

**ZONING BOARD OF APPEALS
MEETING AGENDA**

Thursday, July 16, 2015

7:00 p.m. City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI

CALL TO ORDER

ROLL CALL

CONSIDERATION OF MINUTES

Meeting minutes from April 16, 2015

APPROVAL OF AGENDA

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

There will be citizen comment time during each variance case being heard.

Citizens who wish to speak on *other matters on the agenda* may do so when called upon by the Chairman. Those people addressing the Board are required to give their name and address for the record and shall be limited to speaking for a maximum of five (5) minutes on a given matter.

NEW BUSINESS

1. **APPEAL #15.03** - Dimensional Variance filed by Marshall Excelsior at 1506 George Brown Drive from **§156.181 MIXED-USE AND NON-RESIDENTIAL DISTRICTS** - I-1 (Research and Technical) required front yard setback of 50'.
2. **APPEAL #15.04** - Dimensional Variance filed by Lori Kline-Closson at 536 Cosmopolitan from **§156.181 MIXED-USE AND NON-RESIDENTIAL DISTRICTS** - R-2 (Suburban Residential) required front yard setback of 30'.
3. **Re-Elect Officers**

OLD BUSINESS

None

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Citizens who wish to address the Board on items *not on the agenda* may do so at this time. When called upon by the Chairman, please state your name and address for the record. Members of the public shall be limited to speaking for a maximum of five (5) minutes.

REPORTS

Planning Commission: Current minutes can be found online at www.cityofmarshall.com

City Council Liaison

Board Members

Staff Reports

Reminders

ADJOURN

FROM THE ZBA RULES OF PROCEDURE:

6.4 PUBLIC PARTICIPATION

Members of the public, both residents of the City of Marshall and others, are invited to address the Board during two portions of the regular ZBA agenda. Prior to the Board's discussion of regular agenda items, members of the public are invited to provide comment of items on the agenda. Comments unrelated to items on the agenda will be welcomed during a second "public comment" time noted later on the agenda. The Chair will first recognize any member of the public wishing to address the Board. Individuals will speak from the podium or a hand held microphone, state their name and address and limit their comments to a total of five (5) minutes during each of these "public comment" times. Members of the public will not routinely be involved in the Board's discussion or deliberation upon agenda items unless called upon by the Chair.

MINUTES
MARSHALL CITY ZONING BOARD OF APPEALS
Regular Meeting Thursday, April 16, 2015
7:00 P.M. – COUNCIL CHAMBERS

CALL TO ORDER

This meeting was called to order by Chair Feneley at 7:02 p.m.

ROLL CALL

Members Present: Board Members Byrne, Karns, Revore, DeGraw, Feneley and Council Liaison Caron

Members Absent: None

Staff Present: Lisa Huepenbecker, Community Services Project Coordinator

APPROVAL OF MINUTES

Motion by Karns, supported by DeGraw, to accept the minutes of the November 20, 2014 regular meeting as submitted. On a voice vote; **Motion Carried.**

APPROVAL OF AGENDA

Motion by Byrne, supported by Karns, to approve the agenda of the April 16, 2015 regular meeting as submitted. On a voice vote; **Motion Carried.**

AUDIENCE PARTICIPATION

No public comment.

NEW BUSINESS

Appeal #15.01

Staff reported that the Planning Commission has granted approval of site plan for Taco Bell at 15955 W. Michigan Avenue contingent upon Zoning Board of Appeals approval of variances.

Jim Vanden Berge, Chicago Diversified (Taco Bell) representative of Grand Rapids, stated he plans to demolish and rebuild structure using a new prototype design. He remarked that the current structure is obsolete and no longer supports their business model. He stated the existing site does not currently conform to ordinance requirements. He also discussed that the limited space of the site will not allow all landscaping requirements to be met. He stated there was a revision to the original landscaping plan to reflect the suggestions of the Planning Commission during their first review for better placement and species selection, however, the lot size is not sufficient to meet interior landscaping requirements. Vanden Berge mentioned that they are seeking a total of 35 parking spaces which will reflect more accurately parking demands of the establishment according to Taco Bell's research. He remarked that similar businesses in the city have a greater number of parking spaces and approval of this variance would allow Taco Bell an equal opportunity to remain profitable. He further stated that the addition of these parking spaces would only necessitate an additional 3' X 50' section of pavement on the

west side of the lot and would not cause a significant increase in stormwater runoff. He also stated that the site boundaries consist of three front yards and one side yard, therefore it is not possible to have a loading space at this location without relief from loading space requirements.

Motion by DeGraw, supported by Karns, to approve Appeal #15.01 for Dimensional Variances filed by Chicago Diversified Foods of 15955 W Michigan Ave from (a) §156.324 MINMUM NUMBER OF SPACED REQUIRED, to increase maximum number of parking spaces from 30 to 35; from (c) §156.328 LOADING SPACES REQUIREMENTS to place loading space in front yard; from (d) §156.304 METHODS OF SCREENING for relief from hedgerow around parking area and lot line buffering requirements, §156.306 INTERIOR LANDSCAPING for relief from living groundcover, and §156.307 PARKING LOT LANDSCAPING for relief from required deciduous and ornamental tree requirements and required 100 square feet of planting area per ten parking spaces.

Using the Dimensional Variance Worksheet, the board cited the following items pertaining to this variance:

- Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose. ***Board Members discussed that denial of variances would prohibit owner from using the property for a permitted purpose. Owner has conducted research to support the need for additional parking to accommodate the business needs.***
- The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners. ***Board Members discussed that the property owner, as well as adjacent property owners, will be done justice with a redeveloped property. Approval of requested variances would allow property owner to remain efficient and competitive.***
- The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district. ***Board Members discussed that the lot location and size present unique circumstances peculiar to the land.***
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. ***Board Members discussed that the need for the requested variances arises from the nature of the business market and was not self-created.***
- The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals, or welfare. ***Board Members discussed that the approval of parking and loading variances would not cause significant adverse impacts to the adjacent properties. The landscaping variance will not likely create adverse impacts since it would allow similar landscaping to what is currently present on the site, and there are no current run-off issues. With the property being surrounded by parking areas on three sides, any property line and boundary screening requirements would be inconsequential.***
- The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return. ***Board***

(unofficial)

Members discussed that the current property is obsolete. They discussed that the approval of variances would allow the owner to remain competitive in the local business market.

On a roll-call vote-ayes: Byrne, DeGraw, Feneley, Karns and Revore; nays-None. **Motion Carried.**

OLD BUSINESS

None

PUBLIC COMMENT

None

REPORTS

Staff distributed the 2015 City Visioning, Goals and Objectives Statement.

ADJOURN

Meeting adjourned at 7:50 pm.

