

ZONING BOARD OF APPEALS AGENDA

Regular Meeting

April 17, 2025 at 7:00 PM



- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by board action.
- 5) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.
 - A. Approve January 16, 2025 Meeting Minutes
- 6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.
- 7) **PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION**
 - A. 775 INDUSTRIAL ROAD - APPEAL FOR DIMENSIONAL VARIANCE
- 8) **OLD BUSINESS**
- 9) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**
- 10) **PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.
- 11) **BOARD REPORTS**
- 12) **ADJOURNMENT**

ZONING BOARD OF APPEALS MINUTES

January 16, 2025
Regular Meeting - 7:00 PM

1) **CALL TO ORDER**

IN A REGULAR SESSION held on Thursday, January 16, 2025, at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Zoning Board of Appeals was called to order by Chair Fisher-Short.

2) **ROLL CALL**

Roll was called:

Present: Chair Fisher-Short, Byrne, Hill, Karns, Stewart and alternate Underhill

Also Present: Director of Community Development Strange and Deputy Clerk Cary

Absent:

3) **PLEDGE OF ALLEGIANCE**

4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.

Director Strange stated that the city was notified that appeal 25.01 211 & 213 E Michigan Ave use variance for first floor residential was requested to be removed from the agenda by the Owner.

Moved by Ian Stewart, supported by Jeff Karns to update the agenda to remove the hearing of Appeal 25.01 On a voice vote: **Motion Carried.**

Chair Fisher-Short noted that those of you here who were hoping to comment on that item will have time to comment on non-agenda items. So, although that item is no longer on the agenda, there is a comment period later in the meeting following the appeals that we will still hear this evening on non-agenda items.

Moved by Ian Stewart, supported by Jeff Karns to approve the amended agenda On a voice vote: **Motion Carried.**

5) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.

A. Approve December 19, 2024, Meeting Minutes

Moved by Jeff Karns, supported by Art Hill to Approve the December 19, 2024, Meeting Minutes On a voice vote: **Motion Carried.**

6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.

none

7) OLD BUSINESS

none

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

A. Appeal #25.01 211 + 213 E Michigan Avenue - Use Variance: First Floor Residential

Appeal #25.01 was removed from agenda on January 16th, 2025.

B. Appeal #25.02 112 N Eagle St- Dimensional Variance

Director Strange discussed that the department received a signage application for two signs to be installed at the new venue 19zero9 at the 12 North Eagle St. The front sign is a projection sign which is allowed at this time the city has an existing sign ordinance and then we are also working on a new sign ordinance through efforts between the city council and the planning commission. When we reviewed this sign, the ordinance doesn't allow for quite as large of sign. The front sign that was applied for was just over 18 square feet. The back awning sign that is attached to a face of an awning coming off the back entrance is just over 17 and half square feet. Since the signs do not meet the ordinance, they are here today to ask for a variance. There was an existing sign on the front of the building that was torn down and could no longer be used. So, refurbishing that existing sign was not an option for them. They did go back and try to measure what that would have been. Attached to the agenda packet there are some photos that were submitted. We approximated what the sign would have been, which probably would have been even larger than what the sign they are asking for. Both signs are desired to be lite, we don't see that as being an issue with way they are proposing that to be done.

Joe Caron- I'm here on behalf of Schuler's Restaurant Venue 19zero9. We are doing a quite expansion renovation to the old Dreamers Furniture building. Our intent with these signs, we were hoping to utilize that previous sign that was up there. We actually developed our logo for the venue around the shape and design of that sign. Unfortunately, once we kind of took a look at it, it was so degraded that it wasn't able to be really refinished in a way that would be useful to us. So, we would like to do something slightly smaller than what was up there. We feel like the size of the building that this size of sign still fits, and it also makes our space visible for Michigan Avenue, which is going to be something that's important to us. We're hoping that this space attracts a lot of visitors from outside of town. And so having that visibility for Michigan Avenue will certainly help with the wayfinding of the venue. The back portion of the building, the sign is intended to go in the overhang over the stairs, it'll be a flat sign, but we would like to have it backlit, so it's able to be viewed.

Board Discussion:

- Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

- The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
- The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
- The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
- The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

Hill- Asked about the current sign ordinance. And the upcoming new sign ordinance.

Director Strange- The new size of sign under the new ordinance would be 12 square feet. When you start doing curved signs, you have to measure from the extents of the sign.

Stewart- The true area of the sign is approximately 14 square feet. However, as the sign ordinance is written, it isn't the actual, the true area it is the rectangle or square space that it occupies. seeing the renderings, the drawings that were provided. As far as scale is concerned with the facade of the building, I do think its proportional. From a design perspective yes, it looks great but from an ordinance perspective it is not in compliance.

