

OWOSSO
Zoning Board of Appeals



Regular Meeting
9:30 a.m.
November 21, 2017
Owosso City Council Chambers



MEMORANDUM

301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

DATE: November 9, 2017

TO: Chairman Horton and the Owosso ZBA

FROM: Susan Montenegro, Asst. City Manager / Dir. of Community Development

RE: Zoning Board of Appeals Meeting: Tuesday, November 21, 2017 at 9:30 a.m.

The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, November 21, 2017 to hear a petition for a Class A nonconforming Use Designation. The applicant seeking the designation is located at 1203 W. Main, parcel # 050-113-014-001-00. The property is zoned for general business use with a B-4 zoning designation. The applicant seeks to do light auto repair at this site, which would require an I-1 light industrial zoning designation.

According to Section 38-378:

Before an application for Class A designation for a nonconforming use can be processed, the zoning board of appeals shall review each application to ensure, beyond a reasonable doubt, that the following standards are met:

- That the continuance of the use would not be contrary to the public health, safety or welfare or the spirit of this chapter.
- That the use or structure does not and is not likely to significantly decrease the value of nearby properties.
- That the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

The zoning board of appeals shall approve Class A designation for nonconforming uses that comply with the standards and procedures of this section. The decision of the board of appeals shall be in writing and shall set forth the findings and reasons on which it is based. The board of appeals shall attach conditions, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. In addition, no vested interest shall arise out of a Class A designation.

Summarily, subject to deliberation from the ZBA of the findings, as well as the public hearing. Staff finding is to allow this petition.

That is all for now. Please go through the rest of your packet contents and **RSVP for the meeting**. Please contact me if you have any questions, comments, or other feedback at susan.montenegro@ci.owosso.mi.us or at the office at 989.725.0544. I look forward to seeing you all on November 21st.

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
JUNE 20, 2017 AT 9:30 A.M.
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Chairman Randy Horton at 9:35 a.m.

ROLL CALL: Was taken by Tanya Buckelew.

MEMBERS PRESENT: Chairman Randy Horton, Board Member Thomas Taylor, Alternates Matt Grubb and John Horvath

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, Board Member Kent Telesz.

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Julie Wright and Scott Perrin of Perrin Construction, Josh Jones, Owner of 731 W Main Street, Owosso.

AGENDA: IT WAS MOVED BY ALTERNATE GRUBB AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE AGENDA FOR THE JUNE 20, 2017 REGULAR MEETING AS PRESENTED. YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY ALTERNATE GRUBB AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE MINUTES OF MAY 16, 2017 AS PRESENTED. YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from May 16, 2017
3. Variance request application packet – 705 McMillan
4. Public notice – 705 McMillan
5. ZBA request for ordinance interpretation application – 731 W Main
6. Public notice – 731 W Main

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. 705 MCMILLAN – VARIANCE – (RESOLUTION)

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 705 McMillan.

1. VARIANCE REQUEST – 705 MCMILLAN ST.

Julie Wright of Perrin Construction presented the plan to reduce the parking based on 20 employees and type of equipment. RWI Manufacturing will never have the number of employees to meet 47 parking spaces. The amount of paving on the property could accommodate all 47 spaces, but at this time would impede semis.

The petitioner is seeking a parking variance as they build on to the existing structure increasing the foot print by 20,000 square feet for a total of 80,000 square feet. Petitioner is required to provide parking for employees either based on the number of employees per largest shift or useable square footage of the entire building, whichever is greater. Petitioner would need to provide 47 spaces under this provision. Petitioner seeks a parking variance of 19 spaces and will provide 28 parking spaces (including two barrier free parking spaces). Petitioner will only have a total of 20 employees on site at any given time.

Applicable section of the zoning ordinance: Section 38-380 – Off-street parking requirements – Use – Number of Minimum Parking spaces per Unit of Measure (e):

Industrial:

1. Industrial or research establishments – A minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.

AT THIS TIME, CHAIRMAN HORTON OPENED THE PUBLIC HEARING. NO ONE SPOKE.

