

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, January 11, 2024

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 Zoning Board of Appeals meeting on December 14, 2023

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #24-01-01: 2222 Glenwood Drive. Derek Molitor and Joanna Parzakonis are requesting a dimensional variance from Appendix A, Chapter 5, 5.1: Table 5.1-1, of eight (8) feet from the required 25-foot front building setback along Ridge Road for a residential addition.
2. ZBA #24-01-02: 2223 Benjamin Avenue. Paul Basing and Claudia Wink-Basing are requesting a dimensional variance from Appendix A, Chapter 5, 5.1: Table 5.1-1, of 10 feet from the required 25-foot rear building setback for a residential addition.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
December 14, 2023 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

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

Members Absent: None

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

Chair van den Hombergh called the meeting to order at 7:01 p.m.

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

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 three minutes. 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.

Chair van den Hombergh asked if there were any changes to the original agenda and Mr. Eldridge replied there is an add-on of the discussion of the Zoning Board of Appeals interviews that occurred the previous week also, under item F, all of the 2024 meeting dates have been identified.

APPROVAL OF MINUTES:

Mr. Hohler asked that a correction be made regarding the attendance of the board. Mr. Tony McReynolds was absent from last month's meeting.

Mr. Wark moved to approve the minutes as submitted, seconded by Mr. Hohler. The motion was approved by voice vote unanimously.

Ms. Harrington read the application for 1000 West Paterson into the record.

ZBA#23-11-18: 1000 West Paterson: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Douglass Community Association, which is situated in a Residential Multi-Family District (RM-15). The applicant is requesting a dimensional variance from Chapter 50, 50-9.3F(1)(a), 1) 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 and 2) a dimensional variance from Chapter 50, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum sign size for a special use in a residential zone district.

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.

Mr. Barry Gray, of B & B Tow and Recovery, spoke on behalf of Stacey Ledbetter, the interim Executive Director of the Douglass Community Association. He gave a brief overview of the Douglass Community Association stating they moved to 1000 West Paterson in 1982 on a five-acre site, which includes a 28,000 square foot building and has 83 parking spaces, a community garden, a gymnasium, and an outdoor recreation area. He said the Douglass Community Association serves individuals in the Northside neighborhood, as well as the Greater Kalamazoo community with social, recreational, and community development activities and also houses nine other nonprofit tenants ranging from an autistic school to a branch of the Kalamazoo Public Library. He said the Douglass staff, along with the sign contractors, met with Mr. Eldridge and showed him around and explained to him the primary and secondary uses of the sign and that they have reached out to the neighbors and other residents, and they have all supported the usage of the programmable sign that won't be operable after 11 p.m. and will turn off at that time. He added that the usage will mainly be for the outdoor events that they host such as the Boys and Girls Club events and the Black Arts Festival, among other social events and another focus is to highlight previous events while current events are happening, they will also use it, secondarily, to advertise current indoor happenings, including information regarding the voting precincts. He said that they reviewed the staff report, thanked the staff for their support, and added that they will be in compliance with any conditions that are placed on the granting of the variance. Chair van den Hombergh asked how he would feel if a condition of the variance is the sign shutting off at 10 p.m. just in case the dynamics of the area changed and Mr. Barry said if there was a need for that, he doesn't see it as an issue and that time was set because of the summertime hours however, the sign is programmable and dimmable.

Chair van den Hombergh asked for staff comments, and they are as follows: Mr. Eldridge said Mr. Gray covered a lot of issues, including the unique circumstances about the property, such as acreage, the building size, and the multiple uses of the building. Staff just wanted to add this is a residential zone district, which limits signage amounts for a non-residential use that's permitted in the residential zone which is one wall sign and one freestanding sign, and they already have both:

the channel letters on the building and the freestanding sign in front of the building so additional signage requires a variance. He added the LED panel won't be used in the typical advertisement manner that they are used to seeing for commercial operations for signage on major thoroughfares that come before the board for sign variances that advertise to customers, but this is to advertise for events going on adjacent to the building in the green space and secondarily to advertise the many programs and resources the Douglass has to offer. He said for all of the unique circumstances staff is in support of the variances and both can be voted on at the same time because they are tied together and staff would also like a condition that the sign be turned off during the nighttime hours, which staff made a recommendation but if the board wants to change it, that would be up to the board to determine an appropriate time.

Chair van den Hombergh asked if there was anyone who wanted to speak in favor of the applicant and there was none.

Chair van den Hombergh asked if anyone wanted to speak against the applicant and there was none.

Chair van den Hombergh asked if there were any call ins and there were none.

Chair van den Hombergh asked if there were any other questions from the board and there 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 West Paterson shall include all information included in the notice of public hearing dated November 29, 2023 in the agenda packet staff provided for this request.
- 2.) 31 notices of public hearing were sent and one response was received as follows: Mr. Will Roland, of 1114 West Paterson also known as the Kalamazoo Junior Girls, was in support.
- 3.) A public hearing was held before the board and public comments and telephone calls were accepted. There were none.
- 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 regarding circumstances or conditions of the property or structures that are special circumstances or conditions not commonly found on other lots or structures in the same zone district that make this request unique are that this is a 28,000 square foot building and it consists of a community garden in addition to

housing nine nonprofit organizations and it hosts various other activities and events in our community and also includes a branch of the Kalamazoo Public Library, which is a resource open to everyone. The goal is to advertise all events from the multitude of partners housed at the facility to encourage community participation and involvement. The facts presented regarding the cause of special circumstances are that because the building has so many tenants, they need to be able to advertise the many programs available.

The facts presented regarding whether the applicant is denied rights enjoyed by other property owners in the same zone district by application of the ordinance are that the signage is dimmable and programmable. Ms. Harrington added she wanted to point that out as a result of conversation surrounding the lights impeding the neighbor's nighttime hours, and it's also limited to 25% in the residential zone district, which isn't adequate to accommodate the tenants, in addition to being limited to one wall sign and one freestanding sign.

The facts presented regarding whether the action requested is the minimum action that will make it possible for this use to not negatively impact the public or meet the spirit of the ordinance are that this is the minimum action. She added city staff is in support of the variance but would like to place a condition that the sign be turned off during at night to not disturb the neighbors.

The facts presented regarding whether or not the granting of the variance will adversely affect adjacent land in a material way are the applicant stated they will work to the neighborhood if needed.

The facts presented regarding whether or not the granting of the variance will be generally consistent with the purposes and intent of the ordinance it will be if the variance is granted.

Mr. McReynolds seconded the Finding of Fact.

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

Discussion:

Mr. Hohler said that he believes the sign ordinances are meant for regular businesses and to limit that type of signage, but this isn't that because it is for a community center that has quite a few programs. He said the only business or neighbor this would affect is the Junior Girls, which is about 300 feet away and since they're fine with it, so is he.

Ms. Harrington added she is also in support.

Chair van den Hombergh stated the Douglass Community Association is phenomenal and have been excellent stewards of the community and appreciates that there are nine other nonprofits housed there and said the LED sign is a good thing, but she is leaning toward the 10 o'clock because her concern is the dynamics of the neighborhood changing with, perhaps, the addition of housing and wonders at their quality of life being impacted. She says she wants them to have the sign, but can they add a stipulation that if someone complains about it, then the time change will take place. Ms. Harrington said she believes they should get what they're asking for and that because they have been good neighbors and pillars of the community, she feels they would be able

to make the determination about the time on their own. She then asked Mr. Eldridge if the board has to place a condition on the variance and Mr. Eldridge said staff would like a shut off time and 11 o'clock was discussed with the applicant when he went to the property in late November. Ms. Harrington asked if they asked for the condition and Mr. Eldridge said staff suggested it and Ms. Harrington asked if the board is allowed to leave it to the Douglass to make their own determination regarding the shut off of the sign and Mr. Eldridge said staff is only suggesting the shut off time but it is the board's decision. Mr. Hohler said he doesn't care about the shut off time and Mr. Wark said he agrees with a shut off time. Chair van den Hombergh said she wanted an earlier time because, knowing the variance will stay with the property, what if the Douglass decides to vacate the premises. Mr. Eldridge said the logic behind 11 o'clock is because the focus of the sign is to be used in conjunction with outdoor activities which won't be going on much past when it gets dark. Mr. Hohler added that if the property changes hands the sign could be removed and placed back up there by the new owners assuming there has been no change in zoning and Mr. Eldridge said yes, a new user could continue with the use of the sign, but the condition would also limit their use and said Attorney Bear could correct him if he's wrong. Mr. Hohler asked Attorney Bear if the variance can be tied to the organization and Attorney Bear answered that variances are tied to the land itself so no. Chair van den Hombergh said that anything could happen, and a strip club could move in there and run the sign all night if no condition is placed on the variance.

Mr. Wark made a motion to approve the application for the dimensional variances from Chapter 50, 50-9.3F(1)(a), 1) 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 and 2) a dimensional variance from Chapter 50, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum sign size for a special use in a residential zone district with a shut off of 11 p.m., seconded by Mr. Hohler.

Motion was approved unanimously by a roll call vote.

Ms. Harrington read the application for 1102 and 1110 Lake Street into the record.

ZBA#23-11-17: 1102 and 1110 Lake Street: An application for a dimensional variance has been filed with the Zoning Board of Appeals by Mills Street Market Property, LLC for 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 and 2) a dimensional variance from Chapter 50, 50-8.4C, to not install the required five-foot planting strip along the front property on Lake Street, to reduce the number of trees planted by two, and to reduce the number of shrubs planted by eight.

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.

Mr. Dante Pineau of Mitten State Engineering, spoke on behalf of Mills Street Market Property, LLC and stated they are asking for a variance from the five-foot green belt requirement along the property line. He said the issue is they are working around an existing building, with an addition on the back side and given that the existing building is already slightly non-conforming, they are working to align the site with the ordinance. He said they understand the auto repair shop on the

east portion of the property has been an issue and the owner would like to remove that part of the building and get the rest of the site up to code to make it a more appealing part of the neighborhood. He said to get minimum dimensions for parking and aisle, it would be difficult to fit the green space strip and added that portions of the city sidewalk go over the property line in some areas and adding the strip would take away the area that is currently used for a drive aisle. He added that they are planning to significantly reduce the amount of curb cuts to the roads: on the west side there are two existing, they would maintain the one on the south that is furthest from the intersection, and they would remove the one to the north that is closer, and said the north part of the property is basically a connection to the road and a large curb cut, so they would move the driveway further to the east of the property line away from the intersection. He said they initially proposed to put the trees in the right of way, which is a certain amount per foot and Mr. Eldridge added it is one per 35 feet, which is in accordance with the rest of the along the strip but the city denied that so now they want to remove the trees and place them somewhere else on the property to get them out of the right of way.

Mr. Wark asked where they would put the trees and Mr. Pineau said on half of the space where the existing car repair shop is because it will be cut off and a green space area is being put there and the landscape plan is proposing three large trees be put there or if the city would prefer, they would incorporate the trees that will be removed from the right of way. He said they are also proposing two large trees to the south of the proposed property line adjustment, and they would get with the landscape architect for that, but they would be removed from the side of the road.

