

**AGENDA
CITY OF LINDEN
SPECIAL ZONING BOARD OF APPEALS MEETING**

Monday, March 20, 2023

7:00 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. MINUTES APPROVAL

(A) Minutes of the October 12, 2022 Regular Meeting

IV. PUBLIC HEARING

(A) ZBA-02-23 1505 West Rolston Rd. – Accessory Building Variance

V. CITIZEN’S COMMENTS

Persons wishing to address the Zoning Board of Appeals on non-agenda items only are asked to state their name and address for the record and limit their comments to five minutes, or ten minutes if representing a group of persons. Opportunity will be given to address the Zoning Board of Appeals on agenda items as they are called on the agenda.

VI. COMMUNICATIONS

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

(A) ZBA-01-23 Election of Officers

(B) ZBA-02-23 1505 West Rolston Rd. – Accessory Building Variance

IX. COMMISSIONER/COMMITTEE REPORTS

X. ADJOURNMENT

**CITY OF LINDEN
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

Wednesday, October 12, 2022

7:00 p.m.

CALL TO ORDER

The regular meeting of the Linden Zoning Board of Appeals was called to order at 7:02 p.m. by Chairperson Scott Ward. The meeting was held within Council Chambers, on the lower level of the Mill Building located at 201 North Main Street, Linden, Michigan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all present.

ROLL CALL

PRESENT: Scott Ward, Esther McDaniel, Daniel McComb, Christine Kinyon, Daniel Cusson

ABSENT: Betty Ciesielski

OTHERS PRESENT: Ellen Glass, City Manager; Adam Young, City Planner/Zoning Administrator; Kristyn Kanyak, Deputy Clerk

MINUTES APPROVAL

Motion by Kinyon, second by McDaniel to approve the minutes of the May 24, 2022 Special Zoning Board of Appeals Meeting. Motion carried 5-0.

PUBLIC HEARING

(A) ZBA-04-22 Request for Use Variance: 152 West Rolston Rd.

Ward opened the public hearing at 7:08 p.m.

Young reviewed the use variance request, as well as the purpose of the public hearing and notices provided. Young explained the membership and voting aspect of the ZBA Board, to grant use-variance approval. Kanyak verified no written correspondence was received.

Monica Larner, the applicant residing at 152 West Rolston Road was present, introduced herself; explained reasoning for her request; how she got started with the cattle dog breed and discussed her non-profit rescue. Larner read from a written statement from her lawyer aloud, that was included within the meeting packet.

Suzanne P. of 5625 Tall Oaks Road, Waunakee, Wisconsin, a member of Larner's Board, provided public comment.

Craig Hatch residing at 1505 West Rolston Road, provided public comment.

Kerry Harris residing at 202 West Rolston Road, provided public comment.

Ward closed the public hearing at 7:22 p.m.

CITIZENS' COMMENTS

None.

COMMUNICATIONS

(A) 2023 Meeting Schedule

Kanyak confirmed the Board's meeting schedule for the upcoming year.

UNFINISHED BUSINESS

None.

Ward questioned the installation timeline of the State Bank Kiosk signage the ZBA reviewed at a previous meeting.

NEW BUSINESS

(A) ZBA-04-22 Request for Use Variance: 152 West Rolston Rd.

Young reviewed his Staff Report: We are in receipt of an application submitted by applicant and property owner Monica R. Larner requesting a use variance for a proposed animal rescue shelter (AuCaDo Rescue Mid-Michigan) on her property located at 152 West Rolston Road. The property is zoned R-2, Single-Family Residential District. According to the ZBA application, the applicant has operated a non-profit, State-licensed animal shelter named AuCaDo Rescue Mid-Michigan out of their former residence (outside of Linden) for some time. The applicant intends to relocate this animal shelter to their new residence in Linden and, according to the application form, intends to house up to 6 rescued Australian Cattle Dogs at a time. The City of Linden Zoning Ordinance does not define or address animal shelters. However, it does define a "kennel," as follows (see Section 154.007): Kennel: Any place or premises where three or more adult dogs, cats, or other domestic pets are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

The applicant's proposed animal rescue shelter fits within the Zoning Ordinance definition of kennel. According to Section 154.048,(E),(3),(i), kennels are only allowed as a special use within the C-2, General Commercial District. Kennels are not listed as being allowed within the R-2, Single-Family Residential District (see Section 154.048,(A)). Kennels are also expressly prohibited as a home occupation (see Section 154.064). Because kennels are not allowed within the R-2 District, the applicant is requesting a use variance from the Zoning Board of Appeals.

The applicant is requesting a use variance from Section 154.048 (Purposes and Uses within Zoning Districts) to allow a kennel on property that is zoned R-2, Single Family Residential District. In accordance with Section 604 of the Zoning Enabling Act (PA 110 of 2006), the standard to apply in the case of a use variance is an "unnecessary hardship." This is a higher legal standard than what needs to be demonstrated for a dimensional (non-use) variance. To obtain a use variance, the applicant must show unnecessary hardship by demonstrating: The property owner demonstrates that the property cannot yield a reasonable return; the need for the variance is due to a situation that is unique to the property and would not generally, be found elsewhere in the same zoning district; the property owner must show the zoning ordinance gives rise to hardship amounting to confiscation or the disadvantage must be so great as to deprive the owner of all reasonable use of the property; the hardship is not self-created.

Section 154.218,(E) requires the Zoning Board of Appeals to additionally consider the following standards: a. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose; b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners; c. That the plight of the landowner is due to the unique circumstances of the property; and d. That the alleged hardship has not been created by any person presently having an interest in the property.

