HOWELL TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
3525 Byron Road
Howell, MI 48855
October 20, 2026
6:30 pm

1. Call to Order

2. Roll Call:
( ) Ken Frenger - Chair
( ) Carol Weaver – Vice Chair
( ) Jim McEvoy – Secretary
( ) Matt Counts – Board Rep.
( ) Wayne Williams – P.C. Rep.

3. Pledge of Allegiance

4. Approval of the Agenda: October 20, 2026

5. Approval of the Minutes: June 16, 2026

6. Township Board Report: Draft Minutes September 14, 2026

7. Planning Commission Report: Draft Minutes September 22, 2026

8. Old Business:

9. New Business:
A. Public Hearing: Bachman Trust, PZBA2026-02, Parcel #s: 4706-24-100-013, 4706-24-100-011
Article VI SFR – Single Family Residential, Section 6.06 – Dimensional Requirements Except as Otherwise Specified in this Ordinance: Variance request to create a parcel with less than 120 feet of lot width / road frontage

B. Public Hearing: Jason Howe, PZBA2026-03, Parcel #: 4706-01-200-022
Article XIV- Supplemental Regulations, Section 14.07- Accessory Structures: Variance request to exceed the maximum square footage for an accessory building on a parcel less than 20 acres in size, as well as a dimensional variance to allow the accessory building to be located in front of the rear line of the principal dwelling.

10. Other Business:
A. Ken Frenger and Carol Weaver terms ending December 31, 2026
B. Nonconforming Use Doctrine – Educational Newsletter

11. Call to the Public:

12. Adjournment

This meeting is open to all members of the public under Michigan's Open Meetings Act.
Persons with disabilities who need accommodations to participate in this meeting should contact the Township Clerk's Office at 517-546-2817 at least two (2) business days prior to the meeting.

Public Hearings. All public hearings must be held as part of a regular or special meeting of the Zoning Board of Appeals. The following rules of procedure shall apply to public hearings held by the Zoning Board of Appeals:

1. Chairperson opens the public hearing and announces the subject.

2. Chairperson summarizes the procedures/rules to be followed during the hearing.

3. Applicant presents the main points of the application.

4. Persons having comments on the application are recognized.

5. Chairperson closes the public hearing and returns to the regular/special meeting.

6. Township consultants (if any) present their report and recommendation.

7. Zoning Board members begin deliberations and arrive at a decision.

To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

All comments by the public, staff, and the Zoning Board shall be directed to the Chairperson. All comments shall be related to the request; unrelated comments shall be ruled out of order.

A written notice containing the decision of the Zoning Board of Appeals will be sent to petitioners and originators of the request.

HOWELL TOWNSHIP ZONING BOARD OF APPEALS

DRAFT MINUTES: June 16, 2026

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

MEMBERS PRESENT:

Ken Frenger – Chair
Carol Weaver – Vice Chair
Jim McEvoy – Secretary
Matt Counts – Board Rep.
Wayne Williams – P.C. Rep.

MEMBERS ABSENT:

Also present:
Township Attorneys Chris Patterson and Sophia Youssef, Deputy Zoning Administrator Marnie Hebert

All rose for the Pledge of Allegiance

1. Approval of the Agenda: June 16, 2026, **Motion** by Counts, **Second** by Frenger, **"Approval on agenda for tonight."** Motion passed.

2. Approval of the Minutes: Regular Meeting April 15, 2025, **Motion** by Weaver, **Second** by McEvoy, **"To approve the minutes from April 15, 2025."** Motion passed.

3. Township Board Report: Draft May 11, 2026, Regular Board Meeting Minutes - Draft Minutes are included in the packet.

4. Planning Commission Report: Draft April 28, 2026, Regular Planning Commission Meeting Minutes- Draft minutes are included in the packet.

5. Old Business: None

6. New Business:
   a. Public Hearing: **Matt Pietila, PZBA2026-01,**
   Parcel #: 4706-14-400-032, 3147 Oak Grove Rd., Howell, MI 48855.
   Article VI SFR – Single Family Residential, Section 6.06 – Dimensional Requirements Except as Otherwise Specified in this Ordinance: Variance request to build an accessory building in excess of 20 feet high

Chairperson Frenger opened the public hearing and read the instructions.

Applicant Matt Pietila discussed the reasoning for the variance being that he wanted to have the pitch of the roof be 12/12 to match his home. Originally Matt Pietila believed that the variance from ordinance of the roof height would need to be 7 feet. Matt Pietila's thought was that a flatter roof would lessen the resale value of the home.

Matt Counts relayed the ordinance definition of height as stated in the Staff Report. "The vertical distance from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; **and to the average height between the eaves and ridge**

for gable, hip, and gambrel roofs." Which meant that the actual variance from the ordinance would be 3 feet.

Proposals of alternate pitch heights 10/12, and attachment of the accessory building to the main structure were discussed. Matt Pietila found these would be unacceptable as he restated his need to have matching height.

Matt Pietila's neighbor Branden and Brittany Kenyon voiced no objection in the email submitted to the Township and included in the packet.

Chairperson Frenger closed the public hearing.

ZBA members discussed the application including: alternatives to the pitch, resale value, neighbors letter, and explanation of hardships.

HOWELL TOWNSHIP ZONING

BOARD OF APPEALS

WRITTEN DECISION OF ZONING BOARD OF APPEALS

Application Number: PZBA2026-01

Hearing Date: June 16, 2026,

Applicant: Matt Pietila ("Applicant").

Site Address: 3147 Oak Grove Rd. Howell, MI 48855. Parcel No. 4706-14-400-032 (the "Parcel").

Purpose of Request: Request a variance from the 20' height requirement of accessory structures located in the Single Family Residential (SFR) Zoning District of the Howell Township Zoning Ordinance Section 6.06.

