

Mason County Planning & Zoning Department

102 E. FIFTH STREET
SCOTTVILLE, MICHIGAN 49454
(231) 757-9272 • FAX (231) 757-9253

April 5, 2017

Minutes of the Mason County Zoning Board of Appeals meeting on April 5, 2017, 7:00 p.m. held at 102 E. 5th Street, Scottville, MI.

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

MEMBERS ABSENT: Cary Shineldecker (excused)

OFFICIALS PRESENT: Mary Reilly

Jerry Jensen called meeting to order at 7:00 pm.

A motion was made by Ralph Lundberg with 2nd by Dick Anderson to approve the meeting minutes of March 1, 2017 minutes as amended. Motion carried, 4 yes 0 No.

Additions to Agenda: Bylaw changes will be addressed under New Business.

Public Comment: None

Correspondence: None

Jerry Jensen opened the public hearing for application #PZ17024, **6345 S. Basswood Drive**, Summit Township, Section 26, Bass Lake Shore Subdivision No. 2, Lots 53,54,55,56 and N1/2 of Lot 52. James Overman is requesting a 128 square foot variance from the maximum allowable 2,080 square feet to reconstruct a 672 square foot garage with a 336 square foot additional workshop (parcel also contains a 1,200 square foot pole building). Mary Reilly presented photos, site plan, and staff report. There was one letter received in support of the application.

FINDINGS OF FACT

1. The parcel contains a 30 X 40 detached pole building.
2. The owner lost a second detached garage to fire (24 X 28).
3. A concrete pad is located in front of the 24 X 28 and connected to the driveway.
4. The 30 X 40 is approximately 180 feet from the dwelling.
5. The 24 X 28 is 45 feet from dwelling and used for daily driver vehicle storage.
6. The owner states that he needs a heated space for a workshop that is close to the house. The 30 X 40 is not heated and too far from the house.
7. Maximum allowable square footage for detached accessory buildings- **2080 sf**

	OPTION A	OPTION B	OPTION C	OPTION D
Pole Barn (30 X 40)	1200	1200	1200	1200
Garage (24 X 28)	672	672	672	62
Workshop	8 X 24, 192 sf	10 X 24, 240 sf	12 X 24, 288 sf	14 X 24, 336 sf
TOTAL SF	2064	2112 sf	2060	2208
Overage/Variance	-----	32 sf	80 sf	128 sf

46 PHYSICAL SITE CHARACTERISTICS:

- 47 1. Septic is located on the north side of the house.
- 48 2. Well is on east side (rear yard).
- 49 3. A large wooded dune is on the south side/deck side and runs along the east and south property
- 50 lines.
- 51 4. The property has a park-like setting and includes several landscaped areas.
- 52

53 Ralph Lundberg made a motion to accept the staff report into the file. Second by Dick Anderson.
54 Motion carried 4 yes, 0 no.

55 Ralph Lundberg stated that standard #2 is the most difficult for him. If Mr. Overman attached the
56 garage to the house, he could build any size but putting in a long hallway to the proposed
57 garage would cause a hardship. The 30' X 40' garage is 180' away from the house. Many
58 people do not want a garage attached to the house due to fire risks.

59 Jerry Jensen stated that he is concerned about standard #4. The ordinance set up a maximum
60 square footage for residential areas to minimize clutter. Mr. Jensen is concerned that granting
61 the variance would violate the intent of the ordinance.

62 Ralph Lundberg stated that he would rather have people store things inside of a building. He
63 briefly discussed the history of detached buildings and maximum square footages and how the
64 ordinance has been adjusted to accommodate the people. Mr. Lundberg suggested that if the
65 garage was 24' X 24' (rather than the 26' X 28' proposed), the additional space could be
66 devoted to the workshop without needing a variance.

67 Mr. Overman stated that the workshop will be heated and it will be 2' X 6' construction.

68 Joanie Wiersma stated that her concern was also standard #4.

69 Dick Anderson stated that the intent of the ordinance is clear to limit square footage based on
70 lot size. He noted that the garage would be fitting for the area and would be well hidden.

71 The board discussed many options and dimensions for garage construction which would not
72 require a variance.

73 Jerry Jensen closed the public hearing.

74 Jerry Jensen read the standards for granting a variance from Section 24.05 (3) A through D.

75
76 A. **The strict compliance with the ordinance would cause a practical difficulty and**
77 **deprive the owner of rights enjoyed by all other property owners within the same**
78 **zoning district.** The strict enforcement of the ordinance would create a practical
79 difficulty; the 30' X 40' pole building on the parcel is 180' away and is not heated.
80 Attaching a workshop to the home would require a complete re-working of the deck. The
81 owner is trying to re-use an existing footing for the garage. Meets the standard, 4 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 owner constructed the dwelling. The request
86 to rebuild the garage after a fire can be fulfilled without a variance, the only issue is the

size of the workshop which is created by the owner. DOES NOT MEET standard, 4 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 request is quite unique with no other variance granted for a similar situation. Meets the standard, 4 yes 0 no.

