

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

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

ZONING BOARD OF APPEALS MEETING – 2ND FLOOR TRAINING ROOM

**Wednesday, September 14, 2016
5:30 p.m.**

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: June 8, 2016
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. 227 N. Cedar St. – Variance – Parking
A Resolution Granting Multiple Parking Variances for Property Located at 227 North Cedar Street
7. Regular Business
8. Unfinished Business
9. New Business
10. Correspondence
11. Director's Report
12. Adjournment

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF JUNE 8, 2016**

Sabbadin called the meeting to order at 5:30 p.m. in the second floor training room at 201 W. Ash Street, Mason, Michigan.

Board Member(s) Present: Ackerson, McCormick, Sabbadin, Schaffer (alternate), Madden
Board Member(s) Absent: Crips (excused), Curtis, Maddix (excused)
Also present: David Haywood, Zoning and Development Director

APPROVAL OF MINUTES

The minutes of the November 11, 2015 were approved as presented.

OATH OF OFFICE

Cwiertniewicz issued the oath of office to Angela Madden.

ELECTION OF CHAIR AND VICE-CHAIR

Haywood opened the floor for nominations for Chairperson.

Nomination by McCormick,
to elect John Sabbadin as Chairperson.

As there were no other nominations for Chairperson, Haywood closed the nominations.

JOHN SABBADIN ELECTED CHAIRPERSON UNANIMOUSLY

Haywood opened the floor for nominations for Vice-Chairperson.

Nomination by Schaffer,
to elect Bob McCormick as Vice-Chairperson.

As there were no other nominations for Vice-Chairperson, Haywood closed the nominations.

BOB MCCORMICK ELECTED VICE-CHAIRPERSON UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

Angela Madden was introduced and welcomed to the Board.

REGULAR BUSINESS

Variance – 302 W. Columbia St.

Sabbadin opened the public hearing at 5:34pm and invited comments from the applicant.

Larry and Suellyn VanDeSande, 302 West Columbia St, Mason, MI, introduced themselves to the Board. Together and with the Board, the following issues were identified and discussed:

- The original porch was removed many years before
- Proposed porch will be open/non-enclosed
- The original home and porch were constructed before the current setback standards
- The proposed setback is 3.5 feet

The applicants distributed two photographs showing the existing conditions of the home relative to the proposed porch location to all of the Board members and staff. A lengthy discussion ensued regarding dimensions of the site and the variance request.

Being there were no other questions for the applicant or public in attendance to provide additional comments the public hearing was closed at 5:41 p.m.

MOTION by Sabbadin, second by Madden,
to introduce the resolution and consider it read.

MOTION APPROVED UNANIMOUSLY
VARIANCE GRANTED

UNFINISHED BUSINESS

Board members expressed interest in a workshop in May for training purposes.

NEW BUSINESS

None.

CORRESPONDENCE

None.

ADMINISTRATOR'S REPORT

Haywood gave a brief report of Zoning and Development business.

ADJOURNMENT

By consensus, the meeting adjourned at 6:05 p.m.

John Sabbadin, Chairperson

David E. Haywood, Zoning & Development Director

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

MEMORANDUM

TO: Zoning Board of Appeals

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Variance Request – 227 N. Cedar St. (Little Caesars)

DATE: September 7, 2016

REQUESTED ACTION:

The applicant is requesting approval for several variances from the parking requirements listed in Article IX of the Mason Zoning Ordinance. Below is a of the variances requested:

| Description | Code Section | Min. Req. | Proposed | Variance |
|----------------------------|--------------|------------|------------|-----------|
| Parking space area (10) | 94-292(j)(3) | 200 sq.ft. | 162 sq.ft. | 38 sq.ft. |
| Parking space area (11) | 94-292(j)(3) | 200 sq.ft. | 171 sq.ft. | 29 sq.ft. |
| Parking space width (21) | 94-292(j)(3) | 10 ft. | 9 ft. | 1 ft. |
| Parking space area (ADA-1) | 94-292(j)(7) | 160 sq.ft. | 144 sq.ft. | 16 sq.ft. |
| Total spaces | 94-292(g)(1) | 25 | 22 | 3 |

LAND USE AND ZONING PATTERN:

| | Current Land Use | Zoning | Future Land Use |
|-------|------------------|----------------------------------|-----------------|
| North | Undeveloped | C-2 (General Commercial) | Commercial |
| East | Commercial | C-2 (General Commercial) | Commercial |
| South | Commercial | C-2 (General Commercial) | Commercial |
| West | Residential | RS-3 (Single Family Residential) | Residential |

INTENT:

Section 94-121(a) of the Zoning Ordinance indicates that the general intent and purpose of zoning district regulations is to "...accommodate permitted uses and structures in a manner that minimizes negative impacts on abutting properties and complements the unique character and identity of the city through appropriate architectural design including building size,

building height, building materials, building location, signage, landscaping, buffering, safe circulation of vehicular and pedestrian traffic, and other pertinent development features”.