Public Hearing: The ZBA opened the public hearing on June 16, 2026, to consider the subject matter of the Application for a variance. The ZBA heard comments from the Applicant, the Township attorney, and members of the public, along with exhibits submitted by the Applicant and Township Zoning Administrator.

Standards of Review: The Howell Township Zoning Ordinance provides the standards for review by the Zoning Board of Appeals in section 22.07.

In order for a variance to be granted, evidence must be presented at a public hearing that all of the following conditions exist:

1. **That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.**

2. **That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.**

3. **That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.**

Findings of Fact: The ZBA finds as follows based upon the Zoning Ordinance, the Application, information and comments received by the Applicant, the Zoning Administrator, and the Township attorney, and based on input (both through comments and written submissions) received during the public hearing.

1. Pursuant to the Zoning Ordinance, Article 22, the ZBA has the authority to hear the request for a variance.
2. Applicant is the owner of 3147 Oak Grove Rd., MI 48855, the subject of this variance request.
3. The Application was filed requesting a variance from the height limitation of detached accessory structures per Section 6.06-G of the Ordinance.

Whether the Applicant has shown:

1. That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district, the ZBA specifically finds: **Not Found**; *The principal use of the land is for single family residence with associated permitted accessory uses. The property has no unique features. Accessory Building are very common in the area and in the township. Nothing has been submitted or discussed that demonstrates special conditions or circumstances that are peculiar to land use, the land or proposed structure.*
2. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district, the ZBA specifically finds: **Not Found** *The vast majority of existing accessory structures in the area meet the height limit of the ordinance. Therefore, the regulation of the ordinance is not unreasonably restrictive, nor unreasonably burdensome. Granting the variance would confer a special privilege that is denied to other properties and buildings in the area*.

3. The reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located, the ZBA specifically finds: **Not found** *The applicant's listed and discussed reasons may be inconvenient or undesirable. None of the reasons justify granting the applicant the requested variance.*

Decision:

For the reasons above and stated on the record, the ZBA **DENIES** the Application for a variance.

Motion by Weaver, **Second** by McEvoy with friendly amendments, "For Matt Pietila PZBA 2026-01, Parcel 4706-14-400-032, 3147 Oak Grove Rd. Howell, MI 48855 for his variance on exceeding the 20 foot height, it has been denied with the ordinances of section 22.07 and sections 1, 3 and 6.2 which are the findings of the staff report." Roll Call: Weaver-yes, Counts-yes, Frenger-yes, Williams-yes, McEvoy-yes. Motion passed (5-0.)

b. ZBA Annual Report – Report is in the packet.

7. Call to the Public: None

8. Adjournment- **Motion** by Williams, **Second** by Counts **"For Adjournment."** The meeting was adjourned at 7:10 P.M.

Addendum

Howell Township
Zoning Board of Appeals
Staff Report

Date May 20, 2026

Applicant: Matt Pietila
Property: 3147 Oak Grove Rd., Howell, MI 48855. Parcel # 4706-14-400-032

Request
The property owners desire to construct an accessory structure that allows the storage of a recreational vehicle, other general storage, and a workshop to match the architecture of the house.

Background
Matt and Carol Pietila purchased the vacant property in 2022 and built a house which was completed in 2023. The parcel is approximately 7.54 acres and is located in the Single Family Residential (SFR) zoning district between Oak Grove Road and the railroad tracks.







Findings of Fact
The Ordinance currently limits the height of accessory structures in the SFR zoning district to 20 feet. Section 6.06-G, "Height limitations. Maximum of two and one-half (2 ½) stories or 35 feet, except that detached accessory structures shall not exceed twenty (20) feet."

An accessory structure is defined as, "A supplementary building on the same lot or parcel of land as the main building or buildings occupied by or devoted exclusively to any accessory use;…"

- Matt's proposed structure meets the definition of a detached accessory structure, since it is not attached to the main house and will be used for general storage and a workshop.

Building height is defined as, "The vertical distance from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip, and gambrel roofs."

- Matt's proposed building has a gable roof and therefore the height of the building is measured to the average height between the eaves and the ridge. Matt's drawings indicate that the proposed building's height at the midline of the roof will be 23 feet, 3 feet beyond the limit in the Ordinance. Note: Matt's application indicates that he is seeking a 7-foot variance, but I believe this is an error due to how height is defined in the Ordinance versus how the average person would define height.

Zoning Ordinance Standards
For the ZBA to approve a dimensional variance the applicant must demonstrate a practical difficulty. While no documents supporting the variance request were submitted with the application the ZBA must still consider the provisions of the Ordinance, Section 22.07:

1. That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.

- The principal use of the land is for single family residences with the associated permitted accessory uses. The property has no unique features. Accessory buildings are very common in the area and in the Township. Nothing has been submitted that demonstrates special conditions or circumstances that are peculiar to the land use, the land, or the proposed structure.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.

- While the ZBA must take into account provision 4 below, a search of the area found two barns that exceed the height limits of the Ordinance. However, both are old agricultural barns whose age is not

on record. With so few barns exceeding the current height limit, taller accessory structures are not commonly enjoyed by other properties in the area.

3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.

- The vast majority of existing accessory structures in the area meet the height limit of the Ordinance. Therefore, the regulation is not unreasonably restrictive, nor unreasonably burdensome and granting the variance would confer a special privilege that is denied to other properties and buildings in this area.

4. That no nonconforming uses of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for the issuance of a variance.

- Applicant provided no examples of existing structures as part of the variance request.

5. Applicants shall also follow the outline of requirements prescribed by the Zoning Board of Appeals when applying for an appeal for an interpretation of or a variance from the provisions or requirements of this Zoning Ordinance.

- Applicant provided drawings of the proposed accessory structure and alternative drawings of the same building, with comments, should it be built to the maximum height permitted.

6. Reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.

- The applicant's comments on the submitted drawings listed the following issues with complying with the Ordinance: minimal roof slope, poor curb appeal, workshop severely diminished due to low roof pitch, does not match current home architecture, entry door no longer under overhang, minimizing of windows due to wall space.
- While the listed reasons may be inconvenient or undesirable, none of them justify granting the requested variance, and no further written information was provided on how the variance meets the requirements of the Ordinance.

7. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.

- The variance request would not be injurious or otherwise detrimental to the public welfare of the Single Family Residential area.

The ZBA needs to discuss the facts of the case against the provisions of Section 22.07 of the Ordinance and determine if the applicant has demonstrated a practical difficulty. In order to grant the requested variance, the Zoning Board of Appeals would need to find in favor of the applicant for all of the standards listed above. I have included my findings under each standard. Any motion made to approve or deny the variance request needs to include the findings of fact that support the decision. Attached is a draft written decision to be completed by the Zoning Board of Appeals.

Respectfully submitted,
Jonathan Hohenstein
Howell Township Zoning Administrator

HOWELL TOWNSHIP REGULAR BOARD
MEETING MINUTES
3525 Byron Rd. Howell, MI 48855
September 14, 2026
6:30 P.M.

MEMBERS PRESENT:		**MEMBERS ABSENT:**
Robert Spaulding	Supervisor	
Sue Daus	Clerk	
Jonathan Hohenstein	Treasurer	
Matthew Counts	Trustee	
Tim Boal	Trustee	
Jodi Fulton	Trustee	
Bob Wilson	Trustee	

Also in Attendance:
12 people signed in

Eileen Zilch with Community Catalysts

Supervisor Spaulding called the meeting to order at 6:30 p.m. The roll was called. Supervisor Spaulding requested members rise for the Pledge of Allegiance.

CALL TO THE BOARD:
Trustee Boal requested clarification regarding why the discussion on Non-Disclosure Agreements (NDAs) was not included on the agenda.

APPROVAL OF THE AGENDA:
Motion by Daus, **Second** by Fulton, **"To accept the agenda as presented."** Motion carried. 1 dissent.

APPROVAL OF BOARD MEETING MINUTES:
August 10, 2026
REGULAR BOARD MEETING MINUTES
Treasurer Hohenstein requested a correction to the minutes under Unfinished Business C, changing the word "breaking" to "braking." **Motion** by Hohenstein, **Second** by Daus, **"To accept the minutes from August 10th as amended."** Motion carried.

CALL TO THE PUBLIC:
Greg Lehr, 2530 Tooley Rd.: Spoke on the Township Master Plan, and Data Center Moratorium

Kristin Dennison, 7196 Manor Ln.: Spoke on NDAs

Wayne Williams, 2240 Tooley Rd.: Spoke on the Township Master Plan

Charles Smith, 5136 Fleming Rd.: Spoke on the Township Master Plan, Data Centers, and AI

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Lynn Delamielleure, 3494 Burkhart Rd.: Spoke on the Township Master Plan

Debbie Mannisto, 2330 Tooley Rd.: Spoke on the Township Master Plan,

UNFINISHED BUSINESS:

A. McCririe v. Howell Township
Treasurer Hohenstein reported that the court documents for McCririe v. Howell Township were included in the packet for the Board's review.

B. Michigan Durant v. Howell Township
Treasurer Hohenstein reported that the court documents for Michigan Durant v. Howell Township were included in the packet for the Board's review.

C. Engine Brake Ordinance – Discussion
The Board discussed engine/jake braking concerns, potential use of state grant funds for Sheriff's traffic enforcement, and options for enforcement through the Township's existing nuisance ordinance. **Motion** by Fulton, **Second** by Hohenstein, **"To table the discussion on jake brake ordinance and signage pending information from the Sherrif's department on enforceability."** Motion carried.

NEW BUSINESS:

A. Community Catalysts – Bethel Homes Project Information
Community Catalysts representative Eileen Zilch discussed how a community land trust would work in connection with the Bethel Homes project to make homeownership more affordable. She explained that the structure is intended to keep the homes perpetually affordable, with the resale provisions, while preserving affordability for future buyers.

B. Huron Cemetery Maintenance Contract
Clerk Daus reviewed the proposed three-year cemetery agreement and the updated fees compared with the Township's current contract. She noted that the sexton has provided cemetery services for several years and the fee increases are minimal. Board discussion followed regarding the sexton's responsibilities, burial fees, and payment process. **Motion** by Hohenstein, **Second** by Daus, **"To accept the three-year contract extension with Huron Cemetery Maintenance as presented."** Motion carried.

C. Township Master Plan Update Proposal
The Board reviewed a proposal from Carlisle Wortman for updating the Township Master Plan, including the proposed scope of work and fee structure. Board discussion on the timing and cost of the proposed update, coordination with the ongoing zoning ordinance rewrite. The Board also discussed the need to establish priorities and a timeline for the various planning projects. **Motion** by Counts, **Second** by Boal, **"To table new business item 8-C, Township Master Plan Update Proposal, pending budget information as well as planner information on timeline."** Motion carried

CALL TO THE PUBLIC:

Charles Smith, 5136 Fleming Rd.: Spoke on voting rights, citizenship, EPA, and data centers concerns

Todd Kozakiewicz, 6205 Raddatz Rd.: Spoke on the Resident Research Committee, Saline data center

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Debbie Mannisto, 2330 Tooley Rd.: Spoke on the Bethel Homes Project

Denie Perkola, 3460 Mason Rd.: Spoke on the Township Master Plan

REPORTS:

A. SUPERVISOR:
Supervisor Spaulding sought the Board's guidance on the possibility of holding a joint meeting of the Township Board, Planning Commission, and ZBA to discuss and prioritize key community needs, including roads, budgets, parks, and the Master Plan. He also reminded residents to sign up for email notifications on the Township website to stay informed about topics and issues of interest.

