

Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals

January 10, 2019

City Commission Chambers, City Hall

7:00 p.m.

A. Call to Order:

B. Communications and Announcements:

C. Approval of Special Meeting Minutes for December 13, 2018:

D. Public Hearings:

1. ZBA #19-01-01: 412 Howard Street. Intercity Neon on behalf of Midtown Fresh Market, is requesting a dimensional variance from Chapter 7, Section 7.3 B, of 33 square feet of wall signage to authorize a wall sign for a new tenant for the building of 83 square feet. Please note the existing store front is 191 feet in length which allows for 382 square feet of total signage. The existing wall signs total 332 square feet, therefore 50 square feet is remaining.
2. ZBA #19-01-02: 122 W. Crosstown Parkway. Baseline LLC, is requesting a use variance from Chapter 4, Section 4.2, to authorize a five bedroom transitional residence on the second floor of the two-story commercial office building. In Zone CN-1 residential units are permitted on all floors above the first floor, but not transitional residence facilities.
3. ZBA #19-01-03: 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue. The LIFT Foundation is requesting a use variance from Chapter 4, Section 4.2, to authorize a day care center within the proposed multi-family development for these properties, which are being rezoned to RM-36, Residential – Multi Dwelling District. Zone RM-36 does allow for home day cares, but not day care centers.

E. Other Business:

F. Adjournment:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
DECEMBER 13, 2018 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Matt Lager, James Houston, Reed Youngs, Christina Doane, Jeff Carroll

Members Absent: Chris Flach

City Staff: Pete Eldridge, Zoning Administrator; Clyde Robinson, City Attorney;
Deanna Benthin, Recording Secretary

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

Mr. Eldridge noted one correction on the agenda for approval of the Special meeting minutes are for the November 15th meeting not December as stated.

MINUTES:

Mr. Lager moved to approve the minutes of November 15, 2018 as submitted, seconded by Mr. Houston.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Youngs summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures stating that a full board consists of six members and that approval requires four affirmative votes. If only four members are present the applicants would have the option to hold their requests over to the next meeting or present their requests with the hopes of getting all four affirmative votes.

Mr. Houston read the application for 819 S. Westnedge Avenue, Parcel # 06-22-160-002:

ZBA #18-12-32: 819 S. Westnedge Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Muhammed M. Abbas, the property owner. The request concerns the property at 819 S. Westnedge Avenue, which is situated in use Zone CN-1, Commercial – Neighborhood District. The applicant is requesting a use variance from Chapter 9, Section 9.2 F, to change the nonconforming use which is a convenience store with an SDM License to sell beer and wine to another nonconforming use which is a convenience store with an SDM and SDD License to sell beer wine and hard liquor. The South Westnedge Market is nonconforming with regard to alcoholic beverage sales because it is located

approximately 1,780 feet from the Food Max Convenience Store with alcoholic beverage sales, where the Zoning Ordinance requires a separation distance of 2,640 feet (1/2 mile).

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 eighty-eight notices of public hearing sent and three responses were received.

Attorney John Gardiner representing Muhammed Abbas stated they were not asking for a variance, they are asking to use a legal nonconforming use since 2012. Mr. Abbas owns the Southwest Market at 819 S. Westnedge he purchased from his father. Since 2012, he has sold beer and wine per his specially designated merchant's license for off-premises consumption. The City of Kalamazoo's argument included the market is legal in its nonconforming use. As of August 2018, Mr. Abbas purchased and was approved by the State of Michigan Liquor Control Commission for a specially designated distributor license SDD for off-premises consumption for liquor. He's permitted to sell beer and wine. Under the SDD pursuant to the State he's permitted to sell liquor. Mr. Abbas is permitted subject to annual renewal fees and inspections which he's passed. Mr. Abbas has had zero violations in the last six years and has a tobacco license since 2005 also. The present request is for the ability to use the newly issued SDD license at the same location. Legal, but nonconforming, he asked the Board to reconsider the September 5th and the September 19th letter and email which dealt with a variance concern. Under the SDD it's permissible because it's licensed; the concern that was raised was an increase in the intensity of the legal nonconforming use. However, Mr. Abbas is asking the Board to be permitted to use his licenses at the same location as he's done. With respect to the interpretation, he feels it's straight forward and gave examples of other situations. They are not expanding the store itself, it's in the same location, and owner. Packaged alcohol liquors are defined under our ordinance to list beer/wine and spirits as liquors, that's exactly what he's permitted to do, the spirited liquors. Packaged alcohol is permitted by State law; the SDD permits the sale of another type of alcoholic packaged liquor. There is no increase of intensity in use. The ordinance states that a nonconforming use shall not be enlarged or expanded in area. A nonconforming use may be enlarged to any area in the same structure that was manifestly designed for use prior to the date it became nonconforming, 2012, 2014 and 2018. In 2012, Mr. Abbas has been able to sell beer and wine for off site consumption and had zero expansions in the area. They want to sell packaged alcoholic liquors only adding inventory. Attorney Gardiner mentioned "the as the crow flies" analogy and gave distances between the Food Max and the South Westnedge Market, and three routes to get between them. He feels they are in excess of the half mile rule that the State eliminated. The best example he gave was a 2016 appeal from 1110 Weaver Avenue, the sole reason the Board denied the applicant was the SDM went dormant and then was sought to be revised. Their SDM license has been in continuous use for off premises use for six years. The basis for the denial was they dropped the nonconforming use, it was dormant, and it lost the grandfathering. If before 2014 it was grandfathered in, after 2014 they'd have to start the process over. He stated they've met the criterion that's necessary; he stated Mr. Abbas's family has owned the property since 1995, they have five employees. The State has eliminated the half mile rule. The special circumstances are not the result of Mr. Abbas, there's no issue he's been doing it since 2012. It's not contrary to the public interest; they are offering another category of packaged alcoholic liquors. Granting the variance would not be an increase in intensity.

Walter John Postawa, 441 W. Cedar St. #2, stated he's lived at that address for five years and frequents the South Westnedge Market and the Food Maxx Market. He has no problem with

either store and didn't understand the ordinance concerns. Now that they want liquor license there's an issue.

