

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, March 9, 2023

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 February 9, 2023

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #23-03-04: 1625 and 1629 Krom Street. Valley Vision Construction & Development, LLC is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, of five feet from the required 25 foot front building setback off of Martin Street for these lots.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
February 9, 2023 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Jeff Carroll, Matt Lager, Remi Harrington, Beth van den Hombergh, Jeremy Terpening, and Jerrid Burdue

Members Absent: None

City Staff: Pete Eldridge, Assistant City Planner; Charles Bear, Assistant City Attorney

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 stated there are none.

APPROVAL OF MINUTES:

Mr. Burdue moved to approve the minutes as submitted, seconded by Ms. van den Hombergh.

Chair Carroll asked if anyone wanted to discuss the minutes from the last meeting and Ms. Harrington said she had a question since she wasn't present at the last meeting. She said she wanted to know about what happened between Chair Carroll and a constituent. Her question was directed to Mr. Eldridge and Attorney Bear. She said she doesn't understand what role public comments play in the decisions the board makes because she felt the lady in the audience had more to say and Chair Carroll told her no. Chair Carroll wanted to address this from his perspective because he said he did watch the video after the fact. He said that he had to steer the meeting and to answer Ms. Harrington's question, she had her time at the podium, but another opposing person had a question that the candidate had not spoken to, and he added that it was a question he, himself, had. He said he felt it was his duty to make sure all sides were heard and he also wanted to satisfy his own question, as well as the oppositions and it also allowed everything to be full circle and understood. He said after the candidate sat down, people who had already had the opportunity to speak for their three minutes, and in fact he gave them extra time when they were speaking, wanted to speak again. He said unfortunately you can see what he's saying but, unfortunately, there is no view or audio of what's going on but she had additional questions and then another person said

“Can I ask a question?” and he responded that, unfortunately that isn’t how the process works because he made the offer of those in favor and opposition the chance to speak and we were past that point and he told them he couldn’t go back and entertain pro or con comments but she kept going and asked why he allowed the candidate to speak again, which he only did to satisfy a question raised by the opposition, but she didn’t see it that way, she saw it as them having more time. He added that his responsibility is to run the meeting, keep it sane and fair, and after watching it he realized he did do the right thing in making sure a question from the opposition had, even though it didn’t have to be. He said that to answer her question, to him comments are to add context and nuance because they can see things on paper and read the packet but those items are painted in the candidate’s light but comments help to paint a better picture, in his opinion, of things he didn’t understand, didn’t know, or didn’t know he didn’t know about the case. Ms. Harrington said she knows the constituent voice is important, and she thanked Chair Carroll for taking the time to explain what happened, but she wanted to know how much of the comments should they take into consideration when making their decisions and whose voice gets prioritized. She feels it’s fair for constituents to know because even when they come in with heavy opposition, it still has to be voted on and sometimes it results in the variance being granted. She wants to know, and she sure constituents would like to know as well, how their voice is weighed in the decisions. Chair Carroll said that, for him and it should be this way for all, no opinion has more weight than anyone else’s and no one is given more time than someone else, except for the 10 minutes for the applicant and the three minutes for those speaking in favor or opposition. He said as the Chair, and as an individual, he doesn’t consider anybody’s opinion more, or less, important and he isn’t there to pick sides and he hopes that came across in his execution of the meeting. Mr. Eldridge added that Robert’s Rules are in place because there could be one or four applications in the agenda and a gallery full of people, so there has to be a way to administer the process and be fair which is why everyone in the gallery is given three minutes to speak for or against. After that, the public hearing is closed and then it’s up to the Chair to decide if anyone else can speak and he feels Chair Carroll did an excellent job at the last meeting considering it was a difficult situation, but it was handled per the Robert’s Rules. Chair Carroll added that the lady in question had a lot of ground to cover and his takeaway from that night was if he is ever in that position, he needs to have everything in order to fit into the three minutes because that isn’t a lot of time. Ms. Harrington said that people can also write letters because the board gets to see all of that, to supplement anything they might want to say at the meeting and Chair Carroll conceded that point and added that by the time they get to the meeting they can just hit the highlights. Mr. Eldridge added that the notice that is sent out has his email address and phone number and anything that is put in writing will be seen by the board, but he can’t take telephone comments and transcribe them.

