



**CITY OF OWOSSO**  
**Zoning Board of Appeals**  
Tuesday, August 17, 2021 at 9:30 a.m.  
**AGENDA**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – August 17, 2021

APPROVAL OF MINUTES – June 16, 2020

OLD BUSINESS – None

**NEW BUSINESS:**

**1. SELECTION OF OFFICERS – CHAIRMAN, VICE-CHAIR, 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                               |
| <b>2. APPLICANT:</b>       | DEAN GAFFNER                            |
| <b>LOCATION OF APPEAL:</b> | 1225 W STEWART STREET, Owosso, MI 48867 |
| <b>PARCEL NUMBERS:</b>     | 050-606-001-016-00                      |
| <b>PROPERTY ZONING:</b>    | B-1, LOCAL BUSINESS DISTRICT            |
| <b>CASE #:</b>             | P2021-013                               |

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Tuesday, September 21, 2021, 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)

**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 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 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 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 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

DRAFT

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, August 17, 2021 for the following topic:

**PUBLIC HEARING FOR FENCE VARIANCES:**

1. **Janie & Kevin Yeager, 612 W. Stewart Street:** The applicant is seeking a variance from Sec. 38-393 of the Owosso Zoning Ordinance to allow a six-foot tall fence to be installed less than the 19 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 050-673-006-011-00.
2. **Dean Gaffner, 1225 W. Stewart Street:** The applicant is seeking a variance from Sec. 38-393 of the Owosso Zoning Ordinance to allow a six-foot tall fence to be installed less than the 19 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 B-1, Local Business District, where business uses are permitted in that district. The parcel number is 050-606-001-016-00.

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)

This map illustrates a residential neighborhood with the following streets and property details:

- Top Street (Fletcher St.):** Contains lots numbered 708, 536, 530, 528, 526, 522, and 518.
- Left Side (Cedar St.):** Contains lots numbered 721, 715, 709, 705, 703, 701, 611, 607, 605, 603, 601, and 618.
- Right Side (Walnut St.):** Contains lots numbered 533, 531, 529, 527, 525, 523, and 5.
- Center (Ryan St.):** Contains a large block of lots including 726, 722, 714, 710, 706, 702, 610, 608, 606, 604, 602, 613, 609, 616, and 612. The lot at 612 W Stewart St is highlighted with an orange border.
- Bottom Left (W. Stewart St.):** Contains lots numbered 739, 735, 731, 727, 723, 717, 711, 705, 631, 625, 805, 807, 718, 714, 710, 706, 816, and 820.
- Bottom Right (Ament St.):** Contains lots numbered 901, 725, 905, 903, 533, 529, and 519.

A scale bar at the bottom left indicates distances in feet, with a red line marking 100 feet.



\$80 Application Fee

BUILDING DEPARTMENT 301 W MAIN ST. OWOSSO, MI 48867  
(989)-725-0535 building@ci.owosso.mi.us

### FENCE APPLICATION FOR PERMIT

#### PERMIT APPLICATION ADDRESS:

Fence work:	<input checked="" type="checkbox"/> New <del>Replacing Existing</del>	<input checked="" type="checkbox"/> Repair	<input type="checkbox"/> Gate	
Fence style:	<input type="checkbox"/> Chain link/cyclone (metal)	<input type="checkbox"/> Picket (wood or vinyl)	<input checked="" type="checkbox"/> Board-on-Board (wood or vinyl)	<input type="checkbox"/> Semi-Private (vinyl) 6" board 7/8" gap or 3" board 1/2" or 3/4" gap
Fence material:	<input checked="" type="checkbox"/> Wood	<input type="checkbox"/> Vinyl	<input type="checkbox"/> Metal	
<input checked="" type="checkbox"/> Fence length:	93 ft	<input checked="" type="checkbox"/> Fence height:	6 ft	
Is there an existing fence at the proposed location? <u>(YES)</u> NO				

#### PROPERTY OWNER INFORMATION/AFFIDAVIT:

I do hereby certify that I am the owner of the property herein described and that I have given the Contractor herein named permission to perform the work described in this application and accompanying documentation, which are a part of this application. I further give permission to the City of Owosso to access my property for purposes of a site inspection of the fence.

