

Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals

August 13, 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 for July 9, 2020

D. Public Hearings:

1. ZBA #20-08-15: 1705 Lay Boulevard. Daniel Edlund, owner, is requesting a use variance from Chapter 4, Section 4.1, to utilize this residential structure as a duplex due to the floor plan and prior use of the structure as a duplex years ago. However, the RS-5 Zone does not permit duplexes.
2. ZBA #20-08-16: 810 Ray Avenue. Nickson Kinyele, owner, is requesting a use variance from Chapter 3, Section 3.7-1, to utilize the property for used car sales, which is not in alignment with Subarea 5 of the Riverfront Overlay for the RMU District. This Subarea does not permit any automotive-related businesses or vehicles sales. Subarea 5 is intended for parks and open space due to significant flooding along this portion of the river.
3. ZBA #20-08-17: 3401 Nazareth Road. Southwest Michigan Land Conservancy owner of the Bow in the Clouds Preserve, is requesting a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development of trails in the preserve which will encroach into the protected slopes which have a grade greater than 20%.

E. Other Business:

F. Adjournment:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
JULY 9, 2020 - 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 7:00 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 either of the properties on the agenda.

MINUTES:

Ms. van den Hombergh, moved to approve the minutes of June 11, 2020 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 1500 N. Pitcher Street, Parcel #06-10-452-001:

ZBA #20-07-13: 1500 N. Pitcher Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International, LLC owner of 1500 N. Pitcher Street, which is situated in Zone M-2, Manufacturing – General District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.2, of 24 feet from the front yard building setback to allow the building addition to align with the existing building to the north which is one foot from the front property line. The M-2 Zone District has a 25-foot front yard building setback requirement.

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

Rusty Miller, applicant for the variance stated this was his third time before the Board, for the expansion of the paper mill. This phase is the expansion of the warehouse space, adding capacity, extending the south side of the paper machine building.

Mr. Eldridge clarified in the Board's packet is an aerial view showing where the building will encroach into the property setback and discussed the diagrams and photographs submitted.

Chair Lager commented the diagrams and photographs are self-explanatory and answer most of his questions.

Mr. Skalski stated it's logical for the area, it's in an industrial area.

Mr. Eldridge stated it's not the first variance request, 1421 N. Pitcher St. had a setback variance in July of 2008, the more recent variances were for the first phase at 1810 N. Pitcher St in November 2019 for a setback variance for an alignment of the building addition, 1401 Harrison St. was for a variance for the nonconforming building to be expanded in height, in March 2020 and now the 1500 N. Pitcher St. request is before the Board. It's less intrusive than the other variances granted. The future land use map identifies this parcel in an industrial area, it's the Graphic Packaging complex on both sides. There are no negative impacts since they are the owners of the surrounding properties.

There were no comments from the public.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1500 N. Pitcher Street shall include all information included in the notice of public hearing dated June 24, 2020.
- 2.) Eight 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: Rusty Miller the applicant stated they need to add space. Mr. Eldridge commented on the photographs to show what is being requested. Mr. Skalski stated they are in an industrial area and there were no negative comments from neighbors. They have received other variances. Graphic Packaging owns surrounding property without any negative actions.

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, seconded by Mr. van den Hombergh.

Chair Lager stated the property is on a street that where Graphics packaging is only business, he approves of them adding an addition and is in favor of the motion.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 303, 311, 317 Balch Street / 1612 S. Park Street: Parcels #06-22-368-001, #06-22-363-021, #06-22-363-020 and #06-22-363-022:

ZBA #20-07-14: 303 Balch Street, 311 and 317 Balch Street / 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 by Whitley Memorial Funeral Home, owner of the property at 303, 311 and 317 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, of 22.5 feet to authorize a building addition to connect these two nonconforming buildings. The existing building to the west is 2.5 feet from the rear property line and the building to the east is 17 feet from the rear property line. In the CC Zone District, a 25-foot rear yard building 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-one notices of public hearing sent and zero responses were received.

Nicole Semmler & Shenise Whitley, spoke to the request, Ms. Semmler with Intersect Studio, an Architecture Firm stated they applied for a variance on 303 Balch and purchased the property beside hers. They can move some functions over to the new property. The new building is on the property line. The Balch Street property will be infilled. To help the function for the funeral home services.

Mr. Skalski questioned if the separate parcels would be combined. Ms. Semmler stated yes, they would be combined.

Chair Lager spoke to the properties that were all under common ownership. Ms. Semmler owns the properties. Mr. Eldridge stated the 1612 S. Park St. and the property south of that is owned by them, but there are three residential properties on Emerson St. that Whitley Memorial Funeral Home doesn't own. But the other five parcels are all part of the same properties, all but one will remain a rental property.

Mr. Flach stated there is little to no setback currently. Mr. Eldridge said there's about a one-foot setback for Lang's, about a 17-foot setback for the office building at 303 Balch St. The infill addition will be approximately 2.5 feet from the south property line. Mr. Eldridge asked about the use of the space and the need for the large addition between the two.

Ms. Semmler stated a lot of the functions in the 303 Balch St. building were in the basement and would have to modify it with a lift for the decedents to get them into the basement for embalming. For the infill it will have a cooler space and work room, and additional room there to grow. The front half will be a lobby space for the public, with the workspace in the back.

Mr. Eldridge stated the future land use for the Crosstown Parkway area is commercial. Balch Street properties are a neighborhood edge, transitioning into commercial. Emerson Street is still showing as R-2 residential, with rental buildings behind them. The two buildings being connected the Lang's is from 1966, the office at 303 Balch St. is from 1964, they are older structures built under an older city code. He spoke to the grade change of 8 to 10 feet between the surface parking lot and the home to the south. The infill that will occur will help close off the gap. This business does require parking for services, the addition can't extend to the north. The people at Whitley Funeral Home are working to utilize the Well Field property from the city. The prior variance from February 2019 was for a dimensional variance for the setback to be 2.5 feet from the south property line, for the garage area where the hearse would be stored. It's a low use space, and won't be disruptive to the neighbors, and there has not been any negative response from the neighbors received for this public hearing. He asked about the rear elevation.

Ms. Semmler commented the 317 Balch St, the Lang building will be a garage and have no windows, the south face of the infill will have the cooler building with no windows, only a door.

There were no comments from the public.

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 303 Balch Street, 311 and 317 Balch Street / 1612 S. Park Street: shall include all information included in the notice of public hearing dated June 24, 2020.
- 2.) Forty-one notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Nicole Semmler from Intersect Studio's stated there's a new design, workspace needs to be expanded, Whitley Memorial Funeral Home would like to have a reduction from the 25 foot rear setback for all three parcels reducing it to 2.5 feet to match the south side existing structure at 1612 S. Park St. Some questions discussed were can the funeral home confirm they will combine the parcels, yes, they confirmed they will combine the parcels, there is a parcel with a rental property on it, Balch St. frontage is looked at as commercial. Emerson St. is in transition. In 2019 there was a prior dimensional variance granted for parking back by the garage, there will be a grade change of 8 to 10 feet. They want to utilize the Well Field property for parking. There was discussion on the floor plan and how it would be used. They need a larger floor plan to get out of the basement, the reason for the expansion is for a larger space to move the operations out of the basement and have space for future growth. Rear elevation details, the back half for the garage, the cooler, and there will be no windows.

Mr. Skalski seconded the Finding of Fact.

Mr. Eldridge clarified the prior variance reduced the south setback 2.5 feet for the 1612 S. Park St. parcel, but it will not remain residential, it will be part of the redevelopment.

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

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

Mr. Flach stated he was in favor, it's a non-conforming building, it will look nicer, no impact on the neighborhood, no opposition from the neighborhood.

Chair Lager stated he was in favor, the eight-foot elevation change, would be minimized.

Motion approved by roll call vote unanimously.

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

OTHER BUSINESS:

There will be an August meeting probably by Zoom also.

ADJOURNMENT:

The meeting was adjourned at 7:46 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

July 28, 2020

**RE: ZBA #20-08-15
1705 Lay Boulevard
Parcel #06-26-201-009**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Daniel Edlund owner of 1705 Lay Boulevard, which is situated in Zone RS-5 Residential – Single Dwelling District.

The applicant is requesting a use variance from Chapter 4, Section 4.1, to utilize this residential structure as a duplex due to the floor plan and prior use of the structure as a duplex years ago. However, the RS-5 Zone does not permit duplexes.

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, August 13, 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 Daniel T Edlund
Address 520 W Walnut Street
City, State, Zip Kalamazoo, MI 49007
Phone 269-366-4243 Cell 949-329-9963
Fax 949-888-0377 Email ToddedLund@cox.net

Owner: Name Daniel T Edlund
Address 520 W Walnut Street
City, State, Zip Kalamazoo, MI 49007
Phone 269-366-4243 Cell 949-329-9963
Fax 949-888-0377 Email ToddedLund@cox.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 1705 Lay Boulevard Kalamazoo, MI 49001

This property is located between Cameron street and Fulford street, on the

north south east west side of the street.

CCN# 06-26-201-009 Zone RS-5

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 This property was designed & used as a 2 unit property The home was purchased with the intent to rent it as a 2 unit and I'm committing significant time and expense to improve this home, way beyond code. I believe that

Attachments

- [X] \$375 fee The best use of this home will be as a 2 unit home
[] 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 7-14-20

Signature of Owner (if different than applicant) Date

Ad. PCE

Please select the appropriate box I didn't know which one

Thursday, July 16, 2020

City of Kalamazoo
Zoning Board of Appeals

Regarding 1705 Lay Boulevard Kalamzoo, MI 49001

The above referenced home is zoned as a single family home. I purchased this home several weeks ago, with the expectation of renovating it and using it as a 2 unit rental.

This home in the past was clearly used as a 2 unit rental, as there is an upstairs kitchen and a downstairs kitchen. The kitchen cabinets are the same style and construction type and were obviously built at the same time. I would estimate that the cabinets may have been built from 1930 to 1955 and not more recently.

There are key locking doors at the top and bottom of the stairs. It would be highly unlikely that a single family would have doors at the bottom of the stairs, as well as the top of the stairs, let alone doors with key locks.

I have spent about \$240,000 over the last 2 1/2 years to renovate distressed homes in Kalamazoo. Additionally, I'm currently living away from my home in Orange County CA, so I can do as much of the renovation work as possible. The majority of the renovation expense was for the purpose of beautifying my properties, not simply to meet the rental code. For me it's not simply a business, I'm trying to make my homes attractive.

If you will approve this home a 2 unit rental, it will in my opinion be the highest and best use of this home. When I'm through renovating this property, it will make 2 beautiful and spacious apartments. I'm refinishing the wood floors, sanding woodwork and meticulously painting the entire home, after rigorous prep work.

Thank you for your consideration of my request!

