

**Meeting Agenda**  
**City of Kalamazoo - Zoning Board of Appeals**  
**June 13, 2019**

**City Commission Chambers, City Hall**

**7:00 p.m.**

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- A. Call to Order:
- B. Communications and Announcements:
- C. Approval of the Meeting Minutes for May 9, 2019:
- D. Public Hearings:
1. 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
  2. ZBA #19-06-16: 527 W. South Street. Diekema Hamann Architects on behalf of the W.E. Upjohn Institute for Employment Research is requesting a use variance from Chapter 4, Section 4.1, to allow the former Hospital Hospitality House to be converted to commercial office space where in Zone RM-15, commercial offices are not permitted.
  3. ZBA #19-06-17: 1000 King Highway. Highway Partners, LLC is requesting a dimensional 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.
  4. ZBA #19-06-18: 3227 Konkle Street. Patricia Ann Smith is requesting a dimensional variance from Chapter 5, Section 5.1, to authorize a 2.5 foot building setback variance to allow the placement of a 10 foot by 20 foot carport 2.5 feet from the south side property line where a five foot building setback is required per the Zoning Ordinance.
  5. ZBA #19-06-19: 1104 Portage Street. Albox Properties, LLC is requesting a use variance from Chapter 4, Section 4.1, to re-authorize a distillery operation in Zone CC where distilleries are classified as a 'Manufacturing and Production' use, which is only permitted in the manufacturing zone districts. A use variance was approved on January 12, 2017 for the distillery but that approval has since expired. The applicant is also requesting a use variance from Chapter 4, Section 4.2 Q 3, to authorize the conversion of a portion of the ground floor level of the structure from commercial to a residential dwelling unit, where only commercial use is permitted on the ground floor level in the Zone CC.
- E. Other Business:
- F. Adjournment:

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
May 9, 2019 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** Matt Lager, Dick Skalski, Reed Youngs, Chris Flach, Christina Doane, Jeff Carroll

**Members Absent:**

**City Staff:** Pete Eldridge, Zoning Administrator; Clyde Robinson, City Attorney; Beth Cheeseman, Recording Secretary

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

Mr. Eldridge mentioned that there is a change to the agenda. The second item ZBA #19-05-13 1012 S Westnedge Ave. is being held over to the June 13<sup>th</sup> agenda, the purchasing on the property is not currently closed. There is also an additional item added to other business to discuss interviewing one of the vacancies.

**MINUTES:**

**Mr. Lager, moved to approve the minutes of March 14, 2019 as submitted, seconded by Mr. Carroll**

**Motion approved by voice vote unanimously.**

**NEW BUSINESS:**

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

**ZBA#19-04-12: 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) 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 items described above. There were 12 notices of public hearing sent and zero responses were received.

Brian Webster was the applicant for the variance,

Mr. Carroll read the application for 2805 E. Cork Street, Parcel #06-25-396-002: Which is situated in the use zone M-2 manufacturing limited district. The applicant is requesting one: approval of a rehearing per section 8.2 of the rules and procedure to allow the board to consider another request for a variance previously denied in February 2019 for the placement of the dumpsters in the front yard setback. Their second request is if the rehearing is granted a variance from section 6.3 D to allow the screened waste receptacle dumpster to be located in the in the front yard where screen waste receptacle is required to located in the rear or to the side of the primary structure. Mr. Carroll informed that the request will not change the zoning classification that it is a request for a variance only.

Mr. Eldridge informed that the first part of the application for the approval of a rehearing that it's handled without comment of the applicant. The board will have to determine if there is new or substantial information provided after the request was presented and denied from the board. If the board agrees the board will take a vote to approve the rehearing and move to following steps. He mentioned that the applicant did provide a revised plan for dumpster placement; it is currently shifted back near the building which added quite a bit of landscaping around it and recessed it from the parking lot and the building. The applicant provided alternative layout, showing the placement. In addition, this project is also going through site plan review. The determination is based on the packet submitted by the applicant.

Mr. Flach clarified the information of the rehearing request. That the location of the dumpster was relocated but that it still needs a variance.

**Mr. Lager; Supported by Mr. Carroll; Motioned for 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. Voice Vote was taken**

Mr. Lager explained that he is voting in favor of the rehearing. The layout is different; the board had various comments of the layout of it from the last hearing. He stated that this is response to those comments from the previous hearing.

**Mr. Eldridge conducted roll call – vote was unanimous**

Brian Webster; from Bryce & Associates, 487 Portage St.; He suggested another possible option to the committee that would be possibly more amendable. He suggested an alternate location that would be closer to the building and screened with masonry walls and landscaping. His second suggestion would be to locate the dumpster to the west end of the parking lot, which he believes would be more favorable. The only issue with the second option would be that the spot

would not be accessible for emergency responders which would cause a safety issue. The building will have around the clock monitoring.

Mr Lager clarified that there are two alternative options but the second option that would be located on the Westside of the parking lot would have safety issues in regards to inaccessibility for emergency vehicles. Mr. Lager questioned if this would of the zoning code, Mr. Webster informed him that technically it meets the zoning code. There was also clarification between Mr. Lager and Mr. Webster that the Southside option would need to be approved and it would need a variance.

Mr. Flach questioned Mr. Webster's experience with traffic in the area. Mr. Webster informed them that there is no development there at the moment so there is no traffic currently. There is also no residential in the area.

Mr. Eldridge informed the committee that the other site plan that was submitted for another facility on the Northside of the same road and that will have the dumpsters positioned outside of the front yard.

Mr. Skalski confirmed with Mr. Webster if there will be landscaping around the dumpster. Mr. Webster confirmed that there will be landscaping and a closure of some sort.

Mr. Skalski also questioned the type of service road will there be for the emergency vehicles to assist eliminating damages from the emergency vehicle. Mr. Webster informed the committee that they have requested a paved drive, initially it will be gravel.

Kyle Barker, 1210 Crown St. He is the developer and tenant of the site. He is concerned it will put the employees in unnecessary risk. He does want to see the project move forward in a compliant manner. He wants to make sure his employees are safe, so the visibility of the whereabouts of the employees is important to him for security and safety reasons.

**Chair Youngs closed the public hearing.**

Mr. Eldridge addressed some issues of the matter on hand. He mentioned that there was no prior mention of safety concerns of the dumpster placement for the employees or any other individuals. He mentioned that the board has the latitude, that if the site plan was to move forward it is important to identify where the dumpster is to be located specifically. He also informed the committee that in order moving forward, the applicant is to provide a site plan that meets all the ordinance requirements. He included the floor plan that is being proposed.

Mr. Carroll questioned if the conforming option, that does not change the footprint of the building. Mr. Webster informed that they shifted the side of the building.

Ms. Doan questioned if the conforming property has fewer front yards and what is different. Mr. Eldridge informed that the other development of the Northside on Full Circle Dr. has an access road that wraps around the building. They placed the dumpsters in the Westside yard of that building.

Mr. Lager questioned if they are voting on 2 different plans. Mr. Eldridge informed them that he is only supplying supplemental information of what has been proved to site plan committee.

Mr. Skalski expressed his preference of locating the dumpster inside the parking lot area. He would not prefer the Westside of the building. He believes it would be a visible problem.

City Attorney Robinson stated that the issue with cannabis is not really known what kind of problems it will create, there does have to be security. The waste will attract individuals who believe there to be traces of remaining debris of substance. The state of Michigan has administrated that the substance has to be impure with other waste like compost when being disposed.

Mr. Skalski questioned the hours of operation for the facility and Mr. Webster informed the committee members that it be a twenty four hour facility.

### **FINDING OF FACT**

Mr. Lager 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 March 26, 2019.
- 2.) 12 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 of Byce & Associates spoke for the applicant. The property at issue has two front yards on Full Circle Dr. which makes the placement of the dumpsters challenging. The applicant presented a visual of the conforming location of the Westside of the building and noted potential concerns in regards to safety caused by trespassers as well as access for emergency vehicles. He presented a non-conforming location of the Westside of the parking lot that will be voted on. Kyle Barker the developer of the project spoke in favor of the project and noted the safety concerns in regards to conforming placement of the dumpster.

**Mr. Carroll seconded the Finding of Fact.**

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

**Mr. Flach Supported by Mr. Skalski, Motioned to allow the 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.**

Mr. Eldridge questioned if the motion was due to the diagram that was in the packet. Mr. Flach clarified that the motion was determined by what was included in the packet, no other information.

Mr. Carroll noted he is conflicted with the issue, he explained that the fact there is a conforming design carries a lot of weight toward conforming. He is sympathetic of the safety concern, he is apprehensive as to why it was not disclosed at the prior meeting. The fact the employees are conflicted between safety and no safety concerns, is a matter that he must consider as a neutral situation. He expressed that when it comes to the decision making, whose rights or concerns does the committee need to consider the most, the applicant or the community. He appreciates that they moved the building.

Mr. Flach expressed that he is favor primarily because with the two front yards, geographic restrictions, the safety concerns and the fact this relatively new. He believes the issue in question is very low risk in comparison with what could potentially happen with possible trespassers.

Mr. Skalski is voting in favor because of the issues that were presented. He believes the location could potentially maximize green space. He is looking at the short term benefit as well as protecting some of the green area that could be lost with other alternatives

**Mr. Eldridge conducted roll call – vote was unanimous motion passed.**

Mr. Carroll read the application for 228 Rose Place, Parcel # 06-22-163-015:

**ZBA#19-05-14: 228 Rose Place: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of 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 a variance only regarding the items described above. There were 106 notices of public hearing sent and zero responses were received.

Mr. Besser was the applicant for the variance,

Mr. Besser, 228 Rose Place; informed the committee that he and his wife have looked into having chickens on their property for a while and stopped because they knew they would not be able to meet the requirement and ordinance with their small plot. They have verified with Skylar Starling, who responded that he had no issues with Hens since they do not have any roosters. They eventually built a chicken coop that houses roughly twelve chickens. If they receive a rooster they place a no crow collar on them, because they are too young to butcher. He mentioned that he did have an issue with a neighbor complaint a few years back due to the fact his daughter were raising a young rooster for an upcoming fair. They have a variety of hens and chickens and they only do this mostly for the eggs. The chicken coop is almost completely barrier proof, they monitor the chickens and they do not get out. They have a hard wire cloth and they built a smaller coop to acclimate the newer chickens.

Ms. Besser mentioned that the eggs they do receive, one of their neighbors places fruits and vegetables on the fence and they feed that to the chickens and they give their neighbors eggs in exchange for the fruits and vegetables, she also exchanges eggs for neighborly favors such as a ride to somewhere since she is blind and cannot drive. They do a lot of composting.

Mr. Besser also included that he has 12' inch bedding that is composed of pine shavings and leaves and makes the hen house odor free. They have fly traps to rid of the fly problems; the hens may make a little noise when they are laying eggs.

Mr. Carroll asked how long they have had the chickens; Mr. Besser responded that it's been roughly three years. Mr. Carroll also asked if they have new neighbors, Ms. Besser mentioned that to their knowledge they do not know if they have new neighbors because of where they are located, they towards the back of the street. They do know there is rental property around the area. Ms. Besser explained that she has spoken with her a lot of their neighbors and made sure that it was acceptable with the matter at hand that no one seemed to have an issue with it.

Ms. Doan questioned if they were in compliance and Mr. Besser explained that he did a lot of research to make sure that he is in compliance with the situation, so to his knowledge he believes he is in compliance.

### **Chair Youngs opened the public Hearing**

Mr. Starling, 224 Rose Place; is opposed to the situation. Initially he was accepting to the matter; his only concerns were the roosters and the smell. He mentioned that since they have built it, there have been numerous of times that his roommates and he have been woken up around three in the morning to the crows of roosters. He admits that Mr. and Ms. Besser have taken appropriate measures to quiet the roosters with the crow collars. Unfortunately that is not satisfactory enough from being disturbed by the roosters. Mr. Starling claims that he has been woken up eighteen day's in a row and they have filed noise complaints because his roommates have been having issues at work from lack of sleep. Mr. Starling presented two written letters from his roommates in regards to the issue. Mr. Starling claims that due to the smell he cannot have his windows open. He also presented a recording of the noise when he filed the complaint. He mentioned he has tried to talk the issue with Mr. and Ms. Besser but there has not been any improvement.

Mr. Carroll asked Mr. Starling that if Mr. and Ms. Besser could comply would it be a problem and Mr. Starling responded that he would not have a problem if they could comply.

Barb Shell, 828 S Rose; she is good friends with Mr. Starling. She and her husband also have chickens. She is in agreement with Mr. Starling that the area is small in Mr. Besser and Ms. Besser property. She agrees that you can smell the chickens and hear them throughout the day and night. She mentioned that other various neighbors have mentioned hearing the chickens. She added that she can also tell they are roosters not hens by the sounds of the crows.

Bobby Shell, 828 S rose; Ms. Shell's husband. He explained that he discussed with Mr. Starling that if this matter is approved he would assist in building a fence on his property to give him some privacy. He would like there be some sort of compromise amongst all the neighbors.

**Chair Youngs closed the public hearing.**

Mr. Eldridge mentioned that a copy of the zoning violations is included in the presented packet. He mentioned that the board has not approved any variances for chicken coop violations; he would like the board to take that into consideration with their deliberations.

**FINDING OF FACT**

Ms. Doan moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 228 Rose Place shall include all information included in the notice of public hearing dated April 23, 2019.
- 2.) 106 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.): Two letters from Skylar Starling's roommates, Matthew Camden and Vanessa Chase
- 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. Besser one of the applicants, spoke in favor, and the small plot prevents them from being in compliance. He has primarily hens and that he avoids roosters. The chickens are secure and taken care of, has taken steps to prevent odor. He has spoken with his neighbors; Mr. Bloom and Mr. Starling report no issues and number of empty nearby of rental property as well. Applicant reports that beyond property size they are in compliance. Mr. Starling opposed, originally had no issues overtime reports noise

concerns from the chicken on a frequent bases. Mr. Starling reports occasionally smell and filed a noise complaint on March, 2019. Ms. Shell opposed, agrees that the applicant does not have sufficient space and she can hear the chickens. Mr. Shell opposed, the yard is too small to keep chickens, also the noise and lack the ability to ignore the chickens due to privacy issues. The City staff also reports that the board has not approved a similar case in the past.

