Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals

February 13, 2020

City Commission Chambers, City Hall, 241 W. South Street 7:00 p.m.

A. Call to Order:

B. Communications and Announcements:

C. Approval of the Meeting Minutes for December 12, 2019:

D. Public Hearings:

1. ZBA #20-02-01: 417 Forest Street. Dennis Greenfield, owner of the property, is requesting a use variance from Chapter 4, Section 4.1, to authorize the renting of motorhomes and provide storage for motorhomes on this property which falls under the land use category of 'light equipment sales and rental'. This use category is not permitted in the Commercial Office District.

2. ZBA #20-02-02: 303 Balch Street and 1612 S. Park Street. Whitley Memorial Funeral Home, owner of the property, is requesting a dimensional variance from Chapter 5, Section 5.2, to authorize the construction of an attached garage on the south side of the building which will be within 2.5 feet of the south property line where a 25-foot setback is required from adjacent residentially zoned property.

E. Other Business:

1. Zoning Board of Appeals Meeting Dates for 2020: 2/13, 3/12, 4/16, 5/14, 6/11, 7/9, 8/13, 9/10, 10/8, 11/12 and 12/10.

2. Zoning Board of Appeals 2019 Annual Report

F. Adjournment:

MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
DECEMBER 12, 2019 - 7:00 p.m.
CITY COMMISSION CHAMBERS

Members Present: Matt Lager, Reed Youngs, Chris Flach, Christina Doane, Jeff Carroll, Beth van den Hombergh (Alternate).

Members Absent: Dick Skalski

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

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

NEW BUSINESS: Mr. Eldridge referenced the supplemental agenda he supplied the Board members and noted documentation received in support and one in opposition. The third item on the agenda for 440 S. Burdick there was a determination that it doesn't require a variance given the proximity to the 21-story Skyrise Building. So that case will not be heard tonight.

MINUTES:

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

Motion approved by voice vote unanimously.

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

Mr. Carroll read the application for 3121 Portage Street/ 1101 E. Cork Street, Parcel #06-26-374-002 and 06-26-374-001:

ZBA #19-12-36: 3121 Portage Street/ 1101 E. Cork Street: An application filed with the Zoning Board of Appeals by PUCCI Properties, LLC and Kzoo One, LLC will be reconsidered. The two properties involved are 3121 Portage Street and 1101 E. Cork Street. which are situated in Zone CN-1, Commercial Neighborhood District and Zone CC, Commercial – Community District. The Zoning Board of Appeals will be reconsidering this applicant's dimensional variances which were denied at the November 14, 2019 meeting. If the Board approves the motion to reconsider, the applicant will then be allowed to proceed with presenting the two variances which are: 1) A dimensional

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variance from Chapter 5, Section 5.2, to develop a site that is 32,600 square feet where the maximum site area for a commercial development in Zone CN-1 is 15,000 square feet; and 2) a dimensional variance from Chapter 50-72 1, to authorize two (2) parking spaces above allowed maximum number of off-street parking spaces of 11 for a total of 13 off-street parking spaces for the proposed credit union.

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 fifty-one notices of public hearing sent and zero responses were received.

Mr. Eldridge clarified the bylaws of the ZBA allows for a motion to be reconsidered if a motion is made to reconsider by the prevailing side, the prevailing side was, the request was denied. Ms. van den Hombergh had cast the vote against the application. She made a motion via email on November 21st and was seconded by Mr. Carroll on the same day via email. They have a motion to reconsider the application. The Board can discuss the merits. Attorney Robinson stated they first must decide to grant or deny the motion to reconsider. The motion has been made, they need to vote on whether to reconsider hearing it.

Roll call vote:

Yes: Flach, Lager, Youngs, Carroll, van den Hombergh
No:
Abstain: Doane

Motion approved to reconsider:

Mrs. van den Hombergh moved to approve to reconsider this applicant's dimensional variances which were denied at the November 14, 2019 meeting, seconded by Mr. Carroll.

Mr. Lager asked the applicant to step forward to answer questions, stating he was absent on the prior meeting. Rick DeKam representing Kalsee Credit Union, stated they wish to put a new building on this site. Matt Laham, President of Kalsee was present also. Mr. DeKam stated they will remove the vacant Firehouse and Cork Lane Decorating Center and add a 2600 square foot new building with three drive throughs. They will acquire three properties along Reycreft Street, two homes and an office building, those properties will remain and will only make improvements to them, adding a buffer. They will increase the green space, screening and lower wattage lights, for the least impact on the neighborhood. The concerns seem to be traffic, their position is it will not increase traffic flow by repositioning the existing curb cuts and limit it to two. Kalsee has been in the area since 1954 and will be reducing traffic from the former use. He spoke regarding other allowable uses that would allow for more traffic.

Mr. Laham gave a brief history of Kalsee, they currently are at 2501 Millcork. They will move that branch over to this new location. They want to be a part of the neighborhood; stating the four corners are a hub for Milwood. There are about 3000 members of the Credit Union in the Milwood area.

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Mr. Lager questioned the need for two additional parking spots. Mr. Laham stated they are to accommodate additional employees and for handicap spots.

John Hilliard, 2009 Sheridan, President of the Milwood Neighborhood Watch Association, spoke in support of the variance and the project. It will enhance the neighborhood; the Board supports the variance. He spoke of other credit unions in the neighborhood and has never heard of complaints about traffic problems.

Gregory Pucci, owner of Stanley Steamer, gave a brief history of the area and the available parking, he was a local business owner. He gave the Board a diagram showing the parking.

Diane LaTora, owner of Cork Lane Decorating stated she's ready to retire and Kalsee Credit Union would be a great tenant to sell too. She's been in that location for over forty years and had no traffic issues. She spoke of semi-truck deliveries, commenting a bank wouldn't have those and is in support.

Roger Storteboom, owner of Douglas Painting, stated he grew up in the Milwood neighborhood and feels this is a good opportunity and enhancement for the neighborhood.

Speaking in Opposition:

Dorothy Appleyard, 1508 Royce spoke in opposition stating her traffic concerns regarding the increased traffic with three lanes in a drive through. If they are closing the Millcork Branch the traffic will increase, it's a dangerous corner. Her understanding is the Zoning Code is based on the Master Plan and read a portion of the Imagine Kalamazoo's vision where she felt calmer streets were being asked for and she asked that the ZBA uphold that vision.

Mr. Eldridge talked about this project from the development stand point and conceptual plan, the developer meet with City Staff and the design falls in line with the forward sitting buildings in the zoning ordinance, he spoke to the walkability of the area, upgrading the landscaping, adding more green space, reducing curb cuts, and the positives coming out of the project along with a reconfiguration on lanes. He mentioned the Master Plan and this project will meet those guidelines.

Attorney Robinson indicated the request didn't require a further hearing therefore the Finding of Fact still includes those approved from the November 14, 2019 meeting. The prior motion would be to amend the approved Finding of Facts from last months meeting.

There were comments from the public.
Chair Youngs closed the public hearing.

FINDING OF FACT

Mr. Lager amended the Finding of Fact to include as follows:

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1.) The Finding of Fact for 3121 Portage St./1101 E. Cork St. shall include all information included in the notice of public hearing dated November 27, 2019.

