

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, March 13, 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 February 13, 2025

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #25-01-03: 3607, 3619 and 3625 W. Michigan Avenue. A motion of reconsideration of the dimensional variance below, which was approved on February 13, 2025, will be discussed, and voted on. If the motion of reconsideration is approved, the Board will open a hearing on this request again from Interstate Capital Development, LLC for a dimensional 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 multifamily residential building.
2. ZBA #25-03-05: 918 Riverview Drive. CESCO, Inc., is requesting a dimensional variance from Chapter 50-4.4(10)(a), to authorize a variance of 2,265 feet where a separation distance between package liquor uses of 2,640 feet is required. This results in a separation distance of 375 feet between the 13½ Liquor Store with alcohol sales for off-site consumption and the proposed 7-ELEVEN convenience store with planned beer and wine sales.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

- 1.

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
February 13, 2025 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

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

Members Absent:

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

Chair Hohler called the meeting to order at 7:00 p.m.

Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge said there are two announcements: the election of officers and the 2024 Zoning Board of Appeals annual report were added to the agenda.

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

APPROVAL OF MINUTES:

Ms. van den Hombergh moved to approve the meeting minutes from December 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 and afterward, those received via phone will be aired for the panelist and audience. The public can call in to 888-382-9556 to leave comments for any of the property on the agenda then the public hearing will be closed on that request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is closed. Once

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

Ms. Harrington read the application for 1114 Division Street into the record:

ZBA#25-01-01: 1114 Division St: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Carl Wiggins. The applicant 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.

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

Mr. Carl Wiggins, the owner of the property, stated he needed the garage to store his car and his tools. He placed his garage via a survey that located the property line, which showed his neighbor's garage was six inches from the property line. Mr. Wiggins put his garage one foot from the line so it would line up with his driveway and he can drive straight into it, but later found out the setback is three feet. He added it's more convenient to have the garage where it is because of the placement of his house and moving the garage would make it difficult to maneuver into it. He explained he thought the code was for fire purposes and that the neighbor's garage isn't to code and is closer to the property line than his is right now. Mr. Wiggins said he wants the variance, so he doesn't have to spend money to move his garage over, and stated he sent Mr. Eldridge pictures of where his garage is placed.

Chair Hohler asked if Mr. Eldridge could speak to the neighbor's garage not being up to code and when it may have gone in, and Mr. Eldridge stated he doesn't know the exact age of the neighbor's garage, but the construction type looks quite old and blends with the house but by his calculations, the neighbor's garage is roughly one foot from the property line and Mr. Wiggins' garage is six inches to one foot. He stated he wrote the variance up for 2 ½ feet because he can't be exact but he's confident about the six inches, he added that the neighbor's garage is decades old and is non-conforming and looks like it is roughly a foot off the property line, where it should be three feet off the line as well. He added that both garages are detached. Chair Hohler asked for additional comments and Mr. Eldridge stated the lot is only 33 feet wide, 96 feet deep so the lot is fairly narrow but the difficulty for staff was the layout of the backyard, which has a conforming alternative that it could be moved into the backyard and angled towards the corner, putting it in a position where you can drive in and out of it and because of that they were not able to lend staff support to this variance. Ms. Harrington asked where he is supposed to put his boat and Mr. Eldridge stated that some reconfiguration of items in the back yard would have to happen.

Chair Hohler asked for comments in favor of the applicant and there were none.

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

Mr. Wiggins wanted to add that Mr. Eldridge had his survey and reiterated the placement of his garage, his neighbor's garage, and wanted the board to know as far as fire purposes, his garage is made out of metal so it would be hard for a fire to travel across it.

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

Chair Hohler closed the public hearing.

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

FINDING OF FACT

Ms. Haan moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1114 Division Street shall include all information included in the notice of public hearing dated December 23, 2024, in the agenda packet staff provided for this request.
- 2) 51 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

Mr. Wiggins is requesting a variance to keep his garage where it stands currently, which is at least $\frac{1}{2}$ of a foot from the property line and the alternative would be to move his garage so that it conforms. He stated that the neighbor's garage is approximately 5 to 6 inches from the property line on the other side and he understands that there could be a fire hazard, but his garage is made of metal so it doesn't create a fire hazard. He said moving his garage would cost a lot of money and create a lot of inconveniences for him. The neighbor's garage has been there for decades, the exact age isn't known.

Mr. Wark seconded the Finding of Fact.

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

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

Discussion:

Ms. Harrington asked if she was to understand that Mr. Wiggins is being asked to tear down his garage and Mr. Eldridge stated he is being asked to move it because it is so close to the property line, which can be done because it is prefabricated. He said it would take a piece of heavy

equipment to move it and can either be moved over three feet from the property line or moved further into the backyard. Ms. Harrington stated she understands that but wants to know who catalyzed the and did the city initiate this and ask Mr. Wiggins and his family to move the structure and Mr. Eldridge said yes, based on a citizen complaint. Chair Hohler said there are probably many people out there in similar situations, they just didn't have a neighbor complain.

Ms. van den Hombergh stated from what she's hearing it doesn't seem fair and she's sorry someone complained about something so petty, but the neighbor's garage is also out of alignment, and it just doesn't seem fair. She said she understands why the city is asking him to move his garage because they must follow the rules and the request is reasonable and within the guidelines, it just bothers her.

Ms. Harrington stated that the city is not going to selectively enforce this with him, she doesn't care who complains, unless they do this with everyone, she said she's going to say yes to what he's asking for.

Attorney Bear stated that because the neighbor's garage is decades old, it is non-conforming compliant and could have either conformed at the time it was built or there may have been no zoning at the time the garage was built, so it preceded the zoning ordinance. He added that the likely case is that it preceded the zoning, so it is a legal non-conforming use, which means even though it's not in compliance with the current zoning ordinances, as long as it's standing it can remain there, so in that case is distinguishable from the applicant's garage, which is subject to the zoning ordinance. He stated we can't say that because one isn't in compliance, then his shouldn't be either. Chair Hohler stated that he has a garage on his property that he is sure is on the property line but it's also 100 years old, so it's non-conforming but legal however if they want to put up another one, it has to conform.

Chair Hohler said his thoughts are that stated that zoning has changed for a purpose that he wasn't privy to, but if they changed over the years knowing people were going to need to put up structures, they wanted them further into the property, that's the way it should be and there are other cases tonight where they properties come with their own issues that make it difficult to conform, but this case doesn't seem to fit that, but he admitted that if a neighbor hadn't complained, they wouldn't be here. Ms. Harrington stated they're just going to pray nothing happens that the setback was supposed to prevent and call it a day.

Ms. Harrington asked Mr. Eldridge to explain what setbacks are for and asked if they are for fire reasons and he stated yes, but they also align with the building code for example, if there were window and door openings the structure would need to be five feet from the property line and if they're closer than five feet, there should be no window or door openings on that side of the structure. He said in this case, the side closest to the property line has no openings and it's sheet metal, so it's more fire resistant than other garages. Ms. Harrington asked if they could have it on record to leave Mr. Wiggins alone and when this structure degrades, then it has to comply with the ordinance and Mr. Eldridge stated there's no easy way to track that and right now it's illegal in its current location because it doesn't conform to the zoning setbacks. Ms. Harrington asked if accessory structures require a building permit and Mr. Eldridge answered that if it's less than 200 square feet, they do not but if one had been pulled, one of the things that is checked is a location sketch to see how far it's going to be from the property line. Ms. Harrington asked if it could be

put on record and Mr. Eldridge said yes, if the board finds a practical difficulty that they want to lean on then that's their prerogative, but a unique circumstance has to be cited. Ms. Harrington asked Attorney Bear if he could help them come up with the condition, because she felt they should leave him alone until this breaks down, based on the other structure not being in compliance and they cannot selectively enforce this against Mr. Wiggins but when this particular structure breaks down, then it has to be compliant, she asked if it was possible to do that? Attorney Bear told Chair Hohler that the board needs to remember that the decision has to be based on the standards for granting a variance set forth in the staff report: that there are special circumstances or conditions, like exceptional topographic conditions, narrowness or shallowness or the shape of the property, that are peculiar to the land or structure for which the variance is sought that is not applicable to other lands or structures, and they need to determine if that's the case, that there are special circumstances that are not the result of the actions of the applicant or the title holder of the land. In other words, was this problem self-created or not, and that a literal interpretation and enforcement of the terms and provisions of this ordinance would deprive the applicant of rights commonly enjoyed by all the land of the same zoning and would cause practical difficulty. Chair Hohler added that ultimately the standards are to avoid the board having to make an arbitrary about something and Attorney Bear said yes, but it's also to have consistency in their decisions as well. Chair Hohler added it was to treat everyone the same.

Mr. Wark said if the neighbor had built their garage in the correct location, then maybe the survey would have been correct, and he could have read it a little differently and would have built his 6 inches the other way and Chair Hohler stated it would still be two feet off the line or in the wrong direction and Mr. Wark said Mr. Wiggins didn't know that until someone complained.

Chair Hohler wanted to respond to Ms. Harrington's use of the term "selective enforcement" a few times and said he isn't a shill for any of the city's enforcement orders, but they have to deal with the complaints they get and if no one complains, they're not just hunting people down because they don't like someone. Ms. Harrington stated she wants to make sure and Ms. vanden Hombergh wanted to add, in the spirit of collegial relations and positivity, when she hears phrases like "leave him alone, leave him alone", she doesn't think the city is an entity that gets to arbitrarily decide who's picking on someone but unfortunately someone complained and the city has better things to do with their time and now there is no choice but to bring this to the board's attention and it's not fair and she's feeling really uncomfortable, but that's the nature of her position so she can deal with it. Ms. Harrington addressed Chair Hohler and said she never said the city sought out Mr. Wiggins to beat up, but she feels that if this is grandfathered in, there should be something preemptive that creates an opportunity for neighbors to address these types of disputes, whether it be conflict resolution mediation, there's something before it gets to this board that the city should be compensating for so that it doesn't get to this board and there needs to be several layers of steps addressed because now this case is before them and the city is enforcing it. She said she understands someone complained because of the city ordinance that didn't do the due diligence to be able to address issues like this when the code got changed, so if the city isn't going to go through and selectively enforce this with everyone who has the same issue, she thinks that is a matter of selective enforcement. Mr. Eldridge said to clarify the city does do proactive enforcement as well and if a new garage or large storage building is noticed, sometimes inspectors relay it to him or he may see it, but it is addressed if they can catch it as it's being put in and it's not that they only address citizen complaints but this one did come in through a complaint. Ms. Harrington asked how many citizen complaints get enforced and Mr. Eldridge said hundreds and they get worked

out through addressing the problem so the case can be closed and added that many of them are simple, like parking in the yard or fencing that needs to be brought into compliance. He said fortunately this is a prefabricated structure that can be relocated without too much difficulty. Chair Hohler asked if this were a permanent structure, would the recommendation be that if it isn't approved would it be torn down and Mr. Eldridge said yes because the criteria is the criteria and it's there to be used, followed to help in the decision-making process. Ms. Harrington wanted to ask one more question in support of her position about this, she asked for instance, the homes in the Vine Neighborhood, where she lives, are built very close together so if something happened to one of their homes then they would then be out of compliance, and someone could complain about that right now, she asked if they are grandfathered in or how does the city compensate for something like that and Chair Hohler said there are a lot of lots in his neighborhood that are vacant because they aren't buildable, but the short answer is if it burns down, the owner gets insurance money and moves on. Mr. Eldridge said if there is a structure that is in existence, and has been in existence for decades, because those houses were built under a different zoning ordinance, legal when they went in, and they all have building permits from a city authorizing their construction, it's not that you can't continue to maintain the structure, and even if it is damaged in a fire you can repair it however, if the circumstance is that it burns to the ground then you rebuild if it's only two feet off of the property line, then the new structure has to be set back five feet off the property line so it doesn't render the smaller lots unbuildable and Chair Hohler added it changes what can be done on them and from a practical standpoint, it's very difficult to build on them. Mr. Eldridge agreed and said that he believes that's the reason why you don't see some of these really small lots get built on after the home burns down and a lot of times they sit vacant with the adjacent lot. Ms. Harrington said she doesn't want to belabor the issue but is submitting there should be an intermediary step before the Zoning Board and she feels the city should facilitate it. She added that because someone complained, he now has the added expense of having to pay to get the structure moved and she doesn't like that.

Mr. Wark asked Mr. Wiggins if he knew what the cost would be to move the structure and if it would it create a financial hardship for him and Mr. Wiggins stated that the hardship comes with his disability, which is why he put the garage where it is, it makes it easier for him to be able to walk into the house. He added there is parking in front of his house, but he wants to turn that into a yard. He added he isn't sure who complained but he has an idea that it's the person that owns the house next to his, but he asked him, and he said no. He said as for the hardship, it would be easier to park and get into the house rather than park on the street, which is 50 feet away.

Ms. Haan asked Mr. Wiggins what would make it more difficult for him if he moved the garage to make it more compliant and he stated because he can't pull straight in but as Mr. Eldridge pointed out, it can be moved to a corner or all the way back but the lot in the back isn't very large and he wanted to add a deck onto the back of his house so by moving it, he's eliminating a lot of yard space. He added that he's made several improvements to the property and has probably invested \$25,000 to \$30,000. Ms. Haan asked how much of an impact to his disability would driving in at an angle have and Mr. Wiggins said he could put it at an angle but would have to have gravel brought in and leveled and would have to have it compacted so by moving it, he would have to do all of that work all over again.

Chair Hohler said he had four short points: one is that they're doing an assessment, or something related to the property, not of the person using the property and they need to make sure that that's

the focus. Two, if they go down the road of approving things based on vibes, or they don't think it's fair for this person or that person, they start setting bad examples where other neighbors start doing things and expecting similar treatment and if they don't treat them the same then Mr. Anderson is in court dealing with them all the time when they complain. Three and four is that there's no real practical difficulty in the property to put the garage elsewhere in there's no real special circumstances to put this garage elsewhere so even though it would be more convenient where it is, he will be a no. Attorney Bear added the financial hardship is not a practical difficulty for granting a variance.

Ms. Haan stated even though she has a lot of sympathy for the situation, it was just put up in the fall of 2023.

Motion was denied by a split roll call vote with Mr. Wark, Chair Hohler, and Ms. Haan voting against the request, and Ms. vanden Hombergh, Ms. Harrington, and Mr. McReynolds, voting for the request.

