



ZONING BOARD OF APPEALS AGENDA

January 19, 2023
Regular Meeting - 7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by Board action.
 - A. January 19, 2023 Agenda
- 4) **APPROVAL OF MINUTES**
- 5) **PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS** – Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 6) **PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION**
 - A. 423 Mitchell Variance Request
 - B. 1102 West Hanover Variance
- 7) **OLD BUSINESS**
- 8) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**
- 9) **PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS**

Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 10) **BOARD REPORTS**
- 11) **ADJOURNMENT**



TO: ZBA Members

FROM: Eric Zuzga, Director of Community Services

DATE: January 19, 2023

Property Zoning: I-1 Research and Technical District
Owner: K&B Industrial LLC
Address: 421/423 South Mitchell Street
Parcel: #53-008-321-00

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: Since sending out the notice, no letters or comments have been received by city staff. Following is a map of the property in questions.

CASE ANALYSIS

The applicant, K&B Industrial LLC, is seeking relief from requirement section: 3.1.120 I-1 Research and Technical District Dimensional requirement. The owner is seeking a Dimensional Variance to allow the construction of self-storage units. The proposed development would require a variance from the west (front), rear (east), and one side (south) setback standards. The required setbacks and proposed variance request are as follows:

Side	Required Setback	Proposed Development Setback
West	50'	5'8"
North	20'	23'
East	25'	21'
South	At least 30'	15'8"

The north and south setbacks are supposed to equal 50', with a minimum of 20'.

The development is located on two lots on the east side of Mitchell Street, between Page and Industrial Rd (see map below). The lots are both zoned Research and Technical District (I-1). Properties to the west and south are zoned I-1, with properties to the north and east zoned Multifamily Residential (MFRD).



1/15/2023, 1:42 PM EST

1/1

As the lots are very small for the I-1 Zoning, based upon the setbacks for an I-1 district, a dimensional variance application was submitted to allow the proposed development to move forward.

The board is being asked to consider approving a variance from Section Variances require a finding of practical difficulties, considering the following summarized criteria:

- 1. Strict compliance will deprive the applicant of rights enjoyed by others in the same zoning district, create an unnecessary burden on the applicant, or prevent the owner from using the property for a permitted purpose.**

Strict compliance will not deprive the applicant of rights enjoyed by neighboring properties, but it would however restrict the owner from the size of the storage units that are desired on the property. The lots are smaller than most I-1 parcels so there are some limits to how the properties could be developed.

- 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.**

A lesser variance than requested would prohibit the building size desired by the applicant.

- 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 district.**

I-1 zoning on these parcels creates a unique scenario as there is not a large developable area on the parcel. This creates a unique development scenario that would be extremely limiting for most development.

- 4. The problem is not self-created.**

The problem was created by the original development of the parcels in to a residential area that the city has now targeted for Industrial development to match the development to the west.

- 5. The variance will not cause significant adverse impacts and not materially impair public health, safety, comfort, morals, or welfare.**

The variance will not cause significant adverse effects on the neighboring properties.

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

A failure to grant the variance will limit the development of the parcel in a manner that will lead to a reasonable return.

RECOMMENDATION

Due to the size of the lots and limiting ability to develop the sites as the I-1 District desires, I am recommending approval of the dimensional variance.

**Zoning Board of Appeals
Variance Application**



323 W. Michigan Ave., Marshall, MI 49068

Residential Fee: \$150.00
Commercial Fee: \$200.00

Petitioner Name: K&B recourses
Address: 817 1/2 industrial rd Marshall, Mi 49068
Phone: 269-763-3709 Email: karaba@qualityexcavators.com

Property Address for Variance: 423 Mitchell street Marshall, Mi 49068

Are you the owner? Yes No (Owner is required to sign this form)

Current Zone Industrial Current Use

Zoning of abutting parcels Industrial Dimensional Variance Use Variance

Required attachments

- 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)*
- Reasons for variance *(A letter must be submitted with this application addressing how you feel you meet the criteria for a Dimension or Use variance-see back)*

*The ZBA meets on the 3rd Thursday of each month. Application must be received on or before the deadline date for 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 the appropriate permits before commencing work.

Signature of Petitioner:  Date: 11\22\22

Signature of Owner:  Date: 11\22\22

Questions concerning these requirements should be directed to the Planning and Zoning Office, Trisha Nelson TNelson@cityofmarshall.com or (269) 781-5183.



817 ½ Industrial Rd.
Marshall MI 49068
(269) 763-3709


November 22, 2022

City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

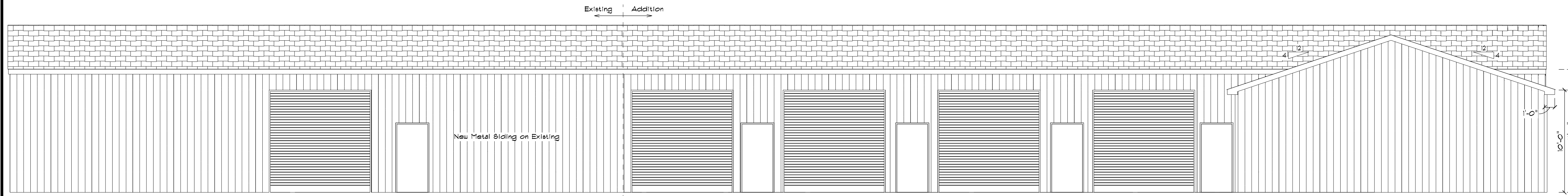
RE: Variance request

I am requesting this variance to build a storage unit attached to an existing building. With one active/occupied business adjacent to our property, the facility is approximately 25' to 30' from the road edge. There is also a building across the street approximately 10'to 15' from the road edge. Therefore, this area is a good fit to make an exception with required setbacks, as it should have little to no effect on any adjacent current or future property owners.