2.) Fifty-one 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: Rick DeKam on behalf of the applicant along with Matt Laham President, stated the plan entails taking down the Fire House and the Decorating Center creating a 2600 square foot building with three drive thru lanes, the plan is closing down three buildings with a larger footprint and acquire additional properties on Reycraft that will be improved and held by the applicant. The plan increases the green space, landscaping and improved lighting on the corner. Opposition was based on traffic concerns, the applicant believes this plan will improve the traffic flow, making curb cuts more efficient. There are three existing sites in questionable condition and have higher traffic needs, this will provide jobs, and is in a very prominent corner in Milwood. The applicant noted the historic relationship of the Credit Union to the Milwood Neighborhood that began in 1954. President of the Credit Union expanded on the historic perspective of there being over 3,000 members of the Credit Union that live or work within the neighborhood and one intent of this project is to increase retail vibrancy. There will be at least three to five employees working at the site and there is an additional need for parking for the members. Speaking in favor of the request were John Hilliard, President of the Milwood Neighborhood Watch, stating that traffic will not be increased or more problematic and saw this as an opportunity for the neighborhood. Greg Pucci owner of Stanley Steamer sees it as an opportunity for enhancement of the neighborhood property. Diane LaTora the current owner of Cork Lane Decorating sees this and an opportunity of an enhancement of a problematic property in the neighborhood, Roger Storteboom believed it will improve the neighborhood properties. Dorothy Appleyard spoke in opposition and added to her previous comments and objections regarding traffic that the plan will increase traffic chaos and doesn't conform to the vision of the Master Plan for Kalamazoo. Mr. Eldridge commented the design elements support the Imagine Kalamazoo and

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Master Plan, including the entrance visibility, forward facing nature of the building, additional landscaping, situation of the property to encourage walkability, improvements to the green space and reduction of curb cuts. Regarding traffic there are some changes scheduled for that area, none of them are immediately adjacent to the subject property.

Mr. Carroll seconded the Finding of Fact.

Mr. Carroll moved to approve the application for 1) A dimensional variance from Chapter 5, Section 5.2, to develop a site that is 32,600 square feet where the maximum site area for a commercial development in Zone CN-1 is 15,000 square feet, seconded by Mr. Flach.

Mr. Flach clarified they will be removing two buildings and replacing it with one structure, Mr. DeKam stated around 10,000 total square foot of buildings will be removed. Mr. Flach questioned why he can't build a building that meets the requirements. Mr. DeKam stated they are looking at the development site as a whole, the building is 2600 square foot total.

Yes: Lager, Youngs, Carroll, van den Hombergh, Flach
No:
Abstained: Doane

Motion approved by roll call vote.

Mr. Carroll moved to approve the application for 2) a dimensional variance from Chapter 50-72 1, to authorize two (2) parking spaces above allowed maximum number of off-street parking spaces of 11 for a total of 13 off-street parking spaces for the proposed credit union, seconded by Mr. Lager.

Yes: Carroll, van den Hombergh, Flach, Lager, Youngs
No:
Abstained: Doane

Motion approved by roll call vote.

Mr. Carroll read the application for 3433 Oakland Drive, Parcel #06-32-235-001:

ZBA #19-12-37: 3433 Oakland Drive: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Edward Fletcher, owner of 3433 Oakland Drive which is situated in Zone RS-5 Residential – Single Dwelling District. The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize the construction of a 5,000 square foot commercial office building where in residential zone districts commercial office buildings are not permitted.

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

Rachel Hughes-Nilsson, Landscape Architect with OCB & A, representing Mr. Fletcher, the applicant is requesting a use variance to develop a new office building on a residentially zoned property. The property is on the east side of the road of Oakland Dr. There's a school to the north, a country club to the south and a neighborhood to the west. All the properties are zoned RS-5, single family zoned. However, the future land use map is zoned R-2 for multi-family. She gave a brief history of the land use change; the property has had multi use variances in the past because of the challenges of the site. The property has a twenty-three-foot elevation change, it's a large topographical change, they need a sanitary lift station, it would be expensive for a single-family resident. Neighbor's sewer line is adjacent to this property. However, the Country Club main would require cutting across their property, the Country Club wants to minimize that work. They would require a new water main also. The Country Club and the applicant have discussed a sharing of expenses for the work. The applicant plans to have a future office there for his office and future tenants. They plan to create a residential feel to keep it within the character of the neighborhood, it will be buffered from the school, additional landscaping and trees.

Ed Fletcher, prospective owner, stated he wants to develop the site, he lives at 1500 Whites Rd, and understands a lift station is expensive to maintain, stating he would landscape it also.

Speaking in opposition:

Susan Hills, 3404 Oakland Drive, spoke to the traffic concerns, the elementary school traffic back-ups and the additional traffic congestion this would add, she asked the Board to deny the request.

Mr. Carroll asked Ms. Hills what her idea of the best use of the property would be? Ms. Hills stated keeping it green space.

Mr. Eldridge acknowledged the correspondence received in support of the project and an email received from Ms. Hills who just spoke in opposition. The history as stated by Ms. Hughes-Nilsson for similar type facilities in April 2013 for the financial institution around 4500 square feet, and a medical clinic in September 2013, neither of those went forward. In 2014 and 2018 they were related to cluster housing developments, it's a challenged location even though it's zoned residential, they look at the zoning map it would best fit a single-family home, but the surrounding land uses, with a school, a maintenance building for the country club, it's a challenging site.

Mr. Lager questioned the future multi-family zoning on the map. Mr. Eldridge stated it's the overall area that is residential in nature, south of the golf course, and it protects against other uses that could go in, if the golf course left.

There were comments from the public.
Chair Youngs closed the public hearing.

FINDING OF FACT

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Mr. Flach moved the Finding of Fact as follows:

1.) The Finding of Fact for 3433 Oakland Drive shall include all information included in the notice of public hearing dated November 27, 2019.

2.) Seventeen 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: Rachel Hughes-Nilsson, representing Ed Fletcher the owner stated it's an unusual site, to build a residential property there would be extensive hooking up to city sewer and water, the building itself would look and fit well with the surrounding residential community, there's topographical challenges they'll have to overcome. They will have to add green space, land scape, and the future zoning is multi-family. Ed Fletcher spoke in favor, stating this is the third zoning request to develop the property. They have a great proposal and with landscaping and can afford the lift station and fees for hooking up to city sewer and water that could be cost prohibitive for a residential home owner. Speaking in opposition, Susan Hills stated traffic congestion from the school and had concerns it could be dangerous for pedestrians and children walking across the street. Mr. Eldridge noted the Country Club was in favor and there had been several similar variances in the past that for developments which never made it to fruition.

Mr. Lager seconded the Finding of Fact.

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

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

Mr. Carroll stated he was in favor.

Mr. Lager was in favor stating the unusual topographical issues, the additional expenses could make it difficult for a residential property, and the special circumstances are not the result of the applicant, the granting of the variances will not adversely affect adjacent land owners in a

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negative way. Looking at the future land use map this use could potentially have a lower impact than what could be zoned and be built there without a variance.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor. He did have concerns with traffic, but stated he wasn't a traffic engineer.

Motion approved by roll call vote unanimously.

