



AGENDA – ZONING BOARD OF APPEALS

August 22, 2024

5:30 PM

- I. Call to Order**
 - II. Pledge of Allegiance**
 - III. Roll Call**
 - IV. Adoption of August 22, 2024 Agenda**
 - V. Review of July 25, 2024 Meeting Minutes**
 - VI. Public Comment and Correspondence**
 - VII. Public Hearings**
 - A. 2115 Tyson St. – Use Variance Request**
 - B. 1228 Greenwood Ave. – Use Variance Request**
 - C. 514 Homewild Ave. – Dimensional Variance Request**
 - VIII. Old Business**
 - IX. New Business**
 - X. Board Member Comments**
 - XI. Next Meeting Reminder**
 - A. Regular Meeting September 26, 2024 at 5:30 PM**
 - XII. Adjournment**
-



MINUTES – ZONING BOARD OF APPEALS MEETING

5:30 PM July 25, 2024

MEMBERS PRESENT: Karl Grieve, Clyde Mauldin, and Bob VanSumeren

MEMBERS ABSENT: Peter Mulhearn - excused

STAFF PRESENT: Chris Atkin

I. Call to Order

Chairperson Grieve called to order the July 25, 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 VanSumeren, to approve the July 25, 2024 Zoning Board of Appeals meeting agenda.

Motion passed 3-0 by voice vote.

V. Review of Zoning Board of Appeals Meeting Minutes

A. May 23, 2024

Board Member Grieve moved, with support from Board Member Mauldin, to approve the May 23, 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

None

IX. New Business

A. 1701 E. Ganson Street – Use Variance Request

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

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

Motion passed 3-0 by voice vote.

Public Hearing Opened at 5:35 pm

APPLICANT/PUBLIC COMMENT

James Taylor, the applicant, provided the members additional information regarding the conversion of the existing four (4) unit residential structure to a three (3) unit residential structure, in addition to, why it is not feasible to fully convert the structure to the original two-units.

Staff read an email/letter of support from Ted Christoff, the owner of the property at 1800 E. Ganson St.

Public Hearing Closed at 5:39 pm

BOARD COMMENT

Board Member Grieve commented on the minimum amount of off-street parking available from E. Ganson St.; the fact that the number of units will be decreased and closer to conforming to the current zoning designation standards, and voiced approval of staff recommendation.

Board Member VanSumeren commented on the uniqueness of the property and voiced approval of staff recommendation.

Board Member Mauldin asked the applicant about plans to provide additional off-street parking on Orange St. if/when the vacant lot is purchased from the City. The applicant explained a paved or concrete off-street parking area, with the required number of parking spaces, will be installed.

Board Member Grieve moved, with support from Board Member VanSumeren, to approve the use variance request to permit a three-unit dwelling in the R-2, One and Two Family Residential at 1701 E. Ganson Street.

Motion passed 3-0 by roll call vote.

X. Board Comments

Board Member Grieve reiterated the need for an additional Zoning Board of Appeals member.

Staff informed the board of two (2) applications for the next regularly scheduled meeting.

XI. Next Meeting Reminder

Chairwoman Grieve reminded the Board of the next regularly scheduled ZBA meeting on August 22, 2024 at 5:30pm.

XII. Adjournment

Board Member Mauldin moved, with support from Board Member VanSumeren, to adjourn.

Chairperson Grieve adjourned the July 25, 2024 Zoning Board of Appeals meeting at 5:44 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: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: () _____
Email: _____

PROPERTY OWNER

☒ Same as applicant

Name: Donaisha Smith / Damarious Simpson
Address: 2115 Tyson St
City: JACKSON, State: MI Zip: 49203
Phone: (517) 930-1631
Email: smithnaengae518@gmail.com

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: 6-09180
Address: 2115 Tyson St
City: Jackson State: MI Zip: 49203
Nearest Intersection: _____

Current Zoning Designation: T-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):

Single family home listed as industrial

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 of Applicant

Date

Signature of Owner

(If different than applicant)

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>PZBA24-0006</u>	Application Accepted By: <u>S Foster</u>
Materials Submitted with Application: ☐ Plans ☐ Letter ☐ Other	
Total Pages Submitted: <u>3</u> Amount of Fee Paid: <u>\$500</u> ☒ Cash ☐ Check Check #:	

