

Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals June 11, 2020

Electronic Meeting: Streamed on the City of Kalamazoo YouTube Channel and Facebook 7:00 p.m.

A. Call to Order:

B. Communications and Announcements:

C. Approval of the Meeting Minutes on May 14, 2020

D. Public Hearings:

1. ZBA #20-05-08: 1503 Washington Avenue. A motion of reconsideration for this dimensional variance approved on May 14, 2020 has been put forth by the Z.B.A. If approved the Board will hold discussion and a public hearing for this dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a residentially zoned property.
2. ZBA #20-06-10: 112 E. Cork Street. Terrance and Katisha Burton are requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Lil Brothers BBQ TNT) to operate in the parking lot of the convenience store from June 12, 2020 to October 15, 2020 (4 months). Recommended conditions of approval include: **1)** Grill, table and food truck not be within the right-of-way, **2)** Transient Merchant License must be obtained from City Clerk, **3)** Must also have license from the Health Department, and **4)** Clean-up of site must occur daily when in operation.
3. ZBA #20-06-11:725 Academy Street. Mike Keiwiet is requesting: **1)** A use variance from Chapter 4, Section 4.2 Q3, to allow the relocation of a single family dwelling to the rear of this parcel for residential occupancy where the CN-1 District requires commercial use of the floor space on the ground level; **2)** A dimensional variance from Chapter 50 -7.2, for six off-street parking spaces, where two off-street parking spaces is the maximum allowed.
4. ZBA #20-06-12: 519 Howard Street. Ben Bierlein is requesting a dimensional variance from Chapter 50 -7.4 (2)a, to authorize a loading area for the proposed building on the building's front façade, where loading areas are to be located in the side or rear yard of a building

E. Other Business:

F. Adjournment:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS*
May 14, 2020 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

* This meeting of the Zoning Board of Appeals was held on Tuesday, May 14, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

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

Members Absent:

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

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

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel.

Mr. Eldridge stated the public had the ability to call in for audio and the public could call in to 269-226-6573 to leave comments for any of the properties on the agenda.

MINUTES:

Ms. van den Hombergh, moved to approve the minutes of February 13, 2020 as submitted, seconded by Mr. Skalski.

Motion approved by voice vote unanimously.

Ms. van den Hombergh, moved to approve the minutes of May 5th, 2020 Special Meeting as submitted, seconded by Mr. Skalski.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board

would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Doane read the application for 4501 Arboretum Parkway, Parcel #06-19-118-002:

ZBA #20-05-09: 4501 Arboretum Parkway: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by American Kendall Properties, LLC owner of 4501 Arboretum Parkway (Parkway Flats Apartments), which is situated in Zone RM-24, Residential – Multi Dwelling District. The applicant is requesting a dimensional variance from Chapter 9, Section 9.2A, to increase the number of off-street parking spaces by 39 spaces for this nonconforming development which currently is over the maximum number of allowed off-street parking spaces by 210 spaces. The total number of off-street parking spaces if approved would be 514 spaces to serve the 241-unit complex.

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

JR Kendall, owner of American Kendall Property LLC, the developer and builder of Parkway Flats, stated they finished the project last September and have a high 90% occupancy rate. They have a higher number of cars with that occupancy rate. They implemented a parking pass system to make sure any renters of the 159 garages are using those to park in and not for storage, and if they have a second car it's parked on the apron behind the garage, yet there's still spill over. It's a nuisance of people parking on the street, but management is trying to deal with it. They have 475 parking spaces now and are asking for 39 more spaces on the interior of the project, they can easily add those without visual changes.

Alex Phelan, the Engineer on the project spoke to the seven requirements that are being met, commenting there isn't any on-street parking available. They feel there's a hardship, they are on the edge of the City without shared parking uses available.

Mr. Carroll asked what the current parking garage occupancy rate was, if 100% of the garages were rented. Mr. Kendall stated they stay full. Mr. Carroll asked when being developed did they know it was on the outskirts of the City. Mr. Phelan stated yes. Mr. Carroll asked if a lower occupant load in the complex would help. Mr. Phelan stated yes.

Ms. van den Hombergh asked about storm water run-off. Mr. Phelan stated when the property was zoned it was zoned for a higher intense use of a larger retail use. The basins were designed for a higher use for a 90% impervious area. It was designed for a 65% discharge use.

Ms. Doane asked what the increase in discharge would be. Mr. Phelan stated they can go up to 65%. They will be about at about .2% or .3% impervious increase, well below the 65% required.

Mr. Eldridge ask for clarification on the composition of the units, the student versus professional ratio. Mr. Kendall said they have around 30% of grad and under grad students, some empty nesters, and professionals also, it's a mix of age groups and professions. They have 107 one-bedrooms, 115 two-bedrooms and 19 three-bedroom apartments.

Mr. Flach asked when they originally purchased the property and built the building has the parking space requirements changed. Mr. Phelan stated the zoning ordinance changed, 110 maximum parking spaces wasn't a requirement, they were above what's required when designing it. Mr. Flach commented now after the idealism of wanting more green space versus parking and hoping for more walkability has turned into a fact it's a detriment to not have enough parking. Mr. Phelan stated they tried to minimize the footprint of the project and have more green space, open space and less water discharge. This project took off and they don't have the parking for the demand of the units. The ordinance then changed, which puts them into this situation, or they would have maximized their footprint. They are just requesting enough to meet their need.

Mr. Flach asked what other option they have? Mr. Eldridge referred to Arboretum Parkway not having any on-street parking available. He circled back to the units, total bedrooms all together are at 394 bedrooms, divided by 514 parking space that is 1.3 parking spaces per bedroom in comparison with student rental areas that allow for two parking spaces per dwelling unit, the overall parking calculation is not all that high for this site. This complex doesn't have an unfavorable number of off-street parking spaces. If student occupied it would require more in his opinion, but that's only at 30%, this is just a popular complex.

Mr. Flach asked how many parking spaces they are allowed, not what's grandfathered in. Mr. Phelan stated they have 362 parking spaces.

Mr. Carroll questioned if the green space beauty adds to why they are popular. Mr. Kendall hoped so. Mr. Carroll stated the pedestrian nature and soccer field has a walkable vibe working towards their popularity.

Chair Lager asked where the parking will be added. Mr. Phelan stated where the problem areas are, they will utilize seven spaces in one spot without losing green space. Then added parking spaces where they saw people parking in grass. The remainder of parking spots they'll add asphalt.

Mr. Carroll questioned if other than the garages, are any of the other parking spaces assigned for or being charged for. Mr. Carroll asked if they charged for parking spaces would the demand for parking go down. Mr. Phelan stated demand for apartments would probably go down. Mr. Carroll commented he's having a hard time with recycling the green space vibe, if they charged for parking spaces would it help the issue, stating they have a waiting list.

Mr. Phelan stated they are only asking to add a small percentage of area and not affecting the overall feel of the area. Per the ordinance they can go up to 65% impervious coverage and they are still below that. Mr. Carroll referred to his statement it doesn't impact neighboring parcels but spoke to his concern with the neighboring property with over 700 children crossing Arboretum Parkway with no cross walk there. Mr. Phelan stated they can't control the traffic; the hotspot is the left drive access that's a problem for them, it's a function for the bank also. The cars are already there, they are just giving them a spot to park.

Mr. Flach asked for clarification on the purpose of the zoning ordinance relating to this. Mr. Eldridge stated it's to eliminate excess asphalt parking, the new ordinance applies to new apartment complexes, grocery stores, etc. under the new parking standards it's one parking spaces per one dwelling unit, you can exceed that up to 10%, so there's 241 units they have 241 parking spaces with 24 additional allowed for a total of 265 parking spaces allowed. This site is already over that number, requiring the variance. They've limited the overage which wasn't in effect when they built it. In the RM15-C district they can have two spaces per dwelling unit standard, but this is not the predominant makeup of the complex.

Mr. Phelan spoke of other areas and they want to limit the green space area. It's more downtown in downtown settings. Mr. Carroll questioned Mr. Phelan if he was aware of those ordinances in other cities prior to this project. He stated yes. Mr. Carroll asked if Mr. Phelan had too many units or not enough parking spaces. Mr. Phelan stated they didn't see the need to for that many parking spaces, they wanted to have more green space than a sea of asphalt.

Ms. Doane clarified for 39 spaces only 32 are breaking new ground and the other seven are repurposing existing spots, and in his opinion, this will fulfill their needs for the future. Mr. Phelan replied yes.

Mr. Eldridge stated there were no comments received from the public.

There were no comments received during the public hearing.
Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Skalski moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 4501 Arboretum Parkway shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Nine notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.

- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mr. Kendall of American Kendall Property LLC, owner of Parkway Flats and Engineer Alex Phelan spoke to the issue of parking, there is no off -street parking available in the area, the garages are near 100% capacity. The storm water demand, the majority of the original development would have been at 90% impervious, the current site is approximately at 60% impervious, with the improvements it will be less than 65% if approved. There are 107 one-bedrooms, 115 two-bedrooms and 19 three-bedroom units.

Mr. Flach seconded the Finding of Fact.

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

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

Mr. Flach stated he was in favor, it's in line with the spirit of the zoning ordinance, the ordinance is to minimize asphalt and to increase walkability, they tried to limit the original parking but found they needed to increase the parking area.

Mr. Skalski stated he was in favor of the request, commenting he walks nearby, the parking is within their site. He spoke to other developments that could have been on the site with 90% impervious coverage and this would only be at 65% impervious coverage.

Mr. Eldridge commented the asphalt is a minimum amount, they meet the storm water requirements, it's handled with what is in place, they have green space and landscaping requirements all met.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 736 Jackson Street, Parcel #06-22-293-007:

ZBA #20-05-06: 736 Jackson Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Harrington owner of 736 Jackson Street, which is situated in Zone RM-15, Residential – Multi Dwelling District. The applicant is requesting: 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use and educational programs on this residentially zoned property. This includes a green house and pavilion along with planting bed areas. 2) A dimensional variance from Chapter 50 -7.2, for one off-street parking space, where two are required. 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard on Jackson Street

and Neumaier Court where only four-foot fencing is permitted for a residential 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 thirty-six notices of public hearing sent and zero responses were received.

Ms. Harrington stated their hope to have multifunctional community farm and garden site, they purchased the property in 2013. They've been operating there for a number of years, it's an urban green initiative to create a pocket park, she developed a book and is able to leverage funding to expand development efforts to erect a green house, and several different layers of urban agriculture, within the three component project in the Edison Neighborhood. There could be contamination on site so there will be raised beds, rain harvesting, composting, create a system for food waste also. They have support from surrounding organizations, Boys and Girls Club, the Kalamazoo Public Schools offers transportation, Kid Net. There will be sixteen part time staff on site rotating hours. It's to create opportunities and space for industry for people in the community, with food insecurity they want to participate in the food industry eco system for people in the neighborhood.

Chair Lager asked about the one off-street parking space and fence. Ms. Harrington stated zoning requires two parking spaces, for staff members on site, they only have one onsite parking space.

