



AGENDA – ZONING BOARD OF APPEALS

July 25, 2024

5:30 PM

- I. Call to Order**
 - II. Pledge of Allegiance**
 - III. Roll Call**
 - IV. Adoption of July 25, 2024 Agenda**
 - V. Review of May 23, 2024 Meeting Minutes**
 - VI. Public Comment and Correspondence**
 - VII. Public Hearings**
 - A. 1701 E. Ganson Street – Use Variance Request**
 - VIII. Old Business**
 - IX. New Business**
 - X. Board Member Comments**
 - XI. Next Meeting Reminder**
 - A. Regular Meeting August 22, 2024 at 5:30 PM**
 - XII. Adjournment**
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MINUTES – ZONING BOARD OF APPEALS MEETING

5:30 PM May 23, 2024

MEMBERS PRESENT: Karl Grieve, Clyde Mauldin, and Peter Mulhearn

MEMBERS ABSENT: Bob VanSumeren

STAFF PRESENT: Chris Atkin

I. Call to Order

Chairperson Grieve called to order the May 23, 2024 Zoning Board of Appeals meeting at 5:30 pm.

II. Pledge of Allegiance

III. Roll Call

IV. Adoption of Agenda

Board Member Grieve moved, with support from Board Member Mauldin, to approve the May 23, 2024 Zoning Board of Appeals meeting agenda.

Motion passed 3-0 by voice vote.

V. Review of Zoning Board of Appeals Meeting Minutes

A. February 22, 2024

Board Member Mauldin moved, with support from Board Member Grieve, to approve the February 22, 2024 Zoning Board of Appeals meeting minutes.

Motion passed 3-0 by voice vote.

B. April 25, 2024

Board Member Mauldin moved, with support from Board Member Grieve, to approve, to approve/approve as amended/deny the April 25, 2024 Zoning Board of Appeals meeting minutes.

Motion passed 3-0 by voice vote.

VI. Public Comment and Correspondence

None

VII. Public Hearings

None

VIII. Old Business

A. 108 Moore Street – Use Variance Request

Planner Atkin Planner Atkin summarized the applicant's use variance request.

Board Member Grieve moved, with support from Board Member Mauldin, to enter the Staff Report into the record as if read in whole.

Motion passed 3-0 by voice vote.

Public Hearing Opened at 5:37 pm

APPLICANT/PUBLIC COMMENT

The General Contractor, on behalf of the applicant, spoke in favor of the variance request.

Staff informed the members of a call received on April 24, 2024 from a representative of New Macedonia Church opposed to the variance request. Staff stated belief the call was confused about which property the individual was thought the variance was for based on their description of the vacant corner lot, owned by the church, next door. Additionally, the caller stated the property seeking the variance is a single family home and should not be permitted to be converted into a duplex. Staff informed the members the structure at 108 Moore Street was built as a side-by-side duplex in the early 1900's.

Public Hearing Closed at 5:41 pm

BOARD COMMENT

Member Mauldin agreed with staff recommendations.

Member Grieve agreed the structure was originally built as a duplex.

Member Mulhearn asked the General Contractor if the structure would be expanded/enlarged.

The General Contractor stated the interior and exterior would be brought up to code and no expansion will occur.

Board Member Grieve moved, with support from Board Member Mauldin, to approve with conditions the use variance request to permit a two-unit dwelling in the R-1 zoning district at 108 Moore Street.

Condition

Property to meet all applicable zoning ordinances and building code regulations.

Motion passed 3-0 by roll call vote.

B. 324 E. High Street – Dimensional Variance Request

Planner Atkin Planner Atkin summarized the applicant's dimensional variance request.

Board Member Grieve moved, with support from Board Member Mauldin, to enter the Staff Report into the record as if read in whole.

Motion passed 3-0 by voice vote.

Public Hearing Opened at 5:45 pm

APPLICANT/PUBLIC COMMENT

The applicant, Dena Morgan, spoke in favor of the dimensional variance request.