B. TREASURER:
Jonathan noted that it was an exceptionally busy tax day and thanked Marie and Teresa for ensuring the collection process ran smoothly.

C. CLERK:
Clerk Daus reported that new cemetery signs have been installed to replace the old plywood structures on Fleming Road and Burkhart Road. Additionally, she reported that preparations are underway for the November election.

D. ZONING:
See Zoning Administrator Hohenstein's report

E. ASSESSING:
See Assessor Kilpela's report

F. FIRE AUTHORITY:
See report

G. MHOG:
Trustee Counts reported that the cross-country main and sanatorium project is expected to wrap up in October. Recent utility maintenance included cleaning the Hometown tower and performing an emergency repair on Wellhead 2. Additionally, he reported that the 2027 budget was approved, which incorporates a minimal rate increase of under $3.00 per quarter.

H. PLANNING COMMISSION:
Trustee Boal reported that a public hearing was held regarding a rezoning request for a 2.2-acre parcel at the intersection of Burkhart Road and Grand River Avenue. The Board approved preliminary site plans for an expansion at Pineview Village as well as a phased construction plan for Soapy Bucket Car Wash. Additionally, he reported that the Data Center Subcommittee, with input from the Resident Research Committee (RRC), completed its final draft ordinance to submit to the Township Planner. Following Planning Commission review and legal vetting, a public hearing will be scheduled.

I. ZONING BOARD OF APPEALS (ZBA):
No report

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J. WWTP:
Treasurer Hohenstein reported that utility operators neutralized a cyber-attack on water plant controllers by switching to manual mode and applying a software patch. Water safety and service remained unaffected. The board reviewed a quote from EJ to adjust buried manhole covers to grade; installation labor is covered under the existing monthly maintenance contract. The board discussed upcoming treatment plant roof replacements. A professional inspection was recommended to aid budgeting. **Motion** by Hohenstein, **Second** by Daus, **"To accept a quote from EJ to adjust the existing manhole covers to grade as presented."** Motion carried

K. HAPRA:
Clerk Daus gave a recap of Melon Fest, highlighting that the festival achieved a positive financial balance this year compared to losses in past years. Additionally, the recent 9/11 Run was reported as a success. On staffing matters, interviews have taken place for the Teen Center position, which is anticipated to be filled shortly.

L. PROPERTY COMMITTEE:
Treasurer Hohenstein reported that the closing on the Tooley Road property has been completed. Net proceeds will be allocated to the Water & Sewer Fund.

M. PARK & RECREATION COMMITTEE:
Treasurer Hohenstein reported that all bid submissions from prospective vendors have been received. Vendor interviews are scheduled for next week, with full documentation and recommendations anticipated to be presented to the Board for a decision at the October meeting.

N. SHIAWASSEE RIVER COMMITTEE:
No report

O. TRUSTEE:
Trustee Fulton reported that she attended the Michigan Townships Association (MTA) webinar on data center ordinances, a Planning Commission subcommittee meeting regarding high-impact land use, and ongoing reviews of the draft land division ordinance as well as park committee proposals. Trustee Boal reminded the public of the upcoming Township Fall Clean-Up Day taking place this Saturday. Trustee Wilson spoke on eliminating the township policy allowing written anonymous zoning complaints, arguing that it denies residents the right to face their accuser. **Motion** by Wilson, **"To eliminate the anonymous complaints."** Motion died due to lack of support. Board discussion followed and it was clarified that written complaints are required to document issues, and all reports undergo independent verification by Code Enforcement before any enforcement action occurs.

DISBURSEMENTS: REGULAR PAYMENTS AND CHECK REGISTER:
Motion by Hohenstein, **Second** by Daus, **"To accept the disbursements as presented and any normal and customary payments for the month."** Motion carried.

ADJOURNMENT: Motion by Daus, **Second** by Hohenstein, "**To adjourn"** Motion carried.
The meeting was adjourned at 8:31 p.m.

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_____
Robert Spaulding, Howell Township Supervisor

_____
Sue Daus, Howell Township Clerk

_____
Tanya Davidson, Recording Secretary

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HOWELL TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
3525 Byron Road Howell, MI 48855
September 22, 2026
6:30 P.M.

MEMBERS PRESENT:

Wayne Williams	Chair
Sharon Lollio	Secretary
Tim Boal	Board Representative
Trent Holman	Commissioner
Cory Alchin	Commissioner

MEMBERS ABSENT:

Matt Stanley	Vice Chair
Dan Bonello	Commissioner

ALSO IN ATTENDANCE:
Township Planner Paul Montagno, Township Attorney Chris Patterson, Applicant Douglas Parks, Dwayne Combs representing Guided Mission Investments, Zoning Administrator Jonathan Hohenstein, Deputy Zoning Administrator Marnie Hebert and Code Enforcement Officer Tom Boyer

Chairman Williams called the meeting to order at 6:30 pm. The roll was called. Chairman Williams requested members rise for the Pledge of Allegiance.

APPROVAL OF THE AGENDA:
Motion by Boal, **Second** by Alchin, "**To approve the agenda as presented."** Motion carried.

APPROVAL OF THE MEETING MINUTES:
August 25, 2026
Motion by Boal, **Second** by Alchin, **"To approve the minutes**." Motion carried.

CALL TO THE PUBLIC
Angela Barbash, 4211 Crandall- Thanked the Board and Subcommittee on their time and effort towards the High Impact Land Use Ordinance.

Chuck Smith, 5136 Fleming Rd.- Spoke on Data Center natural gas usage

Kristin Dennison, 7196 Manor Lane- Spoke on Data Center ordinance

ZONING BOARD OF APPEALS REPORT:
None

TOWNSHIP BOARD REPORT:
Draft minutes are included in the packet. Board Representative Boal gave a summary of the meeting. Community Catalysts gave an informative presentation on their Bethel Suites project, Township Master Plan

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update was tabled pending a timeline from Township Planner, and NDA conversation was postponed until next month.

