

Agenda
City of Kalamazoo - Zoning Board of Appeals
July 10, 2008

Regular Meeting

City Commission Chambers, City Hall

7:00 p.m.

- A. Call to Order
- B. Approval of the Minutes of the Regular Meeting on June 12, 2008
- C. Communications and Announcements
- D. Public Hearings:
 - 1. ZBA #08-07-15: 5135 and 5147 Portage Street Martin W. Ellard with 'A Taste of Texas', is requesting a variance for a temporary use (portable barbecue stand) at the southwest corner of Portage Street and Airview Boulevard from July 11, 2008 to October 31, 2008 (3 ½ months), where a maximum of 30 days is permitted per calendar year for temporary uses.
 - 2. ZBA #08-07-16: 1421 N. Pitcher Street. Graphic Packaging International Inc., is requesting the following variances:
 - A) A dimensional variance from Chapter 5, Section 5.2, Table 5.2-1, to expand the existing building to within zero feet of the west property line, where a 25-foot building setback is required;
 - B) A dimensional variance from Chapter 5, Section 5.2, Table 5.2-1, to expand the existing building to within five feet of the east property line, where a 25-foot building setback is required;
 - C) A dimensional variance from Chapter 5, Section 5.2, Table 5.2-1, to expand the existing building to within fifteen feet of the south property line, where a 25-foot building setback is required;
 - D) An impervious lot cover variance from Chapter 5, Section 5.2, Table 5.2-1, to authorize 98% impervious cover, where the maximum allowed is 80% for the M-2 District;
 - E) A dimensional variance from the required Landscaping for the front yard, Chapter 6, Section 6.2 E, to eliminate all required tree plantings along the east side of the proposed addition;
 - F) A dimensional variance from the required landscaping for building perimeters, Chapter 6, Section 6.2 F, to eliminate all required shrub plantings along the east side of the proposed addition;
 - G) A dimensional variance from the perimeter landscaping, Chapter 6, Section 6.2 G.2, for the proposed loading area along the west property line.
- E. Other Business
- F. Adjournment

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
June 12, 2008 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: David Artley, Karl Guenther, Karl Freed, Rachel Hughes-Nilsson, Thomas Stolz

Members Absent: Albert Robitaille

City Staff: Pete Eldridge, Project Coordinator; John Kneas, Assistant City Attorney; Deanna Benthin, Recording Secretary

Chair Artley called the meeting to order at 7:07 p.m.

MINUTES

Mr. Guenther, supported by Mr. Freed moved to approve the minutes of May 8, 2008 as submitted.

Motion approved by voice vote unanimously.

NEW BUSINESS:

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

Mr. Guenther read the application for 823 Simpson Street, CCN# 06-16-275-021:

ZBA# 08-06-13: 823 Simpson Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the property owner Commerce Real Estate, LLC. The request concerns the property at 823 Simpson Street, which is situated in use Zone RS-5 (Residential – Single Dwelling District). The request, if approved, would authorize a use variance from Chapter 4, Section 4.1, to allow the second dwelling unit in this structure to be reoccupied, where only one dwelling unit is permitted in the RS-5 District.

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

Gary Septer, president of Commerce Real Estate, was the applicant for the variance. Mr. Septer stated he purchased the property in March 2008 as a bank foreclosure. The property was empty for an unknown amount of time. Mr. Septer stated it was his error not checking when the certification had lapsed. The property was at one time a duplex, it has two water meters, two furnaces, two electric meters, two electric panels, two water heaters and access to the basement from both units. Mr. Septer stated it was very cut and dry that this was a duplex so they went ahead and purchased it. It wasn't habitable then, so they renovated it from top to bottom. It then was brought to his attention by the City since the certification of the duplex had expired they would have to apply for a variance to re-instate it as a duplex. Mr. Septer stated he did not do the due diligence earlier on or he wouldn't be before the Board tonight. Mr. Septer stated he's put a lot of money into the property, it's like brand new. Commerce Real Estate's been improving that part of the community and owns a couple properties in that area. Commerce Real Estate guts and completely renovates their properties and hopes the Board will grant them a variance.

Ms. Hughes-Nilsson questioned how many other duplexes he owned in the City. Mr. Septer replied he owns six, they own approximately ninety properties total, most are single family homes.

Chair Artley asked if any of the other duplexes required a variance. Mr. Septer replied no, they were all zoned appropriately.

Mr. Eldridge stated he passed out a rental property map showing single family rentals and duplexes in the surrounding area. Chair Artley questioned if the duplexes showing were grandfathered in. Mr. Eldridge replied they are still grandfathered in, their occupancy has not lapsed long enough to require going through a variance process.

Attorney Kneas asked for clarification from Mr. Eldridge when the certification lapsed. Mr. Eldridge replied it was last inspected in October 2003 and would have expired in October 2005 with some ownership changes and vacancies.

Chair Artley commented it had been vacant for approximately three years.

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

FINDING OF FACT

Mr. Stolz moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 823 Simpson Street shall include all information included in the notice of public hearing dated May 28, 2008.
- 2.) Fifty 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, interior and exterior photographs.
- 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: Gary Septer, president of Commerce Real Estate, LLC spoke in favor of the request. He stated Commerce Real Estate purchased the property a couple of months ago as a foreclosure and it had been empty for an unknown amount of time. Mr. Septer stated Commerce Real Estate neglected to check on the certification of the property prior to the acquisition. Commerce Real Estate improved the property significantly when the City informed them the property was no longer certified as a duplex. Mr. Septer indicated Commerce Real Estate owns six duplexes and several single family homes in Kalamazoo. Mr. Septer also stated that Commerce Real Estate has never needed a variance before and Mr. Eldridge commented the certification for this duplex use lapsed in 2005.

Mr. Freed supported the Finding of Fact.

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

Ms. Hughes-Nilsson moved to approve the application, supported by Mr. Guenther.

Ms. Hughes-Nilsson stated she didn't see where this request met the criteria to approve the request. There is no unnecessary hardship based on any special circumstances or conditions that are peculiar to the land or structure. The special circumstances were the result of the actions of the applicant, because the due diligence was not completed. Ms. Hughes-Nilsson stated she doesn't see where it qualifies as a use variance and stated she'd be voting against it.

Mr. Stolz stated after looking at the rental property map the closet duplex is three blocks away, several are single family non-rental properties. The rental properties in the area are even single family. The zoning ordinances are trying to change the character of the neighborhoods. Mr. Stolz stated he didn't see how it wouldn't affect the adjacent land in material ways and stated he would be voting against the request.

Chair Artley stated he concurred with the comments made also.

Motion denied by roll call vote unanimously.

