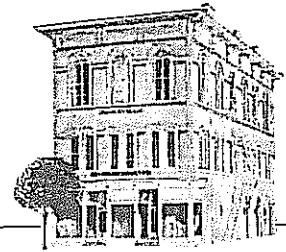




VILLAGE OF JONESVILLE

265 E. CHICAGO ST.
JONESVILLE, MI 49250
www.jonesville.org

(517) 849-2104
Fax (517) 849-9037
email: manager@jonesville.org



Village of Jonesville
Zoning Board of Appeals
March 12, 2013 Agenda
6:30 P.M. Village Hall

- A. CALL TO ORDER
- B. DECLARATION OF QUORUM
- C. APPROVAL OF MINUTES – **November 30, 2010**
- D. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION
 - 1. a. **Public Hearing for variance request – 745 Wright Street**
 - b. **Action on variance request to allow an attached residential garage to be built within the required 35 feet rear yard setback area in a Single Family Residential District located at 745 Wright Street**
 - 2. a. **Public hearing for variance request – 115 W. Chicago**
 - b. **Action on variance request to allow the number of parking spaces to be less than allowed in a Highway Commercial District located at 115 West Chicago Street**
- E. OLD BUSINESS
- F. ADJOURNMENT

Village of Jonesville
Zoning Board of Appeals
Minutes – November 30, 2010

Present: Ceil Steel, Bob Snow, George Schutes, Carole Jose, Dana Kyser and
Manager Adam Smith

Absent: None

Guests: Kevin Teller and Charles Pfau

The meeting was called to order at 5:07 p.m. by Chairperson Ceil Steel.

A quorum was declared.

A motion was made by Dana Kyser to accept the minutes of October 26, 2010 with an addition of the following: Discussion revealed that reasonable evidence of practical difficulty existed and the principal use structure was located across the street in the township. Seconded by Bob Snow. All in favor. Motion carried.

The Public Hearing for a variance request to allow an accessory building to exceed restrictions of yard area and square footage in a Residential District (R-1) located at 350 Murphy Street was opened at 5:08 p.m.

Kevin Teller, who requested the variance, addressed the board regarding the structure to be built. Board members made comments and asked questions regarding the variance and the possibility of conditions being placed on the variance.

The Public Hearing closed at 5:25 p.m.

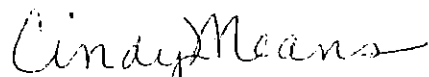
Discussion revealed that the variance does not appear to be contrary to public interest, nor cause a substantial adverse effect to property in the vicinity and practical difficulties exist. There is an active railroad track located along the east boundary of the property and the shape of the vacant property is exceptionally narrow.

A motion was made by Dana Kyser and seconded by Carole Jose to approve the variance request from Kevin Teller to allow an accessory building to exceed restrictions of yard area and square footage in Residential District (R-1). Ayes: Dana Kyser, Carole Jose, George Schutes and Ceil Steel. Nays: None. Abstain: Bob Snow (Conflict of Interest) Motion carried.

Carole Jose made a motion for the immediate effect of the 350 Murphy Street variance as necessary for the preservation of property and hereby certified on the record. Seconded by Dana Kyser. All in Favor. Motion carried.

A motion to adjourn at 5:53 p.m. was made by Bob Snow and seconded by Carole Jose. All in favor. Motion carried.

Submitted by,



Cindy Means
Deputy Clerk

CHAPTER 17 ZONING BOARD OF APPEALS

SECTION 17.01 AUTHORIZATION

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Board of Appeals.

SECTION 17.02 MEMBERSHIP - TERMS OF OFFICE

- A. The Board of Appeals of the Village of Jonesville shall consist of five (5) members appointed by the Village President. The Board of Appeals of Fayette Township shall consist of five (5) members appointed by the Supervisor.
 - 1. The first member of such Board of Appeals shall be a member of the Planning Commission; the second member may be a member of the Legislative Body but shall not serve as the chairperson of the ZBA; the additional members shall be selected from the electors residing in the municipality for which the Board is constituted.
 - 2. The additional members shall not be elected officers or employees of the Legislative Body. The additional members shall be appointed for three (3) year terms; the Planning Commission and Legislative Body representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Legislative Body may appoint up to two (2) alternate members for the same terms as the regular members.
 - 1. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days.
 - 2. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - 3. The alternate member shall serve in the case until a final decision is made.
 - 4. The alternate member shall have the same voting rights as a regular member when called.

SECTION 17.03 DUTIES AND POWERS

The Board of Appeals shall have the following specified duties and powers:

- A. Appeals: The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Community in the administration of this Ordinance.
- B. Interpretation: The Board of Appeals shall have the power to:

VILLAGE OF JONESVILLE / TOWNSHIP OF FAYETTE

ZONING ORDINANCE

1. Hear and decide upon request for the interpretation of the provisions of this Ordinance; and
 2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator upon said subject.
- C. Variances: The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
- D. The Board of Appeals shall not have the authority to approve any sign type which is not permitted by this Ordinance within a zoning district.

SECTION 17.04 MEETINGS

Meetings shall be open to the public, and shall be held at the call of the Chairman and at such other times as the Board of Appeals shall specify in its rules of procedure.

SECTION 17.05 APPLICATIONS AND HEARINGS

- A. An application to the Board of Appeals shall consist of a completed application form, provided by the Community, a fee as established by the Legislative Body, which shall be paid to the Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.

- B. Upon receipt of a complete application the Secretary shall notice the public as follows:

A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the community. The notice shall include:

1. The nature of the request.
2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
3. Location and time of the hearing.
4. Where and when written comments may be received.

SECTION 17.06 DECISIONS

- A. The concurring vote of a majority of the membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this Ordinance.
- B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon

VILLAGE OF JONESVILLE / TOWNSHIP OF FAYETTE

ZONING ORDINANCE

with the applicant and the Board.

- C. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Board of Appeals, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.
 - 1. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by such decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- E. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

SECTION 17.07 APPEALS

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the community. Applications for appeals shall be filed within twenty one (21) days after the date of the decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

SECTION 17.08 REVIEW STANDARDS FOR VARIANCES

- 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.

VILLAGE OF JONESVILLE / TOWNSHIP OF FAYETTE

ZONING ORDINANCE

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.

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

VILLAGE OF JONESVILLE / TOWNSHIP OF FAYETTE

ZONING ORDINANCE

applicant.

- C. A use variance shall be passed with a two third (2/3rd) majority of ZBA membership.
- D. Prior to Board of Appeals decision on a request for a use variance, the Board of Appeals may request that the Planning Commission consider such request and that the Commission forward a report to the Board of Appeals.
 - 1. The report of the Planning Commission may include the opinion of the Commission as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood.
 - 2. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.



VILLAGE OF JONESVILLE

265 E. CHICAGO ST.
JONESVILLE, MI 49250
www.jonesville.org

(517) 849-2104
Fax (517) 849-9037
email: manager@jonesville.org



To: Jonesville Zoning Board of Appeals
From: Adam R. Smith, Manager
Date: March 7, 2013
Re: Manager Report for March 12, 2013 Zoning Board of Appeals Meeting

D. 1. a. Public Hearing – Variance Request for 745 Wright Street

Action item associated with holding a public hearing in which public comments are heard regarding the variance request to allow an attached residential garage to be built within the required 35 feet rear yard setback area in a Single Family Residential District (R-1).

D. 1. b. Variance Request for 745 Wright Street [Action]

Subsequent action item associated with public hearing regarding a variance request to allow an attached residential garage to be built within the required 35 feet rear yard setback area in a Single Residential District (R-1). As identified on the Griffiths's non-use variance application, the proposed garage setback would be six (6) feet.

The variance does not appear to be contrary to public interest. Nor does it appear to cause a substantial adverse effect to property in the vicinity except for the sole adjoining property (735 Wright Street) of which a letter of support has been provided by the property owner. Practical difficulties exist as the 745 Wright Street property is on a corner lot with public roadways on three sides and where a lawful structure existed prior to the adoption of the current zoning ordinance, the lot size and width are now non conforming.

Attached is Chapter 17 - Zoning Board of Appeals of the Zoning Ordinance which outlines review standards for variances. The motion or minutes of the meeting need to include the decision; reasons for the decision; and findings of fact upon which the reasons are based. It would be beneficial to visit the property in question prior to the meeting.

A motion to [approve or deny] the variance allowing an attached residential garage to be built within the required 35 feet rear yard setback area in a Single Family Residential District (R-1) located at 745 Wright Street based on established review standards is necessary to take action on the variance request. Per submitted site plan documentation, rear yard setback to be six (6) feet. A non-use variance is passed with a simple majority.

Please refer to the attached supporting documentation, ordinance excerpts, public notice, letter of support and map.



VILLAGE OF JONESVILLE

265 E. CHICAGO ST.
JONESVILLE, MI 49250
www.jonesville.org

(517) 849-2104
Fax (517) 849-9037
email: manager@jonesville.org



VILLAGE OF JONESVILLE

NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:30PM, Tuesday, March 12, 2013 at the Village Office, 265 E. Chicago Street, Jonesville, MI 49250.

The board will meet to consider the following variances:

To allow an attached Residential Garage to be built within the required 35 Feet Rear Yard Setback area in a Single Family Residential District (R1) located at 745 Wright Street, Jonesville MI 49250.

Property ID #30-06-255-001-007

To allow the number of parking spaces to be less than allowed in a Highway Commercial District (HC) located at 115 W. Chicago Street, Jonesville MI 49250.

