

**KALAMAZOO TOWNSHIP
ZONING BOARD of APPEALS MEETING
AGENDA
WEDNESDAY SEPTEMBER 20, 2023, 6:00 PM**

The agenda for the *meeting* will include the following items:

- #1 Call to order
- #2 Roll call
- #3 Approval of agenda for September 20, 2023
- #4 Approval of Minutes:
 - 4a. August 16, 2023
- #5 Public Hearings
 - 5a. 3809 E. Michigan Avenue - Setback
- #6 Old Business
 - 6a. 4629 Winding Way – Setback [No Action]
- #7 New Business
 - 7a. 3809 E. Michigan Avenue – Setback Discussion
- #8 Other matters to be reviewed by the ZBA
 - 8a. Comments from the public on matters not already addressed.
 - 8c. Zoning Board of Appeals members’ comments.
 - 8d. Report of the Planning Commission member.
- #9 Adjournment

Public Hearings. The following rules of procedure shall apply to public hearings held by the ZBA:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes procedures/rules to be followed during the hearing.
3. Township zoning administrator/planning consultant presents brief summary of the request.
4. Applicant presents brief overview of request.
5. Persons wishing to comment on the request are recognized.
6. Chairperson closes public hearing.

*Note: further discussion of the application (such as discussion) take place during “business”.

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**Charter Township of Kalamazoo
Minutes of a Zoning Board of Appeals Meeting
Held on August 16, 2023**

A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was conducted on August 16, 2023, commencing at 6:00 p.m. at the Township Hall.

Present were:

Nicky Leigh
Fred Nagler
Lisa Mackie—Alternate
Shawn Blue

Also present were Township Zoning Administrator Kyle Mucha; Township Attorney Seth Koches; and, three (3) members of the audience.

Absent was:

None.

Call to Order.

Leigh called the meeting to order at 6:00 p.m. and called the roll.

Approval of the Agenda for the August 16, 2023, Zoning Board of Appeals Meeting.

The ZBA members received the agenda in their meeting packets. No additions or revisions were made. Mackie moved, supported by Blue to approve the agenda as presented. The motion passed 4-0.

Approval of Zoning Board of Appeals' Meeting Minutes of the July 19, 2023 Meeting.

The next item on the agenda was approval of the July 19, 2023 Zoning Board of Appeals' meeting minutes. Copies of the draft meeting minutes were provided to the Members in their agenda packets.

The Board recommended several revisions to the draft minutes. Blue moved, supported by Nagler to approve the minutes as revised. The motion passed 4-0.

Public Hearings

None.

Old Business.

4629 Winding Way – Setback

The next item on the agenda was the continued public hearing for the request of Vincent Marsilio, 4629 Winding Way, Kalamazoo, MI 49006, to obtain relief from the rear yard setback requirement in the RM-

1 2, Multi-Family/Mixed Use District of 30 feet to facilitate construction of an additional attached accessory
2 structure and principal living space. The public hearing was originally held on April 19, 2023 at the regular
3 ZBA meeting and continued the August 16, 2023 ZBA regular meeting. The request was continued to
4 August 16, 2023, in part, so the applicant could obtain a survey. Mucha prepared a staff report and
5 summarized it. The subject property is approximately 7.95 acres in size and a single-family dwelling is a
6 permitted use within the RM-2 District. The site is currently improved with a two-story single family
7 dwelling that approximately 1,152 square feet in area. The standards for variance approval are contained
8 in Section 26.05.B.4.a of the Township Zoning Ordinance.

9
10 Mucha said that the applicant’s backyard continues into Oshtemo Township and is waiting to have a
11 survey performed so the Township knows where the municipal boundary line is located. Mucha said that
12 he is willing to table the applicant’s request until a survey is submitted to the Township for review. Blue
13 agreed. The Board discussed the possibility of combining parcels, but Mucha noted that still doesn’t
14 address the boundary line issue and expressed concern about building into neighboring municipality’s
15 setback. Leigh agreed. The Board and the applicant discussed a timeline for a survey to be completed. The
16 applicant did not obtain a survey and said that it would take at least two months to schedule a surveyor
17 based on availability. Mackie said that she’d like to approve the request, but wanted to see a survey to
18 confirm the location of municipal boundaries. The applicant agreed to obtain a survey.

19
20 Blue moved, supported by Nagler to continue the public hearing for the request of Vincent Marsilio, 4629
21 Winding Way, Kalamazoo, MI 49006, to obtain relief from the rear yard setback requirement in the RM-
22 2, Multi-Family/Mixed Use District of 30 feet to facilitate construction of an additional attached accessory
23 structure and principal living space to December 20, 2023 at 6:00 p.m. at the Kalamazoo Township Hall,
24 1720 Riverview Drive, Kalamazoo, MI 49004. The motion passed 4-0.

25
26 **New Business.**

27 None.

28 **Comments from the public.**

29 None.

30 **Correspondence received.**

31 None.

32 **ZBA Member Comments.**

33 None.

34 **Report of Planning Commission Member.**

35 Nagler discussed updates from recent Planning Commission meetings.

36 **Adjournment.**

37 Nagler moved, supported by Mackie to adjourn the meeting at 6:45 p.m. The motion passed 4-0.

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SYNOPSIS OF ACTIONS

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The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the May 17, 2023 meeting:

- 1. Continued the public hearing for the request of Vincent Marsilio, 4629 Winding Way, Kalamazoo, MI 49006, to obtain relief from the rear yard setback requirement in the RM-2, Multi-Family/Mixed Use District of 30 feet to facilitate construction of an additional attached accessory structure and principal living space to December 20, 2023 at 6:00 p.m. at the Kalamazoo Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004.

