



**Zoning Board of Appeals  
Virtual Meeting Minutes  
Tuesday, February 23, 2021 at 7:00 pm**

1. **Call to Order** -7:15 pm
2. **Roll Call** - Collison, Martin-Halm, Lasher present. Motion to excuse Strehlow by Lasher, second by Collison. Roll call vote, all ayes.
3. **Approval of Minutes from May 21, 2020** – Motion by Martin-Halm, second by Lasher. Roll call vote, all ayes.
4. **Citizen Comments** – none
5. **Old Business** – none
6. **New Business**
  - a. Variance request from Mayra Melchor-Solano
    - Collison stated that a similar request was made the first time on April 9, 2020, a variance for the setback to allow for a walk-in cooler. He noted that the building was lawfully non-conforming. The former request was for the 8 foot setback was granted. Final inspection, to check for compliance, found that the cooler was located less than 3 foot from the property line instead of the approved 8 feet that was granted. This new variance application was submitted to the ZBA as they are the only ones that may grant additional relief from 8 feet to 3 feet. He reminded the Board that even though the cooler has been established, the ZBA still needs to determine if this 2<sup>nd</sup> variance may be granted.
    - Lasher asked if it was known, why the cooler was placed wrong.
    - Mary Whittaker Duncan, architect and representative for Melchor-Solano, stated that Melchor-Solano had a hard time finding someone to install the cooler. It appears to them that it was built from the wrong corner.
    - Collison stated that sometimes applicants feel it is easier to ask for forgiveness than to ask for permission. Someone should have known what was acceptable. If no one was informed, it would be understandable.
    - ZA Harvey asked who prepared the building plan. Duncan stated that it was her office that prepared it.
    - ZA Harvey said that she spoke with Kalamazoo Area Building Authority (KABA) and they stated that they were surprised by it. KABA stated that it was built according to the building plan. ZA Harvey stated that this was not an intentional act by the applicant.
    - Collison asked if KABA was involved.

- ZA Harvey stated yes. The standard operating procedure after a permit is issued is that KABA inspects the project. This project had no footings, just a slab. KABA felt that it was not done with the intent to reduce footage.
- Lasher stated that the site plan should have matched the building plan. There should have been a setback number in the site plan.
- ZA Harvey said that the site plan had the variance.
- Lasher stated that it was not an intentional act but wasn't caught until after construction.
- Collison said that he is not suggesting that it be done over.
- ZA Harvey stated that if the building wasn't already less than 1 foot from the property line, the Board may have felt differently.
- Collison stated that they would have had them move the cooler if that was the only thing encroaching on the setback.
- Lasher stated that he had no issue with the variance as he does not believe it was an intentional act.
- Collison asked if Martin-Halm was comfortable enough with what she knew from the conversation to make a decision. She stated that she was comfortable with making a decision.
- Lasher asked if there were any concerns from the neighbors. The City Manager stated that no concerns were expressed by the neighbors.
- Motion was by Lasher to approve the 2<sup>nd</sup> variance allowing for the placement of the walk-in cooler to remain within 3 feet of the property line, second by Collison. Roll call vote: All ayes.

**7. Board Member Comments**

- Lasher stated that when the Board makes a decision that those decisions are to be followed by the applicant.

**8. Adjournment** – Motion by Lasher to adjourn at 7:37 pm, second by Collison. All ayes.



Sherry  
Horrocks

**Planning & Zoning**

Return

Parchm  
650 S R  
Parchm  
Call 269-492-326

I have a call in  
to Soltis to get  
the order changed.

