

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, August 12, 2015
5:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: June 10, 2015
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. 131 E. Ash St. – Variance – Side Yard Setback & Lot Coverage
A Resolution Approving a 1.2 Foot Side Yard Setback Variance and a 17 Percent Lot Coverage Variance to Allow the Construction of a 600 Square Foot Building Addition on Property Located at 131 East Maple Street
7. Regular Business
 - A. ZBA Training
8. Unfinished Business
9. New Business
10. Correspondence
 - Shirley Richards – Resignation from the ZBA
11. Administrator Report
12. Adjournment

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF JUNE 10, 2015**

Crips called the meeting to order at 5:30 p.m. in the second floor training room at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: Ackerson, Crips, McCormick, Sabbadin, Schaffer, Spenny (alternate)

Board Member(s) Absent: Curtis, Maddix (excused), Richards

Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES

The minutes of the May 13, 2015 special meeting were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Variance – 221 N. Rogers St.

Crips opened the public hearing at 5:35pm.

Crips invited comments from the applicant and asked to present information relative to the request.

Jim Brock and Scott Palmer of Phoneix Brothers Properties, LLC, 5102 Nichols Rd, Mason, MI, introduced themselves to the Board. Together and with the Board, the following issues were identified and discussed:

- Having a garage will increase value of home
- There is currently an existing footing
- They intend to flip home
- Homes in vicinity are closer that subject house
- Subject house is on slab
- Neighbor's home is four feet from the sidewalk
- There is seven feet between the subject house and the proposed garage
- The photo provided is from vantage of standing in the driveway
- The garage is four feet from the driveway
- There is one other property in the vicinity
- There is not enough room to park between the house and the right of way
- Mud room can be omitted
- Driveway is currently gravel
- The garage is wide enough for two cars

Loren Bidle, 140 N. Rogers, expressed concerns that there would not be enough room to park a vehicle if garage were built.

Being there were no other questions for the applicant or public in attendance to provide additional comments the public hearing was closed at 5:51 p.m.

MOTION by Curtis, second by McCormick,
to introduce the resolution and consider it read.

MOTION APPROVED UNANIMOUSLY

The Board discussed the issue briefly and discussed a lesser variance. A lengthy discussion ensued regarding options for a lesser variance.

MOTION by Sabbadin, second by Schaffer,
to amend the resolution to eliminate breezeway and allow an 18 foot deep garage
for a variance of seven feet.

MOTION FAILED

The Board continued their discussion on possible options for a lesser variance. A lengthy discussion ensued.

VARIANCE DENIED

UNFINISHED BUSINESS

Board members expressed interest in a workshop in May for training purposes.

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 6:30 p.m.

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
Thomas Girdwood, Planning Intern *TG* *DH*

SUBJECT: Variance Request – 131 E. Maple Street (Presbyterian Church)

DATE: August 5, 2015

REQUESTED ACTION:

The applicant is requesting two variances for the purpose of expanding a nonconforming structure pursuant to Section 94-329. The proposed construction consists of an addition on the south west corner of the existing 8,350 square foot building. The addition would be 8.8 feet from the west property line and would increase lot coverage by 600 square feet.

LAND USE AND ZONING PATTERN:

The property is located in the O-1: Office zoning district. The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning
North	Institutional (parking)	O-1: Office
South	Institutional	C-1: Central Business
East	Residential	O-1: Office
West	Institutional (Hilliard Bldg.)	O-1: Office

NOTIFICATION:

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

ANALYSIS:

The attached site plan shows the existing structures and the proposed additions. The applicant is proposing to remove limited exterior and structural components of the building and erect a

new a barrier-free grade-level entrance as well as an elevator that will connect two existing floors. The addition would be 8.8 feet from the side (west) property line.

Intent:

The intent of setback and lot coverage 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.*

An argument could be made that the site and building development were completed long before the current setback standards were in place, which means that the circumstances were not created by the applicant. Whether the current conditions rise to the level of a practical difficulty, is up to the discretion of the Board.

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

No change in use is proposed. The proposed addition was approved by the Planning Commission on July 14, 2015 with the condition that a variance be granted for the side yard and lot coverage.

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

There does not appear to be a conflict of this nature.

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.*

There does not appear to be a conflict of this nature.

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

The applicant is demonstrating that the request is the minimum necessary. Whether the request is or is not the minimum necessary is up to the discretion of the Board.

Section 94-329 gives the Zoning Board of Appeals the authority to grant variances to nonconforming structures, and states that, “When considering such a request, the proofs the board shall except as proof of practical difficulty, shall include the following”:

1. *A board finding that failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status.*

The non-conforming status was a result of a previous condition (zoning change) not created by the applicant. Whether the applicant’s situation rises to the level of a practical difficulty is up to the discretion of the Board of Appeals.

2. *A board finding that the subject structure possesses historical significance and that the requested variance is necessary to maintain or enhance the utility or safety of the structure.*

The subject site is located within the Mason Historic District. The proposal was approved by the Historic District Commission on July 27, 2015. As stated previously the purpose of the addition is to enhance the accessibility of the facility to persons with disabilities.

RECOMMENDATION:

With the findings and analysis described above, the following action is recommended for consideration by the Zoning Board of Appeals: **That the Zoning Board of Appeals approve the proposed resolution.**

Attachments:

1. Resolution
2. Application and Site Plan

Introduced:
Seconded:

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

**A RESOLUTION APPROVING A 1.2 FOOT SIDE YARD SETBACK VARIANCE AND
A 17 PERCENT LOT COVERAGE VARIANCE TO ALLOW THE CONSTRUCTION OF
600 SQUARE FOOT BUILDING ADDITION ON PROPERTY LOCATED AT 131 EAST
MAPLE STREET**

August 12, 2015

WHEREAS, a request has been received from the First Presbyterian Church for a variance of 1.2 feet from the side yard setback requirement and a variance 17 percent from the lot coverage requirement for permission to construct a 600 square foot building addition on property located at 131 East Maple Street; and

WHEREAS, the subject property is located in the O-1: Office zoning district; and

WHEREAS, the variance request complies with the conditions of approval in Sections 94-329 and 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 August 12, 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 a 600 square foot addition based on the plans received by the Zoning & Development Department on June 22, 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, August 12, 2015, the original of which is part of the Zoning Board of Appeals minutes.