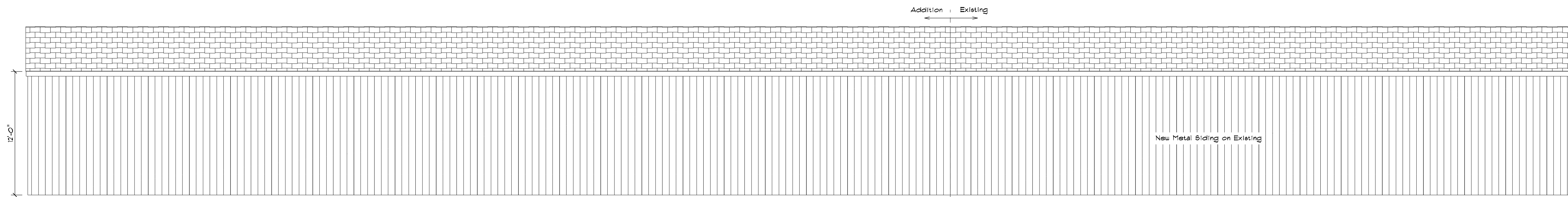
Yours Truly,



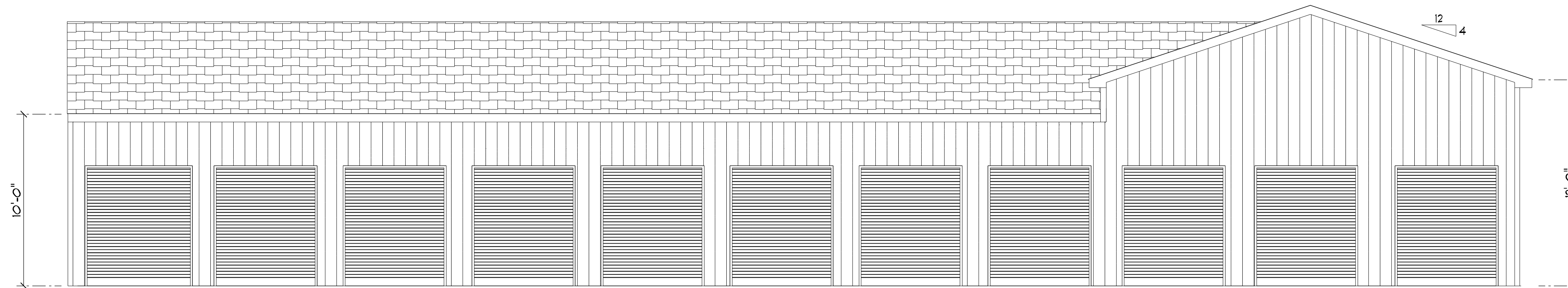
Josh Karaba
President



WEST ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

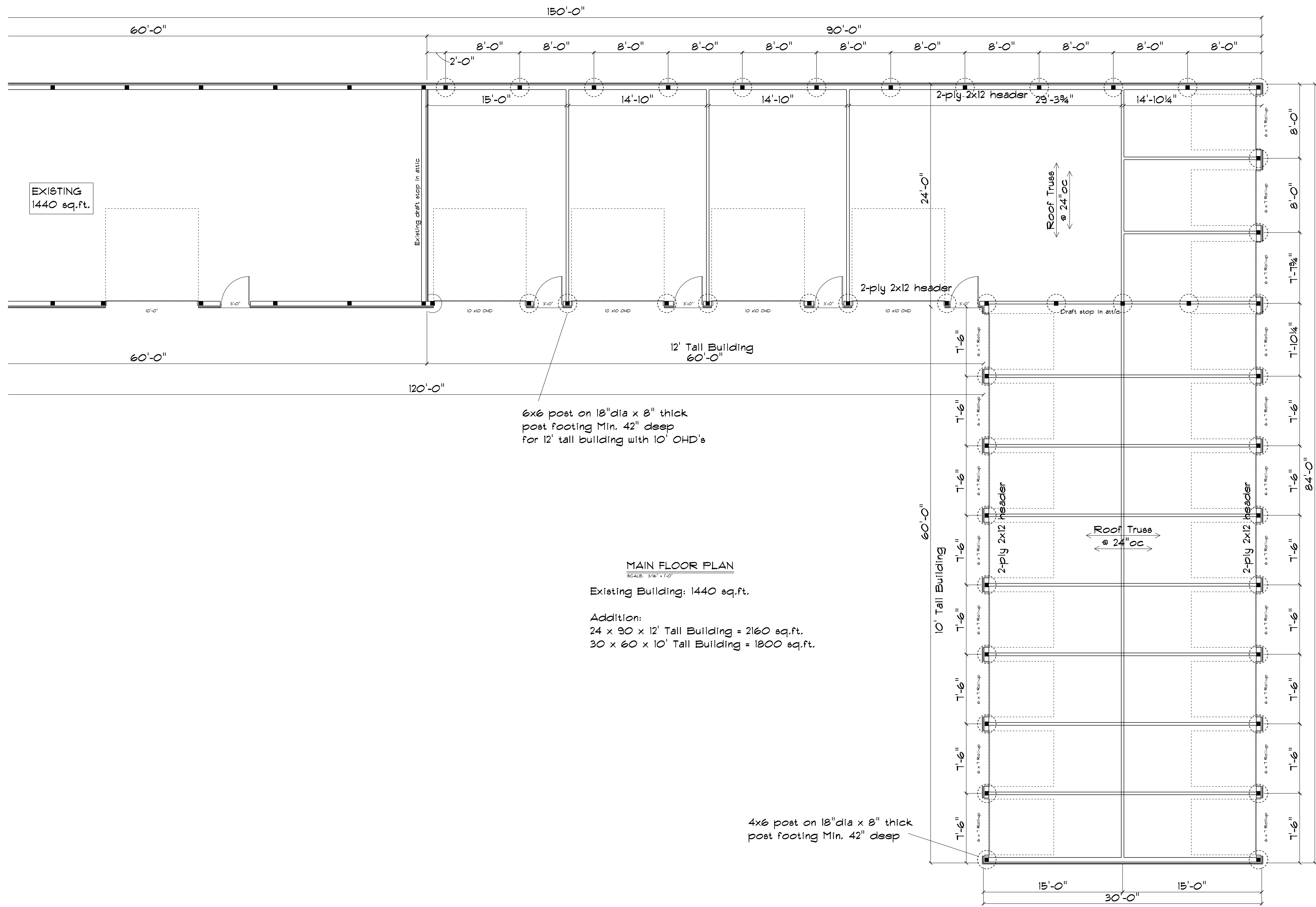
Notes

Revision/Issue	Date

FRANK MASON AND ASSOCIATES
PO BOX 42
MARSHALL, MI 49068
(269) 788-7974
(269) 209 5842

Project Name
COLD STORAGE BUILDING
Mitchell St. Marshall, MI.

