



ZONING BOARD OF APPEALS
WEDNESDAY, FEBRUARY 12, 2020
Maple Room, 2nd Floor – 5:30 P.M.
201 West Ash Street, Mason MI

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES

A. Approve Minutes of Zoning Board of Appeals Meeting January 8, 2020.

5. PUBLIC HEARING

A. Petition for variance from the City ordinances Chapter 94 Article X, Chapter 100 Tables 1, 2 related to a non-conforming structure, non-conforming uses and dimensional requirements, parking in the front yard and deed restrictions on property located at 513 - 515 W. South St. in Mason, MI, filed by Crockett Law Offices.

6. UNFINISHED BUSINESS

A. Updates on 882 Stag Thicket and 934 & 965 Franklin Farms Appeal

7. NEW BUSINESS

8. LIASON REPORT

A. City Manager Report

9. ADJOURN

CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF JANUARY 8, 2020
DRAFT

Sabbadin called the meeting to order at 5:30 p.m. in the Maple Room at 201 W. Ash Street, Mason, Michigan.

Present: Fisher, Harris, Madden, McCormick, Sabbadin, Wilson

Absent: None

Also present: Elizabeth A. Hude, AICP, Community Development Director; Sarah Jarvis, City Clerk

OATH OF OFFICE

Jarvis administered the Oath of Office to Bob McCormick.

ELECTION OF LEADERSHIP

Hude opened nominations for Chair.

Fisher nominated Sabbadin for the position of chair. Wilson seconded.

Hude closed the nominations for Chair.

Sabbadin: Yes (6) Fisher, Harris, Madden, McCormick, Sabbadin, Wilson
No (0)
Absent (0)

MOTION PASSED: Sabbadin confirmed as Chair

Hude opened nominations for Vice-Chair.

Wilson nominated McCormick for the position of Vice-Chair. Fisher seconded.

Hude closed nominations for Vice-Chair.

McCormick: Yes (6) Fisher, Harris, Madden, McCormick, Sabbadin, Wilson
No (0)
Absent (0)

MOTION PASSED: McCormick confirmed as Vice-Chair

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

MOTION by Fisher second by Madden, to approve the Zoning Board of Appeals minutes from the October 9, 2019 meeting.

Yes (6) Fisher, Harris, Madden, McCormick, Sabbadin, Wilson
No (0)
Absent (0)

MOTION APPROVED

PUBLIC HEARING

A. Appeal of Administrative Decision to require permits for work being done on the property located at 882 Stag Thicket Lane in Mason, MI, received from Scott & Kimberly LaMacchia, homeowners.

Before opening the public hearing, Sabbadin asked for disclosure of conflicts of interest. Angela Madden shared she does have a conflict of interest as she serves on the Hunting Meadows Property Owners Association, and will abstain from voting. Discussion took place regarding the need for her to exit the room and was put to a vote.

MOTION by Fisher, second by Wilson, to require Madden to exit the room during the Public Hearing.

Yes (1) Fisher
No (4) Harris, McCormick, Sabbadin, Wilson
Abstain (1) Madden

MOTION FAILED: Madden is allowed to stay but she will not vote.

Sabbadin opened the public hearing at 5:35 p.m.

Public Comments/Discussion:

Scott LaMacchia, on behalf of he and his wife, Kimberly LaMacchia, 882 Stag Thicket Lane, stated that he is not challenging the need for permits, he is challenging the time frame necessary to turn in required documents as he has been out of state for work and only home on weekends this past year. They met with Director Hude earlier in the week, he is working with an engineer, and he is diligently trying to prepare what is needed. He did misunderstand the need for a permit for the grading he did earlier in the year but he now understands where he was wrong. He is asking the Board to change the deadline required.

Director Hude noted this appeal is based on a Notice of Violation which was sent by the Code Enforcement Officer. This issue began in July of 2018 as a minor landscaping project but it was realized that there was more work going on that required grading and filling. A Stop Work order was issued so the project could be evaluated. It was then learned that the project would include a hot tub and retaining wall which can also trigger the need for a permit. A request for more information was made. Despite the numerous Stop Work Orders issued in a year and a half, the applicant continued to work on the project. It was later realized that the property includes a wetland delineation, and that the project needed to be approved by the Homeowners Association.

What was cited in the violation notice was that it appeared to be an amendment to a previously approved subdivision grading plan which triggers notification to the City. Director Hude referenced the different

Chapters in the Code of Ordinances that were affected. The most recent Notice of Violation, sent November 27, 2019, had a deadline date of compliance of December 9, 2019, which the applicant failed to meet.

Director Hude provided the Board with copies of photos regarding 882 Stag Thicket Lane, received from a local homeowner, that show a hole in the yard, from a cottonwood tree, that was filled in with dirt that could have been leveled instead.

McCormick asked Mr. Lamacchia if work had been done on the premises. Mr. Lamacchia responded that yes, some work has been done with grading and moving dirt around to reshape the retaining wall and lower the hot tub, and that he used the leftover dirt to level out the back yard. He admitted that work was done and as he reread one of the letters sent, he realized there was a cease work order in it that he did not realize was there earlier.

Wilson noted in the packet information it was stated that there were stickers put on the door to stop working and those were taken off. Mr. LaMacchia replied that he realized there was a problem then. Wilson commented that work continued even after that. Mr. LaMacchia does not believe that is true. He did stop.

Harris asked how long it would take to get the needed documents together to be in compliance. LaMacchia answered that it would depend on the engineer and their timetable.

Sabbadin called for comments from the floor.

Lisa Messler, 874 Stag Thicket Lane, shared that she is not sure when her landscaping was done as it was there when she purchased the home, and they knew it was a wetland. When she made a complaint in January of 2019, she was told by Chuck Goeke, Code Enforcement Officer at the time, that Scott LaMacchia said he was building up his dirt to cause the water to flow in her direction.

Mr. LaMacchia rebutted Ms. Messler's comment. He claimed that he never said anything like that. A building inspector told him to move the dirt to bring the grade of the property back to its original state and the inspector removed the sticker off the door.

McCormick asked if he had hired an engineer already. LaMacchia replied that he is close to hiring one, they are meeting with him this week.

Billie O'Berry, Code Enforcement and Community Resource Officer for the City of Mason, stated she was glad that the LaMacchia's are trying to work to comply with the office's request, but she wanted to make sure it is realized that this case has taken a substantial amount of time. There has not been a small amount of dirt moved, it has been months of trying to get needed information to make sure the work being done will not harm other homeowners. O'Berry met with Jason Lynn from the Ingham County Drain Commission at the site and they told them they needed a silt fence to stop erosion which reduced water permeability. She feels it is necessary to have a written statement from EGLE based on the plans being prepared regarding the wetland. She also shared the LaMacchias need to be specific on timelines as staff doesn't want to be six months down the road and still be dealing with this problem.

Tim Dickinson, 2830 Tomlinson Rd., Mason, shared he is a builder and is working with the LaMacchia's on this issue to expedite the process as he has pulled permits before and worked with DEQ on wetland delineations.

Sabbadin closed the public hearing at 6:02pm.

Fisher stated "The question before the ZBA at this time is whether or not to affirm the decision of the Zoning Official so that they may continue with enforcement activity."

Harris asked that since the parties are working together, do they need to continue with enforcement? Fisher believes there still needs to be a time frame.

Director Hude clarified the decision they have to make as they can't waive the requirement of the permits and enforcement. The board needs to decide whether or not to affirm the decision of the Zoning Official regarding for enforcement. She noted that enforcement happens in two ways - proactively through the permitting process, and reactively if permits are required but not obtained or in violation of the ordinance. Staff's next step would be to issue a citation with a fine, and continue to work with them and allow more time for preparing the required documents. If they do not comply in that timeline, then another citation would be issued.

ORIGINAL MOTION

MOTION by Wilson, seconded by McCormick to affirm the decision of the Zoning Official to continue enforcement activity that will include working with the homeowners on the process of obtaining permits and assessing any fines that may be required and adopt as Findings of Fact, letters from multiple agencies including local, county, and state and the materials in the staff report, and the statement from the homeowner regarding his culpability in the matter.

AMENDMENT

MOTION by Harris, seconded by Wilson to amend the Motion, to add the allowance for staff to work out a time frame that is appropriate.

VOTE ON AMENDMENT

Yes (5) Fisher, Harris, McCormick, Sabbadin, Wilson
No (0)
Abstain (1) Madden

MOTION PASSED

VOTE ON AMENDED MOTION

Yes (5) Fisher, Harris, McCormick, Sabbadin, Wilson
No (0)
Abstain (1) Madden

MOTION PASSED

UNFINISHED BUSINESS

A. Staff update on James Bonfiglio

Director Hude attended an Ingham County Drain Commission Board of Determination meeting Tuesday night where they agreed that there is sufficient evidence that the ICDC can move forward and take action on the Willow Creek Drain.

NEW BUSINESS

Sabbadin referenced the 2020 Meeting Schedule in the packet.

Citizen Planner Workshops from MSU Extension. Director Hude asked board members to let her know if they are interested in attending any or all of the sessions.

LIAISON REPORT

Sabbadin referenced the City Managers report from January 2, 2020.

ADJOURN

The meeting adjourned at 6:25 p.m.

Elizabeth A. Hude, AICP, Community Development Director



MEMO

TO: Zoning Board of Appeals (ZBA)
FROM: Elizabeth A. Hude, AICP, Community Development Director
SUBJECT: 513 - 515 W. South St. – Request for Variance
DATE: February 6, 2020

REQUESTED ACTION

Ben Fulger, Crockett Law Offices, has filed a petition for variances from the City ordinances Chapter 94 Article X, Chapter 100 Tables 1, 2 related to a non-conforming structure, non-conforming uses and dimensional requirements, parking in the front yard and deed restrictions on property located at 513 - 515 W. South St. in Mason, MI.

The appeal is shown on the following plans and documents provided by the applicant:

- Zoning Board of Appeals Application, received January 15, 2020
- Petition in Support of the Application to the Zoning Board of Appeals for a Variance
- Property sketch showing proposed parking
- Property sketch showing existing layout
- F&C Subdivision layout 'Exhibit C'
- Copy of handwritten notes dated 3/1/12 stating that both units are licensed.
- Realtor listing with signatures from 2010
- Real estate listing from 6/19/2019

The applicant paid an appeal fee of \$250, and together with the documents listed above, the application appears to satisfy the submittal requirements of Sec. 94-364.

In addition to the documents received from the applicant, staff has compiled the following information:

- Exhibit A - CORRESPONDENCE WITH APPLICANT, PROPERTY OWNER AND RELATED MATERIALS*
**Please note that the copy of handwritten notes dated 3/1/12 submitted with the application were provided to the applicant as part of an inquiry as to the status of the duplex being used for Adult Foster Care. As it states 'both' units were licensed, staff interprets this as 'two' units, licensed through the State of Michigan for Adult Foster Care. The full contents in this exhibit were provided to the applicant as referenced in the email.*
- Exhibit B
 - 2013 CORRESPONDENCE WITH PREVIOUS OWNERS (BEZABIH AND WONDIMAGEGNEHU) stating that the City recognized the structure as a two-unit duplex.

- 2001 Plat Records – Final signed plat, City Council minutes and resolution for Preliminary Plat approval.

PUBLIC NOTIFICATION

A public hearing on the appeal was noticed in accordance with Section 94-101 of the Mason Code. Twenty letters were sent to property owners and occupants located within 300 feet of the site notifying them of the public hearing. As of Thursday, February 6, 2020, one envelope was returned to the City of Mason addressed to 'Occupant – 513 W South.'

LAND USE AND ZONING PATTERN

The subject property was platted in 2001 at which time the zoning was designated as RM Residential Multifamily.

The surrounding land uses include single-family and multifamily homes and are zoned as follows:

	Current Land Use	Zoning	Future Land Use
North	Residential	RS-3: Single Family Residential	Residential
South	Residential	RM: Residential Multifamily	Residential
East	Residential	RM: Residential Multifamily	Residential
West	Residential	R2-F: Two Family Residential	Residential

STAFF REVIEW

Please see the attached staff report provided by Mark A. Eidelson, AICP, Landplan Inc. Exhibits A and B were compiled by staff in support of the findings presented.

DECISION

The Zoning Board of Appeals has the following options:

1. Close the public hearing, discuss the matter and make the necessary findings of fact to support a decision. Once the facts have been stated, the ZBA should consider and act on the findings and make a motion for a decision.
2. The ZBA may also choose to continue either the public hearing or discussion to a future time and date certain if they require additional information necessary to support findings of fact from either staff or the applicant.

Date: February 4, 2020

To: Elizabeth Hude, AICP, City of Mason Planning Director

From: Mark A. Eidelson, AICP

Re: ***Four Points Management – Variance Application for 513-515 W. South St.***

Part One

Conclusions and Recommendation

Sec. 94-365(c) of the Zoning Ordinance delineates five criteria for the issuance of a variance, and all of the criteria must be met for the issuance of a variance. The application does not support three of the criteria:

- The alleged practical difficulty is the result of assumptions made by past and/or current landowners regarding the lawful use of the property – a circumstance that rests solely on the past and/or current landowners and unrelated to any unique physical feature of the lot itself.
- The variances may well cause a substantial adverse effect to property due to the precedent such approval may set (granting a variance on the basis of “ignorance” by the landowner regarding the lawful use of a lot) and the potential increase in the front yard parking of vehicles.
- The variances will be contrary to the public interest and spirit and intent of the Zoning Ordinance due to the undermining of planned development patterns and intensity of use of residential areas.

Based on the above, I recommend denial of this variance application.

Part Two

Overview

The subject 11,963 sq. ft. lot is in the RM Multiple-Family Residential District and is occupied by a single building that was approved for two residential units according to a building permit issued on September 28, 2000. At some point, the building was converted into four distinct living units. The City’s records include no approval for such change in use and the applicant has not put forth any documentation demonstrating official city approval of the building’s conversion to a four-unit building. A September 4, 2013 letter from the City to the landowner at that time affirmed that the subject property is a “duplex (two family).” The parties (current and previous owners) claim that the property has been used as a four-unit building since at least April 2010.

The applicant is requesting variances to permit the lawful use of the building as a four-unit rental property. The application requests variances from the Zoning Ordinance for:

- 1) The nonconforming use provisions of Article X.
- 2) The allowance of two parking spaces in the front yard, currently prohibited by Sec. 94-292(j)(1), or a reduction in the required number of required parking spaces for the four units according to Table 100-5 (from 8 to 6 spaces).
- 3) The allowance for a reduction of 537 sq. ft. from the required minimum lot area of 12,500 sq. ft. for a four-unit building, according to Table 100-1.
- 4) The waiving of deed restrictions that require a minimum of 1,400 sq. ft. for each dwelling unit and one garage.

The existing building is a nonconforming structure due to one or both insufficient side yard setbacks. These nonconformities, by themselves, do not present obstacles to establishing a 4-unit building because the variance application proposes no exterior modifications that would result in further exacerbating deficient setback conditions.

This report does not address the requested variance from the nonconforming use provisions of Article X as such a variance is not necessary based on the submitted application. The RM District permits multiple family dwellings “by right” if the building is to include no more than 8 units and is to be no more than two stories in height, provided there is compliance with all other applicable Ordinance standards.

Similarly, this report does not address the requested variance from deed restrictions that may apply to the property. I am aware of no authority granted to a municipality to officially waive deed restrictions between parties assuming the municipality is not a party to the deed restrictions.

Part Two

General Variance Conditions

Sec. 94-365(c) of the Zoning Ordinance delineates the five criteria that must all be met for the issuance of a variance. These conditions are noted below and are followed by my comments regarding each.

- 1) *The variance must be granted in order to avoid practical difficulties not created by the applicant that would result from strict application of the letter of this chapter.*

Any practical difficulty is the result of the applicant’s desire to use the property for four units though the lot is not of a sufficient size or configuration to accommodate such use in compliance with the Zoning Ordinance. The practical difficulty is tied to the desired use of the property rather than any unique physical aspect of the property that interferes with the desired use. What may be a genuine point of confusion by the current and/or past property owners regarding the use of the property as a four-unit residential building does not amount to a practical difficulty. The lot is available for two-family dwelling purposes. The potential reduced income that may be derived from a two-unit building does not constitute a practical difficulty.

*This variance criterion has **not** been met.*

- 2) *A variance will not permit the establishment within a zoning district on any use not permitted within the district.*

Four-unit multiple family buildings, no greater than two stories in height, are permitted “by right” in the RM District according to Sec. 94-125(b)(5) of the Zoning Ordinance.

This variance criterion has been met, recognizing however that while a one or two story 4-unit multiple family dwelling is a permitted use in the RM District, the applicant’s proposal does not conform to the Zoning Ordinance’s standards for such use.

- 3) *A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.*

At issue is that the parties are claiming lack of knowledge about the official two-unit classification of the property and that due to their lack of knowledge, variances should be granted to accommodate a four-unit building. Issuing variances on this basis has far reaching consequences across the RM District and the City generally, opening the door for others to claim “ignorance” as a basis for the granting of variances (irrespective of whether the alleged “ignorance” is valid or a less than sincere strategy to acquire desired variances). Approval of the requested variances could well set a precedent for future variance approvals based on “ignorance” – the ultimate result being substantial adverse effects within the RM District and the City as a whole. In regard to the immediate area of the subject property, approval of the variance application will result in an increased presence of parked vehicles in a required front yard – a condition that undermines the planned character and stability of residential areas according to the Zoning Ordinance and the City’s Master Plan. The resulting visual impact will be in contrast to that of nearby South St. properties.

*This variance criterion has **not** been met.*

- 4) *A variance will not be contrary to the public interest and will insure that the spirit and intent of this chapter will be observed, public safety secured, and substantial justice done.*

Sec. 94-2 delineates the purpose of the Zoning Ordinance. Within the context of this application, the most pertinent purposes include the protection of public health, safety and general welfare, and the protection and enhancement of residential areas and beneficial development of such areas.

The RM District prescribes specific minimum development standards regarding lot area, setbacks, floor area, and more. The intent of the standards is to (in part) provide a predictable overall appearance and intensity of development for the benefit of the public including existing persons occupying units in the area and prospective residents contemplating relocating to the area. To this end, the variance application provides for an intensity of use not envisioned by the RM District and the application serves to increase the existing overall nonconforming status of the property (in addition to the existing setback violations). The denial of the variance application does not render the property unusable, either as a two-unit building or a potentially three-unit building.

*This variance criterion has **not** been met.*

- 5) *There is no lesser variance than that applied for which would give substantial relief to the applicant.*

It appears the property may be used as a three-unit rental building without the need for any variances. However, the applicant appears set on a four-unit building only. Based on the information presented, which is lacking in some respects, use of the subject property at the level of intensity proposed does not permit the lessening of the requested variances.

This variance criterion has been met, recognizing however that a three-unit building may be established without the need for any variances but the applicant is unwilling to pursue a 3-unit building.

I want to briefly address two assertions made in the application. The application suggests that when the police department investigated the lot for adult foster care licensing, the police made no mention of the use of the lot as a four-unit building. Assuming this to be true, the police department investigated the lot for licensing purposes only. A police department is not the typical municipal entity that maintains records of how lots are used and whether a lot is being used in a manner approved by the municipality. These duties are typically under the local planning/building department. As noted previously, the Planning Department of the City informed the landowners in 2013 of the two-unit classification of the subject lot. Similarly, the coordination of a lawful use of property in relation to the number of mailboxes that may be present nearby, particularly in a multiple-family district, is not commonly monitored and recorded by a municipality.

Finally, it must be noted that the application does not present information in a clear manner. For example, there is no official statement regarding lot area, existing setbacks, or floor area of each unit. No floor plan information has been provided regarding the internal configuration of the building. I raise this issue because, given the history of this property, there may be additional issues of nonconformance under the Zoning Ordinance and/or Building Code.

Please contact me if you have any questions or if you would like me to provide clarification of any of my comments.

