



CITY OF OWOSSO

Zoning Board of Appeals

Tuesday, September 18, 2018 at 9:30 a.m.

Council Chambers – Owosso City Hall

Owosso, MI 48867

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – September 18, 2018

APPROVAL OF MINUTES – August 21, 2018

OLD BUSINESS - None

NEW BUSINESS / PUBLIC HEARINGS:

- (1) **APPLICANT:** Kateri Lehr
CASE # 2018-06: Parcel 050-670-002-018-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 804 W. Oliver Street, Owosso, MI 48867

The applicant is proposing to demolish the existing carport and construct a new attached garage. The existing home and carport are non-conforming. Sec. 38-379 (1) where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building. Section 38-351 states that a structure within the R-1 zoning district shall have a minimum side yard setback of 8 feet, a minimum rear yard setback of 35 feet and maximum lot coverage of 25%. A 2.7' foot side yard variance, an 11.83' rear yard variance and a 2.5% lot coverage variance are being requested.

- (2) **APPLICANT:** Troy & Stephanie Chapman
CASE # 2018-07: Parcel 050-580-000-093-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 215 Oakwood Ave, Owosso, MI 48867

The applicant is requesting a variance to allow a 5-foot solid wood fence 1.6 feet from the property line along Grover Street. Section 38-393 (3) states that 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 and (2) 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. A setback variance of 17.4 feet and variance of 1 foot is being requested in order to allow a 5-foot solid wood fence 1.6 feet from the public street right-of-way.

(3) **APPLICANT:** Julie Pinson
CASE # 2018-08: Parcel 050-660-001-011-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 620 Lee Street, Owosso, MI 48867

The applicant is proposing to construct a pergola and an addition to their garage. The existing home and shed are non-conforming. Sec. 38-379 (4) states no detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. A 3' foot rear yard variance and a 10 foot setback variance from the house are being requested for the pergola. A 3' side yard variance is being requested for the shed addition. A 2% lot coverage variance is being requested for the site.

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, October 16th, 2018, if any requests are received.

Commissioners, please call Tanya at 725-0540 if you will be unable to attend this meeting

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

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
AUGUST 21, 2018 AT 9:30 A.M.
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Chairman Randy Horton at 9:35 a.m.

ROLL CALL: Was taken by Tanya Buckelew.

MEMBERS PRESENT: Chairman Randy Horton, Board Members Matthew Grubb and Kent Telesz

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Board Member Tom Taylor and Alternate John Horvath

OTHERS PRESENT: Ms. Amy Cyphert, Assistant City Manager and Director of Community Development; Mark Agnew, Agnew Graphics, David Wakeland, Wakeland Oil and Sam McLaren.

AGENDA:

IT WAS MOVED BY BOARD MEMBER GRUBB AND SUPPORTED BY BOARD MEMBER TELESZ TO APPROVE THE AGENDA FOR THE AUGUST 21, 2018 REGULAR MEETING AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER GRUBB TO APPROVE THE MINUTES OF JUNE 19, 2018 WITH A CHANGE TO THE MINUTES APPROVED MOTION AS IT WAS SUPPORTED BY BOARD MEMBER TAYLOR NOT CHAIRMAN HORTON.

YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: - None

NEW BUSINESS/PUBLIC HEARINGS:

- (1) **APPLICANT:** Wakeland Oil Co.
CASE # 2018-03: Parcel 050-700-001-001-00
PROPERTY ZONING: B-4 General Business Districts
LOCATION OF APPEAL: 427 W. Main Street, Owosso, MI 48867

APPEAL: The petitioner is seeking a variance from Article XII. B-4 General Business Districts, Section 38-268, (4) b. which states *Business in the character of a drive-in or open front store, subject to the following conditions: Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.*

The petitioner is seeking a variance to allow a drive-in pharmacy on the site where two existing access points are within 60 feet of the intersection of two (2) streets.

Dave Wakeland, Owner, spoke about his intent with this property and adding a drive through pharmacy to the existing building. Site Plan was presented to the board members indicating the flow of traffic and parking. Mr. Wakeland closed the gas station in 2012. The DNR has approved that the tanks be left in the ground and the tops will be cut off and backfilled with pea stone.

Sam McLaren has been working with Mr. Wakeland on this project. He spoke about setbacks and curb cuts with other drive throughs and expressed he did not see a need to close them off. The Site Plan shows the stacking and bail out lane. In addition, the downspouts will be directed to the storm drain.

Ms. Cyphert spoke about the staff review of the plan and that Mr. Wakeland had revised the Site Plan per the suggestions of City Staff for a better and safer traffic flow.

FINDINGS OF FACT AND CONCLUSIONS

Record of Proceedings. The documents were reviewed and considered by the Zoning Boards of Appeals in reaching its decision, in addition to the comments made by Applicant, and members of the Board.

UPON MOTION OF BOARD MEMBER GRUBB, SECONDED BY BOARD MEMBER TELESZ, THE FOLLOWING FINDINGS, CONCLUSIONS, DECISIONS, AND CONDITIONS WERE ADOPTED BY THE BOARD AS ITS DECISION ON THE ABOVE VARIANCE. THE APPLICANT DOES MEET ALL NINE (9) FACTS OF FINDINGS:

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."

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."

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

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

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."

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

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."

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."

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."

Special Conditions.

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 due to an unnecessary hardship would occur in closing the 2 curb cuts as the process and paperwork would take 6 to 8 months.

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 as the nature of the pharmacy business would have less traffic flow and less drive through traffic compared to a drive thru restaurant.

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 as it would be less intrusive to traffic flow.

The request for a variance is approved for the above reasons.

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

AYES: BOARD MEMBERS GRUBB, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

- (2) **APPLICANT:** Agnew Signs
CASE # 2018-04: Parcel 050-651-000-033-00
PROPERTY ZONING: I-1, Light Industrial Districts
LOCATION OF APPEAL: 503 S. Shiawassee St, Owosso, MI 48867

APPEAL: The petitioner is seeking a variance from Chapter 26 – Signs, Article IV. General Provisions, Sec. 26-18. - Prohibited signs which states *the following signs are prohibited in all districts: (9) Pylon or pole signs not provided for in this chapter*

The petitioner is seeking a variance to allow a pole sign totaling 14 feet tall and 48 square feet per side of sign area and an additional square footage on the pole for the company logo.

Mark Agnew, Agnew Graphics and also the applicant spoke about the request and the need for the poor sign ordinance to be revised. This pole sign is for Curwood Storage and the building sits to the rear of the lot, making it difficult to be noticed. A pole sign would be more effective than utilizing the existing ground sign on a road with multiple lanes of traffic.

**Resolution 180821-04
FINDINGS OF FACT AND CONCLUSIONS**

Record of Proceedings. The documents were reviewed and considered by the Zoning Boards of Appeals in reaching its decision, in addition to the comments made by Applicant, and members of the Board.

UPON MOTION OF BOARD MEMBER TELESZ, SECONDED BY BOARD MEMBER GRUBB, THE FOLLOWING FINDINGS, CONCLUSIONS, DECISIONS, AND CONDITIONS WERE ADOPTED BY THE BOARD AS ITS DECISION ON THE ABOVE VARIANCE. THE APPLICANT DOES MEET ALL NINE (9) FACTS OF FINDINGS:

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 for the following reasons: the purpose for a pole sign is safety and the old sign must be removed

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 is N/A**

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 for the following reasons: building placement at the rear of the property and the storage units being blocked by the historical building.

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 for the following reasons: building placement.

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 is N/A**

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 for the following reasons: history applied to pole signs

*****N/A means due to the 9 conditions are zoning based variance factors, not sign variance related.***

Special Conditions.

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. is met due to the multiple lane of traffic on M-52 and seeing a ground sign would be difficult.

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 due to the building placement at the rear of the property and the storage units being blocked by the historical building

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. is met due to other properties having pole signs.

The request for a variance is approved for the above reasons.

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

AYES: BOARD MEMBERS TELESZ, GRUBB AND CHAIRMAN HORTON

NAYS: NONE

POLE SIGNS RECOMMENDATION TO THE PLANNING COMMISSION AND COUNCIL:

BY BOARD MEMBER GRUBB AND SUPPORTED BY BOARD MEMBER TELESZ TO RECOMMEND TO THE PLANNING COMMISSION AND CITY COUNCIL TO REVIEW THE SIGN ORDINANCE AS IT RELATES TO POLE SIGNS AND WHETHER THE INTENT WAS TO ALLOW POLE SIGNS OR NOT. IN ADDITION, THE ZBA BOARD MEMBERS REQUEST THE CRITERIA FOR GRANTING SIGN VARIANCES BE ESTABLISHED.

ROLL CALL VOTE:

AYES: BOARD MEMBERS GRUBB, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

- (3) **APPLICANT:** City Staff
CASE # 2018-04: NA
PROPERTY ZONING: NA
LOCATION OF APPEAL: NA

Interpretation requested of Sec. 26-21. - Specific sign standards. *Footnotes to the Sign Dimensional Standards and Regulations Table (b).*

Staff is looking for an interpretation of applying the above to campuses that include multiple parcels, services/businesses/buildings, multiple road frontage and interior roads.

CAMPUS SIGNS RECOMMENDATION TO THE PLANNING COMMISSION AND COUNCIL:

MOTION BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER GRUBB TO RECOMMEND TO THE PLANNING COMMISSION AND CITY COUNCIL TO REVIEW THE SIGN ORDINANCE AS IT RELATES TO CAMPUSES AND THE SIGNS LOCATED IN VARIOUS AREAS ON THE PROPERTY NOT JUST IN THE RIGHT-OF-WAY

ROLL CALL VOTE:

AYES: BOARD MEMBERS TELESZ, GRUBB AND CHAIRMAN HORTON

NAYS: NONE

OTHER BOARD BUSINESS

APPOINTMENT OF BOARD SECRETARY:

MOTION BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER GRUBB TO APPOINT BOARD MEMBER GRUBB AS SECRETARY OF THE ZONING BOARD OF APPEALS BOARD, DUE TO THE RECENT VACANCY OF THE FORMER SECRETARY.

