



**CITY OF OWOSSO**  
**Zoning Board of Appeals**

Tuesday, May 21, 2019 at 9:30 a.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

**AGENDA**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – May 21, 2019

APPROVAL OF MINUTES – October 16, 2018

OLD BUSINESS – None

NEW BUSINESS / PUBLIC HEARINGS:

<b>(1) APPLICANT:</b>	<b>J &amp; H FAMILY STORE</b>
<b>PARCEL:</b>	<b>050-112-000-034-00</b>
<b>PROPERTY ZONING:</b>	<b>B-4</b>
<b>LOCATION OF APPEAL:</b>	<b>917 E MAIN STREET</b>

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, June 18, 2019, 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**  
**OCTOBER 16, 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 Members Matthew Grubb and Tom Taylor

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

**OTHERS PRESENT:** Ms. Amy Cyphert, Assistant City Manager and Director of Community Development; Kristina Bajtko, Amor Signs and Jim Wenzlick, Facilities Director Baker College

**AGENDA:**

**IT WAS MOVED BY BOARD MEMBER GRUBB AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE AGENDA FOR THE OCTOBER 16, 2018 REGULAR MEETING AS PRESENTED. YEAS: ALL. MOTION CARRIED.**

**MINUTES:**

**IT WAS MOVED BY BOARD MEMBER GRUBB AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE MINUTES OF SEPTEMBER 18, 2018 AS PRESENTED. YEAS: ALL. MOTION CARRIED.**

**OLD BUSINESS:** - Board Elections

**IT WAS MOVED BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER GRUBB TO TABLE THE BOARD ELECTIONS. YEAS: ALL. MOTION CARRIED.**

**NEW BUSINESS/PUBLIC HEARINGS:**

**APPLICANT:** Amor Signs on behalf of Baker College

The applicant is proposing to update signage throughout the existing Baker College campus. Listed below are the proposed signage changes, ordinance sections and variance requests:

**PARCEL:** 050-115-005-005-00  
**PROPERTY ZONING:** R-1 – One-family residential district  
**LOCATION OF APPEAL:** 1020 S. Washington St, Owosso, MI 48867

**PARCEL:** 050-548-000-008-00  
**PROPERTY ZONING:** B-1 – Local business district  
**LOCATION OF APPEAL:** 1301 S. Shiawassee St, Owosso, MI 48867

The applicant is proposing to update and add directional welcome signs at the entrances to the campus totaling 8 directional signs. Each proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for each directional welcome sign.

**PARCEL:** 050-115-005-005-00  
**PROPERTY ZONING:** R-1 – One-family residential district  
**LOCATION OF APPEAL:** 1020 S. Washington St, Owosso, MI 48867

The applicant is proposing to update the sign at the corner of Gute Street and Washington Street. The proposed sign is 13.3 feet high and 86 square feet in area. *Sec. 26-21 Specific sign standards state a ground sign is permitted in the R-1 zoning district with a maximum height of 6 feet and a maximum area per sign face of 24 square foot.* A 7.3 foot height variance and a 62 square foot variance are being requested for the sign at Gute Street and Washington Street.

**PARCEL:** 050-548-000-011-00  
**PROPERTY ZONING:** P-1 – Vehicular parking district  
**LOCATION OF APPEAL:** S. Shiawassee St, Owosso, MI 48867

The applicant is proposing to update the sign along M-52. The proposed sign is 13.3 feet high, 86 square feet and includes an electronic message board. *Sec. 38-333 required conditions of the P-1 district states (5) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.* A variance is being requested to allow a 13.3 feet high, 86 square feet sign that includes an electronic message board on a parcel of land zoned P-1.

**PARCEL:** 050-548-000-008-00  
**PROPERTY ZONING:** B-1 – Local business district  
**LOCATION OF APPEAL:** 1301 S. Shiawassee St, Owosso, MI 48867

The applicant is updating the directional sign for the Welcome Center. The proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for the directional Welcome Center sign.

### **FINDINGS OF FACT AND CONCLUSIONS**

**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:**

1. Application with photos of proposed signs
2. Representatives from Amor Signs and Baker College
3. Received an email from Julie Good, 22 Prindle St. Chairman Horton read the email and the concerns of Ms. Good along with the response of Ms. Cyphert indicating property values will not go down due to the new signage and the concerns of the high beam lights shining into Ms. Good's home. Ms. Cyphert contacted Jim Wenzlick, Facilities Director for Baker College and the problem of the direction of the lights was corrected.
4. Board discussed

**Upon motion of Member Grubb, seconded by Member Taylor,** the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does** meet the applicable nine (9) facts of findings:

**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 for the following reasons: The parcels are in a residential zoned district, of which has more strict sign language.