Larner and Ward discussed how long a dog may potentially spend at the rescue. Larner clarified no breeding takes place, nor boarding. McComb clarified the variance runs with the property and not the owner; and further discussed the ordinance's definition for a kennel with Young. Cusson and the applicant discussed application process for a dog's admittance into her rescue; adoption process; maximum number of dogs. Young clarified provision of the ordinance for personal pets and that it differs from the kennel-definition.

Young reviewed standards for evaluation, briefly reviewed the rezoning process and the possibility of amending the zoning ordinance to define animal rescue rather than kennel. Kinyon commented on the Planning Commission looking at boarding kennels-language in the past and have the Planning Commission re-visit.

Young clarified voting options for Cusson, which pertains to members with dual membership. Discussion regarding the motion. Ward requested clarification regarding what an "aye" and "nay" vote would mean.

Motion by Kinyon, second by McDaniel to deny a variance a use variance from Section 154.048 to allow a kennel on property that is zoned R-2, Single Family Residential District. This denial is based on their inability to meet any of the criteria from Section 154.218,(E),(2), standards a-d. Roll call. Motion carried 3-1, with 1 abstention.

AYES: Kinyon, McComb, McDaniel

NAYS: Ward

ABSENT: Ciesielski

ABSTENTIONS: Cusson

Discussion between Young and Commissioners regarding a second motion to forward to the Planning Commission to consider.

Motion by Cusson, second by McComb to forward to the Planning Commission this process, and to look into possibly changing the definition to look into standards of animal rescue and clarifying the definitions between rescue and kennel, as well as non-profit and for-profit. Roll call. Motion carried 5-0.

AYES: McDaniel, Kinyon, McComb, Ward, Cusson

NAYS: None

ABSENT: Ciesielski

COMMISSIONER/COMMITTEE REPORTS

Young referenced the Master Plan Update materials enclosed for review by Board Members.

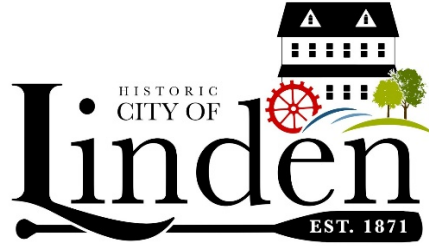
ADJOURNMENT

Motion by Ward, second by Kinyon to adjourn the meeting. Motion carried 5-0. The meeting was adjourned by Chairperson Ward at 8:17 p.m.

Respectfully Submitted,

Kristyn Kanyak, Deputy Clerk

Approved: _____



**CITY OF LINDEN
ZONING BOARD OF APPEALS - SPECIAL MEETING
PUBLIC HEARING REQUEST FOR VARIANCE**

NOTICE IS HEREBY GIVEN, The City of Linden's Zoning Board of Appeals will be conducting a public hearing as part of a Special Meeting Agenda Monday, March 20, 2023 at 7:00 p.m. within Council Chambers on the lower level of the Mill Building at 201 North Main Street, Linden, Michigan 48451. The purpose of the hearing is to hear citizens' comments on a request for a variance from Section 154.061,(3) and Section 154.061,(4) of the City of Linden Zoning Ordinance to allow a detached accessory building that is larger than 50% of the floor space of the principal building and taller than 15 feet.

Petitioner: Craig Hatch

Property Address: 1505 West Rolston Road

Property Tax ID Number: 61-20-506-049

Legal Description: PART OF BLKS 5,6,8-11 MAP OF PART OF VILLAGE OF NORTH LINDEN & PART OF NW 1/4 SEC 20 DESC AS BEG S 0 DEG 41 MIN 09 SEC W 1665.01 FT FROM NW COR OF SEC TH S 0 DEG 41 MIN 09 SEC W 100.01 FT TH S 88 DEG 33 MIN 10 SEC E 707.06 FT TH N 0 DEG 41 MIN 09 SEC W 530.44 FT TH N 88 DEG 33 MIN 10 SEC W 259.18 FT TH N 0 DEG 41 MIN 09 SEC E 491.81 FT TH N 61 DEG 35 MIN 22 SEC W 348.38 FT TH S 0 DEG 41 MIN 09 SEC W 650.44 FT TH N 88 DEG 33 MIN 10 SEC W 119.47 FT TH S 0 DEG 41 MIN 09 SEC W 429.12 FT TH N 88 DEG 33 MIN 10 SEC W 20 FT TO PL OF BEG SEC 20 T5N R6E OWNED & OCCUPIED AS ONE PARCEL 12.44 A (15) FROM 61-20-506-047

Applications and supporting documentation are available for public review at City Offices located at 132 East Broad Street, Linden, MI, 48451 during regular business hours Monday through Friday. Persons wishing to comment may do so during the hearing. Written comments may also be submitted prior to 4:00 p.m. on March 20 2023, and should be addressed to:

Kristyn Kanyak, Deputy Clerk
132 East Broad St.
P.O. Box 507
Linden, MI 48451

Post: March 2, 2023
Publish: March 5, 2023
Mail: March 6, 2023

ZONING BOARD OF APPEALS STAFF REPORT

MEMO NO.: ZBA-01-22

FROM: Adam Young, AICP, Zoning
Administrator

AGENDA: March 20, 2023, New Business (A)

TOPIC: Election of Officers

Background: Being the first meeting of 2023, it is appropriate to elect officers for the Zoning Board of Appeals. According to the City's ZBA By-Laws, the officers of the ZBA shall consist of a Chairperson, Vice-Chairperson and Secretary, all of whom shall be appointed members of the Board. According to the By-Laws, the roles of each are as follows:

- The Chairman shall have the privilege of discussing all matters before the Board and to vote on these matters. The Chairman shall call meetings, preside at all meetings, appoint such committees as shall from time to time be deemed necessary, administer oaths and compel attendance of witnesses, sign all vouchers authorized by the Board and perform other duties that may be delegated by the Board.
- The Vice Chairman shall act for the Chairman in his/her absence.
- The Secretary shall keep the minutes and records of the Board. (Please note that City staff have been responsible for minute-taking in the past.)