Property ID #30-06-090-001-047

RECEIVED
MAR 05 2013

BY: _____

March 1, 2013

Re: Garage at 745 Wright St

Attention Zoning Board;

This letter is to inform you that I have talked with John and Deb Griffiths and I am aware of their request to add a garage on to their home. I understand that this addition will be coming the closest to my property line - more than anyone else involved and I would like you to know that I do not have a problem with this.

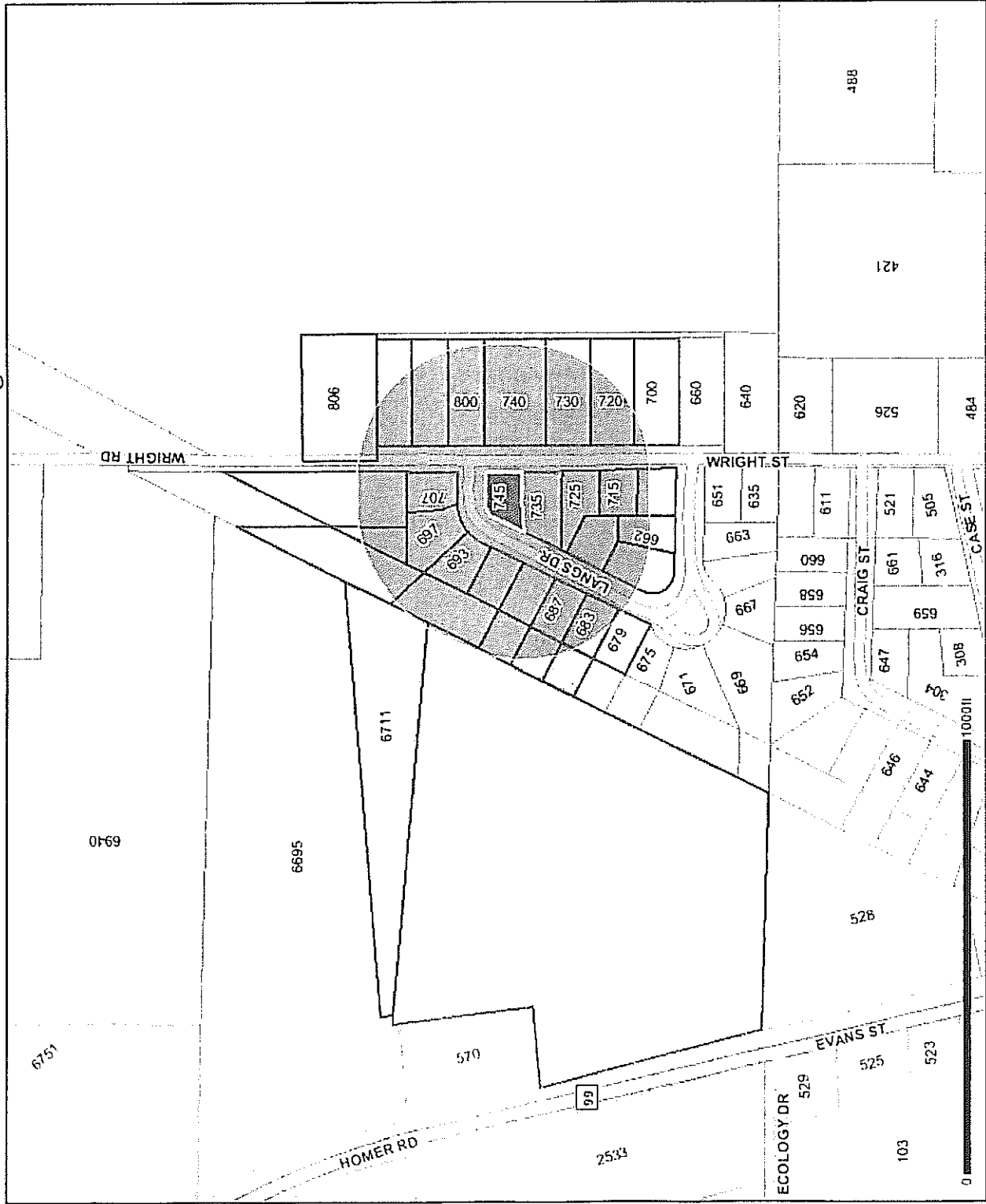
Thank you,

Bruce Dunning
735 Wright Street
Jonesville MI 49250



John Griffiths/745 Wright Street

- Buffered Features(s)
- Buffered Area
- Selected Features
- Municipal Boundaries
- PLS - Sections
- Bike Paths
- Railroad
- Streets
- Major Arterial
- Minor Arterial
- Roads
- Lakes
- Rivers and Creeks
- Parcels
- County Background
- River and Creek Names



This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and sources regarding the area shown, and is to be used for reference purposes only. The user of this map acknowledges that the City/County shall not be liable for any damages, and expressly waives defend, indemnify, and hold harmless the City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the User's access or use of data provide

06 033 100 038 33 5 3
DANIELS, STUART L
6375 W STERLING RD
LITCHFIELD MI 49252

06 255 001 008
SUTTON, HAYDEN O & MARTHA M
707 1 LANGS DR
JONESVILLE MI 49250

06 240 001 007
FINEGAN, NEIL & ROBERTA SR
800 WRIGHT ST
JONESVILLE MI 49250

06 033 100 018 33 5 3
SUTTON, HAYDEN O & MARTHA M
707 LANGS DR
JONESVILLE MI 49250

06 033 100 021 33 5 3
TELLER, REBECCA J
697 LANGS DR
JONESVILLE MI 49250

06 033 200 004 33 5 3
CHILDRESS, STEVEN J & REBECCA A
806 WRIGHT ST
JONESVILLE MI 49250

06 033 100 019 33 5 3
TELLER, REBECCA
697 LANGS DR
JONESVILLE MI 49250

06 240 001 008
CHILDRESS, STEVEN J & REBECCA A
806 WRIGHT ST
JONESVILLE MI 49250

06 033 100 024 33 5 3
HAYDOUS, GHASSON & FADIA
693 LANGS DR
JONESVILLE MI 49250

06 033 100 035 33 5 3
DANIELS, STUART L
6375 W STERLING RD
LITCHFIELD MI 49252

06 255 001 009
ROLLINS, REBECCA
697 LANGS DR
JONESVILLE MI 49250

06 240 001 003
PADGET, ROBERT ALLEN &
PO BOX 155
JONESVILLE MI 49250

06 255 001 015
MILLER, SHAWN W
679 LANGS DR
JONESVILLE MI 49250

06 255 001 004
STIVERSON, JASON E & MEGAN R M
715 WRIGHT ST
JONESVILLE MI 49250

06 255 001 023
STRAIT, SHIRLEY A
668 LANGS DR
JONESVILLE MI 49250

06 255 001 022
TEMPLETON, RICHARD E & ELLEN R
662 LANGS DR
JONESVILLE MI 49250

06 240 001 002
HULL, RANDALL D & BONDELYNN
700 WRIGHT ST
JONESVILLE MI 49250

06 255 001 003
STIVERSON, JASON E & MEGAN R M
715 WRIGHT ST
JONESVILLE MI 49250

06 255 001 010
HAIDOUS, MOHAMAD
693 LANGS DR
JONESVILLE MI 49250

06 240 001 006
FINEGAN, NEIL & ROBERTA SR
800 WRIGHT ST
JONESVILLE MI 49250

06 255 001 011
HAIDOUS, MOHAMAD
693 LANGS DR
JONESVILLE MI 49250

06 033 100 022 33 5 3
MCNEIL, JOHN W & EDITH M
687 LANGS DR
JONESVILLE MI 49250

06 240 001 005
GRIFFITHS, ERIC J
514 FAYETTE ST
JONESVILLE MI 49250

06 255 001 007
GRIFFITHS, DEBRA S TRUST
745 WRIGHT ST
JONESVILLE MI 49250

06 255 001 012
MCNEIL, JOHN W & EDITH M
687 LANGS DR
JONESVILLE MI 49250

06 033 100 025 33 5 3
MCNEIL, JOHN W & EDITH
687 LANGS DR
JONESVILLE MI 49250

06 255 001 006
DUNNING, BRUCE L REV LVG TRUST
735 WRIGHT ST
JONESVILLE MI 49250

06 255 001 013
MCNEIL, JOHN W & EDITH M
687 LANGS DR
JONESVILLE MI 49250

06 033 100 020 33 5 3
MCCORMICK, CORTNEE S & DENNIS
683 LANGS DR
JONESVILLE MI 49250

06 240 001 004
RISK, GLENN H
730 WRIGHT ST
JONESVILLE MI 49250

06 255 001 005
HUNT, VADA FAYE (LIFE ESTATE)
725 WRIGHT ST
JONESVILLE MI 49250

06 255 001 014
MCCORMICK, COURTNEY S & DENNIS
214 SOUTH ST
JONESVILLE MI 49250

06 255 001 024
TONER, THOMAS L
29 GOODRICH AVE
HILLSDALE MI 49242

Village of Jonesville Application for Zoning Compliance Report

265 E. Chicago Street
Jonesville Michigan 49250

Phone: 517-849-2104 Fax: 517-849-9037

Date of Application : 11-1-12

Job Location/Property Owner

Name of Owner/Agent <u>John Griffiths</u>		Business Name	
Street Address and Job Location (Street No. & Name) <u>745 Wright St</u>		Email Address <u>JohnGriffithsMechanical.com</u>	
Cell Phone Number <u>517-610-1288</u>	Fax Phone Number <u>517-849-2360</u>	Phone Number <u>517-849-2503</u>	