Name: Janie and Kevin Yeager

Address: 612 W. Stewart St., Owosso, Michigan 48867

Phone Number: (989) 627-5800

Cell:

E-mail: slipkennet@gmail.com

Signature of Property Owner:

#### CONTRACTOR INFORMATION (IF APPLICABLE):

Name: Devon Ludwick

Company Name: Ludwick Fence LLC

Address: 5910 S. Lovejoy Road, Perry, Michigan 48872

Phone Number: (989) 494-2464

Cell:

E-mail: ludwick fence@gmail.com

Signature of Contractor:

#### Office use only

☐ Approved

☒ Denied

☒ Comments: corner lot - Walnut Street

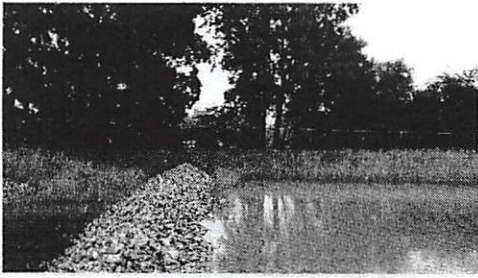
Date: 07/14/2021

Fence location is too close to sidewalk

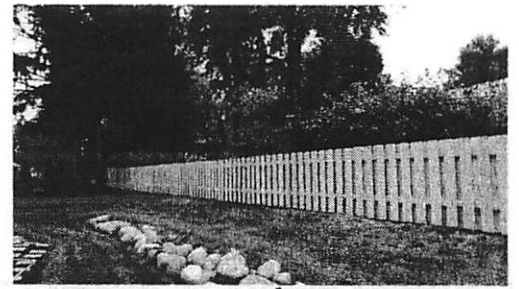
Signature of Plan Reviewer: [Signature]

Sec 38-393 Fences + Hedges  
(3) must be 19' From ROW





Ludwick Fence  
ludwickfence@gmail.com  
(989) 494-2464



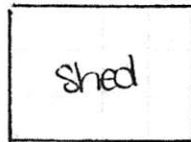
Janie and Kevin Yeager  
612 W. Stewart St  
Owosso, Michigan  
48867  
6' Wood Privacy  
Fencing

Neighbors  
Existing →

\* Removal of  
Existing Wood  
Privacy Fencing  
and Re-install \*

\* Driveway Gates  
to be removed  
(currently chain-  
link) and  
re-install wood  
Privacy \*

- Fence to  
sidewalk  
approx.  
52' away -



House

DENIED

Sidewalk

8'

Driveway

→ Fence to road  
approx. 18' \*

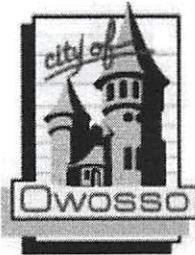
Walnut St

Sidewalk

Sidewalk

W. Stewart St

66' X 132'



07/21/2021  
p2021-011

## ZONING BOARD OF APPEALS APPLICATION

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

The Owosso Zoning Board of Appeals (ZBA) meets in a regular session when there are items on the agenda on the third Tuesday of the month at 9:30 a.m. in the city council chambers, 301 W. Main Street, Owosso, Michigan.

Materials related to requests for ZBA action, including any required fees, must be filed at the Building Department located on the first floor of city hall. Questions may be directed to the Building Department at (989) 725-0535.

