

OWOSSO
Zoning Board of Appeals



Regular Meeting
9:30am, February 17, 2015
Owosso City Council Chambers

AGENDA
Owosso Zoning Board of Appeals

Tuesday, February 17, 2015 at 9:30 a.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: October 21, 2014

APPROVAL OF MINUTES: October 21, 2014

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from October 21, 2014
3. Variance request application & materials – 401 S. Chestnut
4. Affidavit of notice

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Nonuse variance request – 401 S. Chestnut (resolution)

BUSINESS ITEMS:

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, March 17, 2015 if any requests are received.

Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Tuesday, February 17, 2015

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes 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

Affirmative Resolutions
Owosso Zoning Board of Appeals

Tuesday, February 17, 2015, 9:30 a.m.
Owosso City Council Chambers, 301 W Main St.,
Owosso, MI

Resolution 150217-01

Motion: _____
Support: _____

The Owosso Zoning Board of Appeals hereby approves the agenda of February 17, 2015 as presented.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 150217-02

Motion: _____
Support: _____

The Owosso Zoning Board of Appeals hereby approves the minutes of October 21, 2014 as presented.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 150217-03

Motion: _____
Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 401 S. Chestnut, parcel number 050-546-000-017-00, hereby makes the following findings:

1. _____
2. _____
3. _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition to permit the nonuse variance as described in the attached petition, conditioned on the following:

1. _____
2. _____
3. _____

Ayes: _____
Nays: _____

Approved:____
Resolution 1450217-04

Denied:____

Motion:_____
Support:_____

The Owosso Zoning Board of Appeals hereby adjourns the February 17, 2015 meeting, effective at _____ a.m.

Ayes:_____
Nays:_____

Approved:____

Denied:____



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ (989) 725-0599 ▪ FAX (989) 723-8854

DATE: October 15, 2014

TO: Chairman Horton and the Owosso ZBA

FROM: Susan Montenegro, Asst. City Manager/Dir. of Community Development

RE: Zoning Board of Appeals Meeting: February 17, 2015

The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, February 17, 2015 to hear a petition for a parking variance. The property seeking the variance is located at 401 S. Chestnut Street, parcel number 050-546-000-017-00. The property is zoned for light industrial for use in the I-1 zoning district.

The petitioner is seeking a variance for the required amount of off-street parking as they build on to the existing structure increasing the foot print by 50,000 square feet for a total of 119,315 square feet. Petitioner is required to provide parking for employees either based on the number of employees per largest shift or useable square footage of the entire building, whichever is greater. Petitioner would need to provide 152 spaces under this provision. Petitioner seeks a variance of 47 parking spaces and will provide 105 parking spaces. Petitioner's reasoning behind this number is that these spaces will not be utilized at the same time due to running three shifts. Petitioner will only have a total of 71 employees on site at any given time.

The minimum number of parking spaces required for an industrial site is based on the following regulation: Section 38-380 – Off-street parking requirements under Use-Number of Minimum Parking Spaces Per Unit of Measure

e. Industrial:

1. Industrial or research establishments—A minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.

In accordance with the law, the ZBA has authority and is charged with the need to deliberate and rule on each of the following criteria; what follow are staff recommendations/interpretations:

(3) *Variances.* 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 herein and any one (1) of the special conditions listed thereafter can be satisfied.

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; **Staff finds no issues, subject to ZBA review.**

Owosso Zoning Board of Appeals
May 20, 2014

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; **Staff finds no conflicts or concerns.**
 3. Is one that is unique and not shared with other property owners; **No determination or finding by staff.**
 4. Will relate only to property that is under control of the applicant; **Only relates to this specific property.**
 5. Is applicable whether compliance with the strict letter of the restrictions governing area, set backs, 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; **Staff has no issue with request but this is subject to ZBA review.**
 6. Was not created by action of the applicant (i.e. that it was not self-created); **Petitioner will be adding an additional 50,000 sq. ft. of space to the already existing structure and will require additional parking. ZBA will need to deliberate on this finding.**
 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; **Staff finds no conflicts; subject to ZBA review.**
 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; **Staff finds no indications of such, subject to ZBA review.**
 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; **Staff finds no issues; subject to ZBA review.**
- 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; **Petitioner states that required number of parking spaces will create a practical difficulty because there will only be 71 employees using the lot at any given time; request is subject to ZBA review.**
 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. **ZBA must deliberate on these points and issue findings.**
 3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. **No determination or finding by staff.**
- c. *Rules.* The following rules shall be applied in the granting of variances:
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:

Owosso Zoning Board of Appeals
May 20, 2014

- 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.

Summarily, subject to deliberation and findings of the ZBA, as well as the public hearing, staff finding is to allow this petition.

That is all for now. Please go through the rest of your packet contents and **RSVP for the meeting**. Please contact me if you have any questions, comments, or other feedback at susan.montenegro@ci.owosso.mi.us or on my cell at 989.890.1394. I look forward to seeing you all on the 17th.

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
OCTOBER 21, 2014 at 9:30 AM
CITY COUNCIL CHAMBERS

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

Roll call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman Randy Horton, Board Member William Wascher, and Alternate John Horvath.

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, and Board Member Kent Telesz, Alternate Matt Grubb.

