

OWOSSO
Zoning Board of Appeals



Regular Meeting
9:30 a.m.
June 20, 2017
Owosso City Council Chambers



MEMORANDUM

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

DATE: June 14, 2017

TO: Chairman Horton and the Owosso ZBA

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

RE: Zoning Board of Appeals Meeting: Tuesday, June 20, 2017 at 9:30 a.m.

The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, June 20, 2017 to hear a petition for a nonuse variance to reduce required parking and give an interpretation/ruling to enlarge/expand a designated Class A nonconforming use business.

RWI Manufacturing, located at 705 McMillan Street, is zoned I-2, heavy industrial use. The petitioner is seeking a parking variance as they build on to the existing structure increasing the foot print by 20,000 square feet for a total of 80,000 square feet. Petitioner is required to provide parking for employees either based on the number of employees per largest shift or useable square footage of the entire building, whichever is greater. Petitioner would need to provide 47 spaces under this provision. Petitioner seeks a parking variance of 19 spaces and will provide 28 parking spaces (including two barrier free parking spaces). Petitioner will only have a total of 20 employees on site at any given time.

The Owosso Auto Mall, located at 731 W. Main, was declared a Class A nonconforming use on July 19, 2011. The owners seeks to expand the size of the building and is required, per section 38-504(2)f to come before ZBA for an interpretation/ruling that will either allow or deny his request for expansion.

Summarily, this request will take scrutiny and deliberation from the ZBA of the findings, as well as the public hearing. Staff issues no recommendation on this petition; ZBA must deliberate and determine the outcome.

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 or at the office at 989.725.0544. I look forward to seeing you all on June 20th.

AGENDA
Owosso Zoning Board of Appeals

Tuesday, June 20, 2017 at 9:30 a.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: June 20, 2017

APPROVAL OF MINUTES: May 16, 2017

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from May 16, 2017
3. Variance request application – 705 McMillan
4. Public notice – 705 McMillan
5. ZBA request for ordinance interpretation application – 731 W Main
6. Public notice – 731 W. Main

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. 705 McMillan – Variance – (resolution)
2. 731 W. Main – Variance – (resolution)

BUSINESS ITEMS:

None

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, July 18, 2017 if any requests are received.

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Tuesday, June 20, 2017.

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and recordings 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

Affirmative Resolutions
Owosso Zoning Board of Appeals
Tuesday, June 20, 2017 9:30 a.m.
Owosso City Council Chambers, 301 W Main Street
Owosso, MI

Resolution 170620-01

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the agenda of June 20, 2017 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 170620-02

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the minutes of May 16, 2017 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 170620-03

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 705 McMillan Street, parcel # 050-010-008-002-00, hereby have determined the applicant does/does not meet all nine (9) facts of finding findings:

Ayes: _____

Nays: _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition for the reduction in parking as required in section 38-380 Off-street parking requirements under Use-Number of Minimum Parking Spaces Per Unit of Measure from 47 spaces to 28 spaces based upon the following special conditions:

1. _____
2. _____
3. _____

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Conditions attached to this approval are as follows:

Resolution 170620-04

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 731 W. Main Street, parcel # 050-660-018-014-00, regarding Section 38-378(e)(3) of the Owosso Code of Ordinances and the petitioner's request to enlarge a Class A nonconforming site as required under Section 38-504(2)f hereby approves/denies the request based on the following:

Resolution 170620-05

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby adjourns the June 20, 2017 meeting, effective at _____ a.m.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
MAY 16, 2017 AT 9:30 A.M.
CITY COUNCIL CHAMBERS

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

ROLL CALL: Was taken by Tanya Buckelew.

MEMBERS PRESENT: Chairman Randy Horton, Vice-Chairman Christopher Eveleth, Board Members Thomas Taylor and Kent Telesz and Alternate Matt Grubb.

MEMBERS ABSENT: Secretary Daniel Jozwiak, Alternate John Horvath.

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Julie Wright and Scott Perrin of Perrin Construction, Kay Reynolds of 439 E. Exchange St., Brett Ruess and Lisa Cantu representing RWI.