**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.**

### Filing deadlines are established:

- 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:

2021 Meeting Dates	Submittal Deadlines
January 19	December 23
February 16	January 20
March 16	February 17
April 20	March 24
May 18	April 21
June 15	May 19
July 20	June 23
* August 17	* July 21
September 21	August 25
October 19	September 22
November 16	October 20
December 21	November 24

### ZBA REVIEW APPLICATION PROCESS (see Section 38-504 of the Owosso Zoning Ordinance)

1. ZBA meetings - **It is in your best interest to be present or be represented at the zoning board of appeals meeting.**
2. Applications **must** be filed by the property owner. All other applications will be returned.
3. If the Michigan Department of Environmental Quality (MDEQ) has restricted any portion of your lot from being built upon, the MDEQ documentation must be provided along with your application.
4. This application and a site plan drawn to scale, including information as outlined below, are required. The application must be filed with the building department.
5. **A fee of \$400 (Commercial) or \$175 (Residential) shall be paid upon submission of the application. Checks payable to the "City of Owosso"**
6. **Commercial Escrow Fee \$1,500**

**Consultant Fees for Planning, Zoning, Engineering & Related Reviews:**

- To better enable the City of Owosso to provide the highest quality review services, it retains the assistance of specialized consultants on an as-needed basis. To ensure that these services do not negatively impact the City's general fund, the cost of said services is passed on to the applicants in the form of review fees and associated escrow accounts.
- A cash deposit of \$1,500.00 shall be placed with the City of Owosso to retain qualified consultants.
- 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 remitted to the depositor.

The following information must be shown on all site plans presented to the ZBA where applicable:

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

*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 certify that the above required information is shown on the site plan included with this form.

Janie Yeager  
Signature of property owner  
Kevin Yeager

Date 7/20/21  
7/20/21





## OWOSSO ZONING BOARD OF APPEALS APPLICATION

301 W. Main Street, Owosso, MI 48867

Phone: (989) 725.0535

building@ci.owosso.mi.us

### 1. PROJECT INFORMATION

#### TO THE OWOSSO ZONING BOARD OF APPEALS; I (WE)

Applicant Name: Janie Yeager + Kevin Yeager

Address: 1612 W. Stewart St

City, State, Zip: Owosso, MI, 48867

Phone Number: (989) 627-5800

E-Mail: slipkennot@gmail.com

#### HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance (X) Permit ( ) Interpretation ( ) or Review and Approval ( )

Address/Location of Property: 1612 W. Stewart St

Parcel #: 050-673-006-011-00

Zoning District: R-1 One Family Residential

### 2. REQUIRED ATTACHMENTS:

- ☐ 1 copies of site plan, plus a digital copy
- ☐ Completed application
- ☐ Description of how the requested variance meets all of the nine (9) Facts of Findings
- ☐ Narrative demonstrating why a variance is being sought
- ☐ Required fee

### 3. DESCRIPTION OF CASE: (fill out only the items that apply to your case)

#### a. Description of the property:

- ☐ Size of lot: 66' x 132'
- ☐ Area of lot: 8,712 sq ft
- ☐ Lot is a corner or interior lot? Corner lot

#### b. Description of existing structures:

- ☐ Number of buildings now on premises: 2 - house and shed
- ☐ Size of each building now on premises: house (974 sq ft) shed (8'x8')
- ☐ Use of existing buildings on premises: Live in house. Storage in shed.

#### c. Description of proposed structures: Privacy Fence

- o Height of proposed structures: 6'
- o Dimensions of proposed building or addition:
- o Area of proposed building:
- o Percentage of lot coverage of building or addition:

**d. Yard setbacks after completion of building or addition:**

- o Front yard (measured from lot line):
- o Side yard (measured from lot line):
- o Rear yard (measured from lot line):

Please see diagram for dimensions and measurements.

**e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" X 11" in size.**

**f. Section number of Zoning Ordinance that is being appealed:** Sec. 38-393 (3)

**g. Clearly state your request:** We are wishing to replace our current privacy fence with a new 6' privacy fence. We are requesting a variance of 17', bringing fence 24" back from sidewalk. We are willing to cut two 8' sections of fence off of the corner where sidewalk and driveway meet.

