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MEMORANDUM

To: City of The Village of Douglas City Council
Date: October 13, 2022
From: Tricia Anderson
Andy Moore, AICP
RE: 3077 May Ave. – Storage Pods

The property at 3077 May has been the subject of recent enforcement efforts by the City as it relates to storage pods that have been placed in the driveway for over one year. These temporary storage containers are considered “accessory structures”. While the Zoning Ordinance is silent on the maximum period of time a temporary accessory structure can be located on a parcel, Section 16.13(7) prohibits an accessory structure from being located within the front yard. The enforcement letter sent to Ms. Sarkisian on September 16, 2022, informed her that the storage pods must be removed from the driveway or relocated to an area that is not considered the front yard.

Section 23.04, Enforcement, outlines the procedure that the Zoning Administrator must follow when initiating enforcement on an alleged violation. Subsection 2 provides the required content to be included in a letter notifying a property owner of said violation:

“.....The notice shall advise the owner, or party of interest in writing, that within thirty (30) days the violation shall be corrected, or the owner, or party of interest shall request a hearing on the violation before the City Council. If so requested, the Zoning Administrator shall notify the owner or party of interest of the time and place of a hearing to be held before the City Council. At said hearing, the person to whom the Notice of Violation is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said enforcement action would cause an undue hardship.”

The property owner has requested a hearing in front of the City Council to show cause of why the violation should not be ordered to be corrected and claims that enforcement would create “undue hardship.”

An “undue hardship” means an impractical or unreasonable expectation in the strict application of the Zoning Ordinance and generally relates to the *property* exhibiting peculiar attributes, such as size, shape, topography, or other natural features. Generally, a hardship that is created from personal circumstance should not be considered in determining whether an *undue hardship* exists that would prevent the property owner from correcting the violation.

At the October 17, 2022, regular meeting, the City Council is tasked with hearing testimony from the Zoning Administrator, the owner of 3077 May Avenue, and any other interested party who wishes to speak on the matter. Section 23.04.3 indicates that *“the City Council may extend the time by which the violations must be corrected, for a period not to exceed 6 months, however, the City Council shall not allow such violations to exist longer than this period.”*

If the City Council finds that undue hardship does exist on the property that would prevent the property owner from complying with the ordinance, its findings should be clearly stated in the record, as well as any specific timeframes or deadlines that would be placed on the new order to correct the violation. If the City Council finds that undue hardship does not exist, findings should be clearly stated in the record with any new deadlines for correcting the violation.

Procedurally, if the City Council orders the correction within a specific timeframe and the property owner does not fulfill her obligation to follow the order and abate the violation within that timeframe, enforcement will then move into civil infraction proceedings, whereby the property owner will be subject to fines and/or an appearance in district court.

Ms. Sarkisian has provided a narrative that speaks to the undue hardship she feels is being caused by the order to correct the violation. Photos of the violation have also been included.

It should be noted that the letter sent on September 16th also included an order to abate the unlawful parking of an inoperable vehicle (blue mini-van) in the right of way. Ms. Sarkisian has indicated that the van will be removed by October 17th, 2022, which is acceptable.

Please feel free to reach out with any questions regarding this issue.

September 16, 2022

SECOND NOTICE

SARKISIAN SARKIS & KATHRYN A
PO BOX 986
DOUGLAS, MI 49406

RE: 3077 May Avenue, Douglas, MI 49406 – 59-210-032-00

Dear Property Owner,

It has come to our attention that there are violations that still exist on your property that must be abated to bring your property into compliance with the City of the Village of Douglas Zoning Ordinance. The following violations must be resolved by the date specified within this letter:

1. **Inoperable vehicle.** An inoperable vehicle is parked in the City's right of way. A motor vehicle that has been deemed "inoperable or abandoned" is defined as:

Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair, not currently licensed, or other cause is incapable of being propelled under its own power.

Police records indicate that the vehicle has been ticketed on three separate occasions. The vehicle is violating the following zoning ordinance section:

16.19 Junk Cars. It shall be unlawful to have, possess, or maintain junk, or inoperable or abandoned motor vehicles on any property in the City, see Ordinance #114.

2. **Storage pods.** The driveway of the home contains two storage pods that prevent the parking of vehicles in the driveway.