Respectfully submitted,

Crystal Lane

CASE #15.03 STAFF REPORT

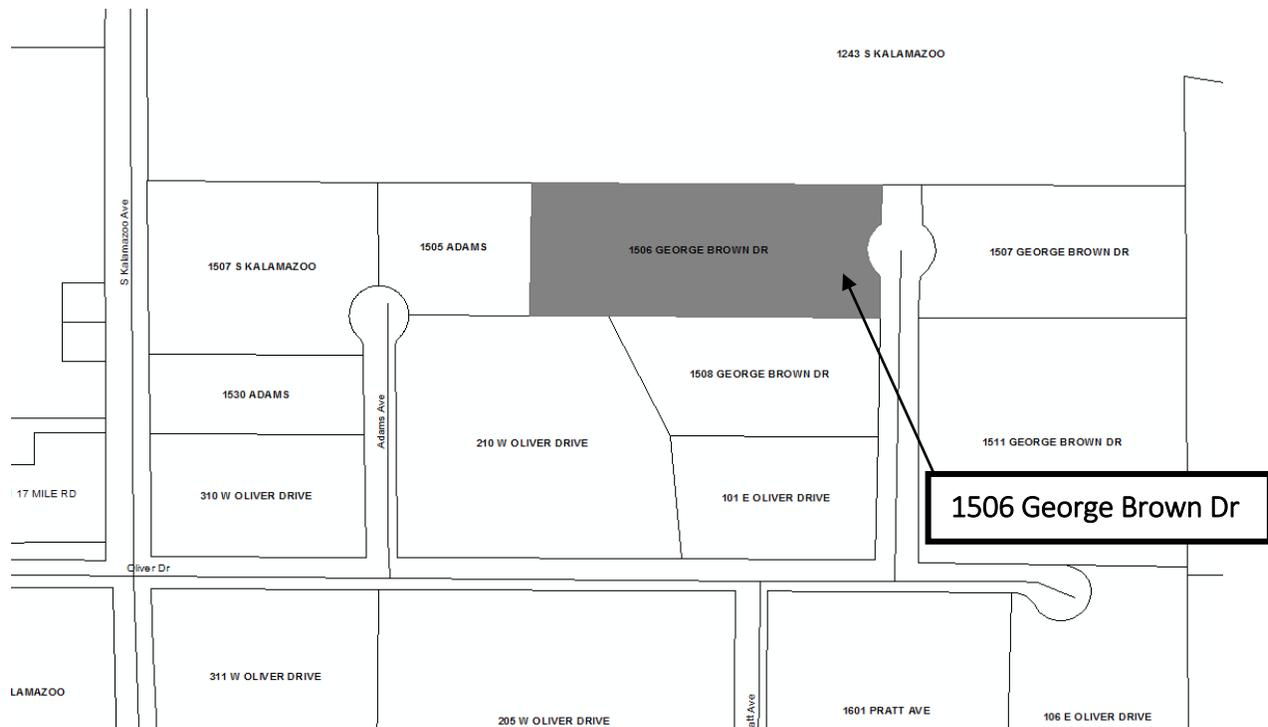
Location: 1506 George Brown
Property Zoning: I-1 Research and Manufacturing
Owner: Marshall Excelsior
Setback Distances §156.181 : 50' Front, 20'/50' Sides, 25' Rear

VARIANCE HISTORY

In 2007, Case #7.02 for a dimensional variance was approved to allow for loading space in the front yard.

BACKGROUND

This case was noticed in accordance with the Michigan Zoning Enabling Act of 2006, section 125.3103: *Notice; publication; mail or personal delivery; requirements.* The newspaper published the notice on June 26, 2015; City Hall posted the notice on June 24, 2015; and notices were sent to all property owners within 300 feet also on June 24, 2015.



The applicant, Marshall Excelsior, is requesting a Dimensional Variance from **§156.181 MIXED-USE AND NON-RESIDENTIAL DISTRICTS** - I-1 (Research and Manufacturing) required front yard setback of 50'. The petitioner would like to build an office addition 25.5' into the required front yard setback, leaving a 24.5' setback. Their proposed site plan was received on July 8, 2015 by

CASE #15.03 STAFF REPORT

the Planning Commission, and they will have a review and decision from the Planning Commission August 12, 2015. The plan was also presented to the LDFA Board and was passed on June 25, 2015. This variance request is specifically supported by the LDFA.

CASE ANALYSIS

Dimensional Variances are outlined in §156.406 (A) and state that the overwhelming reason for the variance should be a finding of unnecessary hardship, as stated below:

(1) Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

Staff Comment: *Without the variance, this property would no longer be sufficient for the growth and needs of the company. Marshall Excelsior seems well aware that this variance is a last resort before simply outgrowing the property. They would like to continue investing in their currently owned property before relocating or having to split their company between two locations which would create a large financial burden.*

(2) The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

Staff Comment: *While the applicant does have space to the south side of the building that could possibly allow for the proposed office expansion without the need for this variance, it would then narrow the driving lanes that access the rear parking area. That, in turn, could create the need for variances in regards to drive lane widths and parking lot setbacks. The proposed front yard setback would essentially be the lesser variance of the options as a drive lane width variance could potentially be a safety hazard.*

(3) The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

Staff Comment: *The property is at the end of a cul-de-sac. It does create a rounded right of way that curves into the property which creates a curved setback line. That curved setback requires the building to be set back further from the road than adjacent properties. The variance would place the new front façade even with the neighbor's façade to the south.*

(4) The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

CASE #15.03
STAFF REPORT

Staff Comment: *The need for a dimensional variance has only been partially self-created. The building initially being placed on the east portion of the parcel did not allow for any expansion to the east without a variance, but the company has done multiple small additions and interior remodels to maximize the building space prior to requesting a variance.*

(5) The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

Staff Comment: *All neighboring parcels are in the same zoning district with similar use intensities. It is unlikely that this variance would affect surrounding parcels more than the minor effects of neighboring construction. Also, the proposed plan was brought before the LDFA Board on June 25, 2015 and was approved, and this variance is supported.*

(6) The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

Staff Comment: *The variance would allow for the expansion of office space. As addressed in Question 1, the company may be required to split locations or relocate if this variance is not granted which would create a financial hardship and seriously affect its efficiency.*

pd \$100
6-19-15
CK# 132456

City of Marshall
Zoning Board of Appeals Variance Application
323 West Michigan ~ Marshall, MI ~ 49068

Residential \$50.00

Commercial \$100.00

Petitioner Name MARSHALL EXCELSIOR

Address 1506 GEORGE BROWN DR. Phone 269-789-6700

Property address for which you are seeking a variance: 1506 GEORGE BROWN DRIVE

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

Current Zoning I-1 Current Use I-1 RESEARCH + MANUFACTURING

Zoning of abutting parcels I-1

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 

Date 6/12/2015

Signature of Owner 

Date 6/17/2015

Questions concerning these requirements should be directed to Natalie Huestis, Planning & Zoning Administrator, at: (269) 789-4604



June 18, 2015

City of Marshall
Zoning Board of Appeals
323 West Michigan Avenue
Marshall, Michigan 49068

Re: Marshall Excelsior – 2015 Site Plan / Master Plan

Zoning Board of Appeals Variance Application

To: Zoning Board Members:

This application is to address the variance request for Marshall Excelsior Company's planned business expansion. Due to our growth in the markets we serve our current building can no longer adequately service our business needs. We are applying for a dimensional variance to our zoning based on the following responses to the zoning requirements. The responses to the dimensional variance requirements are outlined below in blue text.

DIMENSIONAL VARIANCE

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties based upon the following criteria:

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

The subject property is located at end of George Brown Drive on the West side of the cul-de-sac. The cul-de-sac increases the city right of way and decreases the front setback allowance for this parcel. The proposed office expansion would require a variance to the front yard setback to allow the new front face of the building to be in line with the neighboring building directly to the South of the subject property. Please see the satellite photo in the site plan packet for reference. We would require this allowance to build an office space addition with ample space to accommodate our growth.