Contractor

Name of Owner or Company <u>Dustin Roberts</u>		Email Address <u>dustinroberts2011@hotmail.com</u>	
Address (Street No. and Name) <u>4931 Homer Rd, Jonesville, MI</u>		City <u>Jonesville</u>	State <u>MI</u>
Cell Phone Number <u>517-398-1400</u>		Fax Phone Number	Zip Code <u>49250</u>
		Phone Number	

ZONING DISTRICT: Fayette

Application is hereby made by the undersigned to:

<input type="checkbox"/>	Construct New Building**	Sq. Ft.	<input type="text"/>
<input checked="" type="checkbox"/>	Add to Existing Building	Sq. Ft.	<u>586</u>
<input type="checkbox"/>	Residential Garage**	Sq. Ft.	<input type="text"/>
<input type="checkbox"/>	Storage Building**	Sq. Ft.	<input type="text"/>

Fee Schedule

< 200 Sq. Ft.	\$20.00
201 - 500 Sq. Ft.	\$25.00
501 - 2000 Sq. Ft.	\$150.00
Ea. Add. 1000 Sq. Ft.	\$25.00
< 200 Sq. Ft.	\$20.00
> 200 Sq. Ft.	\$50.00

Height of Structure from Ground Level: _____

Type of Siding and Color: Vinyl Green

Built on Pad or Basement: Pad

**NEW BUILDINGS REQUIRE ONE SET OF PRINTS

<input type="checkbox"/>	Removal or Demolition of Building	N/C
<input type="checkbox"/>	Fence Style: _____ Height: _____	\$20.00
<input type="checkbox"/>	Driveway, Approach, Paved Pad, Foundation or Private Sidewalk	\$20.00
<input type="checkbox"/>	Decks/Porches (w/out roof) Sq. Ft. <input type="text"/>	\$20.00
<input type="checkbox"/>	Swimming Pool	\$20.00
<input type="checkbox"/>	Basic Zoning Compliance Permit Fee for Structures not listed	\$50.00

Applicant(s) is/are:

<input checked="" type="checkbox"/>
<input type="checkbox"/>

Owner of property involved

Acting on behalf of owner of property

I hereby certify that the proposed work is authorized by the owner of the record and that I have been authorized by the owner to make this application as his authorized agent and we agreed to conform to all applicable laws of this jurisdiction.

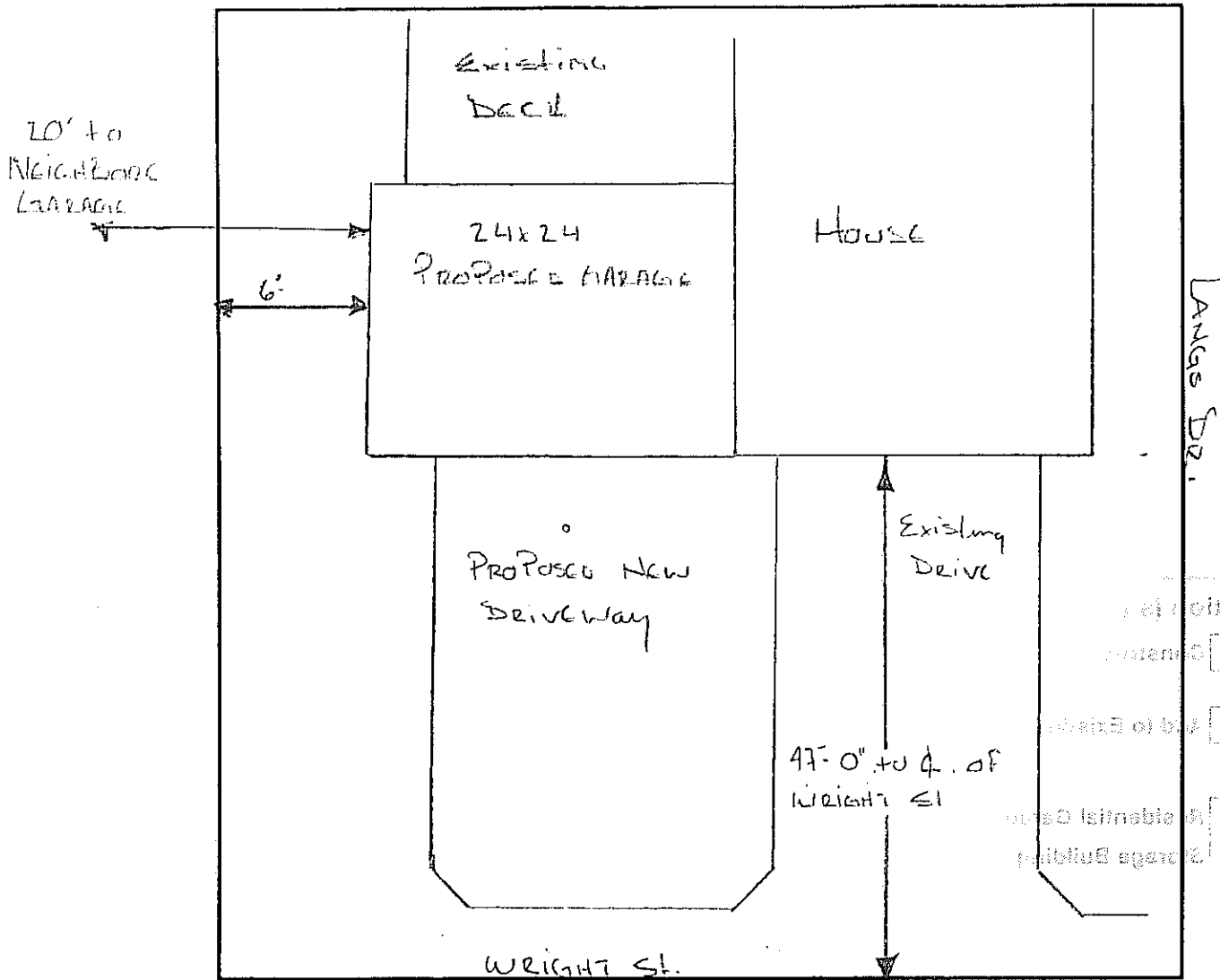
John Griffiths
Signature of Applicant

11-1-12
Date

Official Use Only

Fee Paid	<u>25.00</u>
Date Paid	<u>1/24/13</u>
Receipt #	<u>37101</u>

SITE OR PLOT PLAN:



A Zoning Compliance Permit for the proposed use of said property is hereby:

<input type="checkbox"/>	Granted
<input checked="" type="checkbox"/>	Refused

for the following reason(s):

NEEDS VARIANCE FOR REAR YARD (35')
SET BACK (ZBA)

Mike Hym
 Zoning Administrator Signature

2-5-13
 Date of Approval

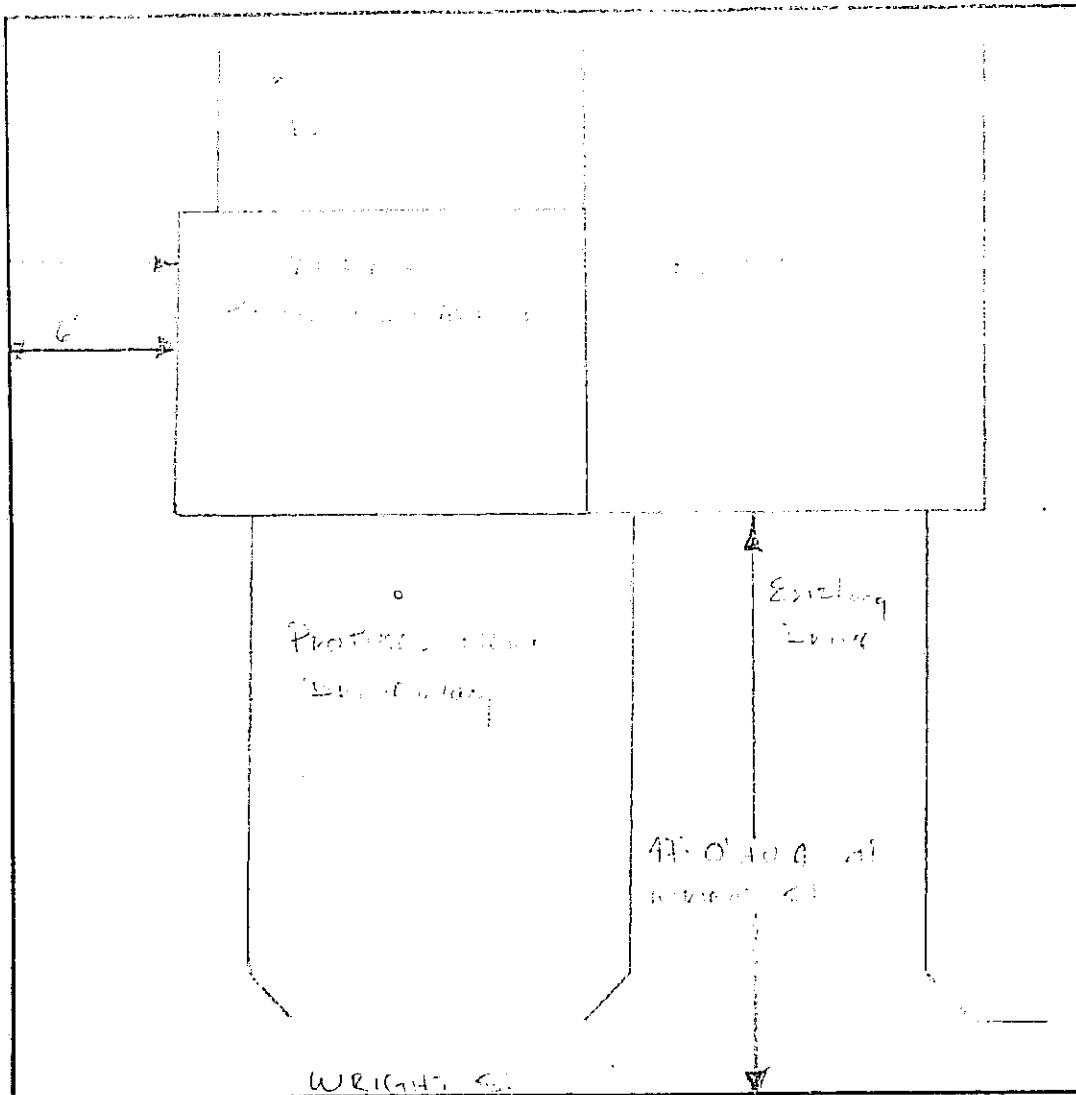
393.6

☐ Special Conditions - Requires Final Approval from Zoning Administrator

☐ Special Conditions Approved: _____
 Zoning Administrator Signature Date

NOTE: Approval contingent upon all requirements to local ordinances, local, township and county building codes and state laws pertaining to the requirements being completed during construction and before habitation.

