

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, June 8, 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 on May 11, 2023

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #23-06-10: 1122 S. Westnedge Avenue. HCC Property Holdings is requesting a use variance from Appendix A, Chapter 4, Section 4.2 Q3, to allow ground-floor residential uses in the Commercial – Office (CO) District.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
MAY 11, 2023 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Beth van den Homberg, Joe Hohler III, Remi Harrington, Jeremy Terpening, Gary Wark, and Tony McReynolds

Members Absent: None

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

Chair van den Hombergh called the meeting to order at 7:03 p.m.

Chair van den Hombergh asked if there were any changes to the agenda and Mr. Eldridge stated the only change to the agenda was E, under discussion and action items where there is a need to talk about filling the Vice Chair position, and there is trouble with the log in for the call-in comments.

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

APPROVAL OF MINUTES:

Mr. Wark moved to approve the meeting minutes from April 11, 2023 as submitted, seconded by Mr. Terpening. The motion was approved by voice vote unanimously.

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

portion is closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Harrington read the application for 724 and 730 N. Burdick St/108 and 128 E. Frank St./709, 713, and 729 N. Edwards St/121, 125, 129, 131, and 135 E North St into the record.

ZBA#23-04-08: 724 and 730 N. Burdick St/108 and 128 E. Frank St./709, 713, and 729 N. Edwards St/121, 125, 129, 131, and 135 E North: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Mt. Zion Baptist Church and Hollander Development. The applicant is requesting a variance from Chapter 50-7.2 to authorize an additional eight (8) off-street parking spaces which will allow a total of 64 off-street parking spaces where a total of 56 spaces was previously approved on June 9, 2022, with a prior variance for 17 additional off-street parking spaces.

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.

Jason Muniz, Vice President of Hollander and the lead developer for the project, and Mike Flynn, an architect for Byce Architects and Engineers. Mr. Muniz explained they are proposing a 70 unit affordable housing development for seniors on this site and on June 9, 2022 they came before the board to make a similar request for a parking variance based on a discrepancy between Michigan State Housing Authority's (MSHDA's) design guidelines and what the zoning allowed for, specifically the zoning allowing up to half a parking space per unit, while MSHDA's recommendation is a one-to-one parking ratio for senior housing. He said while reading the staff report for this application, he saw a strong implication that MSHDA has blessed their existing site plan with the 56 units of parking spaces however, he said that isn't the case but rather for this project, they are using MSHDA'S tax credits, but are no longer using their financing, so their guidelines can be waived. He said MSHDA does still recommend a one-to-one parking ration as a minimum and based on similar projects, less than that would be risky for those residents that would live there. He invited Mike Flynn to speak further but added these units are designed to be deeply affordable for the residents of the community, as the rents would begin at \$325 and go up to just over \$1,000 but the majority of them will be for people at or below 60% of the area median income, with those rent numbers including utilities. He said this development is badly needed everywhere in the state but particularly in this neighborhood.

Mr. Flynn stated Byce is the architect and engineering firm working with Hollander and Mt. Zion on the project and wanted to talk about the variance from the previous year. He stated that between the one-to-one ratio that is recommended and the 0.5 to one ratio that is part of the current zoning regulation, he wanted to remind everybody that the deliberations at that time was that the difference of the 0.5 and the one-to-one ratio is significant and that the subject at hand isn't assisted living, but independent living and these are people who will be 55 and older. He said as someone who is over 55, he hasn't given up his car and doesn't intend to for a while so the need for parking is there and added that there was talk of revisiting that zoning regulation as it pertains to independent living and making it more in line with multi-family, which is the typical one-to-one ratio. He urged the board to look at the variance criteria they would use to vote for or against a variance and take it into consideration, he also wanted the board to consider that they went to great lengths to tend to the zoning regulation as it stands now and note that the intent is to create a building that comes out

to the street and see that they have ensconced the parking within that area, which can be seen in the development. He said there would be no negative impact to the neighbors as far as increased asphalt because the buildings are wrapped around the asphalt parking.

Dr. Addis Moore, of Mt. Zion and one of the development partners, said the reason they wanted to put the development on the north side is so that their predominantly black, senior residents can age in place in a way that would be safe and beneficial to them. He stated that most of the time individuals in the community aren't able to receive the benefit of their investment, and particularly on the Northside, for years the underprivileged and unfunded haven't received the same type of care that people in other communities have and the vision was to provide a safe and affordable place for them and the community to be proud of but part of that vision included individuals that had vehicles wouldn't have to park on the street, as that is a hinderance on some seniors as they age and have medical conditions to have to navigate off the streets, which he feels is dangerous in any neighborhood, and he finds it unthinkable that seniors that have walking and other conditions would have to do that and added that having that barrier in a project like this would do them a disservice to the way they are looked at and cared for. He said he wanted the one-to-one for the 70 units, but they need the 64 inside because they don't want anyone on the street and as a church they minister to their needs and they know their circumstances, their families, and anyway we can make their lives more pleasant, he believes it is our responsibility to do so. He said as they contemplate, he asked that they grant the variance for the sake of the seniors and look at them as human because far too often we neglect the human aspect of things and how we care for our seniors is how we care for our community.

