

*OWOSSO*  
*Zoning Board of Appeals*



Regular Meeting  
9:30am, June 18, 2013  
Owosso City Council Chambers

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

Tuesday, June 18, 2013 at 9:30 a.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: June 18, 2013

APPROVAL OF MINUTES: January 15, 2013

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from January 15, 2013
3. Variance request materials – 1107 West Main Street
4. Variance request plans - attached

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Variance request – 1107 West Main Street; #2013-01

BUSINESS ITEMS:

1. Variance request – 1107 West Main Street. (Resolution)

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, July 16, 2013 if any requests are received.

**Commissioners, please call Marty at 725-0540 if you will be unable to attend the meeting on Tuesday, June 18, 2013**

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500]. The City of Owosso website is: [www.ci.owosso.mi.us](http://www.ci.owosso.mi.us)

**Affirmative Resolutions**  
***Owosso Zoning Board of Appeals***

Tuesday, June 18, 2013, 9:30 a.m.  
Owosso City Council Chambers, 301 W Main St.,  
Owosso, MI

**Resolution 130618-01**

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

The Owosso Zoning Board of Appeals hereby approves the agenda of June 18, 2013 as presented.

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

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

**Resolution 130618-02**

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

The Owosso Zoning Board of Appeals hereby approves the minutes of January 15, 2013 as presented.

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

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

**Resolution 130618-03**

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

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 1107 West Main Street, parcel number 050-100-001-001-00, hereby makes the following findings:

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

Based upon those findings, the Owosso ZBA hereby approves/denies the petition to permit the sign variance with a height of 17' as illustrated in the attached petition, conditioned on the following:

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

3. \_\_\_\_\_

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

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

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

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

**Resolution 130618-04**

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

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

The Owosso Zoning Board of Appeals hereby adjourns the June 18, 2013 meeting,  
effective at \_\_\_\_\_ a.m.

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

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

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

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



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# MEMORANDUM

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DATE: June 12, 2013

TO: Chairman Horton and the Owosso ZBA

FROM: Adam Zettel, AICP

RE: Zoning Board of Appeals Meeting: June 18, 2013

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**The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, June 18, 2013 to hear a petition for a dimensional variance for a commercial sign.**

The property seeking the variance is located at 1107 West Main Street (M-21), parcel number 050-100-001-001-00. The property is approved for a mixed use commercial structure in the B-3 Central Business District. The property is commonly known as the “Buggy Wash.”

The petitioner is seeking a dimensional height variance to construct a new sign in the front yard of the property. In order to construct the sign, the applicant desires to increase the height of the sign from 12 feet to 17 feet a variance of 5 feet. This variance is sought to accommodate the clear vision requirement of the ordinance as it relates to the corners of streets and alleys. Ord. Section 26-23 (2) maintains that there cannot be any obstructions between 3 and 10 feet in height for a distance of 25 feet from the intersection (which includes the public alley on the west side of this site). This requirement makes any ground or pylon sign construction problematic, especially in the B-3 district where heights are more limited.

The petitioner has included a very detailed appeal that states their project and their interpretation of the ordinance as it applies to this variance request.

In accordance with the law, the ZBA has authority and is charged with the need to deliberate and rule on each of the following criteria; what follow are staff recommendations/interpretations:

- (3) *Variances.* The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations,

Owosso Zoning Board of Appeals  
June 12, 2013

signs and off-street parking and loading space requirements, provided all of the basic conditions listed herein and any one (1) of the special conditions listed thereafter can be satisfied.

- a. *Basic conditions.* In order to qualify for a variance, the applicant must show that a variance:
  1. Will not be contrary to the public interest or to the intent and purpose of this chapter; **Staff finds no issues and agrees with the findings of the petitioner, subject to ZBA review.**
  2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required; **Staff finds no conflicts or concerns.**
  3. Is one that is unique and not shared with other property owners; **Staff finds that the location of the existing alley as well as the adjacent uses and zoning does provide a unique or extremely rare set of circumstances. We concur with the petitioner, subject to ZBA review.**
  4. Will relate only to property that is under control of the applicant; **The variance does not relate to property that is not controlled by the applicant.**
  5. Is applicable whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; **Staff agrees with the findings of the petitioner, subject to ZBA review.**
  6. Was not created by action of the applicant (i.e. that it was not self-created); **Though the site plan is a product of the petitioner, the use and layout appears reasonable given the circumstances. Therefore, staff does not find the hardships to be self-created.**
  7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety; **Staff has not identified any concerns.**
  8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located; **Staff does not feel this will impact property values in any appreciable fashion.**
  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. **Staff believes that a lesser relaxation than that applied for will not likely give substantial relief to the owner of the property. As indicated, a height of 12' would require a sign panel that is 2' high x 20' wide above a height of 10' in order to achieve the permitted area. The dimensions sought appear reasonable.**
- b. *Special conditions.* When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
  1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land; **This is subject to findings by the ZBA, but staff does not have any objections or additional findings to the applicants response.**