Mr. Guenther read the application for 1450 Prospect Hill, CCN# 06-16-318-010:

ZBA# 08-06-14: 1450 Prospect Hill: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by MA Kreps Designs LLC, on behalf of the property owner. The request concerns the property at 1450 Prospect Hill, which is situated in use Zone RS-5 (Residential – Single Dwelling District). The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.1, to allow the proposed attached garage within ten feet of the rear property line, where a twenty-five foot building setback is required.

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.

Mike Krepps, MA Kreps Designs LLC, 1849 Cumberland St., and Lee Cook, caretaker of the property at 1450 Prospect Hill, were present to represent the request. Mr. Krepps stated presently at the site there was a single car attached garage that's dilapidated and of no use. Mr. Taylor lives there and requires a handicap style van that doesn't fit in that garage. Mr. Krepp's was hired to design a new two car garage that could accommodate the vehicles. The historical commission gave their approval of the new garage with the requirement that it's attached. To accommodate the van and the caretaker's vehicle they need to request the ten foot variance from the rear property line.

Mr. Eldridge stated they went before the Historical Commission and were approved on April 15, 2008.

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

FINDING OF FACT

Ms. Hughes-Nilsson moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1450 Prospect Hill shall include all information included in the notice of public hearing dated May 28, 2008.
- 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, letter from the applicant, site plans, aerial photo's, existing site photo's and plans, proposed site plan, proposed elevations and a letter of the approval from the Historical District Commission.
- 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: Mike Krepps designer for the project spoke on behalf of the applicant, stated that the property was located in the West Main Hill historical district. The existing garage is a single car garage and is need of repair. The owner requires a handicap size van and needs a new garage to accommodate the size of the van. The Historic District Commission had approved the plans, stating the garage must be attached to the house due to the historical nature of the area. The closest existing building located near the garage will be a neighbor's garage. Lee Cook the caretaker for the property spoke in support of the application. Mr. Eldridge pointed out the plans had been reviewed and approved by the Historical District Commission.

Mr. Stolz supported the Finding of Fact.

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

Mr. Stolz moved to approve the application, supported by Mr. Freed.

Mr. Stolz stated the similarities of the narrowness of the lots in this neighborhood. It's more of a historical issue in this area. Mr. Stolz pointed out that;

- The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use.
- The unnecessary hardship based on special circumstances.
- The special circumstances are not the result of the actions of the applicant it's more due to the character of the neighborhood. The fact that it's approved by the Historic District Commission he doesn't feel it would adversely affect adjacent property in any way.
- The granting of the variance is the minimum action that will make possible for Mr. Taylor to use the land and stated he would be voting in favor of the request.

Mr. Freed asked for clarification as to why the garage needed to be setback into the rear yard setback. Was it because the handicap van couldn't park in the area in front of the garage if it were less than 30 ft. Mr. Krepp's replied it was for access into and around the van for the wheelchair and the nature of the disability. This would allow them not to have to go into the street or butting up to the garage. The van itself is 22 ft. long.

Chair Artley questioned what the weight of the Historic District Commission was in regards to the Zoning Boards. Mr. Eldridge replied they look to see if the request meets the HDC's requirements and conformity with the neighborhood. Mr. Eldridge was just pointing out that was one of the steps they needed to go through.

Attorney Kneas commented they look at each application, the HDC requires that the garage be attached versus detached. The old garage was attached and that's a factor for this Board to consider.

Motion approved by roll call vote unanimously.

Mr. Eldridge updated the Board on 813 W. South St. regarding the Spaman Jeweller’s sign. The HDC gave him approval for a sign, but when erected the text on the sign was different then approved. The placement was different and caused some concern. It was the largest sign in the three block area of West South St. It was referred back to the HDC with a result of Mr. Emig returning the sign to the original location where the previous freestanding sign was, approximately ten feet off the front porch of the structure, instead of two feet away from the sidewalk. The important thing is the sign was moved back from the street. Mr. Emig voluntarily lowered the sign by one foot, leaving only the issue of the text and the possibility of forcing Mr. Emig to remove the hours of business on the sign. Mr. Stolz questioned if Mr. Emig’s variance request was mainly based on “by appointment only.” Mr. Eldridge stated Mr. Emig had stated most of his business was by appointment, but he does take walk-in traffic. The Historic District Commission feels that advertisement is too much. Chair Artley questioned if the neighbors were happier with this change. Mr. Eldridge stated the neighbors were happier with the sign being moved back and lowered a foot. Mr. Stolz asked if the variance was conditional. Attorney Kneas stated it was an interpretation and wasn’t really a request for a variance. Mr. Eldridge stated it was an interpretation and not a variance, however the factual information presented to the Board can still be used to gauge his business, so he can’t deviate from how he represented his business when he was before the Board. Mr. Eldridge clarified clearly in a decision letter to Mr. Emig what his limitations for operation were.

Mr. Eldridge stated the Diamond Auto Wash at 5303 Portage Street with the light pole height variance issue sent a letter. The property owners stated in the letter that they would reduce the height of the poles within the next sixty days.

Chair Artley questioned how the boarding house occupancy was going. Mr. Eldridge replied the boarding house at 1027 Clinton owned by Eliakim and Kimberly Thorpe had been given permission to operate a one unit rental with only four unrelated people at 1027 Clinton Ave.

Mr. Stolz moved to adjourn the meeting and was supported by Ms. Hughes-Nilsson.

ADJOURNMENT

The meeting was adjourned at 7:47 p.m.

Submitted By _____ **Date** _____

Reviewed By _____ **Date** _____

Approved By _____ **Date** _____



NOTICE OF PUBLIC HEARING

June 25, 2008

RE: 5135 and 5147 Portage Street
CCN#: 10-02-215-002 and 10-02-215-001
ZBA# 08-07-15

Dear Property Owner:

An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the applicant Martin W. Ellard with 'A Taste of Texas'. The request concerns the properties at 5135 and 5147 Portage Street, which are situated in use Zone CC (Commercial – Community District).

The request, if approved, would authorize a variance for a temporary use (portable barbecue stand) at the southwest corner of Portage Street and Airview Boulevard from July 11, 2008 to October 31, 2008 (3 ½ months), where a maximum of 30 days is permitted per calendar year for temporary uses.

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

A public hearing will be held on **Thursday, July 10, 2008 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative.

If you should know of any interested person who has not received a copy of this letter, it would be appreciated if you could inform them of the time and place of the hearing.

Further information may be obtained from the Community Planning and Development Department, located at the Development Center at 445 W. Michigan Avenue Suite 101, or by calling (269) 337-8026.

Sincerely,

ZONING BOARD OF APPEALS

A handwritten signature in cursive script that reads 'Peter C. Eldridge'.