The storage pods are considered accessory structures and are not permitted to be located within the front yard, per the following zoning ordinance section:

Section 16.13(7). Buildings accessory to principal buildings shall not be erected in the front yard except that accessory structures may be located between the principal structure and the primary street right of way where a property has frontage along the Kalamazoo River, Kalamazoo Lake or Lake Michigan, notwithstanding all other requirements of this ordinance. Accessory structures located between the principal structure and the street right of way shall meet the minimum front yard setback requirements of the underlying zoning district and shall be side-loaded such that no garage door shall directly face the street.

You are hereby ordered to abate the aforementioned violations **no later than September 30, 2022**. Failure to comply with the zoning ordinance may result in the issuance of a civil infraction and/or fines. You may also request a hearing with The City Council to show cause why the

[On Douglas Letterhead]

violations described in this letter should not be ordered to be corrected or why the order to abate would cause an undue hardship.

Please contact me with questions or concerns.

A handwritten signature in black ink, appearing to read 'Tricia Anderson', with a stylized, flowing script.

Tricia Anderson,
Zoning Administrator

To, City of the Village of Douglas – City Council Members

October 12, 2022

Letter Requesting to come before the council – Meeting Date – Oct 17, 2022

Re: Complaint Issue: 3077 May Ave Douglas, MI 49406

Kathryn and Sarkis Sarkisian

RE:

Sections 23.04(2) and (3) of the Administration and Enforcement Chapter of the Zoning Ordinance indicates the following:

2) Notice of Violation: Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records. The notice shall advise the owner, or party of interest in writing, that within thirty (30) days the violation shall be corrected or the owner, or party of interest shall request a hearing on the violation before the City Council. If so requested, the Zoning Administrator shall notify the owner or party of interest of the time and place of a hearing to be held before the City Council. At said hearing the person to whom the Notice of Violation is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said enforcement action would cause an undue hardship.

3) Hearing: The City Council shall take testimony of the Zoning Administrator, the owner of the property, and any other interested party or witness. Upon findings of said hearing the City Council may extend the time by which the violations must be corrected for a period not to exceed six (6) months. However, the City Council shall not allow such violations to exist longer than this period.

Please feel free to reach out with questions.

Tricia Anderson

Planner + Project Manager

Attention Tricia, and Douglas City Council Members,

3077 May Ave Douglas, MI 49406

We are requesting an audience with the City Council at the next meeting (October 17, 2022) regarding said issue.

Detailed info on this compliance issue is listed below and in attachments, as well as why relocating the PODS would cause damage, safety concerns and undue hardship.

- a) PODS are located in the drive as a result of no other stable/safe location to place on the property other than the actual front lawn on May which would be far more damaging and have much higher visibility in general to all other residents etc.
- b) Your notice states this has been on record with the “City” since 2020. I/we never received any notice(s) prior to this 1, nor did the owner of record at that time.
 - 1) Please see attached: Receipt showing delivery date of 1st POD July 19, 2021, 2nd POD delivery date: March 19, 2022. *(note: there previously was a POD on the property back 3-4 years ago, when Patricia Woods, owner at the time (my mother), moved things here after AZ house sale - not 100% sure what date it was removed but it was gone before Covid hit) There was no POD here in 2020.
 - 2) In addition, please also see attached copy of deed: Our (Kathryn W & Sarkis Sarkisian) purchase/ownership of this property occurred March 21, 2021, we did not own the property in 2020 but again there was no POD in 2020.

- c) We are asking for an extension of 6 months (city's max extension/Sections 23.04(2) and (3) with the intention of having them gone by the end of the year weather permitting completion and removal.
- d) We are also submitting a case for hardship which required placement in the current location. Please see attached pictures and my document detailing clearance issues and ground level issues (drop offs) in what might be considered... possible other locations.

Note: We have tried to be 'in compliance' (didn't realize the corner lot / double front yard issue) and most considerate of our neighbors in placing the PODS in their current location where they would be stable, safe and least in plain sight while completing our tasks. The other 'City' issue is the van. It is being picked up by Cars4Cash on Monday, Oct. 17, 21. I will bring a confirmation picture to the meeting.