**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. Does not apply

**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 for the following reasons: No proposed signage will encroach on neighboring properties

**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 for the following reasons: There will not be shared use of the signs

**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 for the following reasons: The parcels are zoned residential. This provides a unique challenge for the campus as a not-for-profit, tuition driven educational institution that requires appropriate signage, similar to for-profit businesses.

**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 applicant has not created this situation

**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 for the following reasons: The signage will reduce the total square footage by 500 sf and reduce the number of signs by 36.

**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 for the following reasons: The signs are more modern and provide a cleaner look and have no effect on property values.

**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 for the following reasons: The parcels are zoned residential and puts significant constraints on the Applicant to act and operate like a business.

***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 for the following reasons: Difficulties in terms of use and zoning. Multiple zoning districts to include (2) R-1, (2) B-1 and (1) P-1.

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 request for a variance for all parcels applied for is approved 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.***

***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: BOARD MEMBERS GRUBB AND TAYLOR AND CHAIRMAN HORTON  
NAYS: NONE

**OTHER BOARD BUSINESS:**

The sign ordinance amendments are on the Planning Commission agenda for October 22, 2018, possible Public Hearing in November.

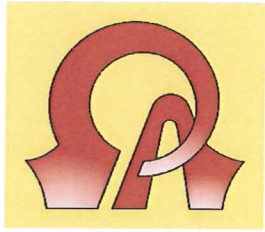
**PUBLIC COMMENTS AND COMMUNICATIONS**  
NONE

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER GRUBB TO ADJOURN AT 10:25 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, NOVEMBER 20, 2018, IF ANY REQUESTS ARE RECEIVED.**  
**YEAS: ALL. MOTION CARRIED.**

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Matthew Grubb, Secretary



# OMEGA Architects

Revised May 8, 2019

City of Owosso  
Zoning Board of Appeals  
Re: 917 E. Main Street, Owosso, MI.

J&H Family Stores is renovating an old gas station at the NW corner of N. Gould Street and E. Main Street. The site is extremely run down and in dire need of repair. It is currently an eye-sore. The site contains a small C-Store building, fueling canopy with gas and diesel pumps, and an old, run-down house. The C-Store and old house will be demolished and removed. The owner is seeking brown-field redevelopment funds to clean up the site contamination. The expected end result is a new state-of-the-art J&H prototypical convenience store with a new canopy with gas pumps along E. Main Street with the existing pumps and canopy along N. Gould Street to contain diesel pumps. J&H Family Stores has a solid reputation for modern amenities, clean stores and clean exterior grounds. The new store will likely be warmly welcomed by neighborhood residents as well as passing traffic. The variance requests are being made to keep the new building similar to the established look of other J&H Family Store locations.

The following is our required narrative to demonstrate why we are seeking variance for each ordinance item.

## **VARIANCE #1 Section 38-397 COMMERCIAL DESIGN REQUIREMENTS**

Paragraph (a) (3) requires exterior walls that face a principal street to have at least 20% glass or spandrel glass. The proposed building meets this requirement on the south elevation facing Main Street, but we are seeking a variance for the east building elevation facing N. Gould Street, where we are proposing approximately 9% glass area.

1. We believe the proposed building has a quality exterior design presentation without 20% glass.
2. Our building is permitted by way of special land use permit.
3. J&H uses a high quality brick in its exterior façade, which tends to create a higher quality overall exterior look than that of other property owners. The building exterior also has a split-face block wainscot which adds design interest
4. This property is not typical to other properties in that it has two facades facing principal streets, yet only one of those facades functions to serve the public, and this facade does meet the requirements.
5. We see no practical need for the extra window area and adding spandrel glass just to meet a 20% required minimum area and is therefore burdensome.
6. Our prototypical buildings are not typically glass-clad, except for the front facing the main gas pumps.
7. This is not affected by quantity of glass surface.
8. The redevelopment of the site as proposed should actually increase property values in the area compared to the current situation.
9. We originally proposed almost no glass surface facing Gould Street, so the current design is a compromise between that and what the Zoning Ordinance requires.

