

**MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
SEPTEMBER 15, 2009**

The meeting was called to order by Vice-Chairman Elizabeth Frasier at 9:30 a.m.

Roll call was taken by Recording Secretary, Marty Stinson.

MEMBERS PRESENT: Christopher Eveleth, Elizabeth Frasier, Sandra Harvey, and Alternate Jack Davis.

MEMBERS ABSENT: Randy Horton (excused) and Dan Jozwiak (excused).

OTHERS PRESENT: Brent Morgan, Carmine Avantini, LSL Planning, Inc.

MINUTES:

It was moved by Board Member Harvey and supported by Board Member Davis to approve the minutes of the meeting of July 21, 2009, as presented.

AYES: All. Motion carried.

NAYS: None.

ADMINISTRATIVE INTERPRETATION:

Case # 2009-05
City of Owosso

Mr. Brent Morgan stated that the Building Official, John Archer, is retiring. Mr. Morgan introduced Mr. Carmine Avantini, a certified planner from LSL Planning, Inc. Mr. Gregg Jones from TiAl Products and Mr. Phil Hathaway have withdrawn their request for an administrative interpretation regarding a wind energy tower at 450 S. Shiawassee Street. The city has now requested an interpretation. Mr. Avantini stated there were two requests, a variance and an interpretation for 130 foot wind energy generating plant. The first step is an interpretation. If it is interpreted as a similar or accessory use, then a variance is not necessary. If it is not similar or accessory, then we need a variance.

If the ordinance is silent on a particular use which is not similar to others already listed in the ordinance, then the applicant should be advised to seek an ordinance amendment. The ordinance was written in 1977. At that time, wind towers were not common and probably not planned for. We're of the opinion you should not make the interpretation in this case and that you should recommend that the Planning Commission and the Council create and adopt a WECS (Wind Energy Conversion System) ordinance to govern these types of activities.

Board Member Harvey asked if there were model ordinances.

Mr. Avantini stated yes. We've drafted ordinances and we have two people on staff that are experts. The general plan would be to (1) educate the public and officials; (2) based on the input, draft an ordinance to fit the community; and (3) review and hold public hearings. This process would need full public participation.

Mr. Morgan asked about the participant requesting the interpretation and variance on the same day.

Mr. Avantini stated there was no reason to do the interpretation and variance on the same day. First an interpretation needs to be done and then the variance. They are two separate actions that have separate implications. They may not need a variance depending on the decision you make today.

PUBLIC COMMENT:

Mr. Gregg Jones from TiAl Products stated that the time frame he wanted was to have both on the same day in August. It appeared they were unprepared. He wanted this project going for next year from a business standpoint.

Mr. Phil Hathaway said the approach is long and involved. This issue is on a business schedule. There was a previous decision in 2007 for E. Main Street. This is a permitted use by right. Wrought Iron Grill is

in favor of this project which will cost over \$100,000. City has obstructed this process. The neighboring property whose livelihood is leasing to residents is not worried about the windmill. We asked for accessory use.

Mr. Jones said nothing has happened since December, 2008. He would have been here long ago. He was waiting for the ordinance about wind energy to be passed. Mr. Hathaway continued that this was an accessory use, not a use variance on an I-2 site.

Vice Chairperson Frasier stated that the Board was here for an interpretation only regarding Sections 38-504(2) and 38-312.

Mr. Avantini stated this is to determine an accessory use to the manufacturing operation or similar to heating and electric power generating plants.

Mr. Morgan asked Mr. Avantini how does the interpretation affect the applicant.

Mr. Avantini answered if you determine an accessory use or it's similar to the other use, as long as they meet the dimensional requirements, they will be free to install the tower. If it is not a similar or an accessory, then they can apply for a variance or they can request an ordinance process.

Board Member Davis asked what is there to prevent me from putting up a tower at Emerson school? If we make an ordinance change, do we allow towers all over the city?

Mr. Avantini answered that was his concern about the ordinance in place.

Board Member Harvey suggested that we haven't really discussed the interpretation.

Board Member Davis said that we don't want to be rushed. He can't make a determination right now. He didn't understand why it was held up from December until today. He believes we need to hold off until we have more input

Motion by Board Member Eveleth, supported by Board Member Harvey that WECS is an accessory use to the manufacturing operations in an I-2 District.

AYES: All. Motion carried.

NAYS: None.

It was moved by Board Member Eveleth, supported by Board Member Harvey to send an ordinance back to City Council for review with regard to WECS.

AYES: All. Motion carried.

NAYS: None.

Mr. Morgan asked Mr. Avantini what the next step was to facilitate TiAl Products after the city's interpretation.

Mr. Avantini answered they would now need to meet the dimension requirements; whatever the side yard requirements, location, height, anything like that. Probably they would have to apply for variances if they don't meet the ordinance.

Mr. Hathaway commented that he would like a review regarding the height issue and the setbacks.

It was moved by Board Member Harvey, supported by Board Member Frasier to honor John Archer for his experience and service to the city and the Zoning Board of Appeals upon his retirement.

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AYES: All. Motion carried.
NAYS: None.

ADJOURNMENT:

It was moved by Board Member Eveleth, supported by Board Member Davis to adjourn the meeting.

AYES: All. Motion carried.
NAYS: None

The meeting was adjourned at 10:30 a.m.

Dan Jozwiak, Secretary ms