

Agenda
City of Kalamazoo - Zoning Board of Appeals
December 11, 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 November 13, 2008
- C. Communications and Announcements
- D. Public Hearings:
 - 1. ZBA #08-12-25: 3301 Lincolnshire Boulevard. Shawn Williamson on behalf of Lincolnshire Townhouses Cooperative LLC is requesting a dimensional variance from Chapter 5, Section 5.1, to allow a 1,268 square foot maintenance building expansion, which will be located five (5) feet from the east rear property line. Where the RM-15 District requires a building setback of twenty (20) feet from the rear property line.
 - 2. ZBA #08-12-26: 1228 Reed Avenue. Ryan Storey is requesting 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 per lot in the RS-5 District.
- E. Other Business
- F. Adjournment

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
November 13, 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 7:00 p.m.

MINUTES

Mr. Guenther, supported by Mr. Stolz moved to approve the minutes of October 9, 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 3700 West Michigan Avenue, CCN# 06-19-423-002:

ZBA# 08-11-24: 3700 West Michigan Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by New Friends Dementia Community LLC, the property owner. The request concerns the property at 3700 W. Michigan Avenue, which is situated in Zone CN-1, (Commercial – Neighborhood District). The request, if approved, would authorize a use variance from Chapter 4, Section 4.1, to allow for an Adult Foster Care Facility for up to sixty (60) residents on this property, where in the CN-1 District only an Adult Foster Care Large Group Home of up to twenty (20) residents is a permitted use.

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

Damian Farrell, architect for the project, stated he was representing the managing partner of the New Friends Dementia Community, LLC. Mr. Farrell stated the existing property has three buildings on it which were previously used as a nursing home. Their intent is to use the three buildings as they exist and license each one as an Adult Foster Care unit to meet the States requirements. Mr. Farrell stated they would license twenty occupants at a time per building, as a campus with one building having a commissary to serve all three. The only change would be repaving the parking lot and painting.

Rex Brueggeman, 806 Allendale, President of Arcadia Neighborhood Association. Mr. Brueggeman stated he was speaking in favor of the variance. The use in terms of character and intensity is appropriate for the property and the neighborhood; the buildings will be left as is.

Gretchen Underwood, 1219 Boswell, commented her back yard is ten feet from their back building. Ms. Underwood stated she was speaking in favor of the request. She's a nurse at Borgess Hospital and patient placement in a facility like this is a lengthy wait. Mr. Farrell stated there would be landscaping between her house and the property. Ms. Underwood stated the facility would be a huge benefit to the neighborhood and community.

Mr. Eldridge commented Mr. Guenther had visited his office earlier in the week with concerns on how the previous facility, Wood Hills Assisted Living was licensed by the State. Mr. Eldridge commented he spoke with a state representative, Ms. Gamber, who stated it was licensed the same as what's being proposed, adult foster care for three twenty-bed licenses. Mr. Guenther questioned the severity of the patients that stayed there. Mr. Eldridge stated it's an adult foster care not a nursing home, when patients come to a point of needing 24 hour nursing care they would have to be relocated to a nursing home facility.

Chair Artley closed the public hearing.

FINDING OF FACT

Mr. Stolz moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3700 West Michigan Avenue shall include all information included in the notice of public hearing dated October 29, 2008.
- 2.) Two hundred sixty-seven notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.

- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, and a survey.
- 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. Damian Farrell, project architect, spoke in favor of the request. Mr. Farrell stated the three existing buildings have historically been used as nursing homes. The intent of the applicant is to license the buildings for 20 occupants; therefore there will be no real change in the use of the property. Rex Brueggeman, President of Arcadia Neighborhood Association, spoke in favor of the request. He stated his understanding was the property was going to be used as it was in the past. He stated the use was appropriate for the property and the neighborhood. Gretchen Underwood, an adjoining land owner spoke in favor of the request. Ms. Underwood stated this use would be beneficial for the community based on her occupation as a nurse. She stated the applicant has been proactive in accommodating the adjacent land owners. Ms. Underwood stated the proposed use would benefit the neighborhood and community. Mr. Eldridge stated in response to some questions posed by Mr. Guenther earlier that the former user Wood Hills Assisted Living was licensed in the same way as the applicant is proposing for this property. Mr. Eldridge also stated the proposed use is an adult foster care facility not a 24-hour care nursing home.

Mr. Guenther supported the Finding of Fact.