Peter C. Eldridge, AICP
Project Coordinator

c: File



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department
445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
phone: 269-337-8026
www.kalamazoocity.org

RECEIVED JUN 12 2008

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 MARTIN WILLARD
Address 1249 M 222 #16
City, State, Zip MARTIN MI 49007
Phone 269-271-3869 Cell SAME
Fax - Email -

Owner: Name Phil Mott
Address 5135 Portage St
City, State, Zip Kalamazoo MI 49002
Phone 649-3206 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 5135 and 5147 Portage Street
Street or Street Address CORNER OF AIRVIEW AND PORTAGE
This property is located between 194 street and AIRVIEW street, on the
north south east west side of the street.
CCN# 10-02-215-002 and 10-02-215-001 Zone CC

Type of Request

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

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

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

[] Appeal of an Administrative Decision

Description Temporary Use (July 11, 2008 - October 31, 2008)

Attachments

- [] \$ Fee (Use Variances - \$450, All Other Requests \$200)
[] 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)

Martin Willard Signature of Applicant Date 6-13-08

Signature of Owner (if different than applicant) Date

PAID JUN 12 2008

CASH 150.00

I 94

I 94

ROAD

LIGHT

Shell
ST.

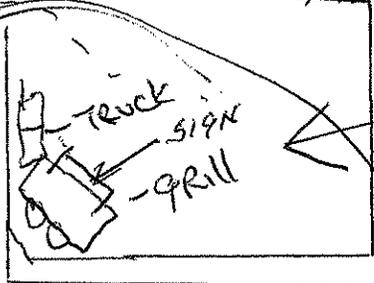
PARKING
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STORE

BREWSTERS

PARKING
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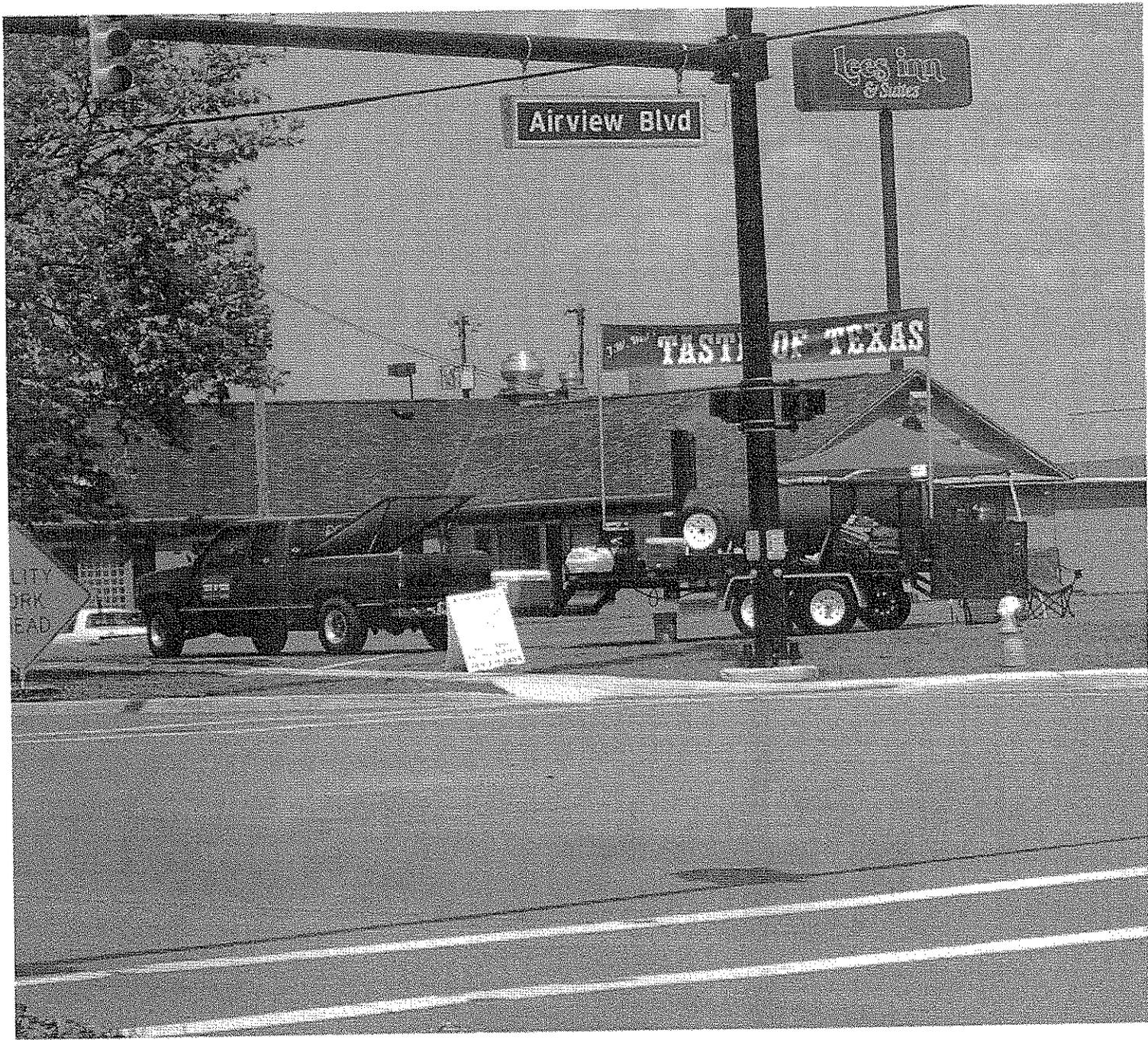
LIGHT



grill
area

SKYVIEW Blvd

ROAD



TASTE OF TEXAS

TASTE OF TEXAS CHOICES

- CHICKEN
- ½ CHICKEN
- BRISKET
- RIBS (4 BONE)
- RIBS (6 BONE)
- 2&3 MEAT COMBOS
- ARMADILLO EGGS
- POTATO SALAD
- COLE SLAW (JW'S RECIPE)
- MACARONI SALAD
- RANCH STYLE BEANS
- PULLED PORK

**BOOK BIG JOHN FOR YOUR NEXT
LARGE EVENT OR CALL FOR
DELIVERY PRICING.**



JW WEST'S TASTE OF TEXAS

Vicksburg, MI

Phone (269) 271-3869

Fax (269) 329-1886

Email: wastotexas@jw.com

JW West's Taste of Texas

The Secret's in the Sauce!



THE JW WEST HERITAGE

In the early 1800's JW West would load his family in a covered wagon and head for Texas, but never make it. It would be two more generations before the West family would settle near Fort Worth, TX.

Before this would happen JW West Sr. would build a farming empire near Tupelo, MS and develop a reputation for his hardwood cooked and smoked hams and briskets. Back then they had a large smoke house and a salt house for curing hams, which were raised right on the farm. Along with this family tradition was a barbeque sauce served on the side, and only JW knew the recipe.

Time passed and JW West, Jr. would settle near Fort Worth. Like his daddy, he would develop a reputation among friends and local celebrities for his hardwood cooked meats. But, the big deal was the sauce, now referred to by locals as "Tupelo Honey".

