



City of
Jonesville

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**CITY OF JONESVILLE
ZONING BOARD OF APPEALS AGENDA
MARCH 22, 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 – January 18, 2018

5. PUBLIC COMMENTS

6. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION

A. Request from Mitch Spangler, SRG Properties, LLC, to allow construction of an addition with a setback of less than 40 feet from the right-of-way of Concord Road in the HC (Highway Commercial) zoning district, on the property located at 601 E. Chicago Street.

i. Public Hearing

ii. Action on Request

7. OTHER BUSINESS

8. ADJOURNMENT

**CITY OF JONESVILLE
ZONING BOARD OF APPEALS
Minutes of January 18, 2018**

A meeting of the City of Jonesville Zoning Board of Appeals was held on Thursday, January 18, 2018 at the Jonesville City Hall. Chair Todd Shroats called the meeting to order at 6:00 p.m.

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

Absent: None.

Also Present: Manager Jeff Gray, Supt. of Public Works Mike Kyser, Greg Bailey.

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.

Motion by Mike Venturini, second by Tim Bowman, to approve the minutes of October 4, 2017.
All in favor. Motion carried.

The Public Hearing for the request 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 was opened at 6:02 p.m.

Property owner Greg Bailey stated that he intends to build and occupy a new office building to the rear of his existing building located on E. Chicago Street. The property that he owns is actually two lots, one behind the other. The northern lot is his intended building site and does not have frontage on a public street. He wishes to keep the two lots separate, as he intends to sell the existing building to an established office user.

Mr. Bailey addressed the fact that the variances are required of two previously existing lots of record and noted that other ordinance requirements can be met on the two properties, including all minimum parking requirements for the planned office uses. He provided an aerial photograph noting the character of the property to the north of the subject property, which is wooded. There are no homes in the vicinity of the property line and a Consumers Energy line makes it unlikely that residential development would come close to the subject parcel.

Manager Gray stated that no calls or inquiries have been received from surrounding property owners regarding the application.

Storm drainage was discussed, with the ZBA noting that water currently pools at the rear of the existing parking lot. Mr. Bailey noted that the construction project will allow the drainage to be properly directed to the rear of the property to the naturally occurring drainage.

Discussion followed regarding the potential impacts of construction on a lot with no frontage on a public street. Manager Gray noted that this is rarely an issue for the first owners of such properties, but can become an issue with subsequent owners, particularly when costs have to be shared in an easement area for parking and access improvements. Gray stated that the issue was presented by staff to assure that there was full disclosure of the issue. Often property owners with easement disputes will contact the City for assistance. However, the easement will be an agreement the property owners. The City will not be a party to the easement, nor will it have authority to interpret or enforce the terms. Any disagreements will have to be resolved between the property owners, possibly with assistance from the courts.

The property value and sale implications of the lot configuration were discussed. Alternate property ownership scenarios were considered, as well. Condominium ownership was discussed, where two separate owners could own each building, but own the property and parking in common. Manager Gray clarified that if the ZBA approved the variances, as proposed, Mr. Bailey would still have the option to consider a condominium ownership scenario. That change would bring the property into greater compliance with the Zoning Ordinance and would not require additional approval by the ZBA.

The Public Hearing was closed at 6:30 p.m.

Mike Venturini made a motion to approve the requested variances 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. The Zoning Board of Appeals strongly encourages the owner to consider property ownership options that would allow the two parcels to be combined together. The motion was seconded by Larry Jose. All in favor. Motion carried.

A motion was made by Mike Venturini 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 Larry Jose. All in favor. Motion carried.

The meeting was adjourned at 6:48 p.m.

Submitted by,

Jeffrey M. Gray, City Manager/Recording Secretary



To: Jonesville Zoning Board of Appeals
From: Jeffrey M. Gray, City Manager
Date: March 6, 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 SRG Properties, LLC regarding the construction of an addition on the former Cedars restaurant. The applicant proposes the construction of a 12-foot by 22-foot addition on the west side of the building, toward Concord Road. The purpose of the addition is to provide additional space for the kitchen. The applicant intends to use the property as a restaurant.

A variance is required for the 40 foot setback from the Concord Road right-of-way. The current building is about one-foot away from the right-of-way. The 12-foot addition would encroach about 11 feet into the setback, leaving the building 29 feet away from the right-of-way. The addition would be built on the west side of the building and would stop short of the existing dumpster enclosure. 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.

In order to help see the proposed construction in context, staff has overlayed the applicant's proposed addition onto a Google Earth map, below.

