

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JULY 21, 2009**

The meeting was called to order by Chairman Randy Horton at 9:36 a.m.

Christopher Eveleth, the new city councilmember and newly appointed member of the Zoning Board of Appeals was introduced.

Roll call was taken by Recording Secretary, Marty Stinson.

**MEMBERS PRESENT:** Christopher Eveleth, Randy Horton, Dan Jozwiak and Alternate Jack Davis.

**MEMBERS ABSENT:** Elizabeth Frasier (called in) and Sandra Harvey.

**OTHERS PRESENT:** John Archer, Building Official; Brent Morgan, Community Development Director, and Joseph Fivas, City Manager.

**ELECTION OF OFFICERS:** It was moved by Board Member Eveleth and supported by Board Member Jozwiak to nominate Randy Horton for Chairperson.

AYES: All. Motion carried.

NAYS: None.

It was moved by Board Member Jozwiak and supported by Board Member Eveleth to nominate Elizabeth Frasier as Vice-Chairperson.

AYES: All. Motion carried.

NAYS: None.

It was moved by Board Member Horton and supported by Board Member Eveleth to nominate Dan Jozwiak as Secretary.

AYES: All. Motion carried.

NAYS: None.

**MINUTES:**

It was moved by Board Member Eveleth and supported by Board Member Davis to approve the minutes of the meeting of May 5, 2009, as presented.

AYES: All. Motion carried.

NAYS: None.

**PUBLIC HEARINGS:**

**VARIANCE # 2009-04  
303 E. RIDGE STREET  
FENCE HEIGHT REQUEST**

A public hearing was conducted for a variance for the fence height at 303 E. Ridge. The property owner, Ashley Dodge, stated that her daring daughter was 40 inches tall and able to climb most things. They need security at their home as their car was also broken into. If a ball is rolled in her yard, it rolls down the hill. She has no back yard at her property and can't put a pool in her yard. She passed around some pictures and diagrams of her property. She described her desire to have a six foot privacy fence in her front yard and that it would not obstruct other driveways.

John Archer, Building Official, has visited the site. He had an affidavit of mailing to the neighbors within 300 feet and an affidavit of publication in the local newspaper. The office had received two negative responses from the 300 foot mailing. He showed the board members the fence handout used in his

**REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS**

**JULY 21, 2009**

**Page 2**

office, and explained that when a house is on a corner lot it has two front yards--the one where the house is addressed and the other where the side yard faces the other street. Between those two streets at the corner is the **clear vision zone**. In this zone, a fence of either fencing material or vegetation can have a maximum height of 30 inches for 25 feet beginning at the property line which is about 12 – 18 inches inside the sidewalk. Mr. Archer also explained the various heights of fences in front of a house such as chainlink which can be four feet tall because it can be seen through; privacy or stockade can only be three feet tall because it cannot be seen through.

Ms. Dodge asked to speak. Chairman Horton allowed her to speak about the clean view interpretation.

Mr. Archer spoke about the lack of curb appeal with a privacy fence in front of a house. He stated the owner has the burden of proof to show hardship without the six foot fence and how that relates to other houses in Owosso.

Chairman Horton closed the public hearing. Board Member Davis read the variance guidelines and discussion followed pertaining to this case.

It was moved by Board Member Davis and supported by Board Member Jozwiak to deny the privacy fence because it would set a precedent and not having the six foot fence does not prevent the owner from using the property for permitted purposes.

AYES: Three. Motion carried.

NAYS: One.

Chairman Horton commented to Ms. Dodge that she could still have a fence and stay within the guidelines. They felt they had to protect the whole city.

Mr. Archer commented that he did give permission for a 48" picket fence in the front yard area because the pickets on the fence she had picked out was widely spaced.

**BOARD MEMBER / CITIZEN COMMENTS:**

Mr. Archer stated that we do have an application for either August or September.

Board Member Eveleth stated he was happy to be here.

Board Member Davis asked Mr. Archer about a fence around a pool always having an open gate and a portion of the fence being down.

Mr. Archer stated that he is already in contact with the family about repairing the fence.

Board Member Davis stated that the fence is not secure; even an animal could get in the pool.

Mr. Archer stated that we have no ordinance stating the gate must remain closed at all times.

City Manager Fivas asked if BOCA applied here.

Mr. Archer stated it was more for public facilities.

**ADJOURNMENT:**

The meeting was adjourned at 10:22 a.m.

---

Dan Jozwiak, Secretary

ms