

**MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
JULY 19, 2011**

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

Roll call was taken by Recording Secretary, Marty Stinson.

MEMBERS PRESENT: Chairperson Randy Horton, Board Members Christopher Eveleth, Daniel Jozwiak, Kent Telesz, and Alternate Matthew Grubb.

MEMBERS ABSENT: Elizabeth Frasier (alternate and excused).

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; Josh Jones, owner of 731 W. Main; Terry Ott, owner of 307 Corunna Avenue; Mark Hanna, representative for Terry Ott.

AGENDA: It was moved by Board Member Telesz and supported by Board Member Jozwiak to approve the agenda for July 19, 2011 as presented.

AYES: All. Motion carried.

NAYS: None.

MINUTES: It was moved by Board Member Grubb and supported by Board Member Telesz to approve the minutes of the meeting of January 18, 2011.

AYES: All. Motion carried.

NAYS: None.

ELECTION OF OFFICERS:

Board Member Telesz nominated the slate of Board Member Horton for Chairperson; Board Member Eveleth for Vice-Chairperson; and Board Member Jozwiak as Secretary.

There were no other nominations.

The Owosso Zoning Board of Appeals hereby selects Board Member Horton to serve as the Chairperson; Board Member Eveleth to serve as Vice-Chairperson; and Board Member Jozwiak to serve as Secretary of the ZBA for the remainder of the current term, set to end on June 30, 2012.

AYES: All. Motion carried.

NAYS: None.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from January 18, 2011
3. Applicable code sections
4. Variance request materials – 731 W. Main
5. Variance request materials – 307 Corunna Ave.
6. ZBA by laws

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. Class A, Non-Conforming Request – 731 W. Main; #2011-01

Mr. Josh Jones, owner of Owosso Auto Mall at 731 W. Main reviewed his plans to build a second story on the building. He has four bays of which three are being used for tool storage. He wants to expand his business.

Mr. Adam Zettel, Assistant City Manager and Director of Community Development, stated this Class A, non-conforming use has two questions.

1. Auto repairs should be in industrial zoning, not in the B-4 zoning.

2. Setbacks for this structure are not appropriate.
Chairperson Horton noted there was no one in attendance to state approval or objections.
Mr. Jones was questioned if he did sales or repairs. He stated it was about 50/50.

Motion by Board Member Eveleth, supported by Board Member Grubb that the continuance of the use would not be contrary to the public health, safety or welfare; that there were no objections from surrounding property owners that this would significantly decrease the value of nearby properties; and that the structure was lawful at the time of its inception; and finds the structure to be Class A Non-Conforming.

**AYES: All. Motion carried.
NAYS: None.**

Variance Request 2011-01 – 731 W. Main Street

Mr. Zettel commented that staff has no reason to disqualify this request. This won't resolve the setbacks, but the building owner is only requesting to build up, so it's not a new setback violation.

Mr. Mark Hanna, representative for another case pending, commented that this is a great opportunity to add value to the area, and this is a pretty well laid out parcel.

Ms. Marty Stinson, 208 S. Cedar Street, lives within the 300 ft. radius of the variance request. She reported that there have not been odors or excessive noise from this property. She is in favor of Mr. Jones increasing his business.

Motion by Board Member Eveleth, supported by Board Member Telesz to approve the petition for 731 W. Main Street to enlarge the existing Class A Non-Conforming use in accordance with 38-378(e)3 because it is not incompatible with surrounding land uses; it would not be inconsistent with the zoning chapter; and to approve the resolution granting structural changes.

**AYES: All. Motion carried.
NAYS: None.**

2. Class A, Non-Conforming Request – 307 Corunna Avenue; #2011-02

Petitioner Terry Ott stated that 307 Corunna Avenue was once a seven apartment building. In the early 1990's there was a fire and then the building set vacant for years. He now wants to remodel it into a six unit apartment. It is not habitable right now, but it will be brand new upon completion.

Mr. Zettel commented that the use was abandoned for a long time. Technically it is not supposed to be rebuilt. Staff does not report any red flags. In fact, he reports there are several other rentals in the immediate B-4 zoning area/ corridor. There doesn't appear to be any higher use for this property. Mr. Zettel reviewed the parking areas owned by Mr. Ott. There is a common ownership with adjacent properties.

Mr. Mark Hanna, representative for Mr. Ott, offered that a legal document could be written allowing access rather than combining the lots.

It was noted that no one was present to express approval or disapproval for this petition. No phone calls or letters were received in the office either.

Motion by Board Member Eveleth, supported by Board Member Jozwiak to grant Class A Non-Conforming status to 307 Corunna Avenue.

**AYES: All. Motion carried.
NAYS: None.**

Variance Request – 307 Corunna Avenue; #2011-02

Motion by Board Member Grubb, supported by Board Member Eveleth that the Owosso Zoning Board of Appeals hereby approves the petition for 307 Corunna Avenue, parcel number 050-651-018-006-00, finding the multiple family use was not intentionally abandoned under code section 38-378-(i), to permit the reconstruction of six apartment units within the structure, in accordance with section 38-378(e)2, as illustrated in the accompanying site drawings with the following conditions:

- 1. A reciprocal easement for access between this parcel and the adjacent be executed.**
- 2. Ensuring that there is not any expansion of the existing structure to accommodate the six proposed units under the modern building code.**

AYES: All. Motion carried.

NAYS: None.

BUSINESS ITEMS: See above under Public Hearings

ADJOURNMENT:

Motion by Jozwiak, supported by Board Member Telesz to adjourn at 10:13 a.m.

Dan Jozwiak, Secretary

m.m.s.