

**MINUTES**  
**REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS**  
**CITY OF OWOSSO**  
**SEPTEMBER 17, 2013 at 9:30 AM**  
**CITY COUNCIL CHAMBERS**

The meeting was called to order by Chairman Randy Horton at 9:30 a.m.

Roll call was taken by Recording Secretary Marty Stinson.

**MEMBERS PRESENT:** Chairperson Randy Horton, Secretary Daniel Jozwiak, Board Members Kent Telesz, and William Wascher.

**MEMBERS ABSENT:** Vice-Chairperson Christopher Eveleth.

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development; Mr. Robert Rowland, owner of 1409 Whitehaven Court.

**MINUTES: IT WAS MOVED BY SECRETARY JOZWIAK AND SUPPORTED BY BOARD MEMBER TELESZ TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 20, 2013 WITH THE CORRECTION OF PAGE 1, PARAGRAPH 2 OF THE PUBLIC HEARING SHOULD SAY SOUTH PROPERTY LINE RATHER THAN NORTH PROPERTY LINE.**  
**YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from August 20, 2013
3. Variance request materials – 1409 Whitehaven Ct.
4. Variance request map
5. Affidavit of notice

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS: VARIANCE REQUEST – 1409 Whitehaven Ct. # 2013-03**

Mr. Adam Zettel, Assistant City Manager and Director of Community Development noted that Mr. Robert Rowland requesting a front yard fence up to 86" in height. Current ordinances allow up to 72"; Mr. Rowland is requesting an additional 14". Mr. Zettel referred comments to the applicant at this time.

Mr. Robert Rowland of 1409 Whitehaven Court considers the deck railing unsafe. Mr. Zettel communicated that Commissioner Eveleth submitted a letter that stated the request is a clear violation of the spirit of the ordinances. Mr. Zettel stated the hardship is the elevated porch. There are too many elevated porches in the city and not unique; therefore this would set a precedent. This case doesn't meet all the necessary criteria for a variance.

Mr. Rowland totally disagreed. This is very unique. He was granted the first half at the last meeting and the same logic applies. He believed the deck was original to the build; whether it was legal can't be determined. Mr. Rowland reviewed several possible building theories.

9:57 am. Public Hearing was opened. No one responded.

9:58 am. Public Hearing was closed.

**MOTION BY BOARD MEMBER JOZWIAK, SUPPORTED BY BOARD MEMBER WASCHER, WHEREAS, THE OWOSSO ZONING BOARD OF APPEALS, AFTER REVIEWING THE CASE FOR 1409 WHITEHAVEN COURT, PARCEL NUMBER 050-193-000-001-00 HEREBY MAKES THE FOLLOWING FINDING:**

1. **THERE IS NOT A HARDSHIP IDENTIFIED.**

*Approved December 17, 2013*

**BASED ON THIS FINDING, THE OWOSSO ZBA HEREBY DENIES THE PETITION TO PERMIT THE FENCE VARIANCE WITH THE HEIGHT OF 86" AS ILLUSTRATED IN THE ATTACHED PETITION.  
ROLL CALL VOTE:  
AYES: JOZWIAK, TELESZ, WASCHER, HORTON  
NAYS: NONE  
MOTION CARRIED.**

Mr. Rowland commented that this only leaves me with court.

**COMMISSIONER/PUBLIC COMMENTS:**

Mr. Rowland stated he still had questions. Mr. Zettel said that Mr. Chuck Rau, the Building Official can help outside of this meeting forum.

Chairman Horton thanked everyone for the assistance at this meeting.

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER TELESZ, SUPPORTED BY BOARD MEMBER WASCHER TO  
ADJOURN AT 10:02 A.M.  
YEAS: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary

m.m.s