

Zoning Board of Appeals
Variance Application

32.3 West Michigan - Marshall, MI - 49068
Residential \$50.00 Commercial \$100.00



Petitioner Name CHICAGO DR. KOODS - TACO BELL

Address 400 E 22ND ST. LOMBARD IL Phone 630-889-1818

Property address for which you are seeking a variance: 15955 W MICHIGAN AVE

Are you the owner? Yes No (If not, please attach owners contact information)

Current Zoning B-4 Current Use DRIVE THROUGH TACO BELL

Zoning of abutting parcels B-4

Plot Plan Attached

According to ordinance, you must include a plot plan of the site, drawn to scale, with a north-arrow, all lot lines shown, street right of ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements.

Dimensional Variance or _____ Use Variance

____ Reasons for variance attached
Please see back of sheet for appropriate ZBA criteria.

Non-refundable Fees Paid

*The ZBA meets on the 3RD Thursday of each month.

Application must be received by the date listed on the back of this sheet to be heard on the next scheduled meeting.

I understand that I am expected to attend the ZBA Public Hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain a permit before commencing work.

Signature of Petitioner [Signature] Date 2/14/15

Signature of Owner [Signature] Date 2/9/15

Questions concerning these requirements should be directed to Natalie Dean, Director of Community Services, at: (269) 781-3985 x 1505

Feb. 16 2015

City of Marshall
Attn: Natalie Dean, Director of Community Services
City of Marshall--Public Service Building
900 S. Marshall, Marshall, MI

Re: Zoning appeals application, Dimensional Variance request for parking, parking setback and loading Area

While these criteria are specifically written for parking space requirements, the same arguments 1-6 could be made for parking setback variance and loading variance, due to the unique location and restrictions required for this site. You would not be able to build any sort of viable business if you apply the parking setback to this site. (see attached) and due to the fact that there is no rear yard and 3 front yards the loading area can't go in the rear yard. (see site plan setbacks)

1. This existing property is used as an existing Taco Bell which is a drive through facility and a sit down restaurant. The new proposed new proto-type Taco Bell has corporate standards for minimum parking of new structures such as the proposed. Strict compliance with the required parking spaces per the zoning ordinance reduces the amount of existing parking spaces by 5 and will not meet the required standards of Corporate Taco Bell for this type of new proto-type building. The existing building has 35 spaces and the new building requirements are 35 spaces minimum. This will deprive the applicant's rights of building a new more efficient building by requiring a lesser number of parking spaces for this site. As I understand the Marshall Zoning ordinance a sit down restaurant of this many seats would be able to have 35 parking spaces but when you add the drive through it limits the amount of spaces to a lesser number. This type of requirement for limiting the amount of parking spaces for a drive through facility creates an unnecessary burden and prevents the applicant from using the property for what is an existing use to upgrade the facility to a new proto-type building and create a better traffic flow to the existing site.
2. The proposed parking space variance will do substantial justice for the applicant to keep a drive through facility similar to the existing building on site. A lesser variance will not allow the owner to provide the community with a new proto-type building with a better traffic flow. This will encourage other such similar sites and be consistent with the opportunities with justice to other property owners.
3. Taco Bell's new unique proto-type building has 54 seats along with a drive through for this type of small site. In order to keep the Taco Bell corporate standard for this site a variance is needed due to the unique circumstances of such an existing small site. It has what is to be considered 3 front yards no rear yard, it abuts both city and M.D.O.T. right of ways, the grade is extreme in certain areas of the site and the existing accepted parking spaces are now considered non-conforming. Due to these unique circumstances peculiar to this site these variances are not applicable to other land or structures in the same district.
4. This site is an existing small site that only a Taco Bell drive through such as the proposed or existing can be utilized for this use for this site. All the zoning requirement restrictions placed on this site have made this site almost unbuildable without variances. The zoning requirements have been approved after this site was established and the problem of non-conforming is the result of the zoning requirements that have been implemented to this existing site.
5. The proposed variances are just re-establishing the right of the property owner to the original use of what is existing and will have no effect on the city.

6. The hardship and practical difficulties of not granting this variance will lessen the effectiveness of traffic flow, and limit owner's right to upgrade with new designs and better operations for an existing use.

Thank You.

JVB LLC
James Vanden Berge
Owner