



## CITY OF OWOSSO

### Zoning Board of Appeals

Tuesday, August 21, 2018 at 9:30 a.m.

Council Chambers – Owosso City Hall

Owosso, MI 48867

## AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – August 21, 2018

APPROVAL OF MINUTES – June 19, 2018

OLD BUSINESS - None

NEW BUSINESS / PUBLIC HEARINGS:

- (1) **APPLICANT:** Wakeland Oil Co.  
**CASE # 2018-03:** Parcel 050-700-001-001-00  
**PROPERTY ZONING:** B-4 General Business Districts  
**LOCATION OF APPEAL:** 427 W. Main Street, Owosso, MI 48867

**APPEAL:** The petitioner is seeking a variance from Article XII. B-4 General Business Districts, Section 38-268, (4) b. which states *Business in the character of a drive-in or open front store, subject to the following conditions: Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.*

The petitioner is seeking a variance to allow a drive-in pharmacy on the site where two existing access points are within 60 feet of the intersection of two (2) streets.

- (2) **APPLICANT:** Agnew Signs  
**CASE # 2018-04:** Parcel 050-651-000-033-00  
**PROPERTY ZONING:** I-1, Light Industrial Districts  
**LOCATION OF APPEAL:** 503 S. Shiawassee St, Owosso, MI 48867

**APPEAL:** The petitioner is seeking a variance from Chapter 26 – Signs, Article IV. General Provisions, Sec. 26-18. - Prohibited signs which states *the following signs are prohibited in all districts: (9) Pylon or pole signs not provided for in this chapter*

The petitioner is seeking a variance to allow a pole sign totaling 14 feet tall and 48 square feet per side of sign area and an additional square footage on the pole for the company logo.

(3) **APPLICANT:** City Staff  
**CASE # 2018-04:** NA  
**PROPERTY ZONING:** NA  
**LOCATION OF APPEAL:** NA

**Interpretation** requested of Sec. 26-21. - Specific sign standards. *Footnotes to the Sign Dimensional Standards and Regulations Table (b).*

Staff is looking for an interpretation of applying the above to campuses that include multiple parcels, services/businesses/buildings, multiple road frontage and interior roads.

## OTHER BOARD BUSINESS

## PUBLIC COMMENTS AND COMMUNICATIONS

## ADJOURNMENT

Next regular meeting will be on Tuesday, September 18, 2018, if any requests are received.

**Commissioners, please call Tanya at 725-0540 if you will be unable to attend this meeting**

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)

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JUNE 19, 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, Board Member Tom Taylor and Alternate John Horvath

**MEMBERS ABSENT:** Vice-Chairman Christopher Eveleth, Board Member Kent Telesz and Alternate Matt Grubb

**OTHERS PRESENT:** Owner of IHM Enterprises – Hit & Pitch and lawyer representation from English Law Firm

**AGENDA: IT WAS MOVED BY BOARD MEMBER TAYLOR AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE AGENDA FOR THE JUNE 19, 2018 REGULAR MEETING AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY ALTERNATE HORVATH AND SUPPORTED BY CHAIRMAN HORTON TO APPROVE THE MINUTES OF FEBRUARY 20, 2018 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**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:** None.

**PUBLIC HEARINGS:**

1. **114 W Main St – VARIANCE – (RESOLUTION)**

Ms. Buckelew stated 2 comments were received that were not in favor of allowing the LED lighting in the downtown historic district. One was a phone call/blocked number no name given. The other complaint was received from a downtown business owner. There was not any Public present during the Public Hearing.

1. **VARIANCE REQUEST – 114 W MAIN ST**

Attorney from English Law Office, representing the applicant, commented on the LED rope lights inside the building, around the windows. The business was cited by the city for having the lights and exceeding the amount of signage allowed for a business. Further comments included the lights add character to the area, brings people in, professional looking and matched the other signs at the business.

At this time, the ZBA Members discussed this Variance Request and the Sign Ordinance. Various discussions were held regarding the definition of a sign. Board Member Taylor, also represents the Planning Commission, stated the intentions of the Planning Commission when this ordinance was amended in 2017. The LED lights in this instance were not considered to be signage per the definition of signage in the ordinance.

