

NOTICE

A special meeting of the Grand Ledge Zoning Board of Appeals will be held on **Thursday, April 28 2016** at the Grand Ledge City Hall, 310 Greenwood Street, at **6:30 p.m.** Individuals with disabilities requiring auxiliary aids or services and planning to attend City meetings/hearings should write or call (517) 627-2149, in advance of the meeting.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of the Agenda
4. Approval of minutes for regular meeting held on November 19, 2015

Business from the Floor

New Business

5. Variance Request – 700 Degroff Street – Privacy fence in the front yard

Other Business

6. Comments from the Zoning Administrator
7. Comments from the Chairman
8. Comments from Council Representative
9. Adjournment

CITY OF GRAND LEDGE ZONING BOARD OF APPEALS

Minutes from Regular Meeting held on November 19, 2015

Attendance

Members present: Ron Graber, Tim McClung, Ben Tobias, Carol Weigel, Tom Nelson, Ben Cwayna, Lynne MacDowell & Dave Whaley. Absent: Ray Evert & Council Representative, Chris Bartholomew. Also present: Zoning Administrator, Susan Stachowiak.

Call to Order

Chairman Ron Graber called the Zoning Board of Appeals meeting to order at 7:00 p.m.

Pledge of Allegiance

Tom Nelson led the members in the pledge of allegiance.

Approval of Agenda

Ms. MacDowell made a motion, seconded by Mr. Nelson to approve the agenda as printed. On a voice vote (8-0), the motion carried unanimously.

Approval of Minutes

Mr. Nelson made a motion, seconded by Mr. Tobias to approve the minutes from the meeting held on September 17, 2015, as printed. On a voice vote (8-0), the motion carried unanimously.

Business from the Floor - None

NEW BUSINESS

Variance Request – Ground Sign Setback – 100 W. Saginaw Highway

Ms. Stachowiak stated that she is recommending approval of the request by David Kreager, on behalf of Dr. David Harkema, for a variance from the requirements of Grand Ledge City Code, Chapter 220, Zoning, Section 220-78(J)(1)(b), that requires a 10 foot setback for ground signs in the “B-1” Highway Service District. The variance request is for a new ground sign at 100 W. Saginaw Hwy. with a setback of 2.1 feet from the front property line along W. Saginaw Hwy., a variance of 7.9 feet to the required ground sign setback. The new sign would replace the existing ground sign on the site which has a 1 foot setback from the front property line along W. Saginaw Highway.

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Ms. Stachowiak said the proposed sign will be setback 13 inches further back than the existing ground sign at 100 W. Saginaw Highway and will be significantly smaller, thereby, bringing the signage on the site further into compliance with the ordinance requirements. She said that the existing ground sign does not conform to any of the requirements regulating ground signs in the "B-1" Highway Service district which is the zoning designation of the subject property. Ms. Stachowiak said that the sign ordinance permits one, 6-foot high, 60 square foot ground sign with a minimum setback of 10 feet from the front property line. The existing sign at 100 W. Saginaw Highway is 69.2 square feet in area, 8.75 feet in height and has a setback of 1 foot from the front property line along W. Saginaw Highway. The proposed sign is 23 square feet in area, 4.5 feet in height and will have a setback of 2.1 feet from the front property line along W. Saginaw Highway. Since the existing sign was erected long before the current ordinance went into effect, it is considered legally nonconforming for size, height and setback. The proposed sign will comply with the sign ordinance with respect to size and height and will reduce the nonconformity with respect to the setback requirement.

Ms. Stachowiak said that the layout of the site at 100 W. Saginaw Highway does not provide a location for a ground sign that would comply with the required 10 foot setback and still be visible to both east and west bound traffic along W. Saginaw Highway. The front wall of the building at 100 W. Saginaw Highway has a setback of approximately 7 feet from the front property line. Thus, if the ground sign were to be setback 10 feet from the front property line, it would be completely behind the front wall of the building. Ms. Stachowiak said that since the characteristics of the site that warrant relief from the ordinance are unique to the subject property, approval of the variance will not set a negative precedent for future requests to vary the ground sign setback requirements.

Mr. Graber opened the public hearing at 7:07 p.m.

David Kreager, Grand Apps, LLC, spoke in support of his request. He stated that the existing sign at 100 W. Saginaw Highway is falling down (leaning towards Jenne Street). Mr. Kreager said that the existing sign needs to come down and the new sign will be less than half of its size.

