Meeting Agenda
City of Kalamazoo - Zoning Board of Appeals

July 11, 2019

City Commission Chambers, City Hall **7:00 p.m.**

A. Call to Order:

B. Communications and Announcements:

C. Approval of the Meeting Minutes for June 13, 2019:

D. Public Hearings:

1. ZBA #19-07-20: 120 Roberson Street. Mt. Zion Baptist Church is requesting: **1)** A dimensional variance from Chapter 7, Section 7.3 A, of 17.5 square feet to authorize a 49.5 square foot freestanding sign where only 32 square feet is permitted in Zone RM-36; and **2)** A dimensional variance from Chapter 7, Section 7.2 D, to allow a 43% increase is changeable copy for a total of 68% changeable copy where only 25% of the sign area is permitted to be changeable copy in Zone RM-36.

2. ZBA #19-07-21: 3700 E. Cork Street Court. Amerilodge Group is requesting a dimensional variance from Chapter 50-72 1, to authorize 52 parking spaces above allowed maximum number of off-street parking spaces of 58 for a total of 110 off-street parking spaces for the proposed hotel development with 105 rooms.

3. ZBA #19-07-22: 110 W. Stockbridge Avenue. Virgil Wathel is requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Barbeque Stand) to operate in the parking lot of J & B Discount Liquor from July 12, 2019 to September 30, 2019 (2.5 months). Recommended conditions of approval include: 1) Grill, table and tent must not be within the right-of-way, 2) Transient Merchant License must be obtained from City Clerk, and 3) Must also have license from the Health Department.

4. ZBA #19-07-23: 563 Portage Street. MTP CRIBS, LLC is requesting a use variance from Chapter 4, Section 4.1, to re-authorize the conversion of a ground floor commercial space into an apartment in this building which already contains three other residential units. Where in Zone M-1 no new dwelling units are permitted. A use variance was approved on November 9, 2017 for this conversion but that approval has since expired.

E. Other Business:

F. Adjournment:

MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
JUNE 13, 2019 - 7:00 p.m.
CITY COMMISSION CHAMBERS

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

Members Absent: Chris Flach

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

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

MINUTES:

Mr. Carroll moved to approve the minutes of June 13, 2019 as submitted, seconded by Mr. Lager.

Motion approved by voice vote unanimously.

NEW BUSINESS:

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

Mr. Carroll read the application for 1012 S. Westnedge Avenue, Parcel # 06-21-299-003:

ZBA# 19-05-13: 1012 S. Westnedge Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by 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 a variance only regarding the items described above. There were one hundred and six notices of public hearing sent and zero responses were received.

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Austin Perry, with the AIM Corporation, was present to represent the owner, Mike Schick who had recently acquired the property. Mr. Perry stated it was originally a home, and then converted to commercial office space. Mr. Schick wants a variance for the ground floor to be use residential use. They will convert the back offices space into a shower; add a kitchen and other upgrades, making it a three bedroom residence. He referred to the enclosed photographs. He stated they had the support of Sharon Ferraro the Historical Preservation Coordinator.

Mr. Lager spoke to the support from Ms. Ferraro and questioned her reasoning. Mr. Perry stated Mr. Schick had reached out for her support prior to his working with the company, and he couldn't speak for him.

Chair Youngs questioned the awning out in front of the house and if it would be removed. Mr. Perry stated the awning has already been removed.

Mr. Eldridge commented Ms. Ferraro stated this property doesn't meet the ADA requirements; it would need an exterior ramp, a wider exterior door, and an ADA bathroom if it would continue to be used as a commercial use. Ms. Ferraro commented it was built for residential purposes and the Historical Board would prefer to not have the exterior altered.

Mr. Eldridge reiterated this property doesn't meet the current ADA requirements; the surrounding properties in the commercial office zone district have a lot of residential uses, residential only also. It would not be out of character with the surroundings.

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 1012 S. Westnedge Avenue shall include all information included in the notice of public hearing dated April 23, 2019.

2.) One hundred and six 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: Austin Perry with AIM Property Management stated the property was originally built

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for residential use. The prior owner used the first floor as office space, in the opinion of the applicant; it would be best used for residential use, by converting one office to a kitchen, and adding a shower, it would be suitable as residential. Mr. Eldridge commented if the property remained commercial it would have to be modified to meet current ADA requirements. The Historical Preservation Coordinator supports returning it to residential use to not disturb the building envelope. Mr. Eldridge also commented the area has a lot of other residential uses and it would be in keeping with the character of the area.

Mr. Carroll 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. Skalski.

Mr. Skalski stated it would be in keeping with the character of the area and modifying it to meet ADA requirements would change the look of the building with an exterior ramp, he's in support.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 527 W. South Street, Parcel #06-16-498-003:

ZBA# 19-06-16: 527 W. South Street: An application for a variance to the 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 a variance only regarding the items described above. There were thirty-one notices of public hearing sent and one response was received.

Katie Potts with Diekema Hamann Architects stated she's speaking on behalf of the Upjohn Institute and had Don Edgerly present. The Upjohn Institute purchased the property from the Hospital Hospitality House. Their main office is at 300 S. Westnedge, west of that they own 515 W. South St. and use that as an office space, previously rezoned for commercial. The Upjohn Institute owns the parking lot off Lovell St. They had three staff members, and fully occupied there were about twenty-three occupants. They had an agreement with Upjohn to park on Lovell St. Now that Upjohn has purchased 527 W. South St. they want to use it for commercial office space for eight staff members. It won't impact traffic and discussed removing the 8' fence and adding a matching gate. They will remove the south porch and have an entry alcove with a lift. The Historical District approved converting the existing garage into

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an ADA accessible suite. The intention is it would only be used by Upjohn's visiting economists from time to time so they could stay on site.

Mr. Carroll questioned the property in the middle of the Institute's campus area, how they'd feel being surrounded by the campus. Ms. Potts stated that neighbor is in support. When it was the Hospital Hospitality House at capacity there was twenty-three occupants, they are proposing only eight people using the parking lot now during normal business hours.

Mr. Carroll questioned the use of the carriage house. Mr. Eldridge mentioned the residential component is only in the carriage house behind it. He spoke of the offices downstairs and the layout; it wouldn't be a drastic change.

Speaking in Support:

Richard Emig, President of the South Street Properties, and owner of 523 W. South St. stated he owned the twelve unit apartment building in the middle of the campus they were discussing and was in support of the Upjohn Institute. He stated they were excellent neighbors and would be a quieter use than what the previous use was.

Chair Youngs closed the public hearing.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

1.) The Finding of Fact for 527 W. South St. shall include all information included in the notice of public hearing dated May 29, 2019.

2.) Thirty-one notices of public hearing were sent and one response was received in support.

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: Katie Potts was present from the architectural firm and Don Edgerly was present to represent the Upjohn Institute. They believe the changes will not adversely affect the parking situation. They don't believe more people would access the existing space. The carriage house would be used for Upjohn Institute guests only. They had previously had a maximum of twenty-three guests as the Hospital Hospitality House and the plan would not be a greater amount. They will use their own property

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entrance next to the campus. Richard Emig, owner of the 523 W. South Street property spoke in favor; he feels the changes would not adversely affect the character of the area. The letter of support was from the property owner at 533 W. South St.

Mr. Lager seconded the Finding of Fact.

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

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

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 1000 King Highway, Parcel #06-14-367-004:

ZBA# 19-06-17: 1000 King Highway: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of 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 a variance only regarding the items described above. There were twenty-nine notices of public hearing sent and zero responses were received.

Nick Loeks, Bosch Architects, was present to represent the request. Currently the parcel is fronted on three sides by streets. There is only one small area they can place the dumpster so they don't have to cut down two large fourteen foot diameter pine trees. The addition can't proceed without this variance. This is to allow them to move forward with the addition and have the dumpsters stay in the current location and add screening. They have to work around a truck dock area also. They discussed the location on the photographs provided in the Board's packets.

Mr. Lager questioned the screening. Mr. Loeks stated the screening would meet the ordinance requirements.

Mr. Carroll asked for more clarification on the pine trees. Mr. Loeks stated they could place the dumpsters in one location per the ordinance, but it would require the removal of two large pine trees, they are proposing leaving them in the current location, they've been in for over ten years. There was a discussion on the setbacks, and the fire department regulations they have to meet.

Mr. Eldridge commented the placement of the dumpster screening ten feet back from the front property line along the sidewalk on Walnut Street was the Planning Staff's recommend condition. There would be a fence around the dumpster, screened gates and the dumpsters won't be seen.

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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 1000 King Highway shall include all information included in the notice of public hearing dated May 29, 2019.

2.) Twenty-nine 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: Nick Loeks spoke on behalf of the applicant stated the property was fronted on three sides by streets.

Ms. Doane seconded the Finding of Fact.

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

Mr. Carroll moved to approve the application, the dumpster no closer than ten feet from the property line on E. Walnut Street, seconded by Mr. Skalski.

