

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, December 8, 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 October 20, 2022

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #22-10-33: 100 Monroe Street. Drakkar Hill of Westmain Hill, LLC is requesting a use variance from Chapter 4, Section 4.1, to authorize a small wine making operation on the residentially zoned premises which would utilize the existing carriage house and wine cave at Henderson Castle.

E. DISCUSSION/ACTION ITEMS

- 1.

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
October 20, 2022 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Jeff Carroll, Matt Lager, Remi Harrington, Beth van den Homberg, Jeremy Terpening, and Jerrid Burdue (Alternate)

Members Absent: Christina Doane

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

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

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

Chair Carroll asked if there were any announcements or changes to the agenda and Mr. Eldridge noted there are no applications for November's meeting so there will be no meeting in November.

APPROVAL OF MINUTES:

Mr. Lager moved to approve the minutes as submitted, seconded by Ms. van den Homberg. 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 three minutes. Following that those in opposition will be invited to speak for four minutes and afterward. The public can call in to 888-382-9556 to enter a queue to comment live for any property on the agenda and will no longer be able to leave a recorded message, 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.

Mr. Lager read the application for 3625 W. Michigan Avenue

ZBA#22-09-29: 3625 W. Michigan Avenue: An application for variances for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Great Lakes Capital LLC, for 3650 W. Michigan Avenue, which is situated in the Commercial-Community District (CC). The applicant is requesting variances from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to 1) authorize the development proposed to encroach into a protected slope (which has a grade greater than 20%) and protected slope setback. This will impact approximately 36,590 square feet (.8 acres) of slopes and slope setback area and 2) a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2G, to authorize the removal of 71.7% of woodlands (increase of 21.7%), where 50% is the maximum permitted.

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

Chair Carroll pointed out that this case was tabled from last month's agenda and wanted to verify if the case will follow the same procedures and Attorney Bear said the same procedure must be followed.

Mr. Greg Dilone, representing Great Lakes Capital LLC, said he was able to view the last meeting and would like to address the questions. He said they looked at the property over 12 months ago and was asked by the owner, after they saw another project they were working on, if they would like to help with the property. He said initially there were no natural features protection ordinances on the property at the time, but they came shortly after. He said the owners, for whatever reason, didn't acknowledge the letters from the city regarding the natural features ordinances and therefore never came to any of the meetings. He said they originally planned 220 units because of the current state of the housing market in Kalamazoo, but they came down to 164 units and are pushing forward with that. He gave some background about Great Lakes Capital, which is based out of South Bend, Indiana and has been around since 2007. He became a part of the team about 2 ½ years ago, leading a couple of projects in Kalamazoo County and recently completed one in Battle Creek, a 270,000 square foot industrial site off I-94. He is working on another site in Portage, a 240,000 square foot industrial site along East Milham as well as one in Pavillion Township that is a 1.2 million square foot industrial site. He added that he is familiar with this area and has worked for other companies in the area as well. He said he understands the needs of the area, one of which is housing. He said he understands the property has been blighted and the grass had been cut since the last meeting and even though it wasn't their responsibility, they took care of it. They have met with the current seller, Kalamazoo Realty, so that they can still realize some of the potential the property has to offer. He added that the last time he did a walk-through of the property there are individuals living in tents in the woods and he understands the property's been a nuisance to the police officers. He said that at the end of the day Great Lakes doesn't hold current ownership of the property and the current ownership may be utilizing this asset to become a small partner within the ownership structure. He said that there isn't another ten-acre parcel in that area so they looked at how to best use the space and decided it would most likely be residential and they are continuing to look into investing in Kalamazoo and build the property into something to be proud of.

Chair Carroll asked if the board had questions and Ms. van den Homberg said that since he wasn't at the last meeting there was some discussion as a follow-up to the staff report with regard to a condition of the future site plan to include using native seed mix grasses and trees planted along the south slope and also planting quality, hardwood deciduous trees and wanting to stay away from Weeping Willows and Crab trees and Mr. Dilone said he doesn't think they use those types of trees on any of their projects. He added that he is also a nature lover, and he has mixed feelings about removing some of the natural features. He said it would be brought up to what it is today and, of course, it would take some time to grow. Ms. van den Homberg asked if the intent was to replant maples, oaks, and the beeches and he said yes.

Chair Carroll asked about the demographic they will be trying to house, and Mr. Dilone said his guess is professional to students, which is their target market. Chair Carroll asked if he had data regarding the number of student housing units now and Mr. Dilone said not off hand, but it could be student housing, but they are looking to price them at market rate and maybe a blend to hit some lower market but 50% will most likely be studios for this site. He said according to his data, in that area around Western, there are no studios, and they want to fill that gap. Chair Carroll said the property next door, Kenbrooke Court, has 40 studios.

Ms. Harrington asked what happened that changed their plans from 220 to 164 units and Mr. Dilone said prior to the natural features ordinances they utilized all ten acres. He pointed out a round drive on the southside and said it was closer to the rail, nearer to the easement on the south side of the property and they had to draw that in quite a bit. They also had to rework the site plan to accommodate a single retention area because of the sloping that occurs from the north to the south side. Ms. Harrington asked if they stayed within the 21.7% and didn't go beyond the 50% that's allowed, how many units would they be able to build. Mr. Dilone said 120 to 130 but he doesn't have those numbers with him, he then stated that isn't an option for them and all of their projects have at least 150 units. Chair Carroll then said so they wouldn't close on the property and Mr. Dilone said that is correct.

Chair Carroll asked if there were any other questions and Mr. Dilone wanted to know if they wanted to know more about Great Lakes Capital and he mentioned some other projects in other areas they are currently working on. Ms. Harrington asked if he thought that mentioning other projects is an indicator of their future performance and Mr. Dilone said yes. Ms. Harrington then asked him what he wanted the board to know. He said he wanted to show one slide that had pictures of four projects they are working on and Ms. Harrington asked him if he thought that would be compelling to them and he said no because he felt that the current projects they are working on in the area at the moment are enough for them to stand on.

Mr. Eldridge said he would like to introduce Jamie McCarthy, the staff liaison for the natural features protection board.

Ms. McCarthy stated this application first came before the NFP board in August and received favorable recommendations, with conditions, with granting that variance. She wanted to talk about how that board arrived at the decision and some of the questions they asked. They looked at the site and asked some of the same questions the Zoning Board asked, such as alternatives and specifically the number of floors in every building and what the cost implications would be for building up instead of out and were satisfied that the additional costs were significant and that three floors would maximize what would be done there. They also discussed the stormwater basin and alternatives like could it be smaller or could it be changed in any way and city engineering

staff gave feedback on how the current one preferred design and that any stormwater flow down that slope is causing erosion and a lot of issues to some wetlands that are there. She added that there was a comment about how the slope regrading and wetland removal was proposed was preferential because the board had a strong feeling that the older, most protected species or probably anything that's rare and interesting is most likely located near the railroad spur so that area is the most protected. She spoke about the question of what would be planted as replacement vegetation and said the board also determined that that would be added to the next phase of the project so they will also see this project, once again, in site plan and the board felt that at that time they would give more input on replanted species. They asked that they all be native and climate resilient and asked that any invasive species, even trees, be removed. She said, in reference to what Ms. Harrington said about the 71%, the last comment the NFP board had was they felt this was a significant, but necessary variance but they would not endorse any future requests that might ask for more disturbance or more changing of the slope. Chair Carroll asked if she felt the NFP board would support a condition regarding the native and resilient plantings in the motion were the Zoning board to pass the variance and Ms. McCarthy answered yes, she felt that would appropriate condition. She added that the board also talked about more environmentally friendly construction packages and materials they wanted to see used.

Ms. Harrington asked if the NFP board is swayed by the developers when they speak about the need for housing and how would that play into their decision. Ms. McCarthy said they do look at if something is the right use in the zoned district, and what the density is and they stick to the criteria of the NFP ordinance, but for this particular project, how well did it align with the city's vision and if they were to give a little on something, does this align well and the NFP board felt that the housing crisis and the need for additional units was important and that may have influenced some of the board members' decision but it was a comment that was made. Ms. Harrington asked if professionals are in need of housing or are the houseless in need of housing and Ms. McCarthy said she would say the crisis covers everyone. Ms. Harrington asked if that is what was taken into consideration when the allowance was made for this particular development and all of the different developments. Ms. McCarthy said she doesn't want to speak for individual board members, she just knows that was a comment that was made at the beginning, that a development that is meeting a need or a vision for the city, which is more housing, is a positive thing. Ms. Harrington asked if she thinks that is why they were willing to negotiate that particular ordinance and Ms. McCarthy said that is the impression she got, but they didn't say that directly.

Chair Carroll addressed Mr. Eldridge regarding the housing crisis and said he knows that the homeless need housing but does the city have anything on number of residents and number of housing units. He said he did a Google search six months ago and found that the United States had more housing units than individuals, so he said that always stuck in his mind, but that Ms. Harrington has a good point. He wondered if all the professionals are sharing housing in Kalamazoo with other professionals or are they living in hotels. He asked if the city has a definition of housing crisis? Mr. Eldridge said he knows the city has plenty of data but he doesn't have that information with him. He added that when a request is made, the natural features are the first thing looked at, not what the developer is putting on the property, he then cited a few other NFP variances that were requested in the area. He added that he didn't want to go too far off track, since the subject at hand is the natural features on this particular property but if anyone wanted statistics regarding housing, they can contact the Community Planning and Economic Development department. Ms. Harrington said even though she appreciated what Mr. Eldridge said, based on what she's heard she can make her decision right now however, she wants to understand how the NFP board can make a recommendation that goes beyond what is allowable, even though she

understands that the board according to the ordinance has to create a preserved and harmonious balance of green space in an ecosystem that includes us, with development, she is trying to figure out how and why anyone should be willing to negotiate that. She explained she wants to understand their reasoning so she can make a sound decision.

