

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF JUNE 8, 2011**

Jenkins called the meeting to order at 5:35 p.m. in the 2nd Floor Training Room at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: Crips, Curtis, Harbach, Jakeway (alternate), Jenkins, McCormick, Richards, Spenny (alternate)

Board Member(s) Absent: None

Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES: December 8, 2010

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

ELECTION OF CHAIR AND VICE-CHAIR

Haywood opened the floor for nominations for Chairperson.

Nomination by Curtis,
to elect Jon Jenkins as Chairperson.

As there were no other nominations for Chairperson, Haywood closed the nominations.

JON JENKINS ELECTED CHAIRPERSON UNANIMOUSLY

Haywood opened the floor for nominations for Vice-Chairperson.

Nomination by Curtis,
to elect Doug Crips as Vice-Chairperson.

As there were no other nominations for Vice-Chairperson, Haywood closed the nominations.

DOUG CRIPS ELECTED VICE-CHAIRPERSON UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Variance – 120 S. Barnes St. – Expansion of a Nonconforming Structure

Jenkins informed the Board that due to the proximity of his personal residence to the applicant he would like to abstain from discussion and voting on the matter.

Motion by Harbach, second by Curtis

To allow Jon Jenkins to abstain from discussion and voting on the matter and allow Doug Crips to take the Chairpersons position for the duration of the discussion and voting on the matter.

MOTION APPROVED UNANIMOUSLY

Crips opened the public hearing at 5:39pm and invited comments from the applicant and asked him to present any information relative to the request.

Daniel Darrow (applicant), 120 S. Barnes St., introduced himself to the Board and provided the following comments:

- He was requesting permission to build an attached garage and entry
- Needs a 21 foot variance to build garage and entry
- He will remove the existing driveway and replace with grass
- He stated that he thought the home was built in 1800

Denis Craft (contractor), 4840 State Rd, Leslie, introduced himself to the Board and provided the following comments:

- Due to the setbacks in the RM zoning district being so strict that they need to request the variance

The Board inquired staff to describe the access standard for residential dwellings. Haywood cited the code requirement listed in Section 94-176(e)(4).

Being there were no other public in attendance to provide comments, the public hearing was closed at 5:52pm.

MOTION by Harbach, second by Curtis,
to introduce and consider Resolution 2011-01 as having been read.

MOTION APPROVED UNANIMOUSLY

Discussion among board members ensued making the following points:

- The existing driveway include the approach does not need to be removed
- The height of the existing house is ok
- The location of the proposed breezeway and that the site plan provided is an accurate representation of the site conditions

MOTION by Harbach, second by Curtis,
to close discussion and proceed to a vote.

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2011-01**

**A RESOLUTION APPROVING A VARIANCE TO EXPAND A NONCONFORMING
STRUCTURE ON PROPERTY LOCATED AT 120 S BARNES STREET**

June 8, 2011

WHEREAS, a request has been received from Daniel Darrow, the owner of record of parcel 33-19-10-09-101-012, for a variance to expand a nonconforming use/structure at 120 S Barnes Street; and

WHEREAS, the applicant desires to construct an approximately 648 square foot attached garage to the existing residential structure, and

WHEREAS, the existing structure is legal nonconforming as it encroaches the rear yard setback by 15 feet; and

WHEREAS, the subject property is located in the RM Multiple Family Residential zoning district, which; and

WHEREAS, the applicant is requesting a 21 foot variance from the required rear yard setback for the RM zoning district of 35 feet as listed in Section 94-1219(c) and Table 100-1 of the zoning ordinance; and

WHEREAS, a public hearing on the request was noticed and held at the Zoning Board of Appeal's regular meeting of June 8, 2011, 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 variance to expand a nonconforming structure for the construction of an approximately 648 square foot attached garage, as based on the plans received by the Zoning & Development Department on April 5, 2011.

Yes (6) Crips, Curtis, Jakeway, Harbach, McCormick, Spenny (alternate)

No (1) Richards

RESOLUTION APPROVED

Variance – 402 North St. – Front and Side Yard Setback

Jenkins opened the public hearing at 6:07pm and invited comments from the applicant and asked him to present any information relative to the request.

Randy Avery (applicant), 402 North St., introduced himself to the Board and provided the following comments:

- The proposed structure would be a new structure and replace the south 48 feet of existing building
- He has an odd shaped parcel
- Structure will be replaced with a 36 foot by 30 foot building with 10 foot separation
- Driveway entrance will remain the same
- Fence gates will move back to allow off-street parking for trucks
- Remaining structure will be used for storage/warehouse
- He has not been contacted by the Railroad

Being there were no other public in attendance to provide comments, the public hearing was closed at 6:16pm.

MOTION by Harbach, second by Curtis,
to introduce and consider Resolution 2011-02 as having been read.

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2011-02**

**A RESOLUTION APPROVING A VARIANCE FROM THE FRONT AND SIDE
YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT 402 NORTH
STREET**

June 8, 2011

WHEREAS, a request has been received from Avery Oil & Propane Inc., the owner of record of parcel 33-19-10-05-451-005, for a variance to expand a nonconforming structure at 402 North Street; and

WHEREAS, the applicant desires to construct an approximately 1,080 square foot (30' x 36') structure to be used as office space, and

WHEREAS, the subject property is located in the M-2 General Manufacturing zoning district, which; and

WHEREAS, the applicant is requesting a 30 foot variance from the required 60 foot front yard setback requirement and a 17.85 foot variance from 20 foot side yard setback requirement for the RM zoning district as listed in Section 94-1219(c) and Table 100-1 of the zoning ordinance; and

WHEREAS, a public hearing on the request was noticed and held at the Zoning Board of Appeal's regular meeting of June 8, 2011, 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 variance from the side and front yard setback requirements for the construction of an approximately 1,080 square foot office building, as based on the plans received by the Zoning & Development Department on May 12, 2011.

Yes (7) Crips, Curtis, Harbach, Jakeway (alternate), Jenkins, McCormick, Richards
No (0)

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Board members discussed the City Council's Rules of Order for Boards and Commissions distributed by Haywood. Haywood reported that he is investigating as to whether the Board has bylaws. Although they have not been located, he will continue to explore all avenues until they are found or determined to not exist.

NEW BUSINESS

None.

CORRESPONDENCE

- Jon Jenkins, December 27, 2010, regarding practical difficulty was distributed.

ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

ADJOURNMENT

By consensus, the meeting adjourned at 6:35 p.m.

Deborah J. Cwierniewicz, City Clerk