Chair van den Hombergh asked for staff comments and Mr. Eldridge said he would like to comment but added that the call-in matter is still being looked at by IT. He said that the discussion regarding senior parking by no means ends here, but he said if there was a way to break out senior parking, as far as the calculation in the ordinance, what staff is leaning on is the variance from last year and the amount of on-street parking in the area. He said that is something the city can work with the developer on and make sure there is ample curbside parking, and he realizes that isn't a direct replacement for the overnight parking that's being requested. He said something that wasn't mentioned last year was some of the programming on the site and the staff parking curbside, but he understands that would be desired on-site as well. He said the city would like to focus on the on-street parking and not take away more on-site green space. He said he's available if the board has specific questions and Ms. Harrington said is she to understand that the city staff wanted them to utilize on street parking versus the granting of the variance or in addition to, and Mr. Eldridge said the on-street parking is available and because this is senior housing, typically not all of the seniors have cars, which is why the calculation is half a space per unit and for daytime activities the on-street parking can be used to supplement the need for more parking. Ms. Harrington asked if that contends with the request and Mr. Eldridge said they can ask the applicant to clarify but their desire is to have more parking on-site and if there are more residents that have cars or visitors, it would allow the additional residents to have their cars on-site and visitors wouldn't have to walk as far to get to into the facility if the parking spaces were in the lot between the two buildings versus one of the surrounding side streets. Ms. Harrington asked the developer to come up and explain and Mr. Muniz stated that he would explain that the zoning calculation expects that seniors would have less vehicles than the rest of the population and he doesn't know if that is a true statement, but he knows that they have over 1,000 senior units in their portfolio and in their experience a one-to-one ratio is preferable. He said they have one development that has less than that, but it has 0.75 spaces per unit and is located in Muskegon and they have owned and operated that development since it was constructed in 2002 but since then, parking has been constrained

and they have attempted to acquire adjacent lots. He added that if you asked the residents there what the number one complaint is, they would say it is the lack of parking, he also said that with senior housing, people leave less often because they don't drive as much so there are more vehicles in the parking lot during the day he wanted to add for clarification that the additional parking will not reduce any green space from the original site plan and the impervious land coverage hasn't changed. Mr. Eldridge asked if there was anything else he wanted to show the board and Mr. Muniz said he had a video he would like to show the board. Mr. Hohler said he wanted to clarify that there would be two buildings, 35 units each and there are two, two bedroom units and 33 one bedroom units per building and Mr. Muniz stated there was a discrepancy in the report and the northern building would have 36 units and the southern building would have 34, each building would have two, two bedroom units for a total of four, two bedrooms and 66 one bedrooms units. Mr. Muniz said they just added the two bedrooms as they were working through the design, which is why they are asking for the additional parking because a year ago they asked for the most they thought they could get on the site and it wasn't until they started to get into the design, they realized they could accommodate, without losing any green space those eight additional spaces. He showed the video with the additional parking spaces. Mr. Terpening asked if the lot would be keyed or gated so only the residents could access it and Mr. Muniz said yes. Mr. Terpening also wanted to know, because he uses public transportation, if there was an easy access point for handicap accessibility outwards or is everything internal where the buses might need to go through or private pick-ups and Mr. Muniz said there is a curb cut for pick-ups, drop offs, Metro Connect, and things of that nature. He added that there is a bus stop on the corner, and he welcomes the local transit authorities to adjust their plans to accommodate the residents. Ms. Harrington asked if there were solar panels and Mr. Muniz said yes, they are building something called Passive House International U. S. Standards or PHIAS and explained it is the most rigorous design project they have ever attempted in terms of green certification and they just completed the Creamery, which is Lead Platinum certified, and the only such in Kalamazoo County. He said that this development will be greener than that and they have big hopes on this one and he believes it will be the first passive house project that is affordable housing and MSHDA financing in the state. Mr. Hohler wanted to know how they managed to get the additional spaces without affecting any green space and Mr. Flynn said the last time they were there the approval was based on a conditional site plan approval process, which is based on incomplete information but once they had a survey and went through it and the conditional site plan approval at the local level, he said they noticed they had enough depth information from GIS and the survey to add a string of parking. He added that they have a high amount of one bedrooms and they are truly closer to a one-to-one ratio but at one time they were at 100 percent one bedrooms but now they have some two bedrooms and with the category of Independent Living, they are basically multi-family housing.

Chair van den Hombergh asked if there was anyone who wanted to speak in favor of the applicant and there were several speakers: Patsy Moore said they are excited about the project for independent seniors like herself, who is 67 years old and can see herself living here, and still drives to the grocery store, doctor's appointments. She said to have to come home and play the parking spot lottery would greatly deteriorate her quality of life and she urged the board to approve the variance.

Hayward Babineaux, who is on the Byce design team and is also a member of Mt. Zion Baptist Church, said he has two parents that are 62 and 65. He stated his dad is in a nursing home and still thinks he can drive, but his 62-year-old mother does drive everywhere. He talked about the history of the site and stated he used to attend Lincoln School, which is right by the site, and he attends Mt. Zion, and there also used to be a club nearby called the Post that he used to try to get into when

he was younger. He said he keeps hearing talk of on-street parking but wants to know where because Frank Street is an old brick street and said imagine having an older loved one trying to maneuver around in a wheelchair or with a cane on a brick street, he said the next street is North Street and anyone familiar with the Northside knows there are two major streets, Paterson and North. He said a lot of cars travel on North Street, especially after five o'clock and can't imagine an older person trying to dodge traffic. He added that at one time there was no parking on some of these streets but on North Street, there may be different time frames to park, but then there are times parking isn't allowed at all. He said Burdick, another major street doesn't allow parking and the other street, Edwards, is a residential street and the lot attached to Lincoln has a fence around it and there's a lot at a trash company, but he doesn't think anyone would want to park there.

Coreen Ellis, a Kalamazoo native and member of Mt. Zion for the past five years, is in favor of the future community building project. She added that there should be adequate parking and the seniors deserved a good life, but is glad they considered the green space and solar panels and feels it's a good idea to increase the parking.

Betty Dennis, a Kalamazoo resident, stated she is there on behalf of those who are disabled. She said that even though she is disabled, she still drives but her car is centered around her disability and she can't drive, park, and try to cross the street and she needs to be where she is going and she doesn't expect those of us who don't have a disability to understand, but the disabled need to park where it's most convenient for them. She added that if she ever lived in this facility, she would need to park and get to the door because she wouldn't be able to travel back and forth across the street with groceries. She asked that they rethink the on-street parking.

