

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall 517-676-9155
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ZONING BOARD OF APPEALS MEETING – 2ND FLOOR TRAINING ROOM Wednesday, December 8, 2010

5:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: November 10, 2010
4. People from the Floor
5. Announcements
6. Public Hearing
7. Regular Business
 - A. Resolution No. 2010-03 – A Resolution Granting A Variance of 12 Feet from the front Yard Setback Requirement on Property Located at 209 Valley Court
8. Unfinished Business
 - A. Discussion – Attendance Policy
9. New Business
 - A. Discussion – Findings of Fact
10. Correspondence
 - John Jenkins, January 15, 2010 and February 19, 2010
11. Administrator's Report
12. Adjournment

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF NOVEMBER 10, 2010**

Jenkins called the meeting to order at 5:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: Crips, Curtis, Harbach, Jenkins, McCormick, Richards, Maddix
(alternate)
Board Member(s) Absent: Shattuck
Also present: David Haywood, Zoning and Development Director
Leon Clark, Mayor

APPROVAL OF MINUTES: September 8, 2010

The Meeting Minutes of the September 8, 2010 meeting were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS/PUBLIC HEARING

Variance – 209 Valley Court – Front Yard Setback

Jenkins opened the public hearing at 5:34 p.m.

Jenkins invited comments from the applicant and asked that they address the five conditions of approval in Section 94-365(c) of the Zoning Ordinance.

Kerry Minshall (applicant), 808 Cindy St, introduced himself to the Board and provided the following comments:

- The subject property is for his elderly parents to live in when the move back from Florida
- The wheelchair ramp is needed for future maneuverability
- The variance is necessary because it is difficult to have a ramp given existing site conditions and setback standards

The Board members asked several questions clarifying the following information:

- The deck will be constructed now and the ramp will be constructed if the need arises
- The home was purchased in April/March and is currently vacant
- The front stoop will be replaced by the proposed deck
- The existing stoop has a single step up to the door threshold
- It may be possible to orient ramp east to west

Jenkins asked the applicant to address items 1, 3, 4, and 5 of Section 94-365(c). The applicant gave the following points in response:

- Other properties in the vicinity have similar encroachments
- The need to house his parents was presented after the house was purchased
- Ramp is for future need

Jenkins confirmed with staff that no written comments were received from neighbors.

Being there were no public in attendance to provide comments, Jenkins closed the public hearing at 5:50p.m.

Discussion among board members ensued making the following points:

- Running the ramp east to west is lesser variance than north to south and still accomplishes the applicants goals
- The applicant did not object to changing the orientation during the public hearing discussion
- An east/west orientation is a 12 foot variance vs. a 15.6 foot variance for north/south orientation
- Orientation is also an appearance issue
- The circumstances may be self created, therefore no practical difficulty
- Section 94-390(d)(10 allows conditions of approval

MOTION by Harbach, second by Richards,
to table action on Resolution 2010-03 to a time determined by the Zoning Administrator and applicant.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Board members discussed the attendance record presented by Haywood. Board members requested any analysis of the rules of order regarding attendance to be presented at the next meeting.

CORRESPONDENCE

None.

ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

By consensus, the meeting adjourned at 6:38 p.m.

Deborah J. Cwiertniewicz, City Clerk

City of Mason

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MEMORANDUM

TO: Zoning Board of Appeals

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Variance Request – 209 Valley Ct (Kerry Minshall)

DATE: December 3, 2010

REQUESTED ACTION:

The applicant is requesting approval for a front yard variance to be allowed to construct a front porch and wheelchair ramp on the south side of the existing structure. The Zoning Board of Appeals acted to table the request at the November 10, 2010, meeting to afford the applicant time to verify if an east-west ramp orientation would be permitted by building code.

The applicant has since determined that changing the ramp orientation is acceptable under the Michigan Residential Code. Therefore, the revised plan shows no part of either structure closer to the road right-of-way than 13 feet. The previous proposal showed the ramp 9.4 feet from the road right-of-way.