Staff informed the members of letters of support received.

Public Hearing Closed at 5:48 pm

BOARD COMMENT

Member Mauldin agreed with staff recommendations.

Member Grieve agreed with staff recommendations.

Member Mulhearn inquired about the neighbor to the east.

Board Member Mauldin moved, with support from Board Member Mulhearn, to approve with conditions the dimensional variance request to permit a daycare facility in an existing building located within ten (10) feet of the east property boundary at 324 E. High St.

Condition

Property to meet all applicable zoning ordinances and building code regulations.

Motion passed 3-0 by roll call vote.

IX. New Business

None

X. Board Comments

None

XI. Next Meeting Reminder

Chairwoman Grieve reminded the Board that the next regularly scheduled ZBA meeting is June 27, 2024 at 5:30pm.

XII. Adjournment

Chairperson Grieve adjourned the May 23, 2024 Zoning Board of Appeals meeting at 5:52 pm.

Respectfully,



Christopher M. Atkin
Planning Director, City of Jackson



Application for Variance

Requires a public hearing before Zoning Board of Appeals.

The \$500.00 variance fee must be submitted with the application.

Instructions and additional information on Page 2 and Page 3

Nature of Variance: ☐ Dimensional ☒ Supplemental ☐ Use

APPLICANT

Name: Token Holdings LLC.
Address: 49952 Proctor Rd
City: Canton State: MI Zip: 48188
Phone: (313) 529-1373
Email: Tokenacoustical@gmail.com

PROPERTY OWNER

☒ Same as applicant

Name: James Taylor
Address: _____
City: _____ State: _____ Zip: _____
Phone: () _____
Email: _____

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: 7-105500000
Address: 1701 E. Ganson St.
City: Jackson State: MI Zip: 49202
Nearest Intersection: Ganson / Orange

Current Zoning Designation: R-2
Current Use: ☒ Residential ☐ Commercial
☐ Industrial ☐ Mixed ☐ Vacant

VARIANCE INFORMATION (Attach additional pages as needed, use separate form for each code section being appealed)

1. List Code Section number(s) from which a variance is requested from: _____

2. Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):

To change a two family home to a three family home.
One 4 Bed Apt. and Two 1 Bed Apt's

Is/will an attorney be representing your variance request: ☐ YES ☒ NO

If yes will the attorney be present at the ZBA meeting: ☐ YES ☐ NO

I hereby attest that I/we have read and understand the application form, that the information submitted is true and accurate, and agree to all the terms, conditions, and other City of Jackson Code requirements. I also give permission to the ZBA members and staff reviewers to enter my property to review aspects of the variance appeals request on the site.

[Signature]
Signature of Applicant

6/14/24
Date

[Signature]
Signature of Owner
(If different than applicant)

6/14/24
Date

If the owner cannot sign this form, the applicant shall submit a letter of consent from the property owner with this application.

OFFICE USE ONLY	
CASE: <u>PZBA24-0065</u>	Application Accepted By: <u>A Strouse / S Foster</u>
Materials Submitted with Application: ☒ Plans ☐ Letter ☐ Other	
Total Pages Submitted: <u>8</u>	Amount of Fee Paid: \$ <u>500</u> ☐ Cash ☒ Check Check #: <u>4625</u>

D. FOR USE VARIANCE – Provide responses for subsections 1 through 4.

The zoning board of appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of the following:

1. The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.

I would have to spend approximately 30-40 Thousand
to return this to a 2 family property or update to a 3 Family
for a lot less

2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the zoning board of appeals may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