The motion was approved by voice vote unanimously.

PUBLIC HEARINGS: There are none.

DISCUSSION/ACTION ITEMS:

1. Reviewing Zoning Board of Appeals candidates interviewed on February 7, 2023. Chair Carroll asked Ms. van den Homberg and Vice Chair Lager if either one of them would like to speak about any of the three candidates that would foster a discussion so that they could work toward a motion to approve the candidates and Ms. van den Homberg admitted she

was impressed by all three candidates and like the experience and skill sets that each one would bring to the board. She said Tony McReynolds has a strong background in community service and he has a bachelor's degree in social work. She added she likes the fact that he is also from the Northside and one of the things that needs to be considered, for her, is that there is diversity in the neighborhoods, and she feels the people in the neighborhoods are the driving force and have a "finger on the pulse". She said Joseph Hohler, from the Edison area, is an attorney and he works for the Van Buren County judicial system as a family law arbitrator, and finally Gary Wark, from the Stuart Neighborhood, is a property developer and is active in historical preservation and has served on boards regarding building structures and safety, so she was pleased with the candidate pool. Vice Chair Lager added that in addition to neighborhood diversity, Tony McReynolds is a Black man and Joseph, and Gary are both white and he thinks it's good that we live in a city where some of the neighborhoods are majority minority and he thinks it's good that in a quasi-judicial quorum, there is a diverse pool of candidates to represent the community. He said each candidate also talked about their decision-making process. Tony talked about having experience in heated situations and that working at Ministry with Community he's had to sort through facts. Joseph Hohler's day job is making decisions, as a referee in family court so he thinks his experience will be valuable, and Gary Wark has served on a number of boards in the city and also has real estate background. Chair Carroll said he agrees with everything that was said and wanted to thank Mr. Eldridge for bringing the candidates to the Board.

Ms. van den Hombergh made a motion to recommend Joseph Hohler and Gary Wark as Zoning Board of Appeals members, and Tony McReynolds as an alternate, seconded by Chair Carroll.

The motion was approved by roll call vote unanimously.

2. Election of Zoning Board of Appeals officers: Chair Carroll advised that he and Vice Chair Lager will both exit the board as soon as the new members have been seated and there are a few open positions on the board. He said there are three people who have expressed interest in being officers, and he wasn't making a motion but proposed Ms. van den Homberg be Chairperson, Ms. Harrington be secretary, and Mr. Burdue be Vice Chair and left it up for discussion. Ms. Harrington spoke and said that when she was initially approached and asked what her thoughts were, she immediately declined wanting to take on a roll as an officer on the board but as she thought about why she wouldn't she began to think about her role as a Grass Roots organizer, the investment she's made in the community since she's been here as a student at Western up until now. She added that she now has a home and a child here and she has invested in Kalamazoo and cares deeply but asked herself why wouldn't she feel that she was worthy and realized that it was the way she's been treated on the board and what has been said to her about her comments being irrelevant. She said she will do the work regardless of whether or not she takes a role as an officer and she said she appreciated when Ms. van den Hombergh made the comment that we should be kinder to each other, which is true but there are other layers of implications that go along with that. She said that some people get pushed toward positions of power while other people are systematically put in their place so they won't have the gumption to

position themselves in a place to be influential. She thanked the board and accepted the placement. Chair Carroll thanked her and said he hopes that she does feel encouraged to lead, and not stifled. Ms. Harrington thanked Chair Carroll for always being encouraging, even when she's ranting he still encouraged her to use her voice and allowed her to speak. Vice Chair Lager thanked Ms. Harrington and said he thinks it was brave of her to say something that can't have been easy to say and said that he agrees, the underlying issue is that some people get lifted up and her saying it in the manner in which she said it is important.