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>July 9, 2015</u>
Tax ID:	<u>09-104-015</u>
Fee:	<u>\$250.-</u>
Receipt #:	<u>100177835</u>

I. APPLICANT INFORMATION

Name Rev Bill Pinches
 Organization First Presbyterian Church
 Address 131 E. Maple St. Mason MI
 Telephone Number 517-676-9333 Facsimile Number —
 Interest in Property (owner, tenant, option, etc.) Pastor

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 First Presbyterian Church Telephone Number 517-676-9333
 Property Address 131 E. Maple Street Mason MI
 Legal Description: If in a Subdivision: Subdivision Name — Lot Number —
 If Metes and Bounds (can be provided on separate sheet):
Lots 11 & 12, Section 9, T2N, R1W
City of Mason, Ingham Co, MI

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 William J. [Signature] Date 6-28-2015

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	
X	Front Setback	25 feet	38.2 feet	X-X
X	Side Setback	10 feet	8.8 feet	-1.2 feet **
-	Rear Setback			
-	Height			
X	Lot Coverage	35%	52%	-17% **
-	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."

** Existing front setback is 14.4 feet. Existing side setback is 6 feet and existing lot coverage is 48%

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

Existing Non-conforming building @ site. Proposed new elevator addition is not closer to side lot than existing. Proposed front setback is not closer to front than existing. Addition is minimal for handicapped access @ elevator.

IV. APPLICATION MATERIALS

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

1. **Variations:** 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.

June 30, 2015

David Haywood
Zoning and Development Director
City of Mason
201 West Ash Street
Mason MI 48854



RE: First Presbyterian Church Addition – VARIANCE REQUEST

The First Presbyterian Church is located at 131 E. Maple Street in Mason is proposing to construct a small addition for the purposes of providing a barrier-free grade level entrance and elevator leading to the two existing floors of the church.

The church has existed at this site since 1901 and is a contributing structure to this National Historic District. An addition was constructed in 1960, the addition included space for Sunday school rooms.

The church property is located at an intersection with E. Maple Street on the south and S. Barnes Street to the east. An alley runs behind the church on the north side and the County's office building sets on the parcel to the west.

The proposed new addition is located at the southwest corner of the church, adjacent to the County office building. The addition is designed for the smallest footprint that can accommodate the needs of wheelchairs and accommodate coffins with sensitivity to the building's historic character.

This existing building is an existing non-conforming structure. The existing building setbacks do not conform to the ordinance. The existing building does not conform to the lot coverage restrictions in the ordinance. The proposed addition will not decrease any of the existing setbacks and has minimal increase of lot coverage.

The hardships faced by the church are due to ordinances that were enacted after the church was built and mandated by American's with Disabilities Act of 1990.

The church has served this community for over 100 years and will serve the community for many more years to come. Improvements such as this new addition make this place inviting to all. Thank-you for considering this variance request.

Sincerely,


Jackie Hoist, AIA
Project Manager

JSH/jh



Z:\Projects\First Presbyterian of Mason\14-220\Correspondence\Letters\City of Mason Variance Request.docx

ADDITION AND RENOVATIONS TO:
**FIRST PRESBYTERIAN
 CHURCH OF MASON**
 131 E. MAPLE ST MASON, MICHIGAN 48854
 VARIANCE REQUEST

INDEX OF DRAWINGS

- 1 6001 TITLE SHEET AND VICINITY MAP
- 2 C101 SURVEY, DEMOLITION SITE PLAN, AND DEVELOPMENT PLAN
- 3 A101 LOWER LEVEL FLOOR PLAN
- 4 A102 UPPER LEVEL FLOOR PLAN
- 5 A201 EXTERIOR ELEVATIONS



SUBJECT PROPERTY



VICINITY MAP

1"=400'



SITE



LOCATION MAP

NO SCALE

H2A
 architects
 9100 Lapeer Rd, Suite B
 Davison, MI 48843
 (810) 412-5640

ADDITION AND RENOVATIONS TO:
**FIRST PRESBYTERIAN
 CHURCH OF MASON**

131 E. MAPLE ST MASON, MICHIGAN 48854
 VARIANCE REQUEST

NO.	DESCRIPTION	DATE
6		
5		
4	SUBMITTED FOR ZONING BOARD OF APPEALS	7-4-15
3	SUBMITTED FOR SITE PLAN REVIEW	6-22-15
2	SUBMITTED TO HST. DISTRICT COMMISSION	6-19-15
1		
PROJECT NO.		14-220
DATE		7-4-15
DRAWN		EHD
CHECKED		JSH
SEAL		

6001

CAD FILE NO. 6001

SHEET 1 OF 5

H2N
architects
9100 Lapeer Rd, Suite B
Davison, MI 48843
(810) 412-5640

WOLVERINE
ENGINEERS & SURVEYORS, INC.
312 North Street
Mason, Michigan 48854
Ph: 517-676-9200
F: 517-676-9396
http://www.wolverine.com

PROJECT INFORMATION

CONSTRUCTION START: SEPTEMBER 2015
CONSTRUCTION COMPLETION: SUMMER 2016
ZONING: 0-1

SQUARE FOOTAGE
EXISTING - 16,700 TOTAL
ADDITION - 1,200 TOTAL
TOTAL 17,900 S.F.