Thank you for your consideration,

Kathryn and Sarkis Sarkisian

October 12, 2022

TRUSTEES COVENANT DEED

The Grantor, Patricia Paton Woods, as Trustee of the Patricia Paton Woods Declaration of Trust dated June 4, 2002, as amended December 18, 2009 and November 8, 2017, whose address is 218 Lakeshore Drive, P.O. Box 986, Douglas, Michigan 49406,

conveys under the power in that agreement to Kathryn Anne Woods Sarkisian, whose address is 3077 May Avenue, Douglas, Michigan 49406,

the following described premises situated in the City of the Village of Douglas, County of Allegan, State of Michigan:

Lot(s) No. 86, 87, 88, and 89 of Felker's Lake Shore Subdivision, according to the recorded plat thereof,

Commonly known as 3077 May Avenue, Douglas, Michigan 49406,
Tax Parcel Number 03-59-210-032-00,

RECEIVED

'21 MAR 23 PM 2:41

The consideration for this transfer is the sum of One Dollar (\$1.00), and this instrument is exempt from County Real Estate Transfer Tax pursuant to MCL 207.505(a) and from State Real Estate Transfer Tax pursuant to MCL 207.526(a) as the consideration is less than \$100.00.

Subject to easements and restrictions of record and zoning laws and ordinances affecting the premises and further subject to any taxes which are a lien upon the premises, but not yet billed.

The Certificate of Trust for the Patricia Paton Woods Declaration of Trust dated June 4, 2002, as amended December 18, 2009 and November 8, 2017 being recorded in Liber 4594, Page 237, of the Allegan County Records.

Grantor covenants and agrees that Grantor has not charged or encumbered the premises in title, estate or otherwise. This covenant shall be binding upon and inure to the benefit of the respective heirs, successors and legal representatives of Grantor and Grantee.

Kathryn Woods Sarkisian, Douglas

Order Information

Order #: 2918372

Original Order Date: 7/16/2021

Order Change Revision Date: 7/18/2021

Number of Containers: 1

Contents Protection Option: Declined

Container Only Option: Declined

Container 1 Details: 16-foot length container

Service Date	Service	Location
7/19/2021	Deliver to Customer	3077 May Avenue Douglas, MI 49406
1 month	Storage	On-site Storage
Not scheduled	Final Pick-up	3077 May Avenue Douglas, MI 49406

Rich LaBombard

From: Rich LaBombard
Sent: Thursday, July 9, 2020 10:18 AM
To: [REDACTED]
Subject: RE: Storage POD

Good Morning,

The Zoning Administrator is the point of contact for zoning issues. He and I just had a conversation about the pods. He will review in the zoning ordinance pertaining to enforcing the removal.

Rich LaBombard
City Manager

[REDACTED]
Sent: Wednesday, July 8, 2020 8:18 PM
To: Nick Wikar <nwikar@ci.douglas.mi.us>
Cc: Rich LaBombard <rlabombard@ci.douglas.mi.us>
Subject: RE: Storage POD

Rich - I sent this email on June 24th and am disappointed that I have yet to get even the courtesy of a reply from either you or Nick. Please advise as to who may be able to respond to the issue below. I understand that these are challenging times but even so I do not think it is too much to expect the courtesy of a reply after two weeks.

[REDACTED]
Sent: Wednesday, June 24, 2020 11:55 AM
To: nwikar@ci.douglas.mi.us
Cc: rlabombard@ci.douglas.mi.us
Subject: Storage POD

Nick -- You may or may not be the right person but I did want to ask if the city has or enforces any limitation as to how long a homeowner can have a storage POD on their property. There is a home at 3077 Peach (the corner of Peach and 2nd) that has had a storage POD in the driveway for a VERY long time. It has become a bit of an "eye sore" for those of us in the Felker's subdivision and was raised as an issue at our annual association meeting. If there are no zoning type restrictions on having a POD for a certain length of time so be it but if there is we would respectfully ask that it be enforced.

Thank you in advance.

Rich LaBombard

From: [REDACTED]
Sent: Thursday, May 28, 2020 5:02 PM
To: Rich LaBombard
Cc: [REDACTED]
Subject: Extended use of "PODS" storage container at 3077 May St.