UPON MOTION OF BOARD MEMBER TAYLOR, SECONDED BY ALTERNATE HORVATH, THE PETITION FOR VARIANCE AS APPLIED FOR IS APPROVED AS ALL OF THE FACTS OF FINDING WERE MET AS WELL AS ONE OF THE SPECIAL CONDITIONS AS LISTED BELOW.

- A. This is a request for a use variance subject to Section 38-504(3) of the Zoning Ordinance. The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3) a. 1-9. in order for the variance to be granted.

Factor 1: (Section 38-504(3) a.1.) “Will not be contrary to the public interest or to the intent and purpose of this chapter.”

The Board finds that Section 38-504(3) a.1. has been met.

Factor 2: (Section 38-504(3) a.2.) “Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.”

The Board finds that Section 38-504(3) a.2. has been met.

Factor 3: (Section 38-504(3) a.3.) “Is one that is unique and not shared with other property owners.”

The Board finds that Section 38-504(3) a.3. has been met.

Factor 4: (Section 38-504(3) a.4.) “Will relate only to property that is under control of the applicant.”

The Board finds that Section 38-504(3) a.4. has been met.

Factor 5: (Section 38-504(3) a.5.) “Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”

The Board finds that Section 38-504(3) a.5. has been met.

Factor 6: (Section 38-504(3) a.6.) “Was not created by action of the applicant (i.e., that it was not self-created.)

The Board finds that Section 38-504(3) a.6 has been met for the following reasons:
*The request is not self-created, but rather created by outdated ordinance requirement.
This request would create a practical difficulty because there will only be 20 employees using the lot at any given time rather than the required by ordinance 47 spaces.*

Factor 7: (Section 38-504(3) a.7.) “Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety.”

The Board finds that Section 38-504(3) a.7. has been met.

Factor 8: (Section 38-504(3) a.8.) “Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.”

The Board finds that Section 38-504(3) a.8. has been met.

Factor 9: (Section 38-504(3) a.9.) “Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied fro would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.”

The Board finds that Section 38-504(3) a.9. has been met for the following reason:
Granting a variance provides relief to the property owner.

- B. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
1. “Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.”
 2. “Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.”
 3. “Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.”

The Board finds that Section 38-504(3) b.1. has been met.

ROLL CALL VOTE WAS TAKEN:

AYES: ALTERNATE GRUBB, ALTERNATE HORVATH, BOARD MEMBER TAYLOR,
CHAIRMAN HORTON.
NAYS: NONE.
ABSENT: VICE-CHAIRMAN EVELETH, SECRETARY JOZWIAK, BOARD MEMBER
TELESZ.

2. 731 W MAIN – VARIANCE (RESOLUTION)

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 731 W Main St.

1. VARIANCE REQUEST – 731 W MAIN ST.

Josh Jones, Owner, spoke about his intentions for the building. He is looking to expand the front of his building by 10 feet.

Ms. Montenegro explained the variance request or rather an interpretation of the zoning due to already being granted a non-conforming use in 2011. Under the provision, anytime the owner wants to expand the building under a non-conforming use, it is generally denied by the ZBA, unless it doesn't affect the setback requirements or the height and based on the zoning, this property does not have side yard setbacks but would have to adhere to the building codes which are 3 feet from the property lines. Per the Zoning Ordinance Sec. 38-378 – (e) 3, structural changes have to be approved by the ZBA.

AT THIS TIME, CHAIRMAN HORTON OPENED THE PUBLIC HEARING. NO ONE SPOKE.

UPON MOTION OF BOARD MEMBER TAYLOR AND SECONDED BY ALTERNATE HORVATH, WHEREAS, THE OWOSSO ZONING BOARD OF APPEALS, AFTER REVIEWING THE CASE FOR 731 W MAIN STREET, PARCEL #050-660-018-014-00, REGARDING SECTION 38-378 (e) 3 OF THE OWOSSO CODE OF ORDINANCES AND THE PETITIONER'S REQUEST TO ENLARGE A CLASS A NONCONFORMING SITE AS REQUIRED UNDER SECTION 38-504(2) f HEREBY APPROVES THE REQUEST BASED ON THE FOLLOWING:

IS COMPATIBLE AND THERE ARE NO ISSUES TO THE CURRENT ORDINANCE REGARDING SETBACK ISSUES AND PETITIONER NEEDS TO THE FOLLOW THE BUILDING CODE STANDARDS.