CITY OF MASON
P.O. BOX 370
201 W. ASH ST.
MASON MI 48854-370
Phone : (517) 676-9155
WWW.MASON.MI.US

Received From:
CROCKETT, GREGORY
2196 COMMONS PKWY
OKEMOS MI 48864

Date: 01/15/2020
Receipt: 100263716
Cashier: KM

Time: 5:01:51 PM

VARIANCE
513 - 515 W SOUTH

ITEM REFERENCE

	AMOUNT
PERNON PERMITS - NON-BUS LICENSE-VARIANCE	
RES	
VARIANCE 513-515 W SOUTH ST	\$250.00

TOTAL

\$250.00

CHECK 3730
Total Tendered:

\$250.00
\$250.00

Change:

\$0.00



APPLICATION

ZONING BOARD OF APPEALS

RECEIVED

JAN 15 2020

CITY OF MASON
BUILDING DEPT.

Applicant— Please check one of the following:

<input checked="" type="checkbox"/>	Variance
<input type="checkbox"/>	Appeal of Administrative Decision
<input type="checkbox"/>	Interpretation of Ordinance Text
<input type="checkbox"/>	Zoning District Boundary Interpretation
<input type="checkbox"/>	Temporary Permit

PLANNING DEPARTMENT USE ONLY

Application Received: _____

Tax ID: _____

Fee: _____

Receipt #: _____

Applicant Information:

Name: Crockett Law Offices

Organization: _____

Address: 2196 Commons Parkway, Okemos, MI 48864

Telephone Number: 517 349 9090 Facsimile Number: _____

Interest in Property (owner, tenant, option, etc.): Attorney for Parties in land dispute

Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner.

Property Information:

Owner: Four Points management, care of attorney Gallagher Law Firm - Peter Brown Telephone Number: 517 853-1518

Property Address: 513-515 W. South, Mason, MI 48854

Legal Description: If in a subdivision: Subdivision Name: F & C Lot Number: 1

If Metes and Bounds (can be provided on separate sheet): _____

LOT 1, F & C SUB, SEC 8, TAN R/W City of Mason, Ingham County.
.34 AC FROM 33-19-10-08-402-014 FOR 2002 ROLL.

Tax ID # 33-19-10-08-402-016

APPLICANT CERTIFICATION

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant to City officials a right of entry for the purpose of inspecting the premises to verify compliance with conditions precedent to issuing Zoning Board of Appeals approval.

Signature: [Signature] Date: 1/15/2020

per verbal authorization

Requested Description:

Please use this section to describe your request. Feel free to include additional pages and/or drawings, maps, photographs, and other documentation that might aid the Zoning Board of Appeals in its determination.

- **Variances:** fill in the appropriate boxes in the following table, as shown in the EXAMPLE, and use the blank lines that follow the table to provide a detailed description and reasons for the variance. The Board of Appeals will review a request for variance subject to the standards listed in Sections 94-365(c) and (d) of the Mason Code. Your written response should address these standards.
- **All other requests:** please describe your request in complete detail using the blank lines. Requests are reviewed under the standards listed in Article XI of Chapter 94, Zoning, of the Mason Code. Your written response should address the appropriate standards.

Variance Table

Variance Type	Ordinance Requirement	Applicant Proposal*	Variance Request = (Requirement – Proposal)
Rear Setback *EXAMPLE*	45 feet	43 feet	
Front Setback	(Please see attached)		
Side Setback			
Rear Setback			
Height			
Lot Coverage			
Lot Size			
Parking Spaces	18	86	Permit existing Plus 2 more
Other (describe):	2 unit? Built as <u>four</u> unit	Permit continued use as four unit	Permit existing four unit use

* Example: If the ordinance requires a rear yard setback of 45 feet, and you propose an addition that would be 43 feet from the rear property line, you would write or type "43 feet" under "Applicant Proposal."

Written Description: (Attach additional pages, if necessary)

please see attached

Application Materials

The following information must be submitted with this completed application form:

Variances: Variance requests must be accompanied by a basic site plan drawn to a readable scale showing the location of property lines, existing and proposed structures and parking areas, setback dimensions from property lines and other buildings, easements, existing roads, utility connections, floodplain and topography (where it has a bearing on the request), and any other information necessary to adequately show the nature of the request.

Applications must satisfy the following criteria pursuant to Section 94-365(c) in order to be granted a variance:

- The variance must be granted in order to avoid practical difficulties not created by the applicant that would result from strict application of the letter of this chapter.
- A variance will not permit the establishment within a zoning district of any use not permitted within the district.
- A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.
- A variance will not be contrary to the public interest and will insure that the spirit and intent of this chapter will be observed, public safety secured, and substantial justice done.
- There is no lesser variance than that applied for which would give substantial relief to the applicant.

All requests must be accompanied by a fee, as established by City Council. The fee for requests to the Zoning Board of Appeals is \$250.00.

All requests must be accompanied by any additional information deemed necessary by the Planning Department Staff.

Feel free to include written descriptions, elevation or other drawings, maps, photographs, and/or any other documentation that might aid the Board of Appeals in making a determination. Applicants are encouraged to review Article XI of Chapter 94, Zoning, of the Mason Code, which describes the procedures and standards that the Board of Appeals will use to evaluate a request.

Deferment by applicant: The ZBA shall defer all proceedings upon the request of the applicant when less than six members of the ZBA are present for consideration of and voting on an appeal or variance. The right of deferment shall be considered waived by the applicant if deferment is not requested immediately upon the opening of the hearing on the matter.

Note: The applicant must submit 13 copies of any documents that are larger than 11" by 17".

Application Deadlines

Regular meetings of the Zoning Board of Appeals are held on the second Wednesday of every month, at 5:30 p.m. To be placed on the meeting agenda, all Application Materials must be received at least 4 weeks in advance of the meeting. **The Board of Appeals will not take action on the request unless the applicant or his/her duly authorized representative is present at the public hearing.**

Staff Report

The Planning Department Staff will prepare a report to the Zoning Board of Appeals regarding your request. The report will explain the request to the Board and review whether it complies with the standards in the Zoning Ordinance. Staff will present the findings of that report during the Zoning Board of Appeals meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request

to the Planning Department. The report is generally complete on the Friday before the meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

Resources: More questions? Please contact our Customer Service Desk at 517.676.9155.

Revised 7.2.2018 (Community Development)

**PETITION IN SUPPORT OF THE APPLICATION TO THE ZONING BOARD OF APPEALS FOR A
VARIANCE**

FOR PROPERTY:

513-515 W. SOUTH ST., MASON, MI.

LEGAL DESCRIPTION:

**LOT 1, F & C SUB, SEC 8, T2N RIW. CITY OF MASON, INGHAM COUNTY. .34 AC FROM 33-19-10-
08-402-014 FOR 2002 ROLL.**

TAX ID NUMBER: 33-19-10-08-402-016

**PETITION IN SUPPORT OF THE APPLICATION TO THE ZONING BOARD OF APPEALS FOR A
VARIANCE**

NOW COMES, CROCKETT LAW OFFICES, on behalf of the property owner, in a joint effort with the property owner's own counsel, GALLAGHER LAW FIRM PLC, who for the Petition in Support of the Application to the Zoning Board of Appeals for a variance, hereby states as follows:

BACKGROUND INFORMATION

1. The CROCKETT LAW OFFICES represent Yohannes Wondimagegnehu, Aster Mekonnen, Bereket Bezabih, and Panny Mekonen, who jointly owned this property from on or about April 27, 2010 until on or about January 30, 2019.
2. This property was purchased by the above listed joint owners from Dart Bank pursuant to a foreclosure and Sheriff's Deed.
3. The property was then purchased by the current owner, Four Points Management LLC.
4. Four Points Management LLC is currently suing Wondimagenehu and the rest of those prior owners whom they purchased the property from, due to the fact that the four (4) units that the property currently has built out, it was learned around March of last

year, when Four Points inquired about additional parking on the property, that the property is currently not in conformity with the current zoning ordinances.

- a. It should be noted that there is an additional cement parking spot for two cars to the left of the driveway, which is open and obvious to the City, and was not complained about prior.
 - b. It should also be noted that there is already two 2-car garages with the driveway, and the parking for an additional two cars to the left of the driveway. A variance from the ordinances that the current parking is sufficient would cure the problem as well. This would provide garage parking for one tenant per property, and the driveway and parking to the left of the driveway.
5. When Wondimagegnehu and the other prior owners purchased this property from Dart Bank, it was advertised as being a four (4) unit property, and even had tenants renting at the property.
6. Wondimagegnehu and the other prior owners simply purchased the property as it was, a four (4) unit property, they maintained it as a four (4) unit property, never having information, knowledge, or any belief, that it was "non-conforming."
7. At all times pertinent, there were four (4) mailboxes present at the roadside for this property.
8. Originally, these owners intended on utilizing this property as an adult foster care home, for which the police were called to the property to inspect in 2011, yet the issue of the number of units was not raised at that time either.

9. On information and belief, it was originally Four Point's position that Wondimagegnehu and those prior owners were the individuals who built out the property and made it "non-conforming," but after hearing information shared during discovery in the lawsuit, they now understand that these individuals did not convert the property into the four (4) unit it presently is.
10. The listing from Dart Bank showed the property as a four (4) unit, which the Wondimagegnehu owners, who are unsophisticated buyers and sellers of real estate, where English is not their first language, relied upon the listing statement of four (4) units.
11. When the Wondimagegnehu owners listed the property for sale, the realtor essentially copied the prior listing from the Dart Bank sale, also stating that the property had four (4) units, which it did at no fault of either the Wondimagegnehu owners or Four Points owners.
12. Counsel for the prior owners is now attempting to work with counsel for the present owners in order to bring a resolution to this property, and bring it into conformity with the City of Mason, hopefully as the four (4) unit property it is.
13. There are several issues with the property as it is:
 - a. There is a deed restriction which states for a period of 25 years, unless amended or dissolved, that there "shall be a minimum of 1400 square feet for each residential unit plus one garage;
 - i. This can easily be done away with over the fact that the deed restriction has not been enforced for the statutory period, the

deed restriction is set to expire in a few short years (and possibly this could be extinguished), and neither the dominant or servient properties are burdened or trying to enforce the restriction.

ii. This deed restriction was dated September 20, 2000, and is set to expire in five years.

b. Parking for two additional cars is required or a variance that the parking in existence is sufficient;

c. There is some additional square footage required under the requirements in the ordinances necessary for four units at the property to comply with the ordinance regarding the interior and exterior lot.

ATTEMPT TO WORK WITH CITY OF MASON

14. On or about December 17, 2019, counsel for the prior owners met with counsel for the current owner, and one of the current owner's Jeanette Feintuch, with Community Development Director – Elizabeth Hude, as well as Billie O'Berry from Code Enforcement, to discuss the property, and bringing this to a resolution.

15. While we mean no disrespect to the City, or Ms. Hude, it appears that the position of the City is that this property can ONLY be used as either 1) a two (2) unit property which it is currently in conformity with under a building permit, or 2) that it can be torn down, or 3) or that we could seek assistance from this Body.

16. Regarding additional parking, there are currently 2-two car garages at the property, and a two-space cement parking slab next to the driveway. On information and belief, an additional two-space cement parking slab would be required, but unless mistaken,

after speaking with Ms. Hude, this would not be in conformity, and parking should really be around the back of the property at this point, which is impractical and unattainable, given the landscape and land.

17. Ms. Hude further instructed that the City would not enforce the garage sticking out in front of the property if the property were being built that way now today.

18. Generally, it appears that the City has a negative attitude towards this property entirely, and does not really care to see it be in conformity as it stands today as four (4) units.

19. It appears that there is some indication that the City at one time permitted the property to either contain two duplexes side by side, or one four plex depending upon what you wish to call the attached diagram of the property showing four units. This document has clearly been in the City's archives for quite some time, and was then uploaded and stored on BS&A.

20. On information and belief, there may be other documents yet to be found, that may pertain to why the City either permitted the building to be built or why the City never challenged the property as a four (4) unit, despite the four (4) mailboxes out front for well over ten years, and this document.

21. On information and belief, the City is not very interested in bringing this into conformity as a four (4) unit, despite the fact that this property has been this way for well beyond a period of ten (10) years.

- a. As a matter of fact, the BS&A website for this property, where one can obtain property tax and other information, has a sketch of the parcel, rendering the property with 4-units, 2 up and 2 down.
- b. Coupled with the four mailboxes that are open and obvious at the side of the road in front of the property, clearly, the City has been on notice of there being 4 units at this property for quite some time.

ISSUE

22. The real crux of the matter is that the Wondimagegnehu property owners, nor the Four Points property owners converted the property into a four (4) unit property, so neither party should be held at fault, and a property is left standing that is not being used as the parties intended, and is sitting vacant.
23. On information and belief, this property has been a four (4) unit for twenty (20) years, and has been open and obvious to the public and the City, given the four weathered mailboxes in front of the property.
24. The current owner, Four Points, is desperately trying to use this property for rental income, which ultimately benefits the City in terms of property taxes and additional patronage to local establishments and schools.
25. Variances are required in order to bring the property into conformity, and satisfy all parties involved, including the City.

PROPOSED SOLUTION

26. That a variance be made allowing an additional cement square be put in for parking for two additional spots, as is already on one side of the driveway, bringing the

parking requirement into conformity, or in the alternative that a variance be made allowing for the current parking to be acceptable as it is currently. This would provide for one parking space in the garage for each tenant, the spaces to the left of the driveway, as well as the parking in the driveway itself.

27. That a variance be made from the ordinance regarding the lot size requirements, so that the exterior ^{interior} lot requirement is sufficient.

28. It would be no problem for the property owner (with the help of the immediate prior owners) to complete all other necessary steps required, such as provide architect drawings or whatever else is necessary and/or required by this board.

SECTION 94-365(c)

29. Pursuant to the Ordinance: "the variance must be granted in order to avoid practical difficulties not created by the applicant that would result from strict application of the letter of this chapter."

- a. According to this chapter, strict application would prevent additional parking from being put in place in order to meet the ordinance's parking requirements, which is not due to the fault of the owner or immediate prior owners, therefore creating a practical difficulty.
- b. According to this chapter, strict application would prevent the property from being a four unit based upon the required interior and exterior lot size for a four (4) unit, neither of which were caused by the owners or immediate prior owners, therefore creating a practical difficulty.

- c. According to this chapter, strict application would prevent the property from being used as a four (4) unit due to the deed restriction set to expire in five years, which the City has never enforced prior, and the unit as a four unit or a two unit does not burden the other properties, at neither fault of the current or immediate prior owners, therefore creating a practical difficulty.
- d. It is not practical to tear this property down, or perform major construction work inside converting a four (4) unit into a two (2) unit, when neither of these parties created the four (4) unit to begin with.

30. Pursuant to this section, we must show that a “variance will not permit the establishment within a zoning district of any use not permitted within the district.”

- a. On information and belief, the City has no problem with this property being a four (4) unit, so long as the parking, lot size, and deed restrictions are met with, which would make this property a permitted use, and therefore complying with the requirement.

31. Pursuant to this section, we must show that a “variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediate surrounding neighborhood.”

- a. It is proposed that the additional parking spaces be placed on the right hand side of the driveway. Otherwise, there is no substantial improvement to the property, as the property is good to go as a four (4) unit as it stands.

- b. Most importantly, the property has been this way on information and belief, for 20 years, and the neighborhood has not been effected.

32. Pursuant to this section, we must show that a “variance will not be contrary to the public interest and will insure that the spirit and intent of this Chapter will be observed, public safety secured, and substantial justice done.

- a. A variance would not be contrary to public interest or safety in this matter, as the majority of properties on this street are already multiple family dwellings, set up for two and three units each.
- b. This property has been in existence for twenty years, and on information and belief, there have been no complaints, or safety issues. Otherwise, this Chapter has been observed and respected.
- c. The ordinance further provides for up to eight dwelling units per building, and we are requesting for a total of four, well within the ordinance, 94-125.

33. Finally, pursuant to this section, we must show that “there is no lesser variance than that applied for which would give substantial relief to the applicant.

- a. Absent the granting of the requested variances, the parties to this action have no other recourse, and the property can only be rented as a two unit, and would be half vacant, or can be torn down and rebuilt.
- b. Neither one of these options seem reasonable given impracticalities that were made at no fault of either of the parties involved here, the immediate prior owners or the current owners.

- c. With the exception of additional parking, there will be no real physical differences or additions to this property, it would just simply be conforming.
- d. This is really the parties only hope for relief, as the prior owner is seeking rescission of the purchase agreement on the property, and the immediate prior owners would still have a nonconforming property, so it is a never ending cycle.

WHEREFORE, we respectfully pray that this Zoning Board grants the following:

- 1. Variances from Ordinances under Chapter 94, Article X regarding non conforming uses.
- 2. A variance from the ordinances allowing the additional cement parking spaces to allow for the correct number of parking spaces under the ordinance, or in the alternative a variance from ordinance 100-5 that the parking already at the property is sufficient.
- 3. A variance from the ordinances regarding interior and exterior lot size, so that the property as it stands as a four (4) unit is in conformity, varying from Chapter 100-1 and Chapter 100-2.
- 4. A variance from the ordinances regarding the deed restriction. This has not been enforced for the statutory period, does not encumber or burden servient properties, and is set to expire on its own, wherefore making this moot, in five (5) years.

5. Any other variances or relief necessary in order for this property to be in conformity with the City as a four (4) unit.
6. The ability to present Oral Argument and answer questions in front of this Body.

Dated: 1/15/2020

Respectfully Submitted,

/s/


Gregory Crockett (P45289)

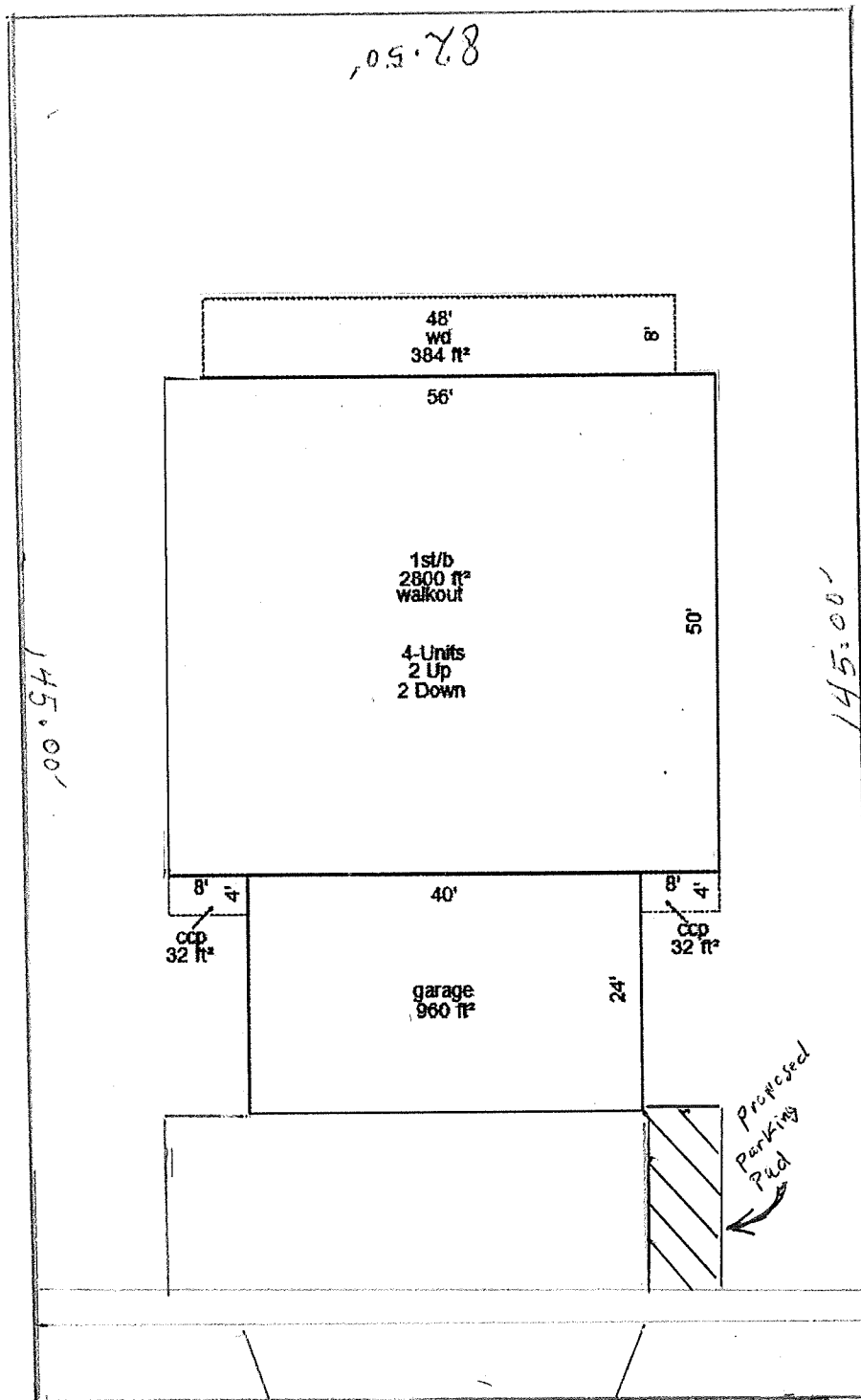
Benjamin Fulger (P80541)

