

OWOSSO
Zoning Board of Appeals



Regular Meeting
9:30am, October 20, 2015
Owosso City Council Chambers



MEMORANDUM

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

DATE: October 15, 2015

TO: Chairman Horton and the Owosso ZBA

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

RE: Zoning Board of Appeals Meeting: Tuesday, October 20, 2015

The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, October 20, 2015 to hear a petition for a dimensional variance to build a fence and a setback variance request. The property seeking the variance is located at 434 E. Howard Street. The property is zoned I-1 light industrial.

The petitioner proposes to construct 6' fence around the property and asks for a 20' setback variance from the center of the road (where it ends in front of their property) in order to reduce loading/unloading restrictions and have adequate access to the city street.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

The property is zoned as light industrial abutting residential property and is required to construct an 8' obscuring wall to provide the most complete obscuring possible.

APPLICABLE SECTION OF THE ZONING ORDINANCE: Sections 38-389. Walls (a)(3), (b) and (d).

- (a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, or a single-family detached residential use, an obscuring wall as required below, except otherwise required in subsection (d):
 - (3) I-1 and I-2 districts—Open storage areas, loading or unloading areas, service areas—Four (4) foot, six (6) inch to eight (8) foot high wall or fence. Height shall provide the most complete obscuring possible. See subsection (d) of this section.
- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the board of appeals or planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- (d) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district, or single family detached residential use, shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

Owosso Zoning Board of Appeals

CURRENT ZONING: I-1 – Light Industrial District

SIZE OF LOT: 148.5' x 34.3' x 185.7' x 62.8' x 198' irregular shaped lot

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;
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;
3. Is one that 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, 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;
6. Was not created by action of the applicant (i.e. that it 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;
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 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.

Owosso Zoning Board of Appeals

3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- 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:
 - 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, this request will take much 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 on my cell at 989.890.1394. I look forward to seeing you all on October 20th.

AGENDA

Owosso Zoning Board of Appeals

Tuesday, October 20, 2015 at 9:30 a.m.

Council Chambers – Owosso City Hall

Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: October 20, 2015

APPROVAL OF MINUTES: August 18, 2015

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from August 18, 2015
3. Variance request – 434 E. Howard Street
4. Public notice
5. Response from 405 Huron

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Variance - (resolution)

BUSINESS ITEMS:

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, December 15, 2015 if any requests are received.

Commissioners, please call Bridget at 725-0540 if you will be unable to attend the meeting on Tuesday, October 20, 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, October 20, 2015, 9:30 a.m.
Owosso City Council Chambers, 301 W Main St.,
Owosso, MI

Resolution 151020-01

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the agenda of October 20, 2015 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 151020-02

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the minutes of August 18, 2015 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 151020-03

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 434 E. Howard Street, parcel # 050-680-004-006-00 hereby make the following findings:

1. _____
2. _____
3. _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition to permit the construction of a six foot obscuring fence rather than an eight foot obscuring fence conditioned on the following:

- 1. _____
- 2. _____
- 3. _____

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 151020-04

Motion: _____
Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 434 E. Howard Street, parcel # 050-680-004-006-00 hereby make the following findings:

- 1. _____
- 2. _____
- 3. _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition for a 20' setback variance at the end of E. Howard Street conditioned on the following:

- 1. _____
- 2. _____
- 3. _____

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

Resolution 151020-05

Motion: _____
Support: _____

The Owosso Zoning Board of Appeals hereby adjourns the October 20, 2015 meeting, effective at _____ a.m.

