

Zoning Board of Appeals

February 23, 2023 at 5:30 P.M.

AGENDA

- I.** Call to Order
 - II.** Pledge of Allegiance
 - III.** Roll Call
 - IV.** Adoption of February 23, 2023 Agenda
 - V.** Review and Adoption of Meeting Minutes
 - A. December 1, 2022
 - VI.** Public Comment and Correspondence
 - VII.** Public Hearings
 - A. 410 Park Pl. – Dimensional Variance
 - VIII.** Old Business
 - IX.** New Business
 - A. Election of Officers
 - X.** Board Member Comments
 - XI.** Next Meeting Reminder
 - A. Regular Meeting March 23, 2023 at 5:30 PM
 - XII.** Adjournment
-

MEETING MINUTES
City of Jackson Zoning Board of Appeals
December 1, 2022

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

MEMBERS ABSENT: Bob VanSumeren

STAFF PRESENT: Chris Atkin, City Planner

I. Call to Order

Chairperson Christie called the December 1, 2022 ZBA meeting to order at 5:30 pm.

II. Pledge of Allegiance

III. Roll Call

IV. Adoption of Agenda

Board Member Christie moved to approve the December 1, 2022 Zoning Board of Appeals meeting agenda as presented. Motion supported by Board Member Grieve.

The motion passed unanimously by a voice vote.

V. Adoption of the Zoning Board of Appeals Meeting Minutes

A. October 27, 2022

Board Member Grieve moved to adopt the October 27, 2022 Zoning Board of Appeals meeting minutes as presented. Motion supported by Board Member Mauldin.

The motion passed unanimously by a voice vote.

VI. Public Comment and Correspondence

No public comments or correspondence regarding a non-agenda items was received by staff.

VII. Consideration of variance request

A. 407 S. Brown Street – Dimensional Variance

Planner Atkin summarized the applicant's dimensional supplemental variance requests.

Board Member Mauldin moved to enter the staff report into the record as if read in whole. Motion supported by Board Member Grieve.

The motion passed unanimously by a voice vote.

Chairperson Christie opened the public hearing at 5:36 pm.

APPLICANT/PUBLIC COMMENTS

Applicant, Mary Tumlinson, explained to the board the reasons for the dimensional variance request.

Chairperson Christie closed the public hearing at 5:37 pm.

MEMBERS COMMENTS

Board Member Grieve said he drove westbound on W. Franklin Street and did not believe the proposed location of the fence would present a line of sight issue.

Board Member Mulhearn requested clarification of the letters received by staff.

Board Member Grieve stated approval of the variance request will not increase the current nonconformance.

Board Member Mauldin agreed.

Board Member Grieve moved, to approve the dimensional variance request from zoning ordinance Section 28-125(c)(2) at 407 S. Brown Street to permit installation of a six (6) foot tall wooden privacy fence twenty-one (21) feet from the addressed west property line (S. Brown St.) and one (1) foot the non-addressed south property line (W. Franklin St.). Motion supported by Board Member Mauldin.

The motion passed unanimously by roll call vote.

B. 808 Plymouth Street – Use Variance

Planner Atkin summarized the applicant’s use variance request.

Board Member Christie moved to enter the staff report into the record as if read in whole. Motion supported by Board Member Mauldin.

The motion passed unanimously by a voice vote.

Chairperson Christie opened the public hearing at 5:45 pm.

APPLICANT/PUBLIC COMMENTS

A representative of the applicant explained the situation.

Chairperson Christie closed the public hearing at 5:48 pm.

MEMBERS COMMENTS

Board Member Grieve discussed approving a residential use in an industrial district versus approving an industrial use in a residential use.

Board Member Mauldin moved, to approve/approve with conditions/deny/postpone the use variance request from zoning ordinance Section 28-74 for 808 Plymouth Street to permit continued use of the existing structure as single-family home in the I-2, General Industrial zoning district. Motion supported by Board Member Grieve.

The motion passed unanimously by roll call vote.

C. Greenwood Avenue – Dimensional and Supplemental Variance

Planner Atkin summarized the applicant’s use variance request.

Board Member Christie moved to enter the staff report into the record as if read in whole. Motion supported by Board Member Grieve.

The motion passed unanimously by a voice vote.

Chairperson Christie opened the public hearing at 5:56 pm.

