Zoning Board of Appeals

Public Hearing

Tuesday, June 9, 2026, at 6:00 p.m.

City Hall Commission Chambers

301 Washington Avenue

PLEASE ENTER CITY HALL VIA SAGINAW STREET (REAR) ENTRANCE. DOOR WILL OPEN AT 5:30 P.M.

AGENDA

1. Call to Order
2. Introduction & Roll Call
3. Approval of Minutes of April 14, 2026
4. Public Comment - Non-Agenda Items
5. Former Business from April 14, 2026:

   A. Postponed Case Z 26-02 – 905 S. Henry Street - James Campau, Carol Campau

   1. The appellant is seeking a dimensional or non-use variance from Section 122-305, Industrial zoning districts schedule of regulations for yard setbacks. The regulations require a 20' setback on both sides, 25' front setback and 30' rear yard.
   2. The site plan provided for review indicates a 5' greenbelt provided on the north and south of the pavement. The appellant no longer requires a non-use variance from Section 122-403 (2), Perimeter Landscaping.

6. New Business:

   A. Case Z 26-03 – 1118 Dequoy Drive - Daniel Beebe
   The appellant is requesting a use variance from Section 122-102 Table of Permitted Uses and Structures that would, if granted, authorize the establishment of a contractor establishment and storage within a former institutional building used for storage. The former Visitation Church property is zoned R-1, Single Family Residential. The appellant must obtain a use variance from R-1, Single Family zoning district regulations to use the property as a contractor establishment.

   B. Case Z 26-04 – 1006 Joseph Street - Kevin Bellhorn
   The appellant is requesting a non-use variance from Section 122-52(b)(5) – Accessory buildings and structures in residential zoning districts as provided in article V. Section 122-52(b)(5) that limits the total building height of detached accessory buildings to 14 feet at the midpoint of the roof. The appellant is proposing a building height of 16 feet at the midpoint.

7. Communications
8. Other Business: New Zoning Ordinance Adoption Schedule
9. Adjourn

Zoning Board of Appeals Meeting Minutes
City Chambers, City Hall

CALL TO ORDER

Acting Chair Jan Rise called the meeting to order at 6:00 p.m.

INTRODUCTIONS & ROLL CALL

Present: Jan Rise, Douglas Rise, Chris Greenleaf, Larry Elliott, Paul Kleinau arrived at 6:58 p.m.
Absent: None
Others: Terry Moultane, Planning Manager; Jeff Ross, Zoning Code Enforcement Officer.

PUBLIC COMMENT - NON-AGENDA ITEMS

None.

APPROVAL OF MINUTES

Motion by L. Elliott, supported by D. Rise, to approve March 10, 2026, meeting minutes as amended to reflect Adam Pruett in attendance for that meeting. Motion passed unanimously.

Staff introduced Jeff Ross as the new Zoning Code Enforcement Officer for the Planning Department. He explained J. Ross would be the new staff liaison to the ZBA.

NEW BUSINESS

A. Case Z 26-02 – 905 S. Henry St – James Campau & Carol Campau

1. The appellant is requesting a use variance from Section 122-192, Table of District Uses of the Bay City Zoning Ordinance. Section 122-192 provides the allowable uses for the M-1 Light Industrial zoning district. A parking lot as primary use is not permitted in the zoning district, and approval of a use variance is required to authorize it.
2. The appellant is seeking a dimensional or non-use variance from Section 122-305, Industrial zoning districts schedule of regulations for a zero setback. The regulations require a 20' setback on both sides and the zero-setback variance would allow for the proposed parking lot to fit on the parcel, as the lot is undersized and cannot accommodate the required layout or dimensions that the zoning ordinance typically requires for parking facilities.
3. The appellant is seeking a dimensional or non-use variance from Section 122-403 (2), Perimeter Landscaping that requires a 5' landscaped greenbelt. The regulations require a 5' greenbelt on both the north and south portion of the lot. The appellant is proposing a zero setback.

Representative(s) Present: James Campau

Mr. Campau introduced himself. He explained his intentions for making a nice parking lot and why variances were being requested:

- He owns a doctor's office at 901 S. Henry Street and has utilized a city-owned parking area behind his building for 20 years. However, due to the county pool being redone and losing

DRAFT

that parking behind him, he needs a new place to park his employees and potentially overflow patients and acquired the property at 905 S. Henry Street.

- The property is only 50 feet wide. With the required 20-foot setbacks on both sides, the remaining 10 feet is unusable for its intended purpose. He is requesting a zero-setback variance to utilize the space effectively.
- His plan is to tear down the existing building, which hasn't been used in over 20 years, to create a "nice-looking parking lot" with an entrance from Henry Street and an exit onto John F. Kennedy Drive, with angled parking on both the south and north sides.
- The parking lot would serve his employees and overflow patients, and on weekends, it could be available for local events like the Santa house or the 4th of July festival.

The board and staff expressed several concerns and engaged in detailed discussions regarding the application:

- J. Rise J. Rise immediately noted the absence of a drawing showing the parking lot layout or car count, making it difficult for the board to understand how the space would be utilized.
- Staff clarified that while the ZBA addresses variances, the Planning Commission would later require a full site plan review for anything over 3,000 square feet, necessitating engineering drawings.
- Concerns were raised regarding vehicle access from Henry Street and John F. Kennedy Drive, particularly regarding mid-block crossings and the potential need for pedestrian walkways/sidewalks within a tightly designed parking lot.
- Staff noted that the Engineering Department typically does not weigh in at the ZBA stage but would later scrutinize aspects like drive access, mid-block crossings, and sidewalk requirements, which are critical for safety and flow.
- L. Elliott and T. Moultane discussed how the corner lot effectively creates two front yards, requiring 25-foot setbacks on both Henry Street and JFK Drive, rendering a 50-foot-wide lot largely unusable without variances.

A lengthy debate between Mr. Campau, board members and staff ensued:

Mr. Campau expressed frustration over the increasing expenses for what is "a parking lot" and the potential delays. He wasn't planning on the additional cost of engineering for traffic flow and layout.

Mr. Campau asked if the city engineering department could help with the planning to avoid multiple iterations with external engineers, but T. Moultane clarified that city staff do not provide engineering services for private projects.

Mr. Campau questioned whether an engineer was strictly necessary for the site plan drawing or if he could draw it himself to show green space and parking layout.

Staff emphasized that a modern parking lot involves more than just asphalt, requiring considerations for lighting, catch basins, curbing, and stormwater management.

Staff confirmed that for the ZBA, an engineered drawing is not strictly required. A scale drawing with correct measurements and setbacks prepared by the applicant could suffice. However, full

DRAFT

engineering drawings would be necessary for the site plan review through the Planning Commission.

Mr. Campau preferred to secure ZBA variance approvals before investing in expensive engineering drawings, fearing delays and additional costs if the variances were not granted.

J. Rise explained that a "super-majority" vote of four was required for approval, making postponement an option if a positive vote seemed uncertain. She thought Mr. Campau might want to postpone the decision until he could consult with the Engineering Department and have someone help with how to lay parking out so that it works for everyone.

Mr. Campau was concerned with delaying even another month. He currently has permission to park on the neighbor's property but if that changed, he would not have anywhere to park.

For the record, staff explained it would be a violation by parking there because that business is closed. Even though a variance was being sought, it doesn't allow parking on that property. It is not an improved lot, and parking is allowed only for the building that sits on the property.

L. Elliott wondered if they could approve the variance pending site plan approval. Staff confirmed they could. He also confirmed the dimensional variances were a separate issue with the use variance needing to be dealt with first.

C. Greenleaf wondered if postponing until further documentation is submitted would be a better choice.

Mr. Campau stated he didn't want them to vote if they were going to vote to deny. He said he would withdraw his application.

T. Moultane stated the drawing that was submitted did not have the necessary information as it only indicated the buildable area. He went on to explain the site plan review process and explained it would also have to be reviewed from a stormwater management standpoint.

L. Elliott asked if Mr. Campau actually intended to withdraw or just wanted it postponed, which he felt was the better choice. Mr. Campau confirmed he would like to postpone.

Motion made by L. Elliott to postpone until the May meeting. He noted he would not be in attendance for that meeting.

Mr. Campau indicated he preferred not to table it if it looked like it could be a favorable vote.

L. Elliott withdrew his motion to postpone.

Motion made by D. Rise to move into the business portion of the meeting for Case Z 26-02 – 905 S. Henry Street for the use variance, seconded by L. Elliott. Motion passed unanimously.

