

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, June 8, 2016
5:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: November 11, 2015
4. Unfinished Business
5. Oath of Office
6. Election of Chair and Vice-Chair
7. People from the Floor
8. Announcements
9. Public Hearing
 - A. 302 W. Columbia St. – Variance – Front Yard Setback
A Resolution Granting a Variance of 21.5 Feet from the Front Yard Setback Requirement on Property Located at 302 West Columbia Street
10. Regular Business
11. Unfinished Business
12. New Business
13. Correspondence
14. Director's Report
15. Adjournment

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF NOVEMBER 11, 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: Crips, Maddix, McCormick, Sabbadin, Schaffer (alternate)
Board Member(s) Absent: Ackerson (excused), Curtis (excused)
Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES

The minutes of the August 12, 2015 were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Variance – 215 S. Cedar St.

Crips opened the public hearing at 5:33pm.

Crips informed the applicant that a full board was not present, indicating that it takes four positive votes to grant a variance, and offered the applicant the opportunity to adjourn to another time where a full board would be present. The applicant declined the offer to adjourn to a full board.

Mel Swab Jr. of Swab Collision introduced himself to the Board and gave a brief overview of the proposed building addition/paint booth. Together and with the Board, the following issues were identified and discussed:

- Needs additional paint booth
- Location will be six feet from the north property line
- The existing building is also six feet from the north property line
- The proposed paint booth will follow the existing building line on north side of property
- Proposed location is necessary so the proposed paint booth will line up with the existing paint booth
- The proposed paint booth will attach to the existing building
- The paint booth meets EPA emission standards

Being there were no other questions for the applicant or public in attendance to provide additional comments the public hearing was closed at 5:35 p.m.

MOTION by Sabbadin, second by Maddix,
to introduce the resolution and consider it read.

MOTION APPROVED UNANIMOUSLY

**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.

VARIANCE GRANTED

ZBA Training

Board members requested that training be deferred until a full board is present.

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 5:51 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 

SUBJECT: Variance Request – 302 W. Columbia St.

DATE: June 2, 2016

REQUESTED ACTION:

The applicant is requesting approval for a variance of 21.5 feet 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 porch to the front side of the existing principal residential structure facing East Street that would be three feet and six inches from the front property line and road right-of-way of East Street.

LAND USE AND ZONING PATTERN:

	Current Land Use	Zoning
North	Residential	R2F (Two-Family Residential)
South	Residential (garage only)	RM (Multiple Family Residential)
East	Institutional (Cemetery)	AG (Single Family Agricultural)
West	Residential	R2F (Two-Family Residential)

NOTIFICATION:

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

ANALYSIS:

Table 100-1 requires a 25 foot front yard setback for uses located in the R2F Two-Family Residential zoning district.

If approved, the proposed porch will encroach the required front yard setback by 21.5 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.

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
3. Site Plan (2)
4. Elevation Drawings (2)

Introduced:
Seconded:

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION**

**A RESOLUTION GRANTING A VARIANCE OF 21.5 FEET FROM THE
FRONT YARD SETBACK REQUIREMENT ON PROPERTY LOCATED
AT 302 WEST COLUMBIA STREET**

June 8, 2016

WHEREAS, a request has been received Larry and Suellyn VanDeSande, the owner of record of parcel 33-19-10-05-479-014, for a variance of 21.5 feet from the front yard setback requirement for permission to construct a porch on property located at 302 West Columbia Street; and

WHEREAS, the subject property is located in the R2F: Two-Family Residential zoning district; and

WHEREAS, Section 94-121(c)(1)(a) and Table 100-1 of the Mason Zoning Ordinance require a 25 foot front yard setback; 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 8, 2016, 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 porch based on the plans received by the Zoning & Development Department on June 8, 2016.

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 8, 2016, the original of which is part of the Zoning Board of Appeals minutes.