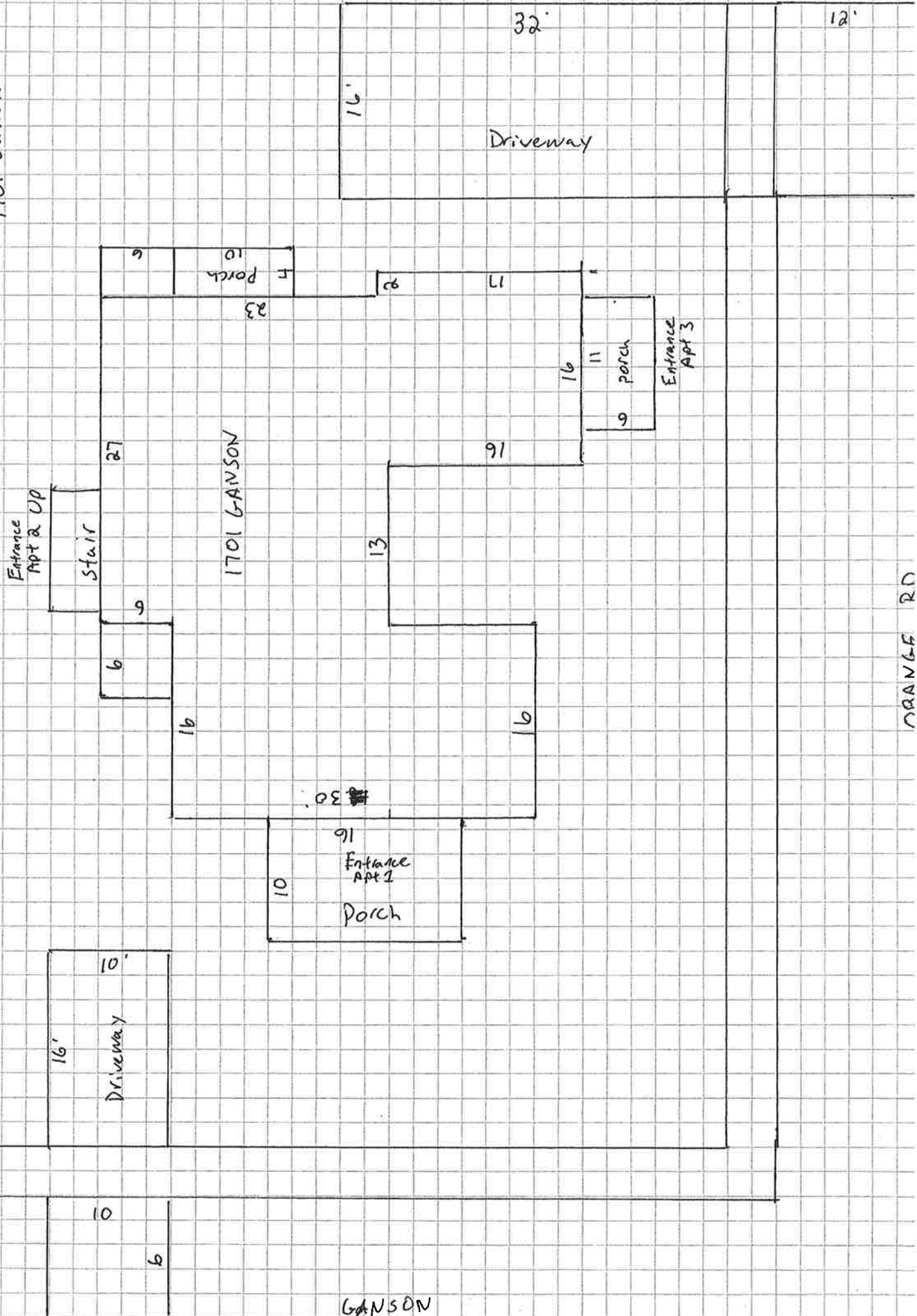
If I could return the property to a 2 family, I would but
it would take an extraordinary amount of money and work.

3. The problem and resulting need for the variance has not been self-created by the applicant. Yes, This issue
was created by the past owner.

4. The variance will not alter the essential character of the area. In determining whether this criteria has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered. yes, Most everything will remain the same.

