

**Special Meeting Agenda
City of Kalamazoo - Zoning Board of Appeals**

February 21, 2019

City Commission Chambers, City Hall

7:00 p.m.

- A. Call to Order:
- B. Communications and Announcements:
- C. Approval of the Meeting Minutes for January 10, 2019:
- D. Public Hearings:
1. ZBA #19-02-03: 4231 Portage Street. Avanika Patel, the property owner, is requesting a dimensional variance from Chapter 4, Section 4.2 I 2, of 1,790 feet from the 2,640 foot (1/2 mile) separation distance required from convenience stores, package liquor stores, or gasoline stations which sell alcoholic beverages for off-site consumption. The owner plans to open a new convenience store which would also sell alcoholic beverages (beer, wine and hard liquor) for off-site consumption but the Circle K at 4117 Portage Street already sells alcoholic beverages for off-site consumption.
 2. ZBA #19-02-04: 213 E. Franks Street. Dan Kastner, the property owner, is requesting a dimensional variance from Chapter 12, Section 12.3, to allow a wall sign which projects 32 inches from the building and is mounted perpendicular to the front wall of the building, where a wall sign is defined as having a sign face projecting not more than 18 inches from the building and the sign face must be on a parallel plane with the exterior surface of the building.
 3. ZBA #19-02-06: 2805 E. Cork Street. Byce & Associates Inc. on behalf of Seven Points Supply, is requesting: **1)** a variance from Chapter 6, Section 6.3 D, to allow the screened waste receptacle (dumpster) to be located in the front yard, where screened waste receptacles are required to be located to the rear or to the side of the primary structure; **2)** a dimensional variance from Chapter 6, Section 6.3 B 2, to allow eight foot fencing in the front yard, where the maximum fence height is six feet for the front yard or front setback areas; and **3)** A variance from Chapter 6, Section 6.3 B 3, to allow chain link fencing in the front yard where no chain link is permitted in the front yard or front setback area.
 4. ZBA #19-02-07: 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street /205 and 209 E. Stockbridge Avenue. LIFT Foundation is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the three proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor level in Zone CC. Please note that the majority of the land area assembled for this project is located in Zone CC. Therefore, the development regulations for Zone CC are applicable site development standards for the multi-family project.
 5. ZBA #19-02-08: 2400 Portage Street. The Heritage Community of Kalamazoo is requesting a use variance from Chapter 4, Section 4.1, to authorize a rehabilitation and therapy clinic operated by Bronson at this location on the Heritage Community of Kalamazoo campus, where medical service uses are not permitted in Zone RM-15. The proposed rehabilitation and therapy clinic will be approximately 2,900 square feet and located in an existing building. It will service both Heritage Community of Kalamazoo residents and outside patients.
- E. Other Business:
1. 2019 ZBA Meeting Dates: 1/10, Special Mtg. 2/21, 3/14, 4/11, 5/9, 6/13, 7/11, 8/8, 9/12, 10/10, 11/14 and 12/12.
 2. Discuss ZBA Interviews /Reappointment of a Board member
 3. Election of Chair, Vice Chair and Secretary for 2019
- F. Adjournment:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
January 10, 2019 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Matt Lager, James Houston, Reed Youngs, Chris Flach, Jeff Carroll

Members Absent: Christina Doane

City Staff: Pete Eldridge, Zoning Administrator; Clyde Robinson, City Attorney;
Beth Cheeseman, Code Administration Clerk/Cashier

Chair Youngs called the meeting to order at 7:04 p.m.

Mr. Pete Eldridge noted that the third application on the agenda related to the Lift Foundation was withdrawn. He reported that only items number 1 and 2 would be on the agenda.

MINUTES:

Mr. Matt Lager, supported by Mr. James Houston, moved to approve the minutes of December 13, 2018. With a voice vote, the motion carried 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 412 Howard Street, Parcel # 06-22-366-002:

ZBA #19-01-01: 412 Howard Street: An application for a variance to the 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 a variance only regarding the items described above.

Mr. Kiar Gamshaw, applicant for the variance, came forward to speak to the request. He said his family helped redevelop the old Hardings building, and they have the local bread brand of Midtown Fresh. Mr. Gamshaw stated that they are partnering with local vendors, Victorian bakery and Kalamazoo Coffee Company, to create the Kalamazoo Coffee Café. The original plan was to have a patio in the front of the store, but they decided to enclose it and make it into the café. He explained that when people come down the hill, their property is situated on a peninsula to the corridor to downtown. He said the café will have a separate entrance from the grocery store, but can be accessed from the grocery store. Mr. Gamshaw specified that it is not a separate legal entity. He believes that the Kalamazoo Coffee Café sign will be classy and clean cut like their Midtown Fresh sign. He emphasized that the sign will not be distasteful, it will be something to add value to property and to the community.

Mr. Pete Eldridge, Zoning Administrator, explained the pictures provided to the Board. Mr. Eldridge asked the applicant if food items would be available for purchase in addition to coffee.

Mr. Gamshaw replied that the Victorian Bakery plans to sell bakery items and have weekend tea events. He assured the board members that they strive to create and maintain a really clean atmosphere.

Mr. Carroll asked a question about how long ago signs were put on the building. He also inquired as to whether there was enough space for the sign proposed. The applicant thought the signs were placed in October. Mr. Gamshaw believed there would be enough space for the proposed sign. He said two-toned brick was placed to perfectly fit the banners, and it would look out of place if one of those was removed. The architect did kind of a frame for the banners. Mr. Gamshaw told board members the store closes at 9pm, so there is no light pollution from the sign.

Chair Youngs asked if the Kalamazoo Coffee Café was advertised on their road signs. Mr. Gamshaw reported that it would be on the building only. Chair Youngs offered the options of taking off a banner sign, eliminating the word café, or re-engineering the sign to make the footprint smaller. Mr. Gamshaw stated the proposed sign would be perfectly in sync with the aluminum glazing, and if it was smaller, it would look awkward. Chair Youngs encouraged the applicant to come up with a smaller sign that fits the ordinance, and then look at the signage on their road signs.

Mr. Carroll reported they are struggling with the request because it doesn't meet the requirements of a variance. Mr. Gamshaw stated that the sign company had filed the applications, and he was asked to represent as the property owner. He was not knowledgeable as to the actual requirements. Mr. Gamshaw said the proposed sign will be a LED sign – like the Midtown Market sign.

Mr. Flach explained that if they give a variance for one party that will set precedence for variances for others. It is difficult to give variances if they don't have a strong case for them. They would have precedence to claim discrimination.

Mr. Houston stated that he went to the site and he didn't see any negative aesthetics. He thinks the sign will fit very well with the market sign and the other sign on the building. Mr. Houston

said he realized the square footage is in contention, and he is asking himself if it is reasonable or unreasonable to allow a variance from the established square footage.

Mr. Lager stated that he thinks Mr. Gamshaw's situation could be considered a special circumstance. Mr. Lager couldn't think of anyone else in Kalamazoo who is employing the same business model to get vacant properties on line. He believes Mr. Gamshaw's family has turned this vacant spot into a thriving and tasteful business. In response to questions, Mr. Gamshaw stated they were concerned people won't see the sign if it's not big enough. He also said there was no response from neighbors to believe anyone opposed the request or that it would adversely affect anyone else in the area. Mr. Lager confirmed with Mr. Gamshaw that they don't sell tobacco or single beer.

Mr. Eldridge asked if the Kalamazoo Coffee Café is the same as Kalamazoo Coffee Company. Mr. Gamshaw replied that it is the same and they have an agreement to exclusively use their brand and coffee beans. Mr. Eldridge and Mr. Carroll asked about the coffee company's logo. The applicant told him they will not have Kalamazoo Coffee Company's logo on their sign.

Chair Youngs asked for any comments from the public.

There were no comments from the public.

Chair Youngs closed the public hearing.

FINDING OF FACT

Mr. Lager moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 412 Howard Street shall include all information included in the notice of public hearing dated December 26, 2018.
- 2.) 37 notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Kiar Gamshaw spoke on behalf of the applicant. He is a member of the family that owns the company that owns the property at 412 Howard Street. He indicated the property has sat vacant for three years after former tenant, a Harding's store, had gone out of business or moved. Midtown Fresh grocery store that is in there now, opened approximately a year ago. Part of the business model is to host local vendors. It had been the intention from the beginning to make a patio space available for a coffee shop. It was determined later that turning that into an enclosed for coffee shop would be pursued. A partnership formed between Midtown Fresh and Kalamazoo Coffee Company to place coffee in that shop. The property is

situated on a peninsula of land at bottom of Westnedge hill where traffic is passing at a rapid rate without any stops. This is a highly visible quasi-landmark location. The intent of signage was not only to mark the location, but to continue to reinforce the aesthetic principles of having a lifestyle shopping center. The Coffee shop space will also be used for other local vendors or events such as teas. The character of the business is meant to provide a clean and tasteful atmosphere for the neighborhood, city and patrons. In keeping with that the property closes at 9pm daily. Part of the business model is not to attract heavy or nuisance traffic from such things as the sale of single beers or tobacco products. The sign itself is 30' over the variance amount and various opportunities for modifying the sign were explored.

Mr. Houston seconded the Finding of Fact.

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

Mr. Lager, supported by Mr. Houston, made a motion for the granting of a dimensional variance from Chapter 7, Section 7.3 B, for an additional 33 square feet of wall signage space 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.

Mr. Lager acknowledged that it is a challenge to fit within the elements of a variance and there is a fear they would set a precedent that would be slightly over the norm. He believed that if they granted the variance, they would need to make sure it is distinguishable from other buildings or other signs. Mr. Lager said because of the location, the traffic, the hill, and the fact that the building was vacant for so long, it is actually a problem property. He said if it wasn't for a good business owner with a creative plan, this property would be a problem for the neighborhood. Mr. Lager said there is a potential special circumstance that is not applicable to other spots. It is a quasi-landmark and something we don't want as a community to stand vacant. These special circumstances are clearly not the result of the owner. Mr. Lager believes the literal interpretation of the terms of this provision would deprive the business of the ability to have signage that is appropriate for the building. He said 33' is the minimum action to make it possible. Mr. Lager said he didn't think the granting of this variance would adversely affect other properties in this area in any material way. It would be generally consistent with the purpose and intent of the ordinance. Mr. Lager believes this is distinguishable enough from other sign requests and he would be voting yes.

Chair Youngs said Mr. Lager's points were very well stated, and Mr. Houston concurred with them.

Mr. Carroll asked a question about minimum action. Mr. Lager said one way to measure minimum action may be the cost associated with it. Mr. Gamshaw talked about discrepancy in the brick – about removing those signs. It would need to be determined whether the masonry

work would be a more minimal expense than keeping this sign the way the sign company proposed it.

Mr. Houston stated that he visited the site and looked at the three signs on the Park side. He believes altering those signs would cause a distraction that would cause a negative impact on the face of the whole building. He believes there is enough space for the proposed sign and it would enhance the whole frontage. Mr. Houston sees the benefit of having the coffee shop as an identified separate entity. He agreed with Mr. Lager that the whole setting is unique, and they would not be setting any kind of precedent for other businesses in the area.

A roll call vote was taken with Mr. Carroll and Chair Youngs voting no and Mr. Lager, Mr. Houston and Mr. Flach voting yes. The motion failed.

Motion was denied by roll call vote.

Mr. Houston read the application for 122 W. Crosstown Parkway, Parcel # 06-22-335-008:

ZBA #19-01-02: 122 W. Crosstown Parkway: An application for a variance to the 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 a variance only regarding the items described above.

Mr. David Ferry came forward as the applicant. He explained they are refurbishing/upgrading this space and planning to register it as a rental house in order to offer transitional housing. It is meant to be affordable housing for people who need some support but do not require a licensed foster care setting. He explained they would have individuals signing leases and residing at the house for at least a year and possibly beyond.

Mr. Lager asked Mr. Ferry if he currently operates other housing facilities. Mr. Ferry stated that he is a Limited License psychologist with a foster care home in Allegan County. He has been in residential and mental health for 31 years. They have seen a need for this type of residential home, and they want to diversify and use their skills for this type of setting.

Mr. Lager asked about the transitional nature of this house and what support services would be offered on site. Mr. Ferry explained that the individuals would be from a general foster care home and have progressed to supportive independent living. Ideally, they would continue to build skills and progress to independent living. He said it could also progress the opposite way – coming in from independent living when they find they are in need of support. Mr. Ferry said there will be staff at the home about 12 hours per day between 8:30am to 8:30pm. They would receive some coaching, transportation, assistance with shopping and be able to consult with staff.

Mr. Ferry also shared that they could utilize some of the businesses nearby. Right next door to them is Confections with Convictions. In addition, Case Management of Michigan would utilize their services. Mr. Ferry submitted letters from Confections with Convictions and Case Management of Michigan to Mr. Eldridge.

Chair Youngs asked what the downstairs would be used for. Mr. Ferry reported that it would just be basement space and house the utilities there already. Most recently it was office space for Youth for Christ. He said it is already a comfortable space, but they want to improve upon it and make it livable for 5 individuals.

Mr. Houston expressed concern about the house being located on the flood plain. He said he went to the site and there were still flood waters in parking lot. Mr. Houston stated that he is concerned of the problem with egress and the well-being of residents when it floods. There is limited parking in the front and about 12 spaces in the rear. Mr. Houston shared that Dale Anderson has complained about the flooding and how that affects him and he knows the Victorian bakery left because of the flooding. Mr. Ferry responded that they have contingency planning that addresses flood events. They would begin by determining if they can shelter in place. He said their plans are based on FEMA policy. Through the flooding experienced in the last year, they found the building was quite tolerant of that event. They didn't lose power and were able to use the water. He said the property is equipped with three furnaces. If a situation required an evacuation, they would listen to emergency management. If there was a call to evacuate, they would certainly do that. They have arrangements with a hotel to utilize their space if that situation arose. They would use Red Cross for a resource or any other shelters they may have set up. They expect flooding would be much more the exception than the rule. Even so, Mr. Ferry said they would be prepared – taking belongings to another location for up to 3 days – including clothing and medication.

Mr. Houston asked if the applicant could find a more amenable place. Mr. Ferry stated there are many things that are appealing to them at that location - Interactive Kalamazoo, Case Management of Michigan, and KCMH Services would be likely to use their services. The pharmacy they use is nearby. They feel there are many things directing them to this location. If it came down to getting people to an alternative site in an emergency, he felt they would be effective in doing that. Mr. Houston warned the applicant that weather projections expect flooding to get worse in the coming future. It will become a common occurrence.

Mr. Flach and Mr. Lager asked about the definition of transitional residences. Mr. Eldridge read the definition. He said, "A residential facility operated by a governmental agency or a private, non-profit organization that provides temporary accommodations and on-site management for homeless persons and/or homeless families or other persons requiring interim housing arrangements." Mr. Eldridge stated that the keys to it being transitional are the onsite management piece and the interim housing arrangements – this is a stepping stone going from foster care to individual living.