LEGAL DESCRIPTION:
LOTS 11&12, SECTION 4, T2N, R1W
CITY OF MASON
INGHAM CO. MICHIGAN

SET BACKS

REQ.	EX.	PROP. ADD
FRONT 25'	14.4'	38.2'
SIDE 10'	6'	8.8'
LOT COVERAGE 35%	48%	52%

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		

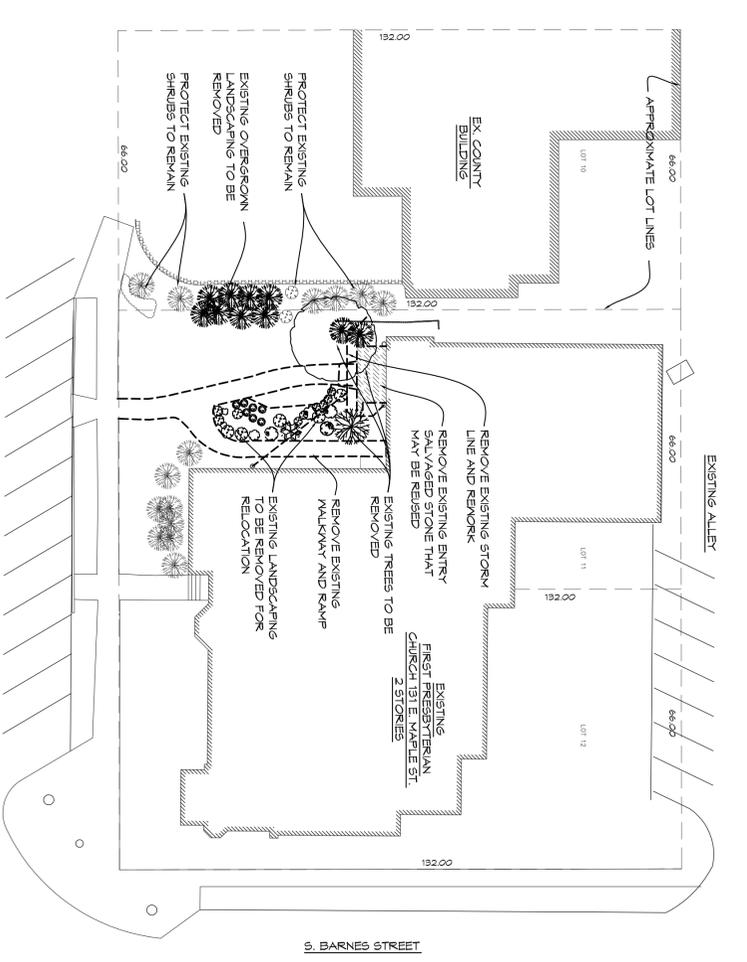
ADDITION AND RENOVATIONS TO:
**FIRST PRESBYTERIAN
CHURCH OF MASON**
131 EAST MAPLE STREET
MASON, MICHIGAN 48854

DRAWING TITLE
**DEMOLITION SITE PLAN
AND
DEVELOPMENT PLAN**

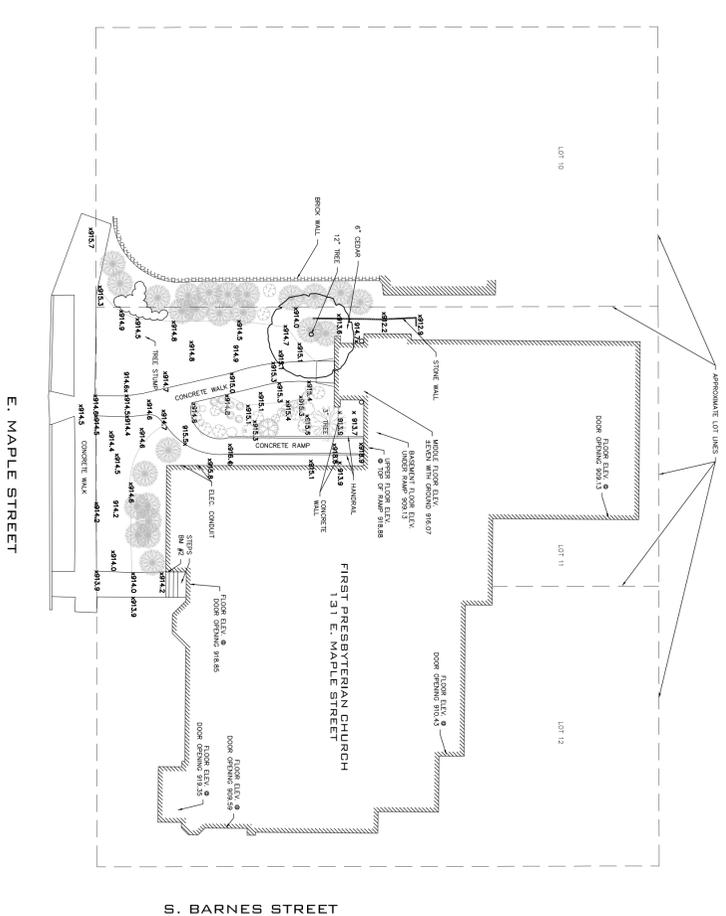
PROJECT NO. 14-220
DATE 1-4-15
DRAWN EHD
CHECKED JSH

C101

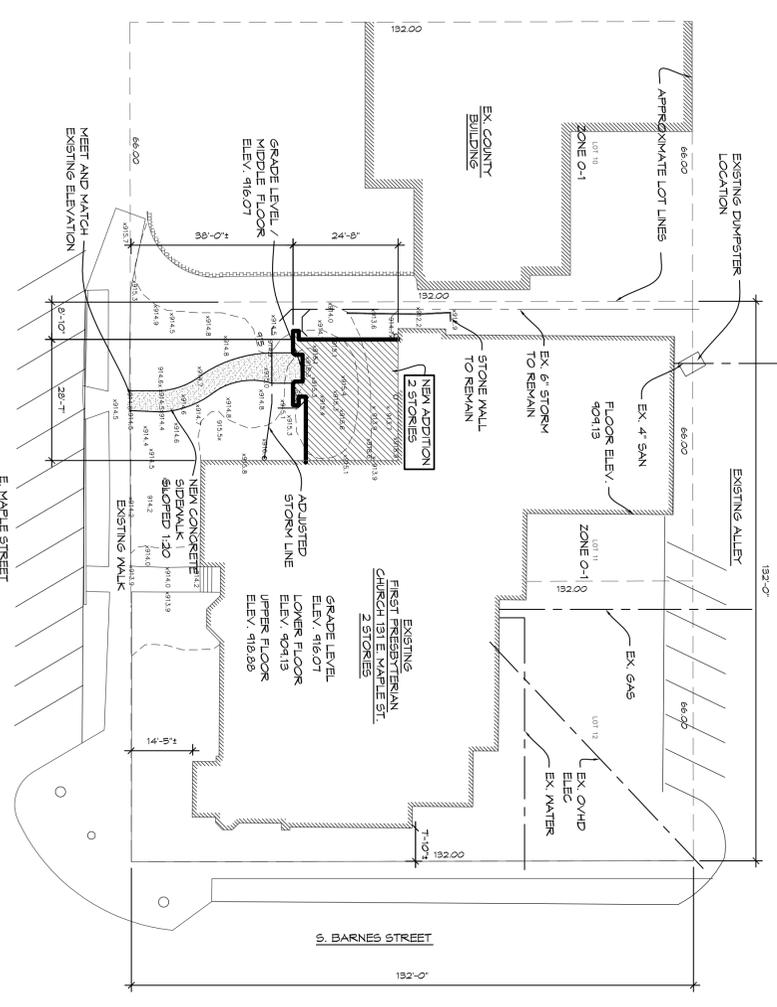
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SCALE 1" = 20'