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. _____
NO
 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.
Single family home
 3. The problem and resulting need for the variance has not been self-created by the applicant. _____
NO
 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. single family home listed as industrial
-

Use Variance
2115 Tyson Street
City of Jackson, Michigan

GENERAL INFORMATION

Applicant:	Donaisha Smith & Damarius Simpson 2115 Tyson Street Jackson, MI 49203
Subject Location:	2115 Tyson Street (Parcel #6-09180)
Received Date:	July 11, 2024
Current Zoning:	I-2, General Industrial
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 has approximately 0.16 acres with approximately fifty-three (53) feet of road frontage on Tyson Street and 132 feet of frontage on S. Forbes Street; the property is located southwest of the intersection of the aforementioned streets. Review of the City of Jackson assessing records show the site contains a two-story single-family detached residential structure, built in 1910, with a building footprint of 924 square-feet and a total area of 1,419 square-feet.

The applicant purchased the subject property in March 2024; utility records indicate no water service/usage since late 2016.

The current zoning designation is I-2, General Industrial, review of the oldest available zoning map, adopted by City Commission October 10, 1961, shows the subject property's zoning designation as M – Industrial.

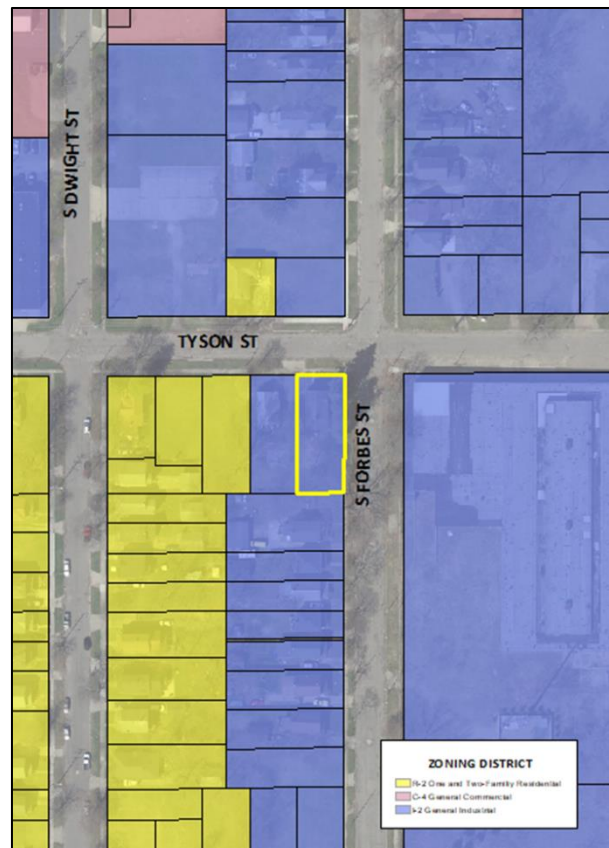




NEIGHBORING ZONING AND LAND USE

The subject property is currently zoned I-2, General Industrial, the table below identifies the surrounding zoning designations and current land uses.

	Zoning	Land Use
North	I-2, General Industrial and R-2, One & Two Family Residential	Vacant Residential
South	I-2, General Industrial	Residential
East	I-2, General Industrial	Industrial
West	I-2, General Industrial and R-2, One & Two Family Residential	Residential Vacant



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 impact will not increase if a use variance is approved for the subject property.

The site has frontage and an existing driveway on Tyson Street, in addition to frontage on S. Forbes Street.

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: *Considering the types of uses permitted in the current zoning designation, in addition to other zoning ordinance standards; i.e. setback requirements, buffer zone between conflicting uses, and parking requirements, it is reasonable and practical to believe the subject property alone may not provide sufficient space to meet all applicable standards and requirements of the I-2, General Industrial zoning district.*

The current use is the highest and best use of the subject property.

- (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: *There are numerous residential structures in the immediate area, specifically to the north and south, zoned I-2, General Industrial, however, the subject property is the only known vacant, and nonconforming, residential property within this area.*

- (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 variance has not been self-created by the applicant.*

As previously mentioned, the existing structure was built 1910 and zoned as manufacturing/industrial since, at least, 1961. Furthermore, there is no record of water service since September 2016, indicating the property has been vacant, therefore, losing the nonconforming status.