According to the By-Laws, nominations of officers shall be made from the floor at the annual organizational meeting. Newly elected officers will assume their office immediately. A candidate receiving a majority vote of the membership present shall be declared elected.

It is important to note that a ZBA member who also is a member of the City Council is not eligible to serve as chairperson of the ZBA, per limitations of the Zoning Enabling Act, PA 110 of 2006.

Attachments: ZBA By-Laws

ZONING BOARD OF APPEALS

CITY OF LINDEN

BY-LAWS

I. Officers and their duties:

A. The Officers of the Board shall consist of a Chairman, Vice Chairman, and Secretary, all of whom shall be appointed members of the Board.

B. The Chairman shall have the privilege of discussing all matters before the Board and to vote on these matters. The Chairman shall call meetings, preside at all meetings, appoint such committees as shall from time to time be deemed necessary, administer oaths and compel attendance of witnesses, sign all vouchers authorized by the Board and perform other duties that may be delegated by the Board.

C. The Vice Chairman shall act for the Chairman in his absence.

D. The Secretary shall keep the minutes and records of the Board.

E. The City Manager or his designee shall act as staff for the Zoning Board of Appeals. As such he shall attend to correspondence of the Board, prepare the agendas of regular and special meetings, provide notice of meetings to Board members, arrange proper and legal notice of hearings, keep a record of all vouchers authorized by the Board and keep a copy of all transcripts, records, plans, plats, etc. brought before the Board.

II. Election of Officers:

A. Nominations of officers shall be made from the floor at the annual organizational meeting, which shall be the first meeting of the calendar year in January, and the elections shall follow immediately thereafter. Newly elected officers will assume their office immediately.

B. A candidate receiving a majority vote of the membership present shall be declared elected.

C. Vacancies in offices shall be filled immediately by regular election procedure.

III. Meetings

A. Regular meetings may be held as needed on the second Tuesday of January, April, July and October. The regular meetings shall commence at 7:00 p.m. in the Council Chambers at

201 N. Main Street. Special meetings will be scheduled on an as-needed basis on the second Tuesday of the month. When a regular meeting is scheduled for a holiday, the meeting shall be held on such other day as determined by the Board.

B. Four (4) members of the Board shall constitute a quorum and the number of votes necessary to transact business shall be four (4). A record of the vote shall be kept as a part of the minutes.

C. All members of the Board shall vote on every motion placed on the floor unless there is a conflict of interest. In the event that a member of the Board shall question whether he or any other member has a conflict of interest, the question shall be submitted to the City Attorney who shall review the facts and issue an opinion.

D. Robert's Rules of Order shall be used except where they conflict with the By-Laws, State Statute, the City Charter or the Linden Municipal Code.

E. All meetings at which official action is taken shall be open to the general public.

F. Any member of the Zoning Board of Appeals who misses three (3) consecutive meetings of the Board shall be subject to removal by a majority vote of the City Council. Written notice to the member being considered for removal shall be made at least seven (7) days prior to the City Council meeting at which removal will be considered.

IV. Order of Business:

The order of business at regular meetings shall be:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
- IV. Public Hearings
- V. Citizens Comments - Persons wishing to address the Board are asked to state their name and address for the record and limit their comments to five (5) minutes and ten (10) minutes if representing a group of persons.
- VI. Correspondence
- VII. Unfinished Business
- VIII. New Business

IX. Board Member & Committee Reports

X. Adjournment

This order of business may be suspended by a vote of the Board.

V. Committees:

The Chairman shall appoint such committees as he deems necessary subject, however, to the mandates of the State Statutes, City Charter and the Linden Municipal Code. Any committee appointed shall be given a specific task along with a specific date upon which the committee will expire.

VI. Hearings and Proceedings:

A. The Board shall conduct such hearings and proceedings as provided for in the Zoning Code for the City of Linden or as provided for by State Statute.

B. Notice of such hearings shall be as required by City Ordinance and/or State Law, and, in cases in which certain property is in issue, the Board shall give fifteen (15) days notice to all owners of record of property within a radius of three hundred (300) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the latest assessment roll.

C. The case before the Board shall be presented in summary by Staff. Parties in interest shall have privilege of the floor. No record of statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.

D. When deciding an appeal, when rendering an opinion or when granting or denying a variance, special approval or exception, the Board shall make specific findings of fact or conclusions of law. These findings and conclusions shall be made a part of the minutes. The Board shall consider those standards required by the Zoning Code and State Law and any other standards or factors deemed necessary by the Board. A site visit by the Board as a whole is allowable upon a majority vote of the members present. No action shall be taken during a site visit. A site visit shall be recorded in the minutes of the Board.

E. In order to be included on the agenda of the Board a petitioner shall submit his or her request at least twenty-eight (28) days prior to the regularly scheduled meeting. The request shall

be submitted on a form provided by the City at the office of the City Clerk. All fees must be paid in order for the request to be deemed "submitted".

F. The City administration shall submit to each Board member ten (10) days before the regularly scheduled meeting a copy of the petition as well as a copy of the administration's findings and recommendation.

