

# Agenda

## Zoning Board of Appeals

City of Kalamazoo



Thursday, January 9, 2025

7:00 PM

City Commission Chambers – 241 West South Street

**A. CALL TO ORDER/ROLL CALL**

**B. APPROVAL OF MINUTES**

1. Approval of minutes from the Zoning Board of Appeals meeting on December 12, 2024

**C. COMMUNICATIONS AND ANNOUNCEMENTS**

**D. PUBLIC HEARINGS**

1. ZBA # 25-01-01: 1114 Division Street. Carl Wiggins, property owner, is requesting a variance from Appendix A, Chapter 4, 4.3 D 1, to authorize a building setback for an accessory structure (garage) of .5 feet where the required setback is a minimum of three (3) feet from a side property line for an accessory structure located in the rear yard.
2. ZBA #24-01-02: 1609 Whites Road. The Kalamazoo Country Club (CD-1909, LLC) is requesting a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the new pump house for the golf course irrigation system to encroach into a protected slope and protected slope setbacks.
3. ZBA #24-01-03: 3607, 3619 and 3625 W. Michigan Avenue. Interstate Capital Development, LLC is requesting a variance from Appendix A, Chapter 4, 4.2 Q 1. b) 1), to authorize the primary building façade (facing W. Michigan Ave.) to be 318 feet in length, where the Ordinance limits the primary façade to 200 feet for any multi-family residential building.

**E. DISCUSSION/ACTION ITEMS**

**F. REPORTS**

**G. ADJOURNMENT**



**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
December 12, 2024, 2024 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** Beth van den Hombergh, Gary Wark, Remi Harrington, Joe Hohler II, Tony McReynolds, and Allison Haan

**Members Absent:** None

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

**Chair Hohler called the meeting to order at 7:02 p.m.**

Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge noted there was additional public feedback.

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

**APPROVAL OF MINUTES:**

**Ms. van den Hombergh moved to approve the minutes of September 12, 2024, as submitted, seconded by Mr. McReynolds.**

**The motion was approved by voice vote unanimously.**

**PUBLIC HEARINGS:** Chair Hohler 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 fact. The Board must approve the Finding of Fact therefore, the first vote you hear is not a ruling on the request but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Harrington read the application for 1400 and 1401 Harrison Street/240, 300, 432, 510, 511, and 600 East Paterson Street/1421, 1500, 1807, and 1819 North Pitcher Street:

**An application for dimensional variances to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International for 1400 and 1401 Harrison Street/240, 300, 432, 510, 511, and 600 East Paterson Street/1421, 1500, 1807, and 1819 North Pitcher Street, located in the Live Work-1 District (LW-1), Manufacturing-Limited (M-1), and Manufacturing-General (M-2). The applicants are requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 82 off-street parking spaces which will allow a total of 805 off-street parking spaces. This is an increase from the dimensional variance granted on December 9, 2021, which increased the total off-street parking to 723 spaces. This requested increase of 82 spaces is for additional contractor parking for the company's Kalamazoo campus.**

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

Eric Barkovich, of Hurley and Stewart located at 2800 South 11<sup>th</sup> Street, introduced the team: Todd Hurley of Hurley Stewart, Tim Carroll, John Patterson, Greg France, and Matt Munn, all Graphic Packaging representatives who were present to answer direct questions related to the mill. He started with a video presentation, created by Mr. Patterson, that explained how they will automate the facility to reduce their warehouse footprint, followed by a PowerPoint presentation. He showed a couple of renderings with the one on the right being north of the Paterson and Pitcher Street intersection, with a proposed parking lot on the east side. During his project summary, Mr. Barkovich stated the new warehouse to store large paper rolls produced at the plant, being transported from the east side of the plant, across Pitcher Street to the west side of the street to the automated warehouse. The warehouse will be located where 1421 North Pitcher, where the parking lot is presently. Onsite storage, in lieu of storage at multiple sites will reduce truck traffic and they will eventually have a new lot at the northeast corner of Pitcher and Paterson to centralize employee parking on the campus.

He then went on to discuss the project benefits and they are as follows: They want to simplify and reduce traffic from the lot on Prouty Street with centralized employee parking and create safer employee walking routes to building entrances, avoid employee and contractor spill over into the neighborhoods and make sure they have the parking they need during peak events such as the twice monthly machine outages and the annual shut down. He said the unusual conditions, such as the shape of the lot or, specifically, the structure, there are overlapping shifts and with employees coming while others are leaving, that doubles the number of employees on the campus at one time. He added that there are 75 contractors onsite per day and during the machine outages, there are an additional 100 contractors per day and during annual outages, over 300 extra contractors for a single shift. He reviewed the variance criteria and stated the special circumstances which aren't a result of actions of the applicant is that they are so close to the residential neighborhood to the west, they want to avoid contractor spillover during some of the peak events. The next criteria asked does the ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district? Mr. Barkovich stated other property owners don't have outside contractor parking needs on the same scale that Graphic Packaging does, so they just want to reduce any potential parking spillover and make sure that Graphic has the onsite parking that they need. The next criteria asked 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. Mr. Barkovich stated they feel this is the

minimum action and they can always ask for more but this is the amount they feel is fair and will give Graphic what they need to provide parking in a safe manner, because during outages they are seeing that contractors are parking in undesignated, unsafe areas on the campus, sometimes potentially blocking emergency routes where a fire truck or ambulance can't get through. The next criteria is will it negatively affect adjacent land and he said this will have a positive effect by keeping parking on the campus. The next criteria is will the variance be generally consistent with the purpose and intent of the ordinance and he said the intent of the ordinance is to ensure parking needs are met off street and they want to prevent traffic and safety issues elsewhere on the campus and feel that adding the parking will have a positive impact overall and on the surrounding the campus.

Chair Hohler asked for staff comments, and they are as follows: Mr. Eldridge wanted to touch on a few points that were in the staff report. He reminded us that there was a prior parking variance granted by the board back in 2021 and it allowed up to 723 off-street parking spaces but since then the operation has grown and so has the number of contractors onsite, for periodic maintenance, that needs to be addressed to keep the street open for all of the truck traffic that comes through the area, and keep extra vehicles from being parked in the right of way, which is why staff was supportive of this in addition to the scale of this operation and the size of the facility, which covers about 100 acres. He added the fact that there are 350 employees and 75 contractors at any given point during the day, centralizing the parking toward the middle of campus makes sense for the reasons that were stated and moves it further away from the neighborhood and lessens the chance of vehicle spillover and parking in the neighborhood to the west, which is why staff is supportive of the additional 82 parking spaces.

Chair Hohler asked for comments from those in favor of the additional parking request only and Mr. Buddy Sasquach said that that area is home to one of the city's primary sites, called the Harrison facility and putting central parking on what appears to be on property already occupied by Graphics will hon parking needs for the facility, where the absence of it can cause confusion about which facility, which can lead to mix ups with the contractors from various facilities heading to the wrong ones.

Chair Hohler asked for comments against the request and there were none.

Chair Hohler asked if there were any call-in comments and there were none.

Chair Hohler closed the public hearing.

Chair Hohler asked if there were any questions or comments from the board and there were none.

## **FINDING OF FACT**

Ms. van den Hombergh moved the Finding of Fact as follows for the first part of the variance request:

- 1.) The Finding of Fact for 1400 and 1401 Harrison Street/240, 300, 432, 510, 511, and 600 East Paterson Street/1421, 1500, 1807, and 1819 North Pitcher Street, dated November 27, 2024.

- 2.) 112 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, which 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:

Graphic Packaging International is a facility that sits on 100 acres and they're requesting a dimensional variance to authorize an additional 82 parking spaces for off-street parking for a grand total of 805 parking spaces, which is an increase from the dimensional variance granted in 2021, which brought the total to 723 spaces. This request will not change the zoning classification of the properties. Eric Barkovich, of Hurley and Stewart Civil Engineering, spoke about the need for an automated warehouse, they're looking to expand the facility and modernize it. There are a lot of contractors and additional staff, and they want to eliminate the need for parking in the residential areas of the north side neighborhood. They are looking at 75 additional contractor parking spaces each day and that increases when they have outages, which increases the need for additional parking, staff, and maintenance. There is also a concern about first, second, and third shift overlap with 350 employees in addition to the 75 contractors. Staff spoke about the variance increase in 2021 and is in support. Buddy Sasquatch spoke in favor of the variance and brought up the fact that the city of Kalamazoo has the Harrison facility that butts up against Graphic Packaging and contractors that aren't familiar with the city, or how to get around it, get confused and park at the city of Kalamazoo's Harrison facility. No one spoke in opposition and there were no call-in comments.

**Mr. Wark seconded the Finding of Fact.**

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

**Mr. Wark moved to approve the application for the dimensional variance, made by Graphic Packaging International for a dimensional variance from Chapter 50-7.2, to authorize an additional 82 off-street parking spaces which will allow a total of 805 off-street parking spaces, seconded by Ms. van den Hombergh.**

Discussion:

Ms. van den Hombergh stated she would be in favor and thinks it's a good idea to approve this variance to keep the campus traffic out of the Northside neighborhood. She added that when Mr. Sasquatch spoke about the Harrison facility, it wasn't something she considered, and it makes sense so she will vote in favor.

Chair Hohler asked Mr. Eldridge to explain how staff came up with the allowable number of parking spaces and Mr. Eldridge stated there is a part in the report that spells it out, but he explained

that the number of parking spaces is calculated by using the number of employees on the largest shift, contractors, trainees and visitors, which brings the number to 341, they also account for the commercial office space, which is 90,000 square feet divided by 300 square feet, those are added together and per the ordinance, they add 10% on to that which is an additional 64 spaces. The variance in 2021 granted that number to be 723 and now they are asking for an additional 82. Chair Hohler asked if the applicant does the calculation, or the city and Mr. Eldridge said it was the applicant's calculation. Chair Hohler stated that the problem seems to be in the fluctuation of the number of contractors, why not use the highest number of contractors and Mr. Eldridge said the contractors aren't there every week and can't be counted as part of the largest, regular shift, Chair Hohler then asked if it can't be averaged out and Mr. Eldridge stated the ordinance isn't set up that way and is very specific regarding calculations based on workers and occupants.

Ms. Harrington asked how many times they have been before the board in the last four years regarding this issue Mr. Eldridge said once for this, and another time for an expansion. Ms. Harrington stated she recalls not wanting to vote yes that time but didn't see an alternative, and they are being speculative and right now they are saying this is awesome because it isn't encroaching on the northside neighborhood, where there are already layers upon layers of impact this company has already had on the northside neighborhood in a variety of different ways, but her fear is that because of what they're speculating about, why, if they only have 350 employees and 50 contractors right now, why are they asking for this? She said it feels disingenuous and wanted to say for the record that even though she is voting yes because she doesn't know what else to do, there seems to be, to her, something underhanded about this and she has concerns about its encroaching itself further upon the northside neighborhood. She stated she doesn't like how they are asking for the variance because it seems they are saying they are doing the residents of the northside a favor by not further encroaching upon it, even though they are. Todd Hurley said they did a study of the shifts for about four years and tried to get an accurate count of how many people went into each door and based their calculations on that, but they have 675 employees between the mill and cardboard plant, so the parking lot is for the west and north side of Pitcher, and was combined to have buildings surrounding the parking area and some can go to the west some can go to the north to get in to work. He said while they worked on that, the issue was also contractors parking wherever they wanted, sometimes in the neighborhood, so they added them into the calculations. He added that the moving of the parking lot was just a benefit of them tearing down the old plant because this is going where the old plant was, so this centralizes all the parking so everyone has a shorter distance to go, and it keeps them all safe and out of the neighborhood.

Mr. Wark said he will be voting yes as well and that he thinks it's great they are expanding, trying to consolidate, and pull everything in from the streets.

Chair Hohler said he doesn't share Ms. Harrington's suspicion because he understands all of the downstream effects of street parking and security, but he understands how she feels because he lives in an area where there seems to be an increase of truck traffic, they have been trying to keep off of the neighborhood streets and he will also vote in favor of the request based on the staff report.

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

Ms. Harrington read the application for 1421 North Pitcher Street:

**An application for dimensional variances to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International for 1421 North Pitcher Street, located in the Live Work-1 District (LW-1), Manufacturing-Limited (M-1), and Manufacturing-General (M-2). The applicants are requesting 1) a dimensional variance for 1421 North Pitcher Street from Appendix A, Chapter 5, Table 5.2-1, to authorize a front building setback on Prouty Street of zero, where a 25-foot setback is required in the M-2 District, and 2) a dimensional variance for 1421 North Pitcher Street from Appendix A, Chapter 5, Table 5.2-1, to authorize a front building setback on North Pitcher Street of zero, where a 25-foot setback is required in the M-2 District. The building setback variances are for a new paper storage facility.**

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.

