

Mason County Planning & Zoning Department

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July 6, 2016

Minutes of the Mason County Zoning Board of Appeals meeting on July 6, 2016, 7:30 p.m. held at 102 E. 5th Street, Scottville, MI.

MEMBERS PRESENT: Jerry Jensen, 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 June 15, 2016 as amended. Motion carried, 4 yes 0 No.

Addition to Agenda: None

Public Comment: None

Correspondence: None

A public hearing was held for variance application PZ16095 for Robert Osmolski. The subject property is located at 6029 E. Trail Ridge Rd in Sheridan Township and zoned Single Family Residential (R1). **The applicant is requesting an 11' variance from the required 25' front yard setback in order to construct a 10 X 23 addition to an existing detached garage.**

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. Mr. Osmolski applied for and received a variance for the "carport" addition on the front of the garage in 1976 (permit #1708). The property was zoned R-1 as it is now.
2. The dwelling on the property burned down but building permits have been secured to rebuild the dwelling.
3. Existing garage 32 X 26 (including carport) 832 sf.(+ 230 sf addition = 1062 sf).
4. The property is 1.14 acres, a total of 1560 sf is allowed.

48 PHYSICAL SITE CHARACTERISTICS:

- 49 1. The property slopes steeply down to Thunder Lake; the steep slope starts at the back of the
50 garage.
51 2. Well and septic are located down by the house and do not interfere with this request.
52

53 A motion was made by Ralph Lundberg and 2nd by Richard Anderson to accept the Staff
54 Report into the record. Motion carried, 4 Yes 0 No.
55

56 Robert Osmolski mentioned he was going to have to move the well up on the hill and
57 will be using a portion of the addition to locate the well pressure tank inside. Septic will
58 stay in the same place down by the house.
59

60 Jerry Jensen closed the public hearing.
61

62 Ralph Lundberg noted the steep slope was significant and is a hindrance.
63

64 Richard Anderson stated the addition will be in the same line as the previous variance.
65

66 Jerry Jensen read the standards for receiving a variance from Section 24.05 (3) a, b, c,
67 and d of the Mason County Zoning Ordinance for the dimensional variance for the
68 addition to the garage.
69

- 70 A. **The strict compliance with the ordinance would cause a practical difficulty and**
71 **deprive the owner of rights enjoyed by all other property owners within the same**
72 **zoning district.** The steep topography on the parcel leaves very few options.
73 The same variance was granted in 1976 and this addition will not be closer to the
74 road than the current structure. All agree.
75 B. **The conditions and circumstances unique to the property were not created by the**
76 **owner or his predecessor in title.** The lot is conforming but the natural features
77 have created a problem with the land sloping toward the lake. All agree.
78 C. **The requested variance will not grant special privileges that are denied other**
79 **properties similarly situated and in the same zoning district.** The Board granted
80 the same variances in the past when the terrain creates a practical difficulty. This
81 is a large lot but there are not many flat spots for building. All agree.
82 D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.**
83 The lot topography makes it difficult to build and meet the setbacks. A previous
84 variance was granted in 1976. All agree.
85

86 A motion was made by Richard Anderson and 2nd by Joanie Wiersma to grant an 11'
87 variance from the required 25' front yard setback in order to construct a 10' X 23'
88 addition to an existing detached garage. Motion carried, 4 Yes, 0 No. Variance granted
89 based on standards 24.05 (3) A-D of the Mason County Zoning Ordinance.
90

91 A public hearing was held for variance application PZ16083 for a proposed retail store,
92 Dollar General. The subject property is located at 6649 E. US-10, between the Post
93 Office and Bob's Plumbing, in Branch Township and zoned Neighborhood Commercial
94 (C2). The applicant is requesting:
95

1. Section 10.04a (8) requires loading space in the rear yard in accordance with Section 19.04; the applicants are requesting a variance to allow a loading space in the side yard (west).
2. Section 10.04a (12) requires connection to public water and sewer; the applicants are requesting a variance because public water and sewer are not available.
3. Section 3.13 (1.b) requires that 5% of the parking lot be landscaped. The owner is requesting a variance from the 5% requirement in order to install approximately 2.5% parking lot landscaping due to the semi-truck maneuvering areas.

