



City of
Jonesville

265 E. Chicago Street, Jonesville, MI 49250

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

**CITY OF JONESVILLE
ZONING BOARD OF APPEALS AGENDA
AUGUST 27, 2020 – 6:00 P.M.
WRIGHT STREET PARK, 416 WRIGHT STREET**

The Board intends to meet at Wright Street Park, 416 Wright Street, Jonesville, MI 49250 and the public is welcome to attend. Please bring a lawn chair and plan to practice appropriate social distancing. Masks are required where distance cannot be maintained.

In the event of inclement weather, participation in the meeting will be held by Zoom Meeting pursuant to Governor Whitmer's Executive Order 2020-154. The Board, staff and public wishing to participate may do so by visiting the web address on a computer or electronic device or by calling the following telephone number. 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: 848 6698 7905
PASSWORD: 942568

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. DECLARATION OF A QUORUM

A. Welcome New Member – Christine Bowman

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES – January 22, 2020

5. PUBLIC COMMENTS

6. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION

A. Request from Ron Gow, CR Storage, for a fence and gate in the front yard setback area in an HC (Highway Commercial) district. The property is located at 607 E. Chicago 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 – January 22, 2020

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

Absent: Mike Venturini

Guests: Howard Houchen

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 Larry Jose to approve the agenda as presented. All in favor. Absent: Mike Venturini. Motion carried.

David Steel made a motion and was supported by George Humphries Jr. to approve the minutes of May 22, 2019. All in favor. Absent: Mike Venturini. Motion carried.

The Public Hearing for the request to allow a side yard setback variance and expansion of a non-conforming use to allow construction of an attached garage on a residence D-2 (Downtown Edge) district on property located at 207 Evans Street was opened at 6:04 p.m.

Howard Houchen spoke briefly regarding the necessity of the variance request being approved allowing an attached garage be placed on the residence with only a 5' side yard setback compared to the required side yard setback of 10'. Access to the garage will remain the same existing driveway off of North Street. The existing detached garage will be removed from the property.

The ZBA Board asked various questions regarding the request.

Public Hearing closed at 6:12.

George Humphries Jr. made a motion to approve the requested non-conforming use variance for the property located at 207 Evans Street to allow construction of a 24-foot by 24-foot attached garage 5-feet from the side property line for a residence in D-2 (Downtown Edge) zoning district, finding that the request meets the standards for use variances listed in Section 17-08(B) of the Zoning Ordinance. David Steel supported the motion. All in favor. Absent: Mike Venturini. Motion carried.

A motion was made by Larry Jose and supported by George Humphries Jr. to give immediate effect to the approval of the variance for the property located at 207 Evans Street to allow

construction of a 24-foot by 24-foot attached garage 5-feet from the side property line for a residence in the D-2 (Downtown Edge) zoning district, as necessary for the preservation of property rights and hereby certified on record. All in favor. Absent: Mike Venturini. Motion carried.

A motion as made by David Steel and supported by George Humphries Jr. to change the meeting dates for the Zoning Board of Appeals to the fourth Thursday of every month, except for November and December, which will be held on the fourth Tuesday due to Holiday interference. All in favor. Absent: Mike Venturini. Motion carried.

A motion was made by Larry Jose and supported by George Humphries Jr. to nominate Todd Shroats as Chairman and David Steel as Vice-Chairman for The Zoning Board of Appeals in 2020. All in favor. Absent: Mike Venturini. Motion carried.

Updates were given by Manager Gray.

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

Submitted by,

Cynthia D. Means
Clerk



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265 E. Chicago Street, Jonesville, MI 49250

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www.jonesville.org
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To: Jonesville Zoning Board of Appeals
From: Jeffrey M. Gray, City Manager
Date: August 20, 2020
Re: Manager Report – August 27, 2020 Zoning Board of Appeals Meeting

PLEASE NOTE that we intend to meet at **Wright Street Park**. Tables and chairs will be provided for the board and staff. The public is welcome to attend and is encouraged to bring a lawn chair. Social distancing will be observed and masks are required where distancing cannot be maintained.

