



Zoning Board of Appeals  
97 North Broad Street  
Hillsdale, Michigan 49242-1695  
(517) 437-6440 Fax: (517) 437-6448

## **ZONING BOARD of APPEALS**

**CITY HALL, 97 N. BROAD ST. 3rd FLOOR, COUNCIL CHAMBERS**

**March 22, 2023 at 5:30 PM**

### **I. Call to Order 5:30 pm**

- A. Pledge of Allegiance
- B. Members present: Chair Richard Smith, Penny Swan, Vice Chair Daniel LaRue, Tammie Henderson
- C. Others present: Alan Beeker (Zoning Administrator), Celeste Kendall, Sam Knecht
- D. Members absent: Adam Stockford

### **II. Consent Items/Communications**

- A. Penny moved to accept the agenda as presented, Daniel seconded. Motion passed.
- B. Penny moved to the minutes from the 12/14/2022 meeting as presented, Daniel seconded. Motion passed.

### **III. Public Comment**

No public comment

### **IV. Old Business**

- A. Appeal filed by M. Devin Sandahl, owner of the property located at 31 Howder St, Hillsdale, Michigan. The proposed request is to appeal zoning enforcement number E2022-0137, violation of Sec. 36-191 and 36-192. The ZBA tabled making a decision for 90 days, ordering the owner to receive proper permits and certificates of occupancy for the units that were illegally constructed.

1. Public Questions and Comments: each citizen is to be given no more than 5 minutes unless the Board feels further time is required.

- Celeste Kendall and her husband own 83 River St. The structure has been fully restored but they have not been able to reside permanently yet, but intend to. They watched the progress of the garage and its conversion into two dwelling units that are being rented to college students. His lot now consists of three dwellings. She and her husband are opposed to the granting of the variance. A variance would be unfair to developers that follow the rules.
- Sam Knecht owner of 84 Union – sympathetic to Celeste. He is concerned that dwelling units are being constructed without the proper permits and would like to be assured that the spread of these buildings does not continue.

2. Chair Smith is concerned that Mr. Sandahl is not in attendance. According to the Zoning Administrator, the owner of 31 Howder has not returned with the information required by the ZBA at the December meeting.

3. Penny is equally disappointed at the owner's absence. She moved to deny the appeal submitted by Mr. Sandahl.

4. Tammie seconded.

5. Roll Call Vote:           Richard Smith – No  
                                  Daniel La Rue – No  
                                  Penny Swan – No  
                                  Tammie Henderson – No

6. Appeal denied.

B. Facts of Finding attached.

**V. Public Comment**

No comment

**VI. Adjournment at 5:50 pm** Penny Swan moved to adjourn, Daniel La Rue seconded, motion passed.



Zoning Board of Appeals
97 N. Broad Street
Hillsdale, Michigan 49242
517.437.6449

Zoning Board of Appeals Findings

Case #: VV23-0001
Address: 97 N Broad St.
Parcel #: 06-126-101-08
Parcel Owner: Sandahl, Mitchell Devin

A. The Zoning Board of Appeals for the City of Hillsdale hereby makes the following findings as to whether each of the following factors are or are not present based on the facts presented by the appellant seeking the variance.

1. Will the proposed variance impair an adequate supply of light and air to adjacent property?

YES NO

2. Will the proposed variance unreasonably increase congestion in public streets?

YES NO

3. Will the proposed variance increase the danger of fire?

YES NO

Electrical

4. Will the proposed variance endanger the public safety?

YES NO

5. Will the proposed variance unreasonably diminish or impair established property values within the surrounding area?

YES NO

6. Will the proposed variance in any other respect impair the public health, safety, comfort, morals or welfare?

YES NO

B. If each of the above determinations is answered in the negative and supported, the ZBA must then determine whether each of the following facts and conditions exist beyond a reasonable doubt.

1. That there are exceptional or extraordinary circumstance or conditions applicable to the property or to its intended use that do not apply generally to other properties or uses in the same district or zone.

YES  NO

2. That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

YES  NO

3. That the granting of the variance will not be materially detrimental to the public welfare.

YES  NO

4. That the granting of the variance will not be materially injurious to the property or improvements in the zone or district in which the property is located.

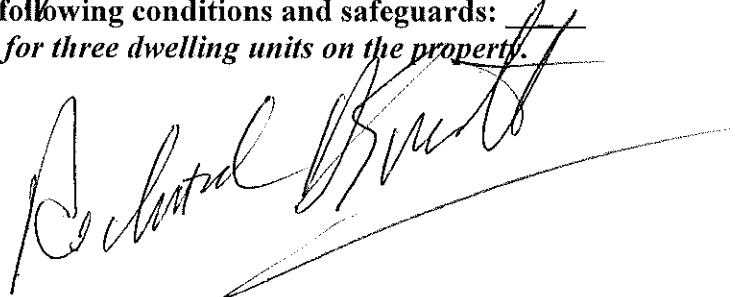
YES  NO

5. That granting of the variance will not adversely affect the purposes or objectives of the City's future land use plan.

YES  NO

**BASED ON THE FACTS PRESENTED IN THE RECORD BEFORE THE ZBA AND ON THE FOREGOING DETERMINATION AND FINDINGS, THE ZBA HEREBY:**

1. Grants the variance as requested:
2. Denies the variance as requested: 4/0 vote 3/22/ 5:46 pm
3. Grants the variance subject to the following conditions and safeguards:
  - a) Conditions: the variance allows for three dwelling units on the property.
  - b) Safeguards:



**Note:**

*All of the Zoning Board of Appeal's discussions, determinations and findings must be based on the record before it and undertaken and made in open session.*

# Zoning Board of Appeals

## SIGN IN SHEET

March 22, 2023

PRINT NAME:	ADDRESS:	PHONE #:
Celeste Kendall	83 River St. Hillsdale 724 Mulford St, Evanston, IL	224-430-4670
SAM KNECHT	84 UNION ST.	517-610-3619