Mr. Lager was in support as to save the two large pine trees.

Chair Youngs stated his support also.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 3227 Konkle Street, Parcel #06-35-227-104:

ZBA# 19-06-18: 3227 Konkle Street: An application for a variance to the 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

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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 a variance only regarding the item described above. There were twenty-five notices of public hearing sent and zero responses were received.

Marti Graw, a friend of Patricia Smith was representing and speaking on behalf of the request along with Ms. Smith, she stated the carport is already in place. Ms. Smith has lived there for over thirty-five years and had a surveyor do a one lot line survey to determine the lot slants narrower and the carport is in violation by 2.5 feet. The Board referred to photographs in the packet, by moving it closer to the house there's a concern with where the window wells are located. There's an air conditioning unit in the way also. She is requesting the variance to allow the carport to stay in its current location.

Mr. Skalski questioned how long the carport has been in place. Ms. Graw stated about one year. Mr. Skalski asked if a building permit was obtained. Ms. Smith stated the carport was less than 200 sq. feet and didn't require a building permit.

Patricia Smith stated she feels the carport adds value to the home, her land was surveyed when she purchased it, the carport is in her driveway, but found out she's 2.5 feet off. She's asking for mercy, she didn't know, it's a nice metal carport.

Mr. Carroll questioned the distance of the window well and to the carport. Ms. Graw stated it would have ended up more narrow and the mower and snow blower couldn't pass. To go on the other side, the neighbors have a fence with threating dogs.

Mr. Eldridge commented there would be 47" from the current carport location to the edge of the basement window well. It would reduce it to 17" if moved, not allowing the mower and snow blower to pass through.

Mr. Eldridge commented the neighborhood composition is all owner occupied, there were no letters of opposition received. Other properties of similar size lots had garages in the rear yard; the situation here is the house is centered on the lot with a shed immediately behind the house which disallows positioning the carport in the rear yard.

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

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

1.) The Finding of Fact for 3227 Konkle Street shall include all information included in the notice of public hearing dated May 29, 2019.

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2.) Twenty-five 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: Marti Graw a friend of the homeowner stated they had a new survey done that states the carport is in the wrong place by 2.5 feet. To move it would be a hardship, hazardous and make the path unusable for the snow blower and mower. A permit was not required due to the size of the structure. Ms. Smith stated she feels it adds value and convenience to the home and couldn't place it to the other side due to threating neighbor dogs. Mr. Eldridge commented the area is owner occupied houses and it's telling there was no opposition, the house is placed in the center of the lot making placement of a carport atypical.

Mr. Lager seconded the Finding of Fact.

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

Ms. Doane moved to approve the application, seconded by Mr. Skalski.

Mr. Carroll stated he personally was in favor. However, if Ms. Smith was applying to place this there prior to the placement, would he approve it? He would have voted no, he struggles with approving it. If they approve it, other home owners on the block will want the same approval.

Chair Youngs agreed with Mr. Carroll, the carport is already placed and now she's asking for forgiveness/approval.

Mr. Skalski also stated he struggled with this.

Motion denied approved by roll call vote unanimously.

Mr. Carroll read the application for 1104 Portage Street, Parcel #06-22-427-101:

ZBA #19-06-19: 1104 Portage Street: 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

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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 property. This is a request for a variance only regarding the items described above. There were forty-seven notices of public hearing sent and zero responses were received.

Grant Fletcher, owner of the building stated it's about a 90 year old building; he's cleaned up the look of the corner. He was granted a variance for the distilling operation. He's requesting to convert half of the space for a residential space.

Chair Youngs verified if he would be the owner occupant. Mr. Fletcher stated yes, it would be the south west corner of the building.

Mr. Lager questioned if the frontage of the building would change. Mr. Fletcher stated no exterior changes, only interior. He'd have to add a fire wall between the uses.

Mr. Lager asked for clarification on the expiration of the former variance. Mr. Fletcher stated it expired due to not starting the operation of the distillery. The Federal permit hasn't been granted so he can't move forward. Mr. Lager clarified it would be a distillery with a small coffee shop. Mr. Fletcher replied the Zoning Board of Appeals in 2017 wanted a retail component on the street; it will be a takeout only café, then long term a tasting room for the distillery.

Mr. Skalski asked if there would be parking available. Mr. Fletcher stated he owns the attached parking lot and has approximately seven parking spaces.

Mr. Carroll questioned why the change to the residential use? Mr. Fletcher stated he recently sold his house and decided to live there.

Mr. Lager commented he and Mr. Fletcher serve on the Edison Neighborhood Association Board but have never discussed this project.

Ms. Doane asked how close he was to receiving his license. He had submitted for the Federal license, and is past the normal approval time period and is just waiting to hear.

Mr. Eldridge commented if the variances are acted upon, acquiring equipment, pulling permits, getting the State and Federal licenses, if there isn't action then the variances expires. The Board then can review the circumstances and renew or deny the request. Secondly, this residential use, before the building being a distillery and the retail space was added up front, which is what led to the approval, the addition of residential space is within keeping of the spirit of the mixed use development the City is promoting. He spoke of other mixed use buildings in the area that received variances for ground floor units.

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Mr. Carroll questioned the uses in Zone CC if a distillery or a coffee shop could be in his house. Mr. Eldridge commented he could have a small wine maker's license as a home occupation if within the minimal square footage. Not a coffee shop in the living space but a beer making or distillery on a small scale as a home occupation.

Ms. Doane questioned if there have been changes between the first approval and now that would impact the area.

Mr. Eldridge commented the only changes would be the Kalamazoo Creamery project was in the infant stages when the first approval was granted, but the Doormouse Theater wasn't a known project at that time.

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 1104 Portage Street shall include all information included in the notice of public hearing dated May 29, 2019.

2.) Forty-seven 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: Grant Fletcher, owner of the property spoke on behalf of the request, stating he's been rehabbing the 90 year old building and wants to convert a portion of the ground floor for a residence for himself. This change will not change the exterior features or any of the current business plans for the building which were discussed and approved at the January 2017 ZBA meeting. He's currently awaiting Federal license to start the Distillery business. Mr. Eldridge noted added a residential unit in this area adds to the mixed use development scheme the City is promoting.

Mr. Skalski seconded the Finding of Fact.

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

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

Chair Youngs commented it was approved once, and didn't see a reason to not approve it again.

Motion approved by roll call vote unanimously.

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

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

ADJOURNMENT:

The meeting was adjourned at 8:15 p.m.

Submitted By_____**Date**_____
Recording Secretary

Reviewed By_____**Date**_____
City Staff

Approved By _____ **Date**_____
Chair

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THE CITY OF Kalamazoo

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

June 26, 2019

RE: ZBA #19-07-20
120 Roberson Street
Parcel #06-15-137-001

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Mt. Zion Baptist Church. The request concerns the property at 120 Roberson Street in Zone RM-36, Residential – Multi Dwelling District.

The applicant is requesting: **1)** a dimensional variance from Chapter 7, Section 7.3 A, of 17.5 square feet to authorize a 49.5 square foot freestanding sign where only 32 square feet is permitted in Zone RM-36; and **2)** a dimensional variance from Chapter 7, Section 7.2 D, to allow a 43% increase is changeable copy for a total of 68% changeable copy where only 25% of the sign area is permitted to be changeable copy in Zone RM-36.

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, July 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: 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 Mt. Zion Baptist Church of Kalamazoo
Address 120 Roberson Street
City, State, Zip Kalamazoo, Michigan 49009
Phone (269) 388-3111 Cell
Fax (269) 388-3370 Email cmoore@mtzionkalamazoo.org

Owner:
Name Mt. Zion Baptist Church of Kalamazoo
Address 120 Roberson Street
City, State, Zip Kalamazoo, Michigan 49009
Phone (269) 388-3111 Cell
Fax (269) 388-3370 Email cmoore@mtzionkalamazoo.org

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

Property Information

Street or Street Address 120 Roberson Street, Kalamazoo, MI 49007

This property is located between Parsons Street street and Roberson Street street, on the

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

CCN# 06-15-137-001 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

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

Signature of Applicant — Date 4/23/19

Signature of Owner (if different than applicant) — Date

Rev 2/2016

May 29, 2019

Kalamazoo Zoning Board of Appeals
Community Planning & Development Department
415 Stockbridge
Kalamazoo, MI 49001

Dear Kalamazoo Zoning Board of Appeals:

Mt. Zion Baptist Church is a community centered church. Community is at the heart of our vision statement. Our vision is to see "A Vibrant Community Living by Faith." We serve our community in a myriad of ways. Upgrading our existing sign with an attractive new sign will give us the ability to better serve our community.

This sign will give us greater ability to communicate beneficial information to our community which would, in turn, help us to better serve our community. Without the ability to communicate, we cannot serve our community to the best of our ability.

Therefore, we are formally requesting a variance to place a sign which is 7'10'' x 4'7'' (of which 7'10''x 2'4'' will be changeable copy, LED) on the corner of Parsons and Burdick. This sign would replace the existing sign.

