

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, December 14, 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 November 9, 2023

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #23-11-18: 1000 W. Paterson Street. The Douglass Community Association is requesting the following:
 1. A dimensional variance from Chapter 50, 50-9.5, Table 9.5-1 to allow for a 50 square foot LED panel on the west wall, where only one 24 square foot sign is permitted for each approved special use and the Douglas Community Center has already utilized this signage; and
 2. A dimensional variance from Chapter 50, 50-9.3F(1)(a), to allow for a new wall sign that is 100% changeable copy or LED, where the changeable copy area on wall signs in the residential districts is limited to 25% of the sign area.
2. ZBA #23-11-17: 1102 and 1110 Lake Street. Mills Street Market Property, LLC is requesting the following:
 1. A dimensional variance from Chapter 50, 50-8.4C, to not install the required five-foot planting strip along the front property line on Mills Street and to reduce the number of trees planted by two and reduce the number of shrubs planted by eight.
 2. A dimensional variance from Chapter 50, 50-8.4C, to not install the required five-foot planting strip along the front property line on Lake Street, to reduce the number of trees planted by two, and to reduce the number of shrubs planted by eight.
3. ZBA #23-12-20: 1618 Park Avenue. Taylor Young is requesting the following:
 1. A dimensional variance from Chapter 50, 50-8.5A(c), to allow fencing proposed in the front yard on Birch Avenue and Virginia Avenue with an opacity of 100% (solid fencing), where 75% is the maximum opacity for fencing

in the front yards; and

2. A dimensional variance from Chapter 50, 50-8.5B(1), to allow for approximately 112 feet of six-foot privacy fence in the front yard along Birch Avenue and approximately 70 feet of six-foot privacy fence in the front yard along Virginia Avenue, where four feet is the maximum height permitted for front yard fencing.

4. ZBA #23-12-21: 1019 Miller Road. Nicole Triplett is requesting a use variance from Chapter 50, 50-4.1, Table 4.1-1, to allow for commercial use within the existing building that falls under ‘Personal Improvement Services’ and ‘Retail Sales and Service (Indoor)’, where in this residential zoned district the proposed commercial activity would not be permitted.

E. DISCUSSION/ACTION ITEMS

1. Discuss Zoning Board of Appeals Interviews

F. REPORTS

1. 1. Zoning Board of Appeals -Meeting Dates for 2024: Jan. 11th, Feb. 8th, March 14, April 11th, May 9th, June 13th, July 11th, Aug. 8th, Sept. 12th, Oct. 10th, Nov. 14th, and Dec. 12th.

G. ADJOURNMENT

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

Members Present: Remi Harrington, Joseph Hohler II, Tony McReynolds, Beth van den Hombergh, and Gary Wark

Members Absent: None

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

Mr. Eldridge explained the procedures for a meeting when the board is at quorum which is to pass the variance, the board must vote unanimously in favor. The by-laws also state the applicants have the option to hold their case over to the next regular meeting. He then asked Mr. Gray, the applicant for 1000 West Paterson what he wanted to do with his two variances and he said he would hold the second variance over for the next meeting. He then asked the applicant for 3113 Parchmount and she agreed to have her case heard tonight.

Chair van den Hombergh called the meeting to order at 7:25 p.m.

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

Chair van den Hombergh asked if there were any announcements or changes to the agenda and Mr. Eldridge noted there was zoning ordinance changes that have been approved, as well as some rezonings. Additionally, 1102 and 1110 Lake Street, the Mills Street Market redevelopment, has been moved to the December 14th meeting date.

APPROVAL OF MINUTES:

Mr. Wark moved to approve the minutes of September 14, 2023 as submitted, seconded by Mr. Hohler. 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 three minutes. Following that those in opposition will be invited to speak for four minutes and afterward. The public can call in to 888-382-9556 to enter a queue to comment live for any property on the agenda and will no longer be

able to leave a recorded message, then the public hearing will be closed on that request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance. Vice Chair Lager volunteered to secretary this month's meeting.

Ms. Harrington read the application for 1000 W. Paterson Street

ZBA#23-11-18: 1000 W. Paterson Street: An application for a dimensional variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by The Douglass Community Center. The applicant is requesting 1) a dimensional variance from Chapter 50, 50-9.5-1 [formerly: Appendix A, Chapter 7, 7.3 A], to allow a 28 foot LED panel on the south wall, where wall signage is limited to one 24 square foot wall sign for each approved special use and The Douglass Community Center has already utilized this signage.

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.

Dana, of Burkett Sign Company, spoke on behalf of the Douglass Community Association. She said they are they regarding the wall on the south side and have asked that it be 28 square feet and all 100% changeable copy, which will allow for the display of the different non-profits housed in the building, on the front of the building. She said the intent of this sign isn't the same as the intent for the sign case that will be heard in December.

Chair van den Hombergh asked for staff comments and they are as follows: Mr. Eldridge stated that his comments are only regarding the sign on the south wall. He gave a little background stating that although the Douglass Community Center is in a residential zone, community centers are an allowed use in a residential zone however, special uses in a residential zone district, like the Douglass Community Center, are still limited by the signage because it is in a residential zone. There is a maximum of 24 square feet for a wall sign and there's an allowance for a freestanding sign, but the Douglass has channel letters on the building, so they already have the wall sign allowance utilized, and they have a freestanding sign that lists the tenants using space in the building so there is no more sign allowance left over for changeable copy or LED panels like they have proposed to advertise the programs at the center. He added given the size of the facility, which is 5 acres in area, but the building itself is 28,000 square feet, it is a rather large area and the sign wouldn't be pointed at any adjacent properties, but toward Paterson Street, staff is in support of the additional signage, as they can see the need to promote the programs going on at the Douglass Community Center.

Chair van den Hombergh asked for comments from those in favor of the variance and Stacey Ledbetter, the interim executive director of the Douglass Community Association, asked that association instead of center be reflected. She added that it was established in 1919 to create cultural, social, and recreational space and opportunities for World War I soldiers who experienced

segregation from their counterparts and was named in honor of Frederick Douglass who was an advocate for equal rights, voting rights, and women's rights. She said the mission today is to create a culture of equity and inclusion that transforms the lives of Northside residents and beyond through effective, efficient, and quality opportunities and they have a plethora of partnerships with local organizations, entrepreneurs, businesses, and volunteers, including the City of Kalamazoo, as they host precincts seven and nine for elections and they house the following: The Alma Powell Branch of the Kalamazoo Public Library, Boys and Girls Clubs of Greater Kalamazoo, Community Action, Great Lakes Center for Autism and Research, Griffin Place, Helen L. Fox Gospel Music Center, Kalamazoo Loaves and Fishes, Michigan Works Southwest, the Kalamazoo Branch of the NAACP, and Smile Savers mobile dentistry. She said they are simply trying to enhance their publicity and communication regarding services, events, and opportunities and want to make it clear they are made up of, are here for, and are all about the community and they want to display not only their own information, but information to assist their partners. She added that the neighbor to the west, Pam Roland of Kalamazoo Junior Girls, gave her permission to use her name in support as did neighbor Mattie Jordan-Woods.

Chair van den Hombergh asked for comments from those opposed to the variance and there were none.

She then asked if there were any phone calls and were none.

Chair van den Hombergh closed the public hearing.

FINDING OF FACT

Ms. Harrington moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1000 W. Paterson Street shall include all information included in the notice of public hearing dated October 25, 2023.
- 2.) 31 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. There was one public comment from Stacy Ledbetter, the interim executive director of the Douglass Community Association, in favor of the variance.
- 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:

The facts presented that the literal interpretation and enforcement of the terms and provisions of this ordinance would deprive the applicant of all practical purposes from using the property for the permitted use and this dimensional variance, which is a right commonly enjoyed by others in the same zoned district.

Dana Perrin, of Burkett Sign Company, came to present putting up the 28 square foot LED panel on the south wall where wall signage is limited to a 24 square foot wall sign for each approved special use. There is a freestanding sign in front that is being utilized but the Douglass Community Association would like to expand their signage because of other entities residing in the building. They have support from Kalamazoo Junior Girls and from Mattie Jordan-Woods. The building is 28,000 square feet and they want the LED panels in a residential zoned district, they must get a variance. Interim Executive Director, Stacey Ledbetter, discussed all of the community partnerships and gave an intensive and special history of what this cultural pillar means in our community.

Mr. Eldridge added that even though this is a special use, when the Douglass Community Association moved there in 1982 there were no special use requirements, so they didn't need special approval back then.

Mr. Wark seconded the Finding of Fact.

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

Discussion: Chair van den Hombergh said she will be voting in support of the application because she likes the fact that they also have nine other tenants in the building and provide a lot of services for the community, and not just the people of the Northside. She understands the need for the signage and is comfortable with it especially facing Paterson Street.

Mr. Hohler said having to look at the special circumstances regarding the land or the building or something that will prevent a specific use and added this isn't a case of not being able to use the building but being limited on the use of the signage on the building, as this isn't just a regular office building, but a community center. He said looking at four, five and six of the findings which talk about having the use be in the spirit of the ordinance he believes that this organization needs a different type of sign than a regular office building, which is why he's voting yes.

Mr. Wark added that he is also in support of the variance.

Ms. Harrington said she is also in support of the variance.

Mr. Wark moved to approve the application for a dimensional variance for 1) a dimensional variance from Chapter 50, 50-9.5-1 [formerly: Appendix A, Chapter 7, 7.3 A], to allow a 28 square foot LED panel on the south wall, where wall signage is limited to one 24 square foot wall sign for each approved special use and the Douglas Community Center has already utilized the allowed signage. The motion was seconded by Mr. Hohler.

Motion approved unanimously by roll call vote.

Ms. Harrington read the application for 3113 Parchmount Avenue

ZBA#23-11-19: 3113 Parchmount Avenue: An application for a use variance of the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Lisa

Woodruff of Butterfly Oasis Adult Foster Care. The applicant is requesting a use variance from Chapter 4, Section 4.1 to increase this adult foster care group home from six residents to eleven residents, where a medium group home (7-12 residents) is not permitted in this residential 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.

Lisa Woodruff, of Butterfly Oasis Adult Foster, stated her request is to increase an already established home that currently has six residents in it to be able to house 11 residents. She said one of the questions was how would this effect the neighborhood? She responded that they have asked the neighbors if they had any objections and they all said no, but one neighbor had no idea this is an adult foster care home and has been for 17 years prior to her taking it over.

Chair van den Hombergh asked for staff comments, and they are as follows: Mr. Eldridge stated this home is in the RS5, residential single dwelling district, which is the lowest intensity zoned district and by right, that district does allow an adult foster care family home or adult foster care small group home of up to six residents and the applicant wants to increase that number, which brings it into a different category of a medium adult foster care home, which is 7-12, and that category is not a permitted use in this zone. He added that staff didn't find any hardships related to the land or the structure and there were no special circumstances that were evident when doing the review. He added that this property is on a local street, not on a higher traffic, neighborhood corridor so increasing the number from six to 11 would be a substantial change which means there would be more visitors and additional transports for the appointments for the new residents and could also result in more ambulance traffic so parking and traffic will be impacted. He said he found a similar past variance on the Northside of Kalamazoo that has an existing adult foster care medium group home, which went from eight to nine residents. He added they were in the same RS5 district, and the board approved it back in 2017. He said staff isn't in support of this variance.

Chair van den Hombergh asked for comments/questions from the public in favor of the variance and there was one from Bob Mihelich, who currently resides on Old Farm Road in Kalamazoo Township and is the previous owner of the facility. He stated that he is in support of the request because of the need for this type of service in the community, and gives people specialized care and the chance to live their last days in dignity. He added that for 17 years they had done everything by the law of the state regulations of LARA. He added that based on the last traffic safety report in that area, conducted in 2019, 505 vehicles used Parchmont Avenue daily and none of the current residents drive and doctors come into the facility so there is no need for transport and the parking is such that it wouldn't prohibit anyone from entering the home and that visiting hours are from 11 until 7 daily, by appointment only and they ask visitors and family not to park on Parchmont. He said he believes Lisa should be allowed to bring five more people into the home since they have the square footage and the basement has been remodeled, which was approved in 2006.

Sue Dornan, the owner of Sue's Loving Care and the home that was approved back in 2017 to go from eight to nine residents. She said her residents don't drive and the visitors are minimal and added that having the physician come into the house minimizes the traffic coming in and out because it's all done in house. She added that the aging population is living longer but are ending up in nursing homes because family isn't able to care for them and there aren't a lot of people who

provide this type of care. She added that she is in favor because it's more about having them live out their lives in a family home.

Chair van den Hombergh then asked for speakers in opposition and there were none.

She asked if there were any phone calls and there was one from Richard Stewart who is a city resident and is in support of the request. He said he believes it is despicable that the city staff has provided such negative comments and that the city staff should be more welcoming of those with disabilities and of senior citizens and he feels this is an example of the toxic environment the city is waging against small business owners, property owners and, in particular, care for those with disabilities and seniors. He added he feels that this applicant should be applauded for being willing to take on additional clients and said they have a proven history of doing a great job and hopes the board will take this into consideration for future applicants.

Chair van den Hombergh closed the public hearing but had additional questions for the applicant. She asked the total above ground square footage of the property, including the converted garage and the previous owner advised 1,800 above ground, 1,200 in the basement, which does have egress windows in case they decide to have residents living down there. He also advised there is a stair elevator to get people from the basement in case of a fire as well as the egress windows. Chair van den Hombergh asked about the bedroom count, including the converted garage, there are six bedrooms, with two downstairs which makes four. She wanted to know where the additional room is, and Ms. Woodruff stated that currently there is a married couple residing in the home and they have two of the rooms: one of the rooms they use as a living room and the smaller room they use as a bedroom. She added that in the event one of them passed away, the larger room would be split. Chair van den Hombergh asked about the visiting hours and wanted to know what the applicant meant they could only have visitors bi-monthly and said she is concerned because four of the residents are currently in an active death situation and on hospice, and Ms. Woodruff stated that although families can come anytime between the hours of 11 am and 7 pm, typically they come, on average, every other week because of their busy lives but she would welcome visitors as often as they want to come.

Mr. Wark wanted to know how long has she had the business and Ms. Woodruff said she just got it the previous Friday, but it was more than a three month process. She added that she is a nurse practitioner and worked with Gloria, the previous owner, for 12 years and her passion was to become an AFC owner and she has always and will continue to work with the elderly. She stated she has a house manager and will not do any of the medical because she views it as a conflict of interest. She said there are medical providers that come and see all of the residents, so the flow of traffic won't change. He then asked Mr. Mihelich if they built out the basement to accommodate the six residents that are there, and he said that the basement was remodeled 17 years ago to accommodate the original licensing of a family group home and in 2011 they started renovating the 2 ½ car garage into three bedrooms and a bathroom so that all the residents could be on a main floor. He said he wanted to respond to the ambulance comment and said all of the residents are do not resuscitate and if one of the four hospice patients dies, they must notify hospice first because legally they have to pronounce the resident as deceased. Mr. Wark asked if all six residents are do not resuscitate and Mr. Mihelich said yes, Mr. Wark said that anyone new coming in could opt to be resuscitated and Mr. Mihelich said that is true.

