



CITY OF OWOSSO
Zoning Board of Appeals
Tuesday, April 18, 2023 at 9:30 a.m.
AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – April 18, 2023

APPROVAL OF MINUTES – September 20, 2022

OLD BUSINESS – None

SELECTION OF OFFICERS – if necessary

PUBLIC HEARINGS:

- | | |
|----------------------------|---------------------------------------|
| 1. APPLICANT: | ANDREW & KELLY SNYDER |
| LOCATION OF APPEAL: | 1306 STINSON STREET, Owosso, MI 48867 |
| PARCEL NUMBER: | 050-603-003-015-00 |
| PROPERTY ZONING: | R-1, ONE-FAMILY RESIDENTIAL |
| CASE #: | P2023-002 |

NEW BUSINESS:

- 1. Review and Discussion of the Draft Amendment to the By-Laws**

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, May 16, 2023, if any requests are received.

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and recordings 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

**MINUTES
REGULAR MEETING OF THE CITY OF OWOSSO ZONING BOARD OF APPEALS
SEPTEMBER 20, 2022 AT 9:30 A.M.**

CALL TO ORDER: Chairman Grubb called the meeting to order at 9:32 a.m.

ROLL CALL: Was taken by Molly Hier

MEMBERS PRESENT: Secretary Matthew Grubb, Board Members Charles Suchanek and Robert Teich

MEMBERS ABSENT: Board Members Justin Horvath and Thomas Taylor

OTHERS PRESENT: Justin Sprague, CIB Planning, Tanya Buckelew, Planning & Building Director and Carol Klinger, Representative of Blue Grass Pizza (SFR X Holdings, LLC)

SELECTION OF OFFICERS:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER SUCHANEK TO APPROVE THE FOLLOWING SELECTION OF OFFICERS: CHAIRMAN MATTHEW GRUBB, VICE-CHAIR JUSTIN HORVATH AND SECRETARY THOMAS TAYLOR.

AYES ALL. MOTION CARRIED.

AGENDA:

IT WAS MOVED BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER SUCHANEK TO APPROVE THE AGENDA FOR THE SEPTEMBER 20, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER SUCHANEK TO APPROVE THE MINUTES OF THE APRIL 19, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

PUBLIC HEARINGS:

- | | |
|----------------------------|-------------------------------------|
| 1. APPLICANT: | SFR X HOLDINGS, LLC |
| LOCATION OF APPEAL: | 737 W MAIN STREET, Owosso, MI 48867 |
| PARCEL NUMBER: | 050-660-018-017-00 |
| PROPERTY ZONING: | B-4, GENERAL BUSINESS DISTRICT |
| CASE #: | P2022-015 |

Variance request for SFR X Holdings, LLC, to convert an existing vacant building into a restaurant with a pick-up window. The property is located at 737 W. Main Street on the southeast corner of W. Main Street and S. Cedar Street.

Chairman Grubb opened the Public Hearing at 9:40 am. No public was present. The Public Hearing was closed.

The site currently has a vacant building that was previously used for commercial purposes. Given the relatively small size of the existing parcel (0.36 acres) and the ordinance requirement to maintain a 60-foot setback from the right-of-way for a pick-up window, the applicant is seeking a variance of 9.3 feet to install the pick-up window in the existing building in a location that provides ample room for the stacking of up to 5 vehicles.

It should be noted that the proposed pick-up window will be different from a traditional drive-thru window. Customers will place all orders ahead either online, by mobile app or by phone, then will utilize the pick-up window only to receive their order at the time that it is ready.

REVIEW COMMENTS

1. Will not be contrary to the public interest or the intent and purpose of this chapter.

Review Comment: The intent of the chapter is to ensure that those uses that tend to serve higher volumes of vehicle traffic are designed in a manner to ensure minimal points of potential conflict between vehicles and pedestrians as well as enough space designated to accommodate vehicle stacking for those customers utilizing the drive-thru services. Given the layout of the existing site, the variance is relatively minor and would not be contrary to the intent and purpose of this chapter of the ordinance.

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.

Review Comment: The use is permitted by special condition in the B-4 District.

3. Is one that is unique and not shared by others.

Review Comment: This site is somewhat unique due to being both a small corner lot and previously developed site that may actually outdate the ordinance requirement for which the variance is sought.

4. Will relate only to the property that is under control of the applicant.

Review Comment: The variance will only relate to the property under the control of the applicant.

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.

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, but would prevent compliance for the proposed use or would create more potential pedestrian and vehicular conflict opportunities without the variance.

6. Was not created by action of the applicant (i.e. that it was not self-created).

Review Comment: While the need for the variance is self-created (adding the pick-up window), the applicant is only trying to improve the safety of future customers.

- 7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.**

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

- 8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.**

Review Comment: The variance would not negatively impact property values in the immediate vicinity.

- 9. Is applicable whether a granting of the variance would be 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.**

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however since the variance requested is relatively minor at 9.3 feet, a lesser variance may not work in this case.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when anyone (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 piece of land.**

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code given the small size of this particular lot.

- 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.**

Review Comment: There appear to be exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district given the small size of the lot and the fact that it is a corner lot.

- 3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.**

Review Comment: The variation would allow the property owner to improve existing conditions on the property as well as provide a service that is similarly provided in the community on larger lots.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **737 W. Main Street to allow the reduction of a required 60-foot setback by 9.3 feet be approved**, for the following reasons:

1. The replacement would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. That the existing lot, structure and layout of the property is smaller than other similar properties in the area and that setback requirements as a result of being a corner lot would be difficult for many new businesses to accommodate on this site; and
4. A variation is necessary for the preservation of a substantial property right possessed by others in the same district

MOTION BY BOARD MEMBER TEICH, SECONDED BY CHAIRMAN GRUBB TO APPROVE THE REQUESTED VARIANCE FOR 737 W MAIN STREET TO ALLOW THE REDUCTION OF A REQUIRED 60 FOOT SETBACK BY 8 - 12 FEET FOR THE FOUR ABOVE REASONS LISTED FROM THE CITY PLANNER'S RECOMMENDATION LETTER.