The Works

Every now and then, Pa Paw (JW, Jr.), as his grandkids call him, visits the mitten state just to make sure his daughter and

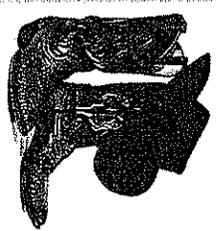
her yankee relatives are accurately continuing the family tradition. (Yes, this is hard on him).

We cook our chicken, ribs & brisket with hard woods like hickory, oak, mesquite or pecan. Twelve to fifteen hours is the norm. Smoke flavor is adjusted according to taste. Texas Style is served sauce on the side except for "Tupelo Honey". Salads and ranch style beans accompany each selection.

For events of 150 or more we can do final preparation on site. "BIG JOHN" is a custom built, 28 ft. long, (stacks are 10ft high) cooker. Its presence and the aroma of hardwood cooking provide a festive addition to any event. THIS IS BASED ON SPACE AND AVAILABILITY.



GIVE YOUR NEXT EVENT A TASTE OF TEXAS!

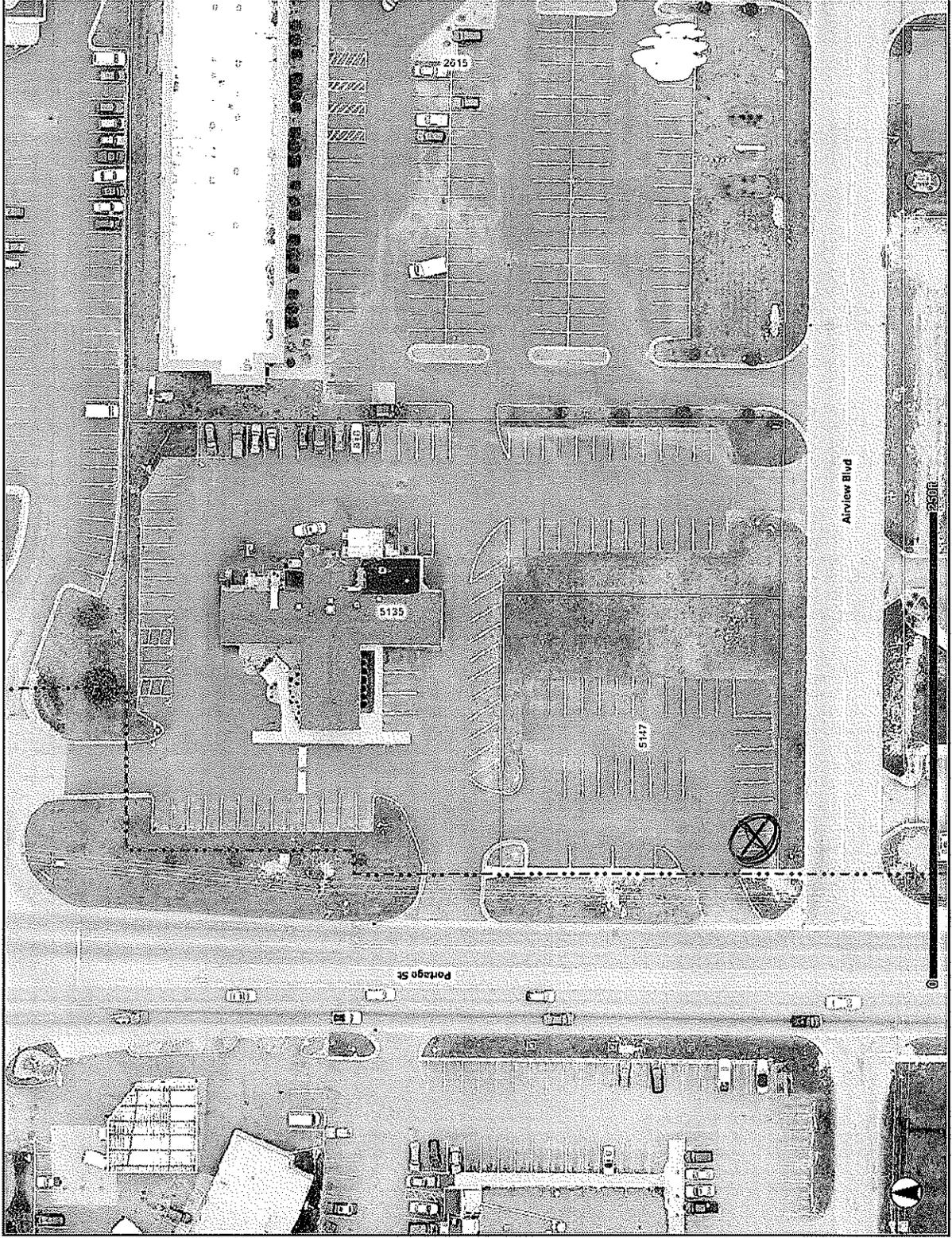


JW swears it tastes better if you're wearing the right stuff!

TO DISCUSS YOUR NEXT EVENT, YOU CAN CONTACT US WITH THE INFORMATION PROVIDED ON THE BACK OF THIS BROCHURE.

