



**CITY OF OWOSSO**  
**Zoning Board of Appeals**  
Tuesday, April 19, 2022 at 9:30 a.m.  
**AGENDA**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – April 19, 2022

APPROVAL OF MINUTES – Amend and Approval of the minutes for July 16, 2019, June 16, 2020 and August 17, 2021

OLD BUSINESS – None

SELECTION OF OFFICERS – due August 2022

**NEW BUSINESS:**

**PUBLIC HEARINGS:**

**1. APPLICANT:** SAGINAW SHIAWASSEE HABITAT FOR HUMANITY  
**LOCATION OF APPEAL:** 701 S PARK STREET, Owosso, MI 48867  
**PARCEL NUMBER:** 050-652-004-008-00  
**PROPERTY ZONING:** R-1, ONE-FAMILY RESIDENTIAL DISTRICT  
**CASE #:** P2022-005

**2. APPLICANT:** SAGINAW SHIAWASSEE HABITAT FOR HUMANITY  
**LOCATION OF APPEAL:** 702 S SAGINAW STREET, Owosso, MI 48867  
**PARCEL NUMBERS:** 050-652-004-010-00  
**PROPERTY ZONING:** R-1, ONE-FAMILY RESIDENTIAL DISTRICT  
**CASE #:** P2022-005

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, May 17, 2022, 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](http://www.ci.owosso.mi.us)

**MOTION BY BOARD MEMBER AND SUPPORTED BY BOARD MEMBER  
TO AMEND THE MINUTES FROM JULY 16, 2019, JUNE 16, 2020 AND AUGUST 17, 2021 FOR THE  
FOLLOWING REASONS:**

- 1. THE CITY DID NOT REAPPOINT KENT TELESZ TO THE ZONING BOARD OF APPEALS IN JUNE OF 2019 BECAUSE MR. TELESZ HAD A DELINQUENCY DUE TO THE CITY OF OWOSSO.**
- 2. AS PER THE CITY CHARTER – CHAPTER 4. – OFFICERS SECTION 4.3. – CERTAIN PERSONS INELIGIBLE FOR CITY OFFICE OR EMPLOYMENT (A) A PERSON WHO IS IN DEFAULT TO THE CITY, SHALL NOT BE ELIGIBLE TO HOLD ANY OFFICE.**

**AYES:  
NAYS:  
RCV**

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JULY 16, 2019 AT 9:30 A.M.  
CITY COUNCIL CHAMBERS**

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

**ROLL CALL:** Was taken by Tanya Buckelew.

**MEMBERS PRESENT:** Chairman Randy Horton, Board Members Michael Bruff, Tom Taylor and Kent Telesz

**MEMBERS ABSENT:** Vice-Chairman Christopher Eveleth, Board Member Matt Grubb and Alternate Robert Teich

**OTHERS PRESENT:** Justin Sprague, CIB Planning, Jordan London, Architect with Edmund London & Associates, Inc., Charlie Thompson, Memorial Healthcare Director of Facilities

**AGENDA:**

**IT WAS MOVED BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE AGENDA FOR THE JULY 16, 2019 REGULAR MEETING AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES:**

**THIS ITEM WAS TABLED UNTIL THE NEXT MEETING TO ALLOW FOR REVIEW**

**CONFLICT OF INTEREST:**

Board Member Bruff received the zoning variance notice due to him living within 300' of the proposed building. Mr. Bruff brought this up as to assure there was not a conflict of interest in regards to him voting on the variances. He is not in conflict as there is neither a financial conflict nor a personal benefit the Mr. Bruff would receive. Chairman Horton, Board Members Taylor and Telesz have agreed there is not a conflict of interest.

**OLD BUSINESS:** - None

**NEW BUSINESS/PUBLIC HEARINGS:**

<b>APPLICANT:</b>	MEMORIAL HEALTH CARE
<b>LOCATION OF APPEAL:</b>	826 W KING STREET, Owosso, MI 48867
<b>PARCEL NUMBERS:</b>	050-310-000-006-00, 050-310-000-007-00, 050-310-000-008-00, 050-310-000-009-00, 050-310-003-001-00, 050-310-003-002-00,

050-310-003-003-00, 050-310-001-015-00, 050-310-001-016-00,  
050-310-001-017-00, 050-310-001-001-00, 050-310-001-002-00,  
050-310-001-003-00, 050-310-001-004-00

**PROPERTY ZONING:** R-1, ONE-FAMILY RESIDENTIAL and OS-1, OFFICE SERVICE

THE APPLICANT IS SEEKING VARIANCES TO ALLOW THE ADDITION OF A  
NEURO/ORTHO/WELLNESS CENTER:

**VARIANCE REQUEST #1:**

THE BUILDING HEIGHT OF 43'4" EXCEEDS THE MAXIMUM HEIGHT OF 35 FEET, PERMITTED BY  
SECTION 38-351, SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING  
DISTRICT

**VARIANCE REQUEST #2:**

A VARIANCE TO PERMIT A PARKING LOT SETBACK OF 25 FEET WHERE SECTION 38(43)(9)(D)  
OFF-STREET PARKING REQUIRES OFF-STREET PARKING LOTS TO BE SET BACK 50 FEET FROM  
LOCAL STREETS.

THE CITY OF OWOSSO MUNICIPAL CODE REQUIRES APPROVAL OF DIMENSIONAL VARIANCES  
FROM THE ZONING BOARD OF APPEALS.

Jordan London presented the plans for the proposed building. He presented each of the 3 floors, noting  
the 3<sup>rd</sup> floor use on the south side of the building would be a running track and the 3<sup>rd</sup> floor to the north  
would be for future medical offices.

Justin Sprague explained why the variances would be needed. Originally, the proposal was going to  
proceed with a Planned Unit Development (PUD), but with the PUD being a long process, it was decided  
to go for the 2 variances as the process would move along at a faster pace. The Planning Commission  
made the decision to add landscaping as opposed to a mason wall.

Chairman Horton opened the Public Hearing and the following spoke:

1. **Marv Sanders, 916 Ada Street, asked about the parking and the survey stakes that are currently present.**

*Response: The property was recently surveyed and the parking lot (if variance is approved) would not begin until 25' setback from the property stakes/property line. The landscape buffer would encompass the area between the parking lot and the property line.*

2. **Tom Koenig, 1000 Ada Street, asked about the landscaping.**

*Response: Additional discussion regarding the landscape buffer continued. The buffer is meant for the new parking lot as there are already trees planted along the existing parking area.*

3. **Karen Harris, 900 Campbell Drive, asked about adding landscaping to the river and the possibility of the light pollution increasing on the neighboring homes. Also asked if there would be any vehicle entry off of Jennett Street and Ada Street.**

*Response: There is not an intention to add in additional landscaping to the river. The light pollution would increase and the hospital will make every effort for it to be a minimal impact on the neighbors. There will not be entry to the hospital from Jennett nor Ada Street.*

4. **Sherry Elwell, 1018 Ada Street, asked why the 25' variance is needed for parking.**

*Response: The variance for parking is part of the Mater Plan and future development for the hospital. In addition, this is part of the reconfiguration of the parking lot to allow for more spaces.*

5. **John Smith, 910 Ada Street, asked the parking lot and hill area across the street from his house and if the Consumers Energy gas lines would be affected again and disrupt his front yard area.**

*Response: The hill area would not be affected by the new parking lot. The hospital has a direct contact with Consumers Energy and any concerns regarding the gas lines will be addressed accordingly.*

6. **Barbara Perkovic, 713 Pine Street, lives behind the old Sunoco station that is now demolished and asked about what additional homes were going to be demolished on her block.**

*Response: The 2 homes adjacent to the former Sunoco building are being demolished – 1 faces King Street and the other faces 52. At this time, nothing is planned for this area. Future development could possibly include parking.*

### **FINDINGS OF FACT AND CONCLUSIONS**

**UPON MOTION OF BOARD MEMBER TELESZ-BRUFF, SECONDED BY BOARD MEMBER TAYLOR,** the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant **does** meet the applicable nine (9) facts of findings:

- 1. Basic Conditions.** In order to qualify for a variance, the applicant must show that a variance:

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

**Review Comment.** The variance will not be contrary to the public interest or to the intent of the ordinance. The request for additional height to allow a third story is consistent with existing buildings on the campus as the hospital itself has a building five (5) stories in height. The reduced parking lot setback still provides ample room for a landscape buffer to shield the parked cars, meeting the intent of the requirement. Standard met.

*b. 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 right. Standard met.

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

**Review Comment.** The Memorial Heath Care campus is an established facility with limited expansion opportunities. Surrounding properties are residential and professional offices, many of which are medical-related. The situation is unique to the healthcare campus. Standard met.

*d. Will relate only to property that is under control of the applicant;*

**Review Comment.** This request relates only to the property under the control of the applicant. Standard met.

*e. 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.** Compliance with the strict letter of the regulations would prevent the applicant from providing the required number of parking spaces to support the facility. Compliance with the strict letter of the height regulations would prevent the applicant from constructing a three story building and therefore reducing the needed square footage needed to provide the new centers. Standard met.

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

**Review Comment.** The need for the variance was not created by the applicant but rather it is due to its established location. Standard met.

*g. 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;*

**Review Comment.** The height increase and reduced parking lot setback will not be impair the adequate supply of light and air to adjacent properties or increase the congestion of public streets or increase the danger of fire or endanger the public safety. Standard met.

*h. 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;*

**Review Comment.** The proposed height and parking lot setback reduction will not be detrimental to the adjacent property or the surrounding area. Standard met.