Crockett Law Offices

2196 Commons Parkway

Okemos, MI. 48864

(517) 349-9090

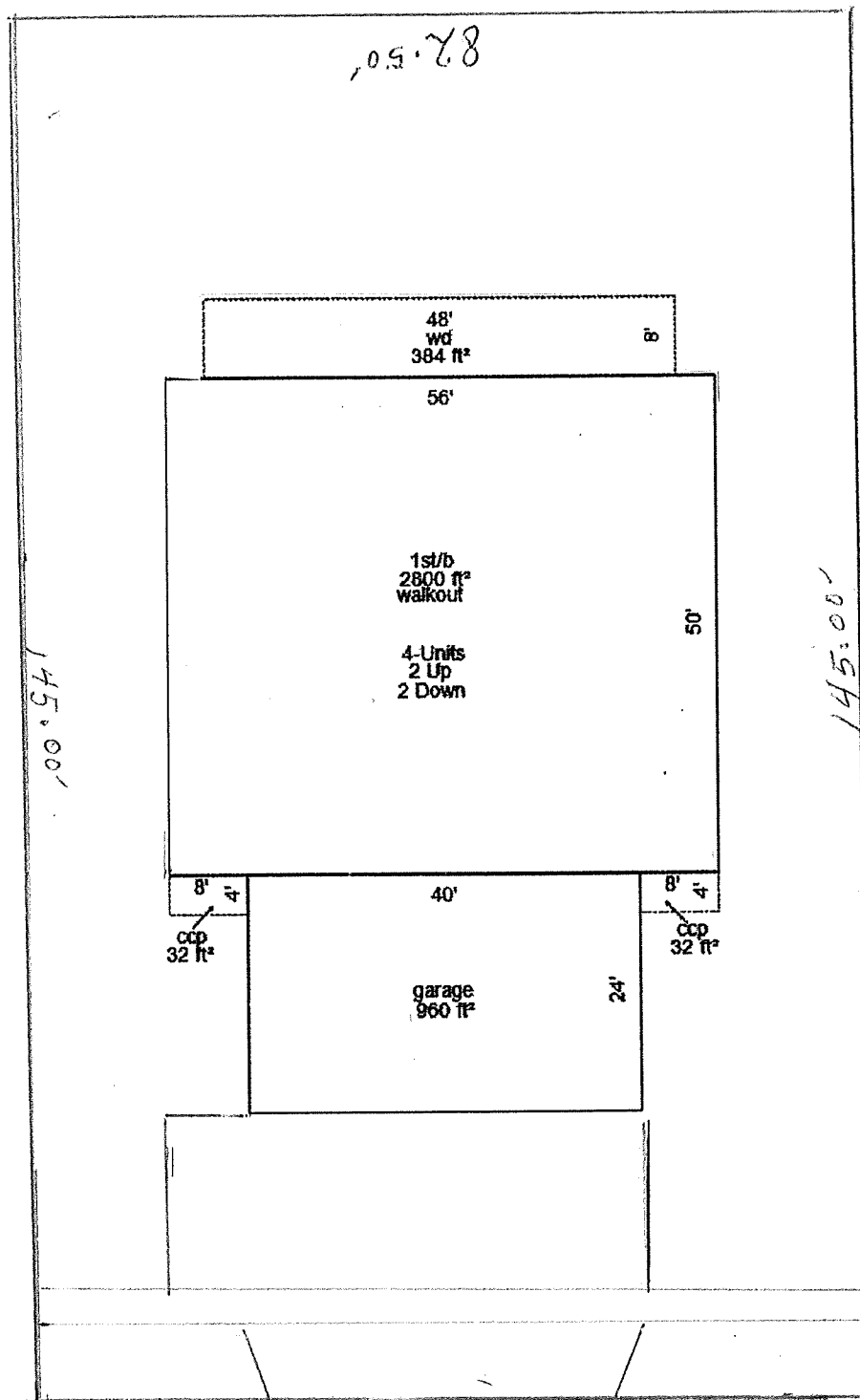


82.50'

145.00'

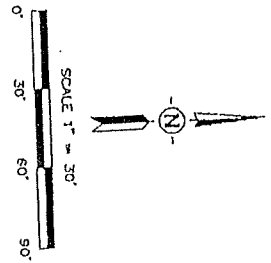
145.00'

W. South St.

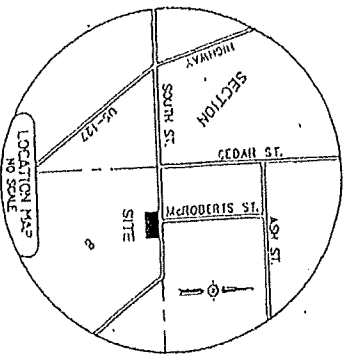
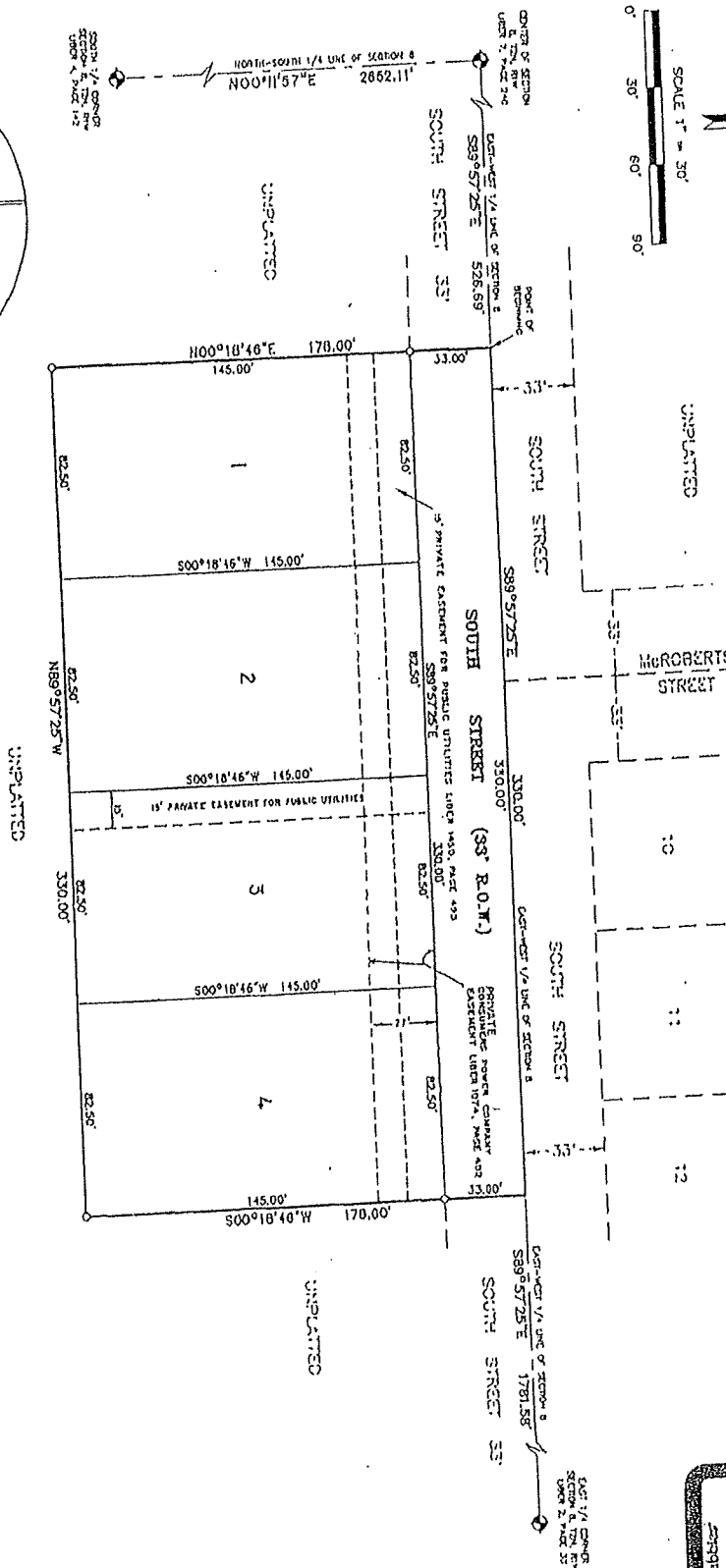


W. South St.

F & C SUBDIVISION A PART OF THE SOUTHEAST 1/4 OF SECTION 8, T2N, R1W CITY OF MASON, INGHAM COUNTY, MICHIGAN

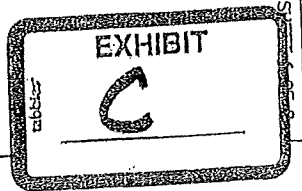


BLOCK 34
CONSOLIDATED PLAT OF THE VILLAGE OF MASON
LIBER 57, PAGE 254



- LEGEND**
1. ALL DIMENSIONS ARE IN FEET.
 2. ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS.
 3. STEEL BARS 1/2" IN DIAMETER 36" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN PLACED AT ALL CORNERS MARKED "O".
 4. LOT CORNERS HAVE BEEN MARKED WITH IRON PEGS 16" IN LENGTH BY 1/2" IN DIAMETER WITH A PLASTIC CAP MARKED "TIES 2500L 37500L 41000L".
 5. ALL BEARINGS ARE DERIVED FROM THE PLAT OF WALKER ESTATES AS RECORDED IN LIBER 30 OF PLATS, PAGE 31 INGHAM COUNTY RECORDS.
 6. R - RADIAL LINE

66400



513/515 W South St.

3/1/12

Both units are licensed

~~513~~

PD has no evidence of violation

State has "

Code enf. "

} related
to
zoning.

Both facilities are operating @ or
~~below~~ capacity.

State does not care if office is located
@ one or the other unit

Present:

Jim A

Steve Chick

Owners (2)

State offc (2)

Income

#197150

Price: \$ 197,000

Status: A



Tax Author: Mason City
Zoning: MULT
Key: C/LO
Foundtn Sz:
Occupancy: A/C
Water: PUB
Water Heater: GAS
Sewer: PUB
Basement: FUL, FIN
Garage:

School Dist: MASON
Year Built: 2000
County: INGHAM
SqFt/above: 2,800

513 W South - MASON 48854

State Eq Value: \$133,270 (Year: 08)
Directions: Cedar to South E on South
Legal: Call Listing Office
Land/Acreage:

Taxes: \$ 8,727 (Year: 09)

Taxable Value: \$132,880 (Year: 08)
Broker#: 784

	Rm	Bth	Bed	Rent	Sq Ft	Tenant	Phone
Un1:	5	2	3		1400	?	
Un2:	5	2	3		1400	?	
Un3:	4	1	2		1200	?	
Un4:	4	1	2		1200	?	
Un5:							

Units: 4
Reserve Itm: N
Lot Size: 1/4
Parcel#: 19-10-08-402-016
Total Parking: 8
#Deposits: Multi-Photo:
#Leases:
Disclosure:
Registered: Area: 13
License:

EXPENSES:

Gross Rent:
Oth Inc:
Less Fuel:
Water:
Electricity:
Insurance:
Taxes Expense: 8727.
Maintenance:

Manage:
Miscellaneous:
Total Expenses:
Net Income:

UNIT	1	2	3	4	5
Ranges:	1	1	1	1	
Refrig:	1	1	1	1	
Ovens:	1	1	1	1	
Washer:					
Dryer:					
Dispos:	1	1			
Micro:	1	1			
Diswh:	1	1			
Wtrsof:					

Heat: GFA
Type: RAN
Term: CAS, CON
Extras:
Improv:
Show: SGN, CLO
Exterior: VIN, BRI

Owner: Sheridan Realty
Office: Sheridan Realty and Auction Co.
Sales: DAVID L. TROUT
Agent Email: dave@sheridanauctionservice.com
Subagency Fee: 0
Private Remarks: This listing was a duplex and is now renting as a quad plex. It has two, two car attached garages and additional parking spaces.

Phone: 517-676-9800
Phone: 676-9800
Virtual Tour:
Other Fee:

Open House: Office Fax: 517-676-4440
Agent Cell #: 517-676-4440
Agent Fax: 517-676-4440

Variable Rate: Dbl Brochure: N

4 Asst. L. D. 03/10/10
Buyer DATE
Aster S. McComen 03/10/10
Buyer DATE
① F. Berceet 3-25-10
Buyer DATE
① Rond Panny 3-25-10
Buyer DATE

① SEVER 3-11-10
DATE
① DART BANK 3-11-10
SEVER DATE

Nancy Denny

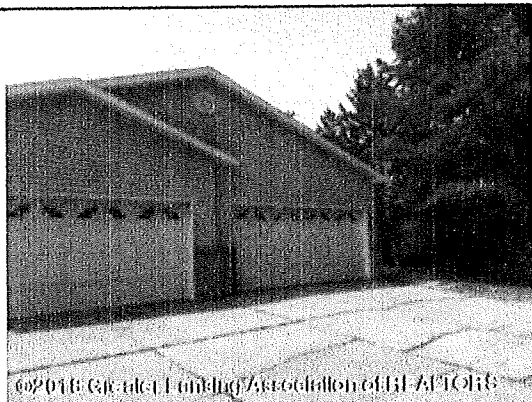
(c) Copyright Greater Lansing Association of REALTORS - INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED -

03/10/10

228469

513 W South Street, Mason, MI 48854
Resid/Multi-Family Closed
Agent Copy
\$235,600

Name	Office	Primary	Office	E-mail
Listing Member: David M Bueche 6502130146	LO: Musselman Realty Company 6505141582	517-282-6878	517-332-3582	dmbueche@cs.com
Selling Member: Michael Williams, Federau Williams	SO: Keller Williams Realty Lansing-East 6505318720	517-331-3203	517-853-1200	michaeldwill6@gmail.com



List Price:	280,000	Parking Total:	8
Listing Date:	07/18/2018	Property Type:	Resid/Multi-Family
City:	Mason	# of Units:	4
County:	Ingham	SqFt - Above Appx:	2,800
School District:	Mason	Year Built:	2000
Subdivision:	None	Key:	LA
Building 1 Description:	Bi-level	Occupancy:	Tenant/VAC
Lot Acres:	0.28	Owner Name:	Yohannes Wondimagegnehu
Lot Dimensions:	82.5x145		
Directions:	Cedar St to W South St		
Legal:	LOT 1 F&C SUB, SEC 8, T2N RIW. CITY OF MASON, INGHAM COUNTY. .34 AC FROM 33-19-10-08-402-014 FOR 2002 ROLL.		

513 W South Street

Unit #	Rm	Bth	Bed	Rent	SqFt	Tenant	Phone	Unit	1	2	3	4	5
Unit 1	5	1	3		800			Ranges:					
Unit 2	5	1	3		800			Refrig:					
Unit 3	4	1	2		600			Ovens:					
Unit 4	4	1	2		600			Washer:					
Unit 5								Dryer:					
Gross Rent:								Dispos:					
Other Income:								Micro:					
Less Fuel:								Dishwh:					
Water/Sewer Expense:								Wtrsof:					
Electricity:													
Insurance:													
Tax Expense:													
Maintenance:													
Management:													
Miscellaneous:													
Total Expense:													
Net Income:													

SqFt - Above Appx: 2,800	Parcel #: 33-19-10-08-402-016	Taxable Value: \$162,050
Zoning: Multi-Family	State Eq Value: \$162,050	Taxable Value Year: 2017
	Eq Year: 2017	Taxes: \$7,808
		Tax Year: 2017

Basement: Finished; Outside Entrance	Land & Acreage: 1/4+ thru 1/2 Acre
Driveway: Blacktop	Roof: Shingle
Extras: Smoke Alarm	Showing: 24 Hour Notice; Call List Office; Tenant
Exterior: Vinyl Siding	Sewer: Public Sewer
Garage: 2 Car; Attached	Terms: Cash; Conventional
Heating: Forced Air - Gas	Type: Bi-Level
	Water Heater: Gas Natural
	Water: Public

Public Remarks: 4 Unit for sale in the City of Mason; while not currently being used as an adult foster care, the 3br unit on each side were approved for 6 adults. (total of 12, with 2 care givers needed).

Agent to Agent Remarks: 24/48 hours notice to show; using showing time

Original List Price: \$280,000	Cumulative DOM: 148	Sold Terms: Conventional	Broker Agency Fee: 3%
Sold Date: 01/30/2019	Days On Market: 148	Seller Concessions: None	Sub Agency Fee: 0%
Sold Price: \$235,600	Status Change Date: 03/12/2019	Under Contract Date: 12/13/2018	
	Expiration Date: 12/31/2018		

Information is deemed to be reliable, but is not guaranteed. © 2019 MLS and FBS. Prepared by David M Bueche on Wednesday, June 19, 2019 7:32 PM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.

513-515 W. South Street - Variance Application

EXHIBIT A

CORRESPONDENCE WITH APPLICANT,
PROPERTY OWNER AND RELATED
MATERIALS

From: [Elizabeth Hude](#)
To: [Four Points Mgt](#)
Cc: [Elizabeth Hude](#)
Subject: RE: Follow-up about 513 W South
Date: Tuesday, March 5, 2019 11:53:24 AM

Jettie,

Thanks for your time today on the phone. To document our discussion, next steps –

- The unit is legally a 2-unit dwelling
- I will research our ordinances to see if it would be reasonable to reconsider the lot area requirements in the RM zone, allowing up to 4 units per 10,000 s.f., and perhaps reconsider the set-backs; we will look at zoning throughout the city and determine if this change might cause any unique adverse impacts. A change in this direction would increase the likelihood of supporting 4 units on your property.
- As part of the process of applying for a zoning permit, you will still need to submit documentation (survey, floor plans) that would satisfy the requirements of that process and zoning. This could require contracting a professional surveyor and/or architect to certify the measurements.

I will be out the remainder of the week. If you wish to discuss further I'd be happy to set aside time the week of 3/18. We will be interviewing candidates for code enforcement soon and I would like that person to assist in the research for the potential rezoning. The category of Enforcement encompasses pro-active strategies for resolving issues as much as the 'reactive' type and I do hope we can stay on course toward a pro-active resolution.

Have a good week.
Elizabeth

From: Elizabeth Hude
Sent: Tuesday, March 5, 2019 8:27 AM
To: Four Points Mgt <fourpointsmgt@gmail.com>
Cc: Elizabeth Hude <elizabethh@mason.mi.us>
Subject: RE: Follow-up about 513 W South

Thanks Jettie. Given the land requirements, you are **eligible** for up to 3 units, provided you meet all the other zoning requirements. The only approved permit for your lot is for a 2-unit dwelling, 2,800 s.f. (1,400 s.f. each, also req'd by deed restriction, p. 22 of the building permit I sent you). The 2 extra units are considered illegal/non-conforming without a zoning permit, and the fact that the work to convert it to 4 was likely done without the required building/plumbing/mechanical/electric permits is concerning. The structure itself is legally non-conforming, as the building does not meet the side set-back requirement and today we would not allow the garage(accessory) in the front as the principle structure needs to be 24' wide.

The cleanest way forward is to go through the zoning permit process. We do not have a survey of

your lot individually with the building on it, we do not have architectural prints showing the s.f. of the additional 2 units. When this was built it was on a much larger lot that was subsequently divided.

The burden of proof for demonstrating eligibility lies with the applicant and you would need to supply the necessary documents (site plan/floor plans). Mechanical rooms are typically not included as usable floor area/habitable space. As the new owner, you can either restore the use as a 2 unit dwelling, 1400 s.f. each; or you can pursue a zoning permit to allow the 3rd unit. Unless you increase the lot size, which would likely be necessary for parking, you would not be eligible for a 4th per the zoning.