UPON MOTION OF BOARD MEMBER TAYLOR SECONDED BY ALTERNATE HORVATH, THE BOARD HAS FOUND THERE IS NO VARIANCE TO BE HAD AS THE APPLICANT IS NOT IN VIOLATION OF THE CITY OF OWOSSO'S SIGN ORDINANCE. LED LIGHTING IN THE WINDOWS, IN THIS INSTANCE, DOES NOT MEET THE DEFINITION OF A SIGN AS PER CITY OF OWOSSO SIGN ORDINANCE CHAPTER 26 ARTICLE III – DEFINITIONS SEC. 26-9 – SIGN DEFINITIONS:  
*SIGN: ANY DEVICE, STRUCTURE, FIXTURE, FIGURE, SYMBOL, BANNER, PENNANT, FLAG, BALLOON, LOGO OR PLACARD CONSISTING OF WRITTEN COPY, SYMBOLS, LOGOS AND/OR GRAPHICS.*

**ROLL CALL VOTE WAS TAKEN:**

**AYES:** CHAIRMAN HORTON, BOARD MEMBER TAYLOR AND ALTERNATE HORVATH.

**NAYS:** NONE.

**ABSENT:** VICE-CHAIRMAN EVELETH, BOARD MEMBER TELESZ AND ALTERNATE GRUBB.

**BUSINESS ITEMS:** None

**COMMISSIONER/PUBLIC COMMENTS:** None.

**ADJOURNMENT:**

MOTION BY ALTERNATE HORVATH AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN AT 10:10 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, JULY 17, 2018, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

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Secretary



# ZONING BOARD OF APPEALS STAFF REPORT

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

FOR: ZONING BOARD OF APPEALS

MTG DATE: August 21, 2018

### GENERAL INFORMATION:

**APPLICANT:** Wakeland Oil Co.  
**CASE # 2018-03:** Parcel 050-700-001-001-00  
**PROPERTY ZONING:** B-4 General Business Districts  
**LOCATION OF APPEAL:** 427 W. Main Street, Owosso, MI 48867

### REQUEST:

The petitioner is requesting a variance from Article XII. B-4 General Business Districts, Section 38-268, (4) b. which states *Business in the character of a drive-in or open front store, subject to the following conditions: Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.*

The petitioner is seeking a variance to allow a drive-in pharmacy on the site where two existing access points are within 60 feet of the intersection of two (2) streets.

### Resolution 180821-03

### FINDINGS OF FACT AND CONCLUSIONS

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

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

Upon motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does/does not** meet all nine (9) facts of findings:

***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:

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\_\_\_\_\_

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**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:

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**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:

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**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:

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**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:

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**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:

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**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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***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:

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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:

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

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

**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:** \_\_\_\_\_

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

**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: \_\_\_\_\_



## 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, August 21, 2018** to consider the following request:

**APPLICANT:** Wakeland Oil Co.  
**CASE # 2018-03:** Parcel 050-700-001-001-00  
**PROPERTY ZONING:** B-4 General Business Districts  
**LOCATION OF APPEAL:** 427 W. Main Street, Owosso, MI 48867

**APPEAL:** The petitioner is seeking a variance from Article XII. B-4 General Business Districts, Section 38-268, (4) b. which states *Business in the character of a drive-in or open front store, subject to the following conditions: Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.*

The petitioner is seeking a variance to allow a drive-in pharmacy on the site where two existing access points are within 60 feet of the intersection of two (2) streets.

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 [amy.cyphert@ci.owosso.mi.us](mailto:amy.cyphert@ci.owosso.mi.us) or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Amy Cyphert, Assistance City Manager & Community Development Director

[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)

# OWOSSO



The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the Owosso Zoning Ordinance and following all requirements therein. Further, these professionals shall make themselves aware of all Owosso Master Plan requirements, for example, major thoroughfares, land use, recreations and etc.

I certify that the above required information is shown on the site plan included with this form.

David R. Waples  
Signature of property owner

Date 7/24/18

**Appeal Application Deadline Dates:**

<b>Deadline Date</b>	<b>Zoning Board of Appeals</b>
December 19, 2017	January 16, 2018
January 23, 2018	February 20, 2018
February 20, 2018	March 20, 2018
March 20, 2018	April 17, 2018
April 17, 2018	May 15, 2018
May 22, 2018	June 19, 2018
June 19, 2018	July 17, 2018
July 24, 2018	August 21, 2018
August 21, 2018	September 18, 2018
September 18, 2018	October 16, 2018
October 23, 2018	November 20, 2018
November 20, 2018	December 18, 2018



**ZONING BOARD OF APPEALS APPLICATION**

301 W. Main Street, Owosso, MI 48867  
Phone: (989) 725-0544 Fax: (989) 725-0526

Fee \$300

**1. Project information**

To the Owosso Zoning Board of Appeals;

I (we) WAKELAND OIL CO. of 527 S. WASHINGTON ST.  
(Applicant name) (Street number)  
OWOSSO MI 48867  
(City) (State & zip code)

Applicant Phone Number: (989) 723-5500 Applicant Fax Number: (989) 723-8944

I (we) HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance ( ) Permit ( ) Interpretation ( ) or Review and Approval ( )

Address/location of property: 427 W. MAIN ST.