D. **The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.** Granting the variance would violate the intent of the ordinance which is to limit the square footage of detached buildings on small lots and to prevent visual clutter. DOES NOT MEET the standard, 3 yes 1 no (RL). Mr. Lundberg disagreed noting that the requested workshop is not adding a new structure; it is just requesting a larger structure and would not contribute to clutter.

Ralph Lundberg made a motion to deny the 128 square foot variance from the maximum allowable 2080 square feet for a workshop addition on a detached accessory building. Second by Dick Anderson. Motion carried, 4 yes, 0 no. CONCLUSION: Variance failed to meet standards of 24.05 (3) B and D of the Mason County Zoning Ordinance.

Ralph Lundberg stated to Mr. Overman that the Planning Commission is in the process of amending the zoning ordinance. He could send them a letter asking them to increase size for detached accessory buildings.

Jerry Jensen opened the public hearing for APPLICATION: #PZ17029. John Sherston has requested a 10' variance from required 50' setback for a building related to an open air business. The property is located at **3389 W. US-10**, Amber Township, Section 17. S. Side of US-10, between NAPA and Marek's garage. Parcel 001-017-045-01. ZONING: C-2/ I. Mary Reilly presented photos, aerials, site plan and staff report. There was no correspondence received for or against the application.

FINDINGS OF FACT

1. The building was constructed in the 70s (?)—it was there from at least 1981.
2. The owner would like to establish an open air business on the lot selling RVs, campers, etc. and provide related services and retail.
3. The property used to be owned by Wolohan Lumber and was split in 2008. The split conformed to the ordinance requirements for setbacks (25' side), but did not contemplate the use as an open air business (50' required).
4. The lean-to walls, at the closest point, are 43' from the staked property line. The owner may not use the lean-to's (in which case a variance would not be required) but he also may want to reconstruct them and use them at some point in the future and would like the flexibility to use them if needed.
5. The applicant is seeking to improve the building and add on to the front with offices/showroom, bathrooms, etc.
6. Campers would be displayed in front of the building, toward US-10.

PHYSICAL CHARACTERISTICS

1. The site is relatively flat with an open area between this building and the Napa building (85' between the two buildings).

2. High water table in the area—property drains to a ditch on the west side and then to the rear of the property.

A motion was made by Ralph Lundberg to accept the staff report into record. Second by Dick Anderson. Motion carried, 4 yes 0 no.

Jerry Jensen opened the public hearing.

Mr. Sherston did not have any additional comment. He stated that the building was constructed in 1979.

Ralph Lundberg stated that the building was placed before the zoning changed in 2004.

Jerry Jensen stated that he did not see a problem with the request.

Ralph Lundberg stated that it is possible to remove the lean-to on both sides but does not see that as a viable option because it will be needed space. The board agreed.

Jerry Jensen closed the public hearing.

Jerry Jensen read the standards for granting a variance from Section 24.05 (3) a,

- 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.** Taking the lean-to down would effect the overall use of the building. The owner is buying the square footage of the building and will need it for servicing and washing RV's. The overall square footage is part of the plan and it is needed. Requiring removal of the lean-to's would destroy the usefulness of the building and create a practical difficulty. Meets the standard, 4 yes 0 no.
- B. **The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** When the property was subdivided in 2008 it was done legally and conformed to ordinance requirements. The owners did not anticipate every possible use for the building but met the required setbacks for the district. Meets the standard, 4 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 variance would not grant special privileges. Other existing buildings have been allowed to be used as an Open Air Business. Meets the standard, 4 yes 0 no.
- D. **The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.** Granting the variance would not be contrary to the spirit of the ordinance. The owner is fixing problems associated with the existing building and it will be an upgrade to the property. Meets the standard, 4 yes 0 no.

A motion was made by Dick Anderson with 2nd by Joanie Wiersma to grant a 10' variance from the required 50' side yard setback to use an existing building for an Open Air Business. CONCLUSION: Meets standards of Section 24.05 (3) A-D. Motion carried, 4 yes 0 no.

Jerry Jensen clarified that the bylaws have the 7:00 meeting starting on May 1. November 1 through April 30 are 4:30 PM.

189 Zoning Director's Report: The next meeting will be April 19 at 7:00 PM.
190
191 Planning Commission Report: Mary Reilly stated that the Planning Commission approved
192 electronic signs changing at a 12 second interval.
193
194 There was no public comment.
195
196 Meeting adjourned at 8:26 pm.
197
198



Joanie Wiersma
Secretary, Zoning Board of Appeals

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