

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, July 13, 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 June 8, 2023

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #23-07-11: 2121 Stadium Drive and 2100 Sheffield Drive. Kalamazoo Christian Schools is requesting the following:
 - 1) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum sign size for a special use in a residential zone district.
 - 2) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 9 foot tall freestanding sign, where 6 feet is the maximum height for a special use in a residential zone district.
 - 3) A dimensional variance from Appendix A, Chapter 7, 7.2 D, to allow a freestanding sign with 50% changeable copy area, where 25% is the maximum changeable copy area on a sign for a special use in a residential zone district.
2. ZBA #23-07-12: 3003 N. Burdick Street. Jimmie Harvey of Harvey's BBQ is requesting temporary use approval to operate a BBQ trailer at this location from July 21, 2023 to November 30, 2023 (approx. 4 months).
3. ZBA # 23-07-13: 621 S. Park Street. Steve VandenBussche is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to allow for the conversion of the groundfloor level office space to residential occupancy where in the CN-1 District residential occupancy is only allowed on the upper floors of a building.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
June 8, 2023 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Beth van den Hombergh, Gary Wark, Joe Hohler II, Jeremy Terpening, Tony McReynolds (Alternate)

Members Absent: Remi Harrington

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 7:00 p.m.

Chair van den Hombergh asked if there were any changes to the agenda and Mr. Eldridge noted there were none.

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

APPROVAL OF MINUTES:

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

Mr. Eldridge advised Chair van den Hombergh she could assign someone read the application into the record because in the absence of Ms. Harrington, the board secretary and Mr. Terpening volunteered to read the application.

Mr. Terpening recited the application for 1122 S. Westnedge Avenue:

ZBA#23-06-10: 1122 S. Westnedge Avenue: An application for a use variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by HCC Property Holdings for 1122 South Westnedge Avenue, located in the Commercial-Office District. The applicant is requesting a dimensional variance from Appendix A, Chapter 4, Section 4.2 Q3 to authorize the 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 items described above.

Kelly Edwards, part owner of 1122 South Westnedge Avenue, said that there is currently a chiropractic office on the first floor and a residential unit on the second floor. Ms. Edwards stated

she has been at the property for 10 years and has owned it for the last seven years with her husband, Thomas Reed. She said they have since merged the chiropractic business with another one in town for personal reasons, and after looking at how the building was moving after listing it for sale, the interest, comments and feedback, they felt it would be better used as a residence in the Vine neighborhood rather than a commercial lease space. They are now putting in the variance request to move forward with turning the back part of the unit into a second residential unit so they can eventually keep the front of the space commercial or add a third unit to the building. She added they would like to keep it and stay in the Vine neighborhood, but financially this would be a better use for the building and this variance would allow them to do so. She added that she has spoken with Kevin Osborne, of Osborne Construction, who has done a lot of work in the area, and he is willing to help her with this project.

Chair van den Hombergh asked for staff comments and Mr. Eldridge said he spoke with Ms. Edwards about the scope of her project and at that time it was one of the properties in a commercial office zone district that is going to be re-zoned, proactively, and phased out by the city later this year. He added that this is one example of the lack of flexibility built into this zone district. He said the first thing he checked for was if this renovation project could wait until after the rezoning but based on the downstairs being vacant and she and her husband would like to move forward at this time to take advantage of no tenant being downstairs. He said at the moment it's commercial office, which doesn't allow for residential units on the ground floor and is the reason this use variance is necessary, will be rezoned to the Live-Work 1 District. He said this rezoning supports a variety of uses as well as residential units on the ground floor and upper floors, will be in effect later this year and this will fit whether it ends up being three residential units or two residential units with a forward portion of the ground floor being office space, because they are all permitted, by right, in the Live-Work 1 zone district. He said that the timing of this project moving forward isn't aligning with the rezoning, which has an extensive public process and the amendments are out for public review right now and have been commented on. He said there have been some revisions to the ordinance amendments and which properties have been rezoned and that information will go back out for the public to see before it goes to the Planning Commission. He said this also aligns with the Imagine Vine plan, which supports adding additional housing units, and there was also the receipt of a letter of support from the Vine Neighborhood Association specifically for this project.

Chair van den Hombergh asked for comments/questions from the public and there were none. She then asked if there were any phone calls and there were none.

Chair van den Hombergh closed the public hearing and asked for additional comments and questions from the board.

Mr. Hohler asked how certain is it that the rezoning will take place for this property and Mr. Eldridge replied that the Commercial Office Zone District is most aligned with the low intensity Live-Work 1 Zone District, which is the lowest intensity commercial/mixed use zone district that will be in the zoning ordinance when it's done and right now, between commercial neighborhood and commercial office, those are the least intense zone districts. He added it is a solid fit over the course of receiving public feedback over the last six weeks and there hasn't been any opposition raised to the rezonings in the Vine Neighborhood along the South Westledge corridor to this change from commercial office to Live-Work 1 and because commercial office is being phased out, it has to change to something else and all of the zone districts it could be changed to allow for

mixed use development, whether it's Live-Work 1 or Live-Work 2, both would allow for residential on the ground floor. Mr. Hohler said he was viewing this as the applicant being able to wait nine months so she wouldn't have to ask for permission, but it's just empty so let's just do it now kind of thing but he's understanding it's going to happen and Mr. Eldridge said yes, it is going to happen, but because of the public process and it going to the Planning Commission then to the City Commission, then there is a 14-day period between when it gets approved and it goes into effect, it takes time.

Mr. Wark asked how many housing units the City of Kalamazoo is short, and Mr. Eldridge replied he doesn't know the answer to that question, but he and Mr. Wark agreed the number is substantial.

FINDING OF FACT

Mr. Hohler moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1122 South Westnedge Avenue shall include all information included in the notice of public hearing dated May 24, 2023.
- 2.) 111 notices of public hearing were sent, and one response was received from Vine Neighborhood Association in support.
- 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 without limitation.

Mr. Wark seconded the Finding of Fact.

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

Mr. Wark moved to approve the application for a use variance, made by HCC Property Holdings, 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, seconded by Mr. Terpening

Discussion:

Mr. Eldridge pointed out that it would be helpful to discuss the difficulty the applicant is having at this moment moving the project forward at the moment with the way the property is currently zoned, and Mr. Hohler said that is what his questions were really getting to, the practicality of having a tenant in the space only to have to evict them as opposed to it being empty and working on it now and Chair van den Hombergh agreed.

Motion approved by roll call vote unanimously.

Motion for the dimensional variance was approved by roll call vote unanimously.