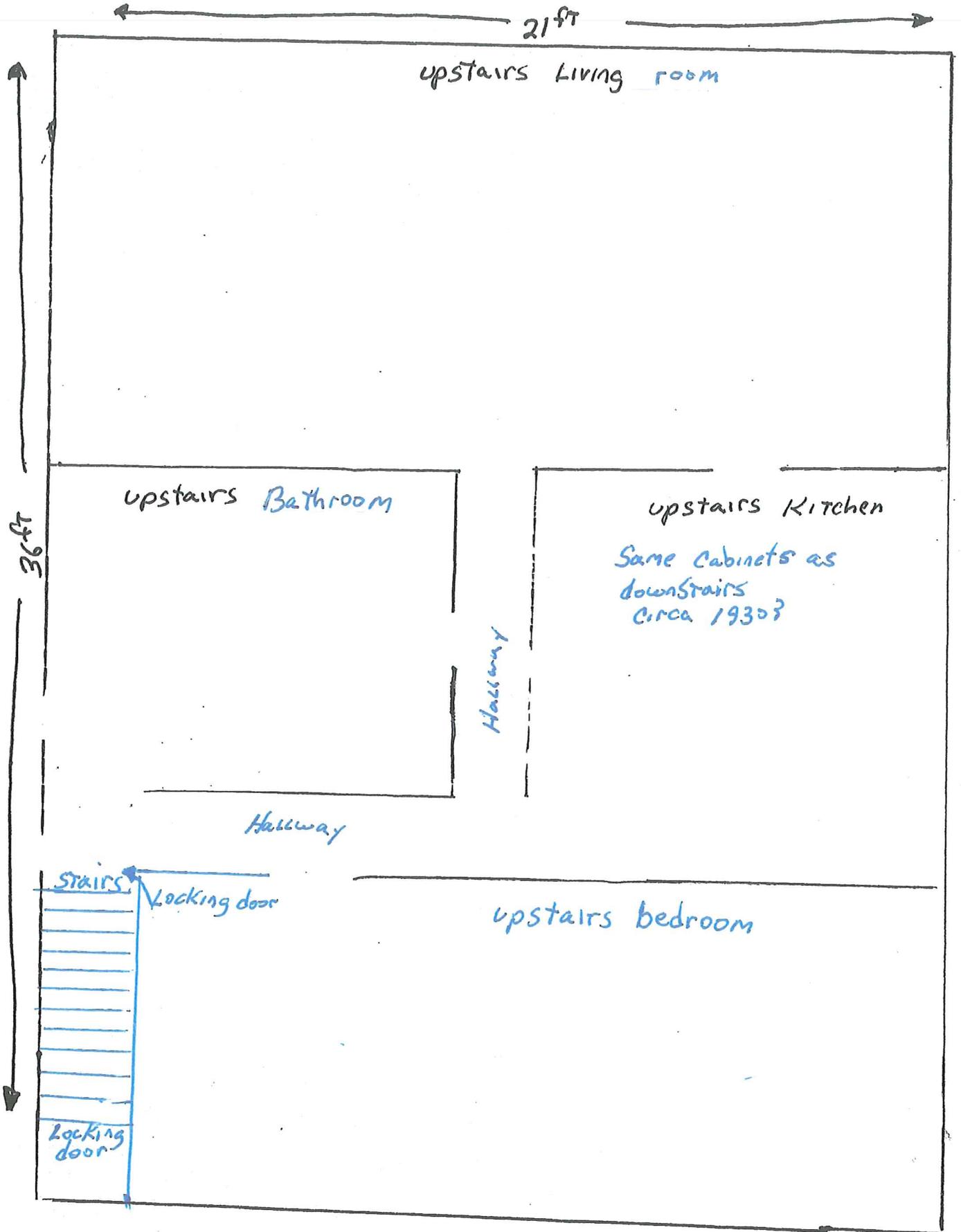
Respectfully,



Daniel T Edlund

UPSTAIRS

1705 Luy Boulevard
Kalamazoo, MI 49001



1705 Lay Boulevard
Kalamazoo, MI 49001

Downstairs

21 ft

Downstairs
Kitchen

Same cabinets
as in the upstairs
circa 1930?