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 proposal calls for a 9203 sf retail building with 7263 sf of useable floor space.
2. Traffic will access from US-10 and the driveway location has been approved by MDOT and the Access Management Advisory Committee (MCRC, Sherriff, MDOT, Public Works).
3. The store receives truck deliveries from Dollar General 1 or 2 times per week. As proposed the trucks would come in, back up in the front parking lot and then back up to the door located at the rear of the building.
4. ** The Dollar General in Scottville is almost an exact replica of the proposed building and site layout if you want to view a similar site.
5. Parking lot landscaping will include one island along the front parking spaces (closest to building) and additional landscaping has been added to the front parking area on the east sides (north and south sides). The owner has indicated that the front parking area, which is the primary parking area, is 20 spaces (including 2 handicap). The number of spaces that triggers the landscape requirement is 20. They do not want put landscaping on the west parking lot (along the building) due to the semi-maneuvering area for the loading doors.
6. Total parking lot area 14,750 sf.; 5% is 737 sf
7. The applicant is proposing a 371 sf island, or 2.5% of the 5% minimum. The site plan includes additional landscaping on the east side of the front parking area (north and south sides) are considered (about 150 sf each) for a total of 4.5% or 671 sf.
8. Dollar General does not want the loading/unloading in the rear due to semi-maneuvering in and around the site. Paving the rear would require relocation of the proposed storm water detention area to the south.
9. Public water and sewer are not available in Walhalla.

PHYSICAL SITE CHARACTERISTICS:

3. The property is relatively flat and is currently wooded/undeveloped.
4. The USPS parking area/gravel turn around encroaches on the west side of this property.

Mary Reilly explained the site plan has MDOT approval and Access Management and told the Board the site plan has not been before the Planning Commission. The variance is 1st. There will be no access on Walhalla Road.

A motion was made by Ralph Lundberg and 2nd by Richard Anderson to accept the Staff Report into the record. Motion carried, 4 Yes 0 No.

Jim Milanowski, engineer for Dollar General, stated plans have already been submitted to the Drain Commissioner and explained the landscaping and the reasons for

requesting a loading area on the west side of the building. He described the semi-truck maneuvering on the parcel and noted that semi deliveries occur about once a week; other deliveries will come through the front door. He noted that this same store design is used in 100s of other stores and there have been no problems. Mr. Milanowski told the Board the septic permit has been issued and the well permit will be coming soon.

Jerry Jensen opened public comment.

Ralph Razminas asked about fencing around holding pond.

Jim Milanowski stated water will drain rapidly into the ground in the retention basin due to sandy soils. There will be no fence but the area will be maintained except the very bottom of the basin.

Mr. Milanowski discussed the landscaping on the site and additional landscaping added to the plan to meet the spirit of the parking lot landscaping requirement.

Mike Shoup asked about snow plowing and voiced concern for the speed of traffic coming around the curve on US-10.

Jim Milanowski stated the berm will be gone. MDOT reviewed the plans and changed a driveway proposed on the east side to the west side. He stated that MDOT would not issue a permit if sight lines were a problem. He compared the location of the new landscaping the existing tree line to confirm that site lines would not be worsened. Mr. Milanowski stated that snow would be plowed, generally, to the west side and away from the landscaping and curb stops in the front.

Marvin Schmucker voiced his support for a Dollar General in the area.

Jerry Jensen closed public comment.

Ralph Lundberg mentioned that there was no water or sewer to hook up to and that anyone building would have to put in a well and septic.

Jerry Jensen stated this store was a relatively small store, compared to something like a Lowe's or Home Depot, and the requirements should be in line with the size of the store. He stated to pave the back lot to accommodate a rear loading space would create a huge impervious surface and more storm water run off. The retention pond would have to be moved farther to the rear of the parcel. There appeared to be very little value to the functionality of the site in requiring this.

There was a discussion on the parking and the loading area.

Jerry Jensen mentioned the Board would look at each variance request separately.

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 to allow a loading space in the side yard (west) rather than the rear yard.

