

Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals

March 12, 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 February 13, 2020:
- D. Public Hearings:
 - 1. ZBA #20-03-03: 140 Inkster Street. Ladislav Hanka, owner of 140 Inkster Street, is requesting:
1) A use variance to allow for a short-term rental or 'lodging' land use in Zone RS-5 where rentals are limited to 30 days or more under the definition of 'household living', **2)** A variance from Chapter 2, Section 2.2 A 5, to allow for no limit on unrelated adult occupants where in Zone RS-5 a non-owner occupied dwelling may be occupied by a family, functional family or maximum of two unrelated adults.
 - 2. ZBA #20-03-04: 1401 Harrison Street. Graphic Packaging International, LLC owner of 1401 Harrison Street, is requesting a dimensional variance from Chapter 9, Section 9.3B, to increase the height of an existing nonconforming building which encroaches approximately 20 feet into the required 25-foot building setback from the Harrison Street right-of-way. The footprint of the building along Harrison Street will not be altered and the building will not be located any closer to the front property line. However, the height will be increased from 30 feet to 80 feet which increases the extent of the nonconformity.
- E. Other Business:
- F. Adjournment:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
February 13, 2020 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Matt Lager, Dick Skalski, Chris Flach, Christina Doane, Jeff Carroll, Beth van den Hombergh Alternate

Members Absent:

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

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

NEW BUSINESS:

Mr. Eldridge commented Staff had reviewed The Roberts Rules of Order and reminded the Board members any conversations or comments need to be made on record and to keep the side bar comments to a minimum, if not non-existent for transparency reasons.

Attorney Robinson added some procedural comments, the Chair should not be making or seconding motions, he can ask to entertain the motion and someone else can make the motion. He underscored the remarks by Mr. Eldridge, referring to the open meetings act that any conversation should be open to the public for clarification.

MINUTES:

Mr. Carroll, moved to approve the minutes of December 12, 2019 as submitted, seconded by Mr. Skalski.

Motion approved by voice vote unanimously.

PUBLIC HEARINGS: Acting Chair Lager 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 417 Forest Street, Parcel #06-22-321-002:

ZBA #20-02-01: 417 Forest Street: An application for a variance to the 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 a variance only regarding the items described above. There were sixty-three notices of public hearing sent and zero responses were received.

Dennis Greenfield, owner of the property stated he proposed to build a garage on the far west side, he has two motorhomes that he rented out over 80 times last year as a business. It would require a variance to build a garage that stores six motor homes. He was told by the Building Inspector it would require the building to be sprinkled requiring a 4” water main to be run to the building also. His intent is not to have a parking lot full of R. V’s, only those inside the garage.

Mr. Flach questioned if he was parking the motor homes there now. Mr. Greenfield replied yes, on the backside of his current building. Mr. Flach clarified he could have a six-stall garage for cars. Mr. Greenfield stated a six-stall garage for the office building, but to store R. V’s. he needed a zoning variance. Mr. Flach questioned the difference between parking and storing.

Mr. Eldridge stated the variance is for both, parking and storing of R.V vehicles. The storage of R. V’s is not allowed in the CO Zone district.

Mr. Skalski asked what the building is being used for. Mr. Greenfield stated, over half is used for his business, there’s a non-profit, a medical records storage space, and the city rents an office space.

Chair Lager questioned if Mr. Greenfield was leasing the R. V’s from the property. Mr. Greenfield replied it’s an online rental site and they pick up the R.V at the office on Forest Street.

Speaking in Opposition:

David Wheatley, 428 Denadel Ct. stated his property backs up to the subject property, his concerns are with the open and unkept weedy property, with the R. V’s sitting there leaking oil and gas, and in disrepair.

Mr. Eldridge commented on the RV business being small scale, but it is in a commercial office zone district designed for medium to high intensity office uses. For commercial strip development with activity conducted inside the building, next to residential zoning. The future land use maps identify the area as commercial. This business description doesn’t fit into commercial office, the size of the garage with 14 ft overhead doors, 6 bays, 42’ by 60’ is a rather large structure compared to anything around it. There are homes nearby it, and it’s just outside the Vine Historic District.

Chair Lager closed the public hearing.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 417 Forest Street shall include all information included in the notice of public hearing dated January 29, 2020.
- 2.) Sixty-three notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Dennis Greenfield, the applicant stated he wanted to store R. V's on the site, a variance is required, to make it cost effective it would require six-stalls, that's his plan, currently he has two R.V's parked behind the main office building. Mr. Wheatley stated his concerns with the unsightliness and environmental concerns. Mr. Eldridge reported it's in the CC Zone District, a low intensity district, the footprint is too much for the area it's proposed to be in.

Mr. Flach seconded the Finding of Fact.

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

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

Mr. Skalski commented there were two motor homes on the east side of the building and clarified that those two would be stored inside the proposed building. The area on the east is in the flood plain, did he have plans to clean it up.

Mr. Greenfield, the applicant came forward, stating he owned the grass section next to one business on Park Street; however, the other properties are not under his ownership and he has no say over maintenance of those properties.

Chair Lager reviewed the criteria conditions that must be met to qualify and stated he would be voting against the request. One of the criteria needed to be met to approve a use variance is that the special circumstances are not the result of the applicant, in all other cases where a use variance is granted, there is a land condition reason to grant the request, where it wasn't the applicant's reason, he isn't seeing it in this case. He passes this property several times a day,

it's quite noticeable there are motorhomes in a residential area of the block. It doesn't meet the character of the neighborhood.

Mr. Carroll stated the variance doesn't meet criteria one or two and he'd be voting against the request.

Motion denied by roll call vote unanimously.

Mr. Carroll read the application for 303 Balch Street and 1612 S. Park Street, Parcels #06-22-368-001 and #06-22-363-022:

ZBA #20-02-02: 303 Balch Street and 1612 S. Park Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals 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 property. This is a request for a variance only regarding the items described above. There were forty-four notices of public hearing sent and zero responses were received.

James Dirks, with Intersect Studio Architecture, was representing the owner of the property, it currently holds an abandoned 2-story condemned house. Whitley Funeral Home proposes to demolish that building, and is requesting a variance, the house is within 2.5 feet of the south property line. Whitley Funeral Home also owns the house to the south they lease. They request to allow to build the garage, connect it to the main building for storing indoor storage of the hearse, and limousine, and help visually with the activities of those vehicles.

Mr. Carroll questioned the dimensions of the garage. Mr. Dirks stated the building is about 24 feet wide, the frontage of the property is approximately 33' wide. It only leaves a small amount of space, but the garage will be connected, to takes the descendants into the building.

Chair Lager questioned the elevation of the house next door or the elevation of the funeral home property. Mr. Dirks stated the hill goes downward; the garage would be built even with the upper level of the commercial building.