Ayes: _____
Nays: _____

Approved: ____ Denied: ____

**MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
AUGUST 18, 2015 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, Commissioner Kent Telesz, Commissioner Taylor, and Alternate John Horvath

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

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Charles Rau, Owosso Building Official; Devin Ellenberg & Max Ellenberg, Tyler Cords, Owosso Iron & Metal, 229 S. Cedar St.; Scott Gould, Attorney at Law, 117 W. Oliver Street

**AGENDA: IT WAS MOVED BY SECRETARY DAN JOZWIAK, AND SUPPORTED BY BOARD MEMBER KENT TELESZ, TO APPROVE THE AGENDA OF AUGUST 18, 2015 AS PRESENTED.
YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY SECRETARY JOZWIAK AND SUPPORTED BY BOARD MEMBER TELESZ TO APPROVE THE MINUTES OF JULY 21, 2015 AS PRESENTED.
YEAS: ALL. MOTION CARRIED.**

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from July 21, 2015
3. Variance Request – 229 S. Cedar Street – Owosso Iron & Metal
4. Public Notice

COMMISSIONER/PUBLIC COMMENTS: Commissioner Dan Jozwiak had a family member present in the public, he felt this would be a conflict of interest for him to be seated as a board member for this variance request. He excused himself from the panel.

PUBLIC HEARINGS:

1. **VARIANCE – 229 S. CEDAR STREET**

Petitioner wishes to construct a fence between its buildings along S. Cedar Street to provide safety, security, improve the aesthetics of the property and act as a sound deadening barrier. The property is zoned I-1 light industrial and is considered a nonconforming use under the current zoning ordinance. The addition of a fence to the property is considered an “expansion of use” and is not allowed based on the Owosso Code of Ordinances: Section 38-378 (3)(4).

Attorney Scott Gould, representing Dice-Dex, LLC as owner of 229 S. Cedar Street, also known as Owosso Iron & Metal, stated his clients need the fence in question at their place of business. The fence was constructed in October, 2014, without a permit. A citation was issued by the City of Owosso’s building official and is a pending misdemeanor. There is a court date scheduled for this matter. Gould’s clients recognize they should have applied for the permit first before fence construction. Today’s issue is the clients’ request to the board to grant a variance for the fence and allow the “expansion of use.” The current building for Owosso Iron & Metal was constructed in 1905. The business has been operating in the same location for three generations. The clients feel this fence is appropriate because it benefits not only the clients, but also benefits the community. The fence in question faces the west, and runs north and south between the two buildings of Owosso Iron & Metal. Gould presented two photos of the existing

wooden fence. Gould contends the fence is a nice, quality wood constructed fence with a materials cost of about \$700. Inventory is kept in their two main buildings. He stated the fence provides a level of security for both buildings; it prevents theft from criminals outside regular business hours, provides a barrier to keep kids from entering the property and possibly getting injured, and keeps stray animals out. Owosso Iron and Metal is located in a residential area and it is the intent of the clients to make the property aesthetically pleasing to the neighborhood and the community. Gould states the fence acts as a sound deadening barrier for the light industrial activity from the residents. Gould showed a Google maps picture of area in question before the Ellenberg brothers owned the property. The fence provides security for the items that are pictured in this space – a business truck is pictured. The fence also prevents the business owners from having to lock and unlock their buildings throughout the work day. Clients are aware there is a concern about the noise created by their business activity, and this is a separate issue. Gould stated that there was community concern in the past, that the Ellenberg brothers were using the business for auto salvage for a short period of time. Gould contends this was merely metal scrapping, and the Ellenberg brothers have conceded to the fact this type of auto scrapping is not an option in this location. They would have to obtain a dealer's license. Residents should not be concerned about a future auto salvage business at this location. The new owners are trying to create business for themselves, create jobs in the community and support the local community businesses.

Commissioner Taylor asked if it was the Ellenberg Brothers future endeavor to have the property completely enclosed. Devin Ellenberg stated yes, there is only one section of fence missing at this time. It had fallen over the day before the meeting, and they would be applying for a fence permit to replace this section.

Chairman Horton called for a three minute intermission. After intermission, Chairman Horton opens up the floor for public comments.

Thomas Klockziem – 221 S. Cedar Street – Mr. Klockziem lives next door to this business. He does not believe this fence is necessary to the business, as the past business owners did not have a fence in this area and never stored any items between the two buildings. Mr. Klockziem does not feel theft is an issue in this neighborhood.

