



## **AGENDA – ZONING BOARD OF APPEALS**

July 27, 2023  
5:30 PM

- I. Call to Order**
  - II. Pledge of Allegiance**
  - III. Roll Call**
  - IV. Adoption of July 27, 2023 Agenda**
  - V. Review of April 27, 2023 Meeting Minutes**
  - VI. Public Comment and Correspondence**
  - VII. Public Hearings**
    - A. 701 Seymour Avenue (Parcel # 8-08590) – Dimensional variance request from zoning ordinance Section 28-120(2)a.**
  - VIII. Old Business**
  - IX. New Business**
  - X. Board Member Comments**
  - XI. Next Meeting Reminder**
    - A. Regular Meeting August 24, 2023 at 5:30 PM**
  - XII. Adjournment**
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## MINUTES – ZONING BOARD OF APPEALS MEETING

5:30 PM April 27, 2023

MEMBERS PRESENT: Shawn Christie, Bob VanSumeren, Karl Grieve, and Peter Mulhearn

MEMBERS ABSENT: Clyde Mauldin

STAFF PRESENT: Chris Atkin

### I. Call to Order

Chairperson Christie called the April 27, 2023 Zoning Board of Appeals meeting to order at 5:30 pm.

### II. Pledge of Allegiance

### III. Roll Call

### IV. Adoption of Agenda

*Board Member Grieve moved, with support from Board Member Mulhearn, to approve the April 27, 2023 Zoning Board of Appeals meeting agenda.*

**The motion passed on a 4-0 voice vote.**

### V. Review and Approval of Zoning Board of Appeals Meeting Minutes

#### A. March 23, 2023 Zoning Board of Appeals Meeting Minutes

*Board Member Grieve moved, with support from Board Member Mulhearn, to approve the March 23, 2023 Zoning Board of Appeals meeting minutes.*

**The motion passed on a 4-0 voice vote.**

### VI. Public Comment and Correspondence

### VII. Consideration of variance request

**A. 1224 Greenwood Avenue (Parcel #3-21950) – Use variance from Section 28-71 to permit first floor residential use of an existing structure the C-2, Community Commercial zoning district.**

Planner Atkin summarized the applicant's use variance request.

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

**The motion passed on a 4-0 voice vote.**

Public Hearing Opened at 5:35 pm

**APPLICANT/PUBLIC COMMENTS**

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The applicant addressed the members, explaining he buys and flips houses. Stated this house will be for single family use only.

Public Hearing Closed at 5:37 pm

**MEMBERS COMMENTS**

Board Member Mulhearn stated the structure was built as a single family home and all other residential structures in the immediate area are currently zoned C-2, Community Commercial.

Board Member Grieve stated the use variance would not change the characteristics of the area.

*Board Member Grieve moved, with support from Board Member VanSumeren, to approve the use variance request for 1224 Greenwood Avenue.*

**The motion passed with a 4-0 roll call vote.**

**A. 1250 Jackson Crossing – Burlington (Parcel # 2-2469.5)**

1. Dimensional variance from zoning ordinance Section 28-253(l) for installation of a 189 square-foot wall sign on the northern façade.
2. Supplemental variance from zoning ordinance Section 28-253(j) to permit installation of a temporary banner on the northern façade for nine (9) months.

Planner Atkin summarized the applicant’s dimensional and supplemental variance requests.

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

**The motion passed on a 4-0 voice vote.**

Public Hearing Opened at 5:46 pm

**APPLICANT/PUBLIC COMMENTS**

The applicant further explained the sign types, sizes, and duration of the temporary sign.

Public Hearing Closed at 5:47 pm

**MEMBERS COMMENTS**

Board Member Grieve stated the proposed sign size would not change the characteristics of the area and is consistent with recent dimensional variance requests approved for like signs on the same structure.

Board Member Grieve then inquired about the start and end date of the nine (9) months for the supplemental variance.

Board Member Mulhearn asked for an explanation regarding the area calculation for the wall sign and if it is consistent with area calculations used for previously approved dimensional variance requests for wall signs.

