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# HOWELL TOWNSHIP ZONING BOARD OF APPEALS

APPROVED MINUTES: SEPTEMBER 17<sup>TH</sup> 2024

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

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## MEMBERS PRESENT:

Ken Frenger                      Chairman  
Carol Weaver                    Vice Chair  
Jim McEvoy                      Secretary  
Jeff Smith                         Board Rep

## MEMBERS ABSENT:

Wayne Williams PC- Rep.

## Also Present:

Jonathan Hohenstein    Zoning Administrator

Ken Frenger called the meeting to order at 6:30 p.m. The roll was called.

**APPROVAL OF AGENDA:** MOTION by Smith seconded by Weaver, “To Approve the September 17, 2024 Zoning Board of Appeals Agenda” Motion carried.

**APPROVAL OF MINUTES:** MOTION by Frenger, seconded by Weaver, “To Approve the August 20, 2024 Zoning Board of Appeals Minutes as Presented” Motion carried.

**TOWNSHIP BOARD REPORT:** Synopsis was given by Smith no questions.

**PLANNING COMMISSION REPORT:** Williams Absent no report

## NEW BUSINESS:

**A. Public Hearing: Brandon Sacker, PZBA2024-05,  
Parcel #: 4706-13-300-003, 3300 Oak Grove Rd. Howell, MI 48855.  
Section 14.07-B Accessory Building Provisions  
Request: 50-foot variance to allow accessory building to be located in front  
of the rear line of the house.**

Staff Report: Jonathan Hohenstein

Parcel 4706-13-300-003 is a 1.190-acre site situated at the northern end of the Township on Oak Grove Road in the Single Family Residential (SFR) Zoning District. Applicant has submitted a request for a 50-foot dimensional variance to allow an accessory structure to be built in the front of the rear line of the house. The proposed 2000 square foot structure would sit north of the existing house in the side yard, 15 feet off of the northern property line, over 10 feet from the house, and over 100 feet from the front property line; all of which are within the requirements provided by the Township Zoning Ordinances. The proposed structure is depicted as having its own driveway; the applicant will be required to get approval for the driveway from the Livingston County Road Commission. Should the Township receive proof of the driveway approval prior to the meeting it will be included in the ZBA packet.

Brandon Sacker, discussed his plan. Request was made by Mr. Sacker because of DTE powerlines, location would not allow the structure location. Barn would be 40 x 50 feet, front of the Barn would be even with home and of similar design. Allowing for optimum esthetics. Jeff Smith asked questions with regard to well and septic location, and the Barn

having an individual driveway. Unidentified neighbor to the north of property said that request would not interfere with his property.

**Motion to Approve: Carol Weaver, PZBA2024-05, Parcel #: 4706-13-300-003, 3300 Oak Grove Rd. Howell, MI 48855. Section 14.07-B Accessory Building Provisions, 50-foot variance to allow accessory building to be located in front of rear line of house. Roll call, Frenger- Yes, Weaver- Yes, Smith- Yes, McEvoy- Yes. Motion carried 4-0.**

**B. Public Hearing: Russell Springborn, PZBA2024-06, Parcel #: 4706-25-200-048, 100 Springborn Dr. Howell, MI 48855. Section 14.35 Retention or Detention Ponds Located on Adjacent Parcels of Land: Variance to allow detention basin to be located in the 50-foot property setback.**

Staff Report: Jonathan Hohenstein

Parcel 4706-25-200-048 is an 8.242-acre site situated at the southern end of Oak Grove Road in the Neighborhood Service Commercial (NSC) Zoning District. Applicant has previously gone before the Township Planning Commission and received both preliminary and final site plan approval. After construction plan review the Township Engineer noticed that the detention basin was located inside the 50-foot property setback along Oak Grove Road. Attached is section 14.35 of the Township Zoning Ordinance. Under section 2.02 of the Zoning Ordinance detention basins are considered structures, and therefore need to be located outside of property setbacks.

“Structure. See “Building”, and in addition any manmade surface or subsurface feature or designed earth feature, other than normal finished grading for drainage purposes, including garden houses, pole barns, sheds, tents, pergolas, decks, porches, play houses, game courts, walls, trailers, septic tanks, underground storage tanks, above ground dispensing devices, among others, but not including wires and their supporting poles, towers, or frames for electrical, telephone, gas or television utilities or other public utilities located above or below ground.”

Applicant is requesting a variance from section 14.35 to allow the detention basin to be located inside the 50-foot property setback along the Oak Grove Road, a County primary road, due to site conditions including the rolling nature of the terrain and location of various easements for utilities and a County Drain.

Patrick Cleary from Boss Engineering of 3121 E Grand River Ave, Howell Michigan 48843, made a detailed presentation, on location of retention pond, how water flow would occur and the safeguards that were in place to deter overflow and flow into nearby creek and property. This was in accordance with the drain commission ordinances.

Noted that the planning commission had given preliminary and final approval of the plan per staff report. Board members raised questions. Jeff Smith stated, “ that if this was in the rear of the property there would be no need for a variance” Patrick Cleary and Russell Springborn, stated that the intention was to have the frontage to look like the Kroger entrance.

**Questions from call to public- Cindy and David Lynch.**

- Water mitigation and erosion via spill of into creek affecting 195 E Highland rd. does this impact previous studies that were approved? **NO**
- Spring thawing / snow plowing remnants is a concern. Or is this to sewer system?
- Is the retention/ detention pond only storm collection and disbursement? **YES**, Or is the wash discharge also treated into detention/ retention pond? **NO**
- Does this change the setback change any zoning requirements for 195 E. Highland rd. for future building, drainage with the pond now closer? **NO**
- Does our property now have to abide in setbacks from detention/ retention the newly relocated line provided that this variance is approved.?

- What is the sediment maintenance schedule to maintain retention volume capacity? **In compliance with Drainage Commission requirements 7-10 years cleaning.**
- The variance is for sole purposes only. No Future variance modifications / additions etc. **No**
- What impact does this have regarding the Livingston County Drain commissions original evaluation/ Report, as related to 195 E Highland rd.? **No Impact**
- What impact does this have regarding the Michigan Department of Environmental Quality evaluation/report, as related to 195 E Highland rd.? **No Impact**
- Can discharge be routed further northeast downstream creek toward rear parcel should variance be approved? **Not needed.**
- Can site be shifted north or reduced in size be the required footage to avoid the need for the variance request. If water mitigation cannot be assured with this change. **Not required**

Cindy and David Lynch were satisfied with the answers provided by Patrick Cleary and Russell Springborn

Motion to Approve: Jim McEvoy **PZBA2024-06, Parcel #: 4706-25-200-048, 100 Springborn Dr. Howell, MI 48855. Section 14.35 Retention or Detention Ponds Located on Adjacent Parcels of Land: Variance to allow detention basin to be located in the 50-foot property setback.**


Roll call, Frenger- Yes, Weaver- Yes, Smith- Yes, McEvoy- Yes. **Motion carried 4-0.**

**OLD BUSINESS: None**

**OTHER BUSINESS: None**

**CALL TO THE PUBLIC: No Response.**

**ADJOURNMENT: Meeting adjourned at 7:30 P.M.**

Approved:   
As Presented: \_\_\_\_\_ ✓

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

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

Dated: 1.21.25

  
Jim McEvoy, Secretary