
HOWELL TOWNSHIP ZONING BOARD OF APPEALS
UNAPPROVED MINUTES: FEBRUARY 18, 2020, 6:30 P.M.
3525 BYRON RD. HOWELL TOWNSHIP HALL, HOWELL MI 48855 (517-546-2817)

MEMBERS PRESENT:

Carrie Newstead Chairwoman
Andrew Sloan Vice-Chairman
Evan Rudnicki Board Representative
Alex Hansen Member
Tim Boal Member

MEMBERS ABSENT:

N/A

Also in attendance: Zoning Administrator, Joe Daus

Vice-Chairman Sloan called the meeting to order at 6:30 p.m. The roll was called. All rose for the Pledge of Allegiance.

WELCOME NEW MEMBER:

- New member of the ZBA, Tim Boal, appointed by the Board at the January 13, 2020 meeting.

APPROVAL OF AGENDA:

- Vice-Chairman Sloan addressed the possible concern that ZBA members and the Public might feel about tonight's agenda. Mr. Sloan, as having been recused from an appeal due to conflict of interested in the past, explained that once agenda items numbered one (1) through six (6) are complete, ZBA Member, Tim Boal will recuse himself as a member of the ZBA, therefore not included in the roll-call vote regarding the appeal.
- **MOTION** by Newstead, seconded by Hansen, accepting a friendly amendment by Sloan, **"TO APPROVE THE FEBRUARY 18, 2020 ZONING BOARD OF APPEALS AGENDA AS AMENDED: MOVE AGENDA ITEM 2: PLEDGE OF ALLEGIANCE, TO PRECEDE AFTER AGENDA ITEM 3: ROLL CALL; MOVE AGENDA ITEM 6: APPROVAL OF AGENDA, TO PRECEDE AFTER AGENDA ITEM 5: ELECTION OF OFFICERS."** Motion carried.

ELECTION OF OFFICERS:

- **MOTION** by Rudnicki, seconded by Sloan, **"TO ELECT CARRIE NEWSTEAD AS ZONING BOARD OF APPEALS CHAIRWOMAN FOR THE YEAR 2020."** Discussion followed. Motion carried.
- **MOTION** by Chairwoman Newstead, seconded by Rudnicki, **"TO RE-ELECT ANDREW SLOAN AS ZONING BOARD OF APPEALS VICE-CHAIRMAN FOR THE YEAR 2020."** Discussion followed. Motion carried.

APPROVAL OF MINUTES:

- **MOTION** by Rudnicki, adding a friendly amendment, seconded by Newstead, **"TO APPROVE THE NOVEMBER 18, 2019 ZONING BOARD OF APPEAL MEETING MINUTES AS AMENDED: CHANGE 'KIM BABCOCK, ZBA CHAIRWOMAN' TO READ 'CARRIE NEWSTEAD, ZBA CHAIRWOMAN' UNDER MEETING ADJOURNMENT."** Motion carried.

CORRESPONDENCE:

- RE: FILE #PZBA-2020-01, Linda MacDonald, 65 Santa Rosa

TOWNSHIP BOARD REPORT: (Township Board Representative, Evan Rudnicki reported on the following)

- February 10, 2020 Township Board Synopsis: briefly discussed the road projects approved for 2020.

PLANNING COMMISSION REPORT: (PC Chairman, Andrew Sloan reported the following)

- January 28, 2020 PC Synopsis – no questions among members.

ZONING REPORT: (Howell Township Zoning Administrator, Joe Daus reported on the following)

- Prepared Monthly Permit Report.
- Discussion regarding the position of Code Enforcement Officer.

PUBLIC HEARING:

- Vice-Chairman Sloan expanded on the recusal process. ZBA Member, Tim Boal was directed to take a seat in the audience, officially recusing himself as part of the Zoning Board of Appeals, representing himself as a petitioner.

MOTION by Hansen, seconded by Newstead, **"TO OPEN THE PUBLIC HEARING FOR FILE #PZBA-2020-01, REQUESTING INTERPRETATION OF THE FOLLOWING SECTIONS FROM HOWELL TOWNSHIP'S ZONING ORDINANCE BOOK: 14.24 OUTDOOR PARKING/RV STORAGE/COMMERCIAL VEHICLES ON RESIDENTIAL LOTS/PARCELS, 26.07 VISIBILITY AT INTERSECTIONS, AND 18.02 OFF-STREET PARKING REQUIREMENTS."** Motion carried.