Eric Barkovich spoke again on behalf of the applicant and stated that the video illustrated a lot of what is happening with the automated warehouse project and wanted to touch on the benefits of the project before going into the variance criteria. He stated this project will significantly reduce truck traffic around the city of Kalamazoo, it stores almost 42,000 tons of paper in the one building, which is 140 feet tall and takes up the majority of the north parking lot on the 1421 parcel and added that it would reduce over 100 trailers a day which is a significant reduction in traffic and emissions. He stated that he knows GPI is in the news frequently regarding the environment and this will help with that because it's a positive impact. He said there is a roll train crossing that takes paper rolls from the east side of the plant to the west side of the plant about 20 times a day which disrupts traffic on Pitcher Street, and this will eliminate that. He said there are 142 parking spaces on that parcel right now, in addition there are cars coming in on all three shifts, which creates noise, and there's light and glare and the addition of the building will reduce noise and the building will be fully quiet and there won't be many cars pulling in there every day.

He stated the criteria and reiterated the variance is for zero-foot setbacks on Pitcher and Prouty Streets on the northeast corner of the parcel. He said the north edge of the building will be 25 feet off the property line because the portion that's on the property line itself, is reserved for overhead conveyors in ground supports in the face of the building itself is pulled off of the Prouty property line. He stated that in 2008 there were multiple variances for similar requests that were granted, so the existing building on the parcel to the south is in a similar location, a portion of it is set back a few feet so they are requesting that this be placed on the property line. Mr. Barkovich said that the unusual condition is that the building being 140 feet tall is an unusual condition and because of that they want to place the building as far east as possible, away from all the residential properties and closer to Pitcher means further away from the neighborhood, in addition the overhead conveyors will cross Pitcher and to minimize that length by putting it further east. For Prouty Street, they want to put the building as far north as possible, away from the building to the south for reasons shown on the next slides. Special circumstances not the result of the applicant are that they want to provide a visual and sound barrier to the GPI campus, and they feel this building will do that. There will be less truck traffic, and emissions, in the area as stated before, and the warehouse will replace a parking lot that is a huge source of noise and lights. He said the ordinance deprives the applicant of rights enjoyed by other property owners in the same zoning district

because if you look at the M2 Zoning District there are a lot of buildings that are on the property line, or at least within the setback as is the case on Pitcher Street and the building to the south, that was approved in 2008, sits on the property line or slightly off of it, depending on which part of the building you're looking at. He said this is the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public because placing it any further to the west puts it closer to the neighborhood and for Prouty Street, maximizing the distance between the buildings allows for a wider drive aisle for emergency vehicles to get into the lot and circulate on the site from Pitcher to the north and it's easier for trucks turning into the property from Pitcher Street, and it keeps maintenance equipment for the building out of sight. He said granting the variance will not negatively affect adjacent land because when thinking about the placement of the building specifically, because it's placed to the east to maximize the distance on the parcel from the residential properties to the west, which is separated by the railroad and means they can maximize the amount of green space on the west side and any landscape screening, and there will be a screening wall as well, to screen the loading dock on plant nine to the south that currently exists. He stated there will be no impact to the right of way on Prouty Street which, again, allows for maintenance south of the building and reduces traffic, on Prouty, entering the existing lot and traffic will be reduced on Prouty by moving the parking lot to the southeast. He said granting the variance will be generally consistent with the purpose and intent of the ordinance because the intent for ordinance setbacks is safety, emergency access and space for utilities and as is the case on Pitcher Street, it helps with safety and access because there will be a convenient loop from west to north and if your entering off Pitcher, which all the trucks will, they'll be able to enter west and go to Prouty Street, where they will always exit to the east, back toward Pitcher Street. He added they are maximizing the area west of the building for the underground storm system and on Prouty Street, they will be maximizing the distance from the existing building, which mitigates fire risk for anything that could happen between the buildings and again, easier truck turns in the parking lot and a convenient loop for any emergency vehicles.

Chair Hohler asked for staff comments and Mr. Eldridge stated he wanted to compliment Graphic Packaging International for the community outreach they did regarding their projects, they sent out postcards with a QR code on it, which led to some informational videos and other information about this meeting, as well as the city mailings and added that is a possible reason the property owners have a better understanding of what is happening in that area. He stated there was one piece of feedback from a business that wanted to know what is going to happen to the utilities that run on the south side of Prouty Street, and will they be shifted to the north side of Prouty Street, or relocated someplace else, and Mr. Barkovich helped answer that question, the utilities will remain above ground or buried. He added there were concerns regarding traffic flow on Pitcher Street during construction and said if there are any temporary limitations, that would be handled by the city's public services department. He said there were concerns about the height of the building and in the M-2 District, which is the most intensive zone district, there are no height limits, so that can't be brought into tonight's discussion even though it's a large building and they are trying to mitigate that by moving it further to the east, but he wanted to mention that zone district has no height limit. He stated some of the practical difficulties and the most unique circumstance surrounding this was the size of the campus and the complexities of the operations that go on there, coupled with the improvements that are being made there, will remove the roll train, which stops traffic up to 20 times a day and will reduce the amount of semi-trailers traveling to and from the facility, roughly 100 per day. He added that this zone district requires a perimeter setback of 25 feet and because it is the most intensive manufacturing zone district, it assumes that in order to

protect neighboring properties, there should be a perimeter set back but because it's a parcel within the Graphic Packaging campus, the application for protection of an adjacent parcel isn't necessary and because of the development of this campus over 50 plus years, there are already numerous buildings built to the property line, or almost at a zero setback. Mr. Eldridge said what is proposed is not out of character with the other buildings Graphic Packaging already has on their campus and staff is in support of both variances and they should be discussed separately.

Chair Hohler asked for comments from those in favor and there were none.

Chair Hohler asked for comments from those against and there were two, Mr. Buddy Sasquach and Mr. Matthew Alferink of Wright Coating.

Mr. Sasquach said regarding the zero foot setback and the 25 foot setback, he isn't particularly opposed, except he would like the board to consider the design criteria that goes into the request and if it contains loading docks that are placed zero feet from the road, then a significant portion of business that is conducted that would be on Graphic Packaging property, namely the entrance and egress of the loading dock by large vehicles will be on the roadway, so instead of being like a train with a specified stop, is an arbitrary impediment to traffic because the trucks will be in the roadway while these trucks are maneuvering and it will take multiple passes at times, so if the design criteria for the zero setback includes loading docks, then it should be considered negatively because business will be conducted in the public roadway.

Mr. Alferink, the owner of Wright Coating, stated he understands the reason behind the project and it's great to do something with that level of automation and it's great that Graphic Packaging is growing in our community and as a business operator he can appreciate that, but his biggest concern isn't on the docket because it has to do with the height of the building and it being so close to the road across from them. He said their front office will be shaded because of the building from October through April so it will impact them because it will lessen their view to the south, which is where the sun comes from, and will be a negative experience for their employees and their customers. He said he heard the presenter talk about a visual sound barrier, and maybe that will have some impact from the eastern part of the campus, but he is questioning conveyor noise running in front of their building all the time, and it's running as close to their property as it can possibly run and that is right along the sidewalk but he isn't sure if that would be considered a negative impact since he isn't privy to the design. He added that the only real concern tonight regarding the set back is that with no setback there is no room for construction prepped on the north side of the building and they need all of Prouty to be available because it is the only exit for trucking for their building and blocking Prouty would be detrimental to Wright Coating because their entrance is on North Pitcher but their exit is on Prouty.

Chair Hohler asked for call in comments and there were none.

## **FINDING OF FACT**

Mr. McReynolds moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1421 North Pitcher Street, dated November 27, 2024.

- 2.) 112 notices of public hearing were sent, and one response was received.
- 3.) A public hearing was held before the board and public comments were accepted, which 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:

There were no call ins and there was discussion regarding the overhead conveyor, traffic, safety, and utilities. Also, many of the buildings were on the property lines due to previous variances and this one will be consistent with previous ones.

**Ms. Haan seconded the Finding of Fact.**

Chair Hohler asked Attorney Bear if it's necessary to specifically mention the items in the application and the staff report are included in the finding of fact or is it assumed, and Attorney Bear said it is important to mention it. Mr. Eldridge pointed out that everything pertaining to the request is on the general script and is all inclusive. Mr. McReynolds read item one for the finding of fact.

**Ms. Haan, again, seconded the Finding of Fact.**

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

**Ms. van den Hombergh moved to approve 1), a dimensional variance for 1421 North Pitcher Street from Appendix A, Chapter 5, Table 5.2-1, to authorize a front building setback on Prouty Street of zero, where a 25-foot setback is required in the M-2 District, seconded by Mr. Wark.**

**Discussion:**

Chair Hohler asked Mr. Barkovich about the mention of where the construction prep and staging will be done, and Mr. Barkovich asked Mr. Patterson to speak about that. Mr. Patterson stated that that will take place on another area of the property and the construction will be done in modules and said inside the structure there's steel racking and the ends of the building have steel structures, which hold the rigidity of the building, and between the two end structures there's racking where the paper rolls are stored. He added the racking materials are constructed in modules and will be constructed on site, which will be lifted up to the building while it is being constructed, and they will be building from the north to the south. He said they wanted wider spacing between the two buildings so the trucks can maneuver more easily. Chair Hohler asked if they will be blocking the street and Mr. Patterson said there will be times when the street will have to be blocked, but they will work with the city for proper procedures, but that will mostly be for the tunnels over the road, which will also be built in modules. He stated those will be built in place, including the conveyors inside and the siding, they then lift everything up in one lift, so the intent is to minimize the impact to the surrounding roadways. He added this is the typical construction method of the design team they're working with, to build the conveyors in modules, lift them up, put them onto the structure

that supports them, then move to the next module, which will be scheduled. He stated that the conveyors over their own property will be done on their property, but they will build from the north toward their own building. Chair Hohler asked him to show him on the map and Mr. Patterson pulled up the map and showed him where north is on the map, pointed to Prouty and said the first structure that will go up will be the conveyor structures on the north, then they will start the building construction with the rack structure and will continue the rack structure, toward their own property, to the south. Chair Hohler stated that it wouldn't be practical to put anything on the street once they start and Mr. Patterson answered no and that the tunnel conveyors he was pointing out are approximately 30 feet above the roadway and the edge of the tunnel, going straight down, will be the property line and the building itself will be backwards, the width of the tunnel. Chair Hohler asked how wide the tunnel and Mr. Patterson stated that it is approximately 25 feet, which is the width of the setback and that the face of the building is 25 feet back from the property, and what's encroaching on the setback is the tunnel which is 30 feet in the air and the legs that support it and added that they intend to have only half of the legs that are shown on this rendering. Chair Hohler asked Mr. Patterson to speak to concerns regarding the loading docks and Mr. Patterson stated there are no new loading docks in this building but they will be putting two loading docks adjacent to the eight loading docks they currently have off Pitcher. He then pulled up a picture of plant nine and pointed out the two loading docks that must remain because that is scrap material that is put on the truck and sent to the plant across the street twice a day. Mr. Patterson said one of the reasons they wanted to move the buildings to the north to get the conveyors at the property line, was to widen that space so that when the two trucks come in from Pitcher Street, they will have a nice wide turn to be able to pull in the alleyway between the two buildings and back up to the two loading docks that are shown. He added when they leave, they will come out past the green space on the left to an entrance on Prouty, turn right and go back to a Graphic facility and keep a nice flow so they don't block traffic when trucks are entering or leaving this property. Chair Hohler asked what would happen if the board said no and Mr. Patterson stated they would have to move the building down, which would make the space between the two buildings very narrow, 25 to 30 feet between the two buildings, which wouldn't be good for fire protection, in addition to creating an issue for the truck that has to drive through that narrow alleyway, and make the turnaround, which they now have a smaller radius to back up to the two docks. Mr. Patterson added that Hurley and Stewart have done a good job of analyzing the turn radiuses on the property and have made it so a 50-foot trailer can make these turnarounds with no problem.

Ms. van den Hombergh wanted to state for the record that she agrees with Mr. Alferink, and she feels he has a valid point with the issue of the sun and to be in the dark for seven months, for employees and customers. She said it's on record what the consequence would be if the building were moved and she's not too keen on having zero setback for any type of building, but she does understand with the zoning that they can build to whatever height. Ms. van den Hombergh added that we want to see businesses grow and expand and she understands that this is a good thing for Kalamazoo, but she's not sure that with the zero set back and the sun issue would there be anything that the board could do because as they grow and expand, what if there are more trucks on that street? She stated that they are saying what their intent is but as we move forward in 50 or 20 years, what is the impact of this expansion going to be on those roads and for the residents on the north side? She said maybe Mr. Eldridge could better speak to this, but she has concerns about what that may look like and then we get into a situation where all of these changes have taken place with all of these trucks and conveyors, and now they find themselves in the middle of something, and now what do they do? She wanted to go on record as saying that.

Ms. Harrington agreed with Ms. van den Hombergh and stated that when these cases come before the board, she always feels like she's in an ethical conundrum because this is the United States and when people own property here, no matter how they've acquired it, we don't always do things based on our values, but it's your property which is why she voted yes for the first issue, but your rights end where somebody else's begin, but she thinks it's an imposition on their neighbors with auditory intrusions, layers of sightlines, and the speculative issue mentioned by Ms. van den Hombergh, what our goals are. She added that, unfortunately, many times when we're thinking about our self-interests in this capitalist social construct, and not saying this is their values, but sometimes people that don't have to care don't and it has layers implications on others, including other people that are doing business, and the board has listened to the due diligence and staff support, in spite of what has been said in the news about the impact about the air quality and the impact of Graphic Packaging, which could be considered a trespass. She stated city staff is lauding Graphic Packaging for their outreach, sending out QR codes with the video, but Graphic still didn't do anything to mitigate the risk for their closest neighbor who has to be in the dark for seven months and he's here saying he doesn't want that to happen and Graphic didn't compensate for that, which is indicative of a lot of things for her, so she won't be in support of this variance.

