Agenda
City of Kalamazoo - Zoning Board of Appeals
February 12, 2009

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 December 11, 2008

C. Communications and Announcements

D. Public Hearings:

1. ZBA #09-02-01: 2460 and 2500 Sprinkle Road. Ed's Basic Car Rental LLC, is requesting a variance to authorize a 6,660 square foot expansion of the parking lot with a gravel surface, where per the Zoning Ordinance all uses other than industrial are required to have either a concrete or asphaltic all-weather material parking surface.

2. ZBA #09-02-02: 2841 Bronson Boulevard. W. Pennings & Sons, Inc., on behalf of the Mark and Karen Krinock, is requesting a dimensional variance from Chapter 5, Section 5.1, to allow the proposed garage addition within six (6) feet of the side (north) property line, where an eight (8) foot building setback is required by the Zoning Ordinance.

E. Other Business:

1. Discussion and recommendation for appointment of Richard Schau for the vacant Alternate #2 Seat on the Zoning Board of Appeals.

2. 2008 – Zoning Board of Appeals Annual Report

F. Adjournment

MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
December 11, 2008 - 7:00 p.m.
CITY COMMISSION CHAMBERS

Members Present: David Artley, Karl Guenther, Rachel Hughes-Nilsson, Albert Robitaille, Charles Martell (alternate), Doris Jackson (alternate)

Members Absent: Karl Freed

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 Ms. Hughes-Nilsson moved to approve the minutes of November 13, 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 3301 Lincolnshire Boulevard, CCN# 06-35-230-001:

ZBA# 08-12-25: 3301 Lincolnshire Boulevard: An application for a variance to 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 feet from the east rear property line. Where the RM-15 District requires a building setback of twenty feet from the rear property line.

DRAFT

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 notices of public hearing sent and zero responses were received.

Shawn Williamson, 10399 Tomkinson Rd., Scotts, was present on behalf of Lincolnshire Townhouses LLC. He stated they were requesting a variance for the setback dimension on a proposed addition to the existing maintenance garage. The required setback of 20 ft. applies to occupied dwellings and would not be required if there was not a leasing office in the existing building with the maintenance facility. The requested variance of five foot would comply with ordinances if the garage were a stand alone structure and would reduce traffic near the property line. The proposed addition would not increase the existing traffic; the addition is needed to allow Lincolnshire's maintenance crew to operate more efficiently and effectively. There is natural vegetation that screens the property line.

Karl Guenther questioned the existence of the brick shed. Mr. Williamson stated it would be demolished. Ms. Hughes-Nilsson questioned what would be stored in the new shed. Mr. Williams replied items for the maintenance facility, tools, appliances, cabinetry and items required for maintenance. Ms. Hughes-Nilsson questioned if lawn mowers and snow blowers would be stored inside. Mr. Williamson replied no.

Jeff Cretsinger, 715 Rockford St., Portage, maintenance supervisor for Lincolnshire Townhouses stated the garage would have hand tools, power tools, refrigerators, appliances, bath tubs, toilets, any type of main fixture for the homes.

Ms. Hughes-Nilsson questioned if the building was just for storage or if they would be working on the appliances in the structure. Mr. Cretsinger stated it was mainly for storage.

Mr. Eldridge questioned if there were windows or doors on the side of the building five feet from the property line. Mr. Cretsinger replied no.

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

FINDING OF FACT

Mr. Martell moved the Finding of Fact as follows:

1.) The Finding of Fact for 3301 Lincolnshire Boulevard shall include all information included in the notice of public hearing dated November 26, 2008.

2.) Forty 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, including a 300 ft mailing boundary and an aerial photograph.

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: Shawn Williamson spoke on behalf of Lincolnshire Townhouses, LLC., stating he's 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 feet from the east rear property line. This zoning district requires a building setback of twenty feet from the rear property line. Mr. Williamson indicated he didn't believe there would be any increase in traffic and this would help with the maintenance of the buildings, indicating there's a natural barrier there. The existing brick structure there is to be demolished and if granted this variance would allow for a new garage to store tools, power tools, appliances, maintenance fixtures and other items. Jeff Cretsinger the maintenance supervisor spoke in favor and indicated there would be no doors or windows on the side nearest the adjoining property.

Mr. Robitaille supported the Finding of Fact.

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

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

Mr. Robitaille stated the facts speak for themselves, the building is tucked way in the back and will not be a visual or traffic impedance and would support the function of the property managers. Ms. Hughes-Nilsson stated she understood the need for the shed, but there are several guidelines needed to be met prior to issuing a variance. The first stipulation that there are special circumstances or conditions on the site that are peculiar to that site; she doesn't see how that is being met. The special circumstances are the result of the applicant and it may not affect the adjacent land in a material way, because there's a natural buffer. By not meeting these conditions she doesn't see how the Board could grant the variance, stating she would be voting no.

Mr. Guenther stated he visited the site stating there is plenty of room to expand the building to within five feet of the property line without imposing on the neighboring property. The granting of the variance would be in the spirit of the ordinance. It wouldn't be a problem for the neighbors or the City and would be a benefit to the applicant. He stated he would be voting in favor of it.

Ms. Jackson questioned if the City would have any recourse if they would use the building for something other than for storage, such as repair work after it is up. Mr. Eldridge replied the record shows the intended uses, there could be a condition placed on the motion to approve that limits the use. There have been miscellaneous comments made about some repair work

that would be done inside of this building. Mr. Eldridge stated the Board should probably clarify it for the motion.

Ms. Jackson commented five years down the road they could be repairing items within the building and she hopes, if approved, that it would only be used for the intended purpose stated in the original request.

Ms. Jackson made a motion to amend the motion, supported by Mr. Robitaille. Mr. Robitaille commented if limited to the stated purpose of maintenance, storage and light repair he would vote in favor of the request.

The amended motion was approved by voice vote to include the stipulation that the building be used only for the purposes as specified in the request and stated at the meeting.

Yes: Robitaille, Martell, Guenther, Jackson
No: Hughes-Nilsson, Artley

Motion approved by roll call vote.

Mr. Guenther read the application for 1228 Reed Street, CCN# 06-26-126-656:

ZBA# 08-12-26: 1228 Reed Street: 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 items described above. There were eighty-six notices of public hearing sent and zero responses were received. Informally the Board received commentary from Mr. Karl Freed in regards to this application. This letter is not from a resident within 300 feet of the subject property.

Ryan Storey, 724 Rutledge, Grand Rapids, was the applicant for the variance, stating he purchased the property in late 2005. Mr. Storey commented he refinanced his home to purchase this home as an income property or to sell. The market as it is would be a loosing issue. He tried to rent it out, it was a foreclosure listed as a duplex, and he only did cosmetic work to it. The house already had separate utilities and the downstairs unit was finished. The electrical was already separated which lead him to believe it was a duplex. Mr. Storey stated this was his first property purchase and selling it would be a huge loss and not an option for him. He currently has two tenants and was unaware there was a problem. He purchased the property for $27,000 and worked on the house for two years prior to renting it out since July. Mr. Storey then received a letter notifying him it wasn't city certified, it needed a rental registration and inspection done, and his paperwork was denied, due to the zoning. Mr. Storey stated he purchased the property from the bank as a duplex stating there are delinquent taxes

due. If zoned as a duplex he can make an income and pay the taxes, recouping some of his finances. He wants to keep his tenants there.