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

Mr. Stolz stated the use of the property was consistent with the prior use and the granting of the variance won't affect adjacent land in a material way. The granting of the variance is consistent with the purpose and intent of the ordinance. Mr. Stolz stated he would be voting in favor. Mr. Guenther agreed with Mr. Stolz's rationale.

Mr. Freed questioned if the existing facility had a variance or if the former ordinance allowed them to operate there. Mr. Eldridge replied the former ordinance allowed for assisted living facilities and group homes, but didn't state any numerical limits. Mr. Eldridge stated under the CN-1 zoning district, the former Zone 5, in the use table in Chapter 4 an assisted living facility was not a permitted use and neither was a nursing or convalescence home. An adult foster care for medium to large group home is identified as a permitted use stating seven to 20 residents. Staff's interpretation would be that's the limit for the parcel up to 20 residents. In this case on this parcel they will have 60 residents. Mr. Freed questioned who determined this couldn't be allowed as a special use or that the property couldn't be broken into three legal descriptions to allow the buildings to not require the variance. Mr. Eldridge replied, with the central parking lot it would have been logistically difficult with the layout and location of the buildings. From the planning standpoint, once the properties were on the market there was interest regarding

student rentals. It became clear quickly you'd have to do a demolition and remodel of the site, the buildings are not laid out for apartments, the parking lots small, as the residents of the adult foster care don't have cars. Mr. Freed wanted to find a way too for the use to occur without granting it a variance, the owner should explore other options and a variance should be the last resort.

Attorney Kneas stated the property would not meet the frontage requirements if it was split into three lots. Each lot would require minimum frontage on the road, and with the layout of the buildings, the parking lot and access point, it is not practical. Attorney Kneas commented you couldn't have a land locked parcel either.

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

Chair Artley commented he had concerns regarding the closeness of the buildings in relationship to fire hazards. Mr. Eldridge replied the State Building Inspector will have to return during the licensing process and it would be addressed at that time.

Yes: Stolz, Artley, Guenther, Hughes-Nilsson

No: Freed

Motion approved by roll call vote.

Chair Artley welcomed Ms. Doris Jackson to the Zoning Board as an alternate. Mr. Stolz said goodbye and thanks, stating he would be moving to Portage prior to the December meeting.

Mr. Guenther moved to adjourn the meeting and was supported by Mr. Freed.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Submitted By _____ **Date** _____

Reviewed By _____ **Date** _____

Approved By _____ **Date** _____



NOTICE OF PUBLIC HEARING

November 26, 2008

RE: 3301 Lincolnshire Boulevard
CCN#: 06-35-230-001
ZBA# 08-12-25

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 Shawn Williamson on behalf of the property owner Lincolnshire Townhouses Cooperative, LLC. The request concerns the property at 3301 Lincolnshire Boulevard, which is situated in Zone RM-15, (Residential – Multi Dwelling District).

The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.1, to allow a 1,268 square foot maintenance building expansion, which will be located five (5) feet from the east rear property line. Where the RM-15 District requires a building setback of twenty (20) feet from the rear 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 item described above.

A public hearing will be held on **Thursday, December 11, 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 black ink that reads 'Peter C. Eldridge'.

Peter C. Eldridge, AICP
Project Coordinator

c: File



RECEIVED

NOV 13 2008

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 Shawn Williamson
Address 10399 Tomkinson Dr.
City, State, Zip Scotts, MI 49088
Phone 269 475-5036 Cell 269 998-2910
Fax 269 475-5036 Email s.williamsonbuild@comcast.net

Owner: Name Fred Gould (Operations Manager)
Address 3437 Lincolnshire Blvd
City, State, Zip Kalamazoo MI 49001
Phone 269 345-6335 Cell 260 403-7400
Fax 269 345-4250 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 3437 Lincolnshire Blvd

This property is located between Ronkel street and Lincolnshire 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.)

[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 Allow 5' setback from East property line

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 of Applicant Shawn Williamson Date 11/13/08

Signature of Owner (if different than applicant) See attached letter signed (out of town) Date

PAID 14467 NOV 13 2008 \$200

Lincolnshire Townhouses Cooperative, Inc.

**3437 Lincolnshire Boulevard
Kalamazoo, MI 49001**

**Phone (269) 345-6335
Fax (269) 345-4250**

November 11, 2008

**City of Kalamazoo
Community Planning and Development Department
241 W. South St.
Kalamazoo, MI 49007**

Dear Zoning Board of Appeals:

I, Mr. Fred Gould, acting as authorized agent for Lincolnshire Townhouses, approve the variance required to complete building construction at property address number 3437 Lincolnshire Blvd., Kalamazoo, MI 49001.