**Mr. Lager seconded the Finding of Fact.**

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

Mr. Eldridge mentioned that given the size of the property, the three votes should either be taken in one group or separate.

Attorney Robinson mentioned that it is hard to tell the property line and the rear of the house.

**Chair Youngs, second by Mr. Carroll Motioned for the approval of a dimensional variance to authorize a coop for chickens within 16 feet of the west property line**

**Mr. Eldridge conducted roll call – Vote was unanimous motioned denied**

**Chair Yougs, second by Mr. Carroll motioned for the approval of a dimensional variance to authorize a coop for chickens within four feet of the north property line,**

**Mr. Eldridge conducted roll call – Vote was unanimous motioned denied**

**Chair Youngs, second by Mr. Carroll motioned for approval of 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**

**Mr. Eldridge conducted roll call – Vote was unanimous motioned denied**

Mr. Carroll read the application for 525 Pleasant Home Court, Parcel # 06-33-484-002:

**ZBA# 19-05-15: 525 Pleasant Home Court: An application for a variance to the 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 a variance only regarding the items described above. There were 20 notices of public hearing sent and one response was received.

Galina Emelyanova was the applicant for the variance,

Ms. Emelyanova, 525 Pleasant Home Court; approached and explained that she has been in business for almost five years and every year her rent goes up and is almost five hundred dollars. She decided to buy her own property to keep the rent price the same. She went to realtor to assist her in finding a property who informed her she can move her business. She started renovating the property. She is asking to move her business from Westnedge to her personal property at 525 Pleasant Home Court. It would be six hour days and Saturdays would be by appointment. She explained she would take holidays off and school breaks for her son. She won't be working every day.

Mr. Kindig, is her husband; explained that the property would be a tailor office instead of a dental office. The parking agreement is already in place and only need to clean the inside and outside and some minor maintenance.

Mr. Flach questioned if they are going to change the exterior of structure and Mr. Kindig responded they would update the handicap and some landscaping.

**Chair Youngs closed the public hearing.**

Mr. Eldridge mentioned that he included emails in regards of the property in question into the packet. He explained that commercial office zoned district, personal service use is not included in this zone. The commercial office is designed for low intensity commercial use area; typically offices are utilized most heavily Monday through Friday normal working hours and very minimal on the weekends. He explained that Commercial office is a good transition to residential from the commercial community, their realtor reassured them everything was okay and obviously it wasn't. He presented a zoning map for a visual of the area and that he suggested the applicant contacting their neighbor, at 2250 S. Westnedge to suggest a rezoning who then denied the request. Which now led the applicant to where they are now, requesting a variance approval.

Mr. Carroll questioned if dentist provide personal services. Mr. Eldridge explained that dentist offices are categorized as office uses that are allowed.

Mr. Youngs mentioned that this is an existing facility, and doesn't have any high traffic and the parking lot is already taken care of.

Mr. Lager questioned if it would be possible to have variance that is intended for the business and not for the land. Mr. Eldridge responded that this goes with the land it would be difficult to identify it for the user or business.

Mr. Eldridge explained that if the board is concerned of certain aspects to approving this they can tie contingencies to the approval.

Attorney Robinson requested that if they can prohibit general retail sales for the variance. That it would have to be a personal service type business.

Mr. Carroll asked if the staff have concerns about the hours. Mr. Eldridge explained the hours are limited. Ms. Emelyanova explained the hours that it is by appointment and that you can look at her website. She mentioned a letter she received. Mr. Eldridge asked if there will be products that she will be selling and Ms. Emelyanova replied that she will not be selling any products.

## **FINDING OF FACT**

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 525 Pleasant Home Court shall include all information included in the notice of public hearing dated April 23, 2019.
- 2.) 20 notices of public hearing were sent and one response was received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 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: the applicant Galina Emelyanova mission is to move her tailor shop to avoid increased rent and save money on her budget. She purchased her property and was misled by her realtor in believing it was a conforming use when in fact it wasn't. She says that her business is low traffic and she has already started renovations. There will be no retail sales. This will be by appointment the applicant is expecting low traffic. Mr. Kindig explained that there will be no change to the structure of the property only basic maintenance and improvements. Staff said they have tried to rezone that was ineffective. Attorney Robinson requested they restrict retail sales.

**Mr. Lager seconded the Finding of Fact.**

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

**Mr Carroll, second by Mr. Lager 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 with the condition that retail sales shall be prohibited.**

Mr. Flach mentioned that as a realtor himself he sympathized for the applicant and is in favor for the applicant.

Mr. Lager explained that he is in favor and that a tailor shop is much more consistent with the traffic and use that you would see at a dentist office.

**Mr. Eldridge conducted roll call – vote was unanimous motion passed**

**OTHER BUSINESS:**

Mr. Youngs mentioned that he met with Beth Vandenhomburg in regards to fill the open vacant spot on the board. She works at WMU and lives in the neighborhood. She seems to have the right motivation to serve.

Mr. Eldridge mentioned that she was involved in the fund raising for Freys Park. She has done some project management.

**Mr. Carroll, second by Mr. Youngs motioned to recommend to City Commission to place Beth Vandenhomburg on the Zoning Board of Appeals as an alternate. Voice Vote was taken motion passed.**

**ADJOURNMENT:**

**The meeting was adjourned at 8:50 p.m.**

**Submitted By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Recording Secretary

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_  
City Staff

**Approved By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Chair



**Community Planning and Economic Development**

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

NOTICE OF PUBLIC HEARING

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](http://www.kalamazoocity.org/boards)

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

Sincerely,  
ZONING BOARD OF APPEALS

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

Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File



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

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.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 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. Westledge 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.*

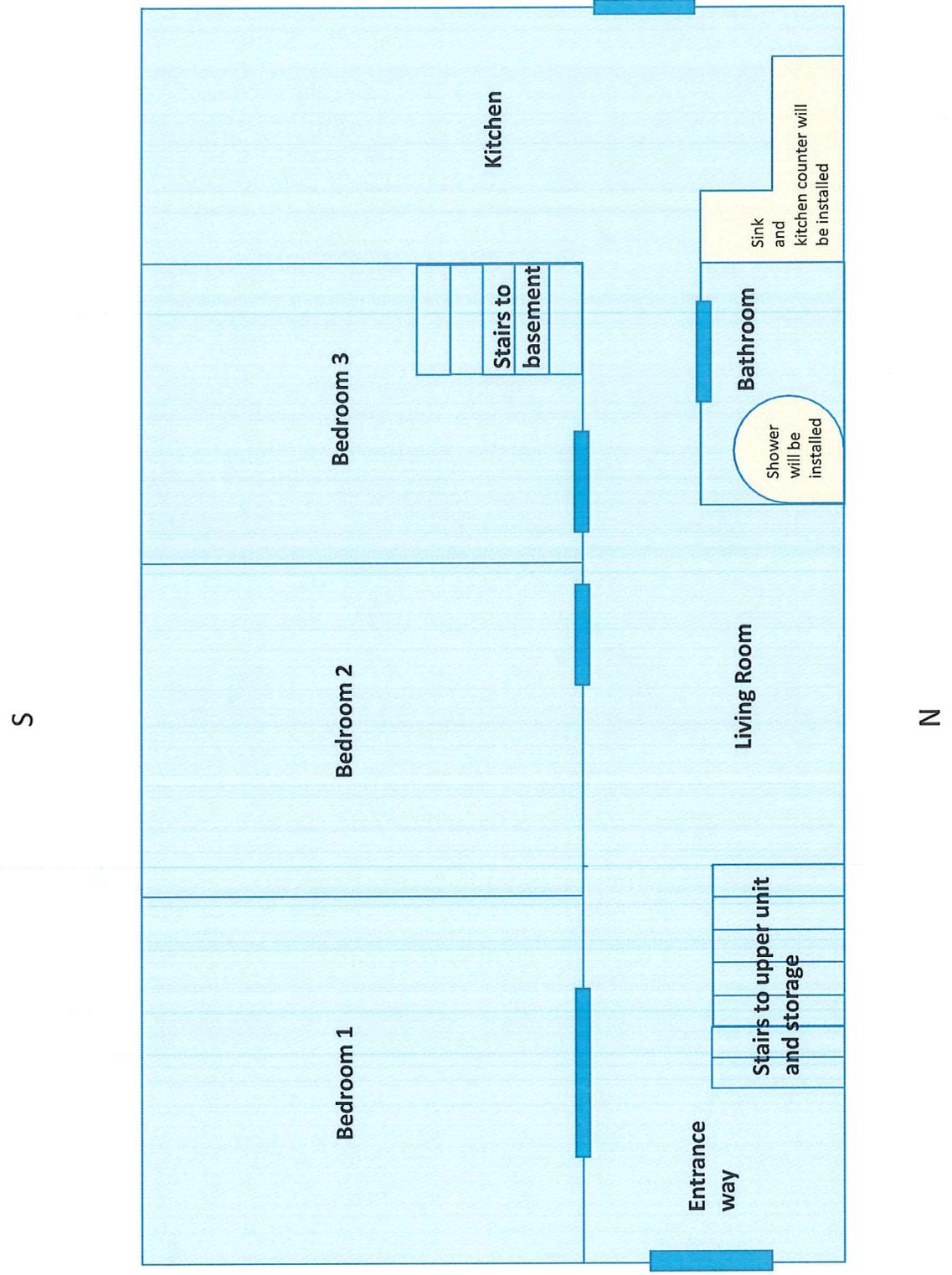
*Converting the back office to a kitchen, and installing a standup shower in the bathroom would easily convert this unit to a desirable 3-bedroom residence on a block that has a mix of residential and commercial units. This is illustrated on the sketch plans that we have included.*

*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. Westnedge Ave.



W

S

N

E

1020 S. Westnedge Avenue











**Community Planning and Development  
Historic District Commission**  
415 E. Stockbridge  
Kalamazoo, MI 49001  
Telephone: (269) 337-8804; FAX (269) 337-8513  
[ferraros@kalamazoocity.org](mailto:ferraros@kalamazoocity.org)

PROPERTY ADDRESS: 1012 S WESTNEDGE AVE  
06-21-299-003

06/03/2019

WOLVERINE PRODUCTIONS LTD  
1012 S WESTNEDGE AVE  
KALAMAZOO, MI 49008

Use Variance

Zoning Board of Appeals

This house, located in the South Street – Vine Area Local Historic District, has been an office use for many years. The Historic District Commission and the historic preservation coordinator strongly supports a use variance to allow the house to return to its original use as a residential property.

Thank you.

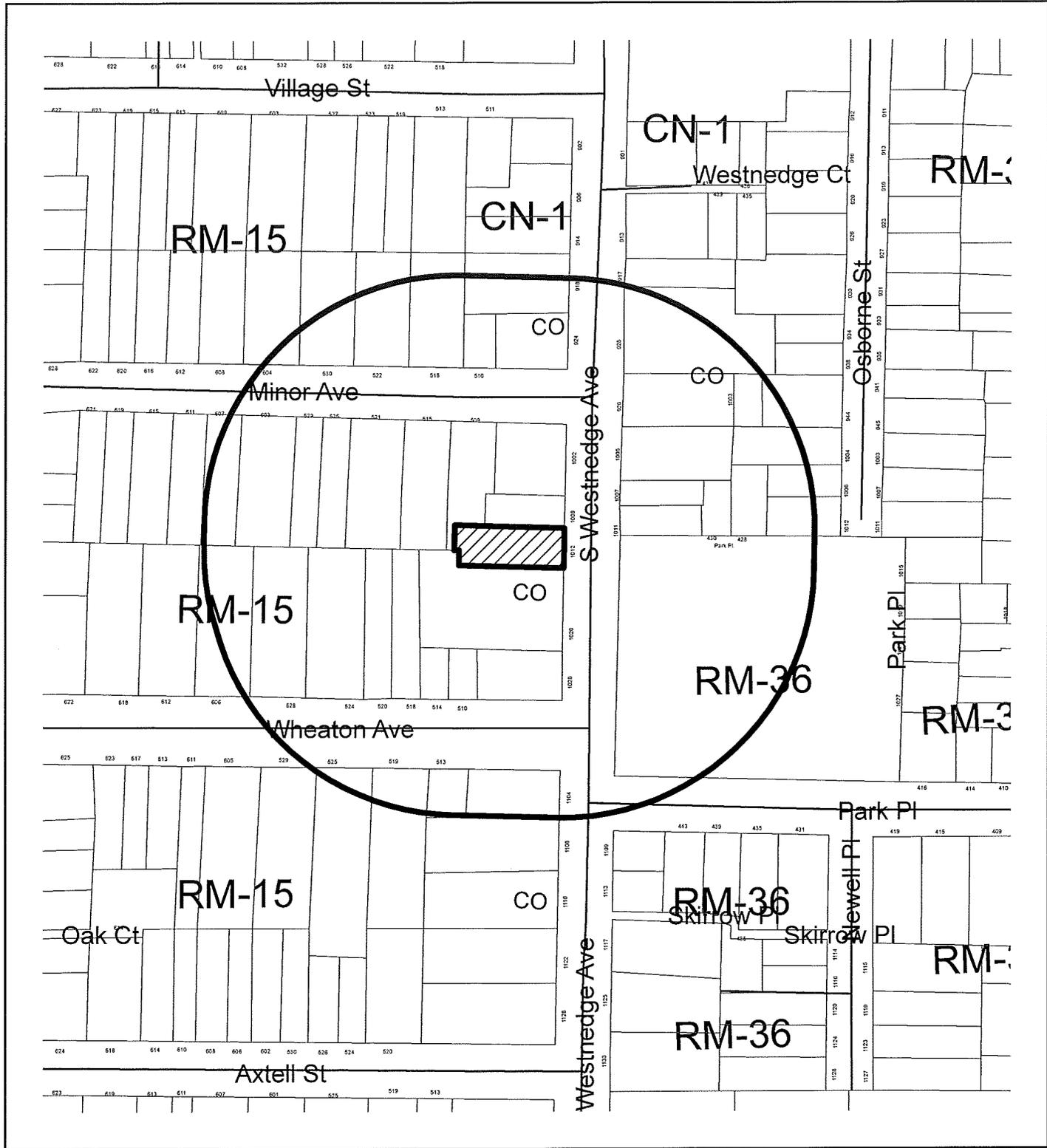
A handwritten signature in black ink that reads 'Sharon Ferraro'.