~~ZBA #19-12-38: 440 S. Burdick Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jon Durham for the property at 440 S. Burdick Street which is situated in Zone CCBD, Commercial - Central Business District. The applicant is requesting a dimensional variance from Chapter 2, Section 2.3 G 4, to authorize the development of a ten-story building on this property, where the maximum height of a building may not be more than two stories taller than the tallest structure within 200 feet (AT&T Building is five stories). The maximum number of stories permitted is seven.~~

Mr. Carroll read the application for 522 and 530 S. Rose Street, Parcel #06-22-114-027 and #06-22-119-026:

ZBA #19-12-39: 522 and 530 S. Rose Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jon Durham for the properties at 522 and 530 S. Rose Street which is situated in Zone CCBD, Commercial - Central Business District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.2, to authorize a development with 64 dwelling units (apartments) where the lot area per dwelling unit requirement allows for a total of 16 dwelling units.

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

Jon Durham and Garrett Seybert were present to represent the variance, it's for a suburban approach, to develop in an urban area to be denser to build it. They can build the same exact building with 16 dwelling units in it for more wealthy people. They want to build 64 affordable senior qualified residential units. From 40% AMI to 80% AMI, the entire block of residential units will be income qualified and low income. It's opening space to provide the answer for a housing crisis for low income individuals to stay within their community.

Mr. Seybert commented allowing seniors to stay within their community and they know their neighbors, they move into these units and it opens single family homes for new families to move into.

Mr. Carroll asked about the size of the units. Mr. Seybert stated around 605 sq. ft. for a one-bedroom unit to 800 sq. ft. for two-bedroom units. To make a 16 unit building work he'd have to charge higher rent and they don't want to build expensive units.

Ms. van den Hombergh asked for clarification what constitutes a definition for affordable housing, what requirements do the tenants have to meet. Mr. Seybert stated the income for a MSHDA unit, there are seven one-bedroom 40% AMI units for $481 and twelve two-bedrooms units that rent for $576. There are nine one-bedroom units at 60% AMI for $605 and two-bedroom units at $792. There are seven one-bedroom units at 80% AMI for $1000 and twelve two-bedroom units at $1200. The management company income certifies the tenants.

Mr. Carroll questioned when the rent would increase. Mr. Seybert stated for federal tax credits the rent must stay at that rate for a 45-year period, they cannot increase it.

Mr. Eldridge clarified its affordable senior housing? Mr. Seybert stated yes, for seniors ages 55 and above. Mr. Eldridge stated parking spaces were calculated at 1.5 spaces per unit.

Attorney Robinson questioned if they were competing for tax credits and they needed the variance to move forward. Mr. Durham stated yes, they need the variance approval.

Margaret Wilson, on the Vine Neighborhood Association Board of Directors, stated it would fit into the neighborhood, it meets a need for the City.

Jerry Terpening, 913 Osborne Street, a member of the Vine Neighborhood Association, stated the neighborhood needs this project and feels the City should reach out to the residents more.

Mr. Eldridge stated the dimensional variance criteria provided to the Board and distributed, was the dimensional variance criteria that was answered too and wanted that noted. The layout is conceptual at this point it will require Site Plan review and approval.

There were 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 522 and 530 S. Rose Street shall include all information included in the notice of public hearing dated November 27, 2019.

2.) Eighty-two 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.

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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: Jon Durham and Garrett Seybert stated they wanted 64 units of low-income housing for qualifying seniors. They can fit the same amount as 16 larger high-priced units. The average units are from 605 to 800 sq. ft., they can fit more units in the building. There are 19 at 40% AMI, 26 at 60% AMI units and 19 AMI units at 80%. Staff stated 1.5 parking spaces per dwelling, but they won't use all of them. For federal tax credit purposes, the rent must stay at that rate for a 45-year period, they cannot increase it. Margaret Wilson, spoke in favor stating it fills a need. Jerry Terpening spoke in favor stating it helps the elderly. Mr. Eldridge referred to the handout in the Board's packet and nearby density of the area.

Mr. Lager seconded the Finding of Fact.

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

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

Mr. Flach questioned the intention of the density standards. Mr. Eldridge clarified it's for uniformity for traffic and dwelling units in the area.

Mr. Lager stated he'd be voting in favor of the request. The applicant's material convinces him and the ZBA considers special circumstances could include market need. This is part of the solution for market needs.

Motion approved by roll call vote.

Yes: Carroll, van den Hombergh, Doane, Lager, Youngs
No: Flach

Mr. Carroll read the application for 505 E. Kalamazoo Avenue, Parcel #06-15-408-200:

ZBA #19-12-40: 505 E. Kalamazoo Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Abbey Thompson of the Kzoo Cat Café & Rescue for 505 E. Kalamazoo Avenue which is situated in Zone CMU, Commercial – Mixed Use District. The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize the relocation of the Kzoo Cat Café and Rescue to this building where in Zone CMU animal shelters or kennels 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 seventeen notices of public hearing sent and zero responses were received.

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Abbey Thompson, owner of the Kzoo Cat Café and Rescue on W. Michigan Ave. since 2017 and prospective property owner for this location, stated this new location provides more space, in a more centralized location. The state classifies them as a kennel because the cats stay there overnight. The request is to operate in the proposed building. There isn't much noise from cats, no smells, the cats stay inside the building, they don't accept cats at the shelter. They are a licensed animal shelter but foster the cats, they make sure they are quarantined, vaccinated, spade and neutered. People come into the café to drink coffee, play with the cats or adopt the cats. Their concern with traffic and parking are alleviated, they are open evenings and weekends. They have a capacity of fifteen people in the café at one time and have ample parking. The cats stay at the café, have free range, until they are adopted. They've had 366 adoptions since they opened.

Mr. Eldridge clarified the hours of operations would be similar to her existing business. Ms. Thompson stated they'd have evening hours during the week and daytime hours on the weekends. She'd like to have around 30 cats but are allowed up to 50 cats, it's about the same roaming size area, the additional space in this building will be used for storage.

Jeff Messer, city resident, spoke in opposition stating Ms. Thompson had for seven months knowingly violated the City ordinance, she violated the ordinance by hanging a large Kzoo Cat Café banner sign from a protective Amtrack railroad fence in the W. Michigan right of way in March of 2019 that evening she was informed that the sign was attached to public property. She admitted she hadn't requested or received a sign permit to hang the advertising from City property. She was then informed she was in violation of city ordinances and needed to remove the sign, it remained on the fence unmoved until approximately October of 2019. As a general rule he doesn't support the city doing favors for people who knowingly violate City ordinances. He had spoken out against the special use permit for the Final Clue Escape Rooms at a Planning Commission meeting in October of 2016, who also had advertising violations. He commented on the variance being permanent to the land and other future owners can operate a kennel. If the variance is granted, any future land owner or tenant could operate animal shelters and kennels at this location. There are six conditions that must be met to grant a use variance, none of them are being met. There are no special circumstances that are peculiar to the land or structure which merits a variance, there are not other animal shelters or kennels located in the Community Business District. The land and building can be used for many other purposes, including administrative and professional offices, consumer repair services, and retail sales and micro-breweries. Animal shelters are permitted in other districts where there are vacant buildings, he feels it's not an appropriate area for animals. He gave a brief description of the trains and traffic in the area.

