

**AGENDA
CITY OF SWARTZ CREEK
ZONING BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 18, 2024
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Commissioners: Gilbert, Hicks, Packer, Smith, Wyatt.
Alternates: Brill, Melen
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**

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- 7. MEETING OPENED TO THE PUBLIC:**
- 8. VARIANCE APPLICATION:**
 - A. 8040 Maple Street; PID 58-302-530-002; Accessory Dwelling Unit request for unit greater than 600 sf and request to separate electrical utilities into two meters
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. ADJOURNMENT:**

**RESOLUTIONS
CITY OF SWARTZ CREEK
ZONING BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 18, 2024
6:00 P.M.**

Resolution No. 240918-01

Approval of Agenda

Motion by Boardmember _____, the Swartz Creek Zoning Board of Appeals approves the agenda for the September 18, 2024 ZBA meeting.

Second by Board Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 240918-02

Approval of Minutes

Motion by Boardmember _____, the Swartz Creek Zoning Board of Appeals approves the minutes for the April 17, 2024 ZBA meeting.

Second by Board Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 240918-03

8040 Maple Street Variance Findings

Motion by Boardmember _____, the Swartz Creek Zoning Board of Appeals makes the following findings in relation to the variance application for 8040 Maple Street:

1. _____
2. _____
3. _____
4. _____
5. _____

Second by Board Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 240918-04

8040 Maple Street Variance Decision

Motion by Boardmember _____, the Swartz Creek Zoning Board of Appeals approves/denies the variance request for dimensional variances, as applied for at the site known as 8040 Maple Street, with the following conditions:

1. _____
2. _____
3. _____

Second by Board Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 240918-05

Motion by Boardmember _____, the Swartz Creek Zoning Board of Appeals adjourns the September 18, 2024 Zoning Board of Appeals meeting.

Second by Board Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
VIRTUAL ZONING BOARD OF APPEALS MEETING
ACCESS INSTRUCTIONS
TUESDAY, SEPTEMBER 18, 2024 7:00 P.M.**

The ZBA meeting of September 18, 2024 will commence at 6:00 p.m. This meeting will be conducted in-person and virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 and rules promulgated by the Michigan Department of Health and Human Services.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft, 810-429-2766 48 hours prior to meeting,

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

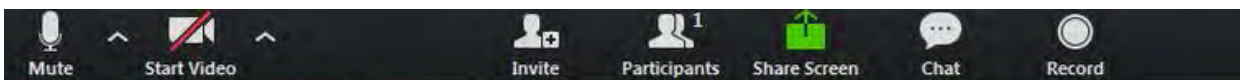
1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Zoning Board of Appeals

Time: September 18, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096401128>

Meeting ID: 830 9640 1128

One tap mobile

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 830 9640 1128

Find your local number: <https://us02web.zoom.us/j/83096401128>

If you have any further questions or concern, please contact 810-429-2766 or email rkraft@cityofswartzcreek.org. A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.

CITY OF SWARTZ CREEK
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
 - (a) why the public body is meeting electronically;
 - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
 - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
 - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

MAINTAINING ORDER

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing *9 on their phone.

MOTIONS & RESOLUTIONS

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

PUBLIC ADDRESS OF BOARD OR Commission

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

VOTING RECORD OF PUBLIC BODIES

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE ZONING BOARD OF APPEALS
APRIL 17, 2024**

The Regular Meeting was called to order at 6:00 pm by Chair Packer in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board members Present: Wyatt, Packer, Gilbert, Hicks.

Alternates Present: Melen.

Board members Absent: Smith.

Alternates Absent: Brill.

Staff Present: Adam Zettel.

Others Present: David Spillane, Nate Henry.

Virtually Present: Ken Brill.

APPROVAL OF AGENDA

Resolution No. 240417-01

(Carried)

Motion by Board Member Melen
Second by Board Member Wyatt

The Swartz Creek City Zoning Board of Appeals hereby approves the Agenda of the Regular Board Meeting of April 17, 2024, as printed.

Unanimous Voice Vote
Motion declared carried.

APPROVAL OF MINUTES:

Resolution No. 240417-02

(Carried)

Motion by Board Member Hicks
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Minutes of the Regular Board Meeting March 14, 2023, to be approved.

Unanimous Voice Vote
Motion declared carried.

Meeting Open To The Public: None.

VARIANCE APPLICATION: None.

