

Agenda
City of Kalamazoo - Zoning Board of Appeals
March 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 February 12, 2009
- C. Communications and Announcements
- D. Public Hearings:
 - 1. ZBA #09-03-03: 507, 526 and 528 West Willard Street. Marty Spaulding, the property owner, is requesting a dimensional variance from Chapter 6, Section 6.4 D.1, in order to retain one 20-foot high parking lot light fixture, where the maximum height for commercial light fixtures is 15 feet.
 - 2. ZBA #09-03-04: 417 Locust Street. Thomas Stout, the property owner, is requesting a dimensional variance from Chapter 5, Section 5.1, to authorize the re-use of two dwelling units on a lot which is 4,356 square feet in area, where in the RM-15 District 5,800 square feet of lot area is required for two dwelling units.
 - 3. ZBA #09-03-05: 322 and 326 Lake Street. Carol Archer on behalf of David Greeley, the property owner, is requesting a dimensional variance from Chapter 12, Section 12.3, to authorize easement access to an existing duplex, where the narrowest point of the easement is 11.5 feet wide. Per the Zoning Ordinance, a minimum of a 20 foot wide easement access is required when there is no direct frontage on a public street. This will allow the duplex, which straddles a property line, to be placed on a separate lot.
- E. Other Business:
- F. Adjournment

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
February 12, 2009 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

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

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. Freed moved to approve the minutes of December 11, 2008 as submitted.

Motion approved by voice vote unanimously.

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 2460 and 2500 Sprinkle Road, CCN# 06-25-429-003 and 06-25-434-002:

ZBA# 09-01-01: 2460 and 2500 Sprinkle Road: 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 property. This is a request for a variance only regarding the items described above. There were 13 notices of public hearing sent and zero responses were received.

Edsel Mathews, president of Ed's Basic Car Rental, the applicant for the variance stated his company was small, recently moved to Kalamazoo and was trying to grow and maintain the location during a recession. Mr. Mathews stated he's expanded from a rental company into car sales and truck rentals. The parking lot he wants to put down is for the truck rentals. Mr. Mathews stated the trucks are new vehicles four years or newer with no maintenance issues, if they had any they ship them off to be repaired first. The upgraded surface is to comply with the parking issues. Mr. Mathews stated he's requesting the variance so he can continue his business. His goal is to build on the site in the future and not have it as a parking lot.

Nick Lombard, lead mechanic stated all the Budget trucks on the premises are four years and newer per law with Budget. The issue of oil leaks would be minimal due to the fact the trucks are immediately sent off for repair at a Budget repair facility if any maintenance issues are present. Mr. Lombard stated the loss of Budget's business would make it hard for Ed's Basic Car Rental to stay in business. Mr. Lombard stated they've been approved as a repair facility, but don't have the funding to go ahead with it yet.

Mr. Eldridge commented the 6,600 sq. ft. graveled area, which was reinforced in the site plan approval letter was given pre-approval subject to the granting of tonight's variance. The Engineering Department, per the Well Head Protection Ordinance, identifies an area with 25 vehicles or less is of minimal concern, therefore arriving at the 6,600 sq. ft. or 25 vehicle limit. The engineering department had concerns with oil and fluid leakage from vehicles, this is addressed by the fact that nothing older than four years could be parked in the gravel area if the variance were approved.

Mr. Freed questioned if any city wells were around this site. Mr. Eldridge replied no. Mr. Freed clarified if there is no storm sewer available and they do a leaching basin did it require them to have a trap placed on it to stop the oil from going into the soil. Mr. Eldridge replied correct. Mr. Freed questioned what the depression on the site photo was, if that was intended for the storm water. Mr. Eldridge replied correct, but this would be a gravel lot, stating there were no additional comments on the site plan approval letter regarding that issue.

Mr. Mathews replied the depression shown was the current lots basin which was contained on his lot. During the city's site plan review the city was quite adamant regarding the stipulation only trucks four years and newer be allowed on the lot. The city would not have an issue with it being a natural basin then which also meets Budgets requirements.

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 2460 and 2500 Sprinkle Road shall include all information included in the notice of public hearing dated January 28, 2009.
- 2.) Thirteen notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter from the applicant, proposed site sketch, copy of the letter from the Assistant City Planner.
- 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: Edsel Mathews, the president spoke on behalf of the application stating it's a small business new to Kalamazoo and has expanded creating new business. He stated the proposed lot would be for new trucks four years or newer with no maintenance issues. He would like to build on the site in the future instead of paving the parking lot, but the current economic situation has this on hold. Nick Lombard the lead mechanic with the company stated the new trucks four years or newer is a company policy with Budget also. The trucks are removed from the facility if any leakage issues are present. Ed's Basic Car Rental was recently approved as a repair facility, but they have not implemented that. City Staff approval came from City Engineering with regards to the City Wellhead Protection guidelines that allow for 25 cars or fewer on a lot. They asked for a stipulation that the trucks are four years or newer for any leakage issues. Member Karl Freed asked if there were any wells in the proximity, city staff stated no there are not any, that's why the City's Engineering Staff allowed this request. Mr. Freed asked if they would need to install oil and sediment traps in any new storm structures, staff said yes if they built a whole new development. Mr. Freed also asked about an existing low area for a storm water drainage basin. City staff stated it's an existing low area and as the lot is graveled there wouldn't be surface flow to that low area and stated there were no comments by the Site Plan Review Committee. Mr. Mathews stated the lower area is an existing drainage basin and there is another one on the property. The Site Plan Review Committee felt the site would be adequate for drainage issues and were more concerned with the drainage and age of the trucks.

Mr. Guenther supported the Finding of Fact.

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

Mr. Eldridge asked the Board to consider these three conditions be attached to the motion. 1.) The graveled area is limited to 6,600 sq ft. 2.) The parking of trucks is limited to four years old or newer. 3.) When a building is constructed in the future the remaining graveled area is to be paved.

Mr. Freed questioned if a time line was going to be involved if this was approved. Mr. Eldridge commented it would mean when the development occurs the variance to allow the graveled parking area would go away. Mr. Freed clarified if the building didn't occur for 25 years they could use it for 25 years. Mr. Eldridge replied correct, but they would still be limited to the 6,600 sq. ft. area and allowed only trucks four years old or newer.

Mr. Guenther moved to approve the application with the conditions, supported by Mr. Martell.

Mr. Guenther commented he couldn't see any problem with approving this request as outlined with the restrictions attached. He prefers a gravel surface due to the absence of the run off issues from pavement.

Mr. Martell commented with the conditions in place he was in support of the request.

Ms. Jackson questioned with the approval to become a repair facility, where are the vehicles going to be repaired, on the gravel surface?