Mr. Eldridge replied for this use they would look at the maximum workers on the largest shift, it's agriculture in nature, that requires two, but there may only be one person there at one time. Ms. Harrington clarified the kids are bussed into the site, they operate for one month out of the year and have two classes a day for 25 kids. YOU helps with the kids, other staffing is bussed in with the kids and chaperones them, they don't need to utilize parking.

Chair Lager asked for clarification on the fence. Ms. Harrington stated the 6-foot fence is to maintain the produce, and for food safety also. Chair Lager stated it refers to it as a commercial/agricultural use, he sees it as a community garden. Mr. Eldridge commented it's the business aspect. It's a use variance because agricultural uses are not allowed in residential areas, there's no home on the property, it's going to be used for agriculture, with a green house and farm stand to sell produce.

Mr. Skalski commented on the primary goal is educational for the youth of the area. Mr. Eldridge stated yes, it's an educational summer program running for a month for kids, the agriculture component will be year-round.

Chair Lager clarified the produce will be grown by the kids then sold by the non-profit. Ms. Harrington stated yes.

Mr. Flach asked how much of the space will be fenced. Ms. Harrington stated the entire perimeter.

Ms. van den Hombergh had concerns with the 6-foot fence. Ms. Harrington replied there's the standard 4-foot farm fencing, she doesn't want an attractive nuisance to have kids jump the fence. It's a business operation and she wants to deter it, but if children need food, she must take that into consideration also.

Mr. Carroll questioned a photograph of a fence provided to the Board. Ms. Harrington replied she was referring to that photo as a style of fence she wants; they want to design a fence that meets the functionality of the property.

Ms. Harrington stated they have support from the neighbors; they've been provided water from neighbors and they even help weed the gardens. Ms. van den Hombergh questioned if they've had any issues with vandalism there with the 4-foot fence or with people not respecting the property there. Ms. Harrington stated someone broke their sign, it's been the only issue, and that could have been an accident.

Ms. Doane stated the difference between a 4-foot and a 6-foot fence is to plan for the future of the expansion. Ms. Harrington replied yes.

Speaking to the request:

Michelle Morren spoke against the 6-foot fence request stating her children ride their bikes along the street, they are blocked by the Loaves and Fishes building, it's a blind spot, she'd like a 4-foot fence, they'll be blind-sided. She wants it due to safety measures and feels it should be open to the community or in an area allowed.

Paul Bountivene, 1420 Ferndale Avenue stated he was in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington.

Breane Fonzo, resident of the Vine Neighborhood stated she was in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington. Ms. Harrington along with Zoo City is creating incredible things for the City and meets the plans for the Imagine Kalamazoo.

Mariel Borgeman, representing MSU Extension in Kalamazoo, 224 E. Crosstown Parkway, she spoke to the benefits of Urban Agriculture for the properties submitted by Ms. Harrington, she's in support of the community, food security, educational opportunities, neighborhood support, spoke to the benefits for the community beyond food.

Jenny Dozema, works at the Nature Center, lives on Woodward Avenue, she was in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington; it will support community prosperity, business development, provide food, community support, it's a people of color lead effort and that needs better support in the community also.

Lindsey Taylor, 1420 Ferndale Ave, stated she supports all three requests at 736 Jackson, 1316 Mills and 1503 Washington.

Laura, a community member of the Vine Neighborhood, spoke in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington stating the transitioning of residential space to an agricultural area will act as a central hub for community members, they'll help solve issues for poverty, food security and nutrition, justice in the food system utilizes the properties and was in support of Zoo City.

Richard Stewart, 828 Portage St. spoke to the 736 Jackson Street requests. He supports the initiative however, if they approve the 6-foot fence he asks that all the neighbors are given the opportunity to match the fence height, to have a similar look, and spoke to the crime issues. He had a concern with the approval, if approved what prohibition is there of growing marihuana there.

Mr. Eldridge spoke to the growing of marihuana mentioned by Mr. Stewart. The ordinances that allows for licensed medical and adult use facilities don't allow these in a residential zone district. If the sites are repurposed it wouldn't be a marihuana grow facility. The first request for the use variance is in a residential zone district and there's no residential component on the property. These all still must go through site plan review, the standards will be addressed for the layout of the sites and if restrooms would be required. Regarding the off-street parking request standards, staff isn't concerned with a parking demand for the site. However, staff is not supportive of 6-foot fencing in the front yard, especially when it comes to corner lots.

Mr. Carroll questioned the variance request as it is going from residential to commercial, commercial has a 6-foot ordinance. He asked if the residential houses on that street are limited to 4-feet. Mr. Eldridge stated the ordinance is 4-feet in the front yard for the street side. The side and rear can be 7-foot. Mr. Carroll questioned if there are other places in the City with a higher fence with over 75% opacity. Mr. Eldridge stated yes, there are other non-conforming fences around the city, however, they'll have to be replaced with complying fences once they start to fail. Mr. Eldridge stated staff doesn't support the 6-foot fence. The height of the fence still is inconsistent with the front yard aesthetics, there isn't a lot of fencing in the front yard. It's not within the theme of what the City wants in front yards.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 736 Jackson Street shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Thirty-six notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.

- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Ms. Harrington of Zoo City Farm and Food Network spoke on behalf of the request, the use variance is due to no residence being on the property, the commercial is due to the farm stand and distribution component of the operation, the fence variance is for general food safety, the fence would be erected around the entire property as proposed as to discourage attractive nuisance and deer damage. There were six general comments from Ms. Morren, Mr. Bountivene, Ms. Fonzo, Ms. Borgeman, Ms. Dozema, Ms. Taylor and Laura a resident of the neighborhood who spoke in general support of the use, none of them spoke to the fence or the parking variances, they were just in favor of the use. Ms. Morren was concerned with the blind spot at this location with a higher fence, and the project should be open to the public or put into a commercial area. Richard Stewart was in support of the 6-foot fence, but it should apply to all neighbors, and had concerns with future marihuana growth at the property that city staff addressed as not being eligible for a license.

Ms. Doane seconded the Finding of Fact.

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

Attorney Robinson clarified for the use variance, it's an agricultural/commercial variance that will run with the land. However, the Board can attach a condition to the variance that marihuana/agricultural activities cannot take place as part of the activities on the property. He clarified the applicant is proposing the use, but if this land were sold in the future, the future owners could change the use.

Ms. Doane moved to approve the application 1) for a use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use and educational programs on this residentially zoned property. This includes a green house and pavilion along with planting bed areas, conditioned upon no marihuana grow operations permitted, seconded by Mr. Skalski.

Chair Lager spoke in favor, stated it's an exciting initiative.

Ms. Doane spoke in favor, commenting on the support from the local community.

Ms. van den Hombergh spoke in favor.

Mr. Flach spoke in favor, commenting it's hard to repurpose the properties in the neighborhood and this is a good use.

Mr. Skalski spoke in favor and had seen other such types of gardens in use.

Motion approved by roll call vote unanimously.

Ms. Doane moved to approve the application for 2) a dimensional variance from Chapter 50 -7.2, for one off-street parking space, where two are required seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Ms. Doane moved to approve the application for 3) a dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard on Jackson Street and Neumaier Court where only four-foot fencing is permitted for a residential zoned property, seconded by Mr. Skalski.

Chair Lager stated he'd be voting against the height of the fence, it's against the character of the neighborhood and is in a residential area,

Mr. Skalski questioned if both Neumaier Ct and Jackson St. were considered front yards. Mr. Eldridge stated yes, both are considered front yards.

Motion denied by roll call vote.

Vote:

Yes: Flach, Skalski

No: Carroll, Lager, van den Hombergh, Doane

Ms. Doane read the application for 1316 Mills Street, Parcel #06-23-323-198:

ZBA #20-05-07: 1316 Mills Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Harrington owner of 1316 Mills Street, which is situated in Zone RD-19, Residential – Duplex District. The applicant is requesting: 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a greenhouse and raised planting beds. 2) A dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required. 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Mills Street where only four-foot fencing is permitted for a 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 ninety-seven notices of public hearing sent and one response was received.

Ms. Harrington, the applicant for the variance stated this is consistent with the 736 Mills Street project, however, this will be a worker owned co-operative. They've been working with Urban Alliance allowing them to utilize their parking spaces there. It'll be a sustainable system, with twelve different shares for the site to participate in, to help the economy, sell food at the farmers market. Create space for biodiversity and regenerative agriculture. To have a farm in the neighborhood it's supportive for the people and they have support from the neighborhood.

Chair Lager clarified this project is a worker owned co-operative the twelve people will have shares and can sell produce at the Farmer's Market. It will look like a community garden when driving by. Ms. Harrington stated to her it's an urban farm environment. They have Urban Alliance's approval to use their parking, the fence is for the functionality. Chair Lager questioned if any factors are different from the Mills Street request. Ms. Harrington stated the preservation of and the functionality of the space as urban producers is her argument.

Mr. Eldridge clarified a letter from Luke at Urban Alliance is for their support, but he questioned if she had any further communication of his approval for parking. Ms. Harrington thought Urban Alliance had already given that support. Upon further reading Mr. Eldridge clarified it stated that Urban Alliance was willing to allow the use of their parking lot to designate parking for the farm since they don't have adequate parking.

Public comments:

Chaz Wells, from the Vine Neighborhood, in support for Washington, Jackson, and Mills Street, their good initiatives for food, for agriculture, for diversity, it's open to the community, surrounding themselves with support from the community.

Chair Lager spoke of the previous support from the Mills Street variance already called in and spoken for.

Chair Lager closed the public hearing.

FINDING OF FACT

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

- 1.) The Finding of Fact for 1316 Mills Street shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Ninety-seven notices of public hearing were sent, and one response was received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and an email of support from the Urban Alliance confirming they will assist with parking.

- 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: Ms. Harrington has requested a variance for a green house, raised beds, two parking spaces, and a 6-foot fence, of the eight comments that were listed of the application only two mentioned fencing, even with the fencing they were in support of the garden, the Urban Alliance is going to allow parking, there's a feeling of bio diversity, social sustainability, and it will foster community building. Mr. Eldridge confirmed support from the Urban Alliance for parking. Chaz Well from the Vine Neighborhood called in support for all three requests and liked that the garden was open to the community.

Mr. Carroll seconded the Finding of Fact.

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

Ms. Doane moved to approve the application for 1) a use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a greenhouse and raised planting beds, conditioned upon no marihuana grow operations permitted, seconded by Mr. Skalski.

Chair Lager stated he was in support for the same reasons he was for the Mills Street request.

Motion approved by roll call vote unanimously.

Ms. Doane moved to approve the application 2) for a dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required, with the condition that they maintain support from the adjacent property owner for parking, seconded by Mr. Skalski.

Attorney Robinson commented this is dependent upon Urban Alliance to assist with the parking. If it was withdrawn or the building is sold, and the new owners withdraw that support they may want to make the variance conditional on support of parking from the adjacent property owner.

Ms. Doane amended the main motion with conditional parking and was seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Ms. Doane moved to approve the application for 3) a dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Mills Street where only four-foot fencing is permitted for a residentially zoned property, seconded by Mr. Skalski.