Vice Chair Lager made a motion that Beth van den Hombergh be Chair, Jerri Burdue be Vice Chair, and Remi Harrington be Secretary, seconded by Mr. Terpening.

The motion was approved by roll call vote unanimously.

Chair Carroll added that they should get more comfortable with the finding of fact and he's sure they can do it.

REPORTS:

Mr. Eldridge reviewed 2022 and added that they need to go through the board composition and added that the board is going through a transition, which includes approving recommendations because the previous secretary, Christina Doane, left the board, Mr. Carroll is leaving, and Mr. Lager is leaving as well due to term limitations. But he's excited about the four remaining and the new members as well. He said he thinks it's going to be a new day for the ZBA and there will be new people to get to know. He thanked both Mr. Carroll and Mr. Lager for their service and added that Mr. Burdue's appointment was recently approved as of the February 6, 2023 City Commission meeting, Mr. Burdue is now a regular member and is eligible to be an officer. Mr. Terpening has also agreed to remain on the board, as his current term will expire March 31, 2023. He spoke to some of the initiatives that were taken in 2022, one was the finding of fact, which was revised to include key words and phrases to help complete the finding of fact, which Attorney Bear worked on. There was also a Natural Features Protection review that was created, separate from the dimensional review criteria because of the confusion regarding standards, so that was removed. There were some amendments made last year to the rules of procedure for the Zoning Board that related to the public comment period, where it's three minutes per person. He also reviewed the changes in activity between 2021 and 2022 and said there were more variance approvals in 2022 than the previous year and there were five more use variances approved and there were more temporary use approvals but there were none the year before. There were two natural features variances that both had two separate variances each on the applications. He said there was a grouping of ten use variances that came before the board and the common theme was that many of them were related to housing. There was a duplex, that had one unit owner occupied and the other used as a bed and breakfast, which fell just outside the definition but staff has since amended the ordinance so this won't be coming back before the board, there was a ground floor residential issue that was resolved with an amendment to the ordinance to the Commercial-Community zoned district, which was something the board received frequently with the apartment complexes going on in that community zone and each time having a residential unit on the ground floor triggered a use variance request. There was also 3400 Stadium Drive which was a former mobile home park in the Commercial-Community Zone that the developer that owns the mobile home community

next door, wanted to expand his current mobile community and repurpose the former area, which triggered a use variance. There was also 235 Cooley Street, which is still coming, that was a use variance for a parking lot to serve a multi-story residential apartment building when it comes to fruition. He said on the second to the last page they wanted to see if there were any trends that came before the board and there was no rhyme or reason why some years seem to peak higher than others but he said the board was pretty consistent with an approval rating of 80% for use variances and 90-95% approval ratings for dimensional variances but he wanted the board to understand that there was the potential for a lot of variances that never make it to the board because the planning staff sits down and discusses projects and looks at alternative ways projects can be done and meet the ordinance to save the applicant time and money. This results in the granting of variances to be high in the city but there is a lot of work with developers behind the scenes to try to keep projects on track and move them along more efficiently to avoid coming to the Zoning Board of Appeals. He added that there were also three variances related to signage in residential zone districts for non-residential uses, and that is something that was addressed more sufficiently in the sign ordinance amendments. There was a dimensional variance for Hackett High School on Kilgore to replace their free standing sign, there was Hamilton Law Office on Oakland Drive, next to the golf course, that's in a Residential-Single Dwelling district, and finally there was one non-conforming sign for a dentist office at 437 Stone Street, which has been there for decades. They wanted to update their signage and there was no option other than applying for a variance. He asked for questions and there were none. Ms. Harrington said that there was a lot of work done last year and Chair Carroll said he didn't know about the behind-the-scenes things the city staff did, but he was glad the city was being proactive with the amending of ordinances. Vice Chair asked if there were any zoning ordinance amendments slated to go before the commission this year and Mr. Eldridge said there are and, as he mentioned some time last year, they are in the midst of moving the entire code from Appendix A into its own chapter, which is Chapter 50, and a number of ordinance sections have already migrated over to Chapter 50 and the ones that are in the pipeline right now include the screening of landscaping regulations, the commercial zone districts, lighting and signage. He added that language has been drafted and there will be more information coming out as far as public feedback sessions regarding these ordinance amendments in the near future. Chair Carroll asked if this report would become part of today's minutes and Mr. Eldridge said yes.