**4. DUTIES AND POWERS**

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. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

**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.

In granting or denying a variance the board shall state the findings of fact upon which it justifies the action.

Signature of owner: Janie Yeager Date: 7/20/21  
Print name: Janie Yeager  
Kevin Yeager 7/20/21  
Kevin Yeager

## **Fence Proposal For Variance**

**( 612 W Stewart St )**

When we purchased our home in March 2020 we were under the assumption that we could install a new privacy fence, as an existing privacy fence was already on the property. We were denied the permit and told that a permit was never issued for the existing fence. The existing fence however has been up for many years and to our knowledge has never been an issue.

We are willing to bring the fence back farther away from the sidewalk and also sacrifice two 8 foot sections of fence from the corner where the sidewalk meets our driveway.

We have talked to both neighbors who are closest to the section of fence in question and they only had positive things to say about our idea. I believe that this will improve property value and overall appearance of the neighborhood while doing so in a safe manner.

### **Duties and Powers**

1. If variance is granted, the proposed fence plan will not be contrary to public interest due to the fact that it will not obstruct the view of road traffic and will give an adequate view down the sidewalk from anywhere in my driveway.
2. Proposed fence will not permit any use that is not already permitted.
3. Proposed fence will not be shared with any other property owner.
4. It relates only to my property and lies entirely within the property line.
5. Proposed fence will not unreasonably prevent the use of property for permitted use.
6. We purchased a home in March 2020 and the existing privacy fence was already up on property. The fence was installed many years ago by a previous owner and to our knowledge has never been an issue.
7. Proposed fence will not impair air or light supply to adjacent properties. It will not increase congestion of public streets or increase the danger of fire or endanger public safety.
8. Proposed fence will only increase the value of property as the existing fence is in poor shape. I have talked to several neighbors and they each are in favor of us getting the proposed fence and only view it as a benefit for the neighborhood.
9. Proposed fence will be farther back from the sidewalk than the existing fence and also will have the corner removed where the sidewalk and driveway meet. This

will allow us to have a privacy fence while allowing us adequate site down the sidewalk from our driveway for safety.

**Special Conditions**

(2) i. If variance is granted, we have a well-known license fence contractor ready to install upon approval.

(2) ii. We took occupancy of the premises in March 2020, and plan to continue occupancy for many years to come.

*Janie and Kevin Yeager*  
*07/20/2021*





PHASE 1:

\* Homeowners waiting on  
decision of variance \*

\$80 Application Fee

BUILDING DEPARTMENT 301 W MAIN ST. OWOSSO, MI 48867  
(989)-725-0535 building@ci.owosso.mi.us

### FENCE APPLICATION FOR PERMIT

#### PERMIT APPLICATION ADDRESS:

Fence work:	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Repair	<input checked="" type="checkbox"/> Gate 4' + 12' - 6' high	
Fence style:	<input type="checkbox"/> Chain link/cyclone (metal)	<input type="checkbox"/> Picket (wood or vinyl)	<input checked="" type="checkbox"/> Board-on-Board (wood or vinyl)	<input type="checkbox"/> Semi-Private (vinyl) 6" board 7/8" gap or 3" board 1/2" or 3/4" gap
Fence material:	<input checked="" type="checkbox"/> Wood 16' Gates	<input type="checkbox"/> Vinyl	<input type="checkbox"/> Metal	
<input checked="" type="checkbox"/> Fence length: 63' - 10' + 14' Gate + 12' Gate		<input checked="" type="checkbox"/> Fence height: 6ft		
Is there an existing fence at the proposed location? (YES) NO				

#### PROPERTY OWNER INFORMATION/AFFIDAVIT:

I do hereby certify that I am the owner of the property herein described and that I have given the Contractor herein named permission to perform the work described in this application and accompanying documentation, which are a part of this application. I further give permission to the City of Owosso to access my property for purposes of a site inspection of the fence.