Unfortunately, there are many situations throughout communities where we inherit something we did not create. I appreciate you bringing this forward.

~Elizabeth

From: Four Points Mgt <fourpointsmgt@gmail.com>

Sent: Monday, March 4, 2019 6:40 PM

To: Elizabeth Hude <elizabethh@mason.mi.us>

Subject: Re: Follow-up about 513 W South

This situation is obviously muddy. I hope I have the city's goodwill in finding a reasonable solution as I am only trying to clean up someone else's mess.

I'm not familiar with what you refer to above as "p.22 Deed Restriction" so I can't speak to the sf requirement there. The spreadsheet mentions a limit of 3 units for a 8,500 sf lot, but by the measurements in the plat that you sent my lot is 11,962.5 sf. Also, spreadsheet table 100-2 puts me 20%+ over the requirement for each unit size. My units measure as follows (via interior walls):

513A - 3 bedroom - 1347.5 sf

513B - 2 bedroom - 1017.5 sf

515A - 3 bedroom - 1347.5 sf

515B - 2 bedroom - 1017.5 sf

There are 2 rooms of mechanical/share storage space, which make up the difference in the square footage between the units. There are 4 interior parking spots and 5 exterior parking spots. There are two water meters, the shutoffs are located inside the sidewalk (not in the city easement) behind the mailboxes.

If there is more information I can furnish, please let me know. I'd be happy to discuss the measurements by phone as well 517-881-4106.

Jettie Feintuch

On Mon, Mar 4, 2019 at 5:29 PM Elizabeth Hude <elizabethh@mason.mi.us> wrote:

plat

From: Elizabeth Hude
Sent: Monday, March 4, 2019 5:26 PM
To: Four Points <fourpointsmgt@gmail.com>
Subject: RE: Follow-up about 513 W South

Jettie,

See attached. I found a report that stated in 2011 it was being used for adult foster care. I do not know when it converted to 4 units, no building permits were pulled (this should have been disclosed to you that work was done without permits). Interesting on p. 22 Deed Restriction – 1,400 s.f. per unit/compliance with zoning. I need to check on the water meters to see if we can track if 2 more were added/when.

The building permit is attached. It does not appear that the extra 2 units are legal, possible 1, but as I mentioned, you need to provide info for the units and demonstrate that they do meet requirements. I also attached the final plat showing when the lots were created. There is no true site plan (sealed by a surveyor). I wasn't here back then but I'm curious why we didn't require it.

Thanks,
Elizabeth

From: Elizabeth Hude
Sent: Friday, March 1, 2019 8:28 AM
To: Four Points <fourpointsmgt@gmail.com>
Subject: RE: Follow-up about 513 W South

Hi Jettie,

Next Monday I'm going to send you 2 pdfs – 1 is the original building permit, 2- code enforcement file; once you receive it lets chat.

I will need you to supply floorplans for each unit that demonstrate they meet the zoning ordinance. See attached for reference. I'm checking with assessors to see if they have a revised plot plan on file. If you have that – showing the property boundaries, building and set-backs, let me know.

Thank you,
Elizabeth

From: Elizabeth Hude
Sent: Friday, February 8, 2019 3:56 PM
To: Four Points <fourpointsmgt@gmail.com>
Subject: RE: Follow-up about 513 W South

Received. Thank you Jettie.

From: Four Points <fourpointsmgt@gmail.com>
Sent: Friday, February 8, 2019 3:51 PM
To: Elizabeth Hude <elizabethh@mason.mi.us>
Subject: Follow-up about 513 W South

Elizabeth,

You asked me to let you know when I was able to adjust the addresses from 1/2 designation to A & B. I have spoken with both Consumers Energy and the post office and they are both on board with the change. Can you please adjust city records and or 911 to reflect this?

Thanks,
Jettie Feintuch

From: [Benjamin Fulger](#)
To: [Elizabeth Hude](#)
Subject: Re: 513-515 W. South St., Mason
Date: Wednesday, August 14, 2019 2:21:16 PM

Thank you for the information.

Thank you,

Benjamin Fulger
Associate Attorney
Crockett Law Offices

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On Wed, Aug 14, 2019 at 1:59 PM Elizabeth Hude <elizabethh@mason.mi.us> wrote:

Ben see yellow below. If you would like to touch base toward the end of next week, that would be fine. Some of your questions I simply cannot answer. Our permits/records indicate it was permitted for a 2 family dwelling, and that is restricted to 2 family by deed. If the owner converted it to 4, they did so illegally without permits, contrary to deed. The permit is the mechanism that triggers a zoning review. Otherwise, we don't know until there is a complaint from the neighbor or, in this instance, we get an inquiry from the new property owner on an issue that brings it to our attention. As far as the ability to get 3 or 4, its up to the property owner to file for permits and provide evidence that they meet all the requirements. Ch 90 and 100 outline those.

~Elizabeth

From: Benjamin Fulger <bfulgerlaw@gmail.com>
Sent: Wednesday, August 14, 2019 1:37 PM
To: Elizabeth Hude <elizabethh@mason.mi.us>
Subject: Fwd: 513-515 W. South St., Mason

Good Afternoon,

Here is the original list of questions that I emailed you. Please let me know if you would be able to respond to these for me. It would be greatly appreciated, as I know you preferred for me not to quote you from our in person meeting, and wished to respond through this avenue.

Thank you,

Benjamin Fulger

Associate Attorney

Crockett Law Offices

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----- Forwarded message -----

From: **Benjamin Fulger** <bfulgerlaw@gmail.com>

Date: Wed, Jul 3, 2019 at 5:32 PM

Subject: 513-515 W. South St., Mason

To: <elizabethh@mason.mi.us>

Good Afternoon Ms. Hude,

It was a pleasure meeting with you yesterday, and I want to thank you again for taking the time to sit down with me, and go over the property with me. Just to reiterate, I represent Yohannes Wondimagegnehu, Aster Mekonnen, Bereket Bezabih, and Panny Mekonnen (collectively, the prior owners who sold this property to Four Points Management, the current owner). As requested, here are the questions that I had for you, if you would be so kind as to answer them for me.

1. What is that status as to what this property is permitted for? – **2 family dwelling**



2. When was it/did it become nonconforming? – I don't know. No permits were pulled for it to become a 4 unit, consult with property owner.

3. Had the codes changed, or what changed to make it nonconforming? – see 1/2

4. How/When did the City find out that this was nonconforming? March 2019, property owner inquired about new addresses for additional 2 units and adding parking.

5. Are rental units required to be licensed and inspected in Mason? We do not have a rental registration program at this time but all properties are subject to building/zoning ordinances

6. Is there a procedure or appeal to the zoning commission for nonconforming use? You must first apply for/be denied a permit; appeals must be done in accordance with Ch 94

7. What are the options for rectifying this situation? How can it become conforming and permitted again? Property owner would need to have deed amended, apply for zoning and building permits which demonstrate compliance with ordinances. This would require engineer/architect drawings – see zoning ord for instructions.

8. How many additional feet are required to the lot size in order to become permitted as a 4 unit? This would require 2 parking spaces per unit as well, correct? Please see Ch 94 and 100 for dimensional, parking/loading, landscaping requirements

9. Are you aware if Four Points Management, the current owner of the property, has taken any steps with the City of Mason to bring this to conforming status again? No When was the last time that you spoke with her? March 2019

10. Is the City of Mason currently taking any enforcement against against this property for being a 4-unit? No, we try to work with our community members toward voluntary compliance, Waiting for property owner to file application for additional units; advised her only 2 units were legal

11. What is this property currently zoned/permitted for (how many units)? See zoning map and previous email with materials (permits, deed) attached.

12. What would be required for this property to be conforming/permitted for 3 units? Property owner needs to show plans that it meets all requirements – building/lot, parking, landscaping etc.; see requirements in Ch 94

Thank you for your assistance with this matter. I hope that you have a safe and happy 4th!

Thank you,

Benjamin Fulger

Associate Attorney

Crockett Law Offices

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ZONING REVIEW
513-515 W SOUTH ST

Item	Required	Existing	Proposed				
Zone	na	RM					
Lot size	8,500 s.f. for up to 3 units, 12,500 for 4 units; see table 100-1	11,979 s.f. (.275 acres)	Lot created as part of F and C Subdivision; Final Plat signed 11-15-01				
Frontage	65	82.5					
3:1 depth ratio		ok					
Set-backs							
Front	25	25	Only a sketch was provided, not a true survey				
Side	15	12					
Rear	35	46					
Coverage	35%						
Height							
Principal	35						
Accessory	15						
Width: Principal	24	<24; primarily accessory/garage					
Internal Height: Principal	7.5	unknown, assumed 7.5'					
Floor area per dwelling	See 100-2, (7) below	unknown					
Unit 1 - # of bedrooms:_____		2,800 s.f. total for duplex - 2					
Unit 2 - # of bedrooms:_____		units; dimensions for					
Unit 3 - # of bedrooms:_____		individual units not					
Unit 4 - # of bedrooms:_____		available; Deed restriction					
TABLE 100-1. Lot Dimensional Regulations.							
Zoning District and Ordinance Section	Minimum Lot Size	Minimum Lot Width	Minimum Lot Area Per Principal Structure (sq. feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum % of Lot Coverage by all Structures
	(sq. feet)	(feet)					
RM	8,500	65	8,500 ₍₂₎	25	15	35	35
Sec. 94-125							
2 Up to three dwelling units allowed per building on an 8,500 sq. ft. lot. Increase the required lot area per building by 4,000 sq. ft. per dwelling unit in excess of three dwelling units, or by 3,000 sq. ft. per dwelling unit in excess of three dwelling units located within a planned residential development or a planned unit development.							
TABLE 100-2. Building Dimensional Regulations.							
Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per Dwelling Unit	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)		
			(sq. feet)				
RM	35	15	-7	-	-		
Sec. 94-125							
7 Minimum gross floor area per dwelling unit:							
(a) Efficiency unit: 400 sq. ft.							
(b) One bedroom unit: 600 sq. ft.							
(c) Two bedroom unit: 800 sq. ft.							
(d) Three or more bedroom unit: 1,000 sq. ft.							

David Haywood

From: Ed Hude [ehude@ingham.org]
Sent: Wednesday, March 23, 2011 1:27 PM
To: David Haywood
Subject: New nursing home
Attachments: AR-M455N_20110323_120247_OCR.pdf; Ed Hude.vcf

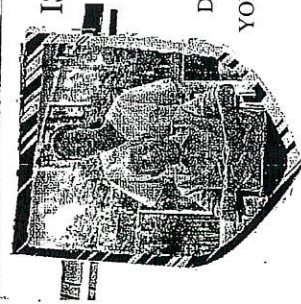
David,

Officer Rob Mentink took a call today on W. South St. The address now is apparently a new nursing home. I wanted to check with you to make sure that they are OK to operate as such. Their business card is in the attachment.

Sgt. Ed Hude
Mason Police Department
201 W. Ash St.
Mason, Mi. 48854

Zoned Rm

- 94-125(d)(2) requires sup for adult foster care for more than 6 residents.
- * 94-125(b)(3) allows facility long right < 6 residents.



ISABEL AFC HOME INC.

HOME FOR AGED,
MENTALLY ILL AND
DEVELOPMENTALLY DISABLED

ADMINISTRATOR

YOHANNES WONDIMAGENDHU, RN

517-676-5769
ISABELAFCHOME@YAHOO.COM

513 & 515 W. SOUTH ST. MASON, MI 48854

Department of Human Services


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Statewide Search for Adult Foster Care / Homes for the Aged Facilities

[See Online Reports](#)

Facility Information

Name: ISABIL AFC HOME #1
Address: 513 W. SOUTH ST. MASON, MI 48854-8854
County: INGHAM
Phone: (517)410-6127 **License Status:** ACTIVE

Licensee Information

Name: ISABIL AFC HOME INC.
Address: 513 W. SOUTH ST. MASON, MI 48854-8854
Phone: (517)410-6127

License Information

Number	Type	Effective Date	Expiration Date	Facility Type	Capacity
AS330309583	TEMPORARY	10/22/2010	4/21/2011	Small Group	6

Services Offered

Serves: Developmentally Disabled - Mentally Ill - Aged -
Special Certification:
Certification for Community Living:

Reports Available

The reports on this site are available for downloading or viewing using the [Adobe Acrobat Reader](#).

Some minor adult foster care and homes for the aged rule noncompliances are documented in a Notice of Finding (see Definitions). When rule violations have been cited in a report, the licensee is required to submit a corrective action plan. Notices of Finding and written corrective action plans that are submitted by the licensee in response to the Department reports are available through the [Freedom of Information Act](#).

[Original Licensing Study Report](#)

Original and Renewal Licensing Study Report

- Completed in response to the initial or renewal application for license on all facilities.

Inspection Report

- Interim Inspections are conducted at or near the mid point of the effective dates of the license.

Focused Onsite Eligible Letter

- Offered to facilities that have met the following criteria for the last two regular license renewal periods.
- Full compliance or only violations that qualify for a NOF.
- Full fire safety and environmental approval or approval until the next required inspection.

Special Investigation Report

- Special Investigation Reports are conducted in response to rule related complaints received regarding a facility.

Only those special investigation reports that substantiated rule violations are placed on the web site. Please read any report in its entirety.

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Statewide Search for Adult Foster Care / Homes for the Aged Facilities

[See Online Reports](#)

Facility Information					
Name:	ISABIL AFC HOME				
Address:	515 W. SOUTH ST. MASON, MI 48854-8854				
County:	INGHAM				
Phone:	(517)410-6127		License Status:	ACTIVE	

Licensee Information					
Name:	ISABIL AFC HOME INC.				
Address:	513 W. SOUTH ST. MASON, MI 48854-8854				
Phone:	(517)410-6127				

License Information					
Number	Type	Effective Date	Expiration Date	Facility Type	Capacity
AS330309582	TEMPORARY	10/22/2010	4/21/2011	Small Group	6

Services Offered	
Serves:	Developmentally Disabled - Mentally Ill - Aged -
Special Certification:	
Certification for Community Living:	

Reports Available
<p>The reports on this site are available for downloading or viewing using the Adobe Acrobat Reader.</p> <p>Some minor adult foster care and homes for the aged rule noncompliances are documented in a Notice of Finding (see Definitions). When rule violations have been cited in a report, the licensee is required to submit a corrective action plan. Notices of Finding and written corrective action plans that are submitted by the licensee in response to the Department reports are available through the Freedom of Information Act.</p> <p> Original Licensing Study Report</p>

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513/515 W. South St.

3/1/12

Both units are licensed

~~513~~

PD has no evidence of violation

State has "

Code enf. "

} related
to
zoning.

Both facilities are operating @ or
below ~~below~~ capacity.

State does not care if office is located
@ one or the other unit

Present:

Jim A

Steve Chick

Owners (2)

State offc (2)

FINALED

City of Mason

Building Permit No: PB0000093

Building Dept.
Phone: 517-676-9155

201 W. Ash
Fax: 517-676-1330

Mason, MI 48854
Hours: Monday-Friday 8 am - 5:00 pm

S CEDAR (V/L)
10-08-402-009

Location

Issued: 09/28/00 Expire Date: 03/27/01

**PLEASE CALL (517) 6769155
FOR AN INSPECTION 24 HOURS IN ADVANCE**

SYCAMORE PARTNERSHIP
2510 KERRY ST, SUITE 102
LANSING MI 48912

Owner

Phone:

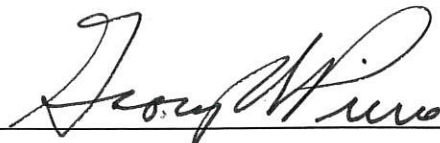
OWNER OF PROPERTY

Contractor

Work Description: Build Duplex, 55'-8" X 48'-8" with 20' x 25' and 20' x 23' attached garages
Total Sq. Ft. 2800

Paid	Permit Item	Work Type	No. of Items	Item Total
At Issue	Building Cost Schedule	Standard Item	140,000.00	636.00

513 E 515 S SOUTH ST
Hebber Duplex



Issuing Official

Fee Paid: \$636.00

This permit is issued for work described in the cited application to be performed at the address listed above. All work is subject to all ordinances, rules and regulations which may be adopted by the jurisdiction issuing the permit or other jurisdictions with appropriate legal authority. If the work has not commenced within 6 months, then this permit will be null and void and a new permit will have to be obtained before beginning to work. This permit expires after one year from the date of issue.

OFFICIAL RECEIPT

City of Mason

PHONE (517) 676-9155

P.O. BOX 370
201 W. ASH ST.
MASON, MI 48854-0370

08-402-009

9/27/00

DATE

NAME

Francis Hobden

STREET

320 W. Cherry

CITY-STATE

Mason MI

48854

TOTAL AMOUNT RECEIVED

\$ 636⁰⁰

WATER RECEIPTS

- ☐
- NEW ACCOUNT
-
- ☐
- DEPOSIT
-
- ☐
- WATER PERMIT
-
- ☐
- SEWER PERMIT

PERMIT RECEIPTS

Permit # 93-1

- ☐
- OTHER
-
- ☒
- BUILDING

POLICE RECEIPTS

- ☐
- PARKING
-
- ☐
- GUN REGISTRATION
-
- ☐
- REPORTS
-
- ☐
- BIKE LICENSE

CEMETERY RECEIPTS

- ☐
- LOT
-
- ☐
- PERPETUAL CARE
-
- ☐
- FOUNDATION
-
- ☐
- GRAVE OPENING

Lot #

COMMUNITY ROOM

DATE: SEP 2000

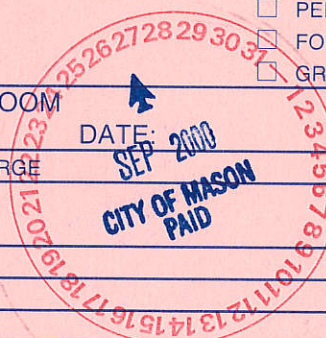
☐ COPYING CHARGE

OTHER RECEIPT:

RECEIPT NUMBER NO 075153

Signature

J. M. M. M.



CK 5382

Discovered The Land
is not in Heddon's
Name Yet. Permit on
Hold. Jim to
Notify 9-28-00

CHRIS HEDDEN
SOUTH ST DUPLEX

STAIRWAYS

36" WIDTH

36" LANDING

80" HEADROOM

7 $\frac{3}{4}$ " MAX RISER HT

10" MIN TREAD DEPTH

NOSING NOT $< \frac{3}{4}$ OR $> 1\frac{1}{4}$ (WHERE TREAD
DEPTH $< 11"$)

(CONTINUOUS HANDRAIL ON
SIDE WHERE TREAD IS NARROWER)
TREAD DEPTH NOT $< 10"$
FROM PT NOT $> 12"$ FROM
NARROW END - MIN TREAD
DEPTH NOT $< 6"$

($\frac{3}{8}"$ TOLERANCE BETWEEN
LGST / SMST)

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330

PB 000093

*****APPLICATION FOR PLAN REVIEW AND BUILDING PERMIT*****

All permit applications MUST be complete and accompanied by detailed construction and site plans.

Multi-family (3 units or more) and all commercial/industrial plans MUST be signed and sealed by a State of Michigan Registered Architect or Engineer and must include CONSTRUCTION TYPE AND USE.

STREET ADDRESS OF PROPOSED CONSTRUCTION: South St

OWNER/LESSEE NAME: Chris Hedden PHONE NO: 676-1822
ADDRESS: 320 W Cherry, CITY Mason STATE: MI ZIP: 48854

ARCHITECT/ENGINEER NAME: Chris PHONE NO. _____

ADDRESS: Same, CITY: _____ STATE: _____ ZIP: _____

LICENSE NO: _____ EXPIRATION DATE: _____

CONTRACTOR NAME: Chris Hedden PHONE NO: 676-1822

ADDRESS: _____ CITY: Mason STATE: MI ZIP: _____

LICENSE NO.: _____ EXPIRATION DATE: _____

FEDERAL EMPLOYER ID NO: _____

WORKERS' COMP. INSURANCE CARRIER: Dart Inc.

