX: 269-337-8513
EMAIL: eldridgep@kalamazoocity.org

Community Planning & Economic Development (CPED) - Planning Division
City of Kalamazoo
245 North Rose Street, Suite 100
Kalamazoo, MI 49007

Most City services are available online at: www.kalamazoocity.org.
If you need immediate information dial 311 or (269) 337-8000.

From: reborntwin@gmail.com <reborntwin@gmail.com>
Sent: Saturday, May 7, 2022 12:02 AM
To: Eldridge, Peter <EldridgeP@kalamazoocity.org>
Subject: [External Email] Re: Zoning Board of Appeals Application for 1014 Mills Street

Mr Eldridge,

I am responding to the variance request ZBA #22-05-14 for 1014 Mills St, Parcel #06-23-303-004.

I am requesting that this viaience request ZBA #22-05-14 be denied.

1. This location is not created lor a legal car wash/audio installation/car repairs business. It does not have its own water filtration system for properly disposing of water waste, water and other auto cleaning products that currently runs down to the street, then into city gutters. This would include grit, the many chemicals, and solvents used in the process.
2. Noise pollution and air pollution. Excessive noise levels all day (and night), including honking of car horns and car alarms, and car fumes from cars sitting yet running.
3. Location of this property is not advisable for car wash due to dangerous entry onto Lake Street and Mills Street, not enough access way unless right turn only from both exits. Customers has used this exit turning left where they become a hazard to oncoming Lake Street traffic, blocking right turning and/or left turning traffic from Mills Street. Same hazards have occured using the Mills Street exit, endangering normal traffic flow on Mills Street and turning traffic from Lake Street.
4. Equipment used in car washes are LOUD and ONGOING! There are wands, blowers, dryers, vacuums, brushes, polishers, ect.
5. Does this business have any environmental licenses and what about their insurance for this business? Should there be a fire, or chemical spill,

fuel fire (auto gas leak) or any other calamities, what about the neighborhood? How are we affected, and who will cover ALL CLEAN UP expenses?

6. Trash littered by customers, along with smoking-related items, cans, broken glass etc.

7. What are the business hours, and would they be strictly enforced?

8. Audio installation would use air drills, be testing sound levels for boom boxes or bass levels. Again noise levels, and auto fumes. Extreme volume causing ground and home vibrations.

9. Loitering and attraction of non-customers just sitting around.

10. Elementary school and Head Start will be one block away....this business would be great place for unsavory peoples to gather to watch and entice children and youth.

11. This business has done nothing to show the Edison Neighborhood and its neighbors that it wants to be a benefit to the neighborhood.

12. Increased traffic in neighborhood, with speed laws disregarded, and parking laws violated.

13. The quality of life would be drastically, negatively impacted by this business. Peace and quiet, walking down the street, going to Mills Street Market safely, or trying to get/from the Metro Bus stops safely would all be effected by this business. We already are impacted by trains, heavy equipment vehicles, various shootings, and drug transactions frequently.

14. In the past, this business has sold various snacks and drinks, and have sold meals, to include fish and ribs. Will this be allowed to continue? They have set up tables for fireworks and have have used the lot for lighting fireworks.

These are just some of the observations and concerns I have as a homeowner and neighbor of this business. I would advise you to check with Kalamazoo Police Department and Edison Neighborhood Association (Hot Spots reports).

Thank you for listening to my concerns. Please keep my address and phone number confidential, as I don't wish to have my person or property compromised for my opinion and concerns.

Renee Brown
1013 Garden Street, Kalamazoo, MI 49001
269-806-8642

On Monday, May 2, 2022, 9:34 AM, Eldridge, Peter
<EldridgeP@kalamazoo-city.org> wrote:

Renee,

I appreciate you reaching out. Please respond to my email with you concerns about his variance request. I have included below what was in the notice mailed out:

**RE: ZBA #22-05-14
1014 Mills Street
Parcel #06-23-303-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bennett Bellinger for 1014 Mills Street in the Commercial – Neighborhood District (CN-1).

The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to authorize the premises to be used for ‘Car Wash’ and ‘Light Equipment Repair’ (which is defined as repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting). Please note that ‘Car Wash’ and ‘Light Equipment Repair’ are not a permitted uses in the CN-1 District.

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

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

**Peter C. Eldridge, AICP
Assistant City Planner**

**PH: 269-337-8806
FAX: 269-337-8513
EMAIL: eldridgep@kalamazoocity.org**

Community Planning & Economic Development (CPED) -
Planning Division
City of Kalamazoo

245 North Rose Street, Suite 100
Kalamazoo, MI 49007

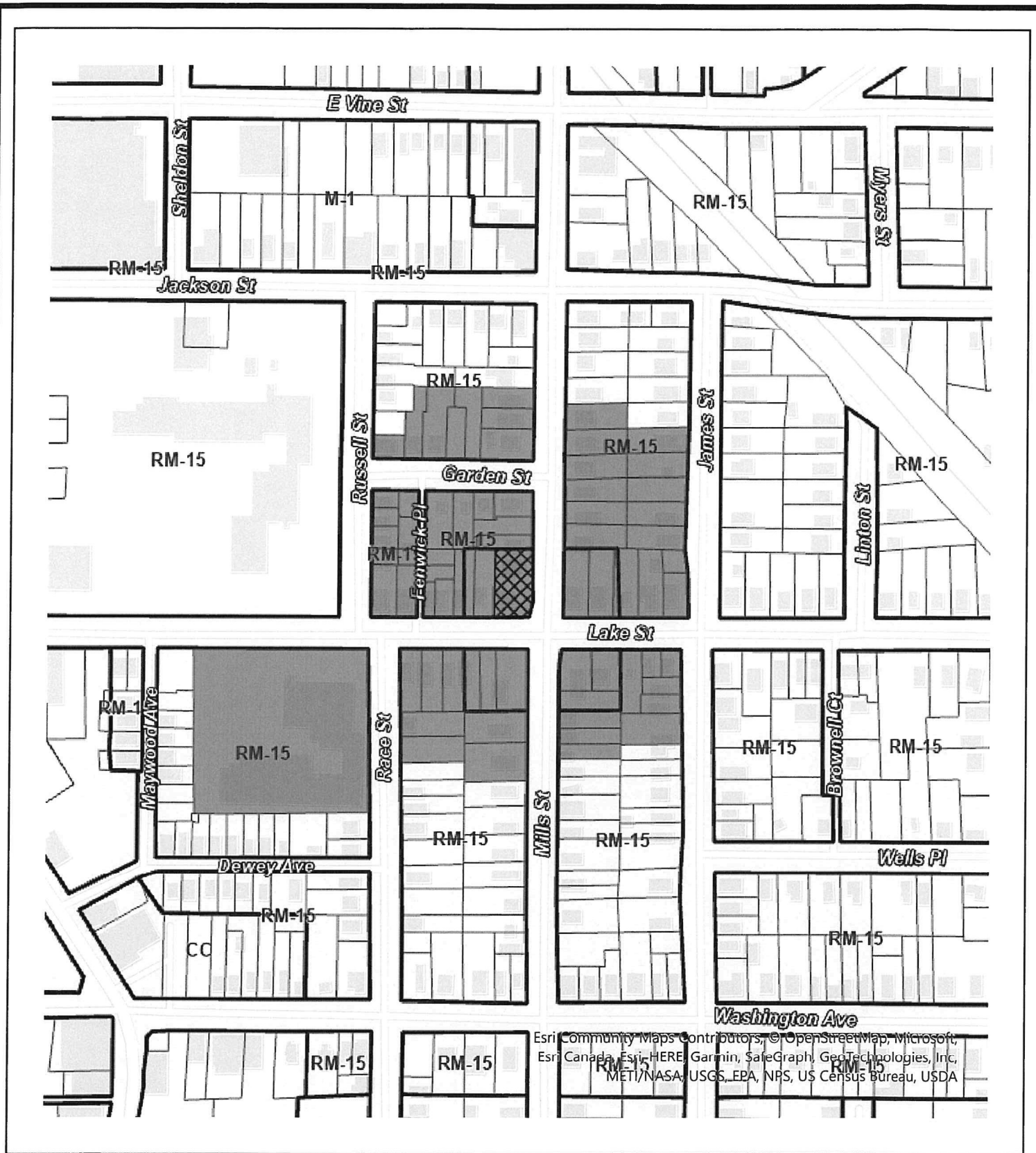
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Parcels within 300' Mailing Radius

1014 Mills St

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



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **7/14/2022**

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: July 14, 2022

SUBJECT: ZBA #22-07-21: 315 E. Frank Street. Bogan Developments LLC is requesting a dimensional variance from Chapter 50-5.6 to allow up to a 27-foot setback where a build-to zone of 0-10 feet is required.

BACKGROUND:

This 1.4-acre property was rezoned from M-1 to LW-1 in 2021 to support a mixed-use development which will include a 1,800 square foot commercial building and a separate apartment building with nine units. The property development is supported by the City's Brownfield Redevelopment Authority (BRA).

After rezoning the property to Live Work 1 (LW1), the developer planned to meet all zoning requirements and place the residential building in compliance with the 0-10-foot build-to zone along N. Pitcher Street. However, subsequent survey work and site plan prepared revealed a surveying error as the plat maps for this area overlap along N. Pitcher Street, resulting in a right-of-way width of only 22 feet for N. Pitcher Street. In order to place a public sidewalk, on-street parking, and utilities along the narrow N. Pitcher Street, a public easement was determined to be the best course of action by City staff. The easement proposed will be approximately 17.5 feet at the widest point, preventing the developer from locating his building within the required build-to zone (0-10'). The alternative is to transfer a portion of the parcel to the City to be incorporated into the public street right-of-way. This option, however, is problematic because of State of Michigan platting rules.

The variance requested will allow the front of the building facade to be located up to 27 feet from the front property line, which takes the easement into account. Building setbacks and build-to zones are measured from the property line to the closest point of the structure, even though in this case the easement area will appear to be part of N. Pitcher Street, improved with a sidewalk, on-street parking and curbing. Buildings are not permitted in the easement area. Those traveling along the sidewalk or street will not realize that there is an easement or that the buildings are set back 27 feet from the property line, as the proposed buildings will be located in close proximity to the back of the sidewalk, like in other locations around the City.

STRATEGIC VISION ALIGNMENT:



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



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



Environmental Responsibility - A green and healthy City.

Strategic Vision, Master Plan 2025 and Neighborhood Plan Alignment:

The project aligns with the Strategic Vision goals of Complete Neighborhoods, Economic Vitality and Environmental Responsibility. The proposed redevelopment of the site will result in environmental clean up, new businesses, and new housing opportunities. The Future Land Use Plan denotes this area is Neighborhood Edge. The Northside Neighborhood Plan includes strategies to support business opportunities for Northside residents and supports meeting the housing needs of all residents.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

Notices have been sent to all property owners within 300 feet and a notice was sent to the Northside Association for Community Development (NACD).

Engagement/Communication Tools:

Gazette notice, letters and emails

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 exceptionally narrow public right of way along N. Pitcher Street and the need for a public easement in the front yard of the property are special circumstances that

limit the redevelopment of this site in compliance with other City ordinances and policies.

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

Neither the developer nor the Brownfield Redevelopment Authority, who seeks to have this property redeveloped, constructed N. Pitcher Street. Twenty-two feet is not a standard right-of-way width in Kalamazoo.

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.

Due to the required measurement of the building setback being taken from the property line, it is not possible for the developer to construct a building within the 0-10' build-to zone. The easement being given to the City covers this area entirely and buildings cannot be constructed on an easement.