Mr. Ferry said that when he first met with the City, it was suggested this could be a boarding house, but it didn't quite fit because there is a common area for the prep and eating of food. Transitional housing was the best fit for the circumstance.

Mr. Lager and Mr. Houston asked how many residents will be at that facility and if there would be any families there. Mr. Ferry responded there will be 5 residents – no families - with 5 individual bedrooms. They will share a common kitchen and dining area.

Mr. Youngs opened the floor for comments from the public.

There were no comments from the public.

Mr. Eldridge stated they had talked about the flooding issues around the building. He reminded the board members that they were deciding if it is appropriate to allow for a transitional residence use in this building at this location. A Pre-sale inspection was done and not many alterations were needed. The second floor of the building will be living space. He said if there was water in the rear parking lot, the main doors to the building would be facing Crosstown Parkway.

Mr. Houston stated that they have to look at the building in totality. While the frontage is on Crosstown Parkway, that area floods too. While the second floor would probably not be affected, flooding could provide problems with egress.

Chair Youngs closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 122 W. Crosstown Parkway shall include all information included in the notice of public hearing dated December 26, 2018.
- 2.) 24 notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) In addition to the information and documents contained in the agenda packets staff provided for the request, The Zoning Board of Appeals received additional documents which included two color photographs of the property and two letters of support, one from Case Management of Michigan, Inc. and one from Confections with Convictions. Additionally, a flood plain emergency procedure was provided.
- 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: David Ferry with Baseline Creek, LLC, owner of the property in question, spoke in favor. He has operated a Foster home in Allegan County and has been in the industry for 31 years and has advanced education and training. The Intent for the property variance is to rehab and rent to people in a demand market. It is not a

homeless shelter in intent, but would have formal leases of a year or more. This would be a transitional setting after moving from a licensed facility. There plans to be staff or multiple staff onsite between 8:30am and 8:30pm. Operators have FEMA based emergency policies and procedures in place. City Planning Administrator indicated that a pre-sale inspection did not reveal significant issues.

Mr. Houston seconded the Finding of Fact.

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

Mr. Youngs moved to approve the application for a 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.

The motion was seconded by Mr. Lager.

Mr. Houston said he had expressed his concern about location, but he does believe the property will be used for a very humanitarian purpose. The purpose may outweigh his other concerns, so he will probably support this.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor. He pointed out that the gentleman wants to put a building that has been vacant for years and put it back to use and back on the tax rolls. His goal is to provide housing for those who are in need of it. The City has been through and there are minimal changes required.

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

Mr. Eldridge stated he will send a reminder email on Monday about the training on Jan 28th at 7pm. It will be a joint training with the City of Portage ZBA. He said they have one applicant and they hope to interview that applicant in the next two weeks. He also shared that Mr. Houston will leave the Board in March.

ADJOURNMENT:

The meeting was adjourned at 8:20 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

February 6, 2019

**RE: ZBA #19-02-03
4231 Portage Street
Parcel #06-35-450-387**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Avanika Patel, the property owner. The request concerns the property at 4231 Portage Street, which is situated in use Zone CC, Commercial – Community District.

The request, if approved, would authorize a dimensional variance from Chapter 4, Section 4.2 I 2, of 1,790 feet from the 2,640 foot (1/2 mile) separation distance required from convenience stores, package liquor stores, or gasoline stations which sell alcoholic beverages for off-site consumption. The owner plans to open a new convenience store which would also sell alcoholic beverages (beer, wine and hard liquor) for off-site consumption but the Circle K at 4117 Portage Street already sells alcoholic beverages for off-site consumption.

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, February 21, 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.kalamazoo.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 AVANIKA PATEL / MALAXMI INC
 Address 6923 SHALLOWFORD WAY
 City, State, Zip PORTAGE, MI - 49024
 Phone _____ Cell 269.267.4377
 Fax _____ Email amit711@gmail.net

Owner: Name AVANIKA PATEL
 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 4231 PORTAGE ST, KALAMAZOO, MI - 49001
 This property is located between BLOOMFIELD street and KILGORE street, on the
 north south east west side of the street.
 CCN# 06-35-450-387 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 To open Liquor/wine/beer/convenience store at address 4231 Portage st,

Attachments

- \$475 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)

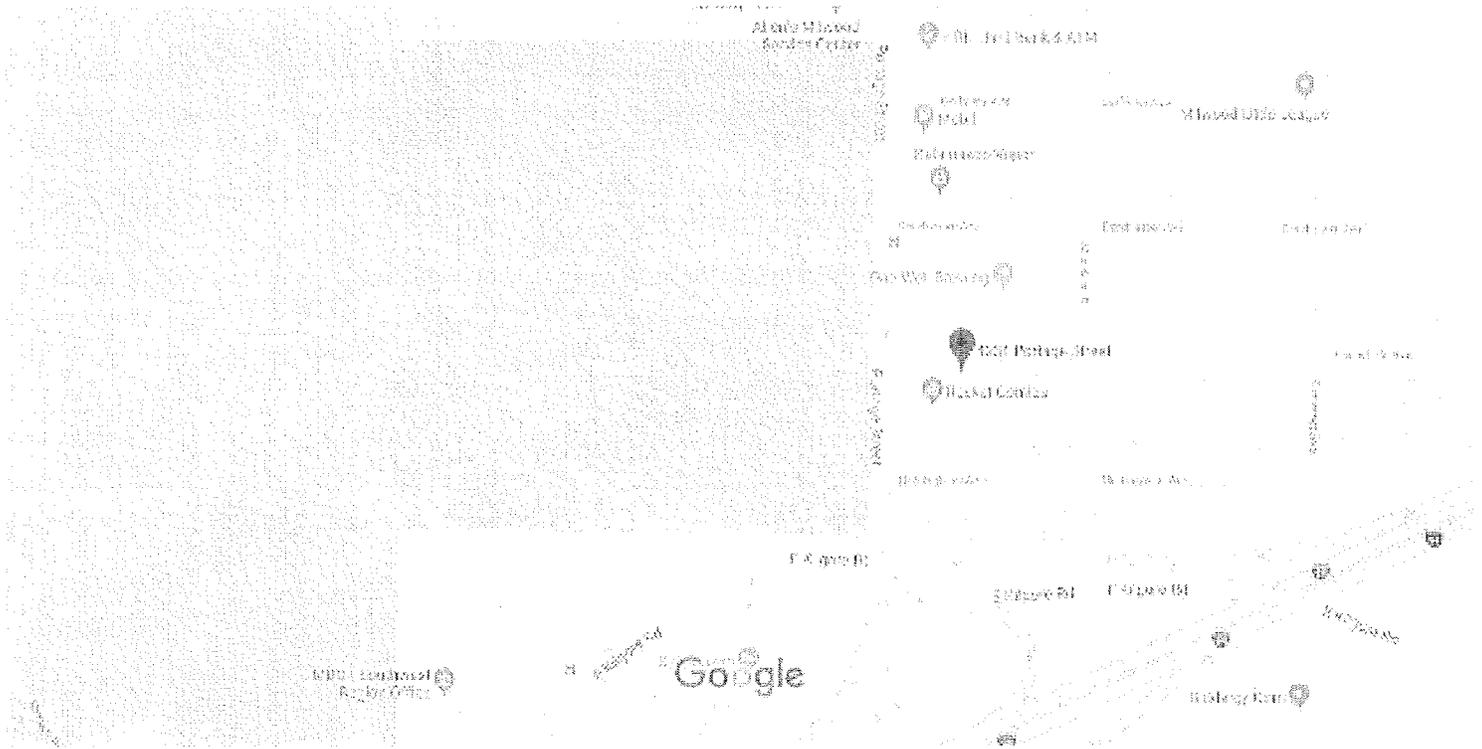
Signature of Applicant A. Patel Date 1/12/2019

Signature of Owner (if different than applicant) _____ Date _____

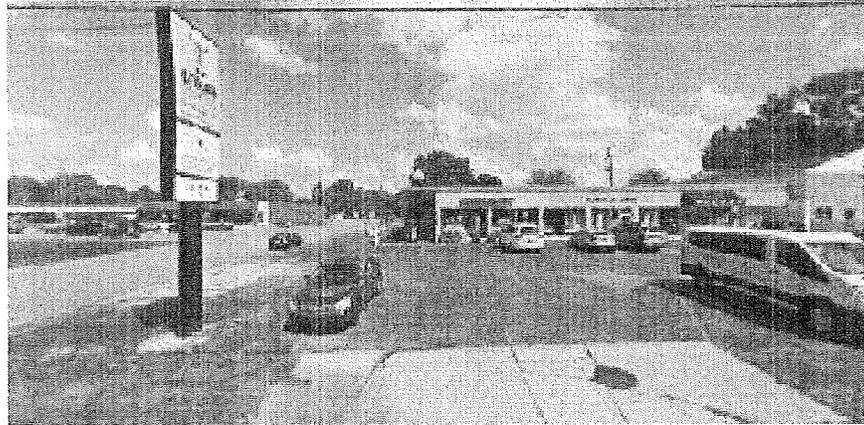
to open liquor store at 4231 Portage st.

1. There is no liquor and wine store on portage st from Kilgore rd to cork st
2. Retail building address 1620 Bloomfield has certain unit vacant for long time(4231 Portage st). We have opportunity to fill it up with retail business that turns entire building looks more retail building. That will help to develop entire lot with demands in future.

Google Maps 4231 Portage Street



Map data ©2019 City of Portage, Google 200 ft



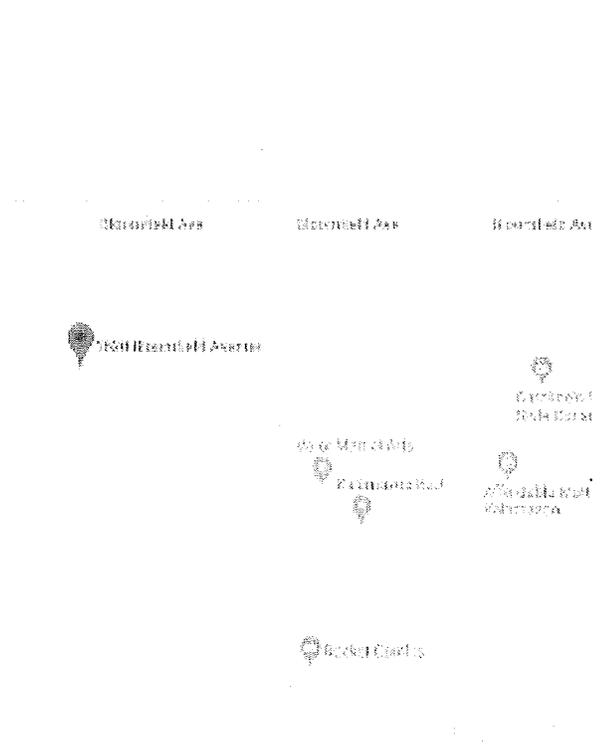
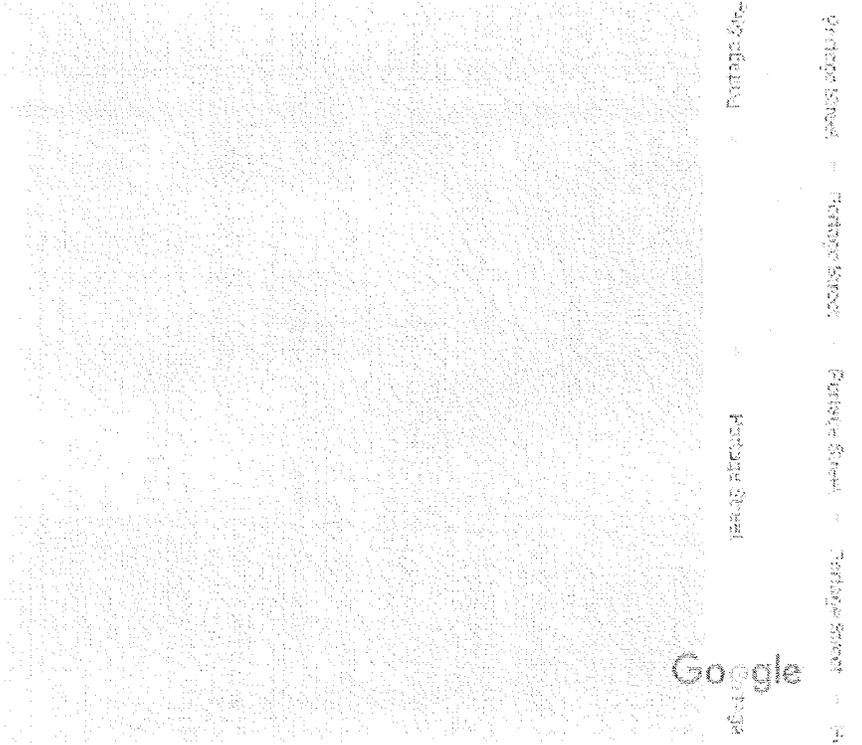
4231 Portage Street