Attorney Kneas clarified they could not due to the conditions that are suggested in the motion they could not be parked there. Ms. Jackson commented Ed's Basic Car Rental had been approved to be repair facility, but didn't have the funding at this point. When they can start repairing vehicles would they be repairing Budget's trucks on site? Mr. Mathews stated he is not approved to repair Budget's vehicles and never will have a facility capable of it. His repair facility he applied for is for automotive car repair of vehicles they sell.

Mr. Freed questioned if there were other variances approved with gravel lots with no time restrictions placed on them. Mr. Eldridge replied one; a year ago the Board approved a variance on Fulford Street which was in a manufacturing zoned area for a church to use a portion of yard area as a graveled parking lot.

Attorney Kneas commented there are legal implications that restrict the Board from giving time limited variances. If improvements are made on the site as planned, that's not time limited, it's a condition that may alter the condition of the property if a new building is built and an appropriate condition to place on it.

Motion denied by roll call vote.

Yes: Martell, Hughes-Nilsson, Guenther

No: Freed, Artley, Jackson

Mr. Guenther read the application for 2841 Bronson Boulevard, CCN# 06-28-379-001:

ZBA# 09-01-02: 2841 Bronson Boulevard: 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 items described above. There were 82 notices of public hearing sent and zero responses were received.

Brian Pennings of W. Pennings & Sons and Mark Krinock the homeowner were present to represent the variance. Mr. Pennings stated his company became involved when the Krinock's were going to expand the garage to the east. The Krinock's had discussions with Bronson Woods Association to purchase property to the east, and the addition was designed with the purchase of the property in mind and the plans went out for bid. It was decided purchasing the property wasn't the best choice, but obtaining a permanent easement to extend the use of the property would be a better solution. Mr. Pennings plans already existed to extend the garage six ft. from the property line. He spoke with Assistant City Planner Rob Bauckham to find out if there was any consideration for the fact there was a 50 ft. permanent easement for the property. After discussions it was determined it would be better to pull the side of the garage back to eight ft. to meet the current zoning ordinance. Mr. Pennings stated the poured wall contractor showed up on the job with an earlier print prior to the plan being redesigned. He had been told to use the new plans; he glanced at them and proceeded to pour the walls from the original drawing. Mr. Pennings stated the walls were substantial due to the fact they're stacking one garage on top of another's foundation. The cost to change the foundation, tear it out and replace it would be costly and financially stressful for the poured wall contractor. The liability insurance company stated they would not be responsible for it. This home is on a deadline, it's been entered into the 2009 Parade of Remodeled Homes and their requesting a variance to allow the foundation to stay six feet from the property line instead of eight feet. By the Board allowing the variance the intent is still being met. Mr. Pennings stated there is a letter of support from the Bronson Woods Association and a copy of the permanent filed easement stating no buildings would be constructed within the 50 ft. permanent easement.

Mr. Krinock's stated he started two years ago with this project. In order to purchase a piece of property with Bronson Woods he would have to obtain a signature from every owner inside of the condominium. If the owners live out of state he would have to contact them and obtain their signatures. This altered their plans; they shortened the building, stacked the garage and sought an easement. The appearance from the street is of a two car garage; the house is being remodeled and restored. Mr. Krinock stated when it was determined they would need a variance to build it as first designed they chose to take a different approach and shortened the building and backed the house up. As it turned out, inadvertently the poured wall contractor poured in the wrong area. Mr. Krinock stated it was his choice to come before the Board to try

to avoid having the contractor jeopardize his business by helping him out. There's a land locked vacant wooded lot next to their lot. There's a space that remains completely open with a driveway down to the garage. Any emergency trucks have access. They'd be encroaching on a vacant lot for which they have a permanent easement. Mr. Krinock stated as soon as they discovered there was a mistake all construction stopped.

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 2841 Bronson Boulevard shall include all information included in the notice of public hearing dated January 28, 2009.
- 2.) Eighty-two notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, with dimensions, three photographs, a map, a letter dated January 15, 2009 from the Bronson Woods Association signed by the president, Evans Kokalcs and Douglas Rogers both in favor of granting the variance, a copy of the access agreement and maintenance agreement signed by Karen Krinock
- 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: Brian Pennings spoke in favor indicating W. Pennings & Sons is the building design company. They assumed the property line was going to shift, the purchase of extra property fell through and instead they obtained a 50 ft. wide easement. The poured wall contractor used an old plan and constructed the foundation for the two story garage, the tear down if mandated would be of significant cost. There are some deadlines involved with being on the Parade of Remodeled Homes tour. Mr. Mark Krinock spoke in favor, stating they obtained a permanent easement from Bronson Woods in lieu of a deed. Even though it's a two story structure it appears as though it's a two car garage. The mistake by the poured wall contractor was inadvertent and there appears to be no one in opposition.

Mr. Freed supported the Finding of Fact.

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

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

Mr. Martell commented everything stated by the builder and owner comes down to a very bad mistake, and there is no apparent opposition.

Mr. Guenther commented the approval of this variance would not do harm to the zoning ordinance, the appeals process, Bronson Woods or any neighbors. He stated he couldn't see any reason to deny it and will be voting in favor of the request.

Chair Artley questioned what the legality of the easement was. Attorney Kneas stated the easement runs in perpetuity with the owner of the property. Attorney Kneas stated the Board in essence should take the size of the easement into consideration when deliberating.

Motion approved by roll call vote unanimously.

Chair Artley commented on the interview that Mr. Eldridge, Mr. Guenther and Ms. Hughes-Nilsson all had with Mr. Schau and their discussions. Ms. Hughes-Nilsson commented it was a good interview stating he had past experience on zoning boards, planning commissions, and other boards within the City of Kalamazoo and seemed to enjoy his time on those boards. Mr. Guenther stated he seemed to be a natural to which Chair Artley agreed.

Ms. Hughes-Nilsson moved to approve the appointment of Mr. Schau for the vacant board seat, supported by Mr. Guenther.

Motion approved by voice vote unanimously.

The recommendation will go before the City Commission.

Mr. Eldridge discussed the annual report and his synopsis of the years activity. There was discussion on the different types of variances the Board dealt with, the different types of use variances and if there were any areas of concerns. The overall numbers of request were down in 2008 due to the amendments made to the zoning ordinance and the economic situation slowing things down.

Mr. Eldridge reported the April 9th Zoning Board of Appeals meeting was moved to April 16th.

Mr. Eldridge commented the Election of Officers is usually at the February meeting.

Mr. Freed moved to retain the same officers in their existing positions, supported by Mr. Martell.

Motion approved by voice vote unanimously.

David Artley will remain as Chair, Rachel Hughes-Nilsson as Vice-Chair, Karl Guenther as Secretary.

Mr. Guenther moved to adjourn the meeting, supported by Ms. Hughes-Nilsson.

ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

Submitted By _____ **Date** _____

Reviewed By _____ **Date** _____

Approved By _____ **Date** _____

DRAFT

NOTICE OF PUBLIC HEARING
February 25, 2009

RE: 507, 526 and 528 West Willard Street
CCN# 06-16-428-006, 06-16-428-010 and 06-16-428-005
ZBA# 09-03-03

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Marty Spaulding, the property owner. The request concerns the properties at 507, 526 and 528 West Willard Street, which are situated in use Zone M-1 (Manufacturing – Limited District).

The applicant is requesting a dimensional variance from Chapter 6, Section 6.4 D.1, in order to retain one 20-foot high parking lot light fixture, where the maximum height for commercial light fixtures is 15 feet.

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, March 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 at 445 West Michigan Avenue, Suite 101, or call (269) 337-8026.

Sincerely,

ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Project Coordinator



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 MARTY SPAULDING, PRESIDENT
Address 516 W SOUTH ST
City, State, Zip KALAMAZOO MI 49007
Phone 269 226 2600 Cell 269 491-2071
Fax 269 592 5900 Email martyspaulding@sbcglobal.net

Owner: Name UNION BAG + BARREL, INC.
Address
City, State, Zip SAME
Phone
Cell
Fax
Email

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

Property Information 526
Street or Street Address 514 W. WILLARD ST.

This property is located between WESTNEDGE street and ELM street, on the
north south east west side of the street.
CCN# 06-16-428-010 Zone M-1

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

- [] \$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 [Signature] Date 12 DEC '08
Signature of Owner (if different than applicant) [Signature] Date 12 DEC '08

RECEIVED FEB 06 2009 BY:

PAID FEB 23 2009 BY:

UNION BAG & BARREL, INC

516 WEST SOUTH STREET
KALAMAZOO MI 49007-4645

5 February 2009 / 1:50:02 AM

City of Kalamazoo
Zoning Board of Appeals
445 W Michigan Ave
Kalamazoo MI 49007

Re: Dimension Variance – Lighting pole height
06-16-428-010 / 526 W Willard St / M-1 Zone

In 2007 and 2008 we consolidated a group of obsolete parcels into a parking area for our adjacent restaurant and tavern property. In the process of doing so, lighting was installed in accordance with zoning requirements.

Once in use, it became apparent that there was a significant area that was under-lit, and potentially dangerous to the safety of our customers and the public. We installed additional lighting in the center of the lot, with fixtures designed to light only that area not already served by the existing listing.

The nonconforming improvement is a single pole which exceeds the 15 foot limitation of the zoning act.

Special Circumstances: The lot is nearly square and more than 120 feet wide in either direction. The lights installed around the perimeter were furnished with sharp cut-off design to meet the requirements of code and not “bleed over” onto an adjacent residential use property either to the side/rear *or across* the parking lot. Due to this design, they do not project forward to sufficiently light the far-*center* of the lot from the perimeter. Compliance with the code has actually *created* the deficiency we are now attempting to correct.

Actions: The actions of the applicant in the original lighting design, which created the special circumstances, were done to comply with zoning, not to create the deficiency.

Literal interpretation: A strict enforcement of the height requirement for the single light pole in the center of the lot, coupled with the requirement that a strict cut-off feature is installed in the lighting fixture to prevent bleed-over to adjacent property creates a “Catch 22” and does not provide the ability to generate sufficient light to properly and safely illuminate the center area of the parking lot. To generate the necessary diameter of lighting, an increase in the height of the pole itself was determined to be required.

Minimum action: The allowance of the single non-conforming pole with the existing sharp cut-off light design permits the parking area to be sufficiently and safely illuminated without creating a “bleed over” onto the residential use property to the East.

Adverse affect: There is no significant measureable light affecting the adjacent property because of the sharp cut-off design of the fixtures installed on the non-conforming pole.

Intent and purpose: The zoning act requires restriction of lighting to not adversely affect adjacent property. It is also an unstated intention that lighting be sufficient to provide a safe and well-lit environment for the public that uses the area so lit.

It is our position that the lighting as installed, with the single non-conforming height pole, combined with the sharp cut-off design light fixtures meets both intentions without any significant violation of the purposes of the zoning code.

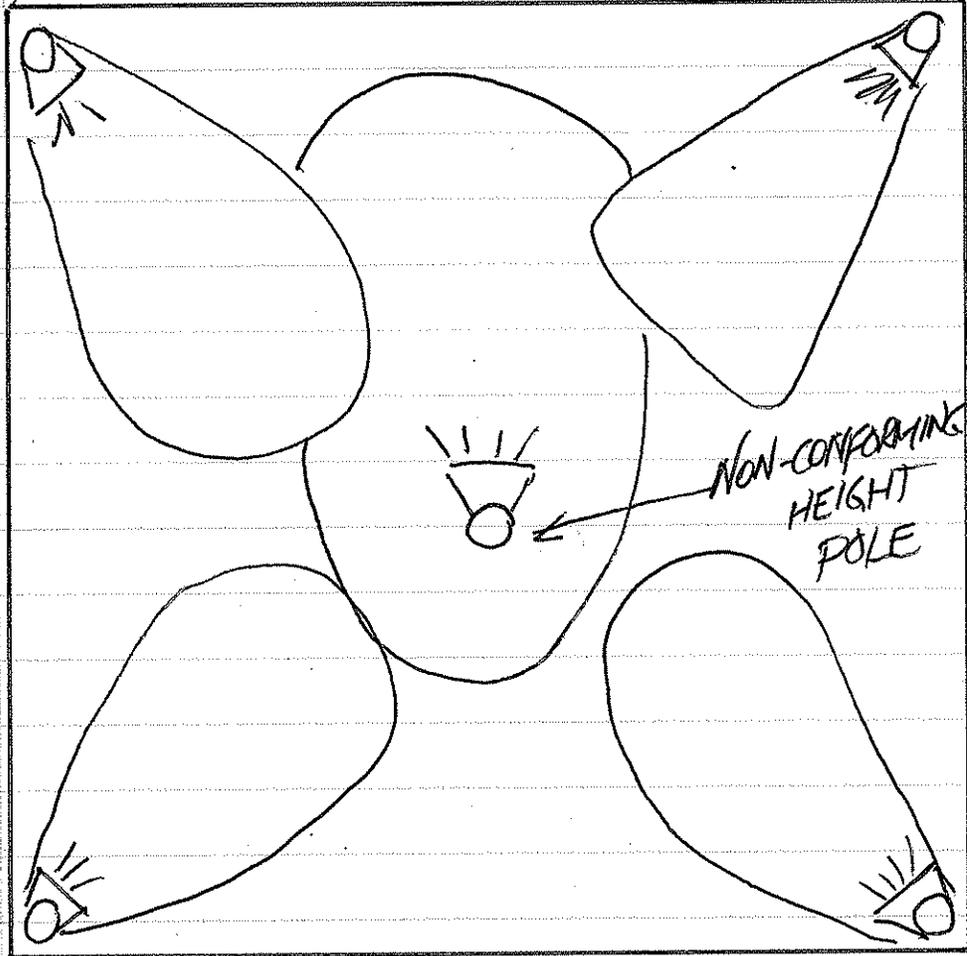
Cordially,

A handwritten signature in black ink, appearing to read 'Marty Spaulding', written in a cursive style.