Mr. Skalski stated this fencing is in mid-block and he will be in support.

Chair Lager stated he's against the request, it's in a residential neighborhood and is a visual issue for him.

Mr. Eldridge commented there is a curb-cut shortly after this into the Urban Alliance property.

Motion denied.

Vote:

Yes: Chris,

No: Skalski, Carroll, van den Hombergh, Doane, Lager

Ms. Doane read the application for 1503 Washington Avenue, Parcel #06-23-343-055:

ZBA# 20-05-08: 1503 Washington Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Harrington owner of 1503 Washington Avenue, which is situated in Zone RM-15, Residential - Multi Dwelling District. The applicant is requesting: 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a structure with vertical planting beds and other raised planting beds on the property. 2) A dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required. 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a 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 eighty-seven notices of public hearing sent and zero responses were received.

Ms. Harrington was the applicant for the variance, there will be vertical beds, designed to create space for elders to grow, designed for that consideration in mind, it's a micro-nursery, to rent beds with the help of AARP. This space is for people on Washington Avenue she has personal relationships with people and will rent out spaces for a nominal fee. They hope to have an Urban Orchard for tree planting, it's proposed and have the space.

Mr. Eldridge commented, it's marketed too resident's in the area, within walking distance, they'll tend to the beds, the structure with an arbor on top it's showing a 12 x 24 structure, it will require site plan review approval. These beds will be on walls and help elders who can't be on the ground tending to produce. There's no need for parking, the residents will walk to it. It's a corner lot, tree plantings will be nearest the neighbor's houses.

There are no public comments for this, but comments from five callers total spoke in support previously of all three sites.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1503 Washington Avenue shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Eighty-seven notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Ms. Harrington stated the Board was unlikely to grant a 6-foot fence request, the community is to be a part of this, it's built for people with mobility issues, it will be a micro-nursery, raised beds will be rented for a nominal fee, It will have an urban orchard, lots of trees planted. Mr. Eldridge noted staff is not in favor of the 6-foot fence, comfortable with limited parking, do to this being marketed to people who are within walking distance and they can park on Washington Street during the day if needed, there were five previous comments in support.

Mr. Skalski seconded the Finding of Fact.

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

Ms. Doane moved to approve the application 1) for a use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a structure with vertical planting beds and other raised planting beds on the property, conditioned upon no marihuana grow operations permitted, seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Ms. Doane moved to approve the application 2) for a dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Ms. Doane moved to approve the application 3) for a dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a residentially zoned property seconded by Mr. Flach.

Mr. Flach stated there's no neighborhood opposition to it, it's a unique and was in favor

Motion approved by roll call vote.

Vote:

Yes: Carroll, Flach, Skalski, Doane

No: van den Hombergh, Lager

OTHER BUSINESS:

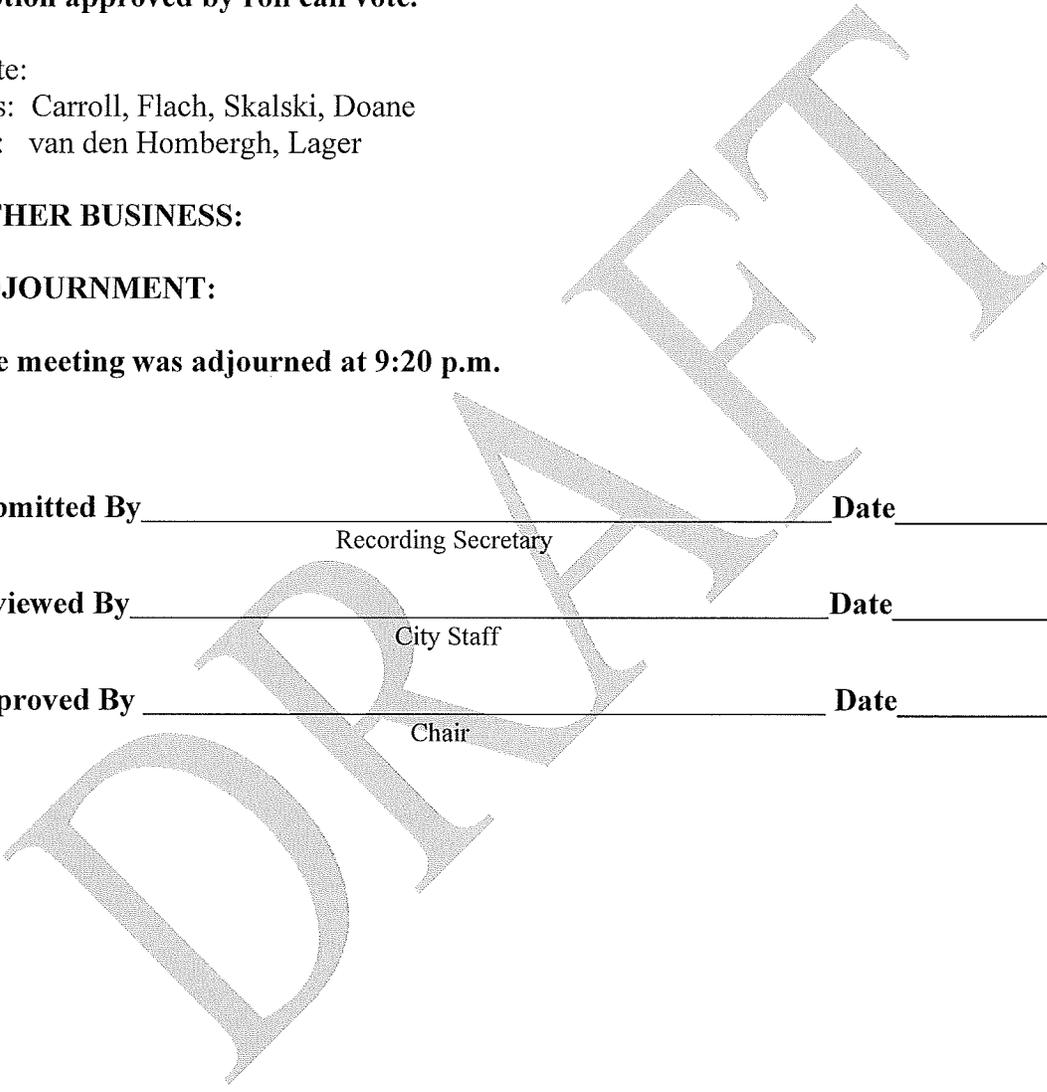
ADJOURNMENT:

The meeting was adjourned at 9:20 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



City of Kalamazoo

INTER-OFFICEMEMO

To: Chair Matt Lager and Zoning Board of Appeals Members

From: Peter C. Eldridge, Assistant City Planner

Date: June 3, 2020

Subject: Motion for Reconsideration of a Dimensional Variances for 1503 Washington Avenue (ZBA #20-05-08)

At the Zoning Board of Appeals meeting on May 14, 2020, a public hearing, discussion and vote occurred on the above referenced application for a dimensional variance related to fencing height in the front yard. The motion for the dimensional variance was approved by one vote. A Board member on the prevailing side in this vote, Ms. Doane, made a motion to reconsider via email on May 14, 2020 shortly after the conclusion of the meeting. This motion was then seconded by Beth van den Hombergh via email on May 15, 2020.

Zoning Board of Appeals Rules of Procedure:

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

Action Needed:

The Board will proceed with discussion of this motion at the June 11, 2020 meeting and then vote on the motion of reconsideration which was moved by Christina Doane and supported by Beth van den Hombergh. If the ‘Motion of Reconsideration’ is approved, then the dimensional variance for the fence height is back on the floor and the Board may invite the applicant to speak and then open the hearing up for public comment.

- Motion of Reconsideration is for the following variances: *A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a residentially zoned property.*



Community Planning and Economic Development

405 N. Rose Street, Suite 100
Kalamazoo, MI 49007
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

Remi Harrington
533 W. South Street, Apt. 4
Kalamazoo, MI 49007

May 21, 2020

**Re: ZBA #20-05-08
1503 Washington Avenue
Parcel #06-23-343-055**

Dear Ms. Harrington,

This correspondence is to acknowledge the Zoning Board of Appeals on May 14, 2020 approved the following:

- 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a structure with vertical planting beds and other raised planting beds on the property. Conditioned upon no marihuana grow operations permitted.
- 2) A dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required.

At the same meeting the Board approved the following:

- 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Mills Street where only four-foot fencing is permitted for a residential zoned property. Please note that a motion of reconsideration has been provided in writing and seconded by another member of the Zoning Board of Appeals. This variance will be placed on the June 11, 2020 Zoning Board of Appeals agenda for reconsideration.

Please note that all variances expire in one year from the date of the hearing if not exercised. This project will require site plan review approval prior to the issuance of permits.

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

Sincerely,

Peter C. Eldridge, AICP
Assistant City Planner

C: Property File



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

April 29, 2020

**RE: ZBA #20-05-08
1503 Washington Avenue
Parcel #06-06-23-343-055**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Herrington owner of 1503 Washington Avenue, which is situated in Zone RM-15, Residential - Multi Dwelling District.

The applicant is requesting: **1)** A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a structure with vertical planting beds and other raised planting beds on the property. **2)** A dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required. **3)** A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a residentially zoned property.

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

The meeting will be held on Thursday, May 14, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads '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

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 REMI HARRINGTON
Address 533 W. SUTTON ST. APT. 4
City, State, Zip Kalamazoo, MI 49007
Phone 269 274 5250
Fax
Email info@expressurbanfarm.com

Owner: Name REMI HARRINGTON/THE URBAN FARM
Address PO. Box 2646
City, State, Zip Kalamazoo, MI 49006
Phone 269.274.5250
Fax
Email info@expressurbanfarm.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 1503 WASHINGTON AVE. Kalamazoo, MI

This property is located between DIVISION street and CAMERON street, on the 49001

north south east west side of the street.

CCN# 06-23-343-055 Zone RM-15

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 URBAN FARM

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 REMI HARRINGTON

Date 2/14/2020

Signature of Owner (if different than applicant) REMI HARRINGTON

Date 2/14/2020

Remi Harrington
Zoo City Farm and Food Network
326 W. Kalamazoo Ave.
Suite 204 A
Kalamazoo, Michigan 49007

February 19, 2020

Remi Harrington
415 Stockbridge Ave.
Kalamazoo, Michigan 49001

Dear Zoning Board of Appeals:

It is my goal to develop 1503 Washington Ave. into a multifunctional community farm and garden site in the Edison Neighborhood. Our goal is to be granted and approval for a use variance for this site. We need to have the ability to use this site for agricultural market purposes.

The goal is to create a worker owned co-operative that has a multitude of social, environmental and economic benefits for this neighborhood, and our entire community. Please favorably consider our request.

If you have any further questions about the goals of the Zoo City Farm and Food Network, please feel free to look at our website: www.zoocityfood.com and the Urban Folk Art Exploratory, www.exploreurbanfolkart.org

Thank you,

A handwritten signature in black ink that reads "Remi Harrington". The signature is written in a cursive, flowing style.