MESC. EMPLOYER NO: _____

TYPE OF IMPROVEMENT: (EXPLAIN) _____

☒ New Building ☐ Addition ☐ Alteration ☐ Repair ☐ Fence
☐ Mobile Home ☐ Foundation Only ☐ Relocation ☐ Wrecking
☐ Premanufactured structure ☐ Pool ☐ Shed ☐ Deck
☐ Attached garage ☐ Detached garage ☐ other: _____

RESIDENTIAL: ☐ One family ☐ Multi-family: (number of units 2)
☐ Hotel, Motel: (number of units _____) ☐ Other: (use) _____

COMMERCIAL/INDUSTRIAL: ☐ Amusement ☐ Parking Garage ☐ School
☐ Store(mercantile) ☐ Church(religious) ☐ Service Station
☐ Public utility ☐ Tanks ☐ Towers ☐ Industrial ☐ Hospital
☐ Institutional ☐ Office(professional) ☐ Bank ☐ Library
☐ Educational ☐ Other: _____

Explain in detail proposed use of building: _____

TOTAL OCCUPANT LOAD: (If mixed use, explain:) _____

TOTAL COST OF IMPROVEMENT: (Exclude land cost only) \$ 140,000 636⁰⁰

DIMENSIONS: Total floor area: 2800 sq ft 1st floor area: _____ 2nd floor area: _____, 3rd floor area: _____, other: _____ Number of stories: 1, Total height: _____ Total land area: _____ Front yard setback: 26 ft Left side yard setback: _____ Right side yard setback: 112 ft Rear yard setback: 53 ft

FOUNDATION TYPE: ☒ Masonry ☐ Reinforced Concrete ☐ Wood
☐ Other (explain): _____
FRAME TYPE: ☐ Masonry ☐ Concrete ☐ Wood ☒ Structural Steel
☐ Other (explain): _____

EXCAVATION CONTRACTOR: Ferberger License No.: _____
STRUCTURAL CONTRACTOR: _____ License No.: _____
SEWER/WATER CONTRACTOR: _____ License No.: _____
ELECTRICAL CONTRACTOR: T. Jones License No.: _____
PLUMBING CONTRACTOR: _____ License No.: _____
MECHANICAL CONTRACTOR: _____ License No.: _____
SPRINKLER CONTRACTOR: _____ License No.: _____

TYPE OF HEATING FUEL: ☒ Natural Gas ☐ Oil ☐ Electricity
☐ Other (explain): _____

Will there be air conditioning? ☒ Yes ☐ No

Will there be an elevator? ☐ Yes ☒ No

Will there be a sprinkler system? ☐ Yes ☒ No If yes, will be entire building be sprinkler? ☐ Yes ☐ No

PARKING AREA: Total parking area 6, Total spaces _____ Total handicap spaces _____, Total enclosed spaces _____

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION:

NAME: C. Hilde PHONE: 676-1822 S.S. # 369 28 3914
ADDRESS: 320 W Cherry CITY Mar STATE MI ZIP 48854

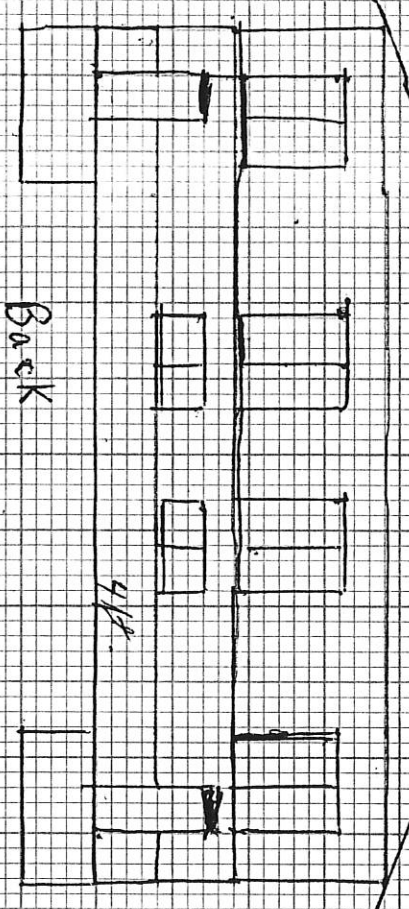
Section 23a of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

I HEREBY CERTIFY that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent, and we agree to conform to all applicable laws of the State of Michigan and other jurisdictions. All information submitted on this application is accurate to the best of my knowledge.

APPLICATION DATE: 9-1 APPLICANT SIGNATURE Christopher Hilde

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

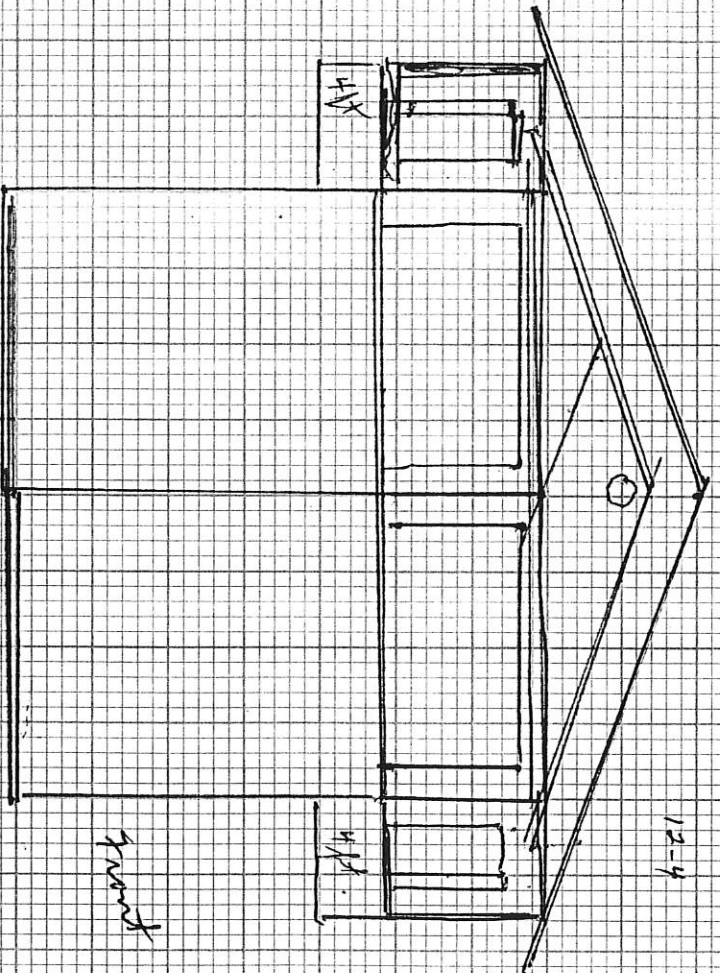
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24



Back

4 1/2

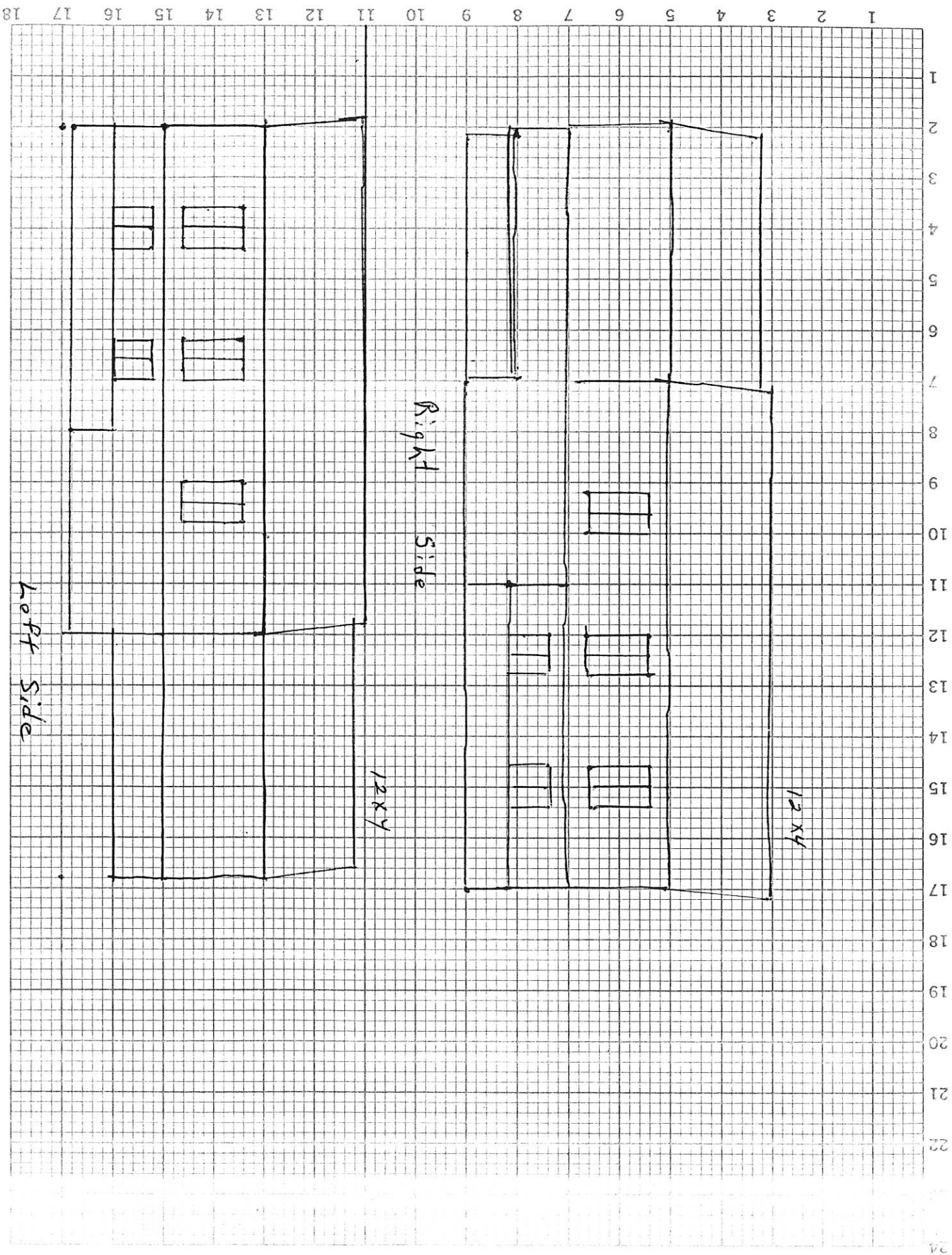
12-4

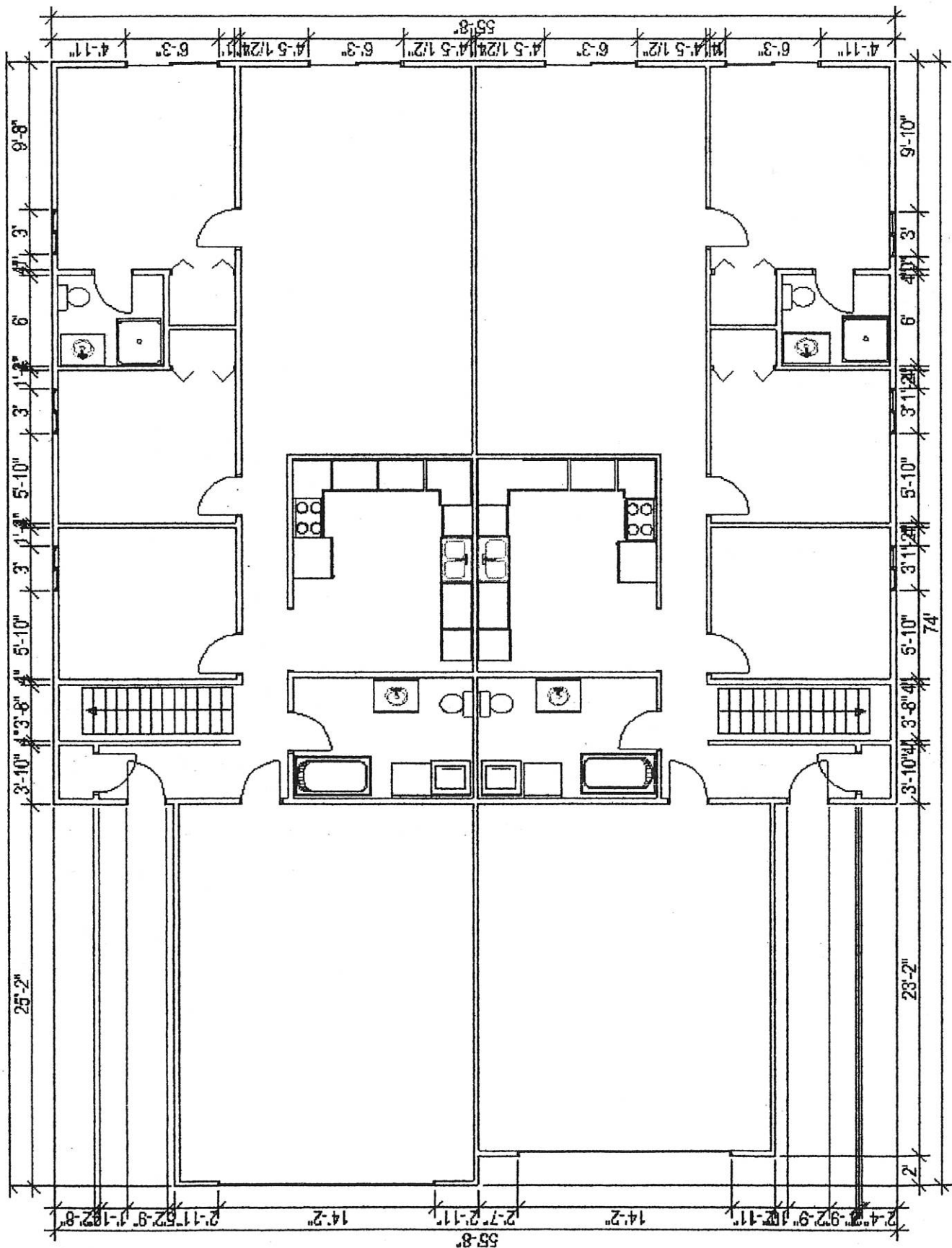


Front

Chris Ketch
C 76-1822

Chris Kuttler
676-1822





Chris Hedden
676-1822

CERTIFIED BOUNDARY SURVEY



CENTER OF SECTION
B, T2N, R1W

NORTH-SOUTH 1/4 LINE SECTION B
N00°09'13"E 2652.11'

SOUTH 1/4 CORNER
SECTION B, T2N, R1W

EAST-WEST 1/4 LINE SECTION B

S89°57'25"E
526.69'

S89°57'25"E 330.00'

BAR & CAP

P.O.B. B

BAR & CAP

0.5'±

N00°18'45"E

178.00'

PARCEL B
±1.34 ACRES

0.5'±

N89°57'25"W 330.00'

CARPORT

S00°18'45"W
178.00'

DUMPSTER PAD

LEGEND

- = Set 1/2" Bar with Cap
 - = Found Iron as Noted
 - = Survey Boundary Line
 - = Distance Not to Scale
 - x-x- = Fence
 - [Pattern] = Concrete and/or Asphalt
 - [Pattern] = Deck or Porch
- All Dimensions are in Feet and
Decimals Thereof.
All Improvements Not Shown.

SCALE 1" = 100'



KEBS INC.

KYES ENGINEERING - BRYAN LAND SURVEYS

2116 Haslett Road
Haslett, Michigan 48840
Ph. (517) 339-1014

204 S. Cochran Ave.
Charlotte, Michigan 48813
Ph. (517) 543-7078

DRAWN BY EKB

SECTION 8, T2N, R1W

FIELD WORK BY RC

JOB NUMBER:

SHEET 3 OF 8

98-B-58443

CERTIFIED BOUNDARY SURVEY

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed several parcels of land within:

The Southeast 1/4 of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan.

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of the parcels shown hereon and that the more particular legal description of said parcels is as follows:

PARCEL A

A parcel of land in the Southeast 1/4 of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South 1/4 corner of said Section; thence N00°09'13"E along the North-South 1/4 line of said Section 2652.11 feet to the Center of said Section; thence S89°57'25"E along the East-West 1/4 line of said Section 33.00 feet to the point of beginning of this description; thence S89°57'25"E continuing along said East-West 1/4 line 114.19 feet; thence S00°18'46"W 165.00 feet; thence S89°57'25"E parallel with said East-West 1/4 line 150.00 feet; thence N00°18'46"E 12.00 feet; thence S89°57'25"E parallel with said East-West 1/4 line 35.00 feet; thence S00°18'46"W 177.00 feet; thence S89°57'25"E parallel with said East-West 1/4 line 169.75 feet; thence S00°18'46"W 118.42 feet; thence S28°01'29"W 185.05 feet to the Easterly right of way line of Cedar Street; thence N49°48'54"W along said Easterly right of way line 233.63 feet; thence Northwesterly 494.67 feet along said Easterly right of way line on a curve to the right, said curve having a radius of 567.00 feet, a delta angle of 49°59'13", a chord of 479.13 feet, bearing N24°49'18"W; thence N00°10'19"E along said Easterly right of way line 26.50 feet to the point of beginning; said parcel containing 2.81 acres more or less, including 0.08 acre more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any.

PARCEL B

A parcel of land in the Southeast 1/4 of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South 1/4 corner of said Section; thence N00°09'13"E along the North-South 1/4 line of said Section 2652.11 feet to the Center of said Section; thence S89°57'25"E along the East-West 1/4 line of said Section 526.69 feet to the point of beginning of this description; thence S89°57'25"E continuing along said East-West 1/4 line 330.00 feet; thence S00°18'46"W 178.00 feet; thence N89°57'25"W parallel with said East-West 1/4 line 330.00 feet; thence N00°18'46"E 178.00 feet to the point of beginning; said parcel containing 1.34 acres more or less, including 0.25 acre more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any.

KEBS INC.

KYES ENGINEERING - BRYAN LAND SURVEYS

2116 Haslett Road
Haslett, Michigan 48840
Ph. (517) 339-1014

204 S. Cochran Ave.
Charlotte, Michigan 48813
Ph. (517) 543-7076

DRAWN BY EKB

SECTION 8, T2N, R1W

FIELD WORK BY RC

JOB NUMBER:

SHEET 6 OF 8

98-B-58443

Lawyers Title Insurance Corporation

Revised - 1

National Headquarters
Richmond, Virginia

SCHEDULE B - Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. For the Owners' Policy, Standard Exceptions (1) - (6) as shown on the attached Commitment Cover.
2. Taxes which become a lien pursuant to Public Act 143 of 1995 and any other taxes and/or assessments which become a lien or become due and payable subsequent to the date of this commitment.
3. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
4. An Easement to Commonwealth Power Co. as set forth in the Instrument dated August 12, 1909 and recorded September 9, 1909 in Liber 4, MR, Page 588, Ingham County Records.
5. A Right of Way to Consumers Power Co., a Maine Corporation as set forth in the Instrument dated July 6, 1925 and recorded September 16, 1925 in Liber 12, MR, Page 390, Ingham County Records.
6. An Easement to Michigan Bell Telephone Company, a Michigan Corporation as set forth in the Instrument dated November 16, 1983 and recorded December 12, 1983 in Liber 1450, Page 495, Ingham County Records.
7. An Easement to Consumers Power Company, a Michigan Corporation as set forth in the Instrument dated May 25, 1971 and recorded June 5, 1972 in Liber 1074, Page 402, Ingham County Records.
8. A Right of Way to Consumers Power Company, a Maine Corporation as set forth in the Instrument dated March 20, 1956 and recorded October 23, 1956 in Liber 68, MR, Page 360, Ingham County Records.
9. The rights of the public and any governmental unit in any part of the subject property taken, used, or deeded for street, road, or highway purposes.

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

Commitment is invalid unless the insuring Provisions and Schedules A and B are attached.

Schedule B - Section 2 - Page 1 - Commitment No.

