

OWOSSO
Zoning Board of Appeals



Regular Meeting
9:30 a.m.
May 16, 2017
Owosso City Council Chambers



MEMORANDUM

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

DATE: May 11, 2017

TO: Chairman Horton and the Owosso ZBA

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

RE: Zoning Board of Appeals Meeting: Tuesday, May 16, 2017 at 9:30 a.m.

The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, May 16 2017 to hear a petition for a use variance. Two properties are seeking variances this month.

The first is located at 439 E. Exchange Street and is zoned R-2, two-family residential use. The Applicant has submitted a variance request from the following section(s) of the Zoning Ordinance: Applicant is seeking to reduce the required rear yard setback from 35' to 26'. Section 38-351 – Schedule limiting height, bulk, density and area by zoning district: R-2 zoning designation states the rear yard setback for this zoning designation is 35'.

The second property is located at 705 McMillan Street and is zoned I-2, heavy industrial use. The Applicant has submitted a variance request from the following section(s) of the Zoning Ordinance: Applicant is seeking to reduce the required side yard setback from 35' to 15' to allow for the expansion of the current manufacturing building. Section 38-351 – Schedule limiting height, bulk, density and area by zoning district: I-2 zoning designation states the side yard setback for this zoning designation is 35'.

Summarily, this request will take scrutiny and deliberation from the ZBA of the findings, as well as the public hearing. Staff issues no recommendation on this petition; ZBA must deliberate and determine the outcome.

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 at the office at 989.725.0544. I look forward to seeing you all on May 16th.

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.

Dan Jozwiak, Secretary

AGENDA
Owosso Zoning Board of Appeals

Tuesday, May 16, 2017 at 9:30 a.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: May 16, 2017

APPROVAL OF MINUTES: January 11, 2017

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from January 11, 2017
3. Variance request application packet – 439 E. Exchange
4. Variance request application packet – 705 McMillan
5. Public notice – 439 E. Exchange
6. Public notice – 745 McMillan

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. 439 E. Exchange - Variance - (resolution)
2. 705 McMillan - Variance - (resolution)

BUSINESS ITEMS:

None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, June 20, 2017 if any requests are received.

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Tuesday, May 16, 2017.

[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

Affirmative Resolutions
Owosso Zoning Board of Appeals
Tuesday, May 16, 2017 9:30 a.m.
Owosso City Council Chambers, 301 W Main Street
Owosso, MI

Resolution 170516-01

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the agenda of May 16, 2017 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 170516-02

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the minutes of January 11, 2017 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 170516-03

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 439 E. Exchange Street, parcel # 050-666-000-008-00, hereby have determined the applicant does/does not meet all nine (9) facts of finding findings:

Ayes: _____

Nays: _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition for the dimensional variance to build within the required side yard setback based upon the following special conditions:

1. _____

2. _____

3. _____

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Conditions attached to this approval are as follows:

Resolution 170516-04

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 705 McMillan Street, parcel # 050-010-008-002-00, hereby have determined the applicant does/does not meet all nine (9) facts of finding findings:

Ayes: _____

Nays: _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition for the dimensional variance to build within the required side yard setback based upon the following special conditions:

1. _____

2. _____

3. _____

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Conditions attached to this approval are as follows:

Resolution 170516-05

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby adjourns the May 16, 2017 meeting, effective at _____ a.m.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

CITY OF OWOSSO
ZONING BOARD OF APPEALS
REQUEST FOR HEARING

NOTE TO APPLICANTS:

1. All applications received by the 25th of the month will be heard on the 3rd Tuesday of the following month at 9:30 a.m., lower level of City Hall.
2. The applicant, or legal representative of the applicant, must be present at the Public Hearing for action to be taken.
3. In order that this application may be processed, the applicant must complete Page 1 of this form and make payment of \$300.00 to the City Treasurer's Office to cover costs the City incurs. Checks are to be made out to "City of Owosso".
4. Questions about this application may be directed to (989) 725-0540.

