

Agenda
City of Kalamazoo - Zoning Board of Appeals
August 14, 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 July 10, 2008
- C. Communications and Announcements
- D. Public Hearings:
 - 1. ZBA #08-08-17: 3030 West Michigan Avenue. John Clark, the property owner, is requesting a dimensional variance from Chapter 2, Section 2.2 A5, to allow this dwelling to be rented to four unrelated adults, where a non-owner occupied dwelling may only be occupied by a family or two unrelated adults in the RS-5 District.
 - 2. ZBA #08-08-18: 1023 West Maple Street. Echo Realty, LLC, the property owner, is requesting a dimensional variance from Chapter 7, Section 7.3A, to allow a 32 square foot identification sign for a legal nonconforming office use in the RM-15 District.
- E. Other Business
 - 1. Update on interview with Doris Jackson for the open 'Alternate Seat' on the ZBA.
- F. Adjournment

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
July 10, 2008 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Karl Guenther, Rachel Hughes-Nilsson, Thomas Stolz, Albert Robitaille, Charles Martell (alternate).

Members Absent: David Artley, Karl Freed

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

Acting Chair Hughes-Nilsson called the meeting to order at 7:00 p.m.

MINUTES

Mr. Guenther, supported by Mr. Stolz moved to approve the minutes of June 6, 2008 as submitted.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Acting Chair Hughes-Nilsson 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 5135 and 5147 Portage Street, CCN# 10-02-215-002 and 10-02-215-001:

ZBA# 08-07-15: 5135 and 5147 Portage Street: 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 (3½ 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 items described above. There were 25 notices of public hearing sent and one response was received from Mr. Patrick Allkins of the OnStaff USA Group, 5207 Portage Rd. stating their support for the variance.

Martin Ellard, owner of Taste of Texas was present to represent the variance stating he wanted to stay at this site until the end of October. Mr. Ellard stated he's open for business three days a week, Tuesdays, Thursdays, and Saturdays from 5:00 a.m. to 7:00 p.m. He commented he'd been there for over a month already. He commented he sells four types of meat, coleslaw, beans and assorted water.

Mr. Stolz questioned the layout of his set up. Mr. Ellard stated he built the unit himself and it's over a \$10,000 investment. It has sinks, hot water, a T.V.; surround sound, lights and he even takes the dirty water home with him at night. Mr. Stolz questioned if Mr. Ellard removed the structure every night. Mr. Ellard replied yes, he takes it home every night with him; it's never left on site.

Phyllis Milonas stated she was speaking on behalf of Theo & Stacey's Restaurant at 5225 Portage Rd., which is a block from where the Taste of Texas stand is located. Ms. Milonas acknowledged Mr. Ellard had spent a lot of money on his portable unit. She stated her concerns when Theo & Stacy's go to festivals like the Greek Festival the Health Inspector requires them to set up a tent with covers all around it, it has to have proper venting to keep dust out. Ms. Milonas stated they are checked and double checked. Mr. Ellard on the other hand, his grill and table are outside, not covered by a tent or protected. She stated her objection to a portable stand near by. There are four restaurants in the area; the economy is bad especially with all the Pfizer cuts. Ms. Milonas stated the health inspector puts them through a rigorous inspection two times a year. She strongly objects to a five month period. She opposes on the health aspect and as a business owner.

Mr. Eldridge commented on the administrative review and approval process and the fact that the stand that is out there right now was reviewed under the ordinance and given a temporary use permit. This allows them 30 calendar days for this portable stand to be on the property. Mr. Ellard has a transient merchant license from the City Clerk's office and had inspections by the Health Department and has a permit to operate. He's been through the review process and has approval from the City to be located there for a 30 day period, to go beyond that he had to come before the Zoning Board of Appeals. Mr. Eldridge commented, to date, there have been no complaints received on this portable barbeque stand.

Mr. Guenther questioned what the rationale was for the 30 day limit on a temporary use request. Mr. Eldridge replied 30 days is the amount of time that can be administratively approved without having to go before the ZBA. An example is the Harold Ziegler tent sales, where they have a sale for three days two times a year.

Mr. Guenther questioned if there was a provision for an extra 30 days. Mr. Eldridge replied there's 30 days per calendar year for any commercial property. Once the 30 days are depleted at this property. Mr. Ellard would have to find another commercial property and property owner that would agree to let him use part of their parking lot and get the Health Departments approval all over again at the new location.

Mr. Martell questioned if the City was involved with the Health Departments approval. Mr. Eldridge replied no, a temporary use approval would not be issued unless the applicant is getting a permit from the Health Department.

Mr. Ellard stated his permit is good for a 12 month period until April 2009. He has two inspections same as the local restaurants do, the same inspections. Mr. Ellard stated he's worked in restaurants for over 30 years. Mr. Martell questioned if he's had any violations. Mr. Ellard stated no, but plans to purchase a screened in area to improve sanitary conditions. Mr. Martell questioned what experience he had at other restaurants in the area. Mr. Ellard stated he owned a restaurant in Shreveport, LA; he was the head chef at Webster's and at Burdick's in the Radisson Plaza. He opened Damon's on Westnedge; he runs the Stage Coach in Richland, the Parkview Café and went to culinary school in Europe.

Acting Chair Hughes-Nilsson closed the public hearing.

FINDING OF FACT

Mr. Robitaille moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 5135 and 5147 Portage Street shall include all information included in the notice of public hearing dated June 25, 2008.
- 2.) Twenty-five notices of public hearing were sent and one response was received in favor.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mr. Ellard stated he wanted to stay on site and be open three days a week, Tuesdays, Thursdays, and Saturdays through the end of October. Mr. Stolz asked about the configuration of the unit which is removed every night, cleaned and returned the next business day of operation. Ms. Phyllis Milonas spoke in opposition regarding of the health inspections or the lack there of and that the unit is not covered and has no side curtains, which could allow contamination. Ms. Milonas expressed her concerns about the local businesses in the area losing business. Mr. Eldridge commented the stand was approved for 30 days by the City. The Health Department has reviewed and approved the stand and given a permit for the stand. No complaints have been received from the

public. Mr. Guenther questioned the 30 day permit regulation. Mr. Eldridge stated the ordinance was established to allow temporary stands, but not to operate more than 30 days per calendar year on any given commercial property. Mr. Martell asked about the county license expiration, which Mr. Ellard stated runs through April 2009.

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, conditional upon the operation being limited to Tuesdays, Thursdays, and Saturdays, and the operation violates no zoning ordinances, supported by Mr. Guenther.

Mr. Stolz commented he understood Ms. Milonas' concerns, but the operation does meet the zoning ordinance requirements and has acquired the temporary use permit. Since it's a limited operation he feels it's better than someone wanting to operate everyday. Mr. Stolz stated he'd be voting in favor.

Acting Chair Hughes-Nilsson agreed with Mr. Stolz's comments, adding he met all the criteria and stated she would be voting in favor also

Motion approved by roll call vote unanimously.

Mr. Guenther read the application for 1421 North Pitcher Street, CCN# 06-10-455-002

ZBA# 08-07-16: 1421 North Pitcher St.: 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 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 this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were ninety-five notices of public hearing were sent and zero responses were received.