Owosso Zoning Board of Appeals  
June 12, 2013

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; **Note applicable.**
  3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. **Not applicable**
- c. *Rules.* The following rules shall be applied in the granting of variances:
1. The board may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.
  2. Each variance granted under the provisions of this chapter shall become null and void unless:
    - i. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and proceeds to completion in accordance with the terms of the variance;
    - ii. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
  3. No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the board to be valid.
  4. In granting or denying a variance the board shall state the findings of fact upon which it justifies the action.

**Staff believes that there are hardships and unique circumstances on this site, and a variance should be considered in order to permit the petitioner to construct a pylon sign with the entitled area of 40 square feet.** The ZBA is strongly encouraged to make a finding of need based upon the petitioner's testimony. No written feedback has been received from the public at this time. A call was received from the owner of property across the street that questioned what impact the entire plan, including the sign, would have on values. I recommended he visit the office for a review of the plans and/or attend the meeting.

That is all for now. Please go through the rest of your packet contents and **RSVP for the meeting.** I look forward to seeing you all on the 18th! If you have any questions, comments, or other feedback, please contact me on my cell: 989.890.1394. Text and email also works to contact me.

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JANUARY 15, 2013**

The meeting was called to order by Chairman Randy Horton at 9:37 a.m.

Roll call was taken by City Clerk Amy K. Kirkland.

**MEMBERS PRESENT:** Chairperson Randy Horton, Secretary Daniel Jozwiak, Commissioner William Wascher and Alternate John Horvath.

**MEMBERS ABSENT:** Vice-Chairperson Christopher Eveleth, Commissioner Kent Telesz, and Alternate Matt Grubb.

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development; Charles Rau, Building Official.

**AGENDA: CHAIRPERSON HORTON OFFERED UP THE AGENDA FOR APPROVAL AS PRESENTED.**

**AYES: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY SECRETARY JOZWIAK AND SUPPORTED BY BOARD MEMBER WASCHER TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 20, 2012.**

**AYES: ALL. MOTION CARRIED.**

**SITE INSPECTIONS:** None.

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from November 20, 2012
3. Training materials

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:** None.

New alternate John Horvath introduced himself to the Board saying he was a newly elected County Commissioner and worked as a real estate agent in the area.

**BUSINESS ITEMS:**

**1. Commission Training**

Assistant City Manager Zettel gave a Power Point presentation providing an overview of the purpose of ZBA, the laws governing its conduct, the process by which the Board reaches its conclusions, and finally some examples of actual cases heard by the Board. He noted that due to its nature meetings for the ZBA are scheduled on a monthly basis but may not be held unless there is business to be handled.

Mr. Zettel emphasized the ZBA functions as an appellate body to hear appeals of City decisions regarding building and zoning and its decisions function as the rule of law within the City, so the process by which the Board reaches its decisions is extremely important. Decisions of the ZBA are based in part on previous findings of fact as well as both objective and subjective data. Members must uphold impeccable ethical standards and he encouraged all members to publically address any potential conflicts they may have with a decision, even if in perception only. Further he noted that decisions of the Board are appealed through the Circuit Court and must be succinct, factual, related to the issue at hand and proportional in nature to stand up to the scrutiny of the court.

Alternates on the Board are encouraged to participate as regular members to ensure a full complement of educated voting members when a decision is required.

Mr. Zettel concluded the training by highlighting past cases that have come before the Board as examples of the decisions they would be facing in the future.

**COMMISSIONER/PUBLIC COMMENTS:** None.

**ADJOURNMENT:**

**MOTION BY SECRETARY JOZWIAK, SUPPORTED BY CHAIRPERSON HORTON TO ADJOURN AT 11:26 A.M.**

**AYES: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary

a.k.k.



