



**CITY OF OWOSSO**  
**Zoning Board of Appeals**  
Tuesday, June 16, 2020 at 9:30 a.m.  
**AGENDA**

City of Owosso is inviting you to a scheduled ZBA Zoom meeting on Tuesday, June 16, 2020 at 9:25 a.m.  
Join Zoom Meeting

<https://us02web.zoom.us/j/86002808125?pwd=RU5GeFFON2toTXBrNStQNkpiVzJldz09>

**Meeting ID: 860 0280 8125 Password: 517459**

One tap mobile

+16465588656,,86002808125#,,1#,517459# US (New York)

+13017158592,,86002808125#,,1#,517459# US (Germantown)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 860 0280 8125 Password: 517459

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – June 16, 2020

APPROVAL OF MINUTES – July 16, 2019

OLD BUSINESS – None

NEW BUSINESS / PUBLIC HEARINGS:

- 1. APPLICANT:** ALLAN MARTIN  
**LOCATION OF APPEAL:** 615 N PARK STREET, Owosso, MI 48867  
**PARCEL NUMBER:** 050-470-032-005-00  
**PROPERTY ZONING:** R-2, TWO-FAMILY RESIDENTIAL DISTRICT  
**CASE #:** P2020-007
- 2. APPLICANT:** GORDON SURETTE/JOSEPH HAMMONTREE  
**LOCATION OF APPEAL:** 507 GILBERT STREET, Owosso, MI 48867  
**PARCEL NUMBERS:** 050-111-002-012-00  
**PROPERTY ZONING:** R-1, ONE-FAMILY RESIDENTIAL DISTRICT  
**CASE #:** P2020-008

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, July 21, 2020, 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**  
**JULY 16, 2019 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 Michael Bruff, Tom Taylor and Kent Telesz

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

**OTHERS PRESENT:** Justin Sprague, CIB Planning, Jordan London, Architect with Edmund London & Associates, Inc., Charlie Thompson, Memorial Healthcare Director of Facilities

**AGENDA:**

**IT WAS MOVED BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE AGENDA FOR THE JULY 16, 2019 REGULAR MEETING AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES:**

**THIS ITEM WAS TABLED UNTIL THE NEXT MEETING TO ALLOW FOR REVIEW**

**CONFLICT OF INTEREST:**

Board Member Bruff received the zoning variance notice due to him living within 300' of the proposed building. Mr. Bruff brought this up as to assure there was not a conflict of interest in regards to him voting on the variances. He is not in conflict as there is neither a financial conflict nor a personal benefit the Mr. Bruff would receive. Chairman Horton, Board Members Taylor and Telesz have agreed there is not a conflict of interest.

**OLD BUSINESS:** - None

**NEW BUSINESS/PUBLIC HEARINGS:**

**APPLICANT:** MEMORIAL HEALTH CARE

**LOCATION OF APPEAL:** 826 W KING STREET, Owosso, MI 48867

**PARCEL NUMBERS:** 050-310-000-006-00, 050-310-000-007-00, 050-310-000-008-00, 050-310-000-009-00, 050-310-003-001-00, 050-310-003-002-00, 050-310-003-003-00, 050-310-001-015-00, 050-310-001-016-00, 050-310-001-017-00, 050-310-001-001-00, 050-310-001-002-00, 050-310-001-003-00, 050-310-001-004-00

**PROPERTY ZONING:** R-1, ONE-FAMILY RESIDENTIAL and OS-1, OFFICE SERVICE

THE APPLICANT IS SEEKING VARIANCES TO ALLOW THE ADDITION OF A NEURO/ORTHOWELLNESS CENTER:

**VARIANCE REQUEST #1:**

THE BUILDING HEIGHT OF 43'4" EXCEEDS THE MAXIMUM HEIGHT OF 35 FEET, PERMITTED BY SECTION 38-351, SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT

## **VARIANCE REQUEST #2:**

A VARIANCE TO PERMIT A PARKING LOT SETBACK OF 25 FEET WHERE SECTION 38(43)(9)(D) OFF-STREET PARKING REQUIRES OFF-STREET PARKING LOTS TO BE SET BACK 50 FEET FROM LOCAL STREETS.

THE CITY OF OWOSSO MUNICIPAL CODE REQUIRES APPROVAL OF DIMENSIONAL VARIANCES FROM THE ZONING BOARD OF APPEALS.

Jordan London presented the plans for the proposed building. He presented each of the 3 floors, noting the 3<sup>rd</sup> floor use on the south side of the building would be a running track and the 3<sup>rd</sup> floor to the north would be for future medical offices.

Justin Sprague explained why the variances would be needed. Originally, the proposal was going to proceed with a Planned Unit Development (PUD), but with the PUD being a long process, it was decided to go for the 2 variances as the process would move along at a faster pace. The Planning Commission made the decision to add landscaping as opposed to a mason wall.

Chairman Horton opened the Public Hearing and the following spoke:

- 1. Marv Sanders, 916 Ada Street, asked about the parking and the survey stakes that are currently present.**

*Response: The property was recently surveyed and the parking lot (if variance is approved) would not begin until 25' setback from the property stakes/property line. The landscape buffer would encompass the area between the parking lot and the property line.*

- 2. Tom Koenig, 1000 Ada Street, asked about the landscaping.**

*Response: Additional discussion regarding the landscape buffer continued. The buffer is meant for the new parking lot as there are already trees planted along the existing parking area.*

- 3. Karen Harris, 900 Campbell Drive, asked about adding landscaping to the river and the possibility of the light pollution increasing on the neighboring homes. Also asked if there would be any vehicle entry off of Jennett Street and Ada Street.**

*Response: There is not an intention to add in additional landscaping to the river. The light pollution would increase and the hospital will make every effort for it to be a minimal impact on the neighbors. There will not be entry to the hospital from Jennett nor Ada Street.*

- 4. Sherry Elwell, 1018 Ada Street, asked why the 25' variance is needed for parking.**

*Response: The variance for parking is part of the Mater Plan and future development for the hospital. In addition, this is part of the reconfiguration of the parking lot to allow for more spaces.*

- 5. John Smith, 910 Ada Street, asked the parking lot and hill area across the street from his house and if the Consumers Energy gas lines would be affected again and disrupt his front yard area.**

*Response: The hill area would not be affected by the new parking lot. The hospital has a direct contact with Consumers Energy and any concerns regarding the gas lines will be addressed accordingly.*

6. **Barbara Perkovic, 713 Pine Street, lives behind the old Sunoco station that is now demolished and asked about what additional homes were going to be demolished on her block.**

*Response: The 2 homes adjacent to the former Sunoco building are being demolished – 1 faces King Street and the other faces 52. At this time, nothing is planned for this area. Future development could possibly include parking.*

## FINDINGS OF FACT AND CONCLUSIONS

**UPON MOTION OF BOARD MEMBER TELESZ, SECONDED BY BOARD MEMBER TAYLOR**, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant **does** meet the applicable nine (9) facts of findings:

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

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

**Review Comment.** The variance will not be contrary to the public interest or to the intent of the ordinance. The request for additional height to allow a third story is consistent with existing buildings on the campus as the hospital itself has a building five (5) stories in height. The reduced parking lot setback still provides ample room for a landscape buffer to shield the parked cars, meeting the intent of the requirement. Standard met.

*b. 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 permitted by right. Standard met.

*c. Is one that is unique and not shared with other property owners;*

**Review Comment.** The Memorial Health Care campus is an established facility with limited expansion opportunities. Surrounding properties are residential and professional offices, many of which are medical-related. The situation is unique to the healthcare campus. Standard met.

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

**Review Comment.** This request relates only to the property under the control of the applicant. Standard met.

*e. 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.** Compliance with the strict letter of the regulations would prevent the applicant from providing the required number of parking spaces to support the facility. Compliance with the strict letter of the height regulations would prevent the applicant from constructing a three story building and therefore reducing the needed square footage needed to provide the new centers. Standard met.

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

**Review Comment.** The need for the variance was not created by the applicant but rather it is due to its established location. Standard met.

*g. 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;*

**Review Comment.** The height increase and reduced parking lot setback will not be impair the adequate supply of light and air to adjacent properties or increase the congestion of public streets or increase the danger of fire or endanger the public safety. Standard met.

*h. 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;*

**Review Comment.** The proposed height and parking lot setback reduction will not be detrimental to the adjacent property or the surrounding area. Standard met.

*i. 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.*

**Review Comment.** An increase in height and encroachment into the front yard setback will not be detrimental to the adjacent property or the surrounding area. Without the requested variances, the applicant is not able to construct the building will all its proposed centers.

