

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, April 8, 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 March 11, 2021.

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #21-04-04: 120, 124 and 128 W Dutton Street. Jeremy Cole /State Wide Rentals, LLC is requesting a variance from 12.3 Definition of Bed and Breakfast, to authorize a Bed and Breakfast business at 120, 124 and 128 W. Dutton Street, where the principal residence of the operator is in one of the dwellings but the other two adjacent dwellings will not have an operator living on-site as required.

E. REPORTS

F. CITY COMMISSION LIASON COMMENTS

G. BOARD MEMBER COMMENTS

H. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
MARCH 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 Elizabeth Hertel, Director of the Michigan Department of Health and Human Services, on March 2, 2021.

Members Present: Matt Lager, Ross Township, Kalamazoo County, 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; Alternate, Jeremy Terpening, City of Kalamazoo, MI;

Members Absent: Chris Flach

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.

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel. He stated the public had the ability to call in for audio and the public could call in to 269-226-6573 to leave comments for either of the properties on the agenda.

MINUTES:

Mr. Carroll, moved to approve the minutes of February 11, 2021 as submitted, seconded by Ms. van den Hombergh.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Lager 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 ten minutes to present their comments, followed by public comments received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the 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 now 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. Doane read the application for 1600 and 1708 W. Michigan Avenue/500 Burrows Road, Parcels #: 06-21-110-001, 06-20-239-001 and 06-21-107-001:

ZBA #21-03-03: 1600 and 1708 W. Michigan Avenue/500 Burrows Road: An application for a variance to the provisions of the Zoning Ordinance 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 a variance only regarding the items described above. There were forty-eight notices of public hearing sent, and zero responses were received.

Greg Diment, Chief Information Officer at Kalamazoo College, and Neighborhood Liaison to the West Main Neighborhood Association, he stated the College is seeking a variance to allow additional use of their stadium lights in the calendar year of 2021. They are seeking the variance due to the impact of the pandemic that impacted the college operations, they are capped due to the number of times they can use the lights in a calendar year. He explained that last year's sports seasons were canceled, therefore they are playing both fall and spring sports this spring, they need additional use of the lights, they will comply with the time to turn the lights off. They wrote letters to all the forty-seven surrounding neighbors within the 300' radius and notified them of their plans. They only heard back from two neighbors; both were in support and read them to the Board, he received support from the West Main Neighborhood Association Board also. In the last nine years they've been good neighbors. Becky Hall, Athletic Director spoke to the challenging times with COVID and all sports moving to spring. They need to be out on the fields to compete for which the athletes came to the school for. She spoke to the support of the community; they have stringent policies on campus. They have seven sports competing on two fields and are limited by the light allowances. On bright days, they stay in the gym, but now competition and fall begins. They'll turn the lights off still on time.

Mr. Eldridge spoke to Mr. Diment and Ms. Hall's comments on the COVID 19 pandemic and the unique circumstances with the allowed lighting usage that is governed by the Ordinance 1896 that was passed when the Campus was rezoned in 2012. Everyone expected there to be a stadium lighting ordinance in place in 2015. They had to request a use variance for any additional light usage; it's only for the 2021 calendar year. The soccer lights by shut off by 10:30 p.m. and football field lights by 8:30 p.m.

There were no comments from the public.
Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1600 and 1708 W. Michigan Avenue/500 Burrows Road shall include all information included in the notice of public hearing dated February 24, 2021.
- 2.) Forty-eight notices of public hearing were sent, and one response was received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter of support from the West Main Neighborhood Association.
- 5.) 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: Mr. Diment and Ms. Hall, employees of Kalamazoo College spoke on behalf of the application, the request is a result of the COVID 19 pandemic cancellation of fall sports, the collegiate sports governing association they partner with has rescheduled the fall sports to the spring of 2021 they plan on adhering to all established turn off times per the ordinance. Mr. Diment mentioned approaching forty-seven neighbors, contacted for feedback, two replied with overwhelming support, the West Main Hill Association was contacted and supported the request with a written response.

Mr. Terpening seconded the Finding of Fact.

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

Chair Lager spoke to the special circumstances that must be met to qualify, the lighting ordinance on the fields and the pandemic needing them to request the variance, he stated he was in favor.

Ms. Doane stated she was in favor, especially since it's limited to 2021 calendar year only. Mr. Carroll agreed with her comments.

Ms. Harrington questioned if the games were open to the public.

Ms. Hall replied the athletes can only have three people attend after a screening process.

Ms. Doane moved to approve the application, seconded by Ms. van den Hombergh.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 625 Winchester Place, Parcel #: 06-18-185-158:

ZBA #21-03-04: 625 Winchester Place: An application for a variance to the 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 a variance only regarding the items described above. There were thirty-four notices of public hearing sent, and zero responses were received.

