

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, March 11, 2021

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of Minutes from the Zoning Board of Appeals meeting on February 11, 2021.

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #21-03-03: 1600 and 1708 W. Michigan Avenue/500 Burrows Road. Kalamazoo College is requesting a use variance from Ordinance 1896 to allow for 105 nights of light use on the MacKenzie Field (soccer) where the current limit is 60 and 35 nights of light use on the Angell Field (football) where the current limit is 20 for the 2021 calendar year in order to accommodate the change in sport seasons resulting from COVID-19.
2. ZBA #21-03-04: 625 Winchester Place. Robb Liekis and Meagen Anderson are requesting a use variance from Chapter 4, Section 4.1, to allow for a short-term rental or 'lodging' land use for the north unit of this duplex located in the Residential - Duplex Zone (RD-19) where rentals are limited to 30 days or more under the definition of 'household living'.

E. DISCUSSION/ACTION ITEMS

F. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
FEBRUARY 11, 2021 - 7:00 p.m.**

This meeting will be conducted electronically in order for members, staff, and the public to comply with the Emergency Order Under MCL 333.2253 – Gathering Prohibition and Mask Order issued by Robert Gordon, Director of the Michigan Department of Health and Human Services, on October 29, 2021.

Members Present: Matt Lager, City of Kalamazoo, MI; Chris Flach, City of Portage, MI; Christina Doane, City of Kalamazoo, MI; Jeff Carroll, City of Kalamazoo, MI; Beth van den Hombergh, City of Kalamazoo, MI; Remi Harrington, City of Kalamazoo, MI;

Members Absent:

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

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

Mr. Eldridge announced since there wasn't a public hearing request there isn't a call in phone number listed or a citizen comment period, they are only going over the 2020 annual report and electing officers.

MINUTES:

Ms van den Hombergh, moved to approve the minutes of January 14, 2021 as submitted, seconded by Mr. Carroll.

Motion approved by voice vote unanimously.

NEW BUSINESS:

Mr. Eldridge commented on the 2020 Annual Report, he welcomed the new Board Members Remi Harrington and Jeremy Terpening to the Board. He thanked the Board for easily transitioning into the Zoom meetings. He mentioned the NFP Overlay Standards the Natural Features Protection Ordinance and how the ZBA was the appeals mechanism for the NFP Standards, after they had been before the NFP Review Board and went over their criteria. He spoke to the Bow in the Clouds Preserve and the Heritage Community. There were twenty-one applications and forty-one total requests. They are receiving more complex projects with multiple variances. By looking at the outcome it looks like the ZBA is granting a lot more variances than they deny. However, he discusses a lot with the applicants before they come

before the Board, He lets the owners and developers know other previous applicant's outcomes and failures on similar requests. He spoke to the trends and patterns of ground floor residential uses in commercial zones. They don't want to just remove the commercial requirement from ground floor, they want the street front more pedestrian friendly in certain areas of the City and spoke to those requirements. It allows for a percentage of the ground floor to be used for residential. This new standard is in place for the new Downtown Zone Districts. They are systematically doing rezoning to Live Work 1 and Live Work 2 which allows for residential on the ground floor with a mix of commercial. He spoke to the trend of urban agriculture and indoor and outdoor growing of crops and community gardens. It's a new trend that's expanding, agriculture is a land use category and is an allowed use in many of the new zone districts created. He spoke to short term rentals and bed and breakfast requests and modified bed and breakfasts request. He spoke to the sign ordinance, there were no sign variances in 2020. They are in the process of updating the sign ordinance and spoke to the expansion of projecting signs into other zone districts. He spoke to the signage restrictions and content of the signs and regulating signs after recent court cases identified that sign ordinances should not be regulated based on content.

Attorney Robinson clarified on the courts overview of the sign content per the Reed vs. Gilbert case, and Central/Hudson case and content can't be regulated as to size. Political and yard signs must be looked at as the same.

Mr. Eldridge stated they are reworking the ZBA application form with a review sheet the applicant answers in question form to give the Board more information. They'll come in a form-based program. Virtual meetings will still go through March 31st, 2021 and discussed how the future meetings could possibly be set-up. Attorney Robinson expressed desire that virtual meetings would be extended until July or August if possible due to limiting the number of people to ten that can gather. He discussed the possibility of opening for a hybrid meeting of the Board with applicants connecting electronically. He spoke to the requirements of granting the variances and the unique circumstances of some requests. He urged the members to ask questions of the applicants for the finding of facts, in case there's an appeal.

Chair Lager commented on the staff memo and that it's helpful for him to have the thorough background.

Ms van den Hombergh made a motion to reappoint Matt Lager as Chair and Jeff Carroll as Vice Chair and Christina Doane as Secretary for another term, seconded by Mr. Flach.

Motion approved by voice vote unanimously.

OTHER BUSINESS:

Ms. Harrington asked about the urban agriculture review and approval process and if there was a more seamless process in moving forward. Mr. Eldridge stated there is no special initiative moving forward. They may not need site plan in moving forward if it doesn't take up the entire plot. He wasn't aware of all the grants available currently and if any of these could be applied to urban agriculture.

ADJOURNMENT:

The meeting was adjourned at 7:45 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____

DRAFT



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **3/11/2021**

Item: **D.1.**

TO: City of Kalamazoo Planning Commission

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

DATE: March 11, 2021

SUBJECT: ZBA #21-03-03: 1600 and 1708 W. Michigan Avenue/500 Burrows Road. Kalamazoo College is requesting a use variance from Ordinance 1896 to allow for 105 nights of light use on the soccer field where the current limit is 60 and 35 nights of light use on the football field where the current limit is 20 for the 2021 calendar year due to COVID's impact on the College's sport seasons.

BACKGROUND:

On June 18, 2012, the City Commission approved Kalamazoo College's Master Plan and a rezoning of the campus to the Institutional Campus Zone District. Included in the rezoning (Ordinance 1896) was a provision for the use of lights on Kalamazoo College's MacKenzie Field (soccer) and Angell Field (football), as the City of Kalamazoo did not have stadium lighting ordinance. The soccer field lights were installed and utilized within the stipulations laid out starting in 2012. The football field lights were not to be installed until 2016, which was to provide the City time to formulate and adopted a stadium lighting ordinance. However, no stadium lighting ordinance was adopted by the deadline of January 1, 2016, therefore Kalamazoo College was able to proceed with installation of football field lights and operate the lights as stated in Ordinance 1896. Specifically this allows the stadium lights for MacKenzie Field to be used up to 60 nights per calendar year with a shut off time of 10:30 PM and for Angell Field up to 20 nights per calendar year with a shut off time of by 8:30 PM.