Kalamazoo, MI 49001

6CXR+66 Kalamazoo, Michigan



Google Maps 1620 Bloomfield Ave



Map data ©2019 Google 20 ft



1620 Bloomfield Ave

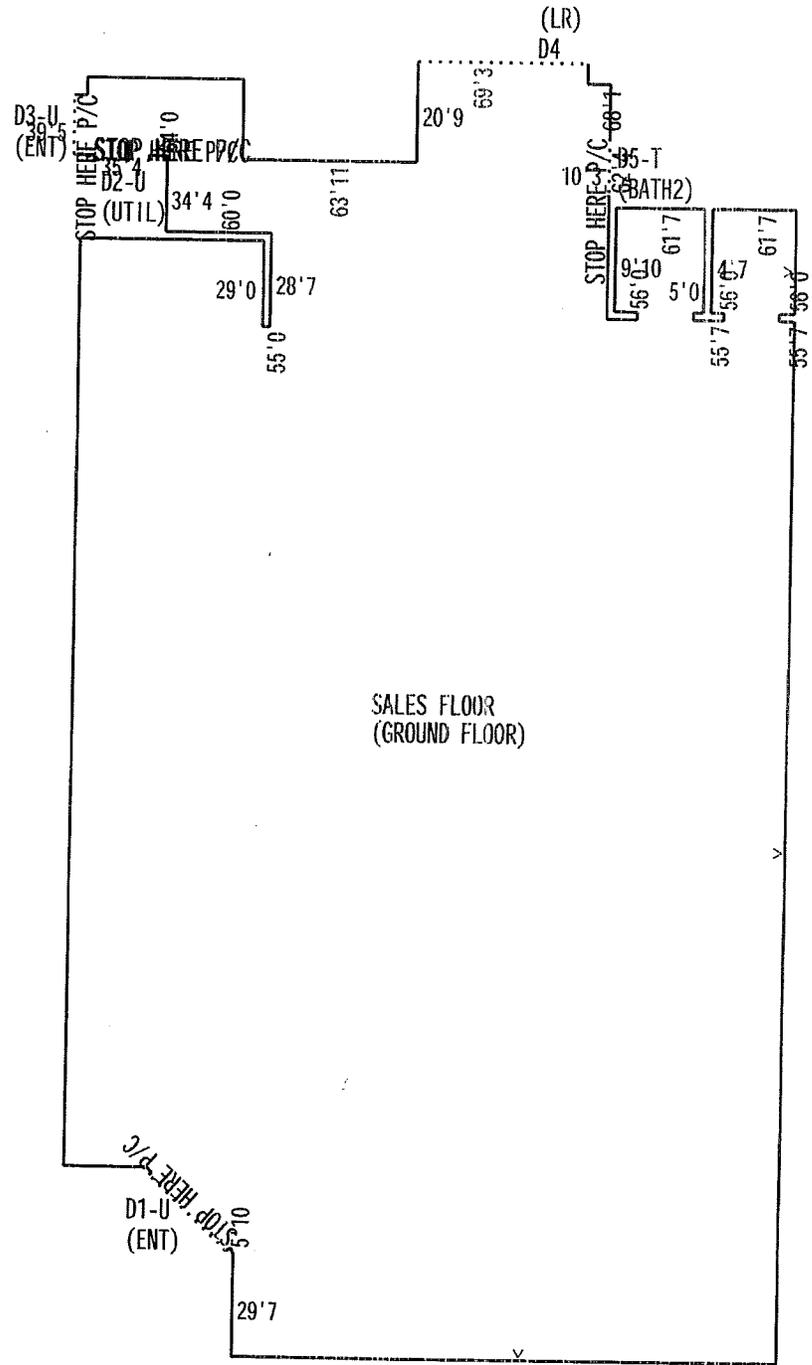
Kalamazoo, MI 49001



6CXQ+6X Kalamazoo, Michigan



#14462234	MEAS DATE: 12/05/18	STORE-ORDER: ST2728-511891	SALESPERSON: LXC4BOT	PAGE: 4/6
DATE: 12/05/18 11:37:06	CUSTOMER: PETEL, AMIT	LINE ITEM #1	MATERIAL: CER CERAMIC	
ADDRESS: 4231 PORTAGE ST	CITY: KALAMAZOO	MEAS BY 0108	HOME 2692674377	BUS 2692674377
PROPERTY TYPE: RESIDENTIAL	MATERIAL ACCESS:	NEW PAINT:	HEAT: Y	ELEC: Y
EMPTY GARAGE:	PAVED:	FURNITURE MOVE: Y	APPLIANCE MOVE: Y	REMOVAL: Y
DISPOSAL:	APPLIANCES: 0	FURNITURE: LIGHT	COVING: 0	CAPPING: 0
SPINDLES: 0	STAIRS: 0	YR BUILT: 1960		



Signed: _____

DOOR	WIDTH	OTHER-SIDE	HEIGHT-DIFF	DOOR TYPE	TRANS CLEARANCE	DOOR	WIDTH	OTHER-SIDE	HEIGHT-DIFF	DOOR TYPE	TRANS CLEARANCE
1	5'10"	ENT	EVEN	REG GLS METAL	1/2"	4	9'3"	LR	CPT	EVEN	
2	3'0"	UTIL	EVEN	REG WD	1/2"	5	3'0"	BATH2	CER	EVEN	REG WD 1/2"
3	3'2"	ENT	EVEN	REG WD	1/2"						

30' Deck wide.
6 Feet high

blow wind

Portage
St.

10' 0"

38' 0"



44' 0"



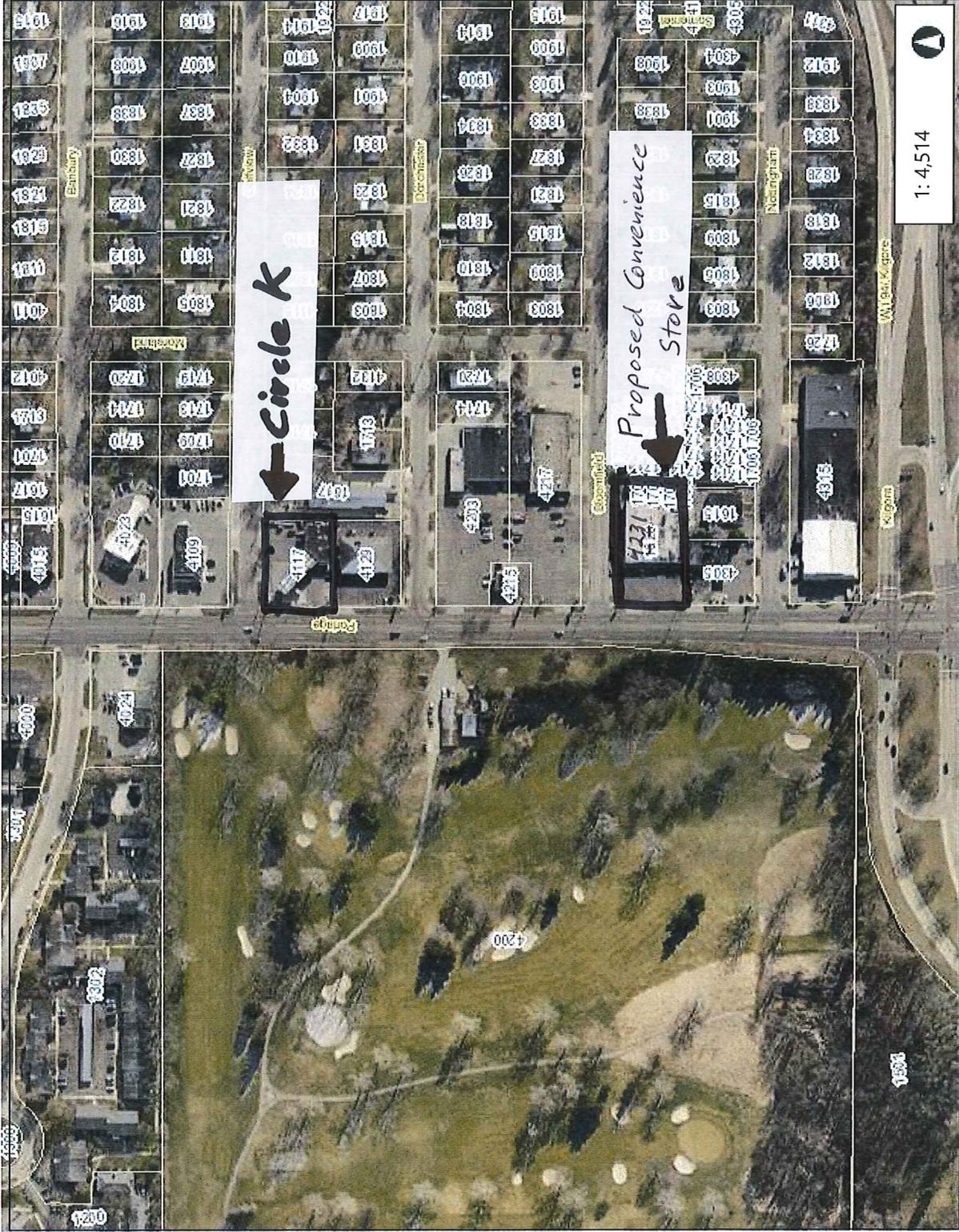
44' 0"



3' ADA
Counter



Separation Distance Between Alcoholic Bev. Sales Locations



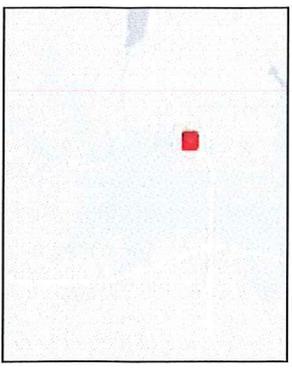
0.1 Miles
0 0.07

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

1:4,514



- Legend
- Street Names - City
 - Parcels





STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)
MALAXMI, INC.)
 4231 Portage St)
 Kalamazoo, MI 49001-5265)
)
)
Kalamazoo County)

Request ID No. 1807-09251

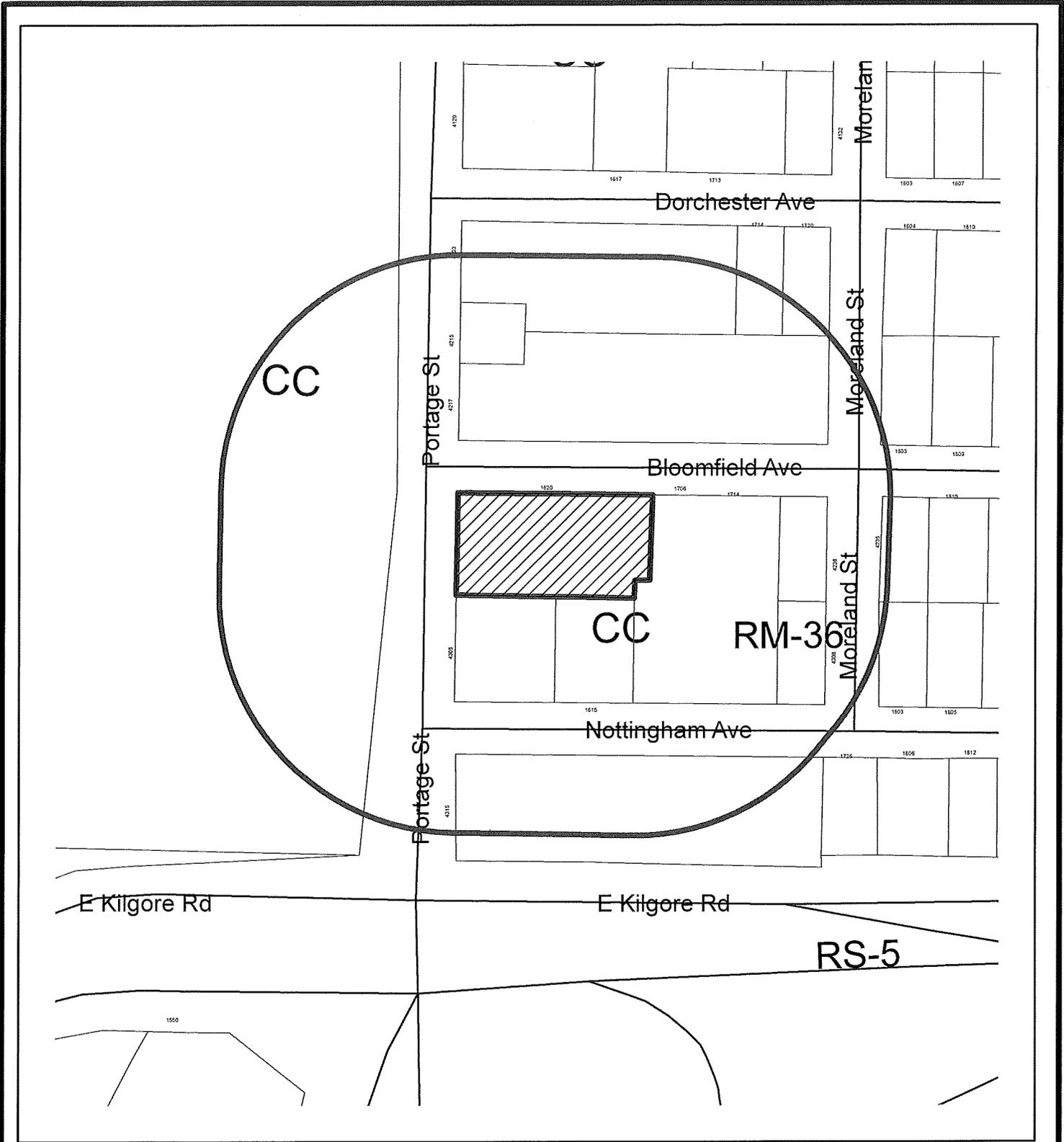
At the October 17, 2018 meeting of the Michigan Liquor Control Commission in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
 Teri L. Quimby, Commissioner
 Dennis Olshove, Commissioner

LICENSING APPROVAL ORDER

Malaxmi, Inc. ("applicant") has filed an application to transfer ownership of escrowed 2018 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.), from Crooked Lake Market, LLC; transfer location (governmental unit) under MCL 436.1531(18) and MCL 436.1533(8) from R 8, 6 W Crooked Lake Dr, Kalamazoo, MI 49009, Texas Township, Kalamazoo County, to the above noted address; and request new Sunday Sales Permit (AM.). This request to transfer ownership has been received as a result of the purchase agreement dated June 11, 2018.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor



300' Mailing Boundary
 4231 Portage St.





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

February 6, 2019

**RE: ZBA #19-02-04
213 E. Frank Street
Parcel #06-15-179-010**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Dan Kastner the property owner. The request concerns the property at 213 E. Frank Street, which is situated in use Zone Live-Work 2 District.

The applicant is requesting a dimensional variance from Chapter 12, Section 12.3, to allow a wall sign which projects 32 inches from the building and is mounted perpendicular to the front wall of the building, where a wall sign is defined as having a sign face projecting not more than 18 inches from the building and the sign face must be on a parallel plane with the exterior surface of the building.

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, February 21, 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.kalamazoo-city.org

RECEIVED

JAN 14 2019

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 Dan Kastner
 Address 213 E. Frank St.
 City, State, Zip Kalamazoo, MI 49007
 Phone 415.990-4076 Cell _____
 Fax _____ Email dan@FactoryCoffee.co

Owner: Name Same as above
 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 213 E. Frank St.
 This property is located between Scudder street and Edwards street, on the
north south east west side of the street.
 CCN# 06-15-179-010 Zone M-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 We would like to install a hanging sign over the right of way sidewalk

Attachments

- \$275 Fee pd. 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 _____ Date 01/14/19
 Signature of Owner (if different than applicant) _____ Date _____



Factory Coffee
213 E. Frank St.
Kalamazoo, Mi 49007

1.14.19

To whom it may concern,

I am writing this letter to request permission to hang a projecting sign over the sidewalk. Ordinance does not allow that signs projecting over the sidewalk be allowed outside of the city center. We are requesting this, as our flush mounted sign is not enough exposure for our current and future customers to find us. There are locations with projecting signs located around Kalamazoo outside the city center, and I feel that our tastefully created sign would add to the vibrancy of the neighborhood. I am including copies of a photo of the sign in question to be hung, and locations on the building and property it would hang. Thank you so much for taking the time look at this issue.

Sincerely,

Daniel Kastner

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, sweeping horizontal line that tapers to the right.

