

NOTICE

The regular meeting of the Grand Ledge Zoning Board of Appeals will be held on **Thursday, April 16, 2015** at the Grand Ledge City Hall, 310 Greenwood Street, at **7:00 p.m.** City Hall's phone number is 627-2149. Individuals with disabilities requiring auxiliary aids or services and planning to attend City meetings/hearings should write or call in advance and inform the City Administrator.

AGENDA

1. Call to Order
2. Approval of the Agenda
3. Approval of minutes for regular meeting held on December 18, 2014

Business From the Floor

4.

New Business

5. Variance Request – Front & Rear Yard Setbacks – 918 W. Jefferson Street
6. Variance Request – Sides Setbacks – 222 W. River Street

Other Business

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

**CITY OF GRAND LEDGE
ZONING BOARD OF APPEALS**

Minutes from Regular Meeting held on December 18, 2014

Call to Order

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

Pledge of Allegiance

Ben Tobias led the members in the pledge of allegiance

Attendance

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

Approval of Agenda

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

Approval of Minutes

Ms. Weigel made a motion, seconded by Mr. Tobias to approve the minutes from the meeting held on August 15, 2013, as printed. On a voice vote (8-0), the motion carried unanimously.

Business from the Floor - None

NEW BUSINESS

Variance Request –

Ms. Stachowiak stated that this is a request by AutoZone for a variance to Section 220-78(J)(1)(b) of the Zoning Ordinance. This Section permits ground signs to a maximum height of 6 feet and a maximum area of 60 square feet. The applicant is proposing to construct a ground sign at 876 E. Saginaw Highway that would be 25 feet in height and 68.25 square feet in area. Variances of 19 feet to the sign height limitation and 8.25 feet to the allowable sign area are therefore, being requested.

Ms. Stachowiak stated that staff is recommending denial of the variance request. She said that in order to preserve an ordinance standard, there must be something sufficiently unique about a particular parcel of land to differentiate it from a claim that could be made for most other parcels of land. Correspondingly, the variance must be based on more than a matter of mere preference. In this case, there is nothing unique about the subject property that sets it apart from any other property in the "B-1" Highway Service District. It is perfectly rectangular, complies with the minimum lot

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width requirement, there is no uneven topography on the site or any other unique factor that would make compliance with the ordinance provisions regulating ground signs impractical for the applicant.

Brian Siddall, Sign Manager, AutoZone, spoke in support of the request. He stated that there are a number of other ground signs in the area that exceed the dimensions allowed by ordinance. He said that the Tim Horton's/Cold Stone Creamery to the west has a sign that is higher than 6 feet and greater than 60 square feet in area. Mr. Siddall said that the larger signs are easier to see. He said that the only monument sign in the area that stood out at all is the Walgreen's sign because of the LED changeable message center. He said that he didn't even see the Subway sign till he was right by it and the same was true for other monument signs in the area as well. Mr. Siddall said that they feel that the additional height is essential for adequate visibility but they are willing to withdraw the variance request for the additional square footage.

Mr. Tobias explained that the other signs on Saginaw Highway that exceed the dimensions allowed by ordinance are grandfathered in (legally nonconforming) as they existed prior to the adoption of the current ordinance.

Ms. Stachowiak stated that there are no signs in the "B-1" Highway Service district that were installed after the adoption of the ordinance in 1997 that do not comply with the current ordinance. She said that there have been several requests for variances to permit larger and taller signs, particularly right after the ordinance went into effect, and all of them have been denied.

Ms. Stachowiak said that "Business Centers", as defined by the Zoning Ordinance are permitted one, 25 foot high, 100 square foot ground sign. A business center is defined as: "Any group of two or more commercial establishments having not less than 100 feet of frontage on a major street and which are under one common ownership or management, have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or share a common parking area." She said that the applicant has stated that they would like a larger ground sign so that it is comparable to the Tim Horton's/Cold Stone Creamery sign located immediately to the west. Tim Horton's/Cold Stone Creamery, however, meets the definition of a business center as described above which is why it was permitted a larger ground sign.

Mr. McClung stated that the applicant could do a LED reader board sign like Walgreen's so that it will stand out more.

Mr. Siddall said that they could even drop the sign down to 40 square feet if it could be 20 feet in height.

Ms. Stachowiak stated that she cannot recommend approval for any variances to the ground sign requirements for this property for the same reasons she recommended denial of the requested variances.

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Mr. Graber stated that in the absence of a practical difficulty that makes compliance with the ordinance impractical for the applicant, authorizing a variance opens up the ordinance for future requests to vary the ordinance standard. He said that this is not the body that makes or amends the ordinances but rather must adhere to the criteria established in the ordinance for evaluating variances.

Ms. Weigel said that there are a lot of signs on Saginaw Highway and when drivers have to look for the business signs, it can be distracting and evening dangerous.

Mr. Cwayna said that the sign ordinance may be burdensome to business owners. He asked why City Buffet has a larger sign when they are a fairly new business.

