



City of  
Jonesville

265 E. Chicago Street • Jonesville • MI 49250

(517) 849-2104 Ph  
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[www.jonesville.org](http://www.jonesville.org)  
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**CITY OF JONESVILLE  
ZONING BOARD OF APPEALS AGENDA  
JANUARY 18, 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 – October 4, 2017**

**5. PUBLIC COMMENTS**

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

A. Request from S. Allen Designs to allow construction of an office building requiring the following variances: a rear setback of less than 50 feet; a lot size of less than one (1) acre; a lot width of less than 220 feet; and construction on an existing lot with no frontage on a public street in the HC (Highway Commercial) zoning district, on the property located at 479 E. Chicago Street.

i. Public Hearing

ii. Action on Request

**7. OTHER BUSINESS**

**8. ADJOURNMENT**

**CITY OF JONESVILLE**  
**ZONING BOARD OF APPEALS**

**MINUTES – October 4, 2017**

**Present:** Larry Jose, Annette Sands, Todd Shroats, Mike Venturini, Tim Bowman, Manager Jeff Gray, and Supt. of Public Works Mike Kyser.

**Absent:** None

**Guests:** Chris Fast

The meeting was called to order at 6:01 p.m. by Chairperson Todd Shroats.

Todd Shroats led the Pledge of Allegiance.

A quorum was declared.

A motion was made to approve the agenda by Mike Venturini and supported by Larry Jose. All in favor. Motion carried.

Tim Bowman made a motion to approve the minutes of October 26, 2016. The Motion was supported by Mike Venturini. All in favor. Motion carried.

The Public Hearing for the request to allow an accessory building be a principal use or main building on a parcel; to allow an accessory building to exceed the square footage on a parcel less than five (5) acres; and to allow an accessory building to exceed the height of eighteen (18) feet in a Single Family Residential District (R-1) located at 905 Maumee St. was opened at 6:03 p.m.

Chris Fast spoke briefly regarding the necessity of the variance request being approved allowing him to place a storage building on vacant property. Mr. Fast stated that the building will be placed 15' from the power lines, and that it will be obscured behind existing trees. More trees will be planted if needed. The building height variance is needed due to the windows being placed along the roof line. The building will be used for personal storage. No residences are in close proximity of the location. Due to the location where the storage building will be placed on the property, it is possible that a house could be built in the future.

The ZBA Board asked various questions regarding the request.

Public Hearing closed at 6:15 p.m.

Larry Jose made a motion to approve the requested variances to allow an accessory building be a principal use or main building on a parcel; to allow an accessory building to exceed the square footage on a parcel less than five (5) acres; and to allow an accessory building to exceed the height of eighteen (18) feet in a Single Family Residential District (R-1), with a finding that the variances meet the criteria listed in Section 17.08 (A) and (B) of the Zoning Ordinance. The motion was seconded by Mike Venturini. All in favor. Motion carried.

A motion was made by Larry Jose to give immediate effect to the approved variances, as necessary for the preservation of property and hereby certified on the record. The motion was supported by Tim Bowman. All in favor. Motion carried.

The meeting was adjourned at 6:25 p.m.

Submitted by,

Jeffrey M. Gray, City Manager/Recording Secretary



To: Jonesville Zoning Board of Appeals  
From: Jeffrey M. Gray, City Manager  
Date: January 11, 2018  
Re: Manager Report – January 18, 2018 Zoning Board of Appeals Meeting

**6. A. i. Public Hearing –Variance Request for 479 E. Chicago Street**

This is the time reserved on the agenda to hear public comments regarding the request from S. Allen Design, on behalf of property owner Greg Bailey regarding the construction of a new office building behind the existing Bailey and Hodshire, P.C. office. The applicant proposes the construction of a 2,400 square foot office building on the property. Variances are required since the existing lot of record does not have frontage on a public street, is less than one acre in size, and does not have 220 feet of frontage. In addition, the proposed building would be built 25 feet from the rear property line, where a 50 foot minimum setback is required. The applicant intends to relocate the accounting office to the new building and would sell the existing building to another office use. The property is located in the HC (Highway Commercial) zoning district.