Downstairs Bedroom

Downstairs
Bathroom

Downstairs
Dining Room

Locking door

36 ft

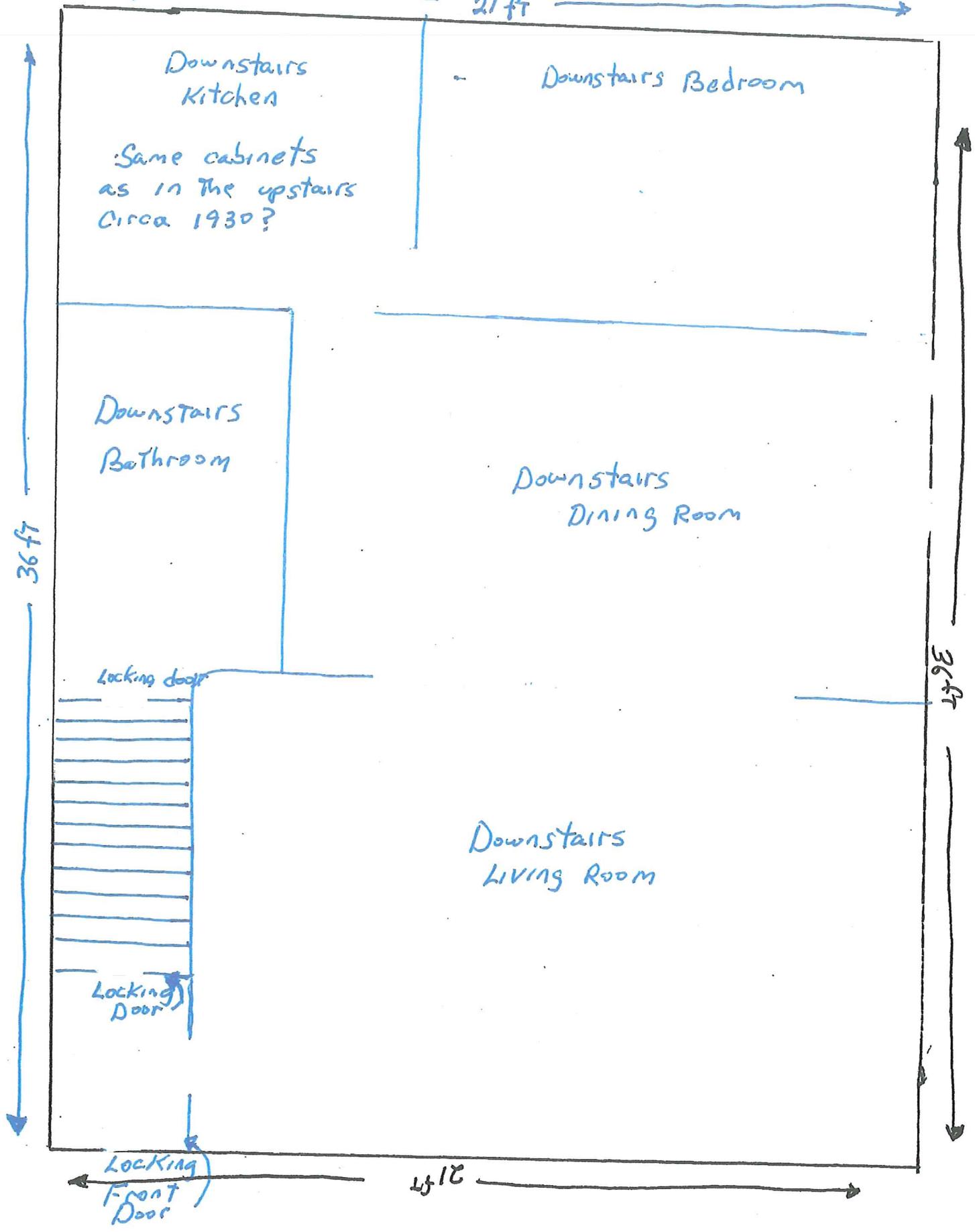
36 ft

Downstairs
Living Room

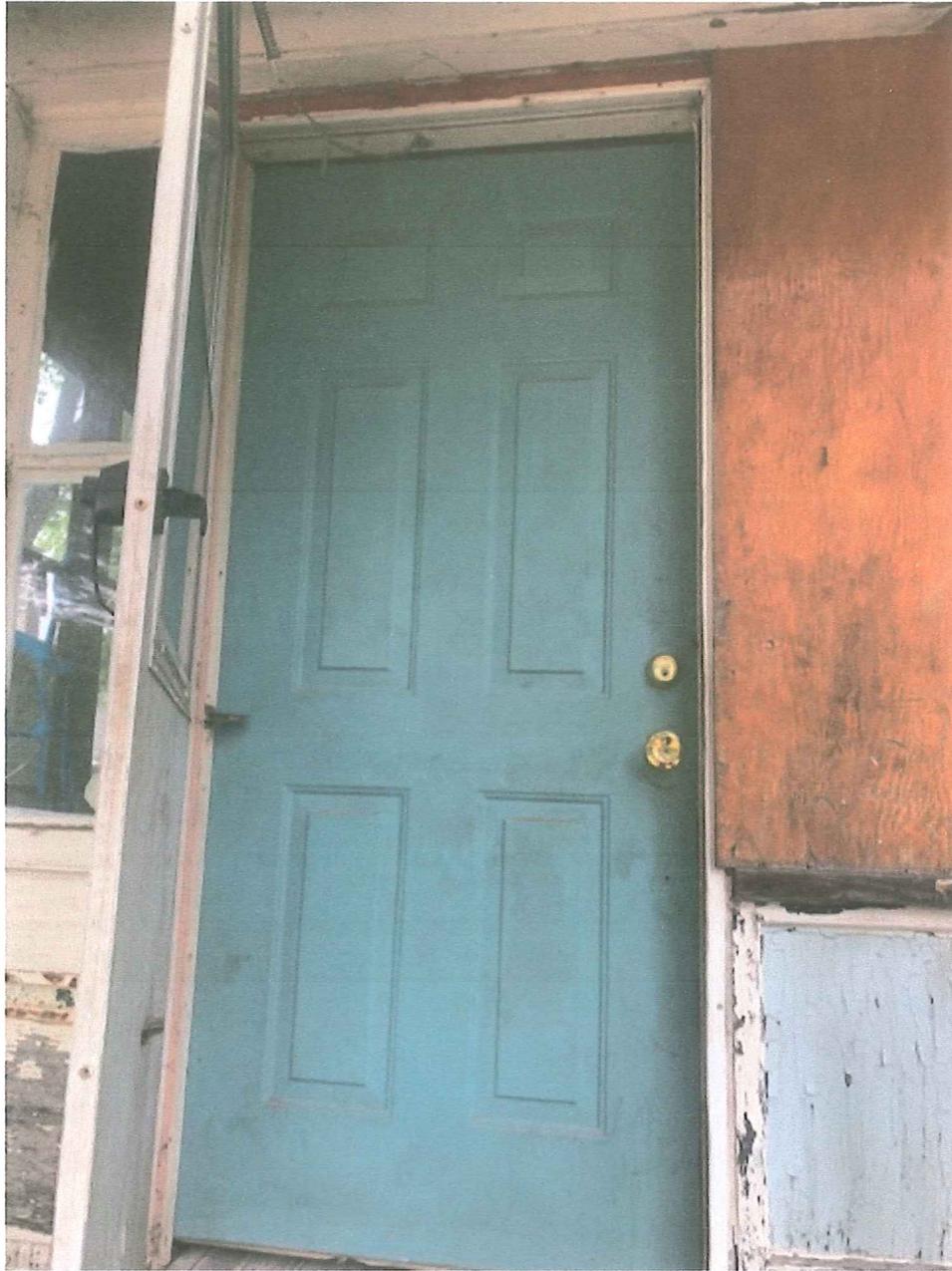
Locking
Door

Locking
Front
Door

21 ft



1705 Lay



Exterior front door

1705 Lay



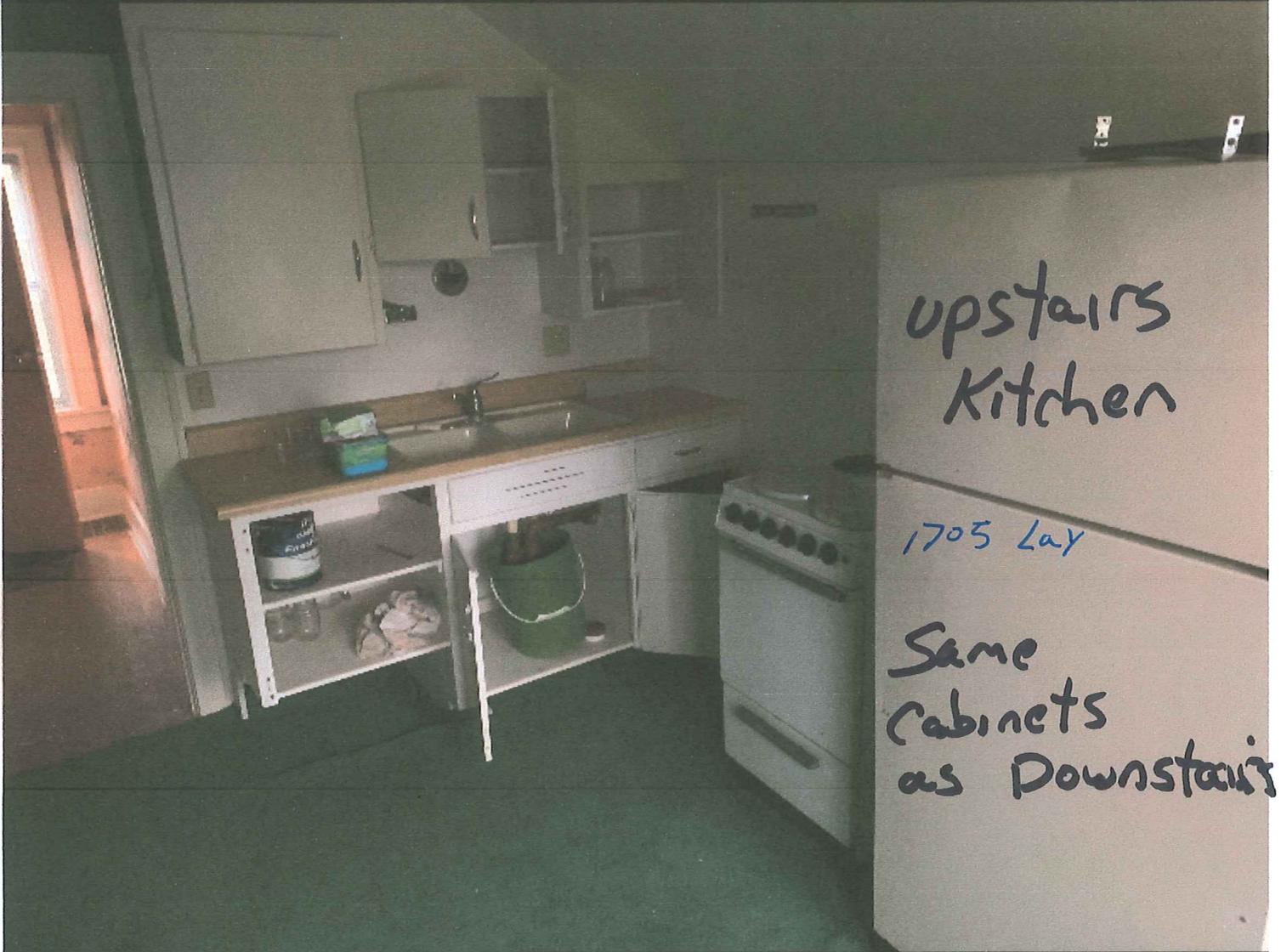
On the left is the Locking door
at the bottom of the stairs