Sharon Ferraro, Historic Preservation Coordinator  
Phone (269) 337-8804 FAX (269) 337-8513 email: [ferraros@kalamazoocity.org](mailto:ferraros@kalamazoocity.org)

06/03/2019

Date

cc: property file



300' Mailing Boundary  
 1012 S. WESTNEDGE



0 2040 80 Feet



## Community Planning and Economic Development

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

### NOTICE OF PUBLIC HEARING

May 29, 2019

**RE: ZBA #19-06-16**  
**527 W. South Street**  
**Parcel #06-16-498-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Diekema Hamann Architects on behalf of the W.E. Upjohn Institute for Employment Research. The request concerns the property at 527 W. South Street in use Zone RM-15, Residential – Multi Dwelling District.

The applicant is requesting a use variance from Chapter 4, Section 4.1, to allow the former Hospital Hospitality House to be converted to commercial office space where in Zone RM-15, commercial offices are not permitted.

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, June 13, 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](http://www.kalamazoocity.org/boards)

If you have any questions, please call (269) 337-8026 or submit by email at [eldridgep@kalamazoocity.org](mailto: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 \_\_\_\_\_ Diekema Hamann Architects \_\_\_\_\_  
 Address \_\_\_\_\_ 612 S. South Park St \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Kalamazoo, MI 49007 \_\_\_\_\_  
 Phone \_\_\_\_\_ Katie Potts (kpotts@dhae.com) \_\_\_\_\_  
 \_\_\_\_\_ Norm Hamann (nhamannjr@dhae.com) \_\_\_\_\_  
 Fax \_\_\_\_\_ Main office: (269)373-1108 \_\_\_\_\_

**Owner:** Name \_\_\_\_\_ W.E. Upjohn Institute for Employment Research \_\_\_\_\_  
 Address \_\_\_\_\_ 300 S. Westnedge Avenue \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Kalamazoo, MI 49007 \_\_\_\_\_  
 Phone \_\_\_\_\_ Don Edgerly \_\_\_\_\_  
 \_\_\_\_\_ edgerly@upjohn.org \_\_\_\_\_  
 Fax \_\_\_\_\_ (269)385-0439 \_\_\_\_\_

(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 \_\_\_\_\_ 527 W. South Street, Kalamazoo, MI 49007 \_\_\_\_\_

This property is located between S Westnedge Ave and Oak street, on the

north  south  east  west side of the street.

CCN# 06-16-498-003 Zone RM-15

### Type of Request

Interpretation of Chapter(s) \_\_\_\_\_ Sections(s) \_\_\_\_\_

Paragraph(s) \_\_\_\_\_ of the City of Kalamazoo Zoning Ordinance.

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

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

**Appeal of an Administrative Decision**

Description \_\_\_\_\_

### Attachments

- \$495 Fee  Letter signed by owner
- 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 5/14/19  
 Signature of Owner (if different than applicant) \_\_\_\_\_ Date 5/14/19

# ***The W.E. Upjohn Institute for Employment Research***

---

*300 South Westnedge Avenue Kalamazoo, MI 49007 phone (269) 343-5541  
fax (269) 343-3308  
e-mail edgerly@upjohn.org*

*Don Edgerly  
Administrator*

May 8, 2019

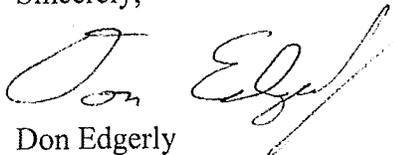
Pete Eldridge  
415 Stockbridge Ave  
Kalamazoo, MI 49001

Dear Mr. Pete Eldridge,

On behalf of W.E. Upjohn Institute, Diekema Hamann Architecture + Engineering is applying for a Zoning Use Variance for our property with the address of 527 W. South Street.

If the current Zoning Ordinance is applied strictly to this property, unnecessary hardship will result. We understand that the 527 property is zoned as residential. In an effort to expand our campus, as we have previously done with 515 W. South Street, we purchased 527 with the intent of using it for commercial office space. Because of these circumstances, we are agreeing to the Use Variance for 527 W. South Street.

Sincerely,

  
Don Edgerly

May 16, 2019

Pete Eldridge  
415 Stockbridge Ave  
Kalamazoo, MI 49001

Dear Mr. Pete Eldridge,

On behalf of the W.E. Upjohn Institute, Diekema Hamann Architecture + Engineering is applying for a Zoning Use Variance for 527 W. South Street. The attached letter from Don Edgerly documents the owner agreeing to this variance.

The Upjohn Institute purchased 527 from the Hospital Hospitality House. While 527 was used as a hospitality house, there were 6 guest rooms and 3 employee desks that could accommodate up to 23 people total. At that time, the Hospitality House utilized Upjohn's existing parking lot which is accessed from Lovell and located adjacent to 300 S. Westnedge. For the renovation project, Upjohn anticipates moving 8 business staff members to 527 W. South Street.

The Upjohn Institute does not have plans to grow their number of employees. Rather, the space provided by 527 will offer breathing room and flexibility for when economists visit. Because of the previous parking agreement with the Hospitality House, it is our understanding that this new office use will not impact existing parking or traffic.

There is an existing parking agreement between Upjohn and Faith Temple Church of God (402 S Westnedge). The parking lot is within the 660 ft radius of 527 W. South. As part of our future Site Plan Review Application, this parking agreement will be documented.

The Boudeman House, 515 W. South Street, is currently owned and utilized by the Upjohn Institute and is used as a commercial office space. This lot was previously rezoned for commercial use.

We met with the Historic District Commission regarding 527 and gained approval for the removal of the existing south porch, the new entry alcove addition and the conversion of the carriage house into guest cottage. The efforts made to save the carriage house and repurpose it for Upjohn's visiting economists were supported.

**KALAMAZOO**

612 S. Park Street  
Kalamazoo, MI 49007

**TEL** 269.373.1108  
**FAX** 269.373.1186

**GRAND RAPIDS**

15 Ionia SW, Suite 330  
Grand Rapids, MI 49503

**TEL** 616.301.7373  
**FAX** 616.301.7372

I appreciate you taking time to speak with me about this project.  
Thank you again.

Sincerely,

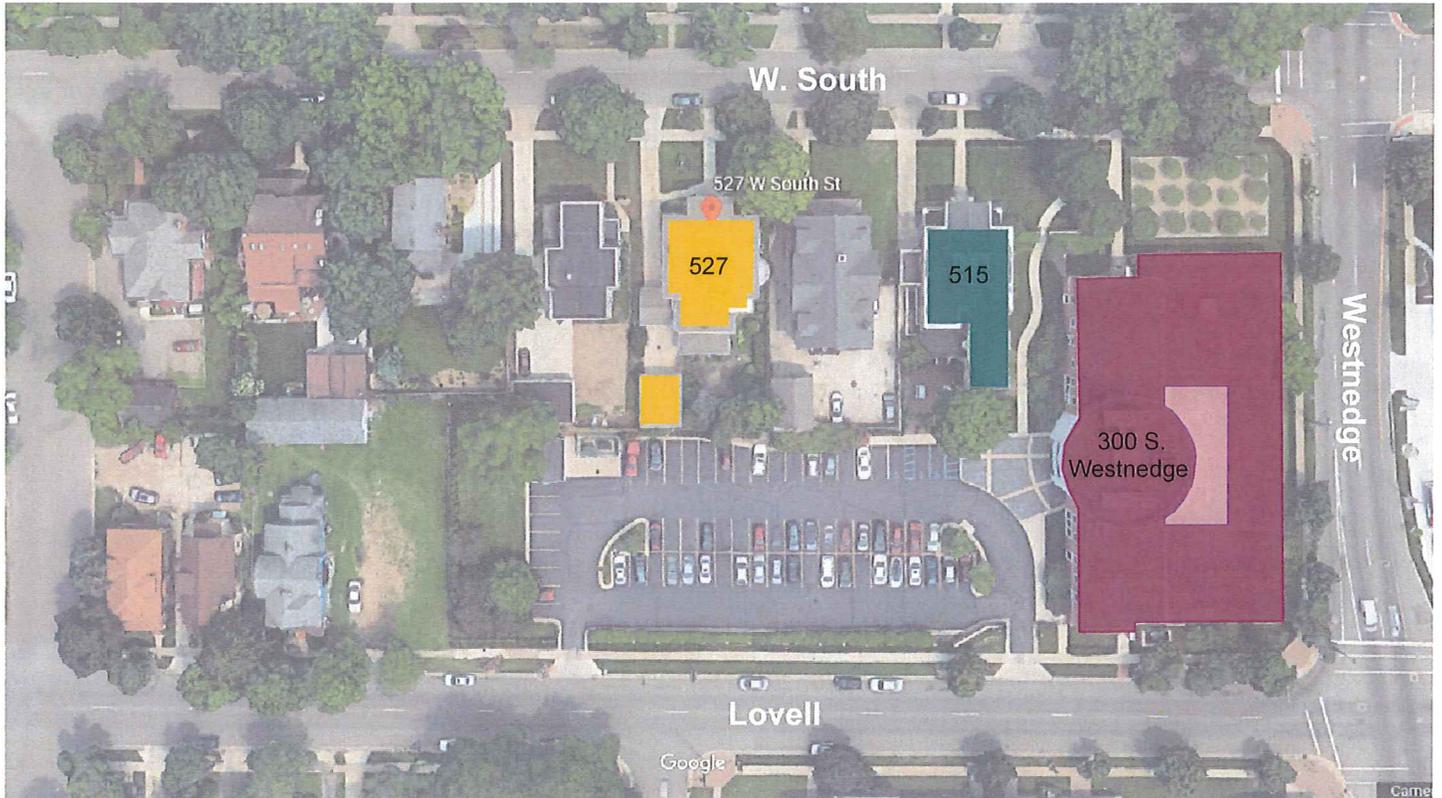


Katie Potts  
Architectural Project Coordinator

# AERIAL OF UPJOHN'S CAMPUS

DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

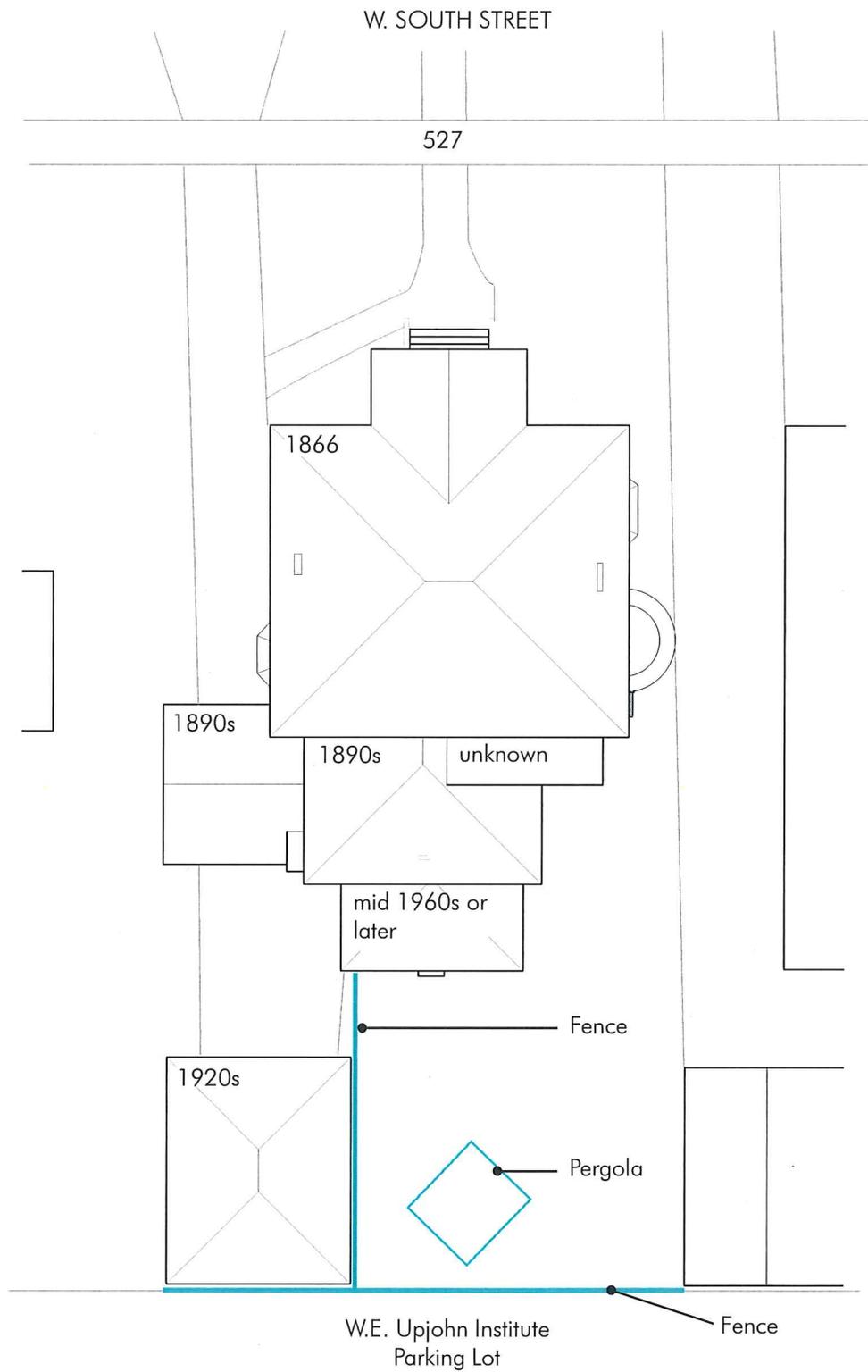


N  
SCALE:  
1" = 100'-0"

