

**MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
OCTOBER 18, 2011**

The meeting was called to order by Chairman Randy Horton at 9:32 a.m.

Roll call was taken by Recording Secretary, Marty Stinson.

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

MEMBERS ABSENT: Burton Fox, Kent Telesz, and Elizabeth Frasier (alternate and excused).

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; and Terry Carriveau, property owner of 628 Adams Street.

MINUTES: It was moved by Board Member Eveleth and supported by Board Member Grubb to approve the minutes of the meeting of July 19, 2011.

AYES: All. Motion carried.

NAYS: None.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from July 19, 2011
3. Variance request materials - 628 Adams St.

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. Variance Request – 628 Adams #2011-03

Mr. Terry Carriveau, owner of 628 Adams, stated that his current garage sets north and is a side entry garage. He can't get his truck into the garage. At this time he can't sell his house, especially when the garage is unusable. When the garage was built it was only two feet off the side and 23 feet off the back property line. This is a smaller lot than usual. He needs to build a pole barn structure because he doesn't want to undermine what is already there with the current garage's support system.

Commissioner Grubb asked if the siding would match. Mr. Carriveau replied yes. Mr. Grubb asked if it would still have the side entry and just add a garage bay. Mr. Carriveau replied yes. It's particularly difficult in the wintertime to jockey around to get into the garage as it is now.

Commissioner Dan Jozwiak asked when the garage was built. Mr. Carriveau stated more than 20 years ago. Mr. Adam Zettel, Assistant City Manager and Director of Community Development, stated he didn't know when the garage was built.

Chairman Horton read three responses received from the public after notices were mailed to neighbors within 300 feet of 628 Adams. Ms. Diane Carey, 652 Adams Street called in and said that she was fine with the proposed improvements to this address. Ms. Kathleen Price, 618 Adams stated the variance was OK with her; and Ms. Sarah Holmes, 634 Adams stated she was OK with the garage variance.

Mr. Carriveau stated that people are doing a lot of things in his neighborhood and they all help each other.

Mr. Adam Zettel reviewed the basic and special conditions for this variance as below:

- 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. This lot is more narrow than most. Most garages are front facing. This is unique in that it is side facing.**

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; **Staff finds this set of circumstances to be relatively unique (side load garage on narrow lot)**
 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**
 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. If this were to conform to setbacks, he wouldn't be able to build anything.**
 6. Was not created by action of the applicant (i.e. that it was not self-created); **Staff does not find the hardships to be 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; **Staff believes the attached structure model is more efficient than the detached garage model and will not be contrary to this requirement**
 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 to 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; **The argument is that the side-load garage is practically difficult to make reasonable use of (parking of a truck); 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; **Such features exist, but the narrowness of the lot is not unique. The narrowness combined with a side load garage is more unique. The ZBA must deliberate on this point 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**

After this review, Mr. Zettel, stated that staff can comfortably recommend approval. He also stated houses were built before auto dominance, but now it's a right for homeowners. Commissioner Jozwiak agreed with Mr. Zettel's summation.

Public Hearing was closed.

BUSINESS ITEMS:

1. Variance Request – 628 Adams #2011-03

Motion by Board Member Jozwiak, supported by Board Member Eveleth that the Owosso Zoning Board of Appeals, finding the use and structure at 628 Adams Street, parcel number 050-250-035-005-00, to be a Class A non-conforming use hereby approves the petition to permit the construction of a garage addition with a 2' setback on the northern (side) property line and a 23' setback on the eastern (rear) property line as illustrated in the attached petition dated September 19, 2011.

AYES: All. Motion carried.

NAYS: None.

BOARD / CITIZEN / STAFF COMMENTS:

Mr. Zettel commented that the board will have another variance request in November for the Hoddy House on the corner of W. Oliver and N. Shiawassee St. It happens to fall on November 15 (first day of deer hunting season). Consensus was taken and they will have a quorum for that day.

ADJOURNMENT:

Motion by Board Member Eveleth, supported by Board Member Jozwiak to adjourn at 10:01 a.m.

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 a non-refundable fee of \$90.00 to the City Treasurer's Office to cover costs the City incurs.
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: TERRY CARRIVEAU & HEIDI CARRIVEAU
ADDRESS: 628 ADAMS ST LOCATION OF APPEAL: JAME
OWOSSO, MI 48867
PHONE NO.: (989) 413-6220 DATE APPEAL FILED: 19 Sept 2011

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

SET BACK PROPOSED TO FOLLOW EXISTING BUILDING ON SIDEYARD
OF 2'-0" AN SET BACK OF 35'-0" TO BACK LOT LINE TO
23'-0" FOR PROPOSED GARAGE

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.)

I AM CURRENTLY UNABLE TO USE EXISTING GARAGE
FOR THE PARKING OF MY TRUCK. I AM UNABLE TO
TURN INTO GARAGE, SUB LOAD GARAGE ON A SMALL LOT
AND CURRENTLY ~~GARAGE~~ WILL NOT ACCOMMODATE OUR NEEDS

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

Terry Carriveau
Signature of Applicant

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(OVER)

(rev. 07-01-2004; 07-07-06)

rec # 229953