Chair Artley stated this is a use variance the Board is being asked to consider, not a change in zoning. Mr. Storey questioned the meaning of a variance. Chair Artley explained the zoning will not change, he would be allowed to do what he wants to do with the property, having a second dwelling. Mr. Storey stated he felt used by the local bank and the listing was a duplex and prior to three weeks ago he was unaware there was a problem. Chair Artley questioned if the bank notified him that it was registered and he could use it as a duplex. Mr. Storey stated the listing stated it was a duplex, he didn't recall actually reading it.

Mr. Robitaille questioned if he knew the property was previously used as a duplex. Mr. Storey stated the previous owners removed the interior stairway and placed the stairwell on the outside. Mr. Storey stated there were separate furnaces, stairs, appliances, the only thing he did was install new meters.

Mr. Robitaille questioned if the property was certified as s duplex. Mr. Eldridge replied it was used as a duplex the property owner failed to re-certify it, and then submitted a letter dated Feb. 28, 2005 stating it was owner occupied, if they decided to rent it they would call the office and get it inspected. Mr. Eldridge stated it was taken off the rental registration records and indicated it was owner occupied. Mr. Storey purchased it Dec. 20, 2005. From February to December it was owner occupied. Mr. Robitaille commented the owner probably wasn't aware he was disqualifying the property as a duplex by announcing it was owner occupied for awhile. Mr. Eldridge agreed.

Attorney Kneas questioned if it would have been a permitted use before the zoning change as a duplex. Mr. Eldridge replied no, it's zoned part of the single zoning district, one dwelling per lot or parcel. He stated directly across the street on Reed St. it's in the duplex zoning district. Attorney Kneas questioned if it had a variance prior or if it was certified as a duplex without it being permitted as a duplex. Mr. Eldridge clarified it was grandfathered in as a duplex.

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 1228 Reed Street shall include all information included in the notice of public hearing dated November 26, 2008.

2.) Eighty-six notices of public hearing were sent and zero responses were received.

3.) A public hearing was held before the board and public comments were accepted.

4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, and photographs of the existing structure.

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. Ryan Storey owner purchased the property in 2005 to fix it up to either rent or sell. Selling is not an option in the current market, he purchased the property as a foreclosure as a duplex. He stated it only needed cosmetic fixtures at that point; all the utilities and entrances were already separated. The downstairs apartment had already been completed. Mr. Storey is currently renting out to two tenants and recently found out of the violations for the duplex when he tried to file the rental registration with the city. He was told at the purchase that it was city certified but did not verify this, he's been renting the property since July 2008; he tried to file the rental registration with the city, it was denied due to the zoning issues. Mr. Storey stated he had plans if he can continue to rent to both tenants to pay back taxes and would like the building variance for the duplex to get back his investment and pay the back taxes. Mr. Robitaille asked if the property was ever used as a duplex, yes, all the utilities and entrances are separate. The owner only separated the meters in order to turn on the utilities after he purchased the property. Mr. Robitaille also asked if there was any certification by the city. Mr. Eldridge stated yes, previous property owner submitted a letter in 2005 stating that it was going to be owner occupied and he would contact the city if he planned to rent it out as a duplex in the future. The city then in receipt of that letter took the property off the rental registration list for duplexes. Mr. Robitaille stated that the previous owner might not have realized he was disqualifying the property with that letter. Attorney Kneas asked if this was a permitted use with the previous zoning. Mr. Eldridge stated no, although the multifamily zoning is located across the street. Attorney Kneas questioned if the property previously had a variance and Mr. Eldridge replied no it had been grandfathered in previously.

Mr. Guenther supported the Finding of Fact.

Chair Artley questioned Attorney Kneas if the variance was granted and then the house goes vacant, is the variance then lost. Attorney Kneas replied if the variance continues it would have to be vacant or abandoned for at least one year to lose the variance.

Ms. Jackson asked for clarification, if no one was living in the house for a year or more. Mr. Storey had stated it was empty for two years. Attorney Kneas replied if a person is still attempting to rent, sell or use it as a rental property, and the intent is not abandoned to use it as a duplex then the one year doesn't automatically disqualify them. Ms. Jackson asked where the stair steps were when he purchased the house. Mr. Storey replied the steps had already been moved when he purchased the property.

Mr. Robitaille questioned if the property would revert after one year of abandonment or non use as a duplex, does that mean the city prematurely took the property off the list as a duplex. Attorney Kneas stated the letter came from the prior owner when their time was coming up to recertify the property, to avoid that he indicated to city staff that it was no longer a rental property so it would no longer need to be certified. When Mr. Storey bought it after it'd been vacant for almost three years the question was the Board needs to decide is if it was a true abandonment. If the original owner stayed there from now until he'd wrote the letter that would have been a clearer issue.

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

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

Mr. Guenther stated he hoped the Board could come to an arraignment so Mr. Storey could retain the ownership and duplex designation and he could gain some financial stability. The real estate market is at the bottom and Mr. Storey couldn't even try to get out the situation by selling it. He'd be in favor of granting the variance.

Mr. Martell stated the fact the property had been used as a duplex for years along with other duplexes in the immediate area could have lead to Mr. Storey's mistakes. The Board isn't to look at the financial impact; Mr. Storey agreed he made mistakes. Mr. Martell commented be didn't see how this would negatively impact the neighborhood, but if it were denied another foreclosed or vacant property could. He stated he'd be voting in favor of the request.

Ms. Jackson questioned if Mr. Storey obtained any permits while working on the house. Mr. Storey stated most of the work he did was cosmetic and didn't require permits other than the electrical which Consumers Energy did. Ms. Jackson questioned where the tenants parked their cars. Mr. Storey stated they are one unit apartments and there's a garage where a car can be stored, the tenants agreed to have only one vehicle. They work out the parking with the other tenants and neighbors and haven't had any parking issues.

Ms. Jackson questioned if the car parked in front of the garage runs. Mr. Storey stated the vehicle runs; it belongs to a tenant who has it for sale to comply with his wish to have only one vehicle.

Mr. Martell questioned if there were two furnaces. Mr. Storey replied yes. Mr. Eldridge clarified both furnaces were there when he purchased the house. Mr. Guenther questioned if on street parking was available in the 1200 block of Reed Street. Mr. Eldridge replied no, he didn't see any signs present.

Ms. Hughes-Nilsson stated that conditions needed to be met to qualify for a variance. The Edison Neighborhood has made an effort to try to get rid of the duplexes in the area in an attempt to return it to a single family neighborhood. The conditions haven't all been met, she feels for the owner, but the Board should honor the efforts of the Edison neighborhood. She stated she would be voting against the request.

Mr. Martell commented out of the 86 notices there were no replies.

Chair Artley commented he also felt for the owner stating the seller had to have been aware of the situation and gave bad information. However, he agrees with Ms. Hughes-Nilsson and stated he would be voting against the request too.

