

Agenda
City of Kalamazoo - Zoning Board of Appeals
May 14, 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 March 12, 2009
- C. Communications and Announcements
- D. Public Hearings:
 - 1. ZBA #09-05-06: 3513 Gembrit Circle. BFI Waste Services of Western Michigan, the property owner, is requesting a dimensional variance from Chapter 5, Section 5.2, to allow for 83% impervious cover for a parking lot expansion, where 80% impervious cover is the maximum allowed in the M-2 District
 - 2. ZBA #09-05-07: 517 E. North Street and 520 E. Frank Street. Life E.M.S. of Kalamazoo, Inc., on behalf of the property owner M & M Holdings, LLC, is requesting a dimensional variance from Chapter 5, Section 5.2, to allow for 77.5% impervious cover for a building addition, where 65% impervious cover is the maximum allowed in the CMU District
- E. Other Business:
- F. Adjournment

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

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

Corrections to the minutes of February 12, 2009 were requested as follows: Page two, fifth paragraph, second line, change it to read "Mr. Freed clarified if there is no storm sewer available and they do a leaching basin did it require..." change to read "Mr. Freed clarified if there is no storm sewer available and they use a leaching basin, did it require..."

Mr. Guenther, supported by Ms. Hughes-Nilsson moved to approve the minutes of February 12, 2009 as amended.

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 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: 507, 526 and 528 West Willard Street: An application for a variance to the 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. There were 40 notices of public hearing sent and zero responses were received.

Marty Spaulding, the applicant stated he was the owner of the property. He stated the non-conforming light fixture was a product of necessity. Mr. Spaulding stated he had installed the new parking lot and perimeter lighting last year. By zoning ordinance it required a sharp cut off style of fixture to retain the light from going onto adjacent properties. When the project was completed and the lights turned on, the center of the parking lot was dark. Mr. Spaulding stated he had the electrician run another light into the middle of the parking lot without any thought to a height requirement. He consulted with the supplier of the lighting fixtures regarding the spread of the light. The calculations with the height wouldn't spread beyond the boundary of the property. Mr. Spaulding stated one side was a public street, two sides are in an industrial use area, and the third has a fence preventing light encroachment within 500 ft. This is an overflow parking lot for a night club and restaurant in the area and is a public safety issue to him. Mr. Spaulding stated he doesn't see any foul, there's no light being shed onto adjacent property and he meets the intent of the zoning ordinance.

Mr. Freed questioned if the project had started last year. Mr. Spaulding stated yes, the parking lot was installed in 2008. Mr. Freed questioned if they obtained a building permit. Mr. Spaulding replied yes, but the light was an afterthought and he never thought to seek a permit for it. Mr. Freed questioned if the light was part of the permit application. Mr. Spaulding replied it was not part of the original design or plan. It wasn't apparent the middle of the parking lot wasn't going to be lit up. Mr. Freed questioned how they became aware it was five feet to high. Mr. Spaulding replied the zoning inspector noticed it when he was counting the landscape shrubbery, he observed the height of the pole. Mr. Spaulding commented he was a little surprised when he was notified regarding the height issue. He asked the company that installed the other lights to give them a matching pole that would retain the light onto their property.

There were no comments from the public.

FINDING OF FACT

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

- 1.) The Finding of Fact for 507, 526 and 528 West Willard Street shall include all information included in the notice of public hearing dated February 25, 2009.
- 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, aerial photographs, site plans, elevations and a letter, a hand sketch of the light photo metrics and existing site photographs.

- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Marty Spaulding, the property owner stated the parking lot had been installed last year in 2008. He installed perimeter lighting at that time with the cut off features per code, but the center of the lot was dark and he had concerns for his customer's safety. He installed a light in the center; the light from it does not leave the property per manufacture's design and per code. The property has two industrial properties on the west and north side, a public road on the south side and a residential property to the east. Mr. Spaulding stated he installed the fence on the east side to help block any nuisance light. Mr. Spaulding stated he feels the light will meet the intent of the ordinance and that it does not produce any nuisance light off of the property. Mr. Freed asked when the project had been completed and if there was a building permit. Mr. Spaulding stated yes, the project had been done in 2008 with a building permit, but the light was installed later when they were concerned with darkness in the center of the parking lot. Mr. Freed questioned how this issue was noticed. Mr. Spaulding stated it was during a zoning inspection when the plantings were counted that the discrepancy was noticed.

Mr. Guenther supported the Finding of Fact.

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

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

Mr. Freed stated his concerns with one of the criteria, "the action necessary isn't the fault of the owner." He feels this action is the fault of the owner who, as an afterthought without any permits, had the light installed. Mr. Freed stated he would be voting against the request.

Ms. Hughes-Nilsson questioned if there was a photometric plan submitted with the building permit, as it could have been caught at that time. Mr. Eldridge replied there's either a photometric plan or the information on the type of cut off of the light fixture provided. It indicates the extent in which the light can spread from the fixture. Mr. Eldridge stated they didn't have any information on the new light that was placed in the middle. He believes they have the specifications for the type of light fixtures on the perimeter lights. Mr. Eldridge stated they normally get the photometric plans for larger projects, such as Bronson Hospital's parking lots. The more parking spaces there are, the code allows the fixtures to be higher off the ground. For fifty or more parking spaces the fixtures can be 20 ft. high and 25 ft. high for a larger parking lot. For smaller scale plans they only require specifications on the fixtures being used.

