

# CITY OF MASON

201 West Ash St.  
Mason, MI 48854-0370

City Hall 517-676-9155  
Fax 517-676-1330

## ZONING BOARD OF APPEALS MEETING – 2<sup>ND</sup> FLOOR TRAINING ROOM

Wednesday, November 14, 2012  
5:30 p.m.

### Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: August 8, 2012
4. Unfinished Business
5. People from the Floor
6. Announcements
7. Public Hearing
  - A. 144 N. Jefferson Street – Variance – Front, Side and Rear Yard Setback  
  
Resolution No. 2012-03 – A Resolution Approving a 17 foot Front Yard Setback Variance, a 10 Foot Side Yard Setback Variance, and a 29 Foot Rear Yard Setback Variance on Property Located at 144 North Jefferson Street
8. Regular Business
9. Unfinished Business
10. New Business
11. Correspondence
12. Administrator Report
13. Adjournment

**CITY OF MASON  
ZONING BOARD OF APPEALS SPECIAL MEETING  
MINUTES OF AUGUST 8, 2012**

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

Board Member(s) Present: Crips, Curtis, Jenkins, Maddix, McCormick, Richards, Sabbadin  
(alternate)  
Board Member(s) Absent: Jakeway (excused)  
Also present: David Haywood, Zoning and Development Director

**APPROVAL OF MINUTES: April 25, 2012**

The minutes of the April 25, 2012 meeting were approved as presented.

**PEOPLE FROM THE FLOOR**

None.

**REGULAR BUSINESS**

**Variance – 235 E. Maple St. – Front Yard Setback**

Jenkins opened the public hearing at 5:36 p.m. Jenkins invited comments from the applicant and asked that he present information relative to the request and to address the standards of approval. Richard Tibbals, owner of 235 E. Maple St., introduced himself to the Board and provided the following comments:

- He will demo the stoop and rebuild it three feet closer to the sidewalk
- He stated that his practical difficulty is the following:
  - The stoop fills with ice during the winter
  - The elderly have difficulty with the ice
  - People stumble on the stoop, his parents did when they were alive
  - The original porch was converted to living space years ago
- The existing porch is a safety hazard and ugly
- He gave a brief overview of each option included in his application
- A new set of stairs will be installed for the new deck
- The porch will be constructed of composite materials
- The structure/building will be used for residential purposes
- The Victorian house next door (229 E. Maple) is as close to the sidewalk as the proposed porch

Raymond Smick, builder, 3005 Meech Rd., Williamston, introduced himself and provided the following comments:

- The stairs will be replaced with a combination concrete and wood
- Elevation drawings provided in the application show option one
- First few concrete steps will remain
- In option two, the slab between stairs will be addressed for slope

Being there were no other public present to give comments, the public hearing was closed at 5:58 p.m.

MOTION by Crips, second by Sabbadin,  
to introduce and consider Resolution 2012-02 as read.  
MOTION APPROVED UNANIMOUSLY

The Board discussed the issue and made the following points:

- No variance is required for the steps in either option
- The current location is as close to the sidewalk as any other structure on the lot
- The new porch would be different/closer than any other structure on the block
- Resolution 2012-02 was written for option one
- The porch will be a great improvement in either option
- The porch will increase the value in the neighborhood
- Additional encroachment does not appear to detract from the neighborhood
- No negative responses from neighborhood
- Findings

RESOLUTION APPROVED UNANIMOUSLY

### PRESENTATIONS

None.

### REGULAR BUSINESS

None.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

Jenkins suggested the Board consider creating bylaws. No member made a motion to pursue the issue.

### CORRESPONDENCE

Distributed.

### ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

### ADJOURNMENT

By consensus, the meeting adjourned at 6:22 p.m.

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Deborah J. Cwierniewicz, City Clerk

# City of Mason

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
www.mason.mi.us



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

## MEMORANDUM

TO: Zoning Board of Appeals

FROM: David E. Haywood, Zoning & Development Director *DA*

SUBJECT: Variance Request – 144 N. Jefferson St.