ROLL CALL VOTE:

AYES: BOARD MEMBERS GRUBB, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

Annual Board Elections will be held at the September 2018 meeting

PUBLIC COMMENTS AND COMMUNICATIONS

NONE

ADJOURNMENT:

MOTION BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER GRUBB TO ADJOURN AT 11:40 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, SEPTEMBER 18, 2018, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

DRAFT



ZONING BOARD OF APPEALS STAFF REPORT

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

FOR: ZONING BOARD OF APPEALS

MTG DATE: September 18, 2018

GENERAL INFORMATION:

APPLICANT: Kateri Lehr
CASE # 2018-06: Parcel 050-670-002-018-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 804 W. Oliver Street, Owosso, MI 48867

The applicant is proposing to demolish the existing carport and construct a new attached garage. The existing home and carport are non-conforming.

Sec. 38-379 (1) where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.

Section 38-351 states that a structure within the R-1 zoning district shall have a minimum side yard setback of 8 feet, a minimum rear yard setback of 35 feet and maximum lot coverage of 25%.

A 2.7' foot side yard variance, an 11.83' rear yard variance and a 2.5% lot coverage variance are being requested.

Resolution 180918-06

FINDINGS OF FACT AND CONCLUSIONS

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

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does/does not** meet all nine (9) facts of findings:

The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3)

a. Basic Conditions 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:

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:

_____.

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

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

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:

_____.

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: _____

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, September 18, 2018** to consider the following request:

APPLICANT: Kateri Lehr
CASE # 2018-06: Parcel 050-670-002-018-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 804 W. Oliver Street, Owosso, MI 48867

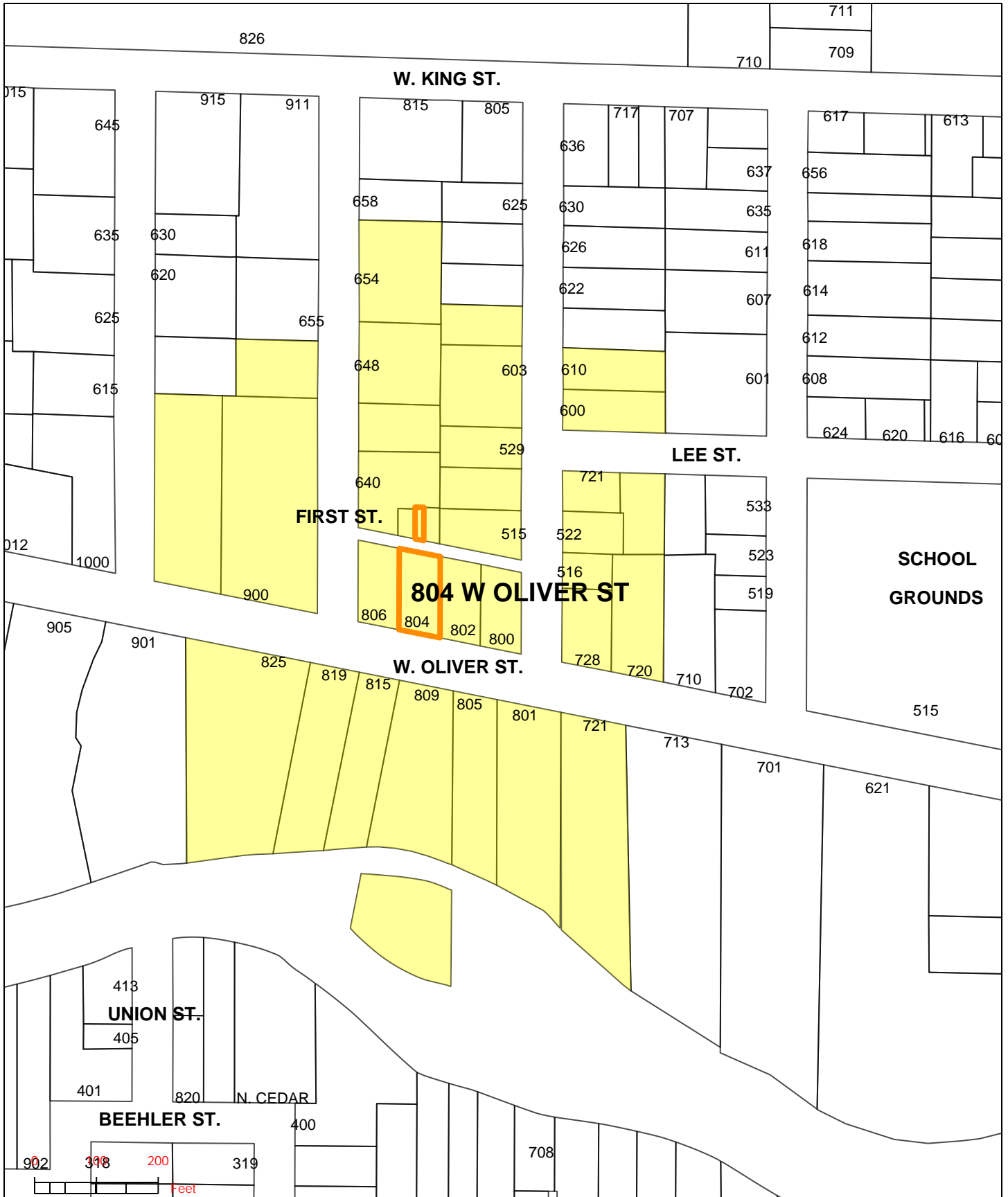
The applicant is proposing to demolish the existing carport and construct a new attached garage. The existing home and carport are non-conforming. Sec. 38-379 (1) where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building. Section 38-351 states that a structure within the R-1 zoning district shall have a minimum side yard setback of 8 feet, a minimum rear yard setback of 35 feet and maximum lot coverage of 25%. A 2.7' foot side yard variance, an 11.83' rear yard variance and a 2.5% lot coverage variance are being requested.

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 amy.cyphert@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.

Amy Cyphert, Assistant City Manager & Community Development Director

[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

OWOSSO



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.

Graterin Dehr
Signature of property owner

Date Aug. 20, 2018

Appeal Application Deadline Dates:

| Deadline Date | Zoning Board of Appeals |
|--------------------|-------------------------|
| December 19, 2017 | January 16, 2018 |
| January 23, 2018 | February 20, 2018 |
| February 20, 2018 | March 20, 2018 |
| March 20, 2018 | April 17, 2018 |
| April 17, 2018 | May 15, 2018 |
| May 22, 2018 | June 19, 2018 |
| June 19, 2018 | July 17, 2018 |
| July 24, 2018 | August 21, 2018 |
| August 21, 2018 | September 18, 2018 |
| September 18, 2018 | October 16, 2018 |
| October 23, 2018 | November 20, 2018 |
| November 20, 2018 | December 18, 2018 |



ZONING BOARD OF APPEALS APPLICATION
 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) Kateri Lehr of 804 W. Oliver St.
 (Applicant name) (Street number)
Owosso MI 48867
 (City) (State & zip code)

Applicant Phone Number: 989.319.4345 Applicant Fax Number: _____

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

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

Address/location of property: 804 W. Oliver St.

Parcel #: 78-050-670-002-018-00 Zoning district: R-1

2. Required attachments

- 1 hard copy of site plan and a digital copy (if applicable)
- 1 copy 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 66' x 132' + 15' x 46'
- ii. Area of lot 8,894 ft² + 690 ft²
- iii. Lot is a corner or interior lot? Interior

b. Description of existing structures:

- i. Number of buildings now on premises 3
- ii. Size of each building now on premises House - 2028 ft² Carport - 20' x 20' Garage - 12' x 19'
- iii. Use of existing buildings on premises Residential

c. Description of proposed structures:

- i. Height of proposed structure 20'
- ii. Dimensions of proposed building or addition 24' x 24'
- iii. Area of proposed building 576 sq. ft.
- iv. Percentage of lot coverage of building or addition 6.5%

- d. Yard setbacks after completion of building or addition:
- i. Front yard (measured from lot line) > 40'
 - ii. Side yard (measured from lot line) > 5'4"
 - iii. Rear yard (measured from lot line) > 13'2" (or 23'2" by Sec. 38-416)
- 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: 38-351 Minimum Yard Setback
- g. Clearly state your request: To remove existing rear porch, stairs, fence, and carport and replace them with an attached garage. The proposed structure would improve aesthetics, safety, and setbacks over existing structures.

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: Kateri M. Lehr Date: Aug. 20, 2018

Print name: Kateri M. Lehr

Vehicle access for 804 W. Oliver is by way of an alley at the rear of the property. Currently, there is a 20'x20' carport located less than two feet from the edge of that alley and five feet from the neighboring property. The carport is enclosed on one side by a six foot high fence running from the house to the alley. Between the carport and the house there is a 12'x14' glass-enclosed porch with stairs leading up to it from the carport, as well a 5'x9' structure covering stairs leading to the basement. All of these additional structures have aged poorly compared to the rest of the house, so we propose removing them and replacing with a 24'x24' attached garage. This replacement would improve rear setback by almost 12 feet over the current carport, but still leave us approximately 12 feet shy of the required 35 foot setback (assuming Section 38-416 applies, allowing us to measure setback from the middle of the alley abutting the lot). Setback from the neighboring property line would also improve by a few inches, to be the same as the setback of the house itself.

The slab for the carport lacks proper footings and drainage, so it has cracked and heaved substantially. The porch and stairs have seen generations of shoddy repairs and modifications, and are in need of complete refurbishment. The concrete stairs to the basement are disintegrating and beginning to leak water, partially from the poor drainage of the carport. The vinyl fence is warped and unable to support itself. None of these structures are aesthetically consistent with the rest of the house, or to a standard consistent with the neighborhood. Rather than attempting to address all of these individual issues, it makes sense to replace them all with an attached two-car garage with a storage loft. The new garage could enclose new stairs to the basement as well as access to the rear entrance of the house, and be constructed to modern standards with exterior aesthetics consistent with the rest of the house.

In order for this to happen, we will need a setback variance for the new structure. Because of the unusual shape of the lot, as well as the location of the house and alley - which was relocated subsequent to the construction of the house - we have no placement options for a parking structure without a variance.

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; Proposed construction will increase setbacks from property lines over existing structures and improve visibility down the the alleyway. Removing and replacing existing structures will also substantially improve aesthetics and safety.

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; Removal of a porch and carport and replacement with an enclosed garage will have no impact on use.