VIII. Amendments:

These By-Laws may be amended by a two-thirds (2/3) vote of the entire membership of the Board.

ADOPTED as amended by the City of Linden Zoning Board of Appeals at a regular meeting on the 13th day of January, 2009.

Steve Mammel, Chairperson

ATTEST:

Chris Kinyon, Secretary

ZONING BOARD OF APPEALS STAFF REPORT

MEMO NO.: ZBA-02-23

FROM: Adam Young, AICP, Zoning
Administrator

AGENDA: March 20, 2023, New Business (A)

TOPIC: 1505 West Rolston Road Variances for Pole Barn

Background: We are in receipt of an application submitted by applicant and property owner Craig Hatch requesting variances from Section 154.061, (A), (3) and Section 154.061, (A), (4) for a proposed pole barn on his property located at 1505 West Rolston Road. The property is zoned R-2, Single-Family Residential District.

The applicant submitted a building permit application in February for a new pole barn in the rear yard of their residential property. The proposed pole barn would be 5,000 square feet in size (50 feet by 100 feet) and 20 feet in height. Although the proposed pole barn would comply with placement and setback requirements of the Zoning Ordinance, the building permit application was denied because the proposed pole barn does not meet the following requirements:

- Section 154.061, (A), (3) states that “the sum total floor area of all accessory buildings and structures shall not exceed 50% of the total floor area of all stories of the principal building.” The existing principal dwelling at the property is approximately 1,300 square feet in size according to our records. Thus, the maximum size allowed for accessory buildings at this site is approximately 650 square feet. The applicant is proposing 5,000 square feet.
- Section 154.061, (A), (4) limits the height of detached accessory structures to no more than 15 feet, measured from finished grade to the highest point of flat roofs, to the coping line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. The applicant is proposing 20 feet.

The subject site (Property ID #61-20-506-049) is 12.8 acres in size with approximately 350 feet of frontage on West Rolston Road. An existing dwelling is located in the center of the property, set back approximately 560 feet from the road. One existing detached accessory structure (horse stable), approximately 500 square feet in size, is located in the rear yard (we understand that this building would be removed and replaced by the proposed pole barn). An existing pond is located in the east-central portion of the property. A significant portion of the rear yard (southwest corner of the property) is a floodplain and wetland. The subject site does feature some rolling topography, with the northern and central portion of the site on higher ground (elevations ranging from 870 feet to 884 feet above sea level) and the southwestern and southeastern portions of the site on lower ground (elevations as low as 854 feet above sea level). Trees and other vegetation is scattered throughout the rear portion of the site.

According to the application, the proposed pole barn will be used to accommodate 8 horses and related horse supplies. Per Section 154.069, horses are allowed to be kept on any residential property which is at least 5 acres in size. One horse is allowed for the first 5 acres of property size, and one additional horse is allowed for each additional acre of land thereafter. Containing 12.8 acres, a total of 8 horses may be kept on this subject site. Section 154.069 additionally states that all horses shall have enclosed stable space available on site and that areas in which horses are kept shall be completely enclosed by a fence. In the variance application form, the applicant argues that “8 horses and the necessary supplies cannot be contained within the space allowed for an out building in the zoning code” and that the proposed pole barn “is the minimum size required to house the 8 horses allowed and the supplies necessary.”

Variance request: As noted above, the applicant is requesting variances from Section 154.061, (A), (3) and Section 154.061, (A), (4) to permit a pole barn that is larger and taller than what is allowed.

Standards for evaluation: In evaluating the request and the existence of a practical difficulty, the Zoning Board of Appeals shall consider the standards of Section 154.218, (E), (2) of the Zoning Ordinance. These standards are as follows:

- a. *That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;*
- b. *That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;*
- c. *That the plight of the landowner is due to the unique circumstances of the property; and*
- d. *That the alleged hardship has not been created by any person presently having an interest in the property.*

Additionally, the ZBA should refer to the 5 questions and applicant's answers provided in the application packet. These questions are as follows:

1. *That special conditions and circumstances exist or create a practical difficulty and which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the neighborhood or same zoning district.*
2. *The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or same zoning district.*
3. *That the special conditions and circumstances do not result from actions of the applicant, financial consideration alone shall not be grounds for granting a variance.*
4. *That granting a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.*
5. *That the granting of the variance will be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.*

Action to be taken: The Zoning Board of Appeals may grant the variance where practical difficulties result from the application of the Zoning Ordinance and where all of the standards of Section 154.218, (E), (2) are met. In granting a variance, the ZBA may attach conditions as it may deem reasonable in furtherance of the purposes of the Zoning Ordinance. The ZBA may also grant a lesser variance than what is requested. A majority vote of the ZBA shall be required to grant the variance.

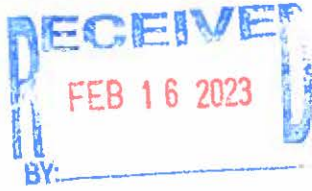
Planning Consultant Recommendation: As the City's Planning Consultant, we have reviewed the project and offer the following findings related to the practical difficulty standard and the evaluation standards of Section 154.218, (E), (2):

- The applicant's stated purpose of the pole barn is to house horses and related supplies. With 12.8 acres of land, the applicant is allowed by Section 154.069 of the Zoning Ordinance to keep up to 8 horses. Where horses are kept, Section 154.069 requires that all horses shall have enclosed stable space available on site. The applicant is arguing that the Zoning Ordinance's size and height limitation for accessory buildings does not allow for the size of building that is needed for 8 horses and their supplies to be contained and housed.

