

Zoning Board of Appeals Agenda
October 29, 2025
5:30 PM

- a. Call to Order**
 - i. Pledge of Allegiance
 - ii. Roll Call
- b. Consent Items**
 - i. Approval of Agenda
 - ii. Approval of minutes from August 14, 2024 meeting
- c. Public Comment**
 - i. Agenda items only
- d. Old Business**
 - i. None
- e. New Business**
 - i. VV2025-0001 – 11 Elm Hill
 - ii. Schedule regular meeting for 2026
 - 1. “The Appeals Board shall meet at least once each year. Any other meetings of the Appeals Board will be called as needed in response to receipt of a Demand for Appeal.” (ZBA bylaws)
- f. Public Comment**
 - i. Other Zoning Board of Appeal items
- g. Adjournment**



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

ZONING BOARD of APPEALS

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

August 14, 2024 at 5:30 PM

I. Call to Order 5:30 pm

- A. Pledge of Allegiance
- B. Members present: Vice Chair Tammie Henderson, Jordan Adams, Matt Kniffen, Cindy Pratt, Richard Smith, Amber Yoder
- C. Others present: Alan Beeker (Zoning Administrator), Yvonne Brown, Collin Brown
- D. Members absent: Chair Daniel Larue

II. Consent Items/Communications

- A. Matt moved to accept the agenda as presented, Richard seconded. Motion passed.

III. Public Comment

- None

IV. New Business

1. Appeal filed by Collin Brown, owner of 160 N West St, Hillsdale, Michigan. The applicant is requesting a variance to to reduce the required front and side yard setbacks and reduce the ground floor area and minimum dwelling width on parcel 006-227-227-01, located at 160 N West St., Hillsdale, Michigan.
2. Public Questions and Comments: each citizen is to be given no more than 5 minutes unless the Board feels further time is required.
 - Yvonne Brown shared that the structure currently on the property is dilapidated and could be dangerous. She also shared that they have been maintaining the property for five years.
3. Richard moved to grant the appeal for a variance to reduce the required front and side yard setbacks and reduce the ground floor area and minimum dwelling width on parcel 006-227-227-01, located at 160 N West St.
4. Matt seconded.
5. Roll Call Vote:

Richard Smith – Aye
Jordan Adams – Aye
Tammie Henderson – Aye
Matt Kniffen – Aye
Cindy Pratt – Aye
Amber Yoder – Aye

6. Motion passed. Appeal granted.

B. Facts of Finding attached.

V. Public Comment

No comment

VI. Adjournment at 5:51 pm

Signed: Tammie Henderson
Tammie Henderson
ZBA Vice Chair (meeting acting chair)



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

Zoning Board of Appeals Findings

Case #: ZBA-2024-0002

Address: 160 N West St.

Parcel #: 006-227-227-01

Parcel Owner: Collin Brown

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

ZBA Decision Form re Request for Nonuse Variance

1. Are there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or classes of uses in the same district or zone?

YES NO
2. Will compliance with the strict letter of the restrictions in the zoning ordinance governing area, setbacks, frontage, height, bulk, or density unreasonably prevent the applicant from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome?

YES NO
3. Is a grant of a variance necessary for the preservation and enjoyment by the applicant of a substantial property right possessed by other property in the same zone and vicinity?

YES NO
4. Can the relief requested be granted in such fashion that the spirit of the ordinance will be observed and it will not be materially detrimental to the public safety and welfare or otherwise impair the public health, comfort, or morals of the inhabitants of the city?

YES NO
5. Can the relief requested be granted in such fashion that it will not cause material injury to the other

YES NO
6. Can the relief requested be granted in such fashion that it will not adversely affect the purposes or objectives of the future land use plan of the City?

YES NO
7. Can the relief requested be granted in such fashion that it will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire, or unreasonably diminish or impair established property values within the surrounding area?

YES NO

8. Will granting the relief requested do substantial justice to the applicant as well as to other property owners in the district?

YES NO

If your answer is YES, proceed to **Question 10**.

If your answer is NO, proceed to **Question 9**.

9. Would a lesser relaxation of the restrictions in the zoning ordinance than that applied for by the applicant give substantial relief to the applicant and be more consistent with justice to other property owners?

YES NO

If your answer is YES, please state the lesser modification below and proceed to **Question 10**.

10. Is the hardship for which the applicant seeks a variance the result of the applicant's own actions?

YES **NO**

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

Grants the variance as requested.

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

- c. That the granting of such variance will not adversely affect the purposes or objectives of the future land use plan of the city.
- E. In consideration of all appeals and all proposed variations to this chapter, the Board of Appeals shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision, except that a concurring vote of five members of the Board of Appeals is necessary to grant a variance for uses of land permitted in this chapter.

10. Meetings.

- A. Regular meetings. The Appeals Board shall meet at least once each year. Any other meetings of the Appeals Board will be called as needed in response to receipt of a Demand for Appeal. The meeting can be called by the zoning administrator, the chairman of the Appeals Board, or, in the Chair's absence, the Vice-Chair.
- B. Other meetings. Meetings shall be called by delivering meeting notice by first class mail or by personal delivery to members of the Appeals Board at least seven days prior to such meeting (so that members receive the notice prior to the weekend prior to the meeting date). The notice shall state the purpose, time, location of the meeting.
- C. Public. All meetings, hearings, records, and accounts shall be open to the public, and posted in compliance with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act). All regular and special meetings, hearings, records and accounts shall be open to the public.
 - a. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Appeals Board may direct questions to members of the public. Public comment is

at the beginning of the meeting so the Appeals Board can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

- b. The Chair may limit the amount of time allowed for each person wishing to make public comment at an Appeals Board meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Appeals Board meeting without time limit or an extended time limit.

D. Recess

- a. The Chair, or the Appeals Board, after the meeting has been in session for two hours (not including site inspections), shall suspend the Appeals Board's business and evaluate the remaining items on its agenda. The Appeals Board shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Appeals Board will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding at the same point where they left off, without the addition of additional business.

- E. Quorum. Half the total membership of the Appeals Board, rounded up to the next whole number, shall be the quorum for the transaction of business and the taking of official action for all matters.
- F. When a petitioner fails to appear at a properly scheduled meeting of the Appeals Board, the Chair may entertain a motion from the Appeals board to dismiss the case for want of

prosecution. In the absence of a motion by the Appeals Board, the chair shall rule. In cases which are dismissed for want of prosecution, the petitioner will be furnished written notice of the action by the Secretary. The applicant shall have seven (7) days from the date of the notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown, and upon payment of a fee set from time to time by the governing body. In all cases reinstated in the above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

G. Order of Business, Agenda, The Secretary, or designee, shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- a. Call to order, roll call, and Pledge of Allegiance
- b. Election of officers, if necessary
- c. Public Hearings. The Chairman will declare a hearing open and state its purpose.
 - i. The Chairman shall summarize, provide copies, or conspicuously post the procedure for public hearing as outlined in section 10.C, or 10.G of these Rules of Procedure for any members of the public in attendance, or provide copies.
 - ii. Case number
 1. The Zoning Administrator presents the petitioner's request, his action on the matter and reasons for his decisions plus a written copy of the petitioner's request.
 2. The Petitioner - through himself, his agent, his lawyer – may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.
 3. Members of the Appeals Board shall report on their site inspection and any conversations with the petitioner they may have had.
 4. Members of the public who support the petitioner speak and correspondence is read. At the chairman's option he may:

