



City of  
Jonesville

265 E. Chicago Street, Jonesville, MI 49250

(517) 849-2104  
(517) 849-9037 Fax  
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**CITY OF JONESVILLE  
ZONING BOARD OF APPEALS AGENDA  
SEPTEMBER 24, 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](http://www.zoom.us)  
**CALL-IN TELEPHONE NUMBERS:**  
1-312-626-6799 or  
1-929-205-6099

**MEETING ID: 873 3264 7773**  
**PASSWORD: 645829**

**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 – August 27, 2020**

**5. PUBLIC COMMENTS**

**6. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION**

A. Request from Amanda Stemme for a use variance to allow lodging in a R-2 (Residential) district.  
The property is located at 360 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 – August 27, 2020**

**The Zoning Board of appeals met at Wright Street Park, 416 Wright Street, Jonesville, MI.**

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

**Absent:** Christine Bowman

**Guests:** Ron and Connie Gow, Alex Stemme

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: Christine Bowman. Motion carried.

David Steel made a motion and was supported by George Humphries Jr. to approve the minutes of January 22, 2020. All in favor. Absent: Christine Bowman. Motion carried.

The Public Hearing for the request to allow a fence and gate in the front yard setback area in a HC (Highway Commercial) district located at 607 E. Chicago Street was opened at 6:01 p.m.

Ron Gow spoke briefly regarding the necessity of the variance request being approved allowing a fence and gate be placed within the front yard setback of the property due to customers of Spangler's Restaurant driving across property. The gate will be automated with keypad entry and cameras. The fence will eventually be installed around the entire property. The fence and gate will be placed far enough back off of US-12 to not cause visibility concerns. The fence will be decorative, black, similar to another commercial fence in Jonesville. Mr. Gow has spoken to Mr. Spangler who has no objections to the fence and gate going up.

The ZBA Board asked various questions regarding the request.

Public Hearing closed at 6:10.

David Steel made a motion to approve the requested non-conforming use variance for the property located at 607 E. Chicago Street to allow a fence and gate be placed within the front yard setback for a business in HC (Highway Commercial) zoning district, finding that the request meets the standards for use variances listed in Section 17.08(A) of the Zoning Ordinance. George Humphries Jr. supported the motion. All in favor. Absent: Christine Bowman. 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 607 E. Chicago Street to allow a fence and gate be placed within the front yard setback area in the HC (Highway Commercial) zoning district, as necessary for the preservation of property rights and hereby certified on record. All in favor. Absent: Christine Bowman. Motion carried.

The meeting was adjourned at 6:13 p.m.

Submitted by,

Cynthia D. Means  
Clerk




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[manager@jonesville.org](mailto:manager@jonesville.org)

To: Jonesville Zoning Board of Appeals   
From: Jeffrey M. Gray, City Manager  
Date: September 18, 2020  
Re: Staff Report – September 24, 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 September 24<sup>th</sup>.

**6. A. i. Public Hearing –Variance Request for 360 E. Chicago Street**

This is the time reserved on the agenda to hear public comments regarding the request from Amanda Stemme regarding the use of the rear of the existing building located at 360 E. Chicago Street for lodging. The applicant is proposing to use the rear portion of the former church in a manner that is similar to an Air Bnb (bed and breakfast). Under the City's ordinance, such uses must be owner-occupied or located in a commercial district. In this case, the applicant is intending to generate revenue from the lodging use while restoring the former sanctuary for future use.

The applicant was the successful bidder to purchase the property at auction. At the time of the application, the property sale had not closed. The property owner has signed the application to authorize the applicant to proceed.

**6. A. ii. Variance Request for 360 E. Chicago Street**

**[Action]**

This is the subsequent action item related to the request for variance. The subject property is unique in that the building was formerly a church and is located in a residential district. However, it is not unusual for churches to be located in residential areas to be close to the neighborhoods that they serve. The unique nature of the building limits its marketability for reuse. In addition, the age of the historic building and the duration of vacancy leaves it with some structural and maintenance issues that will have some cost to address.

The applicant intends to operate the lodging similar to an Air BnB with bookings made through a dedicated website. Unlike bed and breakfasts otherwise allowed by the Zoning Ordinance, the applicant will not reside at the property. The conditions associated with typical residential bed and breakfasts from Section 14.09(G) of the Zoning Ordinance are attached.