2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

Due to the growth of the business, the proposed office expansion would allow current employees to work in a more comfortable environment while allowing additional space to employ additional support and engineering staff. Within the past two years we have completed an internal office expansion project which doubled our office space without the need for expansion to the front of the structure. Within the past year we have renovated our existing office space to an open floorplan to further accommodate the growth of our accounting, engineering and technical product support staff. At this point in time we have no further space to accommodate additional growth in support and technical personal at our current headquarters location without pursuing an external addition to our office space.

Marshall Excelsior Company
1506 George Brown Drive – Marshall, Michigan 49068
Phone (269)-789-6700 Fax (269)-789-0429
www.marshallexcelsior.com



3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

The subject property is a land locked parcel at the end of George Brown Drive with setback restrictions imposed due to the cul-de-sac which do not apply to most of the other surrounding parcels. Due to the location of the property and how the manufacturing plant is structured, the best option for additional office space is extending the East end of the building toward the cul-de-sac. Other options were considered, however the most efficient and effective option is the addition as proposed.

4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

When the property was originally chosen as the permanent site of Marshall Excelsior, the owner did not expect the rate of growth and opportunity that has occurred over the past decade. We have taken reasonable steps to facilitate this growth through other expansion means while keeping our headquarters located in Marshall. We have reached a point where our current office space is no longer sufficient and need to expand without separating our staff to multiple locations.

5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

The subject property is located at the end of George Brown Drive on the cul-de-sac with all current traffic servicing our building or J&L Manufacturing, located across the street to the East. The North property line is land locked by the airport. The former AGC property to the south is currently leased and operated by Marshall Excelsior. The property to the West at 1505 Adams Drive is owned by Matchless Valve which is a subsidiary company of Marshall Excelsior. Due to the location of the subject property and the sight line of the proposed office addition in relation to the neighboring buildings we do not believe the variance request would create an adverse impact on the surrounding parcels or businesses.

6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

Marshall Excelsior and the business management have worked diligently over the past two decades to steadily grow the business into the global market place. We have become the technology leader in the markets we serve while providing an excellent work environment for our employees. We have expanded our manufacturing and office spaces utilizing an approach that would allow us to maximize the efficiency of our facilities while making responsible use of our property and resources available. We now find ourselves at a point where we need to ask for a variance provision to allow us to continue to service our customers and sustain our growth while providing a world class facility for the current and additional staff we need to effectively operate our business.

Is our desire to continue this growth in Marshall without splitting our office resources and engineering staff into separate locations.

Thank you for your time and consideration of our request.

Please feel free to contact me should you have any questions or if you would like to discuss our situation in greater detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "James C. Zuck", is written over a horizontal line.

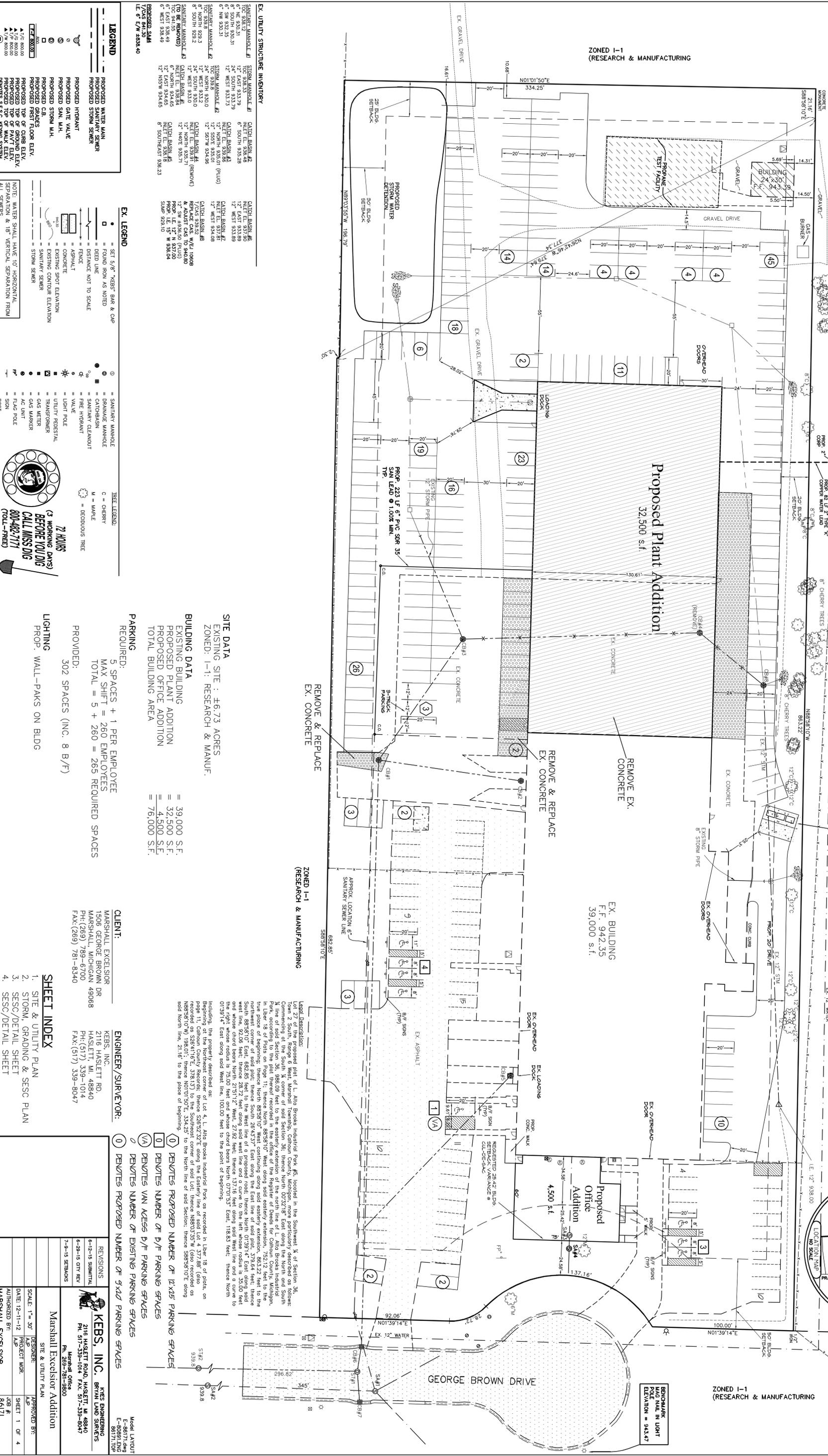
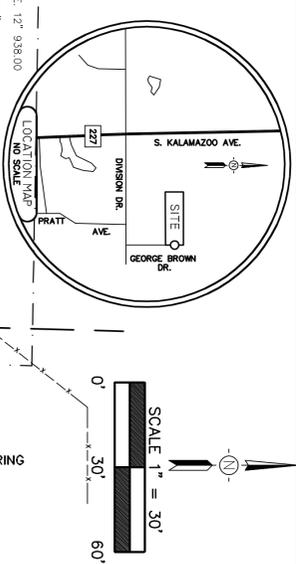
James C. Zuck ~ Director of Strategic, Regulatory & Technical Affairs