Ms. Hughes-Nilsson questioned the number of parking spaces. Mr. Eldridge replied it was approximately 38. Mr. Spaulding thought it was around 40.

Mr. Guenther commented that 15 ft. isn't a hard and fast rule for the height of the light posts and they can even be 20 to 25 ft. high. He feels this adheres to the spirit of the ordinance by providing adequate lighting without imposing on anybody else's property. He feels it's apparent from the documentation the light fixture controls the light and fills the dark space. The spirit of the ordinance is met and he will vote in favor.

Chair Artley questioned the apartment building fronting on W. Willard, if there would be reflective lighting affecting the building and how tall was it. Mr. Eldridge replied there is a screening fence along the property line which doesn't appear in the photographs. There wouldn't be a light spillover problem from the light fixture. Chair Artley stated he felt if a permit had been taken out, for the light in the center, the height issue would have been caught. The deed done is by the land owner and doesn't meet the intent. He stated he would be voting against the request.

Motion denied by roll call vote.

Yes: Guenther

No: Freed, Hughes-Nilsson, Artley, Jackson

Mr. Guenther read the application for 417 Locust Street, CCN# 06-21-226-003:

ZBA# 09-03-04: 417 Locust Street: An application for a variance to the 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 properties. This is a request for a variance only regarding the item described above. There were 152 notices of public hearing sent and zero responses were received.

Caleb Stout, 7690 E. U Avenue, Vicksburg, Thomas Stout the owner's son stated he managed the property since they purchased the property in December, 2008. Mr. Stout stated it was used as a three unit prior to them purchasing it, but lost it's eligibility by sitting vacant for over one year. The house has four parking spaces, which is enough parking. All the houses in the immediate area are multi unit houses. Mr. Stout stated the house is set up as a duplex with two different heating and gas systems.

Mr. Eldridge commented Thomas Stout had been into the office several times working through different issues. The property had sat vacant for over two years and was a blighted problem. The house is in a historical area with an asphalt style siding that the previous owner painted over which didn't meet the historic district standards. The Stouts are working with Ms.

Ferraro, the Historic Preservation Coordinator, and the Historic District Commission to make improvements that will meet the regulations. The three unit layout doesn't work well with the house and the Stout's have decided not to seek continuance of a three unit, but use it as a duplex and re-organize the floor plan. It's in the RM-15 multi dwelling zone, but the lot size caused them to bring it before the Board. The lot size is not large enough to accommodate a duplex, so they needed a variance since it was abandoned for over a year.

Chair Artley clarified there were four parking spaces. Mr. Eldridge commented as a duplex it only requires three, yet they have four.

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

Chair Artley closed the public hearing on the first request for W. Willard also for the record.

FINDING OF FACT

Mr. Freed moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 417 Locust Street shall include all information included in the notice of public hearing dated February 25, 2009.
- 2.) One hundred fifty-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, elevations, photographs and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Caleb Stout son of Thomas Stout, presented information and explained why the variance request was necessary. He stated they purchased the property in December 2008 as a three unit, but will be using it as a two unit. All houses in the immediate area are rental duplexes and it is set up for use as a two or three unit with mechanical and electrical installations. Mr. Eldridge reported the Stouts had been into Community Planning and Development many times and have been working with Sharon Ferraro the Historical Preservation Coordinator for the City. It was a three unit and was abandoned for two years and many items are not up to code for a three unit. The property is in a multi family zoning district, the issue is lot size to allow a duplex on the site. It has four parking spaces and meets the City's parking requirements.

Ms. Hughes-Nilsson supported the Finding of Fact.

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

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

Mr. Freed commented the owner appears to be trying to comply with the ordinance; there may be structural issues that can't meet code compliance for a three unit. Using it as a two unit meets the intent of the ordinance. The hardships have not been created by the owner.

Motion approved by roll call vote unanimously.

Mr. Guenther read the application for 322 and 326 Lake Street, CCN# 06-22-415-257 and 06-22-416-256:

ZBA# 09-03-05: 322 and 326 Lake Street: An application for a variance to the 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. There were 15 notices of public hearing sent and zero responses were received.

Carol Archer, owner of the property stated she's requesting the property lines be redrawn for the duplex. Ms. Archer stated she had a land contract with Mr. Greeley contingent upon her not buying him out through a loan and he would make his money from interest and principal over time. Ms. Archer stated in trying to consolidate bills and since the land contract agreement was over thirteen years ago Mr. Greeley agreed to sell the property. The bank wouldn't approve a mortgage unless both buildings sit on separate properties. Ms. Archer discovered the duplex sat on both properties. She had them surveyed and they'll use the same driveway, but the duplex doesn't have the 20 ft. access to the street. Ms. Archer will own both properties when the mortgage is approved. The mortgage is contingent upon getting the legal easement approved and survey accepted. There is a tree in the way of the property lines and she asks that it be allowed to remain until the time she sells either property to another person. At that time she would make sure no tree existed.