Kalamazoo College reached out to the City of Kalamazoo in the last several months regarding the upcoming Spring and Fall sports schedule for this year per the Michigan Intercollegiate Athletic Association (MIAA). Due to the COVID-19 pandemic, the MIAA has moved the Fall 2020 sports season to the Spring of 2021 which will result in Fall and Spring sports for both male and female teams competing at the same time. Kalamazoo College is seeking relief from Ordinance 1896 to increase the usage of the stadium lights on both fields for the 2021 calendar year in order to allow the adjusted sport seasons to occur this spring and the normal (hopefully) sports season this fall. This proposal will result in an increase of light usage by 75% for both the soccer and football fields for the 2021 calendar year.

STRATEGIC VISION ALIGNMENT:



Youth Development - A place with supports where young people thrive

Strategic Vision:

The use variance request supports the Strategic Vision goal of Youth Development as athletics is big part of the collegiate experience.

Master Plan:

The Future Land Use Map and Zoning Map are aligned due to Kalamazoo College's efforts in 2012 to rezone the campus to the Institutional Campus District. This designation was created for large institutional uses in a campus like setting such as colleges, schools, hospitals or religious assembly uses.

COMMUNITY ENGAGEMENT:

Engagement Activities:

Kalamazoo College sent informational letters to surrounding property owners and reached out to the West Main Hill Neighborhood Association. The West Main Hill Neighborhood Association Board approved a motion of support on February 17th for the increased use of the lights for 2021.

The City sent notices to all property owners within 300 feet and placed a notice in the Gazette.

FINDINGS:

This use variance will have no fiscal impact on the City.



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 24, 2021

RE: ZBA #21-03-03
1600 and 1708 W. Michigan Avenue/500 Burrows Road
Parcels #: 06-21-110-001, 06-20-239-001 and 06-21-107-001

Dear Property Owner:

An application for a variance has been filed with the Zoning Board of Appeals by Kalamazoo College, owners of 1600 and 1708 W. Michigan Avenue / 500 Burrows Road, which are situated in Zone IC, Institutional - Campus District.

The applicant is requesting a use variance from Ordinance 1896. This Ordinance approved by the City Commission in 2012, established limits on use of the soccer field and football field lights for the Kalamazoo College athletic complex. The COVID-19 Pandemic has altered the collegiate sports calendar and seven sports teams will practice and compete in the Spring and Fall of 2021. Kalamazoo College is requesting a use variance to allow for 105 nights of light use on the soccer field where the current limit is 60 (75% increase) and 35 nights of light use on the football field where the current limit is 20 (75% increase) for the 2021 calendar year.

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 11, 2021 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

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
Assistant City Planner

c: Property File



✓ 0079312
\$375

RECEIVED FEB 10 2021

Zoning Board of Appeals (ZBA) Application

Community Planning & Economic Development Department

245 N. Rose Street, Ste. #100

Kalamazoo, MI 49007

Phone: 269-337-8026

www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Economic Development Department **at least four (4) weeks prior** to the Zoning Board of Appeals meeting.

Applicant: Name Kalamazoo College
Address 1200 Academy Street
City, State, Zip Kalamazoo, MI 49006
Phone (269) 337-7225 Cell _____
Fax (269) 337-7239 Email karen.sisson@kzoo.edu

Owner: Name Same
Address _____
City, State, Zip _____
Phone _____ Cell _____
Fax _____ Email _____

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address 500 Burrows, 1600 West Michigan, 1708 West Michigan

This property is located between Burrows street and Dormitory Road street, on the
☒ north ☐ south ☐ east ☒ west side of the street. (West Michigan)

Parcel #: 06-21-110-001 & 06-20-239-001 & 06-21-107-001 Zone: IC: Institutional Campus

Type of Request

☐ **Interpretation** of Chapter(s) _____ Sections(s) _____

Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

☒ **Use Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See *Requirements List*.)

☐ **Dimensional Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See *Requirements List*.)

☐ **Appeal of an Administrative Decision**

Description _____

Attachments

- ☒ \$ 375 Fee
☒ Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
☐ Sketch plan of the property in questions (2 copies)
☒ Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Karen L. Sisson 02/09/2021
Signature of Applicant Karen L. Sisson, Chief Financial Officer Date

Signature of Owner (if different than applicant) Date



February 9, 2021

Zoning Board of Appeals
c/o Community Planning & Economic Development Department
245 N. Rose Street, Suite #100
Kalamazoo, MI 49007

Dear Zoning Board of Appeals:

Kalamazoo College seeks a temporary use variance from Ordinance 1896 to expand the use of the athletic fields lighting during 2021 calendar year as follows:

1. Increase the permitted use of lights on the soccer field from stated limit of 60 to 105 (75% increase). All other conditions of Ordinance 1896, including shut off time of 10:30 p.m., will be observed.
2. Increase the permitted use of lights on the football field from stated limit of 20 to 35 (75% increase). All other conditions of Ordinance 1896, including shut off time of 8:30 p.m., will be observed.

The COVID-19 pandemic has impacted college operations, including the postponement of Fall 2020 sports seasons. As a result, in calendar year 2020, Kalamazoo College used the soccer lights only 22 of its permitted 60 times, and the football lights 0 of 20 permitted uses.

The Michigan Intercollegiate Athletic Association (MIAA) has rescheduled fall 2020 sport seasons to spring 2021, thus holding fall and spring sports concurrently. As a result, in calendar year 2021, all seven field sport teams are practicing and competing concurrently this spring, and fall sports will compete again in the fall.

Kalamazoo College has carefully considered schedules, sunset times, practice and competition schedules, to establish minimum requirements, and concluded that an additional 45 uses of lights on the soccer field, and additional 15 uses of lights on the football field are necessary.

The integration of academics and athletics is significant to a Division III school like Kalamazoo College, where a quarter of our students compete in varsity athletics. Many high caliber students want an opportunity to excel both in the classroom and on the athletic fields. The COVID-19 pandemic has impacted the College's overall enrollment, and - as a highly tuition dependent institution - our finances. Recruiting and retaining student athletes has grown in importance.

We want to provide our student athletes an opportunity to return as much as possible to normalcy this year and to compete in our athletic conference competitions. Because of class and laboratory



schedules, this requires scheduling of practices in late afternoons and early evenings, when daylight wanes in early spring and late fall.

We have complied with all conditions of Ordinance 1896 since lights were first installed in 2012. In 2016, when lights were installed on the football field, we invested in expensive LED lighting to reduce light spillage, and city measurements detected no additional light at the nearest residential property border.

We have met, and continue to meet, regularly with the West Main Hill Neighborhood Association Board. Before submitting this request for a use variance, we have contacted both the WMHNA board and written to each property owner within 300' of the fields. Please find attached a copy of the letters sent to them.

The unique impact of the COVID-19 pandemic necessitates our request for a use variance for calendar year 2021, and we appreciate your consideration of this request.