Sincerely,

Rev. Christopher M. Moore, Sr.
Assistant to the Pastor

Enclosures

Mt. Zion Baptist Church
2D

MT. ZION
Baptist Church
DR. ADDIS MOORE, PASTOR

MT. ZION
Baptist Church
REV. ADDIS MOORE, PASTOR

HI DEF LED, INF MOD Model #16mm-45X150-RGB
2'x7'10" ID Cabinet, 2'4"x7'10"" LED Cabinet, Existing Structure

PLANET EARTH'S BEST WARRANTY

Reference #: *132552*
Sketch #: *2*
Date: *June 18, 2018*

SIGNS PLUS — NEW IDEAS - NEW TECHNOLOGY, INC. — 1988 30 YEARS 2018 OF EXCELLENCE

SPECIFICATIONS

Cabinet/Leg:
DAR23013 Smokey Brown
(LED Cabinet Black)
Sign Face: *DAR23013 Smokey Brown*
ID Letters: *403W White, 480B Black*
LED Letters: *Full Color*
Draft: *403W White*
Fonts: *Palatino Bold, Euromode Bold*
Mascot/Symbol: *#NA*

SIGN CAPABILITIES

16	45	150
# of Lines	Character Size (in)	# of characters per Line
5	5.0	25
4	6.3	16
3	8.8	12
2	13.2	8
1	27.7	4

APPROVAL

DATE

PRINT NAME

SIGNATURE

A FAX SIGNATURE IS BINDING UPON BOTH PARTIES

SIGNS PLUS
NEW IDEAS-NEW TECHNOLOGY, INC.

10 YEAR PARTS AVAILABLITY GUARANTEE

Proudly Made in the USA

FCC APPROVED Certificate on file

MEMBER USSC UNITED STATES SIGN COUNCIL

800-848-4262
signsplussigns.com
4242 McIntosh Lane, Sarasota, FL 34232

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120 Roberson St. (Zone RM-36)

Legend

- Street Names - City
- Parcels

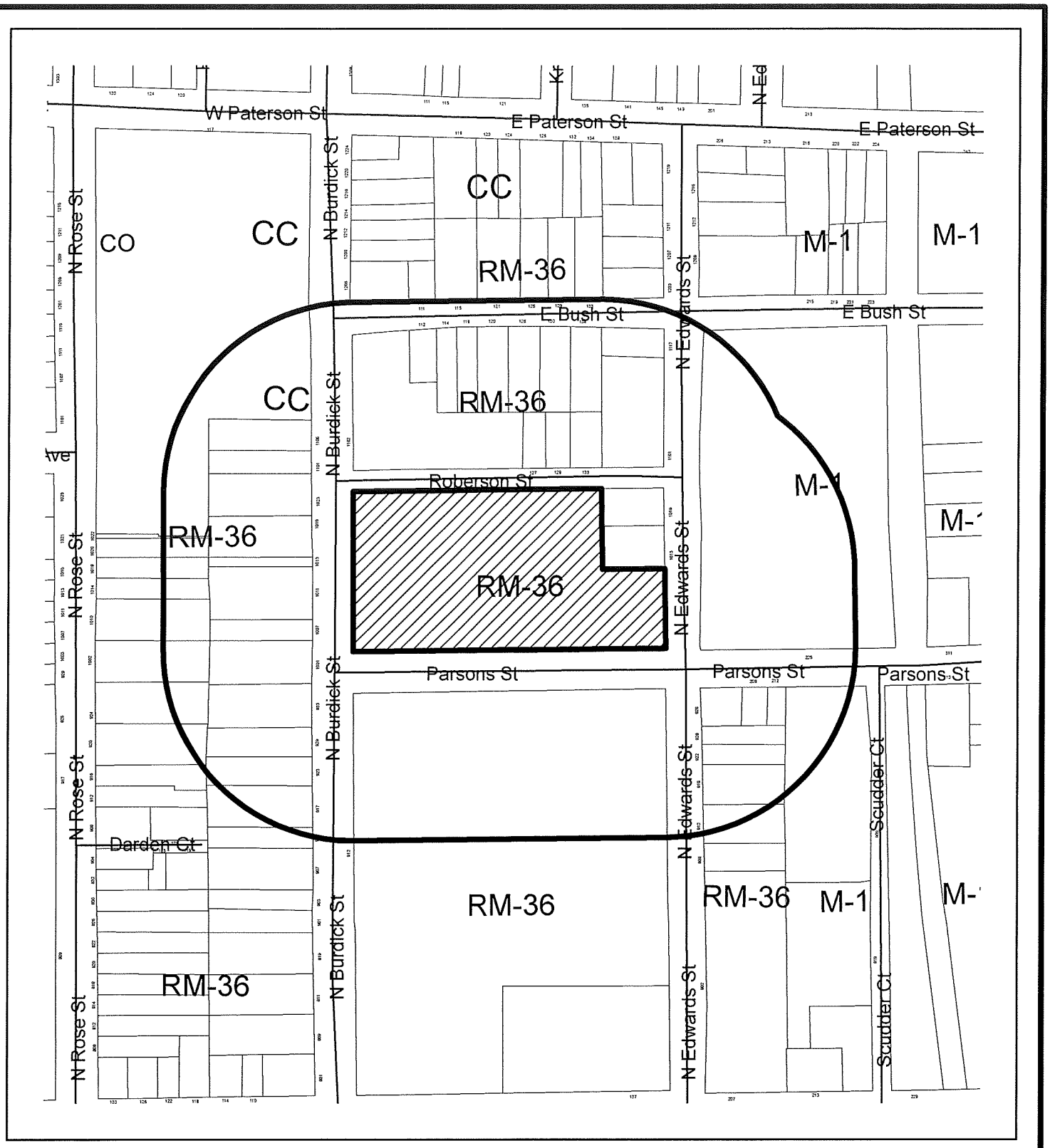
0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

THE CITY OF Kalamazoo



300' Mailing Boundary
120 Roberson St.

N

Feet
0 25 50 100

THE CITY OF Kalamazoo

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

June 26, 2019

RE: ZBA #19-07-21
3700 E. Cork Street Court
Parcel #06-36-227-001

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Amerilodge Group. The request concerns the property at 3700 E. Cork Street Court, which is situated in Zone CC, Commercial – Community District.

The applicant is requesting a dimensional variance from Chapter 50-72 1, to authorize 52 parking spaces above allowed maximum number of off-street parking spaces of 58 for a total of 110 off-street parking spaces for the proposed hotel development with 105 rooms.

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, July 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: 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 Christie Soderling - Amerilodge Group
Address 2369 Franklin Rd
City, State, Zip Bloomfield Hills, MI 48302
Phone 248.601.2500 Cell
Fax 248.651.0717 Email Christie.Soderling@amerilodgegroup.com

Owner: Name Christie Soderling - Amerilodge Group
Address 2369 Franklin Rd
City, State, Zip Bloomfield Hills, MI 48302
Phone 248.601.2500 Cell
Fax 248.651.0717 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 3700 E Cork Street Court

This property is located between E Cork street and E Cork street, on the

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

CCN# 06-36-227-001 Zone CC

Type of Request

[ ] **Interpretation** of Chapter(s) _____ Sections(s) _____

Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

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

[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 Request a variance from the maximum number of off-street parking spaces allowed under Sec. 50-7.2-2b of the City of Kalamazoo Zoning Ordinance.

Attachments

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

Christie Soderling — 6-6-19
Signature of Applicant — Date

6-7-19
Signature of Owner (if different than applicant) — Date

Rev 2/2016

hurley & stewart

June 6, 2019

City of Kalamazoo Zoning Board of Appeals
415 E Stockbridge Ave.
Kalamazoo, MI 49001

RE: Variance Request
Holiday Inn – 3700 E Cork Street Court

Dear Board Members,

We are currently working on a new Holiday Inn Express project in the City of Kalamazoo. The proposed hotel is proposed to be located at 3700 E. Cork St. Court, in the vicinity of several other hotels near I-94 at Sprinkle Road.

We request a variance from the maximum number of off-street parking spaces allowed under Sec. 50-7.2-2b of the City of Kalamazoo Zoning Ordinance. A hotel/motel is required to provide one parking space per two guest rooms, and does not allow greater than 110% of the minimum parking requirement. The proposed hotel has 105 rooms and 110 proposed parking spaces. Based on previous hotel projects, the developer has found that a minimum of 1 parking space per room with additional 5 parking spaces to accommodate the maximum number of employees on a given shift is necessary for the development to be successful.

In the following section, we have provided responses to requirements from the ZBA Variance Requirements List to ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

1. There are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

The subject property is located near the southeast edge of the city limits and is not densely populated or developed compared to most other areas in the City. It is also located directly adjacent to I-94, and will thus be primarily used by travelers in personal vehicles as the nearby area lacks inter-city public transportation nodes and bicycle-friendly infrastructure.