Mr. Hohler asked if the repair shop is coming down and Mr. Pineau said most if it will to be turned into green space and additional parking. Mr. Hohler asked if the corner is flush to the street, in regard to the curb cuts, if the sidewalk is twice as wide as it needs to be and Mr. Pineau said in some areas and Mr. Hohler said he would assume, then, that extra sidewalk would come and become grass and Mr. Pineau said if the city would allow it, that would be possible but currently they are proposing leave as much sidewalk as possible because it is in the right of way. Mr. Eldridge wanted to clarify that there is a strip of right of way between the regulation sized sidewalk and the street that has been filled in with concrete. Mr. Hohler pointed out that there if they removed some of the sidewalk, green space could be extended and added that if the plan is to remove the large curb cut, they will be doing some sidewalk work, and Mr. Eldridge agreed. Ms. Harrington asked about a document she was looking at and Mr. Eldridge said it was a survey the Mill Street Market and added for the viewing audience the survey consists of the building and there is also a conceptual plan showing where the landscaping will go and the reconfiguration of the parking. Ms. Harrington asked where the five-foot buffer strip would normally go, and Mr. Eldridge said it would start at the front property line and would go five feet into the property or five feet into the parking lot and Mr. Hohler added that to get a sense of the encroachment she would have to imagine the length of a car. Mr. Pineau said that was another consideration because vehicles have gotten larger over the years, and they want to maintain maneuverability in an angled parking lot.

Chair van den Hombergh asked for staff comments, and they are as follows: Mr. Eldridge stated regarding the tree and shrub plantings, there isn't much green space out there now and the applicant is putting up effort to add shrubs to the street corner of Lake and Mills, there will be a tree planted on the west side of the building, along with shrubs next to the handicap parking space, there will be another cluster of shrubs on the north side of the building, and on the east there will be a row of trees on half of the lot where the auto shop is. He added that they proposed five trees that would be in the city right of way, close to the curb along Mills Street with a little more space along Lake

Street, but still close to the street and the Public Services Department isn't in support of trees there but he wanted to acknowledge that the applicant did offer that alternative. He said what the ordinance requires a decorative fence between the parking area and the public sidewalk so there will be some separation, but the variance is to allow for a reduction in the landscaping for the development to move forward. He added that going back, the age and the positioning of the building is the most challenging because the parking lot isn't deep enough on the north or west of the building to have traditional 90 degree so they are proposing angled parking with one-way traffic flow but given the narrowness of the two front yard, it's a challenge which is why the loading area and the screen dumpster will be on the back east side of the building. He said staff is in support because it is a step forward in improving a property that hasn't had any in decades and it will also allow for more product to be displayed and sold so it will benefit the neighborhood that the store can expand, and more green space will be added.

Ms. Harrington asked what's there now since the ordinance calls for green space, and Mr. Eldridge replied asphalt and added the ordinance says there should be a planting strip with one shrub per every six feet of frontage and one tree per every 35 feet frontage and where the strip is adjacent to parking there should also be a decorative fence. He said it would apply on the Mills Street side and the Lake Street side. Ms. Harrington asked if since they're making changes to the property, does the ordinance now come into play and Mr. Eldridge said yes. She asked if the city required plants since they will now demo the auto shop and Mr. Eldridge said yes, they now must add landscaping.

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

Chair van den Hombergh asked that those opposed to the variance please step forward and there were none.

Chair van den Hombergh asked if there were any calls and there were none.

Chair van den Hombergh closed the public hearing.

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1101 and 1110 Lake Street shall include all information included in the notice of public hearing dated November 29, 2023, and the agenda packet provided by staff.
- 2) 90 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 were none.
- 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:

Dante Pineau spoke on behalf of the property owner, who is removing the auto repair shop, which is east of the property and will allow for some green space and additional parking. They will also reduce curb cuts, which will help ingress and egress in addition, the property owners will also plant more trees and improve the sidewalk. Staff has said there is minimal green space there right now and this will be an improvement because of the age of the building, which is challenging. Staff is in support of the variance.

Mr. McReynolds seconded the Finding of Fact.

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

Mr. Eldridge suggested that the variances be voted on separately because there are two frontages.

Discussion:

Mr. Hohler said he lives near this corner, and it has always been ugly, and said anything they can do to help improve it would be nice. He added that he would like if it could be brought to code but anything close is better than now, which is completely outside of it. So he will be voting in favor. Mr. Wark, Ms. Harrington, Mr. McReynolds, and Chair van den Hombergh all agreed.

Chair van den Hombergh moved to approve the application for 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, seconded by Mr. Hohler.

Motion approved unanimously by a roll call vote.

Chair van den Hombergh moved to approve the application for a dimensional variance from Chapter 50, 50-8.4C, to not install the required five-foot planting strip along the front property on Lake Street and to reduce the number of trees planted by two and reduce the number of shrubs planted by eight, seconded by Mr. Hohler.

Motion approved unanimously by a roll call vote.

Ms. Harrington read the application for 1618 Park Avenue.

ZBA#23-12-20: 1618 Park Avenue: An application for dimensional variances for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Taylor Young for 1618 Park Avenue, in Residential-Single Dwelling District (RS-5). The applicant is requesting, 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 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 a variance only regarding the items described above.

Taylor Young, one of the owners of 1618 Park Avenue, spoke on the request for a six-foot privacy vinyl fence, and provided the board with a PowerPoint presentation because she stated the layout of the home is unique and would be awkward to talk about. She stated the home faces three public roads: the front is Park Avenue, the driveway is on Virginia Avenue, and the driveway separates the front of the house from the back, which faces Birch Avenue. She stated on that block of Birch Avenue there are only two homes which are 1608 Park and, she believes, the other has a Birch address. She said there is currently a four-foot chain link fence that extends from the back of their driveway down Virginia, then down Birch, and then next to the neighbor on 1608. She said the reasons they are requesting the variance is because first, they have two large dogs and said they have not had an issue with them leaving the yard but at their previous home they had a six-foot fence. She added that this is for the security of the dogs as well as the community. She added that being on three public roads it's awkward to be in their yard because you would be standing almost in the road and because there is no sidewalk there, people are walking in their yard to get to Kindleberger Park and said there really is no security, which is a concern at night when they're outside with the dogs. She added that they have a new child and are thinking about the future of living in the home and want to feel secure with their child in their yard. She said the natural back yard, which is the red plot on the handouts, would be where the back and rear yard would typically be for a home and said it's not a living space because there's just a tree and kind of the back of the home, which would be forgotten about, but they have a large deck with sliding doors and that is on the Birch Avenue front yard and for them to use that space they would like to have a six-foot privacy fence. She added that there is a non-conforming chain link fence now and they would remove that to put in the privacy fence and being on a corner lot, they would like to scale the fence 20 feet away from Virginia, larger than the standard vehicle, so that it wouldn't visually obstruct traffic. She said that because there are only two homes on Birch that there is minimal vehicular traffic and most of the traffic is foot traffic and few people would be impacted by their fence and because their neighbor at 1608 would be impacted the most, they haven't expressed concern about the fence.

Chair van den Hombergh asked for staff comments, and they are as follows: Mr. Eldridge stated Ms. Young covered a lot of the practical difficulties as noted in the staff report such as the three front yards and the orientation of the floor plan of the house to the south towards Birch Avenue. He said fencing in a front yard is restricted to no taller than four feet in height and has to have an opacity of no greater than 75% and said the only area in the yard that can have a fence greater than six feet is west of the house, the rear yard. He said when he scaled it off it's about 22 feet from the house to the west property line and it's .4 acres, which is a rather large piece of property. He said there is a rectangle highlighted in the handout to the west of the house and that would be the "rear yard" space and they want the fencing to make the outdoor space more useful for the family and dogs. He said Birch Avenue is only about four blocks long, so the traffic is very low and added that there was a variance granted for the property to the east at 3510 Virginia, which is the corner parcel directly across Virginia Avenue and is another lot that has three frontages, in 2010 to allow for an extension of privacy fencing into the front yard up to 25 feet into the front yard along Park Avenue. He stated that the non-conforming chain link fence that extends along Birch Avenue and along Virginia Avenue would be removed if they're able to install the privacy fence, which is a positive and staff is in support because of the three frontages, the floor plan of the house, efforts made to eliminate vision obstructions, and removal of the chain link fence.

Mr. Hohler asked if their small island backs up to Kindleberger Park and Ms. Young replied the driveway at 1608 is between them and Kindleberger Park, which is where the ball fields are, but they keep that driveway shut so traffic won't use it.

Chair van den Hombergh asked that those in favor of the variance please step forward and there was none.

Chair van den Hombergh asked that those opposed to the variance please step forward and Mr. Nelson Nave, an architect, of 610 West South Street in Kalamazoo spoke and said when he does projects in the city he has to follow the zoning but he wants to talk against the fence in general. He said this type of fencing, at six feet high, is a mistake to be put up in front of a house because you can't see over or through it. He said if it's white it looks bad and if it's beige, it still looks like plastic and if it was a wooden fence with a 25% opening it would be more humane than the six-foot vinyl fence you can't see through.

Chair van den Hombergh asked if there were any calls and there were one from Mr. Richard Stewart a resident of the Southtown neighborhood in the city called in support of the variance. He said this is an example of the city's technical difficulties that the city often ignores for those with disabilities who rely on remote participation and said the city should treat remote participation equal to physical participation. He added that the city is using unreliable call-in technology and although he was able to get in the second time, he called in often that isn't the case.

Chair van den Hombergh closed the public hearing.

Chair van den Hombergh asked for further discussion and Mr. Hohler asked if the yellow line on the handout is where they want the fencing to go and Ms. Young said that is where the chain link fence is now, and the blue line is where the new fence would go.

FINDING OF FACT

Mr. McReynolds moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1618 Park Avenue shall include all information included in the notice of public hearing dated November 29, 2023, and the agenda packet provided by staff.
- 2) 35 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted and there was one call in from Richard Stewart, who was in support of the variance.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

The applicant stated they would like to remove the non-conforming chain link fence and put up a six-foot vinyl fence. There was a similar variance granted in 2010 in that

same area. The property has three front yards, and the footprint of the house is uniquely shaped and what would be considered a rear yard, for other homes, doesn't provide any privacy and the fencing would alleviate that. There was a call from Mr. Richard Stewart in support of the variance and Mr. Nelson Nave, who was in person, was not in support of the variance stating the color, height, and texture of the fencing aren't ideal and there needs to be some sort of opacity.

Mr. Hohler seconded the Finding of Fact.

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

Discussion:

Mr. Wark said he understands Mr. Nave's objection to the fence, but staff is in support and there was a variance approved in 2010, which set a precedent, so he will be in support.

Ms. Harrington asked if there was anything in the ordinance regarding materials used for fencing and asked if they could add something in about the material used. She then asked why the applicant chose vinyl and Ms. Young replied that the life of a vinyl fence is longer than the life of other materials, Mr. Eldridge added it is up to the applicant to choose the material type and they aren't there because of the design, but because of the height and opacity of the materials, as individual variances. Attorney Bear said the board is only to determine if the applicant can construct the fence where and how they want, and can't get into the aesthetics of building materials, but that could possibly be a code issue.