Yes: Guenther, Martell, Robitaille
No: Artley, Hughes-Nilsson, Jackson

Motion denied by roll call vote.

Mr. Eldridge commented on the recommendation to fill the vacated seat of Tom Stolz. Mr. Martell was contacted and offered the position but chose to remain an alternate. Ms. Jackson accepted the offer to become a permanent member. This would be forwarded to the City Commission.

Mr. Guenther made a recommendation to nominate Ms. Jackson in the vacated seat of Tom Stolz, seconded by Mr. Martell.

Ms. Jackson questioned the length of term. Mr. Eldridge replied the expiration is April 31, 2010. Ms. Jackson said she accepted.

Motion approved by voice vote unanimously.

Mr. Eldridge commented he had one applicant for the vacant alternate seat. Normally he, Chair Artley and a couple volunteer board members go on a lunch interview with the candidate. It's an informal meeting with the applicant to see what their qualifications are and time for the candidate to ask questions also. Ms. Hughes-Nilsson and Mr. Guenther volunteered to attend.

Chair Artley thanked all the Board Members for their time and commitment and welcomed Ms. Jackson.

ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Submitted By_____**Date**_____

Reviewed By_____**Date**_____

Approved By _____ **Date**_____

DRAFT

THE CITY OF Kalamazoo

Community Planning & Development

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

NOTICE OF PUBLIC HEARING

January 28, 2009

RE: 2460 and 2500 Sprinkle Road
CCN#: 06-25-429-003 and 06-25-434-002
ZBA# 09-02-01

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 Ed's Basic Car Rental LLC. The request concerns the properties at 2460 and 2500 Sprinkle Road, which are situated in Zone M-1 (Manufacturing – Limited District).

The request, if approved, would authorize a variance from Chapter 6, Section 6.1 I.1, to allow a 6,660 square foot expansion of the parking lot with a gravel surface, where per the Zoning Ordinance all uses other than industrial are required to have either a concrete or asphaltic all-weather material parking surface.

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

A public hearing will be held on **Thursday, February 12, 2009 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

Peter C. Eldridge, AICP
Project Coordinator

c: File

THE CITY OF Kalamazoo

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 Ed's Basic Car
Address 2460 + 2500 South Sprinkle Rd
City, State, Zip Kalamazoo MI 49001
Phone 269-382-3400 Cell 269-330-2385
Fax 269-382-4302 Email

Owner: Name Edsel Mathews
Address Same
City, State, Zip Same
Phone Same Cell Same
Fax Same Email Same

(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 2460 + 2500 South Sprinkle Rd

This property is located between Miller Rd street and Cork St 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 Proposed vehicle storage area to be gravel not asphalt per the zoning Ordinance.

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)

RECEIVED JAN 06 2009

Signature of Applicant Date 1/6/09
Signature of Owner (if different than applicant) Date

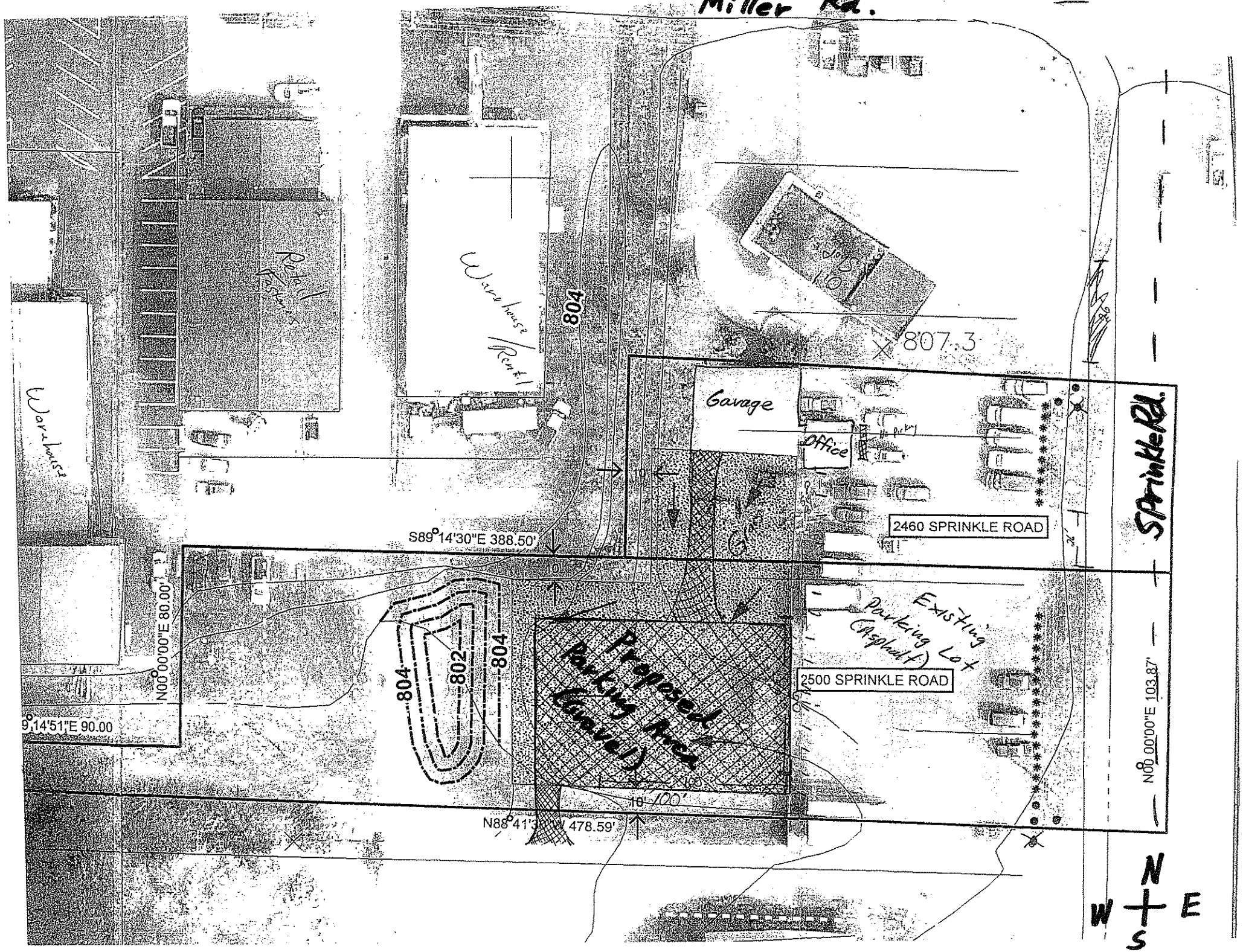
✓ 4242

To the Zoning Board of Appeals,

I am the owner of Ed's Basic Car Rental L.L.C. We are asking for a Zoning Variance from asphalt to gravel. For the future of this site 2500 Sprinkle Rd. Our plans are to construct a new building with asphalt in the next 3 to 5 years. We agree to 6600 sq. ft. of parking with vehicles 3 to 4 years old on a gravel parking lot. The City of Kalamazoo has pre-approved a site plan that we have already submitted. This is the final stage of this endeavor, prior to installing an upgraded surface. It is our hopes that you can assist us with our progression.

