

# Mason County Planning & Zoning Department

102 E. FIFTH STREET  
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November 18, 2015

Minutes of the Mason County Zoning Board of Appeals meeting on November 18, 2015,  
7:30 p.m. held at 102 E. 5<sup>th</sup> Street, Scottville, MI.

MEMBERS PRESENT: Jerry Jensen, Ron Krepps, Ralph Lundberg, Richard Anderson,  
Kent Collins

MEMBERS ABSENT:

OFFICIALS PRESENT: Mary Reilly, Trudy Roy

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

A motion was made by Ron Krepps and 2<sup>nd</sup> by Richard Anderson to approve the  
meeting minutes of November 4, 2015 as amended. Motion carried, 5 yes 0 No.

Addition to Agenda: None

Public Comment: None

Correspondence: None

Ron Krepps asked the Board if he should recuse himself from the 1<sup>st</sup> application  
because Ronald & Heather Wheeler have purchased fire wood from him in the past.

There was a discussion on what constitutes a conflict of interest.

Jerry Jensen stated he did not think it was necessary for Ron to recuse himself, but if  
Ron felt it was necessary he could.

Ron Krepps stated he just wanted the Board to know they had bought fire wood from  
him.

A public hearing was held for #PZ15205, a dimensional variance for a deck. The  
applicant has requested a 20' variance for a 12' x 50' deck and a 24' variance for deck  
stairs from the 50' front setback from Stephens Road. The owner is also requesting a  
23' variance from the required 50' front setback from Freesoil Road for the same deck.

The property is owned by Ronald & Heather Wheeler, 3210 E. Freesoil Rd and is located in Freesoil Township, Section 23, com. at SW corner of SW 1/4 thence E 16 rds N 20 rds W 16 rds S 20 rds to beginning, except square 9 rods by 9 rods in SE cor. T20N R16W 1.5 a. m/l. (005-023-015-00), in the AG District. There was no correspondence for or against. Mary Reilly presented the staff report (portion below), photos, and aerial photograph.

#### FINDINGS OF FACT:

1. The house was constructed prior to zoning taking effect and is non-conforming (21 X 55). The two-story house does not meet required setbacks (front 50' or side 25'). The house is approximately 15' to the east property line.
2. The property was purchased by Daniel Siefka, Jr. about 2 years ago and renovated. The kitchen was moved to the center of the house, the dining room to the front (where sliding glass doors are located) and the bedroom moved to the rear.
3. The pipes under the kitchen that was in the back routinely froze over the crawl space and were moved to the center of the house to be over the basement.
4. The Wheelers purchased the home in the spring of 2015 with the condition that a deck be constructed on the west side of the home.
5. The deck was observed under construction, with no permits, around 10-24-15. Staff was on site on Monday, October 26 to stop progress on the deck.
6. The deck is approximately 12 X 50 (with cut outs).
7. The deck does not extend closer to Free Soil Road than the house, but does extend closer to Stephens Road than the house.
8. There are four out buildings on the parcel. There is a garage located approximately 6' from the Stephens Road ROW.
9. The owners indicate there was a landing/stairs removed that lead out of the door toward Stephens Road. The deck does not go closer to the road than the landing/stairs. Only the stairs are going closer to the road.

#### UNIQUE PHYSICAL CHARACTERISTICS

1. Well is located in the east side yard by the house.
2. Septic/drain field located in the rear yard.

A motion was made by Ron Krepps and 2<sup>nd</sup> by Ralph Lundberg to accept the staff report as part of the file. Motion carried, 5 yes 0 no.

Jerry Jensen opened the public hearing.

Jerry Jensen asked if Stephens Rd. was a dead end.

Ron Krepps stated that Stephens Rd. goes north to Hogue Rd. but does not have much traffic compared to Free Soil Rd.

Kent Collins mentioned that the deck is no closer to Freesoil Rd. than the house.

The Wheelers stated they did not have anything to add.

Jerry Jensen closed the public hearing.

The board discussed the location of the garage on the parcel and the Heidi Hoff on the adjacent property to the east. The board discussed the location of the landing and stairs that used to come out of west entrance to the house.

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.

- A. The strict compliance with the ordinance would cause a practical difficulty.** Strict compliance would deprive the owners of rights granted others. There is no other place to put a deck off of the house based on where the house sits on the lot and the location of the sliding door.
- B. The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** The house was built before zoning codes took effect. Many farm houses in the County are located within the required setbacks. The roads were likely small dirt roads at the time the house was built.
- 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. The Board has granted variances in the past for similar situations. The board denied a deck, or portion of a deck that was located in a right-of-way near Gunn Lake. There is ample room in this situation between the deck and the right-of-way.
- D. The requested variance will not be contrary to the spirit of this Zoning Ordinance.** The variance would not be contrary to the spirit of the ordinance. The deck does not pose an issue for safety, clear vision, or snow throw.