Mr. Eldridge reintroduced Ms. McCarthy and she revisited what Mr. Eldridge said about land use. She said that when making their decision, the NFP board isn't really concerned with what the end use will be, but that the applicant has explored alternatives and is asking for the minimal amount of relief possible, which is how they went from 220+ units and added that they also had a substantial number of parking spaces and staff felt it was too going to be much, and felt that they didn't take natural features into account at all. She added that the design team came back with something that was economically feasible for them, in addition they reduced the parking and showed they were trying to get to the 50% and weren't able to so they were stuck at 30%. She said the board also looks at whether or not the plan preserves some of the higher quality features of the site and with this site and they felt that with what they proposed to keep fit the criteria. Another thing they look at is if there is a way to bring back a nature balance with the development and asked that they replant some native and climate friendly plants. Those are the three criteria the NFP board bases their decisions on. Chair Carroll asked about her statement regarding the economic feasibility of the plan and asked if the city came up with the economic feasibility or if the developer did and Ms. McCarthy state the developer did. Chair Carroll then asked if they presented data to the city and Ms. McCarthy stated that there was no hard data, but they took them at their word.

Chair Carroll asked if there was anyone who wanted to speak in favor of the applicant and there was one person. Mr. Jerid Lutz of 1800 E. Water Street in Kalamazoo. He is the Director of Business at Southwest Michigan First and helps businesses that are considering the move to the area. He said one of the discussions he's had, lately, has to do with housing, especially when fielding projects that are looking to create 200-300 jobs, the concern is how will they house their employees. He said that he wanted to share some data he got from the South-Central Michigan Planning Commission and the Upjohn Institute commissioned a mixed housing study for Kalamazoo County and said of the 22 census tracks in Kalamazoo County, which is just under 1,000, housing units have declined over the last decade, with the largest drops being in the city of Kalamazoo. He added that one of those census tracks is the WMU census track, which is being discussed. He stated the largest decline being on the northside, at 27%. He said one of the results is that we need about 866 units per year to keep up with the demand we're seeing in our county and in 2021 only 419 permits were for housing, but the proposed 164 units would represent 37% of the remaining balance needed. He told Chair Carroll that he is correct, there are more houses than people but in Kalamazoo County from 2010 to 2020 the number of housing units per person has declined because in the 1960's there was 3.7 people per household and now there is 2.6, which means there's less people per household which is spurring the demand. He said he has worked with Great Lakes Capital and they have always been good stewards of the land they manage. Chair Carroll thanked him for the data and said he appreciated knowing why there is an issue and asked Mr. Lutz if he knew what the housing industry says or thinks about demographics, considering the Baby Boomers were large in number, Chair Carroll's generation is smaller, and the Millennials are larger than the Boomers, but the numbers get smaller after that, he also added that numbers in population are getting smaller in other countries and are projected to do the same here. His question is that in 10-20 years, in regard to housing, we will have the opposite problem and in turn, will have blighted properties. Mr. Lutz said a lot of the housing we currently have was created in the 50's and 60's, and that is why we have a lot of blighted stock. He added that we overbuilt in the

50's and 60's, and while the population growth has slowed, it has grown and we're now playing catch up. He also addressed demographics and stated that when there is a housing crunch, those who can afford higher prices will sometimes settle for lower priced houses, which in turn pushes lower income folks out of the housing market.

He asked if anyone wanted to speak against the applicant and there was an opposing response from Iris Potter of 1204 Manor. She was there for another issue but wanted to thank Ms. Harrington for speaking about the housing issue. She was in opposition and wanted to know why we have a natural features protection board or act if we're going to keep giving variances. She stated in 2019 the city established a climate emergency and asked if it's really being looked at. She stated that trees are being cut down at an alarming rate in Kalamazoo and she understands they can be replaced with native plants but in the meantime, there is a loss and that we need them for the environment because they take in carbon dioxide. She added that this housing is really for a developer who is not from Kalamazoo but are in Chicago and wants to know what we're getting out of this and if the developer is getting a tax break. She's in opposition because it is over 20% of what is allowed in the Natural Features Protection Act and added that we all know there are more coming. Rex Bruggeman of 806 Allendale is also in opposition. He said he didn't look at the Natural Features ordinances, but he did look at use and dimensional variances and his understanding is that the applicant must make a showing of each one and added if they aren't able to do that, the variance shouldn't be granted. He asked that the board not worry about the site plan review or the Natural Features board because that's outside of this board's framework. He said while he wasn't at the other meeting, he doesn't feel the applicant has met his burden. He said that in his opinion, no matter what is built, there will never be enough housing to house the houseless. Catherine Dobbs of 3651 Kenbrooke Court, whose response was read at the last meeting, said she felt there is a conflict and wants to support the city's natural features ordinance.

Chair Carroll asked if there were any call ins and there were none.

Chair Carroll asked if there were any staff comments and Mr. Eldridge stated that for anyone not present at the last meeting or not present at the NFP board meeting, there are detailed diagrams available identifying the extent of the proposed area. He added that there was a lot of talk about housing, and this is a Natural Features Protection variance about balancing the natural features on the site, yet still allowing development and this site has some complexities to it, including the southern slope that goes toward West Michigan Avenue and downward toward the railroad tracks. He also mentioned the fire safety requirements that added a wraparound drive that the developer wasn't initially going to do, but the fire marshal required. He said that it was a combination of things that led the applicant to seek the variances and this is the second step in the process, going to the Natural Features Board, which has the "experts" and they recommended it, with the condition that the future site plan includes native seed mix, grasses and trees be planted on the south slope of the new water retention basin, in addition to the second condition, from the Zoning Board that the plantings also be climate appropriate. Ms. van den Homberg reiterated what Mr. Eldridge said for clarity and added that she wanted to add something about the quality of the deciduous trees and Chair Carroll said she could include that when the motion is made. Mr. Burdue asked about the criteria to make conditions on motions and asked how the city follows through on conditions being met and Mr. Eldridge stated that conditions are something city staff follows up to make sure the conditions in the approval letter are being met and gives the developer the opportunity to follow through and if the developer doesn't, the application is brought back to the Zoning Board to reconsider. He added that any site plan in an NFP overlay area has an additional step and is looked at for NFP criteria and that is when conditions placed by the NFP Board and, in

this case, the Zoning Board of Appeals; city staff will make sure those conditions are met according to the site plan. After construction is completed the city follows up via inspections. Ms. Harrington asked if these were just items, they would have to say they would put on the site plan or would they have to put the items on the site plan and Mr. Eldridge said they would have to be clearly identified on the site plan otherwise the site plan wouldn't be approved and added that without an approved site plan no permits can be issued. Attorney Bear added that in the Natural Features there is a table listing for acceptable replacement trees and a table listing inappropriate trees and that is what the Natural Features Board will be required to look at.

Chair Carroll closed the public hearing.

FINDING OF FACT

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

- 1.) The Finding of Fact for 3625 W. Michigan Avenue shall include all information included in the notice of public hearing dated October 5, 2022 in the agenda packet staff provided for this request.
- 2.) 206 notices of public hearing were sent, and one opposing response was received from Catherine Dobbs of 3651 Kenbrooke Court. She felt there is a conflict and wants to support the city's natural features ordinance.
- 3.) A public hearing was held before the board and public comments were accepted from Jerid Lutz who was for the variances Iris Potter and Rex Brueggeman who were both against the variances.
- 4.) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

Mr. Greg Dilone, representing Great Lakes Capital and residing at 105 Lincolnshire in Mount Clemens Michigan, 48043 mentioned that there were no natural features protections in place when the property was initially looked at. They have worked in good faith with the city and the Natural Features Protection Board and scaled down from the original 220 units to 164 units. Great Lakes Capital also took the initiative to move on the good faith gesture recommended by the board at the last meeting, even though it fell outside of their responsibility. There was additional conversation about the quality of the trees. The complex's target demographic is entry level career professionals, graduate students, and 50% of the units will be studio apartments, which will be charged at market rate. There was also talk about feasibility and could they go even further below the 164 units planned and Mr. Dilone said that wasn't economically feasible. Ms. Jamie McCarthy spoke on behalf of the city's Natural Features Protection Board and mentioned the stormwater basin, which is aged and is eroding and the new basin will address that issue. Phase two of the site plan review will clarify the plantings and the Natural Features Protection Board will follow up, it was also mentioned that should this come before the Zoning Board of Appeals again that there would be no further land reduction. Ms. McCarthy agreed that

it would be appropriate for the Zoning Board of Appeals to add a condition regarding the trees should the variances be approved. Mr. Eldridge added that the focus needs to remain on the natural features of the property and not housing. There was additional talk about the land use focusing on the least amount of modification and 30% of the woodlands be removed instead of 50%. Jerid Lutz of 180 East Water Street in Kalamazoo and with Southwest Michigan First, spoke in favor of the applicant and mentioned that we need quality, suitable housing for the talent and the jobs that will be created in the area. Iris Potter of 1204 Manor, in Kalamazoo, opposed the variances asking why we have natural features protections if we're going to continue to approve variances and is concerned with Kalamazoo becoming a tree desert and wanted to know if the housing is really for the developer or the city of Kalamazoo. Rex Brueggemann of 806 Allendale, in the Arcadia neighborhood of Kalamazoo and across the street from the site, also spoke in opposition. He asked the board to strongly consider whether the applicant is making a strong showing on each of the variances and if the criteria isn't met, the variances shouldn't be passed. Staff comments that the applicant has been working with the fire marshal to provide a wraparound drive, which there isn't one currently there, for safety and if Great Lakes Capital acquires the property, they will install one and added city staff will continue to work closely with Great Lakes Capital to make sure the conditions of the site plan and the variances are met.