**APPLICANT:**

Name: Sherry Horrocks

Address: 221 W. Thomas Street

Telephone: 269-254-7708

Interest in Property: Owner

-The deadline  
regarding the  
variance process  
does not make  
sense and needs  
revision

**OWNER:**

Name: Same as above

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

**NATURE OF REQUEST:** *(Please check all that apply)*

Site Plan Review \_\_\_\_\_  
Special Land Use \_\_\_\_\_  
Rezoning \_\_\_\_\_  
Text Amendment \_\_\_\_\_  
Site Condominium \_\_\_\_\_

Subdivision Plat Review \_\_\_\_\_  
Zoning Variance X  
Interpretation \_\_\_\_\_  
Appeal \_\_\_\_\_  
Other: \_\_\_\_\_

**PROPERTY INFORMATION**

**Legal Description:** *(Use attachment, if necessary)* Lot 15 and the North 17.6 feet of Lot 16, Block 5, of the Plat of Parchment Addition to the City of Parchment, according to the recorded plat thereof on file and of record in the Office of the Register of Deeds for Kalamazoo County in Liber 9 of Plats, Page 15

**Parcel Number:** 06-02-110-510

**Property Address:** 221 W. Thomas, Parchment, MI 49004

**Present Use of Property:** Residential

**Zoning:** One-Family Residential

**Size of Property:** .19 acres

**1. Nature of the Variance Requested**

a. **Section number(s) of Zoning Ordinance for which variance is being requested:**  
Article 5 – One Family Residential Districts

b. **Description of variance being requested.**  
I currently have a residence which is considered blight and is in the process of being demolished. However, there is a large accessory structure, a garage, which is in excellent condition, and I am requesting the Zoning Board allow the garage to remain on the property without a principal structure.

c. **Attach a detailed lot diagram which shows size, location, and present and/or proposed improvements. Include dimensions for lot and all buildings, setbacks, etc. Minimum 8 ½" x 11"**

**2. Describe why you feel you cannot comply with the Ordinance as currently written. Be as specific as possible.**

The city has demanded the demolition of the principal structure on my property, which I am currently in the process of completing. My garage is structurally sound, and should I not obtain a variance, I will suffer the loss of approximately \$40,000.00 worth of a structure on my property. I am currently unable to purchase and place another principal residence on the property and thus I am requesting the city grant a variance for my accessory structure to remain on the property in absence of a principal structure.

3. Applicant must demonstrate practical difficulties or undue hardship that you feel justify the granting of the variance. Please review the instruction sheet for an explanation of practical difficulties or undue hardship. An inconvenience is not considered a practical difficulty. (Use an attachment, if necessary)

Conforming to the zoning requirement is unnecessarily burdensome because the City has required the demolition of the principal structure on my property, yet I am unable to purchase a new principal structure at this time to conform with the City's zoning requirements. This is not a self-created problem; the city and the Court have ordered the demolition of the principal structure. Thus, if I am not granted a variance, I will have to demolish another structure on my property which is unnecessary and costly. I will suffer a substantial loss if I am forced to remove the accessory structure that is in perfectly good condition and can still be put to good use. To demolish an accessory structure that is still useful is severely wasteful, costly, and burdensome. Additionally, there are other properties in Parchment that have accessory structures without a principal structure, and therefore, the variance for my property would align with those other properties that are granted the same variance.

Name(s) and Address(es) of all other persons, corporations, or firms having a legal or equitable interest in the property:

Name(s)	Address(es)
_____	_____
_____	_____

**SIGNATURES:**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.*

*Applicant's Signature*

*Date*

Sherry Horrocks  
*Owner's Signature (If different from Applicant)*

May 30, 2023  
*Date*

Fee Amount: \$1000  
 Fee Paid: cash

*SH*

EF

Please  
APPROVE  
- VARIANCE  
FOR THESE  
REASONS

An ACT OF GOD  
on  
Jan 8, 2014 snow  
storm caused much  
Damage from ROOF  
Collapse & let's  
her State 23 The  
Hold up

AND NOT ENOUGH  
DRYER OR EQUIPMENT  
Neglect cause -  
deterioration

The Structure  
Still in  
Same exact  
spot  
For same  
Need.  
Not for Re~~state~~

221 WAS NOT  
BURNED OR  
ABANDON.  
THAT PORTION OF  
PROPERTY NOT IN USE  
BUT GARAGE WAS  
PARTLY.

The extreme  
hardship to me  
for loss of structure  
that still complies  
seems excessively  
unnecessary  
uneconomical.

al

Enlist Neighbors Support  
Deb - Ashton - Simion - Mike White

Standard deviation

Same as John Beebe Jeep Garage  
Variance will not negatively impact  
any neighbor, nor will it alter  
the essential character of the land

The variance is the bare minimum  
needed to correct issue caused by AN  
ACT OF GOD.

