

**CITY OF MASON
ZONING BOARD OF APPEALS SPECIAL MEETING
MINUTES OF DECEMBER 12, 2012**

Jenkins called the meeting to order at 5:30 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, Richards
Board Member(s) Absent: None
Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES: November 14, 2012

The minutes of the November 14, 2012 meeting were approved as presented.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

None.

PUBLIC HEARING

Variance – 441 North Jefferson Street – Front, Side, and Rear Yard Setback

Jenkins opened the public hearing at 5:32 p.m. Jenkins invited the applicant to speak and requested she address the four standards of approval. Jenkins confirmed with the applicant that she had received a copy of the standards of approval.

Rosemary Tiffany introduced herself as the owner and occupant of 441 North Jefferson Street. David Barnett introduced himself as Ms. Tiffany's son as having an address at 427 South Jefferson Street, Apartment 2. Together and with questions from the Board, they provided the following statements:

- Shape of the lot creates difficulty in meeting setback standard
- Asking for setback variance
- There will be 28 feet between the curb to the nearest point of the garage
- The request is consistent with other structures in the neighborhood
 - 100 N. Jefferson is set back 15 feet 6 inches from curb
 - 119 N. Jefferson is set back 25 feet 10 inches from the curb
 - 137 N. Jefferson is set back 20 feet 5 inches from the curb
 - 144/143 N. Jefferson is set back 19 feet 6 inches from the curb
 - 150 N. Jefferson is set back 27 feet 8 inches from the curb
- There is 20 feet between the curb and the edge of the right-of-way
- First drawing showing the location of the curb was not accepted by Mr. Haywood
- Haywood confirmed that there is 28 feet between the curb and the proposed structure, that the property line shown on the mortgage report is the right-of-way line, and that the reason the first draft showing the curb was not accepted was because it did not show the property line

- The sidewalk is located between the property line shown on the site plan and the curb
- The driveway is a circle drive on both the north and south of the house
- There is 12-15 feet between the garage and where the hill starts near the sidewalk
- They have consent from the property owner to the east
- Garage will be used for vehicles
- Access to the garage will be from the north
- There will be a service door on the east side of the garage
- The “wood shed” at the rear (northeast) corner of the site was originally built for a model T car and cannot be expanded or replaced without a variance, and there is not enough room for the garage
- The structure is a duplex – replacing the “wood shed” would place the garage on the tenant’s side
- Property was purchased in 2000 and had smaller residential structure
- The structure was demolished and replaced with what was constructed now, no variance was needed at the time
- The 18’ x 20’ addition (family room) was added later in approximately 2007
- The existing deck (12’x24’) on the east side (rear) of the house received a rear yard variance
- A variance was not required for the construction of the duplex in 2000
- Ms. Tiffany does not want to remove the driveway at the south end of the house to accommodate the garage in that location
- Ms. Tiffany stated that her neighbors are in support of the proposal
- If they complied with the ordinance standards, it would render the property unusable
- In 2005, David Haywood and the building inspector at the time denied her request to build a garage in the rear corner
- The existing driveway is extensive and interferes with the ability to locate the garage in the rear yard directly behind the house
- Garage will be shared by both the owner and the tenant

Rita Vogel, 424 South Jefferson, thanked the Board for “doing what they do”, that the request before the Board was interesting.

Being there were no other questions for the applicant or public in attendance to provide additional comments the public hearing was closed at 6:10 p.m.

MOTION by Jakeway, second by Curtis,
to introduce Resolution 2012-03 and consider read.
MOTION APPROVED UNANIMOUSLY

**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

December 12, 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.

The Board discussed issue and made the following points:

- Applicant has the right to keep the driveway
- Others in the vicinity of the site have garages and similar setbacks
- Jenkins reviewed the standards that constitute a practical difficulty
- The properties described in the vicinity regarding comparable setbacks should be considered in the context of the dates they were constructed
- There will invariably be non-conforming structures within the vicinity of most structures in the City

VARIANCE GRANTED

REGULAR BUSINESS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

None.

ADMINISTRATOR REPORT

Haywood gave a brief report of Zoning and Development business.

ADJOURNMENT

By consensus, the meeting adjourned at 6:10 p.m.

Deborah J. Cwierniewicz, City Clerk