*i. 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.*

**Review Comment.** An increase in height and encroachment into the front yard setback will not be detrimental to the adjacent property or the surrounding area. Without the requested variances, the applicant is not able to construct the building with all its proposed centers.

**2. 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:

*a. 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; OR*

*b. 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; OR*

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

**Review Comment.**

*(b) In order for Memorial Health Care to provide additional care in Neuro, Orthopedic, and Wellness areas, the requested variances are necessary to construct the building. The campus has a limited amount of property to expand their facilities. Acquiring additional land for parking expansion and future construction is not feasible. Memorial Health Care is an established facility and at one point was permitted to construct a 5-story building. Should the height variance not be approved, the applicant*

*may be forced to use more ground floor area to expand the footprint of the facility, thereby increasing the lot coverage on the lot and limiting future expansion and growth (new buildings providing additional services). The intended use of the property as a health care campus does not apply to other properties in the same zoning district--the campus-style development is unique to the City.*

***The Variance Request #1 for an 8' 4" high dimensional variance is approved to allow the height of the building to be constructed at 43'4" instead of the maximum height of 35'.***

***The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.***

***Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.***

The above findings, conclusions and decision were adopted by a roll call vote as follows:

**AYES: BOARD MEMBERS BRUFF, TAYLOR, TELESZ AND CHAIRMAN HORTON**  
**NAYS: NONE**

#### **FINDINGS OF FACT AND CONCLUSIONS**

**UPON MOTION OF BOARD MEMBER TAYLOR, SECONDED BY BOARD MEMBER TELESZ BRUFF,** the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #2. The applicant does meet the applicable nine (9) facts of findings:

**3. Basic Conditions.** In order to qualify for a variance, the applicant must show that a variance:

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

**Review Comment.** The variance will not be contrary to the public interest or to the intent of the ordinance. The request for additional height to allow a third story is consistent with existing buildings on the campus as the hospital itself has a building five (5) stories in height. The reduced parking lot setback still provides ample room for a landscape buffer to shield the parked cars, meeting the intent of the requirement. Standard met.

*b. 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 right. Standard met.

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

**Review Comment.** The Memorial Heath Care campus is an established facility with limited expansion opportunities. Surrounding properties are residential and professional offices, many of which are medical-related. The situation is unique to the healthcare campus. Standard met.

*d. Will relate only to property that is under control of the applicant;*

**Review Comment.** This request relates only to the property under the control of the applicant. Standard met.

*e. 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.** Compliance with the strict letter of the regulations would prevent the applicant from providing the required number of parking spaces to support the facility. Compliance with the strict letter of the height regulations would prevent the applicant from constructing a three story building and therefore reducing the needed square footage needed to provide the new centers. Standard met.

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

**Review Comment.** The need for the variance was not created by the applicant but rather it is due to its established location. Standard met.

*g. 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;*

**Review Comment.** The height increase and reduced parking lot setback will not be impair the adequate supply of light and air to adjacent properties or increase the congestion of public streets or increase the danger of fire or endanger the public safety. Standard met.

*h. 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;*

**Review Comment.** The proposed height and parking lot setback reduction will not be detrimental to the adjacent property or the surrounding area. Standard met.

*i. 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.*

**Review Comment.** An increase in height and encroachment into the front yard setback will not be detrimental to the adjacent property or the surrounding area. Without the requested variances, the applicant is not able to construct the building with all its proposed centers.

**4. 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:

*a. 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; OR*

*b. 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; OR*

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

**Review Comment.**

*(b) In order for Memorial Health Care to provide additional care in Neuro, Orthopedic, and Wellness areas, the requested variances are necessary to construct the building. The campus has a limited*

amount of property to expand their facilities. Acquiring additional land for parking expansion and future construction is not feasible. Memorial Health Care is an established facility and at one point was permitted to construct a 5-story building. Should the height variance not be approved, the applicant may be forced to use more ground floor area to expand the footprint of the facility, thereby increasing the lot coverage on the lot and limiting future expansion and growth (new buildings providing additional services). The intended use of the property as a health care campus does not apply to other properties in the same zoning district--the campus-style development is unique to the City.

**The Variance Request #2 for the parking lot to be setback 25' from the property line instead of the required 50' setback is approved.**

**The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.**

**Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.**

The above findings, conclusions and decision were adopted by a 3 – 1 roll call vote as follows:

**AYES: BOARD MEMBERS BRUFF, TAYLOR AND CHAIRMAN HORTON**  
**NAYS: ~~BOARD MEMBER TELESZ~~ NONE**

OTHER BOARD BUSINESS: None

PUBLIC COMMENTS AND COMMUNICATIONS: None

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER ~~TELESZ~~ BRUFF AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN AT 10:35 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, AUGUST 20, 2019, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

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Matthew Grubb, Secretary



**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JUNE 16, 2020 AT 9:30 A.M.  
VIRTUAL MEETING**

**CALL TO ORDER:** The meeting was called to order by City Manager Nathan Henne at 9:35 a.m.

**ROLL CALL:** Was taken by Tanya Buckelew.

**MEMBERS PRESENT:** Chairman Randy Horton (joined meeting at 9:41 a.m.), Board Members Michael Bruff, Robert Teich and Kent Telesz

**MEMBERS ABSENT:** Vice-Chairman Christopher Eveleth, Board Member Matt Grubb and Tom Taylor

**OTHERS PRESENT:** Justin Sprague, CIB Planning,

**AGENDA:**

**IT WAS MOVED BY BOARD MEMBER BRUFF AND SUPPORTED BY BOARD MEMBER TELESZ TEICH TO APPROVE THE AGENDA FOR THE JUNE 16, 2020 REGULAR MEETING WITH THE ADDITION OF APPROVAL OF MINUTES OF MAY 21, 2019.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES:**

**IT WAS MOVED BY BOARD MEMBER TELESZ TEICH AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE MINUTES OF MAY 21, 2019 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**IT WAS MOVED BY BOARD MEMBER TELESZ TEICH AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE MINUTES OF JULY 16, 2019 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**OLD BUSINESS:** - None

**NEW BUSINESS/PUBLIC HEARINGS:**

- |                            |                                      |
|----------------------------|--------------------------------------|
| <b>1. APPLICANT:</b>       | ALLAN MARTIN                         |
| <b>LOCATION OF APPEAL:</b> | 615 N PARK STREET, Owosso, MI 48867  |
| <b>PARCEL NUMBER:</b>      | 050-470-032-005-00                   |
| <b>PROPERTY ZONING:</b>    | R-2, TWO-FAMILY RESIDENTIAL DISTRICT |
| <b>CASE #:</b>             | P2020-007                            |

The applicant is seeking variances to allow the replacement of current garage with new 26' X 26' – 2 stall garage - height of 18' 10" and location of 2' 4" from side yard lot line and 2' 7" from rear yard lot line.

**VARIANCE REQUEST #1 – Height of Structure:**

A variance to permit the building height of 18' 10" that exceeds the maximum height permitted by *Section 38-379, Accessory Buildings (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.*

**VARIANCE REQUEST #2 – Location from Side and Rear Lot Lines:**

A variance to permit the setbacks of 2' 4" from side yard lot line and 2' 7" from rear yard lot line that is less than permitted by *Section 38-379, Accessory Buildings (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*

Justin Sprague, CIB Planning, discussed the details of this request.

**PUBLIC HEARING 9:50 – 10 a.m.:**

No comments were received

**After discussion between board members, city planner and property owner the following motions were made:**

**VARIANCE REQUEST #1:**

**UPON MOTION OF BOARD MEMBER TEICH, SECONDED BY BOARD MEMBER BRUFF**, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant does meet the applicable nine (9) facts of findings:

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.*

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: it is clear that a number of additional garages in the area appear to be over the 14-foot required height.**

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 having heights above 14-feet.**

**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 a 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.**

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 **615 N. Park Street to allow an accessory structure have a height that is 4-feet above what is required, 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 variation is necessary for the preservation of a substantial property right possessed by others in the same district; and

The above findings, conclusions and decision were adopted by a roll call vote as follows:

**AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON**

**NAYS: NONE**

The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6)

months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board.” Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

#### **VARIANCE REQUEST #2:**

**MOTION BY BOARD MEMBER BRUFF, SECONDED BY BOARD MEMBER TELESZ TEICH TO ACCEPT THE WITHDRAW REQUEST FROM PROPERTY OWNER, ALLEN MARTIN FOR THE 3’ SETBACK FROM PROPERTY LINES, AS THE STRUCTURE WILL NOW BE AT LEAST 3’ AWAY FROM THE SIDE AND REAR LOT LINES.**

**AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON**

**NAYS: NONE**

**RCV**

<b>2. APPLICANT:</b>	GORDON SURETTE/JOSEPH HAMMONTREE
<b>LOCATION OF APPEAL:</b>	507 GILBERT STREET, Owosso, MI 48867
<b>PARCEL NUMBER:</b>	050-111-002-012-00
<b>PROPERTY ZONING:</b>	R-1, ONE-FAMILY RESIDENTIAL DISTRICT
<b>CASE #:</b>	P2020-008

The applicant is seeking a variance to allow the replacement of current attached garage with new 8’ X 12’ X 9’ at peak detached accessory structure. Location – 7’ from main structure, 0’ from side yard lot line and 1’ from rear yard lot line.

#### **VARIANCE REQUEST #1 – Location from Main Building and Side/Rear Lot Lines:**

A variance to permit the setbacks of 0’ from side yard lot line, 1’ from rear yard lot line and 7’ from main building that is less than permitted by *Section 38-379, Accessory Buildings (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*

Justin Sprague, CIB Planning, discussed the details of this request.