ROLL CALL VOTE WAS TAKEN:

AYES: ALTERNATE HORVATH, BOARD MEMBER TAYLOR, ALTERNATE GRUBB, CHAIRMAN HORTON.

NAYS: NONE.

ABSENT: VICE-CHAIRMAN EVELETH, SECRETARY JOZWIAK, BOARD MEMBER TELESZ

REFER OFF STREET PARKING TO THE PLANNING COMMISSION:

IT WAS MOVED BY ALTERNATE GRUBB AND SUPPORTED BY ALTERNATE HORVATH TO SEND THE ISSUE OF THE OFF STREET PARKING TO THE PLANNING COMMISSION TO REVIEW THE VALIDITY OF THE ZONING ORDINANCE SEC. 38-380 (E) INDUSTRIAL OFF STREET PARKING CALCULATIONS TO BETTER MEET TODAY'S MANUFACTURING ENVIRONMENT.
YEAS: ALL. MOTION CARRIED.

BUSINESS ITEMS: None

COMMISSIONER/PUBLIC COMMENTS: None.

ADJOURNMENT:

MOTION BY ALTERNATE HORVATH AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN AT 10:30 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, JULY 18, 2017, IF ANY REQUESTS ARE RECEIVED.
YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

AGENDA

Owosso Zoning Board of Appeals

Tuesday, November 21, 2017 at 9:30 a.m.

Council Chambers – Owosso City Hall

Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: November 21, 2017

APPROVAL OF MINUTES: June 20, 2017

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from June 20, 2017
3. Class A Designation request application – 1203 W. Main
4. Public notice – 1203 W. Main

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. 1203 W. Main – Class A Designation – (resolution)

BUSINESS ITEMS:

None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, December 19, 2017 if any requests are received.

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Tuesday, November 21, 2017.

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and recordings of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500]. The City of Owosso website is: www.ci.owosso.mi.us

Affirmative Resolutions
Owosso Zoning Board of Appeals
Tuesday, November 21, 2017 9:30 a.m.
Owosso City Council Chambers, 301 W Main Street
Owosso, MI

Resolution 171121-01

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the agenda of November 21, 2017 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 171121-02

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the minutes of June 20, 2017 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 171121-03

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 1203 W. Main Street, parcel # 050-113-014-001-00, hereby have determined the applicant does / does not meet the following standards:

Section 38-378 b (4). "The continuance of the use would not be contrary to the public health, safety or welfare or the spirit of this chapter."

Section 38-378 b (5). "The use of structure does not and is not likely to significantly decrease the value of nearby properties."

Section 38-378 b (6). “The use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.”

Ayes: _____

Nays: _____

Resolution 171121-04

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby adjourns the November 21, 2017 meeting, effective at _____ a.m.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____



CITY OF OWOSSO
 301 W. Main Street, Owosso, Michigan 48867
 Phone (989)725-0535 Fax (989)725-0546
 E-mail: building@ci.owosso.mi.us

ZONING COMPLIANCE APPLICATION

Please fill out the application completely, sign and date below, and return to the City of Owosso Building & Zoning Department at the address above.

A zoning compliance certificate is required to construct a non-habitable detached accessory structure that is 200 square feet or less in area.

I. **APPLICANT INFORMATION:** Applicant Name: Trevor Langdon
 Address: 2293 Kcorre Rd
 City: Owosso State: MI Zip Code: 48867
 Phone#: (989) 627-6648 Mobile #: ()

Hereby make application to the City of Owosso Zoning Administrator under the City of Owosso, Code of Ordinances, CHAPTER 38 – ZONING, to construct as detailed below:

II. **Property Tax ID Number(s):** (e.g., 050-470-000-005-00): 050-
Property Address: 1205 W Main St Owosso MI 48867
Property Owners Name (if not applicant): _____

III. **List all existing buildings on property (i.e. dwelling, shed, garage):** garage, shed

IV. **PROPOSED USE:** Auto sales + Repair **BLDG. DIMENSIONS:** _____
TYPE OF STRUCTURE: Block

V. **PROPOSED BUILDING SETBACK FROM LOT LINES:** _____
 FRONT: _____ ft.
 REAR: _____ ft.
 SIDE: _____ ft. and _____ ft.
 BLDG. HEIGHT: _____ ft. to peak and _____ ft. to the eaves.