Sincerely,

Karen L. Sisson
Vice President for Business and Finance
Chief Financial Officer
Kalamazoo College

Greg Diment

Subject: Kalamazoo College Request for Light Usage Variance
Date: Wednesday, February 3, 2021 at 1:32:42 PM Mountain Standard Time
From: Greg Diment
To: Connie Carrol, Lisa Presley, Beth Pappalardo, Alison Nuismer, Gaby De La Cruz, George Crow, Louise Wright, Nora Hauk, Daniel Hamilton
Attachments: WMHNABoardLetter_20210203.pdf

Dear WMHNA Board,

I write to let you know that, in an attempt to give our student athletes as much opportunity as possible to experience some 'normalcy', Kalamazoo College would like to be able to use the lights on the soccer and football fields more in this very unusual calendar year 2021. In fall 2020, all fall sports were postponed (and we used the soccer lights only 22 of 60 allowed, and the football lights 0 of 20 allowed).

Our athletic conference is playing both fall and spring sports this spring, and we want our student athletes to have as much opportunity as possible, in compliance with conference and state guidance regarding safety protocols. Our student athletes are being tested for COVID three times per week, and we expect no, or very few, fans in the stands for the competitions.

To accommodate the practice times required for both fall and spring sports to proceed, we need to use the lights more this year. We've analyzed practice needs, daylight times, and what is the minimum required to support our students, and determined that 45 additional soccer field nights and 15 additional football field nights are required as a one-time exception during the calendar year 2021. We would not waiver from the 10:30 p.m. and 8:30 p.m. respective cut off times.

We will make a request to the Zoning Board of Appeals to be reviewed at their March 11, 2021 meeting. I have drafted a letter, copy attached, that I will mail to all of the neighbors that live within 300' of the fields soon, so that they can know our request and can contact me with any questions or concerns.

I also welcome the opportunity to address any questions, concerns, or suggestions that the WMHNA board has. Please feel free to contact me, and I am also happy to address this at your regularly scheduled meeting on February 17 or at any time. If the WMHNA board, and/or individual neighbors, are willing to act in support of our request, we would appreciate it.

Best,

Greg Diment '84
Chief Information Officer
Kalamazoo College
Kalamazoo, MI
Ph: (269) 337-7149
E: greg.diment@kzoo.edu

KALAMAZOO COLLEGE



DIVISION OF

INFORMATION SERVICES

More in Four. More in a Lifetime.

February 3, 2021

Dear West Main Hill Neighborhood Association Board Member:

I hope that you and your loved ones are staying healthy and safe. I write today to let you know that Kalamazoo College intends to ask the Zoning Board of Appeals for a variance to allow for additional light usage during the 2021 calendar year. The ZBA meeting is March 11, 2021.

The pandemic has had extraordinary effects on all of us, including Kalamazoo College and its students and student athletes. Fall classes were entirely via distance learning and all fall sports were postponed. As a result, in 2020 K used the soccer lights only 22 of its permitted 60 times, and the football lights zero of its permitted 20 times.

Our athletic conference, the MIAA, has rescheduled fall sports to occur this spring, concurrent with the usual spring sports. Our student athletes, which comprise 24% of our student body, are eager to return to the playing fields and experience the lessons of working as a team, setting and achieving goals, and competition, in compliance with new safety protocols.

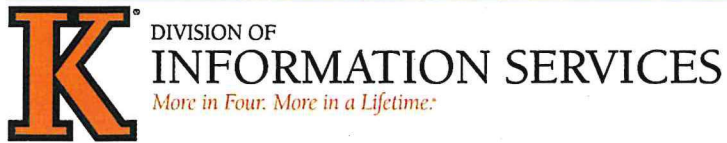
As a result of all seven field sport teams practicing and competing concurrently this spring, the need to not have athletics interfere with daytime classes, and the limited hours of sunlight this spring, we need an additional 45 nights of lights on the soccer field and 15 nights of lights on the football field in 2021 only. This will be our request to the ZBA on March 11.

We have carefully considered our needs, schedules, and sunset times to keep our request to the minimum required to support our athletic practices and competitions. If the variance is approved, we will continue to respect the shut off times of 10:30 p.m. on the soccer field, and 8:30 p.m. on the football field, and all other aspects of the conditions of our athletic field lights, as we have since the lights were installed in 2012. Due to the pandemic, our competitions will comply with MIAA and governmental guidance and have greatly reduced levels of fans in the stands.

I welcome all questions and concerns about the request that we plan to make to the ZBA. Please direct them to me at greg.diment@kzoo.edu. I hope that you will support our request in these extraordinary times.

Sincerely,
Greg Diment
Chief Information Officer
Neighborhood Liaison

KALAMAZOO COLLEGE



February 4, 2021

Dear Neighbor:

I hope that you and your loved ones are staying healthy and safe. I write today to let you know that Kalamazoo College intends to ask the Zoning Board of Appeals for a variance to allow for additional light usage during the 2021 calendar year. The ZBA meeting is March 11, 2021.

The pandemic has had extraordinary effects on all of us, including Kalamazoo College and its students and student athletes. Fall classes were entirely via distance learning and all fall sports were postponed. As a result, in 2020 K used the soccer lights only 22 of its permitted 60 times, and the football lights zero of its permitted 20 times.

Our athletic conference, the MIAA, has rescheduled fall sports to occur this spring, concurrent with the usual spring sports. Our student athletes, which comprise 24% of our student body, are eager to return to the playing fields and experience the lessons of working as a team, setting and achieving goals, and competition, in compliance with new safety protocols.

As a result of all seven field sport teams practicing and competing concurrently this spring, the need to not have athletics interfere with daytime classes, and the limited hours of sunlight this spring, we need an additional [45] nights of lights on the soccer field and [15] nights of lights on the football field in 2021 only. This will be our request to the ZBA on March 11.

We have carefully considered our needs, schedules, and sunset times to keep our request to the minimum required to support our athletic practices and competitions. If the variance is approved, we will continue to respect the shut off times of 10:30 p.m. on the soccer field, and 8:30 p.m. on the football field, and all other aspects of the conditions of our athletic field lights, as we have since the lights were installed in 2012. Due to the pandemic, our competitions will comply with MIAA and governmental guidance and have greatly reduced levels of fans in the stands.

I welcome all questions and concerns about the request that we plan to make to the ZBA. Please direct them to me at greg.diment@kzoo.edu. I hope that you will support our request in these extraordinary times.

Sincerely,
Greg Diment
Chief Information Officer
Neighborhood Liaison

KALAMAZOO COLLEGE



INTERCOLLEGIATE ATHLETICS

*More in Four. More in a Lifetime.**

1200 Academy Street • Kalamazoo, Michigan 49006 • USA

February 4, 2021

To Whom It May Concern:

My name is Alex Dupree, a senior football player, and business major at Kalamazoo College. As someone who holds athletics near and dear to his heart, I am honored to represent my athletic programs, especially through such challenging times.