2. The special circumstances are not the result of the actions of the applicant or titleholder of the land.

The special circumstances listed in the previous response are caused by future user transportation mode choice that the applicant and titleholder have no control over.

3. The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

It was brought to our attention that other hotel developments in this area of the City of Kalamazoo have been granted variances from the same ordinance section. The current limit on parking spaces causes practical difficulty for this type of development as it creates hardship for travelers in personal vehicles

visiting Kalamazoo on the outskirts of the downtown setting, where parking structures and on-street parking is less abundant.

4. The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

Granting the variance is the minimum action that would make possible the use of this land as a successful hotel development that is not contrary to public interest. The spirit of this ordinance is described in the 2025 Master Plan, which states that "parking, like many other zoning requirements, is not a one-size-fits-all solution. Context and character, in addition to the traditional considerations of size or quantity of customers, are important." We have shown that the context of this development requires a greater quantity of parking spaces to be successful.

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

The adjacent land is occupied by hotels similar to the proposed project and will not be adversely impacted by the development in a material way. Stormwater runoff increased by the increase in impervious area will be detained and released at the pre-development rate per City requirements, precluding a negative stormwater impact from a larger parking lot.

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

We believe that granting the variance would be generally consistent with the intent of the zoning ordinance. As we understand it, this requirement is ideal for developments located in densely populated downtown settings where parking garages with non-motorized means of transportation and additional on-street parking is available. While the majority of the City fits in this category, we believe our particular property does not fall within this category.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon additional criteria:

Requested variance does not involve landscaping: additional criteria do not apply.

Thank you for your time and understanding.

Sincerely,

HURLEY & STEWART, LLC.

Alex. R. Phelan

ZONING REQUIREMENTS

ZONING
THE SITE IS ZONED COMMUNITY COMMERCIAL (CC)
PROPOSED USES
LODGING (HOTEL)
PARKING
**PARKING CALCULATION
HOLIDAY INN 105 ROOMS + MAX 5 EMPLOYEES PER SHIFT
= 110 SPACES REQUIRED
110 SPACES PROVIDED THIS PHASE

LOT COVERAGE

TOTAL BUILDING AREA = 18,755 SFT.
TOTAL IMPERVIOUS COVERAGE = 52,839 SFT.
TOTAL PROPERTY AREA = 137,699 SFT.
TOTAL LOT COVERAGE PERCENTAGE 30.54%

LEGEND

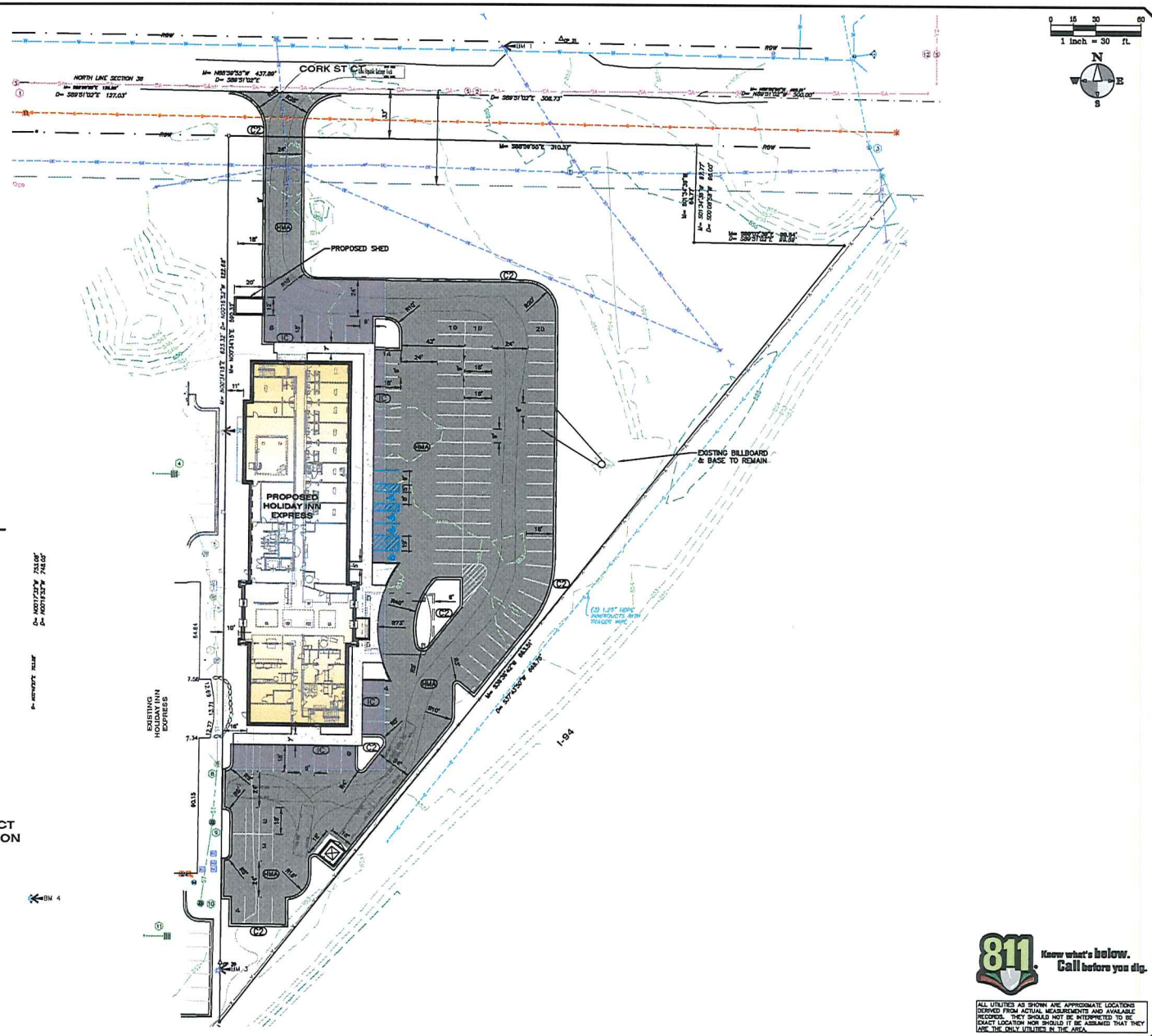
- STANDARD-DUTY BITUMINOUS PAVEMENT
- PROPOSED BUILDING
- PARKING STRIPING (BLUE)
- PARKING STRIPING (WHITE)
- SIDEWALK RAMP SLOPE
- CURB AND GUTTER

- HMA HMA PAVEMENT
- C2 C2 CURB AND GUTTER (SEE DETAIL)
- IC INTEGRAL CURB WALK
- SR SIDEWALK RAMP (SEE DETAIL)

NOTES

1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
2. PROVIDE CURB CUTS/RAMPS AT ALL BARRIER FREE ACCESS POINTS.
3. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE
4. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
5. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2012 EDITION.
6. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
7. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
8. ALL EXTERIOR CONCRETE SHALL BE 4000PSI, AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.
9. ANY BITUMINOUS OR CONCRETE PAVEMENT, SANITARY SEWER, SANITARY SEWER SERVICE LEADS, OR STORM SEWER, WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.

SITE INDEX MAP
SCALE: 1" = 500'



811 Know what's below. Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

hurley & stewart, llc
2800 south 11th street
Kalamazoo, michigan 49009
269.552.4900 fax 269.552.4901
www.hurleystewart.com
hurley & stewart

Job No.: 19-5320 R.W.J.P. Drft: DKB Ck/QC: 06/20/19

ISSUED FOR REVIEWS	
1 - SITE PLAN REVIEW	06/20/19

COPYRIGHT © of Hurley & Stewart, LLC

Sheet Title: SITE LAYOUT PLAN
Project: HOLIDAY INN EXPRESS
Client: AMERILODGE GROUP