**6. A. ii. Variance Request for 479 E. Chicago Street**

**[Action]**

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

The table below summarizes the Ordinance requirements, proposed condition, and variance required to construct the building as proposed on the subject property:

Required	Proposed	Variance
Construction of buildings on lots with frontage on a public street	No street frontage	Construction on the existing lot of record
Minimum one acre (43,560 square feet) of lot area	16,319 square feet	27,241 square feet
Minimum frontage of 220 feet	No frontage/lot width of 165 feet	55 feet to the width requirement
Rear setback of 50 feet to residentially zoned property	25 feet	25 feet

The subject property is unique in that it is an existing lot of record. In other words, the landlocked parcel is existing, not proposed for division from another parcel. Likewise, the lot width and area deficiencies are existing conditions that do not result from any action of the owner to split the property.

Because of the small lot size, construction on the lot without encroaching into the rear setback would be difficult. In order to help see the proposed construction in context, staff has overlayed the applicant's proposed site plan onto a Google Earth map, below.

### Aerial Photograph/Site Plan Overlay



The depiction is intended to illustrate the proposed building in relation to the existing buildings and properties that surround the site. The red lines illustrate the existing property lines. The dark brown illustrates the existing building on the site. The golden color illustrates the proposed building. The gray depicts existing and proposed paved parking areas.

The proposed building is placed similarly on the property to the existing Citgo building to the east of the site, but is a little further to the north. The 50 foot rear setback is required because the property to the north is zoned for residential use. As can be seen from the aerial photograph, the property to the north is not developed and the proposed office would not encroach on an existing residence.

In addition, there is a Consumers Energy power line that runs behind the property parallel to US-12 that would reduce the likelihood of future residential construction near the rear of the subject property. There have been no calls, comments, or questions received from surrounding property owners at the time of the writing of this report.

Staff has expressed some concern to the applicant about the lack of frontage on a public street. Frontage is, obviously, typically required to assure that all properties will remain accessible. In

this case, it will be necessary for an easement to be provided across the southern property to allow future access to the northern property.

Easement arrangements rarely have issues during the first or even second sale of a property, but can eventually become an issue between neighbors. In my experience, they can become problematic the first time that a parking lot needs maintenance or surfacing and the easement holder feels that the adjoining owner should contribute a greater share of the work. I know of instances where a property owner has attempted to block access in order to leverage a contribution.

We have suggested other ownership arrangements, including condominium arrangements, that would allow for separate ownership of buildings on the site and shared ownership of parking areas. The applicant indicates that the owner prefers to keep the existing parcels separate. The City will not be a party to resolving any disputes that may arise between future property owners about access; any such disagreements will have to be resolved between the owners. Staff does recommend that any action to approve the variance requests include a condition that the City be provided a copy of an access easement for the north property to assure that the intent of the ordinance is met.

ZBA members may find a visit to the neighborhood prior to the meeting beneficial. A copy of Chapter 17 is attached. The standards for non-use variances are attached.

The request for variances 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. 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 variances for the property located at 479 E. Chicago Street to allow a rear setback of less than 50 feet; to allow a lot size of less than one (1) acre; to allow a lot width of less than 220 feet; and to allow construction of a building on an existing lot with no frontage on a public street in the HC (Highway Commercial) 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 excerpt and public notice.*

<b>City of Jonesville</b> <b>Zoning Board of Appeals</b> <b>VARIANCE PETITION FORM</b> 265 E. Chicago Street Jonesville Michigan 49250 Phone: 517-849-2104 Fax: 517-849-9037
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Date of Petition Form: 12/5/17

**Property Owner**

Name <b>GREG BAILEY</b>	Business Name <b>BAILEY, HODSHIRE &amp; COMPANY P.C.</b>
Street Address <b>479 E. CHICAGO ST.</b>	Email Address <b>BAILEY.HODSHIRE@SBCGLOBAL.NET</b>
Cell Phone Number <b>517-398-4572</b>	Fax Phone Number <b>517-849-2493</b>
Phone Number <b>517-849-2410</b>	

**Applicant (If Not Owner)**

Name <b>S. ALLEN DESIGN</b>	Email Address <b>SALLEN@CORP@CBPU.COM</b>
Address (Street No. and Name) <b>49 A WEST CHICAGO ST.</b>	City <b>COLDWATER</b>
Cell Phone Number <b>517-617-4787</b>	Fax Phone Number <b>517-279-8903</b>
Phone Number <b>517-279-7787</b>	
Applicant's Interest in the Property (Land Contract, Lease, Etc.) <b>ARCHITECT</b>	