In response to L. Elliott's inquiry, staff stated there had not been any correspondence received regarding the case.

DRAFT

Comments:

- C. Greenleaf felt postponing would probably do more justice to the appellant.
- L. Elliott suggested approving the use variance first and postponing only the dimensional variances to keep the process moving.
- D. Rise read section 122.545(b) Application and notices to the ZBA:

> *Plot plan shall be required with all variance requests. The plot plan shall be based on a mortgage survey, land survey or other scale drawings. The plan shall be to scale and shall include all property lines and dimensions setbacks and existing and proposed structures and building elevations. Where an applicant seeks a variance in conjunction with a site plan review, planning department staff shall have the discretion to require submission of a site plan prepared in accordance with Article 15.*

He stated a site plan prepared in accordance with Article 15 is a required sealed drawing that would be prepared by an engineer or an architect; he felt they could approve the use variance that night.

DISCUSSION & FINDING OF FACT:
L. Elliott addressed the standards for the use variance:

1. *Property Use:*
   The property cannot be used for any other permitted uses in the zoning district based on current setback requirements. It could only realistically be used for green space or a parking lot.

2. *Unique Circumstances:*
   The need for the variance is due to unique circumstances peculiar to the property, specifically its odd shape and extreme narrowness. It's an industrial lot that is only 50 feet wide on a corner, effectively creating two front lots.

3. *Character of the Neighborhood:*
   The proposed use would not alter the character of the neighborhood, as there are other parking lots across the street and in the vicinity, including one near the community center.

4. *Self-Created Problem:*
   The problem resulting in the variance request has not been self-created by the applicant, other than the decision to acquire a 50-foot-wide lot.

J. Rise agreed with L. Elliott and stipulated that the finding-of-fact only applied to the use variance.

DECISION:
Motion by C. Greenleaf to approve the use variance for Case Z 26-02 based on discussion provided by Larry Elliott.

Request to amend motion by J. Rise, agreed by C. Greenleaf:
Motion to approve Case Z 26-02 based on the finding of fact according to the standards.
Seconded by L. Elliott.

Roll Call Vote: (4) Yeas (1) Abstain by P. Kleinau. Motion carried to grant the variance.

DRAFT

Discussion regarding the (2) dimensional variances ensued.

D. Rise supported approving the use variance and postponing the dimensional variances, noting that site plan review would require engineering drawings anyway.

J. Rise thought it could be addressed at their next meeting, and then the Planning Commission could address it at their next meeting and have it all done.

T. Moultane noted the deadline for the next ZBA meeting had passed and it might be advantageous to try to meet the next deadline for the Planning Commission. They would know that the use variance was granted for the parking lot and could approve contingent on dimensional variances being granted. However, they would need the site plan drawing right away to send it to the Engineering Department for comments first.

Motion made by C. Greenleaf to postpone without an end date on both dimensional variances, seconded by D. Rise. Motion passed unanimously.

OTHER BUSINESS

None.

ADJOURN

Motion to adjourn by C. Greenleaf, seconded by J. Rise Meeting adjourned at 7:07 p.m.

Prepared by Lisa Griffiths, Planning & Zoning Administrative Assistant

DRAFT

Zoning Board of Appeals Staff Report
Case Z 26-02

Public Hearing Date - Tuesday, April 14th, 2026
Final Decision for case – Tuesday, June 9th, 2026

Appellant: James C. Campau
Property Address: 905 S. Henry St.
Zoning District: M-1, Light Industrial

A. Granted 4-14-26
The appellant is requesting a use variance from Section 122-192, Table of District Uses of the Bay City Zoning Ordinance. Section 122-192 provides the allowable uses for the M-1 Light Industrial zoning district. A parking lot as primary use is not permitted in the zoning district, and approval of a use variance is required to authorize it.

B. The appellant is seeking a dimensional or non-use variance from Section 122-305, Industrial zoning districts schedule of regulations for a zero setback. The regulations require a 20' setback on both sides and the zero-setback variance would allow for the proposed parking lot to fit on the parcel, as the lot is undersized and cannot accommodate the required layout or dimensions that the zoning ordinance typically requires for parking facilities.

C. Appellant provided a site plan showing a 5' greenbelt; variance not needed.
The appellant is seeking a dimensional or non-use variance from Section 122-403 (2), Perimeter Landscaping that requires a 5' landscaped greenbelt. The regulations require a 5' greenbelt on both the north and south portion of the lot. The appellant is proposing a zero setback.

Zoning regulations

The following zoning regulations are applicable to the appellant's current dimensional variance request.

Sec. 122-305. Industrial zoning districts schedule of regulations.

Zoning District	Lot Area and Width		Height	Minimum Setbacks (b)				Min. Floor Area	Max. Lot Coverage
	Area	Width	Feet	Front (a)	Side	Both Sides	Rear		
M-1	**7,500**	**75**	**35**	**25**	**20**	**40**	**20**	**None**	**50%**
M-2	10,000	100	75	25	20	40	30		50%

(a) Front yards shall remain unoccupied except for landscaping, signs, fences, driveways and off-street parking access aisles.

Appellants' Evidence

As requested at the April 14th meeting, the Zoning Board of Appeals has been provided with a site plan that shows how a parking lot could fit on the parcel with a dimensional variance for yard setbacks only. A five-foot greenbelt has been provided on the north. Fencing the parking area on the south side yard abuts an industrially zoned property. A footnote for that property line screening is noted. ***(1)***

The site plan is being submitted prior to site plan review by the planning commission because it was prepared to meet a filing deadline for the planning commission of June 10th for a meeting being held July 15th. The site plan was provided to the Engineering Department for comments to ensure the layout and dimensions of the access drives could be approved. The review included a comment about possibly having diagonal parking for additional space however the parking will remain at 90 degrees. The city engineer did not have requirements other than the need to obtain work in right of way permits and the access drive being constructed according to engineering standards. Due to the size of the improvements and with the removal of an existing building on the site, no storm water management is necessary. The site plan will be routed a second time in preparation for the Planning Commission site plan review on July 15th.

(1) *Fencing Note (Gap closure) Upon demolition of the existing building, install new 8-foot-high privacy fencing to bridge the remaining gap along the property line. New fence shall be chain link with privacy slats (or solid panel) to match the material, style, and height of the adjacent neighboring fence. Installation shall securely connect to existing fence terminal posts. Coordinate attachment with adjacent property owner prior to construction.*

Non-Use Variance Standards

The ZBA's decision to grant or deny a variance must be based on evidence presented by appellants and the standards for non-use variances listed at Section 122-544 of the city's zoning regulations. Variances may be granted when appellants' evidence demonstrates all the standards at Section 122-544 have been satisfied.

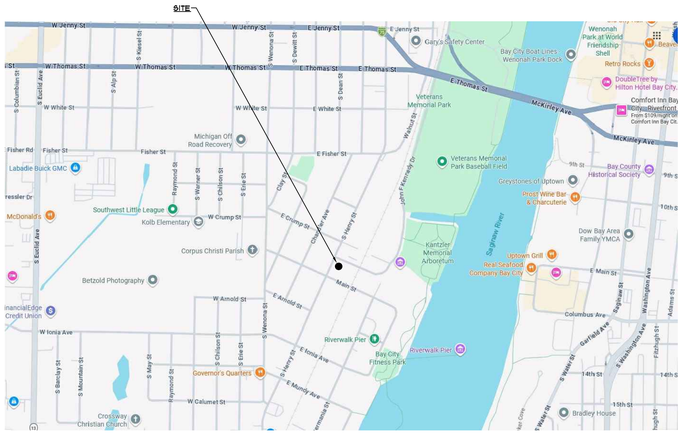
A dimensional or nonuse variance allows a deviation from the dimensional (i.e., height, bulk, setback) regulations of the ordinance. Such authority shall be exercised in accordance with the following standards:

(1) Nonuse or dimensional variances. The ZBA may grant a dimensional variance upon a finding of practical difficulty. Finding practical difficulty requires demonstration by the applicant of all the following:

a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other nonuse matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with this chapter unnecessarily burdensome.
b. The variance will do substantial justice to the applicant, as well as to other property owners.
c. A lesser variance than that requested will not give substantial relief to the applicant.
d. The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions to other properties in the same zoning district.
e. The problem and resulting need for the variance has not been self-created.

