

Bob Craig, Chair

Board Members

Scott Dzurka, *Vice Mayor*
Craig Bishop
Tom Hutton
Curtis Keck
Anne Rademacher
Wendy Ward



**CITY OF ST. JOHNS
ZONING BOARD OF APPEALS**

MEETING AGENDA

MEETING DATE: September 20, 2023

The St. Johns Zoning Board of Appeals will hold a regular meeting on September 20, 2023 at 5:30 pm in the Commission Chambers located at the Clinton County Courthouse, 100 E. State Street, St. Johns, MI. (Please use Cass St. Entrance.)

AGENDA

- 1. Call to Order (5:30 pm)**
- 2. Approval of Agenda (5:30 pm – 5:32 pm)**
- 3. Public comment for non-agenda items (5:33 pm – 5:34 pm)**
- 4. Old Business**
 - A. Approval of July 19, 2022 Meeting Minutes (5:35 pm – 5:40 pm)**
- 5. New Business (5:41-6:00)**
 - A. Applicant:** Chris and Linda Henry
Property Address: 305 N. Lansing Street
Zoning: R-3 Residential
Request: Variances from side and rear setbacks for accessory buildings.
- 6. Adjournment**

Zoning Board of Appeals

Bob Craig - Chairperson
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CITY OF ST. JOHNS ZONING BOARD OF APPEALS

JULY 19th, 2023
MEETING MINUTES

1. CALL TO ORDER

The meeting of the St. Johns Zoning Board of Appeals was called to order by Chairperson Craig at 5:30 p.m.

Members Present: Craig, Keck, Hutton, Bishop, Rademacher

Members Absent: Dzurka, Ward

Staff Present: Chad Gamble, City Manager; Mindy Seavey, City Clerk; Jeff Keesler, McKenna

2. APPROVAL OF AGENDA

A motion was made by Member Craig and supported by Member Rademacher to approve the agenda as presented.

Yea: Craig, Keck, Hutton, Bishop, Rademacher

Nay: None

Motion carried.

3. PUBLIC COMMENT FOR NON-AGENDA ITEMS

There were none.

Member Rademacher discussed coming up with another person for the ZBA so we don't have a problem with a quorum.

Chairperson Craig discussed some vacancies and asked that staff pass the suggestion along to the city commission. He said they are one of the few boards that are empowered to make final decisions on variances.

4. OLD BUSINESS

A. Approval of April 19, 2023 Meeting Minutes

Chairperson Craig said he had a correction, he said Scott Dzurka was not present at the last meeting.

Member Bishop said the agenda says 2022 instead of 2023 for the minutes.

A motion was made by Keck and supported by Hutton to approve the meeting minutes as revised.

100 East State Street, P.O. Box 477, St. Johns, Michigan 48879-0477
(989) 224-8944 Fax (989) 224-2204
E-mail: dkudwa@stjohnsmi.gov

Yea: Craig, Keck, Hutton, Bishop, Rademacher
Nay: None
Motion carried

5. NEW BUSINESS

A. Applicant: St. Joseph Catholic Church
Property Address: 109 E. Linden Street
Zoning: MC Municipal Center
Request: Variance from maximum size of freestanding sign.

Jeff Keesler from McKenna was present. He said that McKenna did a sign variance review. The application for a variance asks to allow them to install a 72 s.f. sign, and it is normally restricted to 24 s.f. He said St. Joe is proposing a sign facing the intersections of Linden & Cass that would be 8' tall and 9' wide. They are in the MC district and a proposed height of 8' is permitted and lower than the maximum of 10'. The applicant seeks a variance from 153.05. He discussed the criteria (5), findings and recommendation.

Member Rademacher said she is assuming it is not a lighted sign. Also, it looks like it will set back 5'.

Mr. Keesler said he did not know about where it is lighted, it is a question for the applicant.

Craig Bishop asked if there were any comments or complaints from neighbor.

Mr. Keesler said he has not heard any. He said at the corner of Linden/Cass there could be visibility issues, but it is not going to be deemed unsafe by sign standards.

Member Bishop asked neighbors were notified of this.

Mr. Keesler said yes.

Chairperson Craig asked if the applicant would like to make any comments.

Shanna Mazzolini was present. She said she has a degree in landscape design. She said they did talk about the setback on the corner and he suggested 5' back from the sidewalk and they actually put it 6' back. She said they do not have to have a light, but their intentions were a spotlight at nighttime and it could be on a timer. She said there is not electrical inside the stone and the idea of the sign was for it to look as if it was put there when the church was built. She said the church is large, so that is the reason for the size. She said when cars are parked you would not be able to see it if it were smaller. She said the name of the church is within 24', it's the frame around it. She said it is similar to the other two churches on the corners. She said Osgood's sign is larger than 24'. She discussed the sizes of other church signs. She said the sign will be double sided.

Father Mike Williams was present. He said when they started the project, their two concerns were visibility and aesthetics. He said rather than multiple signs, this is one sign that is double sided. If smaller, you are not going to see that sign. He asked them to consider their request.