Hill- Question why have an ordinance if we are just going to allow bigger still.

Stewart- As a part of the new sign ordinance that has to do with vintage sign design. This would have been an excellent candidate for that because of the historic character of it. Keeping the old dreamer sign in sight and understanding that was the original intention was to be able to maintain that sign. The character of it does reflect more historic nature. So had this process been up and running that would have been my recommendation for then to actually go through that process through planning commission. I do believe it is within the correct zone, does have the historic architectural character in mind.

Stewart- Taking into account of the proximity to other building, the street it's on. Safety

is the key one, it means the distance from grade to the bottom of the sign (eight feet is the minimum), it is well above that. If there were other business next door to it, and the 18 square foot sign overshadowed those other businesses. I don't see it impacting the dentist office across the street or small businesses just south of there. In the back of the building if the sign was overshadowing another business that would be unfair.

Fisher-Short- I'm looking at the six criteria here where if we fail to grant the variance, will include substantially more than a mere inconvenience or an inability to attain a higher financial return. I understand the significant investment but again are we setting a precedent where if you send money, then you may skirt the rules.

Director Strange- Instead of the sign variance going through zoning board of appeals, it would go through the planning commission to see if that aesthetic and historical impact of the sign, the look and feel correlates with the historical look and feel of the building that it would be associated with.

Hill- How close is that vintage process might be to fruition?

Stewart- if were technically basing the decision making off of thud draft sign ordinance, it is in process.

Director Strange- We are referencing the future sign ordinance for sizing for the signs coming in. We are trying to get a joint meeting between city council and planning commission, but that might take a month or two. It could be six months before we really see that implemented in full scale.

Fisher-Short- I think it is wise that we consider the request on its face for the variance sought without consideration to the hypothetical paths that may present themselves in the future.

Hill- I don't actually agree, I think if the city is working on a process and they have made progress and they have a direction that they have communicated to us, that's worth considering.

Moved by Ian Stewart, supported by Art Hill to approve Appeal 25.02 112 N Eagle St Dimensional Variance On a roll call vote: **Motion Carried.**

Ayes: Russ Byrne, Jeff Karns, Ian Stewart

Nays: Justin Fisher-Short, Art Hill

Abstain: Ryan Underhill

- 9) PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.

Caryn Drenth at 602 Laura Lane in the city of Marshall made a comment recommending disapproval of first floor residential in downtown Marshall.

Mike Lounds at 223 1/2 E Michigan Ave made a comment recommending disapproval of first floor residential in downtown Marshall.

Penny Kinter at 211 Chauncey Court made a comment recommending disapproval of first floor residential in downtown Marshall and express concerns about parking downtown.

Director Strange received a letter from Matt Davis requesting disapproval first floor residential in downtown Marshall. This will be included with the meeting packet.

Ron Handold at 155 West Michigan Ave made a comment recommending disapproval of first floor residential, in agreement with previous commentators.

10) BOARD REPORTS

None.

11) ADJOURNMENT

The meeting was adjourned at 7:47pm.

Respectfully submitted by,

Brandie Cary
Deputy Clerk



ITEM 7.A

TO: [AGENDA_OFFICIAL_BODY]
FROM: Marcia Strange, Director of Community Development
DATE: April 17, 2025
SUBJECT: 775 INDUSTRIAL ROAD - APPEAL FOR DIMENSIONAL VARIANCE

The Owner of 775 Industrial Road is asking for a variance from the 60' front yard setback along Industrial to be reduced to 50'. The Right-of- Way They are also asking for a variance from the 60' front yard setback to a 30' setback (similar to a side yard setback).

This parcel is a small Brownfield site. Owners are aware. Per the Owners consultants (SES Environmental) Foundations can be located wherever needed. However, if the foundations are placed in areas (and at depths) with contamination, then the soil will just have to be taken to a Type 2 landfill, which takes contaminated material. This issue does not inhibit their dimensional variance.

There is an easement that runs along the South side of the property that is used as a primary paved access to the City's waste water treatment plant on the property to the South. The City plows and maintains this access, even though it is part of the Owners property. The Owner is understanding of this easement but their desired use (storage and a small impound lot) requires fencing and they hope to maintain it in good condition after installation. Typically a fence would be allowed at the boundary of the easement. However, following a consultation with the City's Department of Public Works about their needs for this drive, the Owner will be locating the fence away from the easement to accommodate snow plow damage, etc.

The North side of the lot has a transition in Right of Way width that was established based on prior use of the site. The requested reduction in easement dimension was discussed with DPW and there is no concern with this dimensional variance based on the utilities that are present along Industrial Road.

