

CITY OF OWOSSO Zoning Board of Appeals Tuesday, October 16, 2018 at 9:30 a.m. Council Chambers – Owosso City Hall Owosso, MI 48867

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA - October 16, 2018

APPROVAL OF MINUTES – September 18, 2018

OLD BUSINESS – Board Elections

NEW BUSINESS / PUBLIC HEARINGS:

(1) APPLICANT: Amor Signs on behalf of Baker College

The applicant is proposing to update signage throughout the existing Baker College campus. Listed below are the proposed signage changes, ordinance sections and variance requests:

PARCEL:	050-115-005-005-00
PROPERTY ZONING:	R-1 – One-family residential district
LOCATION OF APPEAL:	1020 S. Washington St, Owosso, MI 48867
PARCEL:	050-548-000-008-00
PROPERTY ZONING:	B1 – Local business district
LOCATION OF APPEAL:	1301 S. Shiawassee St, Owosso, MI 48867

The applicant is proposing to update and add directional welcome signs at the entrances to the campus totaling 8 directional signs. Each proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for each directional welcome sign.

PARCEL:	050-115-005-005-00
PROPERTY ZONING:	R-1 – One-family residential district
LOCATION OF APPEAL:	1020 S. Washington St, Owosso, MI 48867

The applicant is proposing to update the sign at the corner of Gute Street and Washington Street. The proposed sign is 13.3 feet high and 86 square feet in area. *Sec. 26-21 Specific sign standards state a ground sign is permitted in the R-1 zoning district with a maximum height of 6 feet and a maximum area per sign face of 24 square foot.* A 7.3 foot height variance and a 62 square foot variance are being requested for the sign at Gute Street and Washington Street.

PARCEL:	050-548-000-011-00	
PROPERTY ZONING:	P-1 – Vehicular parking district	
LOCATION OF APPEAL:	S. Shiawassee St, Owosso, MI 48867	

The applicant is proposing to update the sign along M-52. The proposed sign is 13.3 feet high, 86 square feet and includes an electronic message board. *Sec. 38-333 required conditions of the P-1 district states (5) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.* A variance is being requested to allow a 13.3 feet high, 86 square feet sign that includes an electronic message board on a parcel of land zoned P-1.

PARCEL:	050-548-000-008-00
PROPERTY ZONING:	B1 – Local business district
LOCATION OF APPEAL:	1301 S. Shiawassee St, Owosso, MI 48867

The applicant is updating the directional sign for the Welcome Center. The proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for the directional Welcome Center sign.

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, November 20, 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 SEPTEMBER 18, 2018 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, Board Members Matthew Grubb, Kent Telesz and Alternate John Horvath

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Board Member Tom Taylor

OTHERS PRESENT: Ms. Amy Cyphert, Assistant City Manager and Director of Community Development; Kateri Lehr, Stephanie Chapman, Julie Pinson

AGENDA:

IT WAS MOVED BY BOARD MEMBER TELESZ AND SUPPORTED BY ALTERNATE JOHN HORVATH TO APPROVE THE AGENDA FOR THE SEPTEMBER 18, 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 AUGUST 21, 2018 AS PRESENTED. YEAS: ALL. MOTION CARRIED.

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.

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:

- 1. Application with sketches of proposed attached garage.
- 2. Owners of the home stated their intent with this project and the improvement it will make to their home and the neighborhood.
- 3. Board discussed

- 4. Received an email from John Garrison, 802 W Oliver St. Chairman Horton read the email indicating Mr. Garrison's support.
- 5. No public was present in regards to this case.

Upon motion of Member Telesz, seconded by Member Grubb, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant <u>does</u> meet all nine (9) facts of findings:

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."

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. 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."

The Board finds that Section 38-504(3) b.2 has been met for the following reasons: shallowness of the rear yard area

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

The request for a variance is approved 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.

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: BOARD MEMBER GRUBB, ALTERNATE HORVATH, BOARD MEMBER TELESZ AND CHAIRMAN HORTON NAYS: NONE

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.

