

**MINUTES
CITY OF OWOSSO ZONING BOARD OF APPEALS
SPECIAL MEETING OF JULY 25, 2006**

1) Chairman Dvorak called the special meeting to order at 9:30 a.m. Dvorak explained that the special meeting was called because the newly adopted Unified Zoning Act requires a 15-day public notice for appeals and that the applicant who applied at the normally acceptable time for a regular July meeting could not meet that public notice time for this month. The matter of application deadlines will be addressed later in the meeting.

2) Attendance:

Present: Mike Dvorak, Randy Horton, Elizabeth Frasier, Dan Jozwiak and John C.M. Davis

Absent: None; two vacant positions.

3) Minutes: The minutes of the March 21, 2006 meeting were approved.
Horton/Jozwiak m/s/p

4) Election of Officers:

Chairman—It was moved by Member Horton with support from Member Jozwiak to elect Mike Dvorak as Chairman.

Voice Vote: Unanimous.

Vice-Chairman—It was moved by Member Davis with support from Member Jozwiak to elect Randy Horton as Vice-Chairman.

Voice Vote: Unanimous.

Secretary—It was moved by Member Horton with support from Member Davis to elect Dan Jozwiak as Secretary.

Voice Vote: Unanimous.

PUBLIC HEARINGS:

**Case # 2006-02
901 Queen Street—Eugene & Jeanette Klein
Side Yard Setback Variance**

Phil Hathaway, Director of Community Development, described the property and the details of the request to vary the side yard setback to 1 foot of the west property line where 3' are required. The influences on this case include the undersized lots in the subdivision plat, the pre-existing garage pad that the new owners would like to use as the garage location, the narrow width of the garage at 18 feet, and the existence of many nonconformities in the neighborhood. John Archer, Building Official, explained that if the variance is granted, the garage would have to have 5/8" drywall installed on the interior to provide added fire protection to a neighboring garage—a building code requirement.

Chairman Dvorak conducted the public hearing and read two letters of support from 905 Queen Street and 825 Queen Street. Additionally Dave Hurd at 824 King Street phoned in his support for the variance. Member Davis mentioned that his brother at 909 Queen Street supports the variance. There were no comments from the public except that a family member of the applicant, Wendy Scriba of 908 Dingwall, explained the needs of her parents for the garage.

It was moved by Member Davis with support from Member Jozwiak to approve the variance for the following reasons:

- a) narrowness of the lot
- b) existence of many nonconformities in the neighborhood—this garage does not set a new standard for setbacks
- c) the small width of the garage that fits the lot well.

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- d) no impact on property values
- e) widespread support from all the neighbors
- f) the existing concrete pad was built by a prior owner—this is not a self-created situation.
- g) the request provides justice to the owner while not infringing on the rights of others.

Additionally the motion established the conditions that the west roof include a gutter to direct roof drainage to the rear of the building and away from the adjoining property owner and that the garage comply with the building code for a fire-rated wall on the interior.

AYES: All. Motion carried
NAYS: None

ITEMS OF BUSINESS.

1) Rules of Procedure. Hathaway explained that the Zoning Board of Appeals membership has changed owing to the provisions of the recently adopted Unified Zoning Act—PA 110 of 2006. No city employee or contractor may be a member any longer. This means that Ron Baker--City Engineer, Larry Cook—City Assessor, and Mike Compeau—Director of Public Safety, are no longer members. In response the Mayor has appointed Jack Davis to the ZBA. Jack fills the required position of liaison with the City Planning Commission. Based on this and other influences from the new law, the following changes to the ZBA Rules of Procedure and Zoning Ordinance were carried out or recommended to the Council:

A. Recording Secretary. On a motion by Member Jozwiak with support from Member Frasier, the position of Recording Secretary was established to take minutes of the meeting, and send correspondence on behalf of the Board. The position is a standing position with the provision that a city staff member conduct the work.

AYES: All. Motion carried.
NAYS: None.

B. Membership. It was recommended to the City Council that the Zoning Ordinance be amended to reduce the Board size from 7 members to 5 members and to continue with the appointment of two (2) alternates.

Jozwiak/Frasier m/s/p

C. Application Due Date. Because the new law requires a 15 day notice, the Rules were amended to require that an application for an appeal to the ZBA must be filed at least 20 days prior to a meeting of the Board.

Jozwiak/Frasier m/s/p

ADJOURNMENT:

It was moved by Member Davis with support from Member Horton to adjourn the meeting.

AYES: All. Motion carried.
NAYS: None.

The meeting was adjourned at 10:20 a.m.

Dan Jozwiak, Secretary