May 17, 2013

Mr. Adam Zettel, AICP  
City of Owosso  
301 West Main Street  
Owosso, Michigan 48867

Re: **Westown Mixed Use**  
1107 West Main Street

Dear Mr. Zettel,

Please find enclosed the following documentation for the proposed Westown Mixed Use Development to be located at 1107 West Main Street:

- One (1) Zoning Board of Appeals Request for Hearing
- Seven (7) copies of the Application Attachment
- Seven (7) 11" x 17" sets of the Site Plan as approved by the City of Owosso Planning Commission
- One (1) full size copy of the Sign Comparison Sketch
- Seven (7) 11" x 17" copies of the Sign Comparison Sketch
- One (1) check in the amount of \$90.00 for application fees

The property Owner is requesting a variance to the maximum allowable sign height within the B-3 Zoning district to provide for the required clear view zone for a sign at an intersection as outlined and described within the enclosed documents. We are submitting these documents for review and consideration at the upcoming June 18<sup>th</sup>, 2013 Zoning Board of Appeals meeting. If you have any questions or should you require additional information or documentation, please contact us at your convenience.

If you have any questions or should you require additional information or documentation, please contact us at your convenience.

Respectfully,

DESINE Inc

A handwritten signature in black ink, appearing to read "C. Grzenkowicz", written over a horizontal line.

Christopher A. Grzenkowicz, P.E.

Encl.

cc: David Wakeland / Wakeland Oil Company

122010/CITY WMU Sign variance sub ltr.051713

CITY OF OWOSSO  
ZONING BOARD OF APPEALS  
REQUEST FOR HEARING

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**NOTE TO APPLICANTS:**

1. All applications received by the 31st of the month will be heard on the 3rd Tuesday of the following month at 9:30 a.m., lower level of City Hall.
2. The applicant, or legal representative of the applicant, must be present at the Public Hearing for action to be taken.
3. In order that this application may be processed, the applicant must complete Page 1 of this form and make payment of a non-refundable fee of \$90.00 to the City Treasurer's Office to cover costs the City incurs.
4. Questions about this application may be directed to (989) 725-0540.

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Request is hereby made to the City of Owosso for a hearing before the Zoning Board of Appeals for one or more of the following:

- Variance
- Administrative Interpretation
- Class A Non-Conforming Status or Expansion
- Appeal of Staff or "Board" Decision
- Exception/Special Approval

APPLICANT: Wakeland Oil Company

ADDRESS: PO Box 346 LOCATION OF APPEAL: 1107 W. Main Street  
Owosso, MI 48867 Owosso, MI 48867

PHONE NO.: (989) 723-5500 DATE APPEAL FILED: \_\_\_\_\_

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

Please see attached.

If this is a variance request, indicate how the strict enforcement of the Zoning Ordinance would result in practical difficulty to the property owner, and how this difficulty is peculiar to the property.  
(Note: For a dimensional variance it is necessary to submit a site plan with this application.)

Please see attached.

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

  
Signature of Applicant

**CITY OF OWOSSO  
ZONING BOARD OF APPEALS  
REQUEST FOR HEARING**

**ATTACHMENT FOR WAKELAND OIL COMPANY'S REQUEST  
FOR 1107 WEST MAIN STREET**

**APPEAL:**

The petitioner is requesting a 5-foot variance to the required 12-foot maximum sign height, within a B-3 Zoning District (as set forth by Chapter 26 Article VI Section 26-28 of the City of Owosso Code of Ordinances), to provide for the required clear view zone below a sign at an intersection for Parcel 050-100-001-001-00. The variance, as requested, will result in a 17-foot high pylon sign.

Parcel 050-100-001-001-00, located at 1107 West Main Street, is currently the home of The Buggy Bath self-serve car wash. The existing facility has reached the end of its useful life and no longer serves as a significant benefit to the community. A redevelopment of this property, known as the "Westown Mixed Use Development" project, has been proposed. The Westown Mixed Use Development proposes construction of an attractive, high quality structure that consists of two (2) commercial lease suites on the first floor and three (3) residential lease suites on the second floor. The structure has been designed to reflect the Victorian styling of the historic buildings within downtown Owosso. As a part of the Westown Mixed Use Development, a pylon sign is proposed along the West Main street frontage. The proposed pylon sign has been located in the best possible position for traffic circulation, pedestrian circulation, vehicle access and visibility. However this location happens to be within the clear vision triangle of the intersection of the adjacent alley and West Main Street. The required clear view zone below the pylon sign panels, as set forth by Chapter 26 Article V Section 26-23 (2) of the City of Owosso Code of Ordinances, is from 3 foot to 10 foot above grade. Since the allowable sign height is limited to 12 feet within the B-3 zoning district, the proposed pylon sign only provides a clear view zone below the sign panels from 0 feet to 5 feet above grade. On April 22, 2013, the City of Owosso Planning Commission approved the Westown Mixed Use Site Plan with conditions. One of the conditions is to address the clear view zone requirements for the proposed pylon sign.

