

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
JUNE 20, 2017 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 Member Thomas Taylor, Alternates Matt Grubb and John Horvath

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, Board Member Kent Telesz.

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Julie Wright and Scott Perrin of Perrin Construction, Josh Jones, Owner of 731 W Main Street, Owosso.

AGENDA: IT WAS MOVED BY ALTERNATE GRUBB AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE AGENDA FOR THE JUNE 20, 2017 REGULAR MEETING AS PRESENTED.
YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY ALTERNATE GRUBB AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE MINUTES OF MAY 16, 2017 AS PRESENTED.
YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

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

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. 705 MCMILLAN – VARIANCE – (RESOLUTION)

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

1. VARIANCE REQUEST – 705 MCMILLAN ST.

Julie Wright of Perrin Construction presented the plan to reduce the parking based on 20 employees and type of equipment. RWI Manufacturing will never have the number of employees to meet 47 parking spaces. The amount of paving on the property could accommodate all 47 spaces, but at this time would impede semis.

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

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

Industrial:

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

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

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

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

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

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

Factor 2: (Section 38-504(3) a.2.) “Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.”

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

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

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

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

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

Factor 5: (Section 38-504(3) a.5.) “Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”

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

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

The Board finds that Section 38-504(3) a.6 has been met for the following reasons:
*The request is not self-created, but rather created by outdated ordinance requirement.
This request would create a practical difficulty because there will only be 20 employees using the lot at any given time rather than the required by ordinance 47 spaces.*

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 fro 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 reason:
Granting a variance provides relief to the property owner.

- B. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
1. “Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.”
 2. “Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.”
 3. “Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.”

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

ROLL CALL VOTE WAS TAKEN:

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

2. 731 W MAIN – VARIANCE (RESOLUTION)

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 731 W Main St.

1. VARIANCE REQUEST – 731 W MAIN ST.

Josh Jones, Owner, spoke about his intentions for the building. He is looking to expand the front of his building by 10 feet.

Ms. Montenegro explained the variance request or rather an interpretation of the zoning due to already being granted a non-conforming use in 2011. Under the provision, anytime the owner wants to expand the building under a non-conforming use, it is generally denied by the ZBA, unless it doesn't affect the setback requirements or the height and based on the zoning, this property does not have side yard setbacks but would have to adhere to the building codes which are 3 feet from the property lines. Per the Zoning Ordinance Sec. 38-378 – (e) 3, structural changes have to be approved by the ZBA.

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

UPON MOTION OF BOARD MEMBER TAYLOR AND SECONDED BY ALTERNATE HORVATH, WHEREAS, THE OWOSSO ZONING BOARD OF APPEALS, AFTER REVIEWING THE CASE FOR 731 W MAIN STREET, PARCEL #050-660-018-014-00, REGARDING SECTION 38-378 (e) 3 OF THE OWOSSO CODE OF ORDINANCES AND THE PETITIONER'S REQUEST TO ENLARGE A CLASS A NONCONFORMING SITE AS REQUIRED UNDER SECTION 38-504(2) f HEREBY APPROVES THE REQUEST BASED ON THE FOLLOWING:

IS COMPATIBLE AND THERE ARE NO ISSUES TO THE CURRENT ORDINANCE REGARDING SETBACK ISSUES AND PETITIONER NEEDS TO THE FOLLOW THE BUILDING CODE STANDARDS.

ROLL CALL VOTE WAS TAKEN:

AYES: ALTERNATE HORVATH, BOARD MEMBER TAYLOR, ALTERNATE GRUBB, CHAIRMAN HORTON.

NAYS: NONE.

ABSENT: VICE-CHAIRMAN EVELETH, SECRETARY JOZWIAK, BOARD MEMBER TELESZ

REFER OFF STREET PARKING TO THE PLANNING COMMISSION:

IT WAS MOVED BY ALTERNATE GRUBB AND SUPPORTED BY ALTERNATE HORVATH TO SEND THE ISSUE OF THE OFF STREET PARKING TO THE PLANNING COMMISSION TO REVIEW THE VALIDITY OF THE ZONING ORDINANCE SEC. 38-380 (E) INDUSTRIAL OFF STREET PARKING CALCULATIONS TO BETTER MEET TODAY'S MANUFACTURING ENVIRONMENT.
YEAS: ALL. MOTION CARRIED.

BUSINESS ITEMS: None

COMMISSIONER/PUBLIC COMMENTS: None.

ADJOURNMENT:

MOTION BY ALTERNATE HORVATH AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN AT 10:30 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, JULY 18, 2017, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary