

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 – 2ND FLOOR TRAINING ROOM

Wednesday, November 11, 2015
5:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: August 12, 2015
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. 215 S. Cedar St. – Variance – Side Yard Setback
A Resolution Approving a Four Foot Side Yard Setback Variance to Allow the Construction of a 382.8 Square Foot Building Addition on Property Located at 215 South Cedar 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 AUGUST 12, 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, Maddix, McCormick, Sabbadin, Schaffer, Spenny (alternate)

Board Member(s) Absent: Curtis

Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES

The minutes of the June 10, 2015 were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Variance – 131 E. Maple St.

Crips opened the public hearing at 5:33pm.

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

Jackie Hoist of H2A Architects introduced herself to the Board and gave a brief overview of the proposed building addition. Together and with the Board, the following issues were identified and discussed:

- The proposed improvements will make the building more useable and accessible to persons with disabilities
- The building addition will include an elevator
- The interior access is currently not at grade level
- Two past additions to the building, 1901 and 1960, neither ADA accessible
- No area of the building would accommodate the addition without encroaching the required setback
- The proposal has been approved by the Historic District and Planning Commissions
- The current temporary ramp is not ADA compliant and is deteriorating
- The church is being proactive on this issue
- The secondary access at the rear of the church is not ADA compliant
- The exterior ramp will be replaced by the interior elevator
- The existing stone façade will be reused in the addition
- The addition will move the front wall forward 25 feet

Being there were no other questions for the applicant or public in attendance to provide additional comments the public hearing was closed at 5:40 p.m.

MOTION by Sabbadin, second by Ackerson,
to introduce the resolution and consider it read.
MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2015-03**

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.

The Board discussed the issue briefly. Board members made the following comments:

- The placement of the Ingham Hilliard Building to the west is immune from local zoning regulations
- The subject site is located in the O-1 (Office) zoning district, which requires a different setback than the C-1 (Central Business) zoning district, which requires no setbacks
- The improvement will be a benefit to the community as a whole
- The applicant is being proactive to address barrier-free improvements

Spenny announced that he is a board member of the Presbyterian Church and asked permission to proceed with voting. The Board asked if he had a financial interest or benefit from a decision made today. Spenny answered no. The Board approved his participation in voting.

VARIANCE GRANTED

ZBA Training

Haywood provided an overview of the Zoning Board of Appeals Handbook published by the Michigan Municipal League. Topics covered included preparing for and conducting a public

meeting, visiting sites, rules for speakers, rules for ZBA members, keeping minutes, motions, and findings of fact.

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 6:50 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



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MEMORANDUM

TO: Zoning Board of Appeals

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Variance Request – 215 S. Cedar St. (Swab Collision)

DATE: November 4, 2015

REQUESTED ACTION:

The applicant is requesting a variance of four feet from the required 10 foot side yard setback to allow the construction of a building addition (paint booth) to the existing auto-body repair shop. Side yard setback requirement for the subject zoning district C-2 (General Commercial) is listed in Section 94-121(c)(1)a and Table 100-1 of the Zoning Ordinance.

LAND USE AND ZONING PATTERN:

The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning
North	Commercial (restaurant)	C-2: General Commercial
South	Institutional	C-2: General Commercial
East	Residential	R2F: Two-family Residential
West	Commercial (Mason Town Center)	C-2: General Commercial

NOTIFICATION:

Sixty 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 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.

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 City's Assessing records indicate the existing facility was constructed around 1973.

RECOMMENDATION:

With the findings and analysis described above, the following motion 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 FOUR FOOT SIDE YARD SETBACK VARIANCE
TO ALLOW THE CONSTRUCTION OF A 382.8 SQUARE FOOT BUILDING
ADDITION ON PROPERTY LOCATED AT 215 SOUTH CEDAR STREET**

November 11, 2015

WHEREAS, a request has been received from Swab Collision for a variance of four feet from the side yard setback requirement for permission to construct a 382.8 square foot building addition on property located at 215 South Cedar Street; and

WHEREAS, the subject property is located in the C-2: General Commercial 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 November 11, 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 a four foot side yard variance to allow the construction of a 382.8 square foot addition based on the plans received by the Zoning & Development Department on October 20, 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, November 11, 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

