

**OWOSSO**  
*Zoning Board of Appeals*



*Regular Meeting*  
*9:30 a.m.*  
*June 19, 2018*  
*Owosso City Council Chambers*



## MEMORANDUM

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

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**DATE:** June 11, 2018

**TO:** Chairman Horton and the Owosso ZBA

**FROM:** Nathan Henne, City Manager

**RE:** Zoning Board of Appeals Meeting: Tuesday, June 19, 2018 at 9:30 a.m.

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**The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, June 19, 2018 to hear a petition for a variance to the sign ordinance.** The applicant seeking the designation is located at 114 W Main Street, parcel # 050-470-022-019-00. The property is zoned for local business use with a B-3 zoning designation. The petitioner is appealing an enforcement letter sent regarding window signage, the use of LED lighting, and exceeding the allowable square footage for total signage at this location. Petitioner appeals this decision because the ordinance prohibits "outline tubing sign consisting of glass tubing filled with a gas such as neon, which glows when electric current is sent through it." The petitioner believes the LED lights do not fall into this category and are not considered signage.

**Summarily, this request will take scrutiny and deliberation from the ZBA of the findings, as well as the public hearing. Staff issues no recommendation on this petition; ZBA must deliberate and determine the outcome.**

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 [nathan.henne@ci.owosso.mi.us](mailto:nathan.henne@ci.owosso.mi.us) or at the office at 989.725.0568.

**AGENDA**  
***Owosso Zoning Board of Appeals***

Tuesday, June 19, 2018 at 9:30 a.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: June 19, 2018

APPROVAL OF MINUTES: February 20, 2018

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from February 20, 2018
3. Variance application – 114 W Main St
4. Public Notice – 114 W Main St

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. 114 W Main St

BUSINESS ITEMS:

None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, July 17, 2018 if any requests are received.

**Commissioners, please call Tanya at 725-0540 if you will be unable to attend the meeting on Tuesday, June 19, 2018.**

[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](http://www.ci.owosso.mi.us)

**Affirmative Resolutions**  
*Owosso Zoning Board of Appeals*  
Tuesday, June 19, 2018 9:30 a.m.  
Owosso City Council Chambers, 301 W Main Street  
Owosso, MI

**Resolution 180619-01**

Motion: \_\_\_\_\_ Support: \_\_\_\_\_

The Owosso Zoning Board of Appeals hereby approves the agenda of June 19, 2018 as presented.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_

Denied: \_\_\_\_

**Resolution 180619-02**

Motion: \_\_\_\_\_ Support: \_\_\_\_\_

The Owosso Zoning Board of Appeals hereby approves the minutes of February 20, 2018 as presented.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_

Denied: \_\_\_\_

**Resolution 2018-06-19-03**

Motion: \_\_\_\_\_ Support: \_\_\_\_\_

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 114 W Main Street, parcel # 050-470-022-019-00, hereby have determined the applicant **does/does not** meet all nine (9) facts of finding findings:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Based upon those findings, the Owosso ZBA hereby **approves/denies** the petition regarding window signage, the use of LED lighting and exceeding the allowable square footage for total signage at this location.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_ Denied: \_\_\_\_

Conditions attached to this approval are as follows:

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**Resolution 2018-06-19-04**

Motion: \_\_\_\_\_ Support: \_\_\_\_\_

The Owosso Zoning Board of Appeals hereby adjourns the June 19, 2018 meeting, effective at \_\_\_\_\_ a.m.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_ Denied: \_\_\_\_

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
FEBRUARY 20, 2018 AT 9:30 A.M.  
CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** The meeting was called to order by Chairman Randy Horton at 9:30 a.m.

**ROLL CALL:** Was taken by Tanya Buckelew.

**MEMBERS PRESENT:** Chairman Randy Horton, Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, Alternates Matt Grubb and John Horvath

**MEMBERS ABSENT:** Board Members Tom Taylor and Kent Telesz.

**OTHERS PRESENT:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Mark Agnew, Agnew Graphics.

**AGENDA: IT WAS MOVED BY SECRETARY JOZWIAK AND SUPPORTED BY VICE-CHAIRMAN EVELETH TO APPROVE THE AGENDA FOR THE FEBRUARY 20, 2018 REGULAR MEETING AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY SECRETARY JOZWIAK AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE MINUTES OF NOVEMBER 21, 2017 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from November 21, 2017
3. Variance application – 640 N Shiawassee
4. Public notice – 640 N Shiawassee

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:**

**1. 640 N SHIAWASSEE – VARIANCE – (RESOLUTION)**

Ms. Montenegro stated only 1 comment was received from a neighbor on Pine St. that stated was in favor of this variance request.

**1. VARIANCE REQUEST – 640 N SHIAWASSEE**

Mark Agnew, Owner of Agnew Graphics, presented the history of the sign that was installed 18 years ago, at which time met the 5' setback requirement. Since then MDOT has widened Shiawassee St. two times and City of Owosso recently revised the Sign Ordinance requiring a 10' setback.