Todd Batts, Civil Engineering Project Manager for Driesenga & Associates, was present to represent Graphic Packaging. He stated the original plant was built on a smaller parcel in 1948 and has now grown to just short of 10 acres. The existing building is located squarely in the center of the parcel. To the north and south of the existing building are the existing parking lots, leaving the bulk of the site completely impervious. Mr. Batts stated there is a small lawn area in the southwest corner of the facility. Graphic Packaging is pursuing an addition to the plant that will total more than 125,000 sq. ft. of additional manufacturing and warehousing loading space. Mr. Batts stated they needed various dimensional variances as well as variances to the landscaping requirements. The requests have been filed as a result of working directly with the City of Kalamazoo; to not only serve the goals of the city, but also the growth of the company. The existing building today crosses the western property line by 12 ft. into the railroad right-of-way. Mr. Batts commented at one time there was probably a railroad spur and this building expansion served that spur. On the eastern property the building extends 1.2 ft. into the right-of-way of N. Pitcher St. The width of the property is over maximized with the existing structure. The proposed facility is intended to go primarily to the south of the existing facility while keeping the building functional. The engineers for Graphic Packaging have worked in an effort to maintain this building as tightly to the city's ordinances as possible. On the south side after development occurred in the design process, it became apparent to Graphic Packaging they needed a safe entry along the south wall of the building for their employees. They would be breaking the setback distance by only enough to accommodate a small vestibule. Mr. Batts stated there is a small green area in the southwest corner, unfortunately due to the flow of product throughout the site it's the only location that would work as a loading dock for the new building. He stated the requirement for the 80% maximum impervious is far exceeded with the existing facility. Their trying to maintain that small level, but due to the design there is a small increase. The south side building setback grants them a portion of lawn area. Mr. Batts stated their requesting a deviation approval from a landscaping standpoint. The existing facility does not meet current codes on the site at this time. He stated there is some landscaping at the main entrance of the facility which is mainly a façade improvement. Lastly, is the landscape screening that may be required along the loading dock. This is required as it's observable from a residential district, which is across the railroad tracks from their proposed facility. The existing loading dock has no screening and crosses over into the railroad right-of-way to allow for truck traffic in and out of the facility. Mr. Batts stated they are relocating the loading area south adjacent to a vacant parking lot owned by Graphic Packaging. Mr. Batts stated they'll be screening from themselves because it's zoned residentially, and they own both properties.

Acting Chair Hughes-Nilsson questioned, on the south east corner of the property, what would be going in between the triangular piece of lawn? Mr. Batts replied, it would be the utility easements in that area. Acting Chair Hughes-Nilsson questioned if they don't want any

landscaping over their easement. Mr. Batts replied he couldn't answer that, that decision hasn't been finalized. Acting Chair Hughes-Nilsson questioned if the chain link fence along the west side of the property was where the issue with screening was located. Mr. Batts replied correct the screening required by ordinance would need to be placed along that fence. Acting Chair Hughes-Nilsson questioned if placing slats in the chain link fence had been discussed. Mr. Eldridge replied the ordinance does not allow slats in chain link fences in the city. They're not opaque and tend to deteriorate over time and fall out of the fence. Acting Chair Hughes-Nilsson questioned if the fence could be replaced with something more opaque. Mr. Eldridge replied at one meeting it was discussed to allow Graphic Packaging to put the required screening on their parking lot just west of the railroad tracks. Rob Bauckham, the Assistant City Planner stated this would be acceptable from the site plan stand point since they own that lot to place it on west side of the rail road tracks. This would block the viewing in the area where the tractor trailers would be maneuvering in the loading docks. Acting Chair Hughes-Nilsson questioned if the surface in the loading dock area was given any consideration to a pervious concrete or of a different material. Mr. Batts stated it is frowned upon to infiltrate storm water flow from a loading dock area; it's subject to possible spills of diesel oils from the tractors. Mr. Batts stated City staff is requiring Graphic Packaging to provide treatment for spills.

Mr. Martell questioned if the only intersection impacted by the building is E. Patterson and N. Pitcher and does it negatively impact the visibility at that intersection. Mr. Batts replied only if someone we're traveling eastbound on Patterson, from any other direction there is no impact. He stated this is a signalized intersection.

John Caston, 1421 N. Pitcher, stated he represents Graphic Packaging and lives in the Kalamazoo area. He stated he's definitely in support of this expansion with over it's 400 employees. They're the last paper making company in the area and have a Paper Mill in Battle Creek as well. Mr. Caston stated they would like to expand much larger, but are limited by the streets, so they've worked hard to make everything fit. The equipment itself is extremely lengthy and needs to be in line with the other building requiring the need for the large building.

Marcianna Peters, 1366 N. Edwards St., stated she lives behind the building and questioned what Graphic Packaging plans on doing with the site stating she wants to continue to live there. Ms. Peters stated the house next door was demolished, now she has access to the yard and can put up a fence for her children and dog. Ms. Peters stated her concern that Graphic Packaging was going to be purchasing her property, and tear it down to build on. Mr. Eldridge stated where she lives that portion of the building will remain unchanged; the expansion is going on in the south. She would'nt even see any change when this is completed. Mr. Eldridge explained the 300 ft. boundary notice requirement on a request.

Rueben Hernandez, 1366 N. Edwards St., stated his concerns during the heavy rains and recent storms and questioned what were they going to do about the diesel/chemical smell. Acting Chair Hughes-Nilsson suggested contacting Graphic Packaging personally explaining the Zoning Board couldn't address that issue. Mr. Eldridge questioned if the smell was coming from the loading dock area. Mr. Hernandez replied he wasn't sure, but it was coming up off the grass even.

Acting Chair Hughes-Nilsson closed the public hearing.

FINDING OF FACT

Mr. Stolz moved the Finding of Fact as follows applies to all seven of the requests:

- 1.) The Finding of Fact for 1421 North Pitcher Street shall include all information included in the notice of public hearing dated June 25, 2008.
- 2.) Ninety-five 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, scaled site diagrams of the existing features and planned features and photographs of the site, 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: Todd Batts with Driesenga & Associates the Civil Engineer for the project spoke in favor of the request on behalf of Graphic Packaging. Mr. Batts stated the building was originally built in 1948 on a smaller parcel and over 10 acres has been acquired leaving the building nearly in the center of the site. Graphic Packaging is pursuing the addition of 125,000 sq. ft. of operational space. Mr. Batts stated the requests are a combined effort of Driesenga & Associates, Graphic Packaging and the City of Kalamazoo. The current building extends 12 ft. into the railroad right-of-way to the west and the east wall extends 2 ft. into the right-of-way of N. Pitcher St. The proposed building is designed to extend to the south. Driesenga & Associates and Graphic Packaging have worked diligently to keep the building as compliant as possible. However, safe entry on the south wall of the building prevents the engineer from designing the building without exceeding the setbacks on that side. The small lawn on the south west corner is the only green area on the site. Due to processes within the building the loading needs to occur in this area eliminating the lawn and affects the impervious cover requirements. The existing building does not meet landscaping requirements although limited landscaping installed in 1995 exists. Mr. Batts stated the railroad borders the property on the west line and the areas required under the landscaping ordinance are needed for operation. Additionally, due to the property ownership the perimeter landscaping at the southwest corner would actually be screening the new from a parking lot owned by Graphic Packaging. Acting Chair Hughes-Nilsson inquired about the triangular area at the southeast corner of the property. Mr. Batts indicated that area will be lawn covered, due to the fact the City desires not to have landscaping over their utility corridor. Acting