Ms. Stachowiak said that the ordinance allows for nonconforming signs to be refaced without being brought into compliance with the ordinance. She said that the City Buffet sign was formerly the Burger King sign that existing for many years prior to 1997 when the current ordinance went into effect.

Ms. MacDowell asked Mr. Siddall if AutoZone was aware of the sign ordinance before it decided to build at this location.

Mr. Siddall said that a package was put together identifying all of the city codes. He said that there was a meeting to approve the site but sign information is usually not considered too much at that time. Mr. Siddall said that it is his job to try to obtain variances for what AutoZone considers to be its ideal signage for the site.

Mr. Graber reminded everyone that, in making the decision on how to vote on this request, the Board members need to keep in mind what impact it will have on the area in terms of more variances requests to the sign ordinance if this one is approved.

Mr. Tobias said that it will open up the ordinance and essentially make it impossible for the Board to deny future variance requests to the sign ordinance.

Mr. Tobias made a motion, seconded by Mr. McClung to deny the request by AutoZone for a variance to Section 220-78(J)(1)(b) of the Zoning Ordinance to permit a ground sign at 876 E. Saginaw Highway that would be 25 feet in height and 68.25 square feet in area, on a finding that the request does not satisfy the criteria contained in Section 220-116 of the Zoning Ordinance for evaluating variance requests. On a roll call vote (8-0), the motion carried unanimously.

Introductions & Welcoming of New Board Members

Ms. Stachowiak stated that the new City Administrator, Adam Smith, is present.

Mr. Graber welcomed Mr. Smith and asked him to tell the Board a little about himself.

Mr. Smith stated that he has about 10 years of experience in various capacities of city administration. He said that he has worked in Jonesville, Claire County, St. Joseph, etc. but most recently was the city manager for Mackinaw City. Mr. Smith said that the Board made right decision with respect to the variance request. He said that while the Board may not agree with the ordinance, it is the law and it is the ZBA's job to make its decision based on the state law governing Zoning Board of Appeals and the issuance of variances. He also said that unless the ZBA gives a variance immediate effect in accordance with the language established by the Zoning Enabling Act, it is not effective until the minutes are approved. He said that he would provide the Zoning Administrator and Chairman with the correct language.

Mr. Graber stated that he is the Planning Commission representative to the ZBA and has brought to their attention certain areas of the Zoning Ordinance that have resulted in a lot of variance requests in the past (front yard fences, larger garages, etc.). He said that the Planning Commission and City Council have made numerous changes to the Zoning Ordinance over the past few years which has greatly reduced the number of variances requests

Mr. Graber asked each of the Board members to introduce themselves. He said that he has been a member of both the ZBA and Planning Commission Board for many years. Mr. Graber said that the Planning Commission is in the process of going through the Zoning Ordinance and updating it by making recommendations for amendments to the City Council. He said that there are 3-4 ordinance amendments pending at the Council level right now. He said that City Council is the only body that can change an ordinance.

Ms. Weigel said that she has been on the ZBA for about 4 years. She said that she lives on E. Front Street and the new member, David Whaley is a cousin of hers by marriage. Ms. Weigel said that she lived in Hawaii for a while and was a facilities manager for the State of Michigan when she moved by here.

Mr. McClung said that he lives at 245 Walnut Street, has been on the ZBA for about 5-6 years and has lived in Grand Ledge all of his life.

Mr. Tobias said that he lives on Liberty Street, has been on the Board for about 6-7 years and has known the Mayor for a very long time. Mr. Tobias said that he is in the property maintenance business.

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Ms. MacDowell said that she is co-owner of MacDowell's fireplace and spa. She said that she lives on Madison Street, has been on the Board for about 4-5 years and was a budget liaison for the State of Michigan.

Mr. Nelson said that he has lived in Grand Ledge all of his life and his wife was born and raised here as well. He said that he is the co-owner of Wolf Creek Productions. Mr. Nelson said that he is proud to serve on the Board.

Mr. Cwayna said that he is a local attorney and has been in the City since 2008. He said that he really likes the community and it is a good place to settle down and raise a family. Mr. Cwayna said that he recently stepped down from membership on the DDA.

Mr. Whaley said that he has lived in the City since 1980. He said that he served a term and ½ on the City Council in the 1980's, has been on the Planning Commission and ZBA in the past. Mr. Whaley said that he moved out of the City for a while and then moved back. He said that he was a system designer for the Secretary of State.

Review of Ordinance Regulating the Powers, Procedures and Duties of the ZBA

Ms. Stachowiak reviewed the Zoning Ordinance language regulating the ZBA and the issuance of variances. She said that the ordinance establishes certain basic criteria that the variance request must meet and if it can satisfy all of the criteria, it must comply with one of the special criteria established in the ordinance before a variance can be issued. Ms. Stachowiak stated that the staff report outlines all of the criteria and gives an explanation as to whether the variance complies with each one. Depending on the findings, the staff report concludes with a recommendation. She said that the decisions of the ZBA are legally binding and can only be appealed to or overturned by the Circuit Court.

