

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
JUNE 21, 2016 at 9:30 AM
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Randy Horton at 9:30 a.m.

ROLL CALL: Was taken by Recording Secretary Bridget Cannon.

MEMBERS PRESENT: Chairman Randy Horton, Secretary Dan Jozwiak, Board Member Kent Telesz and Planning Commission Representative Thomas Taylor,

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Alternate Matthew Grubb, and Alternate John Horvath

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development

AGENDA: IT WAS MOVED BY BOARD MEMBER TELESZ, AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE AGENDA OF JUNE 21, 2016 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ, AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF JANUARY 19, 2016 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from January 19, 2016
3. Variance Request – 1005 Krust Drive
4. Public Notice

COMMISSIONER/PUBLIC COMMENTS: Board Member Telesz had a business relationship with the applicants, and recused himself from board discussion and voting concerning the variance.

PUBLIC HEARINGS:

1. VARIANCE – 1005 KRUST DRIVE

Ms. Margaret Pappas, applicant, would like to replace the existing aluminum sunroom that is deteriorated and flimsy. She would like to construct a 14'x22' permanent sun room structure. This would result in a 22' set back to the rear property line. The zoning ordinance requires a 35' set back. Ms. Pappas read two hand-written responses to the variance request from neighboring property owners (added to meeting documentation). Additionally, there was a phone call received by Susan Montenegro, from an additional property owner, prior to the meeting (notes from conversation included in packet). Existing structure is on cement slab and is considered existing, non-conforming. The current room was constructed in 1975, before the present zoning ordinance. Proposed structure will have permanent foundation, built on a crawl space.

COMMISSIONER COMMENT: The board appreciates the feedback received from neighboring property owners, whom are affected by the variance.

MOTION BY BOARD MEMBER JOZWIAK, SUPPORTED BY BOARD MEMBER TAYLOR AFTER REVIEWING THE CASE FOR 1005 KRUST DRIVE (050-370-000-019-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION FOR A SETBACK VARIANCE AT THE PROPERTY LISTED ABOVE WITH THE FOLLOWING BASIC CONDITIONS BEING SATISFIED:

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

The Board finds that Section 38-504(3)a.1. has been met for the following reason: neighbors have expressed positive interest and feedback in the request.

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;

Not applicable

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

The Board finds that Section 38-504(3)a.4. has been met for the following reason: neighboring lots are shallow on Krust Drive. Neighboring property owners have encroached in to required setback for rear yards.

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

The Board finds that Section 38-504(3)a.4. has been met for the following reason: relates only to their 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;

The Board finds that Section 38-504(3)a.5. has been met for the following reason: the shallowness of the lot creates a hardship on owner, which is outside of their control.

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

The Board finds that Section 38-504(3)a.6. has been met for the following reason: the lot size was 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;

The Board finds that Section 38-504(3) a.7. has been met for the following reason: this is not an issue.

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

The Board finds that Section 38-504(3) a.8. has been met for the following reason: will improve the value and safety of home.

9. Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

The Board finds that Section 38-504(3) a.9. has been met for the following reason: property owners are taking down an eyesore and building a safer structure.

SPECIAL CONDITION CLEARLY DEMONSTRATED:

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 for the following reason: shallowness of lot.

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.

ROLL CALL VOTE: AYES ALL. MOTION CARRIED.

BUSINESS ITEMS: NONE

COMMISSIONER/PUBLIC COMMENTS: NONE

ADJOURNMENT:

MOTION BY BOARD MEMBER TELESZ, SUPPORTED BY BOARD MEMBER JOZWIAK TO

ADJOURN AT 10:37 A.M.

YEAS ALL. MOTION CARRIED.

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on June 21, 2016.

Dan Jozwiak, Secretary

b.a.c.