Name: Janie and Kevin Yeager

Address: 612 W. Stewart St., Owosso 48867

Phone Number: (989) 627-5800

Cell:

E-mail: slipkennot@gmail.com

Signature of Property Owner:

#### CONTRACTOR INFORMATION (IF APPLICABLE):

Name: Devon Ludwick / Marissa Kolton Company Name: Ludwick Fence LLC

Address: 5910 S. Lovejoy Rd, Perry, Michigan 48872

Phone Number: (989) 494-2464

Cell:

E-mail: ludwickfence@gmail.com

Signature of Contractor: [Signature]

#### Office use only

☒ Approved ☐ Denied

☒ Comments: Phase 1 ONLY APPROVED

Date: 07/21/2021

SEE DRAWING (BLUE)

Signature of Plan Reviewer: [Signature]

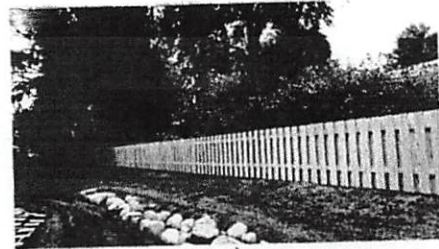
Phase 2 (Pink) REQUIRES VARIANCE

Jan. 2020

1  
IF VARIANCE IS DENIED



Ludwick Fence  
ludwickfence@gmail.com  
(989) 494-2464



Janie and Kevin Yeager

PHASE 1

PHASE 2  
(REQUIRES VARIANCE)

Neighbor's existing fence

Fence to be 24" away from sidewalk

Shed

Driveway

6' walk gate  
12' Double Gate

Fence to be 8' off each corner

Walnut St.

