

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

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

ZONING BOARD OF APPEALS SPECIAL MEETING – COUNCIL CHAMBER

Thursday, April 16, 2015
5:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. People from the Floor
4. Regular Business
 - A. Resolution No. 2015-01 – A Resolution Granting a Variance of 38 Square Feet from the Parking Space Area Requirement and a One Foot Variance from the Parking Space Width Requirement on Property Located at 368 South Park Street
5. Adjournment

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P.O. Box 370
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www.mason.mi.us



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TDD 1-800-649-3777

MEMORANDUM

TO: Zoning Board of Appeals

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Variance Request – 368 S. Park Street (Dart Bank)

DATE: April 14, 2015

This is a supplemental memorandum to my staff report of April 1, 2015. In summary, the applicant is requesting approval for a variance from the parking space dimension requirement listed in Section 94-292(j)(3), which requires a minimum parking space area of 200 square feet with a minimum width of 10 feet, to be allowed to create parking spaces having a dimension of nine feet wide by 18 feet deep, with a total square foot area of 162. During the meeting there was concern expressed by Board members that by allowing smaller parking spaces may cause an increase in vehicle damage which may create a liability to the City.

On Wednesday, April 8, 2015, the Zoning Board of Appeals acted to table the request to April 16, 2015 to afford staff time to obtain a legal opinion that would answer the question as to whether the City would be liable for any damages to vehicles by granting a variance allowing parking spaces to be 9 feet wide by 18 feet deep. Since then, staff has spoken with the City Attorney who has verbally stated that the City assumes absolutely no liability with respect to this issue, that we are covered by governmental immunity. A written opinion is anticipated to be available by Thursday night.

Attached is Resolution No. 2015-01 and April 1, 2015 staff report for your consideration.

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Introduced:
Seconded:

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2015-01**

**A RESOLUTION GRANTING A VARIANCE OF 38 SQUARE FEET FROM THE
PARKING SPACE AREA REQUIREMENT AND A ONE FOOT VARIANCE
FROM THE PARKING SPACE WIDTH REQUIREMENT ON PROPERTY
LOCATED AT 368 SOUTH PARK STREET**

April 16, 2015

WHEREAS, a request has been received from Dart Bank, owner of record of parcels 368 S. Park St. (parcel # 33-19-10-08-235-025), 222 W. Ash St. (parcel # 33-19-10-08-235-026), 235 W. Maple St. (parcel # 33-19-10-08-235-005), 237 W. Maple St. (parcel # 33-19-10-08-234-004), 241 W. Maple St (parcel # 33-19-10-08-235-003), 245 & 247 W. Maple St. (parcel # 33-19-10-08-235-002), for a variance of 38 feet from the parking space area requirement and one foot from the parking space width requirement; and

WHEREAS, the subject property is located in the C-1 (Central Business) and O-1 (Office) zoning districts; and

WHEREAS, Section 94-292(j)(3) of the Mason zoning ordinance requires a minimum area of 200 square feet with a minimum width of ten feet shall be provided for each vehicle parking space; 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 special meeting of April 8, 2015, 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 38 feet from the parking space area requirement and one foot from the parking space width requirement as based on the plans received by the Zoning and Development Department on March 18, 2015.

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 special meeting held Tuesday, April 16, 2015 the original of which is part of the Zoning Board of Appeals minutes.

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

City of Mason

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MEMORANDUM

TO: Zoning Board of Appeals

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Variance Request – 368 S. Park Street (Dart Bank)

DATE: April 1, 2015

REQUESTED ACTION:

The applicant is requesting approval for a variance from the parking space dimension requirement listed in Section 94-292(j)(3) to be allowed to create parking spaces having a dimension of nine feet wide by 18 feet deep, with a total square foot area of 162.

Parking space area requirement: 200 square feet
Minimum parking space width: 10 feet

LAND USE AND ZONING PATTERN:

	Current Land Use	Zoning	Future Land Use
North	Commercial Institutional (AT&T) Auto body repair	C-1 (Central Business) O-1 (Office) M-1 (Light Manufacturing)	Commercial
East	Commercial Public – Post office	C-1 (Central Business)	Commercial
South	Public – City Hall & Fire Department	C-1 (Central Business)	Commercial
West	Railroad Public utility Public park	O-1 (Office)	Residential

INTENT:

Section 94-121 of the Zoning Ordinance indicates that the general intent and purpose of zoning district regulations is to “accommodate permitted uses and structures in a manner that minimizes negative impacts on abutting properties and complements the unique character and

identity of the city through appropriate architectural design including building size, building height, building materials, building location, signage, landscaping, buffering, safe circulation of vehicular and pedestrian traffic, and other pertinent development features”.

NOTIFICATION:

Twenty-nine letters were sent out notifying the public of this request. As of the writing of this report, no responses have been received.

ANALYSIS:

Section 94-292(j)(3) requires, “a minimum area of 200 square feet with a minimum width of ten feet shall be provided for each vehicle parking space”. The applicant is requesting that all of the parking spaces be provided have a dimension of nine feet wide by 18 feet deep, with a total square foot area of 162.

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.*
2. *A variance will not permit the establishment within a zoning district of any use not permitted within the district.*
3. *A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.*
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.*
5. *There is no lesser variance than that applied for which would give substantial relief to the applicant.*

Attachments:

1. Resolution
2. Application
3. Site Plan



APPLICATION – ZONING BOARD OF APPEALS

City of Mason

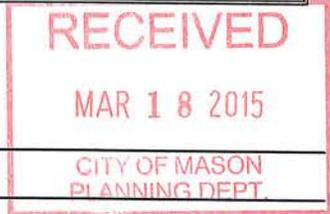
Planning Department • 201 W. Ash Street • Mason, MI 48854

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>3/18/15</u>
Tax ID:	<u>Various see attached</u>
Fee:	<u>\$250.00</u>
Receipt #:	<u>100173959</u>



I. APPLICANT INFORMATION

Name Mr. Peter Kubacki, President

Organization Dart Bank

Address 368 S. Park Street, P. O. Box 40, Mason, MI 48854

Telephone Number 517-244-4402 Facsimile Number 517-676-1317

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 Dart Bank Telephone Number 517-244-4402

Property Address 368 S. Park Street, P.O. Box 40, Mason, MI 48854

Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number _____

If Metes and Bounds (can be provided on separate sheet): _____

Please see provided sheet.

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 Peter Kubacki Date 3-18-15

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*	Variance Request = (Requirement – Proposal)
X	Rear Setback - EXAMPLE -	45 feet	43 feet	
	Front Setback			
	Side Setback			
	Rear Setback			
	Height			
	Lot Coverage			
	Lot Size			
X	Parking Spaces	200 SF (10'x20')	162 SF (18'x9')	
	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)

~~Parking Space Variance Request: The applicant request that all the parking spaces on the project be a standard size of 18'x9' rather than the required 20'x10'. The applicants design for the project site is incorporating Low Impact Design elements to minimize the development's environmental impact. A part of this design philosophy is to minimize the amount of impervious pavement on the site while providing the number of parking spaces required for employee and customer parking. By decreasing the standard size of the parking spaces, we will net 3,800 SF less of installed impervious surface. This 18'x9" standard parking space dimension is the required parking space dimension for several Mid-Michigan area municipalities such as the City of Lansing, Delta Charter Township and the City of Grand Ledge. Additionally, the predominant vehicle parking on this site will be passenger type vehicles, not large commercial trucks, vans or tractor trailers. 18'x9" standard parking spaces can be easily maneuvered by passenger cars.~~

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.
3. **All** requests must be accompanied by a fee, as established by City Council. 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.