OTHER BUSINESS

Comments from the Zoning Administrator

Ms. Stachowiak stated that she is responsible for enforcement of the Zoning Ordinance. One of the amendments that was recently made to the Zoning Ordinance was the allowance of front yard fences under certain conditions. She said that if the Board members see something that appears to be a violation of the Zoning Ordinance, please contact her and she will address it immediately.

Comments from the Chairman

Mr. Graber welcomed the new members and thanked everyone for attending. He also said that the Board members should contact Ms. Stachowiak with any concerns about violations of the Zoning Ordinance and she will be the one to make contact with the property owners.

Comments from Council Representative

Ms. Bartholomew thanked the new members for serving on the ZBA. She said that she is the Council liaison to the ZBA. Ms. Bartholomew said that she is diligent in making sure that she is in compliance with all ordinances before she does anything. She said that there was a situation recently where she obtained a permit to install a fence in her front yard and was subsequently accused by a ZBA member of putting it up illegally. She also said that there was a text message stating that as a Councilmember she can do whatever she wants. Ms. Bartholomew said that she was very upset about the situation and asked that the Board members contact Ms. Stachowiak if they have concerns rather than attempting to handle it on their own.

Adjournment - Mr. Graber adjourned the meeting at 8:05.

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 9, 2015

APPLICANT: Grand Ledge Comet Mini Storage, LLC
414 S. Clinton Street
Grand Ledge, MI 48837
(517) 627-7768

LOCATION: 918 W. Jefferson Street

LEGAL DESCRIPTION: COM 448 FT W OF SE COR SEC 3, TH W 350 FT, TH N TO RR
R/W, THE 350 FT, S TO BEG SEC 3, T4N R4W CITY OF GRAND
LEDGE 1985, City of Grand Ledge

ZONING: B-1, Highway Service District

EXISTING LAND USE: Mini Storage Facility

ZONING ON ADJACENT PARCELS: N: R-HD, Multi-Family & R-MD Single Family
Residential Districts
S: MH, Mobile Home District
E: B-1, Highway Service District
W: Township Zoning

SURROUNDING LAND USES: N: Vacant/Park
S: Mobile Home Park
E: Multi-Tenant Commercial Building
W: Vacant/Park

REQUEST

The subject of the public hearing will be the consideration of a request by Grand Ledge Comet Mini Storage, LLC for zoning variances to permit the construction of three new storage buildings at 918 W. Jefferson Street. The proposed buildings would have front yard setbacks of 20 feet and rear yard setbacks of 10 feet. Article XVI of the Zoning Ordinance requires a 30 foot front yard setback and a 20 foot rear yard setback for buildings on the subject property. Variances of 10 feet to the front yard setback requirement and 10 feet to the rear yard setback requirement are therefore, being requested.

REQUEST

Required	Request	Variance
30 foot front yard setback	20 foot front yard setbacks	10 feet
20 foot rear yard setback	10 foot rear yard setbacks	10 feet

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 applicant is proposing to construct 3 new storage buildings at 950 W. Jefferson Street; 2 at the south end of the site and a smaller one at the north end of the site. The proposed buildings will be setback 20 feet from the front property line and 10 feet from the rear property line. As evidenced by the attached survey, the proposed buildings will be directly in line with the front yard setbacks of the 4 existing buildings on the property and will have even slightly greater rear setbacks than 3 of the existing buildings on the property. The primary intent of setback regulations is to establish a uniform development pattern along roadways. Since the proposed setbacks will be consistent with the existing setbacks on the site, the requested variances will not be contrary to the intent and purpose of the Zoning Ordinance.

(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.**

There is no evidence that would suggest that the proposed buildings would have any negative impacts on surrounding property values, particularly since the proposed setbacks are consistent with the setbacks of the existing buildings on the site.

(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 reasons for the variances are unique to the property in question. The subject property is uncommonly shallow in comparison other non-residential sites in the City and along W. Jefferson Street in particular. To make development of the site even more difficult, the west line of the property follows the line of the railroad right-of-way which causes the depth of the lot to get smaller as it extends from north to south. Since the subject property is located between the railroad right-of-way and the W. Jefferson Street right-of-way, the applicant cannot obtain any additional property to increase the depth of the site. Therefore, given its shallow depth and irregular shape, the conditions on the site are sufficiently unique to warrant relief from the required setbacks.

The existing buildings at 918 W. Jefferson Street were constructed in 1985 when a different Zoning Ordinance was in place. Under the current Zoning Ordinance, the site is too shallow to construct buildings of any reasonable size that would comply with current setback requirements. While there may be a few other instances in the City that are similar to this, it is, in general, a very unique situation. Furthermore, since there are already 4 existing buildings on the site and the proposed buildings will be consistent with the established setback pattern, denial of the variance would cause an unnecessary hardship on the applicant as it would deny him reasonable use of the undeveloped areas of the site.