Fence to stopslan approx. 80ft away

Deck

6' wood Privacy

House

Sidewalk

Sidewalk

W. Stewart St

Fence to be approx. 52' away from sidewalk









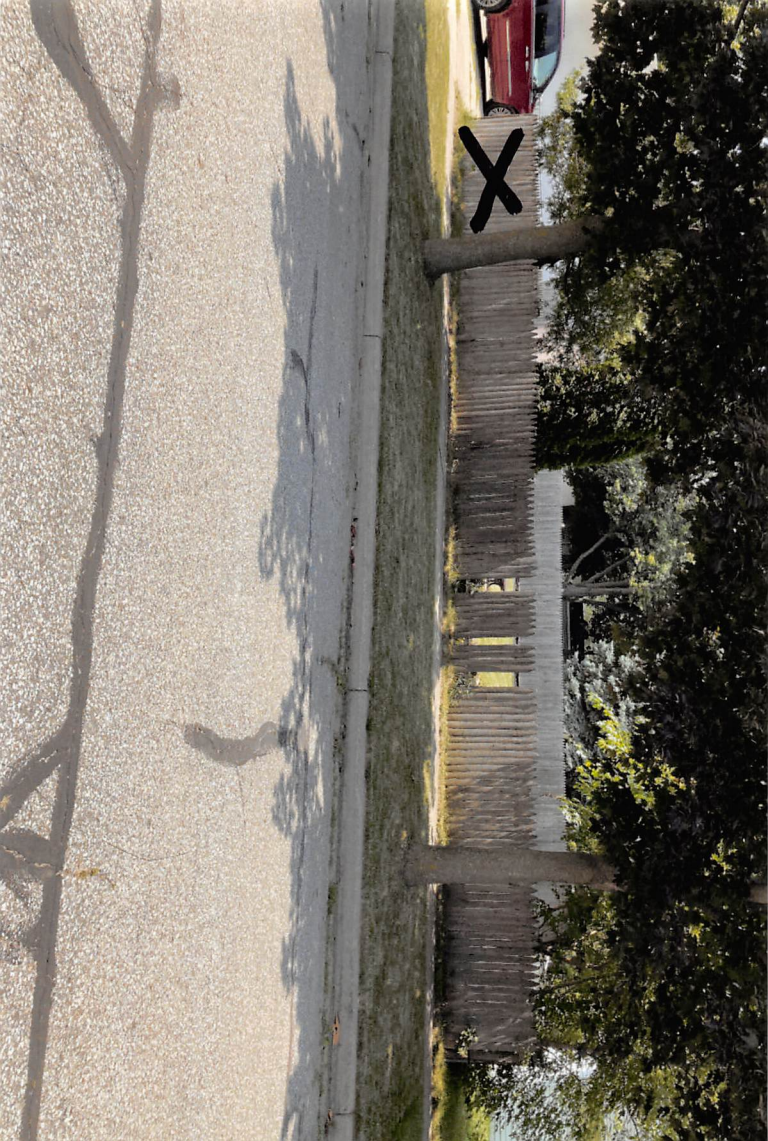


















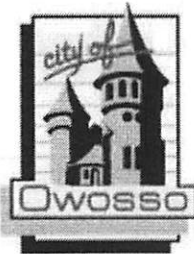
The map displays a grid of property lots with the following lot numbers:

- Top Left:** 634, 638, 642, 706, 716, 1306, 1314, 1310, 8.
- Top Center:** 635, 641, 705, 715, 1206, 706-710, 718, 720.
- Top Right:** 645, 1108, 1104.
- Middle Right:** 701, 707, 715, 719, 1109, 1105, 1100, 1120.
- Bottom Right:** 803, 805, 817, 901, 903, 911, 919, 925, 1003, 1000.
- Bottom Center:** 1215, 1209, 1000, 904.
- Bottom Left:** 1307, 1305, 904.
- Central Area:** 319, 1315, 1313, 1225, 826, 830, 1316, 1308, 821, 823, 825, 835, 839, 1210, 918.

**Streets:** W. STEWART ST., KENWOOD DR., HENRY ST., S. CHIPMAN ST.

**Scale:** 0, 50, 100 Feet.





## ZONING BOARD OF APPEALS APPLICATION

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

The Owosso Zoning Board of Appeals (ZBA) meets in a regular session when there are items on the agenda on the third Tuesday of the month at 9:30 a.m. in the city council chambers, 301 W. Main Street, Owosso, Michigan.

Materials related to requests for ZBA action, including any required fees, must be filed at the Building Department located on the first floor of city hall. Questions may be directed to the Building Department at (989) 725-0535.

**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.**

Filing deadlines are established:

- 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:

2021 Meeting Dates	Submittal Deadlines
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May 18	April 21
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July 20	June 23
August 17	July 21
September 21	August 25
October 19	September 22
November 16	October 20
December 21	November 24

**ZBA REVIEW APPLICATION PROCESS** *(see Section 38-504 of the Owosso Zoning Ordinance)*

1. ZBA meetings - **It is in your best interest to be present or be represented at the zoning board of appeals meeting.**
2. Applications **must** be filed by the property owner. All other applications will be returned.
3. If the Michigan Department of Environmental Quality (MDEQ) has restricted any portion of your lot from being built upon, the MDEQ documentation must be provided along with your application.
4. This application and a site plan drawn to scale, including information as outlined below, are required. The application must be filed with the building department.
5. **A fee of \$400 (Commercial) or \$175 (Residential) shall be paid upon submission of the application. Checks payable to the "City of Owosso"**
6. **Commercial Escrow Fee \$1,500**

**Consultant Fees for Planning, Zoning, Engineering & Related Reviews:**


- To better enable the City of Owosso to provide the highest quality review services, it retains the assistance of specialized consultants on an as-needed basis. To ensure that these services do not negatively impact the City's general fund, the cost of said services is passed on to the applicants in the form of review fees and associated escrow accounts.
- A cash deposit of \$1,500.00 shall be placed with the City of Owosso to retain qualified consultants.
- 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 remitted to the depositor.

The following information must be shown on all site plans presented to the ZBA where applicable:

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

*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 certify that the above required information is shown on the site plan included with this form.

