

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
APRIL 21, 2015 at 9:30 AM
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Chairman Randy Horton at 9:31a.m.

ROLL CALL: Was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman Randy Horton, Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, Board Member William Wascher and Alternate John Horvath.

MEMBERS ABSENT: Board Member Kent Telesz; and Alternate Matt Grubb.

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Mr. Richard Merling, owner of 1302 W. Main Street.

MINUTES: IT WAS MOVED BY BOARD MEMBER EVELETH AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF FEBRUARY 17, 2015 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from February 17, 2015
3. Class A Nonconforming Use Application & Materials – 1302 W. Main Street
4. Affidavit of notice

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. CLASS A NONCONFORMING USE DESIGNATION – 1302 W. MAIN STREET

Ms. Susan Montenegro, Assistant City Manager and Director of Community Development, presented an aerial map of the designated property. She stated that Mr. Merling, property owner, presented a request for a variance so he could have a mini golf course at 1302 W. Main Street. He has a restaurant which also serves ice cream which is zoned B-1 at that address. It would need to be zoned B-4 for open air recreation space with a 400 foot setback from residential homes. Ms. Montenegro noted that in talking to Mr. Don Crawford, the City Manager, a Class A Non-conforming Use could be granted by this board instead of the variance.

Mr. Merling was introduced. He stated this request was made to accommodate open air recreation. There is a 34 x 50 cement pad which is uneven. It is currently used for storage, but is an eyesore. His hope is to create a small playscape area for a putt-putt golf. American Recycling makes a rubber-based product which would be applied to the cement pad and will correct the uneven surface and help with noise reduction. This will only be six to nine holes with no upper structures built on it. This won't draw people from wide areas, but hopefully will help to draw customers for a place to eat and a place for the kids to enjoy in the Westown area. This would be limited to about 15 customers at a time.

Chairman Horton asked about the hours. Mr. Merling commented about the current hours of 7A-3P. Because several other coffee stores have opened since we opened, we've expanded to a healthier menu and are now shifting our hours from 11A to the evening. He has talked with consultants and is trying to create a different niche in the Westown area.

Commissioner Wascher asked if this gets approved here, does this go to the Planning Commission for site plan review. Ms. Montenegro recommends that it would. Mr. Wascher asked about adding parking or lighting. Mr. Merling stated this would be used seasonally – only used with natural lighting. He would not be using it past dusk. Vic Holtz Associates were the original architects out of Monroe. His initial recommendations included the two handicap spaces next to the building and adequate parking currently.

Approved May 19, 2015

The putt-putt is for food customers only and is not meant to draw in additional customers. Mr. Merling has consulted with his insurance company and they have adequate signage currently for the traffic flow.

Mr. Wascher asked about additional screening for neighbors. Mr. Merling stated that the residents that we've spoken with notice the M-21 traffic and the railroad train noise. There is no way the restaurant and putt-putt create more noise than those per the residents. The putt-putt will be shut down by 9 p.m.

It was asked about the gated area. Mr. Merling noted that there is a six foot gated fence surrounding the area; the front of the gates actually open. Sign will say that it is for restaurant patrons only. It will not be a congregating place for people to come. Gates will be locked every night. He has shared with his insurance company about liabilities. He already has stop signs, etc. in the parking lot. It is only one level – no climbing. It will be kid friendly and safe. The gate can be closed and locked even if the restaurant is open.

Ms. Montenegro asked if it would be possible to add slats into the chainlink fence to shield residents. Mr. Merling agreed it could if it was required. He stated that we believe it will be more appealing than a storage yard to the neighbors in the Westtown.

MOTION BY BOARD MEMBER EVELETH, SUPPORTED BY BOARD MEMBER HORVATH WHEREAS, THE OWOSSO ZONING BOARD OF APPEALS, AFTER REVIEWING THE CASE FOR THE CLASS A DESIGNATION FOR NONCONFORMING USE FOR 1302 W. MAIN STREET, PARCEL NUMBER 050-537-000-042-00 WITH THE FOLLOWING FINDINGS:

- 1. WILL NOT BE CONTRARY TO THE PUBLIC HEALTH, WELFARE, OR THE SPIRIT OF THE CHAPTER;**
- 2. THAT THE STRUCTURE OF THE PUTT-PUTT COURSE WILL NOT DECREASE THE VALUE OF NEARBY PROPERTIES;**
- 3. THAT THE STRUCTURE WAS LAWFUL AT THE TIME IT WAS BUILT;**
- 4. AND THAT NO USEFUL PURPOSE WOULD BE SERVED BY STRICT APPLICATION TO THE LETTER OF THE RESTRICTIONS.**

Chairman Horton noted the letters and petition of support received with approximately 12 to 15 surrounding residents and neighbors that are glad this business is a part of the neighborhood. The neighbor immediately to the west is also supportive. .

YEAS ALL. MOTION CARRIED.

COMMISSIONER/PUBLIC COMMENTS:

ZBA elections are in July per Chairman Horton.

Board Member Eveleth who is also a Councilmember brought the Zoning Board up to date on several issues including the code enforcement on the racks off of Corunna Avenue. His building will begin renovation this week; the building next to his is also under renovation. Discussion continued about the Matthews Building, Dollar General, and the Armory Building.

ADJOURNMENT:

MOTION BY BOARD MEMBER WASCHER, SUPPORTED BY BOARD MEMBER HORVATH TO ADJOURN AT 10:07 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, MAY 19, 2015, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

m.m.s