If you need any additional information, please do not hesitate to call me at the phone number listed above.

Sincerely,

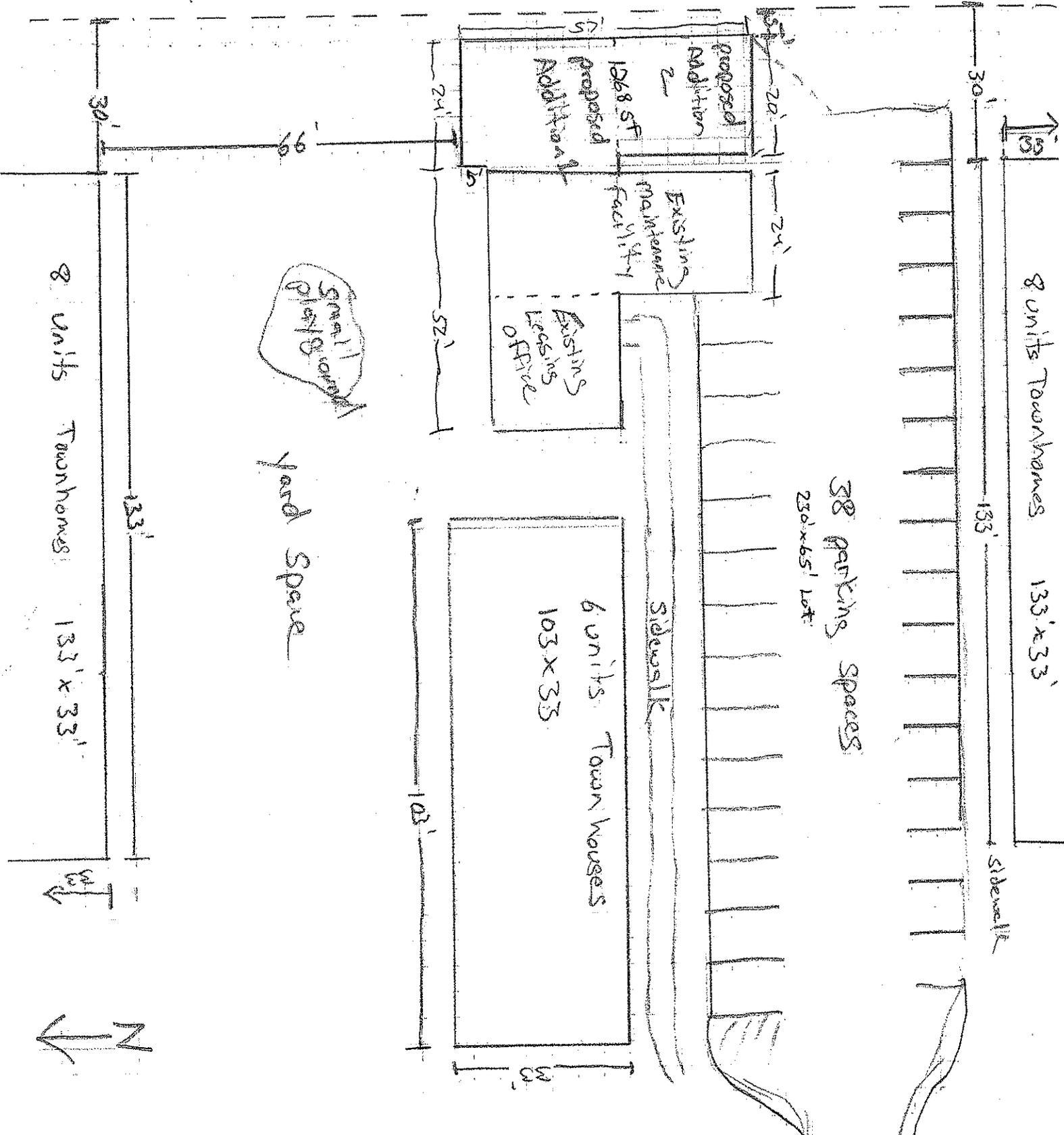


**Fred Gould, Operations Manager
PGPM, Inc.
Agents for Lincolnshire Townhouses, Inc.**

Cc: Garage addition file

Single Family Dwellings