Chair Hughes-Nilsson also inquired about screening at the southwest corner of the building. Mr. Eldridge indicated screening has been approved for west of the railroad tracks to achieve screening requirements and not interfere with the proposed loading area. Acting Chair Hughes-Nilsson also inquired about the permeable pavements. Mr. Batts indicated it was undesirable for environmental reasons. Mr. Martell asked if the planned expansion would affect visibility on E. Patterson St. Mr. Batts indicated the intersection was a signaled one and would be minimally affected. John Caston with Graphic Packaging spoke in favor of the request giving a brief history of Graphic Packaging. Ms. Marcianna Peters spoke to the request as a neighbor who lives in a house that adjoins to the south. She wanted to know what Graphic Packaging was going to do and how it would impact her yard. Ms. Peters was concerned Graphic Packaging might tear her house down. Mr. Eldridge indicated her house would be unaffected because all changes would take place south of the building. Rueben Hernandez inquired about a diesel smell coming from the property. Acting Chair Hughes-Nilsson indicated this was beyond the scope of the variance request and directed him to the City.

Mr. Robitaille supported the Finding of Fact.

Mr. Eldridge commented this is a densely developed site and found information that in 1960 there was another administration building on the site that was taken down. He stated staff understands the need to put the expansion on the south side of the existing building, but as far as the landscaping issues go staff is not supportive of the last three variance requests that deal with the landscaping. Mr. Eldridge stated if there are utility issues with that corner it can be worked out during the site plan review process.

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

Mr. Stolz moved to approve application A) for 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; supported by Mr. Robitaille.

Mr. Stolz stated there are some unique circumstances given the layout of this site with the way it was originally constructed. To expand the existing building within zero feet of the west property line is the most reasonable action they can take to make this addition possible. He feels it's minimized by the railroad tracks in between them and he would be voting in favor of the request.

Acting Chair Hughes-Nilsson stated she agreed with Mr. Stolz, the fact that there used to be a building on this portion of the property shows it's workable to the property and she would be voting in favor.

Motion approved for request A) by roll call vote unanimously.

Mr. Stolz moved to approve application B) for 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; supported by Mr. Robitaille.

Mr. Stolz stated for the same reasons as part A) it seems like a reasonable request given the layout of the site and the need for space. Mr. Stolz commented he would be voting in favor of the request.

Motion approved for request B) by roll call vote unanimously.

Mr. Robitaille moved to approve application C) for 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; supported by Mr. Stolz.

Mr. Robitaille stated he agreed with Mr. Stolz's comments, they've worked diligently with the company to design a reasonable use for the site, stating he would be voting in favor of the request.

Motion approved for request C) by roll call vote unanimously.

Mr. Stolz moved to approve application D) for 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; supported by Mr. Guenther.

Mr. Guenther commented the testimony regarding the impracticality of an impervious cover in the loading dock area leads him to agree and vote for in favor of the request. Mr. Stolz commented with the concerns with the diesel spills and other concerns that go along with an industrial business an impermeable cover is more desirable, stating he would be voting in favor.

Motion approved for request D) by roll call vote unanimously.

Mr. Robitaille moved to approve application E) for 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; supported by Mr. Martell.

Mr. Stolz stated his understanding regarding how the planting of trees may not grow well in that location. He doesn't feel that would apply the same as with a smaller shrub on the east side since its road frontage that people will see. Mr. Eldridge commented the ordinance had the Administrative adjustment clause that allows the City Planner to grant a 10% deviation from any dimensional standard. If there is a difficulty they would first try this avenue with the City Planner. The other option is during the site plan review process they can seek relief. Attorney Kneas commented the Board can grant a lesser variance than requested. The request to eliminate all required tree plantings, the Board could set a percentage they would allow.

Mr. Eldridge stated along the frontage of N. Pitcher St. and E. Paterson it would be approximately 21 trees and 118 shrubs, which could be grouped together.

Mr. Martell stated he felt Graphic Packaging would do the right thing and he would vote in favor of all three remaining requests as their stated.

Mr. Stolz questioned if E) were approved and there are no trees would shrubs be able to be planted in that same area. Mr. Eldridge replied correct, the shrubs calculation is based on the total frontage, but the shrubs can be positioned by the property owner. Acting Chair Hughes-Nilsson questioned if the applicant would accept the variance request for no trees along N. Pitcher St. They still would be required to maintain them along E. Paterson St. Mr. Batts stated they had no problem with that. That is what request E) is for, to eliminate all required plantings along the east side of the proposed addition, limiting it to N. Pitcher St. where their proposing the required frontage trees along E. Paterson. Mr. Batts stated their looking for no deviation from the landscaping requirements for E. Paterson. Attorney Kneas questioned if that would change Mr. Eldridge's tree count. Mr. Eldridge replied it would change the count down to approximately 8 trees and 30 shrubs, which would leave plenty of room. The Board can reduce it by 50% if it chooses to.

Motion approved for request E) by roll call vote unanimously.

Mr. Robitaille moved to approve application F) for 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; supported by Mr. Guenther.

Mr. Stolz commented there's enough room for trees and shrubs along the east side of the addition and he would be voting against the request. Mr. Eldridge commented they'd have 30 shrubs total they'd be required to plant if the variance was granted. This is a variance from all 88 shrubs. Mr. Martell questioned if the problem came from there being no room. Scott Fowler, Project Engineer for Graphic Packaging from New York stated on the east side is paved street, curb, sidewalk, fence and about six feet to the building perimeter. There's not much room in order to get shrubs planted there along with the snow plow piling snow and salt on them killing them. Mr. Fowler stated it would be better to have paving and have water and drainage controlled rather than shrubs that will die. Mr. Martell questioned if there would be grass on the other side. Mr. Fowler replied it would be paved surface from the perimeter of the building to the fence line. On the south side of the building they intend to make an employee entrance and spend all their landscaping dollars making the south end of their building look good.

Mr. Stolz questioned if the snow removal operation requires that the snow goes there. Mr. Fowler replied the City of Kalamazoo throws it there when they plow the streets. Mr. Eldridge reminded them the shrubs could be grouped together.

Acting Chair Hughes-Nilsson stated she would be voting against this motion stating they have the space on the south east triangle to plant the shrubs.

Yes: Guenther, Martell, Robitaille

No: Stolz, Hughes-Nilsson

Motion denied for request F) by roll call vote.

Mr. Stolz moved to approve application G) for a dimensional variance from the perimeter landscaping, Chapter 6, Section 6.2 G.2, for the proposed loading area along the west property line; supported by Mr. Martell.

Mr. Stolz stated he would be voting against it due to the fact they can screen it on the Edwards St. parking lot. He stated screening is important to the residents in the area.

