

OWOSSO
Zoning Board of Appeals



Regular Meeting
9:30am, July 19, 2016
Owosso City Council Chambers



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ (989) 725-0599 ▪ FAX (989) 723-8854

DATE: July 7, 2016
TO: Chairman Horton and the Owosso ZBA
FROM: Susan Montenegro, Asst. City Manager/Dir. of Community Development
RE: Zoning Board of Appeals Meeting: Tuesday, July 19, 2016

The Zoning Board of Appeals shall convene in the city council chambers at 9:30 a.m. on Tuesday, July 19, 2016 to hear a petition for a use variance. The property seeking the variance is located at 202 S. State Street. The property is zoned R-1, single family residential.

The petitioner is seeking to leave two (2) garages on the property following a fire that destroyed the main structure to use as storage for maintenance and lawn equipment for other rental properties owned in Owosso. Petitioner plans to demolish main structure but states he does not intend to rebuild the main structure.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

Accessory structures are not allowed to be the only structure on a lot in an R-1 setting.

APPLICABLE SECTION OF THE ZONING ORDINANCE:

Section 38-52(5) – Principal uses permitted: Accessory buildings and uses, customarily incident to any of the above permitted uses and subject to the conditions of Section 38-379.

Section 38-379(3) – Accessory Buildings: An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.

CURRENT ZONING: R-1 Single Family Residential District

SIZE OF LOT: 66' X 132' (8,712 square feet)

Summarily, this request will take much scrutiny and deliberation from the ZBA of the findings, as well as the public hearing. Staff issues no recommendation on this petition, ZBA must deliberate and determine the outcome.

That is all for now. Please go through the rest of your packet contents and **RSVP for the meeting**. Please contact me if you have any questions, comments, or other feedback at susan.montenegro@ci.owosso.mi.us or on my cell at 989.890.1394. I look forward to seeing you all on July 19th.

AGENDA

Owosso Zoning Board of Appeals

Tuesday, July 19, 2016 at 9:30 a.m.

Council Chambers – Owosso City Hall

Owosso, MI 48867

CALL MEETING TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: July 19, 2016

APPROVAL OF MINUTES: June 21, 2016

SITE INSPECTIONS: None

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from June 21, 2016
3. Variance request – 202 S State
4. Public notice

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. 202 S State Variance - (resolution)

BUSINESS ITEMS:

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: Next regular meeting will be on Tuesday, August 16, 2016 if any requests are received.

Commissioners, please call Bridget at 725-0540 if you will be unable to attend the meeting on Tuesday, July 19, 2016.

[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

Affirmative Resolutions
Owosso Zoning Board of Appeals
Tuesday, July 19, 2016, 9:30 a.m.
Owosso City Council Chambers, 301 W Main St.,
Owosso, MI

Resolution 160719-01

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the agenda of July 19, 2016 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 160719-02

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby approves the minutes of June 21, 2016 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 160719-03

Motion: _____

Support: _____

Whereas, the Owosso Zoning Board of Appeals, after reviewing the case for 202 S State parcel # 050-100-001-012-00 hereby make the following findings:

1. _____

2. _____

3. _____

Based upon those findings, the Owosso ZBA hereby approves/denies the petition for the use variance to leave two (2) garages on the property following a fire that destroyed the main structure to use as storage for maintenance and lawn equipment for other rental properties:

1. _____

2. _____

3. _____

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 160719-04

Motion: _____

Support: _____

The Owosso Zoning Board of Appeals hereby adjourns the July 19, 2016 meeting, effective at _____ a.m.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
JUNE 21, 2016 at 9:30 AM
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Randy Horton at 9:30 a.m.

ROLL CALL: Was taken by Recording Secretary Bridget Cannon.

MEMBERS PRESENT: Chairman Randy Horton, Secretary Dan Jozwiak, Board Member Kent Telesz and Planning Commission Representative Thomas Taylor,

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Alternate Matthew Grubb, and Alternate John Horvath

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development

AGENDA: IT WAS MOVED BY BOARD MEMBER TELESZ, AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE AGENDA OF JUNE 21, 2016 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ, AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF JANUARY 19, 2016 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from January 19, 2016
3. Variance Request – 1005 Krust Drive
4. Public Notice

COMMISSIONER/PUBLIC COMMENTS: Board Member Telesz had a business relationship with the applicants, and recused himself from board discussion and voting concerning the variance.