Page FLOOR PLAN	Sheet A-1
Date 1/12/22	
Scale 3/16" & 1/4" = 1'-0"	



EXISTING
1440 sq.ft.

6x6 post on 18" dia x 8" thick
post footing Min. 42" deep
for 12' tall building with 10' OHD's

MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"

Existing Building: 1440 sq.ft.
Addition:
24 x 90 x 12' Tall Building = 2160 sq.ft.
30 x 60 x 10' Tall Building = 1800 sq.ft.

4x6 post on 18" dia x 8" thick
post footing Min. 42" deep

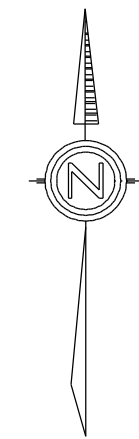
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Revision/Issue	Date

FRANK MASON AND ASSOCIATES
PO BOX 42
MARSHALL, MI 49068
(269) 788-7974
(269) 209 5842

Project Name
COLD STORAGE BUILDING
Mitchell St. Marshall, MI.

Page FLOOR PLAN	Sheet A-2
Date 1/12/22	
Scale 3/16" = 1'-0"	



Site information gathered from Calhoun County GIS
 Concept Site Plan - Scale: 1" = 20'

Notes

Revision/Issue	Date

FRANK MASON AND ASSOCIATES
 PO BOX 42
 MARSHALL, MI 49068
 (269) 788-7974
 (269) 209 5842

Project Name
COLD STORAGE BUILDING
 Mitchell St, Marshall, MI.

Page SITE CONCEPT	Sheet A-3
Date 1/12/22	
Scale 1" = 20'-0"	

Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

Plans are to combine 1102 W Hanover and 902 W Hanover into 1 property

2.73 TOTAL ACRES AVAILABLE



Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks



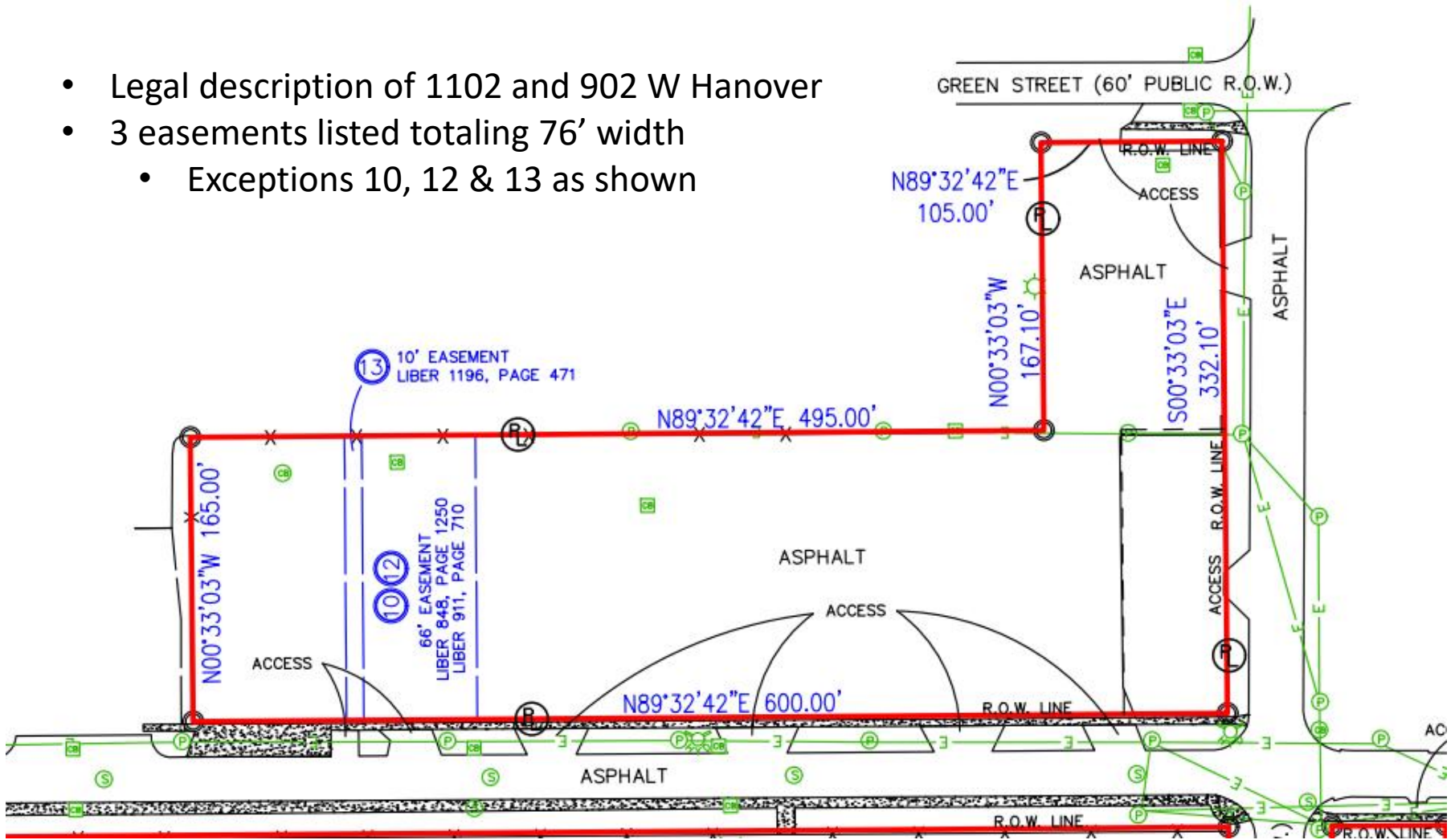
Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

