



ZONING BOARD OF APPEALS

August 8, 2016

**CITY OF PORTAGE ZONING BOARD OF APPEALS
Agenda**

Monday, August 8, 2016

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- * July 25, 2016 meeting

OLD BUSINESS:

NEW BUSINESS:

- * ZBA #16-4, Adam & Sarah Beuker, 2611 Woodbine Avenue: Requesting: a) variance to construct a 25-foot wide by 20-foot deep attached garage 5.6 feet from the front property line where a minimum 30-foot setback is required; or b) a variance to retain the existing dwelling 25.6 feet from the front property line where a minimum 30-foot front setback is required.
- * ZBA #16-5, Abdallah Alwane: Requesting a variance to construct a 1,350 square-foot dwelling where a minimum 1,600 square feet is required.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS  **DRAFT**

Minutes of Meeting July 25, 2016

MEMBERS PRESENT:

John Byrnes, Jeffrey Bright, Chadwick Learned, Jay Eichstaedt, Alexander Philipp, Randall Schau and Michael Robbe.

MEMBERS EXCUSED:

Phillip Schaefer, Lowell Seyburn.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Kyle Mucha, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney

APPROVAL OF MINUTES: July 11, 2016 meeting minutes approved as submitted

NEW BUSINESS:

ZBA #16-3. David Riley. RAI AZO, LLC, 5825 and 5901 Willoughby Drive: Requesting a variance to erect three (3) 300 square-foot wall signs, where one (1) wall sign up to 100 square feet is permitted. Mr. Riley stated he did not intend the signs to serve a way finding purpose so much as be visible to people using the airport. Mr. Riley also stated the suggestion of three (3) 150 square feet signs was agreeable to him, should the board decide to grant the variance.

A public hearing was opened. No one spoke for or against the variance. The public hearing was closed.

Learned stated allowing three (3) 300 square-foot signs may set a bad precedent for future applicants. Eichstaedt stated he understood the intent of these large signs being “attention grabbers” for those traveling in/out of the Kalamazoo Airport, and that most citizens may not notice the signs due to the speed and height of the incoming aircraft. Schau inquired where staff came up with the suggested 150 square foot signs. Mais stated that would be the permissible area for a single wall sign on the applicant’s building if it were located in a commercial zone. A motion was made by Eichstaedt, seconded by Byrnes, to grant a variance from Section 42-553(A)(2) to allow three (3) 150 square-foot wall signs, where one (1) wall sign up to 100 square feet is permitted, for the following reasons; there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the location of the business, the limited number of possible locations for the business, and the right to advertise to customers; the immediate practical difficulty causing the need for the variance was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and action of the Board be final and effective immediately. Upon roll call vote; Robbe – No; Byrnes – Yes; Phillip – Yes; Bright – Yes; Learned – No; Eichstaedt – Yes; Schau – Yes. Motion passed 5-2.

OTHER BUSINESS:

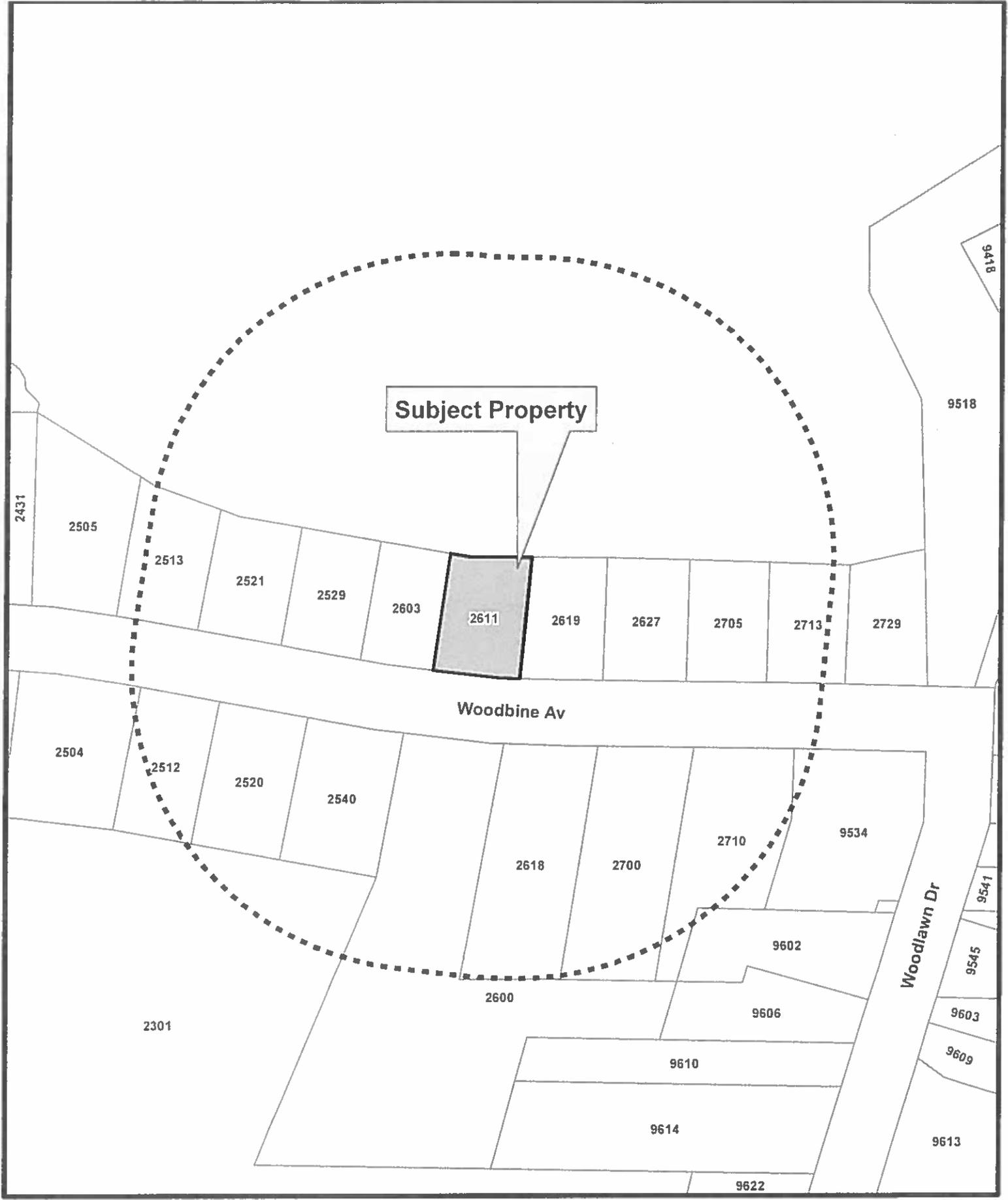
STATEMENT OF CITIZENS:

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:45pm.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



Subject Property

Woodbine Av

Woodlawn Dr

Legend

-  300'
-  2611 Woodbine

ZBA #16-04
2611 Woodbine Avenue



1 inch = 125 feet



Subject Property

2603

2611

2619

Woodbine Av

Legend

 2611 Woodbine

ZBA #16-04
2611 Woodbine Avenue



1 inch = 25 feet

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 6/30/2016
 Name of Applicant Adam & Sarah Beuker Sarah J. Beuker Adam B. Beuker
Print Signature
 Applicant's Address 2611 WOODBINE AVENUE Phone No. (269) 323-7802
 Name of Property Owner (if different from Applicant) SAME AS ABOVE
 Address _____ Phone No. _____
 Address of the Property that is the subject of this Application:
 Street Address 2611 WOODBINE AVENUE
 For Platted Property: Lot 6 of MCCAMLEY MANOR Plat _____
 [If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]
 Applicant's interest in Property that is the subject of this Application: JOINT OWNERS / JOINT TENANCY

Application Fee \$13500 (Residential Uses) _____ (All Other Uses)

Type of Appeal (Please check one of the following bold choices and provide the requested information):

Variance from Zoning Ordinance: Article 4. Zoning Section 42-350 Paragraph A
 Regarding: Use _____ Area _____ Yards _____
 Setbacks front Parking _____ Other _____

Reason for Request (Also complete page 2 of application): variance of the prescribed front setback, necessary to alleviate structural problems & safety hazards.

_____**Appeal of Administrative Decision:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

_____**Interpretation of the Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

_____**A Temporary Permit for:** Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>16-4</u>	Filing Date: <u>7/30</u>	Tentative Hearing Date: <u>8/8/16</u>
Previous Application Filed Regarding This Property: _____		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

SEE ATTACHED

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

SEE ATTACHED

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)

SEE ATTACHED

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

SEE ATTACHED

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

SEE ATTACHED

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

SEE ATTACHED

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)

SEE ATTACHED

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

SEE ATTACHED


Signature of Applicant




Date

Addendum to Zoning Board of Appeals Application

Re: Variance Requested for the Property at 2611 Woodbine Avenue, Portage, MI 49002
(also known as "Lot 6, McCamley Manor"; and "Parcel Number: 05160-006-O")

Portage's Zoning Board of Appeals has the power to hear an appeal and grant variances, interpret code provisions and grant temporary uses as authorized in the Zoning Code (Chapter 42, Land Development Regulations, Division 7 of the Zoning Code). The process of review by the Zoning Board of Appeals is established in the Zoning Code. The property located at 2611 Woodbine Avenue, in the City of Portage (hereinafter the Subject Property) is zoned R1-B per the Zoning Code, which prescribes a 30-foot setback from the front property line. For the reasons set forth below, the Applicants Adam and Sarah Beuker, the current owners of the Subject Property request a variance of this prescribed setback.

Reason for Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance.

Although the Subject Property generally meets the minimum standards set by the R-1B regulations, there are exceptional or extraordinary circumstances or conditions applying to the Subject Property that do not apply generally to other properties in the same zoning district. The Subject Property's driveway is unusual, with an abnormally steep grade. The Subject Property's driveway begins at street level, but descends steeply in order to enter the garage, which is at basement level. This configuration has led to both structural problems and potential safety hazards.

The structural problems are caused by water infiltrating the garage from the abnormally steep driveway. The rainwater and snowmelt inevitably gathers at the driveway's low-point, where the driveway meets the existing garage. The previous owners of the Subject Property have taken measures to alleviate the water problem (such as installing multiple drains and relocating eaves troughs). The current property owners have worked diligently to clean and maintain these measures. However, this drainage is insufficient to solve the problem – water continues to gather at the driveway's low-point and in the drain(s), soaking and rotting the concrete base of the steel column located between the two garage doors, causing sinking of this column, which supports the garage structure and the bedrooms above the garage. Cracks are visible in the brick mortar above this column, and the façade is beginning to sag.

There are also safety hazards which result from the existing configuration. The slope of the driveway, when coupled with ice and/or snow, makes backing out of the garage onto the street treacherous. In winter months, even after adequate plowing and salting of the driveway, rapid acceleration is often

required in order to get up the steep and slippery drive. However, rapid deceleration is then immediately necessary to prevent the vehicle from entering the street. Even when executed successfully, such maneuvers are startling to oncoming traffic, which has been observed swerving to avoid what they perceive as a potential collision.