Mr. Eldridge commented that was more of a legal question not one the Zoning Board could answer or follow-up on. Mr. Eldridge stated he was going to mention this later, but the City Fire Marshal looked at the situation and if more structures were built in the future they would want to ensure the easement area was wide open. The tree is approximately four feet into the

right of way. The fire marshal recommended when the motion was made to include a condition that the tree be removed. Ms. Archer's question is if a condition could be made to allow her to remove the tree in the future when she sells the property. Mr. Eldridge commented he didn't feel the City could do that legally.

Chair Artley commented if the Finding of Fact was approved and the variance is approved with the removal of the tree, the tree would have to be removed immediately. There would be no way to track when the tree would be removed otherwise. Mr. Eldridge agreed. Ms. Archer asked for a time frame to allow her to get her finances situated so she could take the tree down. Mr. Eldridge replied staff would normally agree to a 90 day time period or such. Until Ms. Archer actually owns the property she doesn't have the right to cut down any trees on the property.

Chair Artley commented if the Board approved the request for a variance, the Board could then state the tree needed to be removed. City Staff would follow through and make sure the condition was fulfilled or notify the property owner the condition was not met, and the variance would be nullified.

Mr. Freed questioned if they could put a time period on the removal of the tree of 90 days. Attorney Kneas commented he didn't feel the Board needed to go to that extent. Chair Artley clarified that Ms. Archer did not actually own the property at this time. Chair Artley commented it would need to be 90 days upon ownership. Mr. Freed questioned if this was an appropriate action before the Board. Attorney Kneas commented yes, because there is not 20 ft. of easement access. They need a variance to get less than the 20 ft., because there is no part of the easement at 20 ft. Part of the reason for a 20 ft. easement requirement is for emergency vehicles.

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

FINDING OF FACT

Mr. Freed moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 322 and 326 Lake Street shall include all information included in the notice of public hearing dated February 25, 2009.
- 2.) Fifteen 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, drawings of the site and a letter.

5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Ms. Carol Archer represented the changes to the lot and the property explaining the terms of the land contract with Mr. Greeley. Ms. Archer needs to clarify some of the issues of the land contract and the easement of 20 ft. or a variance from the easement. She explained the refinancing and mortgage situation and dealing with the financial institutions. The mortgage will be approved if the lot descriptions are worked out successfully. Mr. Eldridge explained the facts surrounding the tree in question and Mr. Artley further explained the issue and clarification on the tree and the easement.

Ms. Hughes-Nilsson supported the Finding of Fact.

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

Mr. Freed moved to approve the application with the condition of the removal of the large tree within the easement area within 90 days of the applicant's ownership of the property, supported by Ms. Hughes-Nilsson.

Mr. Freed stated he didn't feel the hardship was the fault of the applicant, by granting the variance they would be following the intent of the ordinance and not affecting other land owners.

Mr. Eldridge clarified the verbiage from the ordinance as "unobstructed and permanent easement to the public street."

Ms. Jackson questioned if the Board would verify that no trees could grow back up in the area again. Mr. Eldridge replied the city would make sure the tree was completely removed, what's above ground and remove the stump or grind it down below grade. It's the property owner's requirement to maintain the unobstructed easement.

Motion approved by roll call vote unanimously.

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

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Submitted By _____ **Date** _____

Reviewed By _____ **Date** _____

Approved By _____ **Date** _____



NOTICE OF PUBLIC HEARING

April 29, 2009

RE: 3513 Gembrit Circle
CCN#: 06-06-36-218-028
ZBA# 09-05-06

Dear Property Owner:

An application for a variance from the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by BFI Waste Services of Western Michigan. The request concerns the property at 3513 Gembrit Circle, which is situated in use Zone M-2 (Manufacturing – General District).

The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.2, to allow for 83% impervious cover for a parking lot expansion, where 80% impervious cover is the maximum allowed in the M-2 District.

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

A public hearing will be held on **Thursday, May 14, 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) 337-8044.

Sincerely,
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Project Coordinator

✓103



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 BFI Waste Services of Western MI
Address 3513 Gembrit Circle
City, State, Zip Kalamazoo MI 49001
Phone 269-216-8027 Cell 269-876-7519
Fax 269-216-8025 Email Pizzurro@repsrv.com

Owner: Name City-Star Services
Address 3234 Gembrit Circle
City, State, Zip Kalamazoo MI 49001
Phone 269-216-8027 Cell 269-876-7519
Fax 269-216-8025 Email Pizzurro@repsrv.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 3513 Gembrit Circle
This property is located between Cork street and Cork street, on the
 north south east west side of the street.
CCN# 06-36-218-028 Zone Manufacturing District M2

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

PAID
APR 22 2009
BY

Description This project includes the creation of additional parking for employees at the above listed property.

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 4-9-09

Signature of Owner (if different than applicant) _____ Date _____



April 9, 2009

City of Kalamazoo
Community Planning & Development Department
445 W. Michigan Avenue, Suite 101
Kalamazoo, Michigan 49007

Subject: Preliminary Site Plan and Zoning Board of Appeals Application Submittal
BFI Waste Services of Western Michigan
Kalamazoo, Michigan

To whom it may concern:

Attached for your review, you will find a Preliminary Site Plan and Zoning Board of Appeals (ZBA) Application for BFI Waste Services of Western Michigan (BFI). BFI is owned and operated by City-Star Services, Inc. (City-Star).