DATE: November 7, 2012

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### REQUESTED ACTION:

The applicant is requesting approval for a variance to the front, side and rear yard setback standards to be allowed to construct a new 720 square foot (24' by 30') garage. The resulting structure would be eight feet from the front (west) property line, eight feet from the side (south) property line, and six feet from rear (east) property line. The following is a comparison of the applicant's proposal and the required setback standards listed in Section 94-121(c)(1) and Table 100-1 of the zoning ordinance:

Variance Type	Required Setback	Applicant's Proposed Setback	Variance
Front yard setback	25'	8'	17'
Side yard setback	15'	10'	10'
Rear yard setback	35'	6'	29'

### LAND USE AND ZONING PATTERN:

Surrounding Zoning Districts: RM Multiple Family Residential (all sides)  
Surrounding Land Uses: Residential (all sides)

### NOTIFICATION:

Forty-three (43) letters were sent out notifying the public of this request. As of the writing of this report, no responses have been received.

### ANALYSIS:

#### Intent:

The intent of setback requirements is to assure that structures are placed at a distance from property lines that is reasonable given the minimum lot size and intended density of the zoning district.

**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.*

The applicant demolished a house structure in 2001 and rebuilt the existing duplex and rear deck in the same year. In 2007 the applicant constructed a 360 square foot addition on the south end of the structure.

2. *A variance will not permit the establishment within a zoning district of any use not permitted within the district.*

A garage is a permitted accessory structure and use in the RM zoning district.

3. *A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.*

The extent to which the proposed structure will create an adverse effect to the surrounding neighborhood is up to the discretion of the Board of Appeals.

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.*

Whether the variance is contrary to the public interest or the spirit of the ordinance is up to the discretion of the Board of Appeals.

5. *There is no lesser variance than that applied for which would give substantial relief to the applicant.*

Whether there is a lesser variance than applied for is up to the discretion of the Board of Appeals.

**Attachments:**

1. Resolution 2012-03
2. Site Plan

Introduced:  
Seconded:

**CITY OF MASON  
ZONING BOARD OF APPEALS RESOLUTION NO. 2012-03**

**A RESOLUTION APPROVING A 17 FOOT FRONT YARD SETBACK VARIANCE, A 10 FOOT SIDE YARD SETBACK VARIANCE, AND A 29 FOOT REAR YARD SETBACK VARIANCE ON PROPERTY LOCATED AT 144 NORTH JEFFERSON STREET**

**November 14, 2012**

**WHEREAS**, a request has been received from Rosemary Tiffany, the owner of record of parcel 33-19-10-04-351-017, for a variance from the front, side and rear setback requirement at 144 North Jefferson Street; and

**WHEREAS**, the applicant desires to construct a 720 square foot (24' by 30') structure to be used as a garage, and

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

**WHEREAS**, the applicant is requesting a 17 foot variance from the required 25 foot front yard setback requirement, a 10 foot variance from the required 15 foot side yard setback requirement, and 29 foot variance from the required 35 foot rear 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 November 14, 2012, 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 a 17 foot variance from the required 25 foot front yard setback requirement, a 10 foot variance from the required 15 foot side yard setback requirement, and a 29 foot variance from the required 35 foot rear yard setback requirement for the RM zoning district as listed in Section 94-1219(c) and Table 100-1 of the zoning ordinance for the construction of a 720 square foot garage at 144 North Jefferson Street, as based on the application received by the Zoning and Development Department on October 23, 2012.

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, November 14, 2012, the original of which is part of the Zoning Board of Appeals minutes.

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

**APPLICATION – ZONING BOARD OF APPEALS**

**City of Mason**

Planning Department • 201 W. Ash Street • Mason, MI 48854

Phone: 517/676-9155 • Fax: 517/676-1330

www.mason.mi.us



Applicant- Please check one of the following:	
<input checked="" type="checkbox"/>	Variance
<input type="checkbox"/>	Appeal of Administrative Decision
<input type="checkbox"/>	Interpretation of Ordinance Text
<input type="checkbox"/>	Zoning District Boundary Interpretation
<input type="checkbox"/>	Temporary Permit

PLANNING DEPARTMENT USE ONLY	
Application Received:	<u>Oct 23, 2012</u>
Tax ID:	<u>04-351-017</u>
Fee:	<u>\$250.00</u>
Receipt #:	<u>100134777</u>