Modean Reeves, who has lived on the Northside since she was a toddler, drives but has a husband who is disabled and expressed the importance of being able to park so she could get him in and out of a vehicle, but she is looking forward to this facility because she would like to move there.

Christopher Moore Sr, the assistant pastor at Mount Zion Baptist Church, said that part of the vision of the church is a vibrant community living by faith and they are looking to minister to the Northside residents and physically build something to increase the value of life, and the quality is incredible. He said he's looking forward to this project and to add more parking spaces is worth it and this variance will help to serve people so they can live a vibrant life and all the seniors he knows still drive and have at least one vehicle and the few he knows that don't, are not living independently and this variance is a no-brainer to him and to serve the people they have to do what's best for them.

Danielle Moore, a 38 year old Kalamazoo resident, said she supports the variance because based on parking, she decides where she's going. She added that coming to this meeting at this time is fine but normally she wouldn't be downtown, trying to figure out the parking and if she, at her age, has to figure out what to do based on parking, then having a senior decide their day based on parking where they live and as a barrier to their home is unfair.

Troy Haas, a Kalamazoo resident, said he wanted to reiterate what Dr. Moore stated as far as the rules in the ordinance being for people, but he wanted to point out that when he heard the city saying not many seniors are driving, his father is 80 years old and his uncle is 79 and they both still drive his mother was 75 and she still drove. He said seniors these days drive, but he can't see his father, who has arthritis, walking onto Frank Street, in the winter, trying to get into his car and that doesn't sound like a rule or ordinance that is just and fair.

Montrell Porter, a Portage resident and Mount Zion member, said he is for the variance and as a former property manager at Spring Valley Crossing here in Kalamazoo, they only had half of the parking spots available for the 55 units, 27 spots, and he would get complaints daily about inadequate parking. He said Spring Valley Crossing was senior housing as well and that lack of parking was a hinderance to those residents getting proper services. He added that sometimes people would have to park at Spring Valley Park, located across the street, and found it difficult to get materials, and sometimes equipment, to the residents so that is another thing to consider when thinking about the spots, how the service providers will also be able to take advantage of those parking spots.

Vanessa Marzette, a Portage resident, and member of Mount Zion Baptist Church and a former detective for the Kalamazoo Department of Public Safety, said that in her career she had to do parking enforcement and after 2 o'clock, there is no on street parking and some streets have alternate parking where you would have to get up in the middle of the night and move your car to the other side of the street. She added that since we're talking about senior independent living, they wouldn't want to get up in the middle of the night to move their car, if that is the case, but where would they park after 2 a.m. since there is no on street parking at that time and for them to live independently it's important for them to have some place to park. She referred to what Ms. Dennis said regarding being disabled and needing to park where she needs to be and said it is really important to consider the seniors when talking about parking and those eight spaces mean a lot when talking about seniors.

She asked if anyone wanted to speak against the applicant and there were none.

Chair van den Hombergh asked if there were any call ins and Mr. Eldridge said there was still an issue with the software and apologized to the viewing audience that may have wanted to call in and make a comment.

Chair van den Hombergh closed the public hearing.

Chair van den Hombergh asked if there were any other questions from the board and there were none.

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

- 1) The Finding of Fact for 724 and 730 N. Burdick St/108 and 128 E. Frank St./709, 713, and 729 N. Edwards St/121, 125, 129, 131, and 135 E. North St shall include all information included in the notice of public hearing dated April 8, 2023 in the agenda packet staff provided for this request.
- 2) 60 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted.

- 4) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

There were several speakers on behalf of Hollander Development, Jason Muniz the Vice President of Hollander Development, Mike Flynn an architect at Byce, and Dr. Addis Moore of Mount Zion Baptist Church. There were no call ins due to software failure, there was 60 notices sent out and no negative feedback. There were several residents from the area spoke in favor of the variance and, again, no negative feedback.

Mr. Terpening seconded the Finding of Fact.

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

Mr. Hohler moved to approve the application for a use variance from Chapter 50-7.2 to authorize an additional eight (8) off-street parking spaces which will allow a total of 64 off-street parking spaces where a total of 56 spaces was previously approved on June 9, 2022, with a prior variance for 17 additional off-street parking spaces, seconded by Ms. Harrington.

Discussion:

Mr. Terpening said his best friend is 85 years old, has two cars, and drives daily and if that privilege is taken from him, we're going to need a bus full of priests and an entire church for him not to burn down his neighborhood. He added that he advocates for "handi-capable" accessibility because as a 100 percent blind, handicapped individual, he will never drive again and fully understands the "handi-capable" need to be able to serve as an independent unit of society and he knows that some of the stresses that come with the county connect Metro Transit program are easily overlooked and that's where his question came in specifically, so he will be 100 percent in favor of the variance. He said he believes that, as stated, this should be a one-to-one living relationship standard up with other types of living and that age has no longer become part of our society, a determining factor of relinquishing somebody's rights to travel in their own vehicle and that it is also incumbent upon us not to assume that may only be one car per household, but there can be two people sharing a one bedroom and that would normally dictate two cars, so for these reasons he feels this should be approved.

Mr. Wark said he would be in favor for safety reasons and keeping everyone on site is better than parking in the street.

Mr. McReynolds said he will be in favor because they had him at affordable living and hopes there will be future plans to provide this for non-seniors in the same area.