33:037775

**INGHAM COUNTY DRAIN COMMISSIONER
PATRICK E. LINDEMANN**

707 BUHL STREET P. O. BOX 220 MASON MI 48854 PH. (517) 676-8395 FAX (517) 676-8364

SOIL EROSION AND SEDIMENTATION POLLUTION CONTROL APPLICATION AND PERMIT

OFFICE	PERMIT CODE <input checked="" type="checkbox"/> R <input type="checkbox"/> C <input type="checkbox"/> NL <input type="checkbox"/> RMD <input type="checkbox"/> CMD <input type="checkbox"/> AG	PERMIT NO.	RECEIPT NO.
	DATE ISSUED	EXPIRES	CHECK NO.
APPLICANT	<u>9/20/00</u>	<u>6/20/01</u>	<u>00-0808</u>
	All work to be completed in accordance with approved plans submitted with application, and subject to attached special conditions.		AMT. REC'D
OWNER	INSPECTOR		FORMER SEP#
	<u>JL</u>		
PROJECT	NAME	PHONE	
	ADDRESS	FAX #	
PLANS	CITY	STATE	ZIP
	OWNER	PHONE	
ONSITE	ADDRESS	FAX #	
	CITY	STATE	ZIP
PROJECT	SUBDIVISION	LOT	TIC/IV
	STREET ADDRESS	CITY	SECTION
ONSITE	DISTANCE TO REGULATED WATERS OF THE STATE <input checked="" type="checkbox"/> < 500 FEET <input type="checkbox"/> > 500 FEET		SIZE OF EARTH CHANGE
	PROJECT DESCRIPTION		
PLANS	COMPANY NAME	RESPONSIBLE PERSON	
	COMPANY ADDRESS	ON-SITE PHONE	
ONSITE	CITY	STATE	ZIP
	PAGER/MOBIL		
PLANS	SITE PLAN PREPARER		
	PLAN PREPARER PHONE	5% MAINTENANCE DEPOSIT \$	
ONSITE	PERFORMANCE DEPOSIT AMOUNT \$	7% INSPECTION FEE \$	
	PERFORMANCE DEPOSIT PAYMENT <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> IRREVOCABLE LETTER OF CREDIT		

-----Office Use Only-----

DRAINAGE DISTRICT # W22-00 DRAINAGE DISTRICT NAME Willow Creek
S.E.P. PERMIT FEE \$ 100.00 TAP-IN PERMIT \$ _____
DRAINAGE REVIEW FEE \$ _____ CROSSING PERMIT \$ _____
PRELIMINARY SITE REVIEW \$ _____

I (WE) AFFIRM THAT THE ABOVE INFORMATION IS ACCURATE AND THAT I (WE) WILL CONDUCT THE ABOVE DESCRIBED EARTH CHANGE IN ACCORDANCE WITH PART 91, ITS CORRESPONDING RULES, APPLICABLE LOCAL ORDINANCES AND THE AGREEMENTS ACCOMPANYING THIS APPLICATION. THIS APPLICATION SERVES AS WRITTEN CONSENT AND PERMISSION FOR THE INGHAM COUNTY DRAIN COMMISSIONERS'S OFFICE TO ENTER SITE AT ANY REASONABLE TIME FOR THE PURPOSE OF INSPECTION.

OWNER'S/APPLICANT'S SIGNATURE WITH DATE Chris Nibben

OWNER'S SIGNATURE WITH DATE Chris Nibben

PERMITTED AND APPROVED BY Jason Dyg APPROVAL DATE 9/20/00

NOTES: 1) UPON COMPLETION, CONTACT OUR OFFICE FOR FINAL INSPECTION. 2) SUBJECT TO ATTACHED CONDITIONS. 3) PERMIT HOLDER IS CAUTIONED THAT GRADE CHANGES RESULTING IN INCREASED RUN-OFF ONTO ADJACENT PROPERTY IS SUBJECT TO CIVIL LITIGATION. 4) THIS PERMIT DOES NOT EXEMPT HOLDER FROM OBTAINING OTHER PERMITS ISSUED BY STATE AND LOCAL AGENCIES. 5) PERMIT HOLDER IS CAUTIONED THAT A PERMIT WILL BE REVOKED IF A CEASE AND DESIST IS ISSUED. 6) UPON REVOCATION OF PERMIT, ISSUANCE OF A NEW PERMIT WITH FEES WILL BE REQUIRED.

Chris Heller
076-1822

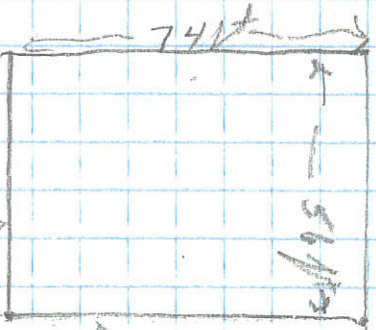
5

E

10 ft

145 ft

320 ft



all around
one for all
in front by land

South
509 ft

2

1

46 ft

145 ft

3

15 ft

Duplex

Water Tap -	1200 x 2 =	2400 ⁻
Sewer Tap	1800 x 2 =	3600 ⁻
Meter & Yoke	82 ¹⁷ x 2	164 ³⁴
New Account fee	10 ⁰⁰ x 2	20 ⁻
		<hr/>

6,184.³⁴

South St.

C. Heddon

513 & 515 W. South
St.

OFFICIAL RECEIPT

City of Mason

PHONE (517) 676-9155

P.O. BOX 370
201 W. ASH ST.
MASON, MI 48854-0370

DATE

NAME

STREET

CITY-STATE

TOTAL AMOUNT RECEIVED

\$ 6184.34

WATER RECEIPTS

513 and 515
West South St

☒ NEW ACCOUNT (2)

☐ DEPOSIT

☒ WATER PERMIT (2)

☒ SEWER PERMIT (2)

☒ BUILDING

PERMIT RECEIPTS

Permit #:

☐ OTHER

POLICE RECEIPTS

☐ PARKING

☐ GUN REGISTRATION

☐ REPORTS

☐ BIKE LICENSE

CEMETERY RECEIPTS

**CITY OF MASON
PAID**

☐ LOT

☐ PERPETUAL CARE

☐ FOUNDATION

☐ GRAVE OPENING

Lot #

COMMUNITY ROOM

DATE:

☐ COPYING CHARGE

OTHER RECEIPT:

meter/yoke
(2)

RECEIPT
NUMBER **NO 075251**

Signature

MIDSTATE TITLE COMPANY

Property Address: Vacant Land Cedar Street

Date: 9-11-2000

Check Applicable Item(s)

_____ The undersigned has consulted with an attorney who has fully advised me/us with respect to our rights and obligations regarding this transaction,

OR

XX

The undersigned hereby acknowledge that I/we did not desire to retain an attorney. I/we further acknowledge that Midstate Title Company has recommended that we seek an attorney's opinion with respect to documents, if any, prepared by me/us with the assistance of Midstate Title Company. I/we have also been advised to have an attorney review all closing documents, whether or not prepared by us, prior to closing. I/we further agree to hold and save Midstate Title Company harmless and free from any and all claims upon my/our part arising out of my/our decision to purchase said premises without retaining an attorney.

It is agreed between the Buyers and Sellers of the subject property that all provisions of the Buy and Sell Agreement and Addendums or counter offers have been met or are hereby removed to the satisfaction of the parties concerned. I/we hereby ratify the closing statement as accurately reflecting our agreement with respect to all charges and prorations.

I/we hereby release Midstate Title Company, its agents, employees, attorneys and representatives from the responsibility for determining the existence of any special assessments and/or utility bills that may have been or may be in the future levied against the above mentioned property. Seller(s) represents and warrants to the Purchaser(s) and Midstate Title Company that said premises are free and clear of all liens, special assessments and/or delinquent utility bills upon the premises, EXCEPT as follows:

Seller(s) further warrant to the above that I/we have no knowledge of any proceedings instituted or undertaken by any governmental agency for any improvements which will result in a lien upon the premises. The Seller(s) assume the obligation for payment of any unpaid utility bills, including water, sewer, electric, and gas and all final bills up to the date of occupancy given to the Purchaser(s) on the property mentioned.

Christopher P. Heiden
Buyer

Buyer

Ben C. Widen
Seller

[Signature]
Seller

PROPERTY TRANSFER AFFIDAVIT

This form is issued under authority of P.A. 415 of 1994. **Filing is mandatory.**

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct **taxable value**. It must be filed by the new owner with the **assessor for the city or township** where the property is located within **45 days** of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is not confidential.

1. Street Address of Property V/L SOUTH ST.		2. County INGHAM	4. Date of Transfer (or land contract was signed) 09/11/2000
3. City/Township/Village of Real Estate CITY OF MASON		<input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village	5. Purchase Price of Real Estate \$ 75,000.00
6. Property Identification Number (PIN). If you don't have a PIN, attach legal description. 33-19-10-08-402-009			
7. Seller's (Transferor) Name SYCAMORE, A Michigan Co-Partnership		8. Buyer's (Transferee) Name and Mailing Address CHRISTOPHER R. HEBDEN FRANCES F. HEBDEN V/L SOUTH ST. 320 W. Cherry MASON MI 48854	
9. Type of Transfer <input type="checkbox"/> Land Contract <input type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____			
10. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No		11. Amount of Down Payment	
12. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No		13. Amount Financed (Borrowed)	

Items 9 - 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.

Exemptions

The Michigan Constitution limits how much a property's **taxable value** can increase while it is owned by the same person. Once the property is transferred, the **taxable value** must be adjusted by the assessor to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-m). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exception, your assessor may request more information to support your claim.

- ☐ transfer from a spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer subject to a life lease or life estate (**until** the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the sole beneficiary is the settlor (creator of the trust) or the settlor's spouse
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer within an entity under common control or affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ other, specify: _____

Certification

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature X Christopher R Hebden	Date 9-14-00	If signer is other than the owner, print name and title.
--	------------------------	--

CERTIFIED BOUNDARY SURVEY

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed several parcels of land within:

The Southeast 1/4 of Section 8, T2N, R1W, City of Mason,
Ingham County, Michigan.

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of the parcels shown hereon and that the more particular legal description of said parcels is as follows:

PARCEL A

A parcel of land in the Southeast 1/4 of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South 1/4 corner of said Section; thence N00°09'13"E along the North-South 1/4 line of said Section 2652.11 feet to the Center of said Section; thence S89°57'25"E along the East-West 1/4 line of said Section 33.00 feet to the point of beginning of this description; thence S89°57'25"E continuing along said East-West 1/4 line 114.19 feet; thence S00°18'46"W 165.00 feet; thence S89°57'25"E parallel with said East-West 1/4 line 150.00 feet; thence N00°18'46"E 12.00 feet; thence S89°57'25"E parallel with said East-West 1/4 line 35.00 feet; thence S00°18'46"W 177.00 feet; thence S89°57'25"E parallel with said East-West 1/4 line 169.75 feet; thence S00°18'46"W 118.42 feet; thence S28°01'29"W 185.05 feet to the Easterly right of way line of Cedar Street; thence N49°48'54"W along said Easterly right of way line 233.63 feet; thence Northwesterly 494.67 feet along said Easterly right of way line on a curve to the right, said curve having a radius of 567.00 feet, a delta angle of 49°59'13", a chord of 479.13 feet, bearing N24°49'18"W; thence N00°10'19"E along said Easterly right of way line 26.50 feet to the point of beginning; said parcel containing 2.81 acres more or less, including 0.08 acre more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any.

PARCEL B

A parcel of land in the Southeast 1/4 of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South 1/4 corner of said Section; thence N00°09'13"E along the North-South 1/4 line of said Section 2652.11 feet to the Center of said Section; thence S89°57'25"E along the East-West 1/4 line of said Section 526.69 feet to the point of beginning of this description; thence S89°57'25"E continuing along said East-West 1/4 line 330.00 feet; thence S00°18'46"W 178.00 feet; thence N89°57'25"W parallel with said East-West 1/4 line 330.00 feet; thence N00°18'46"E 178.00 feet to the point of beginning; said parcel containing 1.34 acres more or less, including 0.25 acre more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any.

KEBS INC.

KYES ENGINEERING - BRYAN LAND SURVEYS

2116 Haslett Road
Haslett, Michigan 48840
Ph. (517) 339-1014

204 S. Cochran Ave.
Charlotte, Michigan 48813
Ph. (517) 543-7076

DRAWN BY EKB

SECTION 8, T2N, R1W

FIELD WORK BY RC

JOB NUMBER:

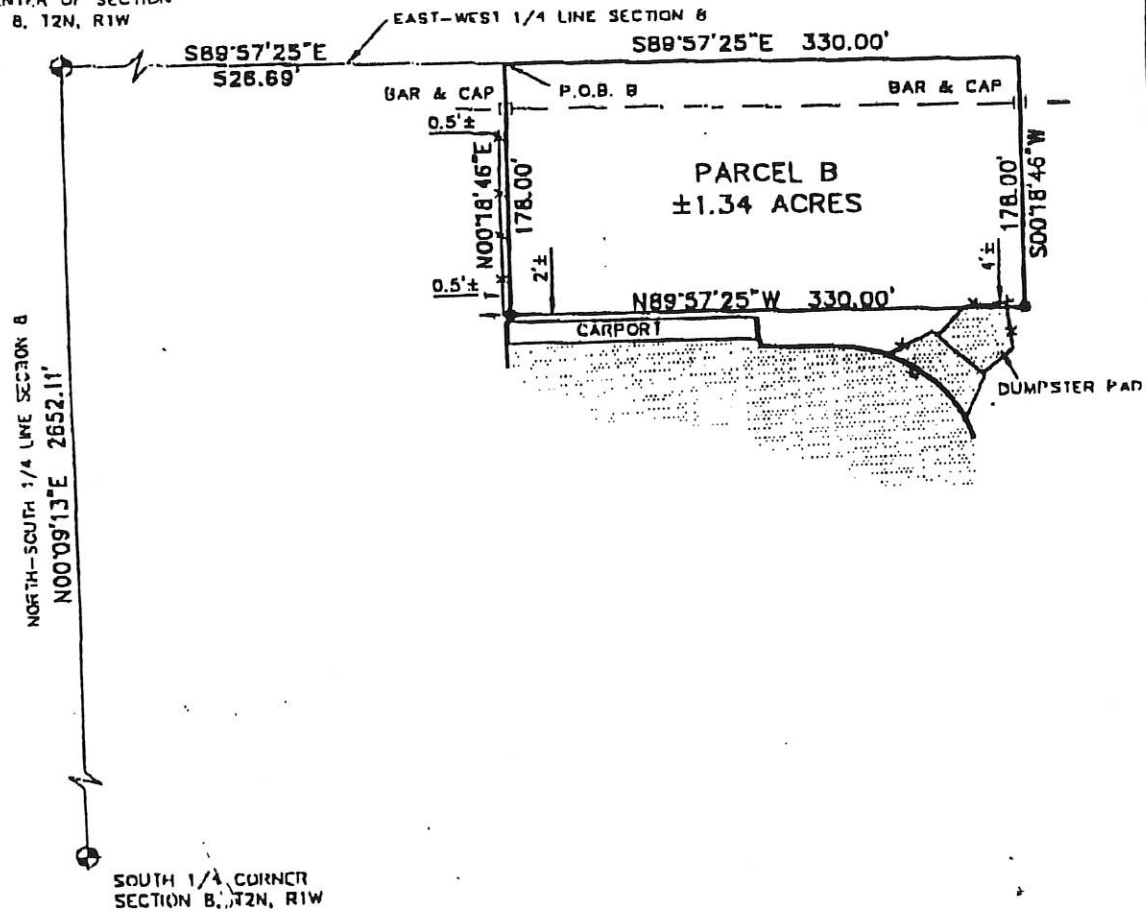
SHEET 6 OF 8

98-B-58443

CERTIFIED BOUNDARY SURVEY

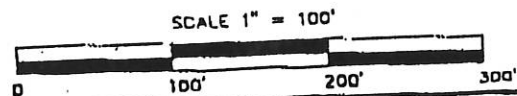


CENTER OF SECTION
8, T2N, R1W



LEGEND

- = Set 1/2" Bar with Cap
 - = Found Iron as Noted
 - = Survey Boundary Line
 - = Distance Not to Scale
 - x - x - = Fence
 - [Stippled Box] = Concrete and/or Asphalt
 - [Hatched Box] = Deck or Porch
- All Dimensions are in Feet and Decimals Thereof.
All Improvements Not Shown.



KEBS INC.

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2116 Hoslett Road
Hoslett, Michigan 48840
Ph. (517) 339-1014

204 S. Cochran Ave.
Charlotte, Michigan 48813
Ph. (517) 543-7078

DRAWN BY	EKB	SECTION 8, T2N, R1W
FIELD WORK BY	RC	JOB NUMBER:
SHEET	3 OF 8	98-B-58443

CERTIFIED TRUE COPY

Warranty Deed - Individual - Statutory Form

Midstate Title Company

KNOW ALL MEN BY THESE PRESENTS: That SYCAMORE, A MICHIGAN CO-PARTNERSHIP,

whose address is 2510 KERRY ST, LANSING MI 48912

Convey(s) and Warrant(s) to CHRISTOPHER R. HEBDEN and FRANCES F. HEBDEN, HUSBAND AND WIFE

whose address is 320 W. Cherry St., mason, mi 48854

the following described premises situated in the City of Mason, County of Ingham and State of Michigan, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

for the full consideration of Seventy-five Thousand Dollars And No Cents (\$75,000.00)

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act." subject to easements and restrictions of record, if any and also subject to Deed restrictions on attached rider.

Dated this 11th day of September, 2000

Witnesses:

Signed and Sealed

Carol M. Beachnau

SYCAMORE, A MICHIGAN Co-Partnership (L.S.)

STATE OF MICHIGAN } ss.
County of INGHAM }

Bennie C. Wickens (L.S.)
By: Bennie C. Wickens, Partner

David L. Wickens (L.S.)
By: David L. Wickens, Partner

The foregoing instrument was acknowledged before me this 11th day of September, 2000

by SYCAMORE, A MICHIGAN CO-PARTNERSHIP, By: Bennie C. Wickens, Partner & By: David L. Wickens, Partner

Prepared by B.C & D.L WICKENS/ASSISTED BY MIDSTATE TITLE COMPANY/MM

Carol M. Beachnau

Address 2342 Woodlake Drive, Okemos, MI 48864
CAROL M. BEACHNAU
Notary Public, Eaton County, MI
Acting In Ingham County, Michigan
My Comm. Expires Jan 13, 2001

Notary Public, _____ County, Michigan,
acting in Ingham County, Michigan.
My commission expires _____

County Treasurer's Certificate

City Treasurer's Certificate

When recorded return to Grantees

Send subsequent tax bills to: Grantees

Tax Parcel No. 33-19-10-08-402-009

File No. 33:037775

Legal Description Rider

The land referred to, situated in the City of Mason, County of Ingham, State of Michigan is described as follows

A parcel of land in the Southeast $\frac{1}{4}$ of Section 8, Town 2 North, Range 1 West, City of Mason, Ingham County, Michigan, the surveyed boundary of said parcel described as : Commencing at the South $\frac{1}{4}$ line of said Section North $00^{\circ}09'13''$ East along the North-South $\frac{1}{4}$ line of said Section 2652.11 feet to the center of said Section; thence South $89^{\circ}57'25''$ East along the East-West $\frac{1}{4}$ line of said Section 526.69 feet to the point of beginning of this description; thence South $89^{\circ}57'25''$ East continuing along said East-West $\frac{1}{4}$ line 330.00 feet; thence South $00^{\circ}18'46''$ West 178.00 feet; thence North $89^{\circ}57'25''$ West parallel with the said East-West $\frac{1}{4}$ line 330.00 feet thence North $00^{\circ}18'46''$ East 178.00 feet to the point of beginning.

The following are Deed Restrictions placed on the above described land. These Deed Restrictions shall be in effect for 25 years, unless amended or dissolved by Sycamore Partnership and Bennie C. Wickens and David L. Wickens their heirs or assigns the Sellers.

1. Any division of the property shall be done by plotting, no splits will be allowed. Any plotting shall be limited to 4 residential lots.
2. Zoning and use of property to be limited to multi-family residential and the restrictions that are in the City of Mason's REM District Article 8 that is dated May 1, 1972.
3. There shall be a minimum of 1400 square foot for each residential unit plus one garage.
4. The exterior of any structure shall have some brick on the front and be compatible with the Beacon Lake Apartments to the south of the property.
5. Any zoning changes to be approved by SELLERS.