CSC LAND

905 S. HENRY STREET, BAY CITY, MI 48706



NORTH

LOCATION MAP
NOT TO SCALE

INDUSTRIAL ZONING DISTRICT INFORMATION:

ZONING DISTRICT: M-1

MAXIMUM STRUCTURE HEIGHT: 40 FEET
FRONT YARD SETBACK: 25 FEET
SIDE YARD SETBACK: 20 FEET
BOTH SIDES: 40 FEET
REAR YARD SETBACK: 20 FEET

TAX DESCRIPTION:
S 50 FT OF LOTS 3 4 10 BLK 38 PLAN OF VILL OF SALZBURG EXCEPTING ELY 7 FT THRF

PROPERTY SIZE: 50'X230'

ACREAGE: 0.534

INDEX TO DRAWINGS

ARCHITECTURAL

CS-1	COVER SHEET
AS-1	SITE PLAN

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON DRAWINGS AT THE JOB SITE AND SHALL NOTIFY DESIGNER OF ANY DISCREPANCIES, OMISSIONS, AND/OR CONFLICTS BEFORE PROCEEDING WITH THE JOB.
2. CONTRACTOR MUST COMPLY WITH RULES AND REGULATIONS OF AGENCIES HAVING JURISDICTION AND SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL CONSTRUCTION, SAFETY AND SANITARY LAWS, CODES, STATUTES AND ORDINANCES. ALL FEES, TAXES, PERMITS, APPLICATIONS AND CERTIFICATES OF INSPECTION, AND THE FILING OF ALL WORK WITH GOVERNMENTAL AGENCIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
3. CONTRACTOR SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE BUILDING AS TO THE MANNER OF HANDLING MATERIALS, EQUIPMENT AND DEBRIS TO AVOID CONFLICT AND INTERFERENCE WITH NORMAL BUILDING OPERATIONS.
4. ALL WORK SHALL BE PERFORMED BY SKILLED AND QUALIFIED WORKMEN IN ACCORDANCE WITH THE BEST PRACTICES OF THE TRADES INVOLVED, AND IN COMPLIANCE WITH BUILDING REGULATIONS AND/OR GOVERNMENTAL LAWS, STATUTES OR ORDINANCES CONCERNING THE USE OF UNION LABOR.
5. EACH TRADE WILL PROCEED IN A FASHION THAT WILL NOT DELAY THE TRADES FOLLOWING THEM.
6. CONTRACTORS SHALL BE RESPONSIBLE FOR THE DISTRIBUTION OF DRAWINGS TO ALL TRADES UNDER THEIR JURISDICTION.
7. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, LEVEL, SQUARE, TRUE AND IN PROPER ALIGNMENT.
8. ALL MATERIALS SHALL BE NEW, UNUSED AND OF THE HIGHEST QUALITY IN EVERY RESPECT, UNLESS OTHERWISE NOTED. MANUFACTURED MATERIALS AND EQUIPMENT SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS.
9. THERE SHALL BE NO SUBSTITUTION OF MATERIALS WHERE A MANUFACTURER IS SPECIFIED. WHERE THE TERMS "EQUAL TO" OR "APPROVED EQUAL" ARE USED, THE ARCHITECT SHALL DETERMINE EQUALITY BASED ON INFORMATION SUBMITTED BY THE CONTRACTOR.
10. ALL WORK AND MATERIALS SHALL BE GUARANTEED AGAINST DEFECTS FOR A PERIOD OF AT LEAST ONE (1) YEAR FROM APPROVAL FOR FINAL PAYMENT.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR CUTTING AND PATCHING REQUIRED FOR THEIR WORK.
12. CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE OF ACCUMULATION OF WASTE MATERIALS OR RUBBISH. PREMISES TO BE SWEPT CLEAN DAILY OF RELATED CONSTRUCTION DEBRIS. AT THE COMPLETION OF THE WORK, LEAVE THE JOB SITE FREE OF ALL MATERIALS AND BROOM CLEAN.
13. DO NOT SCALE DRAWINGS, DIMENSIONS GOVERN. LARGER SCALE DRAWINGS SHALL GOVERN SMALLER SCALE.
14. PATCH ALL AREAS WHERE FLOOR IS NOT LEVEL OR TRUE PRIOR TO THE INSTALLATION OF FLOORING OR CARPETING.
15. TO INSURE PROPER AND ADEQUATE BLOCKING, ALL BLOCKING FOR CABINET WORK WILL BE THE RESPONSIBILITY OF THE CABINET CONTRACTOR.
16. UPON COMPLETION OF WORK THE CONTRACTOR SHALL WALK THROUGH WITH BUILDING MANAGER AND COMPILE A "PUNCH LIST" OF CORRECTIONS AND UNSATISFACTORY AND/OR INCOMPLETE WORK. FINAL PAYMENT WILL BE CONTINGENT UPON THE COMPLETION OF THESE ITEMS.
17. ANY CHANGE WHICH RESULTS IN EXTRA COST SHALL NOT PROCEED WITHOUT WRITTEN AUTHORIZATION BY CLIENT.
18. THE OWNER ASSUMES NO LIABILITY FOR THE LOCATION OF UTILITIES. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

MATERIAL LEGEND

- EARTH FILL
- GRANULAR FILL
- CONCRETE
- BRICK
- LIGHTWEIGHT CONCRETE BLOCK
- CONCRETE BLOCK
- METAL - SMALL SCALE
- BOARD/RIGID INSULATION
- LOOSE FILL/BATT INSULATION
- WOOD BLOCKING
- FINISHED WOOD
- PLYWOOD - LARGE SCALE
- PLYWOOD - SMALL SCALE
- METAL - LARGE SCALE

APPLICABLE BUILDING CODES

2021 MICHIGAN BUILDING CODE
ICC A117.1-2017 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES
2021 MICHIGAN MECHANICAL CODE
NFPA 70: NATIONAL ELECTRICAL CODE, 2023 EDITION
2021 MICHIGAN PLUMBING CODE
2021 MICHIGAN ENERGY CODE
2021 INTERNATIONAL FUEL GAS CODE
2021 INTERNATIONAL FIRE CODE
2021 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS

ARCHITECTURAL SYMBOLS

- SECTION: SECTION LETTER / SHEET NUMBER
- INTERIOR ELEVATION: ELEVATION LETTER / SHEET NUMBER
- DETAIL: DETAIL NUMBER / SHEET NUMBER
- COLUMN GRID
- ELEVATION TAG
- DOOR NUMBER
- SPOT ELEVATION (EXISTING)
- WINDOW LETTER
- SPOT ELEVATION (NEW)
- EXISTING CONTOUR LINE
- NEW CONTOUR LINE
- ROOF SLOPE INDICATION
- NORTH DESIGNATION

CONTACT INFORMATION:

ARCHITECT:
LEROY E. AUSTIN
AUSTIN & ASSOCIATES
3085 BAY RD. - SUITE 5
SAGINAW, MI 48603
PHONE: (989) 799-1365
FAX: (989) 799-2751
EMAIL: ARCHITECT01@SBCGLOBAL.NET

STATE OF MICHIGAN
LEROY E. AUSTIN
ARCHITECT
No. 1301019476
LICENSED ARCHITECT

Leroy E. Austin
5/12/2026

DATE	REVISION / RELEASE
05/12/2026	BID/PERMIT RELEASE

DATE: 05/12/2026
SCALE: N/A
DRAWN: JAB
JOB #: 2026071

AUSTIN AND ASSOCIATES
ARCHITECTS AND PLANNERS
LEE AUSTIN
3085 BAY ROAD SUITE 5
SAGINAW, MICHIGAN 48603
PHONE: (989) 799-1365

NEW PARKING LOT (W/ VARIANCE) FOR:
CSC LAND
905 S. HENRY STREET
BAY CITY, MI 48706

DRAWING
CS-1
1 OF 2

© 2026 AUSTIN & ASSOCIATES ARCHITECTS & PLANNERS
THESE DRAWINGS AND SPECIFICATIONS ARE THE CONFIDENTIAL AND PROPRIETARY PROPERTY OF AUSTIN & ASSOCIATES AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN AUTHORIZATION. THE CONTRACT DOCUMENTS WERE PREPARED FOR USE ON THIS SPECIFIC SITE IN CONJUNCTION WITH ITS ISSUE DATE AND ARE NOT SUITABLE FOR USE ON A DIFFERENT SITE OR AT A LATER TIME. USE OF THESE DRAWINGS FOR REFERENCE OR EXAMPLE ON ANOTHER PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED ARCHITECTS AND ENGINEERS.
REPRODUCTION OF THE CONTRACT DOCUMENTS FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED.