Ms. Harrington said she would be in favor but wanted to know, from the city's perspective, why this wasn't looked at prior to this and was wondering if it was because they wanted to proliferate the biking and the walkability of the city and Mr. Eldridge said the general answer was to reduce underutilized asphalt around the city because it adds to the heat island effect, it creates more storm water management when we have underutilized parking, and there is also the added expense of

maintaining all of the added asphalt and that is the reason they have made adjustments to the parking regulations and continue to review them.

Motion was approved unanimously by a roll call vote.

Ms. Harrington read the application for 918 Jasper Street into the record.

ZBA#23-05-09: 918 Jasper Street: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Milestone Senior Services. The applicant is requesting a dimensional from Chapter 50-4.5 B, to authorize the placement of an accessory structure in the front yard along E. Vine Street, where accessory buildings are not permitted in the front yard.

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.

Adam Harvey, of Glass Associates, a design build contractor representing Milestone Senior Services, said the project is located in a unique site and there are four streets that surround the site so everything is, technically, a front yard Jasper, Vine, and Boerman Streets, and Crosstown Parkway are all sides of this site. He said when considering where to locate the accessory structure, they looked at all the possibilities, they looked at circulation of the site, decided the location they want to place the structure is a more beneficial location for all parties, the site, the neighbors, everybody involved. He brought members of the design team: Lindsey Reed from Intersect Studios, Alex Frazier from Hurley and Stewart, and Corrine Bradley, the COO of Milestone's Senior Services.

Ms. Bradley wanted to give a brief overview of the organization, which is to provide options that empower people to thrive in their community and their vision is to be the leading and trusted community provider of innovative services to support independence and dignity. She said many people think they only care for senior citizens when in fact, they care for adults over the age of 18 with disabilities as well as seniors. She said their home repair department is critical and last year they served 696 individuals in her neighborhood. They built a ramp for an unfortunate high school student who is now disabled. In addition to ramps they also put in safety modifications, fix steps, roofs, and put in safety devices so that people can remain independent in their community.

Chair van den Hombergh closed the public hearing. She said this building will not only provide them with the adequate storage that they need, but they have 69 volunteers that come because they are dedicated to their mission and are, at this time, working out in the elements and their lumber is covered in ice and snow that must be broken off of it to be used. She added that the volunteers are so committed they work through all kinds of weather but when they were introduced to the idea of having an enclosed structure that would house all their equipment and they would be able to work inside in bad weather, they were excited and brought in more volunteers because the more volunteers they have, the more people they can serve. She added that the elderly population is growing and by the year 2060 it's estimated that 98 million Americans will be over the age of 65, which equates to more services needed and if we they don't have the area in the room to build the ramps or to store the equipment needed, it will create wait lists and delays, which would jeopardize the independence of these individuals in their homes and communities and they run the risk of being institutionalized. She added that the statistics of being institutionalized and getting out of it are scary and this building is critical to meeting the needs of these individuals.

Ms. Reed, of Intersect Studio, wanted to talk about the site. She said that the current buildings are remaining as is as part of the scope of the project and they include the main workplace building and a nutritional building which is where the Meals on Wheels program is housed for Kalamazoo and surrounding counties. Along the south end of the site, where the nutrition building is the loading area where they bring in the food and semi deliveries for Meals on Wheels, as well as all the out loading to the volunteers who distribute Meals on Wheels so there's a lot going on the south end of the site. She said to the north of the main Milestone building there is the current home repair space and that is uncovered, the main pathway through the site from Boerman to Jasper Street, and then there's a kind of dog-like area which is the area in question and is considered the front yard for Vine Street. She added that there is also an electrical substation owned by Consumers that is currently adjacent to the site.

Mr. Frazier, with Hurley Steward Civil Engineers, said the building is compliant for zoning, but they are facing some hardships. He said to the left and then the north side of the building is technically considered a side yard between the building and the substation and placing the building there would lead to safety issues, especially since the building will be used for storage and some of the construction activities will take place outside of, and around the building and because that area is a main thoroughfare through the site, it raises concerns for the safety of the contractors being outside having to deal with traffic and people coming in and out. He added that it is also visible to the event space so there are noise, congestion, and visibility concerns when they host private events. He said the area to the south, along Crosstown, is technically compliant due to a technicality and that there is a city lot south of the drive but putting the building there would put it closer to the right-of-way than desired and would also interfere with the loading operations with semi traffic, which is another safety issue and what they are proposing right now is 190 to 200 feet of the Vine Street right-of-way and 75 feet from Jasper. He said they tried to tuck it to the south and to the west to try to get it way from the right-of-way to meet the intent of the ordinance since it's technically a side or front yard. He stated they are proposing a 1200 square foot home repair building on the north side of the site, tucked to the west and south to pull it away from the roadway frontages and they feel it isolates the workers so they can work on the north side of the building and they're out of traffic movement areas.

Ms. Bradley wanted to mention their board chair is a member of the Bronson team and he and his organization fully support the plan as is but unfortunately, they couldn't get a letter from Bronson due to time constraints. She said they also reached out to some of their other partners, Kalamazoo Valley Community College and Disability Network and they are also in support but couldn't get a letter in a timely manner.

Ms. Harrington, referring to an on-screen diagram, asked what was in the back on the south end, where it would be in alignment with the ordinance and Ms. Reed said the yellow area on the diagram is the compliant area and was given to them by Mr. Eldridge and Mr. Bobby Durkee. She said there is a driveway that comes off Boerman, a deck for semis, and along the rest of building is the area the volunteers of Meals on Wheels pull up and the food is brought out from the kitchen. Ms. Harrington asked if that is why they are saying they are not safe there is because of all of the semi traffic and Ms. Reed said yes.