To remedy this situation, Applicants request a variance of the Required Setback from the Street/Right-of-Way. The existing garage structure is setback 25.6 feet from the Front Property Line/Right-of-Way, approximately 46 feet from the edge of the street. In order to eliminate the steep slope of the driveway, applicants propose building a new attached garage, immediately adjacent to the existing garage. The new garage would be accessed via a new driveway, as close as possible to grade level, in order to remedy the structural and safety-related hardships caused by the current steep slope.

Although many two car garages are 22 or 24 feet deep, the proposed garage would only be 20 feet deep, in order to minimize the variance required. The proposed garage would thus be setback 5.6 feet from the front property line, approximately 26 feet from the edge of Woodbine Avenue, leaving adequate room for vehicles to safely and completely exit Woodbine Avenue before maneuvering into the garage.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties?

Yes. The driveway configuration is unusual, with an abnormally steep grade, hampering the intended use of the garage and driveway and causing safety and structural concerns (outlined above). The requested variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. There are many other properties in the vicinity with functional two stall garages capable of safe ingress and egress; there are numerous properties in the vicinity with no structural damage or safety hazards as a result of abnormally steep driveways.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance?

No, as set forth above.

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area?

Yes, the variance for a garage with 20 foot depth is the minimum necessary to permit the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same

zoning district and in the vicinity. Although many two car garages are 22 or 24 feet deep, the proposed garage would only be 20 feet deep, in order to minimize the variance required.

5. Explain how the variance would not result in adverse effects on adjacent properties or alter the character of the area.

The variance will not adversely affect adjacent property or the surrounding neighborhood. The garage addition will not negatively impact the use or enjoyment of adjacent land owners. The requested variance does not impact the setback requirements for the property lines shared with adjacent properties. The requested variance only impacts the required setback from the street / right-of-way.

Nor will the requested variance alter the character of the area. Several nearby homes have garage / setback configurations very similar to that requested in the instant variance:

Address	Feet from Right-of-Way	Feet from Street Edge
9541 Woodlawn	N/A	18 ft
9629 Woodlawn	8 ft	20 ft
9637 Woodlawn	9 ft	20 ft
9533 Woodlawn	12.8 ft	21 ft
2611 Woodbine (proposed)	5.6 ft	26 ft
9643 Woodlawn	17 ft	32ft
2729 Woodbine	18 ft	36 ft
2705 Woodbine	19.5 ft	40 ft
2611 Woodbine (current)	25.6 ft	46 feet

Note: Measurements for 2611 Woodbine are based on April 5, 2016 Survey by Wightman & Associates, Inc., which included staking of the property. Measurements for the neighboring properties are approximate, obtained by utilizing the City of Portage's online GIS tool.

The proposed garage will actually improve the curb appeal of the home and allow for vehicles, along with landscaping equipment, to be easily stored in the garage addition. The proposed driveway would also remove the safety hazards caused by the existing configuration.

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area.

The requested variance will not result in any of the above detrimental conditions. As set forth above, it will have little or no impact on adjacent or nearby properties, but will significantly improve the value and utility of the Subject Property. Further, the requested variance will actually improve traffic on Woodbine Ave, by removing the safety/traffic hazards caused by the existing driveway configuration.

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner?

No. The practical difficulty causing the need for the variance request was not created by the applicant, but by a previous (original) property owner and/or home builder. The House was constructed in 1967 with a brick exterior. Over the years, settling of the soil has been exacerbated by the increased water run-off toward the basement level garage, garage doors and structural support. This has weakened the dwelling's structural integrity and has also made pulling out of the driveway difficult, even hazardous, particularly in the winter. Numerous attempts to increase (previous owners) and meticulously maintain (previous and current owners) optimal drainage of this area have not remediated the problem.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance.

The variance will not materially impair the intent and purpose of the Zoning Code, i.e., promoting the public's health, safety, comfort, convenience and general welfare. ¹ Because Woodbine Avenue has a standard right-of-way width of 66 feet, the depth of the right-of-way will allow ample space for vehicles to safely and completely exit Woodbine Avenue before maneuvering into the proposed garage. The requested variance will fulfill the spirit and intent of the Zoning Ordinance by improving the structural integrity of the existing dwelling, providing safer egress and ingress to the Subject Property, thus improving traffic flow, while maintaining the character of the neighborhood, improving the dwelling's functionality and curb appeal, and permitting Applicants to enjoy a substantial property rights possessed by other properties in the vicinity.

CONCLUSION

The requested variance should be granted in light of the proffered evidence of hardship and because of the property's unique conditions. The requested variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by others in the same zoning district and in the vicinity. The variance will not be detrimental to adjacent properties or the surrounding neighborhood. Rather, it will enhance curb appeal and traffic safety, and is in keeping with the neighborhood's character. The variance will not materially impair the intent and purpose of the Zoning Ordinance. See Ord. No. 03-01, § 42-702 (2003). The immediate hardship necessitating the variance request was not created by the applicants. Accordingly, the Applicants hereby request a variance from the prescribed setback from the Right-of-Way (City of Portage Code of Ordinances §42.350).

Respectfully submitted,



Signature of Applicant (Adam B. Beuker)

June 30, 2016
Date

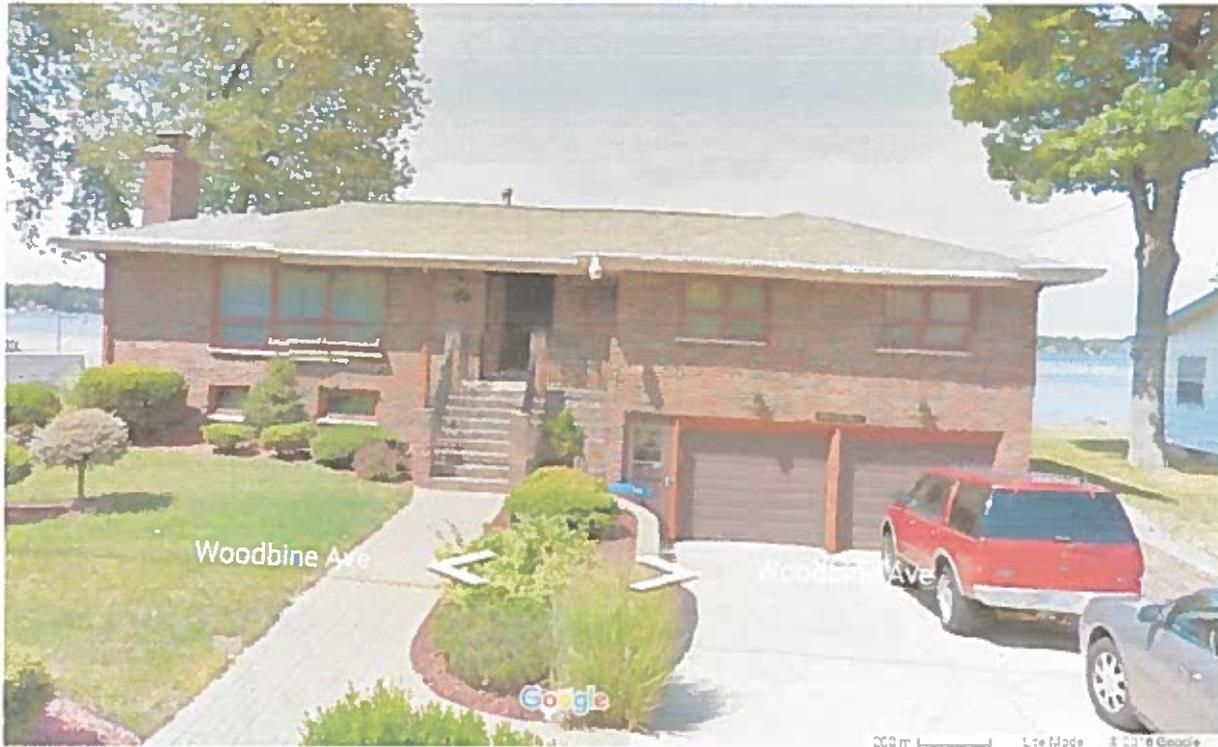


Signature of Applicant (Sarah S. Beuker)

June 30, 2016
Date

¹ The City of Portage's Zoning Ordinance provides that: "In its interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare." City of Portage Code of Ordinances, § 42-100.

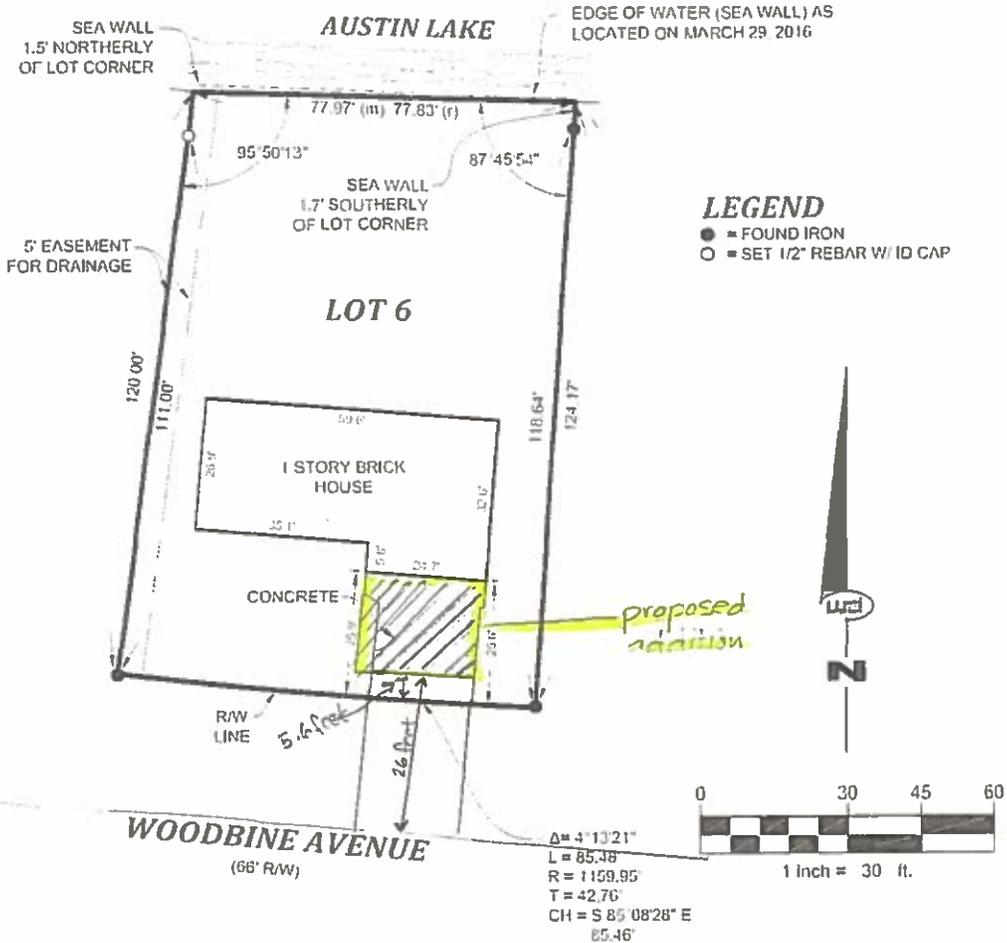
2611 Woodbine Avenue – Existing Configuration:



Proposed garage would extend essentially to the back end of the red SUV (seen above), at a grade even with or slightly below the edge of the retaining wall. The following photo is a very rough approximation of the proposed design. Applicants would work closely with an architect to ensure that the new garage is aesthetically pleasing and consistent with the existing structure.