There are no utilities of concern in the Right of Way along Cherry. If the reduction of setback from 60' to 30 is granted, the final design should take into consideration sight lines and visibility for drivers turning onto Industrial and the easement to the wastewater treatment plant. Staff discussed having concern about visibility at these corners. The North corner (Cherry/Industrial) has a non-opaque fence that may be acceptable to see a car coming through. There is some concern about the South East corner (Cherry/ easement) with an opaque fence.

Final building configuration and screening requirements will be reviewed by Planning Commission but initial design is given for reference.

RECOMMENDATION:

It is the recommendation of staff to allow the 10' reduction in front yard from 60' to 50' off of Industrial.

It is also the recommendation of staff to allow the 30' reduction in front yard setback from 60' to 30' off of Cherry if accommodation can be given for visibility for the turning vehicles. It is anticipated this coordination can be done during the design process and prior to going to Planning Commission for site plan approval.



ITEM 7.A

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City of Marshall
ZONING BOARD OF APPEALS VARIANCE APPLICATION

Telephone (269) 781-3985

Address: 323 W Michigan Ave, Marshall, Michigan 49068

Fax (269) 789-4628

RESIDENTIAL FEE: \$400
COMMERCIAL FEE: \$400

Petitioner Name: Randy and Karrie Hammer
Address: 19218 11 Mile Rd Battle Creek, MI 49014
Phone: 269-209-2949 Email: karriehammer@att.net

Property Address for Variance: 775 Industrial Rd

Are you the owner? Yes [checked] No [] (Owner is required to sign this form)

Current Zone I-2 Current Use Vacant

Zoning of abutting parcels I-2 Dimensional Variance [checked] Use Variance []

Required attachments

- [checked] Plot Plan Attached (According to ordinance, you must include a plot plan of the site, drawn to scale, with a north arrow, all lot lines shown, street right-of-ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements)
[checked] Reasons for variance (A letter must be submitted with this application addressing how you feel you meet the criteria for a Dimension or Use variance-see back)

*The ZBA meets on the 3rd Thursday of each month. Application must be received on or before the deadline date for the next scheduled meeting.

I understand that I am expected to attend the ZBA public hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain the appropriate permits before commencing work.

Signature of Petitioner: [Handwritten Signature]

Date: 3-3-25

Signature of Owner: [Handwritten Signature]

Date: 03-10-25

Questions concerning these requirements should be directed to the Planning and Zoning Office

Zoning Administrator- 269-781-3985

DIMENSIONAL VARIANCE

Please attach a letter addressing how your situation meets these criteria:

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties based upon the following criteria:

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

USE VARIANCE

Please attach a letter addressing how your situation meets these criteria:

The granting of a variance from the use provisions of this Ordinance shall require a finding of unnecessary hardship, based upon the following criteria:

1. The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the ZBA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.
2. The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.
3. The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the Ordinance and zoning district will be preserved, and the essential character of the area will be maintained.
4. The hardship is not the result of the applicant's actions. Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

Questions concerning these requirements should be directed to Trisha Nelson, Planning & Zoning Administrator at: (269) 781-5183.

2024 Zoning Board of Appeals Submission Deadlines

The Marshall City Zoning Board of Appeals shall meet on the 3rd Thursday of the month at 7:00 pm in City Hall Council Chambers at 323 W. Michigan Avenue, Marshall, MI 49068. In the event of no business, the Zoning Board of Appeals will move to their next regularly scheduled meeting.

Submission Deadline	Meeting Date
December 25, 2024	January 18, 2024
January 31, 2024	February 22, 2024
February 28, 2024	March 21, 2024
March 25, 2024	April 18, 2024
April 22, 2024	May 16, 2024
May 29, 2024	June 20, 2024
June 24, 2024	July 18, 2024
July 22, 2024	August 15, 2024
August 26, 2024	September 19, 2024
September 23, 2024	October 17, 2024
October 30, 2024	November 21, 2024
November 27, 2024	December 19, 2024

City of Marshall
Zoning Board of Appeals

The property at 775 industrial Road is the proposed site for a storage unit business. We are requesting two variances from the setback requirements under the I-2 zoning requirements.