SITE OR PLOT PLAN:



A Zoning Compliance Permit for the proposed use of said property is hereby:

<input type="checkbox"/>	Granted
<input checked="" type="checkbox"/>	Refused

for the following reason(s):

NEEDS VARIANCE FOR REAR YARD (35')
SET BACK (Z.B.A.)

[Signature]
 Zoning Administrator Signature

2-5-13
 Date of Approval

☐ Special Conditions - Requires Final Approval from Zoning Administrator

☐ Special Conditions Approved: _____
 Zoning Administrator Signature Date

NOTE: Approval contingent upon all requirements to local ordinances, local, township and county building codes and state laws pertaining to the requirements being completed during construction and before habitation.

**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: 2/14/13

Property Owner

Name <u>John & Debra Griffiths</u>		Business Name	
Street Address <u>745 Wright St</u>		Email Address <u>debgmci@yahoo.com</u>	
Cell Phone Number <u>517-610-1288</u>	Fax Phone Number	Phone Number <u>517-849-2503</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: _____

VARIANCE FEE: \$250.00

Property Address: _____

Property ID #: _____

Date of Denial of Zoning Permit: _____

Reason of Denial: _____

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

Garage addition to our home, we are requesting a variance for the side rear & front set backs.

Explain Nature of Practical Difficulty or Hardship:

This is our only option in obtaining a garage on our lot.

Signature of Applicant

Date:

Debra Griffiths
Signature of Property Owner

2/14/13
Date:

Cindy Means
Signature of Village Clerk

2/14/13
Date:

Official Use Only	
Fee Paid	<u>250.00</u>
Date Paid	<u>2-14-13</u>
Receipt #	<u>37386</u>
Date of Hearing:	<u>3/12/13</u>

VARIANCE APPLICATION REVIEW

What circumstances are unique to the property, which give rise to the request? Primarily the way the house is situated surrounded by road on 3 sides. This has not allowed us many options. The home was built many years ago & does not comply with zoning regulations today. Therefore, to keep the addition in line, this

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

Our driveway & ^{new garage} would be closer to their driveway & garage, not living space.

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

Our home would be less marketable & inconvenient for us as homeowners.

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

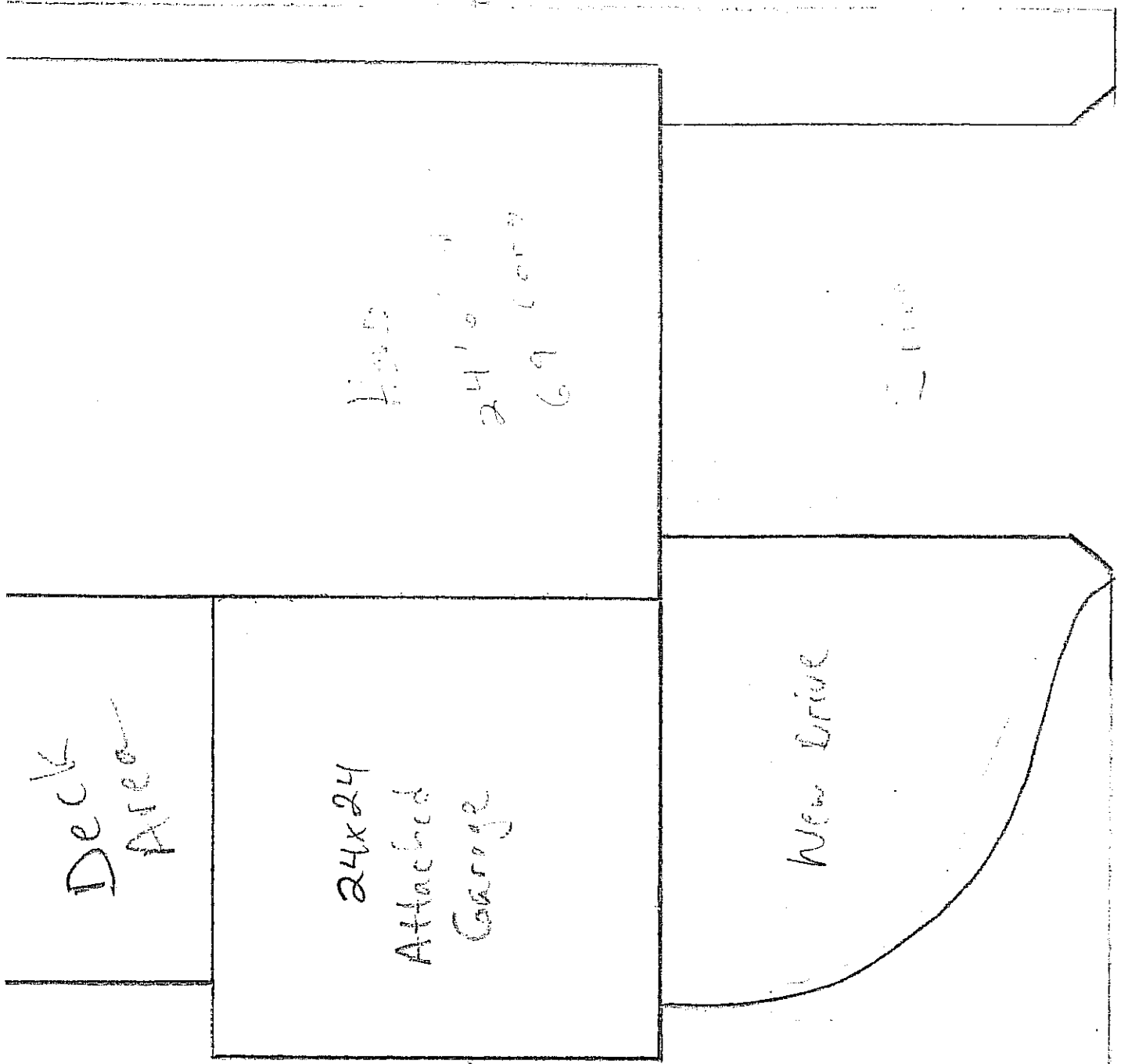
Michigan winters are difficult with cars being left out in the snow. Cleaning them off every morning has become a real pain.

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

Even though this doesn't meet zoning requirements our home as it is situated does not either.

Recommended conditions or restrictions:

L 1/4 S L 1/4 E



6'

