

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 16, 2016
5:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: September 14, 2016
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. 409 E. Maple St. – Variance – Building addition
A Resolution Approving a Seven Foot Side Yard Setback Variance to Allow the Construction of a 195 Square Foot Building Addition on Property Located at 409 East Maple Street
7. Regular Business
8. Unfinished Business
9. New Business
10. Correspondence
11. Director's Report
12. Adjournment

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF SEPTEMBER 14, 2016**

Sabbadin 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, McCormick, Sabbadin, Schaffer, Spenny (alternate)
Board Member(s) Absent: *Ackerson (excused), Curtis (excused), Madden
Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES

The minutes of the June 8, 2016 were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Variance – 227 N. Cedar St.

Sabbadin announced that due to having voted on the issue as a Planning Commissioner, he will not be participating in discussion or vote on the matter as a Zoning Board of Appeals member. He then left the Board and sat in the audience seating.

McCormick opened the public hearing at 5:33pm.

McCormick 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. A brief discussion ensued regarding the requirements for resubmitting the request if denied.

*Ackerson arrived at 5:40pm.

Phillip Melton of Little Caesars introduced himself to the Board and gave a brief overview of the proposed parking variance request. Together and with the Board, the following issues were identified and discussed:

- The Health Department requires a dumpster, which will take up three parking spaces
- The proposed drive-thru window will replace the need for parking
- The Board did not see the need to replace the landscape buffer on the west side with additional parking
- On-street parking is available on North Street
- Hours of the martial arts studio open at 11:30am on Saturday, closed on Friday and Sunday
- Thursday and Sunday is 60-65% of business
- No inside dining will be provided
- There will be a two-way drive on the west side
- There will be a drive-thru sign at the North Street entrance

- Special orders will have to park and walk in
- Signs will not be lighted
- Eight spaces will be reserved for employees

Being there were no other questions for the applicant or public in attendance to provide additional comments the public hearing was closed at 6:12 p.m.

MOTION by Crips, second by Schaffer,
to introduce the resolution and consider it read.
MOTION APPROVED UNANIMOUSLY

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

**A RESOLUTION APPROVING A SEVEN FOOT SIDE YARD SETBACK VARIANCE TO
ALLOW THE CONSTRUCTION OF A 195 SQUARE FOOT BUILDING ADDITION ON
PROPERTY LOCATED AT 409 EAST MAPLE STREET**

November 16, 2016

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 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 16, 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 a seven foot side yard variance to allow the construction of a 195 square foot building addition based on the plans received by the Zoning and Development Department on October 25, 2016.

The Board discussed the proposed resolution and provided the following comments:

- The applicant has made every effort to seek alternate options
- The Planning Commission has approved the traffic flow pattern

MOTION by Crips, second by Spenny,
to approve the resolution as introduced.
Yes (4) Crips, McCormick, Spenny, Madden
No (1) Ackerson
VARIANCE GRANTED

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 6:28 p.m.

David E. Haywood, Zoning & Development Director

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 – 409 E. Maple St. (residential addition)

DATE: November 9, 2016

REQUESTED ACTION:

The applicant is requesting a variance of seven feet from the 15 foot side yard setback requirement listed in Section 94-121(c)(1)a and Table 100-1 of the Mason City Code for property located at 409 East Maple Street of the Zoning Ordinance.

LAND USE AND ZONING PATTERN:

The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning
North	Residential	RS-1: Single Family Residential
South	Residential	R2F: Two Family Residential
East	Institutional (Church)	RS-1: Single Family Residential
West	Residential	RS-1: Single Family Residential

The Mason First Church of the Nazarene is located immediately to the east. A large parking lot separates the subject house and the Nazarene church.

NOTIFICATION:

Fifty-four 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 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.

Background:

The existing structure was built in 1958. The existing side yard setback (east) is eight feet. The applicant is requesting a variance to continue the east line of the house farther north with the proposed building addition. The proposed addition will not be any closer to the east property line than the existing east line of the house.