The current sign is 47 square feet; with the new sign proposed is 53 square feet. The sign base was installed 18 years ago to meet any future upgrades of the sign, including a larger sign, as the base was constructed to sustain additional weight.

Mr. Agnew also noted there are 31 signs on M-21 that would not meet the revised 10' setback. If the businesses wanted to upgrade their signs, it would involve either a ZBA Variance or move the sign back 10' which in most cases would be in driveway, parking areas.

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

**UPON MOTION OF VICE-CHAIRMAN EVELETH, SECONDED BY ALTERNATE GRUBB, 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 *due to MDOT has widened Shiawassee St. /M-52 two times in the last 18 years.*

**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 MDOT widening Shiawassee St. /M-52 two times in the last 18 years causing additional hardship.*

**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 for 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:

- 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 due to MDOT widening Shiawassee St. /M-52 two times in the last 18 years, therefore reducing the setbacks.*

**ROLL CALL VOTE WAS TAKEN:**

**AYES: VICE-CHAIRMAN EVELETH, ALTERNATE GRUBB, ALTERNATE HORVATH,  
SECRETARY JOZWIAK, CHAIRMAN HORTON.**

**NAYS: NONE.**

**ABSENT: BOARD MEMBERS TAYLOR AND TELESZ.**

**ZBA recommends to the Planning Commission to review the current Sign Ordinance and the setback requirements.**

**BUSINESS ITEMS:** None

**COMMISSIONER/PUBLIC COMMENTS:** None.

**ADJOURNMENT:**

**MOTION BY ALTERNATE HORVATH AND SUPPORTED BY VICE-CHAIRMAN EVELETH TO  
ADJOURN AT 9:55 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY,  
MARCH 20, 2018, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary



## OFFICIAL NOTICE OF PROPOSED VARIANCE

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, June 19, 2018** to consider the following request:

**APPLICANT:** IHM Enterprises  
**Case # 2018-02** Parcel 050-470-022-019-00  
**LOCATION OF APPEAL:** 114 W. Main Street, Owosso, MI 48867

**APPEAL:** The petitioner is appealing an enforcement letter sent regarding window signage, the use of LED lighting, and exceeding the allowable square footage for total signage at this location. Petitioner appeals this decision because the ordinance prohibits "outline tubing sign consisting of glass tubing filled with a gas such as neon, which glows when electric current is sent through it." The petitioner believes the LED lights do not fall into this category and are not considered signage.

### **THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:**

This is considered signage and is outside of what is permitted as well as exceeds allowed size for signage.

### **APPLICABLE SECTIONS OF THE ZONING ORDINANCE:**

#### **ARTICLE III. - DEFINITIONS**

##### **Sec. 26-9. - Sign definitions.**

**Illegal sign:** *A sign which does not meet the requirements of this chapter and does not have legal nonconforming status.*

**Illuminated sign:** *Any sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.*

**Sign:** *Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.*

#### **ARTICLE IV – GENERAL PROVISIONS**

##### **Sec. 26-11. - Permits required and fees.**

*It shall be unlawful for any person to erect, re-erect, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.*

##### **Sec. 26-18. – Prohibited Sign.**

**(3)** *Signs using high intensity or flashing lights, festoons, spinners or other animated devices.*

**(4)** *Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets.*

**(5)** *Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.*

##### **Sec. 26-19. - General standards for permitted signs.**

###### **(4) Illumination.**

**a.** *Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.*

**b.** *Use of glaring undiffused lights, bare bulbs, or flames is prohibited.*

**c.** *Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.*

**Sec. 26-21. - Specific sign standards.**

The number, display area, and height of signs within the various zoning districts are provided in the sign dimensional standards and regulations table and its accompanying footnotes. Additional standards for specific types of signs are given below:

<b>SIGN DIMENSIONAL STANDARDS AND REGULATIONS</b>								
	<b>Wall, Canopy or Projecting Sign (c)</b>		<b>Ground Sign (c)</b>			<b>Temporary Signs (d)</b>		
<b>District</b>	<b>Number Allowed</b>	<b>Max. Size</b>	<b>Number (b)</b>	<b>Max. Size Per Sign Face</b>	<b>Max. Height</b>	<b>Max. Size Per Sign</b>	<b>Total Area Per Parcel</b>	<b>Max. Height</b>
<b>B-1, B-2, B-3, B-4 PUD</b>	<b>1 per business (a)</b>	<b>10% of front facade or 100 square feet, whichever is less (a)</b>	<b>1</b>	<b>72 square feet</b>	<b>6 feet</b>	<b>24 square feet</b>	<b>48 square feet</b>	<b>6 square feet</b>

(a) One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two (2) wall signs, one (1) for each front facade. The maximum wall sign area shall not exceed ten (10) percent of the front facade of the building (any facade which faces a public or approved private street), per use or business establishment. However, for a commercial structure containing one (1) use or business establishment, as determined by the planning commission, the size of the wall sign may be increased up to the maximum square footage as follows:

<b>201—400 linear feet of building frontage facing a public street and having a public entrance</b>	<b>150 square feet</b>
<b>Greater than 400 linear feet of building frontage facing a public street and having a public entrance</b>	<b>200 square feet</b>

B-3 Zoning allows wall signs not to exceed 10% of front façade or 100 sq. ft., whichever is less.