FOR OFFICIAL USE: (DIMENSIONAL REQUIREMENTS)
 MIN. FRONT SETBACK: _____ ft.
 MIN. REAR SETBACK: _____ ft.
 MIN. SIDE SETBACK: _____ ft.
 MAX BLDG. HEIGHT: _____
 ZONING: _____

VI. **SITE OR PLOT PLAN – MUST BE COMPLETED BY APPLICANT (Site Plan on Next Page)**
INSTRUCTIONS: SHOW SHAPE & SIZE OF PROPERTY, ALL STREETS OR ROADS, DRIVEWAYS, PARKING AREA, ALL BUILDINGS NOW ON SITE, INCLUDING PROPOSED STRUCTURES. SHOW DISTANCE PROPOSED STRUCTURE WILL BE FROM ALL LOT LINES, ROAD R/W, RIVER AND NORTH ARROW. **Note:** The burden of proof of the exact location of all lot lines shall rest with the property owner.

Owner/Agent: [Signature]
 Signature signifies full knowledge of Requirements

Date: 10-24-17

APPROVED DENIED

 Zoning Administrator

Class A Nonconforming Use Designation Worksheet

Applicant: Trevor Langdon	Appeal No: 2017-06
Address: 1203 W. Main Street	Hearing Date: November 21, 2017
Property Address: 1203 W. Main Street	Parcel No: 050-113-014-001-00

I. Request.

The Applicant has submitted a *Class A Designation* request for the parcel listed above to allow light mechanical repairs to be performed on automobiles, such as alignments, oil changes, shocks and struts. Current zoning of parcel is B4-General Business District, which does not allow these uses.

II. Record of Proceedings.

The following documents were reviewed and considered by the Zoning Board of Appeals in reaching its decision, in addition to the comments made by Applicant, members of the public, and members of the Board:

III. Findings and Decision.

Before an application for a Class A designation for a nonconforming use can be processed, the zoning board of appeals shall review each application to ensure, beyond a reasonable doubt, that the following standards are met:

Section 38-378 b (4). “The continuance of the use would not be contrary to the public health, safety or welfare or the spirit of this chapter.”

_____ has been met _____ has not been met.

Section 38-378 b (5). “The use of structure does not and is not likely to significantly decrease the value of nearby properties.”

_____ has been met _____ has not been met.

Section 38-378 b (6). “The use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.”