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

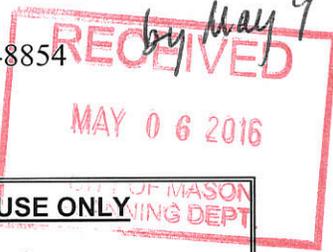


APPLICATION – ZONING BOARD OF APPEALS

City of Mason

Planning Department • 201 W. Ash Street • Mason, MI 48854
Phone: 517/676-9155 • Fax: 517/676-1330
www.mason.mi.us

Turn in
by May 9



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: 5/6/16
 Tax ID: 05-479-014
 Fee: \$250.00
 Receipt #: 100198597

I. APPLICANT INFORMATION

Email: LANDREWV@AOL.COM

Name LARRY and SUELLYN VANDESANDE
 Organization _____
 Address 302 W. COLUMBIA ST. MASON (corner COLUMBIA+EAST) streets
 Telephone Number 676-1815 Facsimile Number _____
 Interest in Property (owner, tenant, option, etc.) OWNERS

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 LARRY & SUELLYN VANDESANDE Telephone Number 676-1815
 Property Address 302 W. COLUMBIA ST. MASON
 Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number 1

If Metes and Bounds (can be provided on separate sheet):
The East 3/4 of Lot 1, Block 1, Smith & Pease addition to the City of Mason, Michigan.

Physically located at corner of W. Columbia and East Streets next to entrance of Maple Grove Cemetery.

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 Larry & Sue Subject Date May 6 2016

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	25 feet	3 1/2 ft. (35)	2 1/2 feet (21.5)
	Side Setback			
	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)

see attachment

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

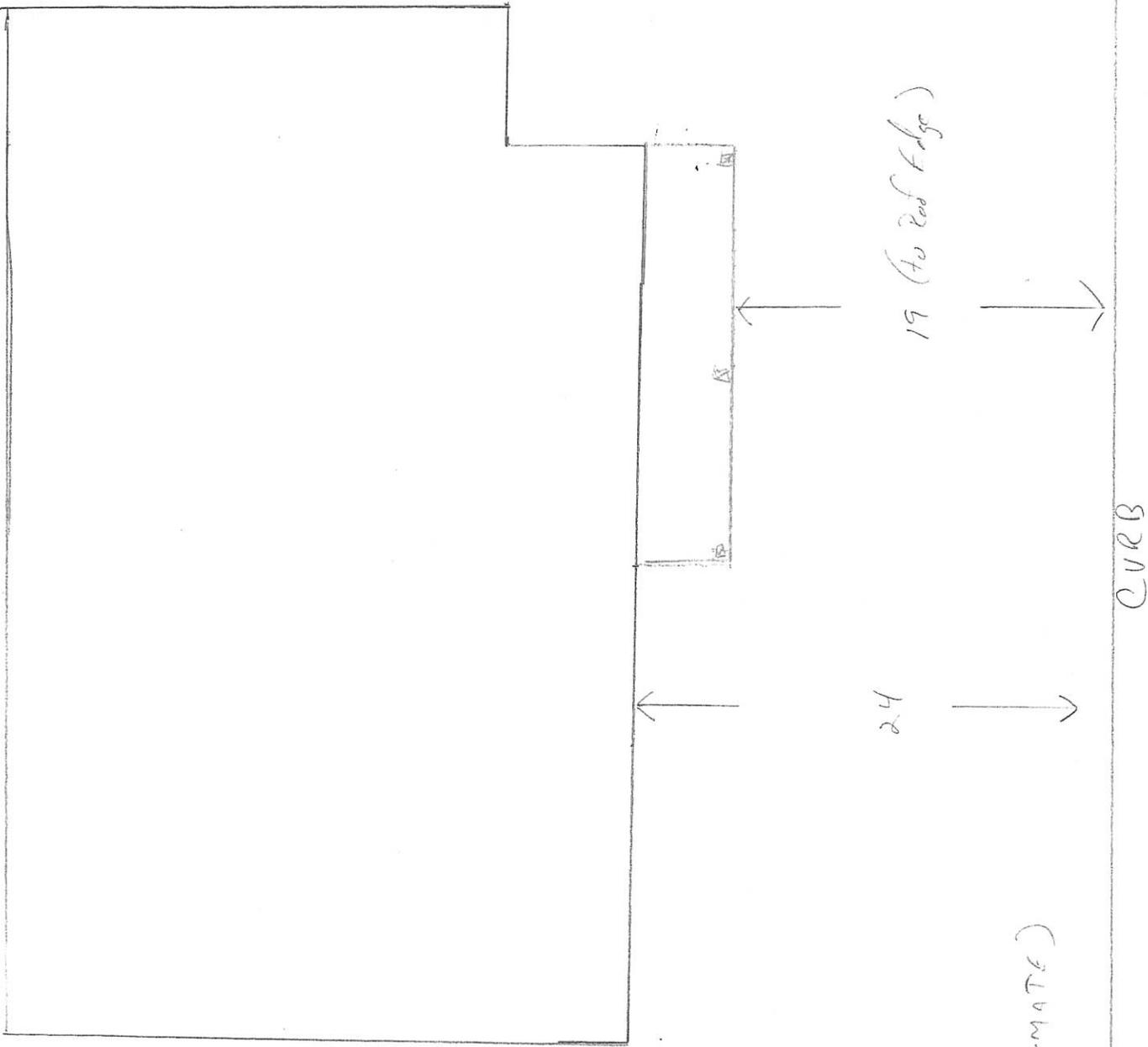
The Planning Department Staff will prepare a report to the Zoning Board of Appeals regarding your request. The report will explain the request to the Board and review whether it complies with the standards in the Zoning Ordinance. Staff will present the findings of that report during the Zoning Board 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.