Steven Peters, 436 Westnedge Ct., questioned that the State of Michigan doesn't have a half mile distance rule, only the City of Kalamazoo does. He personally likes hard liquor and commented there have been no violations there.

Brandon Sterken, 927 Osborn, an employee for over two years, of the South Westnedge Market, commented he wasn't aware of the zoning violations, they haven't altered their hours, and there's been no change in volume of customers or sales. The store should be allowed to sell spirits.

Speaking in Opposition:

Steve Walsh, Representative of the Vine Street Neighborhood, also a resident of the Vine Neighborhood for over sixteen years, the VSN reviewed the request and is not in favor of the variance request, they are close to another business that provides the same thing, there's no hardship to request the variance. The neighborhood does not want this in their neighborhood. He submitted a letter from the Board of the Vine Neighborhood in opposition. He spoke of the Board's support extended to the Northside Neighborhood Association when they were before the Board with similar circumstances.

Sarah Drumm, 1124 Merrill St. asked that the variance not be granted, she was against the original request years ago also, she spoke to wanting the neighborhood children to feel safe. She spoke to the activities happening around the store and didn't want it in her neighborhood.

Diane Kim, 827 S. Westnedge, stated she owns a laundry mat for thirty-two years. She's had problems with drunks and people parking in her businesses area. There's too much traffic in the area. Her customers are bothered by the drunks entering or leaving the South Westnedge Market.

Nelson Nave, 610 W. South St., spoke against the request, having hard liquor in the Vine Neighborhood will affect the neighborhood; the neighborhood is encouraging development and home ownership in the area. He stated as an architect he's worked for Ms. Kim who invested in the area for the betterment.

Jeremy Terpening, 913 Osborn St. he lives near the South Westnedge Market and is an active proponent of Building Blocks of Kalamazoo, he has issues with the maintenance of the property and there's vagrancy in the area. The neighbor's goal is to create prosperity and this doesn't conform to the idea of the neighborhood's goals.

Mr. Eldridge commented on the timeframe laid out by Mr. Gardiner on when the SDM license was issued in 2012, and the SDD license was issued in 2018 were correct. Between those two dates, in 2014 the City of Kalamazoo adopted the half mile distance between alcoholic beverage sale locations which includes gas stations, convenience stores which sells packaged alcoholic beverages. There were comments made about the 1116 Weaver variance request, that was in a single family home in the Arcadia Neighborhood that suffered a fire and the homeowner delayed on rebuilding it. It was grandfathered in for four unrelated adults, the owner wanted to maintain that legal non-conforming status, and came before the Board because

twelve months had lapsed and the non-conforming use had been abandoned, the Board had denied the use variance to re-establish the non-conforming use it had in the past. The comments about the expansion, the difference is it isn't just adding additional product it requires a special license to then add the additional product. It's more than just putting something different on the shelf; it's bringing it to another level. There are definitions that address packaged liquor stores and convenience stores and he's been in the store and seen the products sold. It's still a convenience store that sells alcoholic beverages.

Mr. Carroll questioned why the State requires two separate licenses. Attorney Robinson commented in the 1950's the State has had two separate licensees, the SDM license is for beer/wine and lower percentage alcoholic products, the SDD license is for hard liquor. Many places have both, but it's not required.

Mr. Lager questioned the language cited in the applicant's analysis regarding "enlargement or expansion" of a non-conforming use. Attorney Robinson stated he's only aware on 9.2a that specifically talks about the enlargement or expansion. They are certainly not one in the same; the two terms are used meaning something different. One talks about expansion of an area, an addition to a building. An enlargement is being more intense in use or expanding the amount in the footprint that is devoted to the nonconforming use. He deferred to Mr. Eldridge as the Administrator of the Code. Mr. Eldridge replied he'd point to that section of the Ordinance also, the key in the statement is the enlargement or expansion of the use of what is currently going on in that building at that location and talks about it can be expanded within the bounds of the same structure, designated for such use, except that it's not just an expansion of what's going on, a special license is required from the State of Michigan to allow this other beverage to be sold in the building.

Attorney Robinson commented if a store with 25% of floor space devoted to alcohol sale with a beer/wine license decided to increase the floor space to 50% and increased the stock, that would be acceptable, the question here is, getting a separate license for the spirituous liquors, it's an expansion of the use even though it may go from 25% of floor space of beer/wine to 25% for hard alcohol, through the City's interpretation of the code, it's an enlargement of the use. A separate license is needed for the change.

Chair Youngs discussed the Bauchhaus store that closed. Mr. Houston questioned then if D&W could sell liquor being so close. Mr. Eldridge stated the D&W is classified as a grocery store; it wouldn't be subject to the half mile separation requirement. Mr. Eldridge commented on additional licenses allowed for the downtown through a special program setup at the State level. They discussed floor area measurements, the code does specifically spell out the MLCC 436.1503 as far as how that measurement is taken, and it's measured along the public street not "as the crow flies" or any other means. There were three letters of opposition provided in the Boards packet.

Chair Youngs closed the public hearing.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 819 S. Westnedge Avenue shall include all information included in the notice of public hearing dated November 27, 2018.
- 2.) Eighty-eight notices of public hearing were sent and three responses were 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 from the Vine Neighborhood Association 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: Attorney Gardiner spoke on behalf of the applicant, has a the nonconforming use for the beer and wine, relayed the State of Michigan approved hard liquor license, he wants expanded permission from the City include the ability to sell hard liquor per the State license. He stated rules allow for spirituous liquor and that the business footprint would not change. He referenced a ZBA case from 2016 that was denied for a lapse only and spoke to how it could not violate the ordinance standards. Walter Postawa spoke in favor, he's lived in the area for five years and has not noticed any problems, and one business in the area has hard liquor and feels this would be far. Steven Peters, spoke in favor stated there were no problems at the store, Brandon Sterken, spoke in favor as an employee, only minor increase in sales and granting permission would be reasonable. Speaking in opposition, Steve Walsh, of the Vine Street Association Neighborhood stated it is not in keeping with what the Vine Street Neighborhood wants, and submitted a letter. Sarah Drumm, feels that the store is a negative influence in the neighborhood and feels the expansion of the stock will make things worse. Diane Kim, she's been in the neighborhood over 32 years, and stated it will promote more drunkenness and traffic in the neighborhood. Nelson Nave, feels hard liquor would have a negative impact on the neighborhood for growth and safety. Jeremy Terpening, could aggravate vagrancy problems and feels it is contract to good neighborhood policies and the business owner has not participated in neighborhood building efforts. Mr. Eldridge commented in 2014 the City adopted the half mile distance separation rule after the 2012 initial beer and wine approval. The case mentioned by Attorney Gardiner was involving a single family home fire on Weaver Street. New product requires a special permission store is not totally a packaged liquor store but a convenience store. He feels this in an enlargement of the use because of the special license required by the State, not just an expansion of an existing product.