Alejandro Vargas – 218 S. Howell Street -- Mr. Vargas stated he felt the fence was a good thing. Not only does it provide privacy for the business owners, it also serves as a barricade that prevents theft. He believes there are bigger issues within the city that should be addressed, other than this fence. He feels the current business owners are fixing up this property little by little, and it is a good thing for the city of Owosso.

Martha Stinson – 208 S. Cedar Street – Ms. Stinson feels the fence represents an expansion of use for this business, and should not be allowed to remain.

Jane Back – 224 S. Cedar Street – Ms. Back presented a photo of the fence to the board. Ms. Back feels this fence does not act as a sound deadening barrier, as all of the noise from the business is generated on the north side of the building.

Michael Law – 182 W. Wilkinson Road – Mr. Law is currently working part-time for Owosso Iron & Metal. Mr. Law stated when the fence was not there, the business was not aesthetically pleasing. The Ellenberg brothers are trying to make the business look nice. They will be replacing the section of fence that has fallen with new fencing. These owners are generating business in Owosso, and support local businesses.

Judy Lamphere – 431 Curwood Drive – Ms. Lamphere owns multiple properties in Westtown. She drove by this property, and views the fence as a moot point. She does believe the owners need this fence between their two buildings. Ms. Lamphere feels the fence masks Owosso Iron & Metal's piles of scrap metal. She is in favor of the fence, and believes 'fences *do* make good neighbors.' She and her husband own Lamphere's Plumbing & Heating, and used water heaters and other scrap materials are taken to

Owosso Iron & Metal. If they were to remain on her business grounds, people would try to haul the materials away and steal.

Chairman Horton asked if there were any additional public comments and then brought discussion back to the board.

Discussion as to whether the fence in question was a replacement fence, or a newly constructed fence. According to permit details, and agreement of business owners and residents, this is a newly constructed fence.

Commissioner Taylor asked of any business changes since the new ownership and the newly constructed fence. Devin Ellenberg stated employees may now leave the doors open to the two buildings during regular business hours, and the fence is used as a barrier for employee parking. Ellenberg states regular business hours are 9 am – 6 pm. There is no work going on in the fenced area, as it is only estimated at being 2,200 square feet.

Ms. Montenegro referred to picture of property from several weeks ago that included a dumpster parked in area in question and a box truck. This is considered “expansion of use.” Devin Ellenberg stated the dumpster had been moved since the picture was taken, and they have also moved the box truck pictured.

Mr. Rau stated the community had complained about the dumpster and trailers behind the fenced in area. He asked them to remove these items, and the Ellenberg brothers complied.

Commissioner Telesz stated this business is listed as Class B Non-Conforming Use. Therefore, no overnight parking is allowed on the property.

MOTION BY COMMISSIONER TELESZ, SUPPORTED BY ALTERNATE HORVATH AFTER REVIEWING THE CASE FOR 229 S. CEDAR STREET, (050-660-023-111-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION TO PERMIT THE VARIANCE REQUEST FOR THE FENCE BETWEEN BUILDINGS ALONG THE WESTERN FRONT, CONDITIONED ON THE FOLLOWING:

- 1. NO OVERNIGHT PARKING ALLOWED BEHIND THE FENCED SECTION**
- 2. NO STORAGE OF BUSINESS MATERIALS BEHIND THE FENCE**
- 3. NO DUMPSTERS STORED BEHIND THIS SECTION OF FENCE**
- 4. DAYTIME PARKING BY EMPLOYEES DURING REGULAR BUSINESS HOURS ONLY**

YEAS ALL. MOTION CARRIED. COMMISSIONER JOZWIAK ABSTAINED FROM THE VOTE DUE TO CONFLICT OF INTEREST.