Mr. Hohler said he wants to address the issue raised by Mr. Nave regarding the sight lines and being able to drive safely at the corner, but the applicant addressed that issue by saying it would be sitting back 20 feet from the road and he is satisfied that would solve the opacity issue. He added this is one of those issues that comes with an oddly designed neighborhood and this property just got caught up in what is considered a front and back yard. He reminded the panel of the case that came before the board a few months ago that had the same issue but they wanted to put a structure on a side yard, but it had four frontages and admitted that sometimes the zoning needs to be ignored considering there are three front yards, and the fence would go where the backyard would be so he will vote yes on both variances.

Ms. Harrington also spoke of another similar case that was in the Edison neighborhood, since they're talking about precedence, and the board said no to them. She asked Mr. Eldridge if he recalled that case and what are the differences between this case and that one and Mr. Eldridge stated he does remember that case and the difference between them was that one was a much smaller lot on a corner and the bulk of the fencing was bumped up against the front property line on the side street. Mr. Hohler added that was on the corner of Palmer and March and he saw the fence go up then come back down. He said that is a bad corner but that fence blocked sight lines. Mr. Eldridge also pointed out that was a much higher traffic area as well.

Mr. Hohler moved to approve the application for 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, seconded by Mr. Wark.

Motion approved unanimously by a roll call vote.

Mr. Hohler moved to approve the application for a dimensional variance from Chapter 50, 50-8.5B(1), to allow for approximately 112 feet of six-foot fence in the front yard along Virginia Avenue, where four feet is the maximum height permitted for front yard fencing, seconded by Mr. McReynolds.

Motion approved unanimously by a roll call vote.

Ms. Harrington read the application for 1019 Miller Road.

ZBA#23-12-21: 1019 Miller Road: An application for a use variance from the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Nicole Triplett for 1019 Miller Road, in Residential-Multi Swelling 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 a variance only regarding the items described above.

Nicole Triplett, the owner of the property, said the property was previously George’s Appliances for 40 or 50 years. She said the property was purchased under the previous zoning ordinance and after the purchase, the zoning of the area changed to residential and added that she doesn’t fully understand why the zone changed but that is why she is before the board. She stated she is the founder of Black Wall Street Kalamazoo, a nonprofit started in 2018 and is a southside Kalamazoo native and she has had businesses on the southside as well as being a psychologist and the owner of Twine Urban Winery on Portage Street and is the first African American female wine maker in Michigan, so she takes entrepreneurship very seriously. She said Black Wall Street Kalamazoo has a Facebook following of about 17,000 people and it highlights and provides marketing for African American businesses, but they formalized it into trainings. She added they do business classes, boot camps, and they have the black business expo where they provide support and resources and they have watched African American businesses work in conjunction with other businesses in the area grow. She added that that has brought a lot of tourism and income into our community and now they're looking for a space so they can hold their classes, meetings, and conferences. She stated that while their focus is on black businesses, they also provide support to any business by providing the platforms and technical resources they might need. She said she is asking for the variance so she will be able to carry out those activities and added that the neighborhood would be used to this type of activity because of the previous use of the building. she also said that they want to take the building and turn it into something beautiful because if you've seen that property and building, it needs repairs, the parking lot has holes in it, and the landscaping needs attention. She stated that she believes that this will benefit the community when they are able to be up and running.

Chair van den Hombergh asked for staff comments, and they are as follows: Mr. Eldridge stated all of the things Ms. Triplett mentioned fall into the use categories that are listed in the variance request, the first being personal improvement services, which allows for a variety of things, he added that the ordinance is a little outdated but it could mean anything from a driving school to a tanning salon or a fitness center, but in this case personal improvement is more about individual instruction in various business etiquette. He said it goes along with some of the comments about the group gatherings indicated in the staff report that in addition to classes, there would be space for gatherings, conferences, and other group events, which all fall under the personal improvement services category. He added that the retail sales and service indoor is a category that covers not only the sale of products, but the offering of services in return for money, which allows for sale of products and tasting events, or even a small business that may open a shop in the building in the future. he said city staff tried to grab the correct categories that would frame Black Wall Street and the wonderful programs that already being supported through it and will be expanded, most likely, with the larger facility. Mr. Eldridge wanted to circle back to the zoning question and how they ended up where they are with the RM-36 zoning for this property. He said back in January of 2023 the plans were laid for the zoning changes along the corridors around the city, and in many cases the commercial zoning was more intensive than it should have been, based on the development that was occurring in that area and other areas, but this area in particular was zoned for commercial however it was predominantly residential in use and this property was straddling two zone districts: the Commercial Central Business District, which they aren't sure how that stretch of parcels got zoned for CCBD that far south outside of downtown but it and Commercial Neighborhood One district were put in place. He said looking at what land uses were there, the planning staff slated this property for rezoning to RM-36 given the multifamily development to the north, single the single-family development to the west, and the single family to the south, which is the Milwood neighborhood. He stated in February they started the outreach for the zoning ordinance amendments that were proposed, as well as the rezonings, and that carried through for the next six months while they did public outreach, and it was during this time that Black Wall Street looked at the property and ended up purchasing it on July 26th of this year. On October 16th the City Commission approved the ordinance amendments and the rezonings and this Miller Road parcel was included in that package of rezonings, which is when it officially became RM-36 and when the applicant came forward to the city with the proposed plans, the city tried to figure out how they would address the proposed reuse of the building since it's been rezoned and determined the variance was appropriate given the fact it's a 6,000 square foot commercial building, has a 2,000 square foot greenhouse attached to it on the west side. He added that requiring the building be repurposed for something that's permissible in the residential zone district is not plausible, which ideally that would be great if they were working with a vacant piece of land, but in this case there is a solid building, a parking lot, the greenhouse structure, and there is also a storage building on the property. He said staff is in support of this use variance given the narrow band of use categories that the use variance is being requested for.

Ms. Harrington stated she doesn't understand why it was rezoned without connecting with the new property owner, especially since the property was purchased in July and it wasn't rezoned until October and Mr. Eldridge stated for each property that was being rezoned, letters were sent out so the previous owner would get the letter until the information regarding the sale got updated at the city assessor's office, then any future correspondence regarding the rezoning should have picked up the new property owner's information. He said what he means by future mailings is the rezonings went in front of the Planning Commission first in September, and it was approved by the City Commission in October so there was a public hearing at the Planning Commission and also at the City Commission levels, and both should have had notices sent out, but he doesn't know

what happened to these notices. Ms. Harrington asked if she received the notices and Ms. Triplett stated she didn't and she said the previous owner claims to not have as well, but it's water under the bridge because her biggest concern is that even though she has enjoyed working with the city, a lot of time and money has been wasted and she has a nonprofit so all of this is hindering the work that they want to do and their budget is already small. She said she contacts the city often for other for other business owners because one of the things they found is people would purchase properties thinking they would be able to, for instance, do hair there and find out that they can't because of the way the property is zoned so she became a go between for them. She stated she thought she had done her due diligence and then she got caught up in this situation and was told the decision had already been made so there would be no stopping it. She stated that she had come to a zoning meeting just to introduce herself, but she wanted it known that for small businesses and nonprofits with smaller budgets, this could be very hindering to them. She said that there are repairs she could have used the money on, but she spent on fees and paperwork and that is entirely possible that the previous owner did receive the letters, but he didn't tell them.

Mr. Wark asked if she said she did reach out to the city and the city told her that it was too late and she would have to wait until after the fact and Ms. Triplett replied yes because it was already underway, had been planned for about a year, and was basically already done so by the time she came to the meeting she was told that they wanted her to continue to work with the city because they already voted on the rezoning the week prior to her coming to that meeting. Mr. Eldridge said it was a project review meeting Ms. Triplett attended in late October, just after the city made the decision to rezone.

Chair van den Hombergh asked that those in favor of the variance please step forward and there was none.

Chair van den Hombergh asked that those opposed to the variance please step forward and there was none.

Chair van den Hombergh asked if there were any calls and there was one from Mr. Richard Stewart, who was in support of the variance requested. He stated he regrets she has been inconvenienced by the city staff and added that Larry Bell has objected to the zoning change before the zoning was blanket changed, he also said that he objected to the rezoning of his parcels on Portage Street. He said he had his property as well as 11 adjoining parcels under contract to be sold and developed prior to the zoning change, and he along with his neighbors objected to having the taking of their zoning and they were under contract to sell by the end of this month. He said the city staff assured them that they would not object to the program before they made the zoning change, but they moved forward anyway and now they are not closing at the end of this month. He added that the feasibility study that was done on their zoning problem is identical to this issue, was extended to January 17th, so a multi-million-dollar development that city staffs unelected officials stopped through fake zoning changes that inconvenienced them as well and city staff needs to be held accountable for the rezoning that hurt everyone. He asked that the variance be granted to stop the damage that has been caused by city staff.

Chair van den Hombergh closed the public hearing.

Chair van den Hombergh asked if there were further discussion or questions before the establishment of the finding of fact and Mr. Wark stated that he will be in support of this variance

because at this moment, there are commercial buildings on the property and the zoning just changed in October and he feels the new property owner got caught in the middle of everything. He added that it can sometimes take up to 45 days for the records to be updated in the city of Kalamazoo.

FINDING OF FACT

Mr. Hohler moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1019 Miller Road shall include all information included in the notice of public hearing dated November 29, 2023, and the agenda packet provided by staff.
- 2) 66 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted and there was one call in from Richard Stewart, who was in support of the variance.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

The building was constructed to be a commercial building, but is now residentially zoned and it would have to be either leveled or renovated and that would be a hardship to the current owner.

The staff recommendation talks about the convergence of the rezoning and the purchase of this property, but the new owner believed she was buying a commercial building and the building was intended to be a commercial building but somewhere in the zoning process arbitrary decisions were made.

The special circumstances of the property are the rezoning of it that created this issue.

Granting the variance would be the minimum action necessary so the building can be used for what the new owner intends to use it for.

Granting the variance will not adversely affect adjacent land because next to this property is a vacant lot and granting the variance will not change anything.

Mr. Wark seconded the Finding of Fact.

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

Discussion:

Mr. Hohler said will be in support and that he lives nearby, saw work start then stop, and now he knows why.

Ms. Harrington added that it appears Ms. Triplet has a good rapport with city staff but listening to the constituent feedback from other small and real estate developers, she feels Ms. Triplett had a very accommodating disposition even though she encountered a lot of inconvenience with this experience, and this is something that has happened more regularly than not with many people in or community. She said that Mr. Eldridge spoke of the due diligence city staff does to share information with constituents about what's happening, but people are still missing things and she would be remiss to not speak to that so we could get more accountability in that way for the constituency. She added that because Ms. Triplett is speaking on behalf of other entrepreneurs, it is better for her that she did come in not being attitudinal with city staff, and she's being nice but everybody doesn't operate like that. She said she doesn't feel that people should have to bend over backwards, not that being courteous is bending over backwards, but we're seeing that this type of situation is happening more often than not. She added that Ms. Triplett spoke to the layers of inconvenience this has caused her, and Mr. Stewart talked about the inconvenience this has caused him and as a property and business owner and as a developer she understands what that is. She added that even homeowners are being impacted by these changes and city staff continues to say "Oh well, we did our due diligence..." and somehow things continue to be missed. She said she would like to see more accountability.