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.*

A practical difficulty is defined by the Michigan Municipal League as: “special or unique conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district”. Whether the existing conditions of the subject land rise to the level of a practical difficulty is up to the discretion of the Board of Appeals.

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.*

Whether the request is or is not the minimum necessary is up to the discretion of the Board.

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
3. Site Plan

Introduced:
Seconded:

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

**A RESOLUTION APPROVING A SEVEN FOOT SIDE YARD SETBACK VARIANCE
TO ALLOW THE CONSTRUCTION OF A 195 SQUARE FOOT BUILDING ADDITION
ON PROPERTY LOCATED AT 409 EAST MAPLE STREET**

November 16, 2016

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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 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 16, 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 a seven foot side yard variance to allow the construction of a 195 square foot building addition based on the plans received by the Zoning and Development Department on October 25, 2016.

Yes ()
No ()

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>10/25/16</u>
Tax ID:	<u>09-106-017</u>
Fee:	<u>\$250.00</u>
Receipt #:	<u>100199321</u>

I. APPLICANT INFORMATION

Name Bruce & Donna Archer

Organization _____

Address 409 E Maple St, Mason, MI 48854

Telephone Number 517-676-9370 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 Bruce & Donna Archer Telephone Number 517-676-9370

Property Address 409 E Maple St, Mason, MI 48854

Legal Description: If in a Subdivision: Subdivision Name Burgess Lot Number 3

If Metes and Bounds (can be provided on separate 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  Date 10-25-16

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	15 feet	8 feet	7 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 are seeking a variance in order to place an 13'x15' addition on the northeast corner of the existing structure. The existing structure is currently 8' from the property line. We are extending the master bedroom which is located in that corner so we can not move the addition further to the west in order to stay within current setbacks

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

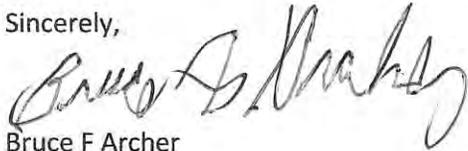
The Planning Department Staff will prepare a report to the Zoning Board of Appeals regarding your request. The report will explain the request to the Board and review whether it complies with the standards in the Zoning Ordinance. Staff will present the findings of that report during the Zoning Board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

October 25, 2016

To: City of Mason

I hereby authorize Custom Built Inc to act on behalf of my residence at 409 E Maple Street regarding processing a variance for an addition to my residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce F Archer". The signature is written in a cursive style with a large, stylized initial "B".