Mr. Eldridge clarified, there are two parcels that will be combined.

Ms. van den Hombergh clarified it'd be the 88' and 33' together when the parcels are combined. Mr. Eldridge stated yes and clarified the location of the garage on the property. The easy rational is the 1612 S. Park and 303 S. Park are in the CC Zone District which gives it a 25' setback because of the residential property next to them.

Speaking in favor:

Bob McClure; 1614 S. Park St. spoke in favor; he would like to see the removal of the condemned house and had no objection to having a garage next door.

Mr. Eldridge stated the future land use map shows the area as Urban Edge, small scale commercial or mixed-use development. A funeral home is a use permitted by right in the CC Zone District.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. van den Hombergh moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 303 Balch Street and 1612 S. Park Street shall include all information included in the notice of public hearing dated January 29, 2020.
- 2.) Forty-four 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: James Dirks with Intersect Studios spoke representing the applicant, stated Whitley Funeral Home proposes to merge two parcels for a total frontage of 121 feet, there's an abandoned, condemned two story home on the property that's been there about 20 years, they want to demolish it, build an attached garage to the funeral home to give the descendants respect while moving them. The width of the garage is 24 foot, and would have a Park Street access, it will be even with the ground floor of the house being demolished. In favor was Bob McClure, he supports having the house torn down and is in support of the attached garage.

Ms. Doane seconded the Finding of Fact.

Ms. Van den Hombergh amended the Finding of Fact to include that the new garage will be 2.5 feet from the south property lines, seconded by Ms. Donae.

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

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

Mr. Skalski stated he was in favor stating they are demolishing an unsightly existing house and improving the property.

Mr. Carroll stated he was voting in favor; it meets all the criteria required to grant the variance.

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

Mr. Eldridge referred to the 2020 meeting dates, and to the copy of the annual report. He stated he'd add Mr. Skalski to the roster for the 2019 term. He spoke to the number of parking variances and the amendments going to the City Commission currently regarding hotels and the parking standards for those.

Mr. Eldridge stated it was election night.

Mr. Skalski made a motion to nominate Mr. Lager as Chair, Mr. Carroll as Vice Chair, and Ms. Doane as Secretary, seconded by Mr. Flach.

Motion approved by voice vote unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:48 p.m.

Submitted by _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

February 26, 2020

**RE: ZBA #20-03-03
140 Inkster Street
Parcel #06-10-485-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Ladislav Hanka, owner of 140 Inkster Street, which is situated in Zone RS-5, Residential – Single Dwelling District.

The applicant is requesting: **1)** A use variance to allow for a short-term rental or ‘lodging’ land use in Zone RS-5 where rentals are limited to 30 days or more under the definition of ‘household living’, **2)** A variance from Chapter 2, Section 2.2 A 5, to allow for no limit on unrelated adult occupants where in Zone RS-5 a non-owner occupied dwelling may be occupied by a family, functional family or maximum of two unrelated adults.

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, March 12, 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, Ste. 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



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoo.org

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

Applicant: Name Ladislav R. Hanka
 Address 1005 Oakland Dr
 City, State, Zip Kalamazoo MI 49008
 Phone (269) 388-5631 Cell None
 Fax None Email Ladhanka@Yahoo.com

Owner: Name Ladislav R Hanka and Jana Hanka
 Address 1005 Oakland Dr
 City, State, Zip Kalamazoo MI 49008
 Phone (269) 388-5631 Cell None
 Fax None Email Ladhanka@ 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 140 Inkster Kalamazoo MI 49001

This property is located between Inkster street and Millview street, on the

north south east west side of the street. Entry from Outlook on south

CCN# 06-27-196-068 Zone RS5 (Flaglot)

Type of Request

Interpretation of Chapter(s) _____ Sections(s) _____

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

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

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

Appeal of an Administrative Decision

Description _____

Attachments

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

Ladislav R. Hanka
Signature of Applicant

Jan 27, 2020
Date

Signature of Owner (if different than applicant) Date

Zoning Variance application for Ladislav and Jana Hanka — regarding 140 Inkster

We purchased a blighted house at bank-auction (55,000) and rebuilt it (for 180,000). Our lives, however, changed. Instead of moving in, we listed the house with realtor Jeff Lee. Receiving no offers, we asked Kara's Kottages to manage the rental, furnishing it to her standards (36,000 more). And then an enforcement notice arrived. We are now prevented from realizing a return on our investment. RS-5 zoning allows owners to rent their homes, but they are restricted to stays of 30 days or more — but no less. We're hardly alone in our predicament. Short-term rentals have become common-place — operating openly for years, despite having no legal standing in our zoning ordinances. Kara's Kottages has been conducting highly-regarded rentals since 2011, relying upon the web-based platforms commonly in use everywhere (Airbnb, VRBO, etc). She's done so with the knowledge and generous, open-handed co-operation of city staff. The upshot of this discrepancy between the letter-of-the-law and actual contemporary practices, is that short-term rentals are being re-evaluated to bring Kalamazoo up to date with current best practices and we are caught between the out-dated regulations still in place and this well-intentioned and conscientious process of modernization, just now taking place.

