

# OWOSSO

## *Zoning Board of Appeals*



Regular Meeting  
9:30am, October 21, 2014  
Owosso City Council Chambers

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

Tuesday, October 21, 2014 at 9:30 a.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: October 21, 2014

APPROVAL OF MINUTES: June 17, 2014

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from June 17, 2014
3. Variance request application & materials – 1000 N. Chipman
4. Correspondence
5. Affidavit of notice

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Variance request – 1000 N. Chipman

BUSINESS ITEMS:

1. Variance request – 1000 N. Chipman; (Resolution)

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, November 24, 2014 if any requests are received.

**Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Tuesday, October 21, 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, October 21, 2014, 9:30 a.m.  
Owosso City Council Chambers, 301 W Main St.,  
Owosso, MI

## Resolution 141021-01

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

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

The Owosso Zoning Board of Appeals hereby approves the agenda of October 21, 2014 as presented.

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

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

Approved: \_\_\_\_

Denied: \_\_\_\_

## Resolution 141021-02

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

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

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

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

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

Approved: \_\_\_\_

Denied: \_\_\_\_

## Resolution 141021-03

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

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

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 1000 N. Chipman, parcel number 050-590-000-012-00, 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 141021-04

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

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 1000 N. Chipman, parcel number 050-590-000-012-00, hereby makes the following findings:

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

Based upon those findings, the Owosso ZBA hereby approves/denies the petition to permit the required less than 50% solid variance as described in the attached petition, conditioned on the following:

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

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

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

**Resolution 141021-05**

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

The Owosso Zoning Board of Appeals hereby adjourns the October 21, 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:** October 15, 2014

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

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

**RE:** Zoning Board of Appeals Meeting: October 21, 2014

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**The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, October 21, 2014 to hear a petition for a setback variance.** The property seeking the variance is located at 1000 N. Chipman Street, parcel number 050-590-000-012-00. The property is zoned for single-family residential use in the R-1 zoning district.

The petitioner is seeking a front yard setback variance of 10' on a corner lot located on the northeast corner of N. Chipman and Harding streets. Pictures of the property and fencing are included in this packet for your review.

The minimum front yard setback required for a corner lot is 25' in an R-1 zoning district. The applicant is seeking this variance as outlined in the zoning code, Section 38-351 and 38-393(c)(2)(3).

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; **Only relates to this specific 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; **Staff has no issue with request but this is subject to ZBA review.**

6. Was not created by action of the applicant (i.e. that it was not self-created); **Petitioner lives on a corner lot and is considered to have two front yards. Current zoning regulations specify a 25' setback for front yard. 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; **setback variance of fence 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 25' front yard setback would offset the current fence they hope to match up to; 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; **Property is a corner lot with two front yards and set back regulations of 25'. 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;
    - 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.

Owosso Zoning Board of Appeals  
May 20, 2014

**Summarily, subject to deliberation and findings of the ZBA, as well as the public hearing, staff finding is to allow this petition.** Perhaps the planning commission needs to review this specific requirement regarding corner lots to see if it continues to meet the needs of the citizens within the city of Owosso. Several neighbors have contacted the city and all are in favor of granting this variance.

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>.

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: LAURA STRACHAN  
ADDRESS: 1000 N CHIPMAN ST LOCATION OF APPEAL: 1000 N CHIPMAN ST  
PHONE NO.: (989) 729-6584 DATE APPEAL FILED: OCT 21, 2014

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

I would like to get a 10' variance for front yard on Harding & Chipman corner lot. Have existing fence, arbor and we would like to extend around our yard to keep our dogs from getting out. We were unaware of the ordinance when we had fencing around our patio.

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.)