General Comments/ Assumptions

- All East and South facing property lines are considered “front yard”
 - Requesting 25’ or 30’ setbacks from these property lines, per drawings
- All West and North facing property lines are “side or rear” yard
 - Requesting 5’ setbacks from these property lines to maximize building area
 - Any building located at less than 25’ from property line will not have an entrance on that side of the building, therefore will not have usable driveway
- We are open for discussion about setbacks versus requested amounts if too close to property lines for allowance – facility buildings layout will be designed accordingly
- We will remove all street cutouts/access points except for 2-3 as agreed w/ ZBA
- Primary Business entrance (Hanover or Dobbins) will depend on approved setbacks
- Storm water runoff retention requirements are not yet determined. Final determination could have significant impact to building layout/configuration – therefore 2 facility Layout proposals
- With a water main for Redfield Plaza mall running through easements noted, it is not expected that much, if any, reduction in easement size would be approved

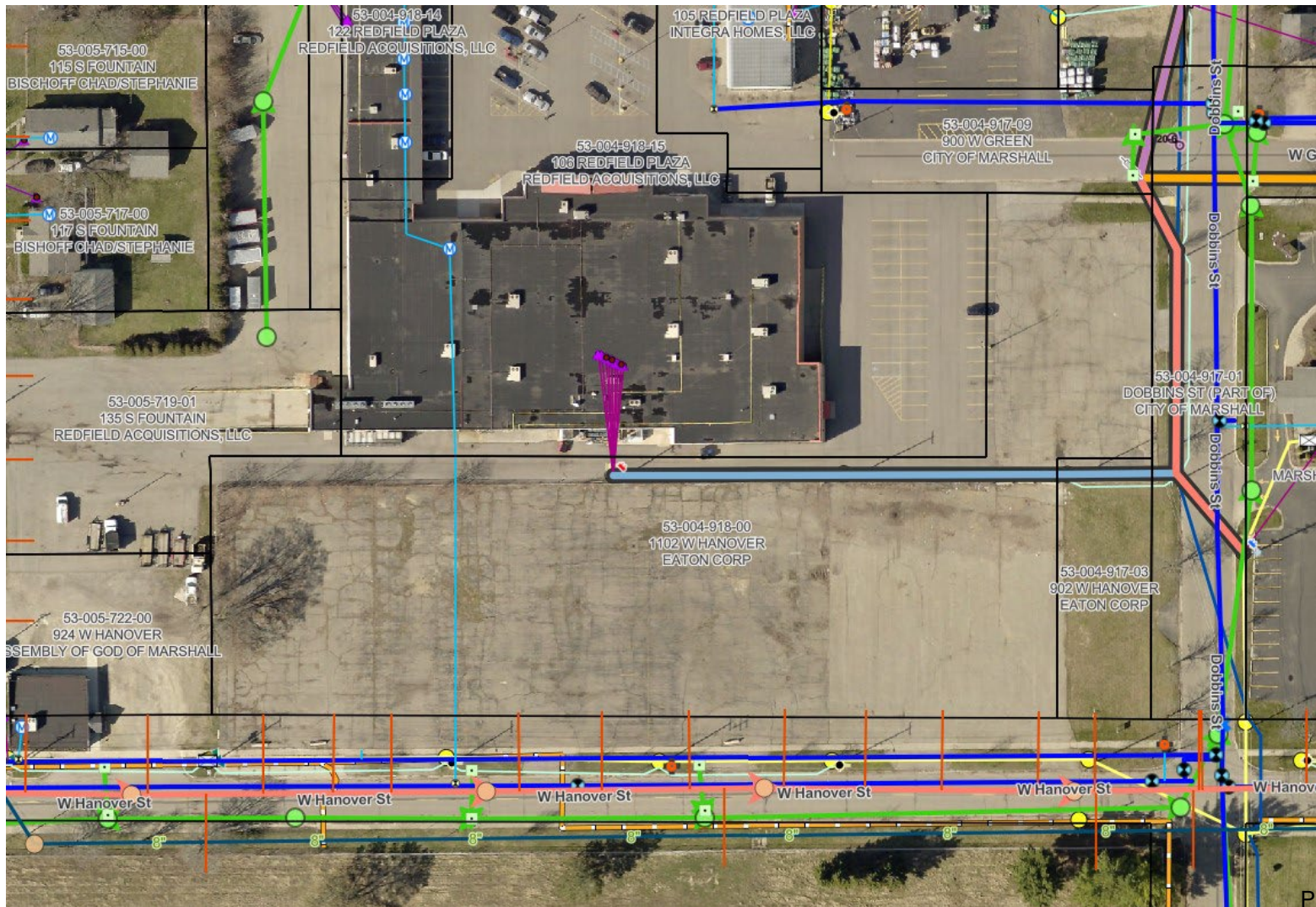
Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

- Legal description of 1102 and 902 W Hanover
- 3 easements listed totaling 76' width
 - Exceptions 10, 12 & 13 as shown



Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

- Water main line shown going from W Hanover to Redfield Plaza mall



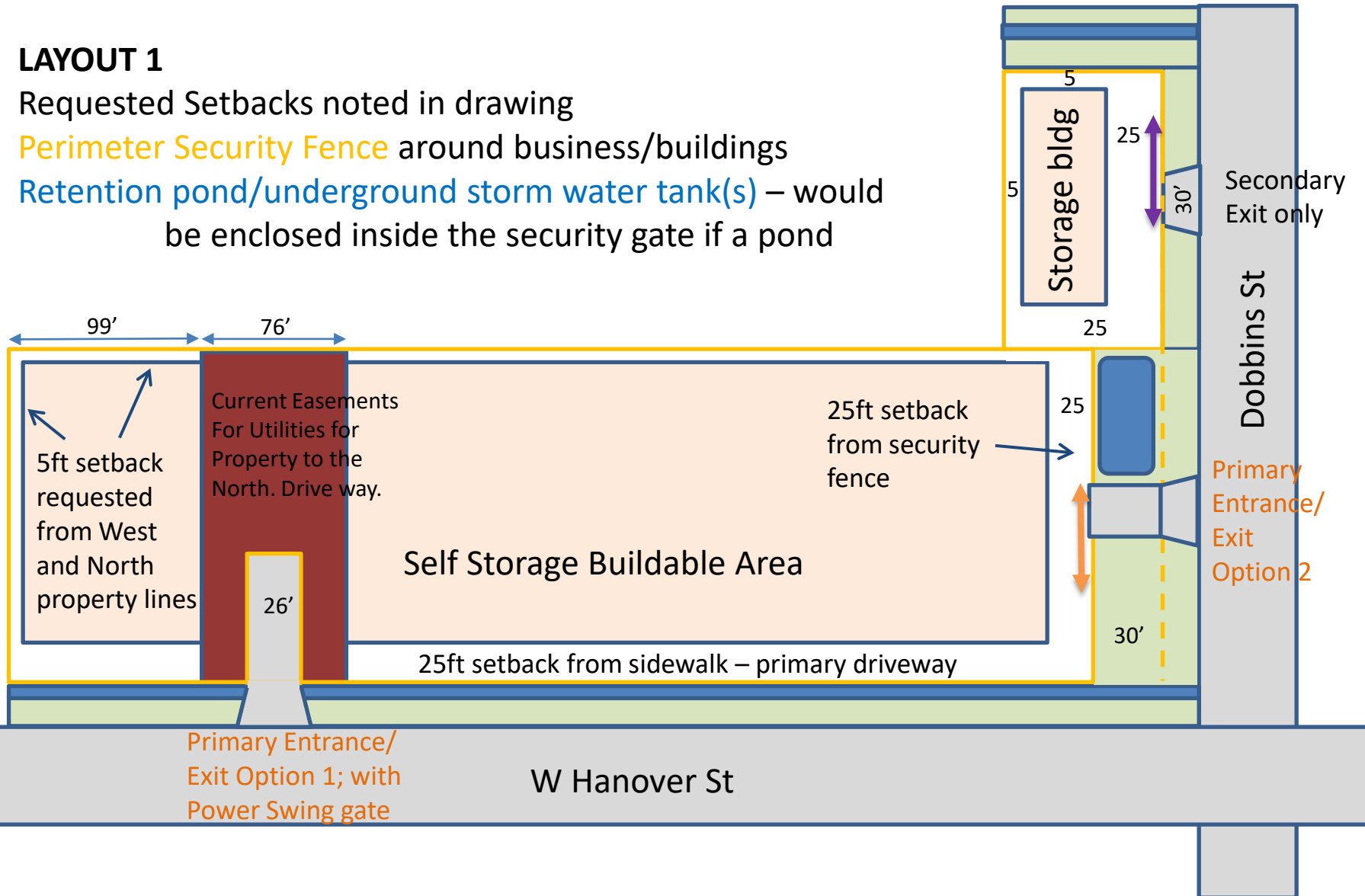
Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

LAYOUT 1

Requested Setbacks noted in drawing

Perimeter Security Fence around business/buildings

Retention pond/underground storm water tank(s) – would be enclosed inside the security gate if a pond