Zoning District: HIGHWAY COMMERCIAL VARIANCE FEE: \$250.00

Property Address: 479 E. CHICAGO Property ID #: 30-21-033-400-012-335-3  
30-21-033-400-013-335-3

Date of Denial of Zoning Permit: N/A Reason of Denial: N/A

Purpose of Request (Specify exactly what is being requested): CONSTRUCT ADDITIONAL BUILDING ON THE PROPERTY. MINIMUM LOT AREA IS ONE ACRE - ACTUAL = 0.6 AC. REAR SETBACK IS 50 FT. - REQUEST 25 FT. MIN. LOT WIDTH 220 FT. ACTUAL = 165 FT.

Explain Nature of Practical Difficulty or Hardship: THE EXISTING 'GRAND FATHERED' PARCEL OF LAND DOES NOT MET CURRENT 'HC' ZONING.

  
Signature of Applicant

12-1-17  
Date:

  
Signature of Property Owner

12-4-17  
Date:

Official Use Only	
Fee Paid	<u>250.00</u>
Date Paid	<u>12/5/17</u>
Receipt #	<u>90711</u>
Date of Hearing:	<u>1/18/18</u>

  
Signature of City Clerk

12-5-17  
Date:

## VARIANCE APPLICATION REVIEW

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

SIZE OF PARCEL DOES NOT MEET CURRENT ZONING

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

THE USE OF THE BUILDINGS IS OFFICE. THIS LIGHT USE OF THE PROPERTY WOULD HAVE LITTLE IMPACT ON ADJACENT COMMERCIAL PROPERTIES. RESIDENTIAL LAND NORTH IS VACANT

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

THE PROPERTY OWNER WOULD NOT BE ABLE TO IMPROVED HIS REALESTATE

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

NONE

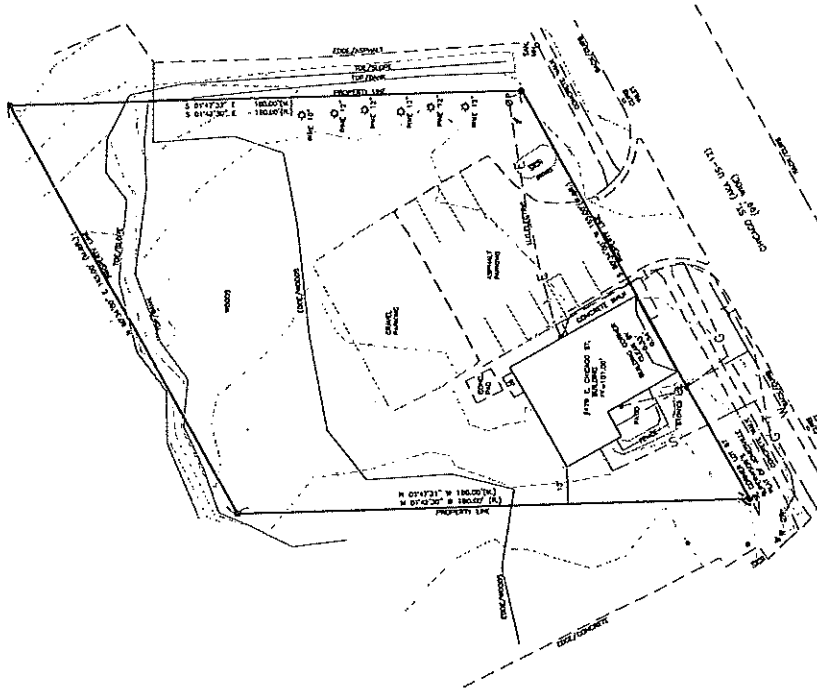
Would granting the variance oppose the general spirit and intent of the zoning regulations?

NO BECAUSE THE RESIDENTIAL PROPERTY TO THE NORTH IS VACANT.

Recommended conditions or restrictions:



TOPOGRAPHIC & BOUNDARY SURVEY  
OF 479 E. CHICAGO ST., JONESVILLE, MI.  
FOR BAILEY, HODSHIRE & COMPANY, P.C.