Required Front Yard Setback: 25 feet per Section 94-121(c)(1) and Table 100
Variance Request– Porch/ramp: 12 feet

VARIANCE STANDARDS:

Section 94-365 gives the Zoning Board of Appeals the authority to grant variances to structures, and states that, "A variance may be granted only when the variance application and other factual evidence demonstrate all of the following:"

- 1. The variance must be granted in order to avoid practical difficulties not created by the applicant that would result from strict application of the letter of this chapter.*
- 2. A variance will not permit the establishment within a zoning district of any use not permitted within the district.*

3. *A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.*
4. *A variance will not be contrary to the public interest and will insure that the spirit and intent of this chapter will be observed, public safety secured, and substantial justice done.*
5. *There is no lesser variance than that applied for which would give substantial relief to the applicant.*

Attachments:

1. Resolution 2010-03
2. Site Plan (revised)

Introduced:
Seconded:

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2010-03**

**A RESOLUTION GRANTING A VARIANCE OF 12 FEET FROM THE FRONT YARD
SETBACK REQUIREMENT ON PROPERTY LOCATED AT 209 VALLEY COURT**

December 8, 2010

WHEREAS, a request has been received from the Kerry Minshall, owner of record of parcel 33-19-10-04-302-011, commonly known as 209 Valley Court, for a variance of 12 feet from the minimum front yard setback requirement; and

WHEREAS, the subject property is further described as: Lot 53, Devon Hill No. 1, Sec 4, T2N R1W, City of Mason; and

WHEREAS, the subject property is located in the RS-3 (Single Family Residential) zoning district; and

WHEREAS, Section 94-121(c)(1) and Table 100-1 of the Mason zoning ordinance requires a minimum 25 foot front yard setback; and

WHEREAS, the variance request complies with the five conditions of approval listed in Section 94-365(c) of the Mason Code; and

WHEREAS, a public hearing on the request was noticed and held at the Zoning Board of Appeal's regular meeting of November 10, 2010, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Zoning Board of Appeals does hereby approve the request for a 12 foot variance to the minimum front yard setback standard for the construction of a porch and wheelchair ramp at 209 Valley Court as based on the plans received by the Zoning and Development Department on December 3, 2010.

Yes ()
No ()

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Zoning Board of Appeals at its regular meeting held Wednesday, December 8, 2010, the original of which is part of the Zoning Board of Appeals minutes.

Deborah J. Cwierniewicz, Clerk
City of Mason
Ingham County, Michigan

BARNES STREET

209 VALLEY COURT
ZONED RS-3 SINGLE FAMILY
RESIDENTIAL DISTRICT

PROPOSED 8' X 16'
DECK. SEE DETAILS
THIS SHEET

17'

7.5'