# EXISTING - SITE

# DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

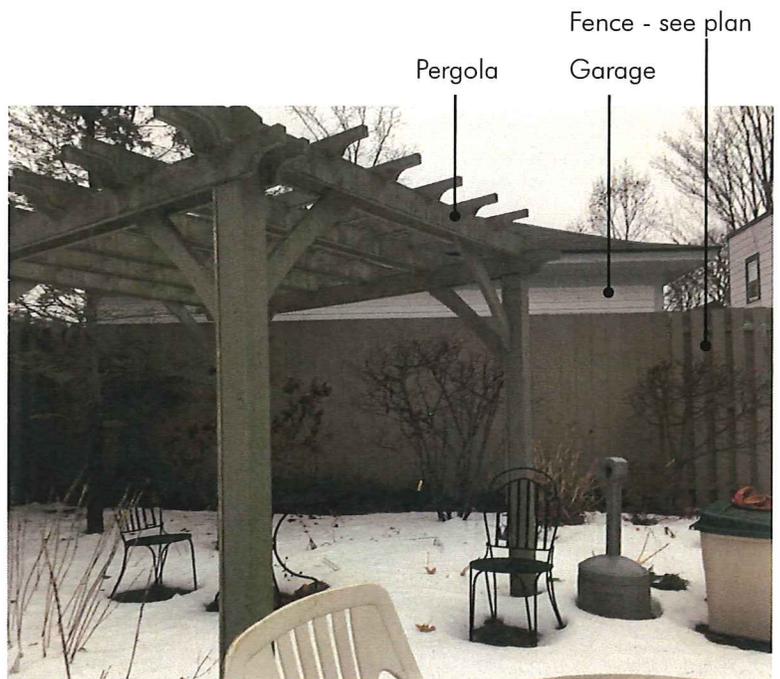


- REMOVE EXISTING SOUTH PORCH
- REMOVE EXISTING PERGOLA AND FENCE ALONG SOUTH PROPERTY LINE

N  
SCALE:  
3/64"=1'-0"

# PHOTOS - EXISTING SITE

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019



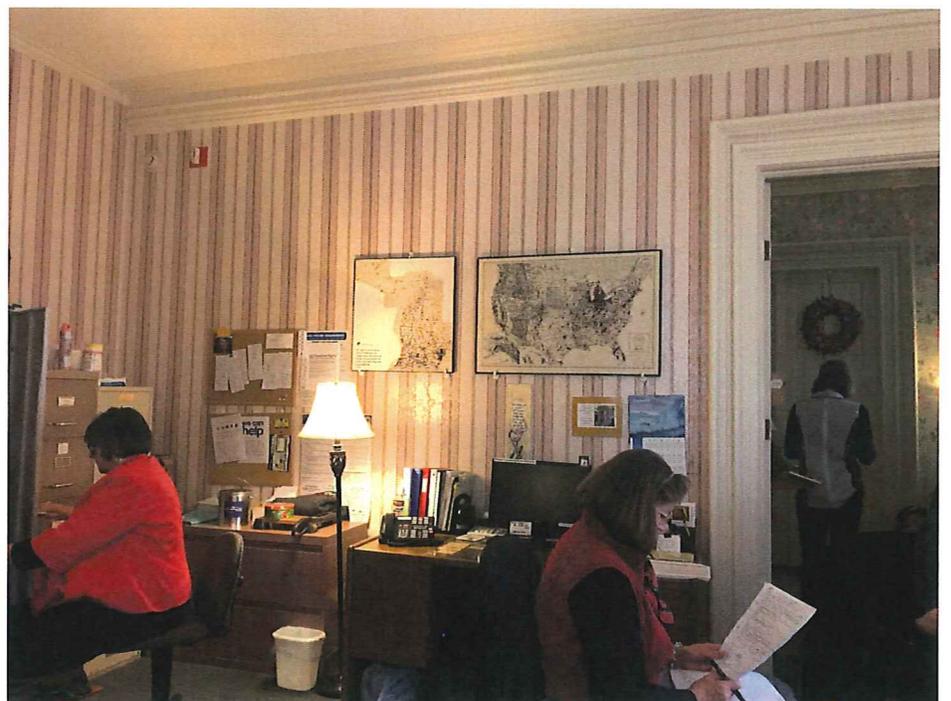
# PHOTOS - HOSPITALITY HOUSE

DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

## HOSPITALITY HOUSE AS COMMERCIAL BUSINESS

- EXIT SIGNS
- FIRE ALARM SYSTEM
- FIRE EXTINGUISHERS
- POSTED EGRESS PLANS
- SHARPS CONTAINERS IN RESTROOMS
- OFFICE SPACE FOR 3 EMPLOYEES



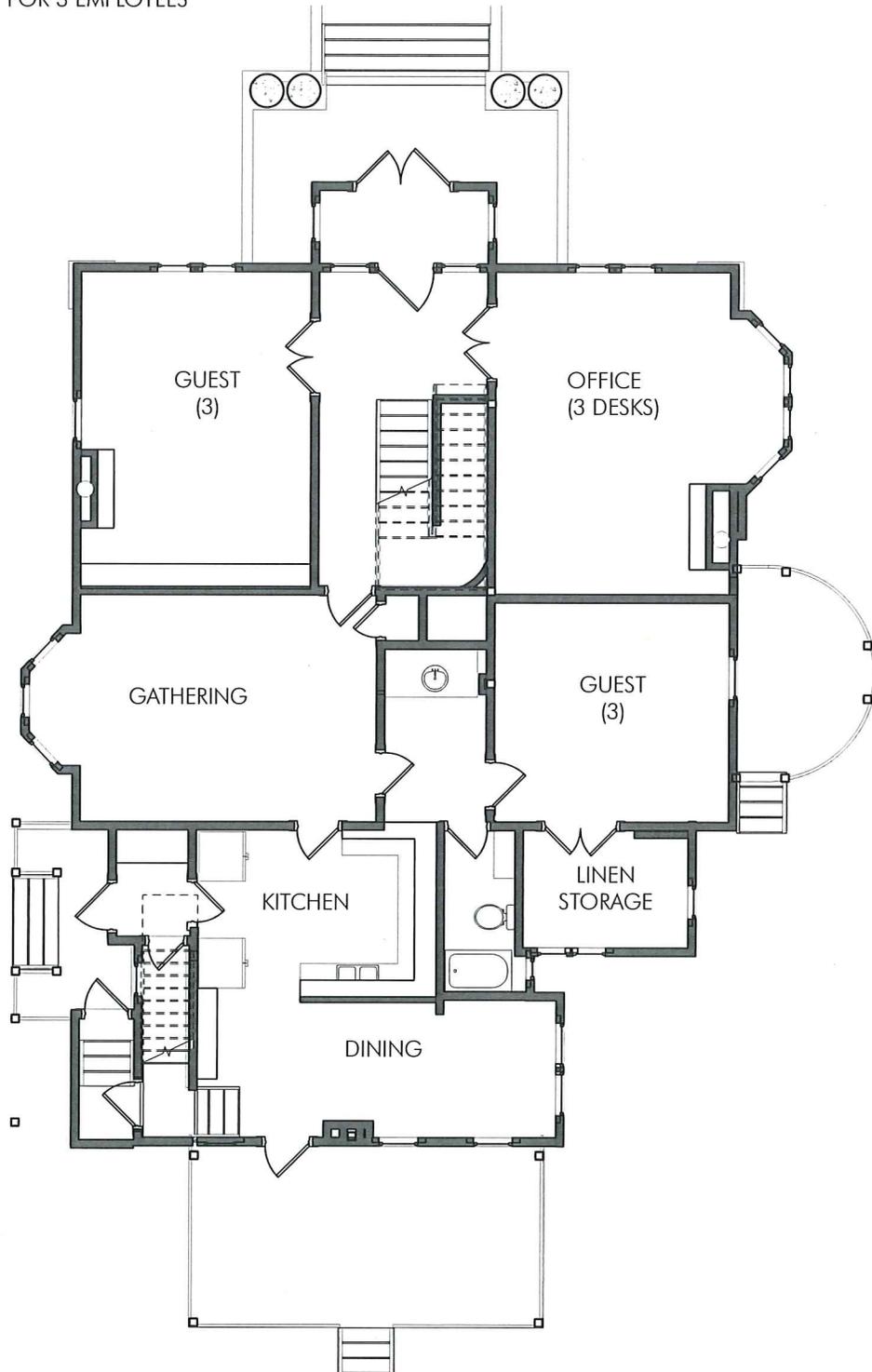
# EXISTING PLAN - 1ST FLOOR

# DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

1ST FLOOR:  
SLEEPING SPACE FOR 6 GUESTS  
DESKS FOR 3 EMPLOYEES

HOUSE TOTAL:  
23 OCCUPANTS



N  
SCALE:  
3/32" = 1'-0"