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

The proposed buildings will be located entirely on the applicants' property.

Based upon this evaluation, the applicant's request complies 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 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.

Staff is of the opinion that both items (a) & (b) listed above can be satisfied. As already described in the staff report, the shallow depth and irregular shape of the lot present a practical difficulty for the property owner in complying with the setback requirements. These factors could also be considered exceptional and extraordinary circumstances since they are not common among most other properties in the City. Furthermore, the circumstances surrounding the size and shape of the lot cannot be considered a self-created hardship since the site was originally developed in 1985 and the current owner purchased the property in 2007.

RECOMMENDATION

Staff recommends approval of a variance to permit the construction of 3 new storage buildings on the property at 918 W. Jefferson Street that would have front yard setbacks of 20 feet and rear yard setbacks of 10 feet, based upon the findings of fact as detailed in this staff report.

Respectfully submitted,

Susan Stachowiak
Zoning Administrator

Kalmin D. Smith
Mayor



Jon Bayless
City Administrator

RECEIVED

FEB 25 2015

grand-ledge.com

City of Grand Ledge
200 E. Jefferson St.
Grand Ledge MI 48837

(517) 627-2149
CITY OF GRAND LEDGE

Variance Application

For Office Use Only	
Fee Paid _____	Date Received: _____

Applicant(s) G.L. Comet Mini Storage LLC
 Address 918 W. Jefferson Daytime Phone 527-7768
G.L. 48837 Evening Phone _____

Interest in Property (check one)

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

Complete address of property requested to be reviewed
918 W. Jefferson

Owner Name(s) Ron Maguire
 Address 414 S. Clinton Daytime Phone 517-881-4678
G.L. 48837 Evening Phone _____

Legal Description (indicate attached if needed):

Lot size: Width 350 Length 179 Area 1.2 Acres

Current zoning: B-1 - Highway Service

Proposed use of property Storage Units

Estimate the following:

- General traffic volume _____
- Total population increase _____
- Population per acre _____
- Hours of operation _____
- Total number of employees _____
- 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 _____ Date

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"/>	_____

918 W. JEFFERSON ST.

GRAND LEDGE COMET MINI STORAGE

<u>Buildings</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Front Setback in feet	24	23	18	17
Rear Setback in feet	3	0	1	11