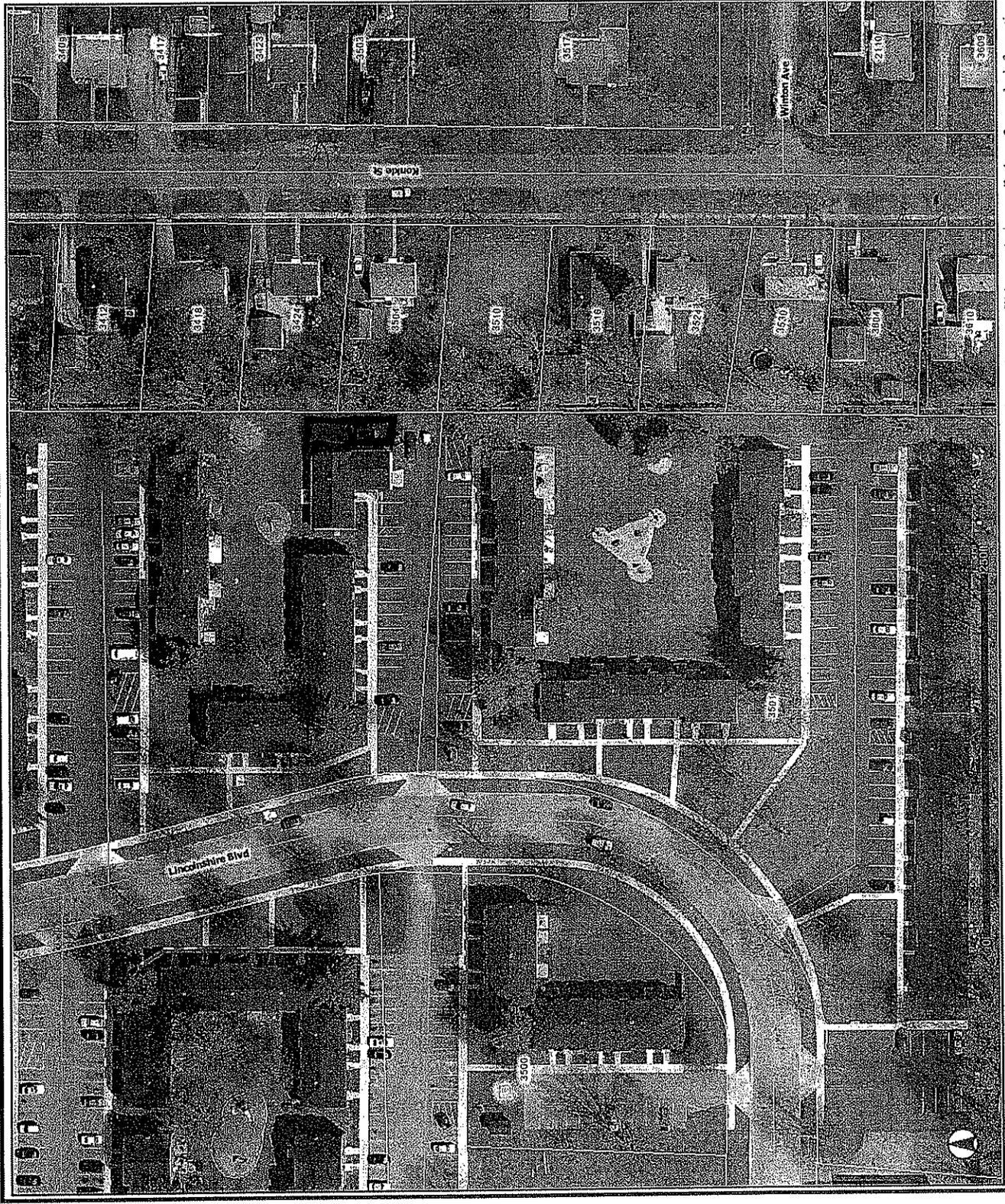
1" = 5'
1" = 25'



Lincoln Shire Townhomes

Lincoln Shire Blvd

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, Landuse, Zoning, Landuse, Bus Stops, Bus Routes; 2007; October, Centerlines; June, Voting Precincts; Apr., School Prop.;