Ms. Reed wanted address concerns the city has about the screening of the building. They are proposing to screen the building from the south from the main Milestone building, from the east

from Jasper Street, and are proposing a small island to try to screen it from Vine as well, and then there is the substation to the south and added they would do more screening if necessary. Mr. Frazier added that on the south end of the site, placement of the building would probably leave it right where the stormwater basin is proposed and they feel it won't be feasible, with Meals on Wheels, the canopy that's proposed to get a semi on the site for food and supply deliveries that is needed for Meals on Wheels. He added that the site is also located in the flood plain placing the building, especially on the north side just north of the primary structure so they have to raise it, but from an engineering standpoint, it's more conducive to grade back in and match into existing, whereas placement of it right across from the event center area in the compliant space would cause them to have to rip out the entire north side of the site and raise it all up. He said that would make it a lot trickier to come into compliance with the floodplain permit they will have to get.

Chair van den Hombergh asked for staff comments and Mr. Eldridge appreciated the detailed explanation about the yellow highlighted areas and the question asked by Ms. Harrington but because of the way the ordinance is structured, it's very specific regarding placement of accessory structure buildings on a site and it's intentional in the residential zone districts, as well as commercial zone districts, that the primary structure should be the focal point of the property and accessory structures be placed in the side or rear yards. He said those highlighted areas are significant because with frontage on this many public streets, it narrows where an accessory building can be placed and conform with the ordinance. He said the applicant was trying to go through the logistics of trying to utilize one of these two sites and the flood plain discussion and comments were focused on the fact that because this city has areas like this, that are with it, any new constructions will have to be elevated so the floor level of the building has to be, he believes, a foot above the floodplain elevation. He added that would require regrading the location where the building is going to be, and that impacts the area around proposed structure as well and that the city's concerns and focus was making sure that as this area grows, develops that these accessory buildings, or any proposed future ones, are not positioned in a way that future development won't be hindered by the positioning of them and nearby sites aren't constrained by visibility on this corner and the blending of developments. He said he was glad Bronson reached out because that was the main concern, with the positioning and the screening on the sides of the accessory building are great, except to the north which faced Bronson Hospital and if the board is leaning toward this location, he recommends some additional screening and as for the little outcropping of vegetation shown from where the substation is that would go out in front of where the door is to the accessory building, the north side of the building will have a garage door, the materials will come out of the garage door, and that's where the construction would take place. He said the only thing screening the workspace from Bronson Hospital and Vine Street is the little outcropping of the four shrubs just north of the substation so additional screening would be recommended to obscure the view of the outdoor workspace.

Mr. Hohler asked if the address was not on Jasper, but on Boerman instead, would that change where the compliant areas of the site are and Mr. Eldridge answered no and because the site is surrounded by public streets, those are all front yards. He said the yellow box to the right on the screen is where the loading dock is because there is a strip of city property directly to the right of the retention pond, so that makes it a side yard and the other yellow box would be between the substation and the building, and that's why those are the only compliant areas because it's technically front yards along Jasper, East Vine, Boerman, and a little bit along Crosstown Parkway.

Mr. Hohler wanted to know what kind of building this was going to be because it's 1200 square feet and Ms. Reed said a pole barn.

Mr. Wark wanted to know if there was a set back from the substation and Mr. Frazier replied there is a five-foot minimum and they are trying to get within that and as close to the property line as possible, so it doesn't create a grading constraint or cause them to have to install a retaining wall. Mr. Wark then asked of the substation was for Bronson and Mr. Frazier didn't know but he knows they go east but isn't sure where they end.

Chair van den Hombergh asked if they should get into the specifics of what the screening would look like and Attorney Bear advised that that should be reserved for the discussion period.

Chair van den Hombergh asked if there was anyone who wanted to speak in favor of the applicant and there was no one.

She asked if anyone wanted to speak against the applicant and there were none.

She advised that due to technical difficulties, call in comments will have to be passed on.

Chair van den Hombergh closed the public hearing.

Chair van den Hombergh asked if there were any other questions from the board and Mr. Terpening asked about other work being done out of the building other than building accessibility ramps and said he was once told windows and doors could be maintained or installed as well. Ms. Bradley stated they repair steps, porches, railings, and work with other contractors to do HVAC work if needed and is all inclusive so a lot of items will be stored in the building, and pointed out on the screen where they currently house volunteers and where the staff works and also added that there is a lot of theft in that area and vehicles have been broken into, as well as trailers stolen.

Chair van den Hombergh ask if they could ask about screening now and Attorney Bear said they can ask any questions they want. Chair van den Hombergh advised she didn't want to set a precedent for these types of shelters in front yards and due to the location and type of work they do, and the fact that they have the support of Bronson Hospital, she wants to know if they can put something into the recommendation and Mr. Eldridge said what can be done to mitigate the placement is to have a peninsula that comes out from the substation. He said instead of running the screening north to south, and having it run east to west from the substation and advised that the applicant can say if that is feasible. Ms. Reed advised that she also had a question for Mr. Eldridge and wanted to know if the screening was maybe 75 feet out in front of the garage door versus screening at the lot line, is there a preference for one over the other and Mr. Eldridge advised either alternative would work. Ms. Reed advised either option would be feasible. Mr. Frazier said the screening along Vine Street would be more feasible for accessibility of the deliveries and it would allow for more freedom of movement.

Mr. Harvey added that most of the building and construction will be happening inside the building and the action that is happening outside, their intent is to move it inside.

Mr. Hohler asked how tall the building will be and Mr. Harvey said about 16 feet, Mr. Hohler said because looking at the picture he's wondering if it will be tall enough to screen the substation.

Mr. Eldridge summarized that staff's recommendation is to screen either on the north side of the building or along the north edge of the property by Vine Street and staff will work out the additional screening with the applicant.

Ms. Harrington wanted to know why it's preferential to move it that way so that the little peninsula juts out and Mr. Eldridge stated that is the side of the building that has the garage door, and the materials will come out that door into the space in front of the building for the actual work to be done and that's where they do the assembly. Mr. Hohler said he took it as if you came out and had to make an immediate right, or left turn to get in, it would pose a problem getting into the structure, that with the screening, there is more of a straight shot out and a longer run up to the building.

