



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
OCTOBER 26, 2016 – 6:30 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 19, 2016

5. PUBLIC COMMENTS

6. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION

A. Request from Sidney B. Michael to allow division of properties located at 208 W. Chicago Street, 216 W. Chicago Street, and 228 W. Chicago Street, resulting in a property with less than 220 feet of width and to allow front, side and rear setbacks to be less than required in the Highway Commercial (HC) District.

i. Public Hearing

ii. Action on Request

7. OTHER BUSINESS

8. ADJOURNMENT

**CITY OF JONESVILLE
ZONING BOARD OF APPEALS
Minutes of July 19, 2016**

A City of Jonesville Zoning Board of Appeals meeting was held on Tuesday, July 19, 2016 at the Jonesville City Hall. Chair Todd Shroats called the meeting to order at 6:30 p.m.

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

Absent: None (one vacancy).

Also present: Manager Jeff Gray, Terry "TJ" Stephens, Jr, Jennifer Stephens, Cyndi Barrett.

The Pledge of Allegiance was recited. Chair Todd Shroats declared that a quorum was present.

Motion by Mike Venturini, second by Tim Bowman, to approve the agenda, as presented. All in favor. Motion carried.

Motion by Tim Bowman, second by Mike Venturini, to approve the October 29, 2015 meeting minutes, as presented. All in favor. Motion carried.

There were no public comments.

Chair Todd Shroats opened the public hearing on the request to allow a vehicle service station at the property located at 126 W. Chicago Street. Terry "TJ" Stephens, Jr described his planned use of the building. He stated that his business consists of installation of window tinting, remote starts, and mobile audio and video. He would be interested in also adding retail sale of automobile accessories, like running boards, tonneau covers, and similar items. He currently works from his home garage in Tekonsha and has an established customer base in the Jonesville and Hillsdale area. Many of his customers are area automobile dealerships and other businesses.

He currently works primarily on passenger vehicles, but could perform installations on recreational vehicles and other larger vehicles.

He anticipates customers bringing vehicles to the overhead doors at the eastern driveway along US-12. All vehicles would be repaired indoors and would be stored indoors for liability. Only occasionally would a customer vehicle be left outdoors if a customer needed to pick it up after business hours.

Manager Gray clarified that the prior use of the property for Don Holmes muffler shop was nonconforming to our current Zoning Ordinance. The proposed use is likewise nonconforming, but could be authorized by the Zoning Board of Appeals, pursuant to the provisions of Section 2.28 (C)(5) of the Zoning Ordinance. If approved, the approval would only apply to the use as described by the applicant. Expansion of the use, or a change to a different vehicle service use would require approval by the Zoning Board of Appeals.

Gray also noted that he has worked with Cyndi Barrett, the property owner, regarding other potential retail or office uses. However, the site is unique in its development with limited parking. The proposed

If the variance is approved, the zoning of each of the three properties would continue to be HC (Highway Commercial). The permitted uses would be those allowed in the HC district, unless a rezoning were approved by the City Council.

Variances are subject to the review standards listed in the attached copy of Section 17.08(A) of the Zoning Ordinance. The request for variance 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. The variance results from conditions unique to this property as a result of the locations of the long standing structures on site. 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 width and setback variances for the properties located at 208, 216 and 228 W. Chicago Street, as shown on the survey prepared by Due North Surveying, Inc. (dated September 23, 2016, Job No. 047-16), 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.

Village 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: AUGUST 2, 2016

Property Owner

Name JOHN ANSETT	Business Name FORMELY THE BOOK HOUSE	
Street Address 216 W. CHICAGO RD. JONESVILLE, MI.	Email Address	
Cell Phone Number	Fax Phone Number	Phone Number 517-523-3526

Applicant (If Not Owner)

Name SIDNEY B. MICHAEL	Email Address STKSBM@YAHOO.COM		
Address (Street No. and Name) 65 HILLSDALE ST., HILLSDALE	City HILLSDALE	State MI	Zip Code 49242
Cell Phone Number	Fax Phone Number	Phone Number 517-437-7387	

Applicant's Interest in the Property (Land Contract, Lease, Etc.)
REAL ESTATE CO. SELLING THE PROPERTY

Zoning District: _____

VARIANCE FEE: \$250.00

Property Address: 216 CHICAGO RD.

Property ID #: 16030574

Date of Denial of Zoning Permit: _____

Reason of Denial: _____

Purpose of Request (Specify exactly what is being requested): THE 3⁰ PROPERTIES ARE OVERLAPING AND WITH 1
THE SPLIT OR LOT LINE ADJUSTMENT IT WILL ALLOW THEM TO BE SOLD SEPERATLY.