To the right is the Locking door
to enter the downstairs living room

1705 Lay



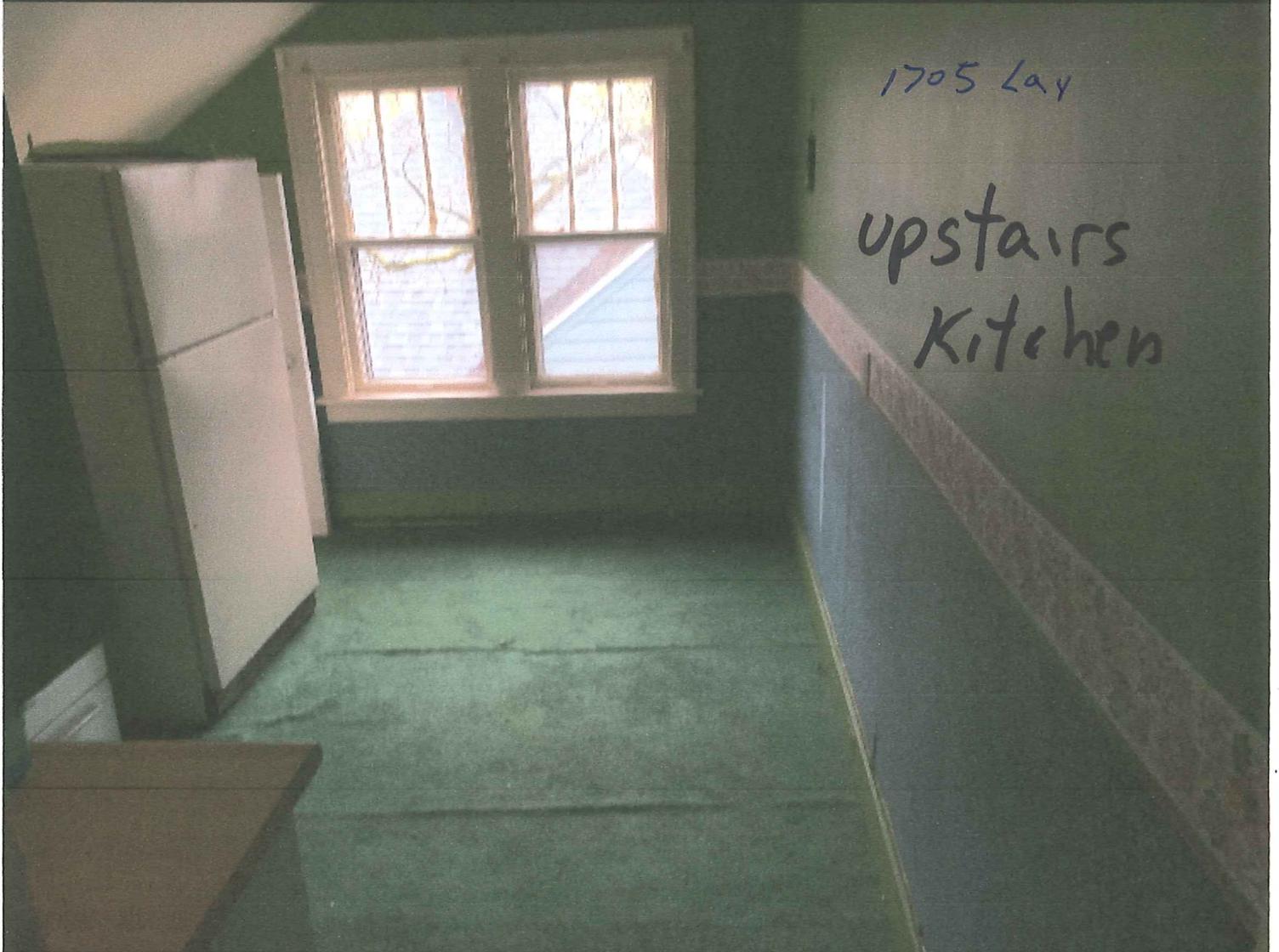
STAIRS



upstairs
Kitchen

1705 Lay

Same
Cabinets
as Downstairs

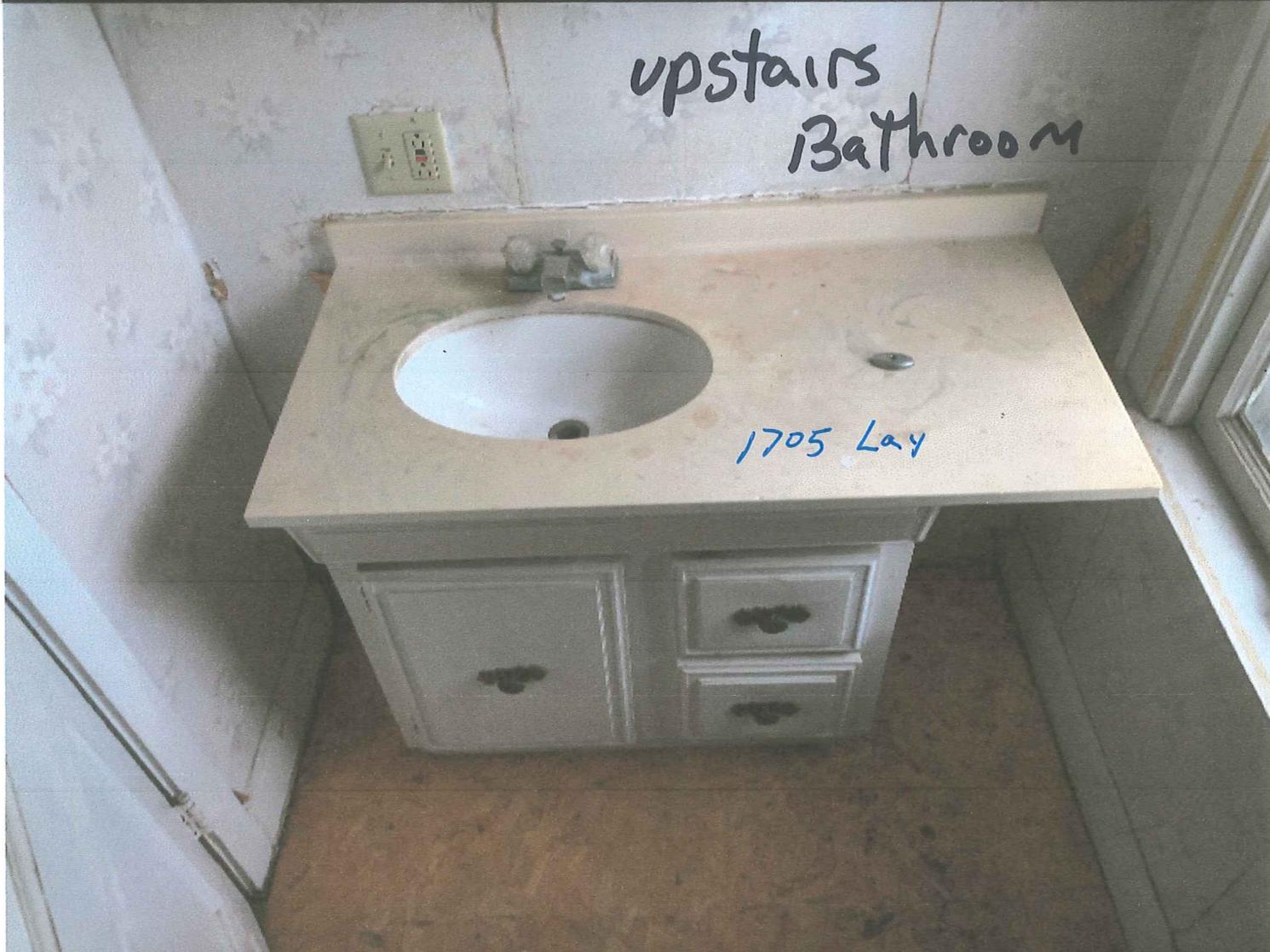


1705 Lay

upstairs
Kitchen

upstairs
Bathroom

1705 Lay



Downstairs Kitchen

Same
Cabinets
as
upstairs

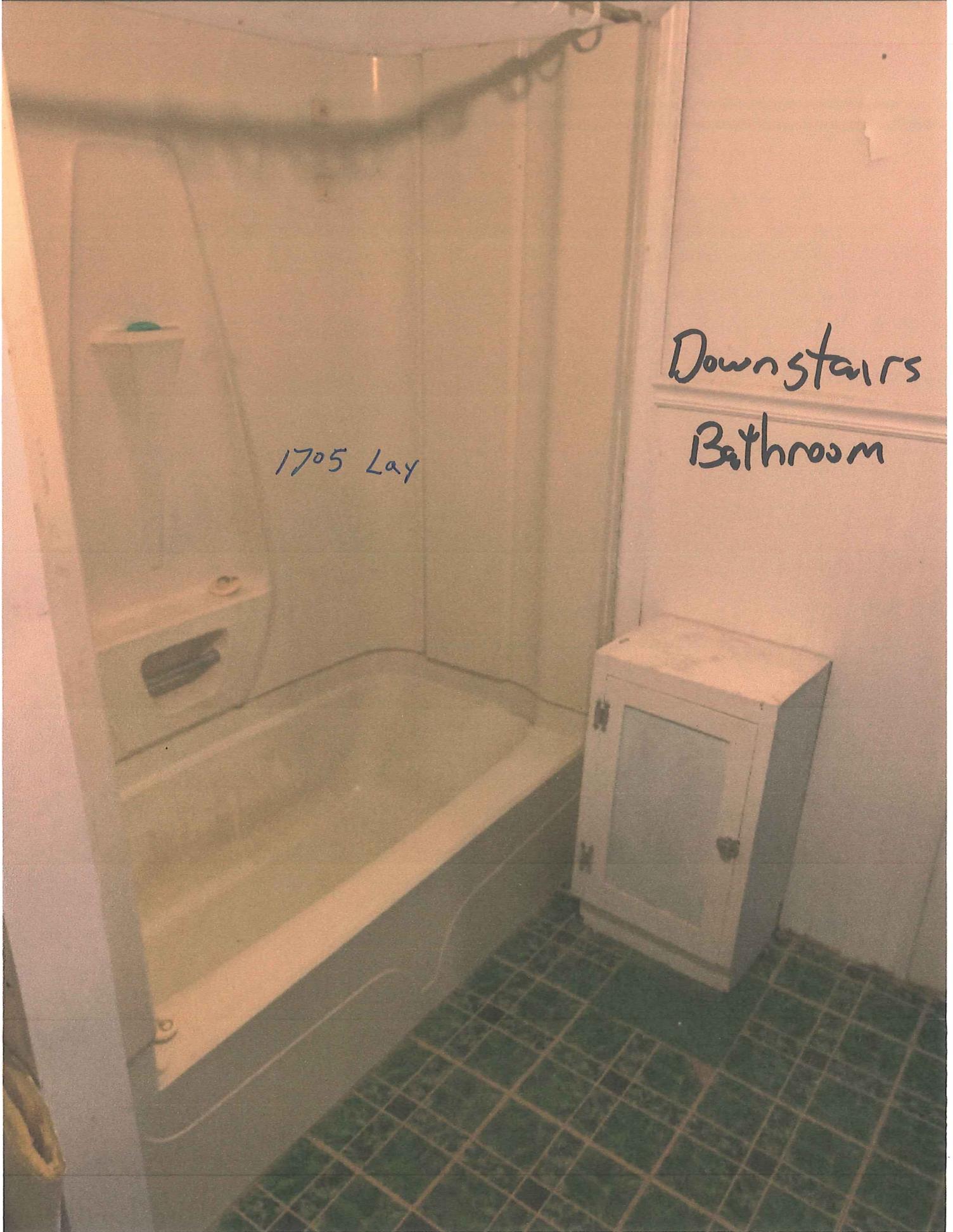
1705 Lay

Downstairs

Bathroom

1705 Lay



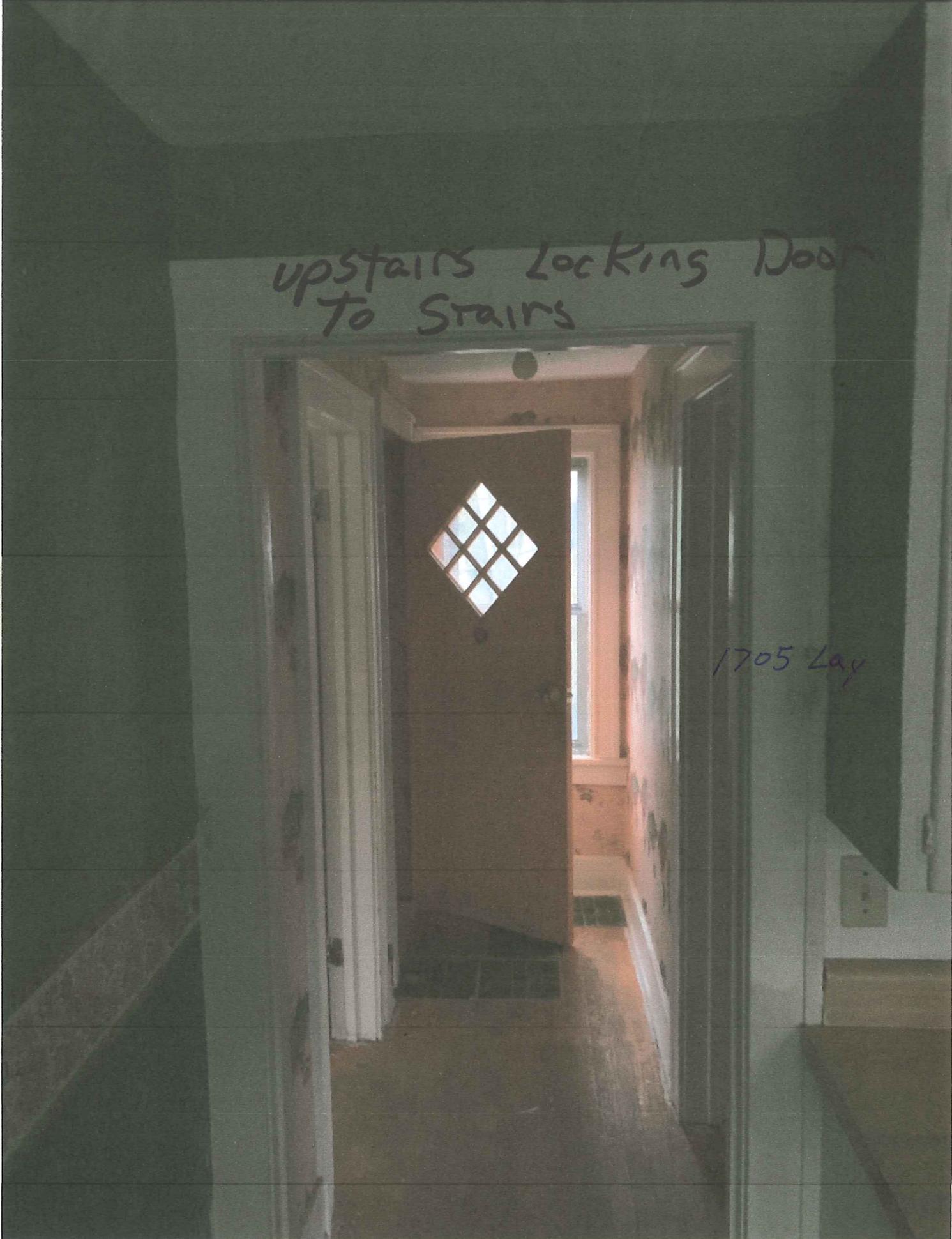


1705 Lay

Downstairs
Bathroom

upstairs Locking Door
To Stairs

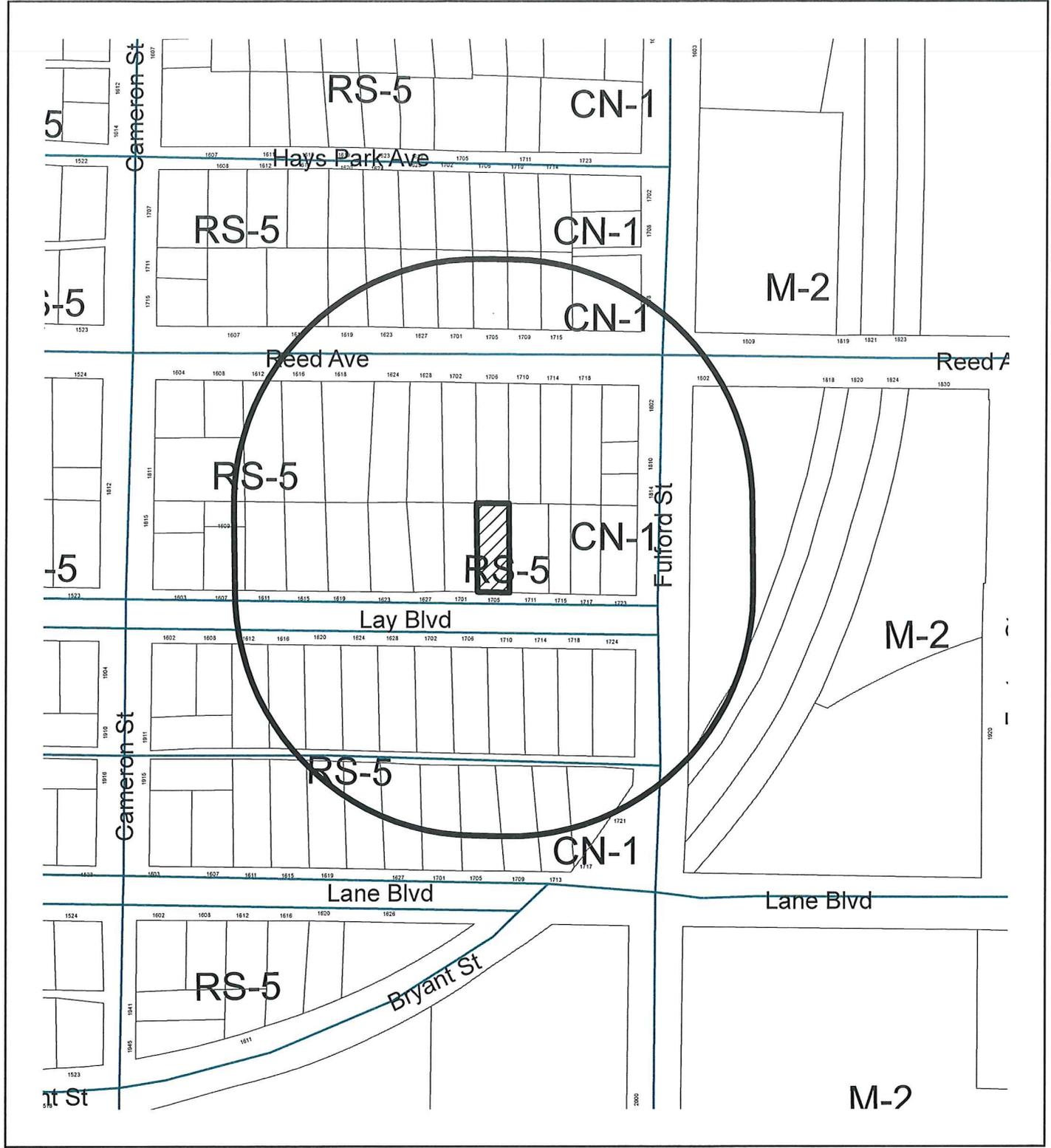
1705 Lay



1705 Lay



Leaking Door Leading To The
Downstairs Living room



300' Mailing Boundary
1705 Lay Boulevard



0 2040 80 Feet



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www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

July 28, 2020

**RE: ZBA #20-08-16
810 Ray Avenue
Parcel #06-15-244-034**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Nickson Kinyele owner of 810 Ray Avenue, which is situated in Zone RMU (Subarea 5), Residential – Mixed Use District.

The applicant is requesting a use variance from Chapter 3, Section 3.7-1, to utilize the property for used car sales, which is not in alignment with Subarea 5 of the Riverfront Overlay for the RMU District. This Subarea does not permit any automotive-related businesses or vehicles sales. Subarea 5 is intended for parks and open space due to significant flooding along this portion of the river.

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, August 13, 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 blue ink signature of Peter C. Eldridge, written in a cursive style.

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 Nickson kinyele
 Address 810 RAY ST
 City, State, Zip KALAMAZOO MI 49048
 Phone 269 808 6896 Cell 9292722293
 Fax _____ Email nicksongalaxy@gmail.com

Owner: Name nickson kinyele
 Address 810 RAY ST
 City, State, Zip KALAMAZOO MI 49048
 Phone 2698086896 Cell 9292722293
 Fax _____ Email nicksongalaxy@gmail.com

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

Property Information