In the event of inclement weather, the meeting will be held by Zoom meeting. If a Zoom meeting is necessary, we intend to provide notice around 3:00 p.m. on the afternoon of August 27th.

2. A. Welcome New Member – Christine Bowman

Christine has been appointed by City Council to fill the vacancy as the Planning Commission representative to the Zoning Board of Appeals.

6. A. i. Public Hearing –Variance Request for 607 E. Chicago Street

This is the time reserved on the agenda to hear public comments regarding the request from Ron Gow, CR Storage, regarding the proposed construction of a fence and gate within the front yard setback. Section 2.17(B) prohibits fences in the required front yard. If the variance is approved, the proposed fence would be installed in front of the existing building, near the front property line.

6. A. ii. Variance Request for 607 E. Chicago Street

[Action]

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

The applicant recently constructed a new storage building on the subject property, which is located on the north side of Chicago Street, directly east of Spangler's Restaurant at Concord Road. The new building was placed at the minimum front setback of 40 feet from the road right-of-way. At the time of construction, City staff advised the applicant's fence contractor that the Zoning Ordinance does not permit fences to be placed in the required front yard.

Following construction of the building, the applicant submitted an application for a fence and gate within the required front yard. According to the Zoning Compliance application, the proposed fence would be aluminum and 5-feet high. The proposed location is shown on the enclosed plan drawing. 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 conditions reference the impact of the variance on the intent of the ordinance, the effect on neighboring properties, the frequency of similar variances, unique conditions associated with the property, the need to preserve rights possessed by other properties, and that the need for a variance is not the result of actions of the applicant. All conditions must be met. The motion should state the basis for the decision.

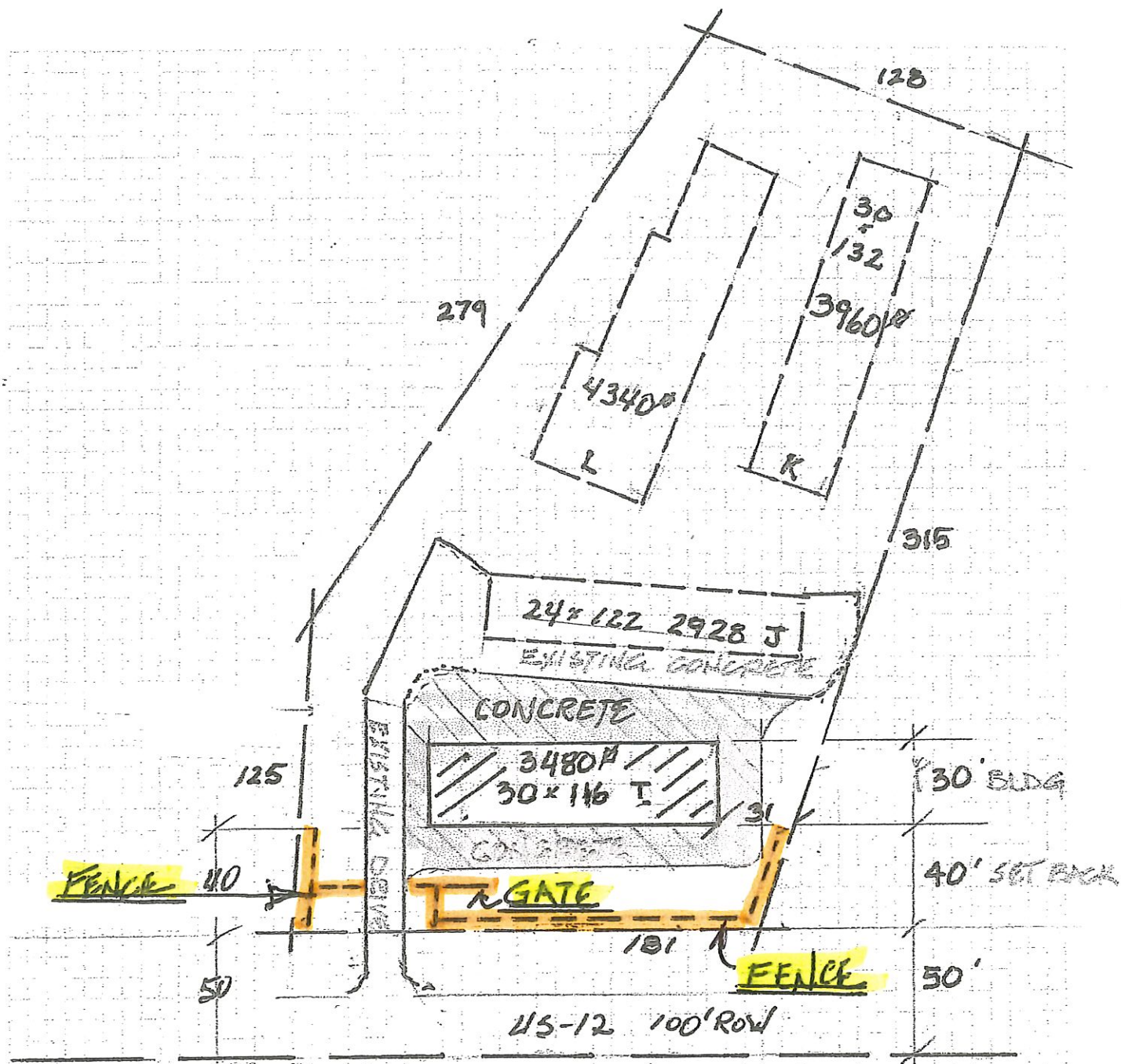
Following action on the variance, the ZBA should consider a motion to certify the decision, giving immediate effect to the action as follows:

A motion that the ZBA give immediate effect to the [approval or denial] of the variance for the property located at 607 E. Chicago Street to allow construction of a fence and gate in the front yard setback area in an HC (Highway Commercial) 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 supporting documentation, ordinance excerpt and public notice.*

7. C. Staff Updates

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

160 62



NORTH
1" = 60'

CR STORAGE
1607 E. CHICAGO
JONESVILLE MI

RON GOW
130 WEST ST
JONESVILLE
398-6401

**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: 7/21/2020

Property Owner

Name <u>RON GOW</u>		Business Name <u>CR STORAGE</u>	
Street Address <u>607 E CHICAGO</u>		Email Address <u>gow4it@mail.com</u>	
Cell Phone Number <u>517-398-6401</u>	Fax Phone Number <u>N/A</u>	Phone Number	

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: HC

VARIANCE FEE: \$250.00

Property Address: 607 E CHICAGO

Property ID #: 30-21-034-300-014-34-5-3

Date of Denial of Zoning Permit: 7/21/20 Reason of Denial: SET BACK

Purpose of Request (Specify exactly what is being requested):

FENCE W/ GATE WITH 14" SET BACK

Explain Nature of Practical Difficulty or Hardship:

FENCE FOR STORAGE BUILDING SECURITY

Signature of Applicant

Ron Gow

Date:

7/21/20

Signature of Property Owner

Cynthia D. Means

Date:

8/6/20

Signature of City Clerk

Date:

Official Use Only

Fee Paid	<u>250.00</u>
Date Paid	<u>8/6/20</u>
Receipt #	<u>121162</u>
Date of Hearing:	<u>8/27/20</u>

VARIANCE APPLICATION REVIEW

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

STORAGE FACILITY

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

NONE

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

STORAGE BUILDING UNITS NOT
LOCKED OUT.

What effect would granting the variance have on public health, safety, morals, convenience, order, prosperity and general welfare? NONE, -

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

I DON'T BELIEVE SO.

Recommended conditions or restrictions:

City of Jonesville

Application for Zoning Compliance Permit

265 E. Chicago Street
Jonesville Michigan 49250

Phone: 517-849-2104 Fax: 517-849-9037

Date of Application : 7/20/2020

Job Location/Property Owner

Name of Owner/Agent <u>RON GOW</u>		Business Name <u>CR STORAGE</u>	
Street Address and Job Location (Street No. & Name) <u>607 E CHICAGO ST</u>		Email Address <u>gow4it@gmail.com</u>	
Cell Phone Number <u>517-398-6401</u>	Fax Phone Number <u>N/A</u>	Phone Number	

