

CITY OF OWOSSO

Zoning Board of Appeals

Tuesday, September 20, 2022 at 9:30 a.m. **AGENDA**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA – September 20, 2022

APPROVAL OF MINUTES - April 19, 2022

OLD BUSINESS - None

SELECTION OF OFFICERS

NEW BUSINESS:

PUBLIC HEARINGS:

1. APPLICANT: SFR X HOLDINGS, LLC

LOCATION OF APPEAL: 737 W MAIN STREET, Owosso, MI 48867

PARCEL NUMBER: 050-660-018-017-00

PROPERTY ZONING: B-4, GENERAL BUSINESS DISTRICT

CASE #: P2022-015

OTHER BOARD BUSINESS
PUBLIC COMMENTS AND COMMUNICATIONS
ADJOURNMENT

Next regular meeting will be on Tuesday, October 18, 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

MINUTES REGULAR MEETING OF THE CITY OF OWOSSO ZONING BOARD OF APPEALS APRIL 19, 2022 AT 9:30 A.M.

CALL TO ORDER: Chairman Horton called the meeting to order at 9:30 a.m.

ROLL CALL: Was taken by Molly Hier

MEMBERS PRESENT: Vice-Chair Christopher Eveleth, Secretary Grubb, Board Member Robert Teich, Tom

Taylor and Chairman Randy Horton

MEMBERS ABSENT: None

OTHERS PRESENT: Justin Sprague, CIB Planning, Tanya Buckelew, Planning & Building Director and Charlie Wargel from Saginaw-Shiawassee Habitat for Humanity

AGENDA:

IT WAS MOVED BY VICE-CHAIR EVELETH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE AGENDA FOR THE APRIL 19, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY VICE-CHAIR EVELETH AND SUPPORTED BY BOARD MEMBER TAYLOR TO AMEND AND APPROVE THE MINUTES OF 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.

YEAS: ALL. MOTION CARRIED.

THE FOLLOWING ARE THE AMENDED AND APPROVED MINUTES

REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS JULY 16, 2019 AT 9:30 A.M.

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:

APPLICANT: MEMORIAL HEALTH CARE

LOCATION OF APPEAL: 826 W KING STREET, Owosso, MI 48867

PARCEL NUMBERS: 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, 050-310-001-00, 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 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 3rd floor use on the south side of the building would be a running track and the 3rd 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.

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 <u>does</u> 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. <u>Standard met</u>.

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. <u>Standard met.</u>

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 will 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; <u>OR</u>
 - 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; <u>OR</u>

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. <u>Standard met.</u>

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. <u>Standard met</u>.

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. <u>Standard met</u>.

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 will 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; <u>OR</u>
 - 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.

REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS 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:

1. APPLICANT: ALLAN MARTIN

LOCATION OF APPEAL: 615 N PARK STREET, Owosso, MI 48867

PARCEL NUMBER: 050-470-032-005-00

PROPERTY ZONING: R-2, TWO-FAMILY RESIDENTIAL DISTRICT

CASE #: 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 that 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

2. APPLICANT: GORDON SURETTE/JOSEPH HAMMONTREE LOCATION OF APPEAL: 507 GILBERT STREET, Owosso, MI 48867

PARCEL NUMBER: 050-111-002-012-00

PROPERTY ZONING: R-1, ONE-FAMILY RESIDENTIAL DISTRICT

CASE #: 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 that 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 predate 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
- 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 <u>does</u> 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 predate 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:

- 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.

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.

REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS 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:

1. APPLICANT: JANIE & KEVIN YEAGER

LOCATION OF APPEAL: 612 W STEWART STREET, Owosso, MI 48867

PARCEL NUMBER: 050-673-006-011-00

PROPERTY ZONING: R-1, ONE-FAMILY RESIDENTIAL DISTRICT

CASE #: 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 que 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 in 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;
- 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: Beard 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.

MINUTES OF APRIL 19, 2022 ZONING BOARD OF APPEALS MEETING CONTINUED:

OLD BUSINESS: NONE

SELECTION OF OFFICERS: DUE AUGUST 2022

NEW BUSINESS: NONE

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

Chairman Horton offered the floor to Charlie Wargel with Habitat for Humanity, to speak on the pending construction.

Mr. Charlie Wargel, explained a construction plan of building six homes in three years; with the intent of completing one in 2022. Briefly described the size of the homes and the importance of the front porches to "create communities". He also offered the design plans for anyone interested to review. Chairman Horton opened the Public Hearing at 9:36 am.

Tom Brown of 802 S. Park Street asked if all the homes planned for construction would require variances, and how close the porches would be to the Right of Way.

Justin Sprague, CIB Planning explained the variances are only for 701 S. Park and 702 S. Saginaw because they are corner lots and that the porches would be 20 feet from the sidewalk instead of the 25 feet requirement.

Chairman Horton closed the public hearing at 9:41 am.

Justin Sprague, CIB, explained the following:

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.

1. 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 prosed use is a permitted use in the R-1 District.

2. 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.

3. 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.

4. 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.

5. 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.

5. 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.

6. 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

MOTION BY VICE-CHAIR EVELETH, SECONDED BY BOARD MEMBER TAYLOR TO APPROVE THE REQUESTED VARIANCE FOR 701 S PARK STREET TO ALLOW AN ENCROACHMENT OF 5 FEET FOR THE PURPOSE OF ADDING A PORCH TO THE PROPOSED NEW HOME ON A CORNER LOT.

AYES: VICE-CHAIR EVELETH, SECRETARY GRUBB, BOARD MEMBER TAYLOR, TEICH AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

MOTION BY VICE-CHAIR EVELETH, SECONDED BY BOARD MEMBER TAYLOR TO APPROVE THE REQUESTED VARIANCE FOR 702 S SAGINAW STREET TO ALLOW AN ENCROACHMENT OF 5 FEET FOR THE PURPOSE OF ADDING A PORCH TO THE PROPOSED NEW HOME ON A CORNER LOT.

AYES: SECRETARY GRUBB, BOARD MEMBER TAYLOR, TEICH, VICE-CHAIR EVELETH AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

OTHER BOARD BUSINESS: NONE

PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

IT WAS MOVED BY VICE-CHAIR EVELETH AND SUPPORTED BY SECRETARY GRUBB TO ADJOURN THE MEETING AT 9:52 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, MAY 17, 2022.

YEAS: ALL. MOTION CARRIED.

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, September 20, 2022 for the following topic:

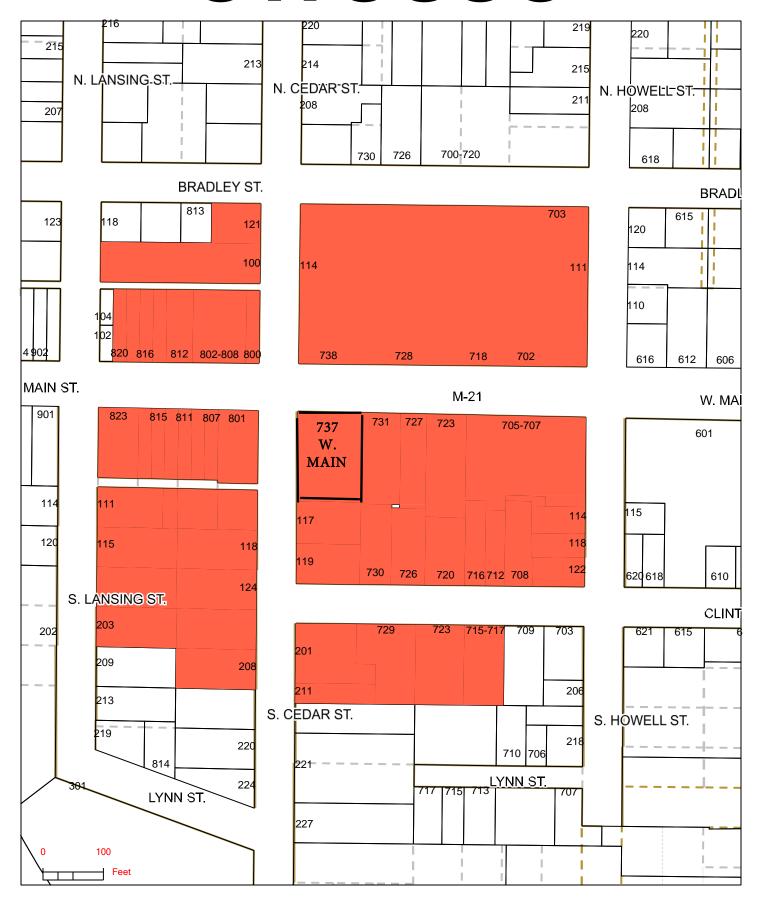
PUBLIC HEARING FOR SETBACK VARIANCE:

1. SFR X Holdings, LLC, 737 W Main Street: The applicant is seeking a variance from Sec. 38-268 (4) a. of the Owosso Zoning Ordinance to allow a business with a drive-in window less than the 60 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-4, General Business District, where commercial uses with a drive-in window are permitted in that district. The parcel number is 050-660-018-017-00.

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

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours' notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500. Website address is www.ci.owosso.mi.us

OWOSSO





ZONING BOARD OF APPEALS APPLICATION

City of Owosso

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

I (we) hereby appeal to the Zoning Board of Appeals for a:								
Variance Variance	□ Per	mit	□ Interpretation		☐ Review/Approval			
Property Information:								
Property Street Address: 73	7 West M	ain Street, Owoss	o, MI					
Parcel ID #: 050-660-018-017-00 Zoning: B-4								
Applicant:					to Additional to			
Name: SFR X Holdings, LL	С							
Address: 3309 Collins Lane	, Louisvill	e, KY 40245						
Telephone No: 330-474-54	02		Email: CAKlinge	er@Blueg	grassPizza.com			
Description of the property:								
Size of lot: .36 acres		Square footage	of lot: 15,540	Corner	or interior lot	Corner		
Description of existing stru	ctures:			,				
Number of buildings now on p	oremises:	One						
Size of each building now on	premises	s: 2,500 SF						
Use of existing buildings on p	remises:	Currently vac	ant, proposed use:	restaura	nt with a pickup v	vindow		
Description of proposed st	ructure:				Aller and the second	A SAME PAIRS.		
Height of proposed structure:	< 35 F	T - No change		,		The state of the s		
Dimensions of proposed build	ding or ac	ddition: 50 FT X	50 FT - No change	e				
Area of proposed building:	2,500 SF	- No change						
Percentage of lot coverage o	Percentage of lot coverage of building or addition: 12.9% - No Change							
Yard setbacks after comple	etion of b			n lot line	e):			
Front yard: 29.7 FT Side yard: 50.3 FT - Interior 3.9 FT - Street Rear yard: 69.3 FT								
Section number of Zoning	Ordinand	ce that is being a	ppealed:					
Clearly state your request:	38-26	8 (4) a. 60 FT set	back for drive-in. 3	38-380 (1	2) c 14 One pa	rking space for		
each 200 SF or usable floor	space.							

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. Is unique and not shared with other property owners 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. Was not created by action of the applicant (not self-created). 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. 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. 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: 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. Each variance granted under the provisions of this chapter shall become null and void unless: 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; 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. 4. Narrative demonstrating why a variance is being sought 5. Required fee \$425 Commercial

	0000				
Residential	\$200				
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 ad	ditional funds are needed (typically when about 25% is				
remaining)					
Should there be funds remaining in the account	int after completion of the project, the balance will be				
returned					
6. IT IS IN YOUR BEST INTEREST TO BE PRESENT	OR BE REPRESENTED AT THE ZONING BOARD OF				
APPEALS MEETING					
7. The engineer, architect, planner and/or designer reta	ined to develop the site plan shall be responsible for				
securing a copy of the Owosso Zoning Ordinance an	d following all requirements therein. Further, these				
professionals shall make themselves aware of all Ow	osso Master Plan requirements, for example, major				
thoroughfares, land use, recreations and etc.					
3. 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.					
1					
1 1 Kling					
Signature Mul William					
Date / 20/2022					

Filing deadlines are established as follows:

Malloca

- 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			

Zoning Board of Appeals Application

Property Address: 737 West Main St

Applicant: SFR X Holdings, LLC

4. Narrative demonstrating why a variance is being sought:

Sec. 38-268. - Principal uses permitted subject to special conditions.

- (4) Business in the character of a drive-in or open front store, subject to the following conditions:
- a. A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained.

RESPONSE: The proposed use is a pickup window, where orders are placed online or via phone, and customers pick up the order. The proposed pickup window provides a maximum of five-car queuing and requires no changes to the building footprint.

Placing the pickup window within the setback reduces the queuing to three vehicles and requires a building addition that reduces the drive lane between the angled parking and the pickup window lane.

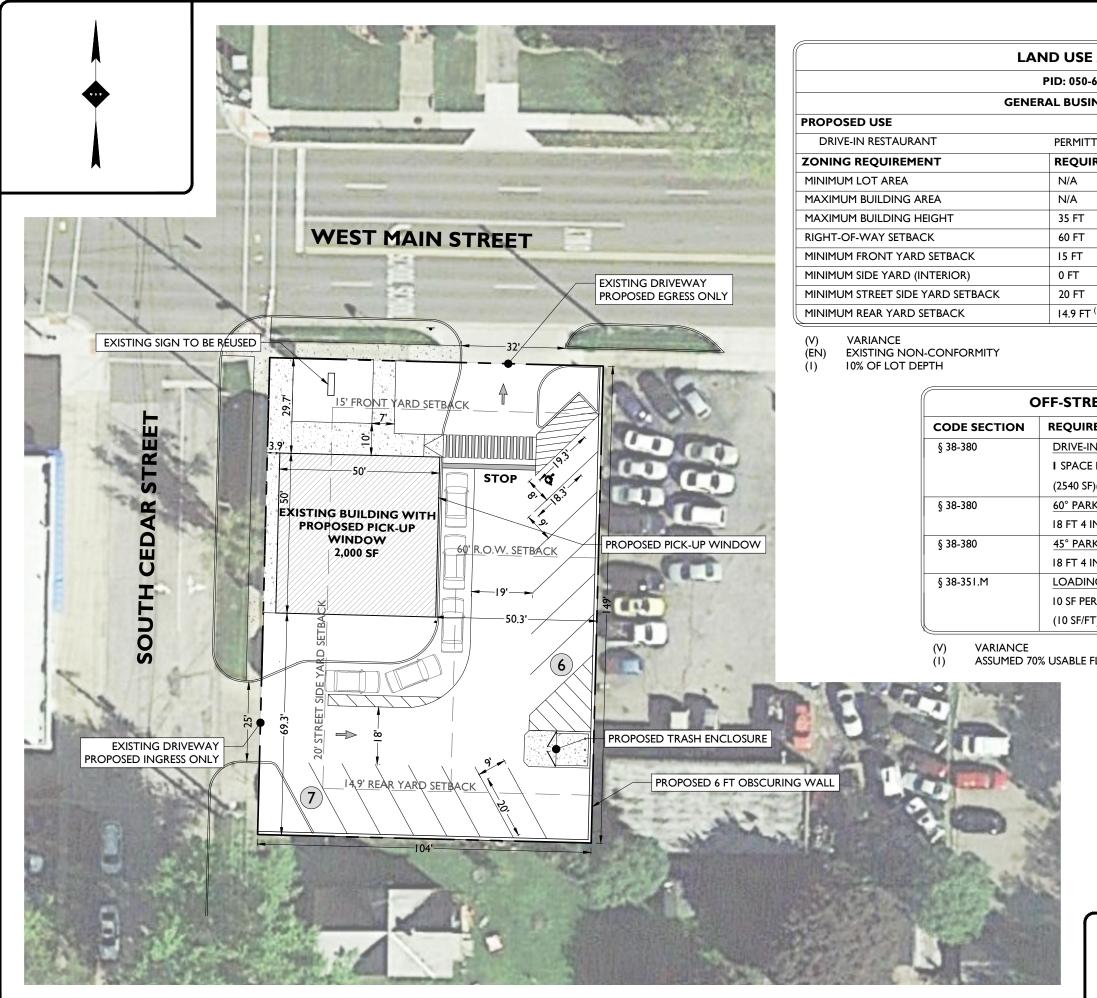
Sec. 38-380. - Off-street parking requirements.

- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
- c. Business and commercial:
- 14. Retail stores except as otherwise specified herein—One (1) for each two hundred (200) square feet of usable floor space or a minimum of six (6) spaces.

RESPONSE: During the peak restaurant activity on a Friday or Saturday night, the proposed restaurant could use up to eight parking spaces for the on-site employees and two spaces for delivery driver rotations. Hence, 13 parking spaces exceed the peak business parking needs. Furthermore, the proposed plan eliminates the parking in the front yard setback. If possible, we would like to offer some customer seating for the Owosso community if it is acceptable to the city.