Recording Secretary



MCKENNA

September 12, 2023

Hon. Members of the Zoning Board of Appeals
Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, Michigan 49004

SUBJECT: ZBA Report

#23-07 Variance Request – Dimensional Setback

APPLICANT: Adrienne Heidema (Consumers Concrete Corporation)

SECTION: Section 8.02.AAA.2 - Setbacks

LOCATION: 3809 E. Michigan Avenue, Kalamazoo, MI 49048 (Parcel ID: 06-13-480-011)

REQUEST: To obtain relief from the minimum setback distance required for freight yards as it pertains to public & private rights-of-way in which a 300-foot setback is required and a 150-foot setback is proposed.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above-referenced application regarding the variance request to permit freight yard operations 150-feet from a public/private right-of-way where a minimum of 300-feet is required.

VARIANCE REQUEST SUMMARY

The applicant, Consumers Concrete (CCC) is proposing to obtain relief from the Kalamazoo Township Zoning Ordinance in the following area: *Section 8.02.AAA.2 – Setbacks*.

The applicant proposes to construct a new concrete block manufacturing plant on the same site where they own and operate an existing concrete manufacturing plant. Once the new plant is operational and has demonstrated it can meet production needs, the old plant will be repurposed or demolished. The applicant is requesting relief from Section 8.02.AAA.2 in which freight yard operations shall be located no closer than 300 feet to any public/private road right-of-way line.

The applicant seeks relief from the aforementioned provision due to the proposed placement of the new concrete plant being 150 feet from the S. Victor right-of-way line.

EXISTING SITE CONDITIONS

The subject parcel is approximately 52.31 acres in size. The site is currently zoned I-2, General Industrial Use. A concrete manufacturing plant is permitted by special use



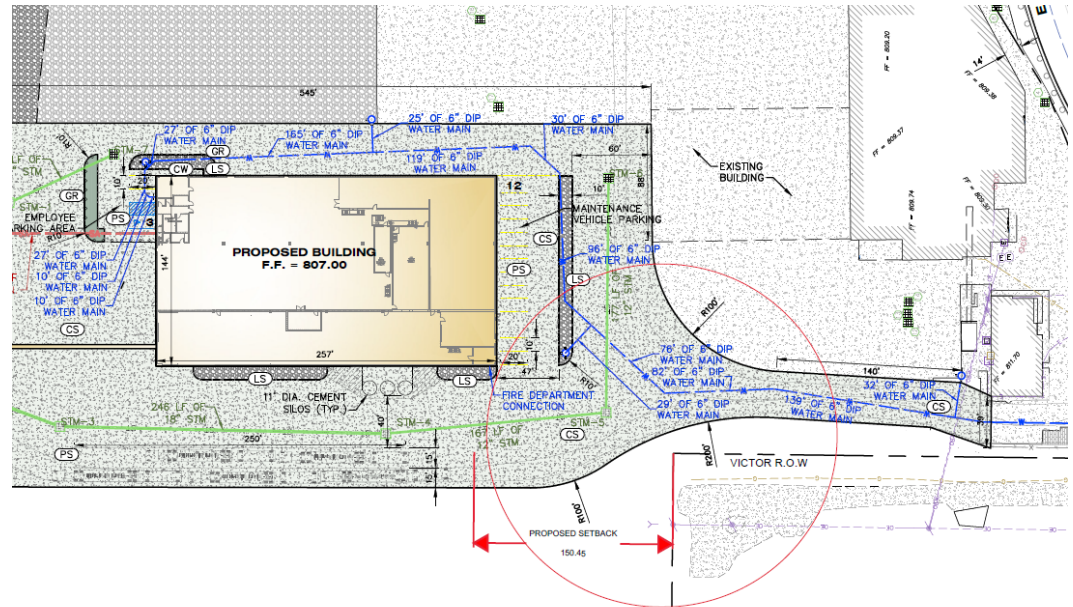
HEADQUARTERS

235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM



within the I-2 District, per Section 20.02(B)(15) of the Kalamazoo Township Zoning Ordinance. The site is currently operating an existing concrete block manufacturing plant and showroom. The subject site also includes a gravel mining operation in the northern section of the parcel; however, the proposed project is in the southern portion of the parcel.



SUPPLEMENTAL BACKGROUND

In November 1995, the Road Commission of Kalamazoo “absolutely abandoned and discontinued as a public highway: the north 1,122 feet of Victor Avenue as located within the Plat of Lincoln Heights in Sections 13 and 24, T2S-R11W, Kalamazoo Township”. The Kalamazoo County Parcel Viewer map shows the right-of-way of Victor Avenue extending north, farther than what is described by the abandonment document of the Road Commission of Kalamazoo County.

STANDARDS FOR VARIANCE APPROVAL

Section 26.05.B.4.a, of the Zoning Ordinance provides criteria for the review of variance requests by the Zoning Board of Appeals. The following are those criteria and how they relate to this request:

- a. *The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:*

Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

Applicant Statement: “Yes - building setback prevents the complete reduction of impervious surface that was presented previously”.

The applicant has presented a site plan that is claimed to reduce the amount of impervious surface on site due to the building's orientation. The applicant has indicated to the Planning Commission that by rotating the building 90 degrees, a reduction in the amount of impervious surface can be achieved. As a reminder, the site plan is under the purview of the Township of Kalamazoo Planning Commission. Site plan design and elements are not subject to review by the Zoning Board of Appeals.