Contractor

Name of Owner or Company <u>RON GOW</u>		Email Address	
Address (Street No. and Name) <u>130 WEST ST</u>		City <u>JONESVILLE</u>	State <u>MI</u>
		Zip Code <u>49250</u>	
Cell Phone Number <u>517-398-6401</u>	Fax Phone Number	Phone Number	

ZONING DISTRICT: HC

TOTAL LOT SQ. FT.: _____

Application is hereby made by the undersigned to:

<input type="checkbox"/>	Construct New Building**	Sq. Ft.	<input type="text"/>
<input type="checkbox"/>	Add to Existing Building	Sq. Ft.	<input type="text"/>
<input type="checkbox"/>	Residential Garage**	Sq. Ft.	<input type="text"/>
<input type="checkbox"/>	Storage Building**	Sq. Ft.	<input type="text"/>

Fee Schedule	
< 200 Sq. Ft.	\$20.00
201 - 500 Sq. Ft.	\$25.00
501 - 2000 Sq. Ft.	\$150.00
Ea. Add. 1000 Sq. Ft.	\$25.00
< 200 Sq. Ft.	\$20.00
> 200 Sq. Ft.	\$50.00

Height of Structure from Ground Level: _____

Type of Siding and Color: _____

Built on Pad or Basement: _____

**NEW BUILDINGS REQUIRE ONE SET OF PRINTS

<input type="checkbox"/>	Removal or Demolition of Building		N/C
<input checked="" type="checkbox"/>	Fence	Style: <u>ALUM</u> Height: <u>5'</u>	\$20.00
<input type="checkbox"/>	Driveway, Approach, Paved Pad, Foundation or Private Sidewalk		\$20.00
<input type="checkbox"/>	Decks/Porches (w/out roof)	Sq. Ft. <input type="text"/>	\$20.00
<input type="checkbox"/>	Swimming Pool		\$20.00
<input type="checkbox"/>	Basic Zoning Compliance Permit Fee for Structures not listed		\$50.00

Applicant(s) is/are: ☒ Owner of property involved
☐ Acting on behalf of owner of property

I hereby certify that the proposed work is authorized by the owner of the record and that I have been authorized by the owner to make this application as his authorized agent and we agreed to conform to all applicable laws of this jurisdiction.

Ron Gow
Signature of Applicant
7/20/2020
Date

Official Use Only	
Fee Paid	<u>20.00</u>
Date Paid	<u>7/20/20</u>
Receipt #	<u>120689</u>

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.

AFFIDAVIT OF PUBLICATION

CITY OF JONESVILLE


265 East Chicago Street
Jonesville, MI 49250
517-849-2104

STATE OF MICHIGAN]
] SS
COUNTY OF HILLSDALE]

Cynthia D. Means, being first duly sworn, says that she is the Clerk for the City of Jonesville, a governmental agency in Hillsdale County, Michigan.

I hereby certify that the attached was advertised in a newspaper of our choice for the following dates, to wit:

Tuesday, August 13, 2020 – Hillsdale Daily News
Notice of Public Hearing – Zoning Board of Appeals


Cynthia D. Means, City Clerk

Subscribed and sworn to before me this 13th day of August, 2020.


Notary Public for Hillsdale County, Michigan

My commission expires _____
LENORE M. SPAHR
NOTARY PUBLIC - STATE OF MICHIGAN
County of Hillsdale
My Commission Expires 01/24/2024
Acting in the County of _____

PUBLIC NOTICE CITY OF JONESVILLE NOTICE OF PUBLIC MEETING

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Thursday, August 27, 2020, at the Wright Street Park, 416 Wright Street, Jonesville, MI 49250, weather permitting. In the event of inclement weather, instructions to participate by video teleconference will be posted in advance at Wright Street Park, Jonesville City Hall and the City website (www.jonesville.org).

The Board will meet to consider the following request:

A Variance to allow a fence and gate within the front yard setback area in a HC (Highway Commercial) District. The property is located at 607 E. Chicago Street, Jonesville, MI 49250. Property ID #30-21-034-300-014-34-5-3

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 in the Jonesville City Hall during 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 calling the following:

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