AYES: CHAIRMAN GRUBB, BOARD MEMBER SUCHANEK AND TEICH

NAYS: NONE

RCV MOTION CARRIED

OTHER BOARD BUSINESS: NONE

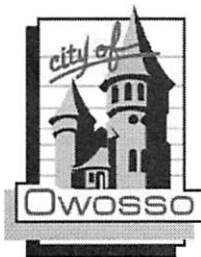
PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY CHAIRMAN GRUBB TO ADJOURN THE MEETING AT 9:50 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, OCTOBER 18, 2022.

YEAS: ALL. MOTION CARRIED.

Thomas Taylor, Secretary



P2023-002
Rec'd 3/27/2023

ZONING BOARD OF APPEALS APPLICATION

City of Owosso
301 W. Main Street, Owosso, MI 48867
Phone: (989) 725.0535
building@ci.owosso.mi.us

I (we) hereby appeal to the Zoning Board of Appeals for a:			
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Permit	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Review/Approval
Property Information:			
Property Street Address: 1306 Stinson St.			
Parcel ID #:		Zoning:	
Applicant:			
Name: Andrew Snyder			
Address: 1306 Stinson St.			
Telephone No: 989-413-8662		Email: drewby1971@gmail.com	
Description of the property:			
Size of lot: 66' x 145'	Square footage of lot: 9,570	Corner or interior lot	
Description of existing structures:			
Number of buildings now on premises: 3			
Size of each building now on premises: 8' x 10' 24' x 38' 14' x 20'			
Use of existing buildings on premises: Shed House Garage			
Description of proposed structure:			
Height of proposed structure: 9' side walls - 4/12 Pitch Roof			
Dimensions of proposed building or addition: 18' x 32'			
Area of proposed building: 576 sq. ft.			
Percentage of lot coverage of building or addition: 16.5 %			
Yard setbacks after completion of building or addition (measured from lot line):			
Front yard: 55 ft.	Side yard: 3 ft.	Rear yard: 56 ft.	
Section number of Zoning Ordinance that is being appealed: Sec. 38-351 R-1			

Clearly state your request: I request ~~to~~ build a new garage that will be 3' off of the property line. The current garage is 7' off the property line. Adding width to the garage will make it possible to open vehicle doors when parked inside. The old garage is to be completely demolished and new one put in its place. New footings and concrete will be done.



City of Owosso Building Department
301 W. Main St. Owosso, MI 48867
989-725-0535 building@ci.owosso.mi.us

**ACCESSORY STRUCTURE APPLICATION
FOR ZONING COMPLIANCE**
\$75 application fee

A zoning compliance certificate is required to construct a non-habitable detached accessory structure and above ground swimming pools.

PROPERTY ADDRESS: 1306 Stinson St.	
PROPERTY OWNER INFORMATION:	
Name: Andrew Snyder	Address: 1306 Stinson St.
Phone Number: —	Cell: 989-413-8662
E-mail: drewby1971@gmail.com	

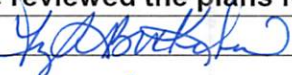
APPLICANT INFORMATION: (if not property owner)	
Name:	Company Name:
Address:	
Phone Number:	Cell:
E-mail:	

Property tax id number:
Zoning district:
List all existing buildings on property and size: (i.e. dwelling, shed, garage) Shed - 8' x 10' Garage - 14' x 19' House - 38' x 24'

TYPE OF ACCESSORY STRUCTURE: (check all that apply)	
<input checked="" type="checkbox"/> Garage	<input type="checkbox"/> Shed
<input type="checkbox"/> Carport	<input type="checkbox"/> Gazebo
<input type="checkbox"/> Greenhouse	<input type="checkbox"/> Above ground swimming pool
<input type="checkbox"/> Pool house	<input type="checkbox"/> Other
<input type="checkbox"/> Structure length:	<input type="checkbox"/> Structure width:
<input type="checkbox"/> Structure height:	<input type="checkbox"/> Structure square footage:
SETBACKS:	
<input type="checkbox"/> Front yard	<input type="checkbox"/> Rear yard
<input type="checkbox"/> Side yard	<input type="checkbox"/> House
<input type="checkbox"/> Other structures	<input type="checkbox"/>
WHAT UTILITIES ARE/WILL BE AVAILABLE IN THE STRUCTURE:	
<input checked="" type="checkbox"/> Electricity	<input type="checkbox"/> Water
<input type="checkbox"/> Sewer	<input type="checkbox"/> Heat – gas (forced air)
<input type="checkbox"/> Heat – gas (hot water)	<input type="checkbox"/> Heat – electric
<input type="checkbox"/> Heat – wood	<input type="checkbox"/> Other (describe)
NOTE: ELECTRICAL, PLUMBING AND/OR MECHANICAL PERMITS MAY BE REQUIRED	

City of Owosso Zoning Ordinance 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 the 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.

Applicant/Owner Signature: 	Date: 3-20-23
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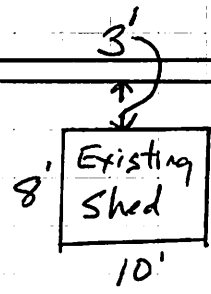
OFFICE USE ONLY	
Existing legal non-conformities:	<input checked="" type="radio"/> YES <input type="radio"/> NO Garage is approx 6'-7' from lot line
If yes, details:	
Zoning compliance application:	APPROVED <input checked="" type="radio"/> DENIED
Remarks:	8' setback is required. Referred applicant to the Variance process.
I hereby certify that I have reviewed the plans for zoning compliance only, not for construction.	
Zoning Official signature: 	Date: 3/21/2023

Article XVI - schedule of regulations
Sec 38.351 R-1 side yard setback is 8'

Property Line

1306 Stinson

60' N ↑



74'

56'

32'

New Garage

3' offset from property line

Existing House

38'

24' offset from property line

18'

145'

Driveway

34'