- (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 2115 Tyson Street (Parcel #6-09180) to allow the applicant to use the existing structure for single-family residential use.

1. *The current use is the highest and best use of the subject property.*

2. *The problem and resulting need for the variance has not been self-created by the applicant.*
3. *The existing structure was built 1910 for single-family residential use and zoned as manufacturing/industrial since, at least, 1961.*
4. *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

CITY OF JACKSON

ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the City of Jackson Zoning Board of Appeals will hold a public hearing to hear a request for use variance pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Donaisha Smith & Damarius Simpson
2115 Tyson Street
Jackson, MI 49203

Subject property:

2115 Tyson Street (Parcel #6-09180)

Variance Request:

The applicant requests a use variance from Section 28-71 of the zoning ordinance which does not permit residential use in the I-2, General Industrial zoning district.

Effect of request:

Approval of the use variance request will permit residential use of an existing structure the I-2, General Industrial zoning district.

YOU ARE FURTHER NOTIFIED that the City of Jackson will hear all oral and written objections and comments regarding the use variance request at:

**5:30PM on August 22, 2024 in
City Hall Council Chambers, 2nd Floor
161 W. Michigan Avenue
Jackson, MI 49201**

Reasonable accommodations for individuals with disabilities will be made if notification is received ten (10) days prior to the public hearing.

If you are interested in this request you may attend the public hearing or contact Chris Atkin at 517-768-6433 or catkin@cityofjackson.org with comments. Written comments may be mail to 161 W. Michigan Avenue, Jackson, MI 49201, c/o Chris Atkin. All comments and/or questions must be received no later than 5:00PM on August 22, 2024.

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: Ann Robb
Address: 1228 Greenwood Ave
City: Jackson State: MI Zip: 49203
Phone: (586) 863-8837
Email: amarie.robbs@hotmail.com

PROPERTY OWNER

☒ Same as applicant

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

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: B-21960
Address: 1228 Greenwood Ave
City: Jackson State: MI Zip: _____
Nearest Intersection: High St.

Current Zoning Designation: C-2^A
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):

Change to Single Family Residence

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.

Ann M. Robb
Signature of Applicant

7/12/24
Date

Signature of Owner
(If different than applicant)

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: PZBA 24-0007 Application Accepted By: S Foster

Materials Submitted with Application: ☐ Plans ☐ Letter ☐ Other _____

Total Pages Submitted: 3 Amount of Fee Paid: \$ 500 ☒ Cash ☐ Check Check #: _____

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. _____

1890 was built as SFH want to return to SFH

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. _____

Repeat above

3. The problem and resulting need for the variance has not been self-created by the applicant. _____

NO

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. NO

Use Variance
1228 Greenwood Avenue
City of Jackson, Michigan

GENERAL INFORMATION

Applicant:	Ann Robb 1228 Greenwood Avenue Jackson, MI 49203
Subject Location:	1228 Greenwood Avenue (Parcel #3-21960)
Received Date:	March 09, 2023
Current Zoning:	C-2, Community Commercial
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 south of McNeal Street and north of High Street, is 0.40 acres with approximately sixty-seven (67) feet of road frontage on Greenwood Avenue. Review of the City of Jackson assessing records show the site contains detached two-story single-family residential structure with a 1,136 square-foot footprint (1,604 square-feet total area). The most recent use of the first (ground) floor was professional offices and the second (top) floor for residential.

The structure was built in 1890 as a single-family residential home.

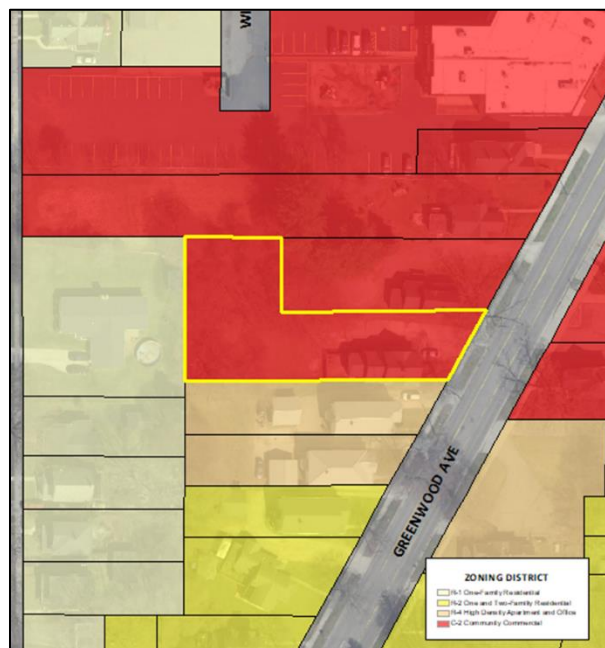
The current zoning designation is C-2, Community Commercial, review of the oldest available zoning map, adopted by City Commission October 10, 1961, shows the subject property's zoning designation as B-2, Community Commercial.





NEIGHBORING ZONING AND LAND USE

The subject property is currently C-2, Community Commercial, the table below identifies the surrounding zoning designations and current land uses.



	North	South	East	West
Zoning	C-2, Community Commercial	R-4, High Density Apartments and Office	C-2, Community Commercial	R-1, One Family Residential
Land Use	Single Family Residential	Two-Unit Residential	Commercial/Office	Single Family 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 has frontage on Greenwood Avenue and is accessible via unknown shared driveway with the adjoining property to the north.

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 use is the highest and best use of the subject property.*

- (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: *Except for two (2) adjoining properties to the north which are currently single family use, the majority of the C-2, Community Commercial zoned properties in the area were designed, built, intended and more suitable for uses permitted in the zoning district.*

- (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 variance has not been self-created by the applicant.*

As previously mentioned, the existing structure was built in 1890 as a single-family residential home. For a time, the first (ground) floor was use as a professional office, whereas the second (top) floor remained residential.

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, it will, however, be more consistent and characteristic of the adjoining properties and uses.*

RECOMMENDATIONS

Based on the following findings of fact, staff recommends approval of the requested use variance property at 1228 Greenwood Avenue (Parcel #3-21960) to allow the applicant to use the existing structure for single-family residential or two-unit residential rental use.

1. *The current use is the highest and best use of the subject property.*

2. *The majority of the C-2, Community Commercial zoned properties in the area were designed, built, intended and more suitable for uses permitted in the zoning district.*
3. *The problem and resulting need for the variance has not been self-created by the applicant.*
4. *The existing structure was built in 1890 as a single-family residential home.*
5. *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

CITY OF JACKSON

ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the City of Jackson Zoning Board of Appeals will hold a public hearing to hear a request for use variance pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Ann Robb
1228 Greenwood Avenue
Jackson, MI 49203

Subject property:

1228 Greenwood Avenue (Parcel #3-21960)

Variance Request:

The applicant requests a use variance from Section 28-71 of the zoning ordinance which does not permit first floor residential use in the C-2, Community Commercial zoning district.

Effect of request:

Approval of the use variance request will permit first floor residential use of an existing structure the C-2, Community Commercial zoning district.

YOU ARE FURTHER NOTIFIED that the City of Jackson will hear all oral and written objections and comments regarding the use variance request at:

**5:30PM on August 22, 2024 in
City Hall Council Chambers, 2nd Floor
161 W. Michigan Avenue
Jackson, MI 49201**

Reasonable accommodations for individuals with disabilities will be made if notification is received ten (10) days prior to the public hearing.

If you are interested in this request you may attend the public hearing or contact Chris Atkin at 517-768-6433 or catkin@cityofjackson.org with comments. Written comments may be mail to 161 W. Michigan Avenue, Jackson, MI 49201, c/o Chris Atkin. All comments and/or questions must be received no later than 5:00PM on August 22, 2024.

Application for Variance

Requires a public hearing before Zoning Board of Appeals.

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

Instructions and additional information on Page 2 and Page 3



Type/Nature of Appeal: ☒ Dimensional ☐ Supplemental ☐ Use ☐ Interpretation of Code/Map (\$250.00)

APPLICANT

Name: Cory Mays on behalf of City of Jackson
Address: 161 W. Michigan Ave.
City: Jackson State: MI Zip: 49201
Phone: (517) 788-6414
Email: cmays@cityofjackson.org

PROPERTY OWNER ☒ Same as applicant

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

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: 7-0254
Address: 514 Homewild Ave
City: Jackson State: MI Zip: 49201
Nearest Intersection: N. Park Ave.