Chair Hohler wanted to know if it was possible to make the building taller, to allow for the amount of square footage and remove a part of the building that's on Prouty in order to push the building back to meet the setback requirements and Mr. Patterson said the need is based on their need and production capacity, so 41,000 is the minimum needed to eliminate the truck traffic to these other facilities and the height of the building is at the maximum of the capability of the equipment and the reason it's so high is because they can't go wider. Chair Hohler asked if they could go wider and Mr. Patterson said they could, but they would have to do storm water collection and it would have to have a facility on the property, and they would have to make room for that by moving the building also, and that storm water facility would be in the driving path of where the trucks would come in and back up so that's in that location and they're also trying to make room to put some green space along the west property line, which is at the railroad tracks, they're also trying to put green space along the property line to shield some of the private property on the other side of the railroad tracks.

Ms. Harrington asked if this is the only place they can put the building on the property and Mr. Patterson said this was the only place that was cost effective due to the cost of the conveying system because the paper is across the street to which Ms. Harrington said so instead of Graphic incurring that cost, the community now has to because while it's convenient for them, it will impact the community.

Mr. Eldridge asked to speak and said they weren't here to discuss the height of the building and if the conveyor system wasn't attached to the north side of the building, facing Prouty Street, they wouldn't be there asking for a variance for that frontage because the building is set back 25 to 30 feet from the front property line, so the 14 story building is permissible in this zone district and Chair Hohler added there would still be some building on the ground level, such as the uprights, but not just a sheer 140 foot wall, is what Mr. Eldridge is trying to say and Mr. Eldridge said that's pretty much what you would have, the conveyor system is roughly three stories tall, so what is extending into the setback is only three stories tall, and the building itself goes up an additional 11 stories so what he's trying to say is if the conveyor was put somewhere else, they wouldn't be

asking for a variance. He added that the part of the building that is concerning to them, they can legally place it where they're proposing to place it. Chair Hohler said he understands but to Ms. Harrington's point, just because of the height of the building isn't before them doesn't mean they can't consider it when voting on the variance and Ms. Harrington said she thought the role of setbacks, or at least an aspect, is to provide for sightlines and asked isn't that why setbacks exist in the first place and Mr. Eldridge said yes but for this manufacturing zone district, it was more to mitigate the impact of heavy industrial uses on surrounding properties, which it's why there is a perimeter setback of 25 feet and the manufacturing application is a little different than a commercial building being constructed for retail space. Ms. Harrington asked if he was saying that in an industrial landscape that the sight line aspect is not as important as it would be in a residential and commercial district and Mr. Eldridge said yes because in the lesser intensive M-1 zone district there can be a zero setback, but when you get into the M-2, then it's a 25 foot perimeter setback.

Ms. Haan asked if it's really ok to consider height even though it's not on the table and Chair Hohler said if it's something that makes you less charitable when considering your vote then you can, you just don't voice it.

Ms. Harrington asked if there is something in the code that specifically states height can't be considered or is it something that is done because it has always been done and Mr. Eldridge stated there is no height limit in the M-2 zone district, so it boils down to looking at the criteria when there is any doubt on how to evaluate a case.

Ms. Haan said her other question is if they were set back, how much would the shade impact the neighbor and Mr. Hurley said they put the conveyor on the north side of the building for that reason and Wright Coatings traffic patterns are similar to what they are proposing because they exit on the west side of the building, and they will be exiting there as well, so they tried to line up those two areas which requires that to get pushed over as well.

Mr. Wark wanted to know if the board declined the zero setback, would the building still be the same height and Mr. Hurley said yes. Mr. Wark stated that the only thing the board would be doing by not approving the setback would be to affect the trucks and emergency vehicles from getting in there and Mr. Hurley said yes and there won't be any doors on Pitcher and that's part of the reason they wanted to move the buildings to the corners, so they can have activity on the property, away from the general public. He added there will be a lot less truck activity on the property than there is now and right now there are 130 parking spots that turn over two or three times a day and the building would cast a shadow, but that would happen anyway.

Chair Hohler asked if they could move the building west, closer to the railroad tracks, and swing the conveyor onto Pitcher Street so that they won't need the variance and Mr. Hurley stated they don't want to ask for a setback variance just because and a lot of thought has gone into how this is going to work, they're just trying to explain that they feel the benefits of doing the zero foot setback is justifiable and they think it improves other aspects of the property, other than the height of the building, which wouldn't change anyway. Mr. Barkovich added as far as shifting it west, it creates a pinch point in the southwest corner of the parking lot where trucks are currently coming in and reversing into the loading docks and for any emergency vehicles that would need to get back there as well and the closer the building is to the loading dock, it makes that pinch point less safe. Chair

Hohler said he isn't asking it to be moved to the south and Mr. Barkovich stated south and west would be moving it in the same direction.

Mr. Wark asked them to show him on the map where Wright Coating is located, which is north of the property, Mr. Wark said most of the sun comes from the south and the west, Mr. Hurley agreed and added that especially this time of year the sun is pretty far down in the south and moving the building back 25 feet will still end in the same result. Chair Hohler stated that this time of year the sun sits so low in the sky that it will be behind the building all day and Wright Coating is in shadow six months out of the year but his question was if they could shift things around, regardless of height, they wouldn't need to be there. Ms. Harrington stated that no matter what they do, it will negatively impact the neighbor and Chair Hohler said that's what the neighbor thinks.

Ms. van den Hombergh stated maybe Mr. Eldridge can help, but she still has concerns, and she doesn't like the zero-setback allowing the building so close to the road, she then asked to go back to rendering that showed the loading docks. She referred to the items on the bottom of the picture and asked what they were being used for and Mr. Hurley stated those are the columns holding up the conveyor belt system and pointed out on the rendering the 140 foot structure, the part of the building that is at zero feet, and another part that is about five feet back, and the building, which is 25 feet back. Ms. van den Hombergh asked if the cursor (shown on the screen) is right at the road, Mr. Hurley said yes, so she asked what the square items at the bottom by the road are and Mr. Hurley stated they are the steel columns holding up the conveyor system that's covered. She said she wanted to revisit because there are legitimate concerns about traffic backups and from her seat, it looks like doors. Mr. Hurley added for this to even work, they had to get an aerial easement and added there are several areas in downtown Kalamazoo that require building to the right of way, and it just makes everything line up and all of the activities can take place behind the building and said they spent six months on it. Ms. van den Hombergh stated that she, like Ms. Harrington, wanted to be sure she is 100% clear on that part. Ms. van den Hombergh wanted to speak about the sun and the height of the conveyor system and Mr. Hurley said the building is already back to where they can build it but in theory they are only asking that the conveyor system be at the zero foot setback and the point he was trying to make is that it is also an aerial easement so he supposed they can apply for one of those.

Ms. Harrington wanted to be clear that the request is so that their process within their system can be completed with more ease in spite of the fact that it would be an impediment to their neighbor in a variety of ways and Mr. Hurley said they are asking for the zero setback for safety reasons and so that all of the activity can take place behind and to the south of the building and added that the fire marshal is in favor because he really wanted the access around the back of the building and out to Prouty, and moving the building to the east would allow the trucking activity for this building and Wright Coating to operate as it does today.

Mr. Eldridge suggested that Mr. Hurley share one of the PowerPoint images with the board and explained they worked several years with the city to come up with a campus master plan. Mr. Hurley showed the image of the proposed building, which also showed the access drives into both Graphic Packaging and Wright Coating and pointed out the negative effects of moving the building, adding that at that point some of the activity would have to move to Pitcher Street, he also showed how far back the building is from the road and also pointed out where the overhead conveyor system is located. Chair Hohler remarked that the conveyor system is just a tunnel and

Mr. Hurley agreed, then Chair Hohler asked how wide the conveyor system is and Mr. Hurley pointed out a wider part of the conveyor that's 15 feet from the property line, and an even wider part that almost butts up to the property line and Chair Hohler said that if the conveyor could go anywhere else, they wouldn't need the approval with respect to Prouty Street and Mr. Hurley agree. He showed an area on the drawing that shows the only accessible door into the building is for maintenance to get in and out, then he pointed out the access area that the fire marshal looked at and added that the best part was moving the parking lot to another location and automating the new building.

Chair Hohler reminded that the motion and the second was to approve the dimensional variance related to the setback on Prouty Street and Ms. Harrington stated that one of the criteria is that granting the variance will not adversely affect adjacent land in a material way.

Mr. Wark wanted to comment that this is a variance for a setback and because of the safety issues that have come up, he will vote for the variance, Ms. van den Hombergh agreed.

Ms. Harrington asked Mr. Wark to repeat what he said, and he restated his reasons for approving the zero setback, most of all being that the fire marshal came and approved the space between the buildings, he added that for him it has nothing to do with the height of the building or the neighbor. Mr. Eldridge added that the maneuvering lane will be 48 feet wide and if the building is moved, that space will be cut in half and that wouldn't work for the turn radius of a fire truck or a tractor trailer.

Ms. van den Hombergh wanted to know if this is approved and because the neighbor is already in the shade and with the height, can Mr. Eldridge speak to that and he said that he doesn't think 25 feet is going to make a huge difference, given that it is a 140-foot-tall building.

**Motion for the dimensional variance was approved by a five to zero roll call vote with Chair Hohler, Ms. Haan, Mr. McReynolds, Ms. van den Hombergh, and Mr. Wark voting yes, and an abstention by Ms. Harrington.**

**Mr. Wark moved to approve the application for dimensional variances, made by Graphic Packaging International for 2) a dimensional variance for 1421 North Pitcher Street from Appendix A, Chapter 5, Table 5.2-1, to authorize a front building setback on North Pitcher Street of zero, where a 25-foot setback is required in the M-2 District. The building setback variances are for a new paper storage facility, seconded by Mr. McReynolds**

**Motion for the dimensional variance was approved by roll call vote of five to zero with Chair Hohler, Ms. Haan, Mr. McReynolds, Ms. van den Hombergh, and Mr. Wark all voting for the variance, with one abstention by Ms. Harrington.**

#### **OTHER BUSINESS:**

Meeting on the go Master Plan 2035 and acknowledgement of the Zoning Board of Appeals schedule for 2025.

**The Zoning Board of Appeals schedule for 2025 was approved by voice vote.**

Mr. Eldridge explained for the viewing audience this meeting on the go is to collect feedback on the MasterPlan 2035. The board will be discussing various city improvements and their approval, or disapproval, of these items.

Ms. Haan and Ms. Harrington presented Meeting on the Go for Imagine Kalamazoo 2035. Each board member received a packet of topics and Ms. Haan went over the rules of the meeting. The topics included: Kalamazoo's changes and challenges, defining a healthier and happier city, how can Kalamazoo become healthier and happier, and partnerships and community. Ms. Harrington asked if participation in these activities should be from the point of view of a Zoning Board of Appeals board member, or a constituent and Mr. Eldridge stated he has seen it done as both. Ms. Haan explained that the groups' priorities need to be recorded and turned in to the city.

**ADJOURNMENT:**

**The meeting was adjourned at 9:49 p.m.**

**Submitted By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Recording Secretary

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_  
City Staff

**Approved By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Chair



# Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **1/9/2025**

Item: **D.1.**

**TO:** Zoning Board of Appeals

**FROM:** Reviewed by: Christina Anderson, AICP, City Planner/ Deputy Director of CPED  
Prepared by: Pete Eldridge, AICP, Assistant City Planner

**DATE:** January 9, 2025

**SUBJECT:** ZBA # 25-01-01: 1114 Division Street. Carl Wiggins, property owner, is requesting a variance from Appendix A, Chapter 4, 4.3 D 1, to authorize a building setback for an accessory structure (garage) of .5 feet where the required setback is a minimum of three (3) feet from a side property line for an accessory structure located in the rear yard.

## BACKGROUND:

The property at 1114 Division Street is in the RM-15 District. The property is improved with a 1,282 square foot single-family home constructed in 1902. The property is 33 feet in width with a depth of 96 feet. The driveway is a shared driveway with an established easement. However, most of the driveway used by the two property owners is on 1114 Division Street as the original easement is very close to the neighbor's house. The property did not have any accessory buildings in the rear yard until the Fall of 2023, when a prefabricated detached accessory building was delivered to the site. This 10-foot by 18-foot structure does not require a building permit as it is less than 200 square feet, but it must meet the required building setbacks which include a three (3) foot setback from the side and rear property lines for accessory structures in the rear yard.

A complaint was received in the Spring of 2024, regarding the new accessory structure being almost on the side property line. Measurements confirmed that the new accessory structure is 6 inches from the side property line and 3 feet from the rear property line. The neighbor's garage is legal nonconforming at one foot from the side property line. A zoning violation notice was sent to the property owner requiring the new accessory structure be moved to comply with the building setback. The property owner, Mr. Wiggins, contacted staff and indicated that movement of the accessory structure 2.5 feet from the side property line would not allow him to drive straight into the garage as the rear corner of the house would then obstruct the pathway. Mr. Wiggins then applied for the variance to keep the accessory structure in the current location. Staff has taken field measurements and observed the garage could be turned and placed on an angle in the rear yard for ease of access and to meet the required setbacks.