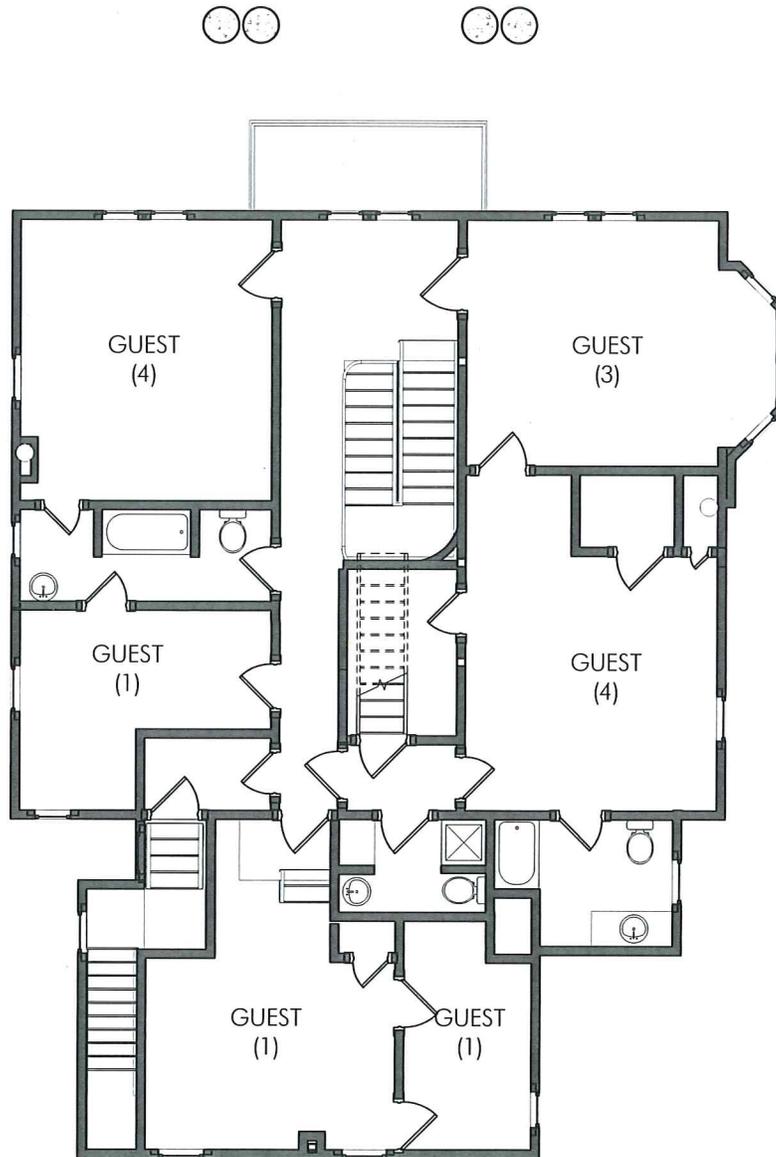
# EXISTING PLAN - 2ND FLOOR

# DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

2ND FLOOR:  
SLEEPING SPACE FOR 14 GUESTS

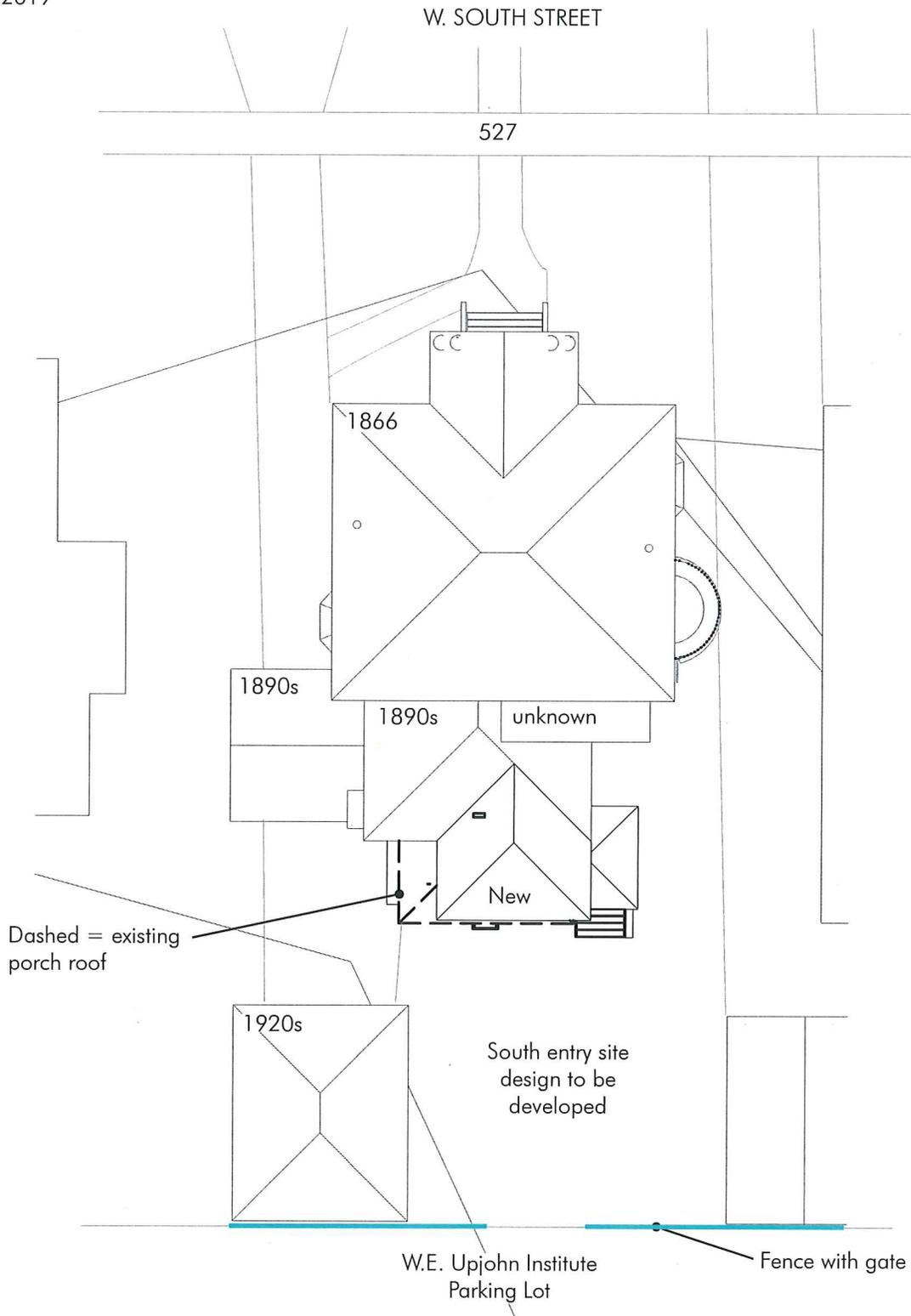
HOUSE TOTAL:  
23 OCCUPANTS



N  
SCALE:  
3/32" = 1'-0"

# PROPOSED - SITE

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

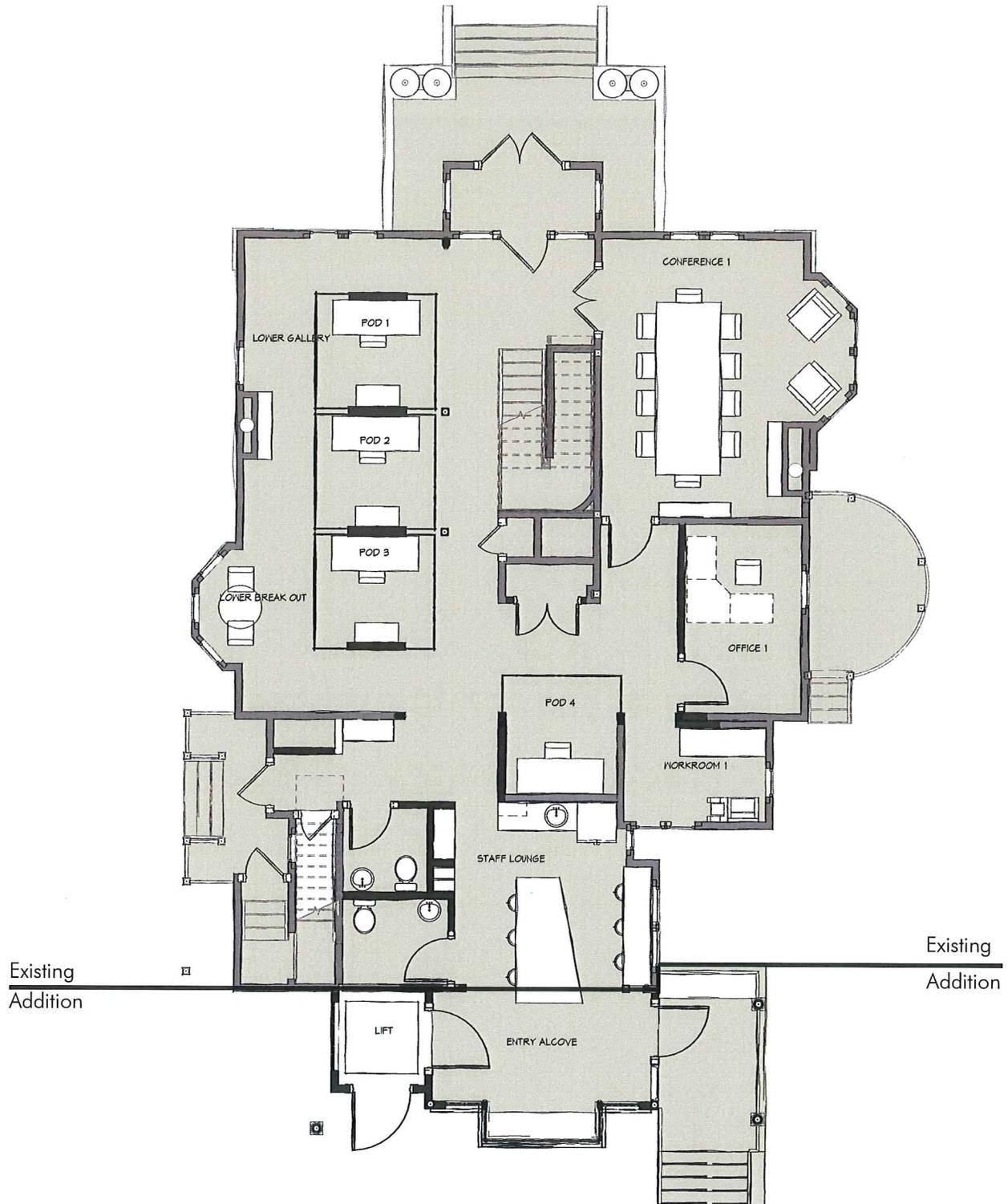


- RENOVATE EXISTING HOUSE
- BUILD ENTRY ALCOVE ADDITION
- CONVERT EXISTING GARAGE INTO ADA ACCESSIBLE COTTAGE
- BUILD NEW FENCE WITH GATE

# PROPOSED DESIGN - 1ST LEVEL

# DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

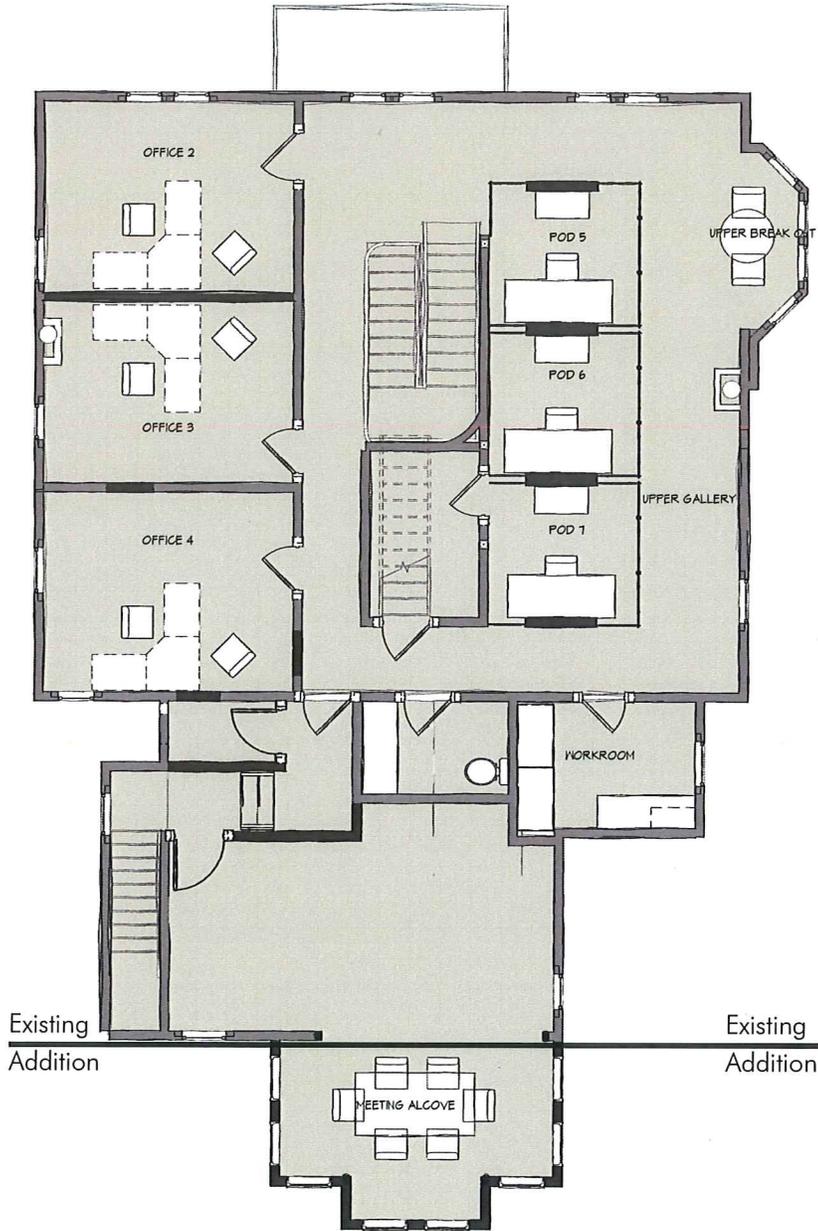


N  
SCALE:  
3/32" = 1'-0"

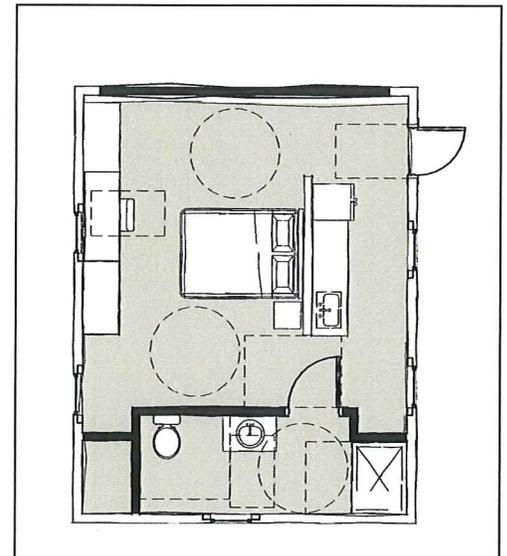
# PROPOSED DESIGN - 2ND LEVEL

DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019



## STUDIO COTTAGE



N  
SCALE:  
3/32" = 1'-0"