06/20/19
Sheet
C-2

3700 E. Cork Street Court (Zone CC)

0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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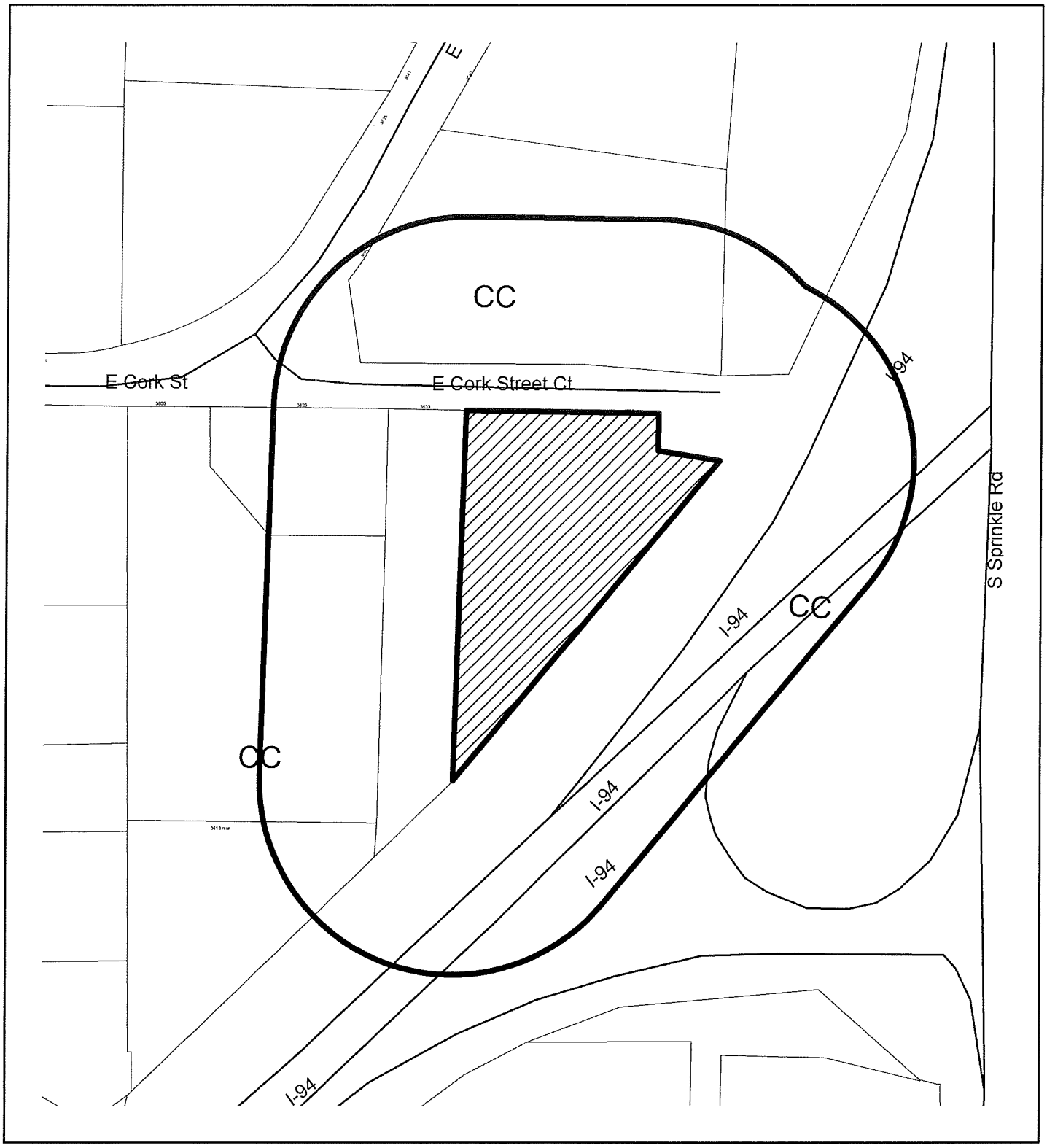
Legend

Street Names - City

Parcels

THE CITY OF Kalamazoo



300' Mailing Boundary
3700 E. Cork St. ct.

N

Feet
0 2550 100

THE CITY OF Kalamazoo

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

June 26, 2019

RE: ZBA #19-07-22
110 W. Stockbridge Avenue
Parcel #06-22-346-004

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Virgil Wathel. The request concerns the property at 110 W. Stockbridge Avenue, which is situated in Zone CC, Commercial – Community District.

The applicant is requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Barbeque Stand) to operate in the parking lot of J & B Discount Liquor from July 12, 2019 to September 30, 2019 (2.5 months). Recommended conditions of approval include: 1) Grill, table and tent must not be within the right-of-way, 2) Transient Merchant License must be obtained from City Clerk, and 3) Must also have license from the Health Department.

.

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, July 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

Peter C. Eldridge, AICP
Zoning Administrator

c: Property File

THE CITY OF Kalamazoo

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 Virgil Wathel
Address 6342 Sitkus Spruce
City, State, Zip Portage mich. 49024
Phone _____ Cell 313 (917) 4680
Fax _____ Email virgil917@gmail.com

Owner: Name BALJINDER SINGH (MANAGER)
Address 110 W Stockbridge AVE
City, State, Zip Kalamazoo MI 49001
Phone 269 385 3180 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 110 Stockbridge J. B. Liquor store
This property is located between Stockbridge street and Burdick street, on the
north south east west side of the street.
CCN# _____ Zone _____

Type of Request

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

[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 BBQ Stand

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)

Virgil Wathel — 5-25-2019
Signature of Applicant — Date

B Singh — 05-25-19
Signature of Owner (if different than applicant) — Date

RECEIVED
MAY 24 2019

To Whom it may Concern

I'am Also Requesting To stay Longer At This Location

110 W. Stockbridge

More Than 30 days, I'am Requesting To be at this Location Threw out the Summer please, And Thank you

I Talk with John Schmitt (269) 387-5062, with the Small Business Development, To ask you Bobby Durkee, The Zoning Inspector, concerning This matter, what steps I have to Take To make This happen. Sincerely.

Virgil Wathel

I Hereby Give Virgil Barbque

Permission To cook on my property

110 W. Burdick + Stockbridge

AND To Get Permit.

RECEIVED
MAY 24 2019

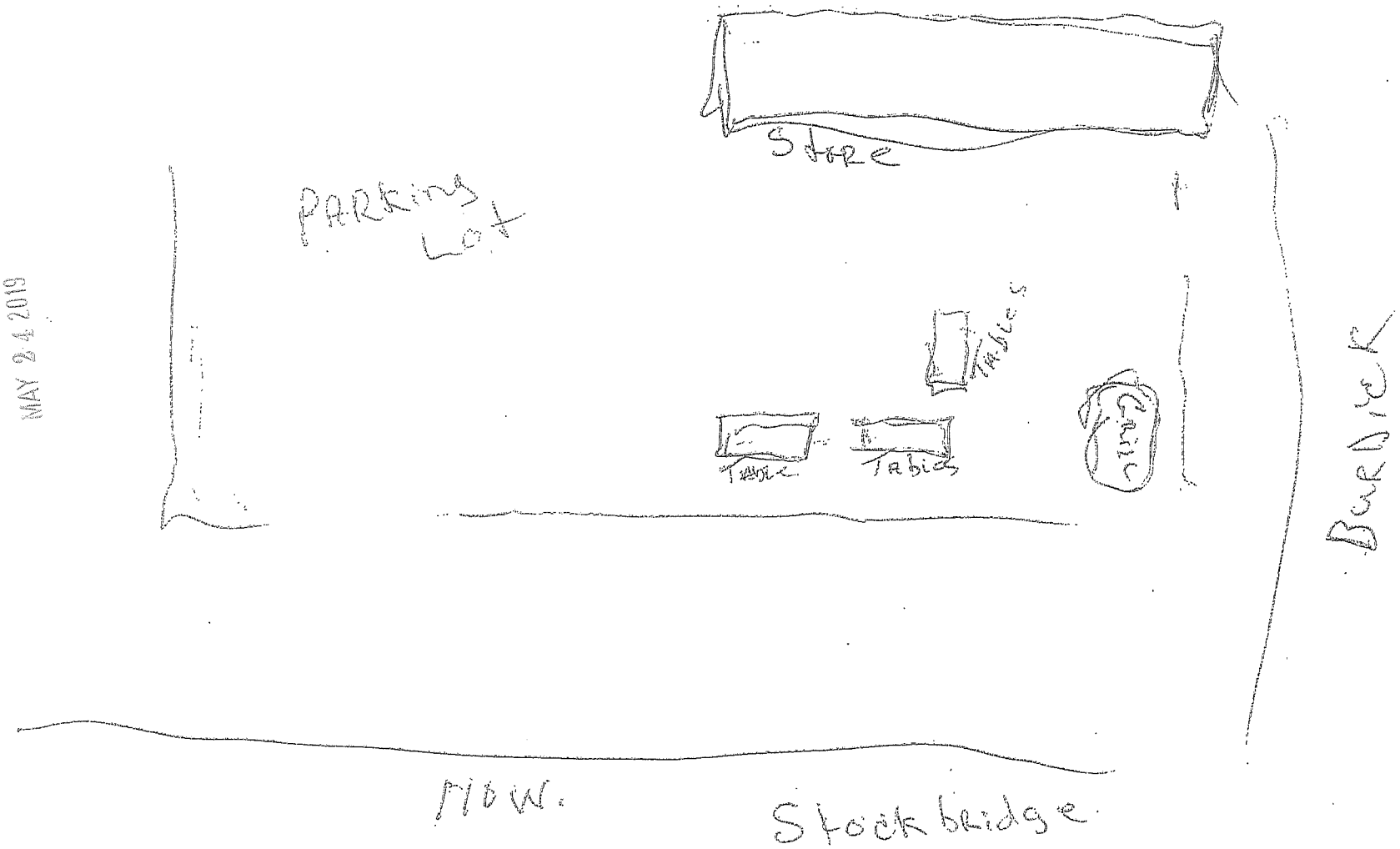
Sign B Singh

~~08-24-16~~

05-27-16 B.S.