B. Written Description

We request a variance from zoning laws to construct a porch roof over the entry door and walkway on East Street (eastern) side of our home at 302 W. Columbia St. We request the variance for these reasons.

1. Our home was constructed prior to zoning laws in Mason. The city estimates construction of our home at or about 1900 and other evidence – a photo of our street with our home intact that we saw at the antique market in downtown Mason – indicates it could have been built as early as 1880. In either case, this is before zoning laws took place in Mason. As a result, the porch roof we wish to build would violate the public thoroughfare insofar as it is too close to the center of East Street.
2. When Suellyn bought the home in 1978, the house had such a porch roof. This is indicated on the Certificate of Mortgage Survey attachment (dated Dec. 1, 1978) as a 12 foot long by 4 foot wide section of the house at the entry door on the East Street side of the home. When Suellyn bought the home this section was rotting and in disrepair and it was removed. She did not have the funds then to rebuild it. We wish to rebuild this section now in the same dimensions as existed in 1978. See the attached contractor's sketch of the proposed section.
3. Because our garage (a former carriage house) is located about 50 feet north of the house and is not attached to the home, there is an issue of weather when moving groceries and other products from our vehicles to the home. The roof over the walkway and East Street entrance door, where we always bring this stuff in the house, would provide at least some protection from weather.
4. Building such a roof, while in violation of current zoning, would not diminish value here or elsewhere in our neighborhood, nor would it create an impediment to anyone walking on the East Street sidewalk or elsewhere near our home.