Member Bishop asked if public safety has looked at this.

Mr. Keesler said he can check on this and get back with you.

City Manager Chad Gamble discussed the cone of vision requirement. He said there is a fair amount of distance and if the speed was higher the warrants of cone of vision would be brought back. He said it is a large sign, but it would be nested back within parkways that are substantial and this is a one-way street.

A motion was made by Craig Bishop and supported by Hutton to approve the variance as presented.

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Chairperson Craig said he was impressed with how you planned this and tried to embrace the original beauty of that church.

Yea: Craig, Keck, Hutton, Bishop, Rademacher

Nay: None

Motion carried.

Member Rademacher asked for a timeframe of how long this is good for.

Mr. Keesler said it is good for six months.

Ms. Mazzolini asked if they can't get it in six months, is there an extension?

Chairperson Craig said we can grant an extension.

5. ADJOURNMENT

A motion was made by Keck and supported by Bishop to adjourn the meeting.

Yea: Craig, Dzurka, Keck, Hutton, Bishop, Rademacher

Nay: None

Motion passes

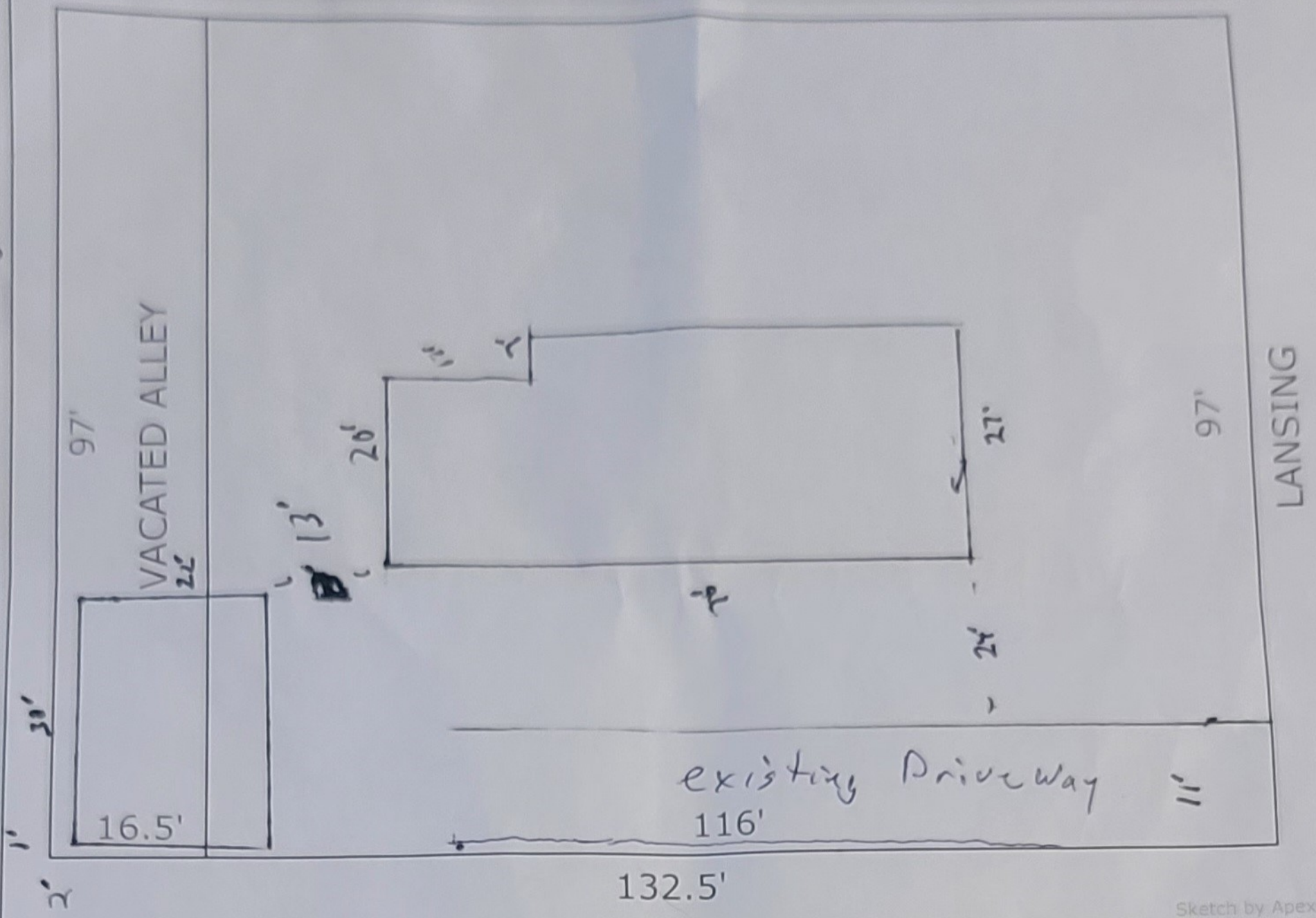
Meeting adjourned at 6:03 p.m.