## STRATEGIC VISION ALIGNMENT:

### Strategic Goal and Master Plan Impact:

This property is residential, which is in alignment with both zoning and the 2025 Master Plan Future Land Use Plan.

## COMMUNITY ENGAGEMENT:

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

### Appropriate Depth of Engagement

A public hearing notice was placed in the newspaper and notices, dated December 23, 2024, were sent to the property owners and occupants within 300 feet. A notice was also sent to the Edison Neighborhood Association.

### 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.

**There are no special circumstances or conditions that are peculiar to the land or structure.**

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

**The circumstances are the result of the actions of the applicant as the accessory structure was placed out of compliance with the Zoning Code in this location by the applicant in the Fall of 2023.**

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 Ordinance does not deprive the owner of right enjoyed by others. The Ordinance requires all accessory structures to meet the three-foot setback from the**

**side property line when located in the rear yard. The structure can be placed to both meet the Code and provide direct access.**

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.

**No, this request is not the minimum action which will make use of the property that is not contrary to the Ordinance. There is a conforming alternative which should be considered.**

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

**The granting of the variance may affect adjacent land as it will place the accessory structure closer than three feet to the property line and result in two accessory structures approximately 21 inches apart.**

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 not be consistent with the Ordinance as the accessory structure can be relocated in the rear yard and meet the building setbacks.**

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 to the requested building setback variance.**

## **RECOMMENDATION:**

Staff does not support the granting of this variance as it does not meet the above review criteria. There is a conforming alternative.



## Community Planning & Economic Development

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Rec. 11/22/24  
PLS

### ZONING BOARD OF APPEALS APPLICATION

| APPLICANT INFORMATION                                                                                                                                         |                                                                                                              |                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Name: CARL MICHAEL WIGGINS                                                                                                                                    | Mailing Address: 1114 DIVISION ST.                                                                           |                                                                                             |
| City: KALAMAZOO                                                                                                                                               | State: MICHIGAN                                                                                              | ZIP Code: 49001                                                                             |
| Phone: 269 366 0912                                                                                                                                           | Email:                                                                                                       | Preferred Contact: <input type="checkbox"/> Email <input checked="" type="checkbox"/> 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: SAME AS ABOVE                                                                                                                                           | Mailing Address:                                                                                             |                                                                                             |
| City:                                                                                                                                                         | State:                                                                                                       | ZIP Code:                                                                                   |
| Phone:                                                                                                                                                        | Email:                                                                                                       | Preferred Contact: <input type="checkbox"/> Email <input type="checkbox"/> Phone            |
| PROPERTY INFORMATION                                                                                                                                          |                                                                                                              |                                                                                             |
| Property Address(s): SAME AS ABOVE                                                                                                                            |                                                                                                              |                                                                                             |
| Parcel Identification Number(s): 06-23-333-003                                                                                                                | Zone District ( <a href="http://kalamazoo-city.org/maps">kalamazoo-city.org/maps</a> ): RM-15                |                                                                                             |
| TYPE OF REQUEST                                                                                                                                               |                                                                                                              |                                                                                             |
| <input type="checkbox"/> Dimensional Variance from Chapter(s) _____, Section(s) _____                                                                         | <input type="checkbox"/> Appeal of an Administrative Decision                                                |                                                                                             |
| <input type="checkbox"/> Use Variance to allow _____                                                                                                          | <input type="checkbox"/> Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____              |                                                                                             |
| <input checked="" type="checkbox"/> Natural Features Protection Variance                                                                                      | <input type="checkbox"/> Temporary Use Approval                                                              |                                                                                             |
| Reason for Request:<br>TO ALLOW PLACEMENT OF OUTBUILDING                                                                                                      |                                                                                                              |                                                                                             |
| ATTACHMENTS                                                                                                                                                   |                                                                                                              |                                                                                             |
| <input type="checkbox"/> \$ 300 Fee                                                                                                                           | <input type="checkbox"/> Type Plan detailing variance request, plat, site plan, sketch plan can all be used. |                                                                                             |
| <input type="checkbox"/> 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: Carl M. Wiggins                                                                                                                       |                                                                                                              | Date: 11-22-2024                                                                            |
| Signature of Owner (if different than applicant):                                                                                                             |                                                                                                              | Date:                                                                                       |



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### ZONING BOARD OF APPEALS

## DIMENSIONAL VARIANCE REVIEW SHEET

### General Information

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

THE POSITION OF THE OUTBUILDING WAS FOR ACCESS TO PARK A CAR INTO. IF I MOVE IT 2' TO THE RIGHT I WON'T HAVE ACCESS FOR A CAR. I CANNOT PARK A CAR IN THE DRIVEWAY BECAUSE IT IS A EASEMENT FOR ME AND MY NEIGHBOR. THE STREET PARKING IS 40 YARDS AWAY. I AM A 100% DISABLED VETERAN AND HAVE TROUBLE WALKING.

### Review Criteria for Dimensional Variances

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

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

YES MY BUILDING IS METAL AND DOES NOT BURN AND TO MY KNOWLEDGE TO CODE IS SO A FIRE DOES NOT SPREAD TO AN ADJACENT PROPERTY. SO MY BUILDING WOULD BE A DETURENT OF A FIRE SPREADING TO MY PROPERTY

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?

NO, THE HOUSE IS 120 YEARS OLD, DRIVEWAY IS SHARED, HOUSE IS CLOSE TO SOUTH PROPERTY LINE LIMITING ACCESS TO GARAGE

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

YES NEIGHBORS WOOD GARAGE IS RIGHT ON MINE AND HIS PROPERTY LINE THATS IN VIOLATION OF THE SAME CODE YOU WANT TO ENFORCE ON ME!



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

YES

Will the granting of the variance negatively affect adjacent land?

NO

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

YES

### Additional Criteria for Variance Requests for Required Landscaping

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

YES

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

YES



View Looking Down Shared Driveway



Measurement from Adjacent Garage



**View of Rear Yard from Driveway**

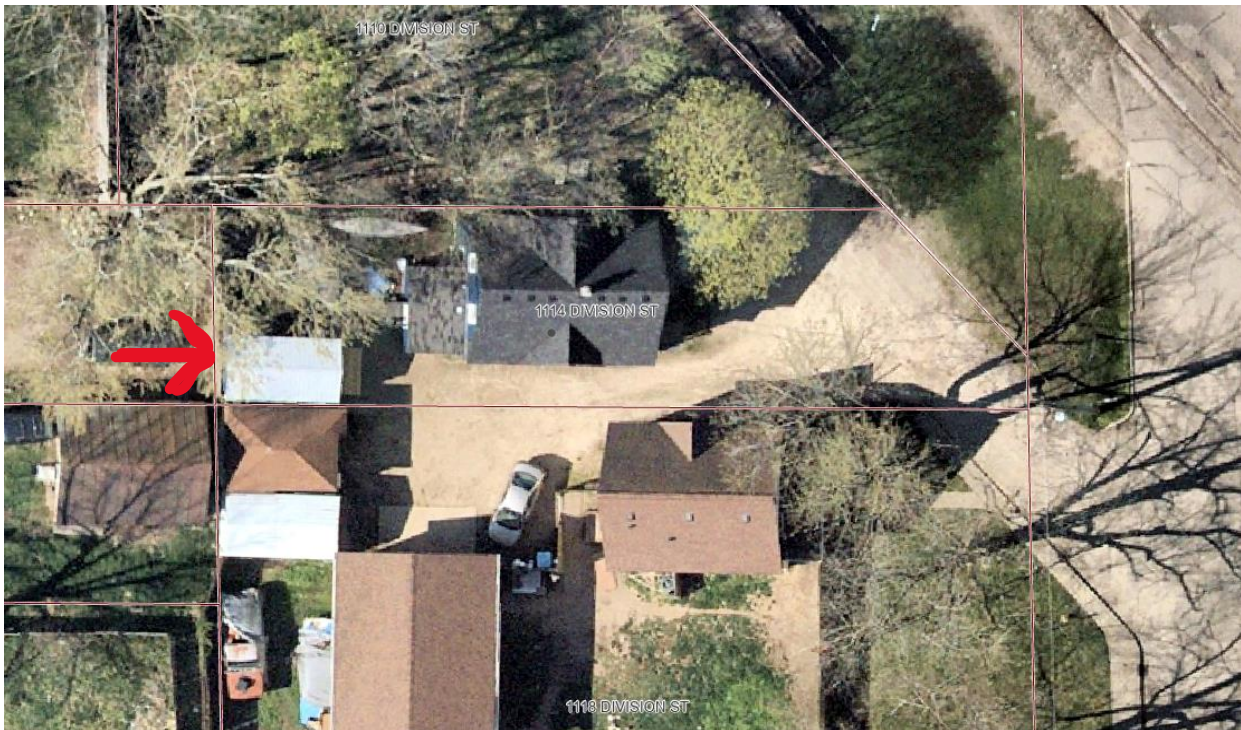


**Additional View of Rear Yard**

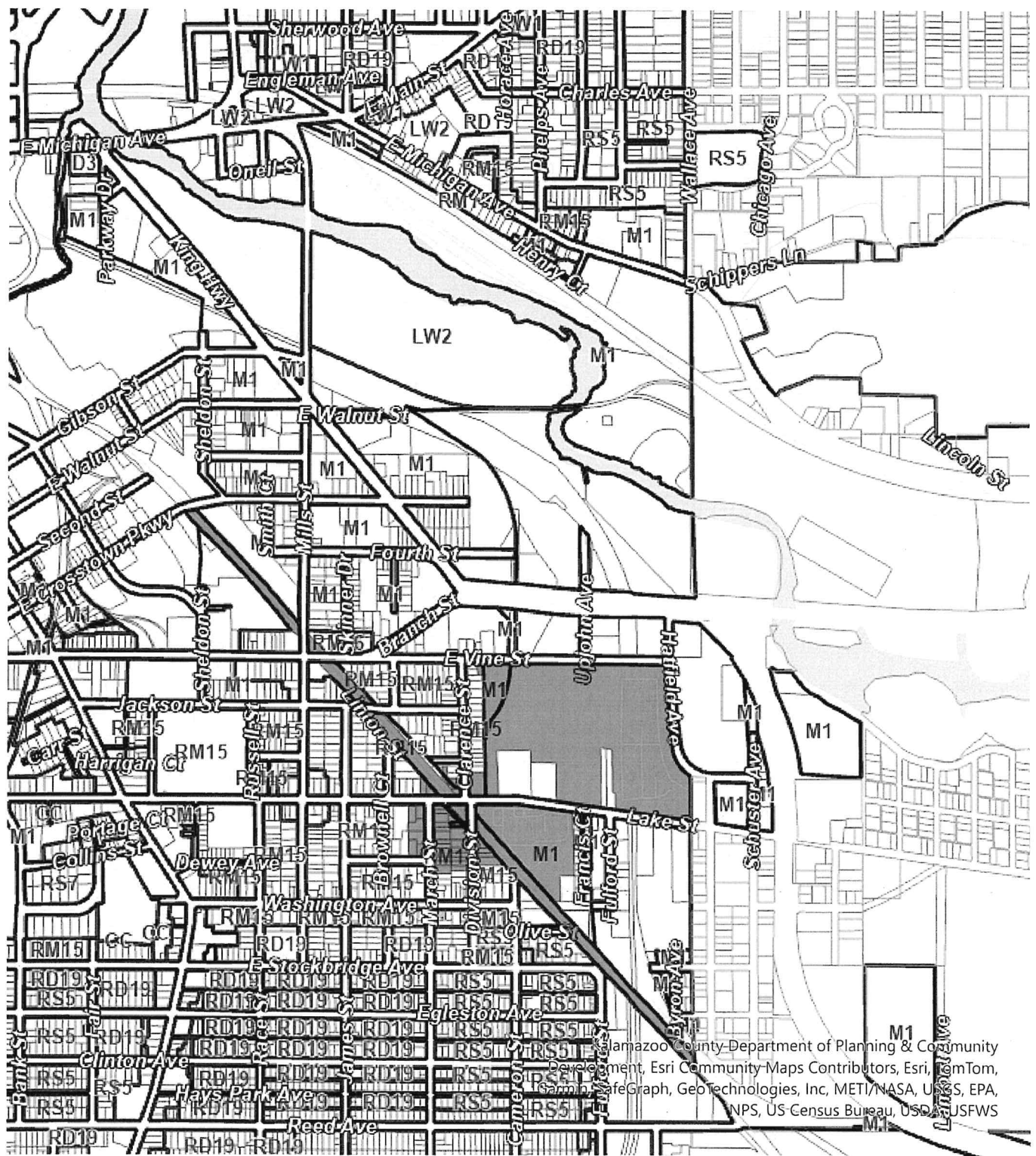
## 1114 Division Street



2023 Aerial View (No Garage)



2024 Aerial View (New Garage Shown in Image)



## Parcels within 300' Mailing Radius 1114 Division St

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



0 420 840 1,680 ft

Kalamazoo County Department of Planning & Community Development, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



# Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **1/9/2025**

Item: **D.2.**

**TO:** Zoning Board of Appeals

**FROM:** Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of CPED  
Prepared by: Pete Eldridge, AICP, Zoning Administrator

**DATE:** January 9, 2025

**SUBJECT:** ZBA #24-01-02: 1609 Whites Road. The Kalamazoo Country Club (CD-1909, LLC) is requesting a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the new pump house for the golf course irrigation system to encroach into a protected slope and protected slope setbacks.

