

AGENDA
THE CITY of the VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS (ZBA)
DOUGLAS CITY HALL
86 W. CENTER STREET, DOUGLAS, MI
June 26, 2018 - 7:00pm

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes of October 24, and November 24, 2017**
- 4. Agenda Changes / Additions / Deletions**
- 5. Communications from the Audience (Limit of Five Minutes, Please)**
- 6. Public Hearings**

A. Tom Bredemann of 223 W. Goethe St, Chicago IL 60610 has submitted a request for 3095 Lakeshore Drive (parcel number 59-017-096-00) in Douglas, Michigan, for a variance from Section 16.13 3 of the zoning ordinance which requires accessory buildings be no closer than ten (10) feet from the rear lot line. The applicant is requesting a variance in order that the rear lot line be adjusted to make the property more conforming in size to other parcels he owns.

- 1) Chairman declares the Public Hearing Open
- 2) Presentation of Written Communications
- 3) Presentation by the Petitioner
- 4) Comments from the Audience\Response from the Petitioner
- 5) Questions/Comments from the ZBA Members
- 6) Chairman declares Public Hearing Closed
- 7) Motion to Approve, Deny or Approve with Conditions

B. Midwest V, LLC of 1435 Fulton St, 2nd Floor, Grand Haven MI 49417 has submitted a request for 435 Blue Star Highway (parcel number 59-016-072-11) in Douglas, Michigan for a variance from Section 18.01 (1) a.1 of the zoning ordinance which requires that no driveway be closer than 60 feet from an adjoining lot line in the C-2 district. The proposed driveway is at 10 feet from the lot line.

- 1) Chairman declares the Public Hearing Open
- 2) Presentation of Written Communications
- 3) Presentation by the Petitioner
- 4) Comments from the Audience\Response from the Petitioner
- 5) Questions/Comments from the ZBA Members
- 6) Chairman declares Public Hearing Closed
- 7) Motion to Approve, Deny or Approve with Conditions

7. New Business

8. Communications from the Audience (Limit of Five Minutes, Please)

9. Adjournment

Please Note - The City of the Village of Douglas Zoning Board of Appeals (ZBA) is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Jean E. Neve, City Clerk (269-857-1438) promptly to allow the City of the Village of Douglas to make reasonable accommodations for those persons.

CITY OF THE VILLAGE OF DOUGLAS - ALLEGAN COUNTY, MICHIGAN - POSTED THIS 06.22.2018

MINUTES
THE CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS (ZBA)
DOUGLAS CITY HALL
86 W. CENTER STREET, DOUGLAS, MI
November 28, 2017 – 7:00 P.M.

1. **Call to Order:** Chairperson Schumacher called the meeting to order at 7:01 P.M.
2. **Roll Call:** Members present: Schumacher, Pullen, Kutzel, Greenwood
Members absent: Burdick; Also present: Lisa Imus, City Planner
3. **Approval of Minutes of October 24, 2017** - Motion by Pullen with support from Kutzel to table the minutes of October 24, 2017. Motion carried by unanimous voice vote. Members will review notes from October 24, 2017 meeting.
4. **Agenda Changes/Additions/Deletions:** Motion by Kutzel with support from Greenwood to approve the agenda of November 28, 2017 as presented. Motion carried by unanimous voice vote.
5. **Communications from the Audience:** None
6. **Public Hearing**
 - A. **Public Hearing:** Reg Vorderman of 1719 Autumn Run, Fort Wayne, IN 46845 has submitted a request for 6938 4th St (Parcel number 59-210-061-00) for a variance from Section 18.01 1) a) 1 of the zoning ordinance which requires driveways to enter at a perpendicular angle to a public street. The applicant is requesting a variance in order that a new driveway proposed for construction be allowed to enter the lot from the street at an angle to avoid wetland areas.
 - i. **Chairman declares the Public Hearing Open** - Schumacher opened the public hearing.
 - ii. **Presentation of Written Communications:** None
 - iii. **Presentation by the Petitioner** - Amy Cook, 6207 122nd Avenue, a consultant for the Vordeman's, spoke about the construction plans. Vordeman's would like to install a 2 stall garage with extra bedrooms and an angled driveway. The DEQ suggested an angled driveway and they did get a permit for it. Cook explained that having an angled driveway would help avoid the wetland areas.
 - iv. **Comments from the Audience/Response from Petitioner:** None

- v. **Questions/Comments from the ZBA Members:** Kutzel was concerned that this may set a precedent. Members were also concerned that there may be other options for placing the garage on a different part of the property. Cook explained that the Vordeman's are willing to sign an agreement to make the driveway perpendicular if 4th Street gets developed. Greenwood stated he believes there could be other options such as placing the garage in the backyard.

Cook thanked members for their time and consideration and believes that this option would have the least impact.

- vi. **Chairman Declares Public Hearing Closed** - Schumacher closed the public hearing at 7:32 P.M.
- vii. **Motion to Approve, Deny or Approve with Conditions** - Motion by Pullen with support from Greenwood to approve the variance at 6938 4th Street (Parcel number 59-210-061-00) in Douglas, Michigan to allow a driveway to be put in on an angle instead of perpendicular with the stipulation that if 4th Street is improved, applicant is to put in a perpendicular drive.

Motion denied by a 1 to 3 roll call vote. Schumacher-Yes. Pullen- no, Greenwood- no, Kutzel- no.

- 7. **New Business:** Imus suggested that the ZBA revise the application. Imus will revise it in January and members will look it over in February.
- 8. **Communications from the Audience:** Cook commented that she concurs with the suggestion of revising the application and possibly making it a PDF fillable form.
- 9. **Adjournment:** Motion by Greenwood with support from Kutzel to adjourn meeting. Meeting adjourned at 7:40 P.M.

Memo

To: Douglas Zoning Board of Appeals

From: Lisa Imus, City Planner

Date: June 22, 2018

Re: Proposed Lot Line Adjustment between 3095 Lakeshore Drive, Parcel #59-017-096-00 and 1021 Center Street, Parcel #59-017-093-00

This memo is intended to provide a brief summary of the request for lot line adjustment received from Tom Bredemann regarding the properties located at 3095 Lakeshore Drive - Parcel #59-017-096-00 and 1021 Center Street, Parcel #59-017-093-00. His family owns both parcels.