OTHER BUSINESS:

ADJOURNMENT:

The meeting was adjourned at 7:25 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Zoning Board of Appeals Staff Report

Date: **7/13/2023**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

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

DATE: July 13, 2023

SUBJECT: ZBA #23-07-11: 2121 Stadium Drive and 2100 Sheffield Drive. Kalamazoo Christian Schools is requesting the following:

- 1) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum sign size for a special use in a residential zone district.
- 2) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 9 foot tall freestanding sign, where 6 feet is the maximum height for a special use in a residential zone district.
- 3) A dimensional variance from Appendix A, Chapter 7, 7.2 D, to allow a freestanding sign with 50% changeable copy area, where 25% is the maximum changeable copy area on a sign for a special use in a residential zone district.

BACKGROUND:

Kalamazoo Christian Schools has a long history in Kalamazoo. At the present time, there are two campuses. The 12th Street campus contains the Elementary School and Middle School facilities (K to 8th Grade). The Stadium Drive campus is the location of the High School. In the spring of this year, the freestanding sign for the Stadium Drive campus at the corner of Stadium Drive and Howard Street was hit by a vehicle. The sign will need to be completely replaced, which led to a discussion with city staff about improving the visibility of this sign from Stadium Drive. Kalamazoo Christian Schools worked with Sign Impressions to review the elevation change between the Stadium Drive roadway and the current sign location. The sign location is approximately three to four feet lower than Stadium Drive. The sign location is also setback approximately 40 feet from the front property lines. The new sign proposal crafted to replace the existing sign and improve visibility from the adjacent street has resulted in three dimensional variances.

The first dimensional variance is requesting a 45 square foot sign in place of the permitted sign size of 32 square feet. The applicant has indicated that this will improve visibility due to the traffic speed and traffic volume on Stadium Drive and Howard Street. There is a traffic signal control box near the corner and the sign is setback back behind it where the view of the sign is not blocked. It should also be noted that the proposed Sign Code changes, planned for adoption

this fall, indicate increasing the sign size to 36 square feet in the residential zone districts.

The second dimensional variance requested is to allow for a nine-foot high sign where freestanding signs are limited to six feet in height in the residential zone districts. This request is correlated with the grade difference between the sign location and the elevation of the road surface on Stadium Drive. It should also be noted that the proposed Sign Code changes, planned for adoption this fall, will increase the height of freestanding signs allowed in the residential zone districts for signs that front City Connector Streets to eight feet.

The third dimensional variance requested is to allow for 50% of the freestanding sign area to be changeable copy (LED). Currently, 25% of the sign face area can be changeable copy only. This additional size will allow for more lines of copy and larger fonts to be displayed on the LED screen. It should also be noted that the proposed Sign Code changes, planned for adoption this fall, will amend the allowance for the changeable copy portion of the freestanding signs and increase it to 50%, which aligns with the applicant's request.

STRATEGIC VISION ALIGNMENT:

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

Strategic Vision, Master Plan 2025 and Winchell Neighborhood Plan 2020 alignment:

This project touches on the Complete Neighborhood goal of the Strategic Vision as schools are part of the support services of a neighborhood. The school and/or future mixed-use development of this site is further supported by the Future Land Use Map, which designates these parcels as Neighborhood Edge. The Winchell Neighborhood Plan acknowledges the future mixed-use possibilities for the corner of Stadium and Howard and notes the heavy traffic volumes at this intersection that also serves as one of the gateways to WMU's campus.

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 were sent to property owners and occupants within 300 feet. The applicant has been asked to reach out to the Oakland Winchell Neighborhood Association and adjacent property owners.

Engagement/Communication Tools:

Newspaper, mailings, and applicant outreach.

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.

1. The special circumstances are related to the traffic control box in the front yard near the street corner and the speed and traffic volume on Stadium Drive. The sign is located further from the front property lines than required by the zoning code due to the traffic signal control box. The sign is setback 20 feet from the property lines.

2. The special circumstance related to the sign height is the topography of the site and the grade difference between the road and the sign location. It should also be noted that the sign code will be amended to allow for taller signs (up to eight feet) for special uses on corridors like Stadium Drive.

3. The special circumstance related to the changeable copy portion of the sign is that the proposed sign code amendments will allow for freestanding signs like the one proposed to have 50% changeable copy area.

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

1. The applicant did not cause the placement of the traffic signal control box near the street corner, which limits the visibility of the sign.

2. The applicant did not create the topography that limits the visibility of a freestanding sign in the front yard here.

3. Staff initiated the sign code changes which will allow for the 50% changeable copy area on freestanding signs. The applicant did not initiate these ordinance amendments.

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.

1. The application of the terms and provisions of the ordinance would limit the size of the sign to 32 square feet, reducing the visibility of the sign, which is setback 20 feet from the frontage of the property.

2. The application of the terms and provisions of the ordinance would limit the height of the sign to six feet, which would result in limited visibility of the sign at this street corner given the topography.

3. The application of the terms and provisions of the ordinance would limit the changeable copy, which would result in only 25% of the sign area being changeable copy. This would be inconsistent with the proposed sign code amendments.

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.

1. The granting of the variance related to the slight increase in size is the minimum action that will allow better visibility of the sign. This is a difference of nine square feet in comparison with the sign code amendments that will allow up to 36 square foot signs for special uses.

2. The granting of the variance related to the height is the minimum action which will balance out the topographic difference of three to four feet.

3. The granting of the variance related to the changeable copy will be consistent with the proposed sign code amendments.

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

1. The granting of the variance for the increase in sign size will not adversely affect adjacent properties. Kalamazoo Christian Schools own approximately 900 feet of frontage on Stadium Drive and approximately 800 feet of frontage on Howard Street. The proposed sign will be setback approximately 40 feet from each street frontage.

2. The granting of the variance for the sign height will not adversely affect adjacent properties for the same reasons stated above.

3. The granting of the variance for the changeable copy increase will not adversely affect adjacent properties for the same reasons stated above and it is consistent with the sign code amendments.

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

1. The granting of the dimensional variance for the sign size will be generally consistent with the ordinance as proposed sign code amendments will result in a freestanding sign allowance of 36 square feet. The proposed sign for this site will be

slightly larger in size (by 9 square feet). It is also along Stadium Drive, which is a City Connector Street.

2. The granting of the variance for the sign height is generally consistent with the ordinance given the topography of the site, placing the sign base three to four feet below Stadium Drive.

3. The grading of the variance relating to the changeable copy is consistent with the ordinance as it aligns with the proposed sign code amendments which will be adopted later this year.