\* letters

Convincingly I communicate the  
hardship was not self created

Still now yet further away for \$\$

\*

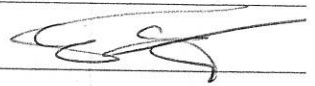
Demonstrate the hardship is unique  
my situation because of land

genuine need to build  
Have ~~unique~~ "need" and isn't  
a marketing ploy



Was asked if we are annoyed or  
offended by our neighbors garage  
in the far corner of her lot that has  
been there since 12005. We see no  
way that 40,000<sup>00</sup> garage could be  
replaced at today's prices, it is not  
an eyesore or in need of repairs.  
It has and is still used for protection  
and safety of her belongings.

Ashton White



Agree with all of the above.  
I have lived as a neighbor since  
1996.

Debra Parham  
603 Keyes Dr.



Kalamazoo Area Building Authority

PB23-18-102

Parchment

Issued: 03/06/2023

Expires: 09/02/2023

# Kalamazoo Area Building Authority

Need an inspection?  
Call (269) 216-9511

## Building

This permit conveys no right to occupy any STREET, ALLEY, or SIDEWALK, or any part thereof either temporarily or permanently.

Type of Construction: \_\_\_\_\_ Occupancy Group: \_\_\_\_\_ Edition of Code: 2015 Michigan Residential Code

LOCATION	OWNER	APPLICANT
221 W THOMAS 06-02-110-510      Lot: Plat/Sub:	HORROCKS, SHERRY  92597 LAKESHORE DR LAWTON MI 49065 Phone: Fax:	HORROCKS, SHERRY 92597 LAKESHORE DR LAWTON MI 49065 Phone: Fax:

Work Description: Demolition of home

### Stipulations:

Permit Item	Work Type	Fee Basis	Item Total
01. Misc. Permit Fee	Standard Item	155.00	155.00



2322 Nazareth Road  
Kalamazoo, MI 49048  
Office: 269.216.9511  
Fax: 269.250.9078  
Website: www.kaba-mi.org

**Mike Alwine**  
Building Official  
Cell: 269.506.5967  
Direct: 269.216.9861  
malwine@kaba-mi.org

**RECEIPT** DATE May 16, 2023 No. 209756

RECEIVED FROM Horrocks (owner) \$ 155.00

One hundred fifty five & 0/100 DOLLARS

FOR RENT  
 FOR 221 Wl Thomas PB 23-18-102

ACCOUNT		<input checked="" type="radio"/> CASH	FROM _____ TO _____
PAYMENT		<input type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	BY <u>Eric Feist</u>

\$155.00  
\$155.00  
\$0.00

Date 9/24/04  
City Pardiment  
Jurisdiction of: Pardiment

# BUILDING PERMIT

PERMIT NO. 10-528-04033  
Accessory/detached structures and demolition

**BUILDING DEPARTMENT**  
P.O. Box 662  
Schoolcraft, MI 49087  
(269) 679-4900  
(800) 627-2801

Job Address: 221 W Thomas St  
Zoning District: \_\_\_\_\_  
Use Group: R3  
Type Const.: UB  
Basic Dimensions: 48 ft. x 34 ft.  
No. Floors: 30 Bldg. Height: 15'

Property tax I.D. No.: \_\_\_\_\_  
Permit Determinant: 11424  
Owner: F B Tom Hornades / Sherry Hornades  
Address: 221 W Thomas St, Pardiment 49004  
Contractor: \_\_\_\_\_  
Address: \_\_\_\_\_