A motion was made by Richard Anderson and 2<sup>nd</sup> by Ron Krepps to grant 1) a 20' variance for a 12' x 50' deck and a 24' variance for deck stairs from the 50' front setback from Stephens Road and 2) a 23' variance from the required 50' front setback from Free Soil Rd. for the same deck. The variance meets standards of Section 24.05 (3) A, B, C, and D of the Mason County Zoning Ordinance. Motion carried, 5 Yes 0 No.

A public hearing was held for #PZ15203, a dimensional variance for a single story addition and a 3' extension to the front porch. The applicant has requested a 2' variance from required 10' (north side yard) for 22' x 32' single story addition and 3' x 32' front porch addition to a non-conforming single family dwelling. They are also requesting a 5' variance from the required 10' setback between the main building and detached garage. The property is owned by Charles and Edna Harrison, 7370 S. Montgomery Rd and is located in Summit Township, Section 35, Lots 44, 45 and north 12' of Lot 43 of Nagasaki Park. Parcel 014-617-044-00, in the RR District. There was 1 letter received in opposition to the variance. Mary Reilly presented the staff report (portion below), photos, and aerial photograph.

FINDINGS OF FACT:

- 1) The dwelling was constructed prior to zoning—the current owners have been going there since they were children.
- 2) The lot is 10,044 sf (under the 15000 sf required)
- 3) The width of the lot is 62 ft (100 required)
- 4) The owners have obtained permission from the DEQ (Critical Dunes) and DHD #10 for well and septic relocation.
- 5) The dwelling is currently 22 X 32 (704 sf) with approximate 5 X 30 front porch.
- 6) The 22 x 32 addition (single story) would double the size of the dwelling and bring it into conformity with the 840 sf minimum requirement.

#### UNIQUE PHYSICAL CHARACTERISTICS

1. The property slopes down steeply behind the front of the house to the west and also on the south side.
2. The neighboring property to the south contains a dwelling that is very close to the existing garage on this parcel. The neighbor to the north is not as close and their house sits slightly up a small incline to the north and east.
3. Well is located in the rear yard (and has been relocated to accommodate the addition).
4. Septic is located in the front yard.

Mary Reilly asked the Harrisons' about the slope and height of the roof on the addition.

Jean Harrison stated the roof would be pitched but the addition would have the same height of walls (8') as the existing house. The overall height would be between 12 and 14 feet depending on the pitch.

Mary Reilly read a letter from Joseph Hurd voicing his opposition to granting any variances at any time.

A motion was made by Ralph Lundberg and 2<sup>nd</sup> by Ron Krepps to accept the staff analysis into the record. Motion carried 5 Yes, 0 No.

Jerry Jensen asked if there were any comments from the audience. There was none.

Jerry Jensen closed the public hearing.

Ron Krepps mentioned the size of the addition will bring a non-conforming dwelling into conformity.

Kent Collins asked about the reason for 10' between buildings.

Ron Krepps stated the 10' measurement was for fire equipment to get to the back of a building in case of fire.

Jerry Jensen mentioned fire equipment could get to the back of the dwelling from the driveway to the north.

The board discussed why the house could not be structurally attached to the garage.

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.

- 187
- 188       **A.     The strict compliance with the ordinance would cause a practical difficulty.** The addition
- 189       is staying within the same lines as the current house and will not worsen the non conformity
- 190       on the north side. The addition will bring the house into conformity with the 840 sf
- 191       requirement and would deprive the owners of rights granted others.
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- 193       **B.     The conditions and circumstances unique to the property were not created by the owner**
- 194       **or his predecessor in title.** The house was built before zoning codes took effect and is
- 195       undersized. The platted lots in this area are very small and narrow.
- 196
- 197       **C.     The requested variance will not grant special privileges that are denied other properties**
- 198       **similarly situated and in the same zoning district.** The variance would not grant special
- 199       privileges. The Board has granted variances in the past for similar situations; and there are
- 200       many similar situations around the Bass Lake/Montgomery Blvd. area.
- 201
- 202       **D.     The requested variance will not be contrary to the spirit of this Zoning Ordinance.** The
- 203       variance would not be contrary to the spirit of the ordinance. The ordinance helps to work
- 204       with owners who have unique homes and properties that were created before zoning took
- 205       effect. The owner is bringing a non-conforming dwelling into conformity and is not
- 206       worsening any existing non-conformities.
- 207

208     A motion was made by Ron Krepps and 2<sup>nd</sup> by Richard Anderson to grant a 2' variance from

209     required 10' (north side yard) for 22' x 32' single story addition and 3' x 32' front porch

210     addition to a non-conforming single family dwelling and a 5' variance from the required

211     10' setback between the main building and detached garage. Motion carried 5 Yes, 0

212     No.

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214     New Business: None

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216     Zoning Directors Report: None

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218     Planning Commission Report: Ralph Lundberg gave the Board a summary of the

219     special land use granted for a home based business/art gallery in Branch township.

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221     Meeting was adjourned at 8:30 p.m.

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Sincerely,



Richard Anderson, Secretary  
Mason County Board of Appeals