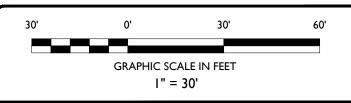




LAND USE AND ZONING							
PID: 050-660-018-017-00							
GEN	GENERAL BUSINESS DISTRICT (B-4)						
PROPOSED USE							
DRIVE-IN RESTAURANT	PERMITTED USE (0	CONDITIONAL)					
ZONING REQUIREMENT	REQUIRED	EXISTING	PROPOSED				
MINIMUM LOT AREA	N/A	15,540 SF (0.36 AC)	UNCHANGED				
MAXIMUM BUILDING AREA	N/A	2,500 SF	UNCHANGED				
MAXIMUM BUILDING HEIGHT	35 FT	<35 FT	UNCHANGED				
RIGHT-OF-WAY SETBACK	60 FT	N/A	3.9 (V)				
MINIMUM FRONT YARD SETBACK	I5 FT	29.7 FT	UNCHANGED				
MINIMUM SIDE YARD (INTERIOR)	0 FT	50.3 FT	UNCHANGED				
MINIMUM STREET SIDE YARD SETBACK	20 FT	3.9 FT (EN)	UNCHANGED				
MINIMUM REAR YARD SETBACK	14.9 FT ^(I)	69.3 FT	UNCHANGED				

OFF-STREET PARKING REQUIREMENTS					
CODE SECTION	REQUIRED	PROPOSED			
§ 38-380	DRIVE-IN RESTAURANT:	13 SPACES (V)			
	I SPACE PER 200 SF OF USABLE FLOOR AREA				
	(2540 SF)(0.70)(1/200) = 24 SPACES (1)				
§ 38-380	60° PARKING:	20 FT X 9 FT WITH			
	18 FT 4 IN X 9' WITH 18' AISLE	18 FT AISLE			
§ 38-380	45° PARKING:	18 FT 4 IN X 9 FT			
	18 FT 4 IN X 9' WITH 14' AISLE	WITH 15 FT AISLE			
§ 38-351.M	LOADING:	TO OCCUR OFF			
	10 SF PER FRONT FT OF BUILDING	HOURS			
	(10 SF/FT)(50 FT) = 500 SF				

ASSUMED 70% USABLE FLOOR AREA



STONEFIELD engineering & design

PROPOSED DRIVE-IN RESTAURANT

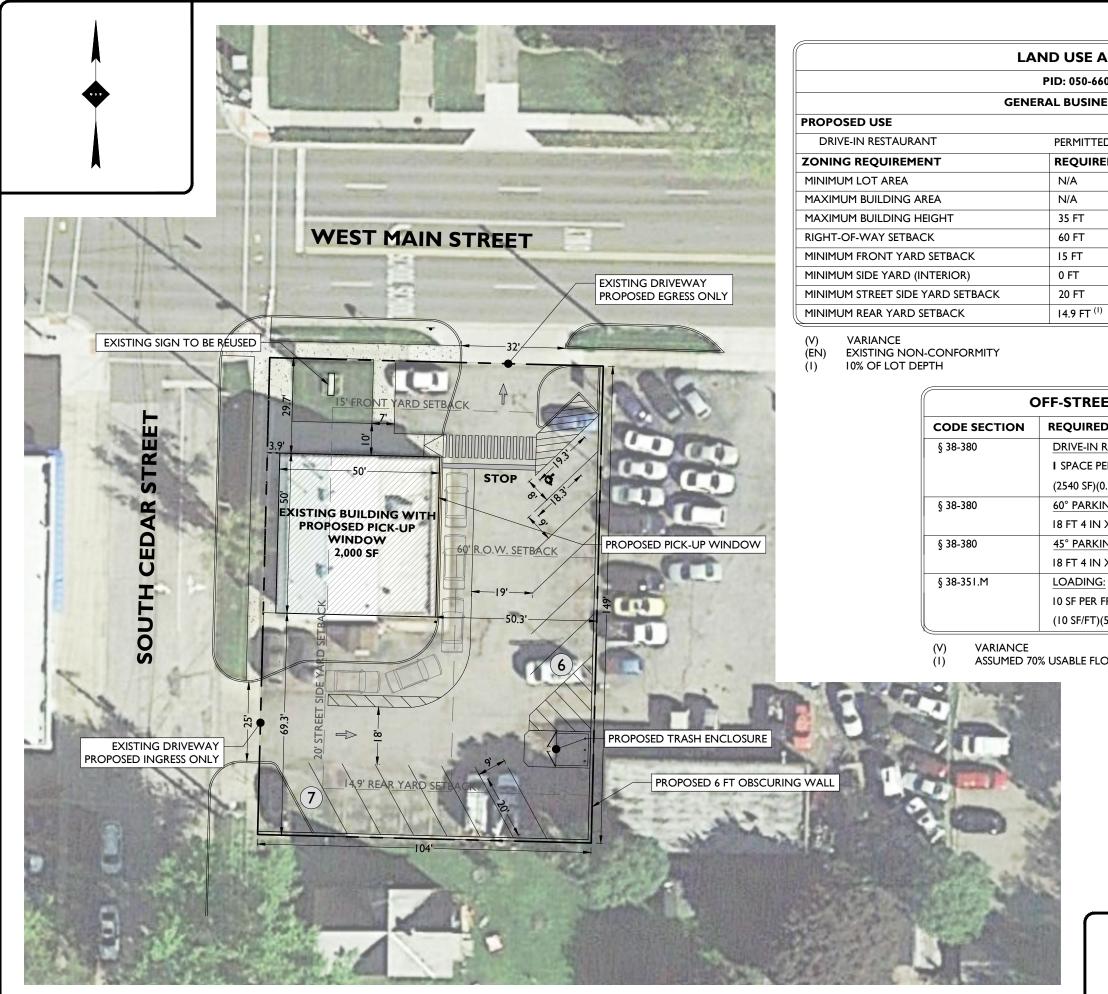
DRAWN BY: NAB

SCALE: (H) | " = 30'

PROJECT ID: DET-220230

CONCEPT B

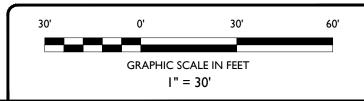
B-I



LAND USE AND ZONING						
PID: 050-660-018-017-00 GENERAL BUSINESS DISTRICT (B-4)						
DRIVE-IN RESTAURANT	PERMITTED USE (C	CONDITIONAL)				
ZONING REQUIREMENT REQUIRED EXISTING PROPOSED						
MINIMUM LOT AREA	N/A	15,540 SF (0.36 AC)	UNCHANGED			
MAXIMUM BUILDING AREA	N/A	2,500 SF	UNCHANGED			
MAXIMUM BUILDING HEIGHT	35 FT	<35 FT	UNCHANGED			
RIGHT-OF-WAY SETBACK	60 FT	N/A	3.9 (V)			
MINIMUM FRONT YARD SETBACK	I5 FT	29.7 FT	UNCHANGED			
MINIMUM SIDE YARD (INTERIOR)	0 FT	50.3 FT	UNCHANGED			
MINIMUM STREET SIDE YARD SETBACK	20 FT	3.9 FT (EN)	UNCHANGED			
MINIMUM REAR YARD SETBACK	14.9 FT ⁽¹⁾	69.3 FT	UNCHANGED			

OFF-STREET PARKING REQUIREMENTS					
CODE SECTION	PROPOSED				
§ 38-380	DRIVE-IN RESTAURANT:	13 SPACES (V)			
	I SPACE PER 200 SF OF USABLE FLOOR AREA				
	(2540 SF)(0.70)(1/200) = 24 SPACES (1)				
§ 38-380	60° PARKING:	20 FT X 9 FT WITH			
	18 FT 4 IN X 9' WITH 18' AISLE	18 FT AISLE			
§ 38-380	45° PARKING:	18 FT 4 IN X 9 FT			
	18 FT 4 IN X 9' WITH 14' AISLE	WITH 15 FT AISLE			
§ 38-351.M	LOADING:	TO OCCUR OFF			
	10 SF PER FRONT FT OF BUILDING	HOURS			
	(10 SF/FT)(50 FT) = 500 SF				

ASSUMED 70% USABLE FLOOR AREA



STONEFIELD



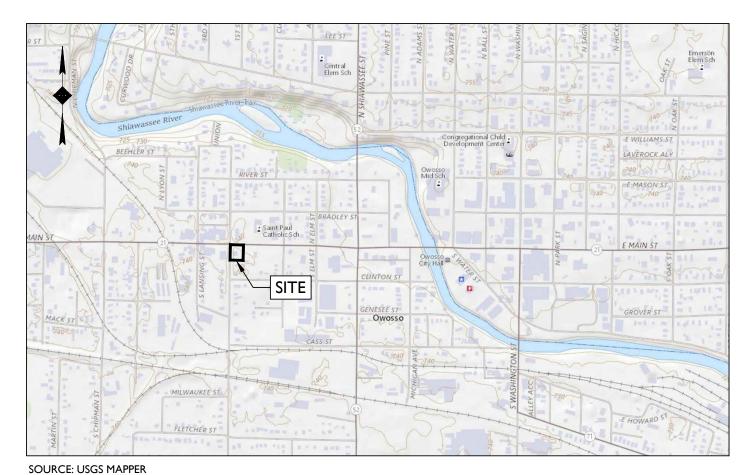
NOT APPROVED FOR CONSTRUCTION

DRAWN BY: NAB

SCALE: (H) | | " = 30" PROJECT ID: DET-220230

CONCEPT B (AERIAL)

B-2



LOCATION MAP

SCALE: $I'' = 1,000' \pm$

SITE IMPROVEMENT PLANS

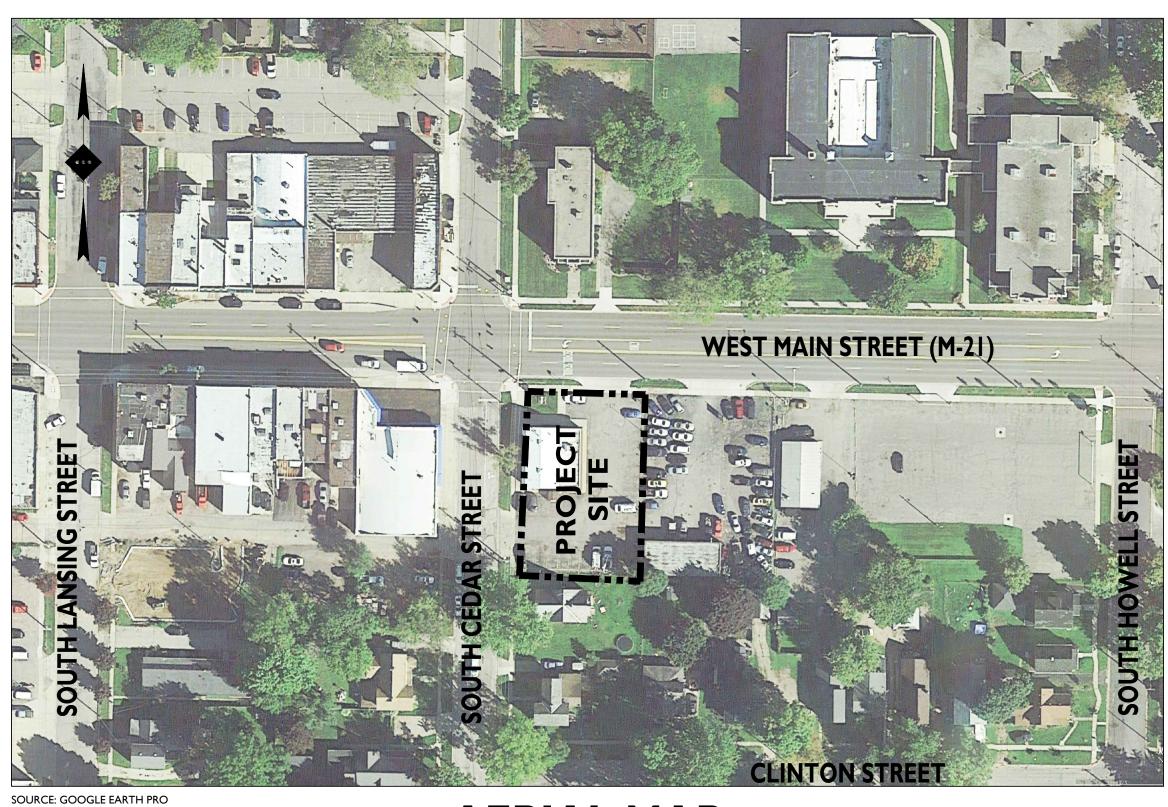
FOR

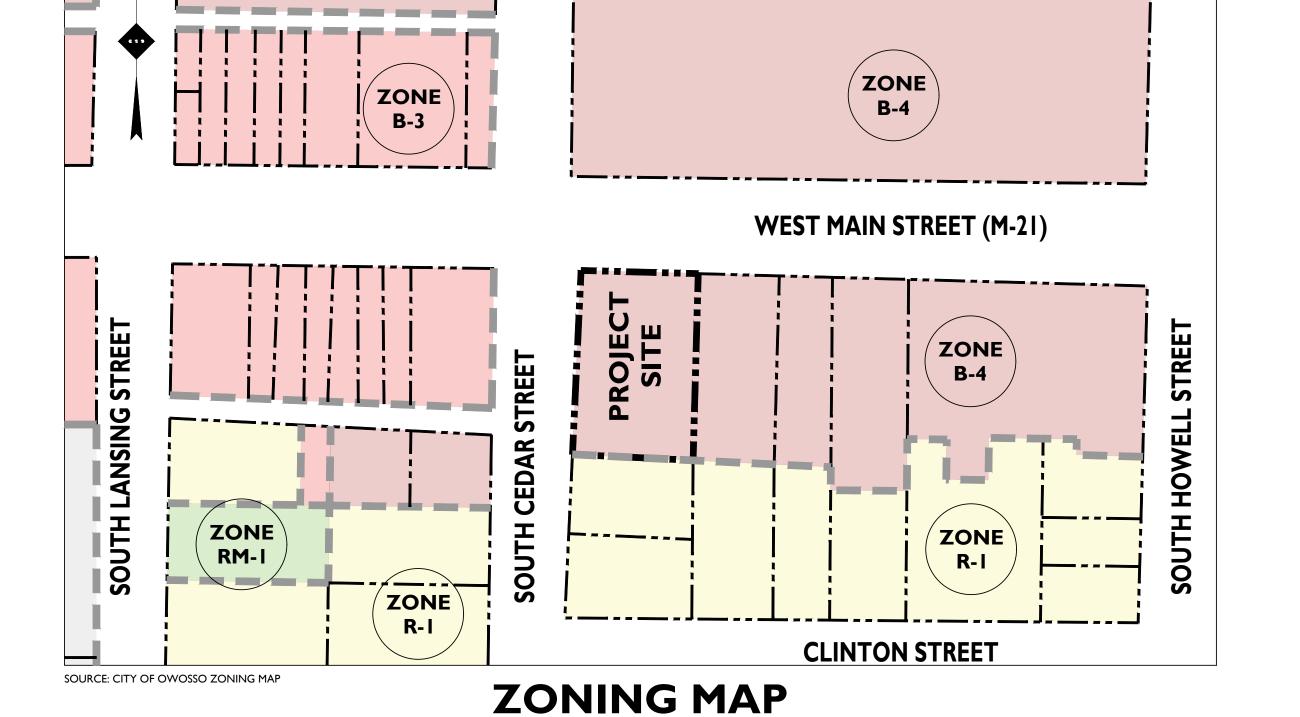
APPLICANT

BLUEGRASS PIZZA c/o CAROL KLINGER 3747 FISHCREEK ROAD STOW, OHIO 44224 330-474-5402 CAKLINGER@BLUEGRASSPIZZA.COM

PIZZA HUT PROPOSED BUILDING RENOVATION FOR DRIVE-IN RESTAURANT

PARCEL ID: 050-660-018-017-00
737 WEST MAIN STREET
CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN





AERIAL MAP

SCALE: $I'' = 80' \pm$

SCALE: $I'' = 80' \pm$

PLANS PREPARED BY:





Detroit, MI · New York, NY · Boston, MA
Princeton, NJ · Tampa, FL · Rutherford, NJ
www.stonefieldeng.com

607 Shelby Suite 200, Detroit, MI 48226 Phone 248.247.1115

PLAN REFERENCE MATERIALS:

- I. THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS
- SURVEY PREPARED BY: BURGESS SURVEYING; DATED:
- ARCHITECTURAL PLANS PREPARED BY: idesign; DATE: 08/14/2022
- AERIAL MAPLOCATION MAP
- 2. ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION

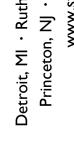
SHEET INDEX				
DRAWING TITLE	SHEET #			
COVER SHEET	C-I			
DEMOLITION PLAN	C-2			
SITE PLAN	C-3			
GRADING & UTILITY PLAN	C-4			
LIGHTING PLAN	C-5			
LANDSCAPING PLAN	C-6			
SOIL EROSION & SEDIMENT CONTROL PLAN	C-7			
CONSTRUCTION DETAILS	C-8 & C-9			
LANDSCAPING DETAILS	C-10			

ADDITIONAL SHEETS					
DRAWING TITLE	SHEET#				
ALTA SURVEY	I OF I				

							SUBMISSION FOR PC & ZBA APPROVAL	DESCRIPTION
							КН	ВҮ
							08-31-2022	DATE
							-	ISSUE
IOT APPROVED FOR CONSTRUCTION								

design
New York, NY
Boston, MA

Rutherford, NJ · New Yo NJ · Tampa, FL · Boston, vw.stonefieldeng.com



I SING RENOVATION FOR JRANT

RIVE-IN RESTAU

OF MICHIGAN COOKSEY ENGINEER

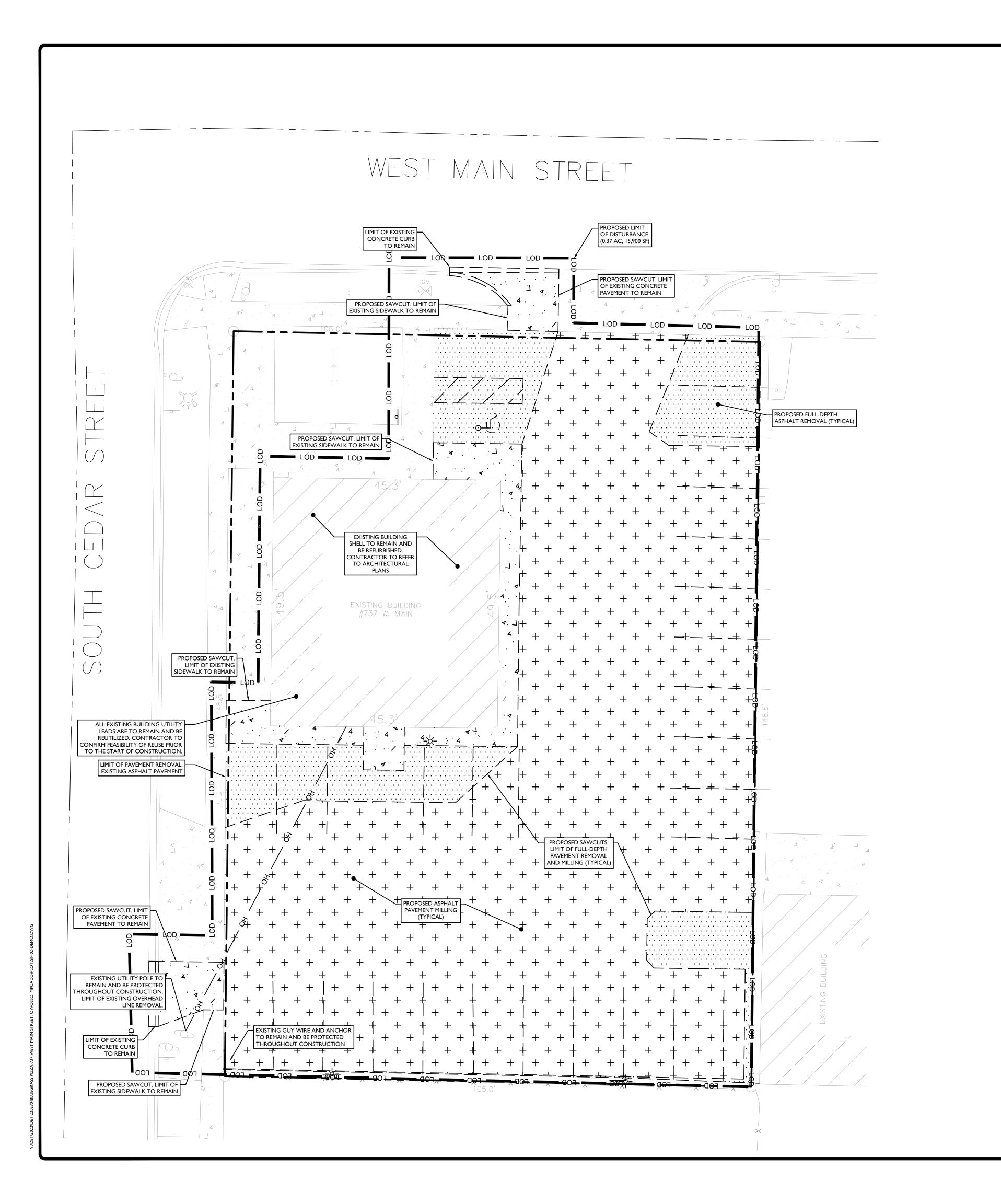


SCALE: AS SHOWN PROJECT ID: DET-220230

COVER SHEET

DRAWING:

C-I





SYMBOL

DESCRIPTION

FEATURE TO BE REMOVED / DEMOLISHED

LIMIT OF DISTURBANCE

CONCRETE PAVEMENT REMOVAL

ASPHALT FULL-DEPTH PAVEMENT REMOVAL

ASPHALT PAVEMENT MILLING

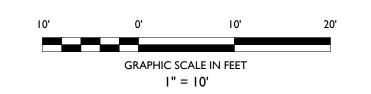
ALL SITE FEATURES WITHIN THE LIMIT OF DISTURBANCE INDICATED ON THIS PLAN ARE TO REMAIN UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL NOTIFY STONEFIELD **ENGINEERING & DESIGN, LLC. IF SIGNIFICANT** DISCREPANCIES ARE DISCERNED BETWEEN THIS PLAN AND FIELD CONDITIONS

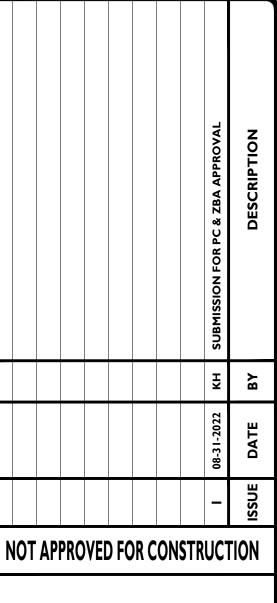


DEMOLITION NOTES

- I. THE WORK REFLECTED ON THE DEMOLITION PLAN IS TO PROVIDE GENERAL INFORMATION TOWARDS THE EXISTING ITEMS TO BE DEMOLISHED AND/OR REMOVED. THE CONTRACTOR IS RESPONSIBLE TO REVIEW THE ENTIRE PLAN SET AND ASSOCIATED REPORTS/REFERENCE DOCUMENTS INCLUDING ALL DEMOLITION ACTIVITIES AND INCIDENTAL TASKS NECESSARY TO COMPLETE THE
- SITE IMPROVEMENTS. 2. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND
- METHODS OF DEMOLITION ACTIVITIES.

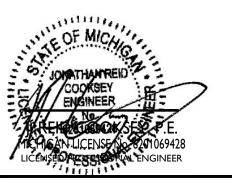
 3. EXPLOSIVES SHALL NOT BE USED UNLESS WRITTEN CONSENT FROM BOTH THE OWNER AND ANY APPLICABLE GOVERNING AGENCY IS OBTAINED. BEFORE THE START OF ANY EXPLOSIVE PROGRAM, THE CONTRACTOR IS RESPONSIBLE TO OBTAIN ALL LOCAL, STATE, AND FEDERAL PERMITS. ADDITIONALLY, THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL SEISMIC TESTING AS REQUIRED AND ANY DAMAGES AS THE RESULT OF SAID DEMOLITION PRACTICES.
- 4. ALL DEMOLITION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL CODES. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING ALL UTILITIES ARE DISCONNECTED IN ACCORDANCE WITH THE UTILITY AUTHORITY'S REQUIREMENTS PRIOR TO STARTING THE DEMOLITION OF ANY STRUCTURE. ALL EXCAVATIONS ASSOCIATED WITH DEMOLISHED STRUCTURES OR REMOVED TANKS SHALL BE BACKFILLED WITH SUITABLE MATERIAL AND COMPACTED TO SUPPORT SITE AND BUILDING IMPROVEMENTS. A GEOTECHNICAL ENGINEER SHOULD BE PRESENT DURING BACKFILLING ACTIVITIES TO OBSERVE AND CERTIFY THAT BACKFILL MATERIAL WAS COMPACTED TO A SUITABLE CONDITION.
- 5. DEMOLISHED DEBRIS SHALL NOT BE BURIED ON SITE. ALL WASTE/DEBRIS GENERATED FROM DEMOLITION ACTIVITIES SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN ALL RECORDS OF THE DISPOSAL TO DEMONSTRATE COMPLIANCE WITH THE ABOVE REGULATIONS.







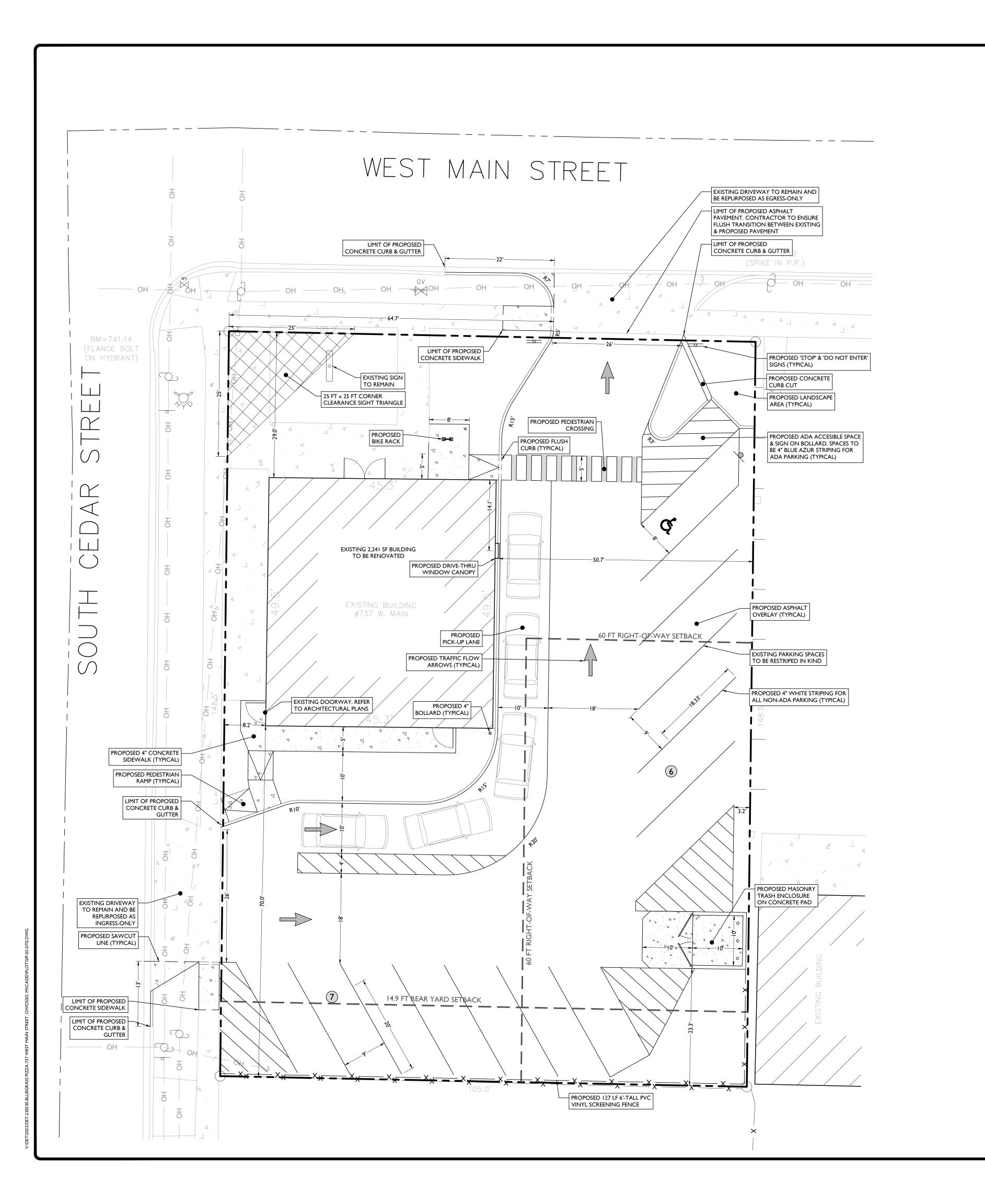
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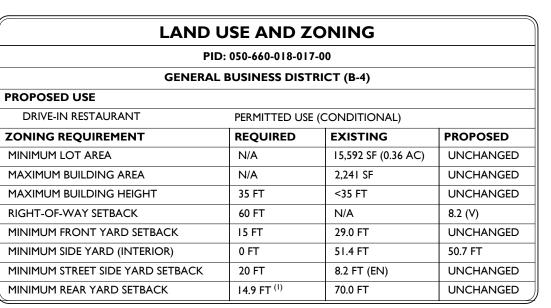




I" = 10' PROJECT ID: DET-220230

DEMOLITION PLAN





VARIANCE (EN) EXISTING NON-CONFORMITY 10% OF LOT DEPTH

OFF-STREET PARKING REQUIREMENTS					
CODE SECTION	REQUIRED	PROPOSED			
§ 38-380	DRIVE-IN RESTAURANT:	13 SPACES (2)			
	I SPACE PER 75 SF OF USABLE FLOOR AREA				
	(2,241 SF)(0.70)(1/75) = 21 SPACES (1)				
§ 38-380	60° PARKING:	20 FT X 9 FT WITH			
	18 FT 4 IN X 9' WITH 18' AISLE	18 FT AISLE			
§ 38-380	45° PARKING:	18 FT 4 IN X 9 FT			
	18 FT 4 IN X 9' WITH 14' AISLE	WITH 18 FT AISLE			
§ 38-351.M	LOADING:	PROVIDED			
	10 SF PER FRONT FT OF BUILDING	(TO OCCUR IN			
	(10 SF/FT)(45.3 FT) = 453 SF	OFF HOURS)			
§ 38-268.4.B	INTERSECTION DRIVE-WAY SETBACK:	64.7 FT			
	60 FT FROM RIGHT-OF-WAY INTERSECTION				

ASSUMED 70% USABLE FLOOR AREA WESTOWN DISTRICT - WITHIN 300 FT OF PUBLIC PARKING LOT

SYMBOL **DESCRIPTION** PROPERTY LINE SETBACK LINE SAWCUT LINE PROPOSED CURB PROPOSED FLUSH CURB = = = = = PROPOSED SIGNS / BOLLARDS PROPOSED BUILDING PROPOSED CONCRETE PROPOSED SCREENING FENCE EXISTING BUILDING DOORS

GENERAL NOTES

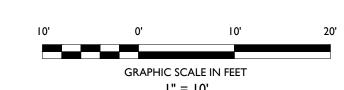
I. THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. PRIOR TO THE START OF CONSTRUCTION.

2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES

- DURING CONSTRUCTION. 3. ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC. AND IT'S SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL
- LIABILITY INSURANCE. 4. THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN,
- 5. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND
- DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE
- UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTORS EXPENSE. DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS
- ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL

FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC. WILL REVIEW

- DEVICES, LATEST EDITION. 10. THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
- II. THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES. 12. SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC.



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SIGHT CLEARANCE TRIANGLE

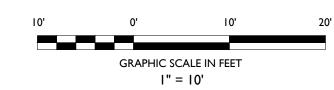
METHODS OF CONSTRUCTION. 6. THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE

PROPERTY. 7. THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR 8. CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP

THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET. 9. THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN

BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES

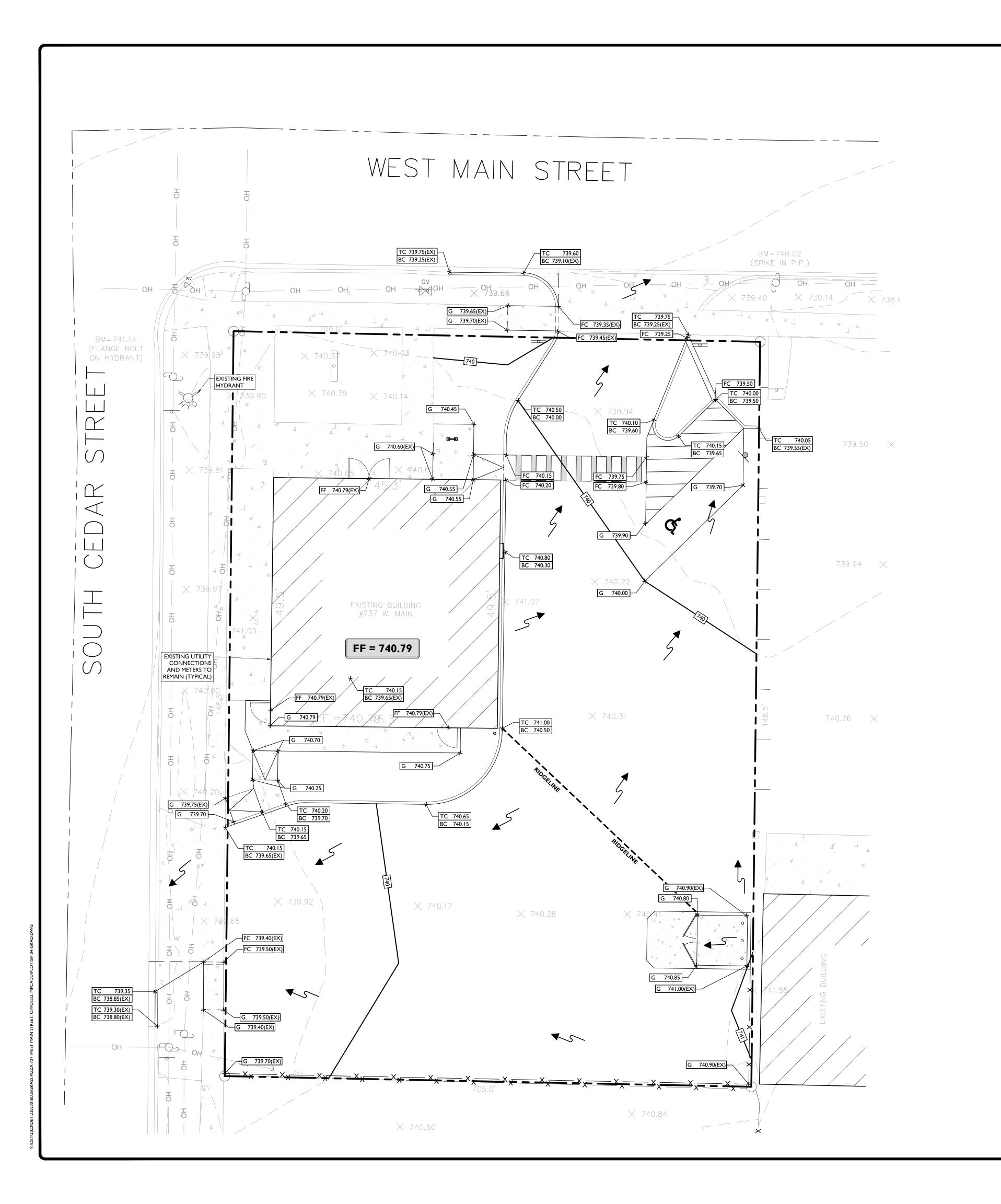
AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.





I" = 10' PROJECT ID: DET-220230

SITE PLAN





SYMBOL DESCRIPTION PROPERTY LINE PROPOSED GRADING CONTOUR PROPOSED GRADING RIDGELINE **RIDGELINE** PROPOSED DIRECTION OF DRAINAGE FLOW **X** G 100.00 PROPOSED GRADE SPOT SHOT PROPOSED TOP OF CURB / BOTTOM OF CURB SPOT SHOT **X** FC 100.00 PROPOSED FLUSH CURB SPOT SHOT **X** G 100.00(EX) EXISTING GRADE SPOT SHOT

GRADING NOTES

- I. ALL SOIL AND MATERIAL REMOVED FROM THE SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS. ANY GROUNDWATER DE-WATERING PRACTICES SHALL BE PERFORMED UNDER THE SUPERVISION OF A QUALIFIED PROFESSIONAL. THE CONTRACTOR IS REQUIRED TO OBTAIN ALL NECESSARY PERMITS FOR THE DISCHARGE OF DE-WATERED GROUNDWATER. ALL SOIL IMPORTED TO THE SITE SHALL BE CERTIFIED CLEAN FILL. CONTRACTOR SHALL MAINTAIN RECORDS OF ALL FILL MATERIALS BROUGHT TO THE SITE.
- 2. THE CONTRACTOR IS REQUIRED TO PROVIDE TEMPORARY AND/OR PERMANENT SHORING WHERE REQUIRED DURING EXCAVATION ACTIVITIES, INCLUDING BUT NOT LIMITED TO UTILITY TRENCHES, TO ENSURE THE STRUCTURAL INTEGRITY OF NEARBY STRUCTURES AND STABILITY OF THE SURROUNDING SOILS.
- 3. PROPOSED TOP OF CURB ELEVATIONS ARE GENERALLY 4 INCHES TO 7 INCHES ABOVE EXISTING GRADES UNLESS OTHERWISE NOTED. THE CONTRACTOR WILL SUPPLY ALL STAKEOUT CURB GRADE SHEETS TO STONEFIELD ENGINEERING & DESIGN, LLC. FOR REVIEW AND APPROVAL PRIOR TO POURING CURBS.
- 4. THE CONTRACTOR IS RESPONSIBLE TO SET ALL PROPOSED UTILITY COVERS AND RESET ALL EXISTING UTILITY COVERS WITHIN THE PROJECT LIMITS TO PROPOSED GRADE IN ACCORDANCE WITH ANY APPLICABLE MUNICIPAL, COUNTY, STATE AND/OR UTILITY
- 5. MINIMUM SLOPE REQUIREMENTS TO PREVENT PONDING SHALL BE AS
 - CURB GUTTER: • CONCRETE SURFACES: 1.00% • ASPHALT SURFACES:
- 5. A MINIMUM SLOPE OF 1.00% SHALL BE PROVIDED AWAY FROM ALL BUILDINGS. THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE FROM THE BUILDING IS ACHIEVED AND SHALL NOTIFY STONEFIELD
- ENGINEERING & DESIGN, LLC. IF THIS CONDITION CANNOT BE MET. 6. FOR PROJECTS WHERE BASEMENTS ARE PROPOSED, THE DEVELOPER IS RESPONSIBLE TO DETERMINE THE DEPTH TO GROUNDWATER AT THE LOCATION OF THE PROPOSED STRUCTURE. IF GROUNDWATER IS ENCOUNTERED WITHIN THE BASEMENT AREA, SPECIAL CONSTRUCTION METHODS SHALL BE UTILIZED AND REVIEWED/APPROVED BY THE CONSTRUCTION CODE OFFICIAL. IF SUMP PUMPS ARE UTILIZED, ALL DISCHARGES SHALL BE CONNECTED DIRECTLY TO THE PUBLIC STORM SEWER SYSTEM WITH APPROVAL FROM THE GOVERNING STORM SEWER SYSTEM AUTHORITY.