The proposed pylon sign is to be located at the west end of the north bank of parking adjacent to West Main Street. We have determined that this is the best location for a pylon sign on this site in regards to traffic circulation, pedestrian circulation, vehicle access and visibility for the following reasons:

- The location of the pylon sign as proposed allows for an end cap island on the parking aisle that provides a barrier between the alley and the parking area. If the sign was to be moved east out of the intersection triangle and placed in between 2 parking spaces, the parking island would need to be moved as well with the sign. This would require a portion of the parking spaces to be moved west, tight to the alley, without a barrier. The lack of barrier would allow for parked cars to overhang into the alley, thus causing a significant negative impact to traffic circulation.
- The proposed sign location does create some obstruction for passengers entering and exiting a vehicle parked in the end space adjacent to the sign. However this location only creates an obstruction for 1 parking space, which is also the parking space located furthest from the building which will see the least use of any space in the north bank of parking. If the sign was to be moved east out of the intersection triangle and placed in between 2 parking spaces,

it would create an obstruction for 2 parking spaces that will be in much higher demand than the end parking space. Note that the granting of the variance will benefit the end parking space by providing additional ground clearance and significantly reducing this obstruction.

- The proposed sign location is at the outside edge of the parking area and does not create an obstruction for pedestrians walking back and forth between parked cars and the building. If the sign was to be moved east out of the intersection triangle and placed in between 2 parking spaces, it would create an obstruction for pedestrians walking to and from the building.
- The proposed sign location provides the maximum possible visibility to motorists traveling west bound on West Main Street. If the sign was to be moved east out of the intersection triangle and placed in between 2 parking spaces, the visibility to west bound motorists would be reduced. The reduced visibility would result in a reduction of the available reaction time to identify a business and make a decision as to whether or not to turn in. Reduced reaction time creates an increase in panic stop occurrences, which result in a higher rate of traffic incidents.

It is for these reasons outlined above that we find the proposed location to be the best possible location on this site for a pylon sign. However, the sign height limitations of the B-3 zoning district significantly impact the ability to provide the required clear view zone below the sign panels. The clear view zone is necessary to allow motorists exiting from the alley to west bound West Main Street to have a sufficient view of on-coming traffic. We are therefore requesting the minimum variance necessary to the allowable sign height to provide the required clear view zone in the interest of public safety.

Upon our review of the Zoning Ordinance and the specific conditions affecting this site, we find that the variance requested meets the basic conditions for approval as follows:

1. Granting of the variance will not be contrary to the public interest or to the intent and purpose of Section 38-504. Granting of the variance will allow for the proper clear view zone to be provided below the sign panel which is in the best interest of public safety. Granting of the variance will also allow the pylon sign to be constructed in the best location on this particular site in regards to traffic circulation, pedestrian circulation, vehicle access and visibility, all of which are in the best interest of the public. Section 38-504(3) of the City Charter grants the Zoning Board of Appeals the power to authorize specific variances to sign regulations. The applicant is requesting a variance to the maximum allowable height of a pylon sign in the B-3 zoning district in accordance with Section 38-504(3).
2. Granting of the variance will not establish a non-permitted use or use that requires a special use permit or temporary use permit. Pylon signs are allowed within the B-3 zoning district. A sign permit is required prior to construction of the pylon sign. Granting of the variance does not waive the requirement to obtain a sign permit. Neither a special use permit nor temporary use permit is required for a pylon sign in the B-3 zoning district.
3. The variance requested is unique to this site and not shared with other properties for the following reasons: This site was previously zoned B-4. The property was rezoned to B-3 by the City to encourage creative development that is more compatible with the downtown area. This site is at the far west end of the B-3 zoning district. The adjacent property to the west as well as the property across West Main Street to the north are zoned B-4. Pylon signs are allowed a maximum height of 30 feet in the B-4 zoning district. Had this property remained in the B-4 zoning district, a 30 foot tall pylon sign

would be allowed and a variance would not be required. The proposed sign location is as close to the B-4 zoning district as possible while still being located on the property and as far away from any residential districts and other B-3 zoned properties as possible. Granting of the variance will allow for a 17 foot tall pylon sign to be constructed directly adjacent to properties that are allowed 30 foot tall pylon signs.