Mr. Wark moved to approve the application for 1019 Miller Road for 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)", seconded by Mr. Hohler.

Motion was approved unanimously by roll call vote.

OTHER BUSINESS:

DISCUSSION/ACTION ITEMS:

1. Discuss Zoning Board of Appeals Interviews.

Mr. Eldridge stated there were two candidates that were talked about at length, and an interview board which consisted of Ms. van den Hombergh, Ms. Harrington, and Mr. Wark, who will provide their thoughts on the candidates to inform the rest of the board. If the board is comfortable to vote to recommend the City Commission appoint these individuals, then he can put together the appointment memo and forward it to the clerk's office.

Chair van den Hombergh started with Allison Hahn and said she has a rich background in human resources and is very personable and warm. She said she came across as being very genuine and fair and when she was asked about why she wanted to be on the board one of the reasons that struck Chair van den Hombergh was that she said she wanted to be a liaison in the community, and she would be open to questions and explaining processes. She wanted to be that person that people would be able to stop and ask questions and she would be able to clarify why certain things are happening. Chair van

den Hombergh said right now Ms. Hahn works for an insurance company but she is at the point in her life where she wants to be more involved and be able to give back to the community.

Chair van den Hombergh said the next candidate called for them to do some soul searching and thinking about diversity, and sometimes assigning feelings or thoughts to someone or a situation so she can only speak for herself but she feels that Alan Sylvester is overqualified for the position. She said he's served on the zoning board of appeals in the 80s, is a property owner, and is looking to be an alternate. She said when she looked at his resume and his references she was concerned because he is a property owner with Lisa Wilcutt, and some of those properties don't have a good reputation and initially she told herself to just forget him until she thought about it and realized she was discriminating against him via guilt by association. She then asked herself if he has the qualities to serve on the board and she realized he does and that he also will have the opportunity to recuse himself if need be. She says she likes the experience and the fact that he's been on the board before and he is just coming off of the natural features protection committee and added that she is big on neighborhood diversity for this board and the board doesn't have anyone from the Westnedge Hill neighborhood.

Ms. Harrington said she believes there is a difference between prejudice and developing an analysis based on past, historic and the current landscape of people's choices and how they operate in their philosophical bin and how that materializes and impacts people in our community, and she doesn't believe it's discriminatory to think about that as it relates to the lens of diversity. She added that some of us are able to make those types of decisions and a collective or individual context and sadly that is the very unfortunate byproduct of centering white dominant normalcy, and there's individualism in that not collectivity and so when we don't see ourselves like everyone, else we can see it like "Oh well, that doesn't affect me..." but she says in the end it balances out because she is on the board and others are on the board and they all get a vote, and they are diverse in that way.

Mr. Hohler asked if the board needs to vote, and Ms. Harrington told him they already voted. Mr. Eldridge clarified the interview team selected Allison Hahn as the regular seat and Alan Sylvester for the alternate seat because there is one regular vacant seat and two vacant alternate seats, and there's still an opening on the board that will not be filled at this time because this board is structured to make sure there is a full board at every meeting. They are continuing to do outreach but as there are vacancies on the board the alternates are the first ones who have the opportunity to move into those vacancies.

Ms. Harrington suggested to the viewing audience that everyone participate in the process of the democracy and citizenship so their interests can be reflected and then no one would be able to say "Oh, I didn't know that was about to happen," she said now is an important time to get on a citizen board.

Mr. Wark said he supported both applicants, but understands there were questions about Alan Sylvester because he was a property owner/developer at one point but what hit

him was that he chaired the ZBA in either the 80s or the 90s and he termed out on the NFP board and he didn't hear of any problems with him on that board. He added that because the NFP ordinances are so complicated, it would really behoove them to have someone with that knowledge on this board. He said he worked for a development company that was based out of town, but they had properties in town and the opinion about them in the community was very mixed and it didn't affect him at all.

Mr. Eldridge said just to go over the community make up of the board, Beth van den Hombergh is from the Westwood neighborhood, Remi Harrington from the Vine neighborhood, Gary Wark from the Stuart neighborhood, Tony McReynolds from the Northside neighborhood, and Joe Hohler III from the Edison neighborhood, and the two candidates, Allison Hahn from the Arcadia neighborhood and Alan Sylvester is from the Westnedge Hill neighborhood. He added that it can be a voice vote to move a recommendation to approve these individuals to the board.

Mr. Hohler made a motion to recommend the approval of Allison Hahn and Alan Sylvester to the Zoning Board of Appeals, seconded by Chair van den Hombergh.

The motion carried by unanimous voice vote.

2. Discuss zoning changes

Mr. Eldridge stated that this was done to hundreds of properties around city and it was something he had never seen done in his entire career, working for the city of Kalamazoo and the city of Portage. He said it was a major undertaking to realign the zoning with the land use and future plans of the city and given that you're working with hundreds of properties unfortunately things happen and people that they believe have been kept in the loop don't get the information and miss one of the meetings, and as far as he knows there are no other circumstances like 1019 Miller Road. He said to answer Chair van den Hombergh's question about the elimination of the commercial office zone district, he said it was because of how inflexible that district was and Chair van den Hombergh and Ms. Harrington agreed that that was something they wanted, and Mr. Eldridge stated there were a number of public meetings to collect feedback throughout that six month process and between February and August it was wrapped up and there were periods where the ordinances that were proposed to be changed were slightly amended to reflect the comments made by citizens. He said if you look at the Imagine Kalamazoo website, there were several versions of those ordinance amendments as they worked through the year but personally, fielding phone calls from realtors and business owners, the commercial office zone district was very difficult to work with because of its lack of flexibility since it didn't allow for any kind of retail business, it had to be specifically, an office. He said that's fine if you're an accountant, an attorney, or a credit union but it didn't allow for any of the amenities that many neighborhoods wanted, such as sit-down restaurants, which is why they created the Commercial Community 2, which is a step down from the type of commercial that is seen along Stadium Drive. Chair van den Hombergh admitted her frustration comes from is that she doesn't know of anyone else on the board that was aware that these changes were going to be made, and because of the way she feels about her neighborhood and because of the reason

she's on the board, she would have done something and if that meant resigning to advocate for her neighborhood she would have done that. She said she talked to some people in her neighborhood that normally receive those notices, because the church that is in her neighborhood has been wanting to change the zoning for 15 years, she said she is angry because they didn't receive them, and she knows they would have filled the gallery. She wants to know why they didn't know and says this isn't good for her neighborhood. She said she remembers at one point in time where you could drive down Northampton and get a view of Davenport college there and when you talk to someone from the city they're saying that is not the city but, Kalamazoo Township. She said just like Kilgore is the dividing line between Portage and Kalamazoo, and a lot of people don't realize that so now all of that green space, 10 acres back or however deep it was, is all gone and now there's a car wash there and added that she would much rather have a doctor's office at the corner of her street then a Walgreens. She wants to know where she needs to start with this and Mr. Eldridge said that he could get back with her on how they did the public outreach, such as who the mailings went to along West Main so that is a place to start and since he doesn't have that information with him tonight, he can circle back to her with it and then they can see what questions that would raise as well. Chair van den Hombergh asked why they weren't aware, as the zoning board and Mr. Eldridge said that he made some precursory remarks regarding the rezonings going on that addressed the commercial districts along the commercial corridors, and that the city was also making zoning ordinance amendments, he didn't go deep into the details, but he did mention it. Mr. Wark stated he was aware and he had gone to a couple of the meetings and there were a lot of people there. He said one was at K-College and one was downtown, but his neighborhood was very aware of it, but one of the biggest problems in the rezoning was over on Stadium Drive and Drake where they wanted to put in another car wash similar to the one on Kilgore and there were a lot of people there that spoke up about it so they took the rezoning of that off of the table. Mr. Wark added that the car wash on West Main is actually in Kalamazoo Township and Chair van den Hombergh stated it has an impact, even though it is the township, and Mr. Wark said the township wouldn't rezone it for multifamily and he feels it should have been multifamily, but they wanted it to be commercial. Chair van den Hombergh said she gets it because the car wash makes a lot of money, but they could have rezoned it for commercial office and she's aware that Township has the authority to change their zoning just like the city does. Mr. Eldridge said that he and Chair van den Hombergh can get together and if anybody on the board wants an update at the next meeting, they can share that with them. Ms. Harrington said the city rezoned her building on Mill Street and now she doesn't have to get a special use permit, so thank you but she still didn't know about it and even though she is grateful, that wasn't right.

REPORTS:

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

ADJOURNMENT:

The meeting was adjourned at 9:32 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **1/11/2024**

Item: **D.1.**

TO: Zoning Board of Appeals

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

DATE: January 11, 2024

SUBJECT: ZBA #24-01-01: 2222 Glenwood Drive. Derek Molitor and Joanna Parzakonis are requesting a dimensional variance from Appendix A, Chapter 5, 5.1: Table 5.1-1, of eight (8) feet from the required 25-foot front building setback along Ridge Road for a residential addition.

BACKGROUND:

The property in question is 59 feet wide and 198 feet in length. It is in the RS-5 District and the Natural Features Protection Overlay (NFP). It is a double frontage lot with frontage on both Glenwood Drive and Ridge Road. The Glenwood Drive front yard drops steeply down to the road level. An addition with an attached garage on this side of the dwelling would be impractical, and it would not meet the NFP Overlay requirements. The Ridge Road front yard does not have any significant slope and is approximately 80 feet deep.

The 2,484 square foot single-family dwelling was built in 1917. It has a small, attached garage on the west side of the dwelling and a driveway leading to Ridge Road. The project proposed would remove the existing garage and create an indoor swimming pool and new attached garage. This will also involve removing the existing driveway on the east side of the property and moving it to the west side to align with the new garage.

The applicant originally thought that the average setback of other structures along Ridge Road could be utilized to allow for a 17-foot setback for the house addition. However, this clause in the ordinance only applies when all the structures on the same side of the street were built before 1954. Most of the structures located close to the street are on the west side of the street. The applicant and contractor have changed the design to pull the structure back from Ridge Road further than many of the other structures along the street. All other site development requirements will comply with the ordinance.

STRATEGIC VISION ALIGNMENT:

Strategic Goal and Master Plan 2025 Alignment:

The project does not directly touch on any Strategic Vision goals. It does align with the Future Land Use Map which identifies this property as R-1, low-density residential.

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 does own the adjacent property to the south but will conduct outreach to the other impacted neighbors. There is not an organized neighborhood association for the Westnedge Hill area currently.

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 property is a double frontage lot with front lot lines that follow the curvature of the streets along Glenwood Drive and Ridge Road. Topographic challenges exist on the east side of the property as the front yard slopes down to meet Glenwood Drive. The Natural Features Protection (NFP) standards prevent development in a slope.

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

The house was constructed in 1917 on the narrow plateau along Ridge Road. Many of the dwellings and garages are positioned close to Ridge Road as a result of the valleys on both sides.

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 enforcement of the terms of the ordinance would require the addition to the house to be pushed further back from Ridge Road. Ridge

Road does not have a traditional development pattern as the topographic challenges of many of these lots have resulted in the placement of structures closer to the street.

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

The granting of the variance is the minimum action that will allow this project to move forward. The project will comply with all other site development requirements and will not be out of character with the neighborhood.