ALL EXISTING UTILITIES ARE TO

REMAIN AND BE REUSED.

CONTRACTOR TO CONFIRM

FEASIBILITY OF REUSE PRIOR TO

THE START OF CONSTRUCTION

EXISTING INTERNAL PLUMBING

TO BE RETROFIT WITH

INTERNAL GREASE TRAP

I. THE CONTRACTOR TO PERFORM A TEST PIT PRIOR TO

NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IN WRITING.

THE LOWEST INVERT AND WORK UP-GRADIENT.

2. CONTRACTOR SHALL START CONSTRUCTION OF STORM LINES AT

3. THE CONTRACTOR IS REQUIRED TO CALL THE APPROPRIATE

AUTHORITY FOR NOTICE OF CONSTRUCTION/EXCAVATION AND

UTILITY MARK OUT PRIOR TO THE START OF CONSTRUCTION IN

ACCORDANCE WITH STATE LAW. CONTRACTOR IS REQUIRED TO

CONFIRM THE HORIZONTAL AND VERTICAL LOCATION OF UTILITIES

IN THE FIELD. SHOULD A DISCREPANCY EXIST BETWEEN THE FIELD

LOCATION OF A UTILITY AND THE LOCATION SHOWN ON THE PLAN

SET OR SURVEY, THE CONTRACTOR SHALL NOTIFY STONEFIELD

AS-BUILT LOCATIONS OF ALL PROPOSED UNDERGROUND

INFRASTRUCTURE. THE CONTRACTOR SHALL NOTE ANY

DISCREPANCIES BETWEEN THE AS-BUILT LOCATIONS AND THE

LOCATIONS DEPICTED WITHIN THE PLAN SET. THIS RECORD SHALL BE

PROVIDED TO THE OWNER FOLLOWING COMPLETION OF WORK.

EXCAVATION, SOIL PREPARATION, AND DEWATERING NOTES

I. THE CONTRACTOR IS REQUIRED TO REVIEW THE REFERENCED GEOTECHNICAL DOCUMENTS PRIOR TO CONSTRUCTION, THESE

DOCUMENTS SHALL BE CONSIDERED A PART OF THE PLAN SET.

GEOTECHNICAL ENGINEER OF RECORD.

WITH THE LATEST OSHA REGULATIONS.

OF CONSTRUCTION.

DISPOSAL.

2. THE CONTRACTOR IS REQUIRED TO PREPARE SUBGRADE SOILS

3. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING SHORING FOR

BENEATH ALL PROPOSED IMPROVEMENTS AND BACKFILL ALL EXCAVATIONS IN ACCORDANCE WITH RECOMMENDATIONS BY THE

ALL EXCAVATIONS AS REQUIRED. CONTRACTOR SHALL HAVE THE

SHORING DESIGN PREPARED BY A QUALIFIED PROFESSIONAL.

SHORING DESIGNS SHALL BE SUBMITTED TO STONEFIELD

ENGINEERING & DESIGN, LLC. AND THE OWNER PRIOR TO THE START

EXCAVATIONS ARE PERFORMED AND PROTECTED IN ACCORDANCE

AND OPERATIONS, AS REQUIRED, TO CONSTRUCT THE PROPOSED

IMPROVEMENTS. THE CONTRACTOR SHALL OBTAIN ANY REQUIRED PERMITS FOR DEWATERING OPERATIONS AND GROUNDWATER

4. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL OPEN

5. THE CONTRACTOR IS RESPONSIBLE FOR ANY DEWATERING DESIGN

4. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A RECORD OF THE

ENGINEERING & DESIGN, LLC. IMMEDIATELY IN WRITING.

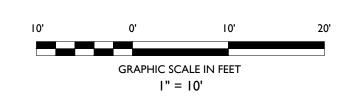
CONSTRUCTION (RECOMMEND 30 DAYS PRIOR) AT LOCATIONS OF

EXISTING UTILITY CROSSINGS FOR STORMWATER IMPROVEMENTS. SHOULD A CONFLICT EXIST. THE CONTRACTOR SHALL IMMEDIATELY

DRAINAGE AND UTILITY NOTES

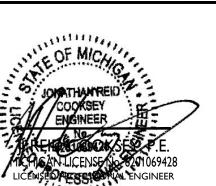
- THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 2.00% SLOPE IN ANY DIRECTION WITHIN THE ADA PARKING SPACES AND ACCESS 2. THE CONTRACTOR SHALL PROVIDE COMPLIANT SIGNAGE AT ALL
- ADA PARKING AREAS IN ACCORDANCE WITH STATE GUIDELINES. 3. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 5.00% RUNNING SLOPE AND A MAXIMUM OF 2.00% CROSS SLOPE ALONG WALKWAYS WITHIN THE ACCESSIBLE PATH OF TRAVEL (SEE THE SITE PLAN FOR THE LOCATION OF THE ACCESSIBLE PATH). THE CONTRACTOR IS RESPONSIBLE TO ENSURE THE ACCESSIBLE PATH OF TRAVEL IS 36 INCHES WIDE OR GREATER UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- 4. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 2.00% SLOPE IN ANY DIRECTION AT ALL LANDINGS. LANDINGS INCLUDE, BUT ARE NOT LIMITED TO, THE TOP AND BOTTOM OF AN ACCESSIBLE RAMP, AT ACCESSIBLE BUILDING ENTRANCES, AT AN AREA IN FRONT OF A WALK-UP ATM, AND AT TURNING SPACES ALONG THE ACCESSIBLE PATH OF TRAVEL. THE LANDING AREA SHALL HAVE A MINIMUM CLEAR AREA OF 60 INCHES BY 60 INCHES UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- 5. THE CONTRACTOR SHALL MAINTAIN A MAXIMUM 8.33% RUNNING SLOPE AND A MAXIMUM 2.00% CROSS SLOPE ON ANY CURB RAMPS ALONG THE ACCESSIBLE PATH OF TRAVEL. WHERE PROVIDED, CURB RAMP FLARES SHALL NOT HAVE A SLOPE GREATER THAN 10.00% IF A LANDING AREA IS PROVIDED AT THE TOP OF THE RAMP. FOR ALTERATIONS, A CURB RAMP FLARES SHALL NOT HAVE A SLOPE GREATER THAN 8.33% IF A LANDING AREA IS NOT PROVIDED AT THE TOP OF THE RAMP. CURBS RAMPS SHALL NOT RISE MORE THAN 6 INCHES IN ELEVATION WITHOUT A HANDRAIL. THE CLEAR WIDTH OF A CURB RAMP SHALL BE NO LESS THAN 36 INCHES WIDE.
- 6. ACCESSIBLE RAMPS WITH A RISE GREATER THAN 6 INCHES SHALL CONTAIN COMPLIANT HANDRAILS ON BOTH SIDES OF THE RAMP AND SHALL NOT RISE MORE THAN 30" IN ELEVATION WITHOUT A LANDING AREA IN BETWEEN RAMP RUNS. LANDING AREAS SHALL ALSO BE PROVIDED AT THE TOP AND BOTTOM OF THE RAMP.
- 7. A SLIP RESISTANT SURFACE SHALL BE CONSTRUCTED ALONG THE ACCESSIBLE PATH AND WITHIN ADA PARKING AREAS. 8. THE CONTRACTOR SHALL ENSURE A MAXIMUM OF 1/4 INCHES VERTICAL CHANGE IN LEVEL ALONG THE ACCESSIBLE PATH. WHERE A CHANGE IN LEVEL BETWEEN 1/4 INCHES AND 1/2 INCHES EXISTS, CONTRACTOR SHALL ENSURE THAT THE TOP 1/4 INCH CHANGE IN
- VERTICAL AND 2 UNITS HORIZONTAL (2:1 SLOPE). 9. THE CONTRACTOR SHALL ENSURE THAT ANY OPENINGS (GAPS OR HORIZONTAL SEPARATION) ALONG THE ACCESSIBLE PATH SHALL NOT ALLOW PASSAGE OF A SPHERE GREATER THAN 1/2 INCH.

LEVEL IS BEVELED WITH A SLOPE NOT STEEPER THAN I UNIT



NOT APPROVED FOR CONSTRUCTION



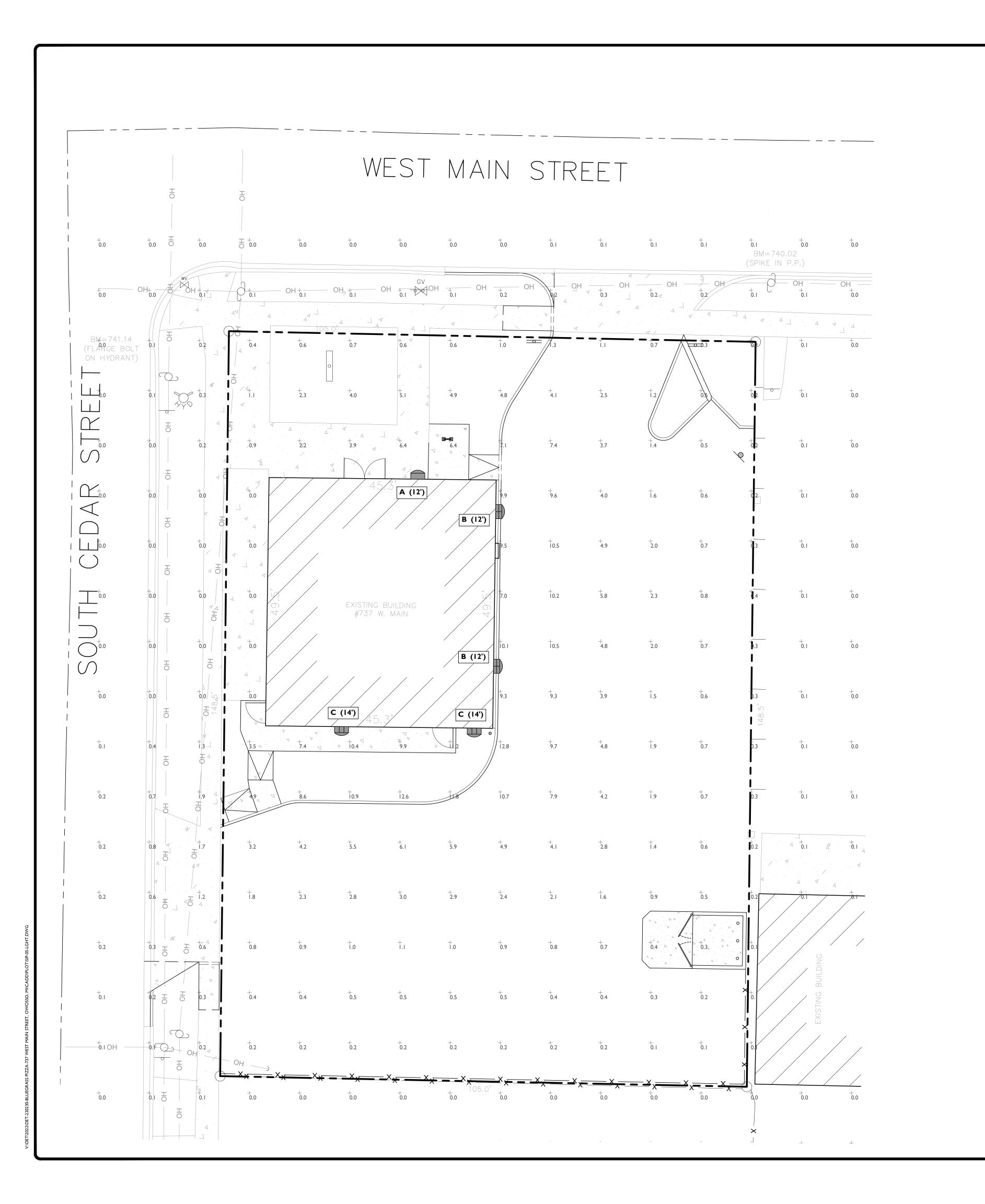


 \Box



I" = 10' PROJECT ID: DET-220230

GRADING & UTILITY PLAN





SYMBOL

DESCRIPTION

PROPOSED LIGHTING FIXTURE (MOUNTING HEIGHT)

PROPOSED LIGHTING INTENSITY (FOOTCANDLES)

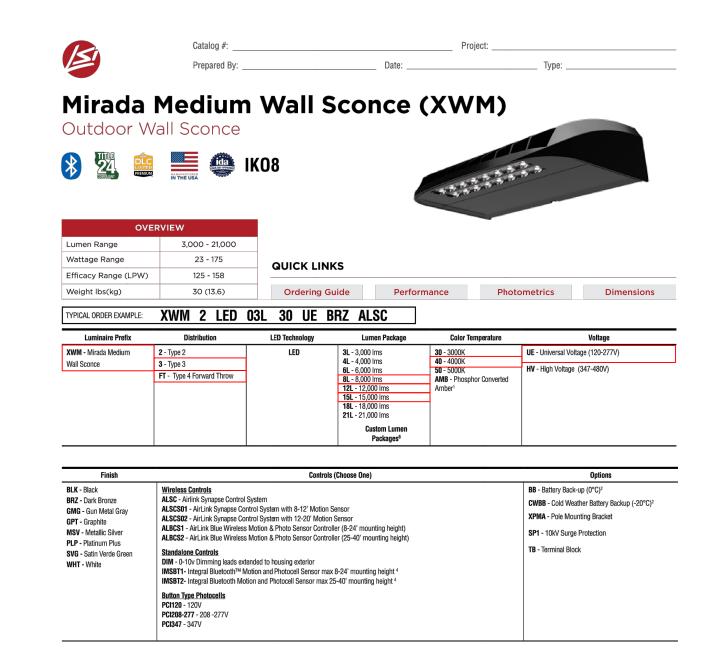
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PROPOSED BUILDING MOUNTED LIGHT

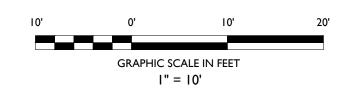
A (XX')

- I. THE LIGHTING LEVELS DEPICTED WITHIN THE PLAN SET ARE CALCULATED UTILIZING DATA OBTAINED FROM THE LISTED MANUFACTURER. ACTUAL ILLUMINATION LEVELS AND PERFORMANCE OF ANY PROPOSED LIGHTING FIXTURE MAY VARY DUE TO UNCONTROLLABLE VARIABLES SUCH ARE WEATHER, VOLTAGE SUPPLY, LAMP TOLERANCE, EQUIPMENT SERVICE LIFE AND OTHER VARIABLE FIELD CONDITIONS.
- 2. WHERE APPLICABLE, THE EXISTING LIGHT LEVELS DEPICTED WITHIN THE PLAN SET SHALL BE CONSIDERED APPROXIMATE. THE EXISTING LIGHT LEVELS ARE BASED ON FIELD OBSERVATIONS AND THE MANUFACTURER'S DATA OF THE ASSUMED OR MOST SIMILAR LIGHTING FIXTURE MODEL.
- 3. UNLESS NOTED ELSEWHERE WITHIN THIS PLAN SET, THE LIGHT LOSS FACTORS USED IN THE LIGHTING ANALYSIS ARE AS FOLLOWS: LIGHT EMITTING DIODES (LED): 0.90 HIGH PRESSURE SODIUM: METAL HALIDE:
- 4. THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. IN WRITING, PRIOR TO THE START OF CONSTRUCTION, OF ANY PROPOSED LIGHTING LOCATIONS THAT CONFLICT WITH
- EXISTING/ PROPOSED DRAINAGE, UTILITY, OR OTHER IMPROVEMENTS. 5. THE CONTRACTOR IS RESPONSIBLE TO PREPARE A WIRING PLAN AND PROVIDE ELECTRIC SERVICE TO ALL PROPOSED LIGHTING FIXTURES. THE CONTRACTOR IS REQUIRED TO PREPARE AN AS-BUILT PLAN OF WIRING AND PROVIDE COPIES TO THE OWNER AND STONEFIELD ENGINEERING & DESIGN, LLC.