5135 and 5147 Portage Street

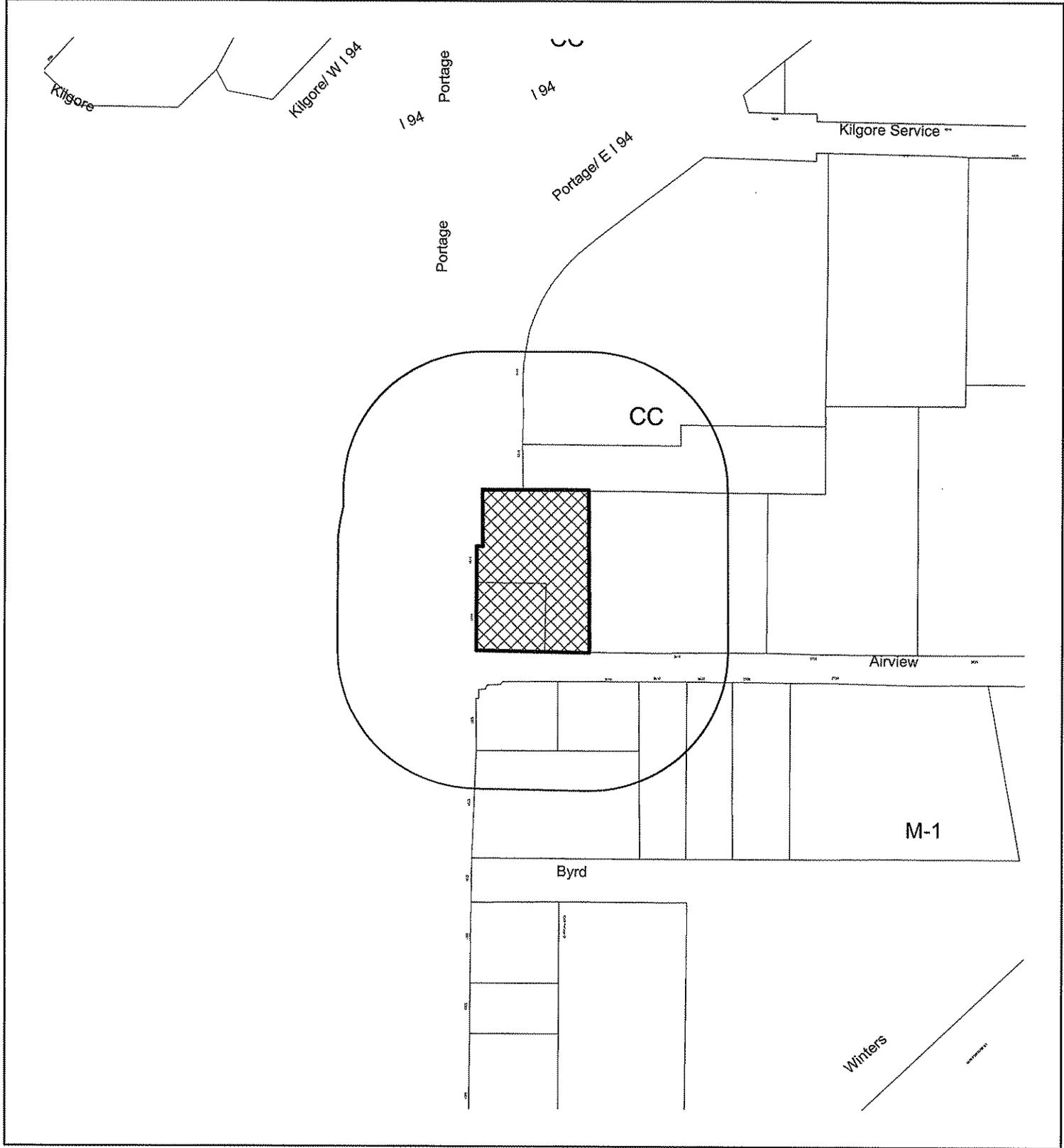
2007 Aerial Photo



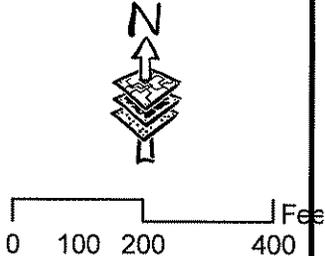
- Selected Features
- City Limits
- Water Features
- Surface
- Culvert
- Parcels
- Water Feature Names
- Street Names

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: City of Kalamazoo, Plansight LLC; 2008: Rentals Daily; Feb., Ownership Info; Jan., Parcels, Zoning, Landuse, Bus Stops, Bus Routes; 2007: October, Centerlines; June, Voting Precincts; Apr., School Prop.;



300' Mailing Boundary
 5135 and 5147 Portage Street





NOTICE OF PUBLIC HEARING
June 25, 2008

RE: 1421 North Pitcher Street
CCN#: 06-10-455-002
ZBA# 08-07-16

Dear Property Owner:

An application for variances to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International Inc. The request concerns the property at 1421 North Pitcher Street, which is situated in use Zone M-2 (General – Manufacturing District).

The following variances are requested:

- A) A dimensional variance from Chapter 5, Section 5.2, Table 5.2-1, to expand the existing building to within zero feet of the west property line, where a 25-foot building setback is required;
- B) A dimensional variance from Chapter 5, Section 5.2, Table 5.2-1, to expand the existing building to within five feet of the east property line, where a 25-foot building setback is required;
- C) A dimensional variance from Chapter 5, Section 5.2, Table 5.2-1, to expand the existing building to within fifteen feet of the south property line, where a 25-foot building setback is required;
- D) An impervious lot cover variance from Chapter 5, Section 5.2, Table 5.2-1, to authorize 98% impervious cover, where the maximum allowed is 80% for the M-2 District;
- E) A dimensional variance from the required Landscaping for the front yard, Chapter 6, Section 6.2 E, to eliminate all required tree plantings along the east side of the proposed addition;
- F) A dimensional variance from the required landscaping for building perimeters, Chapter 6, Section 6.2 F, to eliminate all required shrub plantings along the east side of the proposed addition;
- G) A dimensional variance from the perimeter landscaping, Chapter 6, Section 6.2 G.2, for the proposed loading area along the west property line.

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

A public hearing will be held on **Thursday, July 10, 2008 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative.

If you should know of any interested person who has not received a copy of this letter, it would be appreciated if you could inform them of the time and place of the hearing. Further information may be obtained from the Community Planning and Development Department, located at the Development Center at 445 W. Michigan Avenue Suite 101, or by calling (269) 337-8026.

Sincerely,
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Project Coordinator

c: File

RECEIVED
JUN 17 2008

THE CITY OF



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

445 W. Michigan Avenue, Suite 101

Kalamazoo, MI 49007

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 GRAPHIC PACKAGING INTERNATIONAL INC.
Address 1421 N. PITCHER ST.
City, State, Zip KALAMAZOO, MI
Phone 269-383-5053 Cell _____
Fax _____ Email _____

Owner: Name SAME
Address 814 LIVINGSTON CT
City, State, Zip MARIETTA, GA 30067
Phone 770-644-3446 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 1421 N. Pitcher Street

This property is located between E. Patterson street and E. Prouty street, on the

north south east west side of the street

CCN# 06-10-455-002 Zone M-2

Variance Information

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 See Attached Summation

Statement

- Fee (Use Variances - \$450, All Other Requests \$200)
- 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)

Scott Fowler Signature of Applicant 6-17-08 Date

Scott Fowler Signature of Owner (if different than applicant) 6-17-08 Date

GPI ENGINEER

Graphic Packaging Michigan, Inc.
Requested Variances
June 2008

1. Section 5.2, Table 5.2-1, Rear Setback
Request a reduction in the required rear yard setback from 25 feet to zero feet.
2. Section 5.2, Table 5.2-1, Front Setback
Request a reduction in the front yard setback along N. Pitcher Street from 25 feet to 5 feet.
3. Section 5.2, Table 5.2-1, Front Setback
Request a reduction in the front yard setback along E. Patterson Street from 25 feet to 15 feet.
4. Section 5.2, Table 5.2-1, Maximum Impervious Cover
Request a reduction in the allowed 80% maximum lot coverage to 98% coverage.
5. Section 6.2.E, Required Landscaping in Front Yards
Request a deviation from the required front yard landscaping along N. Pitcher Street.
6. Section 6.2.F, Required Landscaping for Building Perimeters
Request a deviation from the required building perimeter landscaping along N. Pitcher Street.
7. Section 6.2.G.2, Perimeter Screening From Abutting Residential
Request a deviation from the required loading area screening requirement along the rear yard.