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

The granting of the variance will not adversely affect any adjacent 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 will be consistent with the ordinance and the development pattern along Ridge Road.

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 does not apply to the requested variance.

RECOMMENDATION:

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



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

December 27, 2023

**RE: ZBA #24-01-01
2222 Glenwood Drive
Parcel #: 06-28-286-006**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Derek Molitor and Joanna Parzakonis for 2222 Glenwood Drive in the Residential – Single Dwelling District (RS-5).

The applicants are requesting a dimensional variance from Appendix A, Chapter 5, 5.1: Table 5.1-1, of eight (8) feet from the required 25-foot front building setback along Ridge Road for a residential addition.

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

The meeting will be held on Thursday, January 11, 2024, 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,

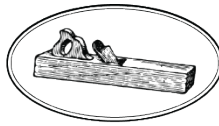
Peter C. Eldridge, AICP
Zoning Administrator



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: <u>Arnie Blok (Blok Builders, Inc.)</u> Mailing Address: <u>5942 West N Avenue</u>		
City: <u>Kalamazoo</u>	State: <u>MI</u>	ZIP Code: <u>49009</u>
Phone: <u>269-552-8393</u>	Email: <u>arnie@blokbuilders.com</u>	Preferred Contact: ☒ Email ☒ Phone
PROPERTY OWNER INFORMATION		
If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.		
Name: <u>Derek Molitor + Joanna Parzakon</u> Mailing Address: <u>2220 Glenwood Dr,</u>		
City: <u>Kalamazoo</u>	State: <u>MI</u>	ZIP Code: <u>49008</u>
Phone: <u>269-532-4182</u>	Email: <u>Derek - dnmolitor@gmail.com</u> <u>Joanna - jparzakon5@gmail.com</u>	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): <u>2222 Glenwood Dr, Kalamazoo, MI 49008</u>		
Parcel Identification Number(s): <u>06-28-2K-006</u> Zone District (kalamazoo-city.org/maps): <u>R5-5</u>		
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>5</u> , Section(s) <u>1</u>	☐ Appeal of an Administrative Decision	
☐ Use Variance to allow _____	☐ Interpretation of Zoning Ordinance, Chapter(s) _____	
☐ Natural Features Protection Variance	☐ Temporary Use Approval	
Reason for Request: <u>Construction of new attached garage + enclosed poolhouse</u>		
ATTACHMENTS		
☒ \$ <u>300</u> Fee ☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.		
☒ Review Sheet for Request Type ☒ Optional: Photos of property, architecture plans, etc.		
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support		
SIGNATURE		
Signature of Applicant: <u>[Signature]</u> (<u>Arnie Blok</u>)		Date: <u>12/13/2023</u>
Signature of Owner (if different than applicant): <u>[Signature]</u>		Date: <u>12/13/23</u>



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Community Planning & Economic Development
245 N Rose Street, Suite 100
Kalamazoo, MI 49007
Zoning Board of Appeals Application Letter
RE: 2222 Glenwood Dr, Kalamazoo, MI 49008
Molitor Poolhouse Addition
Dimensional Variance Review Sheet

To Whom it May Concern:

This letter is intended to address the relevant information on the Dimensional Review Sheet.

General Information:

Attached to the application are a site plan, elevations, and sectional details for the proposed project. The intention of this project is 2-fold: 1) To build a fully enclosed poolhouse addition to the existing house at 2222 Glenwood Dr. and 2) To relocate the existing garage and drive to allow for a more functional attached garage for the property.

The 2222 Glenwood Dr property is unique in that it essentially has 2 'front' yards or road frontages; it is adjacent Glenwood Dr on the east side of the property and Ridge Rd on the west side of the property, not dissimilar from a corner lot situation. On initial research we had heard informal feedback from the city that the Ridge Rd setback would be treated similarly to a corner lot and would allow for a 50% reduction in the 25' setback on that frontage. Upon completing a number of layouts given those parameters we submitted for another informal opinion. Some further research concluded that the corner lot conditions actually did not apply and would place these plans out of compliance. We subsequently went back to the drawing board and adjusted the plans to minimize the overall encroachment.

This variance request is seeking relief from the 25' setback requirement on the property line adjacent Ridge Rd. by 8', leaving the closest corner of the new garage setback from the property line by 17'. The total area encroaching on the setback would be 220 sq. ft. of building, representing 14% of the total setback area of 1569 sq. ft. The proposed encroachment can be seen in the site plan attached to the drawings.

All other lot conditions required for developing this project will be in compliance, including but not limited to total impervious coverage, side yard setbacks, and driveway width.

Review Criteria for Dimensional Variances:

1) - 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?

Answer: Yes, 3 conditions. 1) The elevation and steep slope to Glenwood Dr on the east side of the property do not allow for the safe development of a driveway or garage, much less an enclosed pool on this side of the property. (see attached pics '2222 Glenwood 1-4') 2) This property has 2 road frontages – Glenwood Dr on the east and Ridge Rd on the west. 2) The property line adjacent Ridge Rd is angled further limiting the development of this yard space.

2) - 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?

Answer: Yes, the slope on the Glenwood side of the property is protected under the Natural Feature Protection Overlay, additionally not allowing for the development of a driveway, garage, etc... even if it were preferable. This essentially renders this portion of the property unusable. Additionally, the angled property line further limits the use of the yard space on the Ridge Rd side of the property.

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

Answer: The ordinance is obviously designed to set standards that would apply to all development in a given district. In this case we suggest that the ordinance does not apply equitably to all lots adjacent Ridge Rd. Take into consideration the following:

- a) The 2230 lot (adjoining 2222 on the south) is technically a corner lot as it is adjacent Glenwood on the front and Ridge Rd on the side, allowing for a 12.5' setback on the exact same road frontage for which the proposed project is required to have a 25' setback.
- b) Most lots on Ridge Rd already encroach into the setback, for example (see also attached pics 'ridge 1-9' & '2222 Glenwood-ridge 1-4'):
 - The garage on 2212 Glenwood is setback approx. 18' from Ridge Rd,
 - On 2202 Glenwood the garage is setback approx. 8' from Ridge Rd and the house is setback approx. 20' from Ridge Rd,
 - The garage on 2125 Ridge Rd appears to be touching the curb on Ridge Rd with 0' of setback,
 - The garage on 2133 Ridge Rd is setback approx. 4' from Ridge Rd.,
 - The covered parking structure and storage area on 2139 Ridge Rd is also setback approx. 4' from Ridge Rd,
 - The garage on 2205 Ridge Rd is setback approx. 23' from Ridge Rd,
 - The garage on 2220 Ridge Rd is setback approx. 6' from Ridge Rd.,
 - The house on 2224 Ridge Rd is setback approx. 18' from Ridge Rd,
 - The corner of the house on 2312 Glenwood is setback approx. 18' from Ridge Rd.

This represents an encroachment in the setback by 10 buildings on 12 lots (and 9 of the 13 total lots) directly adjacent Ridge Rd with an average encroachment larger than the 8' (17' setback) proposed for this project.

4) - 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?

Answer: Initial layouts called for the garage to be more or less centered on the lot assuming the 12.5' minimum setback. After receiving feedback and confirmation that the 25' setback would apply, we developed this layout to reduce the encroachment on the setback. Peter Eldridge pointed out that 12.5' setback could also make difficult parking conditions in front of the garage for visitors resulting in vehicles parking in the Ridge Rd right of way. This point was well taken as the current garage also results in vehicles being parked in the right of way because of the narrow drive and inability to turn 2 vehicles into the garage to park side by side. Working with parking being an important concern we were able to reduce the overall length to some degree. We also moved the garage closer to the north property line to limit the encroachment on the setback, but resulting in the necessity to move the existing power pole – a costly compromise we are willing to make in order to get the necessary parking space to avoid vehicles being parked in the Ridge Rd right of way. Note that only the southwest corner of the garage is setback 17'. The proposed layout allows for a full 19' of parking in front of the face of the garage, meaning the west side of the garage (overhead doors) will be setback 19' from the property line.

Not only will having a more functional garage result in cars being parked out of sight, but an enclosed pool will also result in a visually cleaner road appeal for the 2222 Glenwood property (as opposed to a non-enclosed pool.)

The north property line will have a new privacy fence installed from the existing house to Ridge Rd to reduce any visual impact.

5) - Will the granting of the variance negatively affect adjacent land?

Answer: There should be no negative impact on the adjacent areas. The proposed plan is in keeping with the character of the Ridge Rd frontage.

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

Answer: The intent of the ordinance is to maintain standards within a given district. The proposed variance is in keeping with the character of the Ridge Rd frontage and fully maintains the character of the Glenwood frontage.