Remi Harrington
Zoo City Farm and Food Network

ZBA APPLICATION SUPPLEMENTAL INFORMATION REQUESTED-1503 WASHINGTON AVE.

THE GOAL OF THE ZOO CITY FARM AND FOOD NETWORK IS TO DEVELOP 1503 WASHINGTON AVE. INTO A COOPERATIVE GROWING SPACE AND URBAN FARM SITE.

WE PLAN TO ERECT TWO PRODUCTION AREAS. ONE IS A COVERED 18FT. X24 FT. RAISED BED VERTICAL GROWING SPACE WITH A PERGOLA THAT IS 30 FT. HIGH.

THE OTHER IS A SITE WITH ELEVATED RAISED BEDS THAT ARE ACCESSIBLE WITHOUT BENDING DOWN TOO FAR.

THESE RAISED BEDS WILL BE OUTSIDE OF THE PERGOLA GROWING SPACE.

THERE WILL BE FOUR 4FT. X 4FT. X 4 FT. RAISED BED STRUCTURES-

THE RAISED BED PERGOLA STRUCTURE WILL BE OPEN, BUT THE GROWING SITE WILL BE ENCLOSED BY A FARM FENCE.

THE FARM FENCE WILL BE ~~BETWEEN 4FT. AND 6FT. HIGH-~~

THERE WILL BE OFF STREET PARKING.

SUPPLEMENTARY NARRATIVE REQUESTED FOR USE VARIANCE OF 1503 WASHINGTON AVE.-

THE GOAL OF ZOO CITY FARM AND FOOD NETWORK IS TO DEVELOP 1503 WASHINGTON AVE. INTO A MICRO-NURSERY, URBAN ORCHARD AND VERTICAL GARDENING SPACE THAT IS APART OF A SUSTAINABLE FOOD SYSTEM.

THE SITE WAS ACQUIRED IN 2019 AND IS ZONED RM-15 AND THE SECTION 4.1 USE TABLE INDICATES THAT AGRICULTURE IS A PROHIBITED USE.

UNFORTUNATELY, THIS PARCEL BEING ZONED RESIDENTIAL IS PROHIBITIVE OF OUR INTENDED USE, WHICH IS TO EMPOWER RESIDENTS TO COOPERATIVELY STEWARD LAND AND CREATE AGRICULTURE AND HORTICULTURE BUSINESSES FOR THE PURPOSE OF DEVELOPING AND PARTICIPATING IN A NEIGHBORHOOD BASED FOOD INDUSTRY ECOSYSTEM.

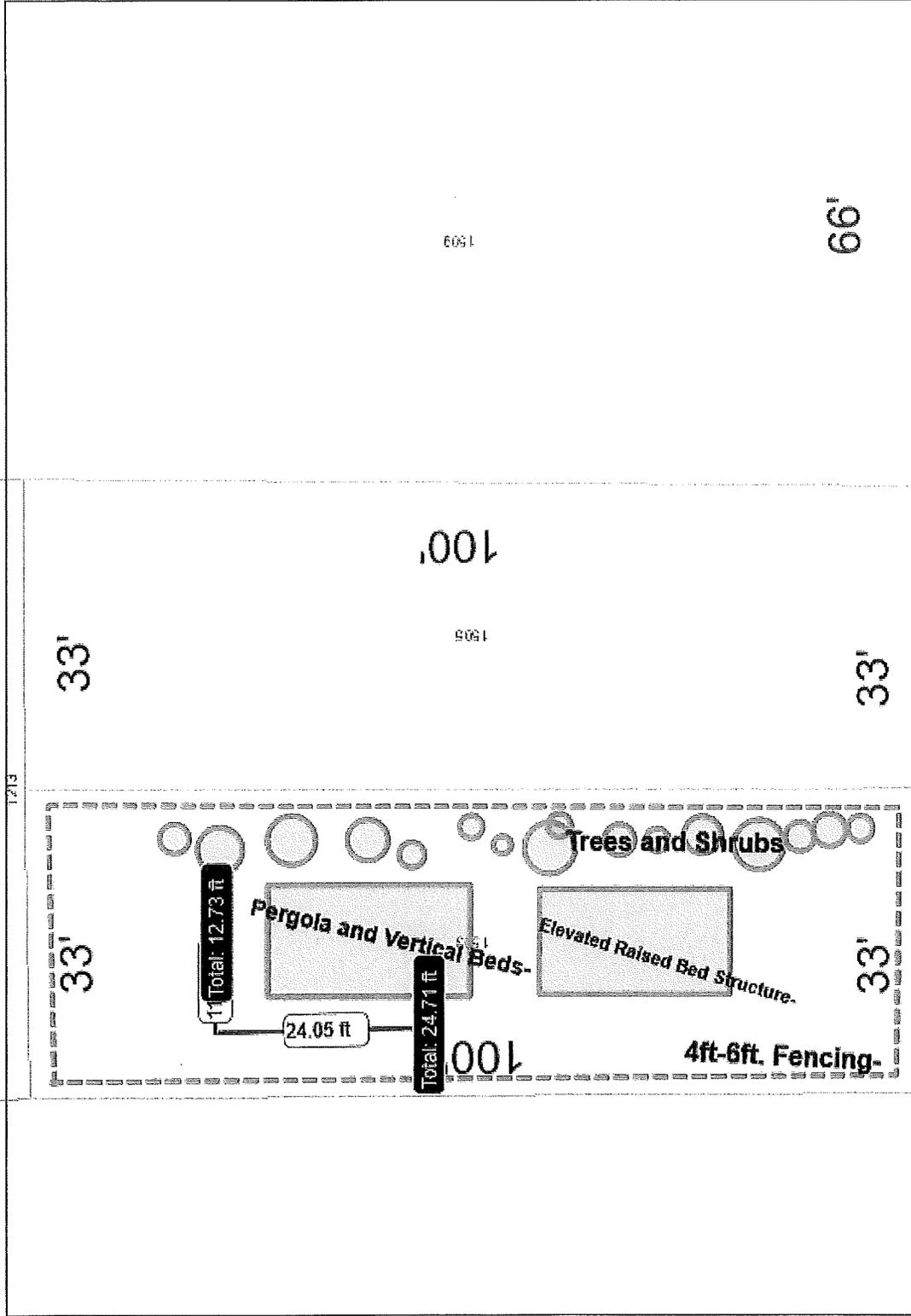
THIS APPLICATION FOR A USE VARIANCE IS NOT THE RESULT OF AN ACTION INITIATED BY ME THAT MOVED A PROJECT FORWARD WITHOUT GOING THROUGH THE APPROPRIATE PROCESS AND IS NOW SEEKING RETROACTIVE APPROVAL.

BY GRANTING THE USE VARIANCE FOR THIS PARCEL, WE WILL CONTINUE TO SERVE OUR COMMUNITY BY DOING OUR PART TO FULLY INTEGRATE OUR COMMUNITY THROUGH REIMAGINING AND ACTIVATING NEIGHBORHOOD BASED NETWORKS AND SYSTEMS THAT AFFIRM OUR CULTURAL CONTRIBUTIONS AND CREATE PATHWAYS TO ECONOMIC SUSTAINABILITY THAT BRIDGE THE RACIALIZED WEALTH GAPS IN OUR CITY.

WE WILL NOT ADVERSELY IMPACT OUR NEIGHBORS WITH THIS USE VARIANCE IN A MATERIAL WAY.

OUR PROGRAMMING IS CONFINED TO OUR PARCEL AND PUBLIC SPACE.

THE GRANTING OF THE VARIANCE WILL GENERALLY BE CONSISTENT WITH THE USE THAT WE ARE REQUESTING, WHICH IS AGRICULTURE.



Legend

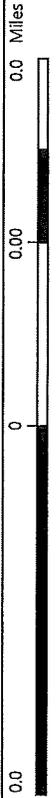
- Street Names - City
- Cadastral
- LOT
- PARCEL
- Water Features
- CULVERT
- ISLAND
- SURFACE
- NWI Wetlands
- Parcels

1: 282



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



ZOO CITY FOOD AND FARM NETWORK 1503 WASHINGTON CONCEPT SITE PLAN



ZOO CITY FOOD AND FARM NETWORK 1503 WASHINGTON CONCEPT SITE PLAN

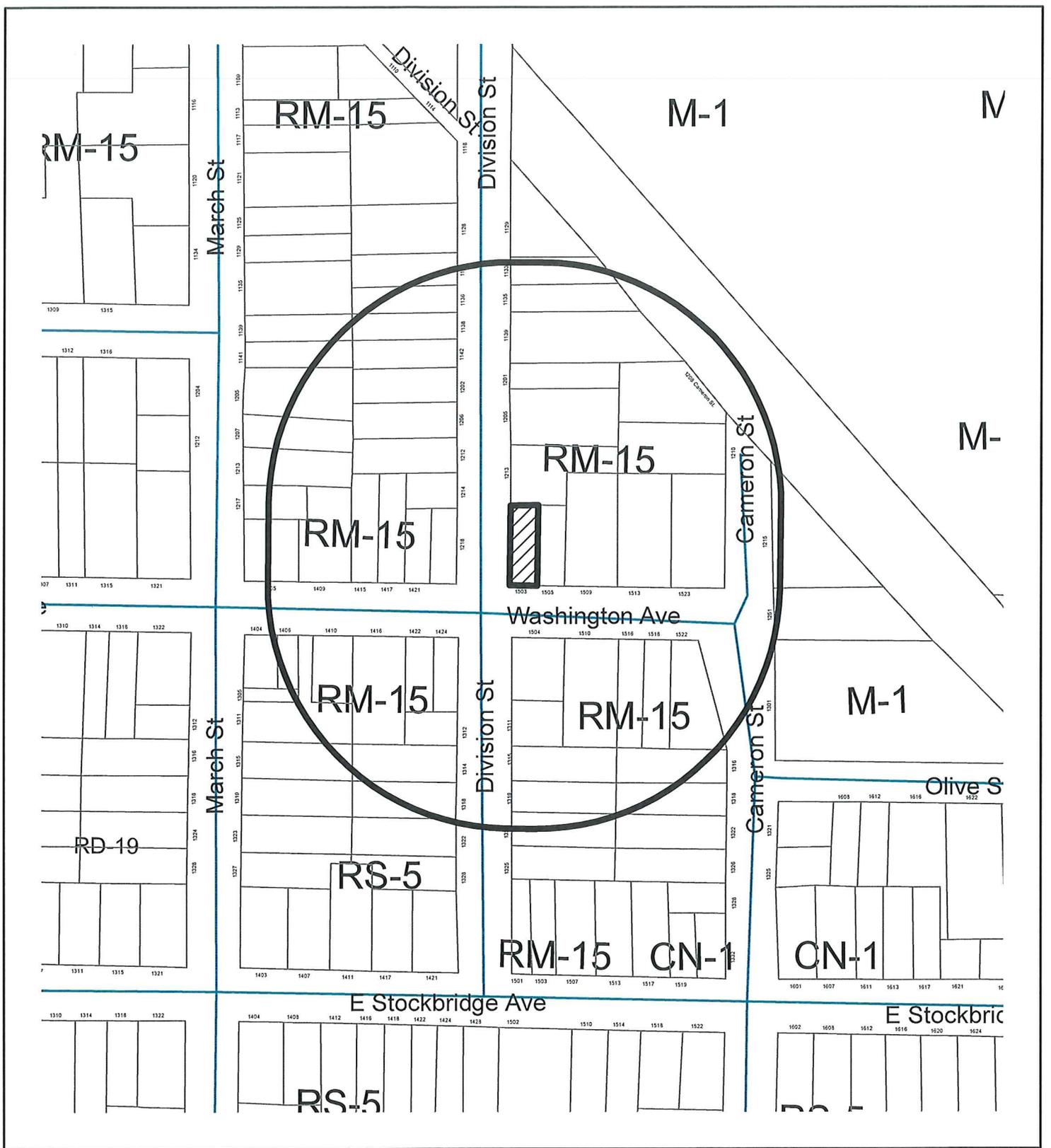


FARM FENCE EXAMPLE-



1503 Washington Ave.
May 29, 2020





300' Mailing Boundary
1503 Washington Ave.