3. Is one that is unique and not shared with other property owners;

Based on survey and parcel records, there is no overlap with existing variances or properties.

4. Will relate only to property that is under control of the applicant;

Based on survey and parcel records, we are only requesting changes to property that falls within our designated lines. Changes proposed will have no direct impact on neighboring properties.

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;

The decrepitude and poor construction of the existing porch and carport structures necessitate their removal or complete refurbishment. Due to the lack of any lot access from Oliver Street, any parking structure must be constructed on the rear alley side of the property where, due to the narrowness of the lot and placement of the house, it is simply impossible to have the required setbacks. Removal of existing structures and construction of the proposed attached garage would significantly improve setbacks and density. All adjacent properties have two-car garages, in locations that would also not meet current setback requirements.

6. Was not created by action of the applicant (i.e. that it was not self-created);

Existing structures were constructed by various previous occupants over the years, to varying standards. Access to the lot was also changed by the city after the construction of the house, when the original north-south alley was closed and parcelled out, and replaced with the current east-west alley resulting in the now abnormal parcel layout.

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;

Removing the existing carport and attached fence will substantially improve visibility down the alleyway, and increasing the setback by replacing them with an attached garage will improve access for emergency vehicles through the alley. Removal of increasingly unstable existing structures will improve safety, and removal of obsolete wiring and fixtures will reduce risk of fire. Keeping existing parking capacity and access via the alley prevents parking and congestion on public streets.

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;

Removal of existing haphazard additions and replacement with a quality attached garage with consistent style and finish to the house should have a positive effect upon property values. As several other residents in the immediate vicinity have recently undertaken substantial projects to refresh and improve their properties, we wish to contribute by doing the same.

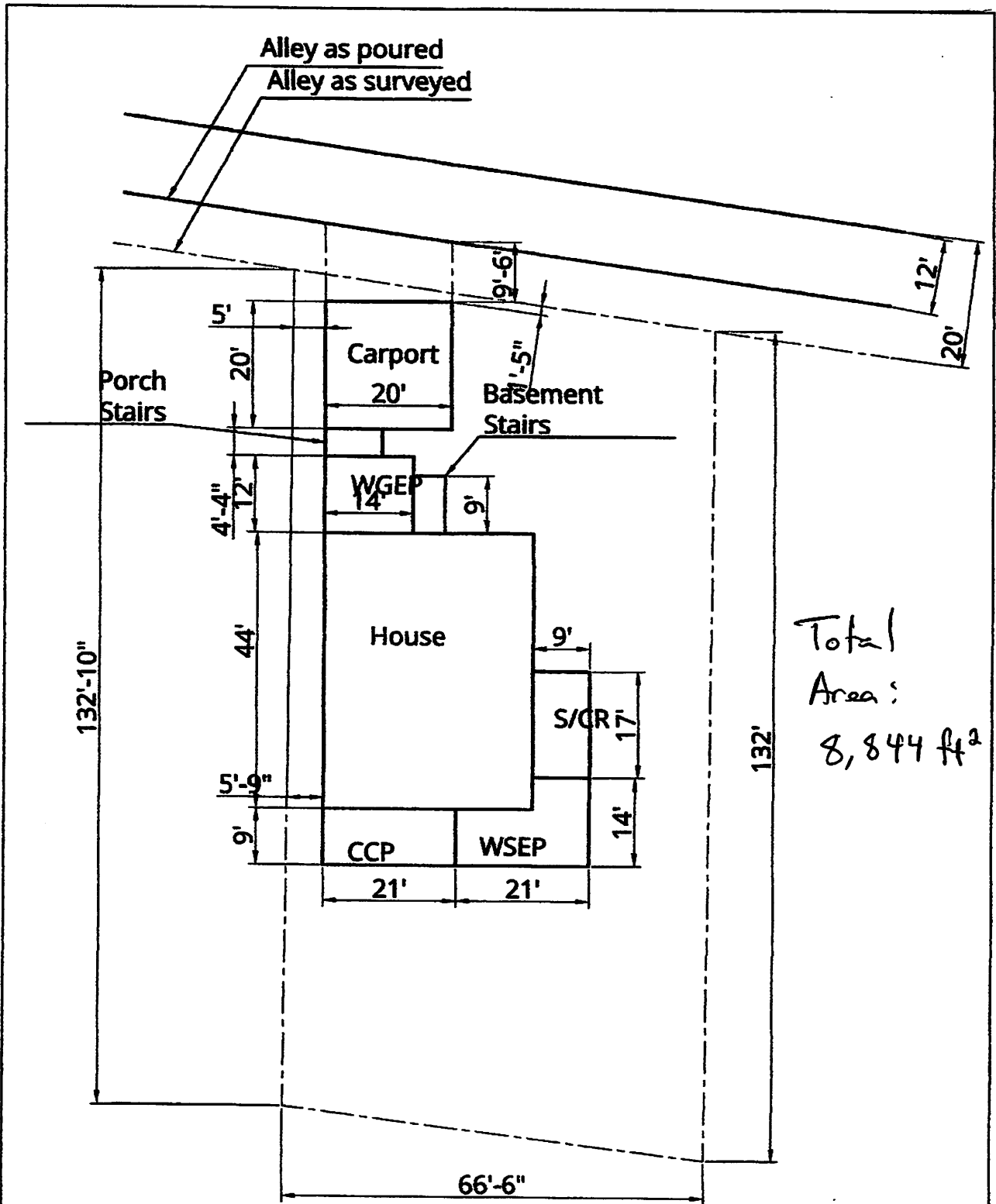
9. Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Every existing structure on adjacent properties would fail to meet requirements for setbacks. The age and unique history of these parcels certainly serve to complicate the situation. The proposed demolition and construction would substantially improve access, visibility, and safety for the property owner as well as other property owners in the area with no drawbacks over the present situation. No lesser relaxation would allow for these improvements without substantial loss of storage and parking space to the property owner.

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:

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 placement of the house, shallowness of the rear yard, and asymmetric shape of the lot make it impossible to place a garage anywhere on Lot 25 without impinging setbacks. Our options are also limited by the lack of driveway access to the property from Oliver Street. At some point, Lot 21 (on the other side of the alley) was divided between our property and the two neighboring properties for parking structures, creating an unusual situation. However, at less than 15 feet wide, our portion of the lot is insufficient to accommodate a two-car garage, unlike the two adjacent portions which are much wider.

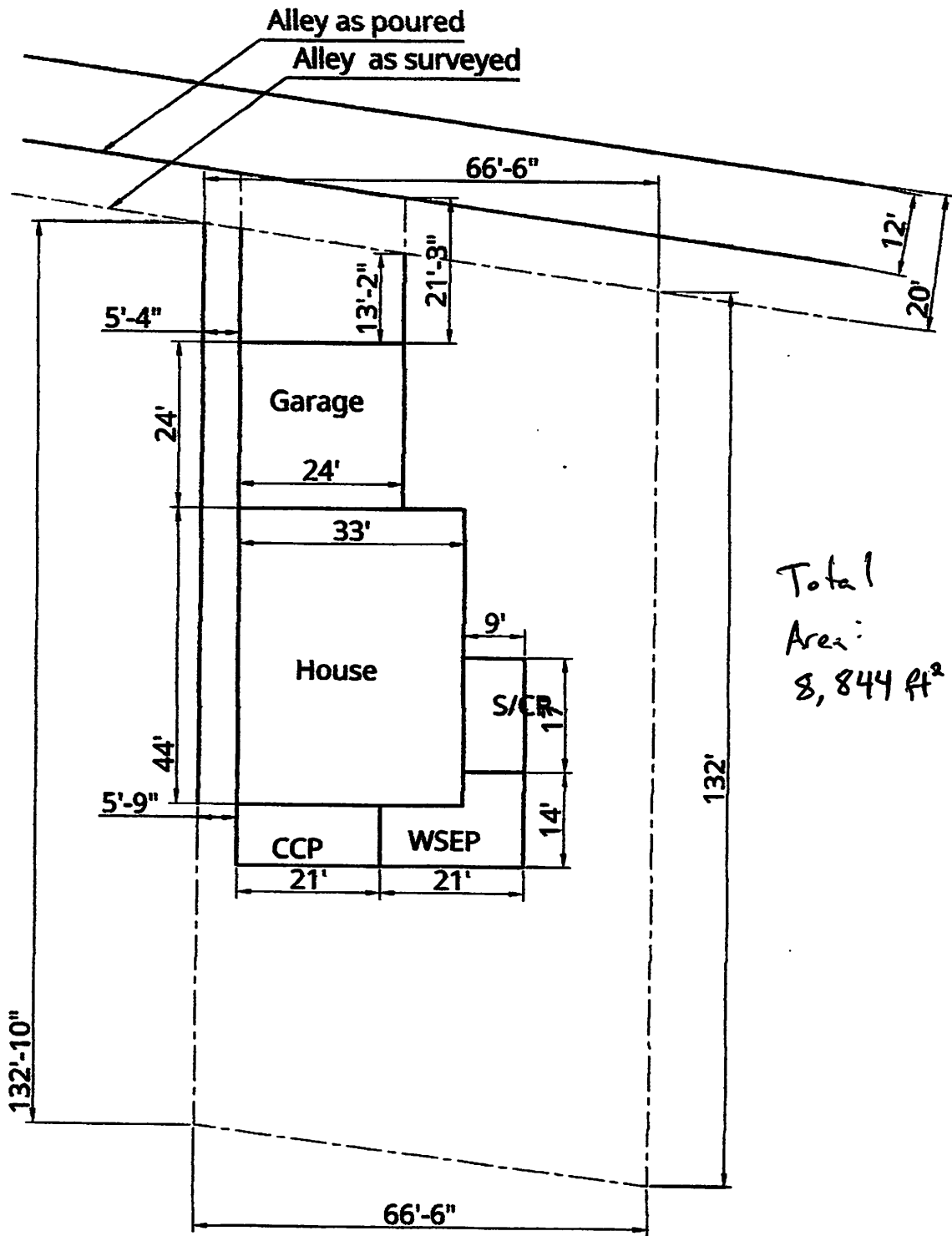


Total Area:
8,844 ft²

1:250

Parcel # 78-050-670-002-018-00

| | | | | |
|--|----------|---------------|------------|---|
| UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES ANGLAR = 1/8" FRACTIONAL = 1/16" SURFACE FINISH ✓ DO NOT SCALE DRAWING BREAK ALL SHARP EDGES AND REMOVE BURRS FIRST ANGLE PROJECTION  | NAME | SIGNATURE | DATE | TITLE Current Carport and Porch — 804 W Oliver |
| | DRAWN | GEFF FOLWERTZ | 2818-08-06 | |
| | CHECKED | | | |
| | APPROVED | — | — | |
| MATERIAL | FINISH | SIZE | DRWG NO. | SHEET |
| | | A4 | | 1a |
| | | SCALE 0.001:1 | WEIGHT | SHEET 1 of 1 |



