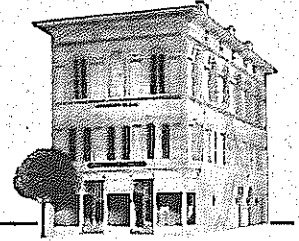




# VILLAGE OF JONESVILLE

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  
August 11, 2010 Agenda  
6:00 P.M. Village Hall

A. CALL TO ORDER

B. DECLARATION OF QUORUM

C. APPROVAL OF MINUTES – February 2, 2010

D. PUBLIC HEARING

**1. Variance Request for 222 Water Street, Light Industrial District (I1) to allow an addition to a storage building to be built within the required 50' side yard setback area when adjacent to a Residential District (R1).**

E. NEW BUSINESS

**1. Variance Request for 222 Water Street [Action]**

F. ADJOURNMENT



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To: Jonesville Zoning Board of Appeals  
From: Adam R. Smith, Manager  
Date: August 6, 2010  
Re: Manager Report for August 11, 2010 Zoning Board of Appeals Meeting

**D. 1 Public Hearing – Variance Request for 222 Water Street**  
*Please refer to the attached Notice of Public Hearing.*

**E. 1 Variance Request for 222 Water Street [Action]**

Action item associated with public hearing, variance request to allow a Light Industrial (I1) storage building addition to be built within the required 50' side yard setback area when adjacent to a Residential District (R1). The required I1 side yard setback that is not adjacent to a R1 is 15'. D. H. Roberts Construction's proposed 384 square feet addition (24X16) would be built on a pad providing a 16' side yard setback from the north property line which is consistent with the existing building. The addition would be constructed to match the existing building and allow for the inside storage of equipment. It would be beneficial to visit the property in question prior to the meeting. 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. A motion is necessary to take action on the variance request. *Please refer to the attached supporting documentation and aerial map. Also attached is Chapter 17 Zoning Board of Appeals of the Zoning Ordinance which outlines ZBA review standards.*

**Village of Jonesville  
Zoning Board of Appeals  
February 2, 2010  
Minutes**

Present: Cecilia Steel, George Schutes, Dana Kyser, Bob Snow, Carole Jose

Also Present: Manager Smith, Jack Beagle, Jerry Michael, Jim and Donna Lancaster, George Humphries, Jeff and Denise Colotti, Karen Champion, Heather and Andrew Sines and Zebulon Fockler. (See attached list)

The meeting was called to order at 5:30 p.m. by Chair Carole Jose.

Village Clerk, Betsy Brooks, declared the presence of a quorum.

The minutes of October 6, 2009 were approved with a motion by Cecilia Steel and seconded by Dana Kyser. All in favor. Motion carried.

Chair Carole Jose declared the public hearing open at 5:31 p.m. for a variance request for 135 Murphy Street to allow a residential garage within the required 30 foot front yard setback area in a Single family residential district.

Public comment was heard from Jim Lancaster, Jeff Colotti, George Humphries and Karen Champion. All spoke in favor of allowing the garage to be built. The public hearing was declared closed at 5:40 p.m.

Dana Kyser made a motion to approve the variance request for 135 Murphy Street to allow a residential garage within the required 30 feet from yard setback area per the petition form proposed layout. Motion seconded by Bob Snow. All in favor. Motion carried.

A motion was made by Cecilia Steel and seconded by Dana Kyser for the immediate effect of the 135 Murphy Street variance request as necessary for the preservation of property and here **certified** on the record. All in favor. Motion carried.

Meeting adjourned at 5:41 p.m.

Submitted by,

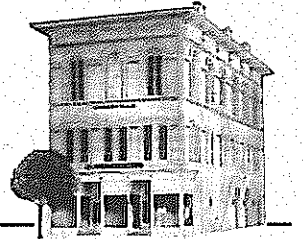
Betsy L. Brooks  
Village Clerk



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## VILLAGE OF JONESVILLE NOTICE OF PUBLIC HEARING

The Jonesville Zoning Board of Appeals will meet at 6:00 PM, Wednesday, August 11, 2010 at the Village Office, 265 E. Chicago Street, Jonesville, MI 49250.

The board will meet to consider the following variance:

To allow an addition to a storage building to be built within the required 50 feet side yard setback area when adjacent to a Residential District (R1) in a Light Industrial District (I1) located at 222 Water Street, Jonesville MI 49250. Property ID #30-06-280-001-004

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

D.H. Roberts Construction  
Victor Face  
222 Water Street  
Jonesville MI 49250

Betty Bennett  
219 Water Street  
Jonesville MI 49250

Karen Zimmerman  
216 Water Street  
Jonesville MI 49250

David & Sharon French  
313 Evans Street  
Jonesville MI 49250

Allen & Nancy Veenstra  
315 Evans Street  
Jonesville MI 49250

Gary & Donna Baker  
317 Evans Street  
Jonesville MI 49250

Henry & Barbara Melvin  
840 W. Washington Street  
Ann Arbor MI 48103

Michael & Mary Riggsbee  
4625 Delwood View Road  
Panama City FL 32408

Cecil & Michael Thorp  
409 Evans Street  
Jonesville MI 49250

Clifford and Kathy Kelley  
415 Evans Street  
Jonesville MI 49250

John & Denise McLaughlin  
421 Evans Street  
Jonesville MI 49250

Jonesville Lumber  
108 E. Chicago Street  
Jonesville MI 49250

Michigan Dept. of Transportation  
Land & Mineral Services  
P.O. Box 30028  
Lansing MI 48909

