

Mason County Planning & Zoning Department

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June 1, 2016

Minutes of the Mason County Zoning Board of Appeals meeting on June 1, 2016, 7:30 p.m. held at 102 E. 5th Street, Scottville, MI.

MEMBERS PRESENT: Jerry Jensen, Ron Krepps, Richard Anderson, Joanie Wiersma, Ralph Lundberg

MEMBERS ABSENT:

OFFICIALS PRESENT: Mary Reilly, Trudy Roy

Jerry Jensen called meeting to order at 7:30 pm.

A motion was made by Ralph Lundberg and 2nd by Richard Anderson to approve the meeting minutes of May 18, 2016 as amended. Motion carried, 5 yes 0 No.

Addition to Agenda: None

Public Comment: None

Correspondence: None

A public hearing was held for variance application PZ16066 for Gary Kamp. The subject property is located at 1409 N. Cedar Lane in Amber Township and zoned Single Family Residential (R1). The applicant is requesting:

1. a 12' variance from the required 25' front yard setback for placement of a 24' X 30' attached garage with 8' X 10' structural connection (enclosed mudroom entry).
2. a 6' variance from the required 40' setback from the water's edge of Hackert/Crystal Lake for placement of a 10' X 36' deck.

Mary Reilly provided a staff report, summarized below. The report included a site plan and photos of the site. There was no correspondence for or against the application.

FINDINGS OF FACT:

1. **The lot is conforming in frontage and area**—area is approximately 13,900 sf (over the 12,000 sf minimum) – Lot has approximately 100' of frontage (75' minimum requirement). According to the plat, it would have 116' of frontage.

2. Dwelling is 36 X 47 (conforming). Constructed in 1978 when zoning was in effect. The parcel was zoned R-1 in 1978, with the same setback requirements of 25 front, 10 side, 40 feet to water. The parcel is still zoned R-1 with the same setback requirements.
3. The septic system is currently near the SW corner of the dwelling and it is going to be replaced. The new septic will be relocated closer to the front yard (road side) near the south property line.
4. Water well is located on the north side of the house.
5. The garage will obscure the view of the front of the home.
6. The garage will be connected to the dwelling via an 8' X 10' addition.
7. The owner wishes to retain some space between the garage and the house to retain the windows/light on the front of the house and retain a small green space between the house and garage.
8. The owner originally proposed an 8' X 13' breezeway but shortened it up to an 8' X 10' to decrease the variance and also proposed a 12' wide deck but the agreed to narrow it to a 10' wide deck to decrease the variance.
9. The 24' X 30' garage will have 8' sidewalls and be approximately 13'6" to the peak.
10. There is an existing cement pad, partially in the road ROW and partially in the front setback where the owners currently park cars.

A motion was made by Ron Krepps and 2nd by Ralph Lundberg to accept the Staff Report into the record. Motion carried, 5 Yes 0 No.

Ralph Lundberg asked about the cement pad at the edge of the road.

Mary Reilly stated the pad is about 25' wide and is used as a parking area for cars. Part of the pad is in the road right of way, such as how a driveway would be in the road right of way..

Joanie Wersma asked about the height of the house.

Gary Kamp stated he did not know but the garage will be about 13' which will be a little lower than the house.

There was a discussion by the Board on what constitutes an attached garage and if a variance would be needed if there was no mud room.

Ralph Lundberg mentioned unless Mr. Kamp changed the configuration of his garage, which would make it a very small garage, he would still need a variance.

The Board discussed the traffic and area around Mr. Kamp's dwelling.

Jerry Jensen stated he had a problem with the deck. The previous owner built a deck 40' from the water then enclosed the deck. This makes the deck an issue because the predecessor created the problem.

Ron Krepps mentioned Mr. Kamp could build a patio on the ground and it would not be a problem.

Gary Kamp mentioned there was 44' from the house to the waters edge and asked if the Board was saying he could put up a 4' deck.

Mary Reilly said he could.

Gary Kamp asked if he could put a deck on the south side of his house.

Mary Reilly stated he could as long as the deck was 40' from the lake.

Gary Kamp stated he would really like to have a deck on the lake side of the house.

Jerry Jensen explained the standard #2 about not being created by the owner or predecessor in title.

Jerry Jensen closed the public hearing.

Jerry Jensen read the standards for receiving a variance from Section 24.05 (3) a, b, c, and d of the Mason County Zoning Ordinance for the variance for the garage.

- A. **The strict compliance with the ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owners within the same zoning district.** There are other garages in the front yard in the area and those garages received a variance or were built before zoning. The cars will no longer be parked in the road right of way if the garage is constructed. All agree.
- B. **The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** The lot is conforming but the natural features have created a problem with the land sloping toward the lake. The garage could not be located in the side yard to the slope of the property. All agree.
- C. **The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.** The Board has granted similar variances in the past for garages in the front yard on lake front lots. All agree.
- D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.** The garage will keep the cars from parking in the right of way. This is a low traffic area and a road the ends in a cul-de-sac, traffic speeds are low. All agree.

A motion was made by Ron Krepps and 2nd by Ralph Lundberg to grant a 12' variance from the 25' front yard setback (south) to construct a 24' x 30' detached garage with 8' X 10' mudroom. Motion carried, 5 Yes, 0 No. Variance granted based on standards 24.05 (3) A-D of the Mason County Zoning Ordinance.

Jerry Jensen read the standards for receiving a variance from Section 24.05 (3) a, b, c, and d of the Mason County Zoning Ordinance for the variance for the deck.

- A. **The strict compliance with the ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owners within the same zoning district.** Decks have not been approved within the required 40' setback of a lake. All agree.
- B. **The conditions and circumstances unique to the property were not created by the**

owner or his predecessor in title. When the house and the original deck were built they were conforming. The previous owner enclosed the deck causing the new owner to ask for a variance in order to build a deck. All agree.

C. **The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.** A special privilege would be granted because the Board has not granted a variance in the 40' setback. All agree.

D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.** Granting would be contrary to the ordinance. The deck can be reopened from the three-season room or built on the side of the dwelling. All agree.

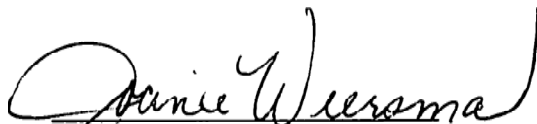
A motion was made by Ralph Lundberg and 2nd by Richard Anderson to deny a 6' variance from the 40' water front setback (north) to construct a 10' X 36' deck. Motion carried, 5 Yes, 0 No. Variance was denied based on standards 24.05 (3) A-D of the Mason County Zoning Ordinance.

Zoning Directors Report: The next meeting will be June 15, 2016.

Planning Commission Report: Mary Reilly gave the Board a summary on the sand mining operation for Jay Shillinger granted at the May 17, 2016 meeting and the preliminary site plan review for a 7-unit site condominium on S. Lakeshore Dr in Summit Township.

There was no public comment.

Meeting was adjourned at 8:25 p.m.


Joann Wiersma, Secretary
Zoning Board of Appeals