The applicant has reviewed the conditions of the Zoning Ordinance and has indicated that the proposed use can be conducted within these standards, except that the configuration of the suite lends itself to sharing by an extended family or friends. They intend to place two queen size beds and a pull-out sofa in the space. Adult occupancy would often be 2 or less, but could sometimes be as many as 6. If the ZBA finds approval of the use variance to be consistent with the ordinance, you might consider including these as a condition of approval with the referenced modifications.

ZBA members may find a visit to the neighborhood prior to the meeting beneficial. Copies of Section 17.08 (B) of the Zoning Ordinance are attached that describe the standards for use variances.

Staff has received some questions from representatives of the neighboring Presbyterian church session and staff. Email correspondence related to the session questions is attached.

A motion is necessary to take action on the application. The motion should state the basis for the decision, including consistency of the request with the conditions of Section 14.09(G) of the Zoning Ordinance. If the ZBA determines that the variances should be approved, it might consider including the following condition:

- The applicant will comply with the terms of Section 14.09(G) of the Zoning Ordinance regarding bed and breakfast dwellings, except that owner occupancy shall not be required and as many as six (6) adult guests may be permitted lodging in the suite.

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 use variance for the property located at 360 E. Chicago Street to allow lodging in an R-2 (Residential) zoning district, as necessary for the preservation of property rights 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 excerpts, email questions and answers, 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:

8/31/2020

**Property Owner**

Name <u>Raymond Kachmarchik</u>		Business Name	
Street Address <u>360 E. Chicago St.</u>		Email Address	
Cell Phone Number <u>734-260-2883</u>	Fax Phone Number	Phone Number	

**Applicant (If Not Owner)**

Name <u>Amranda Stemme</u>		Email Address <u>astemme@hotmail.com</u>	
Address (Street No. and Name) <u>9460 milnes Rd.</u>		City <u>Jonesville</u>	State <u>MI</u>
Zip Code <u>49250</u>		Cell Phone Number <u>573-338-4040</u>	Fax Phone Number
Applicant's Interest in the Property (Land Contract, Lease, Etc.) <u>Purchase Agreement</u>		Phone Number	

Zoning District: R-2

VARIANCE FEE: \$250.00

Property Address: 360 E. Chicago

Property ID #: 30-21-060-001-136

Date of Denial of Zoning Permit: \_\_\_\_\_

Reason of Denial: \_\_\_\_\_

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

Lodging in rear of the church building

Explain Nature of Practical Difficulty or Hardship:

Lodging to bring in revenue while working on sanctuary restoration.

Amranda R. Stemme  
Signature of Applicant

8/31/2020  
Date:

[Signature]  
Signature of Property Owner

8/31/2020  
Date:

Cynthia D. Stearns  
Signature of City Clerk

8/31/2020  
Date:

Official Use Only	
Fee Paid	<u>\$250.00</u>
Date Paid	<u>8/31/20</u>
Receipt #	<u>122165</u>
Date of Hearing:	<u>9-24-20</u>

## VARIANCE APPLICATION REVIEW

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

Long-term restoration required ; Short term revenue needed.  
Extraordinary circumstance due to the structure as a church building that is not applicable to residential properties.

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?

Unable to use the space during restoration to create revenue.