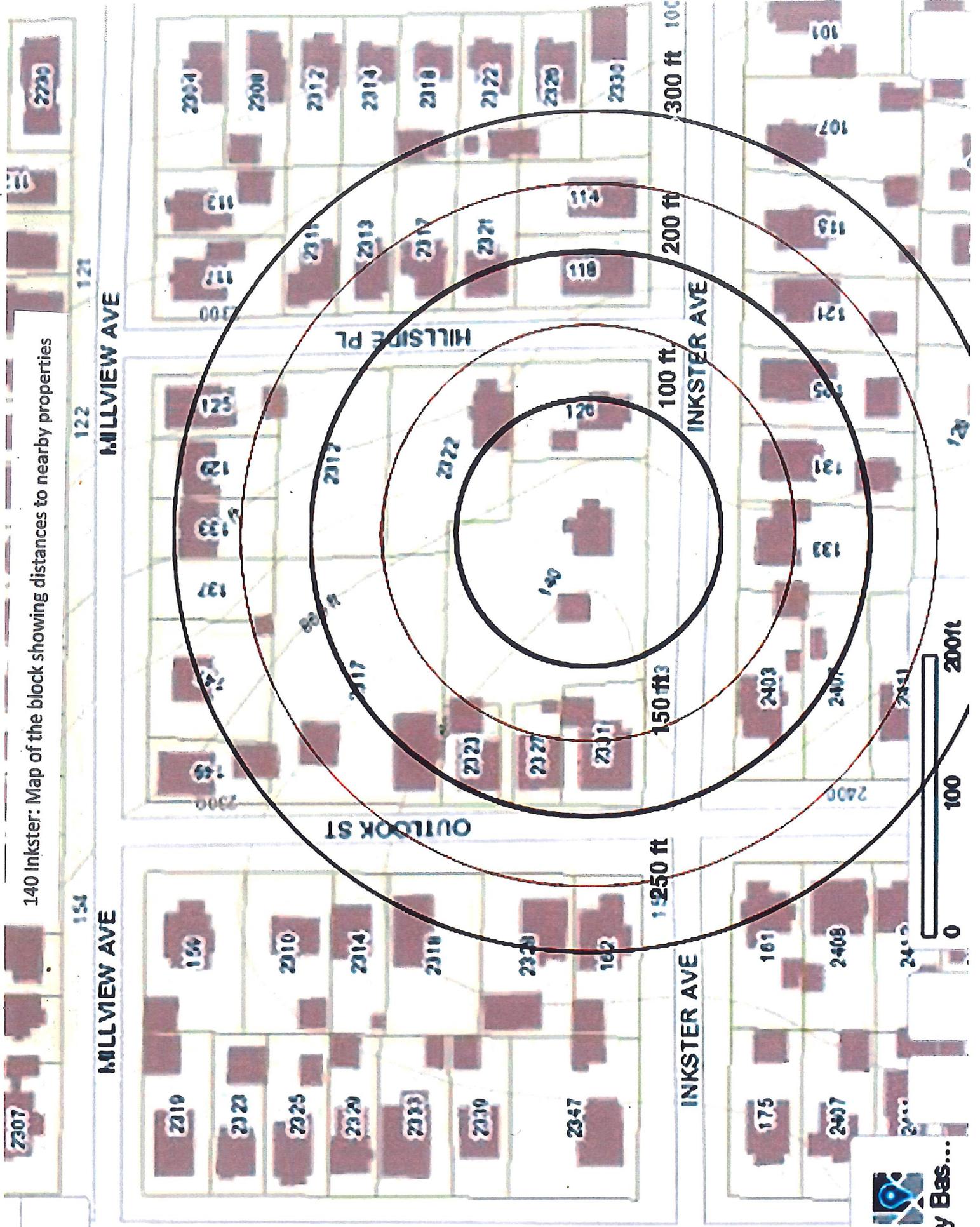
Our substantial investment can (realistically), only be recouped if we have flexibility in scheduling tenants in a mix of short- and long-term rentals and thus generating occupancy rates and income commensurate with our substantial ongoing costs. Otherwise, we'll be faced with selling the property at a loss. We are both of retirement age (63 & 68) and earn a modest living as artists (no pensions) while Social Security barely even covers Medicare's supplemental plan B. We'd hoped to supplement our income with rent. Sustaining instead, a loss on our investment, would be a very real hardship which, in this instance and location, serves no greater purpose.

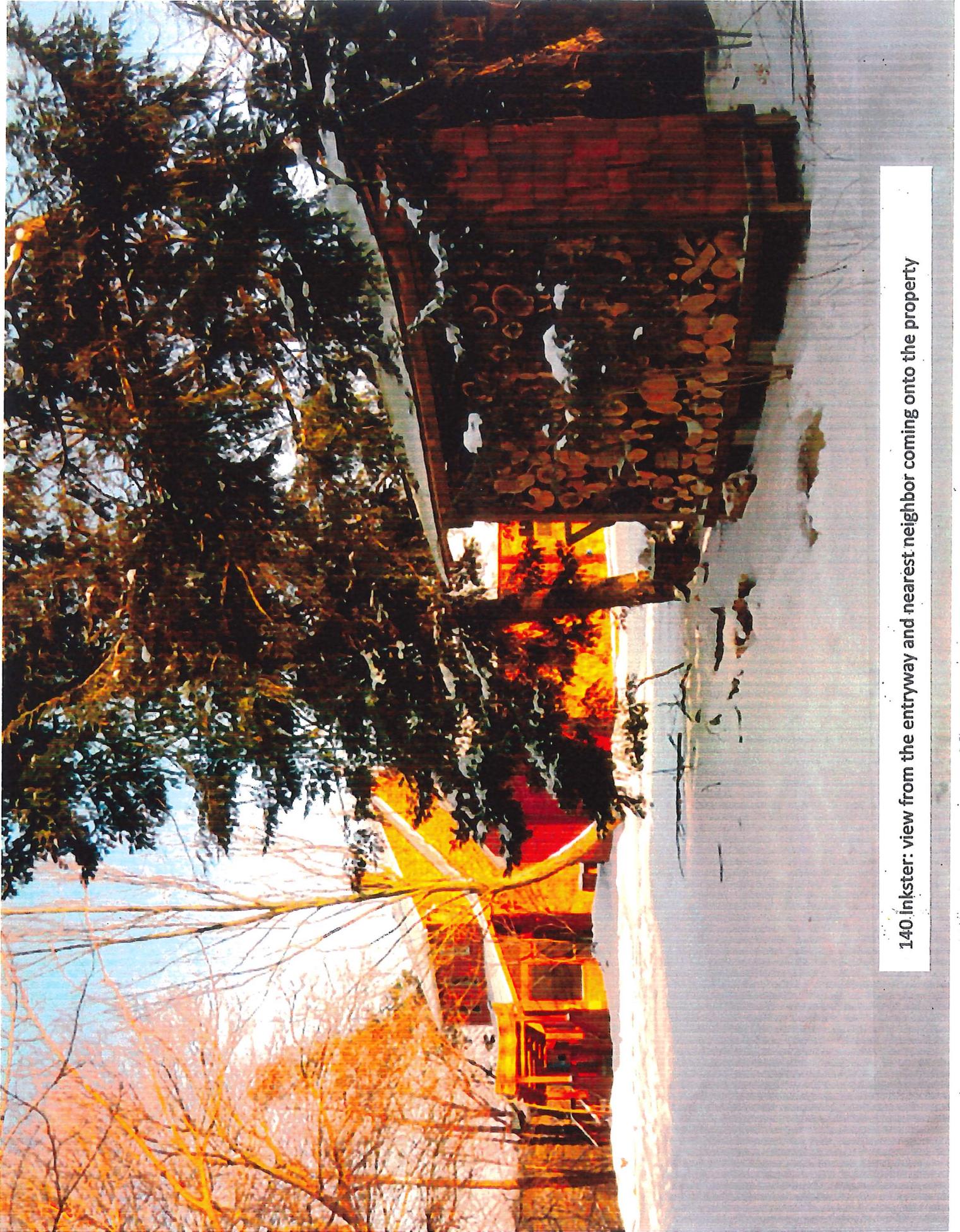
The simplest remedy is to strike the 30-day minimum length of stay for this property and any dated (or discriminatory) restrictions on unrelated adults. All else will remain identical to the actions of any other RS5 resident renting their home out — as they are currently permitted to do in a continuous 30-day rotation. That pattern of rentals is apparently viewed as harmless and a reasonable property right for owners to exercise. RS5 is a restrictive level of zoning, but the already permitted businesses include day care and foster homes as well as schools, churches, government offices, postal sub-stations & community drop-in centers. Others (such as pet-grooming, glass-works, financial advisors, graphic designers, a window designer, bike shop, and even a paper corporation) are all openly operating here as well. They are all equally non-conflicting uses, with regard to current neighborhood composition, as is that which we do (relying upon Kara's Kottages' competent management experience). There is nothing sacrosanct about 30-days, nor are overnight guests particularly problematic. It's merely an arbitrary number that has become established in precedent. Nothing more. You could alternatively, rezone our property RM15 (residential multitenant), strike the problematic restrictions and essentially still be in keeping with much of the nearby housing and well-established, but small commercial uses.