#### **PUBLIC HEARING 10:02 – 10:05 a.m.:**

One comment was received from Janet Walker of 615 E. Oliver Street on June 12, 2020. She was unable to attend the meeting but approves of the request.

**UPON MOTION OF BOARD MEMBER TEICH, SECONDED BY BOARD MEMBER BRUFF**, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant does meet the applicable nine (9) facts of findings:

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 the same footprint as the existing garage and will be locating the shed behind the garage to maintain the existing look and building lines.

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 on the property 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. It should be noted though that if the variance is approved, the applicant will need to ensure the building is fire rated and approved by the City Building Official to ensure there will be no fire issues for the adjacent property.

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 3 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 a 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 **507 Gilbert Street to allow an accessory structure to be placed less than 3-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 variation is necessary for the preservation of a substantial property right possessed by others in the same district; and
4. As a condition of approval, the building official must approve the accessory structure to ensure fire code is met.

**The above findings, conclusions and decision were adopted by a roll call vote as follows:**

**AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON**

**NAYS: NONE**

***The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.***

***Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board.” Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.***

**UPON MOTION OF BOARD MEMBER TEICH, SECONDED BY BOARD MEMBER BRUFF**, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant does meet the applicable nine (9) facts of findings:

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:

7. *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 the same footprint as the existing garage and will be locating the shed behind the garage to maintain the existing look and building lines.

8. *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.

9. *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.

10. *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.

11. *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.

12. *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 on the property 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. It should be noted though that if the variance is approved, the applicant will need to ensure the building is fire rated and approved by the City Building Official to ensure there will be no fire issues for the adjacent property.

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 3 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 a 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 **507 Gilbert Street to allow an accessory structure to be placed less than 10-feet from the home be approved**, for the following reasons:

5. The reduction would not be contrary to the intent of the ordinance;
6. The variance would provide justice shared by other properties in the area;
7. A variation is necessary for the preservation of a substantial property right possessed by others in the same district; and
8. As a condition of approval, the building official must approve the accessory structure to ensure fire code is met.

**The above findings, conclusions and decision were adopted by a roll call vote as follows:**

**AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON**

**NAYS: NONE**

***The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.***

***Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board.” Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.***



OTHER BOARD BUSINESS: None

PUBLIC COMMENTS AND COMMUNICATIONS: None

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER BRUFF AND SUPPORTED BY BOARD MEMBER TEICH TO  
ADJOURN AT 10:27 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY,  
JULY 21, 2020, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

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Matthew Grubb, Secretary

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
AUGUST 17, 2021 AT 9:30 A.M.**

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

**ROLL CALL:** Was taken by Tanya Buckelew.

**MEMBERS PRESENT:** Board Members Tom Taylor, Robert Teich, Kent Telesz and Chairman Randy Horton.

**MEMBERS ABSENT:** Vice-Chairman Christopher Eveleth, Board Member Matt Grubb

**OTHERS PRESENT:** Justin Sprague, CIB Planning,

**AGENDA:**

**IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE AGENDA FOR THE AUGUST 17, 2021 REGULAR MEETING.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES:**

**IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE MINUTES OF JUNE 16, 2020 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**OLD BUSINESS:** - None

**NEW BUSINESS:**

**1. SELECTION OF OFFICERS – CHAIRMAN, VICE-CHAIR, SECRETARY**

**IT WAS MOVED BY BOARD MEMBER TELESZ TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPOINT RANDY HORTON AS CHAIRMAN, CHRISTOPHER EVELETH AS VICE-CHAIR AND MATTHEW GRUBB AS SECRETARY.**

**PUBLIC HEARINGS:**

- |                            |  |
|----------------------------|--|
| <b>1. APPLICANT:</b>       | JANIE & KEVIN YEAGER                   |
| <b>LOCATION OF APPEAL:</b> | 612 W STEWART STREET, Owosso, MI 48867 |
| <b>PARCEL NUMBER:</b>      | 050-673-006-011-00                     |
| <b>PROPERTY ZONING:</b>    | R-1, ONE-FAMILY RESIDENTIAL DISTRICT   |
| <b>CASE #:</b>             | P2021-011                              |

Chairman Horton opened the Public Hearing at 9:35 am.

Received a phone call from Thomas Brewer of 610 W. Stewart Street and stated he had no objections to the variance.

Janie and Kevin Yeager stated the purpose of the variance request. When they bought the house in 2020, there was already a 4' high privacy fence close to the sidewalk. They stated the 8' sections near the driveway would be brought in to have driveway clearance.

**REVIEW COMMENTS:**

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

Review Comment: The applicant is proposing to replace the existing fence which is too close to the right-of-way according to ordinance. The fence is required to be at least 19 feet from the public right-of-way in a front yard, which this lot is a corner lot placing the existing fence in the front yard. Since the fence will not add height and will comply otherwise, it is found that this will not be contrary to the intent of the chapter.

- 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 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. In fact, there are a number of properties similarly situated adjacent and near this property with existing non-conforming fences.

- 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 on the property by replacing the fence, 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 fences being less than 19 feet from adjacent rights-of-way.

**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 a practical difficulty or unnecessary hardship would not 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 612 W Stewart Street to allow the replacement of an existing fence, less than 19-feet from a right-of-way, 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. **A variation is necessary for the preservation of a substantial property right possessed by others in the same district**

**IT WAS MOVED BY BOARD MEMBER TELESZ TAYLOR AND SUPPORTED BY BOARD MEMBER TEICH TO ALLOW THE REPLACEMENT OF AN EXISTING FENCE, LESS THAN 19 FEET FROM A RIGHT-OF-WAY BE APPROVED AS RECOMMENDED BY THE CITY PLANNER.**

**AYES: BOARD MEMBERS TAYLOR, TEICH, TELESZ AND CHAIRMAN HORTON.**

**NAYS: NONE**

**RCV MOTION CARRIED**

2. **APPLICANT: DEAN GAFFNER**  
**LOCATION OF APPEAL: 1225 W STEWART STREET, Owosso, MI 48867**  
**PARCEL NUMBERS: 050-606-001-016-00**  
**PROPERTY ZONING: B-1, LOCAL BUSINESS DISTRICT CASE #: P2021-013**

Dena Gaffner, Owner and Chandler Buck, Employee spoke about the need for a fenced in area for towing and storage of vehicles.

Justin Sprague comments:

The applicant property is located at 1225 Stewart and is an existing auto body repair shop which is a non-conforming use. The existing business has also been utilizing a vacant lot across Stewart Street to park customer vehicles either in the queue to be repaired or waiting for customer pickup.

The applicant initially wanted to fence the vacant lot but was not permitted as that would be an expansion of the non-conforming lot. The applicant is now proposing to fence a portion of the existing lot with the business to secure customer vehicles and screen parking on the site. The subject property is zoned B-1, Local Business District where this use is a non-conforming use.

Justin Horvath, SEDP, spoke in favor of the variance and support for the business.

## **REVIEW COMMENTS**

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

Review Comment: The applicant is proposing to add screening fence which is too close to the right-of-way according to ordinance. The fence is required to be at least 19 feet from the public right-of-way in a front yard, which this lot is a corner lot placing the existing fence in the front yard. Since the fence will prevent an expansion of a non-conforming use on a vacant lot, it is found that this will not be contrary to the intent of the chapter.

### **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 legal non-conforming use within the B-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. In fact, there are a number of properties similarly situated adjacent and near this property with existing non-conforming fences.

### **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 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 improve the existing condition on the property for both the community as well as improve the security of customer vehicles.

### **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 fences being less than 19 feet from adjacent rights-of-way.

**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 a practical difficulty or unnecessary hardship would not 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 improve existing conditions on the property as well as prevent the expansion of an existing non-conforming use of a vacant lot.

## **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 1225 Stewart Street to allow the replacement of an existing fence, less than 19-feet from a right-of-way, 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. A variation is necessary for the preservation of a substantial property right possessed by others in the same district
4. Fence is required to be maintained in high quality

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER **TELESZ** TAYLOR TO ALLOW A NEW FENCE, LESS THAN 19-FEET FROM THE RIGHT-OF-WAY BE APPROVED AS RECOMMENDED BY THE CITY PLANNER.

AYES: BOARD MEMBERS TAYLOR, TEICH, **TELESZ** AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

**OTHER BOARD BUSINESS:** **Board member Telesz** discussed 229 S. Cedar Street and violations of variance. ALL in agreement to enforce conditions provided in variance. Will need to revoke variance if conditions not met.

**PUBLIC COMMENTS AND COMMUNICATIONS:** None

**ADJOURNMENT:**

IT WAS MOVED BY BOARD MEMBER **TELESZ** TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN THE MEETING AT 10:05 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, SEPTEMBER 21, 2021.

YEAS: ALL. MOTION CARRIED.