FINDING OF FACT

Ms. Harrington moved the Finding of Fact as follows:

- 1) The Finding of Fact for 918 Jasper Street shall include all information included in the notice of public hearing dated April 26, 2023, and the agenda packet provided by staff.
- 2) 28 notices of public hearing were sent, and zero responses were received.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

The facts presented regarding circumstances or conditions of the property or structures that are special circumstances or conditions not commonly found on the other lots of structures in the same zone district that made this request unique are that Adam Harvey describe the entire property as a front yard, the frontage of the property faces public streets and the location of the structure is beneficial to the neighbors. Corrine Bradley spoke to the utility of the project and the services will enable the mission-based work to move forward in the community and the organization works with not only seniors, but disabled persons over the age of 18 and they need adequate storage to support the tools and the utilities needed to be able to make sure adults are remaining independent in the community. The facts that cause the special circumstances are that it is a non-conforming use to have an accessory structure in the front yard. The facts presented regarding whether or not the applicant has been denied rights enjoyed by other property owners in the same zoning district and the ordinance doesn't allow for an accessory structure to be built in a front yard and that's why this is a need that needs to happen so they can perform their mission-based work. The facts presented whether the action requested is the minimum action which will make it possible to use to the

lot or structure in a manner that will not negatively affect the public or meets the spirit of the ordinance are that this issue about safety and they are currently performing these tasks outside and they have had other impediments, like theft, and it's no longer feasible for them, they need a structure to do this, in the winter as well since you have to build things and doing it out in the elements seems prohibitive in multiple ways because of the traffic on the site. The facts presented regarding whether the granting of the variance will adversely affect adjacent land in a material way and she said she's still unclear about the screening and city staff has said they will work with the applicant to make those accommodations and is still unclear why this is needed and asked Mr. Hohler what he mentioned and he said it would make turning extremely difficult, especially if they need to get a tractor-trailer in there. Ms. Harrington said outside of that, the plan is as it stands.

Mr. Wark seconded the Finding of Fact.

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

Mr. Wark made a motion to approve the application for a dimensional variance from Chapter 50-4.5 B, to authorize the placement of an accessory structure in the front yard along E. Vine Street, where accessory buildings are not permitted in the front yard, with the change of moving the screening to the north end of the site of the building and access would be on the east end of the building, seconded by Mr. Terpening.

Discussion:

Mr. Hohler wanted to say that only one of the two yellow conforming areas is technically available because of some weird quirk of the land and that leaves only one and where they want to put it is adjacent to one of the acceptable areas and given the whole of the property is basically a front yard there is no good place to put it so he will approve it.

Mr. Terpening said he will be in support because the Tuesday Toolman program enthralled him and for years he's tried to open a tool library for Kalamazoo County and the services provided are essential to the independence of not only to seniors but all adults in Kalamazoo and its surrounding areas.

Chair van den Hombergh asked if there was any more discussion and there was none.

Motion was approved unanimously by a roll call vote.

DISCUSSION/ACTION ITEMS:

Mr. Eldridge wanted to discuss the board's vice chair position because the previous vice chair, Jerrod Burdette, had to step down due to his recent employment with the City of Kalamazoo. He said he has spoken with the current chair, Beth van den Hombergh and the other officer, Remi Harrington, and they decided they needed a seasoned board member that could step in and was asked to reach out to Gary Wark and he agreed to accept the role of vice chair if the board will

have him. Mr. Eldridge said if someone else is interested then the board can go through that process but if the board is comfortable with that, they need a motion, a second, and a voice vote.

Mr. Terpening made a motion that Gary Wark be placed in the position of vice chair for the Zoning Board of Appeals for the remainder of this year's term, seconded by Mr. Hohler.

Motion approved by voice vote unanimously.

REPORTS:

ADJOURNMENT:

The meeting was adjourned at 8:58 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **6/8/2023**

Item: **D.1.**

TO: Zoning Board of Appeals

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

DATE: June 8, 2023

SUBJECT: ZBA #23-06-10: 1122 S. Westnedge Avenue. HCC Property Holdings is requesting a use variance from Appendix A, Chapter 4, Section 4.2 Q3, to allow ground-floor residential uses in the Commercial – Office District.

BACKGROUND:

This property is in the Vine Historic District and is one of many residential structures along S. Westnedge Avenue. It was built in the early 1900's as a residence and was converted to have office use on the ground floor with the upper floor continuing to be residential. The rear yard has been paved to provide parking for the tenants of the building and a small green house was added in 2001.

The property owner would like to divide the lower level and add an apartment in the rear of the building which leaves the remaining portion of the lower level facing the street as commercial. The property is currently surrounded by a mix of uses, including Westnedge Auto Service (north), a mixed-use building (south) with three residential units and a commercial space, and a duplex (west). The proposed change in use is not out of character with the area. No exterior changes are proposed, as the rear entrance to the building already exists and there is sufficient parking.

A use variance is required to allow the residential unit on the ground floor because the Commercial – Office (CO) District does not allow it on the ground floor. This particular property is one of many along Westnedge Avenue which are proposed for rezoning to the Live Work -1 District as the Commercial - Office District is being phased out later this year. The Live Work-1 District supports a mix of uses, including residential units on the ground floor. The applicant desires to start the renovations now while the commercial space is vacant, even though the rezoning will be going through the review and approval process later this summer or early this fall.

