

# 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 – COUNCIL CHAMBERS

Wednesday, June 10, 2015  
5:30 p.m.

### Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: May 13, 2015
4. People from the Floor
5. Announcements
6. Public Hearing
  - A. 221 N. Rogers St. – Variance – Front Yard Setback  
Resolution No. 2015-02 – A Resolution Approving a 16 Foot Front yard Setback Variance to Allow the Construction of an Attached Garage on Property Located at 221 North Rogers Street
7. Regular Business
  - A. ZBA Training
8. Unfinished Business
9. New Business
10. Correspondence
11. Administrator Report
12. Adjournment

**CITY OF MASON  
ZONING BOARD OF APPEALS MEETING  
MINUTES OF MAY 13, 2015**

Haywood called the meeting to order at 5:42 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

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

**APPROVAL OF MINUTES**

The minutes of the April 8, 2015 regular meeting and the April 16, 2015 special meeting were approved as presented.

**PEOPLE FROM THE FLOOR**

None.

**REGULAR BUSINESS**

**ZBA Training**

The Board discussed the option of postponing training until a larger majority of the Board was present.

MOTION by McCormick, second by Ackerson,  
to postpone training until such time as a larger majority of the Board is present.

**MOTION APPROVED UNANIMOUSLY**

**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 5:56 p.m.

# 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 

SUBJECT: Variance Request – 221 N. Rogers St.

DATE: June 5, 2015

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### REQUESTED ACTION:

The applicant is requesting approval for a variance of from the 25 foot front yard setback requirement stated in Section 94-121(c)(1)(a) and Table 100-1. The applicant is proposing to construct an attached garage to the front side of the existing principal residential structure that would be nine feet from the front property line and road right-of-way of North Rogers Street. The applicant indicated the front yard setback standard as 26 feet, which should be 25 feet. Therefore, the applicant needs a lesser variance of 16 feet.

### LAND USE AND ZONING PATTERN:

Surrounding Zoning Districts: RS-3: Single Family Residential  
Surrounding Land Uses: Residential

### NOTIFICATION:

Forty-five letters were sent out notifying the public of this request. As of the writing of this report, no responses were received.

### ANALYSIS:

Table 100-1 requires a 25 foot front yard setback for uses located in the RS-3 Single Family Residential zoning district.

If approved, the proposed garage will encroach the required front yard setback by 16 feet. The applicant is, therefore, seeking a variance from the front yard setback standard listed in Section 94-121(c)(1) and Table 100-1. The attached site plan shows the dimensions of the proposed porch and ramp.

**Intent:**

The intent of a setback requirement 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.*
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, including Palmer email of June 4, 2015
3. Site Plan

Introduced:  
Seconded:

**CITY OF MASON  
ZONING BOARD OF APPEALS RESOLUTION NO. 2015-02**

**A RESOLUTION APPROVING A 16 FOOT FRONT YARD SETBACK VARIANCE TO  
ALLOW THE CONSTRUCTION OF AN ATTACHED GARAGE ON PROPERTY  
LOCATED AT 221 NORTH ROGERS STREET**

**June 10, 2015**

**WHEREAS**, a request has been received Scott Palmer of Phoneix Brothers Properties, LLC, the owner of record of parcel 33-19-10-04-352-006, for a variance of 16 feet from the front yard setback requirement for permission to construct an attached garage on property located at 221 North Rogers Street; and

**WHEREAS**, the subject property is located in the RS-3: Single Family Residential zoning district; and

**WHEREAS**, upon compliance with the conditions of approval listed herein, the variance request will comply with the conditions of approval in Section 94-365 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 June 10, 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 request for variance to allow the construction of an attached garage based on the plans received by the Zoning & Development Department on May 19, 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 Wednesday, June 10, 2015, 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>May 19, 2015</u>
Tax ID:	<u>04-352-006</u>
Fee:	<u>\$250.00</u>
Receipt #:	<u>100176065</u>

**I. APPLICANT INFORMATION**

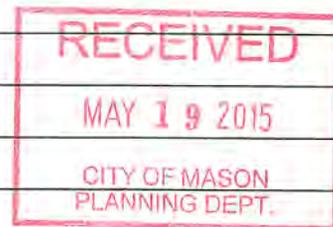
Name Scott Palmer / Jim Brock / Steve Brock  
 Organization Phoenix Brothers Properties, LLC  
 Address 5102 Nichols Rd. Mason  
 Telephone Number 517-303-9871 Facsimile Number \_\_\_\_\_  
 Interest in Property (owner, tenant, option, etc.) Owner