Mr. Batts commented Graphic Packaging had concerns about placing screening on the west side of the railroad tracks which would leave a 20 ft. gap. This would also cause a maneuvering problem with their trucks with the screening on their property. Mr. Batts stated the alternative the City offered them seemed the best choice. Mr. Batts stated by placing the screening on the property line as ordinance requires it would create a void in the screen. What they don't want to do is get screening in one area and lose it in another area. Mr. Stolz questioned if the Board could shorten the screening perimeter distance. Mr. Eldridge stated they could limit the screening along the west property line to the 132 ft. depth to the parking lot. Mr. Martell stated he didn't like the idea of putting a fence on another property. Mr. Robitaille stated it's a manufacturing facility yet they could still put up an 18 ft. section of screening instead of leaving a gap. Mr. Stolz commented the perimeter screening is to help not detract from the neighborhood setting. Mr. Martell stated it's a manufacturing facility and people can't pretend it's not there. Mr. Stolz agreed, but you can minimize the detracting affect on the neighborhood. Mr. Martell commented he didn't feel it would be that hard to put the fence on their property and maneuver their trucks around. Mr. Batts commented the extra maneuvering room by using the asphalt area on the railroad property gives them the ability for the trucks to turn around. To place the 20 ft. of screening on their property on the corner effectively renders that area mute again. Mr. Stolz questioned if Graphic Packaging would be amenable if the Board could assure them they wouldn't be required to put a screen on the Edwards St. lot if they weren't required to extend it on the 1421 n. Pitcher St. property. Mr. Fowler replied yes as long as it doesn't affect them operationally. Mr. Stolz questioned if they would be willing to put up a short fence on the south west corner and put the rest of the screen on the property across the tracks. Mr. Fowler commented the eight docks run north to south and the trucks have to go up and pull straight back, the trucks couldn't pull up and drive back. Mr. Guenther commented he didn't want to get so concerned with making it appealing they forget they're in a manufacturing district. The Board shouldn't do anything avoidable that would interfere with the efficient operation of the manufacturing plant. Mr. Robitaille commented putting up a small portion of fence was more offensive to him than no fence at all. Attorney Kneas stated the choice would then be to grant the variance. Mr. Martell commented the neighbors have been notified and there have been no objections.

Motion approved for request G) by roll call vote unanimously.

Mr. Eldridge commented there was information in the Board packets regarding the Neighborhood Development Community Meetings being held for the Strategic Plan for the city and encouraged them to attend.

Mr. Stolz moved to adjourn the meeting, supported by Mr. Robitaille.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Submitted By _____ **Date** _____

Reviewed By _____ **Date** _____

Approved By _____ **Date** _____

DRAFT



NOTICE OF PUBLIC HEARING

July 25, 2008

RE: 3030 West Michigan Avenue
CCN#: 06-20-306-129
ZBA# 08-08-17

Dear Property Owner:

An application for a variance from the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by John Clark. The request concerns the property at 3030 West Michigan Avenue, which is situated in use Zone RS-5 (Residential – Single Dwelling District).

The request, if approved, would authorize a dimensional variance from Chapter 2, Section 2.2 A5, to allow this dwelling to be rented to four unrelated adults, where a non-owner occupied dwelling may only be occupied by a family or two unrelated adults 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 item described above.

A public hearing will be held on **Thursday, August 14, 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.

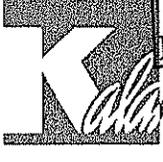
If you should know of any interested person who has not received a copy of this letter, it would be appreciated if you could inform them of the time and place of the hearing. Further information may be obtained from the Community Planning and Development Department, located at the Development Center 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



RECEIVED JUN 27 2008 BY:

John Clark

PAID ✓ 13461643 \$450⁰⁰

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

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 JOHN CLARK Address 716 WATKINS ST. S.E. City, State, Zip GRAND RAPIDS, MI 49507 Phone 231-638-0287 Cell SAME Fax X Email JCLARK@GARICHARDS.COM

Owner: Name JOHN CLARK Address 716 WATKINS ST SE City, State, Zip GRAND RAPIDS, MI, 49507 Phone 231-638-0287 Cell SAME Fax X Email JCLARK@GARICHARDS.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 3030 W MICHIGAN AV

This property is located between WESTMORELAND street and WEAVER street, on the

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

CCN# 06-20-306-129 Zone RS-5 (RESIDENTIAL-SINGLE FAMILY)

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

- ☑ \$450 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)

Signature of Applicant Date 6-24-08

Signature of Owner (if different than applicant) Date

John A. Clark
716 Watkins St. S.E.
Grand Rapids, MI 49507

June 25, 2008

Zoning Board of Appeals
Community Planning & Development Department
445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007

Re: 3030 W. Michigan Request for Use Variance

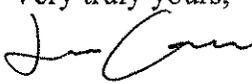
Dear Sir or Madam:

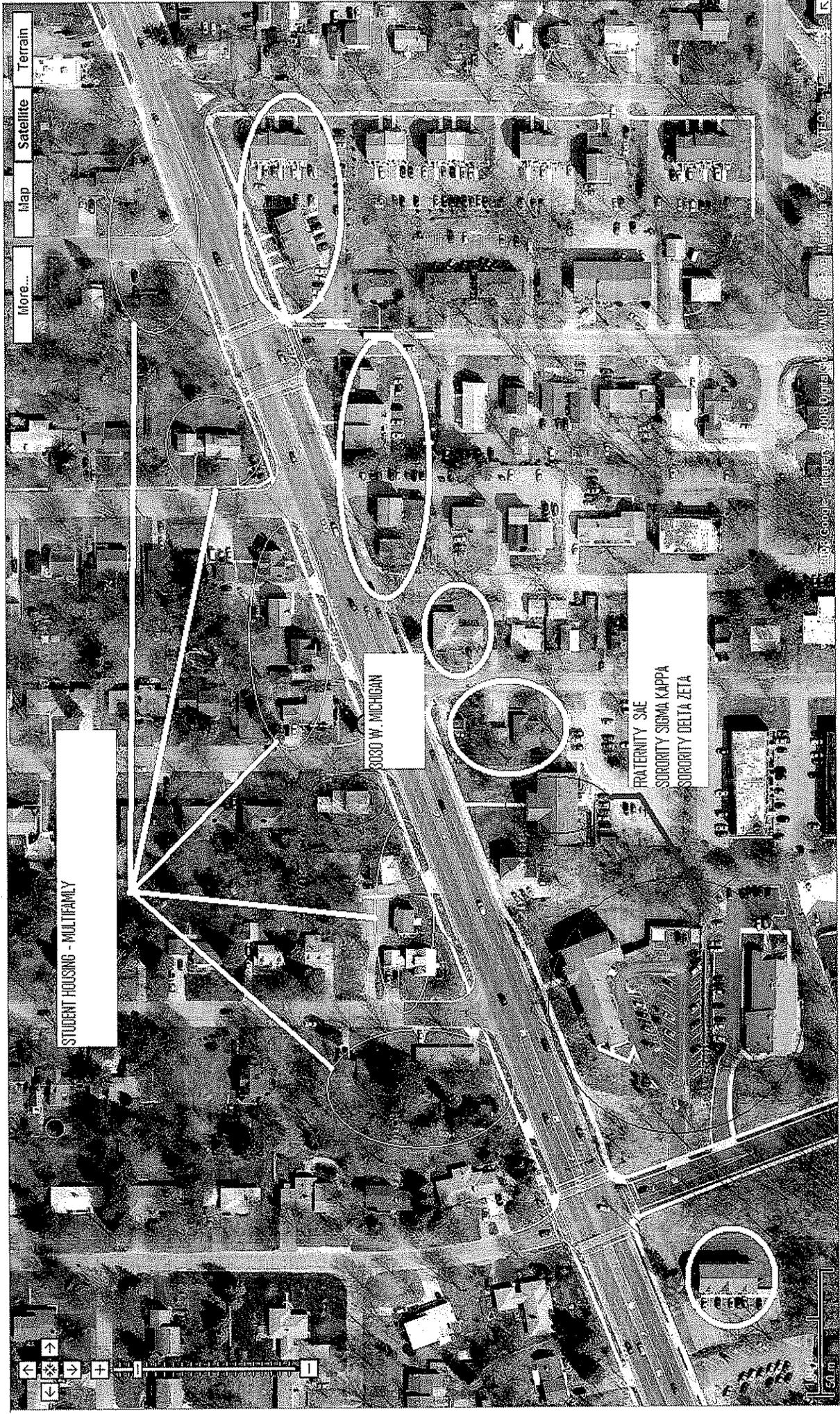
Thank you for the opportunity to submit to the Zoning Board of Appeals my application for a Use Variance. I am requesting a Use Variance to be allowed to rent to 4 unrelated individuals which is currently prohibited by my RS-5 (Residential – Single Dwelling) status.