Respectfully Submitted,
Arnie Blok
arnie@blokbuilders.com
269-552-8393

2222 Glenwood – Ridge rd 1



1

2222 Glenwood – Ridge rd 2



2

2222 Glenwood – Ridge rd 3



3

2222 Glenwood – Ridge rd 4



4

2222 Glenwood 1



5

2222 Glenwood 2



6

2222 Glenwood 3



7

2222 Glenwood 4



8

Ridge rd ex 1



9

Ridge rd ex 2



10

Ridge rd ex 3



11

Ridge rd ex 4



12

Ridge rd ex 5



13

Ridge rd ex 6



14

Ridge rd ex 7



15

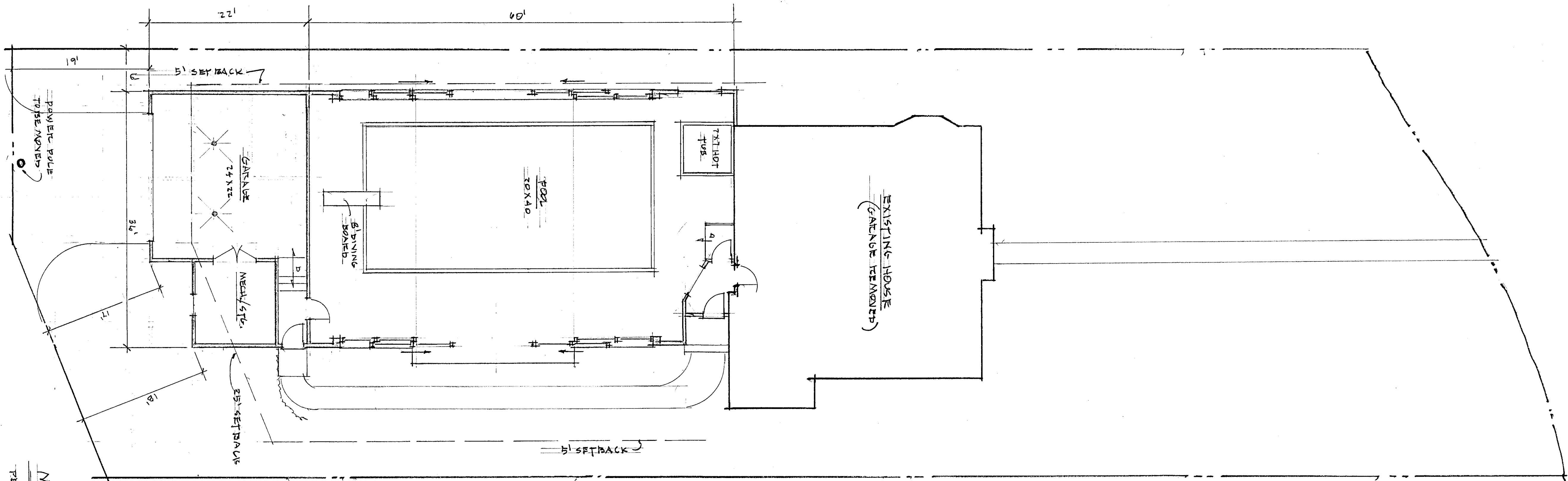
Ridge rd ex 8



16

LOT COVERAGE CALCULATIONS

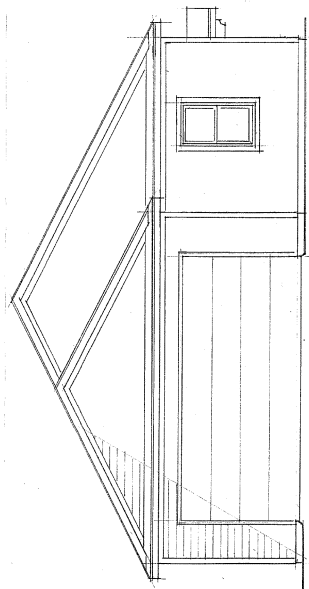
LOT SIZE (269 ACRES)	11,718 SF
MAX. IMPERVIOUS (45%)	5,273 SF
FRONT WALL	204 SF
EXISTING HOUSE (NO GARAGE) 1251	77
POOL ENCLOSURE	2160
GARAGE & MECH/STG.	720
POOL ENCLOSURE	60
DRIVEWAY	312
WALK-HOUSE TO GARAGE	210
TOTAL IMPERVIOUS AREA	5074 SF



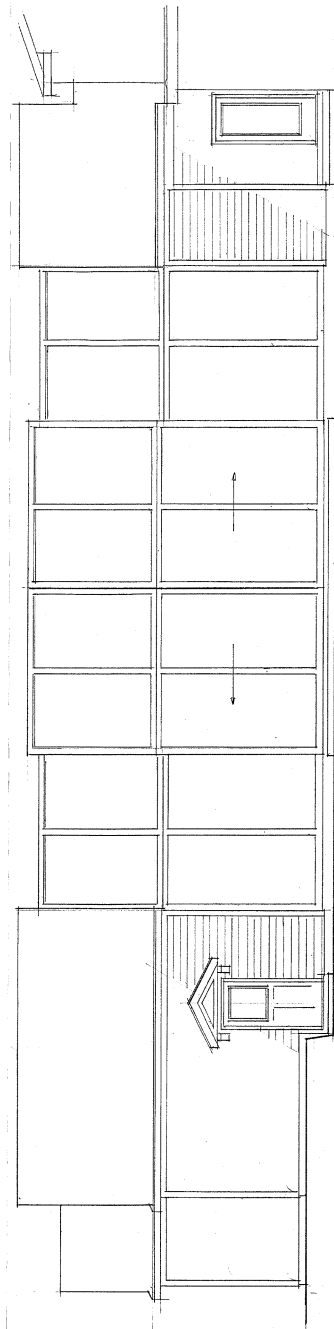
PLOT PLAN @ 1/8"=1'-0"

MODIFIED POOL ENCLOSURE

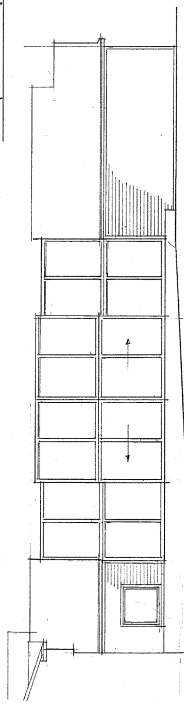
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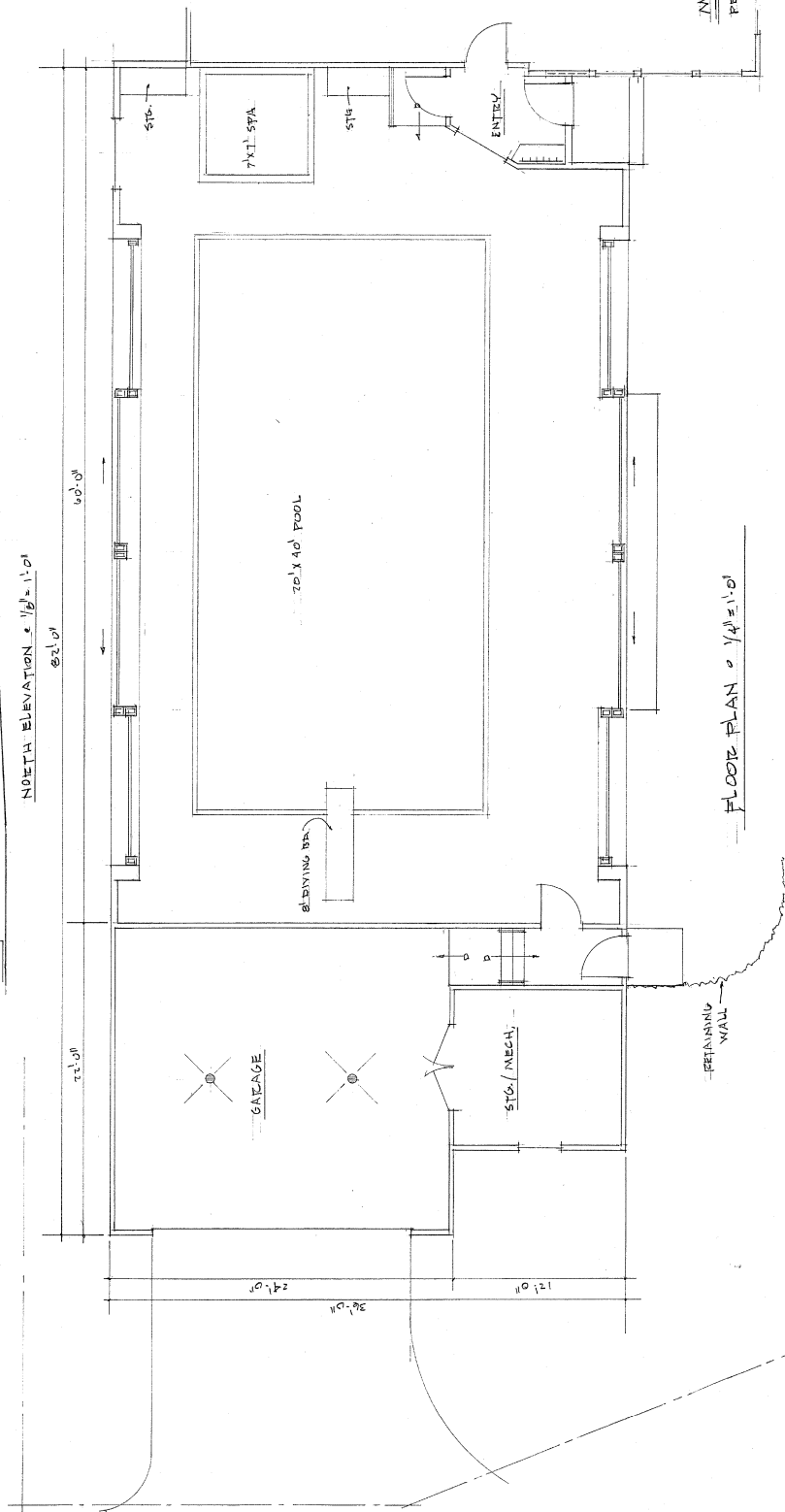
WEST ELEVATION • 1/4" = 1'-0"



SOUTH ELEVATION • 1/4" = 1'-0"

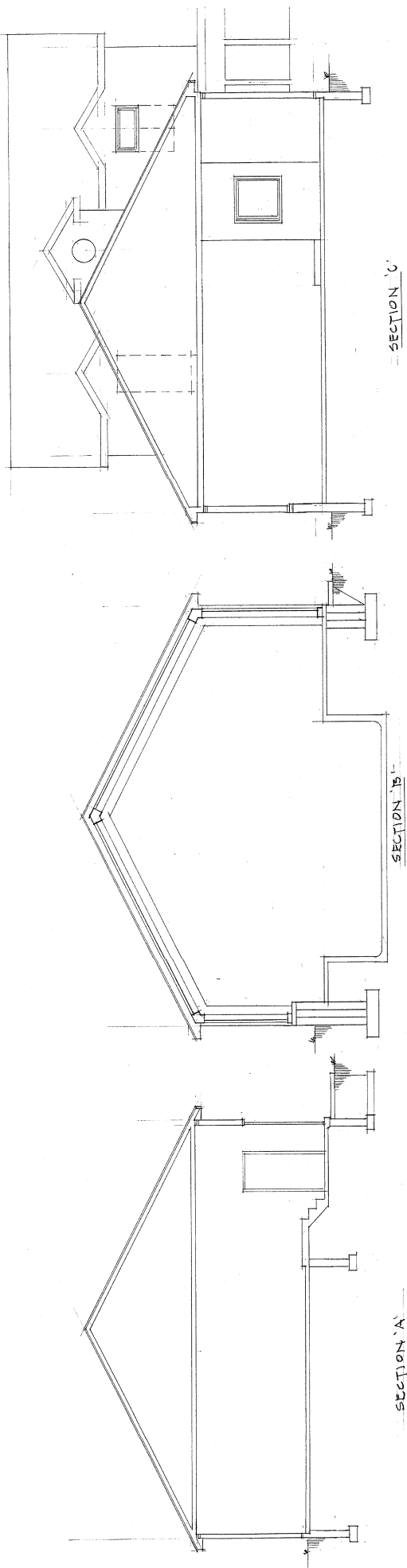


NORTH ELEVATION • 1/8" = 1'-0"



FLOOR PLAN • 1/4" = 1'-0"