Mr. Eldridge commented he was unaware of the banner on the fence but would have addressed it. The relocation has been known for a period of time, with on going talks. The Planning Staff is looking at this as a kennel use because in the zoning ordinance it falls under animal services, since the animals stay overnight. He stated cats are not verbal and smaller than dogs, there've been no complaints at their current location. Mr. Messer's comment about the use variance going with the land, it does, this is a use variance to relocate the Kzoo Cat Café, it doesn't mean that someone else can move in with a bunch of dogs. The Board could tighten up the approval clearer for the Kzoo Cat Café to kennel cats at this location to not open the door for others. It goes with the land, but would have to be the same or similar use going in.

There were comments from the public.

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Chair Youngs closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

1.) The Finding of Fact for 505 E. Kalamazoo Avenue shall include all information included in the notice of public hearing dated November 27, 2019.

2.) Seventeen 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: Abbey Thompson owner of the Kzoo Cat Café spoke in favor of the request, they keep the cats in the café overnight, and relegates them to a kennel status. She spoke to proposed objections, those being smell, odors of the cats, to date there are no smells or odors at the current facility, parking at the new facility will be improved. Current hours are weekdays at night and opposite of other businesses. All cats are spade, neutered, immunized and quarantined before allowed in to the café, the café can house 30 to 40 cats. Mr. Messer spoke in opposition to the variance, reporting violations to sections 3.1 and 7.2 of to the city ordinance and feels the request doesn't meet any of the variance requirements. Mr. Eldridge commented by the cats staying overnight the use is considered a kennel designation. There have been no public complaints to date other than Mr. Messer's. To Mr. Messer's point that the variance stays with the property is accurate, but staff indicated that a condition can be added to the motion for variance to limit it to cats only.

Mr. Larger seconded the Finding of Fact.

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

Mr. Lager moved to approve the application with the use of only the kenneling of cats.

There was a discussion on the possible limiting of the number of cats that can be allowed on the premises.

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Mr. Eldridge commented this kennel is licensed by the State of Michigan.

Chair Youngs questioned the number of cats they can have on site.

Ms. Thompson stated there is no certain number, it's based on the amount of square footage available for cat rooms. They go off the rules in Kalamazoo County, the only stipulation is there is not excessive noise and they are treated humanely, they will need a new shelter license at this location, so the State will come and inspect them.

Chair Youngs commented on their concerns with the number of cats. Ms. Thompson stated they currently have approximately 45 cats, the back rooms won't be used to house cats.

Motion seconded by Mr. Flach.

Motion denied by roll call vote.

Yes: Flach
No: Lager, Youngs, Carroll, van den Hombergh, Doane

OTHER BUSINESS:

Attorney Robinson stated the appeal by the owner of South Westnedge Street Market to permit Spirts sales, was upheld by the Judge Lipsey. Then the applicants appealed to the Michigan Court of Appeals and asked for permission to appeal and the request to appeal was denied.

Mr. Eldridge commented he had notified the South Westnedge Market of the fifteen day notice to wind down the hard liquor sales.

Chair Youngs thanked the Board and stated it was his last meeting. Mr. Eldridge commented he had discussions with Mr. Lager to take the Chair's position and will vote in January.

ADJOURNMENT:

The meeting was adjourned at 9: 10 p.m.

Submitted By_____**Date**_____
Recording Secretary

Reviewed By_____**Date**_____
City Staff

Approved By _____ **Date**_____
Chair

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THE CITY OF Kalamazoo

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NOTICE OF PUBLIC HEARING

January 29, 2020

RE: ZBA #20-02-01
417 Forest Street
Parcel #06-22-321-002

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Dennis Greenfield, owner of the property at 417 Forest Street 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 renting of motorhomes and provide storage for motorhomes on this property which falls under the land use category of 'light equipment sales and rental'. This use category is not permitted in the Commercial Office District.

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

A public hearing will be held on **Thursday, February 13, 2020 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 245 N. Rose Street, Suite 100. 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
Assistant City Planner

c: Property File

THE CITY OF Kalamazoo

RECEIVED
DEC 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 Dennis Greenfield
Address 417 Forest Street
City, State, Zip Kalamazoo
Phone 269-343-2225 Cell 269-547-4843
Fax _____ Email dennisg@wgcons.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 417 Forest Street
This property is located between Park street and Westnedge street, on the
☐ north ☒ south ☐ east ☐ west side of the street.
CCN# _____ Zone CO

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 Add a permitted usage to include storage of RVs.

Attachments

[x] $495 Fee Pd. PCS
[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)
[x] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant _____ Date 12-16-19

Signature of Owner (if different than applicant) _____ Date

Rev 2/2016

Use Variance

Dennis Greenfield
Forest Street Professional Building
417 Forest Street
Kalamazoo MI 49001

I have added a new business to my property that is operating out of the 417 Forest Street building. This has increased my ability to continue to improve the property.

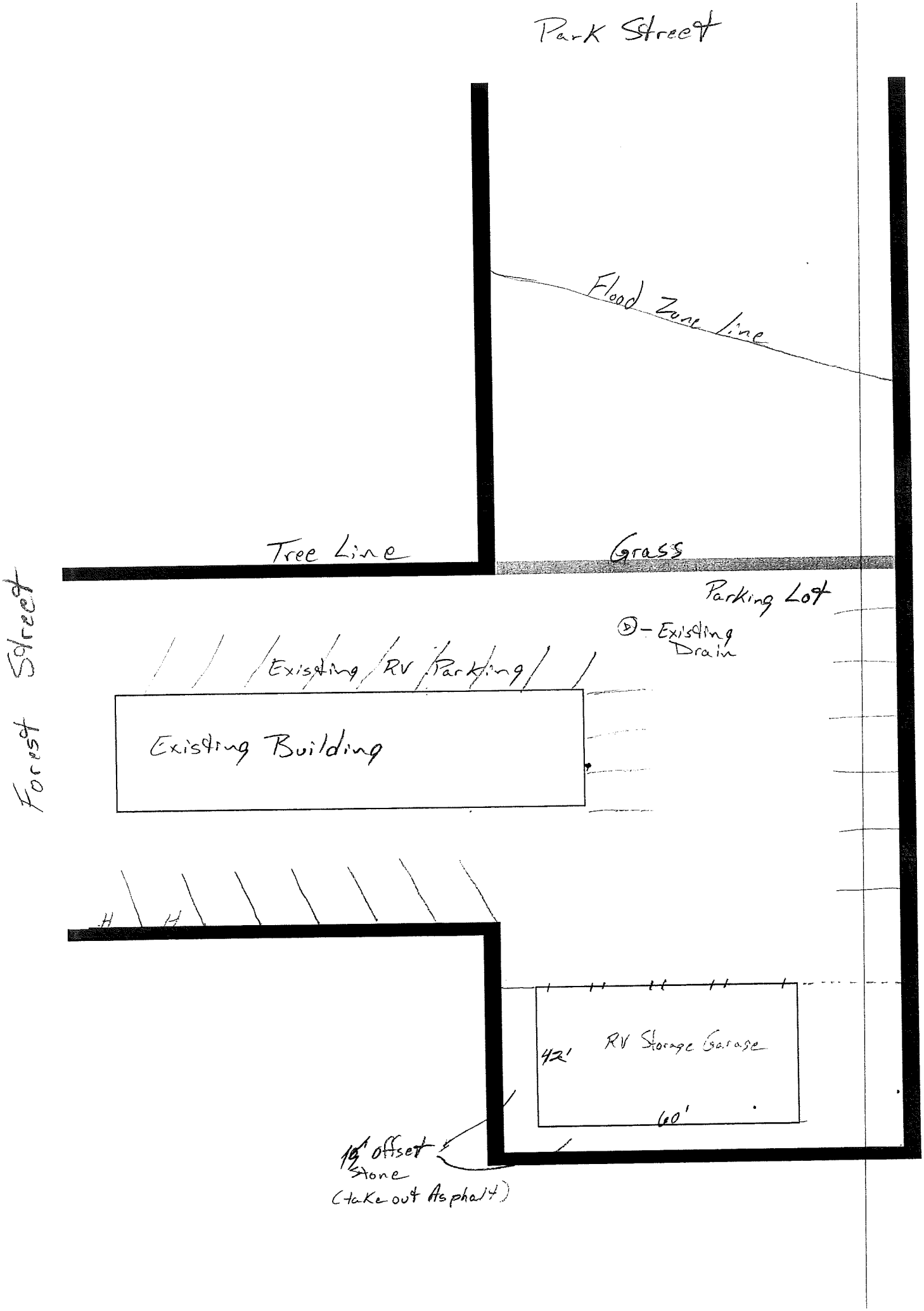
New business is the Rental of Motorhomes. The motorhomes are parked on the property in an inconspicuous way such that most people don't realize they are here. The current vehicles are "parked" and ready for rental all year round. I have had rentals in November, December, and February in addition to the good weather months. You can see their availability (even during the "off-season") online at RVShare.com or Outdoorsy.com. Currently, we do not store or sell RVs/Motorhomes.