Three (3) Proposed New Buildings

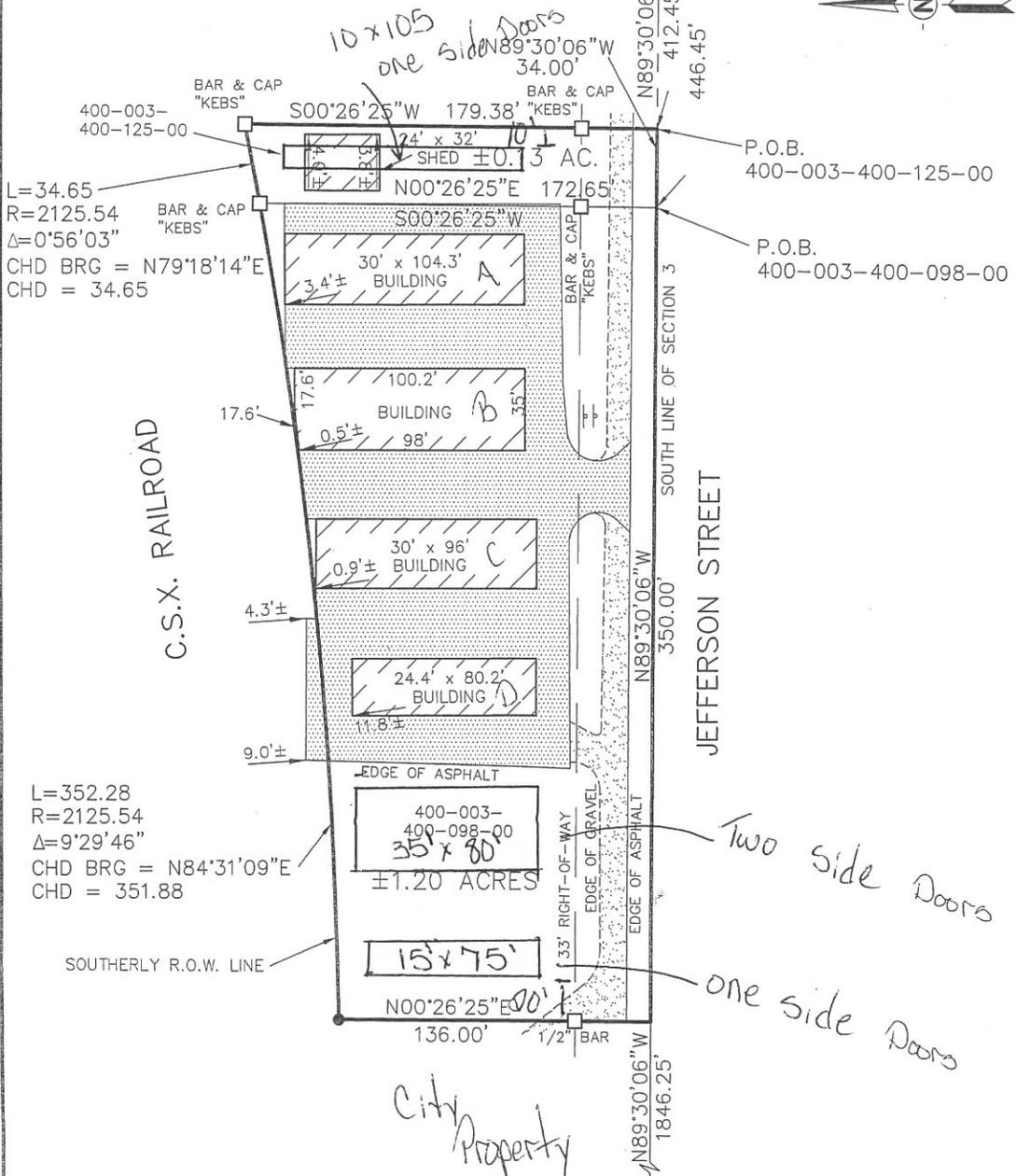
**Front Setback
in feet** **20**

**Rear Setback
in feet** **10**

CERTIFIED BOUNDARY SURVEY

SOUTHEAST CORNER
SECTION 3, T4N, R4W

FOR: KEY REALTY INC.



L=34.65
R=2125.54
Δ=0°56'03"
CHD BRG = N79°18'14"E
CHD = 34.65

P.O.B.
400-003-400-125-00

P.O.B.
400-003-400-098-00

L=352.28
R=2125.54
Δ=9°29'46"
CHD BRG = N84°31'09"E
CHD = 351.88

Two side Doors

one side Doors

City Property

SOUTH 1/4 CORNER
SECTION 3, T4N, R4W

NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN
SCALE 1" = 60'



LEGEND

- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- = Survey Boundary Line
- = Distance Not to Scale
- x—x— = Fence
- 0.0'± = Denotes Distance to the Survey Line

All Dimensions are in Feet and Decimals Thereof.

All Improvements Not Shown.

KEBS, INC.

KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SSF	SECTION 3, T4N, R4W
FIELD WORK BY DD	JOB NUMBER:
SHEET 1 OF 2	87744.BND

- General/Sales
- Buildings
- Images/Sketches

Image/Sketch for Parcel: 400-003-400-098-00
 Caption: No caption found

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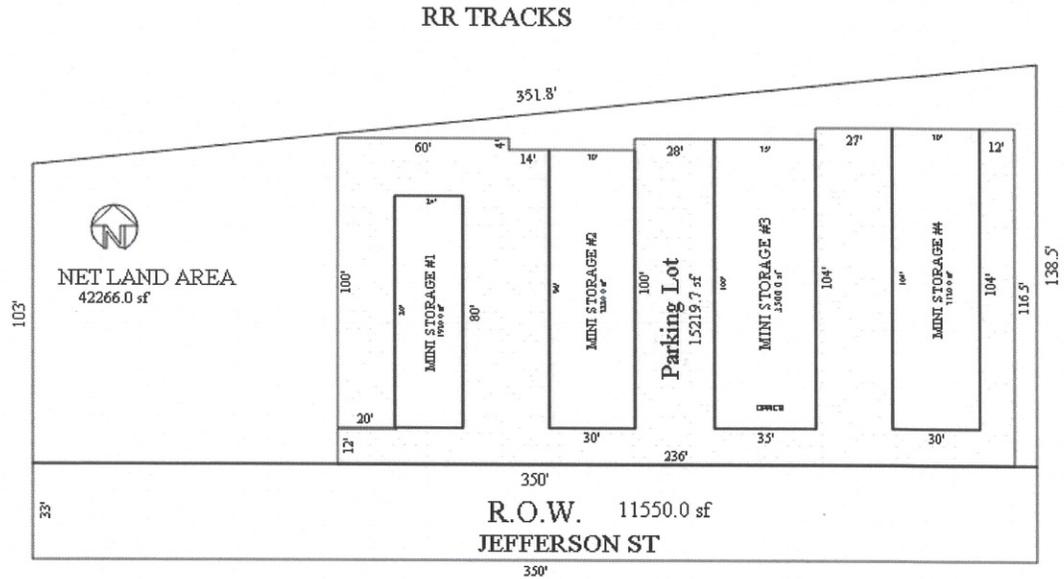
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North

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

TO: Zoning Board of Appeals

FROM: Susan Stachowiak
Zoning Administrator

DATE: April 9, 2015

APPLICANT: Robert & Lynda Jones
222 W. River Street
Grand Ledge, MI 48837
(517) 627-4838