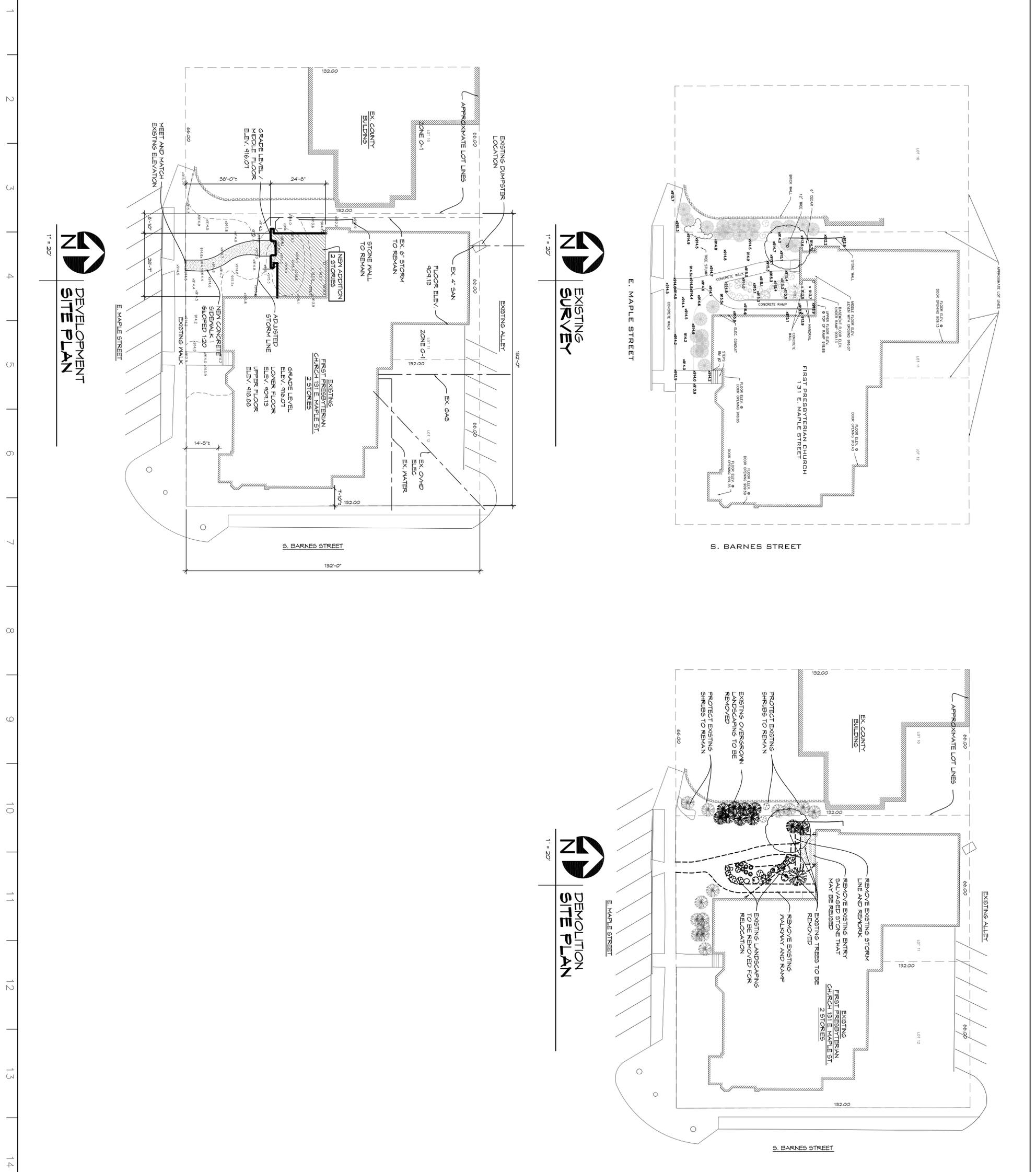
**DEMOLITION
SITE PLAN**
1" = 20'

