

Howell Township Hall, 3525 Byron Road, Howell MI, 48855
Zoning Board of Appeals – Special – Meeting Minutes: November 18, 2019, 6:30 P.M.

MEMBERS PRESENT:

Kim Babcock Chairman
Andrew Sloan Vice-Chair & PC Rep.
Evan Rudnicki Board Representative
Alex Hansen Member
Carrie Newstead Member
Also Present: Joe Daus – Zoning Administrator.

MEMBERS ABSENT:

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 Newstead, ***“TO APPROVE THE NOVEMBER 18, 2019 ZONING BOARD OF APPEALS AGENDA AS PRESENTED.”*** Motion carried.

APPROVAL OF MINUTES:

- A. *MOTION* by Rudnicki, seconded by Hansen, with friendly amendments by Chairperson Babcock and Board Representative Rudnicki, ***“TO APPROVE THE OCTOBER 21, 2019 ZONING BOARD OF APPEALS MEETING MINUTES AS AMENDED: UNDER ‘APPROVAL OF MINUTES’: AMEDED TO BE CHANGED TO ^AMENDED^, UNDER ‘TOWNSHIP BOARD REPORT’: UNLESS DONE SO BY CURRENT LEASERS IS TO BE DELETED FOR IT IS NOT THE CORRECT INFORMATION”*** Motion carried.
- B. *MOTION* by Sloan, seconded by Newstead, ***“TO APPROVE THE OCTOBER 28, 2019 ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES AS PRESENTED.”*** Motion carried.

TOWNSHIP BOARD REPORT:

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

- Monday, November 11, 2019 Township Board Meeting postponed

PLANNING COMMISSION REPORT:

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

- See Planning Commission Synopsis for the October 22, 2019 Meeting

PUBLIC HEARING:

- A. **PETITIONER – Steve Lynch:** File #PZBA-2019-12, Parcel #4706-23-400-040, located at 2300 Armond Road.
- Chairperson Babcock reviewed the petitioner’s request for a variance to Article XIV: Supplemental Regulations, Section 14.07: Accessory Building Provisions, item B: -190 ft. dimensional variance to allow for the placement of a detached accessory structure in front of the rear line of the house.
 - Applicant and owner, Steve Lynch describes: house is built on a crown, diving downward about 12 ft., both east and north sides of the house. The west side of the house consists of a septic field, electrical wiring/gas, and the back yard to the house slopes downward 20 ft. For those reasons the only area considered buildable is the eastern, front side of the house. The proposed accessory structure is for vehicles as well as the storage of home and yard maintenance machinery.
 - Questions were asked from the ZBA members to Steve Lynch. The aesthetic of the detached accessory structure will match the main building. The property directly next door to Mr. Lynch is vacant at the moment, but Mr. Lynch did reach out to his neighbors across the road, they support his plan and would personally rather it be placed where the petitioner is requesting, which would not be in the way of the pond’s view.
 - Worth noting: Mr. Lynch’s application was filled out to say: the property is zoned AR (Agricultural Residential) which was a mistake and overlooked by Howell Township Staff, causing some confusion in regards to the side-yard setback requirements. Zoning Administrator Joe Daus double checked the zoning of the property, which is zoned as SFR (Single Family Residential). Since the property’s zoning is SFR rather than AR, Mr. Lynch only needs a variance for the front yard, not side yard. If the property was zoned AR, Mr. Lynch would need a side-yard variance for 10 ft., but that is not the case and the accessory structure is within side-yard setbacks, the application has been modified to fit these facts.
 - Chairperson Babcock stated the Findings of Fact for purposes of ZBA’s decision: location, the ordinance and hardship.

MOTION by Newstead, seconded by Hansen, **“TO APPROVE THE PETITIONER’S REQUEST: STEVE LYNCH, FILE #PZBA-2019-12, PARCEL ID #4706-23-400-040, 2300 ARMOND ROAD, TO A -190 FOOT DIMENSIONAL VARIANCE, GRANTING THE PLACEMENT OF A DETACHED ACCESSORY STRUCTURE IN FRONT OF THE REAR LINE OF THE HOUSE.”** Discussion followed.

Rollcall was taken: Sloan – yes, Newstead – yes, Rudnicki – yes, Hansen – yes, Babcock – yes. Motion carried 5 to 0.

- B. PETITIONER – John Gray:** File #PZBA-2019-13, Parcel #4706-15-100-021, located at 2551 Amberwood Trail.
- Chairperson Babcock reviewed the application, the request for a variance to Article XIV: Supplemental Regulations, Section 14.07: Accessory Building Provisions, item B: -15 foot dimensional variance to allow for the placement of a detached accessory structure to be located in front of the rear line of the house.
 - Applicant and owner, John Gray describes: this is an already existing detached accessory structure that was built 6 years ago, Mr. Gray says he thought he had a variance for the construction and placement of the structure until receiving a Notice of Violation from the Township in that the structure’s placement does not comply with the Howell Township Zoning Ordinance. Zoning Administrator Joe Daus then clarified with ZBA Members: in order to solve this, the procedure to follow is as if it were brand new dimensional variance request.
 - Questions were asked from the ZBA members to John Gray. Members who know the property said the view of structures from the road is visually pleasing. Chairperson Babcock had a question over some of the documentation provided on the petitioner’s application, and wanted more explanation: Mr. Gray said at the time, Livingston County inspected the property to tell him that the only buildable area for this type of structure was the spot in which the existing structure in question is placed currently, this is due to the limited amount of flat land surrounding his house. It was confirmed through questions that the structure, when facing the front of the house, is on the left side.
 - Correspondences: Mr. and Mrs. Miller, down a few houses from the petitioner, expressed support of the request.
 - Chairperson Babcock stated the Findings of Fact for purposes of the ZBA’s decision: identified the landowner, the location of the property, the ordinance in question, and the petitioner’s testimony in regards to their request.

MOTION by Hansen, seconded by Sloan, **“TO APPROVE THE PETITIONER’S REQUEST: JOHN GRAY, FILE #PZBA2019-13, PARCEL ID #4706-15-100-021, 2551 AMBERWOOD TRAIL, TO A -15 FOOT DIMENSIONAL VARIANCE GRANTING THE PLACEMENT OF A DETACHED ACCESSOTY STRUCTURE IN FRONT OF THE REAR LINE OF THE HOUSE.”** Discussion followed.

Rollcall was taken: Rudnicki – yes, Hansen – yes, Newstead – yes, Sloan – yes, Babcock – yes. Motion carried 5 to 0.

CALL TO THE PUBLIC:

- Rodney Rowse, located at 2484 Tooley Road, was in attendance but did not have anything to add, he attended this meeting because he might need to request a variance in the future. Intended to see how the variation and ZBA application processes and procedures are handled.

OTHER BUSINESS:

- Zoning Board of Appeals Vice-Chairman Mr. Andrew Sloan, announced on behalf of the Howell Township ZBA & Staff what an honor it was to work alongside Howell Township ZBA Chairwoman, Kim Babcock, and during her decade of service dedicated HTZBA. Kim Babcock, will resign at her term-end, coming December 31st, 2019. We thank Kim Babcock sincerely!

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

Approved: _____

As Presented: _____

As Amended: _____

As Corrected: _____

Dated: 02.18.2020

Carrie Newstead
 cw Kim Babcock, Chairperson
Carrie Newstead
Andrew Sloan, Vice-Chairperson

J. Modrack
 Josie Modrack, Recording Secretary