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

This section is not applicable to the three dimensional variances being requested.

RECOMMENDATION:

Staff recommends approval of the three variances as these meet the above criteria.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

June 28, 2023

**RE: ZBA #23-07-11
2121 Stadium Drive and 2100 Sheffield Drive
Parcel #06-29-208-001 and 06-29-226-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo Christian Schools for 2121 Stadium Drive and 2100 Sheffield Drive in the Residential – Multi Family District (RM-15) and the Residential – Single Dwelling District.

The applicant is requesting the following:

- 1) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum size sign for a special use in a residential zone district.
- 2) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 9 foot tall freestanding sign, where 6 feet is the maximum height for a special use in a residential zone district.
- 3) A dimensional variance from Appendix A, Chapter 7, 7.2 D, to allow a freestanding sign with 50% changeable copy area, where 25% is the maximum changeable copy area on a sign for a special use in a residential zone district.

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

The meeting will be held on Thursday, July 13, 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



Submitted on	1 June 2023, 9:06AM
Receipt number	22
Related form version	14

Introduction

Have you scheduled a pre-application meeting?	Yes
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Applicant Information

Name	Paul Havenaar
Organization (if applicable)	Sign Impressions Inc
Email Address	frontdesk@signimpressionsinc.com
Phone Number	269-382-5152
Address	3929 Ravine Rd, Kalamazoo, MI 49006, USA Map (42.31789089999999, -85.6380674)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Kalamazoo Christian Schools
Mailing Address	2121 Stadium Dr, Kalamazoo, MI 49008, USA Map (42.2741266, -85.6157006)
Phone Number	2693812044
Email Address	dwilliams@kcsa.org
Preferred Contact Method	Email
Authorization from property owner:	doc00098220230523094127.pdf

Property and Application Details

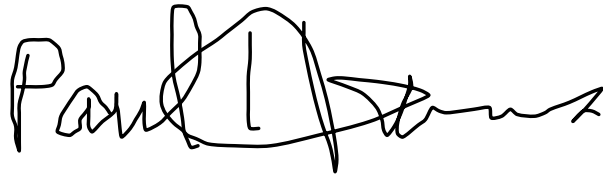
Property Address	2121 Stadium Dr, Kalamazoo, MI 49008, USA Map (42.2741266, -85.6157006)
Parcel Identification Number	06-29-208-001
Zone District	RS-5
Type of Request	Dimensional Variance
Application Fee	\$300.00
Project Description & Reason for Request	Replacing damaged sign with new sign.

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?	Stadium Dr road height is 4' higher than the current sign height
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 most traffic comes from Stadium Dr and like the condition clause above the sign currently is hard to read because of height to ground & size of sign
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?	There are many signs in the area that are taller than the current sign. Second Reformed Church next door is 11' tall
Will the granting of the variance negatively affect adjacent land?	No
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?	Yes
Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?	Yes
Does the landscaping proposed by the applicant meet the intent of this section?	Yes
Are there steep changes in topography that would limit the benefits of landscaping?	No
Are the proposed building and parking lot locations setback beyond the required setback?	?
Are there abutting lands developed or could be developed in the near future with a use other than residential?	?
Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?	There currently is no landscaping around sign

Submit

Your Signature

A handwritten signature in black ink, appearing to read "Paul I. Stenz". The signature is fluid and cursive, with a large, stylized "P" and "I".

[Link to signature](#)



KALAMAZOO CHRISTIAN SCHOOLS

Undeniably Christian. Academically Excellent.

May 22, 2023

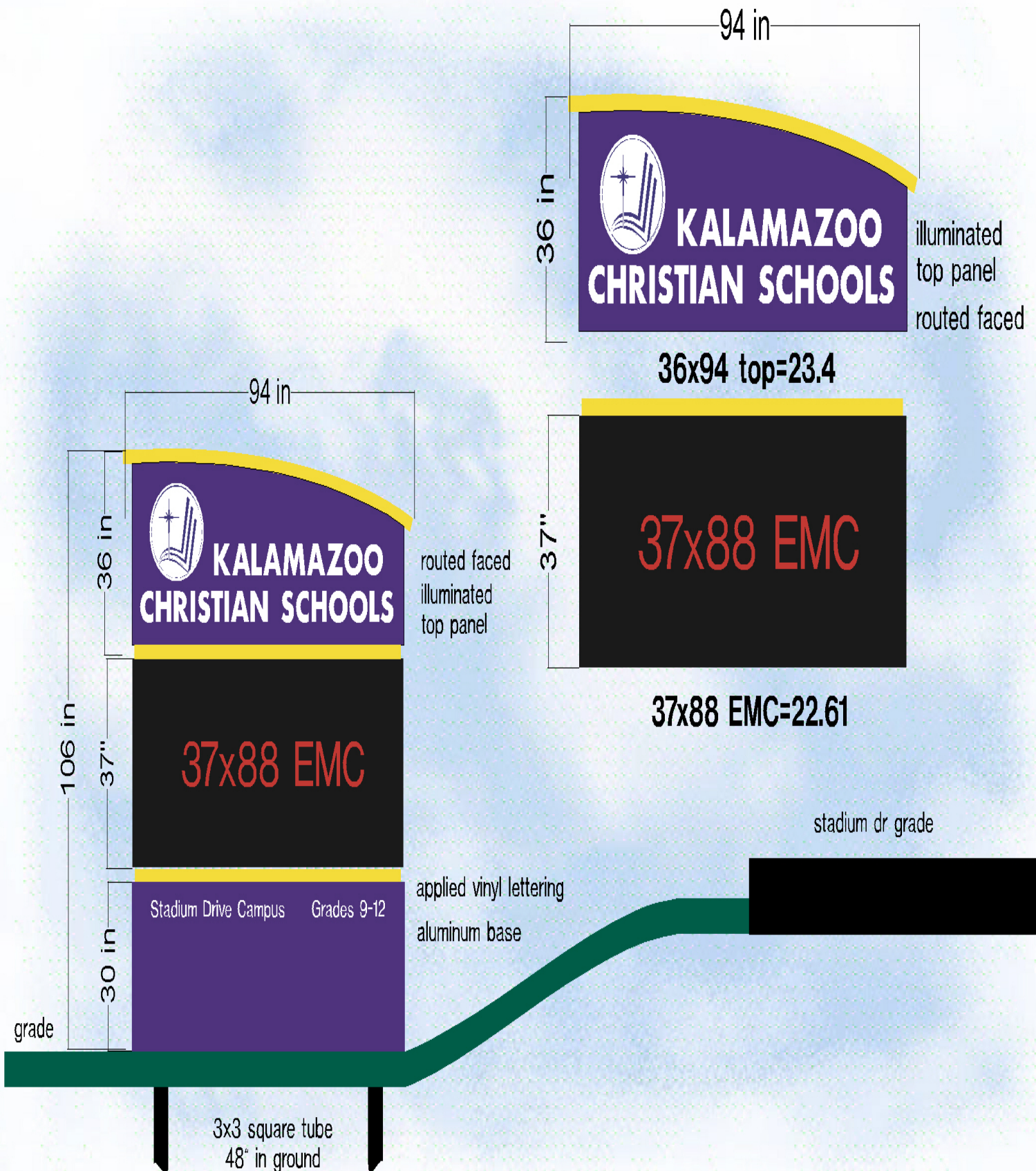
To Whom It May Concern,

Kalamazoo Christian Schools gives permission to have a sign variance done by Sign Impressions.