Aerial Photograph/Site Plan Overlay



The applicant has considered constructing the proposed addition to the north, where there is sufficient setback to the rear property line. However, the grade of the lot slopes up considerably at the rear of the building. In addition, the existing kitchen is built as a wing off from the main building. The existing roof lines make an addition straight to the north a challenge.

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 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. Further, the existing site grade does present a practical difficulty for constructing the addition in a manner consistent with the ordinance. That difficulty is unique to this property. 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 variance for the property located at 601 E. Chicago Street to allow a setback of less than 40 feet to the Concord Road right-of-way, for the construction of a 12-foot by 22-foot addition on the existing building 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.

**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: 2/23/18

Property Owner

Name <u>Mitch Spangler</u>		Business Name <u>SRG Properties, LLC</u>	
Street Address <u>601 E. Chicago St.</u>		Email Address <u>Mitch Spangler1@gmail.com</u>	
Cell Phone Number <u>517474-2277</u>	Fax Phone Number	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: H.C

VARIANCE FEE: \$250.00

Property Address: 601 E. Chicago

Property ID #: 30 21 034 300 011 34 5 3

Date of Denial of Zoning Permit: 2/15/18

Reason of Denial: Does Not Meet Setback

Purpose of Request (Specify exactly what is being requested): Requesting Setback Variance to Expand Kitchen Area to Allow Moving From 524 W. Chicago St (Spangler's) to Serve More Customers Adding 30 Seats

Explain Nature of Practical Difficulty or Hardship: Kitchen is currently too small to allow for the volume of business that the Dining Room will seat in a timely fashion.

Signature of Applicant

Mitchell Spangler
Signature of Property Owner

Lenore M. Spahn
Signature of City Clerk

Date:

2/23/18

Date:

2/26/18

Date:

Official Use Only

Fee Paid	<u>\$ 250.00</u>
Date Paid	<u>2/23/18</u>
Receipt #	<u>93552</u>
Date of Hearing:	

VARIANCE APPLICATION REVIEW

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

Old Cedar's Bldg. Moving Spangler's Restaurant to this location, Need More Kitchen Space to Handle Business Volume

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?

It would create Hardship in that to serve more people the current kitchen size would prohibit the main reason to expand from 1 operation to 2.

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

It will allow Spangler's to move current restaurant operation to the new location serving more customers in a timely fashion, thus the older smaller location can be converted into another operation with new employees and serving more people.

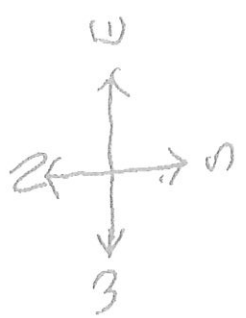
Would granting the variance oppose the general spirit and intent of the zoning regulations?

Not in my opinion, there will be no known effect on any surrounding properties and it will allow a building in the city to become active again instead of sitting empty.

Recommended conditions or restrictions:

Request is to expand 12ft. into the setback.

Parcel 30 21 034 300 011 34 S 3
E Chicago
Jonesville MI



22' x 12' Addition

65'

65'

Current Building

65

22

6 10

10

24

36

22' 22'

12'

12'

35'

20'

Construct a 22' x 12' addition stick built to match current construction.

70'

Concord Road

VS-12 E. Chicago St

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]

Lenore M. Spahr, being first duly sworn, says that she is the Deputy 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, March 3, 2018 – Hillsdale Daily News

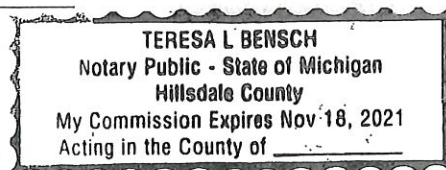
Public Notice – Zoning Board of Appeals
Variance Request – 601 E. Chicago St.

Lenore M. Spahr
Lenore M. Spahr, Deputy Clerk

Subscribed and sworn to before me this 6th day of March, 2018

Teresa L. Bensch
Notary Public for Hillsdale County, Michigan

My commission expires 11/18/2021



PUBLIC NOTICE CITY OF JONESVILLE NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:00 p.m., Thursday, March 22, 2018, at the Jonesville City Hall, 265 E. Chicago Street, Jonesville, MI 49250.

The board will meet to consider the following request:

To allow the setback to a side street right-of-way to be less than 40 feet in a Highway Commercial (HC) District. The property is located at 601 E. Chicago St, Jonesville, MI.
Property ID #30-21-034-300-011-34-5-3

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 normal business hours, 8:00 a.m. to 4:30 p.m., Monday through 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