NOTIFICATION:

Forty-seven letters were sent out notifying the public of this request. As of the writing of this report, no responses have been received.

ANALYSIS:

On August 1, 2016, the Planning Commission approved Resolution No. 2016-07 for a building addition and drive-thru for Little Caesars Pizza. The approval included the condition that the applicant be granted a variance to address the shortfall in required parking. The applicant has explored numerous options to address the required number of parking spaces, including, but not limited to, one-way maneuvering lane, angled parking, joint use agreement with property to the south, and expanded parking lot to the west. A joint use agreement was not able to be reached between the two parties. Therefore, the applicant has chosen the parking arrangement shown on the attached site plan as a solution to the shortfall while meeting the intent of the ordinance as near as possible.

VARIANCE STANDARDS:

Section 94-365 gives the Zoning Board of Appeals the authority to grant variances to structures, and states that, “A variance may be granted only when the variance application and other factual evidence demonstrate all of the following:”

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.*
2. *A variance will not permit the establishment within a zoning district of any use not permitted within the district.*
3. *A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.*
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.*
5. *There is no lesser variance than that applied for which would give substantial relief to the applicant.*

Attachments:

1. Resolution
2. Application
3. Site Plan

Introduced:
Seconded:

**CITY OF MASON
ZONING BOARD OF APPEALS RESOLUTION**

**A RESOLUTION GRANTING MULTIPLE PARKING VARIANCES FOR
PROPERTY LOCATED AT 227 NORTH CEDAR STREET**

September 14, 2016

WHEREAS, a request has been received from Little Caesars – Birmingham LLC, for the following parking space variances;

| Description | Code Section | Min. Req. | Proposed | Variance |
|----------------------------|--------------|------------|------------|-----------|
| Parking space area (10) | 94-292(j)(3) | 200 sq.ft. | 162 sq.ft. | 38 sq.ft. |
| Parking space area (11) | 94-292(j)(3) | 200 sq.ft. | 171 sq.ft. | 29 sq.ft. |
| Parking space width (21) | 94-292(j)(3) | 10 ft. | 9 ft. | 1 ft. |
| Parking space area (ADA-1) | 94-292(j)(7) | 160 sq.ft. | 144 sq.ft. | 16 sq.ft. |
| Total spaces | 94-292(g)(1) | 25 | 22 | 3 |

WHEREAS, the subject property is legal defined as: Lot 6 exc W 6ft thereof & also lots 7, & 8, Block 6, Bush's Addn, Sec 5, T2NR1W, City of Mason, Ingham Co.; and

WHEREAS, the subject property is located in the C-2 (General Commercial) zoning district; and

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

WHEREAS, a public hearing on the request was noticed and held at the Zoning Board of Appeal's special meeting of September 14, 2016, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Zoning Board of Appeals does hereby approve the variances described herein as based on the plans received by the Zoning and Development Department on August 19, 2016.

Yes ()
No ()