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Matthew Grubb, Secretary

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 19, 2022 for the following topic:

**PUBLIC HEARING FOR PORCH VARIANCES:**

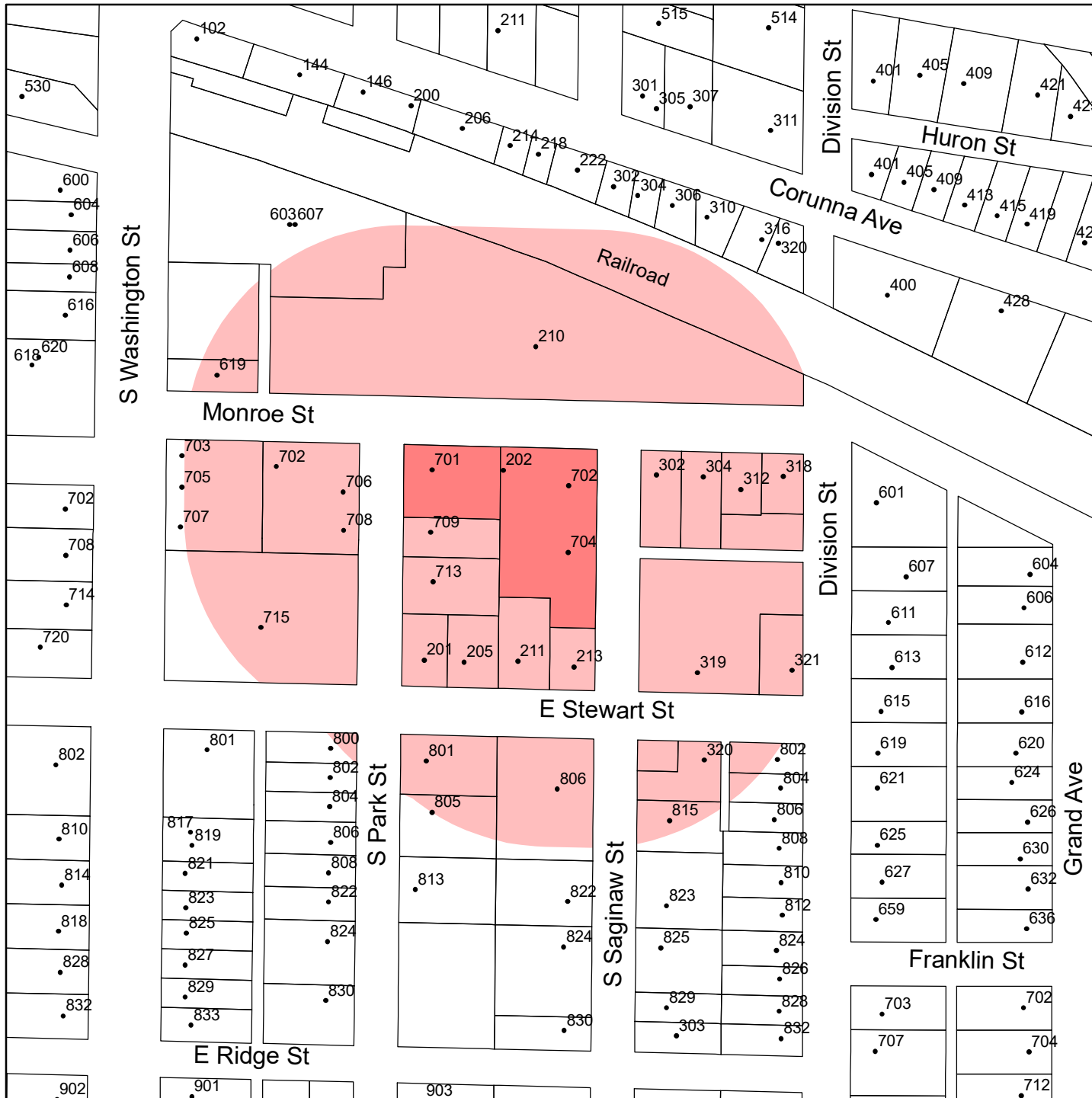
1. **Saginaw Shiawassee Habitat for Humanity, 701 S Park Street:** The applicant is seeking a variance from Sec. 38-351 of the Owosso Zoning Ordinance to allow a front porch to be built less than the 25 feet from the right-of-way line. The Owosso Municipal Code requires approval of a dimensional variance 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 District, where residential uses are permitted in that district. The parcel number is 050-652-004-008-00.
2. **Saginaw Shiawassee Habitat for Humanity, 702 S Saginaw Street:** The applicant is seeking a variance from Sec. 38-351 of the Owosso Zoning Ordinance to allow a front porch to be built less than the 25 feet from the right-of-way 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 District, where residential uses are permitted in that district. The parcel number is 050-652-004-010-00.

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](http://www.ci.owosso.mi.us)

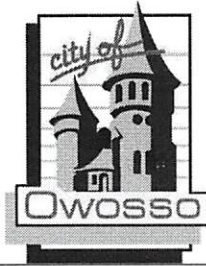


0 100 200 300 400 Feet



Rec'd 03-16-2022

P2022-005

**ZONING BOARD OF APPEALS APPLICATION**

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

<b>I (we) hereby appeal to the Zoning Board of Appeals for a:</b>		
<b>X Variance</b>	<input type="checkbox"/> <b>Permit</b>	<input type="checkbox"/> <b>Interpretation</b>
<input type="checkbox"/> <b>Review/Approval</b>		
<b>Property Information: 2 lots Part of current Parcel Numbers 050-652-004-00 8-00 and 050-652-004-008-00</b>		
Property Street Address: 701 S Park and 702 S. Saginaw Streets will build on Park this year, Saginaw next		
Parcel ID #:current parcel 050-652-004-008-00 and 050-652-004-001-00		Zoning: R-1
<b>Applicant: Saginaw Shiawassee Habitat for Humanity</b>		
Name: Charlie Wargel for Carmen Mora, Saginaw Shiawassee Habitat for Humanity Executive Director		
Address:315 W. Holland, Saginaw Mi. 48602		
Telephone No: 989-295-8447		Email: cluckychucky@aol.com
<b>Description of the property:</b> Corner lot facing S. Park at E. Monroe and corner lot facing S. Saginaw at E. Monroe		
Size of lot: Both 88 ft x 99 ft	Square footage of lot: 8712 sf	Corner or interior lot: Both corner lots
<b>Description of existing structures:</b> None		
Number of buildings now on premises: None		
Size of each building now on premises: NA		
Use of existing buildings on premises: NA		
<b>Description of proposed structure:</b> 1232 sf 3 bedroom one story house on slab, wood frame with vinyl siding and attached 2 car garage and 5ft x 14 ft front porch.		
Height of proposed structure: 17 ft		
Dimensions of proposed building or addition: 44 ft wide x 28 ft deep with 14 ft wide by 5 ft deep front porch and 20ft wide by 20 ft to 24 ft deep garage		
Area of proposed building: 1232 s.f. for house plus 400 s.f. to 480 s.f. attached garage		
Percentage of lot coverage of building or addition: 18.7% with 20 x 20 garage		
<b>Yard setbacks after completion of building or addition (measured from lot line):</b>		
Front yard: 20 ft	Side yard:25 ft north side and 8 ft south	Rear yard: 35 ft
<b>Section number of Zoning Ordinance that is being appealed: Chapter 38 Article XVI. Schedule of Regulations. Sec. 38-351 Schedule limiting height, bulk, density and area by zoning district. R-1 Family Residential Front Yard Setback of 25'</b>		



Clearly state your request: That the 5 ft. front porch can encroach into the front set back by 5 ft. With corner lot restriction of 25 ft. set back on both streets, size of buildable house we want does not fit with a front porch. We build front porches on all of our house, so that our partner family can sit on it and enjoy their neighborhood and have shelter over front entrance.

**Required attachments:**

**1. Site plan, plus a digital copy**

- ❖ Description of site (plat numbers and/or legal description) ✓
- ❖ Area of site (in square feet or acres) ✓
- ❖ Dimensions on all property lines, setbacks, etc. ✓
- ❖ Location of all existing and proposed structures on subject property ✓
- ❖ Location of all existing structures within 100' of subject property ✓
- ❖ Location of all existing and proposed drives, turning lanes, parking areas, number of parking spaces, greenbelt screening and walls ✓
- ❖ Location and right-of-way widths of all abutting streets and alleys ✓
- ❖ Loading and unloading areas ✓

**2. Completed application**

**3. Description of how the requested variance meets all of the nine (9) Facts of Findings**

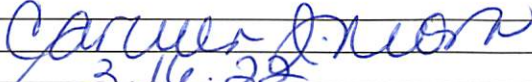
*The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **ALL** of the basic conditions described below, and as stated in Section 38-504(3)a.1-9 can be satisfied.*

**a. Basic conditions. In order to qualify for a variance, the applicant must show that a variance:**

1. Will not be contrary to the public interest or to the intent and purpose of this chapter
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 special land use permit is required.
3. Is unique and not shared with other property owners
4. Will relate only to property that is under 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.
6. Was not created by action of the applicant (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.
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.
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.

**b. Special conditions: When all of the basic conditions can be satisfied a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:**

1. The board may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.
2. Each variance granted under the provisions of this chapter shall become null and void unless:
  - i. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and proceeds to completion in accordance with the terms of the variance;
  - ii. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.