**I. APPLICANT INFORMATION**

Name ROSEMARY TIFFANY

Organization \_\_\_\_\_

Address 144 N. JEFFERSON

Telephone Number 517-676-4700 Facsimile Number \_\_\_\_\_

Interest in Property (owner, tenant, option, etc.) OWNER

**Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner**

**II. PROPERTY INFORMATION**

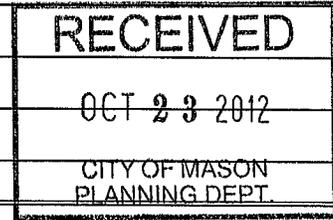
Owner ROSEMARY TIFFANY Telephone Number 517-676-4700

Property Address 144 N. JEFFERSON

Legal Description: If in a Subdivision: Subdivision Name \_\_\_\_\_ Lot Number 4+5

If Metes and Bounds (can be provided on separate sheet): ASSESSORS PLAT NO 1, SEC 4, T2N, R1W, CITY OF MASON, INGHAM COUNTY, VEVA TOWNSHIP, MICHIGAN

PARCEL # 33-19-10-04-351-017



**APPLICANT CERTIFICATION**

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant to City officials a right of entry for the purpose of inspecting the premises to verify compliance with conditions precedent to issuing Zoning Board of Appeals approval.

Signature Rosemary Tiffany

Date 10-17-12

**III. REQUEST DESCRIPTION**

Please use this section to describe your request. Feel free to include additional pages and/or drawings, maps, photographs, and other documentation that might aid the Zoning Board of Appeals in its determination.

- **Variations:** fill in the appropriate boxes in the following table, as shown in the EXAMPLE, and use the blank lines that follow the table to provide a detailed description and reasons for the variance. The Board of Appeals will review a request for variance subject to the standards listed in Sections 94-365(c) and (d) of the Mason Code. Your written response should address these standards.
- **All other requests:** please describe your request in complete detail using the blank lines. Requests are reviewed under the standards listed in Article XI of Chapter 94, Zoning, of the Mason Code. Your written response should address the appropriate standards.

**A. Variance Table**

	Variance Type	Ordinance Requirement	Applicant Proposal*
X	Rear Setback <b>EXAMPLE</b>	45 feet	43 feet
	Front Setback	25	<del>8</del> 8 DB
	Side Setback	15	10
	Rear Setback	35	6
	Height		
	Lot Coverage		
	Lot Size		
	Parking Spaces		
	Other (describe):		

\* Example: If the ordinance requires a rear yard setback of 45 feet, and you propose an addition that would be 43 feet from the rear property line, you would write or type "43 feet" under "Applicant Proposal."

**B. Written Description** (Attach additional pages, if necessary)

24' X 30' POLE BARN STYLE GARAGE WITH SHINGLE ROOF & VINYL SIDING. TWO OVERHEAD DOORS, WINDOW & SERVICE DOOR

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#### **IV. APPLICATION MATERIALS**

The following information must be submitted with this completed application form:

1. **Variances:** Variance requests must be accompanied by a basic site plan drawn to a readable scale showing the location of property lines, existing and proposed structures and parking areas, setback dimensions from property lines and other buildings, easements, existing roads, utility connections, floodplain and topography (where it has a bearing on the request), and any other information necessary to adequately show the nature of the request.
2. **Temporary permits:** Temporary requests must be accompanied by a basic site plan drawn to a readable scale showing the location of property lines, existing and proposed structures and parking areas, setback dimensions from property lines and other buildings, easements, existing roads, utility connections, and any other information necessary to adequately show the nature of the request.
3. **All** requests must be accompanied by a fee, as established by City Council (Effective October 16, 2007). The fee for requests to the Zoning Board of Appeals is \$250.00.
4. **All** requests must be accompanied by any additional information deemed necessary by the Planning Department Staff.
5. Feel free to include written descriptions, elevation or other drawings, maps, photographs, and/or any other documentation that might aid the Board of Appeals in making a determination. Applicants are encouraged to review Article XI of Chapter 94, Zoning, of the Mason Code, which describes the procedures and standards that the Board of Appeals will use to evaluate a request.

Note: The applicant must submit 13 copies of any documents that are larger than 11" by 17".

#### **V. APPLICATION DEADLINES**

Regular meetings of the Zoning Board of Appeals are held on the second Wednesday of every month, at 5:30 p.m. To be placed on the meeting agenda, all Application Materials must be received at least 4 weeks in advance of the meeting.