OTHER BUSINESS: Election of Officers

Selection of Chairperson

Resolution No. 240417-03

(Carried)

Motion by Board Member Gilbert
Second by Board Member Melen

I Move, the Swartz Creek Zoning Board of Appeals selects Board Member Packer to serve as the ZBA Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Yes: Melen, Gilbert, Hicks, Wyatt, Packer.
No: None. Motion declared carried.

Selection of Vice Chairperson

Resolution No. 240417-04

(Carried)

Motion by Board Member Melen
Second by Board Member Hicks

I Move, the Swartz Creek Zoning Board of Appeals selects Board Member Gilbert to serve as the ZBA Vice-Chairperson for a twelve month period, commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Yes: Gilbert, Hicks, Wyatt, Packer, Melen.
No: None. Motion declared carried.

Selection of Secretary

Resolution No. 240417-05

(Carried)

Motion by Board Member Gilbert
Second by Board Member Hicks

I Move, the Swartz Creek Zoning Board of Appeals selects Board Member Smith to serve as the ZBA Secretary for a twelve month period

commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Yes: Hicks, Wyatt, Packer, Melen, Gilbert.
No: None. Motion declared carried.

Meeting Open To The Public: None.

Discussion about projects and training.

Adjourn

Resolution No. 240417-06

(Carried)

Motion by Board Member Melen
Second by Board Member Wyatt

I Move the Swartz Creek Zoning Board of Appeals adjourns the April 17, 2024, ZBA meeting.

Unanimous Voice Vote
Motion declared carried.

The meeting adjourned at approximately 6:20 p.m.

Ronald Smith
Secretary



Where Friendships Last Forever

Adam Zettel, AICP
City Manager
azettel@cityofswartzcreek.org

Date: September 10, 2024

To: Zoning Board of Appeals Commissioners
From: Adam Zettel, AICP
Subject: September 18, 2024 ZBA Meeting

Hello everyone,

The Zoning Board of Appeals shall convene at 6:00pm on Wednesday, September 18, 2024 in the city council chambers. This will be an in-person meeting for ZBA members. The meeting will also be available to the public via Zoom. The instructions are attached.

The board is convening to hear a variance proposal related to a zoning variances for 8040 Maple Street, a residential dwelling that is in a platted subdivision with R-2 Single Family Residential zoning. Enclosed, you will find the variance application materials. **Please read and study all materials carefully!**

Please see the ordinance excerpts and variance petitioner narrative for details. The owner is seeking to place an accessory dwelling unit (ADU) in the home, which is a permitted use. The unit appears to have been in place for a long time, but the home was officially on the records as a single-family home. This makes the use an illegal non-conforming use.

The owners seek to rectify this situation by outfitting the unit in accordance with the ordinance as an ADU. They have filed a zoning permit to do so, and they believe they can make the unit comply with the ordinance with two exceptions.

The proposed ADU does not meet the following zoning requirements:

1. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less (The proposed ADU is approximately 1,300 sf)
2. Utilities for ADU must be connected to the house on the parcel and may not have a separate meter or be billed separately (The proposed ADU seeks to separate electric service into two meters)

The petitioner's proposal is reviewed as follows, under zoning ordinance section 15.06:

8083 Civic Drive
Swartz Creek Michigan 48473
Phone: (810)-635-4464 Fax: (810)-635-2887
www.cityofswartzcreek.org ftp://cityofswartzcreek.org

A. Area or dimensional variance: The board may grant an area or dimensional variance only upon a finding that practical difficulties exist. An area or dimensional variance is a variance from any dimensional standard or requirement of this ordinance, such as, but not limited to, a deviation from lot width, lot size, density, building and sign height, building and sign bulk, building and sign setback, and other standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters that will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.

Staff Findings: With the unit previously constructed as a duplex, with or without permission, the owner would face a difficult task in integrating the two units back into one. Such a process would have a substantial cost, and the resulting seven bedroom house would be significantly larger than comparable units.

While construction of a home of this size is out of character with the neighborhood, the change has already been completed and future owners must find reasonable uses. A 2,900 square foot home in this neighborhood borders on economically reasonable or practical.

2. A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

Staff Findings: It is not clear how or if the unit size could be reduced to better comply with the ordinance. A description by the petitioner is warranted.

Maintaining a single electric meter, as noted by the petitioner, could result in an undesirable co-dependence of the users (e.g. the upstairs user may not have access to a fuse that is in the primary unit).

3. The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography or area.

Staff Findings: At seven bedrooms and 2,900 square feet, the house is substantially larger than its peers.

4. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor; this may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.