### PLEASE FILL IN OR CHECK THE APPROPRIATE SPACES BELOW:

- Sq. ft. shed
- 960 Sq. ft. pole building 1020
- Sq. ft. pool
- 1020 Sq. ft. unattached frame garage
- Sq. ft. storage building & foundation
- Sq. ft. demolition
- Sq. ft. basement
- Sq. ft. crawl space
- Sq. ft. deck
- 592 Sq. ft. porch NO
- Sq. ft. sign
- Lineal ft. fence
- Other
- cement slab & thickened edge
- cement slab (3 1/2" - 4")
- dirt floor
- trusses \_\_\_\_\_ "O.C."
- rafters \_\_\_\_\_ "O.C."
- metal roof
- asphalt shingles
- metal exterior
- aluminum exterior
- brick exterior
- block exterior
- wood exterior
- Number windows \_\_\_\_\_
- Number garage doors \_\_\_\_\_

10'6" Sidewalk

VARIANCE APPLIED  
11/14/04 @ 3' EACH SIDE  
(S) @ 25' FROM FRONT ROW (THOMAS)  
10' BETWEEN BLDG'S AND WAIVED REAR  
YARD CUT-CORNER. PER COURT RULING  
11/14/04

Rec'd  
CL# 1049  
9/23/04  
BIM

COST OF PERMIT: \$ 123.00  
Building Dept.  
By: David Hess  
Make Checks Payable to:

Contractor		Address		Phone ( )	
Federal ID No./Social Security no.		City		State	
License No.		Expiration Date		MESC Employer No.	
If exempt from any of the above, explain here:		Worker's Disability Compensation Carrier			

Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

#### HOME OWNER'S AFFIDAVIT and SIGNATURE

I hereby certify that the work described above shall be installed in accordance with the local code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the inspector. I will cooperate with the inspector and assume the responsibility to arrange for necessary and timely inspections.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

#### AGENT'S/CONTRACTOR'S AFFIDAVIT and SIGNATURE

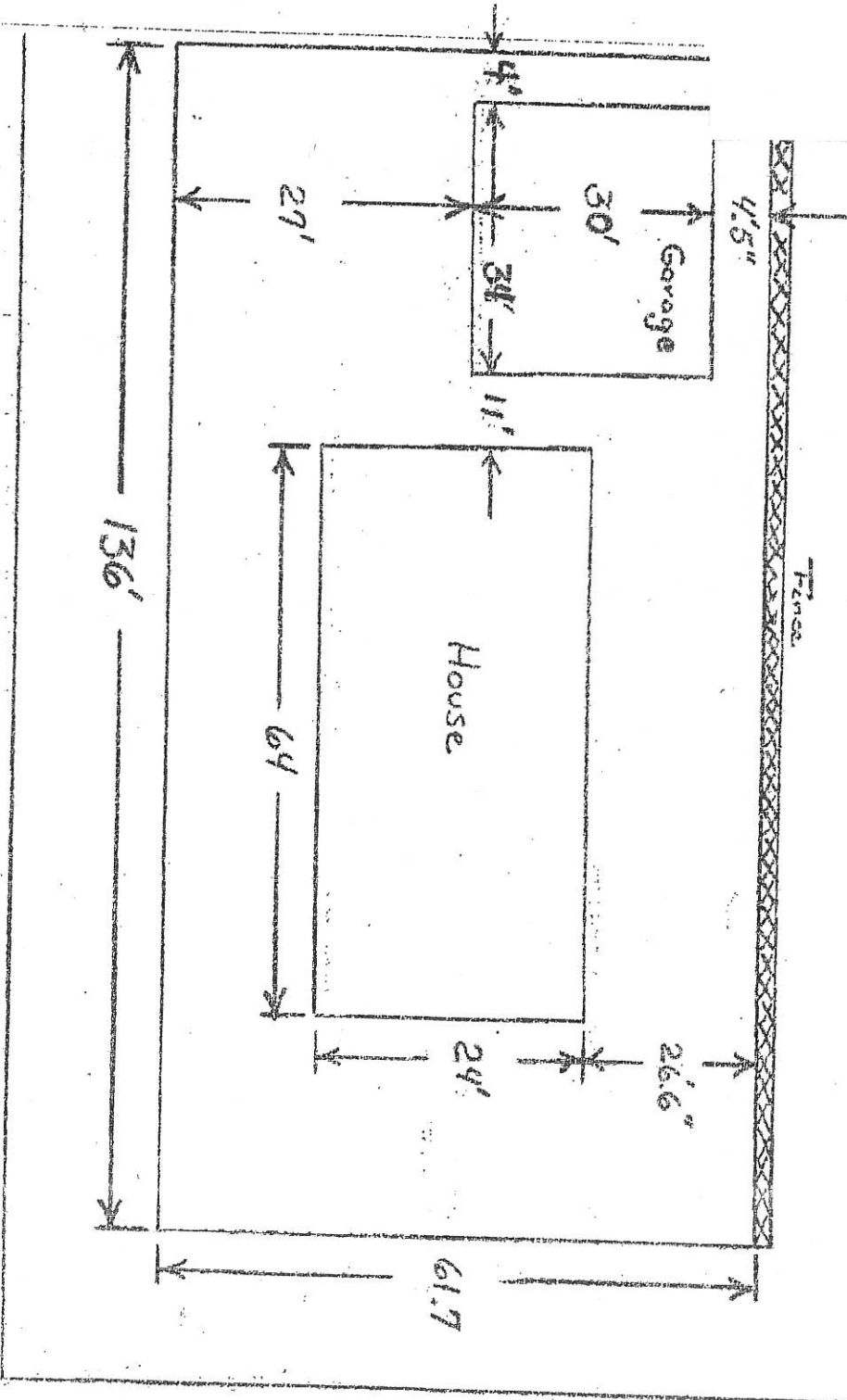
I hereby certify that the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his authorized agent.

