



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 AGENDA  
AUGUST 28, 2018 – 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 – July 12, 2018**

**5. PUBLIC COMMENTS**

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

A. Request from Dennis and Shelly Kolenda, to allow a garage to be converted to a residential dwelling in an HC (Highway Commercial) district on property located at 422 Harley Street.

i. Public Hearing

ii. Action on Request

**[Action Item]**

**7. OTHER BUSINESS**

**8. ADJOURNMENT**

**CITY OF JONESVILLE  
ZONING BOARD OF APPEALS  
Minutes of July 12, 2018**

A meeting of the City of Jonesville Zoning Board of Appeals was held on Thursday, July 12, 2018 at the Jonesville City Hall. Chair Todd Shroats called the meeting to order at 6:00 p.m.

Present: George Humphries, Jr., Larry Jose, Todd Shroats, and Mike Venturini.

Absent: Tim Bowman.

Also Present: Manager Jeff Gray, and Ron Gow.

Todd Shroats led the Pledge of Allegiance.

A quorum was declared.

Motion by George Humphries, second by Larry Jose to approve the agenda, as presented.

Motion by George Humphries, second by Mike Venturini, to approve the minutes of June 7, 2018.  
Motion carried.

There were no public comments on non-agenda items.

The Public Hearing for the request to allow construction of a new commercial storage warehouse in an HC (Highway Commercial) zoning district without paved parking, on the property located at 607 E. Chicago Street was opened at 6:01 p.m. Chair Todd Shroats invited comments from the applicant.

Ron Gow explained that the intent was to build a new storage building on the property. He noted that there are two existing buildings on the property and that they are served by a paved driveway. However, the circulation around each of the buildings is gravel. Because the existing site is gravel, he feels it is reasonable to continue the gravel. He noted that it would be difficult to compete with other facilities that are surfaced in gravel.

The Board of Appeals asked whether there are other facilities inside the City that are surfaced in gravel. Mr. Gow stated that the others are in Hillsdale, as his other facility near Downtown is paved. He stated that if the site were constructed new, he could see the value in paving.

Discussion followed regarding the location of the subject property in the City, and that perhaps its location on the edge of town warranted a different consideration than a warehouse near Downtown. The surface of parking lots on properties in the vicinity was also discussed, including the gravel lot on the school property north of the site on Concord Road.

Manager Gray noted that the school property is not subject to the City's Zoning Ordinance, by State Statute. He stated that the property is for sale and a potential purchaser was advised that a change in use would require paved parking, or a variance from the Zoning Board of Appeals, under the Zoning Ordinance.

The Board discussed the subject property and application and discussed possible distinctions of the site from other potential requests, including the geographic location in the City, the volume and frequency of visits to the site, and proximity of residences to the property.

Mr. Gow stated that there were probably less than 10 customers per day to the property. He also stated that the cost to pave around the new building with concrete would be approximately \$20,000. The gravel that was placed approximately a year ago cost about \$5,000.

Tim Bowman was unable to attend the meeting but submitted written comments that were shared with the Zoning Board of Appeals, and are attached to these minutes and made a part of the public record.

The public hearing was closed at 6:30 p.m.

The Board of Appeals discussed the nature of practical difficulty and unique hardships that exist on the property. Mr. Gow offered to pave the portion of the site that is visible from US-12/Chicago Street. Discussion followed regarding those portions of the site that are visible from US-12.

Motion by Mike Venturini, second by George Humphries, to grant a variance to allow construction of a commercial storage warehouse building on the property of less than 2 acres located at 607 E. Chicago Street, provided the applicant pave the existing gravel area that is visible from US-12/Chicago Street south and west of the existing south building and connect pavement with the existing paved driveway. The variance is granted on the basis that the construction is proposed on an existing un-paved property and the applicant would reduce the amount of nonconforming parking and circulation on the site. Motion carried.