From early tee-ball games, varsity football games under the lights against the state's top contenders, and now fulfilling my college football dreams here in Kalamazoo, Michigan, athletics have made me a better man. These experiences have taught me to be a better leader, to sacrifice for a cause greater than myself, to work as a team and give back to the communities that have allowed me the privilege to represent them.

Throughout my career, one thing that I have taken note of is how impactful a strong and supportive community can have on an athletic program. A small community of parents and alumni is enough to drive me to do better every day, not just as an athlete, but as a human being. This past year, the commitment of our athletic community, through literally THOUSANDS of Covid-19 tests and strict protocols, to ensure this community's safety, has inspired me beyond belief.

What we ask in return of the surrounding community is to assist us in our commitment to our athletes and allow the athletic programs additional light permissions in order for all of our teams the same opportunities to compete through such hectic conditions of all 18 sports teams simultaneously in an active season.

The city of Kalamazoo has been essential to my development and success. The priceless lessons I learned from this community assure me that Kalamazoo is one of the best places in the world to become a contributing member of society. I hope to inspire future generations of this community and K-Athletes to motivate and learn from one another. I hope this community continues to feel as if they are represented by men and women who are a cut above. And lastly, I wish that future K-athletes, as they play under the lights, continue to feel that their hard work inspires the thousands of people that they represent.

Thank You,

Alex Dupree

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 1896

AN ORDINANCE TO AMEND SECTION 1.8.A., ZONE DISTRICT MAP, OF THE ZONING ORDINANCE, BEING APPENDIX A OF THE CODE OF THE CITY OF KALAMAZOO AND TO APPROVE THE INSTITUTIONAL MASTER PLAN

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Under Section 1.8.E. the Zone District Map described in Section 1.8.A. is amended as follows:

The land area covered under this ordinance is rezoned from RS-5 (Residential, Single Family), RM-15C (Residential, Multi-Family, Campus Area), RM-36 (Residential, Multi-Family, High Density) and CCBD (Commercial, Central Business District) to IC (Institutional Campus)

That area of land, including the individual parcels, is located in Section 16 of the City of Kalamazoo, County of Kalamazoo, State of Michigan, is commonly identified as the campus for Kalamazoo College, including the college's sports facilities at Angell Field, and is more fully described in the attached Exhibit A. A map identifying the land area is also attached as Exhibit B.

Section 2. The Institutional Master Plan as amended and submitted by Kalamazoo College in support of its request to rezone the above land is approved, subject to the conditions set forth below.

Section 3. Under the provisions of MCL 125.3405 and the requirements set forth at Section 2.5B. *IC, Institutional Campus District*, the following conditions apply to three of the rezoned parcels which comprise the Angell Field Complex. Those parcels are identified in attached Exhibit C.

- A. The lights on the soccer field and football field will be shielded with visors;
- B. During the initial ten (10) year term of the Applicant's Master Plan, the Applicant will not rent either the soccer field or the football field for lighted use to third parties who are not affiliated with or a part of Kalamazoo College; following the expiration of the initial Master Plan, any intention to offer night-time use of the Applicant's soccer or football fields to parties not affiliated with the College shall be submitted to the City in a new or revised Master Plan and be subject to any limitations on night-time use of the soccer and football fields as set forth in this ordinance.
- C. The lights on the football field will not be used before July 1, 2016. There will be no above ground infrastructure for the lights on the football field installed before the reasonable time period for when those improvements are installed to allow for the use of the lights in July of 2016.

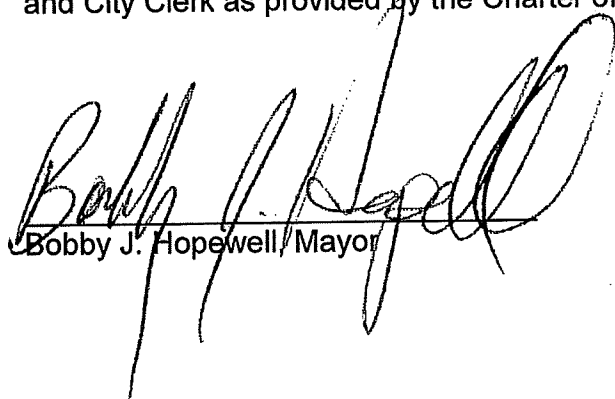
- D. Stadium lights on the football field may only be installed and operated in compliance with a stadium lighting ordinance yet to be adopted by the City of Kalamazoo. If, however, the City of Kalamazoo has not adopted a stadium lighting ordinance by January 1, 2016, Kalamazoo College may erect stadium lights on the football field, provided they meet standards as published by the Illuminating Engineering Society, and illumination at adjacent residential property lines is 0.05 foot candles or less.
- E. Stadium lighting on the soccer field may not exceed 60 nights per calendar year, and must be turned off by 10:30 P.M.
- F. Stadium lighting on the football field may not exceed 20 nights per calendar year, and must be turned off by 8:30 P.M.
- G. The number of foot candles at the shared property line of the athletic field and adjacent residential uses must not exceed 0.05 foot candles after the installation of stadium lighting (at both the soccer and football fields)
- H. Any future improvements to the campus area as detailed in the Master Plan, which, if done separately, would require approval by the City or one of its commissions or boards, shall continue to require that approval. Such approvals include, by way of example, but without limitation, street vacations, changes to public parking, permits for the renovation or construction of buildings, and site plans.
- I. All new buildings with a direct site line to adjacent residential uses will screen rooftop mechanicals to minimize impact.
- J. Outdoor storage of the college's visual equipment will be screened with fencing. Following construction of a proposed new storage building at the northeast side of the athletic fields no outdoor storage of athletic equipment or accessories, and power equipment or related tools or other equipment used by the College for maintenance, repair and other similar activities on the Angell Field athletic complex is permitted unless those items are in use.

Section 4. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

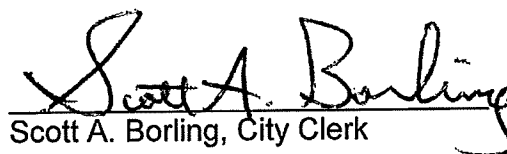
Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on June 18, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been available as required by said Act, and furthermore, said ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as provided by the Charter of said City.