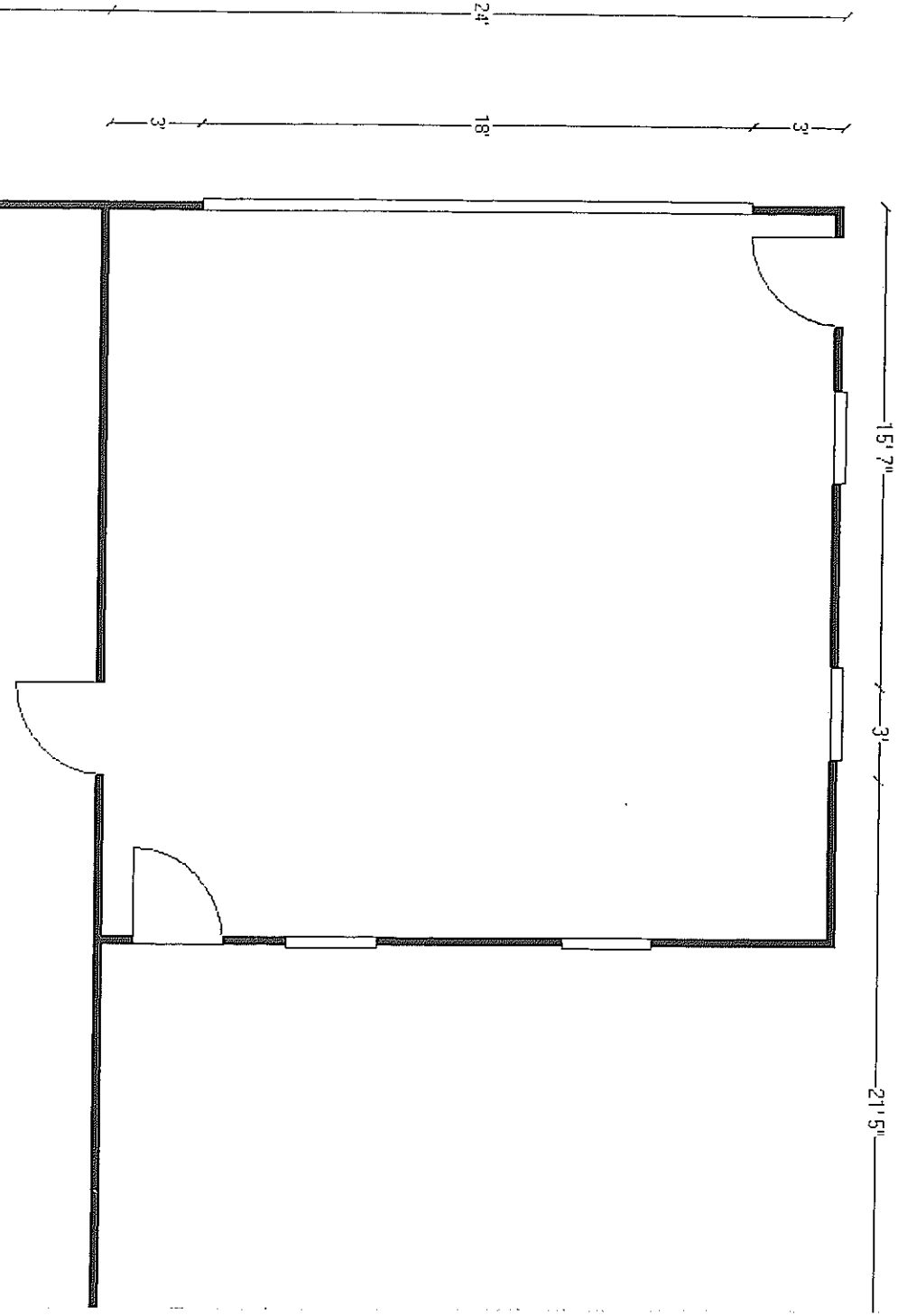
47' From
Center of Wright St.
to Roughly 20'
from neighbors
garage.

Wright Street

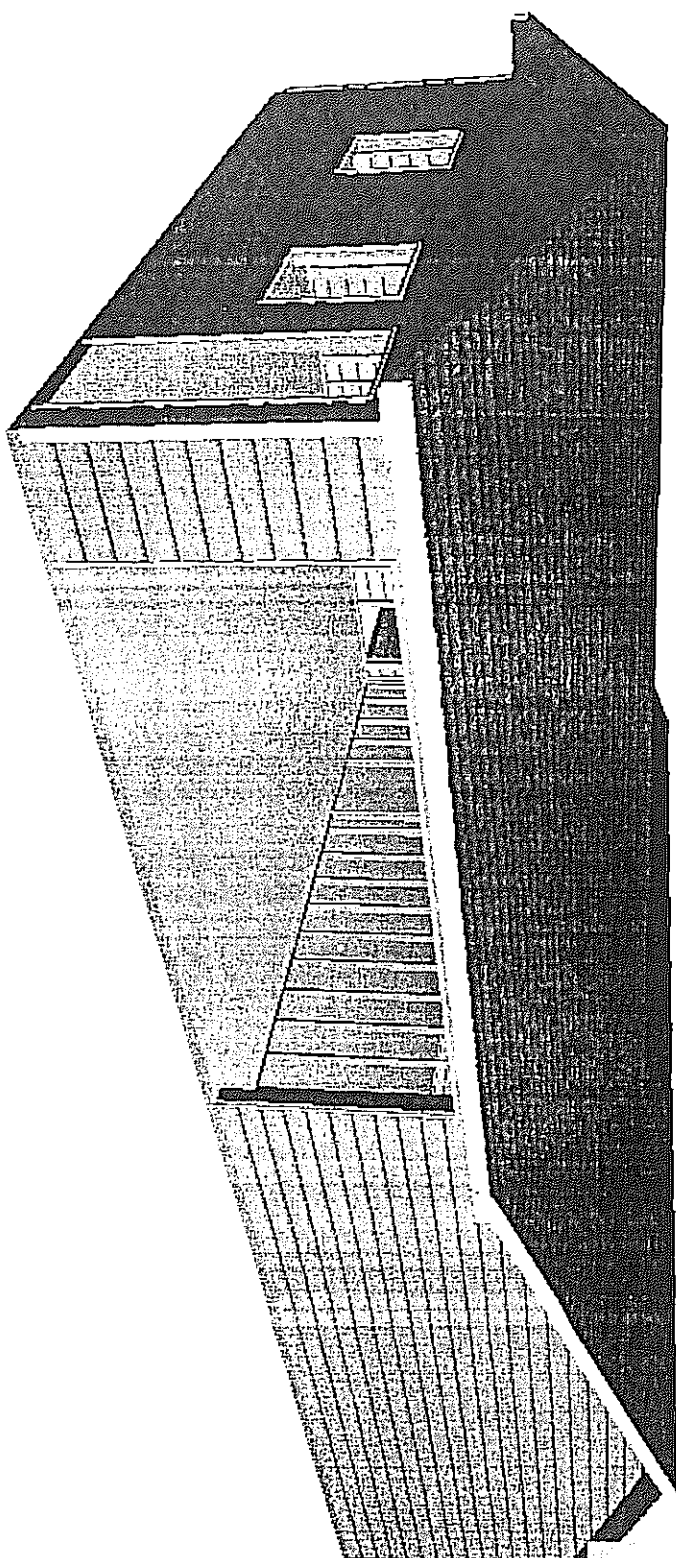
JONESVILLE LUMBER
108 W. CHICAGO ST.
JONESVILLE MI
Phone: (517) 849-2181
Fax: (517) 849-2541

