

**MINUTES**  
**REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS**  
**CITY OF OWOSSO**  
**OCTOBER 20, 2015 at 9:30 AM**  
**CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** The meeting was called to order by Randy Horton at 9:30 a.m.

**ROLL CALL:** Was taken by Recording Secretary Bridget Cannon.

**MEMBERS PRESENT:** Chairman Randy Horton, Secretary Dan Jozwiak, Board Member Kent Telesz and Alternate John Horvath

**MEMBERS ABSENT:** Planning Commission Representative Thomas Taylor, Vice-Chairman Christopher Eveleth and Alternate Matthew Grubb

**OTHERS PRESENT:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Charles Rau, Owosso Building Official; Carrie Reid-Hoag, Trebor Industries; Robert Selleck, Selleck Auto Clean-Up Center; Jed Dingens, Dingens Architects

**AGENDA: IT WAS MOVED BY BOARD MEMBER HORVATH, AND SUPPORTED BY SECRETARY JOZWIAK TO APPROVE THE AGENDA OF OCTOBER 20, 2015 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE MINUTES OF AUGUST 18, 2015 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from August 18, 2015
3. Variance Request – 434 E. Howard Street – Trebor Industries
4. Public Notice

**COMMISSIONER/PUBLIC COMMENTS:** None

**PUBLIC HEARINGS:**

1. **VARIANCE – 434 E. HOWARD STREET – TREBOR INDUSTRIES**

**APPEAL:** The petitioner proposes to construct 6' fence around the property and asks for a 20' variance from the center of the road (where it ends in front of their property) in order to reduce loading restrictions and have adequate access to the street.

**THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS:** The property is zoned as light industrial abutting residential property and is required to construct an 8' obscuring wall to provide the most complete obscuring possible.

Susan Montenegro displays an aerial view of property at 434 E. Howard Street on the projector, outlining the current property lines. Jed Dingens, architect, presents to the board on behalf of Carrie Reid-Hoag, Trebor Industries and Robert Selleck, Selleck Auto Clean-Up Center; who are business partners. Currently, there is a 4' fence and petitioner would like to construct a 6' chain link fence on the entire perimeter of this property's lines. In addition, a gate system would be installed on the west side of the building to enable loading and unloading of racks. Petitioner feels an 8' solid fence would be a security issue for the business. They prefer some visibility along property lines. Dingens references Ludington Electric's chain link fence, and the fence around the Department of Public Works for the City of Owosso. Trebor is requesting a variance on the fence height today and would like a visible chain link fence

*Approved January 19, 2016*

installed around the business. Mr. Dings referred to trees that outline the property at some points, and stated these trees are seen as advantageous for added obscurity.

Ms. Reid-Hoag contends Trebor Industries has been in business for over twenty years. The industry has experienced a recent boom, and they are trying to expand while also trying to contain their site. They service the automotive industry, and the racks/containers are from suppliers. Their main customer is FCA US, LLC, formerly known as Chrysler. It takes 10 days to 9 weeks to complete the orders, depending on what is needed to repair the racks. Trebor Industries currently employs 15 people, all from the Owosso area. The business makes annual charitable donations to organizations within the city, and she and Bob Selleck are proud business owners of the community. It is their wish to make their property aesthetically pleasing and they are working hard to abide by the guidelines and follow the city ordinances. She stated it is going to be a long process and asks for patience. Ms. Reid-Hoag stated a survey would be complete in November to mark property lines.

Ms. Montenegro comments that according to Chapter 38: Section 38-292 (2) ... "A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall." There is no stipulation in the ordinance that regulates the height of containers stored on the property. This property is not a scrap yard. The proposed fence will offer security, not obscurity.

Chairman Horton opens up the meeting to public comments. There have been four responses from neighboring property owners in opposition to the variance request. One is included in Zoning Board of Appeals Packet for today's meeting, and the latter three are attached to minutes as they were received after the packet was posted.

Alberta Phillips – 401 Corunna Avenue – Ms. Phillips feels this business gives the image of an inner-city scrapyards to Owosso. She does not see how the proposed fence is going to obscure the scrapyards look, when the racks are all she and her neighbors see when they walk outside. The racks are stacked so high, they are seen above the neighboring fences.

Ms. Phillips asked why she did not receive any permits for the activity at this address, when she completed a FOIA request for property. Ms. Phillips referred to a fence request from a neighbor on a corner lot that had requested a six foot high fence and was denied. Ms. Phillips also views racks as a safety hazard for children.

Ms. Montenegro responded to Ms. Phillips' inquiries: the height of the racks is not regulated by the code of ordinances, a fence would prohibit children from climbing the racks, and Ms. Montenegro stated the permits and plans that were requested were not on file for this property address, as they were not needed for the work up to this point and had not been applied for. If the variance was approved, a building permit would then be issued for the fence at this property address.