Marshall Excelsior Company
1506 George Brown Drive – Marshall, Michigan 49068
Phone (269)-789-6700 Fax (269)-789-0429
www.marshallexcelsior.com

CONSTRUCTION PLANS FOR:
Marshall Excelsior Addition
 1506 George Brown Dr
 CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN

ZONED I-1
 (RESEARCH & MANUFACTURING)

ZONED I-1
 (RESEARCH & MANUFACTURING)



EX. UTILITY STRUCTURE INVENTORY

STRUCTURE #	DESCRIPTION	LOCATION
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SITE DATA
 EXISTING SITE : ±6.73 ACRES
 ZONING: I-1: RESEARCH & MANUF.
BUILDING DATA
 EXISTING BUILDING = 39,000 S.F.
 PROPOSED PLANT ADDITION = 32,500 S.F.
 PROPOSED OFFICE ADDITION = 4,500 S.F.
 TOTAL BUILDING AREA = 76,000 S.F.

PARKING
 REQUIRED:
 5 SPACES + 1 PER EMPLOYEE
 MAX SHIFT = 260 EMPLOYEES
 TOTAL = 5 + 260 = 265 REQUIRED SPACES
 PROVIDED:
 302 SPACES (INC. 8 B/F)

CLIENT:
 MARSHALL EXCELSIOR
 1506 GEORGE BROWN DR
 MARSHALL, MICHIGAN 49068
 PH: (269) 789-6700
 FAX: (269) 781-8340

ENGINEER/SURVEYOR:
 KEBS, INC.
 2116 HASLETT RD.
 HASLETT, MI, 48840
 PH: (517) 339-1014
 FAX: (517) 339-8047

REVISIONS

NO.	DATE	DESCRIPTION
1	12-11-12	APP
2	12-11-12	APP
3	12-11-12	APP
4	12-11-12	APP

APPROVED BY:
 MARSHALL EXCELSIOR

SHEET INDEX

- SITE & UTILITY PLAN
- STORM, GRADING & SESC PLAN
- SSC/DETAIL SHEET
- SSC/DETAIL SHEET

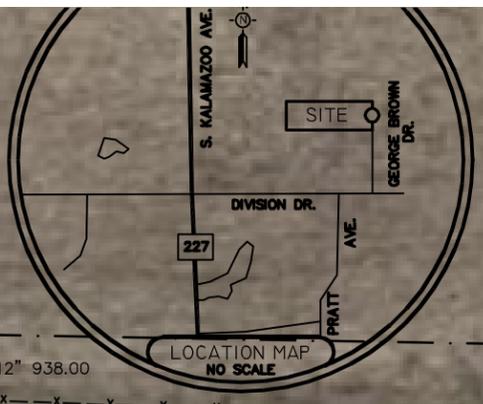
LEGAL DESCRIPTION:
 Lot 27 of the proposed plat of L. Alto Brooks Industrial Park #5, located in the Southwest 1/4 of Section 36, Corner 2 South, Township 35 North, Range 12 West, Calhoun County, Michigan, containing 0.2718 acres, more or less, as shown on the plat of said Section 36, 986.09 feet to the easterly extension of the north line of L. Alto Brooks Industrial Park, according to the plat thereof recorded in the office of the Register of Deeds for Calhoun County, Michigan, in Liber 18 of Plats on Page 11, thence North 88°58'10" West along said easterly extension 752.12 feet to the northwest corner of said plat, thence South 28°43'37" East along the East line of said plat 379.64 feet, thence South 88°58'10" East, 682.85 feet to the West line of a proposed road, thence North 01°39'14" East along said West line 92.06 feet, thence 28.72 feet along said West line and a curve to the left whose radius is 35.00 feet and whose angle is 72.00 degrees, thence North 07°01'57" East, 118.83 feet, thence North 01°39'14" East along said West line 100.00 feet to the point of beginning.

NOTES:
 1. DENOTES VAN ACCESS B/F PARKING SPACES
 2. DENOTES NUMBER OF EXISTING PARKING SPACES
 3. DENOTES PROPOSED NUMBER OF 12'x25' PARKING SPACES
 4. DENOTES NUMBER OF 12'x25' PARKING SPACES
 5. DENOTES VAN ACCESS B/F PARKING SPACES
 6. DENOTES PROPOSED NUMBER OF 12'x25' PARKING SPACES

Model Layout
 E-88171.dwg
 E-80891.dwg
 8/17/10P

KEBS, INC.
 2116 HASLETT ROAD, HASLETT, MI 48840
 PH: 517-339-1014 FAX: 517-339-8047

Marshall Excelsior Addition
 SITE & UTILITY PLAN
 SHEET 1 OF 4



BENCHMARK
MAG NAIL IN LIGHT
POLE
ELEVATION = 943.47

J & L Manufacturing

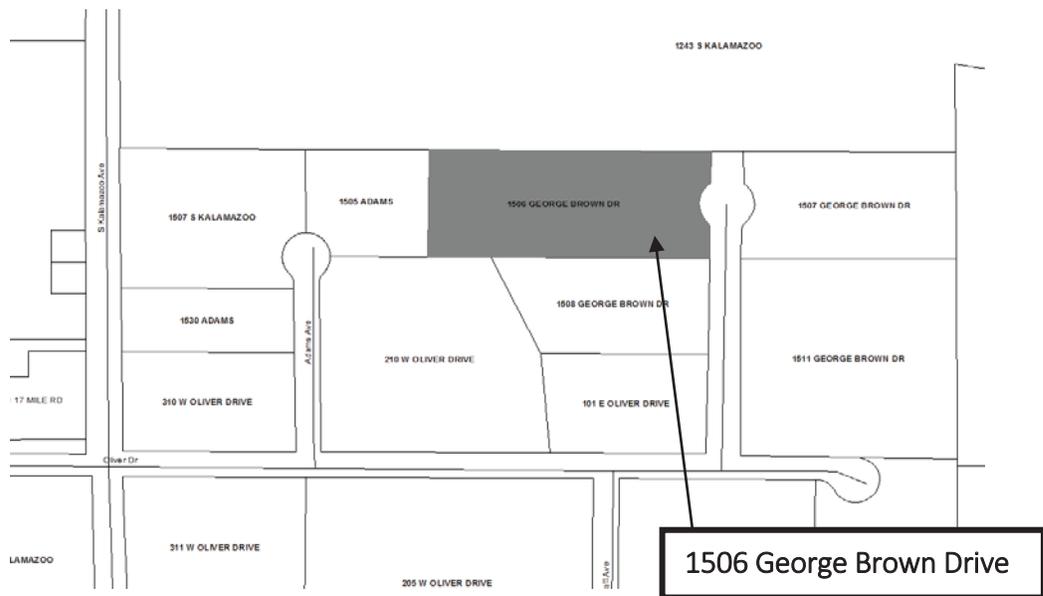
NOTES:
ALL DIMENSIONS ARE IN FEET AND DECIMALS
ALL IMPROVEMENTS NOT SHOWN

George B
SITE & UTILITY PLAN



Dear Property Owner:

The City of Marshall Zoning Board of Appeals will hold a public hearing on Thursday – July 16, 2015, at 7:00 p.m. IN THE COUNCIL CHAMBERS OF TOWN HALL located at 323 West Michigan Avenue, Marshall, MI 49068, to hear public comments on **APPEAL #15.03** - filed by Marshall Excelsior at 1506 George Brown Drive for a Dimensional Variance from **§156.181 MIXED-USE AND NON-RESIDENTIAL DISTRICTS - I-1** (Research and Technical) required front yard setback of 50'. Petitioner would like to build an office addition into the front yard setback.