**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 Scott Palmer / Jim Brock / Steve Brock Telephone Number 517-303-9871  
 Property Address 221 N Rogers  
 Legal Description: If in a Subdivision: Subdivision Name 33-19-10-04-352-006 Lot Number 36  
 If Metes and Bounds (can be provided on separate sheet): \_\_\_\_\_

Email - jppol@1987@yahoo.com



**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 John "Scott" Palmer Date 5/19/15

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	26 Feet	9 Feet	17 Feet
	Side Setback	10 Feet	7 Feet	3 Feet <sup>5P</sup>
	Rear Setback			
	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)

*Plan to build a garage in place of the existing garage location with an attached breezeway.*

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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.
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.

	<b>Frontage</b>		<b>Depth</b>
<b>Lot 1:</b>	60.10 Ft.		86.40 Ft.
<b>Lot 2:</b>	0.00 Ft.		0.00 Ft.
<b>Lot 3:</b>	0.00 Ft.		0.00 Ft.
<b>Total Frontage:</b>	60.10 Ft.	<b>Average Depth:</b>	86.40 Ft.

<b>Total Acreage:</b>	0.12		
<b>Zoning Code:</b>	RS3		
<b>Total Estimated Land Value:</b>	\$20,000	<b>Mortgage Code:</b>	
<b>Land Improvements:</b>	\$0	<b>Lot Dimensions/Comments:</b>	
<b>Renaissance Zone:</b>	NO		
<b>Renaissance Zone Expiration Date:</b>			
<b>ECF Neighborhood Code:</b>	418		

**Legal Information for 33-19-10-04-352-006** [collapse]

LOT 36 & PT OF LOT 30 BEG ON SW COR LOT 36 - W TO E LN OKEMOS ST - NELY TO N'LY COR LOT 30 - S TO POB ASSESSOR'S PLAT NO. 1, SEC 4, T2NR1W, CITY OF MASON

**Sales Information**

9 sale record(s) found.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
01/13/2015	\$14,000.00	WD	SALINAS ROBERTO & ALLEN CYNTHIA	PHOENIX BROTHERS PROPERTIES, LLC	EXCLUDE FROM STUDY	14-002284
02/22/2013	\$10,000.00	WD	MEMBERS FIRST MORTGAGE, LLC	SALINAS ROBERTO & ALLEN CYNTHIA	FORECLOSURE	13-016288
+ 11/08/2012	\$35,000.00	SD	DEWITT BENJAMIN C & STEPHANIE M	MEMBERS FIRST MORTGAGE LLC	FORECLOSURE	12-049685
12/16/2005	\$1.00	QC	DEWITT BENJAMIN C	DEWITT BENJAMIN C & STEPHANIE M	FAMILY SALE	3198-477
11/21/2001	\$66,000.00	WD	JOHNSON, JAMES & CAROL	DEWITT, BENJAMIN C	WARRANTY DEED	2933/58
07/26/2001	\$0.00	QC	PERKINS, MICHAEL M & TAMMY L	JOHNSON, JAMES & CAROL	QUIT CLAIM	2911/940
07/01/2000	\$76,600.00	WD	M & B PROPERTIES OF MI LLC	PERKINS, MICHAEL M & TAMMY L	WARRANTY DEED	2859/224
04/21/2000	\$56,000.00	WD	FINCH, FLOYD & SUSAN	M & B PROPERTIES OF MI LLC	WARRANTY DEED	2849/72
+ 07/02/1992	\$32,000.00	CD	MINSHALLS		ARMS LENGTH	

Load Building Information on this Page.