## BACKGROUND:

The project is located at the Kalamazoo Country Club, 1609 Whites Road, in the RS-5 District and Natural Features Protection Overlay. The proposed project is a new 30-foot by 40-foot pump house building. The current pump house cannot meet the needs of the future site development; as a result, a new and larger pump is planned. The prior location selected and granted an NFP variance on March 14, 2024, has proven problematic. Due to the lack of depth in the lake along the northwest side, the irrigation line would need to extend further into the lake. Additionally, a sanitary sewer line was discovered near the selected location and the directional boring under the adjacent trees would be more logistically challenging than originally understood. The revised location is next to the current pump house. The footprint of the building is 1,200 square feet, about double the size of the original planned pump house. This will disturb a protected slope and slope setbacks, but no protected trees or critical root zones will be impacted.

This application went before the Natural Features Protection Review Board on December 10, 2024. At that meeting, the design team for the developer noted why a new location was being pursued and the reduced impact of this new location on the natural features. The pump house will be partially recessed within the slope, minimizing the height of the building. KCC has worked directly with the State of Michigan (Department of Environment Great Lakes and Energy) on the new permit to construct and operate the new pump. The NFP Review Board unanimously approved a recommendation to the Zoning Board of Appeals supporting the granting of this variance.

## STRATEGIC VISION ALIGNMENT:

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

Strategic Goal and Master Plan Impact:

This project aligns with the Strategic Goals of Complete Neighborhoods as the Kalamazoo Country Club provides recreational amenities that area residents can utilize with a club membership. This project will not change the use of the subject property.

**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, dated December 23, 2024 were sent to the property owners and occupants within 300 feet. A notice was also sent to the Oakwood Neighborhood Association. It should further be noted that the a public hearing notice was sent to surrounding residents before the NFP Review Board Meeting on December 10, 2024.

Engagement/Communication Tools:

Newspaper, mailings and applicant outreach.

**FINDINGS:**

Staff has made the following findings regarding this request:

Relief from the NFP Overlay District Standards in § 50-6.2 may be granted when all the following conditions are met:

The parcel cannot be reasonably utilized for its zoned use without the requested relief.

**The property at 1609 Whites Road will continue to be used for outdoor recreation use (golf course) in the future, which is a permitted use in the RS-5 District. However, the pump house is a necessary element of maintaining the golf course. Without the pump house there would be no means for irrigation for the course during the summer months.**

The extent of relief requested is the minimum needed to permit reasonable utilization of the site.

**This is the minimum action that will allow the irrigation for the current golf course to continue and have capacity for the future expansion. The revised location will impact only protected slope and slope setback, but not the protected trees or critical root zones like the request approved in March of 2024. Further, because this side of the lake is slightly deeper there will be shorter pipes extending from the shore and no directional boring is needed to tunnel under trees. This new pump house will be able to irrigate the entire KCC facility from the northeast side of Whites Lake.**

It is demonstrated that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the NFP Overlay District.

**The development team reviewed with the NFP Review Board the new location proposed. The prior approved location turned out to be near a sanitary sewer line and the direct boring under the trees was going to be more challenging than originally anticipated. This new location next to the original pump house will have less impact on the natural features. The overall changes proposed for this parcel include increasing the greenspace by removing 3.3 acres of impervious surfaces with 500 feet of White Lake and an additional 2.6 acres of impervious surfaces outside this protected area. Further, permits from the city and EGLE are required before this new pump house can be put in operation**

The requested relief is balanced by the use of conservation and/or green development tools and actions, such as utilizing stormwater BMPs from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a natural feature on the site, or use of wild-type native plants or desired trees as detailed in Table 6.2-5, Replacement Tree List.

**The water efficiency of the new irrigation system will be greatly improved with more sprinkler heads and be more precise in the allocation of water on the golf course. It was further mentioned that they hope to use less water with the system even though the new pump is larger, and the golf course is being expanded.**

#### **RECOMMENDATION:**

Staff recommends approval of the variance as it meets the review criteria and is supported by the NFP Review Board.

# Zoning Board of Appeals Application



|                      |                           |
|----------------------|---------------------------|
| Submitted on         | 11 December 2024, 10:46AM |
| Receipt number       | 44                        |
| Related form version | 14                        |

## Introduction

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

## Applicant Information

|                              |                                                                                           |
|------------------------------|-------------------------------------------------------------------------------------------|
| Name                         | John Fulling                                                                              |
| Organization (if applicable) | Kalamazoo Country Club                                                                    |
| Email Address                | john@kalamazoocc.com                                                                      |
| Phone Number                 | 2699989748                                                                                |
| Address                      | 1609 Whites Rd, Kalamazoo, MI 49008, USA <a href="#">Map</a><br>(42.2550072, -85.6059763) |
| Preferred Contact Method     | Email                                                                                     |
| Are you the property owner?  | Yes                                                                                       |

## Property and Application Details

|                                          |                                                                                                                                                                                                                                                                                      |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property Address                         | 1609 Whites Rd, Kalamazoo, MI 49008, USA <a href="#">Map</a><br>(42.25453988805715, -85.60643236074644)                                                                                                                                                                              |
| Parcel Identification Number             | 06-33-112-001                                                                                                                                                                                                                                                                        |
| Zone District                            | RS-5                                                                                                                                                                                                                                                                                 |
| Type of Request                          | Natural Features Protection                                                                                                                                                                                                                                                          |
| Application Fee                          | \$300.00                                                                                                                                                                                                                                                                             |
| Project Description & Reason for Request | Requesting a variance for protected slopes inside the 500' line around Whites Lake. Purpose is to build a new pump house to replace old (existing) pump house. New pump house will be immediately adjacent to existing. Also requesting same protected slope disturbance variance to |

lightly disturb existing protected slope area for the purposes of removing approximately 5.9 acres of existing impermeable surface and add back 10+ acres of naturalized and native area where there was both impermeable surfaces and mowed turf. Maps attached.

# Natural Features Protection Review Criteria

Please indicate the relevant natural features and the requested variances

Water Resources

Protected Slopes

What variances are you requesting from the requirements for these natural features?

Building a 30' x 40' building (pump station) on a slope more than 20%, within 500' of a water resource. Also, light disturbance of slopes more than 20% within 500' of a water resource for the purposes of removing 3.3 acres of existing impermeable surfaces and adding back 10+ acres of native and naturalized area. Note: 5.9 acres total impermeable to be removed but 3.3 acres are within the 500' line.

Are there reasons the parcel cannot be reasonably utilized for its zoned use without the requested relief?

Yes, a larger pump station is required and there are constraints on where this building can be located.

Is the extent of relief requested the minimum action needed to permit reasonable utilization of the site?

Yes, locating immediately adjacent to the existing and minimizing protected feature disruption.

How can you demonstrate that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the NFP Overlay District?

This building location is the least impactful to the public good and was chosen solely using the intent and purpose of the NFP. The removal of impermeable surface and renovation of former impermeable surface and mowed turf into 10+ acres of native and naturalized area within the 500' of the water resource is a significant environmental improvement to the protected area and benefit to the public good.

Is the requested relief balanced by the use of conservation and/or green development tools and actions, such as utilizing stormwater best management practices from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a natural feature on the site, or use of wild-type native plants or desired trees as detailed in Table 6.2-5, Replacement Tree List?

The requested relief is almost all for the purposes of conservation and green development. Elimination of impervious surfaces, addition of 10+ acres of native and naturalized vegetation around the lake and on protected slopes, reduced runoff, increased stabilization, improved infiltration, etc. etc.

# Supporting Documents

Supporting Documents

[Fescue add 1-a.png](#)  
[500' line slide 2.png](#)  
[Pump stations old-new.png](#)  
[Native compare.png](#)  
[impervious eliminate.png](#)  
[Screenshot 2024-12-09 at 2.46.50PM.png](#)  
[Screenshot 2024-12-04 at 11.39.28AM.png](#)  
[Pump location change.png](#)

# Submit

Your Signature



[Uploaded signature image: signature\\_email\\_version\\_copy.jpg](#)



Proposed Location 1  
(Previously Approved)



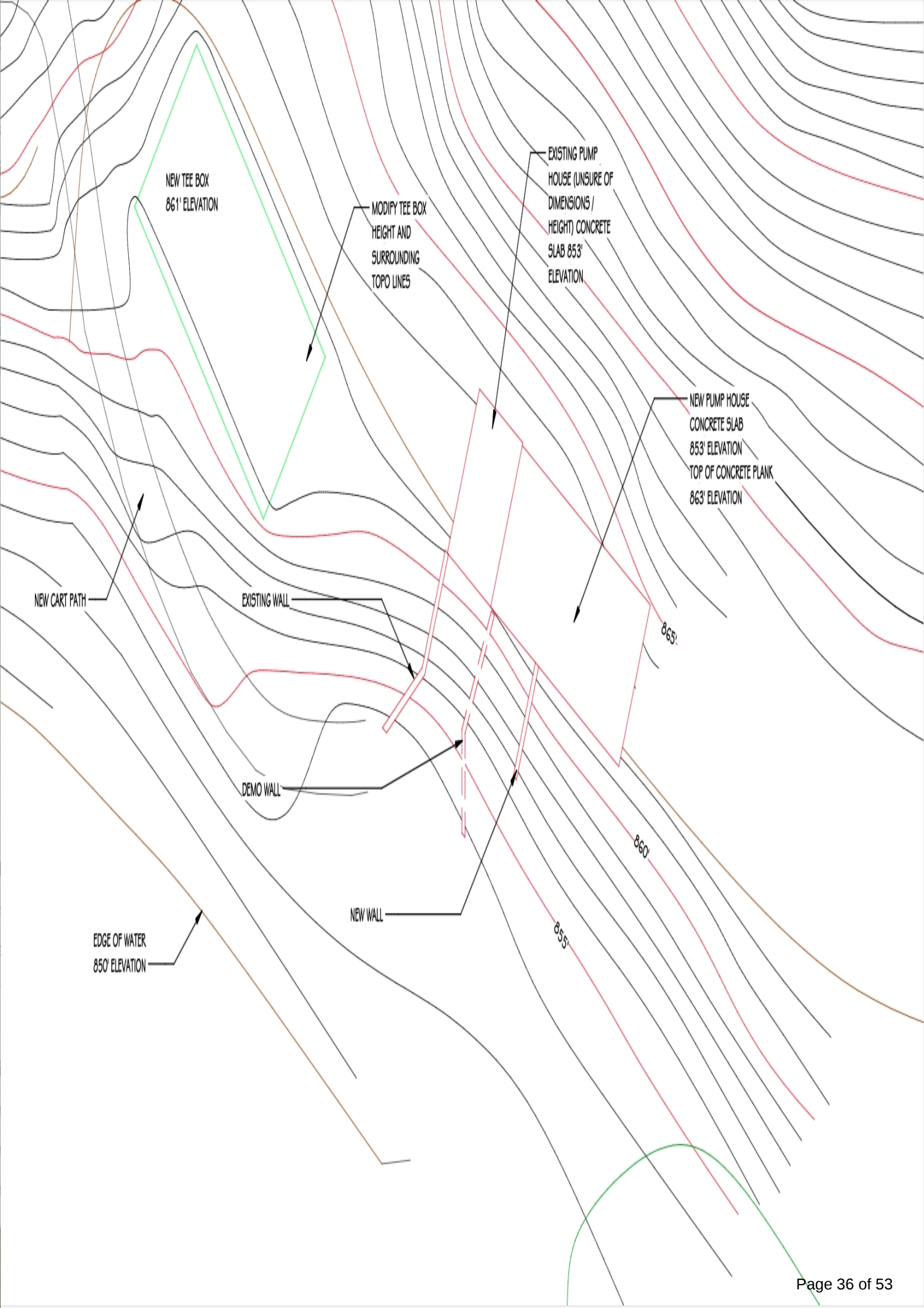
New Proposed Location

Existing  
Pump  
Station

New Pump Station

Existing 14" suction line  
Remove

2 new 12" suction lines  
Add



NEW TEE BOX  
861' ELEVATION

MODIFY TEE BOX  
HEIGHT AND  
SURROUNDING  
TOPO LINES

EXISTING PUMP  
HOUSE (UNSURE OF  
DIMENSIONS /  
HEIGHT) CONCRETE  
SLAB 853'  
ELEVATION

NEW PUMP HOUSE  
CONCRETE SLAB  
853' ELEVATION  
TOP OF CONCRETE PLANK  
863' ELEVATION

NEW CART PATH

EXISTING WALL

DEMO WALL

NEW WALL

EDGE OF WATER  
850' ELEVATION



- 
- MANAGED SLOPES GREATER THAN 20%
  - WOMEN OF STRAW AT TOP/NOTION OF MANAGED SLOPE
  - NATURAL SLOPES GREATER THAN 20%
  - WOMEN OF STRAW AT TOP/NOTION OF NATURAL SLOPE
  - WOODLAND GREATER THAN 1/2 ACRE
  - 25 FOOT BUFFER FROM WATER FEATURES
  - 50 FOOT BUFFER AREA FROM WATER FEATURES
  - TRAIL TO BE REMOVED (207)
  - TRAIL TO BE SAVED (214)