The Zoning Board of Appeals under certain circumstances may grant a variance to the Zoning Regulations upon presentation of sufficient evidence to support the variance request.

Any property owner, their representative, or any interested person is invited to attend the meeting to be held as noticed above. Written response can be sent to or hand delivered to the attention of the Zoning Board of Appeals, 323 W. Michigan Ave., Marshall, Michigan 49068.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a City program, service, or activity should contact Lisa Huepenbecker at the Public Services Building, 900 S. Marshall Ave., by calling (269) 781-3985 x1507, or by emailing lhuepenbecker@cityofmarshall.com, 3 days prior the scheduled meeting or event.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

OWNER/OCCUPANT
1243 S KALAMAZOO
MARSHALL, MI 49068

OWNER/OCCUPANT
1505 ADAMS
MARSHALL, MI 49068

OWNER/OCCUPANT
1508 GEORGE BROWN DR
MARSHALL, MI 49068

OWNER/OCCUPANT
210 W OLIVER DRIVE
MARSHALL, MI 49068

OWNER/OCCUPANT
101 E OLIVER DRIVE
MARSHALL, MI 49068

OWNER/OCCUPANT
1511 GEORGE BROWN DR
MARSHALL, MI 49068

OWNER/OCCUPANT
1507 GEORGE BROWN DR
MARSHALL, MI 49068

OWNER/OCCUPANT
1506 GEORGE BROWN DR
MARSHALL, MI 49068

CASE #15.04 STAFF REPORT

Location: 536 Cosmopolitan

Property Zoning: R-2 Suburban Residential

Owner: Lori Kline-Closson

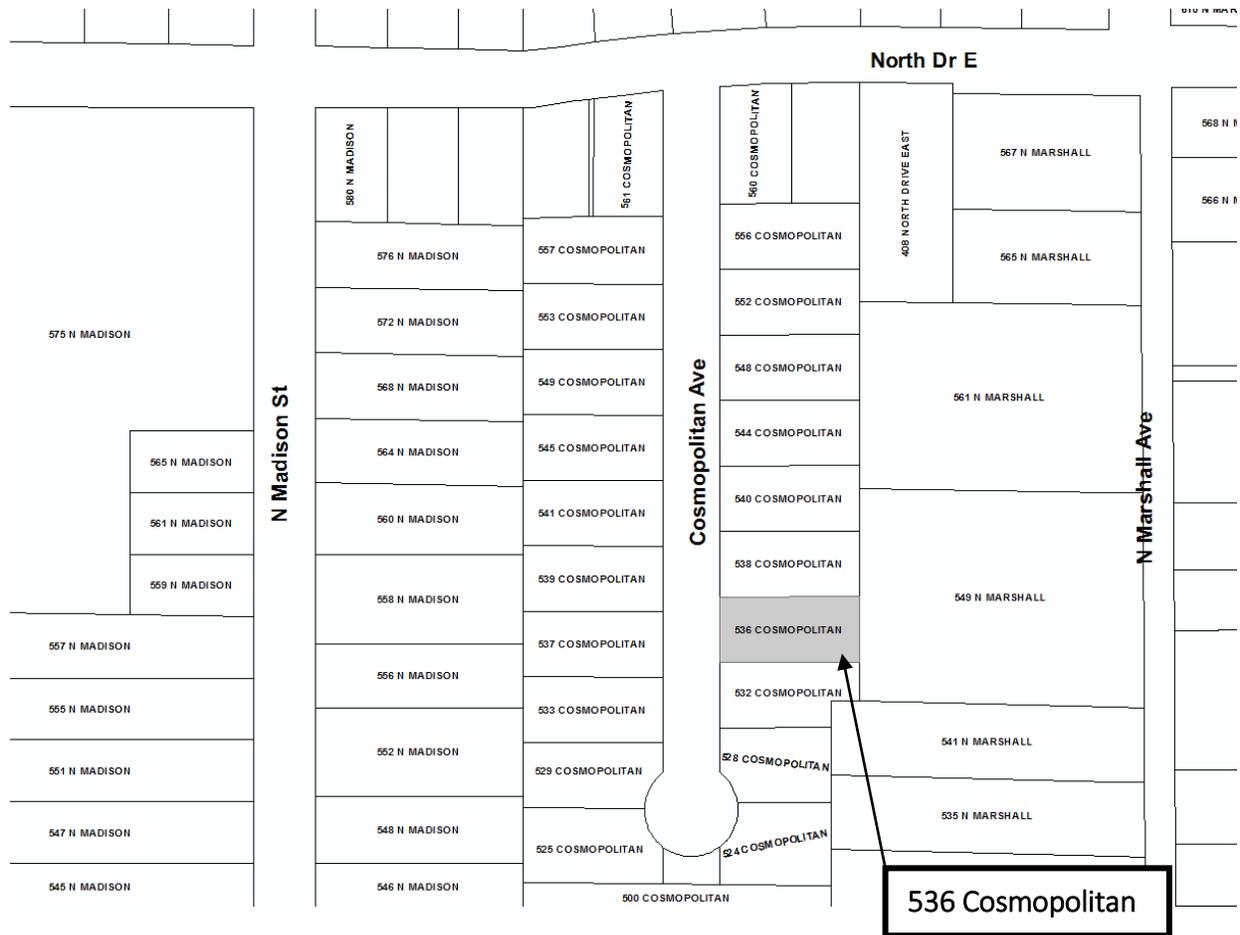
Setback Distances §156.181 : 30' Front, 8'/15' Sides, 25' Rear

VARIANCE HISTORY

No variance history for this property.

BACKGROUND

This case was noticed in accordance with the Michigan Zoning Enabling Act of 2006, section 125.3103: *Notice; publication; mail or personal delivery; requirements.* The newspaper published the notice on June 26, 2015; City Hall posted the notice on June 24, 2015; and notices were sent to all property owners within 300 feet also on June 24, 2015.



CASE #15.04 STAFF REPORT

The applicant, Lori Kline-Closson, is requesting a Dimensional Variance from **§156.181 MIXED-USE AND NON-RESIDENTIAL DISTRICTS R-2** Suburban Residential required front yard setback of 30'. The petitioner would like to build a porch into the front yard setback. The house façade is currently setback 30' from the property line. The porch would extend 11' into the setback and leave a 19' front yard setback.