Mr. Eldridge wanted to address comments made by Mr. Stewart during the public comment portion of the meeting. He said the next phase of the zoning ordinance reviews will include the residential zone districts and if the City of Kalamazoo is truly out of step with where it should be in terms of adult foster care facilities, that would be the time to do the research and figure out if corrections to the ordinance need to be made and Ms. Harrington wanted to know if he could explain the adult foster care aspect of the ordinance and what is it he is addressing and Mr. Eldridge explained he was responding to the comment that the city is out of step, and he stated he doesn't believe the city is out of step and the language is very consistent to allow for non-single family or family uses in the residential zone district, but the use has to be low intensity, like with home occupations. He said the city allows small home operations like these that are licensed by the state, but there is a limit to keep lessen the intensity and to keep the environment residential in nature. Mr. Hohler asked if there is somewhere in the city where this sized home is allowed, and Mr. Eldridge replied the multi dwelling zone districts allow for higher intensity uses, such as a medium sized group home. Mr. Hohler asked if it's this particular neighborhood or district because the zoning says no, Mr. Eldridge agreed and Chair van den Hombergh advised that this home is a single-family home. Mr. Hohler wanted to know if that is where the staff recommendation is coming from, not personal feelings and Mr. Eldridge said yes. Mr. Eldridge added that is the reason he looked for another case like this and that Sue, who is in the gallery and whose home qualifies as a medium sized group home and approved for nine residents, not only owns the home that operates as an adult foster care, but also owns the adjacent residence as a private residence so they have a substantial amount of property and both properties have large driveways. Ms. Harrington added that Mr. Eldridge mentioned something surrounding public services and asked that he expound, and Mr. Eldridge said that was related to situations that would need medical attention, not just those situations that would require serious medical attention. Ms. Harrington wanted to know why the fact that an ambulance would be called was brought up by staff and Mr. Eldridge said because it's common place for any type senior living facility to have ambulance calls, Ms. Harrington asked, again, why it was brought up and what staff's position is on it and Mr. Eldridge said it's related to traffic. Ms. Harrington said we have to wait for so many other things and this is just something else it would be necessary for us to wait for, assistance for the elderly and regarding that, she feels the city is a bit out of touch. Mr. Hohler asked how far are they from a district that would allow for the higher intensity use and Mr. Eldridge said he would need a larger zoning map and Mr. Hohler pointed out that they this group home is near Spring Valley Park and Mr. Eldridge said there are a lot of single family zoned lots in that area, as well as some multi-dwelling zoned land going west on Mount Olivet closer to Riverview Drive, but the area this home is in is all in the RS5 zone. Chair van den Hombergh wanted to have more single-family home clarification and ask before this group home, did they need to get a variance for the small group home and Mr. Eldridge advised that it is permitted by right if there are six or fewer residents. Mr. Hohler asked if the six residents include the owners if they live on site and Mr. Eldridge clarified that it is six under care. Mr. Wark asked if there are restrictions for common areas for 11 residents because it seemed like a lot of residents for a 3,000 square foot building, in addition to any visitors and Mr. Eldridge advised that would be regulated by the state and the applicant would be able to answer that question. Mr. Mihelich advised that the house, including the sleeping areas and the common areas, meet the regulations set by the state. Mr. Wark asked is that just for the six residents currently residing there and Ms. Woodruff added that 65 square feet is what is required per person and said that even with the additional residents, they would have more than that.

FINDING OF FACT

Mr. Hohler moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3113 Parchmount shall include all information included in the notice of public hearing dated October 25, 2023, as well as the agenda packet provided.
- 2.) 33 notices of public hearing were sent, and one response was received, along with four other pieces of correspondence.
- 3.) A public hearing was held before the board and public comments were accepted. Mr. Robert Mihelich, the previous owner of the property and Ms. Susan Dornan, the owner of Sue's Loving Care spoke in support of the applicant. There was one call-in comment from Mr. Richard Stewart in support of the application.
- 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:

Lisa Woodruff spoke on behalf of her application to go from a six resident adult foster care home to an 11 resident foster care home. She advised that the residents receive in-house care from visiting physicians and that the addition of residents will not affect the traffic in the vicinity of the home as they have asked visitors not to park on the street. She said although she welcomes visitors anytime between the hours of 11 am and 7 pm, the majority of the visits happen, on average, twice a month. She also advised that, by law, they are required to have 65 square feet of space per resident and said that the home has more than ample space to accommodate that number. There was one response received, along with four other correspondences from neighbors who would be most likely impacted by the change, advising that they approve of the change. There were two commenters in support, Mr. Robert Mihelich who is the previous owner of the facility, and Ms. Sue Dornan of Sue's Loving Care, who has an adult care home and former variance applicant. There was one call in comment from Richard Stewart who was in support stating there needs to be more facilities of this nature. City staff's concern was the impact the addition more residents would have on the traffic in the immediate area, affecting the adjacent land in a material way.

Mr. Wark seconded the Finding of Fact.

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

Discussion:

Ms. Harrington said that she doesn't want to come down on city staff, however, based on Mr. Stewart's comments, it seems a bit antagonistic to facilities such as these but the willingness to admit that maybe the city is out of touch on this topic is admirable. She said that taking into consideration intergenerational living and communal living, specifically for our aging population, this type of housing is part of our social landscape right now, as she took care of her mother in her own home. She added that talking about traffic and congestion when right now, as a city, we are dealing with an attempt at multimodal situations with the five traffic lanes on some of the major streets in the community that block traffic unnecessarily, to then call to the floor people who have a willingness and a calling to open up their homes for our aging population, for those who may need an ambulance, is uncaring and the policies seem antagonistic and she has a problem with that so she will be in support.

Mr. Wark advised he will be voting no because he feels going from six residents to 11 is a substantial increase and he feels that there are plenty of places in our community that have the proper zoning and they can move the business there, but he also feels that voting yes would set a precedent and that would allow, for instance, a neighbor to do the same thing, and he isn't willing to do that.

Mr. Hohler said he would like to vote yes but because of the zoning being what it is, and being put in place by our representatives, they should enforce it unless there is a very good reason not to. He said going from eight to nine was a small jump but going from six to 11 will set a precedent and the board would, potentially, have to deal with this over and over again which could cause potential litigation issues if they allow this variance, but turn down anyone else who applies for this type of variance. He said as much as he wants to vote yes, he will vote no.

Ms. Harrington asked if the only scope for having intergenerational homes, or communal living in this capacity, a wide centric lens because communities and countries around the world live like this, and wants it established on record that this is not uncommon for the global majority, and she wanted to add that as it relates to precedent, affordable housing and long-term care. Mr. Hohler said the way to attack that is to take it to the board that sets the zoning standards and tell them they need to rethink this specific thing and not to try to run around that rule because you disagree with it. He added that he agrees with her, but the zoning is the zoning and he would be more than willing to go to a meeting and make a comment during that portion of the meeting with her if that's what it would take. Ms. Harrington asked Mr. Eldridge what his thoughts were and he said he brought up the zoning review for this very reason because now isn't the time to look at what is right and wrong with the ordinance, but does this request meet the criteria to grant a variance. He said he understands what everyone is saying but that is something staff should add to the list to look at and research.

Chair van den Hombergh added that the home is beautiful and she did a lot of research, and there are a lot of emotions surrounding the elderly population. She added that her mother lived in a group home and that's why she needed to clarify the visitation. She added that as much as she would like to be in support, she isn't sure that what she would see as an imposition on the zoning for a single-family housing area, she's not sure that providing this service, as valuable as it is and knowing that

our country is in a crisis, she's not sure changing the zoning from six to 11 in a single family neighborhood is the way to go about it, so she will be voting no.

Mr. Hohler moved to approve the application for a dimensional variance from Chapter 4, Section 4.1 to increase this adult foster care group home from six residents to eleven residents, where a medium group home (7-12 residents) is not permitted in this residential district, seconded by Ms. Harrington.

Motion to pass the dimensional variance was denied by roll call vote of one for and three against. Ms. Harrington voted yes and Mr. Hohler, Chair van den Hombergh, and Mr. Wark voted against.

OTHER BUSINESS: None

ADJOURNMENT:

The meeting was adjourned at 8:51 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **12/14/2023**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of
Community Planning & Econ. Dev.
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: December 14, 2023

SUBJECT: ZBA #23-11-18: 1000 W. Paterson Street. The Douglass Community Association is requesting the following:

1. A dimensional variance from Chapter 50, 50-9.5, Table 9.5-1 to allow for a 50 square foot LED panel on the west wall, where only one 24 square foot sign is permitted for each approved special use and the Douglass Community Center has already utilized this signage; and
2. A dimensional variance from Chapter 50, 50-9.3F(1)(a), to allow for a new wall sign that is 100% changeable copy or LED, where the changeable copy area on wall signs in the residential districts is limited to 25% of the sign area.

BACKGROUND:

The Douglass Community Association moved to 1000 W. Paterson Street in 1982. This five-acre site located in the Residential - Multiple Family District (RM-15) includes a 28,000 square foot building with 83 parking spaces, a community garden area, a gymnasium, and an outdoor recreation area. The Douglass Community Association serves individuals in the Northside Neighborhood and the greater Kalamazoo Community with social, recreational and community development activities. The building also houses nine other nonprofit tenants, ranging from a pre-school to a branch of the Kalamazoo Public Library.

Barry Grey from the Douglass Community Association reached out to CPED to discuss adding additional signage to increase public awareness, and promote services, activities, and events. Mr. Grey believes changeable copy signs will assist with effectively communicating with a larger audience. However, since the property is in a residential district zone, the sign allowance is limited. A review of the current signs found there is no freestanding or wall signage allowance remaining. There are channel letters on the building and a large freestanding sign out front listing all the tenants in the building. The applicant received approval at the November 9, 2023, ZBA meeting to add a 28 square foot LED sign on the south wall of the building facing W. Paterson Street. However, the second request for a 50 square foot LED sign on the west side of the building was held over for the December 14th meeting to allow staff to meet with the applicant and discuss further.

Staff met with the Douglass Community Association representatives and their sign contractor on November 20th. It was communicated that the main purpose of the 50 square foot LED panel was to engage people attending outdoor events on the greenspace to the west of the building. The promotion of events and activities to traffic on W. Paterson Street was secondary. Additionally, it was agreed upon that the LED panel would be turned off by 11 PM daily, so there will be no nighttime use. To the west of this site is commercially zoned property with a small office building. To the south is commercially zoned property containing a machine shop and to the north is the community building for the Interfaith Apartment complex. There are no residential units directly adjacent to where the sign is planned.

There is staff support for this variance due to the utilization of outdoor programs on-site at the Douglass Community Association and turning off the sign at 11 PM daily.

STRATEGIC VISION ALIGNMENT:

Complete Neighborhoods - residential areas that support the full range of people's daily needs
Youth Development - A place with supports where young people thrive

Strategic Goal Impact, Master Plan 2025 and Neighborhood Plan Impact:

This project touches on the Strategic Vision Goals of Complete Neighborhood and Youth Development. The Douglass Community Association houses a pre-school, library branch, coordinates youth activities and educational programs as well as programs for adults. This also touches on the Northside Neighborhood Plan which includes a strategy to, "strengthen support systems for workforce development, safety, and youth programming".

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 the property owners and occupants within 300 feet. The applicant has reached out to N.A.C.D. and surrounding property owners.

Engagement/Communication Tools:

Newspaper, mailings and applicant outreach

FINDINGS:

Staff has made the following findings regarding this request:

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

The building is quite large at 28,000 square feet and has a significant level of daily activities that service residents beyond just the Northside Neighborhood. There are also nine other tenants within the building. Activities and programs span the morning, afternoon, and evening hours. Additionally, the green space to the west of the building is utilized for outdoor activities, which are also part of the programs run by the Douglass Community Association.

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

The applicant did not create the special circumstances. The applicant is reaching out because they believe the residential sign allowance is not adequate for the outreach and programming needs of the Douglass Community Association.

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

The literal interpretation of the Ordinance allows for signage to only identify the on-site uses. The strict application of the sign regulations for the residential zone districts in this case does not allow for any additional signage. The freestanding sign allowance has already been utilized for a tenant directory. The wall sign allowance has been utilized to place channel letters on the building. The LED wall sign proposed will have a two-fold purpose advertising of programs/events and to be used in conjunction with outdoor activities next to the building.

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 requested variance for the wall sign is the minimum action that will provide a sign large enough for programs on the greenspace adjacent to the building.

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

The proposed sign will not adversely affect adjacent land with the commercial zoning and uses to both the south and west of the building. Additionally, W. Paterson Street

is a Neighborhood Network Street with higher traffic volumes than a Local Street. Lastly, the sign will be turned off at 11 PM daily.

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

The granting of the variances will be generally consistent with purpose and intent to allow for reasonable, orderly, and effective display of signage. In this case, the signage is for a community center and will aid in promoting events and programs as well as be utilized for outdoor activities.

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

This criterion for landscaping is not applicable to the requested variances.

RECOMMENDATION:

Staff supports the request for the 50 square foot sign with a condition placed on the approval that the sign is shut off daily at 11 pm.



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

November 29, 2023

**RE: ZBA #23-11-18
1000 W. Paterson Street
Parcel #: 06-09-471-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by The Douglass Community Center for 1000 W. Paterson Street located in the Residential – Multi Dwelling District (RM-15).

The applicant is requesting:

1. A dimensional variance from Chapter 50, 50-9.5, Table 9.5-1 to allow for a 50 square foot LED panel on the west wall, where only one 24 square foot sign is permitted for each approved special use and the Douglas Community Center has already utilized this signage; and
2. A dimensional variance from Chapter 50, 50-9.3F(1)(a), to allow for new wall sign that is 100% changeable copy or LED, where the changeable copy area on wall signs in the residential districts is limited to 25% of the sign area.

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, December 14, 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	12 October 2023, 2:20PM
Receipt number	28
Related form version	14

Introduction

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

Applicant Information

Name	Barry Gray (BNB Services)
Organization (if applicable)	The Douglass Community Association
Email Address	bnbservices.bnbtowingrecovery@gmail.com
Phone Number	2695290602
Address	1000 W Paterson St, Kalamazoo, MI 49007, USA Map (42.3038013, -85.597945)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	The Douglass Community Association
Mailing Address	1000 W Paterson St, Kalamazoo, MI 49007, USA Map (42.3038013, -85.597945)
Phone Number	2693436185
Email Address	sledbetter@douglasscommunity.org
Preferred Contact Method	Email
Authorization from property owner:	Zoning letter consent 10.11.2023.pdf

Property and Application Details

Property Address	1000 W Paterson St, Kalamazoo, MI 49007, USA Map (42.3038013, -85.597945)
Parcel Identification Number	06-09-471-001
Zone District	RM-15
Type of Request	Use Variance
Application Fee	\$375.00
Project Description & Reason for Request	The Douglass Community Association is seeking an exception to the usual sign size restrictions imposed by the local zoning code. The Douglass Community Association would like to bring more public visibility, public awareness, and communication to promote our cause and draw attention to our services, activities, and events. We often need to convey important information about our upcoming events and activities. A larger sign will assist with effectively communicating events & activities with text and graphics, allowing our message to reach a larger audience. Having a larger sign that can be seen more easily by the public can also assist with attracting new partnerships and having space to recognize our current sponsors/ donors. By requesting a sign size use variance, our organization aims to enhance its visibility, effectively communicate its mission & message, and potentially increase its sponsorship efforts. Our vision for our organization is to have two led message centers that will convey who we are, events, activities, and sponsors. Our west wall message center would be 120 by 60, and our front entrance message center would be 84 by 48.

Use Variance Review Criteria

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?	No, there is no hardship that is unique to the land or structure that is not applicable to other land or structures in the same zone district for a request for sign size use variance.
Are the special circumstances created by actions of the applicant?	The special circumstances created by the actions of the applicant for a request for sign size use variance include the need for increased visibility to our community. The signs will also help the aesthetics of our building and complement our new landscaping aesthetics in making the Douglass Community Association more visible to the public.
Will the granting of the variance be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance?	granting of the variance will be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance. By granting the Douglass Community Association a variance, we will be able to have better visibility for the public and allow for more community awareness of activity and event participation. Our variance would not pose competition with other nonprofits as it would drive community awareness and participation.
Will the granting of the variance negatively affect adjacent land?	The granting of the variance would not negatively affect adjacent land. Our project will use well-designed signs that are consistent with the character of the neighborhood. Which will mitigate any impact it may have on property value. Furthermore, the placement of each sign is ideal to minimize impact and aid in safety.

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

granting of a sign size use variance will be generally consistent with the purpose and intent of the ordinance. The variance would not result in significant visual obstructions that negatively affect neighboring businesses, and residents, or impede traffic as the location of each sign would not cause harm.

Supporting Documents

Supporting Documents

[Doc Oct 12, 2023, 15.18.pdf](#)

Submit

Your Signature

A handwritten signature in black ink that reads "PNB-DCA". The letters are stylized and connected, with a long vertical line extending upwards from the end of the signature.

