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# HOWELL TOWNSHIP ZONING BOARD OF APPEALS

**UNAPPROVED** MINUTES: JULY 20, 2020, 6:30 P.M.

3525 BYRON RD. HOWELL TOWNSHIP HALL, HOWELL MI 48855 (517-546-2817)

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**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Carrie Newstead Chairwoman

Also in attendance: Zoning Administrator, Joe Daus

Vice-Chairman Sloan called the meeting to order at 6:31 p.m. The roll was called. All rose for the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

- **MOTION** by Rudnicki, seconded by Hansen, **“TO APPROVE THE JULY 20, 2020 ZONING BOARD OF APPEALS AGENDA AS PRESENTED.”** Motion carried.

**APPROVAL OF MINUTES:**

- **MOTION** by Rudnicki, seconded by Hansen, **“TO APPROVE THE FEBRUARY 18, 2020 ZONING BOARD OF APPEALS MEETING MINUTES AS PRESENTED.”** Motion carried.

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

- See synopses. Nothing additional to add. The past couple Board meetings have been held over Zoom due to COVID.

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

- See synopses. Nothing additional to add. The past couple Planning Commission meetings have been held over Zoom as well, glad to be back in person at the Township Hall.

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

- Monthly Permit Report. Nothing additional to add.

**PUBLIC HEARING:**

**MOTION** by Rudnicki, seconded by Boal, **“TO OPEN THE PUBLIC HEARING FOR PETITIONER LAVERN ZELLER, FILE #PZBA-2020-02, PARCEL #4706-23-100-019, 2640 BREWER RD.”** Motion carried.

- Vice-Chairman Sloan reviewed the request: two separate requests to be discussed at the same time but voted on separately. The first request on Article XIV: Supplemental Regulations, Section 14.07: Accessory Building Provisions, Item C., applying for an 804 sq. ft. variance allowing for total building size permitted per parcel to exceed 3,000 sq. ft. The second request on Article IV: Agricultural-Residential District: Section 4.06: Dimensional Regulations, Item F., applying for a 2 ft. variance allowing for the height of the proposed accessory structure to exceed the 25 ft. permitted.
- Petitioners LaVern Zeller and Sandra Dutt spoke on their requests. They want to build a detached accessory structure measuring 2,304 sq. ft. (36 x 64 ft.) for the purpose of storing vehicles. They came to this measurement because the proposed accessory structure is intended to park 4 vehicles wide and 3 vehicles long. The first request they are asking for is an additional 804 sq. ft. of total building size per parcel. They explained there is an existing detached accessory structure measured at 1,500 sq. ft. used as a shop, as well as the principal residence on their property. The second request is asking for an additional 2 ft. in height to the permitted 25 ft. because the proposed build location is sloped by 3 ft. compared to the surrounding land. Questions were taken from the ZBA members to Mr. Zeller.
- Mr. Sloan spoke to petitioners. The reason for the first request is not based on hardship, it is based on personal preference, and would not be considered a legitimate reason to grant a variance to the maximum building size permitted per parcel. The reason for the second request is based on the hardship that the proposed land slopes down 3 ft. in comparison to the surrounding land, and would be considered a legitimate reason to grant a variance to the maximum height permitted per accessory structure.
- Comments from the Public: Andrew Hamm, 14 Santa Rosa Dr., Howell, MI 48843: in support of Mr. Zeller’s requests.

**MOTION** by Boal, seconded by Hansen, with a friendly amendment by Rudnicki, **“TO APPROVE THE PETITIONER’S REQUEST: LAVERN ZELLER, FILE #PZBA-2020-02, PARCEL #4706-23-100-019, 2640 BREWER RD, TO SECTION 4.06, ITEM F OF THE ZONING ORDINANCE, FOR A TWO (2) FT. VARIANCE ALLOWING THE CONSTRUCTION OF AN ACCESSORY STRUCTURE TO EXCEED THE MAXIMUM HEIGHT PERMITTED OF 25 FT.”** Discussion followed.

Rollcall was taken: Rudnicki – yes, Hansen – yes, Boal – yes, Sloan – yes. Motion carries 4 – 0.