1:250 Parcel # 78-050-670-002-018-08

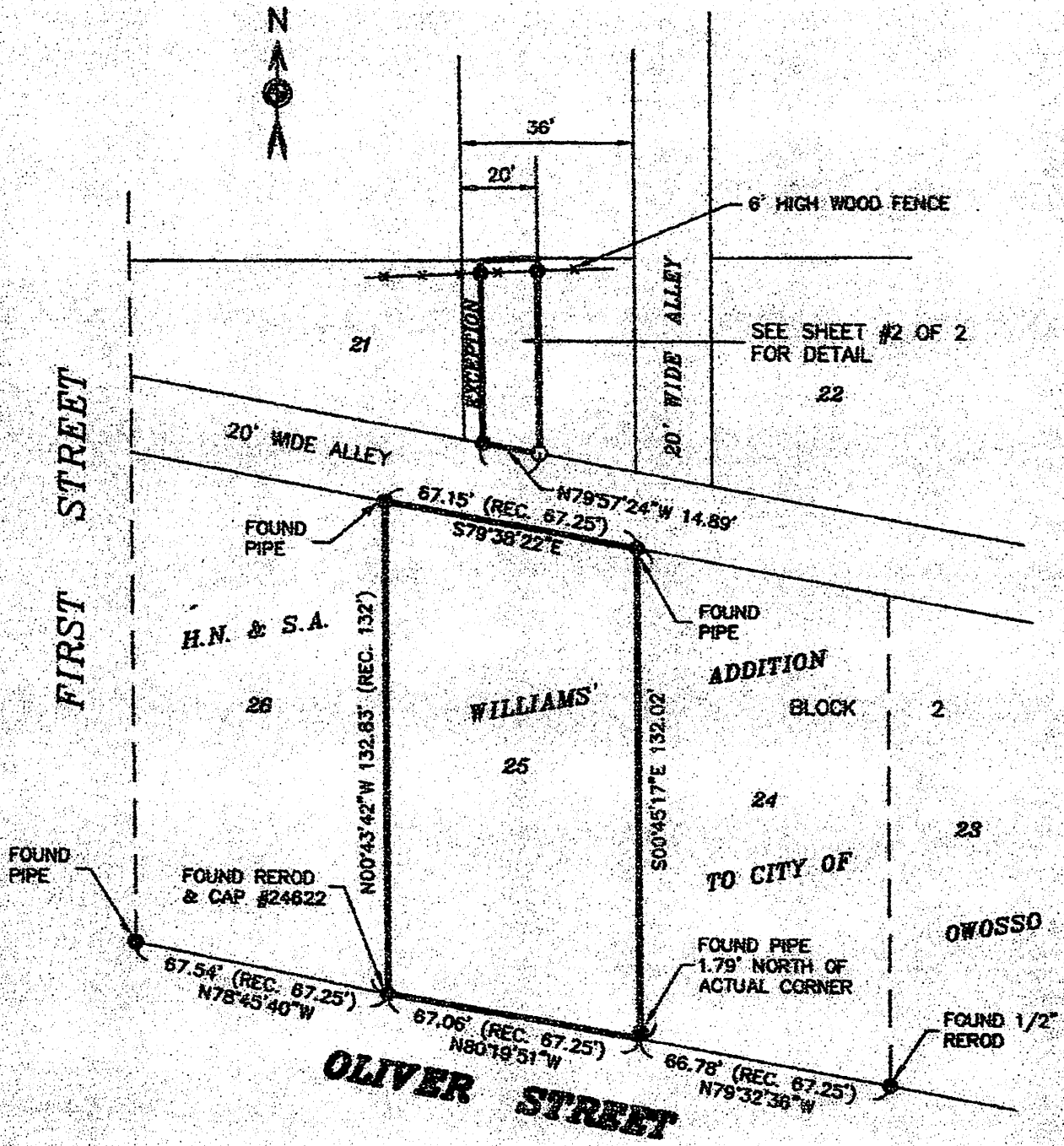
| | | | | |
|---|----------|------------------|-------------------------|---|
| UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES ANGULAR - 3" FRAC TIONAL = 2 SURFACE FINISH ✓ DO NOT SCALE DRAWING BREAK ALL SHARP EDGES AND REMOVE BURRS FIRST ANGLE PROJECTION | NAME | SIGNATURE | DATE | TITLE Proposed Garage Addition 804 W Oliver |
| | DRAWN | GEORF KILPATRICK | 2018-08-05 | |
| | CHECKED | | | |
| | APPROVED | - | - | |
| | MATERIAL | FINISH | SIZE A4 | SHEET 1a |
| | | | SCALE 0.001:1 | SHEET 1 of 1 |

OWOSSO



CERTIFICATE OF LAND SURVEY

SEE SHEET #2 OF 2 FOR DESCRIPTION AND DETAIL DRAWING.



CLIENT: Kateri Lehr
 DATE: September 25, 2012
 SCALE: 1" = 40' 25592

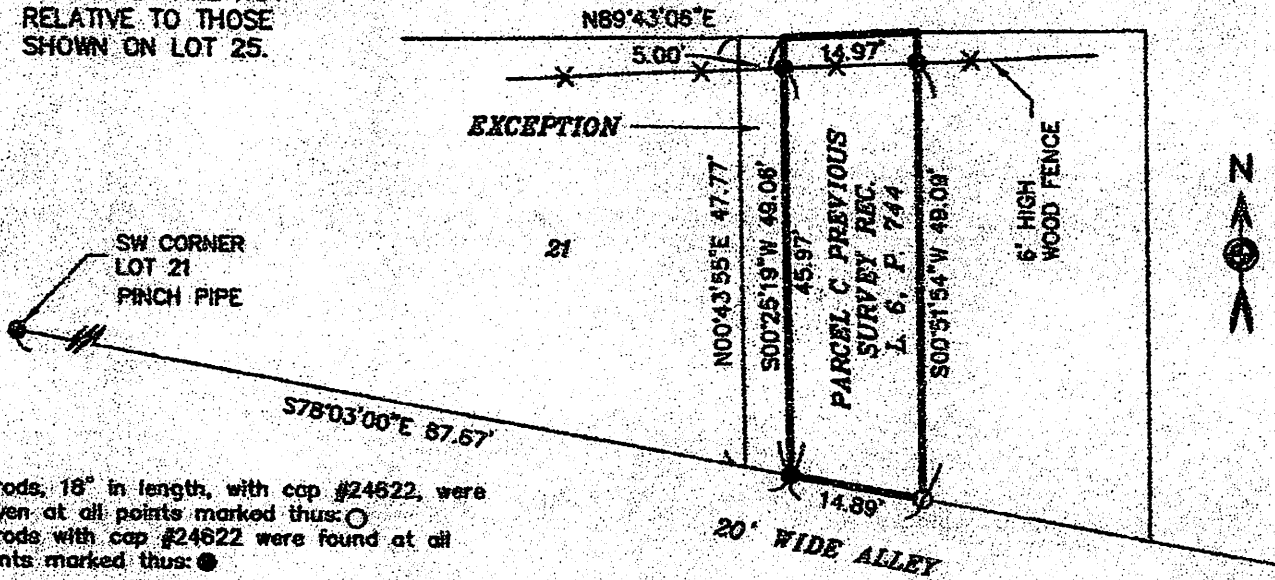
City of Owosso,
 Shiawassee County,
 Michigan

Sheet #1 of 2

CERTIFICATE OF LAND SURVEY

DETAIL

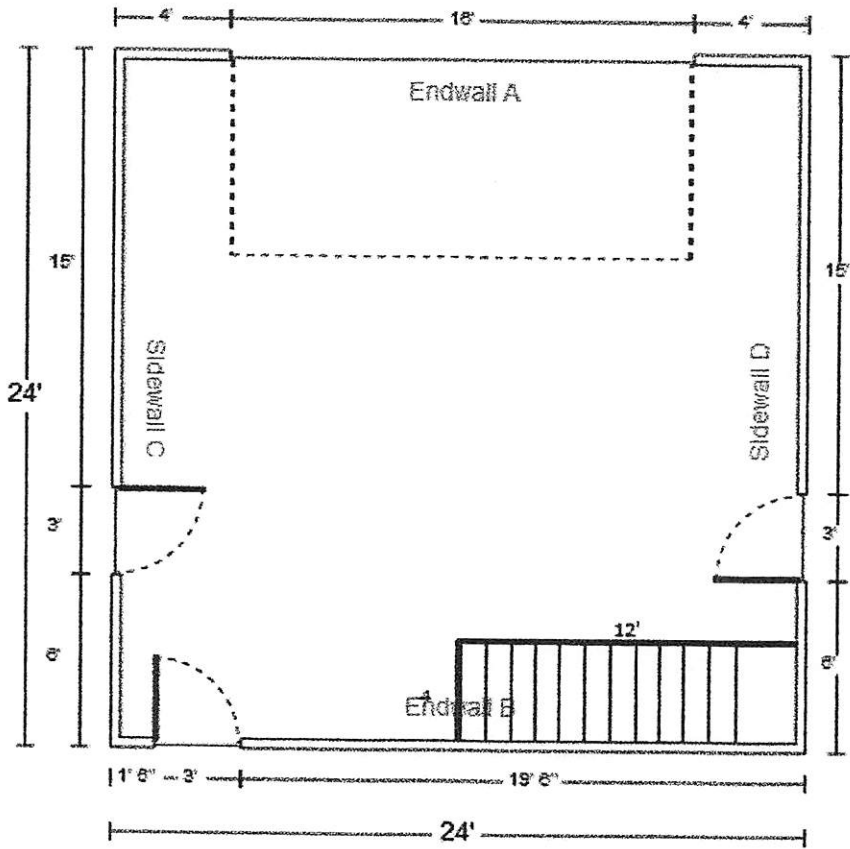
NOTE: BEARINGS SHOWN ON LOT 21 ARE NOT RELATIVE TO THOSE SHOWN ON LOT 25.