The current standard of 300 feet from a public right-of-way may have been intended as a means to protect adjacent property owners and the public at large by requiring outdoor operations, such as the applicants, to be removed from public view. Further, due to the applicant seeking to construct a new facility entirely, there does not appear to be any practical difficulties that would make the ordinance conformity unnecessarily burdensome.



However, it is noted that a 150-foot setback from a public right-of-way, especially the Victor Avenue portion, may still achieve the same results as that of a 300-foot setback. Portions of Victor Avenue were vacated in 1995, with little to no apparent development taking place in the immediate vicinity of the road vacation. Therefore, while it is noted the applicant can comply with the Zoning Ordinance regulations and that **no apparent practical difficulty exists**, the impact of the requested variance appears to be minimal. Further, a significant portion of the surrounding property adjacent to the concrete plant expansion site is owned and operated by Consumers Concrete.

The variance will do substantial justice to the applicant, as well as to other property owners.

Applicant statement: “Yes.”

1,122 feet of Victor Avenue was vacated in 1995 by the Road Commission of Kalamazoo County, thus partially nullifying the Lincoln Heights plat. Staff does not currently have a record of the plat nullification.

It is not anticipated that a reduced setback from the Victor Avenue right-of-way would adversely impact adjacent property owners. The applicant has indicated that the reduced setback would alleviate the need for additional impervious surfaces; therefore, a reduction in impervious surfaces would aid in the prevention of stormwater runoff that could impact adjacent property owners.

A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

Applicant statement: “A lesser variance would prevent us from using the property as previously presented with the reduction of the impervious surface.”

As referenced in previous sections, the applicant seeks a variance that is self-created and does not present a practical difficulty. The applicant could construct and design the site in such a manner that conforms with the Township Zoning Ordinance. Based on the enclosed site layout provided by the applicant, a lesser variance could still achieve the requested result.

Based on the review conducted within this memorandum, it is found that the setback reduction request **would still receive substantial relief from a lesser variance.**

The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors. (For example, a variance needed for a proposed lot split would, by definition, be self-created, so such a variance typically would not be granted.)

Applicant statement: “NO.”

The need for the variance is a direct result from the proposed construction of the concrete manufacturing plant at 3809 E. Michigan Avenue. The applicant, in their site design, have indicated that the variance will help reduce impervious surface by being located closer to the property boundary. While it is encouraged for applicants to seek to reduce potential stormwater runoff, alternative options exist that would render the need for the variance mute:

1. Install semi-pervious surface material as permitted by the Township Zoning Ordinance
2. Locate the concrete plant in such a manner on site that compliments existing drives and pathways.



3. Design the site in a manner that the proposed truck staging areas are located in a conforming location on the 52-acre site.
- b. *In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.*

The applicant has provided an application, brief description as it relates to the four review criteria, and a conceptual site design and justification for the requested variance.

Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request.

We find that additional/reasonable conditions in connection with the variance request are not applicable at this time, but defer to the Zoning Board of Appeals should they find any additional conditions warranted after the Public Hearing has been held.

STAFF FINDINGS

We offer the following for consideration by the Zoning Board:

1. The need for the variance is self-created: the applicant could design the concrete plant expansion in a manner that meets ordinance requirements as it pertains to setbacks.
2. The surrounding sites nearest to the proposed plant are predominately owned and operated by Consumers Concrete, thus limiting the potential impact on adjacent property owners.
3. Victor Avenue was partially vacated in 1995 by the Road Commission of Kalamazoo County, indicating that no future expansion or continuation of Victor Avenue was anticipated by the Road Commission.
4. The leading edge of the concrete plant will be 150-feet away from the right-of-way line, which is three (3) times greater than the minimum front yard setback requirement for the I-2, General Industrial District of 50 feet.
5. It is not anticipated that the requested variance will negatively impact adjacent property owners.

Feel free to reach Danielle Bouchard, AICP, Principal Planner, at DBouchard@mcka.com or Kyle Mucha, AICP, Senior Planner at KMucha@mcka.com you have any questions about this variance request or review.

Respectfully,

McKenna

Danielle Bouchard, AICP
Principal Planner

Kyle Mucha, AICP
Senior Planner

TRANSMITTAL

To: Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, MI 49004

Date: August 23, 2023
Re: Variance Request Application

Project: Consumers Concrete Corporation
New Concrete Block Plant

We are enclosing the following:

- X **Variance Request Application**
- X **Drawing**
- X **Check Fee**

For:

<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Review and comment	<input type="checkbox"/> Record	<input type="checkbox"/> Signature
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Statement:

Enclosed is the Variance Request Application supporting documents submitted on behalf of Consumers Concrete Corporation.

Please let us know if you need any further information.