AGENDA: IT WAS MOVED BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY ALTERNATE MATT GRUBB TO APPROVE THE AGENDA FOR THE MAY 16, 2017 REGULAR MEETING AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE MINUTES OF JANUARY 11, 2017 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from January 11, 2017
3. Variance request application packet – 439 E. Exchange St.
4. Variance request application packet – 705 McMillan
5. Public notice – 439 E. Exchange St.
6. Public notice – 705 McMillan

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. **439 E. EXCHANGE – VARIANCE – (RESOLUTION)**

Board Member Kent Telesz revealed to the commission that he has a conflict of interest and needs to recuse himself from discussion and voting.

MOTION BY VICE-CHAIR EVELETH AND SUPPORTED BY ALTERNATE MATT GRUBB TO ALLOW BOARD MEMBER KENT TELESZ TO RECUSE HIMSELF FROM THE PUBLIC HEARING REGARDING ANY DISCUSSION AND VOTING REGARDING THE VARIANCE REQUEST FOR 439 E. EXCHANGE ST.

YEAS: ALL. MOTION CARRIED.

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 439 E. Exchange St.

1. **VARIANCE REQUEST – 439 E. EXCHANGE ST.**

Ms. Montenegro explained the variance request received from the Reynolds who owns 439 E. Exchange St and the 2 additional lots to the east, 213 N. Oak St. and 443 E. Exchange St. The lot at 213 N. Oak St. is small and nonconforming. The Reynolds are seeking to split 439 E. Exchange St. so that 213 N. Oak St. will have additional backyard space. Ms. Montenegro displayed various pictures of the properties,

Draft minutes 05-16-17

showing markers of before and after the variance/lot split. This variance request is related both to topography and nonconforming in nature.

The applicants have submitted a variance request from the following section(s) of the Zoning Ordinance: Applicant is seeking to reduce the required rear yard setback from 35' to 26'. Section 38-351 – Schedule limiting height, bulk, density and area by zoning district: R-2 zoning designation states the rear yard setback for this zoning designation is 35'.

Mrs. Kay Reynolds read the following request letter:

We are at a point where we need to sell 439 and 443 E. Exchange Street in Owosso, which have belonged to the family for 42 years and 97 years respectively. They are not occupied.

We are requesting that 213 N. Oak St. where we have lived for 42 years, be able to keep a space 32' x 39' in the northwest part of the back yard and that 439 E. Exchange keep the remaining 26'2" x 39' of space. Each yard will have enough space for a storage shed because there are no garages.

The front yard at 439 E. Exchange is 24' from the house to the sidewalk, plus 20' from the sidewalk to the curb, for a total of 44'. The front yard at 213 N. Oak is 7 ½' from the house to the sidewalk, plus 15' from the sidewalk to the curb, for a total of 22 ½'. Thus, the front yard at 439 E. Exchange is about twice the size of the front yard at 213 N. Oak St.

We would appreciate this variance because our yard at 213 N. Oak is very small on all sides: 8' on the north, 7 ½' on the east, 15' on the south, and 16' on the west. The house is 42' long and 22' wide. Our rear yard setback of 16' is nonconforming.

Leo needs to use a ramp, which some men from Grace Bible Church graciously built for us. The ramp takes 8' from the back yard on the west and leaves 8' of grass. Since we cannot get out of the house much, it would be nice to have more of the back yard for a view of nature from our dining and kitchen windows. The house at 439 E. Exchange does not have a view of the back yard. It would also allow us enough space to continue hosting family picnics occasionally. We will have a survey done so that a privacy fence can be installed.

The underlying issue is control. How would you feel about being too close to lifestyle problems? These would include such things as seeing a neighbor's junk, or smelling smoke, or hearing screaming children, barking dogs, loud music, and vulgar language. It would be nice to put more than 16' of distance between yourself and these types of things. By giving each house a fair amount of space to control their environment, it creates a more peaceful neighborhood.

We respectfully request your approval of this variance request. Thank you for your consideration of this unique situation.