06-14-18 B Singh

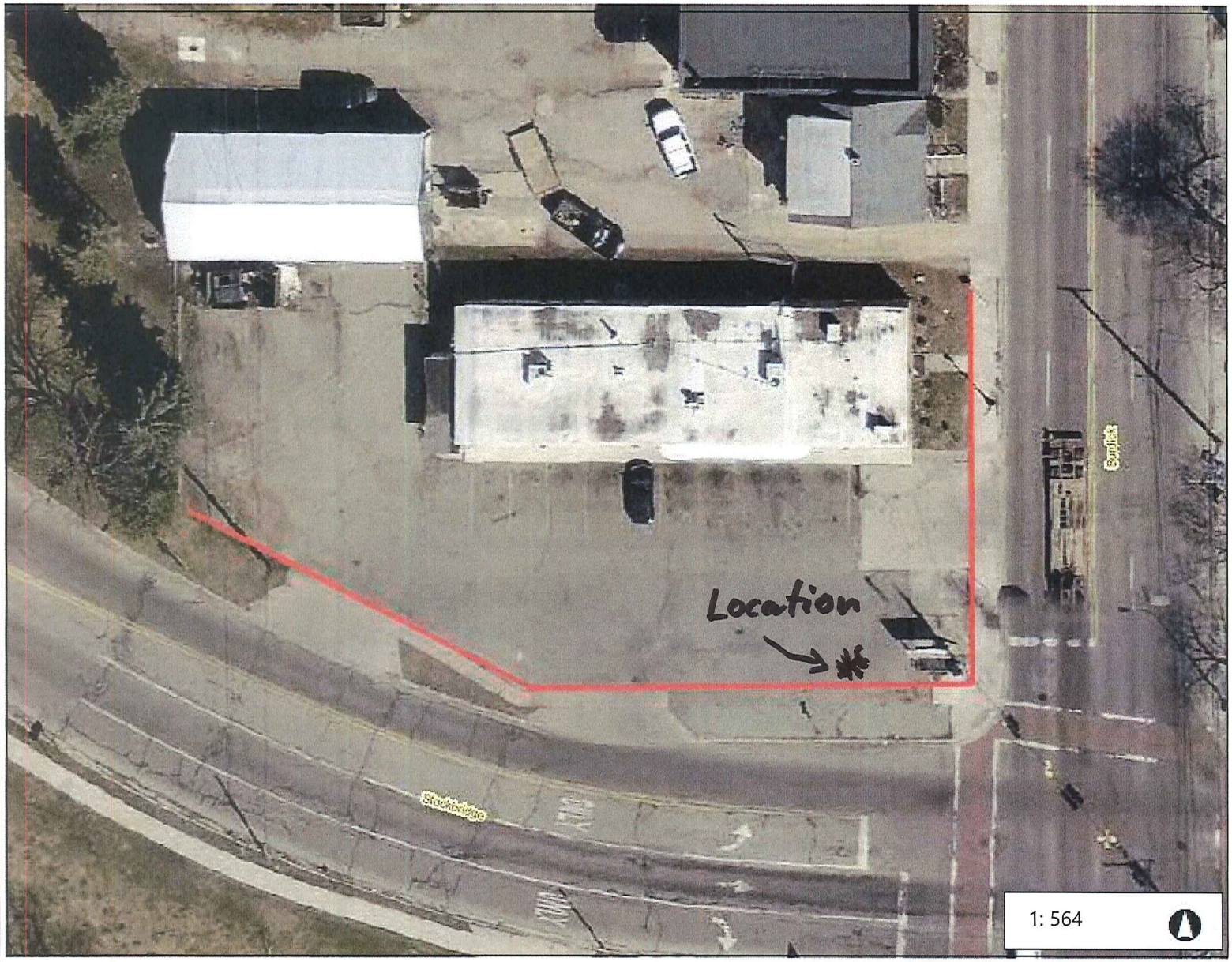
MAY 22 2019 B Singh



RECEI
MAY 24 2019

N

110 W. Stockbridge Ave (Front Property Line)



0.0 0 0.01 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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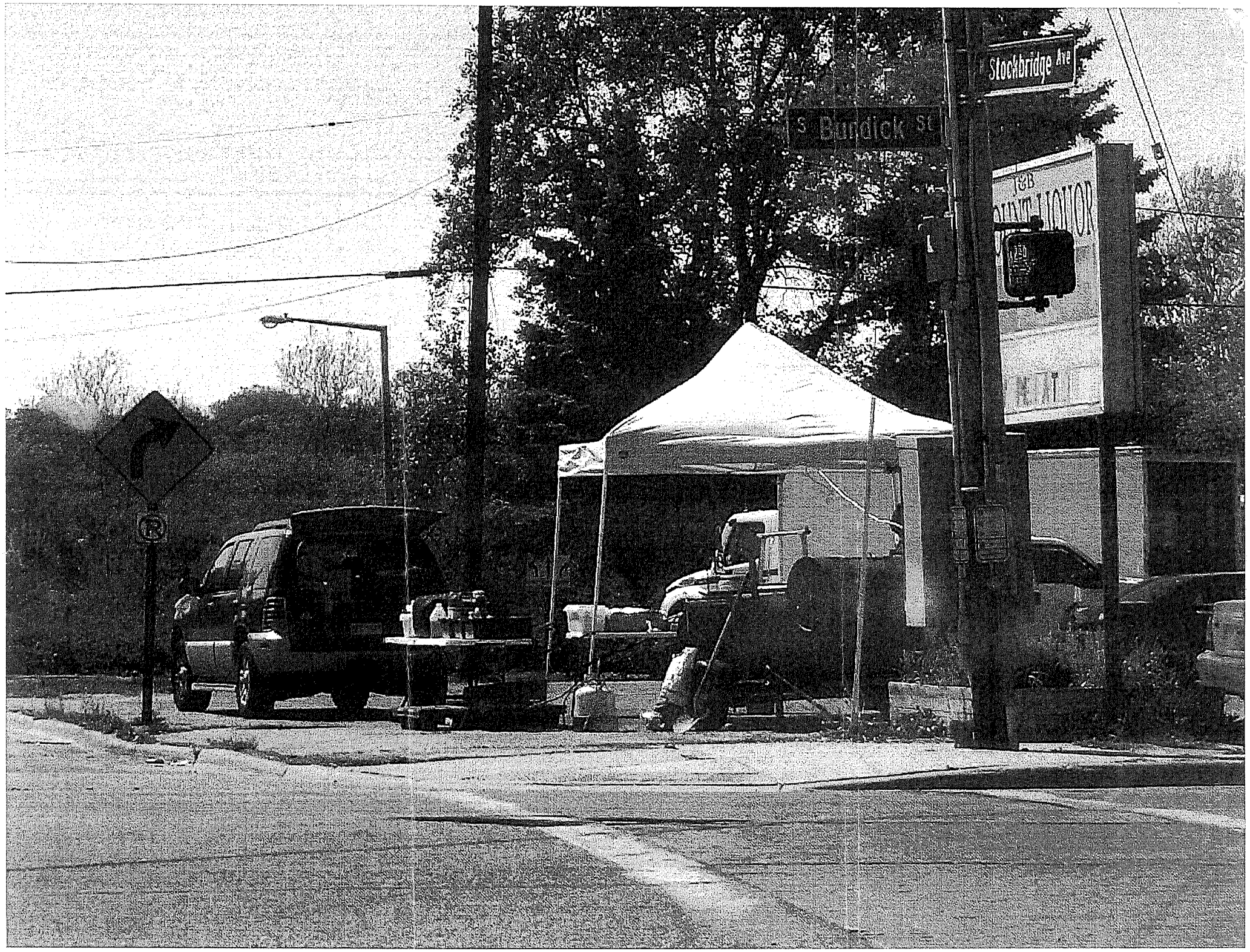
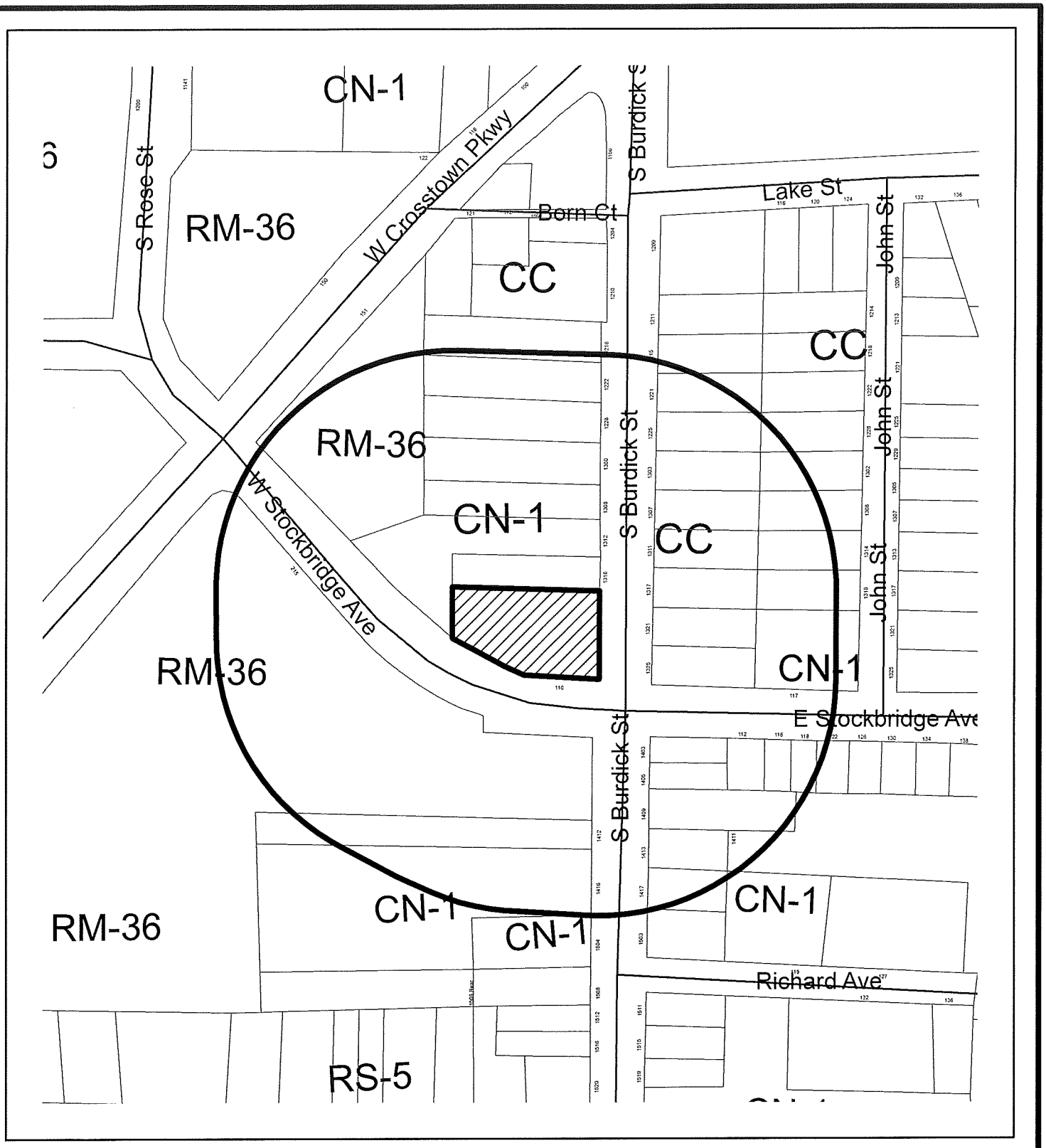
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