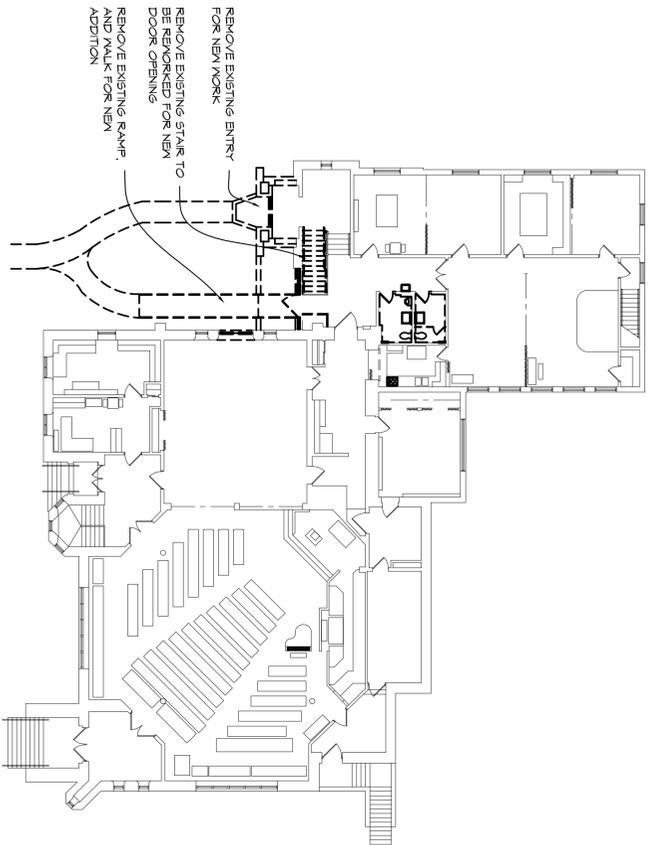


**EXISTING
SURVEY**
1" = 20'

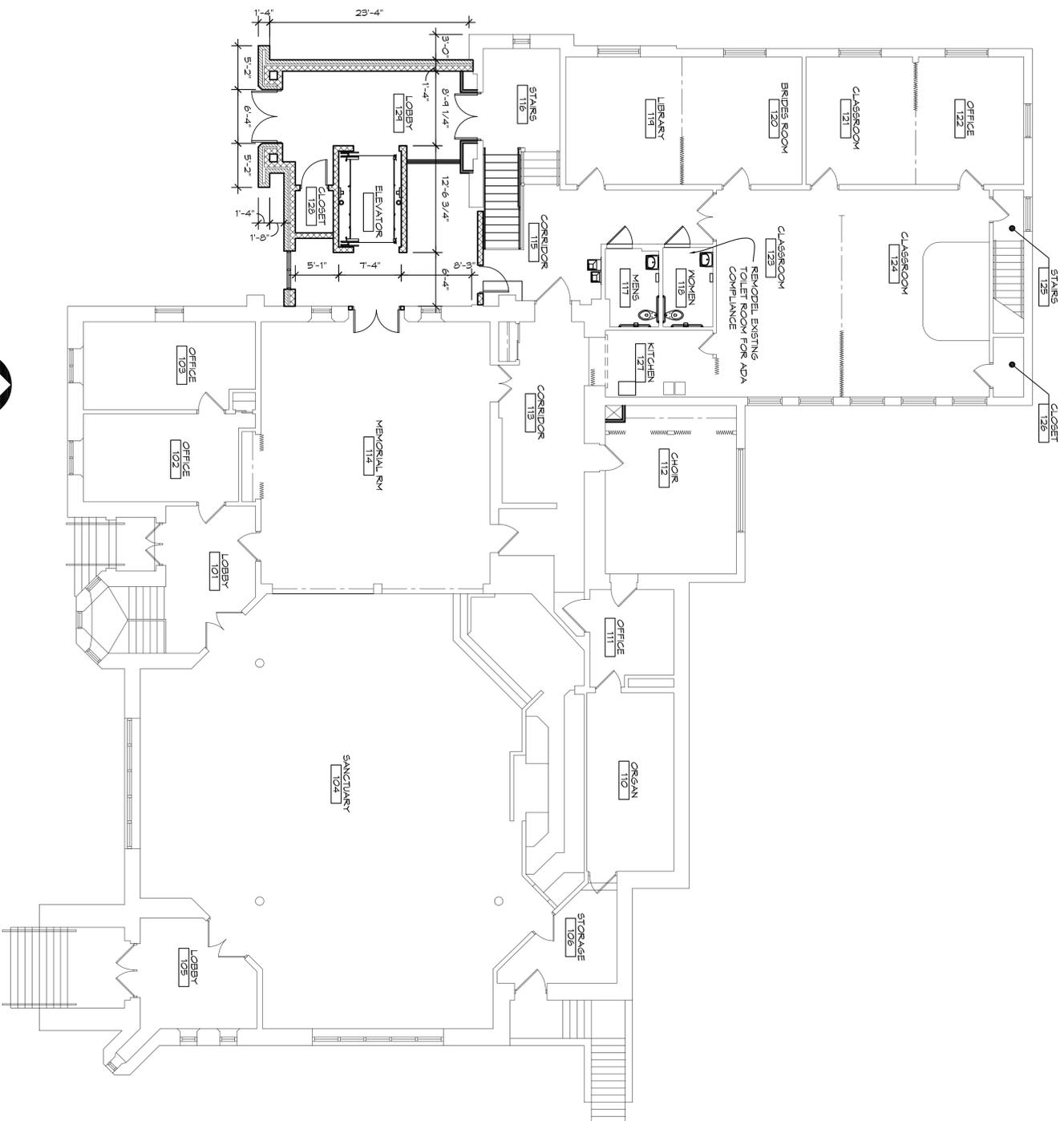


**DEVELOPMENT
SITE PLAN**
1" = 20'

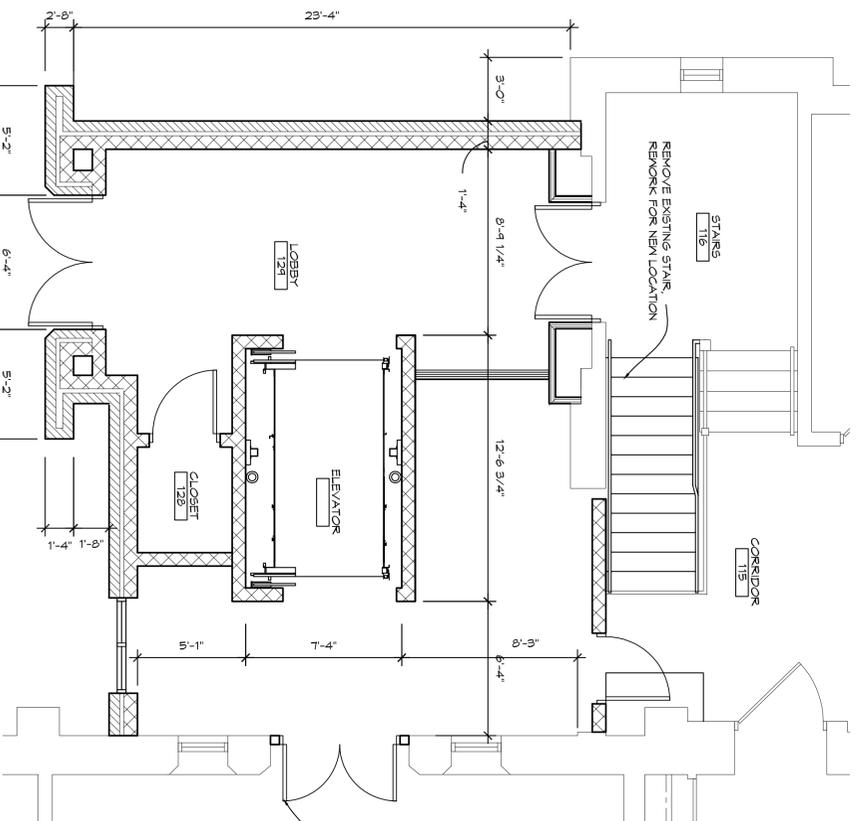




MAIN LEVEL DEMOLITION FLOOR PLAN
1/16" = 1'-0"



MAIN LEVEL ENLARGED FLOOR PLAN
1/8" = 1'-0"



MAIN LEVEL ENLARGED FLOOR PLAN
1/4" = 1'-0"

NO.	DESCRIPTION	DATE
6		
5		
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2		
1		