[Link to signature](#)



October 11, 2023

To whom it may concern,

The Douglass Community Association gives Barry Gray (BNB Services) consent to file and complete the necessary application process with the City of Kalamazoo. The application is solely regarding the appeal of the zoning limitations of signage size to be placed on the Douglass Community Association building.

Feel free to contact me at sledbetter@douglasscommunity.org with any questions.

Sincerely,

S. R. Ledbetter

Stacey R. Ledbetter
Interim Executive Director
sledbetter@douglasscommunity.org
269-343-6185

From: [Dana Perrin](#)
To: [Eldridge, Peter](#)
Cc: [Director Stacey Ledbetter](#); [BNB TOWING AND RECOVERY LLC](#)
Subject: [External Email] Letter of Recommendation for Variance Approval - Douglass Community Association - LED Message Center Sign - West Wall
Date: Wednesday, November 22, 2023 11:01:40 AM
Attachments: [image001.png](#)

Hi Pete,

Thank you for meeting us earlier this week at Douglass Community Association, as per your request, we have put together the following information:

- The main purpose of the LED Message Center on the West side of the building is to communicate and engage the people who attend the events and activities held in the west yard, at the Douglass Community Association, and events that the DCA partners with. It will be used solely for the purpose of enhancing the on-goers experience while attending the event/activity and providing activity/event time-lines, etc.
- The sign will be placed on the south-west corner of our building, high enough from the ground so that it cannot be reached & also protected by the newly installed fencing to alleviate any vandalism.

The sign is programmable:

- It is programmed to Day Light Savings Time
- It can be programmed to illuminate brighter during the day than at night
 - It has the ability to go into "Sleep Mode" – meaning that Douglass Community Association can set the "Sleep Mode" timer to turn the lights off at any time desired.
- Per our discussion earlier, Douglass Community Association has agreed to set the timer to go off at a time agreed upon by The City of Kalamazoo Zoning Board.
 - We would like to request that time be 11:00pm, to allow for summer time hours (That way we don't have to worry about changing the Sleep Mode time during summer and winter hours, it will always be set to that time)

The City of Kalamazoo's vision (Imagine Kalamazoo 2025):

50-1.1 Purpose.

The intent of these requirements is to:

- (1) Create a flexible, market driven approach to the districts defined to promote public health, safety, and general welfare.
- (2) Realize the community's vision as detailed in the Master Plan, including permitting a variety of uses, increased variety of housing infill, and promoting active walkable nodes and corridors through the inclusion of building form requirements.

munity

ge

gn with applied

120"



60"

EMC 16mm LED Message Center



ing is submitted as our proposal and is to remain our property exclusively until accepted and work is not to be shared or distributed without written permission.

ishing processes and printer capabilities the final product may differ in color from ide to achieve the most accurate finish. If color matches are required, request finish wings and specifications. **PRODUCT FINISHES AND CONSTRUCTION ARE DEEMED OF SHOP DRAWINGS.** Designs applied to photo images are intended as rough visual > scale. Refer to specifications for actual size.



15886 E. Michigan Ave.
Climax, MI
Phone: 269-746-4285
burkettsgns.com



munity

ge

gn with applied

84"



48"

EMC 16mm LED Message Center



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ishing processes and printer capabilities the final product may differ in color from ide to achieve the most accurate finish. If color matches are required, request finish wings and specifications. **PRODUCT FINISHES AND CONSTRUCTION ARE DEEMED OF SHOP DRAWINGS.** Designs applied to photo images are intended as rough visual > scale. Refer to specifications for actual size.



15886 E. Michigan Ave.
Climax, MI
Phone: 269-746-4285
burkettsgns.com





Freestanding Sign with Tenant Listing



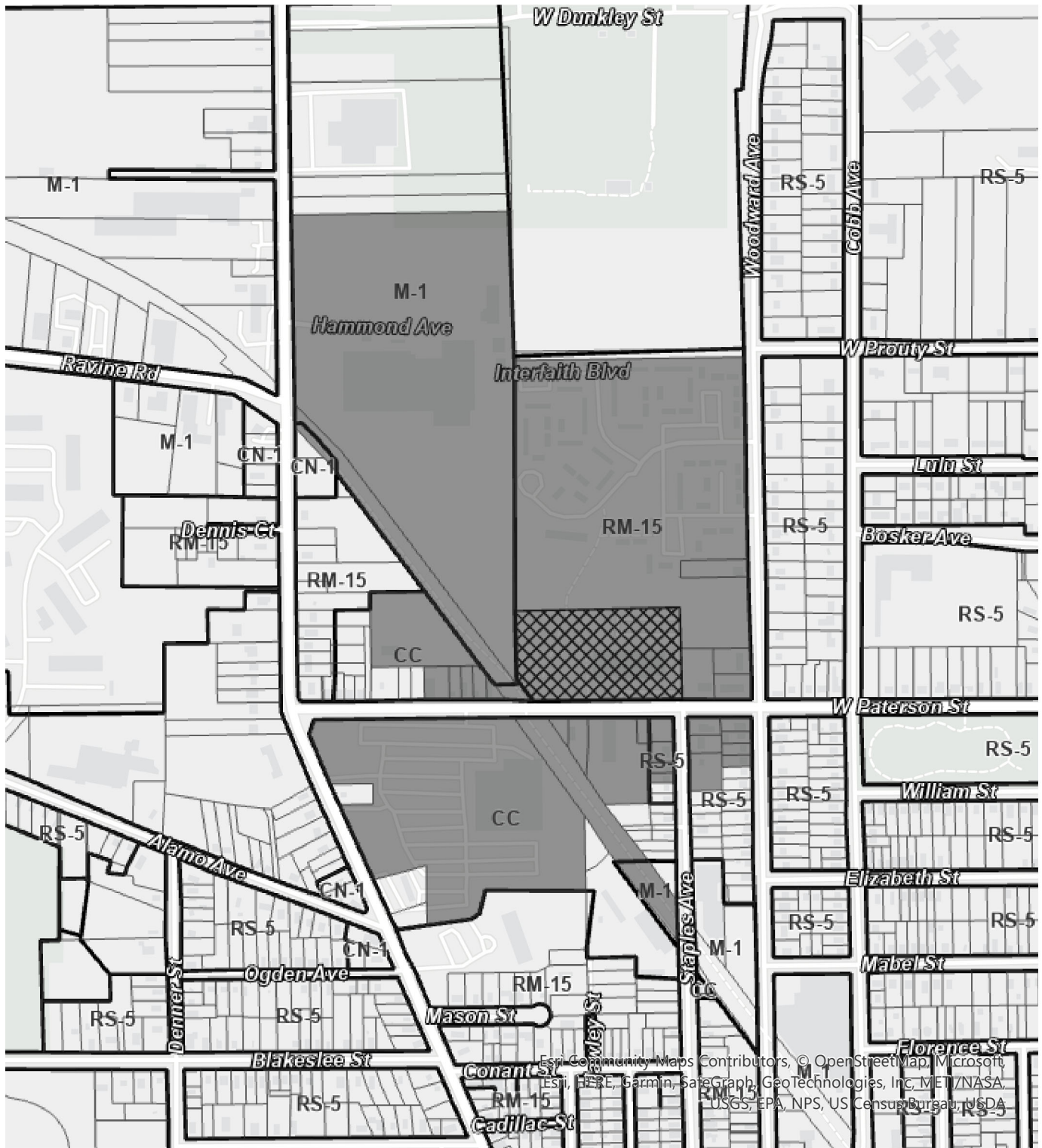
West End of Building



Location of Proposed Wall Sign on South Wall



Location of Proposed Wall Sign on West Wall



Parcels within 300' Mailing Radius 1000 W. Paterson Street

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



0 0.0375 0.075 0.15 mi



Zoning Board of Appeals Staff Report

Date: **12/14/2023**

Item: **D.2.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of
Community Planning & Econ. Dev.
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: December 14, 2023

SUBJECT: ZBA #23-11-17: 1102 and 1110 Lake Street. Mills Street Market Property, LLC
is requesting the following:

1. A dimensional variance from Chapter 50, 50-8.4C, to not install the required five-foot planting strip along the front property line on Mills Street, to reduce the number of trees planted by two, and reduce the number of shrubs planted by eight.
2. A dimensional variance from Chapter 50, 50-8.4C, to not install the required five-foot planting strip along the front property line on Lake Street, to reduce the number of trees planted by two, and to reduce the number of shrubs planted by eight.

BACKGROUND:

Mitten State Engineering was retained to develop the site plan for the Mill Street Market project. The site design work included bringing the site up to current development standards. The site currently has no landscaping and Mitten Engineering has worked with the owner to add green space and landscaping. The preliminary plan include greenspace around the sign base at the corner, an area directly next to the building along Lake Street, planting trees to the east of the building, and creating a planting area next to the southeast corner of the building.

The applicant is requesting variances from the landscaping code related to the required landscaping along the adjacent streets. Due to the location of the building, even with angled parking and one-way traffic flow, there is still not sufficient space to provide a five-foot planted strip between the parking lot and the public sidewalk along Mills Street or Lake Street. The applicant has conceptually shown trees planted in the narrow strip of right of way along both streets. However, the Public Services Department does not want trees in the right of way here due to the proximity to the street and insufficient planting area for the proposed tree plantings. The proposed site plan does include adding trees and shrubs in other areas of the front yard on both street frontages, but it falls short of meeting the ordinance requirements.

The property owner is purchasing the parcel to the east of the market to add to the development.

This will allow for added space for the site to meet the impervious coverage limit for the site, which it presently does not. Additionally, at present there is no landscaping around the building or parking lot, which will be added if this project moves forward. The staff is in support for the reasons mentioned above and that there will still be decorative fencing delineating the sidewalk from the parking lot.

STRATEGIC VISION ALIGNMENT:

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

Strategic Goal Impact, 2025 Master Plan and Neighborhood Plan Alignment:

This project is in alignment with the Strategic Goal of Complete Neighborhoods. This expansion of the market will provide more products for area residents. It is also supported by the Edison Neighborhood Plan, which lists in the goals ... supporting neighborhood shopping alternatives.

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 mailed to property owners and occupants within 300 feet. The applicant has also reached out to the Edison 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 there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

The special circumstances are the location of the existing building and parking between the road and building on both street frontages. There is no sufficient space to allow for a vehicle maneuvering lane, parking spaces and landscaping. The applicant has worked to provide an alternative by creating new greenspaces and plantings elsewhere on the site.

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

The building was constructed in 1936 and the site currently has had no landscaping and exceeds the maximum impervious coverage for decades. The owner did not create these circumstances.

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.

Requiring the frontage landscaping with a five-foot planting strip would make it impractical to continue the use of the existing parking areas on the Mills and Lake Street frontages. This commercial intersection of Lake and Mills has other businesses with similar parking areas between the building and the street. Further, there will still be decorative metal fencing to delineate the sidewalk from the parking lot.

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.

These variances are the minimum action that will allow this redevelopment project to move forward. Additional landscaping has been added to other areas of the site to offset the loss of landscaping along the frontage.

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

Reductions in landscaping installed along the frontages will not adversely impact adjacent properties.

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

This variance will be generally consistent with the ordinance to create greenspaces and soften the appearance of the building from the street. Further, the site will comply with the maximum impervious coverage as a result of the proposed redevelopment.

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.

None of these criteria above apply to the landscaping variances being requested.

RECOMMENDATION:

Staff is supportive of the variances being requested as they 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

November 29, 2023

**RE: ZBA #23-11-17
1102 and 1110 Lake Street
Parcel #: 06-23-303-005 and 06-23-303-006**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Mills Street Market Property, LLC for 1102 and 1110 Lake Street in the LW-1 District.

The applicant is requesting the following dimensional variances for the expansion of the Mills Street Market due to the location of the existing building and parking lot:

1. A dimensional variance from Chapter 50, 50-8.4C, to not install a five-foot planting strip along the front property line on Mills Street and reduce the number of trees planted by two and reduce the number of shrubs planted by eight. The applicant does plan to install one tree and ten shrubs along Mills Street.
2. A dimensional variance from Chapter 50, 50-8.4C, to not install a five-foot planting strip along the front property line on Lake Street, reduce the number of trees planted by two and reduce the number of shrubs planted by eight. The applicant does plan to install one tree and 13 shrubs along the Lake Street frontage.

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, December 14, 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	6 October 2023, 11:47AM
Receipt number	27
Related form version	14

Introduction

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

Applicant Information

Name	Tyler Bourdo
Organization (if applicable)	Mitten State Engineering
Email Address	tyler.bourdo@mittenstateeng.com
Phone Number	269-716-0175
Address	10123 S M43, Suite E, Delton, MI 49046 No coordinates found
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Harpal Singh
Mailing Address	24182 Red Arrow Hwy, Mattawan, MI 49071, USA Map (42.2373697, -85.7873664)
Phone Number	2699031575
Email Address	harpal9696@gmail.com
Preferred Contact Method	Email
Authorization from property owner:	AUTHORIZATION LETTER.pdf

Property and Application Details

Property Address	1102 Lake St, Kalamazoo, MI 49001, USA Map (42.2807244, -85.5663158)
Parcel Identification Number	06-23-303-005
Zone District	CN-1
Type of Request	Dimensional Variance
Application Fee	\$300.00
Project Description & Reason for Request	Expansion and improvements at the Mills Street Market including bringing the corner into compliance. Site configuration does not allow for adequate vehicular maneuvering without a dimensional variance from the frontage planting strip including the frontage planting requirement. Also the existing property has five drives and two of which are shared drive, which connecting to them is resulting in additional impervious coverage beyond the 65% maximum for a CN-1 district.

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?	Corner lot
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?	Multiple shared drives that need to remain open for neighbors. The public roadway and sidewalk is also encroaching onto the property some in the northwest corner.
Are the special circumstances created by actions of the applicant?	No
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, that is the intention. We are including trees along the perimeter and in the right of way to try meet the spirit of the landscaping buffering requirements.
Will the granting of the variance negatively affect adjacent land?	No, the overall development would be a great improvement to the area.
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?	Yes as mentioned above with the landscaping buffering including the reduction of overall impervious surface.
Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?	there is no existing landscaping
Does the landscaping proposed by the applicant meet the intent of this section?	Yes our goal is to meet the intent with the landscaping plan to vastly improve the area.
Are there steep changes in topography that would limit the benefits of landscaping?	No, the site is generally flat.
Are the proposed building and parking lot locations setback beyond the required setback?	The building is, but the parking lot does not have the minimum 5' of planting strip, thus why we are requesting a dimensional variance.

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?

Abutting lands are developed and a residential use currently, but the property to the south is also zoned CN-1.

No existing landscaping conditions exist, but the landscaping plan will add a benefit to the property's appearance.

Supporting Documents

Supporting Documents

[Survey Documents.pdf](#)
[2023.05.23 - Site Plan - 1102 Lake St.pdf](#)
[City correspondance.pdf](#)
[L1.0 Landscape-L1.0.pdf](#)

Submit

Your Signature



[Uploaded signature image: Bourdo Signature.jpg](#)

AUTHORIZATION LETTER

Owner: East Lake Auto Services LLC

Address: 1110 Lake St, Kalamazoo, MI

Date: 08/01/2023

To Whom It May Concern:

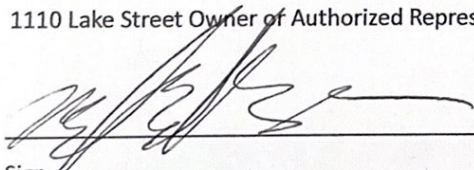
Mill Street Market Property LLC, ("Owner") of 1102 Lake St and ("Buyer") of 1110 Lake St, is hereby authorized to act on my behalf in connection with the items listed below as it pertains to the development of the above-referenced Property pursuant to a Real Estate Purchase Agreement, set to close and expire on August 28, 2023.

1. Due Diligence – soils testing, surveying, engineering, environmental studies, asbestos, or other physical inspections
2. Permitting – Applications of filings with applicable municipalities for land acquisitions, lot line adjustments, and all entitlements, including but not limited to, site plan approval, variances, building permits, and any required construction permits.
3. No permanent or substantial changes should be made to the property (1110 Lake St) prior to the closing between the Buyer and Seller.