Marty Spaulding
President
Union Bag & Barrel Inc.

INDUSTRIAL
USE

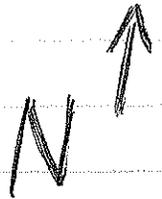
INDUSTRIAL
USE



RESIDENTIAL USE



WEST WILLARD STREET



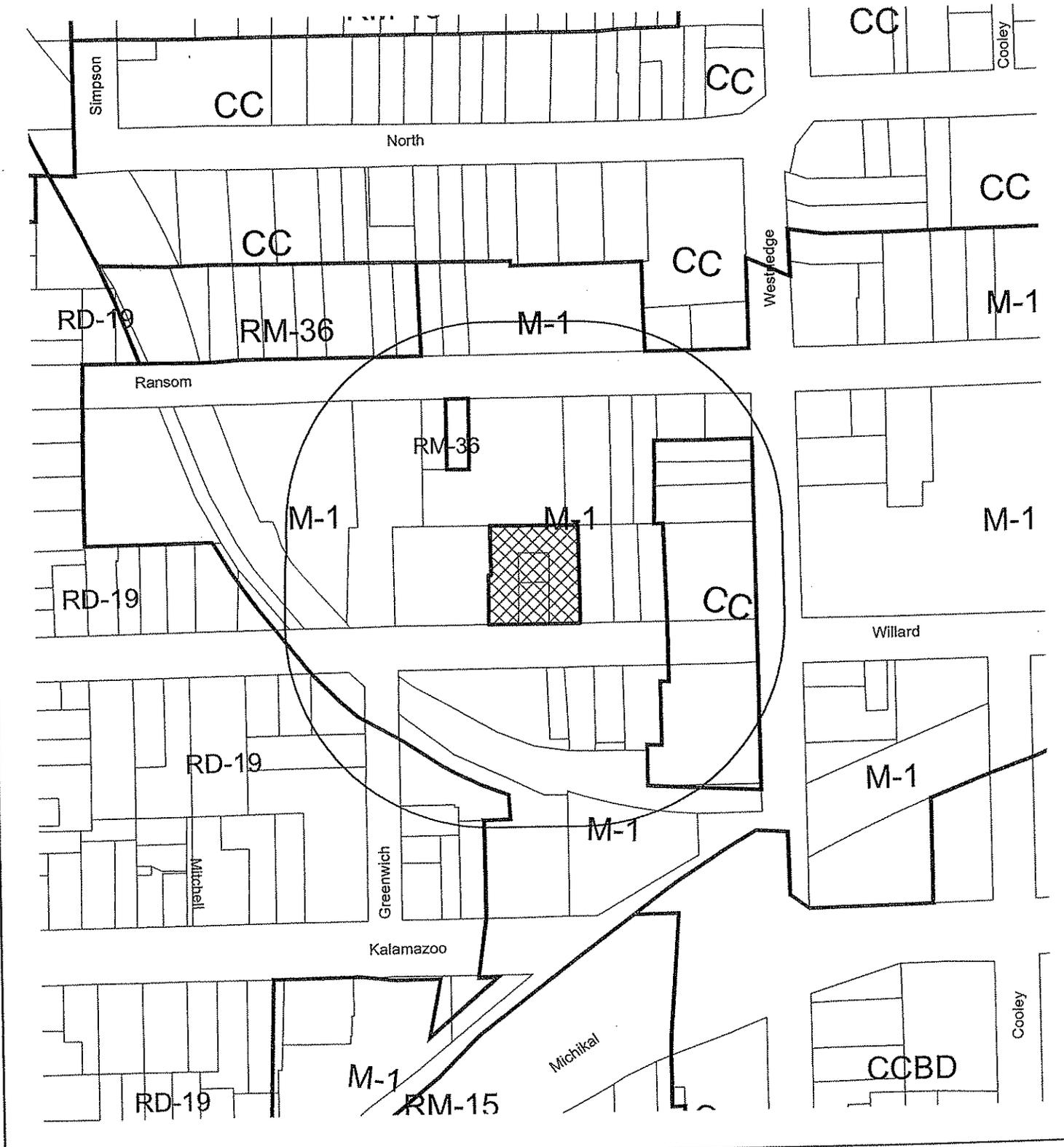
507, 526 and 528 West Willard Street
February 27, 2009



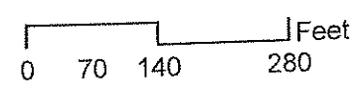
Perimeter Light Fixture In Southeast Corner Is 12.5 Feet High



Center Light Fixture Is 20 Feet High



300' Mailing Boundary
 507, 526 and 528 W. Willard St.





Community Planning & Development

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

NOTICE OF PUBLIC HEARING
February 25, 2009

RE: 417 Locust Street
CCN# 06-21-226-003
ZBA# 09-03-04

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Thomas Stout, the property owner. The request concerns the properties at 417 Locust Street, which is situated in use Zone RM-15 (Residential - Multi Dwelling District).

The applicant is requesting a dimensional variance from Chapter 5, Section 5.1, to authorize the re-use of two dwelling units on a lot which is 4,356 square feet in area, where in the RM-15 District 5,800 square feet of lot area is required for two dwelling units.

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.

A public hearing will be held on **Thursday, March 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 at 445 West Michigan Avenue, Suite 101, or call (269) 337-8026.

Sincerely,

ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Project Coordinator



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 Thomas STOUT
 Address 18838 Church St.
 City, State, Zip MARcellus, Michigan
 Phone 269-646-2504 Cell 269-462-0366
 Fax " Email Thomas.STOUT@gmail.com

*Paul Mstr
645646
200.00*

Owner: Name Same as above
 Address _____
 City, State, Zip _____
 Phone _____ Cell _____
 Fax _____ Email _____

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

Property Information

Street or Street Address 477 Locust St.

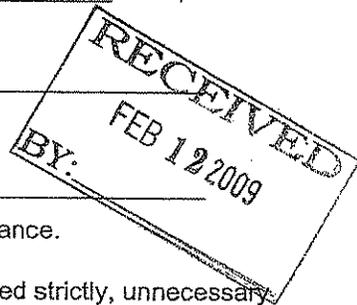
This property is located between Level street and Vine street, on the

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.