- a. Recess the meeting for a short time to allow those in support to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue or for a set duration of time.
 - b. Allow many to speak in favor of the petitioner and can impose a time limit for the speaker that is three minutes or more per speaker.
- 5. Members of the public who oppose the petitioner speak and correspondence is read. At the chairman's option he may:
 - a. Recess the meeting for a short time to allow those in opposition to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
 - b. Allow many to speak in opposition of the petitioner and can impose a time limit for the speaker that is three minutes or more per speaker.
- 6. Rebuttal. Anyone may ask the Chairman questions on presentations or speeches given at this hearing. The Chairman will seek an answer to the question. Answers shall be given to the Chairman. No discussion, questioning or answering shall take place between any two or more people except between the Chairman and the individual who has the floor.
- 7. Close the hearing. (At this point all public participation on the issue ends)
- d. Public Comment for items on this agenda but which are not items subject to a hearing at this meeting
- e. Recess to another night as provided in section 10.H in these Rules and Procedure (optional)
- f. Housekeeping Business
 - i. Approval of minutes from previous meeting
 - ii. Other

g. Business Session

i. Action on pending case number

1. Discussion : Review of the facts based on all information presented. Discussion continues until a member is confident enough to propose a motion that includes a “finding of fact” and/or “conclusions”, and “rationale explaining why conclusions are reached” and “conditions” if any.
2. Motion is proposed on “finding of fact”
3. Discussing on the motion
4. Action on the motion
5. Discussion focusing on standards and requirements of the ordinance
6. Motion is proposed on “rationale, conclusions, conditions”
7. Discussion on the motion
8. Action on the motion

ii. Other business of the Appeals Board

h. Public comment for items not on this Agenda or subject to a hearing at this meeting

i. Adjournment

H. Placement of items on the Agenda

- a. The Zoning administrator shall be the office of record for the Appeals Board
- b. The Zoning administrator may receive items on behalf of the Appeals Board between the time of adjournment of the previous Appeals Board meeting and eight business days prior to the next regularly scheduled Appeals Board meeting
- c. Items received by the Zoning administrator less than 21 days prior to the next regularly scheduled Appeals Board meeting shall be set aside to be received by the Appeals Board at its next regularly scheduled Appeals Board meeting. The Appeals Board may act on those items of a minor nature or table action to the subsequent regular or special Appeals Board meeting. Those items of a major nature including all variances, ordinance, and map interpretations, items normally

PF 2025 - 027

**FENCE PERMIT APPLICATION**

RECEIVED

SEP 03 2025

HILLSDALE CITY
ASSESSOR

PLANNING DEPARTMENT
97 N. Broad St Hillsdale, MI 49242
517-437-6449 Fax 517-437-6448
zoning@cityofhillsdale.org

Permit Fee: \$50.00

PROJECT STREET ADDRESS 11 Elm Hill

APPLICANT

NAME Tim Green

CONTRACTOR

NAME Watkins Fence

MAILING

ADDRESS 11 Elm Hill St

MAILING

ADDRESS 4360 S First St

CITY, STATE,

ZIP Hillsdale, MI

CITY, STATE,

ZIP Pittsford, MI

PHONE

PHONE (517) 523-4007

EMAIL

EMAIL watkinsfence@gmail.com**PROJECT INFORMATION**Zoning District R-1Type of Work: New ☒ Replace ☐ Maintenance ☐Type of Fence: Chain Link ☐ Privacy ☒ Other ☐Fence Location: Front Yard ☐ Rear Yard ☒ Side Yard(s) ☒Fence Height 6ftAre there existing fences on property? YES ☐ NO ☒ If YES, show location(s) on site drawing

I hereby certify that ☐ I am the owner or ☐ 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. I agree to conform to all applicable laws of this jurisdiction. If damages occur to the curb, sidewalk, terrace within the R.O.W. the owner will accept full responsibility and will be required to repair or replace damages at the owner's expense. I agree the statements made above are true, and if found not to be true, any Zoning Appeals Board ruling that may be issued may be void. Further I agree, any Appeals Board ruling and subsequent permit that may be issued is with the understanding all applicable sections of the City of Hillsdale Zoning Ordinance will be complied with. Also, I agree to notify the zoning administrator for the City of Hillsdale for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to enter the property subject to this permit application for purposes of inspection. Also I understand any zoning action by the Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

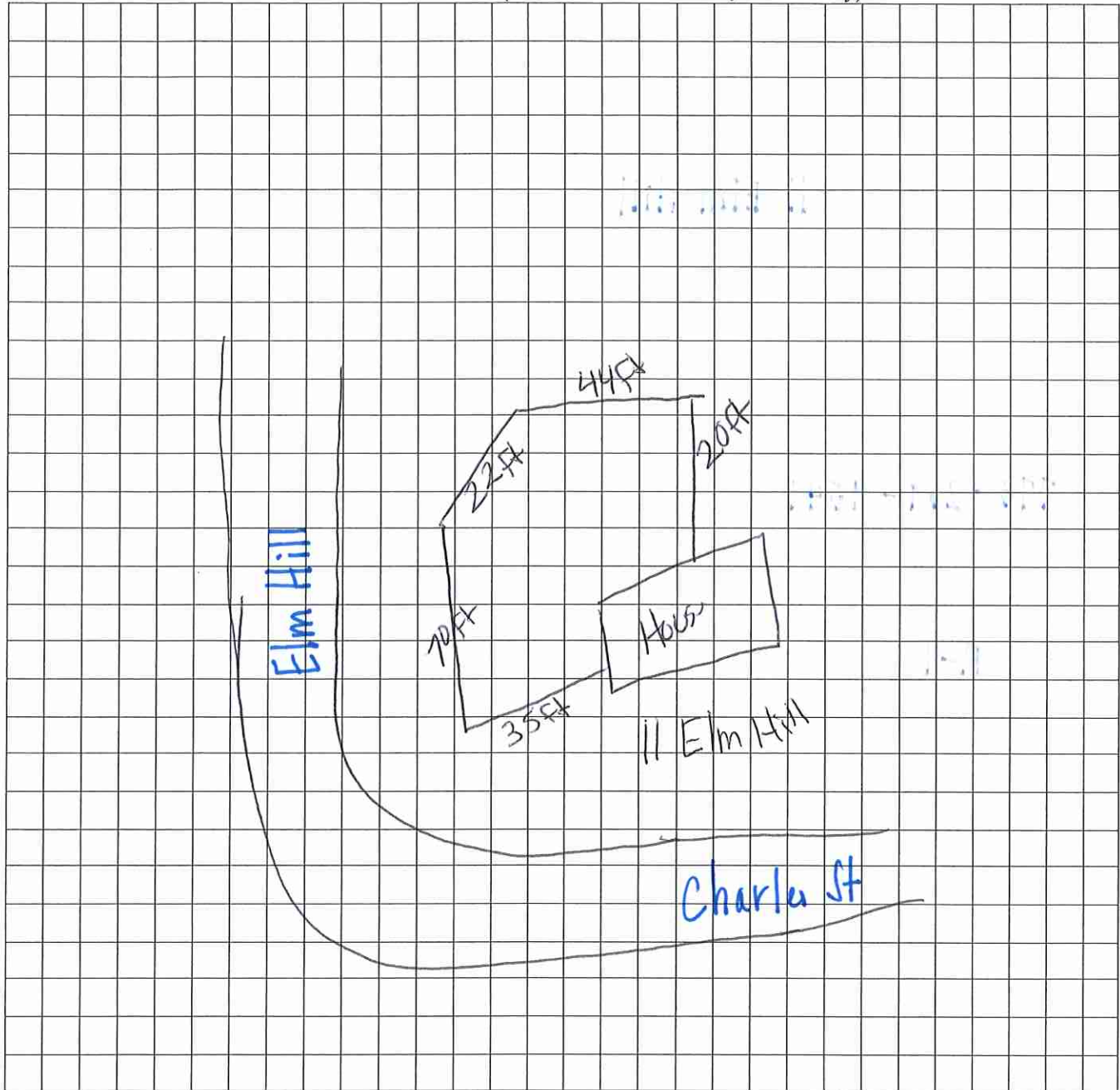
Applicant Signature

Martha Wa

Date

8-3-25

SITE OR PLOT PLAN (Attach additional sheets, as necessary)



Per Article IX (3)a - OFFICE USE ONLY "ornamental fences and walls located in the required and addressed front yard meeting the definition of a non-privacy fence and not intended to restrain animals of any kind..."	
Notes:	☐ Approved ☒ Denied
<i>Duluna C. Smith</i>	Date <i>09/15/25</i>

Obtain and final any required permits from the Hillsdale County Inspection Department (517-437-4130) or the City of Hillsdale Department of Public Services (517-437-6490). Contact the Hillsdale Board of Power for utility questions: (517-437-3387).

ARTICLE IX. - OBSCURING WALLS AND FENCES⁽¹⁰⁾

Footnotes:

--- (10) ---

Editor's note—Ord. No. 2014-3, adopted July 21, 2014, in effect repealed the former article IX, §§ 36-681—36-685, and enacted a new § 36-681 as set out herein. The former article IX pertained to similar subject matter and derived from the Code of 1979, §§ 17.40.010—17.40.050.

Sec. 36-681. - Requirements.