ADDITION AND RENOVATIONS TO:
FIRST PRESBYTERIAN CHURCH OF MASON
131 EAST MAPLE STREET
MASON, MICHIGAN 48854

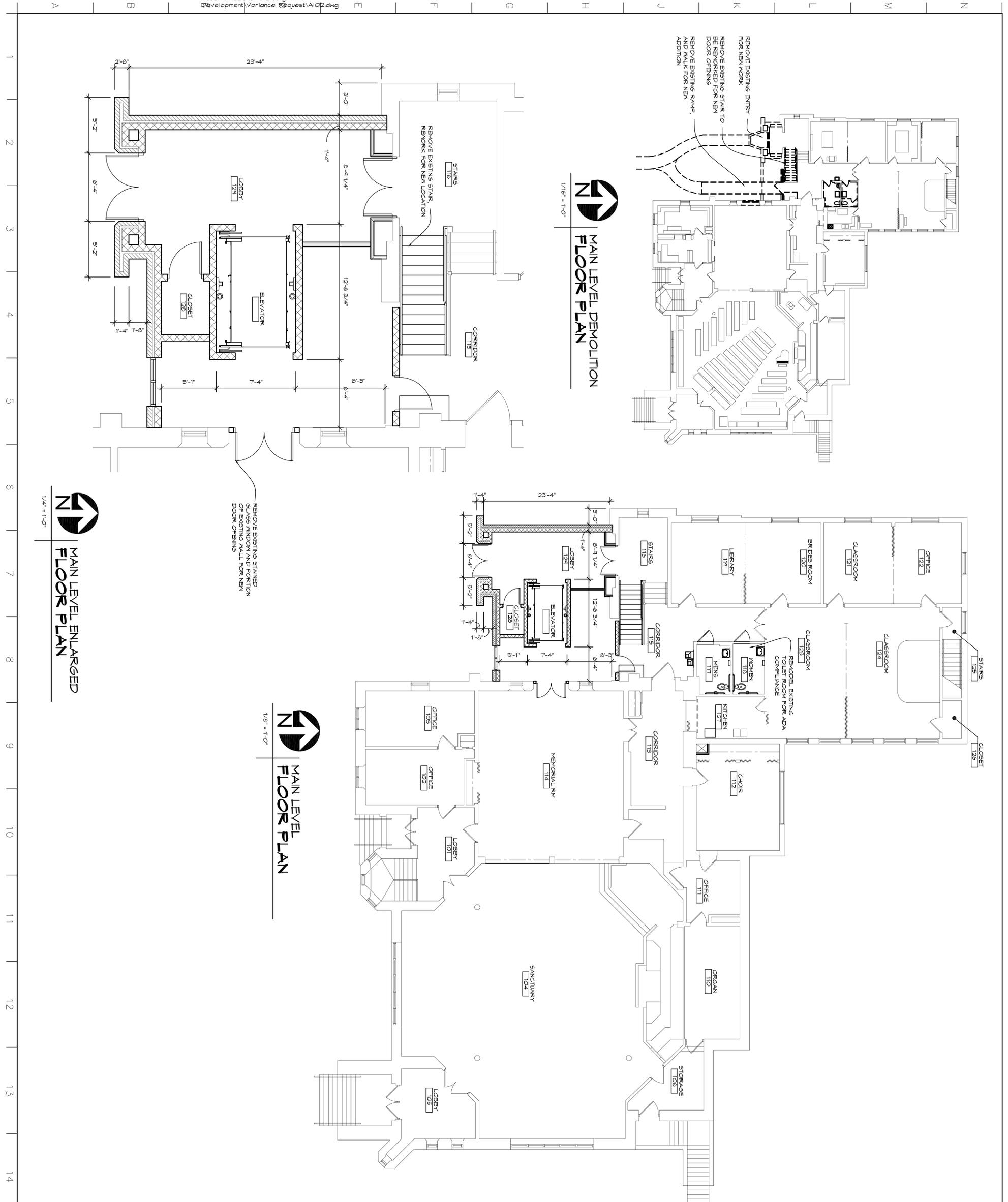
MAIN LEVEL FLOOR PLAN

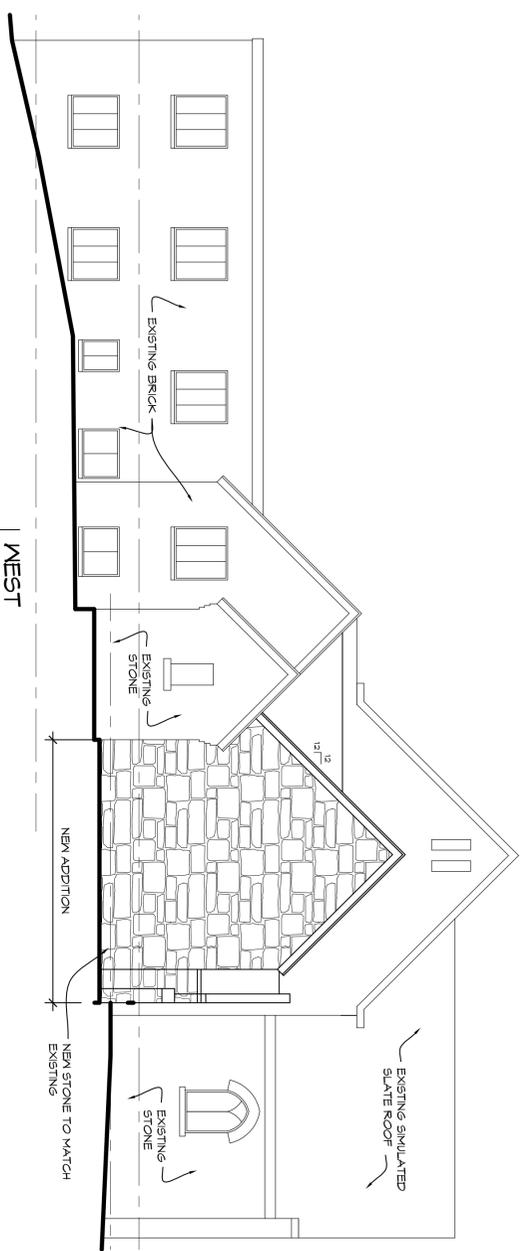
DRAWING TITLE