Edsel Mathews CEO

Edsel Mathews



Miller Rd.
Retail Fastener
Warehouse
Warehouse/Rental
804
Oil Slope
807.3
Garage
Office
Sprinkle Rd.
2460 SPRINKLE ROAD
S89°14'30"E 388.50'
N00°00'00"E 80.00'
9°14'51"E 90.00
804
802
804
Proposed Parking Area (Gravel)
Existing Parking Lot (Asphalt)
2500 SPRINKLE ROAD
N00°00'00"E 103.87'
N88°41'30"W 478.59'
10'
100'
N
W
E
S

THE CITY OF Kalamazoo

Community Planning & Development
445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
Ph. 269.337.8026
www.kalamazoocity.org

December 18, 2008

Mr. Edsel Mathews
Ed's Car Rental
2460 Sprinkle Road
Kalamazoo, MI 49001

Re: Site plan approval – new parking lot
Ed's Car Rental
2460-2500 Sprinkle Road

Dear Mr. Mathews:

Our office received a revised site plan for the new parking lot for the Ed's Car Rental business at 2460-2500 Sprinkle Road. The revised plan generally contains the changes required by the city Site Plan Review Committee. Therefore, we are pleased to indicate that the **site plan has been approved, with one condition.**

The following condition and review points are issued with this approval:

1. A variance must be granted by the city Zoning Board of Appeals to enable you to have a gravel surface on the new parking lot and drive areas instead of a paved surface. It is understood that you will apply for the variance by January 15 for the February 12 meeting. If the variance is approved, you will need to place the gravel on the parking lot and drive areas by spring of 2009. A maximum area of 6,660 square feet is allowed on the site for such gravel parking. No parking areas or driveways will be allowed on lawn or dirt areas after the gravel is placed. If the variance is not approved, you will need to pave the parking lot and driveway areas, and include a storm water management system that is acceptable to the city Engineering Division, or discontinue the parking of vehicles on this area of the site.
2. It is understood that no dumpster will be placed on the site, but that herbie curbie-type trash containers will be used.
3. It is understood that no new outside lights will be added to the site.
4. All debris, including vehicle tires and parts/components, shall be removed from the site and properly disposed of, or stored inside the building.

Between now and the time the parking lot and driveway areas are graveled or paved, you are required to keep dirt and debris from the site from being tracked onto adjacent properties and the adjacent streets. All site improvements, as shown on the approved site

plan, must be completed by **June 15, 2009**. Zoning enforcement action related to these issues will be suspended at this time.

Thank you for your cooperation during this process.

Sincerely,

Robert H. Bauckham

Robert H. Bauckham, AICP
Assistant City Planner

Cc: Fred Nagler, Asst. City Engineer
Bob Petrick, Building Official
Pete Eldridge, Project Manager
Jim Williams, Acting Fire Marshal
Maggi Smith, Zoning Inspector

2460 and 2500 Sprinkle Road
January 28, 2009

View Looking Northwest: Existing Parking Lot in Foreground. Proposed Expansion Behind

View Looking Northeast: Proposed Parking Area Expansion

2460 and 2500 Sprinkle Road

2007 Aerial Photo

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

N
W E
S

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; Dec., Section Lines; Nov., Mowing Properties; Sept., Ownership Info; Jan., Parcels, Zoning, Landuse, Bus Stops, Bus Routes; 2007: October,

THE CITY OF Kalamazoo

Community Planning & Development
445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
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www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

January 28, 2009

RE: 2841 Bronson Boulevard
CCN#: 06-28-379-001
ZBA# 09-02-02

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 W. Pennings & Sons, Inc., on behalf of the Mark and Karen Krinock. The request concerns the property at 2841 Bronson Boulevard, which is situated in 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 garage addition within six (6) feet of the side (north) property line, where an eight (8) foot building setback is required by the Zoning Ordinance.

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, February 12, 2009 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

Peter C. Eldridge, AICP
Project Coordinator

c: File

THE CITY OF Kalamazoo

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 W. Pennings & Sons
Address 5829 West KL Ave
City, State, Zip Kalamazoo, MI 49009
Phone (269) 372-1930 Cell (269) 271-2363
Fax (269) 372-1944 Email brian@penningsandsons.com

Owner: Name Dr. Mark and Karen Krinock
Address 2841 Bronson Blvd
City, State, Zip Kalamazoo MI 49008
Phone (269) 388-8797 Cell (269) 501-6832
Fax n/a Email n/a

(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 2841 Bronson Blvd

This property is located between Whites Road street and Alta Vista 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 _____

Attachments

[X] $ 200 Fee (Use Variances - $450, All Other Requests $200)
[X] Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
[X] Sketch plan of the property in questions (2 copies)
[X] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Brian K Pennings President W. Pennings & Sons, Inc. 1-15-09
Signature of Applicant Date

1/15/09
Signature of Owner (if different than applicant) Date

RECEIVED
JAN 15 2009
BY: _____

To: City of Kalamazoo Zoning Board of Appeals

From: Dr. Mark and Karen Krinock

Re: 2841 Bronson Blvd. Property line

To whom it may concern,

As the owner's of the property described as 2841 Bronson Blvd. we support W. Pennings and Sons, Inc in this application for a variance to change the setback on the east edge of our property line from eight feet to six feet.

Owner

11/5/09
Date

Request for Dimensional Variance
1-15-09
Mark & Karen Krinock Residence
2841 Bronson Blvd. Kalamazoo, MI 49008

W. Pennings & Son, Inc. is in the process of a remodeling project at the subject address. Part of the project involves a new attached Garage. The proposed plans indicated the East side Garage wall to be at least 8' from the property line as is required by current zoning requirements. In the small window of decent weather we had at the end of December/beginning of January, we were able to get the foundation for the addition poured. However, in the course of construction the poured wall concrete contractor used a wrong dimension to form and pour the wall placing it just over 6' from the East property line. We did not ignore the issue to leave it for someone to deal with later. We would like to see it dealt with in an upfront honest attempt to correct a mistake. For the sake of our poured wall contractor, we are requesting relief from the 8' sideyard setback restriction to allow the foundation to remain where it is and continue on with construction.