All fences, walls, and landscape berms of any nature, type or description located in the City of Hillsdale must conform to the following regulations:

- (1) *Approval required.* The erection, construction or alteration of any fence, wall or other type of protective barrier must be approved by the zoning administrator (or designee) as to conformance with the requirements of the zoning district and this section.
- (2) *General fence, wall, and landscape berm standards.*
 - a. Fence wall, or landscape berm height measurement. The height of a fence, wall, or landscape berm will be measured using the following method:
 1. The permitted height of all fences, walls, and landscape berms will be measured from the finished grade adjacent to the fence, wall, or berm, as determined by the zoning administrator (or designee).
 2. Where elevations differ by more than four feet within ten feet of side or rear lot lines, the zoning administrator (or designee) may allow additional fence, wall, or landscape berm height for the property as measured from the lower elevation.
 3. The permitted height of fences or walls will not be measured from any part of a berm or any area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a taller fence than permitted by this chapter.
 4. Fencing materials must be all weather and zero maintenance. Treated wood must meet the American Wood Protection Association's UC4B standard for ground contact (heavy duty).
 - b. *Masonry walls.* Masonry walls must be constructed of the same or complementary building material to that of the principal structure and must be un-pierced (except for pedestrian and vehicular connections) and have a decorative cap. Cement or slag blocks will not be permitted.
 - c. *Visibility at intersections.* All fences in the front yards must comply with the requirements of this article, visibility at intersections.
 - d. *Decorative fences, walls and landscape berms.* Fences, walls, and landscape berms which are two and one-half feet or less in height are considered decorative and do not require a permit.
 - e. *Landscape berms.* Where provided, landscape berms must conform to the following standards.
 1. Berms must comply with the height restrictions for fences and walls in subsections (3) and (4) of this section, but in no case may they be maintained at a continuous height. All berms must be undulating and include gaps where deemed necessary.
 2. Sides of the berm must be constructed with slopes no steeper than one foot vertical for each three feet horizontal.
 3. In measuring slope and height, grade elevation will be the average grade elevation adjacent to the proposed berm.
 4. Side slopes must be protected from erosion by sod, seed or other living ground cover. If slopes are seeded, they must be protected until the seed germinates and a permanent lawn is established.

Wall and Fence Height Requirements:

Use	Max. Ht. Requirements
1. P-1 Vehicular Parking Districts	Four feet six-inch high wall or fence
2. Off-street parking area (other than P-1 Districts)	Four feet six-inch high wall or fence
3. O-1, B-1, B-2, or B-3 Districts	Four feet six-inch high wall or fence
4. I-1 and I-2 Districts, open storage areas, loading or unloading areas, service areas.	Six feet high to eight feet high obscured wall or fence (height shall provide the most complete obscuring possible).
5. Hospital, ambulance and delivery areas	Six feet high wall or fence
6. Utility buildings, stations, and/or substations, except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area.	Six feet high obscured wall or fence
7. Trailer Courts	Four feet six-inch high wall or fence
8. Retention areas	At the discretion and approval of both Planning Commission and the City Engineer, a fence may be required around retention areas.
9. Residential Districts (front yard)	Three feet six-inches high fence or trellis
10. Residential Districts (side and rear yards)	Six feet high wall or fence

(3) Fences and walls in the residential districts and manufactured housing communities.

- a. Ornamental fences and walls located in the required and addressed front yard meeting the definition of a non-privacy fence and not intended to restrain animals of any kind may be up to three feet six inches in height, unless otherwise approved by the zoning administrator (or designee), and must be set back at least one foot from the sidewalk/right-of-way line.
- b. All fences or walls must be ornamental in nature and should be made of wrought iron, treated or rot resistant wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence must be constructed of an opaque weatherproof material, woven chain link fencing is not permitted.
- c. Fences and walls located in the required and non-addressed (secondary) front yard of a corner or double frontage lot must be setback from the property line as follows, unless otherwise approved by the zoning administrator (or designee):
 1. No less than one foot for ornamental fences and walls meeting the definition of a non-privacy fence and not intended to restrain animals of any kind up to three feet six inches in height;
 2. No less than four feet for fences and walls up to four feet in height.
 3. No less than six feet for fences and walls up to six feet in height.
- d. Fences and walls located in the side and rear yards may have a maximum height of six feet, unless otherwise approved by the zoning administrator (or designee), and may be located on the property line assuming the front yard fencing requirements are satisfied.
- e. Residents are encouraged to utilize ornamental materials, including but not limited to materials such as wrought iron, brick, stone, treated wood and similar replications of these materials, such as vinyl fencing that has the appearance of one of these materials.
- f. Chain link or similar fencing is permitted everywhere except within the front yard.
- g. The finished side of a fence or wall must face outward toward any adjacent property or right-of-way.

- h. No fences or walls are permitted within the required site clearance triangles. The same site clearance triangle applies to solid fences abutting detached garages located on the non-addressed frontage of a corner lot, visibility at intersections.

(4) *Fences and walls in commercial and industrial districts.*

- a. No fence or wall may exceed eight feet in height, unless otherwise approved by the zoning administrator (or designee).
- b. Fences located in the required non-addressed (secondary) front yard of a corner or double frontage lot, must be set back from the property line, unless otherwise approved by the zoning administrator (or designee), as follows:
 - 1. No less than one foot for ornamental fences and walls meeting the definition of a non-privacy fence and not intended to restrain animals of any kind up to three feet six inches in height;
 - 2. No less than four feet for fences up to four feet in height;
 - 3. No less than six feet for fences up to six feet in height; and
 - 4. No less than eight feet for fences up to eight feet in height.
- c. All fences or walls must be ornamental in nature and should be made of wrought iron, treated or rot resistant wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence must be constructed of an opaque weatherproof material, woven chain link fencing is not permitted.
- d. Chain link or similar fencing is permitted everywhere except within the front yard and when abutting residentially zoned and/or used property.
- e. No fences or walls are permitted within the required site clearance triangles, visibility at intersections.

(5) Temporary protective fencing associated with construction projects. During construction, protective fencing must be placed around existing vegetation proposed for preservation and other site elements which cannot be easily removed or stored.

- a. Proposed protective fencing must be clearly identified on the landscape plan.
- b. Protective fencing cannot be located closer than one foot outside the perimeter of the following, as identified on the landscape plan:
 - 1. The drip lines of existing trees and shrubs; and
 - 2. Planting beds and other site element.

(6) *Prohibited fences.* The following fences are prohibited:

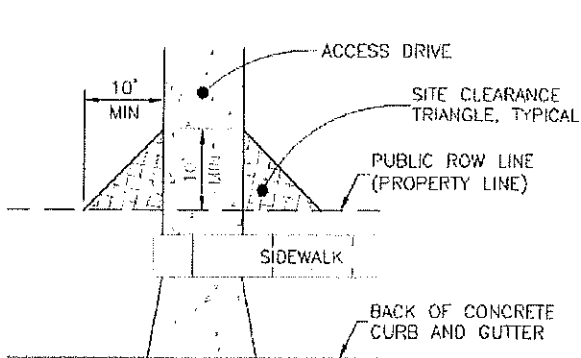
- a. A fence consisting in whole or part of coils of barbed wire, concertina wire or razor wire;
- b. A fence with razor edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind or description attached; fence gates cannot be constructed so as to create a hazard to the public by the projection of any pointed instrument or member when open or partially open;
- c. A fence charged or connected with an electrical current, provided however, this provision cannot be construed to apply to electrical fences installed below ground as elements of an animal control or security system;
- d. A standard barbed wire fence except upon essential service sites or industrial properties which do not abut property zoned or used for residential purposes; in such locations, standard barbed wire may be installed on the top of a fence on arms or cradles extending inward over the owner's property provided that the fence has a minimum height of six feet above the adjacent grade and the combined height of the fence and barbed wire and arms does not exceed eight feet above the adjacent grade;
- e. A fence which consists in whole or part of woven plastic or other similar materials utilized within a chain link fence; and
- f. A fence with all metal opaque paneling (e.g., barn siding, roof material, etc.) unless it is part of a conditional use permit.

- g. Concrete barrier units such as are used on construction sites or highways to restrict traffic flow.