LOCAL DISCREPANCIES BETWEEN THE SURVEY AND THE RECORDS OF THE JONESVILLE TOWNSHIP, MI. STATE OF MICHIGAN, TO-WIT:

PART OF THE SOUTHQUARTER 1/4 OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 3 WEST, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 43, BURGESS' PLAT NO. 1 OF JONESVILLE, THENCE NORTH 01 DEGREES 47' 30" WEST 184.00 FEET; THENCE NORTH 80 DEGREES 34' 00" EAST 133.00 FEET; THENCE SOUTH 01 DEGREES 47' 30" EAST 184.00 FEET; THENCE SOUTH 80 DEGREES 34' 00" WEST 133.00 FEET TO THE POINT OF BEGINNING.

LEGEND:

- 1. EXISTING BUILDING
- 2. EXISTING CONCRETE FOUNDATION
- 3. EXISTING CONCRETE FOUNDATION
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- 100. EXISTING CONCRETE FOUNDATION

THIS SURVEY IS A RETRANSMISSION OF A SURVEY BY PAUL & SELLER, INC. DATED 10-19-17. THE SURVEY IS BASED ON THE RECORDS OF THE JONESVILLE TOWNSHIP, MI. STATE OF MICHIGAN, TO-WIT:

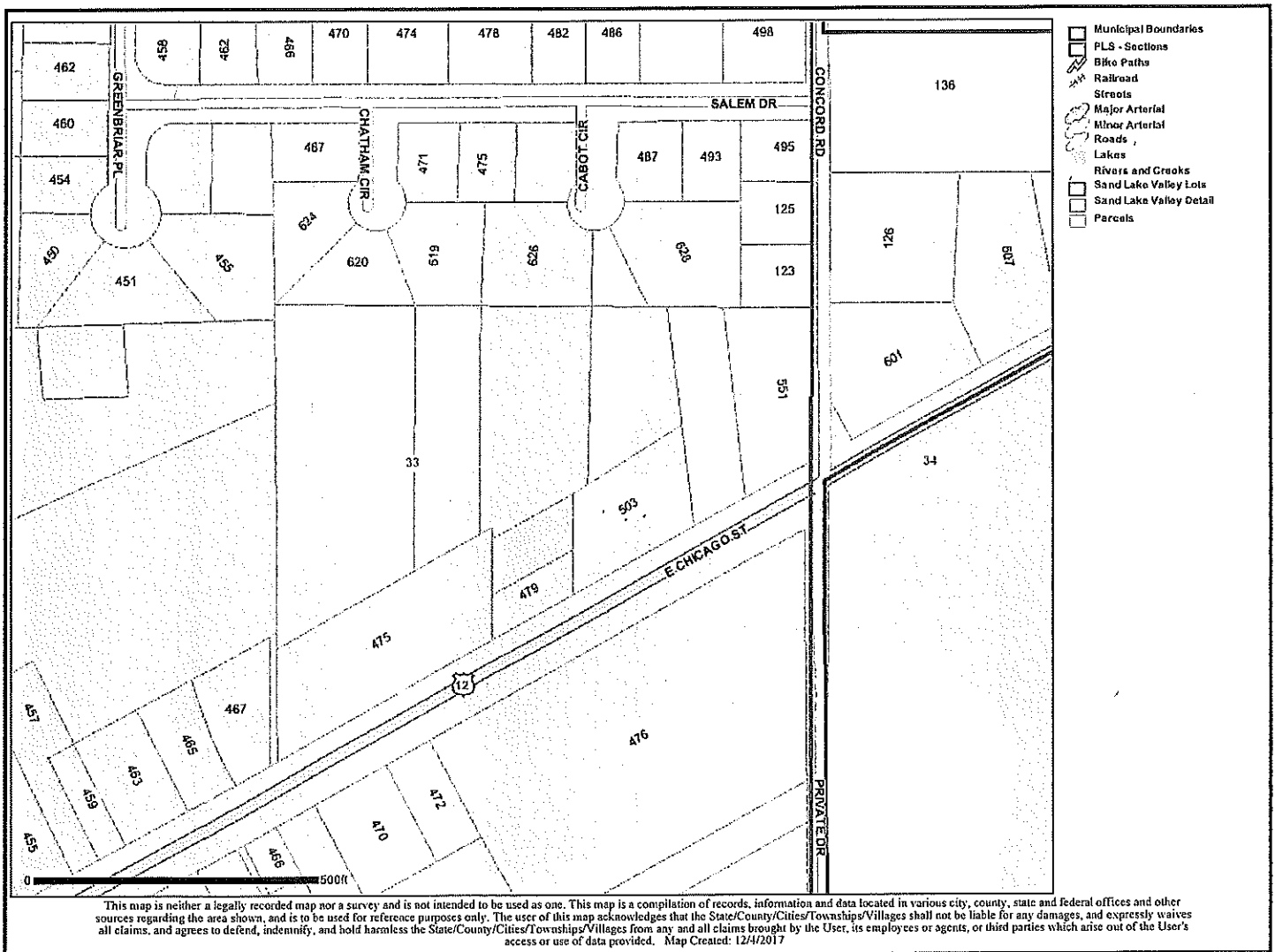
PART OF THE SOUTHQUARTER 1/4 OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 3 WEST, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 43, BURGESS' PLAT NO. 1 OF JONESVILLE, THENCE NORTH 01 DEGREES 47' 30" WEST 184.00 FEET; THENCE NORTH 80 DEGREES 34' 00" EAST 133.00 FEET; THENCE SOUTH 01 DEGREES 47' 30" EAST 184.00 FEET; THENCE SOUTH 80 DEGREES 34' 00" WEST 133.00 FEET TO THE POINT OF BEGINNING.