Robb Liekis and Meghan Anderson, owners of 623/625 Winchester, are asking for approval for a short-term rental. He stated both their parents need help with their health care. Mr. Liekis stated his need for access to help his Dad to healthcare at the VA and future possible in-home stay should the need arise. They closed on their home, made major repairs. He spoke to the criteria he needs to meet for approval of the variance.

- *The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in Sec. 4.1: Use Table, which is a right commonly enjoyed by other land in the same zone district. For a long-term tenancy of thirty days or more it is his concern it would be complicated by having to break a lease to have one of their parents move in on short notice.*
- *There is unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district. He thinks the mixed zone use of the neighborhood should be open to short term rental due to its proximity to the highway and it is 300’ from the commercial zone of West Main Street.*
- *The special circumstances are not the result of the actions of the applicant. Their parents would like to move in with them rather than a nursing home.*
- *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. It would be the minimum action needed to allow their*

proposed use. There are other duplexes in their zone which are owner occupied and they'd support a broader rezoning for short term tenants given the care and attention others pay to their property. It's not contrary given the letters of support they've received.

- *The granting of the variance will not adversely affect adjacent land in a material way.* He stated they've only improved the property.
- *The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.* Granting this request will meet the ordinance, they'll be vigilant of the tenants.

Mr. Carroll questioned if the unit is currently rented. Mr. Liekis stated no, but they've had renters stay there in the past for more than thirty days. They are working from there currently. Mr. Carroll questioned Mr. Eldridge what the intent of the ordinance was.

Mr. Eldridge stated the intent of the ordinance is to restrict in residential zone districts the use of dwellings for household living; it's defined as thirty days or more, month to month, six-month leases for rental units. Less than thirty days it's looked at under the ordinance as "lodging" as hotel or motel lodging. Mr. Carroll stated that is not the intent of the ordinance. In the City of Kalamazoo most residential does not have the right to do less than a sixty-day rental. Mr. Eldridge replied correct. Mr. Carroll commented this is not the first request to come before the Board, The City hasn't made any indication that they want this use. He questioned Mr. Eldridge if he felt the ordinance would change. Mr. Eldridge commented on the more intensive residential zoned use districts, it's still under discussion, there's no big push, especially with the COVID pandemic. Mr. Carroll questioned a ninety-day notice clause, or other strategies, or month to month leases. Ms. Anderson stated they just don't know when her father-in-law will need to move in, they've had a one-day notice to need to have him move in.

Mr. Carroll questioned if they granted this request, should they grant all other requests from other any other neighbor, or should they repeal the ordinance. Mr. Liekis stated he can't speak for everyone; however, he's concerned with the issues he's brought forth, and spoke to the needs of the citizens. Ms. Anderson commented her neighbors have helped them and are behind them and can only speak for themselves. She spoke to their commitment to the community and their involvement.

Chair Lager asked how they would locate their renters for booking. Ms. Anderson commented possibly online, and other responsible ways.

Ms. van den Hombergh clarified some information, they've remodeled the duplex, its zoned for residential and if they have renters, they must be long term, not short term. The ordinance states for long term more than thirty days. Their parents have special needs, they want to rent for short term only and stay short term. She stated her concerns if it's approved, the variance runs with the land. They'd be making an exception for their house only.

Mr. Liekis declared they are not interested in selling the house, or to move in the near future. They are in a transitional neighborhood with single-family homes.

Mr. Terpening questioned the booking of an Air B&B and spoke to the allowable time notice of vacating in thirty days. Ms. Anderson commented when they had to help his Dad, they need the short-term option for themselves. Financially it doesn't work for them to do it any other way. It'd be a hardship to not be able to help their parents.

Mr. Carroll questioned if short term was an ordinance right when they purchased. Mr. Liekis stated no, they saw the space to have their parents, and they just saw the house to move into.

Ms. Harrington commented other families will be looking into this type housing as options for future issues for sustainability. How precedent setting will this be.

Chair Lager closed the public hearing.

Mr. Eldridge commented this is a variance specific to this particular property. It is not precedent setting, it's a case by a case in comparison with the ordinance. He referred to Mr. Carroll's comment if there isn't a special circumstance or specific hardship and the Board approves them it could create a situation where other property owners could ask for a similar variance. This request has no impact on fair housing practices, short term rentals are a means of a more commercialized form of finding lodging like at a hotel.

Ms. Harrington questioned future uses of short-term rentals and how to address that. Other neighborhoods will want to have that opportunity also.