  
\_\_\_\_\_  
Signature of property owner

7-24-21  
\_\_\_\_\_  
Date



## OWOSSO ZONING BOARD OF APPEALS APPLICATION

301 W. Main Street, Owosso, MI 48867

Phone: (989) 725.0535

building@ci.owosso.mi.us

### 1. PROJECT INFORMATION

#### TO THE OWOSSO ZONING BOARD OF APPEALS; I (WE)

Applicant Name:

Dean Gaffner

Address:

12284 Ruppert Rd

City, State, Zip:

Perry MI 48872

Phone Number:

517-420-4691

E-Mail:

drg700@hotmail.com

#### HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance (X) Permit ( ) Interpretation ( ) or Review and Approval ( )

Address/Location of Property:

1225 Stewart St

Parcel #:

79-050-606-001-016-00

Zoning District:

B1

### 2. REQUIRED ATTACHMENTS:

- ☐ 1 copies of site plan, plus a digital copy
- ☐ Completed application
- ☐ Description of how the requested variance meets all of the nine (9) Facts of Findings
- ☐ Narrative demonstrating why a variance is being sought
- ☐ Required fee

### 3. DESCRIPTION OF CASE: (fill out only the items that apply to your case)

#### a. Description of the property:

- ☐ Size of lot: 1000 x 1000
- ☐ Area of lot: N/A
- ☐ Lot is a corner or interior lot? Corner

#### b. Description of existing structures:

- ☐ Number of buildings now on premises: 1
- ☐ Size of each building now on premises: 50 x 60
- ☐ Use of existing buildings on premises: Body shop and repair

#### c. Description of proposed structures:

N/A



- o Height of proposed structures: 6' chain link with fabric
- o Dimensions of proposed building or addition: N/A
- o Area of proposed building: N/A
- o Percentage of lot coverage of building or addition: N/A

**d. Yard setbacks after completion of building or addition:**

- o Front yard (measured from lot line): 33' 18" from center line
- o Side yard (measured from lot line): 18" off sidewalk
- o Rear yard (measured from lot line): N/A

**e. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" X 11" in size.**

**f. Section number of Zoning Ordinance that is being appealed:** 78-050-606-001-016-00

**g. Clearly state your request:** Want to secure existing lot and contents of lot. Improve overall curb appeal of lot. Erect a chainlink fence, 6' high around west end of lot.

**4. DUTIES AND POWERS**

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. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

**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.

In granting or denying a variance the board shall state the findings of fact upon which it justifies the action.

Signature of owner: \_\_\_\_\_

Date: \_\_\_\_\_

7-24-21

Print name: \_\_\_\_\_

Dean R. Gaffner.

1. Erecting fence to secure area and contents from surrounding neighborhood.
- 2.
3. This request is solely mine and is not linked to any other property owners. It is unique to 1225 Stewart St. 78-050-606-001-016-00.
4. As of 7-23-21 I am sole owner of the property.
5. Yes. It would limit me from using the lot to its full potential. Without a fence I cannot secure customers vehicles. The fence would also add overall curb appeal to property.
6. I have not taken any action requiring variance. I am requesting a variance to improve usage and conditions of lot.
7. Erecting a fence would not pose a danger in any of these areas. Nor impair any adjacent property in any way.
8. By erecting a fence I believe it will add to the overall curb appeal of my shop and neighboring properties.
9. I feel it will be equal justice for both neighboring property owners and myself.
  - a. I can provide customers with secure storage of short stay vehicles.
  - b. Provide near by property owners with added overall curb appeal.