- 192
- 193 A. **The strict compliance with the ordinance would cause a practical difficulty and**
- 194 **deprive the owner of rights enjoyed by all other property owners within the same**
- 195 **zoning district.** The septic is on the east side of building. It would be very
- 196 difficult to make 90 degree turn for a semi-truck for rear loading. To lay asphalt
- 197 for a rear loading dock with no gain in functionality does not make sense. All
- 198 agree.
- 199 B. **The conditions and circumstances unique to the property were not created by the**
- 200 **owner or his predecessor in title.** No, the lack of water and sewer limits has
- 201 created a smaller building area and has limited what can and cannot be done.
- 202 All agree.
- 203 C. **The requested variance will not grant special privileges that are denied other**
- 204 **properties similarly situated and in the same zoning district.** This would not grant
- 205 special privileges. All agree.
- 206 D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.**
- 207 The ordinance assumes a rear access via street or alley and does not want
- 208 loading docks to not interfere with traffic on street or alley. That is not the case
- 209 here—there is no interference to streets or alleys with the location of the loading
- 210 area. All agree.
- 211

212 A motion was made by Richard Anderson and 2nd by Ralph Lundberg to allow a loading

213 space in the side yard (west). Motion carried, 4 Yes, 0 No. Variance granted based on

214 standards 24.05 (3) A-D of the Mason County Zoning Ordinance.

215

216 Jerry Jensen read the standards for receiving a variance from Section 24.05 (3) a, b, c,

217 and d of the Mason County Zoning Ordinance for the variance from the requirement to

218 connect to water/sewer found in Section 10.04a (12); water/sewer not available a this

219 site.

220

- 221 A. **The strict compliance with the ordinance would cause a practical difficulty and**
- 222 **deprive the owner of rights enjoyed by all other property owners within the same**
- 223 **zoning district.** Yes it would be practical difficulty. There is no water or sewer in
- 224 the area. Cost would be prohibitive to bring in water and sewer lines. All agree.
- 225 B. **The conditions and circumstances unique to the property were not created by the**
- 226 **owner or his predecessor in title.** No water and sewer to connect to. All agree.
- 227 C. **The requested variance will not grant special privileges that are denied other**
- 228 **properties similarly situated and in the same zoning district.** This would not grant
- 229 special privileges. No water/sewer services available. All agree.
- 230 D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.**
- 231 The ordinance does not intend to deny a building to be constructed within this
- 232 zoning district when there is no water or sewer available. All agree.
- 233

234 A motion was made by Ralph Lundberg and 2nd by Richard Anderson to grant a

235 variance from the requirement to connect to water and sewer because no water and

236 sewer exists in this area. Motion carried, 4 Yes, 0 No. Variance was granted based on

237 standards 24.05 (3) A-D of the Mason County Zoning Ordinance.

238

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 from the 5% internal parking lot landscaping requirement found in Section 3.13 (1.b). The owner is requesting a variance to install approximately 2.5% parking lot landscaping.

- 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.** The store is relatively small with a small front parking lot. An island would interfere with semi traffic maneuvering and would interfere with seasonal snow plowing due to the size of the parking area. All agree.
- B. **The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** The lack of water and sewer on the site caused a practical difficulty. The septic fields narrowed the building area of the lot. All agree.
- C. **The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.** Will not grant special privileges. There are additional trees surrounding the parking lot. With the additional trees the area is 4.5% landscaped. All Agree.
- D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.** They are making the site attractive with the additional perimeter landscaping. They are making an effort to meet the ordinance without inconvenience to the semi drivers. All Agree.

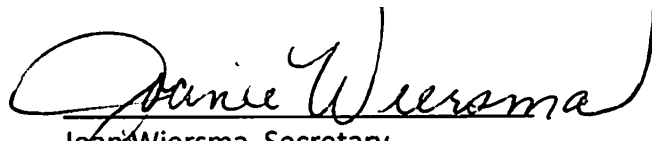
A motion was made by Ralph Lundberg and 2nd by Joanie Wiersma to grant a variance from the 5% requirement in order to install approximately 2.5% parking lot landscaping due to the semi-truck maneuvering areas and size of parking lot. Motion carried, 4 Yes, 0 No. Variance was granted based on standards 24.05 (3) A-D of the Mason County Zoning Ordinance.

Zoning Directors Report: The next meeting will be August 3, 2016.

Planning Commission Report: Mary Reilly gave the Board a summary on the LWEP performance review from the June 28, 2016 meeting and the migrant housing special land use which was held over until July 7, 2016.

There was no public comment.

Meeting adjourned at 9:18 p.m.


Joanie Wiersma, Secretary
Zoning Board of Appeals