Kind Regards,
Alicia Thomas

copy: File
Adrienne Heidema – Consumers Concrete Corp
Randy Parsons – Consumers Concrete Corp
Bruce Stanley – Consumers Concrete Corp
Steve Frenette PE – Salig Group-ES

By: *Alicia Thomas*

 Alicia Thomas
 Business Manager
 734.945.7028



Zoning Board of Appeals Application for Variance, Interpretation, or Appeal

1720 Riverview Drive
Kalamazoo, MI 49004
P. (269) 381-8080
F. (269) 381-3550
ktwp.org



OFFICE USE ONLY
Date: _____
Case #: _____
Fee: _____

APPLICANT

Contact Person Adrienne Heidema		
Business Name <i>(if applicable)</i> Consumers Concrete Corporation	Email Asheidema@consumersconcrete.com	
Address 3506 Lovers Ln	Phone 269.366.3024	Cell Phone 269.870.5886
City Kalamazoo	State MI	Zip Code 49001

PROPERTY OWNER

Check here if same as above

Name	Email	
Address	Phone	Cell Phone
City	State	Zip Code

PROPERTY INFORMATION

Street Address 3809 E. Michigan Ave	Suite/Apt. #
Zoning District Kalamazoo Twp. & Comstock Twp.	Master Plan Designation
Gross Acreage 212.85	Parcel Dimensions

ZBA ACTION REQUESTED

- To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation.
- To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach detail maps if applicable).
- To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.).
- To overturn an action of the zoning administrator. The zoning administrator erred (did not issue a permit, issued a permit, enforcement).

SECTION OF THE ZONING ORDINANCE SEEKING INTREPRETATION OR VARIANCE

Section:



I (we), the undersigned, do hereby indicate that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

_____	<u>SAME AS OWNER</u>	_____
Date	Signature of Applicant	Print Applicant Name
08/17/2023	Adrienne Heidema	Adrienne Heidema
_____	_____	_____
Date	Signature of Property Owner	Print Property Owner Name

FOR VARIANCE APPLICATIONS ONLY

RULING SOUGHT (attach additional sheets if necessary)

SECTION .08.02 (AAA) – BUILDING LOCATION – Reduction of setback rules from 300 feet to 150 feet to public right of way for Victor.

SEE ATTACHED – Drawing for Details

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)

State specifically the reason for the variance request

SEE ATTACHED - Drawing and Justification – Reduction of Impervious Surface

VARIANCE QUESTIONS: If you are seeking a variance, please provide answers to the following questions. Be specific, and explain your answers. If the answer to any of the questions numbered 1-4 is “no,” a variance may not be granted (attach additional sheets if necessary)

1. Does strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or does the ordinance render conformity unnecessarily burdensome?

Yes - Building Setback prevents the complete reduction of impervious Surface that was presented previously.

2. Would a variance do substantial justice to the applicant, as well as adjacent property owners?

Yes

3. Would a lesser variance not give substantial relief to the applicant and/or be consistent with justice to other property owners?

A lesser variance would prevent us from using the property as previously presented with the reduction of the impervious surface.



4. Is the problem and resulting need for the variance not self-created by the applicant and/or the applicant's predecessors?

NO

ATTACH SEVEN (7) COPIES OF A SITE PLAN PLUS ONE ELECTRONIC COPY

NOTE: The ZBA shall *not* have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of the Township Zoning Ordinance. The ZBA has *no* authority to grant variances or overturn decisions involving special land uses or planned unit developments.

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of the Township Zoning Ordinance by varying or modifying any of its rules or provisions so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is *not* authorized to grant use variances by this Ordinance.

For more information pertaining to the rules, regulations, and powers of the ZBA, see Section 26.05 of the Township Zoning Ordinance.