1. *Board Member VanSumeren moved, with support from Board Member Grieve, to approve the dimensional variance from zoning ordinance Section 28-253(l) for installation of a 189 square-foot wall sign on the northern façade at 1250 Jackson Crossing – Burlington.*

**Yeas (Christie, Grieve, VanSumeren) Nays (Mulhearn)**

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**The motion passed with a 3-1 roll call vote.**

2. *Board Member VanSumeren moved, with support from Board Member Mulhearn, to approve with conditions the supplemental variance from zoning ordinance Section 28-253(j) to permit installation of a temporary banner on the northern façade for nine (9) months, from May 1, 2023 to February 28, 2024, at 1250 Jackson Crossing – Burlington.*

**The motion passed with a 4-0 roll call vote.**

**VIII. Old Business**

None

**IX. New Business**

None

**X. Board Comments**

Board and staff continued discussion of sign area calculation for framed wall signs versus individual letter wall signs.

Member Grieve stated he will not be available for the June 22, 2023 regularly scheduled meeting.

**XI. Next Meeting Reminder**

*Chairwoman Christie reminded the Board that the next regular ZBA meeting is scheduled for May 25, 2023 at 5:30pm.*

**10. Adjournment**

*Board Member Grieve moved, with support from Board Member VanSumeren, to adjourn the meeting at 6:23pm.*

**The motion passed unanimously on a voice vote**

Respectfully,



Christopher M. Atkin  
Planning Director and Zoning Administrator  
City of Jackson

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**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

**APPLICANT**

Name: Kaeleigh Johnson  
Address: 701 Seymour Ave  
City: Jackson State: MI Zip: 49202  
Phone: (517) 513-9159  
Email: Kcjohnson94@yahoo.com

**PROPERTY OWNER**

Same as applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

**ADDRESS SUBJECT TO VARIANCE REQUEST**

Property Identification #: 8-085900000  
Address: 701 Seymour Ave  
City: Jackson State: MI Zip: 49202  
Nearest Intersection: Seymour Ave and Maguire

Current Zoning Designation: R-1  
Current Use:  Residential  Commercial  
 Industrial  Mixed

**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: Sec. 28-120 Z, 26

2. Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):  
Previous Garage was damaged in an ice storm & had to be demolished, including the foundation. The garage did not fall within the property line specifications. We want to replace it with the same size garage in the same spot.

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.

Kaeleigh Johnson 05/29/23  
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.

<b>OFFICE USE ONLY</b>	
CASE: <u>PZBA 23-0007</u>	Application Accepted By: <u>SFaster</u>
Materials Submitted with Application: <input type="checkbox"/> Plans <input type="checkbox"/> Letter <input type="checkbox"/> Other _____	
Total Pages Submitted: <u>3</u>	Amount of Fee Paid: <u>\$500</u> <input type="checkbox"/> Cash <input type="checkbox"/> Check <u>Check #:</u> <u>C.C.</u>

**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. Yes, Damaged in an ice storm. The foundation was cracked in half & could not be re-used.
2. The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property. The conditions do not result from the 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. Yes, we would not be able to replace the garage based on the chapter ordinance.
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. It will not be detrimental, it will be the exact same size & space being occupied.
5. The variance is the minimum variance possible for reasonable use of the property. It is the minimum variance possible.
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. Agreed
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. Agreed

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**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. Yes, we cannot build a usable garage to replace the old one within the parameters specified.
  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. The previous garage did not fall within the zoning parameters. In order to ~~be~~ replace it, we need a variance for distance from property line & other structures.
  3. The problem and resulting need for the variance has not been self-created by the applicant. The old garage was damaged in an ice storm & needed to be demolished.
  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. Agreed
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**Dimensional Variance**  
**701 Seymour Avenue**  
**City of Jackson, Michigan**

**GENERAL INFORMATION**

- Applicant:** Kaeleigh Johnson  
701 Seymour Avenue  
Jackson, MI 49202
- Subject Location:** 701 Seymour Avenue (Parcel # 8-08590)
- Received Date:** June 07, 2023
- Current Zoning:** R-1, One-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 address is located northeast of the Seymour Avenue and Maguire Street intersection; the 0.11 acre site contains a two-story 664 square-foot structure (1,288 square-feet total floor area). Previously, the site also contained a 192 square-foot detached accessory structure (garage) accessible from Maguire St. In April/May 2023, the detached accessory structure, including foundation, was removed due to damage caused during an ice storm

The applicant would like to construct a new detached accessory structure of the same size in the same location.

It is important to note that the single-family structure on the north adjoining property will soon be removed. To reduce the variance request and increase the area of the detached accessory structure, the applicant unsuccessfully attempt to purchase the immediate 10' x 66' portion of land from the property owner.

