

Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals

May 9, 2019

City Commission Chambers, City Hall

7:00 p.m.

A. Call to Order:

B. Communications and Announcements:

C. Approval of the Special Meeting Minutes for March 14, 2019:

D. Public Hearings:

1. ZBA #19-04-12: 2805 E. Cork Street. Seven Points Supply is requesting: **1)** approval of a 'Rehearing' per Section 8.2 of the Rules of Procedure to allow the Board to consider another request for a variance previously denied in February of 2019 for the placement of dumpsters in the front yard setback; and **2)** If the 'Rehearing' is granted, a variance from Chapter 6, Section 6.3 D, to allow the screened waste receptacles (dumpsters) 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. ZBA #19-05-13: 1012 S. Westnedge Avenue. Michael Schick is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the ground floor level of the structure from an office to a residential dwelling unit, where commercial office use is required on the ground floor level in the Commercial Office District
3. ZBA #19-05-14: 228 Rose Place. Robert and Cheryl Besser are requesting the following dimensional variances from the setback provisions in Chapter 7 of the Code of Ordinances, Section 7-5 Keeping of Rabbits and Poultry: **1)** A dimensional variance to authorize a coop for chickens within 16 feet of the west property line, **2)** A dimensional variance to authorize a coop for chickens within four feet of the north property line, and **3)** A dimensional variance to authorize a coop for chickens within 14 feet of the east property line. Enclosed yards or coops are required to be located not less than 30 feet from the street line (front property line) or any adjacent property line.
4. ZBA #19-05-15: 525 Pleasant Home Court. Galina Emelyanova is requesting a use variance from Chapter 4, Section 4.1, to authorize the placement of Galina's Tailor Shop in the former office building located on the property, where a 'Personal Convenience Service' such as a tailor shop or other personal service type businesses are not permitted in the Commercial - Office District.

E. Other Business:

F. Adjournment:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
MARCH 14, 2019 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

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

Members Absent:

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

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

NEW BUSINESS: Mr. Eldridge commented on the supplemental information on the 2018 annual report for the Board in their packet.

MINUTES:

Mr. Lager moved to approve the minutes of February 21, 2019 as submitted, seconded by Mr. Houston.

Motion approved by voice vote unanimously.

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 4303 W. Michigan Avenue, Parcel # 06-19-386-002:

ZBA# 19-02-05: 4303 W. Michigan Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bosch Architecture on behalf of the developer. The request concerns the property at 4303 W. Michigan Avenue, which is situated in Zone CN-1, Commercial – Neighborhood District. The applicant is requesting the following: 1) A use variance from Chapter 4, Section 4.2 Q.3, to authorize residential use of the ground floor level of each building for a 12-unit multi-family residential development, where retail or other commercial floor space is required on the ground floor level in Zone CN-1; and 2) A dimensional variance from Chapter 50-72 1, to authorize 22 parking spaces above allowed maximum number of off-street parking spaces of 26 for a total of 48 off-street parking spaces.

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 twenty-three notices of public hearing sent and zero responses were received.

John Lovely, Bosch Architects spoke on behalf of the applicant, stating they are proposing two student townhouses with six units in it, but each unit has four leasable rooms. Therefore, they are asking for a parking variance for one parking stall per leasable room. Each leasable space is considered a unit. The use variance is to allow residential on the first floor. There are other duplexes in the area, apartment complexes down the street to the east.

Matt O'Connor, proposed owner of the property stated there's similar uses in close proximity, the property is underutilized currently. There is an older obsolete house on the property now. They are on a bus line and in walkable distance to campus. They've been through the pre site plan process and had good feedback from the City.

Mr. Carroll questioned if they owned the property. Mr. O'Connor stated its contingent upon approval of the variance outcome.

Mr. Houston questioned the existing house on the property. Mr. O'Connor stated that house would be demolished.

Chair Youngs questioned the site plan process. Mr. O'Connor stated they've been through pre site plan and have a goal of fall construction with a spring completion date.

Mr. Lager questioned the leasing of the units, if it's per townhouse or four separate leases per unit. Mr. Lovely stated they are still discussing the leasing options and haven't finalized everything yet.

Mr. Eldridge commented on the handout in the Board's packet of the layout of other residential uses in the area, to show if it's consistent with the uses around it. There are other residential only uses in the CN 1 zone district. This is not the long range intent. However; it's about a mile from WMU's Campus. He referred to Hidden Hills apartments, single family and duplex rentals, and other complexes in the area.

Mr. Carroll questioned if there's a demand for more housing, mentioning the large new WMU housing that's being built. Mr. O'Connor commented the size of this complex is a smaller, this appeals to people who want to live in a smaller quieter unit.

Mr. Flach questioned if there were any commercial units adjacent to this property. The applicant stated no, there's a power station to the east and a single family house to the west.

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 4303 W. Michigan shall include all information included in the notice of public hearing dated February 26, 2019.
- 2.) Twenty-three 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 Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: John Lovely of Bosch Architects spoke on behalf of the applicant, the property is to be a site for a student housing project which will consist of twelve townhouses with four rooms each, with a bathroom attached, it would be 48 leasable units. The applicant is asking for a parking space for each of the 48 units. With regards to residential on the first floor there are currently multiple residential properties in close proximity so it's consistent with the uses in the area. Matt O'Connor, owner noted the building on the site is a four bedroom rental home that is underutilized. Mr. Eldridge commented that other residential uses are prominent and in close proximity to the applicant's site.

Mr. Carroll seconded the Finding of Fact.

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

Chair Youngs moved to approve the application for 1) A use variance from Chapter 4, Section 4.2 Q.3, to authorize residential use of the ground floor level of each building for a 12-unit multi-family residential development, where retail or other commercial floor space is required on the ground floor level in Zone CN-1, seconded by Mr. Houston.

Mr. Lager commented he was in favor of granting the variance, they have recently had similar requests for a desire for residential on the first floor in a commercially zoned area. There's a need in the market for it. There's pure residential in the area also.

Mr. Houston and Mr. Flach both agreed and he stated it conforms to the Master Plan.

Motion approved by roll call vote unanimously.

Mr. Lager moved to approve the application for 2) A dimensional variance from Chapter 50-72 1, to authorize 22 parking spaces above allowed maximum number of off-street parking spaces of 26 for a total of 48 off-street parking spaces, seconded by Mr. Houston.

Mr. Carroll questioned why they need more parking, was it due to the number of units. Mr. Eldridge commented it comes from the December ordinance changes, one adjustment was to reduce the parking calculations for certain land uses, for residential like this, it would be one per multi-family, 1.5 parking spaces per dwelling unit with no cap on it. Now they have a cap on it of 10% above whatever the maximum requirement is. In this case they want more parking than the ordinance will allow. Mr. Carroll questioned, is it to lessen the amount of paving. Mr. Eldridge replied it's to make the ordinance more "green" in not requiring more asphalt than necessary. Second, the numbers in the ordinance were deemed burdensome to development projects for requiring more off-street parking. This circumstance with having an apartment complex, with four bedrooms increases the occupant load. This is geared toward students, it's unique. Mr. Carroll questioned what the site plan committee's comments were too the green space ratio. Mr. Lovely commented they are at the maximum, they are complying with it.

Chair Youngs commented they will have to meet all site plan requirements. The applicant replied yes.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor.

Motion approved by roll call vote.

Yes: Doane, Lager, Youngs, Houston, Flach

No: Carroll

Mr. Houston read the application for 3717 E. Cork Street, Parcel # 06-25-477-001:

ZBA #19-03-09: 3717 E. Cork Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Tapan Patel of ENAS Hospitality. The request concerns the property at 3717 E. Cork Street, which is situated in Zone CC, Commercial – Community District. The applicant is a dimensional variance from Chapter 50-72-1, to authorize 17 parking spaces above allowed maximum number of off-street parking spaces of 43 for a total of 60 off-street parking spaces for the proposed restaurant with drive thru service.

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 eighteen notices of public hearing sent and zero responses were received.

Tapan Patel, Developer with ENAS Hospitality spoke to the request, they are requesting a variance for parking. They have 82 rooms and want 90 parking spaces for guests and employees/staff. The hotel caters to people who come off the freeway and stay overnight, driving their own vehicles. The guests will drive there, if they don't have enough parking spaces it will be a burden to the guests. They will demolish the existing restaurant. The hotel is AVID, the company that owns the Holiday Inn Express, this is a short term overnight style stay.

Mr. Eldridge supplied the Board with a table of comparable parking for other hotels in the 1.1 ratio that was mentioned by Mr. Patel. The franchise requires that amount of parking. Mr. Carroll commented he could reduce the number of rooms in the hotel to fit the ratio. Mr. Patel commented by reducing the number of rooms, the percentage of parking spaces still reduces in relationship. Mr. Carroll questioned what the site plan committee had to say. Mr. Patel stated they said it's a minimum of 20% green space; they have 25% green space. Mr. Eldridge commented it's an internal site plan review process. He clarified the parking allowances and that they are asking for 45 more parking spaces than the permitted parking spaces. Based on what the table shows it's clear the hotels near the interchanges that serve a different type of transient type of clientele.

Mr. Flach questioned if the Board is going to be expected to give variances for parking for hotels in an urban area. Mr. Eldridge commented these are new ordinances that were passed; they'll evaluate the fit to the standards.

Mr. Patel stated he's been in the hotel business for over 15 years and if they don't have enough parking spaces it creates a lot of issues for the guests.

There were no comments from the public.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3717 E. Cork Street shall include all information included in the notice of public hearing dated February 26, 2019.
- 2.) Eighteen 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 Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter, staff provided a list of hotels and parking spaces they have.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mr. Patel requested a variance to allow for more parking, they want 90 parking spaces, his business model is set up for clients that are more transient and need a place to park, he wants a one to one parking ratio. They will demo the exiting building on the property. The franchise requires 1.1 parking spaces per unit. They have 25% green space. Mr. Eldridge

mentioned the ordinance is not set up for suburban areas, and they will make potential changes to the ordinance.

Chair Youngs closed the public hearing.

Mr. Houston seconded the Finding of Fact.

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

Mr. Lager moved to approve the application, seconded by Mr. Houston.

Mr. Carroll commented he would have been inclined to vote no, but feels the ordinance is a no win situation, to lower the amount of rooms they can't even meet the requirements of more green space.

Mr. Eldridge commented there's no on-street parking to supplement a reduction of off-street parking at this location.

Mr. Flach commented it would be an unsustainable business model without the one to one parking ratio. The applicant wouldn't be able to use the structure as intended, other properties similar in design have a higher parking ratio.

Motion approved by roll call vote unanimously.

Mr. Houston read the application for 210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave., Parcel # #06-22-188-224, #06-22-184-007, #06-22-184-006, #06-22-184-008, #06-22-189-007, #06-22-189-006, #06-22-189-005, #06-22-189-001, #06-22-189-002:

ZBA #19-03-10: 210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave.: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bronson Methodist Hospital. The request concerns the properties at 210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave., which are situated in Zone CCBD, Commercial Central Business District and Zone RM-36, Residential - Multi Dwelling District. The applicant is requesting a variance from Chapter 6, Section 6.3 D, to authorize the screened waste receptacle (dumpster) to be located in the front yard for the proposed medical office building, where screened waste receptacles are required to be located in the rear or side yard.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were ten notices of public hearing sent and zero responses were received.

Dan Lewis, AR Engineering, Susan Blanc, Bronson representative, and Steve Dickerson, Designer were all present. Mr. Lewis stated this will be a five story, 85,000 sq. ft. medical office building connected to the office pavilion across the street on Vine St. There is a need, the existing offices in the South Campus are full, and this is an expansion of that use. They need a variance for a dumpster in the front yard. They have three front yards, and one rear yard. They looked at all orientations with City Staff for the placement of the dumpster. The

ordinance wants the building to be as close to Vine St. and John St. as part of the DDR process. The use of the building needs a private safe covered canopy area for drop offs, for services. This was the only placement for the dumpster; they need a mechanical courtyard for the generator and transformer, etc. Boerman Street is the least traveled street so was the best option for the placement, it will be a brick enclosure and the dumpster was placed there also. Their neighbors that would be affected are Bronson's own valet parking lot and a consumer's substation. It won't adversely affect any neighbors by the dumpster placement. The brick wall will be tall enough and matches the rest of the building. He discussed the 15' wall around the mechanical area and the 8' wall around the dumpster. This is not a self-created problem, it's a unique lot and they meet the spirit of the ordinance.

Chair Youngs questioned the height of the 15' wall. Mr. Lewis stated the height of the generator requires the 15' wall to hide the equipment.

Mr. Eldridge commented the ordinance requires the mechanical equipment be screened from view of the public street; a hospital has a lot of equipment needs for a building. Mr. Lewis stated this is the minimum height to screen the generator. Mr. Eldridge spoke to last month's request of a dumpster that one was in the parking lot; this enclosure is tucked in behind the mechanical equipment screening.

Susan Blanc, with Bronson Hospital commented Boerman St. is a small road with the least traffic and was the best choice.

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

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave. shall include all information included in the notice of public hearing dated February 26, 2019.
- 2.) Ten 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 Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter, and a digital presentation by the applicant.
- 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: Dan Lewis,

AR Engineering, spoke on behalf of the applicant, Susan Blanc was the representative from Bronson, Steve Dickerson, Designer. Mr. Lewis stated this is a unique property with three road frontages on the sides of the property. They explored locating the dumpster on the southeast side of the property, but distance, safety and aesthetics became a concern, they will screen the dumpster with a wall and landscaping, and don't believe the request will adversely affect their neighbors.

Mr. Houston seconded the Finding of Fact.

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

Mr. Carroll moved to approve the application, seconded by Mr. Lager.

Chair Youngs reviewed the criteria conditions that must be met to qualify, he commented on the unusual lot with three frontages, it's not a heavily traffic street and stated he was in favor.

Ms. Doane commented they already have a screened area for the mechanicals so a dumpster area won't be out of place.

Motion approved by roll call vote unanimously.

Mr. Houston read the application for 504, 518 and 604 N. Drake Road, Parcel # #06-18-170-001, #06-18-165-001, #06-18-165-002:

ZBA #19-03-11: 504, 518 and 604 N. Drake Road: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Progressive AE on behalf of Chick-fil-A, Inc. The request concerns the properties at 504, 518 and 604 N. Drake Road, which are situated in Zone CC, Commercial – Community District and Zone RS-5, Residential – Single Dwelling District. The applicant is requesting a dimensional variance from Chapter 50-72-1, to authorize 17 parking spaces above allowed maximum number of off-street parking spaces of 43 for a total of 60 off-street parking spaces for the proposed restaurant with drive thru service.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above. There were twenty-three notices of public hearing sent and zero responses were received.

