

Bob Craig
Chair



Chad A. Gamble
City Manager

Mindy J. Seavey
City Clerk

Kristina Kinde
City Treasurer

Michael Homier
City Attorney

Christopher Khorey, AICP
Planning Consultant

Commissioners

Scott Dzurka, Mayor

Craig Bishop

Tom Hutton

Curtis Keck

Anne Rademacher

Wendy Ward

ZONING BOARD OF APPEALS

November 20, 2024

The St. Johns Zoning Board of Appeals will hold a regular meeting on November 20, 2024 at 5:30 pm in the Clinton County Courthouse Board Room, Suite #2200, 100 E. State Street, St. Johns, MI. (Please use **State Street** Entrance due to construction on the Cass Street entrance.)

AGENDA

1. **Call to Order (5:30 pm)**
2. **Approval of Agenda (5:31 – 5:32 pm)**
3. **Approval of Minutes (October 16, 2024 Meeting) (5:33-5:34 pm)**
4. **Public Comment on Non-Agenda Items (5:35-5:40 pm)**
- 5.
6. **New Business:**
 - A. **Variance –313 E. Higham Street Front Yard Parking Area (5:41 – 6:15 pm)**
 1. **Introduction of the Case**
 2. **Review of Variance Process by Planning Consultant**
 3. **Review of Variance by Planning Consultant**
 4. **Presentation by Appellant/Property Owner**
 5. **Public Comment**
 6. **ZBA Deliberation**
 7. **ZBA Decision**
7. **Old Business: None**
8. **Adjournment**

Zoning Board of Appeals

Bob Craig - Chairperson

Scott Dzurka - Mayor
Curtis Keck
Tom Hutton
Craig Bishop
Anne Rademacher
Wendy Ward



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

OCTOBER 16, 2024
MEETING MINUTES

1. CALL TO ORDER

The meeting of the St. Johns Zoning Board of Appeals was called to order by Chairperson Craig at 5:31 p.m.

Members Present: Bob Craig, Curtis Keck, Craig Bishop, Anne Rademacher, Scott Dzurka,
Wendy Ward

Members Absent: Tom Hutton

Staff Present: Chad Gamble, City Manager; Mindy Seavey, City Clerk; Chris Khorey, McKenna

2. APPROVAL OF AGENDA

City Manager Gamble asked to give a City Manager Update before the approval of the minutes (New Business #3).

Motion by Member Ward and seconded by Member Dzurka to approve the agenda as amended.

YEA: Craig, Keck, Bishop, Rademacher, Dzurka, Ward

NAY: None

Motion carried.

3. CITY MANAGER UPDATE

City Manager Gamble said there have been several questions regarding the hearing. He said on June 26th the board met and heard input and testimony and statements by Mr. English who represents the applicant and other people regarding variance and sign at Cork & Bottle. There were requirements to publish a notice and inform residents within a certain radius of the property location. Upon investigating a question by a local resident on an unrelated issue, he began looking for the notice of public hearing and to his shock and surprise there was none. He wanted to apologize to the board for wasting their time. He discussed the error and apologized to Mr. English and the applicant. He said with the issue at hand, there have been no changes at all since that discussion in June. He had a brief conversation with Mr. English and the sign is not a small investment for them and he told him we needed to hold this meeting to protect the applicant's investment so they would have standing if there were any challenges. There was a question about the approval of the minutes of June 26th and he contacted the city attorney and asked her about that. She indicated when a body approves

meeting minutes, they are approving the actions that took place at the meeting and you are not approving legalities. The minutes are documentation of what was said and voted on at the meeting. This meeting will be a re-do.

Member Rademacher asked if they need to re-approve the minutes that were approved at their last meeting.

City Manager Gamble said no.

4. APPROVAL OF MINUTES (JUNE 26, 2024)

Motion by Member Keck and seconded by Member Bishop to approve the minutes as presented.

YEA: Craig, Keck, Bishop, Rademacher, Dzurka, Ward

NAY: None

Motion carried.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Craig asked if there were any public comments on non-agenda items.

Commissioner Rademacher said it was published in the Lansing State Journal because we don't have a local newspaper. She said foreclosures are being posted in the Meridian Weekly because it covers half of Clinton County. She doesn't get a State Journal anymore because she looks at it online. She asked if there was any thought or precedent on where a town is supposed to post their notices when they don't have a local paper anymore.