Bobby J. Hopewell, Mayor



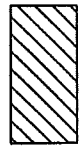
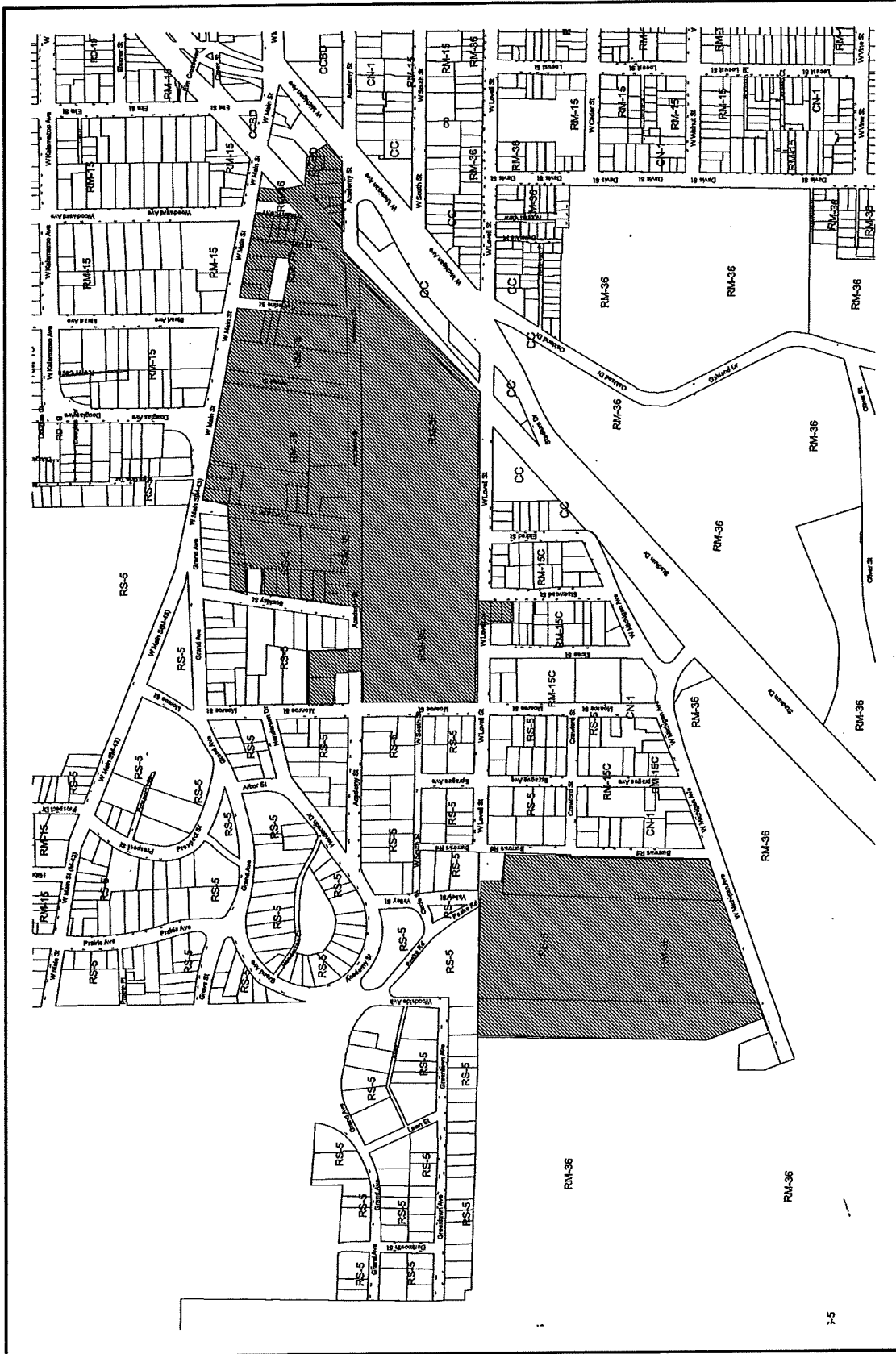
Scott A. Borling, City Clerk

Exhibit A

Central Campus	Parcel Number
1201 Academy	06-16-393-001
143 Bulkley	06-16-387-005
149 Bulkley	06-16-387-004
157 Bulkley	06-16-386-300
1224 Academy	06-16-387-002
1220 Academy	06-16-387-001
1214 Academy	06-16-387-019
154 Thompson	06-16-387-018
150 Thompson	06-16-387-020
136 Thompson	15-06-382-001
116 Thompson	06-16-378-021
103 Thompson	06-16-378-018
1141 West Main	06-16-378-017
1135 West Main	06-16-379-016
1105 West Main	06-16-384-010
113 Thompson	06-16-378-004
129 Thompson	06-16-383-004
139 Thompson	06-16-383-009
143 Thompson	06-16-383-010
151 Thompson	06-16-383-018
1132 Academy	06-16-388-019
140 Acker (Carmel)	06-16-389-001
123 Acker (Carmel)	06-16-455-001
1003 West Main	06-16-451-001
114 Catherine	06-16-456-011
116 Catherine	06-16-456-012
124 Catherine	06-16-456-013
131 Catherine	06-16-462-001
111 Catherine	06-16-453-003
929 West Main	06-16-451-003
923 West Main	06-16-457-004
915 West Main	06-16-457-005
909 West Main	06-16-457-006
905 West Main	06-16-457-007
843 West Main	06-16-458-008
110 West Main Court	06-16-457-008
114 West Main Court	06-16-457-009
116 West Main Court	06-16-457-010
109 West Main Court	06-16-458-014
113 West Main Court	06-16-458-013
115 West Main Court	06-16-458-012
117 West Main Court	06-16-457-002

Rental Property/Vacant	Parcel Number
123 West Main Court	16-16-457-001
831 West Main	06-16-458-010
826 Academy	06-16-463-001
824 Academy	06-16-463-002
820 Academy	06-16-463-003 and 06-16-463-003
818 Academy	06-16-463-005
812 Academy	06-16-463-006
778 West Michigan	06-16-464-010 and 06-16-458-015
115 Bulkley	06-16-377-020
129 Bulkley	06-16-382-008
133 Bulkley	06-16-382-007
139 Bulkley	06-16-382-006
1324 Academy	06-16-385-027
143 Monroe	06-16-385-001
402 Stanwood	06-21-126-001
408 Stanwood	06-21-126-002
Athletic Fields	Parcel Number
1708 West Michigan	06-20-239-001
1600 West Michigan	06-21-110-001
500 Burrows	06-21-107-001

Exhibit B



AREA PROPOSED FOR REZONING



[illegible]

AREA PROPOSED FOR REZONING





February 18, 2021

Zoning Board of Appeal
c/o Peter Eldridge
eldridgep@kalamazoocity.org

Re: Application of Kalamazoo College for Variance of Light Usage

At our meeting on Wednesday, February 17, 2021, the Board of the West Main Hill Neighborhood Association moved to support the application of Kalamazoo College to allow for greater use of lights on their athletic fields. The text of the motion is as follows:

Moved that the West Main Hill Neighborhood Association Board supports the request of Kalamazoo College to have variance for the use of the lights to accommodate both fall and spring sports during the winter/spring of 2021.