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 variance is the minimal action that will make redevelopment of this property possible. The building will not appear out of place as the building's facade is only nine feet from the back of the proposed sidewalk at the furthest point along N. Pitcher Street.

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

The granting of the variance will not adversely affect adjacent land. The easement area will look as if it is part of the public right-of-way.

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

The granting of the variance will meet the intent of the ordinance to promote orderly development with the necessary infrastructure in place which can be accomplished with the proposed easement.

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 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

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

June 29, 2022

**RE: ZBA #22-07-21
315 E. Frank Street
Parcel #06-15-250-150**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bogan Developments LLC for 315 E. Frank Street in the Live Work - 1 District. (LW-1).

The applicant is requesting a dimensional variance from Chapter 50-5.6, of 17 feet to allow up to a 27-foot setback from the required 0 to 10-foot front build-to requirement for the primary building façade.

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, July 14, 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: Bogan Developments - Jamauri Bogan		Mailing Address: 180 E Water St apt.6111	
City: Kalamazoo	State: MI	ZIP Code: 49007	
Phone: 908.875.4999	Email: boganddevelopments@gmail.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: Bogan Developments - Jamauri Bogan		Mailing Address: 180 E Water St apt.6111	
City: Kalamazoo	State: MI	ZIP Code: 49007	
Phone: 908.875.4999	Email: boganddevelopments@gmail.com	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): 315 E. Frant St, Kalamazoo, MI 49007			
Parcel Identification Number(s): 06-15-250-150		Zone District (kalamazoo-city.org/maps): LW-1	
TYPE OF REQUEST			
☒ Dimensional Variance from Chapter(s) _____, Section(s) 5.6		☐ Appeal of an Administrative Decision	
☐ Use Variance to allow _____		☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
		☐ Temporary Use Approval	
Reason for Request: Ordinance requires 0-10' build-to zone. Due to narrow existing ROW and requirements to widen road/sidewalk/parking and provide utility improvements, building is required to be beyond the 10' maximum from ROW, but within distance to			
ATTACHMENTS			
☒ \$ 300.00 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: 6/15/2022	
Signature of Owner (if different than applicant):		Date:	



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

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?

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?

Does the Ordinance deprive the applicant of rights enjoyed by other property owners 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?

Will the granting of the variance negatively affect adjacent land?

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

Additional Criteria for Variance Requests for Required Landscaping

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

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



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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?

DRAWING LOCATION: H:\20-132D (Zone 32) - FINAL DRAWINGS\20-132D (Zone 32) - Site Layout Plan.dwg LAST SAVED BY: JSTWART ON 6/16/2022

ZONING REQUIREMENTS

ZONING
ZONED: LIVE-WORK 1 (FLEX LOT)
SETBACKS: FRONT - 0'
SIDE - 0'
REAR - 0', 10' ADJ. TO R DISTRICT

PROPOSED USE
MIXED USE

PARKING
TOTAL PARKING SPACES REQUIRED:
1 SPACE PER DWELLING UNIT =
9 SPACES

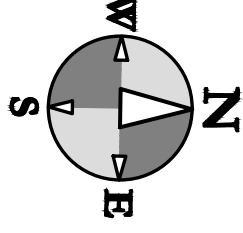
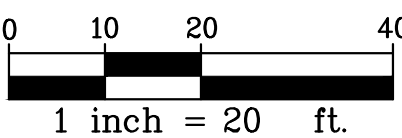
1 SPACE PER 300 SFT OFFICE SPACE
1,800 SFT / 300 SFT = 6 SPACES

TOTAL PARKING PROVIDED = 20 SPACES
BARRIER FREE SPACES REQUIRED = 1
BARRIER FREE SPACES = 2 PROVIDED
ALL BARRIER FREE SPACES DESIGNED PER ADA REQUIREMENTS

TYPICAL PARKING SPACE DIMENSION = 8.5'x18'

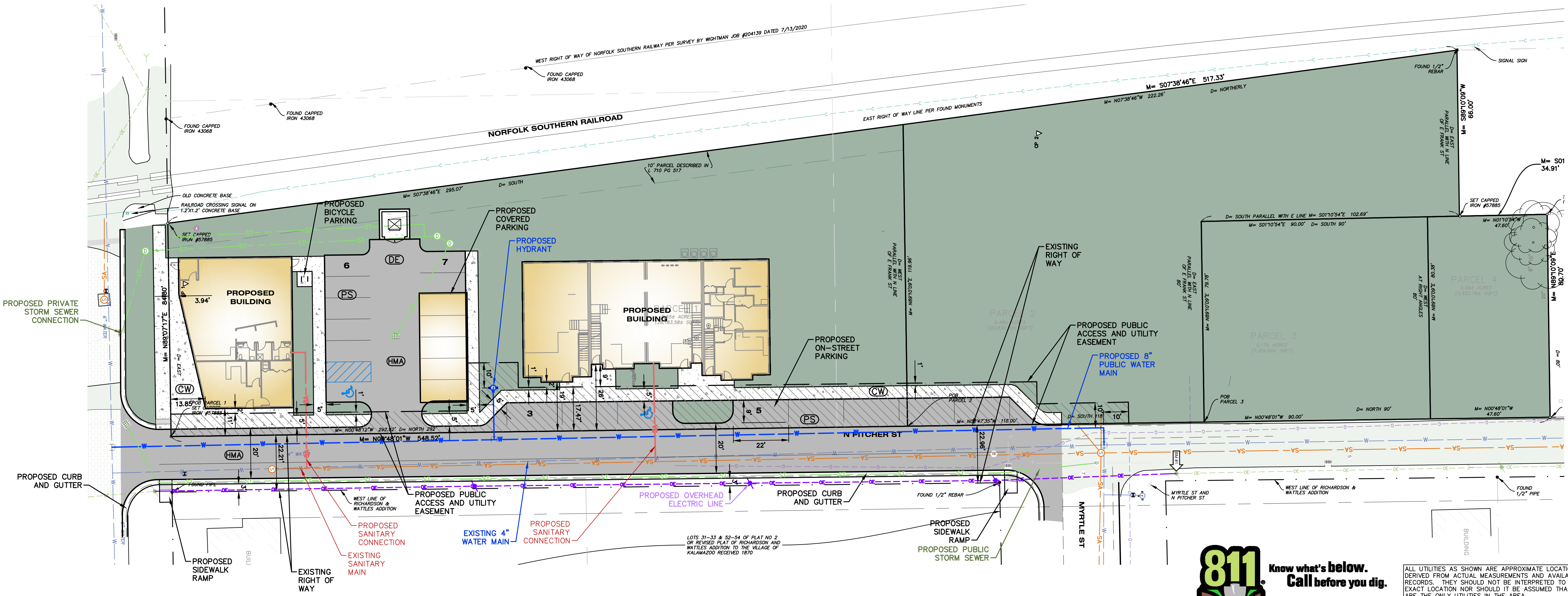
SITE LEGEND

- HMA HMA PAVEMENT
- CW CONCRETE WALK
- PS PARKING STRIPING (8.5'x18")
- DE DUMPSTER ENCLOSURE



LEGEND

- HMA PAVEMENT
- CONCRETE PAVEMENT
- PROPOSED BUILDING



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.
FIELD WORK PERFORMED BY:
HURLEY & STEWART

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

Job No. 20-132D	P.M. JWP	Draft: JUI	QA/QC: 6/16/22
ISSUED FOR/REVISIONS:			
1	VARIANCE REQUEST		6/16/22
2			
3			
4			

**SITE LAYOUT PLAN
ZONE 32
BOGAN DEVELOPMENT, LLC**

Sheet Title:
Project:
Client:
6/16/22
Sheet
C-2

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. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED AT THE TIME OF SURVEY.
5. THERE ARE NO KNOWN CHANGES PROPOSED TO THE STREET RIGHT OF WAY LINES. NO RECENT SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED AT THE TIME OF SURVEY.
6. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE LAND DEPICTED IN THIS SURVEY LIES IN ZONE X, MAP 26077C01870, EFFECTIVE DATE 02/17/2010.
7. NO WETLANDS ON SITE PER THE NATIONAL WETLANDS INVENTORY. A DELINEATION OF THE WETLANDS BY A QUALIFIED CONSULTANT WAS NOT PERFORMED AT THE TIME OF SURVEY.
8. PARCELS 1, 2, 3, & 4 CONTAIN 1.39± ACRES (60,076.20± SQ FT)
9. ZONING SETBACK REQUIREMENTS WERE NOT PROVIDED TO THE SURVEYOR.
10. LOCATION OF EAST RIGHT OF WAY LINE OF NORFOLK SOUTHERN RAILROAD HAS NOT BEEN FINALIZED AS OF 12/17/20. DOCUMENTS REQUIRED TO EITHER CONFIRM OR REJECT THE 1/2" IRON BAR FOUND AT THE APPROXIMATE INTERSECTION OF THE N. LINE OF FRANK ST & THE E. RIGHT OF WAY OF THE RAILROAD HAVE NOT BEEN PROVIDED BY THE TITLE COMPANY OR RAILROAD AND ARE NOT AVAILABLE FOR RESEARCH AT THE NATIONAL ARCHIVES DUE TO COVID-19 RESTRICTIONS. UPON RECEIPT OF THESE DOCUMENTS, THIS LINE WILL BE ESTABLISHED.

SCHEDULE "A" LEGAL DESCRIPTION

TITLE CO: SUN TITLE AGENCY OF MICHIGAN, LLC
UNDERWRITTEN BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
COMMITMENT #PC145706 REV. NO. 1
EFFECTIVE DATE 09/17/2020 AT 08:00 AM

THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:
 LAND SITUATED IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN:

PARCEL 1:
 COMMENCING AT A POINT ON THE NORTHWEST CORNER OF FRANK AND PITCHER STREETS IN THE CITY OF KALAMAZOO; AND RUNNING THENCE NORTH ALONG THE WEST SIDE OF PITCHER STREET, 292 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF FRANK STREET TO THE RIGHT-OF-WAY OF THE GRAND RAPIDS AND INDIANA RAILROAD COMPANY; THENCE SOUTH ALONG SAID RIGHT-OF-WAY OF THE GRAND RAPIDS AND INDIANA RAILROAD COMPANY, TO THE NORTH LINE OF FRANK STREET; AND THENCE EAST ALONG THE NORTH LINE OF FRANK STREET TO THE PLACE OF BEGINNING, BEING A PART OF LOTS "Q" AND "R" OF T.C. SHELTON'S ADDITION TO KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO), ACCORDING TO THE RECORDED PLAT THEREOF; THE ABOVE DESCRIBED PARCEL BEING DESCRIBED AND ASSESSED FOR TAX PURPOSES AS FOLLOWS: THE SOUTH 28 FEET OF LOT "R" AND THAT PART OF LOT "Q", LYING EAST OF THE E LINE OF PENN RAILROAD RIGHT-OF-WAY, ALL OF T.C. SHELTON'S ADDITION TO KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO), ACCORDING TO THE RECORDED PLAT THEREOF.