Current Zoning Designation: R-4
Current Use: ☐ Residential ☐ Commercial
☐ Industrial ☐ Mixed ☒ Vacant

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

- List Code Section number(s) from which a variance is requested from: 28-73 and 28-81
- Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):

Per Section 28-71, the minimum required front yard setback is twenty-five (25) feet in the R-4 district
Per Section 28-81, For corner lots which adjoin key lots, the yard setback which is contiguous to a
street, but is not the frontage of the structure, shall have a width of not less than one-half (1/2) the
required depth of the front yard setback on the adjoining key lot.

Is/will an attorney be representing your variance appeal: ☐ 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 of Applicant

08/01/2024
Date

Signature of Owner
(If different than applicant)

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: _____	Application Accepted By: _____
Materials Submitted with Application: ☐ Plans ☐ Letter ☐ Other _____	
Total Pages Submitted: _____ Amount of Fee Paid: \$ _____ ☐ Cash ☐ Check Check #: _____	

A. INSTRUCTIONS TO APPLICANTS FOR VARIANCE OR APPEALS.

1. Separate application forms and added fees shall be submitted for each individual, unrelated type of variance.
2. For dimensional, supplemental, or use variance requests, the applicant shall submit an 8.5" x 11" sketch plan showing: dimensions from street/property lines, sidewalks, buildings on site and on adjoining property, utility easements, and other existing facilities and structures.
3. If the owner cannot sign this form, the applicant must submit a letter from the owner, requesting the variance.

B. THE FOLLOWING ITEMS MUST BE ADDRESSED.

Your application will be considered incomplete and will not go before the Zoning Board of Appeals until Section C and/or Section D is complete; attach additional pages if necessary.

C. FOR DIMENSIONAL OR SUPPLEMENTAL VARIANCE – Provide responses for subsections 1 through 7.

In authorizing a variance with conditions, the board shall require such evidence and bond as it may deem necessary to ensure that the conditions are being and will be complied with. No variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, by a preponderance of the evidence that all of the following facts and conditions exist:

1. There are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district. The subject property is a small corner lot measuring 33' x 90', by meeting the minimum non-addressed front yard setback (12.5 ft.) on N. Park Ave. with the minimum side yard setback (5 ft.) on the southeast, the resulting building envelope width is 15.5'.
 2. The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property. The exceptional or extraordinary conditions are not a result from actions of any person with a current interest in the property.
 3. Strict compliance with this chapter would unreasonably prevent the applicant from using the property for a permitted purpose or would create practical difficulties in conforming to the requirements of this chapter. Strict compliance with this chapter would unreasonably prevent would create practical difficulties in conforming to the minimum front yard setback requirements in the R-4 zoning district.
 4. The authorizing of such variance will not be of substantial detriment to adjacent property, alter the essential character of the area, and will not impair the purposes of this chapter or the public interest. Authorizing the dimensional variances will not be of substantial detriment to adjacent property, alter the essential character of the area, or impair the purposes of this chapter or the public interest.
The previous residential structure sited on the lot was, approximately, in the proposed siting.
 5. The variance is the minimum variance possible for reasonable use of the property. The dimensional variance request is the minimum setback distance possible for reasonable use of the property.
 6. The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets or increase the danger of fire or endanger the public safety or substantially diminish property values within the area. Approval of the dimensional variance request will not impair the adequate supply of light and air to adjacent property, substantially increase the congestion in public streets, increase the danger of fire, endanger public safety, or substantially diminish property values within the area.
 7. Such variance shall in no manner or guise be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter. Approval of the dimensional variance request will not, in any manner or guise, be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter.
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Dimensional Variance
514 Homewild Avenue
City of Jackson, Michigan