Mr. Nelson made a motion, seconded by Mr. Tobias to approve a request by David Kreager, on behalf of Dr. David Harkema, for a variance of 7.9 feet to the required 10 foot setback to permit a 23 square foot, 4.5 foot high ground sign at 100 W. Saginaw Highway that would have a setback of 2.1 feet from the front property line along W. Saginaw Highway, based upon the findings of fact as detailed in this staff report, and to give immediate effect to the approval of the variance as necessary for the preservation of property and hereby certified on the record. On a roll call vote (8-0), the motion carried unanimously.

Ms. Stachowiak stated that she will approve the sign permit application tomorrow.

OTHER BUSINESS

Comments from the Zoning Administrator - None

Comments from Council Representative – No present

Comments from the Chairman

Mr. Graber thanked Mr. McClung for chairing the September meeting.

Adjournment - Mr. Graber adjourned the meeting at 7:12 p.m.

Respectfully submitted,

Susan Stachowiak
Zoning Administrator

Ben Tobias, Secretary
Zoning Board of Appeals

**CITY OF GRAND LEDGE
STAFF REPORT
VARIANCE REQUEST**

TO: Zoning Board of Appeals

FROM: Susan Stachowiak
Zoning Administrator

DATE: April 21, 2016

APPLICANT/OWNER: Ryan Upson & Mara Timlin
700 Degroff Street
Grand Ledge, MI 48837
313-378-0134

PROPERTY SIZE: 183.61' x 82.83' = .349 acres
Rectangular Shape – Corner Lot

ZONING: R-MD, Single Family Residential

EXISTING LAND USE: Single Family Residential

ZONING ON ADJACENT PARCELS: N: R-MD, Single Family Residential
S: R-MD, Single Family Residential
E: R-MD, Single Family Residential
W: R-MD, Single Family Residential

SURROUNDING LAND USES: N: Single Family Residential
S: Single Family Residential
E: Single Family Residential
W: Single Family Residential

REQUEST

The subject of the public hearing will be the consideration of a request by Ryan Upson & Mara Timlin for a zoning variance to Section 220-68 of the Zoning Ordinance, which restricts the height of fences in residential front yards to a maximum of 3 feet. The applicants are requesting a variance to construct a 6 foot high, wood, privacy fence in the E. Kent Street front yard of the property located at 700 Degroff Street.

CRITERIA

- (1) The Zoning Ordinance establishes the following basic criteria, all of which must be satisfied before a variance can be approved:

- (a) Will not be contrary to the public interest or to the intent and purpose of this chapter.**

The primary intent of prohibiting fences in front yards is to preserve clear vision when turning at street intersections and when exiting driveways. Based on the attached photographs and drawings provided by the applicant, the fence will be located far enough away from the E. Kent Street that it will not hinder visibility for motorists at the intersection of E. Kent and Degroff or at any of the driveways in the area.

The other intent of the ordinance is to preserve the aesthetic appearance of residential streets by retaining open green spaces along roadways and preventing such green spaces from being interrupted or walled off by fences. The proposed 6 foot high wood privacy fence will be contrary to the intent of the ordinance as it will create a “wall” effect that will diminish the appearance of the residential neighborhood in which it is located.

- (b) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.**

Not applicable.

- (c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.**

Staff has no evidence to affirmatively state that the proposed fence will negatively impact surrounding property values.

- (d) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.**

The subject property is a corner lot located at the northwest corner of E. Kent and Degroff Street. The applicant is proposing to construct a 6 foot high, wood privacy fence that would extend 16 feet into the E. Kent Street front yard of the property. The Zoning Ordinance considers all yards that abut a street to be front yards. Fences in front yards cannot exceed a height of 3 feet and must be of an

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700 Degroff Street – Fence Variance
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ornamental nature with at least 50% open spaces, uniformly distributed along the surface of the fence.

In order to preserve a standard against future requests to vary an ordinance regulation, there must be something physically unique about a particular parcel of land that warrants relief from the ordinance. In other words, there must be exceptional conditions relating to a site that distinguish it from most other properties, thereby making strict application of the ordinance impractical or unnecessarily difficult for the owner. Such conditions must relate directly to the property itself such as uneven topography, irregular shape, uncommonly small lot size, etc. By assuring that the difficulty is adequate to differentiate it from a claim that could be made by most other home owners, the intent of the ordinance standard is preserved. Correspondingly, the practical difficulty must be more than a matter of mere preference.

There does not appear to be anything unique about the subject property that sets it apart from any other corner lot. The lot is perfectly rectangular, there is no uneven topography or any other feature that would present a practical difficulty for the applicant in complying with the ordinance. Furthermore, there is still adequate space on the subject property that could be enclosed by a privacy fence in compliance with the ordinance (between the house and garage). Approving a variance without establishing that there is something unique about the property that distinguishes it from any other request to vary the ordinance regulating fences on corner lots will set a negative precedent for future requests of a similar nature.