**MOTION** by Rudnicki, seconded by Boal, **“TO DENY THE PETITIONER’S REQUEST BASED ON THE FINDINGS OF FACT AND LACK OF HARDSHIP: LAVERN ZELLER, FILE #PZBA-2020-02, PARCEL #4706-23-100-019, 2640 BREWER RD, SECTION 14.07, ITEM C OF THE ZONING ORDINANCE, FOR AN 804 SQ. FT. VARIANCE ALLOWING FOR CONSTRUCTION OF A DETACHED ACCESSORY STRUCTURE EXCEEDING THE TOTAL BUILDING SIZE PERMITTED PER PARCEL.”** Discussion followed.

Rollcall was taken: Hansen – yes, Sloan – yes, Boal – yes, Rudnicki – yes. Motion carries 4 – 0.

**MOTION** by Rudnicki, seconded by Hansen, **“TO CLOSE THE PUBLIC HEARING FOR PETITIONER LAVERN ZELLER, FILE #PZBA-2020-02, PARCEL #4706-23-100-019, 2640 BREWER RD.”** Motion carried.

**MOTION** by Rudnicki, seconded by Boal, **“TO OPEN THE PUBLIC HEARING FOR PETITIONER LUKE OSTROWSKI, #PZBA-2020-03, PARCEL #4706-23-100-017, 2655 BYRON RD.”** Motion carried.

- Vice-Chairman Sloan reviewed the request on Article XIV: Supplemental Regulations, Section: 14.07: Accessory Building Provisions, Item B., applying for a 100 foot variance allowing for the installation of a detached accessory structure in the front yard.
- Petitioner Luke Ostrowski spoke on his request. He wants to install a detached accessory structure for storage. Asking for a 100 ft. variance due to the lay of his property. Both the rear and side yards of the house consists of a pipeline as well as being surrounded by wetlands. The best possible location for installation of the proposed accessory structure would be crossing into the front yard, next to his existing accessory structure. Questions were taken from ZBA members to Mr. Ostrowski.
- Mr. Sloan spoke to the petitioner. The reason for the request is land-based due to the surrounding yards of the property being primarily wetlands and consisting of a pipeline, therefore the reason is considered a legitimate hardship that prevents the petitioner from following the regulations for the proposed structure’s location.
- No public comment.

**MOTION** by Hansen, seconded by Boal, **“TO APPROVE THE PETITIONER’S REQUEST: LUKE OSTROWSKI, FILE #PZBA-2020-03, PARCEL #4706-23-100-017, 2655 BYRON RD, SECTION 14.07, ITEM B OF THE ZONING ORDINANCE, FOR A -100 FT. VARIANCE ALLOWING FOR INSTALLATION OF AN ACCESSORY STRUCTURE IN THE FRONT YARD.”** Discussion followed.

Rollcall was taken: Sloan – yes, Hansen – yes, Rudnicki – yes, Boal – yes. Motion carries 4 – 0.

**MOTION** by Rudnicki, seconded by Hansen, **“TO CLOSE THE PUBLIC HEARING FOR PETITIONER LUKE OSTROWSKI, FILE #PZBA-2020-03, PARCEL #4706-23-100-017, 2655 BYRON RD.”** Motion passed.

**OTHER BUSINESS:**

- Vice-Chairman Sloan brought up the letter he received from Premier Precision Park, asking Township Board Representative, Evan Rudnicki, if there are any updates from the Township Board regarding the pending lawsuit. Vice-Chairman Sloan wanted to bring the public and the members up to speed on this issue.
- Board Representative, Evan Rudnicki added the Township Board is listening to residents while also trying to work with the applicant and the federal lawsuit. It’s a process and there will continue to be back and forth, stated the current Board members want the best for the people in the Township.

**CALL TO THE PUBLIC:**

- Andrew Hamm, 14 Santa Rosa Dr., Howell, MI 48843 requested that a member of the ZBA be removed. Mr. Hamm was told the ZBA does not have authority to do so and was given the Township Board meeting schedule.

**ADJOURNMENT:**

**MOTION** by Hansen, seconded by Rudnicki, **“TO ADJOURN.”** Motion carried. Meeting adjourned at 7:30 P.M.

Approved: \_\_\_\_\_

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Carrie Newstead, Chairwoman

As Presented: \_\_\_\_\_

As Amended: \_\_\_\_\_

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Andrew Sloan, Vice-Chairman

As Corrected: \_\_\_\_\_

Dated: \_\_\_\_\_

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Josie Modrack, Recording Secretary