The attached documents are being submitted in conformance with the City of Kalamazoo Zoning Ordinance to allow additional employee parking to be constructed on the property described as 3513 Gembrit Circle, Kalamazoo, Michigan 49001, which was recently purchased by City-Star. The proposed parking area will be necessary to provide additional parking space for new employees of the solid waste hauling company and transfer station facilities owned by City-Star, which are located adjacent to the property. This submittal includes the following components:

1. ZBA Application Form (Dimensional Variance);
2. Check for \$200.00 to cover the ZBA Application fee;
3. Brief narrative as required by the ZBA Application Form (2 - copies); and
4. Preliminary Site Plan of Property (2 - copies);

If you have any questions or if you need any additional information regarding the items discussed above, please do not hesitate to contact Brad Runkel at (734) 654-1158.

Sincerely,

CITY-STAR SERVICES, INC.

A handwritten signature in black ink, appearing to read "Don Pizzurro", is written over a horizontal line.

Don Pizzurro
Operations Manager

Att: See Above

Cc: Bob ten Haaf
Brad Runkel

McNeely & Lincoln Associates, Inc.

Civil Engineering • Land Surveying • Municipal Consulting

37741 Pembroke • Livonia, Michigan 48152

Phone: (734) 432-9777 • Fax: (734) 432-9786

April 7, 2009

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

Subject: Request for Zoning Variance – #3513 Gembrit Circle, Kalamazoo, MI
Variance of Maximum Impervious Cover Ratio and Landscaping Requirements

Members of the Zoning Board of Appeals:

On the behalf of BFI Waste Services of Michigan (BFI), McNeely & Lincoln Associates, Inc. (Engineers for BFI) is submitting a variance request for the aforementioned zoning ordinances. Republic Services and Allied Waste Industries (parent companies) merged and are in the process of consolidating operations of duplicate use and transferring personnel to selected facilities wherefrom the merged divisions will operate. To accommodate the additional personnel and equipment as a result of this merger, BFI, located at 3432 Gembrit Circle, purchased the property across the street at 3513 Gembrit Circle to provide additional employee parking and equipment storage.

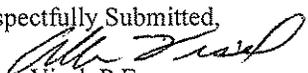
The consolidation of offices and personnel required a truck scale at a closing facility to be relocated to the BFI site. A traffic study was performed to identify locations within the facility capable of accommodating the proposed scale and providing sufficient turning radiuses for the trucks to maintain safe and efficient operations. With limited options available, the scale is proposed to be located near the east property line, which will impact existing employee parking. With the loss of existing site parking due to the scale and the transfer of additional personnel to the facility, the facility requires approximately 45 – 50 additional employee parking spots beyond the transfer facility grounds.

BFI is requesting the ability to provide the necessary employee parking within the property grounds located at 3513 Gembrit Circle which is located across the street from the waste transfer facility. The property proposed to accommodate the additional employee parking was constructed prior to the existing zoning ordinance, and is non-conforming in regards to building set backs, landscaping, and vegetative buffer requirements. The southeast side of the existing facility pavement extends from the building to the back of curb. Current landscaping consists of shrubs located only along the building on the east side of the facility. The remainder of the grounds are either asphalt paved, bare ground, or lawn.

The preliminary site plan provided attempts to conform to the existing ordinance, while achieving the necessary employee parking. The proposed parking expansion area to the west of the entrance will have a landscaped island. Landscaping in conformance with the ordinance will be placed along the south end of the parking area along the street. Drainage from the proposed west parking expansion will be directed through an AquaSwirl catch basin before discharging to the storm sewer. BFI is not proposing to install landscaping east of the existing drive for safety reasons. The east end of the property abuts a horizontal curve in the road. Landscaping along this curve poses a safety hazard by limiting sight distance for traffic while traveling the curve. A portion of the existing asphalt will be removed east of the site entrance to improve the pervious ground area and vegetative buffer within the property limits and right-of-way. The southeast corner of the existing asphalt east of parking stall #48 will continue to extend to the curb to allow sufficient room for a vehicle to back out of stall #48. The existing pavement limits to the east will be maintained to provide a paved surface to access the front entrance. The existing site asphalt pavement is deteriorating and will be in need of repair or replacement which will be performed in conjunction with the site improvements in seasonal phases.

McNeely & Lincoln Associates, Inc., on behalf of BFI Waste Services of Western Michigan, respectfully request application for variance be granted. The proposed parking improvements are critical for providing the necessary employee parking requirements for safe facility operations, while attempting to conform, to the greatest extent possible, with existing ordinance requirements. Conformance is restricted due to the facility's need to support necessary operations and concerns regarding public safety limiting the ability to landscape along the yard limits within the horizontal curve of Gembrit Circle.