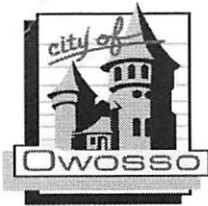
3. No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board to be valid.	
<i>In granting or denying a variance, the board shall state the findings of fact upon which it justifies the action.</i>	
<b>4. Narrative demonstrating why a variance is being sought</b>	
<b>5. Required fee</b>	
Commercial	\$400
Residential	\$175
Commercial Escrow Fee	\$1,500
❖ A cash deposit of \$1,500 shall be placed with the City of Owosso	
❖ The City will let the applicants know when additional funds are needed (typically when about 25% is remaining)	
❖ Should there be funds remaining in the account after completion of the project, the balance will be returned	
<b>6. IT IS IN YOUR BEST INTEREST TO BE PRESENT OR BE REPRESENTED AT THE ZONING BOARD OF APPEALS MEETING</b>	
7. <i>The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the Owosso Zoning Ordinance and following all requirements therein. Further, these professionals shall make themselves aware of all Owosso Master Plan requirements, for example, major thoroughfares, land use, recreations and etc.</i>	
8. <b>Filing requests which are not complete or which are not filed by the meeting deadline, as determined by the Zoning Administrator, will not be placed on the agenda of the ZBA meeting, nor will they be considered at the ZBA meeting.</b>	
Signature	
Date	3-16-22

Filing deadlines are established as follows:

- To comply with various ordinance requirements;
- To permit adequate time for staff to arrange the notice for publication as may be required;
- To permit adequate time for staff to arrange the mailing of notices as may be required;
- To permit adequate time for the ZBA and staff to review the filed materials.
- Filing deadlines are established at **28 calendar days** prior to the ZBA meetings:

2022 Meeting Dates	Submittal Deadlines
January 18	December 21
February 15	January 18
March 15	February 15
April 19	March 22
May 17	April 19
June 21	May 24
July 19	June 21
August 16	July 19
September 20	August 23
October 18	September 20
November 15	October 18
December 20	November 22





**Application Fee:**  
**Single - \$225**  
**Multiple - \$225 each +**  
**\$35/resulting lot**

P2022-003  
03/09/2022

## APPLICATION TO DIVIDE PLATTED CITY LOTS

*The State of Michigan Land Division Act and City of Owosso Subdivision Regulations prohibit the division of platted City lots without prior approval of the City Council.*

### Step-By-Step Guide

1. Staff will assist the applicant by explaining the parcel split process, provide site information, review the application and inform that a survey may be required
  2. Applicant submits application with fee
  3. Departmental review of application
  4. Staff prepares memo for next City Council meeting
  5. Send notice to applicant with the date of the City Council meeting
  6. City Clerk notifies the Building Department and Assessor of Council approval or denial
  7. Final approval or denial notice sent to applicant
- Requests for parcel splits can only be approved if the request meets the requirements of the Zoning Ordinance. The resulting split cannot create a parcel that does not meet the minimum dimensional requirements for the district (street frontage and parcel area). If there are structures on the parcel they must meet the side yard and/or rear yard setback as applicable.
  - It is the owner's responsibility to verify that there are no issues/objections to the request by any persons, firms, or corporations having a legal or equitable interest in the land. **The City does not conduct a title search for the property.**
  - If the parcel involves a principal residence or homestead it is up to the applicant to notify the City Assessor to update their Homestead Exemption.
  - The applicant is responsible to provide a survey and legal descriptions of the proposed parcels (unless waived by the Zoning Administrator). If buildings or structures are located on a parcel a site plan showing set-backs is required. Requests are reviewed for compliance with the Zoning Ordinance. The Zoning Administrator reserves the right to require additional information necessary to meet the requirements of the Zoning Ordinance.
  - **ALL DELINQUENT TAXES/SPECIAL ASSESSMENTS/LIENS MUST BE PAID ON ANY PARCEL BEFORE THE DESCRIPTION OF THE PARCEL CAN BE CHANGED.**

### Applicant Information

Name Saginaw Shiawassee Habitat for Humanity

Affiliation if Not Owner:

Address: 315 W. Holland., Saginaw Mi 48602

Phone: 989-295-8447

### Land Division Information

Parcel Address:	Parcel Number:
701 S. Park	050-652-004-008-00
??? S. Saginaw	050-652-004-001-00

### Proposed Use

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional	<input type="checkbox"/> Other
---	-------------------------------------	-------------------------------------	--	--------------------------------

**Describe the division being proposed**

Divide parcel 050-652-004-08-00 and parcel 050-652-004-001-00 into 4 residential lots and some green space on Saginaw Street. End result will be 1 lot facing S. Park, 1 lot facing E. Monroe and 2 lots and some green space facing S. Saginaw Street

**Affidavit and Permissions:**

- I agree the statements made on this document are true, and if found not to be true, this application and any approvals will be void
- I agree to give permission for officials of the municipality to enter onto property involved in this application for purposes of inspection, to verify that the information provided on the application is correct
- I understand that any approval hereunder only constitutes approval of requested legal descriptions and does not provide, constitute, infer or imply build ability or compliance with any applicable statute, law, building code, deed restriction, or property right
- I agree to comply with the conditions and regulations provided with this parcel division
- I understand that the land division application may take up to 30 days to be processed
- I understand that property tax bills may be issued using the parent parcel(s) and I agree to have the tax bills and other city of Owosso liens charged/billed during this period paid by the appropriate party
- I understand that if property is being conveyed between the parties, requested land division will only take place on city records after recording of deed
- **Divisions require all taxes, special assessments and outstanding invoices be paid in full before the division can be processed**

**Applicant Signature**

*Submitted Via Email on 03/09/2022 / paid Fee on 03/10/2022*

**Date**

City of Owosso Lot Split Ordinance Sec. 30-5. - Lot division.

*The division of a lot in a recorded plat is prohibited, unless approved following application to the city council. The application shall be filed with the city clerk and shall state the reasons for the proposed division. The city council may request review and comment by the city planning commission. The division to be approved by the city council shall have the suitability of the land for building purposes approved by the city zoning administrator, who may require submission of a professionally prepared boundary survey report. No building permit shall be issued, nor any building construction commenced, prior to the city council's approval. No lot in a recorded plat shall be divided into more than four (4) parts, and the resulting lots shall be not less in area than permitted by the city zoning ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.  
(Ord. No. 456, § 1, 12-19-88)*

**ASSESSOR TO ATTACH LOT SPLIT FORM WITH CURRENT AND NEW  
DESCRIPTIONS, ASSESSED AND TAXABLE VALUES**



**City of Owosso Division of Platted City Lots Departmental Review**

<b>1. Building Official Recommends:</b>		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>approved via Email on 03/14/2022</i>			
Signature:			
<b>2. Assessor Recommends:</b>		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>Approved via Email on 03/10/2022</i> <i>see attached for addresses and parcel #'s assigned</i>			
Signature:			
<b>3. Treasurer Tax Information:</b>		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
County Drain Office Special Assessments:	<input checked="" type="checkbox"/> Paid	<input type="checkbox"/> Unpaid	
County Treasurer's Office Delinquent Taxes:	<input checked="" type="checkbox"/> Paid	<input type="checkbox"/> Unpaid	
Special Assessments:	<input checked="" type="checkbox"/> Paid	<input type="checkbox"/> Unpaid	
Comments:			
Signature: <i>Kenny Hegan</i>			
<b>4. Public Utilities Recommends:</b>		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>See Engineering comments on utility connections</i>			
Signature:			
<b>5. Engineering Recommends:</b>		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>Approved via Email on 03/10/2022</i> <i>see attached for additional on utility connections.</i>			
Signature:			
<b>6. Zoning Administrator Recommends:</b>		<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>Approved</i> <i>Variances Required for Front</i> <i>yard projections</i>			
Signature: <i>Justin Sprague</i>			

*City Planner - Justin Sprague - approved via email on 03/16/2022*

Date for City Council Review:	<u>03/21</u> <del>03/10</del> -2022	Date notice sent to applicant:	<u>03-16-2022</u>
City Council action:	<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved with attached conditions
Date results sent to applicant:	<u>03-22-2022</u>		

### Building Department Checklist

Application Reviewed	<input checked="" type="checkbox"/>
Fee paid	<input checked="" type="checkbox"/>
Return all materials to Building Department	<input checked="" type="checkbox"/>
Send copy of application to applicant with date of Council Meeting	<input checked="" type="checkbox"/>
Prepare memo and submit with original application to Clerk's Office	<input checked="" type="checkbox"/>
After Council approval or denial, notify applicant with copy of completed application	<input checked="" type="checkbox"/>
Notify Assessor of approval or denial	<input checked="" type="checkbox"/>
Scan to BS&A file and file hard copy	<input checked="" type="checkbox"/>
Staff Initials	<u>AK</u>



## Tanya S. Buckelew

---

**From:** Michael L. Dowler  
**Sent:** Thursday, March 10, 2022 11:05 AM  
**To:** Tanya S. Buckelew  
**Subject:** RE: Lot Split Review

Assessing recommends approval of lot splits.

Lot 1 will have an address of 701 S Park and parcel number 050-652-004-008-00  
Lot 2 will have an address of 202 E Monroe and parcel number 050-652-004-009-00  
Lot 3 will have an address of 702 S Saginaw and parcel number 050-652-004-010-00  
Lot 4 will have an address of 704 S Saginaw and parcel number 050-652-004-001-00

Green space will be included in lot 4.

These parcel numbers will be active for the 2023 assessment roll.

### **MICHAEL DOWLER, MMAO(4) / PPE**

Assessor  
City of Owosso  
301 W Main St  
Owosso, MI 48867  
989-725-0532  
[michael.dowler@ci.owosso.mi.us](mailto:michael.dowler@ci.owosso.mi.us)

*This communication, along with any documents, files or attachments is intended only for the use of the addresses and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender or the City of Owosso and, when applicable, the opinions expressed here are my own and do not necessarily represent those of the City.*

---

**From:** Tanya S. Buckelew  
**Sent:** Thursday, March 10, 2022 10:35 AM  
**To:** Michael L. Dowler  
**Subject:** RE: Lot Split Review

Lot 1 is already 701 S Park  
Lot 2 will now be 202 E Monroe  
Lot 3 will now be 702 S Saginaw  
Lot 4 will now be 704 S Saginaw  
Green space lot will now be 706 S Saginaw

You pick the tax ID #'s and let me know please.