Mr. Houston seconded the Finding of Fact.

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

Mr. Lager questioned if there were two requests or one. Mr. Eldridge commented it's a use variance due to the utilization and expansion of the use of the building, it's only one request.

Mr. Lager moved to approve the application, seconded by Chair Youngs.

Mr. Houston stated they have to consider the business requirements and it doesn't meet the distance requirements. Chair Youngs agreed, the State grants the licenses, with no regards to the local zoning ordinances of the half mile distance requirements which it doesn't meet.

Mr. Lager commented he was not in favor either, it clearly is an expansion in section 9.2a there is a general rule a nonconforming use shall not be enlarged, or expanded in area, and it doesn't meet the exception either, of being prior to the date of being a nonconformity. It's impossible to say the space in the South Westnedge Market was manifestly designed for hard liquor. It requires a special license to sell.

Motion denied by roll call vote unanimously.

OTHER BUSINESS:

Mr. Eldridge stated they have one applicant for the vacant position on the Board and interviews.

ADJOURNMENT:

The meeting was adjourned at 8:00 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Community Planning and Economic Development

415 Stockbridge Avenue
Kalamazoo, MI 49001
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

December 26, 2018

**RE: ZBA #19-01-01
412 Howard Street
Parcel #06-22-366-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Intercity Neon on behalf of Midtown Fresh Market, the property owner. The request concerns the property at 412 Howard Street, which is situated in use Zone CC, Commercial – Community District.

The applicant is requesting a dimensional variance from Chapter 7, Section 7.3 B, of 33 square feet of wall signage to authorize a wall sign for a new tenant for the building of 83 square feet. Please note the existing store front is 191 feet in length which allows for 382 square feet of total signage. The existing wall signs total 332 square feet, therefore 50 square feet is remaining.

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.

A public hearing will be held on **Thursday, January 10, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at: www.kalamazoocity.org/boards

If you have any questions, please call (269) 337-8026 or submit by email at eldridgep@kalamazoocity.org.

Sincerely,
ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads 'Peter C. Eldridge'.

Peter C. Eldridge, AICP
Zoning Administrator

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 INTERCITY NEON
 Address PO Box 3762
 City, State, Zip CENTERLINE, MI 48015
 Phone 586.754.6050 Cell _____
 Fax 586.754.7436 Email donna@intercityneon.com

Owner: Name MIDTOWN FRESH
 Address 412 HOWARD ST.
 City, State, Zip KALAMAZOO, MI 49001
 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 412 HOWARD ST.

This property is located between PARK street and WESTNEDGE street, on the

north south east west side of the street.

CCN# 06-22-366-002 Zone CC

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

- \$275⁰⁰ 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)

Donna Halke _____ Date 11-27-18
 Signature of Applicant

[Signature] _____ Date 11-27-18
 Signature of Owner (if different than applicant)



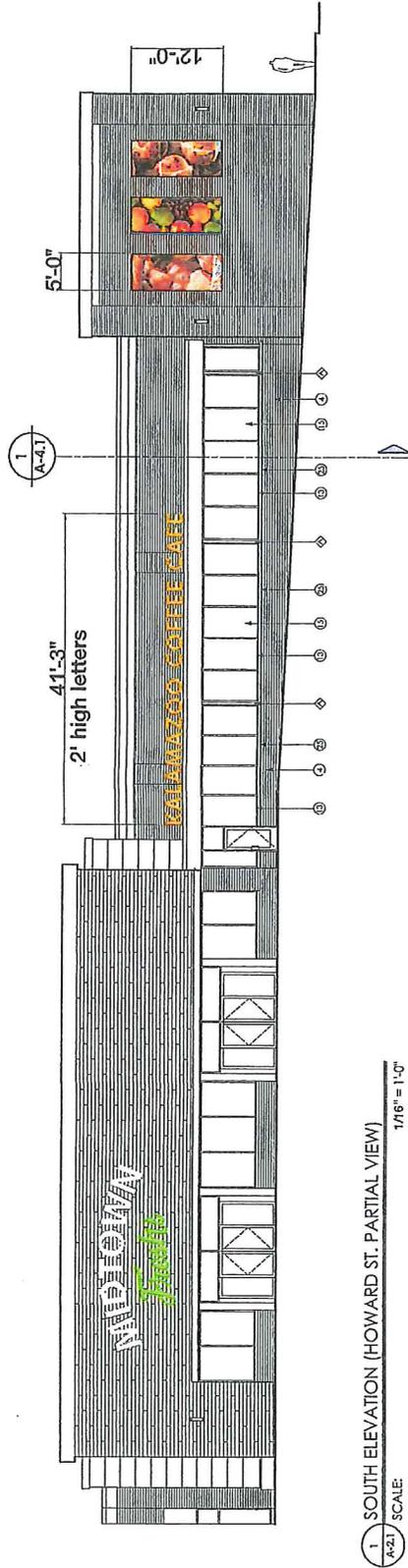
INTERCITY NEON

DESIGNERS - BONDED ERECTORS - MANUFACTURERS - QUALITY SIGNS

P.O. BOX 3762 - CENTERLINE, MICHIGAN 48015-0762
(586) 754-6020 - FAX (586) 754-7436

We are requesting a dimensional variance for an additional 33 square feet of signage for the additional of a "Kalamazoo Coffee Cafe" sign at Midtown Fresh, located at 412 Howard Street.

Because the building is set so far off the road, the signage needs to be large enough to let the public find the Cafe.



