



City of
Jonesville

265 E. Chicago Street • Jonesville • MI 49250

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**CITY OF JONESVILLE
ZONING BOARD OF APPEALS AGENDA
JANUARY 22, 2020 – 6:00 P.M.
CITY HALL**

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. DECLARATION OF A QUORUM

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES – May 22, 2019

5. PUBLIC COMMENTS

6. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION

- A. Request from Howard Houchen, for 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.

- i. Public Hearing
ii. Action on Request

[Action Item]

7. OTHER BUSINESS

- A. 2020 Meeting Calendar
B. Election of Officers
C. Staff Updates

[Action Item]

[Action Item]

8. ADJOURNMENT

CITY OF JONESVILLE
ZONING BOARD OF APPEALS

MINUTES – May 22, 2019

Present: Todd Shroats, George Humphries Jr., Larry Jose and David Steel, Clerk Cindy Means and Supt. of Public Works Mike Kyser.

Absent: Mike Venturini

Guests: Jeff Gray, Jim Taipalus and Julie Games.

The meeting was called to order at 6:06 p.m. by Chairperson Todd Shroats.

Todd Shroats led the Pledge of Allegiance.

A quorum was declared.

A motion was made by David Steel and supported by George Humphries Jr. to approve the agenda as presented. All in favor. Absent: Mike Venturini. Motion carried.

George Humphries Jr. made a motion to approve the minutes of February 11, 2019 with the support by David Steel. All in favor. Absent: Mike Venturini. Motion carried.

The Public Hearing for the request to allow a doggie daycare in an R-1 (Single Family Residential) district; to allow a lot size of less than 2 acres; and to allow installation of commercial signs on property located at 136 Concord Road was opened at 6:14 p.m.

Jim Taipalus spoke briefly regarding the necessity of the variance request being approved allowing a doggie daycare to open in a district zoned residential. The doggie daycare would provide care for dogs during the work day, 6:00 a.m. to 6:00 p.m. In the future Mr. Taipalus advised that additional services would be provided, boarding and grooming.

The ZBA Board asked various questions regarding the request as to noise in the area from the dogs barking and the process for removal of dog waste.

Public Hearing closed at 6:30.

Larry Jose made a motion to approve the requested use variance to allow a Commercial Kennel (doggie daycare) be located in a R-1 (Single Family Residential) District, to allow the lot size to be less than the required minimum two (2) acres, to allow commercial signs in the R-1 (Single Family Residential) District and that they not exceed the sizes illustrated in the application; a free standing sign will not exceed six (6) feet in height and be located at least one (1) foot back of the road right-of-way, and that division of the property shall be subject to approval of a land division application with each of the buildings on this property being provided with separate services for water and sewer. George Humphries Jr. supported the motion. All in favor. Absent: Mike Venturini. Motion carried.

A motion was made by George Humphries Jr. and supported by Larry Jose to give immediate effect to the approval of the variances for the property located at 136 Concord Road to allow a doggie daycare on a parcel of 0.69 acres and related commercial signs in the R-1 (Single Family Residential) District, as necessary for the preservation of property rights and hereby certified on record. All in favor. Absent: Mike Venturini. Motion carried.

The meeting was adjourned at 6:34 p.m.

Submitted by,

Cynthia D. Means
Clerk



To: Jonesville Zoning Board of Appeals
From: Jeffrey M. Gray, City Manager
Date: January 16, 2020
Re: Manager Report – January 22, 2020 Zoning Board of Appeals Meeting

6. A. i. Public Hearing –Variance Request for 207 Evans Street

This is the time reserved on the agenda to hear public comments regarding the request from Howard Houchen, regarding the proposed construction of a 24-foot by 24-foot attached garage on the residence located at 207 Evans Street. The property is on the southwest corner of Evans and North Streets, and is located in the D-2 (Downtown Edge) zoning district. The existing residence is a nonconforming use in the district. Section 2.28 of the Zoning Ordinance does not permit an expansion of a nonconforming use. The applicant is requesting a use variance to allow the expanded use in the district. Typically, a residential building is required to be a minimum of 10 feet from a side property line. If the variance is approved, the attached garage would be 5 feet from the south side property line.

There is an existing detached garage at the rear of the property that would be demolished. The attached garage doors would be oriented to the rear of the lot. Mr. Houchen intends to utilize the existing driveway approach that comes off from North Street, which is the side street to this corner lot.

6. A. ii. Variance Request for 207 Evans Street

[Action]

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

The applicant is proposing construction of a 24-foot by 24-foot attached garage for the existing residence. The applicant has supplied a drawing of the proposed location of the garage on the property. The location is depicted on the aerial photograph, below.



ZBA members may find a visit to the neighborhood prior to the meeting beneficial. A copy of Section 17.08B of the Zoning Ordinance, the standards for use variances, is attached. Also attached is a copy of Table 9.05A-2 that describes the uses allowed in the D-2 (Downtown Edge) zoning district.