0 2040 80 Feet



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

May 27, 2020

**RE: ZBA #20-06-10
112 E. Cork Street
Parcel #06-34-20-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Terrance and Katisha Burton for 112 E. Cork Street which is situated in Zone CC, Commercial – Community District.

The applicants are requesting a variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Lil Brothers BBQ TNT) to operate in the parking lot of the convenience store from June 12, 2020 to October 15, 2020 (4 months). Recommended conditions of approval include: **1)** Grill, table and food truck not be within the right-of-way, **2)** Transient Merchant License must be obtained from City Clerk, **3)** Must also have license from the Health Department, and **4)** Clean-up of site must occur daily when in operation.

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.

The meeting will be held on Thursday, June 11, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads "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.kalamazoo.org

RECEIVED FEB 05 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 Terrance N Katisha Burton
Address 3671 Lark dr
City, State, Zip Kalamazoo MI 49008
Phone 269-532-8621 Cell 269-532-8621
Fax Email Lih Brothers BBQ TNT @ Yahoo.com

Owner: Name Terrance N Katisha Burton
Address 3671 Lark dr
City, State, Zip Kalamazoo MI 49008
Phone 269-532-8621 Cell 269-532-8621
Fax Email Lih Brothers BBQ TNT @ 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 112 E Cork St Kalamazoo MI

This property is located between street and street, on the

north south east west side of the street.

CCN# Zone

Type of Request

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

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

[] 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 Temporary Use Approval

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 Terrance Burton 2-5-20 Date

Signature of Owner (if different than applicant) Terrance Burton 2-5-20 Date

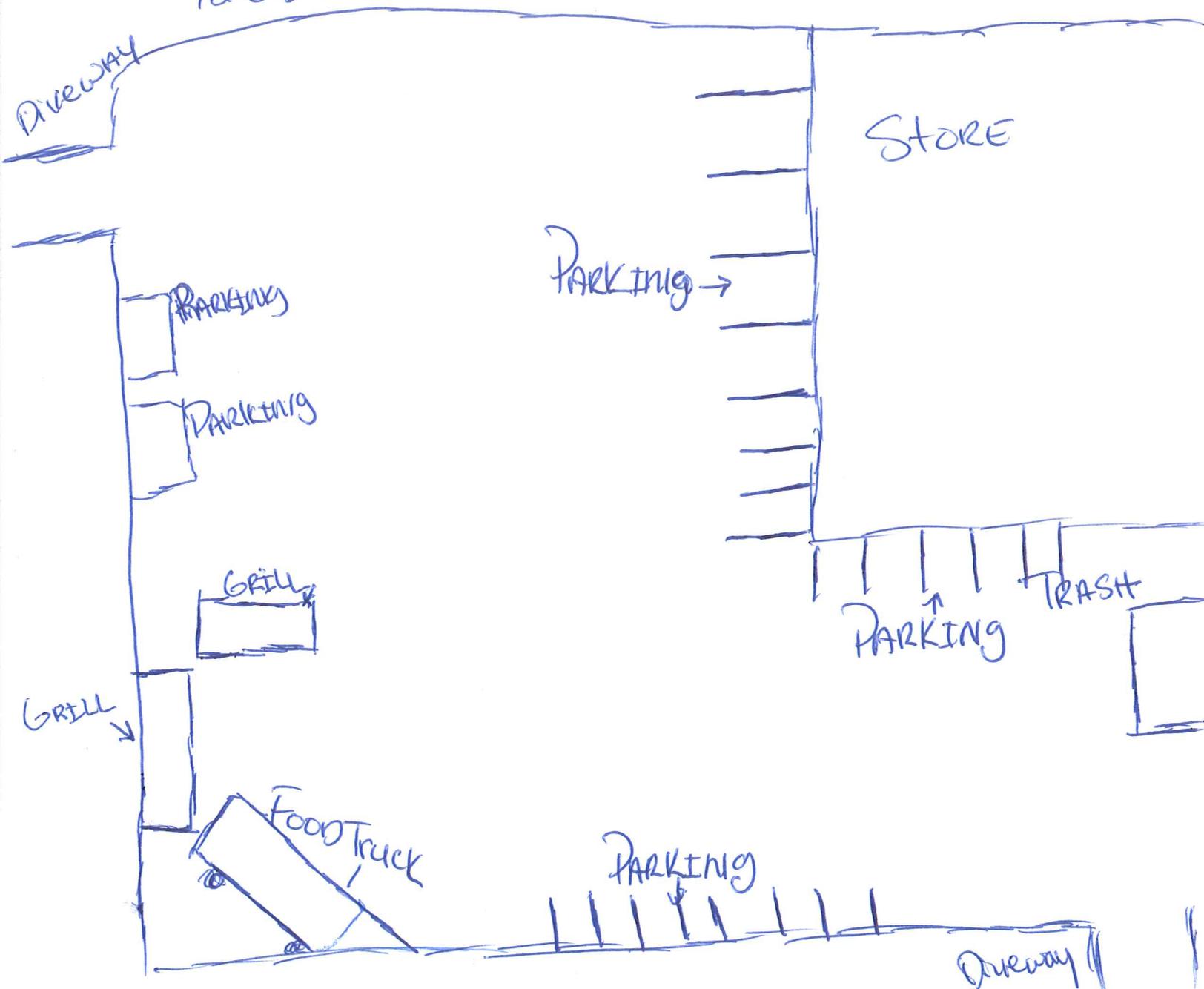
I Terrance Burton Been Saling Food In the City of Kalamazoo MI 14 years now. I was at the location of 112 E Cork st For 4 years cooking inside. We had a Fire in 2018 that closed the Place down. Now we are cooking outside trying to get a 6 month Approval from The Board to cook there.