Ms. Harrington seconded the Finding of Fact.

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

Mr. Lager read the motion to approve the application and separated it into two votes.

Mr. Lager moved to approve the application for a dimensional variance from the Natural Features Protection ordinance, Chapter 50, Section 50-6.2 H, to authorize the proposed development to encroach into a protected slope (which has a grade greater than 20%) and protected slope setback, which will impact approximately 36,590 square feet, or .08 acres of slopes and slope setback area, seconded by Mr. Burdue.

Discussion:

Chair Carroll agreed that they need to stay on task but added that the number of housing units that precipitates the need for the variance, so housing becomes germane to the discussion, and he asked that Mr. Brueggeman apply for the open position on the board. He added that there is a standard that is never met, and that is "The granting of the variance is the minimum action that will make possible carrying out the ordinance." He stated that the minimum action necessary is the building that is already there, a different building, or a lower number of units, so it does not meet the variance and doesn't meet the first criteria which is not the minimum action necessary to use the property for its intended zoned purpose, so he will oppose granting the variance.

Ms. Harrington agreed and said she doesn't like the language about making an investment in our community when there's a clear and delicate balance in the ecosystem or the perception of the housing crisis and the urgency attached to that when this is really about developers serving their own interests. She believes there is a way to develop properties and be responsible at the same time.

Mr. Burdue said the NFP recommendations carry a lot of weight with him because they are the experts on environmental protection in Kalamazoo and he feels they are doing a good job because it's preventing additional forested areas from being cut down, reducing the footprint. He will be in favor.

Mr. Eldridge wanted to clarify that there is separate review criteria for the natural features protection variance: criteria for use variance, criteria for dimensional variance, and criteria for natural features. The first criteria is the parcel cannot be reasonably utilized for its zoned use without the requested relief, the second is the extent of the relief requested is the minimum needed to permit reasonable utilization of the site, the third one is it is demonstrated that the relief can be granted without the substantial detriment to the public good, and will not substantially impair the intent and purpose of the NFP Overlay District, the fourth one is the requested relief is balanced by the use of conservation and/or green development tools or actions such as utilization of stormwater best management practices Michigan low impact manual to promote infiltration and restoration or expansion of natural features on the site or use of wild-type native plantings or desired trees as detailed in table 6.25.

Chair Carroll requested the board get those criteria in a working packet and wanted to confirm that he doesn't believe the request meets the first two criteria.

Ms. Harrington said it was number three for her and asked Mr. Eldridge to read it again.

Mr. Lager said he will be in favor but would like to discuss the minimum need criteria and believes is met and gives deference to the NFP Board and added that when the parcel was put under purchase agreement, the natural features ordinances weren't in place and after the purchase agreement was executed, the NFP ordinances came into place and the applicant talked to the NFP Board and negotiated with them to reduce the number of units and to reduce the amount of slope encroachment, he believes they meet the minimum amount of relief necessary.

Ms. Harrington added she would feel better if they had smaller spaces and charged more money than them taking out more green space.

Motion was approved by a four-to-two roll call vote with Mr. Terpening, Mr. Burdue, Mr. Lager, and Ms. van den Homberg voting yes and Chair Carroll and Ms. Harrington voting no.

Mr. Lager moved to approve the second part of the application, a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 G, to authorize the removal of the 71.7% of woodland, an increase of 21.7%, where 50% is the maximum permitted, seconded by Mr. Burdue.

Discussion: there was none

Chair Carroll asked if there were additional comments from the board and there were none. Mr. Eldridge reminded them of the condition.

Mr. Lager amended his motion to add the recommendation that the NFP replacement trees are native, hardwood deciduous trees and Mr. Burdue seconded the amended motion.

Mr. Terpening wanted to make note of the infilling of the trees after the fact and because there will be some replacement of the loss, he will be in favor.

Motion approved by a four-to-two roll call vote with Mr. Lager, Mr. Burdue, Mr. Terpening, and Ms. van den Hombergh voting yes and Chair Carroll and Ms. Harrington voting no.

Mr. Lager read the application for 301 Nazareth Road

ZBA#22-10-32: 301 Nazareth Road: An application for a use variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Kalamazoo Department of Public Safety, for 301 Nazareth Road, which is situated in the Manufacturing-Limited District (M1) . The applicant is requesting a use variance from Chapter 4, Section 4.1 to authorize an explosives training facility and explosives disposal range at this site.

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

Lieutenant David Moran, of the Kalamazoo Department of Public Safety, represented the department for the variance. They are proposing to move the facility from across the street on Nazareth Road to this address, also located on Nazareth Road. He has been with the department for 17 years and has a number of licenses and certifications, all dealing with explosives, from various agencies including the FBI and ATF. He gave the definition of an explosives range, adding that there are only six technicians, and the range is for training, with a large focus on taking a hazardous device and rendering it safe and to do that they use explosives, and other tools, that help to render a device safely and they also use the range for overall training and said anything that would be used in the field must be used in training. He said there are two different types of ranges: one is expedient range, which is a pre-designated area to render safe any hazardous device and a permanent range, which is what he's proposing and is dedicated specifically to dispose of hazardous devices. He said this is more beneficial because one of the reason bomb squad technicians get hurt is because of disposals and it's important they have a range where they can have safe disposals. He said the current range has a few shortfalls: it's too small, too close to the roadway and an active gravel pit, the range materials aren't ideal, and it's on an active training ground, which is very busy and is used for new recruits and presents safety concerns. He provided a checklist from the ATF, that establishes how to provide a permanent range. He said the area at 301 Nazareth is ideal because it provides a natural landscape, its proximity to the training facility, it has controlled access points and has fencing around it that can be controlled or repaired and there is only one point of access off of Nazareth Road that can only be accessed by key card. He said they can also set up what kind of materials they would need for the new range. He said the new range would be three to four times further away from the roadway than the current training facility and approximately 700 feet from the nearest occupied structure and with this information they were able to establish a range limit and calculated a set range limit and they want to go below that to create an additional safety margin. He added that in addition to the controlled entrance they will also add signs because public services still need to access that area. He said that the proposal has been viewed by Public Service, Community Planning and Economic Development, and Environmental Services and they also had a comprehensive review of the wells and found that

there was low environmental risk if the range was put in the area. He concluded that the range would greatly enhance safety, increase training capabilities, and reduce noise disruption to the public.

Mr. Lager asked about the disposal of explosives. He asked Lt. Moran to give him an idea of what the limit is that he wouldn't detonate. He referred to when Lt. Moran said five pounds of explosives and said he doesn't know what that means and asked what anyone in the structure that is 700 feet away would experience and Lt. Moran said the minimum safe distance is protection from overpressure and psi and you're safe within that range. He explained the site is unique because it's elevated over any occupied structures so will experience a decreased amount of noise because the sound is traveling out and over them so they will still hear things but not like they would if that area was flat. He explained that the natural features of the area, such as trees and vegetation, would absorb some of the noise and pressure wave and limited vibration. Mr. Lager wanted to have a sense of how loud that would be and asked if it would be like a loud stereo and Lt. Moran said it's hard to describe but it's not like the bass that shakes the house, but there will be an echo of the blast so he feels it would be less like the bass of a car stereo and said that is at the range limit but most of the charges they use are at $\frac{1}{2}$ of a pound and it's not having the option but they won't use that level of explosives that often because of cost, unless it's training oriented. He added that they try to stay between $\frac{1}{2}$ of a pound to a pound and a half. Mr. Lager asked how far away the site is they're using now and asked if it would increase or decrease the amount of noise and Lt. Moran said he believes it would decrease the noise because the site sits in a "bowl" and because of all of the vegetation. He pointed out pictures on the monitor and said it's hard to see because you can't see the houses to the north the focus should be on the flat land versus hilled land with all of the vegetation. The site across the street is within site of some of the occupied structures so they experience more noise disruption than they would at the new site.

Chair Carroll asked if the new range would have higher charge levels and Lt. Moran said yes, the current range has a level of one pound, which is ok, but it would be nice to have the ability to do more should they need it, but it's going from one pound to five pounds, but they mainly use charges of one- and one-half pounds. Chair Carroll asked if the neighbors would hear less if they did up to five pounds and Lt. Moran said he believes so, compared to what they do across the street, but they can't do more than what they do across the street because of the range limit. Chair Carroll asked if they would do more detonations per year at the new range and Lt. Moran said he doesn't think so because they train once a month and they don't do them during the winter. He said the loudest tool they have is called a cannon and sounds like a shot gun blast.

Mr. Eldridge said that from reading the information and talking to Lt. Moran, that if there was a device five pounds or less they needed to render safe, they would use this site to do so and for training purposes, they use devices in the one to one and one half pound range. Lt. Moran added they use counter charges to disrupt a device however, if the device they're trying to disrupt is significant and they need more counter charges to disrupt it, the current location isn't sufficient.