## Tanya S. Buckelew

---

**From:** Clayton R. Wehner  
**Sent:** Thursday, March 10, 2022 10:23 AM  
**To:** Tanya S. Buckelew; Justin Sprague; Bradley Hissong; Randy J. Chesney; Ryan E. Suchanek; Michael L. Dowler  
**Cc:** Nathaniel R. Henne  
**Subject:** RE: Lot Split Review

Engineering recommends approval of lot split. No existing utility issues.

Habitat for Humanity engineer has been in contact with city engineering department regarding future utility connections for the four houses. Lots 1-3 can connect to existing utilities. Lot 4 will require a water main extension and sanitary sewer extension as Saginaw St does not have existing water main or sanitary sewer. All utility connections will require work order. All work within the right-of-way will require a right-of-way permit.

Clayton

---

**From:** Tanya S. Buckelew  
**Sent:** Thursday, March 10, 2022 9:48 AM  
**To:** Justin Sprague; Bradley Hissong; Clayton R. Wehner; Randy J. Chesney; Ryan E. Suchanek; Michael L. Dowler  
**Cc:** Nathaniel R. Henne  
**Subject:** Lot Split Review

Attached is the lot split application and supporting documentation for the Habitat for Humanity project on the vacant lots of Park/Monroe/Saginaw Streets.

2 vacant lots exist and the split will result in 4 lots for 4 new homes and a small green space area. This project will also require a variance for the front porch setbacks on lots 1 and 3. Application and paper work for the variance is in progress.

I plan on presenting to Council at the April 4<sup>th</sup> meeting, so please get your review back to me within the next couple of weeks.

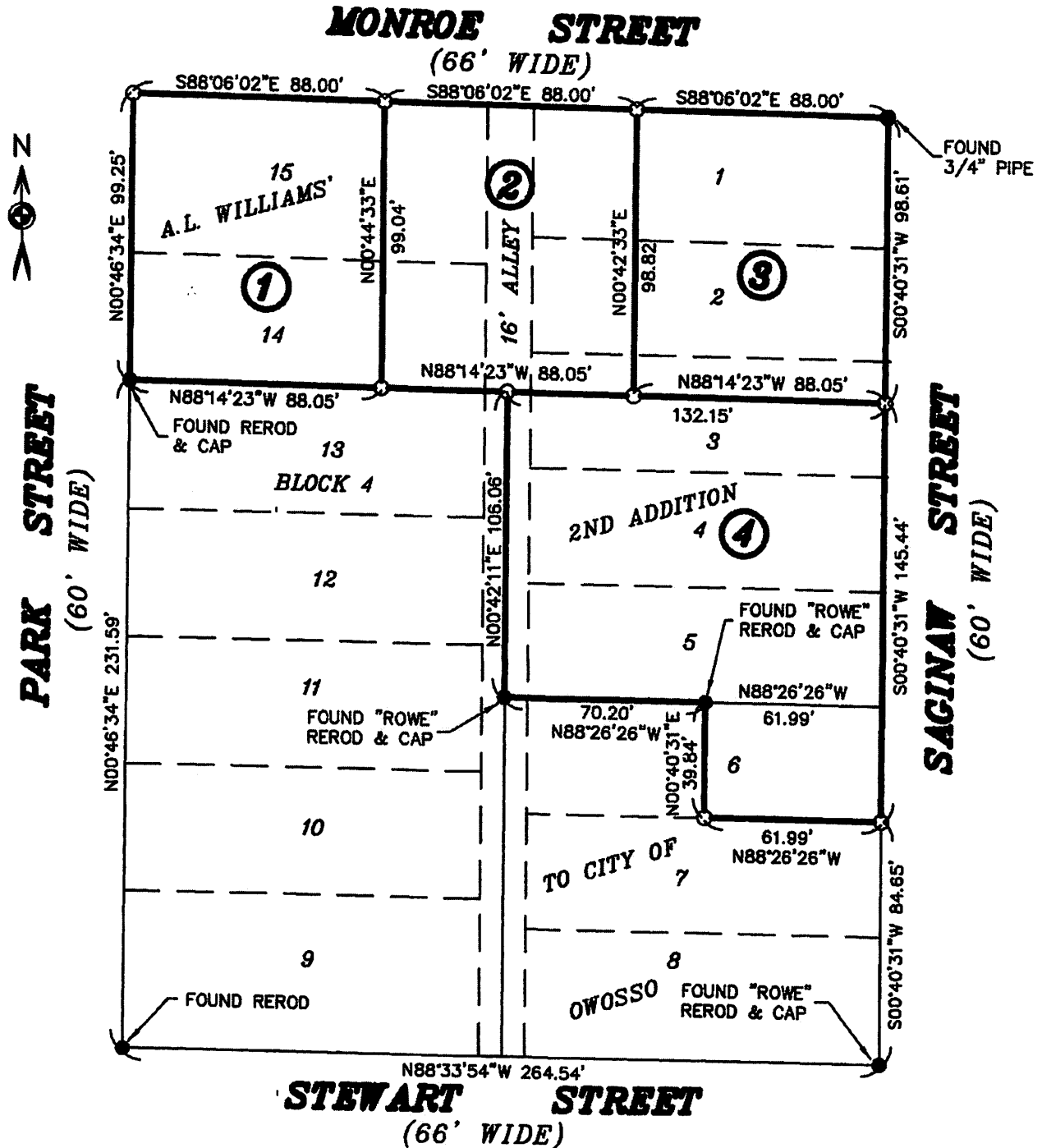
Thank you,

Tanya S. Buckelew  
Planning & Building Director  
301 W Main Street  
Owosso, MI 48867  
989-725-0540

*This communication, along with any documents, files or attachments is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender or the City of Owosso and, when applicable, the opinions expressed here are my own and do not necessarily represent those of the City.*

# CERTIFICATE OF LAND SURVEY

NOTE: Rerods, 18" in length, with cap #24622, were driven at all points marked thus: ○



CLIENT: Saginaw-Shiawassee Habitat for Humanity  
 DATE: February 16, 2022  
 SCALE: 1" = 50' JOB NO. 28157

City of Owosso  
 Shiawassee County,  
 Michigan

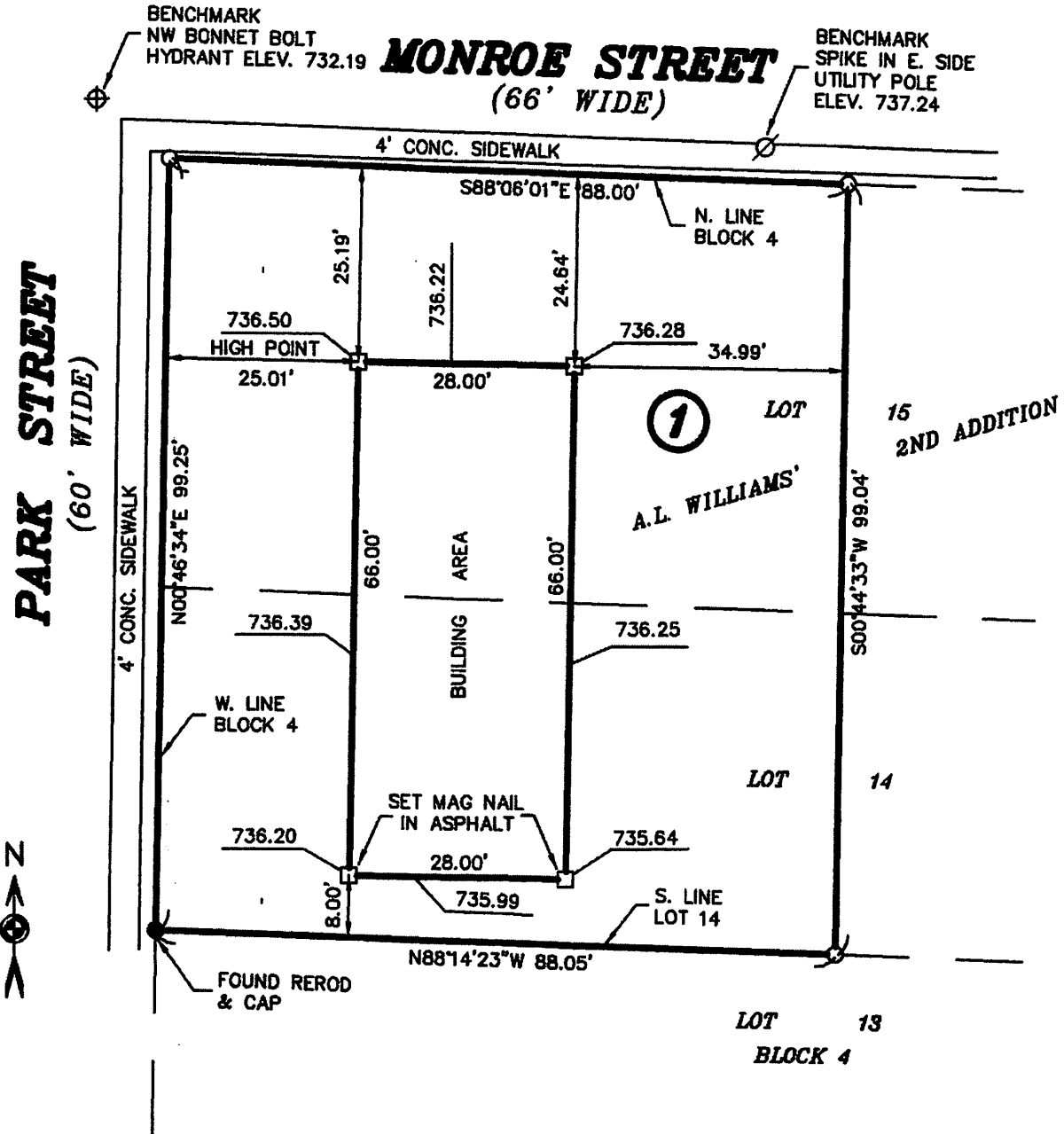
Sheet #1 of 6

I hereby certify that I have surveyed and mapped the land above platted and/or described on 02/10/2022 and that the relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying, and that the requirements of MCL 54.213 have been met.