I purchased the house at 3030 W. Michigan in 2006 intending to live there through my senior year at Western Michigan University and to continue living there after I found employment in Kalamazoo. Before purchasing the house, I lived there with 3 other students. To offset my rent, I served informally as the property manager for the previous owners. The previous owner treated the house as a student rental and I was made to believe the house was licensed as such when I purchased it. The house is surrounded by many other student rentals and by fraternity and sorority houses.

Upon my graduation I was only able to find employment in Grand Rapids and I then decided to sell the house. The property has been listed for sale through Jaqua Realtors for over 12 months, during which time I have reduced the price from \$144,900 (my purchase price) to \$134,900. I have had zero offers on the property and I am unable to reduce the price any further as, after closing costs, real estate commissions, and principal mortgage balance, I would have to produce nearly \$15,000 out of pocket at the time of closing.

My circumstance is not unique and is the result of market forces beyond my control. Home purchasers in 2006 expected to be able to sell their properties quickly and with a modest return. It is within the last 18 months that the housing market has deteriorated in Kalamazoo and my neighborhood in particular. The Zoning Ordinance as applied to my situation will deprive me of all use and enjoyment of my property. In an area populated by students (another reason I am unable to find a purchaser for the home), I am unable to find a “traditional or functional family” to rent the property to. Further, renting a four bedroom house to “2 unrelated individuals” is not feasible as the rent I would have to charge would well exceed area rent prices and make the house unmarketable. If I am only able to rent to 2 unrelated persons I fear that I will join many of my neighbors in the foreclosure process.

Very truly yours,

John A. Clark



More... Map Satellite Terrain

STUDENT HOUSING - MULTIFAMILY

3030 W. MICHIGAN

FRATERNITY SKE
SORORITY SIGMA KAPPA
SORORITY DELTA ZETA



50 m

© 2007 Google, Inc. All Rights Reserved. Map data © 2007 Google, Inc. Imagery © 2007 Google, Inc.

Building Information

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 06-20-306-129

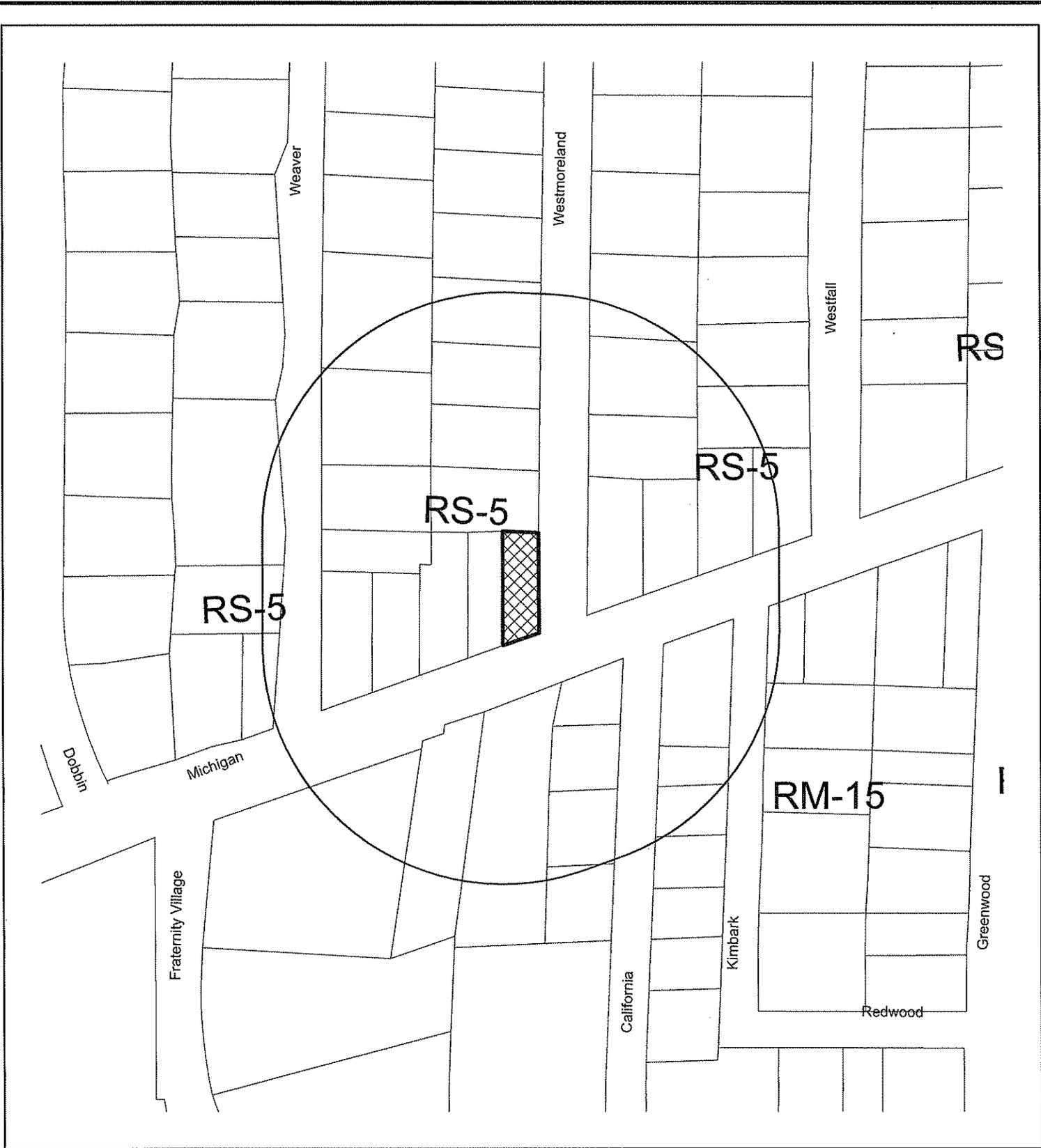
1 building(s) found.				
Description ↑	Floor Area	Yr Built	Est. TCV	
<input type="checkbox"/> Residential Building 1	1799 Sq. Ft.	1928	\$93,739	
General Information				
Floor Area:	1799 Sq. Ft.	Estimated TCV:	\$93,739	
Garage Area:	360 Sq. Ft.	Basement Area	637 Sq. Ft.	
Foundation Size:	1144 Sq. Ft.			
Year Built:	1928	Year Remodeled:	1900	
Occupancy:	Single Family	Class:	C	
		Tri-Level?:	NO	
		Heat:	Forced Heat & Cool	
Percent Complete:	100%	Wood Stove Add-on:	NO	
AC w/Separate Ducts:	NO			
1st Floor Rooms:	3	Water:	N/A	
2nd Floor Rooms:	4	Sewer:	N/A	
Bedrooms:	3			
Style:	1 3/4 - 2 sty			
Area Detail - Basic Building Areas				
Height	Foundation	Exterior	Area	Heated
2 Story	Full Bsmnt.	Siding	637 Sq. Ft.	2 Story
1 Story	Crawl Space	Siding	507 Sq. Ft.	1 Story
Area Detail - Overhangs				
Height	Exterior	Area	Included in Size for Rates	
1 Story	Siding	18 Sq. Ft.	NO	
Basement Finish				
Recreation:	0 Sq. Ft.	Percent Good:	0	
Living Area:	0 Sq. Ft.	Percent Good:	0	
Walk Out Doors:	0	No Concrete Floor Area:	0 Sq. Ft.	
Plumbing Information				
3-Fixture Baths:	2			
Ceramic Tub Alcove:	1			
Built-In Information				
Dishwasher:	1			
Garbage Disposal:	1			
Garage Information				
Garage # 1				
Area:	360 Sq. Ft.	Exterior:	Siding	
Foundation:	42 Inch	Common Wall:	1 Wall	
Year Built:		Finished?:	NO	
Auto Doors:	0	Mech Doors:	1	
Porch Information				
WPP:	40 Sq. Ft.	Foundation:	Standard	