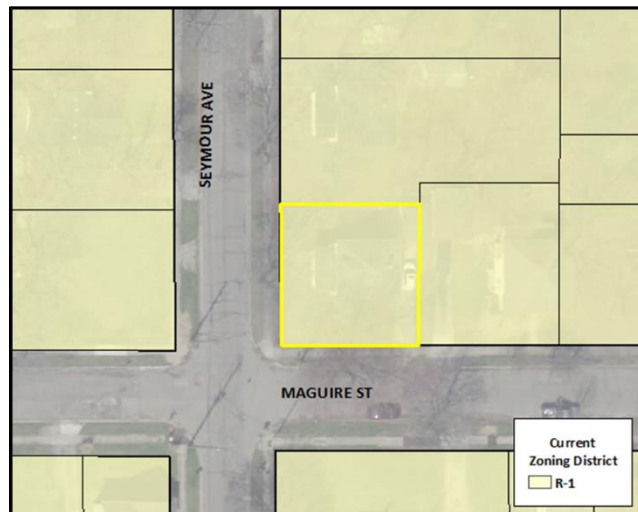




**NEIGHBORING ZONING AND LAND USE**

The subject properties are currently zoning R-1, One-Family Residential. The following table identifies the surrounding zoning designations and current land uses.

	North	South	East	West
<b>Zoning</b>	R-1, One-Family Residential	R-1, One-Family Residential	R-1, One-Family Residential	R-1, One-Family Residential
<b>Land Use</b>	Residential	Residential	Residential	Residential



**VARIANCE REQUEST**

The applicant requests dimensional variances from zoning ordinance Section 28-120(2)a. which requires an accessory structure to be not less than five (5) feet from the side and/or rear property boundary and not closer than ten (10) feet to the principal structure or any other building or structure located on-site or on an adjacent parcel.

Approval of the dimensional variances will permit the proposed structure accessory structure to be sited approximately one (1) foot or less from the side property boundaries, approximately five (5) feet from the primary structure, and approximately three (3) feet from the neighboring (east) accessory structure.

## 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.

*When compared to other lots in the immediate area, the subject lot, and abutting lot to the east, are approximately half the depth. When originally platted, the lot was approximately 66' x 132', evidence of this is provided in the legal descriptions for the subject property and neighboring east property, both descriptions include "Lot 211", less the portion for the neighbor.*

- (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 of actions of any person with a current interest in the property. Research of records did not reveal when the lot split occurred; however, assessing records show the structure on the subject property and east property were built in the 1920's.*

- (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 are present due to the site not providing an area where an attached or detached accessory structure with the same footprint as the former accessory structure will meet the current minimum setback standards.*

*It is important to note, per review of building permit applications, the original detached accessory structure sited on the east neighboring lot was demolished and replaced with the current detached accessory structure in 1975. The structure is two (2) feet from the side property line, over ten (10) feet from the house, and the minimum distance from the rear. It is unknown what the 1975 setback requirements were. No recorded dimensional variance documentation located.*

- (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. As previously stated, the applicant attempted to purchase a portion of land from the abutting north property to reduce the dimensional variance request.*

- (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 701

Seymour Avenue (Parcel # 8-08590) to permit the proposed detached accessory structure to be sited approximately one (1) foot or less from the side property boundaries, approximately five (5) feet from the primary structure, and approximately three (3) feet from the neighboring (east) accessory structure.

1. *The lot split resulted in the subject property being half the depth of most surrounding properties in the immediate area.*
2. *Practical difficulties are present due to the site not providing an area where an attached or detached accessory structure with the same footprint as the former accessory structure will meet the current minimum setback standards.*
3. *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.*

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

**Applicant:**

Kaeleigh Johnson  
701 Seymour Avenue  
Jackson, MI 49202

**Subject Property:**

701 Seymour Avenue (Parcel # 8-08590)

**Variance Requests:**

The applicant requests dimensional variances from zoning ordinance Section 28-120(2)a. which requires an accessory structure to be not less than five (5) feet from the side and/or rear property boundary and not closer than ten (10) feet to the principal structure or any other building or structure located on-site or on an adjacent parcel.

**Effect of requests:**

Approval of the dimensional variances will permit the proposed structure accessory structure to be sited approximately one (1) foot or less from the side property boundaries, approximately five (5) feet from the primary structure, and approximately three (3) feet from the neighboring (east) accessory structure.

**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 July 27, 2023 in  
City Hall Council Chambers, 2<sup>nd</sup> 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](mailto: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 July 27, 2023.