The property is a half-acre 'flag-lot', situated off the street and set back into the woods atop a steep hillside. The house is separated from others to the north by 300 ft ± of woodland and from those to the south and east by a steep hillside. The difference in altitude occludes much visibility; while thick vegetation makes that nearly complete for most of the year. To the east is a wooded half-acre and long-uninhabited house. We own the north side of Inkster, but for the corner lots. The nearest corner lot (100 ft. down a steep grade) appears to be a rental. Houses across Inkster are 130 – 200 ft away and far lower in elevation. There are three houses within sight on Outlook (150-200 ft. away: screened by fencing & trees). One houses a stable and well-run child-care service. The other two have been vacant at times, seen several changes in occupancy and one was recently the scene of domestic assault, resulting in eviction and incarceration. My purpose is not to demean the neighbors, but to point out that our investment not only improves property values, but that our long-term presence is also a stabilizing influence in this transitional zone between neighborhoods.

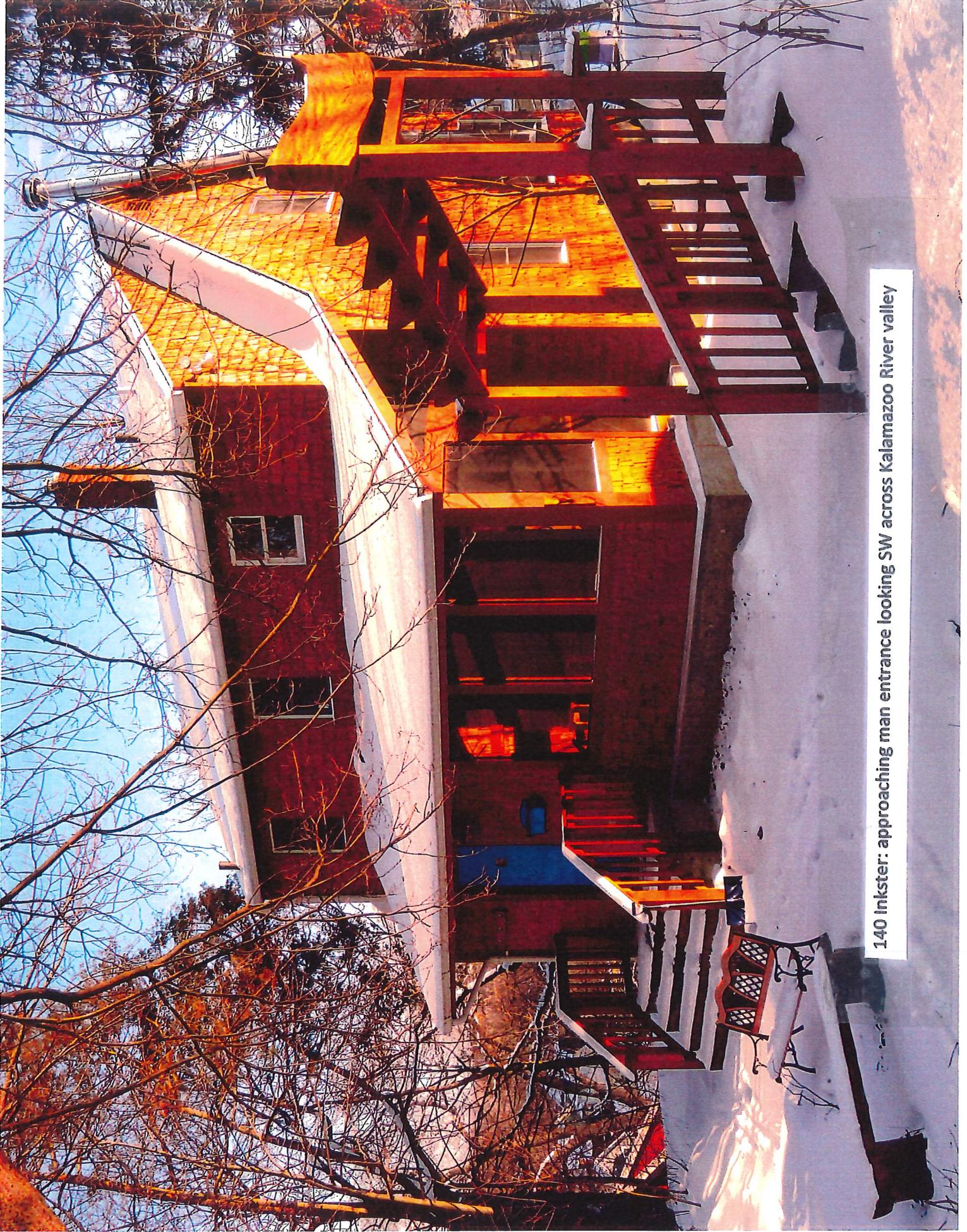
The intent of zoning is to protect the privacy, property values, and social integrity (strength) of neighborhoods. Westnedge Hill is a world away and not in any organic sense, the same neighborhood. We are simply a buffer between them and working-class neighborhoods immediately to our east (with blighted housing). A casual stroll down Inkster will convince anybody that property values and maintenance diminish rapidly as you go downhill from us. We, on the hand, have upgraded the blighted foreclosure house we purchased to code (and far more), while maintaining its architectural integrity and the natural values of our surrounding property. The neighborhood to our east, is largely zoned RM15, where the current zoning permits what we do. We provide on-site parking, meet inspection requirements, pay all taxes and employ a well-respected manager who has demonstrated she can keep renters under control over the course of a fruitful nine-year relationship with city staff. We allow neighbors to use our driveway in accessing their garages as well as our woods – where they are allowed to deposit yard waste. It's a good relationship, respecting the privacy of neighbors who will not be encumbered by our continuing to keep up the property, while having a free hand to earn a return on our investment. We ask that you allow us the requested variance, in order to alleviate an otherwise intractable financial hardship.