3095 Lakeshore Drive is approximately .872 acres in size. 1021 Center Street is approximately .294 acres in size. Both lots are zoned R-3 (Residential Neighborhood Conservation District). Both lots are currently conforming.

The applicant has proposed to adjust the lot line of his two properties in order to give the lot to the east (1021 Center) more property, as well as to make the shape of the lot. The challenge is that the proposed placement of the property line would establish 3095 Lakeshore as a non-conforming lot. It would bring the



property line within 1 foot of an existing accessory building. Our zoning ordinance requires that an

accessory building be a minimum of 10' from the rear property line. If the applicant was willing to remove the accessory building, a variance would not be necessary, and the lot line could be adjusted.

The minimum requirements for a parcel within the R-3 Neighborhood Conservation District are as follows:

DEVELOPMENT REQUIREMENTS (SECTION 6.02):

R-3 District	Required	Existing 3095 Lakeshore	Existing 1021 Center St	Proposed 3095 Lakeshore	Proposed 1021 Center St
Lot Area (one family):	7,920 sq. ft.	.872 acres (37,984 sq. ft.)	.294 acres (12,807 sq. ft.)	smaller	larger
Frontage(one family):	66 ft.	100' on Lakeshore	70' +/- on Center Street	100' on Lakeshore	70' +/- on Center Street
Max Lot Coverage:	35%	1% +/-	12.5% +/-	1% +/-	12.5% +/-
Setbacks Front:	20 ft.	adequate	adequate	adequate	adequate
Side (one family):	7 ft./15 ft.	adequate	adequate	adequate	adequate
Rear:	25 ft.	10' +/-	60' +/-	1' +/-	60' +/-
Minimum Floor Area (1 Fam):	1,000 sq. ft	440 sq. ft.	1,513 sq. ft	440 sq. ft.	1,513 sq. ft
Height:	28 ft.	adequate	adequate	adequate	adequate

The following is an excerpt of the variance requirements that pertain to this application along with staff comments on the applicable portions.

Section 29.05 Variances

1) Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

a) That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

Staff Comments: *The applicant is asking for a lot line adjustment in the rear property line of 3095 Lakeshore Drive and the side property line of 1021 Center Street. The applicant owns both properties. Staff could not recommend that a lot line adjustment between the two properties because it would require a (non-use) zoning variance for a rear set-back on 3095 Lakeshore (the property line adjustment would bring the property line within 1' of an accessory building. Because staff could not grant the lot line adjustment without a variance, the applicant is looking for a variance from the Zoning*

Board of Appeals. The variance request requires that a practical difficulty for the variance be identified. The applicant's identified practical difficulty is that the lots have irregular dimensions and that the lots are not similar in size. This does not qualify for a practice difficulty under our ordinance.

- b) That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.

Staff Comments: the circumstances of the lot lines are not unique. The lot/property lines along the lake shore are all on various angles and there are no specific property sizes along the lake shore or in the Felkers sub-division

- c) That the practical difficulty or special conditions or circumstances do not result from actions of the applicant.
- d) That the variance will relate only to property under control of the applicant.

Staff Comments: Both properties for the lot line adjustment are owned by the applicant. In the application, the applicant talks about gaps and overlaps. These pertain to parcels that are not all owned by the applicant. The City could not do a boundary line adjustment on parcels not owned by the applicant so they are not considered to be part of the application in question.

- e) That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.

Staff Comments: The applicant could remove the garage in question and a variance would not be required.

- f) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Staff Comments: Both lots are currently conforming and able to be used as residential with no unreasonable restrictions.

- g) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

Staff Comments: The applicant could remove the garage in question and a variance would not be required.

- h) That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).

If the zoning board of appeals determines to grant a variance, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one or more non-use variances. If the zoning board of appeals adopts a motion to grant variance, such motion may be made as a tentative grant of relief, subject to review by the planning commission, planning consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If such a tentative grant of relief is approved, the zoning board of appeals shall request the completion of all reviews by other boards or persons.



ATTN: LISA IMMS
✓ Variance Application
86 W. CENTER STREET DOUGLAS MI 49406
Phone: 269-857-1438 Fax: 269-857-4751

✓ \$500.00 fee

✓ 12 copies required with application

Article 29 Zoning Board of Appeals for requirements

APPLICANT INFORMATION (If different than owner)

Name TOM BREDEMANN Email TOMBREDEMAN@GMAIL.COM
Address 223 W. GOETHE ST. CHICAGO, IL 60612
Phone # 847-373-8393 Fax # _____

OWNER INFORMATION

Name SARA J. BREDEMAN Email _____
Address 9309 N. RIDGEWAY AVE, EVANSTON, IL 60203
Phone # 847-673-2380 Fax # _____

PROPERTY INFORMATION

Address or Location 3095 LSD DOUGLAS, MI 49406
Permanent Parcel # 03-59-017-096-00
Zone District (Current) R2 ALLEGAN (Proposed) _____
Property Size 100' FRONTAGE (If Applicable) _____
390' (+/-) NORTH AND 385' (+/-) ON THE SOUTH PER GIS SYSTEM

Describe Variance Request

(SEE ATTACHED)

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

Sara Bredeeman (OWNER) Tom Bredeeman (APPLICANT) 5/20/18
Signature of Applicant and Owner (If different than applicant) Date

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

Sara Bredeeman
Owner's Signature

5/20/18
Date

DO NOT WRITE IN THIS BOX

Date Received _____ Application Accepted By _____ Fee Paid \$ _____
Submitted Materials: _____ Site Plan _____ Application _____ Legal Description _____ Narrative Description _____

Variance for rear set back 3095 LSD

6/18/18

VARIANCE REQUEST 3095 LSD

The Bredemann Family has owned four contiguous parcels since 1955. All were built or acquired in the years 1926 – 1955. All the properties are in the Felker's High Pines Lakeshore Development Subdivision.

We wish to make an adjustment to the 3095 LSD rear property line. All our properties will then be more distinguishable in the future for Douglas & family members.

A new survey was recently completed and has found many flaws:

- 1) Many Irregular Lot Dimensions
- 2) Gaps
- 3) Properties that Overlap /Intrude on other Bredemann Parcels

This request would make all four contiguous parcels more conforming in size and eliminate gaps & overlaps.

This request does not create any more parcels than there are now.

This request does not affect any non-owned adjoining properties.