Ms. Harrington read the application for 1609 Whites Road into the record.

ZBA#25-01-02: 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, to authorize the new pump house for the golf course irrigation system to encroach into a protected slope and protected slope setbacks.

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.

John Fulling, of the Kalamazoo Country Club, said they are asking for a variance on the NFP protected slopes so they can build a pump station. He stated last year this was approved through NFP, and this board, because they needed a new pump station for the golf course but when they went to make the land improvement, they ran into a city sanitary line. He said in order to move it, they would have to impact trees that were not going to be impacted and the amount of soil and boring became a huge challenge, so they couldn't do it and didn't want to come back to ask for more disruption, but they came to the conclusion that the best place to do this, even though it's further away and more costly, is to put it adjacent to the current pump station, which is in the same slope, within the 500 foot border around the lake. He added the slope is less severe, there are no trees, there's already a pump station there and there and it was the best alternative because it would have zero impact on trees, he presented a few slides. Mr. Fulling pointed out a blue line, which is the 500-foot line, and the red was the greater than 20% slopes, which he reminded the board are all man-made and are not native or natural, and also showed the hills leading down to the water. He stated one of the things they're going to do as a part of this, as part of the larger project, is that those buildings go away. He stated that quite some time ago he stated they would remove a lot of impermeable surfaces over there in the 500-foot line and showed what the end result would look like. He said they will remove 3.3 acres inside of impermeable inside the 500-foot line and take the maintained turf out and where the screen shows gray, it would be added back into native fescues and native plants and said they have to disturb it a bit to re-naturalize it, he then pointed out where the new pump station will go. On another slide he showed, in red, where the previous pump station was approved and in blue is where the current pump station is located and added that there are no trees over there, less slope, a shorter line to the water, and less disturbance. He explained that other

than cost, the land would be minimally affected, he then showed a slide where the pump station would eventually go.

Mr. Eldridge said he wanted to comment that it was March of last year when this was before the board for the other location and a number of complications were mentioned with that location, so looking at where it is now there is no impact on trees, so it's less impactful on the natural features and they are simply dealing with the slope. He said it's being put in next to the current pump house, which was dug out when the original pump house was put in, and then the slope was created over the pump house and will be sitting side by side with the current pump location and the newest proposal is less impactful and added that it is a necessary part of a golf course. He said that as far as its impact on adjacent property owners, this side of the lake is deeper so that means the piping going out into the lake doesn't have to be as long to get down to the right depth. He stated staff is in support of this variance and it seems to be a better fit than the prior location that was proposed.

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

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

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

Chair Hohler closed the public hearing.

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1609 Whites Road shall include all information included in the notice of public hearing dated December 23, 2024, and the agenda packet provided by staff, as well as the presentation given by the applicant.
- 2) 117 notices of public hearing were sent, and zero responses were received.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Staff comments were that in March of 2024 there was an approval to move the pump station and the newest location is a better location. Staff is in support of the move.

Ms. Haan seconded the Finding of Fact.

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

Mr. Wark made a motion to approve the application for a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2, to authorize the new pump house for the golf course irrigation system to encroach into a protected slope and protected slope setbacks, seconded by Mr. McReynolds.

Discussion:

Chair Hohler asked if they can approve the new variance and nullify the one that was approved in March of last year and stated his reasoning is because if this passes, they will have two approvals in hand if one of them doesn't go away they could, theoretically, do it. Attorney Bear said the board can put conditions on it, that they not construct in the other location.

Chair Hohler stated his vote will be in favor for all of the same reasons stated last year except that clearly, this is a better option, but he would like the condition placed on it that the other one can't be built as well.

Mr. Eldridge gave an example of a condition to nullify last year's approval.

Mr. Wark amended his motion to approve the variance on the condition that the approval of this variance will nullify the previous approval, seconded by Mr. McReynolds.

Chair Hohler asked if there was any more discussion and there was none.

Ms. Harrington admitted that she struggled because this is where her concept of selective enforcement come in because there seems to be much more flexibility for projects like this, and so many more options and more limitations placed on the constituency, and more rigidity surrounding other projects and it seems they are seamlessly able to provide opportunities for people that are well resourced to be able to encroach upon protected slopes and natural features, and people that are elders and have disabilities in our community the board is like "No, sorry, that's the ordinance..." she said she understands that your rights and where someone else's begin, but she's doing the best she can to honor the spirit of the ordinance and at the same time advocate on behalf of the way she's interpreting for the greater good of our community, and she felt she would be remiss to not say that.

Mr. Eldridge thanked her for saying that but wanted to clarify he didn't mean to be so brief in his comments, but this review for the revised pump house location did go through the Natural Features Protection review board and they made a recommendation of approval to send it before this board. Ms. Harrington said they always say that, and Mr. Eldridge reminded her this is putting the new one right next to the old pump house and that there was a lengthy discussion back in March of 2024 about directional boring under tree roots and them working around the natural features. He added that the new location has much less impact on natural features and that's why his comments were very brief. Ms. Harrington reiterated her comments from last year, and that is that she's not in opposition to what they're doing at the country club, she's just talking about the flexibility and autonomy that we provide to people that are well resourced and how that, to her, feels incongruous with the way we treat our constituency, and she understands the country club is part of the

constituency, but she doesn't like how it feels and that's the spirit, spirit is sentient and it doesn't feel right to her.

Motion was approved by a five for and one abstention roll call vote with Ms. Haan, Mr. McReynolds, Chair Hohler, Mr. Wark and Ms. vanden Hombergh voting for, and Ms. Harrington abstaining.

Ms. Harrington read the application for 3607, 3619, and 3625 W. Michigan Avenue into the record.

ZBA#25-01-03: 3607, 3619, and 3625 W. Michigan Avenue: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Interstate Capital Development, LLC. The applicant 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.

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.

Whitney Pizzala, of AR Engineering located at 5725 Venture Park Drive in Kalamazoo, is representing the applicant stated they have been working on the project with the city for several years now and that they have been in front of this board, and NFP a few times and they are making good headway and are now in the final stages of the site plan review. She said they need to do the final submittal, and they have full design plans and will be pulling permits to demolish the existing building, but it was brought to their attention, by staff during the second or third submittal, about the requirement for the façade. She put together an exhibit, with an aerial in the background because she thought it would be good to show the current building's footprint as it is on the property versus where the new building will be, which is the brown shaded hatch on the presentation. She wanted to show projecting lines and ways they feel they meet the intent of this, or at least close, so this variance they're asking for is the total length of the façade, 318 feet. She stated the parcel is flag shaped and is not a perfect square, so only a portion of the building is facing only a portion of the front lot line of the street, so showing the projection (she pointed out something on the screen) is about 122 feet from the street and that another item that would be viewed from the street. She said the building is setback almost 300 feet from the road, is three stories tall, and she believes it's a good project for that area to bring more housing.

Chair Hohler asked for staff comments and Mr. Eldridge replied to the special circumstance of the lot shape that was pointed out and that this is a pre-existing condition that was not created by the applicant and looking at this and analyzing it, if the façade were reduced in width, it would elongate the building, forcing the building further south, which is what led to lengthy discussions with the NFP board and the Zoning Board of Appeals. He said the southern part of the property is where most of the trees are and it slopes down, so forcing the building to be constructed further south would be problematic, and overall, we have a property that currently has a vacant and blighted structure that has been difficult for neighborhood and has been a lot of staff work not only by the department Mr. Eldridge is in, by trying to keep it boarded, but also by Public Safety officers having to go out there and respond to issues and for those reasons staff is in support of the variance.

Chair Hohler asked if there were any comments in favor of the applicant and there was one.

Chair Hohler asked if there was anyone against and Mr. Rex Bruggeman of 806 Hillandale in the Arcadia neighborhood, he is also the current president of the Arcadia neighborhood which is basically across the street, stated he believes this is a dimensional variance and that the statute provides that the Zoning Board of Appeals shall approve a dimensional variance on a finding there is competent material, and substantial evidence, in the record that all the following standards are met, and added he wouldn't read them all but is focused on four: the granting of the variance is the minimum action that would 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, he said he doubted that a competent material and substantial showing has been met in relation tofore, and he doubts that any showing's really been made in this process at all, his understanding is the extent that there's a Brownfield element to this, that's a different process and they should make the showing in this process and he's sure they haven't but he hasn't been to other Zoning Board of Appeals meetings where somehow this requirement is read out of existence because we need this, we need that, so we're going to ignore the fact it's required there will be a showing on this and it's not like "Oh well, we got two out of seven," or whatever, they should have them all. He also wanted to state why he's there talking about this and said people across the street despise this because it's been, kind of, a dysfunctional situation, that the condition of the property is atrocious and he resents the fact that now they're going to take care of the blight by approving this and added that we're being bullied into something, in doing that and that's not ok. He said what's really at the heart of four, he thinks, is showing you're taking away all economic use of the property, and it's not true and he's asking, in this instance, that the ordinance be followed and not to approve this variance. He said he also wanted to observe this whole thing with "Happy City" and what the board is doing here is inconsistent with the insights in that process, so he supposes this road isn't going to be part of "Happy City" and since we're asking all the students that go downtown, they're going to be drained away from the street, so he's not happy with any of this.

and that there are other ways to reuse the structure that is there now.

Chair Hohler asked if there were any call ins and Greg, the property owner, spoke and said they are not trying to be contentious with the neighbors and that they have been working on this for three years, returning multiple times to the city for variances and several site plan approvals and have gotten to today. He stated they aren't trying to bully anybody whatsoever but during this process the zoning was changed, on this lot in particular, and he doesn't believe the previous zoning had any type of requirements for the width of the building, nor in the last three meetings that they've had have they had any kind of response or requests to shorten the building, so they proceeded with all of their work, site plans, and all of their submittals based upon all of the conceptual approvals in the process here. He added that they're looking forward to bringing this project to Kalamazoo, they're highly invested in they're looking forward to working with the board and are hoping that today they can gain this last approval and their site plan so that they are able to demo this building.

Chair Hohler closed the public hearing but wanted it on record that he does know Mr. Bruggeman and his wife professionally, but not socially.

FINDING OF FACT

Mr. McReynolds moved the Finding of Fact as follows:

- 1) The Finding of Fact for 3607, 3619, and 3625 W. Michigan Avenue shall include all information included in the notice of public hearing dated December 23, 2024, in the agenda packet staff provided for this request.
- 2) 199 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

There was staff approval and there was one call in from Greg, the property owner, who talked about some things including in person and speaking about the ordinance. The site conditions are pre-existing and being that will cause the layout to be long toward the south and would affect the natural features in the back. This variance will not adversely affect any land and the granting of this variance is in line with the ordinance of 218 feet from the street, also with the irregular shape, this project has some limits being that it's setback which will have little impact on West Michigan. The development cannot be moved or be taller than three stories.

Ms. van den Hombergh seconded the Finding of Fact.

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

Ms. van den Hombergh moved to approve the application for 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, seconded by Mr. Wark.

Discussion:

Ms. van den Hombergh stated she remembers that vote very clearly and pulled the minutes and said it was very intense, especially in regard to the natural features protection and the development of the property, and it barely passed. She said when she first did a site visit for when this was first approved, and she was aware that some people living in Arcadia were adamantly against it, she drove around the blighted structure and saw afghans and beach towels stuffed in the windows and she recalled an old shed in the back that was destroyed and used to build a fire and it was a tough decision but she recalls thinking "Well, this is my community, my neighborhood too," and stated she takes this position very seriously and if it were her, she would feel better, her property values, her safety, everything to not have this blight here, so she felt good about that decision. She said now she's hearing that him and the people in that neighborhood aren't happy about this and asked Mr. Bruggeman to share why and he said he's been coming to meetings like this, off and on, for 25 years so again, what he's saying in this whole process where there's the need to move forward to address the blight or more housing or to meet other needs, and he's staring at this ordinance for so many years and he's looking at it and it's the granting of the variance is the minimum action

that will make possible, in this instance, the use of the land, he stated it isn't economically correct and as an attorney he had a client that was in that nursing home and said "What, we don't need nursing homes anymore?" He stated it gets framed as a binary thing where if we want to deal with the problems, including the problems that ought to concern him, and he thinks Ms. van den Hombergh's observations are very accurate, he wants to know at what point is the ordinance going to apply both ways? He said it's been pointed out that the application of the ordinance is rigid with regard to regular people, because it's happened with people in his neighborhood having fences and if this is passed then the board is focusing on the end, and not applying the ordinance, that's his observation.

Mr. Wark asked if this project started three years ago and Mr. Eldridge said yes, the first version of the plan was submitted in 2022. Mr. Wark stated the zoning ordinances changed last October, Chair Hohler corrected that it was 2023, Mr. Wark asked if they needed the change at that time and Mr. Eldridge stated this project initially got the Natural Features Protection ordinance variance to allow for the positioning of the retention basin south of the building, and that was related to slope and tree removal. He said what happened, because of the commercial zoning that was over this property was then, upon further review, determined that it was going to need a variance from the occupied space requirement and a variance from the mixed-use requirement, because it was in the Commercial Community Zone District, so the applicant came back to the Zoning Board of Appeals for those two variances, which were granted. He added that in October of 2023, as part of the zoning realignment that went on in many of the major corridors around the city, this particular property was down zoned from Commercial Community to RM-15, Residential Multi-Family, which meant the two prior variances that were necessary when it was in a commercial zone we're no longer needed. he said there were a lot of changes and he just wanted to add that because staff was focused more on where it didn't align with the commercial zoning, they didn't pick up on the fact that this 200-foot primary facade limitation applied, which after it fell into the Residential Zone District is when they came across it, so that's what Mr. Dilone was making reference to, that this wasn't brought up by staff early on in many of the meetings held, and then they have this concept layout and all of a sudden the city was pointing out that it was over that 200 foot threshold. Mr. Wark asked if the building concept has remained the same from the start and Mr. Eldridge said it hasn't changed but it has shifted a little bit, and one of the things that happened was that originally they were not planning to run a road around the back of the building, but that was something the fire marshal wanted to see so there would be fire truck access all the way around the building, and that had to be worked out but the original layout of the building has not changed. Mr. Wark asked if this was something that has been submitted to community planning and development and it's just came up that it's 318 feet and Mr. Eldridge said he's trying to think of when there was enough detail to know the overall length of the front façade, and that probably would have been mid-year last year or maybe spring, but it was quite a while ago that they said they provided that detail and now the city is bringing up this ordinance provision. Chair Hohler asked if that was known three years ago would it have made a difference then and Mr. Eldridge said they would have taken it into account in laying out the building, and one thing that was mentioned to him was what about all these other apartment buildings that have been built, like the Housler Building, closer to Howard Street that's more than 200 feet, or the one on corner of Lovell and Rose that AVB constructed with a façade that's more than 200 feet and because those are mixed use buildings, this provision doesn't apply. He said it shows that maybe the planning staff needs to revisit this 200-foot facade provision because apartment buildings are being built that are greater than that if they're mixed-use and they seem to fit just fine in the community, yet we are

applying this cap strictly for multi-family buildings, and Mr. Wark stated we need the multi-family buildings.