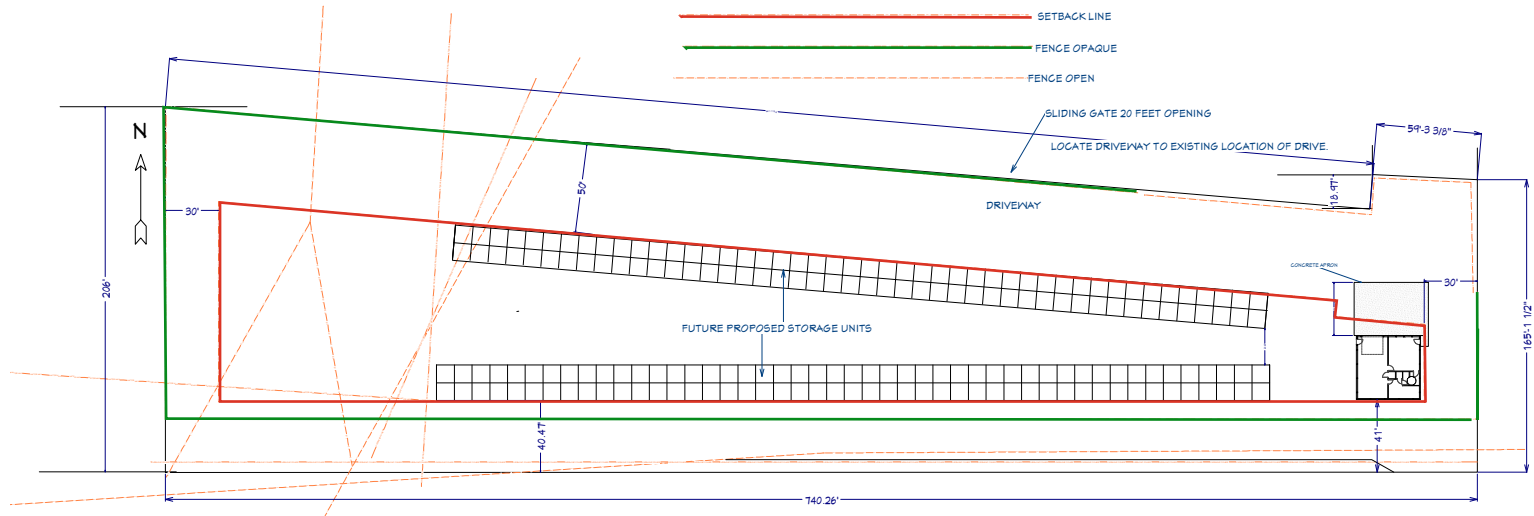
1. The first is a request for a 10' variance for the front yard setback at the north side of the property to allow the proposed site plan to be shifted 10' to be clear of the sanitary sewer easement at the south side of the property. By allowing the setback to be reduced by 10', additional area will be available to work on the sanitary sewer if needed while minimizing any potential damage to the footings of the proposed structures.
2. The second is a request for a 30' variance from the front yard setback at the east side of the property. The utility easements on the west side of the property consumes a considerable amount of property requiring the proposed development to shift 150' feet to the east. Additionally, the road at the east end of the property while acting as a private road leading to an industrial site and the City's Waste Water Treatment facility is a public road which requires a 60' setback where a private road would only require a 30' setback. It is not common for a public road to service only two properties. A 30' variance from the 60' front yard setback at the east side of the property would provide some relief from the excessive loss of property development from the number of utility easements on the property.

The need for these variances were not self-created by the applicant or the applicant's predecessors. The need for the variance is due to the unique circumstances peculiar to the land as mentioned above that are not applicable to other properties or structures in the district. The public road that services the existing industrial property and the City's Waste Water Treatment facility are not impacted in the same way by the road being public rather than private. Strict compliance with the dimensional standard discussed in this request are unique to this property and other properties in the district are not impacted by the hardships mentioned above. The variance request will not cause adverse impact to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair the public health, safety, comfort, morals or welfare.

We respectfully request that you consider our request for the variances discussed in this letter.