I would like a zoning variance to make sure there is no question on the legalities of my existing business and to allow expansion of the business to include secure storage of motorhomes.

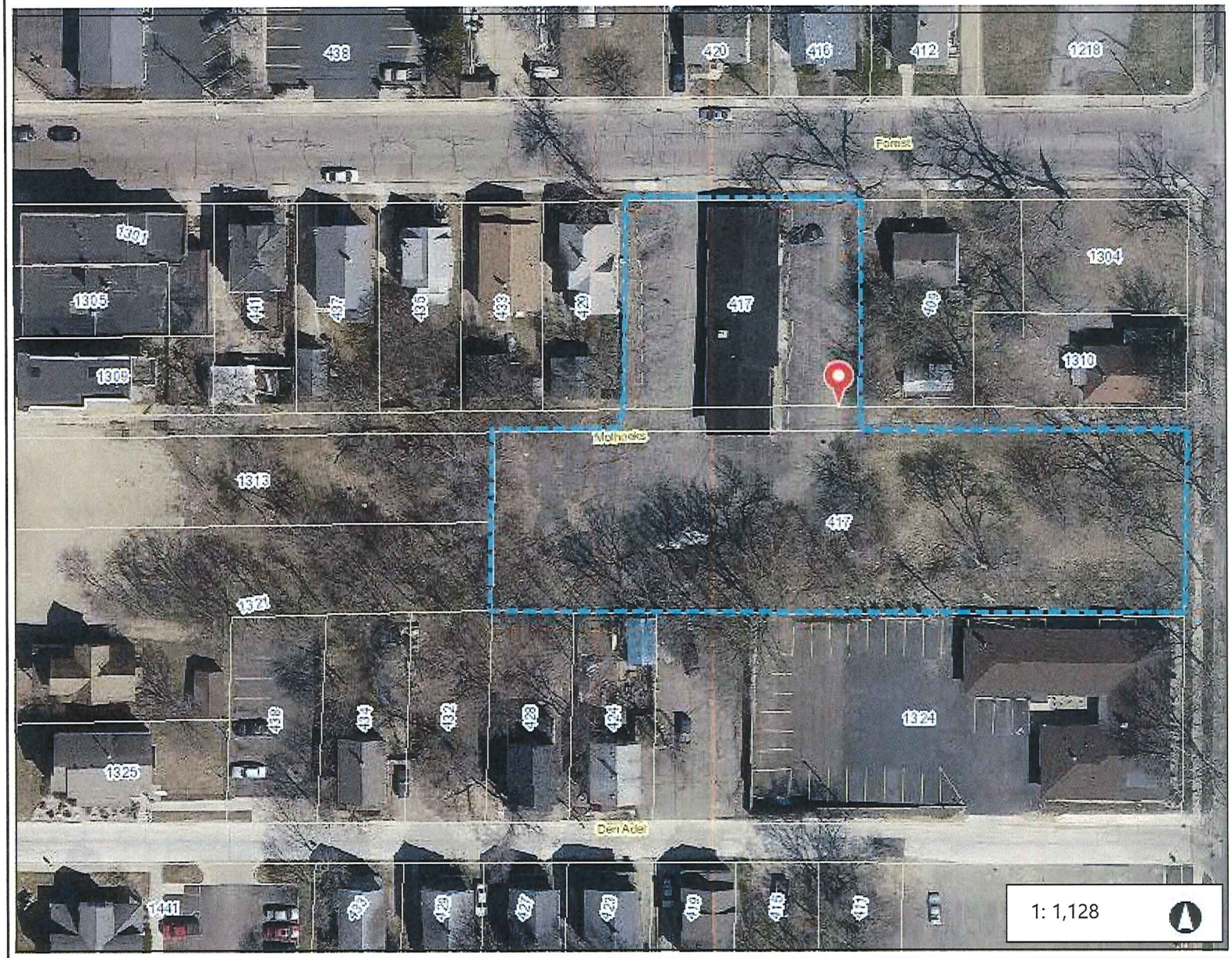
Ideally, I would like to add the option to build a 42x60 RV storage building to store motorhomes. The building would be located on an unused portion of my existing parking behind the neighbor's garages. The 42x60 building would allow for the protected "parking" of the existing two units in addition to adding 2 spots for general RV "storage" from the general public. This option would be planned for late summer or fall of 2020.

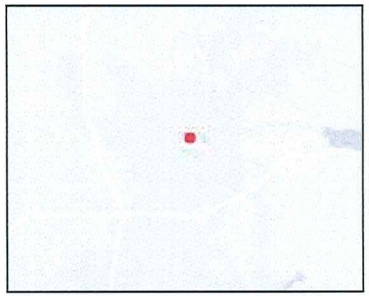
In addition to the RV storage building, I am hoping to use the financing for the building to replace bad asphalt, remove brush, re-do retaining walls and repair/improve security lighting.

Granting this use variance will not adversely affect the adjacent properties and it will encourage improvements to the property. It will also increase the property value and the economic activity in our community. Since moving into this location, I have added 2 full-time and 2 part-time employees to my own businesses while consistently working on improvements. In addition, I have 4 other organization/businesses now operating out of my building.


Park Street
Flood Zone line
Tree Line
Grass
Parking Lot
D - Existing Drain
Forest Street
Existing RV Parking
Existing Building
RV Storage Garage
42'
60'
10' offset
Stone
(take out Asphalt)

417 Forest Street





Legend

- Street Names - City
- Parcels

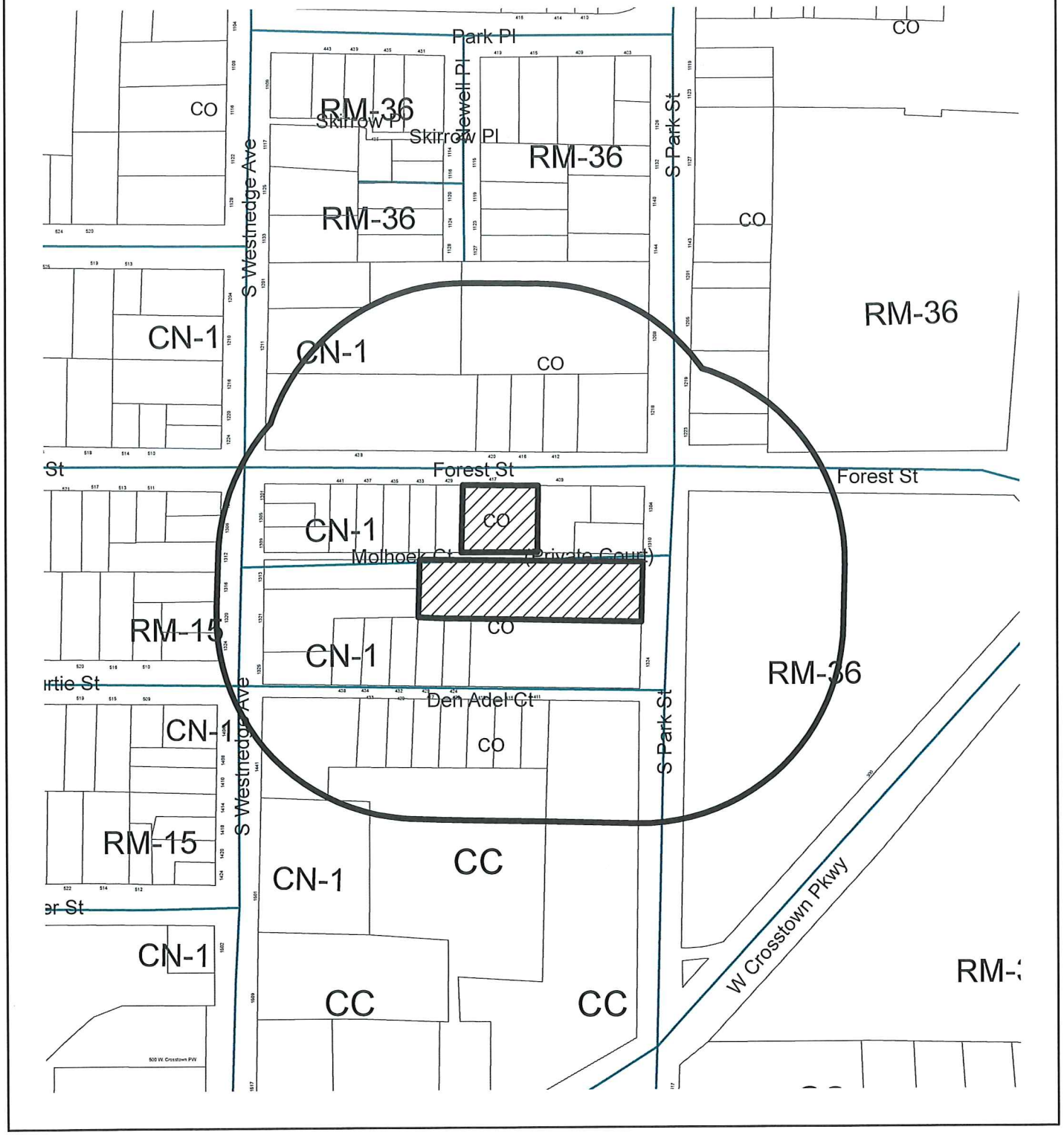
0.0 0 0.02 0.0 Miles

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
417 Forest St.

N

Feet
0 25 50 100

THE CITY OF Kalamazoo

Community Planning and Economic Development
245 N. Rose Street, Ste. #100
Kalamazoo, MI 49001
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

January 29, 2020

RE: ZBA #20-02-02
303 Balch Street and 1612 S. Park Street
Parcels #06-22-368-001 and #06-22-363-022

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Whitley Memorial Funeral Home, owner of the property at 303 Balch Street and 1612 S. Park Street, which are situated in Zone CC, Commercial – Community District.

The applicant is requesting a dimensional variance from Chapter 5, Section 5.2, to authorize the construction of an attached garage on the south side of the building which will be within 2.5 feet of the south property line where a 25-foot setback is required from adjacent residentially zoned property.

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

A public hearing will be held on **Thursday, February 13, 2020 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 245 N. Rose Street, Suite 100. 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
Assistant City Planner

c: Property File

Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department
415 Stockbridge
Kalamazoo, MI 49001
Phone: 269-337-8026
www.kalamazoocity.org

RECEIVED JAN 0 8 2020

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 INTERSECT STUDIO
Address 225 N. ROSE
City, State, Zip KALAMAZOO, MI, 49007
Phone 269-775-1114 Cell 269-377-7875
Fax _____ Email jim@intersect-studio.com

Owner:
Name WHITLEY MEMORIAL FUNERAL HOME
Address 330 N. WESTNEDGE
City, State, Zip KALAMAZOO, MI 49007
Phone 269-352-6191 Cell _____
Fax 269-488-2403 Email alyhymn@yahoo.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 303 BALCH ST / 1612 S. Park St.

This property is located between S. PARK ST. W. street and S. PARK ST street, on the

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

CCN# 06.22.363.022 Zone CC
06.22.368-001

Type of Request

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

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

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

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

[ ] **Appeal of an Administrative Decision**

Description _____

Attachments

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

Sherise Whitley — 1-8-20
Signature of Applicant — Date

1-8-20
Signature of Owner (if different than applicant) — Date

Rev 2/2016

intersect Design. Strategy. Architecture.

Request for Dimensional Variance

303 Balch Street renovation for Whitley Memorial Funeral Home

This request for dimensional variance is made to help facilitate the adaptive re-use of the existing facility as a funeral home. We are applying for the variance in order to allow the creation of a better, more functional, and more secure solution for the funeral home business' efficiency of operations.

The adjacent parcel immediately south of the facility (#06-22-0368-001) is zoned RS-5. As noted in Kalamazoo Zoning Ordinance Table 5.2-1, rear setback on CC zoned property abutting R property is 25 feet. This parcel is also owned by the WMFH organization, and it is in use as a leased residence. We are requesting a variance to the rear yard setback dimension to allow the construction of a single-story garage structure to securely house, and visually screen the funeral home's hearse and limousine and their daily activities of moving decedents into the building. The existing building is approximately 31'-6" away from the south property line, so the 25 foot setback makes that portion of the property unusable for any enclosed structure.

The parcel currently consists of an abandoned 2-story residential structure that has been unoccupied for nearly 20 years. That building will be demolished, and the construction of the garage for the business represents a positive affect and improvement to the neighborhood for surrounding properties. There is precedent to this variance just west of the property at 317 Balch Street (#06-22-363-020) where the large retail and garage structures extend to within a few feet of the south property line abutting RS-5 zoned parcel at 310 Emerson (#06-22-368-040) and RM-15 zoned parcel at 316 Emerson (#06-22-368-041).

We are requesting a reduction of the 25 foot rear setback requirement to 2.5 feet, approximately matching the line of the south side of the existing residential structure to be razed.