Mr. Eldridge commented this is not about who will be allowed to stay there, it's about the length of time people can stay. The reason it's in place is, it's a commercialization of residential property with frequent turnover of people staying there. This half of the duplex is a certifiable rental.

Mr. Liekis spoke to the condition of the house when they moved in and improvements made. As a short-term rental, they'll have their eyes on the house more often and be able to keep up on the property.

No Public Comments:

FINDING OF FACT

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

- 1.) The Finding of Fact for 625 Winchester Place shall include all information included in the notice of public hearing dated February 24, 2021.
- 2.) Thirty-four notices of public hearing were sent, and three letters of support were received from Nathan Wiemers, Chad LaBrie, and David and Nicole Reed.

- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) 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: Mr. Liekis and Ms. Anderson both have parents with special needs, they purchased a duplex, and spent \$100,000 renovating both sides of it. They've invested in the home, their thoughts and concerns is a long term lease is not feasible, when they don't have a family member living next door they want to rent it out as an Air B&B, their home is 300' off West Main, the variance request is not the result of anything they've done, the minimum action will be taken, and it doesn't cause an adverse action to the neighbors. The home is not being rented now; they haven't tried a short-term rental yet but want to rent for less than thirty days. The intent of the ordinance is to keep lodging uses at less than thirty days and manage the situation in residential zones with the granting use variances where appropriate. Concerns raised about what happens if the property is sold. Mr. Carroll asked if prior research was done, on the property before purchasing it, Mr. Liekis stated no, discussed some fair housing questions, short term rental questions and how this is not about who can stay, but how long they can stay. Short term rentals can be disruptive in some instances to the neighborhood.

Mr. Terpening seconded the Finding of Fact.

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

Mr. Carroll moved to approve the application, seconded by Ms. Harrington.

Mr. Carroll stated he doesn't like this ordinance, but understands why it's there, it can go both ways, this may infringe on other people right's, it matters what the law is. He likes what they are trying to do. He's supportive personally, but as a member of the Board, he can't support it, and gave his reasons. This request does not meet the criteria, they can still use the property for a long-term rental, their unique situation is personal, not land based, and it does not adversely effect of the adjacent property, but Mr. Carroll doesn't know the intent of the future use of this dwelling unit. He'll be voting no on the request.

Mr. Terpening commented on the thirty-day notice to move, it's to give the tenant time to move out and find another place to live. The next owner, who purchases the property in years to come, may not be as great with the intent. He stated he'd be voting against it.

Chair Lager reviewed the criteria conditions that must be met to qualify and stated he would be voting against the request. It doesn't meet the criteria, he's sympathetic to their needs, but this is zoned for month to month rentals and not short-term rentals.

Ms. Harrington commented for the Board on the practicality of speculating 75 years into the future. She spoke to the short-term housing that this family is trying to maintain and taking care of their children and aging family. She will be voting yes on the request.

Chair Lager commented this issue won't go away, the City needs to examine this issue, there is a housing crisis and to clarify it.

Motion denied by roll call vote.

Yes: Harrington

No: Carroll, Doane, van den Hombergh, Terpening, Lager

OTHER BUSINESS:

ADJOURNMENT:

The meeting was adjourned at 8:30 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: **4/8/2021**

Item: **D.1.**

TO: City of Kalamazoo Planning Commission

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

DATE: April 8, 2021

SUBJECT: ZBA #21-04-04: 120, 124 and 128 W Dutton Street. Jeremy Cole /State Wide Rentals, LLC is requesting a variance from 12.3 Definition of Bed and Breakfast, to authorize a Bed and Breakfast business at 120, 124 and 128 W. Dutton Street, where the principal residence of the operator is in one of the dwellings but the other two adjacent dwellings will not have an operator living on-site as required.

BACKGROUND:

The three structures acquired in 2017 all had previous blighted structure enforcement going back to 2015. All three structures are within the Vine Local Historic District. Mr. Cole and his company State Wide Rentals, LLC began obtaining permits for repairs in 2018 for the 128 W. Dutton Street which has been completed. 120 and 124 W Dutton Street are now being rehabilitated. All three of the properties are nonconforming in lot area as each is between 2,000 and 3,000 square feet where the minimum lot area for Zone RM-36 is 4,000 square feet.

Mr. Cole plans to utilize all three houses as a Bed and Breakfast business which is a permitted use in Zone RM-36. However, the definition states the operator must reside in the dwelling being utilized for the Bed and Breakfast. Mr. Cole is requesting a variance from this clause in the definition to allow for the operator to reside in one of the dwellings and then manage the Bed and Breakfast business for all three properties. There are two driveways for the three properties which provide tenant parking in addition to the on-street parking allowed on W. Dutton Street.

