

# OWOSSO

## *Zoning Board of Appeals*



Regular Meeting  
9:30am, June 17, 2014  
Owosso City Council Chambers

**AGENDA**  
***Owosso Zoning Board of Appeals***

Tuesday, June 17, 2014 at 9:30 a.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: June 17, 2014

APPROVAL OF MINUTES: May 20, 2014

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from May 20, 2014
3. Variance request application & materials – 109 Corunna Avenue
4. Correspondence
5. Affidavit of notice

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Variance request – 109 Corunna Avenue

BUSINESS ITEMS:

1. Variance request – 109 Corunna Avenue; (Resolution)

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, July 15, 2014 if any requests are received.

**Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Tuesday, June 17, 2014**

[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](http://www.ci.owosso.mi.us)

**Affirmative Resolutions**

# *Owosso Zoning Board of Appeals*

Tuesday, June 17, 2014, 9:30 a.m.  
Owosso City Council Chambers, 301 W Main St.,  
Owosso, MI

## **Resolution 140617-01**

Motion: \_\_\_\_\_

Support: \_\_\_\_\_

The Owosso Zoning Board of Appeals hereby approves the agenda of June 17, 2014 as presented.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

## **Resolution 140617-02**

Motion: \_\_\_\_\_

Support: \_\_\_\_\_

The Owosso Zoning Board of Appeals hereby approves the minutes of May 20, 2014 as presented.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

## **Resolution 140617-03**

Motion: \_\_\_\_\_

Support: \_\_\_\_\_

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 109 Corunna Avenue, parcel number 050-651-020-014-00, hereby makes the following findings:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**Resolution 140617-04**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Zoning Board of Appeals hereby adjourns the June 17, 2014 meeting,  
effective at \_\_\_\_\_ a.m.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_



## MEMORANDUM

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

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**DATE:** June 10, 2014

**TO:** Chairman Horton and the Owosso ZBA

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

**RE:** Zoning Board of Appeals Meeting: June 17, 2014

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**The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, June 17, 2014 to hear a petition for a setback variance.** The property seeking the variance is located at 109 Corunna Avenue, parcel number 050-651-020-014-00. The property is zoned and used for general business in the B4 zoning district.

The petitioner is seeking a setback variance of 10' to place a new pole and electronic message center on an existing base within the ROW at the property line on the corner of Washington Street and Corunna Avenue. Additionally, the petitioner is seeking pole width variance of 2" because the pole will measure 16' X 8". The electronic sign will measure 4'9" X 2'9".

The maximum setback required for a sign in a B-4 zoning district is 10 feet. The proposed sign will have no setback and will therefore need a 10' setback variance according to Section 26-28 of the City Ordinance. A pole must also be no larger than 6" in diameter. The proposed sign pole will be 8" and will require a 2" variance. According to Section 26-23 a sign cannot overhang in a public right-of-way. Sign will need to hang over the property. The applicant is seeking these variances as outlined in the zoning code, Section 26-23 and Section 26-28.

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.**
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; **Staff cannot identify any other properties that demonstrate the same criteria in the neighborhood. Old sign and base currently exist on 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; **Subject to ZBA review.**
  6. Was not created by action of the applicant (i.e. that it was not self-created); **Petitioner wishes to replace current sign and post in the existing location. 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; **dimensional variance of pole will be 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; **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 argues that required 10' setback would place the sign in the parking lot/service station lot creating an obstacle and hazard for patrons; 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; **Placement of the sign can only exist in the ROW on this particular property due to flow of incoming and outgoing patron traffic. Current signage is in the ROW. 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:
    - 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;

Owosso Zoning Board of Appeals  
May 20, 2014

- 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 based on the fact the current pole and sign are already in the ROW.** So far, one neighbor at 144 Corunna Avenue emailed stating she has no objections to the request. The request for a variance will need to be scrutinized by the ZBA.

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](mailto:susan.montenegro@ci.owosso.mi.us) or on my cell at 989.890.1394. I look forward to seeing you all on the 17<sup>th</sup>.

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
MAY 20, 2014 at 9:30 AM  
CITY COUNCIL CHAMBERS**

The meeting was called to order by Vice-Chairman Chris Eveleth at 9:31 a.m.

Roll call was taken by Recording Secretary Marty Stinson.

**MEMBERS PRESENT:** Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, Board Member William Wascher and Alternate John Horvath.

**MEMBERS ABSENT:** Chairperson Randy Horton, Board Member Kent Telesz and Alternate Matt Grubb.

**OTHERS PRESENT:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Mr. Charles P. Rau, Building Official; Mr. Kurt Mills, contractor for petitioner.

**AGENDA: IT WAS MOVED BY BOARD MEMBER WASCHER AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE AGENDA OF THE MEETING OF MAY 20, 2014.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY BOARD MEMBER JOZWIAK AND SUPPORTED BY BOARD MEMBER WASCHER TO APPROVE THE MINUTES OF THE MEETING OF DECEMBER 17, 2013 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from December 17, 2013
3. Variance request materials – 615 Third Street
4. Site map
5. Affidavit of notice

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS: VARIANCE REQUEST – 615 Third Street, # 2014-01**

The public hearing was opened at 9:33 am. There were no comments and the hearing was closed at 9:34 am.