	PROPOSED LUMINAIRE SCHEDULE								
SYMBOL	LABEL	QUANTITY SECURITY LIGHTING DISTRIBUTION LLF MANUFACTURER IES FILE							
	A	I	MIRADA MEDIUM LED WALL SCONCE - MINIMUM 8K LUMENS	TYPE III	0.9	LSI	XWM-3-LED-08L-40-UE		
	В	2	MIRADA MEDIUM LED WALL SCONCE - MINIMUM 12K LUMENS	TYPE IV	0.9	LSI	XWM-FT-LED-12L-40-UE		
	С	2	MIRADA MEDIUM LED WALL SCONCE - MINIMUM 15K LUMENS	TYPE IV	0.9	LSI	XWM-FT-LED-15L-40-UE		



PROPOSED LIGHT FIXTURE 'A', 'B' & 'C'



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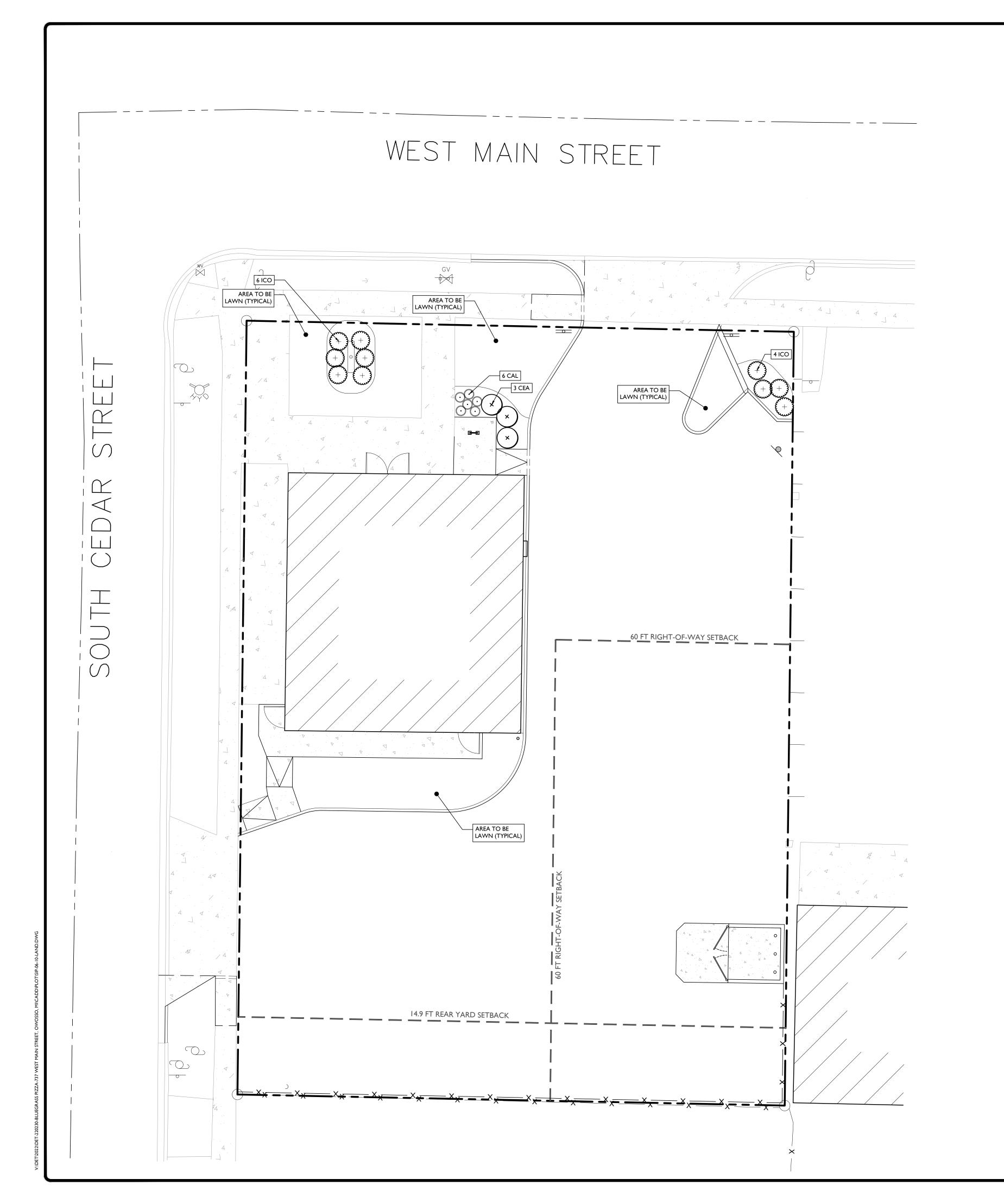


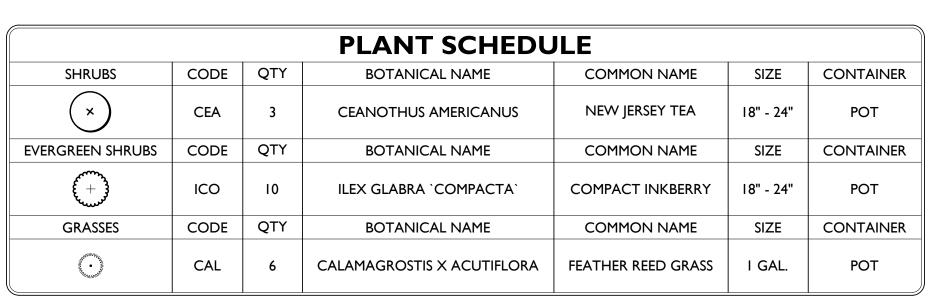




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LIGHTING PLAN





NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN ON THE LANDSCAPE PLAN AND WITHIN THE PLANT LIST, THE PLAN SHALL DICTATE.

LANDSCAPING AND BUFFER REQUIREMENTS					
CODE SECTION	REQUIRED	PROPOSED			
	SCREENING REQUIREMENTS				
§ 38-381(7)	WALL SHALL BE PROVIDED ON ALL SIDES OF PARKING LOT THAT ABUT RESIDENTIAL DISTRICT MIN HEIGHT: 6'	PROPOSED 6 FT WALL			
	PLANT MATERIALS				
§ 38-384(I)	PLANT MATERIAL SHALL NOT BE CLOSER THAN 4 FT FROM A FENCE OR PROPERTY LINE	COMPLIES			
	PLANT MATERIAL SHALL BE STAGGERED IN ROWS	COMPLIES			



IRRIGATION NOTE:

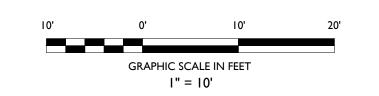
IRRIGATION CONTRACTOR TO PROVIDE A DESIGN FOR AN IRRIGATION SYSTEM SEPARATING PLANTING BEDS FROM LAWN AREA. PRIOR TO CONSTRUCTION, DESIGN IS TO BE SUBMITTED TO THE PROJECT LANDSCAPE DESIGNER FOR REVIEW AND APPROVAL. WHERE POSSIBLE, DRIP IRRIGATION AND OTHER WATER CONSERVATION TECHNIQUES SUCH AS RAIN SENSORS SHALL BE IMPLEMENTED. CONTRACTOR TO VERIFY MAXIMUM ON SITE DYNAMIC WATER PRESSURE AVAILABLE MEASURED IN PSI. PRESSURE REDUCING DEVICES OR BOOSTER PUMPS SHALL BE PROVIDED TO MEET SYSTEM PRESSURE REQUIREMENTS. DESIGN TO SHOW ALL VALVES, PIPING, HEADS, BACKFLOW PREVENTION, METERS, CONTROLLERS, AND SLEEVES WITHIN HARDSCAPE AREAS.

LANDSCAPING NOTES

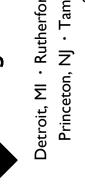
- I. THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND LANDSCAPED AREAS TO MATCH EXISTING CONDITIONS UNLESS
- INDICATED OTHERWISE WITHIN THE PLAN SET.

 THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITH A MINIMUM 4 INCH LAYER OF TOPSOIL AND SEED.
- 3. THE CONTRACTOR SHALL REPLACE ALL MULCH BEDS WITH RIVER
- STONE OR AN APPROVED EQUAL.

 4. THE MAXIMUM SLOPE ALLOWABLE IN LANDSCAPE RESTORATION AREAS SHALL BE 3 FEET HORIZONTAL TO 1 FOOT VERTICAL (3:1 SLOPE) UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET. 5. THE CONTRACTOR IS REQUIRED TO LOCATE ALL SPRINKLER HEADS IN AREA OF LANDSCAPING DISTURBANCE PRIOR TO
- CONSTRUCTION. THE CONTRACTOR SHALL RELOCATE SPRINKLER HEADS AND LINES IN ACCORDANCE WITH OWNER'S DIRECTION WITHIN AREAS OF DISTURBANCE. 6. THE CONTRACTOR SHALL ENSURE THAT ALL DISTURBED LANDSCAPED AREAS ARE GRADED TO MEET FLUSH AT THE ELEVATION OF WALKWAYS AND TOP OF CURB ELEVATIONS EXCEPT UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET. NO ABRUPT CHANGES IN GRADE ARE PERMITTED IN DISTURBED LANDSCAPING



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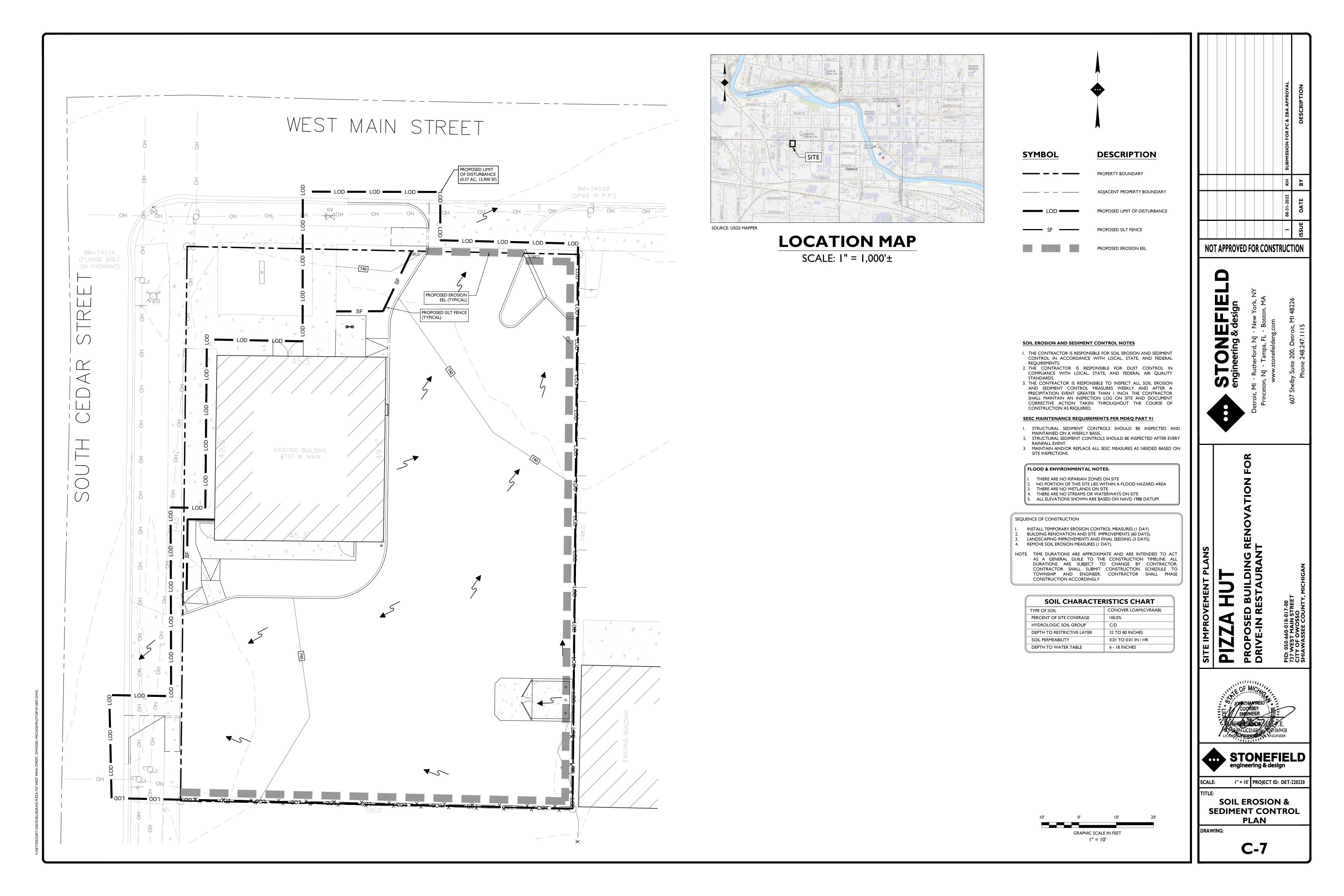