AT THIS TIME, CHAIRMAN HORTON OPENED THE PUBLIC HEARING. NO ONE SPOKE.

UPON MOTION OF VICE-CHAIRMAN EVELETH, SECONDED BY ALTERNATE GRUBB, THE PETITION FOR VARIANCE AS APPLIED FOR IS APPROVED AS ALL OF THE FACTS OF FINDING WERE MET AS WELL AS ALL THREE SPECIAL CONDITIONS AS LISTED BELOW.

- A. This is a request for a use variance subject to Section 38-504(3) of the Zoning Ordinance. The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3) a. 1-9. in order for the variance to be granted.

Factor 1: (Section 38-504(3) a.1.) "Will not be contrary to the public interest or to the intent and purpose of this chapter."

The Board finds that Section 38-504(3) a.1. has been met.

Factor 2: (Section 38-504(3) a.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."

Draft minutes 05-16-17

The Board finds that Section 38-504(3) a.2. has been met.

Factor 3: (Section 38-504(3) a.3.) “Is one that is unique and not shared with other property owners.”

The Board finds that Section 38-504(3) a.3. has been met.

Factor 4: (Section 38-504(3) a.4.) “Will relate only to property that is under control of the applicant.”

The Board finds that Section 38-504(3) a.4. has been met.

Factor 5: (Section 38-504(3) a.5.) “Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, 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.”

The Board finds that Section 38-504(3) a.5. has been met.

Factor 6: (Section 38-504(3) a.6.) “Was not created by action of the applicant (i.e., that it was not self-created.)

The Board finds that Section 38-504(3) a.6. has been met.

Factor 7: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.7. has been met.

Factor 8: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.8. has been met.

Factor 9: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.9. has been met.

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.”
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.”
3. “Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.”

The Board finds that Section 38-504(3) b.1. has been met.
The Board finds that Section 38-504(3) b.2. has been met.
The Board finds that Section 38-504(3) b.3. has been met.

ROLL CALL VOTE WAS TAKEN:

AYES: VICE-CHAIRMAN EVELETH, ALTERNATE GRUBB, BOARD MEMBER
TAYLOR, CHAIRMAN HORTON.
NAYS: NONE.
RECUSED: BOARD MEMBER TELESZ
ABSENT: BOARD MEMBER JOZWIAK, ALTERNATE HORVATH.

2. 705 MCMILLAN – VARIANCE (RESOLUTION)

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 705 McMillan St.

1. VARIANCE REQUEST – 705 MCMILLIAN ST.

Ms. Montenegro explained the variance request received from RWI Manufacturing. The variance request is to allow for an addition to the current existing industrial facility.

Scott Perrin, Perrin Construction, reviewed the site plan with the board members. The proposed addition would double the size of the existing building and add 2 crane bays. Additional parking needs and the re-grade of the retention pond were discussed.

It was also discussed and noted that RWI and Tri Mer have the same owners and own the property to the north and south of 705 McMillan.

The applicants have submitted a variance request from the following section(s) of the Zoning Ordinance: Applicant is seeking to reduce the required rear yard setback from 35' to 15' to allow for the expansion of the current manufacturing facility. Section 38-351 – Schedule limiting height, bulk, density and area by zoning district: I-2 zoning designation states the side yard setback for this zoning designation is 35'.

AT THIS TIME, CHAIRMAN HORTON OPENED THE PUBLIC HEARING.

Board Member Telesz spoke of setting precedent with this variance for other industrial areas within the City. As pertaining to Factor 6 “Was not created by action of the applicant” as Board Member Telesz feels this was created by action of the applicant. As more requests could come forth and this board would potentially have to approve such requests.

Discussion on allowing this exception due to the uniqueness of this situation, as the properties are owned by the same owners.

UPON MOTION OF VICE-CHAIRMAN EVELETH, SECONDED BY BOARD MEMBER TAYLOR, THE PETITION FOR VARIANCE AS APPLIED FOR IS APPROVED AS ALL OF THE FACTS OF FINDING WERE MET AS WELL AS ONE OF THE THREE SPECIAL CONDITIONS AS LISTED BELOW.

