

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
November 20, 2012

The meeting was called to order by Chairman Randy Horton at 9:35 a.m.

Roll call was taken by Adam Zettel.

MEMBERS PRESENT: Chairperson Randy Horton, Vice-Chairperson Christopher Eveleth, Commissioner William Wascher.

MEMBERS ABSENT: Secretary Daniel Jozwiak, Commissioner Kent Telesz, and Alternate Matt Grubb. Vacancy remains for second alternate.

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; Charles Rau, Building Official; Petitioners Mr. David Wakeland and his design team (Chris Grzenkowicz & Ken Jones); Julianne Skrbee, and Irene Graff.

AGENDA: IT WAS MOVED BY BOARD MEMBER EVELETH AND SUPPORTED BY BOARD MEMBER WASCHER TO APPROVE THE AGENDA, AMENDED TO REFLECT THE REMOVAL OF THE TRAINING PROGRAM, FOR NOVEMBER 20, 2012

AYES: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY BOARD MEMBER WASCHER AND SUPPORTED BY BOARD MEMBER EVELETH TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 21, 2012.

AYES: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from August 21, 2012
3. Variance request materials – 109 Corunna Avenue
4. Training Materials

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. Variance Request – 109 Corunna Avenue #2012-03

Chairman Horton opened the Public Hearing at approximately 9:40 am.

Mr. Grzenkowicz introduced Mr. Wakeland. Mr. Wakeland explained that they were seeking a major modification of their business to align their structure and business plan to the new market. This is due to fuel sales losing their profitability and convenience sales gaining popularity. He said that the ~400 square foot expansion is to meet these ends and should make the property an attractive gateway to the community while making the property more viable as well.

Mr. Grzenkowicz stated the expansion is needed on the east side because there is a canopy and fuel stalls to the south, storage tanks to the west, and no property at all to the north. He explained how the site has two front yards, but the distinction of a side and rear yard is unclear. Because the ordinance requires one rear yard, one such side is to have a 10 foot setback. The petition seeks to have both non-front yards have a setback of zero, a condition only allowable for a side yard.

He detailed how the petition met all basic conditions for a variance, largely predicated upon the smallness of the site as it relates to the existing building configuration and the unique shape. He then explained how these elements also contributed to the merit for a variance as it met special condition two of the ordinance. Specifically, he said the presence of an existing retaining wall at the lot line made this site unique in that a new structure at grade is not even necessary and would have no impact on the use of the alley or the properties in the vicinity.

Mr. Zettel said he concurred with the basic and special condition findings that the petitioner laid out in their application letter. He specifically noted the retaining wall as being a unique feature on the site. He

recommended approval as proposed. Mr. Zettel also noted that there were no written, verbal, or other comments made to city staff on this matter.

Mr. Wascher asked if the retaining wall condition was suitable for building and if the expansion would eliminate needed storage space. Mr. Jones stated that the wall would be engineered to meet all codes, and Mr. Wakeland said that a bottle/can compactor would eliminate their need for storage in this area.

There being no public comments, Chairman Horton closed the public hearing and brought it back to the board at 9:55 am.

**Motion by Board Member Eveleth, supported by Board Member Wascher:
The Owosso Zoning Board of Appeals, after reviewing the case for 109 Corunna Avenue, parcel number 050-651-200-014-00, case number 2012-03, hereby makes the following findings:**

- 1. The use and property in question is found to be a Class A non-conforming use/structure.**
- 2. The petition meets all basic conditions for a variance.**
- 3. The petition meets a special condition, specifically condition number two, by virtue of the unique shape and layout of the site, specifically the retaining wall on the east lot line.**

AYES: ALL. MOTION CARRIED.

**Motion by Board Member Eveleth, supported by Board Member Wascher:
Based upon the findings for variance request 2012-03, the Owosso Zoning Board of Appeals hereby approves the petition to permit the building expansion with a zero (0) foot setback on the east (rear) property line as illustrated in the petition and accompanying renderings dated November 8, 2012.**

AYES: ALL. MOTION CARRIED.

COMMISSIONER/PUBLIC COMMENTS:

Irene Graff stated that she felt the added second floor was a waste of money if there was not to be any sort of occupancy of it.

**ADJOURNMENT:
MOTION BY BOARD MEMBER EVELETH, SUPPORTED BY BOARD MEMBER WASCHER TO
ADJOURN AT 10:07 A.M.
AYES: ALL. MOTION CARRIED.**

Dan Jozwiak, Secretary

a.h.z.