LOCATION: 222 W. River Street

LEGAL DESCRIPTION: Lots 7 & 8 & the Easterly 15 Feet of Lot 9, Block 55, Original Plat,
City of Grand Ledge

ZONING: R-MD, Single Family District

EXISTING LAND USE: Single Family Residential

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

SURROUNDING LAND USES: N: Grand River
S: Single Family Residential
E: City Property
W: Single Family Residential

REQUEST

The subject of the public hearing will be the consideration of a request by Robert & Lynda Jones for a zoning variance to permit the construction of a carport on the west side of the existing house at 222 W. River Street. Section 220-64(F) of the Zoning Ordinance requires a setback of 3 feet to the side property line for carports. The proposed carport would have a side yard setback ranging from 1 foot, 8 inches at the northwest corner of the carport to 0 feet, 0 inches at the southwest corner of the carport. A variance of 1 foot, 2 inches to 3 feet is therefore, being requested.

REQUEST

Required	Request	Variance
3 foot side yard setback	1'8" – 0'0" side yard setback	1'2" – 3' side yard setback

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 applicant is proposing to construct an open carport on the west side of the house at 222 W. River Street that would have a side yard setback ranging from 1 foot, 8 inches at the northwest corner of the carport to 0 feet, 0 inches at the southwest corner of the carport. The primary intent of setback regulations is to establish a uniform development pattern and to provide for adequate space around structures for maintenance purposes. The proposed carport will not extend any closer to the street than the front wall of the house and therefore, it will not appear as though it is inconsistent with established development patterns in the area. While the carport will be very close to the side property line, it will be an open carport which will allow the applicant to maintain the yard area between it and the side property lines without having to trespass on the neighbor's property to the west. Since the proposed carport will not have any noticeable impacts on the established development patterns in the area and will still allow for maintenance without infringing on the neighboring property to the west, the requested variance will not be contrary to the intent and purpose of the Zoning Ordinance.

(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.**

There is no evidence that would suggest that the proposed carport would have any negative impacts on surrounding property values. In fact, by locating the carport on the west side of the house, the property owners to the south will not have their view of the Grand River impeded.

- (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 reasons for the variance are unique to the property in question. The “buildable” area of the subject property is uncommonly small/shallow in comparison to most other residential properties in the City as a result of a significant grade change directly north of the proposed carport where the site drops off and becomes the banks of the Grand River. The grade changes on the property limit the amount of area that could be built upon. If the applicant were to construct the garage on the east side of the house, he would have to make substantial changes to the topography in order to level it off and make it suitable for building a structure. However, not only would this create an unnecessary hardship on the property owner, locating a structure on the east side of the house would block the view of the Grand River for the neighbors to the south, some of whom have already expressed their concerns about having their views obstructed. Based on these factors, staff is of the opinion that the irregular topography and shallow depth of the buildable area of the site are conditions that are unique to the subject property and therefore, warrant relief from the required setbacks.

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

The proposed carport will be located entirely on the applicants’ property.

Based upon this evaluation, the applicant’s request complies 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 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.

Staff is of the opinion that both items (a) & (b) listed above can be satisfied. As already described in the staff report, the shallow depth of the buildable portion of the lot presents a practical difficulty for the property owner in complying with the setback requirement for a carport. While the property at 222 W. River Street extends all the way to the edge of the Grand River, there is a very significant drop off directly behind the house at the top of the bank of the river. As the attached survey demonstrates, the bank of the river crosses through the center of the applicants property on the east side of the house which makes construction of a carport in that location very difficult as it would require some substantial grade changes. Locating the carport on the east side of the house would block the view of the river for the residents to the south, thereby impacting the enjoyment of their property and possibly the value of their home as well. These factors could be considered exceptional and extraordinary circumstances since they are not common among most other properties in the City. Furthermore, the circumstances surrounding the size, shape and layout of the property cannot be considered a self-created hardship since the site was originally construed in 1875 and the current owner purchased the property in 2014.

RECOMMENDATION

Staff recommends approval of a variance to permit the construction of a carport on the west side of the houses at 222 W. River Street that would have a side yard setback ranging from 1 foot, 8 inches at the northwest corner of the carport to 0 feet, 0 inches at the southwest corner of the carport, based upon the findings of fact as detailed in this staff report.