PARCEL 2:
 COMMENCING ON THE EAST LINE OF LOT "R" OF T.C. SHELTON'S ADDITION TO KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO), ACCORDING TO THE RECORDED PLAT THEREOF, BEING ALSO THE WEST LINE OF PITCHER STREET, AT A POINT 292 FEET NORTH OF THE NORTH LINE OF FRANK STREET; RUNNING THENCE WEST PARALLEL WITH THE NORTH LINE OF FRANK STREET TO THE EASTERLY LINE OF THE GRAND RAPIDS AND INDIANA RAILROAD COMPANY (NOW THE PENNSYLVANIA RAILROAD) RIGHT OF WAY; THENCE NORTHERLY ON THE EASTERLY LINE OF SAID RAILROAD RIGHT OF WAY TO A POINT 132 FEET SOUTH OF THE SOUTH LINE OF PARSONS STREET; THENCE EAST PARALLEL WITH THE NORTH LINE OF FRANK STREET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID LOT "R"; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT "R" TO A POINT 146 FEET NORTH OF THE SOUTH LINE OF SAID LOT "R"; THENCE EAST PARALLEL WITH THE NORTH LINE OF FRANK STREET 80 FEET TO THE EAST LINE OF SAID LOT "R"; THENCE SOUTH ON THE EAST LINE OF SAID LOT "R", 118 FEET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING DESCRIBED AND ASSESSED FOR TAX PURPOSES AS FOLLOWS:
 PART OF LOT "R" OF T.C. SHELTON'S ADDITION TO KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO), ACCORDING TO THE RECORDED PLAT THEREOF; DESCRIBED AS COMMENCING ON THE WEST LINE OF PITCHER STREET AND 28 FEET NORTH OF THE SOUTH LINE OF LOT "R"; THENCE WEST TO THE EAST LINE OF THE PENN RAILROAD RIGHT-OF-WAY; THENCE NORTHERLY ON SAID RIGHT-OF-WAY TO A POINT 132 FEET SOUTH OF THE SOUTH LINE OF PARSONS STREET; THENCE EAST TO A POINT 80 FEET WEST OF THE WEST LINE OF PITCHER STREET; THENCE SOUTH TO A POINT 146 FEET NORTH OF THE SOUTH LINE OF SAID LOT "R"; THENCE EAST 80 FEET; THENCE SOUTH 118 FEET TO THE POINT OF BEGINNING.

PARCEL 3:
 COMMENCING ON THE EAST LINE OF LOT "R" OF T.C. SHELTON'S ADDITION TO KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO), ACCORDING TO THE RECORDED PLAT THEREOF, 410 FEET NORTH OF THE NORTH LINE OF FRANK STREET; RUNNING THENCE NORTH ON THE WEST LINE OF NORTH PITCHER STREET 90 FEET; THENCE WEST AT RIGHT ANGLES WITH THE WEST LINE OF NORTH PITCHER STREET 80 FEET; THENCE SOUTH PARALLEL WITH THE FIRST COURSE 90 FEET; THENCE EAST 80 FEET TO THE PLACE OF BEGINNING; BEING A PART OF LOT "R" OF T. C. SHELTON'S ADDITION TO KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO).

PARCEL 4:
 THE EAST 80 FEET OF THE NORTH 47.6 FEET OF THE SOUTH 283.6 FEET OF LOT "R" OF THE KALAMAZOO VILLAGE (NOW THE CITY OF KALAMAZOO), ACCORDING TO THE RECORDED PLAT THEREOF.

PARCEL #39-06-250-150.
 IF PROVIDED ABOVE, ANY ADDRESS AND TAX PARCEL NUMBER ARE SOLELY FOR INFORMATIONAL PURPOSES. WITHOUT WARRANTY AS TO ACCURACY OR COMPLETENESS, IF INCONSISTENT IN ANY WAY WITH THE LEGAL DESCRIPTION ABOVE, THE LEGAL DESCRIPTION SHALL CONTROL.

SCHEDULE B SECTION II EXCEPTIONS

TITLE CO: SUN TITLE AGENCY OF MICHIGAN, LLC
UNDERWRITTEN BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
COMMITMENT #PC145706 REV. NO. 1
EFFECTIVE DATE 09/17/2020 AT 08:00 AM

[11] TERMS, COVENANTS, AND CONDITIONS OF INSTRUMENT, AS RECORDED IN LIBER 710, ON PAGE 517 (SHOWN).

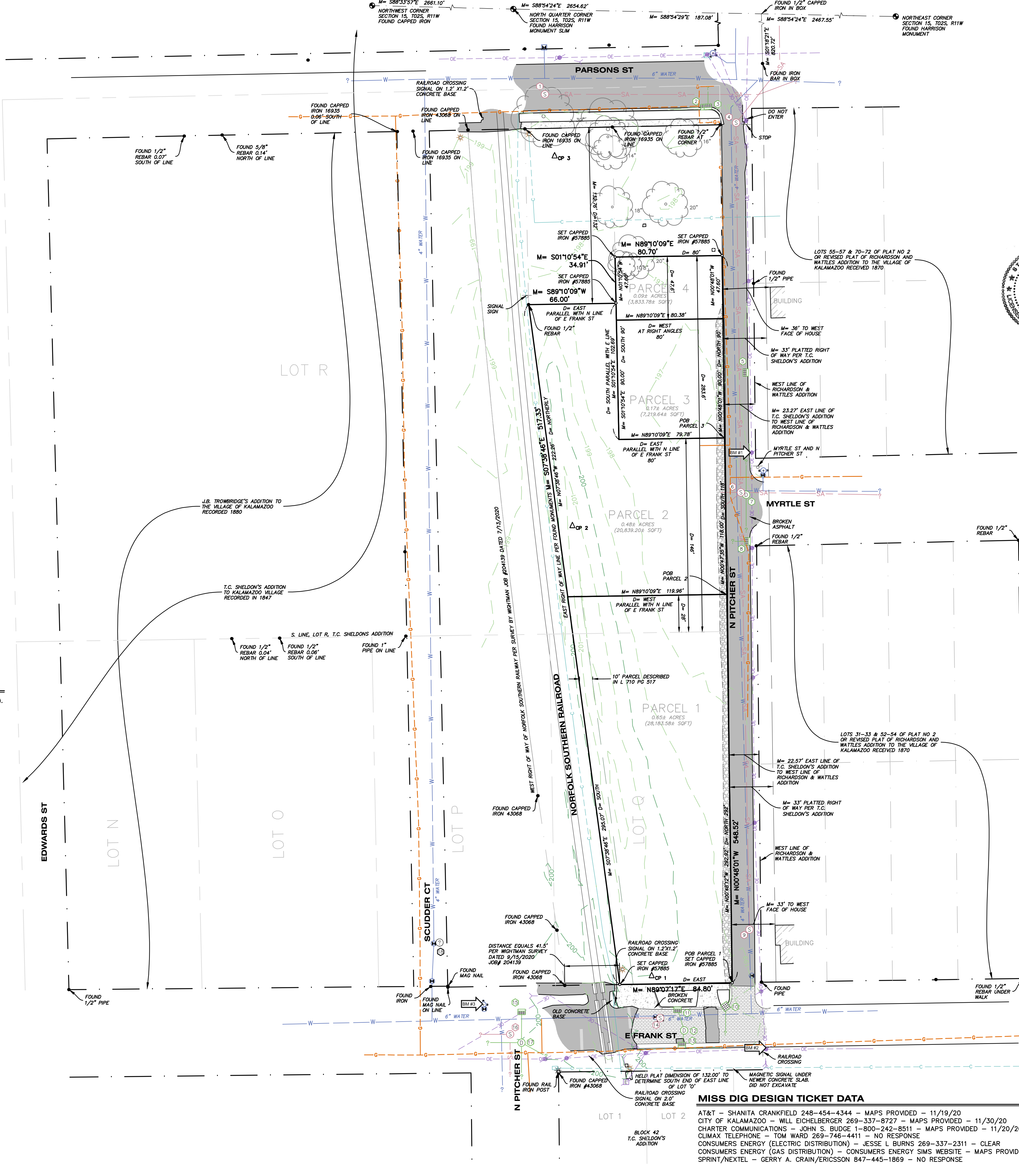
[12] TERMS, COVENANTS, AND CONDITIONS OF KALAMAZOO, MICHIGAN PLANNING COMMISSION RESOLUTION, AS RECORDED IN LIBER 820, ON PAGE 721 (NOT SURVEY MATTERS).

[13] TERMS, COVENANTS, AND CONDITIONS OF NOTICE OF POSSIBLE RELEASE OF HAZARDOUS SUBSTANCES, AS RECORDED IN DOCUMENT NO. 2008-021512 (PERTAINS TO PARCEL 3).

LEGEND

	BENCH MARK		RISER
	SET MONUMENT		PIPE MARKER COMMUNICATIONS
	FOUND MONUMENT		PIPE MARKER FIBER OPTICS
	SET CAPPED IRON LIC. # 57885		PIPE MARKER ELECTRIC
	FOUND IRON		PIPE MARKER GAS
	SET CHISELED "X"		SIGN (SINGLE/DOUBLE)
	FOUND CHISELED "X"		MAILBOX
	CONTROL POINT		PARKING METER (SINGLE/DOUBLE)
	PLATTED		POST
	DESCRIBED		SOIL BORING
	MEASURED		FLAG
	RECORD		COLUMN
	CALCULATED		BOLLARD
	CURB CATCH BASIN		CONTOUR HIGHLIGHTED
	SQUARE CATCH BASIN		CONTOUR NORMAL
	ROUND CATCH BASIN		POWER LINE
	MANHOLE STORM		MISS DIG COMMUNICATION
	DOWN SPOUT		MISS DIG ELECTRIC
	YARD DRAIN		MISS DIG FIBEROPTIC
	FLARED END SECTION		MISS DIG GAS
	MANHOLE SANITARY		MISS DIG SANITARY SEWER
	SANITARY CLEANOUT		MISS DIG STORMWATER
	FIRE HYDRANT		MISS DIG TELEPHONE
	FIRE DEPARTMENT CONNECTION		MISS DIG WATER
	WATER VALVE		WETLAND MARKER
	WATER METER		MISS DIG UNKNOWN
	WELL HEAD		TREE LINE
	SPRINKLER CONTROL VALVE		FENCE
	SPRINKLER HEAD		GUARD RAIL
	MONITOR WELL		DECIDUOUS TREE
	POST INDICATOR VALVE		CONIFEROUS TREE
	SPIGOT		BUSH
	TRANSFORMER		PAVEMENT
	YARD LIGHT		CONCRETE SURFACE
	HAND HOLE (ELECTRIC)		ADA RAMP BUMPS
	LIGHT POLE		GRAVEL
	(UTILITY, GUY, POWER) POLE		LANDSCAPING
	GUY WIRE		PAVERS
	ELECTRIC MANHOLE		
	ELECTRIC METER		
	AIR CONDITIONER		
	GAS METER		
	GAS VALVE		
	TELEPHONE MANHOLE		
	COMMUNICATION MANHOLE		

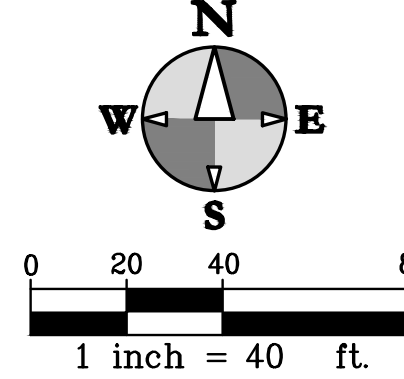
ALTA/NSPS LAND TITLE SURVEY



SITE LOCATION MAP

NOT TO SCALE

SECTION 15, TOWN 02 S, RANGE 11 W,
 CITY OF KALAMAZOO, KALAMAZOO COUNTY,
 MICHIGAN
 315 E FRANK ST



SURVEY CONTROL

CP 1 N = 5000.00 E = 5000.00 EL = 200.00
 CP 2 N = 5339.40 E = 4940.16 EL = 201.60
 CP 3 N = 5618.24 E = 4926.78 EL = 198.41

BENCHMARKS

ELEVATIONS OF THIS SURVEY ARE BASED ASSUMED, HELD AN ELEVATION OF 200.00 ON CONTROL POINT #1
 BM 1 EL = 198.68
 SPIKE IN THE WEST FACE OF UTILITY POLE ON THE NORTHEAST CORNER OF N PITCHER ST AND MYRTLE ST.
 BM 2 EL = 200.54
 SPIKE IN THE NORTH FACE OF UTILITY POLE ON THE SOUTH SIDE OF FRANK STREET AT THE WEST N PITCHER ST AND FRANK ST INTERSECTION.
 BM 3 EL = 201.61
 CHISELED X ON BOLT WITH BURY TAG ON HYDRANT ON THE NORTH SIDE OF FRANK STREET AT THE EAST N PITCHER ST AND FRANK ST INTERSECTION.