1 SOUTH ELEVATION (HOWARD ST. PARTIAL VIEW)
SCALE: 1/16" = 1'-0"

9-21-18

Allowable Signage:

Tenant Lease Frontage: 191

Square Footage Allowed: 191 x 2 = 382 square feet

Main Sign: - 152.33

Proposed Banners (5'x12') - 180.00

Proposed Kalamazoo Coffee - 65.00

Total signage existing + proposed 397.33

Allowable Signage Left: 49.67 sq ft
Proposed: 82.5 sq ft

DRAWING APPROVED: _____

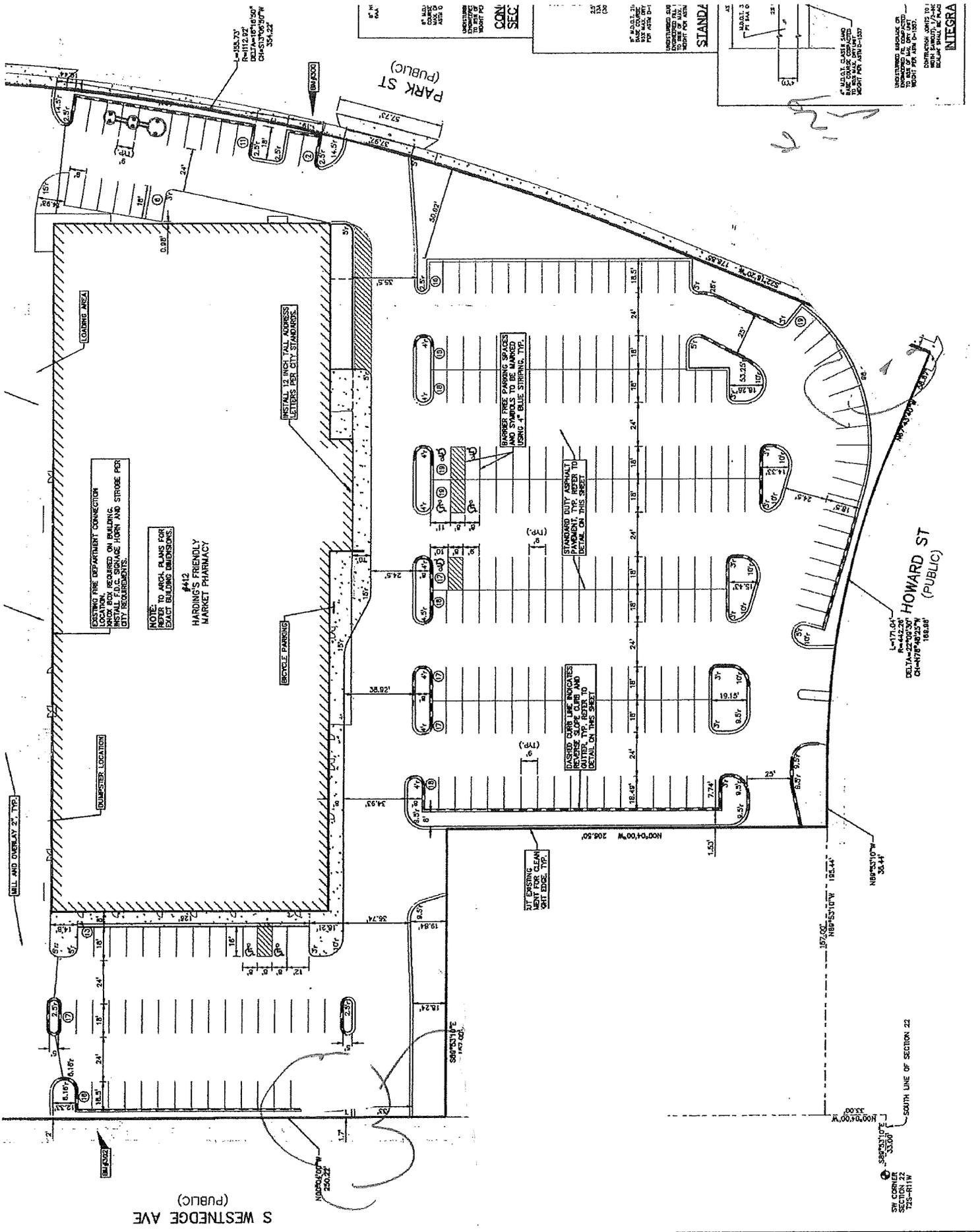
DATE: _____

Midtown Fresh
412 Howard Street
Kalamazoo, MI



INTERCITY NEON
P.O. Box 3762
Centerline, MI 48015
ph: 586-754-6020
fax: 586-754-7436

www.intercityneon.com



4" ALUM. CORRUGATED CONCRETE CURB PER A.S.D. 10/10/00

UNLESS OTHERWISE NOTED TO BE OF WHITE PIGMENT FOR A.S.D.

8" MODEL 2H 153 154 155 156

UNLESS OTHERWISE NOTED TO BE OF WHITE PIGMENT FOR A.S.D.

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SW CORNER SECTION 22 72S-R11W