Chair Carroll wanted clarification about what Lt. Moran meant when he said "in the field..." He asked if they off the range and use detonations in the community and do they knock down doors. Lt. Moran asked if he was referring to the purposes of rendering something safe, Chair Carroll said he was trying to get a sense of what "in the field..." means. Is in the field the range field and Lt. Moran said yes and gave an example of the team picking up a hand grenade in Vicksburg, but the people owned ten acres and they were able to with their consent, discharge the grenade there at their house however, if the grenade was found in the city of Kalamazoo, they would need to take

it to the range to detonate it safely. Chair Carroll made reference to pictures of door frames and asked if the officers were being trained there and in the field range and Lt. Moran replied yes. Chair Carroll asked how many bombs are found per year and Lt. Moran said last year they found eight. He pointed out most can be detonated where they are but they had to transport two last year.

Mr. Burdue asked where the next closest range was that would be able to handle a five-pound explosive and Lt. Moran responded that with the permission of the military, maybe Fort Custer, but there is a lot of paperwork involved, but added maybe Lansing. Chair Carroll asked what about Grand Rapids and Lt. Moran stated he wasn't sure if Grand Rapids has a permitted range, but he knows that the Michigan State Police does.

Ms. Harrington first thanked Lt. Moran but said she wants to oppose this, but she also recognizes it's to keep our community safe. She asked if the current place is near the proposed space and Lt. Moran said he would say yes because the current space houses the classrooms and the restrooms. Ms. Harrington then asked how he would feel living 600 feet from this facility and Lt. Moran replied that being in that field, he would develop a relationship with the squad to see if he could one day push the button but wanted to reiterate their training schedule is either 7-4 or 7-5 on Wednesdays, during normal business hours. Ms. Harrington replied that all these activities are also happening near someone's home and that it's stressful and asked if there is someplace else and Lt. Moran replied that they have looked at several different locations and because of the layout of this site, he feels it's ideal because the natural features give them the best way to attack any noise disruption. Ms. Harrington also brought up the issue of human error and added that she drove by the site and noted that there is a neighborhood there and she saw people walking around their neighborhood near the proposed detonation site, but she added that she still sees the value in it because it's needed.

Mr. Terpening asked if there are plans to fence the area off so people can't just walk into the area and Lt. Moran said that as bomb technicians, they take safety very, very seriously and there are several procedures to make sure they don't have accidental initiation of a commercial charge and that includes flying a drone to patrol the range to make sure no one or nothing pops out of the woods and ends up on the range. He said every time they're on the range there is a designated range officer and a designated explosives officer there. He said that, again, this area is fenced off it only has one access point and he feels the can better control people coming into it versus people walking down Nazareth Road. He said they also stand up on the fence to make sure no one is walking down Nazareth before they do anything. Mr. Terpening asked if any other municipalities would use the site or is the strictly for the city of Kalamazoo and Kalamazoo Township and Lt. Moran replied no, they are the only bomb squad in Kalamazoo and the next response would be either Grand Rapids or Battle Creek and that Kalamazoo has one of eight bomb squads in the state. He added that this site is strictly for Kalamazoo, but they have joint trainings with the FBI and ATF. H also said this would give them the opportunity to network and have a better relationship with their federal partners. Mr. Terpening asked if there was something that needed to be remediated would it be brought to this site or taken elsewhere, and Lt. Moran answered they try to work with local municipalities, and property owners, to detonate either on the property or someplace close but safe because explosive devices can't be transported on the highway.

Mr. Lager stated there is a letter of opposition from someone that lives close to that area that stated that the area has. He wanted to know if there was any risk to groundwater and Lt. Moran said there is a report and they proposed to do the range further to the north, but that was in a well protection

area and the proposed site isn't within that area and Jean Talanda did an environmental review and didn't find any risk to the ground water.

Mr. Burdue asked if they provide any notification to nearby residents, so they have an opportunity to leave the area if a device is found and Lt. Moran said he would like that option but sometimes they have to act quickly and added that he would be more than happy to have a conversation with the neighbors in the area and provide them with a schedule of when they would be training. He also said they notify the dispatch center so that if they get calls about an explosion, they know who it is and if there are any complaints to call him but in his 10 years, he hasn't had any complaints fielded to him.

Ms. van den Homberg asked Lt. Moran to clarify about the old site having a one-pound limit and the new site will have a five-pound limit, but the charge limit is one to one- and one-half pounds, but she said her take away was regarding the sound at the new facility being lessened and asked Lt. Moran to speak to that again and Lt. Moran said when an explosion occurs there's a pressure wave, similar to a mushroom cloud he pointed out. He said if the explosion occurs in a field that has no vegetation the sound will travel further than it would with something that is in a "bowl" with natural landscape and trees to divert that sound.

Ms. Harrington asked what he means by a five-pound explosive and Lt. Moran said a lot of what they use are commercial explosives for mining and other uses. When he says a five-pound limit it is a commercially manufactured explosive. Ms. Harrington asked if the explosives were illegal to the average consumer and Lt. Moran said yes. Ms. Harrington asked if they could establish a unit that is more proactive in locating where those are being sourced from instead of what they are proposing and Lt. Moran replied they have partnered with neighboring agencies to raise awareness about some of the items that are used to manufacture homemade explosives, which are illegal, and the goal for next year is to roll out a bomb making and prevention program that reaches out to hardware stores and big box stores to let them know that they do carry items used to make explosives and to be aware that they can call law enforcement to let them know. Ms. Harrington asked why not do that first instead of creating risk to the adjacent neighborhood for something that is illegal and wants to know why create another facility for this issue and Lt. Moran replied that nationally, more explosive devices are being seen and it's his responsibility to make sure they can train accordingly and using this range was part of that plan so they can work in some of the awareness using that range, which in his opinion, is far safer to the residents in the area.

Ms. van den Homberg asked how many officers are in the monthly trainings and Lt. Moran answered six but currently there are five. Sometimes the FBI and ATF partner with them, as well as WMU's canine unit but at any one time, less than 10. She said to staff that her concern is that if the variance is approved, this is going to go over grade and other areas are going to want to come here to practice and she wants a condition placed that if this passes, only KDPS will be allowed to use the site on Wednesday for no more than 10 people from 7-5. Mr. Eldridge replied that as Lt. Moran said, we are the bomb squad in the area so to not allow Portage public safety or one of the other municipalities to not attend trainings is something he can't support. Lt. Moran added that he wouldn't be able to support it either because the goal is to keep the public safe and in order for that to happen, they have to train frequently, and that restriction would go against the goal of providing the best bomb techs that they can. Ms. van den Homberg said she's not comfortable passing this without some conditions and what if they said no more than 15 and limited it to that one Wednesday per month so that they limit the number of officers coming from other areas. Chair Carroll asked if he could address the question. He explained that maybe she should address the

frequency of the detonations instead of the number of participants because to him, it seems as if this is a gateway, and he has to wonder why Grand Rapids doesn't have a permanent range and little Kalamazoo would. He said the concern is we would start here but eventually the doors would open up. Lt. Moran said he understood the concerns but they have to consider situations like what happened at Uvalde, where a recap on training is necessary and they have to be somewhat flexible on the training schedule because he can't guarantee or say what is going to happen but he would be more than happy, as stated earlier, to reach out to the neighbors if he had contact information, and would provide them with a schedule if they have an impromptu training he would let them know and they would also be able to voice their concerns to him directly and he can cater the training to address those concerns.

Ms. Harrington said she feels like everyone is processing their discomfort out loud and she doesn't feel comfortable but appreciates public safety and all that they do, and she realizes this is important but wants to brainstorm in a different way. Mr. Eldridge asked if he could jump in and advised Ms. Harrington that there was mention of an ATF manual that talks about calculations of blast waves and sizes of explosives. He said the range is approximately a 56-acre site, completely fenced in and that the location is all set up based on the ATF manual of safely neutralizing explosives, and the calculations of being 600 feet away from occupied structures comes from that. He added that the five pounds is less than what would be allowable for a 600-foot distance so there isn't a risk to surrounding property owners. Lt. Moran added that the K-factor Mr. Eldridge spoke of says that distance or weight limit guarantees there won't be any internal injuries or will fall outside of the frag range, which the K-factor is used to figure out. Ms. Harrington clarified that an explosive of that size can only affect people within a certain range, and that's why he feels comfortable being next door to people's houses in this facility and Lt. Moran agreed. He added that the initial range distance calculated from the center of the range to the nearest occupied structure was 6.12 pounds and for an additional safety margin, they will set the weight at five pounds.

Chair Carroll advised that maybe they can get more clarity from those speaking in favor.

Chair Carroll asked that those in favor of the variance please step forward and there were none.

