

**MINUTES**  
**SPECIAL MEETING OF THE OWOSSO ZONING BOARD OF APPEALS**  
**CITY OF OWOSSO**  
**JANUARY 11, 2017 AT 7:00 P.M.**  
**CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** The meeting was called to order by Chairman Randy Horton at 7:00 p.m.

**ROLL CALL:** Was taken by Susan Montenegro.

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

**MEMBERS ABSENT:** Board Member Thomas Taylor and Alternate Matt Grubb.

**OTHERS PRESENT:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Mr. Dann Schoenmeyer, representing Tri-Mer Corporation. Justin Horvath, Shiawassee Economic Development Partnership (SEDP).

**AGENDA: IT WAS MOVED BY BOARD MEMBER JOZWIAK AND SUPPORTED BY VICE-CHAIRMAN EVELETH TO APPROVE THE AGENDA FOR THE JANUARY 11, 2017 SPECIAL MEETING AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF JULY 19, 2016 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from July 19, 2016
3. Variance request application packet – 1400 E. Monroe Street
4. Affidavit of notice

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:**

Chairman Horton revealed to the commission that he has a conflict of interest and needs to recuse himself from discussion and voting.

**MOTION BY VICE-CHAIR EVELETH AND SUPPORTED BY BOARD MEMBER JOZWIAK TO ALLOW CHAIRMAN HORTON TO RECUSE HIMSELF FROM THE PUBLIC HEARING REGARDING ANY DISCUSSION AND VOTING REGARDING THE VARIANCE REQUEST FOR 1400 MONROE STREET.**

**YEAS: ALL. MOTION CARRIED.**

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 1400 E. Monroe Street.

**1. VARIANCE REQUEST – 1400 E. MONROE STREET**

Ms. Montenegro explained the site plan for this project had already come through planning commission and had been approved contingent upon satisfying several small issues staff had. The architect worked with staff and provided an updated site plan, satisfying concerns staff had. Additionally, Tri-Mer had been asked prior to the planning commission meeting to prove they had the ability to place their parking lot on the property owned by Consumer's to the north of their building. This was done through an easement agreement that was entered into by both Consumer's and Tri-Mer in 1965.

The item that brings Tri-Mer's office addition project to the Zoning Board of Appeals is that the corner of the proposed addition extends into the 30' required side yard setback as noted in Section 38-351 of the *Owosso Zoning Ordinance* for an I-2 (Heavy Industrial) Zoned parcel.

Mr. Horvath of the SEDP stated he was there in support of the office addition for Tri-Mer and that this business has been a great addition to the community.

**UPON MOTION OF MEMBER TELEZ, SECONDED BY MEMBER HORVATH, THE PETITION FOR VARIANCE AS APPLIED FOR IS APPROVED AS ALL OF THE FACTS OF FINDING WERE MET AS WELL AS TWO OF THE THREE SPECIAL CONDITIONS AS LISTED BELOW.**

- A. This is a request for a use variance subject to Section 38-504(3) of the Zoning Ordinance. The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3) a. 1-9. in order for the variance to be granted.

**Factor 1: (Section 38-504(3) a.1.)** "Will not be contrary to the public interest or to the intent and purpose of this chapter."

The Board finds that Section 38-504(3) a.1. has been met.

**Factor 2: (Section 38-504(3) a.2.)** "Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required."

The Board finds that Section 38-504(3) a.2. has been met.

**Factor 3: (Section 38-504(3) a.3.)** "Is one that is unique and not shared with other property owners."

The Board finds that Section 38-504(3) a.3. has been met.

**Factor 4: (Section 38-504(3) a.4.)** "Will relate only to property that is under control of the applicant."

The Board finds that Section 38-504(3) a.4. has been met.

**Factor 5: (Section 38-504(3) a.5.)** "Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome."

The Board finds that Section 38-504(3) a.5. has been met.

**Factor 6: (Section 38-504(3) a.6.)** "Was not created by action of the applicant (i.e., that it was not self-created.)"

The Board finds that Section 38-504(3) a.6. has been met.

**Factor 7: (Section 38-504(3) a.7.)** "Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety."

The Board finds that Section 38-504(3) a.7. has been met.

**Factor 8: (Section 38-504(3) a.8.)** "Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located."

The Board finds that Section 38-504(3) a.8. has been met.

**Factor 9: (Section 38-504(3) a.9.)** “Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied fro would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.”

The Board finds that Section 38-504(3) a.9. has been met.

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

1. “Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.”
2. “Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.”
3. “Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.”

The Board finds that Section 38-504(3) b.1. has been met.

The Board finds that Section 38-504(3) b.2. has been met.

**ROLL CALL VOTE WAS TAKEN:**

**AYES: BOARD MEMBER TELEZ, JOZWIAK, VICE-CHAIRMAN EVELETH, ALTERNATE HORVATH.**

**NAYS: NONE.**

**RECUSED: CHAIRMAN HORTON.**

**ABSENT: BOARD MEMBER TAYLOR, ALTERNATE GRUBB.**

**BUSINESS ITEMS**

**1. ELECTION OF OFFICERS**

Current slate of officers is:

Chairman: Randy Horton  
Vice-chairman: Christopher Eveleth  
Secretary: Daniel Jozwiak

**MOTION BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER TELEZ TO KEEP THE SAME SLATE OF OFFICERS.**

**YEAS: ALL. MOTION CARRIED**

**COMMISSIONER/PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

**MOTION BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER TELEZ TO ADJOURN AT 7:30 P.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, FEBRUARY 21, 2017, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary

Approved *minutes 1-11-17*