

**MINUTES
REGULAR MEETING OF THE CITY OF OWOSSO ZONING BOARD OF APPEALS
APRIL 18, 2023 AT 9:30 A.M.**

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

ROLL CALL: Was taken by Tanya Buckelew

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

MEMBERS ABSENT: Vice-Chair Justin Horvath

OTHERS PRESENT: Justin Sprague, CIB Planning, Tanya Buckelew, Planning & Building Director

AGENDA:
IT WAS MOVED SECRETARY TAYLOR AND SUPPORTED BY BOARD MEMBER TEICH TO APPROVE THE AGENDA FOR THE APRIL 18, 2023 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

MINUTES:
IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY SECRETARY TAYLOR TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: NONE

PUBLIC HEARINGS:

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

Dimensional variance request from the property owners.

Public Hearing opened at 9:32 a.m.

The applicant Andrew Snyder explained the project that would involve tearing down the existing attached garage and build a new attached garage. The existing garage is 7' away from the side lot line. The proposed setback for the new garage is 3' away from the property line.

No others were present to speak during the public hearing nor were any comments received from the neighbors prior to the meeting.

Discussion and clarification that the new garage would be built slightly wider (by about 4'), longer (but would still be well within the rear yard setback), and 1 story in height. This is the general norm in the neighborhood as far as close proximity to side yard setbacks.

The Building Official's comments from the department review as follows –

1. Draining requirements to avoid run-off to the neighbors will be address during the building permit process
2. At the proposed distance, no additional fire measures need to be taken

Public Hearing closed at 9:38 a.m.

The following recommendation from Justin Sprague, CIB, City Planner -

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

Review Comment: The intent of the ordinance is to prevent neighbors from erecting unsightly buildings or structures directly on the property line as well as to provide a level of fire safety by keeping a minimum distance of separation from adjacent structures. In this neighborhood, many of the existing structures pre-date the existing zoning regulations and the majority of accessory structures are located less than 3-feet from existing lot lines. In this case, the applicant is just looking to keep consistent with the conditions of the neighborhood.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for 1306

Stinson Street to allow an attached garage to be placed less than 8-feet from the adjacent property line, be approved, for the following reasons:

1. The reduction would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variance is necessary for the preservation of a substantial property right possessed by others in the same district

MOTION BY SECRETARY TAYLOR, SECONDED BY BOARD MEMBER TEICH TO APPROVE THE REQUESTED VARIANCE FOR 1306 STINSON STREET TO ALLOW THE REDUCTION OF A REQUIRED 8 FOOT SETBACK BY 5 FEET FOR THE PURPOSE OF BUILDING A NEW ATTACHED GARAGE.

AYES: BOARD MEMBER SUCHANEK, SECRETARY TAYLOR, BOARD MEMBER TEICH AND CHAIRMAN GRUBB
NAYS: NONE
RCV MOTION CARRIED

NEW BUSINESS:

1. DRAFT AMENDMENTS TO THE BY-LAWS – DISCUSSION

The Board was presented with the draft amendments to the by-laws. This has also been sent to the City Planner and the City Attorney for their review. The by-laws have not been updated since 2011 and require some amendments to be in line with the Michigan Zoning Enabling Act 110 of 2006.

It was determined that unless we have a meeting sooner, the board will meet in July to review and approve the amendments as this is also the time to hold the annual selection of officers.

After the Board adopts the amendments, the by-laws will be sent to City Council for adoption.

OTHER BOARD BUSINESS: NONE

PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

IT WAS MOVED BY SECRETARY TAYLOR AND SUPPORTED BY BOARD MEMBER TEICH TO ADJOURN THE MEETING AT 9:47 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, MAY 16, 2023.

YEAS: All. Motion carried.

Thomas Taylor, Secretary