Side walk

4' offset from house

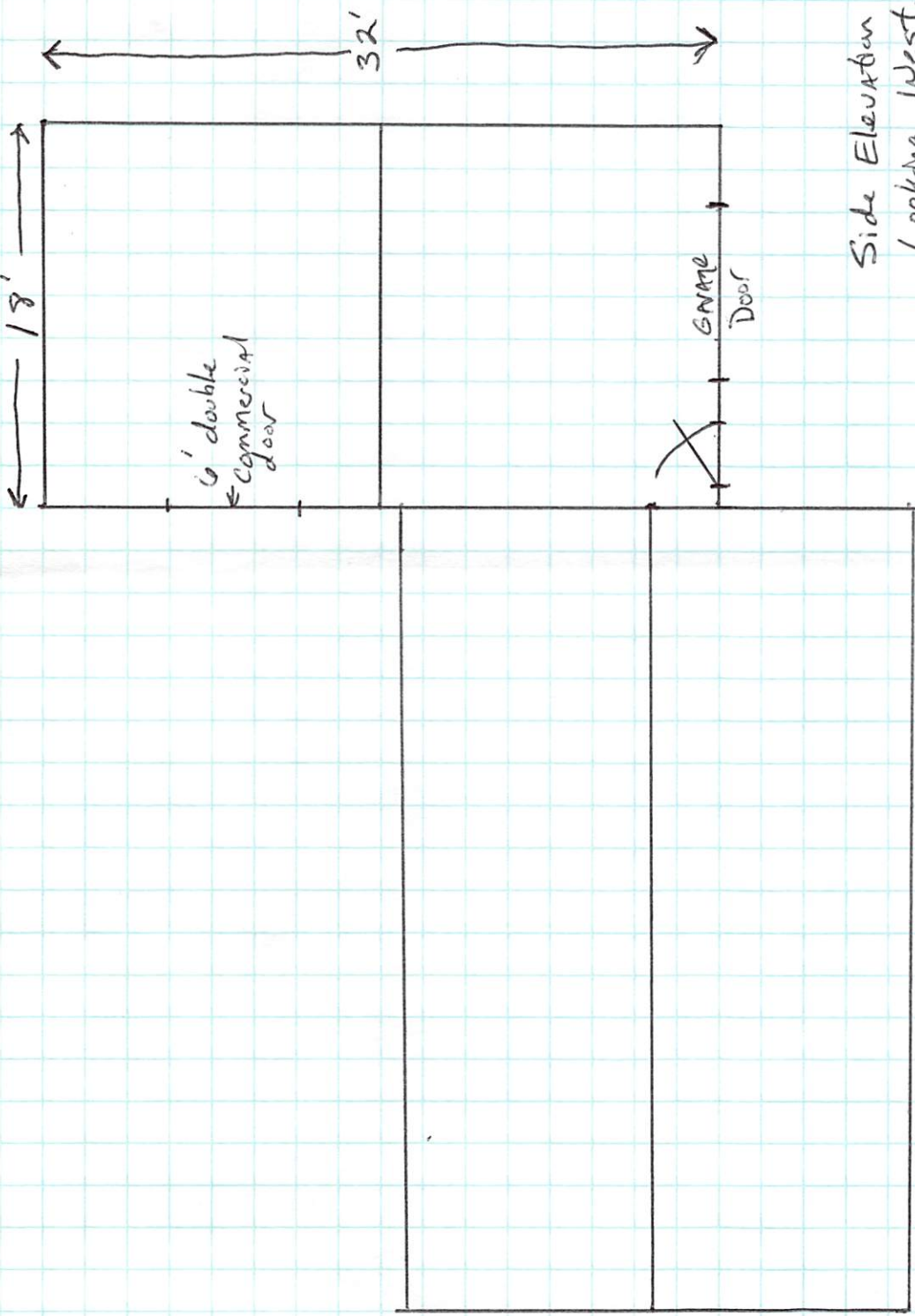
8' wide

Stinson St.

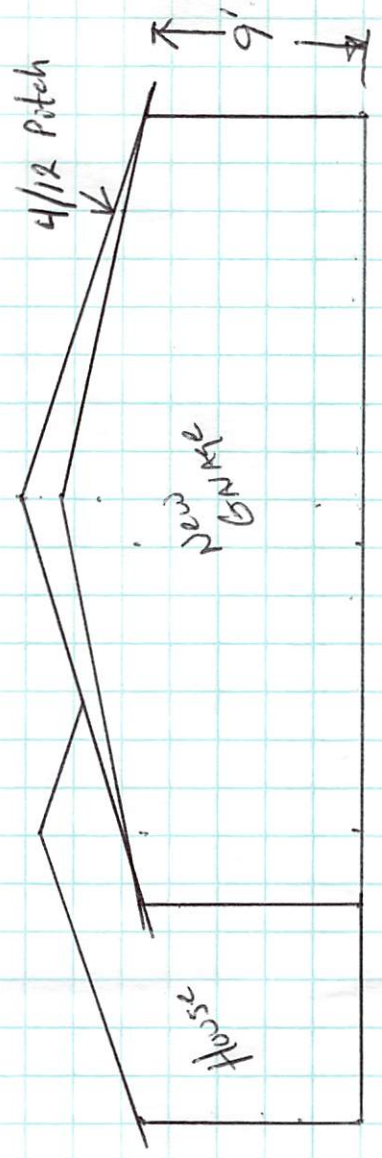
ROAD

9 ft. Ceiling in proposed garage.

1306 STINSON



Side Elevation
Looking West.