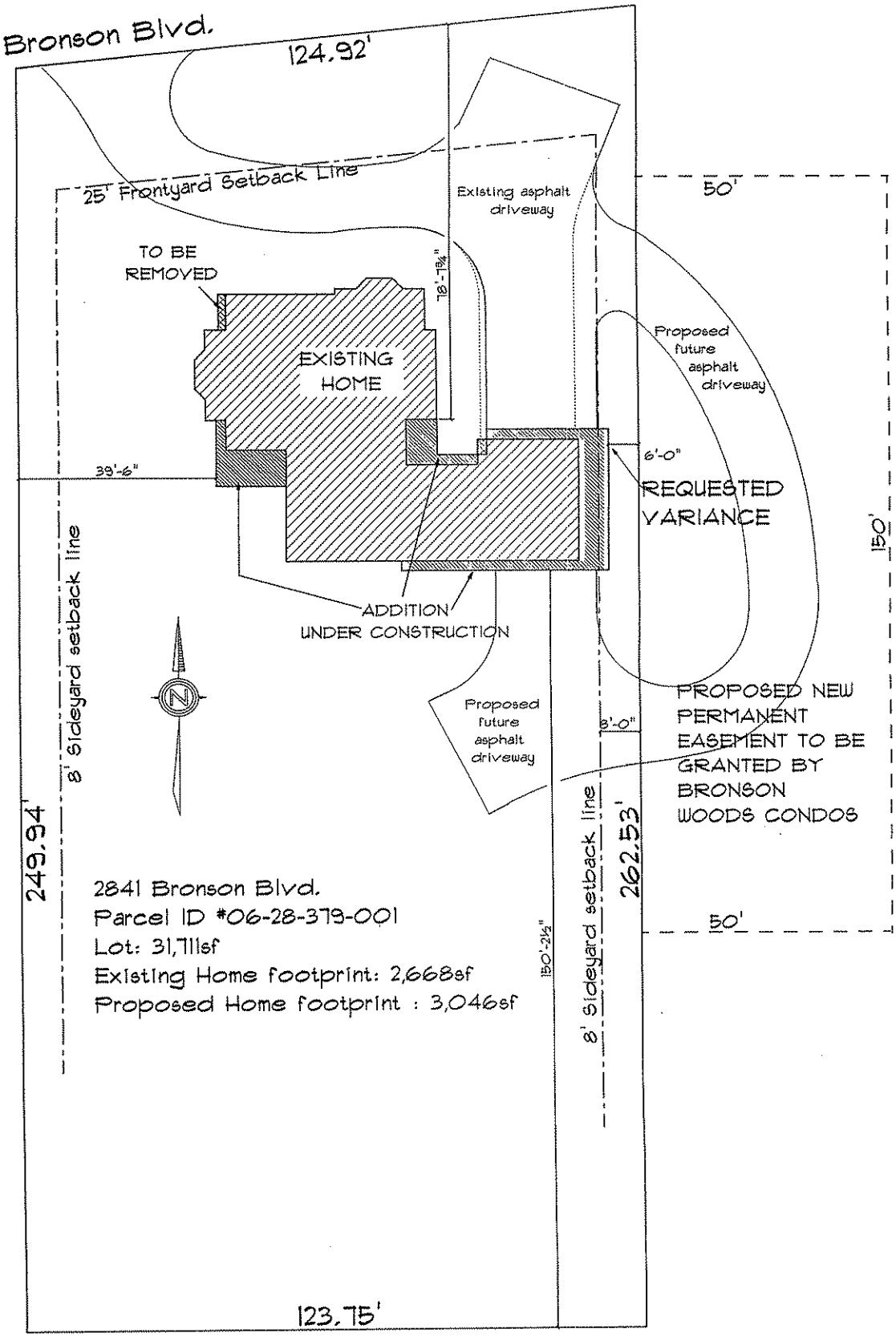
As indicated on the attached drawings and support letter, Bronson Woods Condominium Association (property owners just East of the affected property line) is in the process of granting a 50' wide permanent easement so that the subject property owners can install a driveway across that parcel to access their backyard. They are in support of granting a variance.

I believe the intent of a sideyard setback would include: some separation from adjacent buildings for fire separation as well as providing access to the rear yard. Since the closest buildings of Bronson Woods are at least 200' away, and the area between the owner's Garage and sideyard property line will be a series of retaining walls due to the change of topography, there would be no material advantage to require the 8' setback.

Practical difficulties involved to meet the letter of the law by requiring the 8' setback include:
-making it nearly impossible to complete the project in time for the June Parade of Homes which is very important to the homeowners and provides good exposure to the City of Kalamazoo
-a major economic hardship for the poured wall contractor (the cost of the replacement is much more than the cost to pour it initially and would severely compromise the contractor's financial stability especially in these economic times.)
-construction on this portion of the project will be severely compromised due to winter construction complications including limited days above freezing as well as frozen ground .

W. Pennings & Sons has worked extensively for years within the City of Kalamazoo to bring people into the city by building new homes as well as helping people remain in the city by updating and remodeling their older homes. We've appreciated working with the various agencies in the City and hope this variance will be granted. Thanks for your consideration.

Brian Pennings
President
W. Pennings & Sons, Inc.


Bronson Blvd.
124.92'
25' Frontyard Setback Line
Existing asphalt driveway
50'
TO BE REMOVED
78'-1¾"
EXISTING HOME
Proposed future asphalt driveway
6'-0"
39'-6"
REQUESTED VARIANCE
150'
8' Sideyard setback line
ADDITION UNDER CONSTRUCTION
N
Proposed future asphalt driveway
8'-0"
PROPOSED NEW PERMANENT EASEMENT TO BE GRANTED BY BRONSON WOODS CONDOS
249.94'
262.53'
2841 Bronson Blvd.
Parcel ID #06-28-379-001
Lot: 31,711sf
Existing Home footprint: 2,668sf
Proposed Home footprint : 3,046sf
130'-2½"
8' Sideyard setback line
50'
123.75'

Bronson Woods Association
1100 Whites Road
Kalamazoo, Michigan 49008
Phone (616) 385-3860

January 15, 2009

To: City of Kalamazoo Zoning Board of Appeals

From: Bronson Woods Association

Re: Mr. & Mrs. Mark Krinock
2841 Bronson Blvd.

To Whom It May Concern:

It is our understanding that the footings for the structure to be built in the remodeling project at 2841 Bronson Blvd. are in violation of the city property line set back guidelines. The contractor of this project, Penning & Sons, notified us immediately once the mistake was found. We have been told that the city set back from our property line is eight feet and they are at six feet. It is our position that a variance be granted for this project if allowable by the City of Kalamazoo Zoning Board of Appeals. We support this for the following reasons.

1. Bronson Woods Association has already granted an easement for a driveway to be constructed on the property where the setback violation has occurred.
2. Bronson Woods Association has no homes or structures within 200 feet or further.
3. The topography and wooded setting of this area creates a natural buffer.
4. Bronson Woods Association has always attempted to work harmoniously with our neighbors whenever possible.

