
HOWELL TOWNSHIP ZONING BOARD OF APPEALS
APPROVED MINUTES: DECEMBER 20, 2022,
3525 BYRON RD. HOWELL TOWNSHIP HALL, HOWELL MI 48855 (517-546-2817)

MEMBERS PRESENT:

Carrie Newstead	Chairwoman
Martha Haglund	P.C. Rep. / Vice Chair
Tim Boal	Member
Jeff Smith	Board Representative
Ken Frenger	Member

MEMBERS ABSENT:

Also in attendance Joe Daus, Zoning Administrator, Chris Patterson, Township Attorney.

Chairwoman Newstead called the meeting to order at 6:30 p.m. The roll was called.

APPROVAL OF AGENDA:

MOTION by Frenger, seconded by Haglund, **"TO APPROVE THE DECEMBER 20, 2022 ZONING BOARD OF APPEALS AGENDA"** Motion carried.

APPROVAL OF MINUTES:

MOTION by Boal, seconded by Smith, **"TO APPROVE THE NOVEMBER 15, 2022 ZONING BOARD OF APPEAL MINUTES AS AMENDED"** Motion carried.

TOWNSHIP BOARD REPORT: Jeff reported that a large part of the board meeting was taken up with an issue on Santa Rosa Dr. on an enforcement issue, there was a discussion on the Pine View property and the direction the township should take.

PLANNING COMMISSION REPORT: Martha reported that the Planning Commission met on the update of the master plan and sent it to the Township Board to approve it release for review. Also the park committee was working on a plan for the Tooley Road site, and will be applying for a spark grant.

OLD BUSINESS: None

NEW BUSINESS / PUBLIC HEARING:

Chairwoman Newstead opened the public hearing for **PETITIONER:** John E. Mills, FILE# PZBA-2022-08, PARCEL ID# 4706-23-200-026, Oak Grove Road, Howell MI 48855

REQUEST: Appeal of zoning administrator's decision & interpretation of the zoning ordinance.

Chris Patterson noted that Mr. Zichi was present, he represented the petitioner and is opposing counsel. He then reported on the history of this case, the current principal use, as there is a communication tower on the site and the site is being farmed. Then a use of a disc golf course was added. Mr. Patterson explained the township position and concerns with the added principal use as a disc golf course. As the zoning ordinance does not address disc golf the ZBA has jurisdiction on how this use would fit in to the zoning ordinance and what it would be classified as. Also that the ZBA has the power to affirm, deny or modify the zoning administrator determination.

Mr. Zichi presented his clients position that this is just used for private use that is permitted by right, and all that is being done is the grass is being cut, they are no walking paths, no parking lots, no permeant structures. He does not know how to create a site for mowing lawn.

Mr. Zichi took questions from the ZBA members, about pictures that are online showing the improvements, questions about the tournaments that have been held on this site. Discussion followed with Mr. Mills about the site including the parking area, access to the site, and trespassing.

Chairwoman Newstead opened the meeting for public comment. Tim Parker, 2610 Oak Grove Road. Lives across the road from this parcel. He has not seen any heavy traffic and did not have a problem with the use. Denise Harp, 212 Edgemont Drive. She is concerned about the traffic now and in the future as disc golf becomes more popular. She also mentioned the deck that was on the course, the rocks by the parking area, and the porta johns that are there in the summer. Dave Dirmeyer, 1730 Oak Grove Road. He stated that there was no advertisement, he put this on his personal social media inviting his personal friends. He also addressed the large tournament that was held in 2021, it got out of their control and it would never happen again. Tim Park stated that they were putting a limit on the number of people being invited, and that they have the vehicle control in place. Denise Harp again stated her concerns about the amount of traffic and the noise.

Discussion among the ZBA members continued, Martha asked if there was any way they could issue a letter of understanding that would limit the use. Chris Patterson addressed the question. Discussion continued.

MOTION by Haglund, **MOVED TO HAVE THE PETITIONER SUBMIT A LETTER OF UNDERSTANDING TO OUR TOWNSHIP COUNSEL WITHIN THIRTY DAYS FROM TODAY TO ADDRESS PARKING, ANY ONLINE ADVERTISING OTHERWISE AFTER THIRTY DAYS IF THAT IS NOT SUBMITTED AND REVIEWED, IF WE DO NOT RECIVE THAT LETTER I WILL AFFIRM THE ZONING ADMINISTRATORS LETTER THAT IT IS A PASSIVE RECREATION USE THAT NEEDS A SPECIAL LAND USE AND SITE PLAN APPROVAL.** A discussion followed. Chris Patterson noted that the zoning administrator does not the authority to approve the letter she is asking to be submitted. Martha rescinded her Motion.

Motion by Haglund, seconded by Smith, **TO AFFIRM THE DETERMINATION OF THE ZONING ADMINISTRATOR FOR THE USE OF THE PROPERTY FOR DISC GOLF DOES CONSTITUTE A PASSIVE RECREATION AREA AND REQUIRES A SPECIAL LAND USE PERMIT AND SITE PLAN APPROVAL BASED ON THE FACTS IN THE WRITTEN DECISION. FOR FILE NUMBER PZBA-2022-08**

Roll was called: Boal-Yes, Frenger-Yes, Haglund-Yes, smith-Yes, Newstead-Yes, Motion carried 5 - 0.

OTHER BUSINESS: None.

CALL TO THE PUBLIC: No Response.

ADJOURNMENT: **MOTION** by Boal, seconded by Haglund, **"TO ADJOURN."** Motion carried. Meeting adjourned at 7:28 P.M.

Approved: _____XXXXXXXXXX-_____

As Presented: _____

As Amended: _____

As Corrected: _____

Dated: _____

Martha Haglund
Martha Haglund, Vice-Chairman