# CERTIFICATE OF LAND SURVEY

○ = 1/2" REROD, 24" LONG, WITH CAP #24622  
 □ = 3/4" GALV. SPIKE 12" LONG



CLIENT: Saginaw-Shiawassee Habitat for Humanity  
 DATE: February 16, 2022  
 SCALE: 1" = 20' JOB NO. 28157

City of Owosso,  
 Shiawassee County,  
 Michigan

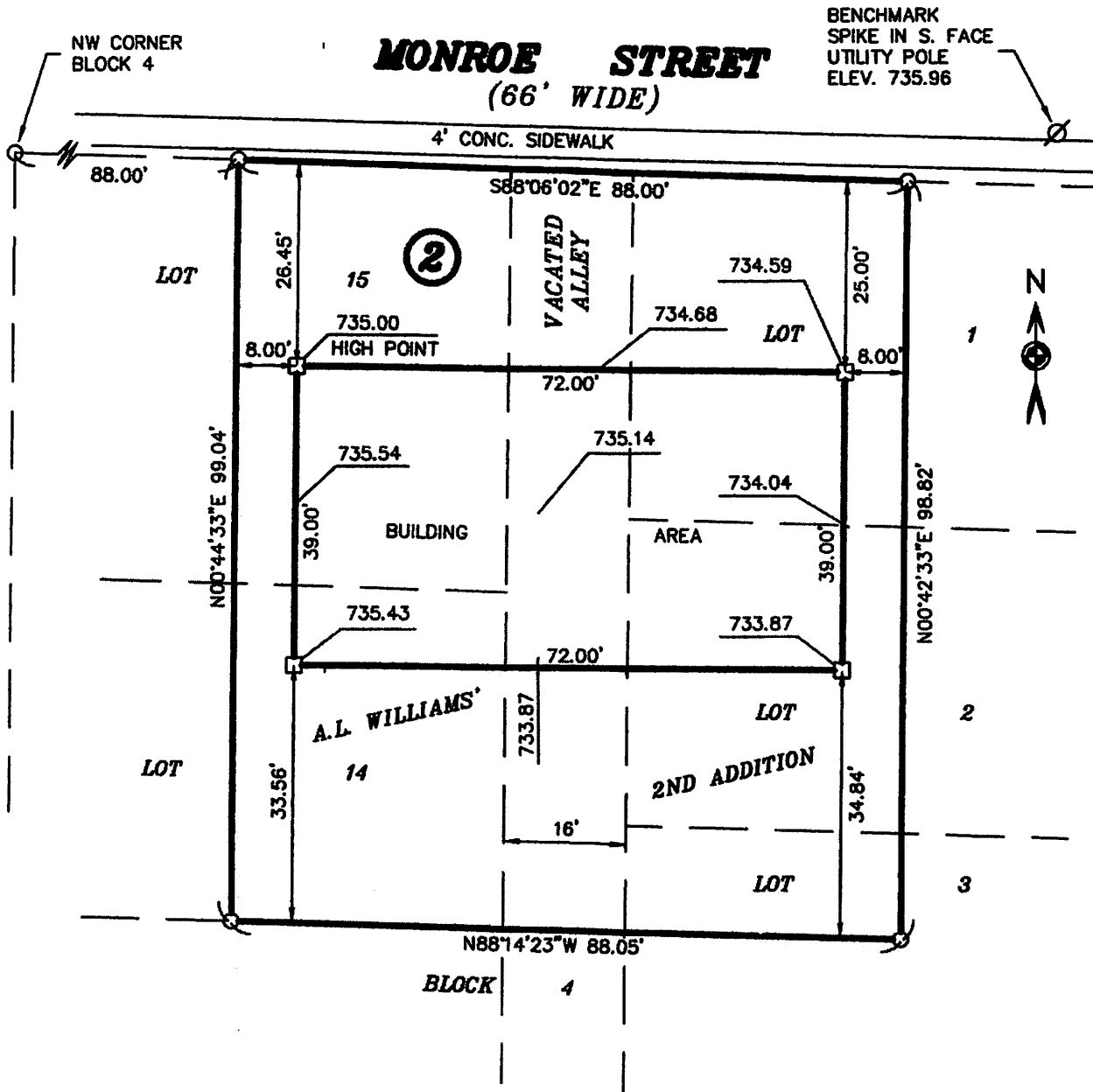
Sheet #2 of 6

I hereby certify that I have surveyed and mapped the land above platted and/or described on 02/10/2022 and that the relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying, and that the requirements of MCL 54.213 have been met.



# CERTIFICATE OF LAND SURVEY

○ = 1/2" REROD, 24" LONG, WITH CAP #24622  
 □ = 3/4" GALV. SPIKE 12" LONG



CLIENT: Saginaw-Shiawassee Habitat for Humanity  
 DATE: February 16, 2022  
 SCALE: 1" = 20' JOB NO. 28157

City of Owosso  
 Shiawassee County,  
 Michigan

Sheet #3 of 6

I hereby certify that I have surveyed and mapped the land above platted and/or described on 02/10/2022 and that the relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying, and that the requirements for MCL 54.213 have been met.



# CERTIFICATE OF LAND SURVEY

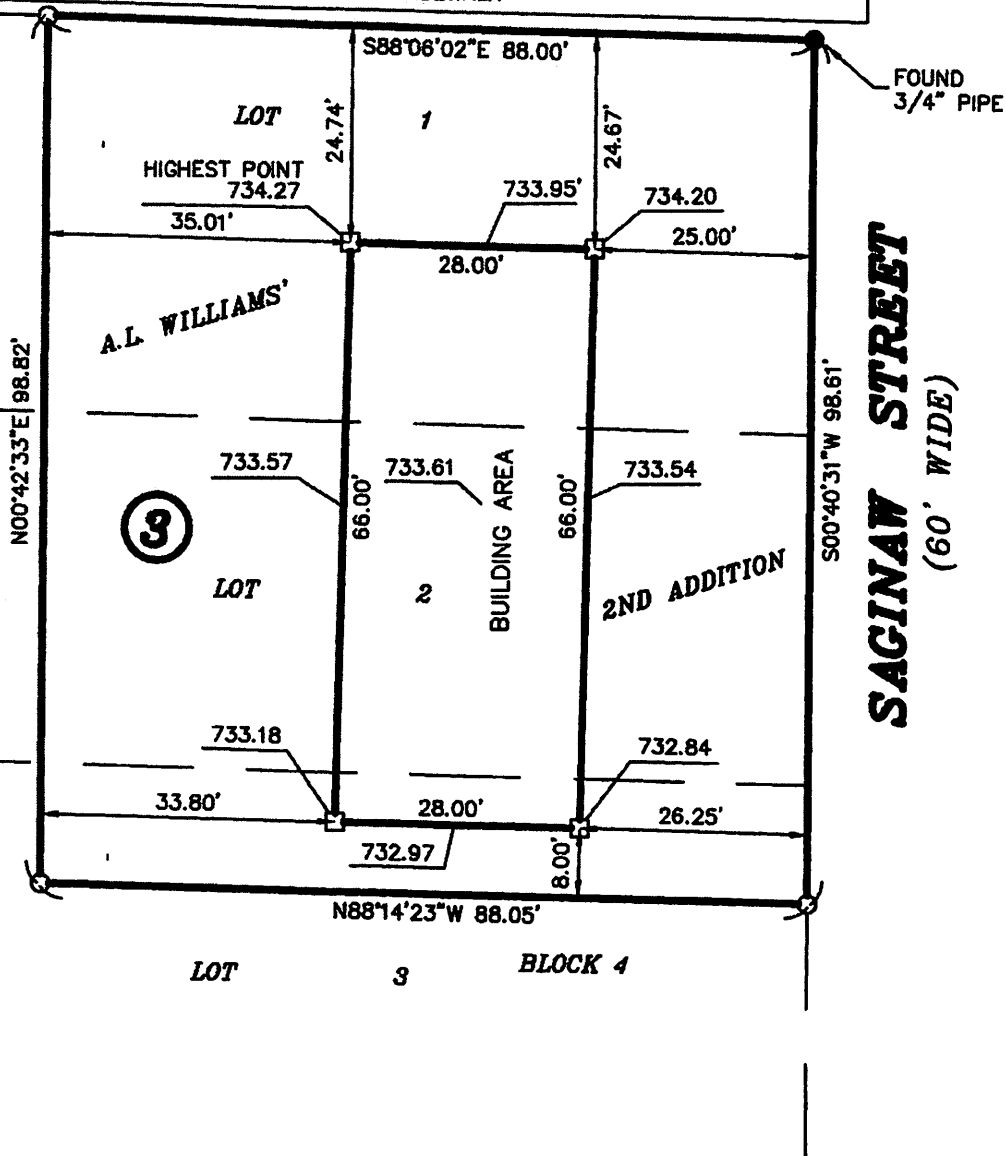
○ = 1/2" REROD, 24" LONG, WITH CAP #24622  
 □ = 3/4" GALV. SPIKE 12" LONG