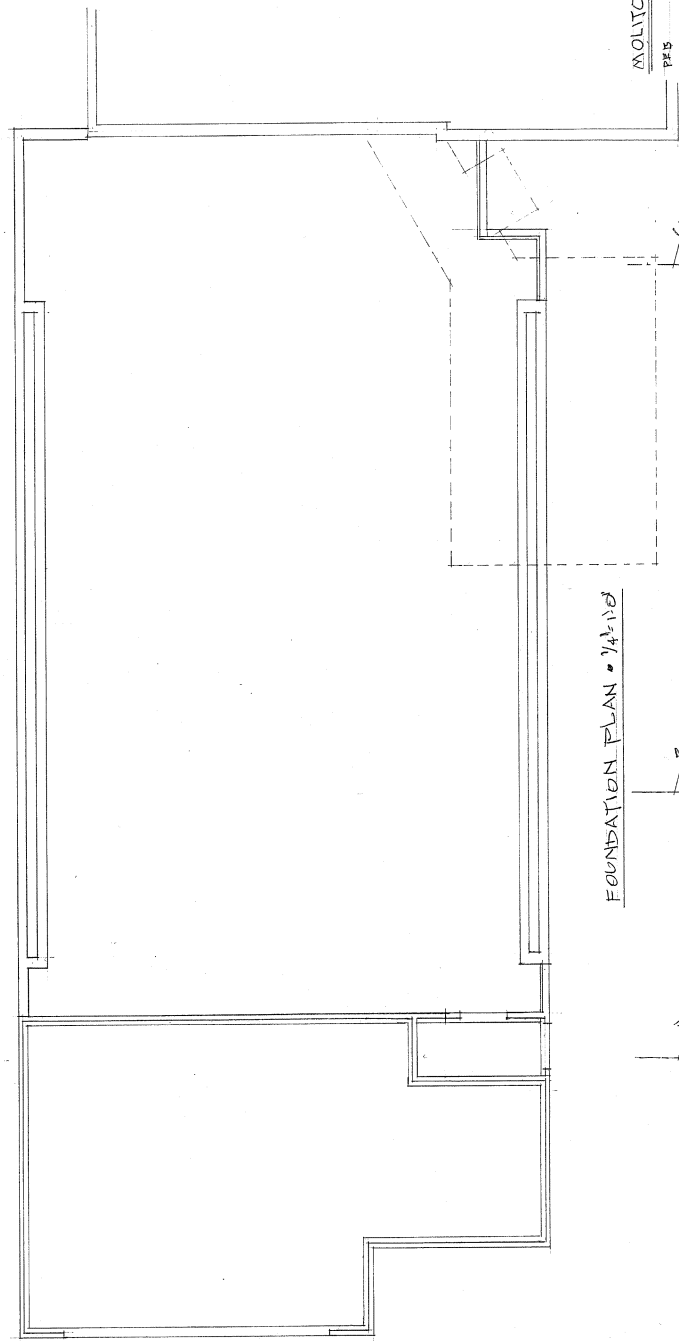
NAPLITOE POOL ENCLOSURE
PER LANDSCAPE DEC 13, 2003



C

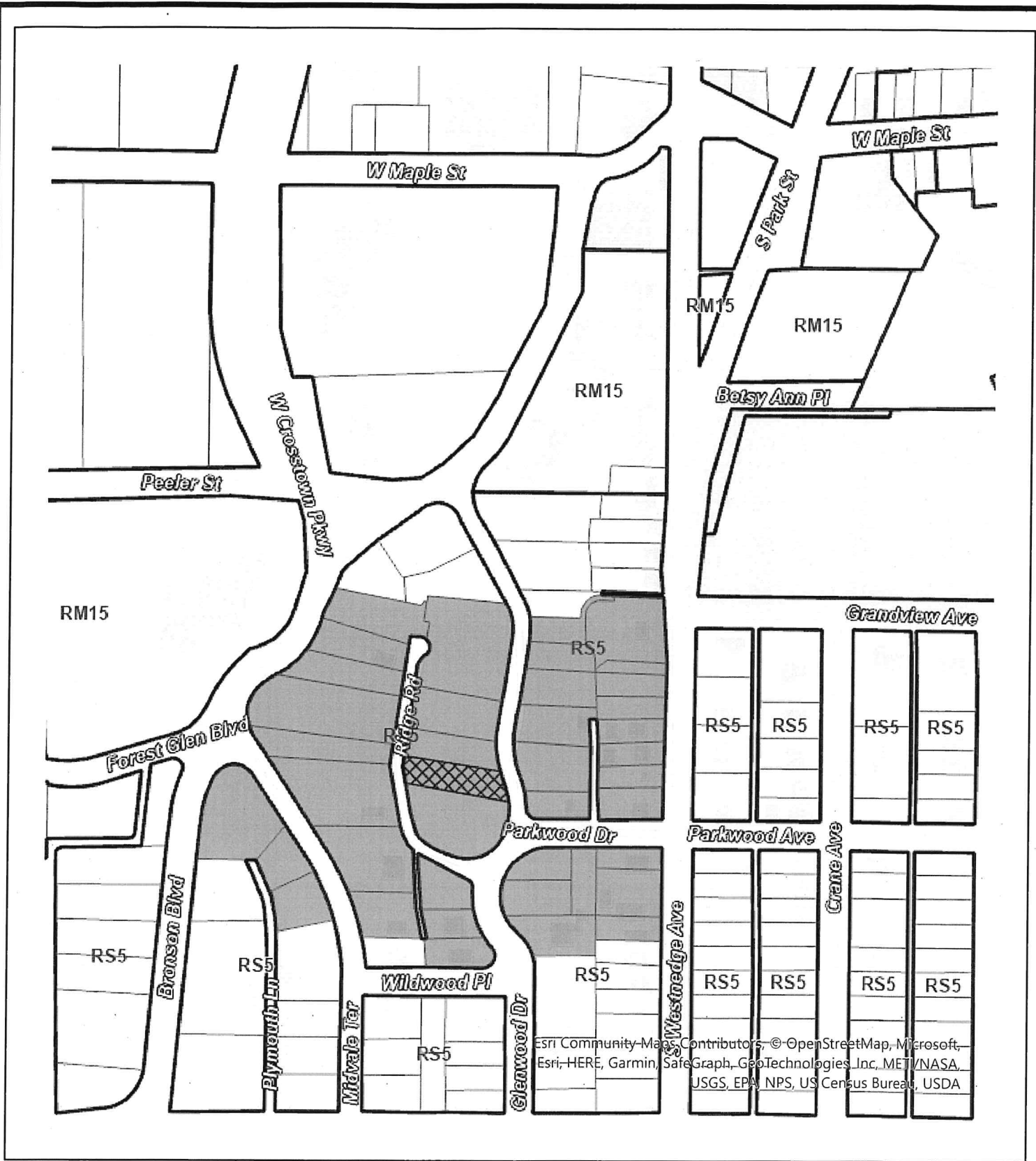
B

A



FOUNDATION PLAN - 1/4" = 1'-0"

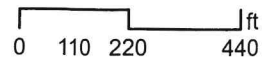
MOLTOE POOL ENCLOSURE
PFS
LAYOUTS DEC 12, 2023



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Parcels within 300' Mailing Radius 2222 Glenwood Dr

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





Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **1/11/2024**

Item: **D.2.**

TO: Zoning Board of Appeals

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

DATE: January 11, 2024

SUBJECT: ZBA #24-01-02: 2223 Benjamin Avenue. Paul Basing and Claudia Wink-Basing are requesting a dimensional variance from Appendix A, Chapter 5, 5.1: Table 5.1-1, of 10 feet from the required 25-foot rear building setback for a residential addition.

BACKGROUND:

The house and attached garage were constructed in 1928. The frontage of the property follows the curvature of Benjamin Avenue, making the lot approximately 15 feet wider at the front compared to the rear property line. The depth is 10 feet greater on the east side where the driveway is located than on the west side of the house. The attached garage is located approximately 3 feet from the rear property line, where 25 feet is the required rear yard setback, making the garage legal nonconforming in location. No prior variances were found for this property.

The homeowners of the property would like to construct a ground level addition to create a first floor bedroom, master bath and laundry room which will allow them to continue to live in the home for years to come. The three existing bedrooms are all on the second floor. The shape of the lot and age of the home created unique challenges when designing the addition. The proposed addition is 533 square feet overall with approximately 158 square feet of it extending into the rear yard building setback. The addition is set at a slight angle due to the windows on the west side of the house and to differentiate the addition from the character of the original brick structure. The addition is set as far forward as possible to move most of it out of the rear yard setback yet locate it slightly behind the front of this existing house. The proposed addition will comply with all other setbacks and the impervious lot cover a maximum of 45%.

STRATEGIC VISION ALIGNMENT:

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

Strategic Goal and Master Plan 2025 Alignment:

The project aligns with the Strategic Goal of Complete Neighborhoods as this will result in housing that is designed for seniors to age in place. This also aligns with the Future Land Use Map as this property is identified as R1, low-density residential.

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 will reach out to the Oakland Winchell Neighborhood Association 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 special circumstances are the unusual shape of the lot and the nonconforming location of the existing house and attached garage which encroach into the rear yard building setback.

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 house was built in 1928. It appears the attached garage was constructed at the same time.

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 enforcement of the ordinance would result in the addition being set further forward on the lot, which would narrow the connection of

the addition to the existing house, block windows on the west side and make the addition a more prominent feature on the site.

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

The proposed variance is the minimum action that will allow for this addition to provide aging in place improvements for the homeowners. The addition will remain 15 feet from the rear property line and exceed the five (5) foot side and 25 foot front yard building setbacks.

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

The granting of the variance will not impact the adjacent property owners negatively. Space remains for landscaping along the west (side) property line.

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

The granting of the variance will be consistent with the Zoning Ordinance and provide limited relief from the required rear yard setback of 10 feet. The homeowner has also changed the original design to reduce the portion of the addition that encroaches into the rear yard building setback.

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 applicable.

RECOMMENDATION:

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



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

December 27, 2023

**RE: ZBA #24-01-02
2223 Benjamin Avenue
Parcel #: 06-29-278-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Paul Basing and Claudia Wink-Basing for 2223 Benjamin Avenue in the Residential – Single Dwelling District (RS-5).

The applicants are requesting a dimensional variance from Appendix A, Chapter 5, 5.1: Table 5.1-1, of ten feet from the required 25-foot rear building setback for a residential addition.

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

The meeting will be held on Thursday, January 11, 2024, 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	13 December 2023, 6:53PM
Receipt number	34
Related form version	14

Introduction

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

Applicant Information

Name	Martin D Mechtenberg
Email Address	mechtenberg@gmail.com
Phone Number	17348468473
Address	925 W Washington St, South Bend, IN 46601, USA Map (41.6765348, -86.2638954)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Paul and Claudia Basing
Mailing Address	2223 Benjamin Ave, Kalamazoo, MI 49008, USA Map (42.2699869, -85.6104589)
Phone Number	2693299111
Email Address	claudiawinkbasing@gmail.com
Preferred Contact Method	Email
Authorization from property owner:	Letter from Wink-Basing 2223 Benjamin Av Kzoo.pdf

Property and Application Details

Property Address	2223 Benjamin Ave, Kalamazoo, MI 49008, USA Map
------------------	---

Parcel Identification Number	06-29-278-004
Zone District	RS-5
Type of Request	Dimensional Variance
Application Fee	\$300.00

Project Description & Reason for Request

Dear City of Kalamazoo,

I hope this letter finds you well. We are writing to bring to your attention a matter related to a proposed age-in-place addition for 2223 Benjamin Ave. We are aware that a portion of the construction is encroaching slightly into the designated rear setback area, and we want to proactively address this matter with the City Zoning Department.

We understand and respect the importance of adhering to zoning regulations. This is one of the most beautiful neighborhoods in Kalamazoo, with an eclectic mix of homes built primarily in the 1920s and 1930s. It is a dense neighborhood with tree-lined streets, many handsome brick homes and detached garages.

In the case of 2223 Benjamin Ave, there are several unique conditions to consider. The lot is effectively a double-lot - the narrow empty parcel between 2223 and 2211 was never built on and became part of 2223 at some point in the past. Because of the non-cartesian nature of Benjamin Ave, which runs North-South before curving rather sharply to the east into Waite Ave, the backyard condition is unique in the neighborhood. This curve causes the backyards of homes in the 2200 block of Benjamin and the 2100 block of Waite to become compressed compared to most other homes in the neighborhood. As such, these homes have a substantial number of legal non-conforming structures, including most of the detached garages and some of the homes themselves. Despite this, the sum of the parts is harmonious and sympathetic.