Street or Street Address 810 RAY ST kalamazoo mi 49048

This property is located between _____ street and _____ street, on the

north 727 south 839 east 818 west side of the street. 806

CCN# 06-15-244-034 Zone rmu

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 I am applying to use it for operating class b used car dealership, it will be average of 10 cars

I bought this place with an intention of using it to open a dealership, I have exhausted all the money I had. I will follow instructions on the improvements that i have to do in order to be able to sell car

Attachments

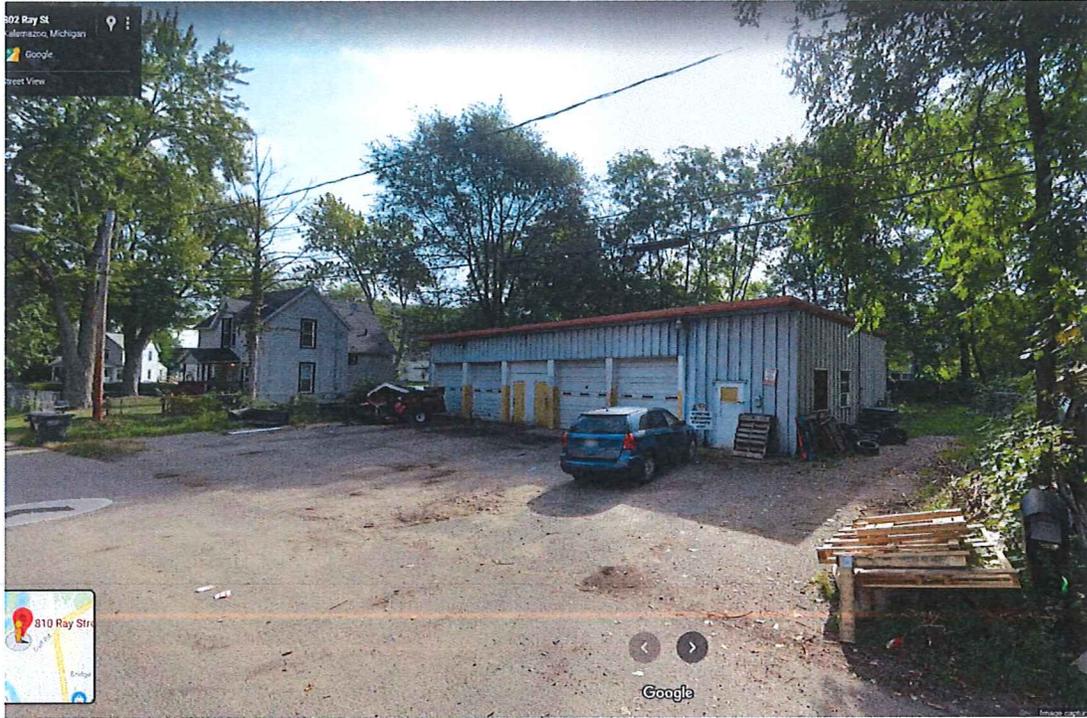
- \$ _____ Fee
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

[Signature] 07/08/2020
 Signature of Applicant Date

 Signature of Owner (if different than applicant) Date

I bought this place and i dont have more money to be able to rent or buy a different place, I am applying for the variance so I can be able to use it to progress with my entrepreneurship dream that I have. If there required improvements that I have to do . I can do them

810 RAY ST VARIANCE APPLICATION





The above three pictures represent the front side of the place and the parking space in front of the building. It is paved. It has asphalt and the building floor inside has concrete. The debris that shows up in the front does not exist, I cleaned it after I bought the place. The place has four large garage doors as shown in the picture. These are rolling doors. Two doors are equipped with hoist and can be used for fixing cars.



BUILDING STRUCTURE AND DESCRIPTION

The building is equipped with four large garage doors marked (A, B, C, D)

This building has entrance doors marked M, H and an extra door in the back of the building.

It has a work floor that extends the whole area marked (ABMCD).

It has two office spaces marked (1,2)

It has bathroom marked (3)

It has back area of 4500 square feet

HOW DO I PLAN TO USE THE BUILDING AND PLACE?

Outside front area



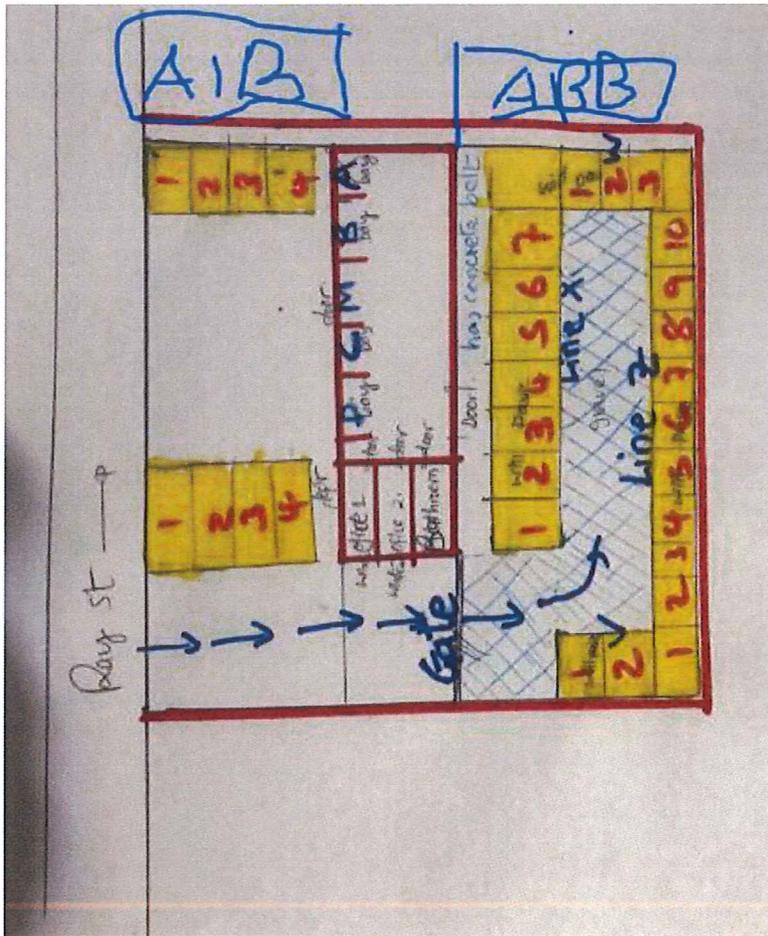
In the front area, one side **marked N**, cars for sale will be displayed here.