SEC. 122-305. - INDUSTRIAL ZONING DISTRICTS SCHEDULE OF REGULATIONS.

ZONING DISTRICT: M-1

MAXIMUM STRUCTURE HEIGHT: 40 FEET
FRONT YARD SETBACK: 25 FEET
SIDE YARD SETBACK: 20 FEET
BOTH SIDES: 40 FEET
REAR YARD SETBACK: 20 FEET

FRONT YARDS SHALL REMAIN UNOCCUPIED EXCEPT FOR LANDSCAPING, SIGNS, FENCES, DRIVEWAYS AND OFF-STREET PARKING ACCESS AISLES.

TAX DESCRIPTION:
S 50 FT OF LOTS 3 & 10 BLK 38 PLAN OF VILL OF SALZBURG EXCEPTING ELY 7 FT THRF

PROPERTY SIZE: 50'X230'

ACREAGE: .0534

REQUIRED PARKING SPACES

USE	NUMBER OF PARKING SPACES REQUIRED
CLINICS OF DOCTORS, DENTISTS AND SIMILAR MEDICAL PROFESSIONS.	1 PER 150 SQ. FT. OF USABLE FLOOR AREA.

ESTIMATED USABLE FLOOR AREA - 85% OF GROSS SQUARE FOOTAGE,
7,861 SQFT. X 85% = 6,682 SQFT.

SPACES REQUIRED = 6,682 SQFT. / 150 = 45-SPACES REQUIRED

EXISTING PARKING SPACES = 31
PROPOSED ADDITIONAL PARKING SPACES = 18
PROPOSED TOTAL NEW AVAILABLE SPACES = 49

LANDSCAPING SHALL INCLUDE ONE DECIDUOUS TREE AND EIGHT SHRUBS FOR EACH 30 LINEAR FEET OR PORTION THEREOF OF STREET FRONTAGE. OPENINGS FOR DRIVEWAYS AND SIDEWALKS NEED NOT BE CONSIDERED WHEN CALCULATING THE LENGTH OF STREET FRONTAGE. TREES AND SHRUBS MAY BE PLANTED AT UNIFORM INTERVALS, AT RANDOM OR IN GROUPINGS.

HENRY STREET FRONTAGE = 38'-0"
38' / 30' = 1.27
2-TREES & 16-SHRUBS REQUIRED
1-TREE & 16-SHRUBS PROVIDED

PLANT MATERIALS AND LAWNS SHALL BE WATERED REGULARLY AND MAINTAINED IN A HEALTHY CONDITION THROUGHOUT THE GROWING SEASON.

STANDARDS FOR LANDSCAPE MATERIALS.

UNLESS OTHERWISE SPECIFIED, ALL LANDSCAPE MATERIALS SHALL COMPLY WITH THE FOLLOWING STANDARDS:

(1) QUALITY. ALL PLANT MATERIALS SHALL BE NURSERY GROWN, FREE OF PESTS AND DISEASES, AND HARDY IN CENTRAL MICHIGAN.

A. DECIDUOUS SHADE OR ORNAMENTAL TREES. DECIDUOUS SHADE TREES SHALL BE A MINIMUM OF ONE AND ONE-HALF INCHES IN CALIPER MEASURED 12 INCHES ABOVE GRADE WITH THE FIRST BRANCH A MINIMUM OF FOUR FEET ABOVE GRADE WHEN PLANTED.

B. EVERGREEN TREES. EVERGREEN TREES SHALL BE A MINIMUM OF SIX FEET IN HEIGHT.

C. SHRUBS. SHRUBS SHALL BE A MINIMUM OF TWO FEET IN HEIGHT WHEN PLANTED.

E. GROUND COVER. GROUND COVER USED IN LIEU OF TURF GRASSES OR MULCH SHALL BE PLANTED IN SUCH A MANNER AS TO PRESENT A FINISHED APPEARANCE AND REASONABLY COMPLETE COVERAGE.

F. GRASS. GRASS AREAS SHALL BE PLANTED USING SPECIES NORMALLY GROWN AS PERMANENT LAWNS IN CENTRAL MICHIGAN.

H. MULCH. WHEN USED AROUND TREES, SHRUBS AND FLOWER BEDS, MULCH SHALL BE TO A DEPTH NECESSARY TO PREVENT WEED GROWTH AND INSTALLED IN A MANNER SO AS TO PRESENT A FINISHED APPEARANCE.

I. UNDESIRABLE PLANT MATERIAL. THE USE OF PLANT MATERIAL THAT IS SUSCEPTIBLE TO STORM DAMAGE, PESTS OR DISEASE SHALL NOT BE PERMITTED. THE USE OF FRUIT-BEARING PLANT MATERIAL ALONG PUBLIC WAYS SHALL NOT BE PERMITTED.

GRADING & DRAINAGE NOTE: SITE IS GRADED TO ENSURE POSITIVE DRAINAGE AWAY FROM ADJACENT PRIVATE PROPERTIES AND TOWARD THE PUBLIC RIGHT-OF-WAY. PARKING AREA SHALL UTILIZE SHEET FLOW AT A MINIMUM 1.0% SLOPE TOWARD EXISTING MUNICIPAL CATCH BASINS LOCATED WITHIN JOHN F KENNEDY DRIVE. NO CONCENTRATED STORMWATER RUNOFF SHALL BE DISCHARGED DIRECTLY ONTO ADJACENT PARCELS. LANDSCAPED GREENBELTS SHALL BE MAINTAINED AS PERVIOUS SURFACES TO FACILITATE ON-SITE INFILTRATION.

PEDESTRIAN CIRCULATION NOTE: ALL PEDESTRIAN TRAFFIC EXITING THE PARKING AREA SHALL BE DIRECTED TO THE EXISTING PUBLIC SIDEWALK. USERS ARE PROHIBITED FROM CROSSING THE ROADWAY MID-BLOCK. PEDESTRIANS SHALL UTILIZE THE PUBLIC SIDEWALK TO TRAVEL TO THE NEAREST DESIGNATED STREET CROSSWALK/INTERSECTION TO ACCESS THE MEDICAL OFFICE PARCEL.