**2. 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:

*a. 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; OR*

*b. 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; OR*

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

**Review Comment.**

*(b) In order for Memorial Health Care to provide additional care in Neuro, Orthopedic, and Wellness areas, the requested variances are necessary to construct the building. The campus has a limited amount of property to expand their facilities. Acquiring additional land for parking expansion and future construction is not feasible. Memorial Health Care is an established facility and at one point was permitted to construct a 5-story building. Should the height variance not be approved, the applicant may be forced to use more ground floor area to expand the footprint of the facility, thereby increasing the lot coverage on the lot and limiting future expansion and growth (new buildings providing additional services). The intended use of the property as a health care campus does not apply to other properties in the same zoning district--the campus-style development is unique to the City.*

**The Variance Request #1 for an 8' 4" high dimensional variance is approved to allow the height of the building to be constructed at 43'4" instead of the maximum height of 35'.**

**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 a roll call vote as follows:

**AYES: BOARD MEMBERS BRUFF, TAYLOR, TELESZ AND CHAIRMAN HORTON  
NAYS: NONE**

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

**UPON MOTION OF BOARD MEMBER TAYLOR, SECONDED BY BOARD MEMBER TELESZ**, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #2. The applicant does meet the applicable nine (9) facts of findings:

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

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

**Review Comment.** The variance will not be contrary to the public interest or to the intent of the ordinance. The request for additional height to allow a third story is consistent with existing buildings on the campus as the hospital itself has a building five (5) stories in height. The reduced parking lot setback still provides ample room for a landscape buffer to shield the parked cars, meeting the intent of the requirement. Standard met.

*b. 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 permitted by right. Standard met.

*c. Is one that is unique and not shared with other property owners;*

**Review Comment.** The Memorial Heath Care campus is an established facility with limited expansion opportunities. Surrounding properties are residential and professional offices, many of which are medical-related. The situation is unique to the healthcare campus. Standard met.

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

**Review Comment.** This request relates only to the property under the control of the applicant. Standard met.

*e. 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.** Compliance with the strict letter of the regulations would prevent the applicant from providing the required number of parking spaces to support the facility. Compliance with the strict letter of the height regulations would prevent the applicant from constructing a three story building and therefore reducing the needed square footage needed to provide the new centers. Standard met.

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

**Review Comment.** The need for the variance was not created by the applicant but rather it is due to its established location. Standard met.

*g. 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;*

**Review Comment.** The height increase and reduced parking lot setback will not be impair the adequate supply of light and air to adjacent properties or increase the congestion of public streets or increase the danger of fire or endanger the public safety. Standard met.

*h. 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;*

**Review Comment.** The proposed height and parking lot setback reduction will not be detrimental to the adjacent property or the surrounding area. Standard met.

*i. 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.*

**Review Comment.** An increase in height and encroachment into the front yard setback will not be detrimental to the adjacent property or the surrounding area. Without the requested variances, the applicant is not able to construct the building will all its proposed centers.

**4. 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:

*a. 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; OR*

*b. 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; OR*

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

**Review Comment.**

*(b) In order for Memorial Health Care to provide additional care in Neuro, Orthopedic, and Wellness areas, the requested variances are necessary to construct the building. The campus has a limited amount of property to expand their facilities. Acquiring additional land for parking expansion and future construction is not feasible. Memorial Health Care is an established facility and at one point*

was permitted to construct a 5-story building. Should the height variance not be approved, the applicant may be forced to use more ground floor area to expand the footprint of the facility, thereby increasing the lot coverage on the lot and limiting future expansion and growth (new buildings providing additional services). The intended use of the property as a health care campus does not apply to other properties in the same zoning district--the campus-style development is unique to the City.

**The Variance Request #2 for the parking lot to be setback 25' from the property line instead of the required 50' setback is approved.**

**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 a 3 – 1 roll call vote as follows:

**AYES: BOARD MEMBERS BRUFF, TAYLOR AND CHAIRMAN HORTON  
NAYS: BOARD MEMBER TELESZ**

OTHER BOARD BUSINESS: None

PUBLIC COMMENTS AND COMMUNICATIONS: None

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN AT 10:35 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, AUGUST 20, 2019, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

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Matthew Grubb, Secretary



CITY OF OWOSSO ZONING BOARD OF APPEALS  
OFFICIAL NOTICE OF PROPOSED VARIANCES

City of Owosso is inviting you to a scheduled ZBA Zoom meeting on Tuesday, June 16, 2020 at 9:25 a.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/86002808125?pwd=RU5GeFFON2toTXBrNStQNkpwVzJldz09>

**Meeting ID: 860 0280 8125 Password: 517459**

One tap mobile

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+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 860 0280 8125 Password: 517459

The Zoning Board of Appeals of the City of Owosso will hold a Public Hearing at **9:30 a.m. on Tuesday, June 16, 2020** to consider the following requests:

**APPLICANT:** ALLAN MARTIN  
**LOCATION OF APPEAL:** 615 N PARK STREET, Owosso, MI 48867  
**PARCEL NUMBERS:** 050-470-032-005-00  
**PROPERTY ZONING:** R-2, TWO-FAMILY RESIDENTIAL DISTRICT  
**CASE #:** P2020-007

The applicant is seeking variances to allow the replacement of current garage with new 26' X 26' – 2 stall garage - height of 18' 10" and location of 2' 4" from side yard lot line and 2' 7" from rear yard lot line.

**VARIANCE REQUEST #1 – Height of Structure:**

A variance to permit the building height of 18' 10" that exceeds the maximum height permitted by *Section 38-379, Accessory Buildings (5) No detached accessory building in R-1, R-2, RT-1, RM-1, RM-2, OS-1, B-1 and P-1 districts shall exceed one (1) story or fourteen (14) feet in height.*

**VARIANCE REQUEST #2 – Location from Side and Rear Lot Lines:**

A variance to permit the setbacks of 2' 4" from side yard lot line and 2' 7" from rear yard lot line that is less than permitted by *Section 38-379, Accessory Buildings (4) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line*

**APPLICANT:** GORDON SURETTE/JOSEPH HAMMONTREE  
**LOCATION OF APPEAL:** 507 GILBERT STREET, Owosso, MI 48867  
**PARCEL NUMBERS:** 050-111-002-012-00  
**PROPERTY ZONING:** R-1, ONE-FAMILY RESIDENTIAL DISTRICT  
**CASE #:** P2020-008

The applicant is seeking a variance to allow the replacement of current attached garage with new 8' X 12' X 9' at peak detached accessory structure. Location – 7' from main structure, 0' from side yard lot line and 1' from rear yard lot line.

**VARIANCE REQUEST #1 – Location from Main Building and Side/Rear Lot Lines:**

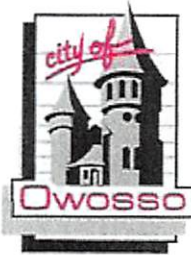
A variance to permit the setbacks of 0' from side yard lot line, 1' from rear yard lot line and 7' from main building that is less than permitted by *Section 38-379, Accessory Buildings (4) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line*

The City of Owosso Municipal Code requires approval of dimensional variances from the Zoning Board of Appeals.

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)

P2020-007  
pd 5/5/2020



**ZONING BOARD OF APPEALS APPLICATION**

City of Owosso  
301 W. Main Street, Owosso, MI 48867  
Phone: (989) 725.0540

The Owosso Zoning Board of Appeals (ZBA) meets in a regular session when there are items on the agenda on the third Tuesday of the month at 9:30 a.m. in the city council chambers, 301 W. Main Street, Owosso, Michigan.

Materials related to requests for ZBA action, including any required fees, must be filed at the building department located on the first floor of city hall. Questions may be directed to the Building Department at (989) 725-0540.

**Filing requests which are not complete or which are not filed by the meeting deadline, as determined by the Zoning Administrator, will not be placed on the agenda of the ZBA meeting, nor will they be considered at the ZBA meeting.**

Filing deadlines are established:

- To comply with various ordinance requirements;
- To permit adequate time for staff to arrange the notice for publication as may be required;
- To permit adequate time for staff to arrange the mailing of notices as may be required;
- To permit adequate time for the ZBA and staff to review the filed materials.