STRATEGIC VISION ALIGNMENT:

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

Strategic Vision, Master Plan 2025 and Vine Neighborhood Plan alignment:

This project aligns with the Strategic Vision Goal of Complete Neighborhoods and Image Vine Plan by increasing housing options in the neighborhood. The Future Land Use Map from Master Plan 2025 identifies the property as 'Neighborhood Edge', which also aligns with the current mixed use plan.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement

A public hearing notice was placed in the newspaper and notices sent to property owners and occupants within 300 feet. The applicant has reached out to the immediate neighbors and the Vine Neighborhood Association to explain the project.

Engagement/Communication Tools:

Newspaper, mailings, and applicant outreach.

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 application of the Zoning Ordinance as written would not allow for ground-floor residential units. The applicant will be unable to convert the rear portion of the building to residential until sometime this fall when the rezoning of the property goes into effect without the approval of this use variance. One reason the CO District is being removed from the Zoning Code is its too narrow allowance of mixed-use projects, which is not reflective of the current pattern in Kalamazoo.

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 twofold; the time delay in the rezoning process running through the review/approval process and also that the commercial space is

currently vacant, providing an opportunity to complete the renovations with less disturbance to the tenants.

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

The applicant did not create the circumstances that resulted in the CO zoning placed on this property. This area of S. Westnedge in the Vine Neighborhood has not seen the growth in commercial activity anticipated when the CO zoning was put in place.

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 will not result in any alternation of the historical structure. This is the minimum action which will allow for reuse of a portion of the ground floor to create a new residential unit.

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

The granting of the variance will not impact the adjacent land as the use will continue to be similar to the adjacent multi-family and mixed-use developments.

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

The granting of the variance will be consistent with the proposed rezoning which staff is moving through the public comment process at this time.

RECOMMENDATION:

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



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

May 24, 2023

**RE: ZBA #23-06-10
1122 S. Westnedge Avenue
Parcel #06-21-434-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by HCC Property Holdings for 1122 S. Westnedge Avenue in the Commercial – Office District.

The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.2 Q3, to authorize residential occupancy of the ground floor level where this is not permitted in the Commercial – Office District.

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

The meeting will be held on Thursday, June 8, 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,

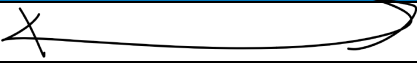
Peter C. Eldridge, AICP
Zoning Administrator



Community Planning & Economic Development

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

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Kali Edwards and Thomas Reed		Mailing Address: 46980 48th Ave
City: Lawrence	State: Michigan	ZIP Code: 49064
Phone: 269-470-0165	Email: k.edwards.chiro@gmail.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>		
Name: Thomas Reed		Mailing Address: 46980 48th Ave
City: Lawrence	State: Michigan	ZIP Code: 49064
Phone: 269-876-0245	Email: reed.thomasm@gmail.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 1122 S Westnedge Ave Kalamazoo, Michigan 49008		
Parcel Identification Number(s): 06-21-434-001		Zone District (kalamazoo.org/maps):
TYPE OF REQUEST		
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____		
☒ Use Variance to allow _____		
☐ Natural Features Protection Variance		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☐ Temporary Use Approval		
Reason for Request:		
ATTACHMENTS		
☐ \$ _____ Fee ☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.		
☐ Review Sheet for Request Type		Optional: Photos of property, architecture plans, etc.
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support		
SIGNATURE		
Signature of Applicant: 		Date: 5/10/2023
Signature of Owner (if different than applicant): Thomas Reed		Date: 5/10/2023



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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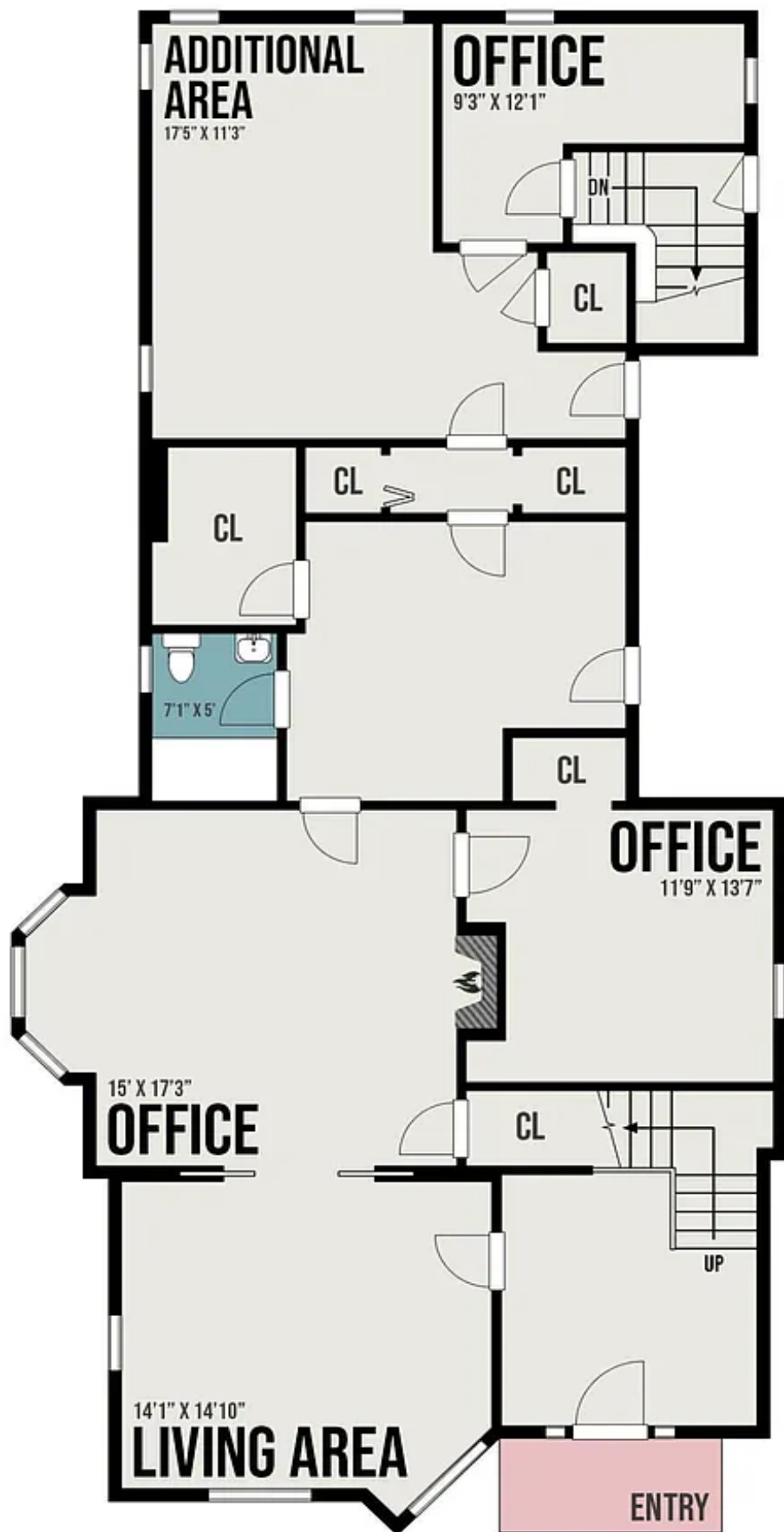
Are the special circumstances created by actions of the applicant?