SURVEY REPORT



LOT 6, "MC CAMLEY MANOR," BEING A SUBDIVISION IN THE SOUTH HALF OF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 11 WEST, PORTAGE TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 25, PAGE 42, KALAMAZOO COUNTY RECORDS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

W&A WIGHTMAN & ASSOCIATES, INC.
 ENGINEERING • SURVEYING • ARCHITECTURE
 224 Michigan Ave. S.E. • Grand Rapids, MI 49503
 2600 E. Fulton Ave. • Grand Rapids, MI 49508
 1045 1st St. S.E. • Grand Rapids, MI 49506
 Phone: (224) 447-1000 • Fax: (224) 447-1001
 www.wightmaninc.com

CLIENT: ADAM BEUKER
 JOB NO: 164065
 DATE: APRIL 5, 2016
 SCALE: 1" = 30'
 DRAWN BY: BKG
 CHECKED BY:

AARON D. SMITH

PS-4 (REV)

CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 26 T 3 S R 11 W

A-104005

Panel

This plat has been examined and approved on the _____ day of _____, 1960, by the Kalamazoo County Board of Road Commissioners.

the taxes for said period of five years are paid, as shown by the records of this office. This certificate does not apply to taxes, if any, now in process of collection by the Township, City or Village collecting officers.

Arthur J. Mulholland Sr., Member
 Nettie Voberg, Member

William H. Williams
 Registered Land Surveyor No. 2777

Leonard Kloet, County Treasurer

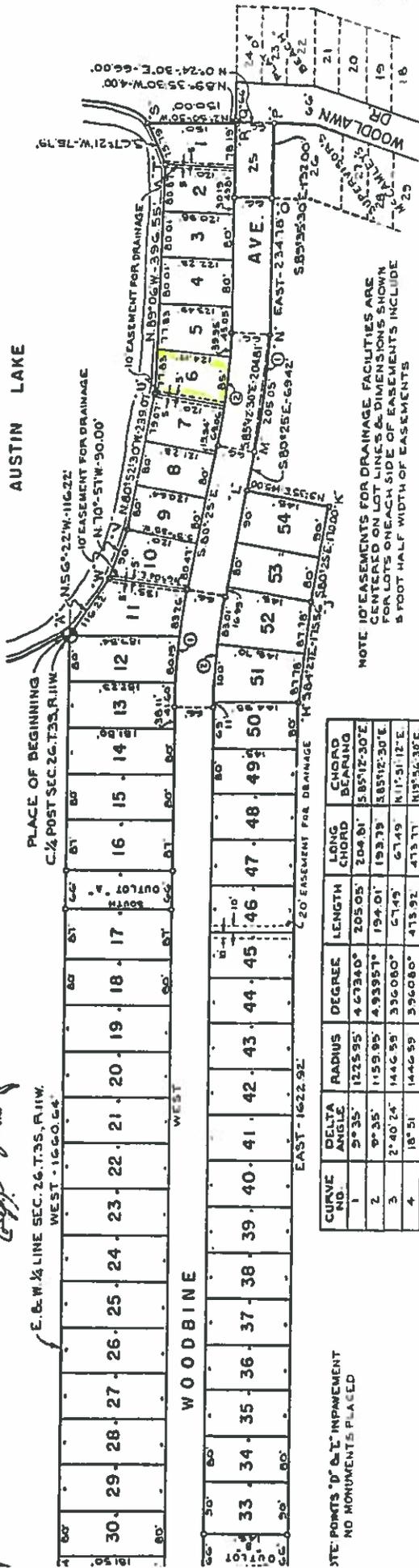
NOTE: All dimensions are in feet and decimals thereof.

NOTE: 20' EASEMENT FOR DRAINAGE FACILITIES IS CENTERED ON LOT LINE AND DIMENSIONS SHOWN FOR LOTS ON EACH SIDE OF EASEMENT INCLUDES 10' HALF WIDTH OF EASEMENT.

CURVE NO.	DELTA ANGLE	RADIUS	DEGREE	LENGTH	LONG CHORD	CHORD BEARING
1	5° 35'	1275.95'	4 67340°	205.05'	204.81'	S85°12'30"E
2	9° 35'	1159.99'	4 93957°	194.01'	193.79'	S85°12'30"E
3	2° 40' 24"	1446.59'	3 96080°	67.49'	67.49'	N11° 51' 12"E
4	18° 51'	1446.59'	3 96080°	473.92'	473.92'	N19° 56' 30"E

NOTE: EASEMENTS FOR DRAINAGE FACILITIES ARE CENTERED ON LOT LINES & DIMENSIONS SHOWN FOR LOTS ON EACH SIDE OF EASEMENTS INCLUDE 5 FOOT HALF WIDTH OF EASEMENTS

COBY
 March 16, 1960
 Richard J. [Signature]



TO: Zoning Board of Appeals **DATE:** July 29, 2016
FROM: Vicki Georgeau, ^{Vb} Director of Community Development
SUBJECT: ZBA #16-04, Adam & Sarah Beuker, 2611 Woodbine Avenue; R-1B, One Family Residential.

CODE SECTION: 42-350 Schedule of Regulations; p. CD42:84.

APPEAL: Requesting: a) variance to construct a 25-foot wide by 20-foot deep attached garage 5.6 feet from the front property line where a minimum 30-foot setback is required; or b) a variance to retain the existing dwelling 25.6 feet from the front property line where a minimum 30-foot front setback is required.

STAFF RECOMMENDATION: The applicant is requesting the variances per the enclosed application, plot plan, and related materials. The lakefront property is zoned R-1B, one family residential, and is located in a single-family residential neighborhood. The subject property is improved with a nonconforming 1,690 square-foot bi-level house with an attached (bottom level) two-stall garage constructed in 1967. The dwelling is nonconforming because it is setback 25.6 feet from the front property line where a 30-foot front setback is required, but meets all other setback and lot coverage requirements.

The applicant indicates the descending slope of the driveway in front of the dwelling causes safety problems for vehicles pulling in and out of the property, especially during winter months, and also caused structural problems due to water collecting at the low point and eroding the concrete base of the steel support column between the garage doors. The applicant proposes to alleviate these issues by constructing an attached 25-foot wide by 20-foot deep two-stall garage in front of the dwelling thereby permitting vehicles to enter/exit the garage at street grade level. The proposed garage would extend to within 5.6 feet of the front property line. During the course of conducting research for the variance it was discovered the original 1967 building permit was issued in error: the house was permitted with a front setback of 25.6 feet where a 30-foot setback applies. Variances are therefore requested.

Concerning a), the drainage problems caused by the descending slope of the driveway and bi-level design are acknowledged. The proposed garage location, however, presents problems of its own. The City Code requires two (2) off-street parking spaces per dwelling unit and a 10-foot setback for off-street parking. Due to the proposed 5.6-foot setback, vehicles in the driveway would be primarily parked in the in the city street right-of-way, as opposed to private property. Further, under this scenario, necessary future roadway improvements may be adversely impacted by the proposed garage location. Finally, the proposed garage would also project considerably closer to the street than any other dwelling on Woodbine Avenue.

Conforming alternatives are available. For example, the applicant could modify the grade of the driveway near the road to reduce drainage onto the property, install a heated driveway system with additional drainage and/or install a sump pump in the existing garage. Another alternative is to convert the bedrooms currently over the existing garage into a new garage, and add new living space on the north (lake) side of the dwelling. For the aforementioned reasons, the variance is not recommended.

Regarding b) the existing setback was erroneously permitted by the city in 1967 and no complaints have been received during that time. The immediate practical difficulty causing the need for the variance request was not caused by the applicant, and the variance will not be detrimental to adjacent property and the surrounding neighborhood. For these reasons variance b) is recommended.

PRACTICAL

DIFFICULTY: None noted by staff. Building permit issued in error. See suggested motion form.

T:\COMMDEV\2016-2017 Department Files\Board Files\Zoning Board\16-04 2611 Woodbine\2016 07 29 VG ZBA 16-04 Woodbine, 2611 (staff rpt) docx

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____
for a variance from _____

be:

a. granted for all of the following reasons:

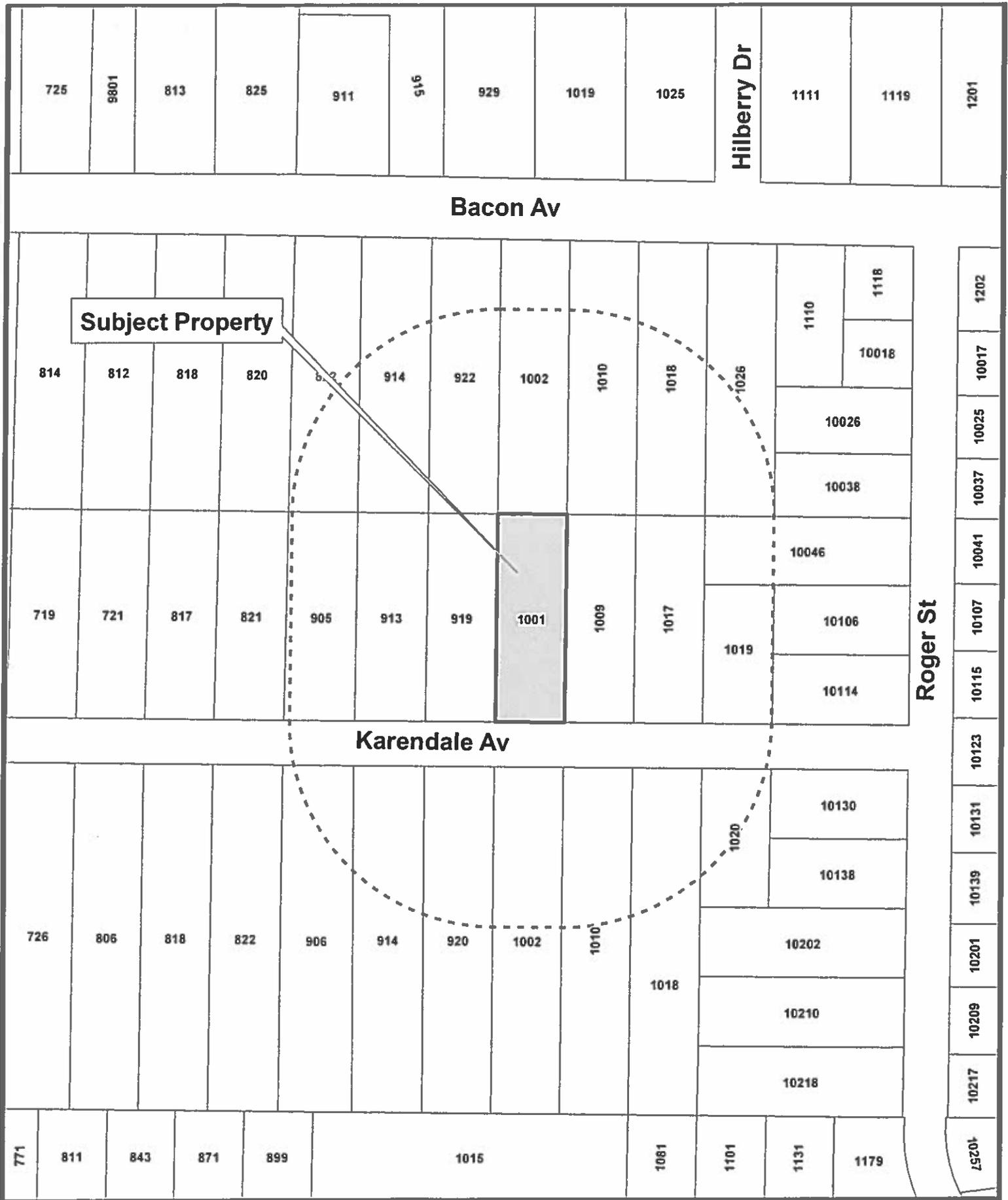
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-OR-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately.