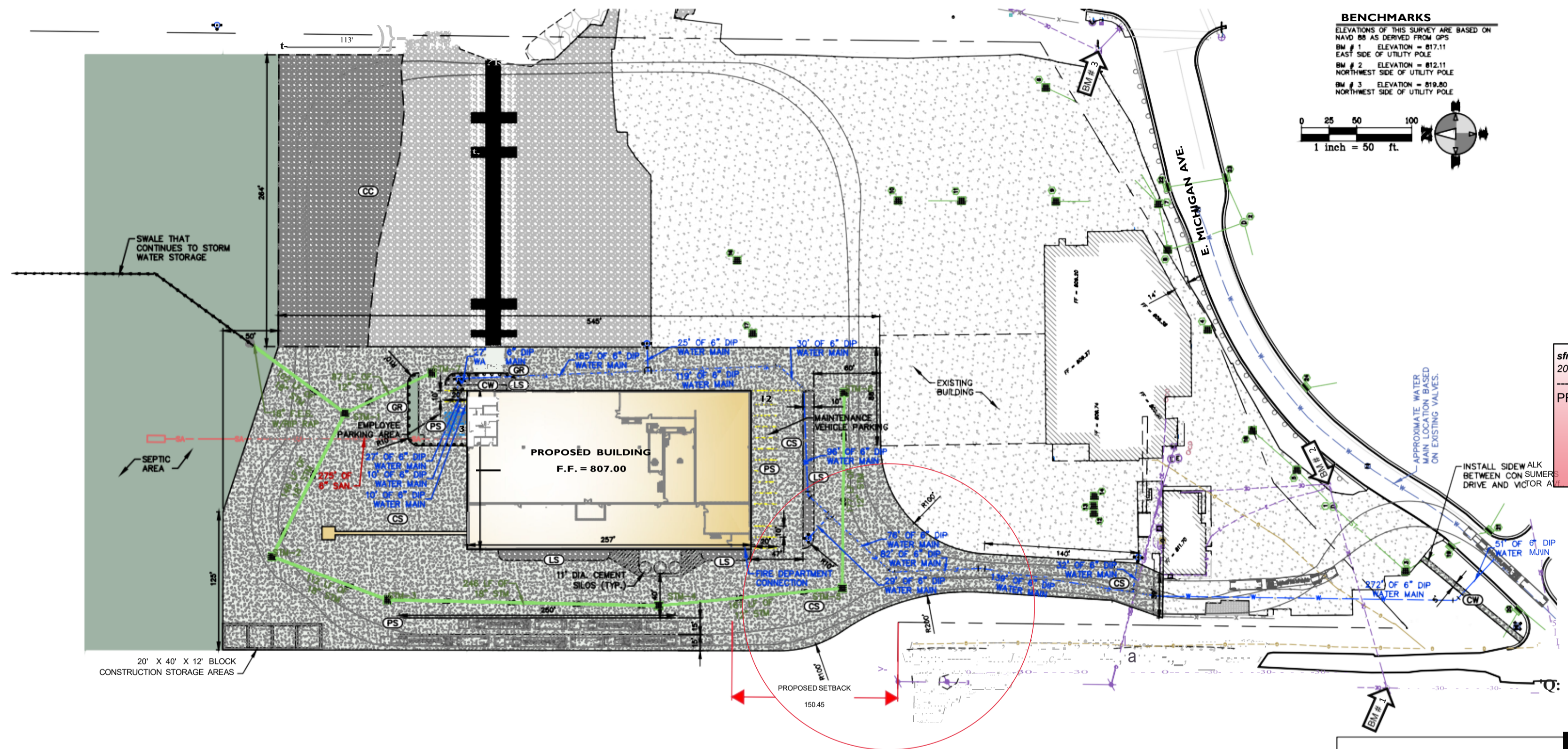


**FOR ORDINANCE INTERPRETATION / OVERTURN (MAPS OR TEXT)
APPLICATIONS ONLY**

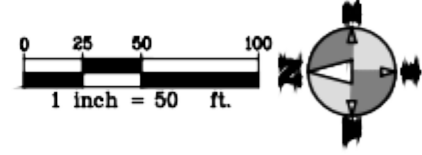
RULING SOUGHT (attach additional sheets if necessary)

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)
State specifically the reason for the variance request

Attach a copy of any communications pertaining to the interpretation issue and the zoning administrator's (or planning commission's) written ruling on this issue.



BENCHMARKS
 ELEVATIONS OF THIS SURVEY ARE BASED ON NAVD 85 AS DERIVED FROM GPS
 BM # 1 ELEVATION = 817.11 EAST SIDE OF UTILITY POLE
 BM # 2 ELEVATION = 812.11 NORTHWEST SIDE OF UTILITY POLE
 BM # 3 ELEVATION = 819.80 NORTHWEST SIDE OF UTILITY POLE



sfrenette
 2023-08-23 11:3
 PROPOSED

SITE LEGEND

- (C4) C4 CURB AND GUTTER (SEE DETAIL)
- (CS) CONCRETE SURFACE
- (CW) CONCRETE WALK
- (PS) PARKING STRIPING
- (GR) GUARD RAIL
- (LS) LANDSCAPE STONE
- (CC) CRUSHED CONCRETE

LEGEND

- HEAVY-DUTY BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT AND SIDEWALK
- RIP RAP
- PROPOSED BUILDING

GENERAL NOTES

- 1 ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
- 2 PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE.
- 3 SEE ARCHITECTURAL PLANS FOR MORE DETAILS ON TRUCK DOCK WALLS, STAIRS, AND RAMPS.
- 4 MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM. CONDITIONS VARY THROUGHOUT PROJECT.
- 5 EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AND KALAMAZOO TOWNSHIP STANDARDS SPECIFICATIONS.
- 6 ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
- 7 ALL EXTERIOR CONCRETE SHALL BE MDOT GRADE PI (3500PSI), AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.
- 8 THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES PRIOR TO STARTING WORK AND SHALL CONDUCT HIS OPERATIONS IN A MANNER AS TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
- 9 ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE SITE APPROVED BY THE ENGINEER OR CLASS II GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- 10 PROTECTION OF UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL 1-800-482-7171 A MINIMUM OF THREE FULL WORKING DAYS EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS PRIOR TO BEGINNING EACH EXCAVATION IN AREAS WHERE PUBLIC UTILITIES HAVE NOT BEEN PREVIOUSLY LOCATED. MEMBERS WILL THUS BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.
- 11 ANY BITUMINOUS OR CONCRETE PAVEMENT, SANITARY SEWER, SANITARY SEWER SERVICE LEADS, OR STORM SEWER, WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.
- 12 THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
- 13 ALL UNSUITABLE SUBBASE MATERIAL MUST BE REMOVED TO A MINIMUM DEPTH OF 24" BELOW THE TOP OF THE SUBGRADE OR AS DETERMINED BY THE COUNTY ENGINEER.
- 14 ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.

NOT FOR CONSTRUCTION

INDICATED SCALE FACTOR ONLY ACCURATE IF PRINTED ON 24" X 36" DRAWING SHEET.