140 Inkster: Map of the block showing distances to nearby properties





140 Inkster: view from the entryway and nearest neighbor coming onto the property



140 Inkster: approaching man entrance looking SW across Kalamazoo River valley



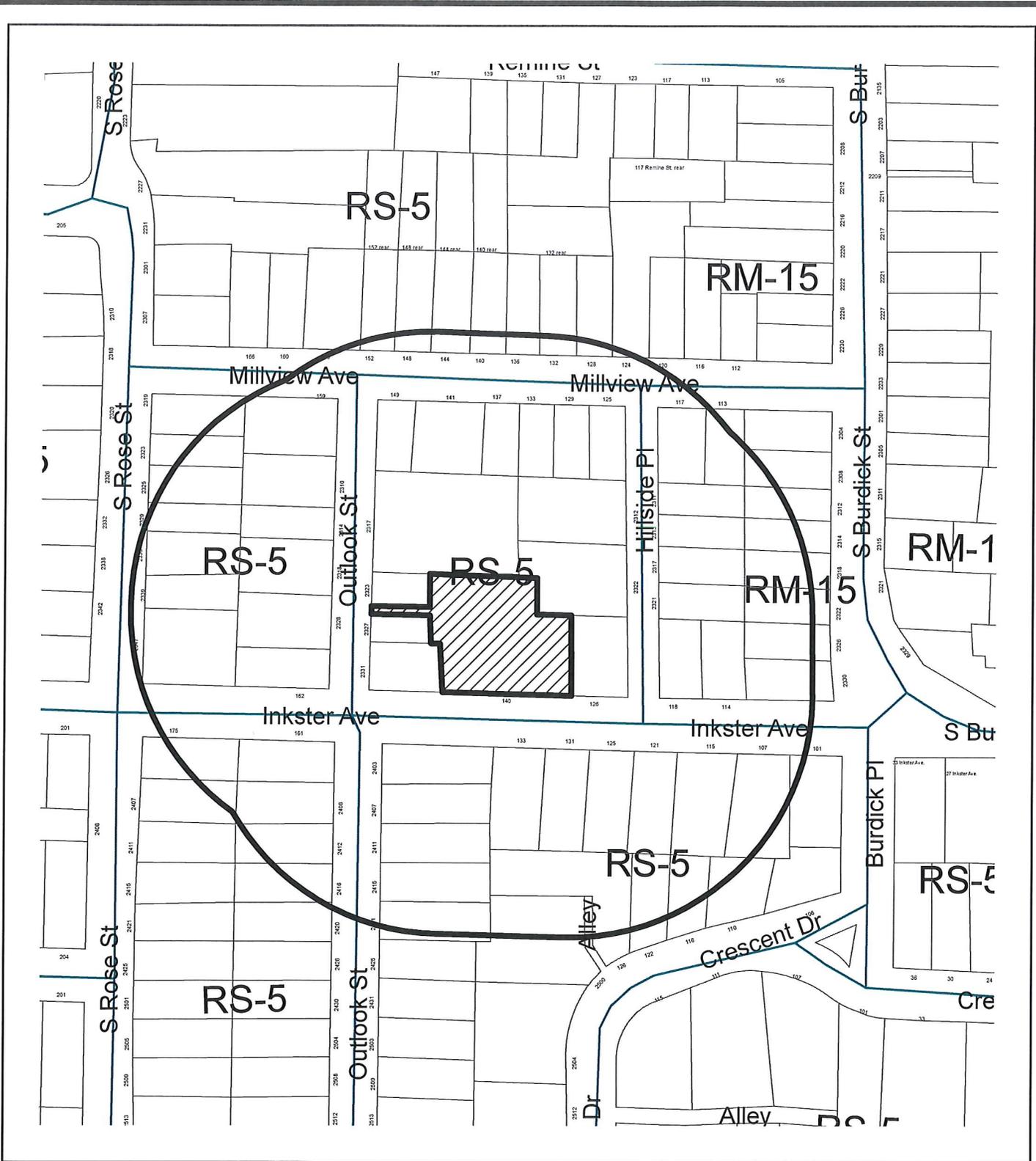
140 Inkster: view from house looking back towards the daycare at Inkster and Outlook Streets



140 Inkster: view from Hillside looking back up towards 140 Inkster



140 Inkster: view from the house looking SE towards the corner of Inkster and Hillside



300' Mailing Boundary
140 Inkster Avenue



0 2040 80 Feet



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NOTICE OF PUBLIC HEARING

February 26, 2020

**RE: ZBA #20-03-04
1401 Harrison Street
Parcel #06-10-485-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International, LLC owner of 1401 Harrison Street, which is situated in Zone M-2, Manufacturing – General District.

The applicant is requesting a dimensional variance from Chapter 9, Section 9.3B, to increase the height of an existing nonconforming building which encroaches approximately 20 feet into the required 25-foot building setback from the Harrison Street right-of-way. The footprint of the building along Harrison Street will not be altered and the building will not be located any closer to the front property line. However, the height will be increased from 30 feet to 80 feet which increases the extent of the nonconformity.

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, March 12, 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.

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Sincerely,
ZONING BOARD OF APPEALS


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.kalamazoo.org

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

Applicant: Name Joseph Peterson
Address 1500 N. Pitcher Street
City, State, Zip Kalamazoo, MI, 49007
Phone _____ Cell 770 548 9149
Fax _____ Email JOSEPH.PETERSON@GRAPHICPKG.COM

Owner: Name Graphic Packaging International / Rusty Miller
Address 1500 N. Pitcher Street
City, State, Zip Kalamazoo, MI, 49007
Phone _____ Cell 269 330 3820
Fax _____ Email RUSTY.MILLER@GRAPHICPKG.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 1401 Harrison Street

This property is located between Paterson street and Mosel street, on the

north south east west side of the street.

CCN# 06-10-485-002 Zone M2

Type of Request

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

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

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

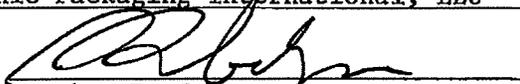
Appeal of an Administrative Decision

Description Proposed building modifications are within existing building footprint
but encroach on the setback on the west side of Harrison Street

Attachments

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

Signature of Applicant _____ Date 2/12/2020
Graphic Packaging International, LLC

By: 
Stephen R. Scherge
Executive Vice President and Chief Financial Officer

Narrative Statement in Support of a Dimensional Variance Request

Graphic Packaging International, LLC ("Graphic Packaging") is requesting ^a~~two~~ dimensional variance. ~~The first is~~ Necessary to modify an existing building to house new recycled fiber equipment in Graphic Packaging's existing Harrison Street warehouse. The fiber produced in the facility will supply the already approved new coated recycled paper board machine on North Pitcher Street. ~~The second variance is to build a pipe bridge across Harrison Street to connect to building to the existing Graphic Packaging wastewater treatment facility on the east side of Harrison Street.~~

The new recycled fiber processing equipment is part of a \$600 million investment by Graphic Packaging in its current facilities in Kalamazoo to redevelop a vacant brownfield site adjacent to its existing board mill. The investment as a whole supports the retention of 725 manufacturing jobs in the state and 625 manufacturing jobs specifically in Kalamazoo.