Owosso Zoning Board of Appeals- Fact Finding Letter

Zoning Board of Appeals Members,

I'm writing this letter to request a variance and describe how it satisfies the nine facts of finding. This is not being built for any reason other than personal preference and practicality. Several other options were considered, but this is the most practical location and size for our needs. No other special land use permits or variances will be required if allowed to build as requested. This will be used for residential use only. I have not seen any other properties with the same dimensions and locations we are requesting, in this neighborhood. This will be unique to our property and only be related to said property. The backyard will be fully accessible if this variance is granted. There will be a 6' door on the west wall of the garage, and the gate on the west side of the house will remain intact. There will not be any lighting issues as there isn't any type of vegetation that will be affected. It will not increase traffic flow or create traffic congestion as there are not any alleyways or streets that would be affected. The garage next to our property may have a slightly bigger shadow cast on it, but there are no windows or doors on that side of said garage. There will be 6' of separation between the proposed garage and the neighbor's garage if approved. The new garage and associated improvements to the driveway, utilities and siding will increase property value and enhance the look of the neighborhood overall. After walking the neighborhood and observing other properties with similar house size and lot sizes as ours, it would seem reasonable to grant this variance as many have attached buildings/garages that are a lot closer than the 8' setback set forth in Article XVI Schedule of Regulations Sec. 38-351 in the code of ordinances. Most notably are the homes located on the south side of King St. that are between Chipman St. and Center St. (See attached overhead photo). I look forward to attending the next available meeting to address any questions or concerns with this request.

Thank You,

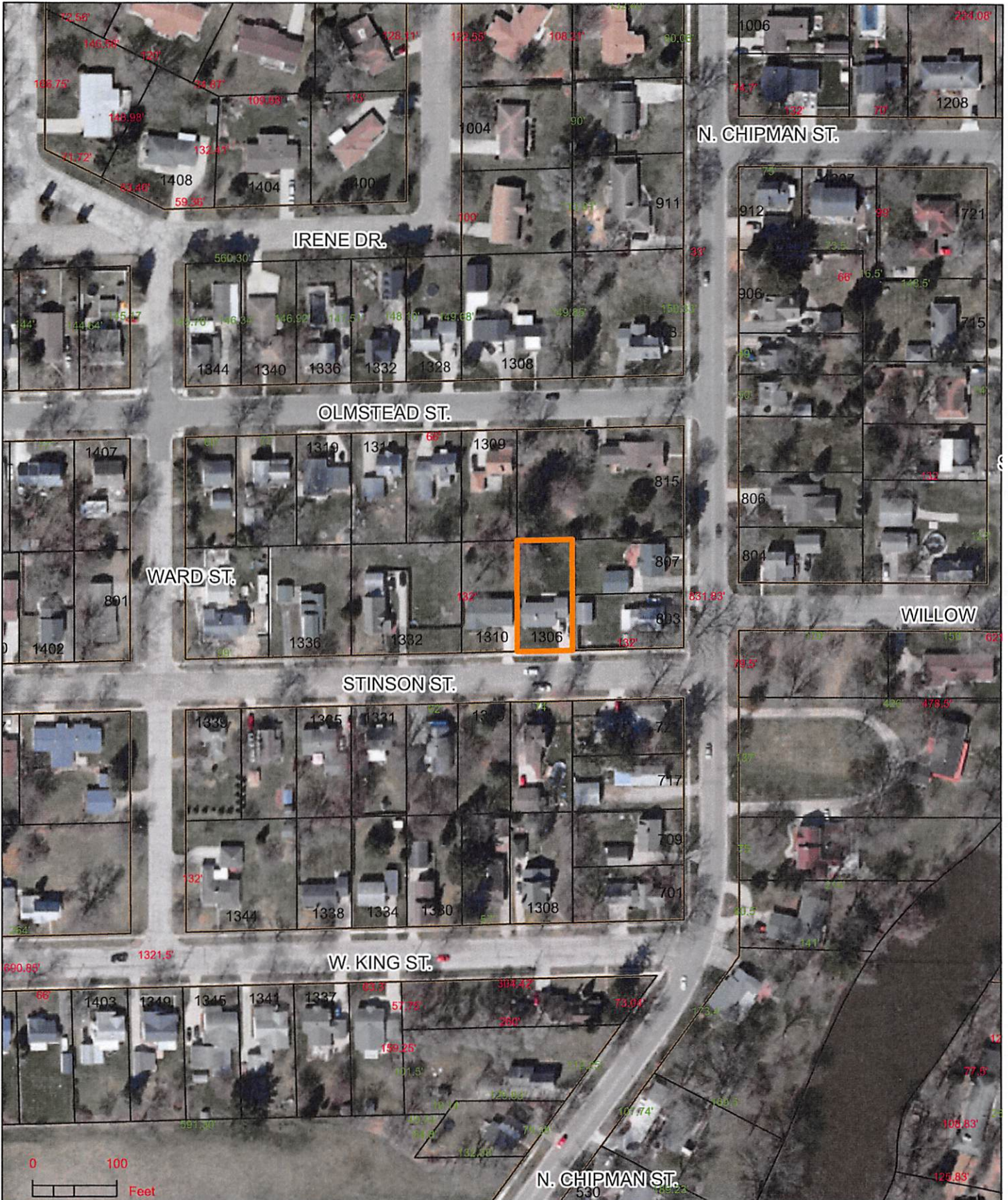
Andrew Snyder
1306 Stinson St.
Owosso, MI 48867

Zoning Board of Appeals,

I am requesting a variance to build a new garage where our current garage is located but would like to make it 4' wider and 12' deeper to accommodate parking a full-size vehicle. In doing so, this would require a variance due to the new attached building being closer than the 8' setback set in Article XVI-Sec 38-351 of the city code of ordinances. Increasing the width would make it possible to open both driver and passenger doors once parked inside. We considered building a larger unattached garage in the back yard, but this would consume most of our yard once the building and cement were put in. One of the reasons we purchased this property was for the back yard and having it for us and our pets to enjoy. By building the new garage as proposed, we can keep full use of the back yard and have a garage that can accommodate our vehicles. We also thought it would be best to keep the design basically the same as it is now, just a little bigger. This would keep the appearance and esthetics of our property relatively the same. New footings and concrete floor will be installed by licensed contractors. A new driveway and approach will be constructed as well. I will be constructing the building myself and will follow all building codes and ordinances required by the city. Thank you for your time and consideration.

Andrew Snyder

OWOSSO





East side of Property.