#### NPP QUANTITIES

MANHATTAN SLOPES GREATER THAN 20% WITH SETBACKS  
332,432 SF, 7.6 ACRES  
DISTURBED MANHATTAN SLOPES GREATER THAN 20% WITH SETBACKS  
216,220 SF, 5.03 ACRES  
NATIVE SLOPES GREATER THAN 20% WITH SETBACKS  
40,096 SF, .92 ACRES  
DISTURBED NATIVE SLOPES GREATER THAN 20% WITH SETBACKS  
33,895 SF, .78 ACRES  
2.8% OF AREA IS WOODED (166,479 SF)  
0.5% OF EXISTING WOODED AREA TO BE REMOVED (32,736 SF)

[illegible]



500' line

20%+ slopes

Property line

DELIVERED BY  
4/10/2019



***Eliminate 5.9 acres  
Impervious Surface***



Eliminate 3.32 acres Impermeable Surface

Add 177,080 sf  
Fine Fescue  
&  
Native

Add 86,922 sf  
Fine Fescue  
&  
Native

Add 176,054 sf  
Fine Fescue  
&  
Native

Add 10.1 Acres Fine Fescue & Native Tall Grasses

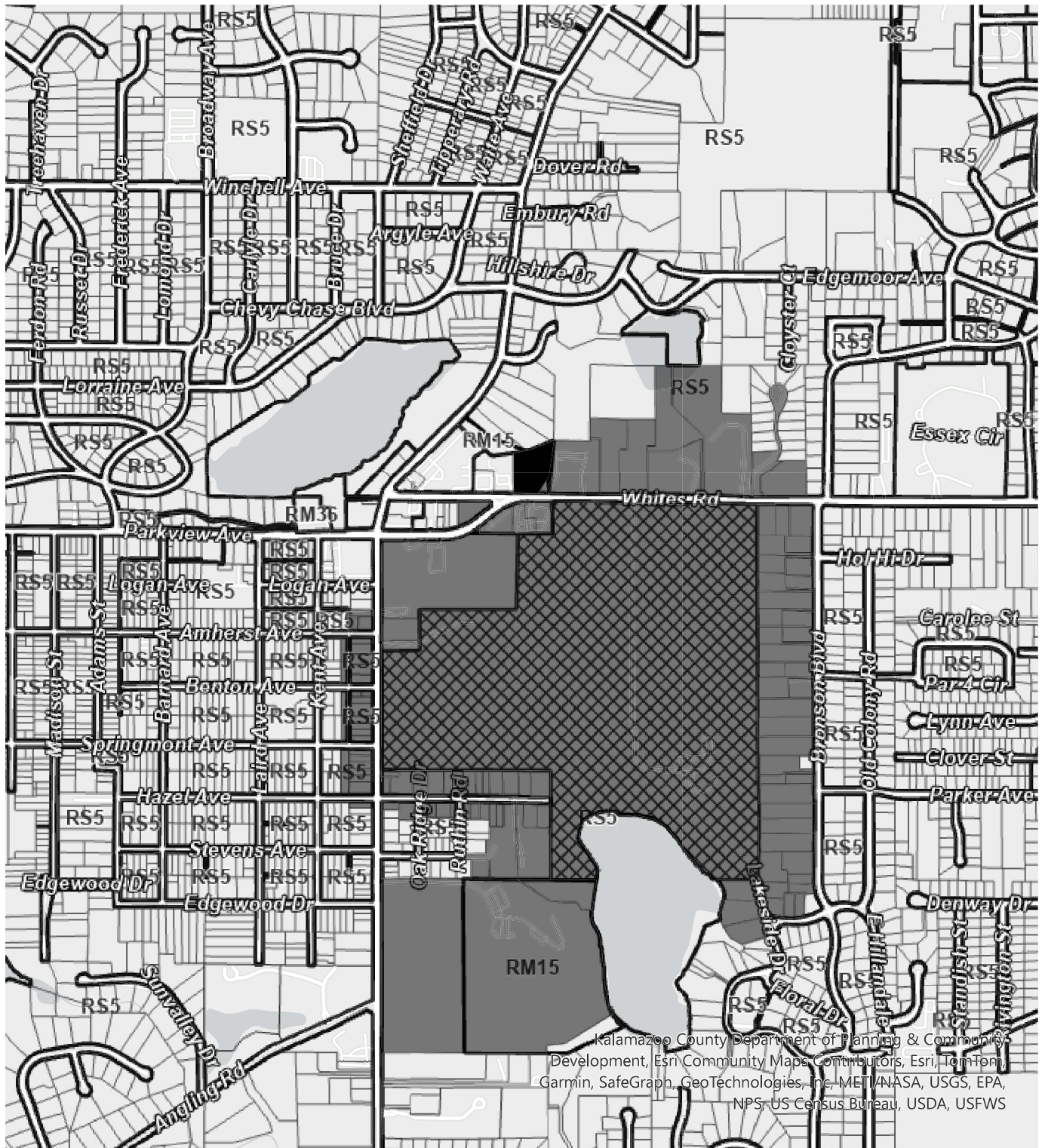


Existing "Native" Area  
110,420 sq ft. (2.53A)

VS

New "Native" Area  
1,355,500 sq ft. (31.12A)

Whites Lake



Kalamazoo County Department of Planning & Community Development, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

## Parcels within 300' Mailing Radius 1609 Whites Rd

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



0 420 840 1,680 ft



# Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **1/9/2025**

Item: **D.3.**

**TO:** Zoning Board of Appeals

**FROM:** Reviewed by: Christina Anderson, AICP, City Planner / Deputy Director of CPED  
Prepared by: Pete Eldridge, AICP, Assistant City Planner

**DATE:** January 9, 2025

**SUBJECT:** ZBA #24-01-03: 3607, 3619 and 3625 W. Michigan Avenue. Interstate Capital Development, LLC is requesting a variance from Appendix A, Chapter 4, 4.2 Q 1. b) 1), to authorize the primary building façade (facing W. Michigan Ave.) to be 318 feet in length, where the Ordinance limits the primary façade to 200 feet for any multi-family residential building.

## BACKGROUND:

The project is located on West Michigan Avenue near the Western Michigan University campus, in the RM-15 District and the Natural Features Protection Overlay (NFP). It should be noted that these properties totaling over 9 acres were part of the large-scale city-initiated rezoning completed in October of 2023. These properties were previously zoned Community Commercial (CC).

The project will redevelop a vacant and blighted former long-term care facility (nursing home), including the demolition of the current building and significant site preparation for on-site stormwater management. The project provides 235 apartment units, a pool, a basketball court, a pickleball court, and other amenities toward the center of the site.

The preliminary plans prepared in 2022 revealed the need for two NFP variances. On October 20, 2022, the Zoning Board of Appeals approved the following Natural Features Protection variances: 1) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development proposed to encroach into a protected slope (which has a grade greater than 20%) and protected slope setback. This will impact approximately 36,590 square feet (.8 acres) of slope and slope setback area; and 2) A variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 G, to authorize the removal of 71.7% of woodlands (an increase of 21.7%). These approvals were conditioned on the future site plan showing a native seed mix, grasses, and trees being planted on the south slope of the new stormwater retention basin. The project has been slowly working through site plan review and recently obtained approval for Brownfield Redevelopment funding.

The updated set of plans received in 2024 includes elevation views of the building. Through

staff review, it was determined that the multi-family standards in Appendix A, had been overlooked. Due to the fact this is not a mixed-use development all applicable standards from Appendix A, Chapter 4, 4.2 Q, apply to this project. The project will meet all the multi-family standards except the length of the primary façade. The primary façade proposed is 318 feet; the Appendix A standards limits the primary façade to 200 feet. The intent of this requirement is to break up large facades, encourage the inclusion of more architectural features on each building, and improve the appearance of the multi-family developments from the public street.

The applicant has devised a design for all 235 units within one building that surrounds a central courtyard with amenity space. The site is flag shaped with the property frontage being roughly half the width of the rear portion of the site. The elevation of the site is highest along the street frontage and then drops down as the parcel runs south. The building is proposed to be located over 200 feet from the front property line and approximately 100 feet of façade extending west will be obscured from view as it will be to the south of (and behind) the existing gas station on W. Michigan Avenue.

#### **STRATEGIC VISION ALIGNMENT:**

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

##### Strategic Goal and Master Plan Impact:

This property is zoned for multiple family and the use is supported through the 2025 Master Plan Future Land Use Plan.

#### **COMMUNITY ENGAGEMENT:**

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

##### Appropriate Depth of Engagement:

A public hearing notice was placed in the newspaper and notices, dated December 23, 2024, were sent to the property owners and occupants within 300 feet. There is no active neighborhood association for the Knollwood Neighborhood.

##### 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 related to the irregular shape of the project site and the existence of defined natural features. This flag-shaped lot limits what can be placed along the frontage. The building is significantly setback from the street; facade design will have little impact on those traveling West Michigan Avenue. Additionally, the development cannot be located further to the rear of the site due to the prevalence of natural features in that area. Therefore, the center of the site is where the apartments must be concentrated and the applicant cannot build a taller building as what is proposed is already at the maximum permitted height of three stories.**

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

**The site conditions are pre-existing and have not been created by the applicant.**

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.

**Holding the applicant to the required primary facade length would result in the building layout being elongated and extended further south which would impact more natural features.**

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

**This is the minimum action that will allow for the redevelopment of the site resulting in 235 new housing units.**

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

**The granting of the variance will not adversely affect adjacent land. If the redevelopment moves forward stormwater management will be vastly improved and the blighted building the neighbors have had to look at for years will be removed.**

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

**The granting of this variance will be consistent with the intent of the Ordinance as the facade visible from the public street will be approximately 218 feet and remaining primary facade will be occluded from view.**

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 to the requested variance.**

**RECOMMENDATION:**

Staff supports the granting of this variance as it meets the above review criteria.



## Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007  
(269) 337-8026 • [www.kalamazoo-city.org](http://www.kalamazoo-city.org)

### ZONING BOARD OF APPEALS APPLICATION

| APPLICANT INFORMATION                                                                                                                                                                      |                                                                               |                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Name: Interstate Capital - Greg Dilone                                                                                                                                                     |                                                                               | Mailing Address: 105 Lincoln St                                                             |
| City: Mount Clemens                                                                                                                                                                        | State: MI                                                                     | ZIP Code: 48043                                                                             |
| Phone: 313.461.8673                                                                                                                                                                        | Email: <a href="mailto:greg@interstate-cap.com">greg@interstate-cap.com</a>   | Preferred Contact: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone |
| PROPERTY OWNER INFORMATION                                                                                                                                                                 |                                                                               |                                                                                             |
| <i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>                       |                                                                               |                                                                                             |
| Name: Kalamazoo Realty Holdings, LLC                                                                                                                                                       |                                                                               | Mailing Address: 40600 Ann Arbor Rd. E. Ste. 201                                            |
| City: Ann Arbor                                                                                                                                                                            | State: MI                                                                     | ZIP Code: 48170                                                                             |
| Phone:                                                                                                                                                                                     | Email: <a href="mailto:simi@hallmark-living.com">simi@hallmark-living.com</a> | Preferred Contact: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone |
| PROPERTY INFORMATION                                                                                                                                                                       |                                                                               |                                                                                             |
| Property Address(s): 3607, 3619, 3625 W Michigan Ave, Kalamazoo, MI 49006                                                                                                                  |                                                                               |                                                                                             |
| Parcel Identification Number(s):                                                                                                                                                           | <small>06-19-454-001<br/>06-19-454-002<br/>06-19-463-001</small>              | Zone District ( <a href="http://kalamazoo-city.org/maps">kalamazoo-city.org/maps</a> ): CC  |
| TYPE OF REQUEST                                                                                                                                                                            |                                                                               |                                                                                             |
| <input checked="" type="checkbox"/> Dimensional Variance from Chapter(s) <u>App A, Section(s) Ch. 4, 4-2 Q (b) - Facades</u> <input type="checkbox"/> Appeal of an Administrative Decision |                                                                               |                                                                                             |
| <input type="checkbox"/> Use Variance to allow _____                                                                                                                                       |                                                                               |                                                                                             |
| <input type="checkbox"/> Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____                                                                                            |                                                                               |                                                                                             |
| <input checked="" type="checkbox"/> Natural Features Protection Variance                                                                                                                   |                                                                               |                                                                                             |
| <input type="checkbox"/> Temporary Use Approval                                                                                                                                            |                                                                               |                                                                                             |
| Reason for Request: Allow for length of a primary facade to be greater than 200-ft as shown on site plan.                                                                                  |                                                                               |                                                                                             |
| ATTACHMENTS                                                                                                                                                                                |                                                                               |                                                                                             |
| <input type="checkbox"/> \$ <u>300</u> Fee                                                                                                                                                 |                                                                               |                                                                                             |
| <input checked="" type="checkbox"/> Type Plan detailing variance request, plat, site plan, sketch plan can all be used.                                                                    |                                                                               |                                                                                             |
| <input type="checkbox"/> Review Sheet for Request Type                                                                                                                                     |                                                                               | Optional: Photos of property, architecture plans, etc.                                      |
| Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support                                                                                     |                                                                               |                                                                                             |
| SIGNATURE                                                                                                                                                                                  |                                                                               |                                                                                             |
| Signature of Applicant:                                                                                 |                                                                               | Date: 12.11.24                                                                              |
| Signature of Owner (if different than applicant):                                                                                                                                          |                                                                               | Date:                                                                                       |

## ZONING BOARD OF APPEALS

# DIMENSIONAL VARIANCE REVIEW SHEET

### General Information

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

The site is proposed to be redeveloped as an apartment complex. The existing site will be demolished and cleaned up to allow for redevelopment. The development is planned to have several amenity upgrades such as a pool, pool house, and sport areas.