Sincerely,

Randy Hammer



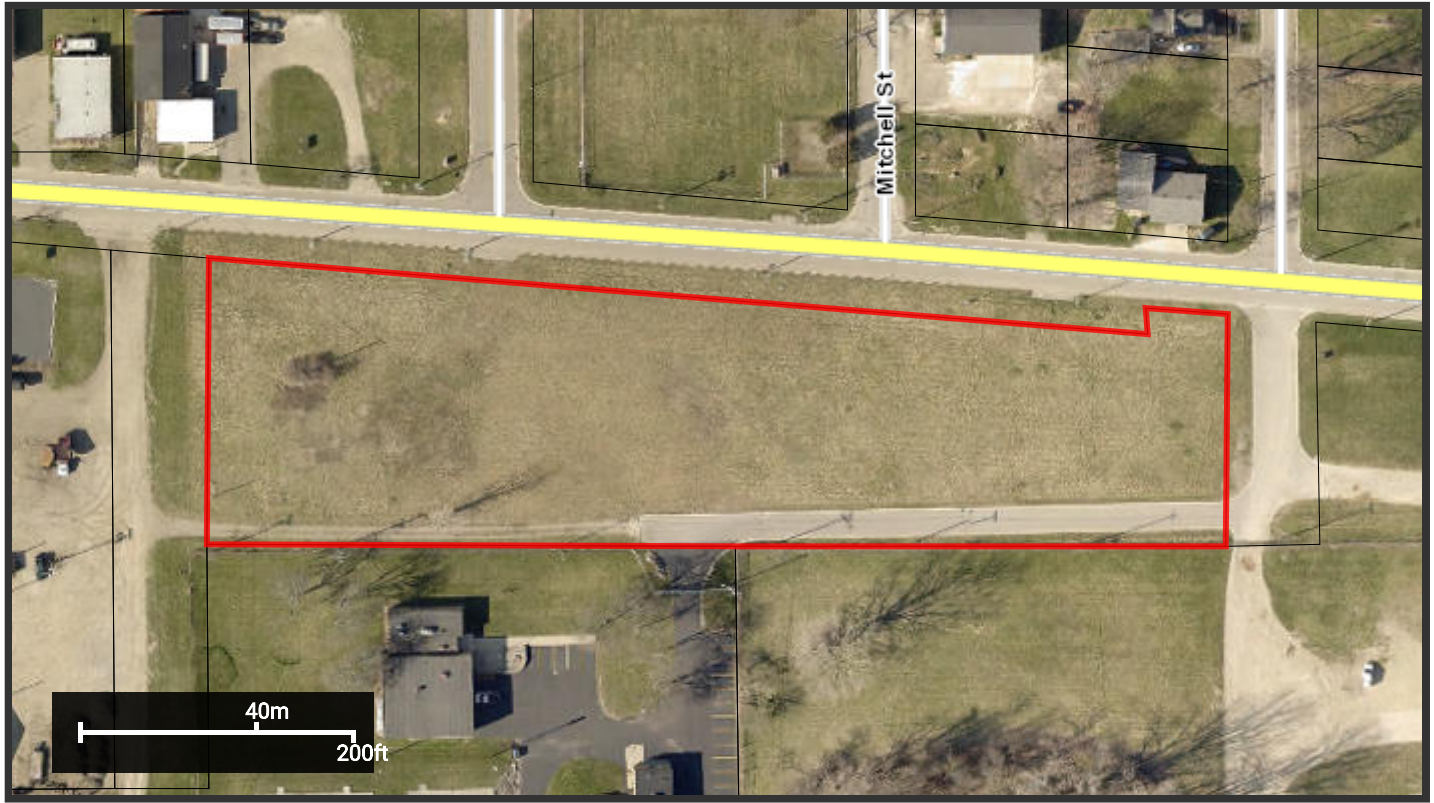


Calhoun GIS

Parcel Report: 53-002-535-01

4/10/2025

9:47:51 PM



Property Address

775 INDUSTRIAL RD
MARSHALL, MI, 49068

Owner Address

MORRIS STULBERG TRUST
--
508 LYON LAKE RD
MARSHALL, MI 49068

Unit: 53
Unit Name: CITY OF MARSHALL

General Information for 2024 Tax Year

Parcel Number: 53-002-535-01

Property Class:	302
Class Name:	INDUSTRIAL VACANT
School Dist Code:	13110
School Dist Name:	MARSHALL
PRE 2023:	0%
PRE 2024:	0%

Assessed Value:	\$16,300
Taxable Value:	\$10,767
State Equalized Value:	\$16,300

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2023	\$17,400	\$17,400	\$10,255
2022	\$17,400	\$17,400	\$9,767