The contractor for the applicants, Mr. Kurt Mills, was in attendance. Vice-chairman Chris Eveleth explained that the first item of business for a variance was to exam if a hardship for the property existed for this particular parcel of land.

Mr. Mills commented that there was not room for two vehicles in the current garage on the property. Board Member Wascher commented that this was recently purchased property and that the owners had truck(s) when they purchased the property. The garage request created reduced setbacks and would also create more than 25% lot coverage. He doesn't see a hardship.

**MOTION BY BOARD MEMBER JOZWIAK, SUPPORTED BY BOARD MEMBER HORVATH THAT NO TRUE HARDSHIP EXISTS AND VARIANCE REQUEST WOULD CREATE TOO MUCH LOT COVERAGE. VARIANCE REQUEST #2014-01 FOR 615 THIRD STREET IS DENIED.**

**AYES: JOZWIAK, WASCHER, HORVATH, EVELETH**

**NAYS: NONE**

**MOTION CARRIED.**

*Draft*



Vice Chairman Eveleth advised Mr. Mills to contact the Building Official for some possible creative solutions to building a smaller garage.

**COMMISSIONER/PUBLIC COMMENTS:** None

**ADJOURNMENT:**

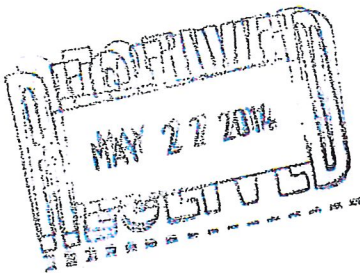
**MOTION BY BOARD MEMBER WASCHER, SUPPORTED BY BOARD MEMBER HORVATH TO  
ADJOURN AT 9:45 A.M.**

**YEAS: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary

m.m.s



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: David Wakeland; Wakeland Oil  
ADDRESS: 527 S. Washington LOCATION OF APPEAL: 109 Corunna  
OWOSSO MI 48867 OWOSSO MI  
PHONE NO. 989.723.5500 DATE APPEAL FILED 5.16.14

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

To allow for a new pole and electronic message  
center to be installed on an existing base  
at the property line, Corner of Corunna &  
S Washington St.

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 required 10' setback would place the  
sign in the parking lot / service station  
lot creating an obstacle and hazard  
for patrons.