Thank you for your consideration in this matter

Evan P. Kokalcs
President

Douglas J. Rogers
manager

2841 Bronson Boulevard

2007 Aerial Photo

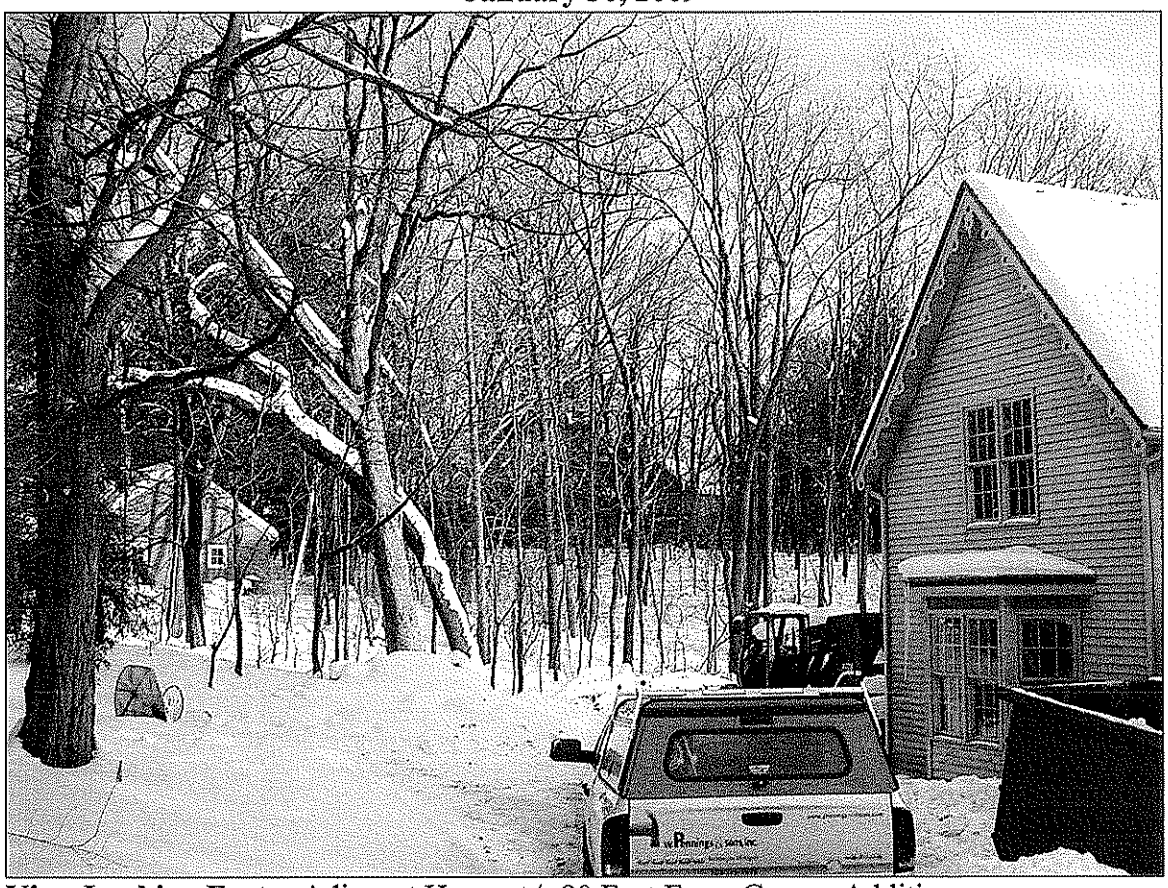
City Limits
Water Features
Surface
Culvert
Water Feature Names
Street Names

N
W E
S

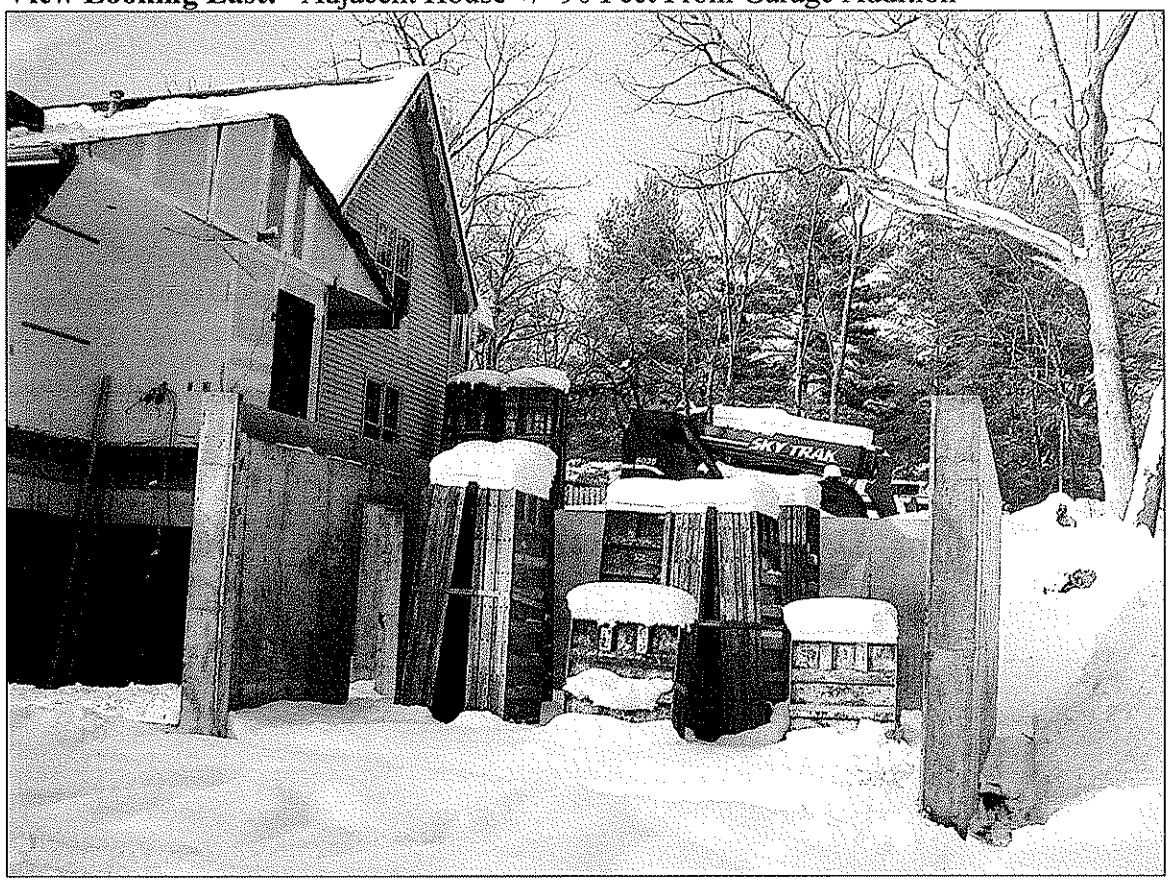
DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference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

SOURCES: City of Kalamazoo, Plansight LLC;2008: Rentals Daily; Dec., Section Lines; Nov., Mowing Properties; Sept., Ownership Info; Jan., Parcels, Zoning, Landuse, Bus Stops, Bus Routes; 2007: October,