Staff Findings: It is not clear how long the house has been in its current state (substantially large and divided into two usable living spaces). Certainly, the hardship of accommodating a reasonable use given the existing structural features is not a self-created problem of the current owner. I see this practical difficulty being present for any users moving forward.

5. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

Staff Findings: While this is obviously subjective, the ADU at this location has been functional for some time. The area does possess more multi-unit homes than most neighborhoods, as noted in the petition. The self-imposed parking restriction may help to alleviate practical issues resulting from the density.

6. The granting of the variance will not materially impair the intent and purpose of this ordinance.

Staff Findings: This is completely up to the ZBA. One might interpret the ordinance as promoting 'granny flats' in which the ADU occupancy is in some way affiliated with the primary owners, negating the need for separate utilities and larger spaces. However, there is not a stated intention in the code.

7. Other specific variance criteria as set forth elsewhere in this ordinance including but not limited to [section 16.12](#), Flood hazard area zoning variances.

No Staff Notes

I am including the narrative that has been submitted by the petitioner.

September 18, 2024
Zoning Board of Appeals
8040 Maple Street Variance Request

I do wish to note that there were other variance options that could have been considered for this review. For example, the petitioner could have pursued a 'use variance' to allow a duplex in a single-family district. Based upon the circumstances, this is a reasonable approach with similar criteria and the same circumstances in place.

With that said, the ZBA is ultimately being asked to permit the built use of a duplex to continue, lawfully, as it has in the past and to separate power for the reasons stated. I do not see any obvious red flags or compelling arguments either way. So, the ZBA is able to exercise its discretion based upon findings that are noted by the petitioner, staff, site inspections, and public comment.

If you have any questions or have comments, please contact the city office or send me an email. I shall see you at the meeting.

Sincerely,



Adam H. Zettel, AICP
City Manager
City of Swartz Creek



APPLICATION FOR VARIANCE
City of Swartz Creek
(An Equal Opportunity Employer)
8083 Civic Drive
Swartz Creek, MI 48473
810-635-4464

Fee Received: _____ Date: ___/___/___ Receipt No: _____

NOTICE TO APPLICANT:

This application for Variance must be filed approximately twenty (20) days before a meeting may be scheduled.

The property sought to be used as a "Special Use" is located and described, as follows:
Assessment Roll Description No. 58- 02-530-002 - _____,

It has a frontage of: 69 feet and a depth of: 155 feet.

PRESENT ZONING: r2 r1

TO THE ZONING BOARD OF APPEALS:

I, (We), the undersigned, do hereby respectfully make application for a Variance, for the following reason:

We respectfully request a variance to the ADU zoning of these 2 items:

#3 we request the allowance of separate electric meters

#9a size. We request allowance for more than 600 square feet

Please see attachment for additional information regarding this request

PROPERTY SOUGHT FOR VARIANCE IS OWNED BY: Name:

Like New Homes Rentals LLC (Constance Barron)

920 N Vernon Ave (10359 Hill Rd)

Address: Flint, MI 48506 (Swartz Creek, Mi 48473)

810-287-3486

Phone Number:

CRUCIAL POINTS OF VARIANCE: (All elements must be present)

- A. Undue Hardship
- B. Unique Circumstances

Attached hereto are two (2) prints of the subject property plot plan showing the lot or parcel location within the City. These prints are made a part of this petition and are drawn to scale showing the existing and proposed structures.

 Signature of Applicant

10359 Hill Rd Swartz Creek, MI 48473

Address: _____

Phone Number: ____ 810-287-3486 _____

Email Address: ____ cmbarron@aol.com ____ likenewhomesrentals@aol.com _____

- A. Action Taken by the Zoning Board of Appeals:
1. Date application: ____/____/____
 2. Date of Public Hearing: ____/____/____
 3. Findings of Zoning Board of Appeals:

- B. Final Disposition of Zoning Board of Appeals:

By: _____

Chairman

Secretary

Zoning Ordinance Excerpt

Section 23.04

B. Accessory dwelling units.

1. Definition. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
 - a) Garden cottages are detached structures. Examples include converted garages or new construction.
 - b) Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
2. Eligibility. An ADU may be added to a house on any residentially zoned lot.
3. Utilities. Utilities for ADU must be connected to the house on the parcel and may not have a separate meter or be billed separately.
4. Number. One ADU is permitted per residentially zoned lot.
5. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
6. Density. ADUs are exempt from the residential density standards of this Code.
7. Approval. Applications for ADUs must meet the following criteria.
 - a) The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 - b) The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.
8. Occupancy and use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
9. Design. Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.
 - a) All ADUs (accessory suites and garden cottages) must meet the following requirements:
 - (1) Size. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less.
10. Parking. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
11. Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
12. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
13. Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
14. Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

15. Accessory suites must meet the following additional requirements:
 - a) Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - b) Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.
 - c) Garden cottages must meet the following additional requirements:
 - (1) Height. The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.
16. Setbacks. Garden cottages must be located at least six feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.
17. Building coverage. The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.
18. Yard setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a garden cottage unless the building complies with setback exemptions (i.e., for garages, properties abutting alleys ...) available elsewhere in the code.
19. Exemptions. Garden cottages are eligible for either of the following exemptions:
 - a) Design compatibility. Exceptions may be granted for garden cottages that:
 - (1) Are under 500 square feet and under 18 feet average height, or
 - (2) Meet community design standards, defined elsewhere in the code.
20. Alteration. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of sections H. through U. above.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS**

DATE – TIME: Wednesday, September 18, 2024 at 6:00 p.m.

PLACE OF HEARING: City Hall, 8083 Civic Dr., Swartz Creek, MI 48473

APPLICANT: Like New Homes Rentals LLC

PROPERTY LOCATION: 8040 Maple St., Swartz Creek, MI 48473,

PROPERTY OWNERS: Like New Homes Rentals LLC

LEGAL DESCRIPTION: Tax ID No. 58-02-530-002

APPLICABLE SECTIONS: Zoning - Section 23.04.B; Subsections 1 and 9

PURPOSE: Notice is hereby given that a public hearing will be held for the purpose of hearing all persons interested in a variance application to permit an Accessory Dwelling Unit within a single-family house, with said unit maintaining a separate electric meter and said unit being more than 600 square feet in size.

Accessory dwelling units are permitted by ordinance in single-family residential zoning districts, but such units are required to maintain a single meter for each utility, and they are to be 600 square feet or less in size.

Written comments may be submitted to the City Clerk's office prior to the public hearing by mail or email at rkraft@cityofswartzcreek.org.

James Packer, Chairperson
Zoning Board of Appeals

Adam Zettel
City Manager
City of Swartz Creek

“AN EQUAL OPPORTUNITY EMPLOYER”

PUBLISH: Thursday, August 29, 2024
THE VIEW
PROOF REQUIRED

Please send billing to: City of Swartz Creek
8083 Civic Dr.
Swartz Creek MI 48473

8040 Maple Export



8040 Maple St Zoning Variance Request

This variance request is for an ADU that existed before the current zoning was implemented. This has been an unpermitted ADU, we have already applied for a zoning permit, which is pending.

This property is a 2900 square foot, 2 story home which has been utilized as a two unit for years without permitting. We are trying to bring to correct this lack of permitting. This home was built, according to the MLS records, in the 1900s. At some point, the roof was removed and an entire second story, doubling the size of the structure was added. Currently the property consists of 7 bedrooms, and 2 units. The home is significantly larger than what is commonly found in the area at 2900 square feet in an area where the average house is 1200 square feet.

We are asking for the upstairs to be approved as an ADU. It currently meets the requirements for an ADU as set forth in the zoning documents (including its own entrance), except for the size. We do ask that the square footage be approved by variance. The ADU is larger than 600 square feet; but no larger than the primary dwelling.

By allowing an ADU, we can create affordable housing for 2 families as opposed to unaffordable housing for 1 family

This property already has ample driveway/off street parking with a double space driveway 100 ft long, widening to 3 spaces wide near the garage, and a garage which is 50 feet deep, 2 ½ cars wide with 2 separate overhead doors. I have included a google earth photo showing this

We would further limit the number of vehicles a resident may have on the property in a signed lease document limited it to three vehicles per unit.

We are also requesting a variance for ADU zoning code #3, utilities. We are requesting permission to have two electric meters. This would allow each unit to have its own electrical panel, disconnect, and surge protector – which was not required by code when constructed. We are willing to spend a significant amount extra (approximately \$10,000) to make these changes. We feel this will increase the overall safety and compliance of the property as well as help with energy conservation as each unit can monitor their own electric usage.

This requested zoning change is consistent with the neighborhood and area. The neighborhood consists of residential single family homes and residential multi units, for example 5071 Morrish Rd is currently a 3 unit with separate meters and 8012 Maple is a 2 unit with multiple meters.

5152

8040 Maple St





5152

8040 Maple St

5170

MULTIFAMILY

MULTIFAMILY















