



**CITY OF JONESVILLE
ZONING BOARD OF APPEALS AGENDA
DECEMBER 21, 2020 – 6:00 P.M.**

Pursuant to Section 3a of the Open Meetings Act, Act 267 of 1976, as amended, participation in this meeting will be by Zoom Meeting. The Board, staff and public wishing to participate may do so by logging onto the website or calling the telephone number below. When prompted enter the Meeting ID and Password.

WEB ADDRESS: www.zoom.us
CALL-IN TELEPHONE NUMBERS:
1-312-626-6799 or
1-929-205-6099

**MEETING ID: 851 6635 3394
PASSWORD: 213458**

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. OATH OF OFFICE AND WELCOME**
 - A. Kayla Thompson
- 3. DECLARATION OF A QUORUM**
- 4. APPROVAL OF AGENDA** [ROLL CALL][Action Item]
- 5. APPROVAL OF MINUTES** – November 23, 2020 [ROLL CALL][Action Item]
- 6. PUBLIC COMMENTS**
- 7. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION**
 - A. Request from Tami Morris for a variance to allow a shed within the front setback in an R2 (Residential) zoning district. The property is located at 112 Drayton Street.
 - i. Public Hearing
 - ii. Action on Request [ROLL CALL][Action Item]
- 8. OTHER BUSINESS**
 - A. 2021 Meeting Calendar [ROLL CALL][Action Item]
 - B. Staff Updates [Information Item]
- 9. ADJOURNMENT**

CITY OF JONESVILLE
ZONING BOARD OF APPEALS

MINUTES – November 23, 2020

Pursuant to Section 3a of the Open Meetings Act, Act 267 of 1976, as amended, participation in this meeting was by Zoom Meeting. The Board, staff and public were allowed to participate.

Present: Todd Shroats, George Humphries Jr., Larry Jose, Christine Bowman and David Steel. Manager Jeff Gray and Supt. of Public Works Mike Kyser.

Absent: None

Guests: Logan Harvey

The meeting was called to order at 6:00 p.m. by Chairperson Todd Shroats.

Todd Shroats led the Pledge of Allegiance.

A quorum was declared.

A motion was made by George Humphries Jr. and supported by David Steel to approve the agenda as presented. Roll Call Vote: Ayes: Christine Bowman, George Humphries Jr., Larry Jose, David Steel and Todd Shroats. Nays: None. Motion carried.

A motion was made by George Humphries Jr. and supported by Christine Bowman to approve the minutes of November 5, 2020. Roll Call Vote: Ayes: Christine Bowman, George Humphries Jr., Larry Jose, David Steel and Todd Shroats. Nays: None. Motion carried.

The Public Hearing for the request of a variance to allow fence within the front setback in an R1 (Single Family Residential) district for the property located at 301 Grant Street was opened at 6:03 p.m.

Logan Harvey, owner of 301 Grant Street, spoke briefly regarding the necessity of the variance request being approved allowing for the fence to be placed within the front yard setback area along Evans Street (M-99) to contain his two pets. Mr. Harvey stated he will be tying into an existing fence that runs along the north border of his property. The fence will be located 43' from the center of Evans Street and will be a 4-foot chain link style fence. Mr. Harvey stated that he had first requested a 6-foot high fence, but agreed to reduce the height to 4 feet to assure visibility and to improve the appearance from Evans Street.

The ZBA Board asked various questions regarding the request. Board members and Mgr. Gray stated that after field inspections, it appears that the fence would not cause an obstruction to traffic views.

The Public Hearing closed at 6:09 p.m.

David Steel made a motion and was supported by George Humphries Jr. to approve the requested use variance for the property located at 301 Grant Street to allow a fence in the front yard setback of a corner lot in the R1 (Single Family Residential) zoning district with a finding that the request meets Section 17.08A of the Zoning Ordinance. Roll Call Vote: Ayes: Christine Bowman, George Humphries Jr., Larry Jose, David Steel and Todd Shroats. Nays: None. Motion carried.

A motion was made by Christine Bowman and supported by Larry Jose to give immediate effect to the approval of the variance for the property located at 301 Grant Street to allow a fence in the front setback of a corner lot in the R1 (Single Family Residential) zoning district, as necessary for the preservation of property and hereby certified on the record. Roll Call Vote: Ayes: Christine Bowman, George Humphries Jr., Larry Jose, David Steel and Todd Shroats. Nays: None. Motion carried.

Manager Gray thanked David Steel for his service on the Zoning Board of Appeals. It was noted by all that he will be missed. Christine Bowman provided information on behalf of Jonesville Rotary's Christmas Decorating Contest this year.

The meeting was adjourned at 6:17 p.m.