050-113-008-034-00

050-113-008-035-00

050-113-008-001-00 720

1206

123

40

1225

88

1194

11945

102.96'

132

1155'

803

805

050-602-001-001-00

196'

1155'

050-602-001-015-00

151.04'

152

817

050-602-001-014-00

050-602-001-004-00

170

144.55'

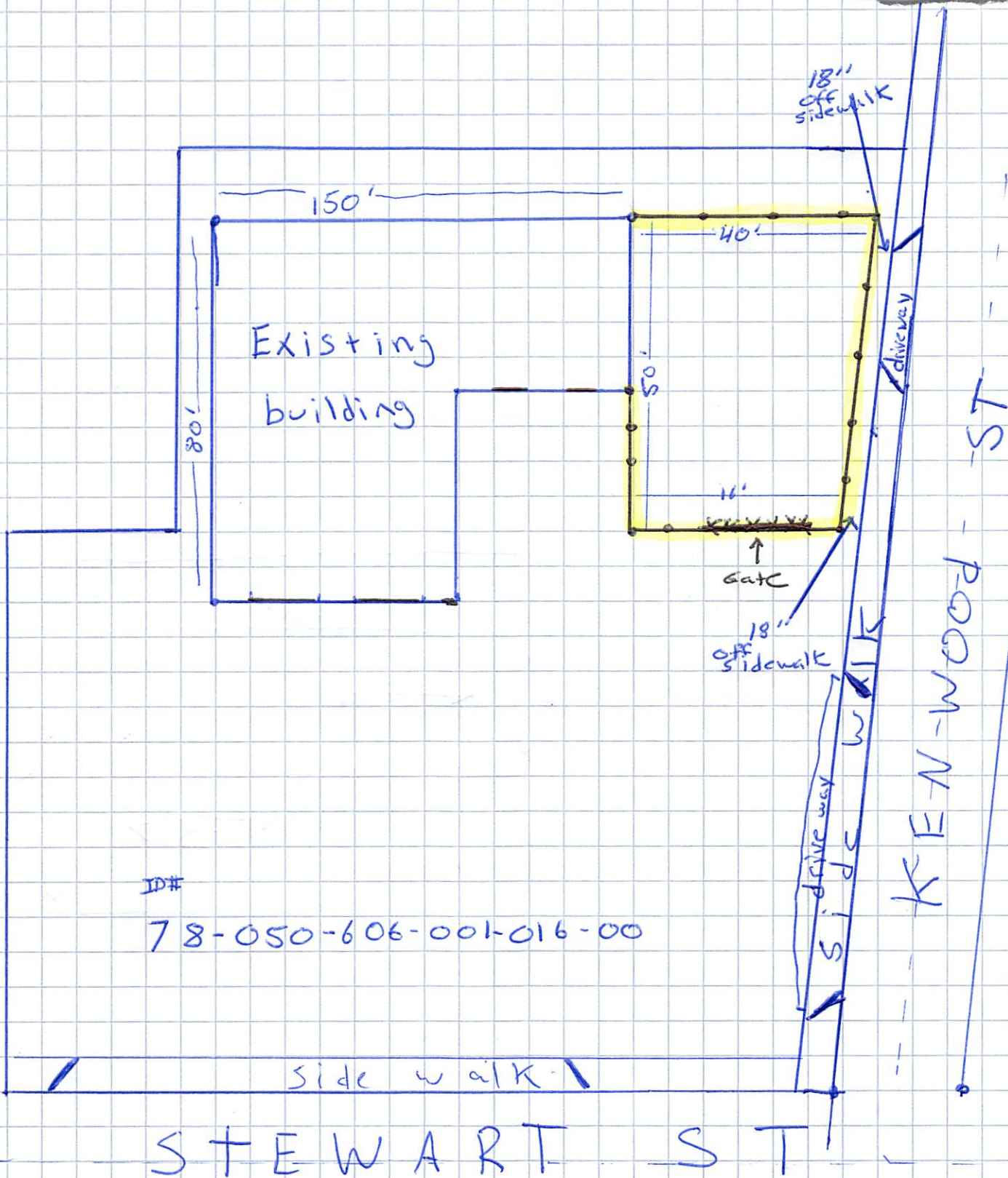
165


140.5'

156.75'

156.75'

3'18"



 = 6' chainlink with fabric