It is proposed that the roof be raised on the existing warehouse on Harrison Street. The existing building is approximately 20 feet from the edge of Harrison Street. The footprint of the existing building will not change, but a variance is required because the existing building is within the twenty-five (25) foot setback requirement for property zoned M2 as set forth in Sections 1.4.C and 5.2 of the City of Kalamazoo Zoning Ordinance. The proposed building will be approximately 50 feet taller than the existing and will have a maximum height of 80 feet. The proposed new pipe bridge will extend from the south east corner of the building across Harrison Street and over the existing truck trailer parking area at an elevation no less than 24 feet from road grade. Existing vegetation in the natural feature area on the east side of Harrison street will not be disturbed.

These building elevation views are shown on drawing SKL-9017, Rev. B, Project Bronco Equip. Arrangement Section. The location of the pipe bridge is shown on drawing SKL-9023, Rev. A, Project Bronco General Site Arrangement Plan.

Graphic Packaging is a leading provider of paper-based packaging solutions for a wide variety of products to food, beverage, foodservice and other consumer products companies. Graphic Packaging's customers include many of the world's most widely recognized global and regional brands. Graphic Packaging is a global company with operations in North and South America, Europe, and the Pacific Rim. Graphic Packaging also holds leading market positions in the manufacturing of coated unbleached kraft board, coated recycled board, and solid bleached sulfate board in the United States. Graphic Packaging is committed to quality, service, and the safety of its employees.

Like any industry, the recycled paperboard manufacturing industry changes and improves over time. Graphic Packaging needs to meet and/or exceed the industry's ever-increasing product requirements by maintaining new, state-of-the-art equipment, including this new recycled fiber stock preparation facility.

Graphic Packaging also desires to keep these operations in Kalamazoo. Graphic Packaging has grown consistently since opening its operations in Kalamazoo and has continually maintained and grown its Kalamazoo facility as part of the overall company growth. The construction of this new paperboard machine and building is one more step in the direction of continued growth.

Graphic Packaging has made every attempt to minimize the scope of this variance request by only asking for setback variances that are minimally necessary to house the new equipment.

As discussed below, Graphic Packaging's request meets each of the City's Zoning Ordinance's requirements for a dimensional variance and therefore Graphic Packaging respectfully requests that this variance request be granted.

- 1. There are special circumstances and/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.**

A building must completely enclose the new process equipment in order to protect it from the elements and ensure it is maintained in good, working order. The building geometry and physical arrangement of the process equipment is critical to its successful operation. The height of the building is governed by the necessary arrangement of the equipment. To adequately house the equipment, the building height must be increased.

Therefore, there are exceptional or extraordinary circumstances or conditions that apply to Graphic Packaging's property because:

Graphic Packaging's property is already used for the manufacturing of recycled paperboard products and the existing fiber preparation equipment is adjacent to the proposed new equipment location and under the same roof;

Graphic Packaging needs to upgrade its facility and install recycled fiber processing equipment to increase its production of recycled paperboard and improve its efficiency;

The specialized fiber preparation equipment for this purpose is of a specific size and arrangement and requires a building to house it whose size and height is governed by the arrangement of the equipment within the building;

As a result, the building to house the new equipment must be raised in height approximately 50 feet; and

The existing setback will not change, only the height of the building.

These circumstances and conditions are peculiar to the property and do not generally apply to other properties in the same zoning district.

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

The special circumstances set forth above are not the result of the actions of

Graphic Packaging, which is both the titleholder of the land and the applicant.

The arrangement of the new equipment dictates the height of the building.

The new equipment must have piping connections to the existing Graphic Packaging wastewater treatment facility. There are (2) existing overhead electrical cable crossings over Harrison Street in the vicinity of the proposed building modifications. The proposed crossing of the pipe bridge is in the location of one of the cable crossings.

In short, given the required arrangement of the specialized new equipment and the existing boundaries, building, infrastructure, and the need to connect piping to the existing wastewater treatment facility, Graphic Packaging must construct the process equipment and building pursuant to certain vertical dimensions and provide a piping route to the existing wastewater treatment facility east of Harrison Street. This specific configuration of the equipment on the property results in the need for the dimensional variance.

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

If this variance is not granted, others in Graphic Packaging's zoning district will be able to enjoy substantial rights and privileges that Graphic Packaging is unable to enjoy because no other properties face the same restrictions as Graphic Packaging's property given its boundaries and existing structures.

If the City of Kalamazoo Zoning Ordinance were interpreted and enforced literally, it would require that a completely new building be constructed to house this new equipment. This would create unnecessary hardship for Graphic Packaging as it is trying to utilize existing infrastructure and close operational proximity to existing fiber preparation equipment. The addition of the pipe bridge in the proposed location is necessary to transport process water requiring treatment from the new equipment and the return of reclaimed clarified water back to the process. The existing electrical cable will also be supported from this proposed new structure across Harrison Street. The construction of a new building on the same parcel closer to Paterson Street would require the same height, reduce the amount of truck trailer storage needed to supply raw material to the complex to levels that are not operationally sustainable, and create more impact to property south of Paterson Street than the proposed option. Expanding the existing building upward is the best option and has the least impact on the surrounding area.

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 the City of Kalamazoo Zoning Ordinance.

The granting of the variance is the minimum action that will allow Graphic Packaging to properly install the fiber preparation process equipment.

For one, the proposed modifications to the height of the fiber preparation equipment building do not change the existing footprint of the building or the existing setback from Harrison Street.

The spirit of the setback requirement in the City of Kalamazoo Zoning Ordinance is to provide privacy to neighboring properties and ensure that structures on different parcels of land are not too close to each other. The dimensional variance would not violate any of these principles, since Graphic Packaging currently operates facilities on both sides of Harrison Street, owns all of the property on the north side of Paterson Street between Pitcher Street and the Kalamazoo River, and the City of Kalamazoo waste water treatment facility is directly to the north of Graphic Packaging property on Harrison Street.

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

The modified building will not adversely affect adjacent land in a material way.

Graphic Packaging owns the parcels immediately east and west of the property for which the variance is requested and owns the parcel immediately to the south of Paterson Street. On the south of Paterson Street and west of property owned by Graphic Packaging is an undeveloped piece of property zoned M1. On the south of Paterson Street and east of property owned by Graphic Packaging is Verburg Park.

There are no residentially zoned areas in the immediate vicinity of the Graphic Packaging parcel.

There are no negative privacy implications that would result from the modification of the existing building.