Should the ZBA find that the property cannot return a reasonable return if required to be used as allowed in the zoning district, that there are unnecessary hardships in carrying out the strict letter of the ordinance, that the proposed use will not alter the essential character of the neighborhood, and the variance is not necessary due to action or inaction of the applicant, a motion to approve may be considered. The motion should state the basis for the decision. A use variance may only be passed with a 2/3 vote of the membership of the ZBA.

Staff would note that the adjoining properties are residential in character and it does not appear, at this time, that there is market demand for the uses in the area to change. The investment will result in the demolition of the exiting one car garage and improve the property. The improvements appear consistent with the character of the neighborhood.

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 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 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 and public notice.*

7. A. 2020 Meeting Calendar [Action]

Staff appreciates the willingness of the Board to establish a regular meeting calendar in 2019. The calendar allows us to better serve the public with known meeting dates and to plan our office workload. The attached calendar would maintain the current schedule of meetings on the fourth Wednesday of every month at 6:00 p.m. Please note that the December meeting would be held the day before Christmas Eve. Meeting dates and times may be amended, as the Board sees fit. A motion is necessary to approve the meeting calendar. Please refer to the attached 2020 draft Annual Meeting Calendar. *Please refer to the proposed 2020 Annual Meeting Calendar.*

7. B. Election of Officers [Action]

Election of officers is required at the first meeting of each year. Current officers are Chair Todd Shroats, and Vice-Chair Mike Venturini. Current officers are eligible to be re-elected, if they are interested in continuing to serve. George Humphries is not eligible to serve as chair, by State statute, since he is a representative to the Zoning Board of Appeals from City Council. A motion and vote are necessary to elect officers for 2020.

7. C. Staff Updates

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**

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

Date of Petition Form:

12-22-19

Property Owner

Name <u>HOWARD Houchen</u>		Business Name	
Street Address <u>2203 Blackmer Dr. Jonesville MI 49250</u>		Email Address	
Cell Phone Number <u>517-320-3502</u>	Fax Phone Number	Phone Number <u>517-849-9316</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:

D-2

VARIANCE FEE: \$250.00

Property Address:

207 EVANS ST

Property ID #:

30 21 066 001 027

Date of Denial of Zoning Permit:

1/2/20

Reason of Denial:

Expansion of Non Conforming Use

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

Hoping to put 24x24 Garage on South side of 207 Evans St House will need to be 5' from property line fence to be able to attach

Explain Nature of Practical Difficulty or Hardship:

NONE

Howard Houchen
Signature of Applicant

12-21-19
Date:

Same
Signature of Property Owner

Date:

Cynthia D. Means
Signature of City Clerk

1/2/20
Date:

Official Use Only	
Fee Paid	<u>250.00</u>
Date Paid	<u>1/2/20</u>
Receipt #	<u>114371</u>
Date of Hearing:	<u>1/22/20</u>

VARIANCE APPLICATION REVIEW

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

307 SANDS ST HAS AN UNATTACHED GARAGE THAT IS FALLING DOWN (TO BE DEMO)
I WOULD LIKE TO ATTACH THE GARAGE TO THE HOUSE SO WE CAN ENTER HOUSE AT
GROUND LEVEL WITH NO STEPS

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?

WELL I THINK THAT AN ATTACHED GARAGE IS SAFER.

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:

5257

32'

1945

40

North St.

FROM THE
CONSTITUTION

Page 2 of 4

would like to
AREA TO BE S. FROM
PROPERTY LINE

EXISTING
GARAGE
to be
DEMOL

Long Radius
Concrete Drive
Way To North St

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.

