

**MINUTES
SPECIAL MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
MAY 22, 2007**

The meeting was called to order by Chairman Michael Dvorak at 9:30 a.m.

Roll call was taken by Recording Secretary, Marty Stinson.

MEMBERS PRESENT: John C.M. Davis, Michael Dvorak, Elizabeth Frasier, Randy Horton, and Dan Jozwiak.

MEMBERS ABSENT: none

MINUTES:

It was moved by Board Member Horton and supported by Board Member Davis to approve the minutes of the meeting of March 20, 2006, as presented.

AYES: All. Motion carried.

NAYS: None.

PUBLIC HEARINGS:

**VARIANCE #2007-02
FRONT YARD SETBACK
770 S. CHESTNUT STREET
REQUESTED BY ADVANCED DRAINAGE SYSTEMS**

A public hearing was conducted for a 20 foot reduction to a 40 foot front yard setback for a steel structure at Advanced Drainage Systems (ADS), 770 S. Chestnut. Mr. Phil Hathaway, Director of Community Development, stated this was third time ADS requested variances – both previous variances were approved in 1999 and 2004. No letters or phone calls were received from the public for this current request.

Rick Lamb, Plant Manager, explained that there was no other logical location for this building without involving expensive infrastructure modifications involving a rail spur or massive concrete work. With the new 40' x 80' structure the plan is to increase production by 50% and add 12-15 jobs in the next 18 months. This would remain a storage structure and not have manufacturing building. It is now a fenced-in area with an 8 foot tall fence and will remain with a three foot setback to the building. A previous request regarding evergreen plantings may have gotten lost in the change of management personnel.

Chairman Dvorak announced that the Public Comment Period of the Hearing was closed and returned the discussion to the Board members.

Building Official John Archer discussed some design solutions on the side structure that faces Chestnut Street. Mr. Lamb stated the new structure will match the older building with siding and roofing. Also discussed were possible painting variations, windows, and vegetative screening.

It was moved by Board Member Jozwiak, with support from Board Member Davis, to permit the reduction of the front yard setback by 20 feet and to permit an accessory building in a front yard, because it is unique and not shared with other property owners; will relate only to property that is under control of the applicant; 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. It was also requested to landscape the green space and to dress up the building façade.

AYES: All. Motion carried.

NAYS: None

ADMINISTRATIVE INTERPRETATION #2007-01
WINDMILL LAND USE IN B-4 ZONING
426 E. MAIN STREET
REQUESTED BY DIETER KING

Dieter King, owner of 426 E. Main, requested an interpretation regarding a windmill structure on this property to generate electricity for his business at the same address with a two kilowatt system. He does not plan to use the structure as a sales tool or to sell the electricity back to Consumers Energy. The 35 foot structure would be 100 feet from Main Street with trees surrounding the property. There is a four foot drop topographically from the street, so the tower will be even lower when it is placed at the back of the property.

Chairman Dvorak read a letter of concerns from neighbor Marie Dickinson. Mr. King responded that the windmill will have a monthly maintenance schedule; has an automatic break system to stop it when the winds are high to prevent unsafe usage and reduce possible excessive noise; the windmill can be programmed to shut down at specific times; is made of special aluminum to avoid ice build-up; and the windmill will have proper grounding to avoid electrostatic and/or lightning problems.

Phil Hathaway discussed how this structure fits in the zoning ordinances. It is not a sign, not a temporary use, not outdoor sales, not a communication tower, not a satellite – it falls under Accessory Structure which is incidental to the principal building. He received the letter from Ms. Dickinson with her concerns; one phone call opposed and one call supporting this request.

Further discussion included battery placement and hinging of the tower.

Chairman Dvorak announced that the Public Comment Period of the Hearing was closed and returned the discussion to the Board Members.

It was moved by Board Member Jozwiak, with support from Member Davis, to interpret the tower is an accessory structure and to have a setback of 1.5 times the height of the tower (top of the blades); decibels were to be no more than 55; it was to have a hinge system; lightning protection; and if icing becomes a problem it will be handled on a nuisance bases.

AYES: All. Motion carried.
NAYS: None

11:01 a.m., Board Member Horton left the meeting.

ADJOURNMENT:

It was moved by Board Member Frasier, supported by Board Member Dvorak to adjourn the meeting.

AYES: All. Motion carried.
NAYS: None

The meeting was adjourned at 11:03 a.m.

Dan Jozwiak, Secretary