Signed: See Addendum

Date: \_\_\_\_\_

COMPLETE INFORMATION ON BACK OF THIS PAGE

Approving variance will not negatively impact neighbors Nor will it alter the essential character of the land.



Note: 1' overhang on Garage. 15' in height 9' side wall

THOMAS STREET

FOR OFFICE USE ONLY  
 MINIMUM SETBACKS  
 FRONT 25' FROM ROW  
 SIDES 3' REAR 3'  
 AS APPROVED



650 S. Riverview Drive • Parchment, Michigan 49004  
(269) 349-3785

September 19, 2022

Sherry Horrocks  
92597 Lakeshore Dr  
Lawton MI 49065

Re: Property at 221 W Thomas – Parchment, Michigan

Dear Sherry Horrocks:

The City of Parchment is planning to use American Rescue Plan Act (ARPA) funds to reduce blight in the city. The house at 221 W Thomas Street is being focused on for blight reduction. In order to use these funds for the demolition, the following must be accomplished:

- Owner must request a demolition permit from Kalamazoo Area Building Authority (KABA) by September 27, 2022, for Pitsch Company to do the work. If the permit is not obtained, the City of Parchment will request that the courts provide a demolition order to have the house demolished.
- The City of Parchment will provide the owner with proof that all the utilities have been disconnected, so that the owner may obtain a demolition permit from KABA.
- All temporary structures on the site must be removed by the owner previous to the demolition. The demolition date will be provided as soon as the date has been set.
- Owner must provide the City of Parchment with a copy of the demolition permit.
- A lien for the demolition costs will be placed against the property. This means that when the property is sold, the lien will be paid back through the proceeds of the sale.

As for the garage, the owner will need to apply to the Zoning Board of Appeals (ZBA), within 6 months of the demolition, to get a variance for the garage to remain on the property without a primary structure (house). Zoning Administrator Rebecca Harvey may assist the owner with their request.

Or, the property may be sold to another individual, such as a builder that can build a house on the lot, which will bring the property back into compliance, without the need to apply to the ZBA.



650 S. Riverview Drive • Parchment, Michigan 49004  
(269) 349-3785

Please let me know if you have any questions.

Sincerely,

Nancy R Stoddard  
Parchment City Manager  
269-492-3263 office

**STATE OF MICHIGAN**

**IN THE 8<sup>TH</sup> DISTRICT COURT FOR THE COUNTY OF KALAMAZOO**

\*\*\*\*\*

**CITY OF PARCHMENT,**

Plaintiff,

v

Case No. 23K119484A ON

**SHERRY HORROCKS,**

Honorable Alisa Parker-LaGrone

Defendant.