PUBLIC HEARINGS:

1. VARIANCE – 1005 KRUST DRIVE

Ms. Margaret Pappas, applicant, would like to replace the existing aluminum sunroom that is deteriorated and flimsy. She would like to construct a 14'x22' permanent sun room structure. This would result in a 22' set back to the rear property line. The zoning ordinance requires a 35' set back. Ms. Pappas read two hand-written responses to the variance request from neighboring property owners (added to meeting documentation). Additionally, there was a phone call received by Susan Montenegro, from an additional property owner, prior to the meeting (notes from conversation included in packet). Existing structure is on cement slab and is considered existing, non-conforming. The current room was constructed in 1975, before the present zoning ordinance. Proposed structure will have permanent foundation, built on a crawl space.

COMMISSIONER COMMENT: The board appreciates the feedback received from neighboring property owners, whom are affected by the variance.

MOTION BY BOARD MEMBER JOZWIAK, SUPPORTED BY BOARD MEMBER TAYLOR AFTER REVIEWING THE CASE FOR 1005 KRUST DRIVE (050-370-000-019-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION FOR A SETBACK VARIANCE AT THE PROPERTY LISTED ABOVE WITH THE FOLLOWING BASIC CONDITIONS BEING SATISFIED:

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 reason: neighbors have expressed positive interest and feedback in the request.

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;

Not applicable

3. Is one that is unique and not shared with other property owners;

The Board finds that Section 38-504(3)a.4. has been met for the following reason: neighboring lots are shallow on Krust Drive. Neighboring property owners have encroached in to required setback for rear yards.

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 reason: relates only to their property.

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;

The Board finds that Section 38-504(3)a.5. has been met for the following reason: the shallowness of the lot creates a hardship on owner, which is outside of their control.

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 reason: the lot size was 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;

The Board finds that Section 38-504(3) a.7. has been met for the following reason: this is not an issue.

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 reason: will improve the value and safety of home.

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 reason: property owners are taking down an eyesore and building a safer structure.

SPECIAL CONDITION CLEARLY DEMONSTRATED:

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 reason: shallowness of lot.

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.

ROLL CALL VOTE: AYES ALL. MOTION CARRIED.

BUSINESS ITEMS: NONE

COMMISSIONER/PUBLIC COMMENTS: NONE

ADJOURNMENT:

MOTION BY BOARD MEMBER TELESZ, SUPPORTED BY BOARD MEMBER JOZWIAK TO

ADJOURN AT 10:37 A.M.

YEAS ALL. MOTION CARRIED.

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on June 21, 2016.

Dan Jozwiak, Secretary

b.a.c.



301 WEST MAIN STREET • OWOSSO, MICHIGAN 48867-2958

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, June 21, 2016 to consider the following request:

APPLICANT: Peter and Margaret Pappas
Case # 2015-01 Parcel 050-370-000-019-00
LOCATION OF APPEAL: 1005 Krust Drive, Owosso, MI 48867

APPEAL: The petitioner is seeking a 13' dimensional variance to the rear setback requirement at the property listed above. The property is currently zoned R-1 (Single Family Residential). Applicant requests to remove existing 12' X 16' aluminum screened in porch and replace with a stick built 22' X 14' four season sun room.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

The petitioner's request does not meet the required rear yard setback of 35'. New addition will protrude into the setback requirement 13'.

APPLICABLE SECTION OF THE ZONING ORDINANCE:

Section 38-351 – Schedule of Regulations.

CURRENT ZONING: R-1 (Single Family Residential)
SIZE OF LOT: 93' X 99.34' (9,238.62 square feet)

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 susan.montenegro@ci.owosso.mi.us or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Susan Montenegro, Assistant City Manager/Director of Community Development

[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 www.ci.owosso.mi.us.]