~~24' x 24'~~ 3' x 6' ceiling

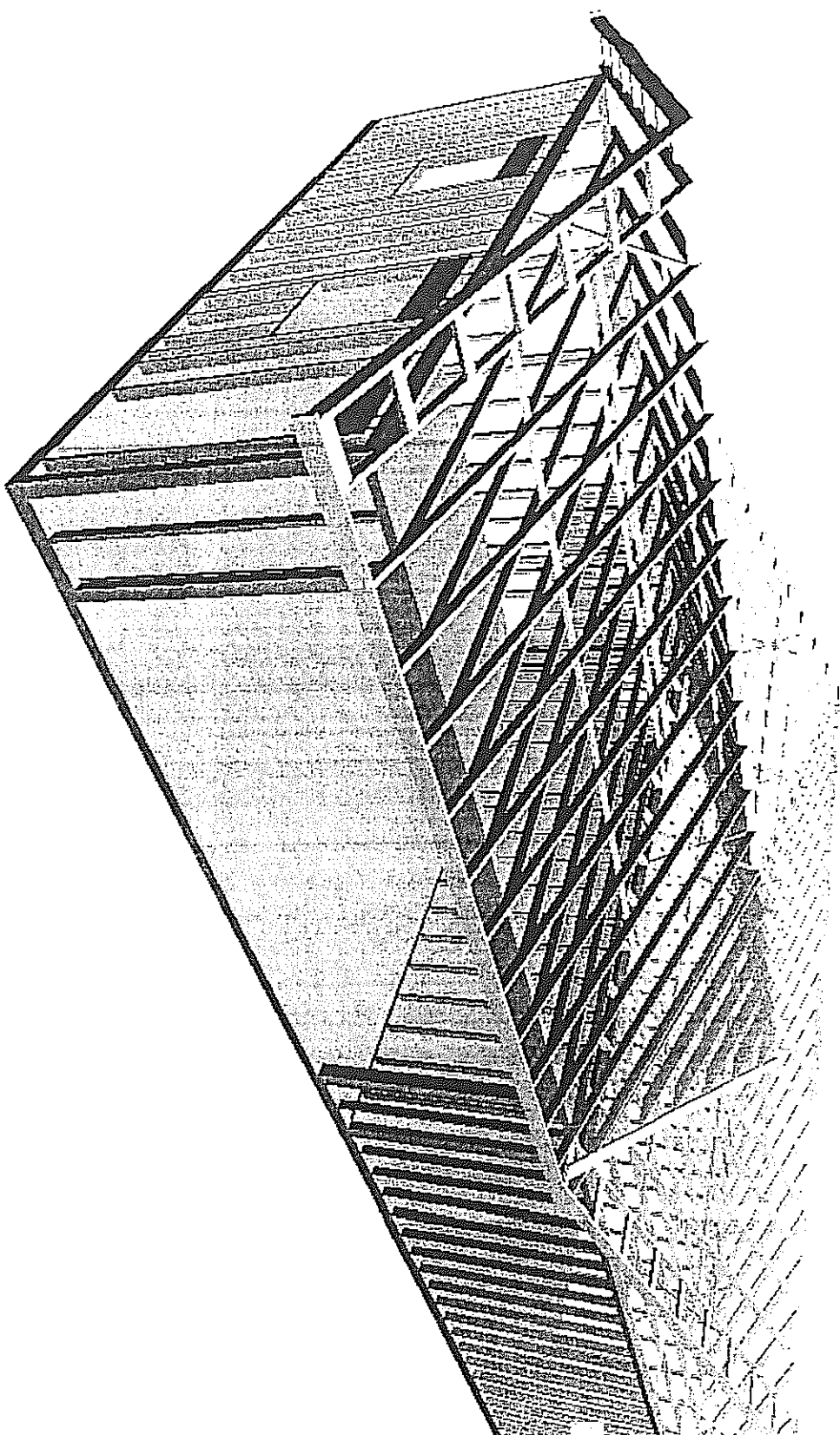
2' TALL



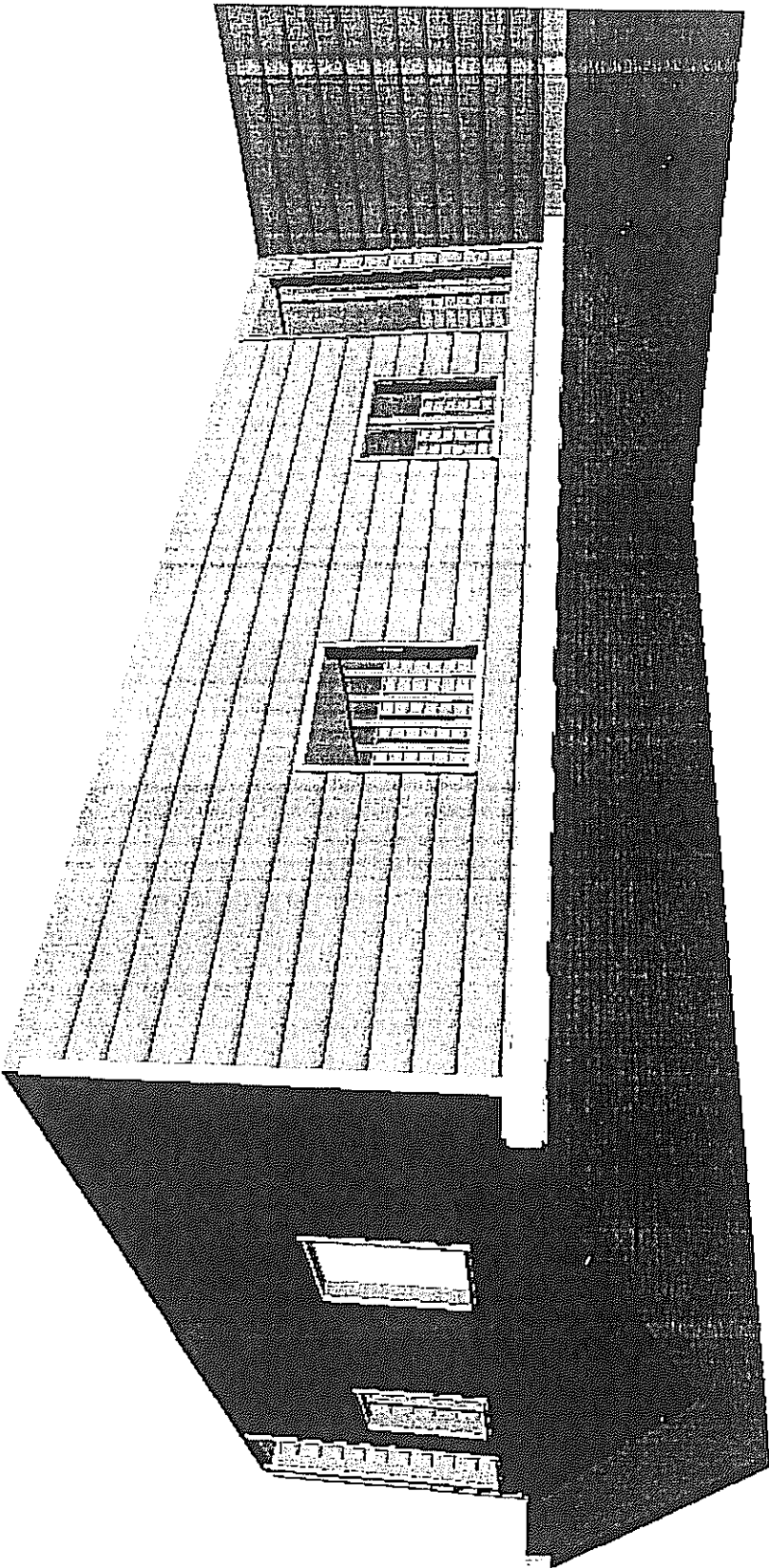
JONESVILLE LUMBER
108 W. CHICAGO ST.
JONESVILLE MI
Phone:(517) 849-2181
Fax:(517) 849-2541



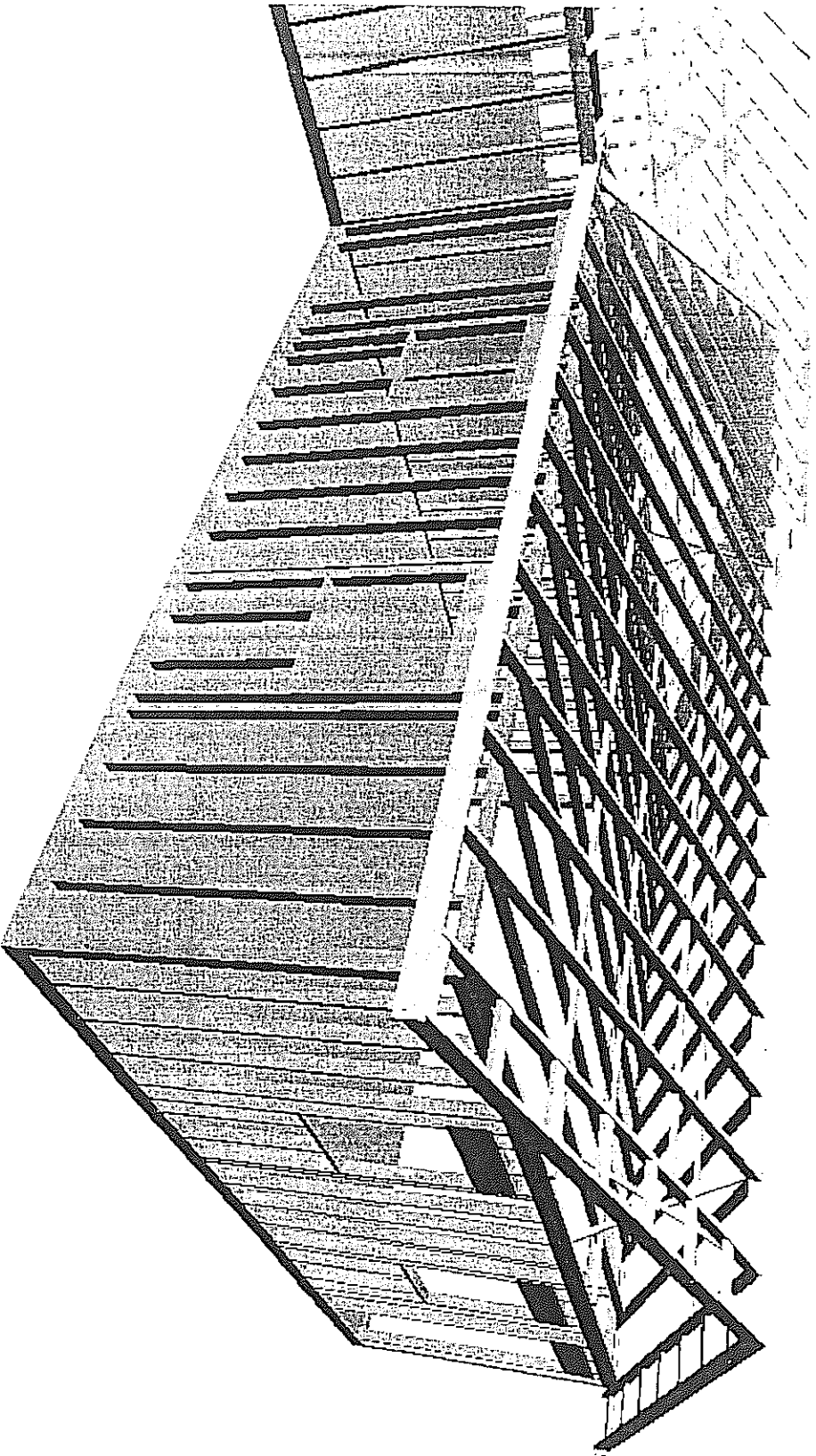
JONESVILLE LUMBER
108 W. CHICAGO ST.
JONESVILLE MI
Phone: (517) 849-2181
Fax: (517) 849-2541



JONESV. LUMBER
108 W. CHICAGO ST.
JONESVILLE MI
Phone:(517) 849-2181
Fax:(517) 849-2541



JONESVILLE LUMBER
108 W. CHICAGO ST.
JONESVILLE MI
Phone:(517) 849-2181
Fax:(517) 849-2541





VILLAGE OF JONESVILLE

265 E. CHICAGO ST.
JONESVILLE, MI 49250
www.jonesville.org

(517) 849-2104
Fax (517) 849-9037
email: manager@jonesville.org



To: Jonesville Zoning Board of Appeals
From: Tim McLean, Assistant to the Manager *T.M.*
Date: March 12, 2013
Re: Assistant to the Manager's Report for March 12, 2013

D.2a Public Hearing

Action item associated with holding a public hearing in which public comments are heard regarding the variance request to allow McDonald's USA, LLC to construct a second drive through lane which would lead to non-conformity in the number of parking spaces required in the Highway Commercial District (HC).