Sincerely,

Dave Williams

Maintenance Director



Creating Signs That Get Noticed.
Really noticed.

Lighted & Non-Lighted Signs
Sandblasted Wood
23k Gold Leaf
3-D Carved Lettering
Screen Printing & Embroidery
Digital Printing
Vehicle Lettering & Graphics

www.signimpressionsinc.com

JOB DESCRIPTION:

new main id sign

ALL THE IDEAS, DESIGNS, ARRANGEMENTS, DRAWINGS AND SPECIFICATIONS ARE OWNED BY AND THE PROPERTY OF SIGN IMPRESSIONS INC., KALAMAZOO, MI 49006 AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS, DRAWINGS OR SPECIFICATIONS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF SIGN IMPRESSIONS INC., KALAMAZOO, MI 49006.

DRAWN BY: PH

APPROVED BY:

ph. 269-382-5152
3929 Ravine Road, Kalamazoo, MI

DATE: 06-19-23 Page 7 of 45



Elevation Contours



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

LEGEND



Override 1

Lines



Override 2

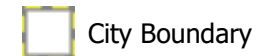
GENERAL INFORMATION

Contours - 10' Index

Contours - 2' Interval

SUBTYPE

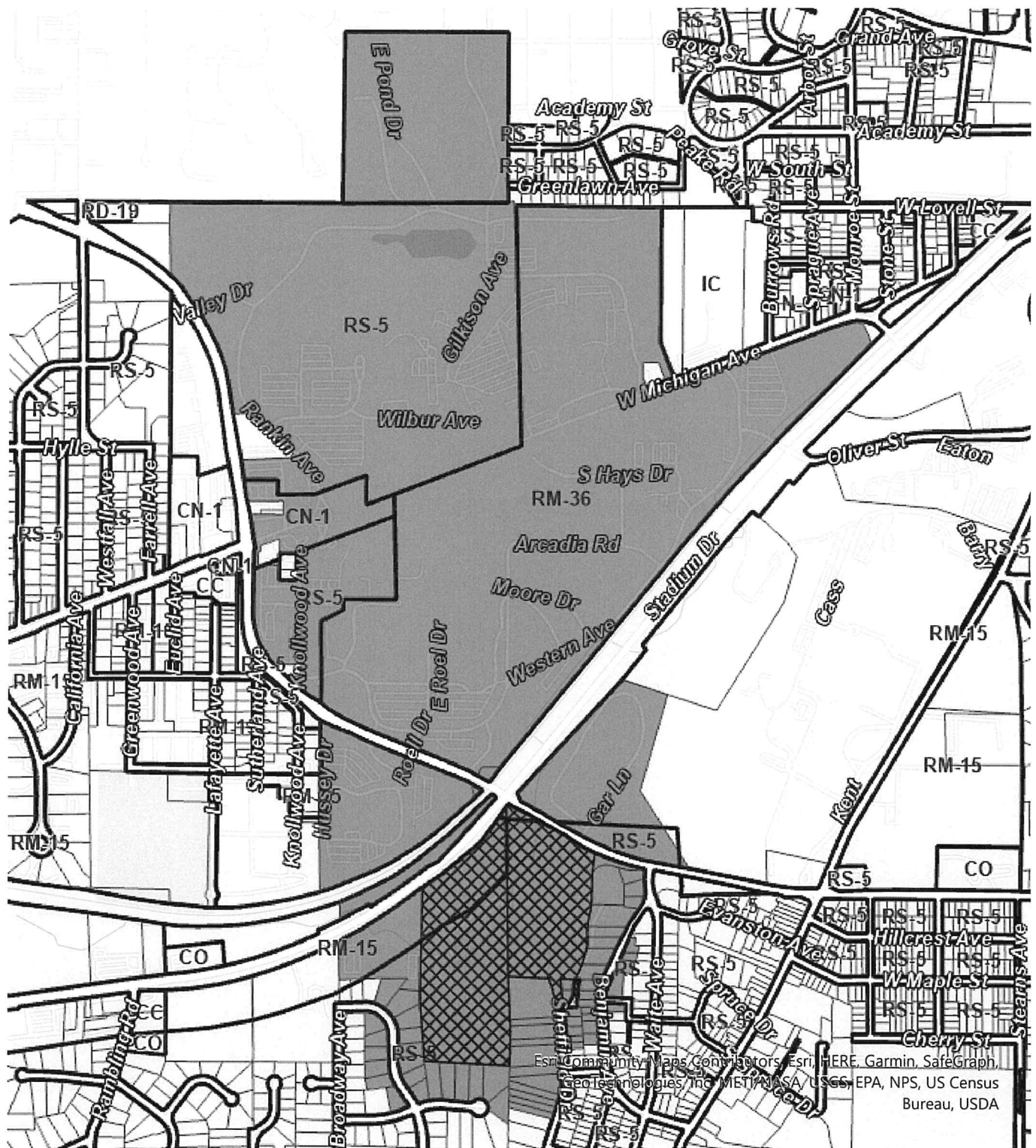
INTERVAL



City Boundary



City of
Kalamazoo,
6/26/2023



Parcels within 300' Mailing Radius

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary
- # 2121 Stadium Drive and 2100 Sheffield Drive



0 420 840 1,680 ft



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **7/13/2023**

Item: **D.2.**

TO: Zoning Board of Appeals

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

DATE: July 13, 2023

SUBJECT: ZBA #23-07-12: 3003 N. Burdick Street. Jimmie Harvey of Harvey's BBQ is requesting temporary use approval to operate a BBQ trailer at this location from July 21, 2023 to November 30, 2023 (approx. 4 months).