Graphic Packaging International, Inc.
Variance Request Narrative
Application for Proposed Expansion under Consideration
June 2008

Graphic Packaging International, Inc. is currently considering the process of developing a building expansion program for their pressing plant located at 1421 North Pitcher Street. This process is well underway, but due to the requirements set forth by the program, a need for relief from the City of Kalamazoo's Code of Ordinances has been determined.

The site for this project is located between N. Pitcher and the Penn Central Railroad Right of Way. It lies north of E. Patterson Street and South of E. Proudly Street. The 9.63 acre site is currently fully developed and the primary redevelopment will take place south of the existing 153,000 square foot facility. The newly expanded facility will continue to work directly in concert with the facilities in the immediate area.

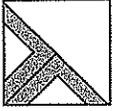
Current code requires that structures in the M-2 district be located a minimum of 25 feet from all property lines; front, side, and rear. This particular site is not specifically accounted for in the code, however, as it has been determined to be a triple fronted lot. This suggests that the site has three front yards and one rear yard (no side yards).

Variance requests 1, 2, and 3.

While much work has been done in an effort to minimize the overall size of the proposed improvements, the existing site significantly confines the proposed structures. The final size of the proposed structures includes a minor demolition on the south of the existing building, a 7,500 sft addition to the northwest corner of the existing building, and an 117,000 sft addition along the south of the building.

The existing facility is located squarely in the center of the site which limits the opportunity to construct a facility the size required without impacting one side of the site much greater than the other. The existing building has been determined to extend beyond the current property lines on both the east and west. The current facility breaks the plane of the N. Pitcher Street right of way by roughly 0.5 feet. The building also breaks the plane of the railroad right of way by up to 12.6 feet. It can not be determined how this situation was created. The currently proposed structures have been sized to both lie within the property borders and fit within the operational requirements of the facility. However, this can not be said for the required building setbacks.

Internal operational guidelines for Graphic Packaging which include machinery size, equipment maneuverability, and employee safety are the driving factors in the buildings size and placement on the site. These needs will require a building that is 301 feet wide on a lot that is only 309 feet



wide. For this reason we request that the setbacks for the N. Pitcher Street frontage be reduced from 25 feet to five feet and for the west property line (railroad) be reduced from 25 feet to zero feet.

An effort was made to maintain the required yard along the E. Patterson street frontage. Graphic Packaging was successful in this effort with the exception of an employee entrance vestibule. The parking spaces that will be lost during this project will be required to be identified elsewhere on property owned by Graphic Packaging. This must be located within 1000 feet of the new facility. This can be achieved, but this parking will be located in one of various possible locations south of Patterson Street. This will mandate an entrance for employees on the south face of the new structure. Unfortunately, the internal spaces of the building will require that this vestibule be located outside of the operations areas. For this vestibule, we request to reduce the front yard setback along E. Patterson from 25 feet to fifteen feet.

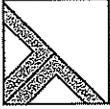
Variance Request 4.

The existing site is currently fully developed and will require demolition for the proposed spaces to be constructed. Very little change will be made to the overall lot coverage of the site. However, the existing site does not meet the current lot coverage requirement of 80% maximum. Currently lot coverage is 95.88 percent impervious, a deviation from the requirement of 15.88%. The proposed site development results in a lot coverage of 96.71 percent. As the current plan is still in a preliminary state, this coverage is expected to increase slightly due to the addition of emergency egress, employee entrance walks, and other miscellaneous concrete pads. For this reason we expect the final coverage to reach 98 percent. At this time we request a deviation in maximum lot coverage from 80% to 98%.

Variance Request 5 & 6.

Industrial and manufacturing sites have historically been void of site landscaping. This site is no exception. With the exception of the lawn area in the southwest corner, the entire site is devoid of landscaping along any of its three road frontages. Of its 1,934 feet of road frontage, only 182 feet (10.6%) contains any landscaping. N. Pitcher Street has impervious cover the entire length for both sides of the street.

If granted, the proposed structure will be located as close as 6 feet to the right of way line. Providing landscape plantings within this area will be problematic for the longevity of the structure as well as the plantings. Trees will need to be planted within 3 feet of both the building and sidewalk. This situation is detrimental to the structural integrity of both the sidewalk and building foundation as the root system grows. The building wall along this frontage will extend to a height of twenty feet. A wall of this height and proximity will greatly affect and be affected by the tree canopy. The canopy of the tree will grow into the building requiring detrimental trimming and shorten the lifespan of the building wall and roof systems.