Chair Carroll wanted to take time to thank Vice Chair Lager. He said he learned a lot from him about how to run the meetings and how to go down the middle and even though they didn't always vote the same way, he found it an extreme pleasure working with him. Ms. Harrington added that she is also sad Vice Chair Lager is leaving because he has been profoundly impactful in the way she interprets the board, the responsibility and rights attached to the board, and the framing for her participation on the board. She stated he is a brilliant thinker and even though they don't always vote the same either, she is grateful for their time together, his friendship, and being a colleague and she hopes he will do another board because he is an asset to the community.

ADJOURNMENT:

The meeting was adjourned at 7:39 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **3/9/2023**

Item: **D.1.**

TO: Zoning Board of Appeals

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

DATE: March 9, 2023

SUBJECT: ZBA #23-03-04: 1625 and 1629 Krom Street. Valley Vision Construction & Development, LLC is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, of five feet from the required 25 foot front building setback off of Martin Street for these lots.

BACKGROUND:

Valley Vision Construction & Development LLC has plans to add a number of new housing units to the street frontage of Martin Street which extends from N. Burdick Street to the cul-de-sac abutting the back of the lots facing Krom Street. These properties are all in the Residential – Single Dwelling District. Since 2008, seven dilapidated dwellings have been demolished in this area. The developer is in the process of combining 1625 and 1629 Krom Street into one lot, which will be assigned the new address of 124 Martin Street. These lots have a depth of 66 feet and are considered double frontage with frontage on both Krom Street and the cul-de-sac of Martin Street. Combining the lots has given the developer additional square footage to work with, but there is a utility easement planned which will pass through the south side of the site, pushing the development envelope for the house and attached garage further to the north.

The shallow depth of the site and the proposed utility easement have made it difficult to comply with the front yard building setbacks which apply to both the Martin Street and Krom Street frontages. The average front setback of the other dwellings on Krom Street allows for the front setback to be reduced to 10 feet. However, the Martin Street frontage requires a 25-foot setback. The developer is requesting relief of five feet from the front setback on Martin Street due to these site constraints.

STRATEGIC VISION ALIGNMENT:



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

Strategic Vision, Master Plan 2025 and Neighborhood Plan Impact:

This project touches on the Strategic Vision goal of Complete Neighborhoods as it will result in

new housing in the Northside Neighborhood. This also aligns with the Future Land Use Plan as this area is identified as 'R1- Low Density Residential'. Lastly, the Northside Neighborhood Plan includes strategies/goals to preserve existing housing and build new housing.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

A notice was published in the Kalamazoo Gazette on February 22nd. Notice of the public hearing was mailed out to all property owners within 300 feet of the subject property. The applicant has reached out to the Northside Association for Community Development and will be reaching out to neighboring property owners.

Engagement/Communication Tools:

Newspaper, mailings to property owners, and outreach to neighborhood association and neighbors.

FINDINGS:

The staff has made the following findings regarding this request:

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

The special circumstances are related to the shallow depth of lots at 66 feet, frontage on two public streets, and the proposed utility easement for water and sewer across the south side of the site to extend utilities to the cul-de-sac of Martin Street.

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

The applicant has not created the current circumstances. These are existing platted lots being combined for redevelopment.

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

The literal interpretation of the Ordinance would reduce the already shallow building envelope planned by the developer by an additional five feet. It is unusual to have a double frontage lot with such a shallow depth.

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

The granting of the variance is the minimum action necessary which will allow for a larger building envelope and result in the placement of the home in closer alignment with the existing dwellings in the area.