Street Names - City

THE CITY OF Kalamazoo


Stockbridge Ave
S Burdick St
T&B
LIQUOR



300' Mailing Boundary
110 W. Stockbridge

N

Feet
0 20 40 80

THE CITY OF Kalamazoo

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

June 26, 2019

RE: ZBA #19-07-23
563 Portage Street
Parcel #06-22-219-010

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by MTP CRIBS, LLC. The request concerns the property at 563 Portage Street, which is situated in use Zone M-1, Manufacturing – Limited District.

The applicant is requesting a use variance from Chapter 4, Section 4.1, to re-authorize the conversion of a ground floor commercial space into an apartment in this building which already contains three other residential units. Where in Zone M-1 no new dwelling units are permitted. A use variance was approved on November 9, 2017 for this conversion but that approval has since expired.

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, July 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: Property File

THE CITY OF Kalamazoo

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 N/A Cell 248-878-0918
Fax _____ Email schic1mg@gmail.com

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 563 Portage
This property is located between Walnut street and 2nd Street street, on the
north south (east) west side of the street.
CCN# 06-22-219-010 Zone M-1

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 _____

Attachments

[X] $ 495 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 _____ Date 6/6/19

Signature of Owner (if different than applicant) _____ Date

June 6, 2019

Dear Members of the Zoning Board of Appeals,

I am kindly requesting a variance on the front, ground floor unit at 563 Portage. I purchased this building with four occupied apartments. It wasn't until after the purchase that I was made aware that the city recognizes one of the units as commercial. This unit has been continually tenant-occupied since I acquired the property. I assure you that the unit in question is best-suited for a resident, not a business, based on the interior layout of the unit which includes a bedroom, living room, and kitchen that opens to the living room. Significant capital investment would need to be make in order to successfully market this unit to a commercial tenant.

Furthermore, this area is in transition as you can see other loft-style residences in operation on Portage Street. The proximity of 563 Portage to Bronson Methodist Hospital (0.2 mi), WMU Stryker School of Medicine (0.3 mi), and Downtown Kalamazoo (0.4 mi to South St.) make this property incredibly attractive to residential tenants. That is evident in the rent that this property is able to generate as a residential property, which is over $40,000 annually. Of the 4 tenants, 3 of them are either working at the hospital, enrolled in the medical school, or both, helping to elevate the overall tenant class in this up and coming area.

I sincerely appreciate the consideration of this variance.

Mike Schick

Letter of Support

Mike,

Your rental property is always kept neat which is appreciated by area businesses. From what I hear and read, the city is looking to increase their housing in this part of town as there is a shortage. Keep up the good work!

Your neighborhood business owner,

Connie DeGroot
Vice President

(269) 343-3456
(269) 207-9649

CARSTAR Kalamazoo
522 E. Walnut Street
Kalamazoo, MI 49007

Proud Member of Driven Brands™

I support my neighbor to keep their building %100 residential, and from my experience, a few businesses on this road went out of business last year, and one business across street from us going out of business now. Mr. Mike and his building doesnt effect our business from being residential. He would risk having a lot of vacancy in this unit since Portage is not a retail destination, putting his other tenants and neighboring properties at risk.

with regards

Jordan Auto Dealer
Ahmad Etoom
269-267-2000

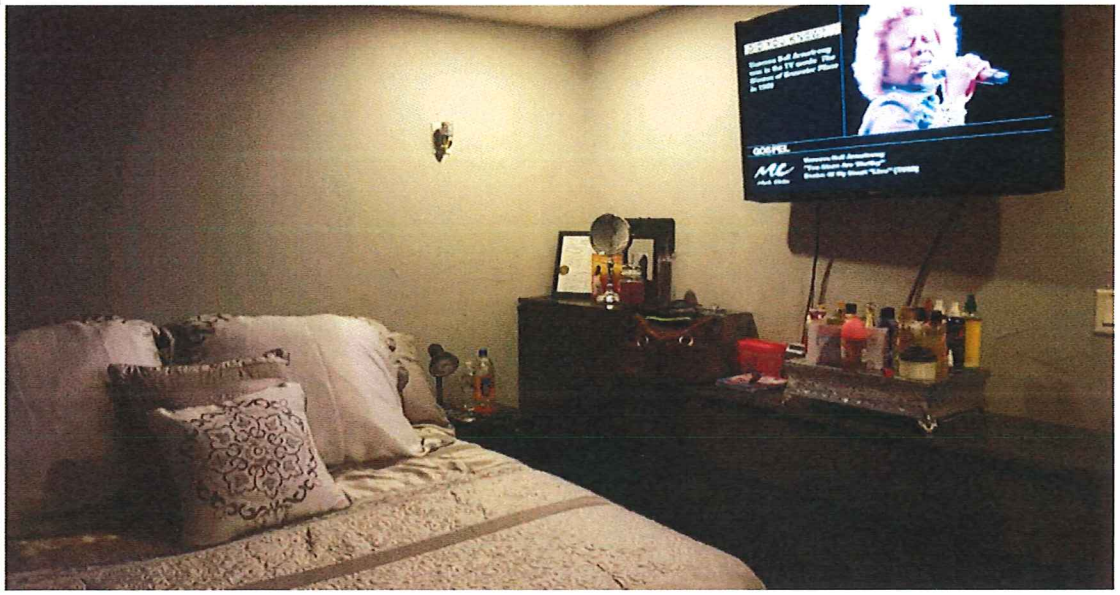
563 Portage Street
November 9, 2017

North Elevation

South Elevation

563 Portage Street

Interior Pictures of Fourth Unit Added



THE CITY OF Kalamazoo

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

Michael Schick
Jakobson Management Co.
5955 W. Main Street
Kalamazoo, MI 49009

November 14, 2017

COPY

Re: ZBA #17-11-25
563 Portage Street
Parcel #0622-219-010

Dear Mr. Schick:

At the meeting of the Zoning Board of Appeals on Thursday, November 9, 2017, the Board granted a use variance to authorize the conversion of a ground floor commercial space into an apartment in this building, which already contains three other residential units.

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. This additional unit along with the other three units will require a rental inspection and certification via our Rental Housing Inspection Program.