Parcel #: 78-050-700-001-001-00 Zoning district: B-4

**2. Required attachments**

- 10 copies of site plan
- 10 copies of the application (pages 2-5 only)
- Description of how the requested variance meets all of the nine (9) Facts of Findings
- Narrative demonstrating why a variance is being sought
- Required Fee

**3. Description of case (fill out only the items that apply to your case)**

- a. Description of the property
- i. Size of lot 124' x 132' 0.375 A
  - ii. Area of lot 0.375 A
  - iii. Lot is a corner or interior lot? CORNER
- b. Description of existing structures:
- i. Number of buildings now on premises ONE
  - ii. Size of each building now on premises 44' x 21' 923 s.f.
  - iii. Use of existing buildings on premises MERCHANTILE
- c. Description of proposed structures:
- i. Height of proposed structure NA
  - ii. Dimensions of proposed building or addition \_\_\_\_\_
  - iii. Area of proposed building \_\_\_\_\_
  - iv. Percentage of lot coverage of building or addition \_\_\_\_\_

- d. Yard setbacks after completion of building or addition: NA
- i. Front yard (measured from lot line) \_\_\_\_\_
  - ii. Side yard (measured from lot line) \_\_\_\_\_
  - iii. Rear yard (measured from lot line) \_\_\_\_\_

e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

f. Section number of zoning ordinance that is being appealed: 38-286

\_\_\_\_\_

\_\_\_\_\_

g. Clearly state your request: TO ADD A DRIVE THRU WINDOW TO AN EXISTING BUILDING. SEE ATTACHED.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. **Duties and powers.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **ALL** of the basic conditions described below, and as stated in Section 38-504(3)a.1-9 can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

a. *Basic conditions.* In order to qualify for a variance, the applicant must show that a variance:

- 1) Will not be contrary to the public interest or to the intent and purpose of this chapter.
- 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 special land use permit is required.
- 3) Is unique and not shared with other property owners.
- 4) Will relate only to property that is under control of the applicant.
- 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.
- 6) Was not created by action of the applicant (not self-created).
- 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.
- 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.
- 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.

- b. *Special conditions:* When all of the basic conditions can be satisfied a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
- 1) The board may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgement, secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.
  - 2) Each variance granted under the provisions of this chapter shall become null and void unless:
    - i. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and proceeds to completion in accordance with the terms of the variance;
    - ii. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
  - 3) No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the board to be valid.
  - 4) In granting or denying a variance the board shall state the findings of fact upon which it justifies the action.

Signature of owner: David R. Wakeland Date: 7/24/18

Print name: DAVID R. WAKELAND



## Letter for Zoning Approval

Issued July 24, 2018.

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### Client Information: \_\_\_\_\_

Wakeland Oil Co.  
527 S. Washington St.  
Owosso, MI 48867  
989.723.8944

### Project Summary: \_\_\_\_\_

Existing Gas Station Building is being converted into a pharmacy. The use group has not changed (M-Mercantile to M-Mercantile). The owner is requesting to build a **drive-through window** for the dispensing of products as shown on the attached site plan.

### Overview:

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To qualify for a variance, the property meets all 9 basic conditions set forth by the Zoning Board:

1. Will not be contrary to the public interest or to the intent and purpose of this chapter. **Complies.**
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 special land use permit is required. **Complies.**
3. Is unique and not shared with other property owners. **Complies.**
4. Will relate only to property that is under control of the applicant. **Complies.**
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. **Complies based on West Main street (also the property address) being the front of the property.**
6. Was not created by action of the applicant (not self-created). **Complies.**
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. **Complies.**
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. **Complies.**
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. **Complies.**

**Drive-through store additional requirements:**

- a) A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained. **This building is existing, no new addition is being proposed. The existing front setback from West Main is 76' minimum to the building, which exceeds the 60' requirement. The setbacks have all been met, see section below.**
  
- b) Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets. **The location of the existing access points to the property for ingress and egress were established and approved by Michigan Department of Transportation and were established prior to 1985. We're not proposing to add or eliminate any of the access points.**
  
- c) All lighting shall be shielded from adjacent residential districts. **All existing light poles are shielded, the property is not adjacent to any residential districts. There is currently no light shedding on any adjacent property.**
  
- d) A six-foot high, completely obscuring wall shall be provided when abutting or adjacent districts are zoned for any residential, OS-1, B-1, B-2, B-3 or B-4 districts. The wall shall further meet the requirements of article XVII, general provisions. **There is an existing 6' tall wood fence (as measured from the alley side) on the south side of the property which will remain. It also complies with the clear vision setback of 20' from the west property line. This fence is not required per zoning ordinances.**

**Article XVI- Sec. 38-351.** - Schedule limiting height, bulk, density and area by zoning district. Zoned B-4, Setbacks:

Front: 15'

West Side (Street): 10'