Cheryl Scales, Progressive AE, and Jenn Santelli with Chick-fill-A, were present for the request. Ms. Scales spoke to the variance request needed for parking. They want 60 total spaces. They meet the 20% green space required. Chick-fill-A is experienced with the number of parking spaces required for success. They spoke to their store in Portage. This site would be a more standard site. Her concern if not getting the parking, the customers would park in the neighbors parking area. She spoke to the parking site study included in the Boards packet.

Chair Youngs questioned the layout diagram.

Mr. Carroll clarified the main drive will shift to the north. Ms. Scales replied correct.

Ms. Scales clarified the layout on the site plan. They propose a right in –right out drive, but they need to have MDOT approval. They’ll be connecting the sidewalks in the area.

Ron Huster, President of the Westwood Neighborhood Association, stated the residents of the neighborhood were in favor. Chick-fill-A has planned ahead for the parking requirements. It’s a good use of the property.

Mr. Eldridge commented on the parking comparison provided for the other sites, he contacted the City of Portage regarding the Chick-fill-A on Westnedge it’s almost the same size, building for off street parking spaces they have 32 spaces compared with the 60 shown on our site. They have shared parking in the Mall parking lot. The drive thru parking has two additional stacking spaces, and it’s away from the building. The traffic circulation is definitely approved at this location. This site has three access points. They have 20 to 25 employees on shift and their site should hold all their parking requirements. There’s no on-street parking or shared parking arrangements.

Chair Youngs closed the public hearing.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 504, 518 and 604 N. Drake Road shall include all information included in the notice of public hearing dated February 26, 2019.
- 2.) Twenty-three 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 Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Cheryl Scales from AE Progressive on behalf of the applicant is asking for 17 additional parking spaces for a total of 60 spaces. They meet the 20% green space requirements. They feel the request is the minimum required for successful business. They also wish to avoid customers parking in other nearby business lots. Ron Huster spoke in favor, off site parking would help with traffic flow and it’s good for the area. Mr. Eldridge reports the Chick-fill-A on Westnedge has less parking, but more parking options on the surrounding properties with the same

owners. North Drake site will be better due to parking plan and exits. Extra parking being warranted and there is no on-street parking available.

Mr. Carroll seconded the Finding of Fact.

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

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

Ms. Doane commented she was in the area when another restaurant Popeye's opened, parking is needed.

Chair Youngs commented Chic-fill-A has police directing traffic for the grand opening, it's a busy intersection, and reviewed the criteria conditions that must be met to qualify and stated he was in favor.

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

Mr. Eldridge stated if the ordinance changes aren't incorporated into the Code of Ordinances he will provide the Board with summary sheets of all the changes. They are incorporating the new language in and that still isn't done. The bulk is the live work district changes creating new zone districts that, and changed some parking standards.

Mr. Carroll made a motion to approve the 2019 meeting schedule, seconded by Ms. Doane.

Motion approved by voice vote unanimously.

Mr. Eldridge spoke to the 2018 annual report in the Boards packet for review. It reflects the issue with residential on the ground floor in commercial zone districts. They are intending to address that.

Attorney Robinson mentioned an update on the one appeal to Circuit Court for the denial of a use variance at the South Westnedge Market they wanted to add a SDD packaged liquor at that site. The applicant appealed to the Kalamazoo County Circuit Court and filed their brief, the City field their brief in response. Attorney Robinson gave a brief review of how the process goes and he felt the case centers on the need for them to show the unnecessary hardship. There was discussion on how they measured the half mile and how the City ordinance and the City measures the half mile distance.

Mr. Houston thanked everyone he served with during his six years on the Board and stated it was an honor to serve.

ADJOURNMENT:

The meeting was adjourned at 8:30 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Community Planning and Economic Development

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

NOTICE OF PUBLIC HEARING

March 26, 2019

**RE: 2805 E. Cork Street
Parcel #06-25-396-002
ZBA #19-04-12**

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)** approval of a ‘Rehearing’ per Section 8.2 of the Rules of Procedure to allow the Board to consider another request for a variance previously denied in February of 2019 for the placement of dumpsters in the front yard setback; and **2)** If the ‘Rehearing’ is granted, a variance from Chapter 6, Section 6.3 D, to allow the screened waste receptacles (dumpsters) 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.

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

A public hearing will be held on **Thursday, April 11, 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.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 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))

Bryan Webster 3/14/2019
 Signature of Applicant Date
Chelsea Lynn Barker 3/14/2019
 Signature of Owner (if different than applicant) Date

March 14, 2019

487 PORTAGE STREET
KALAMAZOO, MI 49007

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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, D. waste receptacle location, detailed as follows:

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 20-foot-wide, class A road on the West side of the structure, between the proposed facility and existing storm water basins, for shared emergency use and pond access. With consideration to all parties involved, this leaves little relief for a garbage truck to collect trash and could impede the path of travel for first responders, for example, in an event where trash is collected at the same time a first responder need make use of the access drive.
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 and disruption during weekly pick-ups for anyone working inside the office.

Mr. Peter C. Eldridge
March 14, 2019
Page 2 of 2

A previous alternate dumpster location was presented to the ZBA on February 21, 2019 with the dumpster located at the end of the far east side of the parking lot, in the front yard, that was not approved. However, several members of the board had concerns about the proximity of the dumpster to the public Right of Way. Mention was made of moving the dumpster to the west and closer to the facility as a better and potentially acceptable alternative.

Due to the peculiar and practical difficulties stated, we would like to request a variance to locate the waste Receptacle in North front yard, approximately 68 feet south and 232 feet west of the nearest public Right of Way. The dumpster will have a gated enclosure to shield from public viewing. with Required and additional landscaping will be provided to further screen dumpster visibility. 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.

Bryan Webster, P.E.
Vice President

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

EXISTING TRAIL

PROTECT/RESTORE CURB AND GUTTER AFTER ACCESS DRIVE IS INSTALLED.

SLIDING GATE W/ OPERATOR

ARC= 38.52'
RAD.= 29.00'
L.C.B.= N153°42'15"E
L.C. DIST.= 35.75'

8' TALL SECURITY FENCE ENCLOSED SALLYPORT, SEE DETAIL 6/C610, TYP.

BIKE RACK, TYP.

6" THICK CONCRETE, SEE DETAIL 1/C600, TYP.

BUILDING TO BE DESIGNED W/ VENTILATION SYSTEM UNDER SLAB TO ADDRESS METHANE LEVELS IN THE AREA.

8' TALL-GATED SECURITY FENCE ENCLOSURE, SEE DETAIL 11/C610, TYP.

POND ACCESS DRIVE (15') AND FUTURE FIRE LANE ACCESS (20') EASEMENT.

PROVIDE AMBER STROBE LIGHT & SIGN-AGE AT ENTRANCES PROVIDING WARNING OF PROCESSES INVOLVING CARBON DIOXIDE (AN ASPHYXIATING GAS)

HEAD HOUSE

AREA=19,554 SF
FINISH FLOOR ELEVATION=843.0

FUTURE HEAD HOUSE

FUTURE EXPANSION

FUTURE EXPANSION

FUTURE EXPANSION

FUTURE EXPANSION

06-25-455-003
UNDERGROUND PIPE & VALVE
2900 MILLCORK ST
ZONED: M-1

BITUMINOUS PAVEMENT,
SEE DETAIL 5/C600,
TYP.

HEAVY DUTY BITUMINOUS
PAVEMENT, SEE DETAIL
5/C600, TYP.

REFUSE CONTAINER(S)
WITH 6' GATED
ENCLOSURE, SEE
DETAIL 2/C600.

FUTURE FENCE
06-25-465-001
LEWIS C HOWARD, INC.
3303 E CORK ST
ZONED: M-1

CAMERA, TYP.

WALL MOUNTED LIGHT, TYP.

E CORK STREET

(66' WIDE PUBLIC RIGHT OF WAY)

SOUTH LINE OF SEC 25, T22S, R11W

M= N89°03'50"W 2670.83'

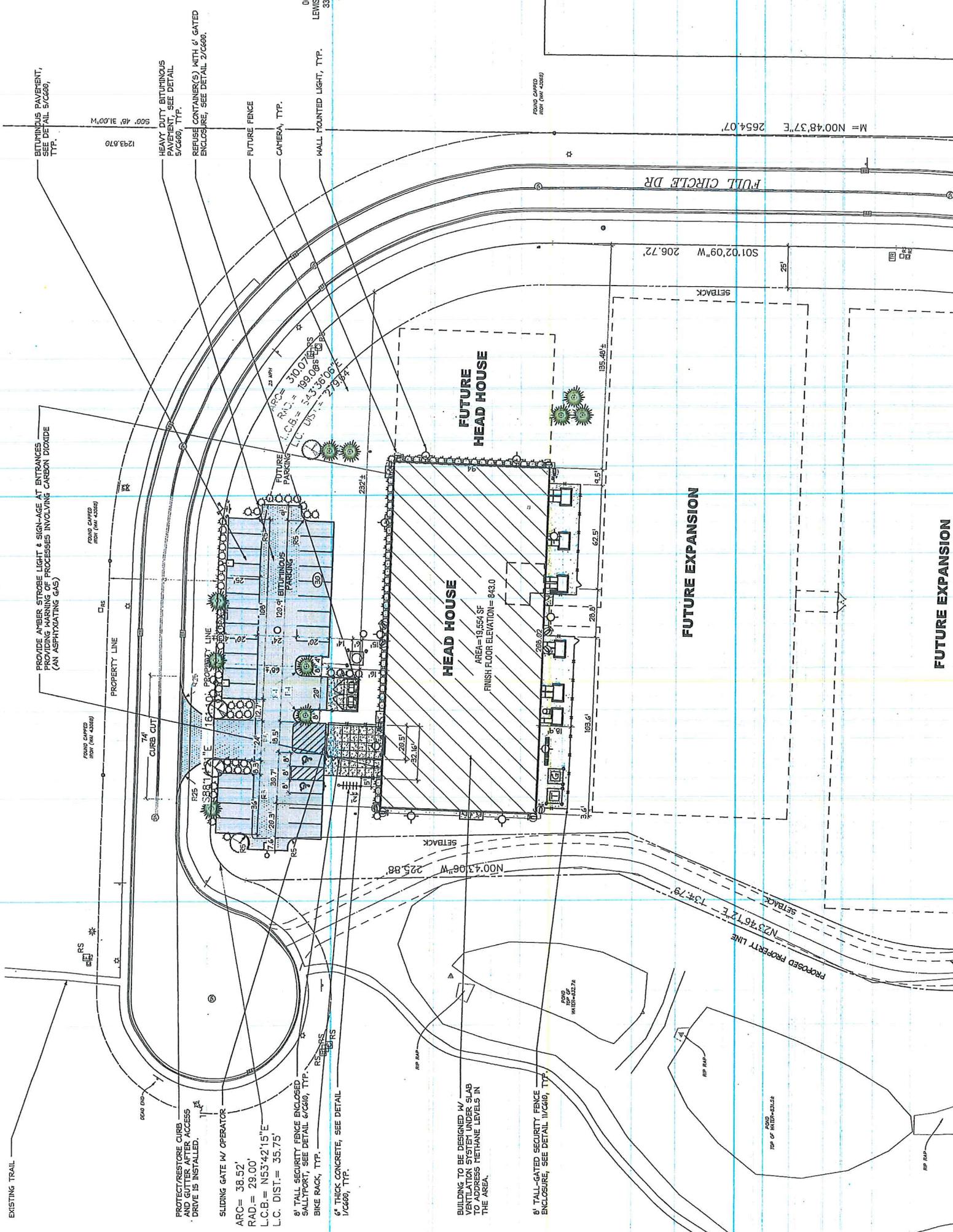
N89°03'50" W 158.80'

N89°03'50" W 43.12'

N00°48'31" E 33.00'

FOUND CAPPED
IRON (REV. 4/26/82)





BITUMINOUS PAVEMENT, SEE DETAIL 5/C600, TTP.

HEAVY DUTY BITUMINOUS PAVEMENT, SEE DETAIL 5/C600, TTP.

REFUSE CONTAINER(S) WITH 6' GATED ENCLOSURE, SEE DETAIL 27/C600.

FUTURE FENCE

CAMERA, TTP.

WALL MOUNTED LIGHT, TTP.

PROVIDE AMBER STROBE LIGHT & SIGN-AGE AT ENTRANCES PROVIDING WARNING OF PROCESSES INVOLVING CARBON DIOXIDE (AN ASPHYXIATING GAS)

ROUND CURVED MANHOLE (SEE 4/C600)

PROPERTY LINE

CURB CUT

PROTECT/RESTORE CURB AND GUTTER AFTER ACCESS DRIVE IS INSTALLED.

SLIDING GATE W/ OPERATOR

ARC= 38.52'

RAD.= 29.00'

L.C.B.= N53°42'15"E

L.C. DIST.= 35.75'

6' TALL SECURITY FENCE ENCLOSED SALL THROST, SEE DETAIL 6/C600, TTP.

BIKE RACK, TTP.

1/4" THICK CONCRETE, SEE DETAIL 1/C600, TTP.

BUILDING TO BE DESIGNED W/ VENTILATION SYSTEM UNDER SLAB TO ADDRESS METHANE LEVELS IN THE AREA.

6' TALL-GATED SECURITY FENCE ENCLOSURE, SEE DETAIL 11/C600, TTP.

HEAD HOUSE

FUTURE HEAD HOUSE

FUTURE EXPANSION

FUTURE EXPANSION

1293.870

M= N00°48'37"E

2654.07

FULL CIRCLE DR

S01°02'09"W 206.72

SETBACK

135.461

ARC= 310.07'±
R.C.B.= 199.08'±
L.C. DIST.= 219.84'

BITUMINOUS PAVEMENT

232.1

AREA= 19,554 SF
FINISH FLOOR ELEVATION= 843.0

SETBACK

N00°43'06"W 225.88

N23°46'12"E 134.79

SETBACK

PROPOSED PROPERTY LINE

ROAD TOP OF INTER-SECTION

ROAD TOP OF INTER-SECTION

ROAD TOP OF INTER-SECTION

ROAD TOP OF INTER-SECTION

06-25-4
LEWIS C HOI
3303 E C
ZONED

Zoning Board of Appeals - Rules of Procedure

Section 8.1. *Reconsideration*: Following any decision adopted by ZBA, a member who either voted with the prevailing side or did not vote may make a Motion to Reconsider may at any time during the same meeting, or within ten (10) days after the meeting. The member making a Motion to Reconsider after the meeting shall submit the motion in writing with the stated reasons to support the motion; and that shall further deliver the motion to the recording secretary, city staff providing primary administrative support to ZBA and the other ZBA members who were present at the meeting. Any member may second the motion, and if motion is made after the meeting the second shall also be in writing and delivered in the same manner as the motion. The decision on the motion shall occur at the next regularly scheduled meeting. No decision shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. The applicant, or aggrieved person who originally appealed to ZBA, shall be given notice if a Motion to Reconsider is made and filed.