Lodzinski & Associates, LLC

17401092.TDPO 1 of 1

LOCATION: 479 E. CHICAGO ST., JONESVILLE, MI.	SURVEY BY: M.L. DRAKE, B.S. M.L.
CLIENT NAME: BAILEY, HODSHIRE & COMPANY, P.C.	SCALE: 1" = 20'
DATE: 10-19-17	CHECKED BY: M.L.
JOB NUMBER: 17401092	SHEET: 1 of 1
DESCRIPTION: BOUNDARY & TOPOGRAPHIC SURVEY	



SOUTH PARCEL \*013 33 B3

EXISTING BUILDING = 1,174 S.F. GROSS AREA  
1,600 S.F. USABLE FLOOR AREA

LOT AREA = 11,812 S.F.  
PERCENT OF LOT COVERAGE = 15%

REQUIRED PARKING (OFFICE) = 1,600 UFA / 300 = 5 PARKING SPACES  
12 PARKING SPACES PROVIDED

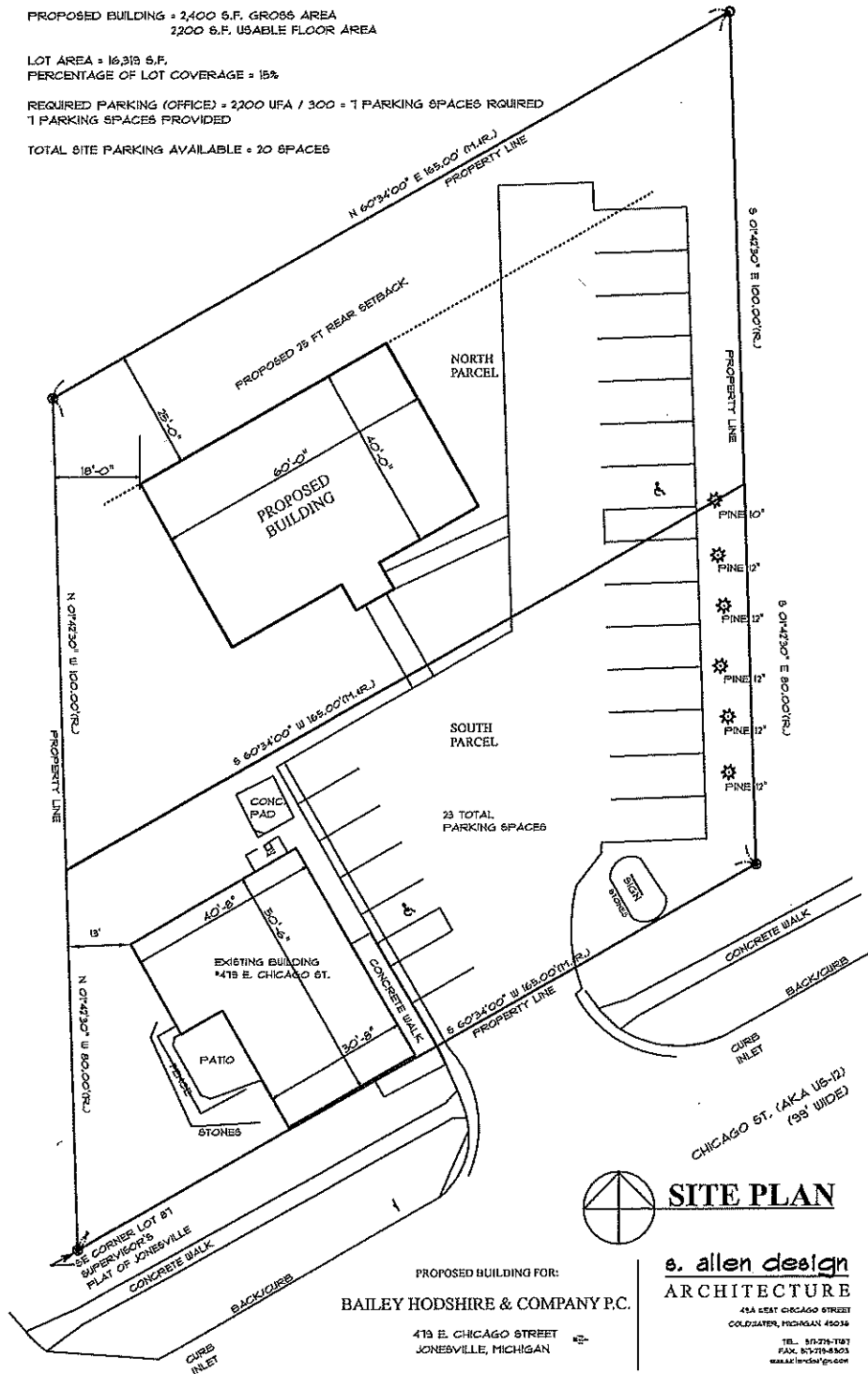
NORTH PARCEL \*012 33 B3

PROPOSED BUILDING = 2,400 S.F. GROSS AREA  
2,200 S.F. USABLE FLOOR AREA

LOT AREA = 16,313 S.F.  
PERCENTAGE OF LOT COVERAGE = 15%

REQUIRED PARKING (OFFICE) = 2,200 UFA / 300 = 7 PARKING SPACES REQUIRED  
1 PARKING SPACES PROVIDED

TOTAL SITE PARKING AVAILABLE = 20 SPACES



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

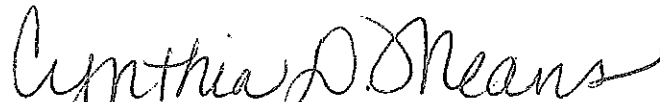
STATE OF MICHIGAN ]  
] SS  
COUNTY OF HILLSDALE ]

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:

**Saturday, December 30, 2017 – Hillsdale Daily News**

Public Notice – Zoning Board of Appeals  
Variance Request – 479 E. Chicago St.

  
Cynthia D. Means, City Clerk

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 2018

  
Notary Public for Hillsdale County, Michigan

My commission expires \_\_\_\_\_  
LENORE M. SPAHR  
NOTARY PUBLIC – STATE OF MICHIGAN  
County of Hillsdale  
My Commission Expires 01/24/2018  
Acting in the County of \_\_\_\_\_

## PUBLIC NOTICE CITY OF JONESVILLE

### NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Thursday, January 18, 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 Rear Yard Setback to be less than 50 feet; to allow a lot size be less than one (1) acre; to allow the lot width be less than 220 feet; and to allow a commercial building to have no street frontage in a Highway Commercial District (HC) located at 479 E. Chicago St, Jonesville, MI.

Property ID #30-21-033-400-012-33-5-3 and #30-21-033-400-013-33-5-3

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 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 Street  
Jonesville MI 49250  
517-849-2104

12/30/17