22x30 Garage Now 1' Side 21 Back

SKETCH/AREA TABLE ADDENDUM

SUBJECT INFO
 File No.: 300-170-001-003-00 Parcel No.: 300-170-001-003-00
 Property Address: 305 W LANSING ST
 City: ST JOHNS County: CLINTON State: MI ZipCode: 48879
 Owner: HENRY CHRIS & LINDA
 Client: Chris (Work) 989 723 6751
 Appraiser Name: Client Address: Inspection Date:

SKETCH



Sketch by ApexSketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
LAND	Land	1.0	11252.0	426.0	
	Land	1.0	1600.5	227.0	12852.5

COMMENT TABLE 1

COMMENT TABLE 2

COMMENT TABLE 3

Lansing St

309

305

303

N Lansing St

4



MCKENNA

September 13, 2023

Zoning Board of Appeals
City of St. Johns
100 E. State Street, #1100
St. Johns, MI 48879

Subject: Review of Sign Variance for 305 N. Lansing Street Garage

Dear Board Members:

We have reviewed the application for a variance to allow Chris and Linda Henry, the property owners at 305 N. Lansing Street, to install a garage with a 1 foot setback from the rear property line and 2 foot setback from the south side property line.

BACKGROUND

305 N. Lansing is zoned R-3. The Henrys are proposing to construct a new garage at the end of their existing driveway, in the southwest corner of their lot. The proposed location is 2 feet from the rear (west) property line and 1 foot from the south (side) property line. The minimum setback for an accessory building in the R-3 District is 3 from any side or rear lot line.

The lot includes a vacated alley, but that does not impact the setback requirements, because the alley has been deeded to the adjacent private property.

VARIANCE

The applicant seeks the following variances, pursuant to the Sign Ordinance:

A variance from Section 155.189.N.2 to allow an accessory building with a 2 foot rear setback, 1 foot smaller than the required 3 feet, and a 1 foot side setback, 2 feet smaller than the required 3 feet.

CRITERIA FOR APPROVAL

The Zoning Ordinance includes the following criteria for approving variances.

Criteria 1: That compliance of the strict letter of the chapter would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

The property owner has a paved 10-foot-wide driveway that extends from the front yard to the rear yard. A portion of the driveway is currently non-conforming with regard to Section 155.341.J because it does not lead to a garage. Therefore, the construction of the garage would eliminate a non-conformity.

The applicant has located the garage in the proposed location because it lines up with the driveway pavement, which is more-or-less built along the property line. The small proposed setback allows the garage to line up with the existing driveway, without adding pavement or requiring awkward turning movements.



The proposed rear setback is not related to the location of the driveway, because the garage could be 2 feet farther from the rear property line and still line up with the existing driveway. The only constraint on the location of the garage relative to the rear property line is the distance to the house. The Ordinance requires at least 6 feet between accessory buildings and other buildings on the same lot, and the Building Code requires fire-rated construction for any structures less than 10 feet apart.

However, the house is 13 feet from the proposed garage, meaning that moving the garage 1 foot farther east would not violate the Zoning Ordinance, nor would increase the cost of compliance with the Building Code.

Criteria 2: That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners

Non-conforming setbacks can create negative impacts on surrounding properties, such as crowding, shadows, and increased restrictions on what the neighbor can build (particularly with regard to the Building Code's rules for structures under 10 feet apart). However, in this instance, the proposed garage is well away from any other structures on neighboring properties. The adjoining yards are relatively large (for central St. Johns), and there is plenty of space for sun and air on the neighboring properties.

Criteria 3: That the plight of the landowner is due to the unique circumstances of the property.

The existing non-conforming driveway is a unique circumstance, which justifies the reduced setback to the south (side) property line.

There is no unique circumstance justifying the reduced setback to the rear property line.

Criteria 4: That the problem is not self-created.

Historic aerial photos indicate that the driveway has been in place since 1970, but has not always been paved. The applicant is not responsible for the location of the curb cut or driveway, so the need to build a garage in line with the driveway is not self-created.



1970 Aerial Photo Showing Driveway

The proposed standard rear setback is not the result of any problem that we are aware of, and could easily be changed to conform.

Criteria 5: In granting a non-use variance, the Zoning Board of Appeals shall ensure that the spirit of the chapter is observed, public safety secured, and substantial justice done.

The required setbacks for accessory structures in residential districts are intentionally small, to give flexibility to homeowners. Variances from such small setbacks should be rare. In this case, however, the existing driveway provides a unique circumstance for one of the requested setbacks, but not the other.

FINDINGS

Based on the above analysis, the following findings are pertinent:

1. The existing driveway has been in place since at least 1970. In order to line up with the driveway, the proposed garage would need a reduced side setback.
2. There is no unique circumstance, conflicting ordinance provision, or other justification for a reduced rear setback.



RECOMMENDATION

We recommend that the ZBA approve the request for a 1 foot side setback, but deny the request for a 2 foot rear setback.

Respectfully submitted,

McKENNA ASSOCIATES

Christopher Khorey, AICP
Senior Principal Planner