Land Information

Acreage:	3.03
Zoning:	I-2

Tax Description

MARSHALL CITY SE 1/4 OF SEC 26 T2S-R6W COM AT E 1/4 COR OF SEC 26 T2SR6W - S00 DEG 07'00"W, 827.91 FT ALNG E LINE OF SEC 26 TO THE EXTENSION OF S RIGHT-OF-WAY LINE OF INDUSTRIAL RD - N84 DEG 59'30"W, 831.72 FT ALNG S LINE OF INDUSTRIAL RD AND ITS EXTENSION EASTERLY TO THE POB: S00 DEG 31'00"W, 165.17 FT - N89 DEG 36'00"W, 740.77 FT - S00 DEG 00'36"W, 176.14 FT - S89 DEG 59'40"W, 70.63 FT - N00 DEG 03'49"E, 388.90 FT TO THE S LINE OF INDUSTRIAL RD - S84 DEG 59'30"E, 754.54 FT ALONG SAID SOUTH LINE - N05 DEG 00'30"E, 18.97 FT ALONG SAID SOUTH LINE - S84 DEG 59'30"W, 59.38 FT ALONG SAID SOUTH LINE TO THE POB; CONTAINING 3.65 AC M/LEXCEPTING THEREFROM (LAND DIVISION 2007LD-007) SPLIT ON 02/02/2007;A PARCEL OF LAND IN THE SE 1/4 OF SEC 26, T2S, R6W, CITY OF MARSHALL, CALHOUN COUNTY, BEING DESCRIBED AS: COM AT THE E 1/4 CORNER OF SEC 26, T2S,R6W; TH S00D07'00"W, 827.91 FEET ALONG THE E LINE OF SAID SEC 26 TO THE EXTENSION OF THE S ROW LINE OF INDUSTRIAL ROAD; TH N 84D59'30"W, 831.72 ALONG S LINE OF INDUSTRIAL ROAD; TH S 00D31'00"W, 165.17 FT; TH N 89D46'00"W, 740.77 FT TO THE POB OF THE FOLLOWING DESCRIBED PARCEL; TH S 00D 00'36"W, 176.74 FT; TH S 89D59'40"W, 70.63 FT; TH N 00D03'49"E, 388.90 FT TO S LINE INDUSTRIAL RD; TH S 84D59'30"E, 70.53 FT ALONG SAID SOUTH LINE OF INDUSTRIAL RD; TH S00D00'36"W, 206 FT, TO POB, SAID PARCEL CONTAINING 0.62 ACRES +/-SPLIT ON 02/02/2007 FROM 002-535-00;