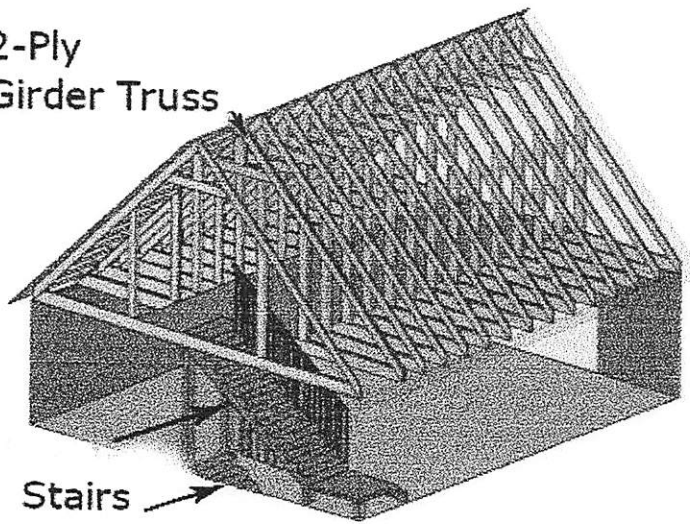
Rerods, 18" in length, with cap #24622, were driven at all points marked thus: ○
 Rerods with cap #24622 were found at all points marked thus: ●

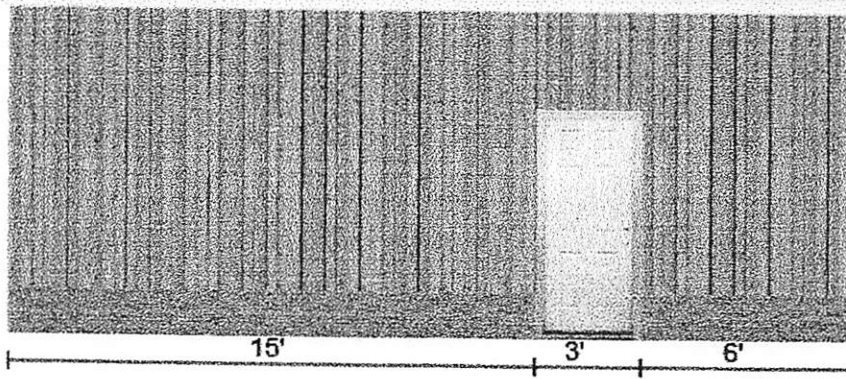
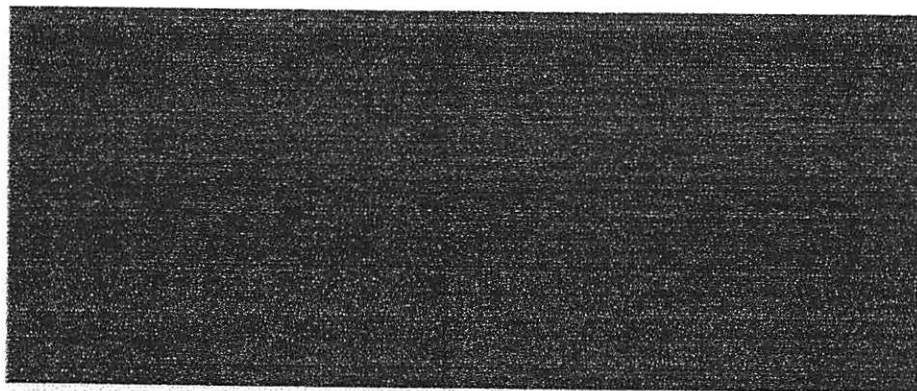
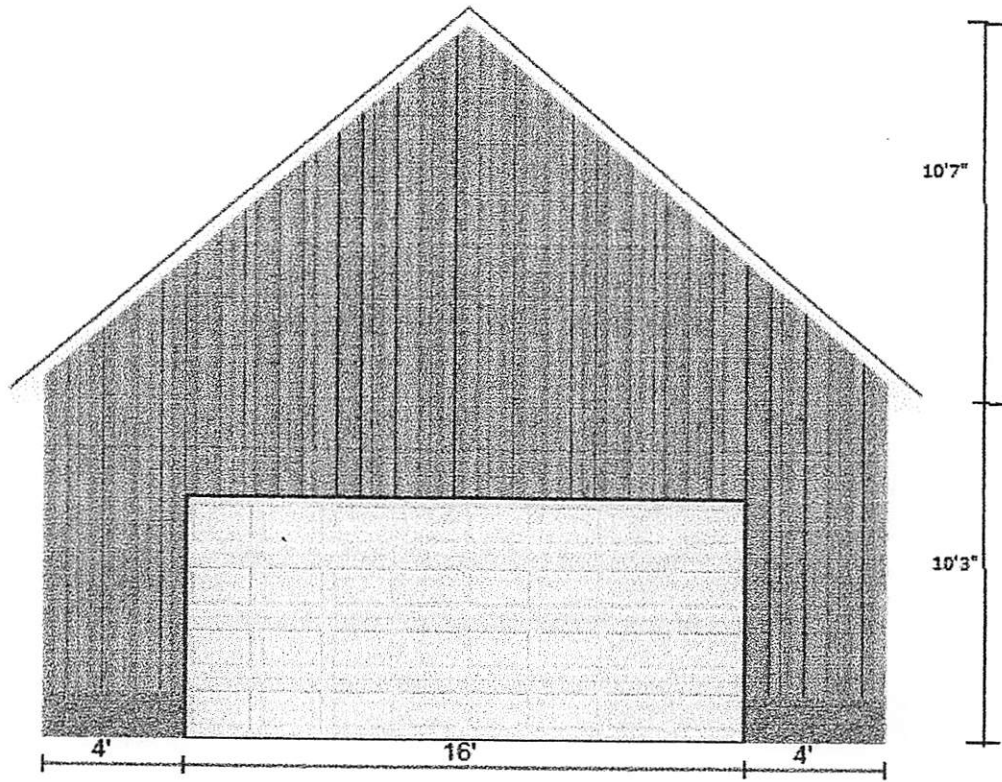
DESCRIPTION (AS PROVIDED): Lot 25 and the West 20 feet of the East 36 feet of Lot 21, Block 2, H.N. & S.A. Williams' Addition, EXCEPT beginning at a point that is $S78^{\circ}03'00''E$ on the Southerly line of Lot 21 a distance of 87.67 feet from the Southwest corner of said Lot 21; thence $N00^{\circ}43'55''E$ 47.77 feet to the North line of Lot 21; thence $N89^{\circ}43'06''E$ on the North line of Lot 21 5.00 feet; thence $S00^{\circ}25'19''W$ 49.06 feet; thence $N78^{\circ}03'00''W$ 6.10 feet to the point of beginning.

| | | |
|--|--|----------------------|
| <p>CLIENT: <u>Kateri Lehr</u></p> <p>DATE: <u>September 25, 2012</u></p> <p>SCALE: <u>1" = 20'</u> JOB NO. <u>25592</u></p> | <p>City of Owosso, Shiawassee County, Michigan</p> | <p>Sheet #2 of 2</p> |
|--|--|----------------------|



2-Ply
Girder Truss







ZONING BOARD OF APPEALS STAFF REPORT

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

FOR: ZONING BOARD OF APPEALS

MTG DATE: September 18, 2018

GENERAL INFORMATION:

| | |
|----------------------------|--------------------------------------|
| APPLICANT: | Troy & Stephanie Chapman |
| CASE # 2018-07: | Parcel 050-580-000-093-00 |
| PROPERTY ZONING: | R-1, One-family Residential District |
| LOCATION OF APPEAL: | 215 Oakwood Ave, Owosso, MI 48867 |

The applicant is requesting a variance to allow a 5-foot solid wood fence 1.6 feet from the property line along Grover Street.

Section 38-393 (3) states that 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 and (2) 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.

A setback variance of 17.4 feet and variance of 1 foot is being requested in order to allow a 5-foot solid wood fence 1.6 feet from the public street right-of-way.

Resolution 180918-07

FINDINGS OF FACT AND CONCLUSIONS

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

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does/does not** meet all nine (9) facts of findings:

The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3)

a. Basic Conditions 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:

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:

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

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

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:

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: _____

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, September 18, 2018** to consider the following request:

APPLICANT: Troy & Stephanie Chapman
CASE # 2018-07: Parcel 050-580-000-093-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 215 Oakwood Ave, Owosso, MI 48867