Clerk Seavey said we post in the Lansing State Journal since the Clinton County News ceased publication in May of 2023. We could look into the Meridian Weekly and see if that would meet our requirements.

City Manager Gamble discussed the legislation that was in progress regarding publishing of notices and said it is something we are looking at.

Commissioner Ward said it was Gannett Newspapers when she worked for the county. She discussed the connection between Gannett and Meridian Weekly as well.

5. NEW BUSINESS

A. Re-Hearing of Appeal – Cork and Bottle: 801 S. Old US-27 Variance for Illuminated Billboard

Chairperson Craig discussed the appeal request.

Motion by Commissioner Ward seconded by Commissioner Bishop to open the public hearing.

YEA: Craig, Keck, Bishop, Rademacher, Dzurka, Ward

NAY: None

Motion carried.

The public hearing was opened at 5:49 p.m.

Introduction of the Case

Chris Khorey, McKenna, was present. He said the application was for a billboard and the size and location were permitted. At issue is the illumination and/or electronic messaging. Our analysis is the same as previously, south facing would not impact residential uses, but the north face would. Should it be static and dark or static and illuminated? He said this is consistent with their recommendation previously.

Review of Appeal Process by Planning Consultant

Member Bishop said since nothing has changed and there is no other input from anyone else, do we need to go through everything.

Mayor Dzurka suggested we make sure we reference in this meeting that to see the full context and deliberation to look at the June 26, 2024 meeting minutes.

Motion by Member Bishop seconded by Member Keck to approve the appeal and to incorporate the full context and deliberation of the June 26, 2024 meeting minutes.

There was a discussion of the process.

Member Ward said we should close the public hearing and then make a motion.

Chairperson Craig asked for any public comment on this subject.

There was no one present wishing to comment.

Motion by Member Dzurka seconded by Member Ward to close the public hearing.

YEA: Craig, Keck, Bishop, Rademacher, Dzurka, Ward

NAY: None

Motion carried.

The public hearing was closed at 5:54 p.m.

ZBA Decision

Mr. English asked if they need to get another permit or use the existing permit?

Chris Khorey, McKenna, said they can use the existing permit.

Mr. English asked about if the on-premise sign can be internally lit.

Mr. Khorey said yes, it can. He said the June 26th meeting minutes refer to our letter (north side be non-illuminated and south side be granted illumination).

Member Ward asked if in the motion that the clerk lists all that was in the motion and approved on June 26th.

Member Bishop seconded by Member Keck that the board approve the appeal and incorporate the full context and deliberation of the June 26, 2024 meeting minutes.

There was an amendment to make the motion clear stating that approval is for the south side and the north side will be non-illuminated.

YEA: Craig, Keck, Bishop, Rademacher, Dzurka, Ward

NAY: None

Motion carried.

June 26, 2024:

ZBA Deliberation

There was a discussion of:

- *Who owns property where the pole is.*
 - *Cork and Bottle.*
- *Approved the one (digital sign) for the Lutheran Church a few years ago.*
 - *Houses across the street.*

- *Signs behind the Baptist Church facing Swegles.*
- *Sign at Harr's Jewelry (promotes Harr's Jewelry vs. general billboard).*
- *May want to reconfigure parking lot lights a little bit.*
 - *Mr. English said Mr. Shango indicated the party across street complained about LED lights. He indicated they adjusted them down.*
- *North side vs. south side of the sign.*
- *Precedence and the Planning Commission needs to review our sign and billboard ordinance. A lot of communities have been restricting billboard use.*
- *Consultant's recommendation: That the ZBA grant the variance for an illuminated billboard on the south face only. If the applicant wishes to install electronic messaging, they can apply for a Zoning Permit to be reviewed against the standards of Section 153.07, which regulates digital messaging. They recommend that the ZBA deny the variance with respect to the north face and require that the billboard on that side be static and not illuminated at night.*

ZBA Decision

Motion by Member Hutton seconded by Member Bishop that the Zoning Board of Appeals to accept the planning consultant's recommendation.

Mayor Dzurka said he thinks we need to go back and look at the ordinance (Planning Commission) and he hopes we revisit the language.

Commissioner Rademacher said a size requirement is in there so as long as that stays intact it will keep it in check.

Chairperson Craig asked for a vote on the motion:

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

NAY: None

Motion carried.