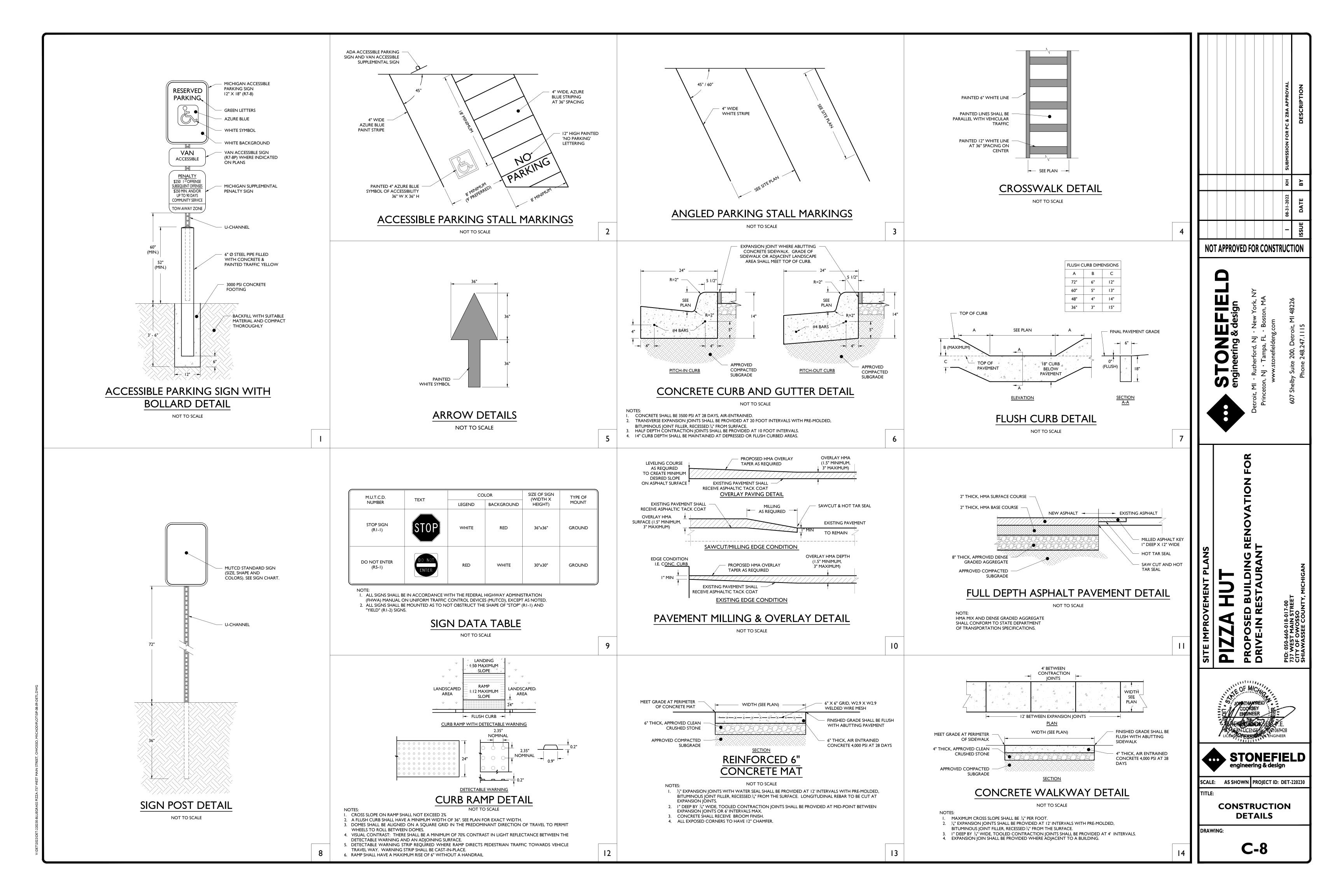


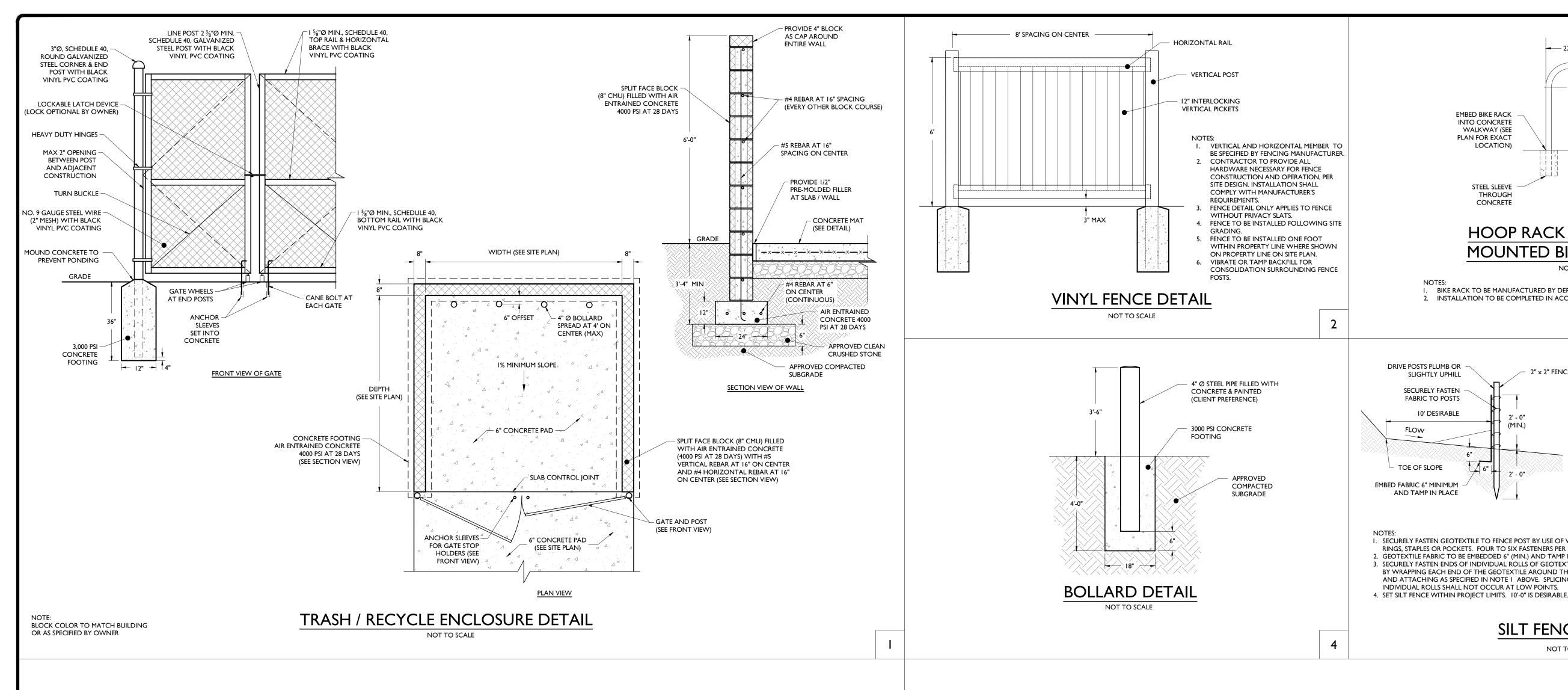


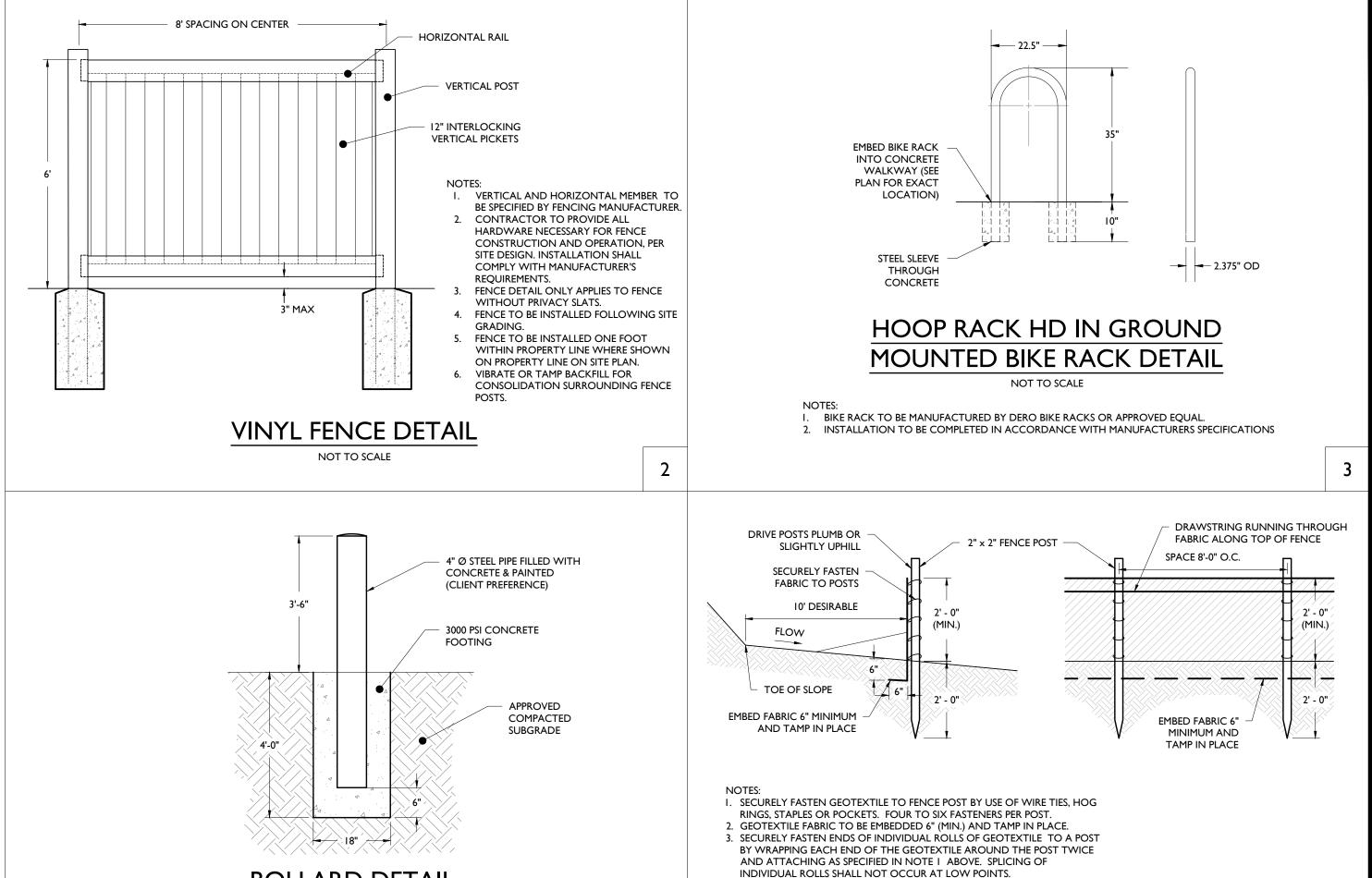
I" = 10' PROJECT ID: DET-220230

LANDSCAPING PLAN



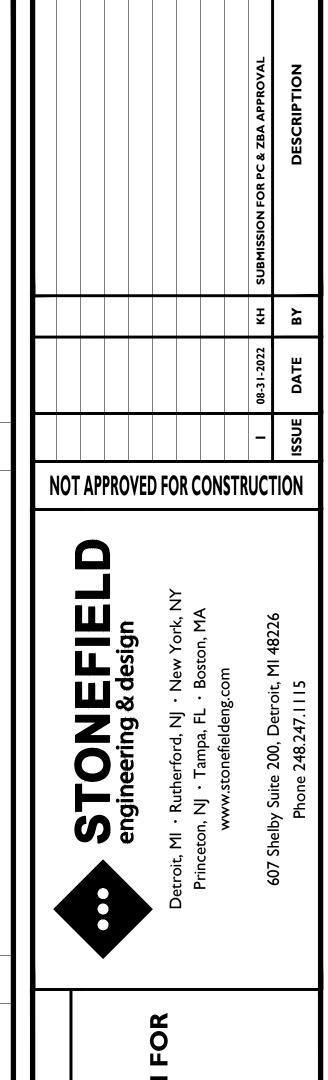


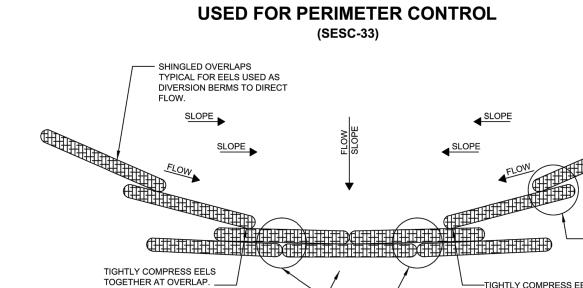




SILT FENCE DETAIL

NOT TO SCALE





MAIN DRAINAGE/DISCHARGE PATH FROM WATERSHED. _

SEE DETAIL SESC-35 FOR GENERAL NOTES.

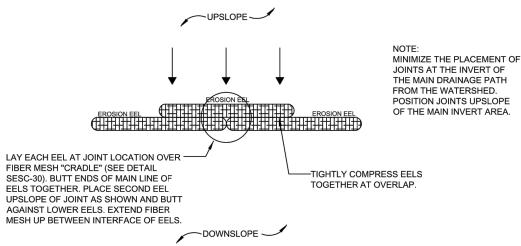
PLAN VIEW TYPICAL ARRANGEMENT OF EELS

OVERLAP/JOINT DETAIL NEAR DISCHARGE POINTS FROM WATERSHED UPSLOPE

- SEE OVERLAP/JOINT DETAIL

TIGHTLY COMPRESS EELS

TOGETHER AT OVERLAP.



GENERAL NOTES. EROSION EELS USED IN PERIMETER CONTROL APPLICATIONS

1. EROSION EELS USED IN PERIMETER CONTROL APPLICATIONS SHALL HAVE A SPECIFICATION MIXTURE 1.1. OR 1.2.

a. MIXTURE SPECIFICATION 1.1. A FILTER MIXTURE COMPRISED OF 50% SHREDDED RUBBER AND 50% WOOD CHIP PARTICLES BY VOLUME. THE SHREDDED RUBBER SHALL BE WASHED AND PROCESSED TO REMOVE MOST, IF NOT ALL, METAL COMPONENTS. THE RUBBER SHALL BE DERIVED FROM RECYCLED TIRES AND SHALL BE SHREDDED TO PRODUCE A MAXIMUM PARTICLE SIZE OF +/-3/4". THE WOOD CHIPS SHALL BE PRODUCED FROM HARDWOOD TREES AND SHALL CONFIRM TO ASSITE CERTIFICATION SPECIFICATION MP 9-03.

b. MIXTURE SPECIFICATION 1.2. A FILTER MIXTURE COMPRISED OF 1/3 SHREDDED RUBBER, 1/3 SYNTHETIC FIBER. THE SHREDDED RUBBER SHALL BE WASHED AND PROCESSED TO REMOVE MOST, IF NOT ALL, METAL COMPONENTS. THE RUBBER SHALL BE DERIVED FROM RECYCLED TIRES AND SHALL BE SHREDDED TO PRODUCE A MAXIMUM PARTICLE SIZE OF +/-3/4". THE WOOD CHIPS SHALL BE PRODUCED FROM HARDWOOD TREES AND SHALL CONFIRM TO ASSHTO CERTIFICATION SPECIFICATION MP 9-03. THE SYNTHETIC FIBERS SHALL BE PRODUCED FROM RECYCLED, MANUFACTURED MATERIALS, SUCH AS, BUT NOT LIMITED TO, PRE-CONSUMER SCRAP CARPET. TIRE CHORD, AND TIRE FIBER MATERIALS.

2. EROSION EELS SHALL BE MANUFACTURED FROM A WOVEN GEOTEXTILE COVERING WITH INTERIOR FILTER MATERIALS SUCH AS 100 % SHREDDED RUBBER (MIXTURE SPECIFICATION 1.0.), 50% SHREDDED RUBBER/50% ASSHTO-CERTIFIED WOOD CHIPS (MIXTURE SPECIFICATION 1.1.), OR 1/3 SHREDDED RUBBER: 1/3 AASHTO-CERTIFIED WOOD CHIPS: 1/3 RECYCLE SYNTHETIC FIBERS (MIXTURE

3. LENGTHS OF EROSION EELS SHALL BE EITHER A NOMINAL +/- 10 FT. OR +/- 4.5 FT. NOMINAL DIAMETER SHALL BE +/- 9.5". 4. EROSION EELS CAN BE PLACED AT THE TOP, ON THE FACE, OR AT THE TOE OF SLOPES TO INTERCEPT RUNOFF, REDUCE FLOW VELOCITY. RELEASE THE RUNOFF AS SHEET FLOW AND PROVIDE REMOVAL OF SEDIMENT FROM THE RUNOFF 5. EROSION EELS SHALL BE INSTALLED ALONG THE GROUND CONTOUR, AT THE TOE OF SLOPE, AT AN ANGLE TO THE CONTOUR TO DIRECT FLOW AS A DIVERSION BERM, AROUND INLET STRUCTURES, IN A DITCH AS A CHECK DAM TO HELP REDUCE SUSPENDED SOLIDS LOADING AND RETAIN SEDIMENT, OR AS A GENERAL FILTER FOR ANY DISTURBED SOIL AREA. 6. NO TRENCHING IS REQUIRED FOR INSTALLATION OF EROSION EELS.

7. PREPARE BED FOR EEL INSTALLATION BY REMOVING ANY LARGE DEBRIS INCLUDING ROCKS, SOIL CLODS, AND WOODY VEGETATION, EROSION EELS CAN ALSO BE PLACED OVER PAVED SURFACES INCLUDING CONCRETE AND ASPHALT WITH NO SURFACE PREPARATION

8. RAKE BED AREA WITH A HAND RAKE OR BY DRAG HARROW. 9. DO NOT PLACE EEL DIRECTLY OVER RILLS AND GULLIES UNTIL AREA HAS BEEN HAND-EXCAVATED AND RAKED TO PROVIDE A LEVEL BEDDING SURFACE. ALL SURFACES SHALL BE UNIFORMLY COMPACTED FOR MAXIMUM SEATING OF EELS IN PLACE. 10. FOR LOCATIONS WHERE EELS WILL BE PLACED IN CONCENTRATED FLOWS (SUCH AS CHECK DAMS, INLET PROTECTION) AND FOR PERIMETER CONTROLS AT PRIMARY DISCHARGE LOCATIONS, BED THE EELS IN A JUTE MESH CRADLE PER THE DETAILED DRAWINGS. 11. FOR DITCH APPLICATIONS, THE MAXIMUM DRAINAGE AREA SHALL BE 10 ACRES.

12. IF MORE THAN ONE EROSION EEL IS PLACED IN A ROW, THE EELS SHALL BE OVERLAPPED A MINIMUM OF 12" TO PREVENT FLOW AND SEDIMENT FROM PASSING THROUGH THE FIELD JOINT. COMPRESS THE TWO EELS OF THE OVERLAP TIGHTLY TOGETHER EITHER BY HAND OR MANUFACTURER-APPROVED MECHANIZED MEANS.

13. WHEN USED IN DITCHES AS A CHECK DAM, EROSION EELS SHALL BE INSTALLED PER MANUFACTURER'S DETAILS.

14. FOR CHECK DAM APPLICATIONS, EROSION EELS SHALL BE PLACED PERPENDICULAR TO THE FLOW OF THE WATER. EROSION EELS SHALL CONTINUE UP THE SIDES SLOPES A MINIMUM OF 3 FT. ABOVE THE DESIGN FLOW DEPTH. 15. EROSION EELS SHALL REMAIN IN PLACE UNTIL FULLY ESTABLISHED VEGETATION HAS COMPLETELY DEVELOPED OR UNTIL THE STORAGE CAPACITY/FUNCTIONAL LIFE OF THE EEL HAS BEEN EXHAUSTED (REQUIRING REPLACEMENT WITH NEW EELS). 16. ANCHORING POSTS FOR CHECK DAM APPLICATIONS SHALL HAVE MINIMUM WEIGHT OF 1.25 LBS/FT. STEEL T-POSTS (5 TO 7 FT LENGTHS) ROLLED FROM HIGH CARBON STEEL. POSTS SHOULD BE HOT-DIP GALVANIZED OR COATED WITH A WEATHER-RESISTNANT PAINT FOR STEEL APPLICATION. POST SHOULD BE EQUIPPED WITH A METAL ANCHOR PLATE.

17. PLACE T-POSTS THROUGH HANDLE OF BAGS. DO NOT DRIVE POSTS THROUGH EROSION EELS. T-POST ARE TO BE EMBEDDED A MINIMUM OF 2 FT. INTO GROUND.

EROSION EEL DETAIL

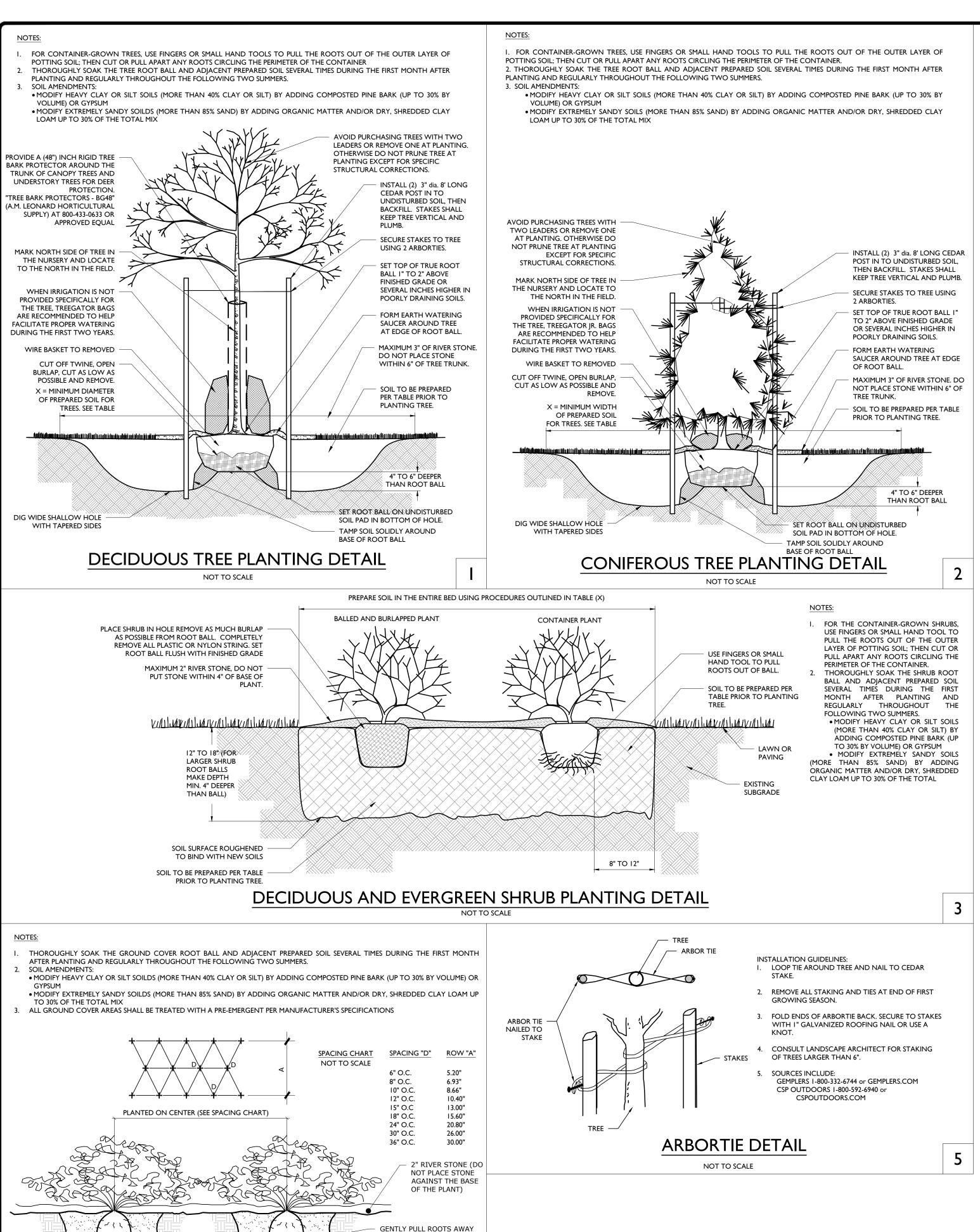


SCALE: AS SHOWN PROJECT ID: DET-220230

CONSTRUCTION **DETAILS**

DRAWING:

5



FROM TOPSOIL MASS WITH

1 PART SOIL AMENDMENT

(BASED ON SOIL TEST)

3 PARTS NATIVE TOPSOIL

FINGERS

GROUND COVER/PERENNIAL/ANNUAL

PLANTING DETAIL

BACKFILL SOIL

GENERAL LANDSCAPING NOTES

- I. THE LANDSCAPE CONTRACTOR SHALL FURNISH ALL MATERIALS AND PERFORM ALL WORK IN ACCORDANCE WITH THESE I. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004) OR LATEST SPECIFICATIONS, APPROVED OR FINAL DRAWINGS, AND INSTRUCTIONS PROVIDED BY THE PROJECT LANDSCAPE DESIGNER, MUNICIPAL OFFICIALS, OR OWNER/OWNER'S REPRESENTATIVE. ALL WORK COMPLETED AND MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH THE INTENTION OF THE SPECIFICATIONS, DRAWINGS, AND INSTRUCTIONS AND EXECUTED WITH THE STANDARD LEVEL OF CARE FOR THE LANDSCAPE INDUSTRY.
- . WORK MUST BE CARRIED OUT ONLY DURING WEATHER CONDITIONS FAVORABLE TO LANDSCAPE CONSTRUCTION AND TO THE HEALTH AND WELFARE OF PLANTS. THE SUITABILITY OF SUCH WEATHER CONDITIONS SHALL BE DETERMINED BY THE
- 3. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR, BEFORE ORDERING OR PURCHASING MATERIALS, TO PROVIDE SAMPLES OF THOSE MATERIALS TO THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL FOR APPROVAL,
- IF SO REQUESTED. 4. IF SAMPLES ARE REQUESTED, THE LANDSCAPE CONTRACTOR IS TO SUBMIT CERTIFICATION TAGS FROM TREES, SHRUBS AND
- SEED VERIFYING TYPE AND PURITY. 5. UNLESS OTHERWISE AUTHORIZED BY THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL, THE LANDSCAPE CONTRACTOR SHALL PROVIDE NOTICE AT LEAST FORTY-EIGHT HOURS (48 HRS.) IN ADVANCE OF THE

ANTICIPATED DELIVERY DATE OF ANY PLANT MATERIALS TO THE PROJECT SITE. A LEGIBLE COPY OF THE INVOICE, SHOWING

VARIETIES AND SIZES OF MATERIALS INCLUDED FOR EACH SHIPMENT SHALL BE FURNISHED TO THE PROJECT LANDSCAPE

DESIGNER, OR GOVERNING MUNICIPAL OFFICIAL 6. THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL RESERVES THE RIGHT TO INSPECT AND REJECT PLANTS AT ANY TIME AND AT ANY PLACE.