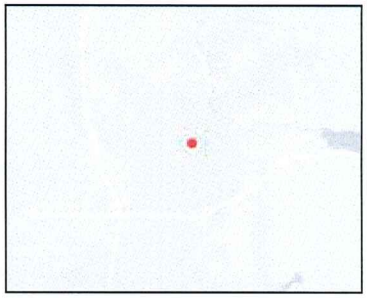
Thank you.

303 Balch Street / 1612 S. Park Street

Balch Street

S. Park Street

303 Balch St / 1612 S. Park St



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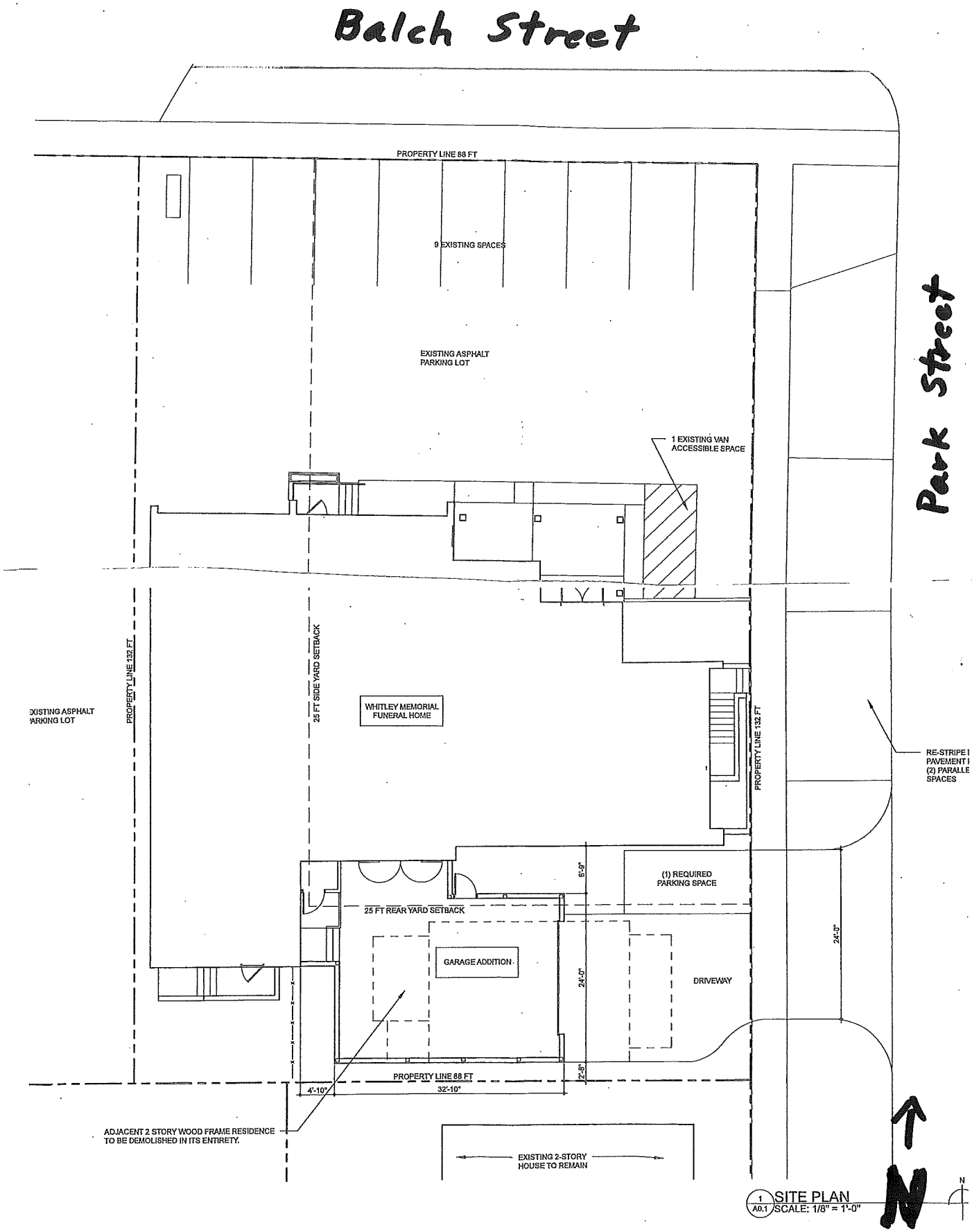
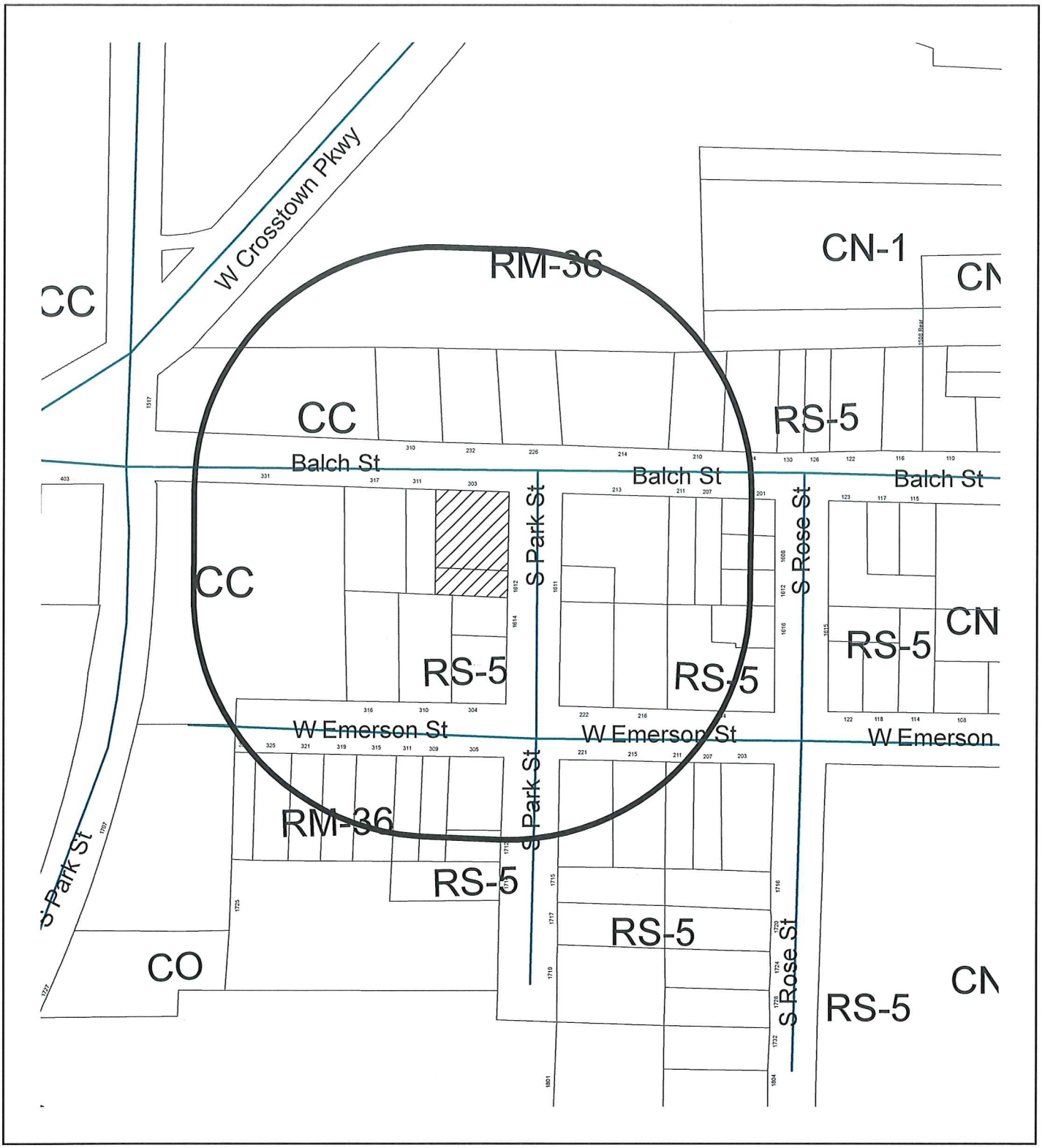