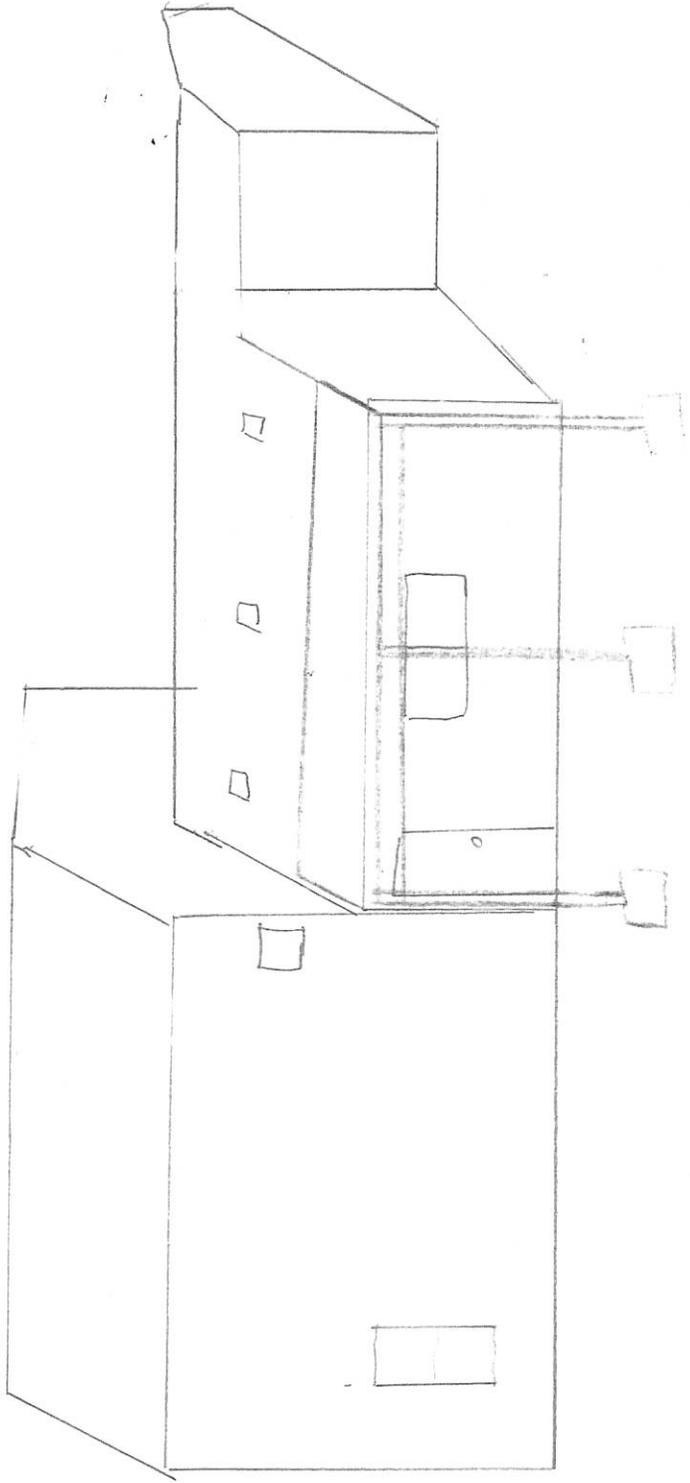
Columbia



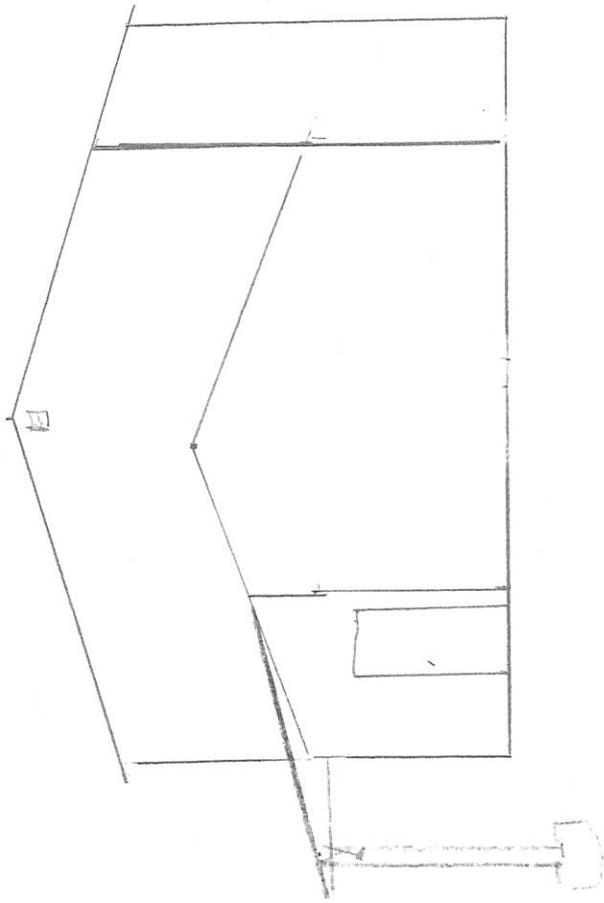
$\frac{1}{8} = 1'$ (APPROXIMATE)