One of our four properties affected is a vacant lot at 3095 LSD.

Our white garage exists off the rear property line. The rear (irregular) property line of 3095 LSD, intrudes on the West property line of our 1021 Center St House (attached #1). My grandparents bought the 1021 St house from the one of the early owner's Marie Garesche in 1941. The original frontage of this house was 34' (very narrow to the East). The frontage of 1021 Center St was expanded West when my dad bought a one bedroom house (added 34 addt'l feet West off the frontage of our 1021 Center St house) from Willis & Lena Bryant family in 1981 (attached #2). It doubled frontage of 1021 Center St house from the original 34' to 68'.

The rear property line of 3095 LSD (bought in 1955) runs in a NE angle, and, originally, extended up to the 34' frontage of the Center St. house.

Unbelievably, as the garage currently stands on 3095 LSD, it complies with the current 10' rear setback of a detached garage at 3095 LSD. Modifying 3095 LSD's rear property line 20' West is the main topic of our Douglas variance request.

In order to make all the internal lot line corrections (proposed 20' West of the current 8' West side of 1021 Center St.), our garage on 3095 LSD will no longer meet the 10' rear yard requirement (attached #3). A new rear setback lot line with our garage would be less than one foot. Hence, the creation of the non-conformance of the 3095 LSD lot, that is the only subject of this appeal.

Then we would then like to connect the newer West frontage parcel of our 1021 Center St House that was expanded in 1983 to the new proposed property line on the East side of our garage on the 3095 LSD lot. This would go a long way towards correcting gaps & overlaps South of the rear property line of 3095 LSD, while making the West side of 1021 Center St more natural in conforming in shape/usage.

As part of our application to clean up our four parcels property lines, including our FLAWS on our recent survey, we would agree to place a deed restriction on 3095 LSD that would, prior to any sale of that parcel to an arms-length party, outside of the Bredemann Family, require the garage relocation on the lot OR removal of the garage. This would meet the then standing set-back requirements.

In summary, the "greater good" accomplished with this 3095 LSD rear property line variance request (which we did not create) and its "ripple effect" is that the property lines of 3089 LSD, 3095 LSD, 6943 Garandana Ct and 1021 Center St will be "cleaned up" and more "definable/conforming" in shape plus gaps and overlaps will be eliminated. Result will us sustain our nearly 100 YRS of ownership in the Douglas Community. Joseph & Sara Bredemann/Bredemann Family.

ATTACHED
#1

3099
LSD

3089 LSD

3095 LSD

our
garage

OLD
HOUSE
1021 CENTER

1021

(N.)

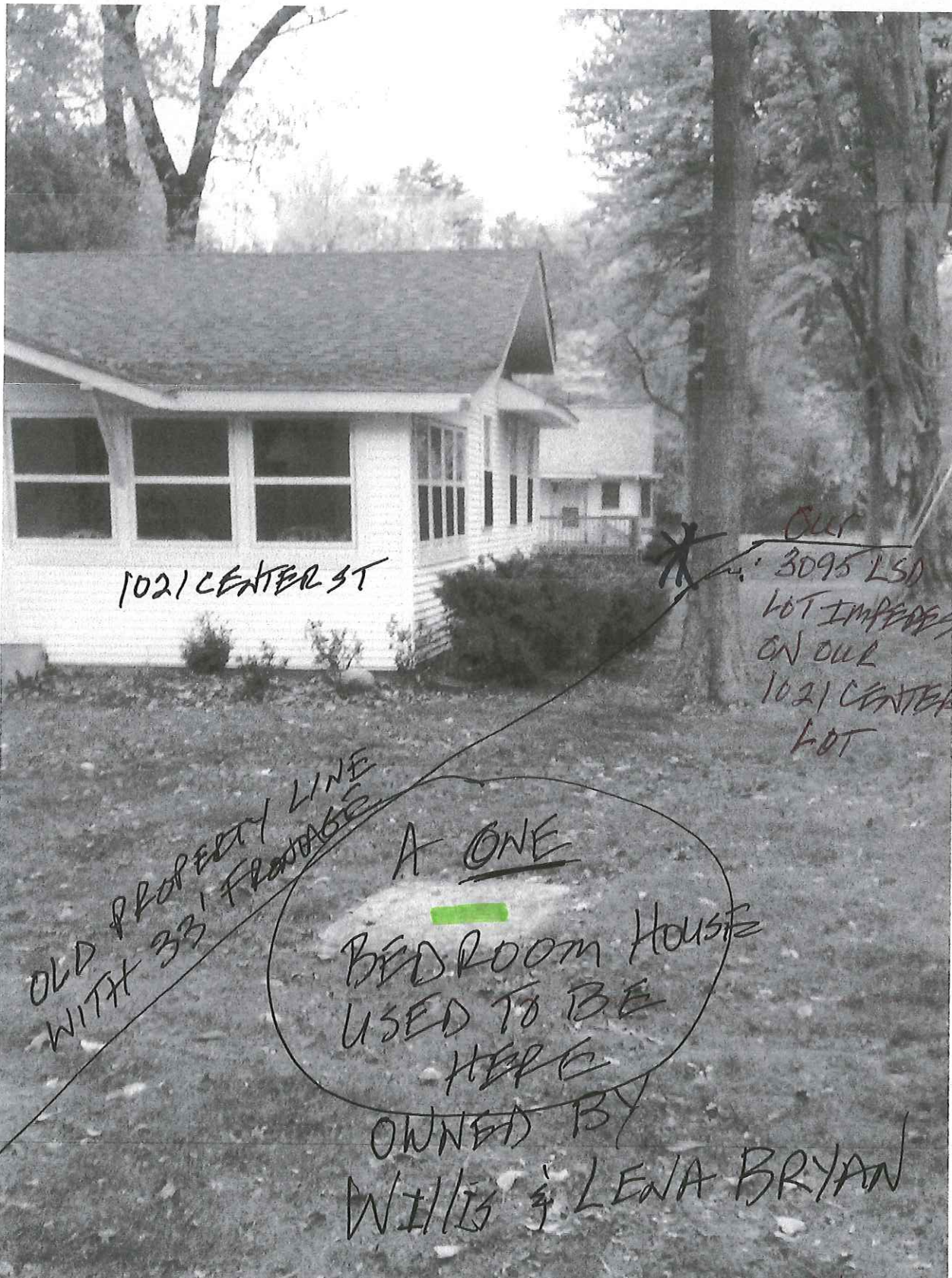
6945
Cedar Hill

6700
VICTORY
LOTS

ATTACHED
#2

TB

From: Tom Bredemann tombredemann@gmail.com
Subject: Michigan
Date: December 23, 2017 at 1:18 PM
To: tom Bredemann tombredemann@gmail.com