If we don't get the approval, I will be out a lot of money due to already having the fence, without realizing I had two front yards. I did not know the ordinance on corner lots as to how in two front yards. We thought it was our back yard. Please see <sup>attached</sup> ~~site~~

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

Laura Strachan  
Signature of Applicant



We are also trying to contain our dogs. If we have the 50% see through fence, then my dogs can get out. They are small dogs. I am also trying to protect my garden. We have 6' fence Along the back and would like to put the matching 4' in front to match along with the patio fence. This will in no way affect Anyones vision of the road to put out or in of any driveways. Please take this in to consideration. I am trying to put up a fence to keep my dogs safe and getting loose. Thank you for your time and consideration. Thank you again

Laura Strachan

N. CHIPMAN ST

House

YARD

HARDING ST

PATIO

ATTACHED CAR GARAGE

Yard

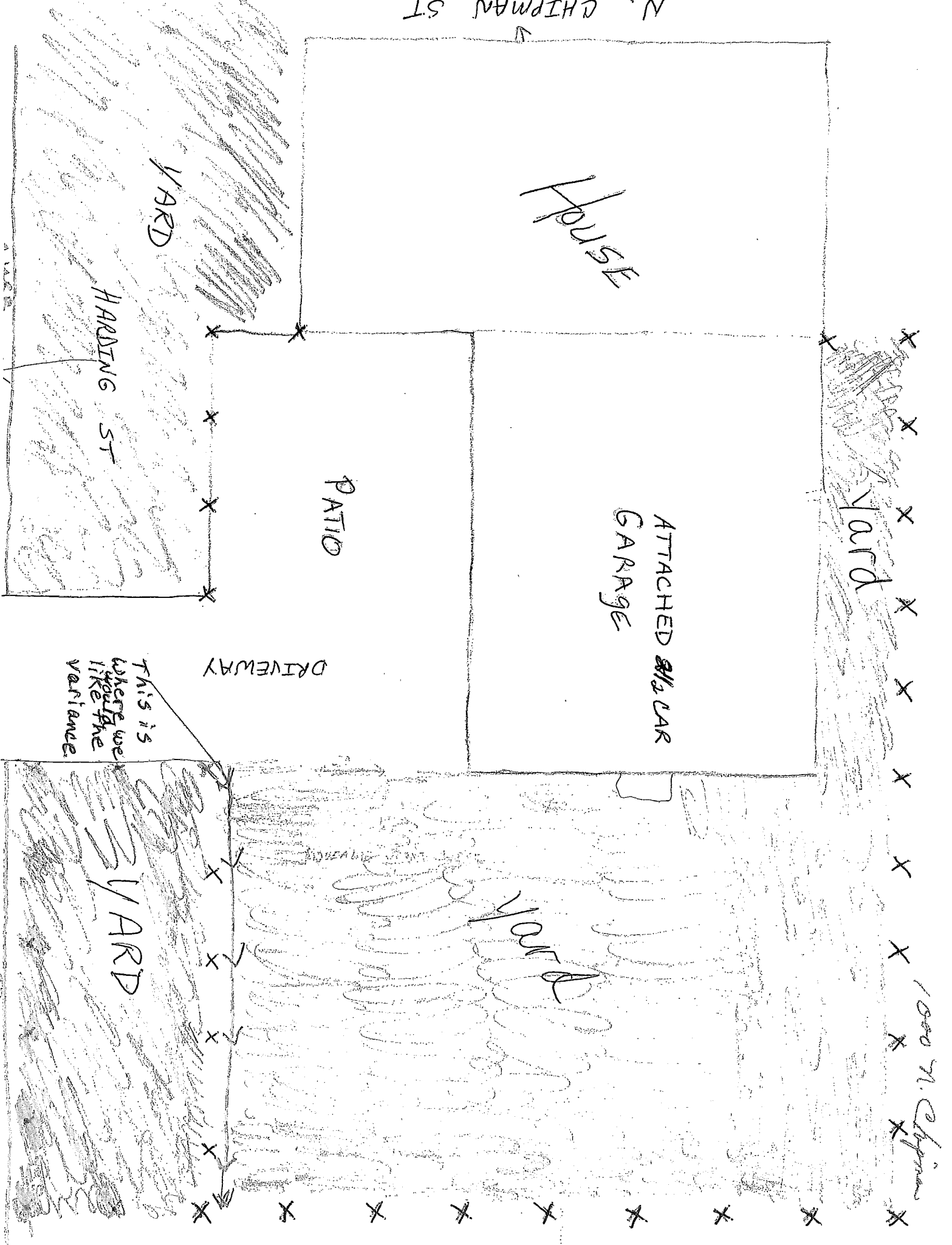
DRIVEWAY

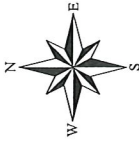
This is where we like the variance

YARD

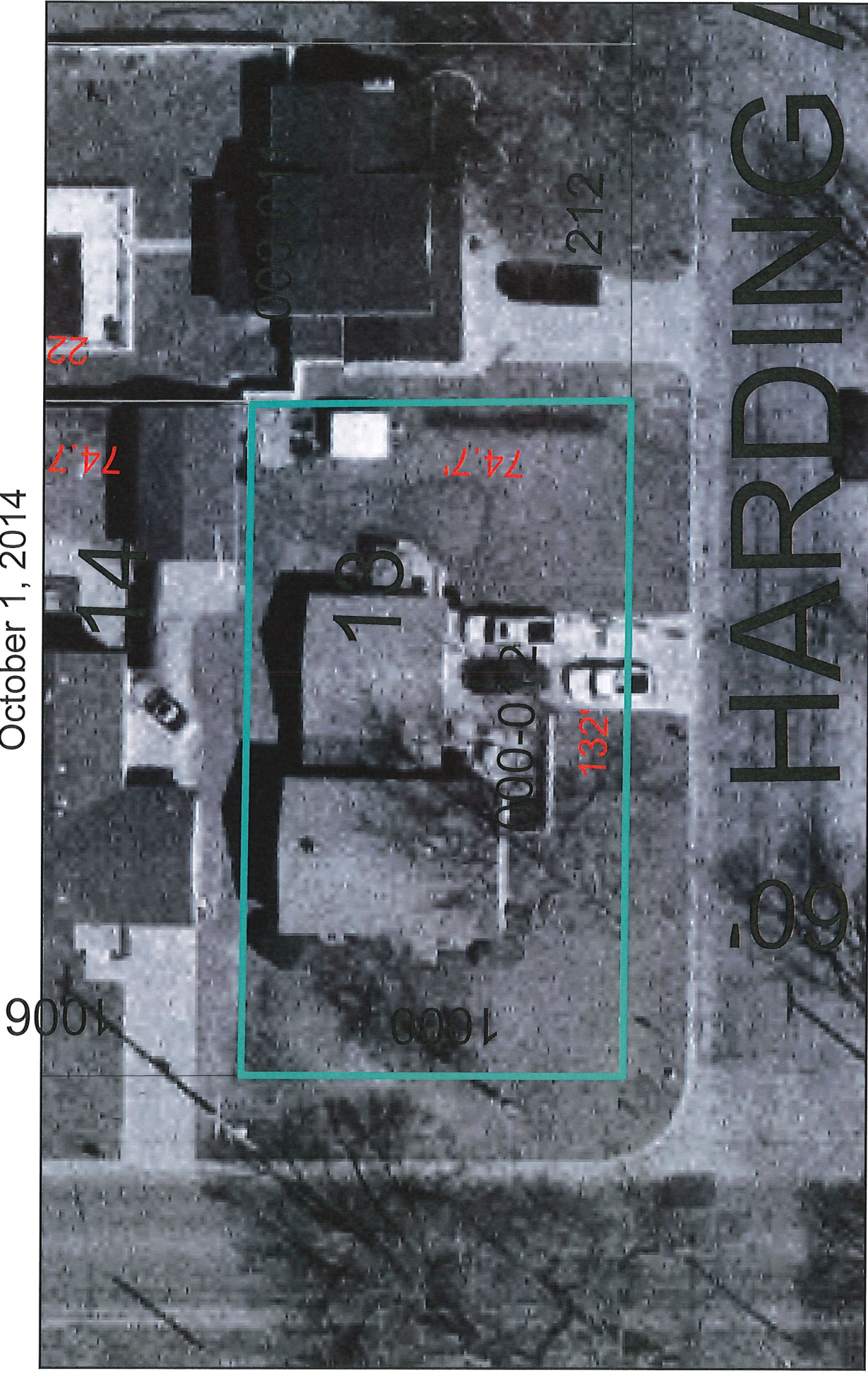
Yard

1000 N. Chipman





**City of Owosso**  
Zoning Board of Appeals  
1000 N. Chipman Street  
October 1, 2014



## **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 21, 2014 to consider the following request:

**APPLICANT:** Laura Strachan

**Case # 2014-02** Parcel 050-590-000-012-00

**LOCATION OF APPEAL:** 1000 N. Chipman Street, Owosso, MI 48867

**APPEAL:** The petitioner is seeking a front yard setback variance of 10' to install a fence around the property. Property owner did not realize a corner lot has "two" front yards with different setback requirements before purchasing fencing material. Additionally, petitioner asks the Zoning Board of Appeals to waive the requirement that front yard fences must be at least fifty (50) percent see through.