Sales Information

Sale Date: 12-23-2022

Sale Price: 0

Instrument: OTH

Grantor: MORRIS STULBERG TRUST

Grantee: MORRIS STULBERG TRUST

Terms of Sale: 21-NOT USED/OTHER

Liber/Page: 4717/0876

Tax History

*Total Due as of settlement date

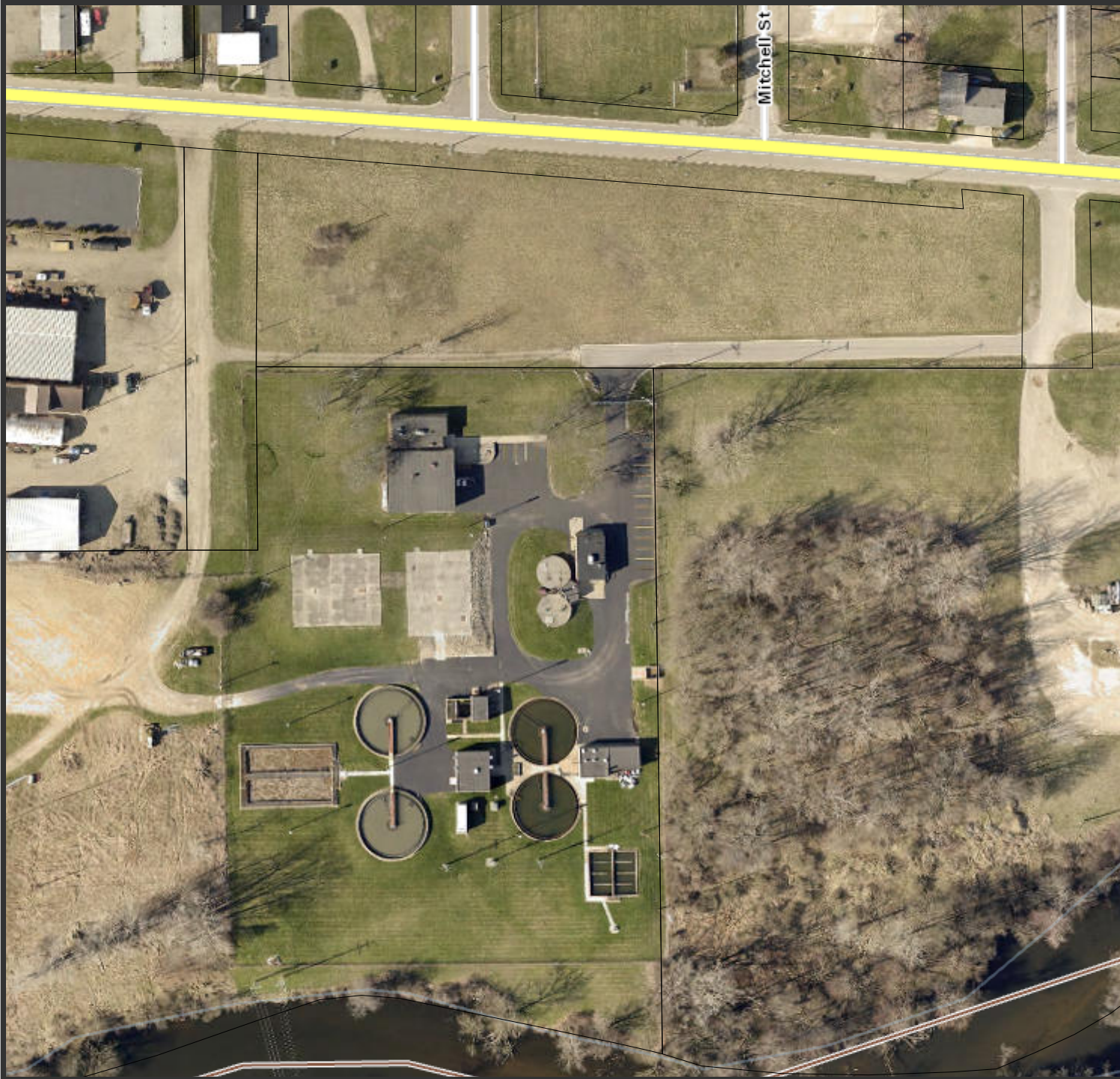
Tax Details 2023 Winter

Application Use:

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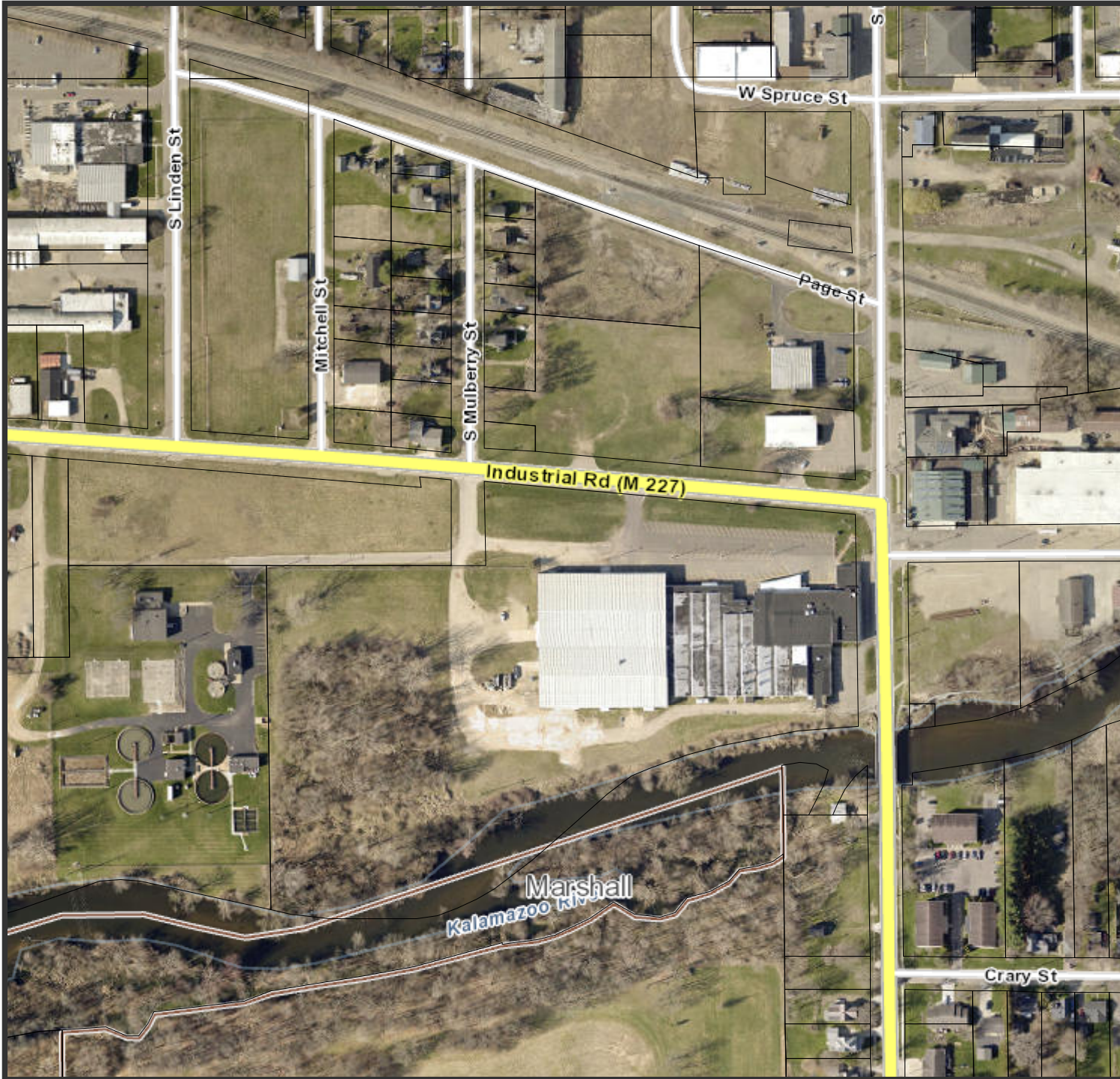
Calhoun GIS