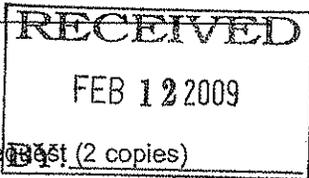


Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

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 _____



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 *Thomas Stout* Date 12 Feb 2009
 Signature of Owner (if different than applicant) _____ Date _____

Attn: Peter Eldridge

February 17, 2009

Zoning Board of Appeals:

We are respectfully requesting a Dimensional Variance for 417 Locust St, Kalamazoo, for the following reasons:

1. The location was originally a three unit and lost its eligibility to be a three unit because it was vacant for over one year before I purchased it.
2. There are several homes in the immediate area, including the houses immediately to the north and west, which are multi unit homes. It would be in keeping with what is already being done in the immediate area.
3. I believe that Sharon Ferraro, Historic Preservation Coordinator, is in support of this location being two units.
4. It is my understanding that the lot size that is needed for a duplex is 5,800 sq. ft. This location has 4,356 sq. ft. Thus we are 1,444 sq. ft. short of the required lot size, and that is the reason we are asking for the variance.
5. The house has two separate heating systems and two separate gas meters already.

Respectfully,



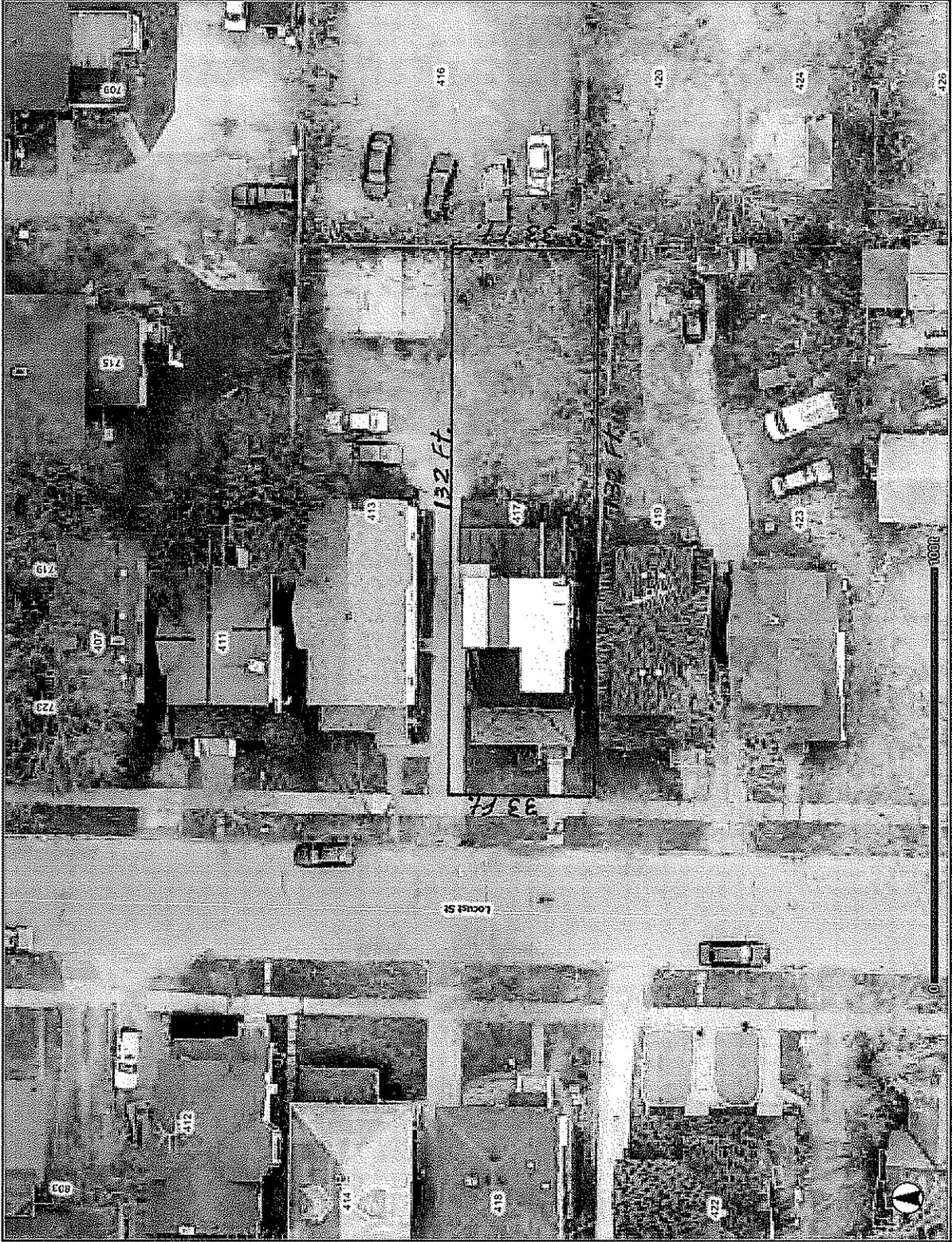
Thomas G. Stout
417 Locust St. - Owner

417 Locust Street
February 27, 2009



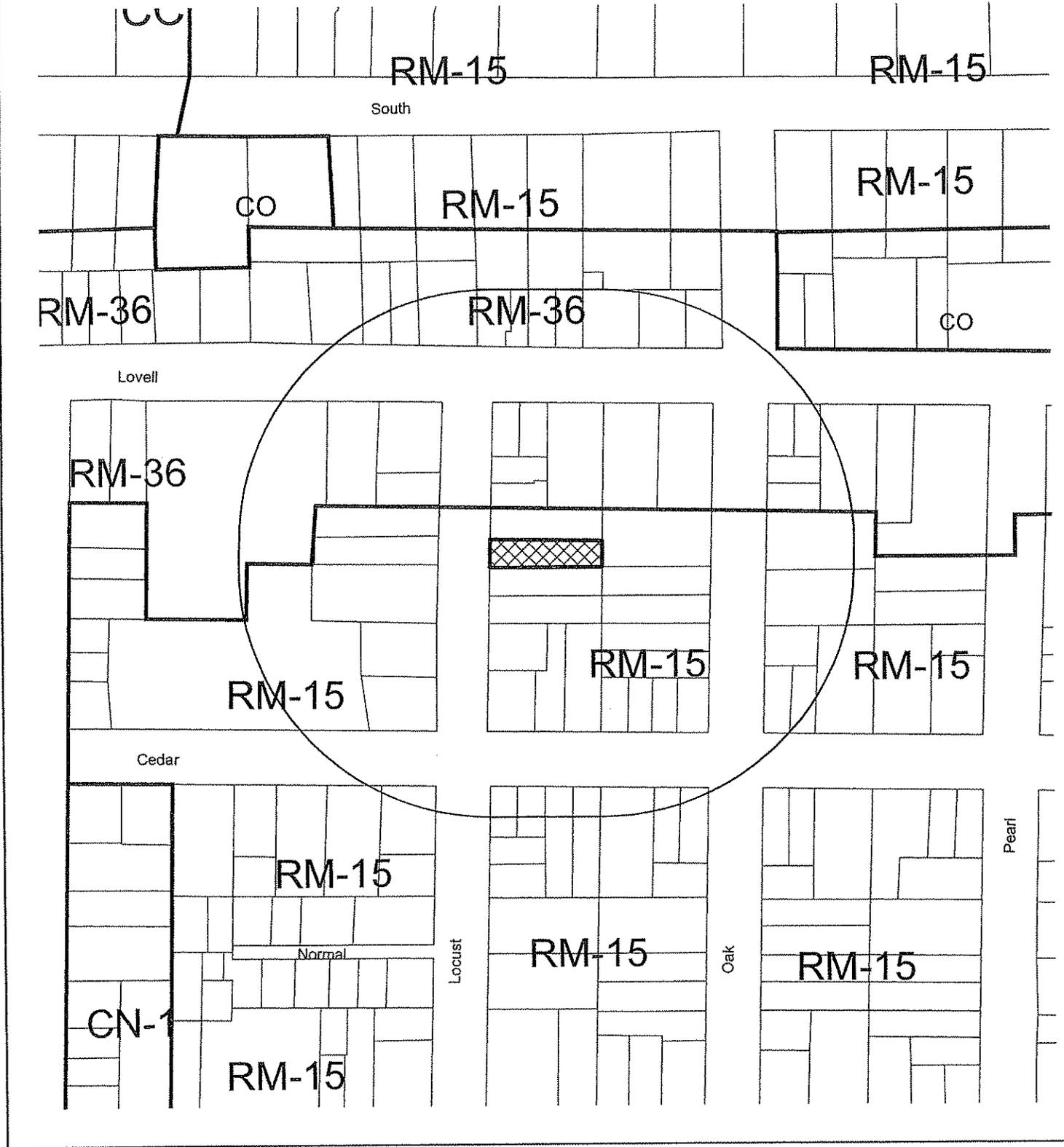
417 Locust Street

2007 Aerial Photo

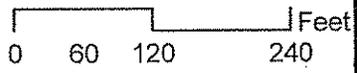


DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference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

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



300' Mailing Boundary
 417 Locust Street





Community Planning & Development

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

NOTICE OF PUBLIC HEARING
February 25, 2009

RE: 322 and 326 Lake Street
CCN# 06-22-415-257 and 06-22-416-256
ZBA# 09-03-05

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Carol Archer on behalf of David Greeley, the property owner. The request concerns the properties at 322 and 326 Lake Street, which are situated in use Zone M-1 (Manufacturing – Limited District).

The applicant is requesting a dimensional variance from Chapter 12, Section 12.3, to authorize easement access to an existing duplex, where the narrowest point of the easement is 11.5 feet wide. Per the Zoning Ordinance, a minimum of a 20 foot wide easement access is required when there is no direct frontage on a public street. This will allow the duplex, which straddles a property line, to be placed on a separate lot.

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, March 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 at 445 West Michigan Avenue, Suite 101, or call (269) 337-8026.

Sincerely,

ZONING BOARD OF APPEALS

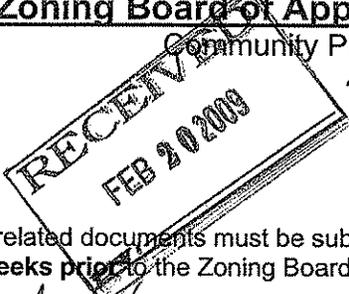
A handwritten signature in cursive script that reads "Peter C. Eldridge".

Peter C. Eldridge, AICP
Project Coordinator



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 Carol Archer
Address 326 Lake Street
City, State, Zip Kalamazoo MI 49001
Phone 269-345-7641 Cell 269-217-5381
Fax 269-637-9238 Email carcher@vbcmh.com

Owner: Name David Greeley
Address 111 Wilrad Ct #3
City, State, Zip Kalamazoo MI 49007