1 A0.1 SITE PLAN
SCALE: 1/8" = 1'-0"



300' Mailing Boundary
330 Balch St. & 1612 S. Park St.

N

Feet
0 20 40 80

CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
ANNUAL REPORT
2019

Introduction:
The Zoning Board of Appeals (ZBA) is a quasi-judicial body, whose duty is to balance protection of the public interest through zoning regulations with property rights of landowners.

Purpose:
The ZBA is a required appeal mechanism established by the State of Michigan's Zoning Enabling Act. Any community adopting a zoning ordinance must also establish an appeals board of review for circumstances in which landowners may be unjustly burdened by the ordinance.

Membership:
Other than residency, the ZBA has no specific membership requirements. However, staff and the ZBA officers work together to maintain membership that brings expertise, professionalism, and a broad geographic cross-section of the community to this decision-making process. The ZBA includes six members and two alternate positions, with quorum being four members. The alternates are intended to ensure that a full board is present at each meeting. The 2019 Membership included:

Name	Position	Term
1. Reed Youngs	Chair	First Full Term
2. Matt Lager	Vice Chair	First Full Term
3. Jeff Carroll	Secretary	First Full Term
4. Chris Flach		Partial Term
5. Christina Doane		Partial Term
6. Jeff Carroll		Partial Term
7. Beth van den Hombergh	Alternate #1	Partial term
8. VACANT	Alternate #2	Partial term

Meetings:
The ZBA meets on the second Thursday of the month at 7:00 pm at City Hall. In 2019, 10 regular meetings were held by the ZBA.

New Initiatives Undertaken:

- Board Training: A joint training was held with City of Portage Zoning Board of Appeals on February 11, 2019. The Michigan Association of Planning provided an instructor for a two-hour board training program.

Summary of 2019 Activity:
The following is a summary of the ZBA activities. A total of 39 applications were brought before the ZBA. Some of the applications involved multiple variance requests.

	APPROVED	DENIED	WITHDRAWN	TOTAL
Use Variances	20	1	0	21
Dimensional Variances	20	9	0	29
Temporary Use	1	0	0	1
Rehearing	2	0	0	2
Total	**43**	**10**	**0**	**53**

Use Variances:
Eight use variances were granted to utilize the ground floor level of buildings in commercial zone districts for residential occupancy. These use variances correlate with the trend of increased demand for more dwelling units being developed closer to commercial amenities and jobs. Ordinance amendments are planned for 2020 to allow more flexibility for residential use of the ground floor in commercial zoned district.

1. **209 Stockbridge Ave.** 2/21/19, the Board granted a use variance from Chapter 4, Section 4.2 Q.3, to allow dwelling units on the ground floor for an apartment building project in Zone CC.
2. **4303 W. Michigan Ave.** 3/14/19, the Board granted a use variance from Chapter 4, Section 4.2 Q.3, to allow dwelling units on the ground floor for an apartment building project in Zone CN-1.
3. **1012 S. Westnedge Ave.** 6/13/19, the Board granted a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the lower level of the building to residential in Zone CC.
4. **1104 Portage St.** 6/13/19, the Board approved a use variance from Chapter 4, Section 4.2 Q.3, to allow a dwelling unit on the ground floor level for a proposed mixed-use development in Zone CC.
5. **563 Portage St.** 7/11/19, the Board re-authorized a use variance which had expired from Chapter 4, Section 4.2 Q.3, to allow one additional dwelling unit on the ground floor level for an apartment building in Zone CC
6. **824/842 Portage** St. 9/12/19, The Board approved a use variance from Chapter 4, Section 4.2 Q.3, to allow a dwelling unit on the ground floor level for a proposed mixed-use development in Zone CC,
7. **421 E. Crosstown Pkwy**. 11/14, the Board granted a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the lower level of the building to residential in Zone CC.
8. **423 W Crosstown Pkwy**. 11/14, the Board granted a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the lower level of the building to residential in Zone CC.

Dimensional Variances:
In December of 2018, the City Commission approved changes to the off-street parking section of the ordinance in the new section of Chapter 50 of the Code of Ordinances. Four dimensional variances were granted related to off-street parking requirements in 2019. Revisions to the off-street parking section are being reviewed by the Planning Commission on February 6, 2020.

1. **3717 E. Cork St**. 3/14/19, The Board granted a dimensional variance of 17 off-street parking spaces (new hotel)
2. **604 N. Drake Rd**. 3/14/19, The Board granted a dimensional variance of 17 off-street parking spaces (Chick-Fil-A)
3. **3700 E. Cork Street Ct**. 7/11/19, The Board granted a dimensional variance of 52 off-street parking spaces (new hotel)
4. **3121 Portage St./1101 E. Cork St.** 12/12/19, The Board granted a dimensional variance of 2 off-street parking spaces.

Legal Appeals:

1. **<u>819 S. Westnedge Avenue</u>** 12/13/18, The ZBA denied a use variance to allow a convenience store (South Westnedge Market) to expand alcohol sales to liquor due to being closer than a half mile to another convenience store with alcoholic beverage sales. This was appeals by the property owner to the Ninth Circuit Court in Kalamazoo County. July 3, 2019, Judge Alexander Lipsey affirmed the ZBA's decision. The property owner then appealed to the Michigan Court of Appeals. November 26, 2019, Judge Jane M. Beckering of the State of Michigan Court of Appeals affirmed the ZBA's decision and denied the appeal. The property owner Muhammad Abbas then filed an appeal with the State of Michigan Supreme Court and a decision has not been reached in this appeal as of February 4, 2020.

Other Trends and Observations:

- Trends of Board Activity:

2009 - 23 Applications	2014 – 32 Applications
2010 - 22 Applications	2015 – 34 Applications
2011 - 20 Applications	2016 – 35 Applications
2012 – 21 Applications	2017 – 28 Applications
2013 – 21 Applications	2018 – 32 Applications
	2019 – 39 Applications

- The overall number of applications increased by seven from 2018. Building Permit activity continue to remain high and more multi-story building planned for groundbreaking in 2020.
- One observation is the projects are getting more complex and some applications have two or three separate variance requests.
- 95% of use variances were approved in 2019, where 73% were granted in 2018
- 55% of the dimensional variances were granted in 2019, where 78% of dimensional variances were granted in 2018.