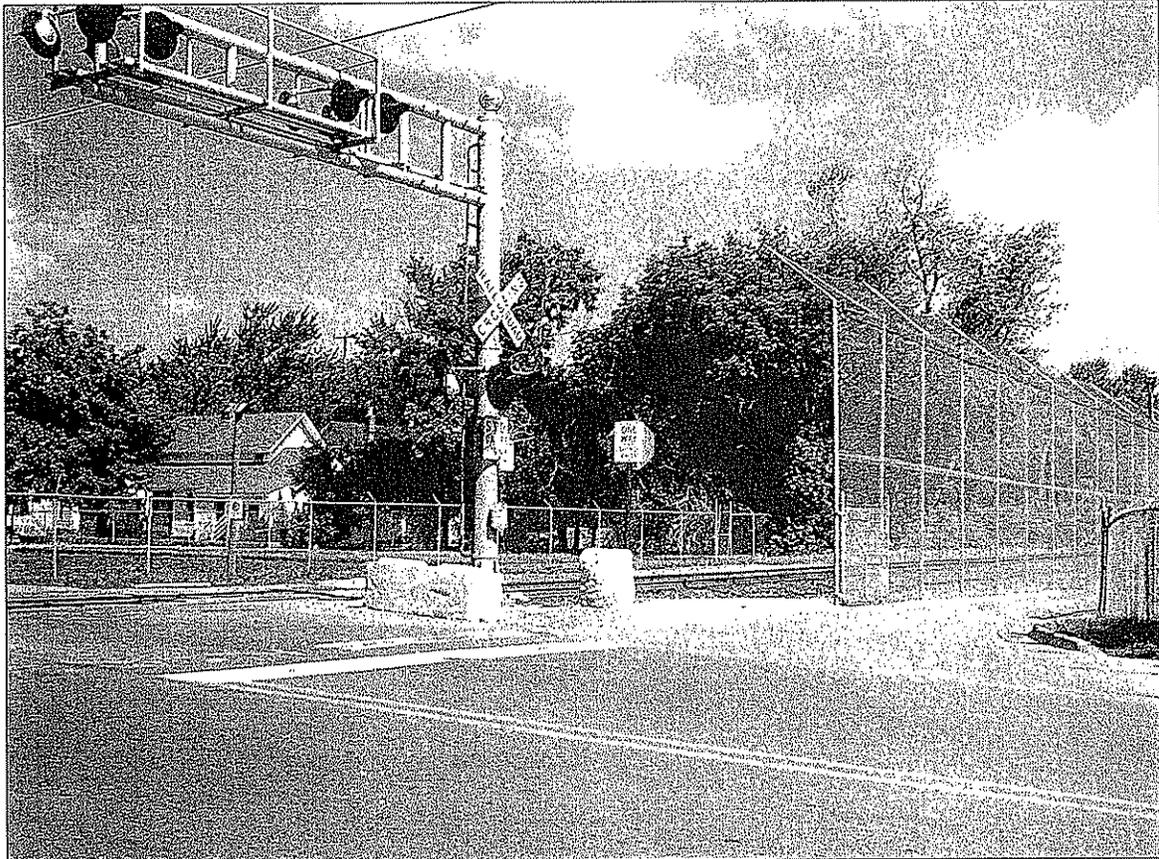


In an effort to maintain the existing condition of the entire N. Pitcher street block and to limit the detrimental affects of plant growth on the facility, we request a deviation from the landscaping requirements, both building perimeter and front yard landscaping, along N. Pitcher Street.

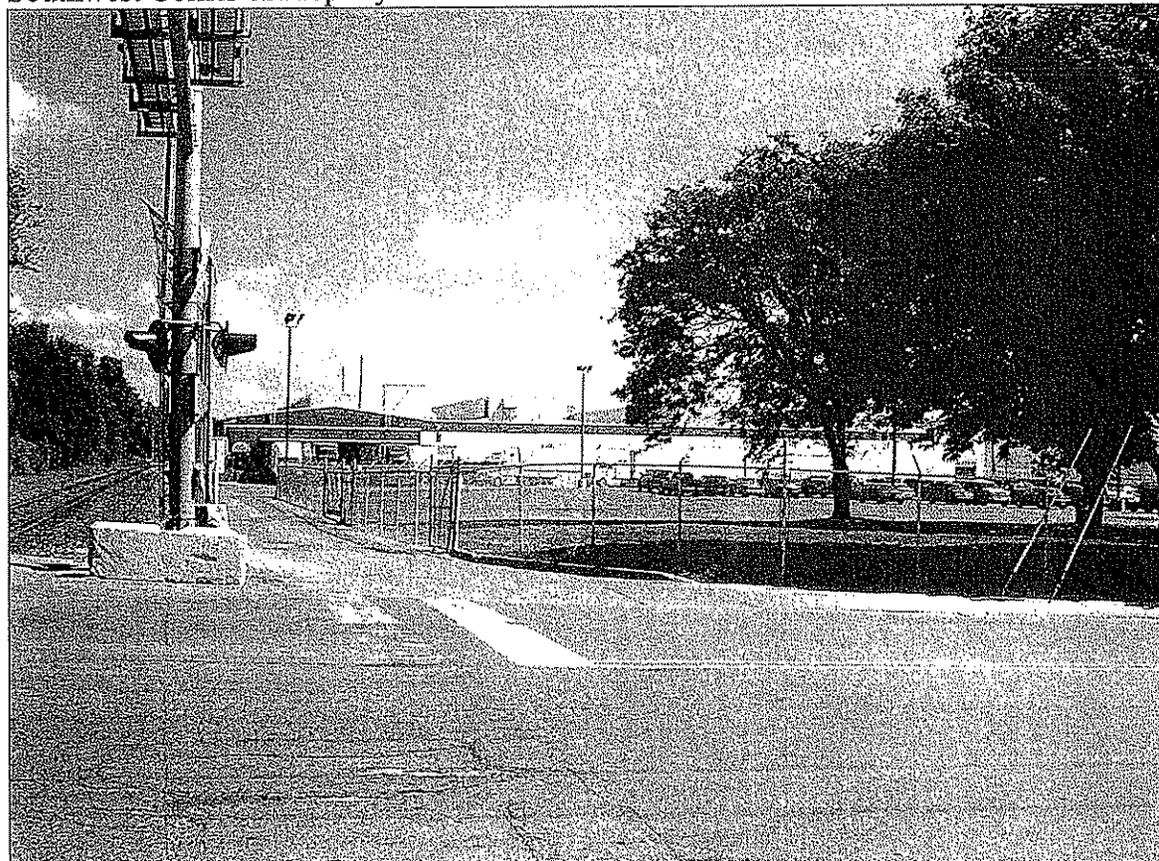
Variance Request 7.

The current site has loading facilities on both the northwest and southwest corners of the building. The proposed improvements merely relocate these facilities maintaining them on both the northwest and southwest corners of the future building. The site today has no screening elements between these service areas and the adjoining residential uses across the railroad right of way. Additionally, these areas extend beyond the property line and encroach upon the railroad by up to 15 feet. The proposal will restrict these loading areas to that of the property which will allow a larger separation to the residential uses improving current situations but constricting the size of the maneuvering areas for truck drivers. Because the loading area is of minimum acceptable size, damage to screening elements becomes a possibility when maneuvers are not made precisely. Because of the increased separation and minimal size of the loading area, we request an elimination of the required screening along the west property line for loading areas.