OLD PROPERTY LINE
WITH 33' FRONTAGE

A ONE
BED ROOM HOUSE
USED TO BE
HERE
OWNED BY
WILLIS & LEWA BRYAN

OUR
3095 LSD
LOT IMPEDES
ON OUR
1021 CENTER ST
LOT

White
Garage
HERE

IN 1983 34' OF ADDITIONAL FRONTAGE WAS
ADDED TO ORIGINAL 33' OF EAST FRONTAGE

ATTACHMENT
#3

From: Tom Bredemann tombredemann@gmail.com
Subject: 1021 Center West Proposed Property Line
Date: May 18, 2018 at 9:28 AM
To: Tom Bredemann tombredemann@gmail.com



(S.) GARANDAWA CT.

3099 LSD

3099 LSD

3095 LSD

3089 LSD

S89°55'38"W
22.22'20.11'

232.68
N89°55'38"E

PARCEL E

PARCEL F

PARCEL A

5'48"W

241.76'
256.17'

#8781

FIR
P=48.4'

LOT 52

LOT 53

LOT 54

N89°50'44"E
133.21

88.61'

P=34' P=50'

6943
GARAGE

S89°52'07"W

147.52

P=50'

129.67
S00°07'51"W

PAF

rectar
parce.
row
(occ
lies

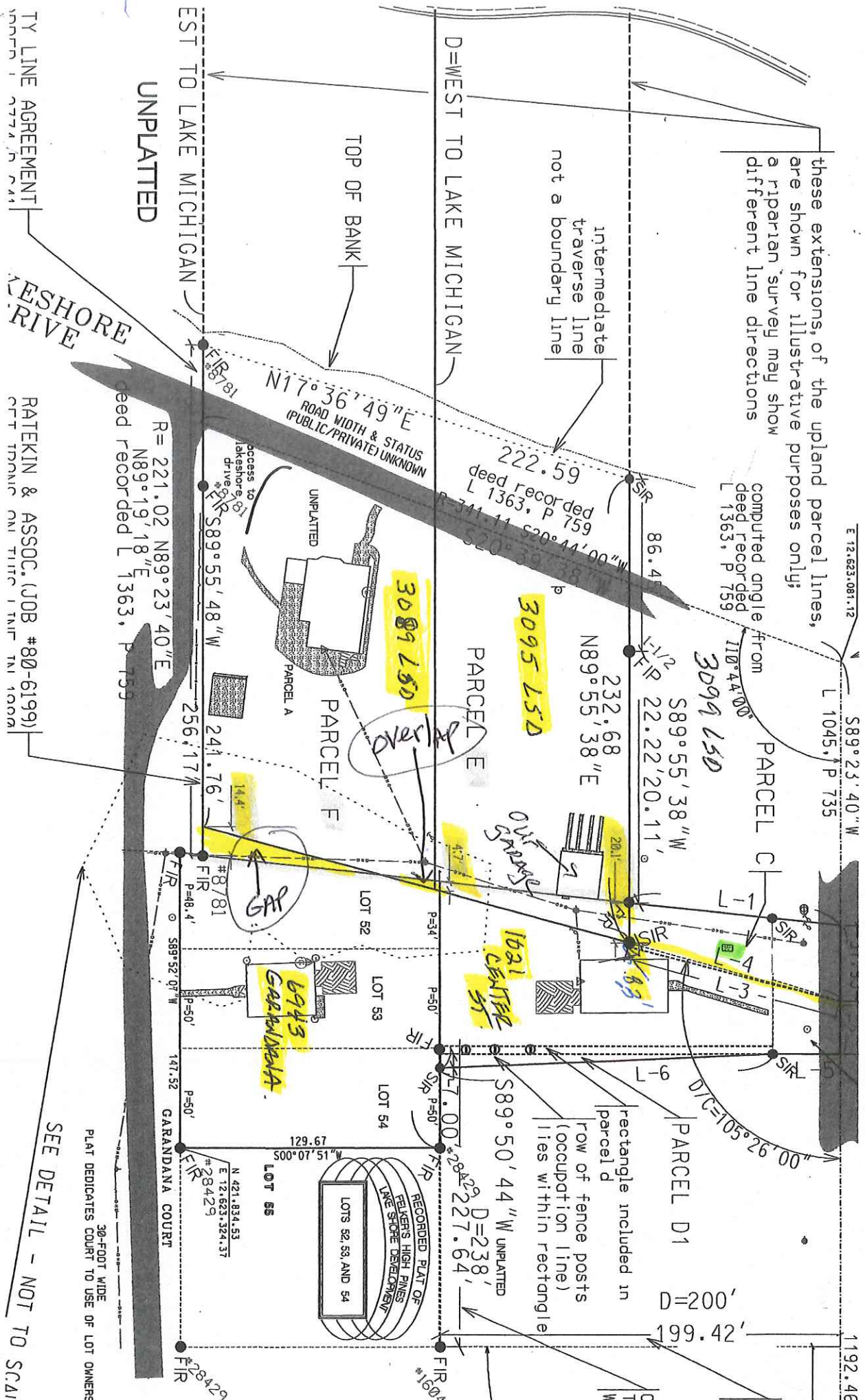
S89°50'

7.00'

P=50'

NOTICE NEW
BLUE PROPOSED
PROP. LINE

HOUSE AT 102 CROFT ST
CLOSEST POINT TO R. PARADE LINE
ON THE WEST SIDE IS 8.3 feet.



Fwd: Douglas Parcels

tombredemann@gmail.com

Sent: Tuesday, April 05, 2016 1:07 PM**To:** Tom Bredemann**Attachments:** str-li-w-dim.pdf (140 KB) ; ATT00001.htm (232 B)

Sent from my iPhone

Begin forwarded message:

From: Robert Lemke <lemkelandsurveying@gmail.com>**Date:** March 31, 2016 at 12:54:50 PM CDT**To:** Tom Bredemann <tombredemann@gmail.com>**Subject:** Douglas Parcels

Hi Tom:

Based on our earlier email, and the proposed new line, we have calculated the following changes (see dimensions in brown in attached PDF).