- Joe Daus, Zoning Administrator, stated Mr. Boal submitted a complaint form regarding a neighbor’s parked trailer on Santa Rosa Dr., Howell, MI 48855. The complaint went on to say the trailer was obstructing the view of the Road Right of Way to a heavily traveled road (Mason Road, Howell, MI 48855). After working with the complaint and researching Howell Township’s Zoning Ordinance, Mr. Daus felt there wasn’t jurisdiction within the Township to enforce or regulate parking on private drives. Mr. Boal felt differently with this interpretation, therefore appealed.
- Mr. Boal interprets section 14.24 to include the private road in which the house fronts as part of that property’s front yard, believing the parked trailer is in violation of front yard setbacks.
- Mr. Boal interprets section 26.07 to regulate the obstruction of visibility at intersections, claiming the parked trailer should be considered a structure and the location it’s parked should be considered a road Right of Way.
- Mr. Boal interprets section 18.02 as having the authority to govern and regulate the trailer’s parking requirements, and the trailer is in violation of the section mentioned.

MOTION by Rudnicki, seconded by Hansen, **“TO CLOSE THE PUBLIC HEARING.”** Discussion followed. Motion carried.

MOTION by Newstead, seconded by Rudnicki, **“TO ENTER INTO CLOSED SESSION AT 7:10 P.M.”** Motion carried.

- ZBA Members left the Board room to discuss the Confidential Legal Opinion: File #PZBA-2020-01, Applicant: Tim Boal.

MOTION by Newstead, seconded by Rudnicki, **“TO END CLOSED SESSION AT 7:35 P.M.”** Motion carried.

- Members described to Mr. Boal they sympathized with the frustration he must be feeling, that a lot of them have experienced this unfortunate issue for themselves as well. Members stated they wished they could fix the problem, but as a member of the ZBA, their responsibility is to only interpret the appeal brought before them.

MOTION by Newstead, seconded by Rudnicki, **“TO DENY THE PETITIONER’S INTERPRETATION OF SECTION 14.24: ‘OUTDOOR PARKING OR STORAGE OF RECREATION VEHICLES, COMMERCIAL VEHICLES AND TRUCKS ON RESIDENTIAL LOTS AND PARCELS.’”** The roll was called.

- Newstead – yes, Sloan – yes, Hansen – yes, Rudnicki – yes. Motion carried 4-0.
- A private drive is not included as a property’s front yard.

MOTION by Hansen, seconded by Newstead, **“TO DENY THE PETITIONER’S INTERPRETATION OF SECTION 26.07: ‘VISIBILITY AT INTERSECTIONS.’”** The roll was called.

- Hansen – yes, Rudnicki – yes, Newstead – yes, Sloan – yes. Motion carried 4-0.
- In accordance to section 26.07, and if what’s stated in the complaint is to be true, the location of the parked trailer in question would not be considered within violation.

MOTION by Newstead, seconded by Rudnicki, **“TO DENY THE PETITIONER’S INTERPRETATION OF SECTION 18.02: ‘OFF-STREET PARKING REQUIREMENTS.’”** The roll was called.

- Rudnicki – yes, Sloan – yes, Hansen – no, Newstead – yes. Motion carried 3-1.
- The section is specific to off-street parking, the trailer in question is considered to be parked on-street, the section or the zoning ordinance does not prohibit on-street parking.
- ZBA Members concluded their explanations as to why they interpreted the ordinances the way they did. Comments made regarding the possibility of working on the ordinance in particular the specifics of Private Roads. Requesting to the Township Board the possibility of asking the Planning Commission to take action on these ordinances.

CALL TO THE PUBLIC:

- No response.

ADJOURNMENT:

- **MOTION** by Rudnicki, seconded by Hansen, **“TO ADJOURN.”** Motion carried. Meeting adjourned at 8:20 P.M.

Approved: _____

Carrie Newstead, Chairwoman

As Presented: _____

As Amended: _____

Andrew Sloan, Vice-Chairman

As Corrected: _____

Dated: _____

Josie Modrack, Recording Secretary