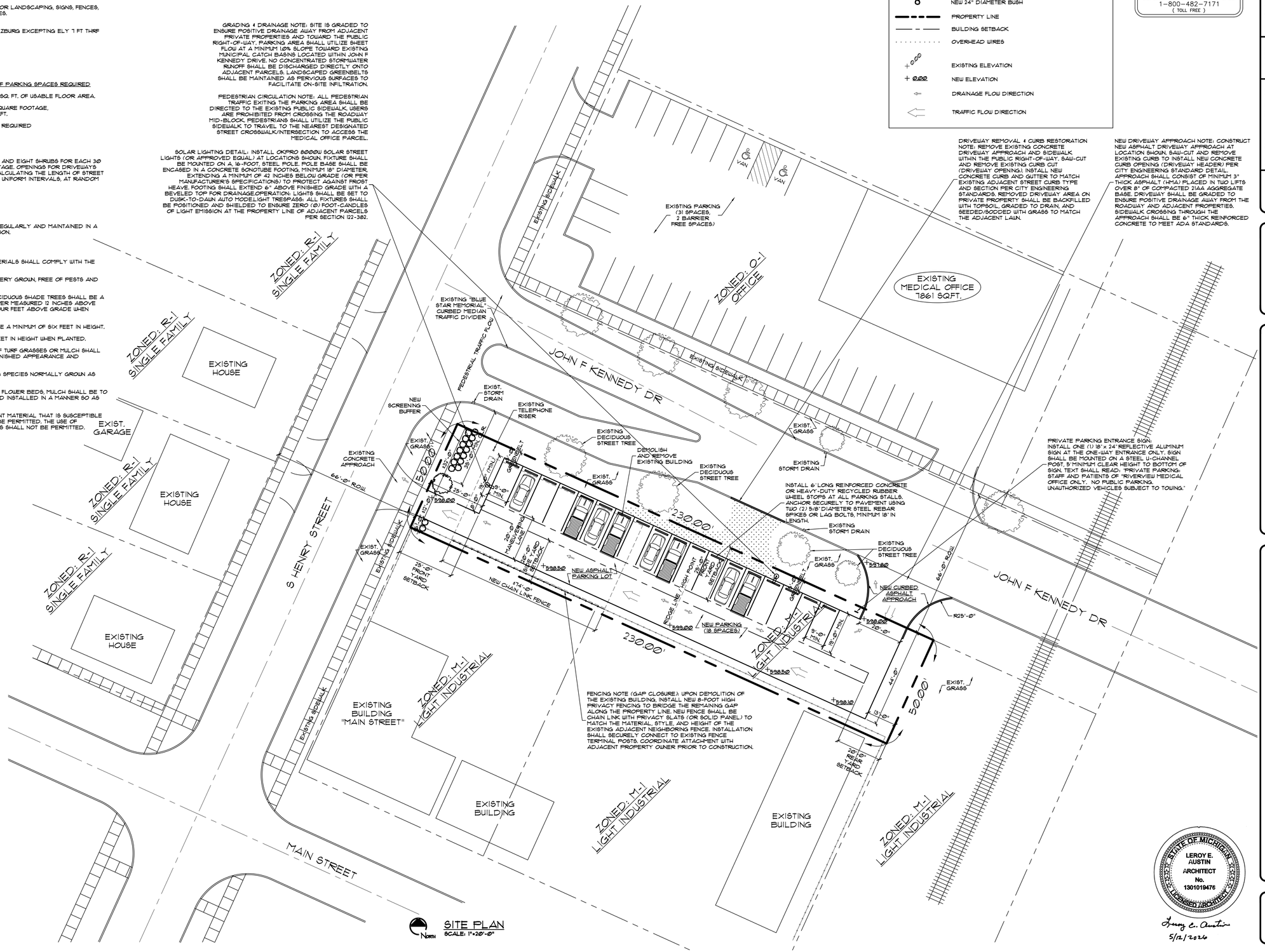
SOLAR LIGHTING DETAIL: INSTALL OKPRO 8000W SOLAR STREET LIGHTS (OR APPROVED EQUAL) AT LOCATIONS SHOWN. FIXTURE SHALL BE MOUNTED ON A 16-FOOT STEEL POLE. POLE BASE SHALL BE ENCASED IN A CONCRETE SONOTUBE FOOTING, MINIMUM 18" DIAMETER, EXTENDING A MINIMUM OF 42 INCHES BELOW GRADE (OR PER MANUFACTURER'S SPECIFICATIONS) TO PROTECT AGAINST FROST HEAVE. FOOTING SHALL EXTEND 6" ABOVE FINISHED GRADE WITH A BEVELED TOP FOR DRAINAGE/OPERATION. LIGHTS SHALL BE SET TO DUSK-TO-DAWN AUTO MODE/LIGHT TREESPASS. ALL FIXTURES SHALL BE POSITIONED AND SHIELDED TO ENSURE ZERO (0) FOOT-CANDLES OF LIGHT EMISSION AT THE PROPERTY LINE OF ADJACENT PARCELS PER SECTION 122-382.

DRIVEWAY REMOVAL & CURB RESTORATION NOTE: REMOVE EXISTING CONCRETE DRIVEWAY APPROACH AND SIDEWALK WITHIN THE PUBLIC RIGHT-OF-WAY. SAW-CUT AND REMOVE EXISTING CURB CUT (DRIVEWAY OPENING). INSTALL NEW CONCRETE CURB AND GUTTER TO MATCH EXISTING ADJACENT STREET CURB TYPE AND SECTION PER CITY ENGINEERING STANDARDS. REMOVED DRIVEWAY AREA ON PRIVATE PROPERTY SHALL BE BACKFILLED WITH TOPSOIL, GRADED TO DRAIN, AND SEEDED/SODDED WITH GRASS TO MATCH THE ADJACENT LAWN.

NEW DRIVEWAY APPROACH NOTE: CONSTRUCT NEW ASPHALT DRIVEWAY APPROACH AT LOCATION SHOWN. SAW-CUT AND REMOVE EXISTING CURB TO INSTALL NEW CONCRETE CURB OPENING (DRIVEWAY HEADER) PER CITY ENGINEERING STANDARD DETAIL. APPROACH SHALL CONSIST OF MINIMUM 3" THICK ASPHALT (1-1/4A) PLACED IN TWO LIFTS OVER 8" OF COMPACTED 21AA AGGREGATE BASE. DRIVEWAY SHALL BE GRADED TO ENSURE POSITIVE DRAINAGE AWAY FROM THE ROADWAY AND ADJACENT PROPERTIES. SIDEWALK CROSSING THROUGH THE APPROACH SHALL BE 6" THICK REINFORCED CONCRETE TO MEET ADA STANDARDS.

PRIVATE PARKING ENTRANCE SIGN:
INSTALL ONE (1) 18" x 24" REFLECTIVE ALUMINUM SIGN AT THE ONE-WAY ENTRANCE ONLY. SIGN SHALL BE MOUNTED ON A STEEL U-CHANNEL POST, 5' MINIMUM CLEAR HEIGHT TO BOTTOM OF SIGN. TEXT SHALL READ: "PRIVATE PARKING: STAFF AND PATIENTS OF 'RIVERVIEW MEDICAL OFFICE ONLY'. NO PUBLIC PARKING. UNAUTHORIZED VEHICLES SUBJECT TO TOWING."

FENCING NOTE (GAP CLOSURE): UPON DEMOLITION OF THE EXISTING BUILDING, INSTALL NEW 8-FOOT HIGH PRIVACY FENCING TO BRIDGE THE REMAINING GAP ALONG THE PROPERTY LINE. NEW FENCE SHALL BE CHAIN LINK WITH PRIVACY SLATS (OR SOLID PANEL) TO MATCH THE MATERIAL, STYLE, AND HEIGHT OF THE EXISTING ADJACENT NEIGHBORING FENCE. INSTALLATION SHALL SECURELY CONNECT TO EXISTING FENCE TERMINAL POSTS. COORDINATE ATTACHMENT WITH ADJACENT PROPERTY OWNER PRIOR TO CONSTRUCTION.



SITE PLAN
SCALE: 1"=20'-0"

LEGEND

- NEW RED POINT OCTOBER GLORY MAPLE TWO (2) INCH CALIPER AND TEN (10) FEET IN HEIGHT
- EXISTING TREE
- NEW 24" DIAMETER BUSH
- PROPERTY LINE
- BUILDING SETBACK
- OVERHEAD WIRES
- +000 EXISTING ELEVATION
- +000 NEW ELEVATION
- DRAINAGE FLOW DIRECTION
- TRAFFIC FLOW DIRECTION

MISS DIG
3 WORKING DAYS
BEFORE YOU DIG OR DRILL CALL
1-800-482-7171
(TOLL FREE)

DATE	REVISION / RELEASE
05/12/2026	BID/PERMIT RELEASE

DATE: 05/11/2026
SCALE: 1"=20'-0"
DRAWN: JAB
JOB #: 20260711

AUSTIN AND ASSOCIATES
ARCHITECTS AND PLANNERS
LEE AUSTIN
3085 BAY ROAD SUITE 5
SAGINAW, MICHIGAN 48603
PHONE: (989) 799-1565

NEW PARKING LOT (W/ VARIANCE) FOR:
CSC LAND
905 S. HENRY STREET
BAY CITY, MI 48706

DRAWING
AS-1
2 OF 2

STATE OF MICHIGAN
LEROY E. AUSTIN
ARCHITECT
No. 1301019476
LICENSED ARCHITECT

Leroy E. Austin
5/12/2026

© 2026 AUSTIN & ASSOCIATES ARCHITECTS & PLANNERS
THESE DRAWINGS AND SPECIFICATIONS ARE THE CONFIDENTIAL AND PROPRIETARY PROPERTY OF AUSTIN & ASSOCIATES AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN AUTHORIZATION. THE CONTRACT DOCUMENTS WERE PREPARED FOR USE ON THIS SPECIFIC SITE IN CONJUNCTION WITH ITS ISSUE DATE AND ARE NOT SUITABLE FOR USE ON A DIFFERENT SITE OR AT A LATER TIME. USE OF THESE DRAWINGS FOR REFERENCE OR EXAMPLE ON ANOTHER PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED ARCHITECTS AND ENGINEERS. REPRODUCTION OF THE CONTRACT DOCUMENTS FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED.

Zoning Board of Appeals Staff Report
Case Z 26-03

Public Hearing Date – Tuesday June 9, 2026

Appellant:	Danile Beebe
Owner:	Same
Property Address:	1118 DeQuoy Drive, behind former Visitation Church.
Zoning District:	R-1, Single Residential

Description of Request

- The appellant is requesting a use variance from Sec. 122-102 that would, if granted, authorize the establishment of a contractor yard in the R-1, Single Family Residential zoning district. The appellant must obtain a use variance from R-1, Single Family zoning district regulations to establish a contracting yard with indoor and outdoor storage.

