

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF AUGUST 11, 2010**

Jenkins called the meeting to order at 5:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: Crips, Harbach, Jenkins, McCormick, Richards
Board Member(s) Absent: Curtis, Shattuck
Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES: January 13, 2010

The Meeting Minutes of the January 13, 2010 meeting were approved as presented.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS/PUBLIC HEARING

Variance – 218 E. Maple Street – Side Yard Setback

Jenkins opened the public hearing at 5:33 p.m.

Jenkins informed the applicant that a full board was not present, indicating that it takes four positive votes to grant a variance, and offered the applicant the opportunity to adjourn to another time where a full board would be present. The applicant declined the offer to adjourn to a full board.

Member Richards informed the Board that she is a member of the Methodist Church, which owns the subject property, but does not have a direct conflict and would be able to remain impartial in the matter.

Member Harbach informed the Board that the applicant is a business client of his, but that he does not have a direct conflict and would be able to remain impartial in the matter.

Chairperson Jenkins informed the Board that he represents Mr. Howe on legal matters, but does not have a direct conflict and would be able to remain impartial in the matter.

No objections were raised upon Members Richard, Harbach, and Jenkins informing the Board of their connections to the applicant.

Gary Howe, 218 Maple Street (applicant), of the Mason Maple United Church introduced himself to the Board and provided the following comments:

- The wheelchair ramp will be constructed to code
- Variance is necessary due to setback standard
- The Optimist Club will construct the ramp
- The Capital Area Community Services organization will be the tenant and will need a ramp for their clients

- The front entrance is too confined to allow for the construction of a ramp, which causes a practical difficulty, therefore the only other location for a ramp is the rear entrance
- The ramp is necessary for the Capital Area Community Services clientele
- There are nine parking spaces on the site

A lengthy discussion ensued regarding location of the ramp, and egress issues.

Being there were no public in attendance to provide comments, Jenkins closed the public hearing at 6:00p.m.

MOTION by Harbach, second by Crips,
to approve Resolution 2010-02.

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION NO. 2010-02**

**A RESOLUTION GRANTING A VARIANCE OF 17 FEET FROM THE SIDE YARD SETBACK
REQUIREMENT ON PROPERTY LOCATED AT 218 EAST MAPLE STREET**

August 11, 2010

WHEREAS, a request has been received from the Mason First United Methodist Church, owner of record of parcel 33-10-10-09-108-003, for a variance of 17 feet from the minimum side yard setback requirement; and

WHEREAS, the subject property is further described as: The East ½ of Lot 3 and the West ½ of Lot 4, Block 12 of the original plat of the City of Mason; and

WHEREAS, the subject property is located in the O-1 (Office) zoning district; and

WHEREAS, Section 94-121(c)(1) and Table 100-1 of the Mason zoning ordinance requires a minimum 20 side front yard setback when adjacent to residentially used land; and

WHEREAS, the current land use of the property to the east of the subject property is residential; and

WHEREAS, the variance request complies with the five conditions of approval listed in Section 94-365(c) of the Mason Code; and

WHEREAS, a public hearing on the request was noticed and held at the Zoning Board of Appeal's regular meeting of August 11, 2010, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Zoning Board of Appeals does hereby approve the request for a 17 foot variance to the minimum side yard setback standard for the construction of a wheelchair ramp at 218 East Maple Street as based on the plans received by the Zoning and Development Department on July 15, 2010.

Discussion ensued regarding fire safety and setbacks.

Yes (5) Crips, Harbach, Jenkins, McCormick, Richards

No (0)

Absent (2) Curtis, Shattuck

RESOLUTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

Board members asked Haywood to examine the attendance record for the past year and involve the Mayor if necessary.

Board members asked if the Fire Chief would provide comments on the concern for fire safety between structures that are closer together than the setback permits as well as accessibility to those structures.

CORRESPONDENCE

None.

ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

By consensus, the meeting adjourned at 6:19 p.m.

Deborah Cwierniewicz, City Clerk