Due
Oct. 20, 2015

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>10/20/15</u>
Tax ID:	<u>08-204-002</u>
Fee:	<u>\$ 250.00</u>
Receipt #:	<u>100183167</u>

I. APPLICANT INFORMATION

Name Melvyn R. Swab Jr.
 Organization Swab Collision LLC
 Address 215 S. Cedar St.
 Telephone Number 517-676-5898 Facsimile Number 517-676-2646
 Interest in Property (owner, tenant, option, etc.) _____

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 Tom Hummer Telephone Number 517-525-0002
 Property Address 215 S. Cedar St.
 Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number _____
 If Metes and Bounds (can be provided on separate sheet): On file with City.

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 Melvyn R. Swab Jr. Date 10/20/2015

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	
	Front Setback			
X	Side Setback	10 feet	6 feet	4 feet
	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)

We want to add a 26'4" x 14'5" paint booth out the back of the shop.

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.

Applications must satisfy the following criteria pursuant to Section 94-365(c) in order to be granted a variance:

- (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.**
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.
 6. **Deferment by applicant:** The ZBA shall defer all proceedings upon the request of the applicant when less than six members of the ZBA are present for consideration of and voting on an appeal or variance. The right of deferment shall be considered waived by the applicant if deferment is not requested immediately upon the opening of the hearing on the matter.

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.

SWAB COLLISION NEW PAINT BOOTH PERMIT

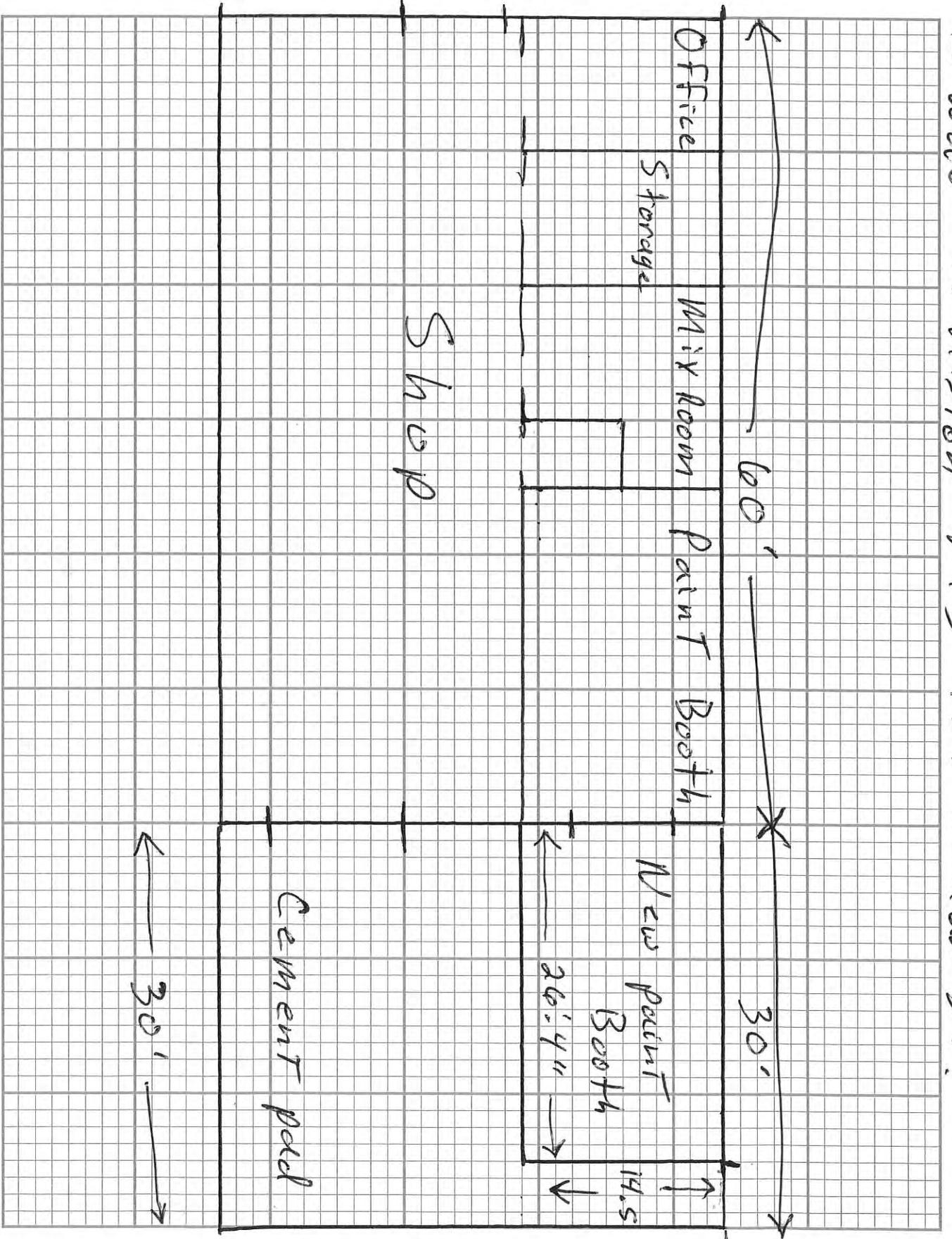
This is the information on adding on a new paint booth on the back of the building at 215 S Cedar St.