Filing deadlines are established at 28 calendar days prior to the ZBA meetings:

**ZBA REVIEW APPLICATION PROCESS (see Section 38-504 of the Owosso Zoning Ordinance)**

1. ZBA meetings are held on the third Tuesday of the month at 9:30 a.m. in city council chambers, 301 W. Main Street, Owosso, Michigan. **It is in your best interest to be present or be represented at the zoning board of appeals meeting.**
2. Applications **must** be filed by the property owner. All other applications will be returned.
3. The deadline for filing applications is 28 days prior to the day of the meeting.
4. If the Michigan Department of Environmental Quality (MDEQ) has restricted any portion of your lot from being built upon, the MDEQ documentation must be provided along with your application.
5. This application and a site plan drawn to scale, including information as outlined below, are required. The application must be filed with the building department.
6. **A fee of \$400 (Commercial) or \$175 (Residential) shall be paid upon submission of the application to the city of Owosso, located at 301 W. Main Street, Owosso, MI 48867.**

The following information must be shown on all site plans presented to the ZBA where applicable:

- Description of site (plat numbers and/or legal description).
- Area of site (in square feet or acres).
- Dimensions on all property lines, setbacks and etc.
- The location of all existing structures and proposed structures on subject property.
- The location of all existing structures within 100' of subject property.
- The location of all existing and proposed drives, turning lanes, parking areas, number of parking spaces, greenbelt screening and walls.
- The location and right-of-way widths of all abutting streets and alleys.
- Loading and unloading areas.

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.

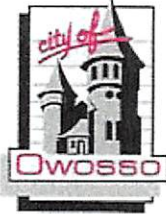
I certify that the above required information is shown on the site plan included with this form.

  
\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date 05-01-2020

**2020 Meeting Dates Submittal Deadlines**

January 21	December 23
February 18	January 21
March 17	February 18
April 21	March 24
May 19	April 21
June 16	May 19
July 14	June 16
August 18	July 21
September 15	August 18
October 20	September 22
November 17	October 20
December 15	November 17



**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 \$400 (Commercial) or \$175 (Residential)

**1. PROJECT INFORMATION**  
**TO THE OWOSSO ZONING BOARD OF APPEALS; I (WE)**

Applicant Name: Allan Martin

Address: 615 N Park St

City, State, Zip: Owosso MI 48867

Phone Number: 810-241-1954

E-Mail: martin@mi-ics.com

**HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:**

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

Address/Location of Property: 615 N Park St, Owosso MI

Parcel #: 050-470-032-005-00

Zoning District: R-2

**2. REQUIRED ATTACHMENTS:**

- 3 copies of site plan, plus a digital copy
- Completed application
- 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:**

- Size of lot: 66 x 132
- Area of lot: 8,712 square feet
- Lot is a corner or interior lot? Interior

**b. Description of existing structures:**

- Number of buildings now on premises: 2

---

o Size of each building now on premises: House – see sketch ~1,000 sq ft, Garage – 20x20

---

o Use of existing buildings on premises: House and Detached Garage

---

**c. Description of proposed structures:**

---

o Height of proposed structures: 18' 10"

---

o Dimensions of proposed building or addition: 26 x 26 Garage

---

o Area of proposed building: 676

---

o Percentage of lot coverage of building or addition: 7.76%

---

**d. Yard setbacks after completion of building or addition:**

---

o Front yard (measured from lot line): 103'

---

o Side yard (measured from lot line): 2' 4" To match current garage

---

o Rear yard (measured from lot line): 2' 7" To match current garage

---

**e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 ½" X 11" in size.**

---

**f. Section number of Zoning Ordinance that is being appealed: 38-379 Accessor Structure**

---

**g. Clearly state your request:**

---

*I would like to replace my current dilapidated garage with a new 26x26 2 stall garage with an 8-12 pitch roof so that we can have a storage area upstairs. Very similar to 2 adjacent neighbors. We would also like to put the garage back in the current location – 2' 4" from side lot line and 2' 7" from the rear lot line.*

---

#### 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 judgment, 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: 05-01-2020

Print name: Allan Martin

## SUBMITTAL CHECKLIST FOR APPEALS NOT RELATED TO SIGNS

*FOR SIGNS, PLEASE USE SUBMITTAL CHECKLIST ON NEXT PAGE*

### REQUIRED   PROVIDED

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | COMPLETED APPLICATION.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>1 COPY OF SUPPORTING DOCUMENTS DESCRIBING</b> THE REQUEST, CONSTRUCTION AND/OR WORK INCLUDING BUT NOT LIMITED TO: <ul style="list-style-type: none"><li>▪ PLOT PLANS DRAWN TO SCALE, SHOWING THE SHAPE AND DIMENSION OF LOT(S).</li><li>▪ LOCATION ON THE LOT OF FENCES, OR OTHER STRUCTURES CONCERNING THE REQUEST.</li><li>▪ DETAILED PLANS SHOWING CONSTRUCTION MATERIALS AND METHOD OF CONSTRUCTION.</li><li>▪ PHOTOS, DRAWINGS, OR RENDERINGS AS NECESSARY TO ACCURATELY DESCRIBE THE REQUEST.</li></ul> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ANY ADDITIONAL INFORMATION INCLUDING REPORTS OR ACCREDITED TESTING AGENCIES, INCLUDING ACCREDITED AGENCIES RECOGNIZED BY THE INTERNATIONAL CODE COUNCIL (ICC) AND ACCEPTED ENGINEERING PRACTICES SHOULD ACCOMPANY YOUR APPEAL.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>1 COPY OF INFORMATION</b> THAT CLEARLY EXPLAINS THE IMPACTS OF THE REQUEST ON THE AREA.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>A WRITTEN EXPLANATION OF</b> THE REASONS JUSTIFYING THE REQUEST. IF APPEALING AN ICC CONSTRUCTION CODE, PLEASE EXPLAIN ALTERNATIVES THAT WOULD BE EQUAL TO WHAT THE CODE REQUIRES.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>MINIMUM SIZE OF ALL DOCUMENTS 8.5" X 11".</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A DIGITAL VERSION OF ALL APPLICATION DOUCUMENTS. E MAILING THEM TO THE DEPARTMENT IS PREFERRED.  |





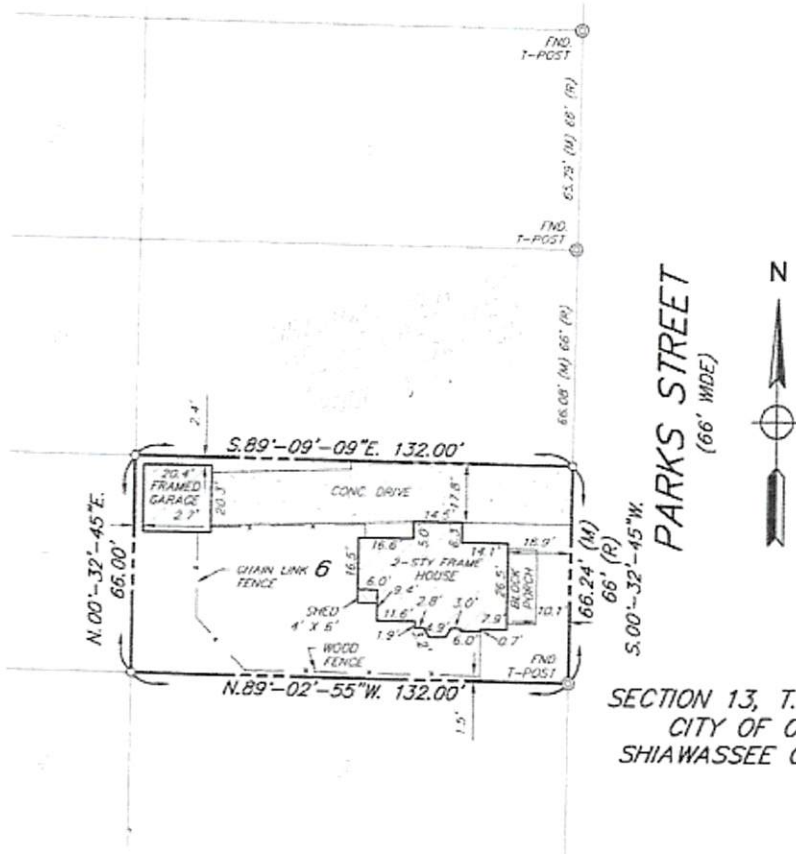
Spicer Group, Inc.  
 230 S. Washington Avenue  
 Saginaw, MI 48607  
 TEL (989) 754-4717  
 FAX (989) 754-4440  
 www.SpicerGroup.com

**LEGEND**

- ⊙ - FOUND SURVEY CORNER
- - SET 1/2" DIA. IRON ROD WITH CAP No.41115

SCALE: 1" = 40'

DWG. NO.: JA-5216



SECTION 13, T.7 N.-R.2 E.  
 CITY OF OWOSSO  
 SHIAWASSEE COUNTY, MI

SURVEY FOR: Allan Martin  
 303 S. Courtland St.  
 Hart, MI 49420

DATE: 10-24-19

SURVEY OF:

Lot 6, Block 32, Original Plat of the Village (now City) of Owosso, as recorded in Book 3, Page 413 of Plats, Shiawassee County Records, T.7 N.-R.2 E., City of Owosso, Shiawassee County, Michigan.