Appellants' Evidence

The appellants submitted application materials (attachment A) describing the request and statements speaking to the city's use variance standards listed at Section 122-544 of the city's zoning regulations.

The ZBA must find the appellant's evidence of need for the requested variance satisfies each of the standards listed at Section 122-544(d)(2) of the city's zoning regulations for the variance to be granted. Four members' votes are required to grant a use variance.

Staff's Comments

The appellant's variance request involves an existing storage building within the R-1 zoning district. The site is the former Visitation Church and involves a former athletic storage building used for the athletic field that was part of the school and church property. DeQuoy Drive is the street located to the east or behind the church. The property was purchased by the current owner in September 2025.

The Diocese of Saginaw sold the former church property in January 2017 to a private party. The owner of the property split the property to gain purchase interest for individual buildings instead of selling the property as one parcel. The entire parcel included the church, two rectories to the north of the church and a storage building. The Assessing Department and the Planning Department reviewed and approved the property split creating the new lots, survey attached. The lot split was permitted without the need for any variances because each of the newly created lots met lot size requirements.

The church and associated buildings are considered an institutional-type use under zoning. A provision within the zoning ordinance allows vacant public buildings to be reutilized with an

expanded possibility of use. This provision applies to vacant former public buildings, schools, churches, fire stations, and similar buildings:

Sec. 122-103 – Special approval uses:

(a) In all residential districts, RM-1 and O-1 zone district uses may be established in vacant public buildings, such as schools and fire stations, subject to the following conditions:
  (1) There shall be no outdoor storage of materials, parts, etc.
  (2) Off-street parking and loading areas shall be provided in accordance with the regulations of article XVII, Off-street parking.

The provisions of Sec. 122-103(a) apply to the structures of the former church and qualify for the uses permitted within the RM-1 and O-1 zoning districts. Use allowed within those zoning districts could be established within the former church, provided it meets the standards of Sec. 122-103(a) and obtains Special Use Approval from the Planning Commission. Although this particular use does not qualify for that provision, it should be noted that adaptively reusing institutional buildings in residential neighborhoods is permissible without a variance in qualifying circumstances noted in Sec. 122-103(a). A footnote to that section references requirements for outdoor storage in ***Sec. 122-193. Supplemental standards and regulations*** *(see attached).* However, the term *outdoor storage* in an M-1 or M-2 industrial zoning district applies to material stored on the site. A provision in #8 permits the following:

(8) For the purposes of this subsection, storage or off-street parking areas for trucks, trailers, and other equipment used in the normal course of an approved, legally operated business shall not be considered outdoor storage, though shall be screened along that portion of the storage or off-street parking area which is adjacent to a residential, business, office or waterfront zoning district. Such screening shall be in accordance with the regulations of subsection 122-402(5). Trailers parked on a site shall not be used for the accessory storage of goods and materials or for advertising purposes.

In their deliberations, the ZBA may consider some of the following: use of the property; hours of operation; additional screening or site modifications that may be needed; and other ordinance-related items when performing its review or when considering a motion. If the ZBA considers granting the use variance, conditions can be placed on the use and any improvements necessary to the site. Recommended conditions for a variance approval may include screening to adjacent properties where the rear yards abut this lot; limiting the number of vehicles or trailers placed on site and what is allowed to be outside the structure.

The church and two rectories are currently for sale

If the ZBA grants a use variance, no additional approval for Special Use from the Planning Commission is required and the existing site does not require site plan review.

Use Variance Standards

A use variance can be granted upon the finding of unnecessary hardship. Unnecessary hardship may exist when a ZBA finds an appellant's evidence satisfies all the standards listed at Section 122-544(d)(2). Each of the standards is listed below.

The ZBA's discussion of each of the standards in the context of appellant's evidence constitutes the ZBA's findings-of-fact supporting a subsequent motion to grant or deny the variance.

1. The property subject to the request cannot be used for any of the uses permitted in the zoning district in which it is located;

   When considering this standard, the ZBA must determine whether the property in question can be used for all uses permitted in the zoning district in which it is located, and if the party requesting the variance can make a reasonable economic return from doing so. A variance may be warranted when an appellant presents evidence indicating the subject property is essentially valueless if used only for the uses permitted in R-1 zoning district

2. The need for the variance is due to circumstances unique to the property, such as its odd shape, extreme narrowness, topography, and other physical features or constraints.

   When considering this standard, the ZBA should consider whether the need for variance is the result of physical circumstances unique to the property not affecting other properties in the surrounding area and zoning district.

3. Whether granting a use variance will alter the character of the surrounding area;

   The ZBA is required to decide whether granting a variance to one property will alter the character of adjoining and other properties in the area. This requires that the ZBA be familiar with the character of area surrounding the subject property.

4. Whether the unnecessary hardship asserted by the requesting party as justification for granting a use variance is self-created by an action taken by the appellant or predecessor in title.

   A variance is warranted when an appellant presents substantial evidence indicating the subject property is essentially valueless if used only for the uses permitted in the R-1 zoning district.

The Michigan Zoning Enabling Act of 2006 requires that ZBA decisions on variances be based on standards listed in a city's zoning regulations. The ZBA must find, based on substantial evidence presented by the appellant, that all the standards have been satisfied before a use variance may be granted by a vote of four ZBA members.

Section 122-544(e) provides that the ZBA may impose conditions with an affirmative decision:

"The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation, or variance request. Any condition imposed shall be in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended."

The Michigan Zoning Enabling Act provides for the imposition of ***conditions*** as follows:

"(4) Reasonable conditions may be required with the approval of special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all the following requirements:

(a) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(c) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Use Variance Standards & Findings-of-Fact

Motion to *grant* use variance:
A motion is required to grant the variance as requested. If the ZBA chooses to grant the variance, staff recommend the following motion and conditions:

- *Based on the foregoing findings of fact, I move that the ZBA grant the variance requested by the appellants, conditioned upon compliance with Section 122-473(a)(1) through (5).*

A super majority of four yes votes is required to adopt a motion granting a use variance.

Motion to *deny* use variance:

A motion is required to deny the variance.

- *Based on the foregoing findings of fact, I move that the ZBA deny the variance requested by the appellants.*

  Three votes of majority members are required to deny a use variance.

Motion to *postpone* variance:

A motion is required to postpone the variance. The ZBA should make clear distinctions on what is required before the case can be brought back before the ZBA.

- *Based on the foregoing findings, I move that the ZBA postpone the variance(s) requested by the appellant…*
  - *…pending submittal of additional materials, including…(list)*
    and/or
  - *…until the next regularly scheduled Zoning Board of Appeals meeting on _____, 2026*

Property clean up after purchase early 2026

Recent view

160-016-151-028-00
1120 STATE ST.
BAY COUNTY PUBLIC SCHOOL ACADEMY

EXISTING BUILDING

FND CHISELED "X"
CONC (TYPICAL)

PARTY WALL AGREEMENT L.1783, P.652

N 89°54'15" E 273.00'

STAIRS (TYPICAL)

PARCEL 3
A-0.56 AC.

EXISTING BUILDING

N 00°00'00" E 89.02'

SET ">"

N 89°53'31" E 273.00'

P.O.B. PARCEL 3

VACATED RICHTER ST.

S 00°00'00" W 88.96'

S 00°00'00" W 76.20'

N 87°05'29" E 225.29'

N 00°00'00" E 12.76'

PARCEL 4
A-0.52 AC.

EXISTING BUILDING

S 00°00'00" W 100.00'

S00°00'00"W 27.24'

S 90°00'00" W 50.00'

N 00°00'00" E 100.00'

N00°00'00"E 60.00'

P.O.B. PARCEL 4

S 00°00'00" W 6.05'

S 90°00'00" W 50.00'

S 87°32'01" W 125.12'

S 90°00'00" W 50.00'

EXISTING BUILDING

PARCEL 2
A-0.75 AC.

EXISTING BUILDING

N 00°00'00" E 140.54'

S 00°00'00" W 112.15'

(M) 262.23' (T)

N 00°00'00" E 413.41'

SET ">"

N 89°34'21" E 223.01'

P.O.B. PARCEL 2

DEQUOY DRIVE (F.K.A. RICHTER STREET)

S 00°00'00" W 250.44'

N00°00'00"E 179.85'

33' ROW

N 00°00'00" E 183.85'

EXISTING BUILDING

S 00°00'00" W 138.29'

PARCEL 1
A-0.82 AC.