Chair Hohler said the staff report makes it seem as if the options are either grant them some variance from the length of the frontage where the façade, or it has to be longer or taller which each of those incur a different problem. He asked why can't it be smaller, which is not given as an option because it's premised on keeping it the same square footage or number of units? Ms. Harrington said yes, they should have to comply because that's the ordinance.

Mr. Wark asked Ms. Pizzala to approach the podium and asked why can't it be a little smaller and she said as she stated before, this project has been in the works for a long time and they weren't aware of this, and there have been a lot of changes as Mr. Eldridge mentioned, with zoning and now they're at the end of this and making it smaller makes it less units, and less units means the financial feasibility of this goes down, in addition to having to take down an existing building, and there is a lot to that. Mr. Wark asked if it could be L-shaped instead of running it 318 feet in length, couldn't they run at 200 feet and then jut it off to the back? Ms. Pizzala replied that would be hard because they already have retaining walls to the south and there is a limitation because they have a variance for the NFP and the slopes, there are also retaining walls on the west and east sides and Mr. Wark asked again if she was saying there's no way to reconstruct it and she said not without coming back to this board of NFP.

Chair Hohler asked to see the picture again and asked if the façade in question is from the inside corner to her right or does it include the 60 feet at the top, then realized it is included in the 318 feet.

Mr. Eldridge said he wanted to mention one of the comments made by Mr. Bruggeman was the fourth criteria, 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..." He said the way that's worded, it's tough to fit many of the variances in one element, to focus on making it possible for reuse of this land that's not contrary to the public interest and what's going on out there currently is not what we want to have in our community and redevelopment of the site is only going to occur with a significant amount of investment that's going to cover the demolition of the massive structure that's there, and he thinks that's why the number of housing units is where it's at, as far as 235, because you have to have a big redevelopment project to help offset the demolition. He added that there are some Brownfield redevelopment funds going into this site if it moves forward, but he wanted to point out that this land isn't vacant and in order for it to be redeveloped, somehow, we have to get past the removal of a very expensive, derelict building that's there.

Attorney Bear added in order to apply the standard, we aren't looking at whether there could be other uses than this one, we're first looking Ant under the zoning, is this use allowed there and it is, then we look at what the minimum to allow this use to exist and go on. he said maybe there could be another use there, such as putting a nursing home back in there or something could be configured differently but that really that's not what the board is applying, they're looking at the project to see if it's allowed, and is it the minimum necessary given, given that all the facts and circumstances, the lay of the land and so forth and there's some flexibility in determining the minimum, how do you determine that exactly? The board isn't going overboard by granting this variance, they're keeping it restricted to the spirit of the ordinance.

Ms. Harrington wanted to acknowledge the fact that they're talking about cost need to offset the development of this property however, with the first case cost wasn't allowed to be a factor in the granting of that variance, and that is what she meant by selective enforcement, and the fact that city staff is using the cost of the demolition to justify granting this variance is what she's talking about and she wanted to make that point. Mr. Eldridge said he understands her point but what he was trying to imply with that was that there's no redevelopment of this property without removal of the structure that's there. He admitted she's right, it does boil down to financial, but this doesn't allow for anything new to happen on this property until that building gets removed, and that's a big hurdle and Ms. Harrington said it's also a big hurdle for him people on a fixed income to have to move their auxiliary buildings as well. Chair Hohler stated the gas station they approved has to take out a gas station and underground tanks, so they all come with their own set of fixed costs and Ms. Harrington said everything costs.

Ms. van den Hombergh stated she drives by that property twice a day and she's going to vote in favor, but she does see Ms. Harrington's point and she can't get past the fact of how does that serve the constituents, how is that good for our families and our communities, and the neighborhood and the school and everything that's there, to have this burned out, abandoned nursing home, and if on other principles that are very valid and have been brought to the table and tonight's discussion, she really hates to see the proverbial baby thrown out with the bathwater in the heat of the moment.

Ms. Harrington said she thinks she made her point and will probably vote yes, but there is selective enforcement and rigidity against regular constituents.

Chair Hohler stated he will hold them to the same standards he would hold Mr. Wiggins to and this is looking for 50% more of a façade than what's allowed and if they don't like it, go to the City Commission about the zoning and have them do an end run around the board.

Ms. Harrington asked if her last vote on this topic can be pulled and Mr. Eldridge said he misspoke, the last one was for the commercial zoning: one was for parking and one was for occupied spaces when it was in the commercial zone, the first variance was for natural features protection. Ms. Harrington stated she believes she voted no on the natural features protection because she always fights about that. Ms. vanden Hombergh said she dug into it and felt badly because former board member Jeff Carroll lives in that neighborhood and voted no, and so did Ms. Harrington, and she voted yes on the same principle that she will be voting yes on this variance. Ms. Harrington asked if it was rezoned since that vote, which may be why she might change her vote today and Mr. Eldridge said yes, it was rezoned in October of 2023 from the CC to the RM-15. Ms. Harrington said that since they got the approval, they can just do it anyway no matter the vote and Mr. Eldridge stated they are in site plan and Chair Hohler stated they would have to do a redesign. Ms. Harrington verified that this is about the façade and not the natural features. Chair Hohler stated that if they want to keep the same design and square footage, it could affect the slope and Ms. Harrington asked Mr. Eldridge to speak to the natural features. Mr. Eldridge stated that after the natural features variance was granted, they entered site plan shortly after, so those variances are still considered active because they entered site plan review after that and have been in site plan review ever since so they've acted on those variances and have taken the next step in the review and approval process so if they were to change the configuration of the building, that would most likely trigger them to have to go back to the NFP board to look at the new layout and the level of impact on the natural features. Ms. Harrington wanted clarity and stated she knows she voted no

on the natural features, then it was rezoned so that changed the different aspects of how the ordinance interfaced with the natural features protection, and asked if that was accurate and Mr. Eldridge said it didn't impact the interface with the natural features, what it did was impact the applicable standards that apply to the development project because now it's in a residential zone and not a commercial zone, and stated another way to look at this is our charge tonight is to review the variance in front of us, and the variance the variance in front of us is specific to the proposed building and the width of the facade facing the public street. He stated he understands that the board is delving into the past because of the length of time that has gone by and the number of trips that this project has made to the Zoning Board of Appeals, but the focus tonight is the building. Ms. Harrington stated it's still relevant because it's the same project, correct and Mr. Eldridge replied yes and no, does the building configuration and does it meet the review criteria, but that's the building itself and not going back looking at other historical aspects of the project.

Mr. Wark asked if this is the same building design from two or three years ago and Community Planning and Development is just now catching the fact that it was 118 feet too long and Mr. Eldridge said yes, because there was it cancelled layout that was used initially, and it clear what the overall length of it was. Mr. Wark stated on top of that the zoning changed and Mr. Eldridge said yes, granted he was making that reference to other apartment buildings that have commercial uses in them not falling under the same standards, that's been in place all along for residential.

Motion was approved by a four to two roll call vote with Mr. Wark, Ms. Haan, Ms. van den Hombergh, and Ms. Harrington all voting for, and Mr. McReynolds and Chair Hohler voting against.

Ms. Harrington read the application for 702 N. Burdick Street into the record:

ZBA#25-02-04: 702 N. Burdick Street: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by The Ecumenical Center. The applicant is requesting the following variances: 1) a dimensional variance from Chapter 50-7.3 A (1), to authorize six bicycle parking spaces where 16 are required based on the maximum occupancy, 2) a dimensional variance from Chapter 50-5.6, E (1)(c)9, to authorize 80% impervious coverage on the site where the maximum for the LW-1 District is 70% impervious coverage, 3) a dimensional variance from Chapter 50-5.6, E (4)(b) 24, to authorize one entrance door on the street facing façade along North Burdick Street, where two entrance doors are required, and 4) a dimensional variance from Chapter 50-5.6, E (3) 19, to authorize no more than 30% of the occupied space (first 15 feet inside the building) along North Burdick Street frontage to utilize for a mechanical room, where storage rooms and utility rooms are not permitted in the occupied space.

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.

Mike Flynn of AbonMarche Byce Architects, who brought along Maghan Homan, a civil engineer with the firm, both are there representing the Ecumenical Senior Center and their application for the variances. This is an existing building on the corner of North Burdick and East North Street that is approximately 4,000 square feet that provides senior services predominantly for Northside residents and they have been going through a capital campaign for additional services for the center. It currently provides services such as food, activities, health screenings, education, and

comradery. Mr. Flynn stated they have been working with them for a couple of years and pointed out what was shown on the screen for presentation. He said they were looking in the northeast direction of a prominent corner of North Burdick and East North Street, and going through the four variances that are being asked for, one has to do with the number of bike spaces they're providing for bike parking is one dimensional variance, another is the percentage of impervious coverage for storm water percolation and pervious to impervious ratio, which they're looking for some relief, another is regarding the number of entrance doors, specifically along North Burdick Street and the last one will be shown in programmatic bubble diagrams of the facility, has to do with activated front facades of the street, along North Burdick, and that's one area in particular that is vexing to them. He said not to get into the design of the building too much, he wanted to point out that they are on a corner lot and pointed out the parking lot and said the site is an awkward L-shaped site and pointed out the existing building on the monitor. He stated the site configuration is one thing that locks them into trying to get a lot of the planning and programming correct, that their client has asked them to do, and much of that has to do with serving the elderly day-to-day process of getting the elderly there to take advantage of the services better provided in the facility. He said they have barrier free parking, and the center has two transit vans that they use to go pick up the patrons, he also pointed out a covered area entrance area, in the front of the building, that is currently there. He stated that the need for barrier free parking, as well as van pick up and drop off is high demand, and can't be along any of the street sides for safety reasons, and then another component of this is to bring in goods and services for Meals on Wheels and also to have a shipping and handling process for donated goods, that's in another area he pointed out on the monitor, that takes up the east façade. He pointed out the south facade area that is dedicated to an outdoor gathering area, with a communal fireplace, an outdoor raised garden area, an elevator stairwell, as well as pointing out three multi-purpose rooms and said the south and west sides of the building are dedicated to services for the members of the senior center, which relegates the northern tier to what he would call "back of house" services such as shipping and handling, the kitchen and food preparation area, restrooms and storage, and the utilities which include power, water, fire suppression, and some existing in street utilities, such as water and electrical coming in. He stated they are pulling back a little from this existing building to provide for that, so this is the one area where if they could, they would activate it with multi-purpose space but it's the last remaining space for them to put in the necessary utilities so it's a bit of a hardship, but it's a function of the program and meeting the functional needs of the center along with the fact that they have two frontages: one along North Burdick, and one along East North Street. He then showed a 3D view of the parking lot that butts up to another project they're doing, and he believes they were there before regarding the Legacy Housing for Mount Zion, so this being adjacent to that block one of the things they wanted to do is provide a welcoming front door for the 70 or so residents that will be living there, so it's another reason to have this connection moving to the east along with the parking and entrances. He pointed out the garden area again and showed the elevator with the window. He then showed it from a bird's eye view looking at the northeast corner he showed decorative glass feature that will be historically relevant that goes back to the late 60s on that site in that building, and then the façade of the building has a lot of glass and storefront curtain wall systems. He then showed a picture of the existing structure and pointed out the gaps between the buildings and said they wanted to provide enough articulation and fenestration on the 76 feet of frontage, to scale it appropriately for the neighboring buildings, and be harmonious with the context they're in. He then went back to the east side of the building's service entrance, the main entrance with the covered, sheltered area, but he really wanted to expound on the utility area, which is the variance he believes staff wasn't too keen on.

Chair Hohler asked for comments in favor of the applicant and there were none.

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

Chair Hohler asked if there were any call ins and there were none.

Chair Hohler closed the public hearing.

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

FINDING OF FACT

Ms. van den Hombergh moved the Finding of Fact as follows:

- 1) The Finding of Fact for 702 North Burdick Street shall include all information included in the notice of public hearing dated January 29, 2025, in the agenda packet staff provided for this request.
- 2) 46 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

Mike Flynn, of AbonMarche, spoke on behalf of the senior center, daily operations, and the concerns with mobility regarding the corner lot and the shape of the lot. He also spoke of concerns regarding transportation and vehicles and wanting to maintain barrier free parking. There were also concerns with goods and services for example, Meals on Wheels pick up and drop off and deliveries. The northern tier of the property is dedicated to the back of the house operation and support services about for guests, and the configuration creates a hardship for the organization to best serve their clients. They want to continue to be good neighbors, and their property abuts The Legacy Senior Housing. The building will have glass features, is two story, and 90% of the façade is activated.

Mr. Wark seconded the Finding of Fact.

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

Chair Hohler asked for comments regarding the bike parking for variance number one and Mr. Eldridge stated that in general looking at the review criteria, under the special circumstances this aligns with the assembly use group and staff felt that this falls within the parking table, which doesn't align well with the senior community center use because it requires so many parking spaces, and as far as did the applicant create this situation, but it's really the structure of the zoning ordinance and the way the city laid out the table for bike parking, that puts a facility like this, as well as a church, school, or theatre, in that assembly category. He said looking at is this the

minimum action, and staff felt it was the minimum action that wasn't contrary to the public interest, specifically because there are other modes of transportation being provided for the patrons, the shuttle service was mentioned, and a specific parking space for that shuttle bus or shuttle van to come and go from the site frequently, which isn't something that most community service facilities have and they will provide six bike parking spaces, were the ordinances 16 should be provided, but there is still bike parking for employees and patrons that might bike. He added that this reduction in bike parking also reduces the amount of impervious surface, which is one of the other variances that the redevelopment of this site was difficult to align with, but since a bike parking space it's a 2-foot by 6-foot area, when multiplied by 10, it's a lot of solid surface.