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:

- 1. Application and photos of previous and new fence
- 2. Owner Stephanie Chapman stated the need for the fence is due to the water and flooding issues with the home. A gas powered pump is just outside the home and runs frequently. The fence is for security as this pump has been turned off by someone in the past or if it is stolen the basement would flood in about 15 minutes.
- 3. Dean Pennell, 208 Oakwood does not have a problem with the fence.
- 4. Judy Pennell, 208 Oakwood supports the fence.
- 5. Jeff Turner, 204 Oakwood supports the fence.
- 6. Lisa Frolka, 1316 Henry/204 Oakwood supports the fence.
- 7. Received 2 letters from Charles and Nancy Shepard, 713 Grover in support of the fence. Chairman Horton read these letters to the board and the public.
- 8. Board discussed the fence.

Upon motion of Member Grubb, seconded by Member Telesz, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant <u>does</u> meet all nine (9) facts of findings:

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."

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. 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."

The Board finds that Section 38-504(3) b.2. has been met for the following reasons: topography, flooding concern, requires constant pumping and fence is security to protect the outdoor pump. Also the property owner is bringing the fence into more conformance with the ordinance by replacing the old fence.

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

The request for a variance is approved 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

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: ALTERNATE HORVATH, BOARD MEMBER TELESZ AND GRUBB, CHAIRMAN HORTON NAYS: NONE

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.

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:

- 1. Application with photos of the back yard area.
- 2. Owners Julie and John Pinson stated their intent with the back yard area.
- 3. Jill Redmond, 624 Lee Street supports this variance request.
- 4. Assistant City Manager Amy Cyphert stated the property is non-conforming and always will be. This variance would make the property a legally non-conforming Class A.
- 5. Board discussed.

Upon motion of Member Grubb, seconded by Member Telesz, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant <u>does</u> meet all nine (9) facts of findings:

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."

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. 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."

The Board finds that Section 38-504(3) b.2. has been met for the following reasons: narrowness of the lot and the current structures are on the lot lines.

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

The request for a variance is approved 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.

Other conditions: Designate this parcel as Class A Non-conforming

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: BOARD MEMBER TELESZ, GRUBB, ALTERNATE HORVATH AND CHAIRMAN HORTON NAYS: NONE

OTHER BOARD BUSINESS:

The sign ordinance request has gone to the Planning Commission. Draft amendments will be presented at the October Planning Commission meeting.

Alternate John Horvath will not be able to attend the October ZBA meeting.

PUBLIC COMMENTS AND COMMUNICATIONS NONE

ADJOURNMENT: MOTION BY BOARD MEMBER TELESZ AND SUPPORTED BY ALTERNATE HORVATH TO ADJOURN AT 10:55 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, OCTOBER 16, 2018, IF ANY REQUESTS ARE RECEIVED. YEAS: ALL. MOTION CARRIED.

Matthew Grubb, Secretary



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: October 16, 2018

GENERAL INFORMATION:

APPLICANT:

Amor Signs on behalf of Baker College

The applicant is proposing to update signage throughout the existing Baker College campus. Listed below are the proposed signage changes, ordinance sections and variance requests:

PARCEL:	050-115-005-005-00
PROPERTY ZONING:	R-1 – One-family residential district
LOCATION OF APPEAL:	1020 S. Washington St, Owosso, MI 48867
PARCEL:	050-548-000-008-00
PROPERTY ZONING:	B1 – Local business district
LOCATION OF APPEAL:	1301 S. Shiawassee St, Owosso, MI 48867

The applicant is proposing to update and add directional welcome signs at the entrances to the campus totaling 8 directional signs. Each proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for each directional welcome sign.

PARCEL:	050-115-005-005-00
PROPERTY ZONING:	R-1 – One-family residential district
LOCATION OF APPEAL:	1020 S. Washington St, Owosso, MI 48867

The applicant is proposing to update the sign at the corner of Gute Street and Washington Street. The proposed sign is 13.3 feet high and 86 square feet in area. *Sec. 26-21 Specific sign standards state a ground sign is permitted in the R-1 zoning district with a maximum height of 6 feet and a maximum area per sign face of 24 square foot.* A 7.3 foot height variance and a 62 square foot variance are being requested for the sign at Gute Street and Washington Street.

PARCEL:	050-548-000-011-00	
PROPERTY ZONING:	P-1 – Vehicular parking district	
LOCATION OF APPEAL:	S. Shiawassee St, Owosso, MI 48867	

The applicant is proposing to update the sign along M-52. The proposed sign is 13.3 feet high, 86 square feet and includes an electronic message board. *Sec. 38-333 required conditions of the P-1 district states*

(5) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area. A variance is being requested to allow a 13.3 feet high, 86 square feet sign that includes an electronic message board on a parcel of land zoned P-1.