- B. This is a request for a use variance subject to Section 38-504(3) of the Zoning Ordinance. The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3) a. 1-9. in order for the variance to be granted.

Factor 1: (Section 38-504(3) a.1.) “Will not be contrary to the public interest or to the intent and purpose of this chapter.”

The Board finds that Section 38-504(3) a.1. has been met.

Factor 2: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.2. has been met.

Factor 3: (Section 38-504(3) a.3.) “Is one that is unique and not shared with other property owners.”

The Board finds that Section 38-504(3) a.3. has been met.

Factor 4: (Section 38-504(3) a.4.) “Will relate only to property that is under control of the applicant.”

The Board finds that Section 38-504(3) a.4. has been met.

Factor 5: (Section 38-504(3) a.5.) “Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, 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.”

The Board finds that Section 38-504(3) a.5. has been met.

Factor 6: (Section 38-504(3) a.6.) “Was not created by action of the applicant (i.e., that it was not self-created.)

The Board finds that Section 38-504(3) a.6. has been met for the following reasons:

Due to the uniqueness of this variance as 705 McMillan and adjacent properties to the north and to the south are mutually owned.

Factor 7: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.7. has been met.

Factor 8: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.8. has been met.

Factor 9: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.9. has been met.

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.”
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.”

3. “Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.”

The Board finds that Section 38-504(3) b.2. has been met.

ROLL CALL VOTE WAS TAKEN:

AYES: ALTERNATE GRUBB, BOARD MEMBER TAYLOR, BOARD MEMBER TELESZ, VICE-CHAIRMAN EVELETH, CHAIRMAN HORTON.

NAYS: NONE.

ABSENT: BOARD MEMBER JOZWIAK, ALTERNATE HORVATH.

BUSINESS ITEMS: None

COMMISSIONER/PUBLIC COMMENTS: None.

ADJOURNMENT:

MOTION BY BOARD MEMBER TELESZ AND SUPPORTED BY ALTERNATE GRUBB TO ADJOURN AT 10:20 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, JUNE 20, 2017, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

* Filed by city staff



OWOSSO ZONING BOARD OF APPEALS APPLICATION

City of Owosso
301 W. Main Street, Owosso, MI 48867
Phone: (989) 725.0544 Fax: (989) 725-0526

Fee \$300

1. Project information

To the Owosso Zoning Board of Appeals;

I (we) RWI Manufacturing of 705 McMillan
(applicant name) (street number)

Owosso MI 48867
(city) (state & zip code)

Applicant Phone Number: 989-723-5146 Applicant Fax Number: 989-725-5970

I (we) HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance () Permit () Interpretation () or Review and Approval ()

Address/location of property: 705 McMillan

Parcel #: 050-010-008-002-00 Zoning district: 1-2

2. Required attachments

- 10 copies of site plan
- 10 copies of the application (pages 2-5 only)
- Description of how the requested variance meets all of the nine (9) Facts of Findings
- Narrative demonstrating why a variance is being sought
- Required Fee

3. Description of case (fill out only the items that apply to your case)

a. Description of the property

- i. Size of lot 443' X 206'
- ii. Area of lot 2.10 acres (91,476 square feet)
- iii. Lot is a corner or interior lot? No

b. Description of existing structures:

- i. Number of buildings now on premises 2
- ii. Size of each building now on premises 50' X 20' & 80' X 250'
- iii. Use of existing buildings on premises Manufacturing

c. Description of proposed structures:

- i. Height of proposed structure 38'-3"
- ii. Dimensions of proposed building or addition 80' x 250'
- iii. Area of proposed building 20,000 square foot
- iv. Percentage of lot coverage of building or addition 44%

d. Yard setbacks after completion of building or addition:

- i. Front yard (measured from lot line) 60'