ORDINANCE VIOLATION REPORTS:

Report in packet. Secretary Lollio questioned the violation on Mason Rd. Ordinance Enforcement Officer Boyer answered questions.

SCHEDULED PUBLIC HEARINGS:

None

OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION:

A. Livingston County Planning Department- Summer 2026 Summary- Report on happenings in the County.

OLD BUSINESS:

1. PC2025-23; Douglas and Sonia Parks, 4706-35-300-009, Preliminary Site Plan Review-Township Planner Montagno gave an overview of the project and answered questions. This parcel is in the Neighborhood Service Commercial district. It is a proposed landscaping yard which includes a new building, gravel surface site, block storage bins, spaces for equipment parking, pallet storage and employee parking. A six-foot cedar wood privacy fence would be installed along the south and west sides of the property. The outdoor storage and barn use meets the permitted land use and the requirements for section 14.46 of the ordinance for contractor yards and the local Neighborhood Commercial Zoning District. Applicant Douglas Parks discussed his project and answered questions. Secretary Lollio questioned the nature of their business and whether customers would be coming into the yard. Chairman Willimans questioned if they are considered a landscaping service company. Board Representative Boal questioned if the parking area for employees and customers would only require paving and whether the ordinance gives the Planning Commission the authority to determine if hard surfacing should be required only in areas designated for parking, while allowing the remaining yard area to remain gravel or crushed asphalt. Also, if employees will be parking behind the fence, placement of the fence, if the woods on the east side are the applicants or the neighbors, if there are water problems on the property and does the entrance of the driveway require Road Commission approval. Chairman Williams questioned if the commercial zoning would require a berm or only screening. Commissioner Holman questioned if they would be willing to pave the employee parking. Commissioner Alchin questioned board discussion with other similar businesses in the area containing mostly gravel. Discussion followed. **Motion** by Holman, **Second** by Boal, with friendly amendments **"For preliminary approval for 4706-35-300-009. The preliminary approval will allow for crushed asphalt in all areas except for parking spots. Complying with all recommendations of outside agencies and review of a modified landscaping plan with fencing and vegetation in areas we discussed and meeting the requirements of the October 24th Spicer Groups engineering report."** Motion carried.

NEW BUSINESS:

1. PC2026-13: Guided Mission Investments LLC, 4706-28-100-012, Temporary Use for Halloween Event-Planner Montagno reviewed the plans for the Halloween event. This event has the same set up as the following years. They should comply with the Fire Marshal's report and is suggested to add a barrier to the North entrance directly to the parking area and apply any safety signage as necessary. The events operation will end by November 2nd, and hours of operation will be 7:30 P.M until 12:00 A.M. Applicant Dwayne Combs answered questions. Chairman Williams questioned if there will be any issues with traffic signs and with people walking into the building safely. Boal questioned whether people will be going inside the building and confirming that there have been no changes from previous years. **Motion** by Boal. **Second**

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by Lollio, **"To approve the Temporary Use Site Plan approval PC2026-13, Guided Missions Investment LLC subject to the conditions in the Planner's report, the Fire Marshal's Report and an ending date of November 2nd."** Motion carried.

2. PC2026-14: Michigan Storage Barns, 4706-25-200-011, Amendment to Approved Site Plan- Planner Montagno gave an overview of the amended site plan. The site plan was approved previously, and the landscaping has been constructed but the landscaping installation was not consistent with the approved site plan. They came back with an amended site plan and what is proposed does meet the landscaping requirements in the ordinance. They stated their reasons for the change, noting better screening from the neighbors, power lines that would have been in the way of trees, difference in material and the balance of the areas. Board Representative Boal questioned if the Planner had any other recommendations. **Motion** by Holman, **Second** by Boal**, "To approve PC2026-14 Michigan Storage Barn 4706-25-200-011, amended approval of the landscape plan."** Motion carried.

Closed Session to discuss Confidential Written Legal Opinion per MCL 15.268 (8-H)
Motion by Boal, **Second** by Alchin, **"To go into closed session to discuss confidential written legal opinion per MCL 15.268 (8-H)."** Roll Call: Alchin-yes, Lollio-yes, Holman-yes, Boal-yes, Williams-yes.
Reconvened open meeting at 8:58 P.M

Data Center/High Impact Land Use Ordinance- Discussion: Township Planner Montagno spoke on developing an ordinance to regulate High Impact Land Uses, including Data Centers and answered questions. There has been a moratorium placed on the development of these uses by the Township Board to give the Planning Commission time to develop an ordinance to regulate these uses. Resident Research Committee has been working with the subcommittee of the Planning Commission to look at different regulations across the country. The Planning Commission will hold a public hearing and make recommendations to the Township Board who will have the final authority to adopt any changes to a zoning ordinance. The draft includes an Overlay District, updated definitions, parking requirements, noise standards, revocation processes for Special Land Uses in the Overlay District, applicability section, additional application requirements, specific requirements for noise, vibration, studies to be submitted, environmental impact, cooling systems, energy use, sustainability, ability to use onsite energy renewables, backup generator requirements, mitigation plan requirements, ongoing reporting, construction and decommissioning standards. Commissioner Alchin asked if they could manage or limit the type of energy that is used to support this type of facility. Board Representative Boal questioned if they were adding a minor data center definition back into the ordinance. Commissioner Holman questioned if a minor data center could also go into the Industrial District. Township Attorney Patterson answered questions from the Board. Discussion followed regarding setbacks, overlay district and residential districts. Planner Montagno mentioned while they are updating other zoning ordinances also updating the performance standards for the entire Township. Resident Research Committee member Kristin Dennison spoke on other sections of the zoning ordinance, vibration frequencies, site plan requirements, definition and language changes. Discussion followed. Planner Montagno will revise the ordinance to be brought back to the Planning Commission for further discussion.

