

# Mason County Planning & Zoning Department

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

March 16, 2022

Minutes of the Mason County Zoning Board of Appeals meeting on March 16, 2022 4:30 p.m.  
held at 102 E. Fifth Street Scottville, MI.

MEMBERS PRESENT: Lois Krepps, Chuck Lange, Nick Krieger

MEMBERS ABSENT: Jerry Jensen, Dick Anderson

OFFICIALS PRESENT: Cayla Sanders, Tammy Lowe

The meeting was called to order at 4:30 p.m. by Lois Krepps

Chuck Lange made the motion to approve the March 2, 2022 meeting minutes as written.  
Second by Nick Krieger. Motion carried, 3 yes 0 no.

Additions or deletions to the agenda: None

Nick Krieger made the motion to approve the agenda for March 16, 2022. Second by Chuck  
Lange. Motion carried, 3 yes 0 no.

Public Comment: None

Correspondence: None

Lois Krepps opened the public hearing for application PZ22011, Chris & Cindy Waun. The  
applicant is requesting a 4' variance from the required 10' side yard setback and an 8' variance  
from the required 25' front yard setback to construct a 24' x 32' detached accessory building. The  
requested variance is on a property located in the Residential (R) zoning district, Eden Township,  
described as: E-360-102 (A11) X92DEL RAY BEACH SUBDIVISION NO. 2 LOT 102, Parcel 004-  
110-102-00, access 5075 S. Stella St. Cayla Sanders presented the staff report and photos. A  
portion of the staff report is below:

## FINDINGS OF FACT:

1. The property is on well and septic.
2. The property is located in a platted subdivision created in 1960.
3. The parcel is nonconforming with a frontage of 69.49'. Today's required frontage for the R District is 75'.
4. An existing 140 sf shed (to be removed) is 4' from the property line from the eave (nonconforming – today's standard is 5' for anything less than 200 sf).
5. The dwelling was built in 1969 and predates zoning regulations.
6. The locations of the septic field and a power pole limit the area which can be built.

Chuck Lange made the motion to approve the staff analysis as presented. Second by Nick  
Krieger. Motion carried, 3 yes 0 no.

Lois Krepps opened the floor for the applicant to speak.

Jay Harrison, contractor/representative, stated the road is at an angle, so while one corner of the building exceeds the required setback, the other corner encroaches 8'. Mr. Harrison added the side yard setback variance was required because of the drain field on the west side of the property, and the front yard setback variance was required because of the location of an existing power pole, shed, and propane tank.

Chuck Lange asked Jay Harrison why the power pole could not be moved on the property to a different location. Mr. Harrison stated that would be a significant cost to the property owner.

The Zoning Board of Appeals stated the detached accessory building could be done within the setbacks without a variance with some minor adjustments.

Lois Krepps closed the public hearing.

Lois Krepps read the standards for granting a variance from Section 24.05 (3) A through D of the Mason County Zoning Ordinance. The following is for the requested variance of **a 4' variance from the required 10' side yard setback and an 8' variance from the 25' front yard setback to construct a 24' x 32' detached accessory building.**

- A. **The strict enforcement of the provisions of this 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 would not create a practical difficulty since the owner could modify the design to meet ordinance requirements. **Does not meet standard**, 3 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, or his predecessor in title. **Meets standard**, 3 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 would grant special privileges. **Does not meet standard**, 3 yes 0 no.
- D. **The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.** The variance would be contrary to the spirit and intent of the Zoning Ordinance. **Does not meet standard**, 3 yes 0 no.

Chuck Lange made the motion to deny application PZ22011, a request for a 4' variance from the required 10' side yard setback and an 8' variance from the required 25' front yard setback based on not meeting standards A, C, and D required for granting a variance. Second by Nick Krieger. Motion carried, 3 yes 0 no.

Unfinished Business: None

New Business: None

Zoning and Building Director Report: Cayla Sanders stated there were no requests for the ZBA coming up. Ms. Sanders added the Zoning and Building Departments were still receiving many permit applications.

105 Planning Commission Report: Chuck Lange stated the Planning Commission met the previous  
106 evening to interview consultants regarding the Zoning Ordinance Update. Mr. Lange added the  
107 Planning Commission selected a candidate to recommend to the Buildings, Planning, Drains, and  
108 Airport committee for their recommendation to the full County Board.

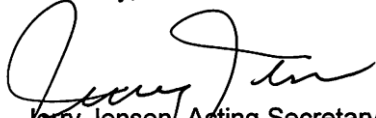
109  
110 Lois Krepps opened the public comment period.

111  
112 No public comment.

113  
114 Meeting adjourned at 5:30 pm.

115

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Jensen", written over the typed name.

Jerry Jensen, Acting Secretary  
Mason County Board of Appeals