APPLICANT/PUBLIC COMMENTS

Pete Schwiegeraht, on behalf of MVAH Partners, explained the proposed development and the reasons for the dimensional and supplemental variances.

Chairperson Christie closed the public hearing at 6:00 pm.

MEMBERS COMMENTS

Board Member Christie asked the applicant if the proposed day care center will be open to the public or for residents of the complex only.

Applicant stated the day care center will be open to public and residents of the complex.

Board Member Grieve stated the lot, once combined, will be an odd shape and he appreciated the applicant's efforts of working with city staff to reduce the variance requests as much as possible.

Board Member Grieve moved, to approve the dimensional variance request from zoning ordinance Section 28-73 for Greenwood Avenue to permit the proposed structure to be sited 10.20 feet from the W. Wilkins St. property line, 8.05 feet from the Greenwood Ave. property line, and 14 feet from the W. Biddle St. property line. The dimensional variance shall apply only to the new parcel identification number assigned by the City Assessor. Motion supported by Board Member Mulhearn.

The motion passed unanimously by roll call vote.

VIII. Old Business

None

IX. New Business

Approval of 2023 Meeting Calendar

X. Board Comments

XI. Next Meeting Reminder

Chairperson Christie reminded the Board of the next regularly scheduled ZBA meeting on January 26, 2023 at 5:30 pm.

XII. Adjournment

Board Member Grieve moved to adjourn the meeting at 6:15 pm. Motion supported by Board Member Christie.

The motion passed unanimously by a voice vote.

Respectfully,



Christopher M. Atkin
Planning Director, City of Jackson

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: Air Hydraulics, Inc.
Address: PO Box 831
City: Jackson State: MI Zip: 49204
Phone: (517) 787-9444
Email: pmiller@airhydraulics.com

PROPERTY OWNER

Same as applicant

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

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: 6-013500000
Address: 410 Park Place
City: Jackson State: MI Zip: 49203
Nearest Intersection: Park Place & Hupp Ave.

Current Zoning Designation: I-2 General Industrial
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: Ordinance Sec. 28-75 Yard Setbacks for I-2
- Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):
 - 6.4' Front Yard Setback requested in lieu of 40' per Ordinance.
 - 4.48' Side Yard Setback requested in lieu of 10' per Ordinance.
 - 27.64' Rear Yard Setback requested in lieu of 30' per Ordinance.

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.

Paul J Miller 1/26/23 _____
Signature of Applicant Date Signature of Owner Date
(If different than applicant)

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: <input type="checkbox"/> Plans <input type="checkbox"/> Letter <input type="checkbox"/> Other _____	
Total Pages Submitted: _____ Amount of Fee Paid: \$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> 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 property was aquired as a small corner lot with non-complying yard setbacks in accordance with todays Ordinances.
2. The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property. No, however the Applicant has acquired several adjacent parcels over the years in the hopes of being able to expand the business and building footprint.
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. No, it would not prevent the Applicant from using the property however it would prevent reaching the optimal building size needed to increase desired business operations.
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. a) The existing front yard setback is less than a foot from the property line; proposed new set back is increased to 6'+; b) side yard set back decreases from 10' to 4'+ however the the easement is fully usable; c) the rear yard setback decreases to within 3' of the required 30' per Ordinance.
5. The variance is the minimum variance possible for reasonable use of the property. The Applicant would like to incorporate a truck dock on the north end of the new building for easier materials handling and in doing so increases the overall length of the building while not sacrificing the manufacturing space needed for standard, normal operations.
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. The proposed length & height of the new addition will not effect any light or air qualities to adjacent businesses; vehicle traffic will remain unchanged with equal or better sight lines; we do not foresee any increased endangerment or decreased property values.
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. No.

February 14, 2023

Dimensional Variance
410 Park Pl
City of Jackson, Michigan

GENERAL INFORMATION

Applicant: Air Hydraulics, Inc.
410 Park Place
Jackson, MI 49203

Subject Location: 410 Park Place (Parcel # 6-01350)

Received Date: January 27, 2023

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 site is located north of the Hupp Avenue and Park Place intersection and currently consists of two (2) developed lots and two (2) undeveloped lots. The applicant's intent is to combine the four (4) properties to create a single lot with an area of approximately one (1) acre.