A motion was made by Mike Venturini to give immediate effect to the approved variance, as necessary for the preservation of property and hereby certified on the record. The motion was supported by Larry Jose. Motion carried.

Manager Gray provided a brief update regarding ongoing projects around the City.

The meeting was adjourned at 6:57 p.m.

Submitted by,

Jeffrey M. Gray, City Manager/Recording Secretary



To: Jonesville Zoning Board of Appeals  
From: Jeffrey M. Gray, City Manager  
Date: August 20, 2018  
Re: Manager Report – August 28, 2018 Zoning Board of Appeals Meeting

**6. A. i. Public Hearing –Variance Request for 422 Harley Street**

This is the time reserved on the agenda to hear public comments regarding the request from Dennis and Shelly Kolenda, regarding the request for a use variance to allow an existing garage to be converted to a residence. The property is located in the HC (Highway Commercial) zoning district. Residences are not permitted as a primary use in the existing zoning district. A use variance is being requested to allow conversion of the building to a residence.

**6. A. ii. Variance Request for 422 Harley Street**

**[Action]**

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

The Zoning Board of Appeals may remember that this property was previously subject of a variance application in August of 2015. The applicant at that time (Mr. and Mrs. Swander) owned both the subject garage at 422 Harley and the adjoining residence to the north, addressed at 421 W. Chicago Street. The Swanders sought approval to separate the property into two parcels, as they intended to sell the home to another owner and to retain the garage for personal storage. The letter of approval, detailing the conditions associated with that variance are attached.

The current owners (the Kolendas) purchased the property from the Swanders. While they were aware that the property was located in the Highway Commercial zoning district and that it had been subject to a variance application, they had not previously been aware of the variance conditions. They have listed the property for sale and believe that a connection to the public sanitary sewer system will improve the marketability of the property. Staff provided them with the previous variance approval letter after they requested information about connecting the property to sewer.

Now that they are fully aware of the conditions effecting the property, the Kolendas are exploring options for the use of the property. Due to the small lot size and limited visibility from Chicago Street, it is believed that there are few viable commercial uses for the property. In addition, many of the properties in the vicinity of the site – especially those along Harley Street – are currently used as residences.

The applicants have supplied a written basis for the variance request with the attached application, noting the lot size, existing character of the area, and that the conditions affecting the property do not result from their actions.

ZBA members may find a visit to the neighborhood prior to the meeting beneficial. A copy of Section 17.08(B) of the Zoning Ordinance, the standards for use variances, is attached.

A motion to approve or deny the request for a use variance to allow the garage to be used as a residence is necessary to take action on the application. The motion should state the basis for the decision. It should be noted that the property would remain in the Highway Commercial zoning district. If the variance is approved, the property could still be used for commercial if a potential tenant or owner could demonstrate that commercial zoning requirements would be met, or obtain any necessary variances for the proposed use.

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 422 Harley Street to allow a garage to be converted to a residential dwelling 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 and approves the minutes.

*Please refer to the attached supporting documentation, prior letter of approval, 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: 8/7/18

**Property Owner**

Name <u>DENNIS &amp; STELLY KOLEMA</u>		Business Name <u>-</u>	
Street Address <u>8100 CEMENT CITY RD, BROOKLYN MI.</u>		Email Address <u>POLDEN6114@AOL.COM</u>	
Cell Phone Number <u>517-499-8941</u>	Fax Phone Number <u>517-592-8160</u>	Phone Number (Home) <u>517-592-8160</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: CAC

VARIANCE FEE: \$250.00

Property Address: 422 HARLEY

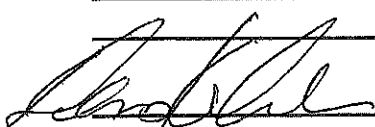
Property ID #: 30-21-080-001-017

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

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

Purpose of Request (Specify exactly what is being requested): WOULD LIKE TO HAVE A USE VARIANCE FOR BUILDING TO BE CONVERTED TO A DWELLING