Primary Entrance/
Exit Option 1; with
Power Swing gate

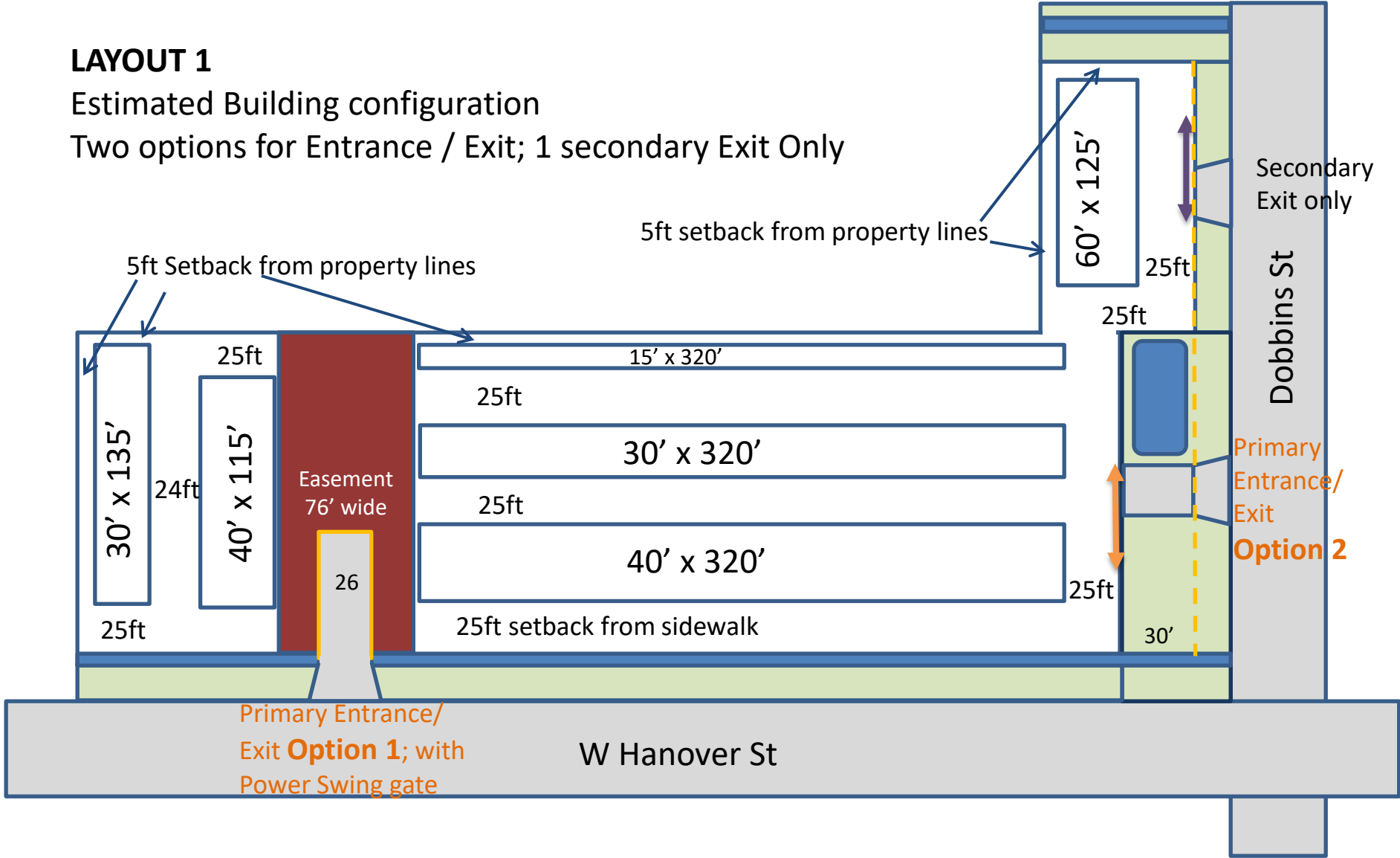
W Hanover St

Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

LAYOUT 1

Estimated Building configuration

Two options for Entrance / Exit; 1 secondary Exit Only



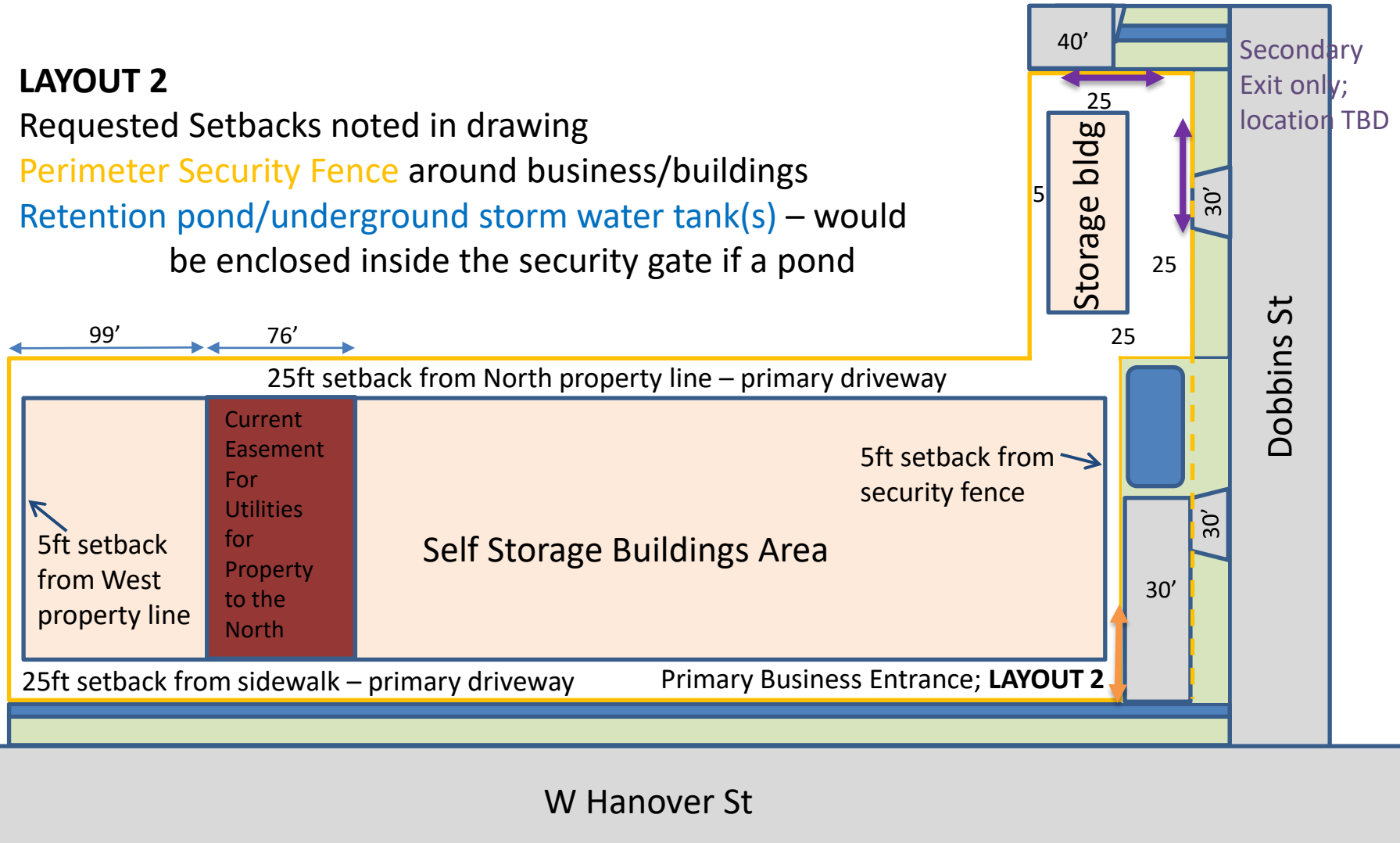
Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

LAYOUT 2

Requested Setbacks noted in drawing

Perimeter Security Fence around business/buildings

Retention pond/underground storm water tank(s) – would be enclosed inside the security gate if a pond