BACKGROUND:

The Kalamazoo Storage Center is a four-acre warehousing operation. It has a large parking lot extending along the west side of the building and parking on the south side. The site has access from both S. Burdick Street and from E. Cork Street. This is in the Manufacturing - Limited District, which permits temporary sales and service uses.

The applicant is currently set up and operating his BBQ trailer at this site under a Temporary Use Permit, allowing up to 30 days for temporary sales or service businesses. Mr. Harvey has been selling BBQ for years and operated from a commercial parking lot in the City of Portage last year (which did not have any problems with Harvey's BBQ). Mr. Harvey has a trailer, tables, and a small 10-foot x 10-foot tent. He also places cones in front of the trailer to separate the customer area from the vehicle lane in the parking lot. The hours of operation are 10 AM to 8 PM during the week and 10 AM to 5 PM on the weekends. Mr. Harvey is requesting the ZBA approve an extension of time for this temporary use to allow him to operate until November 30, 2023 (approximately 4 additional months). The business owner on site is also supportive of this time extension.

As information for the Board, generally, the ZBA has approved time extensions for temporary uses if the business activity does not exceed 6 months, the site is maintained and garbage is removed daily, sign regulations are followed, and there are no complaints from adjacent businesses or residents.

STRATEGIC VISION ALIGNMENT:

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

Strategic Vision Goal Alignment:

This request does align with the Complete Neighborhood goal as it provides a local service which businesses and residents in this area of E. Cork and S. Burdick Streets can utilize.

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 been asked to reach out to the Westnedge Hill Neighborhood Association.

Engagement/Communication Tools:

Newspaper, mailings, and applicant outreach.

FINDINGS:

The staff has made the following findings regarding this request:

What is the specific timeframe for which the Temporary Use is being requested?

The applicant is seeking approval to extend his initial 30-day approval for approximately four additional months. The timeframe for the extension is July 21, 2023 to November 30, 2023.

Is the property located in one of the following districts: Commercial, Manufacturing, Parking, or Institutional Campus District, or located in a Residential Zone containing a permitted non-residential use?

The property is located in the Manufacturing - Limited District (M-1).

What is the permitted primary use of the property?

Commercial storage business

Will the temporary use be outside of the right-of-way?

Yes

Will the temporary use be on an asphalt or concrete surface?

Yes

Will there be adequate off-street parking for the primary use and no impact on traffic flow through the site with the addition of this temporary use?

Yes, there will be sufficient parking for tenants in the building plus BBQ customers. The trailer is positioned along the west edge of the parking lot and will not impede traffic flow through the parking lot.

Will there be tents or other types of temporary structures as part of the temporary use?

There will be one small 10-foot x 10-foot tent and two tables.

What sort of signage is proposed, if any, for this temporary use?

The applicant will have a small sign along E. Cork Street which does not exceed the eight square feet allowed.

RECOMMENDATION:

Staff recommends approval of the requested Temporary Use time extension as it complies with the Zoning Ordinance requirements and no complaints have been received about Harvey's BBQ which is currently operating at this site.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

June 28, 2023

**RE: ZBA #23-07-12
3003 S. Burdick Street
Parcel #06-27-465-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jimmie Harvey of Harvey's BBQ for 3003 S. Burdick Street in the Manufacturing – Limited District.

The applicant is requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Harvey's BBQ) to operate in the parking lot at the Kalamazoo Storage Center from July 21, 2023, to November 30, 2023 (approximately 4 months).

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

The meeting will be held on Thursday, July 13, 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.kalamazoocity.org

ZONING BOARD OF APPEALS APPLICATION



APPLICANT INFORMATION			
Name: <u>Jimmie HARVEY</u>		Mailing Address: <u>5710 MEREDITH</u>	
City: <u>Portage</u>	State: <u>MI</u>	ZIP Code: <u>49002</u>	
Phone: <u>616-318-8982</u>	Email: <u>JimmieHarvey@gmail.com</u>	Preferred Contact: ☒ Email ☒ Phone	
PROPERTY OWNER INFORMATION			
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.			
Name: <u>Kalamazoo Storage Center</u>		Mailing Address: <u>9899 Brightwater Drive</u>	
City: <u>Fishers</u>	State: <u>IN</u>	ZIP Code: <u>46038</u>	
Phone:	Email: <u>kalamazoo-storage-center-mi@gmail.com</u>	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): <u>3003 Burdick St</u>			
Parcel Identification Number(s): <u>06-27-465-004</u>		Zone District (kalamazoocity.org/maps): <u>M-1</u>	
TYPE OF REQUEST			
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____		☐ Appeal of an Administrative Decision	
☐ Use Variance to allow _____		☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
☒ Natural Features Protection Variance		☒ Temporary Use Approval	
Reason for Request:			
ATTACHMENTS			
☒ \$ <u>150</u> Fee		☐ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
☐ Review Sheet for Request Type		Optional: Photos of property, architecture plans, etc.	
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support			
SIGNATURE			
Signature of Applicant: <u>Jimmie Harvey</u>		Date: <u>6-12-2023</u>	
Signature of Owner (if different than applicant):		Date:	

Eldridge, Peter

From: Kalamazoo Storage Center <kalamazoostoragecentermi@gmail.com>
Sent: Friday, June 9, 2023 3:38 PM
To: Eldridge, Peter
Subject: [External Email] Re: 3003 S Burdick Street - Jimmie Harvey's BBQ

Good afternoon Peter,

Thank you for your response and phone call. This is my confirmation that Jimmie Harvey has my approval to be located on our private property for his BBQ trailer. If you need to reach me you have my contact information and please feel free to do so if you have any questions or concerns.

Thank you very much and have a wonderful weekend!

On Tue, Jun 6, 2023 at 3:45 PM Eldridge, Peter <EldridgeP@kalamazoocity.org> wrote:

Jessica,

Thanks for taking my call this afternoon. Jimmie has applied for a permit to allow for 30 days of BBQ sales from June 21st to July 21st and then will apply to the Zoning Board of Appeals to ask for approval to sell at this location for 4 or 5 more months. All I need from you is confirmation that he has approval to locate on this private property and set-up his BBQ trailer for 2023.

Peter C. Eldridge, AICP

Zoning Administrator

PH: 269-337-8806

FAX: 269-337-8513

EMAIL: eldridgep@kalamazoocity.org

Community Planning & Economic Development (CPED) - Planning Division

City of Kalamazoo

245 North Rose Street, Suite 100

Kalamazoo, MI 49007



ZONING BOARD OF APPEALS

TEMPORARY USE PERMIT REVIEW SHEET

General Information

Specific project details on temporary use (may also provide on a separate sheet):

I will have a food trailer that will be serving BBQ to the public for lunch & dinner. My hours of operation will be 10AM to 8PM during the week and weekends, which will be from 10 to 5 PM

What is the specific timeframe for which you are requesting a temporary use approval?