Ms. van den Hombergh moved to approve the application for 1) a dimensional variance from Chapter 50-7.3 A (1), to authorize six bicycle parking spaces where 16 are required based on the maximum occupancy seconded by Mr. McReynolds.

Motion was approved unanimously by voice vote.

Discussion:

Chair Hohler stated he recalled as in the case of the event center, he voted in favor of the variance because, in his mind, he didn't see it as a facility that would need a lot of bike parking because of the nature of it, and the nature of this particular facility probably won't lend itself to a lot of bike usage, so reducing that amount is perfectly acceptable to him and it's not going to create more impervious coverage.

Motion was approved unanimously by a roll call vote.

Chair Hohler asked for staff comments for variance two, to authorize 80% impervious coverage, where 70% is the maximum, and Mr. Eldridge stated special circumstances are the redevelopment of this site is that it is currently at 89.6% impervious cover and the challenge has been for the developer to figure out how to provide a larger building that can accommodate more services, parking, bicycle parking, parking for their shuttles, and all the other level of amenities including improving the level of green space on the site, and try to get to the 70% maximum impervious coverage of the Live-Work 1 Zone District, and with zone districts, the more intensive the commercial zoning, the higher the impervious cover until you get to the downtown zone districts where 100% impervious coverage is allowed however, Live-Work 1 and 2 are looked at as less intense, and that's why the impervious cover maximum is that 70%, so the applicant and the developer are able to bring the property closer to compliance with this redevelopment project but are not quite hitting that 70% mark. He added that the unusual shape of the lot further complicates the layout with the building and the parking arrangement and is viewed as the minimum action that will allow for the redevelopment and provide the upgrades to the site to make it more functional for offering the senior services that are planned, and is bringing it closer to conformance with the ordinance for that Live-Work 1 zone of 70% impervious cover, and lastly the stormwater management currently is very antiquated, and that is one thing the city is really focused on which is upgrading stormwater management throughout our commercialized areas, and this redevelopment project will completely revamp the stormwater management for this particular site.

Chair Hohler asked Mr. Flynn to show the layout of the site again.

Ms. van den Hombergh moved to approve the application for 2) a dimensional variance from Chapter 50-5.6, E (1)(c)9, to authorize 80% impervious coverage on the site where the maximum for the LW-1 District is 70% impervious coverage, seconded by Mr. Wark.

Motion was approved unanimously by a voice vote.

Discussion:

Chair Hohler referenced the layout of the site and asked Mr. Eldridge and asked if the parking lot is, technically, not part of the property and Mr. Eldridge replied that it is but the layout the board is viewing was specifically focused on showing the usage of the floor space in the building, so it doesn't show both sides of the parking lot, it only shows the west side and the maneuvering lane, but it doesn't show the east side but there is something in the packet that shows the entire layout. Chair Hohler said his question is what they would have to remove in order to accommodate the 70% and Mr. Flynn said four parking spaces, but it's imperative that they have close parking, or the outdoor gathering space which they could turn into a pervious space with grass but that will be trampled on because of its use, but that would be another way to do it.

Chair Hohler asked if there were any other questions and there were none. He stated that he is ok with not being a stickler on this one because the alternative is to stay at close to 90% and going down to 80% is an improvement.

Ms. van den Hombergh stated that she agrees with Chair Hohler, but the fact that the impervious coverage is so high concerns her and she asked Mr. Eldridge to speak to anything, even though she's aware that the city plans to improve the water system in that area, like natural features or potential flooding or the impact on Arcadia Creek and Mr. Eldridge admitted he has no information to share on that, but he knows there isn't a good system for managing stormwater on the site right now, and this new system will have an underground storage chamber and said one of the advantages to this redevelopment was that some of these antiquated systems would be fully upgraded. Ms. vanden Hombergh said she appreciates that the coverage is coming down from almost 90%, but it would be nice to get it to 70, but she agrees with Chair Hohler and to see don't give up four parking spaces or the outdoor gathering areas, she's not comfortable with that.

Ms. Harrington said she wanted insight as well because it may have crossover implications and the cumulative impact of development. She said if they approve this variance, they are approving an additional 10% beyond what is allowable with the impervious coverage, and Mr. Eldridge said that's correct, she said when the board is making these decisions, and she's trying to get clear on clarity on the congruity of her values surrounding these developments and what they're doing, she asked Mr. Eldridge is the reason the variances are split out because they address different parts of the ordinance and Mr. Eldridge stated its because the for-based standards that have been adopted are broken out into different areas, even though the bike parking is not in the form standard section, but the impervious cover is in that table under the form-based standards but in a nutshell, the reason why these are broken out this way is because you wouldn't to vote on all of these as a group and have people vote against it because they didn't agree with one of the variances, individually they have to stand on their own merit. Ms. Harrington said she thinks she agrees with that, but what

part of the process addresses the feasibility of it in its totality, as with the last case for example, she initially voted no the first time but the next time she voted yes because it was going to happen anyway and she feels that the board is regularly put into those situations and she feels like this constricts her ability to make sound choices. Mr. Eldridge said he doesn't want to say look at it like you're in a tunnel, but looking at this request the focus is bicycle parking, so we're putting on blinders and blocking out the periphery stuff and saying "Ok, for bike parking, how does this variance request fit the application?" looking at the property, the senior services type of uses being offered on the property and so forth, and he understands where she's coming from, which is great because she's always looking at the wider scope and the bigger picture, but it can also make it harder to look at the granular elements of bike parking, for example.

Motion was approved unanimously by a roll call vote.

Chair Hohler asked for staff comments related to the entrance door on the street facing façade along North Burdick Street, they want one less and Mr. Eldridge stated the requirement is one entry door per 60 feet of St. facing façade and the façade facing North Burdick Street has 120 feet, which requires two doors. He said the facade does have two doors however, one of them goes towards utility room so it doesn't access the usable space in the building, simply goes into the utility room where the water and gas services come in and because of this it doesn't count towards one of the two required entrance doors required for that frontage. He added that part of the reason all of these doors are being required is not only for the current use of the building, and hopefully more activation of the street facing facade of the building with people going in and out and goods and services being exchanged, but also for future reuse of the building to have additional entry doors where this could accommodate multiple tenants.

Mr. Wark moved to approve the application for 3) a dimensional variance from Chapter 50-5.6, E (4)(b) 24, to authorize one entrance door on the street facing façade along North Burdick Street, where two entrance doors are required, seconded by Ms. vanden Hombergh.

Motion was approved unanimously by a voice vote.

Discussion:

Chair Hohler said he knows where the door to the utility room is, then asked if the other door is on the corner of the multi-purpose room and Mr. Flynn pointed out the door to the utility room, an additional door that goes into the storage area, and pointed out another door. Chair Hohler stated something about the other corner being like a feature wall, Mr. Flynn said yes and highlighted in blue are the windows or fenestration, he then pointed out another blue highlight and said it was a door and they are recommending that they put in non-vision glass to get some daylight in and to help to give the appearance of an activated street, although this is the utility room. He pointed to another area and said it was the large picture window that's about 18 feet of glass, and two stories tall, and then the commemorative window on the south façade.

Mr. Wark asked if the two required entrances have anything to do safety issues and Mr. Eldridge replied it doesn't have to do with safety issues because that would be addressed by the building code and the fire marshal occupancy requirements, and that depends on the size of the assembly area, this is just based on the form-standards and is a requirement for the street facing facades.

Chair Hohler said is it just for looks and Mr. Eldridge said yes and from the renderings of the street view you could see the door, there's a concrete walk that goes off the sidewalk back to the door, so it does land itself to look like a more functional and active building front, he asked Mr. Flynn if there's also green space and was told to the left of the door there would be green space.

Chair Hohler stated they did give the Boys and Girls Club their variance for security reasons, and it was more of a security issue than this is and stated that if push came to shove there is a spot where you can put another door, but that's it adhering to the form for true formalities sake, which means he will be voting to approve. he asked if anybody else had anything to say and the board said no.

Motion was approved unanimously by a roll call vote.

Chair asked for staff comments regarding the last variance and Mr. Eldridge stated the occupied space variance was looked at in great detail because the utilities are out in Burdick Street and coming from there into the building so there's some logic to placing the utility room on that side of the building however, that same argument can be made for almost every building because the utilities come off the street and go into the building somewhere and the city doesn't want to foster placement of the utility room in the front of buildings so that couldn't be used as the only foothold for approving a variance and it didn't help staff as far as being able to support this. He said because there is the ability to change the floor plan around, and shift the location of the utility room outside of that occupied space, which is the first 15 feet inside the building, so it was viewed as something that could be addressed in another way therefore, they couldn't give staff support to it, kind of like the shed earlier in the evening where there was a conforming alternative.

Ms. van den Hombergh moved to approve the application for 4) a dimensional variance from Chapter 50-5.6, E (3) 19, to authorize no more than 30% of the occupied space (first 15 feet inside the building) along North Burdick Street frontage to utilize for a mechanical room, where storage rooms and utility rooms are not permitted in the occupied space, seconded by Mr. Wark.

Discussion:

Chair Hohler stated the staff report refers to the front of the building and asked if there could, technically, be more than one front to this building if it's just based on the streets and if this building being on a corner lot affecting this and Mr. Eldridge said yes and because this is a corner lot, the new building has an occupied space requirement on both North Burdick and on East North Street, so it does add a challenge to locate all the required necessary parts within the floor plan, but it isn't something the city wants to encourage, putting utility rooms toward the front of the building. He said they only limited it to 30% of that space, so its an incidental amount of the occupied space being used. Chair Hohler asked if they would have an issue with occupied space no matter where they put it and if this area is off limits for this room and Mr. Eldridge said that is correct. Chair Hohler asked how far in from Burdick does the utility room have to be and Mr. Eldridge said it's just the first 15 feet inside the building, so they could push it further back.

Chair Hohler asked if there were any other questions and there were none. He stated he will vote to approve because they're pinned in by the two corners (frontages), and that isn't a problem they created and the solution is not really ideal because the parking lot is on the other side and if you

put the utility room over there now you have to go through utility room to get to all of these other things, and if you move it in enough to make it comply with Burdick... he understands why they designed it the way that they did plus it's an L-shaped lot. He added that if he looked at the staff report he thinks all of the things in it are fine as to why there's a problem with the property that they have to deal with, he just comes up with a different conclusion and would approve the variance for that reason.

Motion was approved unanimously by a roll call vote.

DISCUSSION/ACTION ITEMS:

Chair Hohler added an item regarding Robert's Rules of Order and The Bylaws as Ms. Harrington had a question regarding a revote and stated she was requesting one. As a reminder Chair Hohler said a revote can be granted if you're on the winning side of the vote. Mr. Wark asked if this would be a revote or if she is able to change her vote and Chair Hohler stated changing her vote will affect the outcome of the one she's thinking about and added that there is a time frame of 10 days or two weeks and Ms. Harrington stated she was ready to do it at this meeting.

Mr. Eldridge read the reconsideration as it comes out of the rules of procedure for the Zoning Board of Appeals Section 8.1 as it states: following adopted by the Zoning Board of Appeals, a member who either voted with the prevailing side, or did not vote, may make a motion to at any time during the same meeting or within 10 days after the meeting. The member making a motion to reconsider shall submit the motion and writing with the stated reasons to support the motion, and that shall further deliver the motion to the recording secretary, city staff, and the primary administrative support to the ZBA and other ZBA members who are present. Any member may second the motion and if the motion is made after the meeting, the second shall also be made in writing and delivered in the same manner as the motion. The decision on the motion shall occur at the next regularly scheduled meeting, no decision shall be reconsidered more than once nor shall a vote to reconsider be reconsidered. The applicant or aggrieved person may, who originally appealed the ZBA shall be given notice if a motion of reconsideration is made and filed. To clarify, Chair Hohler said she can make a motion now, assuming she was on the winning side or wasn't here to vote, to reconsider, someone can second it all in writing, to city staff soon, and then the vote comes before the board again in a month or at the next meeting...and Ms. Harrington asked if she can motion now and Chair Hohler expressed it can be done orally and seconded now and followed up in writing and Mr. Eldridge agreed and said it must be seconded. Chair Hohler asked which one she was going to motion for reconsideration to make sure she was on the winning side. Ms. Harrington said she would like to make a motion for ZBA 25-01-03, the West Michigan one where she voted yes and it passed and now she would like to reconsider because she has taken a different position. Chair Hohler said that he can second. Mr. Eldridge said he would like to make a point of order since the applicant was no longer in the room and Attorney Bear said they will need to be notified for the next meeting and Chair Hohler reminded Ms. Harrington that she needs to state her reason for the reconsideration, and she asked if she needed to send it to the entire board and Mr. Eldridge said for her to send it to him and he will make sure it gets circulated to the board and the recording secretary. Chair Hohler said he doesn't believe he needs to send his second in writing because it was given orally here, but will do so if needed, then it will go on the agenda for next month's meeting.

Chair Hohler asked the board if anyone else would like to be Chair, Vice Chair, or Secretary than the current three there and there was no one.

Ms. van den Hombergh made a motion to keep the current officers for the 2025 year, seconded by Mr. Wark.

Motion approved by voice vote.

Mr. Wark asked Ms. Harrington why she wants to change her vote and she stated she has been thinking about the congruity of her choices over the course of the time that she's been on the ZBA, and added that she is pro development and pro regenerative development and community centric development, and far be it for her, as a micro developer, to ever do anything that's prohibitive to things that are going to enhance the quality of life for the members of our community and the constituency of our community, but she thinks there's a values issues surrounding the first case that happened and she thinks that we need to take a critical look, in spite of the fact that she thinks she's consistently demonstrated that she's been in alignment whenever people have purchased buildings, even when she's been supportive of business, always, but this feels too incongruous of her values based on the two things that happened, and she needs and how the board interprets these ordinances to take a stance on that, in terms of city staff positionality and how the ordinance falls and the way that the board interprets the rationale for variances, she feels like she needs to take a different stance and maintain some continuity in terms of the board's philosophical bent. She added that she struggled with her decision and she wishes that they could have had more discussion about that but she thinks that one of the things she would like to say also is that she can appreciate the iterative nature of having to come before the ZBA because developments are progressive but she also thinks that there's a process handling thing that needs to happen where if you have a project you need to bring all of it at one time. She said she feels there's something with that, but she doesn't have it all figured out and that's why she needs to take her time to reconsider her decision. She then asked Mr. Wark how he felt about that, and he said he understood and she said she's glad because she would have liked to have had more conversation with all of her colleagues here, with city staff, and the city attorney, to be able to arrive at a decision that was judicious and fair and reflective of their values and again she does have a strong positionality regularly but she's not coming against city staff, she just thanks that they all have good hearts and want the best for our city but she's not trying to be divisive or fight but she does think that there are selective enforcements in the way that we view individuals versus the developers and she thinks the board needs to approach and reassess how they're doing that and Mr. Wark admitted the first case was tough.