Submitted by,

Cynthia D. Means
Clerk



To: Jonesville Zoning Board of Appeals
From: Jeffrey M. Gray, City Manager 
Date: December 17, 2020
Re: Manager Report – December 21, 2020 Zoning Board of Appeals Meeting

3. A. Oath of Office and Welcome

Clerk Cindy Means will administer the Oath of Office to new member Kayla Thompson. Kayla was appointed by the City Council to fill the vacancy created when Dave Steel did not seek reappointment. We welcome Kayla to service on the Zoning Board of Appeals!

7. A. i. Public Hearing –Variance Request for 112 Drayton Street

This is the time reserved on the agenda to hear public comments regarding the request from Tami Morris, owner of the home located at 112 Drayton Street. Mrs. Morris has installed a shed at the rear of the property. However, the lot is a corner lot and the shed is located within the required setback from the right-of-way of the side street, Locust Court.

The property is located in the R2 (Residential) zoning district. The Zoning Ordinance requires a minimum 30-foot front setback from the road right-of-way. The shed has been placed 7 feet from the right-of-way.

7. A. ii. Variance Request for 112 Drayton Street

[ROLL CALL][Action Item]

This is the subsequent action item related to the request for variance. The aerial photograph, below, shows the location of the property and the approximate location of the shed.

Aerial Photograph



The intent of requiring a front setback on a side street is to avoid placement of an accessory building in the front yard, relative to the adjoining properties around the corner. At this time, there are no homes on the two adjoining lots on Locust Court that are northeast of the subject property. However, both lots are buildable.

The applicant indicates that the placement of the shed results from the location of trees on the rear of their property. Unfortunately, the site plan submitted does not include the location of the home, trees or other property lines to consider whether there are other options for the placement of the shed. Typically, these options are considered prior to construction.

The ZBA will want to consider whether this request for variance to allow a shed to project toward the street at the side and rear of this corner lot appears consistent with the character of the neighborhood, does not appear to be contrary to the public interest, nor would it cause a substantial adverse effect to properties in the area. The ZBA will want to consider any conditions that make this lot unique from other similar properties. A motion is necessary to take action on the application. The motion should state the basis for the decision.

ZBA members may find a visit to the neighborhood prior to the meeting beneficial. A copy of Section 17.08A of the Zoning Ordinance, the standards for non-use variances, is attached. You will want to consider the standards in forming a basis for the decision.

Following action on the variance, the ZBA should consider a motion to certify the decision, giving immediate effect to the action as follows:

A motion that the ZBA give immediate effect to the [approval or denial] of the variance for the property located at 112 Drayton Street to allow a shed in the front setback of a corner lot in the R2 (Residential) zoning district, as necessary for the preservation of property and hereby certified on the record.

Otherwise, the decision will not take effect until the ZBA holds another meeting to approve the minutes.

Please refer to the attached application, site plan drawing, ordinance excerpt, and public notice.

8. A. 2021 Meeting Calendar **[ROLL CALL][Action Item]**

The attached calendar would maintain the current schedule of meetings on the fourth Thursday of every month at 6:00 p.m. Please note that the November and December meetings would be held on the fourth Monday to avoid conflicts with Thanksgiving and Christmas. Meeting dates and times may be amended, as the Board sees fit. A motion is necessary to approve the meeting calendar. Meeting locations will vary from month-to-month as needed to mitigate the spread of COVID-19 and will be posted on each individual meeting agenda. *Please refer to the proposed 2021 Annual Meeting Calendar.*

8. B. Staff Updates **[Information Item]**

This section of the agenda is reserved for an update on current and pending projects in the City.

City of Jonesville
Zoning Board of Appeals
VARIANCE PETITION FORM
 285 E. Chicago Street
 Jonesville Michigan 49250
 Phone: 517-849-2104 Fax: 517-849-9037

Date of Petition Form: 11/13/2020

Property Owner

Name <u>Tami Morris</u>		Business Name	
Street Address <u>112 Drayton St</u>		Email Address <u>tmorris@jonesvilleschools.org</u>	
Cell Phone Number <u>(517) 206-4272</u>	Fax Phone Number	Phone Number <u>(517) 849-9934</u> <i>wak</i>	

Applicant (If Not Owner)

Name		Email Address	
Address (Street No. and Name)		City	State Zip Code
Cell Phone Number	Fax Phone Number	Phone Number	
Applicant's Interest in the Property (Land Contract, Lease, Etc.)			

Zoning District: R-

VARIANCE FEE: \$250.00

Property Address: 112 Drayton St

Property ID #: _____

Date of Denial of Zoning Permit: 11-18-20

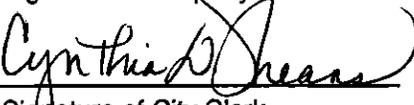
Reason of Denial: Front Yard Setback

Purpose of Request (Specify exactly what is being requested): We would like to place our shed "permanently" 39-40 ft from center of Locust Ct.