- The applicant has indicated that the proposed size (5,000 square feet) and height (20 feet) of the pole barn is the minimum required to house the 8 horses and the supplies necessary. We have conducted internet research and multiple sources of information suggest that a horse stall should ideally provide a 12 foot by 12 foot space (144 square feet) per horse. For 8 horses, this would be a minimum of 1,152 square feet of space for the horses. Therefore, we do believe that there is justification for the need for a pole barn that is larger than what the City's ordinance would currently allow. However, we question the need for a 5,000 square foot pole barn. We recommend that the ZBA ask the applicant to explain their basis for the claim that a 5,000 square foot pole barn is the minimum necessary.
- At 12.8 acres, the size of the subject site is very large in comparison to other residentially zoned properties within the City. Based on our analysis, only 12 residentially zoned properties (out of 1,285) in the City are greater than 10 acres in size. Most of these are occupied by public and semi-public uses, or are undeveloped.
- The proposed pole barn would be located behind the principal dwelling, approximately 700 feet from the road and more than 250 feet from the side and rear property lines. These substantial setbacks, along with existing site vegetation, would limit visual impacts from adjacent properties.

Potential motion: I move that the ZBA _____ [*approve or deny*] a variance from Section 154.061, (A), (3) to allow a pole barn with a size of _____ square feet and a variance from Section 154.061, (A), (4) to allow a pole barn with a height of _____ feet. This _____ [*approval or denial*] is based on the following reasons: [*the decision should be based on the presence or absence of a practical difficulty with reference to the specific standards of Section 154.218, (E), (2)*]

Attachments: ZBA application and supplemental materials, dated February 15, 2023
 Building Permit application and Zoning Administrator denial letter, February 2023



PAID
FEB 16 2023
City of Linden



132 East Broad Street • P.O. Box 507 • Linden, Michigan 48451-0507
Telephone: (810) 735-7980 • Fax: (810) 735-4793

ZONING BOARD OF APPEALS APPLICATION

SECTION TO BE FILLED OUT BY APPLICANT

Applicant's Name: Craig H Hatch Phone: (810) 397-5557
Address: 1505 W Rolston Rd City Linden State Mi ZIP 48451

Property Owner's Name: Dawn & Craig Hatch
Address: 1505 W Rolston Rd City Linden State Mi ZIP 48451

Property Address: 1505 W Rolston Rd Property Tax #: 61-20-506-049

Zoning District: Residential 2

Property Size: 12.8 acres OR _____ square feet

Section of Zoning Ordinance Pertaining to Appeal: 154.061

Variance Requested: pole Barn Building for Horse's
And supplies size and height

Reason for Appeal: Current ordinance does not
accommodate for 8 horses - hay - supplies
and equipment

Application for appeal must be filed and fees paid at least 28 days prior to the next regularly scheduled Zoning Board of Appeals meeting. Any dimensional variance requested within the City shall be accompanied by a survey representing the dimension (distance and/or area) which is deficient and nonconforming. The dimension shall be directly measured and certified by a professional surveyor licensed to practice in the State of Michigan. Additionally, the applicant must present evidence of practical difficulties by answering the questions on Page 2 of this application form.

Zoning Board of Appeals Application Fee: \$300

INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED

I certify that the information given herein is true and correct to the best of my knowledge:

Signature of Applicant: [Signature] Date: 2-15-23

THIS SECTION FOR CITY USE ONLY

Fee Paid: _____ Date: _____

Referred to Zoning Board of Appeals: _____ Public Hearing/Meeting Date: _____

Date Approved: _____ Denied: _____

Signature of Zoning Administrator: _____ Date: _____

**ZONING BOARD OF APPEALS
APPLICATION (Page 2)**

SECTION TO BE FILLED OUT BY APPLICANT

Presentation of Evidence

1. *That special conditions and circumstances exist or create a practical difficulty and which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the neighborhood or same zoning district.*

SEE Attached

2. *The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or same zoning district.*

SEE Attached

3. *That the special conditions and circumstances do not result from actions of the applicant, financial consideration alone shall not be grounds for granting a variance.*

SEE Attached

4. *That granting a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.*

SEE Attached

5. *That the granting of the variance will be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.*

SEE Attached

1. The land is very unique to the area. The land is surrounded by commercial property and those properties all contain buildings larger than what is proposed. Further, the property contains approximately 12 acres, much of which is wooded. The home, and proposed building cannot really be seen from the road. Finally, there is a provision that allows for 8 horses on the property. That provision requires the horses to be contained and housed. 8 horses and the necessary supplies cannot be contained within the space allowed for an out building in the zoning code. It is necessary to allow the proposed structure to be in compliance with the provisions of the horse ordinance.
2. As stated in paragraph 1, the zoning ordinance related to horses allows 8 horses, all of which must be properly housed. The proposed building in the minimum size required to house the 8 horses allowed and the supplies necessary.
3. Applicant is simply trying to comply with the horse ordinance without the necessary of attempting to rezone the property to agricultural and having a blanket exemption under the Right To Farm Act, which could be used by a future resident to greatly expand what is done on the property. Granting a variance is the most practical way to allow the Horse ordinance to be complied with while not expanding the rights on the property.
4. The property in question is very unique to the community. The rolling hills and woods hide the home and proposed building. Further, the size of the land is unique. Very few other properties in the community could even house 8 horses. Further, because the property is surrounded by commercial properties with very large out buildings, the proposed building will fit well in the area.
5. Applicant is simply trying to comply with the horse ordinance without the necessary of attempting to rezone the property to agricultural and having a blanket exemption under the Right To Farm Act, which could be used by a future resident to greatly expand what is done on the property. Granting a variance is the most practical way to allow the Horse ordinance to be complied with while not expanding the rights on the property.
The property in question is very unique to the community. The rolling hills and woods hide the home and proposed building. Further, the size of the land is unique. Very few other properties in the community could even house 8 horses. Further, because the property is surrounded by commercial properties with very large out buildings, the proposed building will fit well in the area.