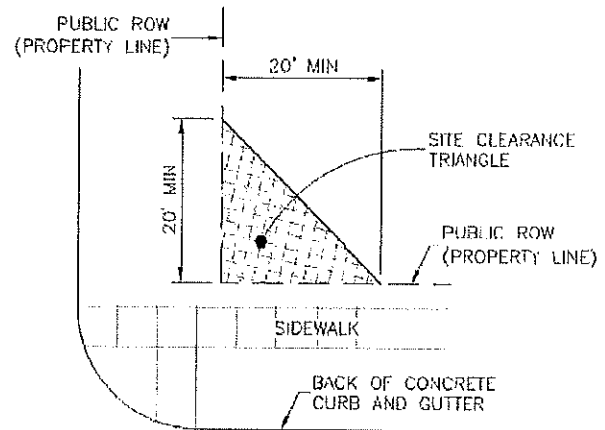
(7) *Visibility at intersections.*

- a. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all fences, walls, berms, hedges, screens, structures, plantings or other landscaping within the site clearance triangle areas described below must permit unobstructed cross-visibility. Shrubs and groundcovers located in a site clearance triangle may not be permitted to grow to a height of more than two and one-half feet above the grade at the edge of the pavement. Portions of required berms located within sight clearance triangle cannot exceed a height of two and one-half feet above the pavement grade at the edge of the pavement. Canopy trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of ten feet above the roadway surface. Other landscaping, except turf grass or ground cover maintained at a height of two and one-half feet, cannot be located closer than three feet from the edge of a driveway.
- b. The site clearance triangles referred to above are:
 1. The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and access drive line and the third side being a line connecting these two sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.

The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being 20 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.



Driveway



Public Rights-of-Way

(Ord. No. 2014-3, 7-21-2014)

Secs. 36-682—36-710. - Reserved.



97 NORTH BROAD STREET
HILLSDALE, MICHIGAN 49242-1695
(517) 437-6455 FAX: (517) 437-6448
zoning@cityofhillsdale.org

GREEN, TIMOTHY
11 ELM HILL
HILLSDALE, MI 49242

Date: September 15, 2025

DENIAL OF ZONING PERMIT APPLICATION: PF2025-027

The Zoning Permit PF2025-027 for your proposed building project at 11 ELM HL has been denied based on the information you have submitted. The proposed project fails to meet the following zoning criteria:

- LOCATION OF PROPOSED FENCE IS, BY ORDINANCE DEFINITION, WITHIN THE "REQUIRED AND ADDRESSED FRONT YARD." THEREFORE, THE PROPOSED FENCE DOES NOT MEET HEIGHT REQUIREMENTS (MAXIMUM 4') AND DOES NOT MEET THE DEFINITION OF A NON-PRIVACY FENCE.

This decision may be appealed to the Hillsdale City Zoning Board of Appeals. The application for the appeal is available in our office or on-line (www.cityofhillsdale.org). The board criteria for granting a variance from the requirements are listed in the City Code as follows:

No such variance or modification of the provisions of this chapter shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone;
- (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity;
- (3) That the granting of such variance or modification will not be materially detrimental to the public welfare, or materially injurious to the property or improvements in such zone or district in which the property is located;
- (4) That the granting of such variance will not adversely affect the purposes or objectives of the future land use plan of the city.

Thank you for your cooperation with this process.

Sincerely,

Planning & Zoning Department

Cc: WATKINS FENCE
WATKINS FENCE
4360 S. FIRST ST.
PITTSFORD, MI 49271



CITY OF HILLSDALE

97 NORTH BROAD STREET
HILLSDALE, MICHIGAN 49242-1695
(517) 437-6449

✓ Fee:
\$300.00

Zoning Board of Appeals Petition Form

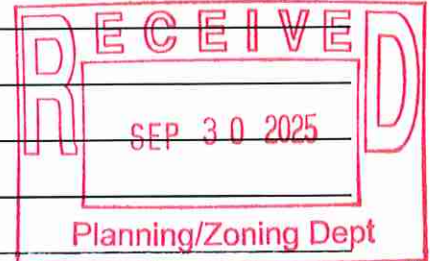
Applicant Name TIMOTHY P. GREEN
Address 11 ELM HILL
HILLSDALE, MI 49242

Phone () [REDACTED]

Property Owner (SAME)

Address _____

Phone () _____



OCS

If the applicant is not the Property Owner, what is the Applicant's interest in the Property (Land Contract, Lease, Option, etc.) _____

PROPERTY ADDRESS 11 ELM HILL

PARCEL NUMBER 006-435-102-23 **Date of Zoning Permit Denial** 9/15/25

Reason for Denial Ordinance denies fences over 4 ft. in a "front yard;"
our address is on Elm Hill, which curves around to also border
our backyard/side yard, where we wish to build a 6-ft privacy fence.
Please see attached letter for more details - and explanatory pictures.

Purpose of Request (Specify exactly what is being requested. Attach separate page, as needed)

We'd like to build the originally-planned 6-ft. high fence
on our side yard/back yard, as proposed by Watkins Fence in
the original Permit Application.

If this is a variance request, please explain the practical difficulty or hardship (Attach separate page, as needed.)

We don't think the Ordinance applies in our case,
because of the curving of Elm Hill and the way our home
and yard are oriented. *Please see attached letter for details.*

Signature (Property Owner/Representative) Timothy P. Green

Date 9/25/25

Sec. 36-84. - Appeal procedure.

(a) An appeal may be taken to the board of appeals by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the board of appeals, by general rule, by filing with the building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.

(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the building inspector, and on due course shown.

(c) The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(d) A fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid to the secretary of the board of appeals at the time that notice of appeal is filed, which the secretary shall forthwith pay over to the city treasurer to the credit of the general fund of the city.

(Code 1979, § 17.56.040)

Office Use Only
Date of Hearing: 10/29/2025
Disposition of ZBA _____

Payment Validation

Check # 405

Receipt # 100904

City Clerk's Office

To: City of Hillsdale Zoning Board of Appeals

From: Timothy P. Green

RE: Fence Permit Application for 11 Elm Hill, Hillsdale MI 49242

Dear Zoning Committee:

First, I would like to introduce you to Gus. Here he is:

Very cute, no? You should have seen him back when he was just a little puppy:

Gus is a very good boy. But if he looks a bit sad in these pictures, that is because he really loves to run around outside. Unfortunately, we don't have a fence in our backyard to contain him.



We tried to have Watkins Fence build a 6-ft high wooden fence around our back and side yards for two purposes: (1) to contain Gus, and (2) to give us a bit more privacy. (Right now, anyone walking or driving along the road can see directly into our backyard). Our permit was denied for some unusual reasons, having to do with the nature of our property. Our address is 11 Elm Hill, but our front door and driveway face Charles Street. It's a bit strange that our next-door neighbor has a Charles St. address but we don't. Whatever. Anyway, we were told that technically, since our address is on Elm Hill, all of that street is considered our "front yard," so we'd be limited to a 4-ft high fence.

Here's what it looks like from an aerial view:



So, the ordinance which was used to deny our fence request doesn't seem to apply here, as it calls for front yards to have only 4-ft. fences, and that part of Elm Hill where we're planning to build the fence is clearly not our front yard, but a side yard.

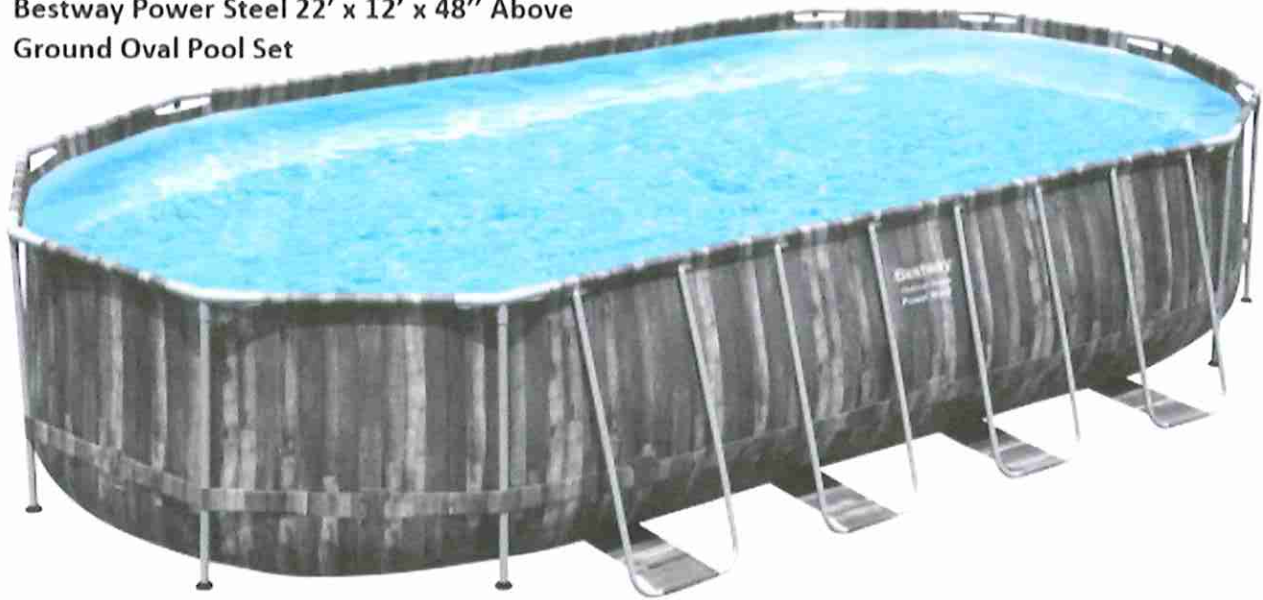
Also, if the rules for fence height are due to concerns about visibility for cars around corners, such issues don't seem to apply in this case, since the side yard is fully away from the curve of the road. The fence won't affect drivers' visibility at all as they come around the Elm Hill curve. By the time they get

to the road near our fence, Elm Hill has essentially straightened out along its new east-west direction.