I hereby certify that I have surveyed the parcel of land hereon shown and described within the limits accepted by the practice of Professional Surveying.

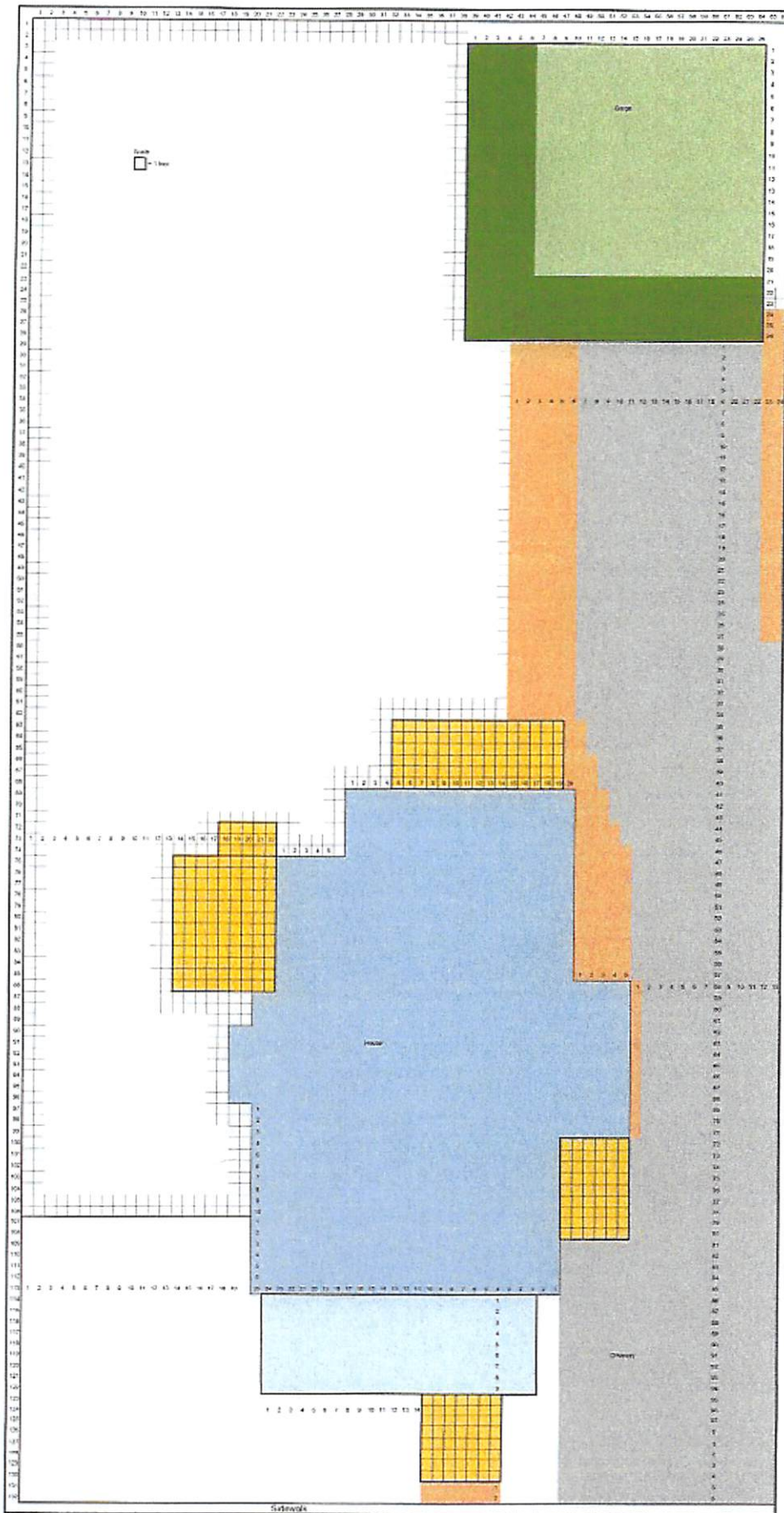
By: *Jeffrey E. Wood*  
 Jeffrey E. Wood  
 Professional Surveyor No. 41115

Date: 10-25-19

DRAWN BY: MLW  
 CHECKED BY: DMW

PLOT DATE: 10-24-19  
 SHEET 1 OF 1

JOB#: 127790.19  
 DWG#: JA-5216

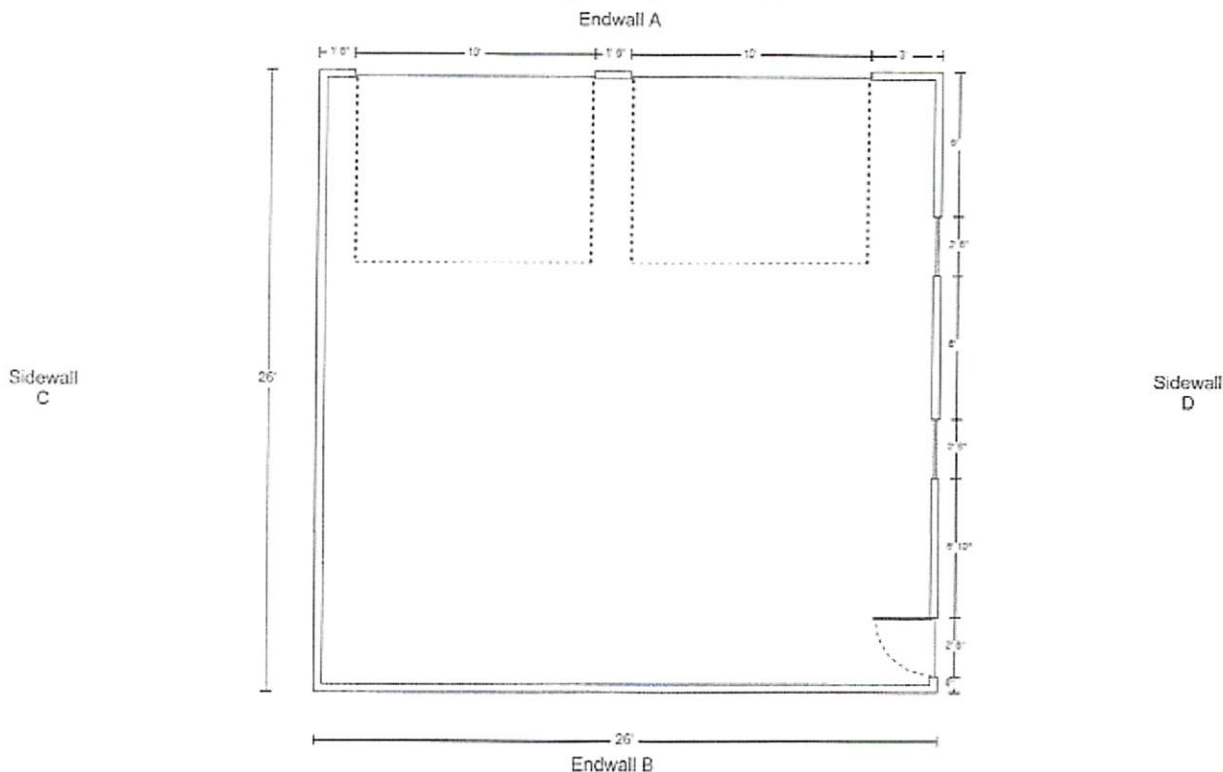




CLIO, 11357 N LINDEN RD, CLIO, MI, 810-686-1042

## Garage Floor Plan

\*\*Illustration may not depict all selections.



Design Name: 615 Garage  
 Design ID: 324153587374  
 Date: 04/30/2020  
 Estimate ID: 51399

**Estimated Total Price: \$13234.63\***

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included. Price does not reflect mail-in rebates.

### How to purchase at the store

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into the Garage Estimator Search Saved Designs page.
3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

### How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Select the Garage Estimator from the Project Center.
3. Select Search Saved Designs.
4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your garage to the cart and purchase.

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.

Please select your Building Width 26'

Building Length

Please select your Building Length 26'

Building Height

Please select your Building Height 9'

Wall Framing Stud

Please select your Wall Framing Stud 2" x 4"

Roof Framing

Please select your Roof Framing Truss Construction

Truss Type

Please select your Truss Type Gable Room in attic

Room Size

Please select your Room Size 6'6" x 12'

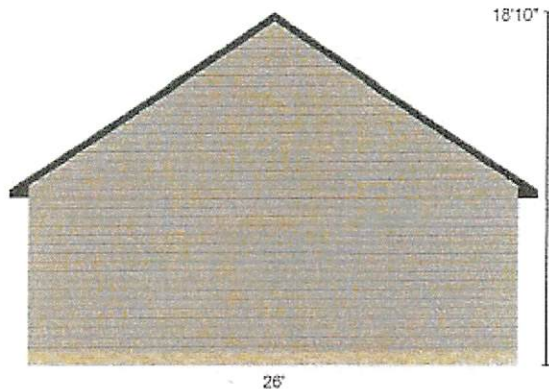
Room In Attic Access Option

Please select your Room In Attic Access Option Stairs

ESTIMATED TOTAL PRICE: \$10,200.00

Design Id: 324153587374

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included. Price does not reflect mail-in rebates.