6. OLD BUSINESS: None

Chairperson Craig said they had a discussion in June relating to the situation back in January. He asked if there was any update at all.

Mr. Khorey said the planning commission will be holding a public hearing at their next meeting. The building height will be measured to peak. He that it makes it easier, but the buildings would be shorter. The Public Hearing will be held at the November 13th planning commission meeting.

7. ADJOURNMENT

Motion by Member Ward seconded by Member Rademacher to adjourn the meeting.

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

NAY: None

Motion passes

The meeting was adjourned at 6:01 p.m.

CITY OF ST. JOHNS
ZONING BOARD OF APPEALS
APPLICATION

PURSUANT TO THE ST. JOHNS CITY CODE, CHAPTER 51 AND ITS AMENDMENTS, OTHERWISE KNOWN AS THE ZONING ORDINANCE, I HEREBY MAKE APPLICATION TO APPEAL THE RULING OF THE ZONING ADMINISTRATOR CONCERNING THE ABOVE ORDINANCE.

TAX ROLL NUMBER 300-000-028-007-00
DATE 10/25/2024
PROPERTY ADDRESS 313 E. Higham
PROPERTY OWNER Shuging Zhao LEGAL DESCRIPTION _____
ADDRESS 313 E. Higham _____
St. Johns MI 48879 _____
TELEPHONE 367-660-3715 _____
APPLICANT Mack Holden _____
ADDRESS 508 S. Kilbee St _____
St. Johns MI 48879 LOT FRONTAGE _____
TELEPHONE 517-719-2731 DEPTH _____
PRESENT ZONING _____ PRESENT USE Home

REQUESTED VARIANCE WOULD ALLOW To allow east side of
House to be paved with cement from house
to sidewalk for a driveway.

ATTACH A SEPARATE SHEET IF NECESSARY

I HEREBY CERTIFY THE ABOVE STATEMENTS AND INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Mack Holden
SIGNATURE OF APPLICANT

Shuging Zhao
SIGNATURE OF OWNER

ON THE BACK OF THIS FORM DRAW A PLOT PLAN. SHOW PROPOSED AS WELL AS EXISTING BUILDINGS AND INCLUDE THEIR DIMENSIONS. SHOW THE DISTANCES BETWEEN ALL BUILDINGS AND THE LOT LINES.

City of St Johns

100 E State St Suite 1100

ST JOHNS, MI 48879

Ph:

Fax:

ST. JOHNS SOLAR LLC

313 E HIGHAM ST

ST JOHNS, MI 48879

Pay by Account In Full

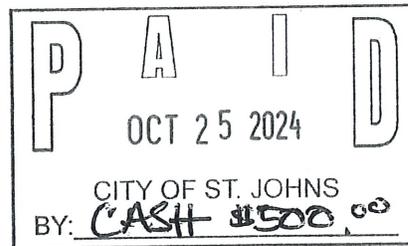


TOTAL AMOUNT DUE

\$ 500.00

Pay by Invoice Code	Type	Record No.	Invoice No.	Address	Amount Due
	PZE Process	PV24-0001	00001884	313 E HIGHAM ST	\$ 500.00
	Effective Date:	10/24/2024	Amount Cost:	\$500.00	
Total Amount Due					\$ 500.00

VARIANCE











MCKENNA

November 11, 2024

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

Subject: Review of Variance for 313 E. Higham St.

Dear Board Members:

We have reviewed the application for a variance to allow the property owners at 313 E. Higham St. in the R-3 – High-Density Residential District to allow the paving of the Southeast corner of the existing residence to the sidewalk to create a new parking area that does not lead to a garage or public parking area.

BACKGROUND

313 E. Higham St. is zoned R-3 – High-Density Residential. Residential uses are required to have sufficient off-street parking areas on the same or an adjoining lot. The proposed parking area is located within the front yard of the existing structure, which violates Section 155.341.K of the Zoning Ordinance, which states:

“Motor vehicles shall be allowed to be parked only on a parking area or driveway. A parking area is defined as that portion of a lot used for the exclusive purpose of parking a motor vehicle. A driveway is defined as the maneuvering lane needed to allow vehicles to move from the street to a garage or to a public parking area at the far end of the maneuvering lane. No parking area shall be located in front of the residential structure.”

The proposed parking area is located on the front corner of the lot along both adjacent street frontages, therefore, no proposed parking areas are permitted under the current Zoning Ordinance.