- My garage is currently 7' from the property line.
- The garage on the right is 3½' from the property line.



West Side of Property.

- 7' from Property line
- Neighbors house on the left is approx. $4\frac{1}{2}'$ from property line.

City of Owosso
Public Hearing Notice

The City of Owosso Zoning Board of Appeals will conduct the following public hearing at the regular meeting scheduled for Tuesday, April 18, 2023 for the following topic:

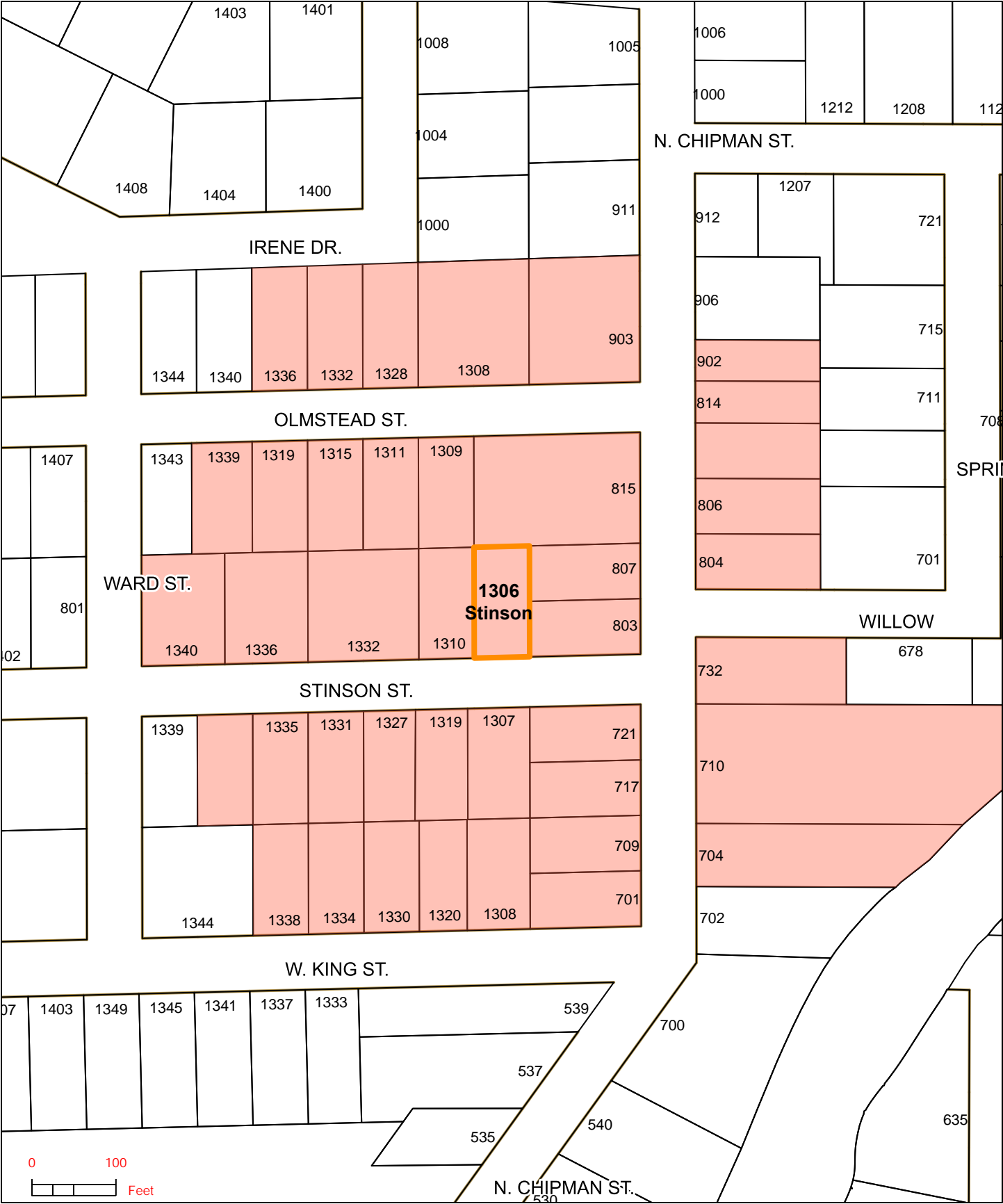
PUBLIC HEARING FOR SETBACK VARIANCE:

1. **Andrew & Kelly Snyder, 1306 Stinson Street:** The applicant is seeking a variance from the Owosso Zoning Ordinance Article XVI. Schedule of Regulations, Sec. 38-351. Schedule limiting height, bulk, density and area by zoning district in the R-1 One-Family Residential District – to allow an attached garage side yard setback to be less than 8 feet from the side lot line. The Owosso Municipal Code requires approval of a dimensional variance from the Zoning Board of Appeals when it can be shown that ordinance standards have been met. The property is zoned R-1, One-Family Residential, where residential uses with attached garages are permitted in that district. The parcel number is 050-603-003-015-00.

The Zoning Board of Appeals meeting will begin at 9:30 a.m. in the City of Owosso Council Chambers, 301 W. Main Street. Persons having any questions regarding these matters are urged to attend this meeting or contact the City Planning and Zoning office at (989) 725-0535.

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 Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500. Website address is www.ci.owosso.mi.us

OWOSSO



April 10, 2023

Zoning Board of Appeals
City of Owosso
301 W Main Street
Owosso, Michigan 48867

Subject: **1306 Stinson Street, Section 38-351, Schedule of Regulations** of the zoning ordinance to allow an attached garage less than 8-feet from an adjacent lot line in the R-1. The subject property is zoned R-1, Single Family District and the request is dated March 27th, 2023.

Attention: Ms. Tanya Buckelew, Building and Planning Director

Dear Board Members:

At your request, we have completed our review of the above variance request for Andrew Snyder, to allow for the placement of a new attached garage to replace an existing garage that is too small, that is less than 8-feet from the side property line where an 8-foot side-yard setback is required by ordinance. The subject property is zoned R-1, Single Family Residential District where this use is a permitted use.