SOUTH LINE OF SECTION 22

CON SEC

STANDA

INTEGRA

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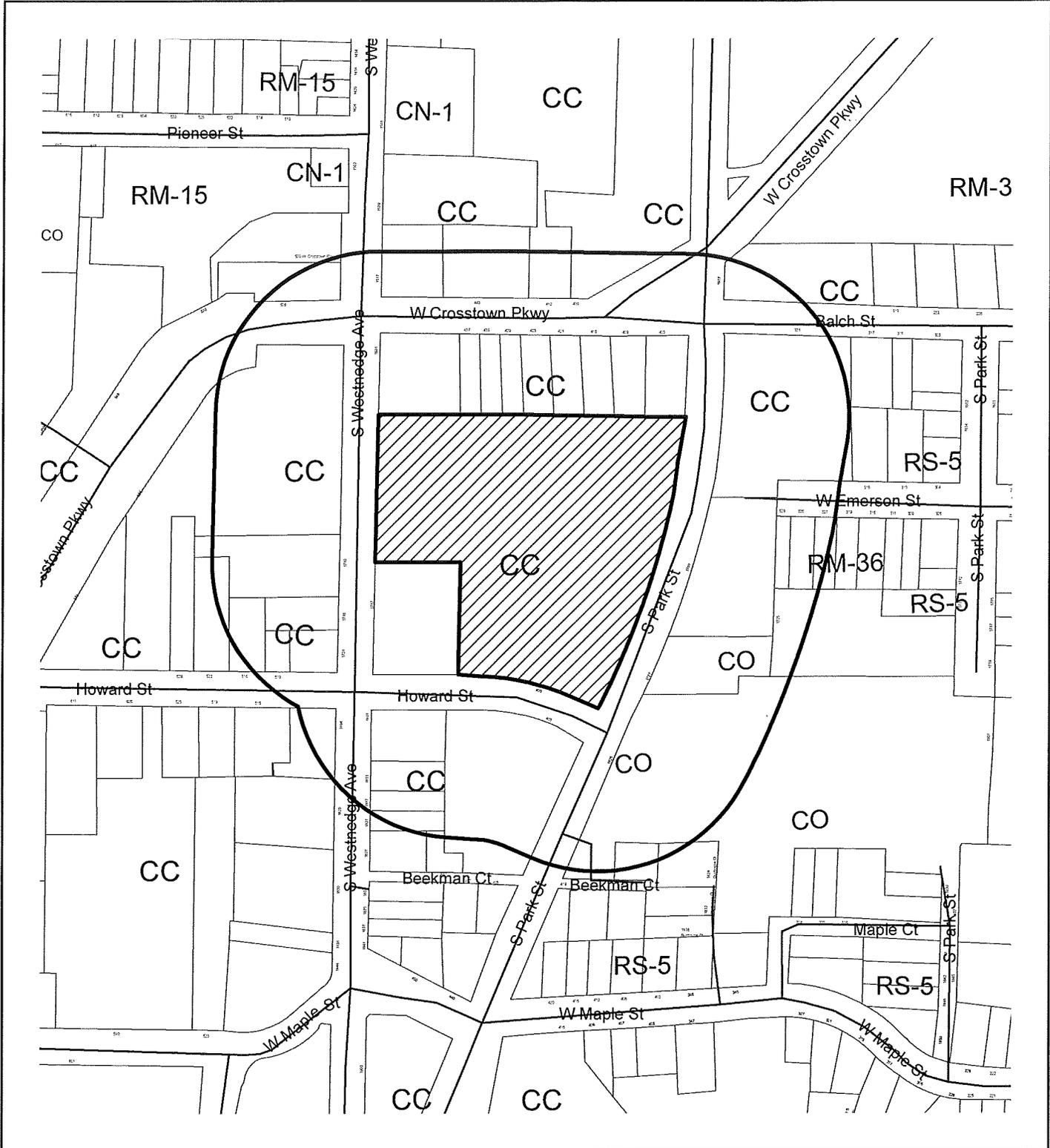
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8" MODEL 2H 153 154 155 156

UNLESS OTHERWISE NOTED TO BE OF WHITE PIGMENT FOR A.S.D.

8" MODEL 2H 153 154 155 156



300' Mailing Boundary
412 Howard St.



1" = 60 Feet
680



Community Planning and Economic Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

December 26, 2018

**RE: ZBA #19-01-02
122 W. Crosstown Parkway
Parcel #06-22-335-008**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Baseline LLC, the property owner. The request concerns the property at 122 W. Crosstown Parkway, which is situated in use Zone CN-1, Commercial – Neighborhood District.

The applicant is requesting a use variance from Chapter 4, Section 4.2, to authorize a five bedroom transitional residence on the second floor of the two-story commercial office building. In Zone CN-1 residential units are permitted on all floors above the first floor, but not transitional residence facilities.

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.

A public hearing will be held on **Thursday, January 10, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at:
www.kalamazoocity.org/boards

If you have any questions, please call (269) 337-8026 or submit by email at eldridgep@kalamazoocity.org.

Sincerely,
ZONING BOARD OF APPEALS


Peter C. Eldridge, AICP
Zoning Administrator

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

RECEIVED DEC 13 2018

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 David Ferry
Address 38175 32nd St.
City, State, Zip Paw Paw, MI 49079
Phone 269-657-8324 Cell 269-501-5670
Fax 269-673-5090 Email dcferry43@gmail.com

Owner: Name Baseline L.L.C. (David & Jill Ferry members)
Address 38175 32nd St
City, State, Zip Paw Paw, MI 49079
Phone 269-657-8324 Cell 269-501-5670
Fax 269-673-5090 Email dcferry43@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 122 W. Crosstown Prkwy, Kalamazoo, MI 49001

This property is located between Burdick street and Rose street, on the north south east west side of the street.

CCN# 06-22-335-008 Zone CN-1

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 Seeking a change in use of the occupied space from office/commercial to Residential

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 [Signature] Date 12-13/18
Signature of Owner (if different than applicant) for Baseline, L.L.C Date 12-13/18

ZONING BOARD OF APPEALS APPLICATION ATTACHMENT

Applicant/Owner: David and Jill Ferry / Baseline L.L.C.

Property address: 122 W. Crosstown Prkwy. Kalamazoo, MI 49001

Type of Request: Use Variance

Description: The previous use of the property commonly known as the Youth for Christ building was as office space and drop-in center serving the youth of the Greater-Kalamazoo area. The current request is to change to a residential use. It is with the intent that the property would also be registered with the city's Rental Housing Program.

