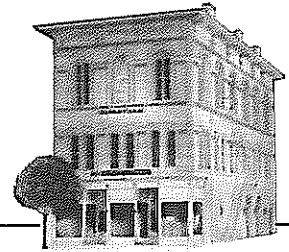




# VILLAGE OF JONESVILLE

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

(517) 849-2104  
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**VILLAGE OF JONESVILLE  
ZONING BOARD OF APPEALS AGENDA  
DECEMBER 4, 2013 – 5:30 P.M.  
VILLAGE HALL**

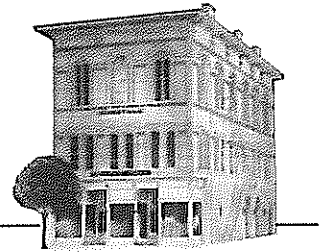
- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES – July 16, 2013**
- 5. PUBLIC HEARING AND SUBSEQUENT BOARD ACTION**
  - A. Request from Life Challenge of MI/The Manor to allow one nonconforming use to be changed to another nonconforming use. If approved, buildings located at 115 East Street and 470 Oak Street at the Manor Foundation property would be used for residential and outpatient treatment, with a mission of discipleship and training.
    - i. Public Hearing
    - ii. Action on Request
- 6. OLD BUSINESS**
- 7. OTHER BUSINESS**
  - A. Conflict of Interest Policy
- 8. ADJOURNMENT**



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To: Jonesville Zoning Board of Appeals  
From: Jeffrey M. Gray, Village Manager  
Date: November 26, 2013  
Re: Manager Report – December 4, 2013 Zoning Board of Appeals Meeting

## 5. A. i. Public Hearing

This is the time reserved on the agenda to hear public comments regarding the request from Life Challenge of Michigan/The Manor to allow one nonconforming use to be changed to another nonconforming use. If approved, buildings located at 115 East Street and 470 Oak Street at the Manor Foundation property would be used for residential and outpatient treatment, with a mission of discipleship and training.

## 5. B. ii. Life Challenge of MI request to change nonconforming use [Action]

This is the subsequent action item related to the request to change the nonconforming use.

The Manor Foundation property is located in the R-2 (Residential Single Family) zoning district. As a State licensed congregate care facility, the Manor was nonconforming in the R-2 district. Life Challenge of Michigan is proposing to utilize buildings at the Manor for a residential and outpatient State licensed alcohol and substance abuse treatment facility. This use is also nonconforming in the R-2 district.

Section 2.28(C)(5) of the Zoning Ordinance allows the Zoning Board of Appeals to consider changing one nonconforming use to another, provided that the three conditions listed in that section are met. A copy of those conditions is attached, along with the applicant's comments regarding meeting those requirements. In short, the conditions are intended to assure that the new use will be as compatible or more compatible with the surrounding neighborhood than the previous use, and that there will be no enlargement of the use. The ZBA is also permitted to impose appropriate conditions on the approval to assure that the intent of the Zoning Ordinance will be met.

In addition to the application materials, the applicant has provided the attached written answers to some staff questions. Those answers describe staffing and occupancy of the facility, if the proposal is approved. In subsequent meetings, the applicant has indicated that there are various security plans and operational plans related to the use. In addition, there would be minimum standards for screening participants in the program. We have encouraged the applicant to provide some written information regarding those plans; the applicant has indicated that he prefers to answer any questions that the ZBA may have regarding operations.

In the initial meetings with staff, the applicant had indicated that the facility would be limited to the residential building addressed at 470 Oak, located near the eastern property line along Oak Street – the building is identified on the enclosed aerial photograph. The application also

includes the administrative and residential building addressed at 115 East Street. The written materials indicate that there would initially be 25-35 men and women receiving treatment at the facility, gradually increasing to 50 people after one year.

The applicant has subsequently indicated to staff that they are hopeful that the use will expand to utilize all of the buildings on the property in time.

Analysis:

An important consideration in determining whether this facility will be as or more compatible with the neighborhood than the previous use of the property is how it will be operated.

We appreciate the information that the applicant has shared in previous meetings regarding security, applicant screening, and operational plans to address potential impacts of the use. However, written commitments on these kinds of issues can help to avoid confusion over agreements in the future.

An example of one simple issue that can have an impact on surrounding properties is the outdoor smoking policy – the applicant has stated to staff that smoking will not be allowed on campus.

The ZBA will want to consider whether the use as currently described meets the standard of approval in the ordinance or if additional written information is necessary. The ZBA may also want to consider adding conditions to its approval to memorialize important understandings about the operations of the facility.

Of course, this staff report is written before the ZBA has had the opportunity to hear comments from neighbors. There may be other specific issues that come up at the hearing that should be clarified or addressed that have not been the subject of prior conversations.

Also, the ZBA should note that the use has been advertised to occupy the buildings at 115 East Street and 470 Oak Street. Based on the application and the public notice that has been provided, expansion of the use beyond these buildings would require a future hearing by the ZBA.

Staff appreciates that there is interest in the use of the currently vacant buildings. Likewise, I appreciate the willingness of the owner to provide a tour of the facilities and the applicant to meet and answer questions. But unlike other permitted uses, nonconforming uses are not explicitly described in the Ordinance, and so some additional clarity about the nature of the use may be desirable.

A motion is necessary to take action to approve, approve with conditions, deny, or to postpone action for more information. The change of use may be passed by a majority of the total membership of the ZBA.

*Please see the attached Section 2.28(C)(5) of the Zoning Ordinance, correspondence from the applicant regarding compliance with the review standards in the ordinance, answers to staff questions, and aerial photograph identifying the subject buildings.*

**7. A. Conflict of Interest Policy**

**[Information]**

The Village auditor has advised that it is necessary for the Village to have a written policy regarding conflicts of interest. Generally speaking, a conflict of interest is a situation where you or your business stands to gain from a decision that you might have to make as a member of the ZBA.

The Village Council approved a policy to meet the auditor requirement at their last meeting. *A copy is attached.*

Please don't hesitate to contact me if I can answer any questions regarding conflicts of interest or the application on the agenda.