Shane Welch  
209 Water Street  
Jonesville MI 49250

Yei Ben & Zhi Qin Zheng Yang  
719 Olds Street  
Jonesville MI 49250

Frank & Beth Bechler  
7624 E. Chicago Road  
Jonesville MI 49250

Klein Tools Inc.  
450 Bond Street  
Lincolnshire IL 60069-1418

Michigan Bell Telephone  
1365 Cass Ave.  
Detroit MI 48226

Mary Dolan  
214 North Street  
Jonesville MI 49250

Tricia Hager  
216 North Street  
Jonesville MI 49250

Fayette Township  
211 North Street  
Jonesville MI 49250

Mary Dunn  
213 North Street  
Jonesville MI 49250

Jeffrey Toner  
309 Evans St.  
Jonesville MI 49250

Patrick Pluck  
303 Evans Street  
Jonesville MI 49250

VILLAGE OF JONESVILLE

APPLICATION FOR ZONING COMPLIANCE REPORT

APPLICANT: DH Roberts Const. PHONE #: 849-7236

ADDRESS: 222 Water St. Jonesville

OWNER OF PROPERTY INVOLVED: Same (Doug 398-2594)

ADDRESS OF PROPERTY INVOLVED: \_\_\_\_\_

1. Application is hereby made by the undersigned to:

( ) Construct New Building\*\* Total Square Feet: \_\_\_\_\_

( ) Add to Existing Building Total Square Feet: \_\_\_\_\_

( ) Residential Garage\*\* Total Square Feet: \_\_\_\_\_

(x) Storage Building\*\* Total Square Feet: 384

Height of Structure from Ground Level: 12'

Type of Siding and color: Steel

Built on Pad or Basement: Pad

\*\*NEW BUILDINGS REQUIRE ONE SET OF PRINTS\*\*

( ) Removal/Demolition of Building

( ) Fence

( ) Driveway, Paved Pad, Approach or Foundation

( ) Signs: Wall or Freestanding Total Square Feet: \_\_\_\_\_

( ) Swimming Pool

( ) Deck Total Square Feet: \_\_\_\_\_

( ) Awning

2. Applicant(s) is/are: ( ) 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 agree to conform to all applicable laws of this jurisdiction.

*Doug Roberts*  
Signature of Applicant

7/16/10  
Date

Fee Received: 25.00 Date: 7/16/10 Receipt #: 10052



VILLAGE OF JONESVILLE  
ZONING BOARD OF APPEALS

PETITION FORM

Applicant Name DH Roberts Const. Phone # 849-7236  
Address 322 Water St. Jonesville MI 49250

Property Owners Name VICTOR FACE Phone # 849-7236  
Address 322 Water St. Jonesville MI 49250

If Applicant is not Property Owner what is applicants interest in the property? (Land Contract, Lease, Option, etc.) \_\_\_\_\_

Property Address 322 Water St.  
Sidwell # 30-06-280-001-004

Date of Denial of Building Permit 7/20/10  
Reason for Denial Side yard Setback is less than required in a Light Industrial (I) District.

Purpose of request (specify exactly what is being requested).  
To allow an addition to an existing building that is 30' from the property line, which is grandfathered in from the old zoning Ordinance. The Variance request is for a 30' Setback difference from what is required.

If your request is for a Variance, please explain nature of practical difficulty or hardship. The addition to the existing building is needed for storage purposes, and the addition will be built to match the building.

Signature of Property Owner/Representative \_\_\_\_\_

Signature of City Clerk \_\_\_\_\_

Date of Hearing 8-11-10 6:00 PM

Disposition of Zoning Board of Appeals \_\_\_\_\_

## VARIANCE APPLICATION REVIEW

1. What circumstances are unique to the property, which give rise to the request? *The existing building we want to add to is 16' from the north property line.*

2. What would be the impact of granting the variance on adjacent property owners? *I wouldn't think much as there is already a building there.*

3. What undue hardship would be created if strict enforcement of the zoning regulations is required? *We would not be able to have enough space to store our equipment inside, out of the weather. It would then cause our equipment to need to be replaced sooner.*

4. What effect would granting the variance have on public health, safety, morals, convenience, order, prosperity and general welfare? *none*

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

6. Recommended conditions or restrictions:

# D. H. ROBERTS CONSTRUCTION

Z.B.A. MEETING - AUGUST 11, 2010



DISCLAIMER: 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 township, city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: City, Township, County, State & Federal Offices; July 9, 2010 for Parcel Data; April 14, 2004 for Aerial Imagery; 1998 Aerial Imagery from the Michigan Department of Natural Resources; 2005, 2006 & 2009

## 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; 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:
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 cause notices stating the time, place and subject of the hearing to be served personally or by first class mail addressed to the parties submitting the application, and those persons residing within three hundred (300) feet of the property which is the subject of the application.
1. All notices shall be sent to the addresses listed in the last assessment roll.
  2. Such notices shall be sent at least ten (10) days prior to the date of the scheduled hearing.
  - 3. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

#### 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 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.
- E. 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.
- F. 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.
  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 applicant.
- C. 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.