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?

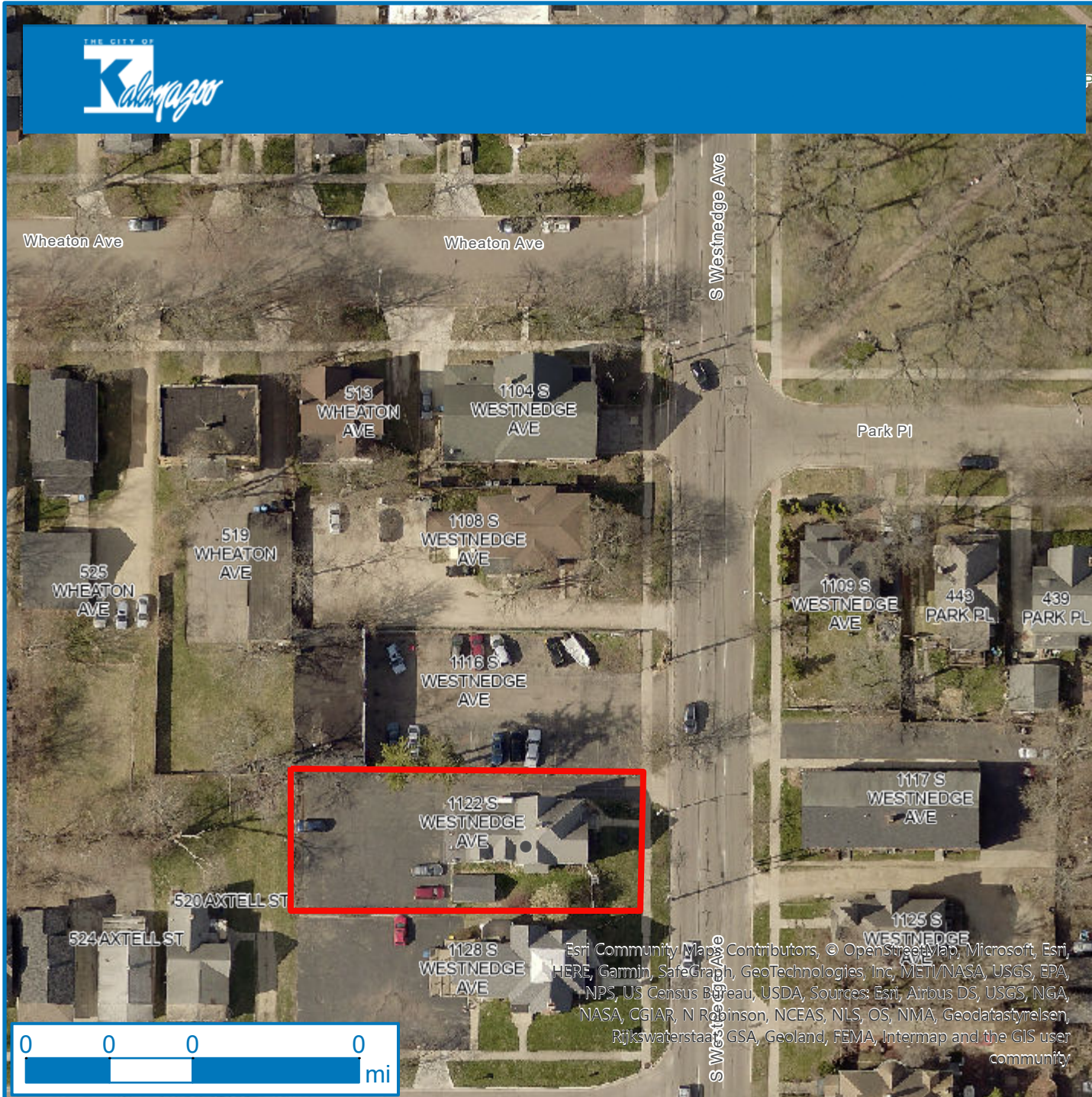
1122 S WESTNEDGE AVE - GROUND FLOOR

[illegible]

neDrive/Desktop/first%20floor%20layout.webp







LEGEND

— Override 1

PARCEL MAP

Address

GENERAL INFORMATION

 City Boundary



City of
Kalamazoo,
5/30/2023

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Parcels within 300' Mailing Radius 1122 S Westnedge Ave.

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



0 110 220 440 ft