*My wife and I have no problem or
concern with Peter and Margaret
receiving the 13' variance*

*Kenneth Noonon Caroline Noonon
951 Krust Drive Owosso*



301 WEST MAIN STREET • OWOSSO, MICHIGAN 48867-2958

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, June 21, 2016 to consider the following request:

APPLICANT: Peter and Margaret Pappas
Case # 2015-01 Parcel 050-370-000-019-00
LOCATION OF APPEAL: 1005 Krust Drive, Owosso, MI 48867

APPEAL: The petitioner is seeking a 13' dimensional variance to the rear setback requirement at the property listed above. The property is currently zoned R-1 (Single Family Residential). Applicant requests to remove existing 12' X 16' aluminum screened in porch and replace with a stick built 22' X 14' four season sun room.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

The petitioner's request does not meet the required rear yard setback of 35'. New addition will protrude into the setback requirement 13'.

APPLICABLE SECTION OF THE ZONING ORDINANCE:

Section 38-351 – Schedule of Regulations.

CURRENT ZONING: R-1 (Single Family Residential)
SIZE OF LOT: 93' X 99.34' (9,238.62 square feet)

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 susan.montenegro@ci.owosso.mi.us or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Susan Montenegro, Assistant City Manager/Director of Community Development

[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 www.ci.owosso.mi.us.]

To Zoning Board,

I have no objection to the above party's plan to add a room on the back of their ~~is~~ house. I think it is a good idea, what is there now is getting pretty sad looking. Please approve the variance.
Sincerely, Tamra J. Pappas
983 Krust Dr.
Owosso MI 48867

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 \$300.00 to the City Treasurer's Office to cover costs the City incurs. Checks are to be made out to "City of Owosso".
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: John Beeky Langtry

ADDRESS: 1400 Getman

Owosso, MI 48867

LOCATION OF APPEAL: 202 S State St

Owosso, MI 48867

PHONE NO.: (989) 277-0074

DATE APPEAL FILED: 10/14/16

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

this rental structure burned in March and is scheduled for demolition.
The fire did not affect the single or double garage. Due to owning
4 other homes within one block, we are requesting to leave
garages for storage of lawn/maintenance equipment. If approved
current garage windows will be replaced, which we planned to do before

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.)

elimination of garages will result in no place to store maintenance/
lawn equipment. Leaving structures will not decrease value of
neighbors, or create a safety issue.

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

Beeky Langtry
Signature of Applicant

THIS SECTION FOR OFFICE USE ONLY

APPLICANT: _____

APPEAL ADDRESS: _____

Case Number:	_____
Receipt Number:	_____
Hearing Date Request:	_____
Current Zoning:	_____
Size of Lot:	_____
Tax Roll #: 78-050-	_____
Previous Appeals on this property?	<input type="checkbox"/> No <input type="checkbox"/> Yes

Legal Description:

This hearing is in accordance with the Zoning Ordinance as follows:

Section(s):

Explanation:

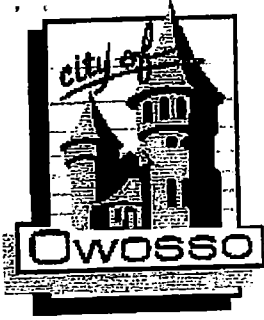
.....

ZONING BOARD OF APPEALS INFORMATION

Date of Hearing: _____ Action Taken: _____

Specific Motion and Findings of Fact: _____

(Signature of Chairperson)



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0540 • FAX (989) 725-0546

June 1, 2016

John & Rebecca Langtry
606 Getman Road
Owosso, MI 48867

RE: 202 S. State Street
Parcel #: 050-100-001-012-00

Dear Mr. & Mrs. Langtry:

City of Owosso Code of Ordinances, **Section 38-52(5) – Principal uses permitted states:**
Accessory buildings and uses, customarily incident to any of the above permitted uses and subject to the conditions of Section 38-379.

City of Owosso Code of Ordinances, **Section 38-379(3) – Accessory Buildings states:**
An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, **provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.**

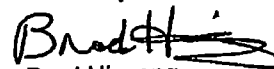
Note: The main structure in which the existing accessory building was constructed is being totally removed from the property. Therefore, any future accessory use is not allowed. See Section 38-5 Definition of Accessory Buildings.

Verified with City Department of Public Works on properties obtaining demolition permits.

**Demolition shall include:

- Apply for required demolition permit
- Disconnection of public sewer and capped at site
- Disconnection of public water and capped
- Removal of all foundations
- Backfill with sand on approved soils and seed
- Cement driveway can stay, but all accessory buildings with floors, foundations, rat walls shall be removed.