# PROPOSED DESIGN - PERSPECTIVES

# DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

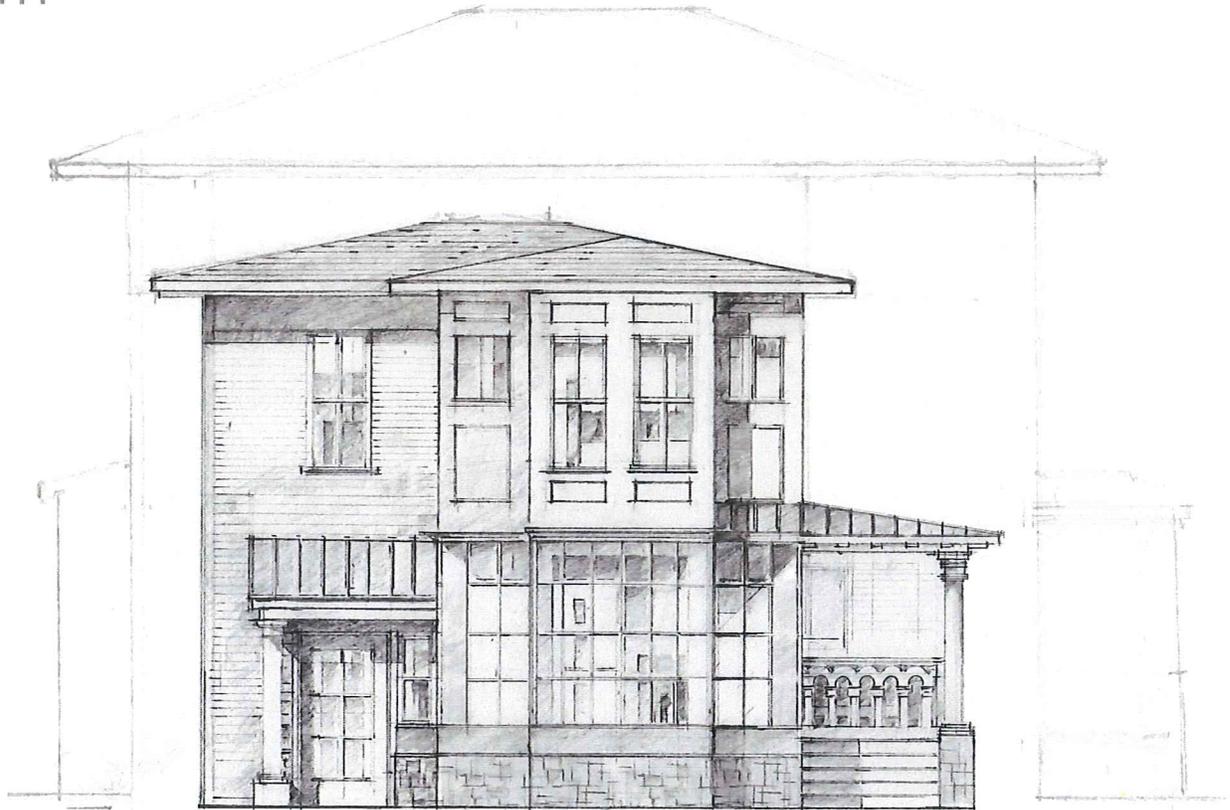


# PROPOSED DESIGN - ELEVATIONS

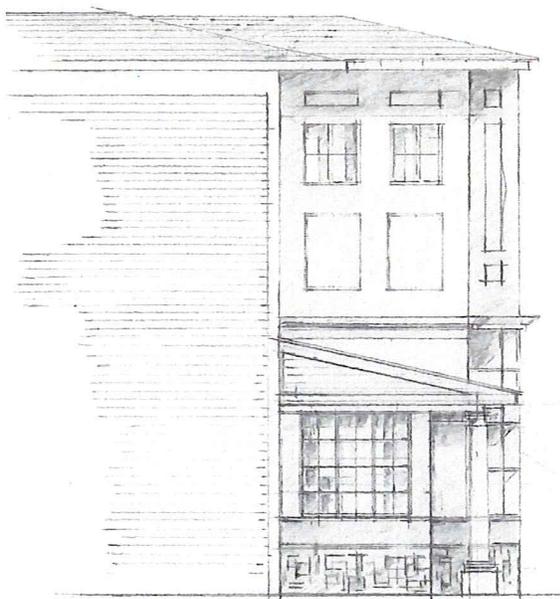
DIEKEMAHAMANN

UPJOHN INSTITUTE 527 W. SOUTH STREET RENOVATION  
05.16.2019

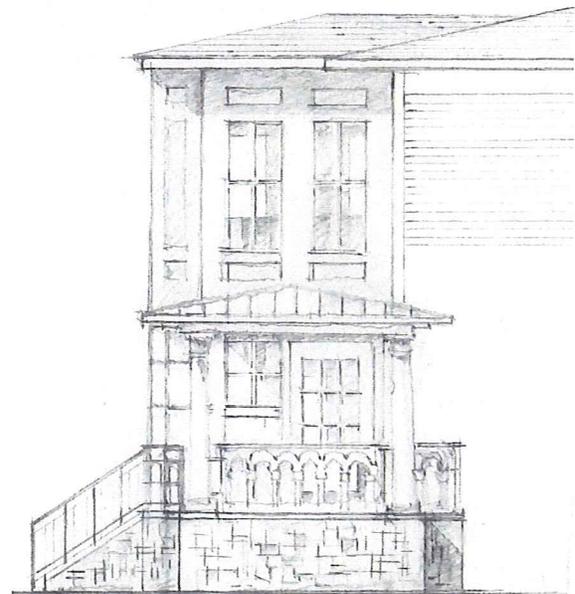
## SOUTH



## WEST



## EAST





Community Planning and Development  
Historic District Commission  
415 E. Stockbridge  
Kalamazoo, MI 49001  
Telephone: (269) 337-8804; FAX (269) 337-8513  
[ferraros@kalamazoo.org](mailto:ferraros@kalamazoo.org)

## CERTIFICATE OF APPROPRIATENESS

Date of Issue: 03/20/2019

**PROPERTY ADDRESS: 527 W SOUTH ST  
06-16-498-003**

**OWNER:**

UPJOHN, W.E UNEMPLOYMENT TRSTE CORP  
300 S WESTNEDGE AVE  
KALAMAZOO, MI 49007

**Applicant:**

**Diekema Hamann AE**  
**Attn: Katie Potts, Norm Hamann**  
**612 S. Park**  
**Kalamazoo MI 49007**

**Responsible Party (If different than owner):**

HOSPITAL HOSPITALITY HOUSE  
527 W SOUTH ST  
KALAMAZOO, MI 49007

Case Number: PPZ19-0001

Historic District: South Street – Vine Area

Date of Application: February 12, 2019

At the **March 19, 2019** meeting of the Historic District Commission, your request to **for the work specified below was APPROVED in accordance with Chapter 16 of the Code of Ordinance of the City of Kalamazoo and Michigan Compiled Laws 399.205.**

- 1. Removal (and, if possible, salvage) of the rear/south porch and**
- 2. Construction of a new two story entry bay as specified.**
3. The commission approves a Certificate of Appropriateness for this project.
4. FINAL DETAILS TO BE REVIEWED AND APPROVED BY THE HISTORIC PRESERVATION COORDINATOR

A separate building permit is required for the proposed work. Beginning work without a building permit may result in doubling the required permit fee.

NOTE: Unpainted wood must be painted within six months of installation (excluding November through April) except fences and decks in the rear yard.

**The Historic District Commission found the proposed work to be in compliance with Kalamazoo Historic District Standards and Guidelines and to be in substantial compliance with The Secretary of the Interior's Standards (Standards #9 and #10). This certificate is valid for 6 months from the date of**

issue through MONTH ##, 201X. (Call 337-8804 for renewals.)

IMPORTANT: Historic District Commission approval does NOT constitute a blanket approval to begin work. It is the owner's responsibility to obtain and pay for all necessary building permits, sign permits, zoning approvals, site plan review or Housing (rental inspections) approval for the proposed work. It is HIGHLY RECOMMENDED that the owner or applicant call 337-8026 to inquire about zoning or planning approval, building, mechanical or sign permits, or, if this is a rental property, contact your rental housing inspector.

- *Please post the enclosed green sign facing the street when work begins and contact staff when the approved work has been completed for a clearance review or if a decision is made not to pursue the project. (269-337-8804 or [ferraros@kalamazoocity.org](mailto:ferraros@kalamazoocity.org) including the address where the completed work took place)*
- If you have any further questions about this project, Historic District Commission Standards and Guidelines for Rehabilitation or assistance in planning future projects, please call the coordinator at 337-8804, Monday through Friday, 8AM to 5PM.

*Please keep this letter in your files for this property.*



Sharon Ferraro, Historic Preservation Coordinator  
cc: property file

03/20/2019

Date

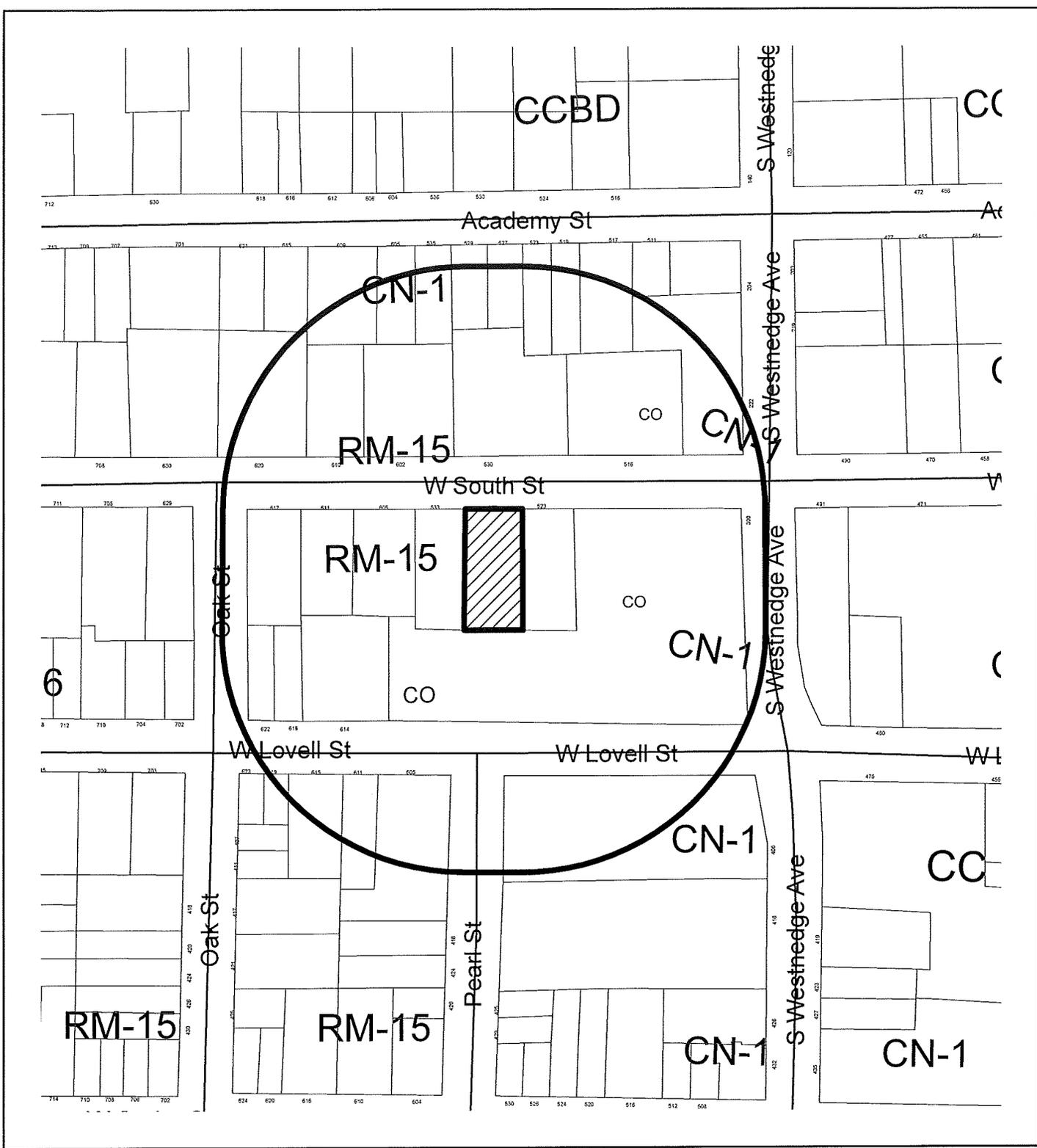
**Chapter 16, Section 22** of the City of Kalamazoo Code of Ordinance states:

Historical preservation is a public purpose. To serve that purpose, the Historic District Commission is hereby charged with the following responsibilities:

- (1) The Kalamazoo Historic District Commission is empowered to regulate Work on the exterior of historic resources and non-historic resources in historic districts in the City of Kalamazoo and shall otherwise have all powers invested in Historic District Commissions pursuant to the Local Historic Districts Act, MCLA § 399.201 et seq. 1970 PA 169, as amended.
- (2) To regulate Work on resources which, by City ordinance, are historic or non-historic resources located within local historic districts, including but not limited to the moving of any structure into or out of, or the building of any structure in, an historic district.

The following documents are available in the Community Development Department located at 415 E. Stockbridge. These documents will help assist property owners in understanding the responsibilities of owning property in a local historic district, MCLA § 399.201 et seq. 1970 PA 169 as Amended 1992 (Michigan Local Historic District Act); Code of Ordinances City of Kalamazoo, Michigan (Chapter 16 - Historic District); Secretary of the Interiors Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings, 1990; Standards and Guidelines for Kalamazoo Historic Districts, and maps of Kalamazoo Local Historic Districts. These documents and maps are also available on the city of Kalamazoo website at [www.kalamazoocity.org/localhistoricdistricts](http://www.kalamazoocity.org/localhistoricdistricts).

**IMPORTANT NOTE ON EXTERIOR GUARDRAIL HEIGHT:** *The Historic District Commission usually requires a lower rail height than the State Construction Code to maintain the historic character of the districts. It is the owner's responsibility to consult their insurance agent or attorney to determine if the lowered guardrail height or wider infill spacing exposes their property to any additional liability. If the owner decides to install a taller, code compliant rail, the design must be approved by the Historic District Commission or the historic preservation coordinator before work begins.*



300' Mailing Boundary  
 527 W. South St.



0 2040 80 Feet



**Community Planning and Economic Development**

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

NOTICE OF PUBLIC HEARING

May 29, 2019

**RE: ZBA #19-06-17  
1000 King Highway  
Parcel #06-14-367-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bosch Architecture on behalf of Highway Partners, LLC. The request concerns the property at 1000 King Highway in use Zone M-1, Manufacturing – Limited District.

The applicant is requesting a dimensional 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 variance only regarding the item described above.

A public hearing will be held on **Thursday, June 13, 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](http://www.kalamazoocity.org/boards)

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

Sincerely,  
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File

RECEIVED MAY 16 2019



**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 NICK LOEKS (BOSCH ARCHITECTURE)  
Address 8065 VINEYARD PARKWAY  
City, State, Zip KALAMAZOO, MI 49009  
Phone 269-321-5151 Cell 269-207-1744  
Fax \_\_\_\_\_ Email NLOEKS@BOSCHARCH.COM

**Owner:** Name HIGHWAY PARTNERS, LLC  
Address 14474 ANGELOS CIRCLE  
City, State, Zip GRAND HAVEN, MI 49417  
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 1000 KING HIGHWAY

This property is located between GIBSON street and WALNUT street, on the

north  south  east  west side of the street.

CCN# 06-14-367-004 Zone M-1

**Type of Request**

Interpretation of Chapter(s) \_\_\_\_\_ Sections(s) \_\_\_\_\_  
Paragraph(s) \_\_\_\_\_ of the City of Kalamazoo Zoning Ordinance.

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

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

**Appeal of an Administrative Decision**

Description SECTION 6.3(D) SCREENING & PLACEMENT OF WASTE RECEPTACLES

**Attachments**

- \$ 275 Fee
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

[Signature] Signature of Applicant 5/15/2019 Date

[Signature] Signature of Owner (if different than applicant) 5/15/2019 Date



May 15, 2019

Peter Eldridge  
Zoning Administrator  
City of Kalamazoo Community Planning and Development  
415 E. Stockbridge Avenue  
Kalamazoo, MI 49001

Re: Variance Request  
Johnstone Supply  
1000 King Highway

Dear Peter,

I, Dennis Olsen (on behalf of Highway Partners, LLC), authorize Bosch Architecture to apply for a Use Variance on my property at 1000 King Highway in regards to the screening and placement of dumpsters per section 6.3 (D) of the City of Kalamazoo Zoning Ordinance.