Section 8.2. *Rehearing – Change of Circumstances/Newly Discovered Evidence*: Any person whose request for a variance was not approved, or whose appeal was not granted may submit a written request for a rehearing based on a change in circumstances or the discovery of new evidence (not available or known at prior hearing due to no fault of that person) which facts accompany the request. In order for ZBA to grant a rehearing it must first determine, based on the evidence presented at the public hearing that a change in circumstances occurred or that new evidence does exist. ZBA shall consider the request for rehearing at the next regularly scheduled meeting that will comply with the notice requirements for a public hearing.

ARTICLE IX MISCELLANEOUS

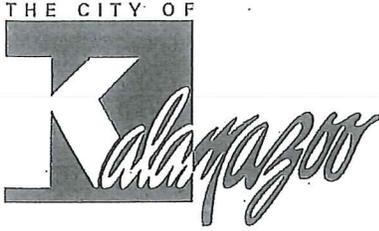
Section 9.0. *City Staff Support*: To better carry out ZBA's duties and responsibilities under the Zoning Ordinance, the City Planner shall appoint employees of the city's Community Planning and Development Department to provide administrative support and professional advice to ZBA, including one acting as the Recording Secretary. The City Attorney's Office shall also act as legal consultant to ZBA.

Section. 9.1. *Amendment*: These Rules of Procedure may be amended at any meeting of ZBA provided that the proposed amendment is delivered to each member in writing at least five (5) days before that meeting.

Drafted by Assistant City Attorney John Kneas: July 16, 2017

Approved by the Zoning Board of Appeals: August 10, 2017

Implemented: November 9, 2017



Community Planning and Economic Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

COPY

February 25, 2019

Bryan Webster
Byce & Associates, Inc
487 Portage Street
Kalamazoo, MI 49007

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

Dear Mr. Webster:

At the meeting of the Zoning Board of Appeals on Thursday, February 21, 2019, the Board denied the 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.

At the same meeting the Board granted the following variances:

- 1) 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;
- 2) 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 unless specified by the Board, all variances granted shall become null and void if not exercised within one (1) year of the date of granting. The next step in the review process is Site Plan Review. Site Plan Review approval is required before the issuance of permits for the project.

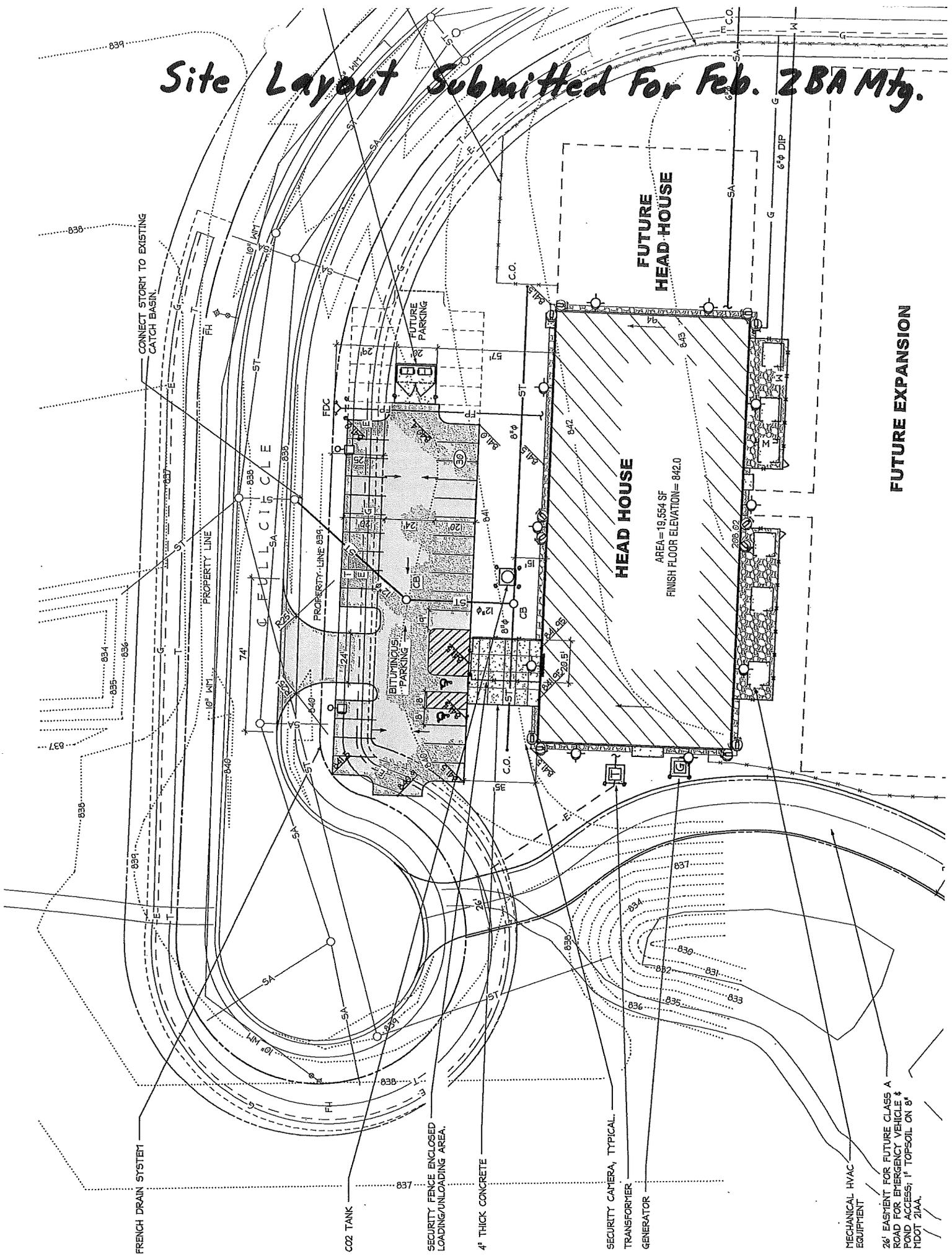
If you have any questions, please contact me in the Community Planning and Economic Development Department at (269) 337-8806.

Sincerely,
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Zoning Administrator

C: Chelsea Lynn Barker, 1210 Crown Street, Kalamazoo MI 49006
Property File

Site Layout Submitted For Feb. ZBA Mtg.



FRENCH DRAIN SYSTEM

CONNECT STORY TO EXISTING CATCH BASIN

PROPERTY LINE

C FULL CIRCLE

PROPERTY LINE 839

CO2 TANK

SECURITY FENCE ENCLOSED LOADING/UNLOADING AREA.

4" THICK CONCRETE

SECURITY CAMERA, TYPICAL.
TRANSFORMER
GENERATOR

MECHANICAL HVAC EQUIPMENT

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

HEAD HOUSE

AREA=19,554 SF
FINISH FLOOR ELEVATION= 842.0

FUTURE HEAD-HOUSE

FUTURE EXPANSION

- 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: Dan Kastner the applicant and owner wanted a projecting sign, stating the reason is the customers have a hard time finding the location, and to increase visibility. Prior to this business, the location was vacant for five years and was a manufacturing facility and now it's more of a commercial retail space. Mr. Eldridge commented in 2004 there was an ordinance change to allow projecting signs in the downtown area, and outside of the downtown, then was changed to downtown area only, the purpose was to note the problem with visibility for zero setback buildings, and the same condition applies in areas north and south of the downtown area where commercial revitalization is occurring. Within the area of the applicants business there are at least three projecting signs already there. Attorney Robinson suggested if the ZBA is inclined to grant this variance it be conditioned upon the applicant obtaining a temporary encroachment agreement from the City.

Mr. Houston seconded the Finding of Fact.

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

Mr. Lager moved to approve the application, with the condition the applicant obtains a temporary encroachment agreement, seconded by Mr. Houston.

Chair Youngs commented on the other projecting signs previously before the Board and the approval of those signs. He reviewed the criteria and stated it's the minimum action required to make use of the structure.

Mr. Houston stated he had a hard time finding the businesses himself, and was in favor of the request.

Motion approved by roll call vote unanimously.

Mr. Houston read the application for 2805 E. Cork Street, Parcel #06-25-396-002:

 **ZBA #19-02-06: 2805 E. Cork Street: 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. There were twelve notices of public hearing sent and zero responses were received.

Brian Webster, Engineer with Byce and Associates spoke on behalf of the applicant Seven Point Supply, he gave an overview of the location and proposal for the site. The site is intended to be in the SE corner of the Davis Creek Industrial Park. The proposal is to have a 20,000 sq. ft. medical marijuana facility, parking on the north side of the building with future expansion to the south and the east are planned encompassing 6.4 acres of property for the development. He spoke of the dumpster location currently on the north side of the building adjacent to the parking that makes the access easy, and is in the most desirable location. The building itself is planned to be of metal siding and split face blocks, the dumpster enclosure would match and screened with landscaping. Mr. Webster stated the way the site lays out they have front yard on Cork St., on the west side of Full Circle Dr. and to the north of the building, three of the four sides are front yards. The zoning ordinance requires the dumpster to be in the rear or side yard which limits the placement of the dumpster enclosure. The owner intends to build in the future to the south and east limiting the placement of the dumpster in those two locations. The west side which is the only side allowed by the zoning ordinance has obstacles, one is the Fire Marshal has requested a future drive for the fire truck access around the west side of the building for future expansions. Mr. Webster commented the second reason is layout of the building, it needs to be there for future growth, puts the office on the west side of the building, the offices are the only location they have windows, and the view of the woods is spectacular, they don't want to look at a dumpster. The third factor is the overall site configuration, the dumpster pad; they can see other dumpsters at surrounding businesses. The request for the chain link fence, due to the nature of the facility, the security is important for the owner, they propose a fenced in enclosure on the north side of the building. It would allow secure access for vehicles. A small van shows up, a gate opens, it enters the fenced in enclosure, the gate shuts, the overhead door to the building opens and the van enters the building securely. The eight foot chain link fence is the desirable size because of the height and a chain link fence has visibility to see through also. It's approximately 20 by 30 feet. The ordinance only allows the chain link fence in the side and rear of the property, which would place it to the west side of the building where the pond and fire truck access needs to be.

Mr. Flach questioned the screening. Mr. Webster stated the screening would match the building and have landscaping.

Mr. Houston commented on other properties across from Full Circle Drive, already staked for future development, would the placement of their dumpster be offensive to them. Mr. Webster commented other dumpsters are already visible at existing businesses, it's a manufacturing district, M2 District, and any future businesses would have to meet the zoning district requirement.

Chair Youngs commented the screening requirements would have to meet the site plan review requirements. Mr. Webster is only requesting the placement be approved.

Mr. Flach questioned other placements of the dumpster, would a large dump truck and a fire truck fit down the road. Mr. Webster stated it would limit the future expansions to the east with the east west requirements and the Fire Departments request for a 26' road. It would compromise future expansions; the existing pond impedes their options. Mr. Flach asked for clarification on the fire lane access, if a dump truck was picking up trash, and there was an emergency, on the future expansions, could a fire truck in his opinion get back to the rear building with the dump truck already back there. Mr. Webster stated he would say no. Mr. Flach clarified it would impede the fireman's ability to do their jobs, by not having clear access to the fire lane.

Mr. Eldridge commented he understands it's the Davis Creek Business Park, and it's the first development going in. However, the dumpster enclosure is not far off the front property line, its two dumpsters, an 8 x 20 walled in enclosure with gates on the front. Coming up Full Circle Drive the first thing you see rounding the building is this dumpster enclosure not too far behind the sidewalk along Full Circle Drive. Planning Staff struggled with this one; there are alternatives on the west side of the building. Mechanical units on the east would be relocated, windows could be shifted, and floor area use on the west side could be altered. If approved the dumpster enclosure would be in the front yard for a long time. On the fencing, it's a significant ways back from the public street; the ordinance allows for a six foot fencing in the front yards, they are asking for eight foot. Its 65 foot back from the front property line, behind the parking lot. The fencing is less of a concern; it's in an industrial area. The dumpster enclosure, they have very specific standards of keeping a dumpster out of the front yard, even a distance of 20' away from a street or public sidewalk, it's far enough away from the property line, but predominant feature in the front yard. There's alternatives for the placement and discussed the frontages on the east, north and southern portion.

Chair Youngs, Mr. Flach and Mr. Carroll discussed several alternatives for placement of the dumpster on the east side, or south side by the building to meet the requirements. Mr. Webster replied by moving the building or placement of the dumpster it would either impede fire truck access of the future building expansions proposed.

Mr. Carroll questioned the uses of the Head House. Mr. Webster stated it has several vegetation rooms, grow/trim rooms, offices, and mechanical spaces. The rooms have specific dimensions for the layouts of the rooms for functionality purposes.

Chair Youngs if Full Circle Drive would be extended to Cork St. Mr. Eldridge stated no, this was a Brownfield site, engineered to create buildable areas. Chair Youngs questioned moving the dumpster to the other side of the parking lot and it would be seen would be a better option. Mr. Eldridge commented it'd be a better fit, the Board can chose to deny this variance, and then they can go back and redesign the dumpster enclosure.

Mr. Eldridge stated since this hasn't been built yet the entrance drive could be moved, for the dumpster access. The primary front yard is on the north side, even with the multiple front yards with the wrapping roadway, the most predominant side is where the parking lot and entrance of the building is. Mr. Flach questioned is the predominant front yard what they are basing the zoning off of. Mr. Eldridge stated they are basing it off "any front yard area" so the dumpster can't be located around the east side of the building, it would still be in the front yard of Full Circle Drive.

Mr. Lager questioned the eight foot fence on the side yard is permissible. Mr. Eldridge replied yes, the height and type of fence is permissible in the side yard.

Mr. Webster stated he had meetings with the City and had talks of the locations for the dumpster, they decided it was the best location for the dumpster placement on the northwest corner. The dumpster in the west side is not the most desirable.