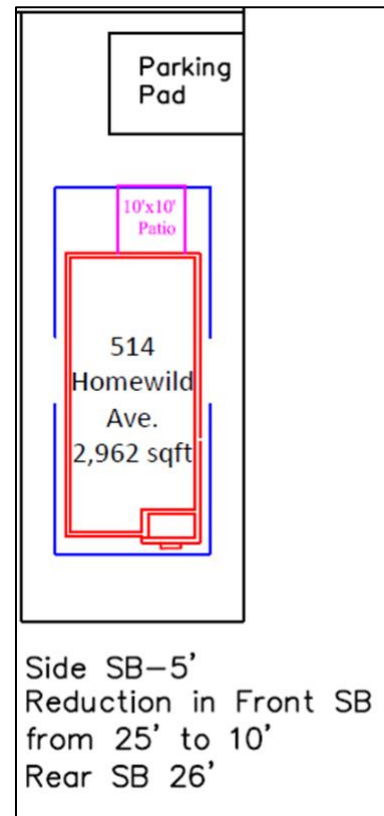
GENERAL INFORMATION

Applicant:	Cory Mays on behalf of the City of Jackson 161 W. Michigan Avenue Jackson, MI 49201
Subject Location:	514 Homewild Avenue (Parcel #7-02540)
Received Date:	August 1, 2024
Current Zoning:	R-4, High Density Apartments and Office
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

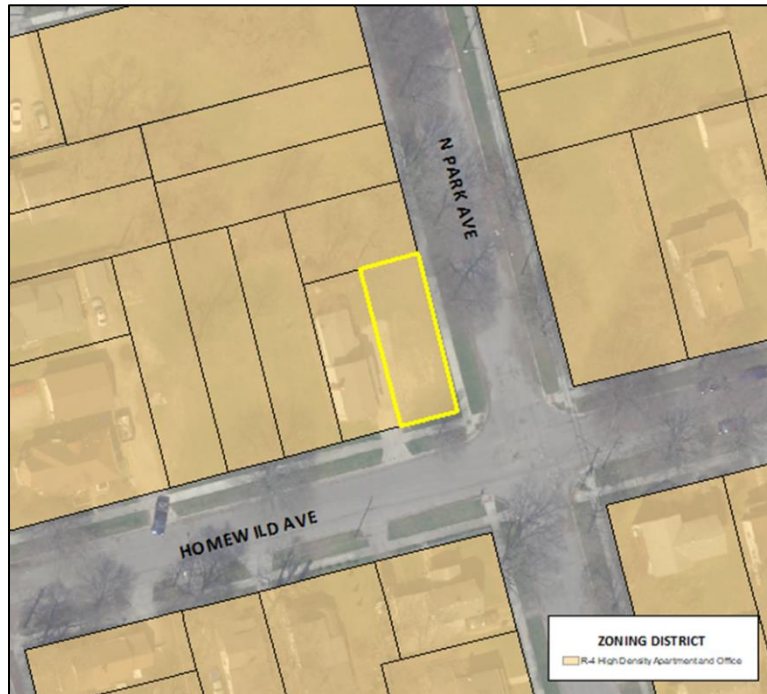
The vacant thirty-three (33) foot by ninety (90) foot (0.07 acres) corner lot is located northwest of the intersection of Homewild Avenue and N. Park Avenue. Prior to being demolished in 2013, the property contained a two-story residential structure with a 968 square-foot building footprint (1,448 1,604 square-feet total area) and access from N. Park Avenue.

The purpose of the dimensional variances is to allow space for single-family residential home development.



NEIGHBORING ZONING AND LAND USE

The property is currently R-4, High Density Apartments and Office; the table below identifies the surrounding zoning designations and current land uses.



	North	South	East	West
Zoning	R-4, High Density Apartments and Office	R-4, High Density Apartments and Office	R-4, High Density Apartments and Office	R-4, High Density Apartments and Office
Land Use	Vacant	Vacant	Vacant	Residential

VARIANCE REQUESTS

The applicant requests a dimensional variances from Section 28-73, which requires a twenty-five (25) foot minimum front yard setback in the R-4, High Density Apartment and Office zoning district, and Section 28-81 which states corner lots which adjoin key lots, the yard setback which is contiguous to a street, but is not the frontage of the structure, shall have a width of not less than one-half ($\frac{1}{2}$) the required depth of the front yard setback on the adjoining key lot.

Approval of the dimensional variances will permit a five (5) foot minimum secondary front yard setback from N. Park Ave.

DIMENSIONAL VARIANCE STANDARDS

Per Section 28-238(c) in authorizing a variance with conditions, the board shall require such evidence and bond as it may deem necessary to ensure that the conditions are being and will be complied with. No variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, by a preponderance of the evidence that all of the following facts and conditions exist:

- (1) There are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district.