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

The minimum front yard setback required for in an R-1 zoning district is 25 feet as stated in Sec. 38-351. Petitioner is requesting a variance of 10' along the east lot line and for the fifty (50) percent see through requirement for front yard fences. Section 38-393(c)(2)(3) of the City Ordinance states: *Front yard fences or hedges must be less than fifty (50) percent solid, impervious, or of an obscuring nature above a height of thirty (30) inches above the curb or centerline of the street, and not exceed four (4) feet in total height; fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least nineteen (19) feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.*

**APPLICABLE SECTION OF THE ZONING ORDINANCE:** Sections 38-351 and 38-393(c)(2)(3).

**CURRENT ZONING:** R-1 – Single-family zoning district

**SIZE OF LOT:** 132' x 74.4'

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).]

## Susan K. Montenegro

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**From:** Steve Hass <stevenrhass@gmail.com>  
**Sent:** Tuesday, October 07, 2014 5:18 PM  
**To:** Susan K. Montenegro  
**Subject:** 1000 N Chipman Variance

Mrs. Montenegro,

Today I received a notice from the Zoning board of appeals regarding the variance my neighbors at 1000 N chipman are requesting regarding their new fence.

I think this is a completely reasonable request on their part. The fence in question is certainly attractive and would improve the overall appearance of the neighborhood. The setback requirements currently in place seem far too restrictive. There will be ample space between the fence and the street if the variance is allowed.

I also fully support his request to waive the "50% see-through" requirement. I am shocked that such a requirement exists in the first place. "see-through" makes me think "chain link". Such fences are ugly as all hell. The fence looks good and I think the city should encouraging external improvements of this type, rather than throwing up bureaucratic roadblocks.

I would ask the zoning board to allow the variance. Let them build their fence. I would hope whoever came up with this law did not intend for it to be applied to cases like these.

Steven Hass  
1124 Harding Ave

Susan K. Montenegro

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**From:** Marc Gough <undatcer@yahoo.com>  
**Sent:** Thursday, October 09, 2014 8:16 PM  
**To:** Susan K. Montenegro  
**Subject:** 1000N Chipman Fence

I, Marcus Gough, at residence 1006 N Chipman St have no issues with case# 2014-03 Parcel 050-590-000-012-00

Please send an email confirming receipt,  
Thank you.

**Robert R.Ottke  
721 Willow Springs Dr.  
Owosso, Michigan 48867  
517-256-7113**

October 9, 2014

City of Owosso  
Zoning Board of Appeals  
Attn: Ms. Susan Montenegro  
Assistant City Manager  
301 West Main St.  
Owosso, MI 48867

Dear Ms. Montenegro:

Re: Laura Strachan                      Case #2014-03                      Parcel 050-590-000-012-00  
1000 N. Chipman St.  
Owosso, MI 48867

This correspondence is in response to the variance requested for the property at 1000 N. Chipman St., Owosso, MI.

We do not object to the proposed fencing on this property. The homeowners have valid reasons for wanting to fence this portion of their yard, to keep their pets safe. We have lived on Willow Springs for 9 years, also a corner lot and did not know until receiving the notice that we have two front yards. The front of our home faces Willow Springs, north side of home is Harding St. We were under the impression that our front yard is on the street the home faces.

The fencing they want to install is very attractive and matches the fencing that encloses their patio. They are meticulous about maintaining their home, yard, vehicles and the addition of the fencing will enhance the property.

With regard to the spacing, at least fifty (50) percent see through. The type of fencing they have chosen does not provide for this and it defeats the entire purpose...keeping their pets safe.

In our opinion this variance and waiving the fifty (50) percent see through should be granted.

Sincerely yours,

  
Robert R. Ottke

  
Raylynn K. Ottke



10/15/2014





10/15/2014



10/15/2014



10/15/2014



10/15/2014



N CHIPMAN

10/15/2014