PARCEL:	050-548-000-008-00
PROPERTY ZONING:	B1 – Local business district
LOCATION OF APPEAL:	1301 S. Shiawassee St, Owosso, MI 48867

The applicant is updating the directional sign for the Welcome Center. The proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for the directional Welcome Center sign.

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 <u>does/does not</u> meet all nine (9) facts of findings:

The applicant must show that a variance meets <u>ALL</u> 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 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

The Board linus that Section 38-504(3) a.5.	has been met	_ nas not been r	net 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:

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 rig 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:	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."
possessed by other properties in the same zoning district."		
	3.	
	<u> </u>	

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:

NAYS:	



Good Morning,

Here are the answers I have put together for the upcoming variance hearing per the question format that was sent to me.

Factor 1:

Baker College is in a unique situation as we are a higher education institution and we are located in a residential zoned district. Residential zone districts are more strict on signage. Baker College has students, potential students, parents and guests coming to campus from across the mid-west that need to find the campus. Our proposed signage will help these individuals find the campus and provide information that is necessary and required for our type of institution.

Factor 2:

Does not apply

Factor 3:

The property is wholly owned by Baker College. No proposed signage will encroach on neighboring properties.

Factor 4:

All signage will provide branding and messaging specific to Baker College. There will not be shared usage of the signs. These signs will provide a singular Baker College image across all campus locations.

Factor 5:

The College property is zoned residential. This provides a unique challenge for the campus as we are an not-for-profit, tuition driven educational institution that requires appropriate signage, similar to for-profit businesses.

Factor 6:

The College has not created this situation by its' actions.

Factor 7:

The campus has significantly reduced signage on campus already. The proposed signage will also reduce the total square footage of signage on campus by 500 sf. It will also reduce the number of signs on campus by 36. Additionally this signage is more modern and energy efficient.



October 9, 2018

Factor 8:

The proposed signs are more modern and provide a cleaner look on campus. This coupled with the reduction is total signs and total signage square footage will simplify the campus messaging. Additionally, there is no correlation to signage and surrounding property values.

Factor 9:

1)-The College is zoned residential. This zoning puts significant constraints on the College to act and operate like a business.

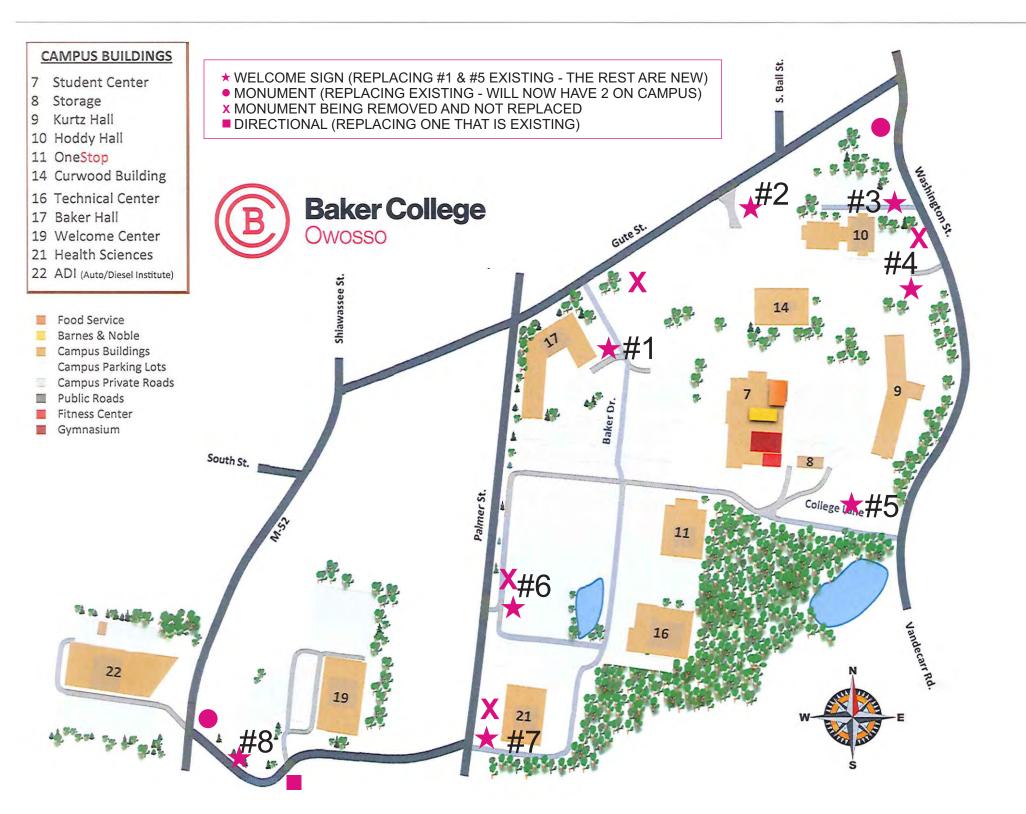
2)-With this new look of the signage and message board it will help future and current students from other campuses to help locate our location.