Chair Hohler asked if the notices must go out to the same radius of people again and Mr. Eldridge said yes because the request has to be heard again. Mr. Eldridge asked if it would be helpful to target the review criteria for the comments rather than the free-flowing conversation and Ms. Harrington said she likes and appreciates the conversation, critical thoughts, and the contribution everyone makes. She admitted that speaking with Mr. Bruggeman also helped her to inform her position because he is a neighbor.

Ms. Haan said she wanted to point out that a lot of what Mr. Bruggeman said was based on speculation because he said he doubted this, and he doubted that and didn't present facts. She added that she lives in that area and doesn't like the fact that he spoke for the whole neighborhood when he was only speaking for himself.

Attorney Bear stated the discussion does need to be focused on the criteria, getting all the information, and getting all the facts, particularly in a reconsideration one or more of the board should be going through the criteria and saying why they believe the application does or doesn't meet the criteria and if you are reconsidering, and if the outcome is it going to change, you can anticipate that it will be appealed, so you want those criteria addressed. Ms. Harrington asked if she needed to write her rationale for each of the six criteria and was told that it would be helpful.

REPORTS:

Annual Report from 2024 was tabled by Chair Hohler

ADJOURNMENT:

The meeting was adjourned at 10:06 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: **3/13/2025**

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, Zoning Administrator

DATE: March 13, 2025

SUBJECT: ZBA #25-01-03: 3607, 3619 and 3625 W. Michigan Avenue. A motion of reconsideration of the dimensional variance below, which was approved on February 13, 2025, will be discussed, and voted on. If the motion of reconsideration is approved, the Board will open a hearing on this request again from Interstate Capital Development, LLC for a dimensional 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 multifamily residential building.

BACKGROUND:

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

The project will redevelop a vacant and blighted former long-term care facility (nursing home). The 53,000 square foot building and existing infrastructure will be demolished to prepare the site for redevelopment. The planned project will provide 235 apartments (market rate units and units below market rate), a pool, a basketball court, a pickleball court, and other amenities are planned for the site. From an environmental standpoint, the antiquated on-site stormwater management on this NFP property will be upgraded to meet current performance standards.

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 to authorize the proposed development to encroach onto 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 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. Since these approvals, this project has been moving through site plan review and recently obtained approval for Brownfield Redevelopment funding.

The updated set of plans received in 2024 included a detailed building layout. Through staff review, it was determined that the multifamily 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 multifamily standards, including architectural features for the primary façade and windows, but not the length of the primary façade. The primary façade is 318 feet in length and will be broken up with varying exterior materials and a subtle step look with bump outs projecting out from the façade. Further, the east 60 feet of the façade will extend approximately 90 feet to the north, providing an additional design element. The residential zone district standards limit 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 multifamily developments on the public street. It should be noted this facade length limitation only applies to multifamily buildings. Mixed-use buildings have no façade length maximum and there are several examples of successful mixed-use projects with façades over 200 feet in length, like the four-story Main Street Properties Building (35 residential units) on W. Michigan Avenue near Howard Street and the 400 Rose Development Phase 1 (135 units) and Phase 2 (101 units) at S. Rose Street and W. Lovell Street. Further, staff view this standard as antiquated and unnecessary with the other design elements required for multifamily developments and the change in the quality and scale of buildings now being constructed compared with the student housing projects that brought about this standard 20 years ago. The Residential Zone Districts are the next section of the Zoning Ordinance that staff are planning to review and update. Staff do plan to recommend removal of the facade length standard.

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 topography of the site is highest along the street frontage and then slopes 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. Due to the narrowing of the parcel along the frontage and the protected slopes and tree coverage toward the rear of the parcel, the building placement is limited to the center of the site.

Staff are supportive of the dimensional variance for the following reasons: 1) The irregular shape of the lot and the NFP standards have caused the building to be centrally located on the lot with the façade setback over 200 feet from the W. Michigan Avenue, 2) a portion of the front façade will be behind the gas station to the west, and 3) the applicable code section provides an inequitable standard on multifamily buildings that does not apply to mixed-use buildings.

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 notice of reconsideration / public hearing notice was placed in the newspaper and notices, dated February 26, 2025, 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 and shape of the parcel 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. Further, staff research has found this standard limits only multifamily buildings, yet mixed-use buildings have no such facade length maximum. Staff will recommend removal of this standard from the Ordinance when the residential district standards are updated next year.

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 and eliminate the undo burden of this inequitable facade length standard.

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 upgraded to meet new performance standards 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 the remaining primary facade will be behind the gas station site to the west.

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:

1. Motion of Reconsideration: Staff does not support approving a motion of reconsideration because staff believes the request meets the review criteria.
2. Dimensional Variance: Staff support for the granting of this variance has not changed since the public hearing on February 13; the request meets the above review criteria.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

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NOTICE OF MOTION OF RECONSIDERATION / PUBLIC HEARING

February 26, 2025

**RE: ZBA #25-01-03
3607, 3619, and 3625 W. Michigan Avenue
Parcel #: 06-19-454-001, 06-19-454-002, and 06-19-463-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance was filed with the Zoning Board of Appeals by Interstate Capital Development, LLC for 3607, 3619, and 3625 W. Michigan Avenue in the Residential – Multi Dwelling District (RM-15) and Natural Features Protection Overlay.

A motion of reconsideration for the dimensional variance below, which was approved on February 13, 2025, will be discussed, and voted on at this meeting.

IF, the motion of reconsideration is approved, the board will open a hearing on the following request again for a variance from Appendix A, Chapter 4, 4.2 Q 1. b) 1), to authorize the primary building facade (facing W. Michigan Avenue) to be 318 feet in length, where the ordinance limits the primary façade to 200 feet for any multi-family residential building.

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

The meeting will be held on Thursday, March 13, 2025, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator



Community Planning & Economic Development

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

ZONING BOARD OF APPEALS APPLICATION

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

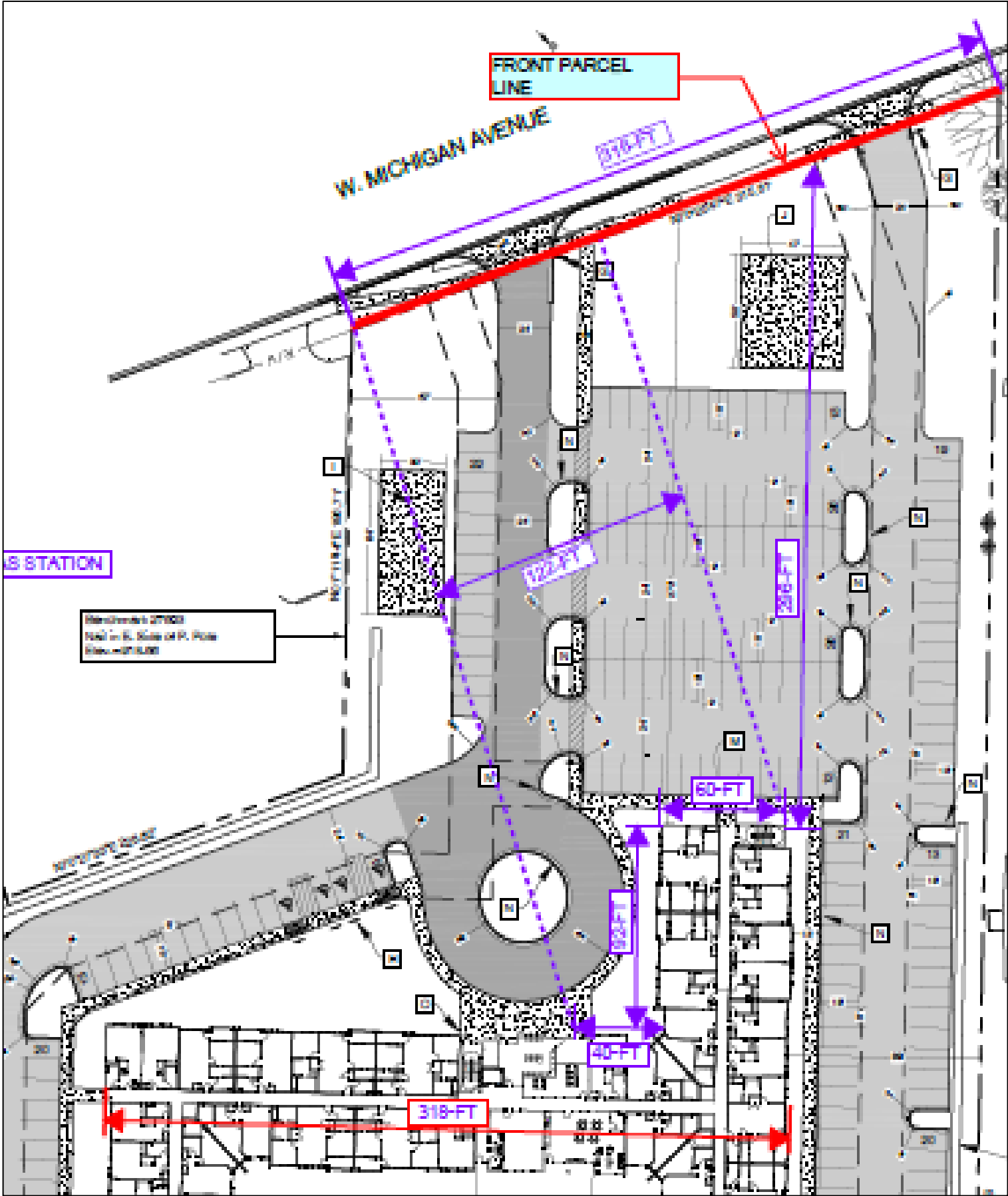
Additional Criteria for Variance Requests for Required Landscaping

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.



BRONCO COMMONS

Brownfield Presentation



This file has been converted from its original format for security purposes. Please use CE96508328BC9 as a reference when contacting the ServiceDesk, which can be reached at 337-8400. It is IMPORTANT to contact the ServiceDesk within 7 days of receiving this email to have it released. After 7 days we will not be able to release it.

11-7-24

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%
- DWELLING UNIT DENSITY:
235 UNITS / 9.46 AC = 24.8 UNITS/AC

SITE PLAN NOTES

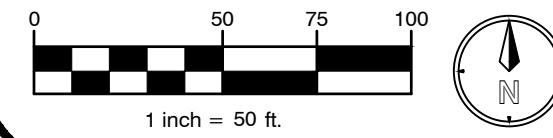
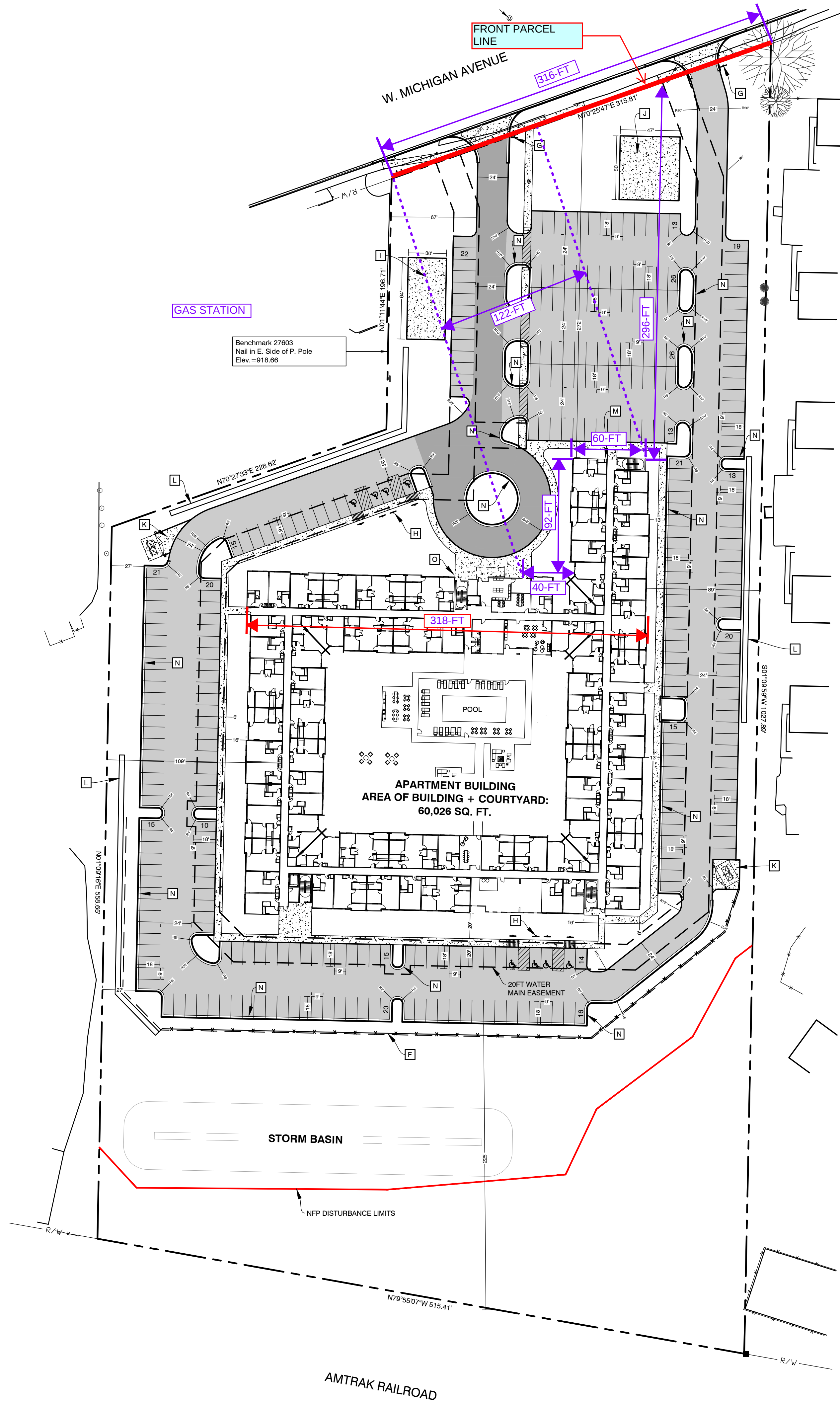
- [A] BITUMINOUS PAVEMENT (SEE DETAIL, SHEET C5.0)
[B] INTEGRAL CURB/WALK (SEE DETAIL, SHEET C5.0)
[C] AT-GRADE RAMP (SEE GRADING PLAN)
[D] DOWNSPOUT (TYP.)
[E] 4" PAINTED PARKING LOT MARKING/ STRIPING (TYP.)
[F] 6" VINYL COATED CHAIN LINK FENCE (SEE ARCH PLANS)
[G] STOP SIGNS (2)
[H] ADA SIGNS (8) (SEE 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 & 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