Respectfully submitted,

Susan Stachowiak
Zoning Administrator

Kalmin D. Smith
Mayor



Jon Bayless
City Administrator

City of Grand Ledge
310 Greenwood St. (517) 627-2149 - Phone
grand-ledge.com Grand Ledge MI 48837 (517) 627-9796 - Fax

Variance Application

For Office Use Only

Fee Paid _____ Date Received: _____

Applicant(s) ROBERT DAVID JONES & LYNDIA KAY JONES

Address 222 RIVER STREET Daytime Phone 517-627-4838

GRAND LEDGE, MI 48837 Evening Phone 517-627-4838

Interest in Property (check one)

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

Complete address of property requested to be reviewed 222 RIVER STREET
GRAND LEDGE 48837

Owner Name(s) ROBERT & LYNDIA JONES

Address 222 RIVER STREET Daytime Phone 517-627-4838

GRAND LEDGE, MI 48837 Evening Phone

Legal Description (indicate attached if needed): ATTACHER

Lot size: Width _____ Length _____ Area _____

Current zoning: SOUTHWEST R-MD, EAST RMD, NORTH RMD (RIVER)

Proposed use of property PRIMARY RESIDENCE

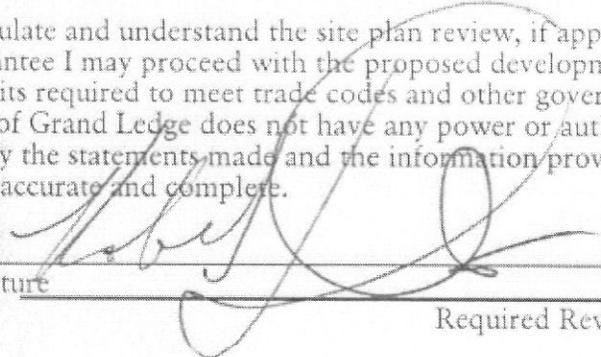
Estimate the following:

- General traffic volume _____
- Total population increase _____
- Population per acre _____
- Hours of operation _____
- Total number of employees _____
- 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  Date MARCH 12, 2015

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"/>	_____

GRAND RIVER

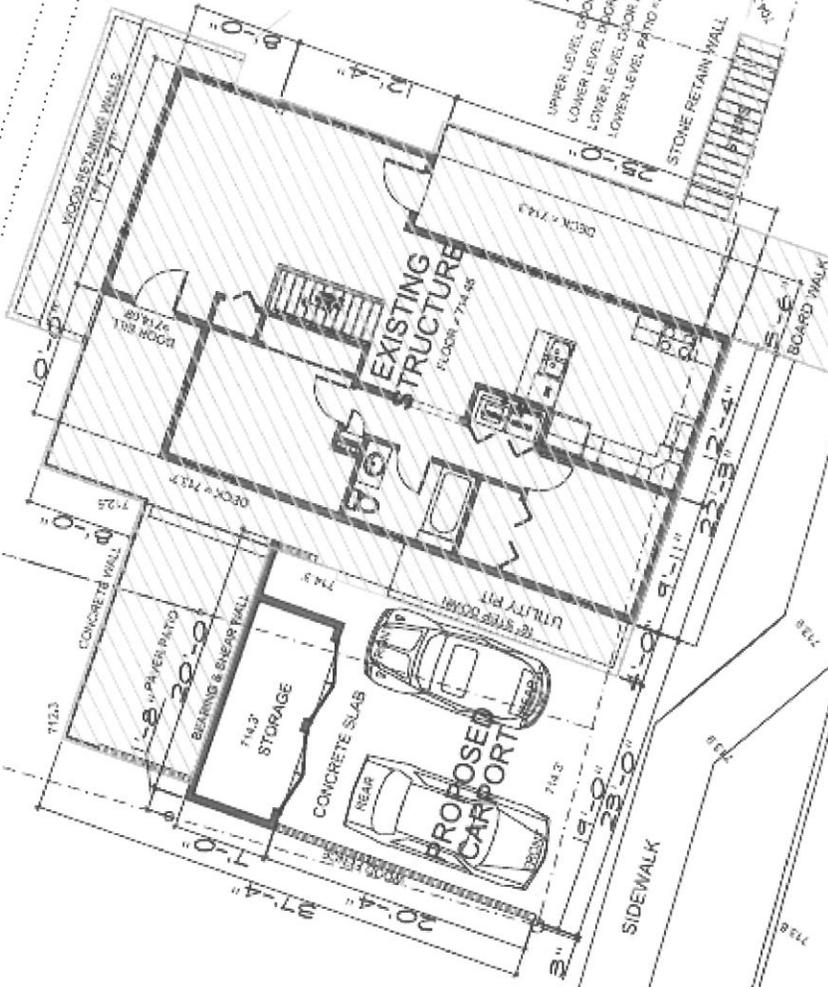
LOT 7

BLOCK 55

LOT 8

LOT 9

W. RIVER



LOWER LEVEL DOWN SLL #714.28
 LOWER LEVEL DOWN SLL #726.71
 LOWER LEVEL DOWN SLL #765.42
 LOWER LEVEL PA TO #764.73

STONE RETAIN WALL
 10' x 12' x 12'