Eldridge, Peter

From: Eldridge, Peter
Sent: Wednesday, December 19, 2018 3:09 PM
To: 'dcferry43@gmail.com'
Subject: 122 W. Crosstown Pkwy. - Use Variance Request

David,

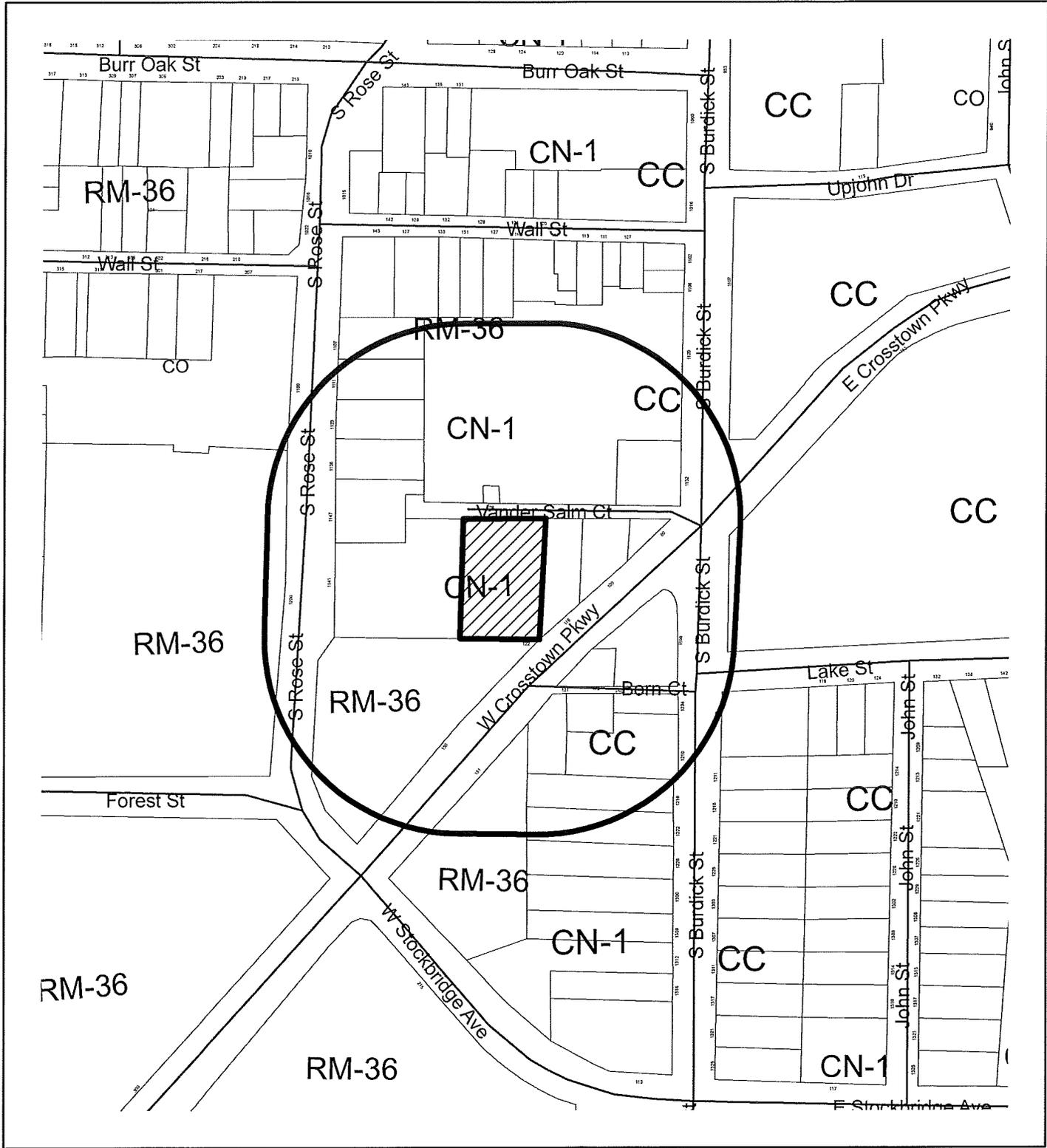
After review of the Zoning Ordinance and discussion with staff that attended the project review meeting I did get to the bottom of the matter. The property is zoned CN-1, Commercial – Neighborhood Business District. This and several other low intensity commercial zoned districts do not allow for 'Transitional Residences' as a permitted use. Since the supportive housing proposed will fall in that category a use variance is required to be granted by the Zoning Board of Appeals to allow the proposed residential unit on the second floor to be used as a 'Transitional Residence'.

TRANSITIONAL RESIDENCES = A residential facility or dwelling unit operated by a government agency or private, nonprofit organization that provides temporary accommodations and on-site management for homeless persons and/or homeless families or other persons requiring interim housing arrangements.

Please let me know if you have any questions.

Peter C. Eldridge, AICP
Zoning Administrator

Community Planning & Economic Development Dept.
City of Kalamazoo
415 Stockbridge Avenue
Kalamazoo, MI 49001
PH: 269-337-8806
FAX: 269-337-8513
EMAIL: eldridgep@kalamazoo.org



300' Mailing Boundary
 122 W. Crossstown Parkway



1" = 100 Feet
 0 20



Community Planning and Economic Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

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www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

December 26, 2018

RE: ZBA #19-01-03
216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street /
205 and 209 E. Stockbridge Avenue.
Parcel #06-22-344-262, #06-22-344-261, #06-22-415-001, #06-22-415-260, #06-22-415-002,
#06-22-415-259, #06-22-410-002, #06-22-349-001 and #06-22-349-003

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the LIFT Foundation. The request concerns the properties at 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue; which are situated in use Zone CC, Commercial – Community District; Zone CN-1, Commercial – Neighborhood District; and M-1, Manufacturing – Limited District.

The applicant is requesting a use variance from Chapter 4, Section 4.2, to authorize a day care center within the proposed multi-family development for these properties, which are being rezoned to RM-36, Residential – Multi Dwelling District. Zone RM-36 does allow for home day cares, but not day care centers.

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

A public hearing will be held on **Thursday, January 10, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at:

www.kalamazoocity.org/boards

If you have any questions, please call (269) 337-8026 or submit by email at eldridgep@kalamazoocity.org.

Sincerely,
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Zoning Administrator

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 LIFT Foundation, A Non-profit Housing Corporation
 Address 2725 Airview Blvd, Ste. 302
 City, State, Zip Kalamazoo, MI 49002
 Phone 269-350-2019 Cell 269-217-5731
 Fax 269-350-2039 Email lisa.w@lmc-mi.com

Owner: Name See Attached
 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 See Attached

This property is located between S. Burdick street and Bank 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

\$445 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] _____ Date 12-06-2018

Signature of Applicant _____ Date _____
See Attached Letters of Agreement
 Signature of Owner (if different than applicant) _____ Date _____

LIFT Foundation Use Variance Request

Applicant – See application

Owner – Bronson Properties Corporation owns the following parcels:

- 1) 216 Lake St.
- 2) 220 Lake St.
- 3) 302 Lake St.
- 4) 302 Lake St. Rear
- 5) 308 Lake St.
- 6) 308 Lake St. Rear

Address of owner: 601 John Street, Kalamazoo, MI 49007

Owner phone and email: Gregory Milliken, 269-341-7044, millikeg@bronsonhg.org

Owner – Tustin Investments LLC owns the following parcel:

- 1) 316 Lake St.