East Side (Interior): 0'

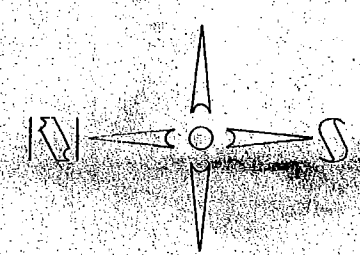
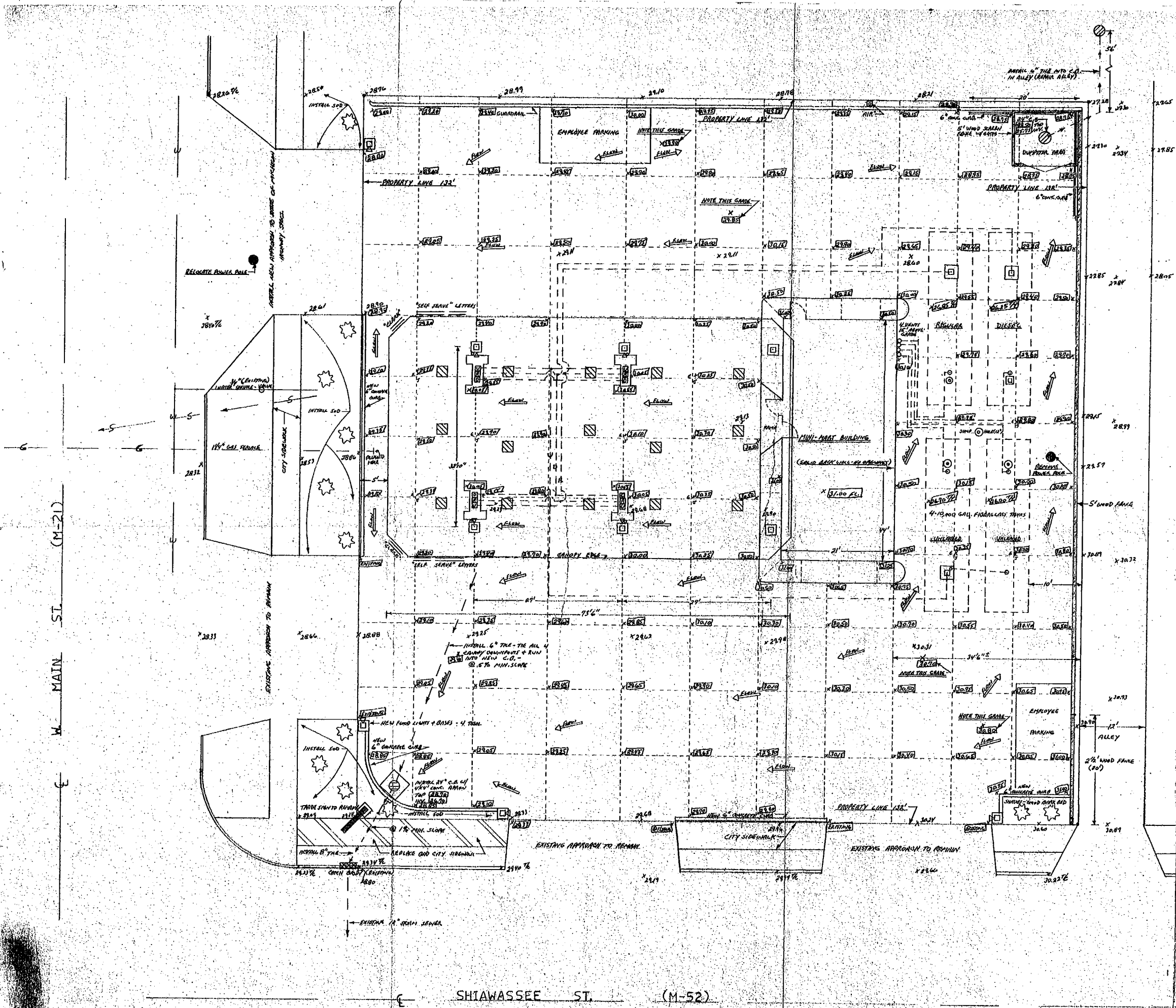
Rear: 10'

Thank you,

Brittany Stripp, Architect







**LEGAL DESCRIPTION**  
 Lots 1 and 2 of Woodward's  
 Subdivision of Block No. 1 of A. I.  
 Williams Addition to the Village  
 (Now City) of Okemos, as Recorded  
 in 7-14-11, page 27, Shilawassee  
 County, Michigan.