PLOT PLAN

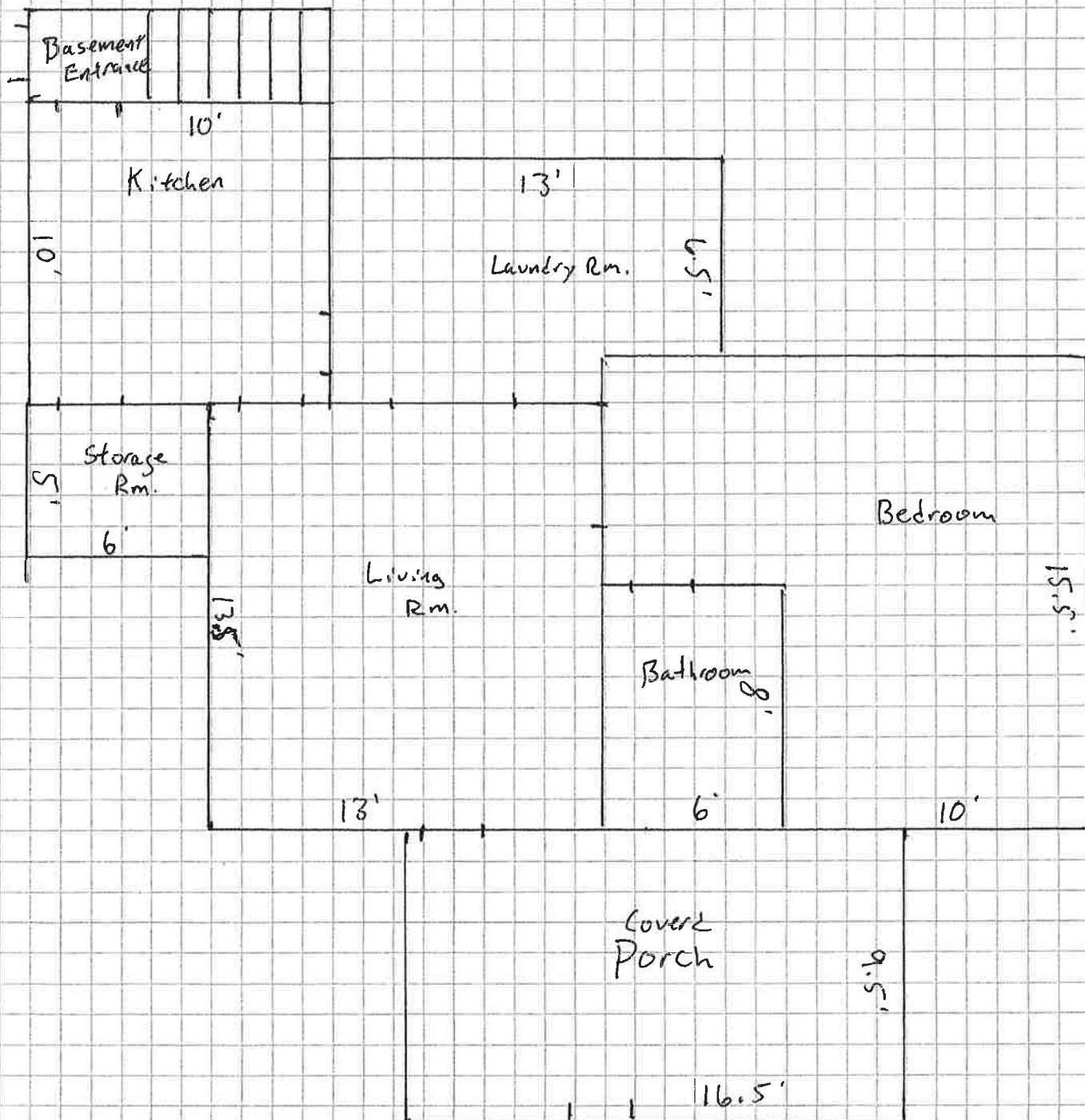
1701 Ganson



APT #1

Lower Unit

1701 Ganson



MADISON ST.