Sincerely,

for weylick

Jim Wenzlick Facilities Director Baker College of Owosso O: 989-729-3457 M: 989-666-3775





WELCOME OUR CAMPUS IS TOBACCO AND FIREARM FREE SIGNS - PLACE AT ALL ENTRANCES (8)



X8

SINGLE SIDED WELDED ALUMINUM CABINET - CLOSED BACKS

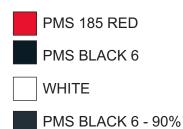
PAINTED PMS 185 RED AND PMS BLACK 6 290 228SP SUPER SATIN CLEAR COAT

WATERMARK: 220-211 CHARCOAL 3M 220-10 3M VINYL LOGO AND LETTERING

RADIUS GOAL POSTS PAINTED BLACK

NON-ILLUMINATED

<complex-block>

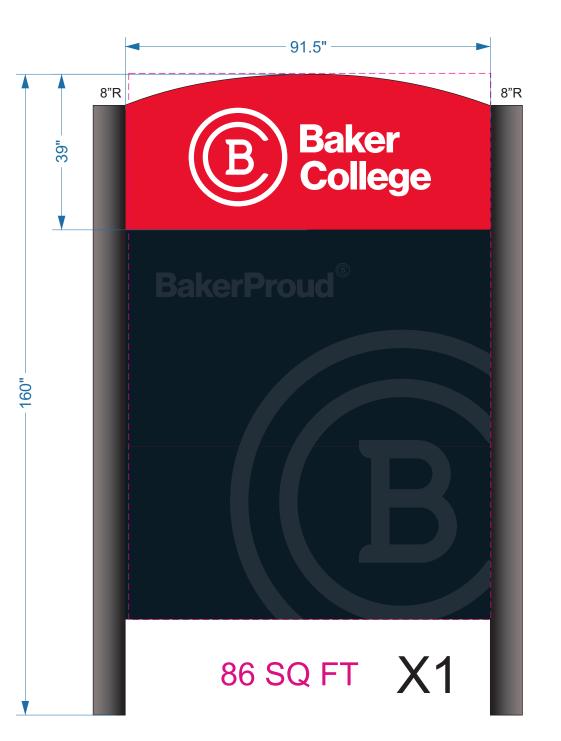




S1



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DOUBLE SIDED MONUMENT INTERNALLY ILLUMINATED

ID CABINET: WELDED ALUMINUM CONSTRUCTION

ROUTED ALUMINUM FACES WITH 1/2" PUSH-THRU COPY: CLEAR WITH TRANS WHITE VINYL

FACES PAINTED PMS 185 RED; PMS BLACK 6 290 228SP SUPER SATIN CLEAR COAT

RADIUS GOALPOSTS PAINTED PMS BLACK 6

WATERMARK: 220-211 CHARCOAL 3M



S3



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DOUBLE SIDED MONUMENT INTERNALLY ILLUMINATED

ID CABINET: WELDED ALUMINUM CONSTRUCTION

ROUTED ALUMINUM FACES WITH 1/2" PUSH-THRU COPY: CLEAR WITH TRANS WHITE VINYL

FACES PAINTED PMS 185 RED; PMS BLACK 6 290 228SP SUPER SATIN CLEAR COAT

RADIUS GOALPOSTS PAINTED PMS BLACK 6

WATERMARK: 220-211 CHARCOAL 3M

RGB DIGITAL DISPLAY: 10mm PITCH MATRIX: 120 x 216 CABINET DIMS: NOMINAL 7'-7 1/2" X 4'-6"