I will put mark on the previous surface to indicate spaces for parking.

The other side marked **with Q** will be a parking space **for visitors and customers**. Among the 4-parking space for visitors one will be for disabled.

Behind the building

Behind the building there is a space of 4500 square feet. It seems it was graveled but now has been covered with some soft soil. I will clean and remove top soil.



The bolded circled abbreviation **ABB** stands for (area behind the building)

The second bolded circled abbreviation **AIB** stands for (area in front of the building)

ABB will be used for parking cars both for sales and repaired in the facility.

LINE X will be used to park cars for sale to display to the customer

LINE Z will be used to park cars that needs to be repaired and the ones that are done repairing

V and W will be used to park cars for people who work at the facility

 The area marked with drafts will be covered with gravel

 The area marked with yellow and numbers will be paved with asphalt or concrete and marked for parking spots

 The blue arrows indicate the area where cars will enter and exit behind the building parking space

Improvements

1: The rear side of the building will be improved to increase parking space and neatness of the area. There are large trees, will be cut the hanging branches to decrease the weight on the main trunk. Protruding trees impose danger to the building and cars as well as anyone who can be in the area.

2: **CONCRETE OR ASPHALT on the rear side.** The area marked with yellow and numbers like () will be paved with asphalt or concrete, these areas will be used for parking cars on the rear side of the building. Will not pave the whole area. The area marked with () will be covered by gravel

3: **PARKING MARK.** All parking areas will be marked with lines to indicate and demarcate parking boundary of every individual car.

4: **DISABLED PARKING** there will be one space marked for disabled parking.

5: **FLOOD PROTECTION.** I am thinking of building a small wall of 2 feet along the fence to protect from flooding when water floods. I have not yet figured out what I would put in-front of the building to stop it. I have thought of the buoyancy structure that would rise along the front line as water comes up.

ENTRANCE AND DOORS



Door **ABCD** are bays for repair. They are used to bring the car in and out

Door M is the entrance to the garage floor when the cars are being repaired



Number 1 is the office number one, would use this for car sales and paperwork

Number 2 is the office number 2. will use this for mechanic shop and managing cars being worked on in the facility

The place will be used to sell cars and the bays will be used to work on the cars

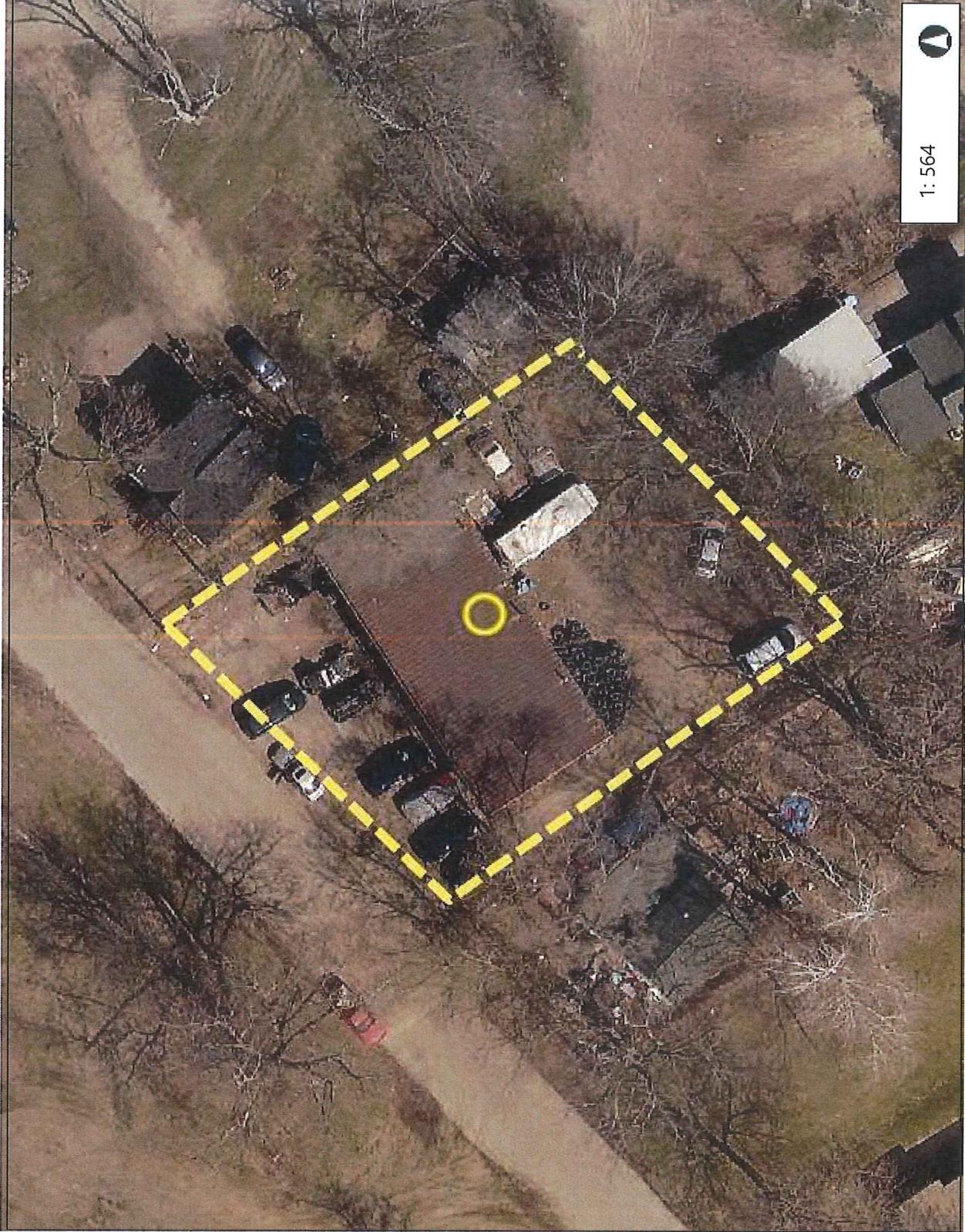
I am experiencing hardship; I bought the place so I can use it for business. I am facing difficulties because I cannot use it. I have entrepreneurship dream to start an investment and grow from there. I am trying to my best to get income in a good way. I have put all my hope, energy, vision and dream into this investment. Thank you

Nickson Kinyele

nicksongalaxy@gmail.com

2698086896

810 Ray Ave. (Zone District: RMU)



1: 564



0.0 Miles

0.01

0

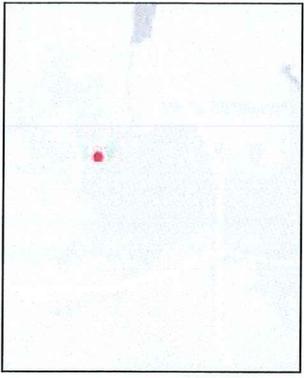
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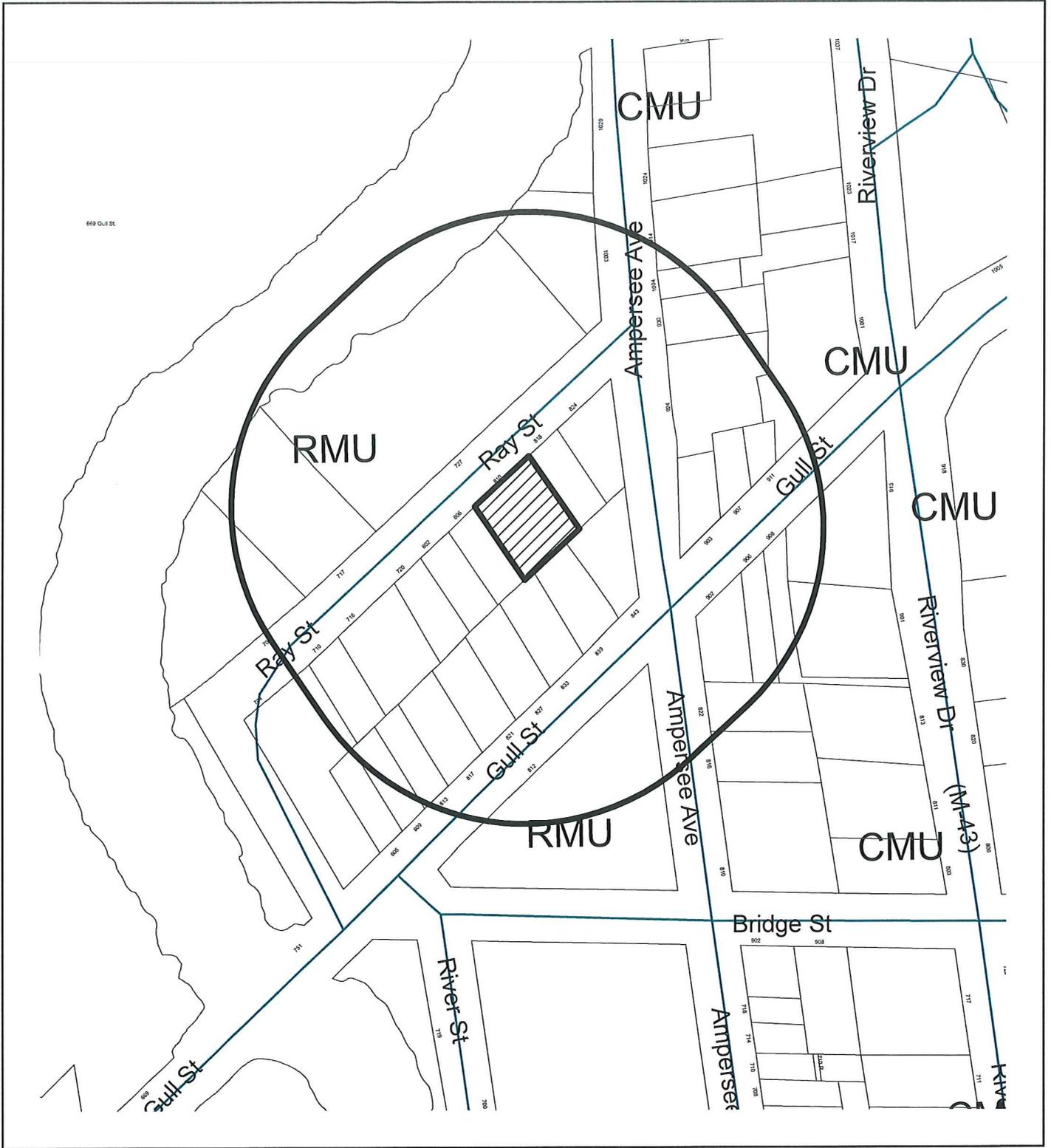
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

Street Names - City





300' Mailing Boundary
810 Ray Avenue





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

July 28, 2020

**RE: ZBA #20-08-17
3401 Nazareth Road
Parcel #06-01-407-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Southwest Michigan Land Conservancy owner of the Bow in the Clouds Preserve at 3401 Nazareth Road which is located in Zone RS-5, Residential – Signal Dwelling District.