Explain Nature of Practical Difficulty or Hardship: WITH THE 3 PROPERTIES BEING OVERLAPPING IT IS NEAR
IMPOSSIBLE TO SELL AS ONE UNIT. BY SPLITING OR LOT LINE ADJUSTMENT IT WILL ALLOW THE SALE
OF THE PROPERTIES ON AN INDIVIDUAL BASIS, WHILE STILL MAINTAINING THE INTEGRETU OF THE
SURROUNDING AREA AND NEIGHBORHOOD.

Sidney B. Michael
Signature of Applicant

AUGUST 2, 2016
Date:

Official Use Only	
Fee Paid	<u>250.00</u>
Date Paid	<u>9/29/16</u>
Receipt #	<u>77648</u>
Date of Hearing:	<u>10/26/16</u>

Signature of Property Owner

Date:

Cynthia D. Means
Signature of Village Clerk

10/26/16
Date:

VARIANCE APPLICATION REVIEW

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

PROPERTY HAS BEEN MARKETING AS ONE PARCEL OR UNIT WITH NO RESULTS. MANY HAVE VIEWED THE PROPERTY BUT ONLY WANT ONE OF THE PARCELS OR CANNOT AFFORD OR CASH FLOW ALL 3 AS A UNIT.

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

IN THE OPINION OF THIS REAL ESTATE BROKER, THERE WOULD BE LITTLE IF ANY IMPACT ON ADJOINING PROPERTY OWNERS

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

LEAVING THE PROPERTIES AS THEY ARE CREATES A VERY UNUSUAL PACKAGE TO SELL AS IT WILL NOT CASH FLOW FOR THE MANY DIFFERENT USES THAT BUYERS HAVE LOOKED AT IT MAY NEED. THE PROPERTY THUS HAS REMAINED VACANT WITH IN TIME REDUCES THE VALUE OF THE PROPERTY AND EVENTUALLY MAY CAUSE IT TO BECOME ABLIGHTED PROPERTY.

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

NONE KNOWN

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

NONE KNOWN

Recommended conditions or restrictions:

Walnut Street



6316 Kirsch Drive
Jonesville, MI 49250
(517) 849-9677 fax (517) 439-1858
email: duenorth@dmcibb.net

This survey was made from a legal description provided to us as a complete and accurate description of the property. Both map and description should be compared with an abstract of title or title policy for any exceptions, easements or discrepancies.