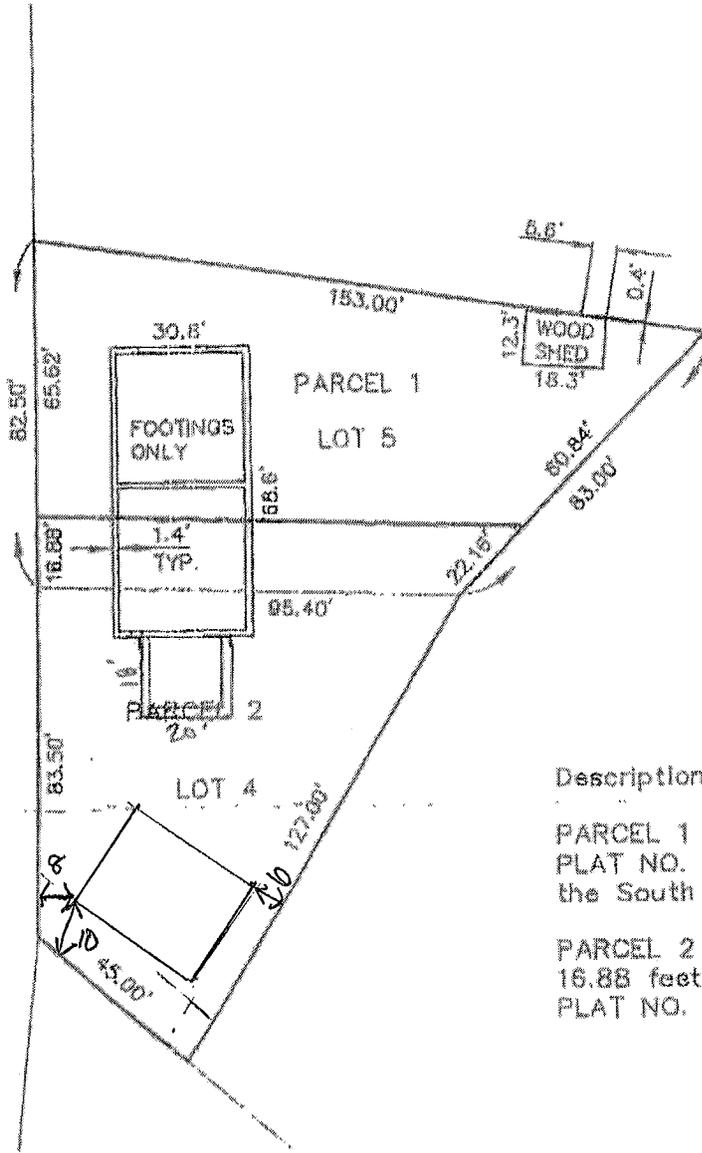
**The Board of Appeals will not take action on the request unless the applicant or his/her duly authorized representative is present at the public hearing.**

#### **VI. STAFF REPORT**

The Planning Department Staff will prepare a report to the Zoning Board of Appeals regarding your request. The report will explain the request to the Board and review whether it complies with the standards in the Zoning Ordinance. Staff will present the findings of that report during the Zoning Board of Appeals meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request to the Planning Department. The report is generally complete on the Friday before the meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

# MORTGAGE INSPECTION REPORT

N. JEFFERSON ST.



**Descriptions:**

- PARCEL 1 - Lot 5 of ASSESSOR'S PLAT NO. 1, City of Mason, Excepting the South 16.88 feet thereof.
- PARCEL 2 - Lot 4 and the South 16.88 feet of Lot 5 of ASSESSOR'S PLAT NO. 1, City of Mason.

I certify that this MORTGAGE INSPECTION REPORT shows the improvement or improvements as located on the premises described, that the improvements are entirely within lot lines and that there are no encroachments upon the premises described by the improvement or improvements of any adjoining premises, except as shown hereon.

I further certify that this MORTGAGEE'S REPORT was prepared for IDENTIFICATION PURPOSES ONLY for Rosemary Tiffany and Grand Valley Coop. Credit Union. In connection with a mortgage and is not intended or represented to be a land or property line survey; that no property corners were set; and is not to be used, or relied upon, for the establishment of any fence, building or other improvement lines. No responsibility is extended herein to the present or future land owner or occupant.

WOLVERINE ENGINEERS & SURVEYORS, INC.

*Maurice A. Mahoney*

616-7175  
~~Wolverine Engineers & Surveyors, Inc.~~  
 11 pages