Unless otherwise agreed in the Real Estate Purchase Agreement, any and all of the foregoing work shall be completed by the Buyer at its sole cost and expense. Buyer will return the property to substantially the same condition prior to their work until the purchase is finalized.

1110 Lake Street Owner of Authorized Representative

Sign


Mohamad Farran

Print Name

8/1/23

Date

Buyer Information

Mill Street Market Property LLC

Attn. Harpal Singh

24182 Red Arrow Hwy

Mattawan, MI 49071

AUTHORIZATION LETTER

Owner: Mill Street Market, LLC

Address: 1102 Lake St, Kalamazoo, MI

Date: 10/02/2023

To Whom It May Concern:

Mitten State Engineering, is hereby authorized to act on my behalf in connection with the items listed below as it pertains to the site plan review and zoning board of appeals submittals.

1. Due Diligence – soils testing, surveying, engineering, environmental studies, asbestos, or other physical inspections
2. Permitting – Applications of filings with applicable municipalities for land acquisitions, lot line adjustments, and all entitlements, including but not limited to, site plan approval, variances, building permits, and any required construction permits.

Unless otherwise agreed in the a contract proposal, any and all of the foregoing work shall be completed by the property owner at its sole cost and expense.

1102 Lake Street Owner or Authorized Representative

Harpal Singh

Sign

HARPAL SINGH

Print Name

10/3/23

Date

Authorized Company Information

Mitten State Engineering

Attn. Tyler Bourdo, PE

10123 S M43, Suite E

Delton, MI 49046

Not For Construction

HARD COPY IS INTENDED TO
BE 24" X 36" WHEN PLOTTED.
THIS DRAWING IS FOR REVIEW
ONLY. GRAPHIC QUALITY MAY NOT
BE ADAPTED FOR ANY
OTHER SIZES.

Issued For: _____
SITE PLAN REVIEW 9-18-23

Project: _____
**Mill Street Market
Addition**

Kalamazoo, MI
Sheet Title

Landscape Plan

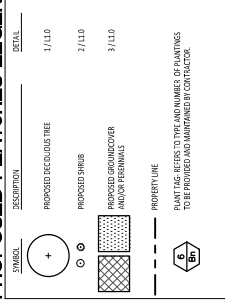
0 30 60 90
SCALE IN FEET
North

Job No. _____
Sheet No. **L10**
022966

LANDSCAPE NOTES:

1. VERIFY ALL CONSTRUCTION PROVIDED BY THE CIVIL ENGINEERING.
2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE PLANTING SPECIFICATIONS AND ALL PLANTINGS SHALL BE REPORTED TO THE CONTRACTOR'S SUPERVISOR.
3. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE CONTRACTOR'S SUPERVISOR IMMEDIATELY FOR RESOLUTION.
4. IN AREAS OF NEW TURF GRASS, THE GRASS & ESTABLISH TURF WITHIN SEED UNIT LIMITS.
5. PLACE SHROUDED HANDBOOK MULCH TO A 3" DEPTH IN ALL TREE & SHRUB BEDS & TO A 2" DEPTH IN ALL GRASSY AREAS.
6. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE PLANTING SPECIFICATIONS AND ALL PLANTINGS SHALL BE REPORTED TO THE CONTRACTOR'S SUPERVISOR.
7. REPAIR AND RESEED ANY DAMAGE OUTSIDE OF LIMIT OF WORK LINE TO ORIGINAL CONDITION.
8. PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN AS SPECIFIED.
9. ALL TOPSOIL AND EXCESS FILL MATERIAL SHALL BE STOCKPILED ON SITE SEPARATELY FOR LATER REUSE. ALL STOCKPILED MATERIAL SHALL BE COVERED WITH A 6" MINIMUM THICKNESS OF TOPSOIL OR EQUIVALENT MATERIAL TO PREVENT EROSION AND SOIL LOSS.
10. ALL NURSERY STOCK SHALL BE TRUE TO THE AID NAME. ALL STOCK SHALL BE SET CLASSES QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS HEALTHY ROOT SYSTEMS. ALL STOCK SHALL BE WELL FORMED AND THE TRUNKS OF TREES SHALL BE UNIFORM AND STRAIGHT.
11. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR IRRIGATION SCHEDULING FOR THE ENTIRE MAINTENANCE PERIOD (TYPICALLY 10-15 YEARS).
12. CONTRACTOR RESPONSIBLE TO LOCATE SITE LIGHTING SCHEDULES. CONTRACTOR RESPONSIBLE TO NOTIFY ALL NEIGHBORS OF ANY LIGHTING SCHEDULES AND TO OBTAIN NECESSARY PERMITS PRIOR TO INSTALLATION.
13. ALL AREAS OF TREE CLEARING SHALL BE STAGED FOR ARCHITECT'S APPROVAL PRIOR TO CLEARING.
14. UNLESS OTHERWISE SPECIFIED ALL PERENNIALS, GRASSES AND GROUNDCOVERS SHALL BE GROWN IN THIS CONTRACTOR'S PLANTING SPECIFICATIONS.
15. SEE SPECIFICATIONS FOR LAWN SEED MIX AND STORMWATER SEED MIX.

PROPOSED FEATURES LEGEND:

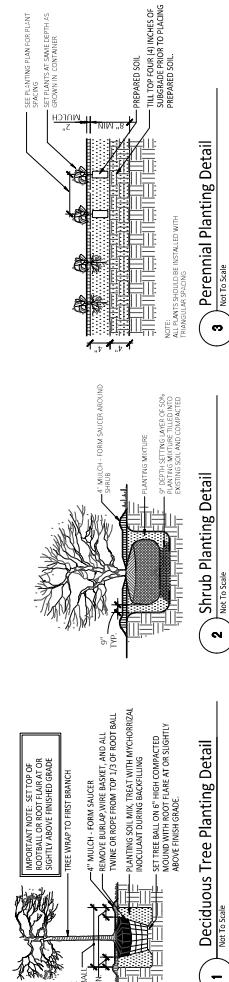
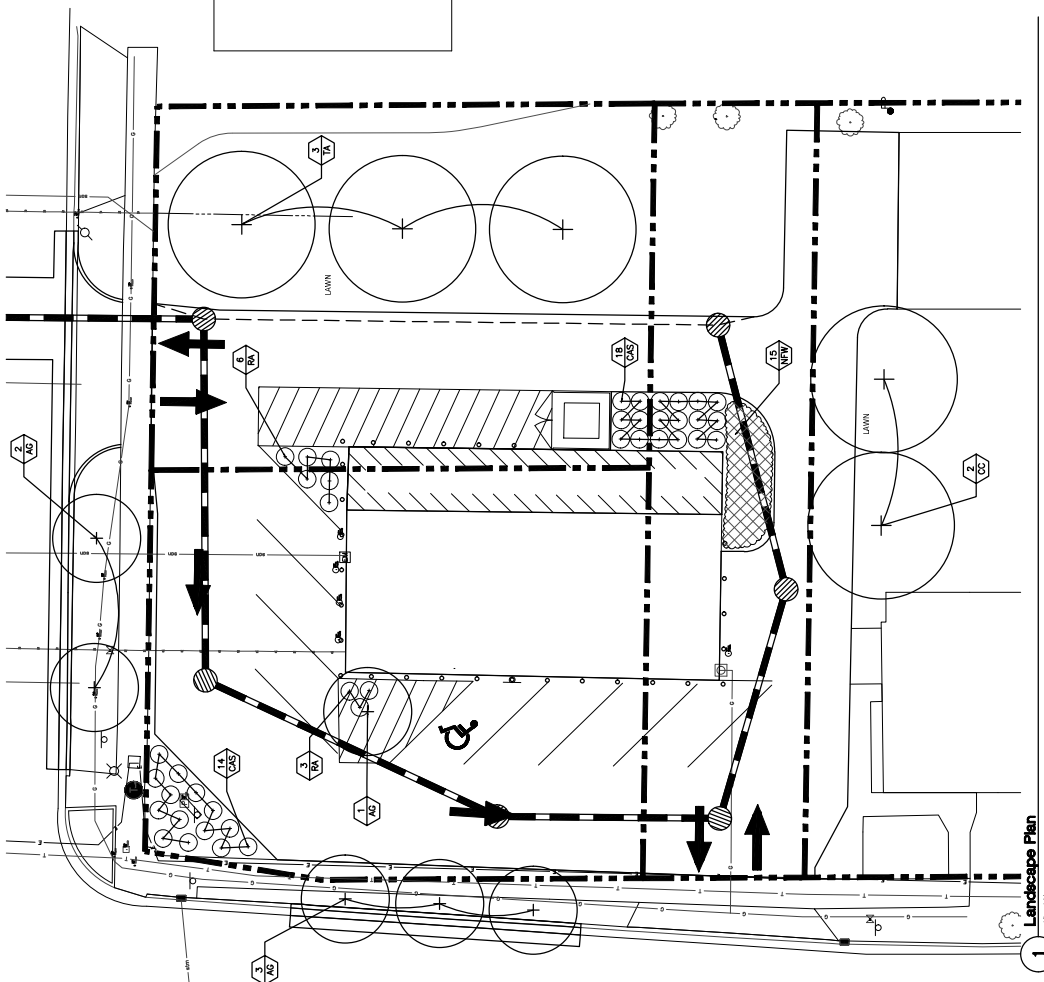


ZONING REQUIREMENTS

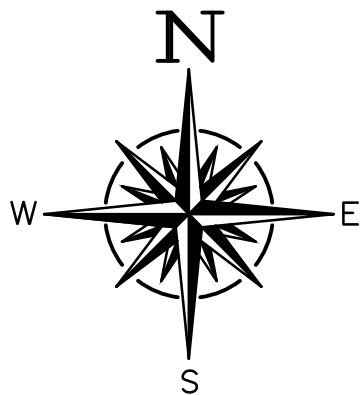
- MINIMUM REQUIREMENTS FOR ALL COMMERCIAL:**
- 1 TREE FOR EVERY 35 FT. OF FRONTAGE + 7 TREES REQUIRED
 - 1 SHRUB FOR EVERY 20 FT. OF FRONTAGE + 3 SHRUBS REQUIRED
- MINIMUM REQUIREMENTS FOR ALL RESIDENTIAL:**
- 1 TREE FOR EVERY 35 FT. OF FRONTAGE + 7 TREES REQUIRED
 - 1 SHRUB FOR EVERY 20 FT. OF FRONTAGE + 3 SHRUBS REQUIRED
- MINIMUM REQUIREMENTS FOR ALL INDUSTRIAL:**
- 1 TREE FOR EVERY 35 FT. OF FRONTAGE + 7 TREES REQUIRED
 - 1 SHRUB FOR EVERY 20 FT. OF FRONTAGE + 3 SHRUBS REQUIRED

PLANT LIST:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING	STATUS	QTY'S
1A	Amelanchier canadensis	Red-bellied	8' Ht.	BBB	PER PLANT	NATIVE	6
2A	Cornus canadensis	Red-bellied	2" CAL.	BBB	PER PLANT	NATIVE	2
3A	The American Mistletoe	Safety	2" CAL.	BBB	PER PLANT	NATIVE	3
4A	Cornus paniculata	Shrub	2" Ht.	BBB	PER PLANT	NATIVE	32
5A	Shrub	Shrub	4"	BBB	PER PLANT	NATIVE	9
6A	Shrub	Shrub	4"	BBB	PER PLANT	NATIVE	15

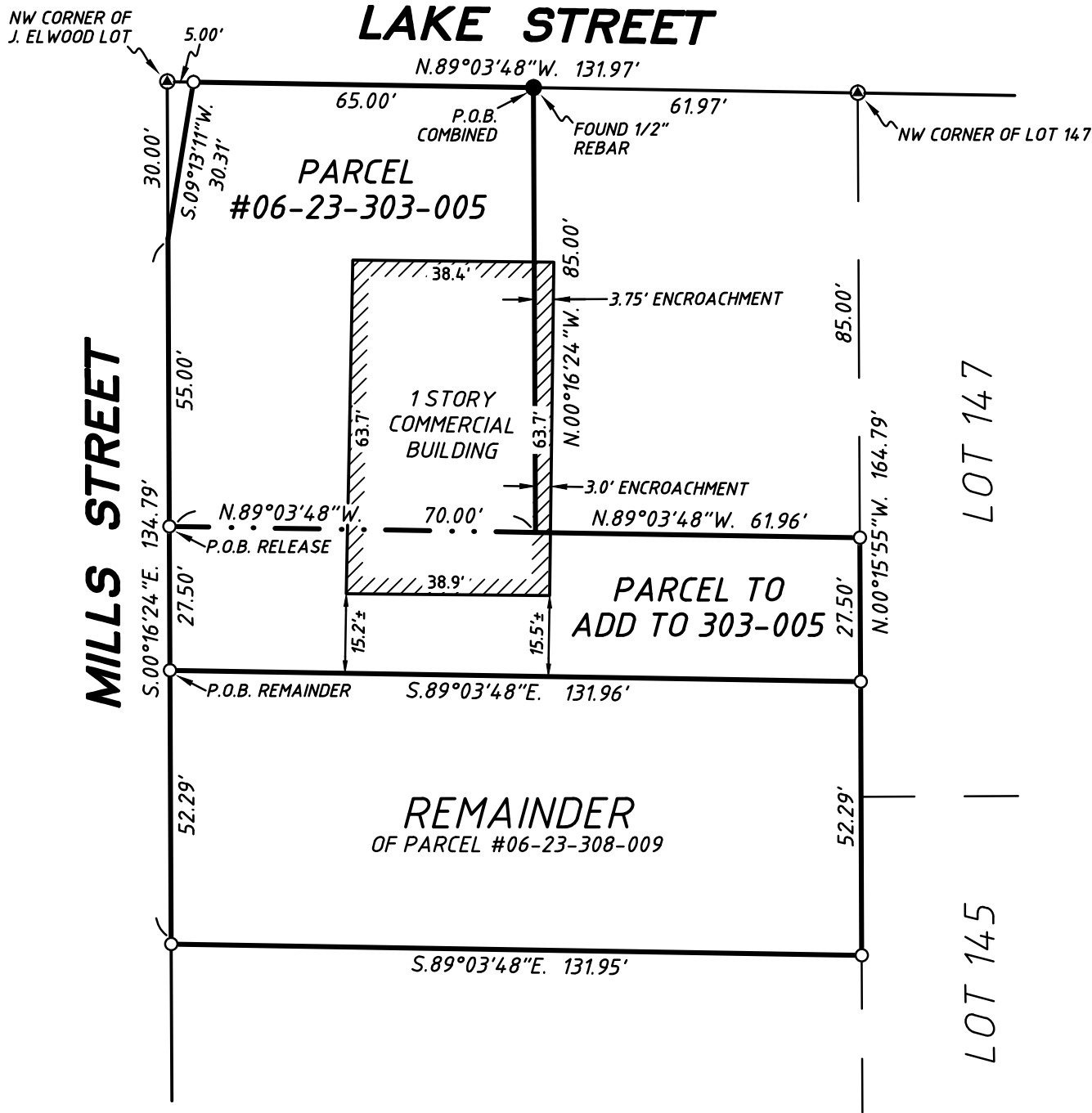


SKETCH OF SURVEY
PAGE 1 OF 2



LEGEND

- = FOUND SURVEY MARKER
- = SET 1/2" CIR #43067



SEE PAGE 2 OF 2 FOR
LEGAL DESCRIPTIONS



Client: MITTEN STATE ENGINEERING

Drawn by: AKP

Surveyed by: WKR

Scale: 1" = 30'

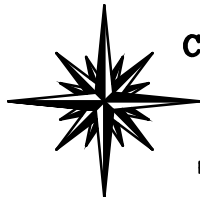
Job No.: 43078

Date: 05/01/2023

Revised:

Michael Pratt
MICHAEL PRATT, PS #4001043067

This survey is made on the basis of the legal descriptions furnished to CLS. No investigation has been made for easements, encumbrances, ownership title evidence, or any other facts that may be disclosed by an accurate and current title search. Declaration is made to the original purchaser of this survey, It is not transferable to additional institutions or subsequent owners. This drawing is valid only if it contains the surveyor's original signature and embossed seal.