The south east corner of parcel F (elkhorn) would move easterly 14.4 feet.

The north east corner of parcel F (elkhorn) would move westerly 4.7 feet.

The north east corner of parcel E (garage parcel) would move westerly 20.1 feet.

towards giving some yard to the center street parcel.

Please review these proposed changes and let me know of any edits.

Bob L

--

Robert Lemke, P.S.

Lemke Land Surveying, Inc

Office 616.395.5263

cell 616.403.1429

PO Box 1793

Holland, MI 49422

3089 LSD

3095 LSD
Garage would be
moved 10' WEST OF
per property line
OR removed upon
development of
3095 LSD.

W/
<DEED RESTRICTION>

From: Peter Rhoades [prhoades@vmlcollects.com]
Sent: Wednesday, January 23, 2013 7:37 AM
To: Tom Bredemann
Subject: RE: Bredemann/Douglas Real Estate

Peter Rhoades
Bob Lemke

Tom:

First, my Dad is doing well. Procedure was quite long (about 3 + hours) but he stayed one night in the hospital and was home on Friday. I knew he was doing well when about 4 hours or so after he was in recovery he had completely ticked off all of the nursing staff. They had a party when they discharged him.

Here is my summary.

1. The first matter involves a "gap" in legal descriptions between the main house on Lakeshore and the back property (smaller house known as Garandana). A 'gap' is formed when the legal description in deeds does not 'connect' to the adjoining legal. Looking at Bob Lemke's survey dated November 20, 2012 there is a triangle shaped parcel. I will scan and email you the survey (and tag it Exhibit A). Technically gaps represents property that was not conveyed in the prior deeds. Thus, if I take delivery of a deed that omits say 2 feet of the eastern most edge of the parcel, then the Grantor still have record title to that property. In cases where the Grantor can be located the typical correction is to seek a 'Corrective QCD' from the Grantor to cover the gap. The larger the 'gap' the more significant the problem. I will tell you that Douglas is notorious for these type of problems. It is also common with older Deeds which maybe did not have as precise legal descriptions or rely on points of beginning which are no longer clear (i.e. a fence line).

Regardless, Bob has identified a gap. It is a triangle and it is right between the two parcels you own. The good news that it is small AND you own the property on both sides. I have discussed it with Transnation Title Agency of West Michigan. Tom Host of Transnation has a significant level of experience in these matters. Technically record title to the gap would rest with the Grantor's heirs. This is because this is land that was not conveyed in the prior Deed(s). The 'text book' solution is to find the Grantors heirs and either obtain a Quit Claim Deed or open a series of probate estates and convince a Probate Judge that you are entitled to title to the gap and then enter Court Orders to quiet title. The first open may not be available (as I assume these people are dead), the second option can be VERY expensive. Here I feel that both are unnecessary. The land in question is not material and you own the property on either side of the gap. As such, I recommend that we have Bob create a legal description for the gap and then prepare a Quit Claim Deed for the gap from you (as the Owners of Garandana) to you as the Owners of Lakeshore house.

Thus, you will create a record title thread for the gap and it will be part of the legal for the Lakeshore house. We can prepare the Deed and then ask TNT-A to issue title insurance policy for it. This way you know that upon sale of the property you will have an insurable transaction. If you approve this solution I will give you a quote for doing the legal work and for TNT-A.

2. The second problem is quite interesting. The problem is the polar opposite of the gap in that it appears to be an overlap between two lot lines. This means that the property boarder as formed by the vesting deeds between the Lakeshore parcel and the adjoining property to the south do not meet evenly but rather they overlap. We know who may have title to the overlap but not who has the superior title. This has nothing to do with the driveway but rather the



Allegan County Abstract Office, Inc.

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TELEPHONE: 673-2071 (Area Code 616)

MASONIC TEMPLE BUILDING ALLEGAN, MICHIGAN 49010

JOHN C. PAHL, President

OCT 25 1984

October 22, 1984

Joseph J. Bredemann
Box 678
Park Ridge, ILL 60068

Re: Warranty Deed-Willis Bryan III--Joseph J. Bredemann and
Sara, his wife.

Dear Mr. Bredemann;

Enclosed herewith is a Warranty Deed recorded November 7,
1983 in Liber 1045 Records on page 735 between the above named
parties.

We are sorry for the delay in returning this deed to you.

Should you have any questions, please do not hesitate to
call on this office.

Yours very truly,

ALLEGAN COUNTY ABSTRACT OFFICE, INC.

Ruth Medler, Office Manager

RECORDED IN DEEDS

895 (Rev. 1967)
 WARRANTY DEED—TO TENANTS BY THE ENTIRETY—SHORT—
 (Photo Copy Form) COASTAL SEC. & CO., PALM BEACH, FLA. SPACE ABOVE FOR REAL ESTATE TRANSFER STAMP

This Indenture, made October 22 1983
 BETWEEN WILLIS BRYAN III, survivor of himself and his mother
 Lena L. Bryan a/k/a Lena R. Bryan, whose Death Certificate is
 recorded, of 45 Chestnut Lane, Douglas, MI 49406,
 a single man, Party of the first part,
 and JOSEPH J. BREDEMANN and SARA BREDEMANN
 husband and wife, as tenants by the entirety of the second part,
 whose address is: Box 678, Park Ridge, IL 60068

Witnesseth, That the said party of the first part, for and in consideration of: \$1.00-----
 (A Real Estate Transfer Valuation Affidavit is being filed herewith)
 to him in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents
 grant, bargain, sell, remise, release, alien and confirm unto the said parties of the second part, their assigns, the survivor of them, his or her heirs
 and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township of
 Saugatuck County of Allegan and State of Michigan, and described as follows, to-wit:

Commencing at the center of Section 17, Town 3 North, Range 16 West, thence
 South 89° 23' 40" West on the East and West 1/4 line 1022.5 feet to the
 place of beginning of this description, thence continuing South 89° 23' 40"
 West on the 1/4 line 37.93 feet, thence South 5° 31' 20" West 106.26 feet,
 thence North 89° 23' 40" East parallel to the East and West 1/4 22.22 feet,
 thence North 13° 28' 35" East 108.93 feet to the place of beginning.

Subject to any restrictions and limitations of record.