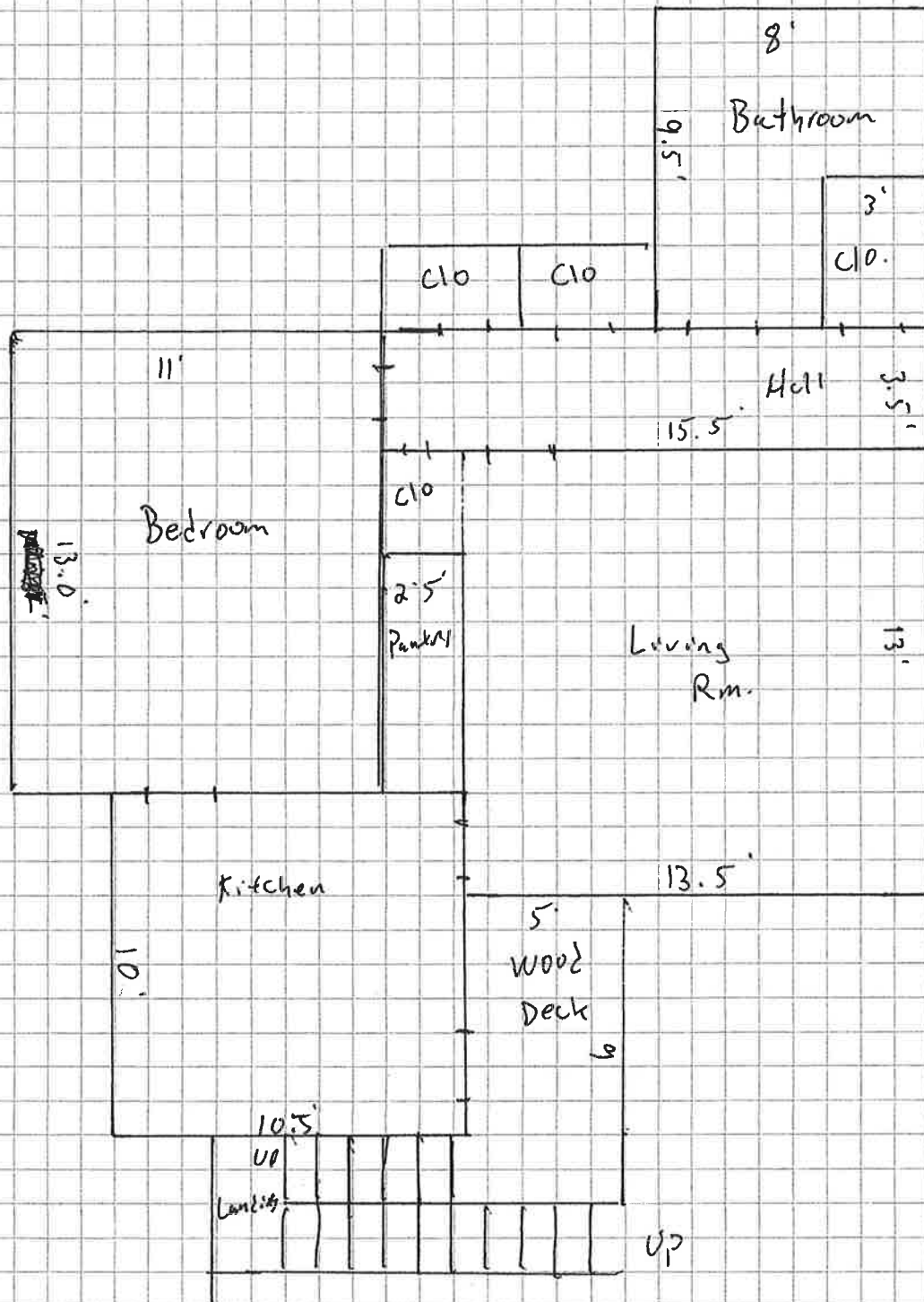
Ganson St

ORANGE St.