Phone 269-779-0423 Cell _____
Fax _____ Email DVDGreeley@yahoo.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 322 and 326 Lake Street
This property is located between Burdick street and Portage street, on the
 north south east west side of the street.
CCN# 06-22-415-237 & 0622-416-256 Zone M-1

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.)

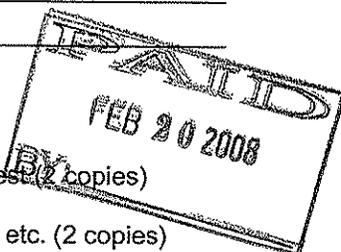
Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

Appeal of an Administrative Decision

Description _____

Attachments

- \$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)



Carol Archer Signature of Applicant Date 2-19-09
David Signature of Owner (if different than applicant) Date 2-19-09

February 19, 2009

To Whom It May Concern:

I am requesting to move the lot lines to go around the duplex located at 322 Lake Street, Kalamazoo, MI. The lot line currently runs through the building, with the building sitting on both lots for 326 Lake and 322 Lake.

I purchased both lots September of 1995 on a Land Contract. This whole process started the beginning of the year when the engine in my vehicle died and I needed to purchase another one. Long story short, I got permission from the owner to pay him off so I could obtain a first time mortgage to consolidate bills and make finances more affordable.

The Credit Union stated from the aerial view it looked like the duplex sat on both properties and I needed to find out if it actually was or if the view was incorrect. If the duplex sat on both properties, I would need to separate them in order to obtain the mortgage.

I am requesting the lines be drawn around the duplex to allow access to the back yard for the house of 326 Lake Street. I have dogs and a fenced-in back yard, after it rains, the North East corner of the duplex can get standing water; having two accesses to the backyard would be beneficial.

I lived in the duplex for 11 years and have been in the house since September of 1995. Sharing the driveway has never been a problem or concern.

Thank you for your consideration in this matter.

Sincerely,



Carol Archer
326 & 322 Lake Street

SURVEY CERTIFICATE

If this certificate is used for transfer of title, Act 288 of Public Acts of 1967 must be complied with

RECEIVED
 FEB 14 2009
 BY:

I, John C. Hunt, P.S. #23513 in the State of Michigan, do hereby certify that the drawing herein delineated is a full and accurate representation of a land survey begun on 01/29/09 and completed on 01/30/09 of the following described parcels of land.

0.13 ACRE PARCEL

Part of Lots 256 and 257 of the plat of P. Den Bleykers Addition to the Village (now City) of Kalamazoo as recorded in Liber 2 of Plats on page 18 of Kalamazoo County records, being part of the Southeast quarter of section 22, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, described as commencing at the Northwest corner of Lot 256 of said plat; thence S00°03'42"W, along the West line of said Lot 256 as monumented and its Southerly extension thereof 111.96 feet to the point of beginning of the land herein described; thence N82°05'00"E, 37.636 feet; thence S00°14'45"W, 89.00 feet; thence N89°15'15"W, 70.00 feet; thence N00°14'45"E, 78.35 feet; thence N82°05'00"E, 33.078 feet to the place of beginning, containing 0.13 acre of land.