Property Owner

SCUDDER CT.



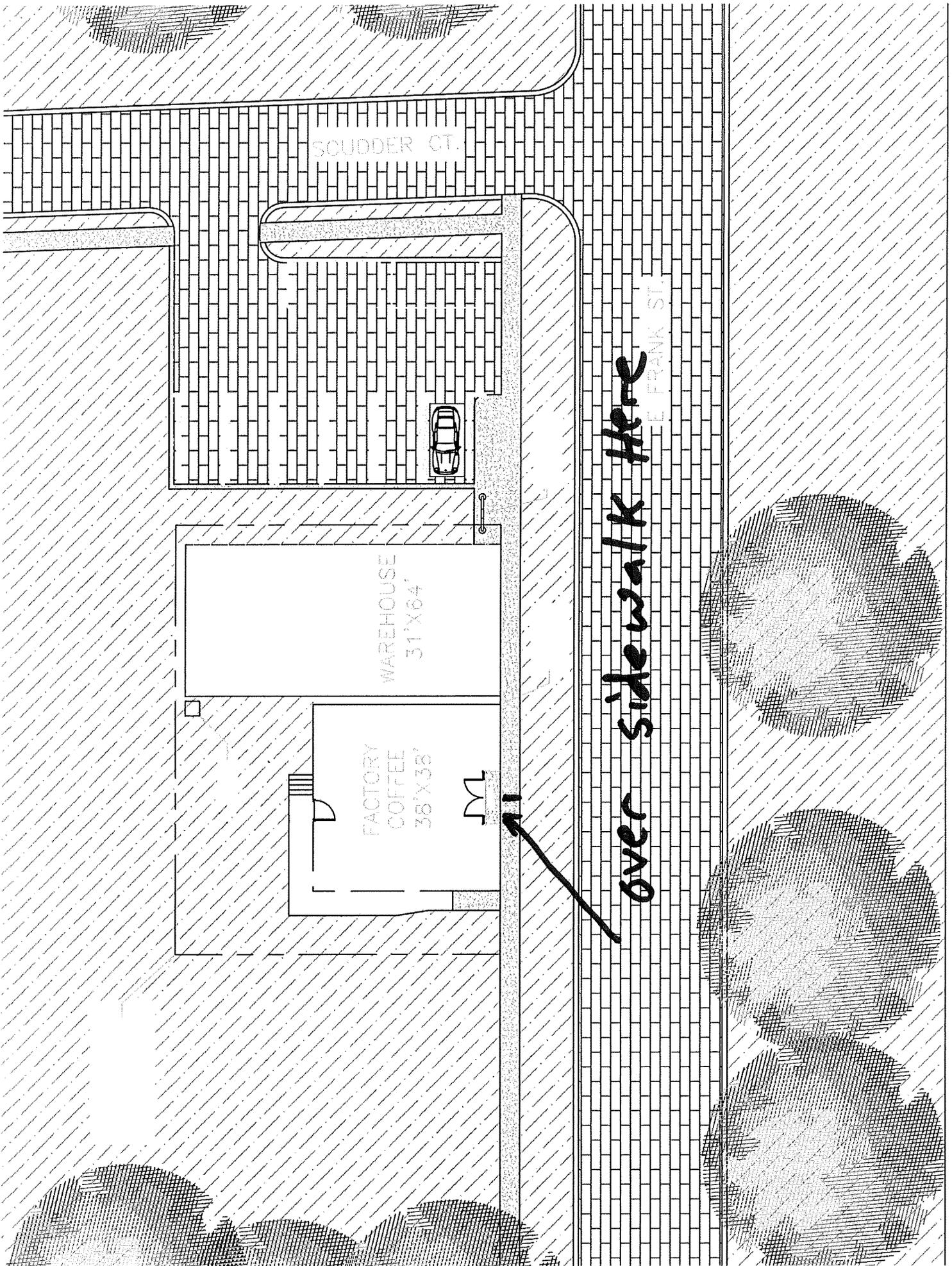
WAREHOUSE
31' X 64'

FACTORY
COFFEE
38' X 38'

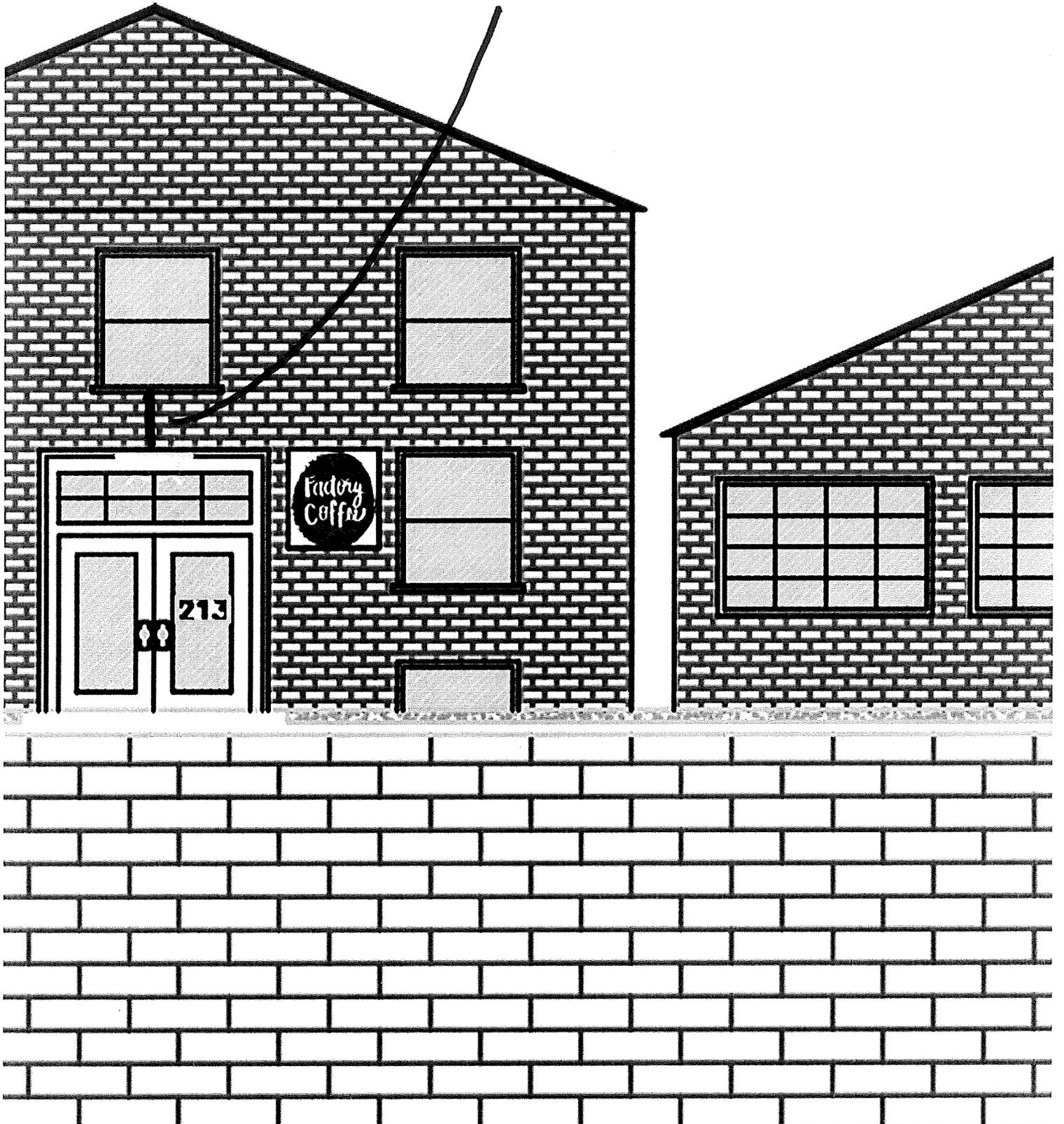


over sidewalk here

E FRANK ST.



Sign is here



Google Maps 207 E Frank St



Image capture: Oct 2017 © 2019 Google

Kalamazoo, Michigan

Google

Street View - Oct 2017





Community Planning and Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

October 30, 2017

Mr. Daniel Kastner
904 S. Rose Street
Kalamazoo, MI 49001

**Re: Site Plan Approval
Use change to café/retail
213 E. Frank Street**

Dear Mr. Kastner:

The city Site Plan Review Committee has completed its review of the site plan for the planned change in use of the building at 213 E. Frank Street to a café/retail store. The plan meets the requirements of the Committee. Therefore, we are pleased to indicate that the **site plan has been approved**. The following conditions and review points are included with the approval:

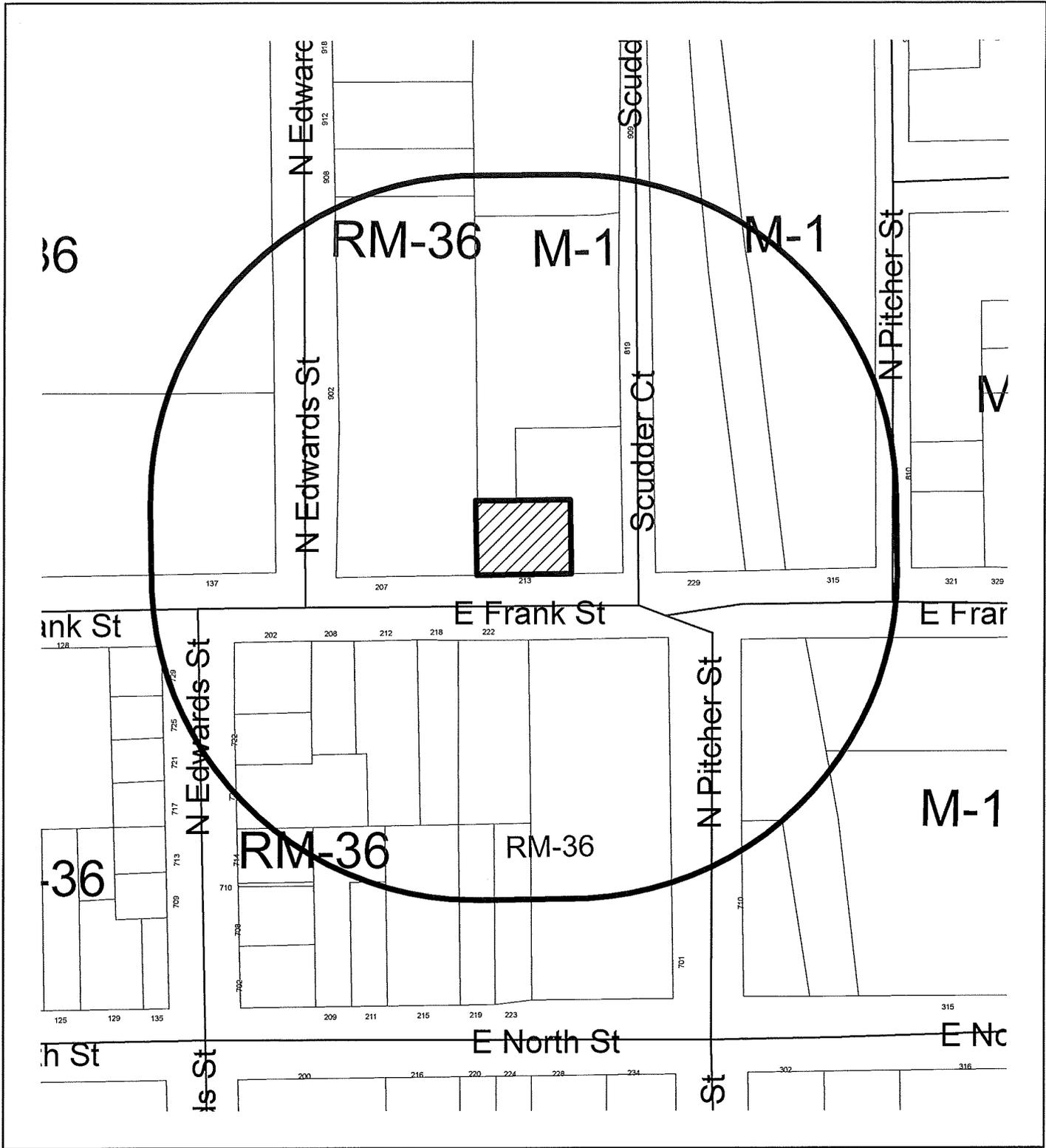
1. The disposition of the west access ramp will need to be approved by the city Building Division.
2. A Knox box shall be installed near the front entrance of the building for emergency services access.
3. The address shall be placed on the south side of the building in 12-inch-tall numbers.
4. If the exterior lights will have greater than 60 watt light fixtures, they will need to include opaque shielding to direct the illumination downward.
5. It is understood that the building exterior will be painted in 2018.
6. The east parking area shall be paved by October 30, 2018.

Please apply for a certificate of occupancy for the building. Thank you for your cooperation during this process.

Sincerely,

Robert H. Bauckham, AICP
Senior Development Planner

c: James Baker, City Engineer
Bob McNutt, Building Official
Jim Williams, Fire Marshall
Bobby Durkee, Zoning Inspector
Property file



300' Mailing Boundary
 213 E. Frank St.



0 1530 60 Feet



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

February 6, 2019

**RE: 2805 E. Cork Street
Parcel #06-25-396-002
ZBA #19-02-06**

Dear Property Owner:

An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Byce & Associates Inc. on behalf of Seven Points Supply. The request concerns the property at 2805 E. Cork Street, which is situated in use Zone M-2, Manufacturing – Limited District.

The applicant is requesting: **1)** a variance from Chapter 6, Section 6.3 D, to allow the screened waste receptacle (dumpster) to be located in the front yard, where screened waste receptacles are required to be located to the rear or to the side of the primary structure; **2)** a dimensional variance from Chapter 6, Section 6.3 B 2, to allow eight foot fencing in the front yard, where the maximum fence height is six feet for the front yard or front setback areas; and **3)** A variance from Chapter 6, Section 6.3 B 3, to allow chain link fencing in the front yard where no chain link is permitted in the front yard or front setback area.

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.

A public hearing will be held on **Thursday, February 21, 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: File



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoo-city.org

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

Applicant: Name Bryan Webster, Byce & Associates, Inc.
Address 487 Portage Street
City, State, Zip Kalamazoo, MI 49007
Phone (269) 381-6170 Cell _____
Fax (269) 381-6176 Email bryan.webster@byce.com

Owner: Name Chelsea Lynn Barker
Address 1210 Crown Street
City, State, Zip Kalamazoo, MI 49006
Phone (269) 744-4100 Cell _____
Fax _____ Email krbarker89@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 2805 E Cork Street

This property is located between Emerald Drive street and Millcork street, on the

north south east west side of the street.

CCN# 06-25-396-002 Zone M-2

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

- \$ 275 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

Date

1-17-19

Signature of Owner (if different than applicant)

Date

January 24, 2019

487 PORTAGE STREET
KALAMAZOO, MI 49007

CORPORATE@BYCE.COM
WWW.BYCE.COM

TEL: 269.381.6170
FAX: 269.381.6176

City of Kalamazoo Zoning Board of Appeals
c/o: Peter C. Eldridge, Zoning Administrator
Community Planning & Development Department
415 E Stockbridge Avenue
Kalamazoo, Michigan 49001
Phone: (269) 337-8806

RE: Seven Point Supply
2805 E Cork Street, Kalamazoo MI 49001
Variance Request to the Zoning Board of Appeals
B/A Project No: 17100300

Dear Zoning Board of Appeals –

Byce & Associates, Inc. submits this letter on behalf of Seven Point Supply, as reference to the submitted Application Request to the Zoning Board of Appeals, pertaining to the planned single-story, 20,000 square foot, Medical Marijuana Production Facility, proposed on the parcel addressed at 2805 E Cork Street, commonly referred to as Davis Creek Industrial Park, within the M-2 General Manufacturing District of the City of Kalamazoo.

We request that the City ZBA exercise their reasonable flexibility in granting approval for dimensional variance from Ch.6, Sect. 6.3, B. for relief to nonresidential fence height and material & Ch. 6, Sect. 6.3, D. waste receptacle location, detailed as follows:

Variance Request for 8-foot high chain link security fence on North side of building, front yard.
Dimensional Variance from Chapter 6, Section 6.3, B. Fence and Wall Standards for Nonresidential Use for relief to fence height & material, where maximum front yard fence height shall be limited to 6 feet and no chain-link fence shall be installed in any front setback or front yard. Due to the orientation of Full Circle Dr, the proposed development has two front yards to the North and East.

Security of the building access points are essential for Seven Point Supply. In order to secure a delivery transit van prior to entry into the building, a 30'x20' fenced area with gate is necessary to isolate the van before opening the building's overhead door. For security purposes it is desirable to have an 8-foot high chain link fence that allows for optimal visibility through the fence and provides the more cost effect security measure as opposed to an ornamental 6' high fence that would normally be allowed by the zoning ordinance.

The location of the overhead door and secured fenced entry point is limited to the north side of the building as there are future additions planned to the south and east and due to the restrictive area west of the building where a fire truck access road and grade mounted equipment are needed. The location of the secured access point also works well on the north side of the building as it can be easily accessed from the parking and entrance drive to the north. The fence will not only protect against criminal activity but deter criminal activity itself.

Mr. Peter C. Eldridge
January 17, 2019
Page 2 of 2

Variance request for location of the waste receptacle to the north of the building in front yard.

Dimensional Variance from Chapter 6, Section 6.3, D. Screening of Waste Receptacles for relief to waste receptacle location, where the required non-residential location for waste receptacles shall be located in the rear or to the side of the primary structure. Because of the orientation of the nearest public Right of Way, Full Circle Drive, the proposed structure has two designated front yards to the North & East. There is a planned future expansion for a series of greenhouses to the south of the primary structure w/ ground mounted HVAC equipment in between. This would make the last remaining option for a waste receptacle location on the west side of the proposed structure. However, this location is not preferred for several reasons:

1. The city Fire Marshall has expressed a need for a 26-foot-wide, class A road on the West side of the structure, between the proposed facility and existing storm water basins, for emergency use and pond access, creating a narrow and awkwardly angled route to the refuse location.
2. The primary structure has an office with windows to the exterior located at the north-west corner of the building. A dumpster pad in this location would create an undesirable view of the waste receptacle location for anyone working inside the office.

Due to the peculiar and practical difficulties stated, we would like to request a variance to locate the waste Receptacle in North front yard of the proposed structure. Please note that all other dimensional requirements set forth in Chapter 6, sect. 6.3, D. shall be satisfied.

We kindly request that the ZBA approve the submitted Variance Request Application for the dimensional variances expounded upon above, based on a finding there is competent, material, and substantial evidence in the record that all standards in accordance with Ordinance Section 8.3, E. 4 Variance Standards, for a) Dimensional Variance are satisfied by the proposed manufacturing-use development plan.

Sincerely,

Byce & Associates, Inc.



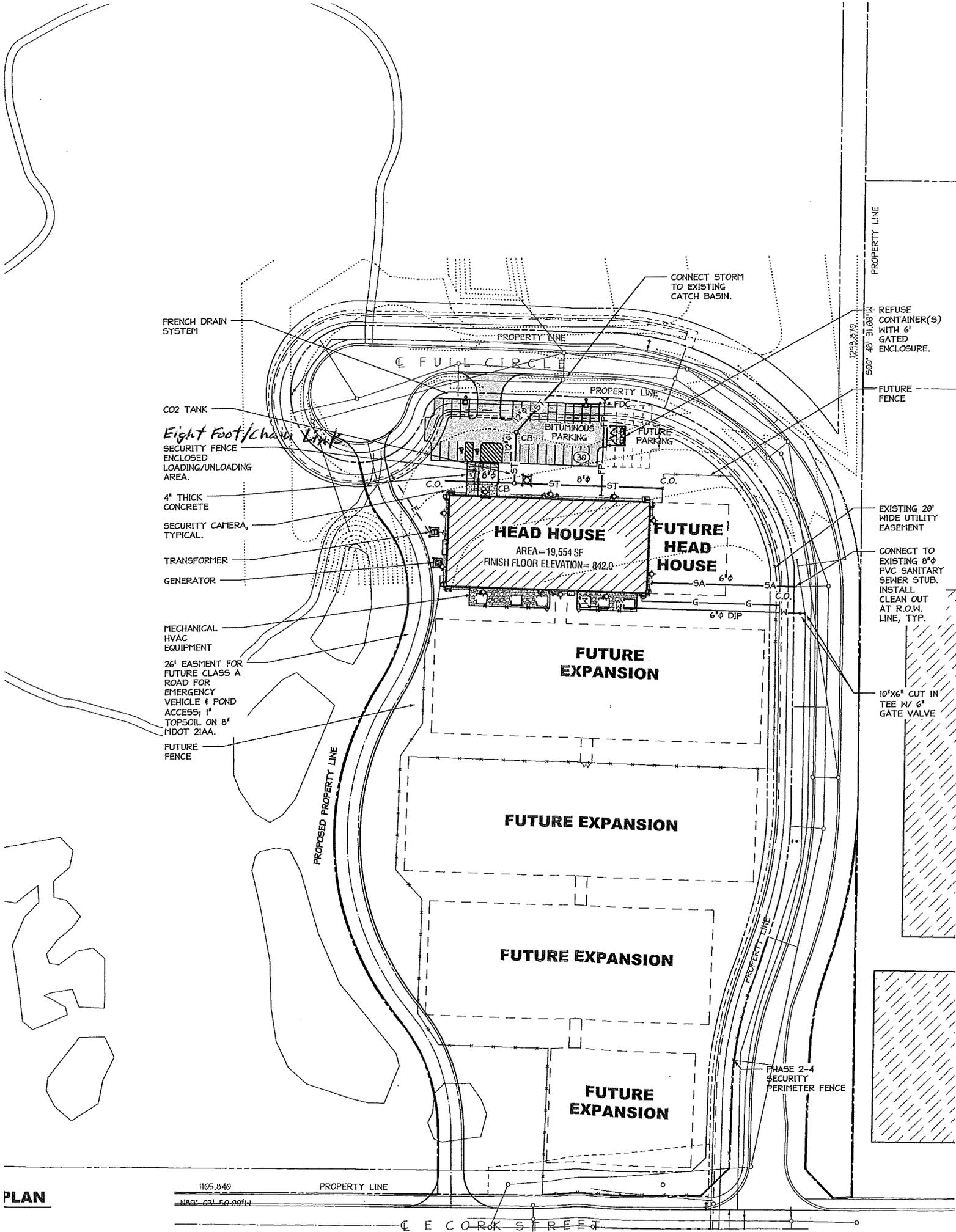
Noah E. Boyd
Civil Engineer

Attachments:

Zoning Board of Appeals (ZBA) Application Form
ZBA Application Fee
Conceptual Site Plans

cc: Christina Anderson, City of Kalamazoo Planning & Development
Robert Bauckham, City of Kalamazoo Planning & Development
Kyle Barker, Seven Point Supply



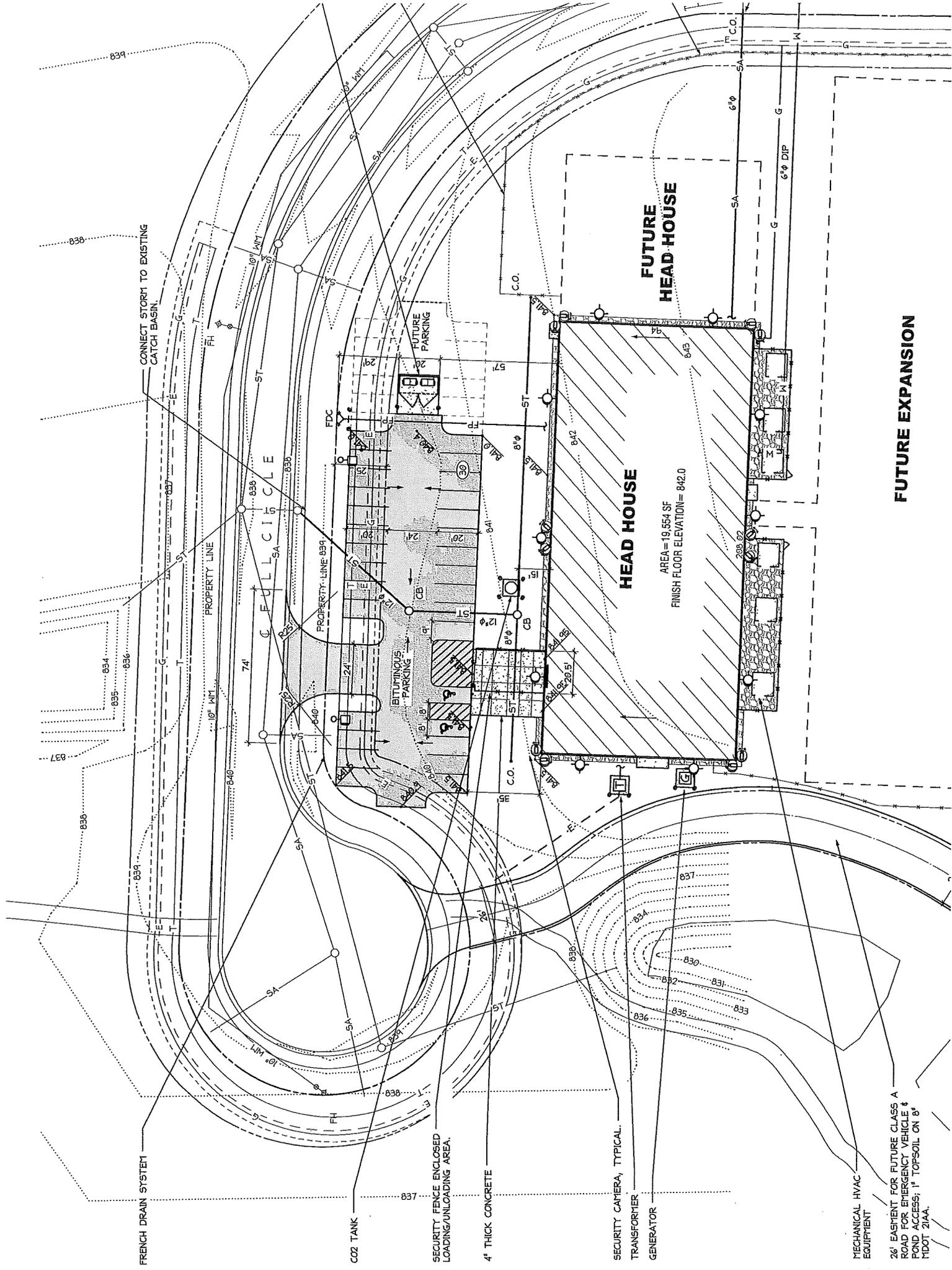


PLAN

1105.840
N 83° 03' 50.00" W

PROPERTY LINE

E CORK STREET



FUTURE HEAD HOUSE

HEAD HOUSE

AREA=19,564 SF
FINISH FLOOR ELEVATION= 842.0

FUTURE EXPANSION

FRENCH DRAIN SYSTEM

CO2 TANK

SECURITY FENCE ENCLOSED
LOADING/UNLOADING AREA.

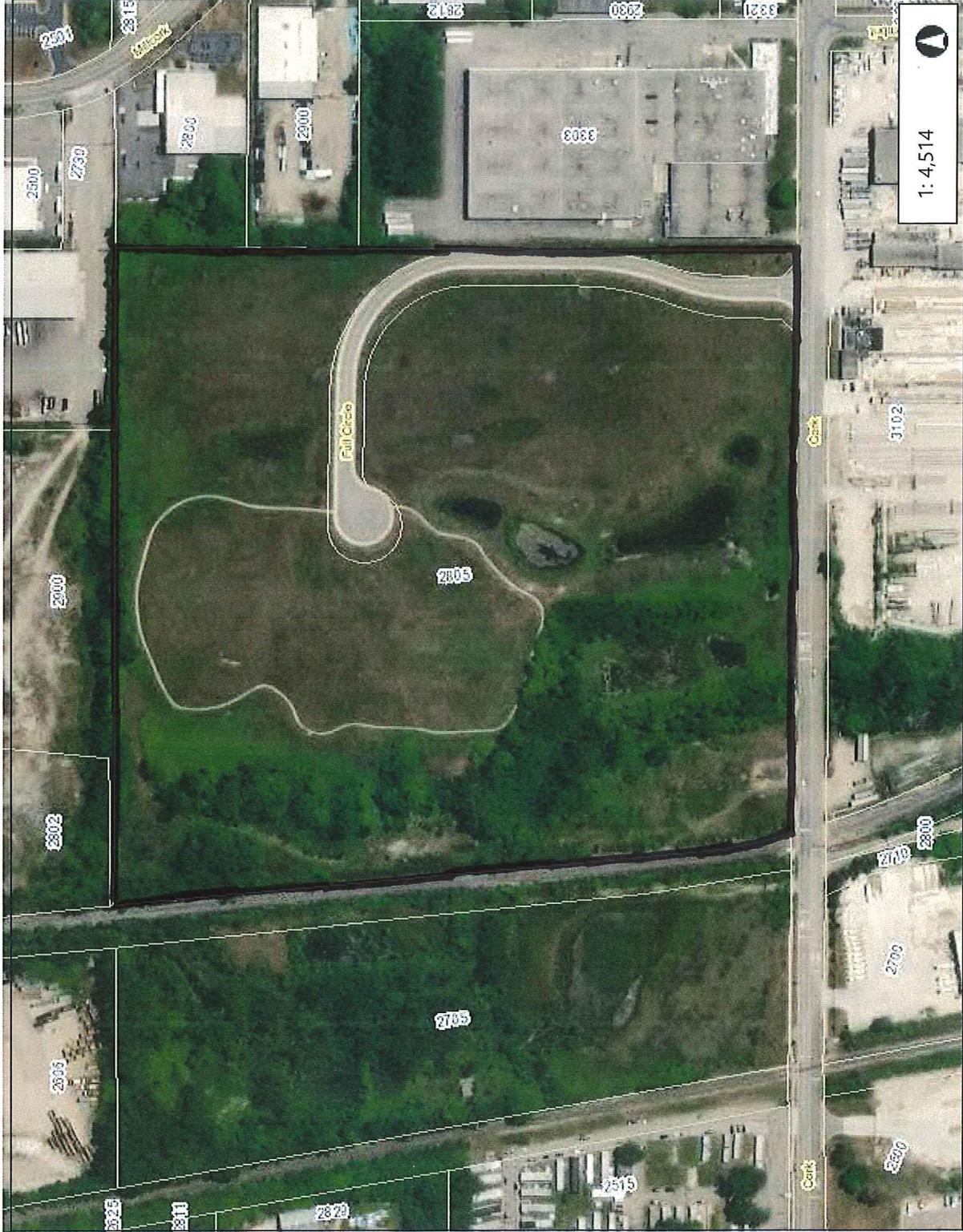
4' THICK CONCRETE

SECURITY CAMERA, TYPICAL.
TRANSFORMER
GENERATOR

MECHANICAL HVAC
EQUIPMENT

26' EASTWEST FOR FUTURE CLASS A
ROAD FOR EMERGENCY VEHICLE &
POND ACCESS; 1" TOPSOIL ON 8"
MDOT 21AA.

2805 E. Cork St.



1:4,514

0.1 Miles

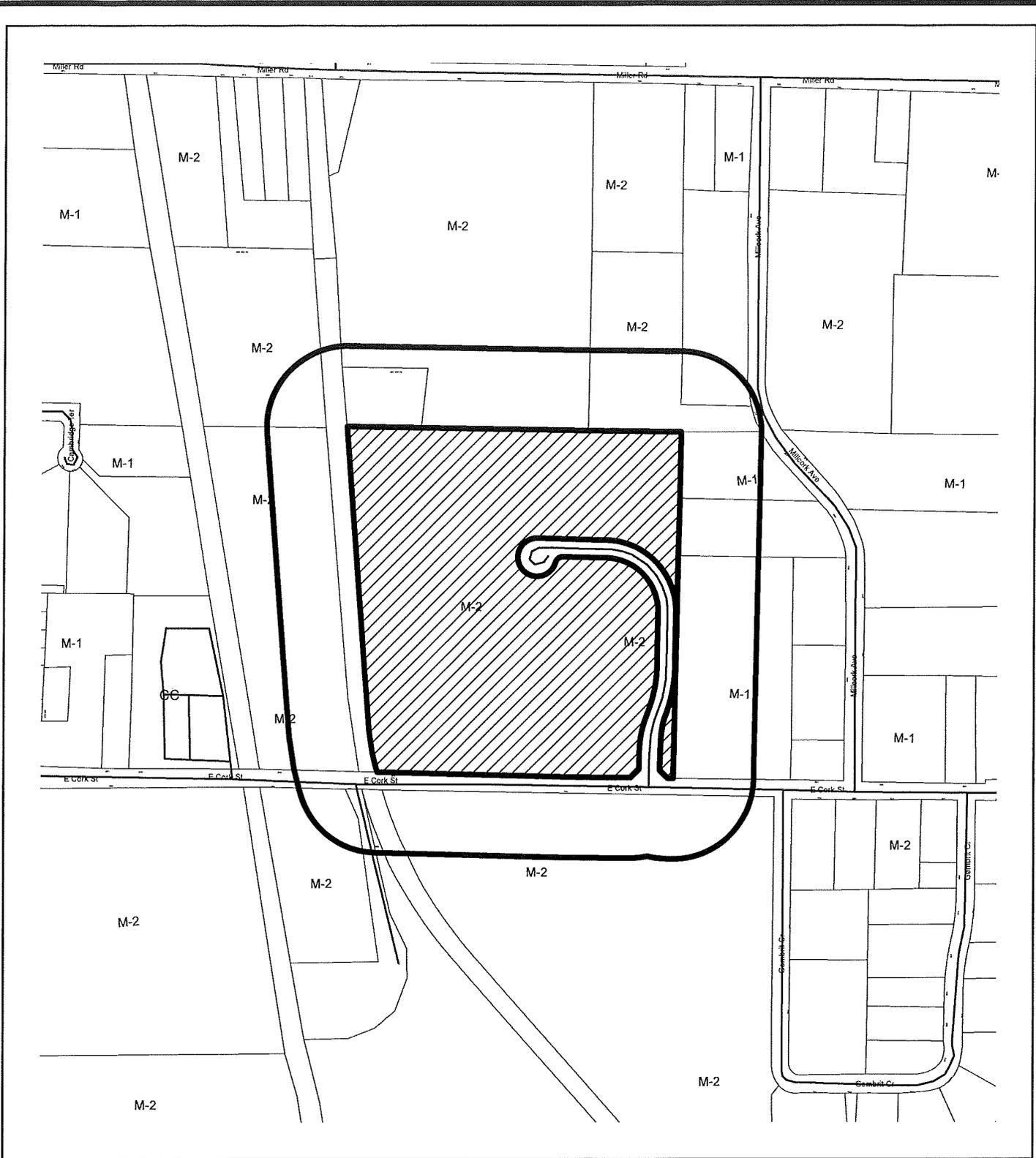


WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

- Legend
- Street Names - City
 - Parcels





300' Mailing Boundary
2805 E. Cork St.



0 70140 280 Feet



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

February 6, 2019

RE: ZBA #19-02-07
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 Q.3, to allow residential dwelling units on the the ground floor level of each of the three proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor level in Zone CC. Please note that the majority of the land area assembled for this project is located in Zone CC. Therefore, the development regulations for Zone CC are applicable site development standards for the multi-family project.

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, February 21, 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 Nonprofit Housing Corporation
Address 2725 Airview Blvd, Suite 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. Budick street and Bank street, on the

north south east west side of the street. See Attached

CCN# See Attached Zone See Attached

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

- \$495 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] _____ 01/17/2019
Signature of Applicant Date

See Attached Letters _____
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 – 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
6. 308 Lake St. Rear – South side of street
CCN# 06-22-415-259 Zone: M-1
7. 205 E. Stockbridge – North side of street
CCN# 06-22-349-001 Zone: CN-1
8. 209 E. Stockbridge – North side of street
CCN# 06-22-349-003 Zone: Community Commercial

Narrative Describing the Nature of the Use Variance Request – LIFT Foundation

The non-profit, LIFT Foundation has been providing affordable housing in Kalamazoo County since 1966. This proposed workforce apartment community is being developed in response to the need for safe, decent affordable housing in the downtown area as identified in the City's Imagine Kalamazoo 2025 Master Plan (the "Plan"). It will connect with and extend the "Healthy Living Campus" developments that have already been created by Bronson Hospital and Kalamazoo Valley Community College with on-site amenities, including a smoke-free campus, greenhouse, community garden, walking path, playground, fitness center and a passive use, educational, natural restoration area. The development will be a mixed income community, providing housing for those between 30% 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. This will be a distinctive, place-based community that will be a benefit for lower income working people, the neighborhood and the general public.

LIFT is working within the current zoning requirements of the parcels that, when combined, will be zoned Community Commercial (CC). While there are plans for a daycare center in the building along East Stockbridge, LIFT requests that the two buildings located in the middle of the property be permitted to have residential units, particularly barrier-free and accessible units on the first floor rather than commercial tenants.

This Zoning Use Variance request reflects the following facts: a) The current CC zoning would allow a unit density of 33 units an acre and construction heights up to six stories, b) The site is approximately 4 ½ acres and as a consequence, could allow up to 132 units, and c) The current design calls for 60 units in three story buildings. The attached site plan includes three buildings that are not located in the 100-year floodplain. LIFT will include flood retention natural restoration area on the norther portion of the property. We have learned from the Public Services Department that the existing sanitary sewer system is more than adequate to handle the needs of this development. We expect to have written confirmation of this soon.

Use Variance

1. In the "Plan", this site has been identified for future zoning as "Neighborhood Edge," a zoning district "that enable[s] existing and new development flexibility for a variety of building types that support residential density and commercial scale in appropriate locations" (the Plan, page 25, column 1, partial paragraph top of page). While not in place yet, this is the zoning that the City is working towards in this area. We believe that within the flexibility described, residential units are appropriate on the first floor of the two buildings that will be located in the middle of the property and out of site of any main street. Residential units on the first floor will consist of barrier free accessible apartments as well as units that can be easily converted to be accessible. It is possible, under current zoning, to building up to a six story building with an elevator, but LIFT does not feel that such a design is appropriate for the neighborhood. Finally, the neighborhood is currently made up of a mix of commercial and residential with single family residences that are used entirely as personal homes.
2. The unnecessary hardship is that the Lake Street parcels are located in a 100-year flood zone. The developer would have preferred to rezone the parcels to residential multifamily, but due to the flooding concerns expressed by neighbors, has decided instead to work within the existing zoning, install additional flood retention and, hopefully, alleviate flooding for others in the neighborhood.
3. The developer did not create the special circumstances identified in item 2 above. Furthermore, when identifying land for development, nonprofit developers have limitations that they must work within in order to obtain funding.
4. The purpose and intent of the Ordinance is to promote public health, safety and general welfare. In the Plan the City commits to, "Working with area nonprofits to develop affordable housing" (the Plan, page 89, column 1, bullet point 3). Both the Ordinance and the Plan support this variance request. Without decent, affordable housing many of our citizens will remain in precarious housing situations that are either unaffordable or stressful (i.e., in shelter or doubled-up). This use variance also allows us to comply with Fair Housing law in providing accessible, barrier free units.
5. The developer is requesting a variance that is not expected to adversely affect its neighbors in any way since 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. Housing that is decent, safe and sanitary (HUD's standard) provides a place for families to grow and make progress on their goals rather than being preoccupied by whether or not they will be able to pay the rent next month or where they will sleep that night.



January 16, 2019

City of Kalamazoo Zoning Board of Appeals
Community Planning & Development
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

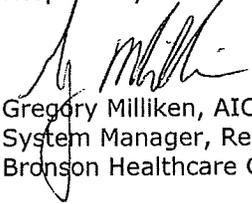
Dear Zoning Board of Appeals Members:

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 for residential units, including barrier free residential units, to be constructed on the first floor. This variance would apply only to the two buildings that are located in the middle of the property and not immediately on a main street.

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

Kalamazoo County Housing Choices Non-profit Housing Corporation

PO Box 467 * Portage, MI. 49081-0467

January 16, 2019

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:

Kalamazoo County Housing Choices (KCHC) is the owner of the properties listed above. I am writing to state that my organization is in agreement with the Use Variance requested by LIFT Foundation that would allow for residential units, including barrier free accessible units, on the first floor of two of the three buildings. It is our understanding that this variance would apply only to the two buildings that are located in the middle of the property and not on a main street.

KCHC supports this request as it increases affordable housing in Kalamazoo, which is one of our organization's missions.

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

Sincerely,



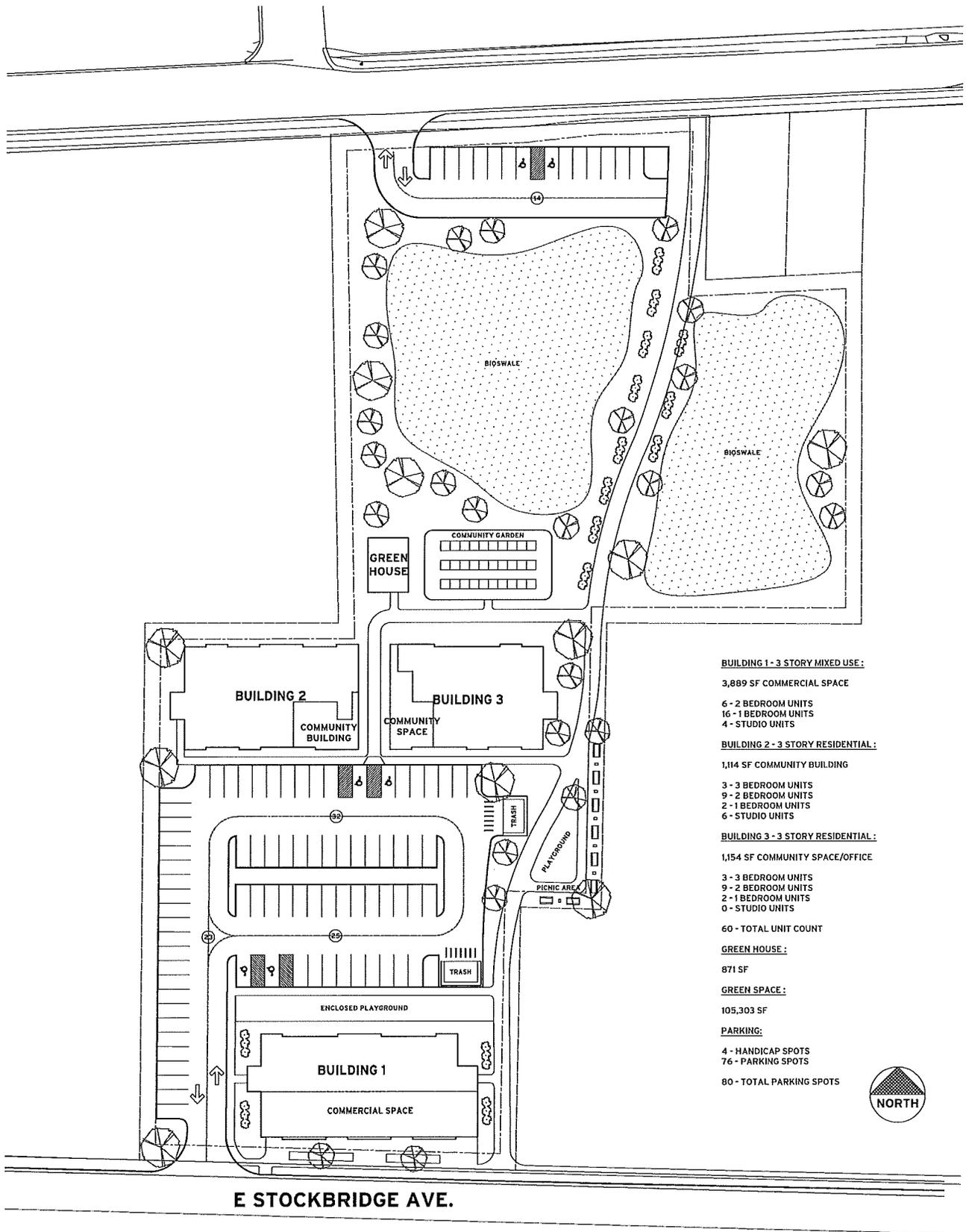
David P. Artley

President

Kalamazoo County Housing Choices

Email barrieandmaddie@gmail.com

Phone (269) 569-1382



- BUILDING 1 - 3 STORY MIXED USE:**
3,889 SF COMMERCIAL SPACE
6 - 2 BEDROOM UNITS
16 - 1 BEDROOM UNITS
4 - STUDIO UNITS
- BUILDING 2 - 3 STORY RESIDENTIAL:**
1,114 SF COMMUNITY BUILDING
3 - 3 BEDROOM UNITS
9 - 2 BEDROOM UNITS
2 - 1 BEDROOM UNITS
6 - STUDIO UNITS
- BUILDING 3 - 3 STORY RESIDENTIAL:**
1,154 SF COMMUNITY SPACE/OFFICE
3 - 3 BEDROOM UNITS
9 - 2 BEDROOM UNITS
2 - 1 BEDROOM UNITS
0 - STUDIO UNITS
- 60 - TOTAL UNIT COUNT**
- GREEN HOUSE:**
871 SF
- GREEN SPACE:**
105,303 SF
- PARKING:**
4 - HANDICAP SPOTS
76 - PARKING SPOTS
80 - TOTAL PARKING SPOTS