Sincerely,


Brad Hissong
Building Official

bac/Enclosures

• **Sec. 38-52. - Principal uses permitted.**

In an R-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) One-family detached dwellings:
- (2) Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres, all subject to the health and sanitation provisions of the city and provided further that no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises:
- (3) Publicly owned and operated libraries, parks, parkways and recreational facilities:
- (4) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit;
- (5) Accessory buildings and uses, customarily incident to any of the above permitted uses and subject to the conditions of section 38-379;
- (6) Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located less than twenty-five (25) feet from any street line.
 - d. No swimming pool shall be located in an easement.
- (7) Bed and breakfast operations as a subordinate use to single-family dwelling units subject to city licensing provisions and a determination by the city planning commission that the applicant has shown proof of historic significance of the dwelling unit. In making the determination, the planning commission shall reference the historic criteria developed and adopted by the commission.
- (8) Family day care home, foster family group homes and foster family homes shall be permitted subject to the following provisions:
 - a. For family day care homes only, a minimum of four hundred (400) square feet of usable outdoor play area in the rear or side yard shall be available on the premises.
 - b. Such uses are duly licensed by the state department of social services or other equivalent public agencies authorized to license these uses.
 - c. Building and lots so used shall conform to all state and local code requirements, except that such uses or structures shall be permitted in buildings and lots which are nonconforming uses or structures as defined in this chapter.
- (9) The establishment and operation of no more than two primary caregivers as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., provided that the dwelling is the primary residence of the caregivers and that the caregivers are in full compliance with said Act. "Primary residence" as used in this subsection means the one (1) family dwelling in which the primary caregiver normally resides. The establishment and operation of more than two (2) primary caregivers in the same dwelling is prohibited. The establishment of more than one (1) primary care giver in a primary residence in R-2, R-T, RM-1 and RM-2 zoning districts is prohibited, Code sections 38-72(1), 38-122(1) and 38-147(1) notwithstanding.

(Code 1977, § 5.3; Ord. No. 428, § 2, 9-17-84; Ord. No. 477, § 1(3), 11-19-90; Ord. No. 721, § 2, 4-18-11)

Section 38-379

- (3)

An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.

**CITY OF OWOSSO
ZONING BOARD OF APPEALS**

Applicant: John and Rebecca Langtry	Appeal No: 160719-03
Address: 606 Getman Rd	Hearing Date: July 19,2016
Property Address: 202 S State	

FINDINGS OF FACT AND CONCLUSIONS

At the regular meeting of the Zoning Board of Appeals of the City of Owosso, held at City Hall, 301 W. Main Street, Owosso, Michigan, on the 19th day of July, 2016, 9:30 a.m.

Present: _____
Absent: _____

Upon motion of Member _____, seconded by Member _____, the following findings, conclusions, decision and conditions were adopted by the Board as its decision on the above variance:

I. Request.

The Applicant has submitted a variance request from the following section(s) of the Zoning Ordinance:___ Section 38-52(5) – Principal uses permitted: Accessory buildings and uses, customarily incident to any of the above permitted uses and subject to the conditions of Section 38-379. Section 38-379(3) – Accessory Buildings: An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building. The variance is requested for the purpose of allowing the Applicant to leave two (2) garages on the property following a fire that destroyed the main structure to use as storage for maintenance and lawn equipment for other rental properties.

II. Record of Proceedings.

The following documents were reviewed and considered by the Zoning Board of Appeals in reaching its decision, in addition to the comments made by Applicant, members of the public, and members of the Board:

III. Findings and Decision.

Based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the City, the Board adopts the following findings and decision with respect to the request for variance:

- 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 _____ 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. _____ has been met _____ has not been met for the 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 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:

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.”

The Board finds that Section 38-504(3) b.1. _____ 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.”

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 right 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:

_____.

C. The request for a variance is _____ approved _____ denied for the above reasons.

IV. Conditions (if variance approved).

The following are imposed as conditions upon grant of the variance:

A. 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:_____

_____.

B. 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:

AYES: _____

NAYS: _____

I certify that the above findings, conclusions, and decision were approved by the City of Owosso Zoning Board of Appeals on _____, 20____.