Subject Property

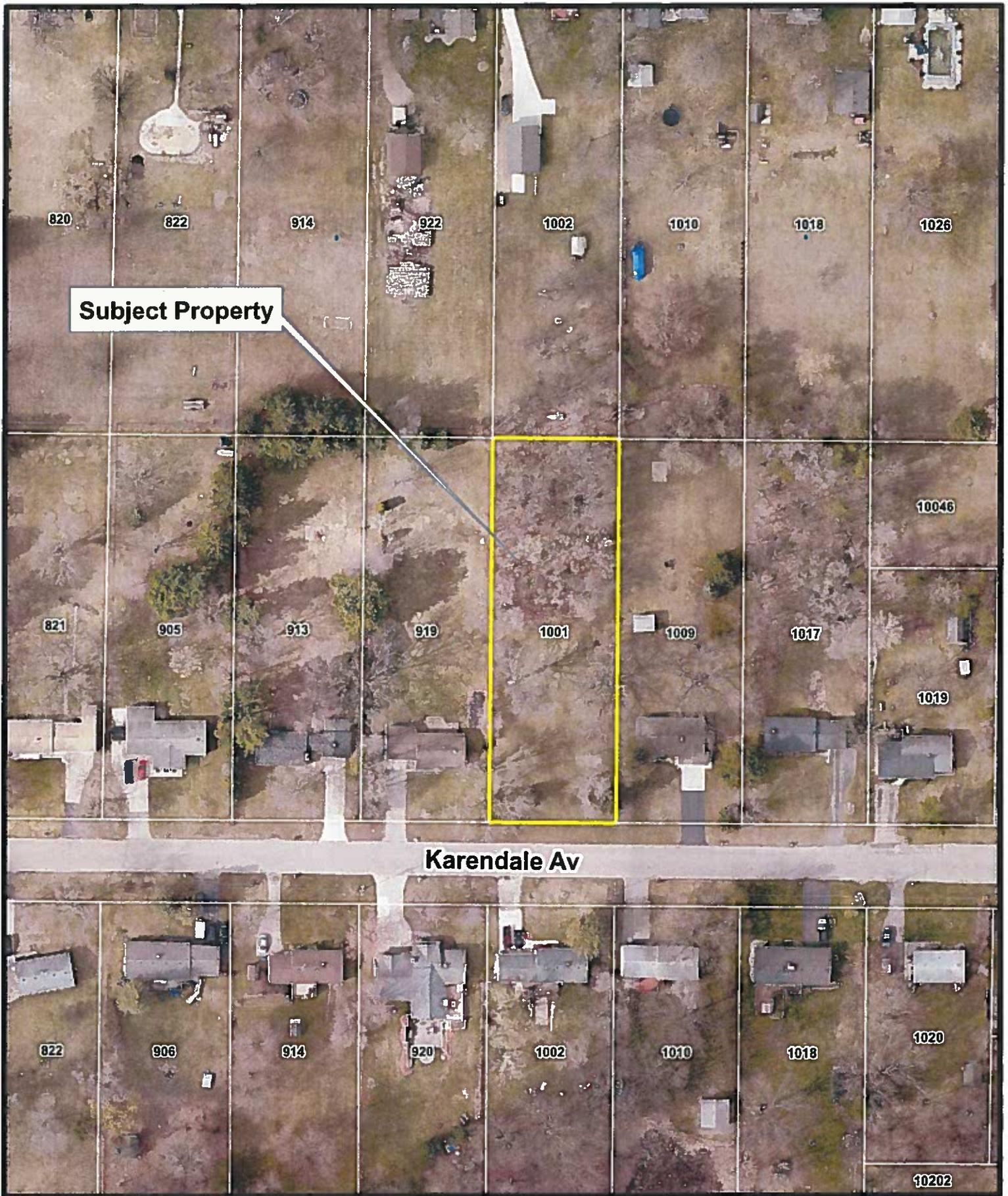
Legend

- Subject Property
- 300' Notification Area

ZBA #16-05
1001 Karendale Avenue



1 inch = 183 feet



Subject Property

Karendale Av

Legend

 Subject Property

ZBA #16-05
1001 Karendale Avenue



1 inch = 100 feet

JUL 7 2016

COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 07/06/2016
 Name of Applicant Abdallah Alwane / Nathalie Alwane  
Print Signature
 Applicant's Address 6323 Echo Ct Apt 2C Portage MI 49002 Phone No. 269-823-3087/269-240-8361
 Name of Property Owner (if different from Applicant) Same
 Address _____ Phone No. _____

Address of the Property that is the subject of this Application:

Street Address 1001 Karendale Ave Portage MI 49002
 For Platted Property: Lot 66 of Ludington Acres #2 Plat _____

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: Building a 1350 square foot house

Application Fee (Residential Uses) _____ (All Other Uses)

Type of Appeal (Please check one of the following bold choices and provide the requested information):

Variance from Zoning Ordinance: Article 42 Section 350 Paragraph _____
 Regarding: Use _____ Area 1350 square Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Requesting a variance to construct a 1350 square-foot house where a minimum of 1600 square feet is required

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>16-05</u>	Filing Date: <u>7/7</u>	Tentative Hearing Date: <u>8/8/16</u>
Previous Application Filed Regarding This Property: <u>14-17</u>		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
Surrounding homes sizes and values are much smaller than the required square footage for zone R1c
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
See attached
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
See attached
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
See attached
5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
See attached
6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
See attached
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
See attached
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
See attached

Nathalie
Signature of Applicant

07/06/2016
Date

RECEIVED

JUL 07 2016

COMMUNITY DEVELOPMENT

July 6, 2016

Portage Zoning Board of Appeals
7900 South Westnedge Avenue
Portage, Michigan 49002

RE: Vacant Lot #66 Ludington Acres #2
1001 Karendale, Portage, Michigan 49002

To Whom It May Concern:

The purpose of this letter is to request a variance to build a 1,350 square-foot house at 1001 Karendale, Portage, MI 49002 where the minimum is 1,600 square-foot since this parcel falls in a R-1C zone.

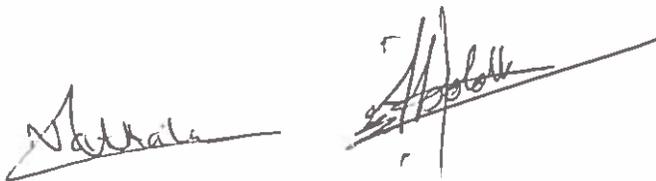
We have purchased this lot in February 2015. A variance to build a 1,108 square-foot dwelling was issued back in January 12, 2015 to the previous owner, but has expired on July 12, 2015 before we were ready to start building. Now that we have the floor plans ready, we are requesting a new variance. Please find the floor plans attached.

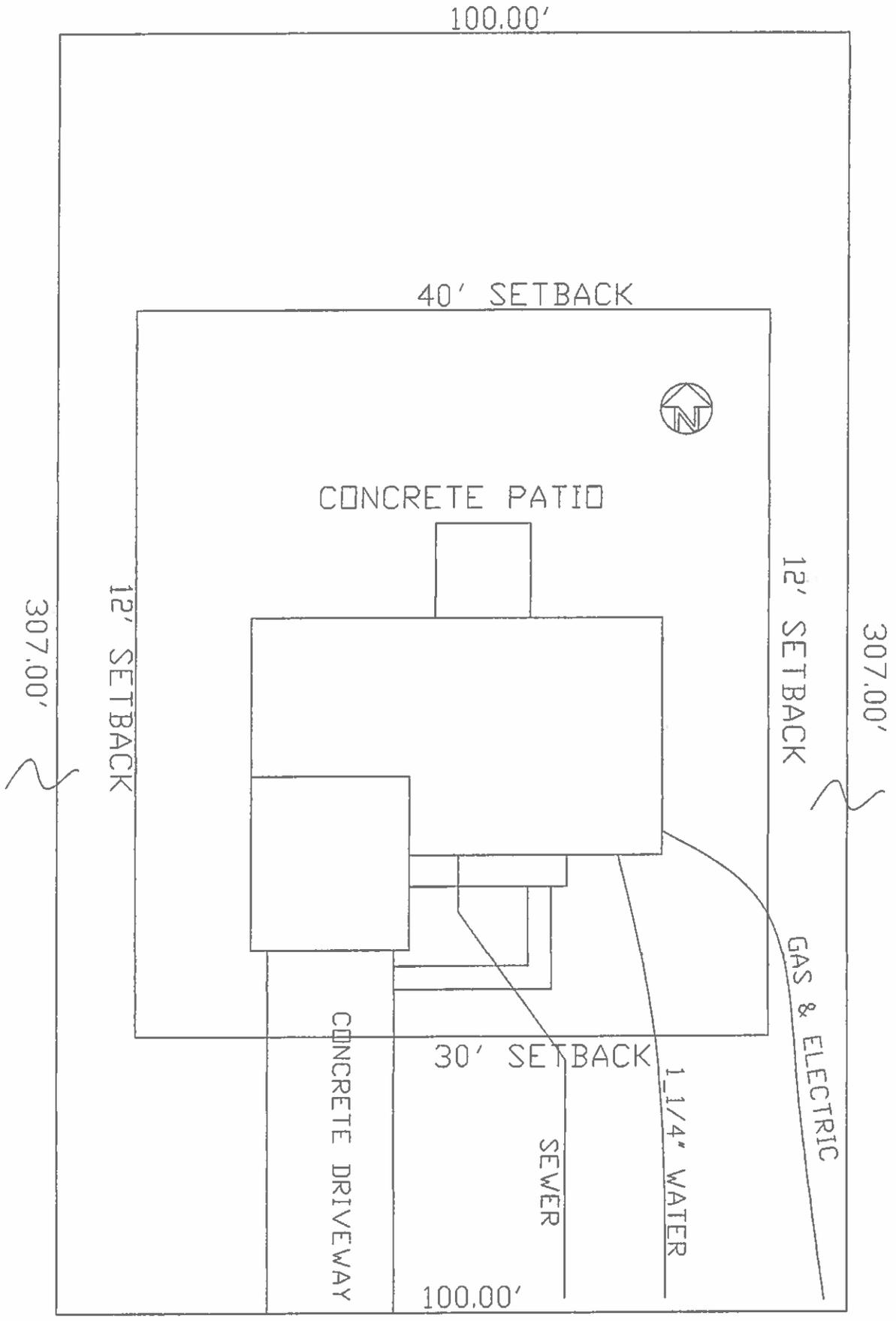
This request is based on the research attached that shows the square-footage on Karendale range between 912 square-foot and 1,050 square-foot.