- ii. Side yard (measured from lot line) 31' (N) & 16' (S)
 - iii. Rear yard (measured from lot line) 77'
- e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.
- f. Section number of zoning ordinance that is being appealed: 38-380 Off-Street Parking Requirements which requires a minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or which ever is greater.
- g. Clearly state your request: Reduce required number of parking spaces from 47 to 28 as there will only be 20 employees on site at any given time. According to the current ordinance, 47 parking spaces are required. RWI Manufacturing formally requests a variance of 19 spaces.
- _____
- _____
- _____
- _____

4. **Duties and powers.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **ALL** of the basic conditions described below, and as stated in Section 38-504(3)a.1-9 can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

- 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.
 - 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 special land use permit is required.
 - 3) Is unique and not shared with other property owners.
 - 4) Will relate only to property that is under control of the applicant.
 - 5) Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, 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.
 - 6) Was not created by action of the applicant (not 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.
 - 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.
 - 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.

- b. *Special conditions:* When all of the basic conditions can be satisfied a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
- 1) The board may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgement, 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.

Signature of owner: _____ Date: _____

Print name: _____

**CITY OF OWOSSO
ZONING BOARD OF APPEALS**

Applicant: RWI Manufacturing	Appeal No: 2017-05
Address: 705 McMillan Street	Hearing Date: June 20, 2017
Property Address: 705 McMillan Street	Parcel #: 050-010-008-002-00

FINDINGS OF FACT AND CONCLUSIONS

At the regular meeting of the Zoning Board of Appeals of the City of Owosso, held at City Hall, 301 W. Main Street, Owosso, Michigan, on the 20th day of June, 2017, 9:30 a.m.

Present: _____
Absent: _____

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decision and conditions were adopted by the Board as its decision on the above variance:

I. Request.

The petitioner is seeking a parking variance as they build on to the existing structure increasing the foot print by 20,000 square feet for a total of 80,000 square feet. Petitioner is required to provide parking for employees either based on the number of employees per largest shift or useable square footage of the entire building, whichever is greater. Petitioner would need to provide 47 spaces under this provision. Petitioner seeks a parking variance of 19 spaces and will provide 28 parking spaces (including two barrier free parking spaces). Petitioner will only have a total of 20 employees on site at any given time.

Applicable section of the zoning ordinance: Section 38-380 – Off-street parking requirements – Use – Number of Minimum Parking Spaces per Unit of Measure (e):

Industrial:

1. Industrial or research establishments—A minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.

II. Record of Proceedings.

The attached documents were reviewed and considered by the Zoning Board of Appeals in reaching its decision, in addition to the comments made by Applicant, members of the public, and members of the Board:

III. Findings and Decision.

Based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and

experience of the Board Members with land use within the City, the Board adopts the following findings and decision with respect to the request for variance:

- A. This is a request for a use variance subject to Section 38-504(3) of the Zoning Ordinance. The applicant must show that a variance meets All of the factors expressed in Section 38-504(3) a. 1-9. in order for the variance to be granted.

Factor 1: (Section 38-504(3) a.1.) “Will not be contrary to the public interest or to the intent and purpose of this chapter.”

The Board finds that Section 38-504(3) a.1. _____ has been met _____ has not been met for the following reasons:

Factor 2: (Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.2. _____ has been met _____ has not been met for the following reasons:

Factor 3: (Section 38-504(3) a.3.) “Is one that is unique and not shared with other property owners.”

The Board finds that Section 38-504(3) a.3. _____ has been met _____ has not been met for the following reasons:

Factor 4: (Section 38-504(3) a.4.) “Will relate only to property that is under control of the applicant.”

The Board finds that Section 38-504(3) a.4. _____ has been met _____ has not been met for the following reasons:

Factor 5: (Section 38-504(3) a.5.) “Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, 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.”

The Board finds that Section 38-504(3) a.5. _____ has been met _____ has not been met for the following reasons:

Factor 6: Section 38-504(3) a.6.) “Was not created by action of the applicant (i.e., that it was not self-created.)