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

The granting of the variance will not adversely affect adjacent properties. This setback variance will be for the Martin Street frontage, which currently has no other dwellings.

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

The granting of this variance will be consistent with the intent of the Ordinance with regard to promoting infill development.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Not applicable to the requested dimensional variance.

RECOMMENDATION:

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



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

February 22, 2023

**RE: ZBA #23-03-04
1625 and 1629 Krom St.
Parcel # 06-10-342-005 and 06-10-342-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Valley Vision Construction & Development, LLC for 1625 and 1629 Krom Street located in the Residential – Single Dwelling District (RS-5).

The applicant is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, of five feet from the required 25 foot building setback off of Martin Street for these two lots.

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

The meeting will be held on Thursday, March 9, 2023, 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
Zoning Administrator

Zoning Board of Appeals Application



Submission date: 27 February 2023, 6:52AM
Receipt number: 15
Related form version: 14

Introduction

Have you scheduled a pre-application meeting? Yes

Applicant Information

Name Darnell Clay

Organization (if applicable) Valley Vision Construction & Development LLC

Email Address trustvalleyvision@gmail.com

Phone Number 2697798703

Address 1214 W Paterson St, Kalamazoo, MI 49007, USA [Map](#)
(42.3035117, -85.60130649999999)

Preferred Contact Method Email

Are you the property owner? Yes

Property and Application Details

Property Address 1625 Krom St, Kalamazoo, MI 49007, USA [Map](#)
(42.307293, -85.5824548)

Parcel Identification Number 06-10-342-005

Zone District	RS-5
Type of Request	Dimensional Variance
Application Fee	\$300.00
Project Description & Reason for Request	We have combined lots 1625 and `1629 Krom into 1 lot with the address of 124 Martin street. We purpose to newly construct a single family residence on the combined lots that will be part of a Martin street neighborhood. The variance will allow us the ability to have a home constructed that provides more safety, security, neighborhood flow, landscaping aesthetics and help provide a more controlled environment for the family in lieu of heavy traffic and unsightly blight. Even though the lot is smaller, the variance allows an attached garage along with a small yard space which is something that the community residents long to have in new homes that they see constructed on the northside

Dimensional Variance Review Criteria

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?	Yes, the lots being combined are shallow at only 66 feet deep. Also, the lots front on two public street which are Martin and Krom.
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?	Yes, these lot are considered double frontage lots. Space on the south side of this residential project must also be left for water main extending to Martin St.
Are the special circumstances created by actions of the applicant?	No, not by the applicant. The creation of Martin Street and placement of a cul-de-sac adjacent to the lots on Krom Street created this situation.

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?	Granting the variance will be the only needed action to allow the home to be constructed traditionally comparable to all surrounding residential homes.
Will the granting of the variance negatively affect adjacent land?	The granting of the variance will positively affect adjacent land, communities and homeowners. No negative affects have been found.
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?	the granting of the variance will be consistent with needs posed by newly constructed single family homes in the city of kalamazoo with lot limitations compared to the type of housing needs being constructed. Further, homes on Martin will be hooked up to City water and sewer.
Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?	Not applicable
Does the landscaping proposed by the applicant meet the intent of this section?	Not applicable
Are there steep changes in topography that would limit the benefits of landscaping?	Not applicabel
Are the proposed building and parking lot locations setback beyond the required setback?	Not applicable
Are there abutting lands developed or could be developed in the near future with a use other than residential?	Not applicable
Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?	Not applicable

Supporting Documents

Supporting Documents

[2023-01-27 Preliminary Site Plan.pdf](#)