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Robert A. Soltis (P31252)  
Attorney for Plaintiff  
FORD, KRIEKARD, SOLTIS & WISE, P.C.  
8051 Moorsbridge Road  
Portage, MI 49024  
(269) 323-3400

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Codie Lynn Burt (P85351)  
Attorney for Defendant  
HERBERT MACHNIK LAW FIRM  
6281 Stadium Drive  
Kalamazoo, MI 49009  
(269) 459-1432

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**JUDGMENT AFTER FORMAL HEARING**

At a session of said Court held in the  
County of Kalamazoo and State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2023.

PRESENT: Honorable Alisa Parker-LaGrone

Having been brought on by a citation for violation of the City of Parchment's Code of Ordinances Section 30-53(d), arguments having been heard, the Court having issued its decision on the record on May 16, 2023; and the Court being fully advised in the premises;

**IT IS HEREBY ORDERED** that Defendant, Sherry Horrocks, has until July 31, 2023, to completely demolish the house and remove all personal property and

demolition debris from the property located at 221 West Thomas Street, City of Parchment, Kalamazoo County, Michigan. If Defendant Horrocks has not finished demolishing and removing all personal property and demolition debris from and around the house by that date, the City of Parchment may enter onto the property, finish demolition and haul any personal property and/or debris away. The City may then collect the costs of doing so from Defendant Horrocks in any manner permitted by law, including, but not limited to, imposition of a lien upon the property to be collected in the same manner as real property taxes.

**IT IS FURTHER ORDERED** that Defendant Horrocks has until May 31, 2023, to apply to the City of Parchment's Zoning Board of Appeals for a variance to allow the garage to remain standing without a house. If the request for variance is granted, the garage and its contents may remain on the property. If the variance is not applied for timely, Defendant has 60 days thereafter to demolish the garage, remove any personal property and remove the debris from the demolition. If she timely applies for a variance and the variance is denied, Defendant Horrocks shall have 60 days thereafter to demolish the garage, remove any personal property and remove the debris from the demolition. If the application for zoning variance is not timely made and/or the zoning variance request is denied and 60 days thereafter having passed without the garage being demolished, all personal property removed and all demolition debris removed, the City of Parchment may enter onto the property and finish demolition of the garage, remove all personal property and remove any demolition debris. The City may then collect the costs of doing so from Defendant Horrocks in any manner permitted by law,



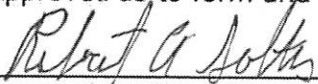
including, but not limited to, imposition of a lien upon the property to be collected in the same manner as real property taxes.

**IT IS FURTHER ORDERED** that this Order is a final Order which resolves all pending claims between the parties and closes the case.

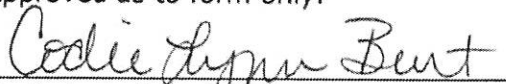
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Honorable Alisa Parker-LaGrone

Approved as to form and substance:

  
\_\_\_\_\_  
Robert A. Soltis (P31252)  
Attorney for Plaintiff

Approved as to form only:

  
\_\_\_\_\_  
Codie Lynn Burt (P85351)  
Attorney for Defendant



## Section 2.2. - Definitions.

Accessory building: A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

Accessory use, or accessory: A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and, e) is located on the same lot as the principal building or use served.

Email from Attorney Robert Soltis:

The analysis starts with our Zoning Ordinance (Appendix A in the Code of Ordinances book). An accessory building is defined as: "Accessory Building": A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use." Section 2.2 Definitions (page CDA:8). "Accessory use, or accessory: A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use;.....". Section 2.2 Definitions (page CDA:8). An accessory building is only allowed where there is a "principal building". Without a "principal building" there is nothing to which a building (read: garage) is incidental to nor can be accessory to.

The purpose and the reason for writing it in this way is to not have free standing buildings which are not "incidental to" or "accessory to" any principal buildings.

If you have any more questions, please let me know.

Thanks. Bob

Robert A. Soltis

Ford, Kriekard, Soltis & Wise, P.C.

8051 Moorsbridge Road

Portage, MI 49024

(269) 323-3400 (phone)

(269) 323-3418 (fax)