From June - Oct 2020

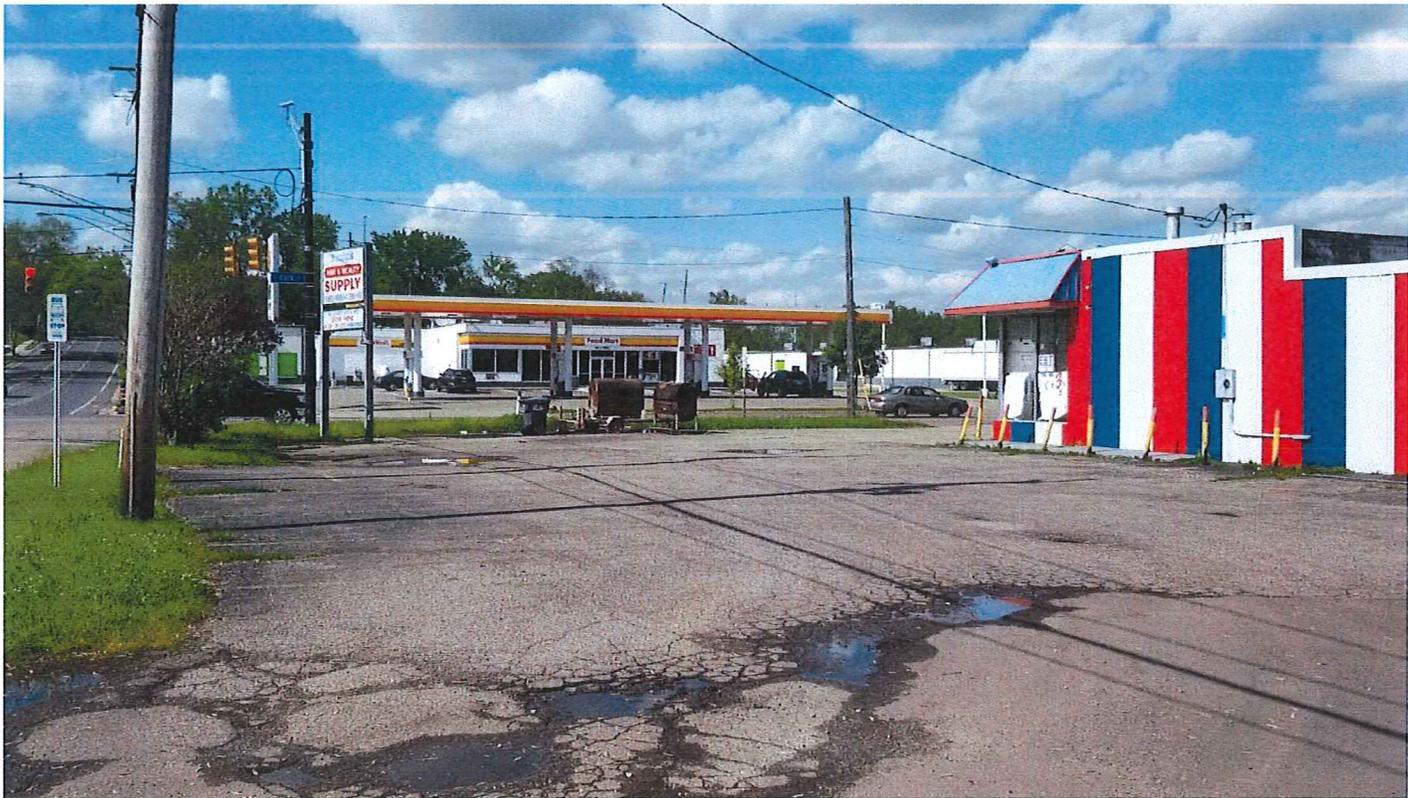
DATE Monday - Saturday

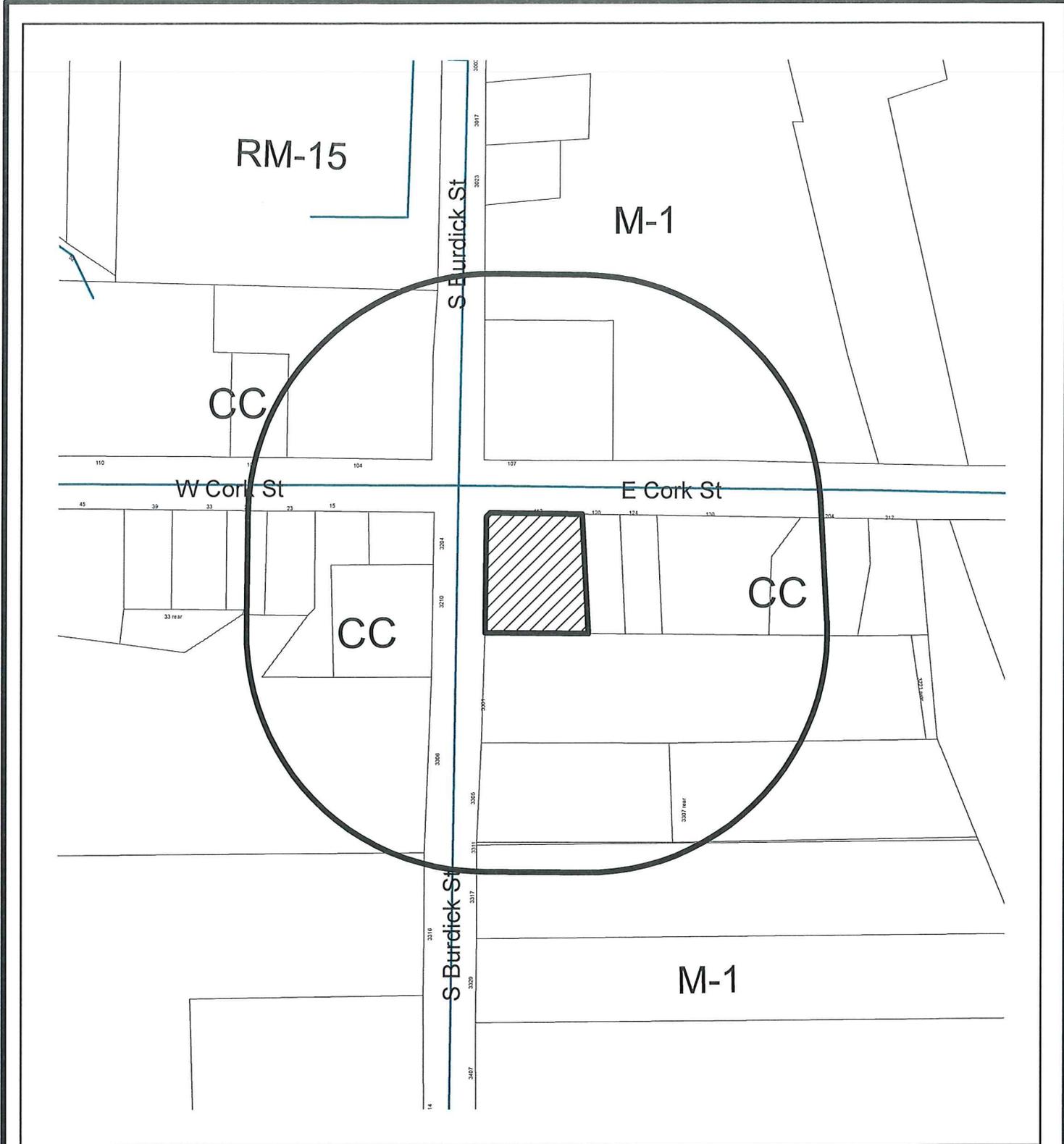
Time 12:00pm - 6:00pm winter Hours

12:00pm - 8:00pm Summer Hours



112 E. Cork Street
May 29, 2020





300' Mailing Boundary
 112 E. Cork Street



0 2040 80 Feet



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

May 27, 2020

**RE: ZBA #20-06-11
725 Academy Street
Parcel #06-16-485-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Mike Kiewiet owner of 725 Academy Street, which is situated in Zone CN-1, Commercial – Neighborhood District.

The applicant is requesting: **1)** A use variance from Chapter 4, Section 4.2 Q3, to allow the relocation of a single family dwelling to the rear of this parcel for residential occupancy where the CN-1 District requires commercial use of the floor space on the ground level; **2)** A dimensional variance from Chapter 50 -7.2, for six off-street parking spaces, where two off-street parking spaces is the maximum allowed.

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

The meeting will be held on Thursday, June 11, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads "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.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 MIKE KIEWIET
Address 43137 C.R. 65
City, State, Zip PAW PAW, MI 49079
Phone 269-377-1511 Cell
Fax Email Kiewietgroupinc.com

Owner: Name SAME AS ABOVE
Address
City, State, Zip
Phone Cell
Fax Email

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

Property Information

Street or Street Address 725 ACADEMY ST.

This property is located between W. MICHIGAN street and S. WESTNEDGE street, on the
north south east west side of the street.

CCN# Zone CN-1

Type of Request

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

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

[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 PLEASE SEE ATTACHED LETTER

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 5/25/20

Signature of Owner (if different than applicant) Date

22 May 2020

Mr. Pete Eldridge, Assistant City Planner
City of Kalamazoo
245 N. Rose St., Ste. 100
Kalamazoo, Michigan 49007

RE: 725 Academy St.

Dear Pete:

Thank you for your guidance over the last few weeks as we work to pursue an exciting project at 725 Academy Street. As we have discussed on previous occasions, this project involves the preservation and reuse of an historic home at 725 Academy Street, as well as the relocation of the historic home currently located at 427 S. Park Street. The Park Street property is scheduled for future redevelopment, but the house currently on the site has potential for continued use.

The proposed project will involve the renovation of the original house at 725 Academy Street, which suffered a fire in April of 2019. The fire caused significant damage and resulted in the demolition of eight of the ten units previously located in the structure. Our team was able to purchase the property from the previous owner in late 2019, with plans for renovation to begin this summer. The second phase of the project entails a move of 427 S. Park Street to the rear of the 725 Academy parcel. The Park Street house would be positioned on the southwest end of the parcel, allowing for some visibility to Academy Street. This layout matches the traditional "carriage house" format seen throughout the Vine neighborhood and replaces the structure lost due to the fire.

In order to make the project possible, however, two variances are being requested from the zoning ordinance. The first request is a Use Variance to allow the first floor of the Park Street house to include a residential use. The CN-1 zoning does not permit first floor residential use, but the rationale for this request will be explained later in this letter. The second request is a Dimensional Variance for the number of parking spaces on the parcel. The zoning allows for a maximum of two spaces on the entire parcel. While the houses will be designed for single-family use, they will likely have more than one vehicle per house. To keep the vehicles of the residents from spilling onto the street and nearby properties, this Dimensional Variance is being requested. Again, details will follow below.

Use Variance: Residential Use on the First Floor in a Single Use Building

1. The requested use is a Conforming Use per Section 4.1 of the Zoning Ordinance. Prior to the 2019 fire, residential units were located on the first floor of the 725 Academy Street property. In addition, the property is surrounded by several examples of first floor residential buildings; including 717 Academy St, 712 Academy St., 738 Academy St., 735 Academy St., 739 Academy

St., 724 W. South St., and many additional nearby properties to the north, south, east, and west of 725 Academy St.

2. The property is unique in the CN-1 zone due to the abundance of nearby residential-only properties. While there are some scattered commercial uses in the vicinity, the vast majority of structures on the south side of Academy Street and adjacent West South Street are exclusively residential.
3. While the applicant is the current owner of 725 Academy Street, the structure was originally built in 1877, and the 427 S. Park Street house (to be moved to 725 Academy Street) was constructed in 1923. Both were built as residential structures, and both predate most (if not all) of the nearby commercial structures. As such, the applicant did not cause the design of these structures to include a first floor residential use.
4. The aforementioned residential structures were not designed for commercial use and cannot reasonably be converted. As such, their continued use as residential houses, including the first floor, is the minimum action required to make the structures viable for non-contrary use.
5. The adjacent land to the east includes first floor residential use, so the same use on this parcel would not prove detrimental. Likewise, the adjacent land to the south includes first floor residential use, so the same use on this parcel would not prove detrimental. Moreover, the adjacent structure to the north includes first floor residential use, so the same use on this parcel would not prove detrimental.

The adjacent parcel to the west is a commercial structure, but the proposed first floor residential use matches the first floor residential use located at 725 Academy Street prior to the 2019 fire. Furthermore, the west-adjacent commercial building and a first floor residential use at 725 Academy Street successfully co-existed for the 50+ years since the commercial building was constructed. In addition, the property immediately to the west of the commercial building has a first floor residential use, so there is clear evidence that a first floor residential use does not adversely affect the commercial building at 729 Academy Street.

6. The area around 725 Academy Street is a mix of residential and commercial uses, so the continuation of a first floor residential use at the property fits with the neighborhood and the intent of the Ordinance.

Dimensional Variance: Off Street Parking Requirement

1. The 725 Academy Street property is not located within the downtown core. Moreover, the property does not have easy access to public or privately-owned shared parking facilities. Conversely, nearly all of the adjacent properties have off-street parking facilities for their own exclusive use. There is some on-street parking available in the area, but the ability for overnight parking is restricted in the evening and during the winter months.

2. The applicant has no control over the construction of shared-use parking facilities in the surrounding area. In addition, the applicant does not control the restrictions placed on street parking in the evening and winter months.
3. As previously mentioned, the surrounding properties contain off-street parking facilities to accommodate their needs. Many of the nearby residential properties include parking spaces well above the mandated one per dwelling unit allowed within the district.
4. If the applicant is not permitted to have sufficient off-street parking facilities, vehicles will be forced onto the already crowded street spaces. Vehicles may also spill onto adjacent properties without permission, causing a nuisance to the neighbors.
5. The adjacent properties all have large off-street parking facilities, most well above the maximum requirement in the current Ordinance. As such, permitting a similar arrangement at 725 Academy Street will simply match the adjacent parcels, not adversely affect them.
6. The CN-1 zoning in this area is a mix of commercial and residential uses. While the parking maximum is designed to minimize the number of off-street parking spaces, it is difficult to achieve when there are no nearby shared-use parking facilities. In addition, the allocation of additional off-street parking spaces allows for a desired urban density and additional housing options in a downtown-adjacent neighborhood. Such areas are under frequent pressure for more housing, which is best facilitated with adequate parking.

Thank you for your time and consideration. Our goal is to create a project that preserves and recycles two historic residential structures for the residents and future generations of the City of Kalamazoo.

Please feel free to contact me with any questions.