26'

< Back

Restart

Print My Design



Save My Design

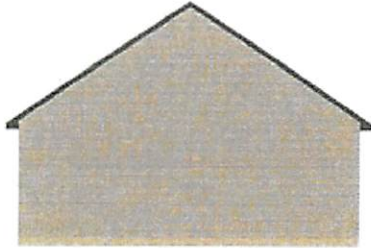
Continue >



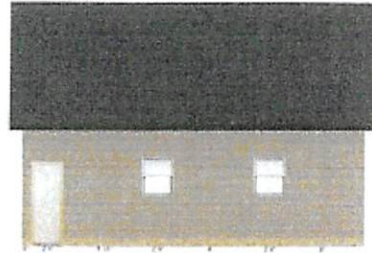
CLIO, 11357 N LINDEN RD, CLIO, MI, 810-686-1042

### Wall Configurations

\*Illustration may not depict all options selected.

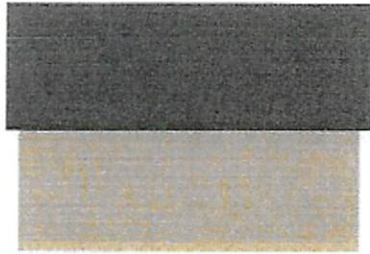


ENDWALL B

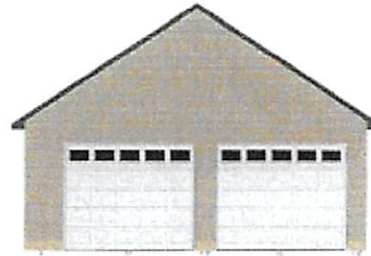


SIDEWALL D

- (2) - JELD-WEN® 30"W x 36"H Better Series Vinyl Single ...
- (1) - Mastercraft® Primed Steel 6-Panel Prehung Exterior ...



SIDEWALL C



ENDWALL A

- (2) - Ideal Door® Traditional 10' x 8' White Insulated Gara...

\*Some items like wainscot, gutter, gable accents, are not displayed if selected.

	Design Name: 615 Garage	Design ID: 324153587374	Estimate ID: 51399
--	-------------------------	-------------------------	--------------------



CLIO, 11357 N LINDEN RD, CLIO, MI, 810-686-1042

## Design Summary

Here is a summary of all your customized selections.

### Building Info:

- Roof Framing: Truss Construction
- Truss Type: Gable Room in attic
- Pitch: 8/12 Pitch
- Framing Size: 2" x 4"
- Width: 26'
- Length: 26'
- Height: 9'
- Gable Overhang: 1'
- Eave Overhang: 1'
- Block Option: 1 Row
- Block Type: 8" Standard Concrete Construction Block
- Block Color: NoColor
- Anchor bolt: Grip Fast 1/2" x 10" HDG Anchor Bolt w/ Nut & Washer
- Custom Garage Plan: No I do not need a custom building plan
- Room Size: 6'6" x 12'

### Roof Info:

- Garage Roof Sheathing: 1/2" OSB (Oriented Strand Board)
- Roofing Material Type: Architectural Shingle
- Roof Vents: None
- Roof Vent Color: NoColor
- Ridge Vent: Owens Corning® VentSure® 11-1/4" x 20" Shingle Over Ridge Vent
- Garage Roofing: Owens Corning® TruDefinition® Duration® Architectural Shingles (32.8 sq. ft.)
- Roofing Color: Chateau Green
- Roof Underlayment: #15 Felt Roofing Underlayment 3' x 144' (432 sq. ft.)
- Ice and Water Barrier: Owens Corning® WeatherLock® G Granulated Self-Sealing Ice and Water Barrier 3' x 66.7" (200 sq. ft.)
- Garage Fascia Type: Aluminum Fascia
- Garage Fascia: 6" x 12' Aluminum Rustic Fascia
- Fascia Color: Hunter Green
- Garage Soffit Type: Aluminum Soffit
- Garage Soffit: 16" x 12' Aluminum Vented Soffit
- Soffit Color: Hunter Green
- Gutter material Type: Aluminum
- Gutter: Spectra Metals 5" x 10' K-Style Aluminum Gutter
- Gutter Color: White

### Additional Options:

- Wall Finish: None
- Truss Fastener: FastenMaster® TimberLOK® 5/16" x 6" Hex Drive Black Hex Head Wood Screw - 50 Count
- Ceiling Finish: 1/2" Lightweight Drywall
- Finish Area: Attic and Lower area
- Wall Insulation: None
- Ceiling Insulation: Fiberglass batts
- Ceiling Insulation R Value: R19 Kraft Faced Roll
- Insulation Area: Attic and Lower area
- Stairs: Dakota™ 1-1/8" x 11-1/4" Ready-to-Finish Particleboard Stair Treads
- Floor: LP® TopNotch® 350 Series 3/4 x 4 x 8 Tongue-and-Groove OSB Sturd-I-Floor

### Wall Info:

- Siding Material Types: Vinyl
- Siding: ABTCo® Harbor Ridge Double 4"
- Siding Color: Sandstone
- Accent Material Type: Vinyl
- Accent: Cedar Impressions® 6-1/4" Half-Round Shingles
- Accent Siding Color: Snow
- Endwall A Accent: no gable accent
- Endwall B Accent: yes add gable accent
- Wainscot Material Type: None
- House Wrap: Kimberly-Clark BLOCK-IT® 9'x75'House Wrap
- Gable Vents: Novik® 16" Octagon Gable Vent
- Gable Vent Color: ABT Co - White - 001
- Walls Sheathing: 1/2" OSB (Oriented Strand Board)

### Openings:

- Ideal Door® Traditional 10' x 8' White Insulated Garage Door with Windows: 2
- Chamberlain® 1-1/4 HP Chain Drive Garage Door Opener with Battery Backup (Best): 2
- Engineered Wood
- Hunt Club Red
- 30 Year PPG Paint Warranty
- JELD-WEN® 30"W x 36"H Better Series Vinyl Single Hung Window with Nailing Flange: 2
- Mastercraft® Primed Steel 6-Panel Prahung Exterior Door: 1

### What's Next

Finalized your Garage design? Great! Now it's time to set-up shipping!



If you have already set up your shipping/delivery options, please disregard this section

### Set Up Shipping

1. If you completed the order online, check your email for a confirmation receipt and follow the directions included in it.
2. Take this printout to the Menards store location you selected (shown above).
3. Find a team member from the Building Materials department and show them your receipt and this print-out
4. Set up a time and location for delivery.

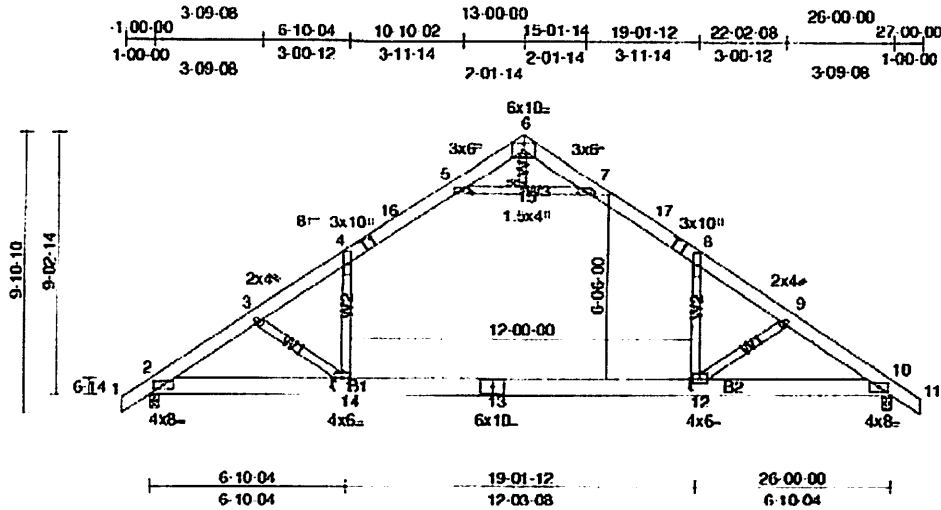
Job <b>QTREC0512850</b>	Truss <b>GA16</b>	Truss Type <b>ATTIC</b>	Qty <b>1</b>	Qty <b>1</b>	Job Reference (optional)
----------------------------	----------------------	----------------------------	-----------------	-----------------	--------------------------