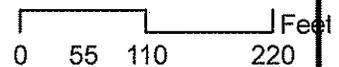
3030 W. Michigan Ave.



Copyright ©2007 Pictometry International Corp.



300' Mailing Boundary
 3030 West Michigan Avenue





NOTICE OF PUBLIC HEARING

July 25, 2008

**RE: 1023 West Maple Street
CCN#: 06-28-210-003
ZBA# 08-08-18**

Dear Property Owner:

An application for a variance from the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Echo Realty, LLC. The request concerns the property at 1023 West Maple Street, which is situated in use Zone RM-15 (Residential – Multi Dwelling District).

The request, if approved, would authorize a dimensional variance from Chapter 7, Section 7.3A, to allow a 32 square foot identification sign for a legal nonconforming office use in the RM-15 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 item described above.

A public hearing will be held on **Thursday, August 14, 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

✓3225

THE CITY OF



Zoning Board of Appeals (ZBA) Application Form

RECEIVED
JUL 23 2008

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 Echo Realty, LLC
Address 1011 W MAPLE, Suite 100
City, State, Zip Kalamazoo, MI 49008
Phone 269-488-2505 Cell 269-492-2700
Fax 269-488-2506 Email POST@ECHOcompanies.com

Owner: Name Echo Asset Holdings, LLC
Address 1011 W Maple, Suite 100
City, State, Zip Kalamazoo, MI 49008
Phone 269-488-2505 Cell _____
Fax 269-488-2506 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 1023 W MAPLE STREET
This property is located between STEARNS street and HUDSON street, on the
 north south east west side of the street.
CCN# _____ Zone _____

Type of Request

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

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

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

Appeal of an Administrative Decision

Description Permit Commercial Sign in RM-15 Zone

Attachments

- \$200 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))

[Signature] 7-23-08
Signature of Applicant Date
[Signature] 7-23-08
Signature of Owner (if different than applicant) Date

PAID
JUL 23 2008

Specifications for Signage
1011 West Maple Street
Kalamazoo, MI 49008



FOUNDATION

The foundation is poured concrete reinforced with 3/8" rebar. Footing to extend down to a minimum of 42" and poured up to the surface.

COLUMNS

18" x 18" Columns not to exceed 72" in Height. Columns are to be constructed of concrete block with a stucco finish on them we may utilize pre-colored landscape blocks for this purpose. Limestone caps will keep moisture out.

ILLUMINATION

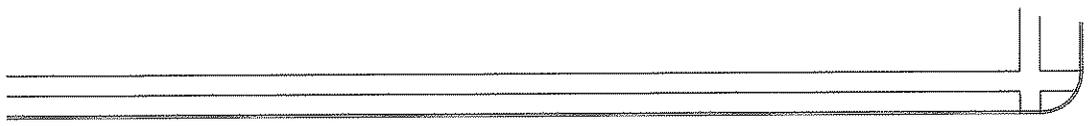
The curved part of the address is to be illuminated from behind and cascading downward to illuminate the individual suites. Illumination is to be minimal as to not disturb surrounding uses. All lighting to be Ground Fault Protected.

