

Mason County Planning & Zoning Department

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November 2, 2016

Minutes of the Mason County Zoning Board of Appeals meeting on November 2, 2016, 4:30 p.m. held at 102 E. 5th Street, Scottville, MI.

MEMBERS PRESENT: Richard Anderson, Cary Shineldecker, Ralph Lundberg, Joanie Wiersma, Jerry Jensen

MEMBERS ABSENT:

OFFICIALS PRESENT: Trudy Roy

Ralph Lundberg called meeting to order at 4:50 pm.

A motion was made by Cary Shineldecker with 2nd by Joanie Wiersma to approve the meeting minutes as amended of October 5, 2016. Motion carried, 3 yes 0 No.

Jerry Jensen and Richard Anderson joined the meeting at 4:55 pm

Addition to Agenda: None

Public Comment: None

Correspondence: None

A public hearing was held for variance application PZ16206 for Carroll Fultz. The property is located in Sheridan Township, Lot 34, Tuttle Ford Lake Subdivision, 5068 N. Ford Lake Road. The property is zoned Residential (R-1). No correspondence was received for or against the application. Trudy Roy presented photos, relevant sections of the ordinance, and staff report. A portion of the staff report is reprinted below:

The applicant is requesting a 5' variance from the required 10' side yard setback (south) for placement of a 10' X 20' addition to a dwelling and 8' X 20' deck.

FINDINGS OF FACT:

1. The existing dwelling is 793 sf.
2. The owner is seeking to expand two existing bedrooms which are approximately 9'6" x 9'6". There will be no new bedrooms.
3. The addition will be 10 X 20 and the deck 8 X 20.
4. There is no deck on the property so they are seeking to build a new deck on the rear of the dwelling. The deck meets required 40' setback to lake, but would not meet the side setback if built as designed. The owners could build a smaller deck within the required setbacks (approximately 8 X 15). They are seeking a variance to make the deck come to the same point as the new addition.

- 51 5. Minimum lot width required for the R district is 75'. This lot is non conforming in width, but
52 conforming in total area; this lot is approximately 16,500 sf and 12,000 is the minimum.

53 **PHYSICAL CHARACTERISTICS:**

- 54 1. Well is located the front yard
55 2. Septic is located in the side yard (north)
56 3. The land slopes downward toward the lake, just behind the house.
57

58 A motion was made by Ralph Lundberg with 2nd by Richard Anderson to accept the Staff Report
59 into the record. Motion carried, 5 Yes 0 No.
60

61 Jerry Jensen opened the public hearing.
62

63 Floyd Kaminski explained how the bathroom and bedrooms were very small and you have to go
64 through one bedroom to get into the other bedroom. The owners would like to enlarge the
65 rooms to make the rooms more usable and give the bedrooms their own doors.
66

67 Jerry Jensen closed the public hearing.
68

69 There was a discussion on the layout of the house and where the deck would be on the front by
70 the front door.
71

72 Ralph Lundberg mentioned this is a 50' lot. If the lot was a conforming size the addition would
73 be no trouble.
74

75 Jerry Jensen read the standards for granting a variance from Section 24.05 (3) a, b, c, and d of
76 the Mason County Zoning Ordinance related to this variance request.
77

78 **A. The strict compliance with the ordinance would cause a practical difficulty and**
79 **deprive the owner of rights enjoyed by all other property owners within the same**
80 **zoning district.** The strict enforcement of the ordinance would cause a practical
81 difficulty because it would result in an addition that is 5' wide. Meets standard, 5 yes, 0
82 no.
83

84 **B. The conditions and circumstances unique to the property were not created by the**
85 **owner or his predecessor in title.** The conditions and circumstances were not created
86 by the owner. The owner currently has a dwelling that was built and a lot that was
87 plotted before zoning took effect. Meets standard, 5 yes 0 no.
88

89 **C. The requested variance will not grant special privileges that are denied other**
90 **properties similarly situated and in the same zoning district.** The requested
91 variance will not grant special privileges. We have granted variances on lots this small
92 before it this area. Meets standard, 5 yes 0 no.
93

94 **D. The requested variance will not be contrary to the spirit of this Zoning Ordinance.**
95 The ZBA decides on applications when special conditions arise and tries to come up
96 with fair solutions. The applicant is reducing a non conformity to the dwelling with the
97 addition to the house. Meets standard, 5 yes, 0 no.
98

99 A motion was made by Richard Anderson and 2nd by Ralph Lundberg to **grant a 5'**
100 **variance from the required 10' side yard setback (south) for placement of a 10' X**

20' addition to a dwelling and 8' X 20' deck. Motion carried, 5 yes 0 no and meets standards of Section 24.05 (3) A-D of the Mason County Zoning Ordinance.