The applicant is requesting a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development of trails in the preserve which will encroach into the protected slopes which have a grade greater than 20%.

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

The meeting will be held on Thursday, August 13, 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

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 Mitch Lettow (Southwest Michigan Land Conservancy)

Address 8395 East Main St.

City, State, Zip Galesburg, MI 49053

Phone 269-324-1600 Cell LETTOW@SWMLC.ORG

Fax _____ Email 269-370-3732

Owner: Name Southwest Michigan Land Conservancy

Address 8395 East Main St.

City, State, Zip Galesburg, MI 49053

Phone _____ Cell ABOVE

Fax _____ Email SEE

(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 3401 Nazareth

This property is located between Gull Rd street and Parchmount Ave street, on the

north south east west side of the street.

CCN# _____ Zone RM-36

Type of Request

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

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

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

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

\$ _____ 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)

Mitch Lettow
Signature of Applicant

7/22/20
Date

Signature of Owner (if different than applicant)

Date

Bow in the Clouds Nature Preserve, 4301 Nazareth Rd. (Zone RM-36)



Legend
 Parcels



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

0.3 Miles

0.14

0

WGS_1984_Web_Mercator_Auxiliary_Sphere



Board of Directors

Thom Coder
Chair

Gail Walter
Vice-Chair

Thomas Georgoff
Treasurer

TJ Wilkinson
Secretary

Robert Burr

Erwin H. Doerschler

Sharon Gill

Bruce Grubb

Keto Gyekis

Jennifer Haywood

Jim Hettinger

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*Stewardship
Specialist*

C. Miko Dargitz
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Associate*

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*Communications
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Hilary Hunt
*Land Protection
Specialist*

Bruce Howe
*Land Protection
Specialist*

Mitch Lettow
*Stewardship
Director*

Cindy Mills
*Conservation
Easement
Specialist*

Nicole Speedy
Operations Director

Emily E. Wilke
*Conservation
Projects Manager*

July 22, 2020

Mitch Lettow
8395 East Main St.
Galesburg, MI 49053

To whom it concerns,

I am seeking, on behalf of the City of Kalamazoo Water Division and the Southwest Michigan Land Conservancy (SWMLC), a variance to the Natural Features Protection standard of slope at the Bow in the Clouds Nature Preserve. A variance is requested in regards to an infrastructural project at this nature preserve owned by SWMLC within the city limits of Kalamazoo that will provide both an accessible trail system to accommodate visitors of all physical abilities, in addition to providing access for sewer maintenance for city vehicles. In addition, this preserve is free of charge, and open to all Kalamazoo residents from dawn to dusk, 365 days per year – representing a major asset to the City of Kalamazoo at no cost to the taxpayer.

The preserve and parcel are within the City of Kalamazoo's Natural Features Protection Layer. This means development projects here are subject to standards that protect 1) wetlands, 2) surface water bodies, 3) woodlands or trees, 4) rare species, and 5) slope. A wetland delineation, wetland permitting, limited tree removal, erosion blankets and seeding, and permission using best management practice from the US Fish and Wildlife Services all ensure that these standards are met with the exception of slope. Slopes of 20% grade or greater have a performance standard per NFP guidelines. The inherent topography of the site makes the ability to meet this standard essentially impossible, given that the trail layout is dictated the location of manhole covers.

SWMLC has had several meetings with City of Kalamazoo Water Division staff to develop a trail and two-track layout that meets the city's needs and will be able to function as an accessible trail system. However, the initial and most practical purpose of this layout is to allow city vehicles to safely and effectively access the preserve, where they need the ability to reach all of the manhole covers. Therefore, the layout of the trail cannot be altered enough to avoid 20% slopes and meet this performance standard due to the permanent locations of manhole covers. As such, we seek a variance from the NFP standard of slope.

Sincerely,

Mitch Lettow
Stewardship Director
Southwest Michigan Land Conservancy



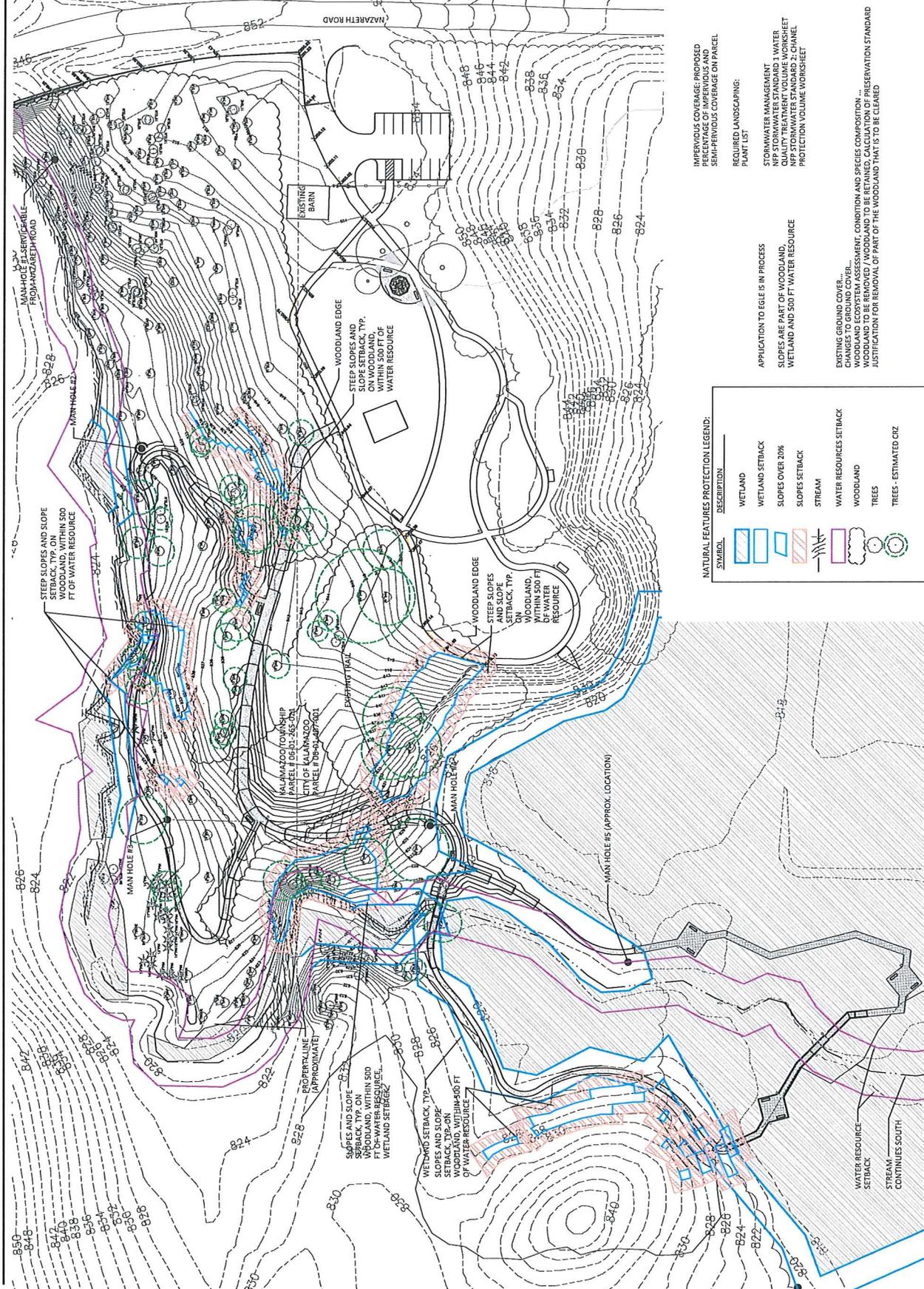
NOT FOR CONSTRUCTION

Hard copy is intended to be a "copy" when plotted. Changes in quantity may not be accurate for any other sheets.

Issued For: Date
 CITY PUBLIC SERVICE 10-25-2019
 PRELIMINARY DESIGN 11-05-2019
 PRELIMINARY DESIGN 01-25-2020

Project: **BOW IN THE CLOUDS SWMLC PHASE 2 IMPROVEMENTS**
 KALAMAZOO, MI
 Sheet Title: **NATURAL FEATURES**

Job No.: **05810**
 Sheet No.: **C2.X**



NATURAL FEATURES PROTECTION LEGEND:

SYMBOL	DESCRIPTION
[Blue hatched box]	WETLAND
[Blue outline box]	WETLAND SETBACK
[Red hatched box]	SLOPES OVER 20%
[Red outline box]	SLOPES SETBACK
[Blue line with wavy pattern]	STREAM
[Blue outline box]	WATER RESOURCES SETBACK
[Green outline box]	WOODLAND
[Green outline box]	TREES
[Green outline box]	TREES - ESTIMATED CRZ

IMPERVIOUS COVERAGE: PROPOSED
 SEMI-PERVIOUS COVERAGE ON PARCEL
 PLANT LIST

STORMWATER MANAGEMENT
 QUALITY TREATMENT VOLUME WORKSHEET
 NPDES STORMWATER STANDARD 2, CHANNEL
 PROTECTION VOLUME WORKSHEET

APPLICATION TO EGLE IS IN PROCESS
 SLOPES ARE PART OF WOODLAND,
 WETLAND AND 500 FT WATER RESOURCE

EXISTING GROUND COVER...
 CHANGES TO GROUND COVER...
 WOODLAND TO BE REMOVED / WOODLAND TO BE RETAINED. CALCULATION OF PRESERVATION STANDARD
 JUSTIFICATION FOR REMOVAL OF PART OF THE WOODLAND THAT IS TO BE CLEARED

1 Layout and Materials Plan
 SCALE: 1" = 40'-0"

INTER-OFFICEMEMO

To: Zoning Board of Appeals (ZBA)

From: Jamie McCarthy, staff liaison to Natural Features Protection (NFP) Review Board on behalf of Ashley Cole-Wick, NFP Review Board Vice Chair

Date: August 3, 2020

Subject: Recommendation to approve Southwest Michigan Land Conservancy's request for NFP Overlay District dimensional variances at 3401 Nazareth Road

RECOMMENDATION

It is recommended that the ZBA approve the dimensional variance request by the Southwest Michigan Land Conservancy for the property at 3401 Nazareth Road. The applicant requested a variance from the slope protection standards in Chapter 50-6.2(H).