You may ask, what's wrong with building a 4-ft. fence along that side yard? Well, unfortunately, a fence of that height wouldn't be tall enough for our furry friend Gus. Here's how we know: some friends of ours purchased one of these above-ground pools and invited us to swim over at their house earlier this summer.

Online Only - COSTCO.COM

**Bestway Power Steel 22' x 12' x 48" Above
Ground Oval Pool Set**



We were all surprised at one point, while the kids were having fun in the pool and Gus was playing in their backyard, to hear a terrific splash and astonished gasps from the kids. That's right: Gus had cleared the 4-ft wall of the pool in a single bound and was now happily doggie-paddling along with his little friends. (He's a very athletic Labrador and we are considering entering him in the Dog Olympics.)

So, a 4-ft. wall along our side yard just isn't high enough to keep him contained. Plus, it wouldn't provide too much privacy for our backyard, as the average pedestrian could still walk by and look right over.

So, for all these reasons, we'd like to request permission to go with our original plan and build a 6-ft. fence.

You will make life a lot more enjoyable not only for Gus, but also for our children, as I'm sure they would be very happy if they won't always have to put a leash on Gus every time they bring him outside to play. Here they are:

Thanks again for your time and attention to our request. If there's any further information needed, or any other questions I can answer, please don't hesitate to contact me at my email or cell phone below. Thanks!

Tim Green

Email: [REDACTED]

Cell: [REDACTED]





97 NORTH BROAD STREET
HILLSDALE, MICHIGAN 49242-1695
(517) 437-6455 FAX: (517) 437-6448
zoning@cityofhillsdale.org

GREEN, TIMOTHY
11 ELM HILL
HILLSDALE, MI 49242

Date: September 15, 2025

DENIAL OF ZONING PERMIT APPLICATION: PF2025-027

The Zoning Permit PF2025-027 for your proposed building project at 11 ELM HL has been denied based on the information you have submitted. The proposed project fails to meet the following zoning criteria:

- LOCATION OF PROPOSED FENCE IS, BY ORDINANCE DEFINITION, WITHIN THE "REQUIRED AND ADDRESSED FRONT YARD." THEREFORE, THE PROPOSED FENCE DOES NOT MEET HEIGHT REQUIREMENTS (MAXIMUM 4') AND DOES NOT MEET THE DEFINITION OF A NON-PRIVACY FENCE.

This decision may be appealed to the Hillsdale City Zoning Board of Appeals. The application for the appeal is available in our office or on-line (www.cityofhillsdale.org). The board criteria for granting a variance from the requirements are listed in the City Code as follows:

No such variance or modification of the provisions of this chapter shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone;
- (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity;
- (3) That the granting of such variance or modification will not be materially detrimental to the public welfare, or materially injurious to the property or improvements in such zone or district in which the property is located;
- (4) That the granting of such variance will not adversely affect the purposes or objectives of the future land use plan of the city.

Thank you for your cooperation with this process.

Sincerely,

Planning & Zoning Department

Cc: WATKINS FENCE
WATKINS FENCE
4360 S. FIRST ST.
PITTSFORD, MI 49271



CITY OF HILLSDALE

97 N. BROAD ST

HILLSDALE, MI 49242

(517) 437-6441

WWW.CITYOFHILLSDALE.ORG

Receipt: 100904 09/30/25

Cashier: OJONES

The sum of: 300.00

Received Of: GREEN, TIMOTHY P

11 ELM HL

HILLSDALE MI 49242

ZONING BOARD OF APPEALS APPLICATION
11 ELM HILL

Receipt Code:

Description:

Distribution:

BD

00012077

101-000.000-692.000

300.00

Total 300.00

TENDERED:

CHECK

405

Signed:

Doreen C. Smith



Olivia Smith
Zoning Administrator
97 N Broad St
Hillsdale, MI 49242
(517) 437-6449 | zoning@cityofhillsdale.org

October 08, 2025

To Whom It May Concern,

PLEASE TAKE NOTICE that the City of Hillsdale Zoning Board of Appeals has set a public hearing for **Wednesday, October 29, 2025 at 5:30 PM** in the City Council Chambers, Hillsdale City Hall, 97 N Broad St, Hillsdale, MI 49242 to consider the following appeal:

A petition has been filed by Timothy Green, owner of 11 Elm Hill, to appeal the decision of the Zoning Administrator regarding Fence Permit PF2025-027.

The appeal is requesting a variance to the maximum height and style requirements as cited in Sec. 36-681.(3)a:

Sec. 36-681. - Requirements.

(3) Fences and walls in the residential districts and manufactured housing communities.

- a. Ornamental fences and walls located in the required and addressed front yard meeting the definition of a non-privacy fence and not intended to restrain animals of any kind may be up to four feet in height, unless otherwise approved by the zoning administrator (or designee), and must be set back at least one foot from the sidewalk/right-of-way line.

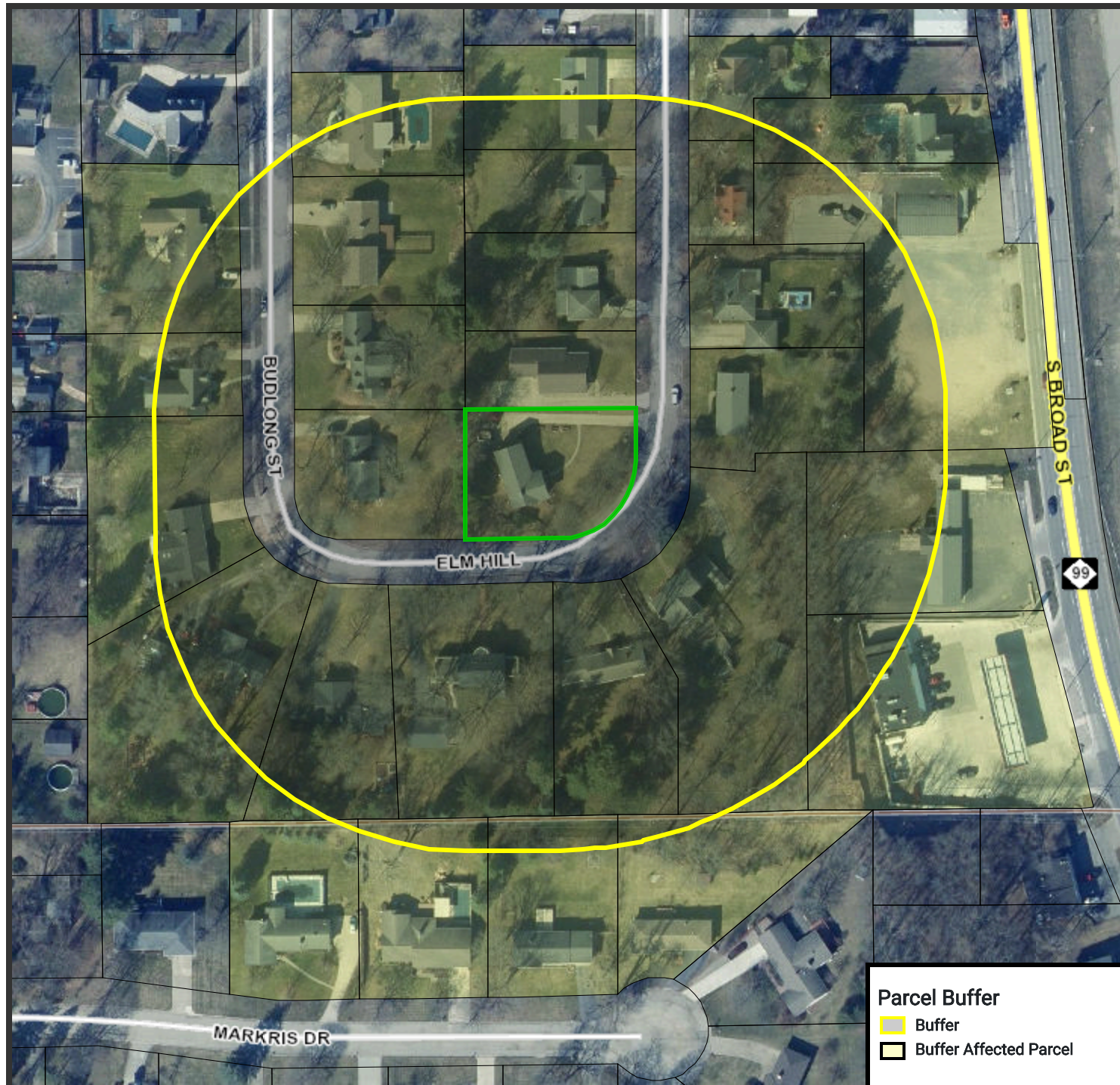
The Zoning Board of Appeals will conduct a public hearing and may take such proper action thereon.

YOU ARE BEING NOTIFIED AS A PROPERTY OWNER, TENANT, OR OCCUPANT WITHIN 300 FEET OF THE INDICATED SITE.

If you cannot attend the meeting, comments may be sent by email at zoning@cityofhillsdale.org or by mail to the Zoning Administrator, City Hall, 97 N Broad St, Hillsdale, MI 49242.

Thank you,

Olivia Smith, MCAO
Zoning Administrator



Hillsdale County GIS



Map Publication:

09/30/2025 4:22 PM



powered by
FetchGIS

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Hillsdale County expresses no warranty for the information displayed on this map document.

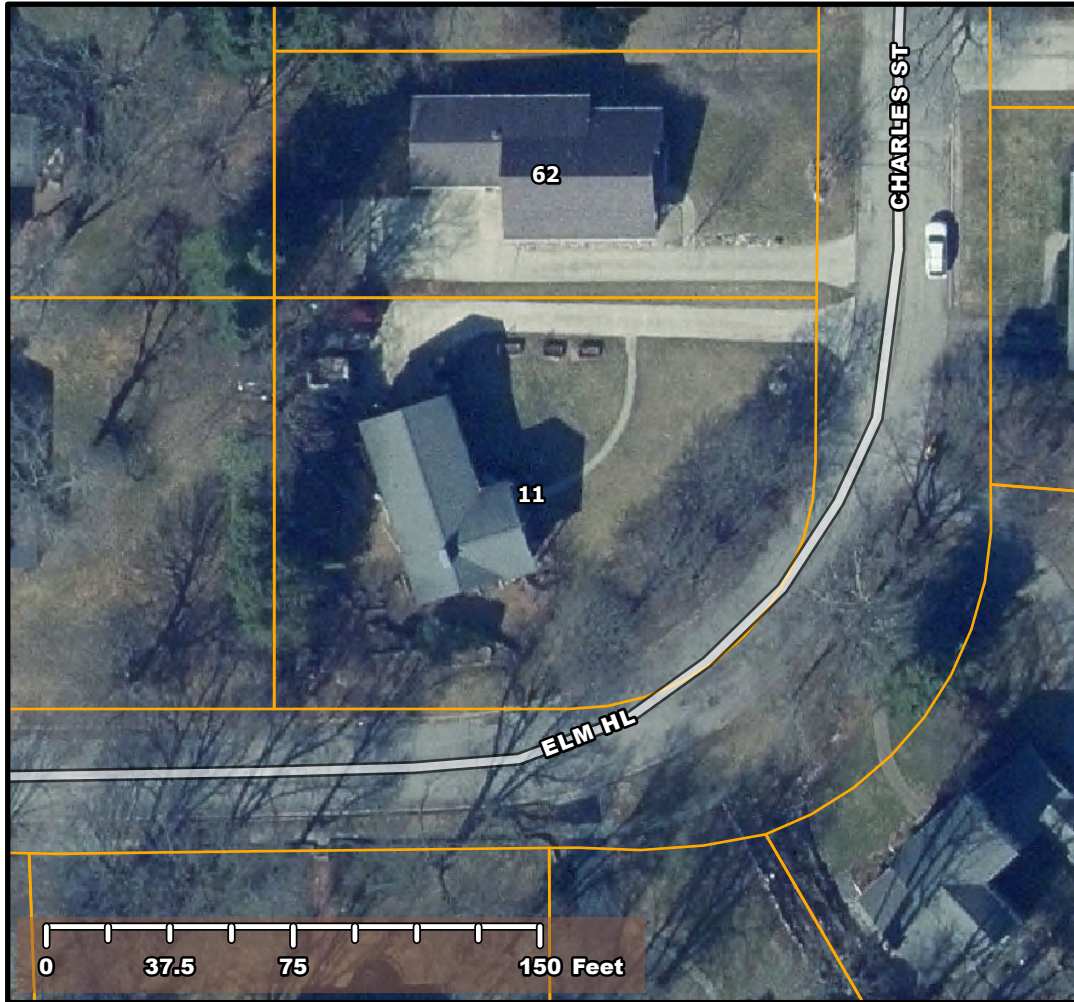


General Property Information

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map and report is a compilation of records, information and data provided by various township, city, village, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The user of this map and report acknowledges that the Township/City/County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the Township/City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the User's access or use of the data provided.

Report and Property Data compiled as of July 3, 2025

Aerial Imagery: March 2024



Parcel ID: 30 006-435-102-23

Property Address: 11 ELM HL

City/Township: CITY OF HILLSDALE

Village (If Applicable):

Property Class Code: 401

Property Class Desc: RESIDENTIAL-IMPROVED

School District Code: 30020

School District Name: HILLSDALE COMM PUBLIC SCHS

PRE/Qual Ag %:	100%	Last Recorded Deed/Document	State Equalized	Taxable
Assessed Acres:	0.45	Liber/Page:	1773/346	Value
Land Value:	19,375	Document Date:	9/17/2020	2025: 156,500
Land Imp Value:	8,819	Recorded Plat:	0003/0018	2024: 143,900
Building Value:	284,711	Click the link below to view recorded plat:	2023: 126,400	2023: 126,400
True Cash Value:	312,905	https://hillsdalecounty.gov/images/equalization/GIS/Plats/0003/0003_0018.pdf	2022: 122,500	2022: 122,500

Tax Description

LOTS 35 & 36 0.45A+/- MCCALLS ADDN SEC 35 T6S R3W FOURTH WARD

	Summer Taxes ** 2025	Winter Taxes ** 2024	Village Taxes ** 2025
Base Tax:	\$4,652.22	\$894.38	\$0.00
Special Asmt:	\$0.00	\$0.00	\$0.00
Admin Fee:	\$46.52	\$8.94	\$0.00
Total Tax:	\$4,698.74	\$903.32	\$0.00
Amount Paid:	\$0.00	\$903.32	\$0.00
Interest:	\$0.00	\$0.00	\$0.00
Last Date Paid:		1/2/2025	
Balance Due:	\$4,698.74	\$0.00	\$0.00

* Total Delinquent Tax: \$0.00
* PRE Denial Amount Due: \$0.00

* The amount of Delinquent Tax/PRE Denials above is as of: July 3, 2025. For payoff amounts or a breakdown of delinquent taxes contact the County Treasurer's office at (517) 437-4700

** Contact the appropriate City/Village/Township Treasurer for up to date information.

SAWDEY, DAWN A
1146 MARKRIS DR
HILLSDALE, MI 49242

THORP, ANDREW W
1114 MARKRIS DR
HILLSDALE, MI 49242

BONOMO, FRANK P JR & JULIA P
96 WAYNEWOOD DR
WAYNESVILLE, NC 28786

COLE, H KENNETH & BRENDA A
163 S HOWELL ST
HILLSDALE, MI 49242

SALLOWS, SAMUEL & ASHLEY
152 BUDLONG ST
HILLSDALE, MI 49242

STANTON, DAVID J IV & JOANNA H
160 BUDLONG ST
HILLSDALE, MI 49242

MITCHELL, ROBERT & CHRISTINA
6 ELM HL
HILLSDALE, MI 49242

164 BUDLONG LLC
6 OCEAN LN
PALM BEACH, FL 33480

JAKES, DAVID & KATHLEEN
153 BUDLONG ST
HILLSDALE, MI 49242

HEISE FAMILY TRUST
157 BUDLONG ST
HILLSDALE, MI 49242

BISHER, BRANDEN & ERIN
419 S MAIN ST
CHELSEA, MI 48118

CHERAMIE, MALISA A
56 CHARLES ST
HILLSDALE, MI 49242

FRICK, CURTIS R & MARGARET M
6553 TIMBERLAKE DR
ELK RAPIDS, MI 49629

CRALL, TODD R & BRIANNA C
60 CHARLES ST
HILLSDALE, MI 49242

GREEN, TIMOTHY
229 W MICHIGAN ST APT B
MARQUETTE, MI 49855

MCCLAY, MARK FREDERICK
62 CHARLES ST
HILLSDALE, MI 49242

SANDERSON, DONALD & MARY
161 BUDLONG ST
HILLSDALE, MI 49242

KEYS, KIMBERLEY
57 CHARLES ST
HILLSDALE, MI 49242

CONRAD, TREY
61 CHARLES ST
HILLSDALE, MI 49242

ROCHA, ADAN & DELFINA
2300 E BEAR LAKE RD
HILLSDALE, MI 49242

HAUGHTON, SHARLENE
200 S BROAD ST
HILLSDALE, MI 49242

BELL, MATTHEW & RAQUEL
8 ELM HL
HILLSDALE, MI 49242

SUMNAR, EDMUND & MOLLY REV LVG TR
10 ELM HL
HILLSDALE, MI 49242

HOFFMAN, ROXANA E
20 ELM HL
HILLSDALE, MI 49242

GAMBILL-SEELY, JOHN ANDREW & GAYLE
30 ELM HL
HILLSDALE, MI 49242

MCAVOY, JOSEPH R
55 CHARLES ST
HILLSDALE, MI 49242

OVERFLOWING CUPS & CONES LLC
214 S BROAD ST
HILLSDALE, MI 49242

KD MIDWEST HOLDINGS LLC
208 S BROAD ST
HILLSDALE, MI 49242

CONVENIENCE KING GROUP INC
203 W MAIN ST
HOMER, MI 49245-1045

PUBLIC NOTICE
City of Hillsdale
Legal Notice

PETITION TO APPEAL ZONING ADMINISTRATOR DECISION

A petition has been filed by Timothy Green to appeal the decision of the Zoning Administrator regarding Fence Permit PF2025-027 at 11 Elm Hill.

The Hillsdale City Zoning Board of Appeals will meet and conduct a public hearing at 5:30 PM, Wednesday, October 29, 2025 in the Hillsdale City Council Chambers, Hillsdale City Hall, 97 N Broad St, Hillsdale, MI 49242. The Zoning Board of Appeals may take such proper action thereon.

Account Number:	875402
Customer Name:	City Of Hillsdale
Customer Address:	City Of Hillsdale 97 N Broad ST Attention to: City Clerk Hillsdale MI 49242-1617
Contact Name:	City Of Hillsdale
Contact Phone:	5174376490
Contact Email:	
PO Number:	

Date:	10/06/2025
Order Number:	11735578
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	27.0000
Height in Inches:	2.8000

Print

Product	#Insertions	Start - End	Category
HLD Hillsdale Daily News	1	10/09/2025 - 10/09/2025	Govt Public Notices
HLD hillsdale.net	1	10/09/2025 - 10/09/2025	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$60.10
Tax Amount	\$0.00
Service Fee 3.99%	\$2.40
Cash/Check/ACH Discount	-\$2.40
Payment Amount by Cash/Check/ACH	\$60.10
Payment Amount by Credit Card	\$62.50

Order Confirmation Amount	\$60.10
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PUBLIC NOTICE

City of Hillsdale

Legal Notice

**PETITION TO APPEAL
ZONING ADMINISTRATOR
DECISION**

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Katy Price,
City Clerk

11735578

Olivia Smith

From: Kathleen Jakes [REDACTED]
Sent: Wednesday, October 15, 2025 6:49 PM
To: Zoning
Subject: Zoning appeal fence permit PF2025-027

Dear Olivia Smith,

We received a notice of a zoning hearing to take place on October 29, 2025 regarding a fence on 11 Elm Hill owned by Timothy Green. We cannot attend the meeting. However I wanted to voice our opinion in this matter:

We have no objection to the fence and would support the approval of the zoning waiver.

That parcel is an odd lot. The house is situated almost to the back of the property and thus has a very small backyard. They have several small children and a big dog and they must play in front of the house where there is space to run. Compounding their unique layout is the steep slope of the lawn. They are on a corner that is situated on a hill. When the kids play with a ball of any kind it always ends up rolling down the hill and into the street with the retriever dog in hot pursuit! They need animal and child containment for the safety of them and for any driver coming around that blind curve.

Please submit our opinion during the hearing. We feel a fence on that property is necessary for the safety of the residents and us neighbors.

Thank you,

David and Kathleen Jakes
153 Budlong Street
Hillsdale, MI. 49242

[Sent from the all new AOL app for iOS](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Staff Report VV2025-0001

Description

On September 3, 2025, Watkins Fence, submitted a preliminary fence permit application on behalf of Timothy Green, owner of 11 Elm Hill. The project proposed a new six (6) foot high privacy fence within, what was assumed to be, the side and rear yard of the property. The plans were reviewed and it was determined that the proposed location of the fence, based on addressing, were located within the front and side yard of the property. The Zoning Administrator notified the applicant and property owner that if the plans were submitted without meeting the ordinance required limits, the plan would be denied.

On September 15, 2025, the applicant was officially submitted. Fence Permit PF2025-027 was denied due to the proposed fence not meeting the definition of a non-privacy fence and exceeding the maximum height for a fence located in the front yard. Notice of denial was mailed that same day to both to Mr. Green and Watkins Fence.

On September 30, 2025, Mr. Green submitted a petition to the Zoning Board of Appeals appealing the denial by the Zoning Administrator. The appeal request, VV2025-0001, was opened that same day. The Zoning Board of Appeals set a public hearing for October 29, 2025 after a quorum was verified with members.

The appeal requests that the owner be allowed to build the fence as proposed by the original application submitted by Watkins Fence. They do not believe that the portion of the property proposed for the project should be considered their front yard.

Relevant Zoning Ordinance

Sec.36-6. – Definitions.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot, for the purposes of this chapter, if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle or less than 135 degrees.

Fence or wall, obscuring, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

Yards means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined in this section:

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- (2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

(Code 1979, §§ 17.04.010—17.04.750; Ord. No. 2005-1, §§ 17.04.277, 17.04.572, 2-21-2005; Ord. No. 2008-8, 9-2-2008; Ord. No. 2015-1, 3-16-2015; Ord. No. 2020-1, 3-16-2020)

Sec. 36-681. – Requirements.

- (3) *Fences and walls in the residential districts and manufactured housing communities.*
 - a. Ornamental fences and walls located in the required and addressed front yard meeting the definition of a non-privacy fence and not intended to restrain animals of any kind may be up to four feet in height, unless otherwise approved by the zoning administrator (or designee), and must be set back at least one foot from the sidewalk/right-of-way line.
 - b. All fences or walls must be ornamental in nature and should be made of wrought iron, treated or rot resistant wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence must be constructed of an opaque weatherproof material, woven chain link fencing is not permitted.
 - c. Fences and walls located in the required and non-addressed (secondary) front yard of a corner or double frontage lot must be setback from the property line as follows, unless otherwise approved by the zoning administrator (or designee):
 1. No less than one foot for ornamental fences and walls meeting the definition of a non-privacy fence and not intended to restrain animals of any kind up to four feet in height;
 2. No less than four feet for fences and walls up to four feet in height.
 3. No less than six feet for fences and walls up to six feet in height.
 - d. Fences and walls located in the side and rear yards may have a maximum height of six feet, unless otherwise approved by the zoning administrator (or designee), and may be located on the property line assuming the front yard fencing requirements are satisfied.

- e. Residents are encouraged to utilize ornamental materials, including but not limited to materials such as wrought iron, brick, stone, treated wood and similar replications of these materials, such as vinyl fencing that has the appearance of one of these materials.
- f. Chain link or similar fencing is permitted everywhere except within the front yard.
- g. The finished side of a fence or wall must face outward toward any adjacent property or right-of-way.
- h. No fences or walls are permitted within the required site clearance triangles. The same site clearance triangle applies to solid fences abutting detached garages located on the non-addressed frontage of a corner lot, visibility at intersections.