A public hearing was held for variance application PZ16209 for Mike Keeler. The applicant is requesting **a variance to allow a garage in front yard (after the fact)**. The property is located in Meade Township, 6579 S. County Line Road Section 4. (This is the north County line). The property is zoned Recreational Residential (RR). No correspondence was received for or against the application. Trudy Roy presented photos, relevant sections of the ordinance, and staff report. A portion of the staff report is reprinted below:

FINDINGS OF FACT:

1. 20 X 24 garage built primarily for storage of kayaks and recreational items and a lawn mower (not for vehicles).
2. The garage is sided with barn-wood siding to match the house and is architecturally pleasing for this rural area.
3. The home was built in the 1930s and the current owner has owned the house since 1986.
4. The garage was built with no zoning or building permits in 2015.
5. There are no other accessory buildings on the parcel and the owner needed a place to store various items.
6. The lot is conforming.
7. The owner notes that they did not want to traverse or drive over the well or septic located in the side yards in order to place the building behind the house or along side the house.
8. The shed is relatively difficult to see when foliage is on the trees due to the barn-wood color and the forested area between the shed and the road.

PHYSICAL CHARACTERISTICS:

4. Well is located the side yard (east).
5. Septic is located in the side yard (west).
6. The lot is wooded—only the area where the house and garage are have been cleared.

A motion was made by Ralph Lundberg and 2nd by Cary Shineldecker to accept the staff analysis into the record. Motion carried 5 Yes 0 No.

Ralph Lundberg brought to the Boards attention a variance that was granted on Darr Rd because of topography that was very similar to the variance before the Board. Mary did not have this variance in her report.

Mike Keeler explained how the barn was build and stated the well is on the east side of the cottage and the septic is on the west side. They would have to drive over the well and septic area to get behind the cottage.

Jerry Jensen closed the public hearing.

Jerry Jensen stated variances are heard on a case by case basis. The placement of the garage fits into the charter of the area.

Jerry Jensen read the standards for granting a variance from Section 24.05 (3) a, b, c, and d of the Mason County Zoning Ordinance related to this variance request.

- 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 strict enforcement of the ordinance would cause a practical difficulty. There would be a substantial cost to the owner to prepare a suitable place for the garage. The well and septic would have to be moved. Meets standard, 5 yes, 0 no.
- B. **The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** The conditions and circumstances were not created by the owner. The dwelling was built on the lot in 1930 well before zoning took effect. Meets standard, 5 yes 0 no.
- C. **The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.** The requested variance will not grant special privileges. We have granted variances because of septic and well placement in the past. The area is very remote. Meets standard, 5 yes 0 no.
- D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.** The ZBA decides on applications when special conditions arise and tries to come up with fair solutions. The owner is using the land available and not the natural resources. The forests are unique to the area and in the most natural state of any property in the county. The garage is situated to match the character of the area. Meets standard, 5 yes, 0 no.

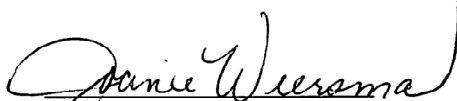
A motion was made by Joanie Wiersma and 2nd by Cary Shineldecker to **grant a variance to allow a garage in front yard (after the fact).** Motion carried, 5 yes 0 no and meets standards of Section 24.05 (3) A-D of the Mason County Zoning Ordinance.

Zoning Directors Report: The next meeting will be November 16, 2016.

Planning Commission Report: Cary Shineldecker brought the Board up to date on a very busy month for the Planning Commission. The Planning Commission has had 4 meetings with 3 applications on each in the month of October. All but one application was approved and Mr. Shineldecker explained the denial and why it was denied.

There was no public comment.

Meeting adjourned at 5:50 p.m.


Joanie Wiersma, Secretary
Zoning Board of Appeals