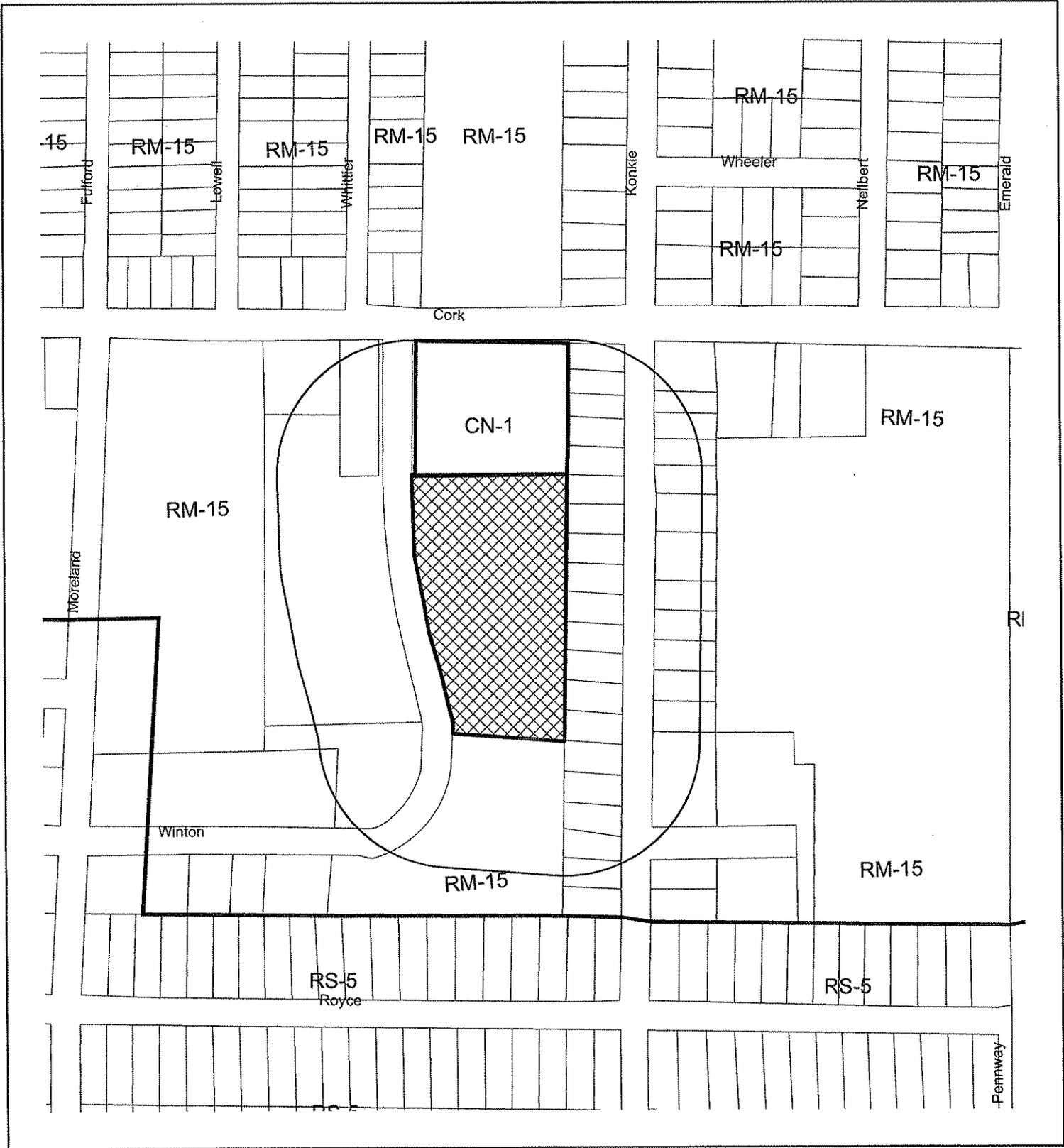
1228 Reed Avenue
December 1, 2008



View of Existing Maintenance Facility and Shed from the South



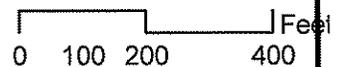
View of Existing Maintenance Facility and Shed from the North



THE CITY OF



300' Mailing Boundary
 3301 Lincolnshire Boulevard





NOTICE OF PUBLIC HEARING

November 26, 2008

RE: 1228 Reed Street
CCN#: 06-26-126-656
ZBA# 08-12-26

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 Ryan Storey, the property owner. The request concerns the property at 1228 Reed Street, which is situated in 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 per lot 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, December 11, 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

Nov. 25. 2008 3:56PM City Development Center

No. 4628 P. 3

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 Ryan Storey
Address 724 Rutledge
City, State, Zip G.R. MI 49525
Phone (616) 447-8153 Cell (616) 293-5347
Fax (616) 447-8153 Email ryank11@sbcglobal.net

Owner: Name Ryan Storey
Address 724 Rutledge
City, State, Zip G.R. MI 49525
Phone (616) 447-8153 Cell (616) 293-5347
Fax (616) 447-8153 Email ryank11@sbcglobal.net

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

Property Information

Street or Street Address 1228 Reed Avenue

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

north south east west side of the street.