CASE ANALYSIS

Dimensional Variances are outlined in §156.406 (A) and state that the overwhelming reason for the variance should be a finding of unnecessary hardship, as stated below:

(1) Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

Staff Comment: *While the petitioner gave samples of properties in the same zoning district that have front porches similar in style to the proposed porch, the overall percentage of homes in the R-2 district that have porches is unknown. Compliance with the standards as stated in the ordinance would not deem the property as unusable for its permitted purpose of residential.*

(2) The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

Staff Comment: *The addition of the porch could potentially increase the home's value, which could increase the home values on neighboring properties as well. A lesser variance should be considered by decreasing the depth of the porch. The depth of the porches shown as comparisons in question 1 range from 6'-8'. A porch that is 11' deep is quite large, and providing shade over the window could be addressed with a narrower porch as seen in the comparable properties.*

(3) The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

Staff Comment: *The parcel does not have any unique characteristics in relation to other parcels in the R-2 district. The only unique fact regarding the property as it has been built is that the house was built directly on the build-to line and did not allow for any extension into the front yard without a variance, but while that is unique to the zoning district it is the standard for the entirety of the properties on Cosmopolitan.*

(4) The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

CASE #15.04
STAFF REPORT

Staff Comment: *The need has not been self-created as the developer of the property determined the placement of the home on the lot, and the death of a large shade tree was not the fault of the homeowners.*

(5) The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

Staff Comment: *The properties along this road currently have a very uniform presence. They are all similar in style with all façades aligned. Very few of the neighboring properties have front porches. It will certainly disrupt the line of sight down the road, but front porches do encourage community interaction.*

(6) The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

Staff Comment: *The porch is being presented as a solution for shade over the front window, which could be addressed a number of ways. The porch is certainly not the cheapest way to address it, which shows that it is an investment in the property and not in order to gain a financial return.*

#1504

V# 6931
\$5000

Zoning Board of Appeals
Variance Application

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



Petitioner Name LORI KLINE-CLOSSON

Address 536 COSMOPOLITAN Phone 269.420.1440

Property address for which you are seeking a variance: 536 COSMOPOLITAN

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

Current Zoning Residential R-2 Current Use residential (primary)

Zoning of abutting parcels Residential

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 Lori J. Kline-Closson Date 6/21/15

Signature of Owner Lori J. Kline-Closson Date 6/21/15

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

Dimensional Variance

1. Strict compliance with the specified dimension standards will deprive the applicant of rights commonly enjoyed by other property owners.

Please see example pictures of similar homes in nearby neighborhoods with porches very similar to the proposed structure.

2. The variance will do substantial justice to the applicant....

Not only are there precedents within the city for this same type of structure, but also the addition of the proposed porch will enhance the aesthetics of this home. Porches are not only attractive, but stimulate bonds between neighbors through increased interaction. Much has been lost in recent decades with designs which do not include a front porch. Porches foster a greater sense of community and neighborhood security (visibility of residents, knowledge that neighbors are attentive to happenings on their streets). They are an investment in pleasure and neighborhood unity.

3. The need for the variance is due to unique circumstances...

We lost a very large shade tree in our front yard several years ago due to ash borers disease. This tree provided shade to the house and front door/windows in the late afternoon when the sun sets. We have had a non-permanent pergola providing some relief from the hot sun, but it is not of adequate height or width to provide desired shade. A permanent structure will not only shade the front of the house, but provide the aforementioned benefits of a front porch.

4. The problem and resulting need was not self-created...

The death of our ash tree was obviously not self-created. It will take 20+ years to re-grow a tree which can provide any significant shade.

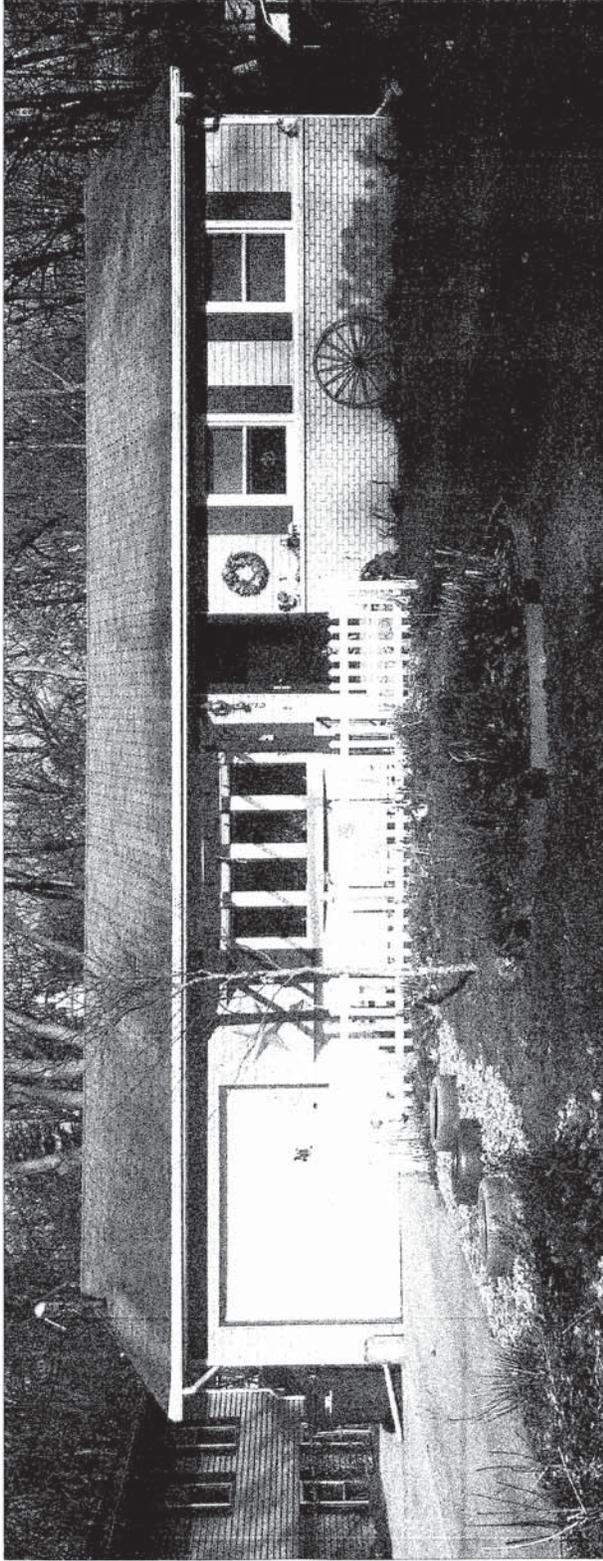
5. The variance will not cause significant adverse impacts to adjacent properties...

The proposed porch will be aesthetically pleasing, having finishes consistent with the existing home. We are also having the house re-roofed at conclusion of the porch building, so all roofing will be new and matching. If anything, the porch will enhance the neighborhood and hopefully set an example for renewed front yard neighbor interaction.