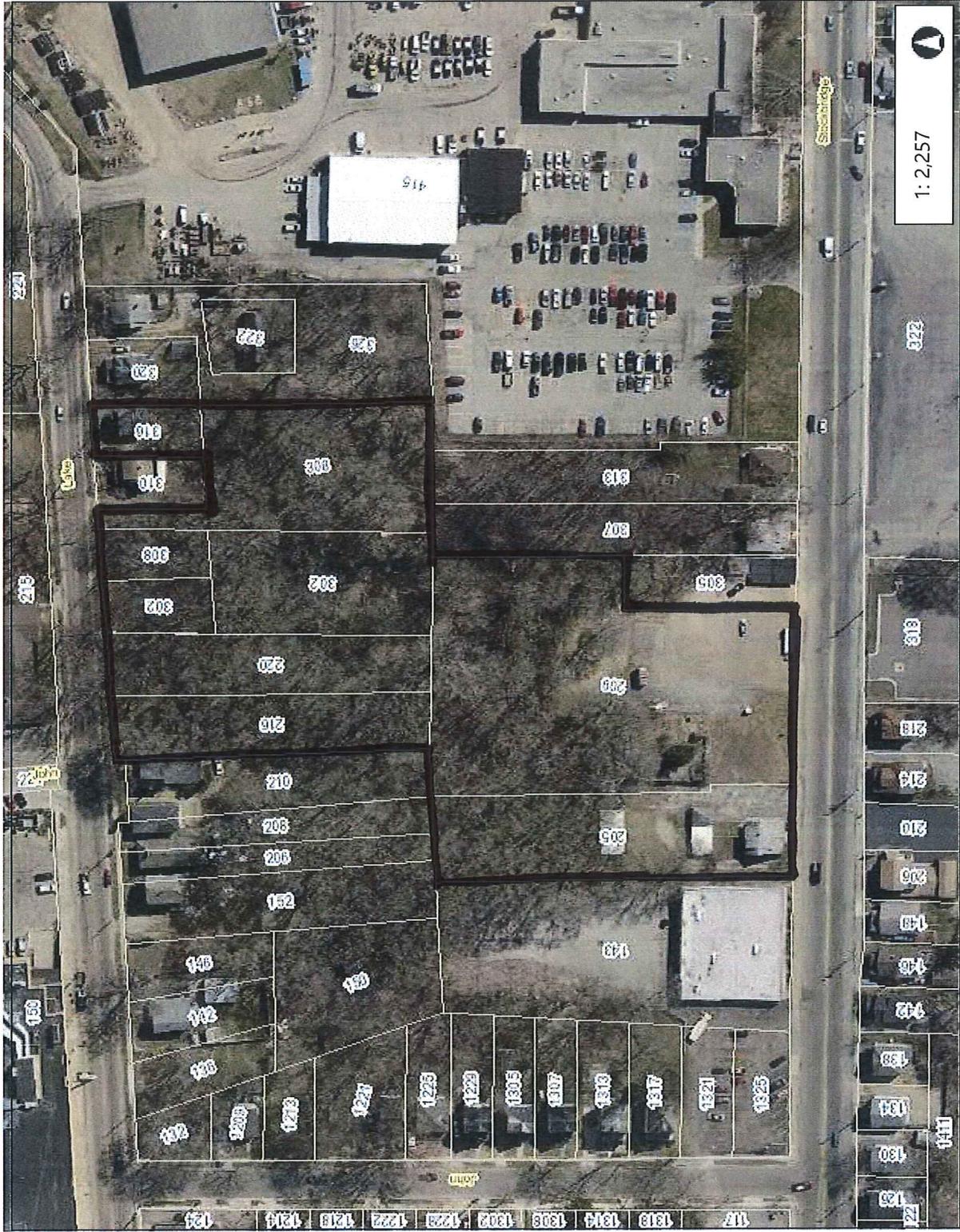


GREEN LIFE VILLAGE KALAMAZOO, MICHIGAN



JANUARY 15, 2019

209 E. Stockbridge Avenue et al.



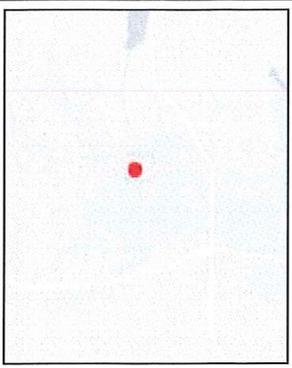
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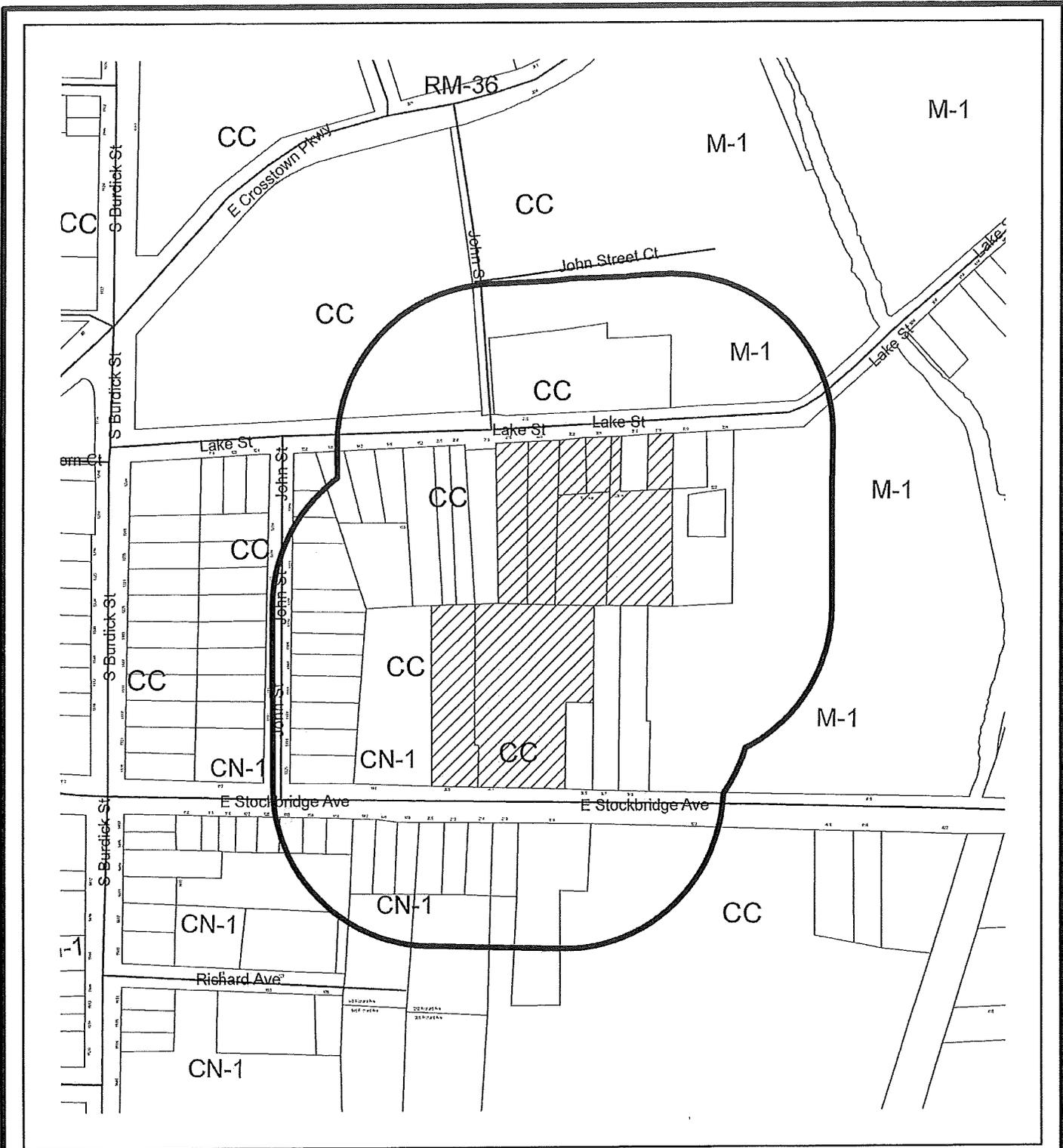
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend
Street Names - City
Parcels



WGS_1984_Web_Mercator_Auxiliary_Sphere



300' Mailing Boundary

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



1/4" = 100 Feet
 0890



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

February 6, 2019

**RE: ZBA #19-02-08
2400 Portage Street
Parcel #06-27-428-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by The Heritage Community of Kalamazoo. The request concerns the property at 2400 Portage Street, which is situated in use Zone RM-15, Residential – Multi Family District.

The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize a rehabilitation and therapy clinic operated by Bronson at this location on the Heritage Community of Kalamazoo campus, where medical service uses are not permitted in Zone RM-15. The proposed rehabilitation and therapy clinic will be approximately 2,900 square feet and located in an existing building. It will service both Heritage Community of Kalamazoo residents and outside patients.

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, February 21, 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 Heritage Community of Kalamazoo
 Address 2400 Portage Road
 City, State, Zip Kalamazoo, MI 49001
 Phone (269) 382-1255 Cell (616) 808-6523
 Fax (269) 382-2424 Email jprince@heritagecommunity.com

Owner: Name Heritage Community of Kalamazoo
 Address 2400 Portage Road
 City, State, Zip Kalamazoo, MI 49001
 Phone (269) 382-1255 Cell (616) 808-6523
 Fax (269) 382-2424 Email jprince@heritagecommunity.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 ~~500 Golden Drive, Kalamazoo, MI 49001~~ 2400 Portage Street

This property is located West of Portage Road, between Miller Road and Roseland Avenue

north south east west side of the street.

CCN# ~~06-27-425-002~~ 06-27-428-002 Zone RM-15

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 Use Variance for relief from Chapter 4, Section 4.1: Use Table. Refer to the attached Letter Narrative.

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 _____ Date 1-16-19

Signature of Owner (if different than applicant) _____ Date _____



Radisson Plaza Hotel & Suites
100 West Michigan Avenue
Suite 200
Kalamazoo, MI 49007-3960

 MERITAS LAW FIRMS WORLDWIDE

MATTHEW B. VAN DYK
Attorney at Law

269.226.2988
269.978.2969 fax
vandykm@millerjohnson.com

January 16, 2019

VIA FEDERAL EXPRESS AND EMAIL

City of Kalamazoo Zoning Board of Appeals
c/o Pete Eldridge, Zoning Administrator
415 Stockbridge Avenue
Kalamazoo, Michigan 49001
Email: EldridgeP@kalamazoocity.org

Re: **Heritage Community of Kalamazoo
500 Golden Drive, Kalamazoo, MI 49001
Application for Use Variance**

Dear Zoning Board of Appeals:

We represent Heritage Community of Kalamazoo (“HCK”). This letter is submitted in connection with the enclosed *Zoning Board of Appeals (ZBA) Application Form*, requesting a variance to the requirements of the City of Kalamazoo Zoning Ordinance. The requested variance relates to the multi-unit residential development proposed for HCK’s property located at 500 Golden Drive, which is within the City of Kalamazoo’s RM-15 Residential Zoning District.

HCK is partnering with Bronson Healthcare Group (“BHG”) to establish an outpatient rehabilitation clinic within the existing HCK campus. This clinic will primarily provide physical therapy services but will also have resources for occupational therapy and speech therapy should those services be needed. The space will house three providers and one administrative assistant and will be located in the space currently occupied by the HCK administrative offices on the south side of the campus. (These administrative offices and accompanying personnel will be relocated to another part of the campus or off site.) BHG will offer appointments Monday through Friday during regular business hours. Appointments will run for approximately 45 minutes, and there will be no more than three appointments per 45 minute period.

It is anticipated that a significant number of patients using the clinic will come from within the HCK community. The remainder will come from outside the campus providing a convenient location for the densely populated southeast portion of the City, an area currently absent from therapy providers. Nonetheless, no campus expansion or shifts in traffic patterns are proposed as a result of this new location.

While the RM-15 Residential Zoning District allows Nursing/Convalescent Homes and Rehabilitation Centers (live-in facilities with up to six beds) as Special Uses, City staff has indicated that rehabilitative services and therapy for outside patients would qualify as Medical Services – a Commercial use that is not otherwise allowed in the District.

Request for Use Variance for Rehabilitative Medical Services by Bronson Medical Group

We request that the Zoning Board of Appeals exercise their reasonable flexibility in granting approval of a variance from the uses allowed in the RM-15 Residential Zoning District, as noted

in the Use Table referred to in Chapter 4, Section 4.1 of the City of Kalamazoo Zoning Ordinance, to permit Medical Services, including, specifically, outpatient rehabilitation, physical therapy, occupational therapy and other similar rehabilitative services and therapies.