M-52 ENTRANCE

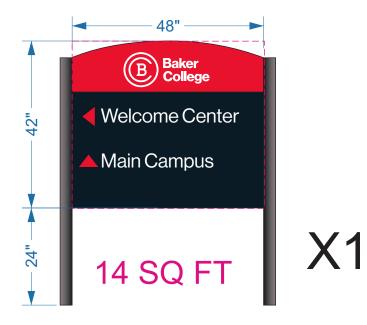






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ENTRANCE OFF M-52 BEFORE WELCOME CENTER DRIVE



PMS 185 RED	SINGLE SIDED WELDED ALUMINUM CABINET - CLOSED BACKS
PMS BLACK 6	PAINTED PMS 185 RED AND PMS BLACK 6
WHITE	290 228SP SUPER SATIN CLEAR COAT
PMS BLACK 6 - 90%	220-10 3M VINYL LOGO AND LETTERING

RADIUS GOAL POSTS PAINTED BLACK

NON-ILLUMINATED





S8

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SIGNS SCHEDULED FOR REMOVAL



HEALTH SCIENCES



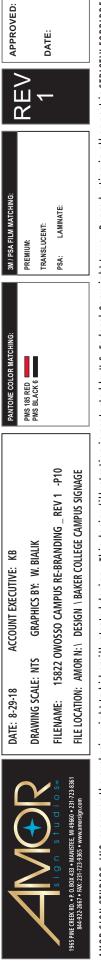


PALMER ST. ENTRANCE



GUTE ST. ENTRANCE

WASHINGTON ST. ENTANCE



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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

* See attached prope letter & autorization For Variance ioner Variance

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

	301 W. Main Phone: (989) 72	OF APPEALS APPLICATION Street, Owosso, MI 48867 25-0544 Fax: (989) 725-0526
		Fee \$300
1. P	roject information	
	e Owosso Zoning Board of Appeals;	
(we)	Baker College Amor Sign S (Applicant name)	Studio of 1020 S. Washington Sheet (Street number)
	0205555	MI 48867
	(City)	(State & zip code)
Analia	ant Phone Number: 855 Jon 70	Applicant Eax Number
philo	Amer 231-132-22	361 Applicant Fax Number: 361 Amor マ31- 723-9365
(we)	HEREBY APPEAL TO THE ZONING BO	OARD OF APPEALS FOR A:
	variance (X) Permit (Y) Int	terpretation()) or Review and Approval())
ddre	ss/location of property:	as listed above
	ess/location of property: <u>Same</u>	
		<u>as listed above</u> Zoning district: <u>B-1</u>
Parce		
Parce	l #:	
Parce	l #: equired attachments	Zoning district: <u>B-\</u>
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Parce R • • • • • • • • • • • • • • • • • •	equired attachments 10 copies of site plan 10 copies of the application (pages 2-4 Description of how the requested varia Narrative demonstrating why a variand Required Fee escription of case (fill out only the items Description of the property i. Size of lot <u>Bater colle</u> ii. Area of lot <u>Various to</u> iii. Lot is a corner or interior lot? Description of existing structures: i. Number of buildings now on prem ii. Size of each building now on prem	Zoning district: <u>B-1</u> 5 only) ance meets all of the nine (9) Facts of Findings ce is being sought s that apply to your case) <u>Rec Campus - 70 Acres</u> <u>Both</u> hises <u>10</u>
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Parce R • • • • • • • • • • • • • • • • • •	equired attachments 10 copies of site plan 10 copies of the application (pages 2-4 Description of how the requested varia Narrative demonstrating why a variance Required Fee escription of case (fill out only the items Description of the property i. Size of lot <u>Baker colle</u> ii. Area of lot <u>Various to</u> iii. Lot is a corner or interior lot? Description of existing structures: i. Number of buildings now on prem ii. Size of each building now on prem iii. Use of existing buildings on premi	Zoning district: <u>B-1</u> 5 only) ance meets all of the nine (9) Facts of Findings ce is being sought s that apply to your case) <u>Acce Campus - 70 Acces</u> <u>bises around Campus - See attached</u> ma <u>bises</u> <u>10</u> nises <u>College functiones</u>
Parce R • • • • • • • • • • • • • • • • • •	equired attachments 10 copies of site plan 10 copies of the application (pages 2-4 Description of how the requested variat Narrative demonstrating why a variance Required Fee escription of case (fill out only the items Description of the property i. Size of lot	Zoning district: <u>B-1</u> 5 only) ance meets all of the nine (9) Facts of Findings ce is being sought s that apply to your case) <u>Rec Campus - 70 Acres</u> <u>Both</u> hises <u>10</u>