Midwest Manufacturing, Eau Claire, WI

Run 8:100 s Apr 21 2017 Print 8:100 s Apr 21 2017 METek Industries, Inc Thu Jun 29 13:36:30 2017

Page 1

ID: xzVDM6\_413HHFeyAv3FKuz2T0s-FmJq3FpcNWDjY4wGP\_v7m78Aysf7C3-58M8z1P15



Scale = 1/8" = 1'-0"

Loading	(psf)	Spacing	2-C0-00	CSI	DEFL	in	(loc)	V/defl	L/d	PLATES	GRIP
TCLL (roof)	35.0	Plate Grip DOL	1.15	1C	0.77	0.50	12-14	>816	240	MT20	197/144
Snow (Ps/Pg)	34 7/50 0	Lumber DOL	1.15	BC	0.49	-0.72	12-14	>430	180		
TCOL	7.0	Rep Stress Incr	YES	WVB	0.53	0.03	10	n/a	n/a		
BCLL	0.0*	Code	RC2015/TPI2014	Matrix R		-0.25	12-14	>592	360		
BCDL	10.0									Weight 166lb	FT = 15%

**LUMBER**

TCF CHORD 2x6 SPF 2100F 1 8E  
 BOT CHORD 2x8 SP 2400F 2 CE  
 WEBS 2x4 SPF Stud

**BRACING**

TOP CHORD  
 BOT CHORD  
 JOINTS

Structural wood sheathing directly applied or 4-4-5 occuring  
 Rigid ceiling directly applied or 10-0-0 occ bracing  
 1 Brace at Jt(s) 15

**REACTIONS** (lb/line) 7=1530/3-08, (min 1-08), 10=1530/3-08, (min 1-08)  
 Max Horiz 2=165(LC 13)  
 Max Grav 2=1703(LC 29), 10=1703(LC 30)

Mitek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide

**FORCES** (lb) - Max Comp/Max Ten - All forces 250 (lb) or less except when shown  
 TOP CHORD 2-3=2755/0, 3-4=2402/0, 4-16=1673/46, 5-16=1534/69, 5-6=0/688, 6-7=0/688, 7-17=1534/69, 8-17=1673/46,  
 8-9=2401/0, 9-10=2754/0  
 BOT CHORD 2-14=0/2363, 13-14=0/1730, 12-13=0/1730, 10-12=0/2255  
 WEBS 5-15=2540/33, 7-15=2540/33, 4-14=0/1085, 8-12=0/1085, 3-14=771/88, 9-12=773/89

**NOTES**

- Unbalanced roof live loads have been considered for this design
- Wind ASCE 7-10, Vult=110mph (3-second gust) Vasc=87mph, TCOL=4 psf, BCDL=6.0psf, h=25ft, Cat II, Exp B, enclosed, MWFRS (envelope) exterior(2) zone and C-C Exterior(2) zone, cantilever left and right exposed; end vertical left and right exposed, C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.15 Plate Grip DOL=1.15
- TCLL ASCE 7-10, P<sub>r</sub>=35.0 psf (roof live load), Lumber DOL=1.15 Plate DOL=1.15, P<sub>g</sub>=50.0 psf (ground snow), P<sub>s</sub>=34.6 psf (roof snow), Lumber DOL=1.15 Plate DOL=1.15, Category II, Exp B, Fully Exp., Ct=1.1
- Roof design snow load has been reduced to account for slope
- Unbalanced snow loads have been considered for this design
- This truss has been designed for greater of min roof live load of 12.0 psf or 1.00 times flat roof load of 34.6 psf on overhangs non-concurrent with other live loads
- This truss has been designed for a 10.0 psf bottom chord live load non-concurrent with any other live loads
- \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members
- Ceiling dead load (5.0 psf) on member(s) 4-5, 7-8, 9-15, 7-15, Wall dead load (5.0psf) on member(s) 4-14, 8-12
- Bottom chord live load (40.0 psf) and additional bottom chord dead load (0.0 psf) appear only in mm 12-14
- This truss is designed in accordance with the 2015 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1
- Attic room checked for L/360 deflection

**LOAD CASE(S)** Standard



⊠ Current Garage

⊠ Neighbor Garage - taller than 14'



ALLAN MARTIN  
615 N PARK ST

REQUEST 1: ALLOWANCE TO BUILD GARAGE TO HEIGHT OF 18' 10"

WOULD LIKE TO HAVE 8-12 TRUSSES SO THAT WE CAN HAVE A STORAGE ROOM IN THE UPSTAIRS OF THE GARAGE. TWO ADJACENT PROPERTIES HAVE GARAGES WITH 12-12 TRUSSES AND ARE TALLER THAN THE REQUEST SUBMITTED.

115 GOODHUE ST



109 GOODHUE ST



REQUEST 2: ALLOWANCE FOR SIDE SET BACK TO BE 2' 4"

ACCORDING TO THE ATTACHED SURVEY, THIS IS THE SET BACK OF THE CURRENT GARAGE. ONE ADJACENT NEIGHBOR HAS A 0 (ZERO) FOOT SIDE SETBACK ON THE SOUTH SIDE OF OUR PROPERTY

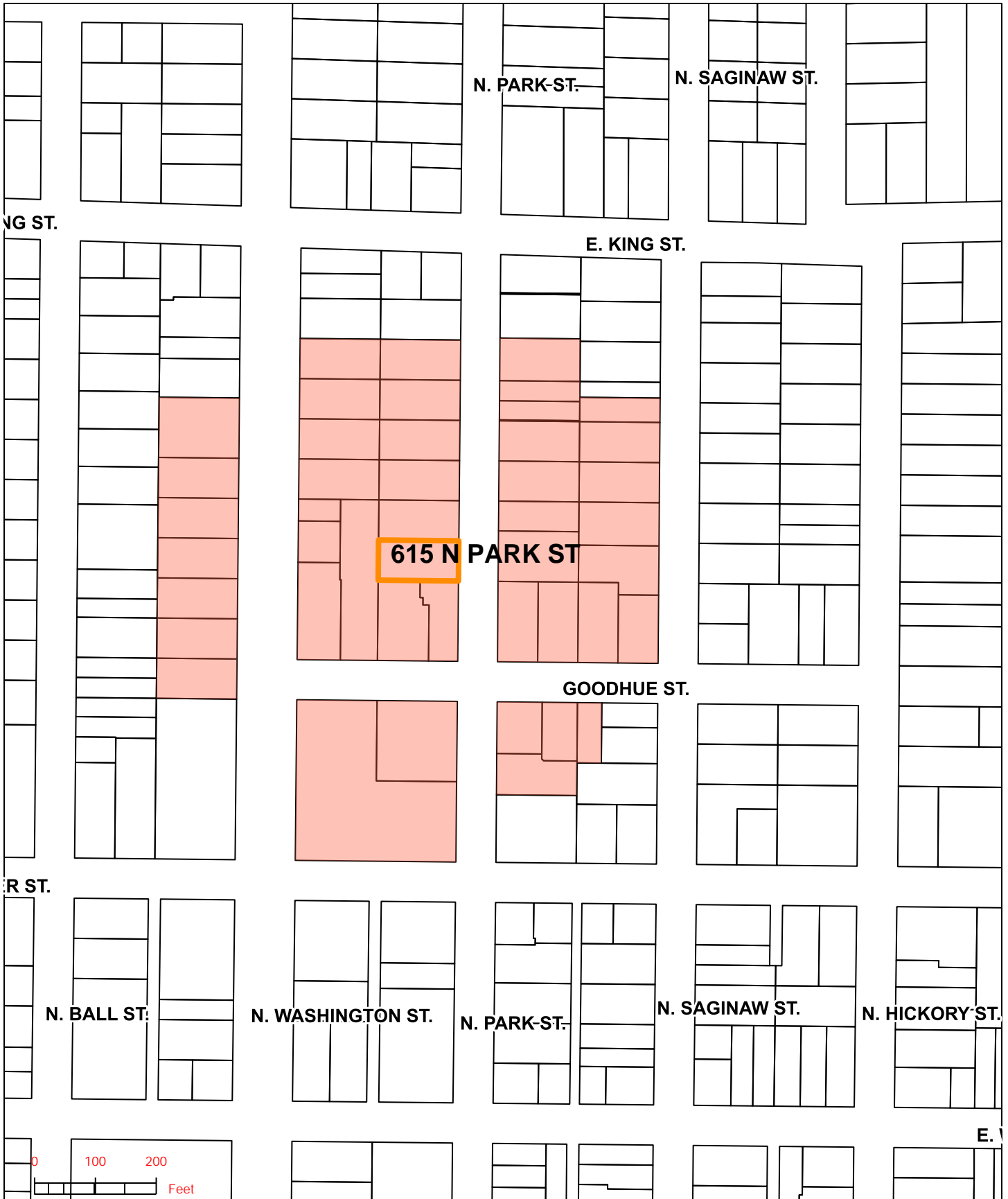
609 N PARK ST



REQUEST 3: ALLOWANCE FOR REAR SET BACK OF 2' 7"