STRUCTURE DATA

- | | |
|--|---|
| <p>① SAN MH
RIM = 198.74</p> <p>② STM CB
RIM = 196.94</p> <p>③ CONCRETE STM CB
RIM = 196.90
INV. N 10" SLOPP = 193.95
SUMP = 193.9</p> <p>④ 4.0" BRICK SAN MH
RIM = 197.57
INV. S 10" CLAY = 193.42
INV. NW 10" CLAY = 193.37</p> <p>⑤ STM CB
RIM = 196.59</p> <p>⑥ 4.0" BRICK SAN MH
RIM = 197.25
INV. N 10" CLAY = 194.25
INV. S 8" CLAY = 194.3
INV. W 8" CLAY = 194.3
INV. SW 8" CLAY = 194.3
SUMP = 194.25</p> <p>⑦ 4.0" BRICK STM MH
RIM = 197.15
INV. N 8" CLAY = 193.55
INV. S 8" CLAY = 193.55</p> <p>⑧ STM CB
RIM = 197.08
12" IRON TO WEST
DROP = 195.68
PIPE = 194.78</p> <p>⑨ 4.0" CONCRETE SAN MH
RIM = 198.63
INV. SE 12" IRON = 193.88
SUMP = 194.43</p> <p>⑩ STM CB
RIM = 199.08
12" IRON DROP TO S
DROP = 197.93
PIPE = 195.08
SUMP = 195.08</p> | <p>⑪ STM CB
RIM = 199.02
12" CLAY DROP TO S
DROP = 197.72
PIPE = 194.52</p> <p>⑫ 4.0" BRICK STM MH
RIM = 199.85
SUMP = 194.15
NO PIPES VISIBLE</p> <p>⑬ STM CB
RIM = 199.4
INV. 12" IRON DROP TO N
DROP = 197.6
PIPE = 194.5±</p> <p>⑭ 4.0" BLOCK SAN MH
RIM = 199.7
INV. W 8" CLAY = 192.58
INV. W HOLE CORED WITH NO
PIPE = 197.40</p> <p>⑮ STM CB
RIM = 199.28
12" CLAY SOUTH TO DROP
DROP = 198.63
PIPE = 195.68</p> <p>⑯ 4.0" BLOCK SAN MH
RIM = 199.88
INV. S 8" CLAY = 192.95
INV. W 8" CLAY = 193.05</p> <p>⑰ 4.0" BRICK STM MH
RIM = 200.08
INV. N 12" IRON = 193.88
INV. S 12" IRON = 193.88
INV. SE 12" IRON = 193.88
SUMP = 193.83</p> <p>⑱ MH
RIM = 199.86</p> |
|--|---|

TO BOGAN DEVELOPMENT, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, SUN TITLE AGENCY OF MICHIGAN, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDED ITEMS 1, 3, 4, 5, 6(b), 11, AND 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 12/15/2020

DATE OF PLAT OR MAP: 01/07/2021

Travis Adam Krentz

TRAVIS A. KRENTZ PROFESSIONAL SURVEYOR # 57885



Know what's below.
 Call before you dig.

MISS DIG DESIGN TICKET DATA

AT&T - SHANITA CRANKFIELD 248-454-4344 - MAPS PROVIDED - 11/19/20
 CITY OF KALAMAZOO - WILL EICHELBERGER 269-337-8727 - MAPS PROVIDED - 11/30/20
 CHARTER COMMUNICATIONS - JOHN S. BUDGE 1-800-242-8511 - MAPS PROVIDED - 11/20/20
 CLIMAX TELEPHONE - TOM WARD 269-746-4411 - NO RESPONSE
 CONSUMERS ENERGY (ELECTRIC DISTRIBUTION) - JESSE L BURNS 269-337-2311 - CLEAR
 CONSUMERS ENERGY (GAS DISTRIBUTION) - CONSUMERS ENERGY SIMS WEBSITE - MAPS PROVIDED - 12/14/20
 SPRINT/NEXTEL - GERRY A. CRAIN/ERICSSON 847-445-1869 - NO RESPONSE

ALTA/NSPS LAND TITLE SURVEY
 ZONE 32
 BOGAN DEVELOPMENT, LLC

Sheet Title:
 Project:
 Client:

01/07/21
 Sheet

S-1

hurley & stewart, llc
 2800 south 11th street
 Kalamazoo, michigan 49009
 269.552.4960 fax 268.552.4961
 www.hurleystewart.com



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Job No. 20-182D P.M.TAK Drft: JDF, SA, QC: 01/07/21
 ISSUED FOR REVISIONS:
 #1 ALTA/NSPS SURVEY 12/17/2020
 #2 LOT LINE ADJUSTMENT 01/07/21



Parcels within 300' Mailing Radius 315 E Frank St

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



0 110 220 440 ft

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Zoning Board of Appeals Staff Report

Date: **7/14/2022**

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: July 14, 2022

SUBJECT: ZBA #22-07-22: 3650 Alvan Road. 3650 Alvan, LLC (The Refinery) is requesting a dimensional variance from Chapter 50-7.2, to allow 32 off-street parking spaces, where 7 spaces is the maximum permitted for this retail use.

BACKGROUND:

The Refinery (marihuana retailer) was constructed in 2019 with a 1,980 square foot commercial building on a 3.5 acre lot with an off-street parking lot of 22-spaces. The building is located off Alvan Road, which allows for on-street parking. The Refinery was constructed under the former off-street parking requirements, which did not have a maximum number of parking spaces permitted or allow for credit to be given for off-street parking availability. These changes were approved with a Zoning Code update in early 2019 that sought to limit over-sized parking facilities and recognize that shared parking and on-street parking can account for the needs of employees, customers, and residents.

Given the size of the building (1,980 sq. ft.), a total of seven spaces would be the maximum number of off-street parking spaces permitted. This is calculated with the standard of 1 parking space per 330 sq. ft. of retail use, plus the allowance for an additional 10% over this amount. According to the applicant, 700 to 800 customers per day is the average and 15-17 employees are on-site at peak times. The applicant would like to increase the number of off-street parking spaces to 32 to account for the high number of employees at peak times and provide more customer parking. Use of the on-street parking is cited as problematic by the applicant due to encounters with homeless people and staff not being comfortable at night walking to their vehicles. Alvan Road serves a number of industrial businesses located along Alvan Road and Saidla Road, including Old Dominion Freight Line Inc., which has an estimate of 20 to 30 tractor-trailers using Alvan Road during the day. Modern Woodman of America along with Old Dominion Freight Line Inc. have provided letters of support for the request.

Reviewing other marihuana retailers around the city, the only one that has a similar off-street parking count to what is being requested is the marihuana retailer, Rair at 104 N. Drake Road, with 30 spaces (dimensional variance granted in November of 2020 for 15 spaces). It should be

noted that the building at 104 N. Drake Road is slightly over twice the size of the Refinery building and there is no on-street parking available along N. Drake Road.

On-street parking is legal on both the north and south sides of Alvan Road. The street has a width of 38 feet from curb to curb, which allows ample space for on-street parking (8 feet per on-street parking lane or 16 feet total) and vehicle and truck lanes (22 feet or two lanes of 11'). The city's Street Design Manual notes 10' travel lanes; 11' travel lanes are considered when there are large vehicles, such as trucks or buses, traveling on the street. Alvan Road serves the adjacent businesses, but does not serve as a street with regular traffic flow for drivers traveling to locations other than these businesses.

STRATEGIC VISION ALIGNMENT:

Strategic Vision and Master Plan 2025 Alignment: The Future Land Use Maps identify this property as commercial in nature.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

All property owners within 300 feet of the subject property have received notice of the public hearing and a copy has been sent to the Milwood Neighborhood Watch organization.

Engagement/Communication Tools:

Gazette notice, letters, emails

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.

A special circumstance or condition does not exist for this request. The property currently has 22 off-street parking spaces, which is 15 more than permitted by the Zoning Code, and is located on a street with on-street parking available.

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

This variance request is a result of the applicant of the land rather than unique circumstances. Their parking lot is already oversized per the Zoning Code requirements and ample on-street parking exists.

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.

The literal interpretation and enforcement of the provisions in the Zoning Code do not deprive the applicant of rights commonly enjoyed by others in the same zone district. The parking requirement for retail is the same across the zoning district. Relief granted to a similar use was for a business located on a street that did not allow for on-street parking.

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 variance is not the minimum action that makes the use of this property possible. The property currently provides 15 spaces more than what the Zoning Code allows as the minimum parking requirement and does not account for the existence of on-street parking.

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

The properties on Alvan Road are developed for commercial and industrial uses with off-street parking lots.

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

The granting of the variance would not be consistent with the Ordinance as the off-street parking standards are intended to reduce excess surface parking where there are other parking alternatives available.

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 does not apply to the requested variance.

RECOMMENDATION:

The staff does not recommend approval of the dimensional variance as it does meet all of the above criteria and on-street parking is available.



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

June 29, 2022

**RE: ZBA #22-07-22
3650 Alvan Road
Parcel #06-25-447-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by 3650 Alvan, LLC (The Refinery) for 3650 Alvan Road in the Commercial – Community District (CC).

The applicant is requesting a dimensional variance from Chapter 50-7.2, to allow 32 off-street parking spaces where 7 spaces in the maximum permitted for the retail use.

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, July 14, 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



ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: 3650 Alvan LLC		Mailing Address: 3650 Alvan Road
City: Kalamazoo	State: MI	ZIP Code: 49001
Phone: 2692176330	Email: farrellt@refinemi.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: 3650 Alvan LLC		Mailing Address: 3650 Alvan Road
City: Kalamazoo	State: MI	ZIP Code: 49001
Phone: 2692176330	Email: farrellt@refinemi.com	Preferred Contact: ☒ Email ☒ Phone
PROPERTY INFORMATION		
Property Address(s): x3650 Alvan Road		
Parcel Identification Number(s):		Zone District (kalamazoocity.org/maps):
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) _____, Section(s) _____		
☐ Use Variance to allow _____		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☐ Temporary Use Approval		
Reason for Request:		
ATTACHMENTS		
☐ \$ 300.00 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>Th M. Lee</i>		Date: 5.6.22
Signature of Owner (if different than applicant):		Date:



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

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?

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?

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



Community Planning & Economic Development

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(269) 337-8026 • www.kalamazoo.org

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?

Will the granting of the variance negatively affect adjacent land?

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

Additional Criteria for Variance Requests for Required Landscaping

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

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



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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?