Mr. Flach questioned what meeting the discussion occurred in. Mr. Webster stated the met with Mr. Rob Bauckham and the Site Plan group.

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

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 2805 E. Cork Street shall include all information included in the notice of public hearing dated February 6, 2019.
- 2.) Twelve 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 Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Brian Webster, Byce & Associates spoke on behalf of the applicant, the proposed building will be at the northeast corner of the property with future expansion to the south and east. The proposed dumpster on the north side of the build is next to the parking. The screening materials will match the building and will be hidden by landscaping. Three of the four sides of the property are front yards. The west side of the building is not an option because the Fire Marshal has requested a fire lane access, the best view is to the west is desired not to be locked. The applicant informed the Board they can see three neighboring property dumpsters from their site. Security for transportation vehicles is a concern therefore an eight foot see through fence is requested and provides the most security. The enclosure will be 20 by 30 feet. Mr. Eldridge commented this property is not easily compared as it's the first development in the park. The large dumpster enclosure is very visible

upon the approach to the property. They have concerns about the proximity to the road.

Mr. Lager seconded the Finding of Fact.

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

Chair Youngs moved to approve the application for 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, seconded by Houston.

Mr. Lager commented there are special circumstances peculiar to this property with three front yards in the location of the dumpster will be a challenge with the fire road access on the east. He commented if the granting of the variance would negatively affect adjacent land in a material way. Since the industrial park isn't developed, the visibility of the dumpster from the road. Considering there are alternative spots, he's not in favor of the dumpster location.

Mr. Flach commented the west side allows the dumpster without conflicts; it's not a hardship, only a challenge. There's a fire lane access requested by the Fire Department that needs to be met. There are alternatives.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated there are options for the dumpster locations.

Motion denied by roll call vote.

Yes: Doane, Houston, Flach

No: Carroll, Lager, Youngs

Mr. Carroll moved to approve the application for 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 seconded by Mr. Lager.

Mr. Lager commented it has the same special circumstances with the three frontages, with the fence in the furthest place, and least obtrusive area, and security is an important corner he's in favor of this request.

Chair Youngs reviewed the criteria conditions that must be met to qualify; security is of the utmost importance and stated he was in favor.

Motion approved by roll call vote unanimously.

Chair Youngs moved to approve the application for 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 seconded by Mr. Houston.

Chair Youngs reviewed the criteria conditions that must be met to qualify, there's a need to see through for safety reasons and stated he was in favor.

Mr. Flach asked about decorative metal fencing. Mr. Eldridge stated metal fencing was preferred.

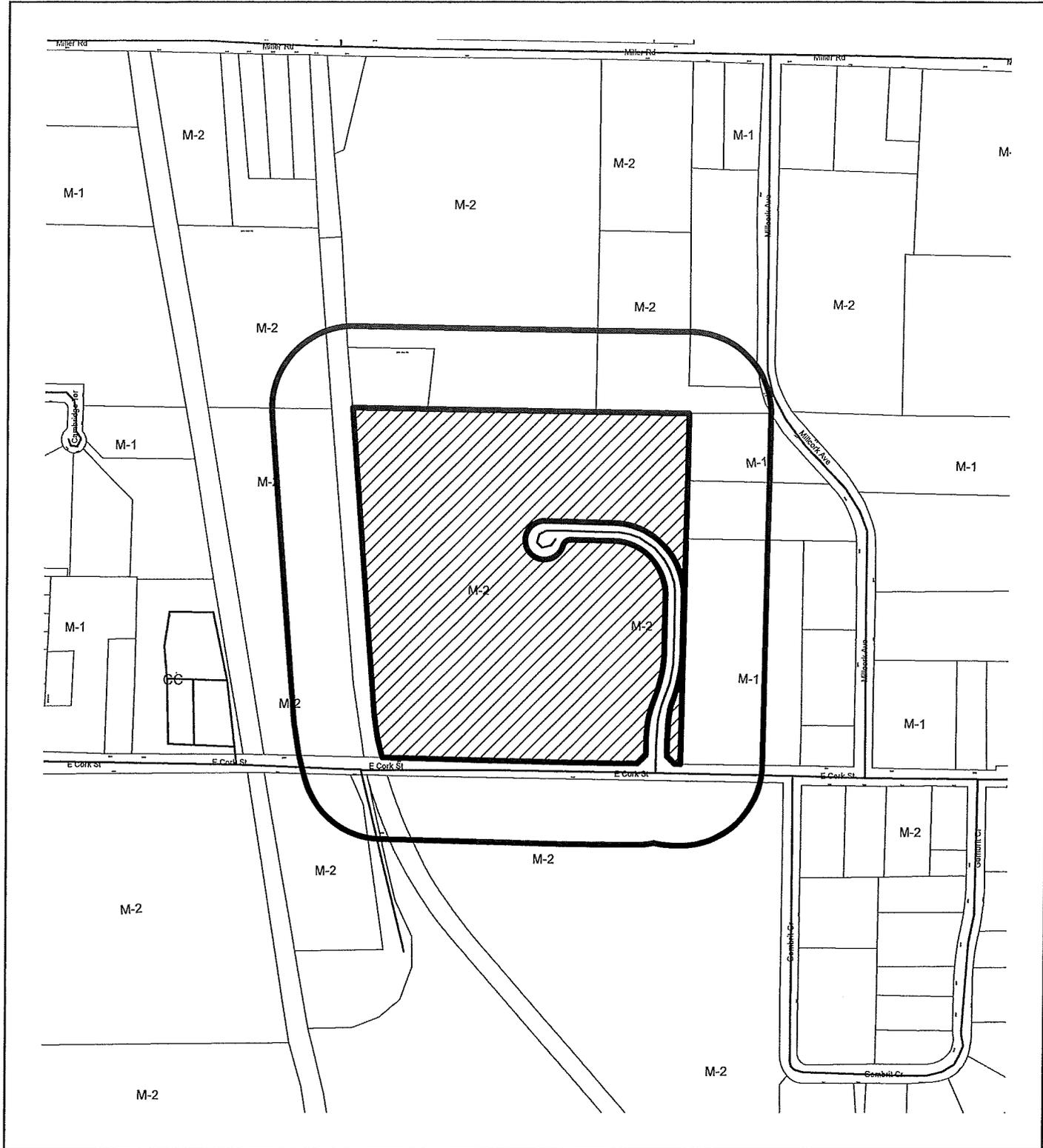
Motion approved by roll call vote unanimously.

Mr. Houston read the application for 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:

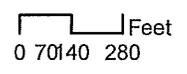
ZBA #19-02-07: 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the LIFT Foundation. The request concerns the properties at 216, 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 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 a variance only regarding the item described above. There were forty-eight notices of public hearing sent and two responses were received.

Attorney Jeff Swenerton, spoke on behalf of the Lift Foundation, the proposal consists of three different buildings, in three different zoning classifications, in the CC District. The zoning ordinance permits mixed use multi-family residential with commercial provided there's commercial on the first floor. They want to do 60 units in the three buildings and are asking for a minor use variance to have residential in buildings two and three that are not on the road frontage. This will permit them to have barrier free housing on the first floors and meets the Master Plan for 2025, working to achieve affordable housing. He spoke of the Lift Foundation and their background. He stated it will be a community asset in the CC Zoning District. The first floor will have a day care center, and may have residential units in back. They have purchased eight parcels and are closing on two other properties. The commercial is in the CC District the three buildings are accessed off E. Stockbridge Avenue and are barrier free. He spoke about the north half of the project, the flooding in this area has been a concern, and this project will not exasperate the flooding concerns, but will reduce those. The bioswale will be dug out, and help the flooding conditions. They could have designed more buildings there, but chose not to at this time. They could build these buildings up to six stories, but will only be



300' Mailing Boundary
2805 E. Cork 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

April 23, 2019

**RE: ZBA #19-05-13
1012 S. Westnedge Avenue
Parcel #06-21-299-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Michael Schick owner of 1012 S. Westnedge Avenue which is situated in Zone CO, Commercial – Office District.

The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the ground floor level of the structure from an office to a residential dwelling unit, where commercial office use is required on the ground floor level in the Commercial Office District.

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, May 9, 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 Michael Schick
 Address 1914 Catlin Drive
 City, State, Zip Rochester, MI 48306
 Phone 248-878-0918 Cell (number to left is cell)
 Fax _____ Email Schick1mg@gmail.com

Owner: Name (SAME)
 Address _____
 City, State, Zip _____
 Phone _____ Cell _____
 Fax _____ Email _____

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

Property Information

Street or Street Address 1012 S. Westnedge Ave

This property is located between Minor street and Wheaton street, on the
 north south east (west) side of the street.

CCN# 06-21-299-003 Zone Commercial (zone: CO)

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 This is clearly an old home that was converted into office space. Simply converting the back office to a kitchen and adding a standup shower in the bathroom would make this a great residential unit. (Tap into water present)

- 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)

Michael Schick 3/9/19
 Signature of Applicant Date

 Signature of Owner (if different than applicant) Date

City of Kalamazoo ZBA,

My company is kindly requesting a variance on the ground floor unit at 1012 S. Westnedge Ave. We are of the opinion that the ground floor unit is best suited for a resident, based on the interior layout of the unit which was originally built as a residence.

Converting the back office to a kitchen, and installing a standup shower in the bathroom would easily convert this unit to a desirable 3-bedroom residence on a block that has a mix of residential and commercial units. This is illustrated on the sketch plans that we have included.

Close proximity to the Vine/Westnedge business district, Downtown Kalamazoo, and the WMU and K-College campuses make this an attractive unit to nearby renters. The upstairs unit is already a residence.

I sincerely appreciate the consideration of this variance.

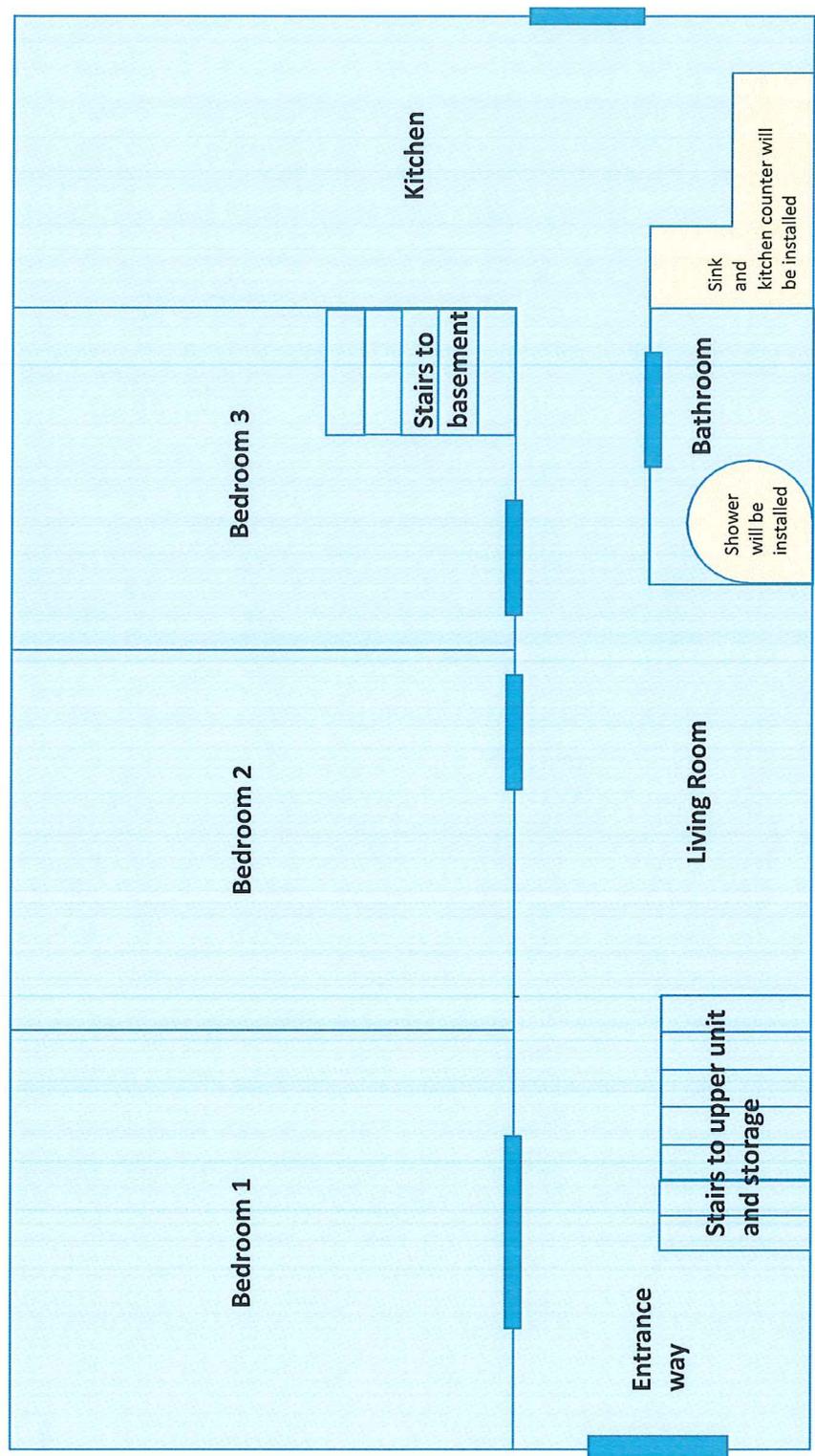
*Mike Schick
Vine Walnut Properties, LLC*

S. Westledge Ave.



E

S



N

W

1020 S. Westnedge Avenue











Community Planning and Economic Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8513

www.kalamazoocity.org

May 10, 2018

Re: Allowance for Ground Floor Residential in Commercial Districts

Zoning Board of Appeals Members,

Before you this evening is a request to allow *ground* floor residential use as part of a mixed use project at the corner of Lovell and Rose at the north edge of the Vine Neighborhood. I am writing to provide my support for this applicant's request and to inform you of upcoming changes to the Zoning Ordinance related to this provision.

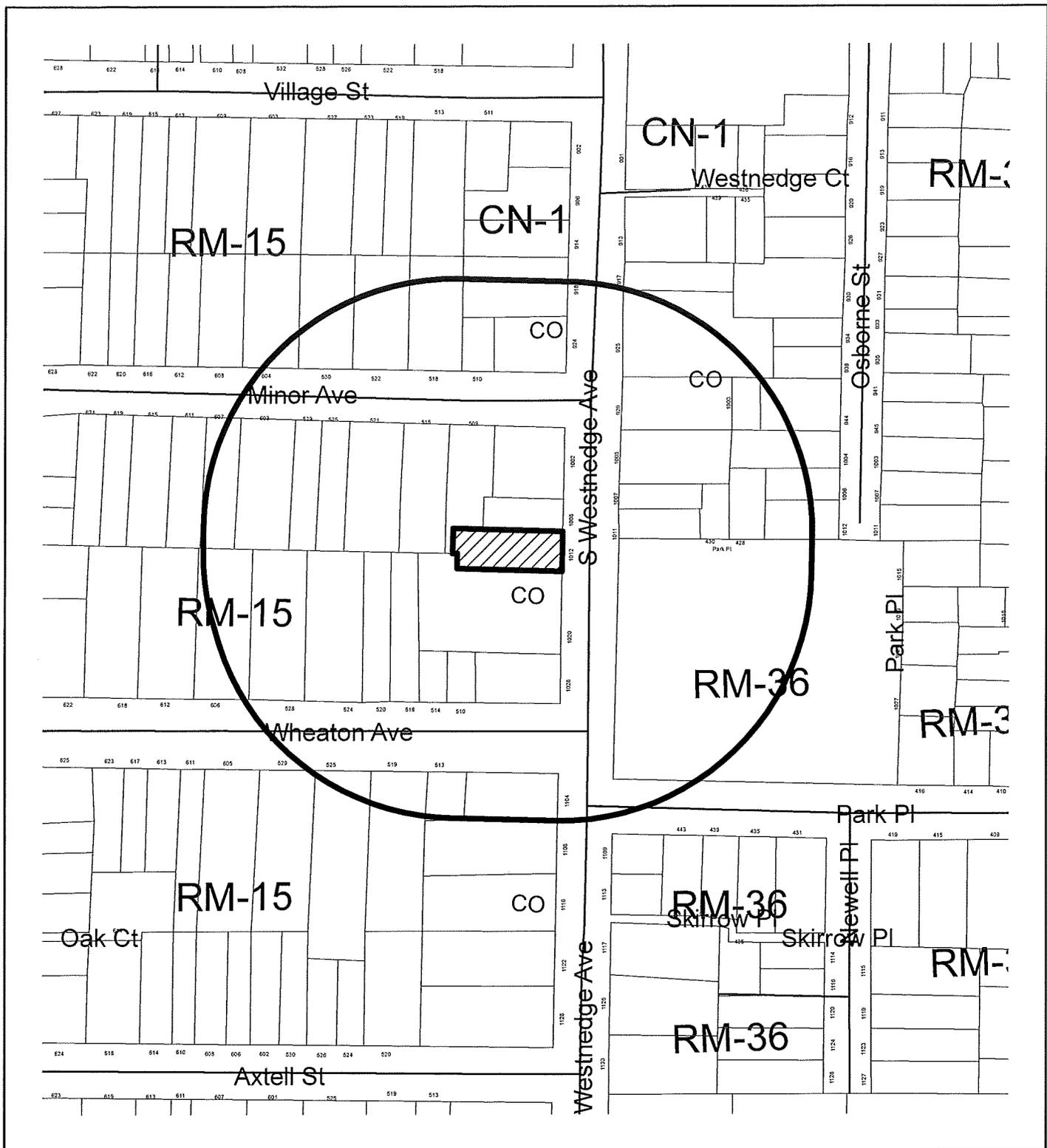
Many of you know this is not the first time such a request has come before the Zoning Board of Appeals. The current Zoning Ordinance requires ground floor commercial uses in all commercial districts, except the Central Business District (CCBD) zone. The City has an overabundance of commercial zoning, making this provision a barrier to the redevelopment of key blocks and corridors. The 2025 Master Plan's Future Land Use Plan (attached), designates Neighborhood and Commercial Nodes as the priority areas for active commercial uses. In these locations, requiring ground floor commercial makes sense to promote the vibrant retail areas envisioned by the community. Outside of these key locations, ground floor commercial uses are still appropriate, but so are residential units. The flexibility of allowing both not only works with the market forces for development in Kalamazoo, but also aligns with the 2025 Master Plan. As I work to update our Zoning Ordinance to match the vision of the 2025 Master Plan, I will be removing the ground floor commercial requirement except in Nodes as designated by the Master Plan and a few critical streets in Downtown Kalamazoo.

The request before you tonight does not fall within a Node or one of the primary commercial retail streets in Downtown Kalamazoo. I support the applicant's request and believe the mixed-use project proposed fits the Master Plan's vision for this location.

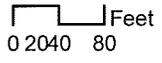
Should you have any questions or comments, please feel free to contact me anytime at 269.337.8811.

Sincerely,

Christina K. Anderson, AICP
City Planner



300' Mailing Boundary
 1012 S. WESTNEDGE





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

April 23, 2019

**RE: ZBA #19-05-14
228 Rose Place
Parcel #06-22-163-015**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Robert and Cheryl Besser owners of 228 Rose Place, which is situated in Zone RM-36, Residential – Multi Dwelling District.

The applicants are requesting the following dimensional variances from the setback provisions in Chapter 7 of the Code of Ordinances, Section 7-5 Keeping of Rabbits and Poultry:

- 1) A dimensional variance to authorize a coop for chickens within 16 feet of the west property line,
- 2) A dimensional variance to authorize a coop for chickens within four feet of the north property line,
- 3) A dimensional variance to authorize a coop for chickens within 14 feet of the east property line.

Enclosed yards or coops are required to be located not less than 30 feet from the street line (front property line) or any adjacent property line.

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

A public hearing will be held on **Thursday, May 9, 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

APR 12 2019

THE CITY OF



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 Robert + Cheryl Besser
Address 228 Rose Place
City, State, Zip Kalamazoo MI 49001
Phone 269 568-0660 Cell 269 501-0392
Fax Email

Owner: Name Robert + Cheryl Besser
Address 228 Rose Place
City, State, Zip Kalamazoo MI 49001
Phone 269 568 0660 Cell 269 501-0392
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 228 Rose Place

This property is located between Rose street and Burr oak court street, on the

north south east west side of the street.

CCN# 06-22-163-015 Zone RM-36

Type of Request

[] Interpretation of Chapter(s) Sections(s) Paragraph(s) of the City of Kalamazoo Zoning Ordinance.

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

[X] 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

- [X] \$275 Fee
[X] 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)
[X] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant Cheryl Besser Date 4/11/19
Signature of Owner (if different than applicant) Date 4/11/19

To: Kalamazoo City Zoning Board

Date: April 5, 2019

From: Robert & Cheryl Besser

Regarding: Zoning Variance

To Whom it May Concern:

I am writing in regard to getting a variance for our chicken coop. I had also talked with several people in the Vine neighborhood about the chickens they were caring for. When we started thinking about it I talked with neighbors around us about it. The young gentleman that lives to the East of us. His name is Skyler Starling he had no problem with it. He told us NO turkeys. We told him fine we would just do chickens. Skyler owns the three lots behind our house and two behind his. We also talked to the neighbor to the West. His name is Damen Vlum He said no problems at all he raised chickens before moving here from Florida. We had a deal worked out with him. He placed left over scraps on the fence in a bag for us to give to the chicken's and we gave them eggs from our girls.

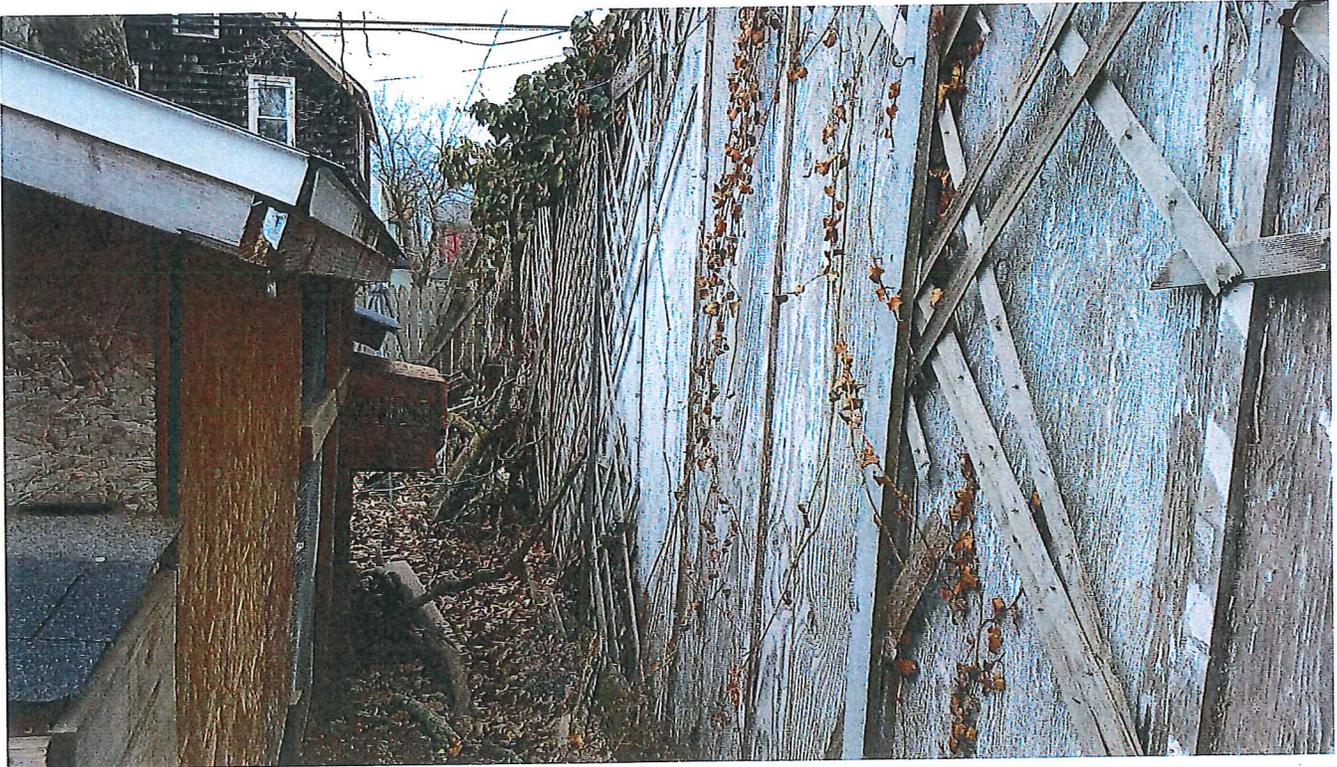
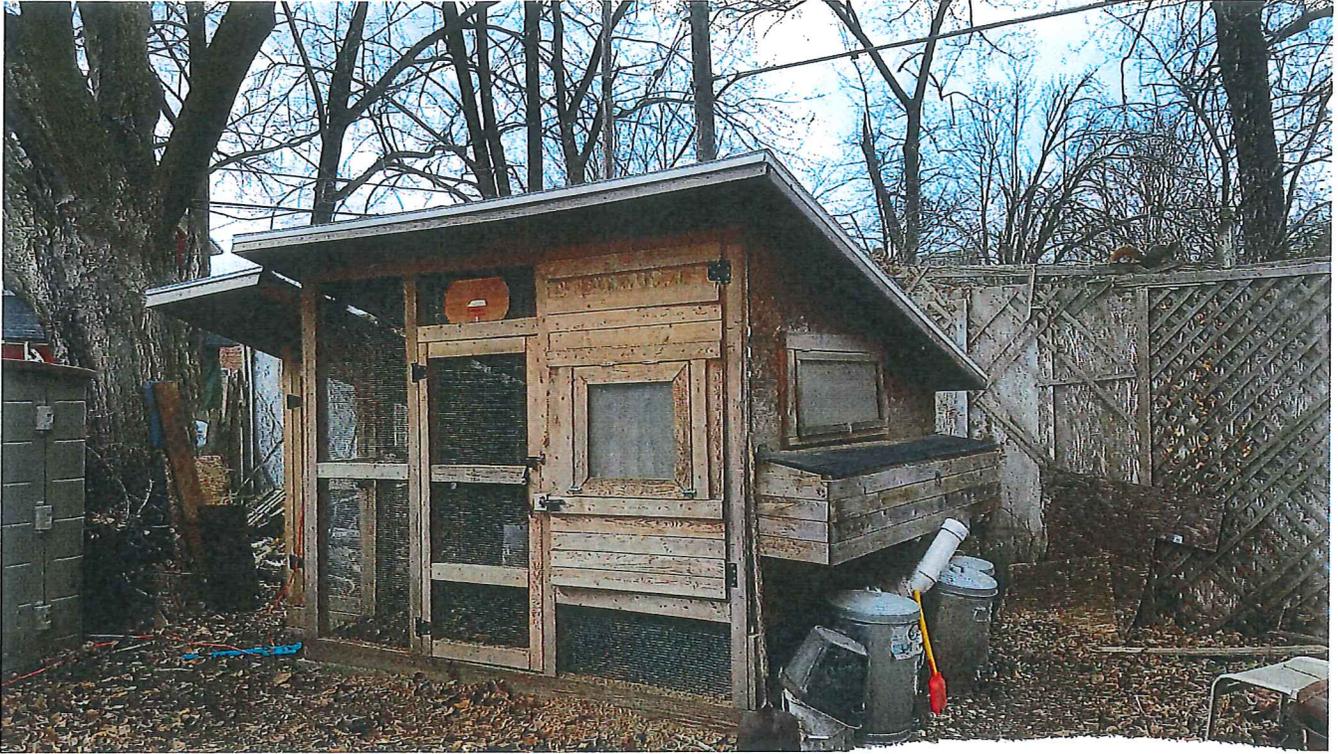
One reason we started raising chickens was to know what was in them. So many of the commercial farms give the chickens so many drugs to it not healthy. Our girls get plenty of love and care as well. We feed them whole corn, scratch, pellets, and, fruit and veggies. Their eggs are so wonderful to eat. If we went to the store to buy the eggs which would cause a hardship for us with fresh eggs coasting between \$3.50 up to 5.00 a dozen.

Since I am blind and don't work I have a small group of friends that I give me fides for eggs. These people help me by giving me rides to places I need to go. The chickens also help with my non-24 and depression I suffer from. Non-24 is a problem I have with my sleeping. My body does not get the sunlight to wake me up like you do. The chickens tell me when it is time to wake with the sun. The girls start talking outside. The depression I noticed has lessened when I go out to their coop and they all come funning to the door to see what I have for them. They let me hold and love on them. A few of my girls will actually, talk with me. I know they do not always understand what I say but I hope they do.