132 E. Broad Street • Linden, MI 48451 • P.O. Box 507
Phone: (810) 735-7980 • Fax: (810) 735-4793 • www.lindenmi.us

February 6, 2023

Craig H. Hatch
1505 W. Rolston Road
Linden, MI 48451

RE: Building Permit Application / Zoning Compliance Denial Letter

Dear Mr. Hatch:

We are in receipt of your building permit application, received February 2, 2023, to construct a new pole barn on your property at 1505 West Rolston Road. The proposed pole barn will be 5,000 square feet in size and 20 feet in height. Upon review of your request, we have determined that the proposed pole barn does not comply with City of Linden Zoning Ordinance Requirements, as follows:

- Section 154.061,(A),(3) states that “the sum total floor area of all accessory buildings and structures shall not exceed 50% of the total floor area of all stories of the principal building.” The existing principal dwelling at the property is approximately 1,300 square feet in size according to our records.
- Section 154.061,(A),(4) limits the height of detached accessory structures to no more than 15 feet, measured from finished grade to the highest point of flat roofs, to the coping line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs.

Therefore, your request has been **denied**. Please revise your application to comply with Zoning Ordinance requirements and resubmit. Another option is to seek a variance from the City’s Zoning Board of Appeals.

Please contact me at the above noted phone number or ayoung@wadetrim.com for further information.

Sincerely,

Adam Young, AICP, Zoning Administrator
City of Linden

PW\LDN6100\23D\Docs\Correspondence\1505 W Rolston Road Building Permit Application Denial.docx

CITY OF LINDEN

132 E. Broad Street ♦ Linden, Michigan 48451-0507 ♦ (810) 735-7980 ♦ FAX (810) 735-4793

Building Permit and Plan Examination Application

Property address 1505 W Ralston TAX ID _____

Building Permit Fee _____

Plan Review/Escrow _____

Sewer Tap/Insp _____

Water Tap Fee _____

Construction Value 18,948 Permit Number _____

Adjustments may be required due to adopted guidelines for basis of construction value

Authority: P.A. 230 of 1972, as amended The department will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.
Completion: Mandatory to obtain permit
Penalty: Permit will not be issued

APPLICANT TO COMPLETE ALL ITEMS IN SECTIONS 1-6
NOTE: SEPARATE APPLICATIONS MUST BE COMPLETED FOR PLUMBING, MECHANICAL, AND ELECTRICAL WORK PERMITS

1. Project Information

Project Name Pole Barn for Horses
Address 1505 W Ralston
City/State/Zip Linden MI 48451
County Genesee
Between H Bridge St and Beach Buggy Ln

2. Identification

A. Owner/Lessee
Name Craig A Hatch
Address 1505 W Ralston Rd
City/State/Zip Linden MI 48451
Phone (810) 397 5559 Fax (810) 232 3055
hatchenterprise@gmail.com

B. Architect/Engineer

Name _____
Address _____
City/State/Zip _____
Phone () _____ Fax () _____
License Number _____ Expiration Date _____

C. Contractor

Name _____
Address _____
City/State/Zip _____
Phone () _____ Fax () _____
License Number _____ Expiration Date _____
Federal Employer ID Number or Reason for Exemption _____

Workers Comp Insurance Carrier or Reason for Exemption _____

MESC Employer Number or Reason for Exemption _____

3. Type of Improvement and Plan Review

A. Type of Improvement

- 1. New Building
- 2. Addition
- 3. Alteration
- 4. Repair
- 5. Demolition
- 6. Mobile Home Set Up
- 7. Foundation Only
- 8. Premanufacture
- 9. Relocation
- 10. Special Inspection

11. Other- Describe Type of Improvement _____

4. Proposed Use of Building

A. Residential

- 1. One Family
- 2. Two or More Family # of Units _____
- 3. Hotel/Motel # of Units _____
- 4. Attached Garage
- 5. Detached Garage
- 6. Other

pole barn for horses - hay - tractor - trailers

B. Non-Residential

- 7. Amusement
- 8. Church, Religion
- 9. Industrial
- 10. Parking Garage

N/A

- 1. Service Station
- 2. Hospital, Institutional
- 13. Office, Bank, Professional
- 14. Public Utility

- 15. School, Library, Educational
- 16. Store, Mercantile
- 17. Tanks, Towers
- 18. Other

Non-Residential-Describe in detail the proposed use of the building, e.g. food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

5. Selected Characteristics

A. Principal Type of Frame

- 1. Masonry, Wall Bearing
 - 2. Wood
 - 3. Structural Steel
 - 4. Reinforced Concrete
 - 5. Other
- poles wood metal*

B. Principal Type of Heating Fuel

- 6. Gas
 - 7. Oil
 - 8. Electricity
 - 9. Coal
 - 10. Fire Place
 - 11. Other
- N/A*

C. Type of Mechanical

- 12 Will there be Air Conditioning? Yes No
 - 13. Will there be Fire Suppression? Yes No
- N/A*

D. Type of Sewage Disposal

- 14. Public or Private Company
 - 15. Septic System
- N/A*

E. Type of Water Supply

- 16. Public or Private Company
 - 17. Private Well or Cistern
- N/A*

F. Dimensions/Data

18. Number of Stories 1 19. Number of Bathrooms N/A
 20. Use Group Farm 20. Number of Bedrooms /
 21. Const. Type wood 22. Size of Addition /
 23. NO. of Occupants NA 24. Basement Area /
 25. Floor Area:

	Existing	Alterations	New
Basement			
1 st & 2 nd Floor			
3 rd -10 th Floor		<u>N/A</u>	
11 th & Above			
Total Area			

G. Number of Off Street Parking Spaces

26. Enclosed /
 27. Outdoors N/A

6. Applicant Information

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION

Name Craig H Hatch
 Address 1505 W Ralston Rd
 City/State/Zip Linden MI 48451
 Phone (810) 397 5559 Fax (810) 232 3055
 Federal I.D./Social Security Number 380-64-7677
hatchenterprisec@gmail.com

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

Section 23a of the State Construction Code Act of 1972, 1972 PA 230 MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential structure. Violations of Section 23a are subject to civil fines.

Applicants must provide two hard copies of construction plans, as well as an electronic copy of the plans to building@lindenmi.us.

Signature of Applicant _____



7. Local Governmental Agency to Complete this Section

Environmental Controls Approvals

	Required?		Approved	Date	Number	By
A - Zoning	Yes	No				
B - Fire District	Yes	No				
C- Flood Zone	Yes	No				
D- Variance Granted	Yes	No				
E - Soil Erosion **	Yes	No				
F- Water Supply	Yes	No				
G – Septic System	Yes	No				
H - Other	Yes	No				

** Soil Erosion Approval needed if project is located within 500 feet of water way

8. Validation- For Department Use Only

Inspections Required

Footing _____
 Backfill _____
 Insulation _____
 Rough Frame _____
 Final/Certificate _____
 of Occupancy _____

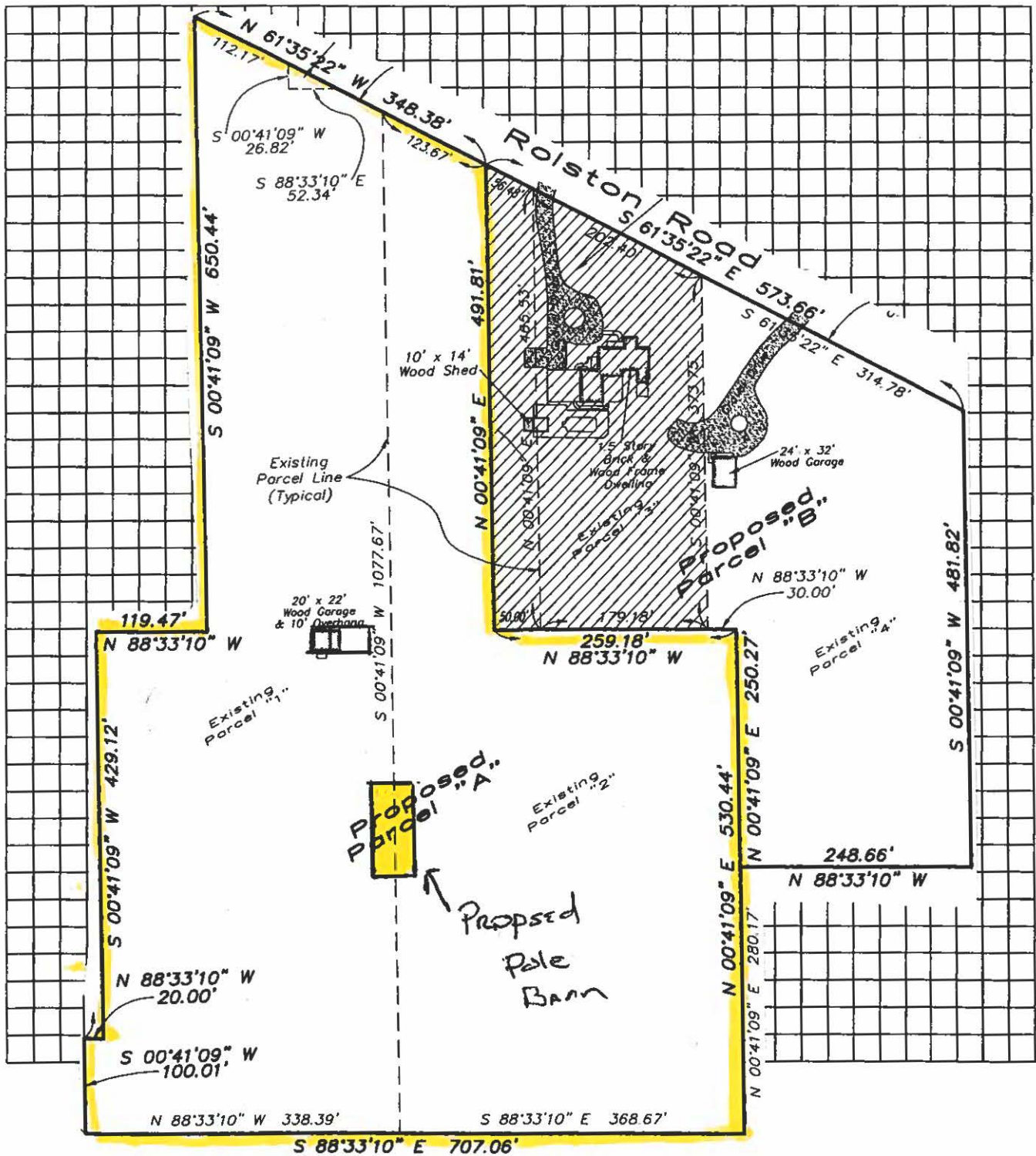
Approval Signature _____

Title _____ **Date** _____

*Refer to 2-6-2023 Denial Letter

Must secure variance as proposed AY

9. Site or Plot Plan- For Applicant Use







50 x 100

Trusses 11 363 3993

Post 6x6

16' 22 73.51 1617

18' 4 94.99 380

20' 4 110.99 444

Walls 2x4

16' 28 7.39 207

10' 28 3.78 106

20' 70 11.89 832

Roof 2x4

20' 150 11.89 1784

Steel walls white

3'x12' 102 37.44 3819

Steel roof Black

3'x28' 66 87.34 5766

18,948

2x4 2

x2

75

150
Roof

Roof

2	2	2	2	2	2	2	2	2	2	2	2	2	2
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x2