Request is hereby made to the City of Owosso for a hearing before the Zoning Board of Appeals for one or more of the following:

- Variance
- Administrative Interpretation
- Class A Non-Conforming Status or Expansion
- Appeal of Staff or "Board" Decision
- Exception/Special Approval

APPLICANT: Leo C. and Kay D. Reynolds
ADDRESS: 213 North Oak Street LOCATION OF APPEAL: 439 E. Exchange St.
Owosso Mich. 48867-3021 and 213 N. Oak St.
PHONE NO.: (989) 723-4631 DATE APPEAL FILED: 4-27-17

APPEAL: (Indicate all data pertinent to this case, both present and proposed.)

We own all three houses that were squeezed onto the northwest corner of N. Oak St. and E. Exchange St. The addresses are 213 N. Oak, 439 and 443 E. Exchange. We are requesting a division of the back yard at 439 E. Exchange St. in Owosso. We would like about half of the back yard to remain with 439 E. Exchange and the other half, 30' x 39', attached to 213 N. Oak St. 32'

If this is a variance request, indicate how the strict enforcement of the Zoning Ordinance would result in practical difficulty to the property owner, and how this difficulty is peculiar to the property.

(Note: For a dimensional variance it is necessary to submit a site plan with this application.)

The kitchen and dining room windows at 213 N. Oak have a view of the back yard. There are no good views from 439 or 443 E. Exchange. We have lived at 213 N. Oak for 42 years and would greatly appreciate half of the back yard because our lot is very small on all sides: 8' on the north, 7 1/2' on the east, 15' on the south, and 16' on the west. If we should ever need to sell 439 E. Exchange, we would enjoy keeping half of the back yard. By the way, our great-grandparents moved into 443 E. Exchange in 1920 so it has been in the family for 97 years.

I hereby state that all above statements and any attached documents are true and correct to the best of my knowledge.

Kay D. Reynolds
Signature of Applicant

32' @ 213 N. Oak
- 26' @ E. Exchange (439)
rear Setback on each
Kay D. Reynolds

**CITY OF OWOSSO
ZONING BOARD OF APPEALS**

Applicant: Leo & Kay Reynolds	Appeal No: 2017-03
Address: 213 N. Oak Street	Hearing Date: May 16, 2017
Property Address: 439 E. Exchange Street	Parcel #: 050-666-000-008-00

FINDINGS OF FACT AND CONCLUSIONS

At the regular meeting of the Zoning Board of Appeals of the City of Owosso, held at City Hall, 301 W. Main Street, Owosso, Michigan, on the 16th day of May, 2017, 9:30 a.m.

Present: _____
Absent: _____

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decision and conditions were adopted by the Board as its decision on the above variance:

I. Request.

The Applicant has submitted a variance request from the following section(s) of the Zoning Ordinance: Applicant is seeking to reduce the required rear yard setback from 35' to 26'. Section 38-351 – Schedule limiting height, bulk, density and area by zoning district: R-2 zoning designation states the rear yard setback for this zoning designation is 35'.

II. Record of Proceedings.

The attached documents were reviewed and considered by the Zoning Board of Appeals in reaching its decision, in addition to the comments made by Applicant, members of the public, and members of the Board:

III. Findings and Decision.

Based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the City, the Board adopts the following findings and decision with respect to the request for variance:

- 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 _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.2. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.3. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.4. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.5. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.6. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.7. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.8. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.9. _____ has been met _____ has not been met for the following reasons:

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.”

The Board finds that Section 38-504(3) b.1. _____ has been met _____ has not been met for the following reasons:

_____.

- 2. "Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district."

The Board finds that Section 38-504(3) b.2. _____ has been met _____ has not been met for the following reasons:

_____.

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

The Board finds that Section 38-504(3) b.3. _____ has been met _____ has not been met for the following reasons:

_____.

C. The request for a variance is _____ approved _____ denied for the above reasons.

IV. Conditions (if variance approved).

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

- A. The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan, except as noted:_____

_____.

- B. Other conditions:_____

_____.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38-504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

The above findings, conclusions and decision were adopted by roll call vote as follows:

AYES: _____
NAYS: _____

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on _____, 20__.

