

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF OCTOBER 12, 2011**

Jenkins called the meeting to order at 5:31 p.m. in the 2nd Floor Training Room at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: Crips, Curtis, Harbach, Jakeway, Jenkins, McCormick, Richards
Board Member(s) Absent: None
Also present: David Haywood, Zoning and Development Director
Martin Colburn, City Administrator
Mike Waltz, City Council Member

APPROVAL OF MINUTES: September 14, 2011

The minutes of the September 14, 2011 meeting were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Variance – 307 S. Rogers St. – Front Yard Setback & Building Separation

Jenkins opened the public hearing at 5:36pm. Jenkins invited comments from the applicant and asked that he present information relative to the request and to address the standards of approval

Bill Sainz (applicant), 307 S. Rogers Street., introduced himself to the Board and provided the following comments:

- The east porch was so deteriorated that it needed to be demolished
- In order to replace the porch with an addition a variance is needed
- The addition is not closer to the road than the existing house
- The variance is requested because the addition is too close to the garage
- There is no vision obstruction or hazard relative to the roadway and sidewalk
- The addition will add to the property and surrounding property values
- The request is in the public's best interest and taxes
- Intends to have house renovated by next year

Haywood stated that the house is currently nonconforming relative to front yard setbacks and separation and that the nonconformity existed prior to Mr. Sainz owning the property. Haywood also commented that the property being on a corner has two front yards and that the front yard setback standard applies to both sides of the lot adjacent to South Rogers Street and East Maple Street.

Mr. Sainz added that he has torn off the east porch and has replaced it completely. The former porch was completely enclosed. The addition is six inches larger toward the garage.

Betsy Virag, 311 S. Rogers, spoke in support of the variance request and indicated that they have been anticipating the property being improved for many years.

Being there was no one else in attendance to provide comment Jenkins closed the public hearing at 5:49pm.

MOTION by Harbach, second by Curtis,
to introduce and consider Resolution 2011-06 as read.
MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2011-06**

**A RESOLUTION GRANTING A VARIANCE OF 8 FEET 4 INCHES FROM THE NORTH
FRONT YARD (EAST MAPLE ST) SETBACK REQUIREMENT AND 5 FEET FROM THE
BUILDING SEPARATION REQUIREMENT ON PROPERTY LOCATED AT 307 SOUTH
ROGERS STREET**

OCTOBER 12, 2011

WHEREAS, a request has been received from the William Sainz, owner of record of parcel 33-19-10-09-109-001, commonly known as 307 South Rogers Street, for a variance of 8 feet 4 inches on East Maple Street and 5 feet from the building separation requirement; and

WHEREAS, the subject property is further described as: N1/2 of Lots 1 and 2, Block 11, Sec 9, T2N R1W, City of Mason, Ingham Co; and

WHEREAS, the subject property is located in the R2F (Two Family Residential) zoning district; and

WHEREAS, Section 94-121(c)(1) and 94-173(g)(1) of the Mason zoning ordinance requires a minimum 25 foot front yard setback and a 10 foot building separation, respectively; 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 October 12, 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 variance request of 8 feet 4 inches from the front yard setback standards and 5 feet from the minimum building separation requirement as based on the plans received by the Zoning and Development Department on September 20, 2011.

Board members discussed the following:

- If the variance is not granted, then the addition would have to be torn down
- The addition has less of an encroachment into the required setback than the rest of the structure
- The setback standard is an unreasonable restriction in this case
- Would like to keep the community in harmony
- The addition will be an improvement to the community

RESOLUTION APPROVED

UNFINISHED BUSINESS

Haywood reported that the owner/contractor of 461 Raindrop Ct. will be contacted regarding the pool installation.

NEW BUSINESS

Harbach indicated that he is concerned about the attendance record of the Board. Jenkins informed the Board that state law requires that a majority of regular members is required to approve a variance.

CORRESPONDENCE

None.

ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

Harbach left the meeting at 6:12 p.m.

ADJOURNMENT

By consensus, the meeting adjourned at 6:18 p.m.

Deborah J. Cwierniewicz, City Clerk