Mr. Peter Eldridge

Community Planning & Economic Development (CPED) - Planning Division

City of Kalamazoo

245 North Rose Street, Suite 100

Kalamazoo, MI 49007

We understand that the City has requested that the Refinery deconstruct the additional gravel parking area on their property.

This will negatively impact the neighborhood and our business with the overflow parking of employee's and customers that use that area now having to park on the street. There are several business's that are adjacent to and close to The Refinery that use this road for our employee's and our customers and the congestion that is created at times when the Refinery is busy makes it impossible at times to even get into our property.

There are financial business's, Freight, Landscaping, and water conditioning businesses that are struggling to get their employee's in and out and many trucks trying to get to their customers and at times cannot get out.

We would ask that the city reconsider and allow the Refinery to add more parking for their customers and employees to keep the vehicles off the street as much as possible.

Thank you for your consideration.

Sincerely.....

Old Dominion Freight Line, Inc.
3600 Alvan Road
Kalamazoo, MI 49001

5/24/2022

Mr. Peter Eldridge
Community Planning & Economic Development (CPED) – Planning Division
City of Kalamazoo
245 North Rose Street, Suite 100
Kalamazoo, MI 49007

Peter, we understand that the City has requested the Refinery deconstruct the additional gravel parking area on their property. This will negatively impact the other business in the area. It will force the overflow parking of their employees and customers to the street.

The area is home to freight, landscaping, fire protection and water conditioning businesses. They all have semi-trucks, or large trucks and trailers driving through the area multiple times daily. Alvan road is also a central hub into the industrial park area. The traffic from that alone is significant.

Having customers and employees from the Refinery parking in the road makes it difficult for my employees and clients to access the Modern Woodmen building in a safe manner. We ask that the city reconsider and allow the Refinery to add more parking for their customers and employees. This will keep the vehicles off the street as much as possible.

Thank you for your consideration.

Rob Keorkunian

Modern Woodmen of America
2700 Sprinkle Rd
Kalamazoo, MI 49001



Parcels within 300' Mailing Radius

3650 Alvan Rd

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



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **7/14/2022**

Item: **D.4.**

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: July 14, 2022

SUBJECT: ZBA #22-07-23: 333 E. Alcott Street. Hollander Development Corporation is requesting a dimensional variance from Chapter 50-7.2, to allow 75 off-street parking spaces, where 56 is the maximum number of spaces permitted.

BACKGROUND:

The six-acre portion of the former Performance Paper Company was rezoned to RM-24 in September of 2021 in anticipation of residential development. This property is a portion of the larger Performance Paper site under the ownership of the Brownfield Redevelopment Authority (BRA).

Hollander Development Corporation is proposing to construct four buildings which will be three stories in height. Each building will have 12 units, which will be two- and three-bedroom apartments. There will also be a 1,100 square foot community building with amenities and the leasing office. The developer will be applying for Low Income Housing Tax Credits (LIHTC) through MSHDA.

MSHDA has standards for design that developers must take into consideration during the development of a project. The MSHDA standard for family units is two off-street parking spaces per unit. It has not been expressly stated that these are all to be family units, but they are two- and three-bedroom apartments which will accommodate a higher occupant load. In contrast, Kalamazoo's Zoning Ordinance states one off-street parking space per dwelling unit. The variance requested would allow for 1.5 off-street parking spaces per dwelling unit. The developer will also be seeking relief from MSHDA from their standard.

The initial public hearing notice referenced a Natural Features Protection variance in addition to the parking variance. The applicant withdrew the variance request for the removal of woodland on the property after a study of the land determined it did not contain woodland, as defined by the Zoning Code.

STRATEGIC VISION ALIGNMENT:

Community Planning and Economic Development Department | 245 N. Rose Street, Ste 100, Kalamazoo, MI 49007
Voice: (269) 337-8744 | Fax: (269) 337-8513 | www.kalamazoocity.org



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



Environmental Responsibility - A green and healthy City.

Strategic Vision, Master Plan 2024 and Neighborhood Plan Alignment:

The project touches on the Strategic Vision goals of Complete Neighborhoods and Environmental Responsibility. The project will result in additional housing availability in the Edison Neighborhood and will allow for reuse of six acres of a former contaminated site which has been remediated. The Future Land Use Map identifies this property as R2 - Medium Density Residential, which aligns with the proposed 48 unit development. The Edison Neighborhood Plan encourages the construction of more housing in the neighborhood.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

Notice of the public hearing has been sent to all property owners within 300 feet of the subject property and to the Edison Neighborhood Association.

Engagement/Communication Tools:

Gazette notice, letters and emails.

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 special circumstance is related to the difference between the MSHDA parking standards and the City's Zoning Ordinance requirements that apply in this situation given the involvement of MSHDA as a funding partner.

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

The parking requirements in place for both the city and MSHDA are not the result of any actions of the applicant.

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.

Application of the city's Ordinance for off-street parking may result in this project being ineligible for the funding support by MSHDA. If this occurs, the project would no longer be feasible.

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 Ordinance and MSHDA standards.

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 is spread out along the access drive near each of the buildings. The parking will also not be visible from Reed Street due to existing woodland.

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 multi-family development in this location, which was specifically rezoned for this purpose last year.

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 does not apply to the requested variance.

RECOMMENDATION:

Staff recommends approval of the variance request as it meets 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

June 29, 2022

**RE: ZBA #22-07-23
333 E. Alcott Street
Parcel #06-27-213-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Hollander Development Corporation for 333 E. Alcott Street in the Residential – Multi Family District (RM-24).

The applicant is requesting:

1. A dimensional variance from Chapter 50-7.2, to allow 75 off-street parking spaces where 56 is the maximum number of spaces permitted.
2. A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 G, to allow the removal of 55% of the woodland where 10% 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, July 14, 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

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(269) 337-8026 • www.kalamazoo.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION			
Name:		Mailing Address:	
City:	State:	ZIP Code:	
Phone:	Email:	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:		Mailing Address:	
City:	State:	ZIP Code:	
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s):			
Parcel Identification Number(s):		Zone District (kalamazoo.org/maps):	
TYPE OF REQUEST			
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☐ Use Variance to allow _____		☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval	
Reason for Request:			
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.	
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>			
SIGNATURE			
Signature of Applicant: <i>Matthew Hollander</i>			Date: 5/3/22
Signature of Owner (if different than applicant):			Date:



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

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?

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?

Does the Ordinance deprive the applicant of rights enjoyed by other property owners 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?

Will the granting of the variance negatively affect adjacent land?

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

Additional Criteria for Variance Requests for Required Landscaping

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

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



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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?

June 15, 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
Kalamazoo, Michigan 49007
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: Belford Street Housing Development
333 Alcott Street, Kalamazoo, MI
Variance Request to the Zoning Board of Appeals
B/A Project No: 21100264

Dear Mr. Eldridge,

Byce & Associates, Inc. submits this letter on behalf of Hollander Developments proposed Multi-Family Housing Development at 333 Alcott Street, as supporting documentation to the submitted *Application Request to the Zoning Board of Appeals*. The proposed development, consisting of (4) multi-unit residential structures, a community building and maintenance garage, resides on 6 acres of City Brownfield property residing in the RM-24 Multi Dwelling Residential Zoning District of the City of Kalamazoo. The proposed MSHDA apartment buildings will be (3) story building construction, each consisting of (12) apartment units of two and three bedroom variety, with one of these apartment buildings being a Kal Recovery building structure with community meeting space for women and children.

We kindly request that the City ZBA exercise their reasonable flexibility in granting (1) necessary variances to support the proposed development, summarized as follows:

1. **Dimensional Variance from Chapter 50, Section 6.2 (G) Woodland Standards** to remove 0.44 acres of protected woodlands or approximately 55% of woodlands on site. Refer to reports and recommendations by Arborist Services of Kalamazoo, LLC for additional information pertaining to this request.

Approximate woodlands areas and proposed removals are summarized below.

Woodland Area Evaluation			
	Total Area (SF)	Removed Area (SF)	Removed (%)
Existing Woodland A	4579.22	4579.22	1.00
Existing Woodland B	1328	1328	1.00
Existing Woodland C	9830.85	9830.85	1.00
Existing Woodland D	2243.35	2243.35	1.00
Existing Woodland E	17098.62	1211.62	0.07
	35080.04	19193.04	0.55

2. **Dimensional Variance Request to Chapter 50, Article 7 Parking & Loading Regulations;** requesting approval of proposed off street parking in quantities exceeding the minimum requirement for Residential Dwelling Units.

According to the Ordinance Table 7.2-1 Required Parking Table, the applicable parking standard for Multi Family Dwelling Units is one parking space per dwelling unit. This standard does not take into consideration a bed count per dwelling unit, which in this case is proposing all two or three bedroom apartment units. Additionally, MSHDA Standards of Design 02001.13 Parking Ratios requires that parking shall be provided in ratio of 2 spaces per unit or greater for family developments.

We are proposing off-street parking at a ratio of 1.5 spaces per unit, which aims to meet in the middle between the City minimum requirement of one space per unit and State Housing requirement for 2 minimum spaces per unit for multi-family housing.

We request approval of the proposed site layout and parking counts, proposing 75 total off-street parking spaces to accommodate the proposed ~~48~~ multi family dwelling units. We feel this request to be very reasonable with consideration to relative market studies of vehicular parking demands for similar resident populations and the developments anticipated demand for visitor and staff parking.

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. We request approval of parking counts summarized as follows:

• Building A Multi Family Apartments (12 units):	18 parking spaces
• Building B Multi Family Apartments (12 units):	18 parking spaces
• Building C Multi Family Apartments (12 units):	18 parking spaces
• Building D Kal Recovery Multi Family Apts (12 units):	18 parking spaces
• Building E Community Building	3 parking spaces
• Building F Maintenance Building	0 parking spaces
<u>Total Proposed Parking</u>	<u>75 spaces</u>

We kindly request that the ZBA approve the submitted Variance Request Application, authorizing the proposed Development to proceed with processes for Site Plan Review and Approval, as required for 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 and taking into consideration future Master Planning objectives.

Sincerely,

Byce & Associates, Inc.