BUSINESS ITEMS: NONE

COMMISSIONER/PUBLIC COMMENTS: NONE

ADJOURNMENT:

MOTION BY BOARD MEMBER JOZWIAK, SUPPORTED BY BOARD MEMBER TELESZ TO ADJOURN AT 11:15 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, SEPTEMBER 15, 2015, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

Owosso Iron and Metal Variance Responses

David Clark (517) 331-0053

Does not want Owosso Iron & Metal to obtain variance and believes the business is already too big for a residential setting. Enlarging the business will only make more issues for neighborhood.

Phone call received August 17, 2015 @ 3:47 pm

Brooke Klockziem (989) 795-7707

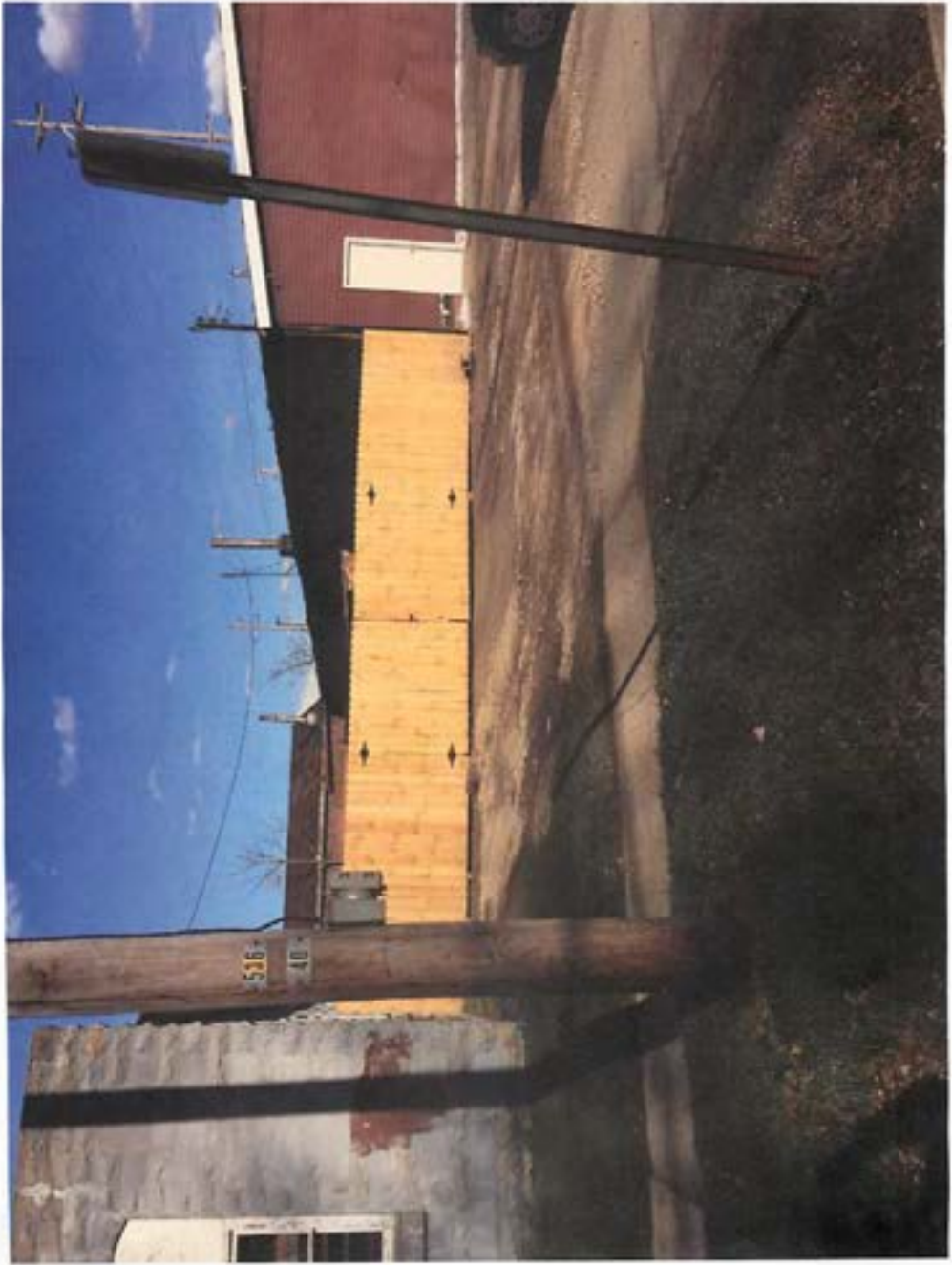
She and her husband are not in favor of the variance to place a fence between the buildings at the Owosso Iron and Metal business. The Klockziem's own property at 221 S. Cedar and believe allowing the variance will only increase the amount of noise and dust already happening at the place. Brooke says the guys are working hard to be successful but need to move out of the residential area to make it work properly. Brooke has lived in her house since she was nine years old and says she is in her 70s now. She would like to live somewhere else but doesn't feel it is fair to make her and her husband go in debt at this stage of their lives.