Randy Horton, Chair
Zoning Board of Appeals

OFFICIAL NOTICE OF PROPOSED VARIANCE

The Owosso Zoning Board of Appeals will hold a public hearing at 301 W. Main Street in council chambers of city hall at 9:30 a.m. on Tuesday, May 16, 2017 to consider the following request:

APPLICANT: Leo & Kay Reynolds

Case # 2017-03 Parcel 050-666-000-008-00

LOCATION OF APPEAL: 439 E. Exchange Street, Owosso, MI 48867

APPEAL: The petitioner is seeking a variance to reduce the required rear yard setback from 35' to 26'

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

Property located within an R-2 zoning designation is required to have a minimum rear yard setback of 35'.

APPLICABLE SECTION OF THE ZONING ORDINANCE:

Section 38-351 Schedule limiting height, bulk, density and area by zoning district: R-2 (Two-Family Residential District) shall have a minimum required rear yard setback of 35'.

CURRENT ZONING: R-2 (Two-Family Residential)

SIZE OF LOT: 49' X 132' X 47' X 85'

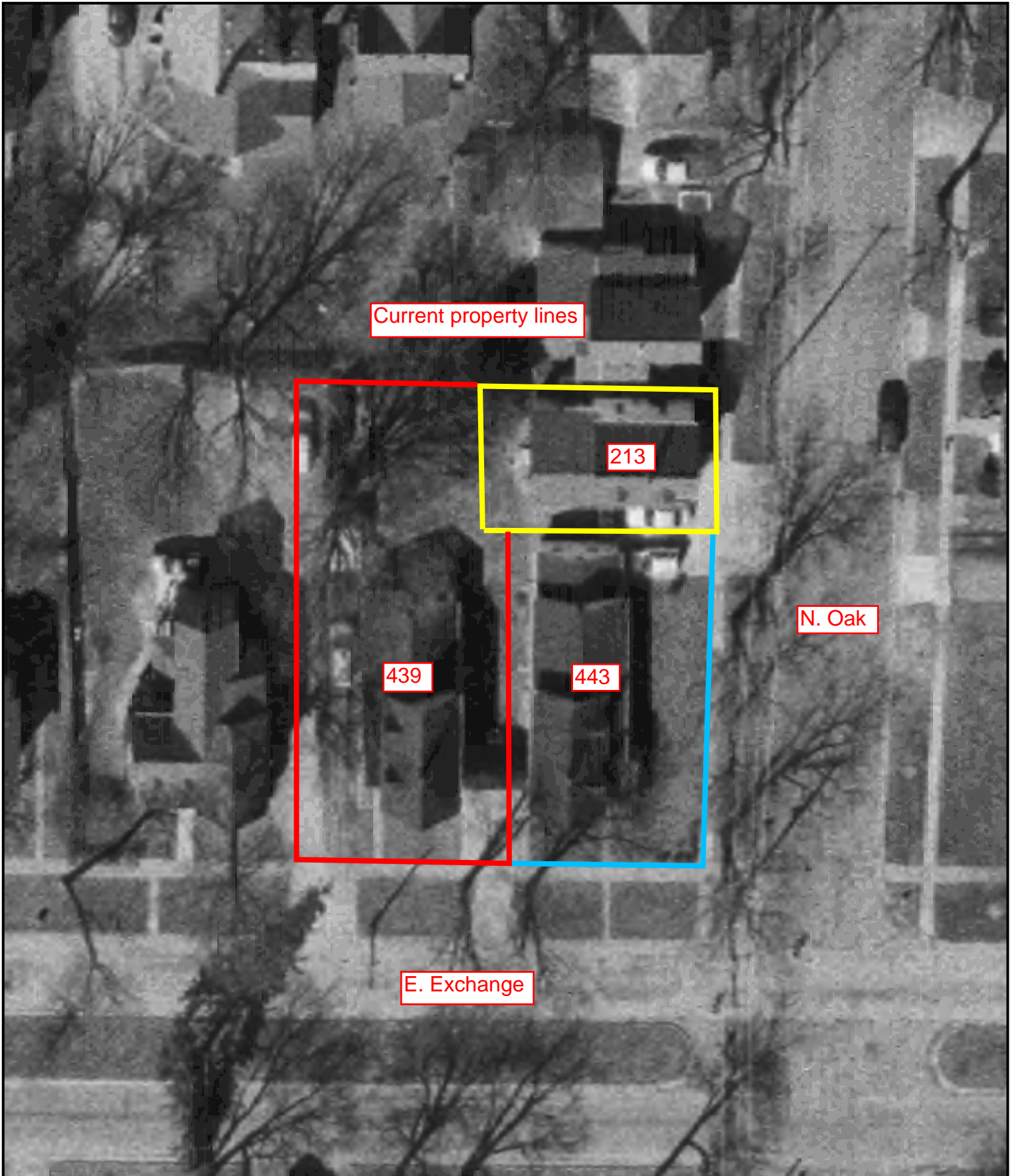
As an affected property owner, resident, business, or taxpayer, you are encouraged to acquaint yourself with this proposal and make your position on the request known to the Zoning Board of Appeals. You may do so by being present for the public hearing, writing a letter stating your position, email me 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.]

