

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
MAY 15, 2012**

The meeting was called to order by Chairman Randy Horton at 9:38 a.m.

Roll call was taken by Recording Secretary, Marty Stinson.

**MEMBERS PRESENT:** Chairperson Randy Horton, Vice-Chairperson Christopher Eveleth, Commissioners Kent Telesz, William Wascher, and Alternate Matt Grubb.

**MEMBERS ABSENT:** Secretary Daniel Jozwiak. Vacancy remains for second alternate.

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development; Charles Rau, Building Official; Property Owner, Paul Deleforet; his contractor, Dave Ponte from Access Construction and Design; Robert Marble, 1455 Cleveland, neighbor to Mr. Deleforet.

**MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER EVELETH TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 15, 2011.**

**AYES: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from November 15, 2011
3. Variance request materials – 1429 Cleveland Street

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:**

**1. Variance Request – 1429 Cleveland Street #2012-01**

Chairman Horton opened the Public Hearing at 9:40 am.

Mr. Dave Ponte of Access Construction and Design from Saginaw began by stating the purpose of the proposed structure was to give the homeowner access to his home. The owner is handicapped and the addition will include a platform lift; a roof structure over the front of the house so Mr. Deleforet (the homeowner) may enter and exit the house from his vehicle protected from the weather. This is a narrow lot. Letters from the homeowner's occupational therapist and from his physical therapist were presented to the board.

Mr. Adam Zettel addressed the list of unique circumstances with this case such as this is the only narrow lot in the whole block; the right of way is large on this property with no curb or gutter; this addition does impact the function and visibility, but is not a huge issue. Most requests such as this one wouldn't be granted. What is the least that can be done and still get the job done? Whatever is done will set a precedent.

Mr. Zettel also stated this is a Class A non-conforming structure. That means it is not contrary to ordinances. Class B means the structure doesn't conform and cannot be expanded or rebuilt.

Bob Marble, 1435 Cleveland, stated he was Mr. Deleforet's neighbor and "he needs what he needs."

Board Member Wascher asked about the size of the tree in the front yard. It was stated it was about 30 feet high. Mr. Wascher asked if roots were going to be cut. Mr. Deleforet said yes. Mr. Wascher said he could see the structure was going to be in the tree branches. Mr. Wascher cautioned it was a city tree in the right of way.

Mr. Ponte stated the intent was a four inch slab.

The public hearing was closed and brought back to the board at 10:04 am.

Mr. Zettel stated if anyone came in for a roofed porch, it wouldn't be accepted for a variance. If we do it here, we'll have to do it everywhere. Charles Rau, Building Official asked if they were taking out walls and making living space. The answer was yes.

MOTION BY BOARD MEMBER EVELETH, SUPPORTED BY BOARD MEMBER WASCHER THAT THE OWOSSO ZONING BOARD OF APPEALS, FINDS THE USE AND STRUCTURE AT 1429 CLEVELAND STREET, PARCEL NUMBER 050-090-002-012-00, TO BE A CLASS A NON-CONFORMING USE AND STRUCTURE.  
YEAS ALL. MOTION CARRIED.

MOTION BY BOARD MEMBER EVELETH, SUPPORTED BY BOARD MEMBER TELESZ:  
THE OWOSSO ZONING BOARD OF APPEALS HEREBY APPROVES THE PETITION TO PERMIT THE CONSTRUCTION OF AN ADDITION WITH A 5' SETBACK ON THE NORTHERN (FRONT) PROPERTY LINE AS ILLUSTRATED IN THE ATTACHED PETITION DATED APRIL 19, 2012, PREDICATED UPON THE FOLLOWING FINDINGS:

1. THE NARROW LOT (33') CONSTITUTES A UNIQUE CIRCUMSTANCE
2. THE PETITIONER IS DISABLED AND BOUND TO A WHEEL CHAIR
3. THE PETITION MEETS ALL BASIC CONDITIONS AND THE REQUIRED SPECIAL CONDITIONS FOR A VARIANCE
4. BOTH THE ADDITION AND COVERED PORCH ARE REQUIRED TO DO SUBSTANTIAL JUSTICE FOR THE HOMEOWNER TO HAVE SAFE AND REASONABLE ACCESS TO THE STRUCTURE DUE TO THE ABOVE FINDINGS

FURTHERMORE, THE APPROVAL SHALL BE CONTINGENT UPON THE FOLLOWING CONDITIONS:

1. THE PORCH SHALL NOT BE ENCLOSED
2. EFFORTS SHALL BE MADE TO PROTECT THE TREE IN THE FRONT YARD

YEAS ALL. MOTION CARRIED.

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

**NOTE TO APPLICANTS:**

1. All applications received by the 25th 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.

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: DAVE PONTE REPRESENTING PAUL DELEFORET  
ADDRESS: 3960 TITABAWASSEE LOCATION OF APPEAL: 1429 CLEVELAND  
SAGINAW, MI 48604 OWOSSO, MI 48867  
PHONE NO: ( 989 ) 793-9300 xtn. 121 DATE APPEAL FILED: 04-19-12

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

**REQUESTING VARIANCE FOR ADDITION TO STRUCTURE LOCATED AT ABOVE ADDRESS.**

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**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.)**

**MR. DELEFORET IS AN AMPUTEE WHO SPENDS NEARLY 100 % OF HIS TIME IN HIS WHEELCHAIR.**  
**CURRENTLY THERE IS ONLY ONE AREA OF ENTRANCE/EXIT FOR HIM. IT IS THROUGH THE KITCHEN**  
**TO HIS RAMP. THIS ADDITION WILL PROVIDE A SECOND ENTRANCE/EXIT, AS WELL AS A PLACE**  
**TO PARK HIS LARGE POWER WHEELCHAIR. IT WILL INCLUDE A VERTICAL LIFT TO CARRY HE & CHAIR,**  
**INTO HIS HOME PLANS ATTACHED.**

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

  
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Signature of Applicant

Board Member Wascher asked if the porch could be enclosed at a later time. Building Official Rau stated it could with a permit.

**MOTION BY BOARD MEMBER EVELETH, SUPPORTED BY BOARD MEMBER TELESZ TO AMEND THE MOTION THAT THE PORCH CANNOT BE ENCLOSED IN THE FUTURE AND TO PROTECT THE TREE AS MUCH AS POSSIBLE.  
YEAS ALL. MOTION CARRIED.**

**BOARD / CITIZEN / STAFF COMMENTS:**

Chairman Horton appreciates everyone's contribution to this meeting.

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER TELESZ, SUPPORTED BY BOARD MEMBER GRUBB TO ADJOURN AT 10:23 A.M.  
AYES: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary

m.m.s.