Thank you for your consideration. We trust that you will be in agreement that the proposed property plans would be a good fit and beneficial to the Karendale neighboring properties.

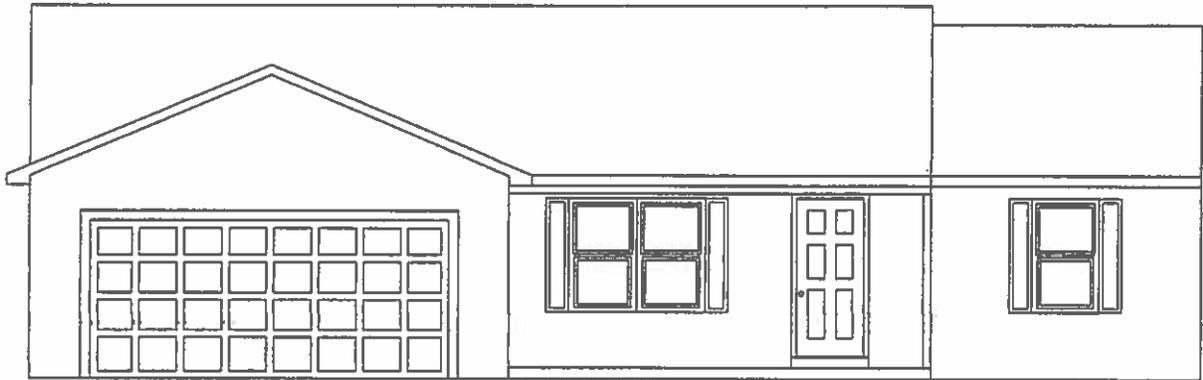
Sincerely,

Abdallah and Nathalie Alwane
6323 Echo Court, Apartment 2C
Portage, Michigan 49002

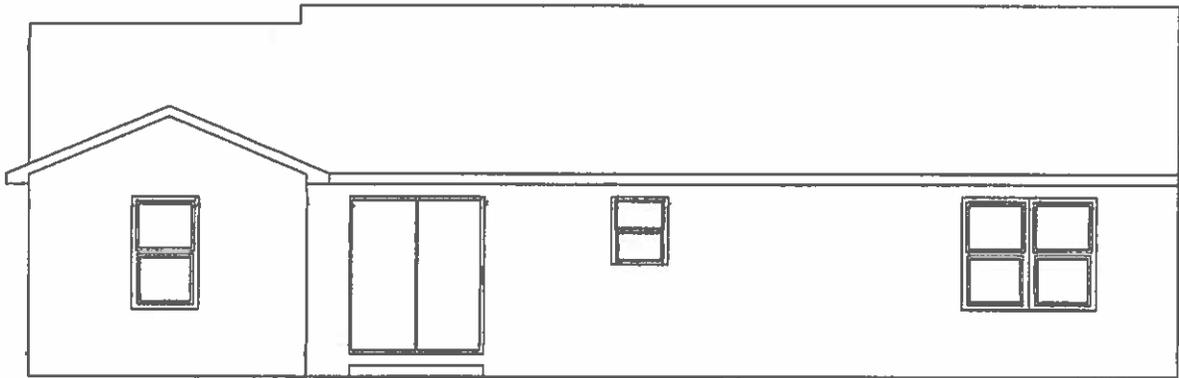
The image shows two handwritten signatures in black ink. The signature on the left is written in a cursive style and appears to be 'Nathalie'. The signature on the right is also cursive and appears to be 'Abdallah'. Both signatures are written over a horizontal line.