TOGETHER WITH: a non-exclusive easement for ingress, egress and public utilities described as follows: Part of Lot 256 of the plat of P. Den Bleykers Addition to the Village (now City) of Kalamazoo as recorded in Liber 2 of Plats on page 18 of Kalamazoo County records, being part of the Southeast quarter of section 22, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, described as beginning at the Northwest corner of Lot 256 of said plat; thence S00°03'42"W, along the West line of said Lot 256 as monumented and its Southerly extension thereof 111.96 feet; thence N82°05'00"E, 19.42 feet; thence N03°58'21"W, 110.20 feet to the North line of Lot 256; thence S86°45'00"W, along said North line 11.50 feet to the place of beginning.

SUBJECT TO: the rights of the public and any governmental unit in any part of the land taken, used or dedeed for street, road or highway purposes.

0.58 ACRE PARCEL

Part of Lots 256 and 257 of the plat of P. Den Bleykers Addition to the Village (now City) of Kalamazoo as recorded in Liber 2 of Plats on page 18 of Kalamazoo County records, being part of the Southeast quarter of section 22, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, described as beginning at the Northwest corner of Lot 256 of said plat; thence N86°45'00"E, along the North line of Lot 256 a distance of 50.498 feet to the East line of the West 3 rods of said Lot 256 as monumented; thence S00°26'07"E, along said East line 328.03 feet to the South line of Lot 256; thence S89°29'20"W, along the South line of Lots 256 and 257 a distance of 115.50 feet to the Southwest corner of Lot 257; thence N00°50'19"W, along the West line of Lot 257 as monumented 220.295 feet; thence N87°15'10"E, a measured distance of 65.776 feet (record=66.00 feet to the West line of Lot 256 as monumented); thence N00°02'43"E, along said West line a measured distance of 102.77 feet (record=103.00 feet) to the place of beginning.

EXCEPTING THEREFROM: Part of Lots 256 and 257 of the plat of P. Den Bleykers Addition to the Village (now City) of Kalamazoo as recorded in Liber 2 of Plats on page 18 of Kalamazoo County records, being part of the Southeast quarter of section 22, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, described as commencing at the Northwest corner of Lot 256 of said plat; thence S00°03'42"W, along the West line of said Lot 256 as monumented and its Southerly extension thereof 111.96 feet to the point of beginning of the land herein described; thence N82°05'00"E, 37.636 feet; thence S00°14'45"W, 89.00 feet; thence N89°15'15"W, 70.00 feet; thence N00°14'45"E, 78.35 feet; thence N82°05'00"E, 33.078 feet to the place of beginning.

TOGETHER WITH AND SUBJECT TO: a non-exclusive easement for ingress, egress and public utilities described as follows:

Part of Lot 256 of the plat of P. Den Bleykers Addition to the Village (now City) of Kalamazoo as recorded in Liber 2 of Plats on page 18 of Kalamazoo County records, being part of the Southeast quarter of section 22, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, described as beginning at the Northwest corner of Lot 256 of said plat; thence S00°03'42"W, along the West line of said Lot 256 as monumented and its Southerly extension thereof 111.96 feet; thence N82°05'00"E, 19.42 feet; thence N03°58'21"W, 110.20 feet to the North line of Lot 256; thence S86°45'00"W, along said North line 11.50 feet to the place of beginning.

FURTHER: that the error of closure of the unadjusted field observations which resulted in the above description was no greater than 1 part in 15,000.

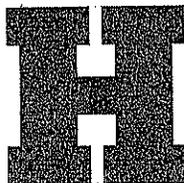
FURTHER: that a yellow plastic cap has been securely affixed to the top of all metal stakes shown hereon with the registration number of the undersigned clearly embossed thereon.

FURTHER: that all of the requirements of section 3 of Act 132 of the Public Act of 1970 have been fulfilled.

IF THE SURVEYOR'S SIGNATURE & SEAL ARE NOT AQUA BLUE COLORED, THIS PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION, IF ANY, CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES

PREPARED FOR: **CAROL ARCHER**

SCALE: N/A	JOB NO.: 09-23818	DATE: 2-6-09
DRAWN BY: DOUG KISER		SHEET 2 OF 2



SOUTHWEST SURVEY & ENGINEERING CO., INC.
 Professional Land Survey Services
 John C. Hunt, P.S. #23513
 214 West Michigan Avenue, Paw Paw, MI 49079 Ph. (269)657-6037 Fax (269)657-6139
 Email (sws21@verizon.net)

John C. Hunt

322 and 326 Lake Street

2007 Aerial Photo



- City Limits
- Water Features
- Surface
- Culvert
- Parcels
- Parcel Dimensions
- 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; Dec., Section Lines; Nov., Mowing Properties; Sept., Ownership Info; Jan., Parcels, Zoning,



Community Planning & Development

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Kalamazoo, MI 49007
Ph. 269.337.8026
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February 16, 2009

Ms. Carol Archer
326 Lake Street
Kalamazoo, MI 49001

Re: 322 and 326 Lake Street – Moving of Lot Lines
CCN# 06-22-415-257 and 06-22-416-256

Dear Ms. Archer:

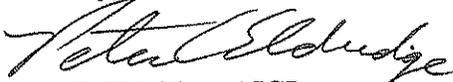
Per our phone conversation and review of the survey submitted, a dimensional variance will be required to shift the lot lines and place the entire duplex on 322 Lake Street. As mentioned, each parcel or lot within the City of Kalamazoo is required to maintain a minimum of 20 feet of property frontage on a public street or have a 20 foot wide easement established for access.

Due to the limited frontage on Lake Street and the location of the single-family home (on 326 Lake Street), there is not 20 feet of unobstructed lot width to establish the required easement access to 322 Lake Street. At the narrowest point the proposed easement access would be 11.5 feet wide.

Please complete the enclosed Zoning Board of Appeals application if you desire to apply for a dimensional variance. This application will be due at our office by 5 PM on February 20th, if you wish to be on the March 12, 2009 agenda. The fee is \$200.