Bed and Breakfast is defined as “*an establishment located within a detached house that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests*”

It should be noted a similar variance was granted for 830 S. Rose Street which is being utilized as a Bed & Breakfast with the owner residing in the dwelling next door at 828 S. Rose Street. This example is also located in Zone RM-36.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods

Strategic Goals:

This variance request does support the Strategic Goal of Complete Neighborhoods as it will result in the renovation and preservation of three historic structures within the Vine Local Historic District and provide another housing option for visitors to Kalamazoo.

Master Plan 2025 & Neighborhood Plan:

The Future Land Use Map designates the subject properties as R-3, Residential - High Density. This would support greater occupancy of these properties. Additionally, the property to the east is in Zone Live Work -1 which permits Bed and Breakfasts, Hotels and Multi-Unit Housing. The properties to the south and west are all one to seven unit rentals. This will also result in the renovation of three historic homes in the Vine Neighborhood.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation)

The applicant is actively reaching out to adjacent property owners via email and letters regarding the proposed project along with the Vine Neighborhood Association.

City sent letters to all property owners within 300 feet.

FINDINGS:

There is no fiscal impact on the City as a result of the variance being granted or denied.



Community Planning and Economic Development
245 N. Rose Street, Ste. 100
Kalamazoo, MI 49007
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoo-city.org

NOTICE OF PUBLIC HEARING

March 24, 2021

RE: ZBA #21-04-04
120, 124 and 128 West Dutton Street
Parcel #: 06-22-145-004, 06-22-145-003 and 06-22-145-019

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jeremy Cole/State Wide Rentals, LLC owner of 120, 124 and 128 W. Dutton Street, which is situated in Zone RM-36, Residential – Multi Dwelling District.

The applicant is requesting a variance from Chapter 12, Section 12.3 (Definition of Bed and Breakfast), to authorize a Bed and Breakfast business at 120, 124 and 128 W. Dutton Street, where the principal residence of the operator is in one of the dwelling but the other two adjacent dwellings will not have an operator living on-site as required by the definition.

Bed and Breakfast is defined as “an establishment located within a detached house that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests”

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, April 8, 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.kalamazoo-city.org for details on providing public comments.

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

Sincerely,

Peter C. Eldridge, AICP
Assistant City Planner

c: Property File



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoocity.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 JEREMY COLE / STATE WIDE RENTALS LLC
Address 606 BRYANT ST
City, State, Zip KALAMAZOO, MI 49001
Phone 269-301-0829 Cell _____
Fax _____ Email JEREMY@KZOORESTORED.COM

Owner: Name JEREMY COLE / STATE WIDE RENTALS LLC
Address 606 BRYANT ST
City, State, Zip KALAMAZOO, MI 49001
Phone 269-301-0829 Cell _____
Fax _____ Email JEREMY@KZOORESTORED.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 120 W DUTTON ST , 124 W DUTTON and 128 W DUTTON

This property is located between S BURDICK street and S ROSE street, on the

☒ north ☐ south ☐ east ☐ west side of the street.

CCN# 06-22-145-004 Zone RM-36

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

☐ \$ _____ 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)

Signature of Applicant

FEBRUARY 4 2021

Date

Signature of Owner (if different than applicant)

Date

128 W DUTTON ST KALAMAZOO, MI 49007 (Property Address)

Parcel Number: 06-22-145-019 Account Number: DCR00012809



Item 1 of 3

2 Images / 1 Sketch

Property Owner: STATE WIDE RENTALS LLC**Summary Information**

> Residential Building Summary

Year Built: 1910 Bedrooms: 2
Full Baths: 2 Half Baths: 0
Sq Feet: 1619 Acres: 0.050

> Utility Billing information found

> Assessed Value: \$41,100 | Taxable Value: \$31,511
> Property Tax information found
> 24 Building Department records found

Owner and Taxpayer Information**Owner**

STATE WIDE RENTALS LLC
203 W CORK ST
KALAMAZOO, MI 49001

Taxpayer

STATE WIDE RENTALS LLC
203 W CORK ST
KALAMAZOO, MI 49001

Land Information

Zoning Code RM-36
Land Value \$14,600
Renaissance Zone No
ECF Neighborhood Area 33
Lot Dimensions/Comments No Data to Display

Total Acres 0.050
Land Improvements \$2,355
Renaissance Zone Expiration Date No Data to Display
Mortgage Code No Data to Display
Neighborhood Enterprise Zone No

Lot(s)	Frontage	Depth
Lot 1	33.00 ft	66.00 ft
Total Frontage: 33.00 ft		Average Depth: 66.00 ft

Legal Description

13944 BLEYKERS ADDITION E 2 R OF W 7 1/2 R OF LOT 19

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Copyright © 2021 BS&A Software, Inc.