Explain Nature of Practical Difficulty or Hardship: To move it elsewhere, we would need to remove at least 5 old, healthy trees, and have to stump ground, and more landscaping beds. ~\$3000

Signature of Applicant


Date:
11/13/20

Signature of Property Owner


Date:
11-18-20

Signature of City Clerk

Official Use Only	
Fee Paid	<u>250.00</u>
Date Paid	<u>11-18-20</u>
Receipt #	<u>134498</u>
Date of Hearing:	<u>12-21-20</u>

VARIANCE APPLICATION REVIEW

What circumstances are unique to the property, which give rise to the request?

Locust Court only has one house on it. That house is farther back and on opposite side of street. The shed would not impede on anyone's view or property.

What would be the impact to adjacent property owners by granting the variance?

We do not believe that any property owner would be negatively affected. The lot behind the shed is vacant land.

What undue hardship would be created if strict enforcement of the zoning regulations is required?

We would have to spend approximately \$3000 and would have to remove at least 5 old, healthy, tall trees.

What effect would granting the variance have on public health, safety, morals, convenience, order, prosperity and general welfare?

We believe that the shed would only improve the value of our property and the property of those around us.

Would granting the variance oppose the general spirit and intent of the zoning regulations?

We do not believe that granting the variance would oppose general spirit or intent of regulations. We believe that it would improve the looks and value of properties while not negatively impacting others.

Recommended conditions or restrictions:

NORTH →

BRAYTON ST

1005 of W

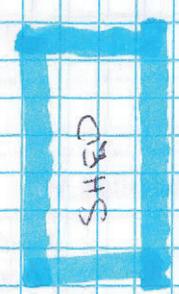
↔

40'

↔

16'

↔



↔ 10'

BACK PROPERTY

line

↙

Zoning Ordinance Excerpt: Section 17.08(A)

- A. Non-Use Variance: A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:
1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.
 2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
 3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
 4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
 - b. exceptional topographic conditions;
 - c. by reason of the use or development of the property immediately adjoining the property in question; or
 - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
 5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
 6. That the variance is not necessitated as a result of any action or inaction of the applicant.



City of
Jonesville

265 E. Chicago Street • Jonesville • MI 49250

(517) 849-2104 Ph
(517) 849-9037 Fx
www.jonesville.org
manager@jonesville.org

**CITY OF JONESVILLE
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Monday, December 21, 2020, by logging onto the website or calling the phone number listed below:

WEB ADDRESS: www.zoom.us
CALL-IN TELEPHONE NUMBERS:
1-312-626-6799 or
1-929-205-6099

Meeting ID: 851 6635 3394
Passcode: 213458

The Board will meet to consider the following request:

A Variance to allow a shed within the Front Yard Setback area in a R-2 (Single Family Residential) District. The property is located at 112 Drayton Street, Jonesville, MI 49250. Property ID #30-21-100-001-018.

Attendance at the ZBA Hearing is welcomed, but not required. Written comments may be submitted to the Jonesville City Hall, prior to the hearing.

A copy of the application materials can be viewed by contacting the City of Jonesville.

Individuals with disabilities requiring auxiliary aids or services should contact the City of Jonesville by writing or call the following:

City of Jonesville
265 E. Chicago Street
Jonesville MI 49250
517-849-2104



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Jonesville

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**ZONING BOARD OF APPEALS
2021 ANNUAL MEETING CALENDAR
FOURTH THURSDAY OF THE MONTH**

THURSDAY	JANUARY 28, 2021	6:00 P.M.
THURSDAY	FEBRUARY 25, 2021	6:00 P.M.
THURSDAY	MARCH 25, 2021	6:00 P.M.
THURSDAY	APRIL 22, 2021	6:00 P.M.
THURSDAY	MAY 27, 2021	6:00 P.M.
THURSDAY	JUNE 24, 2021	6:00 P.M.
THURSDAY	JULY 22, 2021	6:00 P.M.
THURSDAY	AUGUST 26, 2021	6:00 P.M.
THURSDAY	SEPTEMBER 23, 2021	6:00 P.M.
THURSDAY	OCTOBER 28, 2021	6:00 P.M.
<u>MONDAY*</u>	NOVEMBER 22, 2021	6:00 P.M.
<u>MONDAY*</u>	DECEMBER 20, 2021	6:00 P.M.

*Note that the November and December meetings will be the fourth Monday of each month.

The meeting location is subject to change, and may be by electronic meeting to mitigate the spread of COVID-19. The meeting location will be shown on each meeting agenda.

The City of Jonesville will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon 20 days' notice to the City of Jonesville. Individuals with disabilities requiring auxiliary aids or services should contact the City of Jonesville by writing, calling, or e-mailing the following:

City of Jonesville
265 E. Chicago Street
Jonesville, MI 49250
(517) 849-2104
www.jonesville.org

Cindy Means, Clerk
clerk@jonesville.org