This project is the construction of an age-in-place addition. The addition will allow owners Paul and Claudia, who have owned the home since 1988, to remain in the home and in the neighborhood for many more years through the construction of a 1st floor master bedroom suite and 1st floor laundry room. Of the 533 square feet of proposed new construction, 158 square feet, or 29%, extends into the rear setback. After speaking with Pete Eldridge we were able to modify the original design which had 210 square feet in the setback. The logic for this is partly practical and partly ascetic. On the practical side, the addition needs to connect to the existing house, and the enclosed area between the home and the garage is the rational choice, allowing a connection without disturbing the beautiful brick of the original home. And, as noted above, the curve of Benjamin/Waite creates a situation that brings the backyards of homes in this area much closer together than the rest of the neighborhood. Aesthetically this allows for the addition to stand off separately from the house, and is proposed at a 10 degree angle to differentiate the addition from the original home. This is critical to keeping the character of the neighborhood intact. The addition will read as a lovely ancillary version of the existing home, almost fully separate but also fully sympathetic from a design and material perspective. It also allows the original 1928 home to keep its full integrity in terms of its relationship with the street position and its narrative connection to the neighborhood.

To provide further context, we have attached a site plan that outlines the adjustments made and illustrates the extent of the intrusion. We are willing to work closely with the City Zoning Department to address any concerns and ensure that the project can proceed with the City's

understanding and approval.

We appreciate your understanding and cooperation in this matter. If there are additional documents or information required from our end, please do not hesitate to let us know. We are committed to working collaboratively to resolve this issue and to ensure that the project achieves a variance that will allow it to comply with the city's zoning regulations.

Thank you for your time and consideration. We look forward to your guidance on the next steps moving forward with the project.

Sincerely,

Dimensional Variance Review Criteria

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

Yes. The lot at 2223 Benjamin is non-rectilinear due to the curved intersection of Benjamin and Waite. This compresses the backyards of 2164 Benjamin and 2152 Waite in ways that severely limits flexibility.

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?

Please see the overview letter, which describes the circumstances facing this particular project.

Are the special circumstances created by actions of the applicant?

Please see the overview letter, which describes the circumstances facing this particular project.

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?

We believe so. We moved the addition as far forward as possible. Any further movement begins to compromise the integrity of the beautiful 1928 original home. I hope the

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?

I believe so. The zoning designation is designed to create, maintain and promote primarily owner-occupied housing. This addition allows the current owners, who have been in the home for 35 years, to remain in place for many more years.

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

Not applicable for this project.

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

Landscaping will be consistent with existing and typical for the neighborhood.

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

Not applicable for this project.

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

Yes. The proposed addition extrudes partially into the rear setback, but is consistent with other legal non-conforming structures in the neighborhood. The addition is also being designed carefully with matching material and stylistic motifs. This project is an addition only - no additional parking is part of the project.

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

No.

Do similar landscaping conditions exist which would result in

Not applicable for this project.

no added benefit if additional landscaping or screening was provided?

Supporting Documents

Supporting Documents

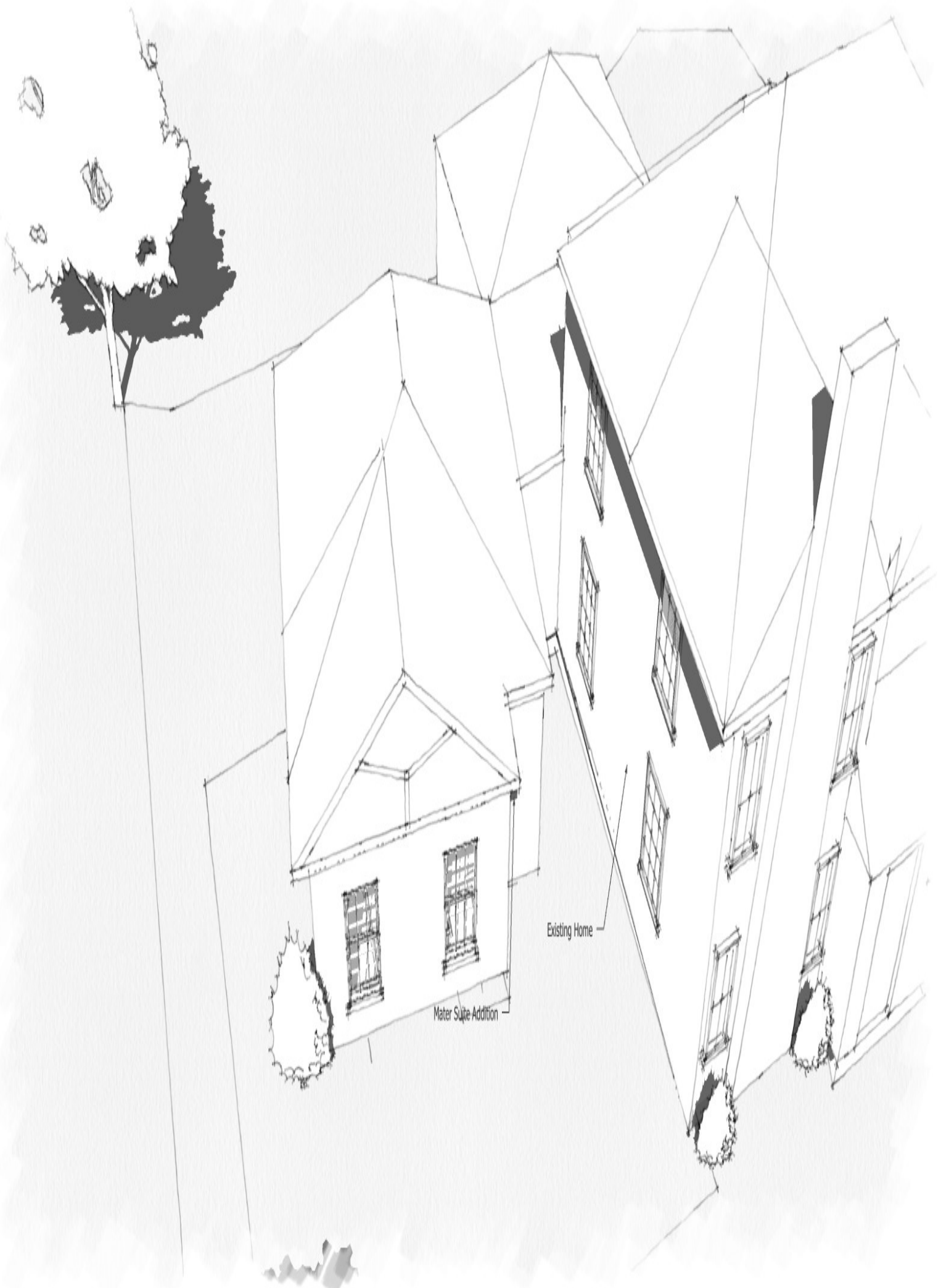
[Wink-Basing addition SITE PLAN.pdf](#)
[PERSPECTIVE 02_June 24,2023.jpg](#)

Submit

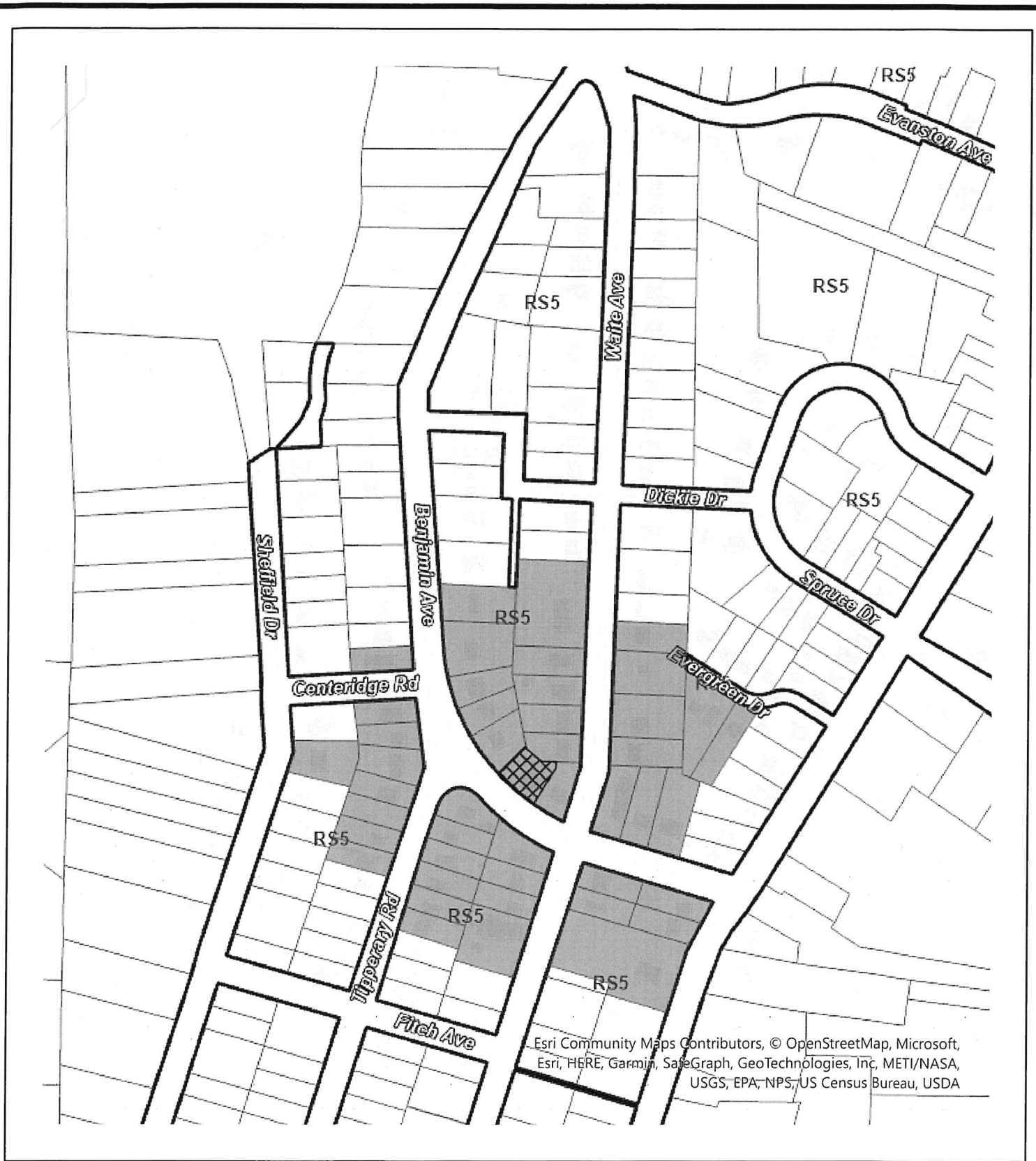
Your Signature



[Link to signature](#)







Parcels within 300' Mailing Radius 2223 Benjamin Ave

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



0 110 220 440 ft