- d. Yard setbacks after completion of building or addition: $\ell N/A$
 - 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 81/2" x 11" in size.
- f. Section number of zoning ordinance that is being appealed: <u>Sec. 26-21 Specific</u> Sign Stundards
- g. Clearly state your request: <u>College is updating these image to be more</u> <u>Modern + appeal to Students. New Signs will be more anergy</u> <u>efficient. Product will Reduce total sign Square footage</u> over all.
- 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.
 - 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:
 - 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:
 - 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.

Bully of Bally College Finz Basella - Amor Sign Studius Signature of owne Print name:



September 11, 2018

To Whom It May Concern:

Please consider this letter as authorization for Kristina Bajtka, Image Consultant for Amor Signs, to act on behalf or Baker College (Cadillac, Muskegon, Owosso and Port Huron CIM) as the designated representative for campus signage. This includes any and all necessary applications and permits.

Each of these locations will be updating signage to more modern and energy efficient signs. The new signs are part of the new Baker College branding and logo. Additionally, these signs will allow for Baker College to provide a consistent image and message across campus locations. These campuses were chosen to kick-off and set the standard for new signage at Baker College campuses.

We are excited to work with Amor Signs and you. If you have any questions, please feel free to contact me at 231.777.5248.

Maile

Aaron J. Maike, Ph.D., President Baker College - Muskegon

OFFICIAL NOTICE OF PROPOSED VARIANCE

The Zoning Board of Appeals of the City of Owosso will hold a Public Hearing in the Council Chambers of City Hall at **9:30 a.m. on Tuesday, October 16, 2018** to consider the following requests:

APPLICANT: Amor Signs on behalf of Baker College

The applicant is proposing to update signage throughout the existing Baker College campus. Listed below are the proposed signage changes, ordinance sections and variance requests:

PARCEL:	050-115-005-005-00
PROPERTY ZONING:	R-1 – One-family residential district
LOCATION OF APPEAL:	1020 S. Washington St, Owosso, MI 48867
PARCEL:	050-548-000-008-00
PROPERTY ZONING:	B1 – Local business district
LOCATION OF APPEAL:	1301 S. Shiawassee St, Owosso, MI 48867

The applicant is proposing to update and add directional welcome signs at the entrances to the campus totaling 8 directional signs. Each proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for each directional welcome sign.

PARCEL:	050-115-005-005-00
PROPERTY ZONING:	R-1 – One-family residential district
LOCATION OF APPEAL:	1020 S. Washington St, Owosso, MI 48867

The applicant is proposing to update the sign at the corner of Gute Street and Washington Street. The proposed sign is 13.3 feet high and 86 square feet in area. *Sec. 26-21 Specific sign standards state a ground sign is permitted in the R-1 zoning district with a maximum height of 6 feet and a maximum area per sign face of 24 square foot.* A 7.3 foot height variance and a 62 square foot variance are being requested for the sign at Gute Street and Washington Street.

PARCEL:	050-548-000-011-00
PROPERTY ZONING:	P-1 – Vehicular parking district
LOCATION OF APPEAL:	S. Shiawassee St, Owosso, MI 48867

The applicant is proposing to update the sign along M-52. The proposed sign is 13.3 feet high, 86 square feet and includes an electronic message board. *Sec. 38-333 required conditions of the P-1 district states (5) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.* A variance is being requested to allow a 13.3 feet high, 86 square feet sign that includes an electronic message board on a parcel of land zoned P-1.

PARCEL:	050-548-000-008-00
PROPERTY ZONING:	B1 – Local business district
LOCATION OF APPEAL:	1301 S. Shiawassee St, Owosso, MI 48867

The applicant is updating the directional sign for the Welcome Center. The proposed sign is 5.5 feet tall and 14 square feet in area. *Sec. 26-21 Specific sign standards (1) states Directional signs.* No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square

feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table. A 1.5 foot height variance and a 10 square foot variance are being requested for the directional Welcome Center sign.

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 <u>amy.cyphert@ci.owosso.mi.us</u> 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 <u>www.ci.owosso.mi.us</u>

OWOSSO