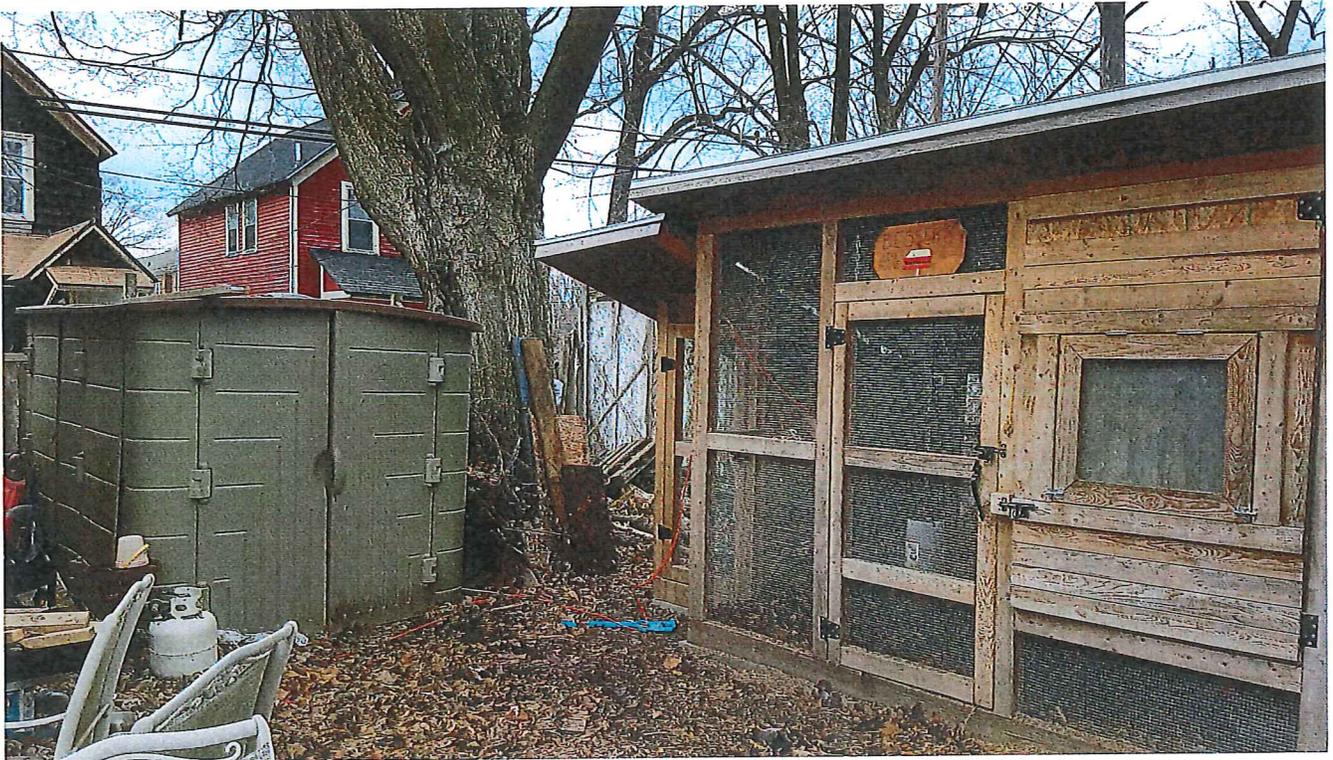
We built them a safe place to live too. Our chicken coop and run are all in closed in one area. They climb a little ladder to go inside to sleep and get out of the cold. Then in the morning they come out and play in the run, under their coop. We use deep bedding which is wood shavings and leaves as bedding in the coop. This is a mulch and will help keep them warm in winter and as it breaks down into compost for our small raise bed garden and our flowers.

Sincerely Yours,

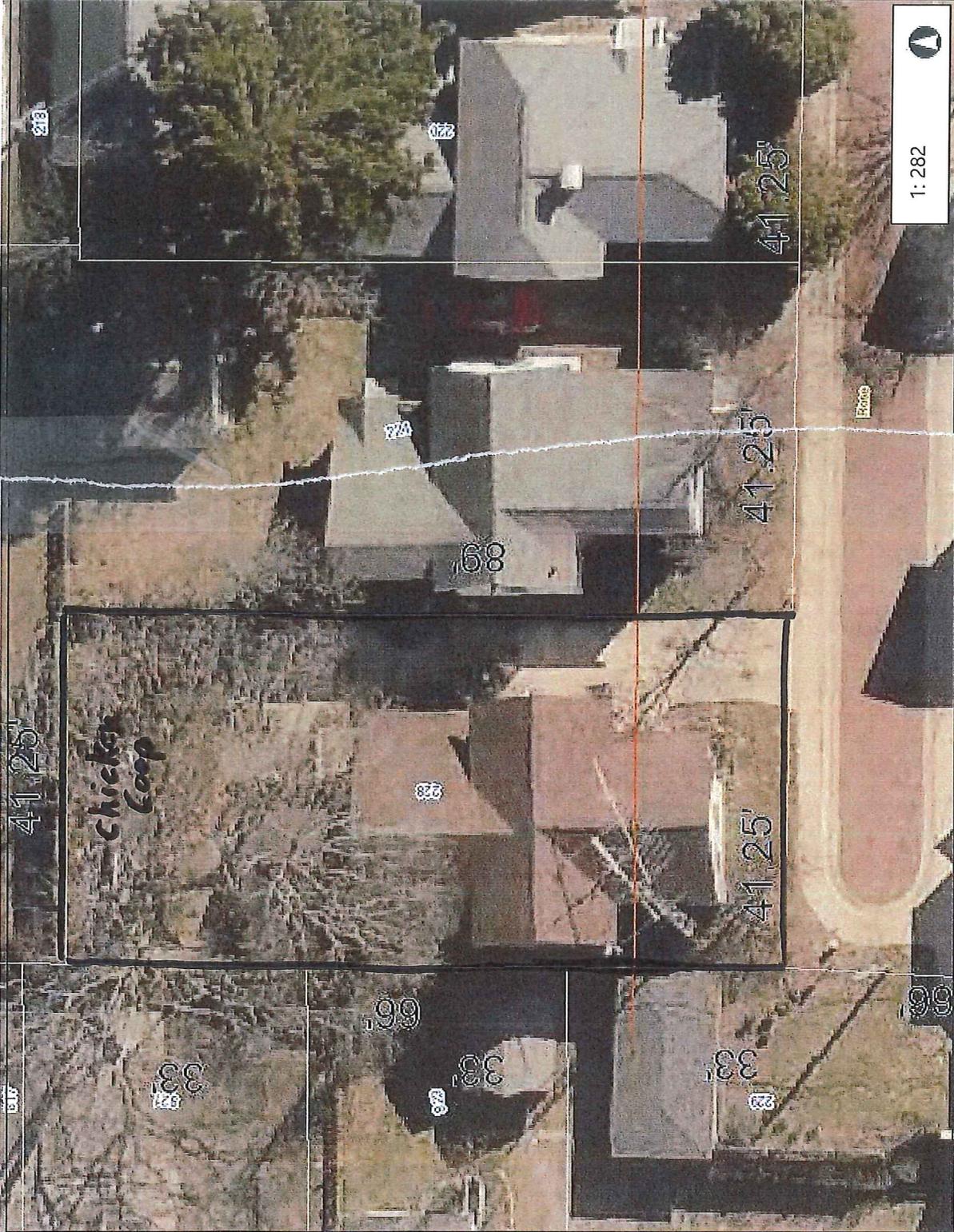
Robert and Cheryl Besser



228 Rose Place
April 17, 2019



228 Rose Place (Zone: RM-36)



1: 282



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

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

Street Names - City

Cadastral
 — LOT
 — PARCEL

Parcels

Zoning

- CBTR
- CC
- CCBD
- CMU
- CN-1
- CO
- IC
- M-1
- M-2
- PUD
- RD-19
- RM-15
- RM-15C
- RM-24
- RM-36
- RMU
- RS-5
- RS-7





Community Planning & Development Department
Code Administration
415 Stockbridge Avenue
Telephone: (269) 337-8026
FAX: (269) 337-8513

ZONING VIOLATION NOTICE
03/01/2019

BESSER, ROBERT & CHERYL
228 ROSE PL
KALAMAZOO, MI 49001

PROPERTY ADDRESS: 228 ROSE PL
CCN#: 06-22-163-015 CASE #: EN19-0650

Dear Property Owner:

The above referenced property is in violation of the City of Kalamazoo's Zoning Ordinance as follows:

Ordinance Citation: §7-5 *Keeping of rabbits and poultry.*

It shall be unlawful for any person to keep any rabbits, chickens, ducks, geese or other poultry within the limits of the City, unless the same are kept in a sanitary condition, free of offensive odors, and in an enclosed yard or coop which shall be located not less than 30 feet from the street line or any adjacent property line.

Violation Description: Large chicken coop in back yard.

Correction(s) Required: Remove chicken coop. Lot area is not large enough to meet the 30 foot setback requirement.

Correction(s) shall be completed by: 03/31/2019

By ordinance resolution, the issuance of this violation notice generates a fee of \$77, which will be invoiced to you separately. Failure to pay the invoice will result in the charge being placed on the tax bill for this property.

The violation must be corrected by the date listed above and the property will be re-inspected by the inspector listed below. Failure to comply will result in an enforcement letter, additional cost recovery fees, and/or a Municipal Civil Infraction Citation, and/or a referral to the City Attorney's Office for appropriate legal action.

If you have any questions concerning this matter, please contact (269) 337-8026 and ask to speak to the inspector listed below. It is our hope that the matter can be resolved without further enforcement actions.

Sincerely,
Jared Chambers, Zoning Inspector

c: 228 ROSE PL - property file

BESSER, ROBERT & CHERYL
228 ROSE PL
KALAMAZOO, MI 49001

animals: non-domestically bred parrots, parakeets or other exotic birds, Canada geese, alligators, bears, birds of prey, monkeys, panthers, cougars, lions, wolves, coyotes, chimpanzees, venomous or constrictor reptiles, and wild felines. In addition, it shall include any hybrid between a wild animal and a domesticated animal, such as a hybrid between a dog and a wolf, a dog and a coyote, a cat and a bobcat, or other wild feline.

NUISANCE— Includes, but is not limited to, any animal which makes/creates habitually disturbing noises, foul or offensive odors, unsanitary conditions, or chases pedestrians, bicycles or motor vehicles.

OWNER— Any person having temporary or permanent custody of, sheltering or having charge and control of any animal covered by this chapter.

VICIOUS AND DANGEROUS ANIMAL— Any animal that attacks, bites or physically injures a human being or other animal without provocation.

§ 7-4. Permit to keep pet swine.

No person shall keep, upon any premises within the City limits, any swine whatever, without a special permit from the City Commission or its designee, which permit shall be granted only upon the written application of the person desiring the permit. Such application shall specify the location of the premises upon which the swine are proposed to be kept and the number desired to be kept. Such permit, if granted, shall state the location of the premises and the number of swine allowed to be kept, and it shall be unlawful to keep such swine upon any other premises or to keep any greater number than specified in the permit.

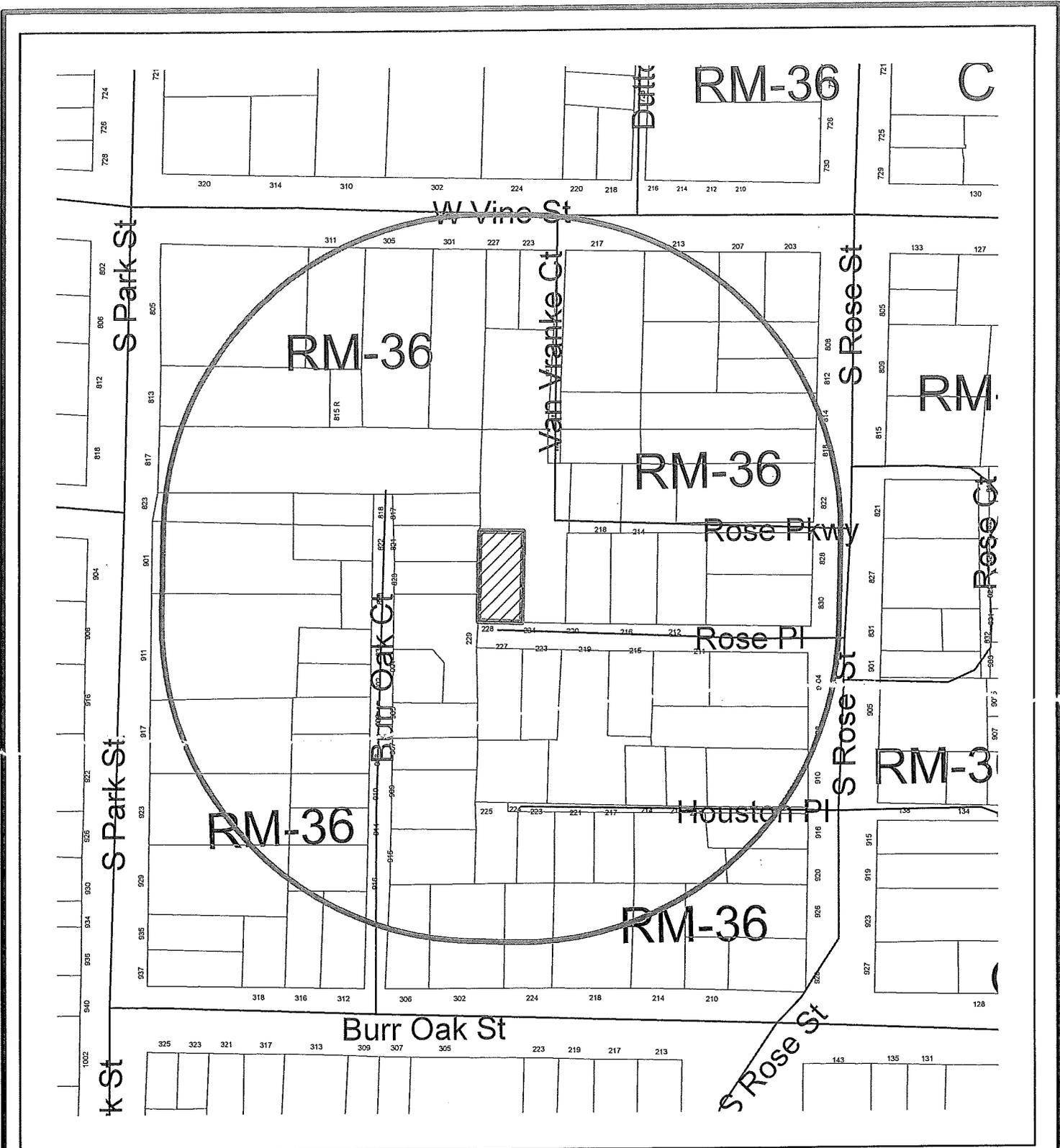


§ 7-5. Keeping of rabbits and poultry.