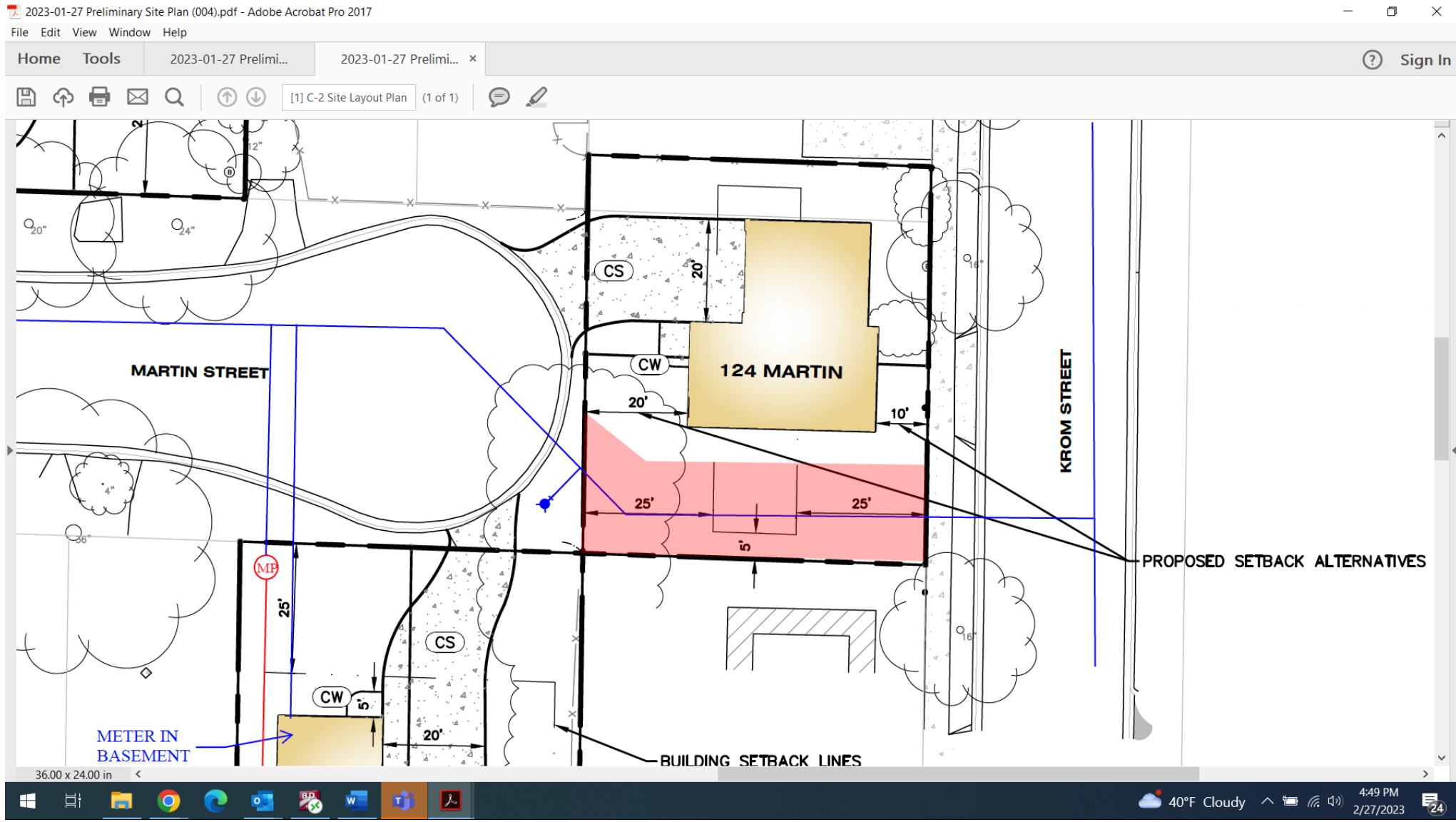
Submit

Your Signature

A handwritten signature in black ink, consisting of two distinct parts. The first part is a stylized, cursive 'A' followed by a series of loops. The second part is a more complex, cursive flourish that ends with a long, sweeping tail.