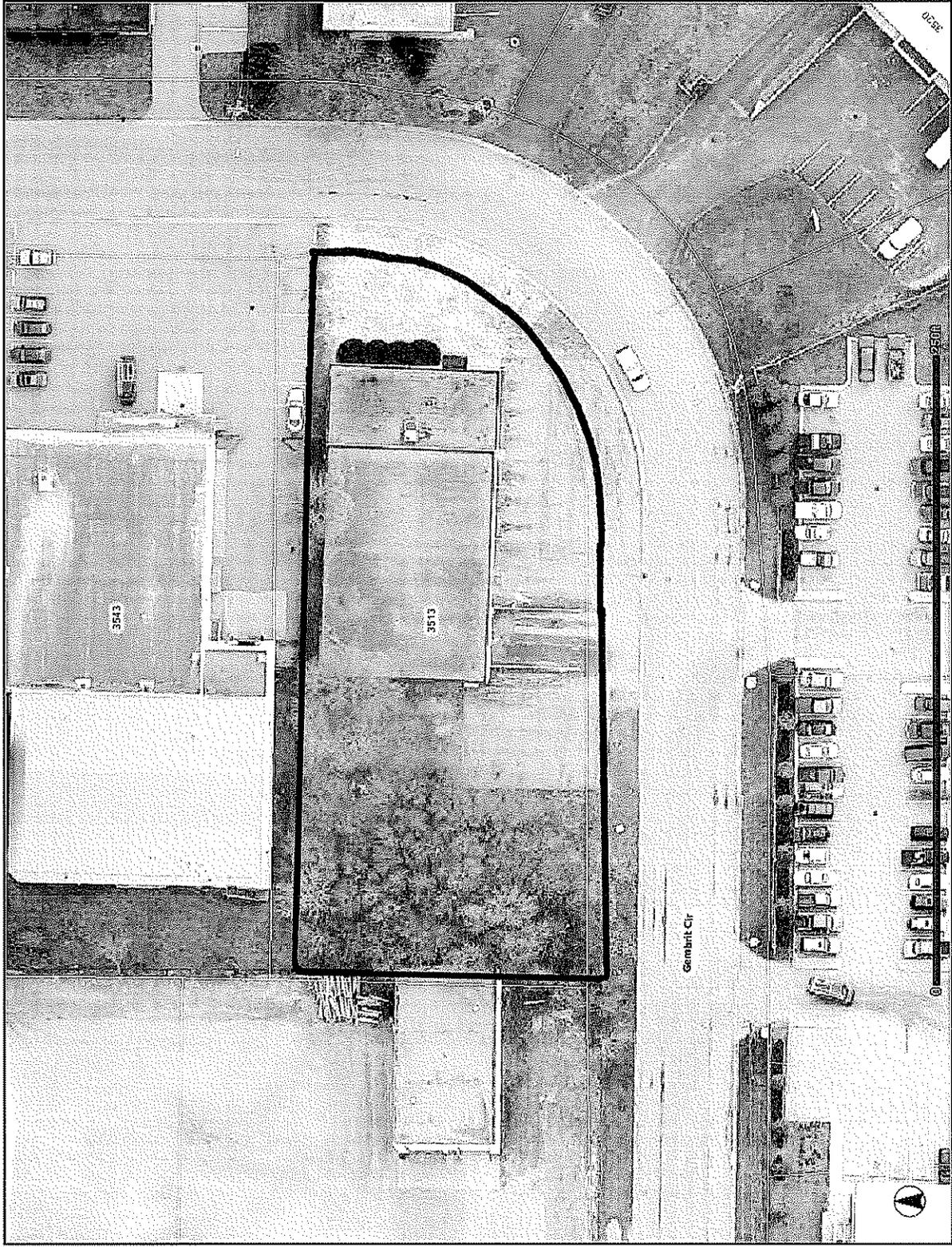
Respectfully Submitted,


Allen Visel, P.E.

Vice President, McNeely & Lincoln Associates, Inc.