Sincerely,

  
Dennis Olsen



May 15, 2019

Peter Eldridge  
Zoning Administrator  
City of Kalamazoo Community Planning and Development  
415 E. Stockbridge Avenue  
Kalamazoo, MI 49001

Re: Variance Request  
Johnstone Supply  
1000 King Highway

Dear Peter,

We are requesting a Use Variance from section 6.3 (D) (a/b) Screening of Waste Receptacles for the above project.

Section 6.3 (D) states: "All waste receptacles larger than two cubic yards, and all waste receptacles for nonresidential uses, shall be located (a) in the rear or to the side of the primary structure, and (b) at least 20 feet from any street, public sidewalk, internal pedestrian way, or boundary with any lot containing a residential use"

Currently the parcel is fronted on 3 sides by streets (Gibson St to the north, King Highway to the east, and Walnut St. to the south). The existing building is a 125' X 120' pre-engineered metal structure and they are planning to build an addition to the north side of the building up to the property lines on King Highway and Gibson Street. Also, the north 200' of the west property line adjoins a residential use property.

The hardship on this property is there is only one location on the property where the dumpsters can be placed to meet the current ordinance. This location would require the owner to cut down two large pine trees along the west property to access the location. Also, there is a currently an AC condensing unit adjacent to the building and a truck dock (with a retaining wall on the west side).

We are requesting a variance to be able to place the dumpsters in the front yard (screened with fencing to meet the zoning ordinance).

If you have any questions, please feel free to contact me via email ([nloeks@boscharch.com](mailto:nloeks@boscharch.com)) or phone (269-207-1744).

Sincerely,

A handwritten signature in black ink, appearing to read "N. Loeks".

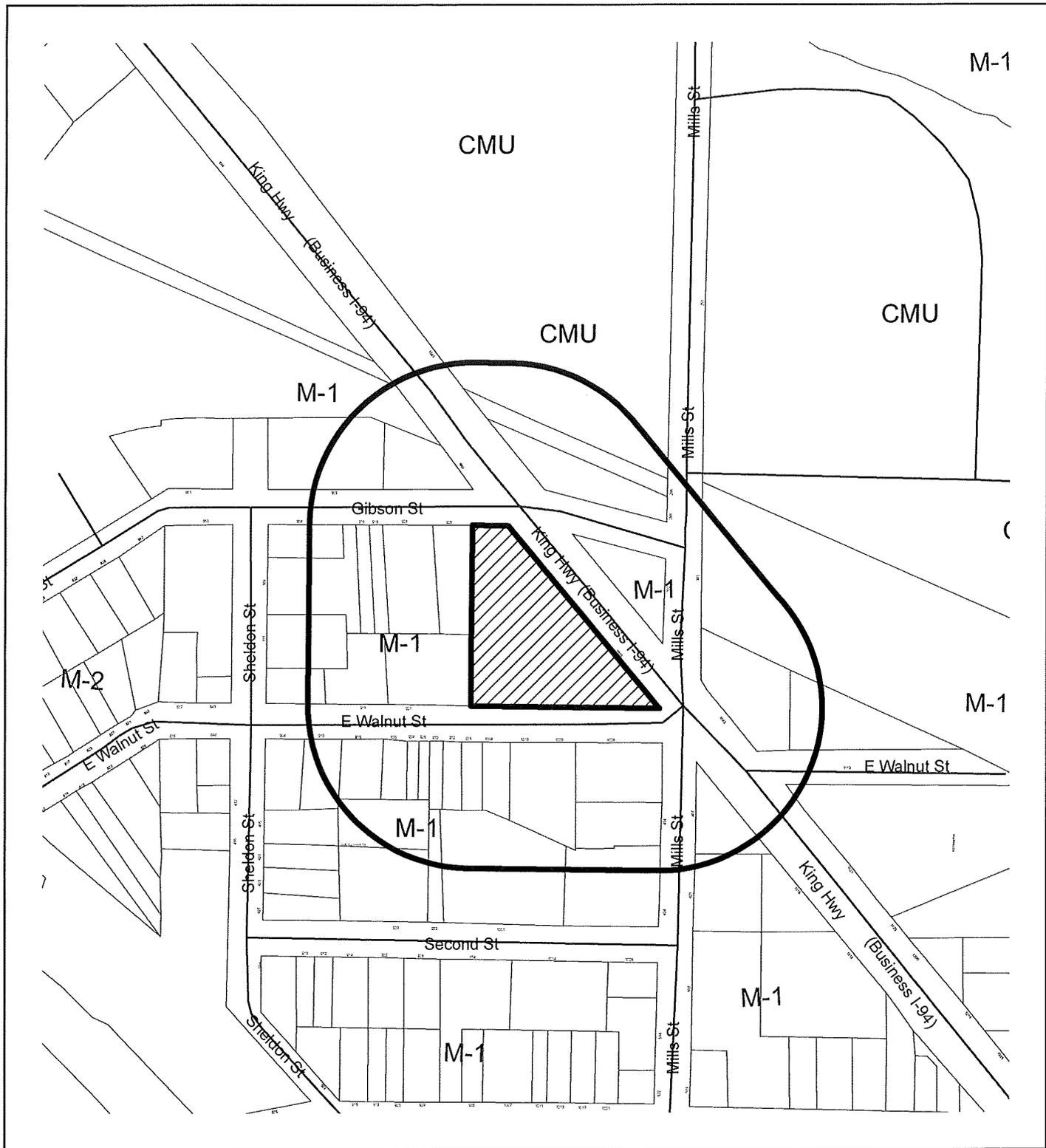
Nicholas J, Loeks, PE











300' Mailing Boundary  
1000 King Highway



0 3570 140 Feet



**Community Planning and Economic Development**

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

NOTICE OF PUBLIC HEARING

May 29, 2019

**RE: ZBA #19-06-18  
3227 Konkle Street  
Parcel #06-35-227-104**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Patricia Ann Smith, the property owner. The request concerns the property at 3227 Konkle Street in use Zone RM-15, Residential – Multi Dwelling District.

The applicant is requesting a dimensional variance from Chapter 5, Section 5.1, to authorize a 2.5 foot building setback variance to allow the placement of a 10 foot by 20 foot carport 2.5 feet from the south side property line where a five foot building setback is required per the Zoning Ordinance.

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, June 13, 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](http://www.kalamazoocity.org/boards)

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

Sincerely,  
ZONING BOARD OF APPEALS

  
Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File



RECEIVED  
MAY 17 2019

**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 Patricia Ann Smith  
Address 3227 Konkle St  
City, State, Zip Kalamazoo, MI 49001  
Phone 269-201-2223 Cell 269-532-0473  
Fax \_\_\_\_\_ Email \_\_\_\_\_

**Owner:** Name Same as above  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Cell \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_

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

**Property Information**

Street or Street Address 3227 Konkle St  
This property is located between Cork street and Winton street, on the  
north south east west side of the street.  
CCN# 06-35-227-104 Zone RM-15

**Type of Request**

**Interpretation** of Chapter(s) \_\_\_\_\_ Sections(s) \_\_\_\_\_  
Paragraph(s) \_\_\_\_\_ of the City of Kalamazoo Zoning Ordinance.

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

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

**Appeal of an Administrative Decision**

**Description** \_\_\_\_\_  
\_\_\_\_\_

**Attachments**

- \$25 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)

Patricia Ann Smith \_\_\_\_\_ 5-17-19  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Owner (if different than applicant) Date

I have lived in my home at 3227 Konkle St. Kalamazoo MI for approximately 35 yrs. According to City assessment records the home was built in 1950 without a garage or carport. In 2018, at age 65 while on fixed income, I finally managed to save enough money to have a nice quality metal carport erected utilizing the existing concrete driveway. Due to limited space the carport was secured with bolts at the most southerly edge of concrete in order to provide adequate ingress/egress nearest the home for access to/from the rear fenced yard.

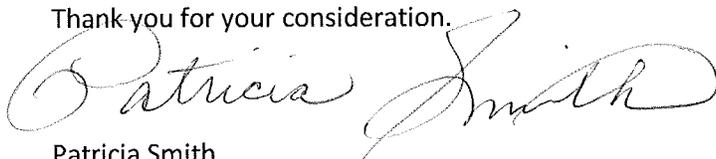
Approximately 15 years earlier I had the property surveyed to install chain-link fence around the rear yard for my dogs. I knew my lot boundaries extended a few feet south of my concrete driveway, so I assumed the carport placement was fine. However, I have since learned the carport is roughly in violation by 2 ½ feet. I made every attempt to find the prior survey and made calls to my lender, two local title companies as well as the fence company that made recent repairs to my fence (damage caused by neighbor kids to south who climb my fence to retrieve balls that they've hit over fence into my yard). I was informed the lender did not require a survey, title companies archives only go back limited years therefore didn't have records of prior survey of my property, and the fence company said they're only required to keep records five years. As a result I had to obtain one line lot survey (at cost of \$500) to determine dimensions to answer complaint, in addition to original cost of carport and shed (\$5,000) and repair to fence caused by neighbor's children (\$288).

I feel there are considerable negative affects to functional use of driveway, carport and ingress/egress to/from rear yard as well as economic hardship to me by having to relocate carport to meet the required setbacks. I have measured the distance between carport and outer edge of basement window well to be 47". If the carport were moved 2 ½ feet closer to residence it would restrict walking area to 17" which would be too narrow to move trash can (measured to be 27") and snow blower (measured to be 24") via that normal walkway. In addition, it presents trip hazard at two window well areas and would have to be remedied by installation of decking to extend over that entire 17" surface extending length of carport 19.6' and would eliminate light into basement through window wells.

Another potential hazard that would result from relocating the carport and narrowing the walkway to 17" is that someone could hit their head on the air conditioning unit which is placed in living room window. That window provides the best utilization of the A/C unit and is the only double hung window available (at SW corner/driveway side of house). I measured the height from the driveway surface to window ledge to be 63". Lastly, the carport height extends ¾ distance of window. Moving carport closer to house would further restrict view from driveway side windows and inhibit natural light into house.

Finally, I prefer to avoid utilizing the most southerly edge of my driveway/carport area and avoid confrontation with neighbor's dogs. Although the neighbor has erected flimsy fence attached to a post adjacent to my fence near driveway (actually on my 2 ½ ft of property), it presents additional stress.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Patricia Smith". The signature is written in black ink and is positioned to the right of the typed name.

Patricia Smith

# CERTIFICATE OF SURVEY

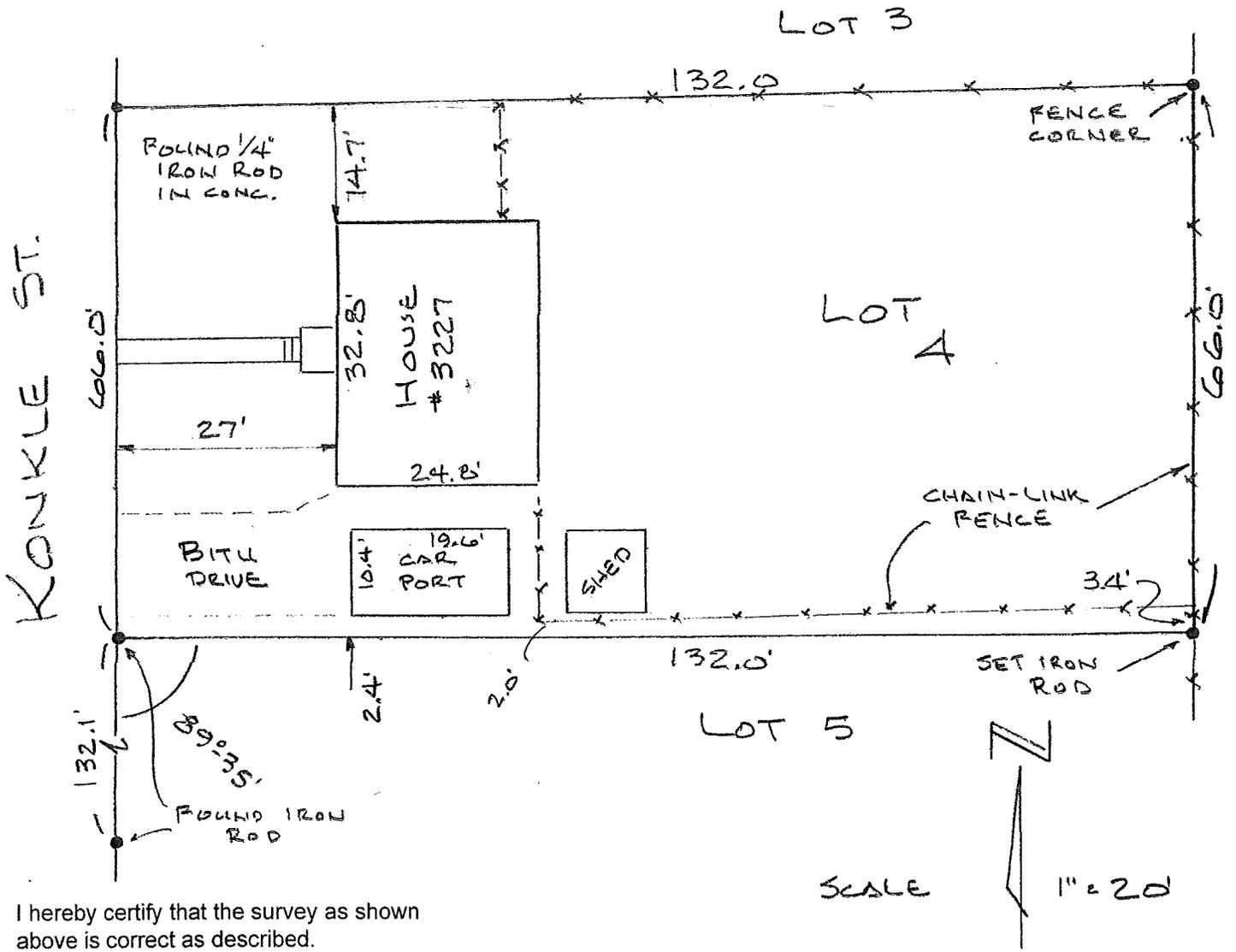
The undersigned, a Registered Land Surveyor under the laws of the State of Michigan, certifies that he has made a survey of the following described property. Measurements were made and corners perpetuated in accordance with the true and established lines of the property as described.