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

David R. Wakeland  
Signature of Applicant





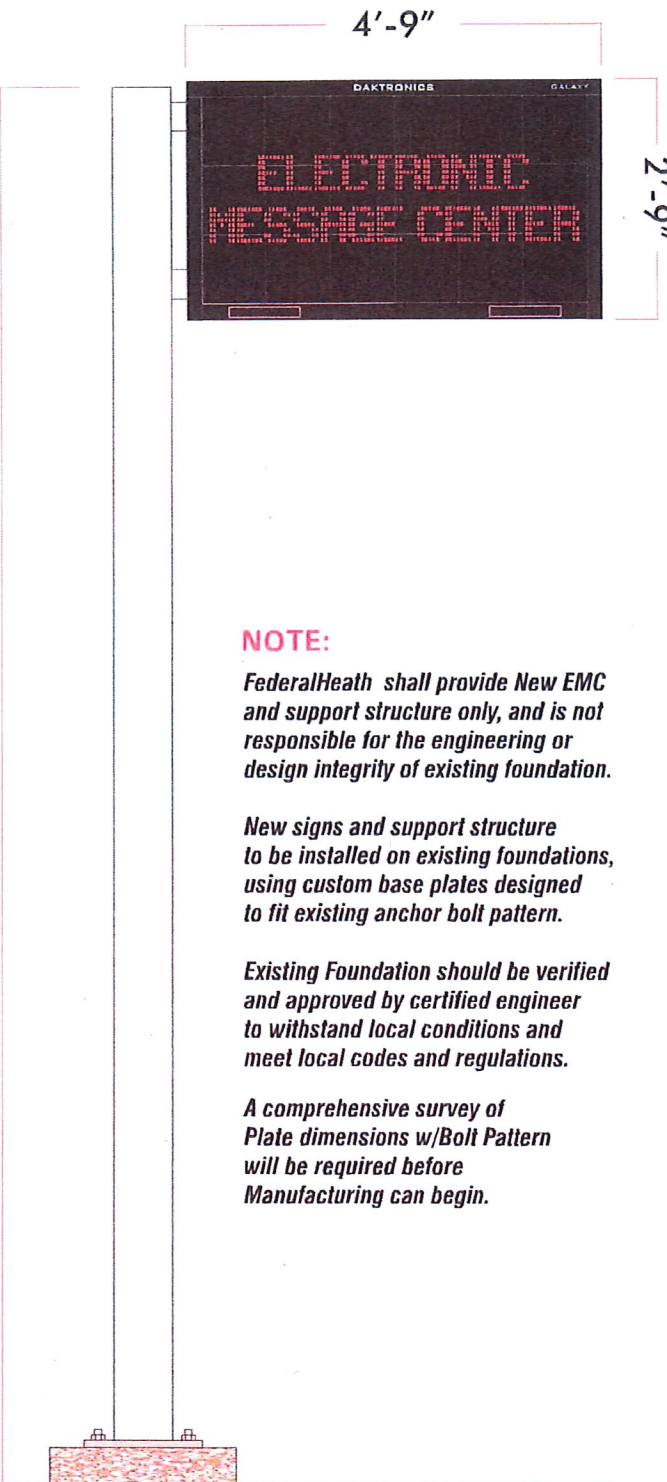


**NEW Daktronic EMC  
AF-3500-32x64-20-R-2V  
Flag Mounted to NEW  
8" x 8" x 3/16" Pole w/Plate  
on Existing Foundation  
@16' OAH**



**Existing Elevation**  
**Not to Scale**

16'-0" OAH



**Proposed Elevation**  
**SCALE: 1/2" = 1'**

**NOTE:**

*FederalHeath shall provide New EMC and support structure only, and is not responsible for the engineering or design integrity of existing foundation.*

*New signs and support structure to be installed on existing foundations, using custom base plates designed to fit existing anchor bolt pattern.*

*Existing Foundation should be verified and approved by certified engineer to withstand local conditions and meet local codes and regulations.*

*A comprehensive survey of Plate dimensions w/Bolt Pattern will be required before Manufacturing can begin.*



**SIGN COMPANY**  
www.FederalHeath.com

1500 North Bolton • Jacksonville, Texas 75766  
(903) 589-2100 • Fax (903) 589-2101

**Building Quality Signage Since 1901**

Revisions:

- 1
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Account Rep: **Dan Hull**  
Project Manager: **Sherry Rowell**  
Drawn By: **TRose**

Project / Location:

**Shell**

 **Underwriters Laboratories Inc.**  **ELECTRICAL TO USE UL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS**  
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 580 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

**THIS DRAWING IS YOUR FINAL PROOF:**  
**IT SUPERCEDES ALL VERBAL AND WRITTEN COMMUNICATION. BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THESE SPECIFICATIONS.**

**Client Approval/Date:**

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company LLC or its authorized agent. © 2008  
Colors Depicted in This Rendering May Not Match Actual Material Finishes. Refer To Product Samples For Exact Color Match.

Job Number: **141019**  
Date: **03.11.14**  
Sheet Number: **1** or **1**  
File Name: **SG141019\_e**  
Design Number:



SOUTH WASHINGTON ST. / M-71

CORUNNA AVE. / M-71

EXISTING CANOPY  
OVER GAS PUMPS

EXISTING  
SHELL FOOD MART  
12040 SQ. FT.

BUILDING  
OVERHANGS  
FOUNDATION

EX. CONCRETE  
RETAINING WALL

BITUMINOUS SURFACE

EXISTING  
SIGN

EXISTING  
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SOUTHSIDE  
MARKET  
BUILDING ADDITION

DEMOLITION  
PLAN

WINDWARD OIL COMPANY  
227 SOUTH WASHINGTON  
CHICAGO, IL 60607  
(773) 723-5500

PROJECT NO. 912010  
DATE: 2010.08.03  
ISSUED: 11/24/10

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## Susan K. Montenegro

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**From:** Martha M. Stinson  
**Sent:** Wednesday, June 04, 2014 10:54 AM  
**To:** Susan K. Montenegro  
**Subject:** Irene Graff

Irene Graff who owns 144 Corunna Avenue across the street from Wakeland's Gas Station received the notice about the variance request for the sign. She has no objections to the request per her phone conversation on 6-4-14.

*Marty Stinson*  
City of Owosso  
301 W. Main Street  
Owosso, MI 48867  
989-725-0540

This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender or the City of Owosso and, when applicable, the opinions expressed here are my own and do not necessarily represent those of the City.

## **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, June 17, 2014 to consider the following request:

**APPLICANT:** Wakeland Oil Company – Owner

**Case # 2014-02** Parcel 050-651-020-014-00

**LOCATION OF APPEAL:** 109 Corunna Avenue, Owosso, MI 48867

**APPEAL:** The petitioner is seeking a setback variance of 10' to place a new pole and electronic message center on an existing base at the property line on the corner of Washington Street and Corunna Avenue. Additionally, the petitioner is seeking pole width variance of 2" because the pole will measure 16' X 8". The electronic sign will measure 4'9" X 2'9".

**THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:**

The maximum setback required for a sign in a B-4 zoning district is 10 feet. The proposed sign will have no setback and will therefore need a 10' setback variance according to Section 26-28 of the City Ordinance. A pole must also be no larger than 6" in diameter. The proposed sign pole will be 8" and will require a 2" variance. According to Section 26-23 a sign cannot overhang in a public right-of-way. Sign will need to hang over the property.

**APPLICABLE SECTION OF THE ZONING ORDINANCE:** Section 26-23 and Section 26-28.

**CURRENT ZONING:** B-4 – General Business District

**SIZE OF LOT:** 114' x 122' irregular

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](mailto: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](http://www.ci.owosso.mi.us).]