BENCHMARK  
 SPIKE IN S. FACE  
 UTILITY POLE  
 ELEV. 735.96

## MONROE STREET

(66' WIDE)

4' CONC. SIDEWALK



CLIENT: Saginaw-Shiawassee Habitat for  
 DATE: February 16, 2022 Humanity  
 SCALE: 1" = 20' JOB NO. 28157

City of Owosso,  
 Shiawassee County,  
 Michigan

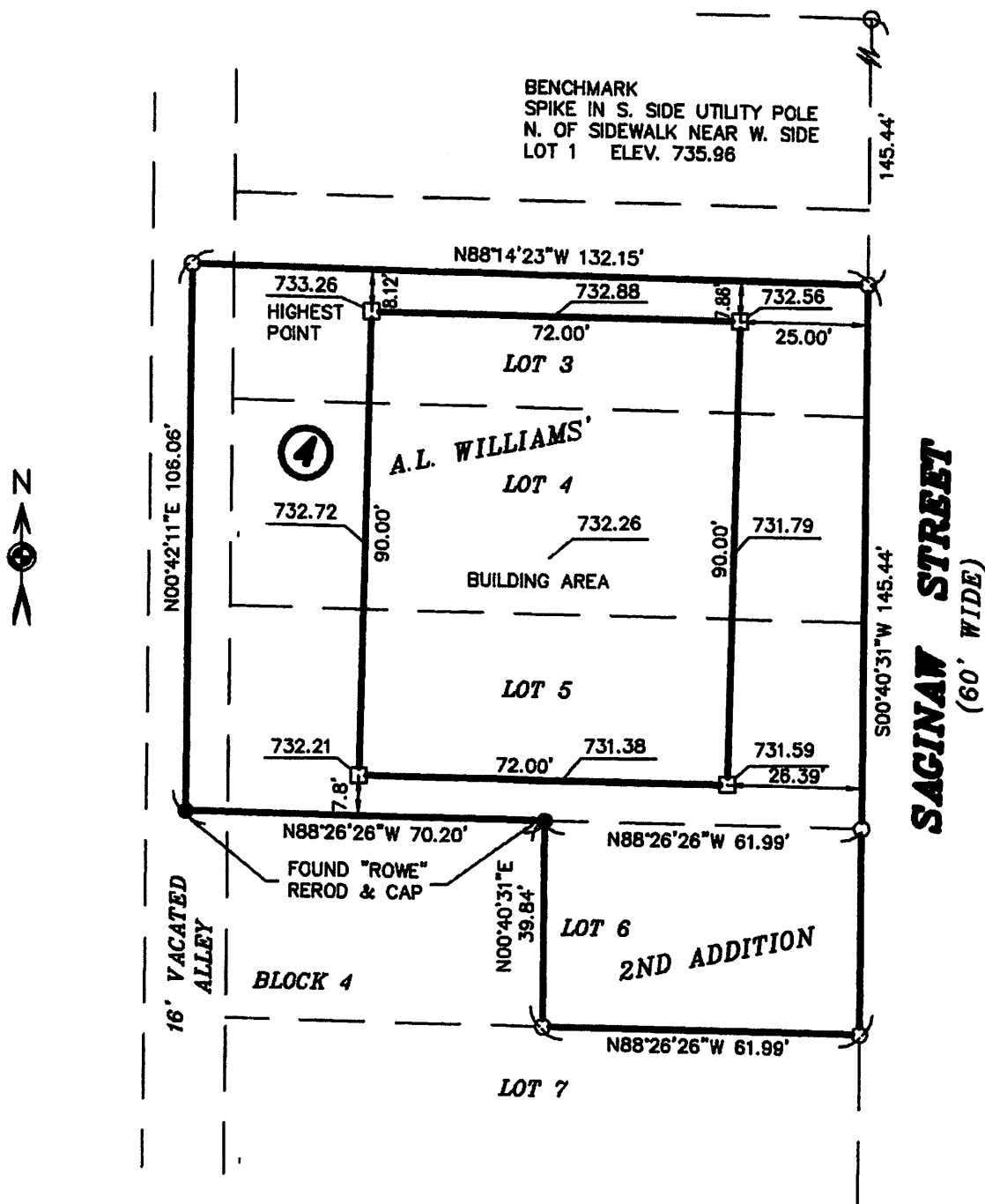
Sheet #4 of 6

I hereby certify that I have surveyed and mapped the land above platted and/or described on 02/10/2022  
 and that the relative positional precision of the corners identified for this survey and shown on the map are within  
 the limits accepted by the practice of professional surveying, and that the requirements for RA 132,  
 MCL 54.213 have been met.



# CERTIFICATE OF LAND SURVEY

○ = 1/2" REROD, 24" LONG, WITH CAP #24622  
 □ = 3/4" GALV. SPIKE 12" LONG



CLIENT: Saginaw-Shiawassee Habitat for  
 DATE: February 16, 2022 Humanity  
 SCALE: 1" = 30' JOB NO. 28157

City of Owosso,  
 Shiawassee County,  
 Michigan

Sheet #5 of 6

I hereby certify that I have surveyed and mapped the land above platted and/or described on 02/10/2022  
 and that the relative positional precision of the corners identified for this survey and shown on the map are within  
 the limits accepted by the practice of professional surveying, and that the requirements for 1970/PL 132,  
 MCL 54.213 have been met.



## CERTIFICATE OF LAND SURVEY

### DESCRIPTIONS:

Parcel 1 - Part of Lots 14 and 15 of Block 4 of "A.L. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at the Northwest corner of said Block 4; thence S88°06'02"E on the North line of said Block 4 a distance of 88.00 feet; thence S00°44'33"W 99.04 feet to the South line of said Lot 14; thence N88°14'23"W on said South line a distance of 88.05 feet to the West line of said Block 4; thence N00°46'34"E 99.25 feet to the point of beginning, containing 0.20 of an acre, more or less. Subject to all easements and restrictions of record.

Parcel 2 - Part of Lots 1, 2, 3, 14 and 15 and part of the vacated alley all in Block 4 of "A.L. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at a point that is S88°06'02"E on the North line of said Block 4 a distance of 88.00 feet from the Northwest corner of said Block 4; thence continuing S88°06'02"E 88.00 feet; thence S00°42'33"W 98.82 feet; thence N88°14'23"W 88.05 feet; thence N00°44'33"E 99.04 feet to the point of beginning, containing 0.20 of an acre, more or less. Subject to all easements and restrictions of record.

Parcel 3 - Part of Lots 1, 2 and 3 of Block 4 of "A.L. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at a point that is S88°06'02"E on the North line of said Block 4 a distance of 176.00 feet from the Northwest corner of said Block 4; thence continuing S88°06'02"E 88.00 feet to the Northeast corner of said Block 4; thence S00°40'31"W on the East line of said Block 4 a distance of 98.61 feet; thence N88°14'23"W 88.05 feet; thence N00°42'33"E 98.82 feet to the point of beginning, containing 0.20 of an acre, more or less. Subject to all easements and restrictions of record.

Parcel 4 - Part of Lots 3, 4, 5 and 6 and part of the vacated alley all in Block 4 of "A.L. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at a point that is S00°40'31"W on the East line of said Block 4 a distance of 98.61 feet; thence continuing S00°40'31"W 145.44 feet; thence N88°26'26"W on the South line of said Lot 6 a distance of 61.99 feet; thence N00°40'31"E 39.84 feet to the South line of said Lot 5; thence N88°26'26"W on said South line a distance of 70.20 feet to the centerline of the vacated alley; thence N00°42'11"E on said centerline a distance of 106.06 feet; thence S88°14'23"E 132.15 feet to the point of beginning, containing 0.38 of an acre, more or less. Subject to all easements and restrictions of record.

CLIENT: Saginaw-Shiawassee Habitat for Humanity

Sheet #6 of 6

DATE: February 16, 2022

City of Owosso  
Shiawassee County  
Michigan

JOB NO: 28157











April 13, 2022

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

Subject: **701 S Park and 702 S. Saginaw, Section 38-351, Schedule of Regulation**, requiring a 25' front yard setback. The subject property is zoned R-1, Residential District where the existing use is a permitted use.

Attention: Mr. Nathan Henne, City Manager

Dear Board Members:

At your request, we have completed our review of the above variance request for Habitat for Humanity, to allow for a front porch encroachment of 5-feet into the required 25-foot front yard setback for two proposed houses to be located at the above referenced addresses. Habitat recently acquired these properties and will be building four new homes, two of which are located on corner lots with 25-foot front yard requirements. Given the lot sizes, the applicant would not be permitted to add porches to these homes without the variance.

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 applicant is proposing to develop new housing on vacant lots and would like to add front porches to the proposed homes. Since this is a residential area, the porch**

**encroachments would not be contrary to the intent of the chapter or contrary to the public interest.**

*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 proposed use is a permitted use in 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. In fact, there are a number of properties similarly situated near these properties with existing non-conforming porches.**

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

**Review Comment: The variance will only relate to the properties 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 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 improve the existing condition on the properties for both the community as well as improve the neighborhood.**

*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, but would definitely improve property values in the area.**

*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 similar conditions especially on smaller corner lots with two front-yard requirements.**

**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 not 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 improve existing conditions on the properties.**

## **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 variances for **701 S. Park Street and 702 S. Saginaw Street to allow an encroachment of 5-feet for the purpose of adding porches to proposed new houses on corner lots, be approved**, for the following reasons:

1. The encroachments 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 variation is necessary for the preservation of a substantial property right possessed by others in the same district

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