**NOTES**

1. THIS MINI-MART BUILDING WILL HAVE A  
 SOLID BRICK WALLS - SEE SPECIFICATIONS.
2. CONTRACTOR TO RUN 1/2" EVERGREEN  
 PLANTINGS 30" APART AS SHOWN.  
 ALSO SOIL AND WOOD BARK OED AS SHOWN.
3. 110 V ELECTRIC TO BE INSTALLED TO "MIA"  
 ON EAST PROPERTY LINE. ALSO PROVIDE FUSES.  
 4. POWER POLES RELOCATION BY OWNER.

**UTILITY NOTES**

- UTILITIES AS SHOWN MAY NOT BE EXACT. SEE CITY  
 FOR EXACT LOCATIONS & ELEVATIONS.
- UTILITY CONTRACTOR TO GET PERMITS & RUN NEW  
 1" LINE FROM MAIN IN MAIN ST. TO BUILDING.
- SEWER - USE EXISTING OLD HOME TIE IN MAIN ST. -  
 RUN ALL NEW FROM ROAD LINE TO DIVING RA SPACE.  
 GAS - USE EXISTING 1 1/2" LINE IN MAIN ST. - RUN  
 TO BUILDING PER SPEC. & CODE.

**CONSTRUCTION**

O.M. - SEE SURVEY  
 EXISTING - 24.90  
 PROPOSED - 23.30

1983

9-1-83	CHANGED TO ALL CONCRETE PARKING - ADDED ELEMENTS & CHANGED SCALE OTHER FROM 1/2" = 83' GRAVITY
6-21-83	CONNECTED NEW APPROACH - ADDED BOND FENCE - ADDED C.O. (S.E.C.) - AD 4" TIE AT ALLEY - CHANGED HALF-ARRED UTILITY NOTES. RELOCATE METE. P.V.
6-16-82	CONNECTED TRAPE SHOULDER LOCATIONS - ADDED ALL ELEVATIONS - ADDED WOOD FENCE AT DIVING RD - ADDED C.O. & TIE (S.E.C.)
REQUIRED TO MINI-MART	
<b>Clark Oil &amp; Refining Corporation</b> 7930 Clayton Rd. Richmond Heights, MO 63117	
CLARK SERVICE STATION, 127 WEST MAIN ST. OKEMOS, MICHIGAN	
A.P.E. No. 17649 Scale 1/8" = 1' 0" By PAUL HENNING Date 6-7-83 Revised 6-16-83 Station # 680	Survey No. 0520 Survey Date 5/16-83 By ANDREW HENNING Address City Okemos State Michigan

SHAWASSEE ST. (M-52)



## ZONING BOARD OF APPEALS STAFF REPORT

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301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

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FOR: ZONING BOARD OF APPEALS

MTG DATE: August 21, 2018

**GENERAL INFORMATION:**

**APPLICANT:** Agnew Signs  
**CASE # 2018-04:** Parcel 050-651-000-033-00  
**PROPERTY ZONING:** I-1, Light Industrial Districts  
**LOCATION OF APPEAL:** 503 S. Shiawassee St, Owosso, MI 48867

APPEAL: The petitioner is seeking a variance from Chapter 26 – Signs, Article IV. General Provisions, Sec. 26-18. - Prohibited signs which states *the following signs are prohibited in all districts: (9) Pylon or pole signs not provided for in this chapter*

The petitioner is seeking a variance to allow a pole sign totaling 14 feet tall and 48 square feet per side of sign area and an additional square footage on the pole for the company logo.

**Resolution 180821-04**

**FINDINGS OF FACT AND CONCLUSIONS**

I. **Request.** The petitioner is seeking a variance from Chapter 26 – Signs, Article IV. General Provisions, Sec. 26-18. - Prohibited signs which states *the following signs are prohibited in all districts: (9) Pylon or pole signs not provided for in this chapter*

The petitioner is seeking a variance to allow a pole sign totaling 14 feet tall and 48 square feet per side of sign area and an additional square footage on the pole for the company logo.

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

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Upon motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does/does not** meet all nine (9) facts of findings:

**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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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***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:

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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:

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

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

**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:**

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**Other conditions:** \_\_\_\_\_

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**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: \_\_\_\_\_

## 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, August 21, 2018** to consider the following request:

**APPLICANT:** Agnew Signs  
**CASE # 2018-04:** Parcel 050-651-000-033-00  
**PROPERTY ZONING:** I-1, Light Industrial Districts  
**LOCATION OF APPEAL:** 503 S. Shiawassee St, Owosso, MI 48867

**APPEAL:** The petitioner is seeking a variance from Chapter 26 – Signs, Article IV. General Provisions, Sec. 26-18. - Prohibited signs which states *the following signs are prohibited in all districts: (9) Pylon or pole signs not provided for in this chapter*

