

HOWELL TOWNSHIP ZONING BOARD OF APPEALS
Howell Township Hall, 3525 Byron Road, Howell MI, 48855
Meeting Minutes: **October 21, 2019, 6:30 P.M.**

MEMBERS PRESENT:

Kim Babcock Chairman
Andrew Sloan Vice-Chair & PC Rep.
Evan Rudnicki Board Representative
Alex Hansen Member

MEMBERS ABSENT:

Carrie Newstead Member

Also Present: Joe Daus – Zoning Administrator.

Chairman Babcock called the meeting to order at 6:30 P.M.

The roll was called.

All rose for the Pledge of Allegiance.

APPROVAL OF AGENDA: MOTION by Sloan, seconded by Hansen, “**TO APPROVE THE OCTOBER 21, 2019 ZONING BOARD OF APPEALS AGENDA AS PRESENTED.**” Motion carried.

APPROVAL OF MINUTES: MOTION by Rudnicki, seconded by Hansen, with friendly amendments from Vice-Chair Andrew Sloan, “**TO APPROVE THE SEPTEMBER 23, 2019 ZONING BOARD OF APPEALS MEETING MINUTES AS AMENDED: “ANDREW SLOAN, CHAIRMAN” AND “WAYNE WILLIAMS, SECRETARY” TO BE AMENDED ^AMENDED^ AS “KIM BABCOCK, CHAIRMAN” AND “ANDREW SLOAN, VICE-CHAIR” ON PAGE 4 OF THE MINUTES. ON PAGE 2 OF THE MINUTES, AMEND THE WORD “DEN” TO “SHED”.**” Motion carried.

TOWNSHIP BOARD REPORT:

(Township Board Representative, Evan Rudnicki reported on the following)

- See Township Board Synopsis for October 14, 2019 meeting
- Also touched on: farm-land leases, confirmed last year’s ordinance adoption prohibiting hunting on Township owned property ~~unless done so by current leaser~~ ^incorrect, amended by Board Rep. Rudnicki at the 11.18.2019 ZBA Meeting^. For more information see Township Board Minutes.

PLANNING COMMISSION REPORT:

(Planning Commission Representative, Andrew Sloan reported on the following)

- See Planning Commission Synopsis for September 24, 2019 meeting.
- Updates on grant statuses for the proposed Oceola Community Center and briefed on Planning Commission’s most recent Public Hearing (09.24.2019) approving the preliminary site plan of Schmuck’s Brewery.
- Planning Commission upcoming Public Hearing (10.22.2019) - Updated Non-Motorized Plan

PUBLIC HEARING:

A. PETITIONER – Chris Schick: **PARCEL #4706-16-300-046 FILE #PZBA-2019-10**, 3718 Warner Rd.

- Chairperson Babcock reviewed the application, the petitioner is asking for two variances. The first request is for a variance to Article VI: Single Family Residential District, Section 6.06: Dimensional Requirements, item F2: requesting a -6 foot dimensional variance to allow for construction of a detached accessory building within side yard setbacks. The second request is for a variance to Article XIV: Supplemental Regulations, Section 14.07: Accessory Building Provisions, item B: requesting an -87 foot dimensional variance to allow for construction of the same detached accessory structure in the front yard.
- Applicant and owner, Chris Schick describes: the back yard of the property is too thin to fit an accessory structure. Mr. Schick states water floods his backyard almost every time it rains, including the run-off water from neighboring properties and the road.
- Questions were asked from the ZBA members to Chris Schick. Not the same flooding and sloping issues in the front yard as in back yard. Property is on the north side of Warner Rd, sloping from west to east. Proposed accessory structure

is to be on the east side of the driveway, in which both sides of the driveway has decorative, landscaped berms (berms are said not to affect the water flow). Proposed accessory structure is 24'x24'.

- Vice-Chairperson Sloan described how the flooding of the back yard does not seem to be the main hardship, but rather it is the size of the property that is preventing the access and construction of an accessory structure. Even if the backyard was dry and the driveway wasn't as far back on their lot, the size of the property as a whole is preventative, and a small property is not considered a hardship.
- Call to the Public:
 - Carl (3710 Warner), neighbor directly to the east of the applicant, garage would be closest to his property line, has no objections.
 - William (3743 Warner), directly across the street of the applicant, has no objections.
 - James (3778 Warner), neighbor directly to the west of the applicant. Objects to the variance request. Worries about selling their home, not a fan of the berms to begin with, thinks garage in the front would look out of place, where no one else on Warner Road has a garage in their front yard.
- Chairperson Babcock stated the Findings of Fact for purposes of the ZBA's decision: Petitioner is present on their own behalf, the location of the property has been identified, the applicant shared the hardships of their property, testimonies from neighbors, and the ordinance requirement has been identified as Section 6.06.

MOTION by Sloan, seconded by Babcock, **"TO DENY THE REQUEST OF A DIMENSIONAL VARIANCE OF -87 FEET, PROHIBITING THE CONSTRUCTION OF AN ACCESSORY STRUCTURE IN THE FRONT YARD BECAUSE SMALL LOT SIZES DO NOT QUALIFY AS A HARDSHIP."** Discussion followed.

Rollcall was taken: Sloan – yes, Hansen – yes, Rudnicki – no, Babcock – yes. Variance denied. Motion carries 3 to 1.

- Applicant, Mr. Schick then requested an accommodation to his request, modifying it so that the proposed accessory structure would be attached to the house, therefore eliminating the front yard regulation and the need for a front yard variance. With this request, Mr. Schick would only need the approval of a dimensional variance within side yard setbacks.

MOTION by Rudnicki, seconded by Hansen, **"TO APPROVE THE REQUEST FOR A -6 FOOT DIMENSIONAL VARIANCE, ALLOWING THE CONSTRUCTION OF AN ATTACHED GARAGE WITHIN SIDE YARD SETBACKS."**

Rollcall was taken: Hansen – yes, Rudnicki – yes, Sloan – yes, Babcock – yes. Variance granted. Motion carries 4 to 0.

CALL TO THE PUBLIC: No response.

ADJOURNMENT: MOTION by Sloan, seconded by Hansen, **"TO ADJOURN."** Motion carried and meeting adjourned at 6:58 P.M.

Approved: _____ X _____

As Presented: _____

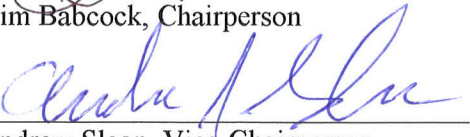
As Amended: _____ X _____

As Corrected: _____

Dated: _____ 11.18.2019 _____



 Kim Babcock, Chairperson



 Andrew Sloan, Vice-Chairperson



 Josie Modrack, Recording Secretary