The Board finds that Section 38-504(3) a.6. _____ has been met _____ has not been met for the following reasons:

Factor 7: Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.7. _____ has been met _____ has not been met for the following reasons:

Factor 8: Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.8. _____ has been met _____ has not been met for the following reasons:

Factor 9: Section 38-504(3) a.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.”

The Board finds that Section 38-504(3) a.9. _____ has been met _____ has not been met for the following reasons:

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 Board finds that Section 38-504(3) b.1. _____ has been met _____ has not been met for the following reasons:

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."

The Board finds that Section 38-504(3) b.2. _____ has been met _____ has not been met for the following reasons:

3. "Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district."

The Board finds that Section 38-504(3) b.3. _____ has been met _____ has not been met for the following reasons:

C. The request for a variance is _____ approved _____ denied for the above reasons.

IV. Conditions (if variance approved).

The following are imposed as conditions upon grant of the variance:

A. The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan, except as noted:

B. Other conditions: _____

_____.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board.” Sec. 38-504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

The above findings, conclusions and decision were adopted by roll call vote as follows:

AYES: _____
NAYS: _____

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on _____, 20____.

Randy Horton, Chair
Zoning Board of Appeals

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 20, 2017 to consider the following request:

APPLICANT: RWI Manufacturing
Case # 2017-05 Parcel 050-010-008-002-00
LOCATION OF APPEAL: 705 McMillan Street, Owosso, MI 48867

APPEAL: The petitioner is seeking a parking variance as they build on to the existing structure increasing the foot print by 20,000 square feet for a total of 80,000 square feet. Petitioner is required to provide parking for employees either based on the number of employees per largest shift or useable square footage of the entire building, whichever is greater. Petitioner would need to provide 47 spaces under this provision. Petitioner seeks a parking variance of 19 spaces and will provide 28 parking spaces (including two barrier free parking spaces). Petitioner will only have a total of 20 employees on site at any given time.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

The minimum number of parking spaces required for an industrial site is based on the following regulation: Section 38-380 – Off-street parking requirements under Use-Number of Minimum Parking Spaces per Unit of Measure

e. Industrial:

1. Industrial or research establishments—A minimum of five (5), plus one (1) for each 1.2 office employees and one (1) for each 2.3 factory employees in the largest working shift or one (1) for every five hundred fifty (550) square feet of usable floor space, or whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
- 2.

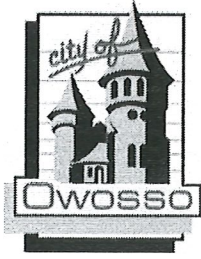
APPLICABLE SECTION OF THE ZONING ORDINANCE: Section 38-380 – Off-street parking requirements – Use – Number of Minimum Parking Spaces per Unit of Measure (e):

CURRENT ZONING: I-2 Heavy Industrial
SIZE OF LOT: 207' x 443'

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 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



ZONING BOARD OF APPEALS APPLICATION
City of Owosso
301 W. Main Street, Owosso, MI 48867
Phone: (989) 725.0544 Fax: (989) 725-0526

The Owosso Zoning Board of Appeals (ZBA) meets in a regular session when there are items on the agenda on the third Tuesday of the month at 9:30 a.m. in the city council chambers, 301 W. Main Street, Owosso, Michigan.

Materials related to requests for ZBA action, including any required fees, must be filed at the building department located on the first floor of city hall. Questions may be directed to the community development director at (989) 725-0544.

Filing requests which are not complete or which are not filed by the meeting deadline, as determined by the zoning administrator, will not be placed on the agenda of the ZBA meeting, nor will they be considered at the ZBA meeting.

Filing deadlines are established:

- To comply with various ordinance requirements;
- To permit adequate time for staff to arrange the notice for publication as may be required;
- To permit adequate time for staff to arrange the mailing of notices as may be required;
- To permit adequate time for the ZBA and staff to review the filed materials.