Situated in the City of Kalamazoo, Kalamazoo County, Michigan:

Lot 4, Assessors Plat of Smarts Plat, according to the plat thereof as recorded in Liber 14 of plats on Page 10, Kalamazoo County Records.

Owner: Patricia Smith

Property Address: 3227 Konkle Street, Kalamazoo, MI 49001



I hereby certify that the survey as shown above is correct as described.

Surveyed May 8, 2019

Survey No. 2019-03

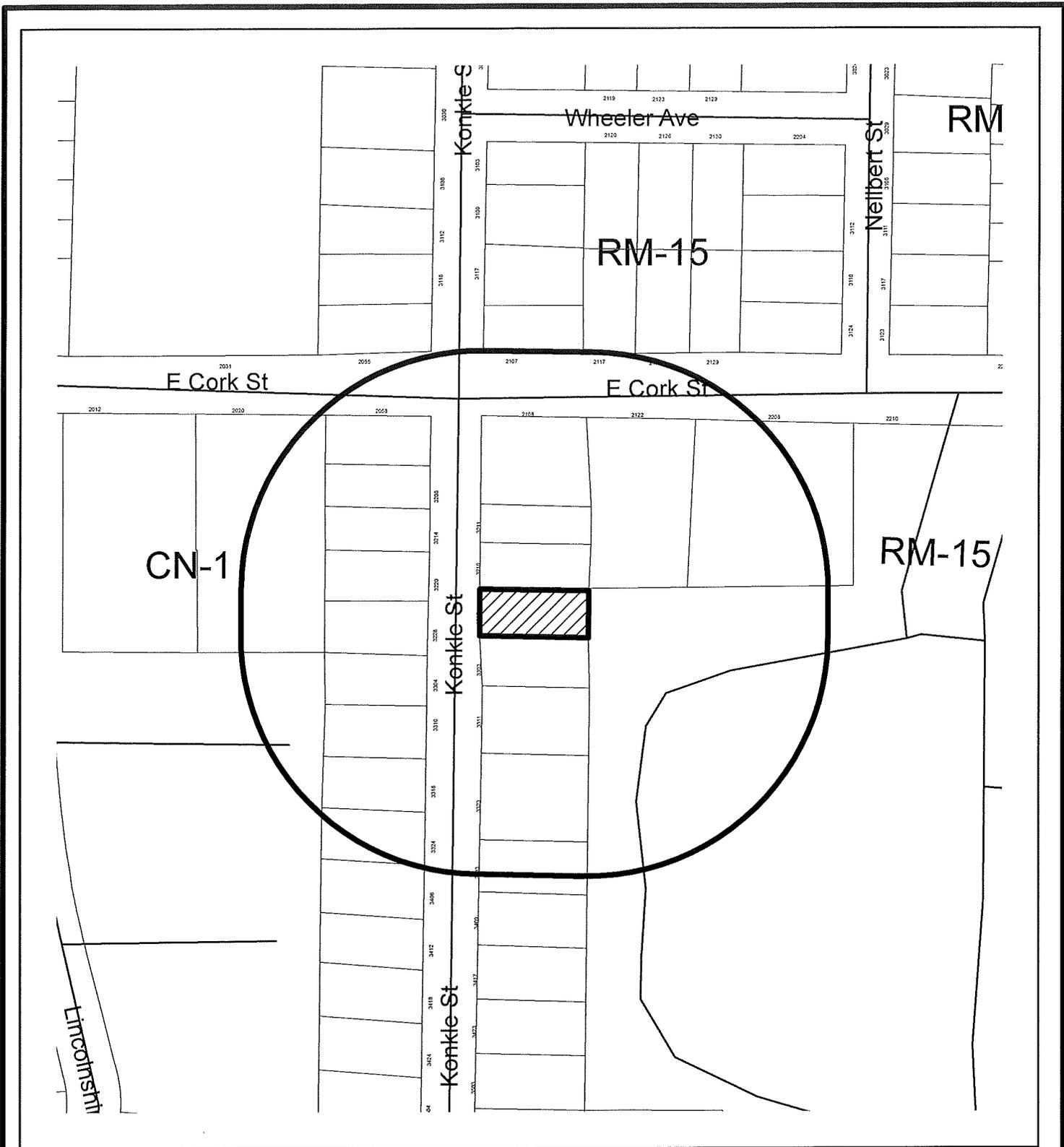
By: *[Signature]*  
Professional Surveyor #22446

**WOLDRING SURVEYING**  
1801 Schuring Road  
Portage, MI 49024  
Ph: 269-327-8643



3227 Konkle Street  
May 31, 2019





300' Mailing Boundary  
 3227 Konkle St.



0 20 40 80 Feet



**Community Planning and Development**  
415 Stockbridge Avenue  
Kalamazoo, MI 49001  
PH: (269) 337-8044  
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## NOTICE OF PUBLIC HEARING

May 29, 2019

**RE: ZBA #19-06-19**  
**1104 Portage Street**  
**Parcel #06-22-427-101**

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 Albox Properties, LLC. The request concerns the property at 1104 Portage Street, which is situated in use Zone CC, Commercial – Community District.

The applicant is requesting a use variance from Chapter 4, Section 4.1, to re-authorize a distillery operation in Zone CC where distilleries are classified as a ‘Manufacturing and Production’ use, which is only permitted in the manufacturing zone districts. A use variance was approved on January 12, 2017 for the distillery but that approval has since expired.

The applicant is also requesting a use variance from Chapter 4, Section 4.2 Q 3, to authorize the conversion of a portion of the ground floor level of the structure from commercial to a residential dwelling unit, where only commercial use is permitted on the ground floor level in the Zone CC.

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

A public hearing will be held on **Thursday, June 13, 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 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/departments/city-commission/boards-commission](http://www.kalamazoocity.org/departments/city-commission/boards-commission). If you have any questions, please call (269) 337-8026 or submit by email at [eldridgep@kalamazoocity.org](mailto:eldridgep@kalamazoocity.org).

Sincerely,  
ZONING BOARD OF APPEALS

  
Peter C. Eldridge, AICP  
Zoning Administrator

c: File

MAY 22 2019



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 GRANT FLETCHER
Address PO BOX 2421
City, State, Zip Kalamazoo, MI 49003
Phone Cell (269) 267-0948
Email GRANTFLETCHER@gmail.com

Owner: Name ALBOX PROPERTIES LLC (GRANT FLETCHER)
Address 1104 PORTAGE ST
City, State, Zip Kalamazoo, MI 49001
Phone Cell (269) 267-0948
Email ALBOXPROPERTIES@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 1104 PORTAGE ST
This property is located between LAKE street and PORTAGE CT. street, on the
north south east west side of the street.
CCN# 06-22-427-101 Zone CC

Type of Request

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

[X] 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 REQUESTING VARIANCE TO TREAT PROPERTY AS COMBINATION
R-3 (OWNER OCCUPIED RESIDENTIAL) & MANUFACTURING (DISTILLERY) / RETAIL (THIS IS
A RENEWAL OF A PREVIOUS APPROVAL)

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 5-20-2019

Signature of Owner (if different than applicant) Date

Requesting use variance for the property located at 1104 Portage St. (community commercial)

A request for zoning variance to allow R-3, owner occupied residential within the south-west ½ of the building and manufacturing & retail within the north-east ½ of the building.

The two spaces will be fully separated by 2-hour firewall and accessible from the outside, through separate entrances.

The building space distribution is proposed as follows:

**Manufacturing/Retail (renewal of 2017 approval)**

- 800 sq ft of production space for Kalamazoo Distilling Company – it is worth noting that this should be considered \*light\* manufacturing.
- 300 sq ft of retail space, outfitted as a takeaway coffee shop. Retail space will include restroom facilities and allow ADA entrance from east side of building.

Property improvements will include approximately parking, located west of building, on the west side of the building, with access from Lake St. Remainder of property will see extensive landscaping.

Please review attached, amended site plans, depicting the revised site plan, which includes parking. Also attached is a sketch rendering of the two separated spaces.

**R-3 owner-occupied residential**

- Approximately 1000 sq. ft of residential space will include 1 bedroom, 2 bath and common living space. Residential space is wrapped with 4' aluminum ornamental fence. Primary entrance on rear (west) side of building.
- Residential space will be fully separated from manufacturing/retail, with 2-hour firewall separation and separate entrances.

Attached, please find:

1. Floorplan
2. Zoning request narrative
3. Site plan





1104 Portage Street  
May 31, 2019





**Community Planning and Development**

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

[www.kalamazoocity.org](http://www.kalamazoocity.org)

**COPY**

January 16, 2017

Grant Fletcher  
Albox Properties LLC  
1916 Oakland Drive  
Kalamazoo, MI 49001

**Re: ZBA #16-12-35**  
**1104 Portage Street (Parcel #06-22-428-003)**  
**690 Lake Street (Parcel #06-22-427-034)**

Dear Mr. Fletcher:

At the meeting of the Zoning Board of Appeals on Thursday, January 12, 2017, the Board approved: **1)** a rehearing of the use variance denied December 8, 2016; and **2)** a use variance from Chapter 4, Section 4.1, to authorize a distillery operation in Zone CC at this location..

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. Additionally, site plan review will be required and all necessary permits must be obtained for improvements to the property and building.

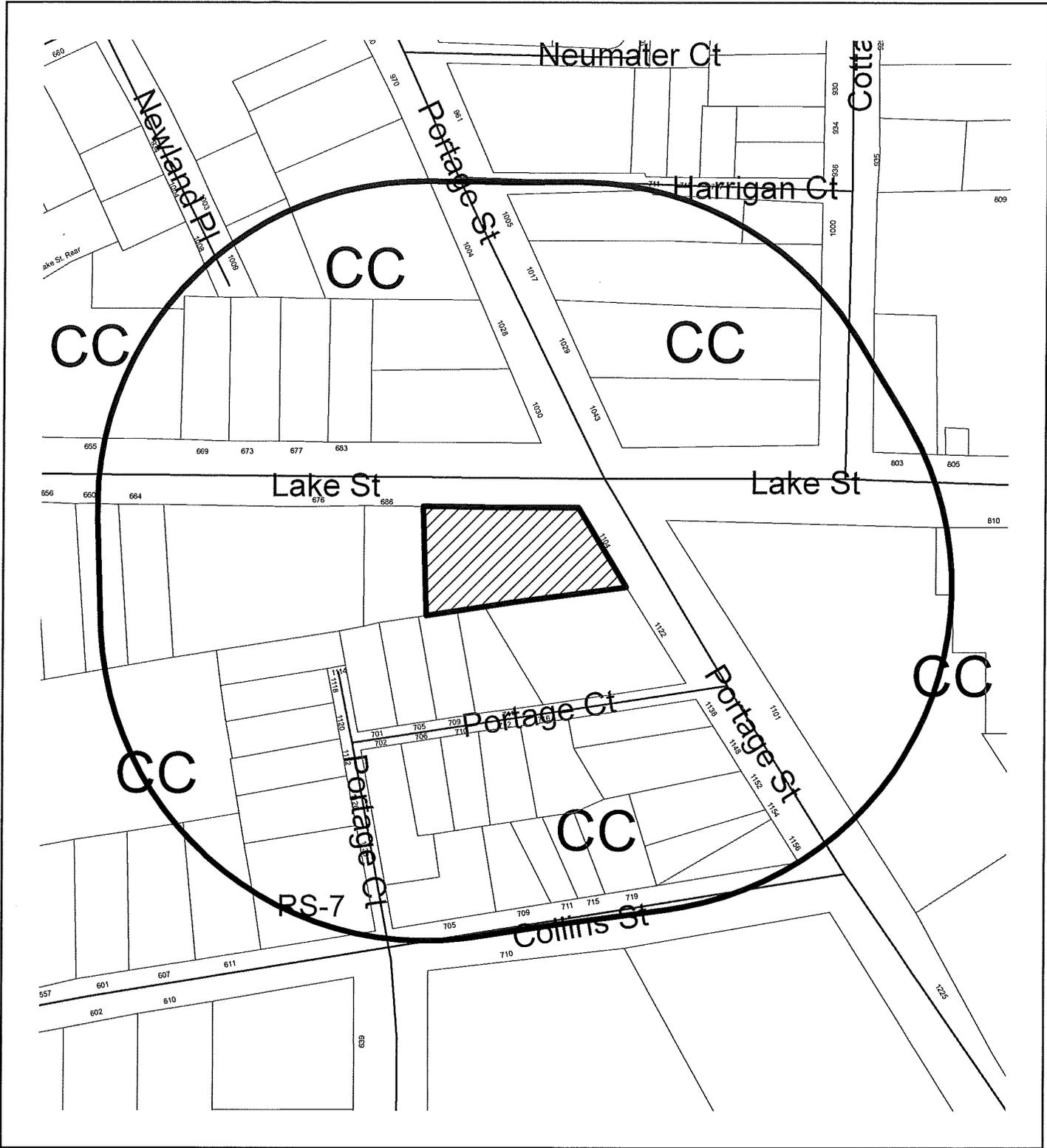
If you have any questions, please contact me in the Community Planning and Development Department at (269) 337-8044.

Sincerely,

ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP  
Zoning Administrator

C: Robert Bauckham, Senior Development Planner  
Bobby Durkee, Zoning Inspector  
Property File



300' Mailing Boundary  
 1104 Portage St



0 1530 60 Feet