D.2b Variance Request for 115 W. Chicago Street

Subsequent action item associated with the variance request for McDonald's USA, LLC to allow the number of parking spaces to be less than allowed in the Highway Commercial District (HC). On January 29, 2013, McDonald's USA, LLC applied for a zoning permit to add a second drive through lane on its premises. Zoning Administrator Kyser denied the permit because a second drive through lane would lead to non-compliance with Chapter 16 of the Zoning Ordinance relative to parking requirements. The location currently has 42 parking spaces, which was consistent with zoning requirements in 1996. The creation of a second drive through lane would reduce the number of parking spaces to 32. However, it is important to note that the second drive through lane will allow for the stacking of four additional cars in the drive through line. Today's parking requirement under Chapter 16 states: *One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1 ½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater.*

Based on today's requirements, this would require 65 total parking spaces. It is the position of McDonald's USA, LLC management that the parking lot is never filled to capacity and that approximately 70-75% of all sales are completed via drive through. McDonald's USA, LLC is seeking a non-use variance that would enable them to construct the second drive through lane. This is a unique situation in that demand at this location is such that it generates unsafe traffic congestion on US12 and a variance would be necessary in this case to balance consumer demands and public safety. The intent is to alleviate traffic congestion on US12 due to excessive lines in the existing drive through. A Hardship Statement has been presented relative to resulting traffic congestion on US12 from the existing drive through lane. Exceptional topographic conditions, in the form of proximity to the existing 100 Year Flood Plain do not allow for the construction of additional paved parking spaces. Allowing a second drive through lane is consistent with a majority of business that is conducted at this establishment.

The request for variance does not appear to be contrary to public interests, nor cause a substantial adverse effect to property in the vicinity. The applicant planned for this

location with parking spaces consistent with zoning at that particular date and it is due to high utilization of the existing drive through that is the driving force behind the variance request and not a result of any action or inaction on the part of the business. A motion is necessary to take action on the item. A non-use variance shall be passed with a simple majority.

Please see attached Hardship Statement, Photos, Zoning Ordinance Ch. 17



VILLAGE OF JONESVILLE

265 E. CHICAGO ST.
JONESVILLE, MI 49250
www.jonesville.org

(517) 849-2104
Fax (517) 849-9037
email: manager@jonesville.org



VILLAGE OF JONESVILLE

NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:30 PM, Tuesday, March 12, 2013 at the Village Office, 265 E. Chicago Street, Jonesville, MI 49250.

The board will meet to consider the following variances:

To allow an attached Residential Garage to be built within the required 35 Feet Rear Yard Setback area in a Single Family Residential District (R1) located at 745 Wright Street, Jonesville MI 49250.

Property ID #30-06-255-001-007

To allow the number of parking spaces to be less than allowed in a Highway Commercial District (HC) located at 115 W. Chicago Street, Jonesville MI 49250.

Property ID #30-06-090-001-047

Attendance at the ZBA Hearing is welcomed, but not required.

Individuals with disabilities requiring auxiliary aids or services should contact the Village of Jonesville by writing or calling the following;

Village of Jonesville
265 E Chicago Street
Jonesville MI 49250
517-849-2104

06 060 001 145
GOWS COMM 1 CONDO LLC
5171 BEAN RD
ALLEN MI 49227

06 060 001 076
GOWS COMM 1 CONDO LLC
5171 BEAN RD
ALLEN MI 49227

06 060 001 079
GOWS COMM 1 CONDO LLC
5171 BEAN RD
ALLEN MI 49227

06 060 001 080
GOWS COMM 1 CONDO LLC
5171 BEAN RD
ALLEN MI 49227

06 004 300 007 04 6 3
MOSLEY, JACKIE M
2436 ASH-TE-WETTE DR
HILLSDALE MI 49242

06 090 001 059
HAYES, LISA JUNE REVOCABLE
1824 WILDWOOD
HILLSDALE MI 49242

06 090 001 048
DIRECT DEVELOPMENT LLC
3800 ADDISON RD
JONESVILLE MI 49250

06 090 001 046
JONESVILLE DAIRY TREAT INC
5200 CRONK RD
JONESVILLE MI 49250

06 090 001 045
JONESVILLE DAIRY TREAT INC
5200 CRONK RD
JONESVILLE MI 49250

06 090 001 051
BARRETT, CLINT DAVID
125 W CHICAGO ST
JONESVILLE MI 49250

06 090 001 046
JONESVILLE DAIRY TREAT INC
5200 CRONK RD
JONESVILLE MI 49250

06 090 001 058
LEE, BEN SHI TRUST
126 1/2 N BROAD ST
HILLSDALE MI 49242

06 090 001 047
PEOPLE PROMISES PARTNERSHIP
61 E CHICAGO ST
COLDWATER MI 49036

06 090 001 046
JONESVILLE DAIRY TREAT INC
5200 CRONK RD
JONESVILLE MI 49250

06 004 100 025 04 6 3
MICHIGAN DEPT OF
BOX 30028
LANSING MI 48909

06 004 100 021 04 6 3
JONESVILLE LUMBER CO
108 W CHICAGO ST
JONESVILLE MI 49250

06 004 100 018 04 6 3
MICHIGAN DEPT OF
PO BOX 30028
LANSING MI 48909

06 004 100 023 04 6 3
JONESVILLE, VILLAGE OF
265 E CHICAGO ST
JONESVILLE MI 49250

06 004 100 016 04 6 3
WALTERS-DIMMICK PETROLEUM
1620 S KALAMAZOO
MARSHALL MI 49068

06 004 100 017 04 6 3
SLOVACEK, MATTHEW V
2273 PONDBROOKE DR
HILLSDALE MI 49242

Findings of Fact (Hardship Statement)

Date: January 29, 2013

To: Village of Jonesville Planning Commission

Project: Requested Parking Variance
McDonald's Remodel
115 West Chicago Street
Jonesville, Michigan

At this time we respectfully request a variance from the Planning Commission regarding the number of parking spaces required per section 16.06 of the Village of Jonesville Zoning Ordinance. Repeated for you here:

Chapter 16, Section 16.06 Off Street Parking Requirements:

Restaurants with drive-through facilities: One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1 ½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater.

Per our calculations:

1,376 Gross Square Feet of UFA / 100 = 13.76 = 14 Spaces Required

Or

97 Persons Max Occupant Load / 1.5 = 64.6 – 65 Spaces Required

Currently the existing number of parking spaces is 42, which was acceptable per the Zoning Ordinance at the time of construction in 1996 and again at the time of a major building addition in 2003. Our current proposed improvements would reduce the number of parking spaces from 42 to 32 in order to accommodate the new side-by-side or two-at-a-time drive thru lanes.

The proposed drive thru lane revision is intended to improve site traffic flow through and around the drive thru and reduce the number of cars stacking out towards and onto Chicago Street. This is accomplished by both increasing the speed with which drive thru orders are processed by adding a second order point and providing more space for cars to stack within the footprint of the drive thru rather than along the building. With the current drive thru and parking layout, drive thru traffic stacks out to Chicago Street, sometimes blocking the entrance to the site altogether. The attached PZ-1.01 shows (11) cars stacked in the existing drive thru. The attached proposed layout PZ-1-02 shows (13) cars stacking in the drive thru and the last car doesn't even reach past the front of the building.

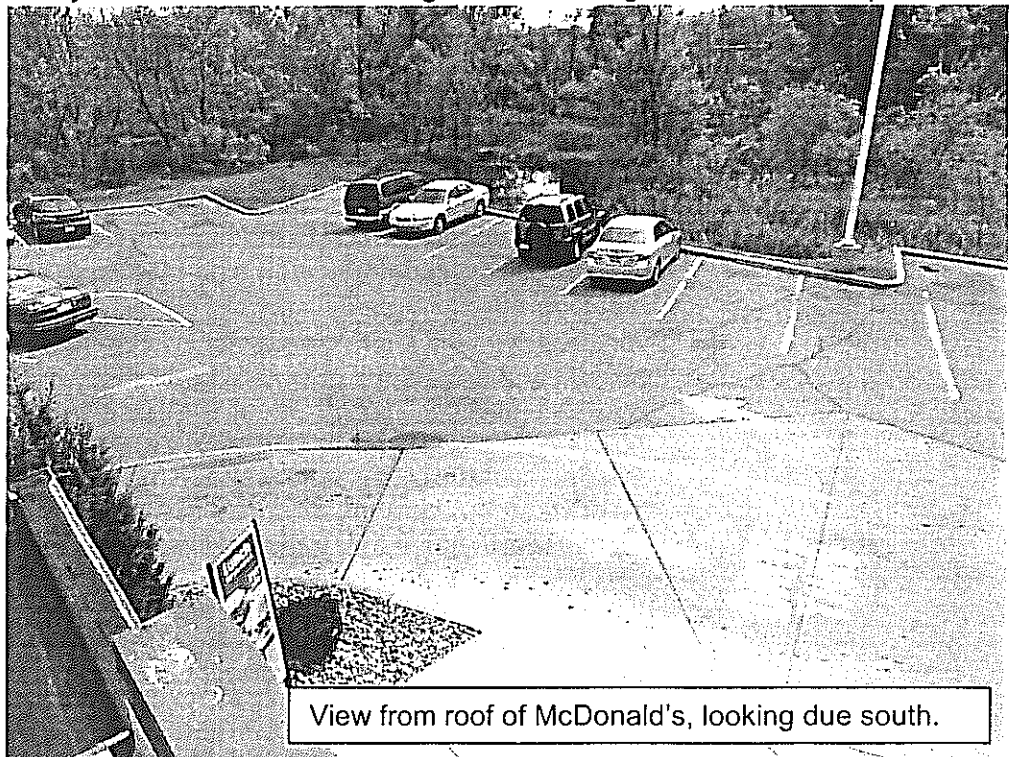
The proposed drive thru revisions are meant to improve the site congestion

and improve the customer experience. In order to do this, we are forced to reduce the number of existing parking spaces by (10). However, according to the restaurant management and owner, the existing parking lot is never maxed out – the congestion problem lies with the drive thru. In fact, at this particular site, approximately 70-75% of the sales are at the drive thru windows.