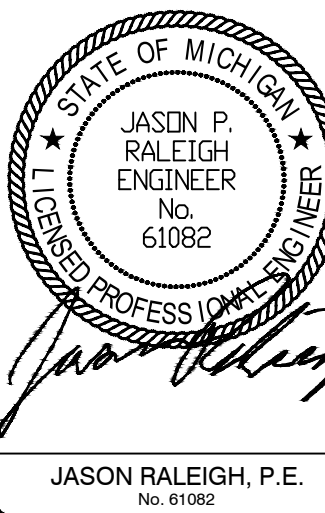
- DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
- 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

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

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
23169001DATE
03/15/2024

SHEET NUMBER

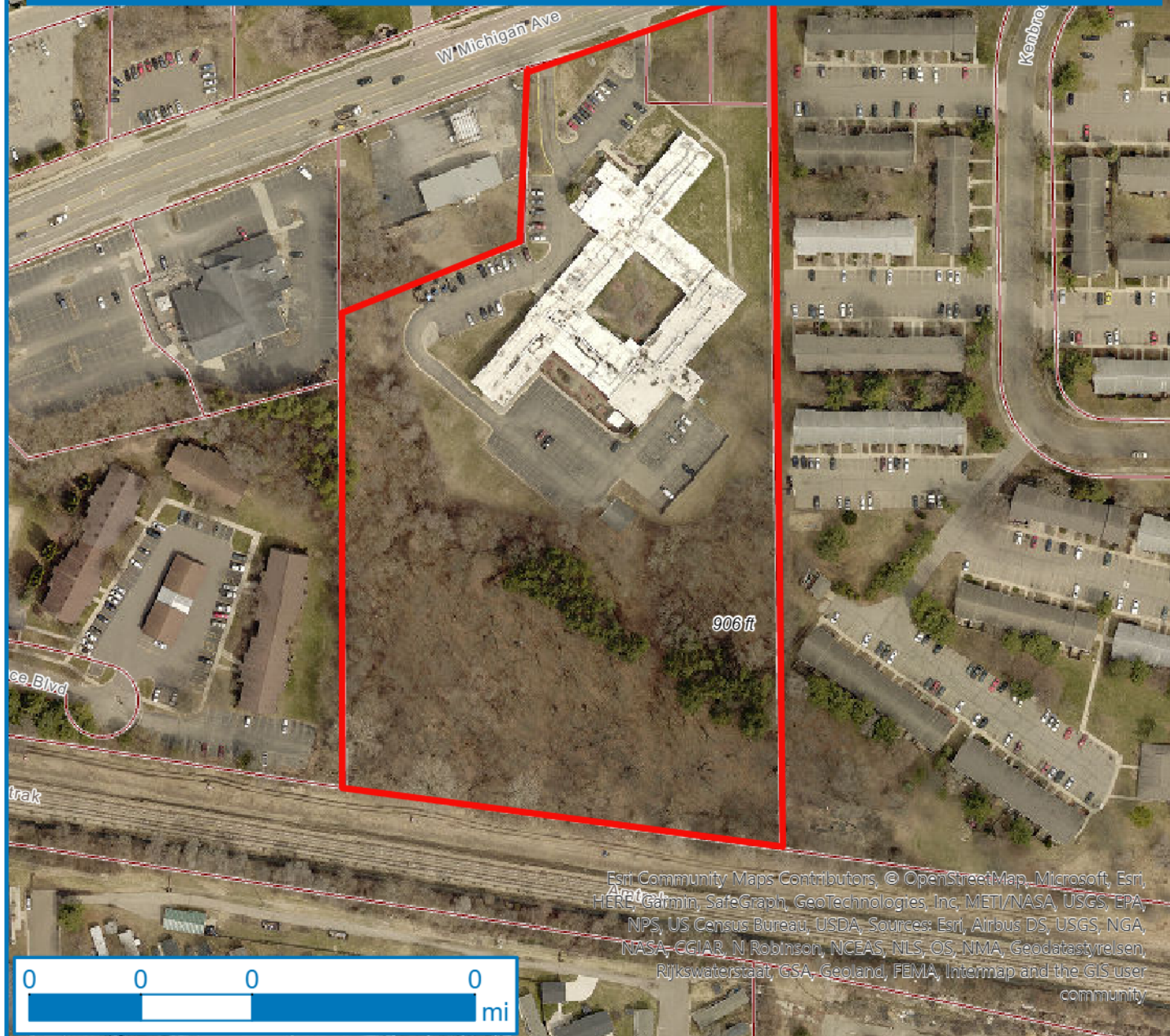
C2.0



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

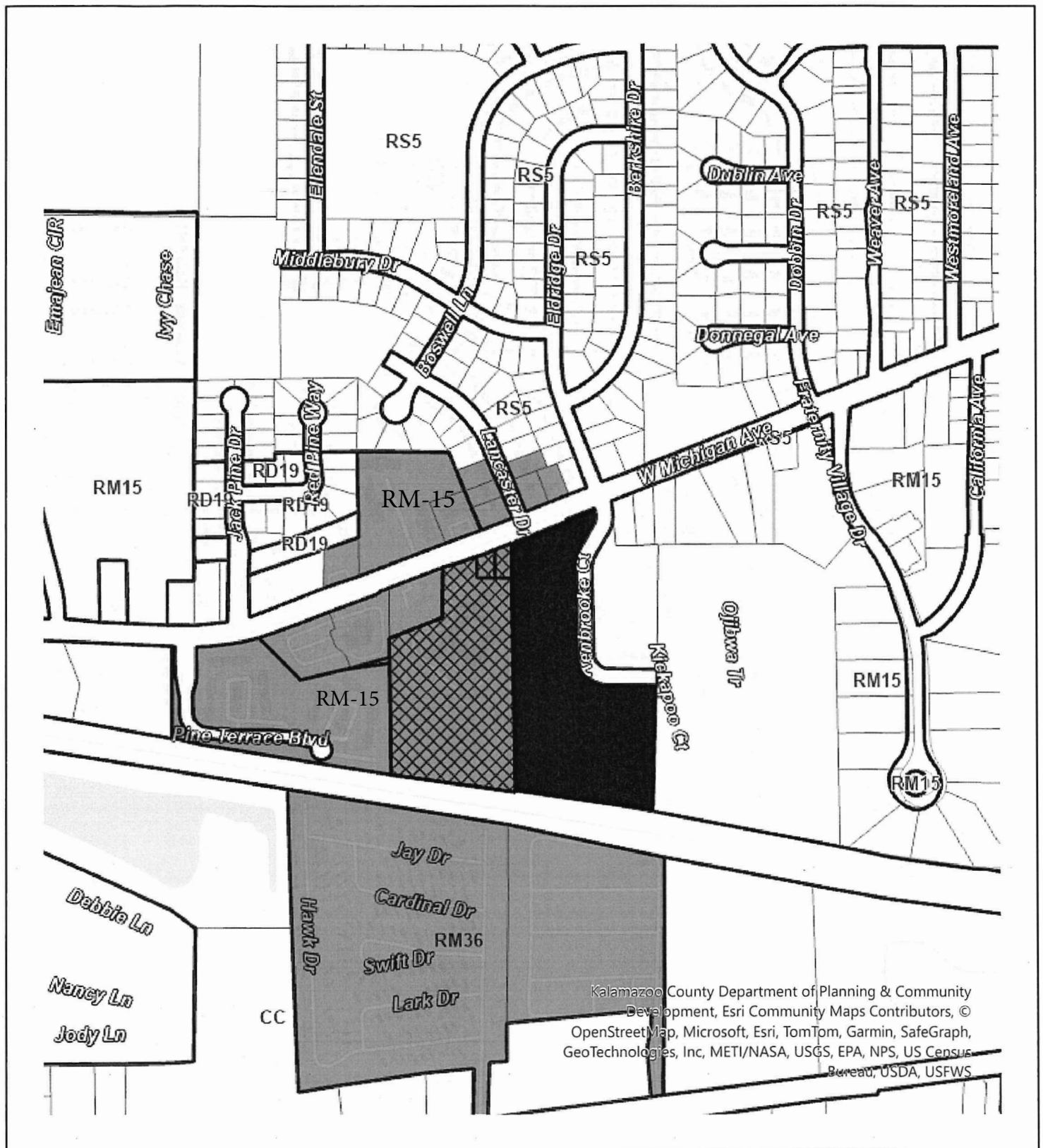
Address

GENERAL INFORMATION

□ City Boundary



City of
Kalamazoo,
3/31/2023



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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



Zoning Board of Appeals Staff Report

Date: **3/13/2025**

Item: **D.2.**

City of Kalamazoo

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: March 13, 2025

SUBJECT: ZBA #25-03-05: 918 Riverview Drive. CESCO, Inc., is requesting a dimensional variance from Chapter 50-4.4(10)(a), to authorize a variance of 2,265 feet where a separation distance between package liquor uses of 2,640 feet is required. This results in a separation distance of 375 feet between the 13½ Liquor Store with alcohol sales for off-site consumption and the proposed 7-ELEVEN convenience store with planned beer and wine sales.

BACKGROUND:

The property at 918 Riverview Drive is approximately 1.4 acres and has been improved with a 12,000 square-foot former Walgreens building with parking lot. The property is in the CC Zone District. The proposed project would involve the demolition of the existing Walgreen's building and construction of a Speedway gas station and 7-Eleven convenience store. This use is permitted by right in the CC Zone District. The site plan provided is a concept plan which will require Site Plan Review approval.

The applicant is requesting a dimensional variance from the required separation distance between this site and the liquor store (13 1/2 Liquor Store) to allow for the sale of alcoholic beverages for off-site consumption. The required separation distance is 2,640 feet between liquor stores, convenience stores with alcoholic beverage sales, and gas stations with alcoholic beverage sales. The distance between 13 1/2 Liquor Store and this project site is 375 feet. This is a variance request of 2,265 feet (85% of the overall separation distance). The applicant has indicated that the prior Walgreens had beer and wine sales. Further, the 13 1/2 Liquor Store at 806 Riverview Drive was previously classified as a grocery store but is now a liquor store due to changes in the store's offerings.

STRATEGIC VISION ALIGNMENT:

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

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

A complete neighborhood provides access to daily needs close to residential neighborhoods.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; 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 February 26, 2025, were sent to the property owners and occupants within 300 feet. The Eastside Neighborhood Association was also contacted.

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 related to the land or building. The project will involve the demolition of the existing building and redevelopment of the entire site. The gas station and convenience store (without alcoholic beverage sales) are permitted by right.

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

There are no special circumstances that are not the result of the actions of 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.

The enforcement of the terms and provisions of the Ordinance does not deprive the applicant of the development of a gas station and convenience store, which are both permitted in the CC Zone District by right.

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 not the minimum action that will make possible the use of the land or structure. The granting of the variance would allow for extended alcohol sales; Speedway gas stations are open 24 hours.

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

The extended hours for alcoholic beverage sales and the concentration of two alcohol sale locations open late near one another could have negative impacts on the surrounding properties.

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

The granting of the variance will not be consistent with the intent of the Ordinance to separate specific commercial activity that could have negative impacts on the community.

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 dimensional variance.

RECOMMENDATION:

Staff does not support the granting of this variance as it does not meet the above review criteria.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

February 26, 2025

**RE: ZBA #25-03-05
918 Riverview Drive
Parcel #: 06-14-116-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by CESCO, Inc., for 918 Riverview Drive in the Commercial – Community District (CC).

The applicant is requesting a dimensional variance from Chapter 50-4.4(10)(a), to authorize a variance of 2,265 feet where a separation distance between package liquor uses of 2,640 feet is required. This results in a separation distance of 375 feet between the 13½ Liquor Store with alcohol sales for off-site consumption and the proposed 7-ELEVEN convenience store with planned beer and wine sales.