Randy Horton, Chair
Zoning Board of Appeals

Sec. 38-52. - Principal uses permitted.

In an R-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) One-family detached dwellings;
- (2) Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres, all subject to the health and sanitation provisions of the city and provided further that no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises;
- (3) Publicly owned and operated libraries, parks, parkways and recreational facilities;
- (4) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit;
- (5) Accessory buildings and uses, customarily incident to any of the above permitted uses and subject to the conditions of section 38-379;
- (6) Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located less than twenty-five (25) feet from any street line.
 - d. No swimming pool shall be located in an easement.
- (7) Bed and breakfast operations as a subordinate use to single-family dwelling units subject to city licensing provisions and a determination by the city planning commission that the applicant has shown proof of historic significance of the dwelling unit. In making the determination, the planning commission shall reference the historic criteria developed and adopted by the commission.
- (8) Family day care home, foster family group homes and foster family homes shall be permitted subject to the following provisions:
 - a. For family day care homes only, a minimum of four hundred (400) square feet of usable outdoor play area in the rear or side yard shall be available on the premises.
 - b. Such uses are duly licensed by the state department of social services or other equivalent public agencies authorized to license these uses.
 - c.

Sec. 38-379. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (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.
- (2) Accessory buildings shall not be located in any required yard, except a rear yard.
- (3) An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.

- (4) 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.

In those instances where the rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (5) No detached accessory building in R-1, R-2, RT-1, RM-1, RM-2, OS-1, B-1 and P-1 districts shall exceed one (1) story or fourteen (14) feet in height.

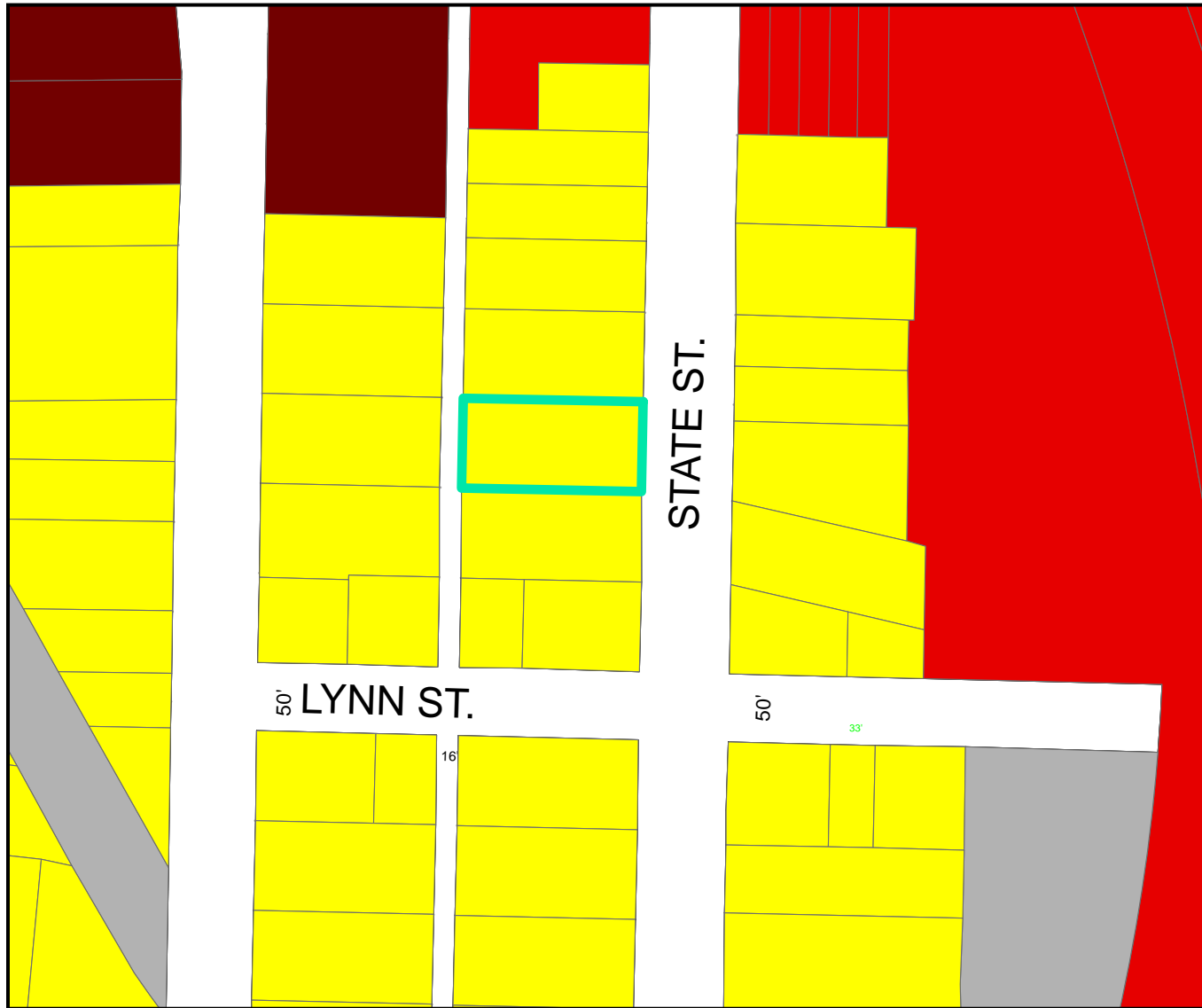
Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to board of appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