2232 S. MAIN, #482
 ANN ARBOR, MI 48103
 (734)929-0644
 WWW.SALIGROUP-ES.COM

NO.	DATE	DESCRIPTION	APPROVED
2	18APR	QUADRA 11APR LAYOUT UPD'TE	
1	11APR	QUADRA 11APR LAYOUT UPD'TE	

PROJECT NO: 066.0-001-23	DRAWN: TTR
DATE: 07/12/23	CHECKED: EMB
SCALE: AS NOTED	APPROVED: EMB

PROJECT **CONSUMERS' CONCRETE BLOCK PLANT**
 KALAMAZOO TWP, MI

TITLE **SITE LAYOUT PLAN**

DRAWING NUMBER: **C-2**
 SHEET OF SHEETS



hurley & stewart, inc
 2800 s. 11th street
 kalamazoo, michigan 49009
 269.552.4960 fax 269.552.4961
 www.hurleystewart.com



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

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LIBER 1618 REG 0030

3801 East Kilgore Road • Post Office Box 2127 • Kalamazoo, Michigan 49003-2127
Telephone: (616) 381-3171 • Fax: (616) 381-1760

RONALD E. REID, Ed.D.
Managing Director

Board of County
Road Commissioners
of Kalamazoo County

NORMAN FRENCH
Chairperson

District A
9470 Stadium Drive
Kalamazoo, MI 49009
(616) 375-4876

JOHN J. PETERS
Vice Chairperson

District B
3077 West Gull Lake Drive
Richland, MI 49083
(616) 629-4273

MARGARET E. GROBLEN
Member

District C
P.O. Box 142
Fulton, MI 49052
(616) 778-9969

Office Hours: 7:30 a.m. - 4 p.m.
Equal opportunity employer

34688

November 14, 1995

I, Ronald E. Reid, certify the following is a true copy taken from the minutes of the October 3, 1995 meeting of the Board of County Road Commissioners of Kalamazoo County.

On motion by Commissioner Peters, seconded by Commissioner Grobden, the Board adopted the following resolution:

WHEREAS, Section 18 of the Michigan County Road Law, being MCL § 224.18; MSA § 9.118, as amended, provides for the absolute abandonment and discontinuance of any highway or part of highway under the jurisdiction of a county road commission; and

WHEREAS, the Board of County Road Commissioners of Kalamazoo County, Michigan, has been petitioned for absolute abandonment and discontinuance of the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that such petition has been signed by all of the owners of record and occupants of land abutting the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that it is in the best interests of the public that the highway or portion of highway described in this resolution be absolutely abandoned and discontinued.

NOW THEREFORE, BE IT RESOLVED, that the following described highway or portion of highway be and hereby is absolutely abandoned and discontinued as a public highway:

The North 1122 feet of Victor Avenue as located within the Plat of Lincoln Heights in Sections 13 and 24, T2S-R11W, Kalamazoo Township.

BE IT FURTHER RESOLVED, that notice of this abandonment be given as required by law.

Carried by the following vote:

Aye: Norman French, John J. Peters, Margaret E. Grobden

Ronald E. Reid

Ronald E. Reid
Deputy County Clerk

CLERK REGISTER

Margaret E. Grobden

NOV 16 PM 3 20

STATE OF MICHIGAN
COUNTY OF KALAMAZOO
RECEIVED FOR RECORD

PUBLIC NOTICES

NOTICE OF ABANDONMENT OF THE NORTH 1122 FEET OF VICTOR AVENUE, KALAMAZOO TOWNSHIP

WHEREAS, Section 18 of the Michigan County Road Law, being MCL Sections 224.18; MSA Sections 9.118, as amended, provides for the absolute abandonment and discontinuance of any highway or part of highway under the jurisdiction of a county road commission; and

WHEREAS, the Board of County Road Commissioners of Kalamazoo County, Michigan, has been petitioned for absolute abandonment and discontinuance of the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that such petition has been signed by all of the owners of record and occupants of land abutting the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that it is in the best interests of the public that the highway or portion of highway described in this resolution be absolutely abandoned and discontinued;

NOW THEREFORE, BE IT RESOLVED, that the following described highway or portion of highway be and hereby is absolutely abandoned and discontinued as a public highway:

The North 1122 feet of Victor Avenue as located within the Plat of Lincoln Heights in Sections 13 and 24, T2S-R11W, Kalamazoo Township.

BE IT FURTHER RESOLVED, that notice of this abandonment be given as required by law.

BOARD OF COUNTY ROAD COMMISSIONERS OF KALAMAZOO COUNTY, MICHIGAN
By: Norman French, Chairperson

LIBER 1918 PG 0031

PUBLIC NOTICE

NOTICE OF ABANDONMENT OF THE NORTH 1122 FEET OF VICTOR AVENUE, KALAMAZOO TOWNSHIP

WHEREAS, Section 18 of the Michigan County Road Law, being MCL Sections 224.18; MSA Sections 9.118, as amended, provides for the absolute abandonment and discontinuance of any highway or part of highway under the jurisdiction of a county road commission; and

WHEREAS, the Board of County Road Commissioners of Kalamazoo County, Michigan, has been petitioned for absolute abandonment and discontinuance of the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that such petition has been signed by all of the owners of record and occupants of land abutting the highway or portion of highway described in this resolution; and

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BOARD OF COUNTY ROAD COMMISSIONERS OF KALAMAZOO COUNTY, MICHIGAN
By: Norman French, Chairperson

PUBLIC NOTICES

NOTICE OF ABANDONMENT OF THE NORTH 1122 FEET OF VICTOR AVENUE, KALAMAZOO TOWNSHIP

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BE IT FURTHER RESOLVED, that notice of this abandonment be given as required by law.

BOARD OF COUNTY ROAD COMMISSIONERS OF KALAMAZOO COUNTY, MICHIGAN
By: Norman French, Chairperson

ADVERTISED IN THE KALAMAZOO GAZETTE FOR THREE CONSECUTIVE WEEKS ON THE DATES SHOWN ABOVE.