Bruce F Archer
409 E Maple St
Mason, MI 48854-1751
517-676-9370
brucefa@att.net

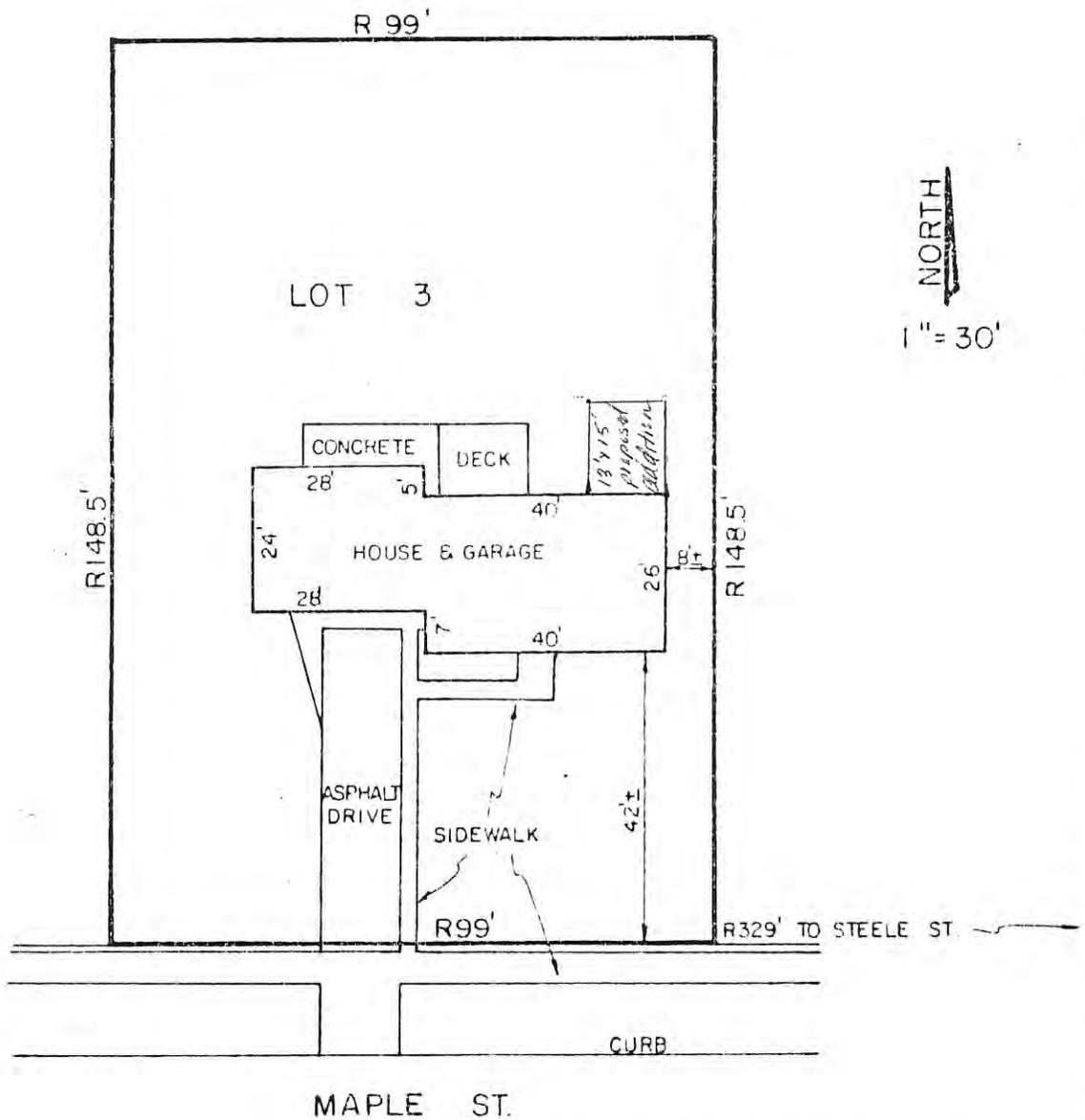
MORTGAGE REPORT

For:
 Benchmark Mortgage Corp.
 2503 S. Linden Rd.
 Flint, MI. 48504

Buyers: Bruce F. and Donna L. Archer
 409 E. Maple St.
 Mason, MI. 48854

LEGAL DESCRIPTION (as provided)

Lot No. 3, Plat of Burgess Subdivision, a subdivision on part of the East 1/2 of the Northwest 1/4 of Section 9, T2N, R1W, City of Mason, a Replat of Block 2, Darling and Barnett's Addition to the City of Mason, Ingham County, Michigan, according to the recorded plat thereof as recorded in Liber 21 of Plats, page 24, Ingham County Records.



This report is intended solely for mortgage purposes and no property lines were monumented. No dimensions hereon are to be used to establish property lines or in the building of structures or fences. I hereby certify that we have inspected the above described parcel of land and that all visible encroachments of a permanent nature upon said parcel are as shown on this report. Said parcel and or lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- Distance Not to Scale
- Deed Line

BRYAN LAND SURVEYS, P.C.

6019 Marsh Road
 HASLETT, MICHIGAN 48840 Ph. (517) 339-1014

Larry A. Bryan
LARRY A. BRYAN
 REGISTERED LAND SURVEYOR

9-24-84
DATE
 NO. 25832

DRAWN BY	G J W	SECTION 9, T2N, R1W
FIELD WORK BY	RS	JOB NUMBER
SHEET 1 OF 1		84 - M - 4513