(e) Will relate only to property that is under control of the applicant.

The proposed fence would be located entirely on the applicant's property.

Based upon this evaluation, the applicant's request does not comply with the basic criteria required for granting variances.

(2) When all of the foregoing basic conditions can be satisfied, the ordinance establishes the following special conditions for further evaluation before granting a variance. The ordinance states that a variance may be granted when any one of the following special conditions can be clearly demonstrated.

- (a) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.**
- (b) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not**

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generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this chapter.

Since all the basic criteria for evaluating variances has not been satisfied, the special criteria listed above is not applicable.

RECOMMENDATION

The following motion, which reflects staff's recommendation, is offered for the Board's consideration:

"I make a motion to deny the variance request to permit a 6 foot high privacy fence in the E. Kent Street front yard at 700 Degroff Street, based upon the findings of fact as detailed in this staff report."

Should the Board determine that a variance is warranted, the following motion should be considered:

"I make a motion to approve a variance of 3 feet to the height limitation to permit a 6 foot high privacy fence to extend 16 feet into the E. Kent Street front yard of the property at 700 Degroff Street, and to give immediate effect to the approval of the variance, as necessary for the preservation of property and hereby certified on the record."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

**CITY OF GRAND LEDGE
NOTICE OF PUBLIC HEARING**

**ZONING BOARD OF APPEALS
VARIANCE REQUEST**

The City of Grand Ledge Zoning Board of Appeals will hold a public hearing on Thursday, April 28, 2016 at 6:30 p.m. at the Grand Ledge City Hall, 310 Greenwood Street, Grand Ledge, MI 48837.

The subject of the public hearing will be the consideration of a request by Ryan Upton & Mara Timlin for a zoning variance to Section 220-68 of the Zoning Ordinance, which restricts the height of fences in residential front yards to a maximum of 3 feet. The applicants are requesting a variance to construct a 6 foot high, wood, privacy fence in the E. Kent Street front yard of the property located at 700 Degroff Street.

A copy of the proposed variance request is available for public inspection at City Hall, 310 Greenwood St., during regular office hours, Mon. through Fri. from 8-5. Written comments will be considered and may be forwarded to the City of Grand Ledge Clerk until 5:00 p.m. the day of the hearing. Please call (517) 627-2149 for further information.

Gregory L. Newman, Clerk
City of Grand Ledge



Kalmin D. Smith – Mayor | Adam R. Smith – City Administrator

Planning & Zoning • 310 Greenwood St. • Grand Ledge MI 48837

Ph: 517.622.7928 • Fax: 517.627.9796 • www.grand-ledge.com

RECEIVED

APR 01 2016

Variance Application

CITY OF GRAND LEDGE

For Office Use Only	
Fee Paid <u>\$250⁰⁰ DB-4039</u>	Date Received: <u>4-1-2016</u>

Applicant(s) Ryan Upson + Mara Timlin

Address 700 Degroff st. Daytime Phone 313-378-0134

Evening Phone " "

Interest in Property (check one)

- Owner
- Represent Owner
- Other
- Option to buy
- Lessee

Complete address of property requested to be reviewed 700 Degroff st. Grand Ledge MI 48837

Owner Name(s) Ryan Upson + Mara Timlin

Address 700 Degroff st. Daytime Phone 313-378-0134

Evening Phone 313-378-0134

Legal Description (indicate attached if needed):

Lot size: Width _____ Length _____ Area _____

Current zoning: Residential

Proposed use of property Install 6 ft. cedar privacy fence as indicated in the submitted proposal. proposed location would not obstruct vision of motorists at intersection of Degroff and Kent, and would improve the curb appeal of the property.

Estimate the following:

- General traffic volume NA
- Total population increase NA
- Population per acre NA

- Hours of operation _____
- Total number of employees N/A
- Total building area proposed _____
- Parking spaces _____

Petition must include photographs of the property, copies of any other required permits and a site plan, as follows:

- Drawn to a scale of at least 1"=100'
- Existing and proposed structures (buildings, trash receptacles, landscaping, etc.)
- Existing and proposed parking areas and driveways
- Existing and proposed roads, easements and other access points
- Flood plain elevations, if applicable
- Zoning classifications of all abutting land within 300 feet

I stipulate and understand the site plan review, if approved by the City of Grand Ledge, does not guarantee I may proceed with the proposed development. I understand there may be additional permits required to meet trade codes and other governmental requirements, and I understand the City of Grand Ledge does not have any power or authority over these additional permits. I certify the statements made and the information provided in this site plan review application are true, accurate and complete.