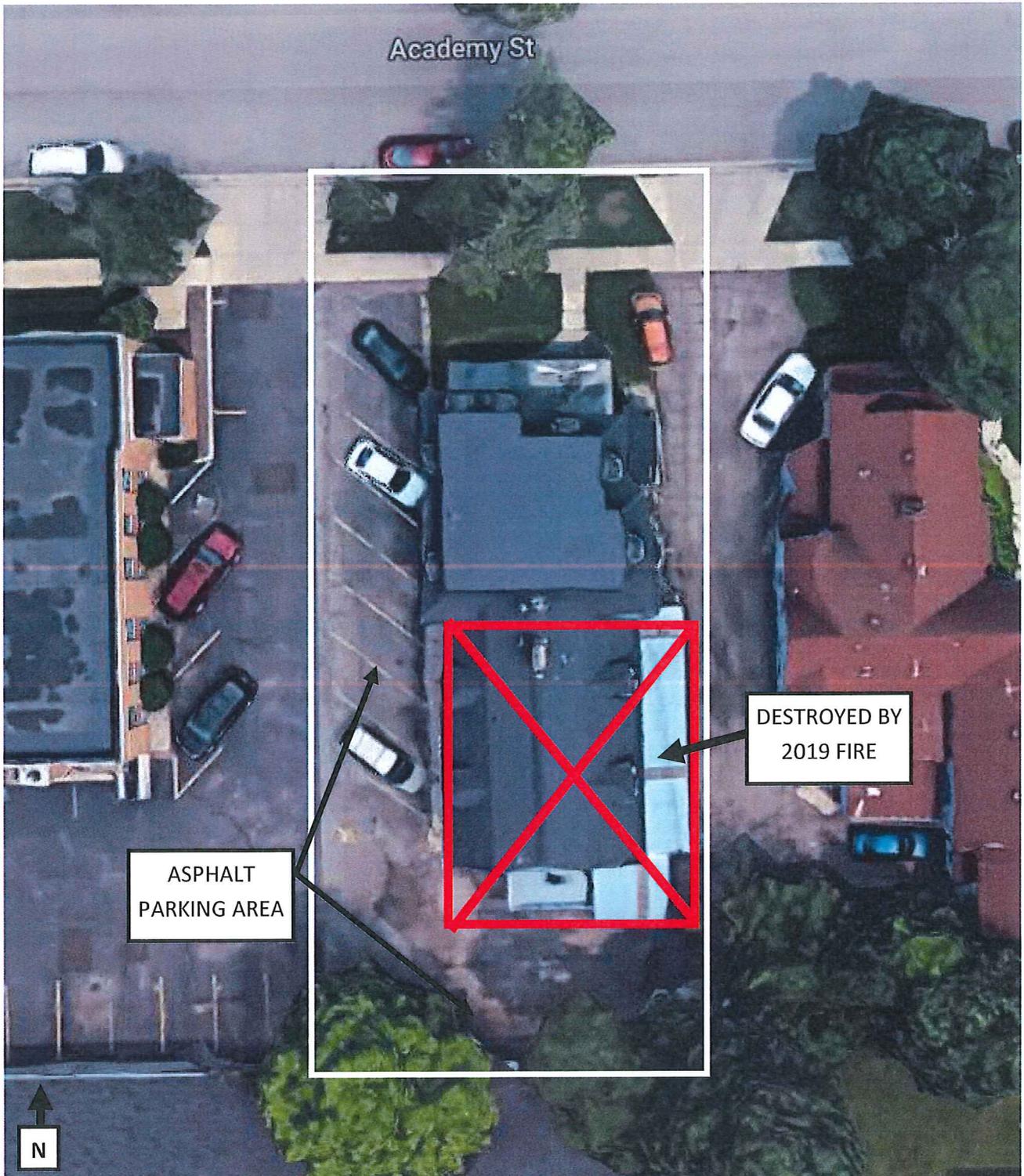
Sincerely,

Mike Kiewiet

725 Academy Street—Site Redevelopment Concept



725 Academy Street—Pre-2019 Fire Condition



425 S Park Street
May 29, 2020



725 Academy Street



Rear Yard Where Additional House Will Be Located



Proposed House to be Moved to the Site (427 S Park Street)

725 Academy St - Old Aerial

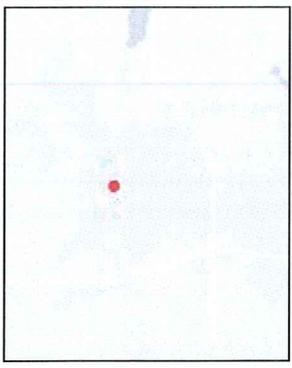


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THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS_1984_Web_Mercator_Auxiliary_Sphere



Legend

- Street Names - City
- Parcels





Community Planning and Economic Development
Historic District Commission
245 N. Rose
Kalamazoo, MI 49007
Telephone: (269) 337-8804; FAX (269) 337-8513
ferraros@kalamazoo.org

CERTIFICATE OF APPROPRIATENESS

Date of Issue: 01/22/2020

PROPERTY ADDRESS: 725 ACADEMY ST
Parcel #: 06-16-485-001

OWNER of record:
ACADEMY 717 PROPERTIES, LLC
711 S ROSE ST
KALAMAZOO, MI 49007

Applicant:

Responsible Party (If different than owner):
MIKE KIEWIET
43137 CR 653
PAW PAW, MI 49079

Case Number: PPZ 20-0001
Historic District: SOUTH STREET – VINE AREA
Date of Application: JANUARY 22, 2020

At the **January 21, 2020** meeting of the Historic District Commission, your request to **for the work specified below was APPROVED IN CONCEPT in accordance with Chapter 16 of the Code of Ordinance of the City of Kalamazoo and Michigan Compiled Laws 399.205.**

1. Move a house from 427 South Park to a location at the rear of the lot at 725 Academy
 - a. The house may be moved and a moving permit cleared - foundation height should be similar to the foundation height of the historic house
2. HDC will review details:
 - a. front reconstruction after the house is in place
 - b. rear porch construction after the house is in place
3. FINAL DETAILS TO BE REVIEWED AND APPROVED BY THE HISTORIC

PRESERVATION COORDINATOR

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

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

The Historic District Commission found the proposed work to be in compliance with Kalamazoo Historic District Standards and Guidelines and to be in substantial compliance with The Secretary of the Interior's Standards (Standards #9 and #10). This certificate is valid for 6 months from the date of issue through July 21, 2020. (Call 337-8804 for renewals.)

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

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

Please keep this letter in your files for this property.



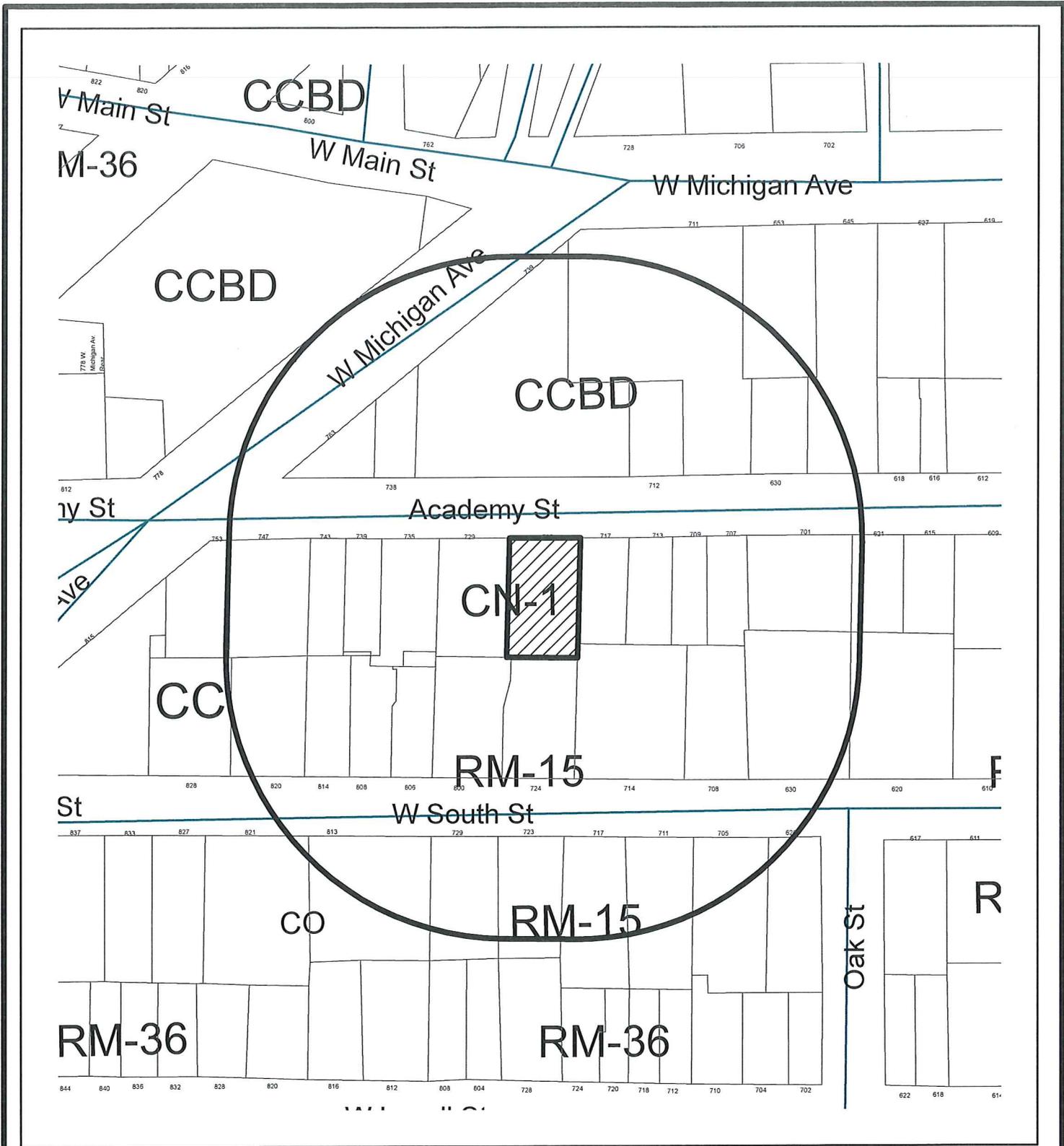
Sharon Ferraro, Historic Preservation Coordinator
cc: property file

Date

01/22/2020

Chapter 16, Section 22 of the City of Kalamazoo Code of Ordinance states:
Historical preservation is a public purpose. To serve that purpose, the Historic District Commission is hereby charged with the following responsibilities:

- (1) The Kalamazoo Historic District Commission is empowered to regulate Work on the exterior of historic resources and non-historic resources in historic districts in the City of Kalamazoo and shall



300' Mailing Boundary
725 Academy Street



0 2040 80 Feet



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

May 27, 2020

**RE: ZBA #20-06-12
519 Howard Street
Parcel #06-28-229-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Ben Bierlein owner of 519 Howard Street, which is situated in Zone CC, Commercial – Community District.

The applicant is requesting a dimensional variance from Chapter 50 -7.4 (2)a, to authorize a loading area for the proposed building on the building's front façade, where loading areas are to be located in the side or rear yard of a building.

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.