Thanks

Melvyn R Swab Jr.

Swab Collision 21515. Cedar St. (W)

CEDAR ST. (W)



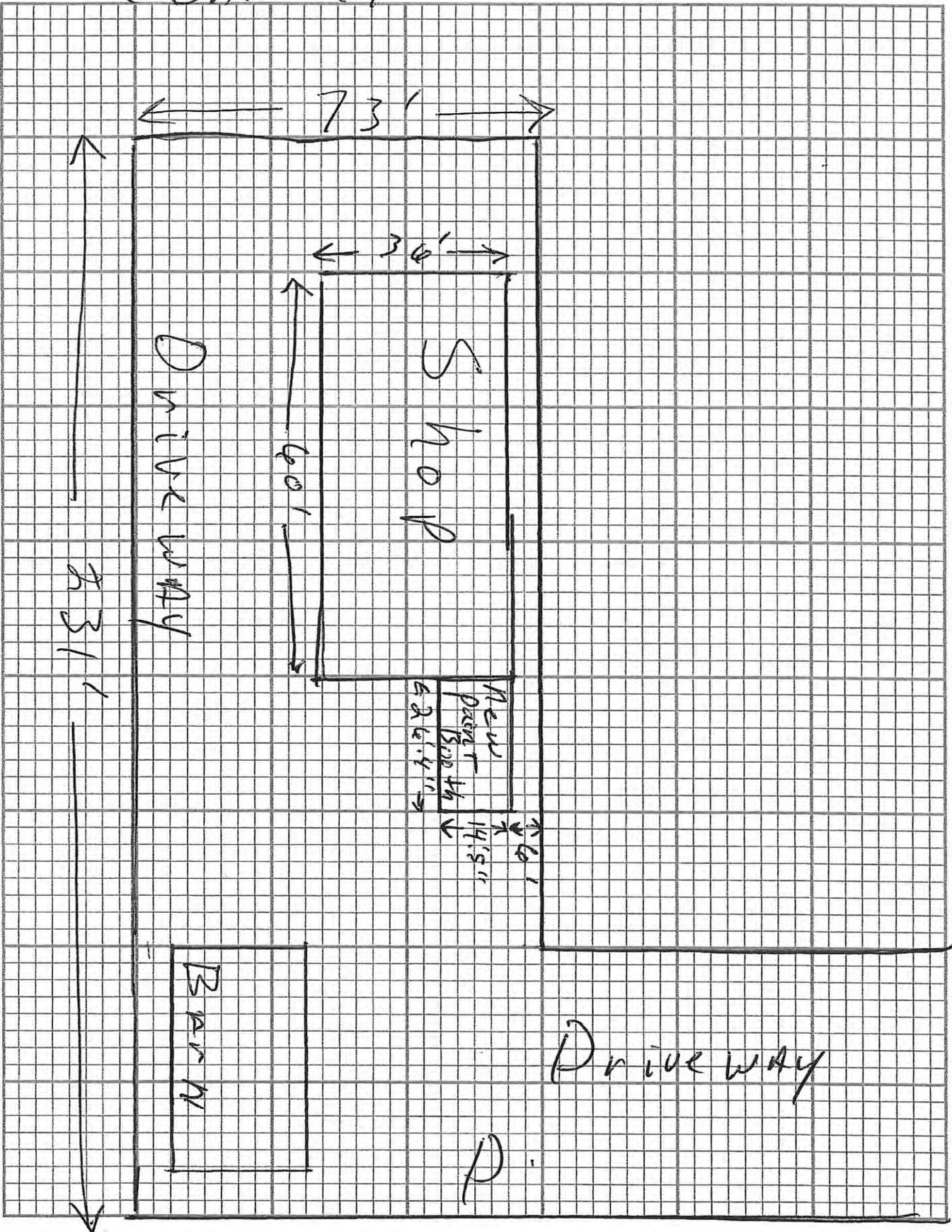
Drive way

(S)

(E)

CEDAR ST.

S wals Collision 215 S. Cedar ST ← 33' →



(5)

(5)

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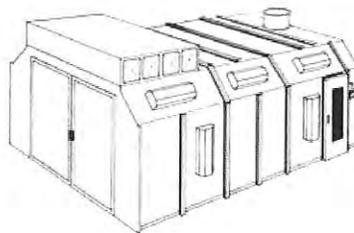
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New - Now includes Inside Access Light Fixtures for Easy Access, Light Fixture Bulbs and Window on the Personnel Access Door

Col-Met is an industry leading engineering company that designs paint booths with a wide range of applications. Their booth configurations are devised to deliver a clean, safe and productive working environment. The paint booths have been built with premium components and delivered with all the required hardware for quick and easy installation. Col-met works really hard with us to make sure that your

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needs are met regardless of the application. Col-met delivers paint booths fast and with excellent technical support to get your paint booth up and running.

The Semi-Down Draft Booth intakes fresh air from the cleaner upper levels of the shop through a filter bank located in the booth ceiling, near the product doors. The filtered air is drawn down through the booth to an exhaust filter system at the opposite end.

The booth is constructed from 18 gauge prime quality galvanized steel. All panels and support members are precision punched for easy nut and bolt assembly. Windowed personnel access doors are pre-hung in a heavy gauge galvanized steel frame for easy installation. Doors are field hung on slotted hinges to facilitate installation on uneven floors. The booths get illumination from four-tube, 48" long 32-watt fluorescent light fixtures. The light fixtures are inside access light fixtures for easier access. The booth is also equipped with a 30" diameter tubeaxial fan with aluminum spark-proof blades. Interlocked to the exhaust fan and air supply is an air solenoid valve for the spray application equipment.