APT 2

Upper Unit

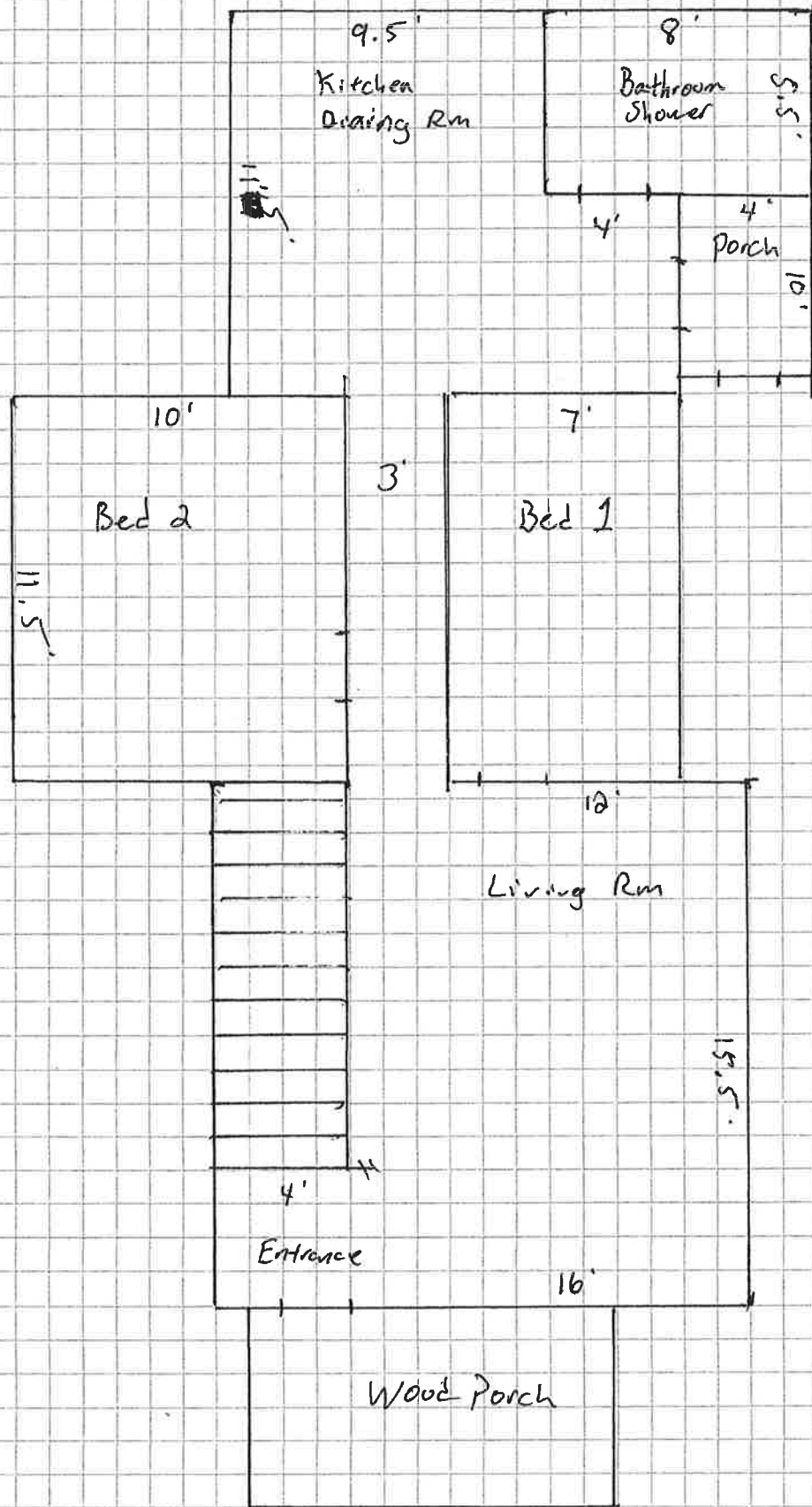
1701 Ganson



US NAVY

APT # 3
Lower

1701 Ganson



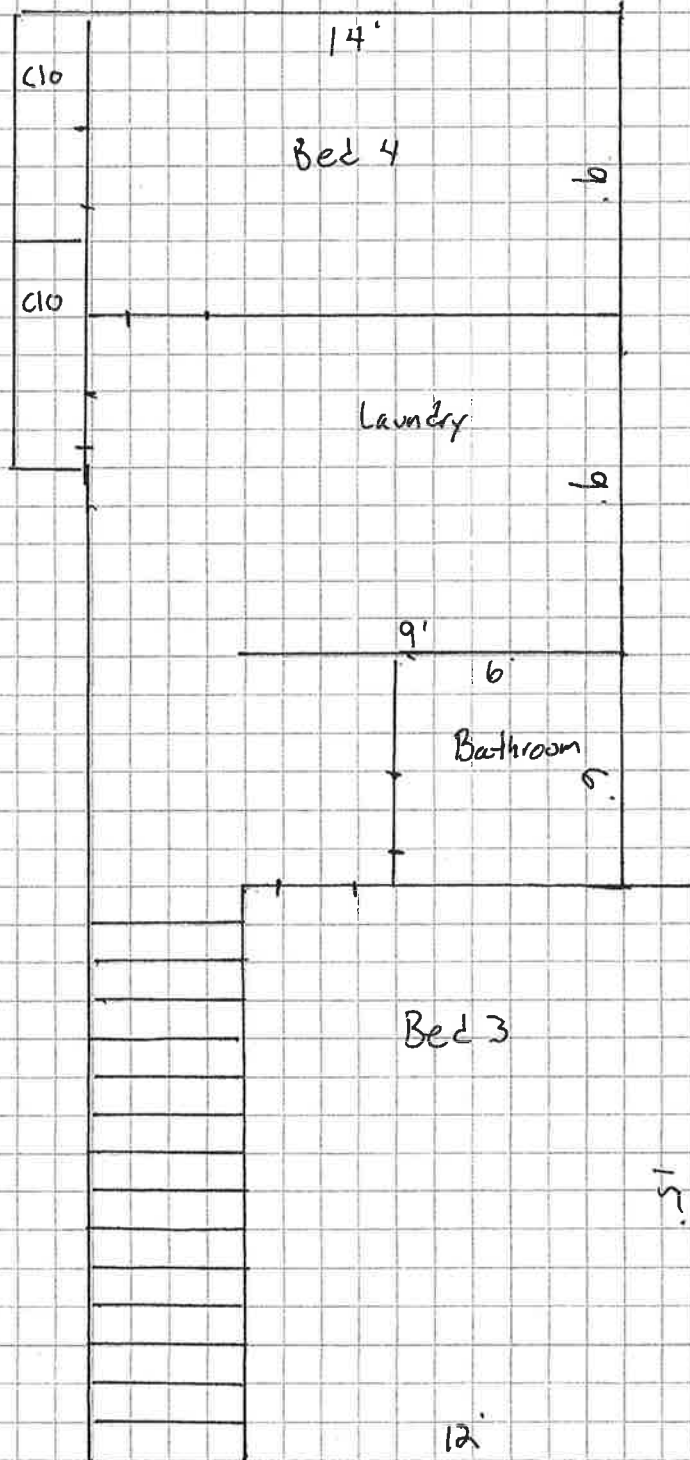
GANSON ST.

ORANGE ST.

APT #3

Upper

1701 Ganson



GANSON ST

ORANGE ST

Use Variance
1701 E. Ganson Street
City of Jackson, Michigan

GENERAL INFORMATION

Applicant:	Token Holdings, LLC 49952 Proctor Rd. Canton, MI 48188
Subject Location:	1701 E. Ganson Street (Parcel # Parcel #7-10550)
Received Date:	June 17, 2024
Current Zoning:	R-2, One and Two Family Residential
Action Required:	The zoning board of appeals shall hear and decide only such matters as the board is specifically authorized to pass on as provided in this chapter (Chapter 28). The board has the power to grant variances, decide appeals on administrative decisions and to interpret the boundary lines of the zoning map. The board shall not have the power to alter or change the zoning district classification of any property; nor to make any changes in the terms of this article (Article VIII).