It shall be unlawful for any person to keep any rabbits, chickens, ducks, geese or other poultry within the limits of the City, unless the same are kept in a sanitary condition, free of offensive odors, and in an enclosed yard or coop which shall be located not less than 30 feet from the street line or any adjacent property line.

§ 7-6. Keeping of horses and other farm animals.

- A. It shall be unlawful for any person to keep or harbor or own any horse, mule, ass, sheep, goat, cow or other farm animal not subject to the provisions of §§ 7-4 and 7-5 of this chapter within the limits of the City unless the same are kept in a lot at least two acres in size and unless the same are kept in a sanitary condition, free of offensive odors and provided that such animal is kept in an area which is totally enclosed with a suitable fence or enclosure to prevent the animal from running at large. Exceptions to any of these requirements shall only be by written permission from the Chief of Public Safety. Horses or similar animals which are kept or used as part of a commercial operation on a seasonal basis within the City and are used to pull carriages or conduct similar activities shall not be subject to the requirement that they be kept in a lot at least two acres in size; provided, however, that the animals are kept in a sanitary condition and in an area which is enclosed with a fence or other enclosure to prevent the animal from running at large.



300' Mailing Boundary
228 Rose Place



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

April 23, 2019

**RE: ZBA #19-05-15
525 Pleasant Home Court
Parcel #06-33-484-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Galina Emelyanova owner of 525 Pleasant Home Court which is situated in Zone CO, Commercial – Office District.

The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize the placement of Galina's Tailor Shop in the former office building located on the property, where a 'Personal Convenience Service' such as a tailor shop or other personal service type businesses are not permitted in the Commercial - Office District.

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, May 9, 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 Galina Emelyanova
 Address 525 Pleasant Home Ct
 City, State, Zip Kalamazoo, MI, 49008
 Phone 269.548.8660 Cell 269 816 4498
 Fax _____ Email galinaem181@gmail.com

Owner: Name Galina Emelyanova
 Address 525 Pleasant Home Ct
 City, State, Zip Kalamazoo MI 49008
 Phone 269 548 8660 Cell 269 816 4498
 Fax _____ Email galinaem181@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 525 Pleasant Home Ct

This property is located between Pleasant Home street and S Westridge Ave street, on the
 north south east west side of the street.

CCN# 06-33-484002 Zone C0

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

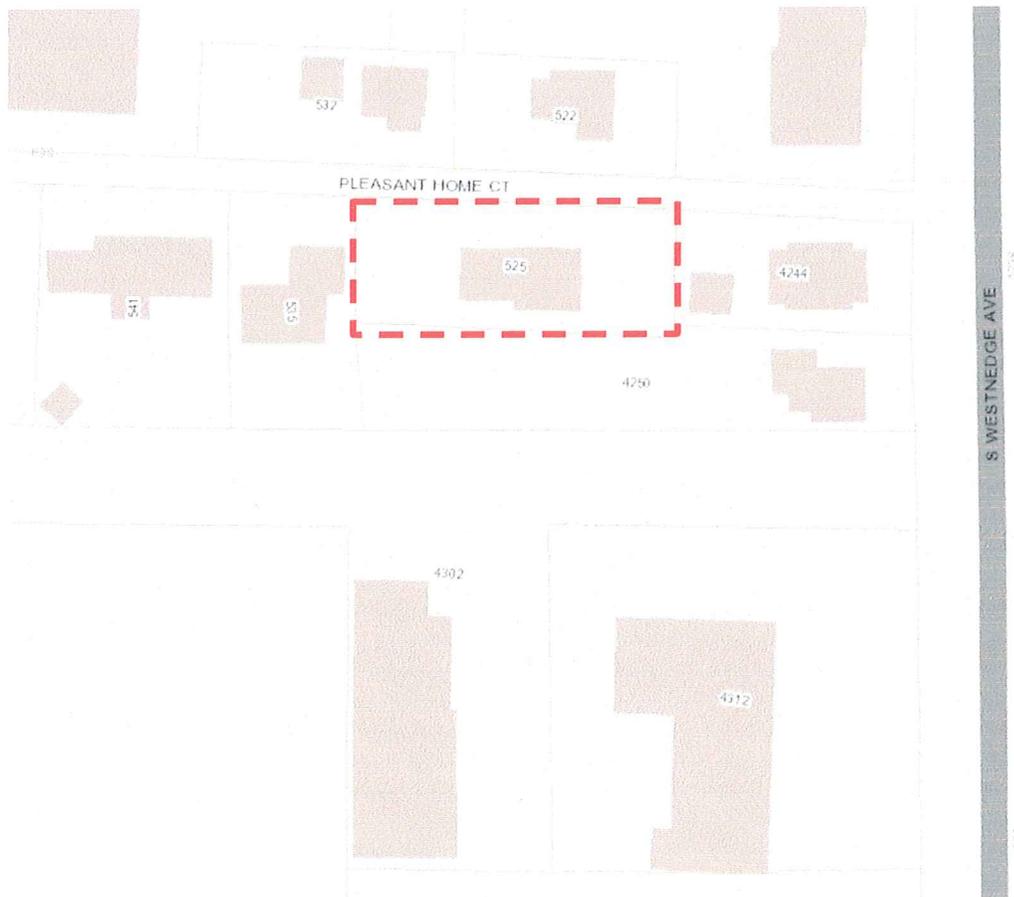
- \$495 Fee
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant Date 4.22.19
 Signature of Owner (if different than applicant) _____ Date _____

Galina's Tailor Shop LLC

Presentation

525 Pleasant Home Ct,
Kalamazoo, MI 49008



Narrative

Please allow us a use variance to allow tailor shop in zone CO.

Galina's Tailor Shop is currently renting the property on Westnedge Ave. Since rent is increasing every year, the alteration services are raising along with it. To avoid increase in alterations, solution was to purchase the new property. Realtor was hired to find the best suited property that will fit the business use best. When the realtor found the property on 525 Pleasant Home Ct, I asked if the tailor shop could be operated there. Because I was buying for the first time, I fully trusted the realtor due to his expertise in the field, so I bought the property. Prior to move and current lease expiration, I went to the city to get the permit. Only then, I discovered that my business cannot move to just purchased property due to zone use limitation. Currently, the only chance for the Galina's Tailor Shop to operate in new 525 Pleasant Home Ct., is to get the use variance by Kalamazoo city zoning board.

Unfortunately, the land use was misrepresented at the sale. Current CO zoning is providing hardship to the business, I cannot use the purchased land for intended services. This variance change will have minimum impact to no impact on aligned property. Most customers are scheduled by appointment, with only few walk-ins at the time.

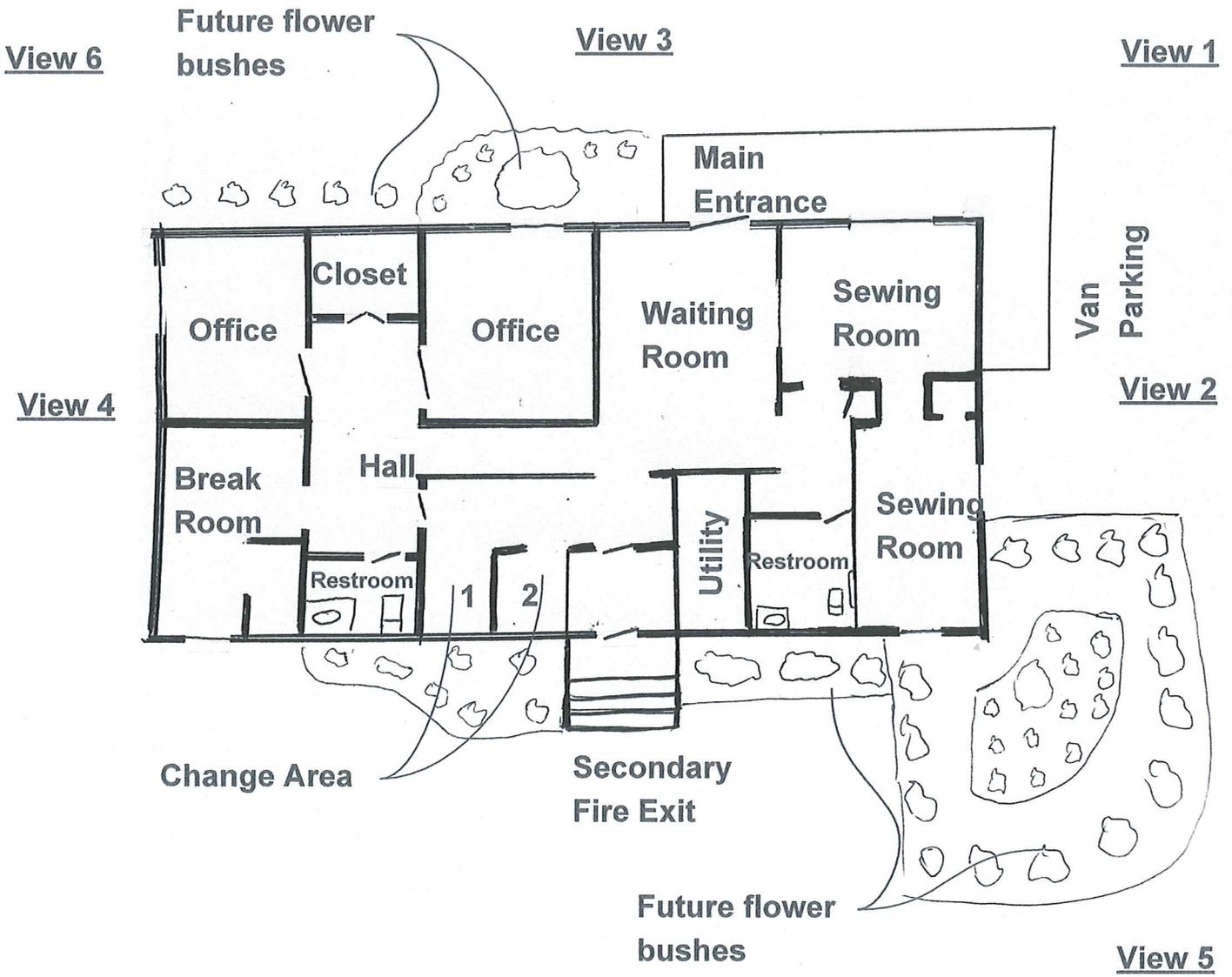
I plan to enhance the perimeter of the property by planting flower bushes and other greens, see following pages for the floor plan. Exterior will have no change, cosmetic touch-ups if necessary.

This variance will support the Kalamazoo neighborhood by not raising services due to increased rent. It will also help to keep Kalamazoo spirit and keep much needed small tailor shop operated. Currently, Galina's Tailor Shop is the top professional alteration store in the Kalamazoo area, see following pages for customer compliments and reviews.

Floor Plan

We plan to enhance the building not only from inside, but outside also. That way office will look pleasant to people living around the area. Complimenting the landscape by adding the flower bushes or green bushes around the area, along with some other plants.

Pleasant Home Ct



Parking Lot

Current Photos



View 1



View 2



View 3



View 4



View 5



View 6

Local Business Summary

Galina's Tailor Shop has been in business since August 2014. For almost 5 years now, Galina brings a true value to Kalamazoo community and makes a small difference in people's lives. Because first impression matters, well fit and tailored cloths get to bring a little piece of confidence through joyful wear. Galina loves working with customers, brainstorming tailoring ideas, and ultimately, making everyone happy. I am proud to be working with such an amazing people in our community.

Galina is a professional tailor, with more than thirty years of experience. She has a professional eye for small detail, and can spot the difference between a garment that simply looks okay and a garment that fits fantastic on you.

Galina's Tailor Shop makes contributions to small local kids activities: girls/boys scouts, different sport communities and 'make a wish' foundation.

Office hours:

Monday - Friday 10am - 3pm, 5pm-7pm*

Saturday - by appointment only

Sunday - closed

*Most customers are scheduled by appointment, walk-ins are welcome too

US Holidays - Closed

Closed for winter break - 2 weeks

Every other year, closed for the month of August

This business is family owned and operated.

We are on Yelp, Facebook, Google and GalinasTailorShop.com*

Please note that we are currently updating our website information to match this letter. This letter provides the most up to date information and summary about Galina's Tailor Shop business.

Services examples

Ladies

Professional, casual, bridal, formal wear and gowns, we are able to handle all your alteration requirements. Imagine a wardrobe that is made to fit you. We offer everything from basic alterations to total restyles.

Fashion Re-Styling

Have a fabulous jacket with big shoulder pads? An outdated suit that still has plenty of life left in it? Don't discard them! Bring them to us for an update. We will restyle your outdated pieces and bring them to life again with a few simple alterations.

Gentlemen

Let's face it, your appearance is important. Your wardrobe contributes significantly to the impression you make on others, your success, and your self-esteem. Look better, feel better. We can help you take that step to the perfect tailored fit.

Your suit will sit ideal on you upon completion. We are able to provide the most value and innovation per dollar by providing a satisfaction guarantee for every tailoring service provided.

Kids

Kids under 14 years receive 20%-50% off.

Pants & Jean Hemming

Pant Cuff Jeans Keeping the Original

Suit Alterations

Jacket Alterations

Shirt Alterations

Shoulder Alterations

Sleeve Alterations

Tapers Alterations

Waist In or Out Alterations

Custom made

Bridal

All clients enter the point reward program, under which they receive free hem after spending \$1000.

Galinas Tailor Shop

6794 S Westnedge Ave c, Portage, MI

[Write a review](#)

4.9 ★★★★★ 28 reviews

Sort by: Most relevant



Jeremy Dara

7 reviews · 1 photo

★★★★★ 2 months ago

I needed alterations on a hat and wool peacoat. Galina's did a wonderful job at a fair price. Very professional. I will do business with her again for sure. I'm very happy! Thank you!

Like

Response from the owner 2 months ago

Welcome. Thank you Jeremy , see you soon.



Philip Pierce

3 reviews

★★★★★ a week ago

Was very surprised dropped off a dress and got it back quickly. The lady there friendly and did a great job and the price was very affordable!

Like

Response from the owner a week ago

I was glad to help you, congratulations again.