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## David Haywood

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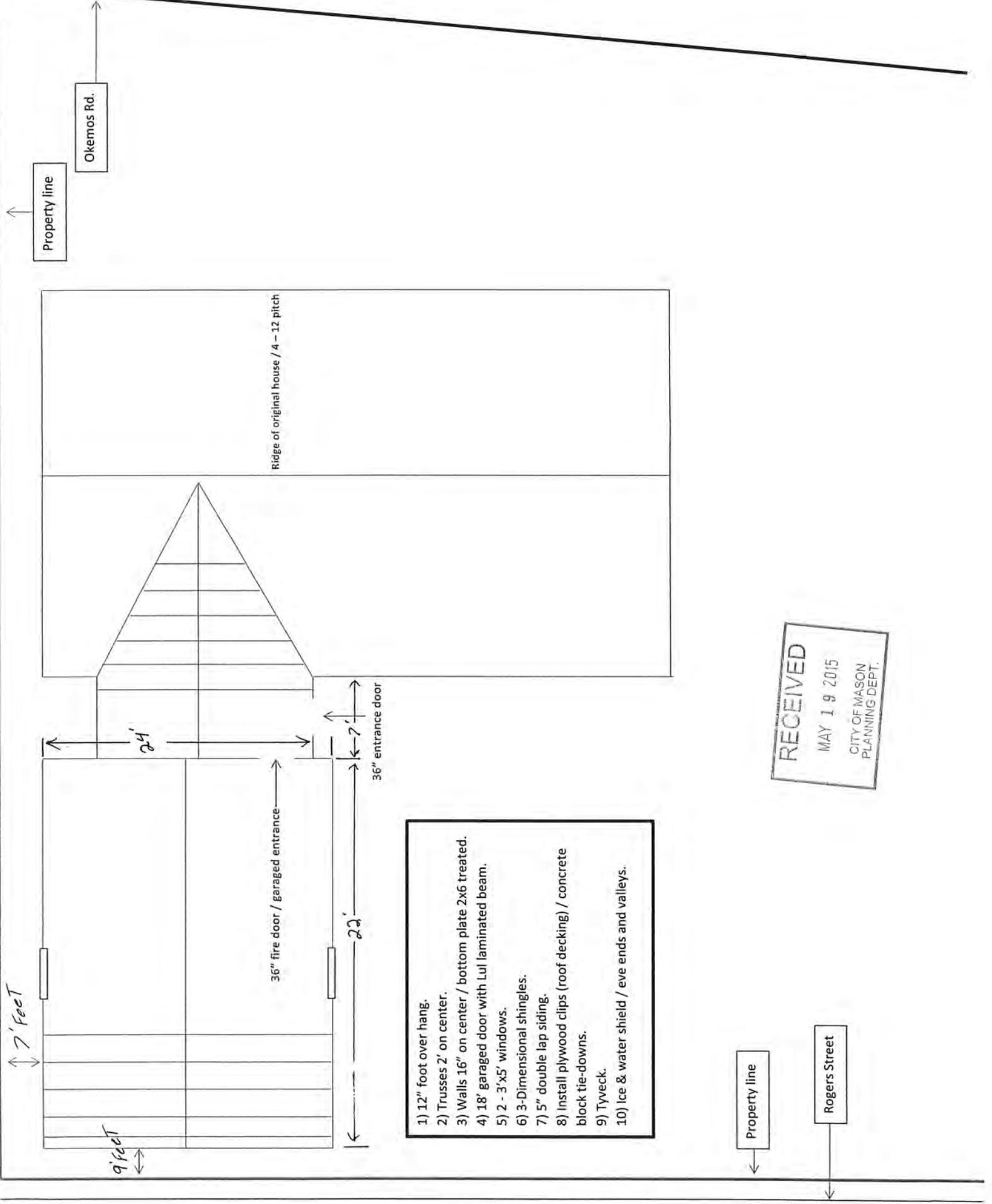
**From:** jppolar1987 [jppolar1987@yahoo.com]  
**Sent:** Thursday, June 04, 2015 6:53 AM  
**To:** David Haywood  
**Attachments:** 20150603\_151537.jpg

Hi David,

This is John Palmer the home owner at 221 N Rogers. He's the picture of two house right next door to us, the first house is 4.5 feet off the edge of the sidewalk and the second house is 6 feet off the sidewalk.

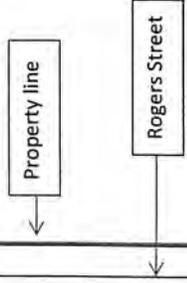
Thanks David for getting back with me today, if there anything else you need please let me know.

Sent on the new Sprint Network from my Samsung Galaxy S004.



- 1) 12" foot over hang.
- 2) Trusses 2' on center.
- 3) Walls 16" on center / bottom plate 2x6 treated.
- 4) 18' garaged door with Lul laminated beam.
- 5) 2 - 3'x5' windows.
- 6) 3-Dimensional shingles.
- 7) 5" double lap siding.
- 8) Install plywood clips (roof decking) / concrete block tie-downs.
- 9) Tyweck.
- 10) Ice & water shield / eve ends and valleys.

**RECEIVED**  
 MAY 19 2015  
 CITY OF MASON  
 PLANNING DEPT.



Property line

Okemos Rd.

Ridge of original house / 4 - 12 pitch

36" entrance door

36" fire door / garaged entrance

7' feet

9' feet

24'

22'

Property line

Rogers Street