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

Sincerely,


Peter C. Eldridge, AICP
Project Coordinator

attachment

c: Property File

Information herein deemed reliable but not guaranteed
01/08/2009 02:24 PM REAL ESTATE SUMMARY SHEET

Parcel: 3900-06-22-415-257 Owner's Name: GREELEY, DAVID L
Property Address: 322 LAKE ST Map #: 0125040

Cur. Class : RI Gov. Unit: 06 City of Kalamazoo School: 01 Kalamazoo
Prev. Class: RI Neighborhood: 00045 45 Central Valley

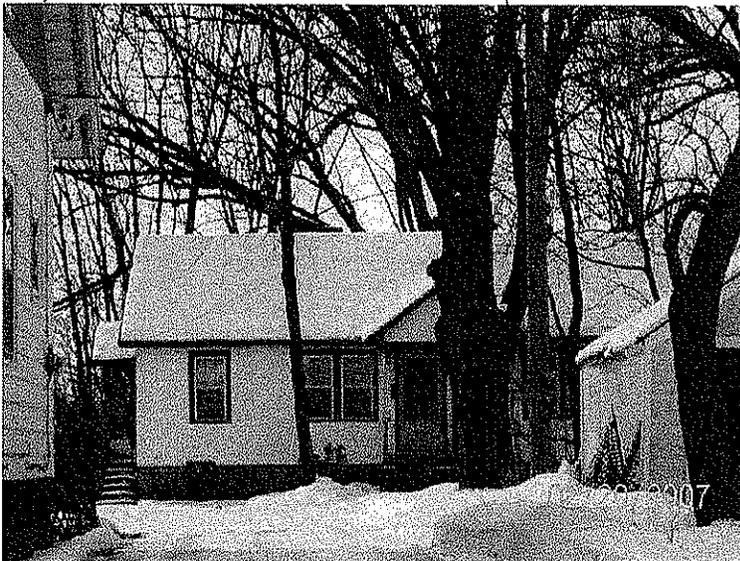
Liber/Page: 1802/1155 Created: / / Split: / / Active
Public Impr.: Paved Road, Storm Sewer, Sidewalk, Water, Sewer, Electric, Gas,
Curb
Topography: Flood Plain

Legal Description: Mailing Address:
17344 P DEN BLEYKERS ADDITION TO DEN 326 LAKE ST
BLEYKERS ADDITIOM, LOT 257 EXC N 103 FT. KALAMAZOO MI 49001

----- Most Recent Sale Information -----
Sold on 08/21/1995 for 40,000 by GREELEY, DAVID L.
Terms of Sale: Not Used in Study Liber/Page: 1802/1155

----- Physical Property Characteristics -----
2009 S.E.V.: 19,500 Taxable: 2,930 Lot Dimen:
2008 S.E.V.: 17,300 Taxable: 2,807 Acreage: 0.33
Zoning: M-1 Land Value: 9,121 Frontage: 0.0
PRE: 0.000% Land Impr. Value: Average Depth: 217.0

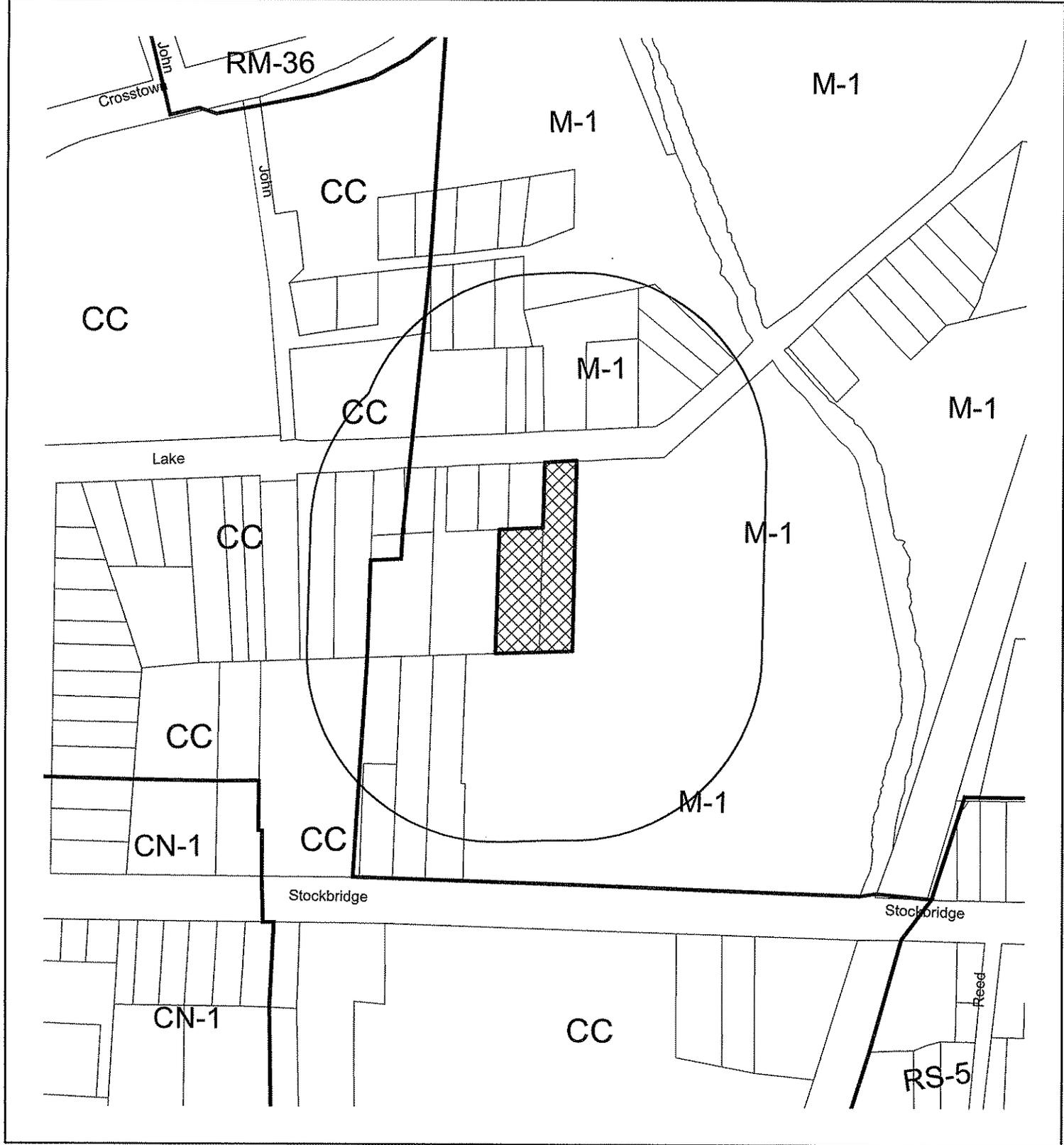
----- Improvement Data -----
of Residential Buildings: 1 # of Ag. Buildings: 0
Year Built: 1948 Est. TCV:
Occupancy: Single Family Cmts: # of Commercial Buildings: 0
Class: D +10 Type:
Style: 1 sty Desc:
Exterior: Asbestos Class:
% Good (Physical): 47 Quality:
Heating System: Forced Air w/ Ducts Built: 0 Remodeled: 0
Electric - Amps Service: 0 Overall Building Height: 0
of Bedrooms: 2 Floor Area:
Full Baths: 2 Half Baths: 0 Sale Price/Floor Area: 0.00
Floor Area: 890 Est. TCV:
Ground Area: 890 Cmts:
Garage Area:
Basement Area: 890
Basement Walls: Block
Est. TCV: 29,972



Handwritten annotations on the photo: "Driveway" with an arrow pointing to the left side of the house, and "Current Property Line" with a vertical dashed line drawn on the right side of the house.







300' Mailing Boundary
322 and 326 Lake Street