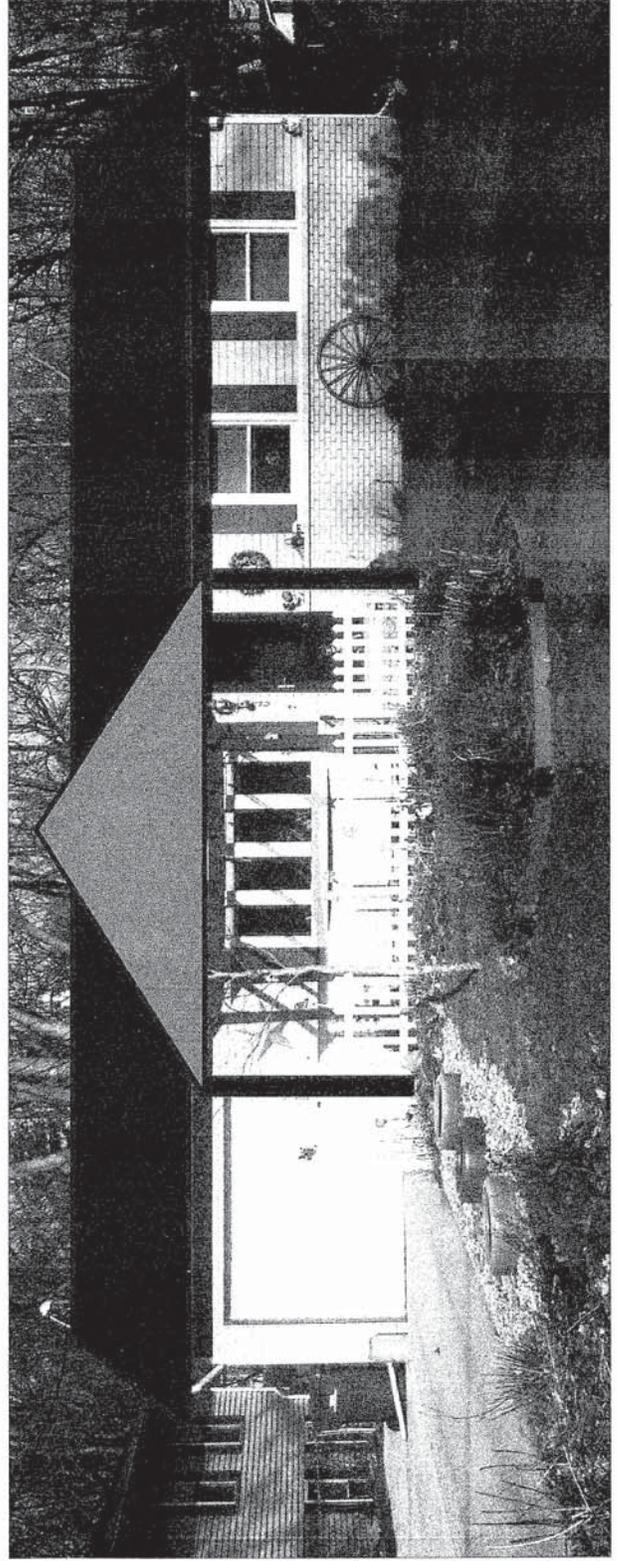
6. The alleged hardship and practical difficulties....

The late very hot summer sun beating on the front of our home all afternoon and evening is not only uncomfortable, but makes our home difficult and expensive to keep cool during these months. The addition of an aesthetically pleasing front porch will also enhance the property value. We intend to live here for many more years, and want those years to be as pleasant as possible.