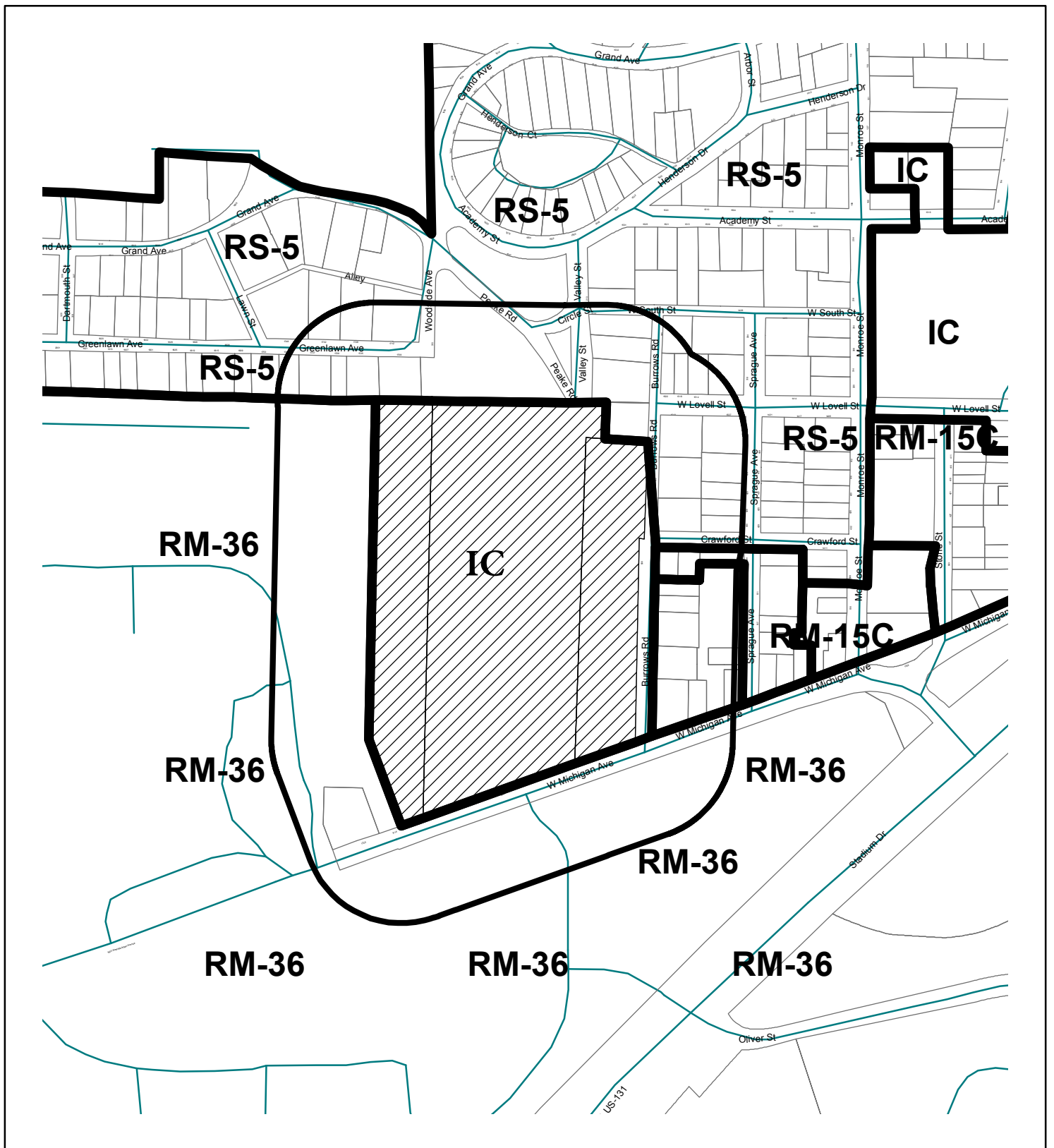
We consulted with neighbors most directly impacted, and heard no complaints for this variance. We were most eager to try to return to the scholar athletes as much “normalcy” of college life as they can have during this pandemic.

The Board and the neighbors directly impacted were grateful for the College reaching out directly to the neighbors to let them know of the application. We appreciate the cooperative relationship we share with the College.

If you have any questions, please feel free to contact me.

Lisa Presley
Secretary
West Main Hill Neighborhood Association Board
lpresley@uua.org
248-514-5458

cc: Greg Diment, Kalamazoo College



300' Mailing Boundary
1600 and 1708 W. Michigan Ave/500 Burrows Rd.



0 60 120 240 Feet



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **3/11/2021**

Item: **D.2.**

TO: City of Kalamazoo Planning Commission

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

DATE: March 11, 2021

SUBJECT: ZBA #21-03-04: 625 Winchester Place. Robb Liekis and Meagen Anderson are requesting a use variance from Chapter 4, Section 4.1, to allow for a short-term rental or 'lodging' land use for the north unit of this duplex located in the Residential - Duplex Zone (RD-19) where rentals are limited to 30 days or more under the definition of 'household living'.

BACKGROUND:

Robb Liekis and Meagen Anderson purchased this property in 2019. This purchase of a duplex was an intentional purchase as the reason for moving to Kalamazoo was to be closer to aging parents. The duplex units are each three bedrooms with two bathrooms (1,400 square feet each).

The property owners reside in the south unit and have maintained the rental certification for the north unit. They approached the City about renting the available unit for less than 30 days as they expressed the need to have the flexibility to have this living space available on short notice. Options were explored with staff but even though this zone district allows for Bed and Breakfast uses with a special use permit, this cannot be pursued as the structure is a duplex not a single-family dwelling as required for Bed and Breakfast uses.

The Zoning Ordinance allows for 'Household Living' which is month to month or longer in residential zone districts. Any rental periods less than 30 days would fall under 'Lodging', like a hotel or motel where temporary stays or short-term lodging is offered in exchange for compensation.

It should be noted that this is one of 13 duplexes on Winchester Place and Cheltenham Avenue. Nine of the thirteen duplexes are rentals.

STRATEGIC VISION ALIGNMENT:

Strategic Goals:

This requested use variance does not align with any Strategic Goals

Master Plan:

The Future Land Use Map designates this property as R2 – Medium Density Residential. The occupancy of two dwelling units on this property is in keeping with the Future Land Use designation.

COMMUNITY ENGAGEMENT:

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

The property owners sent informational letters to adjacent neighbors. Two letters of support have been received.

The City sent letters to all property owners within 300 feet and placed a notice in the Gazette.

FINDINGS:

This use variance will not have a fiscal impact on the City. This duplex unit is registered and certified as a rental unit.



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 24, 2021

**RE: ZBA #21-03-04:
625 Winchester Place
Parcel #: 06-18-185-158**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Robb Liekis and Meagen Anderson, owners of 625 Winchester Place, which is situated in Zone RD-19, Residential – Duplex District.

The applicants reside in the south side of the duplex and are requesting a use variance for the north side to allow for a short-term rental or 'lodging' land use for this property located in Zone RD-19 where rentals are limited to 30 days or more under the definition of 'household living'.

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 11, 2021 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

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
Assistant City Planner

c: Property File

P2UV21-001

✓ 7807 \$375

RECEIVED FEB 10 2021

**Zoning Board of Appeals (ZBA) Application Form**

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoo-city.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department **at least four (4) weeks prior** to the Zoning Board of Appeals meeting.