Signature *Ryan [unclear]* Date 4-1-16

Required Reviews

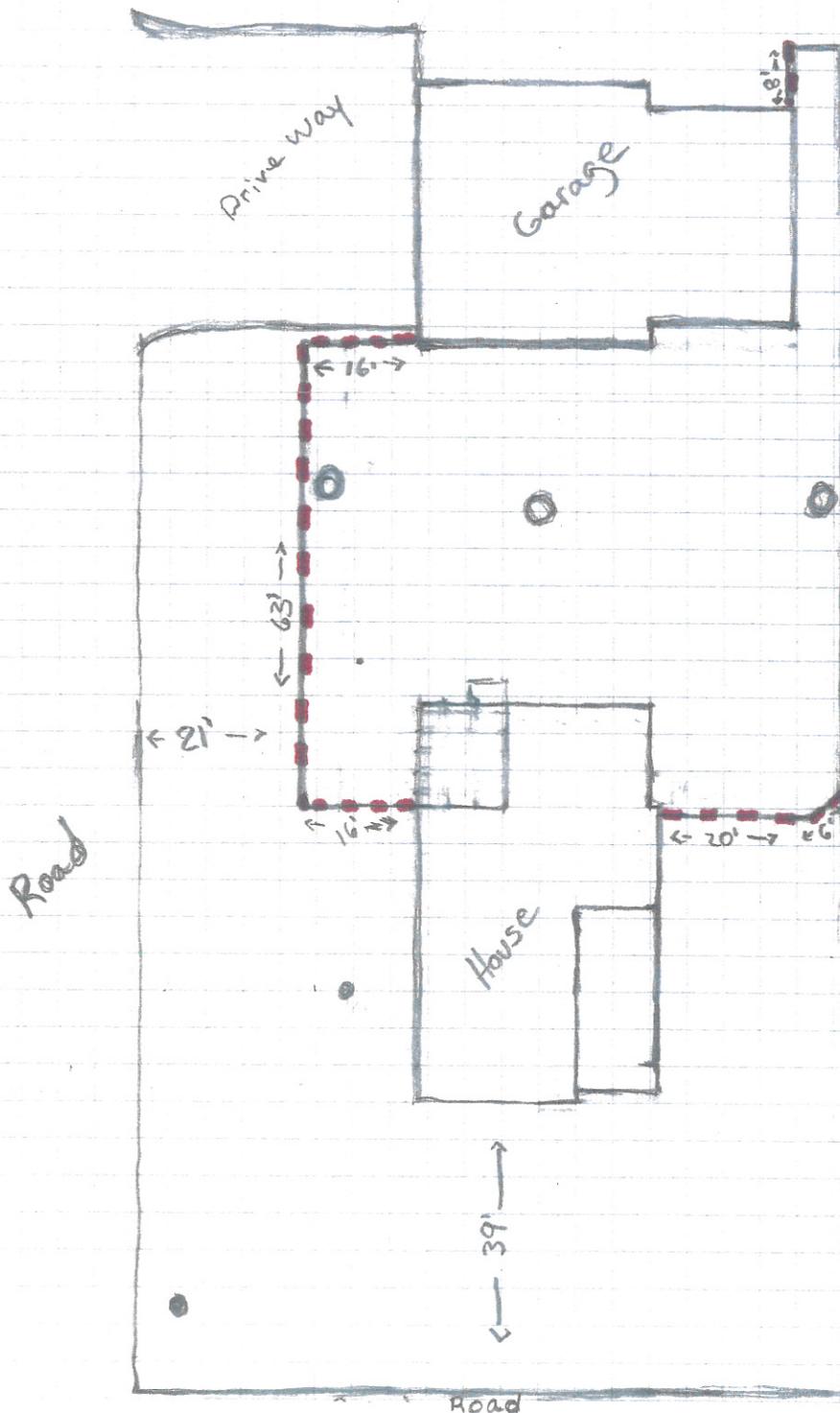
	Approve Petition	Deny Petition	Initials
<input checked="" type="checkbox"/> Zoning Administrator	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Planning Commission	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Building Official	<input type="checkbox"/>	<input type="checkbox"/>	_____

700 Degroff Proposal For Privacy Fence

--- = New Fence Location

measurements accurate and drawn to scale

New Fence = 6 ft. high cedar privacy fence



Ryan Upson and
Mara Timlin

313-378-0134



current yard with existing fence.
proposed privacy fence to replace existing and be extended.



Example of Fence that will
be installed