S 78°02'31" W 227.95' (M) 227.26' (T)

N 78°02'31" E 279.06'

W SEC LINE

SET ">"

N78°02'31"E 33.73'

P.O.B. PARCEL 1

INTERSECTION OF THE E. LINE OF STATE AND THE N LINE OF SMITH

99' ROW

E. SMITH STREET

"E 9.35'

STATE STREET

160-016-151-021-00
111 E SMITH ST
WALKER, DILLIE

160-016-151-023-00
115 SMITH ST
THOMPSON, JAMES P AND JUDITH J

160-016-151-024-00
117 SMITH ST
MONAGHAN, ELAINE M

Zoning Board of Appeals Staff Report
Case Z 26-04

Public Hearing Date – Tuesday, June 9, 2026

Appellant:	Kevin Bellhorn
Property Address:	1006 Joseph Street
Zoning District:	R-1, Single Family Residential

Description of Request

1. The appellant is requesting a non-use variance from Section 122-52(b)(5) – Accessory buildings and structures in residential zoning districts that limits the total building height of detached accessory buildings to 14 feet at the midpoint of the roof. The appellant is proposing a total building height of 16 feet at the midpoint.

Summary

The appellant is requesting a variance from the accessory structure height requirements limiting the midpoint height of detached accessory structures to 14 feet. The appellant is requesting 16 feet as measured from the midpoint. The appellant has provided a description of the request and statements speaking of the non-use variance standards, which are provided at the end of this staff report.

The property, 1006 Joesph Street, is a square lot approximately 75' x 200' with frontage on Joseph Street. The accessory structure , if constructed, would meet the maximum size requirement of 864 square feet being a dimension of 24' by 36' and lot coverage is not a factor. As stated in the submittal, the accessory structure in the rear yard will be accessed by way of the attached garage which has two doors and is drive thru.

***

The specific zoning regulations governing the location of accessory buildings within residential zoning districts are found in Section 122-52(b) of the city code and reads in their entirety as follows:

(b) Accessory buildings in residential zoning districts as provided in Article V.
- (1) Location.
  - a. A detached or attached accessory building or portions thereof shall not be erected in nor extend into a required front yard setback.
  - b. A detached accessory building or portions thereof shall not extend beyond the established building line of the dwelling.
  - c. An attached accessory building may extend beyond the established building line of the dwelling provided it does not extend into a required front yard.
- (2) Setbacks.
  - a. Accessory buildings on interior lots. Detached accessory buildings on interior lots shall be erected no closer than two feet from a side or rear lot line and shall be set back at least 20 feet from the front lot line.
  - b. Accessory buildings in side yards. Accessory buildings located between any portion of a dwelling and a side lot line shall comply with setback regulations applicable to dwellings.
  - c. Setbacks from alleys. When vehicle access to a building is by way of an alley, the building shall be set back not less than four feet from the lot line adjacent to the alley.
  - d. Accessory buildings on corner lots:
    1. When an entrance for vehicles to a detached or attached accessory building faces a side street, the accessory building shall be set back at least 20 feet from the side street lot line.
    2. If the rear lot line of a corner lot is also the rear lot line of an adjacent lot, then the required setback from the side street lot line shall be ten feet, when an entrance for vehicles to a detached or attached accessory building faces a front street.
  - e. Double frontage lots. On double frontage lots, accessory buildings shall comply with applicable front yard setback regulations on both street frontages.

(3) Floor area. Detached accessory buildings shall not exceed a floor area of 864 square feet.

(4) Length. The length of an accessory building may not exceed 36 feet. This requirement shall not apply to carports and garages in multiple-family developments.

(5) Building and wall height. Detached accessory buildings may have a building height of 14 feet. In rear yards, accessory building height may be increased where the roof pitch of a proposed detached accessory building is equal to, but not greater than, the roof pitch of the principal building. In such cases, planning department staff shall be provided with elevations of the proposed accessory building to make final determination. This height restriction shall not apply to accessory buildings attached.

Walls shall not exceed more than ten feet in height above grade.

(6) Distance from other buildings. There shall be a minimum distance of two feet between detached accessory buildings and the principal building, provided that the buildings comply with the setback and fire rating regulations in the building and fire codes.

(7) Number. There shall be no more than three accessory buildings on a residential lot.

Decisions to grant or deny a variance must be based on evidence presented by appellants and the standards for non-use variances listed at Section 122-544 of the city's zoning regulations.

Variances may be granted when evidence presented by appellants demonstrates that all the standards has been satisfied.

Non-Use Variance Standards

A non-use variance is warranted when the physical characteristics and circumstances of property render compliance with a zoning regulation impractical to the point of being unreasonably burdensome for a property owner. The ZBA has discretionary authority to determine whether those conditions and circumstances satisfy or fail to satisfy the decision-making standards.

The characteristics and circumstances rendering compliance with a zoning regulation unnecessarily burdensome must:

- Be unique to the property subject to a request for a variance.
- Make the property dissimilar to other properties in the surrounding neighborhood.
- Unreasonably prevent a property owner from making a regulated improvement to their property in compliance with the regulation from which the variance is sought.

The non-use variance standards are listed below. The findings must reflect the board's consideration of appellants' need for the variance in the context of each of the standards. The board must find that all the standards have been satisfied by an appellant's evidence before a variance can be granted.

a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other nonuse matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with this chapter unnecessarily burdensome.

b. The variance(s) will do substantial justice to the applicant, as well as to other property owners.
c. A lesser variance than that requested will not give substantial relief to the applicant.
d. The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions to other properties in the same zoning district.
e. The problem and resulting need for the variance has not been self-created.

Staff's Comments

The case before the ZBA requires one variance:

1. A non-use variance, if granted, would authorize the modification of an existing detached accessory structure resulting in a total height of 16 feet at the midpoint of the roof.

Decision

The ZBA must:

1) grant the variance as requested;
2) grant the variance subject to conditions;
3) grant a lesser variance than requested;
4) deny the variance; or
5) postpone consideration of the request pending an appellant's provision of additional evidence deemed necessary to informed decision making.

Motion to *grant* variance:

A brief motion is required to ***grant the variance*** as requested based on the findings in the previous section of this staff report.

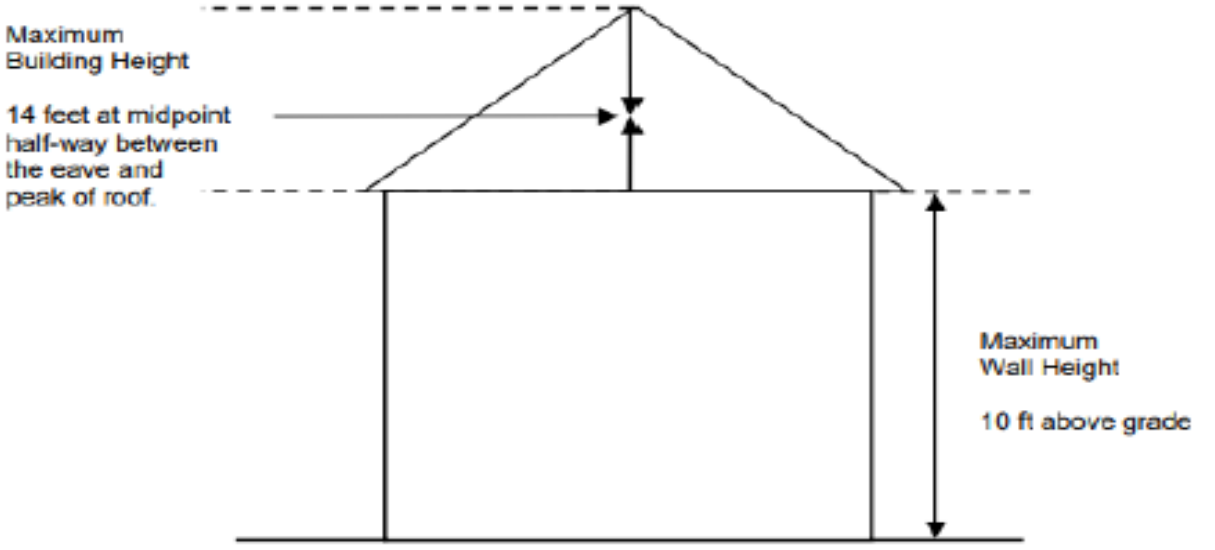
- Based on the foregoing findings, I move that the ZBA grant variance requested by the appellant.