128 W DUTTON ST KALAMAZOO, MI 49007 (Property Address)

Parcel Number 06-22-145-019 Account Number DCR00012809



Item 1 of 3 2 Images / 1 Sketch

Property Owner: STATE WIDE RENTALS LLC**Summary Information**

> Residential Building Summary

Year Built: 1910 Bedrooms: 2
Full Baths: 2 Half Baths: 0
Sq. Feet: 1619 Acres: 0.050

> Utility Billing information found

> Assessed Value: \$41,100 | Taxable Value: \$31,511
> Property Tax information found
> 24 Building Department records found

Owner Information

STATE WIDE RENTALS LLC
703 W CORK ST
KALAMAZOO, MI 49001

Amount DueProperty Total, **\$0.00****Permits**

To pay on a record, click View

Permit Type	Permit Number	Associated Project	Status	Date Issued	Last Inspection	Amount Due	
Building	PB18-0171		CANCELED			\$0.00	View
Building	PB18-0899		FINALED	1/2/2019	5/23/2019	\$0.00	View
Building	PB990252		CANCELED			\$0.00	View
Building	PB990730		CLOSED	10/4/1999	5/2/2007	\$0.00	View
Electrical	PE08-0660		FINALED	12/11/2008	3/26/2009	\$0.00	View
Electrical	PE11-0048		FINALED	2/7/2011	1/18/2013	\$0.00	View
Electrical	PE19-0006		FINALED	1/4/2019	4/8/2019	\$0.00	View
Mechanical	PM08-0130		FINALED	3/31/2008	4/17/2008	\$0.00	View
Mechanical	PM19-0015		FINALED	1/8/2019	4/8/2019	\$0.00	View
Plumbing	PP19-0002		FINALED	1/2/2019	4/3/2019	\$0.00	View

1 2

Displaying items 1 - 10 of 11

[Apply for a Permit](#)**Attachments**

Date Created	Title	Record
No records to display		

Displaying items 0 - 0 of 0

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Copyright © 2021 BS&A Software, Inc.

124 W DUTTON ST KALAMAZOO, MI 49007 (Property Address)

Parcel Number 06-22-145-003



Item 1 of 3

2 Images / 1 Sketch

Property Owner: STATE WIDE RENTALS LLC**Summary Information**

> Residential Building Summary

Year Built: 1906 Bedrooms: 4
Full Baths: 2 Half Baths: 0
Sq Foot: 1,775 Acres: 0.050

> Assessed Value: \$22,500 | Taxable Value: \$14,949
> Property Tax information found
> 11 Building Department records found

Owner and Taxpayer Information**Owner**

STATE WIDE RENTALS LLC
203 W CORK ST
KALAMAZOO, MI 49001

Taxpayer

STATE WIDE RENTALS LLC
203 W CORK ST
KALAMAZOO, MI 49001

Land Information

Zoning Code RM-36
Land Value \$14,600
Renaissance Zone No
ECF Neighborhood Area 33
Lot Dimensions/Comments No Data to Display

Total Acres 0.050
Land Improvements \$964
Renaissance Zone Expiration Date No Data to Display
Mortgage Code No Data to Display
Neighborhood Enterprise Zone No

Lot(s)	Frontage	Depth
Lot 1	33.00 ft	66.00 ft
Total Frontage: 33.00 ft		Average Depth: 66.00 ft

Legal Description

13942 BLEYKERS ADDITION E 2 R OF W 9 1/2 R OF LOT 19

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Copyright © 2021 BS&A Software, Inc.

124 W DUTTON ST KALAMAZOO, MI 49007 (Property Address)

Parcel Number: 06-22-145-003



Item 1 of 3

2 Images / 1 Sketch

Property Owner: STATE WIDE RENTALS LLC**Summary Information**

> Residential Building Summary

Year Built: 1906 Bedrooms: 4
Full Baths: 2 Half Baths: 0
Sq. Feet: 1775 Acres: 0.050

> Assessed Value: \$22,500 | Taxable Value: \$14,949
> Property Tax information found
> 11 Building Department records found

Owner Information

STATE WIDE RENTALS LLC
203 W CORK ST
KALAMAZOO, MI 49001

Amount DueProperty Total **\$0.00****Permits**

To pay on a record, click View

Permit Type	Permit Number	Associated Project	Status	Date Issued	Last Inspection	Amount Due	
Building	PB18-0181		CANCELED			\$0.00	View
Building	PB19-0104		FINALED	3/6/2019	4/8/2019	\$0.00	View
Building	PB19-0363		CLOSED	6/14/2019		\$0.00	View
Building	PB20-0684		ISSUED	1/12/2021		\$0.00	View
Electrical	PE21-0018		ISSUED	1/25/2021		\$0.00	View
Mechanical	PM21-0154		ISSUED	2/3/2021		\$0.00	View
Plumbing	PP21-0045		ISSUED	2/1/2021		\$0.00	View

Displaying items 1 - 7 of 7

[Apply for a Permit](#)**Attachments**

Date Created	Title	Record
No records to display.		