3513 Gembrit Circle

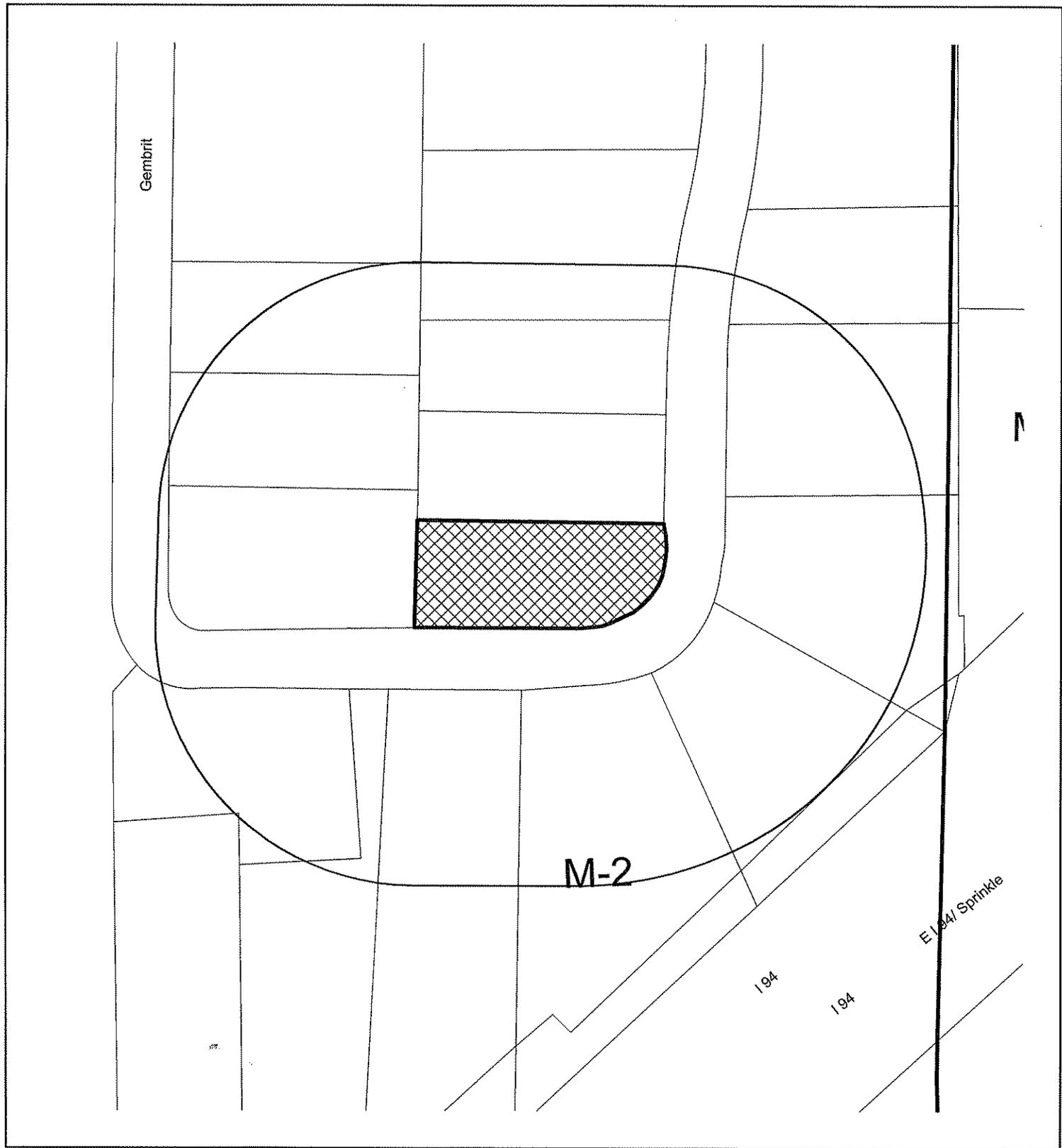
2007 Aerial Photo



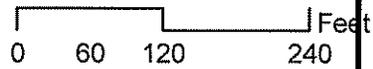
- City Limits
- Water Features
- Surface
- Culvert
- Parcels
- Water Feature Names
- Street Names

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

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



300' Mailing Boundary
 3513 Gembrit Circle





Community Planning & Development

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

NOTICE OF PUBLIC HEARING

April 29, 2009

**RE: 517 E. North Street and 520 E. Frank Street
CCN#: 06-15-259-012 and 06-15-259-018
ZBA# 09-05-07**

Dear Property Owner:

An application for a variance from the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Life E.M.S. of Kalamazoo, Inc., on behalf of the property owner M & M Holdings, LLC. The request concerns the properties at 517 E. North Street and 520 E. Frank Street, which are situated in use Zone CMU (Commercial – Mixed Use District).

The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.2, to allow for 77.5% impervious cover for a building addition, where 65% impervious cover is the maximum allowed in the CMU District.

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, May 14, 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) 337-8044.

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.kalamazoo.org

RECEIVED
APR 16 2009
BY:

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 LIFE EMS OF KALAMAZOO, INC
Address 517 E. NORTH AVE
City, State, Zip KALAMAZOO, MI
Phone 269-373-3100 Cell 616 430 8805
Fax 616-242-8825 Email mweijer@lifeems.com

Owner: Name M & M HOLDINGS, LLC
Address 1275 CEDAR ST., NE
City, State, Zip GRAND RAPIDS, MI 49503
Phone 269-373-3100 Cell 616 430-8805
Fax 616-242-8825 Email mweijer@lifeems.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 517 E. NORTH AVE
This property is located between WALBRIDGE street and HARRISON 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] \$200.00 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)
[] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant Date 4-16-09
Signature of Owner (if different than applicant) Date



CONSULTING ENGINEERS

April 16, 2009

Community Planning & Development Department
445 W. Michigan Ave., Suite 101
Kalamazoo, MI 49007

Re: ZBA Application – Dimensional Variance Request
Life EMS of Kalamazoo, Inc. located at 517 E. North Ave.

Dear Board,

487 Portage Street
P.O. Box 50866
Kalamazoo, Michigan
49005-0866
Phone: 269.381.6170
Fax: 269.381.6176
www.byce.com

On behalf of M&M Holdings, LLC, I would like provide to you this brief narrative describing the nature of the variance being requested. The green space requirement which is a dimensional variance is being requested for consideration by the Zoning Board of Appeals (ZBA). The proposed site plan would allow for a 22.5% green space in lieu of the 35% green space required for this property that is zoned CMU.

Life EMS is an ambulance service and has many vehicles as part of their business operations. Their business operates around the clock during the week and on weekends. The nature of this business and the need to store many owner owned vehicles on site is the primary reason that the green space requirement has not be able to be achieved in the proposed site development.