EXISTING STRUCTURE
 FLOOR # 714.5

PROPOSED CARPORT
 CONCRETE SLAB
 NEAR
 UTILITY PIT

STORAGE
 BEARING & SHEAR WALL
 CONCRETE WALL

PAVER PATIO

WOOD DECK
 # 714.3

WOOD STAIRS

WOOD RETAINING WALL

ABANDONED SEWER LINE
 50" dia

TOP OF BANK
 701.2

BOTTOM OF BANK
 700.0

VH

SIDEWALK

BOARD WALK

WOOD DECK
 # 714.3

EXISTING STRUCTURE
 FLOOR # 714.5

WOOD RETAINING WALL

ABANDONED SEWER LINE
 50" dia

TOP OF BANK
 701.2

BOTTOM OF BANK
 700.0

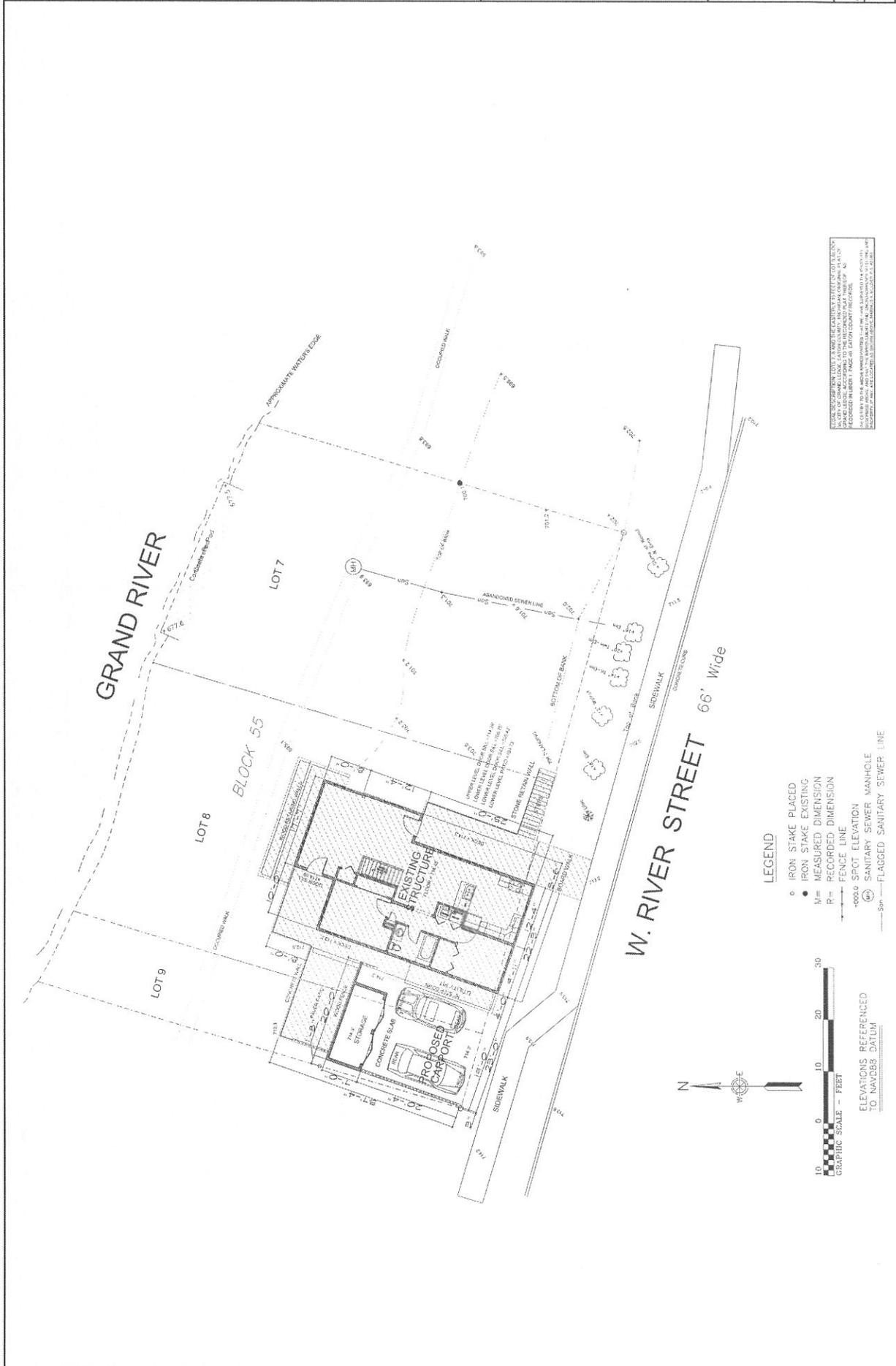
VH

REVISION	DATE	BY

DESIGN STUDIO INC.
 DAVE JONES : PROJECT DESIGNER
 222 RIVER STREET
 GRAND LEDGE, MICHIGAN 49837
 PHONE: (517) 627-4538
 EMAIL: dave@designstudioinc.com

PROJECT: CARPORT ADDITION
 CLIENT: LYNDA JONES
 HOME: (517) 627-4538
 CELL: (517) 927-0805

03-12-2015
 12-31-2014
 PROJECT: 2014.RV
 PAGE: SITE



SITE PLAN : CARPORT ADDITION
 SCALE: 1/8" = 1'-0"

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE USER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