(Ord. No. 2014-3, 7-21-2014)

Variance: The applicant is requesting a variance to increase the maximum height to 6' and allow a privacy fence within the addressed front yard of parcel 30-006-435-102-23 known as 11 Elm Hill.

Staff Recommendation:

Staff ask that the Zoning Board of Appeal recommend an ordinance amendment to the Planning Commission to add a definition for a “non-privacy fence,” as it is not currently found within the ordinance.



006-435-102-23 11 ELM HL 2025-10-20 ZBA SITE VISIT



006-435-102-23 11 ELM HL 2025-10-20 ZBA SITE VISIT



006-435-102-23 11 ELM HL 2024-07-18



006-435-102-23 11 ELM HL 2024-07-12



006-435-102-23

11 ELM HL

11 ELM HILL

REGISTER'S OFFICE)
County of Hillsdale) m.
State of Michigan)

Received for record this 29th
day of NOVEMBER A.D. 1940
at 9:00 o'clock A.M. and Recorded
in Liber 3 of PLATS

of page 18
William O. Jones
Register of Deeds

McCALL'S ADDITION-CITY OF HILLSDALE

BEING A PART OF THE NW 1/4 OF NW 1/4, SECTION 35, T6S, R3W.
CITY OF HILLSDALE, HILLSDALE COUNTY, MICHIGAN

DEDICATION

KNOW ALL MEN BY THESE PRESENTS That I, Wave McCall, a married woman, as proprietor, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "McCall's Addition-City of Hillsdale", and that the streets as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in Presence of

Thomas Oliver
Floresie Kain
Floresie Kain

Wave McCall
Wave McCall

STATE OF MICHIGAN,
County of Hillsdale, } ss.

On this 9th day of July, 1940, before me, a Notary Public in and for said county, personally came the above named Wave McCall, known to me to be the person who executed the above dedication, and acknowledged the same to be her free act and deed.

Anna C. Woodward
Anna C. Woodward
Notary Public, Hillsdale County, Michigan

My commission expires
My Commission Expires March 7, 1948

DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "McCall's Addition-City of Hillsdale" is described as follows:

Commencing at a point 1323.64 ft. South of the Section Corner common to Secs 26, 27, 34 and 35, T6S, R3W, which point has been accepted as being on the South Corporation limits of the City of Hillsdale, and running Thence N89°10'E-825.0 ft, thence N0°05'W-847.0 ft, thence S89°40'W-495.32 ft, thence S0°47'50"E-383.8 ft, thence West 334.20 ft, thence South 469.54 ft to the place of beginning.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of pipe not less than one-half inch in diameter and not less than fifteen inches in length, encased in a concrete cylinder at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus 0 as there is shown, at all angles in the boundaries of the land platted, of all the intersections of streets, and at the intersections of streets with the boundaries of the plat as shown on said plat.

© R. Havens
R. E. Havens
Reg. Civil Eng. and Land Surveyor

CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Common Council of the City of Hillsdale, Michigan, at a meeting held July 29, 1940.

R. F. Schmidt
R. F. Schmidt
Mayor

Ralph L. Hughes
Ralph L. Hughes
City Clerk

CERTIFICATE OF APPROVAL BY COUNTY BOARD

This plat was approved on the 9th day of August, 1940.

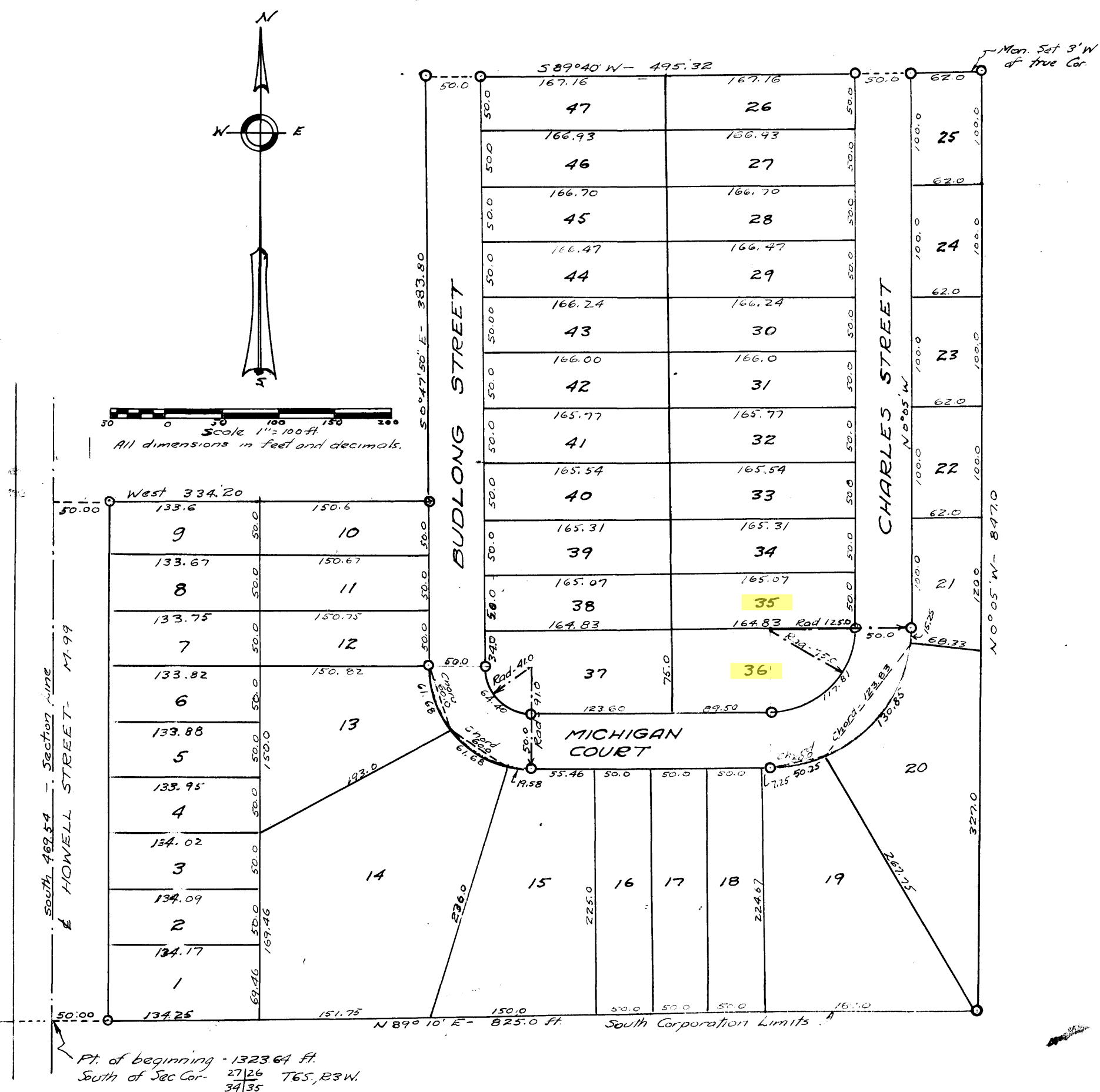
Chas. O. Arch
Chas. O. Arch, Judge of Probate
W. M. Glasgow
W. M. Glasgow, County Clerk
Omer Null
Omer Null, County Treasurer

CERTIFICATE AS TO STATE TRUNK LINE ROAD

We hereby certify that said plat appears to include land located on a State Trunk Line Road.

Chas. O. Arch
W. M. Glasgow
Omer Null
County Plat Board

Finders that with and without the State Line, and required to conform to plans on file, I hereby approve this plat.
Donald K. Jones
Donald K. Jones
State Highway Commissioner.



COUNTY TREASURER'S CERTIFICATE RELATING TO TAXES

Office of County Treasurer, Hillsdale County.

I hereby certify that there are no tax liens or titles held by the State on the lands described hereon, and that there are no tax liens or titles held by individuals on said lands for the five years preceding the 9th day of July, 1940, and that the taxes for said period of five years are paid as shown by the records of this office.

This certificate does not apply to taxes, if any now in process by Township or City collecting officers.

Omer Null
Omer Null, County Treasurer.

Examined and Approved

November 25, 1940

Wm. O. Jones
Wm. O. Jones, Register of Deeds