Craig Oliver

13 reviews · 1 photo

★★★★★ 2 months ago

Friendly, helpful, knowledgeable tailoring and alterations. So, bring your suit, trousers, dress, gown, or trousseau: Galinas can help make you look amazing in well fitting clothes. Good value, too.



Brandon Wilkey

23 reviews · 1 photo

★★★★★ 2 months ago

Best tailor around. Honest opinion with great customer service.

Like

Response from the owner 2 months ago

Thank you Brandon.



Emily Hampton

Local Guide · 19 reviews · 7 photos

★★★★★ 6 months ago

Galina is great! She really knows her stuff and will tell you if you are better off with a different cut/style/size or getting your piece tailored.

Like

Response from the owner 6 months ago

Thank you, Emily .



Emily Farina

1 review

★★★★★ 8 months ago

I have been bringing all my bridesmaid dresses to Galina year after year and she never lets me down! Another plus is that she is open until 7pm weekdays which is great so you don't have to worry about fitting it into your 9-5 workday!

Like



Rita OBrien

375 reviews · 1,782 photos

★★★★★ 3 months ago

They did an amazing job fixing my uniform hat!!



Response from the owner 3 months ago

Thank you Rita OBrien, it's so nice to work with you. Galina



Joyce James

24 reviews

★★★★★ 5 months ago

Super lady, most helpful, great atmosphere, Highly Recommend 😊



Response from the owner 5 months ago

Thank you Joyce :) .



Terri Rider

Local Guide · 48 reviews

★★★★★ 4 months ago

Amazing job on my Mother of the groom gown!!! Thank you!



Response from the owner 4 months ago

You are welcome!!! Happy Thanksgiving day for you and your family



Laythen Young

4 reviews

★★★★★ 9 months ago

I cannot say enough good things about Galina! First of all she is an amazing seamstress and her work quality is top notch! Second of all, she is so friendly and makes you feel so welcome at her business! We had a mishap occurred during ... [More](#)



Response from the owner 8 months ago

Thank you Laythen, it's so nice work with you. Galina



Alex S

Local Guide · 102 reviews · 9 photos

★★★★★ a month ago

Love Galina! Only tailor I'll use in Kalamazoo.



Response from the owner a month ago

Thank you Alex S. :)



Ram Ridgeway

31 reviews

★★★★★ 3 months ago

Best tailor in the area. Knows her stuff. I love how personable and helpful Galina is.



**Mahritzah Wolf****Local Guide** · 236 reviews · 928 photos

★★★★★ a year ago

This lady is amazing at tailoring. I have taken at least 6 items in different occasions and she does such a professional job.



Like

Response from the owner 10 months ago

Thank you Marhritzah Wolf

**Michelle Homewood****Local Guide** · 79 reviews · 254 photos

★★★★★ 2 years ago

Galina is a pleasant and very helpful. I had a sweater that needed fixed in which I thought needed to be crocheted but she showed me that it only needed to be sewn.

If ever you need great job done and a friendly lady, go to Galina's.

Like

Response from the owner 2 years ago

Thank you so much.

**Elvy Gerez****Local Guide** · 28 reviews · 15 photos

★★★★★ a year ago

I've always gotten my suits and even military uniforms tailored here! Galina's is a pro and always gets the job done. Here prices are moderately price and even if its a last minute surcharge she is extremely reasonable. She has been in business for many years in portage area and her years of experience are clearly demonstrated within the quality of her work!

1

Response from the owner a year ago

Thank you Elvy

**Andrew Wright****Local Guide** · 14 reviews · 3 photos

★★★★★ a year ago

I'm so glad I found Galina's. I've had trouble finding someone to work on my Army uniforms, but she knew exactly where each patch goes. She was done quickly and they look great.

Like

Response from the owner a year ago

Thank you so much Andrew Wright. Have a nice day!!! Galina.

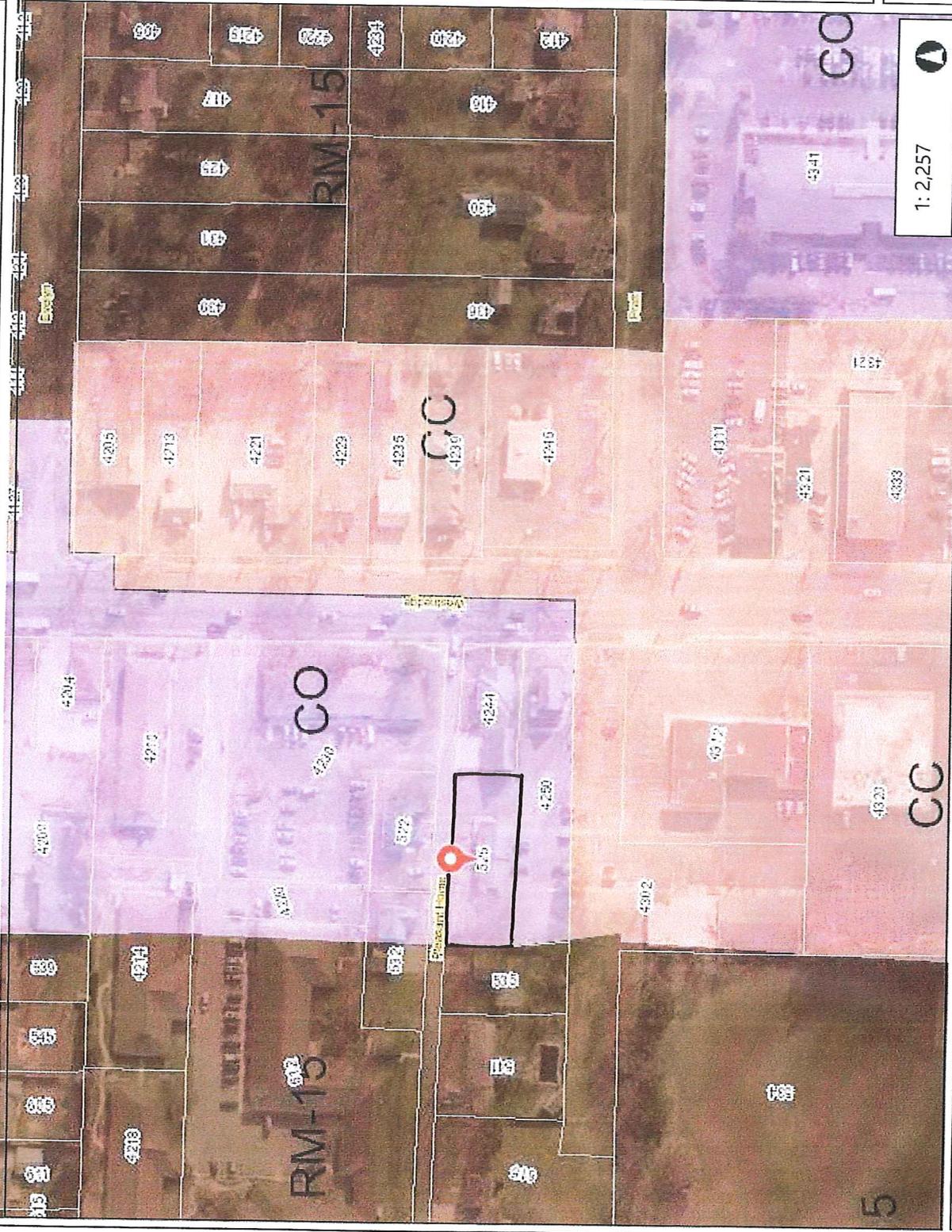
**Dean Newman**

1 review

★★★★★ 2 years ago

No hesitation in fully recommending Galina. She is a fantastic tailor, made a number of alterations to a store bought tuxedo for me. Very experienced and superb workmanship. Thanks Galina!

City of Kalamazoo GIS



Legend

Street Names - City

Parcels

Zoning

- CBTR
- CC
- CCBD
- CMU
- CN-1
- CO
- IC
- M-1
- M-2
- PUD
- RD-19
- RM-15
- RM-16C
- RM-24
- RM-36
- RMU
- RS-5
- RS-7

1:2,257

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 not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Eldridge, Peter

From: Eldridge, Peter
Sent: Wednesday, April 17, 2019 11:49 AM
To: 'jekindig@aol.com'
Cc: Durkee, Bobby; Bauckham, Robert; Anderson, Christina
Subject: 525 Pleasant Home Ct. - Proposed Galina's Tailor Shop

Jesse and Galina,

The property at 525 Pleasant Home Ct. is located in Zone CO, Commercial – Office District. The building at this location was last occupied as a Dentist Office. I understand that you have purchased this building and would like to move your business to this location. The Tailor Shop is not a permitted use in Zone CO. However, it would be a permitted use in Zone CC, Commercial- Community District. I understand you have spoken with the property owner to the south of you and they are not interested in rezoning their property to make it feasible for you to rezone your property. The Tailor Shop fits the land use category of 'Personal Convenience Service' which is not permitted in Zone CO (defined below).

'Personal Convenience Service': Provision of small personal items or consumer-oriented, personal services that do not include services from a licensed health or mental health care professional. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood grocery stores, drugstores, laundromats/dry cleaners and barbershops.

Galina's Tailor Shop: Business activities noted on website include customer –oriented personal service of tailoring clothing, making alterations or clothing repairs. Additionally, bridal alterations and other custom sewing work (pillows) were also noted. Hours of operation are 10 AM to 7 PM Monday to Friday. Saturday and Sunday by appointment only.

Background on the Commercial – Office District:

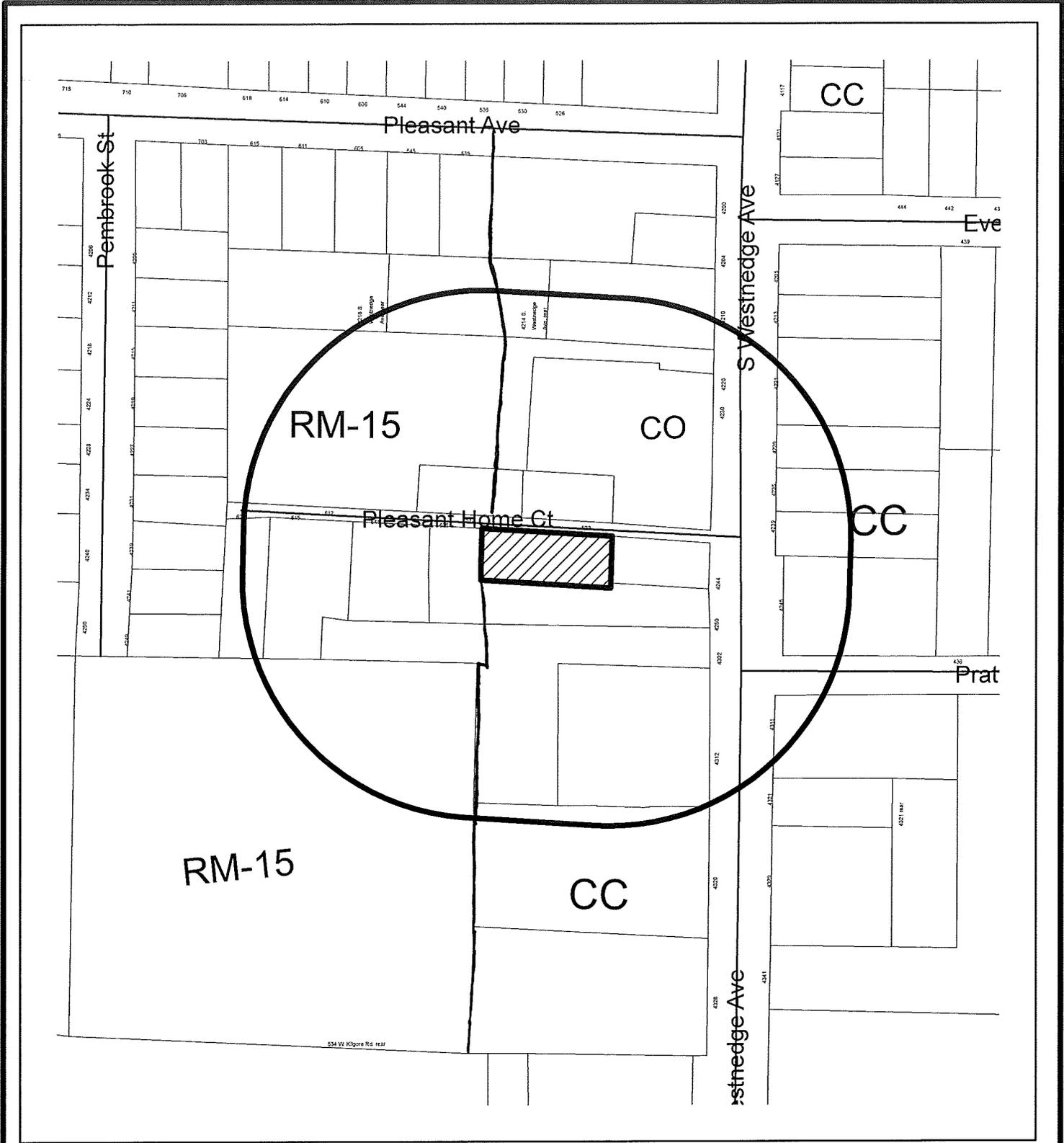
Description of Zoned District: The CO, Commercial Office district is generally intended to function as a medium- to high-intensity office district primarily along arterial streets. The district is intended to prevent strip commercial development by allowing office uses but no other commercial uses and to serve as a land use buffer between major streets and residential neighborhoods. It may also be an appropriate land use buffer between higher intensity commercial areas and residential neighborhoods

Examples of Business Located in Zone CO: Banks, Credit Unions, Real Estate Offices, Insurance Agencies, Funeral Homes, Medical Office, Dentist Offices, Medical Testing, Government Offices, Attorney's Offices, Administrative Offices, Architectural Firms, Photographic Studio, Driving Schools, Weight Loss Clinic.

Other Comments: Most of these office-type uses have regular hours during the week, so they are typically not opening in the evenings or much if any on the weekends. Signage allowed for offices in the Zone CO are also smaller than what is allowed in the more intensive commercial zone districts.

Zoning Board of Appeals – If you do wish to apply to the Zoning Board of Appeals I will need the application form dropped off Thursday morning (April 18th) to place this 'use variance ' request on the May 9th agenda. The fee for the use variance is \$495. In regard to use of the building, this building cannot be occupied until the use on the property is approved and the Site Plan Review process is completed.

Please let me know if you have any further questions.



300' Mailing Boundary
 525 Pleasant Home Ct.



0 20 40 80 Feet