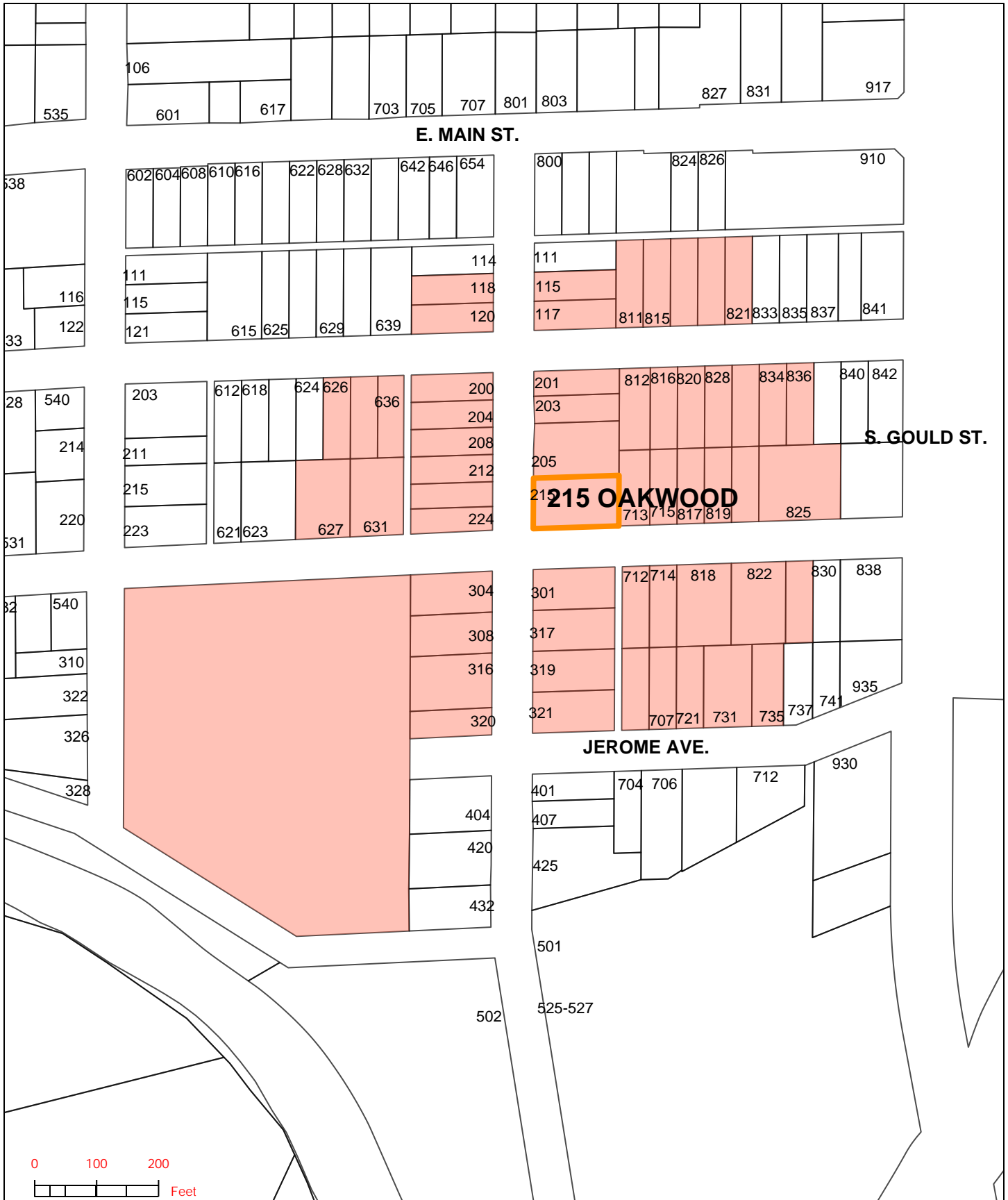
The applicant is requesting a variance to allow a 5-foot solid wood fence 1.6 feet from the property line along Grover Street. Section 38-393 (3) states that fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed 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 and (2) 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. A setback variance of 17.4 feet and variance of 1 foot is being requested in order to allow a 5-foot solid wood fence 1.6 feet from the public street right-of-way.

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 amy.cyphert@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.

Amy Cyphert, Assistant City Manager & Community Development Director

[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

OWOSSO



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.

Stephany Chapman
Lucy Chapman

 Signature of property owner

8-15-18

 Date

Appeal Application Deadline Dates:

| Deadline Date | Zoning Board of Appeals |
|--------------------|-------------------------|
| December 19, 2017 | January 16, 2018 |
| January 23, 2018 | February 20, 2018 |
| February 20, 2018 | March 20, 2018 |
| March 20, 2018 | April 17, 2018 |
| April 17, 2018 | May 15, 2018 |
| May 22, 2018 | June 19, 2018 |
| June 19, 2018 | July 17, 2018 |
| July 24, 2018 | August 21, 2018 |
| August 21, 2018 | September 18, 2018 |
| September 18, 2018 | October 16, 2018 |
| October 23, 2018 | November 20, 2018 |
| November 20, 2018 | December 18, 2018 |



ZONING BOARD OF APPEALS APPLICATION

301 W. Main Street, Owosso, MI 48867
Phone: (989) 725-0544 Fax: (989) 725-0526

Fee \$300 Waived

1. Project information

To the Owosso Zoning Board of Appeals;

I (we) _____ of 215 Oakwood Av.
(Applicant name) (Street number)
Owosso MI, 48867
(City) (State & zip code)

Applicant Phone Number: 989-413-9826 Applicant Fax Number: _____

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

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

Address/location of property: 215 Oakwood Ave.

Parcel #: 050-580-000-093-00 Zoning district: _____

2. Required attachments

- 1 hard copy of site plan and a digital copy (if applicable)
- 1 copy 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 _____
 - ii. Area of lot _____
 - iii. Lot is a corner or interior lot? corner
- b. Description of existing structures:
- i. Number of buildings now on premises _____
 - ii. Size of each building now on premises _____
 - iii. Use of existing buildings on premises _____
- c. Description of proposed structures:
- i. Height of proposed structure _____
 - ii. Dimensions of proposed building or addition _____
 - iii. Area of proposed building _____
 - 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) Fence 32" from sidewalk
 - ii. Side yard (measured from lot line) _____
 - iii. Rear yard (measured from lot line) _____

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: _____

g. Clearly state your request: _____

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:

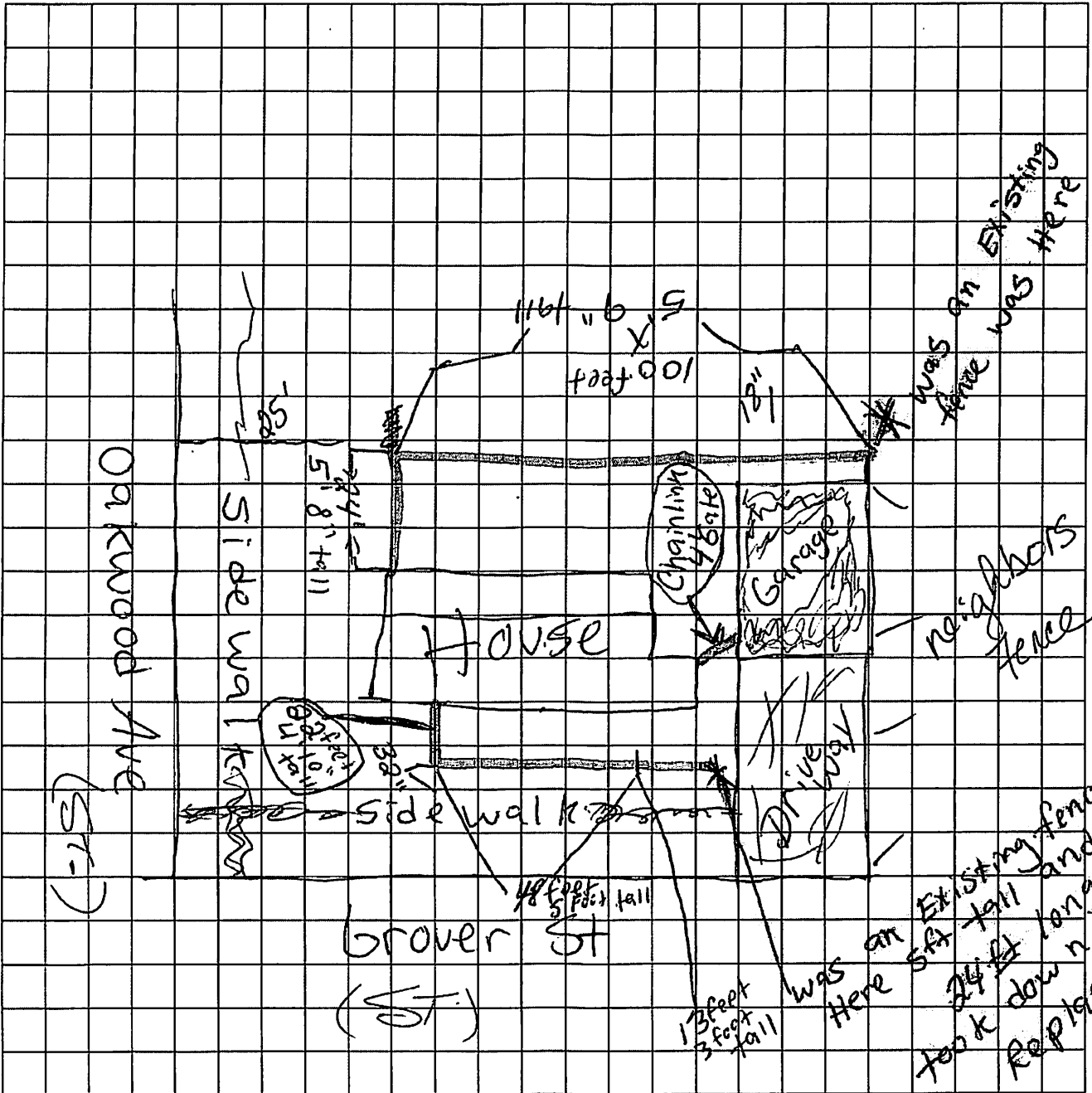
- 1) Will not be contrary to the public interest or to the intent and purpose of this chapter.
- 2) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
- 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: Stephanie Chapman Date: 8-15-18

Print name: Troy Chapman
Stephanie Chapman

Drawing of proposed fence: Show existing buildings, property lines and easements, location/dimensions of existing fence, if applicable, and location/dimensions of proposed fence. **Note:** The burden of proof of the exact location of all lot lines shall rest with the property owner.



Office use only

Approved

Denied

Comments:

Both STREET SETBACKS AT HOUSE FOR NEW FENCE 25' SET BACK

Date:

Signature of Plan Reviewer:

T. B.

From Property Line.

Will Cover

March 2018

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, September 18, 2018** to consider the following request:

APPLICANT: Troy & Stephanie Chapman
CASE # 2018-07: Parcel 050-580-000-093-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 215 Oakwood Ave, Owosso, MI 48867

The applicant is requesting a variance to allow a 5-foot solid wood fence 1.6 feet from the property line along Grover Street. Section 38-393 (3) states that 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 and (2) 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. A setback variance of 17.4 feet and variance of 1 foot is being requested in order to allow a 5-foot solid wood fence 1.6 feet from the public street right-of-way.

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 amy.cyphert@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.

Amy Cyphert, Assistant City Manager & Community Development Director

[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

To Whom it may Concern;

We have No objection to the New fence put up at Corner of OAKWOOD + Grover Lane. We do not find that it blocks our view. We find it an improvement for security of our own property.