- (6) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than nineteen (19) feet to a street right-of-way line.
- (7) On residential lots of less than seventeen thousand five hundred (17,500) square feet, only two (2) accessory buildings shall be permitted. On residential lots seventeen thousand five hundred (17,500) square feet or greater, only three (3) accessory buildings shall be permitted. These limits shall not apply to wind energy systems, satellite dishes, or dog pens.
- (8) All recreational vehicles, boats, snowmobiles, jet skis and comparable devices along with the trailers for these items stored on individual lots shall respect the requirements of this section applicable to accessory buildings, except that side yard storage is permitted against the wall of a principal structure when these items are beneath a legal conforming carport structure or are setback at least three (3) feet from the property line and eleven (11) feet from a principal building of an adjoining parcel. Storage in a driveway is permitted when the stored item can be placed entirely behind the front wall of the principal structure.
- (9) Regulations for dish-type satellite receiving antennae and similar structures (hereinafter referred to as satellite dishes):

City of Owosso

Zoning Board of Appeals

202 S. State Street
July 8, 2016



Legend

Zoning

<all other values>

Z_PRIMARY

<Null>

<Null>

B1

B2

B3

B4

C-OS

I1

I2

OS1

P1

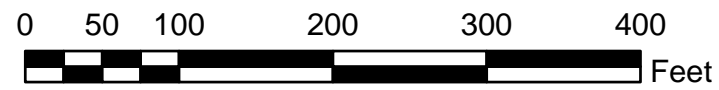
PUD

R1

R2

RM1

RM2









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, July 19, 2016 to consider the following request:

APPLICANT: John and Becky Langtry
Case # 2015-01 Parcel 050-100-001-012-00
LOCATION OF APPEAL: 202 S. State Street, Owosso, MI 48867

APPEAL: The petitioner is seeking to leave two (2) garages on the property following a fire that destroyed the main structure to use as storage for maintenance and lawn equipment for other rental properties owned in Owosso. Petitioner plans to demolish main structure but states he does not intend to rebuild the main structure.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:

Accessory structures are not allowed to be the only structure on a lot in an R-1 setting.

APPLICABLE SECTION OF THE ZONING ORDINANCE:

Section 38-52(5) Principal uses permitted: Accessory buildings and uses, customarily incident to any of the above permitted uses and subject to the conditions of Section 38-379.

Section 38-379(3). Accessory Buildings: An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory buildings(s) exceed the ground floor area of the main building.

CURRENT ZONING: R-1 (Single Family Residential)
SIZE OF LOT: 66' X 132' (8,712 square feet)

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 susan.montenegro@ci.owosso.mi.us or phoning 989-725-0544. Information on this case is on file in the Zoning Office at City Hall for your review.

Susan Montenegro, Assistant City Manager/Director of Community Development

[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 www.ci.owosso.mi.us.]

Phone call received on July 5, 2016 from Richard Perry of 1418 Henry Street. He owns a house in on State Street near 202 S. State and received a notice for the variance. Mr. Perry stated he did not have any issues with the request and believes the owner of the property should be able to do what he wants.