VARIANCE

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

A variance from Section 155.341.K to allow for the construction of a paved parking area within the front yard of a corner lot.

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 exiting use residential use has been present for some time, which means that compliance would not unreasonably prevent the owner from using the residence as its permitted purpose, however, no parking areas for the parcel are located on the site nor within 100 feet of the site, which may render conformity as unnecessarily burdensome as most residential uses are required to provide parking areas with at least two spaces for personal vehicles.



Criteria 2: That a granting 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

The granting of the variance would provide substantial justice to the applicant by providing a new parking area where there previously were none serving the parcel. An existing curb cut lies where the proposed parking area would be located, so connecting to the proposed parking area by the existing curb cut would grant substantial justice to the applicant by granting the parcel a new parking area.

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

The need for a variance is due to the unique circumstances of the property because of the adjacent parcel's principal structure being located on the subject parcel's North side, which prevents a parking area to be constructed behind the principal structure. Additionally, due to the age of the existing structure, it is assumed the parcel existed prior to the adoption of the current parking standards.

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

The problem is not self-created, as the applicant did not construct the existing structure without the required parking areas, though a curb cut exists along the Higham Street frontage, which implies the existence of a drive located there in the past.

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 granting of the variance would likely ensure substantial justice is done and the spirit of the chapter would be preserved, as the allowance of a parking area for the parcel would allow the applicant a location to store automobiles, which is consistent with all other residential developments in the City.

FINDINGS

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

1. The granting of the variance would likely not cause any detriment to the surrounding community's character or public safety and would provide substantial justice to the property owner by providing a parking area for the storage of automobiles.
2. The need for a variance is due to the unique layout of the adjacent parcel's principal structure, which prevents the subject parcel from constructing a garage in the rear of the principal structure due to the required setbacks from adjacent structures. With no ability to viably build a compliant parking area, the applicant is requesting a variance to construct a parking area within the limited front yard available.



RECOMMENDATION

We recommend that the ZBA grant the variance for the construction of the proposed parking area located in the Southeast corner of the lot along the Higham Street and Mead Street frontages. Please let us know if you have any questions.

Respectfully submitted,

McKENNA ASSOCIATES

Christopher Khorey, AICP
Vice President

Ethan Walthorn,
Assistant Planner

CITY OF ST. JOHNS, MICHIGAN, ZONING BOARD OF APPEALS

**NOTICE OF PUBLIC HEARING
FOR A VARIANCE**

PLEASE TAKE NOTICE that the City of St. Johns Zoning Board of Appeals will hold a Public Hearing on Wednesday, November 20, 2024, at 5:30 p.m. to review and discuss a variance application for a driveway that does not connect to a garage located at 313 E. Higham Street.

All related documentation may be reviewed, and written comments will be accepted at the St. Johns City Hall, 100 E. State St., St. Johns, between the hours of 8:00 a.m. and 5:00 p.m. during all scheduled days of operation.

Any party having an interest in the matter may attend the Public Hearing and make their comments known to the Zoning Board of Appeals. Individuals with disabilities needing special accommodation to fully participate in the meeting may contact the Office of the City Clerk to request the necessary assistance. This request must be made at least two business days prior to the meeting.

Mindy Seavey, City Clerk
CITY OF ST. JOHNS

Address for Public Notice

300 E. Railroad St.
308 N. Oakland St.
302 E. Railroad St.
304 E. Railroad St.
306 E. Railroad St.
308 E. Railroad St.
306 N. Oakland St.
307 N. Mead St.
308 N. Mead St.
404 E. Railroad St.
406 E. Railroad St.
307 N. Swegles St.
309 N. Swegles St.
305 N. Swegles St.
409 E. Higham St.
407 E. Higham St.
405 E. Higham St.
401 E. Higham St.
311/313 E. Higham St. (Applicant)
309 E. Higham St.
307 E. Higham St.
305 E. Higham St.
303 E. Higham St.
301 E. Higham St.
300 E. Higham St.
306 E. Higham St.
208 N. Oakland St.
206 N. Oakland St.
204 N. Oakland St.
305 E. Walker St.
205 N. Mead St.
207 N. Mead St.
400 E. Higham St.
206 N. Mead St.
204 N. Mead St.
402 E. Higham St.
404 E. Higham St.
408 E. Higham St.
205 N. Swegles St.