Purchaser: CHRISTOPHER R. HEBDEN AND FRANCES F. HEBDEN

Date: 09/11/2000

Seller: SYCAMORE, A MICHIGAN CO-PARTNERSHIP

File No.: 33:037775

Property Address: SOUTH STREET

PURCHASER'S STATEMENT

	CHARGES	CREDITS
Contract Sales Price	\$75,000.00	
Recording Fees DEED	12.00	
Assumption Fee	0.00	
CLOSING FEE	300.00	
TITLE INSURANCE	381.00	
L/C Mortgage Balance as of:		0.00
Interest Adjustment From: To:		0.00
Tax Proration From: To:		0.00
Earnest Money Deposit		0.00
		0.00
		0.00
		0.00
		0.00
TOTALS	75,693.00	0.00
Less - Total Credits of	0.00	
AMOUNT DUE FROM PURCHASER TO CLOSE	75,693.00	

SELLER'S STATEMENT

	CHARGES	CREDITS
Contract Sales Price		75,000.00
L/C Mortgage Balance as of:	0.00	
Interest Adjustment From: To:	0.00	
L/C Mortgage Payment Due	0.00	
Title Insurance Premium: Midstate Title Company	0.00	
Closing Fee: Midstate Title Company	0.00	
State Transfer Tax 75000X8.6	645.00	
Brokerage Fee	0.00	
Property Taxes	0.00	
Tax Proration From: To:	0.00	
TOTALS	645.00	75,000.00
Less - Total Charges of		645.00
AMOUNT DUE TO SELLER TO CLOSE		74,355.00

The Undersigned hereby acknowledge receipt of a signed Closing Statement and authorize Midstate Title Company disbursements listed above and hereby approve payment of same.

Midstate Title Company

Christopher R. Hebden
CHRISTOPHER R. HEBDEN Purchaser

By: Carol M. Blackman

FRANCES F. HEBDEN Purchaser

By: _____

SYCAMORE, A MICHIGAN CO-PARTNERSHIP
X Bennie C. Wick
Seller



GREATER LANSING ASSOCIATION OF REALTORS® UNIFORM BUY & SELL CONTRACT - PART 1

Date JULY 8 - 2000

PAGE 1 OF 2



- SELLING OFFICE SELLER/OWNER TELEPHONE 517-372-9600 FAX 517-372-0760 Broker # NONE
(Member of Greater Lansing Association of REALTORS®)
- LISTING OFFICE NONE TELEPHONE _____ FAX _____ Broker # _____
(Member of Greater Lansing Association of REALTORS®)
1. BUYER CHRISTOPHER R. HEBDEN HUSBAND and FRANCES F. HEBDEN WIFE spouse or other
[Print Buyer's name(s) as should appear on final documents] [Print Buyer's name(s) as should appear on final documents]
called the BUYER, OFFERS TO BUY FROM SELLER the following:
2. PROPERTY situated in the City/Twp. of MASON County of Ingham Michigan, located at:
SOUTH ST. - 1.34 ± ACRES ON SOUTH ST - AS DESIGNATED ON SURVEY ATTACHED
and legally described as: SEE ATTACHED
- MLS #(s) N/A Permanent Parcel #(s): _____
- Subject to any existing building and use restrictions, zoning ordinances, and easements, if any. The Property includes all buildings; GAS, OIL, AND MINERAL RIGHTS OWNED BY SELLER; all attached fixtures such as carpeting and linoleum; mirrors; complete lighting and fan fixtures; window treatment hardware/rods; window shades and blinds; screens, storm windows and doors; stationary laundry tubs; heating and air conditioning equipment; water heater; water softener (unless rented); water pump and pressure tank; sump pump; TV antenna, complete rotor equipment, satellite dish and controls; garage door opener and controls; attached work benches; all attached shelving; stationary outdoor grills; all support equipment for in-ground pools; detached storage buildings; fireplace doors and screens; built-in appliances; mail box; all plantings; underground sprinkling system, water pumps and timers; fences; fuel storage tanks (unless rented) and fuel in tanks; awnings; basketball hoop/backboard; outdoor play equipment; EXCEPTIONS OR ADDITIONS:
PROPERTY IS VACANT
3. AGENCY DISCLOSURE: THE UNDERSIGNED BUYER AND SELLER EACH ACKNOWLEDGE THAT THEY HAVE READ AND SIGNED THE DISCLOSURE REGARDING REAL ESTATE AGENCY RELATIONSHIPS. THE SELLING BROKER/SALESPERSON IS ACTING AS (check one):
☒ AGENT/CO-AGENT OF THE SELLER ☐ BUYER'S AGENT ☐ DUAL AGENT (with written, informed consent of both BUYER and SELLER)
☐ OTHER: _____
4. PRICE: THE SALE PRICE WILL BE SEVENTY FIVE THOUSAND 00/100 DOLLARS (\$ 75,000⁰⁰).
5. METHOD OF PAYMENT: ALL MONIES MUST BE PAID IN U.S. FUNDS IN THE FORM OF CERTIFIED CHECK, CASHIER'S CHECK, OR BANK MONEY ORDER. The sale will be completed by the following method:
☒ CASH. The full price upon delivery of a warranty deed (in the form of CERTIFIED CHECK, CASHIER'S CHECK, OR BANK MONEY ORDER).
☐ NEW MORTGAGE. This Contract is contingent on BUYER'S ability to obtain a _____ mortgage in the amount of \$ _____ or _____ % of the sale price. ☐ BUYER will apply for loan within _____ business days after SELLER'S acceptance or ☐ Buyer is conditionally preapproved. If BUYER fails to deliver to SELLER acceptable evidence of formal loan approval for the above designated property on or before _____ SELLER may cancel this Contract. Sale will be completed upon delivery of a warranty deed.
☐ LAND CONTRACT. \$ _____ down payment upon BUYER and SELLER signing a Greater Lansing Association of REALTORS® Land Contract (latest revision), or other form specified below. BUYER will pay monthly installments (principal and interest) of \$ _____ or more, including annual interest of _____ %, beginning _____ days after Closing. BUYER will pay the entire balance within _____ years after Closing; and in addition: ☐ 1/12 of SELLER'S estimate of annual real estate taxes will be paid by BUYER each month by: _____ add back _____ escrow; OR ☐ real estate taxes will be paid by BUYER.
☐ ASSUMPTION/ASSIGNMENT. Delivery of: ☐ Warranty deed subject to BUYER'S ☐ Formal ☐ Informal Assumption of existing mortgage, OR ☐ Assignment of SELLER'S interest in land contract, provided mortgage or land contract is assumable by BUYER. BUYER to pay the difference (approximately \$ _____) between sales price and balance of mortgage/land contract and to assume responsibility for monthly payments of \$ _____ including interest at _____ % yearly, which is _____ fixed _____ variable. BUYER WILL REIMBURSE SELLER FOR ANY FUNDS HELD IN ESCROW.
6. PRORATED ITEMS: Rents, association dues/fees, if any; service and usage fees; insurance if assigned; and interest on any existing land contract, mortgage, or lien assumed by BUYER, will be current and prorated to the date of Closing. EXCEPTIONS: NONE
7. A. SPECIAL ASSESSMENTS which are or become a lien on the property on or before the date of Closing will be paid by SELLER. EXCEPTIONS: NONE
B. TAXES will be treated as if they cover the CALENDAR YEAR in which they are first billed. TAXES first billed in years prior to year of Closing will be paid by SELLER without proration. TAXES which are first billed in the year of Closing will be prorated so that SELLER will pay taxes from the first of the year to Closing date; and BUYER will pay taxes for the balance of the year, including the date of Closing. If any bill for taxes is not issued as of the date of Closing the then current taxable value and tax rate and any administrative fee will be substituted and prorated.
8. A. BUYER WILL PAY FOR transfer fees on mortgage assumptions; recording of deed and/or security instruments; attorney's opinion and/or services for BUYER; mortgage closing costs required by lender including mortgage title insurance, appraisal, closing fees, all inspections; rezoning; soil borings; franchise agreements; use permits; drain and/or other easements; rights-of-way; and ☒ stake or ☒ mortgage report survey.
EXCEPTIONS: BUYER TO PAY FOR OWNERS TITLE INSURANCE & CLOSING COST
B. ~~SELLER~~ BUYER WILL PAY FOR an owner's policy of title insurance with standard exceptions in the amount of the sale price; all costs required to convey clear title; closing fee if closing a cash, land contract, V.A., or purchase money mortgage transaction; all transfer taxes on deed; preparation of deed, land contract and security instruments; and other documents necessary to convey clear title. EXCEPTIONS: BUYER TO PAY FOR THE ABOVE. SELLER
9. PROFESSIONAL ADVICE: ~~Broker~~ SELLER advises BUYER to seek legal, tax, environmental, and other appropriate professional advice relating to this transaction. ~~Broker~~ SELLER does not make any representations or warranties with respect to the advisability of, or the legal effect of this transaction. ☒ BUYER acknowledges that it has been recommended that an attorney be retained to review the marketability of title and all Closing documents including the Greater Lansing Association of REALTORS® Closing Agreements form in order to determine that the terms of this Contract have been met. Documents of transaction to be reviewed by: Attorney Name: TO BE NAMED Telephone # _____ Address: _____ Fax # _____
OR ☐ BUYER acknowledges that, contrary to recommendation, BUYER DOES NOT DESIRE TO RETAIN AN ATTORNEY.
10. CLOSING: Sale will be closed on/by AUG-8 2000 unless amended by written addendum to this Contract. If title defects exist, SELLER will have 30 days after receiving written notice to remedy the defects. After the 30 days, SELLER will refund the deposit in full termination of this Contract if unable to remedy title defects.
11. OCCUPANCY: SELLER will deliver; and BUYER will accept possession of the property at Closing, subject to the rights of present tenants, if any. If SELLER occupies the property, it will be vacated not later than AT ~~date of~~ Closing. At Closing, SELLER will pay BUYER the total sum of \$ 0 based upon \$ 0 per day, as occupancy charge for the period from the Closing date through the agreed surrender date. Charges for unused days will be reimbursed to SELLER upon vacating. SELLER is responsible for utilities and any repairs of damage caused to the property by SELLER after Closing and before vacating and will transfer the property rubbish free. If tenants occupy property, ☐ BUYER will assume responsibility for tenants and security deposits. Security deposits, leases, and move-in check sheets, if any, will be transferred to BUYER at Closing; OR ☒ Property will be vacant at Closing.
12. SELLER'S DISCLOSURE: BUYER acknowledges that a SELLER'S DISCLOSURE STATEMENT ☐ has already been provided OR ☒ is to be provided with SELLER'S response to this offer unless exempt by current statute. BUYER will have 0 business days after SELLER'S acceptance to cancel this contract if conditions unacceptable to BUYER are disclosed. SELLER will inform BUYER in writing of any changes in the content of any disclosure statement prior to Closing and will be responsible for maintaining the condition of the property as disclosed.
13. LEAD PAINT NOTICE APPLICABLE TO RESIDENTIAL HOUSING BUILT PRIOR TO 1978.
A. BUYER acknowledges that prior to signing this Sales Contract, BUYER has received the HUD/EPA pamphlet PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME, and has received and reviewed a copy of the LEAD-BASED PAINT SELLER'S DISCLOSURE FORM completed by the SELLER on _____, the terms of which are incorporated herein by reference.
B. ~~BUYER~~ BUYER initial one: BUYER shall have a _____ day opportunity after the date of this Sales Contract to conduct an inspection of the property for the presence of lead-based paint and/or lead-based paint hazards. (Federal Regulations require a 10-day period, but the BUYER and SELLER may agree upon a different period of time.) If BUYER is not satisfied with the results of this inspection, upon notice from BUYER to SELLER within this period, this Sales Contract shall terminate, and any deposits shall be refunded to BUYER; OR _____ BUYER hereby waives his/her opportunity to conduct a risk assessment, or inspection for the presence of lead-based paint and/or lead-based paint hazards.



GREATER LANSING ASSOCIATION OF REALTORS® UNIFORM BUY & SELL CONTRACT -
PART 1



Page 2

SOUTH ST. CITY OF MASON, MICHIGAN (see attached survey & description)
Property Description/Address

14. **PROPERTY CONDITION:** BUYER agrees to accept the property "AS IS" in its present condition after personal inspection of the property and review of information contained in any written disclosure statement provided by SELLER. BUYER is not relying on any representation or statement made by SELLER or any real estate Salesperson/Broker regarding any aspect of the property other than express representations in this Contract, any addendum(s) or statements contained in any disclosure statement. BUYER ACKNOWLEDGES THAT ALL INFORMATION PROVIDED BY THE ~~SELLER~~ GREATER LANSING ASSOCIATION OF REALTORS® ATTACHED LINESIDE IS DEEMED CORRECT BUT IS NOT GUARANTEED OR WARRANTED.
15. **INSPECTIONS:** ☐ This offer is contingent upon satisfactory inspection(s) of the property, including ☐ plumbing ☐ heating ☐ electrical ☐ structural ☐ pest ☐ radon ☐ other SOIL ZONING, at BUYER'S expense, by licensed contractor(s) and/or inspector(s) of BUYER'S choice. If the property is damaged as a result of the inspection or testing, BUYER assumes responsibility to restore the property to its former condition or to compensate SELLER accordingly. BUYER has the right to terminate this Contract if BUYER is not satisfied with the results of the inspections by giving SELLER written notice within 10 business days after this Contract is fully executed.

ADDITIONAL INSPECTIONS: This offer is contingent upon satisfactory inspection of the property, including ☐ well ☐ septic system ☒ survey ☐ other ZONING - SOILS, at BUYER'S expense, by a licensed contractor(s) and/or inspector(s) of BUYER'S choice. BUYER has the right to terminate this CONTRACT if BUYER is not satisfied with the results of the inspection(s) by giving SELLER written notice. OR, ☐ ~~contrary to Broker recommendation~~, BUYER acknowledges that it has been recommended that a licensed contractor(s) and/or inspector(s) of BUYER'S choice be retained to inspect the property. BUYER DOES NOT DESIRE TO OBTAIN AN INSPECTION OF THE PROPERTY. BUYER IS NOT RELYING ON ANY REPRESENTATION OR STATEMENT MADE BY SELLER OR ANY REAL ESTATE SALESPERSON/BROKER REGARDING ANY ASPECT OF THE PROPERTY OR THIS SALE, EXCEPT AS MAY BE EXPRESSLY SET FORTH IN THIS CONTRACT, A WRITTEN AMENDMENT TO THIS CONTRACT OR ANY WRITTEN DISCLOSURE STATEMENT.

16. **BUYER'S DEPOSIT:** \$ 0 showing BUYER'S good faith will be deposited with MID STATE TITLE COMPANY (REALTOR/BROKER) under current regulations of the Michigan Department of Consumer & Industry Services, Bureau of Occupational and Professional Regulation - Real Estate Division. This deposit will be applied as part of the purchase price. If this offer is not accepted, or title is not marketable or insurable, or if the terms of purchase are contingent upon BUYER'S ability to obtain ☐ a new mortgage, or if sale is on land contract subject to its sale, or if there are any other contingencies in this Contract which cannot be met, ☒ this deposit is to be refunded. If BUYER defaults, SELLER may enforce this Contract or ☐ ~~may cancel it~~, ☒ keep the deposit, and pursue his/her legal and/or equitable remedies. If SELLER defaults, BUYER may enforce this Contract or may demand a refund of the deposit and pursue his/her legal and/or equitable remedies. If there is a default by either party and the deposit is forfeited, the deposit will be transferred to Listing Broker's trust account for distribution as agreed by all parties in writing. If no mutual agreement can be negotiated, the party holding the deposit may, upon 30 days written notice to all parties, transfer the deposit by interpleader to a court of proper jurisdiction after deducting out-of-pocket costs and legal fees. Delivery to court will release the Broker from further liability concerning the deposit.
17. **MEDIATION:** BUYER and SELLER agree that any dispute related to this Contract shall be submitted to Mediation. This Mediation shall be according to the NATIONAL ASSOCIATION OF REALTORS® rules and procedures of the Homesellers/Homebuyers Dispute Resolution System. If the parties cannot reach a binding agreement in Mediation, they have the right to use other legal remedies. BUYER acknowledges receipt of the brochure briefly describing the Mediation System.
18. **ASSIGNMENT:** BUYER will not assign this Contract without the consent of SELLER.
19. **OTHER PROVISIONS:**

The following are Deed Restrictions placed on the above described land. These Deed Restrictions shall be in effect for 25 years, unless amended or dissolved by Sycamore Partnership and Bennie C. Wickens and David L. Wickens their heirs or assigns the Sellers.

- Any division of the property shall be done by plotting, no splits will be allowed. Any plotting shall be limited to 4 residential lots.
- Zoning and use of property to be limited to multi-family residential and the restrictions that are in the City of Mason's REM District Article 8 that is dated May 1, 1972.
- There shall be a minimum of 1400 square foot for each residential unit plus one garage.
- The exterior of any structure shall have some brick on the front and be compatible with the Beacon Lake Apartments to the south of the property.
- Any zoning changes to be approved by SELLERS,

This property is sold AS-IS and no guarantee as to the amount of soil conditions, availability of water, sewer, storm water detention or retention and other utilities and zoning is warranted or guaranteed by SELLERS

20. **ENTIRE AGREEMENT:** This Contract supersedes any and all understandings, negotiations, or offers and is the entire agreement between BUYER and SELLER. No oral representations or statements will be considered a part of this Contract, and no modifications of this Contract will be binding unless in writing and signed by BUYER and SELLER.
21. **BUYER'S ACKNOWLEDGEMENT:** BUYER acknowledges receipt of a copy of this Sales Contract.

DATE: _____, 19____ am/pm
Witness/Agent _____ x Christopher B. Heide BUYER
Agent's TELEPHONE: _____ x _____ BUYER

DISCLAIMER: This form is provided by the Greater Lansing Association of REALTORS® solely for the use of its Members. Those who use this form are expected to review both the form and the details of the particular transaction to ensure that each section of the form is appropriate for the transaction. The Greater Lansing Association of REALTORS® is not responsible for use or misuse of the form, for misrepresentation, or warranties made in connection with the form.



GREATER LANSING BOARD OF REALTORS®
ACKNOWLEDGEMENT OF BUY AND SELL AGREEMENT



STREET _____

CITY _____

ZIP _____

PROPERTY _____

This agreement to be part of and incorporated into the Buy and Sell Agreement between _____
_____ as PURCHASER and _____
_____ as SELLER dated _____ regarding the above captioned
property.

Date _____, 19 ____ A.M.
P.M.

THE ABOVE REFERENCED BUY AND SELL AGREEMENT IS HEREBY ☐ ACCEPTED AS WRITTEN.
☐ REJECTED
☐ AMENDED AS FOLLOWS:

SELLER'S COUNTER OFFER

ALL OTHER TERMS AND CONDITIONS REMAINING UNCHANGED.

PURCHASER'S acceptance of any counter offer by SELLER made herein shall be binding on the SELLER only if such acceptance by PURCHASER is personally delivered or personally tendered to SELLER prior to the personal delivery or personal tender to SELLER of another accepted counter offer or any other offer and prior to SELLER'S acceptance of another offer. If competing counter offers or offers are delivered or tendered to SELLER substantially simultaneously SELLER shall be entitled to choose conclusively the transaction on which SELLER will be bound.

SELLER UNDERSTANDS THAT CONSUMMATION OF THE SALE OR TRANSFER OF THE PROPERTY DESCRIBED IN THIS AGREEMENT SHALL NOT RELIEVE THE SELLER OF ANY LIABILITY THAT THE SELLER MAY HAVE UNDER THE MORTGAGE(S) OR OTHER INDEBTEDNESS(ES) TO WHICH THE PROPERTY IS SUBJECT UNLESS OTHERWISE AGREED TO BY THE LENDER OR REQUIRED BY LAW OR REGULATION.

RECEIPT IS HEREBY ACKNOWLEDGED BY SELLER OF A COPY OF THIS AGREEMENT.

WITNESS _____ X  Ben C. Wilson SELLER
(If SELLER is married, spouse must sign)
WITNESS _____ X David L. White SELLER

SELLER'S ADDRESS _____ Phone (Res) _____ (Office) _____

Date _____, 19 ____ A.M.
P.M.