SIGN CONSTRUCTION

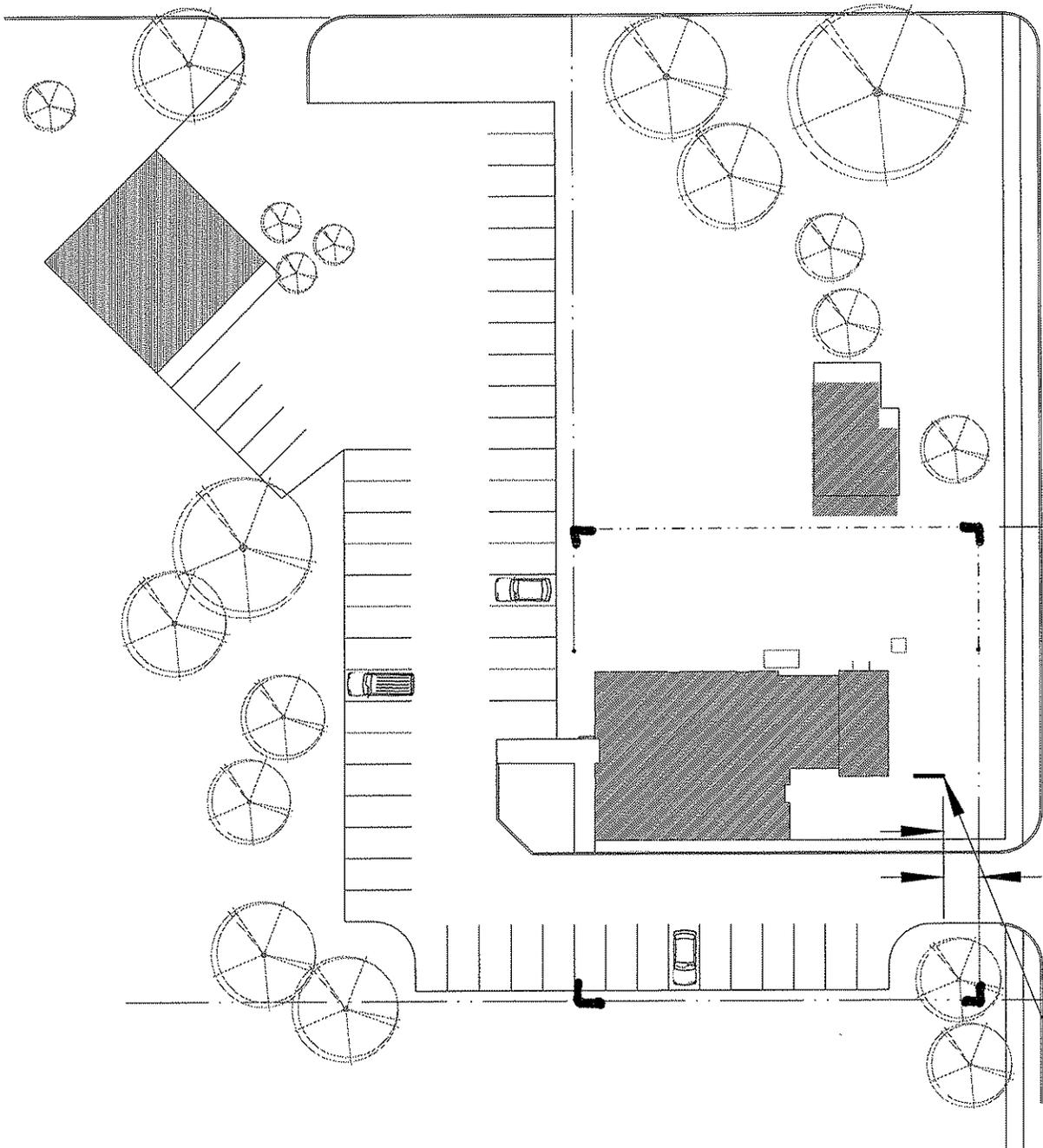
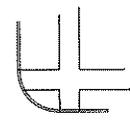
The sign will be 3/8" tempered glass sandwiching a piece of clear anodized metal. Edges are to be sealed to prevent moisture intrusion. Lettering is applied with vinyl. The metal arch containing the address will be constructed from Stainless Steel with the address cut into the metal.

WATER FEATURE

A 10" deep reservoir that will at maximum contain 4" of water as a receptacle will be placed below the sign. A pump will draw water and cascade it over the top of the sign. The effect being a waterfall on both sides of the sign.



STEARNS AVENUE



MAPLE STREET

135' 0"

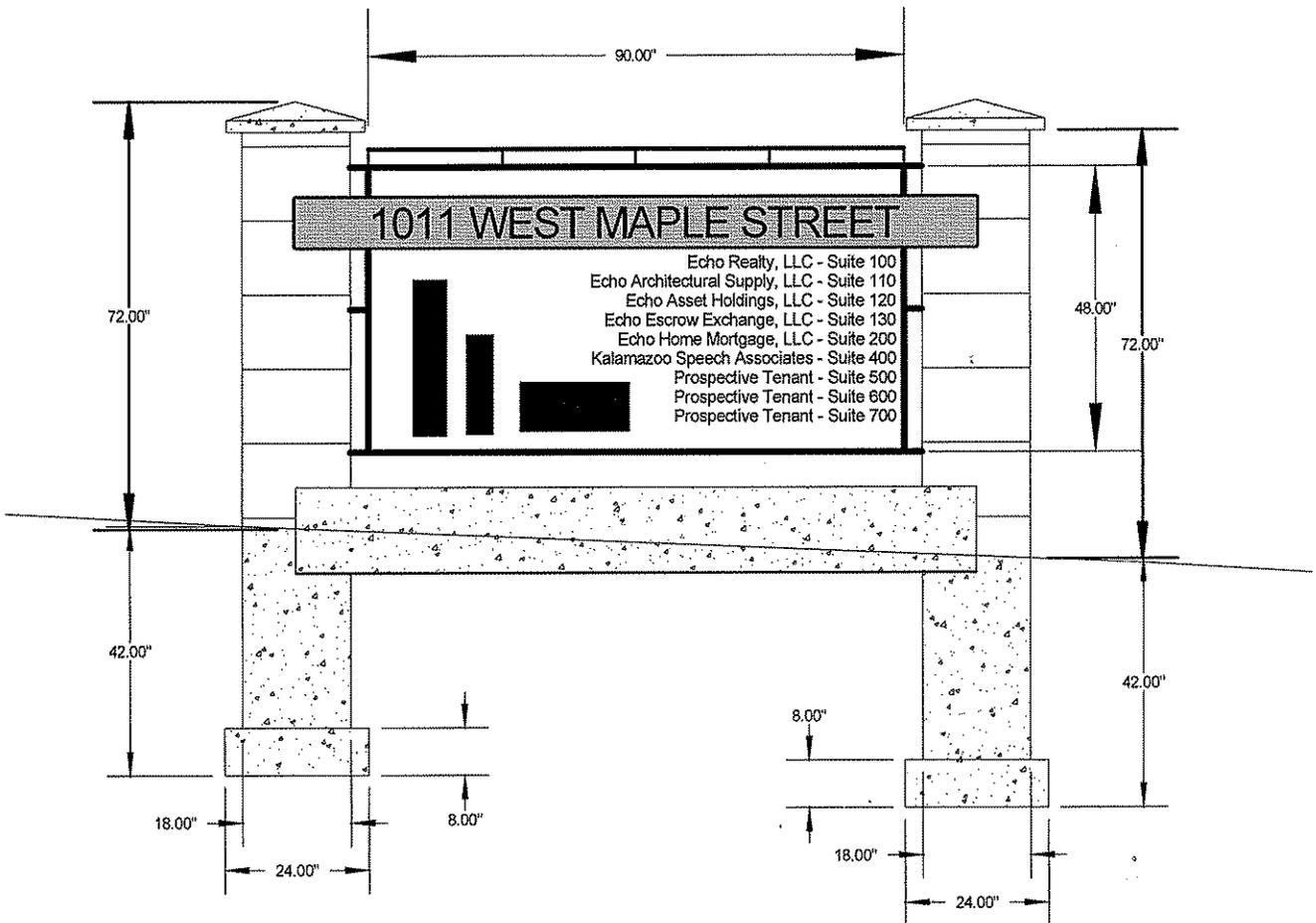
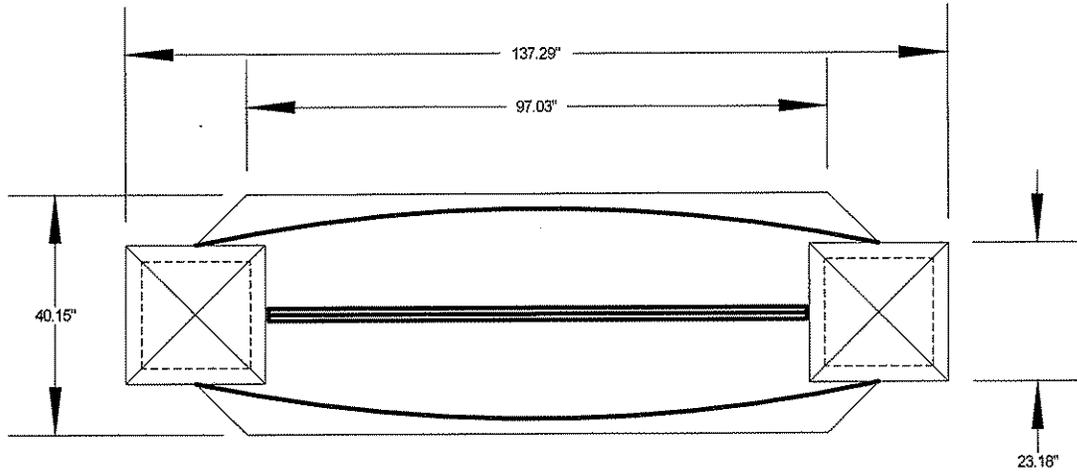
43' 0"

