

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
OCTOBER 16, 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 and Tom Taylor

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Board Member Kent Telesz and Alternate John Horvath

OTHERS PRESENT: Ms. Amy Cyphert, Assistant City Manager and Director of Community Development; Kristina Bajtko, Amor Signs and Jim Wenzlick, Facilities Director Baker College

AGENDA:

IT WAS MOVED BY BOARD MEMBER GRUBB AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE AGENDA FOR THE OCTOBER 16, 2018 REGULAR MEETING AS PRESENTED. YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY BOARD MEMBER GRUBB AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE MINUTES OF SEPTEMBER 18, 2018 AS PRESENTED. YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: - Board Elections

IT WAS MOVED BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER GRUBB TO TABLE THE BOARD ELECTIONS. YEAS: ALL. MOTION CARRIED.

NEW BUSINESS/PUBLIC HEARINGS:

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: B-1 – 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.

Approved minutes 10-16-2018

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: B-1 – 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

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 proposed signs
2. Representatives from Amor Signs and Baker College
3. Received an email from Julie Good, 22 Prindle St. Chairman Horton read the email and the concerns of Ms. Good along with the response of Ms. Cyphert indicating property values will not go down due to the new signage and the concerns of the high beam lights shining into Ms. Good's home. Ms. Cyphert contacted Jim Wenzlick, Facilities Director for Baker College and the problem of the direction of the lights was corrected.
4. Board discussed

Upon motion of Member Grubb, seconded by Member Taylor, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on the above variance. The applicant **does** meet the applicable 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."

The Board finds that Section 38-504(3) a.1. has been met for the following reasons: The parcels are in a residential zoned district, of which has more strict sign language.

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. Does not apply

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

The Board finds that Section 38-504(3) a.3. has been met for the following reasons: No proposed signage will encroach on neighboring properties

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

The Board finds that Section 38-504(3) a.4. has been met for the following reasons: There will not be shared use of the signs

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 for the following reasons: The parcels are zoned residential. This provides a unique challenge for the campus as a not-for-profit, tuition driven educational institution that requires appropriate signage, similar to for-profit businesses.

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 applicant has not created this situation

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 for the following reasons: The signage will reduce the total square footage by 500 sf and reduce the number of signs by 36.

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 for the following reasons: The signs are more modern and provide a cleaner look and have no effect on property values.

Factor 9: Section 38-504(3) a.9.) “Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.”

The Board finds that Section 38-504(3) a.9. has been met for the following reasons: The parcels are zoned residential and puts significant constraints on the Applicant to act and operate like a business.

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 for the following reasons: Difficulties in terms of use and zoning. Multiple zoning districts to include (2) R-1, (2) B-1 and (1) P-1.

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 request for a variance for all parcels applied for 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 MEMBERS GRUBB AND TAYLOR AND CHAIRMAN HORTON
NAYS: NONE

OTHER BOARD BUSINESS:

The sign ordinance amendments are on the Planning Commission agenda for October 22, 2018, possible Public Hearing in November.

PUBLIC COMMENTS AND COMMUNICATIONS
NONE

ADJOURNMENT:

**MOTION BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER GRUBB TO ADJOURN AT 10:25 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, NOVEMBER 20, 2018, IF ANY REQUESTS ARE RECEIVED.
YEAS: ALL. MOTION CARRIED.**

Matthew Grubb, Secretary