



**CITY OF JONESVILLE
ZONING BOARD OF APPEALS AGENDA
NOVEMBER 23, 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: 850 8417 3325
PASSWORD: 873566**

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF A QUORUM**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES** – November 5, 2020
- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION**
 - A. Request from Logan Harvey for a variance to allow a fence within the front setback in an R1 (Single Family Residential) district. The property is located at 301 Grant Street.
 - i. Public Hearing
 - ii. Action on Request **[Action Item]**
- 7. OTHER BUSINESS**
 - A. Staff Updates
- 8. ADJOURNMENT**

CITY OF JONESVILLE
ZONING BOARD OF APPEALS

MINUTES – November 5, 2020

**The Zoning Board of appeals met at the
Jonesville Fire Station, 114 W. Chicago St., Jonesville, MI**

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: Dale Beckman, Molly Briner and Tom McNair.

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. All in favor. Motion carried.

A motion was made by George Humphries Jr. and supported by Christine Bowman to approve the minutes of September 24, 2020. All in favor. Motion carried.

The Public Hearing for the request of a variance to allow the front and rear setback and the minimum lot size to be less than required in a HC (Highway Commercial) district was opened at 6:02 p.m.

Dale Beckman spoke on behalf of Briner Oil Company regarding the necessity of the variance request being allowed for the purpose of removing the existing building and replacing it with a new building due to a fire. The new building will be 2400 square feet. The proposed building will be 10 feet from the front property line and 9.41 feet from the rear property line with a covered patio 7.56 feet from the rear line. The property backs up to the City's Russell Trail property. The building will be shifted east in an effort to align the front to match the setback of the former laundromat.

The ZBA Board asked various questions regarding the request.

Public Hearing closed at 6:09 p.m.

George Humphries Jr. made a motion and was supported by Larry Jose to approve the requested use variance for the property located at 325 Beck Street to allow the front and rear setback and the minimum lot size to be less than required in a HC (Highway Commercial) district. All in favor. Motion carried.

David Steel made a motion to give immediate effect to the approval of the use variance for the property located at 325 Beck Street to allow a front setback of less than 40 feet and a rear setback of less than 25 feet and a minimum lot area of less than 1 acre, for the construction of a 40-foot by 60-foot building in the HC (Highway Commercial) zoning district, as necessary for the preservation of property and hereby certified on record. The motion was supported by George Humphries Jr. All in favor. Motion carried.

Manager Gray provided updates to the ZBA Board.

The meeting was adjourned at 6:33 p.m.

Submitted by,

Cynthia D. Means
Clerk



To: Jonesville Zoning Board of Appeals
From: Jeffrey M. Gray, City Manager *JMG*
Date: November 18, 2020
Re: Manager Report – November 23, 2020 Zoning Board of Appeals Meeting

6. A. i. Public Hearing –Variance Request for 301 Grant Street

This is the time reserved on the agenda to hear public comments regarding the request from Logan Harvey, owner of the home located at 301 Grant Street. Mr. Harvey is proposing the construction of a chain link fence in his side and rear yard. However, his lot is located on the corner of Grant and Evans Street. The west side of his property is subject to a front yard setback from Evans Street, although his house faces Grant Street.

The property is located in the R1 (Single Family Residential) zoning district. The Zoning Ordinance requires a minimum 30-foot front setback from the road right-of-way. Mr. Harvey intends to connect his fence to an existing nonconforming fence that runs along the rear of his property. If the variance application is approved, the fence would be located between the side of his house and Evans Street. The site plan drawing shows the fence 43 feet from the center of Evans Street; staff measures it at 40 feet from the center. It would be 7 feet away from the road right-of-way, and 17 feet from the side of the house.