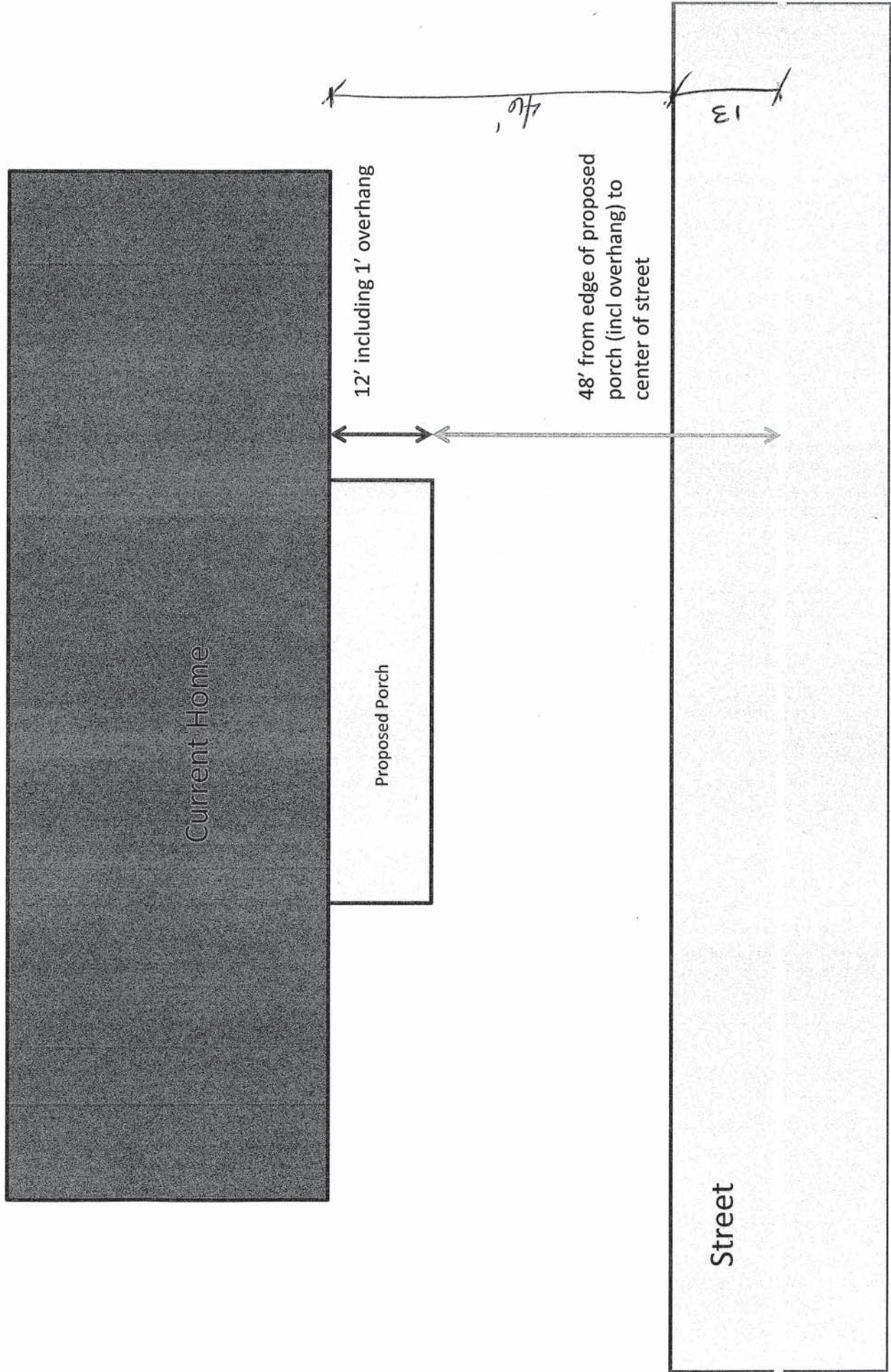
Current



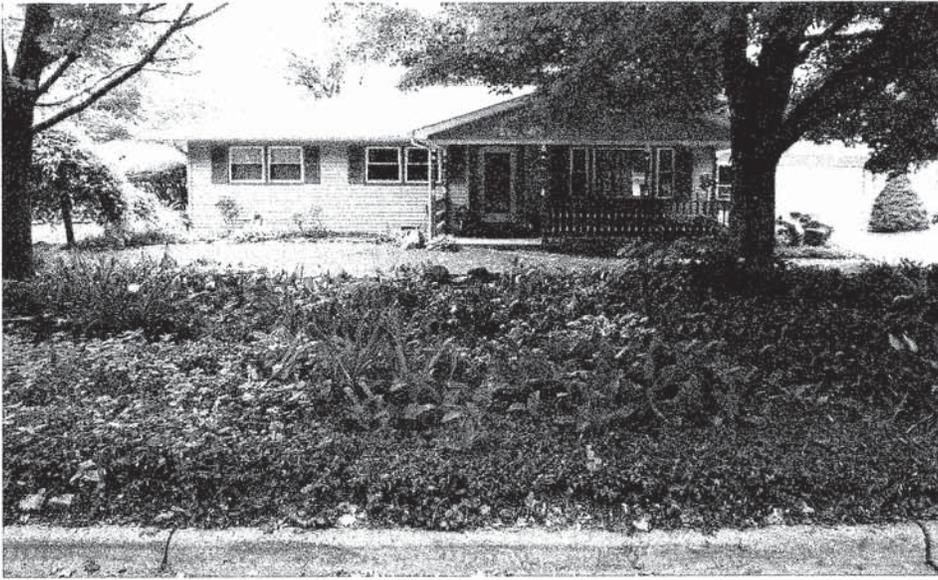
Proposed



Top View



#1 – other homes in same zoning district



514 Alcott

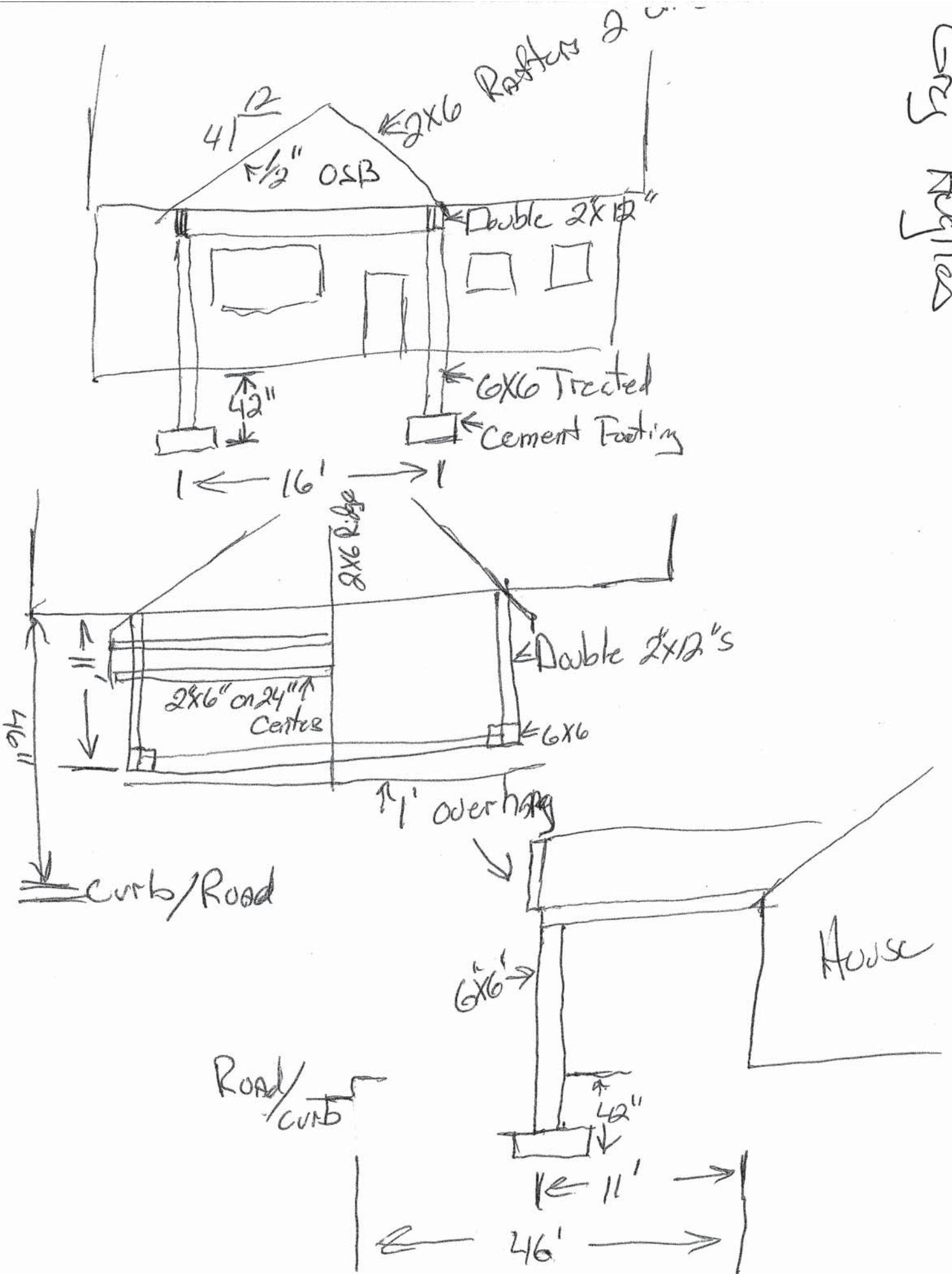
537 East Drive



549 East Drive



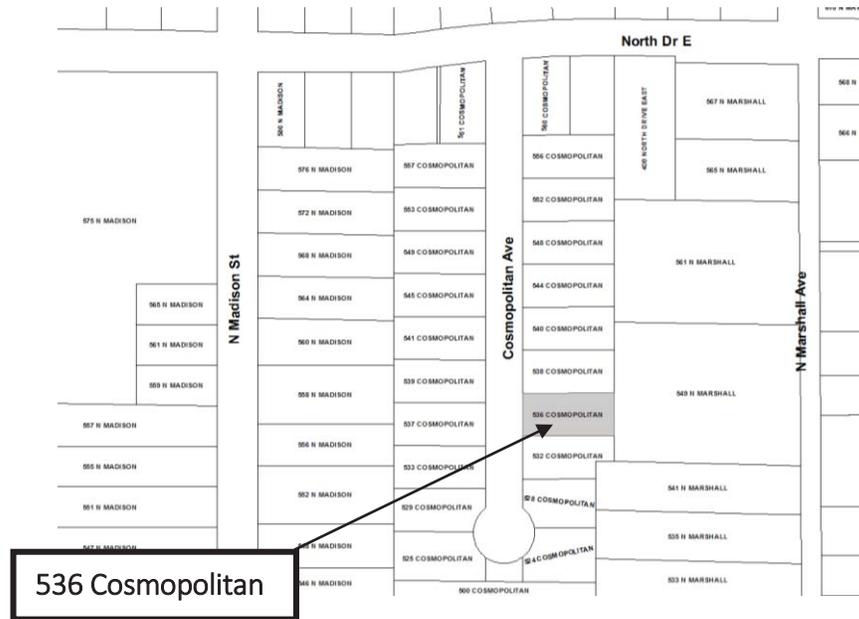
Greg Hughes





Dear Property Owner:

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f 269.781.3835
cityofmarshall.com

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OWNER/OCCUPANT
532 COSMOPOLITAN
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