Rich,

From looking at the Douglas website, you seem to be the correct one to address this request.

For approximately the last 2 to 3 years, [REDACTED] at 3077 May, Cathy Sarkisian, has had a PODS storage container on her driveway. Some of the neighbors have had discussions with her on how long she expects to have it there. These discussions have been cordial, and ended with the "container will be removed in the next couple of months". I have never had any face to face discussions with her on this topic. Before I do have a conversation, I would like know:

- what are the ordinances/rules are for having a temporary storage container like this
- have any discussions occurred between the city and the owner on this topic
- if so, is there any pending action

In addition to the POD, there are other miscellaneous items on the front yard.

I would rather not cause unneeded tension if the matter is already being addressed. Many of us are trying to be good, understanding neighbors, but the storage container has been there for an extended period of time.

Thanks for your help

[REDACTED]

From: [Rich LaBombard](#)
To: [Moore, Andrew](#)
Cc: [Anderson, Tricia](#)
Subject: RE: 3077 May - Junk Vehicle, Storage Pods and Feral Cats
Date: Wednesday, September 14, 2022 9:15:25 AM
Attachments: [REDACTED]

I'd appreciate continued effort on this.

Rich

From: Moore, Andrew <Moore@williams-works.com>
Sent: Wednesday, September 14, 2022 9:02 AM
To: Rich LaBombard <rlabombard@douglasmi.gov>
Cc: Anderson, Tricia <Anderson@williams-works.com>
Subject: FW: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

We can draft another letter to re-start the enforcement process on this. We can address the pods and maybe the cats, but the latter might be a little harder. 16.18 and 16.19 would be the applicable sections of the ZO that we would apply. plus the general law ordinances.

AM

From: Rich LaBombard [<mailto:rlabombard@douglasmi.gov>]
Sent: Monday, September 12, 2022 1:41 PM
To: [REDACTED] <skent@douglaspd.us>; Moore, Andrew <Moore@williams-works.com>; Jennifer Pearson <Douglas@douglasmi.gov>
Subject: RE: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

Chief Kent and Mr. Moore, can you respond to [REDACTED] about this topic?

Rich

From: [REDACTED]
Sent: Monday, September 12, 2022 1:38 PM
To: skent@douglaspd.us; Rich LaBombard <rlabombard@douglasmi.gov>; Moore, Andrew <Moore@williams-works.com>; Jennifer Pearson <Douglas@douglasmi.gov>
Subject: RE: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

Hi All – I know these are busy times but it has now been 3 weeks since I sent my initial email.

Junk car is still there. Pods are still there. Cats are still there.

Have any concrete actions been taken that you can share?

Thanks in advance.

[REDACTED]
[REDACTED]
[REDACTED]

Sent: Monday, August 22, 2022 10:42 AM
To: S Kent <skent@douglaspd.us>; Rich LaBombard <rlabombard@douglasmi.gov>; Moore, Andrew <Moore@williams-works.com>; Jennifer Pearson <Douglas@douglasmi.gov>
Subject: RE: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

Thank you all for the quick responses and attention to these issues. Fingers crossed that we see some positive changes moving forward.

Best -

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: S Kent [<mailto:skent@douglaspd.us>]
Sent: Monday, August 22, 2022 10:00 AM
To: Rich LaBombard <rlabombard@douglasmi.gov>; [REDACTED] Moore, Andrew <Moore@williams-works.com>; Jennifer Pearson <Douglas@douglasmi.gov>
Subject: RE: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

Hi All,

The photos [REDACTED] attached are an accurate depiction of the circumstances. When I discussed the circumstances and complaints with Zoning he was going to issue an Abatement regarding the lack of on premise parking for vehicles due to the driveway being occupied by 2 storage pods. I am not sure on the status of the Abatement. I have written 3 parking citations for inoperable vehicle and 2 of 3 have been paid. The inoperable vehicle will have to be removed to allow DPW to complete snow removal later this year. The homeowner has claimed she is going to scrap the vehicle however this has not happened.