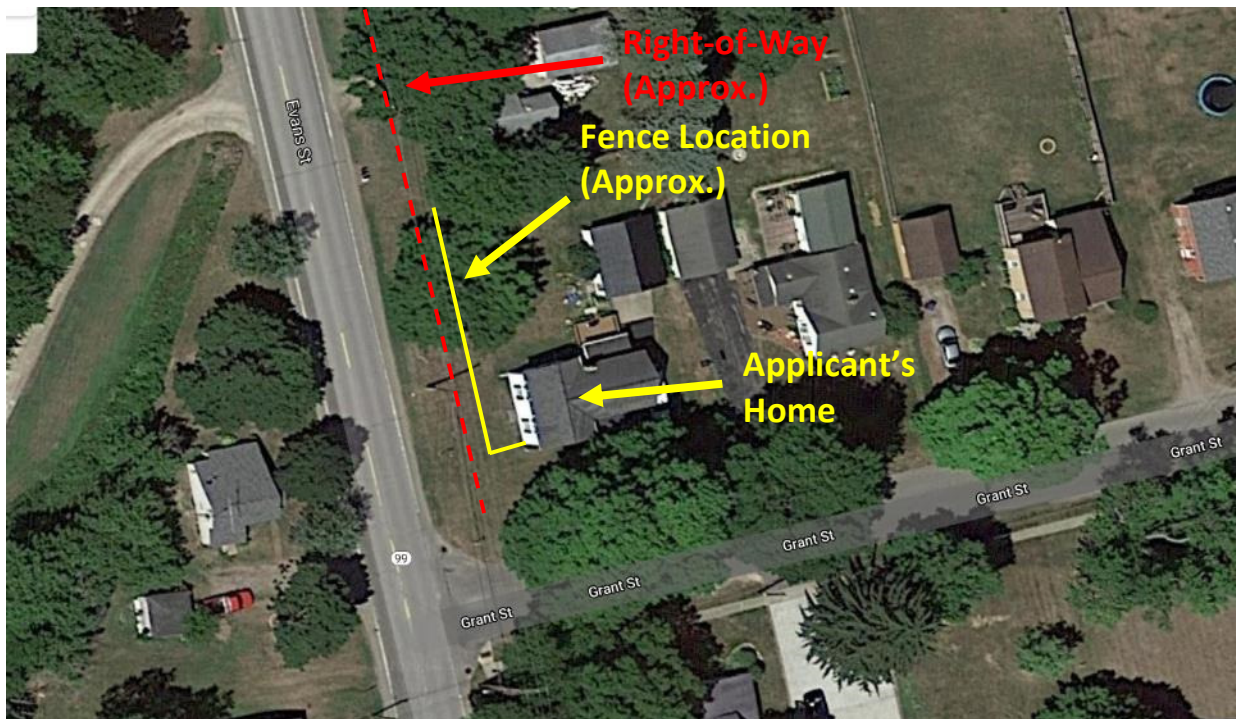
6. A. ii. Variance Request for 301 Grant Street

[Action]

This is the subsequent action item related to the request for variance.

In order to help see the request in context, staff has overlaid the applicant's proposed fence onto a Google Earth map, below.

Aerial Photograph/Site Plan Overlay



It would appear on field inspection, that the fence would not cause an obstruction to traffic views. The applicant originally proposed a 6-foot high fence, but has agreed to reduce the height to 4 feet to assure visibility and to improve the appearance from Evans Street.

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.

The ZBA will want to consider whether this request for variance to allow a fence 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. The presence of the State highway adjacent to the rear of the property might be a condition to consider. A motion is necessary to take action on the application. The motion should state the 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 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.

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.

**City of Jonesville
Zoning Board of Appeals
VARIANCE PETITION FORM**

265 E. Chicago Street
Jonesville Michigan 49250
Phone: 517-849-2104 Fax: 517-849-9037

Date of Petition Form: 10-21-20

Property Owner

Name <u>Logan Harvey</u>		Business Name <u>Self</u>	
Street Address <u>301 Grant St.</u>		Email Address <u>LRHG.LH@icloud.com</u>	
Cell Phone Number <u>517-398-4416</u>	Fax Phone Number <u> </u>	Phone Number <u> </u>	

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: R1

VARIANCE FEE: \$250.00

Property Address: 301 Grant St.

Property ID #: 21-260-001-002

Date of Denial of Zoning Permit: 10-21-20

Reason of Denial: within front yard setback

Purpose of Request (Specify exactly what is being requested): Requesting variance be allowed for 4' fence to be installed within front yard setback.

Explain Nature of Practical Difficulty or Hardship: Have two large dogs and they need more room than allowed.

[Signature]
Signature of Applicant

10-21-2020
Date:

Official Use Only	
Fee Paid	<u>250.00</u>
Date Paid	<u>10-21-20</u>
Receipt #	<u>123886</u>
Date of Hearing:	<u>11/23/20</u>

[Signature]
Signature of Property Owner
[Signature]
Signature of City Clerk

Date:
10/21/20
Date:

VARIANCE APPLICATION REVIEW

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

The property is on corner lot, which make it difficult to have room, within guidelines.

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

No impact would be towards adjacent property owners, keeps dogs in property with room to roam.

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

no hardship would be created.

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

no effect would be if granting the variance, this would allow more room for my dogs and keep them in my property.