Address of owner: 1752 North 33rd Street, Galesburg, MI 49503

Owner phone and email: Michael Tustin, 269-760-7511, onlinestripping@sbcglobal.net

Owner – Kalamazoo County Nonprofit Housing Corporation owns the following parcels:

- 1) 205 E. Stockbridge
- 2) 209 E. Stockbridge

Address of owner: 10095 Pepperell Ct., Portage, MI 49024

Owner phone and email: David Artley, 269-569-1382, barrieandmaddie@gmail.com

Property Information

Street or Street Address:

1. 216 Lake St. – South side of street
CCN# 06-22-344-262 Zone: Community Commercial
2. 220 Lake St. – South side of street
CCN# 06-22-344-261 Zone: Community Commercial
3. 302 Lake St. – South side of street
CCN # 06-22-415-001 Zone: Community Commercial
4. 302 Lake St. Rear – South side of street
CCN# 06-22-415-260 Zone: M-1
5. 308 Lake St. – South side of street
CCN# 06-22-415-002 Zone: M-1

Page 2 of 2 – LIFT Foundation Use Variance Request

6. 308 Lake St. Rear – South side of street
CCN# 06-22-415-259 Zone: M-1

7. 316 Lake St. – South side of street
CCN# 06-22-410-002 Zone: M-1

8. 205 E. Stockbridge – North side of street
CCN# 06-22-349-001 Zone: CN-1

9. 209 E. Stockbridge – North side of street
CCN# 06-22-349-003 Zone: Community Commercial

Kalamazoo County Housing Choices
P.O. Box 467
Portage, MI. 49081-0467

December 4, 2018

City of Kalamazoo
Community Planning & Development
415 East Stockbridge Ave.
Kalamazoo, MI 49001

RE: LIFT Foundation's Use Variance Request for 205 and 209 E. Stockbridge Avenue

To Whom It May Concern:

I am writing to state that my organization, Kalamazoo County Housing Choices, is in agreement with the Use Variance requested by LIFT Foundation that would allow for a daycare in a future multi-family housing development.

Should you have any questions please contact me at 269-569-1382.

Sincerely,



David P. Artley
President
Kalamazoo County Housing Choices
barrieandmaddie@gmail.com

Michael J. Tustin
Tustin Investments LLC
1752 North 33rd Street
Galesburg, MI 49503

December 4, 2018

City of Kalamazoo
Community Planning & Development
415 East Stockbridge Ave.
Kalamazoo, MI 49001

RE: LIFT Foundation's Use Variance Request for 316 Lake Street

To Whom It May Concern:

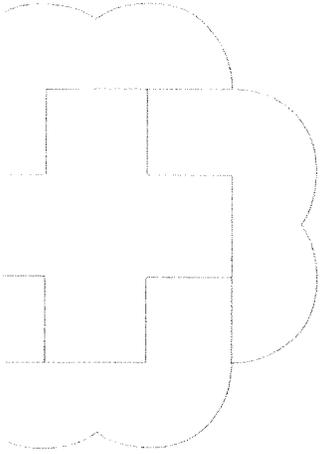
I am writing to state that my organization, Tustin Investments LLC, is in agreement with the Use Variance requested by LIFT Foundation that would allow for a daycare in a future multi-family housing development.

Should you have any questions please contact me at 269-760-7511.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Tustin', with a long horizontal flourish extending to the right.

Michael J. Tustin
Member
Tustin Investments LLC



December 7, 2018

City of Kalamazoo Planning Commission
c/o Ms. Christina Anderson, City Planner
415 East Stockbridge Ave.
Kalamazoo, MI 49001

RE: LIFT Foundation's Use Variance Request for 216 Lake St., 220 Lake St., 302 Lake St., 302 Lake St. Rear, 308 Lake St., and 308 Lake St. Rear

Dear Ms. Anderson:

Bronson Properties Corporation is the owner of the properties referenced above. It is our understanding that the LIFT Foundation will be submitting a use variance request involving these properties along with others in the immediate vicinity. They desire a variance to allow establishment of a day care use in a residential zoning district. This use will support the proposed new residential development and the families and residents that reside within it. Having supportive services like this that create a complete, healthy, viable community is consistent with the vision of the Bronson Healthy Living District.

Bronson supports the request and the applicant's effort to increase the availability of quality, relevant housing options. Quality housing has been determined to be one of the key determinants in personal health, and efforts like this to improve the successful establishment of quality housing in Kalamazoo's core neighborhoods will improve the overall community health of our City.

If you have questions or need additional information, please feel free to contact me at millikeg@bronsonhg.org.

Respectfully Submitted,

Gregory Milliken, AICP
System Manager, Real Estate
Bronson Healthcare Group

601 John Street
Kalamazoo, MI 49007
269.341.6000

bronsonhealth.com

Narrative Describing the Nature of the Request

LIFT Foundation has been an affordable housing provider in Kalamazoo County since 1966. This current project responds to the need identified in the City's Master Plan for affordable housing adjacent to the downtown area. It will tie into the "Healthy Living Campus" by promoting a healthy living ideal with a smoke free campus, greenhouse, community garden, walking path, playground and fitness center. The development is geared towards workforce housing and will be a mixed income community providing housing to those at 30%, 60% and 80% of the area median income with a small number of market rate units. LIFT's goal is to provide workforce housing that is walkable, close to employment, transportation and amenities. Green Life Village will be a distinctive community with a strong sense of place for its residents.

LIFT is in the process of rezoning the parcels described in the attached application to RM-36. Through this use variance request LIFT desires to incorporate a day care center into this residential development planned to have approximately 96 units. The day care center is planned for the parcels on E. Stockbridge Avenue and will allow for residents of this workforce housing development to walk their children to day care and then, possibly, walk to work. On-site daycare removes one of the barriers to employment that some families face. The advantage to residents is that their commute to and from work is shortened as they only need to drop off their children before leaving for work and need only to return home to retrieve their children, rather than making another stop along the way.