**NOTICE OF ABANDONMENT
OF THE NORTH 1122 FEET OF
VICTOR AVENUE, KALAMAZOO TOWNSHIP**

WHEREAS, Section 18 of the Michigan County Road Law, being MCL Sections 224.18, MSA Sections 9.118, as amended, provides for the absolute abandonment and discontinuance of any highway or part of highway under the jurisdiction of a county road commission; and

WHEREAS, the Board of County Road Commissioners of Kalamazoo County, Michigan, has been petitioned for absolute abandonment and discontinuance of the highway or portion of highway described in this resolution; and

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BE IT FURTHER RESOLVED, that notice of this abandonment be given as required by law.

**BOARD OF COUNTY
ROAD COMMISSIONERS
OF KALAMAZOO COUNTY, MICHIGAN**
By: Norman French, Chairperson

STATE OF MICHIGAN)
County of Kalamazoo

being duly sworn deposes and says he/she is Principal Clerk of

THE KALAMAZOO GAZETTE
DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days)

November 3 & 10 A D 19 95

Sworn to and subscribed before me this 10th day of November 19 95



Notary Public, Kalamazoo County, Michigan
KAREN J. PARKS

Notary Public, Van Buren County, MI
My Commission Expires Sept. 26, 1997
Acting in Kalamazoo County, MI

REC'D NOV 14 1995

8568

LIBER 1882 PG 1212



STATE OF MICHIGAN
COUNTY OF KALAMAZOO
RECEIVED FOR RECORD
SEP 25 AM 9 21
CLERK - REGISTER

3801 East Kilgore Road • Post Office Box 2127 • Kalamazoo, Michigan 49003-2127
Telephone: (616) 381-3171 • Fax: (616) 381-1760

http://www.kcrc-roads.com

RONALD E. REID, Ed.D.
Managing Director

33218

September 25, 1996

Board of County
Road Commissioners
of Kalamazoo County

JOHN J. PETERS
Chairperson

District B
3077 West Gull Lake Drive
Richland, MI 49083
(616) 629-4273

NORMAN FRENCH
Vice Chairperson

District A
9470 Stadium Drive
Kalamazoo, MI 49009
(616) 375-4876

MARGARET E. GROBBEN
Member

District C
P.O. Box 142
Fulton, MI 49052
(616) 778-9969

Office Hours: 7:30 a.m. - 4 p.m.
Equal opportunity employer

I, Dolores M. Morton, certify the following is a true copy taken from the minutes of the September 4, 1996 meeting of the Board of County Road Commissioners of Kalamazoo County.

On motion by Commissioner French, seconded by Commissioner Grobben, the Board adopted the following resolution:

WHEREAS, Section 18 of the Michigan County Road Law, being MCL § 224.18; MSA § 9.118, as amended, provides for the absolute abandonment and discontinuance of any highway or part of highway under the jurisdiction of a county road commission; and

WHEREAS, the Board of County Road Commissioners of Kalamazoo County, Michigan, has been petitioned for absolute abandonment and discontinuance of the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that such petition has been signed by all of the owners of record and occupants of land abutting the highway or portion of highway described in this resolution; and

WHEREAS, this Board has determined that it is to the best interests of the public that the highway or portion of highway described in this resolution be absolutely abandoned and discontinued.

NOW THEREFORE, BE IT RESOLVED, that the following described highway or portion of highway be and hereby is absolutely abandoned and discontinued as a public highway:

That portion of Victor Avenue in the Plat of Lincoln Heights in Section 13, T2S-R11W, Kalamazoo Township, lying north of the north line of lots 8 and 9 of said plat and lying south of that portion of Victor Avenue previously absolutely abandoned and discontinued as a public highway by the Board of County Road Commissioners of Kalamazoo County by their resolution dated October 3, 1995, and as recorded in Liber 1818, Page 0030 of the Kalamazoo County Register of Deeds.

RESERVING, HOWEVER, an easement for public utilities over the full width and length of the highway hereby being abandoned.

BE IT FURTHER RESOLVED, that notice of this abandonment be given as required by law.

Carried by the following vote:

Aye: John J. Peters, Norman French, Margaret E. Grobben

Dolores M. Morton
Dolores M. Morton
Deputy County Clerk

**NOTICE OF ABANDONMENT OF
A PORTION OF VICTOR AVENUE
KALAMAZOO TOWNSHIP**

WHEREAS, Section 18 of the Michigan County Road Law, being MCL 224.18; MSA 9.118, as amended, provides for the absolute abandonment and discontinuance of any highway or part of highway under the jurisdiction of a county road commission; and

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RESERVING, HOWEVER, an easement for public utilities over the full width and length of the highway hereby being abandoned.

BE IT FURTHER RESOLVED, that notice of this abandonment be given as required by law.

Dated: September 4, 1996

**BOARD OF COUNTY ROAD COMMISSIONERS
OF KALAMAZOO COUNTY, MICHIGAN**

John J. Peters
Chairperson

STATE OF MICHIGAN)
County of Kalamazoo

Elizabeth J. Anderson
ss. Elizabeth J. Anderson

being duly sworn deposes and says he/she is Principal Clerk of

THE KALAMAZOO GAZETTE
DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days)

..... September 10, 17 & 24... A.D. 19 96

Sworn to and subscribed before me this 24th day of September 1996

Karen J. Parks

Notary Public, Kalamazoo County, Michigan

KAREN J. PARKS

Notary Public, Van Buren County, MI

My Commission Expires Sept. 26, 1997

Acting in Kalamazoo County, MI

IBLR 1882 PG1213

Plat of Lincoln Rights Kalamazoo

Kalamazoo County

Being 60.69 cove of land lying in Sec. 13 and 24 T 25 R 11 W. Commencing 50 feet up the E corner of Lot 15 and running thence North 31° 00' 00" W. thence West 18° 42' 00" thence South 31° 00' 00" thence East 84° 42' 00" thence South 34° 43' 00" thence West beginning.