ACCORDING TO THE ATTACHED SURVEY, THIS IS THE SET BACK OF THE CURRENT GARAGE

# OWOSSO



June 10, 2020

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

Subject: **615 N Park Street, Section 38-377, Accessory Buildings, (4)** of the zoning ordinance to allow an accessory structure less than 3-feet from an adjacent lot line, and (5) requiring that accessory structures in the R-1 District not be of a height greater than 14-feet. The subject property is zoned R-1, Single Family District and the request is dated 05-19-2020

Attention: Mr. Nathan Henne, City Manager

Dear Board Members:

At your request, we have completed our review of the above variance request for Allen Martin, to allow for the placement of a new accessory, detached garage on the footprint of an existing dilapidated garage that is less than 2.4- feet from the side property line and 2.7-feet from the rear property line which is less than the 3-foot minimum as required by ordinance. Additionally, the applicant is requesting a garage height of 18'10" which is 4-feet taller than what is permitted in the district. The applicant property is located at 615 N Park Street. The subject property is zoned R-1, Single Family Residential District where this use is a permitted 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 the ordinance is to prevent neighbors from erecting unsightly buildings or structures directly on the property line as well as to provide a level of fire safety by keeping a minimum distance of separation from adjacent structures. In this neighborhood, many of the existing structures pre-date the existing zoning regulations and the majority of accessory structures are located less than 3-feet from existing lot lines. In this case, the applicant is just looking to keep the same footprint as the existing garage.

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 permitted accessory use within the R-1 District.

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:** while the need for the variance is self-created, the owner is only trying to maintain the existing condition on the property which pre-dates the existing ordinance.

**Additionally,** upon visiting the site, it is clear that a number of additional garages in the area appear to be over the 14-foot required height.

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 or endanger the public. It should be noted though

**that if the variance is approved, the applicant will need to ensure the building is fire rated and approved by the City Building Official to ensure there will be no fire issues for the adjacent property.**

*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 have the same conditions with their accessory structures being less than 3 feet from adjacent property lines as well as heights above 14-feet.**

**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: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code.**

*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: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.**

## 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 for **615 N. Park Street to allow an accessory structure to be placed less than 3-feet from the adjacent property line and have a height that is 4-feet above what is required, be approved,** for the following reasons:

1. The reduction 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; and
4. As a condition of approval, the building official must approve the accessory structure to ensure fire code is met.

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



P2020-008 pd 5/20/2020

## ZONING BOARD OF APPEALS APPLICATION

City of Owosso  
301 W. Main Street, Owosso, MI 48867  
Phone: (989) 725.0540

The Owosso Zoning Board of Appeals (ZBA) meets in a regular session when there are items on the agenda on the third Tuesday of the month at 9:30 a.m. in the city council chambers, 301 W. Main Street, Owosso, Michigan.

Materials related to requests for ZBA action, including any required fees, must be filed at the building department located on the first floor of city hall. Questions may be directed to the Building Department at (989) 725-0540.

**Filing requests which are not complete or which are not filed by the meeting deadline, as determined by the Zoning Administrator, will not be placed on the agenda of the ZBA meeting, nor will they be considered at the ZBA meeting.**

Filing deadlines are established:

- To comply with various ordinance requirements;
- To permit adequate time for staff to arrange the notice for publication as may be required;
- To permit adequate time for staff to arrange the mailing of notices as may be required;
- To permit adequate time for the ZBA and staff to review the filed materials.

Filing deadlines are established at 28 calendar days prior to the ZBA meetings:

**ZBA REVIEW APPLICATION PROCESS** (see Section 38-504 of the Owosso Zoning Ordinance)

1. ZBA meetings are held on the third Tuesday of the month at 9:30 a.m. in city council chambers, 301 W. Main Street, Owosso, Michigan. **It is in your best interest to be present or be represented at the zoning board of appeals meeting.**
2. Applications **must** be filed by the property owner. All other applications will be returned.
3. The deadline for filing applications is 28 days prior to the day of the meeting.
4. If the Michigan Department of Environmental Quality (MDEQ) has restricted any portion of your lot from being built upon, the MDEQ documentation must be provided along with your application.
5. This application and a site plan drawn to scale, including information as outlined below, are required. The application must be filed with the building department.
6. **A fee of \$400 (Commercial) or \$175 (Residential) shall be paid upon submission of the application to the city of Owosso, located at 301 W. Main Street, Owosso, MI 48867.**

The following information must be shown on all site plans presented to the ZBA where applicable:

- Description of site (plat numbers and/or legal description).
- Area of site (in square feet or acres).
- Dimensions on all property lines, setbacks and etc.
- The location of all existing structures and proposed structures on subject property.
- The location of all existing structures within 100' of subject property.
- The location of all existing and proposed drives, turning lanes, parking areas, number of parking spaces, greenbelt screening and walls.
- The location and right-of-way widths of all abutting streets and alleys.
- Loading and unloading areas.



*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.

  
\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date May 13, 2020

**2020 Meeting Dates Submittal Deadlines**

January 21	December 23
February 18	January 21
March 17	February 18
April 21	March 24
May 19	April 21
June 16	May 19
July 14	June 16
August 18	July 21
September 15	August 18
October 20	September 22
November 17	October 20
December 15	November 17



**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 \$400 (Commercial) or \$175 (Residential)**

**1. PROJECT INFORMATION  
TO THE OWOSSO ZONING BOARD OF APPEALS; I (WE)**

Applicant Name: Gordon Surette/Joseph Hammontree

Address: 507 Gilbert St

City, State, Zip: Owosso, MI 48867

Phone Number: 810-422-4621

E-Mail: hammontreejoe@gmail.com

**HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:**

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

Address/Location of Property: 507 Gilbert St. Owosso, MI 48867

Parcel #: 050-111-002-012-00

Zoning District: R1

**2. REQUIRED ATTACHMENTS:**

- 3 copies of site plan, plus a digital copy
- Completed application
- 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:** N 42' OF LOT 12 ALSO COM S E COR LOT 13 TH W 69.6' N ESTLY TO A PT 5'8" N OF S E COR LOT 13 S TO BEG BLK 2 CITY ASSESSOR PLAT 1

Size of lot: 53' Frontage X 66' Deep

Area of lot: 3498 sq Ft.

Lot is a corner or interior lot? Interior Lot

b. **Description of existing structures:** House

Number of buildings now on premises: 1

---

o Size of each building now on premises: 1134 sq Ft

---

o Use of existing buildings on premises: Home

---

**c. Description of proposed structures:**

---

o Height of proposed structures: 9' at peak

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o Dimensions of proposed building or addition: 8'X12'X9' (W/L/H) in size. Shed will not have any electrical or plumbing and will be free standing.

---

o Area of proposed building: 96 sq Ft

---

o Percentage of lot coverage of building or addition: 3%

---

**d. Yard setbacks after completion of building or addition:**

---

o Front yard (measured from lot line): 53'

---

o Side yard (measured from lot line): 0'

---

o Rear yard (measured from lot line): 1'

---

**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.**

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**f. Section number of Zoning Ordinance that is being appealed: Sec. 38-379. - Accessory buildings. Rule 4**

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**g. Clearly state your request: The garage on site was built over 50 years ago. Nobody knows the exact year.**

---

The existing garage was in very bad shape, built using whatever materials could be found and was structurally unsecure.

---

The cost to repair the current garage would exceed what it would cost to build a new shed in its place. The current

---

garage sits on both the side and rear property lines. We are asking to build a new smaller detached shed that would

---

sit directly in the existing footprint of the old garage but would be detached. The space of our lot does not allow us to follow Rule 4 with setbacks away from both the main structure of the house as well as the lot lines for both neighbors.

---

The current garage was non-conforming, so we ask for a variance to rebuild a new shed to replace the existing garage.