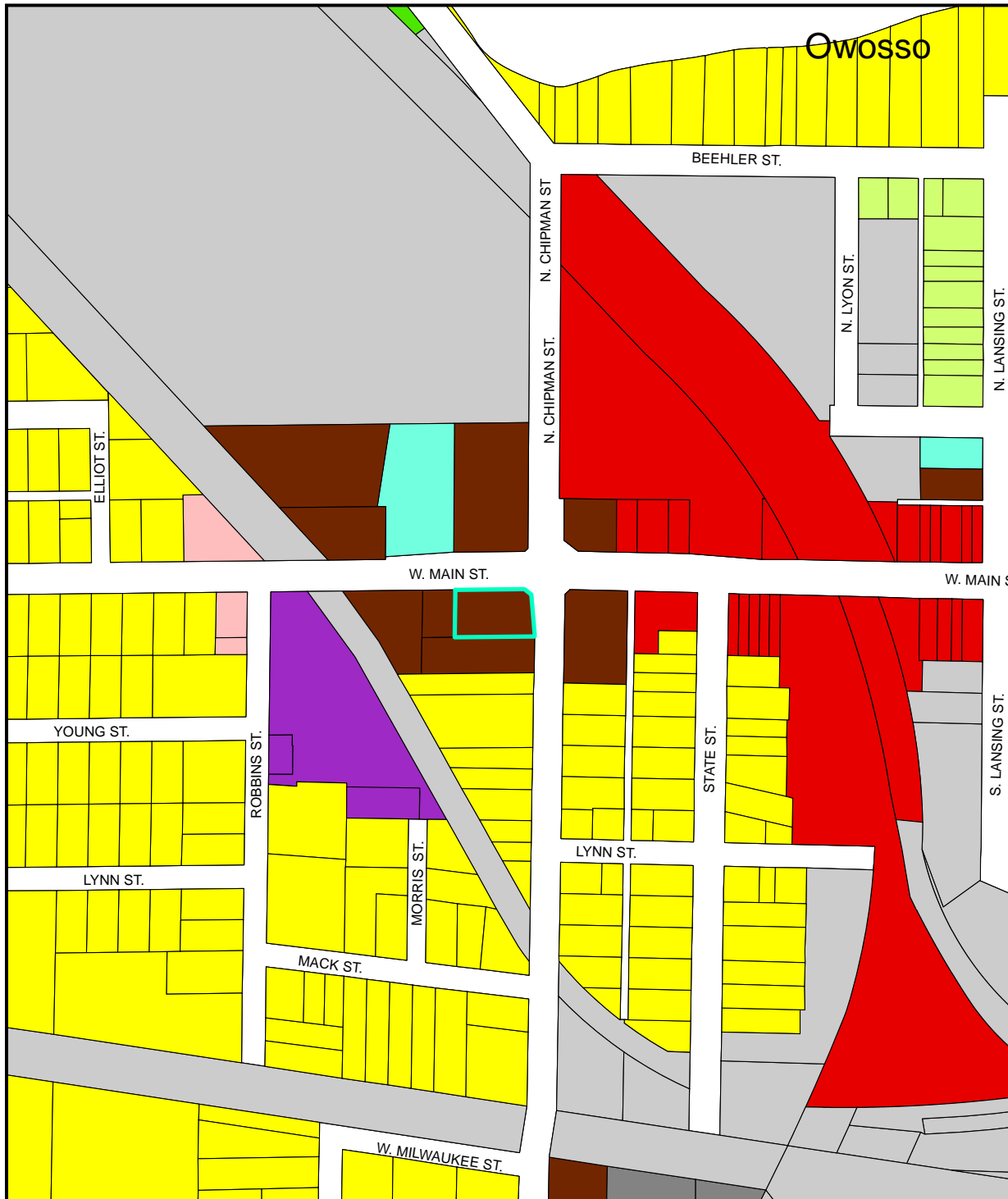
_____ has been met _____ has not been met.

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decision and conditions were adopted by the Board as its decision on the above Class A Designation:

City of Owosso

Zoning Board of Appeals

1203 W. Main Street



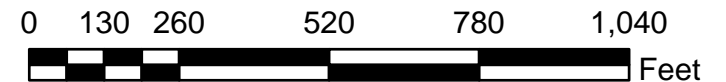
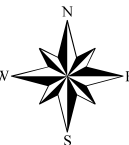
Legend

Zoning

<all other values>

Z_PRIMARY

- B1
- B2
- B3
- B4
- C-OS
- I1
- I2
- OS1
- P1
- PUD
- R1
- R2
- RM1
- RM2



November 9, 2017

NOTICE OF PROPOSED CLASS "A" NONCONFORMING USE PERMIT

The Zoning Board of Appeals of the City of Owosso will hold a Public Hearing in the Council Chambers of City Hall at 9:30 a.m. on Tuesday, November 21, 2017 to consider the following request:

APPLICANT: Trevor Langdon – Owner

Case # 2017-06 Parcel # 050-113-014-001-00

LOCATION OF APPEAL: 1203 W. Main Street, Owosso, MI 48867

REQUEST: The petitioner asks the ZBA to consider a Class "A" Nonconforming Use permit to allow light mechanical repairs to be performed on automobiles, such as alignments, oil changes, shocks and struts.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

Property is currently zoned B4, which does not allow for automobile mechanical repairs.

APPLICABLE SECTION OF THE ZONING ORDINANCE: Sections 38-267.

CURRENT ZONING: B4 – General Business District

SIZE OF LOT: 173' X 100 X 159' X 20' X 90' irregular shaped lot - .39 acres

As an affected property owner, resident, business, or taxpayer, you are encouraged to acquaint yourself with this proposal and make your position on the request known to the Zoning Board of Appeals. You may do so by being present for the public hearing, writing a letter stating your position, or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Susan Montenegro, Assistant City Manager/Director of Community Development

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