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, email me at [nathan.henne@ci.owosso.mi.us](mailto:nathan.henne@ci.owosso.mi.us) or phoning 989-725-0568. Information on this case is on file in the Zoning Office at City Hall for your review.

Nathan Henne, City Manager

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes 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. Website address is [www.ci.owosso.mi.us](http://www.ci.owosso.mi.us)

ENGLISH LAW OFFICE, PLC  
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Owosso, MI 48867  
Ph. (989) 472-4242  
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[www.jdelawoffice.com](http://www.jdelawoffice.com)



March 16, 2018

Zoning Board of Appeals  
Secretary Daniel Jozwiak  
301 W. Main Street  
Owosso, MI 48867

Brad Hissong  
Building Official-City of Owosso  
301 W. Main Street,  
Owosso, MI 48867

**RE: IHM Enterprises**

Dear Sir or Madam:

Our office represents IHM Enterprises with regard to the Service Req. # ENF 18-0111. The City claims that the lights inside of the building which light up the tops of the windows on two sides of the building constitute a violation of Sec. 26-21 as the square footage of the lights exceeds 100 square feet. Please note it is claimed that these LED lights fall within the City's definition of "Outline tubing sign" which is defined as a "**sign** consisting of **glass tubing, filed with a gas** such as neon, which glows when electric current is sent through it." These lights are not a "sign" and these lights are not "glass tubing, filled with a gas."

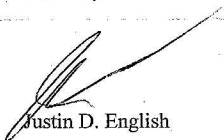
The City ordinance defines "sign" as:

Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard **consisting of written copy, symbols, logos and/or graphics**, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

These lights do not consist of "written copy, symbols, logos and/or graphics." There are no symbols, words, graphics or other message conveyed by these lights, the lights are simply just that – lights.

Please accept this letter as an appeal of the enforcing officer's claimed violation. If there are any questions or concerns, please feel free to contact our office.

Sincerely,



Justin D. English

Attorney at Law

cc: Client  
File

# OWOSSO



**CITY OF OWOSSO  
ZONING BOARD OF APPEALS**

<b>Applicant: IHM Enterprises</b>	<b>Appeal No: 2018-02</b>
<b>Address: 116 W Main St</b>	<b>Hearing Date: June 19, 2018</b>
<b>Property Address: 114 W Main St</b>	<b>Parcel No: 050-470-022-019-00</b>

**FINDINGS OF FACT AND CONCLUSIONS**

At the regular meeting of the Zoning Board of Appeals of the City of Owosso, held at City Hall, 301 W. Main Street, Owosso, Michigan, on the 19 day of June, 2018, 9:30 a.m.

Present: \_\_\_\_\_  
Absent: \_\_\_\_\_

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 variance:

**I. Request.**

The petitioner is appealing an enforcement letter sent regarding window signage, the use of LED lighting, and exceeding the allowable square footage for total signage at this location. Petitioner appeals this decision because the ordinance prohibits "outline tubing sign consisting of glass tubing filled with a gas such as neon, which glows when electric current is sent through it." The petitioner believes the LED lights do not fall into this category and are not considered signage.

**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.**

Based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the City, the Board adopts the following findings and decision with respect to the request for variance:

This is a request for a 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. Basic Conditions 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 \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**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 \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**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 \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**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 \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**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 \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**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 \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**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 \_\_\_\_\_ has not been met for the following reasons:

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**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 \_\_\_\_\_ has not been met for the following reasons:

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**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 for 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 \_\_\_\_\_ has not been met for the following reasons:

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A. 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.”

The Board finds that Section 38-504(3) b.1. \_\_\_\_\_ has been met \_\_\_\_\_ has not been met for the following reasons:

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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.”

The Board finds that Section 38-504(3) b.2. \_\_\_\_\_ has been met \_\_\_\_\_ has not been met for the following reasons:



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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.3. \_\_\_\_\_ has been met \_\_\_\_\_ has not been met for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- B. The request for a variance is \_\_\_\_\_ approved \_\_\_\_\_ denied for the above reasons.

**IV. Conditions (if variance approved).**

The following are imposed as conditions upon grant of the variance:

- A. The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan, except as noted:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- B. Other conditions:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38-504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

The above findings, conclusions and decision were adopted by roll call vote as follows:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Randy Horton, Chair  
Zoning Board of Appeals