CALL TO THE PUBLIC:

Mark Mannisto, 2330 Tooley Rd.- Spoke on opposition to Data Centers

Alissa Recker, 7171 Manor Lane- Spoke on enforcement mechanisms for Data Centers

Dan Wholihan, 8162 Majestic Blvd.- Spoke on opposition to Data Centers

DRAFT

Chuck Smith, 5136 Fleming Rd.- Spoke on organizations against Data Centers

Lance Kehr, 5288 Spruceview Ln.- Spoke on noise and water usage related to Data Centers

ADJOURNMENT:

Motion by Boal, **Second** by Holman, **"To adjourn."** Motion carried. The meeting was adjourned at 10:30 P.M.

_____ _____

Date Sharon Lollio
Planning Commission Secretary

_____

Marnie Hebert
Recording Secretary

DRAFT

HOWELL TOWNSHIP

Application for Zoning Board of Appeals

3525 Byron Road Howell, MI 48855
Phone: 517-546-2817 ext. 108
Email: inspector@howelltownshipmi.org

File Number: PZBA-2026-02 Parcel ID: 4706-24-100-013 Date Sept. 8, 2026

Residential Request, Fee $400.00 Commercial Request, Fee $900.00

Owner Name BACHMAN TRUST Owner Address 8835* Lincoln Dr. Whitmore Lake 48189

Applicant Name Dan Davenport Applicant Address 6870 Grand River Ave.,Brighton,MI,48114

Contact Person for all Correspondence Dan Davenport

Address 6870 Grand River, Brighton, MI, 48814

Phone [redacted] Fax _____ Email [redacted]

Applicant is: ☐ Owner ☐ Tenant ☐ Land Contract Purchaser

☑ Other, Explain Agent for the BachmanTrust

Nature of Request

☑ Application for Variance ☐ Appealing Planning Commission Decision

☐ Appealing Zoning Administrator Decision ☐ Application for Interpretation of Ordinance

General Location of Property The iintersection of Monterey Court and Edgemont

Between Roads _____ & _____

Please attach a copy of the legal description of property to the application.

Current Zoning Classification SFR

Details of your request and reasons why the request should be granted:
The existing width of Public Road frontage ( ) is capable of supporting a driveway for a single family residence. . Driveway Site distance has been approved by Liv.Co. Rd. Comm. The ' width of the parcel is not the width of the public road frontage.

Have previous appeal(s) been made on this property? ☑ No ☐ Yes

If yes: Date of appeal_____ Nature of appeal _____ Decision_____

Appealing the Zoning Administrator's decision? ☐ Yes ☑ No

Appealing the Planning Commission's decision? ☐ Yes ☑ No

If yes, grounds for appeal:

Following the advice of the Township Planning Consultant.

Specify ordinance sections which substantiate your reasons for appeal:

Requesting an interpretation of the ordinance? ☐ Yes ☑ No

If yes, Zoning Ordinance section _____

Applicants interpretation of the Ordinance section (attach any supporting material)

Please provide the following:

Zoning Ordinance Section	
Is this a request for a dimensional variance?	☑ Yes ☐ No
Is this a request for a use variance?	☐ Yes ☑ No
State the minimal acceptable variance being requested	Approval of the Land Division as shown
Date and Decision of Zoning Administrator and/or Planning Commission	

Applicant hereby acknowledges the following (initial each section)

That granting of the variance request will not confer upon the Applicant any special privileges that are denied by the provisions of the ordinance to other lands, under the provisions of the ordinance.	RSB
The practical difficulties or unnecessary hardship in the strict application of the ordinance was not created or caused by the Applicant.	RSB
The Zoning Board of Appeals cannot grant a variance for a use that is not permissible in the designated zoning district.	RSB
The Zoning Board of Appeals has the right to prescribe conditions and safeguards for any variance granted.	RSB
The Applicant acknowledges that the use for construction authorized by such variance or permit must be commenced within one year of granting the variance, otherwise the variance is null and void.	RSB
No application for a variance which has been denied shall be resubmitted for a period of one year except on grounds of new evidence of change of conditions.	RSB
Applicant acknowledges he has read and understands Article XXII entitled "Zoning Board of Appeals."	RSB
Applicant grants permission to all ZBA members access to the property to view all relevant areas pertaining to the request.	RSB

I hereby depose and say that all the above statements and information contained in this Application and any attachments submitted herein are true and accurate.

Ronald S. Bachman, SUCCESSOR TRUSTEE

Owner's Signature

RONALD S. BACHMAN SUCCESSOR TRUSTEE OF THE RONALD G BACHMAN AND FREIDA M. BACHMAN JOINT TRUST AGREEMENT

Print Name

8-26-2026

Date

Subscribed and sworn to before me this 26th day of August 2026

Notary Public

Printed Name

County, Michigan

My Commission expires:

Amy Kennedy
Notary Public - Michigan
Washtenaw County
My Commission Expires May 30, 2030
Acting in the County of Livingston

Applicant's Signature

DAN DAVENPORT

Print Name

8-26-2026

Date

Subscribed and sworn to before me this 26th day of August 2026

Notary Public

Printed Name

County, Michigan

My Commission expires:

Amy Kennedy
Notary Public - Michigan
Washtenaw County
My Commission Expires May 30, 2030
Acting in the County of Livingston

EXPLANATION TO THE ZONING BOARD OF APPEALS
REGARDING PARCEL DESIGN FOR THE BACHMAN TRUST PROPERTY
(Parcels 06-24-100-013 and 011)