Figure 9-4. D-2 Building Form and Placement

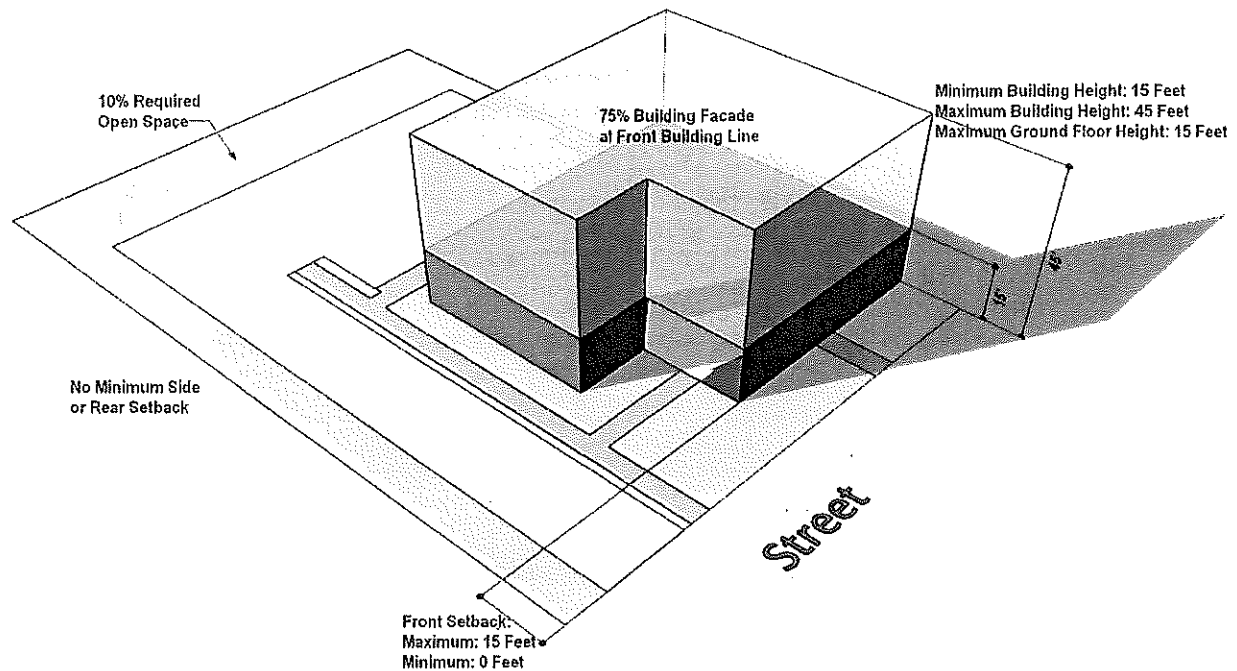


Table 9.05A-2

D-2 Permitted and Special Land Uses

Purpose + Intent	The uses planned for the Downtown Edge (D-2) Sub-District are intended to contribute to the character of downtown as an extension of the downtown district. Due to larger lot sizes a wider range of uses can be accommodated.	
Uses	Permitted Uses	Special Land Uses
Residential	Upper story residential; single-family detached and two-family freestanding dwelling units are not permitted.	Senior Housing.
		Multiple Family.
Government + Institutional	Municipal Parking Lots	None
	Public and quasi-public uses, including; parks, plazas, squares, playgrounds, walkways and/or similar uses.	
	Public Recreation Facilities	

Financial, Medical, Professional Offices + Related Services	Social, fraternal and service organizations.	
	All other Governmental + Institutional Uses	
	All uses listed in this category in the D-1, Downtown Core Zoning District	None
Retail Sales	All retail sales, except those listed as special land uses.	All uses with a Gross Floor Area in excess of 10,000 square feet.
	Brewery or Micro-brewery	
	Commercial Bakery	
Automotive Oriented Businesses	None	None
Entertainment + Recreation	All	None
Utilities / Other Uses	Accessory buildings, structures and uses, customarily incidental to any use in accordance with section 2.21.	Bus passenger stations.
	Small Scale Manufacturing when operations can be completely enclosed within the building.	Commercial parking lots. Towers in excess of 50 feet in height for Commercial Wireless Telecommunication services, and related equipment and accessory structures.

SECTION 9.06 REPEAL OF CONFLICTING ORDINANCE

This Chapter is intended to replace the current Chapter 9, Central Business District. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.



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CITY OF JONESVILLE
NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Wednesday, January 22, 2020, at the Jonesville City Hall, 265 E. Chicago Street, Jonesville, MI 49250.

The Board will meet to consider the following request:

A Variance to allow a Side Yard be less than required and an Expansion of a Non-Conforming Use in a D-2 (Downtown Edge) District to construct an attached garage
The property is located at 207 Evans Street, Jonesville, MI 49250.
Property ID #30-21-060-001-027

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 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:

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Jonesville MI 49250
517-849-2104



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**ZONING BOARD OF APPEALS
2020 ANNUAL MEETING CALENDAR
FOURTH WEDNESDAY OF THE MONTH**

WEDNESDAY	JANUARY 22, 2020	6:00 P.M.
WEDNESDAY	FEBRUARY 26, 2020	6:00 P.M.
WEDNESDAY	MARCH 25, 2020	6:00 P.M.
WEDNESDAY	APRIL 22, 2020	6:00 P.M.
WEDNESDAY	MAY 27, 2020	6:00 P.M.
WEDNESDAY	JUNE 24, 2020	6:00 P.M.
WEDNESDAY	JULY 22, 2020	6:00 P.M.
WEDNESDAY	AUGUST 26, 2020	6:00 P.M.
WEDNESDAY	SEPTEMBER 23, 2020	6:00 P.M.
WEDNESDAY	OCTOBER 28, 2020	6:00 P.M.
WEDNESDAY	NOVEMBER 25, 2020	6:00 P.M.
WEDNESDAY	DECEMBER 23, 2020	6:00 P.M.

All meetings are held at the City Hall – 265 E. Chicago Street, Jonesville, MI

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:

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**Cindy Means, Clerk
clerk@jonesville.org**