Use Variance

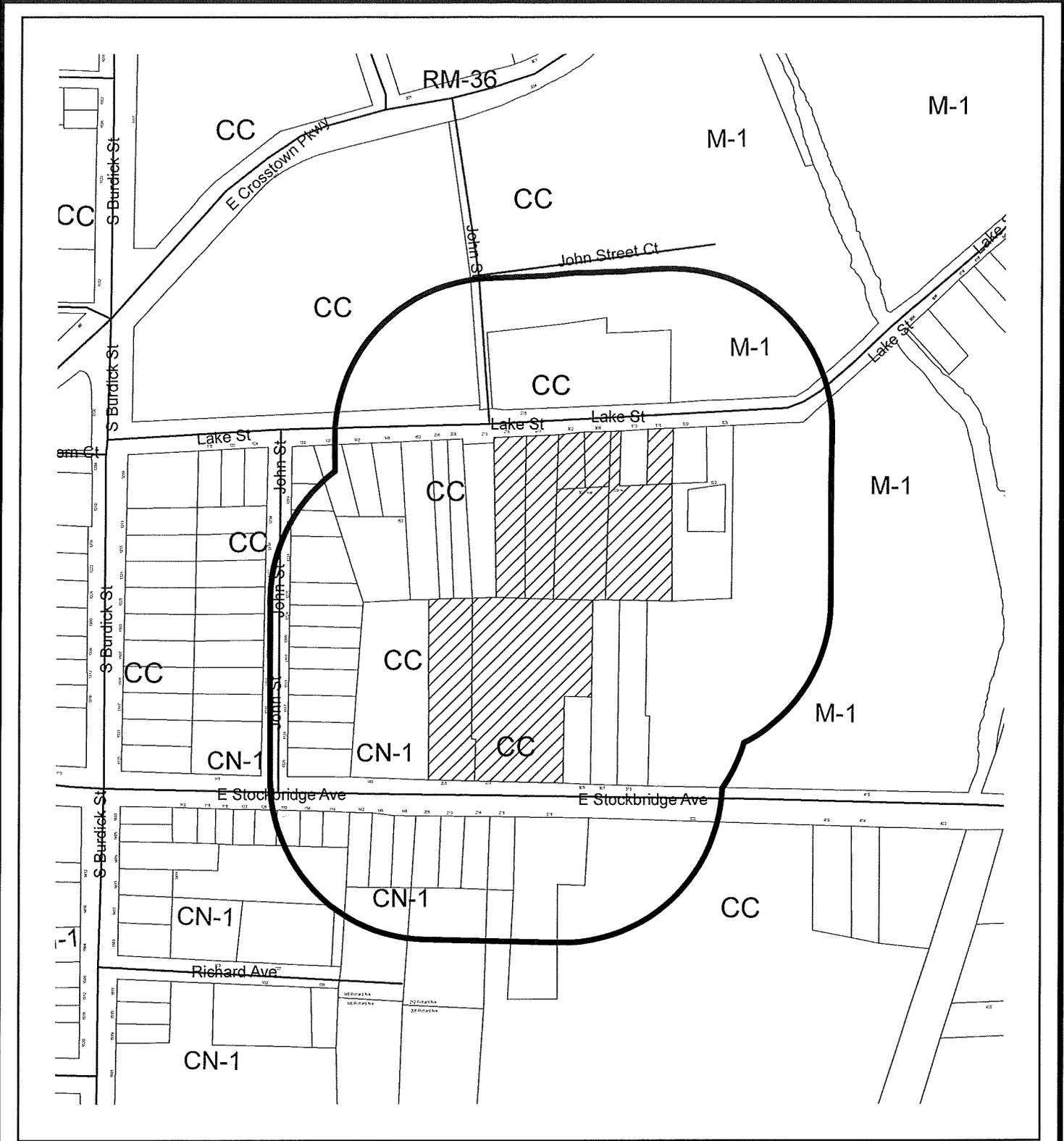
1. As the project will serve working families, LIFT and its partner, Brinshore Development, wish to provide on-site day care for their residents. The multiple lots that make up this site are currently zoned either CC or M-1 for which a day care center is a permitted use. One lot is zoned CN-1 for which a day care center is allowable with a special use permit. Likewise, the adjacent properties are similarly zoned with a commercial use, allowing for a day care center. There is, in fact, a day care center on Lake Street that we understand has a waiting list. Finally, several adjacent single family homes serve as locations for business as well as residences.
2. The unnecessary hardship is that RM-36 will not allow a street use consistent with current neighborhood conditions. All adjacent properties to these parcels will continue in their current zoning to allow for commercial activity, including a daycare center. This use variance would permit streetscape consistency.
3. The developer did not create the special circumstances that exist on Stockbridge which results in the mixed use nature of the neighborhood. The developers' intent is to be consistent with current use, which includes a streetscape of retail, home-based business and residential units.
4. The purpose and intent of the Ordinance is to promote public health, safety and general welfare. Without granting of this variance a day care center could not be built along Stockbridge under the zoning classification of RM-36. We believe that allowing this use in a multifamily housing community not only meets the intent of the Ordinance, but provides a needed neighborhood amenity and, once again, is consistent with the current streetscape.
5. The developer is requesting a variance that is not expected to adversely affect its neighbors in any way since a day care center has been an allowable use and this particular block is currently a mix of purely commercial establishments, home-based businesses and single family homes. This use will be a benefit to the neighborhood.
6. Granting of this variance will be entirely consistent with the purpose and intent of the Ordinance in promoting public health, safety and general welfare. The day care use provides a supportive service that creates a healthy, viable community that is consistent with the Master Plan.



BRINSHORE

LIFT
FOUNDATION

ROTTMANN | COLLIER
ARCHITECTS



300' Mailing Boundary

216, 220, 302, 302 (rear), 308, 308 (rear) and 316 Lake
 205 and 209 E. Stockbridge Avenue



1/4" = 100 Feet
 G.B.O.