Applicant: Name Robb Liekis
 Address 625 Winchester Place
 City, State, Zip Kalamazoo, MI 49006
 Phone _____ Cell 312.890.9252
 Fax _____ Email Robb.Liekis@gmail.com

Owner: Name Robb Liekis
 Address 623/625 Winchester Place
 City, State, Zip Kalamazoo, MI 49006
 Phone _____ Cell 312.890.9252
 Fax _____ Email Robb.Liekis@gmail.com

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address 625 Winchester Place
 This property is located between Chelton Ave street and Londonderry Ave street, on the
☐ north ☐ south ☐ east ☒ west side of the street.
 CCN# _____ Zone _____

Type of Request

☐ **Interpretation** of Chapter(s) _____ Sections(s) _____
 Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

☒ **Use Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See *Requirements List*.)

☐ **Dimensional Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See *Requirements List*.)

☐ **Appeal of an Administrative Decision**

Description _____

Attachments

- ☒ \$ 375.00 fee
☒ Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
☒ Sketch plan of the property in questions (2 copies)
☐ Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies))

Robb Liekis
 Signature of Applicant

01.18.2021

Date

Signature of Owner (if different than applicant)

Date

From: Robb Liekis & Meagen Anderson

623/625 Winchester Place
Kalamazoo, MI 49006
312.890.9252
Robb.Liekis@gmail.com

FEBRUARY 9, 2021

To: Community Planning & Development Department

415 Stockbridge
Kalamazoo, MI 49001
269.337.8026

Dear Zoning Board of Appeals members,,

First, we'd like to thank you all for reviewing our application for use variance in our duplex home. Meagen and I moved to Kalamazoo a few years ago from Idaho in order to be closer to our aging parents here in the Midwest. When we closed on a duplex home in Kalamazoo, we saw the opportunity to be able to eventually bring them under our roof when their health tells us they are unable to take care of themselves. While we've recently recertified with the city as a long-term rental but also still made the necessary modifications to accommodate a short-term rental guidelines. We're hesitant to take on a long-term renter in the event one of our parents has an unexpected event that would need our immediate action to move them in with us. We believe the flexibility of a short-term renter would give us the best option to fair to all people involved.

Meagen's mother was diagnosed with Multiple Sclerosis and my father was diagnosed with early onset Dementia. We're thankful both are currently doing as well as can be expected but we're trying to be proactive en route to setting them up to stay under our same roof.

Please rest assured that as owner/occupants of the property, and with Robb elected to the city's Environmental Concern Committee, we maintain a respectful presence in our neighborhood. And as parents of two toddlers we would ensure any short-term renters would be respectful to the neighborhood during their stay while still being able to take advantage of all the accessibility our location has to Main St shops and businesses.

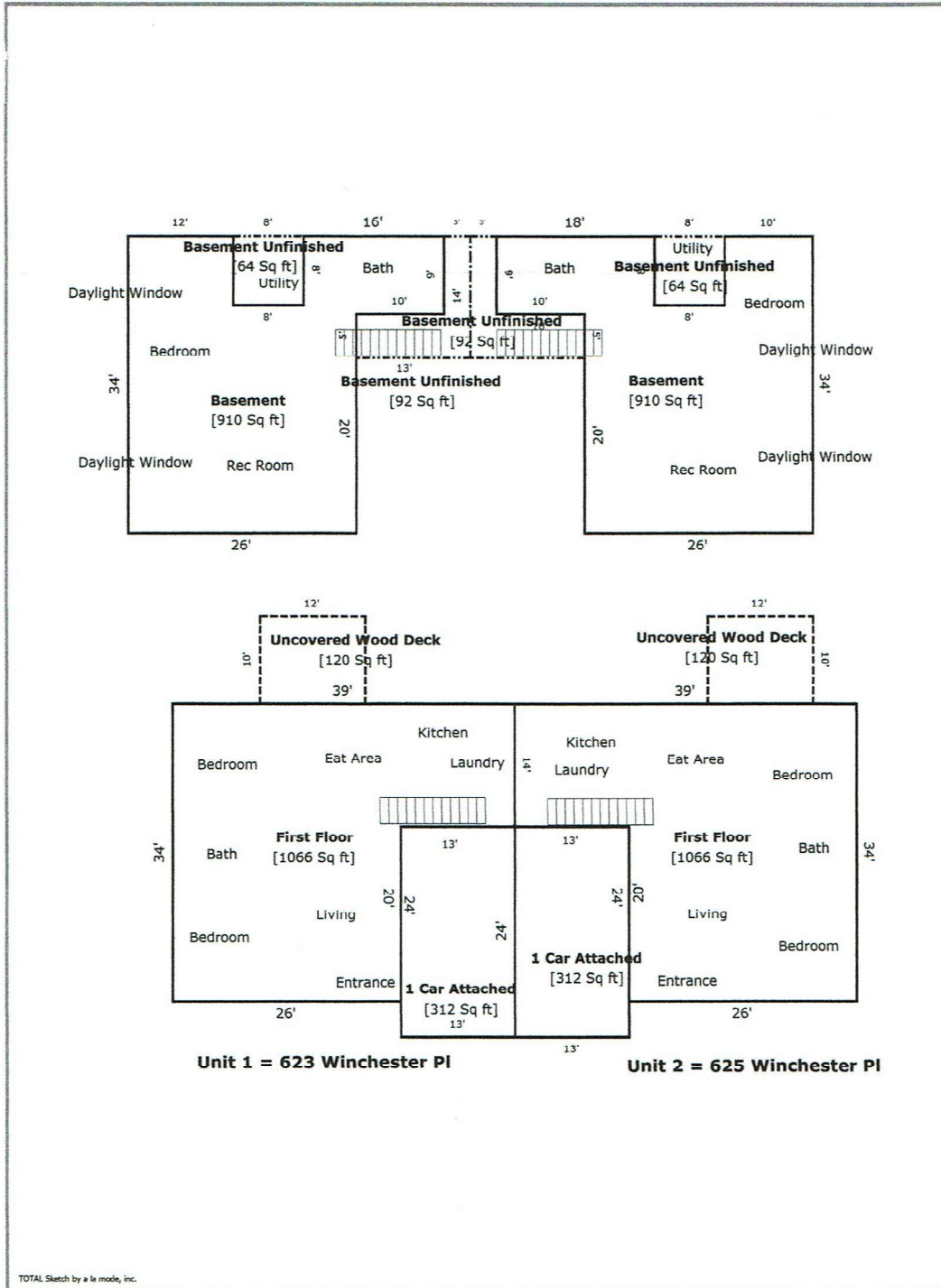
Sincerely,

A handwritten signature in blue ink, consisting of the names 'Robb' and 'Meagen' joined by a plus sign, written in a cursive style.