BACKGROUND

Southwest Michigan Land Conservancy (SWMLC) is applying for a dimensional variance for relief from the slope protection standard of the NFP code as described in Chapter 50-6.2(L). The SWMLC is planning public improvements to the preserve located 3401 Nazareth Road, known as Bow in the Clouds preserve. The purpose of the improves is to increase trails to allow better public access for users of all mobility levels. The project will also provide better access for work crews to maintain sanitary sewer infrastructure located at the site.

The SWMLC gave a presentation to the NFP Review Board on July 28 about the property and trail project, including the challenging site characteristics. A portion of the proposed trail will involve regrading of a slope that meets the slope protection criteria of 20% grade or greater. An alternative location to avoid the protected slope is not available. The purpose of regrading will create a less steep slope to allow persons with limited mobility to use the trail. The SWMLC manages and maintains the site to protect and restore natural resources and provide users with opportunities for recreation and interaction with the natural environment. To this end the SWMLC is taking steps before and during construction to protect habitat of species of concern, protect wetlands, and mitigate erosion.

The NFP Review Board discussed the case and the constraints at the site and evaluated the conditions for granting relief, as described in Chapter 50-6.2(L). The NFP Review Board determined the request met the conditions by seeking the minimum relief required for reasonable use, not causing substantial detriment to the public good or substantially impairing the intent of NPF ordinance, and importantly the board determined that the relief is balanced by the extensive preservation activities SWMLC will conduct for this project. By unanimous voice vote the NFP Review Board recommends the ZBA grant relief for the project (with Director Mitch Lettow abstaining due to potential conflict of interest).

ATTACHMENTS

Variance Request
NFP Site Plan



Meeting Minutes
Natural Features Protection Review Board
July 28, 2020
Regular Meeting

Held virtually, pursuant to Executive Order No. 2020-75

A. Ashley Cole-Wick, vice chair called the meeting to order at 4:03 PM

B. Roll Call

Directors Present:
Ashley Cole-Wick
Mitch Lettow
Paul MacNellis
Kyle Martin
Alan Sylvester

Directors Absent:
Erin Fuller
Bobby Glasser

Staff Present:
Jamie McCarthy
Nolan Bergstrom

Alan Sylvester made a motion to excuse absent members. Motion was supported by Paul MacNellis. Motion passed by unanimous voice vote.

C. Adoption of Agenda

Paul MacNellis made a motion to approve the agenda as presented. Motion was supported by Kyle Martin. Motion passed by unanimous voice vote.

D. Approval of Meeting Minutes from June 23, 2020

Mitch Lettow made a motion to approve the meeting minutes from the June 23, 2020 meeting. Motion was supported by Paul MacNellis. Motion passed by unanimous voice vote.

E. New Business

1. The NFP Review Board held a public hearing for a variance request for relief from the NFP slope protection standard at 3401 Nazareth Road. Jamie McCarthy presented the staff report for the variance request. The report recommends that the NFP Review Board approve a recommendation to the Zoning Board of Appeals



(ZBA) granting a dimensional variance request by Southwest Michigan Land Conservancy (SWMLC) for the property at 3401 Nazareth Road. The applicant requested a variance from the slope protection standards in Chapter 50-6.2(H).

Jamie said staff reviewed the case and the constraints at the site and evaluated the conditions for granting relief, as described in Chapter 50-6.2(L). Staff determined the request meets the conditions by seeking the minimum relief required for reasonable use, not causing substantial detriment to the public good or substantially altering the intent of NPF ordinance, and the relief is balanced by preservation and management objectives at the site.

Next Mitch Lettow, acting as Stewardship Director for the SWMLC and representing the applicant, provided a description of the project site. Also known as the Bow in the Clouds Preserve, the site is 57 acres donated by Sisters of St. Joseph (SSJ). The existing boardwalk was installed in the 1990s by a boy scout troop. The SWMLC now owns and manages the preserve for ecological health and public access.

SWMLC has prioritized this preserve for better public access since it is the closest property they own within the largest urban center in their seven county service area. SWMLC has been working collaboratively with nonprofits and local organizations including Disability Network, Borgess Hospital, groups from the Eastside Neighborhood, students, and community conservation groups on the project. In spring 2019, Phase 1 was finished which increased parking and provided handicapped parking spaces. They are now starting Phase 2 to expand trailways, with the goal of 5% grade or less to accommodate those of different mobility levels.

Mitch explained how City of Kalamazoo sanitary sewer infrastructure runs through preserve. In 2011 there was vandalism on the site whereby an obstruction was created in the sanitary sewer and an overflow occurred. The proposed trailway expansion is located to provide access to the manholes that will need maintenance over time. Therefore, avoiding protected slopes is not feasible. Mitch presented the site plan map to show the exact location of natural features, including protected slopes and setbacks, and where the planned trailway expansion intersects the protected slopes.

Jamie McCarthy asked Mitch to clarify which areas on the map with protected slope and setback would be impacted by the trail. Mitch explained the beige shading showed slope setbacks.

Public comments:

Sister Virginia Jones of the SSJ provided public comment. She has been involved with the preserve since it was dedicated by SSJ in 1974. She is very supportive of the proposed work the SWMLC is doing at the preserve, especially the priority to make trails accessible for people with limited mobility.



2. Paul MacNellis made a motion to approve a recommendation to the Zoning Board of Appeals to grant relief from the NFP slope protection standard for a portion of trail planned at 3401 Nazareth Road. The motion was supported by Kyle Martin. There was no additional board discussion. The motion passed unanimously by roll call vote.

F. Old Business

Jamie talked about the modified public comment window for the Phase 2 NFP map. The window is being pushed back due to some unforeseen technical difficulties with the website vendor. The delay will create more opportunities for public feedback and allow staff to give presentations to more neighborhood and community groups. The draft map, public comments, and recommended ordinance text amendments will be brought before the board in September instead of August.

Nolan Bergstrom and Jamie talked about how the Phase 2 map had been modified since the June NFP meeting due to board member feedback. Nolan will forward the latest draft to the board ahead of public release. The board discussed the benefits and challenges of including industrial and manufacturing land uses in the overlay district. Ashley and Mitch noted that the NFP standards could still provide ecological benefits when applied to land used for heavy manufacturing.

G. Board Comments

Paul MacNellis shared with the board that the Stewards of Kleinstuck have a purchase agreement for the parcels immediately adjacent to the east of the preserve. He noted that this could change the preserve boundaries and drive the need for NFP protection on other adjacent properties. Alan Sylvester asked about the projected closing date. Paul said the plan is to close on the property sale on September 1.

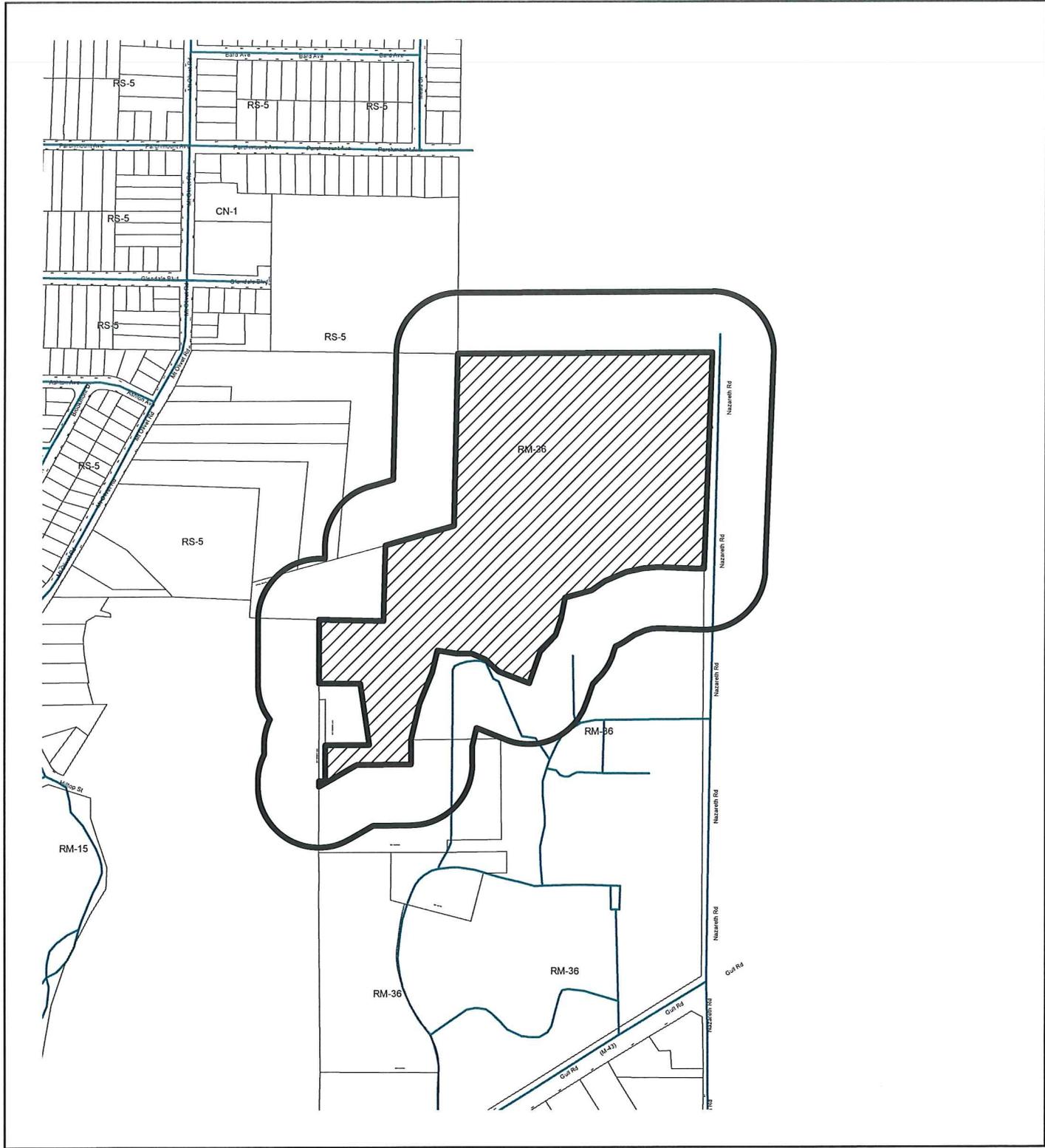
H. Citizen Comments (none)

L. Meeting adjourned at 5:07 PM

Jamie McCarthy, Recording Secretary

Print Name, Title

Signature



300' Mailing Boundary
3401 Nazareth Rd.



0 95190 380 Feet