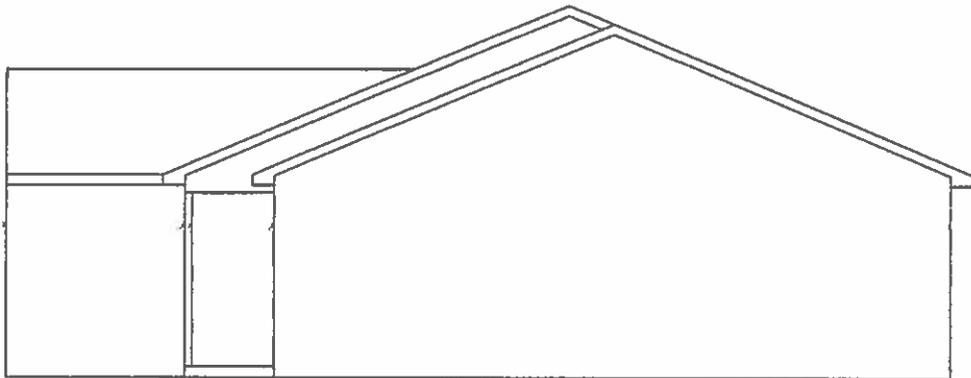
1001 KARENDALE



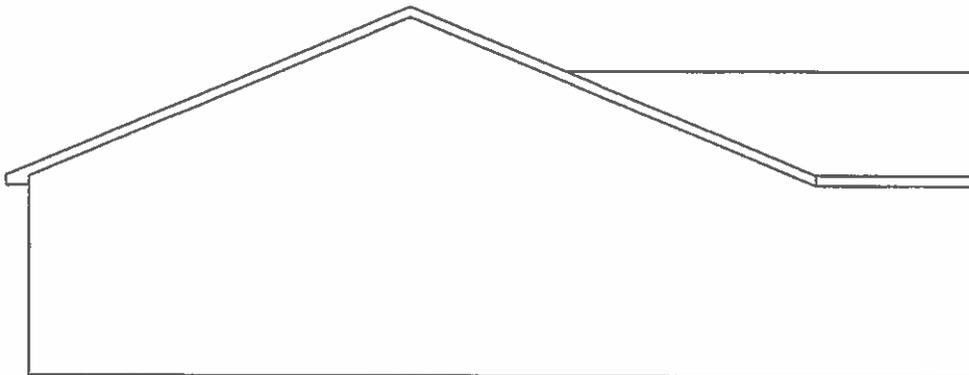
FRONT ELEVATION



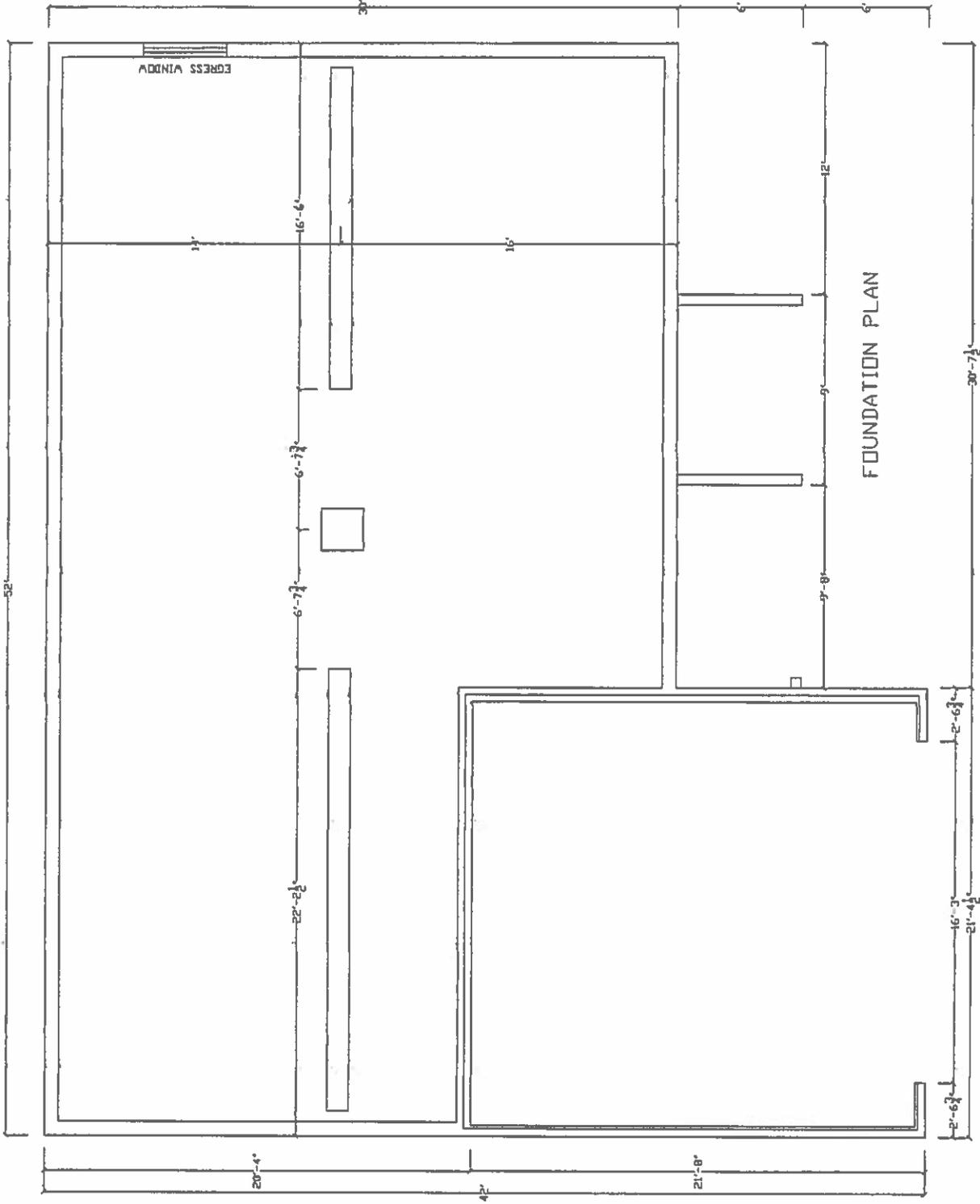
REAR ELEVATION



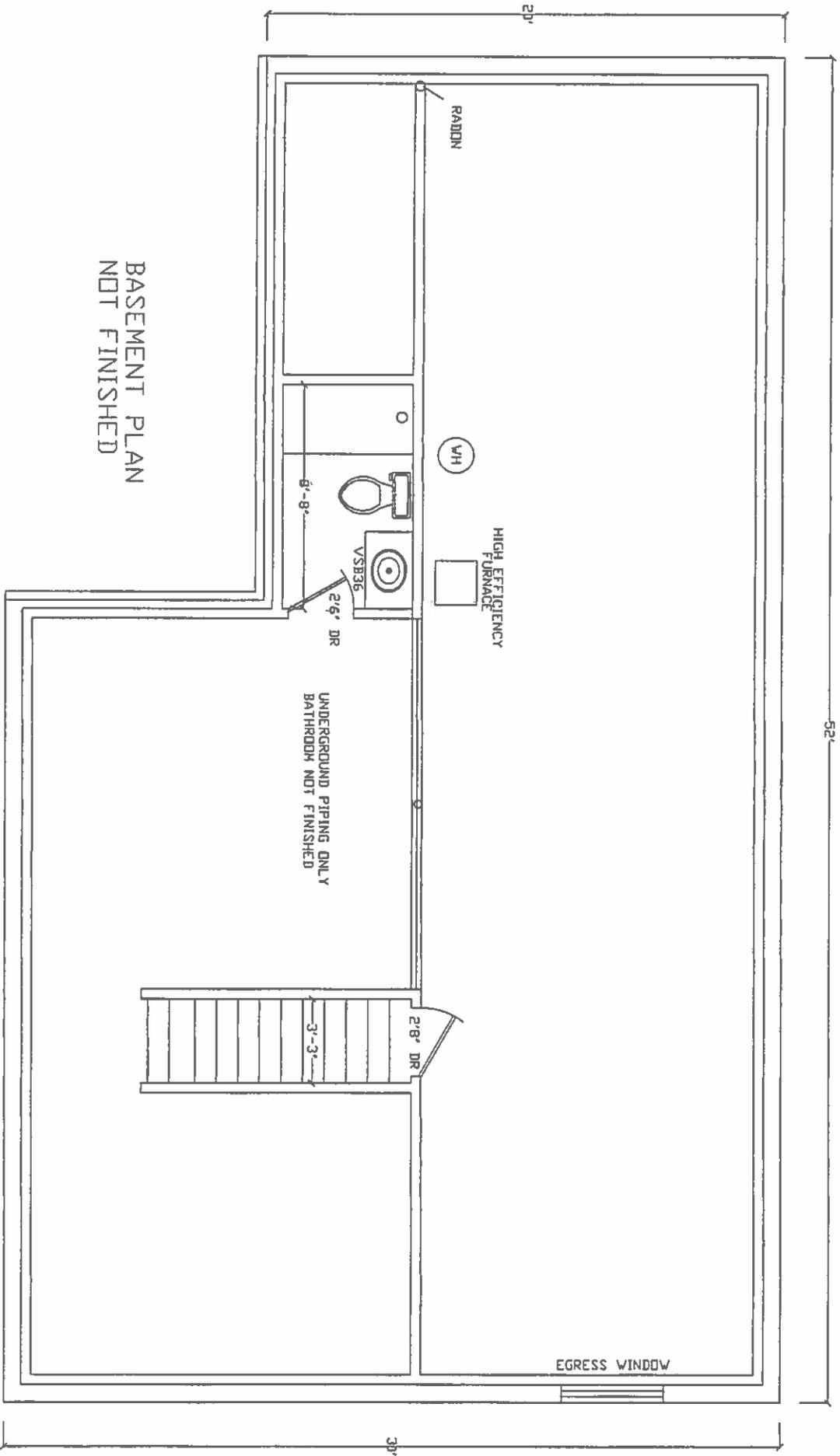
RIGHT ELEVATION



LEFT ELEVATION



FOUNDATION PLAN



BASEMENT PLAN
NOT FINISHED



List Number: 2619478
 Area: Greater Kalamazoo - K
 Municipality: Portage City
 Lot Dimensions: 100 x 204
 Waterfront Y/N: No
 Water Access Y/N:
 Body of Water:
 Water Frontage:
 Directions:
 Cross Streets: Terry Ln & Roger St
 Property Sub-Type: Single Family
 New Construction: No
 Auction or For Sale:
 Sub-Area: K20 - South Portage
 County: Kalamazoo
 Possession:
 Tax ID #: 391004740036A
 Road Frontage: 100
 Status: Sold
 List Price: \$99,900
 Original List Price: \$105,000
 List Price/SqFt: \$104.06
 Sold Price/SqFt: 102.19
 Days On Market: 76
 Cumulative DOM: 76
 Lot Acres: 0.5
 Lot Square Footage: 21,780

	Upper	Main	Lower	Bsmt	Total
Bedrooms	3				3
Full Baths	1				1
Half Baths					
Fin/Level	960				960 (Finished All Levels)
Total Sqft				960	960 (Sqft Above Grade)

		ROOMS/DIMENSIONS/LEVELS							
Design:	Ranch	Year Built:	1958	Kitchen	Main	Laundry	Basement	Bedroom 2	Main
Stories:	1	Water:	Public	Dining Area	Main	Master Bedroom	Main	Bedroom 3	Main
Manufactured Y/N:	No	Sewer:	Public	Living Room	Main	Master Bath	Main		
Total Fireplaces:		Driveway:	Paved						
Master on Main:		Laundry on Main:							
									# of Rms Above Grade: 5

Legal: Ludington Acres W 100 ft of lots 36-37
 Taxable Value: 32,117
 Annual Property Tax: 1,097
 School District: Portage
 SEV: 46,800
 Tax Year: 2005
 Zoning:
 For Tax Year: 2005
 Homestead %: 100
 Special Assmt/Type: \$1373/Water
 High School: Central
 Middle School: Central
 Elementary School: Lake Center

Terms Available:	Cash/Conventional; FHA; VA	Water Fea. Amenities:		Heat Type:	Forced Air
Water Type:		Exterior Features:		Heat Source:	Natural Gas
Street Type:	Paved	Landscape:		Air Conditioning:	Central
Exterior Material:	Aluminum	Sale Conditions:		Fireplace:	
Manufactured Details:		Outbuildings:	Storage Shed	Kitchen Features:	Eating Area
Roofing:	Comp Shingle	Pool:		Access Feat:	
Windows:		Util Avail at Street:	Broadband		
Substructure:	Full Basement; Walk Out	Assoc. Fee Incl.:			
Garage Type:		Utilities Attached:	Cable; Natural Gas		
Lot Description:					
Appliances:	Dishwasher; Dryer; Microwave; Washer				
Additional Items:	Ceiling Fans; Home Warranty; Humidifier; Wood Floor				
Assoc. Amenities:					
Accessibility Feat:					

Marketing Remarks: For additional photos & virtual tour see www.TeamWilkinson.com. Present owners have lived here for over 40 years & you will find they have taken great care of this wonderful home. Located in a very nice and quiet area within walking distance to Lake Center elementary. You will fall in love w/all the beautiful hardwood floors, coved ceilings, & plaster walls. The cook in the family will appreciate the recently updated kitchen w/oak cupboards, tile floor & backsplash, new countertops, recessed lighting, dishwasher, & microwave. The bathroom has also been totally updated. Home has been freshly painted & has lots of natural light. The walkout bsmt is partially finished w/a family room & office area. Seller have also updated w/electric, & replaced the furnace & A/C within the last 5 years. If

Agent Only Remarks:
 Seller: Phone: Occupant Type: SA: 0 BA: 3.5 TC: 3.5 Var: No Exclusive Agency: No RP: No

	Name	Primary Phone	Email	Other
List Off:	RE/MAX Advantage (k158)	269-323-3900		Fax:
List Agt:	Wayne A Wilkinson (k221709)	269-217-2052	wayne@teamwilkinson.com	Mobile:
Co-listing Office:	RE/MAX Advantage (k158)	269-323-3900		
Alt Agt:	Wendy L Wilkinson- Lyster (k787469)	269-488-7653	wendy@teamwilkinson.com	
Selling Off:	RE/MAX Advantage (:k158):	269-323-3900	info@mi-homes.com	
Selling Agt:	Julie Becker-Zabavski (:k284339):	269-217-1872	julie@mi-homes.com	
Showing Instructions:	Call L/S			

Status Change Date:	07/28/2006	Listing Date:	04/28/2006	Terms:	Conventional
Pending Date:	07/13/2006	Sold Date:	07/27/2006	Seller Concessions:	\$3000 closing costs
		Sold Price:	\$98,100	CDOM:	76

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Residential Sold Agent Detail Report 1002 Karendale Avenue Portage, MI 49002 \$98,700



List Number: 13023885 Property Sub-Type: Single
 Area: Greater Family
 Kalamazoo - K Auction or For Sale: Status: Sold
 Municipality: Portage Sub-Area: K20 - South Original List Price: \$95,900
 City Portage List Price/SqFt: \$99.9
 Lot Dimensions: 100 x 510 County: Kalamazoo Sold Price/SqFt: 102.81
 Waterfront Y/N: No Possession: Days On Market: 84
 Water Access Y/N: No Tax ID #: 3910047420770 Cumulative DOM: 84
 Body of Water: Road Frontage: 100 Lot Acres: 1.17
 Water Frontage: 51,000
 Directions: Bacon Rd. to Roger, south to Karendale, west to property
 Cross Streets: Terry and Roger

	Upper	Main	Lower	Bsmt	Total
Bedrooms		3			3
Full Baths		1			1
Half Baths					
Fin/Level		960			960 (Finished All Levels)
Total Sqft				960	960 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch Year Built: 1956
 Stories: 1 Water: Public
 Manufactured Y/N: No Sewer: Public
 Total Fireplaces:
 Master on Main: Laundry on Main:

of Rms Above Grade: 5

Legal: Ludington Acres #2 Lot 77 SEV: 46,800 For Tax Year: 2013 High School:
 Taxable Value: 46,800 Tax Year: 2012 Homestead %: 100 Middle School:
 Annual Property Tax: 1,834 Zoning: R-1C Special Assmt/Type: None Known Elementary School:
 School District: Portage

Terms Available: Cash/Conventional; FHA; MSHDA	Water Fee. Amenities:	Heat Type: Forced Air
Water Type:	Exterior Features:	Heat Source: Natural Gas
Street Type: Paved	Landscape:	Air Conditioning:
Exterior Material: Vinyl	Sale Conditions: None	Fireplace:
Manufactured Details:	Outbuildings:	Kitchen Features:
Roofing:	Pool:	Access Feat:
Windows:	Util Avail at Street:	
Substructure: Full Basement; Walk Out	Asoc. Fee Incl.:	
Garage Type: 2; Attached	Utilities Attached: Natural Gas	
Lot Description:		
Appliances:		
Additional Items:		
Assoc. Amenities:		
Accessibility Feat:		

Marketing Remarks: www.pamkellaknapp.com/13023885- Great Location, this 3 bedroom, 1 bath ranch walkout is tucked into a small neighborhood in south Portage. Close to lakes, parks and schools. Home has many updates including new stainless steel appliances, new 95% efficient furnace, updated kitchen, jacuzzi tub, gorgeous, easy to finish walkout basement, deck with a view of over an acre and backs up to large wooded area.