Tax certification # 5543
 was obtained from the Allegan
 County Treasurers office prior
 to recording this document

Together with all and singular the hereditaments and appurtenances therunto belonging or in anywise appertaining. To Have and to Hold the
 said premises, as herein described, with the appurtenances, unto the said parties of the second part, their assigns, the survivor of them, his or
 her heirs and assigns, FOREVER. And the said party of the first part, for his heirs, executors and administrators, does covenant, grant, bargain
 and agree to and with the said parties of the second part, their assigns, the survivor of them, his or her heirs and assigns, that at the time of the
 enrolling and delivery of these presents he is well seized of the above granted premises in fee simple; that they are free from all incumbrances
 whatever

and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed and Delivered in Presence of

Stephen E. Sheridan
 Stephen E. Sheridan
Babbette M. Mudgett
 Babbette M. Mudgett

X. Willis Bryan III
 WILLIS BRYAN III

STATE OF MICHIGAN. } ss.

COUNTY OF ALLEGAN

On Oct 22, 1983, before me, a Notary Public, in and for said County, personally appeared

Willis Bryan III, single,
 to me known to be the same person described in and who executed the within instrument, who
 acknowledged the same to be his free act and deed.

Drafted by: SHERIDAN & SHERIDAN
 Attorneys at Law
 217 Hubbard St.
 Allegan, MI 49010
 Phone: 673-2105

Stephen E. Sheridan
 Stephen E. Sheridan Notary Public,
 Allegan County, Michigan,
 My commission expires September 15, 1987

SEE FOOT NOTES ON OTHER SIDE

AC 10. 13

1. Name and address of each person executing this instrument and of each Grantee is required.
 2. State total consideration unless affidavit of value to be attached.
 3. Name and business address of person who drafted this instrument.
- * Names of Witnesses, Notary Public, and persons executing this instrument must be printed, typewritten or stamped immediately beneath the signature of s

ALLEGAN COUNTY ABSTRACT
OFFICE, INC.

895

WARRANTY DEED TO TENANTS BY THE ENTIRETY (PHOTO-STAT)—SHORT FORM

TO

REGISTER'S OFFICE,

COUNTY OF _____ ss.
This instrument was presented and received for
record this _____ day of _____
at _____ A. D. 19 _____
at _____ o'clock _____ M., and
recorded in Liber _____ of Deeds,
on page _____, as a proper certificate
was furnished in compliance with Section 3331.
Compiled Laws of 1929, as amended by Act 261,
P. A. of 1931.

Register of Deeds.

DOUBLEDAY BROS. & CO., KALAMAZOO, MICHIGAN

This Indenture,

Made this 14th

day of June in the year of our Lord one thousand nine hundred and forty-one

BETWEEN Marie R. Garasche of Douglas, Michigan, party

of the first part, and Joseph J. Bredemann and Ellen S. Bredemann, his wife, of Chicago, Illinois, jointly with right of survivorship, parties

of the second part,

WITNESSETH, That the said part y. of the first part, for and in consideration of the sum of One dollar and other good and valuable considerations Dollars,

to her in hand paid by the said part. of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said part y. of the second part, and their

heirs and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township of Saugatuck County of

Allegan and State of Michigan, and described as follows, to-wit:

Commencing at a point 200 feet south and 238 feet west of a point 850 feet west on the east and west quarter line from the center of Section 17, Town 3 North, Range 16 West, thence northeasterly along the west line of the W. W. Felker farm to Center Street; thence east 36 feet 5 inches on Center Street, thence southerly 167 feet; thence west 88 feet to place of beginning



Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said parties, of the second part and to their heirs and assigns, Forever. And the said Marie R. Garasche

part y. of the first part, for her self her heirs, executors and administrators, do as covenant, grant, bargain and agree to and with the said part. of the second part their heirs and assigns, that at the time of the ensembling and delivery of these presents she is well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever

7/2 5/41
REC'D FOR RECORD E. M. Marydell B. B. REGISTER

COPY

MAY 10 2012

and that she will, and her heirs, executors, and administrators, shall War-
rant and Defend the same against all lawful claims whatsoever.

IN WITNESS WHEREOF, The said part of the first part, has hereunto set her
hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Marie R. Garesche (L. S.)
Marie R. Garesche

Henry S. Maenz
Henry S. Maenz

Ethel Hellessey
Ethel Hellessey

STATE OF MICHIGAN,

County of Ottawa

On this 14th day of June

in the year one thousand, nine hundred and forty-one before me, the subscriber
a Notary Public in and for said County, personally appeared
Marie R. Garesche

to me known to be the same person described in, and who executed the within instrument, who
acknowledged the same to be her free act and deed.

Gerald R. Kramer
Gerald R. Kramer

Notary Public in and for Ottawa County, Michigan.

My commission expires January 31, 1944

STATE OF MICHIGAN,

County of

On this day of

in the year one thousand, nine hundred and before me, the subscriber
in and for said County, personally appeared

to me known to be the same person described in, and who executed the within instrument, who
acknowledged the same to be free act and deed.

Notary Public in and for County, Michigan.

My commission expires

No. 1

Warranty Deed

SHORT FORM

Marie R. Garesche

To

Joseph J. Bredemann
and Ellen S. Bredemann, his

REGISTER'S OFFICE.

Windsor County,

This instrument was presented and re-
ceived for record this

day of July A. D. 1941

at 2 o'clock P. M. and recorded

in Liber 310 of deeds on page

as a proper certificate was

furnished in compliance with Section 3957

Compiled Laws of 1897

Mary Hellessey
Register of Deeds

by Bonn Blet
pp 129

86 W. Center Street
PO Box 757
Douglas, MI 49406
269-857-1438 Office
269-857-4751 Fax

City of the Village of Douglas

Memo

To: City of Douglas Zoning Board of Appeals
From: Lisa Imus, City Planner
Date: 6/22/2018
Re: Application for Variance: 435 Blue Star Highway

This memo is regarding the variance application submitted by Peter Oleszczuk of Midwest V, LLC for a Dollar General retail building located in the **C-2 General Commercial District**, at 435 Blue Star Highway on property parcel number 03-59-016-072-11. The applicant has proposed to demolish the current structure and place a new structure on the site.

BACKGROUND:

The site currently accommodates one structure that is a car wash. There is currently 2,352 sq. ft. of commercial building space. The applicant has proposed initial new construction of 9,300 sq. ft..