Thank you
Charles + Nancy Shepard
713 Grover Apt 723 2528



ZONING BOARD OF APPEALS STAFF REPORT

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

FOR: ZONING BOARD OF APPEALS

MTG DATE: September 18, 2018

GENERAL INFORMATION:

APPLICANT: Julie Pinson
CASE # 2018-08: Parcel 050-660-001-011-00
PROPERTY ZONING: R-1, One-family Residential District
LOCATION OF APPEAL: 620 Lee Street, Owosso, MI 48867

The applicant is proposing to construct a pergola and an addition to their garage. The existing home and shed are non-conforming.

Sec. 38-379 (4) states no detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

A 3' foot rear yard variance and a 10 foot setback variance from the house are being requested for the pergola. A 3' side yard variance is being requested for the shed addition. A 2% lot coverage variance is being requested for the site.

Resolution 180918-08

FINDINGS OF FACT AND CONCLUSIONS

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

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does/does not** meet all nine (9) facts of findings:

The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3)

a. Basic Conditions 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:

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:

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

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

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: _____

_____.

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: _____

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, September 18, 2018** to consider the following request:

| | |
|----------------------------|--------------------------------------|
| APPLICANT: | Julie Pinson |
| CASE # 2018-08: | Parcel 050-660-001-011-00 |
| PROPERTY ZONING: | R-1, One-family Residential District |
| LOCATION OF APPEAL: | 620 Lee Street, Owosso, MI 48867 |

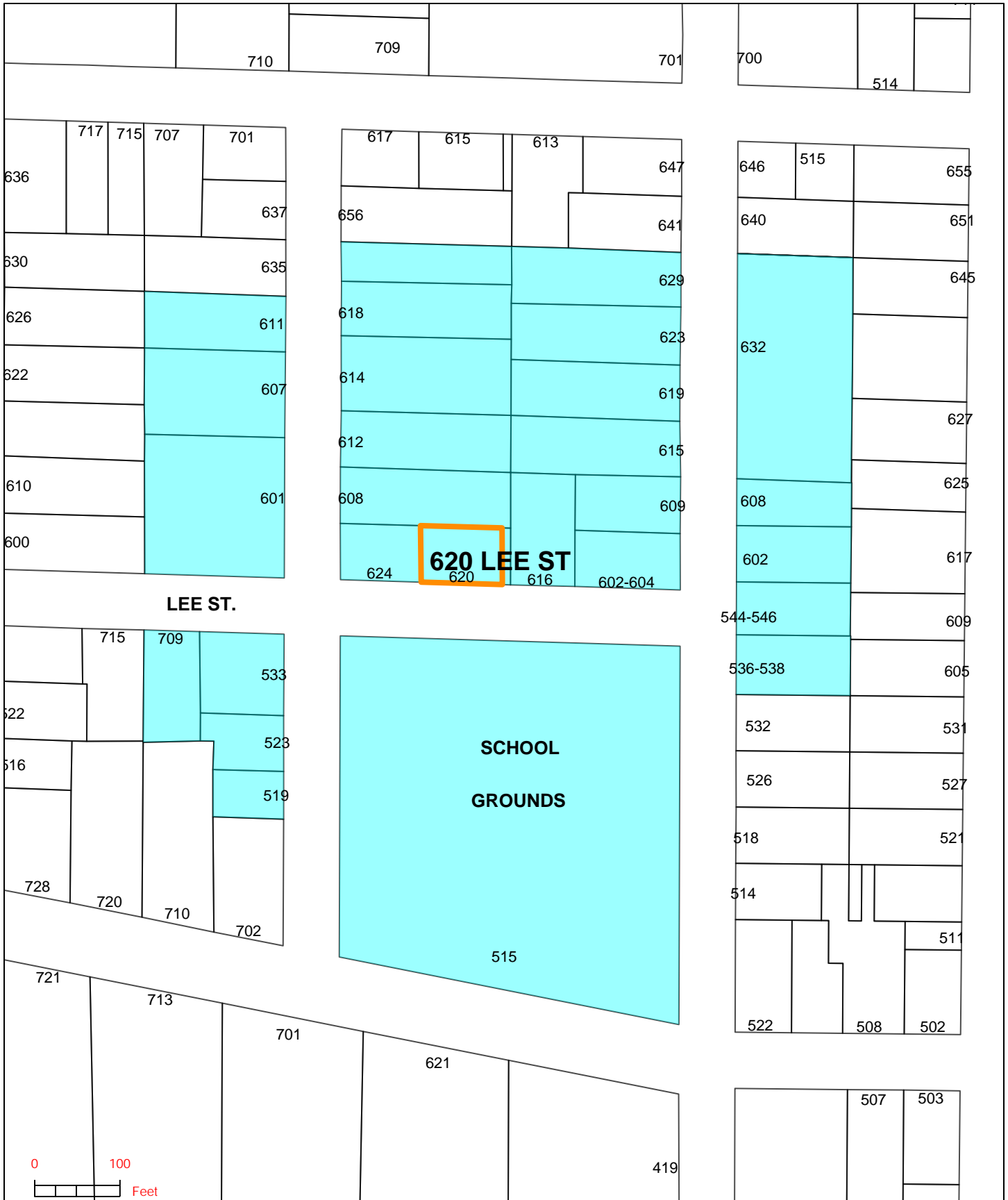
The applicant is proposing to construct a pergola and an addition to their garage. The existing home and shed are non-conforming. Sec. 38-379 (4) states no detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. A 3' foot rear yard variance and a 10 foot setback variance from the house are being requested for the pergola. A 3' side yard variance is being requested for the shed addition. A 2% lot coverage variance is being requested for the site.

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 amy.cyphert@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.

Amy Cyphert, Assistant City Manager & Community Development Director

[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

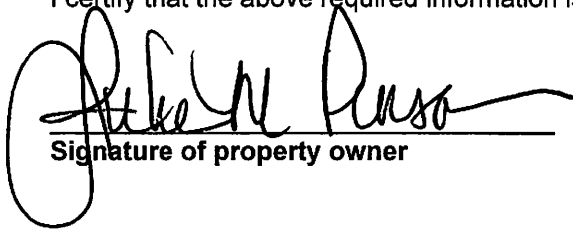
OWOSSO



- 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

Date 8/28/18



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) John + Julie Pinson of 620 Lee St
(applicant name) (street number)

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

Applicant Phone Number (810) 965-4008 Applicant Fax Number: _____

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

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

Address/location of property: 620 Lee St OWOSSO MI 48867

Parcel #: 050-460-001-011-0 Zoning district: RZ

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 95x66
- ii. Area of lot _____
- iii. Lot is a corner or interior lot? interior

b. Description of existing structures:

- i. Number of buildings now on premises 2 house 1172 SQFT
- ii. Size of each building now on premises garage 19'3" x 12'4"
- iii. Use of existing buildings on premises Home + garage

c. Description of proposed structures:

- i. Height of proposed structure 14ft (garage) 9ft (pergola)
- ii. Dimensions of proposed building or addition _____
- iii. Area of proposed building _____
- 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) _____

- ii. Side yard (measured from lot line) _____
- iii. Rear yard (measured from lot line) _____
- 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. Article and Section number of Zoning Ordinance that is being appealed: _____

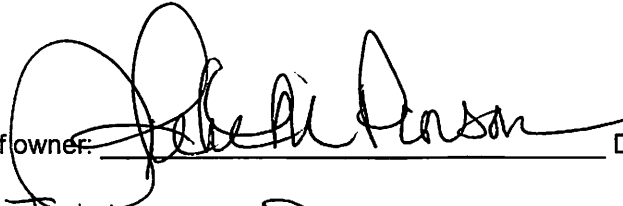
g. Clearly state your request: We are looking to build a pergola off the back/side of our home, approx 16' x 10'0" x 7'5" (9' High). We are also looking to expand our existing garage an additional 8' or 12' + possibly add a storage area above, increasing the height to 14'.

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: 8/28/18

Print name: Julie M. Pinson

4) Duties and Powers.

620 Lee St.
Owosso, MI

a. Basic Conditions

1) NO

2) NO

3) YES

4) YES

5)

6) NO

7) NO

8) NO

9)

also see st
CROSSING

Distance over towers

1. Basic (unlabeled)

1) 100

2) 100

3) 100

4) 100

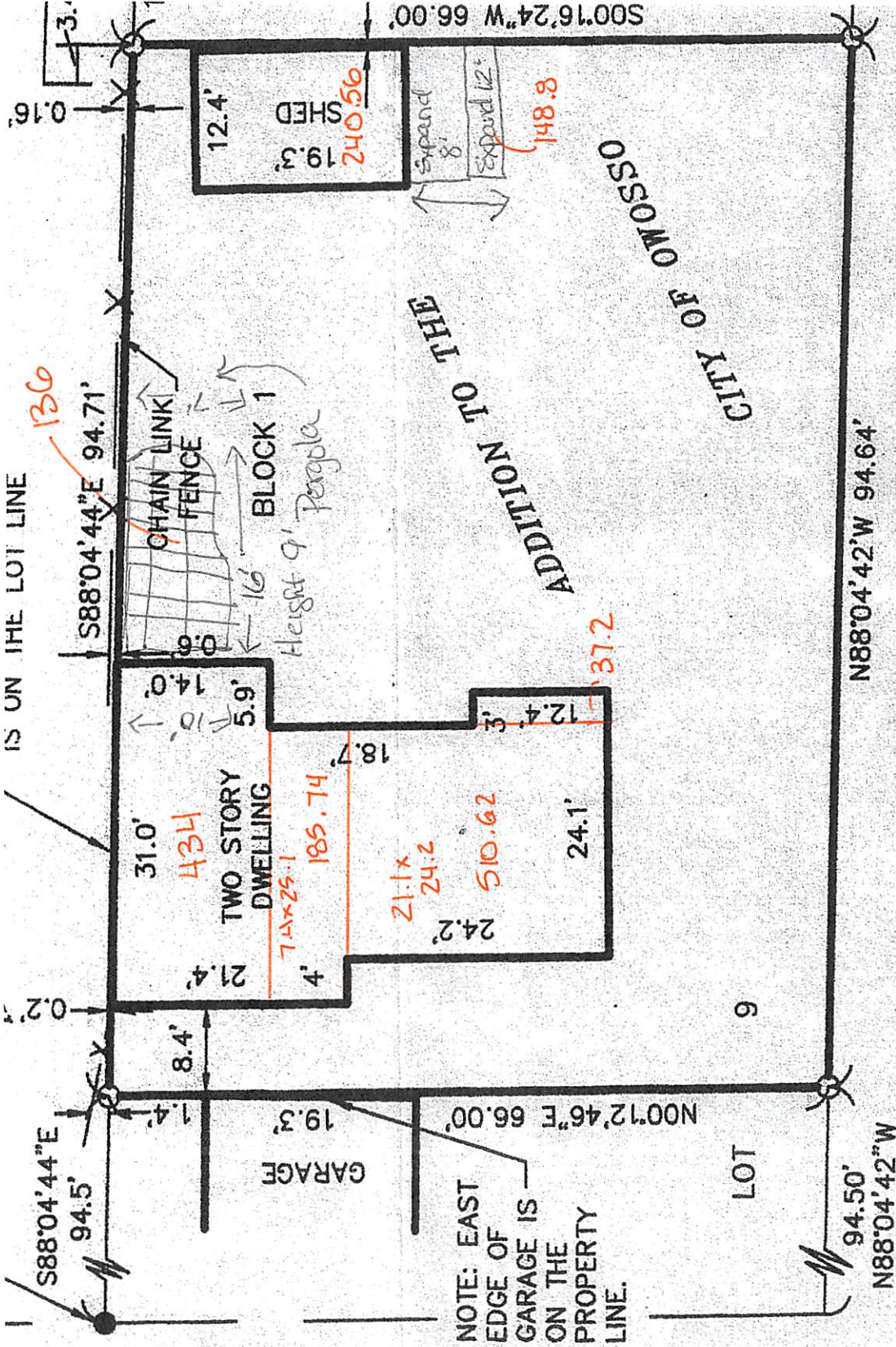
5)

6) 100

7) 100

8) 100

9)



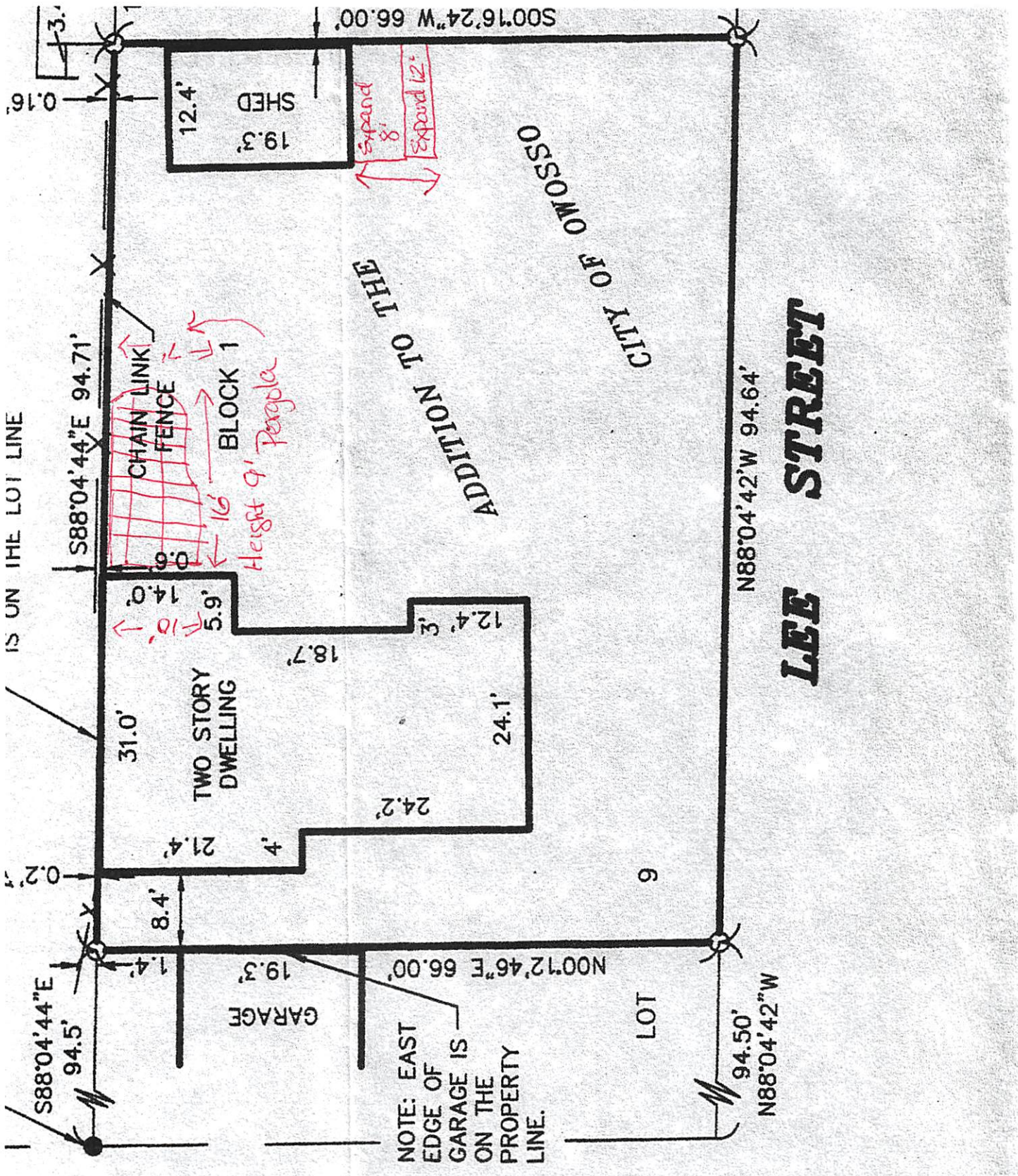
House 1167.56
 Shed 240.56
 1408.12

Pergola = 136
 Shed Addition = 148.8

Lot = 6248.55
 94.675x66

Total = 1692.92 ft

27% coverage



NOTE: EAST
EDGE OF
GARAGE IS
ON THE
PROPERTY
LINE.

LEE STREET

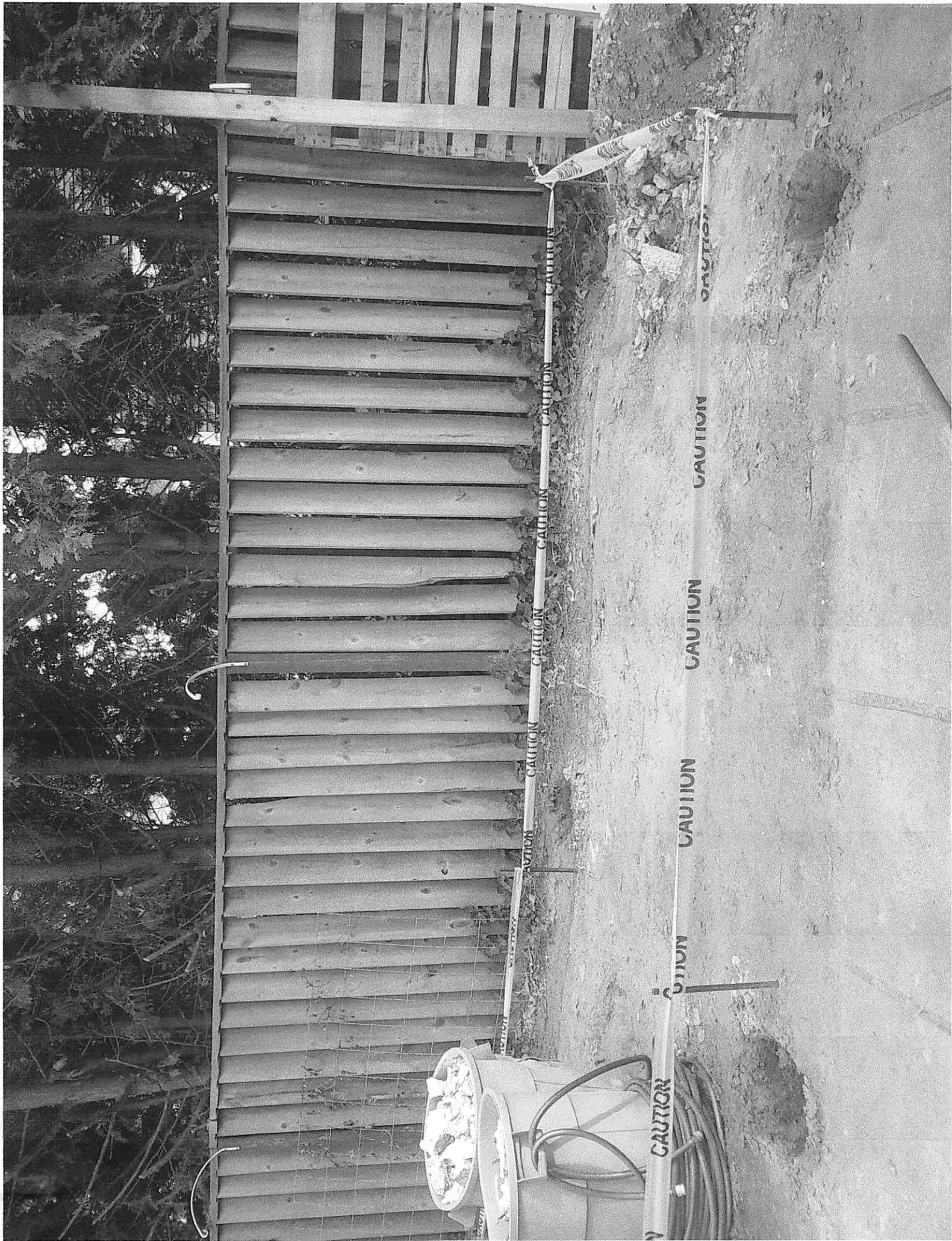
ADDITION TO THE
CITY OF OMSCO

LOT
6

IS ON THE LOT LINE













Concrete Patio with Pergola

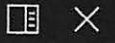
Stamped Concrete Patios

Concrete Back Yard Patio Ideas

Concrete Patio Slab

Brushed Concrete Patio

Concrete Patio Arbors



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How to make a Pergola

BOX TYPE

The finish