July 21 + Nov 30 2023

Is the property located in one of the following districts: Commercial, Manufacturing, Parking, or Institutional Campus District, or located in a Residential Zone containing a permitted non-residential use?

Yes

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What is the permitted primary use of the property? To Operate a Concession Food Trailer
(Commercial Storage Business on-site)

Will the temporary use be outside of the right-of-way? ~~NO~~ Yes

Will the temporary use be on an asphalt or concrete surface? Yes

Will there be adequate off-street parking for the primary use and no impact on traffic flow through the site with the addition of this temporary use (no more than 20% of the required off-street parking spaces may be occupied by temporary use)?

Yes

Will there be tents or other types of temporary structures as part of the temporary use?

Yes one 10x10 tent and two Picnic tables
Set up on the grass By the Unit!

What sort of signage is proposed, if any, with this temporary use?

one BBQ Sign



3003 S Burdick St.



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

LEGEND

Areas

-  Override 1
-  Override 2
-  Override 1

PARCEL MAP

-  Parcel

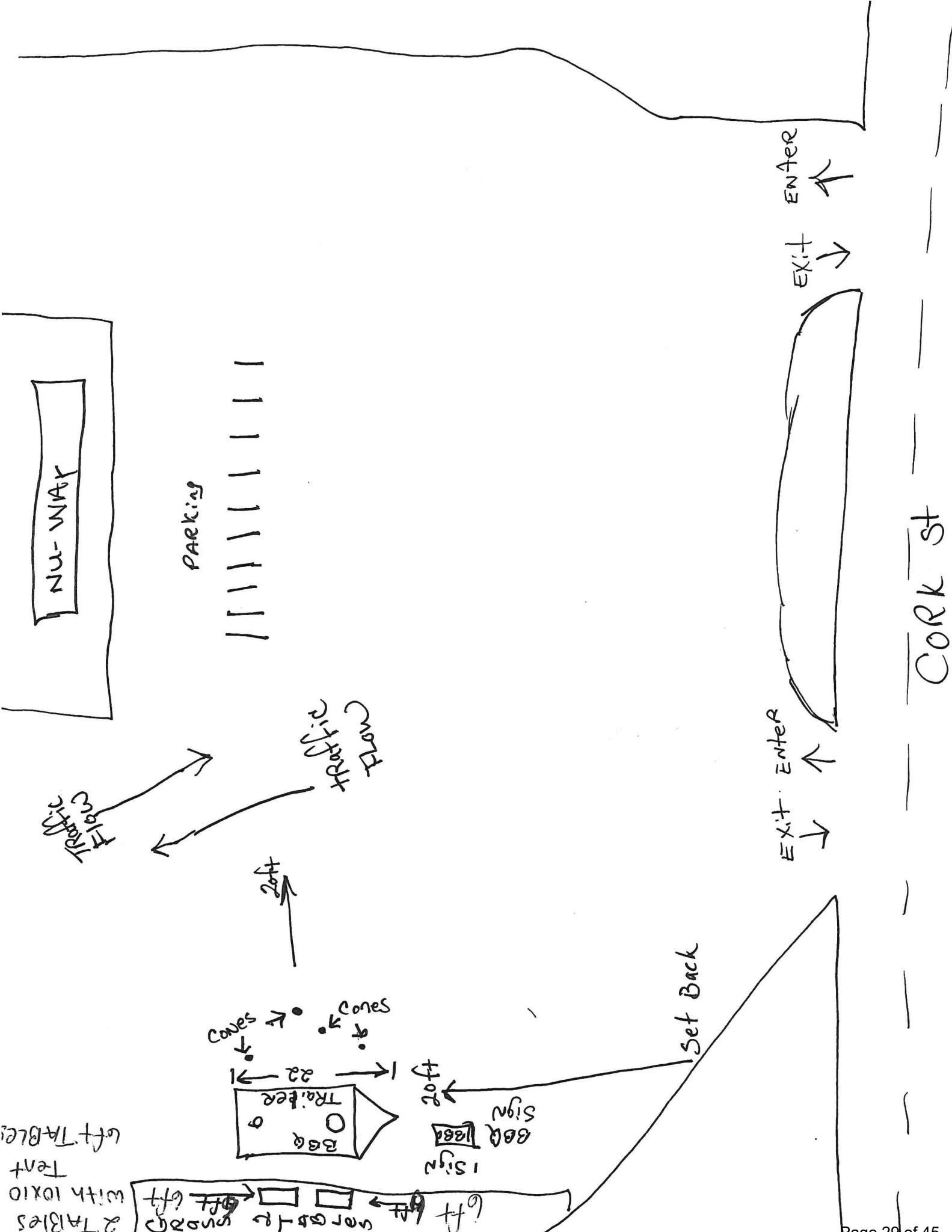
Address

GENERAL INFORMATION

-  City Boundary



City of
Kalamazoo,
6/27/2023



NEW BUSINESS

Base Policy Contract (BPC): Food Shop Policy

Effective Date: 05-10-2023

App Date: 04-19-2023

Agent: Tom S Breitenbach

Agent Code: 22-6577

CUSTOMERS:

SSN

XXX-XX-3235

Applicant: HARVEY, JIMMIE JR

Co-Applicant: J HARVEYS BBQ,

Customer name(s): HARVEY, JIMMIE JR & J HARVEYS BBQ

Mailing Address: 5710 MEREDITH ST

PORTAGE, MI 49002-2257

For the purpose of this application, the type of organization is: Individual

Is any applicant an existing State Farm customer: Yes

If Yes, State / Prov: MI

Does the applicant want to replace an existing State Farm policy with this transaction: No

LOCATION DETAILS:

Location 1:

Property Location: Location description: 5710 Meredith St., Portage, MI

Street: 5710 Meredith St

City: Portage

State / Prov: MI

ZIP / Postal: 49002-2257

County: Kalamazoo

Territory Zone: 52

AT&T LTE

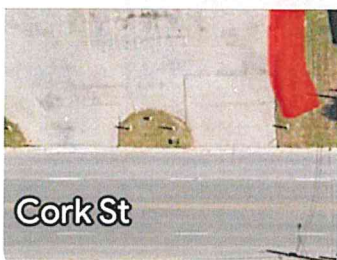
1:03 PM



J

Cancel

Jess Kalamazoo Storage Center >



Policy Contract (BPC): Food Shop Policy
 nr-10-2023 App Date:

ServSafe
 NATIONAL RESTAURANT ASSOCIATION

ServSafe
CERTIFICATE

JIMMIE HA

for successfully completing the standards
 which is accredited by the American Na

19559540
 CERTIFICATE NUMBER

6/15/2020
 DATE OF EXAMINATION
 Local laws apply. Check with your local regu

ANSI

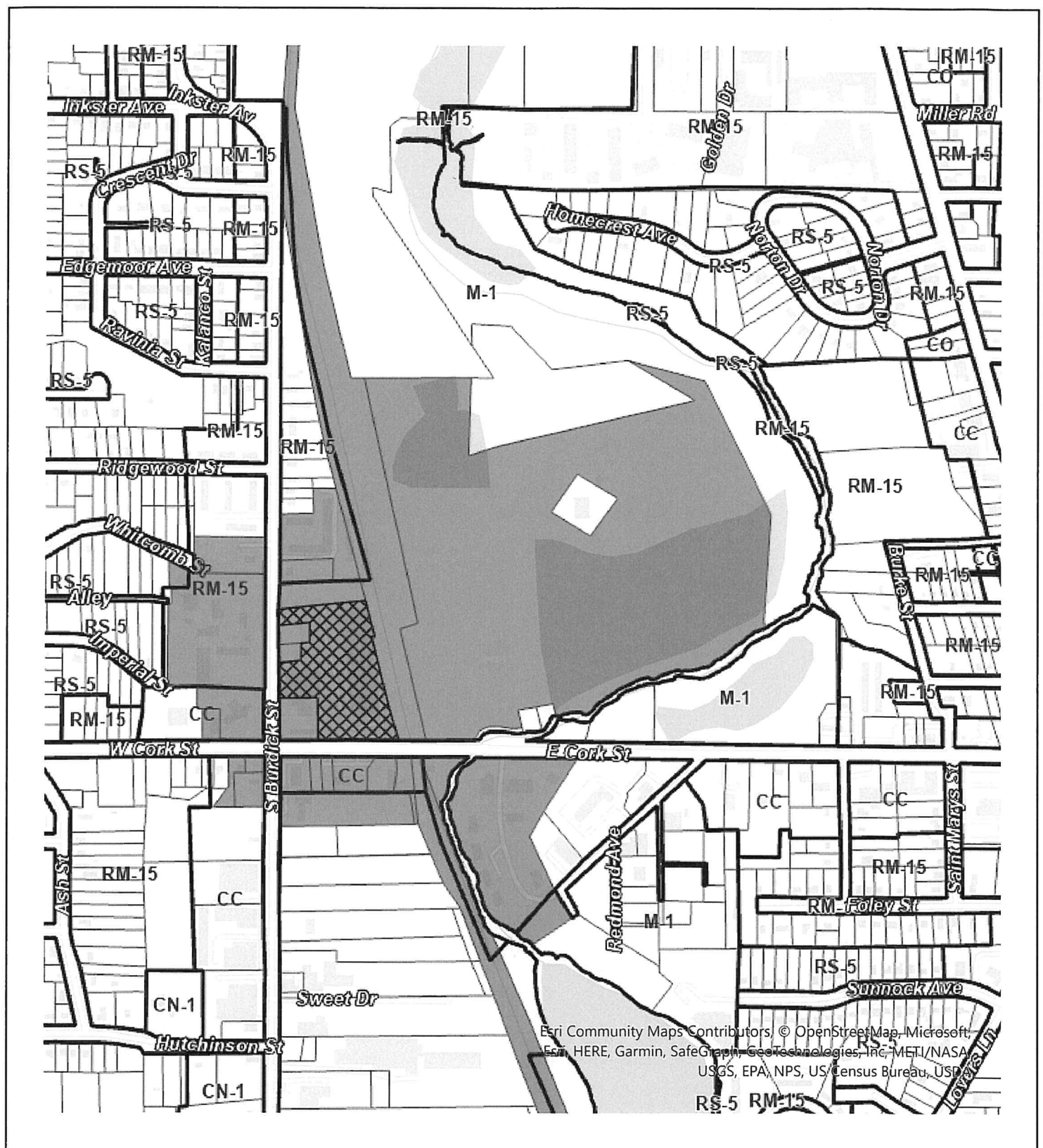
Business Insurance Application - MI State Farm Fire and Casualty Co
 Customer Copy

COVERAGE DETAILS:
 Location 1, 5710 Meredith St., Portage, MI
 Year built: 1961
 Heating (yrs): 10
 Wiring (yrs): 10
 Plumbing (yrs): 10
 Construction: Frame
 Business Personal Property: 12,000
 List all other types of occupancies / exposures within 60 feet of the location of risk: None
 Is a portion of the building leased to others for business purposes: No
 Does the applicant own other residential units in the building that are rented to others: No
 Liability rating base: Annual Sales
 Liability rating base amount: 10000

COVERAGES - ALL LOCATIONS:
 Desired coverage effective date: 05-10-2023
 Deductible: 500
 Loss of Income and Extra Expense: Actual Loss Sustained - 12 Months
 Business Liability (per occurrence): 1,000,000
 Damages to Premises Rented to You: 1,000,000
 Medical Expenses: 5,000
 Number of active owners or partners: 8
 Number of employees (including part-time, temporary, seasonal, and leased employees; excluding owner

OPTIONAL COVERAGES:
 Additional Coverages
 Accounts Receivable (On Premises): Yes
 Amount included (On Premises): \$10,000
 Loc 1: 5710 Meredith St., Portage, MI
 Amount included (On Premises): 10,000





Parcels within 300' Mailing Radius 3003 S Burdick St

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



0 220 440 880 ft



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **7/13/2023**

Item: **D.3.**

TO: Zoning Board of Appeals

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

DATE: July 13, 2023

SUBJECT: ZBA # 23-07-13: 621 S. Park Street. Steve VandenBussche is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to allow for the conversion of the ground floor level office space to residential occupancy where in the CN-1 District residential occupancy is only allowed on the upper floors of a building.

BACKGROUND:

The applicant approached the city in early June about this proposal to purchase the 1,643 square foot office building at this location and convert it to a single-family residence. The property is in the Vine Historic District, though the building was built in 1980. The applicant has presented floor plans demonstrating the interior space can be converted to residential use with minimal alterations. There are no plans currently to alter the exterior of the structure, but the applicant does have plans to add a second story and an addition to the east side at a later date.