**VARIANCE #2 Sec. 38-397 COMMERCIAL DESIGN REQUIREMENTS**

Paragraph (a) (4) requires that a portion of the on-site landscaping be adjacent to building wall to reduce the visual impact of the building mass. With the use of salt on sidewalks and the parking lot, plant material rarely survive at the building edge as required by ordinance. J&H, instead, uses a decorative stamped and colored concrete paving along the building edge.

1. The building is an attractive mix of glass and masonry, accented with metal canopies and various roof lines. The goal of the Zoning Ordinance to break up the visual impact of the building with plant materials is totally unnecessary in this case.
2. We are permitted by right with a special land use permit.
3. Because of the large volume of foot traffic and auto traffic our site is relatively unique and not applicable to other properties.
4. Other sites do not have the pedestrian and vehicular traffic that would negatively affect plantings as prescribed.
5. Providing the plantings, that are prone to dying, would be a wasteful venture and burdensome to the owner.
6. The difficulty of maintaining plantings in this prescribed area is not a situation created by the owner.
7. Granting this variance will not affect public safety or impair daylight or the flow of air to adjacent properties.
8. Providing decorative concrete rather than plantings will not adversely affect nearby property values.
9. We feel the addition of the decorative stamped concrete against the building is nice compromise to having live plant materials that are prone to dying.

Thank you.



Joseph Grochowalski  
President, Omega Architects, P.C.



**OWOSSO ZONING BOARD OF APPEALS APPLICATION**

City of Owosso  
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) CRAIG HOPPEN of 2696 CHICAGO DR. SW  
(applicant name) (street number)  
WYOMING MICHIGAN 49509  
(city) (state & zip code)

Applicant Phone Number: 616-293-9962 Applicant Fax Number: 616-534-1663

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

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

Address/location of property: 917 E. MAIN STREET, OWOSSO, MI

Parcel #: DESCRIBED ON SH C2-ATTACHED Zoning district: B-4 GENERAL BUSINESS

**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 250' x 198'
- ii. Area of lot 51,154 SF - 1.17 ACRES
- iii. Lot is a corner or interior lot? CORNER

**b. Description of existing structures:**

- i. Number of buildings now on premises 2
- ii. Size of each building now on premises ① 1,500 SF - ② 1,200 SF.
- iii. Use of existing buildings on premises ① - GAS STATION ② - HOUSE.

**c. Description of proposed structures:**

- i. Height of proposed structure 16' C-STORE, 19' STORAGE SECTION
- ii. Dimensions of proposed building or addition 44' 1/2" W. x 170' LONG 1/2"
- iii. Area of proposed building 6,800 S.F.
- iv. Percentage of lot coverage of building or addition 13%



- d. Yard setbacks after completion of building or addition:
- i. Front yard (measured from lot line) 15'
  - ii. Side yard (measured from lot line) 0'
  - iii. Rear yard (measured from lot line) 10'

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:  
38-397(a)3, 38-397(a)(4)

g. Clearly state your request: We request variances from the following:

1. WE WISH TO PROVIDE LESS THAN 20% GLASS ON THE SIDE OF OUR BUILDING FACING N. GOULD STREET.
2. WE DO NOT WANT TO PROVIDE REQUIRED LANDSCAPING AT BASE OF EXTERIOR WALLS THAT FACE A PRIMARY STREET (W. MAIN & N. GOULD).

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: \_\_\_\_\_



Date: \_\_\_\_\_

4.12.19

Print name: \_\_\_\_\_

CRAIG HOPPEN





Stamped concrete at J&H Family Stores, 8th Avenue



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, May 21, 2019** to consider the following request:

**APPLICANT:** THE HOP FAMILY, LLC (J & H FAMILY STORES)  
**LOCATION OF APPEAL:** 917 E MAIN ST, Owosso, MI 48867  
**PARCEL NUMBER:** 050-112-000-034-00  
**PROPERTY ZONING:** B-4 GENERAL BUSINESS DISTRICT  
**CASE #:** P2019-003

THE APPLICANT IS PROPOSING TO DEMOLISH THE EXISTING C-STORE BUILDING AND OLD HOUSE TO CONSTRUCT A NEW CONVENIENCE STORE AND GAS STATION. THE APPLICANT HAS REQUESTED VARIANCES TO THE ZONING ORDINANCE.

**VARIANCE REQUEST #1:**

SECTION 38-397 COMMERCIAL DESIGN REQUIREMENTS PARAGRAPH (A) (3) WINDOW AREA OR SPANDREL GLASS SHALL MAKE UP AT LEAST TWENTY PERCENT (20%) OR MORE OF THE EXTERIOR WALL AREA FACING A PRINCIPAL STREET(S).