PROJECT NO.	14-220
DATE	1-4-15
DRAWN	EHD
CHECKED	JSH

A102

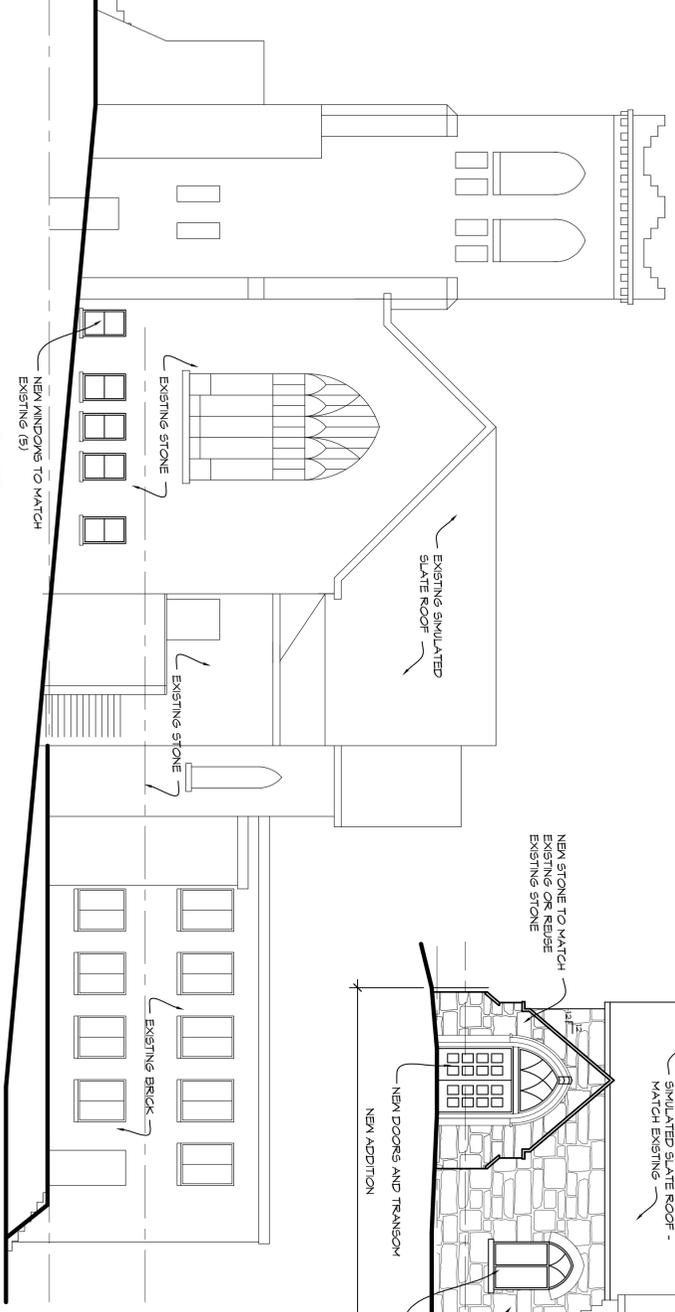
CAD FILE NO.	
SCALE	1/8" = 1'-0"
SHEET	4 OF 5





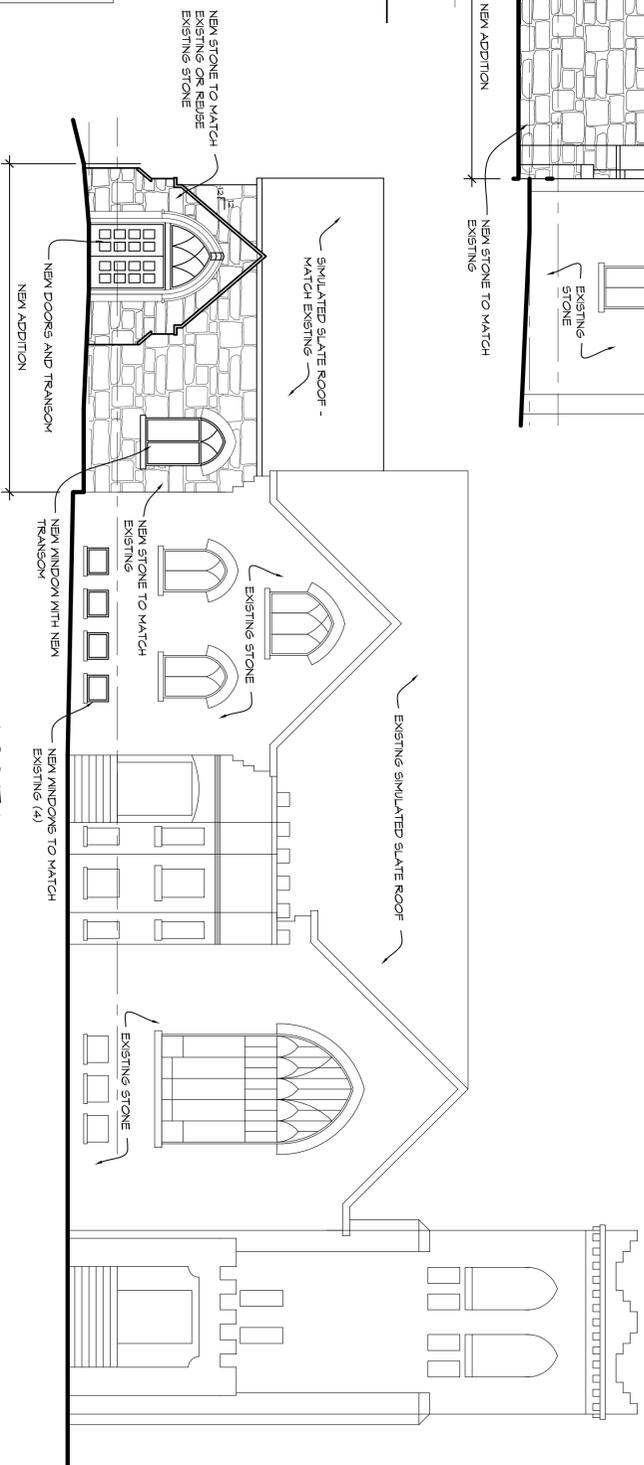
WEST ELEVATION

1/8" = 1'-0"