Currently, the site contains a 15,200 square-foot structure; it is the applicant's intent to remove approximately 7,000 square-feet of the northeastern structure area, which is becoming functionally obsolete, and replace with an 11,810 square-foot addition. The proposed addition will extend further northwest than the current foot print of the structure to be removed.



LOOKING SOUTHWEST – STRUCTURE FOR PROPOSED REMOVAL



NEIGHBORING ZONING AND LAND USE

The subject properties are currently zoning I-2, General Industrial. The following table identifies the surrounding zoning designations and current land uses.

	Northerly	Southerly	Easterly	Westerly
Zoning	I-1, Light Industrial	I-2, General Industrial	I-2, General Industrial	I-2, General Industrial
Land Use	Industrial/Vacant	Industrial/Vacant	Industrial	Commercial

Note: The owner of the two (2) properties north of the subject properties submitted an application to rezone from I-1, Light Industrial to I-2, General Industrial.



VARIANCE REQUEST(S)

Dimensional Variance Request(s)

The applicant requests dimensional variances from zoning ordinance Section 28-75 which requires a forty (40) foot minimum front yard setback, a ten (10) foot minimum side yard setback, and a thirty (30) foot minimum rear yard setback in the I-2, General Industrial zoning district.

Approval of the dimensional variances will permit the proposed structure to be sited not less than 6.20 feet from the Park Place (front) property line, 4.48 feet from the northeast (side) property line, and 27.64 feet from the northwest (rear) property line.

SETBACKS	FRONT (Park Pl)	SIDE (Northeast)	REAR (Northwest)
REQUIRED	40 Feet	10 Feet	30 Feet
EXISTING	0.10 Feet	0.00 Feet*	0.00 Feet**
PROPOSED	6.20 Feet	4.48 Feet	27.64 Feet

*0.00 feet from nearest current property line, 31.45 feet northeast property line.

**0.00 feet from nearest current property line, 27.64 feet northwest property line.

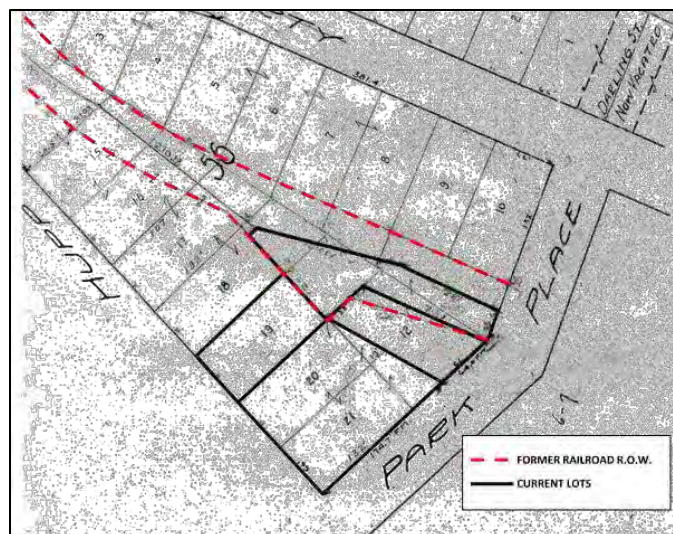


DIMENSIONAL VARIANCE STANDARDS

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.

Once combined, the lot will have an irregular shape created by, in part, by an abandoned railroad easement. Additionally, because the site is located on a corner, the minimum front yard setback distance of forty (40) feet is required on both street fronts.



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

Records research did not produce dates when the railroad easement was abandoned and acquired by the previous owner. However, review of a 1956 aerial photograph shows the configuration of the structure(s) then to be consistent with the current configuration of the structure.

- (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 will not prevent the applicant from using the property for a permitted purpose; however, practical difficulties as they relate to the current use/function would be created by conforming to the requirements of this chapter.

We are of the opinion the current minimum setback requirements for the I-2, General Industrial zoning district is intended for larger areas of industrial property. Currently, the majority of existing industrial structures in the immediate area (same zoning district) do not meet the minimum setback requirements. Additions or expansions to other structures would likely require similar variance applications.

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

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

Staff is of the opinion the dimensional variance request is minimal and reasonable. Furthermore, other site nonconformities will be brought into compliance during development upgrades.