PROTECTION OF EXISTING VEGETATION NOTES

PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL.

- BEFORE COMMENCING WORK, ALL EXISTING VEGETATION WHICH COULD BE IMPACTED AS A RESULT OF THE PROPOSED CONSTRUCTION ACTIVITIES MUST BE PROTECTED FROM DAMAGE BY THE INSTALLATION OF TREE PROTECTION FENCING. FENCING SHALL BE LOCATED AT THE DRIP-LINE OR LIMIT OF DISTURBANCE AS DEPICTED WITHIN THE APPROVED OR FINAL PLAN SET, ESTABLISHING THE TREE PROTECTION ZONE. FENCE INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVIDED "TREE PROTECTION FENCE DETAIL." NO WORK MAY BEGIN UNTIL THIS REQUIREMENT IS FULFILLED. THE FENCING SHALL BE INSPECTED REGULARLY BY THE LANDSCAPE CONTRACTOR AND MAINTAINED UNTIL ALL CONSTRUCTION
- ACTIVITIES HAVE BEEN COMPLETED. 9. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CORRESPONDING LANDSCAPE PLAN AND PLANTING IN ORDER TO AVOID DAMAGE TO ROOTS, BARK OR LOWER BRANCHES, NO VEHICLE, EQUIPMENT, DEBRIS, OR OTHER MATERIALS SHALL BE DRIVEN, PARKED OR PLACED WITHIN THE TREE PROTECTION ZONE. ALL ON-SITE CONTRACTORS SHALL USE ANY AND ALL PRECAUTIONARY MEASURES WHEN PERFORMING WORK AROUND TREES, WALKS, PAVEMENTS, UTILITIES, AND ANY OTHER FEATURES EITHER EXISTING OR PREVIOUSLY INSTALLED UNDER THIS CONTRACT. 3. IN RARE INSTANCES WHERE EXCAVATING, FILL, OR GRADING IS REQUIRED WITHIN THE DRIP-LINE OF TREES TO REMAIN, THE
- WORK SHALL BE PERFORMED AS FOLLOWS: • TRENCHING: WHEN TRENCHING OCCURS AROUND TREES TO REMAIN THE TREE ROOTS SHALL NOT BE CUT BUT THE TRENCH SHALL BE TUNNELED UNDER OR AROUND THE ROOTS BY CAREFUL HAND DIGGING AND WITHOUT INJURY TO
- THE ROOTS. NO ROOTS, LIMBS, OR WOODS ARE TO HAVE ANY PAINT OR MATERIAL APPLIED TO ANY SURFACE. RAISING GRADES: WHEN THE GRADE AT AN EXISTING TREE IS BELOW THE NEW FINISHED GRADE, AND FILL NOT EXCEEDING 6 INCHES (6") IS REQUIRED, CLEAN, WASHED GRAVEL FROM ONE TO TWO INCHES (1" - 2") IN SIZE SHALL BE PLACED DIRECTLY AROUND THE TREE TRUNK. THE GRAVEL SHALL EXTEND OUT FROM THE TRUNK ON ALL SIDES A MINIMUM OF 18 INCHES (18") AND FINISH APPROXIMATELY TWO INCHES (2") ABOVE THE FINISH GRADE AT TREE. INSTALL GRAVEL BEFORE ANY FARTH FILL IS PLACED. NEW FARTH FILL SHALL NOT BE LEFT IN CONTACT WITH THE TRUNK OF ANY TREE REQUIRING FILL. WHERE FILL EXCEEDING 6 INCHES (6") IS REQUIRED, A DRY LAID TREE WELL SHALL BE CONSTRUCTED.
- LOWERING GRADES: EXISTING TREES LOCATED IN AREAS WHERE THE NEW FINISHED GRADE IS TO BE LOWERED. SHALL HAVE RE-GRADING WORK DONE BY HAND TO THE INDICATED ELEVATION. NO GREATER THAN SIX INCHES (6"). ROOTS SHALL BE CUT CLEANLY THREE INCHES (3") BELOW FINISHED GRADE UNDER THE DIRECTION OF A LICENSED ARBORIST WHERE CUT EXCEEDING 6 INCHES (6") IS REQUIRED, A DRY LAID RETAINING WALL SHALL BE CONSTRUCTED. IF APPLICABLE, THE RETAINING WALL INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVIDED "TREE RETAINING WALL DETAIL."

IF APPLICABLE, TREE WELL INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVIDED "TREE WELL DETAIL."

SOIL PREPARATION AND MULCH NOTES:

- I. LANDSCAPE CONTRACTOR SHALL OBTAIN A SOIL TEST OF THE IN-SITU TOPSOIL BY A CERTIFIED SOIL LABORATORY PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL ALLOW FOR A TWO WEEK TURNAROUND TIME FROM SUBMITTAL OF SAMPLE TO NOTIFICATION OF RESULTS
- 2. BASED ON SOIL TEST RESULTS, ADJUST THE RATES OF LIME AND FERTILIZER THAT SHALL BE MIXED INTO THE TOP SIX INCHES (6") OF TOPSOIL. THE LIME AND FERTILIZER RATES PROVIDED WITHIN THE "SEED SPECIFICATION" OR "SOD SPECIFICATION" IS APPROXIMATE AND FOR BIDDING PURPOSES ONLY. IF ADDITIONAL AMENDMENTS ARE NECESSARY, ADJUST THE TOPSOIL AS
- MODIFY HEAVY CLAY OR SILT SOILS (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) OR GYPSUM.
- MODIFY EXTREMELY SANDY SOILS (MORE THAN 85%) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL MIX. TOPSOIL SHALL BE FERTILE, FRIABLE, NATURAL TOPSOIL OF LOAMING CHARACTER, WITHOUT ADMIXTURE OF SUBSOIL MATERIAL OBTAINED FROM A WELL-DRAINED ARABLE SITE, FREE FROM ALL CLAY, LUMPS, COARSE SANDS, STONES, PLANTS,
- ROOTS, STICKS, AND OTHER FOREIGN MATERIAL GREATER THAN ONE INCH (1"). 4. TOPSOIL SHALL HAVE A PH RANGE OF 5.0-7.0 AND SHALL NOT CONTAIN LESS THAN 6% ORGANIC MATTER BY WEIGH 5. OBTAIN TOPSOIL ONLY FROM LOCAL SOURCES OR FROM AREAS HAVING SIMILAR SOIL CHARACTERISTICS TO THAT FOUND AT THE PROJECT SITE.
- . CONTRACTOR SHALL PROVIDE A SIX INCH (6") DEEP LAYER OF TOPSOIL IN ALL PLANTING AREAS. TOPSOIL SHALL BE SPREAD OVER A PREPARED SURFACE IN A UNIFORM LAYER TO ACHIEVE THE DESIRED COMPACTED THICKNESS. THE SPREADING OF TOPSOIL SHALL NOT BE CONDUCTED UNDER MUDDY OR FROZEN SOIL CONDITIONS.
- UNLESS OTHERWISE NOTED IN THE CONTRACT, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TOPSOIL AND THE ESTABLISHMENT OF FINE-GRADING WITHIN THE DISTURBED AREA OF THE SITE. LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE SUB-GRADE ELEVATION MEETS THE FINISHED GRADE ELEVATION (LESS REOUIRED TOPSOIL). IN ACCORDANCE WITH THE APPROVED OR FINAL GRADING PLAN
- 9. ALL LAWN AND PLANTING AREAS SHALL BE GRADED TO A SMOOTH, EVEN AND UNIFORM PLANE WITH NO ABRUPT CHANGE OF SURFACE AS DEPICTED WITHIN THE APPROVED OR FINAL CONSTRUCTION SET UNLESS OTHERWISE DIRECTED BY THE PROJECT LANDSCAPE DESIGNER OR MUNICIPAL OFFICIAL IO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER SURFACE AND SUBSURFACE PLANT BED DRAINAGE PRIOR TO THE
- INSTALLATION OF PLANTINGS. IF POOR DRAINAGE CONDITIONS EXIST, CORRECTIVE ACTION SHALL BE TAKEN PRIOR TO INSTALLATION. ALL PLANTING AND LAWN AREAS SHALL BE GRADED AND MAINTAINED TO ALLOW A FREE FLOW OF SURFACE II. RIVER STONE OR APPROVED EQUAL SHALL BE USED AS A THREE INCH (3") TOP DRESSING IN ALL SHRUB PLANTING BEDS AND
- AROUND ALL TREES PLANTED BY LANDSCAPE CONTRACTOR. GROUND COVER, PERENNIAL, AND ANNUAL PLANTING BEDS SHALL BE PROVIDED WITH A TWO INCH (2") TOP DRESSING. SINGLE TREES OR SHRUBS SHALL BE PROVIDED STONE TO AVOID CONTACT WITH TRUNK OR PLANT STEM. STONE SHALL BE OF SUFFICIENT CHARACTER AS NOT TO BE EASILY DISPLACED BY WIND OR WATER RUNOFF I 2. WHENEVER POSSIBLE, THE SOIL PREPARATION AREA SHALL BE CONNECTED FROM PLANTING TO PLANTING.
- 13. SOIL SHALL BE LOOSENED WITH A BACKHOE OR OTHER LARGE COARSE-TILING EQUIPMENT UNLESS THE SOIL IS FROZEN OR EXCESSIVELY WET. TILING THAT PRODUCES LARGE, COARSE CHUNKS OF SOIL IS PREFERABLE TO TILING THAT RESULTS IN FINE GRAINS UNIFORM IN TEXTURE. AFTER THE AREA IS LOOSENED IT SHALL NOT BE DRIVEN OVER BY ANY VEHICLE.
- 14. APPLY PRE-EMERGENT WEED CONTROL TO ALL PLANT BEDS PRIOR TO MULCHING. ENSURE COMPATIBILITY BETWEEN PRODUCT AND PLANT MATERIAL 15. ALL PLANTING SOIL SHALL BE AMENDED WITH THE FOLLOWING
- MYCRO® TREE SAVER A DRY GRANULAR MYCORRHIZAL FUNGI INOCULANT THAT IS MIXED IN THE BACKFILL WHEN PLANTING TREES AND SHRUBS. IT CONTAINS SPORES OF BOTH ECTOMYCORRHIZAL AND VA MYCORRHIZAL FUNGI (VAM), BENEFICIAL RHIZOSPHERE BACTERIA. TERRA-SORB SUPERABSORBENT HYDROGEL TO REDUCE WATER LEACHING. AND SELECTED ORGANIC MICROBIAL NUTRIENTS
- DIRECTIONS FOR USE: USE 3-OZ PER EACH FOOT DIAMETER OF THE ROOT BALL, OR 3-OZ PER INCH CALIPER. MIX INTO THE BACKFILL WHEN TRANSPLANTING TREES AND SHRUBS. MIX PRODUCT IN A RING-SHAPED VOLUME OF SOIL AROUND THE UPPER PORTION OF THE ROOT BALL, EXTENDING FROM THE SOIL SURFACE TO A DEPTH OF ABOUT 8 INCHES, AND EXTENDING OUT FROM THE ROOT BALL ABOUT 8 INCHES INTO THE BACKFILL. APPLY WATER TO SOIL SATURATION. MYCOR® TREE SAVER® IS EFFECTIVE FOR ALL TREE AND SHRUB SPECIES EXCEPT RHODODENDRONS, AZALEAS, AND MOUNTAIN LAUREL. WHICH REQUIRE ERICOID MYCORRHIZAE.
- SOIL PH: THE FUNGI IN THIS PRODUCT WERE CHOSEN BASED ON THEIR ABILITY TO SURVIVE AND COLONIZE PLANT ROOTS IN A PH RANGE OF 3 TO 9.
- FUNGICIDES: THE USE OF CERTAIN FUNGICIDES CAN HAVE A DETRIMENTAL EFFECT ON THE INOCULATION PROGRAM. SOIL APPLICATION OF ANY FUNGICIDE IS NOT RECOMMENDED FOR TWO WEEKS AFTER APPLICATION. OTHER PESTICIDES: HERBICIDES AND INSECTICIDES DO NOT NORMALLY INTERFERE WITH MYCORRHIZAL FUNGAL
- DEVELOPMENT, BUT MAY INHIBIT THE GROWTH OF SOME TREE AND SHRUB SPECIES IF NOT USED PROPERLY.
- TABLETS ARE FORMULATED FOR LONG-TERM RELEASE BY SLOW BIODEGRADATION, AND LAST UP TO 2 YEARS AFTER PLANTING. TABLETS CONTAIN 12-8-8 NPK FERTILIZER, AS WELL AS A MINIMUM OF SEVEN PERCENT (7%) HUMIC ACID BY WEIGHT, MICROBIAL NUTRIENTS DERIVED FROM SEA KELP, PROTEIN BYPRODUCTS, AND YUCCA SCHIDIGERA, AND A COMPLEMENT OF BENEFICIAL RHIZOSPHERE BACTERIA. THE STANDARD 21 GRAM TABLET IS SPECIFIED HERE. DIRECTIONS FOR USE: FOR PLANTING BALLED & BURLAPPED (B&B) TREES AND SHRUBS, MEASURE THE THICKNESS OF THE TRUNK, AND USE ABOUT I TABLET (21-G) PER HALF-INCH. PLACE THE TABLETS DIRECTLY NEXT TO THE ROOT BALL, EVENLY DISTRIBUTED

• FERTILIZER TABLETS ARE PLACED IN THE UPPER 4 INCHES OF BACKFILL SOIL WHEN PLANTING TREES AND SHRUBS.

AROUND ITS PERIMETER, AT A DEPTH OF ABOUT 4 INCHES.

IRRIGATION DURING ESTABLISHMENT						
SIZE AT PLANTING	IRRIGATION FOR VITALITY	IRRIGATION FOR SURVIVAL				
< 2" CALIPER	DAILY FOR TWO WEEKS, EVERY OTHER DAY FOR TWO MONTHS, WEEKLY UNTIL ESTABLISHED	TWO TO THREE TIMES WEEKLY FOR TWO TO THREE MONTHS				
2"-4 CALIPER	DAILY FOR ONE MONTH, EVERY OTHER DAY FOR THREE MONTHS, WEEKLY UNTIL ESTABLISHED	TWO TO THREE TIMES WEEKLY FOR THREE TO FOUR MONTHS				
4 >" CALIPER	DAILY FOR SIX WEEKS, EVERY OTHER DAY FOR FIVE	TWICE WEEKLY FOR FOUR TO FIVE				

- I. AT EACH IRRIGATION, APPLY TWO TO THREE GALLONS PER INCH TRUNK CALIPER TO THE ROOT BALL SURFACE. APPLY IT IN A MANNER SO ALL WATER SOAKS THE ENTIRE ROOT BALL. DO NOT WATER IF ROOT BALL IS WET/SATURATED ON THE IRRIGATION DAY
- 2. WHEN IRRIGATING FOR VITALITY, DELETE DAILY IRRIGATION WHEN PLANTING IN WINTER OR WHEN PLANTING IN COOL CLIMATES. ESTABLISHMENT TAKES THREE TO FOUR MONTHS PER INCH TRUNK CALIPER. NEVER APPLY IRRIGATION IF THE SOIL IS SATURATED.
- 3. WHEN IRRIGATION FOR SURVIVAL TREES TAKE MUCH LONGER TO ESTABLISH THAN REGULARLY IRRIGATED TREES. IRRIGATION MAY BE REQUIRED IN THE NORMAL HOT, DRY PORTIONS OF THE FOLLOWING YEAR.