Chair Carroll asked that those opposed to the variance please step forward and Ms. Merry Ridings spoke as one of the residents that lives within 300 feet. She said Lt. Moran spoke about the amount of pounds and she looked it up on her cell phone. She said two pounds will blow up a 30-inch stump. She added that she was on News 3 talking about this and bombs were going off while she was being interviewed, one of the one-pound bombs. The reporter asked her what was that and she told her they were shooting off bombs and added that her dog was inside her house going crazy. She said her father-in-law bought the land in 1940 and they moved in there in 1980 in a single wide trailer, which they now have a modular home there. In 1981 her daughter was born and a bomb went off, shaking the trailer so badly pictures fell off of the wall, a lamp fell over and her daughter woke up screaming. She grabbed her and ran out of the house, next door to her father in law's house to see what was going on and he didn't know. She called the City of Kalamazoo and they admitted to setting off a bomb. She said there is a lot of wildlife in the area and sending off a drone to find everything when animals hide won't do any good. She said she understands training but get a few acres in the country and set off bombs there, but not in the neighborhood. She added that her household works second and third shifts and have to try to sleep with bombs going off, she said there is also a pond in that area that wasn't on the map. Chair Carroll asked her if she is opposed to the variance presented or is she opposed to a range at all and Ms. Ridings replied both and added that they do the fire and other training in the area and there's no problem with that but

they have a problem with bombs going off. She added that her boyfriend owns a property that goes further back and they have had ricochet bullets. Chair Carroll asked about the assertion that the area, with all of its features, would be quieter and she said it wouldn't be quieter. Ms. Harrington asked her if she's ever experienced anything like what happened in 1981 and she said no and believes it was because she called and complained.

Mr. Ron Lewis said he lives on the corner of East Michigan and Nazareth and said he doesn't want the range because the explosives scare his service dog and she takes off and leaves him. He said he has been there a little over six years but has a house in Kalamazoo, but decided he wanted to be somewhere where there was a little bit of country so he could see deer and other wild animals. He said if they hear bombs going off, the wildlife will go away. He added that he has veterans that come over and visit him and they don't like that, bombs going off. He said a friend was visiting him once and dove into a ditch because someone set off a firecracker and some of his friends won't come and visit him. He told the board to vote yes if they would want this in their back yard and no if they wouldn't. He added that he's all for the police officers, but he doesn't want this in his yard. He also said he helped volunteer to build the other training center on Nazareth and said he's not against safety, but he wants to relax at home. Chair Carroll asked Lt. Moran how many detonations a year do they do, and Lt. Moran asked if he meant with commercial explosives and Chair Carroll said any kind and Lt. Moran replied less than 10. Chair Carroll asked if Mr. Lewis if he would agree with that number and Mr. Lewis said he doesn't know.

Mr. Matt Clydesdale of 579 Nazareth Road spoke about living north of the city's properties and said he agrees with everything his neighbors have said. He said he moved there about 10 years ago, and the explosions are one of many nuisances coming from city of Kalamazoo facilities, so this problem is bigger. He added that he trusts everything Officer Moran has said, but there are other issues, and he would strongly vote in opposition, but he has mixed feelings about it and would like to see some conditions if it happens. He said he believes it would work if the board said no and he thinks there are options whether it's going to Fort Custer or other locations and his biggest concern is the city of Kalamazoo is imposing another nuisance on a neighborhood that has a long history of nuisances and inconveniences and health hazards. He said that this goes back to the sludge pits that the predecessors operated for decades, and the community protested that facility and yet the city imposed it on the Eastwood neighborhood. He added that the eastside is part of the city of Kalamazoo but was impacted to a far less degree than Eastwood, which is township, and they are the ones that are impacted. He stated following the protests the city finally shut it down and moved it to another sacrifice zone. He stated if the city is going to do these things, they need to do better at mitigating all of the concerns and everything on top of it. He has spent the last five years petitioning the city over again to clean up Nazareth Road because the training facility is on one side and Waste Management is on the other and will be a headache on top of many. He encouraged the board to have more discussion. Chair Carroll asked him what kind of conditions he would impose, and Mr. Clydesdale said specific to the bomb training facility being proposed, he feels it would do everything Lt. Moran said it would, but it wouldn't be a physical or environmental risk, but it would affect the quality of life and added if the city is going to affect people's quality of life, they need to at least meet basic minimum standards of care for those properties and said no one has ever reached out to them in a proactive way. He said he talked to the person in charge of the training facility and had to argue with him to get him to mow the lawn regularly and the city just started mowing the lawn this year but, in the meantime, that stretch of Nazareth Road was an illegal dumping zone and he said that his count of detonations is more than what Lt. Moran is saying it is.

Linda Miller, who emailed a statement and asked Mr. Eldridge to forward it to a lot of people involved in the decision making in the city and county of Kalamazoo. She read her email and it stated that her mother, Regina Miller, who lives at 1113 Chrysler Street since 1953, and herself are opposed to the request allowing an explosive training facility and explosive disposal site on the eastside of Kalamazoo off Nazareth and couldn't find in the zoning ordinance where this is an allowed permitted use or an allowed special use. A variance shouldn't allow this type of activity in this residential area, this type of activity is better suited for a military base or gun range. There are several residents that have wells and wonder if they're in danger of toxic chemicals contaminating the well water from this proposed use and from the current use of the fire training facility on Nazareth Road. They're already exposed to toxins in the air from the training facility and from paper, plastic and chemical companies that are on the north, east, and south sides of Kalamazoo. She hopes they will not vote for the variance request and urges them to consider all health and quality of life at stake when making their decision. She added that there are some things that came up earlier she agrees with but can't imagine that every town in the United States has their own bomb training facility and fire training facility and there has to be better planning and control of this. She added that she's sure there are many more communities using the fire training facility other than Kalamazoo because she has seen a lot of different vehicles there. She agreed that everyone needs training and protection by the fire and police departments but having that in the neighborhood isn't a good idea and as far as the well water, she feels it's not just run-off but seepage down into the soil and getting down into the ground water as well. She added there needs to be better communication because they didn't know anything about it until just recently when someone showed them a letter they received. Chair Carroll advised Ms. Miller that only those living within 300 feet receive notice and Ms. Miller said she knows but they don't get the newspaper anymore so maybe there should be something on television and Chair Carroll said he would have Mr. Eldridge address two of her concerns. Chair Carroll asked Mr. Eldridge to address the notice issue and the zoning issue that Ms. Miller pointed out in her letter. Mr. Eldridge said as for the first question is how does the noticing process work, there are statutory requirements in the Michigan Planning and Zoning Act that we are to provide notice to all property owners and occupants within 300 feet of the subject property and in addition to that it goes in the Kalamazoo Gazette which is still the local paper and is still in circulation, he added there was a notice in there, he also said there's the agenda packet is electronically posted and available. He said the reason this is before the board is because there are limitations on explosives in the Manufacturing Zoned Districts and even though there is a category for a mining land use and a category for explosives storage, those are uses that aren't permitted by right in the M1 zone district. Chair Carroll asked if that meant the current range has a variance and Mr. Eldridge said no, the temporary range doesn't have a variance because it was only supposed to be provide immediate relief so they would have somewhere to train. Chair Carroll asked Mr. Eldridge to define temporary and Mr. Eldridge stated he doesn't know. Chair Carroll asked if Lt. Moran knew, and he said he didn't know but someone in the gallery said they knew it had been since 9/11. Chair Carroll then asked if that meant there has been a temporary use for the current facility for 20 years and Mr. Eldridge said he believes so and what it boils down to is the facility was needed to train the bomb squad so they could protect the public and Chair Carroll asked if there was no variance request back then like there is now and Mr. Eldridge stated that is correct and that goes to the fact that there are some governmental purposes that need to be outside of compliance with zoning and that city projects get funneled, currently, through the site plan review process and through zoning requirements and land use development standards, but that wasn't always the practice of the city of Kalamazoo and the policies have changed over time so the way things were done 10 or 15 years ago are different than they were back then. Ms. Harrington asked if it was like eminent domain and Mr. Eldridge said it wasn't to that degree but when city facilities were needed they were created and weren't run

through reviews like other private developments. Presently all projects that are done within the city are looked at whether they are city of Kalamazoo projects or private projects.

Connie Plochocki of 538 Dwillard. She agrees with everything that was said and added that she's concerned for the wildlife and stated the pond there already polluted and this project will add to that. She asked if the project goes through, is there a way to mitigate the smell and the noise. She added that eventually she's going to move and asked what that will do to her property value and who would want to move into a house that's located next to a bomb site?

The last speaker in opposition was Jennifer Roger, the daughter of Merry Ridings who lives in the second house located on the property and next door to Mr. Lewis. She commended Lt. Moran and stated her husband was a Lieutenant for the fire department and trained at the facility on Nazareth, which she isn't against the training facility for the police or fire departments, but she is against bomb explosions behind her house. She added she has children and she's a coach and she and the children run up and down Nazareth hill all the time and stated Lt. Moran can't guarantee when they're going to bring one in from off the road but can only guarantee to let them know when they will be training for the safety of people like Mr. Lewis, but five pounds of explosives is too much and is there a guarantee her tv won't shake off of the wall and will her homeowner's insurance cover that? She added that she wouldn't want the kids she coaches coming to her house because if they bring n a bomb, she wouldn't be able to guarantee their safety. She said less than five pounds is bad, the cars driving down the road blaring music is bad enough, but five pounds is too much.

Chair Carroll asked if there were others and someone asked if they could make a brief statement and Chair Carroll said he shouldn't, according to the rules but if a board member asked him a question he could, and Ms. Harrington asked him what he was going to say. He stated that the property in question where the facility would be relocated to is surrounded by surplus woods has a large houseless population living in that area, possibly two to three dozen.

Chair Carroll asked if there were any calls and there were none.

Chair Carroll closed the public hearing.

FINDING OF FACT

Mr. Burdue moved the Finding of Fact as follows:

- 1) The Finding of Fact for 301 Nazareth Road shall include all information included in the notice of public hearing dated October 5, 2022 and the agenda packet provided by staff.
- 2) 18 notices of public hearing were sent, and one opposing response was received from Regina and Linda Miller of 1113 Chrysler Street. Six individuals spoke in opposition: Merry Ridings, Ron Lewis, Matt Clydesdale, Linda Miller, Connie Plochocki, and Jennifer Roger, all of which mentioned issues regarding wildlife in the area, pond contamination, service dogs and other pets, overall safety and one individual asked about the possibility of conditions, and if a bunker would be appropriate, one

asked about property values, and one mentioned the homeless population in the area.

- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Lt. David Moran provided a presentation discussing that Kalamazoo has one of the few bomb squads in the state and the next closest permanent range is in Lansing. Board members asked if Fort Custer was a possibility but there is a lot of paperwork involved. There was also discussion regarding safety and quality of life and conditions being placed on the number of individuals and trainings per year, per month. Mr. Eldridge made mention of how the public is notified of hearings.

Ms. van den Homberg seconded the Finding of Fact.

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

Mr. Lager made a motion to approve the application for a use variance from Chapter 4, Section 4.1 to authorize an explosives training facility and explosives disposal range at the site in the Manufacturing-Limited District M1, seconded by Mr. Terpening.

Mr. Eldridge noted, prior to Mr. Terpening's second, that before the matter is voted on, the board has the ability to approve, deny, or table the matter if they feel that more work needs to be done.

Chair Carroll said he doesn't know what "more work to be done" would be because he's sure Officer Moran and the department has gone through all of the alternative sites and recommended to our community that this is the best option but said that if the board feels they need more information they will need to speak up. He then admitted that he's torn on this one with people making bombs and them needing to be disposed of and he mentioned the police using bombs in the community for training and seeing things in the news lately and it feels like a defensive and disposal situation is needed, but using bombs in the field...it speaks to how big this facility could become if they let others use it and he is concerned it could mushroom. He said he's not saying that it would happen, but the other facility has been in temporary status for over 20 years and he's fearful that this goes from less than 10 a year and begins to increase.

Mr. Burdue admitted he is torn as well because he came in believing he would vote yes but listening to the citizen concerns regarding safety and he wanted to remind everyone that they are limited on the criteria that they base their votes on. He added that right now the area is zoned as an M1 industrial use area, and he doesn't feel this meets the minimum allowed for this to take place so he will not be in favor.

Mr. Lager said that hinges on one of the criteria of will it adversely affect adjacent land or property owners in a material way and he's trying to wrap his head around the fact that ultimately it would

be appropriate for the city to have an explosives facility and an explosives disposal facility as long as there weren't explosions but he's trying to understand where they would be permitted under zoning and under what circumstances and they're not only dealing with an issue outside of zoning, but also a public safety issue. Mr. Eldridge said that this is not a land use category that was built into the zoning ordinance and the closest thing is mining but that's still not what they're discussing. Mr. Lager went on to say he read that in the manufacturing district, a user can make loud noises but there is a time and decibel limitation, to which Mr. Eldridge replied there is a maximum of 15 minutes per day with a noise and vibrations noticeable at the property lines and that in itself would align with the occasional detonation of a device. Mr. Lager questioned that if this was for a manufacturing purpose with the same amount of noise and it was used only one day a week, and the duration of the noise was the duration of a reverberation, would this be a permitted use? Mr. Eldridge said based on that scenario, yes. Mr. Lager said that they're really dealing with explosions in an area that's adjacent to township areas, but no city of Kalamazoo residences and Mr. Eldridge said that is correct, there are township residences to the south along East Michigan Avenue and there's the neighborhood to the north of the site. Mr. Lager said based on the six criteria, he could grant the variance based on all of them except for the one that talks about the adverse effects to adjacent properties in a material way, and based upon that and the people that spoke tonight, this will adversely affect adjacent property owners and the land they own in a material way, so he is going to vote no.

Mr. Terpening said he watched his favorite episode of Myth Busters and they said explosions happen for a reason but in this episode they were busting up concrete and it was clear they had gone overboard but in the practice they set off air sirens and horns to notify the area of what was about to happen. He asked Officer Moran if that was something they thought of, a three-minute warning siren before detonation to notify locals as a reminder because he feels this would mitigate the surprise and expectation of the loud sounds and Officer Moran said it's possible.

Chair Carroll wanted to add on to Mr. Terpening's question by saying that if they said no, he would be concerned for the opposite reason and that is that this facility is a need in our community and he wouldn't want to leave the public safety department without resources needed to keep us safe. He said saying no would be the first step in many that would be incumbent on the city or police department to say "Ok, what else can we do?" He said if the vote was a no, it wouldn't be the greatest option because there would still be a problem to solve however, that wouldn't be the board's issue to solve but that's not how he wants to leave it. Mr. Terpening said that is where he is and that there has to be a solution because there is an obvious need, and he's saying this because he has a lot of friends with PTSD and he gets it. He asked if they could get case studies and tangibles like Mr. Lutz brought in the first case, giving real numbers instead of relying on hearsay and he suggested tabling the discussion until they have real information.

Ms. van den Homberg said she is conflicted and said on one hand, tabling it seems like a good and fair thing to do, but on the other hand how much more information do they need? She asked how more information would change the concerns of the residents living there and the needs of public safety. She said at the beginning she mentioned lots of conditions, trying to come up with something fair and mentioned what Chair Carroll said about the facility becoming a gateway and putting conditions on the number of public safety personnel allowed from other municipalities at the facility and when. She said if she were to vote yes on this, there would need to be concrete conditions about the safety of the people living in the neighborhood and she can relate to the well

issues because she grew up with a well and when you have contaminants and metal and other things that seep into the well, and added that the city of Parchment is now using city of Kalamazoo water because of the PFAS issues they have with their water supply. She also mentioned the property values and asked how they balance that to contemplate moving forward without any strict conditions so if she was to vote today, she would vote no.

Ms. Harrington said she doesn't remember who brought up sacrifice zones, but she doesn't like the idea of them. She said she would be opposed to but is appreciative of being able to lean toward an opportunity to brainstorm for a solution for public safety to be able to have the support they need from us and to have a facility like this. She added that she wanted to bring up pollution and the long-term implications of it for the health and well-being of the small children and she added that they have to hear these loud sounds and the elders are affected as well. She said thinking about this in terms of potential lawsuits in future and it would be negligible for her to say anything other than no today.

Chair Carroll stated to remember that this is without condition.

Motion denied by a five-to-one roll call vote with Mr. Terpening voting yes, Mr. Burdue, Mr. Lager, Chair Carroll, Ms. van den Homberg, and Ms. Harrington voting no.

Chair Carroll added that he hopes that the community and city staff can somehow come up with a solution for a range for public safety and that the community becomes more involved in it so it can come back up before the board and it can be approved.

Mr. Lager read the application for 100 Monroe Street

ZBA#22-10-33: 100 Monroe Street: An application for a use variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Drakkar Hill of Westmain Hill, LLC, for 100 Monroe Street, which is situated in Residential-Single Dwelling District (RS-5). The applicant is requesting a use variance from Chapter 4, Section 4.1 to authorize a small wine making operation on the residentially zoned premises which would utilize the existing carriage house and wine cave.

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

Chair Carroll asked the applicant to come forward and there was none. He then asked what the procedure is when an applicant doesn't show up and Mr. Eldridge said they would allow the applicant to speak at the next meeting.

Someone from the public asked if they could speak since they had waited 3 ½ hours and Attorney Bear advised Chair Carroll he would have to open the public hearing on the case.

Chair Carroll tabled the applicant's 10 minutes to speak, and he tabled those wanting to speak in favor of the application.

Chair Carroll then asked those in opposition of the application to speak and David Morgan of 1442 Prospect Hill. He said he moved there five years ago but came from a college town with older homes, they understood what they were getting into, with all of the rentals surrounding them, when they bought their previous property. When they moved here, they decided they wanted a change of pace but wanted to be closer to the downtown area. He said there used to be a noise issue, but they haven't had that in over a year but is afraid that will change if the variance for the carriage house goes through since it is about 30 to 35 feet away from his living room and bedroom windows. He added the only barrier between them is a six-foot wood fence and they have concerns that the increased traffic, noise, and alcohol consumption, and now a production center will lead to more noise with this new use of the property. He said he is worried about property values and quality of life and feels this will take them back to where they were a few years ago with the loud music and shaking windows. He said the first 3 ½ to four years were so bad they had to get public safety to handle it. He encouraged them to look at it.

Ms. van den Homberg asked if he said the Henderson Castle is under new ownership and he said the current owner has had it for a while and Mr. Morgan said the current owner has had it for quite a while some time.

Chair Carroll asked for more comments and questions from the board and there were none. He asked if he could table it and Mr. Eldridge said he could do a voice vote to table it.

Mr. Terpening made a motion to table the third item until the next meeting in December, seconded by Mr. Burdue.

Motion was approved by voice vote unanimously.

OTHER BUSINESS:

DISCUSSION/ACTION ITEMS:

REPORTS:

ADJOURNMENT:

The meeting was adjourned at 10:13 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **12/8/2022**

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: December 8, 2022

SUBJECT: ZBA #22-10-33: 100 Monroe Street. Drakkar Hill of Westmain Hill, LLC is requesting a use variance from Chapter 4, Section 4.1, to authorize a small wine making operation on the residentially zoned premises which would utilize the existing carriage house and wine cave at Henderson Castle.

BACKGROUND:

Westmain Hill, LLC has been working with Francois Moyet of Henderson Castle to lease a portion of the facilities for the purpose of making wine and holding wine tasting events. Westmain Hill, LLC applied for a Small Wine Maker License but it was determined that, due to the residential zoning, a use variance was required.