2841 Bronson Boulevard
January 30, 2009

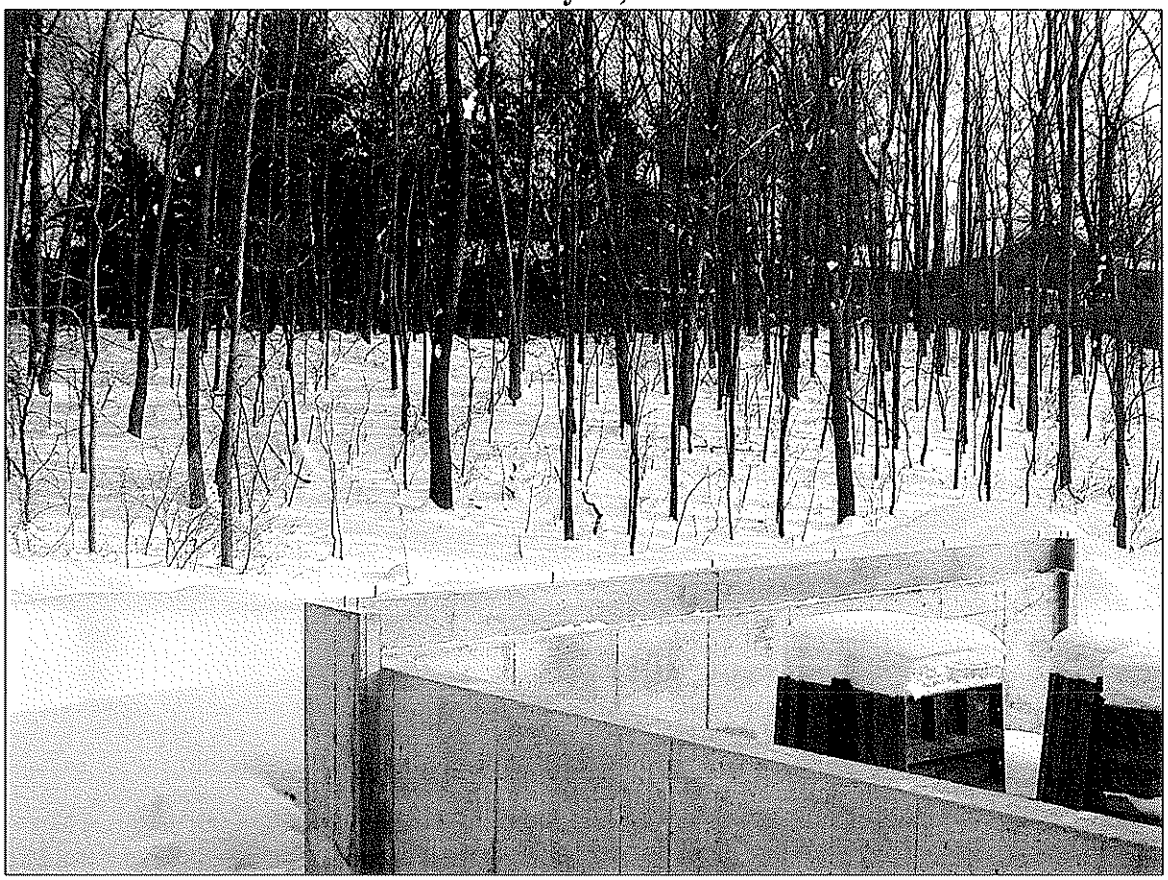


View Looking East: Adjacent House +/- 90 Feet From Garage Addition

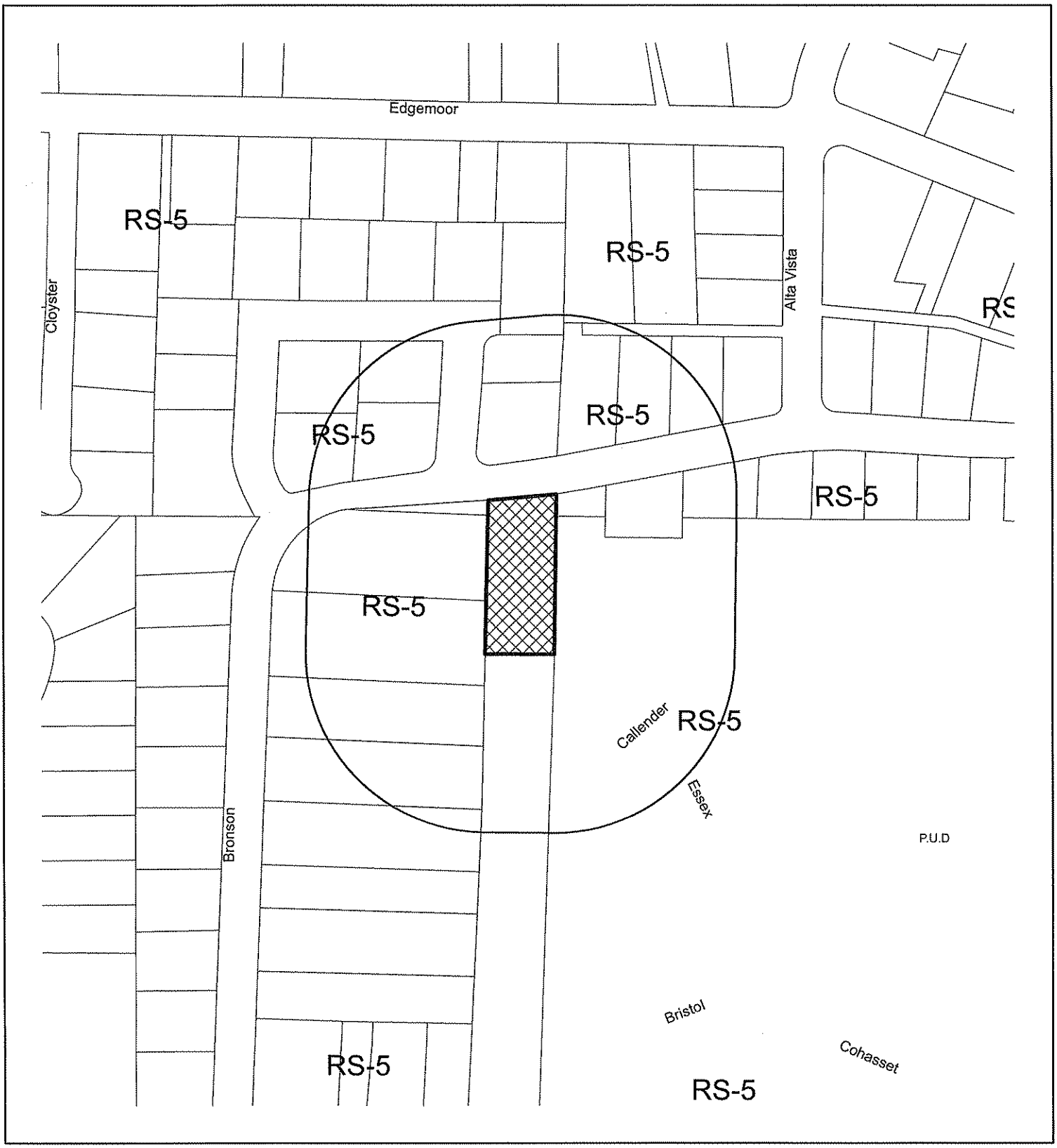


View Looking North: Toward Bronson Boulevard

2841 Bronson Boulevard
January 30, 2009



View Looking Southeast: Adjacent Houses +/- 200 Feet From Garage Addition

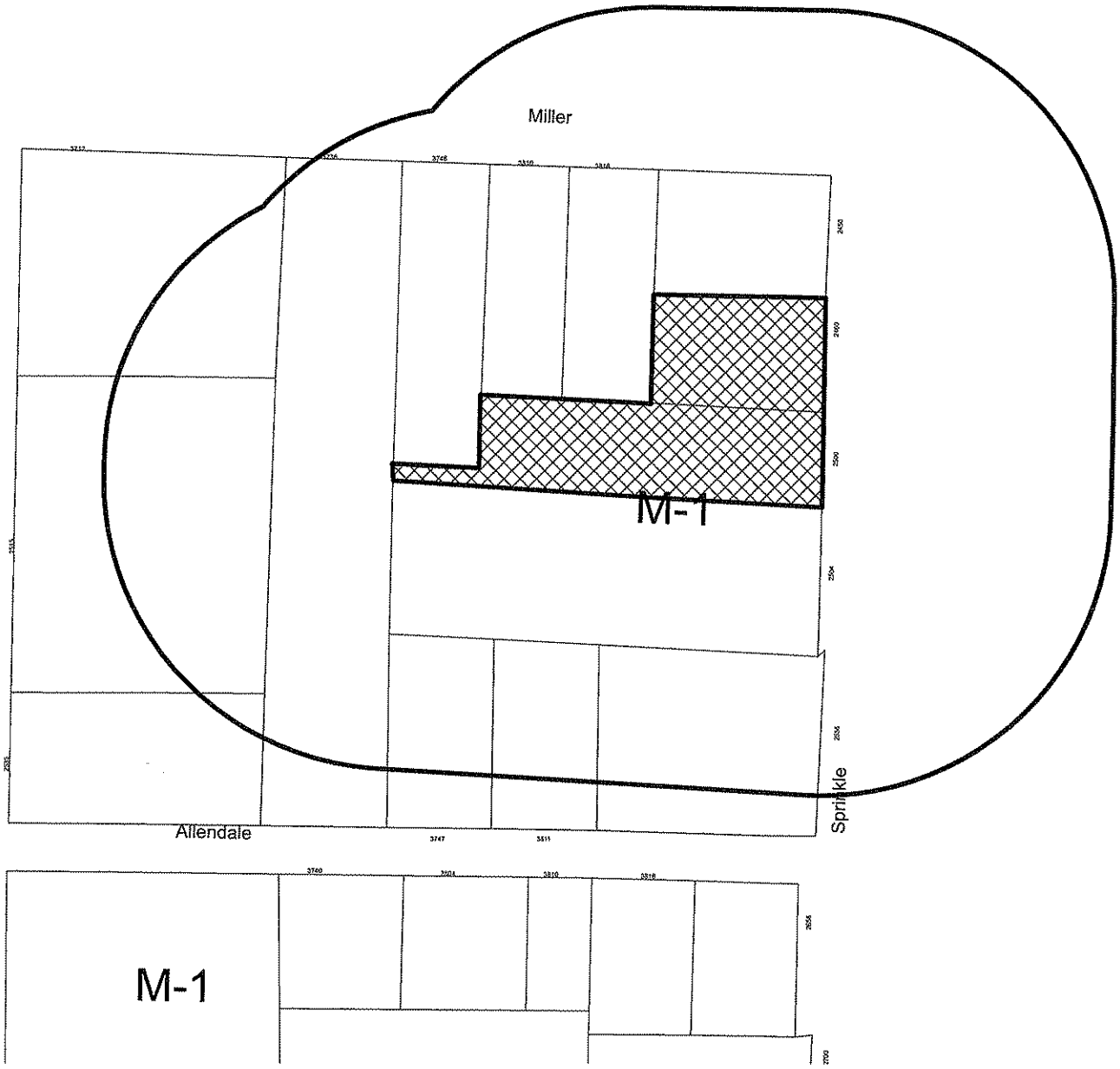


THE CITY OF Kalamazoo

300' Mailing Boundary
2841 Bronson Blvd

N

0 75 150 300 Feet



THE CITY OF Kalamazoo

300' Mailing Boundary
2460 & 2500 S. Sprinkle Rd

N

0 55 110 220 Feet

CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
ANNUAL REPORT
2008

Introduction

The Zoning Board of Appeals (ZBA) is a quasi-judicial body, whose duty is to balance protection of the public interest through zoning regulations with property rights of landowners.

Purpose

The ZBA is a required appeal mechanism established by the State of Michigan's Zoning Enabling Act. Any community adopting a zoning ordinance must also establish an appeals board of review for circumstances in which landowners may be unjustly burdened by the ordinance.

Membership

Other than residency, the ZBA has no specific membership requirements. However, staff and ZBA officers work together to maintain membership that brings expertise, professionalism, and a broad geographic cross-section of the community to the decision-making process. The ZBA includes 6 members and 2 alternate positions, with quorum being 4 members. The alternate positions are intended to ensure that a full board is present at each meeting. 2008 Membership included:

Name	Position	Term
David Artley	Chair	First full term
Rachel Hughes-Nilsson	Vice-Chair	First full term
Karl Guenther	Secretary	Second full term
Karl Freed		First full term
Doris Jackson (filled vacant seat of Tom Stolz)		First full term
Albert Robitaille		First full term
Charles Martell	Alternate #1	Partial term
Vacant	Alternate #2	

Meetings

The ZBA meets on the second Thursday of the month at 7:00pm at City Hall. In 2008, 12 meetings were held by the ZBA.

Summary of 2007 Activity:

The following is a summary of the ZBA 2008 activities. There were no requests involving administrative appeals or interpretations. Only use variances, dimensional variances and temporary uses. A total of 25 requests were brought before the ZBA.

	APPROVED	DENIED	TOTAL
Use Variances	4	2	6
Dimensional Variances	15	3	18
Temporary Uses	1	0	1
Total	**20**	**5**	**25**

New Initiatives Undertaken:

None for 2008

Important Decisions Rendered

There were no decisions rendered in 2008 that have a significant impact on the Zoning Ordinance. A breakdown of the approved use variance requests is as follows:

1. Construction of apartments with no commercial use on the ground floor at 3400 Stadium Dr. in Zone CC (Commercial – Community District).
2. Reuse of a nonconforming duplex at 458 Fairview Ave. in Zone RS-5 (Residential – Single Dwelling District).
3. Reuse of a nonconforming duplex at 530 William St. in Zone RS-5 (Residential – Single Dwelling District).
4. Reuse of a nonconforming adult foster care living facility at 3700 W. Michigan Ave. for 60 residents in Zone CN-1 (Commercial – Neighborhood District).

Temporary Use Request

On July 10, 2008, the Board approved 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). This approval was conditioned on the following: 1) The stand is permitted on Tuesday, Thursday and Saturday only; and 2) That any Zoning Violations will void this approval and the BBQ stand must cease operation.

Other Observations

- The overall number of requests brought before the ZBA has continued to trend downward.
  - 2006 – 47 Requests
  - 2007 – 34 Requests
  - 2008 – 25 Requests

- Use variance requests have decreased by 50%, from 12 requests in 2007 to 6 requests in 2008. The approved use variances were related to reuse of vacant nonconforming structures and redevelopment of a property in the commercial district, which now requires mixed use (residential/commercial) development.

- Dimensional variance requests have decreased 14%, from 21 in 2007 to 18 in 2008.

- Conclusion: Much of the reduction in requests brought before the ZBA is believed to be associated with the update of the Zoning Ordinance (adopted on October 18, 2005) and the subsequent amendments on October 1, 2006 and April 15, 2007. However, the economic recession is also believed to be a contributing factor.