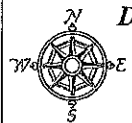
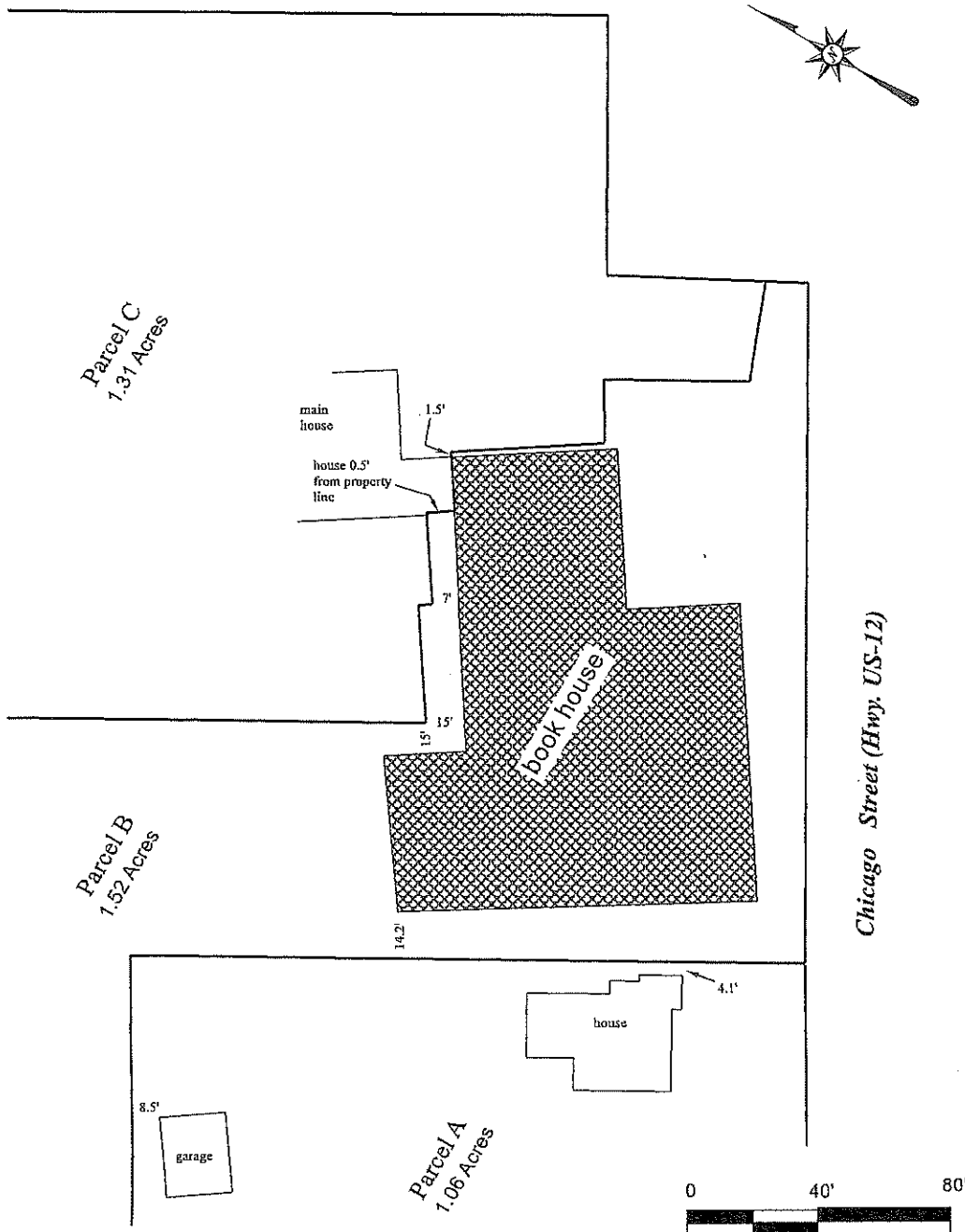
DATE: 9-23-2016

Michael Auction & Realty

- Set iron w/cap #41093
 ● Found iron
 ■ Found Monument
 ⊕ Section Corner
 (xx.xx) recorded measurement

MAP OF SURVEY

Walnut Street



DUE NORTH SURVEYING, INC.

6316 Kirsch Drive
Jonesville, MI 49250
(517) 849-9677 fax (517) 439-1858
email: duenorth@dmcibb.net

SHEET 2 OF 2

JOB# 047-16

SCALE 1" = 40'

DATE: 9-23-2016

Michael Auction & Realty

- Set iron w/cap #41093
- Found iron
- Found Monument
- Section Corner
- (xx.xx) recorded measurement

I, Jeffrey A. Bieszk, Professional Surveyor, hereby certify that I have surveyed the property as above shown and have set and/or found the irons as indicated; Further that this survey meets or exceeds the minimum standards as adopted and that the ratio of closure on the unadjusted field observations was 1/5000 or better.

This survey was made from a legal description provided to us as a complete and accurate description of the property. Both map and description should be compared with an abstract of title or title policy for any exceptions, easements of discrepancies.

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

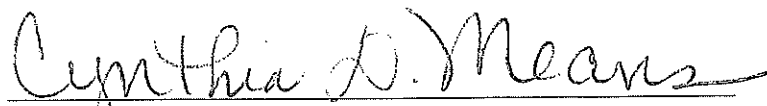
STATE OF MICHIGAN]
] SS
COUNTY OF HILLSDALE]

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, October 8, 2016 – Hillsdale Daily News

Public Notice – Public Hearing /Zoning Board of Appeals
Variance Request


Cynthia D. Means, City Clerk

Subscribed and sworn to before me this 14th day of October, 2016


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 6:30 p.m., Wednesday, October 26, 2016 at the Jonesville City Hall, 265 E. Chicago Street, Jonesville, MI 49250.

The board will meet to consider the following request:

To allow a Minimum Lot Width be less than 220 Feet, to allow the Required Front Yard, Required Side Yard, and Required Rear Yard Setbacks be less than required in a Highway Commercial District (HC). The variance results from the proposed division of the lots located at 208 W. Chicago Street, 216 W. Chicago Street, and 228 W. Chicago Street, Jonesville, MI, 49250

Property ID #30-21-004-100-009-04-6-3

Property ID #30-21-004-100-007-04-6-3

Property ID #30-21-004-100-006-04-6-3

Property ID #30-21-004-100-026-04-6-3

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