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

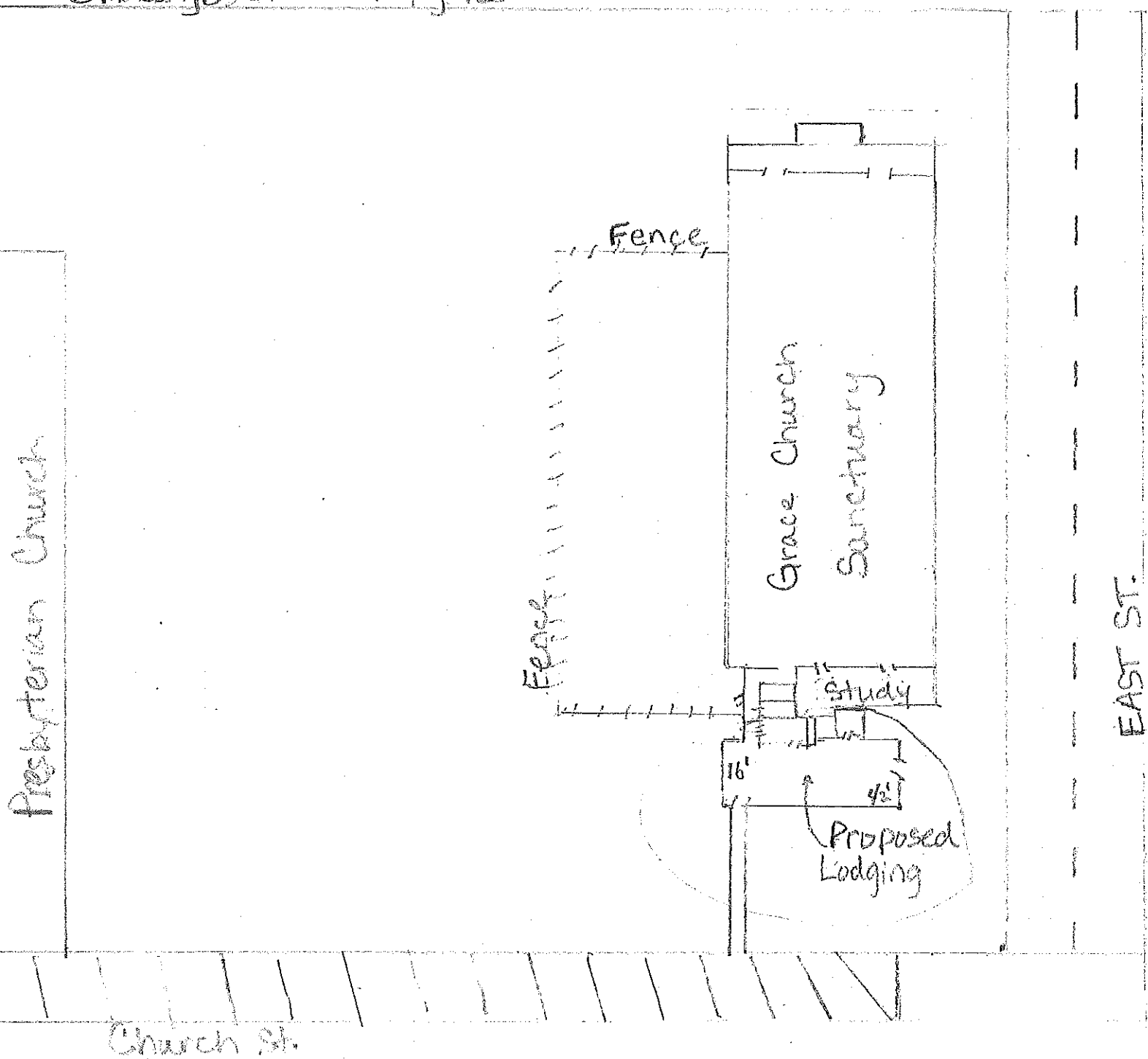
None.

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

No.

Recommended conditions or restrictions:

Chicago St. - Hwy. 12



Grace Church  
360 E. Chicago St.  
Jonesville, MI.



## **14.09 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

**G. Bed and breakfast establishments,** to include AirBnBs, room sharing, house sharing, and similar terms and uses.

1. The establishment shall be serviced by approved water and sanitary sewer services. The establishment shall be located on property with direct access to a paved public road.
2. Such uses shall only be established in a detached, single family dwelling that is the principal residence of the owner/operator. The owner/operator shall live on premises while the establishment is in operation.
3. Parking is required in accordance with Chapter 16 and shall be defined as such for guest parking and it shall be located to minimize negative impacts on adjacent properties.
4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
5. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.
6. Occupancy shall be limited to only registered guests, with not more than two (2) adults per room and children permitted as space and safety permits.
7. Guest bathing and lavatory facilities shall be separate from those of the owner/operator.
8. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
9. One (1) sign shall be required for identification and/or advertising purposes. Such sign shall not be less than six (6) square feet nor exceed sixteen (16) square feet in area. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. The sign shall be visible from the street and may be wall mounted or a free standing ground sign. If a ground sign, such sign shall be set back at least one-half (½) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line; it may not exceed four (4) feet in height.
10. The length of stay for any transient guest shall not exceed thirty (30) consecutive days.
11. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
12. Meals may be served only to the operator's family, employees, and overnight guests.
13. Applicants shall provide written approval from the Hillsdale County Building Inspection Department confirming that the building complies with all applicable, building, mechanical, plumbing, fire and other codes for the intended guest occupancy.
14. Applicants are advised that use of a residence to accommodate transient guests may modify principle residence exemption status, require the collection of sales and other taxes, require additional licenses and other approvals from other agencies, and/or result in changes to homeowner insurance policies. Approval of a use by the City shall not be construed as a waiver of these and other requirements that may apply.