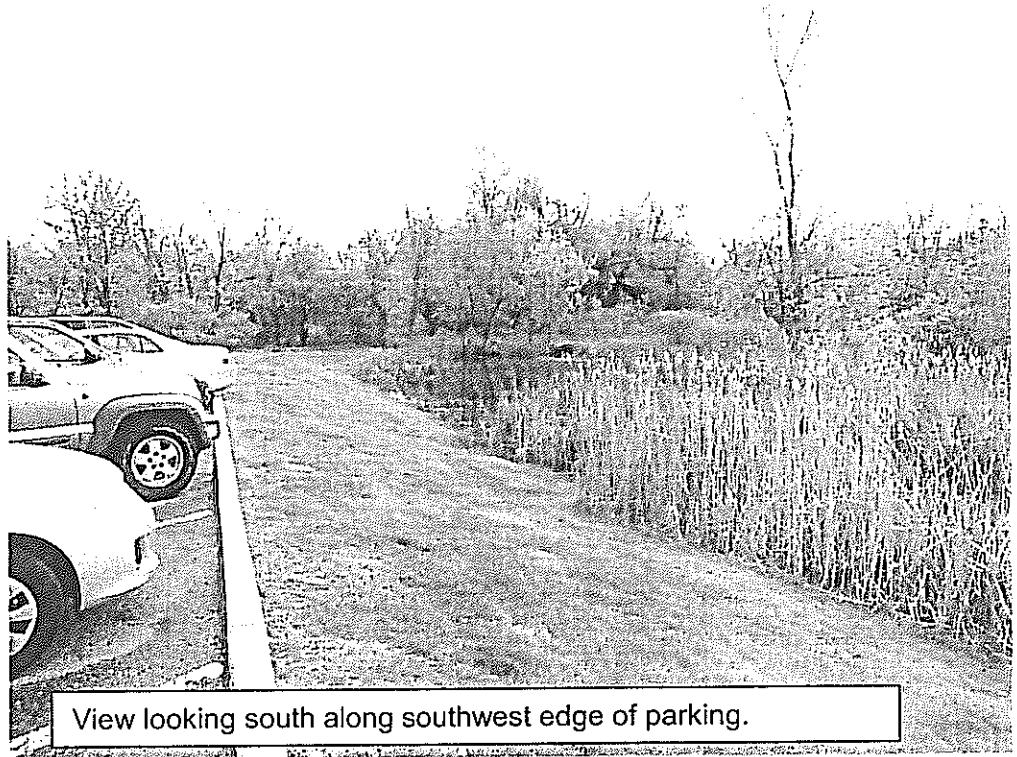
Normally, McDonald's would have little issue with providing additional paving and parking area to recoup the lost parking spaces as a result of these improvements. This site, however has some unique features that prevent this easy solution.

Please refer to the enclosed site plan PZ-2.01 representing the existing site contours. As you can see, a significant portion of our site lies within the 100-year flood plain. Building within a designated flood plain requires special permits through the Michigan Department of Environmental Quality which may require a period of public review and/or a hearing. Please note that MDEQ has also designated this site an area of "high-potential" for wetlands pre-settlement hydric soils (see the attached Wetlands Map Viewer printout from the MDEQ website).

More than 15,000 square feet of the southwest corner of the site lies within this flood plain and as you can see from the photo below, after periods of heavy rain, this area does see significant flooding from the St. Joseph River.



Additionally, the ground drops away significantly along the southwest edge of the parking lot. Providing additional paving in this area may be prohibited by state and federal regulations.



View looking south along southwest edge of parking.


As for the east side of the site, there is a large area of green space that lies between the McDonald's and the adjacent property, but again, a large portion of this lies within the 100-year flood plain. We have sketched out a parking area/paving addition in this area and have found that 4,636 additional square feet of impervious paving (almost half of which would be located in the flood plain) would net only (5) additional parking spaces. Please note that while we could add (9) additional angled parking spaces that would mirror the existing angled parking spaces along the east edge of the existing parking lot, a minimum of (4) parking spaces would have to be removed (two at the north near the road, and two at the trash corral) to provide an access aisle to this new row of parking spaces. What we would be left with is a new sea of asphalt paving in place of green space to gain (5) parking spaces that would largely go un-used.

For these reasons we are asking for a variance with regards to the required number of parking spaces. We are not increasing the square footage or occupant load of the building and expect no additional demand on the parking lot that currently does not fill. At this particular site, we are experiencing congestion at the 70-75% of sales at the drive thru and with drive thru traffic stacking back to Chicago Street. This is the issue that we are looking to correct with this remodel.

Thank You for your consideration.

Please contact us with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Evans', with a stylized, cursive script.

Dave Evans – Lead Architectural Designer
WD Partners
614-634-7244
Dave.evans@wdpartners.com

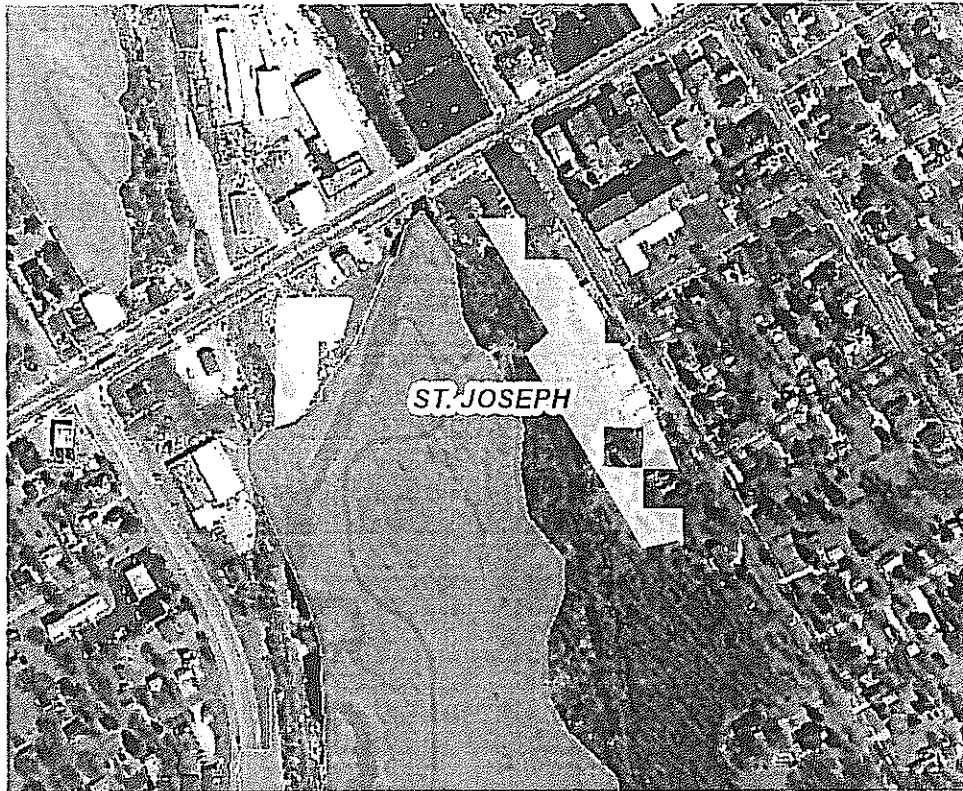
PZ-1.02

[illegible]

Wetlands Map Viewer

Print page

Add Title



This map is not intended to be used to determine the specific locations and jurisdictional boundaries of wetland areas subject to regulation. More information regarding this map, including how to obtain a copy can be accessed at www.michigan.gov/wetlands

Copyright © 2001-2013 State of Michigan

Base Map Legend

Unincorporated Places

Interchanges

Political Boundaries

FREEWAY

HIGHWAY

Primary Roads

Local Road Names

Railroads

County Names

Lakes

Rivers

City, Village, CDP

County Boundaries

Land and Water

National Wetlands Inventory

Highest Potential - Hydric and Presettlement Wetland Overlay

High Potential - Hydric Soils Only

Moderate Potential - Presettlement Wetlands Only

County

Federal

Local

NGO

Native American Lands

Private

State

Unknown

Undetermined

Watershed Basins

Mitigation Watersheds

Cranberry Suitability - Manistee Co.



Project Narrative

Date: January 29, 2013

To: Village of Jonesville Planning Commission

Project: McDonald's Remodel
115 West Chicago Street
Jonesville, Michigan

Proposed improvements at the existing McDonald's Restaurant with drive thru are to include:

- Revision of the existing drive thru lanes to provide a side-by-side or two-at-a-time ordering system to improve drive thru service and reduce the vehicle stacking out towards Chicago Street by increasing the number of vehicles that can stack inside the footprint of the drive thru.
- New exterior seating fixtures and patio to be provided directly in front of the building. This seating area will feature ADA accessible seating.
- No changes to site utilities, storm water runoff systems or access drives are planned at this time.
- Building improvements are to include a new decorative front arcade and remodel/rebranding of the building exterior and the interior lobby, dining areas and restrooms.
- The building exterior will feature all masonry finishes – painted split-face CMU block with smooth-finished architectural concrete masonry arcades.
- New building signage will be provided.
- No changes to the building use, occupancy or occupant load are planned.

Please contact us with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Evans', written over a horizontal line.

Dave Evans – Lead Architectural Designer
WD Partners
614-634-7244
Dave.evans@wdpartners.com