1421 North Pitcher Street
June 24, 2008



Southwest Corner of Property – View of Residences to the West



Southwest Corner of Property – View of Existing Graphics Packaging Facility

1421 North Pitcher Street
June 24, 2008



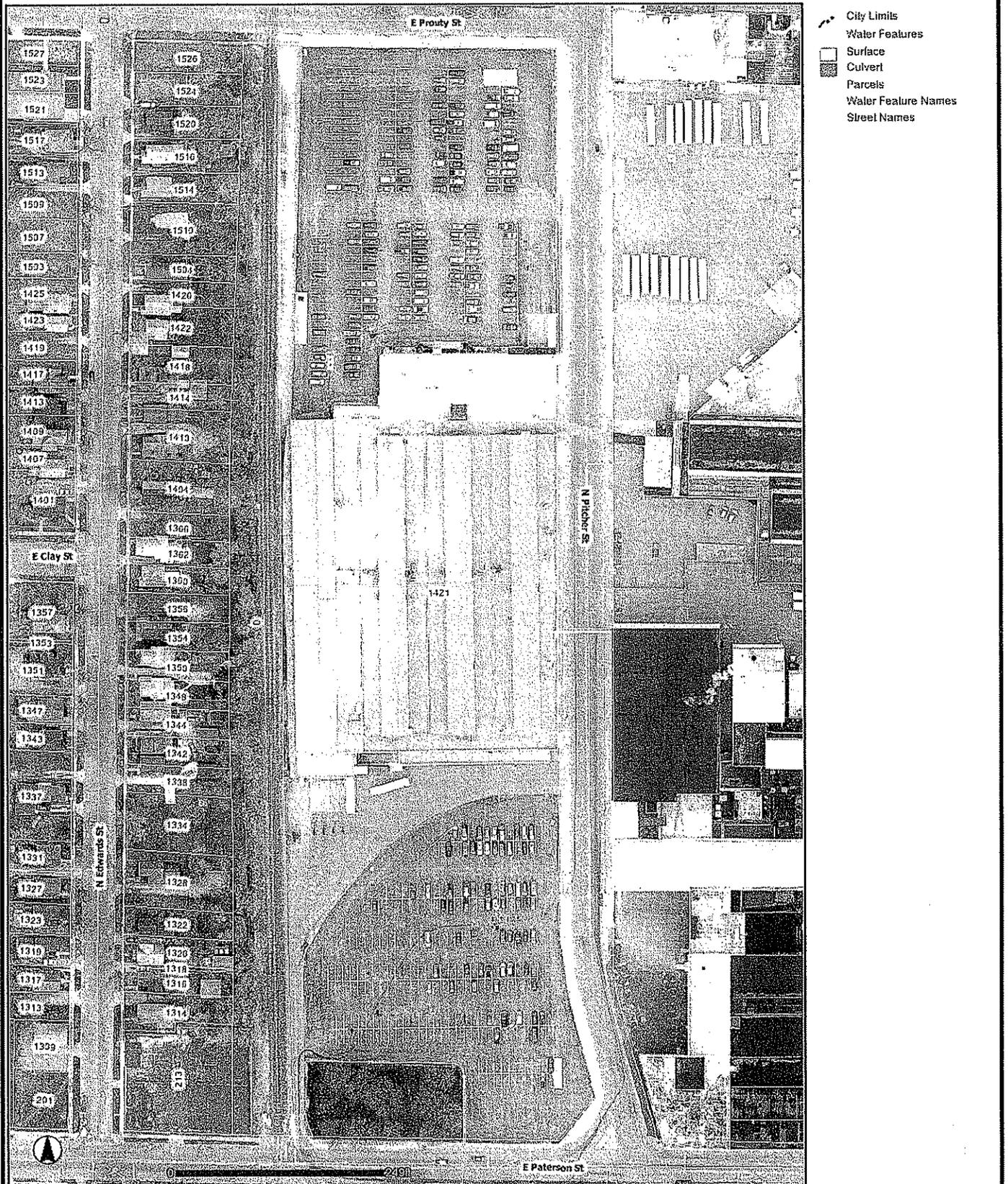
Southeast Corner of Property – View of Existing Graphics Packaging Facility



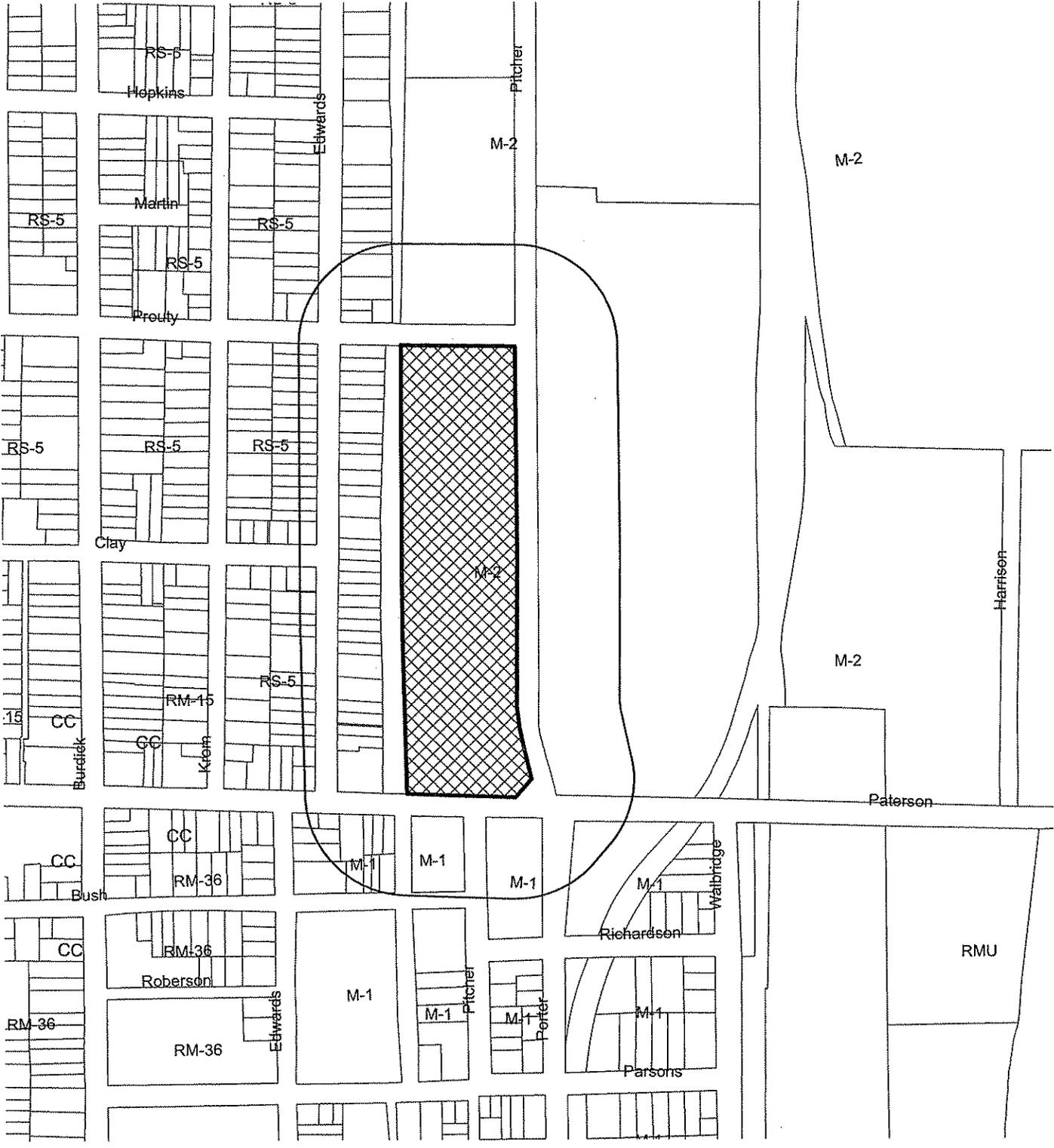
East Frontage Along North Pitcher Street

1421 N. Pitcher Street

Aerial Photo: May 2007



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.
SOURCES: City of Kalamazoo, Plansight LLC; 2008: Rentals Daily; Feb., Ownership Info; Jan., Parcels, Zoning, Landuse, Bus Stops, Bus Routes; 2007: October,



THE CITY OF



300' Mailing Boundary 1421 North Pitcher Street