☐ RECEIPT IS HEREBY ACKNOWLEDGED BY PURCHASER of the SELLER'S acceptance of Buy and Sell Agreement.

OR SELLER'S Counter Offer above is hereby ☐ ACCEPTED as written; ☐ REJECTED.

WITNESS _____ X  Christopher B. Hudson PURCHASER
WITNESS _____ X _____ PURCHASER

Date _____, 19 ____ A.M.
P.M.

RECEIPT IS HEREBY ACKNOWLEDGED BY SELLER of a copy of the PURCHASER'S Acceptance of SELLER'S Counter Offer.

WITNESS _____ X  Ben C. Wilson SELLER
WITNESS _____ X David L. White SELLER

DISCLAIMER: This form is provided as a service of the Greater Lansing Board of REALTORS®. Those who use this form are expected to review both the form and the details of the particular transaction / ensure that each section of the form is appropriate for the transaction. The Greater Lansing Board of REALTORS® is not responsible for use or misuse of the form, for misrepresentation, or warrant / made in connection with the form.

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330

STOP WORK NOTICE

DATE: October 19, 2000

TO: Chris Hebden
320 W. Cherry Street
Mason, MI 48854

FROM: Jim Lyon, Zoning / Development Director

SUBJECT: Work Being Performed Under Building Permit Number PB000093 at 513 - 515
South Street Must Cease Immediately

Taken Care of 10-28-00

It was brought to my attention today that you have not completed the parcel slit process for the lot you are building on. You have neither completed the land division application form nor paid the fee required for review of said form. For these reasons, building permit number PB000093 was issued in error and is invalid. No further work may commence on your proposed project under Building Permit PB000093 until my office receives written notification from the City Assessor's office that the requisite land division has been successfully completed. At that time I will have the permit reactivated and the project can then commence again.

Direct any questions you may have regarding this matter to me at 676-9155.

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason-mi.com

City of Mason



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

October 20, 2000

To: Jim Lyon, Zoning Administrator
From: Julie Pulling, Assessor
Re: Land Division # 01-10

Attached please find the application for a land division on West South street owned by Chris Hebden. I can find no conflict with the Land Division Act or our local ordinances. Please review this application and approve or deny on the last page.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Julie", is written below the word "Respectfully,".

513-515 W. South Street - Variance Application

EXHIBIT B

- 2013 CORRESPONDENCE WITH
PREVIOUS OWNERS (BEZABIH AND
WONDIMAGEGNEHU)
- 2001 Plat Records

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

September 4, 2013

Mr. Bereket Bezabih
Mr. Yohannes Wondimagegnehu
513-515 W. South St.
Mason, MI 48854

Re: 513-515 W. South St. – Property Address Confirmation

Dear Mr. Bezabih and Mr. Wondimagegnehu:

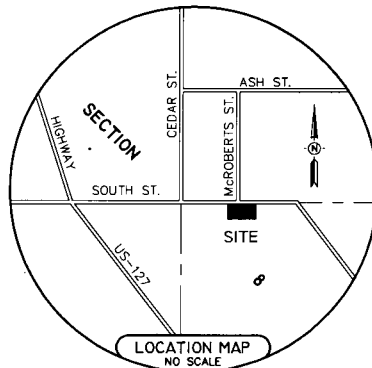
Please accept this letter as confirmation that the property having parcel number 33-19-10-08-402-016 is a duplex (two-family) with two corresponding addresses 513 West South Street and 515 West South Street.

Should you have any question or concern regarding this property address confirmation, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "DEH", is written over a horizontal line.

David E. Haywood
Zoning & Development Director



F & C SUBDIVISION

A PART OF THE SOUTHEAST 1/4 OF SECTION 8, T2N, R1W CITY OF MASON, INGHAM COUNTY, MICHIGAN

SURVEYOR'S CERTIFICATE

I, Jeffrey K. Autenrieth, Surveyor, certify:
That I have surveyed, divided, and mapped the land shown on this plat, described as follows:

F & C SUBDIVISION, a part of the Southeast 1/4 of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan described as: Commencing at the South 1/4 corner of said Section 8, thence N00°11'57"E along the North-South 1/4 line of said Section 8 a distance of 2652.11 feet to the Center of said Section 8, thence S89°57'25"E along the East-West 1/4 line of said Section 8 a distance of 526.69 feet to the point of beginning of this description, thence S89°57'25"E continuing along said East-West 1/4 line and in part along the South line of the Consolidated Plat of the Village of Mason, as recorded in Liber 37, Page 234, Ingham County Records, 35000 feet; thence S00°18'46"W 178.00 feet; thence N89°57'25"W parallel with said East-West 1/4 line 35000 feet; thence N00°18'46"E 178.00 feet to the point of beginning; containing 1.34 acres more or less, and 4 lots numbered 1 through 4 inclusive;

That I have made such survey, land-division, and plat by the direction of the owners of said land;

That such plat is a correct representation of all exterior boundaries of the land surveyed and the division of it;

That the required monuments and lot markers have been located in the ground and the survey has been deposited with the municipality, as required by section 125 of the Act;

That the accuracy of the survey is within the limits required by section 126 of the Act;

That all bearings shown on the plat are expressed as required by section 126(3) of the Act and as explained in the legend.

Date 5-14-01

KERS, INC.
2116 Hossett Road
Hossett, Michigan 48840



Jeffrey K. Autenrieth
Jeffrey K. Autenrieth, Vice-President
Professional Surveyor No. 31588

PROPRIETOR'S CERTIFICATE

We, as proprietors, certify that we caused the land embraced in this plat to be surveyed, divided, and mapped in accordance with the plan shown on this plat, and that the streets are for the use of the public, that the public utility easements are provided easements, and that all other easements are for the uses shown on the plat.

Jeffrey K. Autenrieth
Jeffrey K. Autenrieth

Richard W. Steadman
Richard W. Steadman
Witness: Richard W. Steadman

Frances F. Hedden
Frances F. Hedden
320 W. Cherry Street
Mason, MI 48854

ACKNOWLEDGEMENT

State of Michigan
Ingham County

Personally came before me this 14th day of May, 2001, the above named Christopher R. Hedden and Frances F. Hedden, his wife, to me known, who being duly sworn, depose and say that the foregoing instrument was executed by them and acknowledged that they executed the same as their free act and deed.

Notary Public, *Sharon Boxer*
Sharon Boxer acting within Ingham County

My commission expires January 8, 2005.

COUNTY TREASURER'S CERTIFICATE

The records in my office show no unpaid taxes or special assessments for the five (5) years preceding 17 2001 involving the lands in this plat.

Eric Schertzing
Eric Schertzing, Ingham County Treasurer

PLANNING COMMISSION APPROVAL

This plat was approved by the Planning Commission of the City of Mason at a meeting held July 10, 2001.

Barbara Tornholm
Barbara Tornholm, Chair

COUNTY DRAIN COMMISSIONER'S CERTIFICATE

I certify that this plat was approved by the City Council of the City of Mason at a meeting held May 18, 2001, as complying with Section 192 of Act 286 of 1967 and the applicable rules and regulations published by my office in the County of Ingham.

Patrick E. Lindemann
Patrick E. Lindemann, Ingham County Drain Commissioner

CERTIFICATE OF MUNICIPAL APPROVAL

I certify that this plat was approved by the City Council of the City of Mason at a meeting held May 18, 2001, and was reviewed and found to be in compliance with Act 286, P.A. 1967, and that public sewer and public water services have been installed and are ready for connection. The City of Mason has adopted zoning and subdivision control ordinances which specify lot widths and areas, and waded the minimum lot size specified in P. A. 286 of 1967.

Martin A. Coburn
Martin A. Coburn - Clerk

COUNTY PLAT BOARD CERTIFICATE

This plat has been reviewed and is approved by the Ingham County Plat Board on May 18, 2001, and the Plat Board's applicable rules and regulations of Act 286, P.A. 1967, and the Plat Board's applicable rules and regulations.

Eric Schertzing
Eric Schertzing, County Treasurer
Paul Johnson
Paul Johnson, Register of Deeds

Mike Bryerton, County Clerk

RECORDING CERTIFICATE

STATE OF MICHIGAN
INGHAM COUNTY
This Plat was received for the record on May 15th day of May, 2001, at 11:04 A. M., and recorded in Liber 54 of Plots, on Page 25 of 11.

Paul Johnson
Paul Johnson, Register of Deeds

CERTIFIED TRUE COPY OF
RECORDED PLAT
BY DEPARTMENT OF CONSUMER
AND INDUSTRY SERVICES
BY *Margaret B. Dyer*
MARGARET B. DYER, P.S., CLERK
SUBDIVISION CONTROL AND
SURVEY & REMONUMENTATION
SECTION

DATE 11-15-01

6670 C

Introduced: Soule
Supported: Howe

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2001-27**

May 7, 2001

WHEREAS, the City Council has received a Preliminary Plat of F & C Subdivision submitted by Christopher Hebden, 320 W. Cherry Street, Mason; and

WHEREAS, the City Planning Commission conducted a public hearing on February 20, 2001, approved the Preliminary Plat of F & C Subdivision and recommended tentative approval of the Preliminary Plat by City Council; and

WHEREAS, City Council granted Tentative approval to the Preliminary Plat of F & C Subdivision on March 6, 2001 as provided under Section 9 of Ordinance No.73, conferring upon the proprietor for a period of one year approval of lot size, lot orientation and street layout;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mason that final approval of the Preliminary Plat of F & C Subdivision is hereby granted as provided under Section 10 of Ordinance No.73, conferring upon the proprietor for a period of two years the conditional right that the general terms and conditions under which preliminary plat approval is granted will not be changed but before proceeding with the construction of any public improvements the proprietor shall submit four (4) copies of complete street, street lighting, water, storm and sanitary sewer plans, and specifications prepared and sealed by an engineer registered in the state of Michigan.

Yes: (7) Clark, Howe, Soule, Birdsall, Preadmore, Helbig, Whipple

No: (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council at its regular meeting on May 7, 2001, the original of which is part of the Council's minutes.



Martin A. Colburn, Clerk
City of Mason, Ingham County



City Manager's Report: January 31, 2020

ACTIVE PROJECTS STATUS UPDATES (PROJECTS NOT COORDINATED BY THE CITY)

Project Name	Status
LAND DIVISIONS/COMBINATIONS	
Coppersmith Drive (formerly Enclave at Rayner Ponds) PENDING	Staff is administratively processing a land division request by Giguere Realty and Development to create five (5) buildable lots approximately 1-acre each and one remaining 8.60-acre parcel with frontage along Coppersmith Drive, an existing public roadway.
BUILDING PERMITS – COMMERCIAL PROJECTS UNDER CITY REVIEW	
213 N. East St. – ServiceMaster ACTIVE	Building permit active to add overhead door, open doorways to meet ADA code and build necessary ramps.
205 S. Cedar - DSN PENDING	Two building permits pending for this address. Both filed after code enforcement violations were noted. 1. Sign permit. 2. Installing door on front of building.
118 W. Oak St. PENDING	Two permits pending for this address. 1. Change of Occupancy permit has been filed for Nail Tech in small office space. 2. Change of Occupancy permit has been filed to proceed with opening of the Arcade on the first floor only. There will be no escape room at this time.
125 E. Kipp Rd – Dollar Tree ACTIVE	Building permit is active for a 5,460 sq. ft. addition to accommodate up to four new retailers.
652 Hull Rd- New Goodwill ACTIVE	Building permit application is active and construction of a new 15,772 square foot commercial building for a Goodwill retail store.
801 N. Cedar St.- City Limits ACTIVE	Building permit is active to construct a 4,828 sq. ft. addition along with additional parking.
402 S. Jefferson (former Baja Grill) ACTIVE	Building permit is active for interior and exterior renovations.
549 W. Ash- Dog Groomer TEMPORARY OCCUPANCY PERMIT ISSUED	A Temporary Certificate of Occupancy has been issued to assist in opening the business. Staff is working with owner on a revised parking plan to address safety requirements and pre-existing, non-conforming layout. Once the new parking area is complete, a final Certificate of Occupancy will be issued. <i>Parking updates have been delayed until spring.</i>
525 N. Cedar- Timeless Treasures TEMPORARY OCCUPANCY PERMIT ISSUED	A Temporary Certificate of Occupancy has been issued for Timeless Treasures. Remaining work includes the installation of the approved landscaping, repairs to parking lot lighting, and a site plan revision if the owner intends to include the outdoor flea market.
BUILDING PERMITS – FIRE RESTORATION	
Private Residence – Hall Blvd. ACTIVE	Building permit is active for demolition after fire. Building permit received for reconstruction of residence is under review.
111 Mason St. – Mason Depot ACTIVE	Building permit is active for reconstruction after fire.
575 N. Cedar St. – Heb's Inn ACTIVE	Building permit is active for reconstruction after fire.

ZONING BOARD OF APPEALS

Private Residence – Stag Thicket ACTIVE	Scott LaMacchia appealed an administrative decision from the Code Enforcement and Zoning Officials to require permits for work being done on the property. ZBA rendered a decision on January 8 that the Zoning Official can continue enforcement activity that will include working with the homeowners on the process of obtaining permits and assessing any fines that may be required and that the Zoning Official will work out an appropriate time frame in this matter. Staff have met with the owners and they are working on compliance.
513-515 W. South St. PENDING	Crockett Law Offices has filed a petition for a variance from the City ordinances Chapter 94 Article X, Chapter 100 Tables 1, 2 related to a non-conforming structure, non-conforming uses and dimensional requirements, parking in the front yard and deed restrictions on property located at 513 - 515 W. South St. A public hearing will take place on Wednesday, February 12, 2020, at 5:30 p.m., or as soon thereafter as possible, in the 2nd floor Maple Room at City Hall.
934 and 965 Franklin Farms Drive Esquire Development and Construction, Inc. ACTIVE	On January 7, the Ingham County Drain Commission held a Board of Determination meeting after receiving a petition signed by 5 landowners. They decided there is sufficient evidence to take action on the Willow Creek Drain.

OPERATIONS AND COMMUNITY RELATIONS

- Some paperless customers for water and sewer bills didn't receive their December bills due to an issue with the new full-page format. If you need anyone needs a copy, please call 676-9155 or email info@mason.mi.us.
- The Police Department worked collaboratively with MSP and our SRMS Analysts to migrate to an electronic vacation property check form for all our in-car SRMS units. All vehicles now have real-time access to the information.
- Staff has developed a Sanitary Sewer - Inflow and Infiltration Reduction Plan to address excess influent into the WWTP. The plan being implemented includes: identifying (repairing, if needed) all manhole castings not in the right-of-way, installing flow meters at troublesome areas, televising certain areas, evaluating a point of sale ordinance requiring an inspection to determine illicit connections/ water service line materials.
- Emily Bartlett attended the Annual Michigan Municipal Treasurer's Association Winter Workshop Jan 16-17. This year the workshop had training on our BS&A tax software.
- On Jan 22, 2020 the Police Department began transition to the Axon X2 ECW (Tasers) with a 6-hour block by Certified Axon ECW Instructor, Officer Adam Michele. Stockbridge participated in the training.
- City Manager Stuart attended the Winter Institute for Michigan Municipal Executives on Jan. 28-31. This included legislative updates, state agency updates, lead and copper law, and numerous other sessions that will assist the City.

Staffing Updates:

- Open Positions: Laborer – posted externally, closes February 7; Assistant City Manager/Public Works Director posted externally, closes February 12; Crossing Guard, substitute seasonal; open until filled.

Traffic Updates:

- Columbia Street near the Sycamore Village Mobile Home Park (Bus Stop) - Speed Complaint/Concern for Students
Officers assigned to targeted enforcement. Staff has partnered with Sycamore Village Management to add a conspicuous school bus warning sign for W/B traffic to notify drivers of the bus stop. The sign has been ordered.
- Maple Street between Columbia Street and Steele Street -Speed Complaint.
This concern is related to the Mason Middle School drop-off and pick-up times in the AM and PM. Officers assigned to targeted enforcement; speed trailer will be placed in the area when available, after winter.
- W. Ash between Kiwanis Drive and Cedar St. – Traffic Flow Complaint
This concern is being re-opened as there is a need to continue to monitor traffic issues around the Harvey Education Center during school days, including pedestrian safety, vehicular travel and parking.
- M-36 (S Cedar St) and W Columbia St- Traffic Flow Complaint
Left Turn/Intersection Complaint for cross traffic left turns. This intersection is MDOT controlled. Mason PD is conducting observation and working with MDOT engineers to collect information for the intersection.

LARGE CITY PROJECTS

FY 2018-2019 – CONTINUING PROJECTS			
Project	Project Name/Description	Status	Completed
STREETS, SIDEWALKS, BRIDGES (S)			
2018-S1	MDOT- Temple Street Safety Grant	Rejected the bids due to the cost. School will make the decision in the next few weeks regarding how they would like to move forward.	

FY 2019-2020			
Project	Project Name/Description	Status	Completed
STREETS, SIDEWALKS, BRIDGES (S)			
2017-S5	Walnut- Columbia St. to North End	Final cleanup and restoration as applicable remain.	October
2017-S10	Sidewalk Program- NW Quadrant	Anticipated bid process beginning Spring 2020	
2017-S11/ 2017-U19/ 2018-P3	Kerns Road- Cedar Street to Howell Rd./ Hayhoe Riverwalk Trail Extension	Contractor in place. Plans and permit request submitted to ICRD for Howell Road crossing. Project is on hold until Spring 2020	
2017-S12/ 2017-U20	W. Elm St.- Henderson St. to Jefferson St.	Restoration and final clean up as applicable.	November
2017-S13/ 2017-U21	Park St.- Elm Street to Oak St.	Complete	November
UTILITIES: SANITARY SEWER, STORM WATER, AND WATER DISTRIBUTION (U)			
2017-U11	Turbine Aeration Blower at POTW	Re-bid planned for Jan.	
2017-U15	Replace Hydrants at Mason Plaza	Discussions with owner about relocations occurring.	
2017-U23	Well No. 6 Rebuild	Moved to FY 2020-2021	
2017-U24	Study of Sewer Flow on Mason St.	Data collection underway	
2017-U25	Gutters for Water Treatment Plant	Moved to FY 2020-2021	
2019-U1	WWTP- Design	RFQP planned for Jan.	
2019-U2	DPW- Design	Revised layouts based on latest meeting provided to stakeholders. Discussed with school and will be getting feedback within next month or two regarding if they are able to move forward	
PARKS/ CEMETERY/ FORESTRY/ NONMOTORIZED (P)			
2017-P8	Laylin Park - Phase II	Not started, planned for Spring	
MOTOR VEHICLE POOL (MVP)			
2017-MVP11	Vehicle No. 13 Replacement	Received; outfitting is underway	
2017-MVP12	Mower No. 75 Replacement	Complete	July
2017-MVP13	Vehicle No. 6 Replacement	Received; outfitting is underway	
2019-MVP1	Vehicle No. 25 Equipping	Received and is in service - Complete	January
BUILDING, PROPERTY, EQUIPMENT (B)			
2017-B5	Library Improvements, Phase 1	RFP is re-posted with a deadline of January 31	
2017-B7 2018-B16	City Hall Parking Lot Repairs Station 1 Rear Approach	Projects will be combined with 2017-B7 for efficiency and budgeting. Estimated construction costs have been estimated and planning is in process.	
2017-B10	Fire Station 1- Furnace/AC	Not started	
2017-B11	Fire Station 1- Washer/ Dryer	Not started	
2017-B12	City Hall New Servers	Email Server to Office 365 Complete. City Hall server replacement expected June 2020.	
2018-B10	BS&A Module for Online Permitting	Beta testing of module will begin in 2020 with roof/siding permits.	
2018-B12	City Hall Carpet Replacement	Not started	
2018-B13	Extrication Tools Replacement	All items have been ordered and most have been received. Anticipated completion January 2020.	
2018-B15	Sprinkler System in Truck Bay	Preparing bid documents for project.	

2018-B19	Wireless Connectivity- City Hall to Jefferson St (DPW and POTW)	Previous account manager no longer with ACD. Working on new estimates with alternate routes.	
2019-B1	Election Tabulator Machines	Tabulator Machine has been ordered; anticipated receipt is now April 2020 so we will not have the new tabulator in time for the March 2020 election.	
2019-B2	City Hall- Phase 1	Not started	