Danielle M Rhodes



Mr. Peter Eldridge

June 16, 2022

Page 3

Civil Engineer

Attachments:

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

cc: Matthew Hollander, Hollander Development



INNOVATIVE PRACTICAL SOLUTIONS
CIVIL ARCHITECTURAL INTERIOR DESIGN STRUCTURAL MECHANICAL ELECTRICAL PROJECT MANAGEMENT BUILDING COMMISSIONING

SITE DATA:

ZONING:	RM-24 RESIDENTIAL, MULTI-DWELLING
NFP-O; NATURAL FEATURES PROTECTION	
TOTAL SITE AREA:	6.0 ACRES (261,272 SF)
DIMENSIONAL STANDARDS:	
FRONT YARD SETBACK:	20
REAR YARD SETBACK:	N/A
SIDE YARD SETBACK:	15
MAX. BUILDING HEIGHT:	4 STORIES
MAX. IMPERVIOUS COVER:	60%
LOT AREA /DWELLING UNIT:	1,800 SF
OUTDOOR AREA/ DWELLING UNIT:	50 SF

PROPOSED BUILDINGS:	
HEIGHT:	3 STORIES
DWELLING UNITS:	12 EA.
TOTAL DWELLING UNITS:	48
DWELLING UNIT DENSITY:	5,443 SF/UNIT

OFF-STREET PARKING REQUIREMENTS:	
RESIDENTIAL: 1/DWELLING UNIT	
OFFICE SPACE: 100 SF	
RETAIL SALES & SERVICES: 100 SF	

PROPOSED OFF-STREET PARKING:	
RESIDENTIAL BUILDING A (12 UNITS):	18
RESIDENTIAL BUILDING B (12 UNITS):	18
RESIDENTIAL BUILDING C (12 UNITS):	18
RESIDENTIAL BUILDING D (12 UNITS):	18
1.5 / DWELLING UNIT	
COMMUNITY BUILDING:	3
LEASING / OFFICE / AMENITY AREA	
STORAGE BUILDING:	0
TOTAL PROPOSED PARKING:	75

PROPOSED SITE AREAS:	
BUILDING A (RES. TYPE 5B):	4,170 SF
BUILDING B (RES. TYPE 5B):	3,450 SF
BUILDING C (RES. TYPE 5B):	3,450 SF
BUILDING D (RES. TYPE 5B):	3,450 SF
BUILDING E (COMMUNITY):	1,104 SF
BUILDING F (STORAGE):	576 SF
TOTAL BUILDING COVER:	16,200 SF (6.2%)
TOTAL IMPERVIOUS PAVEMENT:	46,305 SF (17.7%)
TOTAL IMPERVIOUS COVER:	62,505 SF (23.9%)

LEGEND:

---	PROPERTY LINE
- - - -	BUILDING SETBACK
- . - . -	RIGHT OF WAY (ROW)
x x x x	PROPOSED FENCE
[Pattern]	NEW CONCRETE
[Pattern]	NEW BITUMINOUS
[Pattern]	NEW GRAVEL
⊙	POWER POLE
⊙	PROPOSED GRADE LIGHT
⊙	PROPOSED BOLLARD
⊙	EXISTING SANITARY MANHOLE
⊙	EXISTING CURB INLET
⊙	EXISTING CATCH BASIN
⊙	EXISTING STORM MANHOLE
⊙	PROPOSED CATCH BASIN/MANHOLE
⊙	EXISTING FIRE HYDRANT
⊙	EXISTING WATER VALVE
⊙	EXISTING ELECTRIC METER
⊙	EXISTING GAS METER
⊙	EXISTING HANDHOLE
⊙	EXISTING SIGN
⊙	PROPOSED SIGN
⊙	ADA PARKING STALL

Multi-Family Housing Development for:

Belford Street Site

333 Alcott Street · Kalamazoo, Michigan

PRELIMINARY
NOT FOR CONSTRUCTION

2022.05.02 VARIANCE SUBMISSION
2022.03.14 REVISED FOR CITY CONDITIONAL SITE PLAN APPROVAL
2022.03.01 CITY CONDITIONAL SITE PLAN APPROVAL

SITE PLAN

21100264

C200

SITE NOTES:

1. DEVELOPMENT PROPERTY SHALL BE DEVELOPED IN ACCORDANCE WITH ALL ENVIRONMENTAL DUE CARE PLANS APPLICABLE TO POTENTIAL
2. CONSTRUCTION TO BE IN COMPLIANCE WITH REQUIREMENTS OF STATE AND LOCAL AUTHORITIES HAVING JURISDICTION. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO START OF WORK.
3. PROPOSED DEVELOPMENT IS BROWNFIELD REDEVELOPMENT; ALL COMPONENTS OF CONSTRUCTION SHALL COMPLY WITH RECOMMENDATIONS SET FORTH IN ENVIRONMENTAL EVALUATIONS.
4. PROPOSED BUILDING DESIGN & FACADE TREATMENTS WILL BE IN COMPLIANCE WITH ALL CITY OF KALAMAZOO ZONING ORDINANCE REQUIREMENTS; SPECIFICALLY SET FORTH IN SECTION 4.2 Q. MULTI-UNIT RESIDENTIAL.
5. CONTRACTOR SHALL SUBMIT TRAFFIC MANAGEMENT PLAN TO CITY OF KALAMAZOO PUBLIC SERVICES DEPARTMENT FOR APPROVAL BEFORE PERMITS WILL BE GRANTED. COORDINATE LANE CLOSURES, PEDESTRIAN-WAY DETOURS AND ALL OTHER

NECESSARY CONSTRUCTION ACCOMMODATIONS IN ACCORDANCE WITH CITY STANDARD PRACTICE.

6. RIGHT-OF-WAY IMPROVEMENTS SHALL BE IN COMPLIANCE WITH ALL CITY OF KALAMAZOO STANDARD CONSTRUCTION SPECIFICATIONS.
7. CONTRACTOR SHALL FURNISH AND INSTALL KNOX LOCKING DEVICES AT EACH POINT OF BUILDING ENTRY IN ACCORDANCE WITH CITY PUBLIC SAFETY REQUIREMENTS. MOUNT MIN. 3200 SERIES KNOX BOX(S), UNOBSTRUCTED AND VISIBLE, 5 FT ABOVE FINISH GRADE NEAR MAIN BUILDING ENTRANCE FOR EACH STRUCTURE.
8. BUILDING FIRE DEPARTMENT CONNECTION (FDC) SHALL SATISFY ALL CITY PUBLIC SAFETY REQUIREMENTS. FURNISH & INSTALL FDC WITH 2.5" KNOX LOCKING PLUGS AND SNIVEL-GUARD, MODEL 3041, EQUIPPED WITH REFLECTIVE FDC SIGN AND EXTERIOR RATED STROBE & HORN ALERT SYSTEM.
12. INSTALL PROTECTIVE EXTERIOR CONCRETE FILLED BOLLARDS AT ALL EXPOSED ELECTRICAL OR GAS DEVICES, METERS OR EQUIPMENT.
13. BUILDING SITE ADDRESS SHALL BE IDENTIFIED, PLAINLY LEGIBLE AND VISIBLE, FROM BOTH

ADJACENT ROAD FRONTAGES. SITE ADDRESS TO BE IDENTIFIED AS FOLLOWS:
• ADDRESS NUMBERS TO BE 18"-24" MIN. HT.
• ADDRESS LETTERS TO BE MIN. 6" HT.

14. PAVING SCOPE TO INCLUDE PATCHING BITUMINOUS PAVEMENT AND CONCRETE CURB & GUTTER WITHIN ADJACENT RIGHT-OF-WAYS, AS REQUIRED FOR PROPOSED WORK SCOPE. PAVEMENT AND CURB SECTIONS SHALL MATCH EXISTING ADJACENT OR AS OTHERWISE APPROVED BY CoK.
15. FIRE EXTINGUISHERS IN THE BUILDING WILL MEET CITY PUBLIC SAFETY REQUIREMENTS.
16. A BUILDING EVALUATION SHALL BE CONDUCTED TO DETERMINE IF BI-DIRECTIONAL AMPLIFICATION IS NEEDED FOR PUBLIC SAFETY COMMUNICATIONS. CONTACT ROE-COM1 AT 800-421-2621 TO SURVEY SITE ONCE BUILDING EXTERIOR AND INTERIORS ARE IN PLACE. FURNISH RESULTS OF BI-DIRECTIONAL AMPLIFICATION STUDY TO CITY OF KALAMAZOO PUBLIC SERVICES DEPARTMENT.
17. BICYCLE PARKING WILL BE SUPPLIED FOR EACH BUILDING STRUCTURE IN ACCORDANCE WITH CITY OF KALAMAZOO ZONING ORDINANCE MINIMUM REQUIREMENTS.

BUILDING COMPLIANCE:

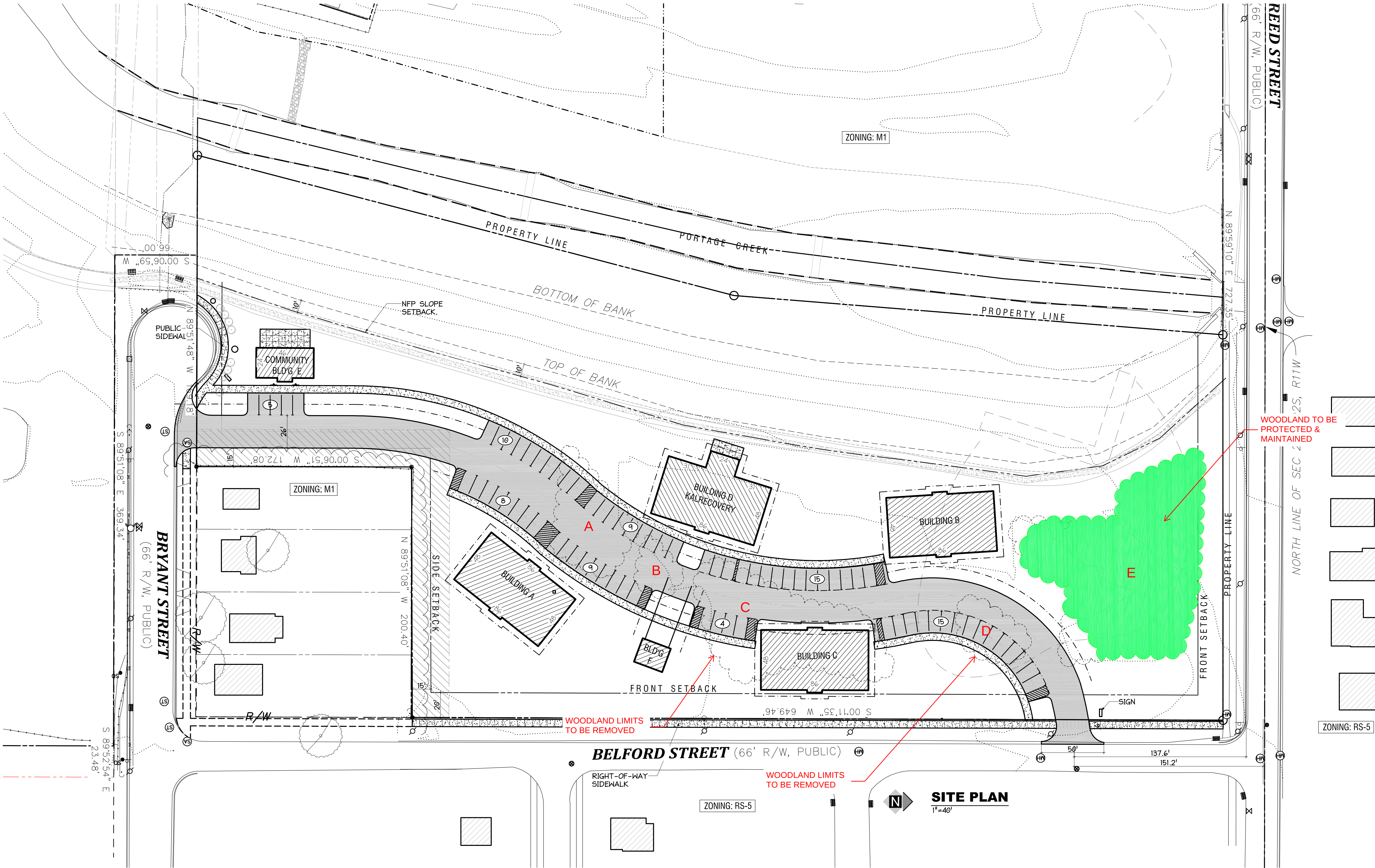
PROPOSED BUILDING STRUCTURES WILL BE DEVELOPED IN FULL COMPLIANCE WITH CITY OF KALAMAZOO ZONING ORDINANCE SECTION 4.2 Q. MULTI-UNIT RESIDENTIAL DEVELOPMENT STANDARDS, SUMMARIZED AS FOLLOWS:

- The building lengths shall not exceed 200'
- The building exteriors shall have recessed or protruding entry vestibules, covered or recessed porches and patios, varied or articulated parapet roof walls, and multiple windows and fenestration patterns.
- The building will be designed to meet the four-sided design criteria with windows, doors, facade variations and articulation, entrances, balconies, patios and varied articulated parapet roof walls.
- The buildings will at each applicable fa-ade have windows covering at least 20% of the facade surface.
- The buildings shall have at least 50% of their respective, applicable facades clad with decorative concrete panels and/or concrete masonry or brick masonry veneers.
- The roof materials of the buildings shall comply with the stipulations of the zoning requirements, including minimum slopes, materials, and parapets
- Roof top mounted mechanicals shall be screen as stipulated with the appropriate screening material and/or parapet walls of appropriate heights to screen the units from view. This will also help to dissipate and redirect the sound to the operating RTU's

PROJECT SUMMARY:

The proposed project is intended to provide long term, multi-family housing opportunities in 48 apartments with a mix of 2-BR and 3-BR units in four, (12) unit, slab on grade, 3 story, walk-up type apartment buildings dispersed on the 6.6 acre site as part of a program for long term, permanent housing within Kal-Recovery, substance abuse recovery housing program. In addition to the four, 12 unit apartment building there will be Community Building of about 2,000sf which will provide areas of Property Leasing and Management, as well as Resident Amenities like a Community Room, Fitness Room and also areas for substance abuse recovery counseling and meeting areas. The project also includes facility storage building intended for building related and yards and ground maintenance equipment

Building A, B, C, D will be Use and Occupancy Group R-2 Multi-Family Residential. Each Apartment Building will be equipped with a fully automated fire suppression system. The ground floor levels of each Apartment Building shall have a mix of the 2-BR and 3-BR apartments that shall be barrier free accessible units and/or B Type units
Building E, the Community Building, will be supporting ancillary building of B Use and Occupancy. The community Building shall be equipped with a fully automated fire suppression system.
Building F, the Storage Building will be Storage for equipment and material only, and shall be equipped the water, sanitary, natural gas and electrical services.



REED STREET

Page 76 of 92



Zoning Board of Appeals Staff Report

Date: **7/14/2022**

Item: **D.5.**

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: July 14, 2022

SUBJECT: ZBA #22-07-24: 3110 Oakland Drive. Sign Art Inc. on behalf Consumers Credit Union is requesting:

1. A dimensional variance from Appendix A, Chapter 7, Section 7.3, to allow a 128 square foot freestanding sign along the Oakland Drive frontage where the maximum sign area permitted is 100 square feet.
2. A dimensional variance from Appendix A, Chapter 7, Section 7.2D, to allow a 28% changeable copy portion of the freestanding sign where 25% is the maximum permitted.

BACKGROUND:

This redevelopment project proposed by Consumers Credit Union will include two buildings. A 4,391 square foot Consumers Credit Union will be constructed along the Oakland Drive frontage. A 7,355 square foot building will be located along the north property line. This second building will include four tenant spaces (restaurant and retail use) and three residential units on the second floor. The far west side of the parking lot will have an ATM drive-thru lane and there will be a pedestrian plaza constructed at the corner of Parkview Avenue and Oakland Drive.

The site plan was approved in February of this year and permits have been issued. The project is scheduled to have buildings completed in the spring of 2023. Sign Art Inc. is the company designing and building the signs for the project. Sign Art Inc. has worked with staff to understand what standards are proposed for the CN-1 District in the sign regulation amendments which are moving forward for review and approval later this year. The proposal for the freestanding sign along Oakland Drive would comply with the new sign regulations, but require a variance from the current standards.

Sign Art Inc. understands the changes to the sign regulations will be brought forward before the end of the year, however, they would like to seek relief now rather than wait. Sign Art Inc. is concerned about waiting because of possible material shortages or not having sufficient lead time to fabricate and install the sign for the new development.

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:

This project touches on the Strategic Vision goal of Complete Neighborhoods as this multi-tenant commercial building will provide new restaurant and retail spaces for neighborhood residents and the surrounding community. The Future Land Use Map identifies this property as part of a commercial node. The proposed project will fit with the walkable mixed use development encouraged within a commercial node. This also aligns with the Oakland /Winchell Neighborhood Plan adopted in 2020. One of the objectives for this commercial area at Parkview and Oakland Drive was to allow for more daily needs of residents to be met within the neighborhood.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

All property owners within 300 feet of the subject property have received notice of the public hearing and a copy has been sent to the Oakland Winchell Neighborhood Association.

Engagement/Communication Tools:

Gazette notice, letters, emails

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 special circumstances of this case are related to the sign regulations being amended. The proposed amendments have been reviewed by the City Attorney's Office and widely circulated for public feedback over the last couple of months. Staff will be bringing these forward for approval later this year.

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

The special circumstances are the result of an initiative by city staff to update the sign regulations to bring these regulations current with new legal standards for commercial and noncommercial signage.

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.

Applying the current provisions of the Ordinance would not deprive the applicant of rights commonly enjoyed by others. However, the developer is seeking to align the new freestanding sign with the proposed sign regulations the city is working toward adopting.

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 this variance is the minimum action which will allow for fabrication of a new freestanding sign along Oakland Drive which will comply with all the sign standards of the new sign regulations.

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

The granting of the variance will not adversely impact adjacent properties. The overall sign size is 28 square feet larger than what is allowed under the current sign regulations, which aligns with the 150 square feet allowed under the proposed sign regulations. The second dimensional variance involves a modest 3% increase in the size of the changeable copy portion of the sign, which again will be negligible once the new standards are adopted which will allow for 50% of the sign area to be changeable copy.

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

The granting of the variance will be inline with the proposed sign regulations amendments.

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 does not apply to the requested dimensional variances.

RECOMMENDATION:

Staff recommends approval of the two dimensional variances as they meet the above criteria and will align with the proposed sign ordinance amendments.



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

June 29, 2022

**RE: ZBA #22-07-24
3110 Oakland Drive
Parcel #06-29-474-110**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Sign Art Inc. on behalf Consumers Credit Union for 3110 Oakland Drive in the Commercial – Neighborhood District (CN-1).

The applicant is requesting:

1. A dimensional variance from Appendix A, Chapter 7, Section 7.3, to allow a 128 square foot freestanding sign along the Oakland Drive frontage where the maximum sign area permitted is 100 square feet.
2. A dimensional variance from Appendix A, Chapter 7, Section 7.2D, to allow a 28% changeable copy portion of the freestanding sign where 25% 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, July 14, 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: Steve VanderSloot - SignArt, Inc.		Mailing Address: 5757 East Cork Street
City: Kalamazoo	State: MI	ZIP Code: 49048
Phone: (269) 217-1771	Email: svandersloot@signartinc.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: Consumers Credit Union/Scott Sylvester		Mailing Address: 7200 Elm Valley Drive
City: Kalamazoo	State: MI	ZIP Code: 49009
Phone: (269) 345-7804	Email: scott@consumerscu.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 3010 Oakland Drive		
Parcel Identification Number(s): 06-29-474-110		Zone District (kalamazoo.org/maps): CN-1
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>7.3</u> , Section(s) <u>B-3</u>		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☐ Use Variance to allow _____		
☐ Temporary Use Approval		
Reason for Request: Requesting to install one (1) multi-tenant sign along Oakland Drive that exceeds 100 sq. ft. requested 128 sq.ft., of which 28%/36 sq. ft. is a LED readboard. Proposed sign is conforming to the soon to be adopted <u>sign ordinance</u> updates.		
ATTACHMENTS		
☒ \$ <u>300.00</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>Steve VanderSloot</i>		Date: 6.15.22
Signature of Owner (if different than applicant): <i>Scott Sylvester</i>		Date: 6.15.22



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

Consumers Credit Union requests approval to install a 128 sq. ft. free-standing sign with 36 sq. ft. electronic message display where the maximum allowed sign area is 100 sq. ft. with an electronic message display up to 25 sq. ft. The proposed signs are consistent with the soon to be adopted sign ordinance. Due to unexpected delays in the city approval process and ever-increasing supply chain issues, we are requesting this be approved to accommodate construction and occupancy schedules as well as aide in marketing for the commercial tenant portion of the development.

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?

None.

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?

None.

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

No.



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 sign will meet the criteria of the soon to be adopted sign ordinance.

Will the granting of the variance negatively affect adjacent land?

The proposed sign will meet the criteria of the soon to be adopted sign ordinance.

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

The proposed sign will meet the criteria of the soon to be adopted sign ordinance.

Additional Criteria for Variance Requests for Required Landscaping

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

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



Community Planning & Economic Development

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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?



June 15, 2022

SignArt Inc.
5757 E. Cork Street
Kalamazoo, MI 49048

269.381.3012
800.422.3030
FAX 269.381.0999

www.signartinc.com



City of Kalamazoo
Zoning Board of Appeals
245 N. Rose St. – Suite 100
Kalamazoo, MI 49007

Re: Consumers Credit Union – ³¹¹⁰~~3029~~ Oakland Drive

Dear Zoning Board of Appeals:

Please find enclosed completed Zoning Board of Appeals application, sign designs, and site information for the site referenced above.

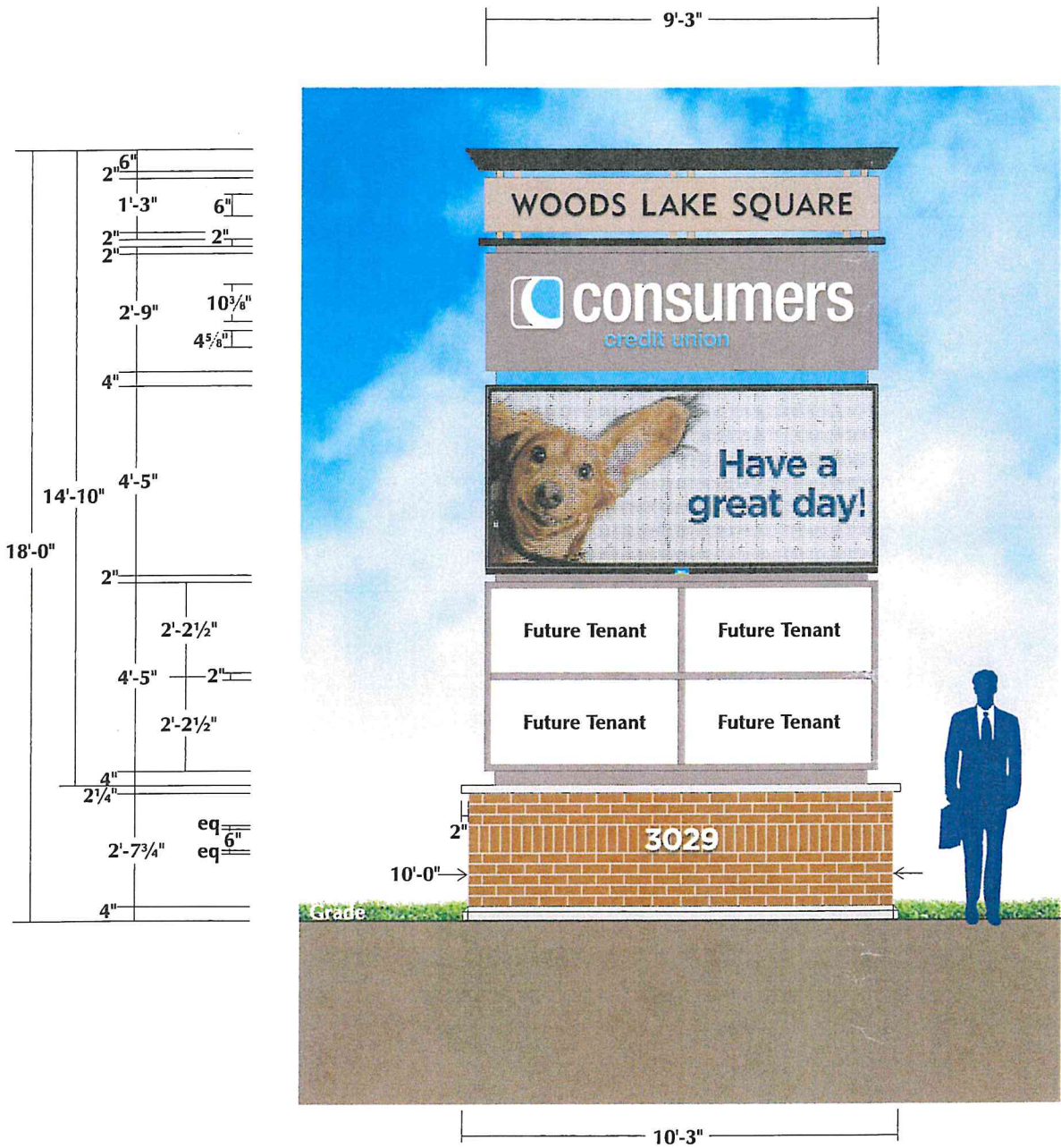
On behalf of Consumers Credit Union, SignArt, Inc. requests approval to install a 118.70 sq. ft. free-standing sign with 36 sq. ft. electronic message display where the maximum allowed sign area is 100 sq. ft. with an electronic message display up to 25 sq. ft. This is identified as sign #1 in the sign package provided.