The meeting will be held on Thursday, June 11, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads "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.kalamazoo-city.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 Ben Bierlein
Address 1309 Edgemoor Ave.
City, State, Zip Kalamazoo, MI. 49008
Phone 269-998-6059 Cell 269-998-6059
Fax _____ Email aboutyoubuilders@sbcglobal.net

Owner: Name About You Builders Inc.
Address 1309 Edgemoor Ave.
City, State, Zip Kalamazoo, MI. 49008
Phone _____ Cell 269-998-6059
Fax _____ Email aboutyoubuilders@sbcglobal.net

(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 519 Howard street
This property is located between Westedge street and Crosstown street, on the
 north south east west side of the street.
CCN# _____ Zone CC

Type of Request

Interpretation of Chapter(s) _____ Sections(s) 50-7.4 of City of Kalamazoo Zoning Ordinance. code
Paragraph(s) 2(a) 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 overhead Door on Front Facade

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 [Signature] Date 5/21/2020

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

Zoning Board of Appeals Narrative
5-21-2020

I've been planning and talking about a new storage building for my 20 Year old local building company for about 1.5-2 years. In my "pre-site plan meeting" early this year it was brought to my attention that the most recent city's zoning code has new "off street loading requirements since I started this process 1.5 yrs ago.

For a couple of different reasons in applying for this variance

1. Due to the width of the lot it would be very hard, if not impossible, to have the overhead door anywhere else than the front facade.

2. Lesser of the 2 reasons, I already have the drawings, and site plan 99% complete.

We own and currently operate About You Builders Inc. out of a much smaller building directly across the street (522 Howard) which has an overhead door on the front facade. Do to the nature of my construction business and the intended use for this building a "loading dock" or in my case an overhead door is essential for access.

We do not typically receive materials at the shop location. We specialize in Residential building/remodeling and its always made more sense to have materials dropped off directly to the job site we are working at. The overhead door is strictly for access for trailers, and equipment.

Please consider this appeal request, I've lived in Kalamazoo my whole life, have invested in Kalamazoo upon my graduation from Western with a 20 year old construction business. I really want to have a local presence in the local location of 519 Howard street that will suite my construction businesses needs for the next 30 years.

Thank You

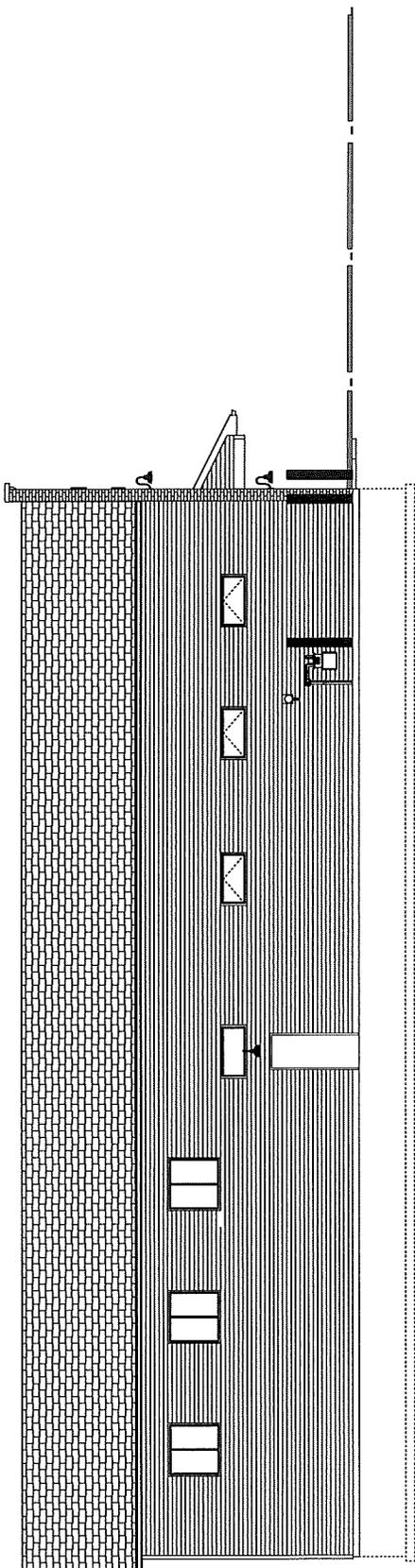
Ben Bierlein
aboutyoubuilders@sbcglobal.net
269-998-6059

NOTE: All notes, data and text shown on these drawings are the property of the architect and shall remain confidential. No part of these drawings shall be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.

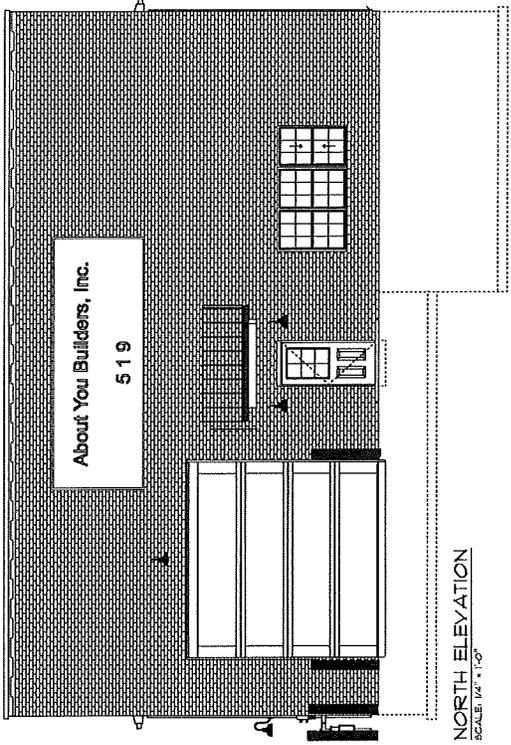
DRAWN SOB.
 All About You
 519 Howard Street
 Kalamazoo MI

DR DESIGN
 204 West F Avenue
 Kalamazoo, MI 49001
 269-342-0350 Phone
 269-342-0350 Fax
 269-342-0350 Cell
 www.drdesign.com

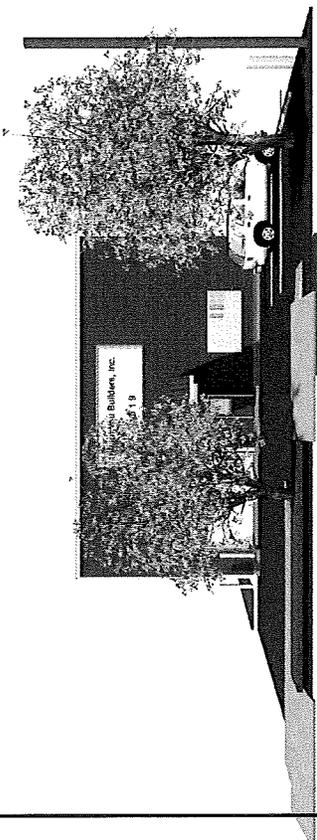
DATE:	5/24/2019
REVISED:	11/22/2019
SCALE:	1/4" = 1'
PAGE:	A1



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



519 Howard St
May 28, 2020



519 Howard Street



Property Directly Across the Street Where Business Is Currently Located

519 Howard Street - Aerial



0.0 Miles

0.02

0

0.0

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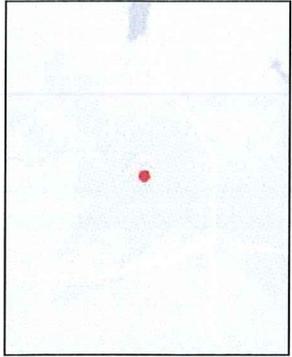
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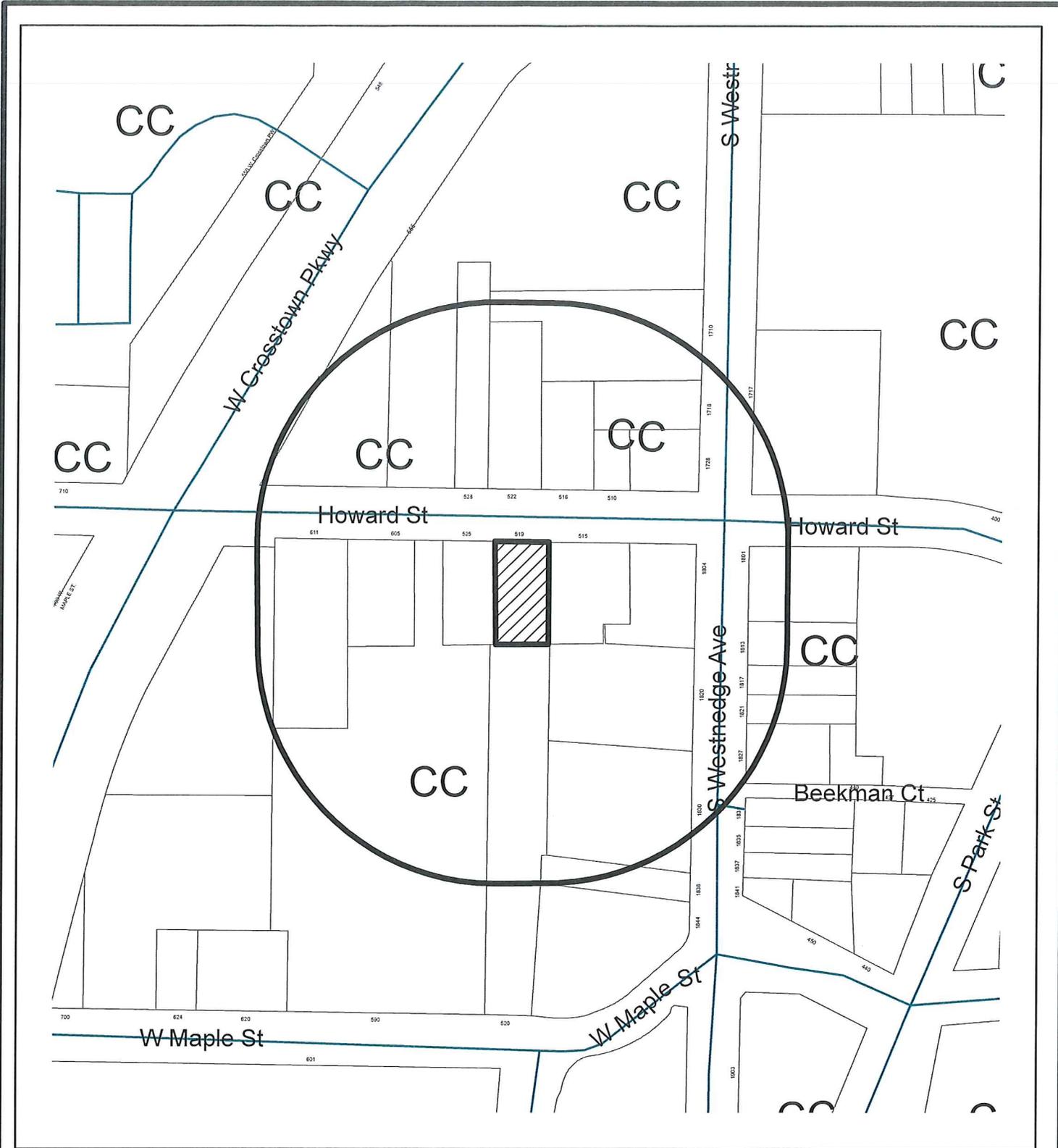


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300' Mailing Boundary
519 Howard Street



0 20 40 80 Feet