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

Peter C. Eldridge, AICP
Zoning Administrator

C: Debbie Miller, Housing Inspections Supervisor
Bobby Durkee, Zoning Inspector
Property File

Mr. Lager seconded the Finding of Fact.

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

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

Mr. Lager stated due to the size of the lot, the fact it's a landmark property, on a busy thoroughfare, but zoned residential, there's special circumstances, the literal interpretation of the ordinance would prevent the placing of a reasonable sized sign on the property, it's not the result of the applicant, it won't adversely affect land in a material way and he was in favor.

Chair Boyd questioned if it's an Institutional Campus. Mr. Eldridge stated no, it's in a residential zone with a house directly across the driveway.

Mr. Youngs stated no neighbors nearby had issues with the sign, only Ms. Robinson who is a quarter mile south from the location.

Chair Boyd commented they would be increasing the non-conformity of the sign.

Mr. Houston stated he had no problem with the sign, it would enhance the location easier, and it's not an offensive sign.

Mr. Flach discussed the other options, if the lantern was not attached to the structure it would be in conformity.

Mr. Eldridge stated the Board can grant a reduced variance, with a lesser cap with no light, there is a lack of hardship they need to prove, it's more than an aesthetic feature.

Motion denied roll call vote.

Yes: Houston, Youngs, Lager
No: Flach, Doane, Boyd

Mr. Houston read the application for 563 Portage Street, Parcel # 06-22-219-010:

ZBA#17-11-25: 563 Portage Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jakobson Management Company on behalf of MTP CRIBS, LLC. The request concerns the property at 563 Portage Street, which is situated in use Zone M-1, Manufacturing – Limited District. The applicant is requesting a use variance to authorize the conversion of a ground floor commercial space into an apartment in this building which already contains three other residential units. Where in Zone M-1 no new dwelling units are permitted.

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-two notices of public hearing sent and two responses were received.

Hailey Siebenaler, 3414 Lovers Lane, stated her client purchased the property on September 8th, 2017 as an occupied four unit; it's been occupied that way for some time. During a rental inspection they were notified they weren't allowed to have four units. Their tenant is on a lease with them, they'd have to evict them, and make it into a commercial or retail space. They have support from the neighborhood to keep it residential. They take great care of the property, stating it was last used in 2010 as commercial.

Mr. Eldridge stated they are near the KVCC Campus and Bronson Hospital. The master plans intended direction is to transition this area to commercial zone districts that would allow mixed use and allow more residential uses in that area. Commercial is struggling in that area. No new residential units are permitted, the three there are legal non-conforming, the front one was illegally converted. The three units were inspected and approved years ago, during a certain time period this property dropped off the rental registration program, when the new purchaser came in, between 2010 and now there was an additional unit added. The City hopes to have more additional residential units on line in this area in the future.

Chair Boyd closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

1.) The Finding of Fact for 563 Portage Street shall include all information included in the notice of public hearing dated October 25, 2017.

2.) Twenty-two notices of public hearing were sent and two 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: Hailey Siebenaler, stated her client purchased the property as a four unit rental with the intent to rent it as such, they currently have a tenant leasing the space and then found out the fourth unit was non-conforming due to zoning. If the variance isn't approved they will have to evict the tenant that has resided there for over two years. Mr. Eldridge referenced the future land development map.

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.

Chair Boyd reviewed the criteria conditions that must be met to qualify, it's already being used as a rental, it's not the applicant's fault, and they purchased it as a four unit and stated he was in favor.

Motion approved by roll call vote unanimously.

Mr. Houston read the application for 703 Locust Street, Parcel #06-21-276-008:

ZBA# 17-11-26: 703 Locust Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Lukeman Properties LLC on behalf of Prytaneum Beta LLC. The request concerns the property at 703 Locust Street, which is situated in use Zone RM-15, Residential – Single Dwelling District. The applicant is requesting a dimensional variance to authorize two dwelling units in the existing structure where the lot area per dwelling unit is 2,178 square feet , when in Zone RM-15, 2,900 square feet is required (a 25% reduction). The structure was utilized as a nonconforming 2-unit rental property until 2000, when it was then converted to single-family occupancy.

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 one hundred and six notices of public hearing sent and zero responses were received.

Joe Lukeman, of Lukeman Properties, 426 S. Westnedge St., stated he was the applicant, the property was purchased after it was converted to a single family residence. Portions of the building still sit as a duplex, multiple kitchens, multiple utilities, they removed one door at the top of the stairs to return it as a single family dwelling. They are short 1400 square feet for zoning requirements. He has enough parking, at least six spaces, he's not adding more people, as a duplex they'd lose a person. He'd just be returning it back into a duplex. It's a hard property to rent and there are more requests for smaller units.

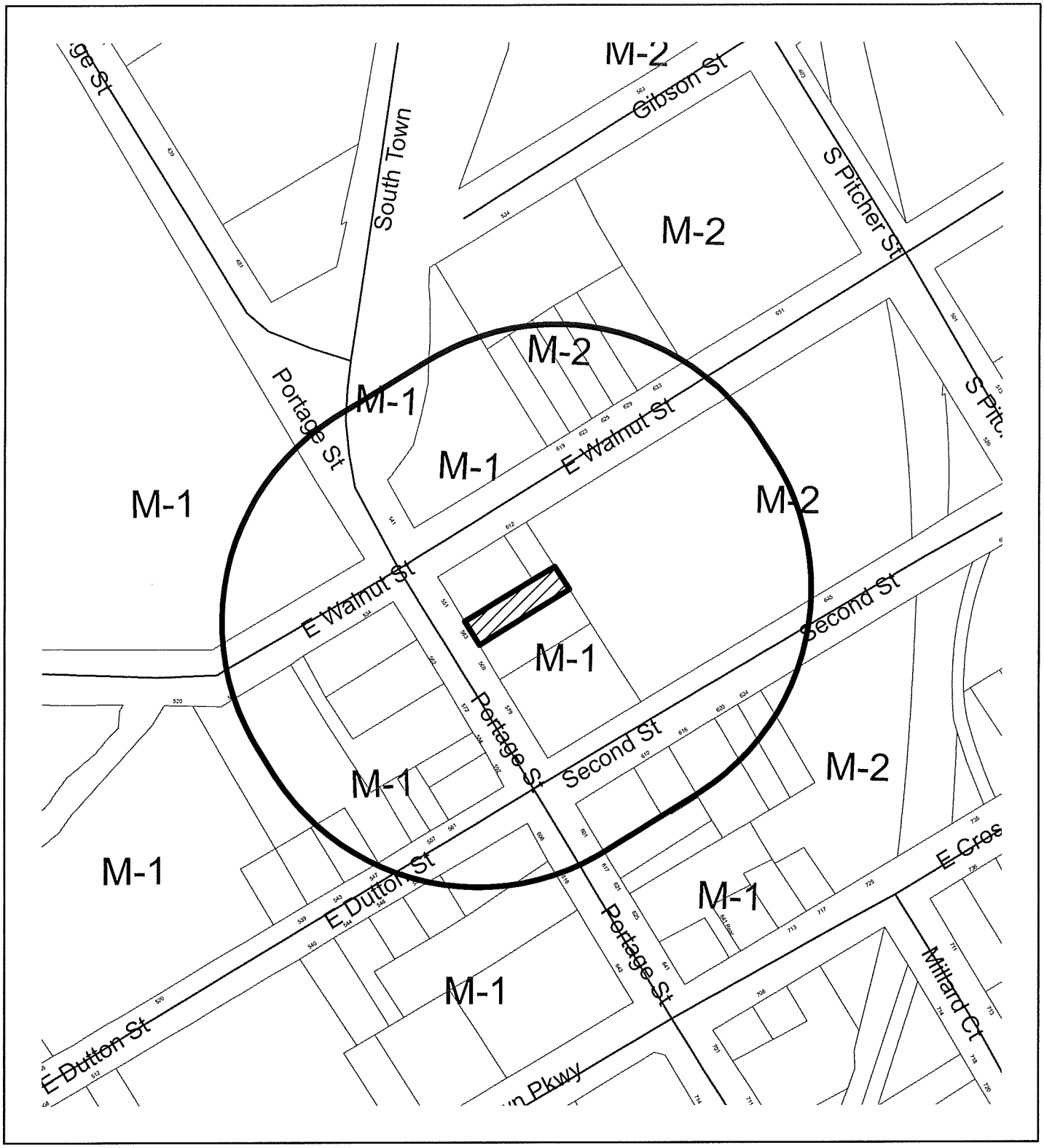
Mr. Eldridge commented to the diagram in the packet showing surrounding rentals to this property. He noted on the west side, there are two, three and even a 4 unit rental, it's a densely populated area.

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

FINDING OF FACT

Mr. Youngs moved the Finding of Fact as follows:

1.) The Finding of Fact for 703 Locust shall include all information included in the notice of public hearing dated October 25, 2017.



300' Mailing Boundary
563 Portage St.

N

Feet
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