DEVELOPMENT REQUIREMENTS (SECTION 11.02):

C-2A District		Required	Existing	Proposed
Lot Area:		30,000 sq. ft.	41,818 sq. ft.	41,818 sq. ft.
Frontage:		100 ft.	178 ft.	178 ft.
Max Lot Coverage:		50%	5.6%	22%
Setbacks:				
Front:		10 ft.	100 ft. +/-	74 ft.
	Side:	5 ft.	25 / 70 ft. +/-	5' N / 80' S
	Rear:	25 ft.	95 ft. +/-	49'
Minimum Floor Area:		1,000 sq. ft.	2,352 sq. ft.	9,300 sq. ft.
Maximum Floor Area:		15,000 sq. ft.	2,352 sq. ft.	9,300 sq. ft.
Height:		28' from ave grade	16'	27'

The proposed site plan meets the development requirements outlined above. The property is of an adequate size and has the appropriate frontage to be a buildable lot in the C-2A District.

The lot coverage on site is illustrated as approximately 22% of the total site area (9,300 sq. ft. of building area ÷ 41,818 sq. ft. of lot area) and the maximum height of the proposed additions are shown to be under the allowed 28 feet (27' to the top of the front gable on roof).

The variance request is for **Section 18.01 (1) a. 1 All driveways shall enter perpendicular to a public street or approved private road and no closer than ten (10) feet from the lot line of an adjoining parcel; except in the C-2 District, where driveways shall be no closer than 60 feet from the lot line of an adjoining parcel.**

A minimum of 60' is required between the adjacent property lot line and the driveway. The site plan only provides for 10' at the road Right of Way that narrows to 5' along most of the property line. The applicant feels the 60' only applies to where the driveway enters the site, not the length of the property. This is why the variance request is for a 50' variance to allow the distance of 10' be allowed over the required 60' in the C-2 General Commercial District.

The following is an excerpt of the variance requirements that pertain to this application along with staff comments on the applicable portions.

Section 29.05 Variances

- 1) Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
 - a) That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

Staff Comments: The applicant notes that the practical difficulties for the site include

- ***the parcel is small and intersects Blue Star Highway at an angle***
 - ***a public storm sewer and easement exists on the south side of the parcel which limits the flexibility of building placement***
 - ***two driveways exist across the street from the parcel***
 - ***the site will have to accommodate full size semi deliveries to the site with no backing into the street allowed.***
- b) That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.

Staff Comments: The applicant points out that due to the size and shape of the property, the requirements of the City Zoning Ordinance, and due to the corporate requirements of Dollar General, the established lay-out is the only viable option for use of the property. What if the parking lot was put behind the building, perhaps that would make it easier for the semi deliveries.

What if the building was made more narrow or smaller to accommodate the required setbacks? What if the driveway lined up with the Ferry St. intersection for better traffic control? The practical difficulties noted are not all necessarily unique to the zoning district.

- *There are a variety of lot sizes along the Douglas stretch of Blue Star Highway in the C-2 Zoning District. This lot is not the smallest or largest, it is of average size.*
- *Most all of the parcels north of Wiley Road intersect Blue Star Highway at an angle.*
- *Two driveways per parcel along the Blue Star Corridor north of Wiley is not unusual nor is the requirement of semi-truck traffic deliveries.*
- *As for the storm sewer being referenced, it is approximately 12' from the south property boundary. There is not a current public easement over the sewer and the City Engineer is recommending a 20' easement over it. While the lot is small for the construction that is being planned for it, there should still be enough room to accommodate a storm sewer and the proposed construction.*

- c) That the practical difficulty or special conditions or circumstances do not result from actions of the applicant.

Staff Comments: According to the applicant, the size, shape and other physical constraints of the site are not a result of actions of the applicant. The locations of the existing driveways across the roadway are not a result of the actions of the applicant. And, semi deliveries and maneuvering requirements are customary for commercial developments and are not a result of the actions of the applicant. The site did exist with its current size and shape before the applicant designed the site plan.

- d) That the variance will relate only to property under control of the applicant.

Staff Comments: The variance may only relate to 435 Blue Star Highway. If the setback variance is approved, it must detail findings of fact and consistent use of review standards to help ensure consistency and fair decisions.

- e) That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.

Staff Comments: According to the applicant, granting of the variance will be in harmony with the Access ordinance which is presumably to provide safe vehicular movement and access to and from the properties within the Village. However, it will bring the commercial endeavor 50' closer to the neighboring property.

According to the applicant, the proposed driveway location provides direct alignment with the existing driveway cross the roadway and is sufficiently offset from Ferry Street to avoid turning movement conflicts.

According to the applicant, the proposed driveway location does not impede the orderly development of the adjacent parcel, however it does bring it 50' closer than the current owner expected any development to be.

- f) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- g) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

Staff Comments: The applicant feels that with the zoning requirement to align the proposed driveway across from the opposing driveway, this request is the minimum request possible to overcome the hardship. Staff feels that if the parking lot was put behind the building, or if the building was made smaller, it may allow a lesser variance requirement (even 30' from 50' would be a lesser requirement)

- h) That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).

Staff Comment: The use is a by-right development.

If the zoning board of appeals determines to grant a variance, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one or more non-use variances. If the zoning board of appeals adopts a motion to grant variance, such motion may be made as a tentative grant of relief, subject to review by the planning commission, planning consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If such a tentative grant of relief is approved, the zoning board of appeals shall request the completion of all reviews by other boards or persons.

**CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE**

Adopted 6/27/05

FEE: \$500.00 Non-refundable

1. Date of application 6/8/2018
2. Name of applicant (or authorized agent) Midwest V, LLC
3. Address of applicant 1435 Fulton St. - 2nd Floor, Grand Haven MI 49417
4. Telephone (Home) _____ (Business) 616-842-2030
5. Address of property in question 435 Blue Star Highway
6. Legal description and/or property description number
59-016-072-11 (See plans for legal description)
7. Present zoning and use of property C2 - Car Wash
8. Present zoning and use of adjacent properties C2
Dunes Resort to North, Dental & Medical offices to the East, Residential to the South
9. State variance requested and reference Chapter 20 (Zoning Board of Appeals) and Sub-
Section 29.05 (1) variances and 29.05 (2) A variance is requested from access control
Section 18.01(1) a.1, requirement that no driveway may be closer than 60 feet
from adjoining lot lines within C-2 district. Proposed driveway at 10 feet from lot line.
10. Attach ten (10) copies of a current property survey together with accompanying site plan
delineating property lines, proposed construction/setbacks, as well as any other
information that may assist the Zoning Board of Appeals.
11. Due to public notice requirements, applications must be received no less than twenty one
(21) days prior to the scheduled meeting date, however the Chairman retains the right to
schedule meetings based upon the adequacy of the information received.