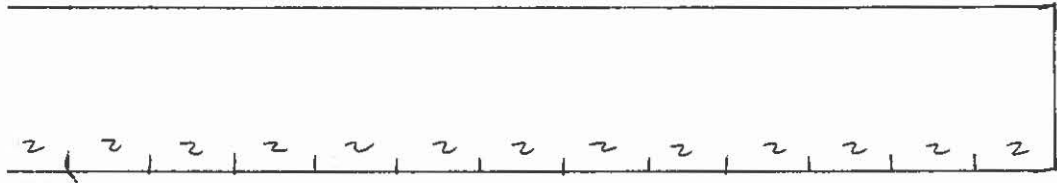
33

Steel,
3x28

66

Walls steel

x 2
Front + Back wall
3' x 12' 17 skw
total Front + Back = 34



3' x 12'
34 x 2
68

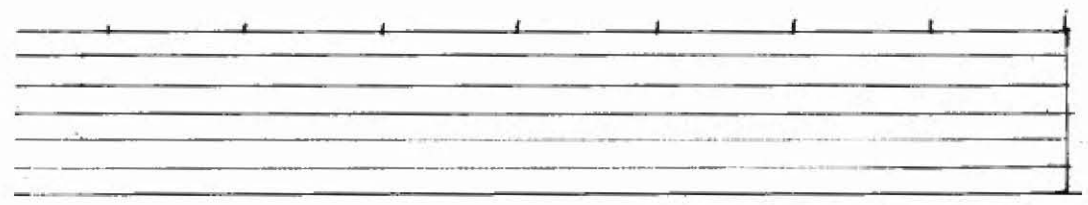
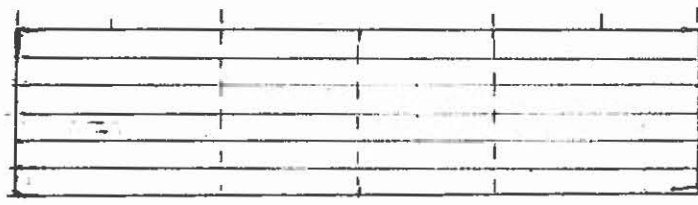
WALLS 2x4 and post

50' x 100'

Door
10'

Door
10'

			x 2
22	-	16'	6x6 11
4	-	18'	6x6 2
4	-	20'	6x6 2
Posts			



From: [Hatch Enterprise, Inc.](#)
To: [Young, Adam](#)
Subject: Re: Building Permit - 1505 W. Rolston Rd
Date: Friday, February 3, 2023 10:52:33 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

This message originated from outside of Wade Trim

I just called the Truss Company and the trusses are 8 ft. tall, with 12ft. side walls which would put us at 20 ft, which is 5 ft. over.

Any questions, please give me a call.

Thanks,
Craig Hatch
810-397-5559

On Fri, Feb 3, 2023 at 9:09 AM Young, Adam <AYOUNG@wadetrim.com> wrote:

Hello Craig,

I received a copy of the building permit application that you submitted for a new pole barn at 1505 W. Rolston. The size of this proposed pole barn (50' x 100' or 5,000 sq. ft.) does not comply with zoning ordinance requirements. Section 154.061,(A),(3) of the City of Linden Zoning Ordinance states that "the sum total floor area of all accessory buildings and structures shall not exceed 50% of the total floor area of all stories of the principal building." The principal dwelling on the property is around 1,300 square feet according to our records.

I can't verify the proposed height of the pole barn but the zoning ordinance also limits the height of accessory buildings to no more than 15 feet (mean height level between eaves and ridges). It appears that the proposed pole barn will be taller than 15 feet.

Please advise as to whether you will be submitting a revised application to comply. If you have any questions, let us know.

Adam

Adam Young, AICP, City Planner/Zoning Administrator

517.243.5938 cell

City of Linden

132 E. Broad Street, Linden, MI 48451

810.735.7980 office

Wade Trim

500 Griswold Street, Suite 2500, Detroit, MI 48226

313.961.3651 office



From: Nena <deputytreasurer@lindenmi.us>

Sent: Thursday, February 2, 2023 12:26 PM

To: Marty Johnson <building@lindenmi.us>; Young, Adam <AYOUNG@WadeTrim.com>

Cc: Kristyn Kanyak <deputyclerk@lindenmi.us>

Subject: Building Permit - 1505 W. Rolston Rd

This message originated from outside of Wade Trim

Please see attached Building Permit App for 1505 W. Rolston Rd.

Best regards,

Nena Costello

DeputyTreasurer

City of Linden

132 E. Broad St. PO Box 507

Linden, MI 48451

deputytreasurer@lindenmi.us

Ph: 810-735-7980



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Mary Ann Frost

Office Manager

Hatch Enterprise, Inc.

4230 S. Dye Rd.

Swartz Creek, MI 48473

810-232-5566

Fax 810-232-3055