There was board discussion regarding finding a resolution that will work for both residents and the business. This property is not in an industrial park. Instead, it abuts residential property. Board does not find it realistic to build a fence that completely obscures the racks. They would like to protect the tax values in abutting residential properties.

Burton Fox, City Council Member – Has seen vast improvements on the property over the last several months. He asks board to consider tree planting or shrubbery along the fence to help obscure the Trebor properties. The trees would give protection to the property for the business owners, and add additional screening that would help soften the effect of a six foot fence for the residential properties in the area.

Jack Davis – 536 Randolph Street – Gave example of Robert Selleck working with the city to rid vagrants from wooded area at 401 E. Howard Street lot in the past. Mr. Davis supports the business owners, as he feels they are trying to help the community and employ residents.

Donald Marrah – 623 S. Chestnut Street – Mr. Marrah lives across the street from Advanced Drainage Systems. He refers to the fence this business has installed around the property, and states the industrial sites abutting residential properties is not a unique situation in Owosso... it happens throughout the city. He states the fence at ADS is not obscure, but he also supports the business as it employs many and he views ADS as an asset.

As the variance request for Trebor Industries is a two-fold request, board shall decide on two different issues with two different motions.

Board Member Telesz refers to the Owosso Code of Ordinances, **Section 38-382. Off-street loading and unloading.** One space is required on property to load and unload trucks. Trebor is currently using property that is zoned as city property to load and unload their trucks.

Ms. Reid-Hoag states a survey will be completed in November that will outline city property lines versus Trebor's property lines. She contends her business has been maintaining the city street in front of Trebor for last ten years, and would like the loading and unloading of the racks to be completely enclosed within her property lines. Trebor is asking for a 20' setback to reduce loading restrictions and have adequate access to the street.

**MOTION BY SECRETARY JOZWIAK, SUPPORTED BY BOARD MEMBER HORVATH AFTER REVIEWING THE CASE FOR 434 E. HOWARD STREET (050-680-004-006-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION FOR A 20' SETBACK VARIANCE AT THE END OF E. HOWARD STREET WITH THE FOLLOWING CONDITIONS:**

1. DUE TO UNIQUENESS OF PROPERTY;
2. WAS NOT CREATED BY PROPERTY OWNERS.

**YEAS ALL. MOTION CARRIED.**

**MOTION BY BOARD MEMBER HORVATH, SUPPORTED BY SECRETARY JOZWIAK AFTER REVIEWING THE CASE FOR 434 E. HOWARD STREET (050-680-004-006-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION TO PERMIT THE CONSTRUCTION OF A SIX FOOT OBSCURING FENCE RATHER THAN AN EIGHT FOOT OBSCURING FENCE WITH THE FOLLOWING STIPULATIONS:**

1. OBSCURING PLANTING/SHRUBBERY INSIDE PROPERTY LINES TO MEET THE SIX FOOT LEVEL, WITH FENCE BEING CONSTRUCTED ON THE PROPERTY LINES;
2. ALL PLANTING MUST BE COMPLETED BY JUNE, 2016.

**WHEREAS, IN ACCORDANCE WITH THE LAW, THE ZBA HAS AUTHORITY AND HAS DELIBERATED AND RULED. THE ZBA HAS FOUND THE APPLICANT QUALIFIES FOR THE VARIANCE BASED ON THE FOLLOWING CONDITIONS ACCORDING TO SECTION 38-504.(3) VARIANCES:**

2. SHALL NOT PERMIT THE ESTABLISHMENT WITHIN A DISTRICT OF ANY USE WHICH IS NOT PERMITTED BY RIGHT WITHIN THAT ZONE DISTRICT, OR ANY USE OR DIMENSIONAL VARIANCE FOR WHICH A CONDITIONAL USE PERMIT OR A TEMPORARY USE PERMIT IS REQUIRED;
5. IS APPLICABLE WHETHER COMPLIANCE WITH THE STRICT LETTER OF THE RESTRICTIONS GOVERNING AREA, SETBACKS, FRONTAGE, HEIGHT, BULK OR DENSITY WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE

**PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME;**

- 9. IS APPLICABLE WHETHER A GRANT OF THE VARIANCE APPLIED FOR WOULD DO SUBSTANTIAL JUSTICE TO THE APPLICANT AS WELL AS TO OTHER PROPERTY OWNERS IN THE AREA, OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF TO THE OWNER OF THE PROPERTY INVOLVED AND BE MORE CONSISTENT WITH JUSTICE TO OTHER PROPERTY OWNERS.**

**ROLL CALL VOTE:**

**AYES: JOZWIAK, HORTON, HORVATH**

**NAYS: TELESZ**

**MOTION CARRIED.**

**COMMISSIONER/PUBLIC COMMENTS: NONE**

**ADJOURNMENT:**

**MOTION BY BOARD MEMBER HORVATH, SUPPORTED BY BOARD MEMBER TELESZ TO ADJOURN AT 11:04 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, NOVEMBER 17, 2015, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

---

Dan Jozwiak, Secretary