Steve Kent
Chief of Police

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Rich LaBombard <rlabombard@douglasmi.gov>
Date: 8/22/22 9:48 AM (GMT-05:00)
To: [REDACTED] "Moore, Andrew" <Moore@williams-works.com>, Jennifer Pearson <Douglas@douglasmi.gov>, S Kent <skent@douglaspd.us>
Subject: FW: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

All, please see [REDACTED] communication and attached images. I know Nick was working to get resolution on the storage pods (we don't have an ordinance that restricts them specifically), but we were able to have the resident remove them in the past based on some of the ordinance listed below. The Chief of Police is citing the un-registered vehicle on a routine basis. Lets attempt to regain some traction on this issue....and other junk issues around the community. Andy, will Williams and Works perform code enforcement for the City for some of these more pressing topics?

Thanks

Rich LaBombard
City Manager

From: [REDACTED]
Sent: Sunday, August 21, 2022 7:21 PM
To: Rich LaBombard <rlabombard@douglasmi.gov>
Subject: 3077 May - Junk Vehicle, Storage Pods and Feral Cats

Rich-Please forward/ share with the appropriate personnel. Thanks in advance.

Hello – I am writing in the hopes that appropriate action, as dictated by local zoning ordinances, can be taken in regards to issues at 3077 May, Douglas, MI. My own reading of the ordinances is fuzzy at best but I have copied some sections below that may/may not apply. I have attached some pictures of what the situation looks like.

- There is an abandoned vehicle on the street belonging to the residents. The vehicle has been in the same spot since at least last

winter. This vehicle has been ticketed but apparently it was not enough to force its removal. Section 16.19 of the city codes states:

Section 16.19 Maintenance of Junk Prohibited

It shall be unlawful to have, possess, or maintain junk, or inoperable or abandoned motor vehicles on any property in the City, see Ordinance #114.

Per this section of the code, this vehicle should be removed. It is inoperable due to flat tires. It does not have current plates (Nov 20 on plate). It seems to be used only for additional "storage".

- The residence again has PODS in the driveway which have been there for quite some time. This period of time seems to be in excess of "reasonable use" of these PODS for temporary storage/storage shed related to a move or renovation. This has been an issue previously with this particular residence. Complaints were made and the previous POD was removed only to be replaced by two PODS. These PODS should not be permitted as additional, permanent storage (i.e. a shed) for a resident. Their location on the driveway presents an eyesore to the neighborhood especially when additional items like a mattress, old doors and windows are similarly "stored" between and/or next to these PODS. There has to be applicable zoning that prevents a resident from having this kind of "storage shed" in plain sight and/or a limitation on how long such "storage shed" can be on site.

the district.

4) Street Setbacks: Accessory buildings and structures are subject to all setback requirements from the street applying to the principal building.

5) Lot Coverage: Accessory buildings or structures shall not occupy more than

7) Front Yard Prohibition: Buildings accessory to principal buildings shall not be erected in the front yard except that accessory structures may be located between the principal structure and the primary street right of way where a property has frontage along the Kalamazoo River, Kalamazoo Lake or Lake Michigan, notwithstanding all other requirements of this ordinance. Accessory structures located between the principal structure and the street right of way shall meet the minimum front yard setback requirements of the underlying zoning district and shall be side-loaded such that no garage door shall directly face the street.

10) A lot shall not contain more than two (2) accessory buildings unless reviewed and approved by the Planning Commission. In such case where more than two (2) accessory buildings are permitted, the Planning Commission may require additional screening and buffering in accordance with the standards of Article 21. The maximum lot coverage standards of the applicable zoning district, as well as all other standards of this section, shall apply.

14) Conditions of Approval:

- a) The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b) The use shall not be typically located within a permanent building or structure.
- c) The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- d) The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, with particular regards to the traffic generated by the temporary use or structure.
- e) Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- f) Signs shall conform to the provisions of the City Sign Ordinance.
- g) Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- h) The Zoning Administrator may impose conditions with the issuance of the permit which are designed to ensure compliance with the

- There are a number of feral cats that are in our neighborhood largely as a result of the "support" given these animals from this residence. It is not uncommon to see 4-5 of these cats around the residence at any point in time. I don't know what, if anything, can be done to remove/relocate these feral animals.

Thanks in advance for your attention. I realize it is a lot to unwind but these are ongoing issues.

[REDACTED]