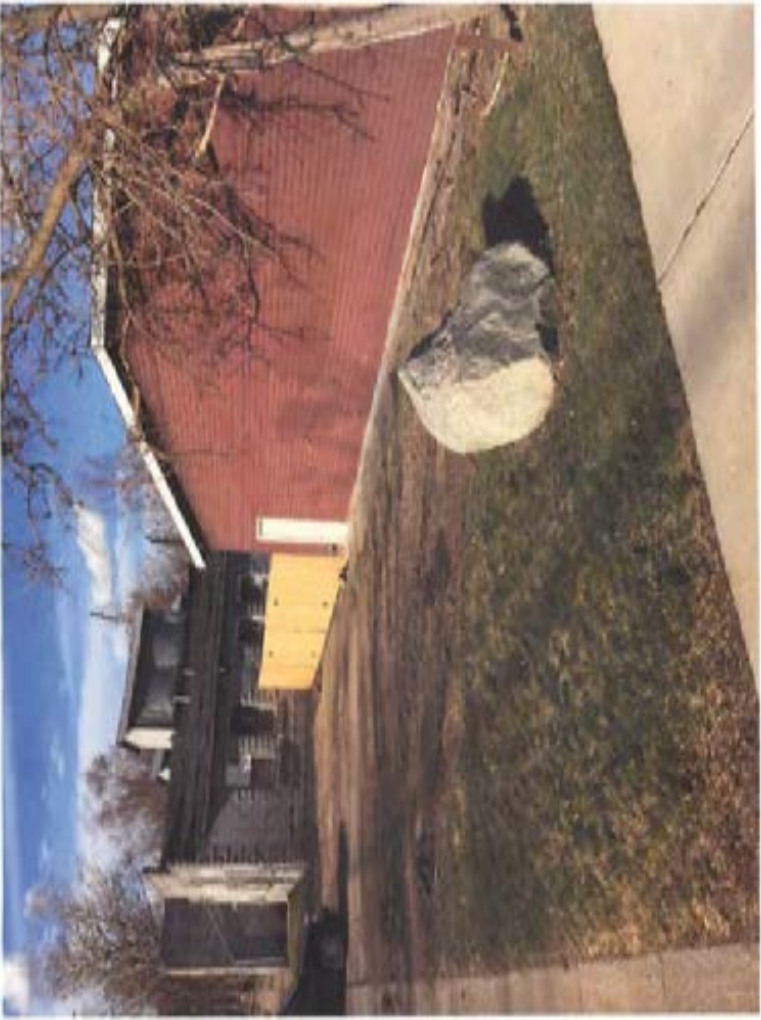
Phone call received August 17, 2015 @ 2:45 pm

Teresa Klockziem (989) 277-3513

Called to say she does not want the variance to go through for Owosso Iron and Metal. Teresa lives at 841 Center Street here in Owosso but states her parents live next to this business and it is loud and messy. Teresa says her parents have health issues and the noise and mess are affecting them.