THE PARCELS 013 AND 011 COMBINED EQUALS 49.7 ACRES WHICH IS COMPRISED OF 28.4 ACRES OF UPLAND AND 21.3 ACRES SUBMERGED IN LAKE SERENE. WE ARE PROPOSING 7 NEW PARCELS AND TWO COMBINATION PARCELS. SIX OF THE NEW PARCELS WOULD BE FOR NEW RESIDENCES AND ONE (PARCEL 4) HAS THE EXISTING HOME AND BARN AT 2525 FISHER ROAD, WHICH HAS AN EXISTING DRIVEWAY ON FISHER ROAD WHILE ITS' BARN HAS A SECONDARY ACCESS DRIVEWAY OFF PINEWAY TRAIL. PARCELS 2, 3, AND 5 WOULD HAVE PRIMARY ACCESS FROM DRIVEWAYS OFF PINEWAY TRAIL. PARCELS 6 AND 7 HAVE BEEN APPROVED FOR DRIVEWAYS OFF FISHER ROAD. THE TWO COMBINATION PARCELS WOULD BE ADDED TO EXISTING RESIDENTIAL HOMESITES OWNED BY NEIGHBORS AND DO NOT HAVE ANY ACCESS TO EDGEMONT OR PINEWAY TRAIL.

PARCEL 1 BEING SOME WHAT IRREGULAR IN SHAPE HAS A 54.27 FEET WIDE NORTHWEST CORNER BOUNDARY OF PAVED ACCESS TO A PUBLIC HIGHWAY (EDGEMONT DRIVE).
THIS ACCESS POINT HAS BEEN APPROVED BY THE LIVINGSTON COUNTY ROAD COMMISSION FOR THE PLACEMENT OF A DRIVEWAY DIRECTLY ON TO PARCEL 1.
AN EXCLUSIVE DRIVEWAY EASEMENT FOR ONLY THE USE OF PARCEL 1 WILL EXTEND FROM THE EDGE OF THE PUBLIC RIGHT-OF-WAY INTO THE PARCEL. THIS DRIVEWAY EASEMENT WILL BE PARALLEL TO THE DISTANT WATERFRONT WITH THE SPACE BETWEEN PROVIDING FOR A VERY LARGE BUILDING ENVELOPE EXCEEDING 1.75 ACRES OF UPLAND AREA .

WE ARE IN AGREEMENT WITH THE PLANNER'S RECOMMENDATION FOR APPROVAL FOR THE FOLLOWING REASONS;
THE BACHMAN TRUST IS PROPOSING AN EXCLUSIVE (TO LOT 1 ONLY) PRIVATE DRIVEWAY EASEMENT WITH 150' FRONTAGE AS DEFINED BY THE TOWNSHIP ZONING ORDINANCE IN ARTICLE II WHICH READS AS FOLLOWS;

LOT, WATERFONT. A LOT HAVING A FRONTAGE DIRECTLY UPON A LAKE, RIVER OR OTHER REASONABLY SIZED IMPOUNDMENT OF WATER. THE PORTION ADJACENT TO THE WATER SHALL BE DESIGNATED AS THE LAKE FRONTAGE OF THE LOT, AND THE OPPOSITE SIDE SHALL BE DESIGNATED THE ROAD FRONTAGE OF THE LOT.

ADDITIONALLY, THE BACHMAN TRUST REPRESENTS THE PARCEL AS SHOWN IN THE SURVEY COMPLIES DIMENSIONALLY AS A SFR ZONED BUILDING SITE WITH THE HOWELL TOWNSHIP ORDINANCE THROUGH A CLEAR READING OF THE DEFINITIONS CONTAINED THEREIN AND RECITED
AS FOLLOWS;

Road Frontage. The legal line of demarcation between a dedicated road right-of-way or easement and abutting land.

Road Line. The line which forms the outer limits of a road right-of-way or easement and which forms the line from which all road setbacks and front yards are measured

Lot Width. The horizontal distance between the side lot lines measured at the point where the building line intersects the side lot lines.

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Driveways. Driveway-Residential. A way of at least 12 feet in width which shall serve the residents of one single-family dwelling, or one two family dwelling.

Building Setback Line. The line formed by the outer surface of a structure or enclosure wall at or with the finish grade or surface of the ground; pertaining to and defining those minimum building setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this ordinance.

Building Line. A line formed by the face of the building, and for the purpose of this Ordinance, a minimum building line is the same as the front setback line.

SECTION 4.06 DIMENSIONAL REGULATIONS. (for SFR as this property is currently zoned)

A. Lot area. A non-farm single family residential parcel or lot shall have a minimum of one (1) acre in area, provided the parcel or lot contains a developable area or areas adequate to locate and space all buildings and structures proposed and required to be constructed on it.
B. Lot width. Minimum of 150' at the building setback line.
C. Lot coverage. Maximum of twenty (20) percent.
D. First floor area of a one (1) story dwelling is 900 square feet, and for a two (2) story dwelling is 600 square feet and minimum total of 900 square feet for both stories
E. Yard and setback requirements.
    1) Front Yard. Minimum of Fifty (50) feet from the road right-of-way line or as specified in Section 26.05, whichever is greater.
    2) Side Yard. Minimum of twenty (20) feet for each side yard.
    3) Rear Yard. Minimum of fifty (50)
    4) Height Limitations. Maximum of 2.5 stories or forty-five (45) feet, except on all non-agricultural parcels, accessory buildings and structures shall not exceed twenty-five (25) feet.

Section 26.03 ACCESS TO A PUBLIC ROAD OR HIGHWAY. Any lot or parcel of record created prior to the effective date of this Ordinance without any frontage on a public road or way shall not be occupied except where access to a public road or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width.