SITE/PROPERTY DESCRIPTION

The subject property, located on the south side of E. Ganson Street (southeast property at the intersection of E. Ganson St. and Orange St.), is 0.12 acres with eighty-three (83) feet of road frontage along Orange St. and sixty-six (66) feet of road frontage along E. Ganson St. Review of the City of Jackson assessing records show the site contains two-story residential structure with a building footprint of 1,446 square-feet.

The most recent use of the property was a non-conforming four-unit structure (three (3) registered rental units, one (1) owner-occupied unit); however, the structure was condemned in 2023 due to a structure fire.

Per city records, the structure was built in 1920 and described as a “double dwelling” on the property record card. Furthermore, documentation shows the structure functioned as four-units as early as June 1969.

It is important to note the city agrees to sell the vacant lot on Orange St., south of the subject property, to the applicant for additional parking after the proposed improvements to the structure are complete.



Photo: August 2019 – From E. Ganson St.



Photo: September 2023– From Orange St.



NEIGHBORING ZONING AND LAND USE

The subject property is currently zoned R-2, One and Two Family Residential, the table below identifies the surrounding zoning designations and current land uses.

	ZONING	USE
NORTH	R-2, One and Two Family Residential	Residential
SOUTH	R-2, One and Two Family Residential	Residential
EAST	R-2, One and Two Family Residential	Residential
WEST	R-2, One and Two Family Residential	Residential



ESSENTIAL FACILITIES AND SERVICES

The subject property is currently served, or has access to, essential city facilities and services.

TRAFFIC IMPACT AND SITE ACCESS

Traffic volume will not increase if a use variance is approved for the subject property; the site is accessible from E. Ganson St. and Orange St.

USE VARIANCE REQUEST

The applicant requests a use variance from Section 28-71 of the zoning ordinance which does not permit a three (3) unit residential dwelling in the R-2, One and Two Family Residential zoning district.

Approval of the use variance request will permit the conversion of a vacant/condemned four (4) unit residential dwelling to a three (3) unit residential dwelling in the R-2, One and Two Family Residential zoning district.

USE VARIANCE STANDARDS

Per Section 28-238(d) the zoning board of appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided

for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of the following:

- (1) The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate;

Staff Comment: *The proposed rehab from four (4) units to a three (3) units will bring the use closer to conforming to the current zoning district.*

- (2) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the zoning board of appeals may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance;

Staff Comment: *As previously stated, the structure was built and designed as a duplex, or double dwelling, then converted to a four (4) unit in, or around, 1969. The proposed rehab to a three (3) unit will bring the use closer to conformity.*

- (3) The problem and resulting need for the variance has not been self-created by the applicant;

Staff Comment: *The problem and resulting need for the use variance was not self-created by the applicant.*

Additionally, the zoning designation of the subject property at the time of construction is unknown.

- (4) The variance will not alter the essential character of the area. In determining whether this criteria has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered.

Staff Comment: *Approval of the requested use variance will not alter the essential character of the area.*

RECOMMENDATIONS

Based on the following findings of fact, staff recommends approval of the requested use variance property at 1701 E. Ganson Street (Parcel # Parcel #7-10550) to allow the applicant to rehab the existing four-unit residential structure to a three-unit structure residential.

1. *A three-unit structure will bring the use closer to conforming to the current zoning district.*
2. *The problem and resulting need for the variance has not been self-created by the applicant.*
3. *Approval of the requested use variance will not alter the essential character of the area.*

Respectfully,



Christopher M. Atkin
Planning Director, City of Jackson

cc: Applicant