The building line that faces north is approximately 318-ft as shown in the attached site plan. The request is to allow for the building layout/primary facade length of 318-ft as shown on the site plan.

### Review Criteria for Dimensional Variances

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

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

The existing parcel is unique in shape (flag lot). The length of the front property line is 316-ft and is skewed along W. Michigan Avenue.

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?

The building configuration is dictated by site constraints (configuration of parcel, elevation changes/protection of steep slopes and NFP features).

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

The requirement should not apply given the shape of the proposed building and the unique shape of the existing parcel.

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?

The amount of building facade perpendicular to the street frontage is limited to approximately 122-ft and meets the intent of the ordinance. See site plan.

Will the granting of the variance negatively affect adjacent land?

Due to the unique shape of the site and the building placement which is 296-ft from the street at its nearest point, there will be no negative impacts to adjacent properties.

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

Yes, the proposed redevelopment will meet the intent of the ordinance for the primary facade. The length of the facade facing the street frontage is approximately 122-ft due to the uniqueness of the parcel shape and building layout/location.

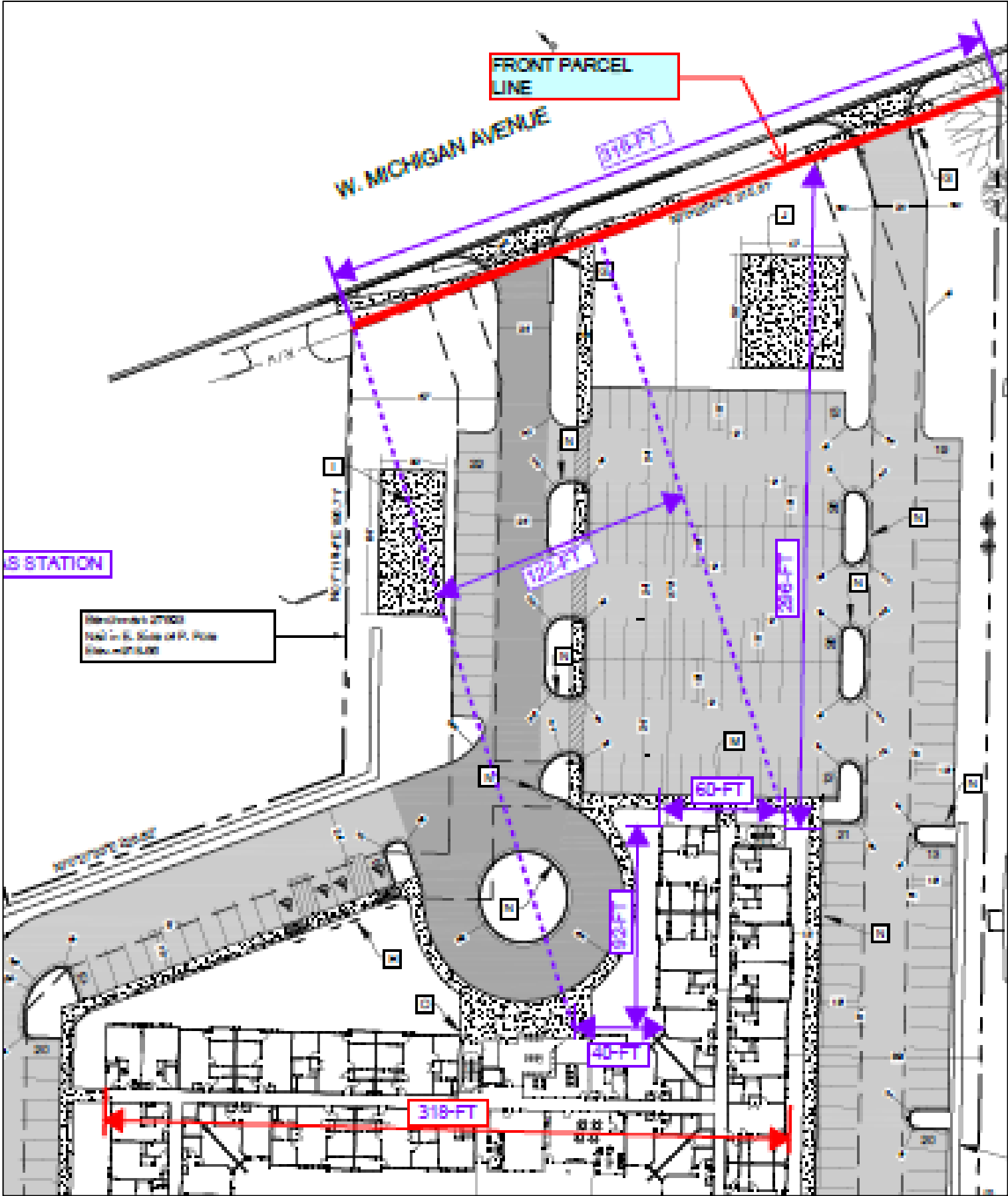
### **Additional Criteria for Variance Requests for Required Landscaping**

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

Landscaping requirements are intended to be met. Existing site features will be preserved where possible. We have received approvals from NFP for variance and site plan review.

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

Landscaping requirements are intended to be met. The project is currently in the site plan review process and will be resubmitted to City staff for final review.



## SITE DATA

- PROPERTY INFORMATION:  
PARCEL #S: PARCEL 1: 06-19-463-001  
PARCEL 2: 06-19-454-002  
PARCEL 3: 06-19-454-001  
  
SITE AREA: 411,971 SF (9.46 AC)  
  
OWNER: KALAMAZOO REALTY HOLDINGS, LLC  
40600 ANN ARBOR RD. E. STE. 201  
ANN ARBOR, MI 48170
- ZONING:  
PROPERTY CURRENTLY ZONED:  
RM-15, RESIDENTIAL, MULTI-DWELLING  
ABUTTING PROPERTY CURRENTLY ZONED:  
NORTH: CN-1 - COMMERCIAL, NEIGHBORHOOD &  
RS-5 - RESIDENTIAL, SINGLE DWELLING  
SOUTH: CC - COMMUNITY COMMERCIAL  
EAST: RM-15 - RESIDENTIAL, MULTI-DWELLING  
WEST: CN-1 - COMMERCIAL, NEIGHBORHOOD; PUD  
  
PROPOSED LAND USE = MULTI-UNIT DWELLING  
"VARIANCE TO ALLOW RESIDENTIAL OCCUPANCY IN THE  
GROUND LEVEL FACING ROAD FRONTAGE"
- SETBACKS  
FRONT = 20'  
SIDES = 20'  
REAR = 5'
- PARKING:  
REQUIRED PARKING PER ORDINANCE  
STUDENTS: 2 PARKING SPACES PER UNIT  
75 STUDENT UNITS \* 2 = 150 SPACES  
MULTI-FAMILY: 1 PARKING SPACE PER UNIT  
160 MULTI-FAMILY UNITS \* 1 = 160 SPACES  
TOTAL PARKING REQUIRED (MAX 10% REQ):  
MIN OF 310 SPACES AND MAX OF 341 SPACES  
  
PROPOSED PARKING:  
STANDARD (9'X18') 321  
ADA COMPLIANT 8  
TOTAL 329
- BUILDING:  
THREE-STORY - 235 UNIT  
UNIT MIX PLANNED FOR:  
118 - STUDIO  
79 - 1 BEDROOM  
36 - 2 BEDROOM  
MAXIMUM HEIGHT: 35-FT  
MIN. LOT AREA: 4,000 SFT  
MIN. LOT AREA PER DWELLING UNIT: 1,500 SFT  
MIN. LOT WIDTH: 33-FT
- IMPERVIOUS AREA:  
231,213 SFT / 411,971 SFT = 56%  
MAXIMUM IMPERVIOUS AREA = 60%  
  
7. DWELLING UNIT DENSITY:  
235 UNITS / 9.46 AC = 24.8 UNITS/AC

## SITE PLAN NOTES

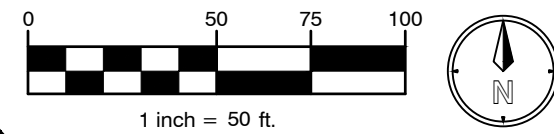
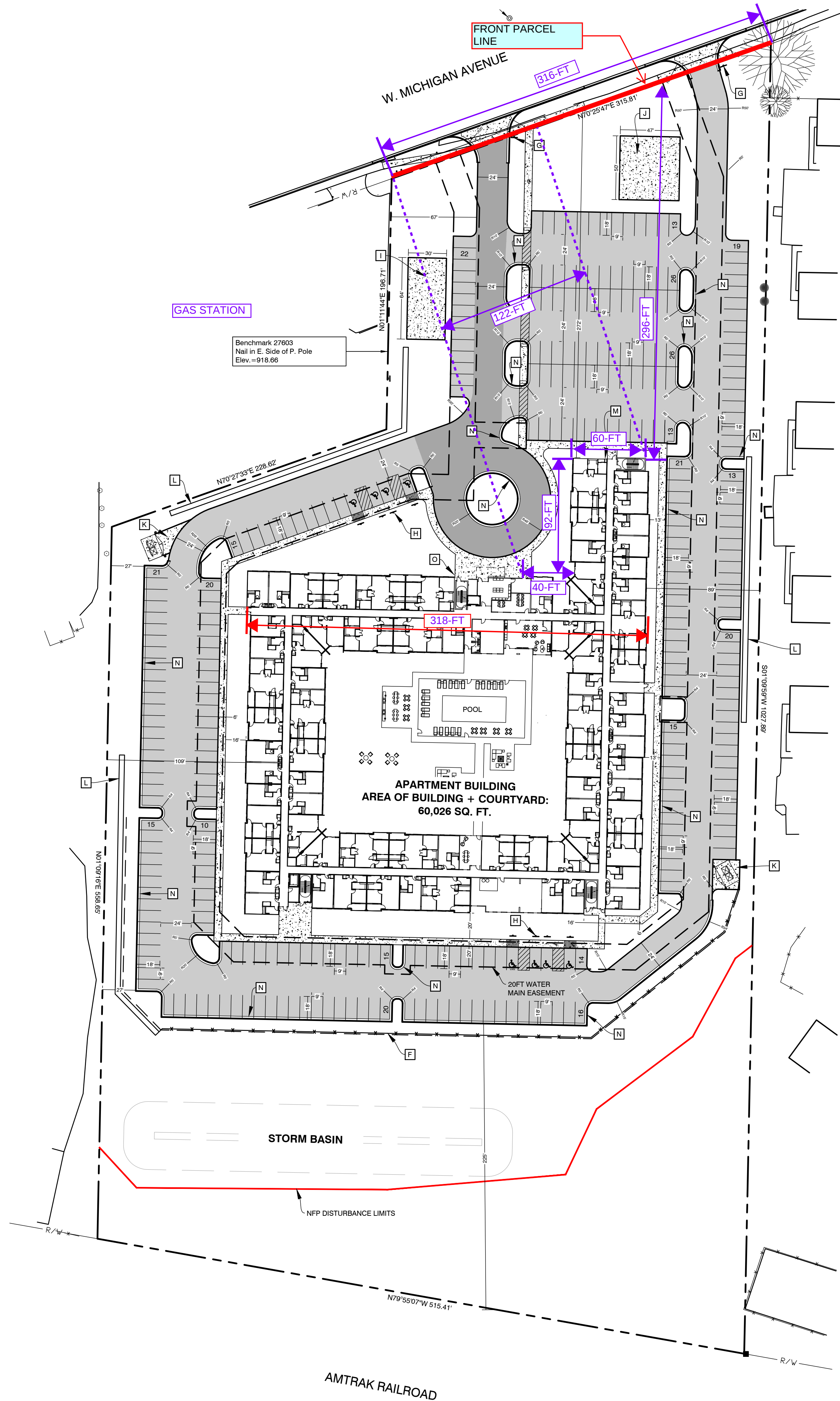
- [A] BITUMINOUS PAVEMENT (SEE DETAIL, SHEET C5.0)  
[B] INTEGRAL CURB/WALK (SEE DETAIL, SHEET C5.0)  
[C] AT-GRADE RAMP (SEE GRADING PLAN)  
[D] DOWNSPOUT (TYP.)  
[E] 4" PAINTED PARKING LOT MARKING/ STRIPING (TYP.)  
[F] 6" VINYL COATED CHAIN LINK FENCE (SEE ARCH PLANS)  
[G] STOP SIGNS (2)  
[H] ADA SIGNS (8) (SEE DETAIL, SHEET C5.0)  
[I] PICKLEBALL COURT  
[J] BASKETBALL COURT  
[K] 6" CONCRETE PAD/LOADING AREA FOR 18' x 18' (MIN.)  
DUMPSTER. AREA FOR (2) STD DUMPSTER (SEE DETAIL  
SHEET).  
[L] REDI-ROCK GRAVITY RETAINING WALL OR APPROVED  
EQUAL.  
[M] 24-INCH ADDRESS NUMBERS ON BLDG. COORDINATE  
WITH CITY OF KALAMAZOO FIRE DEPARTMENT.  
[N] CONCRETE CURB & GUTTER (SEE DETAIL SHEET)  
[O] KNOX BOX, SEE NOTES THIS SHEET.