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

The meeting will be held on Thursday, March 13, 2025, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

(269) 337-8026 • www.kalamazoocity.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: CESO, Inc. (Mandy Gauss)		Mailing Address: 13060 S. US Hwy 27; Suite D
City: Dewitt	State: MI	ZIP Code: 48820
Phone: (586) 855-8130	Email: gauss@cesoinc.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>		
Name: Midwest States, LLC Attn: Bogie Piwowar		Mailing Address: 8774 Sepulveda Blvd, Suite 6
City: North Hills	State: CA	ZIP Code: 91343
Phone:	Email: bogie@polamcmis.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 918 Riverview Drive; Kalamazoo, MI 49048		
Parcel Identification Number(s): 06-14-116-001		Zone District (kalamazoocity.org/maps):
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) _____, Section(s) _____		
☐ Use Variance to allow _____		
☐ Natural Features Protection Variance		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☐ Temporary Use Approval		
Reason for Request:		
ATTACHMENTS		
☒ \$ 300 Fee		
☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.		
☒ Review Sheet for Request Type		Optional: Photos of property, architecture plans, etc.
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support		
SIGNATURE		
Signature of Applicant: <i>Mandy J. Gauss</i>		Date: 01/15/2025
Signature of Owner (if different than applicant): <i>Steve Moore</i>		Date: 01-15-2025

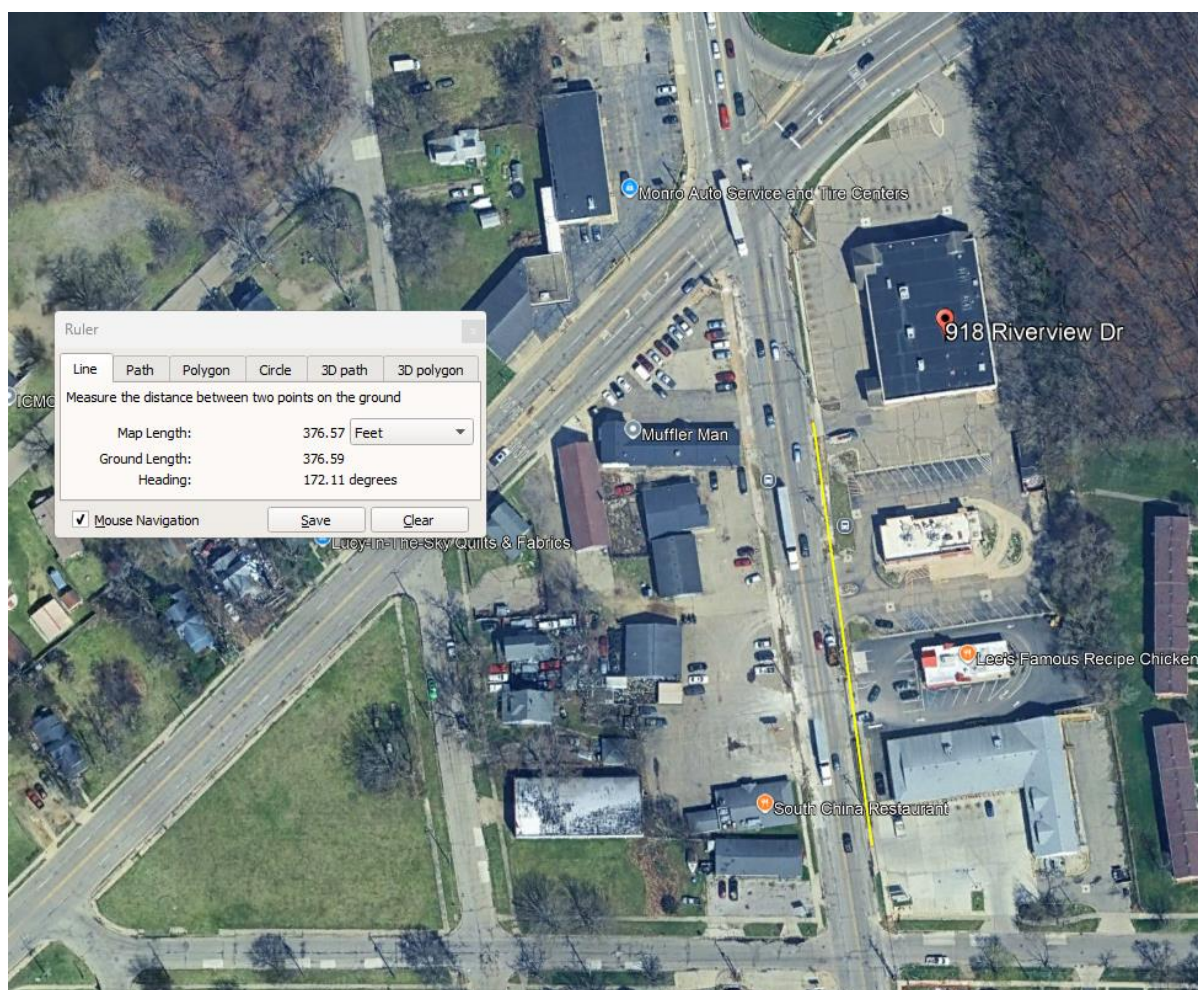
January 15, 2025

Community Planning and Economic Development
City of Kalamazoo
245 N. Rose Street
Kalamazoo, MI 49007

RE: ZBA Narrative: 918 Riverview Drive
Dimensional Variance Request Chapter 50-4.4-C(10)(a)

Dear Mr. Eldridge:

I am writing to formally request a dimensional variance from Chapter 50-4.4-C(10) of the City of Kalamazoo zoning ordinance requiring a minimum distance of 2,640 feet between establishments selling packaged liquor. This request pertains to the property located at 918 Riverview Drive (currently a vacant Walgreens building and proposed to be redeveloped as a gas station). The proposed development is within 375 feet of another location offering packaged liquor, 13 ½ Store located at 806 Riverview Drive.



The property in question has a history as a location for beer and wine sales. Previously, it operated as Walgreens, which sold beer and wine. The current request seeks to continue this historical use of the property, aligning with its prior role in the community.

We believe granting this variance is reasonable and beneficial for the following reasons:

Continuation of Historical Use: The property has consistently operated as a site for beer and wine sales, and this request merely seeks to uphold its established role in the community.

Minimal Disruption: Given the property's historical use, this variance would not introduce a new activity to the area but rather continue a long-accepted use. There would not be a negative impact on neighboring properties, traffic, or community character.

Enclosed, you will find supporting documentation, including:

- Concept Plan
- Floor Plan
- Building Elevation

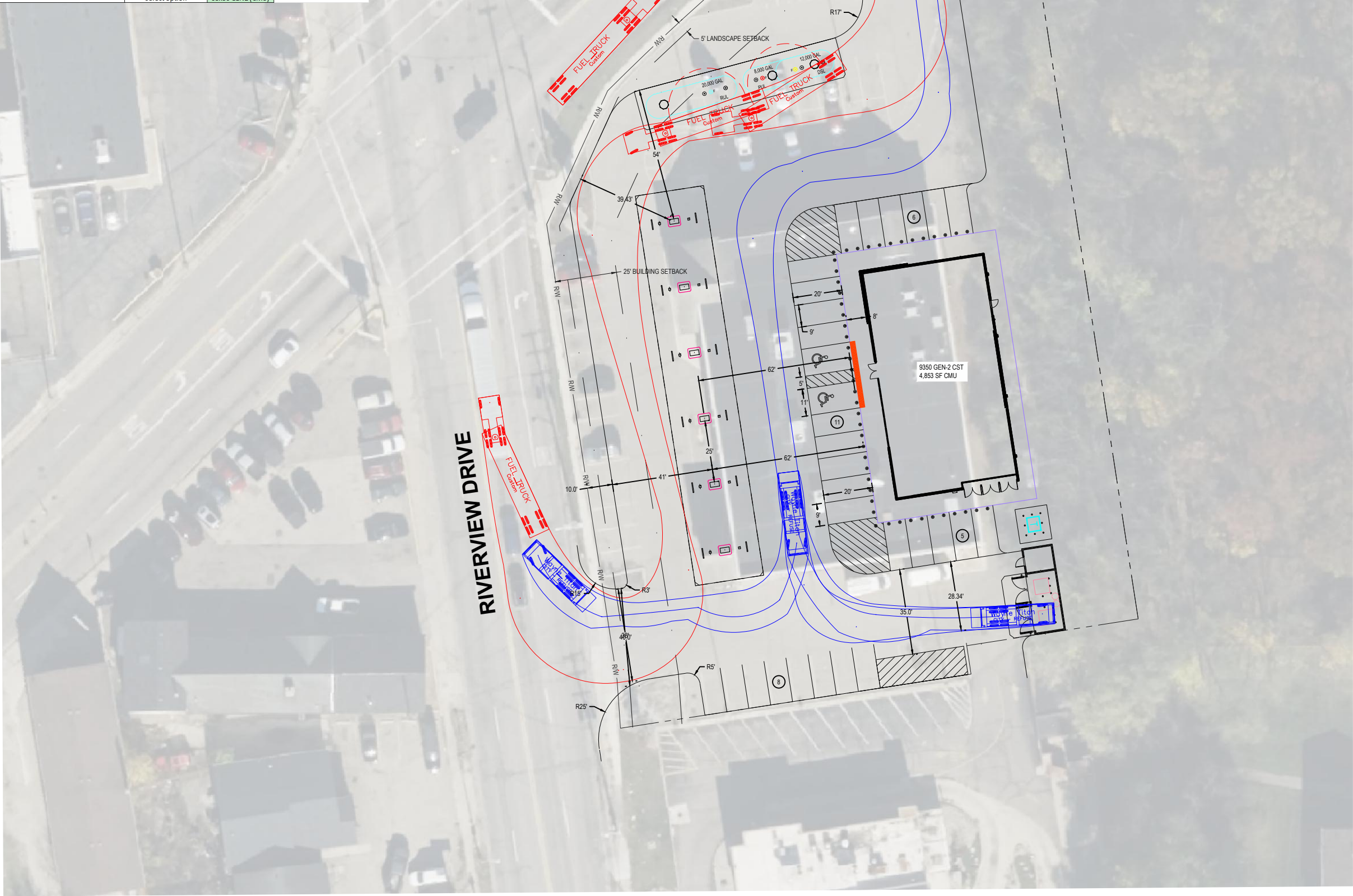
Should you have any further questions, please do not hesitate to call me.

Respectfully,

A handwritten signature in black ink that reads "Mandy J. Gauss". The signature is written in a cursive, flowing style.

Mandy Gauss, P.E.
Senior Project Manager

Key	Dimension Element	7-Eleven Standard	Store	
A	Center of bollard to center of dispenser	62'	62'	
B	Center of dispenser to edge of front curb with tanks	47'	N/A	
C	Center of dispenser to edge of front curb without tanks	39'	41'	
D	Edge of dispenser to side curb with tanks	54'	54'	
E	Edge of dispenser to side curb without tanks	46'	46'	
F	Drive aisle width between the face of dispensers (in stacked position)	34'	N/A	
G	Centerline dispenser spacing (in stacked position)	27'	N/A	
H	Drive aisle width between the face of dispensers (in starting gate position)	25'	25'	
I	Sidewalk width	8'	8'	
J	Dimensions of typical parking spots	9'x20'	9'x20'	
*K	Dimensions of ADA parking spots	11'x20'	11'x20'	
*L	Dimension of ADA aisle	5'	5'	
M	Ingress and egress dimension	40'	38'	Existing driveway width is 38' and City limits to 24' south of the building.
N	Drive aisle width	35'	28.34'	Limited on width to the south of the building.
	MPDs	6 MIN.	6	
	Parking with restaurant	40	N/A	
	Parking without restaurant	25	30	May need to reduce to 25 if variance is not achieved
	Building prototype	select option	93x50 GEN2 (CMU)	



7-ELEVEN

KALAMAZOO, MI

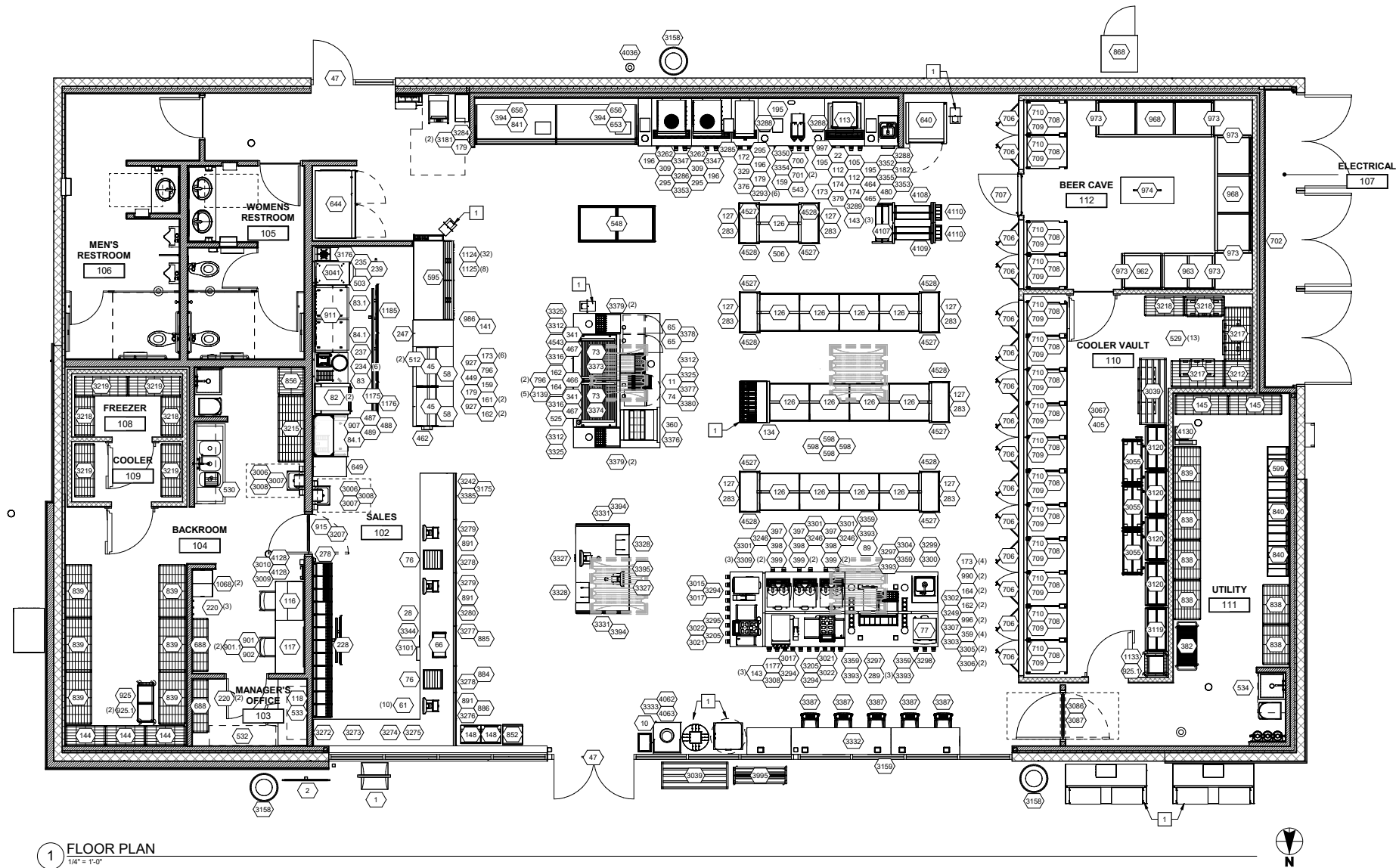
918 RIVERVIEW DRIVE
KALAMAZOO, MI 49048

Revisions / Submissions		
ID	Description	Date

Project Number:	765319-01
Scale:	1"=20'
Drawn By:	MB
Checked By:	MG
Date:	01/07/2025
Issue:	N/A