This organization will utilize the Carriage House behind the Henderson Castle, for blending, bottling and storage of wine. The building also contains the required restroom. The wine tastings and some wine storage will occur at the Wine Cave. The lease agreement includes the Carriage House, Wine Cave, patio, ten (10) parking spaces, .5 acres of orchard, and .75 acres of vineyard. The timing of wine tasting events will align with the prior use variance approved for the Wine Cave (2014). This will allow wine tastings between the hours of noon and 6 pm from April 1st to October 31st annually. The wine making operation will not increase the required parking as a prior parking variance was also granted for the Wine Cave.

Westmain Hill, LLC will be leasing existing buildings and developed areas of the property for this operation. There are no physical changes proposed to accommodate the use except for the alteration of the west half of the Carriage House, which was previously a bed and breakfast room.

This application was on the agenda for the October 20, 2022 meeting, but the applicant was not present, so a public hearing was held for those present at the meeting who wanted to speak to the request and then the item was tabled to the December 8, 2022 meeting date.

History of Henderson Castle Special Approvals:

July 13, 2000: Frederick E. Royce requested a use variance to allow the Castle and Carriage House to be occupied as a 10-room Bed and Breakfast. - APPROVED with conditions:

- 1) That the variance applies only to the current property owner and not run with the land
- 2) That ingress and egress be impeded from accessing Prospect Hill Drive.

October 13, 2005: Peter and Laura Livingstone-McNelis requested a use variance to allow the Castle and Carriage House to be occupied as a 10-room Bed and Breakfast with receptions for up to 125 people. APPROVED with conditions:

- 1) Access to remain from Monroe Street, Prospect Hill right-of-way is not to be used;
- 2) Compliance with the revised site sketch submitted for the parking area location;
- 3) Compliance with the Fire Marshall occupancy limit of 49 people in the Ballroom ;
- 4) Outdoor receptions must conclude at 10:30 pm; and
- 5) Site plan approval and driveway permit be obtained for the new parking area. Barrier free and building code regulations are also applicable.

September 8, 2011: Francois Moyet requested a use variance to allow a 40 – seat full service restaurant on the ground floor level of the Castle. In addition, Mr. Moyet would like to continue the existing Bed and Breakfast and the hosting of receptions at the Castle for up to 125 people (approved October 13, 2005). - APPROVED with all conditions tied to the 2005 approval plus one more, as listed below:

1. Access to remain from Monroe Street, Prospect Hill right-of-way is not to be used.
2. Compliance with revised site sketch submitted for the parking area location
3. Compliance with the Fire Marshall occupancy limit of 49 people in the third floor Ballroom
4. Outdoor receptions must conclude at 10:30 pm.
5. Site plan approval and driveway permit be obtained for the new parking area (completed November 18, 2005).

One additional condition was added to the 2011 approval:

6. The restaurant may not be open to the public during a reception at Henderson Castle.

August 14, 2014: Francois Moyet requested a use variance to operate the Wine Cave and conduct wine tastings. - APPROVED with the condition that wine tastings are limited to noon to 6 PM, seven days a week from April 1st to October 31st annually. At the same meeting, Mr. Moyet requested a dimensional variance of 10 off-street parking spaces to allow the Wine Cave (with a patio seating area + structure totally, 1, 245 square feet) in addition to the Bed and Breakfast and restaurant uses on the property. - APPROVED

STRATEGIC VISION ALIGNMENT:



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

Strategic Vision Alignment:

The project does touch on the Strategic Vision goal of Complete Neighborhoods as the proposed

wine-making operation will compliment the existing Henderson Castle Bed and Breakfast and provide this amenity to residents in the neighborhood.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement:

Notices have also been sent by the city to all property owners within 300 feet and a notice was sent to the West Main Hill Neighborhood Association.

Engagement/Communication Tools:

Gazette notices, letters, and emails. One written response was received in opposition to the request from Bert and Terri Cooper of 1441 Prospect Hill. Dave Morgan of 1442 Prospect Hill was present at the ZBA meeting on October 20th and spoke in opposition to the request.

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 for all practical purposes from using the property for a permitted use identified in the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

The enforcement of the terms and provisions of the Ordinance would not permit wine making and wine tasting on this residentially zoned property. However, this property has had numerous commercial uses approved in the past and one of these prior use variances was to allow for wine tasting events at the wine cave. Therefore, only the blending, bottling and storage of wine is what is being added to the prior use variances approved.

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 special circumstances are related to the adaptive reuse which has occurred over decades of the Henderson Castle (approximately 9,200 square feet) and the property (3.2 acres). Other non-residential uses approved a bed and breakfast, a restaurant, outdoor events for up to 125 guests, and wine tastings at the Wine Cave.

3. That the special circumstances are not the result of the actions of the applicant.
The applicant did not create the special circumstances. The applicant is only looking to manage the previously approved wine tastings and begin making wine on-site.

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 needed to allow for the review and approval process to proceed at the local level. The next step is the review and approval by the Michigan Liquor Control Commission.

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

The proposed use variance will not impact surrounding property owners due to the limited hours of operation for wine tasting events.

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

The use variance will not result in a physical change to the exterior of any of the structures on the property or the parking configuration. The only alterations proposed are to the interior of the Carriage House.

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

October 5, 2022

**RE: ZBA #22-10-33
100 Monroe Street
Parcel # 06-16-324-005**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Drakkar Hill of Westmain Hill, LLC for 100 Monroe Street in the Residential – Single Dwelling District (RS-5).

The applicant is requesting a use variance from Chapter 4, Section 4.1 to authorize a small wine making operation on the residentially zoned premises which would utilize the existing carriage house and wine cave.

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, October 20, 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



Submission date: 6 July 2022, 12:52AM
Receipt number: 5
Related form version: 9

Introduction

Have you scheduled a pre-application meeting? Yes

Applicant Information

Name Drakkar Hill
Organization (if applicable) West Main Hill. LLC
Email Address drakkar.d.hill@gmail.com
Phone Number 2693661730
Address 1432 Prospect Hill, Kalamazoo, MI 49006, USA Map
(42.2929961, -85.6052613)
Preferred Contact Method Email
Are you the property owner? No

Property Owner Information

Name Francois Moyet
Mailing Address 100 Monroe St, Kalamazoo, MI 49006, USA Map
(42.2928947, -85.6050559)

Phone Number	2698300863
Email Address	fmoyet@hotmail.com
Preferred Contact Method	Email
Authorization from property owner:	<u>Henderson Castle foundation variance for zoning board for winery.pdf</u>

Property and Application Details

Property Address	1432 Prospect Hill, Kalamazoo MI 49006 No coordinates found
Parcel Identification Number	06-16-324-005
Zone District	RS-5
Type of Request	Use Variance
Application Fee	\$375.00
Project Description & Reason for Request	I will be operating a small winery separated from the Henderson Castle as a business. I will need part of the property for the operation. I have an different address and a lease agreement on the property.



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?

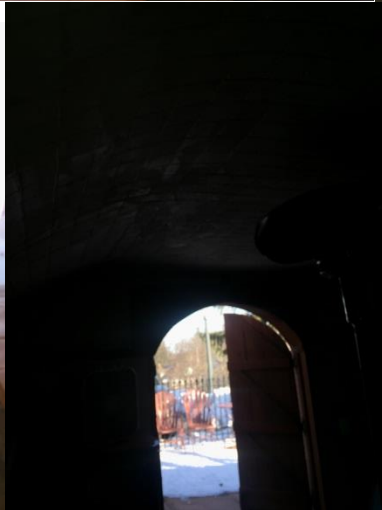
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

Dimension Of Property

West Main Hill, LLC

- **Wine Cave:** 12x12 and 8ft in Height (Can conduct wine tastings inside and will showcase winery process inside wine cave)
- **Patio:** 12x100 and 20x20 (Can conduct wine tastings out in this area along with lounging)
- **Orchard:** Half of an acre
- **Vineyard:** $\frac{3}{4}$ of an acre
 - **Both:** Orchard and vineyard are attached the patio facing South of the property
- 10 parking spots that are facing the cave touching the fence
- Cottage for restroom: Bathroom facing south measures 10x10





facing South

(Orchard)

$\frac{1}{2}$ acre

(Wine
Cave)