As with the recently approved request for Hamilton Law, SignArt designed and proposed signs for the Woods Lake Square development consistent with the soon to be adopted revisions to the sign ordinance. Due to unexpected delays in the city approval process and ever-increasing supply chain issues, we are requesting this be approved to accommodate construction and occupancy schedules as well as aid in marketing for the commercial tenant portion of the development.

Feel free to contact me should you need any further information. Thank you for your consideration.

Best regards,

Steve VanderSloot
Sales Director
SignArt, Inc.

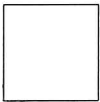


nt Sign

Scale: 1/4" = 1'-0"



Black



White



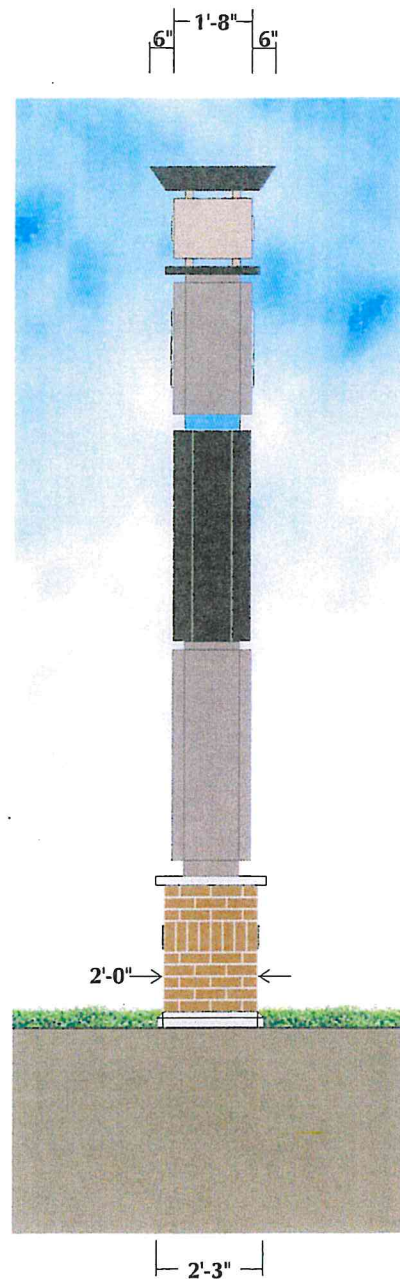
FDC #108
Light Baby Blue



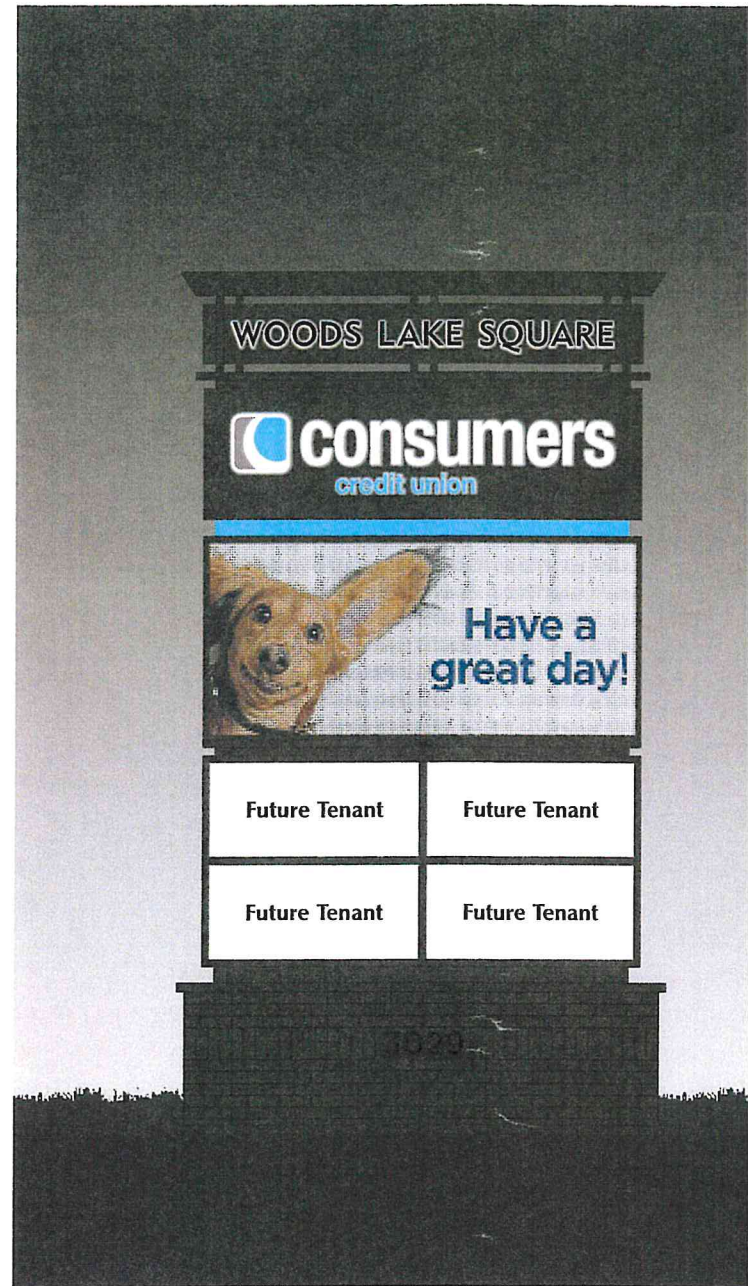
PMS Warm
Grey #9



To Match
Facade Flashing

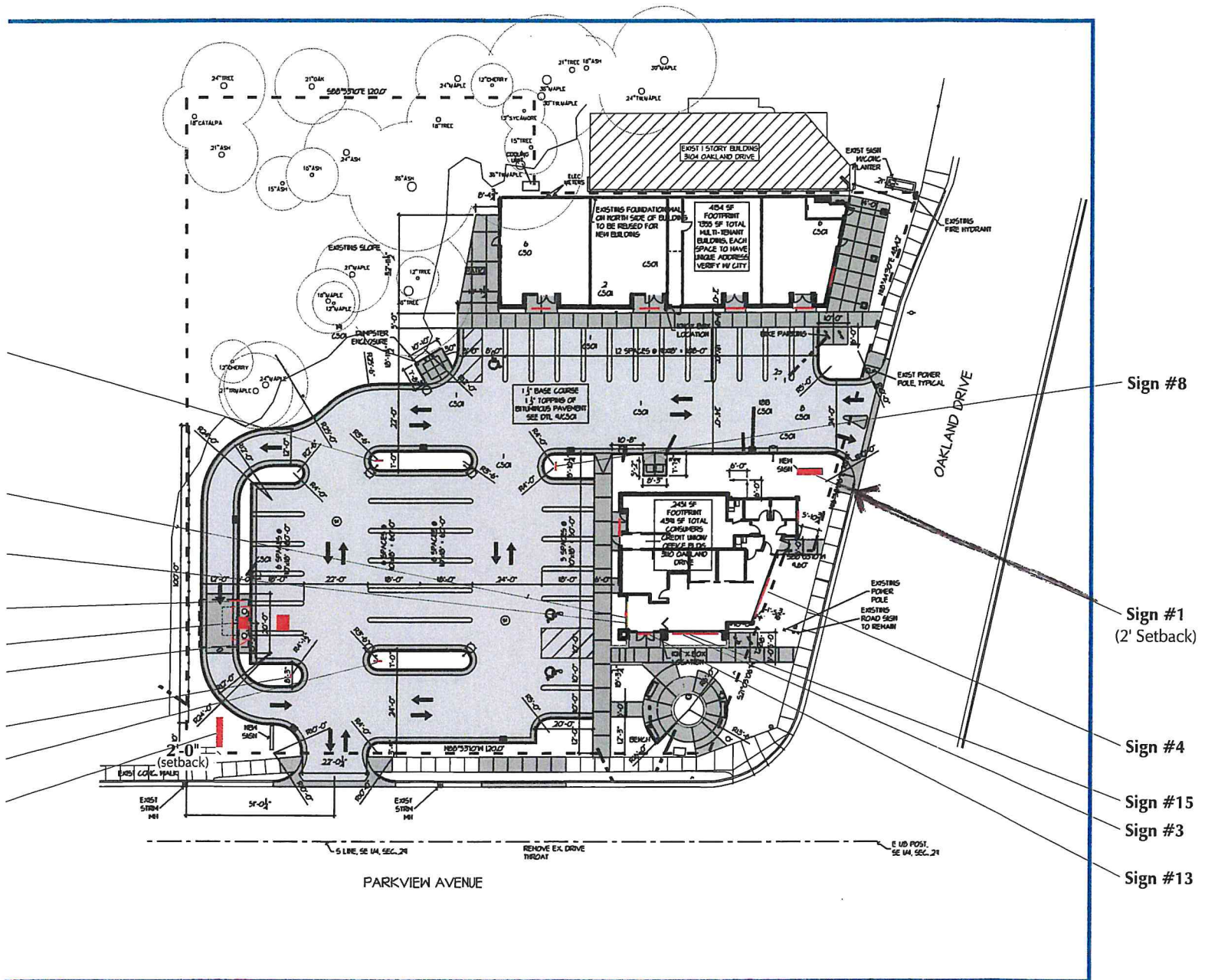


Sign #1 — Double Faced Illuminated Monument S



£1 — Day/Night Comparison

Scale: 1/4" =



Site Plan

Scale: 1" = 50'-0"





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Parcels within 300' Mailing Radius 3110 Oakland Dr

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



0 110 220 440 ft