The opinions in this report are based on a review of the materials submitted by the applicant, a site visit, and conformance to city plans and ordinance standards. In making a decision on this request, the Zoning Board of Appeals should apply appropriate standards in consideration of our review, additional comments from the applicant, and relevant factual new information presented at the public hearing. Based upon a review of the submitted application and the dimensional variance criteria in the ordinance, we offer the following comments for your consideration.

REVIEW COMMENTS

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. 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, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any-one (1) of the special conditions listed thereafter can be satisfied:

1. *Will not be contrary to the public interest or the intent and purpose of this chapter.*

Review Comment: The intent of the ordinance is to prevent neighbors from erecting unsightly buildings or structures directly on the property line as well as to provide a level of fire safety

by keeping a minimum distance of separation from adjacent structures. In this neighborhood, many of the existing structures pre-date the existing zoning regulations and the majority of accessory structures are located less than 3-feet from existing lot lines. In this case, the applicant is just looking to keep consistent with the conditions of the neighborhood.

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.

Review Comment: The use is a permitted accessory use within the R-1 District.

3. Is one that is unique and not shared by others.

Review Comment: This condition is applied across the community and is not unique to this property.

4. Will relate only to the property that is under control of the applicant.

Review Comment: The variance will only relate to the property under the control of the applicant.

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.

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.

6. Was not created by action of the applicant (i.e. that it was not self-created).

Review Comment: while the need for the variance is self-created, the owner is only trying to maintain the existing condition of the neighborhood which pre-dates the existing ordinance.

7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.

Review Comment: The variance would not impact property values in the immediate vicinity.

9. Is applicable whether a grant of the variance would be 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.

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have the same conditions with their accessory structures being less than 8 feet from adjacent property lines.

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 piece of land.

Review Comment: It is our opinion that practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code.

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.

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **1306 Stinson Street to allow an attached garage to be placed less than 8-feet from the adjacent property line, be approved**, for the following reasons:

1. The reduction would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;

3. A variance is necessary for the preservation of a substantial property right possessed by others in the same district; and

If you have any further questions, please contact us at 810-734-0000.

Sincerely,

CIB Planning



Carmine P. Avantini, AICP
President



Justin Sprague
Vice President

**CITY OF OWOSSO
ZONING BOARD OF APPEALS
RULES OF PROCEDURE**

SECTION 1.0 PURPOSE

The following rules of procedure are hereby adopted by the City of Owosso Zoning Board of Appeals (hereinafter known as Appeals the "Board") to facilitate the performance of its duties as outlined in the City of Owosso Zoning Ordinance, Chapter 38 of the Owosso City Code and Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq., as amended). ~~For simplicity of presentation the words Chairman, Vice-Chairman or his shall be representative of either gender.~~

SECTION 2.0 MEMBERSHIP AND OFFICERS

2.1 Selection Membership. The Board shall consist of five members appointed by a majority vote of the members of the City Council. Each member shall be appointed to hold office for a three-year term. A vacancy on the Board shall be filled by City Council for the remainder of the unexpired term in the same manner as the original appointment.

The City Council may, if desired, appoint two alternate members for three-year terms. One or both alternate members may be called to sit as a regular member of the Board if a regular member is absent from or unable to attend one or more meetings.

One of the regular members or an alternate member of the Board may be a member of the City Council, but that member shall not serve as Chair of the Board. One of the regular members of the Board shall be a member of the Planning Commission.

2.12.2 Officers. At the regular meeting in July of each year, the ~~Appeals B~~Board shall select from its membership a ~~Chairman, Vice-chairman and~~Chair and Secretary. All officers are eligible for reelection.

2.22.3 Tenure. The ~~Chairman, Vice-Chairman and~~ Secretary shall take office the same meeting of their selection and shall hold office for a term of one year or until their successors are selected and assume office.

2.32.4 Duties. The ~~Chairman~~ shall preside at all meetings, and perform such other duties as may be ordered by the ~~Appeals~~ Board.

2.42.5 Duties. The ~~Vice-Chairman~~ shall act in the capacity of ~~Chairman~~ in his absence and in the event the office of the ~~Chairman~~ becomes vacant, the ~~Vice-Chairman~~ shall succeed to this office for the unexpired term. The ~~Appeals~~ Board shall select a successor to the office of ~~Vice-eChairman~~ for the unexpired term. The ~~Vice-eChairman~~ shall perform such other duties as the ~~Appeals~~ Board may determine.

2.52.6 Duties. The Secretary shall record the official proceedings of the meetings and conduct all correspondence as may be directed by the ~~Appeals~~ Board. The proceedings of each meeting shall be reviewed at the following meeting of the ~~Appeals~~ Board and be affirmed as a correct representation of the proceedings or amended upon approval by a majority of the ~~Appeals~~ Board members.

SECTION 3.0 NOTICE OF APPEAL

3.1 Filing. Any interested person, or the person's authorized agent, may appeal or seek a variance in writing on a form provided by the zoning administrator, and upon payment of a fee as may be established from time to time by the governing body. Such notice of appeal shall be filed with the zoning administrator not more than 30 days from the date of the decision being appealed.

~~Such request for a variance or appeal of decision may be filed with the zoning administrator at any time.~~

3.2 Notification. Within 10 days from the date of the receipt of the request for a variance, interpretation, notice of appeal or other business item, the zoning administrator shall ~~contact~~ notify the ~~Chairman of the ZBA Board of the upcoming meeting, and establish a date and time for the board to hold a hearing and a meeting to consider and act on the case.~~ Notice of such meeting shall be made by the zoning administrator as specified in Section 4.3 of these rules of procedure. The notice sent to members of the ~~Appeals~~ Board shall include copies of the notice of appeals or request for a variance form; the entire content of the zoning administrators file, and/or other file(s) on the case; other relevant correspondence, permits by other applicable enforcement agencies; and anything else which is relevant.