CRANE LAND SURVEYING, P.C.

14250 BEADLE LAKE ROAD
SUITE 130

BATTLE CREEK, MICHIGAN 49014

ph: (269) 963-7977 • fax: (269) 963-7008

www.cls-bc.com

SKETCH OF SURVEY
PAGE 2 OF 2

DESCRIPTION OF PARCEL TO #06-23-303-005 (FROM PARCEL #06-23-308-009):

THAT PART OF SECTION 23, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT 147 OF "KALAMAZOO LAND AND IMPROVEMENT COMPANY'S ADDITION TO THE CITY OF KALAMAZOO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR KALAMAZOO COUNTY, MICHIGAN; THENCE NORTH 89°03'48" WEST, 131.97 FEET ALONG THE SOUTH LINE OF LAKE STREET TO THE EAST LINE OF MILLS STREET; THENCE SOUTH 00°16'24" EAST, 85.00 FEET ALONG SAID EAST LINE OF MILLS STREET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00°16'24" EAST, ALONG SAID EAST LINE, 27.50 FEET; THENCE SOUTH 89°03'48" EAST, 131.96 FEET PARALLEL TO SAID SOUTH LINE OF LAKE STREET TO THE WEST LINE OF SAID LOT 147; THENCE NORTH 00°15'55" WEST, 27.50 FEET ALONG SAID WEST LINE; THENCE NORTH 89°03'48" WEST, 131.96 FEET TO THE PLACE OF BEGINNING.

DESCRIPTION OF REMAINDER OF PARCEL #06-23-308-009:

THAT PART OF SECTION 23, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT 147 OF "KALAMAZOO LAND AND IMPROVEMENT COMPANY'S ADDITION TO THE CITY OF KALAMAZOO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR KALAMAZOO COUNTY, MICHIGAN; THENCE NORTH 89°03'48" WEST, 131.97 FEET ALONG THE SOUTH LINE OF LAKE STREET TO THE EAST LINE OF MILLS STREET; THENCE SOUTH 00°16'24" EAST, 112.50 FEET ALONG SAID EAST LINE OF MILLS STREET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00°16'24" EAST, 52.29 FEET ALONG SAID EAST LINE; THENCE SOUTH 89°03'48" EAST, 131.95 FEET PARALLEL TO SAID SOUTH LINE OF LAKE STREET TO THE WEST LINE OF LOT 145 OF SAID PLAT; THENCE NORTH 00°15'55" WEST, 52.29 FEET ALONG SAID WEST LINE OF LOTS 145 AND 147; THENCE NORTH 89°03'48" WEST, 131.96 FEET TO THE PLACE OF BEGINNING.

DESCRIPTION OF NEW COMBINED PARCEL 06-23-303-005:

THAT PART OF SECTION 23, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT 147 OF "KALAMAZOO LAND AND IMPROVEMENT COMPANY'S ADDITION TO THE CITY OF KALAMAZOO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR KALAMAZOO COUNTY, MICHIGAN; THENCE NORTH 89°03'48" WEST, 61.97 FEET ALONG THE SOUTH LINE OF LAKE STREET TO THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 89°03'48" WEST, ALONG SAID SOUTH LINE, 65.00 FEET TO A POINT 5.00 FEET EAST OF THE EAST LINE OF MILLS STREET; THENCE SOUTH 09°13'11" WEST, 30.31 FEET TO A POINT ON THE EAST LINE OF MILLS STREET WHICH IS 30.00 FEET SOUTH OF THE SOUTH LINE OF LAKE STREET; THENCE SOUTH 00°16'24" EAST, 82.50 FEET ALONG SAID EAST LINE OF MILLS STREET; THENCE SOUTH 89°03'48" EAST, 131.96 FEET PARALLEL WITH SAID SOUTH LINE OF LAKE STREET TO THE WEST LINE OF SAID LOT 147; THENCE NORTH 00°15'55" WEST, 27.50 FEET ALONG SAID WEST LINE OF LOT 147; THENCE NORTH 89°03'48" WEST, 61.96 FEET; THENCE NORTH 00°16'24" WEST, 85.00 FEET TO THE PLACE OF BEGINNING.

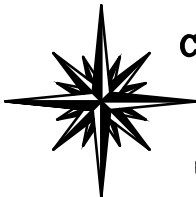


Client: MITTEN STATE ENGINEERING
Drawn by: AKP
Surveyed by:
Scale:

Job No.: 43078
Date: 05/01/2023
Revised:


MICHAEL PRATT, PS #4001043067

This survey is made on the basis of the legal descriptions furnished to CLS. No investigation has been made for easements, encumbrances, ownership title evidence, or any other facts that may be disclosed by an accurate and current title search. Declaration is made to the original purchaser of this survey, It is not transferable to additional institutions or subsequent owners. This drawing is valid only if it contains the surveyor's original signature and embossed seal.



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Mill Street Frontage – October 30, 2023



Corner of Mills Street and Lake Street – October 30, 2023



Lake Street Frontage – October 30, 2023



LEGEND



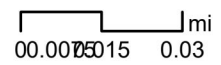
City of Kalamazoo,
10/31/2023



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Parcels within 300' Mailing Radius 1102 and 1110 Lake Street

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





Zoning Board of Appeals Staff Report

Date: **12/14/2023**

Item: **D.3.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of
Community Planning & Econ. Dev.
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: December 14, 2023

SUBJECT: ZBA #23-12-20: 1618 Park Avenue. Taylor Young is requesting the following:

1. A dimensional variance from Chapter 50, 50-8.5A(c), to allow fencing proposed in the front yard on Birch Avenue and Virginia Avenue with an opacity of 100% (solid fencing), where 75% is the maximum opacity for fencing in the front yards; and
2. A dimensional variance from Chapter 50, 50-8.5B(1), to allow for approximately 112 feet of six-foot privacy fence in the front yard along Birch Avenue and approximately 70 feet of six-foot privacy fence in the front yard along Virginia Avenue, where four feet is the maximum height permitted for front yard fencing.

BACKGROUND:

The property at 1618 Park Avenue is just under half an acre and has been improved with a 2,195 square foot single-family dwelling built in 1953. This location and the surrounding area are all in the RS-5 Zone District. The property has frontage on three streets, but the main entry door faces north toward Park Avenue. The sliding doors and deck are located on the south side of the house which fronts on Birch Avenue. Lastly, the driveway and garage are on the east side facing Virginia Avenue.

The applicant would like to create a private outdoor space for their two dogs and their family. They have evaluated the floor plan and the rear yard to the west of the home. The rear yard to the west of the home has three windows facing this narrow green space (approximately 22 feet in depth). Further, the west end of the house contains two bedrooms and a bathroom. The applicant stated the floor plan is oriented to the south for access to the outdoors. There are two sliding doors and a deck on this side of the house. Additionally, the south side of the home fronts Birch Avenue, which is a low-traffic that is only four blocks long.

The applicant is proposing to remove the nonconforming chain-link fence that exists in the front yard along Birch Avenue and Virginia Avenue and install six-foot privacy fencing. This six-

foot fencing would extend into the front yard along Birch Avenue but would stop 20 feet from the corner of Birch Avenue and Virginia Avenue to create adequate sight lines for traffic. The six-foot privacy fence would then extend north to the driveway and then back to the garage.

One variance for privacy fencing in the front yard was also found immediately to the east at 3510 Virginia Street (granted December 9, 2010). In this instance, the privacy fencing was allowed to extend 25 feet into the front yard along Park Avenue.

STRATEGIC VISION ALIGNMENT:

Strategic Vision, Master Plan 2025 Alignment:

This project does not touch directly on any Strategic Vision goals or Master Plan objectives.

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 reached out to the immediate neighbors to inform them of the request. There is no organized neighborhood association for this area of the city.

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.

The property has frontage on three public streets and a rear yard that is nonconforming in depth (less than the required 25-foot rear yard setback for the house). Further, the floor plan of the existing structure is oriented toward the outdoor space being on the south side of the house.

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

The applicant did not create the special circumstances mentioned related to the number of street frontages, nonconforming rear yard, and floor plan of the home.

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

The literal interpretation and application of the ordinance would allow six-foot privacy fencing on a 22-foot by 60-foot area of this property, yet the property is .4 acres in overall size. Further, the floor plan of the home does not provide for any direct access to the west rear yard.

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 variances will allow for the creation of a private outdoor space in the front yard of a low-traffic street (Birch Ave.). Further, there will be no vision obstructions created with the proposed location of the privacy fence and the nonconforming chain-link in the front yards now will be removed.

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

The granting of this variance will not adversely impact neighboring properties.

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

The granting of the variance is consistent with the ordinance and will allow for the creation of a private outdoor space for this residential use. This variance will limit the extent of privacy fencing to keep it predominantly on the low-traffic side street of Birch Avenue and the fence will be pulled back from the street corner.

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

This criterion is not related to the requested variances.

RECOMMENDATION:

Staff is in support of the 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

November 29, 2023

**RE: ZBA #23-12-20
1618 Park Avenue
Parcel #: 06-02-270-078**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Taylor Young for 1618 Park Avenue located in the Residential – Single Dwelling District (RS-5).

The applicant is requesting the following dimensional variances:

1. A dimensional variance from Chapter 50, 50-8.5A(c), to allow fencing proposed in the front yard on Birch Avenue and Virginia Avenue with an opacity of 100% (none see through fencing), where 75% is the maximum opacity for fencing in the front yards; and
2. A dimensional variance from Chapter 50, 50-8.5B(1), to allow for approximately 112 feet of six-foot privacy fence in the front yard along Birch Avenue and approximately 70 feet of six-foot privacy fence in the front yard along Virginia Avenue, where four feet is the maximum height permitted for front yard fencing.

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, December 14, 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	8 November 2023, 10:28AM
Receipt number	30
Related form version	14

Introduction

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

Applicant Information

Name	Taylor Young
Email Address	youngtaylorm7@gmail.com
Phone Number	2692518037
Address	1618 Park Ave, Kalamazoo, MI 49004, USA Map (42.3252985, -85.5603053)
Preferred Contact Method	Email
Are you the property owner?	Yes

Property and Application Details

Property Address	1618 Park Ave, Kalamazoo, MI 49004, USA Map (42.3252985, -85.5603053)
Parcel Identification Number	06-02-270-078
Zone District	RS-5
Type of Request	Dimensional Variance
Application Fee	\$300.00

Project Description & Reason for Request	Currently, there is a 4ft chain link fence that runs the property along a portion of Virginia street, Birch street, as well as up our property where it meets a neighboring yard. We are proposing removal of the chain link fence and installation of a 6ft vinyl privacy fence. To be mindful of the concern about visual obstruction on Virginia, we are prepared to have the privacy fence scaled back significantly away from the road. The reason for this request is because we have two larger husky mix breed dogs that we want to ensure cannot scale the fence. They were raised in a home with a six ft privacy fence and have never escaped the yard, however, with a 4 ft chain link, this is a concern. Additionally, having a yard that faces numerous streets, a privacy fence feels more secure as we also have a child.
---	--



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

We are requesting a variance to allow us to have a 6ft vinyl privacy fence installed along our yard that faced Birch Ave and Virginia Ave. The request spans Birch Ave, with it ending about 20ft+ from the corner of Virginia Ave.

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The floor plan of this house is unique. It is oriented south as outdoor living space, whereas other houses have the living space placed behind it (where the red plot is). This is not the case for this house. Additionally, this house faces three public streets, therefore, the yard is extremely lacking in security.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

This house was built in 1953, and we did not create the layout. It is to no fault of our own that we are in this circumstance.

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

Yes, there are numerous others in our neighborhood with privacy fences. Since their houses are not of the unique layout as our house, they had no issue with the ordinance.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

Yes, the outdoor living space of our home is not behind the house where it would typically be, and instead spans the Birch avenue front yard. Due to how highly public this area is facing multiple streets with significant foot traffic around the park, the ability to use our yard as such is limited unless we are granted the variance for a privacy fence. This would be not only a layer of privacy, but also a layer of security.

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, the intention of the ordinance ensures that there is no visual obstruction which would impose danger upon drivers who struggle to would struggle to see around a fence on a corner lot. With the layout of our request, we have adequately addressed this concern to ensure that we have scaled the project in such a way that we are not adding any danger with this project.

Additional Criteria for Variance Requests for Required Landscaping

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

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



Community Planning & Economic Development

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Are there steep changes in topography that would limit the benefits of landscaping?

Are the proposed building and parking lot locations setback beyond the required setback?

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

1618 Park Ave. Kalamazoo,
MI 49004

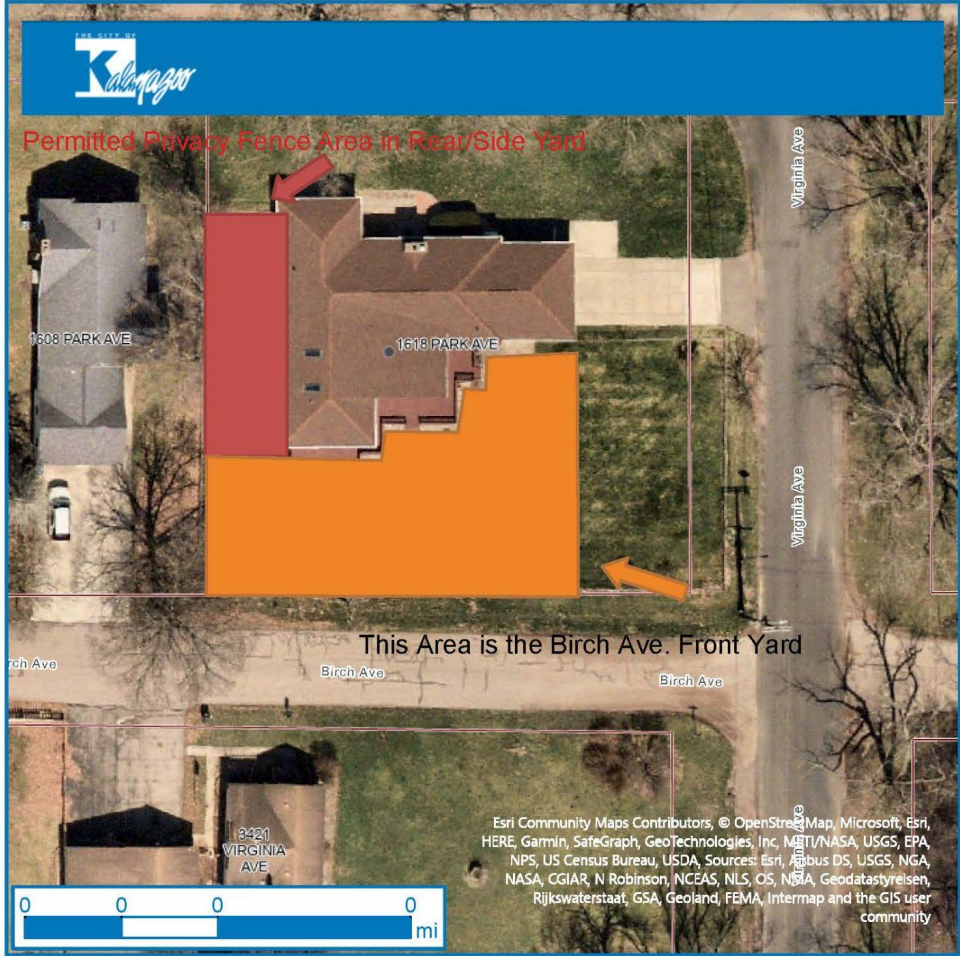
6 ft Vinyl Privacy Fence Proposal - Update

This is the land plot of 1618 Park Ave., Kalamazoo, MI 49004.

This home was constructed in 1953.
We bought this home on October 30th, 2023.

The lot is particularly unique because it sits on two corners of public streets, therefore, it faces three public roads : Birch avenue, Virginia Avenue, and Park Avenue.