Displaying items 0 - 0 of 0

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Copyright © 2021 [BS&A Software, Inc.](#)

120 W DUTTON ST KALAMAZOO, MI 49007 (Property Address)

Parcel Number: 06-22-145-004



Item 1 of 3

2 Images / 1 Sketch

Property Owner: STATE WIDE RENTALS LLC**Summary Information****> Residential Building Summary**

- Year Built: 1890
- Full Baths: 1
- Sq. Feet: 1,520
- Bedrooms: 3
- Half Baths: 0
- Acres: 0.063

- > Assessed Value: \$33,200 | Taxable Value: \$25,355
- > Property Tax information found
- > 15 Building Department records found

Owner and Taxpayer Information

Owner	STATE WIDE RENTALS LLC 203 W CORK ST KALAMAZOO, MI 49001	Taxpayer	STATE WIDE RENTALS LLC 203 W CORK ST KALAMAZOO, MI 49001
--------------	--	-----------------	--

Land Information

Zoning Code	RM-36	Total Acres	0.063
Land Value	\$16,200	Land Improvements	\$453
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	Area 33	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	41.50 ft	66.00 ft
Total Frontage: 41.50 ft		Average Depth: 66.00 ft

Legal Description

13940 BLEYKERS ADDITION LOT 19 EXC W 9 1/2 R

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Copyright © 2021 BS&A Software, Inc.

120 W DUTTON ST KALAMAZOO, MI 49007 (Property Address)

Parcel Number 06-22-145-004



Item: 1 of 3

2 Images / 1 Sketch

Property Owner: STATE WIDE RENTALS LLC**Summary Information**

> Residential Building Summary

- Year Built: 1890
- Bedrooms: 3
- Full Baths: 1
- Half Baths: 0
- Sq Feet: 1,520
- Acres: 0.063

- > Assessed Value: \$33,200 | Taxable Value: \$25,355
- > Property Tax information found
- > 15 Building Department records found

Owner Information

STATE WIDE RENTALS LLC
203 W CORK ST
KALAMAZOO, MI 49001

Amount DueProperty Total **\$85.00**[Pay Now](#)**Permits**To pay on a record, click [View](#)

Permit Type	Permit Number	Associated Project	Status	Date Issued	Last Inspection	Amount Due	
Building	PB18-0182		CANCELED			\$0.00	View
Building	PB21-0025		HOLD (FEE)			\$85.00	View
Building	PB21-0031		READY TO ISSUE			\$0.00	View
Building	PB980682		FINALED	11/10/1998	10/2/2003	\$0.00	View
Mechanical	PM07-0238		FINALED	6/6/2007	8/23/2007	\$0.00	View
Mechanical	PM08-0129		FINALED		5/6/2008	\$0.00	View
PLANNING/ZONING	PPZ16-0045		FINALED			\$0.00	View

1

Displaying items 1 - 7 of 7

[Apply for a Permit](#)**Attachments**

Date Created	Title	Record
--------------	-------	--------

No records to display

Displaying items 0 - 0 of 0

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

ZONING ORDINANCE

A Attachment 3

City of Kalamazoo

Use Table

[Amended 3-19-2007 by Ord. No. 1822; 9-20-2010 by Ord. No. 1872; 1-31-2011 by Ord. No. 1878; 8-20-2012 by Ord. No. 1900; 6-2-2014 by Ord. No. 1922; 4-2-2018 by Ord. No. 1957, 5-18-2020 by Ord. No. 2007]

- A. Permitted Uses [P]. A "P" indicates that a use is permitted by-right, subject to compliance with all other applicable local, state and federal regulations, including the regulations of this ordinance.
- B. Conforming Use [C]. A "C" indicates that the use may not be established after October 18, 2005, but if the use was legally established and in existence on that date it may continue to exist as a legal conforming use.
- C. Special Uses [S]. An "S" indicates that a use is allowed only if reviewed and approved in accordance with the special use permit procedures of § 8.3D: Special Use Permit.
- D. Uses Not Allowed [Blank Cell]. A blank cell indicates that the listed use is not allowed in the respective district.
- E. Use-Specific Standards. Many allowed uses, whether permitted by right or by special use permit, are subject to compliance with use-specific standards and conditions. These standards and conditions are indicated by section number in the right-hand column of the table.
- F. Use Categories. All of the use categories listed in the first column of the Use Table are defined in § 12.3: Definitions and Use Categories.
- G. Unlisted Uses. If an application is submitted for a use that is not listed in the Use Table of this section, the City Planner is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of § 12.2B: Classification Considerations. If no similar use determination can be made, the City Planner may initiate an amendment to the text of this Ordinance to clarify where such uses will be allowed.
- H. Sites with Multiple Principal Uses. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a bookstore, clothing store and sporting goods store, for example, would be classified in the Retail Sales and Service (indoor) category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