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

Graphic Packaging is requesting this variance so that it can continue to improve its overall product quality for its recycled paper and cardboard products currently produced at its Kalamazoo facility, and to increase its manufacturing capabilities in Kalamazoo.

It is anticipated that with the successful construction of the paperboard machine building, as well as the construction of these additional improvements at Graphic Packaging's Kalamazoo location, there could be an additional economic impact of \$800 million annually in the City of Kalamazoo. The City of Kalamazoo will also benefit from

an anticipated increase in employees at the mill and manufacturing activity.

Graphic Packaging has addressed potential concerns regarding the setback variance by only asking for setback variance that is minimally necessary to house the new fiber processing equipment.

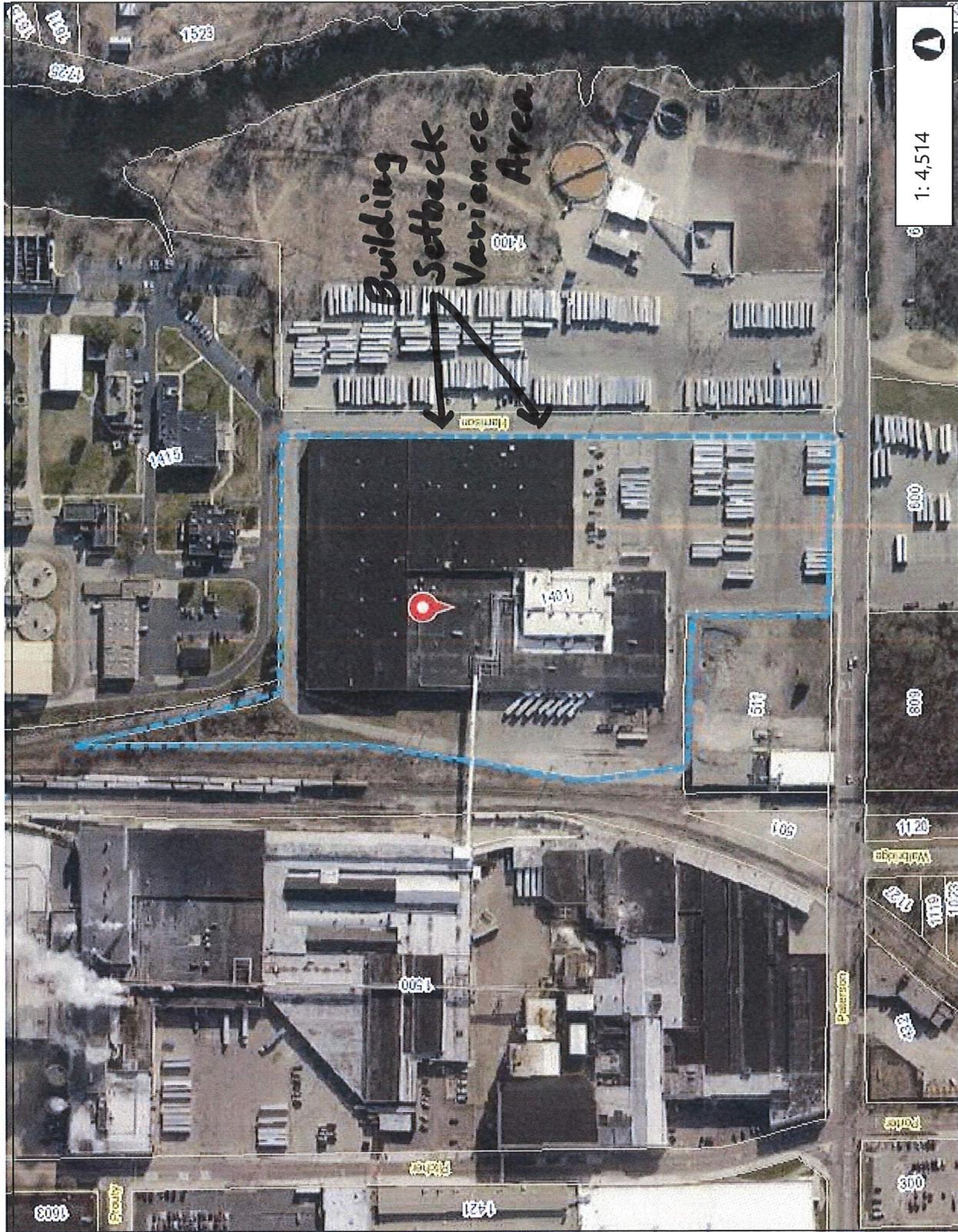
Finally, as discussed above, the purposes and intent of the setback requirement in the City of Kalamazoo Zoning Ordinance is to provide privacy to neighboring properties and ensure that structures on different parcels of land are not too close to each other. The parcels to the east and west of the parcel are owned by Graphic Packaging. The parcel directly south is also owned by Graphic Packaging.

7. Landscaping for the requested dimensional variance.

The area around the existing building is paved and used for employee and raw material trailer parking. Required landscaping changes will be addressed during the site review process. Existing natural feature vegetation will not be disturbed.



1401 Harrison Street (Zone M-2)



1: 4,514

0 0.07 0.1 Miles



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.