The attached site plan sketches indicates that the property (previously two separate properties that was recently legally written into one property description) to be developed. The proposed site is an irregularly shaped "L" property. The proposed development shows a portion of the existing building to be demolished and a larger addition to be constructed to store and service their ambulances inside the building. The proposed site plan also indicates the addition of two carports for parking of ambulances outdoors.

The proposed site indicates the ability to meet all other aspects of the requirements for the improvements to this property including; setbacks, required number of parking spaces, landscape screening.

Sincerely,

BYCE & ASSOCIATES, INC.

Juliana Garner, AIA
Project Manager

c: Mark Roys, M&M Holdings, LLC

Grand Rapids
616.456.1575
Marquette
906.226.3580

The property legal description is as follows:

City of Kalamazoo, County of Kalamazoo, State of Michigan, to wit:

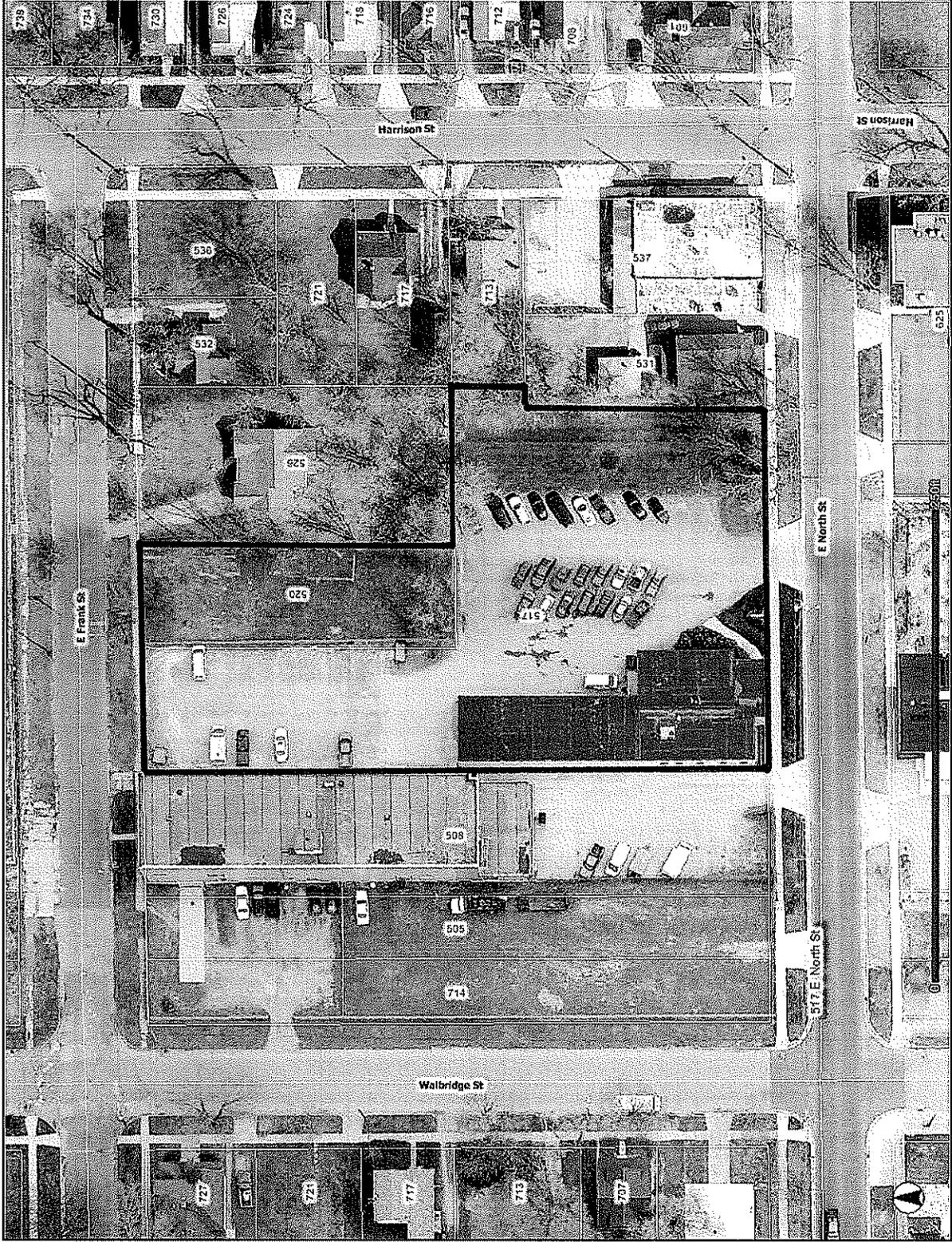
Lots 12, 13 and 19 of the Revised Plat of Richardson and Wattles Addition to the City of Kalamazoo as recorded in Liber 2 of Plats on Page 13, Kalamazoo County Register of Deeds, except the East 6.5 feet of Lot 13 of said Plat subject to easements and restrictions of record.