APPLICATION – ZONING BOARD OF APPEALS

City of Mason

Planning Department • 201 W. Ash Street • Mason, MI 48854

Phone: 517/676-9155 • Fax: 517/676-1330

www.mason.mi.us

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: 8/19/16

Tax ID: 05-382-020

Fee: \$250.00

Receipt #: 100196421

RECEIVED

AUG 19 2016

**CITY OF MASON
PLANNING DEPT.**

I. APPLICANT INFORMATION

Name PHILIP MELTON

Organization LITTLE CAESAR'S - BIRMINGHAM LLC

Address 4625 WILLOUGHBY #6 HOLT, MI 48842

Telephone Number 517 319 7709 Facsimile Number _____

Interest in Property (owner, tenant, option, etc.) TENANT

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

II. PROPERTY INFORMATION

Owner DOUG JOHNS Telephone Number 517 204 5571

Property Address 227 N. CEDAR MASON, MI 48854

Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number _____

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

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 _____

Date 8/19/16

III. REQUEST 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.

A. Variance Table

| | Variance Type | Ordinance Requirement | Applicant Proposal* | Variance Request = (Requirement – Proposal) |
|---|--------------------------|-----------------------|---------------------|--|
| X | Rear Setback – EXAMPLE – | 45 feet | 43 feet | |
| | Front Setback | | | |
| | Side Setback | | | |
| | Rear Setback | | | |
| | Height | | | |
| | Lot Coverage | | | |
| | Lot Size | | | |
| | Parking Spaces | SEE BELOW | | |
| | Other (describe): | | | |

* 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."

B. Written Description (Attach additional pages, if necessary)

| | | | |
|--------------------------|-------|-------|------|
| Parking Space Area (10) | 200 # | 162 # | 38 # |
| Parking Space Area (11) | 200 # | 171 # | 29 # |
| Parking Space Width (21) | 10' | 9' | 1' |
| Parking Space Area (ADA) | 160 # | 144 # | 16 # |
| TOTAL SPACES | 25 | 22 | 3 |
| | | | |
| | | | |
| | | | |

IV. APPLICATION MATERIALS

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

1. **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:

- (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.**
 - (2) **A variance will not permit the establishment within a zoning district of any use not permitted within the district.**
 - (3) **A variance will not cause a substantial adverse effect to property or improvements in the zoning district and the immediately surrounding neighborhood.**
 - (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.**
 - (5) **There is no lesser variance than that applied for which would give substantial relief to the applicant.**
3. **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.**
 4. **All requests must be accompanied by any additional information deemed necessary by the Planning Department Staff.**
 5. **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.**
 6. **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".

V. 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.**

VI. STAFF REPORT

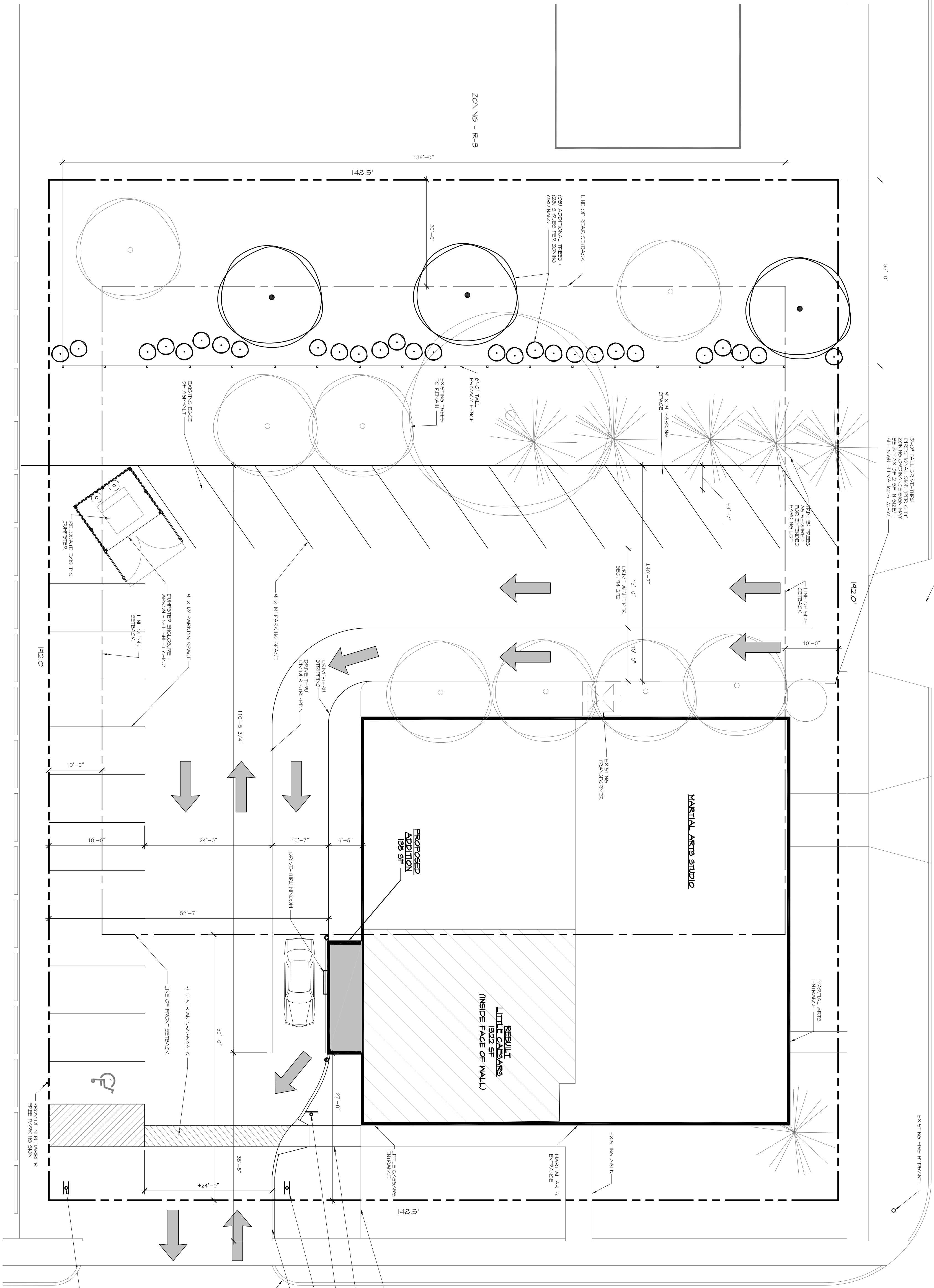
The Planning Department Staff will prepare a report to the Zoning Board of Appeals regarding your request. The report will explain the request to the Board and review whether it complies with the standards in the Zoning Ordinance. Staff will present the findings of that report during the Zoning Board 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.