*THE PROPOSED BUILDING MEETS THIS REQUIREMENT ON THE SOUTH ELEVATION FACING MAIN STREET. THE APPLICANT IS SEEKING A VARIANCE FOR THE EAST BUILDING ELEVATION FACING GOULD STREET AND PROPOSING APPROXIMATELY 9% GLASS AREA.*

**VARIANCE REQUEST #2:**

SECTION 38-397 COMMERCIAL DESIGN REQUIREMENTS PARAGRAPH (A) (4) A PORTION OF THE ON-SITE LANDSCAPING SHALL ABUT THE WALLS SO THAT THE VEGETATION COMBINED WITH THE ARCHITECTURAL FEATURES SIGNIFICANTLY REDUCE THE VISUAL IMPACT OF THE BUILDING MASS AS VIEWED FROM THE STREET. *THE APPLICANT IS PROPOSING DECORATIVE STAMPED CONCRETE IN-LIEU OF FOUNDATION LANDSCAPING, AND REQUESTS A VARIANCE.*

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 [tanya.buckelew@ci.owosso.mi.us](mailto:tanya.buckelew@ci.owosso.mi.us) or phoning 989-725-0540. Information on this case is on file in the Zoning Office at City Hall for your review.

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 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



**ON ST.**

**E. EXCHANGE ST.**

**E. MAIN ST.**

**J & H Family Store**  
917 E Main Street

**WALGREENS**

**M-21**

**RITE AID**

**S. GOULD ST.**





## CIB PLANNING

Community Image Builders

May 16, 2019

Zoning Board of Appeals  
City of Owosso  
301 W Main Street  
Owosso, Michigan 48867

Subject: **J&H Family Stores**, *Section 38-397, Commercial Design Requirements*, A(3) of the zoning ordinance to allow a reduction of glass on a street facing façade from the required 20% to roughly 9% . The subject property is zoned B-4, General Business District and the request is dated 04-12-19

Attention: Mr. Nathan Henne, City Manager

Dear Board Members:

At your request, we have completed our review of the above variance request for J&H Family Stores, to allow a reduction of glass that is required by ordinance on a street facing façade. The ordinance states that “window area or spandrel glass shall make up at least 20% or more of the exterior wall area facing the principal street(s)”. The applicant property is located at 917 E Main at the north-west intersection of Gould and is looking to redevelop a former gas station into a modern gas station with a convenience store. Being that the site is a corner lot, the glass requirement applies to both street-facing facades, regardless of where the principal entrance is located. The subject property is zoned B-4, General Business District where this use is permitted as a special land use.

The opinions in this report are based on a review of the materials submitted by the applicant, a site visit, and conformance to city plans and ordinance standards. In making a decision on this request, the Zoning Board of Appeals should apply appropriate standards in consideration of our review, additional comments from the applicant, and relevant factual new information presented at the public hearing. Based upon a review of the submitted application and the dimensional variance criteria in the ordinance, we offer the following comments for your consideration.

### REVIEW COMMENTS

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any one (1) of the special conditions listed thereafter can be satisfied:

1. *Will not be contrary to the public interest or the intent and purpose of this chapter.*

17195 Silver Parkway, #309  
Fenton, MI 48430

Phone: 810-734-0000  
Email: [sprague@cibplanning.com](mailto:sprague@cibplanning.com)

**Review Comment: The intent of this chapter is to ensure the use of high-quality materials, provide an open and inviting look for customers and to improve overall safety by having more transparency into the store along with more eyes on the street. While the reduction is only 11%, we feel that the building is small enough that this would be a significant change from the ordinance.**

*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.*

**Review Comment: The use is a principal use permitted in the district subject to special conditions.**

*3. Is one that is unique and not shared by others.*

**Review Comment: This condition is applied across the community and is not unique to this property.**

*4. Will relate only to the property that is under control of the applicant.*

**Review Comment: The variance will only relate to the property under the 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.*

**Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.**

*6. Was not created by action of the applicant (i.e. that it was not self-created).*

**Review Comment: The need for the variance is not self-created. If the applicant property were not situated on a corner lot, the applicant would comply with the ordinance.**

*7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.*

**Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion, increase fire danger or endanger the public.**

*8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.*

**Review Comment: The variance would not impact property values in the immediate vicinity.**

*9. Is applicable whether a grant of the variance would be 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.*

**Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area seem to have met the glass requirement while also situated on a corner lot.**

**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 piece of land.*

**Review Comment: The only potential practical difficulty is the fact that this lot is a corner lot requiring two front façades to be applied. As noted above, other similarly situated properties on corner lots seem to meet the 20% glass requirement.**

*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.*

**Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district**

*3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.*

**Review Comment: A variation is not necessary for the preservation of a substantial property right possessed by others in the same district.**

## **RECOMMENDATION**

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance does not meet all of the above standards for approval. Therefore, **we recommend denial of the request to allow for a reduction of required glass façade from 20% to 9%**, for the following reasons:

1. A reduction would be contrary to the intent of the ordinance;
2. The condition is not unique to the property;
3. The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply;
4. The variance would not provide justice shared by other properties in the area;
5. There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district; and
6. A variation is not necessary for the preservation of a substantial property right possessed by

City of Owosso Zoning Board of Appeals

**J&H Family Stores**

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others in the same district.

If you have any further questions, please contact us at 810-734-0000.

Sincerely,

**CIB Planning**



Carmine P. Avantini, AICP

President



Justin Sprague

Vice President



## CIB PLANNING

Community Image Builders

May 16, 2019

Zoning Board of Appeals  
City of Owosso  
301 W Main Street  
Owosso, Michigan 48867

Subject: **J&H Family Stores**, *Section 38-397, Commercial Design Requirements*, A(4) of the zoning ordinance to use decorative paving instead of planting landscaping adjacent to the building . The subject property is zoned B-4, General Business District and the request is dated 04-12-19

Attention: Mr. Nathan Henne, City Manager

Dear Board Members:

At your request, we have completed our review of the above variance request for J&H Family Stores, to allow a reduction of landscaping that is required by ordinance to abut the walls of the building to reduce the visual impacts of the building mass. The applicant property is located at 917 E Main at the north-west intersection of Gould and is looking to redevelop a former gas station into a modern gas station with a convenience store. The applicant is proposing to use decorative stamped and colored concrete at the building entrance to enhance the overall look of the entrance. The subject property is zoned B-4, General Business District where this use is permitted as a special land use.

The opinions in this report are based on a review of the materials submitted by the applicant, a site visit, and conformance to city plans and ordinance standards. In making a decision on this request, the Zoning Board of Appeals should apply appropriate standards in consideration of our review, additional comments from the applicant, and relevant factual new information presented at the public hearing. Based upon a review of the submitted application and the dimensional variance criteria in the ordinance, we offer the following comments for your consideration.

### REVIEW COMMENTS

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any one (1) of the special conditions listed thereafter can be satisfied:

1. *Will not be contrary to the public interest or the intent and purpose of this chapter.*

**Review Comment: The intent of this chapter is to ensure the use of high-quality materials, provide an open and inviting look for customers. Utilizing decorative concrete will not be contrary to the intent of the ordinance.**

*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.*

**Review Comment: The use is a principal use permitted in the district subject to special conditions.**

*3. Is one that is unique and not shared by others.*

**Review Comment: This condition is applied across the community and is not unique to this property.**

*4. Will relate only to the property that is under control of the applicant.*

**Review Comment: The variance will only relate to the property under the 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.*

**Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.**

*6. Was not created by action of the applicant (i.e. that it was not self-created).*

**Review Comment: The need for the variance is self-created. The applicant states that the landscaping next to the building will be difficult to maintain, especially during winter months when salt is applied to the sidewalk next to the building.**

*7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.*

**Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion, increase fire danger or endanger the public.**

*8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.*

**Review Comment: The variance would not impact property values in the immediate vicinity.**

*9. Is applicable whether a grant of the variance would be 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.*

**Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area appear to not have landscaping abutting their walls either.**

**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 piece of land.*

**Review Comment: There appear to be no practical difficulties or undue hardships preventing the strict letter of this chapter.**

*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.*

**Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district**

*3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.*

**Review Comment: A variation would be necessary for the preservation of a substantial property right possessed by others in the same district.**

## **RECOMMENDATION**

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance does not meet all of the above standards for approval. Therefore, **we recommend approval of the request to allow the use of decorative stamped and colored concrete in place of abutting landscaping** for the following reasons:

1. The variance would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variation is necessary for the preservation of a substantial property right possessed by others in the same district.

If you have any further questions, please contact us at 810-734-0000.

Sincerely,

**CIB Planning**



Carmine P. Avantini, AICP  
President



Justin Sprague  
Vice President