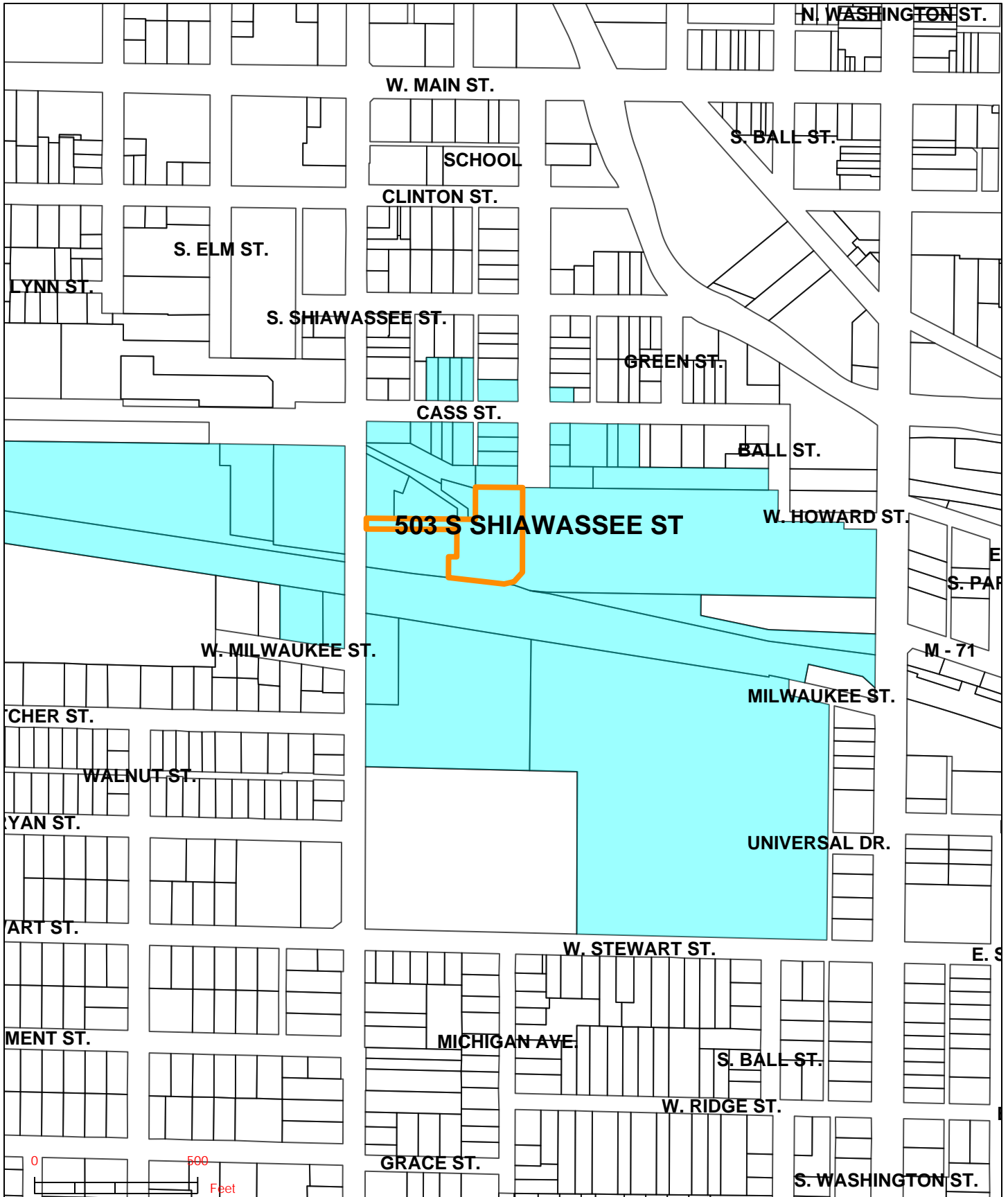
The petitioner is seeking a variance to allow a pole sign totaling 14 feet tall and 48 square feet per side of sign area and an additional square footage on the pole for the company logo.

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 [amy.cyphert@ci.owosso.mi.us](mailto:amy.cyphert@ci.owosso.mi.us) or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Amy Cyphert, Assistance City Manager & Community Development Director

[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)

# OWOSSO





The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the Owosso Zoning Ordinance and following all requirements therein. Further, these professionals shall make themselves aware of all Owosso Master Plan requirements, for example, major thoroughfares, land use, recreations and etc.

I certify that the above required information is shown on the site plan included with this form.