## KNOX BOX &amp; ADDRESSING REQUIREMENTS

- CONTACT CITY OF KALAMAZOO FIRE DEPARTMENT TO COORDINATE AT  
269-337-8260.
- INSTALLATION OF KNOX BOX. THE SIZE SHALL BE A "3200" SERIES OR LARGER.  
THE VAULT SHALL BE MOUNTED UNOBSTRUCTED AND VISIBLE APPROXIMATELY  
FIVE FEET (60") FROM GROUND LEVEL NEAR A MAIN ACCESS DOOR. DEVICES  
MAY ONLY BE PURCHASED AT [HTTPS://WWW.KNOXBOX.COM](https://www.knoxbox.com). FURTHER  
INFORMATION IS AVAILABLE AT  
[HTTPS://KALAMAZOOPUBLICSAFETY.ORG/FIRE/MARSHAL/](https://kalamazoopublicsafety.org/fire/marshal/)
- THE ADDRESS NUMBERS AND STREET NAME SHALL CONTRAST WITH THEIR  
BACKGROUND.
- ADDRESS NUMBERS SHALL BE AT LEAST 24" HIGH.
- ADDRESS LETTERS INDICATING STREET NAMES SHALL BE 6" TO 24", HEIGHT TO  
BE APPROVED.
- BUILDING IDENTIFICATION SHALL BE PLACED IN A POSITION THAT IS PLAINLY  
LEGIBLE AND VISIBLE FROM ANY STREET OR ROAD FRONTING THE PROPERTY.
- THOSE PROPERTIES FRONTING MORE THAN ONE STREET OR ROAD SHALL  
IDENTIFY THE ADDRESS BY BOTH NUMBER AND STREET NAME ON EACH SIDE OF  
ROAD FRONTAGE.

## GENERAL NOTES

- DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR  
TO VERIFY ALL DIMENSIONS IN FIELD.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME  
APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION  
OF THE ARCHITECT/ ENGINEER PRIOR TO CONSTRUCTION OF  
ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN  
MAY OCCUR.
- ALL CURB RADII AND DIMENSIONS ARE TO FACE OF CURB.  
CURB TO BE PROVIDED WHERE SHOWN AND INTEGRAL WITH  
SIDEWALK AT PAVING EDGE.
- SLOPE GRADES UNIFORMLY BETWEEN ELEVATIONS SHOWN.  
NOMINAL GRADING, SLOPE SIDEWALKS AWAY FROM BUILDING  
AT 1/4" PER FOOT ON ENTRY WALK.



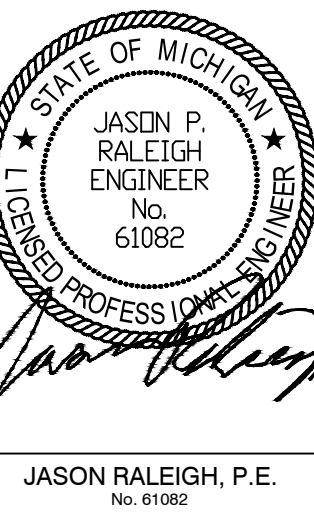
## LEGEND

- HEAVY DUTY PAVEMENT  
(SEE DETAIL ON C5.0)
- LIGHT DUTY PAVEMENT  
(SEE DETAIL ON C5.0)
- CONCRETE PAVEMENT AND SIDEWALK  
(SEE DETAIL ON C5.0)

PLANS PREPARED BY:



DRAWN: BD/EAG  
CHECKED: JPR/WLP

JASON RALEIGH, P.E.  
No. 61082

| No. | DATE       | BY | ISSUED FOR:               |
|-----|------------|----|---------------------------|
| 1   | 02/07/2023 | WP | PRE-SITE PLAN REVIEW      |
| 2   | 03/14/2023 | WP | VARIANCE                  |
| 3   | 03/27/2023 | WP | PRE-SITE PLAN RESUBMITTAL |
| 4   | 10/19/2023 | WP | PRE-SITE PLAN RESUBMITTAL |
| 5   | 03/15/2024 | WP | SITE PLAN SUBMITTAL       |

OVERALL SITE LAYOUT  
KALAMAZOO MULTIFAMILY  
KALAMAZOO REALTY HOLDINGS, LLC  
3625 W MICHIGAN  
SECTION 19, T2S, R11W

SHEET TITLE:  
PROJECT:  
CLIENT:  
SITE ADDRESS:  
SITE SECTION:

JOB NUMBER  
23169001

DATE  
03/15/2024

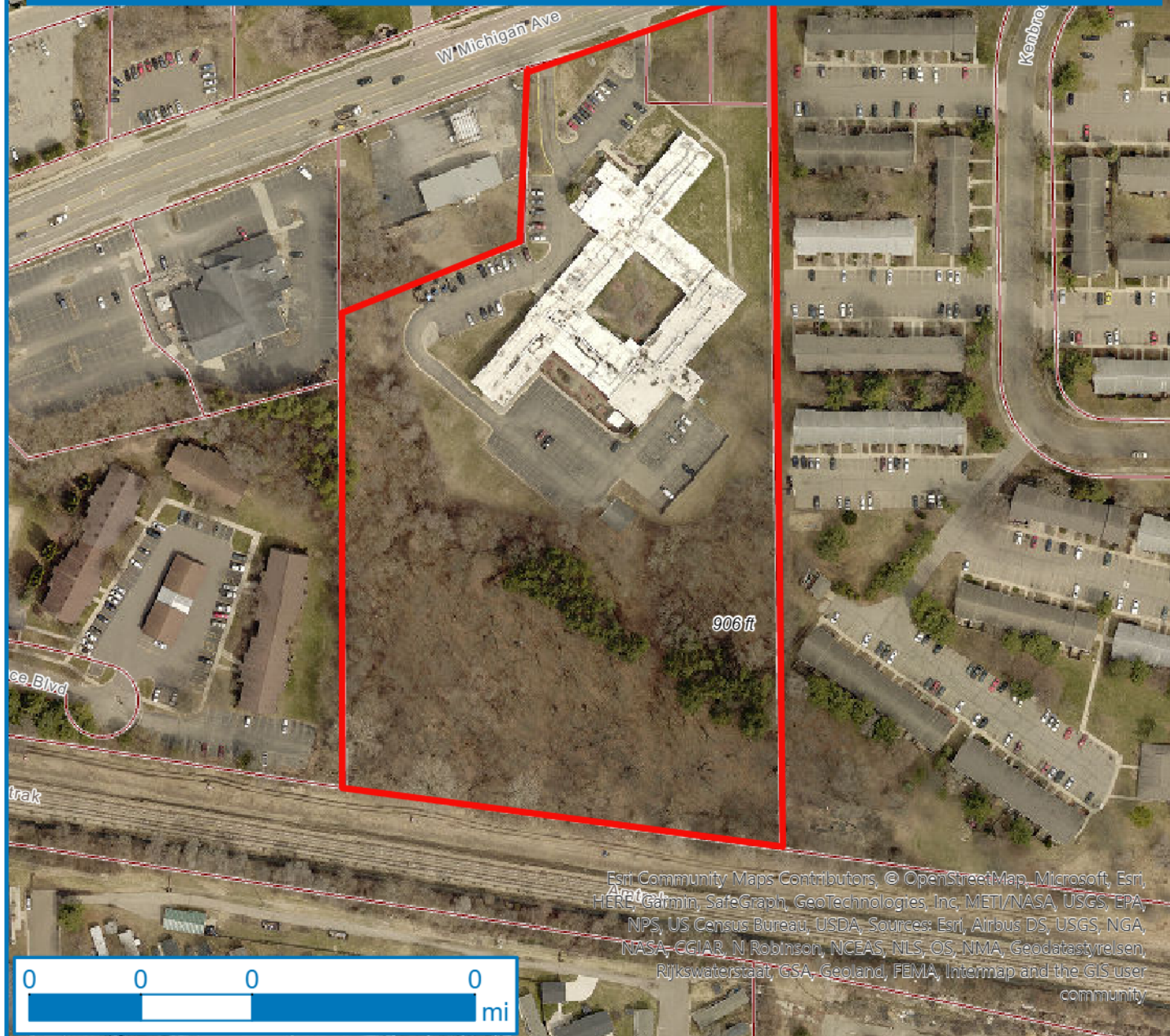
SHEET NUMBER  
C2.0



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED  
FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY  
SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR  
SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE  
AREA. FIELD WORK PERFORMED BY: MOSTROM & ASSOC., INC



# Aerial View



## LEGEND

— Override 1

### PARCEL MAP

□ Parcel

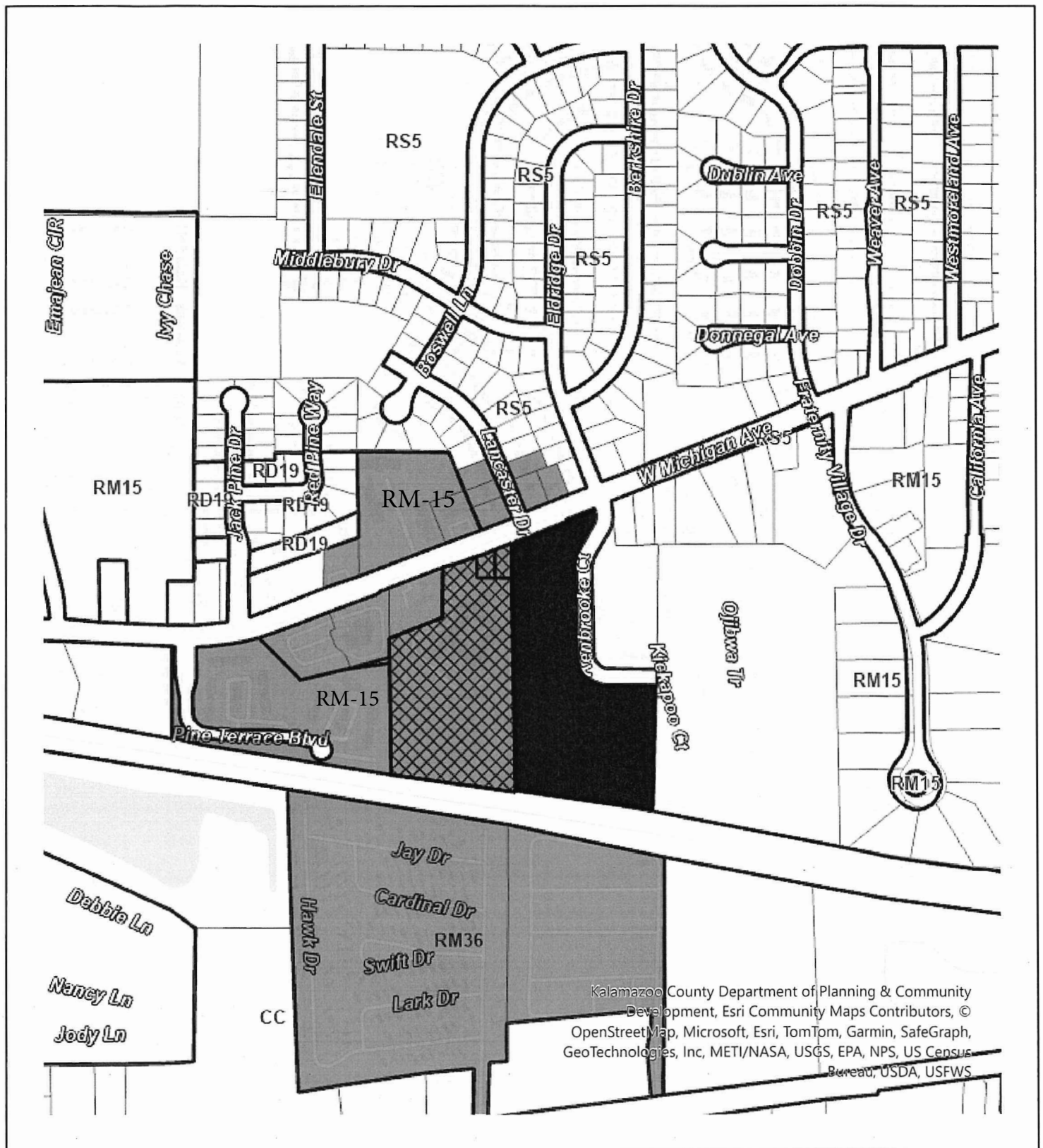
Address

### GENERAL INFORMATION

□ City Boundary



City of  
Kalamazoo,  
3/31/2023



## Parcels within 300' Mailing Radius 3607, 3619, & 3625 W Michigan Ave

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



0 220 440 880 ft