---

**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.

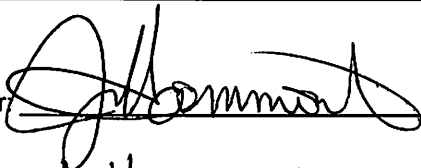
**a. Basic conditions. In order to qualify for a variance, the applicant must show that a variance:**

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 judgment, 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:

5/19/2020

Print name:

Joseph Hammontræe

City of Owosso

Zoning Board of Appeals Application Request

5/19/2020

Gordon Surette/Joseph Hammontree

507 Gilbert St

Owosso, MI 48867

#### Accessory Building Request

**History:** The garage at 507 Gilbert St is no longer usable. From what the neighbors tell us, the garage was built over 50 years ago and at that time was pieced together using whatever pieces of lumber the homeowner could find. We are also told that somewhere around 20 years ago the current homeowners had added on to the garage to create the final size of 8' X 19'. The garage roof has collapsed inside, and you could see that many repairs have been made to try to stabilize it without any luck. At this point in time, repairs outweigh the cost and feasibility of a new accessory building. We are asking to replace that garage with a smaller accessory building that would be 8'X12' sitting on the existing foundation and would be within the existing footprint of the original.

**Request:** We are asking for a zoning variance because of the setback lines on two sides of building. The existing non-conforming garage footprint sits exactly on the property line of two of our neighbors as shown in the attached drawing. The rear (west side) of the structure was within 6" of the rear property line. The North side sit exactly on the adjoining property line. Both neighbors agree that we could rebuild if we sit within current footprint of the old garage. The cement foundation which has been there would stay, and the accessory building would be built to sit on that foundation but not be attached. The building that we are looking at is a shed kit seen at Home Depot. They deliver the shed and it is built on a wooden foundation.

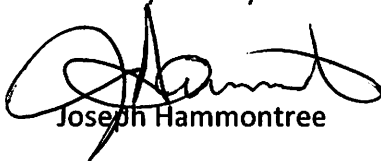
This accessory building would be completely on our property, restricted to our use only and would only make the area look better. The shed would have no electricity or plumbing and be used entirely for lawn storage. The new building would be smaller than the old one so it would

not only restrict less access to air or light to any of the adjacent properties but would in fact will create less restriction as we are downsizing.

We have looked at sizes very carefully, this size gives us a decent amount of storage but also creates a breezeway between the buildings that was not there before. This allows us to access the backyard from both sides of the house instead of just one. With the size of the property, if we are denied a variance for the setback rules, there is not enough space for anything at the end of our driveway. It would eliminate all outdoor storage for the home. In all but basic terms, we are just asking to downsize from the attached garage to a smaller accessory building on the exiting foundation and keeping in the existing footprint.

If you have any questions, please do not hesitate to contact me at 810-422-4621 or you can email me at [hammontreejoe@gmail.com](mailto:hammontreejoe@gmail.com).

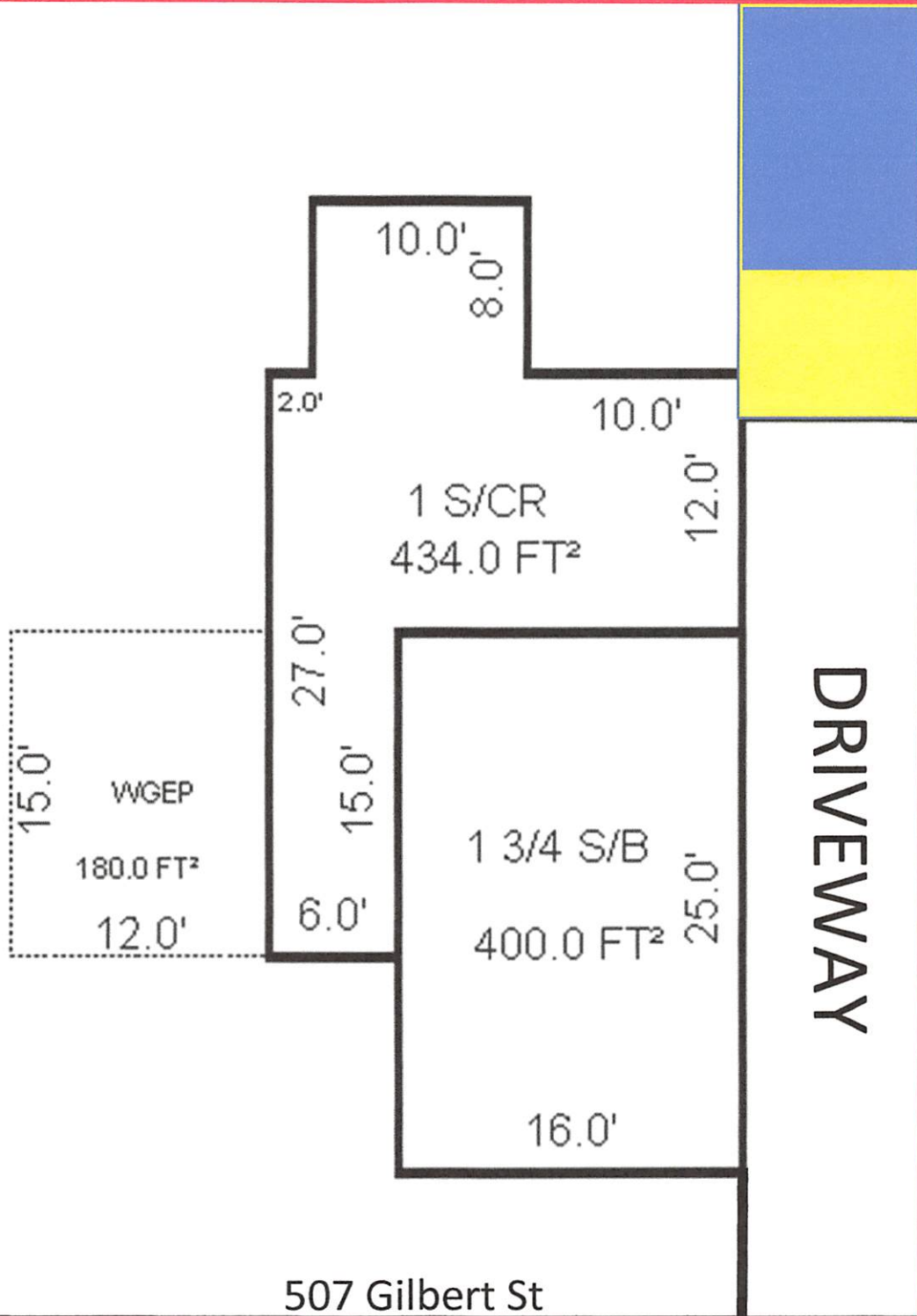
Thank you for your consideration.



Joseph Hammontree

Property Line ( Zero setback from garage)

Property Line



Existing  
Garage  
(YELLOW)  
8' Wide  
19' Deep

New  
Shed  
(BLUE)  
8' Wide  
12' Deep

Property Line ( Zero setback from Garage)

507 Gilbert St

Parcel #050-111-002-012-00

Lot Area: 3498 Sq Ft.

Dimensions of Property:

53' Frontage X 66' Depth

# OWOSSO





June 10, 2020

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

Subject: **507 Gilbert Street, Section 38-377, Accessory Buildings, (4)** of the zoning ordinance to allow an accessory structure less than 3-feet from an adjacent lot line. The subject property is zoned R-1, Single Family District and the request is dated 05-19-2020

Attention: Mr. Nathan Henne, City Manager

Dear Board Members:

At your request, we have completed our review of the above variance request for Joseph Hammontree, to allow for the placement of an accessory shed on an existing garage footprint that is less than 3 feet from the property line as required by ordinance. The applicant property is located at 507 Gilbert Street. The subject property is zoned R-1, Single Family Residential District where this use is a permitted 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 the ordinance is to prevent neighbors from erecting unsightly buildings or structures directly on the property line as well as to provide a level of fire safety by keeping a minimum distance of separation from adjacent structures. In this neighborhood,**

many of the existing structures pre-date the existing zoning regulations and the majority of accessory structures are located less than 3-feet from existing lot lines. In this case, the applicant is just looking to keep the same footprint as the existing garage and will be locating the shed behind the garage to maintain the existing look and building lines.

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 permitted accessory use within the R-1 District.**

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: while the need for the variance is self-created, the owner is only trying to maintain the existing condition on the property which pre-dates the existing 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 or endanger the public. It should be noted though that if the variance is approved, the applicant will need to ensure the building is fire rated and approved by the City Building Official to ensure there will be no fire issues for the adjacent property.**

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 have the same conditions with their accessory structures being less than 3 feet from adjacent property lines.**

**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: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code.**

*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: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.**

## **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 for **507 Gilbert Street to allow an accessory structure to be placed less than 3-feet from the adjacent property line be approved**, for the following reasons:

1. The reduction 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; and
4. As a condition of approval, the building official must approve the accessory structure to ensure fire code is met.

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