*Jon Luster*

Signature of property owner

*8-2-18*

Date

**Appeal Application Deadline Dates:**

<b>Deadline Date</b>	<b>Zoning Board of Appeals</b>
December 19, 2017	January 16, 2018
January 23, 2018	February 20, 2018
February 20, 2018	March 20, 2018
March 20, 2018	April 17, 2018
April 17, 2018	May 15, 2018
May 22, 2018	June 19, 2018
June 19, 2018	July 17, 2018
July 24, 2018	August 21, 2018
August 21, 2018	September 18, 2018
September 18, 2018	October 16, 2018
October 23, 2018	November 20, 2018
November 20, 2018	December 18, 2018



**ZONING BOARD OF APPEALS APPLICATION**  
 301 W. Main Street, Owosso, MI 48867  
 Phone: (989) 725-0544 Fax: (989) 725-0526

Fee \$300

**1. Project information**

To the Owosso Zoning Board of Appeals;

I (we) Agnew Signs of 642 N. M-52  
 (Applicant name) (Street number)  
Owosso MI 48867  
 (City) (State & zip code)

Applicant Phone Number: \_\_\_\_\_ Applicant Fax Number: \_\_\_\_\_

I (we) HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance (X) Permit (X) Interpretation (X) or Review and Approval ( )

Address/location of property: ~~503~~ S. M-52

Parcel #: 050-651-000-033-00 Zoning district: I1

**2. Required attachments**

- 10 copies of site plan
- 10 copies of the application (pages 2-5 only)
- Description of how the requested variance meets all of the nine (9) Facts of Findings
- Narrative demonstrating why a variance is being sought
- Required Fee

**3. Description of case (fill out only the items that apply to your case)**

a. Description of the property

- i. Size of lot Approx 300x900
- ii. Area of lot \_\_\_\_\_
- iii. Lot is a corner or interior lot? NO

b. Description of existing structures:

- i. Number of buildings now on premises 4
- ii. Size of each building now on premises 90x80 4 story Concrete Building + others
- iii. Use of existing buildings on premises Storage

c. Description of proposed structures:

- i. Height of proposed structure N/A
- ii. Dimensions of proposed building or addition \_\_\_\_\_
- iii. Area of proposed building Sign 4855' 8' From GradC
- iv. Percentage of lot coverage of building or addition N/A

- d. Yard setbacks after completion of building or addition:
- i. Front yard (measured from lot line) \_\_\_\_\_ N/A \_\_\_\_\_
  - ii. Side yard (measured from lot line) \_\_\_\_\_
  - iii. Rear yard (measured from lot line) \_\_\_\_\_

e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

f. Section number of zoning ordinance that is being appealed: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Clearly state your request: Due to a conflicting & poorly written ordinance that Defeats Practical applications we would like a variance to Allow Polesigns until the ordinance is fixed  
3 city officials agree it was not the intent & it needs to be Revised to Avoid Multiple Variance Request

4. **Duties and powers.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **ALL** of the basic conditions described below, and as stated in Section 38-504(3)a.1-9 can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.


Poles  
 Signs  
 +  
 Wayfinding  
 Signs

a. *Basic conditions.* In order to qualify for a variance, the applicant must show that a variance:

- 1) Will not be contrary to the public interest or to the intent and purpose of this chapter.
- 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 special land use permit is required.
- 3) Is unique and not shared with other property owners.
- 4) Will relate only to property that is under control of the applicant.
- 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.
- 6) Was not created by action of the applicant (not self-created).
- 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.
- 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.
- 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.

b. *Special conditions:* When all of the basic conditions can be satisfied a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

- 1) The board may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgement, secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.
- 2) Each variance granted under the provisions of this chapter shall become null and void unless:
  - i. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and proceeds to completion in accordance with the terms of the variance;
  - ii. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
- 3) No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the board to be valid.
- 4) In granting or denying a variance the board shall state the findings of fact upon which it justifies the action.

Signature of owner:  Date: 8-2-18

Print name: Mark K Agnew



August 2nd, 2018

RE: Sign Variance

#### POINTS

1. Will not be
2. N/A
3. Everyone who has a pole sign will eventually face a hurdle due to this issue
4. Yes at this time
5. N/A
6. Issue created by the city in a poorly written ordinance with unfinished definitions and clarifications.  
Unjust results for current pole sign owners and future business.
7. Does not and will not
8. Will not, should increase sales and value
9. This issue will only cause ongoing problems and a gross amount of wasted energy and time.

#### NOTE

1. Original ordinance allowed for pole signs where a practical application was needed, ie. Qdoba, Constine's, Metro Mortgage, Taco Bell, Domino's, Agnew Signs.
2. Nowhere else in Shiawassee county are pole signs not allowed.
3. Campus signs were also changed making any sign that the hospital or Baler College needs, now allowed.



Agnew Graphics  
642 N. M52  
Owosso, MI 48867  
(989)723-4621

August 2nd, 2018

RE: Sign Variance

We (Agnew Graphics) are requesting a variance for a pole sign. Pole signs were added to recent sign ordinance upgrades as "not allowed." But, definitions are conflicting and changes to current pole signs have been allowed.