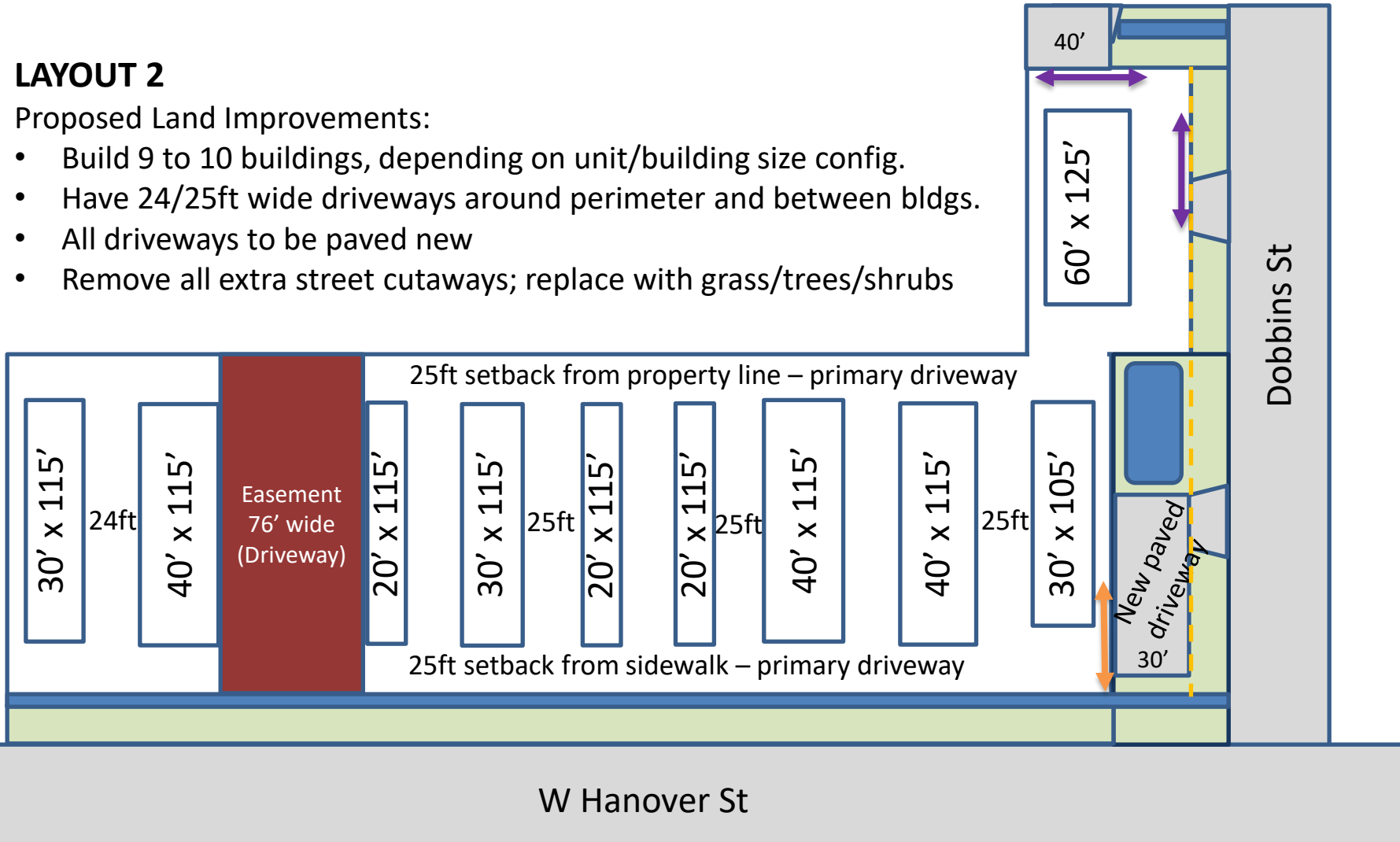


Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

LAYOUT 2

Proposed Land Improvements:

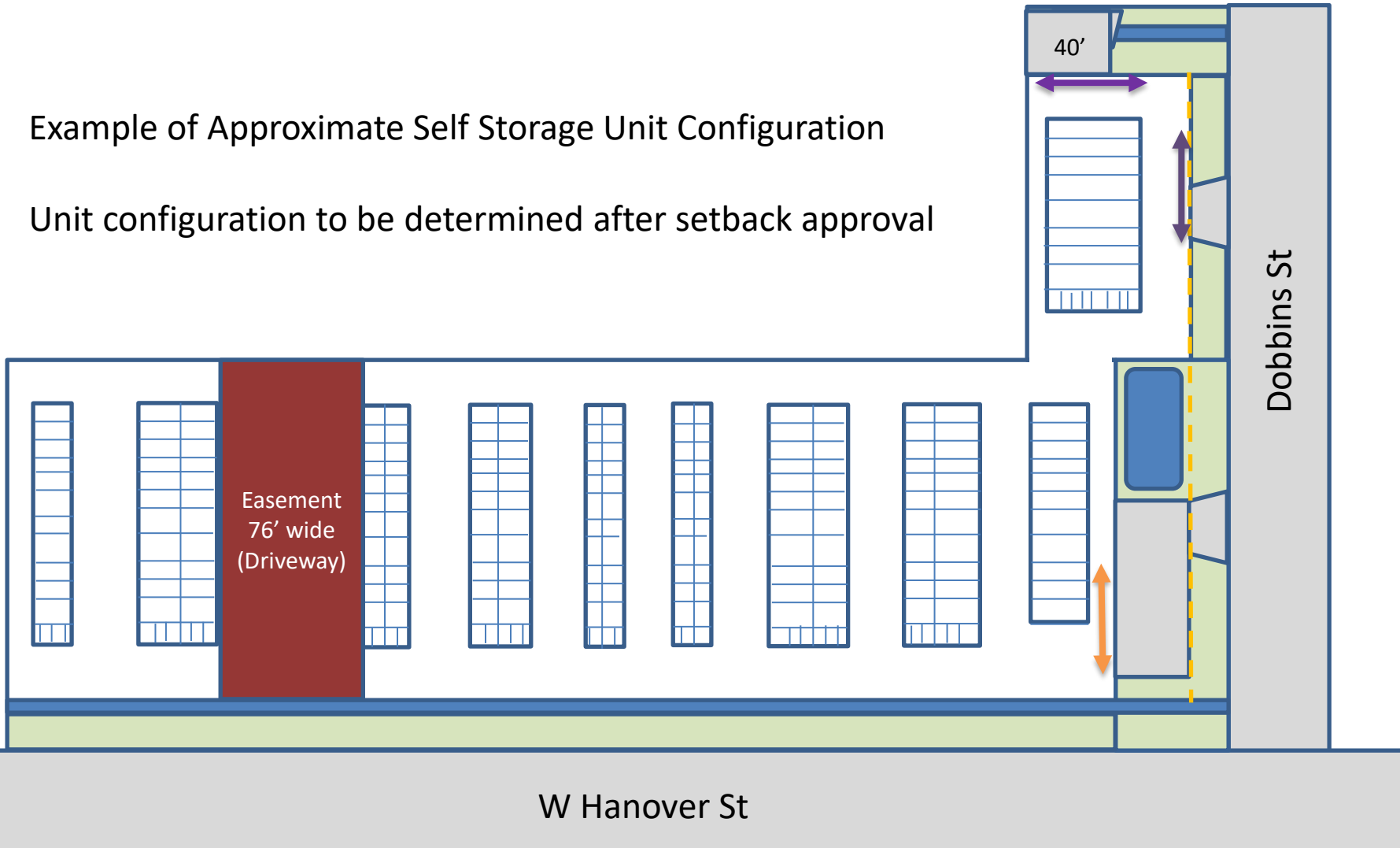
- Build 9 to 10 buildings, depending on unit/building size config.
- Have 24/25ft wide driveways around perimeter and between bldgs.
- All driveways to be paved new
- Remove all extra street cutaways; replace with grass/trees/shrubs



Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

Example of Approximate Self Storage Unit Configuration

Unit configuration to be determined after setback approval



Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

Example of Self Storage Building color scheme and roof height -
Jonesville Road Storage, Coldwater, MI



Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

Example of East side and South Side 'cosmetic' fence (black aluminum)
Would like chainlink fence on North Side and West Side



ABOUT US

PRODUCTS

SPECS & DRAWINGS

E-ADVANTAGES

CAREERS



COMMERCIAL GRADE ALUMINUM FENCE

Our **commercial grade aluminum fence** is ideal for light **commercial applications** such as apartment and condominium complexes. Our **commercial grade aluminum fencing** is constructed of 1-1/8"x 1-3/4" rails, 3/4"x 3/4" pickets, and uses 2"x2" or 2-1/2"x 2-1/2" post. Our horizontal rails have been engineered for a unique style and maximum strength.

The **commercial grade aluminum fence** is available in seven standard styles and is available in six standard colors: Black, White, Quaker Bronze, Beige and Hartford Green.

Our **commercial grade ornamental aluminum fence** is available in heights of 4', 5', and 6'.

We offer matching gates in single entry and double drive to match the seven standard styles of fence. We also offer Estate and **Curved Top gates** in **commercial grade fence** to suit your needs. All gates include standard latch and hinges, self-closing and self-latching gate hardware are available upon request. If it is a **cantilever gate** you are after then look no further than one of our exclusive **ZipTrack™ aluminum cantilever gates**.

Accessories available to compliment your fence include quad finials, tri-finials, butterfly scrolls and circles. These accessories can be powder-coated to match the finish of your fence or may be ordered in a gold finish.

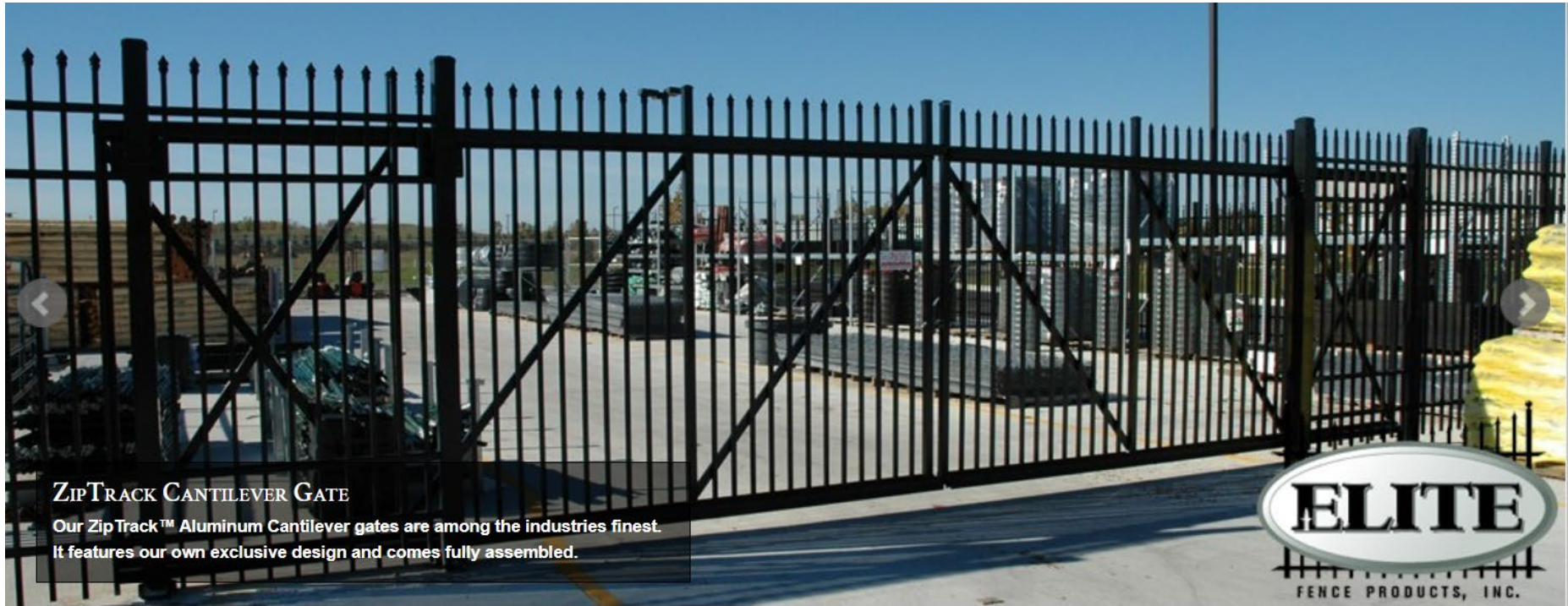


Activate Wind

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Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

Example of Entrance Gate, East side and South Side 'cosmetic' fence
Would like chainlink fence on North Side and West Side



ZIPTRACK CANTILEVER GATE

Our ZipTrack™ Aluminum Cantilever gates are among the industries finest. It features our own exclusive design and comes fully assembled.

ELITE ALUMINUM FENCE, RAILING & GATE PRODUCTS



RESIDENTIAL GRADE ALUMINUM FENCE

Our residential grade aluminum fence is an excellent choice for security and protection while still being the perfect neighbor friendly fence.

[View Our Residential Fence Products](#)



COMMERCIAL GRADE ALUMINUM FENCE

Our commercial grade aluminum fence is ideal for light commercial applications such as apartment and condominium complexes.

[View Our Commercial Fence Products](#)



INDUSTRIAL GRADE ALUMINUM FENCE

Our industrial grade aluminum fencing is constructed of 1-5/8" x 1-5/8" rails, 1" x 1" pickets, and uses 2-1/2" x 2-1/2", 3" x 3" or 4" x 4" post.

[View Our Industrial Fence Products](#)

Marshall - Dobbins / Hanover Street Storage Property Summary, Proposed Improvements And Requested Setbacks

Example of Building Sign,
overhead downfacing
LED lighting and building
letter/unit numbering