ACROSS ROAD

N. NORTH STREET

EXISTING CURB CUT TO REMAIN _____

3'-0" TALL DRIVE-THRU
DIRECTIONAL SIGN (PER CITY
ZONING ORDINANCE SIGN MAY
BE A MAX OF 2 SF IN SIZE) -
SEE SIGN ELEVATIONS 1/C-101



N. CEDAR STREET

ZONING - C-2
ACROSS ROAD

LEGAL DESCRIPTION

LOT 6 EXC M 6FT THEREOF & ALSO LOTS 7, & 8, BLOCK 6
BUSHS ADDN, SEC 5, T2N1W1, CITY OF MASON, INGHAM CO.
*PER CITY OF MASON ACCESSMYGOV.COM

PARKING

| | | |
|----------------|---------------|----|
| MARTIAL ARTS | #500 SF / 100 | 15 |
| LITTLE CAESARS | 105.4 SF / 50 | 2 |
| 8 EMPLOYEES | | 10 |
| TOTAL REQUIRED | | 25 |
| TOTAL PROVIDED | | 22 |

BUILDING SQUARE FOOTAGE

| | |
|-----------------------------------|---------------|
| EXISTING BUILDING SQUARE FOOTAGE: | 6,217 SF |
| PROPOSED ADDITION SQUARE FOOTAGE: | <u>135 SF</u> |
| TOTAL SQUARE FOOTAGE: | 6,352 SF |

SITE DATA

| ZONED | C-2 |
|-----------|------------------------------------|
| SITE AREA | ± 28,512 S.F. TOTAL ± .66 ACRES |

TENANT HOURS OF OPERATION

MARTIAL ARTS HOURS OF OPERATION:

| | |
|-----------|------------|
| SUN | CLOSED |
| MON-THURS | 5-9 PM |
| FRIDAY | CLOSED |
| SAT | 9-11:30 AM |

LITTLE CAESARS HOURS OF OPERATION:

$$|ER| + SAT \leq AM - PM$$

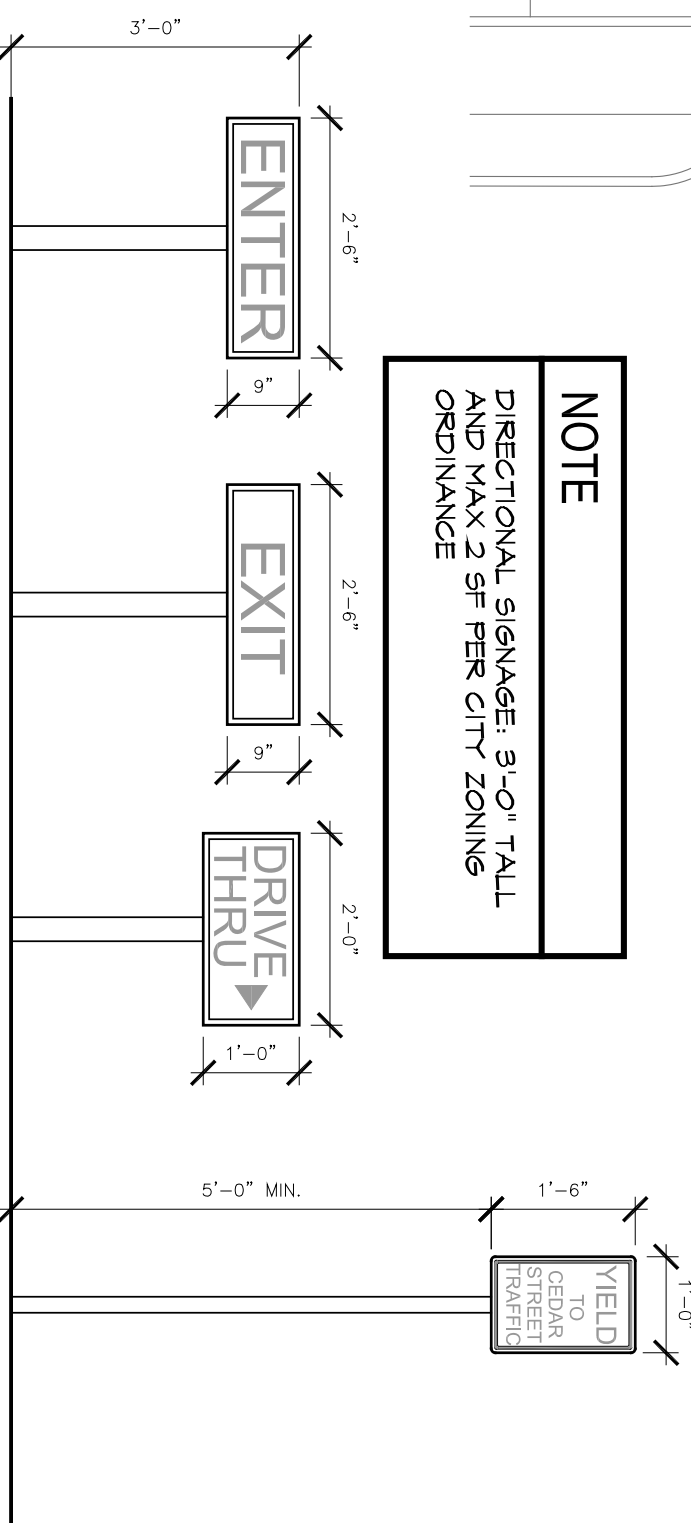
LITTLE CAESARS BUSINESS BREAKDOWN

FRI, SAT + SUN:
MIN. 52% OF BUSINESS

MON, TUES, WED + THURS:
MAX. 48% OF BUSINESS

NOTE

DIRECTIONAL SIGNAGE: 3'-0" TALL
AND MAX 2 SF PER CITY ZONING
ORDINANCE



SIGN ELEVATIONS

 $\frac{1}{2}$

C-101

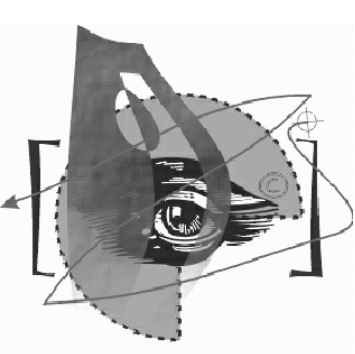
PHILLIP
MELTON

227 North Cedar Street
Mason, Michigan 48854

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| | |
|----------------|--------|
| Project Number | 16.063 |
|----------------|--------|

Shee



studio
[intrigue]
ARCHITECTS

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517.372.8804 PHONE ✕ 517.372.8805 FAX ✕ WWW.STUDIOINTRIGUE.COM

| |
|------------------|
| SITE PLAN REVIEW |
| OWNER REVIEW |
| BIDDING PURPOSES |
| PERMITS |
| SITE PLAN REVIEW |
| ADDENDUM 01 |
| ADDENDUM 02 |
| PARKING VARIANCE |

| |
|----------|
| 05/13/16 |
| 05/24/16 |
| 06/02/16 |
| 06/07/16 |
| 07/01/16 |
| 08/10/16 |
| 08/15/16 |
| 08/18/16 |

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