Pole signs should not be singled out as an unallowable sign as they have practical applications in certain areas. Business fairness and the ability to be seen and bring in customers is the most important thing to a business owner.

Many pole signs have been used in the last couple of years including Qdoba and Constine's. These outlying areas are where a pole sign is practical and necessary to be seen where multiple lanes are filled with daily car and truck traffic. The height of a sign is critical to its maximum visibility.

Downtown building signs are all 12' up in the air or more, making each business viable and competitive. Even the city placed local wayfinding signs on 9' poles on M21 & M52 and now are doing more on side streets. They are on poles for one reason only...visibility.

Business have that right in Corunna, Perry , Ovid, Chesaning, Lansing and even in the country. They do not have that right in Owosso.

These pole signs were allowed for many years and have always been taken care of, improved upon and used to bring more and more people and business to our city. It is clear that the ordinance is poorly

written with no practical solutions. There are just definitions and a discriminating line that states "pole or pylon signs not covered in this section." Yet, the definition for a free-standing sign clearly covers pole signs and free-standing is allowed.

Our end goal is to provide the best signage to the businesses of the City of Owosso. We have long provided a great service to help current and new businesses market themselves so they can be an active entity in our community. They need to have every opportunity to thrive and maximize their investment. Their investment in our community should have positive solutions to market their brand, not dead ends. It is clear that the ordinance is currently flawed and poorly written.

We would like an answer if it was the city's intent to ban pole signs?

If it was not their intent, then we are asking for a variance in lieu of an amended ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Agnew', is written over a horizontal line. The signature is stylized with large loops and a long tail.

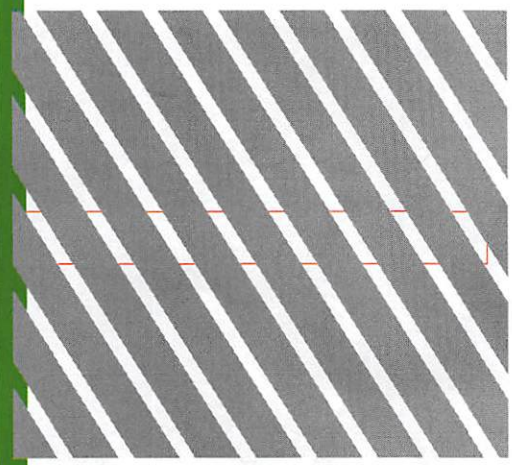
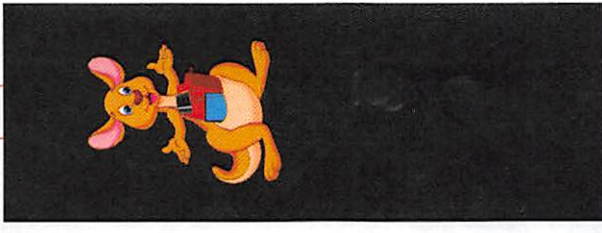
Mark Agnew

Owner - Agnew Sign Company

CURWOOD  
**OUTBACK**

**TOURNEY  
TOWNSHIP**

**MINI STORAGE**



2x8-

1x8-

8

14FT TALL  
LED IS 3X8







# ZONING BOARD OF APPEALS STAFF REPORT

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

FOR: ZONING BOARD OF APPEALS

MTG DATE: August 21, 2018

### GENERAL INFORMATION:

<b>APPLICANT:</b>	City Staff
<b>CASE # 2018-05:</b>	NA
<b>PROPERTY ZONING:</b>	NA
<b>LOCATION OF APPEAL:</b>	NA

**Interpretation** requested of Sec. 26-21. - Specific sign standards. *Footnotes to the Sign Dimensional Standards and Regulations Table (b).*

Staff is looking for an interpretation of applying the above to campuses that include multiple parcels, services/businesses/buildings, multiple road frontage and interior roads.

### Resolution 180821-05 FINDINGS OF FACT AND CONCLUSIONS

**I. Request. Interpretation requested of Sec. 26-21. - Specific sign standards. Footnotes to the Sign Dimensional Standards and Regulations Table (b)**

*Only one (1) ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers containing more than one (1) business or use, with additional signs permitted according to the following table, however, no site shall have more than two (2) ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:*

<i>Frontage along 2 or more rights-of-way</i>	<i>1 sign up to the maximum sign face area shall be allowed along 2 frontages</i>
<i>300 feet of frontage along 1 right-of-way</i>	<i>1 ground sign along that frontage</i>
<i>Greater than 300 feet of frontage along 1 right-of-way</i>	<i>2 ground signs</i>

The board shall have the power to Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter. Staff is looking for an interpretation of applying the above to campuses that include multiple parcels, services/businesses/buildings and multiple road frontage and interior roads.