Zoning Ordinance Excerpt: Section 17.08(B)

- B. Use variance: A use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that ALL of the following conditions are met:
1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
  2. That there are unnecessary hardships 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;
  3. That the proposed use will not alter the essential character of the neighborhood.
  4. That the variance is not necessitated as a result of any action or inaction of the applicant.

## Jeff Gray

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**From:** Jeff Gray  
**Sent:** Thursday, September 10, 2020 6:29 PM  
**To:** d.steel@att.net  
**Subject:** RE: Grace Church Property

Dave,

Please see my answers, below, following each of your questions. I hope these help. Don't hesitate to let me know if any of the answers is confusing or unclear.

Jeff

**Jeffrey M. Gray · City Manager**  
**City of Jonesville**  
**265 E. Chicago Street · Jonesville, MI 49250**  
**(517) 849-2104**



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**From:** d.steel@att.net <d.steel@att.net>  
**Sent:** Thursday, September 10, 2020 2:10 PM  
**To:** Jeff Gray <JGray@jonesville.org>  
**Subject:** Grace Church Property

Questions regarding the Grace Church property

--why is the applicant not listed as the property owner?

The applicant was the successful bidder at the recent auction, but has not closed on the sale of the property yet. A buyer may apply for zoning approvals on a property, provided that the owner authorizes the application.

--this is a request for a use variance, not for rezoning? Granting a use variance means the property can be used for commercial purposes in an area zoned residential?

Granting the use variance would mean that the property could be used for the specific commercial use requested by the applicant. The property would remain zoned for residential use and could be used for any residential use.

--This request is for only this applicant for only the use as stated in the application?

The request is only for the use stated in the application, but the use variance “runs with the land.” If the use variance is approved but the owner changes in the future, the use may continue, but only in the manner approved by the Zoning Board of Appeals.

--Are there restrictions regarding type of uses? Could the property owner later decide that the property would be used for a different type of use?

If the use variance is approved, it would only be for the use proposed in the application. If the current or future owner was interested in a different commercial use later, they would have to submit a new application for approval to the City. That application could be for a different use variance or to rezone the property to a different zoning district.

--Could the property owner sell the property and the new owner create a different type of commercial activity?

If the use variance is approved and the property is sold, the use proposed in the application could continue. A different type of commercial activity would require a new application.

--Is the variance forever?

It is forever in the sense that the use requested by the applicant may continue as long as it is unchanged from the original approval – again it “runs with the land”. If the use is discontinued for a period of more than 6 months, it would be considered “abandoned.” In the case of lodging, it would not be enough that the room is not rented for 6 months to demonstrate abandonment, if the owner is attempting to market it in that time. It would be enough for them to demonstrate an active website available for reservations to show that the use has not been abandoned.

--What is the applicant’s long term plan for the property?

I have not received a final long term plan. It is my understanding that they are seeking the use variance to bring a viable commercial use (and cash flow) to the property so that they can complete needed work on the sanctuary.

--What happens if the plan is never put into effect? Or the restoration never completed?

If the use variance is approved by the Zoning Board of Appeals, it would remain in effect, allowing lodging in the rear of the building. The property would remain zoned for residential use and could be used that way. If the restoration is never completed, I would presume that the building would fall into further disrepair, with the risk that the building could deteriorate beyond repair at some point in the future.

--Does granting this request encourage other similar requests?

Variances are site and condition specific. The applicant has to demonstrate that there are difficulties in using the property as zoned. It seems unlikely that if the applicant is successful in demonstrating that a portion of a church building is not viable for a residential use, that it would set any precedent that would apply to dissimilar properties.

Thanks, Jeff



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## CITY OF JONESVILLE

### NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Thursday, September 24, 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](http://www.jonesville.org)).

The Board will meet to consider the following request:

A Variance to allow lodging in a R-2 (Single Family Residential) District. The property is located at 360 E. Chicago Street, Jonesville, MI 49250. Property ID #30-21-060-001-136.

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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