PLANT QUALITY AND HANDLING NOTES

- REVISION AS PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. 2. IN ALL CASES, BOTANICAL NAMES LISTED WITHIN THE APPROVED OR FINAL PLANT LIST SHALL TAKE PRECEDENCE OVER
- COMMON NAMES. 3. ALL PLANTS SHALL BE OF SELECTED SPECIMEN QUALITY, EXCEPTIONALLY HEAVY, TIGHTLY KNIT, SO TRAINED OR FAVORED IN THEIR DEVELOPMENT AND APPEARANCE AS TO BE SUPERIOR IN FORM, NUMBER OF BRANCHES, COMPACTNESS AND SYMMETRY.
- ALL PLANTS SHALL HAVE A NORMAL HABIT OR SOUND. HEALTHY, VIGOROUS PLANTS WITH WELL DEVELOPED ROOT SYSTEM. PLANTS SHALL BE FREE OF DISEASE, INSECT PESTS, EGGS OR LARVAE
- 4. PLANTS SHALL NOT BE PRUNED BEFORE DELIVERY. TREES WITH ABRASION OF THE BARK, SUNSCALDS, DISFIGURING KNOTS OR FRESH CUTS OF LIMBS OVER ONE AND ONE-FOURTH INCHES (I-1/4") WHICH HAVE NOT COMPLETELY CALLOUSED SHALL BE
- 5. ALL PLANTS SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND SHALL HAVE A NORMAL HABIT OF GROWTH AND BE LEGIBLY TAGGED WITH THE PROPER NAME AND SIZE.
- 6. THE ROOT SYSTEM OF EACH PLANT SHALL BE WELL PROVIDED WITH FIBROUS ROOTS. ALL PARTS SHALL BE SOUND, HEALTHY, VIGOROUS, WELL-BRANCHED AND DENSELY FOLIATED WHEN IN LEAF.
- 7. ALL PLANTS DESIGNATED BALL AND BURLAP (B&B) MUST BE MOVED WITH THE ROOT SYSTEM AS SOLID UNITS WITH BALLS OF EARTH FIRMLY WRAPPED WITH BURLAP. THE DIAMETER AND DEPTH OF THE BALLS OF EARTH MUST BE SUFFICIENT TO encompass the fibrous root feeding systems necessary for the healthy development of the plant. No plant SHALL BE ACCEPTED WHEN THE BALL OF EARTH SURROUNDING ITS ROOTS HAS BEEN BADLY CRACKED OR BROKEN PREPARATORY TO OR DURING THE PROCESS OF PLANTING. THE BALLS SHALL REMAIN INTACT DURING ALL OPERATIONS. ALL PLANTS THAT CANNOT BE PLANTED AT ONCE MUST BE HEELED-IN BY SETTING IN THE GROUND AND COVERING THE BALLS WITH SOIL OR MULCH AND THEN WATERING. HEMP BURLAP AND TWINE IS PREFERABLE TO TREATED. IF TREATED BURLAP IS USED, ALL TWINE IS TO BE CUT FROM AROUND THE TRUNK AND ALL BURLAP IS TO BE REMOVED.
- 8. PLANTS TRANSPORTED TO THE PROJECT IN OPEN VEHICLES SHALL BE COVERED WITH TARPS OR OTHER SUITABLE COVERS securely fastened to the body of the vehicle to prevent iniury to the plants. Closed vehicles shall be ADEQUATELY VENTILATED TO PREVENT OVERHEATING OF THE PLANTS, EVIDENCE OF INADEQUATE PROTECTION FOLLOWING DIGGING, CARFLESSNESS WHILE IN TRANSIT, OR IMPROPER HANDLING OR STORAGE SHALL BE CAUSE FOR REJECTION OF PLANT MATERIAL. ALL PLANTS SHALL BE KEPT MOIST, FRESH, AND PROTECTED. SUCH PROTECTION SHALL ENCOMPASS THE ENTIRE PERIOD DURING WHICH THE PLANTS ARE IN TRANSIT, BEING HANDLED, OR ARE IN TEMPORARY STORAGE.
- 10. LANDSCAPE CONTRACTOR SHALL MAKE BEST EFFORT TO INSTALL PLANTINGS ON THE SAME DAY AS DELIVERY. IF PLANTS ARE NOT PLANTED IMMEDIATELY ON SITE, PROPER CARE SHALL BE TAKEN TO PLACE THE PLANTINGS IN PARTIAL SHADE WHEN possible. The root ball shall be kept moist at all time and covered with moistened mulch or aged WOODCHIPS. PROPER IRRIGATION SHALL BE SUPPLIED SO AS TO NOT ALLOW THE ROOT BALL TO DRY OUT. PLANTINGS HALL BE UNTIED AND PROPER SPACING SHALL BE ALLOTTED FOR AIR CIRCULATION AND TO PREVENT DISEASE, WILTING, AND LEAF LOSS. PLANTS THAT REMAIN UNPLANTED FOR A PERIOD OF TIME GREATER THAN THREE (3) DAYS SHALL BE HEALED
- II. NO PLANT MATERIAL SHALL BE PLANTED IN MUDDY OR FROZEN SOIL. 12. PLANTS WITH INJURED ROOTS OR BRANCHES SHALL BE PRUNED PRIOR TO PLANTING UTILIZING CLEAN, SHARP TOOLS. ONLY DISEASED OR INJURED PLANTS SHALL BE REMOVED.
- RELOCATE OR ENLARGE PLANTING PITS OR DELETE PLANT MATERIAL FROM THE CONTRACT. 14. IF PLANTS ARE PROPOSED WITHIN SIGHT TRIANGLES, TREES SHALL BE LIMBED AND MAINTAINED TO A HEIGHT OF EIGHT FEET (8') ABOVE GRADE, AND SHRUBS, GROUND COVER, PERENNIALS, AND ANNUALS SHALL BE MAINTAINED TO A HEIGHT NOT TO EXCEED TWO FEET (2") ABOVE GRADE UNLESS OTHERWISE NOTED OR SPECIFIED BY THE GOVERNING MUNICIPALITY OR

13. IF ROCK OR OTHER UNDERGROUND OBSTRUCTION IS ENCOUNTERED, THE LANDSCAPE DESIGNER RESERVES THE RIGHT TO

- 15. INSTALLATION SHALL OCCUR DURING THE FOLLOWING SEASONS: PLANTS (MARCH 15 - DECEMBER 15)
- LAWNS (MARCH 15 JUNE 15 OR SEPTEMBER 1 DECEMBER 1) 16. THE FOLLOWING TREES ARE SUSCEPTIBLE TO TRANSPLANT SHOCK AND SHALL NOT BE PLANTED DURING THE FALL SEASON (STARTING SEPTEMBER 15):

IAKTING SELTELIDEK 13).		
BIES CONCOLOR	CORNUS VARIETIES	OSTRYA VIRGINIANA
CER BUERGERIANUM	CRATAEGUS VARIETIES	PINUS NIGRA
CER FREEMANII	CUPRESSOCYPARIS LEYLANDII	PLATANUS VARIETIES
CER RUBRUM	FAGUS VARIETIES	POPULUS VARIETIES
CER SACCHARINUM	HALESIA VARIETIES	PRUNUS VARIETIES
TULA VARIETIES	ILEX X FOSTERII	PYRUS VARIETIES
ARPINUS VARIETIES	ILEX NELLIE STEVENS	QUERCUS VARIETIES (NOT Q. PALUSTRIS)
EDRUS DEODARA	ILEX OPACA	SALIX WEEPING VARIETIES
ELTIS VARIETIES	JUNIPERUS VIRGINIANA	SORBUS VARIETIES
EDCIDIDLYLLIM VADIETIES	VOELDELITEDIA DANICLILATA	TAYODII IM VADIETIES

IN WITH TOPSOIL OR MULCH AND WATERED AS REQUIRED TO PRESERVE ROOT MOISTURE.

- CERCIDIPHYLLUM VARIETIES KOELREUTERIA PANICULATA CERCIS CANADENSIS LIQUIDAMBAR VARIETIES TAXUX B REPANDENS **CORNUS VARIETIES** LIRIODENDRON VARIETIES TILIA TOMENTOSA VARIETIES **CRATAEGUS VARIETIES** MALUS IN LEAF LILMUS PARVIFOLIA VARIETIES NYSSA SYLVATICA ZELKOVA VARIETIES
- 17. IF A PROPOSED PLANT IS UNATTAINABLE OR ON THE FALL DIGGING HAZARD LIST, AN EQUIVALENT SPECIES OF THE SAME SIZE MAY BE REQUESTED FOR SUBSTITUTION OF THE ORIGINAL PLANT. ALL SUBSTITUTIONS SHALL BE APPROVED BY THE PROJECT LANDSCAPE DESIGNER OR MUNICIPAL OFFICIAL PRIOR TO ORDERING AND INSTALLATION.
- 18. DURING THE COURSE OF CONSTRUCTION/PLANT INSTALLATION, EXCESS AND WASTE MATERIALS SHALL BE CONTINUOUSLY AND PROMPTLY REMOVED AT THE END OF EACH WORK DAY. ALL DEBRIS, MATERIALS, AND TOOLS SHALL BE PROPERLY STORED, STOCKPILED OR DISPOSED OF AND ALL PAVED AREAS SHALL BE CLEANED.
- 19. THE LANDSCAPE CONTRACTOR SHALL DISPOSE OF ALL RUBBISH AND EXCESS SOIL AT HIS EXPENSE TO AN OFF-SITE LOCATION AS APPROVED BY THE LOCAL MUNICIPALITY. 20. A 90-DAY MAINTENANCE PERIOD SHALL BEGIN IMMEDIATELY AFTER ALL PLANTS HAVE BEEN SATISFACTORILY INSTALLED.
- 21. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REPLACING MULCH THAT HAS BEEN DISPLACED BY EROSION OR OTHER MEANS, REPAIRING AND RESHAPING WATER RINGS OR SAUCERS, MAINTAINING STAKES AND GUYS IF ORIGINALI REQUIRED, WATERING WHEN NEEDED OR DIRECTED, WEEDING, PRUNING, SPRAYING, FERTILIZING, MOWING THE LAWN, AND PERFORMING ANY OTHER WORK REQUIRED TO KEEP THE PLANTS IN A HEALTHY CONDITION. 2. MOW ALL GRASS AREAS AT REGULAR INTERVALS TO KEEP THE GRASS HEIGHT FROM EXCEEDING THREE INCHES (3"). MOWING
- SHALL BE PERFORMED ONLY WHEN GRASS IS DRY. MOWER BLADE SHALL BE SET TO REMOVE NO MORE THAN ONE THIRD (1/3) OF THE GRASS LENGTH. WHEN THE AMOUNT OF GRASS IS HEAVY, IT SHALL BE REMOVED TO PREVENT DESTRUCTION OF THE underlying turf. Mow grass areas in such a manner as to prevent clippings from blowing on paved areas, and sidewalks. Cleanup after mowing shall include sweeping or blowing of paved areas and sidewalks to CLEAR THEM FROM MOWING DEBRIS.
- 23. GRASSED AREAS DAMAGED DURING THE PROCESS OF THE WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, WHO SHALL RESTORE THE DISTURBED AREAS TO A CONDITION SATISFACTORY TO THE PROJECT LANDSCAPE DESIGNER, MUNICIPAL OFFICIAL, OR OWNER/OWNER'S REPRESENTATIVE. THIS MAY INCLUDE FILLING TO GRADE, FERTILIZING, SEEDING, AND
- 24. SHOULD THE OWNER REQUIRE MAINTENANCE BEYOND THE STANDARD 90-DAY MAINTENANCE PERIOD, A SEPARATE CONTRACT SHALL BE ESTABLISHED.
- 25. LANDSCAPE CONTRACTOR SHALL WATER NEW PLANTINGS FROM TIME OF INSTALL AND THROUGHOUT REQUIRED 90-DAY MAINTENANCE PERIOD UNTIL PLANTS ARE ESTABLISHED. IF ON-SITE WATER IS NOT AVAILABLE AT THE PROJECT LOCATION, THE LANDSCAPE CONTRACTOR SHALL FURNISH IT BY MEANS OR A WATERING TRUCK OR OTHER ACCEPTABLE MANNER.
- 26. THE OUANTITY OF WATER APPLIED AT ONE TIME SHALL BE SUFFICIENT TO PENETRATE THE SOIL TO A MINIMUM OF EIGHT INCHES (8") IN SHRUB BEDS AND SIX INCHES (6") IN TURF AREAS AT A RATE WHICH WILL PREVENT SATURATION OF THE SOIL. 27. IF AN AUTOMATIC IRRIGATION SYSTEM HAS BEEN INSTALLED. IT CAN BE USED FOR WATERING PLANT MATERIAL. HOWEVER. FAILURE OF THE SYSTEM DOES NOT ELIMINATE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY OF PLANT HEALTH AND

PLANT MATERIAL GUARANTEE NOTES

- the Landscape Contractor shall guarantee all plant material for a period of one year (1 yr.) from approval OF LANDSCAPE INSTALLATION BY THE PROJECT LANDSCAPE DESIGNER, MUNICIPAL OFFICIAL, OR OWNER/OWNER'S
- I. THE LANDSCAPE CONTRACTOR SHALL REMOVE AND REPLACE DYING, DEAD, OR DEFECTIVE PLANT MATERIAL AT HIS EXPENSE. THE LANDSCAPE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR ANY DAMAGES CAUSED BY HIS COMPANY'S OPERATIONS. 3. ALL REPLACEMENT PLANTS SHALL BE OF THE SAME SPECIES AND SIZE AS SPECIFIED ON THE APPROVED OR FINAL PLANT LIST. REPLACEMENTS RESULTING FROM REMOVAL, LOSS, OR DAMAGE DUE TO OCCUPANCY OF THE PROJECT IN ANY PART, VANDALISM, PHYSICAL DAMAGE BY ANIMALS, VEHICLES, ETC., AND LOSSES DUE TO CURTAILMENT OF WATER BY LOCAL AUTHORITIES SHALL BE APPROVED AND PAID FOR BY THE OWNER.
- 4. THE CONTRACTOR SHALL INSTRUCT THE OWNER AS TO THE PROPER CARE AND MAINTENANCE OF ALL PLANTINGS.

LAWN (SEED OR SOD) NOTES:

- . SEED MIXTURE SHALL BE FRESH, CLEAN, NEW CROP SEED. SOD SHALL BE STRONGLY ROOTED, UNIFORM IN THICKNESS, AND FREE OF WEEDS, DISEASE, AND PESTS. . SEED OR SOD SHALL BE PURCHASED FROM A RECOGNIZED DISTRIBUTOR AND SHALL BE COMPOSED OF THE MIX OR BLEND
- WITHIN THE PROVIDED "SEED SPECIFICATION" OR "SOD SPECIFICATION." 3. REFERENCE LANDSCAPE PLAN FOR AREAS TO BE SEEDED OR LAID WITH SOD
- 4. SEEDING SHALL NOT BE PERFORMED IN WINDY WEATHER. IF THE SEASON OF THE PROJECT COMPLETION PROHIBITS PERMANENT STABILIZATION, TEMPORARY STABILIZATION SHALL BE PROVIDED IN ACCORDANCE WITH THE "TEMPORARY SEEDING SPECIFICATION.'
- . PROTECT NEW LAWN AREAS AGAINST TRESPASSING WHILE THE SEED IS GERMINATING. FURNISH AND INSTALL FENCES, SIGNS, BARRIERS OR ANY OTHER NECESSARY TEMPORARY PROTECTIVE DEVICES. DAMAGE RESULTING FROM TRESPASS, EROSION, WASHOUT, SETTLEMENT OR OTHER CAUSES SHALL BE REPAIRED BY THE LANDSCAPE CONTRACTOR AT HIS EXPENSE. REMOVE ALL FENCES, SIGNS, BARRIERS OR OTHER TEMPORARY PROTECTIVE DEVICES ONCE LAWN HAS BEEN ESTABLISHED.

NOT APPROVED FOR CONSTRUCTION

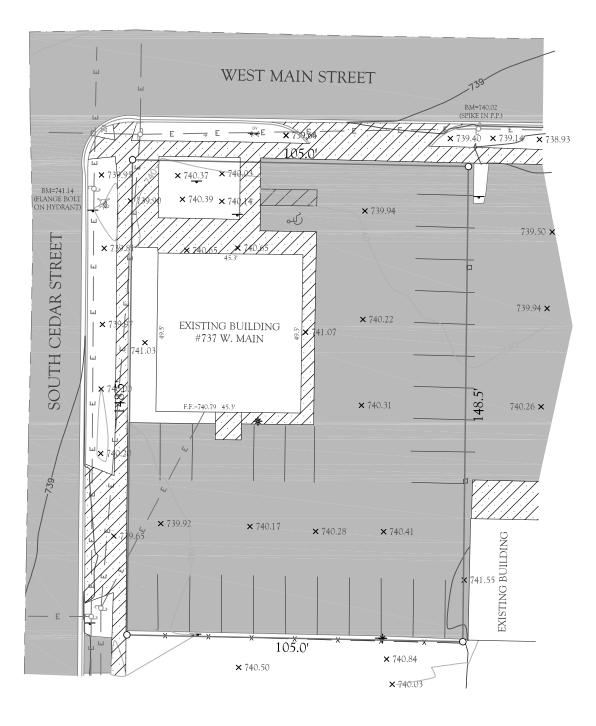






SCALE: AS SHOWN PROJECT ID: DET-220230

LANDSCAPING DETAILS



Note: This drawing was made from the description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Legal Description:

(ATA National Title Group, LLC, File No: 78-22844861-OWO, dated July 22, 2022). The North 148.5 feet of Lot 5, Block 18, Map of A. L. & B. O. Williams Addition to the City of Owosso, Shiawassee County, Michigan, according to the recorded plat thereof, as recorded in Liber 29 of Plats, Page 499, Shiawassee County Records

(ATA National Title Group, LLC, File No: 78-22844861-OWO, dated July 22, 2022).

1. None itemized in subject File Number.

NOTES:

- 1. 737 W. Main Street, Owosso MI 48867. (Item 2)
- 2. According to the Federal Emergency Management Agency's Flood Insurance Rate Map Number 26155C0231C, dated September 29, 2011 the subject property is in Zone X defined as Area of Minimal Flood Hazard. (Item 3)
- 3. Total Area: 15,592 sqft (0.36 acres). (Item 4)
- 4. Total Building Square Footage: 2,241 sqft. (Item 7B1)
- 5. Parking Spaces: Total = 28 (Regular: 27, Disabled: 1). (Item 9)



CERTIFICATION:

To: ATA National Title Group, LLC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 8, 9, and 11(a), of Table A thereof. The fieldwork was completed on 08/04/22. Date of Plat of Map: 08/23/22

Al-CIE ADAM C. BURGESS

LICENSED PROFESSIONAL SURVEYOR NO. 55446

Prepared For: Stonefield Engineering 607 Shelby Street, Ste. 2 Detroit, MI 48226

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WEST MAIN STREET OWOSSO, MICHIGAN

project no. 2234601 FILE NAMI A1



August 10, 2022

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

Subject: **737 W. Main,** Section 38-268, Principal Uses Permitted Subject to Special Conditions,

(4-a) of the zoning ordinance requiring a setback of at least sixty (60) feet from the right-of-way of any existing or proposed street to be maintained. The subject property is zoned B-4, General Business District where the proposed use is

permitted subject to special conditions.

Attention: Ms. Tanya Buckelew, Planning and Building Director

Dear Board Members:

At your request, we have completed our review of the above variance request for SFR X Holdings, LLC, to convert an existing vacant building into a restaurant with a proposed pick-up window. The property is located at 737 W. Main Street on the southeast corner of W. Main Street and S. Cedar Street.

The site currently has a vacant building that was previously used for commercial purposes. Given the relatively small size of the existing parcel (0.36 acres) and the ordinance requirement to maintain a 60-foot setback from the right-of-way for the proposed pick-up window, the applicant is seeking a variance of 3.9 feet to install the pick-up window in the existing building in a location that provides ample room for the stacking of up to 5 vehicles.

It should be noted that the proposed pick-up window will be different from a traditional drivethru window as there will be no ordering on site. Customers will place all orders ahead either online, by mobile app or by phone, then will utilize the pick-up window only to receive their order at the time that it is ready.

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.

Phone: 810-734-0000

Email: sprague@cibplanning.com

REVIEW COMMENTS

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

2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.

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

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

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

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

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

5. Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

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

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

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

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

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

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

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

9. Is applicable whether a granting of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however since the variance requested is relatively minor at 3.9-feet, a lesser variance may not work in this case.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when anyone (1) of the following special conditions can be clearly demonstrated:

1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.

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

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.

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

3. Where such variation is necessary for the preservation of a substantial property right possessed

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by other properties in the same zoning district.

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

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **737 W. Main Street to allow the reduction of a required 60-foot setback by 3.9-feet, be approved,** for the following reasons:

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

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

CIB Planning

Carmine P. Avantini, AICP

President

Vice President