The natural front of home the home faces Park, the driveway outputs on Virginia, and the natural back/side yard is along Birch.



LEGEND

Areas

- Override 1
- Override 2

PARCEL MAP

- Parcel

Address

GENERAL INFORMATION

- City Boundary

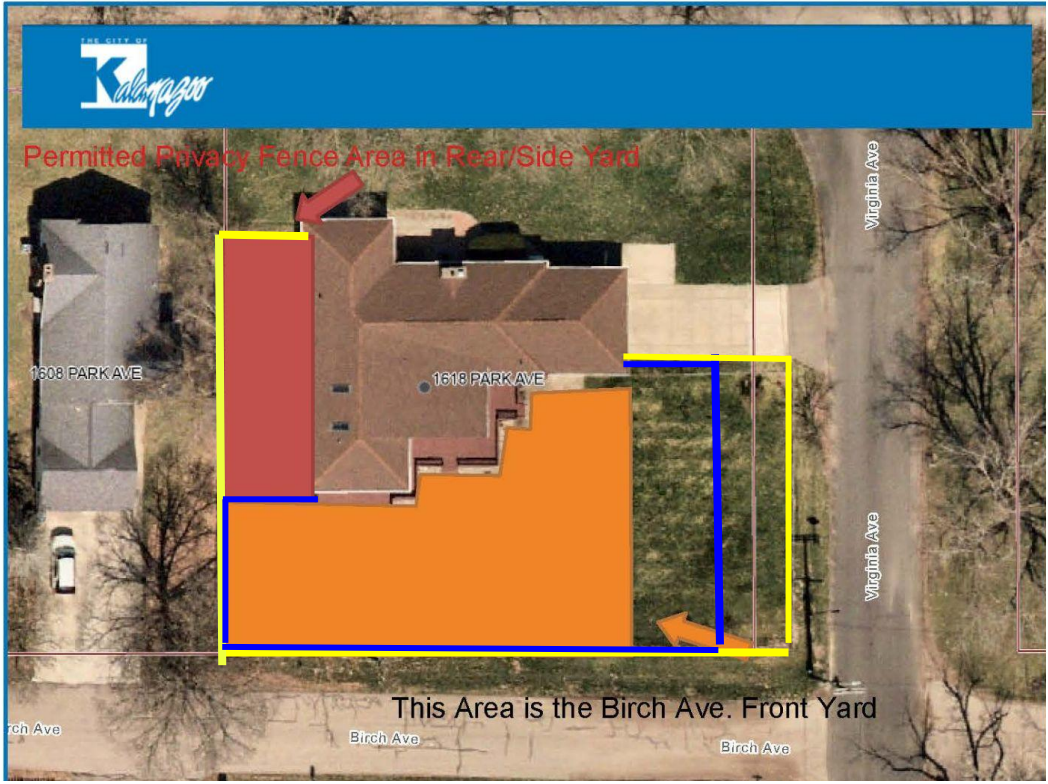


City of
Kalamazoo,
11/8/2023

There is currently an existing 4ft chain link fence in the yard, the layout of which is marked by yellow lines. This fence is actually noncompliant due to how far it extends toward Virginia. We would like to remove this fence and instead, install a 6ft privacy fence.

Per the ordinance, we are only permitted a 6ft privacy fence in the red plot of land. While this piece of yard is technically our rear yard, due to the layout of the home, it is actually isolated from the natural outdoor living space, which includes a patio and expansive deck along the Birch front yard.

We are requesting a variance that would allow us to install a 6ft privacy fence along the Birch Avenue front yard, extending slightly into the Virginia Avenue front yard.



In this photo, and moving forward, the yellow is the current existing fence line, and the blue is the proposed 6ft privacy fence line.



This is a view of the rear/side yard, indicated by red on the previous map. As seen here, it is not the natural living space of this yard and faces just a couple of bedroom and bathroom windows.



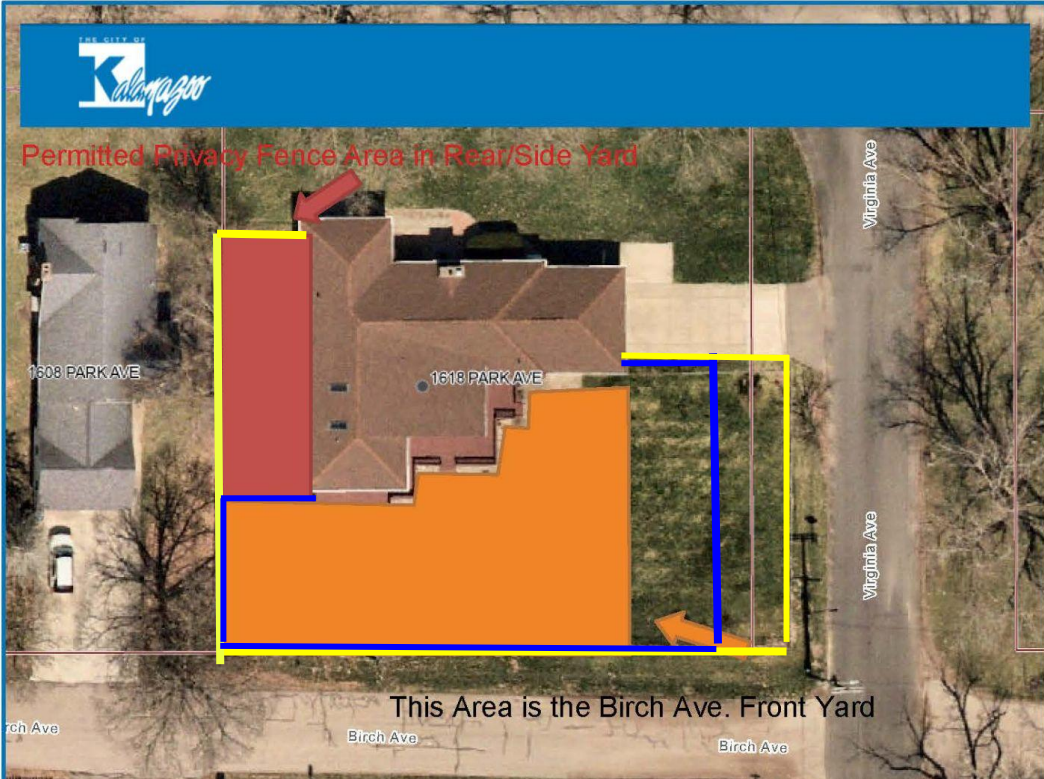
These are a few angles of the Birch Ave front yard (orange on the previous map) as it extends toward Virginia Ave. This is the natural outdoor living space as it holds a patio, expansive deck, and two deck doors that exit into it.

We understand the staff concern of visual obstruction on the corner of Virginia/Birch.

We do, however, feel that scaling it back to our garage, where the “Birch Ave front yard” ends, is a significant loss of yard. We would be losing a plot of the natural outdoor living space that is roughly 45 ft x 48 ft.

We believe the visual obstruction that could be caused by the privacy fence is eliminated with less scaling.

With the proposed fence line in this photo, the fence would still be at least 20ft from Virginia Ave, eliminating any visual obstruction that could be caused by this project.



If the fence extended to where the current chain link is, that would certainly obstruct view.

However, as seen in this photo, scaling the fence to be in line with the garage (where the Birch Ave front yard ends on the map) puts the fence significantly behind what a car would need to see oncoming traffic.



When a car is pulled to the stop sign...

The proposed fence line (between the two bushes seen here) would be so far behind the vehicle, that you would have to look out of the back window to see it. There would be no obstruction to the road at this line. It is about 20ft, or slightly more, from Virginia Ave.

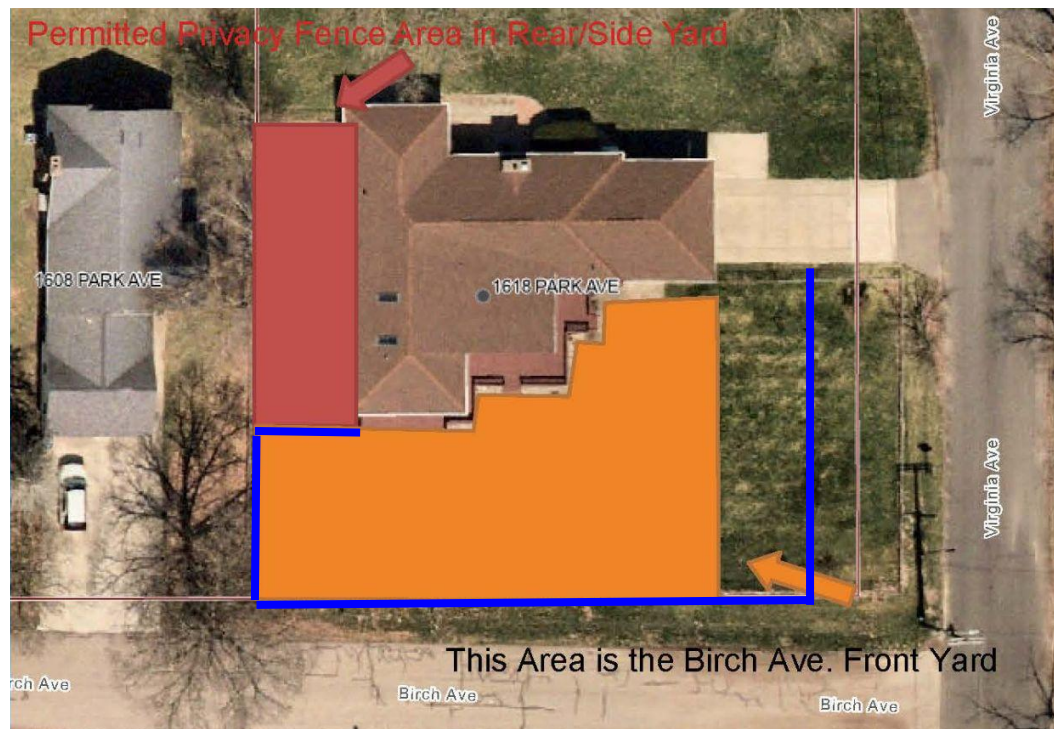


This photo is taken from our driveway facing Birch. The blue line is the proposed fence line. The orange line is where the fence would be if scaled all the way to the “Birch Ave” front. From this angle, you can see where the fence lines are in relation to the road corner, marked with a red line.



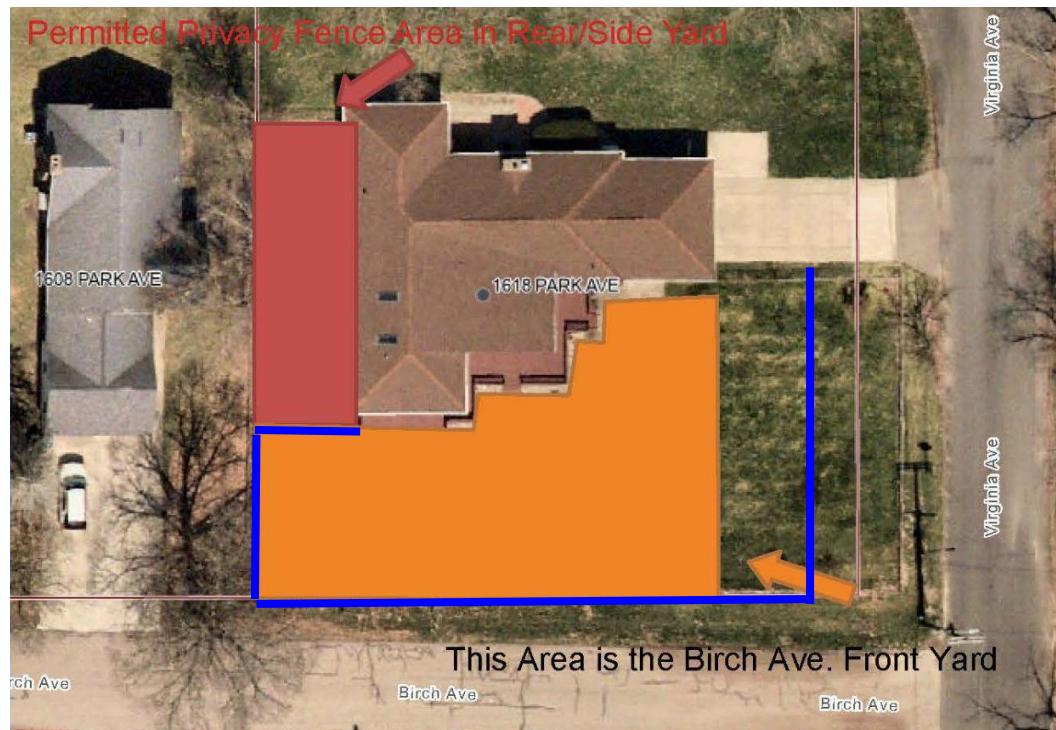
We hope the zoning board will consider this proposal, with a few key takeaways:

- Birch is not a highly travelled road by vehicle, and it only has two homes that rely on it. At the time of this powerpoint, we have already connected with one of these two neighbors (1608 Park ave), and they have no concerns about the proposal.
- The speed limit in this area is 25 mph all around, therefore, cars should be moving slowly and stopping fully to mitigate safety concerns.
- The proposal is still about 20ft from Virginia and as seen in previous photos, puts the fence line behind where a car that is pulled up to a stop sign would need to see.
- The existing chain link fence is nonconforming to the current ordinance. In permitting this variance, that nonconforming fence would be removed.



The reasons for this request are as follows:

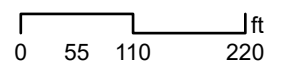
- We have two larger dogs (husky mixes) that are used to a taller fence. We are concerned for their safety with this shorter fence. At our previous home, they never escaped the yard, but it was a 6ft fence.
- This house faces three public streets, therefore, the yard is extremely lacking in security. A privacy fence would be an added layer of protection for our family. Letting the dogs out at night is a bit concerning due to the lack of privacy and security.
- The floor plan of this house is unique. It is oriented south as outdoor living space, whereas other houses have the living space placed behind it (where the red plot is). This is not the case for this house.
- This house was built in 1953, and we did not create the layout. It is to no fault of our own that we are in this circumstance.





Parcels within 300' Mailing Radius 1618 Park Ave

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





Zoning Board of Appeals Staff Report

Date: **12/14/2023**

Item: **D.4.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of
Community Planning & Econ. Dev.
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: December 14, 2023

SUBJECT: ZBA #23-12-21: 1019 Miller Road. Nicole Triplett is requesting a use variance from Chapter 50, 50-4.1, Table 4.1-1, to allow for commercial use within the existing building that falls under 'Personal Improvement Services' and 'Retail Sales and Service (Indoor)', where in this residential zoned district the proposed commercial activity would not be permitted.

BACKGROUND:

This property is 3.6 acres in area and improved with a 6,000 square foot commercial building with a 2,100 square foot greenhouse on the west end. There is also a 3,400 square foot storage building. The principal building is believed to be around 80 years old. George's Appliances was the last tenant to vacate the building before the sale of the property to Black Wall Street Kalamazoo. The property has straddled zone districts for decades with the southern portion along Miller Road being in the Commercial Neighborhood (CN-1) District and the northern portion within the Commercial Central Business District (CCBD) - which was historically only used in Downtown Kalamazoo. On October 16, 2023, the City Commission approved the city-initiated rezoning of this parcel and many others throughout the city as part of the re-alignment of the commercial zone districts. The CN-1 and CCBD districts were removed from the Zoning Ordinance as part of this effort. The City had previously removed the CCBD district from Downtown, replacing it with the updated Downtown districts. With the removal of the CN1 and CCBD districts from the Zoning Ordinance and Map, this property was rezoned to Residential - Multi Dwelling District (RM-36), partially due to the surrounding residential uses (north: multifamily, west and south: single-family, east: post office [gov. use permitted in all zones]).

Black Wall Street Kalamazoo purchased this property on July 26, 2023, selecting this location for the expansion of the many programs and business activities which are part of this organization. The building space is intended to be used for: office space, a business incubator, instructional training (i.e. cooking, small business education and entrepreneurial classes); and provide space for gatherings, conferences or other group events. The multipurpose spaces may be leased out on occasion in the future. Nicole Triplett of Black Wall Street Kalamazoo is a winemaker and said that this business venture might also have a role in the use of this building.