City of Owosso

Zoning Board of Appeals



Current property lines

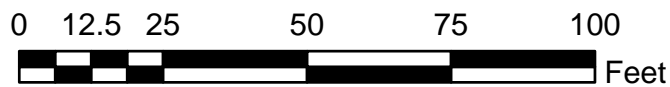
213

N. Oak

439

443

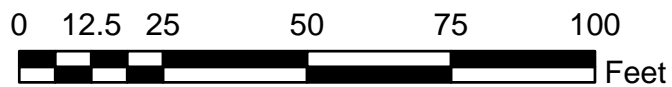
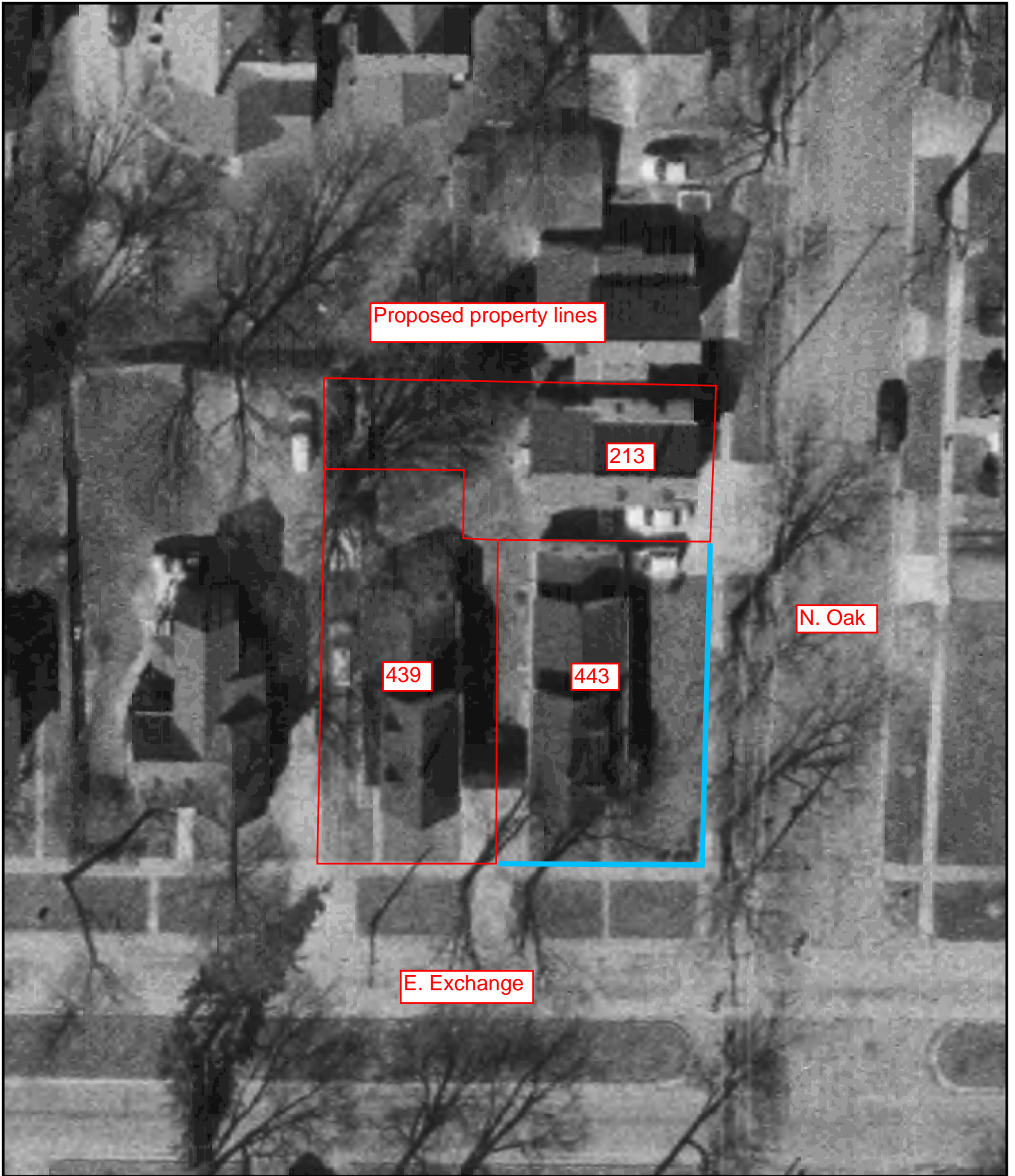
E. Exchange