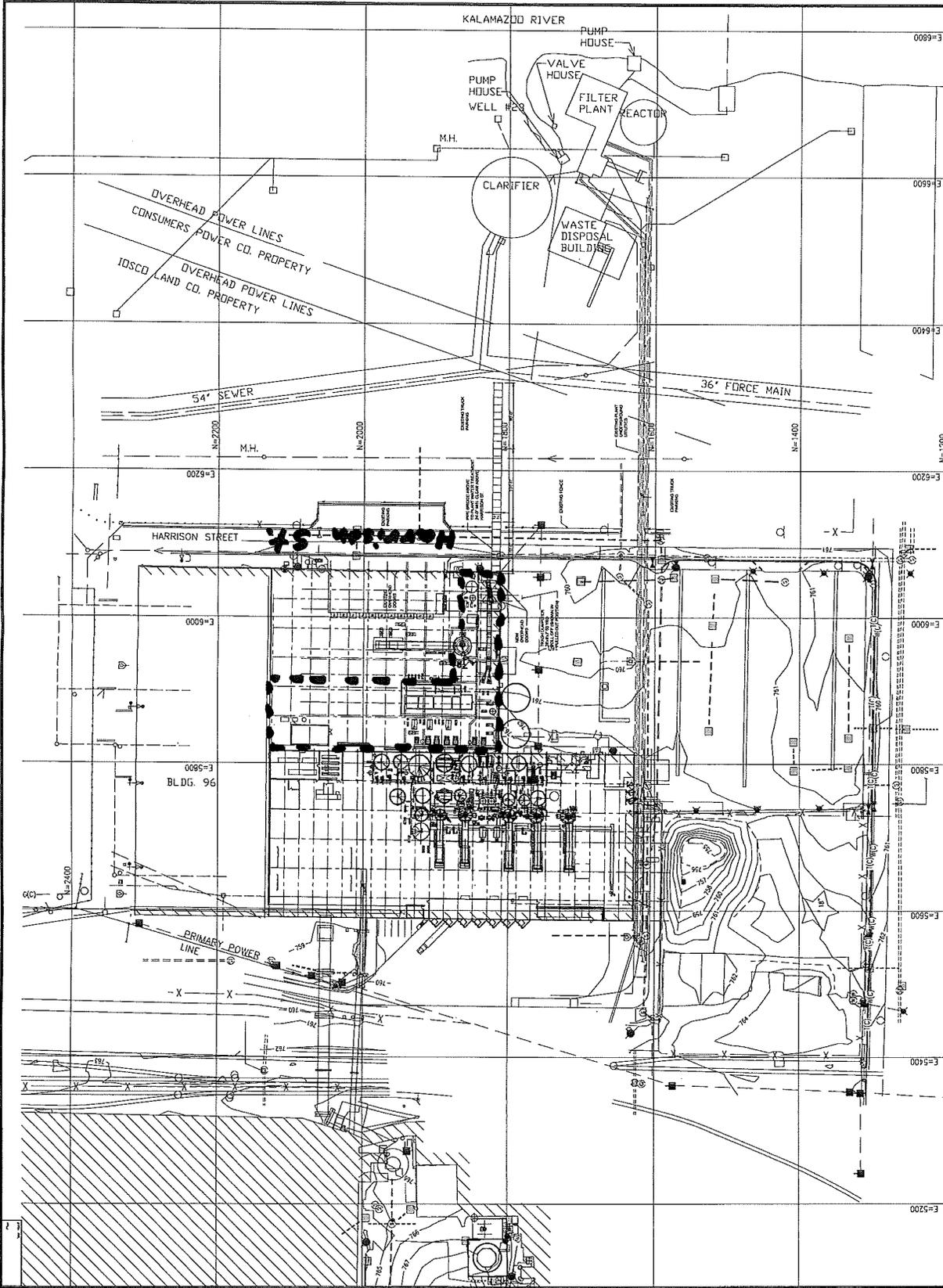
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Legend
Street Names - City
Parcels



WGS_1984_Web_Mercator_Auxiliary_Sphere

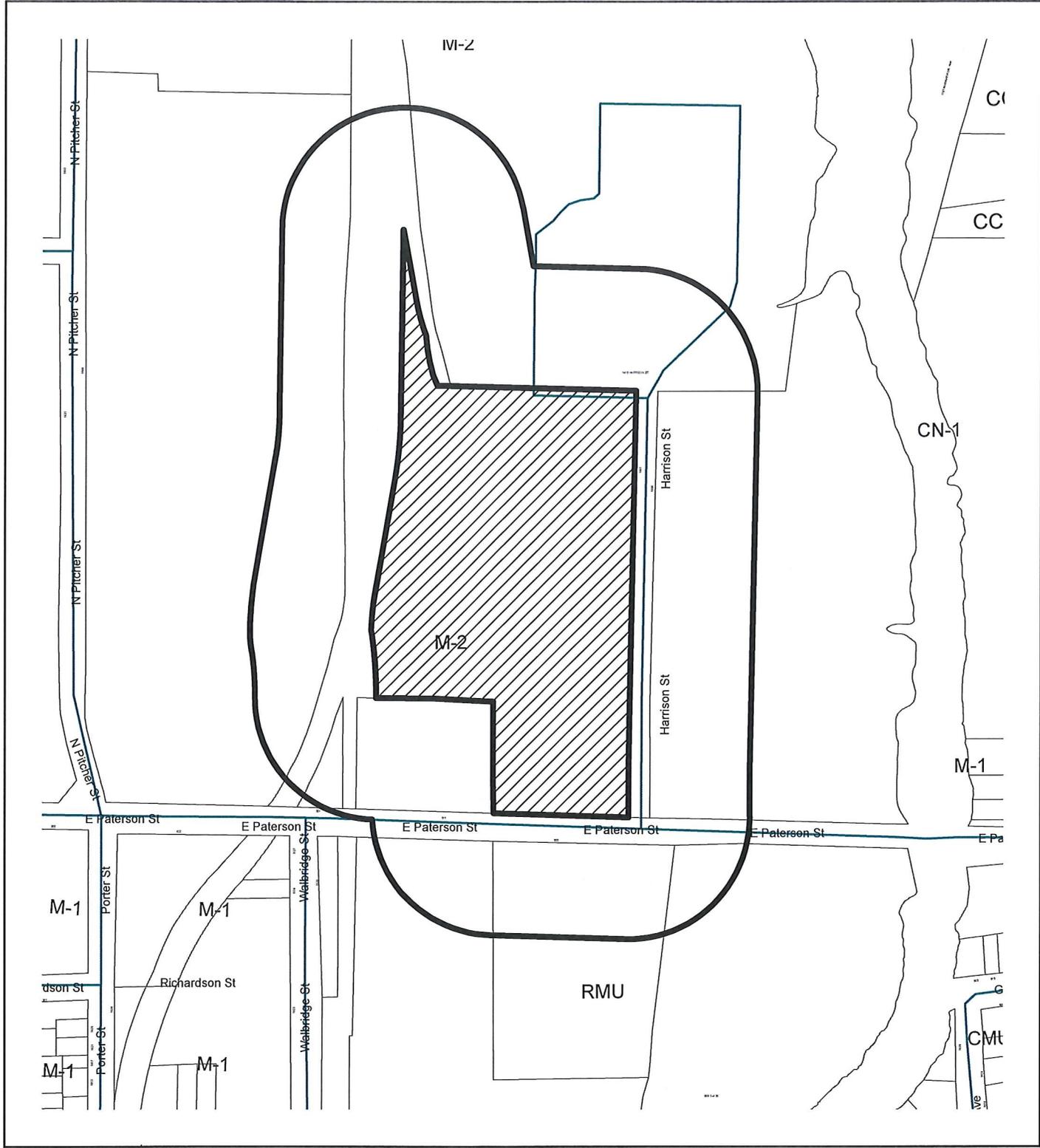


SPORY 133000089
 PROJECT BRONCO
 GENERAL SITE ARRANGEMENT
 P. PLAN

DATE	11-25	BY	SP
DATE	11-25	BY	SP
DATE	11-25	BY	SP
DATE	11-25	BY	SP

GRAPHIC PACKAGING

NOTES: 1. See Plan 133000089 for details. 2. See Plan 133000089 for details. 3. See Plan 133000089 for details. 4. See Plan 133000089 for details. 5. See Plan 133000089 for details.



300' Mailing Boundary
 1401 Harrison Street