And

A portion of Lot #13 and 14 of the Revised Plat of Richardson & Wattles Addition according to the Plat thereof as recorded in Liber 2 of Plats on Page 13, Kalamazoo County Records, and being more particularly described as follows: Commencing at the Southeast corner of Lot #15 of the Revised Plat of Richardson & Wattles Addition; thence South 89° 17' 53" West along the North line of North Street 111.00 feet for the point of beginning of the parcel hereinafter described; thence South 89° 17' 53" West along the North line of North Street 67.15 feet; thence North 00° 02' 05" West parallel with and 6.50 feet West of the East line of Lot #13, 165.11 feet; thence North 89° 18' 04" East along the North line of Lot #14, 79.07 feet; thence South 00° 03' 42" East along the East line of Lot #14 38.00 feet; thence South 89° 18' 04" West, 12.00 feet; thence South 00° 03' 42" East, 127.10 feet to the point of beginning. Subject to a right of way for mutual driveway purposes over the Westerly 3 feet of Lot 14 and the East 2 1/2 feet of Lot 13 and over and along a strip of land 3 feet wide lying next West of Lot 14 and the East 2 1/2 feet of Lot 13 as disclosed by instrument recorded in Liber 254 of Deeds on Page 281, Kalamazoo County Records.

517 E. North St. / 520 E. Frank St.

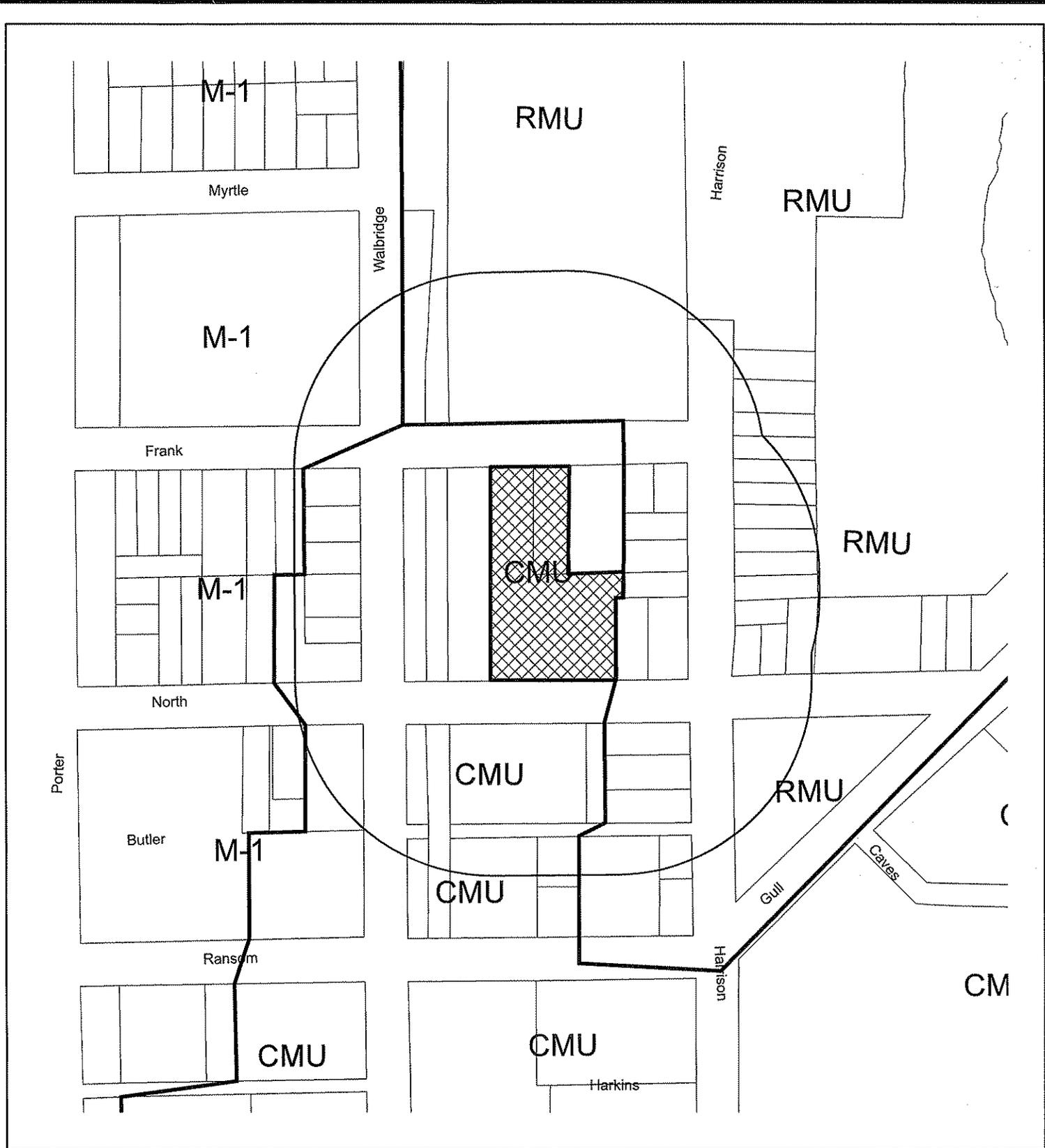
2007 Aerial Photo



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

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

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



300' Mailing Boundary
 517 East North Street and
 520 East Frank Street