The requested Use Variance would be consistent with the standards required for ZBA approval of Use Variances, pursuant to Chapter 8, Section 8.3.E of the City of Kalamazoo Zoning Ordinance:

1. *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.*

In-patient Rehabilitation Centers are allowed as a Special Use in the RM-15 Residential Zoning District. The definition of "Rehabilitation Center" includes short-term, primarily in-patient care, treatment and rehabilitation services for patients who are recovering from mental or physical illness or injury and require medical or psychiatric treatment, but do not require continued hospitalization. A Rehabilitation Center may also include a "Nursing/Convalescent Home" (i.e., a state-licensed medical establishment that provides accommodation and care for aged or infirmed persons, not including a Hospital) that provides physical therapy services, occupational therapy services, and speech therapy services. Bronson's proposed outpatient services would be almost identical to the in-patient services already offered on HCK's property for live-in patients. Thus, a literal interpretation of the Zoning Ordinance provisions would deprive HCK from using the property in substantially the same manner as current operations, simply on the basis of the patients served.

2. *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.*

HCK is unique in the RM-15 zoning district in terms of its scale, size, and use relative to surrounding properties in the RM-15 district. HCK was granted a special use as a nursing home and assisted living facility in the RM-15 district, and it sits on a property substantially larger than others in the same district. By nature of its use and scale, HCK generates daily traffic from visitors, staff, and vendors. It also houses a location for physical therapy services for its retirement and assisted living residents.

This existing facility is at capacity and inadequately serves the needs of HCK's outpatient residents. HCK desires to change the focus of this facility towards its inpatient residents and their unique, specialized needs. HCK is partnering with BHG to bring their expertise in outpatient therapy services to the facility to serve its residents who fit into that category as well the underserved population living in the surrounding community.

3. *The special circumstances are not the result of the actions of the applicant.*

The special circumstances causing unnecessary hardship are the result of a national shift in demographics, with increasing numbers of baby boomers retiring each day, and market

January 16, 2019

Page 3

demands, with an ever greater preference among baby boomers for retirement at home and outpatient therapy. None of these circumstances are the result of any action by HCK.

4. *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.*

Granting the requested variance would be the minimum action that would (a) make possible Bronson's proposed outpatient services, (b) not be contrary to the public interest, and (c) carry out the spirit of the City of Kalamazoo Zoning Ordinance.

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

Bronson's proposed outpatient services would not be substantially different from the in-patient services already offered on HCK's property for live-in patients. Moreover, the proposed use for which the variance is sought will have less staff and is anticipated to generate similar or less traffic daily than the current administrative office use of the space. Therefore, granting the requested variance would not affect traffic or noise in any material way, nor have any other material impact on adjacent properties.

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

Granting the requested variance would be consistent with the purposes and intent of the City of Kalamazoo Zoning Ordinance, especially considering that rehabilitative services are already offered on-site. As stated above, the RM-15 Residential Zoning District already allows in-patient services to be offered on HCK's property for live-in patients, which are substantially the same as Bronson's proposed outpatient services.

We appreciate your consideration to the circumstances of the above noted variance request to the City of Kalamazoo Zoning Board of Appeals. Please feel free to contact us with any questions pertaining to the above noted exceptions.

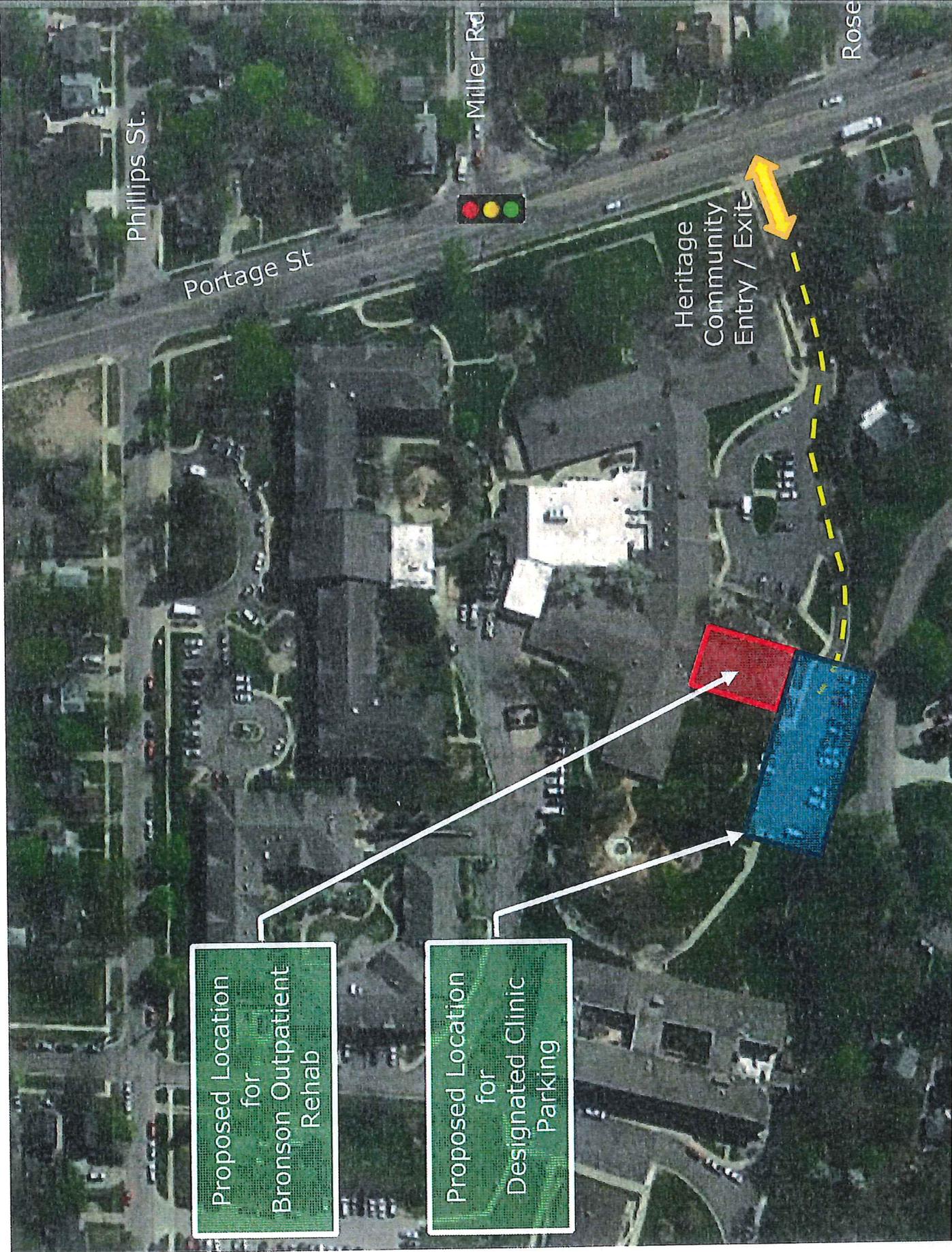
Very truly yours,



MILLER JOHNSON
By: Matthew B. Van Dyk

Enclosures

cc: Jay Prince, CEO, Heritage Community of Kalamazoo
Rachel Olmstead, CFO, Heritage Community of Kalamazoo
Gregory Milliken, Real Estate & Bronson Properties, Bronson Healthcare Group



Phillips St.

Portage St

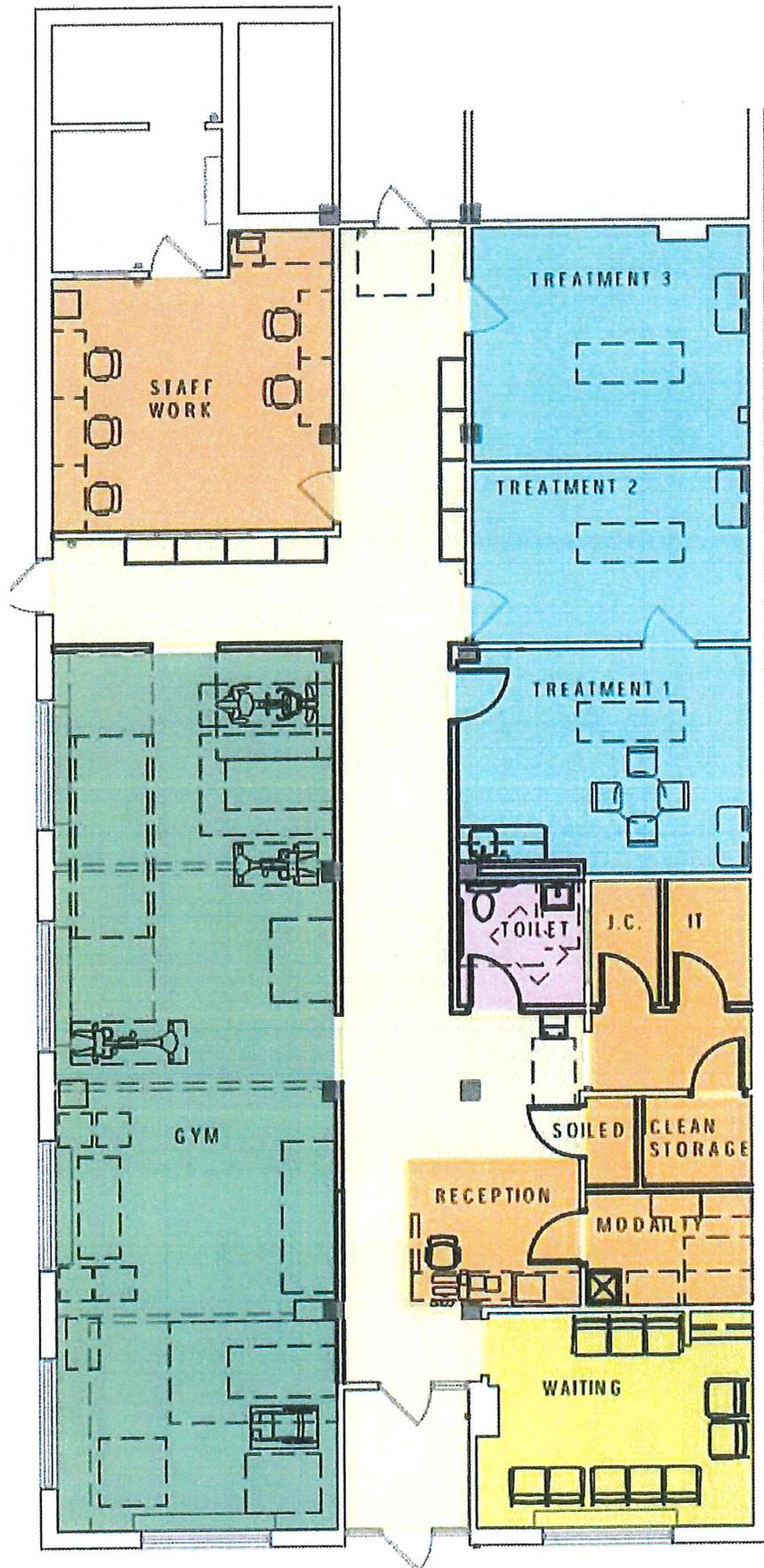
Miller Rd.

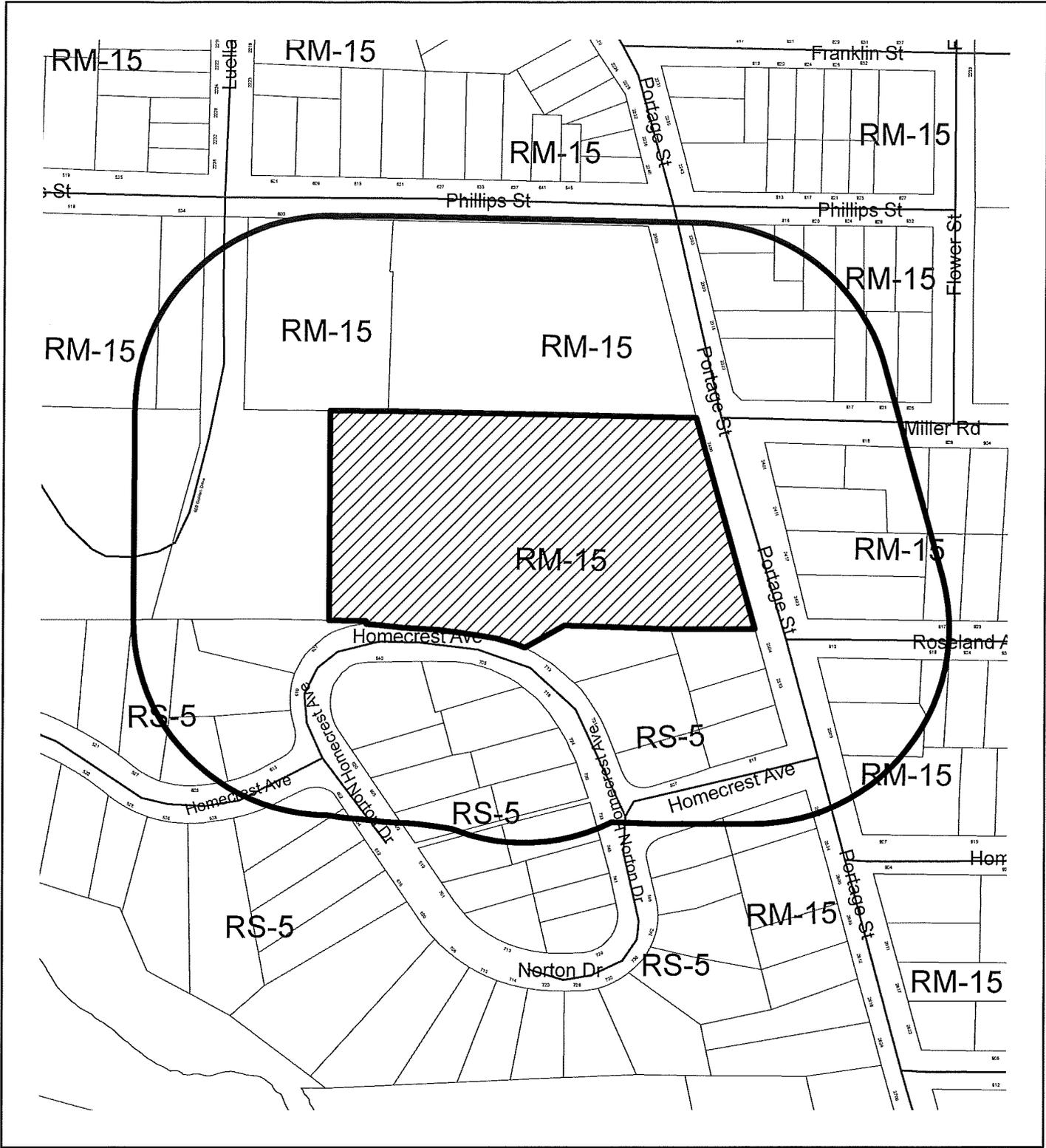
Rose

Heritage
Community
Entry / Exits

Proposed Location
for
Bronson Outpatient
Rehab

Proposed Location
for
Designated Clinic
Parking





300' Mailing Boundary
2400 Portage Street



Feet
0 2550 100