- (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.

The dimensional variance request 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.

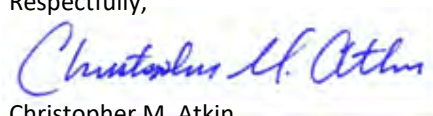
The dimensional variance request will not allow, or give the appearance of, a change in use.

RECOMMENDATIONS

Based on the following findings of fact, staff recommends approval of the requested dimensional variances at 410 Park Pl. (Parcel # 6-01350) to permit the proposed structure to be sited not less than 6.20 feet from the Park Place (front) property line, 4.48 feet from the northeast (side) property line, and 27.64 feet from the northwest (rear) property line. Furthermore, the use variance shall apply only to the new parcel number assigned by the Assessing Department.

- 1. The lot will have an irregular shape created by, in part, by an abandoned railroad easement.*
- 2. The site is located on a corner, the minimum front yard setback distance of forty (40) feet is required on both street fronts.*
- 3. Current minimum setback requirements for the I-2, General Industrial zoning district is intended for larger areas of industrial property.*
- 4. Approval of the requested use variance will not alter the essential character of the area.*

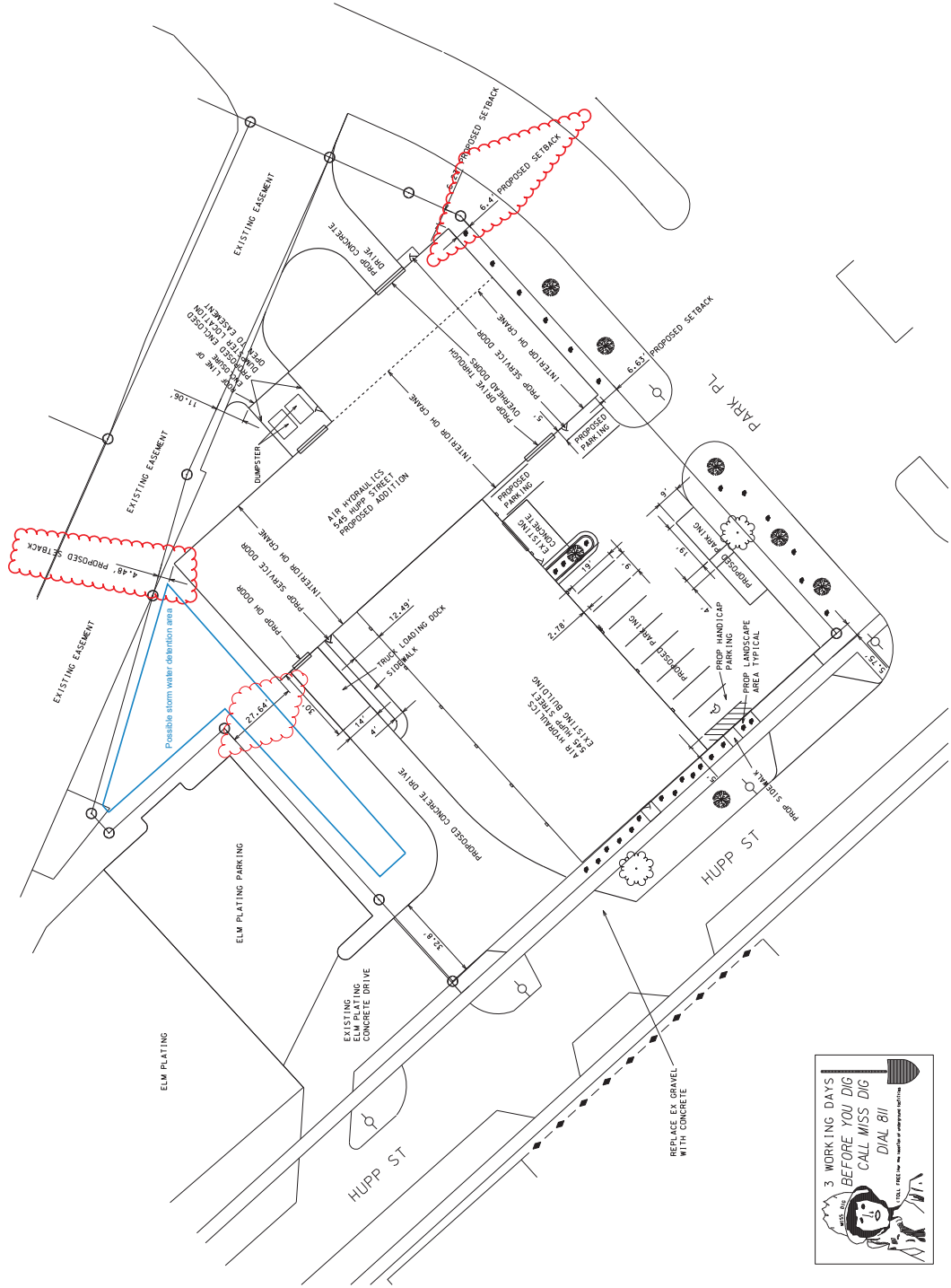
Respectfully,



Christopher M. Atkin
Planning Director, City of Jackson

cc: Applicant

AIR HYDRAULICS INC PROPOSED BUILDING ADDITION



- NOTES**
1. PROPOSED BUILDING ADDITION COLOR TO BE HARMONIUS AND MATCH EXISTING COLOR AS CLOSE AS POSSIBLE
 2. DUMPSTERS SHALL BE LOCATED WITHIN AN APPROVED ENCLOSURE
 3. FENCING IS NOT REQUIRED
 4. VARIANCES REQUIRED FOR FRONT YARD SETBACK AND SIDEYARD SETBACK OFF OF PARK PL

DESCRIPTION	EXISTING	PROPOSED
ZONING	I-2 GENERAL INDUSTRIAL	NO CHANGE
LOT AREA MINIMUM	N/A	N/A
LOT COVERAGE BLDG	N/A	N/A
CORNER LOT	2 FRONT YARD SETBACKS AND 2 SIDE YARD SETBACKS ON HUPP AVE	NO CHANGE