Map Publication:
04/10/2025 10:32 PM



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Calhoun GIS

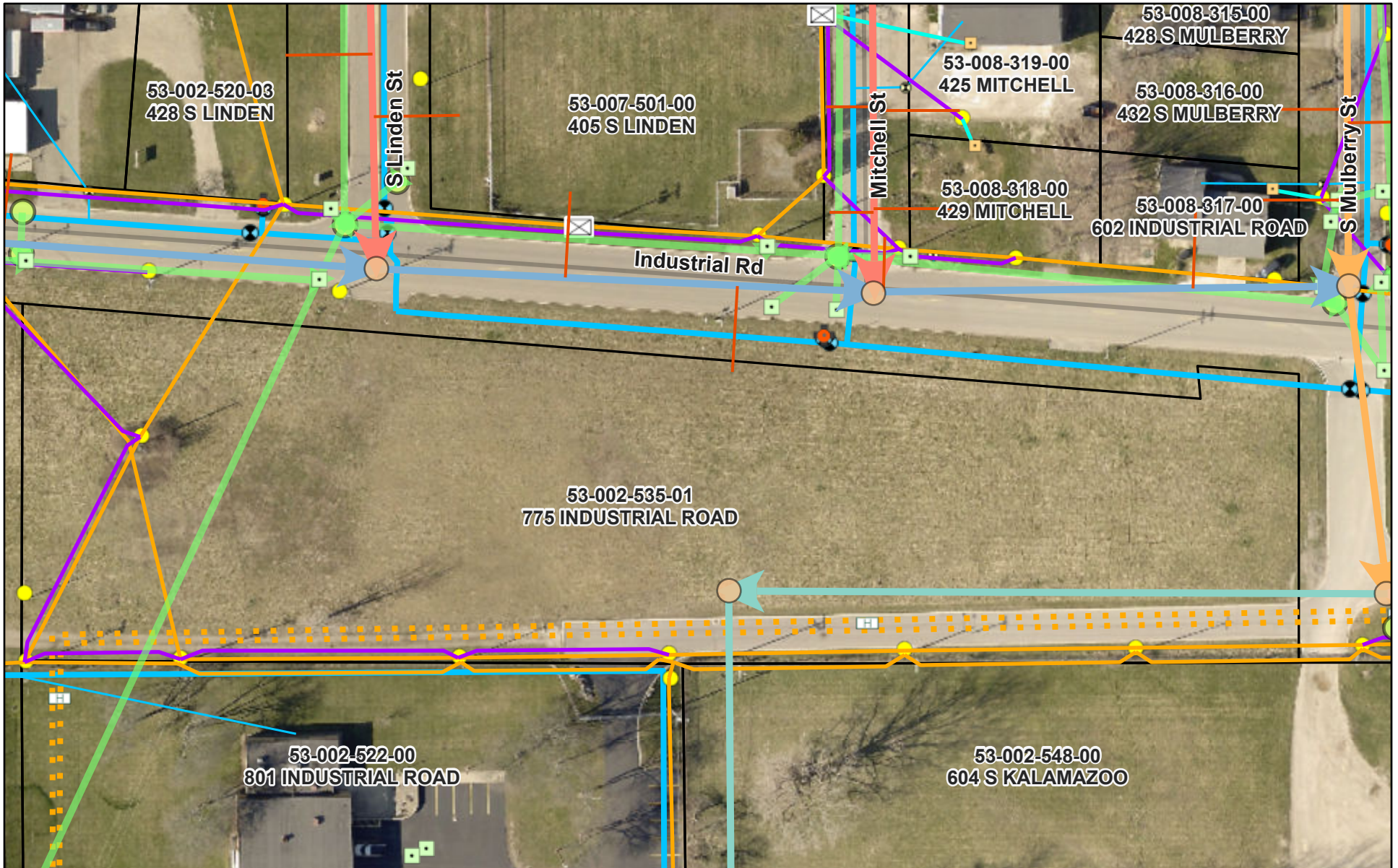


Map Publication:
04/10/2025 10:36 PM



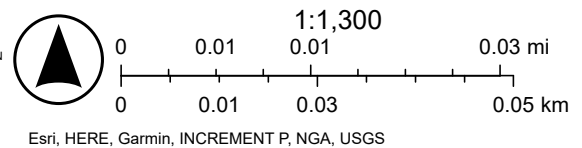
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775 Industrial Rd. Map



4/11/2025

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