302 W. Columbia

EAST



$\frac{1}{8}'' = 1'$ (approximate) East View



North View

$\frac{1}{8}'' = 1'$ (Approximate)

CERTIFICATE OF MORTGAGE SURVEY

Farm Home Administration &
 Jewett Road
 Mason, Michigan

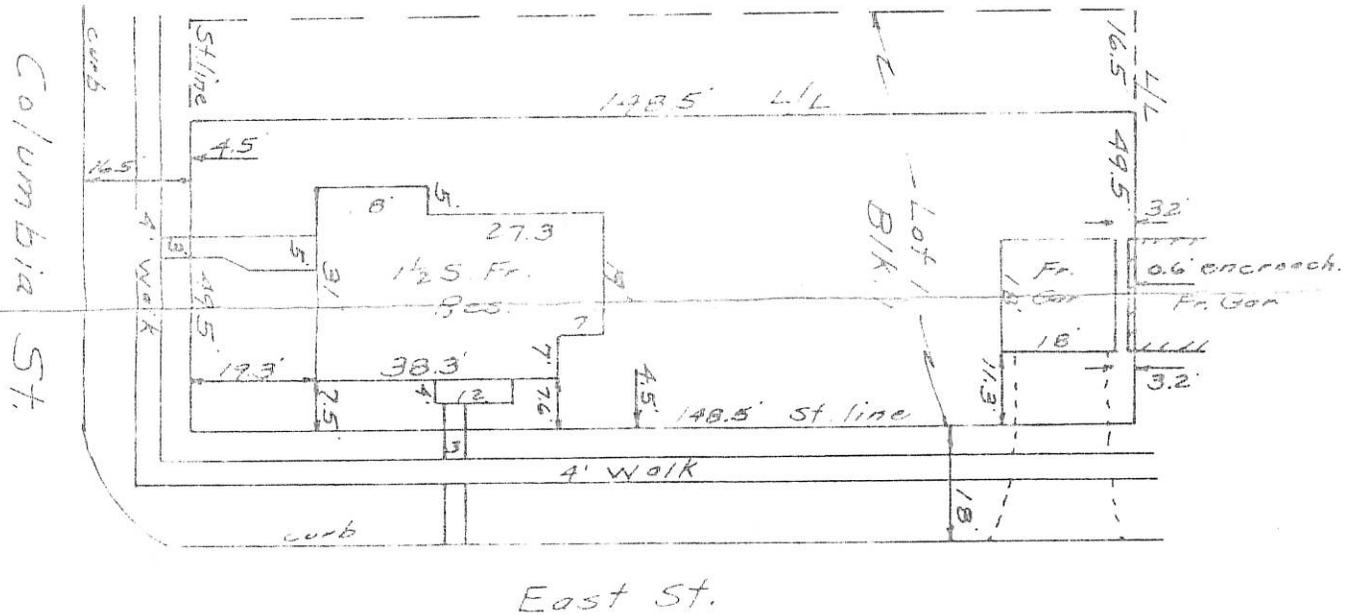
Suellyn Wolfe
 302 W. Columbia
 Mason, Michigan

LEGAL DESCRIPTION: The East 3/4 of Lot 1, Block 1, Smith & Pease Addition to the City of Mason, Michigan.

I hereby certify that we have surveyed the property herein described; that the buildings and improvements as shown are entirely within the property lines; and that there are no visible encroachments upon the above described property, except as shown hereon.

Note: This report is for mortgage purposes only. No property corners were set, except as shown, and it should not be used to establish property lines.

- Found property corner
- Set property corner



180

Mason, Michigan
 Survey NO. 1794
 Date: Dec. 1, 1978

Austin C. Williams
 Austin C. Williams
 Registered Land Surveyor
 Mich. Registration No. 21275

WILLIAMS
 Surveying

1148 Okemos Rd
 Mason, Michigan 48854
 PH (517) 676 5153

DRAWN

COMPUTED

FLD. SURVEY

SEC.

JOB NO.

sheet

A

DEC 1 1978