FRONT YARD SETBACK	EXISTING - 10.5 FT AND 10.40 FT	NO CHANGE TO EXISTING OFF OF HUPP AVE
FRONT YARD SETBACK PARK PL	40 FT REQUIRED ON PARK PL	FRONT YARD SETBACK PARK PL = 65 FT, 6.40 FT AND 6.23 FT
SIDE YARD SETBACK	30 FT REQUIRED ON HUPP AVE	SIDE YARD SETBACK OFF OF HUPP AVE = 27.64 FT
EXISTING = 63.05 FT		SIDE YARD SETBACK OFF OF HUPP AVE = 27.64 FT
EXISTING = 31.45 FT		SIDE YARD SETBACK OFF OF PARK PL = 4.48 FT
BUILDING HEIGHT	50 FT	38 FT
BUILDING	15,726.5 FT	
REMOVE EX BUILDING	7,082.5 FT	
EX BLDG TO REMAIN	8,394.5 FT	
BUILDING ADDITION		11,580.5 FT
BLDG AFTER ADDITION		20,000.5 FT
NET SFT BLDG ADDED		4,728.5 FT
ENCLOSED DUMPSTER		500.5 FT
HANDICAP PARKING	0	1
EMPLOYEE PARKING	11	11
TOTAL PARKING SPACE	11	12

KEY

- PROPERTY CORNER
- UTILITY POLE
- GAS UTILITY
- EXISTING TREE
- HANDI CAP
- PROP TREE
- PROP SHRUB

SCALE 1" = 20'



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 dimensional variance requests pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Air Hydraulics, Inc.
410 Park Place
Jackson, MI 49203

Subject Property:

410 Park Place (Parcel # 6-01350)

Variance Requests:

The applicant requests dimensional variances from zoning ordinance Section 28-75 which requires a forty (40) foot minimum front yard setback, a ten (10) foot minimum side yard setback, and a thirty (30) foot minimum rear yard setback in the I-2, General Industrial zoning district.

Effect of requests:

Approval of the dimensional variances will permit the proposed structure to be sited not less than 6.20 feet from the Park Place (front) property line, 4.48 feet from the northern (side) property line, and 27.64 feet from the northwest (rear) property line.

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

**5:30PM on February 23, 2023 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 mailed to 161 W. Michigan Avenue, Jackson, MI c/o Chris Atkin. All comments and/or questions must be received no later than 5:00PM on February 23, 2023.