Agent Only Remarks:
 Seller: Phone: Occupant Type: Owner SA: 0 BA: 3 TC: 0 Var: No Exclusive Agency: No RP: No

List Off:	Name	Primary Phone	Email	Other
List Agt:	RE/MAX Advantage (k158)	269-323-3900		Fax:
Co-listing Office:	Pamella M Knapp, Knapp/Knight Team (k859195)		pamellak@remax.net	Mobile:269-720-8938
Alt Agt:	RE/MAX Advantage (k158)	269-323-3900		
Selling Off:	Shauna N Knight Team, Knapp/Knight Team (k370586)	269-352-2334	shaunak@remax.net	
Selling Agt:	RE/MAX Advantage (:k158):	269-323-3900	info@mi-homes.com	
Showing Instructions:	Pamella M Knapp, Knapp/Knight Team(:k859195):		pamellak@remax.net	
	Showing Instructions: Call 217-3317 or email Cindy.crowe@mi-homes.com-notice appreciated			

Status Change Date:	08/16/2013	Listing Date:	04/30/2013	Terms:	FHA
Pending Date:	07/23/2013	Sold Date:	08/15/2013	Seller Concessions:	\$2961
Sold Sale Conditions:	Not Applicable	Sold Price:	\$98,700	CDOM:	84

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List Number: 2003685 **Property Sub-Type:** Single Family **Status:** Sold
Area: Greater Kalamazoo - K **New Construction:** No **List Price:** \$89,500
Municipality: Portage **Auction or For Sale:** **Original List Price:** \$89,500
City: **Sub-Area:** K20 - South **List Price/SqFt:** \$93.23
Lot Dimensions: 100 X 510 **Portage** **Sold Price/SqFt:** 87.5
Waterfront Y/N: No **County:** Kalamazoo **Days On Market:** 12
Water Access Y/N: **Possession:** **Cumulative DOM:** 12
Body of Water: **Tax ID #:** 3910047420760 **Lot Acres:**
Water Frontage: **Road Frontage:** 100 **Lot Square Footage:**
Directions:
Cross Streets: Roger & Terry Ln

	Upper	Main	Lower	Bsmt	Total
Bedrooms		3			3
Full Baths		1			1
Half Baths					
Fin/Level		960			960 (Finished All Levels)
Total Sqft				960	960 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch **Year Built:** 1955
Stories: 1 **Water:** Public
Manufactured Y/N: No **Sewer:** Septic System
Total Fireplaces:
Master on Main: **Laundry on Main:**

of Rms Above Grade: 6

Legal: Ludington Acres, #2, Lot 76
Taxable Value: 37,100
Annual Property Tax: 1,274
School District: Portage

SEV: 40,000
Tax Year: 1998
Zoning:

For Tax Year: 1998
Homestead %: 100
Special Assmt/Type: N/A

High School:
Middle School:
Elementary School:

Terms Available:	Cash/Conventional	Water Fea. Amenities:	Heat Type:	Forced Air
Water Type:		Exterior Features:	Heat Source:	Natural Gas
Street Type:		Landscape:	Air Conditioning:	
Exterior Material:	Vinyl	Sale Conditions:	Fireplace:	
Manufactured Details:		Outbuildings:	Kitchen Features:	
Roofing:	Comp Shingle	Pool:	Access Feat:	
Windows:		Util Avail at Street:		
Substructure:	Full Basement	Assoc. Fee Incl.:		
Garage Type:	1; Attached	Utilities Attached:		
Lot Description:				
Appliances:				
Additional Items:				
Assoc. Amenities:				
Accessibility Feat:				

Marketing Remarks: Hud Case #263-270815. Fha Insured Financing Is Not Available. Home Being Sold as Is With All Known Or Unknown Defects And Hud Will Make No Repairs. Buyer And/Or Selling Agent Should Verify All Information Regarding Property. Hud, McB Or Re/Max Advantage Is Not Responsible For Accuracy Of Information Obtained Or Otherwise Provided. Electronic Bidding Only, Via The Internet Or Telephone. See Website: www.McBreo.Com For Instructions, Bid Dates, Requirements And Forms. Telephone Bids: 800-948-2952. Hud Does Not Supply Owners Policy Of Title Insurance As Part Of Sale. Selling Office May Receive Up To 5% Commission, Bid Fee Is 1%.

Agent Only Remarks:
Seller: Hud **Phone:** 6163233900 **Occupant Type:** SA: 5 BA: 5 TC: 5 **Var:** No **Exclusive Agency:** No **RP:** No

List Off:	Name	Primary Phone	Email	Other
List Agt:	RE/MAX Advantage (k158)	269-323-3900		Fax:
Alt Agt:	Rowe Team (k202479)		alrowe@remax.net	Mobile:
Selling Off:	Mack Gregory (4204221)	269-323-3900	mack@mi-homes.com	
Selling Agt:	RE/MAX Advantage (:k158)	269-323-3900	info@mi-homes.com	
Showing Instructions:	Wayne A Wilkinson(:k221709):	269-217-2052	wayne@teamwilkinson.com	
	No Appl. Needed - Use Combo Keybox. (B-o-m Or 1-9-5-4)			

Status Change Date:	04/13/2000	Listing Date:	02/04/2000	Terms:	Conventional
Pending Date:	02/16/2000	Sold Date:	04/13/2000	CDOM:	12
		Sold Price:	\$84,000		

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List Number: 2225088
Area: Greater Kalamazoo - K
Municipality: Portage City
Lot Dimensions: 100'X307' APPROX.
Waterfront Y/N: No
Water Access Y/N:
Body of Water:
Water Frontage:
Property Sub-Type: Single Family
New Construction: No
Auction or For Sale:
Sub-Area: K20 - South Portage
County: Kalamazoo
Possession:
Tax ID #: 391047420650
Road Frontage: 100
Status: Expired
List Price: \$99,900
Original List Price: \$109,900
List Price/SqFt: \$109.54
Sold Price/SqFt: 0
Days On Market: 102
Cumulative DOM: 102
Expiration Date: 11/15/2002
Lot Acres:
Lot Square Footage:

Directions: Portage Rd To Bacon West To Roger To Karendale.
Cross Streets: Roger And Terry Ln

	Upper	Main	Lower	Bsmt	Total
Bedrooms		2			2
Full Baths		1			1
Half Baths					
Fin/Level		912			912 (Finished All Levels)
Total Sqft				912	912 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch
Year Built: 1957
Stories: 1
Water: Well
Manufactured Y/N: No
Sewer: Public
Total Fireplaces:
Driveway: Paved
Master on Main:
Laundry on Main:

of Rms Above Grade: 5

Legal: Lot #65 Ludington Acres #2
Taxable Value: 32,900
Annual Property Tax: 1,104
School District: Portage

SEV: 38,600
Tax Year: 2001
Zoning:

For Tax Year: 2002
Homestead %: 100
Special Assmt/Type: WATER \$1600

High School:
Middle School:
Elementary School:

Terms Available: Cash/Conventional; FHA; MSHDA; VA

Water Fea. Amenities:
Exterior Features: Deck(s)
Landscape: Garden Area
Sale Conditions:
Outbuildings: Storage Shed
Pool:
Util Avail at Street: Electric; Natural Gas; Public Sewer; Public Water
Assoc. Fee Incl.:
Utilities Attached: Natural Gas

Heat Type: Forced Air
Heat Source: Natural Gas

Water Type:
Street Type: Paved
Exterior Material: Aluminum; Wood
Manufactured Details:
Roofing:
Windows:
Substructure: Full Basement
Garage Type: 2; Attached
Lot Description:
Appliances:
Additional Items:
Assoc. Amenities:
Accessibility Feat:

Air Conditioning:
Fireplace:
Kitchen Features:
Access Feat:

Marketing Remarks: Rsvd: 2 Window A/C Units. Show Your Buyers This Very Sharp Two Bedroom (Was 3) Home Located On A Quiet Street With A Huge Lot. Beautiful Wood Floors, Newer Kitchen Floor And Tasteful Decorating, Makes This Home A Pleasure To Show And For A Buyer To Own. Check Out This Portage City Property On A Country Sized 100' By 307' Lot. * * The Information Presented Is For Reference Only And Should Not Be Construed To Be Representations Of Material Matters. Each Purchaser Should Confirm All Information Presented Here With Their Own Independent And Reliable Sources.

Agent Only Remarks:
Seller: Bradley & Heather King **Phone:** 2696644841 **Occupant Type:** SA: OBA: 1000 TC: 1000 **Var:** No **Exclusive Agency:** Yes **RP:** No

List Off:	Name	Primary Phone	Email	Other
List Agt:	No-Frills Realty (k040)	269-381-8911		Fax:
Selling Agt:	J.R. Fulton (k071580)	269-381-8911	jrfulton@nofrillsrealtykzo.com	Mobile: 269-381-8911
Showing Instructions:	Vacant with keybox			

Status Change Date: 11/16/2002 **Listing Date:** 08/05/2002 **CDOM:** 102
Pending Date:

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Residential Sold Agent Detail Report

913 Karendale Avenue Portage, MI 49002

\$47,769



List Number: 13022633 Property Sub-Type: Single
 Area: Greater Family
 Kalamazoo - K Auction or For Sale:
 Municipality: Portage Sub-Area: K20 - South
 City Portage
 Lot Dimensions: 100 X County: Kalamazoo
 307 Possession: AC
 Waterfront Y/N: No Tax ID #: 047420640
 Water Access Y/N: Road Frontage: 100
 Body of Water:
 Water Frontage:
 Directions: Wesinedge Or Portage To Bacon To Terry Or Roger To Karendale
 Cross Streets: Terry & Roger

	Upper	Main	Lower	Bsmt	Total
Bedrooms		2			2
Full Baths		1			1
Half Baths					
Fin/Level		960			960 (Finished All Levels)
Total Sqft					960 (Sqft Above Grade)

Design: Ranch Year Built: 1953 Kitchen 14x15 Main Master Bedroom 14x12 Main Bedroom 2 12x10 Main
 Stories: 1 Water: Public Living Room 14x12 Main
 Manufactured Y/N: No Sewer: Public
 Total Fireplaces: Driveway: Paved
 Master on Main: Laundry on Main:

of Rms Above Grade: 5

Legal: LUDINGTON ACRES #2 LOT 64 SEV: 49,500 For Tax Year: 2012 High School:
 Taxable Value: 49,500 Tax Year: 2012 Homestead %: 100 Middle School:
 Annual Property Tax: 1,195 Zoning: Special Assmt/Type: NONE Elementary School:
 School District: Portage

Terms Available: Cash/Conventional Water Fea. Amenities:
 Water Type: Exterior Features:
 Street Type: Paved Landscape:
 Exterior Material: Vinyl; Other Sale Conditions: REO/Bank Owned Heat Type: Forced Air
 Manufactured Details: Roofing: Pool: Util Avail at Street: Assoc. Fee Incl.: Utilities Attached: Heat Source: Electric
 Windows: Substructure: Full Basement Kitchen Features: Access Feat: Gas Log; Living
 Garage Type: 2, Attached
 Lot Description:
 Appliances:
 Additional Items:
 Assoc. Amenities:
 Accessibility Feat:

Marketing Remarks: Make Offer (SEE AGENT REMARKS for submission, pending offers & access code) REO-BANK OWNED. PROPERTY SOLD AS IS WITHOUT REPAIR, WARRANTY OR SELLER DISCLOSURE. The listing Broker and Seller assume no responsibility and make no representations as to availability or accuracy of the property information depicted and described herein. See agent remarks for SHOWING INFO. SHOWING.ID: 7100285555

Agent Only Remarks: Access Code for door key pad is (C8165) HOME IS VACANT NO APPT. NEEDED. SELLER REQUIRES OFFERS MUST BE SUBMITTED VIA WWW.HUBZU.COM WILL DISPLAY REAL TIME IF AVAILABLE AND AMOUNT OF THE OFFER. For assistance call 1-855-882-1314 or email customercare@Altisource.com. Buyer is RESPONSIBLE for utility activation for inspections. Allow 48-72 hours after acceptance to receive purchase and sale agreement-PSA (see WWW.HUBZU.COM for PSA) Web technology fee of \$299 and possible buyer's premium.