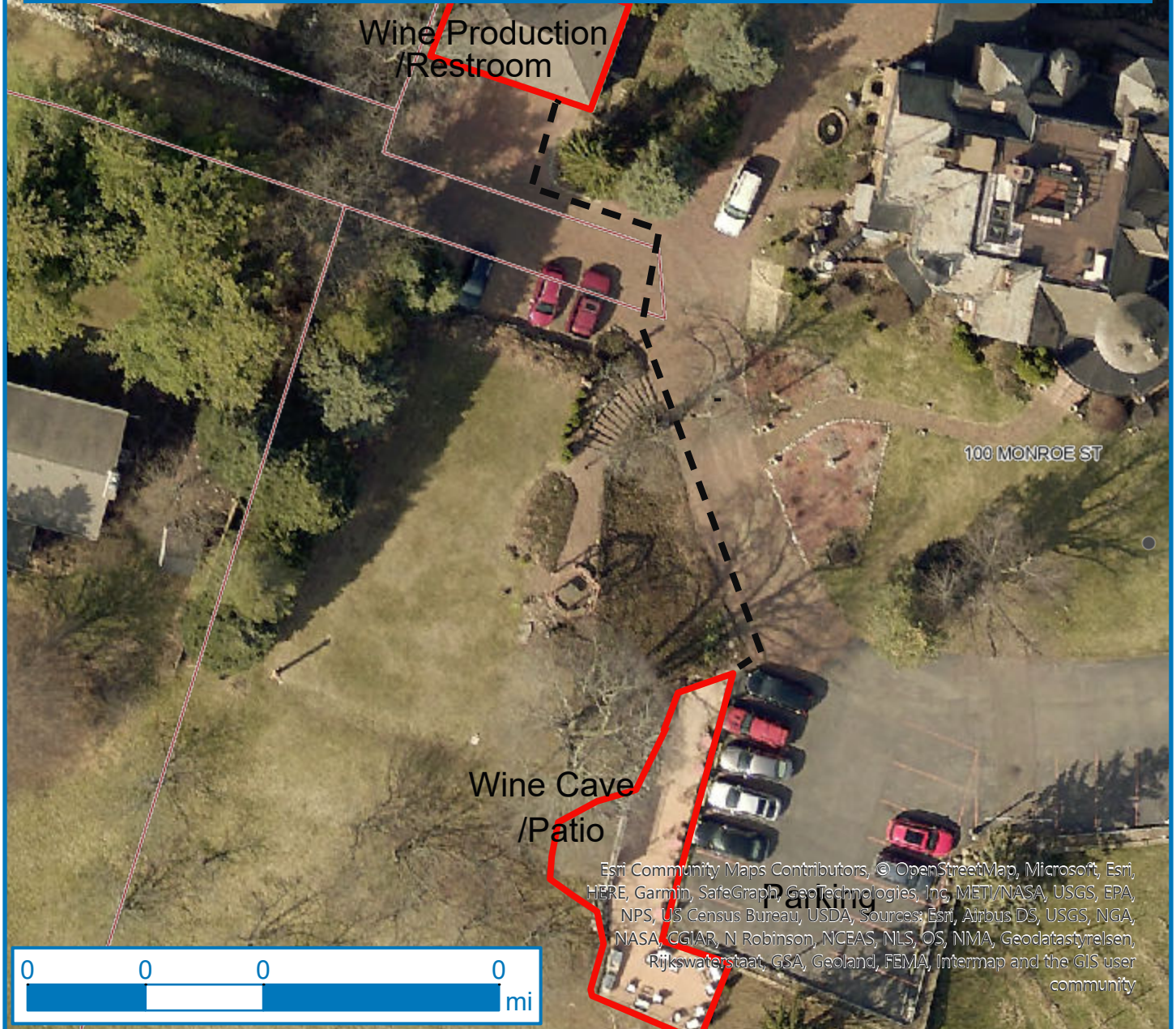
12 x 12
3
20 x 20
8 ft height

12 x 100
3
20 x 20

(Lounge)

(Parking
Lot)
16 parking
spots

facing South
3/4 of an acre
(Vineyard)



LEGEND

Lines	PARCEL MAP	GENERAL INFORMATION
— • Override 12	Parcel	City Boundary
— • Override 21	Address	
— • Override 31		
— • Override 41		



City of Kalamazoo,
10/9/2022

Henderson Castle foundation

100 Monroe st

Kalamazoo MI 49006

06/10/2022

The Henderson Castle foundation is authorizing Mr. Drakkar Hill President of West main Hill LLC to proceed with a variance with the zoning board of the city of Kalamazoo for the Use of a small winery license on the property located at 100 Monroe st and own by the Henderson Castle foundation. The Henderson Castle foundation supports this small business initiative at 100 % and believe it will be a great addition four our community with a very small impact on the activity of the castle and neighborhood.

Francois Moyet

President of the Henderson Castle foundation



Community Planning and Economic Development

415 Stockbridge Avenue
Kalamazoo, MI 49001
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

Drakkar Hill
West Main Hill, LLC
1509 Lafayette Ave., Apt A8
Kalamazoo MI 49006

May 24, 2022

**RE: Henderson Castle –
MLCC Manufacturer & Wholesaler License & Permit Application
100 Monroe Street
Parcel #06-16-324-005**

Dear Mr. Hill:

This correspondence is regarding the MLCC application for new license received by the City of Kalamazoo. The Manufacturer & Wholesaler License & Permit Application indicates that the West Main Hill, LLC intends to set-up a "Small Wine Making" operation on the property of the Henderson Castle.

The Henderson Castle property at 100 Monroe Street is in Zone RS-5, Residential - Single Dwelling District. This zone district does not allow the manufacturing of beverages either alcoholic or nonalcoholic. Please note that approval of a use variance will be required by the Zoning Board of Appeals to allow for the proposed commercial use on the property.

The address on the application of 1432 Prospect Street is not a recognized parcel address or sub-address in the City of Kalamazoo property records. Please include the parcel address of 100 Monroe Street in further correspondence regarding this license application or work with the Assessor's Office to assign a sub address off Monroe Street.

The MLCC application for license will remain on hold with the City Clerk until the required zoning and building approvals are completed.

1. Please submit details of all improvements associated with the beverage production and with proposed floor plan and new equipment installation which is understood to be in the carriage house on the west side of the property.
2. Please identify A.D.A. compliant access to restrooms and details on the restrooms.

3. Lease indicated $\frac{1}{2}$ acre of orchard and $\frac{3}{4}$ acres of vineyards along with wine cave, patio and 10 off-street parking spaces. Please provide a breakdown of off-street parking allocation for all the uses on property as there is only 33 total off-street parking spaces.
4. The Zoning Board of Appeals approved a use variance for wine tastings between the hours of noon and 6 PM from April 1st to October 31st annually. If this does not align with the planned tastings events by West Main Hill, LLC this should be included in the use variance application for the wine production on site.
5. Once all zoning questions are answered a Zoning Board of Appeals application will need to be submitted for a use variance.

If you have any questions regarding the above information, please contact me in the Community Planning and Economic Development Department at (269) 337-8806.

Sincerely,



Peter C. Eldridge, AICP
Assistant City Planner

c: Francois Moyet, Henderson Castle Foundation, 100 Monroe Street, Kalamazoo, MI 49006
Scott Borling, City Clerk
Roger Iveson, Building Official
Scott Brooks, Fire Marshall

From: [Bert or Terri Cooper](#)
To: [Eldridge, Peter](#)
Subject: [External Email] Proposed rezoning at 100 Monroe
Date: Tuesday, October 18, 2022 10:28:09 AM

What comes next?

The activities permitted at 100 Monroe Street, Kalamazoo MI include a resident family, a restaurant zoned to serve three meals a day, a hotel, a bed and breakfast, wine tasting (in a building that was constructed without approval from the city and without a building permit), a massage parlor, an outdoor wedding site and an outdoor lap pool (also constructed without a building permit and without required fencing) and a roof-top hot tub. All of this in a neighborhood that is zoned for single family residences.

It would seem that a business that required several zoning variances in a single family residential neighborhood would have some consideration for the neighbors who have expressed their displeasure at several zoning board of appeals meetings regarding the rezoning of 100 Monroe Street. Does a good neighbor dump garbage along the neighbors fence? Does a good neighbor host weddings and other events that illegally amplify music? Does a good neighbor shoot big time fireworks from his roof aimed at neighboring homes? Does a good neighbor operate an illegally parked food truck? Does a good neighbor create disturbances that cause several police visits and warning letters from the city each summer?

The castle has a foundation status granted by the IRS. The reported income in 2020 was \$144,000? The zoning changes have all been made primarily to preserve the castle with very little or no concern for the neighbors abutting that property. Wouldn't \$144,000 be enough to maintain the castle structure?

I think we count--we pay taxes--including federal income taxes. We maintain our properties and expect to always enjoy the advantages of living in a single family residential neighborhood.

Parking is certainly an issue at 100 Monroe Street. Groups of 120 people are allowed for events and there are not enough on-site parking spaces to accommodate those guests, hotel guests, employees, wine tasters, family vehicles, foundation cars and service trucks. Hence, visitors and employees park on both sides of Grand Avenue. The city would not allow this parking situation even in an area that has commercial zoning designation.

Please have the foresight to deny the proposed "small" winery at 100 Monroe Street. Our historic neighborhood deserves to enjoy a better situation and to not have another commercial operation at our doorstep.

Bert and Terri Cooper
1441 Prospect Hill

Please feel free to share our concerns with those making the decisions on the winery requests



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Parcels within 300' Mailing Radius 100 Monroe

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



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **12/8/2022**

Item: **E.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: December 8, 2022

SUBJECT: 2023 - Zoning Board of Appeals Meeting Schedule

BACKGROUND:

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FINDINGS:

Staff has made the following findings regarding this request:

RECOMMENDATION:

Zoning Board of Appeals 2023 Meeting Schedule

<u>Application Deadline:</u>	<u>Meeting Date:</u>
December 15, 2022	January 12, 2023
January 12, 2023	February 9, 2023
February 9, 2023	March 9, 2023
March 16, 2023	April 13, 2023
April 13, 2023	May 11, 2023
May 11, 2023	June 8, 2023
June 15, 2023	July 13, 2023
July 13, 2023	August 10, 2023
August 17, 2023	September 14, 2023
September 14, 2023	October 12, 2023
October 12, 2023	November 9, 2023
November 16, 2023	December 14, 2023
December 14, 2023	January 11, 2024

Note: The meeting dates shown above are for regularly scheduled monthly Zoning Board of Appeals meetings. However, special meetings may also be requested. Board members will be contacted in advance of such special meetings via telephone or email.