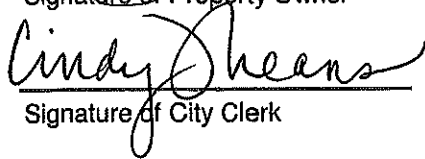
Explain Nature of Practical Difficulty or Hardship: SIZE OF BUILDING/PROPERTY MAKES IT HARD TO SELL

  
Signature of Applicant

8/7/18  
Date:

  
Signature of Property Owner

8-7-18  
Date:

  
Signature of City Clerk

8/8/18  
Date:

Official Use Only	
Fee Paid	<u>\$250.00</u>
Date Paid	<u>8/7/18</u>
Receipt #	<u>98405</u>
Date of Hearing:	<u>8/28/18</u>

bpm

1. LAND IS SMALL FOR COMMERCIAL USE TO SELL AS IS. BUILDING SMALL FOR GOOD SIZE BUSINESS.
2. PROPERTY CAN'T BE DEVELOPED LARGER DUE TO LAND RESTRICTIONS
3. THE PROPOSED USE OF PROPERTY WILL NOT AFFECT LAND VALUES WITHIN THE AREA OF PROPERTY.
4. THIS VARIANCE ISN'T REQUESTED DUE TO MY ACTIONS,

DENNIS KUANDA



LAMBRECHT COMPANY

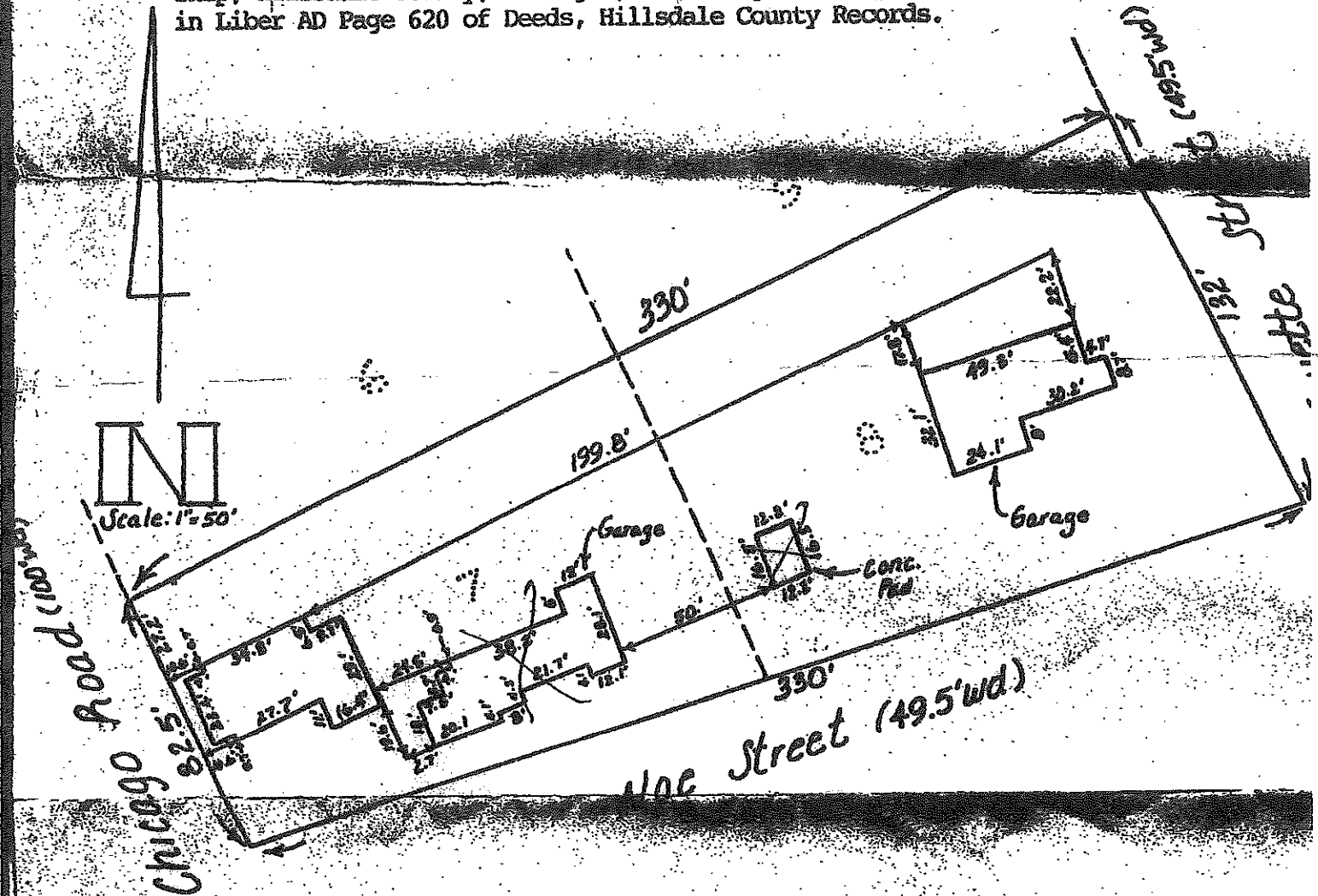
MORTGAGE INSPECTION

FOR

Wayne & Shirley Swanders  
353 Jonesville Road  
Jonesville, Mi. 49250

DESCRIPTION

Lot 7 and 8 of NOE'S ADDITION to the Village of Jonesville, being a part of the East half of Section 5, Township 6 South, Range 3 West, Fayette Township, Hillsdale County, Michigan, according to the plat thereof as recorded in Liber AD Page 620 of Deeds, Hillsdale County Records.



SURVEYOR'S CERTIFICATION:

This Mortgage Inspection is made for and at the request of Lambrecht Company.

*Alan E. Ringenberg*  
Alan E. Ringenberg, P.E., L.S. 15103





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August 27, 2015

Wayne and Shirley Swander  
421 W. Chicago Street  
Jonesville, MI 49250

Re: Variance Request – 421 W. Chicago Street/422 Harley Street

Dear Mr. and Mrs. Swander:

At their August 26, 2015 meeting, the Zoning Board of Appeals (ZBA) approved the following three variances, allowing the property at 421 W. Chicago Street/422 Harley Street to be divided:

- A variance to the 1 acre minimum lot size for the HC (Highway Commercial) zoning district. 421 W. Chicago Street will be approximately 0.36 acres and 422 Harley Street will be approximately 0.45 acres.
- A variance to the minimum 220 feet of lot width required in the HC zoning district. Each parcel would have approximately 165 feet of frontage on Noe Street. 421 W. Chicago Street also has 82.5 feet of frontage on Chicago; 422 Harley has 132 feet of frontage on Harley.
- A variance to allow the garage to be the primary structure on the property at 422 Harley Street. It has been an accessory structure to the home previously. It is our understanding that it would be used for personal storage. Future use of the structure for a commercial purpose would require further review and approval by the City.

The ZBA also approved a motion giving the variances immediate effect.

As requested, the lots will be divided to match the previous descriptions of Lot 7 (421 W. Chicago Street) and Lot 8 (422 Harley Street) of Noe's Addition, a platted subdivision.

Should you have any questions or require additional information, please do not hesitate to contact me at 849-2104.

Sincerely,

  
Jeffrey M. Gray  
City Manager

cc: Chuck and Melissa Zemla, City Assessors

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.



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## CITY OF JONESVILLE

### NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Tuesday, August 28, 2018, at the Jonesville City Hall, 265 E. Chicago Street, Jonesville, MI 49250.

The board will meet to consider the following request:

To allow a garage be converted to a residential dwelling in a HC (Highway Commercial) District. The property is located at 422 Harley Street, Jonesville, MI 49250.  
Property ID #30-21-080-001-007.

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 calling the following:

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