Seller: Phone: Occupant Type: SA: 0 BA: 3% TC: 0 Var: No Exclusive Agency: Yes RP: No

	Name	Primary Phone	Email	Other
List Off:	REALHome Services & Sol - I (156000)	313-451-2175		Fax:
List Agt:	Randal Newhouse (27374)			Mobile:
Selling Off:	Keller Williams Kalamazoo Market Center (:k235):	269-324-3600	klrv499@kw.com	
Selling Agt:	Erin L Cramer (:k334184):		erincramer@kw.com	

Showing Instructions: SEE AGENT REMARKS

Status Change Date:	05/14/2013	Listing Date:	04/26/2013	Terms:	Cash
Pending Date:	04/26/2013	Sold Date:	05/10/2013	Seller Concessions:	0
Sold Sale Conditions:	REO/Bank Owned	Sold Price:	\$47,769	CDOM:	0

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List Number: 11049879 Property Sub-Type: Single Status: Sold
 Area: Greater Family List Price: \$67,900
 Kalamazoo - K Auction or For Sale: Original List Price: \$67,900
 Municipality: Portage Sub-Area: K20 - South List Price/SqFt: \$64.67
 City Portage Sold Price/SqFt: 69.52
 Lot Dimensions: 128 x 204 County: Kalamazoo Days On Market: 10
 Waterfront Y/N: No Tax ID #: 3910047410530 Cumulative DOM: 10
 Water Access Y/N: Road Frontage: 332 Lot Acres: 0.6
 Body of Water: Lot Square Footage: 26,112
 Water Frontage:
 Directions: Portage to Bacon Ave. west to Terry Ln. south to corner with Karendale.

	Upper	Main	Lower	Bsmt	Total
Bedrooms		3			3
Full Baths		1			1
Half Baths		1			1
Fin/Level		1,050			1,050 (Finished All Levels)
Total Sqft				1,050	1,050 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch Year Built: 1960 Kitchen 8x13 Main Master Bedroom 11x12 Main Bedroom 2 10x10 Main
 Stories: 1 Water: Public Dining Area 9x11 Main Master Bath 5x11 Main Bedroom 3 10x10 Main
 Manufactured Y/N: No Sewer: Public Living Room 13x18 Main
 Total Fireplaces: 2 Driveway: Paved
 Master on Main: Laundry on Main:

of Rms Above Grade: 6

Legal: LUDINGTON ACRES # 1 WEST 128 FEET OF LOTS 53 AND 54. SEV: 62,200 For Tax Year: 2011 High School:
 Taxable Value: 62,200 Tax Year: 2010 Homestead %: 100 Middle School:
 Annual Property Tax: 2,345 Zoning: known Special Assmt/Type: None Elementary School:
 School District: Portage

Terms Available: Cash/Conventional Water Fea. Heat Type: Forced Air
 Water Type: Amenities: Heat Source: Natural Gas
 Street Type: Paved; Public Exterior Features: Fenced Back Air Central
 Exterior Material: Brick Landscape: Shrubs/Hedges
 Manufactured Sale Conditions: REO/Bank Owned
 Details: Outbuildings:
 Roofing: Pool:
 Windows: Screens; Storms Util Avail at Street: Electric; Natural Gas; Public Sewer; Public Kitchen
 Substructure: Full Basement Water Features:
 Garage Type: 2; Attached Assoc. Fee incl.: Access Feat:
 Lot Description: Corner; Level Utilities Attached: Natural Gas
 Appliances: Dishwasher; Refrigerator
 Additional Items: Attic Fan; Ceiling Fans; Garage Door Opener; Laundry Chute
 Assoc. Amenities:
 Accessibility Feat:

Marketing Remarks: Department of Veterans Affairs Property! Brick ranch home on a corner lot in the City of Portage. Home has three bedrooms, one and a half baths, a two car attached garage, two fireplaces, and a full basement. The home needs some work. All offers must have proof of funds or pre-approval letters to be presented.

Agent Only Remarks: All offers subject to financing must have a Bank of America pre-approval or denial letter to be presented. They buyer may use any lender they choose for the actual loan. Subject to the VA contract and addendum's. Buyer or buyers agent to verify all information. The VA will not pay for title insurance. Cash offers subject to deed restriction, see the attachment.

Seller: Dept. of Vertans Affairs Phone: Occupant Type: Vacant SA: 0 BA: 3. TC: 0 Var: No Exclusive Agency: No RP: No

	Name	Primary Phone	Email	Other
List Off:	Coldwell Banker Woodland Schmidt (h10011)	616-396-5221		Fax:
List Agt:	David D Mead (h11599)	616-396-5221	ddmead@btc-bci.com	Mobile:
Selling Off:	Jaqua REALTORS (:k596):	269-341-4300	cbaker@Jaquarealtors.com	
Selling Agt:	Ruth Dickie (:k336189):	269-330-2151	rdickie@jaquarealtors.com	

Showing Instructions: Call listing agent 24 hour notice please 269-521-6263

Status Change Date:	11/07/2011	Listing Date:	09/06/2011	Terms:	FHA
Pending Date:	09/16/2011	Sold Date:	10/31/2011	Seller Concessions:	\$730.00 towards bcc and prepaids
Sold Sale Conditions:	REO/Bank Owned	Sold Price:	\$73,000	CDOM:	10

All information deemed materially reliable but not guaranteed. Interested parties are encouraged to verify all information. Copyright 2014 SVMRIC, LLC All rights reserved. The property on this sheet has been made available on 12/8/2014, 2:27 PM 12/8/2014, 2:27 PM and may not be listed by the office/agent presenting this information.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 12, 2015

 DRAFT

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Five people were in the audience.

MEMBERS PRESENT: Timothy Bunch, Michael Robbe, Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Randall Schau.

MEMBERS EXCUSED: A motion was made by Bunch, seconded by Schaefer to excuse Doug Rhodus and Chad Learned. Upon voice vote motion passed 7-0.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Bunch moved and Schaefer seconded a motion to approve the December 8, 2014 minutes with the change that Bright, not Bunch voted no on ZBA #14-14(C). Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: No applicant was present. Upon voice vote, the Board accepted the withdrawal of the application 7-0.

NEW BUSINESS:

ZBA 14-17; Jeremy Vainavicz, 1009 Karendale Avenue: Mais summarized the request to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required. Property owner, Larry Mishall, was present to answer questions. Seyburn inquired if the minimum dwelling size requirement for R-1C zones was affected by the size of the basement. Mais stated not in the case of one-story ranch dwellings.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Bunch, seconded by Schaefer to grant a variance to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include it is the only lot in the plat subject to the minimum 1,600 square-foot dwelling requirement; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, the right to develop the lot with housing comparable to the rest of the neighborhood; the immediate practical difficulty causing the need for the variance request was not caused by the applicant; the variance would not be detrimental to adjacent property and the surrounding neighborhood; and would not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments and discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Robbe-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-18. Jerico LLC, 531, 605 West Kilgore Road, 5024, 5036 South Westnedge Avenue: Mais summarized the request to erect a 180 square-foot freestanding sign at 5024/5036 South Westnedge Avenue where a maximum 149 square-foot sign is permitted. Andy Wenzel and Steve Vandersloot were present to answer questions. Mr. Wenzel stated they were allowed a 180 square-foot sign based on the Kilgore Road frontage and a 149 square-foot sign based on the South Westnedge Avenue frontage and thought it made more sense to swap the signs placing the larger 180 square-foot sign on South Westnedge where there was more traffic, and put the smaller 149 square-foot sign on Kilgore Road, where there was less traffic and is across the street from St. Monica church and school. Bunch noted there is currently a freestanding sign in front of Riviera Maya. Mr. Wenzel stated they propose to remove the Riviera Maya sign and incorporate it into the new sign. Bunch inquired if this resulted in a reduction of signage. Mais

TO: Zoning Board of Appeals **DATE:** July 29, 2016
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: ZBA #16-05, Abdallah Alwane, 1001 Karendale Drive; R-1C, One Family Residential.
CODE SECTION: 42-350 Schedule of Regulations; p. CD42:89.
APPEAL: Requesting a variance to construct a 1,350 square-foot dwelling where a minimum 1,600 square feet is required.

STAFF RECOMMENDATION: The applicant is requesting the variance per the enclosed application, plot plan, letter of explanation, house plans and related materials. The 100-foot wide by 308-foot deep property is zoned R-1C, one family residential and is located in the Ludington Acres #2 single-family residential plat.

As background, the Board granted a variance last year (see attached minutes for ZBA #14-17) to allow a 1,108 square-foot dwelling where a minimum 1,600 square feet is required. The (previous) applicant was a prospective buyer who ultimately did not purchase the property or build the home and the variance expired after six months. The subject property, however, was recently purchased by the current applicant who is now requesting a variance to construct a 1,350 square-foot dwelling on the lot.

The same practical difficulties applying to ZBA #14-17 also apply to the present request. The subject property is the sole remaining undeveloped lot in the Ludington Acres #2 plat which was developed during the 1950's. When the Zoning Ordinance was updated in 2003, the schedule of regulations increased the minimum square footage requirement for one-story dwellings to 1,600 square feet within R-1C districts. However, there are no dwellings within the Ludington Acres #2 plat that meet the 1,600 square-foot minimum requirement. This fact was recognized in 2003, and as a protection for property owners, footnote (5) of the schedule of regulations was accordingly adopted to confer conforming status to these dwellings. One of the intended purposes of regulating minimum dwelling sizes is to provide a mechanism to protect property values by encouraging a certain uniformity and predictability with regard to the size and character of the housing stock. The average size dwelling within the plat is 1,128 square feet. The proposal to construct a 1,350 square-foot dwelling would therefore not be out of character or detrimental property and the surrounding neighborhood. The immediate difficulty causing the need for the variance was not caused by the applicant and granting the variance would not impair the intent and purpose of the Zoning Ordinance. The variance is therefore recommended.

PRACTICAL DIFFICULTY: Surrounding development pattern. See suggested motion form.

T:\COMMDEV\2016-2017 Department Files\Board Files\Zoning Board\16-05 1001 Karendale\2016 07 29 VG ZBA 16-05 Karendale, 1001 (staff rpt) docx

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____

for a variance from _____

be:

a. granted for all of the following reasons:

- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-OF-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**