Surveyed April 10, 1910. E. Strong Surveyor

Bele Leighton's heirs Peter Leighton as purchaser and Debra Leighton his wife Steen Leighton and English Leighton his wife have surveyed, plotted and named a plot of 2 acre rights and dedicated fully by us the said Leighton's heirs as given to public use.

Peter Leighton,
Bele Leighton,
Steen Leighton,
English Leighton,
Heirs of

State of Michigan ss. On this 27 day June 1910 before me a Notary Public in and for said County personally came the afore named Peter Leighton, Bele Leighton his wife Steen Leighton and English Leighton his wife known to me to be the persons who executed said plat and acknowledged said the same to be their free act and deed.

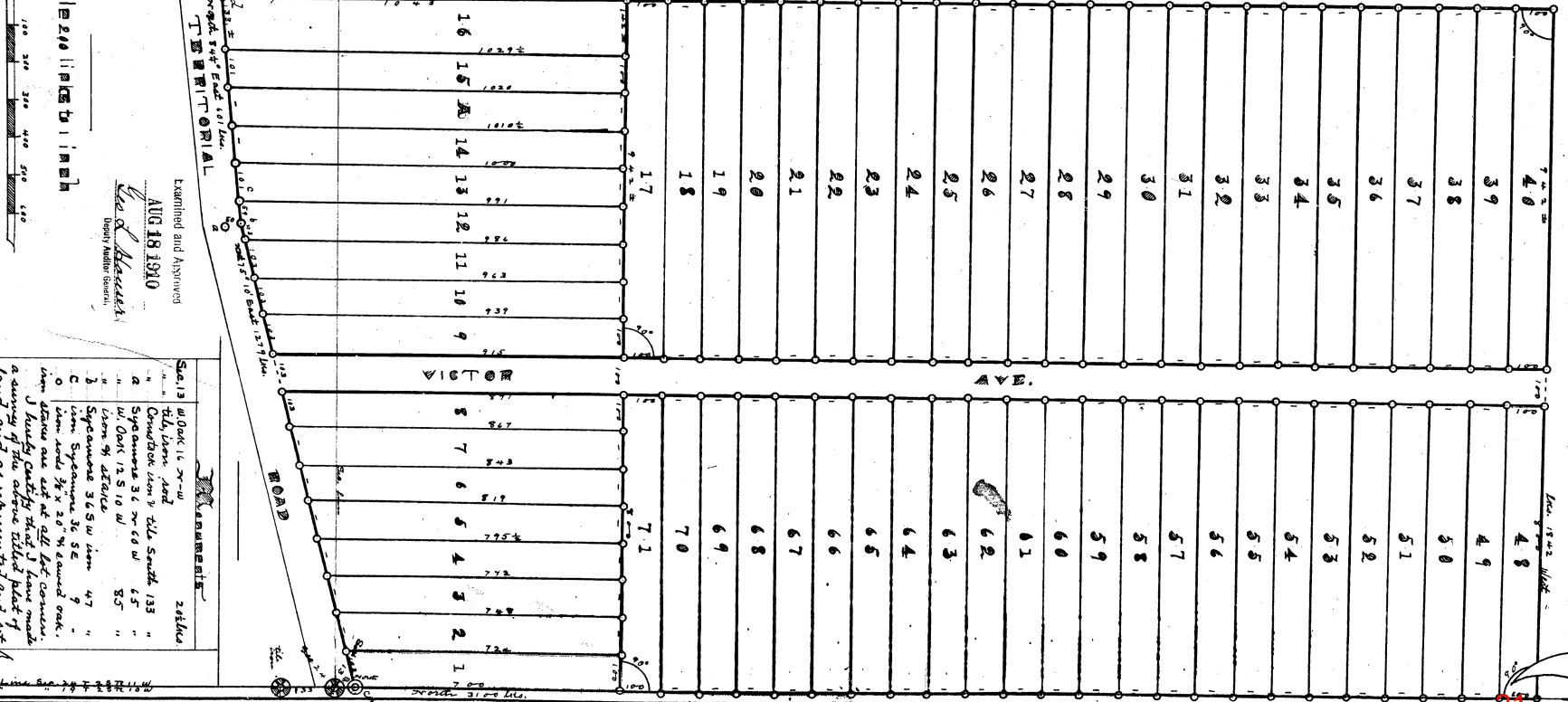
Witness my hand and seal of my Commission expires Feb. 18, 1913.

State of Michigan ss. I hereby certify that by my office records of Kalamazoo County I have carefully compared the plat of Peter Leighton, Bele Leighton, Steen Leighton and English Leighton herewith and find that it conforms to the laws of this State in this respect and that there are no other persons in this State or under actual delivery of land from any person in this State who have any right in the land hereon shown as to date July 13, 1910.

Received for record and recorded in Book 5 of Plats on page 74.

Filed in Auditor General's Dep't
AUG 25 1910
E. W. Mackell
Deputy Auditor General

I hereby certify that this copy is a true copy of the Map of Deeds for recording.
AUG 18 1910
C. E. Houtley
Deputy Auditor General.



Examined and Approved
AUG 18 1910
E. W. Mackell
Deputy Auditor General.

All dimensions are in feet and inches.
This plat has been subdivided in accordance with the laws of Michigan.