April 25, 2017

City of Owosso

Zoning Board of Appeals



April 25, 2017



ZONING BOARD OF APPEALS APPLICATION

City of Owosso
301 W. Main Street, Owosso, MI 48867
Phone: (989) 725.0544 Fax: (989) 725-0526

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 community development director at (989) 725-0544.

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 \$300 shall be paid upon submission of the application to the city of Owosso, located at 301 W. Main Street, Owosso, MI 48867.

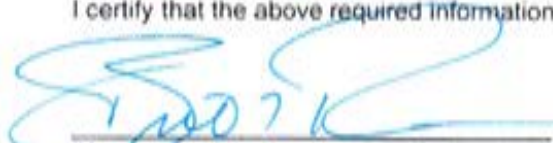
The following information must be shown on all site plans presented to the ZBA where applicable:

- 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 4/27/17



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 \$300

1. Project information

To the Owosso Zoning Board of Appeals;

I (we) RWI MANUFACTURING of 705 McMILLAN
(applicant name) (street number)
OWOSSO MI 48867
(city) (state & zip code)

Applicant Phone Number: 989-723-5146 Applicant Fax Number: 989-725-5970

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

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

Address/location of property: 705 McMILLAN

Parcel #: 050-010-008-002-00 Zoning district: I-2

2. Required attachments

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

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

a. Description of the property

- i. Size of lot 443' x 206'
- ii. Area of lot 2.10 ACRES (91,476 sq ft)
- iii. Lot is a corner or interior lot? NO

b. Description of existing structures:

- i. Number of buildings now on premises 2
- ii. Size of each building now on premises 50' x 20' & 80' x 250'
- iii. Use of existing buildings on premises MANUFACTURING

c. Description of proposed structures:

- i. Height of proposed structure 38'-3"
- ii. Dimensions of proposed building or addition 80' x 250'
- iii. Area of proposed building 20,000 sq ft
- iv. Percentage of lot coverage of building or addition 44%

d. Yard setbacks after completion of building or addition:

- i. Front yard (measured from lot line) 60'

- ii. Side yard (measured from lot line) 31' (N) + 16' (S)
- iii. Rear yard (measured from lot line) 77'

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

f. Section number of zoning ordinance that is being appealed: 38-351

g. Clearly state your request: REDUCE SOUTH SIDE YARD SETBACK
FROM 30' TO 15' - SEE ATTACHED -

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

- a. *Basic conditions.* In order to qualify for a variance, the applicant must show that a variance:
 - 1) Will not be contrary to the public interest or to the intent and purpose of this chapter.
 - 2) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
 - 3) Is unique and not shared with other property owners.
 - 4) Will relate only to property that is under control of the applicant.
 - 5) Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
 - 6) Was not created by action of the applicant (not self-created).
 - 7) Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety.
 - 8) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - 9) Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

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

Signature of owner



Date

4/27/17

Print name:

Bret RUESS



Perrin Construction Co., Inc.

Building Michigan Since 1949

8888 East Lansing Road, Durand, Michigan 48429
PH: 989-288-6046 FAX: 989-288-2731 EMAIL: perrin6@frontier.com

April 26, 2015

City of Owosso, Zoning Board of Appeals
Attn: Ms Susan Montenegro, Community Development Director
301 W. Main St.
Owosso, MI 48867

Subject: RWI Manufacturing, 705 McMillan, Owosso, MI

Section 38-351 of the City of Owosso Ordinance, Schedule of Regulations

I-2 Light Industrial:

Side Yard Setback = 30'

We are asking to reduce the side yard setback to 15'. Due to the size of the equipment to manufacture the system units and components, the proposed building size required infringes on the current side yard setback designated by the Ordinance.

Since the owners of the neighboring property and this parcel are the same, there is not a conflict with the adjacent property.

RWI Manufacturing and Tri-Mer Corporation have been a staple in the community and current work load has maximized the present facilities and the companies are in need of additional space to house their production.

Respectfully,

Scott L. Perrin
1st Vice President

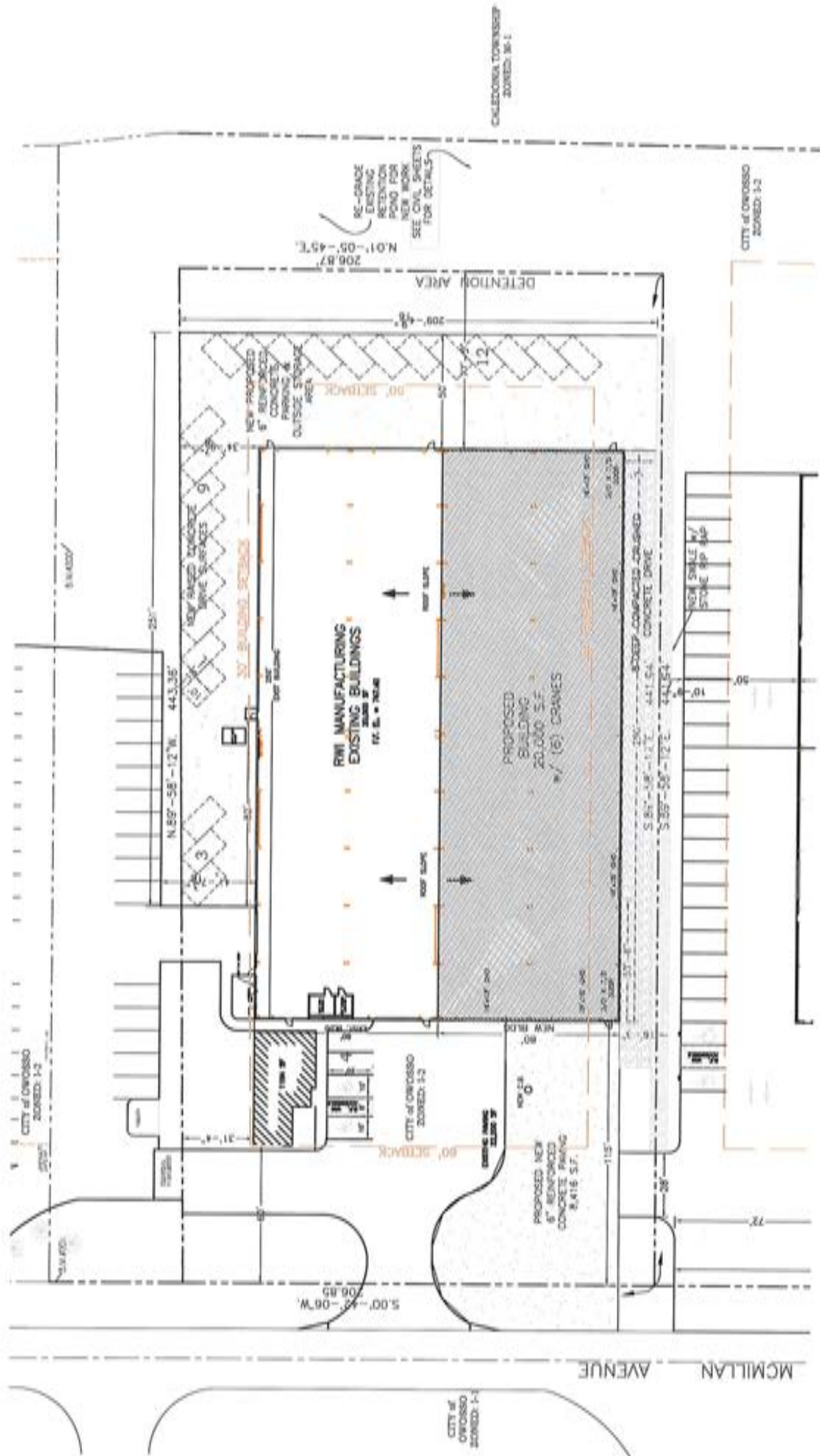


PERRIN CONSTRUCTION, INC.