KALAMAZOO CODE

Use Category (Specific Use)	RS4	RS5	RS7	RDB	RD19	RM15	RM15C	RM12	RM16	RNHP	RMU	CNU	CNO	CNI	CO	CN2	CC	CCBD	CBTR	MI	MI2	P	IC	Regulations (Always Applicable)
Gasoline and Fuel Sales (Without Vehicle Service or Repair)												S				S	P	P		P	P			
Gasoline and Fuel Sales (With Minor Vehicle Service or Repair)												S					P	P		P	P			
Lodging																								
Bed-and-Breakfast Inn			S	S	S	P	P	P	P		S	P	P	P	P	P	P	P					P	
Hotel/Motel												S								C	C		P	
Medical Service											S	P	P	P	P	P	P	P	P	P	P		P	
Office, Administrative or Professional											S	P	P	P	P	P	P	P	P	P	P			
Parking, Commercial			S	S	S	S	S	S	S						S	S	P	P	P	P	P	P	P	\$ 4.2R
Personal Convenience Service											P	P		P		P	P	P		P	P			\$ 4.2I
Employment Agency Primarily for Day Workers																								
Personal Improvement Service											P	P	P	P	P	P	P	P		P	P			\$ 4.2I
Repair Service, Consumer											P	P	P	P	P	P	P	P		P	P			\$ 4.2S
Retail Sales and Service, Indoor			S	S	S	S	S	S	S		P	P	S	P		P	P	P		P	P			
Retail Sales and Service, Outdoor											S	S				S	P	P		P	P			\$ 4.2T
Sports and Recreation, Participant																								
Indoor												S					P	P		P	P	P		
Outdoor																	P	P		P	P	P		
Vehicle and Equipment Sales and Service																								
Car Wash												S				S	P	P		P	P			\$ 4.2F
Fleet Storage																								
Heavy Equipment Repair																								
Light Equipment Repair												S					P	P		P	P			
Heavy Equipment Sales/Rental																				P	P			

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

Our plan is to operate the following homes each as a bed & breakfast. Addresses are as follows 120, 124 & 128 W Dutton St. These homes reside in the RM-36 zoning district where the operation of a bed & breakfast is allowed by right. The reason for this variance is to ensure safety for the owner/operator & guests that will frequent the bed and breakfast. Currently, the home must be the owner's primary residence "or" there must be an operator on site. Prior to purchasing these properties, I spoke with, at the time zoning director, Peter Eldridge, about the ability to operate these homes with this use and I have attached the email summation from that conversation. He stated that I'd need to have an operator in one of the homes & apply for this variance on the others. During our current climate regarding Covid-19 along with CDC recommendations, it's even more essential we limit the number of households in one unit. The request is for the ability to remove the "operator in unit" requirement.

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?

Typically, the homes used as a bed & breakfast are on lots equal to or greater than the COMBINED size of the subject lots. The homes are similar in combined bedroom & bathroom count, sq footage, parking quantity and in the same zoning district RM-36. these homes individually are at a disadvantage in individual lot size when compared to other bed & breakfast homes in the district in which we are all allowed to operate in.

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?

As noted above, the safety requirement is the first unavoidable circumstance in which these homes suffer from. The requirement would put all parties in greater harm than allowing one operator for the "3" homes. Lot size is the second circumstance these homes suffer from. Again, homes like The Gilmore House, Stuart Inn, Henderson Castle, etc. all have similar sq footages but are on lots much larger than the subject properties.

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

When in a 6,000+ sq ft property it's much easier to essentially confine guests or operator to a section of a property. When the homes are split between three, the only option is to use each house as a "Section". This was evident in the application previously approved by the application and approval to my neighbors in S Rose St at 828 & 830. The Shell's share a similar lot circumstance and were approved by this board in 2017. The only situation that exists now that didn't exist then is a deadly pandemic.



Community Planning & Economic Development

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

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

Yes, allowing one operator between the group of homes would safely allow the properties to operate in the district the selected use has a right to operate in. RM-36, Bed and Breakfast

Will the granting of the variance negatively affect adjacent land?