[Link to signature](#)

Site Layout for 1625 and 1629 Krom Street (124 Martin Street):





2018 Aerial View

LEGEND

— Override 1

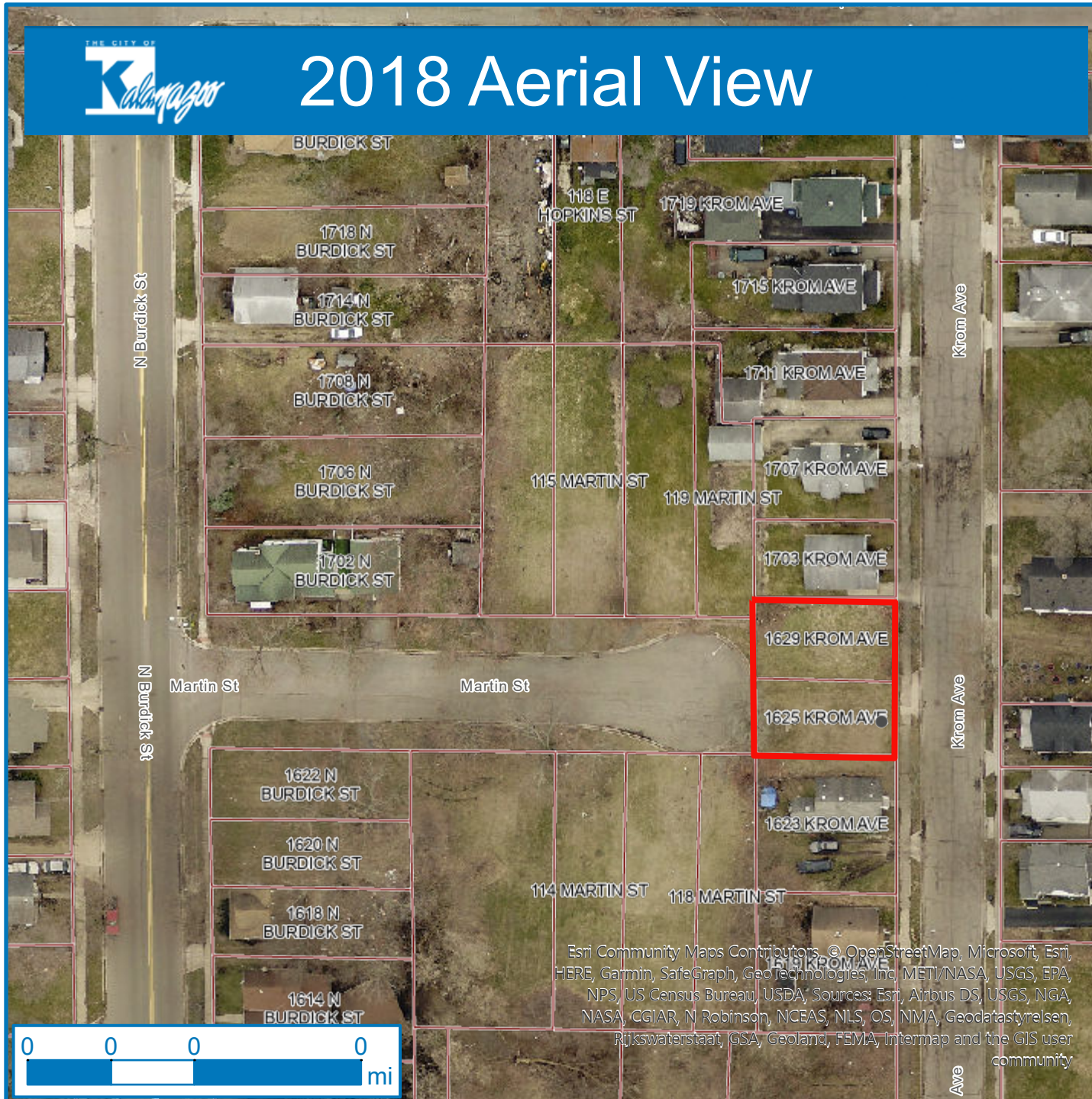
PARCEL MAP

Parcel

Address

GENERAL INFORMATION

City Boundary



City of
Kalamazoo,
2/27/2023



Parcels within 300' Mailing Radius 1625 & 1629 Krom St

1625 & 1629 Krom St