12. I have read/reviewed the Douglas Zoning Ordinance in regard to the Zoning Board of Appeals (Chapter 29) and the requirements for a Variance, and hereby give the Zoning Board of Appeals permission to examine the property in question.

In order for the Zoning Board of Appeals to grant a variance a "practical difficulty" must exist. The "practical difficulty" must not be self created, must not be economic, and must not adversely affect the neighborhood. If you are requesting a non-use variance please answer the following 5 questions in order to verify the conditions for a variance exist.

Question 1 – Zoning Ordinance Section 29.05 a)

Please list the practical difficulties which prevent carrying out the strict letter of the Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

See Narrative

Question 2 – Zoning Ordinance Section 29.05 b)

Please list the genuine practical difficulty that exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

See Narrative

Question 3 – Zoning Ordinance Section 29.05 c)

Please verify that the practical difficulty or special conditions or circumstances do not result from actions of the applicant.

See Narrative

Question 4 – Zoning Ordinance Section 29.05 e)

Please verify that the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood.

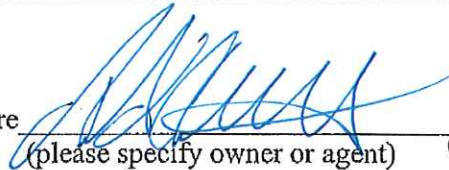
See Narrative

Question 5 – Zoning Ordinance Section 29.05 g)

Please verify that the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or to mitigate the hardship.

See Narrative

Applicant's Signature



(please specify owner or agent)

agent

(See owner authorization letter)

\$500.00 Application Fee enclosed/attached



City of the Village of Douglas use only

Date application received

Date to be reviewed by the Zoning Board of Appeals

Variance: Approved _____ Denied _____ Approved with conditions as follows:

Dated _____ By _____

Clerk and/or Zoning Administrator

AUTHORIZATION LETTER

Owner: TEJ Properties LLC

Property: 435 Blue Star Highway, Douglas, MI 49406

Date: 10/19/17

To Whom It May Concern:

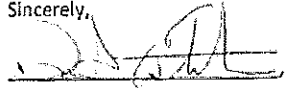
Midwest V. LLC ("Buyer"), 1435 Fulton St., 2nd Floor, Grand Haven, MI 49417, is hereby authorized to act on our behalf in connection with the items listed below as it pertains to the development of our above-referenced Property pursuant to a Purchase and Sale Agreement.

Due diligence – soil testing, geo-technical drilling, surveying, engineering and environmental studies (phase I, phase II and/or BEA).

Permitting – Applications and filings with applicable municipalities for all entitlements, including, but not limited to, site plan approval, rezoning, variances, building permits, and any required construction permits.

Unless otherwise agreed in the Purchase and Sale Agreement, any and all of the foregoing work shall be completed by Buyer at its sole cost and expense. Buyer will return the property to substantially the same condition prior to their work.

Sincerely,

 Owner

_____, Owner

Buyer Contact Information:

Attn: Peter Oleszczuk

1435 Fulton St., 2nd Floor

Grand Haven, MI 49417

Phone: 616-842-2030 ext. 2106

Fax: 616-842-1950



Dollar General – Douglas
Variance Request – Narrative

Request: Reduce driveway setback from adjacent side property line from required 60' to 10'.
Variance from Section 18.01 (1) a.1 of the Access Control section of the zoning ordinance.

Question #1 "Practical difficulties..."

- The parcel is relatively narrow and relatively small for commercial development, and the road ROW is angling across the frontage.
- A public storm sewer line and easement exists on the South side of the parcel which limits the flexibility of the building placement and site layout.
- Two driveways exist on the opposite side of Blue Star Highway which both limit and dictate allowable placement of the proposed driveway.
- Dollar General requires full size semi deliveries to the site. All truck maneuvering must be contained on-site within the driveway aisles; with no backing off a public street allowed. In this case a semi would pull into the front of the site facing North and back into the loading area South of the building and unload at the South East corner of the building. This leaves the truck in position to pull straight out of the site back onto Blue Star Highway.

Question #2 "Unique circumstances..."

- Due to the size and shape of the property, requirements of Dollar General, and the Village zoning ordinance, the proposed building and parking layout is the only viable option for the use on this property.
- The driveway location on the South side of the site is the only viable location which allows semis to maneuver on-site and make required deliveries. Also, the driveway as located lines up directly across from the driveway at the opposite side of the road, which is required.
- If the proposed driveway is located at least 60 feet of the property line, it would need to align directly across from Ferry Street which would then be closer than 60 feet to the North line (approx. 40 feet). This location would not allow semi's to access the site properly.

Question #3 "Not a result from action of the Applicant..."

- The size, shape and other physical constraints of the site are not a result of actions of the applicant.
- The locations of the existing driveways across the roadway are not a result of the actions of the applicant.
- Semi deliveries and maneuvering requirements are customary for commercial developments and are not a result of the actions of the applicant.

Question #4 "Variance will be in harmony with the general purpose and intent..."

- Granting of the variance will be in harmony with the Access ordinance which is presumably to provide safe vehicular movement and access to and from the properties within the Village.
- This proposed driveway location provides direct alignment with the existing driveway across the roadway and is sufficiently offset from Ferry Street to avoid turning movement conflicts.
- This driveway location does not impede the orderly development of the adjacent parcel. The adjacent parcel to the South is serviced from 130th Avenue, and it is unlikely that any additional access will be allowed from Blue Star Highway, due to the proximity of the intersection.

Question #5 "Minimum amount necessary..."

- With the requirement to align the proposed driveway across from the opposing driveway this request is the minimum request possible to overcome the hardship.
- The existing car wash site has two driveways, one on the North and one on the South, both are closer than 60 feet to the property line. This proposal eliminates one of the existing non-confirming driveways.