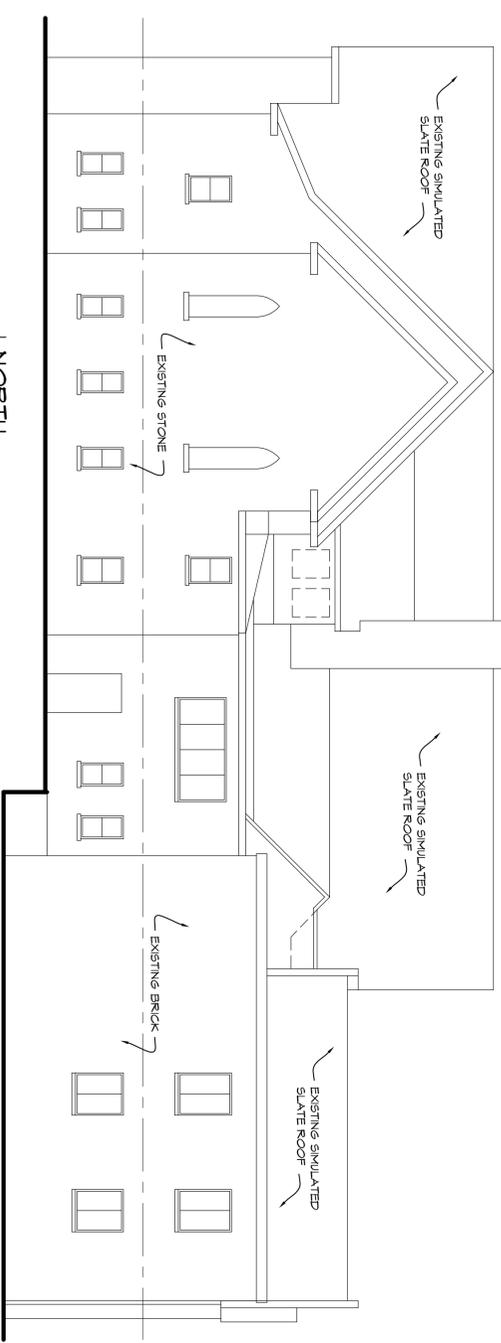
EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

NO.	DESCRIPTION	DATE
6		
5		
4		
3		
2		
1		

ADDITION AND RENOVATIONS TO:
**FIRST PRESBYTERIAN
CHURCH OF MASON**
131 EAST MAPLE STREET
MASON, MICHIGAN 48854

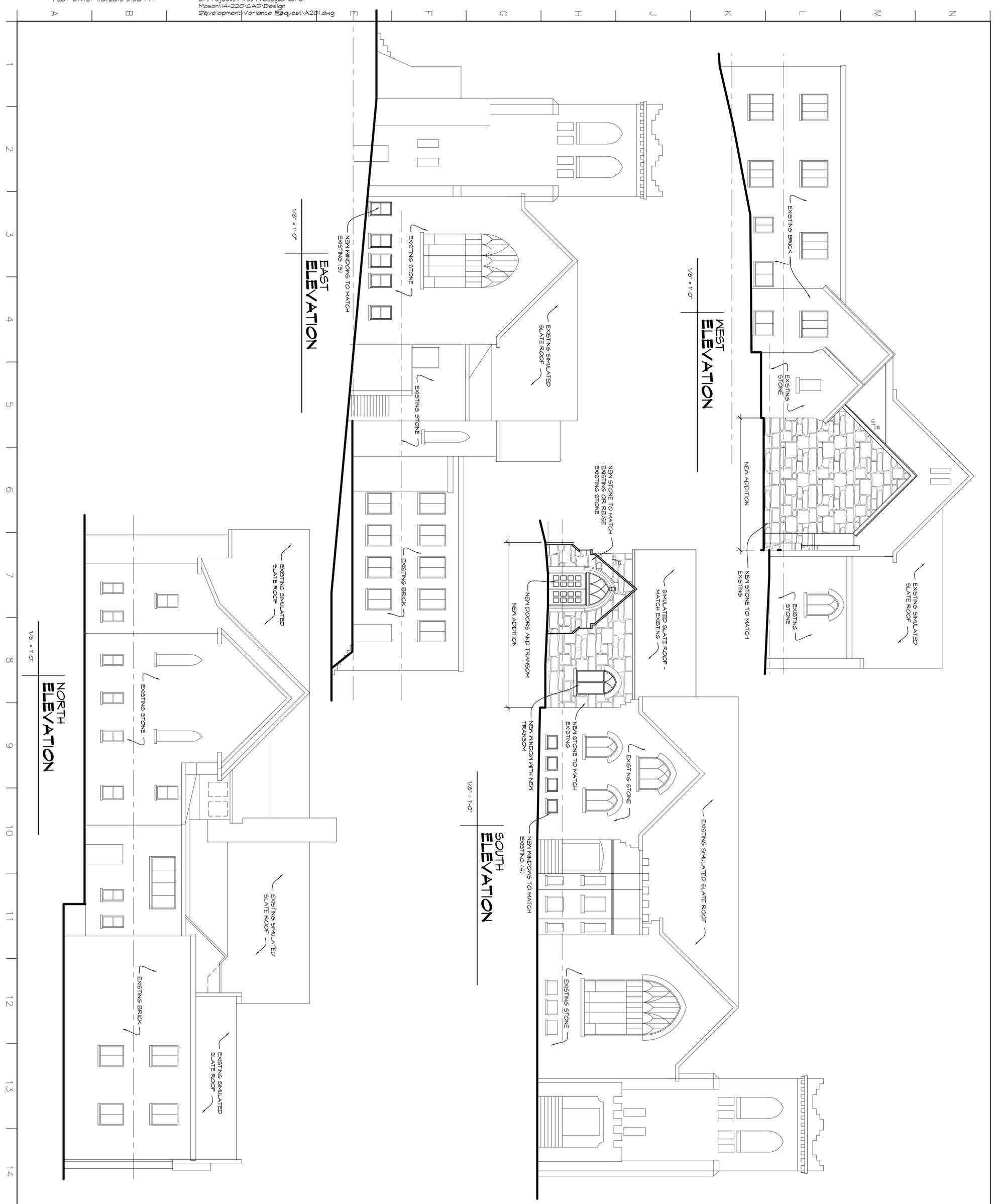
EXTERIOR ELEVATIONS

DRAWING TITLE

PROJECT NO.	14-220
DATE	1-4-15
DRAWN	EHD
CHECKED	JSH

A201

CAD FILE NO.	
SCALE	1/8" = 1'-0"
SHEET	5 OF 5



First Presbyterian Church of Mason

131 East Maple Street, Mason, MI



6-22-2015

H2A Architects, Inc. 9100 Lapeer Rd. Suite B Davison, MI 4823 (810) 412-5640



July 16, 2015

To The City of Mason Zoning Board of Appeals,

Because of failing eye sight I must resign my position on the Zoning Board of Appeals. I have enjoyed working with the board and especially David.

Sincerely,



Shirley Richards

P.S. If you want to reach me by phone it is best to use this number: 517-881-7903

