

**CITY OF MASON
ZONING BOARD OF APPEALS SPECIAL MEETING
MINUTES OF APRIL 25, 2012**

Haywood called the meeting to order at 5:34 p.m. in the 2nd Floor Training Room at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: *Crips, Curtis, Jakeway, **Jenkins, Maddix, McCormick, Sabbadin (alternate)

Board Member(s) Absent: Richards

Also present: David Haywood, Zoning and Development Director

* Crips arrived at 5:36

** Jenkins arrived at 5:35

APPROVAL OF MINUTES: October 12, 2011

The minutes of the October 12, 2011 meeting were approved as presented.

ELECTION OF CHAIR AND VICE-CHAIR

Haywood opened the floor for nominations for Chairperson.

Nomination by Crips,
to elect Jon Jenkins as Chairperson.

Nomination by Jakeway
to elect Doug Crips 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 – 955 S. Eugenia Dr. – Front Yard Setback

Jenkins opened the public hearing at 5:39pm. Jenkins invited comments from the applicant and asked that he present information relative to the request and to address the standards of approval.

Robert McCartney, owner of 955 S. Eugenia Dr., introduced himself and his daughter Zelda to the Board and provided the following comments:

- Zelda is a special needs child and needs a wheelchair ramp to get in and out of the house
- They currently have to pull a stroller and equipment up the side door stairs into the house and doing so is physically hard on his and his wife's back
- There are currently two stairs that the stroller and equipment must be pulled up and over, which are located adjacent to the kitchen
- A ramp would alleviate this situation
- The ramp will not cause an inconvenience or hazard to the surrounding neighborhood
- They do not use the front door because there are three steps
- They would prefer to use the front entrance with a ramp
- Mr. McCartney has physical limitations and won't be able to continue pulling the stroller and equipment up the stairs
- The wall facing the drive is not the interior space, it is a carport
- They have considered alternate locations for the ramp and chose the front entrance as their preferred location
- Two trees will need to be removed to accommodate the ramp
- They considered a side ramp, but they will be expanding the house into this area to accommodate Zelda's needs and thereby eliminating this option
- They purchased the house in April 2011
- Zelda has a brain injury, cerebral palsy, microcephaly
- Zelda is not ambulatory, she cannot walk

Shane Haywood, Rick Carr Builders, introduced himself and provided the following comments:

- There are two options provided on the site plan labeled "A" and "B"
- In option "A" the wheelchair ramp is eight feet from the sidewalk
- In option "B" the wheelchair ramp is 16 feet from the sidewalk
- Incorporating the ramp into the existing deck would require rebuilding the entire deck
- The carport needs space for vehicles, lift, equipment, etc. for Zelda
- ADA requires that there be a primary and secondary ramp
- The curb cut is wide enough for both driveway lanes

Les Bruno, 1019 S. Eugenia Dr., introduced himself and stated that he is not in favor of the proposed variance, that other options are available, and does not see that a practical difficulty exists. He further stated that the property was already granted a front yard variance in 1991 for a front porch/deck.

Mr. McCartney stated that they did consider a side entry ramp, but that future planned modifications prohibit this option.

No other public answered Mr. Jenkins offer to speak on the matter. Jenkins closed the public hearing at 6:17pm.

MOTION by Jakeway, second by Sabbadin,
to introduce and consider Resolution 2012-01 as read.
MOTION APPROVED UNANIMOUSLY

Jenkins read the letter from Shirley Richards, 938 Eugenia Dr., in opposition to the request.

The Board discussed the issue and made the following points:

- The owner can rebuild the existing deck without needing a new variance as long as they don't encroach the prior setback variance approved in 1991
- Administrator Haywood distributed the staff report from 1991
- There is room with the existing variance to make the request work
- The applicant does not need the variance if they work in the confines of the prior variance setback
- The Board agreed that the prior variance spans the entire width of the lot, excluding side yard

MOTION by Sabbadin, second by Crips,
to approve Resolution 2012-01.
MOTION FAILED, VARIANCE DENIED

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

None.

ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

ADJOURNMENT

By consensus, the meeting adjourned at 6:50 p.m.

Deborah J. Cwierniewicz, City Clerk