8888 EAST LANSING RD. DURAND, MI 48429
Phone: 989-288-0046 Fax: 989-288-2721
info@perrinconstruction.com

RWI MANUFACTURING

705 MCMILLAN ST. - OWOSSO, MI. 48867
APRIL 27, 2017



SITE PLAN
SCALE: 1" = 60'-0"

**CITY OF OWOSSO
ZONING BOARD OF APPEALS**

Applicant: RWI Manufacturing	Appeal No: 2017-02
Address: 705 McMillan Street	Hearing Date: May 16, 2017
Property Address: 705 McMillan Street	Parcel #: 050-010-008-002-00

FINDINGS OF FACT AND CONCLUSIONS

At the regular meeting of the Zoning Board of Appeals of the City of Owosso, held at City Hall, 301 W. Main Street, Owosso, Michigan, on the 16th day of May, 2017, 9:30 a.m.

Present: _____
Absent: _____

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decision and conditions were adopted by the Board as its decision on the above variance:

I. Request.

The Applicant has submitted a variance request from the following section(s) of the Zoning Ordinance: Applicant is seeking to reduce the required side yard setback from 35' to 15' to allow for the expansion of the current manufacturing building. Section 38-351 – Schedule limiting height, bulk, density and area by zoning district: I-2 zoning designation states the side yard setback for this zoning designation is 35'.

II. Record of Proceedings.

The attached documents were reviewed and considered by the Zoning Board of Appeals in reaching its decision, in addition to the comments made by Applicant, members of the public, and members of the Board:

III. Findings and Decision.

Based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the City, the Board adopts the following findings and decision with respect to the request for variance:

- 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 _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.2. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.3. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.4. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.5. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.6. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.7. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.8. _____ has been met _____ has not been met for the following reasons:

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

The Board finds that Section 38-504(3) a.9. _____ has been met _____ has not been met for the following reasons:

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.”

The Board finds that Section 38-504(3) b.1. _____ has been met _____ has not been met for the following reasons:

_____.

- 2. "Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district."

The Board finds that Section 38-504(3) b.2. _____ has been met _____ has not been met for the following reasons:

_____.

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

The Board finds that Section 38-504(3) b.3. _____ has been met _____ has not been met for the following reasons:

_____.

C. The request for a variance is _____ approved _____ denied for the above reasons.

IV. Conditions (if variance approved).

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

- A. The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan, except as noted:_____

_____.

- B. Other conditions:_____

_____.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38-504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

The above findings, conclusions and decision were adopted by roll call vote as follows:

AYES: _____
NAYS: _____

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on _____, 20__.

Randy Horton, Chair
Zoning Board of Appeals

OFFICIAL NOTICE OF PROPOSED VARIANCE

The Owosso Zoning Board of Appeals will hold a public hearing at 301 W. Main Street in council chambers of city hall at 9:30 a.m. on Tuesday, May 16, 2017 to consider the following request:

APPLICANT: RWI Manufacturing

Case # 2017-02 Parcel 050-010-008-002-00

LOCATION OF APPEAL: 705 McMillan Street, Owosso, MI 48867

APPEAL: The petitioner is seeking a variance to reduce the required side yard setback from 30' to 15' to allow for expansion of the current manufacturing building.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

All industrial property located within an I-2 zoning designation are required to have a minimum side yard setback of 30'.

APPLICABLE SECTION OF THE ZONING ORDINANCE:

Section 38-351 Schedule limiting height, bulk, density and area by zoning district: I-2 (Heavy Industrial District) have a required side yard setback of 30'.

CURRENT ZONING: I-2 (Heavy Industrial)

SIZE OF LOT: 207' x 443'

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.]

City of Owosso

Zoning Board of Appeals