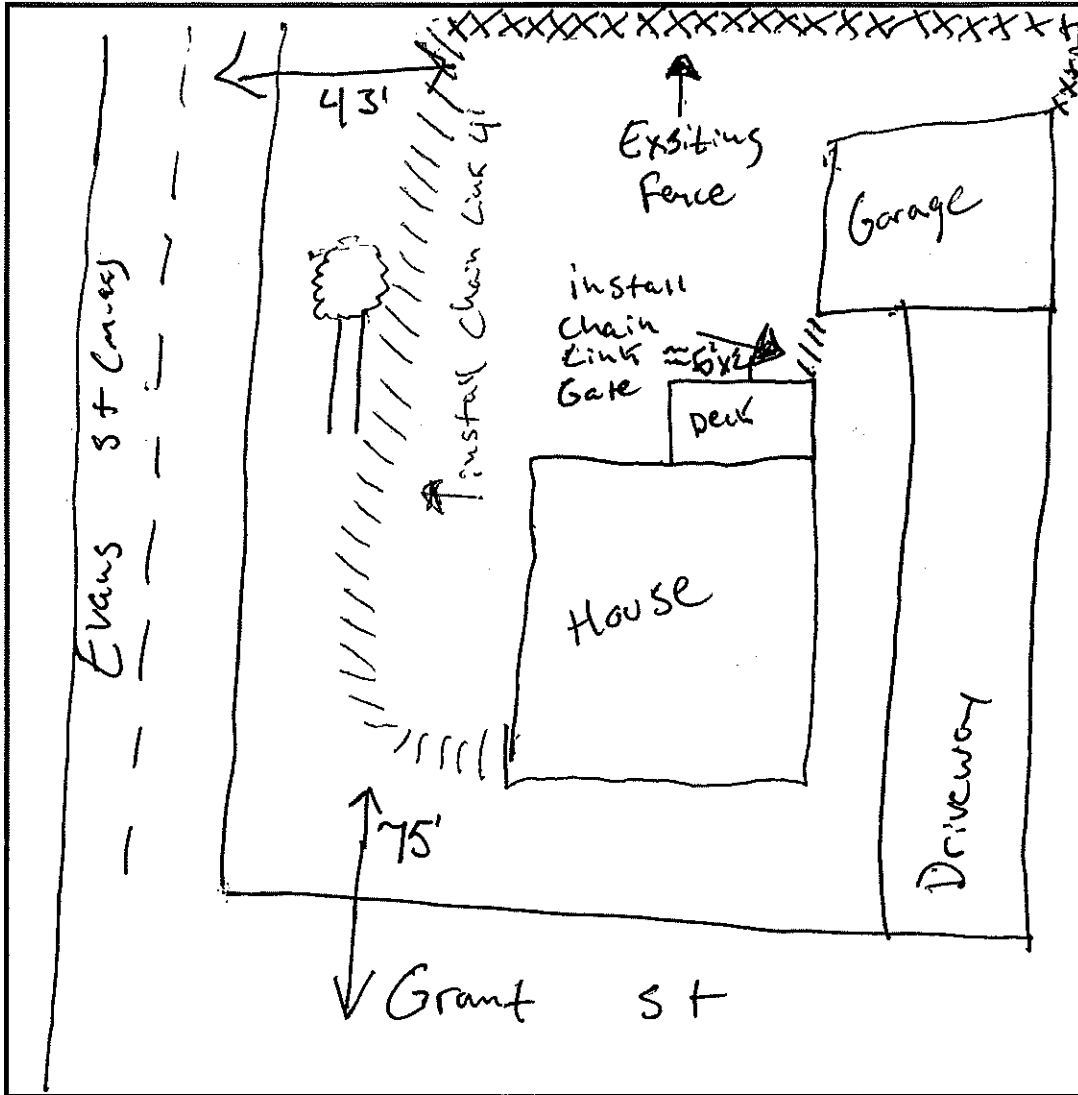
Would granting the variance oppose the general spirit and intent of the zoning regulations?

no it would not.

Recommended conditions or restrictions:

By allowing us to tie to existing fence it would create more yard room for my two large dogs to have. Having the 4' chain link fence keeps my dogs safe and allows them more room on my property.

SITE OR PLOT PLAN:



A Zoning Compliance Permit for the proposed use of said property is hereby:

<input type="checkbox"/>	Granted
<input type="checkbox"/>	Refused

for the following reason(s): _____

Zoning Administrator Signature

Date of Approval

Special Conditions - Requires Final Approval from Zoning Administrator

Special Conditions Approved: _____

Zoning Administrator Signature

Date

NOTE: Approval contingent upon all requirements to local ordinances, local, township and county building codes and state laws pertaining to the requirements being completed during construction and before habitation.

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

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

NOTE: CHANGE IN MEETING LOCATION

NOTE: This meeting was originally scheduled to be held in-person, but has been moved to an electronic meeting to promote social distancing and to avoid group gathering so as to mitigate the spread of COVID-19.

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Monday, November 23, 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: 850 8417 3325
Passcode: 873566**

The Board will meet to consider the following request:

A Variance to allow a fence within the Front Yard Setback area in a R1 (Single Family Residential) District. The property is located at 301 Grant Street, Jonesville, MI 49250. Property ID #30-21-260-001-002.

Attendance at the ZBA Hearing is welcomed, but not required. Written comments may be submitted to the Jonesville City Hall, prior to the hearing. Those attending the hearing are asked to wear a face covering and practice social distancing from others.

A copy of the application materials can be viewed in the Jonesville City Hall during normal business hours, 8:00 a.m. to 4:30 p.m., Monday thru Friday.

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
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517-849-2104