Filing deadlines are established at **28 calendar days** prior to the ZBA meetings:

ZBA REVIEW APPLICATION PROCESS (see Section 38-504 of the Owosso Zoning Ordinance)

1. ZBA meetings are held on the third Tuesday of the month at 9:30 a.m. in city council chambers, 301 W. Main Street, Owosso, Michigan. **It is in your best interest to be present or be represented at the zoning board of appeals meeting.**
2. Applications **must** be filed by the property owner. All other applications will be returned.
3. The deadline for filing applications is 28 days prior to the day of the meeting.
4. If the Michigan Department of Environmental Quality (MDEQ) has restricted any portion of your lot from being built upon, the MDEQ documentation must be provided along with your application.
5. This application and a site plan drawn to scale, including information as outlined below, are required. The application must be filed with the building department.
6. A fee of \$300 shall be paid upon submission of the application to the city of Owosso, located at 301 W. Main Street, Owosso, MI 48867.


The following information must be shown on all site plans presented to the ZBA where applicable:

- Description of site (plat numbers and/or legal description).
- Area of site (in square feet or acres).
- Dimensions on all property lines, setbacks and etc.
- The location of all existing structures and proposed structures on subject property.
- The location of all existing structures within 100' of subject property.

- The location of all existing and proposed drives, turning lanes, parking areas, number of parking spaces, greenbelt screening and walls.
- The location and right-of-way widths of all abutting streets and alleys.
- Loading and unloading areas.

The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the Owosso Zoning Ordinance and following all requirements therein. Further, these professionals shall make themselves aware of all Owosso Master Plan requirements, for example, major thoroughfares, land use, recreations and etc.

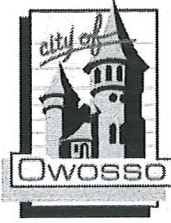
I certify that the above required information is shown on the site plan included with this form.



Signature of property owner

5-25-17

Date



OWOSSO ZONING BOARD OF APPEALS APPLICATION

City of Owosso
301 W. Main Street, Owosso, MI 48867
Phone: (989) 725.0544 Fax: (989) 725-0526

Fee \$300

1. Project information

To the Owosso Zoning Board of Appeals;

I (we) Josh Jones of 731 W Main St
(applicant name) (street number)
Owosso MI 48867
(city) (state & zip code)

Applicant Phone Number: 989-666-6421 Applicant Fax Number: 989-472-4047

I (we) HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance () Permit () Interpretation () or Review and Approval ()

Address/location of property: 731 W Main St

Parcel #: 78-050-660-018-014-00 Zoning district: B-4

2. Required attachments

- 10 copies of site plan
- 10 copies of the application (pages 2-5 only)
- Description of how the requested variance meets all of the nine (9) Facts of Findings
- Narrative demonstrating why a variance is being sought
- Required Fee

3. Description of case (fill out only the items that apply to your case)

- a. Description of the property
- i. Size of lot 65
 - ii. Area of lot 150
 - iii. Lot is a corner or interior lot? Interior
- b. Description of existing structures:
- i. Number of buildings now on premises 1
 - ii. Size of each building now on premises 65x27
 - iii. Use of existing buildings on premises garage for fixing cars
- c. Description of proposed structures:
- i. Height of proposed structure 12 Foot Structure plus roof.
 - ii. Dimensions of proposed building or addition 10 Foot by
 - iii. Area of proposed building Adding 09 Feet of Bldg
 - iv. Percentage of lot coverage of building or addition _____
- d. Yard setbacks after completion of building or addition:
- i. Front yard (measured from lot line) 113 Foot

- ii. Side yard (measured from lot line) 1 Foot
- iii. Rear yard (measured from lot line) 2 Foot

e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

f. Section number of zoning ordinance that is being appealed: asking for approval
under SECTION 38-378(e)(3)

g. Clearly state your request: I would like to ADD 10 Foot
to the Front of my Building and put A new
pear roof on the Building.