Phone call received August 17, 2015 @ 1:36 pm









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: Trebor Industries / Carrie Reid Hoag
ADDRESS: 434 E. Howard St. LOCATION OF APPEAL: 434 E. Howard St.
Owosso Mi 48867
PHONE NO.: (989) 666-3541 DATE APPEAL FILED: 9/23/2015

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

Requesting approval to install a 6' Tall chain link fence around the perimeter of property located at 434 E. Howard Street. Fencing to encase property starting at existing concrete slab east of Bay Door #3 to the north property line.

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.)

We are asking for a variance of 20 ft from the center of the road in order to reduce our loading restrictions and also to have adequate access to the city street. This portion of the (City) street has been maintained during seasonal months

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

Signature of Applicant

by Trebor Industries; otherwise we would experience roads closed conditions. Please see attached proposal for 6ft chain link fencing.



Carrie Reid-Hoag <carriereidhoag@gmail.com>

Re: Fence Quote Attached

1 message

spartanfence@onemain.com <spartanfence@onemain.com>
Reply-To: spartanfence@onemain.com
To: Carrie Reid-Hoag <carrie@treborind.com>

Wed, Sep 23, 2015 at 10:44 AM

Carrie

6' CL with no slats installed \$9200.00

ADD 70% slats + \$5150

ADD 90% slats +\$6175

I will have Laura email this as an option on original proposal, tomorrow.

*\$ 5250.00
swings on
chain link fence*

Thanks
Phil

-----Original Message-----

From: Carrie Reid-Hoag
Sent: Sep 23, 2015 9:07 AM
To: spartanfence@onemain.com
Subject: Re: Fence Quote Attached

Good morning,

[Redacted]

thanks,
Carrie

Carrie Reid-Hoag
Trebor Industries LLC
Carrie@Treborind.com
P: 989-723-8145
C: 989-666-3541
F: 989-723-8146

Please make note of my new e-mail address Carrie@Treborind.com

On Tue, Sep 22, 2015 at 2:08 PM, <spartanfence@onemain.com> wrote:

Carrie,

Please find the quote attached for your fence project. Please let me know if you have any questions.

Thanks,

Laura Plaza
Spartan Fence Inc

SPARTAN FENCE PROPOSAL

QUOTATION NO. _____ DATE: 9-22-15

Specifications on proposal:

Style TR PRIVACY Height over-all 6'
4x4 POST, 2x4 RAILS (3), 1x6 DE BOARDS
ALL TREATED MATERIALS 4" POST FOR GATE

Job Site Address SAME
 City _____ State _____ Zip _____

Special Notes CLEARING OF FENCE LINE BY OWNER
POST SET IN CONCRETE FOOTINGS

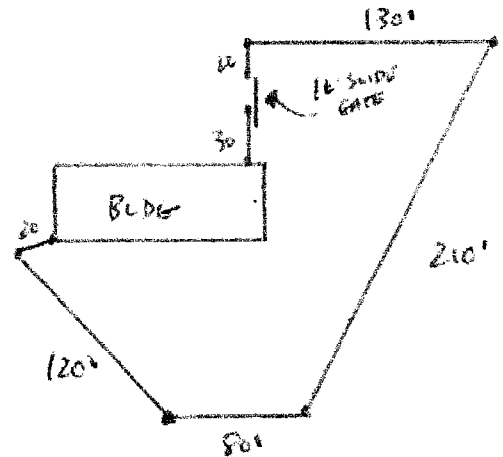
Contact Person CARRIE / BOB

To: TREBOR INDUSTRIES
 Address: 434 E HOWARD ST., PO BOX 142
 City: CROSSO State: MI Zip: 48867
 FAX Phone: 723-8146 Bus Phone: 723-8145

Quantities Required: Based on Drawing

Footage	Style	Unit Price	Extension
610'	6' TR PRIVACY	14.20	8662.00
7	EXTRA 4x4 POST	17.60	123.20
3	4" GATE POST	129.00	387.00
1	6' x 16' SLIDE GATE		900.00
1	SET SLIDE GATE HDW.		300.00

- * PERMIT BY OWNER IF REQUIRED *
- * SPECIAL ORDERS - NO RETURNS *
- * CREDIT/DEBIT CARDS NOT ACCEPTED *



Total	14,450.00	Trans Materials	10,372.20
		Discount	< 2597.20 >
			7775.00
Deposit	7,225.00	Sales Tax	
		Labor	6675.00
Balance	7,225.00	TOTAL	14,450.00

QUOTE WILL BE RENDERED FOR MORE OR LESS QUANTITY AS SET, STATED PRICES

Quotation Valid For Twenty Days (20)

TERMS: Unless otherwise stated, payment will be 50% upon start of work and 50% upon completion of work following 10 days from the date of final invoice to implement work. Payment is subject to a 2% late fee per month. This proposal and its acceptance will be held in full force and binding based on the plan and specifications attached.

SPECIAL TERMS: _____

Respectfully Submitted by PHILIP MILLIKIN
 SPARTAN FENCE, INC.
 10808 S. BENNETT DR.
 MORRICE, MI 48857-9792
 1-800-848-1811
 (517) 625-1811
 Fax (517) 625-8055

Accepted By _____
 Print or type name:

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, October 20, 2015 to consider the following request:

APPLICANT: Trebor Industries

Case # 2015-05 434 E. Howard Street; 050-680-004-006-00

LOCATION OF APPEAL: 434 E. Howard Street, Owosso, MI 48867

APPEAL: The petitioner proposes to construct 6' fence around the property and asks for a 20' variance from the center of the road (where it ends in front of their property) in order to reduce loading restrictions and have adequate access to the city street.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

The property is zoned as light industrial abutting residential property and is required to construct an 8' obscuring wall to provide the most complete obscuring possible.

APPLICABLE SECTION OF THE ZONING ORDINANCE: Sections 38-389. Walls (a)(3).

- (a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, or a single-family detached residential use, an obscuring wall as required below, except otherwise required in subsection (d):
 - (3) I-1 and I-2 districts—Open storage areas, loading or unloading areas, service areas—Four (4) foot, six (6) inch to eight (8) foot high wall or fence. Height shall provide the most complete obscuring possible. See subsection (d) of this section.
- (d) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district, or single family detached residential use, shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

CURRENT ZONING: I-1 – Light Industrial District

SIZE OF LOT: 148.5' x 34.3' x 185.7' x 62.8' x 198' 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, 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

434 East Howard Street

October 16, 2015



From: amygray2008 [<mailto:amygray2008@yahoo.com>]
Sent: Thursday, October 15, 2015 4:42 AM
To: Info Email Account Group
Subject: Attn: City Clerk/Trebor Industries Zoning

Attn: City Clerk
To whom it may concern.

My name is Amy Gray and I reside at 405 Huron St.

I am opposed to allowing any zoning variances for Trebor Industries. They have had years to comply with current zoning laws and have chosen to ignore them. Why should they be rewarded with allowances? We as residents have had enough of them walking all over us.

Fencing heights need to remain at the maximum 8 foot requirement. They already stack their racks over thirty feet high so they need to be covered by the most obscuring possible.

As far as the set back distance from the road at 20 feet, that also needs to remain the required 40 feet from the road. They want the variance so they can use the city streets for their loading and unloading, which they already do and constantly are blocking the right of way.

We as residents are truly upset by the actions of this company. They have ignored laws and now want special treatment now that they have been caught. We do not want bad behavior rewarded. We want free use of our neighborhood streets without having the road blocked. We want to be able to look out our windows and not have 30 foot high stacks of racks be the first thing we see. Fencing needs to obscure it at maximum heights and our roads need to be clear.

Thank you.
Amy Gray
405 Huron St.
Owosso

Sent from my Verizon Wireless 4G LTE smartphone