External dimensions: 26'4" long x 14'6.5" wide x 12' high.

Large interior space: 24' x 14'0" x 9'0" inside - Big enough for vans.

Vehicle door clearance: 9'4" wide x 8'10.5" high.

All panels are air-tight, 18 gauge galvanized prime steel fastened with 5/16" bolts.

All panels have 2" flanges with pre-punched holes for easy nut-and-bolt assembly.

Gabled roof design gives better air flow, lighting and overall strength.

Ten 48" four-tube fluorescent light fixtures with clear, tempered glass and seals. Lights are easily accessible from the inside of the booth - bulbs are included

30" diameter tubeaxial fan with aluminum spark-proof blades.

Fan motor is 3 phase 3 Hp
208/240/480 volt, 1320 r.p.m. at
12,600 c.f.m. @ 1/2" Static
Pressure (single phase optional).
ETL Model - 3 Hp, 12,600 c.f.m.
@ 1/2" Static Pressure.

Windowed Personnel Access Door

Air solenoid valve shuts air off when door is opened. (optional)

Booth uses 20" x 20" intake and exhaust filters

Double-filter system employs 23 intake filters - means cleaner, better paint jobs.

David Haywood

From: HUMMER THOMAS V [thehummersnest@sbcglobal.net]
Sent: Tuesday, October 20, 2015 10:58 AM
To: David Haywood
Subject: 215 S. Cedar St. Property

David Haywood, Mason, MI

I Thomas Hummer the owner of the property at 215 S. Cedar St., Mason, MI give my permission to let Mel Swab at Swab Collision remodel the back of my building. If you need to talk with me, call me at 517-525-0002

Thomas Hummer
10379 Dimondale Hwy.
Dimondale, MI 48821
thehummersnest@sbcglobal.net