CCN# 06-26-126-656 Zone RS-5, Residential-Single Dwelling District

Variance 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 Appeal to have property zoned for a duplex

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 Ryan Storey Date 11-26-08
Signature of Owner (if different than applicant) Ryan Storey Date 11-26-08

My name is Ryan Storey. I am writing this letter about my property at 1228 Reed St. In January of 2006 I purchased the Reed St. property. I refinanced my home at a high interest rate to get "\$27,000." purchase price & roughly "\$5000." in closing costs. This was a bad move on my part, but I was looking for an investment property & I overlooked a lot of things due to me being inexperienced. The property was listed & sold to me as a duplex. It was a foreclosed property with one bedroom for each unit. I got started on finishing what the previous owner had left behind. The property now has separate furnaces, appliances, electric & gas meters & has been totally remodeled. The work for the property took me 1 1/2 years to complete everything because of all the work I overlooked & trying to get the money together for everything that was needed. After everything was completed I had invested around "\$60,000." into the property. I was quite frustrated with it by now & looked to sell it just to break even. The market being tough the way it is my best offer was "\$29,000." At this point I started

trying to rent it out. After 3 months I finally got two reliable hard working tenants in each unit. The tenants are still renting at the present time and are aware of what is going on. They understand that I am doing everything in my power to keep them there. My hope is that we can get the property registered as a Duplex & keep my tenants. For the two years that I worked on this property & when I purchased it I was never informed of the ordinance or the zoning that says it can only be a single family. I never knew something like this even existed. The property operates well as a duplex & I haven't had any problems with it since I have started renting. I do have delinquent taxes on the property which I do plan to pay but I count on my rent income to pay them & I need to keep both tenants to help pay my mortgage. I am also concerned for tenants sake because they do not want to move & are settled into their home now for 5-6 months. I am willing to do what ever it takes to appeal this ordinance & keep this.

property as a duplex. I need to get it certified & pay the taxes. The appeal is also costing me money & if this doesn't work out it will be devastating. I don't have money to turn it to a single family. I am running out of options. I hope you will consider keeping the property as is. It seems unfair to me that it was sold that way & I was never informed. Please consider all this & know that I will hereby comply with everything I learned about. Thank you.

Ryan Storey

1228 Reed Avenue

Aerial Photo - May 2007



- 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; Nov., Mowing Properties; Sept., Ownership Info; Jan., Parcels, Zoning, Landuse, Bus Stops, Bus Routes; 2007: October, Centerlines; June, Voting

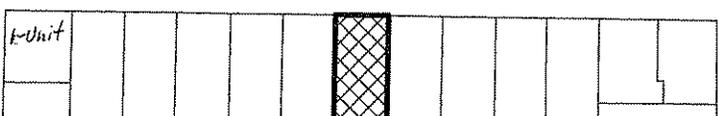
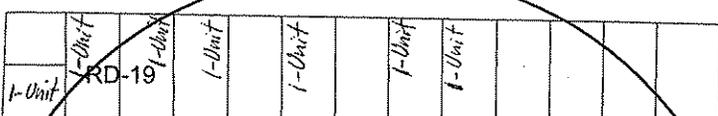
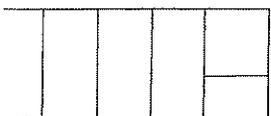
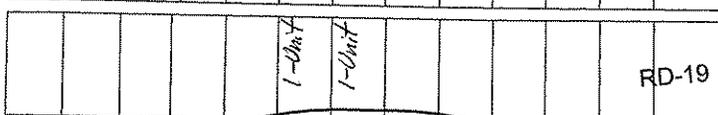
1228 Reed Avenue
December 1, 2008



1228 Reed Avenue
December 1, 2008



Clinton



Hays Park

RD-19

RD-19

Reed

James

5

Lay
Lay

5

Lane

RD-19

RD-19

RD-19

RD-19

RS-5

RS-5

RS-5

RS-5

RS-5

Lane

March

THE CITY OF



300' Mailing Boundary (Other Rentals Shown)
1228 Reed Avenue