Robb & Meagen

Building Sketch (Page - 1)

Borrower	Robert Liekis				
Property Address	623 Winchester Pl				
City	Kalamazoo	County	Kalamazoo	State	MI Zip Code 49006
Lender/Client	Veterans United Home Loans and VA				



From: Nathan Wiemers

4332 Chelton Ave.
Kalamazoo, MI 49006
515.537.6581
wiemersn@gmail.com

FEBRUARY 19, 2021

To: Community Planning & Development Department

415 E. Stockbridge Ave.
Kalamazoo, MI 49001
269.337.8026

Dear Zoning Board of Appeals members,

I am the homeowner who lives across the street (to the east) of the property at 625 Winchester Place. I first met Robb Liekis and Meagen Anderson when they purchased the property in August 2019. Although the previous owner used the duplex strictly as a long-term rental property, my wife and I were happy to learn Robb and Meagen planned to become owner-occupants since they have two young children around the same age as our daughter. Almost as soon as they moved in they began to update the property's exterior with features that complemented our neighborhood in a positive way.

As we got to know Robb we learned about the dilemmas he and Meagen faced with their aging parents and how they selected the property because they wanted to have a place to bring their parents should their health deteriorate to a point that needed closer supervision. It is understandable for them to not want to be locked in to a long-term tenant in the event one of their parents needed to be moved in on short notice.

Because we have witnessed the care and attention Robb and Meagen have given the duplex they have owned and occupied for the last 19 months we are confident they will continue to maintain the property for short-term tenants in a manner that does not disturb the neighborhood any more than a long-term tenant would. If you have further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Wiemers', with a stylized, cursive script.

Nathan Wiemers

From: Chad LaBrie
621 Winchester Pl.
Kalamazoo, MI 49006
269.870.1944
cml8jr@hotmail.com

FEBRUARY 19, 2021

To: Community Planning & Development Department
415 E. Stockbridge Ave.
Kalamazoo, MI 49001
269.337.8026
EldridgeP@kalamazoo-city.org

Dear Zoning Board of Appeals members,

I am the resident neighbor who lives next door (to the south) of the property at 625 Winchester Place. I first met Robb Liekis and Meagen Anderson when they purchased the property in August 2019. Although the previous owner used the duplex strictly as a long-term rental property my wife and I were happy to learn Robb and Meagen planned to become owner-occupants since they have two young children around the same age as our son. Almost as soon as they moved in they began to update the property's exterior with features that complemented our neighborhood in a positive way.

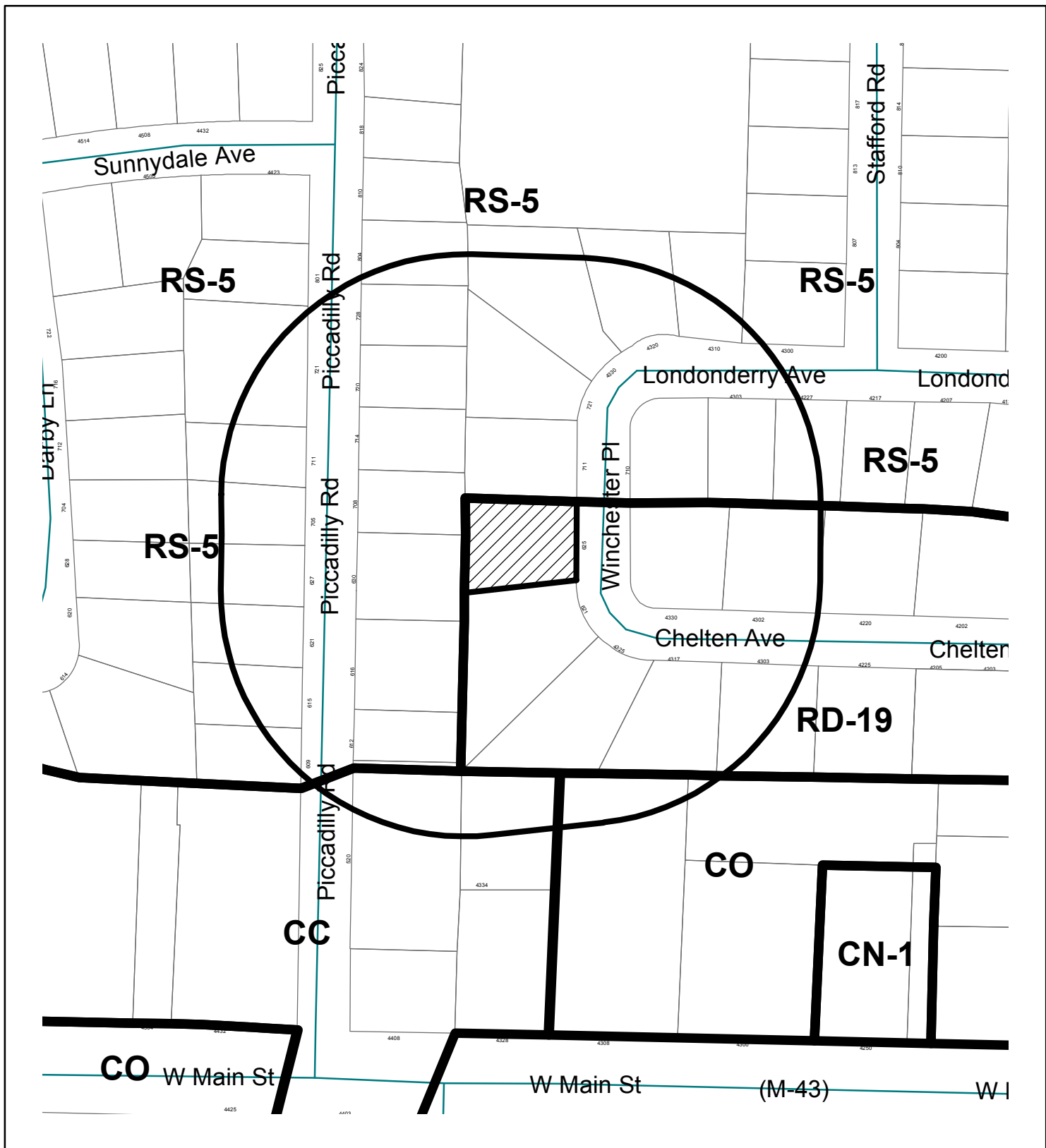
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Because we have witnessed the care and attention Robb and Meagen have given the duplex they have owned and occupied for the last 19 months we are confident they will continue to maintain the property for short-term tenants in a manner that does not disturb the neighborhood any more than a long-term tenant would. If you have further questions, please do not hesitate to contact me.

Sincerely,

Chad LaBrie

A handwritten signature in black ink, appearing to read 'Chad LaBrie', followed by a long horizontal flourish line.



300' Mailing Boundary
625 Winchester Place



0 20 40 80 Feet