Staff Comment: The subject corner lot is narrower than other corner lots in the area and/or zoning district

- (2) The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property.

Staff Comment: *The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property.*

The dimensions original platted lot were 66 feet by 132 feet, at an unknown time, the lot was divided to the current configuration.

- (3) Strict compliance with this chapter would unreasonably prevent the applicant from using the property for a permitted purpose or would create practical difficulties in conforming to the requirements of this chapter.

Staff Comment: *Strict compliance with this chapter will prevent the current applicant, and future applicants, from using the property for a permitted purpose and would create practical difficulties in conforming to the requirements of this chapter.*

- (4) The authorizing of such variance will not be of substantial detriment to adjacent property, alter the essential character of the area, and will not impair the purposes of this chapter or the public interest.

Staff Comment: *Authorizing the dimensional variances will not be of substantial detriment to adjacent property, alter the essential character of the area, and will not impair the purposes of this chapter or the public interest.*

The previous residential structure was sited approximately five (5) feet from the easterly and westerly property lines; whereas, the proposed residential structure, with a required five (5) foot side yard (westerly) setback and the requested five (5) foot set back from the non-addressed front yard (easterly) will be six (6) and one half (1/2) feet from said property lines.



- (5) The variance is the minimum variance possible for reasonable use of the property.

Staff Comment: *Staff is of the opinion the dimensional variance requests are minimal and reasonable.*

- (6) The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets or increase the danger of fire or endanger the public safety or substantially diminish property values within the area.

Staff Comment: *The dimensional variance requests will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets or increase the danger of fire or endanger the public safety or substantially diminish property values within the area.*

- (7) Such variance shall in no manner or guise be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter.

Staff Comment: *The dimensional variance requests will not allow, or give the appearance of, a change in use.*

RECOMMENDATION

Based on the following findings of fact, staff recommends approval of the dimensional variance requests, as presented, at 514 Homewild Avenue (Parcel #7-02540).

- 1. The subject corner lot is narrower (33 feet wide) than most corner lots in the R-4, High Density Apartments and Office zoning district and corner lots in the area.*
- 2. Strict compliance with this chapter will prevent the current applicant, and future applicants, from using the property for a permitted purpose and would create practical difficulties in conforming to the requirements of this chapter.*
- 3. Authorizing the dimensional variances will not be of substantial detriment to adjacent property, alter the essential character of the area, and will not impair the purposes of this chapter or the public interest.*
- 4. The dimensional variance requests will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets or increase the danger of fire or endanger the public safety or substantially diminish property values within the area.*

Respectfully,



Christopher M. Atkin
Planning Director, City of Jackson

cc: Applicant

CITY OF JACKSON

ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the City of Jackson Zoning Board of Appeals will hold a public hearing to hear a request for two (2) dimensional variances pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Cory Mays on behalf of the City of Jackson
161 W. Michigan Avenue
Jackson, MI 49201

Subject property:

514 Homewild Avenue (Parcel #7-02540)

Variance Request:

The applicant requests a dimensional variances from Section 28-73, which requires a twenty-five (25) foot minimum front yard setback in the R-4, High Density Apartment and Office zoning district, and Section 28-81 which states corner lots which adjoin key lots, the yard setback which is contiguous to a street, but is not the frontage of the structure, shall have a width of not less than one-half ($\frac{1}{2}$) the required depth of the front yard setback on the adjoining key lot.

Effect of request:

Approval of the dimensional variances will permit a five (5) foot minimum secondary front yard setback from N. Park Ave.

YOU ARE FURTHER NOTIFIED that the City of Jackson will hear all oral and written objections and comments regarding the dimensional variance requests at:

**5:30PM on August 22, 2024 in
City Hall Council Chambers, 2nd Floor
161 W. Michigan Avenue
Jackson, MI 49201**

Reasonable accommodations for individuals with disabilities will be made if notification is received ten (10) days prior to the public hearing.

If you are interested in this request you may attend the public hearing or contact Chris Atkin at 517-768-6433 or catkin@cityofjackson.org with comments. Written comments may be mail to 161 W. Michigan Avenue, Jackson, MI 49201, c/o Chris Atkin. All comments and/or questions must be received no later than 5:00PM on August 22, 2024.