Drawing Title:
CONCEPTUAL SITE PLAN

EX-1



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

9350 CST GEN2

SALES SECTIONS	HEIGHT	QTY	STORAGE	LF	EQUIPMENT	QTY	OCCUPANCY	WALL TYPE LEGEND	SPECIFICS
T-UNITS	54"	26	4-TIER DRY SHELVING	69'	VAULT DOORS	11	MERCHANDISE / BEER CAVE 2,096 SF / 60 = 35 PEOPLE	EXTERIOR WALL	APPROVED: YES ☒ NO ☐
END CAPS	54"	7	6-TIER DRY SHELVING	N/A	BEER CAVE DOORS	4	QUEUING 62 SF / 15 = 5 PEOPLE	NEW WALL FULL HEIGHT	APPROVAL DATE: 08/06/2024
END CAPS w/ 6" EXTENDER	54"	0	COOLER STORAGE	8'	LOW TEMP DOORS	2	SEATING 84 SF / 15 = 6 PEOPLE	NEW WALL PARTIAL HEIGHT	GO-BY RELEASE DATE - APRIL 2024
END CAPS 24" W w/ 6" EXTENDER	54"	0	FREEZER STORAGE	14'	SLURPEE	2	KITCHEN ### SF / 200 = 0 PEOPLE	NEW COOLER WALL	7-11 DESIGN MANAGER: MICHELLE DUVAL
FritoLay END CAP	54"	1	OVERHEAD STORAGE	12'	POST MIX	1	SALES 398 SF / 60 = 7 PEOPLE	COLUMN	SHELL CONSTRUCTION:
WINE FIXTURE	54"	3			ROLLER GRILL	2	BACKROOM / UTILITY / VAULT 976 SF / 300 = 4 PEOPLE		CMU ☒ CFS/LGMF ☐ SIPS ☐ OTHER
LOW WALL	36"	0			SANDWICH CASE	2	OFFICE 43 SF / 100 = 1 PERSON		BUILDING SIZE: 4,853 SF
HIGH WALL	72"	0			BAKERY CASE	1	RESTROOM		GAS ☒ BEER ☒ WINE ☒ LIQUOR ☐
TOTAL SALES SECTIONS		37			NOVELTY CASE	1			
					ICE MERCHANDISER	INT: 1 / EXT: 4			
							OCCUPANCY LOAD (>49) = ##		
							TRAVEL DISTANCE (<200) = ##		
							COMMON PATH OF TRAVEL (<75) = ##		
							RESTROOMS REQUIRED = 2		
							EXITS REQUIRED = 2		

7-ELEVEN, INC.
3200 HACKBERRY ROAD, IRVING, TEXAS 75063
7-ELEVEN #1056400
E WEST WYOMING & DECKER RD
WALLED LAKE, MI

JOB #:
20241216.28

SCALE:
1/4" = 1'-0"

DATE:
8/15/24

DRAWN BY:
ERM

CHECKED BY:
ERM

Documents prepared by A/E for specific project and specific use for which they are intended. Any reproduction, distribution, or use of these documents without the express written consent of the A/E firm is prohibited. The A/E firm shall not be held responsible for any claims and losses.

APPROVED: YES ☒ | NO ☐

APPROVAL DATE: 08/06/2024

GO-BY RELEASE DATE - APRIL 2024

7-11 DESIGN MANAGER: MICHELLE DUVAL

SHELL CONSTRUCTION:

CMU ☒ | CFS/LGMF ☐ | SIPS ☐ | OTHER

BUILDING SIZE: 4,853 SF

GAS ☒ | BEER ☒ | WINE ☒ | LIQUOR ☐

PRELIMINARY DRAWINGS

SHEET:

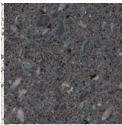
LAYOUT 2

Page 50 of 59

PROTOTYPICAL EXTERIOR RENDERINGS - CMU



Nichiha Vintage
Wood - Spruce



Westbrook Concrete
Block CMU –
PFT-608



Pac-Clad –
Silver



Bollards and Trim:
Sherwin Williams –
Tricorn Black 6258



Electrical Doors:
Sherwin Williams –
Rock Bottom 7062

Please refer to the current 9350 CST Prototype to reference the exterior finishes. Exterior finishes may vary per site specific requirements.



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

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?

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?

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

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?

Will the granting of the variance negatively affect adjacent land?

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

Additional Criteria for Variance Requests for Required Landscaping

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

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



Community Planning & Economic Development

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

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

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

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



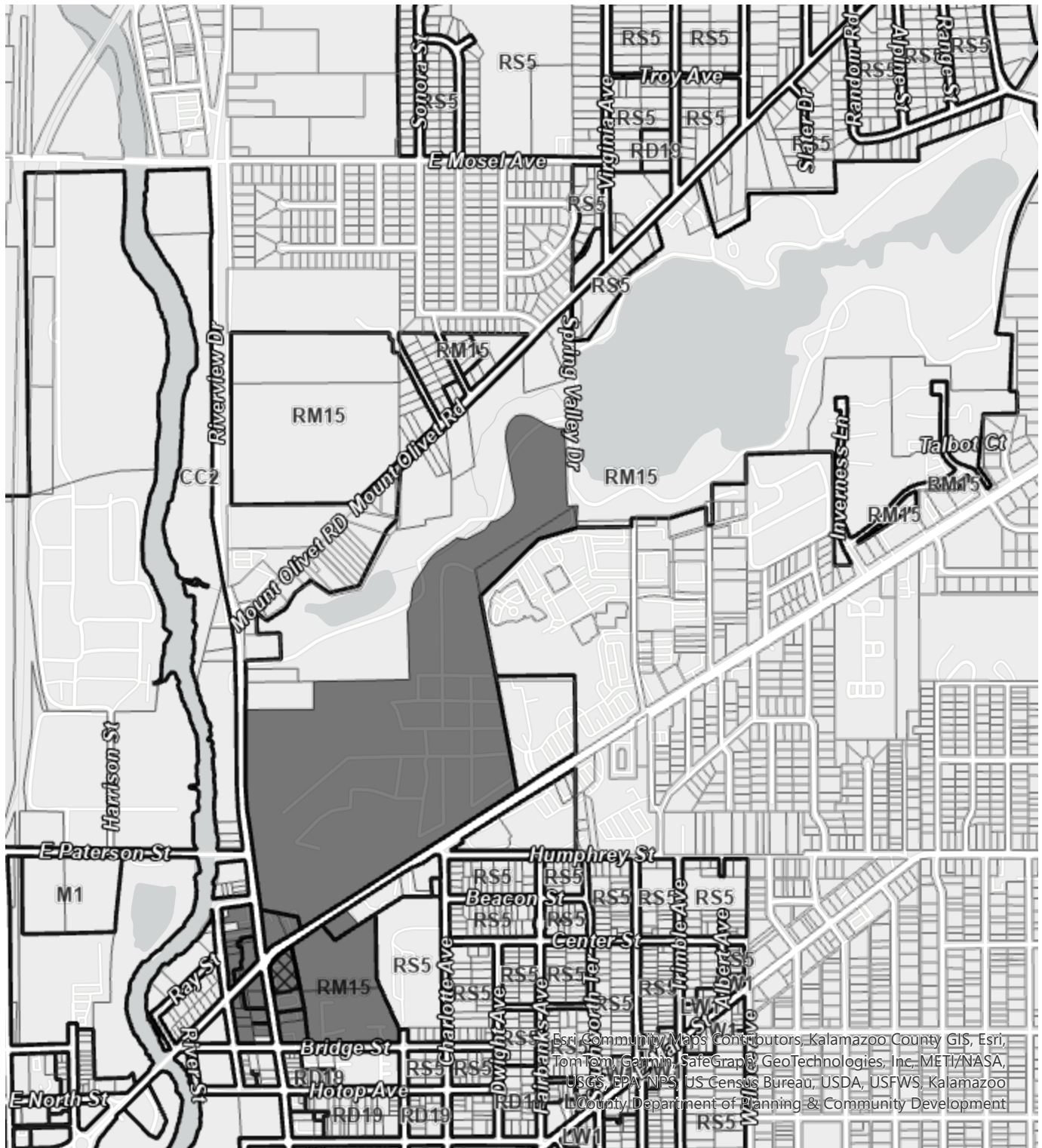
LEGEND

PARCEL MAP

 Parcel

GENERAL INFORMATION

 City Boundary



Parcels within 300' Mailing Radius 918 Riverview Dr

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



0 420 840 1,680 ft

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

CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
ANNUAL REPORT
2024

Introduction:

The Zoning Board of Appeals (ZBA) is a quasi-judicial body, whose duty is to balance protection of the public interest through zoning regulations with property rights of landowners.

Purpose:

The ZBA is a required appeals mechanism established by the State of Michigan’s Zoning Enabling Act. Any community adopting a zoning ordinance must also establish an appeals board of review for circumstances in which landowners may be unjustly burdened by the ordinance.

Membership:

Other than residency, the ZBA has no specific membership requirements. However, staff and the ZBA officers work together to maintain membership that brings expertise, professionalism, and a broad geographic cross-section of the community to this decision-making board. The ZBA includes six members and two alternates, with quorum being four members. The alternates are intended to ensure that a full board is present at each meeting. The 2024 membership included:

<u>Name</u>	<u>Position</u>	<u>Term</u>
1. Joe Holer	Chair	First Full Term
2. Gary Wark	Vice Chair	First Full Term
3. Remi Harrington	Secretary	Second Full Term
4. Beth van den Hombergh		First Full Term
5. Tony McReynolds		First Full Term
6. Allison Haan		Partial Term
7. Alan Sylvester, Alternate #1		Partial Term
8. Vacant -Alternate #2		

Meetings:

The ZBA meets on the second Thursday of the month at 7:00 pm at City Hall. In 2024, 9 regular meetings were held.

New Initiatives Undertaken:

1. Held Board training for Robert’s Rules of Parliamentary Procedures on June 13, 2024.

Summary of 2024 Activity:

The following is a summary of the ZBA activities. A total of 16 applications were brought before the ZBA. Some of the applications involved multiple variance requests.

	APPROVED	DENIED	WITHDRAWN	TOTAL
Use Variances	2	0	0	2
Dimensional Variances	21	3	1	25
Temporary Use	0	0	0	0
Natural Features Protection Variances	3	0	0	3
Total	26	3	1	30

Use Variances:

The two use variances before the Board in 2024 are summarized below. Both variances were related to the same project which was the conversion of an extended stay hotel to apartments. The site is located next to a residential area so there was cohesion with this change and the surrounding land uses. However, a rezoning was not supported by the city due to the proximity to the I-94 / Portage Street interchange which could bring future development changes to this area.

1. **1500 E. Kilgore Rd.** 4/11/24, ANR Kalamazoo Hotel, LLC requested a use variance from Chapter 50, 50-4.4, (5) (b)[1], Residential uses in the CC District are only permitted in conjunction with a commercial use, where the proposed project will convert the extended stay hotel to apartments with no commercial uses. Approved
2. **1500 E. Kilgore Rd.** 4/11/24. ANR Kalamazoo Hotel, LLC requested a use variance from Chapter 50, 50-4.4, (5) (b)[2], to authorize multi-family units in the ground floor occupied space that directly fronts the front property line, where this is not permitted in the CC District. Approved

NFP Variances:

There were three NFP variances before the ZBA in 2024.

1. **4100 Oakland Dr.** 3/14/24, Oakland Financial Company, LLC requested a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to allow the re-alignment of Angling Road with Oakland Drive which will encroach into a protected slope (which has a grade greater than 20%) and protected slope setback. This will impact approximately .74 acres of protected slope and .58 acres of protected setback area. Approved.
2. **1609 Whites Rd.** 3/14/24, Oakland Financial Company, requested 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 sprinkling system to encroach into a protected slope and protected slope setback. Approved
3. **3401 Nazareth Rd.** 6/13/24, The Southwest Michigan Land Conservancy requested a variance from the Natural Features Protection Ordinance, Chapter 50, 50-6.2 H, to allow construction of nonmotorized trails within the Bow in the Clouds Nature Preserve to encroach into a protected slope (which has a grade greater than 20%) and protected slope setback. Approved

Temporary Use Approvals:

None received for 2024.

Other Trends and Observations:

- Trends of Board Activity:

2014 – 32 Variance Requests
2015 – 34 Variance Requests
2016 – 35 Variance Requests
2017 – 28 Variance Requests
2018 – 32 Variance Requests

2019 – 39 Variance Requests
2020 – 41 Variance Requests
2021 – 22 Variance Requests
2022 – 35 Variance Requests
2023 – 31 Variance Requests
2024 - 30 Variance Requests

- A total of eight use variances were reviewed in 2023 and two in 2024. Four of the use variances in 2023 were related to conflicts between the commercial zoning and the allowance of residential units on the ground floor level. This was a situation corrected by the Zoning Ordinance amendments and rezonings approved in October of 2023.
- In 2024, a total of 25 dimensional variances were filed with the ZBA, but only 21 of these were approved. In contrast, in 2023, of the 21-dimensional variances filed 22 were approved.
- Typically, there is one or two Temporary Use Permit variances per year for food truck or food trailer businesses to operate within a commercial parking lot beyond the staff approval maximum of 30-days. One reason for this may be the number of events that include food trucks through the Parks & Recreation Department programs like Lunchtime Live and farms market events. Or it could be the organized food truck rally's being set-up regularly during the summer months.
- The Natural Feature Protection Ordinance variances were higher in 2024. Two of the NFP request were tied to the new Kalamazoo Country Club project which will result in significant replanting of trees and native grasses once the construction is completed. The third NFP variance was for new trails through the Bow in the Clouds Nature Preserve off Nazareth Rd. Extended width pathways in sloped areas were necessary for the Public Services Department to gain access to utility maintenance manholes on the property.
- The most notable project to apply for variances this past year is the Event Center at 411 W. Kalamazoo Avenue. The 426,000 square foot Event Center will provide space for multiple sporting events, arts, and conventions or large-format meetings space. The building will serve as the new home for the Kalamazoo Wings hockey team and WMU hockey, women's basketball, and men's basketball. The unique circumstances of the size, multi-use nature of this event space, and providing 1,100 parking spaces on site, did result in a package of variances for minor deviations from the Zoning Ordinance.