Black Wall Street Kalamazoo purchased the building during the city-wide rezoning effort, which started in February 2023 and continued up until October when the changes were approved. Notices were sent to all affected property owners at several points throughout this process and in advance of the public hearings, including to 1019 Miller Road. The change in ownership created a disruption in outreach to this property, which was discovered as the rezoning was being reviewed and approved by the City Commission.

The applicant is seeking approval of a use variance to use the existing commercial building for commercial activities that fall under the Appendix A Zoning Ordinance use groups of : 'Personal Improvement Services' and 'Retail Sales and Service (Indoor)': This approval is specifically for the existing building along Miller Road. The applicant will not be expanding the building or the parking lot but will be adding fire suppression to the building to meet Building Code requirements for the assembly space.

For additional reference: definitions (Appendix A, Chapter 12, 12.3)

RETAIL SALES AND SERVICE - Businesses involved in the sale, lease or rent of new or used products to the general public. Excludes agricultural sales, animal services, automotive and equipment, business equipment sales and services, construction sales and services, food and beverage retail sales, gasoline sales and swap meets.

a)INDOOR -The display and sale of products and services shall take place entirely within an enclosed building or structure. Typical uses in this category include department stores; apparel stores; hobby stores; bookstores; media stores; and furniture stores.

PERSONAL IMPROVEMENT SERVICE -Informational, instructional, personal improvement, and similar services. Excludes services classified as "spectator sports and entertainment," "participant sports and recreation" or "transient habitation." Typical uses include photography studios, driving schools and weight-reducing salons.

STRATEGIC VISION ALIGNMENT:

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

Strategic Goal Impact and Master Plan 2025 Alignment :

The request does align with the Strategic Vision goal of Complete Neighborhoods. The businesses and instructional programs planned for this building will be available to area residents. The Future Land Use Map identifies this property as Neighborhood Edge, which is viewed as a transitional area and a mix of uses area between the intensive commercial or commercial corridors and residential areas. The request will allow limited commercial use of the existing building.

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 immediate neighbors and Edison Neighborhood Association.

Engagement/Communication Tools:

Newspaper, mailings, and applicant outreach.

FINDINGS:

Staff has made the following findings regarding this request:

1. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of all practical purposes from using the property for a permitted use identified in the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

The literal interpretation of the ordinance would deprive the applicant of using the building in the manner in which it was constructed, which is commercial, and would require the owner to significantly renovate the building for uses permitted in the RM-36 District.

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.

A hardship was created by two converging issues, a change in property ownership midway through a city-wide rezoning process and the existence of a building constructed for commercial uses that, after the rezoning, is located on a lot that supports only residential uses by-right.

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

The special circumstances mirror the hardship; the timing of the change in ownership and the existing commercial structure are unique to this property. They are not circumstances found elsewhere in the community.

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 use variance with specifications to the permitted use categories and with the focus on the existing building, rather than the entire lot, is the minimum action that will allow for re-use of the existing building.

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

There is sufficient land area to provide a natural buffer between the residential uses to the north and west of the building and the post office creates a buffer from the residential uses to the east.

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

The granting of the variance is consistent with the Future Land Use Map that identified this property as Neighborhood Edge, which supports areas in transition between commercial and residential and states that a mix of uses is appropriate.

RECOMMENDATION:

Staff is in support of this use variance as it meets the above criteria for the following reasons:

- 1) The existing building is a commercial structure that the applicant is not planning to expand,
- 2) The approval is for a narrowly defined set of commercial uses that may operate within the building, and
- 3) Allowing for limited commercial uses aligns with the Future Land Use Map which identifies this as 'Neighborhood Edge'.



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

November 29, 2023

**RE: ZBA #23-12-21
1019 Miller Road
Parcel #: 06-26-172-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Nicole Triplett for 1019 Miller Road in the Residential – Multi Dwelling District (RM-36).

The applicant is requesting a use variance from Chapter 50, 50-4.1, Table 4.1-1, to allow for commercial use within the existing building that falls under ‘Personal Improvement Services’ and ‘Retail Sales and Service (Indoor)’, where in this residential zoned district the proposed commercial activity would not be permitted.

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

The meeting will be held on Thursday, December 14, 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-city.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION			
Name: Nicole Triplett		Mailing Address: 225 W Walnut St	
City: Kalamazoo	State: MI	ZIP Code: 49007	
Phone: 269-578-3241	Email: nictrip28@yahoo.com	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY OWNER INFORMATION			
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>			
Name:		Mailing Address:	
City:	State:	ZIP Code:	
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): 1019 Miller Rd Kalamazoo, MI 49001			
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 _____		☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
☐ Natural Features Protection Variance		☐ Temporary Use Approval	
Reason for Request: The building was purchased under CCBD and CN-1 zoning. The use variance would be a variance from Appendix Chapter 4, Section 4.1 Use Table, to allow for the existing building now located in the RM-36 Zone District to be utilized for 'personal improvement services' and 'retail sales and service (indoor)' activity and wine tasting.			
ATTACHMENTS			
☒ \$ 375.00 Fee		☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
☐ Review Sheet for Request Type		Optional: Photos of property, architecture plans, etc.	
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>			
SIGNATURE			
Signature of Applicant:		Date: 10/25/2023	
Signature of Owner (if different than applicant):		Date:	



ZONING BOARD OF APPEALS

USE VARIANCE REVIEW SHEET

General Information

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

Truth & Parks is located at 1019 Miller Rd. Purchased August 2023 under the zoning CCBD and CN-1.

The use variance would be a variance from Appendix Chapter 4, Section 4.1, to allow for the existing building located in the RM-36 Zone District to be utilized for 'personal improvement services' and 'retail sales and service (indoor)' activity and wine tasting.

Propose Uses : Community service center, Personal Improvement, Retail sales indoor. Incidental activities planned: Conference, Meetings, Classes, Breakfast fundraiser, Luncheon fundraisers, Orientations, Graduation, Award Presentation

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?

The current ordinance does deprive. Yes, others in the zone district are able to do things that we will now be deprived of, example restaurants to the east and the post office will still be allowed to operate per the usual.

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?

The building itself is unique, a commercial building used for retail sales for around 80yrs. Now it is being rezoned to a residential zone district after my purchase.



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Are the special circumstances created by actions of the applicant?

No, the applicant did not have anything to do with the property being rezoned to RM-36

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, it is the minimum action nothing will be changing for the footprint of the building nor what the neighborhood has been accustomed to for many years.

Will the granting of the variance negatively affect adjacent land?

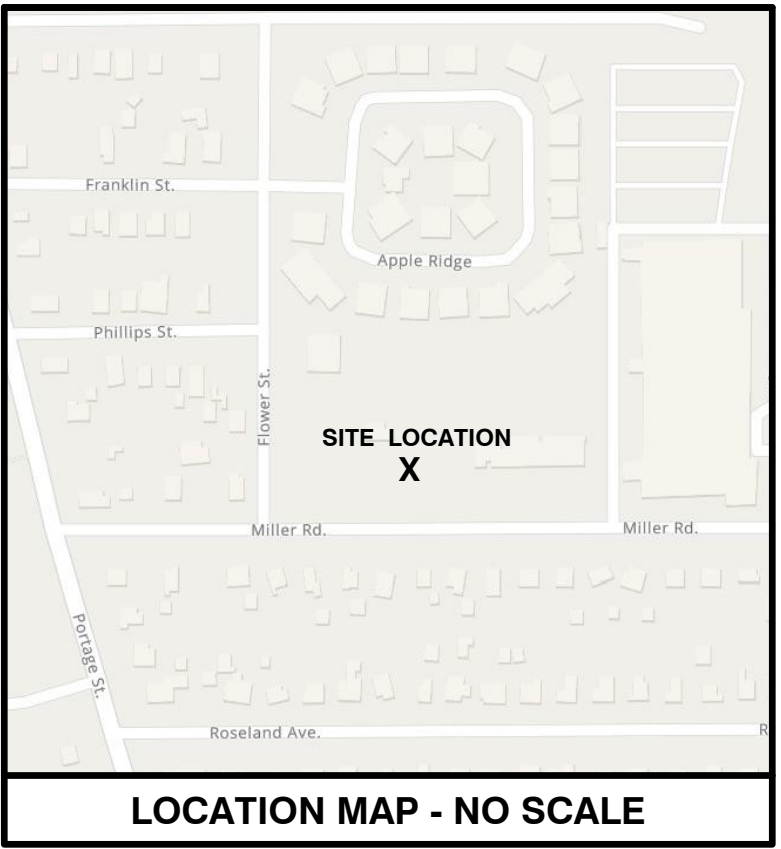
No, it is currently and historically has been used for commercial purposes. We will be updated and significantly enhancing the current look and use of the building.

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

Yes, its consistent with the ordinance. Due to the programming we will offer it will be a great benefit for the community providing community services.

ALTA / NSPS LAND TITLE SURVEY

SURVEY CONTROL		
POINT NUMBER	NORTHING (ASSUMED)	EASTING (ASSUMED)
1	5000.0000'	5000.0000'
2	5002.8275'	5027.9919'



0' 15' 30' 60'
SCALE: 1"=30'

LEGEND

EXISTING	
SET CAPPED REBAR #4748	○
FOUND IRON	●
CONTROL POINT	▲
STORM SEWER MANHOLE	⊕
CATCH BASIN	⊞
ROOF DRAIN	⊞
FIRE HYDRANT	⊞
UTILITY POLE	⊞
UTILITY POLE	⊞
GUY ANCHOR	⊞
UTILITY POLE	⊞
UTILITY POLE	⊞
GUY ANCHOR	⊞
SIGN	⊞
BOLLARD POST	⊞
SPRINKLER CONTROL VALVE	⊞
SPRINKLER HEAD	⊞
VALVE (WATER & GAS)	⊞
GAS METER	⊞
UTILITY RIGGS	⊞
UTILITY POLE	⊞
UTILITY POLE	⊞
GUY ANCHOR	⊞
UTILITY POLE	⊞
GUY ANCHOR	⊞
SIGN	⊞
BOLLARD POST	⊞
FENCE LINE	⊞
OVERHEAD UTILITIES	⊞
UNDERGROUND ELECTRIC	⊞
COMMUNICATIONS	⊞
TELEPHONE	⊞
FIBER OPTIC	⊞
GAS LINE	⊞
EXISTING WATER LINE	⊞
EXISTING STORM SEWER	⊞
EXISTING SANITARY SEWER	⊞
RETURNING SURFACE	⊞
CONCRETE SURFACE	⊞
GRAVEL SURFACE	⊞
BROKEN CONCRETE SURFACE	⊞

SCHEDULE "A" LEGAL DESCRIPTION
FROM: SUN TITLE AGENCY OF MICHIGAN, LLC
COMMITMENT NO.: 219596 (COMMITMENT DATE: 5/8/2023)

LAND SITUATED IN THE CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN:

A PORTION OF THE FOLLOWING DESCRIBED PROPERTY TO BE DETERMINED BY A SURVEY:

PARCEL 1:
THE EASTERLY 300 FEET OF THE SOUTHERLY 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING AT THE NORTHEAST CORNER OF ROSE HILL PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 7 OF PLATS, PAGE 24, AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID PLAT AND THE EAST LINE OF FLOWER STREET, 743.68 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 41 SECONDS EAST, PARALLEL TO THE EAST AND WEST 1/4 LINE OF SECTION 26, TOWN 2 SOUTH, RANGE 11 WEST, 521.03 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS WEST, 556.04 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 41 SECONDS EAST, 300.00 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS WEST, 189.18 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 51 SECONDS WEST ALONG AN EXTENSION EAST OF THE NORTH LINE OF SAID ROSE HILL PLAT, 820.51 FEET TO THE PLACE OF BEGINNING.
ALSO
COMMENCING AT THE WEST 1/4 POST OF SECTION 26, TOWN 2 SOUTH, RANGE 11 WEST, THENCE NORTH 89 DEGREES 53 MINUTES 41 SECONDS EAST ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION, 389.14 FEET TO THE EAST RIGHT OF WAY OF FLOWER STREET EXTENDED SOUTH; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 227.46 FEET TO A POINT 743.68 FEET SOUTH OF THE NORTHEAST CORNER OF ROSE HILL PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 7 OF PLATS, PAGE 24, AND THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED; THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 107.07 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, 520.89 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 7.07 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, 300.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 100.00 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, 220.96 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:
A PARCEL OF LAND IN SECTION 26, TOWN 2 SOUTH, RANGE 11 WEST, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF ROSE HILL PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 7 OF PLATS, PAGE 24, THENCE SOUTH ALONG THE EAST LINE OF SAID PLAT AND THE EAST LINE OF FLOWER STREET, 743.68 FEET TO THE POINT OF BEGINNING FOR THE FOLLOWING: THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 107.07 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, 520.89 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 301.03 FEET TO NORTH LINE OF MILLER ROAD; THENCE NORTH 89 DEGREES 59 MINUTES 41 SECONDS WEST, 521.03 FEET ALONG THE NORTH LINE OF MILLER ROAD TO THE EAST LINE OF FLOWER STREET; THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS WEST, 194.46 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.
LESS AND EXCEPT
THE EASTERLY 300 FEET OF THE SOUTHERLY 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING AT THE NORTHEAST CORNER OF ROSE HILL PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 7 OF PLATS, PAGE 24, AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID PLAT AND THE EAST LINE OF FLOWER STREET, 743.68 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 41 SECONDS EAST, PARALLEL TO THE EAST AND WEST 1/4 LINE OF SECTION 26, TOWN 2 SOUTH, RANGE 11 WEST, 521.03 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS WEST, 556.04 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 41 SECONDS EAST, 300.00 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS WEST, 189.18 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 51 SECONDS WEST ALONG AN EXTENSION EAST OF THE NORTH LINE OF SAID ROSE HILL PLAT, 820.51 FEET TO THE PLACE OF BEGINNING.
ALSO
COMMENCING AT THE WEST 1/4 POST OF SECTION 26, TOWN 2 SOUTH, RANGE 11 WEST, THENCE NORTH 89 DEGREES 53 MINUTES 41 SECONDS EAST ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION, 389.14 FEET TO THE EAST RIGHT OF WAY OF FLOWER STREET EXTENDED SOUTH; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 227.46 FEET TO A POINT 743.68 FEET SOUTH OF THE NORTHEAST CORNER OF ROSE HILL PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 7 OF PLATS, PAGE 24, AND THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED; THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 107.07 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 03 SECONDS EAST, 520.89 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 100.00 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, 300.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 100.00 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS WEST, 220.96 FEET TO THE PLACE OF BEGINNING.

NO EASEMENTS LISTED IN SCHEDULE "B-II" EXCEPTIONS

SURVEYOR'S NOTES:

- UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THIS MAP IS NOT TO BE INTERPRETED AS SHOWING EXACT LOCATIONS OR SHOWING ALL UTILITIES IN THE AREA.
- NOTE TO CONTRACTORS: THREE WORKING DAYS BEFORE YOU DIG CALL MISS DIG AT 1-800-482-7171.
- THE FIELD WORK WAS COMPLETED ON JUNE 03, 2023.
- SURVEY BASED ON SUN TITLE AGENCY OF MICHIGAN COMMITMENT NO.: 219596, COMMITMENT DATE: 5/8/2023.
- BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" (UNSHADED) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 26077C0189D, WHICH BEARS AN EFFECTIVE DATE OF FEBRUARY 17, 2010. ZONE "X" (UNSHADED) AREAS DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN.
- EXISTING PARKING SUMMARY: 31 TOTAL SPACES, INCLUDING 0 HANDICAPPED SPACES.
- TOTAL LAND AREA: 3.61± ACRES (157,049± SQUARE FEET).
- NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- ADJOINING DEEDS OF RECORD WERE NOT PROVIDED TO SURVEYOR BY CLIENT AS SPECIFIED IN SEC. 4(C)(I) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY REQUIREMENTS.