No, Similar variances have been requested and granted with no negative effects. Being that we have no residential neighbors to the North or East of us we are uniquely positioned to not cause harm to neighboring property owners.

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

The subject properties are 12' feet apart from each other. With one operator between the 3 homes, the spirit of the ordinance will be met. As this person will be able to safely carry out their daily duties.

Additional Criteria for Variance Requests for Required Landscaping

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

N/A - Residential neighborhood and landscaping will follow that of similar residential homes to ensure the homes blend into the neighborhood.

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

N/A - Residential landscaping. Bushes, Shrubs, Flowers, Etc...



Community Planning & Economic Development

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

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

No

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

No

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

No

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

No

RE: [EXTERNAL EMAIL] RE: 120, 124 and 128 W Dutton Street

Eldridge, Peter <EldridgeP@kalamazoocty.org>

Mon 6/10/2019 10:09 PM

To: Jeremy Cole <jeremy@kzoorestored.com>

Cc: Chambers, Jared <jeremy@kalamazoocty.org>; Jeremy Cole <jeremy@kzoorestored.com>

Jeremy,

Yes, your assessment is correct. I will make a note of the email change.

**Peter C. Eldridge, AICP
Zoning Administrator**

Community Planning & Development Dept.
City of Kalamazoo
415 Stockbridge Avenue
Kalamazoo, MI 49001

PH: 269-337-8806

EMAIL: eldridgep@kalamazoocty.org

From: Jeremy Cole [jcole@statewidemi.com]**Sent:** Sunday, June 09, 2019 3:40 PM**To:** Eldridge, Peter**Cc:** Chambers, Jared; jeremy@kzoorestored.com**Subject:** [EXTERNAL EMAIL] RE: 120, 124 and 128 W Dutton Street

Thanks for the reply Pete.

I didn't know you worked on Sundays. 🙄

While I still check this email, my new one is jeremy@kzoorestored.com (I've cc'd that address as that where I'll likely reply from in the future.)

Monday's agenda is to submit the plans on 124 Dutton Street that show the original butler's quarters remodeled to add a private bathroom to an already private living room and bedroom. Although the Manager will reside in one of the rooms at 128 for now, this is where she will ultimately end up once that home is completed.

So, per our discussion I'm to wait until this switch happens where one of the properties isn't occupied by mgr but plans to be made available for short term residency, to submit the ZBA request... Correct..?

Thanks

Sent from my Verizon Motorola Smartphone

On Jun 9, 2019 3:11 PM, "Eldridge, Peter" <EldridgeP@kalamazoozoo.org> wrote:

Jeremy,

I am following-up with the Bed and Breakfast background information. The properties located on W. Dutton Street are in Zone RM-36, Residential – Multi Dwelling District. This zone **does** not allow for Bed and Breakfast uses by right if the use complies with the definition of Bed and Breakfast (see below):

BED-AND-BREAKFAST An establishment located within a detached house that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests
As I mentioned, with written confirmation emailed to Jared Chambers that the 'operator' will be residing in the first house you are looking at opening up for occupancy...this would qualify as a Bed and Breakfast. The other two homes are located on adjacent properties and would require a variance approved by the Zoning Board of Appeals as these or there two houses are not the principal residence of the operator. The ZBA approvals are good for one year from the date of approval, so that is why I suggested you wait to apply for the variance for the other two properties.

I have attached the ZBA application. The application deadline is always four weeks prior to the meeting date . The meetings are held on the second Thursday of each Month.

Please let me know if you have any questions.

Peter C. Eldridge, AICP
Zoning Administrator

Community Planning & Economic Development Dept.

City of Kalamazoo

415 E. Stockbridge Avenue

Kalamazoo, MI 49001

PH: 269-337-8806

FAX: 269-337-8513

EMAIL: eldridgep@kalamazoozoo.org

Confidentiality: Think before you Print. The information contained in this electronic mail message and any attachments is intended only for the use of the individual or entity to which it is addressed and may contain legally privileged, confidential information or work product. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or forwarding of the Email message is strictly prohibited. If you have received this message in error, please notify me by Email reply, and delete the original message from your system.

Confidentiality: Think before you Print. The information contained in this electronic mail message and any attachments is intended only for the use of the individual or entity to which it is addressed and may contain legally privileged, confidential information or work product. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or forwarding

[https://outlook.office.com/mail/e0e9c6f6d1da0b4dc2v2m71uuvmf7l](mailto:office@outlook.com) TΔVTHNIGCZNI14INIidil TΔWMZCNU7PIIMZM1MAΔCΔEil uufSdΔ11CCTUW7I16MI8%2P

120, 124 adn 128 W. Dutton St (Zone RM-36)



0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Parcels
- Parcel Addresses