Motion to *deny* variance:

A brief motion is required to ***deny the variance***. The ZBA must make separate findings contrary to those in the previous section of this staff report to document the basis and rational for denial.

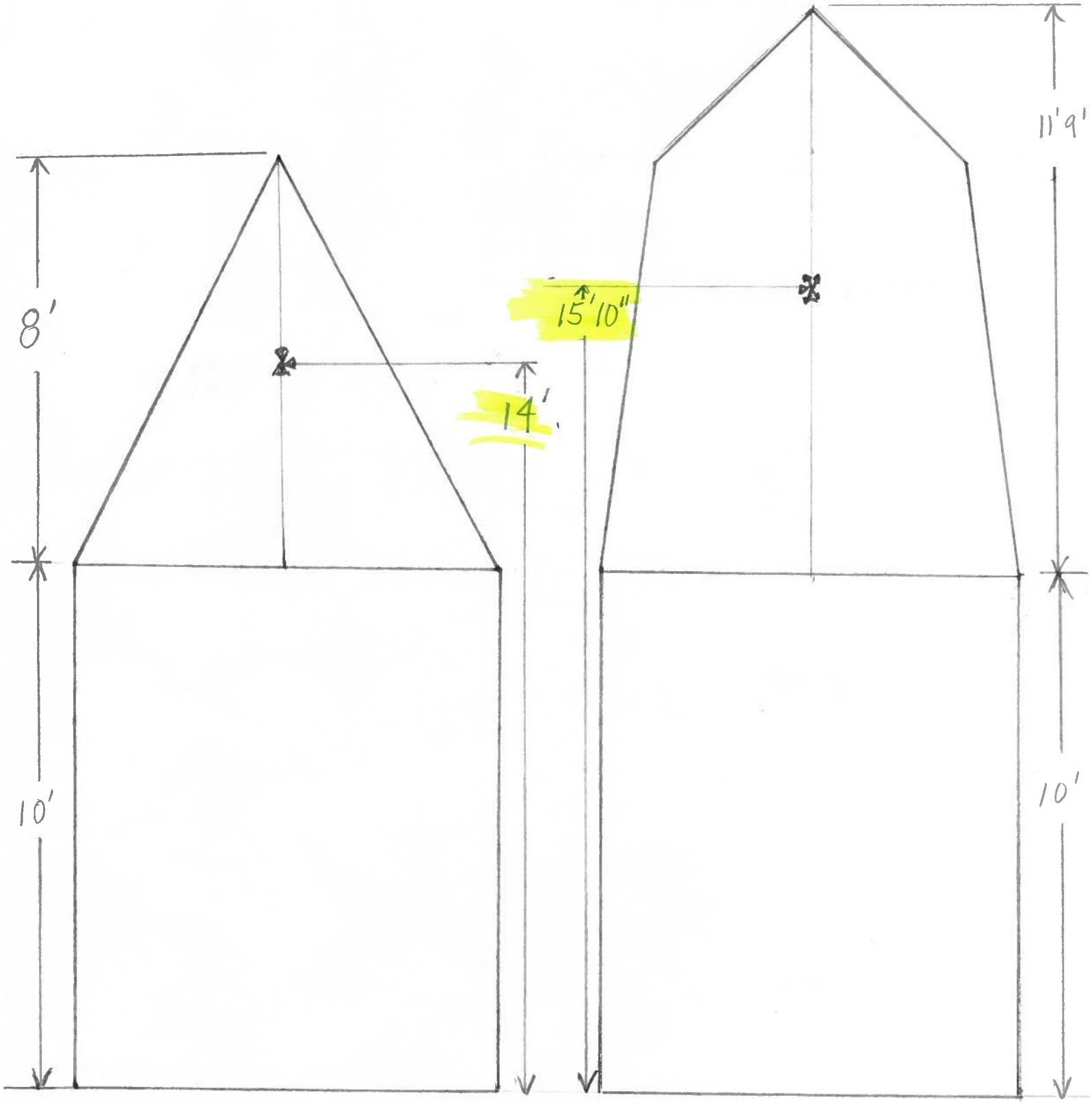
- Based on the foregoing findings, I move that the ZBA ***deny*** the variance requested by the appellant.

Detached accessory structure requirements:

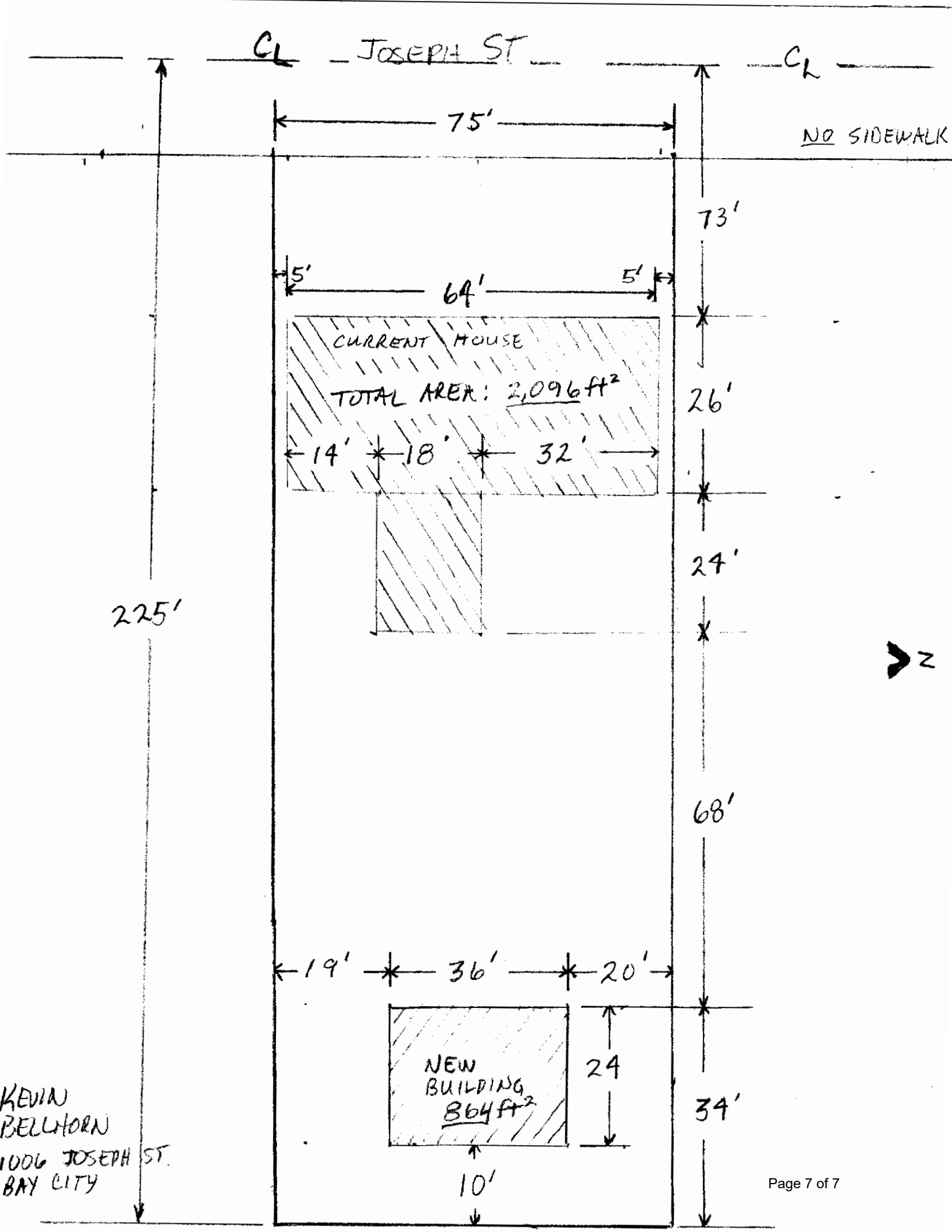


Building height may be increased when roof pitch of building is designed to match roof pitch of home.

MIDPOINT HEIGHT VARIANCE REQUEST



KEVIN BELLHORN
1006 JOSEPH ST.


CL
JOSEPH ST
CL
75'
NO SIDEWALK
73'
5'
64'
5'
CURRENT HOUSE
TOTAL AREA: 2,096 ft²
26'
14'
18'
32'
24'
225'
N
68'
19'
36'
20'
NEW BUILDING 864 ft²
24
34'
10'
KEVIN BELLHORN
1006 JOSEPH ST.
BAY CITY