CERTIFICATION

TO: SUN TITLE AGENCY OF MICHIGAN, LLC; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; AND BLACK WALL STREET KALAMAZOO, A MICHIGAN NON-PROFIT CORPORATION:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 7(a), 8, 9, 10, 11(a), & 16 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON JUNE 03, 2023.
DATE: JUNE 27, 2023

Alan Edward Dahl
ALAN EDWARD DAHL, PROFESSIONAL SURVEYOR
#4001047948



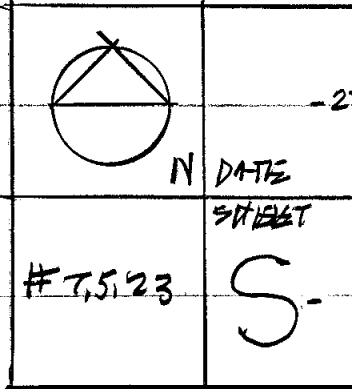
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734-368-9483

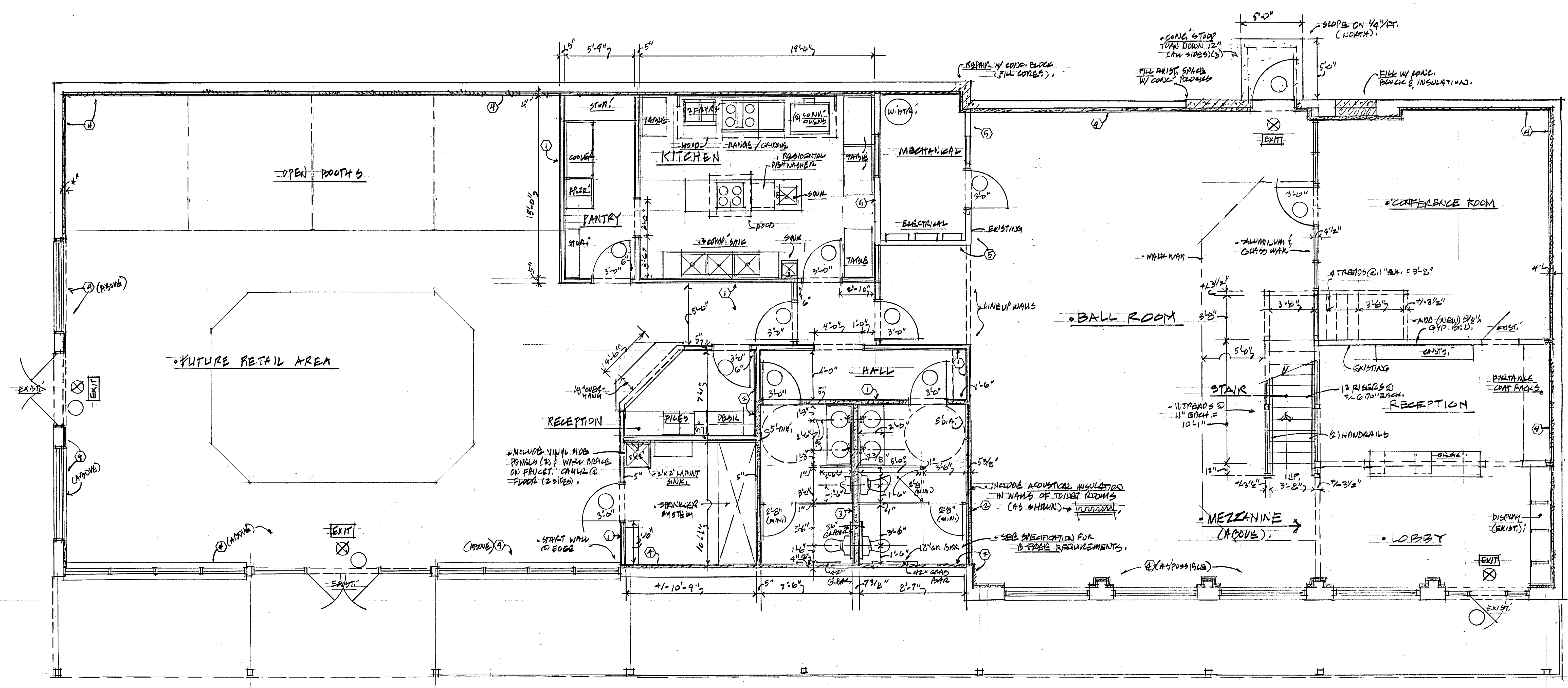
1019 MILLER ROAD
1019 MILLER ROAD, KALAMAZOO, MI 49001
SECTION 26, T02S, R11W, CITY OF KALAMAZOO, KALAMAZOO CO.
-FOR-
BERKSHIRE HATHAWAY REAL ESTATE
6312 STADIUM DRIVE, KALAMAZOO, MI 49009

REVISIONS	
1	

Drawn By: WSB
Scale: 1"=30'
Date: 06-26-2023
Project #: 2350457.5A
Sheet Title: ALTA / NSPS LAND TITLE SURVEY
Sheet #: V-101
1 of 1

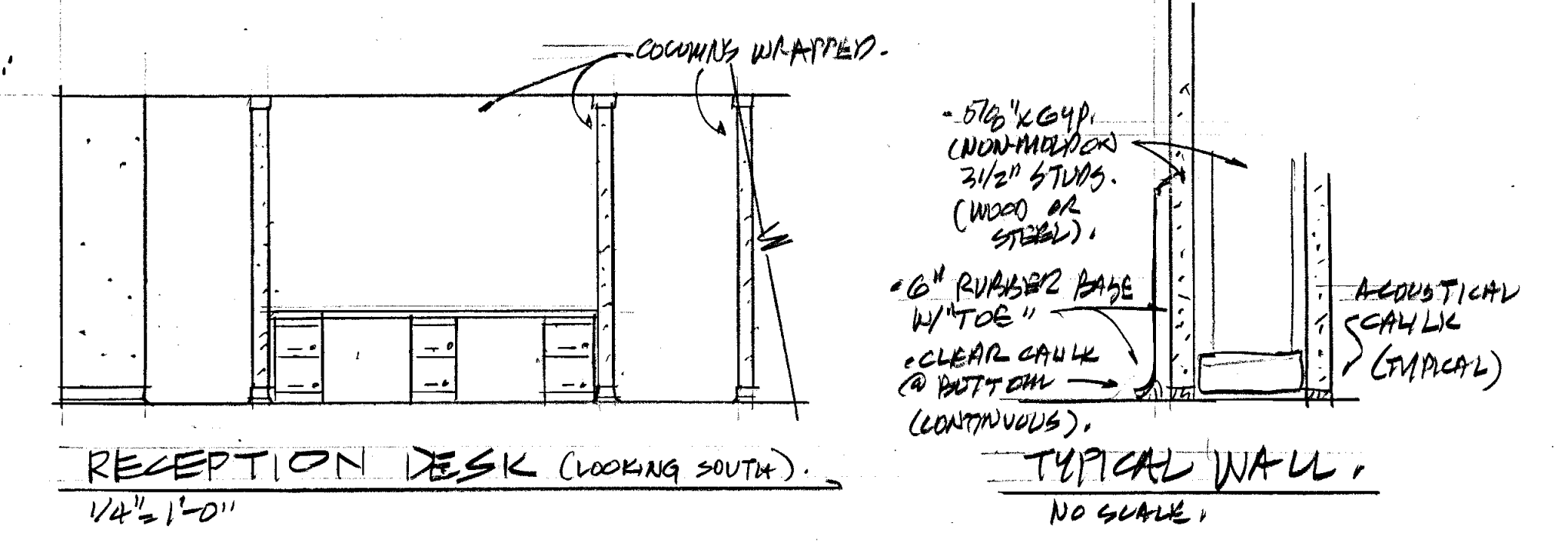
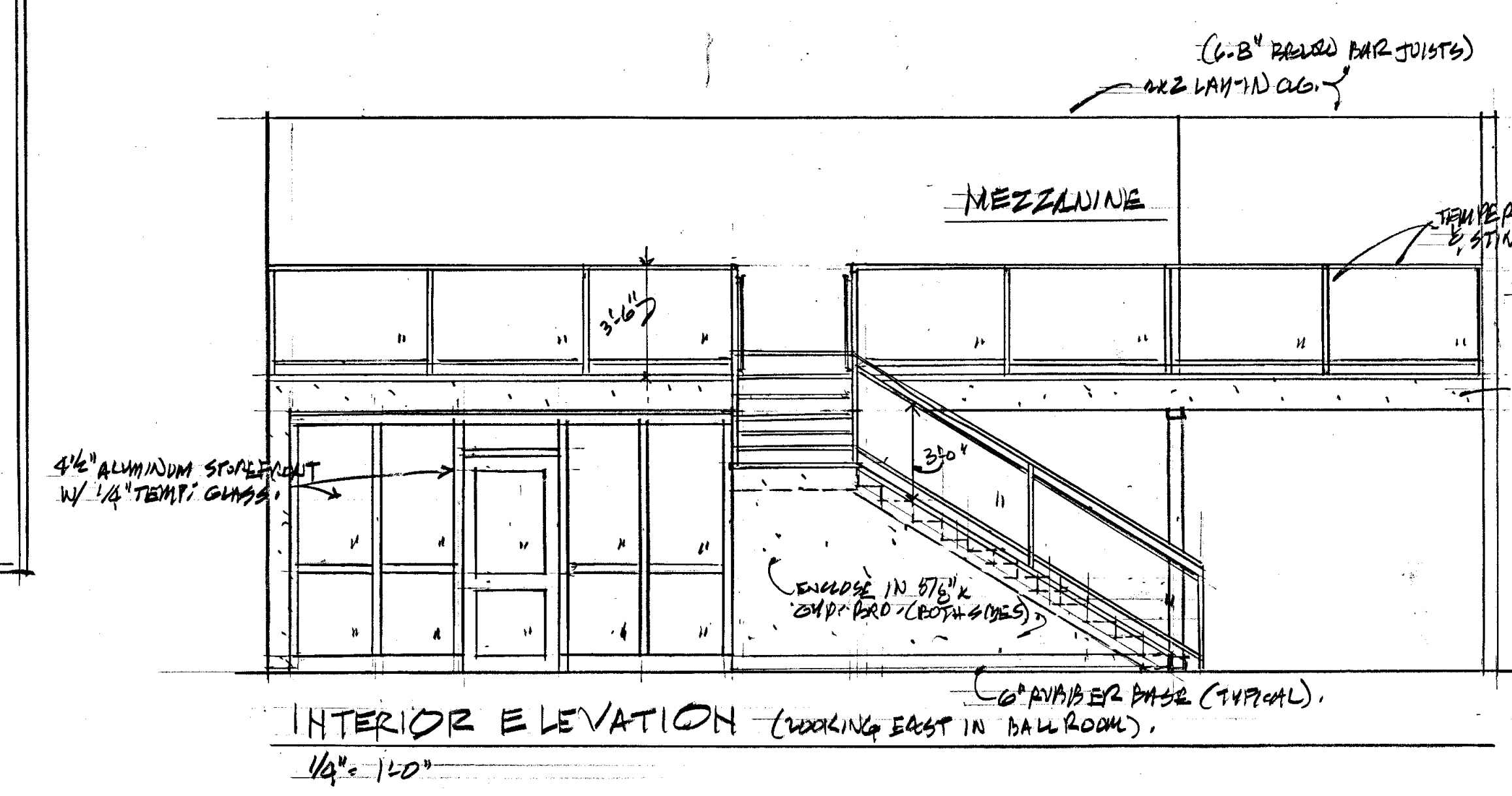
811
Know what's below.
Call before you dig.

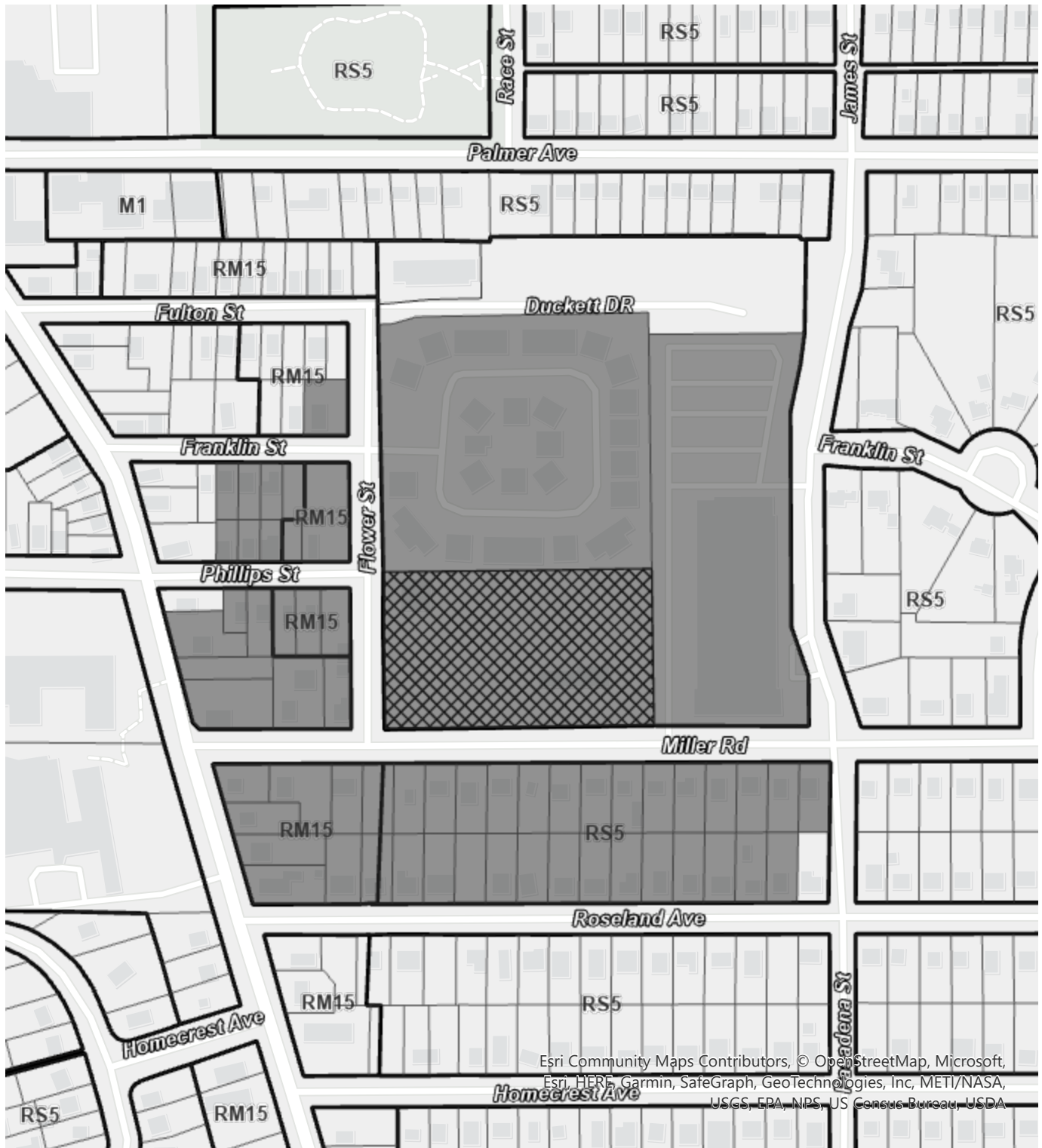




- WALL TYPES:
- ① = 2x4 (OR 3 1/2\"/>
 - ② = 2x4 (OR STEEL) W/ (1) LAYER ON ONE SIDE AND (2) LAYERS ON OTHER SIDE.
 - ③ = 2x6 (OR STEEL) W/ (1) LAYER ON ONE SIDE AND (2) LAYERS 5/8\"/>
 - ④ = 2x4 (OR STEEL) 2 1/2\"/>
 - ⑤ = ADD OR REPLACE (1) LAYER OF 5/8\"/>

REMODELED FLOOR PLAN
SCALE: 1/4\"/>





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Parcels within 300' Mailing Radius 1019 Miller Road

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



0 0.0175 0.035 0.07 mi