10' 0"

Sign Location

SITE PLAN SKETCH







1023 W. Maple St.



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Community Planning & Development

445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
Ph. 269.337.8026
www.kalamazoo.org

June 4, 2007

Douglas B. Post
Echo Realty, LLC
P.O. Box 20552
Kalamazoo, MI 49019

**Re: Zoning Compliance Letter for 1023 West Maple Street
CCN #06-28-210-003**

Dear Mr. Post,

This correspondence is in regard to 1023 West Maples Street, which is located in use Zone RM-15, Residential –Multi Dwelling District. This property is improved with a 3311 square foot commercial building, which was constructed in 1974. The commercial office use on the property is a legal nonconforming use, per Chapter 4, Section 4.1 of the City of Kalamazoo Zoning Ordinance. However, records on file indicate this property has been continuously used as commercial office. Therefore, the use remains ‘Grandfathered’ and the building can continue to be utilized as a commercial office.

Research indicates that the Zoning Ordinance in effect in 1974 (at the time of construction) did identify the following as permitted uses for this property, *“Professional offices, including the use of the premises by a doctor, dentist, layer architect, engineer broker (real estate and insurance) and similar professions.”*

Please be advised that this legal nonconforming status may legally continue until such time when the present use of this structure is abandoned per Chapter 9, Section 9.2 G, of the City of Kalamazoo Zoning Ordinance. At such time, this legal nonconforming status will become nullified and the property must revert to a permitted use within the RM-15 District.

In regard to the required building setbacks, it appears the building does comply with the required front building setback of twenty feet and the east and west side yard setbacks of six feet. The building does not meet the rear building setback of twenty feet.

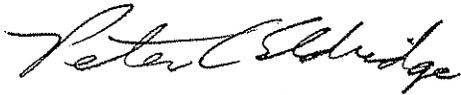
In regard to the off-street parking required for an office building, one off-street parking space is required for each 330 square feet of gross floor area. There are ten parking spaces on the property, which means the off-street parking is conforming.

You have also requested clarification on the signage allowed for the building. The RM-15 District does not specify any sign allowance for this nonconforming use. Therefore, a variance

from the Zoning Board of Appeals would be necessary to approve signs for your proposed real estate office at this address.

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

Sincerely,

A handwritten signature in cursive script that reads "Peter C. Eldridge". The signature is written in black ink and is positioned above the typed name.

Peter C. Eldridge, AICP
Project Coordinator

c: Property File

RS-5

Hillcrest

RM-15

S-5

Stearns

Maple

RS-5

RM-15

RM-

Cherry

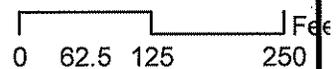
Hudson

Peeler

THE CITY OF



300' Mailing Boundary
1023 West Maple Street





BOARD AND COMMISSION APPLICATION

RECEIVED

MAY 21 2008

1. On which Board or Commission would you like to serve?

Zoning Board of appeal, Community ^{Kalamazoo City Clerk}

2. Name: Doris Jackson (First) (Middle) (Last)

3. Home Address: 1319 Bridge St. Kalamazoo MI 49048 (Street Address) (City) (Zip) (Code)

4. City Resident: Yes X No 5. Neighborhood: Castside

6. Home Phone: 3441445 7. E-mail Address:

8. Occupation: Medical Records 9. Employer: Borgess Womens Health 1535 Gull Road Kalamazoo MI 49048 MI (Employer's Street Address) (City) (State) (Zip Code)

10. Business Phone No: 11. Home/Business Fax:

12. How would you prefer to receive communications from the city (fax, e-mail, home/business phone, etc.)? Home phone

13. Please indicate any information (experience, education, community activities, organizations, etc) which you think should be considered for your appointment to a Board or Commission. Use additional paper and include a resume if you wish. CNAAC Rep. from Castside, K.N. HS Board, Neighborhood Watch, Castside Neighborhood Assn, Received grants for Kalamazoo Comm. Foundation

14. Are there any reasons you may have a conflict of interest if you were appointed to a Board or Commission listed above? Yes No X If yes, please explain.

15. References (Non-Family)

Name: Patricia Kaylor Director Castside Phone: 3810700 Address: 1301 E Indian St.

Name: David Thomas Phone: 3378044 Address: Community Development Cntr, 445 W. Michigan

16. Doris Jackson 5-17-08 (Signature of Applicant) (Date)

OPTIONAL INFORMATION

The following Affirmative Action and Equal Opportunity information is requested to help determine whether application information for City Boards and Commissions is reaching all segments of the community. Provision of the following information is optional, and you will not be penalized if you do not complete this section. Please check as appropriate.

GENDER	RACE OR ETHNIC BACKGROUND	AGE
<input checked="" type="checkbox"/> Female	<input checked="" type="checkbox"/> Black or African-American	<input type="checkbox"/> 16-21 years
<input type="checkbox"/> Male	<input type="checkbox"/> American Indian or Alaskan Native	<input type="checkbox"/> 22-34 years
	<input type="checkbox"/> Asian	<input type="checkbox"/> 35-44 years
	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> 45-54 years
DISABLED	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> 54-64 years
<input type="checkbox"/> Yes	<input type="checkbox"/> White	<input type="checkbox"/> 64+ years
<input checked="" type="checkbox"/> No		

Please return your application to:

City Clerk's Office
241 W. South Street
Kalamazoo, MI 49007

Fax: (269) 337-8494

How did you learn about the Board and Commission position? Term expired on CDAAC

Are you currently serving as an appointee to any other City of Kalamazoo Board/Commission?

Yes No If yes, which Board/Commission?

Thank you for your interest in serving the City of Kalamazoo.

For further information, call the Clerk's Office at (269) 337-8791. E-mail : borlings@kalamazoo-city.org

For office use only:

Date Received in Clerk's Office: <u>5/21/08</u>
Date Distributed: <u>5/23/08</u>
Distributed to: <u>A. Roberts, S. Jenke, D. Arthey & P. Eldridge</u>
Disposition: _____