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Mrs. Laura Strachan, Mr. David Strachan, owners of 1000 N. Chipman St.

AGENDA: IT WAS MOVED BY BOARD MEMBER HORVATH, AND SUPPORTED BY BOARD MEMBER WASCHER TO APPROVE THE AGENDA OF THE MEETING OF OCTOBER 21, 2014.
YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. Variance request application & materials – 1000 N. Chipman Street
3. Correspondence
4. Affidavit of notice

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS: VARIANCE REQUEST – 1000 N. Chipman, # 2014-03

Public hearing began at 9:34 a.m.

Applicant Mrs. Laura Strachan of 1000 N Chipman spoke regarding their desire to install a fence to contain their dogs. She showed the board members pictures of the area where she wanted the fence installed which would be ten feet into the 25 foot front yard setback. She didn't know she had two front yards on her corner property. This variance will be located on the side of the house that abuts Harding Street. Mrs. Strachan stated that anyone who came to house loved the idea and said it was a nice looking fence. They want to contain their dogs and keep them from running the neighborhood. They staked the yard to demonstrate where the fence would go.

Public hearing ended at 9:42

Ms. Susan Montenegro, Assistant City Manager and Director of Community Development, received four letters / e-mails in support of this variance. No negative comments were received at city hall.

Board Member Wascher commented that this variance could set a precedent – the planning commission won't want to do this. This is not a good idea. There are a lot of corner lots where this is not a good idea.

Discussion about this being an extra-large lot; this area for the variance is the farthest from the corner; and this has the neighbors' consent.

MOTION BY BOARD MEMBER WASCHER, SUPPORTED BY BOARD MEMBER HORVATH THAT AFTER REVIEWING THE CASE FOR 1000 N. CHIPMAN STREET, PARCEL NUMBER 050-590-000-012-00, HEREBY MAKES THE FOLLOWING FINDINGS:

- 1 THIS IS A UNIQUE SITUATION**
- 2 THIS AREA OF VARIANCE IS SET FAR ENOUGH BACK FROM THE CORNER**

- 3 THIS FENCE CAN'T BE HIGHER THAN 4 FEET
- 4 THE ORDINANCE FOR AT LEAST 50% SEE THROUGH FENCE IS WAIVED,
- 5 THIS VARIANCE WILL INCLUDE THE PREVIOUSLY INSTALLED FENCE FACING HARDING STREET AROUND THE PATIO.

BASED UPON THESE FINDINGS, THE OWOSSO ZBA HEREBY APPROVES THE PETITION TO PERMIT THE TEN FOOT SETBACK VARIANCE.

**AYES: ALL
NAYS: NONE
MOTION CARRIED.**

Chairman Horton was pleased that the neighbors were interested in the project and expressed their positive support of the fence.

COMMISSIONER/PUBLIC COMMENTS:

Ms. Montenegro asked if the board wanted to bring this to planning commission. Board Member Wascher prefers to leave it alone. Chairman Horton prefers to look to each individual case as they come along. Ms. Montenegro wonders about a certain size corner lot. Mr. Wascher talked about houses facing one way and addressed or drives being on a different street. Consumers Energy addresses another direction. It would be difficult to set up a standard.

ADJOURNMENT:

MOTION BY BOARD MEMBER HORVATH, SUPPORTED BY BOARD MEMBER WASCHER TO ADJOURN AT 10:10 A.M.

YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

m.m.s

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, February 17, 2015 to consider the following request:

APPLICANT: Machine Tool and Gear
Case # 2015-01 Parcel 050-546-000-017-00
LOCATION OF APPEAL: 401 S. Chestnut Street, Owosso, MI 48867

APPEAL: The petitioner is seeking a parking variance as they build on to the existing structure increasing the foot print by 50,000 square feet for a total of 119,315 square feet. Petitioner is required to provide parking for employees either based on the number of employees per largest shift or useable square footage of the entire building, whichever is greater. Petitioner would need to provide 152 spaces under this provision. Petitioner seeks a parking variance of 47 spaces and will provide 105 parking spaces. Petitioner's reasoning behind this number is that that these spaces will not be utilized at the same time due to running three shifts. Petitioner will only have a total of 71 employees on site at any given time.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

The minimum number of parking spaces required for an industrial site is based on the following regulation: Section 38-380 – Off-street parking requirements under Use-Number of Minimum Parking Spaces Per Unit of Measure

e. Industrial:

1. Industrial or research establishments—A minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.

APPLICABLE SECTION OF THE ZONING ORDINANCE: Section 38-380 – Off-street parking requirements – Use – Number of Minimum Parking Spaces Per Unit of Measure (e):

CURRENT ZONING: I-1 Light Industrial
SIZE OF LOT: 431.51' X 1371.01' X 751.59' X 425' X 858.19' irregular shaped lot

As an affected property owner, resident, business, or taxpayer, you are encouraged to acquaint yourself with this proposal and make your position on the request known to the Zoning Board of Appeals. You may do so by being present for the public hearing, writing a letter stating your position, email me at susan.montenegro@ci.owosso.mi.us or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Susan Montenegro, Assistant City Manager/Director of Community Development

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500. Website address is www.ci.owosso.mi.us.]