~~3.2~~ In addition to the above notice requirements, notice of such meeting shall be delivered in person or by first class mail to the landowner, adjacent landowners and occupants within 300 feet of the appellant's property, and a notice sent by first class mail to the person and/or agent seeking the appeal or variance. The notice shall be delivered not less than fifteen (15) days prior to the public hearing. The notice shall be published in a newspaper of general circulation not less than fifteen (15) days prior to the public hearing. The content of such notice shall contain all information required by PA 110 of 2006, as amended.

3.3 Deadline for Action. The above notwithstanding, the ~~Appeals~~ Board shall hear the case and render and file its decision with a statement of reasons for the decision with the zoning administrator not more than 45 days after receipt of the case, unless a longer period of time is mutually agreed upon by the petitioner and the ZBA.

3.4 Site Inspection. The ~~Appeals~~ Board, if the ~~chairman~~Chair considers it necessary, may conduct a site inspection of the site at issue. In such instance, the site inspection shall be posted as part of the public meeting/hearing. A quorum of the ~~Appeals~~ Board shall not ride in the same vehicle to or from a site inspection or to or from a meeting. The site inspection, if posted as part of the meeting/hearing shall always be held the same day and as part of the same meeting ~~asat~~ the start of the public hearing on the case. Nothing in this paragraph shall prevent members of the ~~Appeals~~ Board from individually and separately visiting a site in question at their own expense and time. A quorum of the ~~Appeals~~ Board shall not make site inspections or otherwise discuss a notice of appeal except during posted open meetings of the ~~Appeals~~ Board.

~~3.5 Notice of Decision. The Secretary, or his designate, shall cause to have timely notices of the Appeals Board decision delivered in person or by first class mail to the zoning administrator, to the governing body's attorney's office, the petitioner or his agent, and to anyone else requesting a copy in writing.~~

SECTION 4.0 MEETINGS

4.1 Regular Meetings. The ~~Appeals~~ Board shall meet at least once each year during the month of July. Any other meetings of the ~~Appeals~~ Board shall be called as needed in response to receipt of a Notice of Appeal, so long as the meeting is scheduled within 20 days of the notice of

appeal. The meeting can be called by the zoning administrator of the City of Owosso, the Chair~~man~~ of the Appeals Board, or, in his absence, the Vice-Chair~~man~~. The regular meetings of the Appeals Board shall take place at 9:30 a.m. on the third Tuesday of the month in the City Council Chambers, City Hall, 301 W. Main St., Owosso, Michigan.

- 4.2 Attendance/Performance. If any member of the Appeals Board accumulates unexcused absences for more than two meetings in a row, or more than 25% of the meetings held in a rolling 24-month period, then that member shall be considered delinquent. Delinquency shall not be established when the absent Board member has given notice to the Board at least five days in advance of their absence. The Appeals Board shall make a finding of the delinquent member's reason for absence, commitment to future performance, and impact on the Appeal Board's ability to conduct business for the public. These findings, after public discussion of the delinquency determines neglect of duty, shall be forwarded by the Secretary to the Mayor for further action which may include removal from office in accordance with the Michigan Zoning Enabling Act of 2006 as amended.
- 4.3 When a petitioner fails to appear at a properly scheduled meeting of the Board of Appeals, the Chair~~man~~ may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Appeals Board, the chair shall rule. In cases which are dismissed for want of prosecution, the petitioner will be furnished written notice of the action by the Secretary of the Appeals Board. The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair~~man~~ for good cause shown, and upon payment of a fee set from time to time by the governing body. In all cases reinstated in the above-described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.
- 4.4 Other Meetings. Meetings shall be called by delivering meeting notices by first class mail, electronic mail, or by personal delivery to members of the board at least five days prior to such meeting and shall state the purpose, time, location of the meeting and shall be posted at City Hall ~~ten~~ at least five days prior to such meeting.
- 4.5 Public. All meetings, hearings, records and accounts shall be open to the public, and posted in compliance with P.A. 267 of 1976, the Michigan Open Meetings Act.
- 4.6 Quorum. The presence of three members shall be necessary to constitute a quorum. A majority vote of the members shall be required to pass on business matters. For any matter under which the Appeals Board is required to pass under the provisions of the Owosso City Code, a two-thirds majority vote of the full board shall be necessary.
- 4.7 Order of Business. Agenda. The Secretary or his designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:
- A. **Call to order, roll call and approval of agenda.**
 - B. **Approval of minutes from previous meeting.**
 - C. **Site inspection, then recess** (optional, if the meeting is posted to include a site inspection).
 - D. **Reconvene and roll call** (if following a site inspection).
 - E. **Election of officers**, if necessary.
 - F. **Public Hearings.** ~~The Chairman will declare a public hearing open and state its purpose.~~
 - 1. The Chair will declare a public hearing open and state its purpose
 - ~~1. The Chairman shall summarize, provide copies, or conspicuously post the procedure for~~

~~public hearing as outlined in Sections 4.6, 4.7, 4.8 and 4.9 of these rules of procedure for any members of the public in attendance.~~

2. Case number (numbered by year/sequence)
 - i. The Zoning Administrator presents the petitioner's request, his action on the latter and reasons for his decision plus a written copy of his request.
 - ii. The petitioner, through himself, his agent, or his lawyer may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.
 - iii. Members of the Appeals Board shall report on their site inspection and any conversations with the petitioner they may have had.
 - iv. Members of the public speak and correspondence is read.
 - v. The Chair~~man~~ may recess the meeting for a short time to allow attending groups to caucus in order to have one individual speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
 - vi. The Chair~~man~~ shall allow the rest of the public to speak in response to the matter and may impose a time limit for the each speaker.
 - vii. Rebuttal. Anyone may ask the Chair~~man~~ questions on presentations or speeches given at this hearing. The Chair~~man~~ will seek an answer to the question. Answers shall be given to the Chair~~man~~. There shall be no discussion, questioning or answering people except between the Chair~~man~~ and the Individual who has the floor.
 - viii. Close the Public Hearing. (At this point all public participation on the issue ends).
 - ix. Members of the Appeals Board may question or request clarification with any interested party on any matter related to the case.