4. The variance is only related to property that is under control of the applicant. The variance requested is for the pylon sign on the subject property and relates only to the pylon sign on the subject property. Granting of the variance will benefit the adjacent property to the west as patrons of the adjacent property also utilize the alley for access to West Main Street. Therefore these patrons will also benefit from the increased clear view zone under the sign panel. However, the adjacent property to the west is also owned by and under the control of the petitioner.
5. Strict compliance with the B-3 zoning district sign height requirements will unreasonably prevent the Owner from using the property for a permitted purpose. The zoning ordinance allows for a pylon sign with a maximum sign area of 40 SF. The petitioner has proposed a pylon structure with a sign area of 39.75 SF. If the maximum allowable sign height is maintained at 12 feet and the minimum clear view zone is maintained at 10 feet, then the proposed sign panel would need to be reduced to 2 feet high thus reducing the sign face area to 12 SF. A 2 foot high sign panel would need to be 20 feet long to provide 40 SF of sign area. Not only does a 2' x 20' sign dimension not meet most corporate requirements for signage, but a sign of this nature could not be constructed as a part of this development.

Strict compliance with the B-3 zoning district sign height requirements will also be unreasonably burdensome. Maintaining the 12 foot maximum sign height will prevent construction of the pylon sign at the best location on this site as described above and will require the sign to be located within the north parking bank in between 2 parking spaces. As discussed at the beginning of this document, constructing the pylon sign within the parking bank rather than on the west end of the parking bank, is not in the best interest of traffic circulation, pedestrian circulation, vehicle access or public safety.

6. The necessity of this variance was not created by the applicant. Prior to the rezoning of this property, a 30 foot tall pylon sign was allowed on this site. This property was rezoned by the City, not at the request of the Owner, as the City believed the rezoning to be in the best interest of the City and the Owner. The necessity of the variance is the result of the rezoning, not the actions of the applicant.
7. Granting of the variance 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. A 40 SF pylon sign does not significantly impact the supply of light or air to either the subject property or any adjacent properties. Granting of the variance will permit the sign to be 5 feet taller, however it will not permit an increase in the allowable sign area. Since there is no increase to the sign face area, the increase in sign height will have no significant impact to the supply of light or air to the adjacent property. The proposed increase in sign height does not result in an increase to congestion of public streets, an increase in the risk of fire nor endanger public safety. The increase in sign height will allow the sign to be constructed in a location that is in the best interest of public safety while providing the clear view zone that is also in the best interest of public safety.

8. The variance will not result in a substantial adverse effect upon property values in the immediate vicinity or district of the subject property. Granting of the variance will allow for a 17 foot high pylon sign to be constructed instead of a 12 foot high pylon sign in a location directly adjacent to property that is allowed a 30 foot high pylon sign. The increase in sign height will no significant impact or effect on the adjacent property values.
9. Granting of the variance is necessary to allow for the pylon sign to be constructed in the best location on this property. The petitioner is requesting the minimum height variance necessary to provide the clear view zone as required by City Ordinance. Any reduction in the variance requested would not allow the sign to meet the clear view zone requirements and thus not provide substantial relief to the Owner of the property. Any reduction in the variance requested, would have a significant negative impact on the applicant and the use of the property while providing no significant benefit to the public or other property owners.

In addition, we find that the variance requested meets special condition 1 for approval as follows:

There are practical difficulties and unnecessary hardships which prevent carrying out the strict letter of Chapter 26 Article VI Section 26-28 of the City of Owosso Code of Ordinances.

- A 30 foot tall pylon sign was allowed under the previous B-4 Zoning of the subject property.
- The subject property was rezoned from B-4 to B-3 by the City of Owosso and was not done at the request of the Owner.
- The need for the variance requested is the result of the rezoning of the subject property.
- The proposed development of the subject property has been designed to provide a significant improvement to the subject property as well as the City of Owosso. The variance is necessary to maintain the high level of quality of the proposed development. Denial of the variance will require the pylon sign to be constructed in a location that is not optimum. Denial of the variance will result in an unnecessary negative impact to the quality, traffic circulation, pedestrian circulation, vehicle access and sign visibility for the proposed development.
- The petitioner is not seeking the variance in pursuit of a taller sign. The petitioner is seeking the variance in pursuit of maintaining the quality of the proposed development while promoting public safety through the provision of a proper clear view zone.