A use variance is required to permit residential uses on the ground floor because the Commercial – Neighborhood District does not allow residential units on the ground floor level. Park Street and Westnedge Avenue have a mix of uses and building types throughout the Vine Neighborhood. These streets are included in the City-led rezoning process currently underway. This property is proposed to be zoned as the Live Work -1 District; the Commercial - Office and Commercial - Neighborhood Districts found in this area currently are being phased out as part of the rezoning effort. The Live Work-1 District supports a mix of uses, including residential units on the ground floor, which is in alignment with this area. The applicant desires to obtain permits now and start the renovation of this single-story structure to then move in later this summer. The City-led rezoning will be reviewed by the Planning Commission in September and the City Commission 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. A letter of support has been received from the Vine Neighborhood Association for this 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 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 even though this area has many ground floor residences among a mix of other uses. The narrowness of the current district is one of the reasons the City is proposing to phase it out with the rezoning process slated to wrap up this fall. If the applicant opted to wait until this process is complete, the residential renovations would also have to wait.

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 include both the longer than anticipated timeline for the City-led rezoning process, which is now scheduled to be completed this fall. The applicant is selling his current home and desires to be able to start the renovations now to be able to move his family in later this summer.

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

The applicant did not anticipate the length of time the City-led zoning code update process would take, which has moved more slowly than originally planned to have a more robust public dialogue on the proposed updates.

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 which will allow for reuse of this now vacant office building for occupancy.

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

The granting of the variance will not adversely impact the adjacent land as the uses adjacent to this property are all residential.

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

June 28, 2023

**RE: ZBA #23-07-13
621 S. Park Street
Parcel #06-22-122-005**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Steve VandenBussche for 621 S. Park Street in the Commercial – Neighborhood 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 – Neighborhood 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, July 13, 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

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(269) 337-8026 • www.kalamazoo-city.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Steven VandenBussche	Mailing Address: 3218 Coachlite Av	
City: Portage	State: Michigan	ZIP Code: 49024
Phone: 269.312.4942	Email: svandenbussche@7genae.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: Steven VandenBussche	Mailing Address: 621 South Park Street	
City: Kalamazoo	State: Michigan	ZIP Code: 49007
Phone: 269.312.4942	Email: svandenbussche@7genae.com	Preferred Contact: ☐ Email ☒ Phone
PROPERTY INFORMATION		
Property Address(s): 621 South Park Street		
Parcel Identification Number(s):	Zone District (kalamazoo-city.org/maps):	
TYPE OF REQUEST		
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____	☐ Appeal of an Administrative Decision	
☒ Use Variance to allow <u>LW-1</u>	☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
☐ Natural Features Protection Variance	☐ Temporary Use Approval	
Reason for Request:		
ATTACHMENTS		
☒ \$ <u>375</u> Fee	☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
☒ Review Sheet for Request Type	Optional: Photos of property, architecture plans, etc.	
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>		
SIGNATURE		
Signature of Applicant: <u>Steven VandenBussche</u>		Date: 06.14.2023
Signature of Owner (if different than applicant): <u>Steven VandenBussche</u>		Date: 06.14.2023

ZONING BOARD OF APPEALS

USE VARIANCE REVIEW SHEET

General Information

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

The current property is zoned as a Commercial Use property and has been used as a law office since the building on the property at 621 South Park Street was built. Per the future use planning changes that the City of Kalamazoo is working on amending will change the use of this property to a LW-1 (Live Work 1) property.

We are requesting a change in use now because we would like to expedite the change in use in order to occupy the building as a single family dwelling unit in the immediate future.

In addition, the property is situated within an already established historic district that is primarily residential in nature and the change to LW-1 would better compliment this district.

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?

Yes, The current zoning/use is CO (Commercial) this classification does not allow for ground floor single family housing use. Uses adjacent to the 621 South Property on the East Side of Park Street are all single family or multi-unit housing.

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?

It is my understanding that as part of the Imagine 2025 vision is to attempt to modify current land uses within the city proper to allow for more single and multi-family housing within downtown since there is an obvious lack of housing with the downtown area and the fact that there is an abundance of Commercial property that is currently underutilized within the downtown area.



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Are the special circumstances created by actions of the applicant?

The sole reason for the request for change in use is primarily the alignment of timing for the change in use. We recently purchased the Park Street property in the hopes to move in before the start of the new school year as we have children still attending public schools. Our current residence in Portage, Mi. will be going on the market soon in order for us to make the move to established residency in downtown Kalamazoo.

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?

Yes, the change in use will allow us to adaptively re-use the existing building into a single family home.

Will the granting of the variance negatively affect adjacent land?

We believe the granting of the variance to LW-1 will positively affect the adjacent land uses since all properties east of South Park Street between Dutton and Walnut are single family and multi-family uses.

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

Yes, The variance aligns with the Imagine 2025 goals that the City of Kalamazoo have established. I believe that this change would be a staff supported variance based on the Imagine 2025 mission.



SITE PLAN
SCALE: 1"=30'-0"

621 SOUTH PARK ST- RENOVATION-PHASE 0

DATE: June 14, 2023





SITE PLAN
SCALE: 1"=30'-0"

621 SOUTH PARK ST- RENOVATION-PHASE 1a & b

DATE: June 14, 2023





FIRST FLOOR PLAN
SCALE: 3/16"=1'-0"

621 SOUTH PARK ST- RENOVATION-PHASE 0

DATE: June 14, 2023





806 SOUTH WESTNEDGE AVENUE
KALAMAZOO, MICHIGAN 49008
269.349.8463
www.vineneighborhood.org

Vine Neighborhood Association
806 S. Westnedge Ave
Kalamazoo MI 49008

Community Planning and Development
245 N. Rose Street Suite 100
Kalamazoo MI 49007

RE: 621 South Park Street

Dear Mr. Eldridge:

The Vine Neighborhood Association is in full support of the owner of 621 South Park Street, Steve VandenBussche, in his request for the rezoning of said property. Currently the property is zoned CO (commercial) and Mr. VandenBussche is requesting it be changed to LiveWork1, (LW1) to renovate the structure to allow for single-family occupancy. The Vine Neighborhood Associations 'Imagine Vine 2025' plan calls for the creation of more single-family housing units, and as such, we are in harmony with the rezoning of 621 South Park Street.

If you have any questions or concerns, please feel free to phone me at the Vine Neighborhood Association (269) 349-8463.

Sincerely

Stephen Walsh
Executive Director
Vine Neighborhood Association



Parcels within 300' Mailing Radius 621 S Park St

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



0 110 220 440 ft