DRIVEWAY

GRAVEL

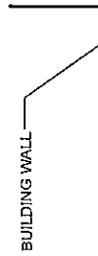
25' FRONT
SETBACK LINE

PROPERTY LINE

SIDEWALK

VALLEY COURT

209 VALLEY COURT LAYOUT PLAN
SCALE 1"=10'



— 6/4" PRESSURE TREATED

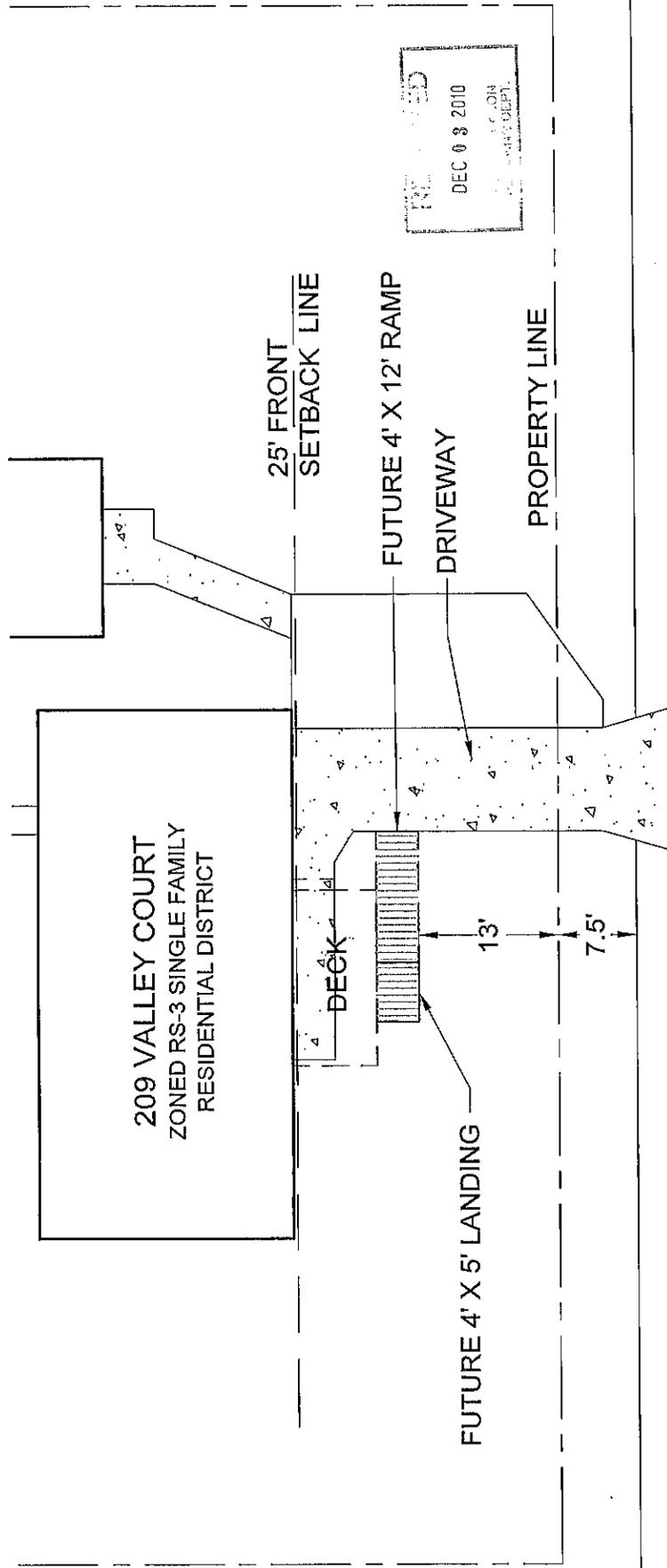
TREATED SOUTHERN PINE POSTS, TYPICAL

TREATED SOUTHERN PINE BEAM

5'-1 1/4"

JOIST AND BEAM FRAMING PLAN

SCALE 1/2"=1'



RECEIVED
 DEC 03 2010
 PLANNING DEPT.

209 VALLEY COURT DECKING PLANS

DECEMBER 2, 2010

209 VALLEY COURT FUTURE RAMP LOCATION

SCALE 1"=10'



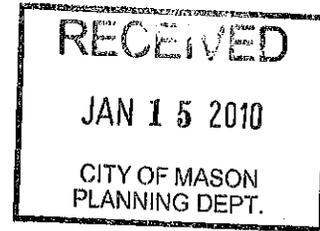
ATTACHED
 BOLTED

Date: 1-15-10

Memo To: David Haywood

From: Jon K. Jenkins

RE: ZBA Motions



It occurred to me, after the last meeting, that it might be helpful to have some general language for the motions on the resolutions.

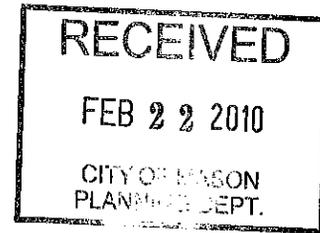
I suggest the following:

Motion(s):

I move that Resolution XXX be adopted and that it be considered as having been read.

That way the motion is introduced without it having to be read and we can move into the discussion. Let me know if you agree. Thanks.

2-19-10



Memo to David Haywood
From Jon Jenkins

Re: Zoning Board of Appeals

I am considering how to create a better record on these hearings and I am enclosing a proposed form that will specify findings of fact, etc. I don't necessarily expect this particular form to be used, but, perhaps some similar for would help remind and guide the Board to place findings on the record or in this type of form, or both. This is a suggestion that we may want to discuss and maybe Dennis has some thoughts about it, as well.

ZONING BOARD OF APPEALS FACT FINDING FORM

Re:

After hearing, the Mason City Zoning Board of Appeals finds the following facts to exist in this case:

- 1.
- 2.
- 3.
- 4.
- 5.

Based on the foregoing findings of fact, The Mason City Zoning Bard of Appeals concludes as follows:

1. That a practical difficulty exists / does not exist for the following reasons:
2. That a variance will / will not permit the establishment of a use permitted in the district for the following reasons:
3. That a variance will / will not cause an adverse effect to property or improvements in the district and immediately surrounding neighborhood.
4. That a variance will / will not be contrary to the public interest and will / will not insure that the intent of the zoning ordinance will be observed, public safety insured, and substantial justice done.
5. That there is / is not a lesser variance than that for which the application was filed that would give substantial relief to the Applicant.

Additionally, the City of Mason Zoning Board of Appeals determines that, upon granting of the variance, the following conditions shall apply:

- 1.
- 2.
- 3.

Ref. Sec. 94-365
2/10/10