G. Recess to another day as provided in Section 4.8 of these rules of procedure,

H. Business Session.

1. Action on pending case number
 - i. Discussion: Review of facts based on all Information presented (from the application, written request for appeal, zoning ordinance, physical characteristics of the parcels, staff reports, and hearing testimony). Discussion continues until a member proposes a motion that includes a "finding of fact" with those conclusions that are reached and conditions to be applied, if any.
 - ii. A motion is proposed on "finding of fact."
 - iii. Discussion on the Motion,
 - iv. Action on the motion.

2. Other business of the Appeals Board.

I. Public/Commissioner Comments

J. Adjournment

4.7 Comments Out of Order. The Chair~~man~~ shall rule out of order any irrelevant remarks; remarks which are personal, about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not about land use.

4.8 Recesses. The Chair~~man~~ may recess a public hearing and/or meeting to another time if it is after 12 noon or if the meeting (not including site inspections) has been over three hours. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and /or public hearing reconvenes over 36 hours after the action to recess, the reconvened meeting shall be posted at least 18 hours before the time of the reconvened meeting, to comply with Section 4.4 of these rules of procedure. Upon reconvening, a roll call shall be taken as the first order of business.

4.9 Parliamentary Procedure. Meetings shall be conducted in a formal manner, and parliamentary procedure shall be governed by Roberts Rules of Order if not specifically dealt with in these rules of procedure.

4.10 Motions. Motions shall be reiterated by the Chair~~man~~ before a vote is taken.

- A. Motions dealing with an appeal or a variance concerning the City of Owosso Zoning Ordinance shall be stated with the following parts: ~~or stated as two motions:~~
1. The list of facts which is the information pertinent to making a decision on the matter, structured as a "finding of fact" on the case.
 2. The conclusion, decision, of the Appeals Board. This motion, ~~or part of a motion,~~ shall include the following parts:
 - i. The rationale, reason, for why the conclusion was made. The rationale, reasons, shall contain, at a minimum:
 - a. If the property cannot be used in conformance with the ordinance without the requested or lesser variance.
 - b. If the problem is due to a unique situation not shared in common with nearby property owners.
 - c. If granting the variance would not alter the essential character of an area.
 - d. If the problem requiring a variance was not self-created.
(NOTE): All four of the above points must be found true, or in the affirmative, or a variance shall not be granted.
 - e. Other specific standards for variances that are in the City of Owosso Zoning Ordinance.
 - f. An explanation how the facts support the conclusion.
 - ii. The conclusion or decision.
 - iii. Any conditions upon which a variance may be issued, if applicable. Conditions shall be listed in detail and based on regulations or standards already in the Owosso Zoning Ordinance.
 - iv. Reasons why the conditions are imposed.
- B. Motions dealing with an ordinance interpretation, or any appeal of an administrative decision, shall be stated with the following parts: ~~or stated as two motions.~~
1. The list of facts which is the information pertinent to making a decision on the matter.
 2. The conclusion or decision of the Appeals Board. This motion, ~~or part of the motion,~~ shall contain the following parts:
 - i. The rationale, or reasons, to explain how the facts support the conclusion.
 - ~~i.ii.~~ (ii) The conclusion or decision.
- C. Any other motion shall be stated in a prose or in the form of a resolution.

4.11 Voting. Voting shall be by roll call vote, and shall be recorded by yeas and nays. Members must be present to cast a vote.

SECTION 5.0 RECORDS

5.1 Preparation. A record of each meeting, including hearings and site inspections, shall be prepared by the Secretary, or his designate.

5.2 Content. The record of each meeting should include the following items:

- A. A copy of the meeting posting as required in Section 4.43.2 of these rules of procedure.
- B. A signed statement indicating that notices, as required in Section 3.2 of these rules of

- procedure, were sent out, with list of to whom, and an indication of by whom, and a copy of a newspaper notice, if one was published.
- C. A copy of the request for a variance or notice of appeal, whichever is applicable, including any maps, drawings, site plans, etc.
 - D. The original of the minutes of the meeting (including the hearing and site inspection) which shall include, all action taken in chronological sequence of occurrence.
 - E. The records of any action on a case by the zoning administrator.
 - F. The records of all past records regarding the property involved in a case (previous permit, special use permit, variances, appeals).
 - G. Any relevant maps, drawings, photographs, presented as evidence at a hearing.
 - H. Copies of any correspondence received or sent out in regard to a case.
 - I. A copy of relevant sections, or a list of citations of sections of the zoning ordinance.
 - J. A copy of any follow-up correspondence to or from the petitioner regarding the decision.

5.3 Retention. The record of each meeting shall be permanently kept on file and spread in suitable volumes with a copy filed with the City Clerk. All the pertinent documents and minutes for each case before the Board of Appeals shall be copied and filed with the zoning administrator's office. Copies of the minutes shall be distributed to each member of the Appeals Board within ten days of the meeting. Copies of the minutes shall be available to the public no later than five days after a meeting.

SECTION 6.0 OTHER DUTIES

The Appeals Board may also formulate and provide advice and may advise policy to the planning commission or any committee thereof, on issues dealing with the administration, text, map and enforcement of the zoning ordinance.

SECTION 7.0 CONFLICT OF INTEREST

The members of the Appeals Board shall comply with Act No. 196 of the Public Acts of 1973, State of Michigan, as amended as it pertains to standards of conduct for public officers.

SECTION 8.0 ADOPTION AND REPEAL

Upon adoption of these rules of procedure of the Owosso Zoning Board of Appeals and the Owosso City Council, they shall become effective and all previous rules of procedure, as amended, shall be repealed.

SECTION 9.0 AMENDMENTS

These rules may be amended at any regular or special meeting by a majority vote of the total members of the Appeals Board, so long as such amendment does not result in a conflict with state law, zoning ordinance, or court decision.

Approved by City Council on February 7, 2011

Amended by City Council on May 2023