4. **Duties and powers.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **ALL** of the basic conditions described below, and as stated in Section 38-504(3)a.1-9 can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

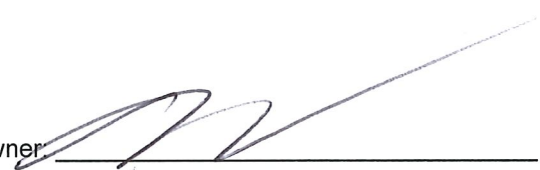
a. *Basic conditions.* In order to qualify for a variance, the applicant must show that a variance:

- 1) Will not be contrary to the public interest or to the intent and purpose of this chapter.
- 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 special land use permit is required.
- 3) Is unique and not shared with other property owners.
- 4) Will relate only to property that is under control of the applicant.
- 5) Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, 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.
- 6) Was not created by action of the applicant (not 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.
- 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.
- 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.

b. *Special conditions:* When all of the basic conditions can be satisfied a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

- 1) The board may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgement, 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.

Signature of owner

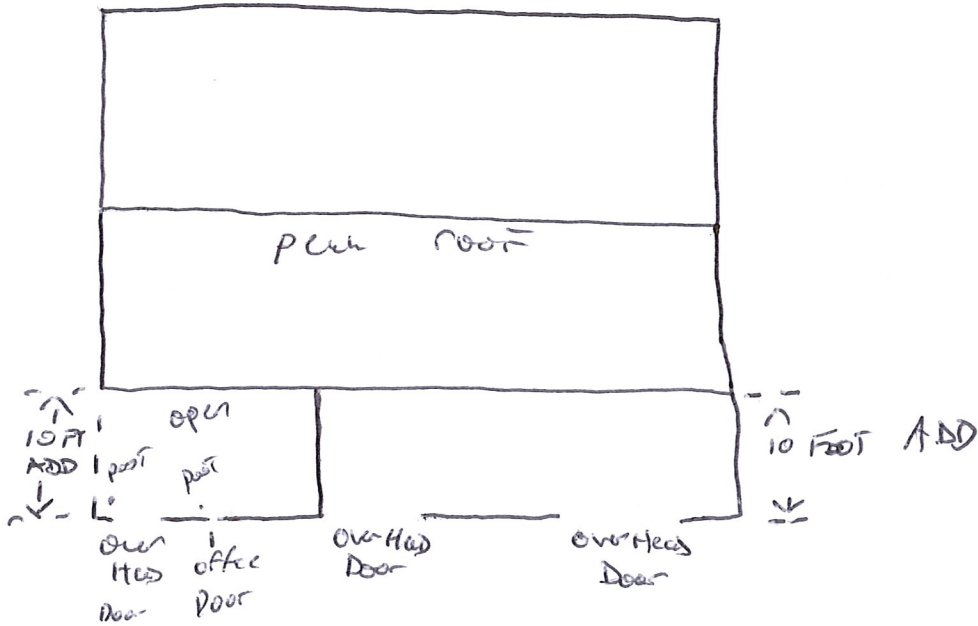
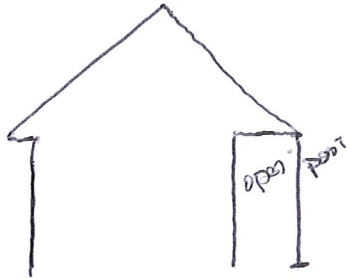


Date:

5-25-17

Print name:

Josh Soares



OFFICIAL NOTICE OF PROPOSED VARIANCE

The Zoning Board of Appeals of the City of Owosso has rescheduled its meeting and will hold a Public Hearing in the Council Chambers of City Hall at 6:30 p.m. on Tuesday, June 20, 2017 to consider the following request:

APPLICANT: Josh Jones
Case # 2017-04 Parcel 050-660-018-014-00
LOCATION OF APPEAL: 731 W. Main Street, Owosso, MI 48867

APPEAL: The petitioner is seeking an interpretation of Section 38-378(e)(3) of the Owosso Code of Ordinances to enlarge a Class A nonconforming site as required under Section 38-504(2)f. The petitioner proposes adding an additional 12' structure to the front of the existing building to increase his ability to service cars and trucks.

CURRENT ZONING: B-4 General Business District (declared a Class A nonconforming use on July 19, 2011)
SIZE OF LOT: 107.66' X 283.99'

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 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.]