2014R-005675
RECORDED ON
03/10/2014 3:19:43 PM
SALLY REYNOLDS
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI 48843
RECORDING: 13.00
REMON: 4.00
PAGES: 2

QUIT CLAIM DEED - Statutory Form

KNOW ALL MEN BY THESE PRESENTS: Ronald G. Bachman and Freida M. Bachman, husband and wife, 2525 Fisher Road, Howell, Michigan 48855,

QUIT CLAIMS TO, Ronald G. Bachman and Freida M. Bachman, Co-Trustees of the Ronald G. Bachman and Freida M. Bachman Joint Trust Agreement dated Feb 25, 2014, whose address is 2525 Fisher Road, Howell, Michigan 48855,

Land situated in the Township of Howell, County of Livingston, State of Michigan, to wit:

SEC 24 T3N R4E COMM N 1/4 COR, TH N 88*W 154.75 FT, TH S 2599.68 FT TO POB, TH S 429.42 FT, TH ALONG C.L. FISHER RD, N 62*E 671.68 FT, TH ALONG C.L. PRIVATE RD EASEMENT, N 22*W 195 FT, TH 90.83 FT ARC RIGHT, NWLY LONG CHORD BEARING, N 14*W 90.48 FT, TH S 73*W 508.83 FT TO POB, 4.5AC M/L.

Commonly known as: 2525 Fisher Road and
Sidwell No. 4706-24-200-011

-AND-

SEC 24 T3N R4E COMM N 1/4 COR., TH E 751.61 FT, TH S 1435.44 FT TO POB, TH S 1037.79 FT TO C.L. FISHER RD, TH S 61*W 452.58 FT, TH N 23*W 123.32 FT, TH N 12*W 178.66 FT, TH S 73*W 485.87 FT, TH S 89.41 FT, TH N 87*W 255 FT, TH S 154.47 FT, TH S 85*W 144.88 FT, TH N 76*W 179.75 FT, TH N 57*W 281.30 FT, TH N 33*E 11.69 FT, TH N 28*W 100.60 FT, TH N 58*W 40 FT, TH S 28*W 65 FT, TH S 200 FT TO SHORE LINE OF BAINS LAKE, TH SELY ALONG SHORELINE TO THE N-S 1/4 LINE, TH S 810 FT, TH N 73*E 300 FT TO C.L. OF PRIVATE RD, SPLIT 5-83 FROM 100-001, 22.5AC M/L

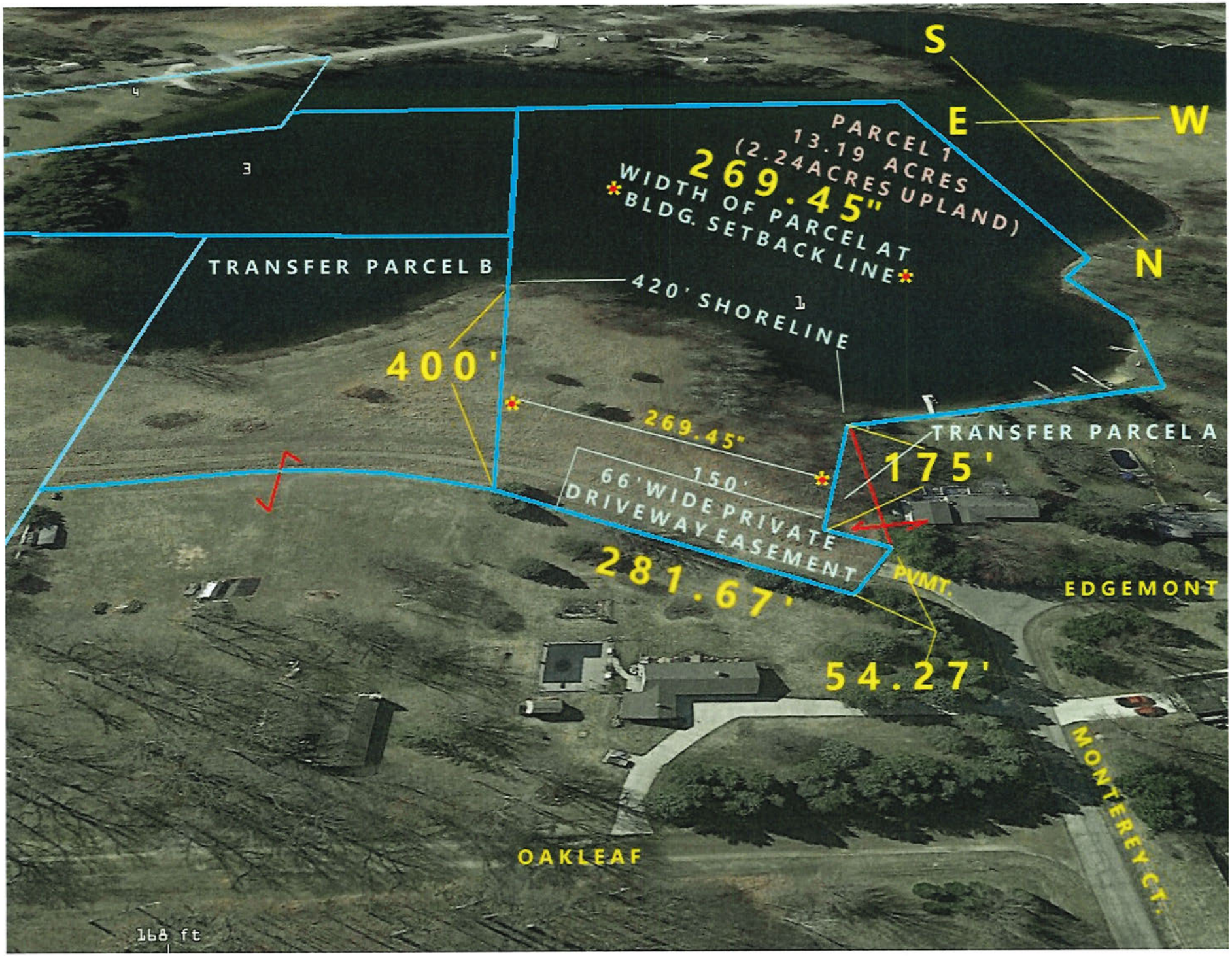
Commonly known as: Vacant Pineway Trail
Sidwell No. 4706-24-100-013

-AND-

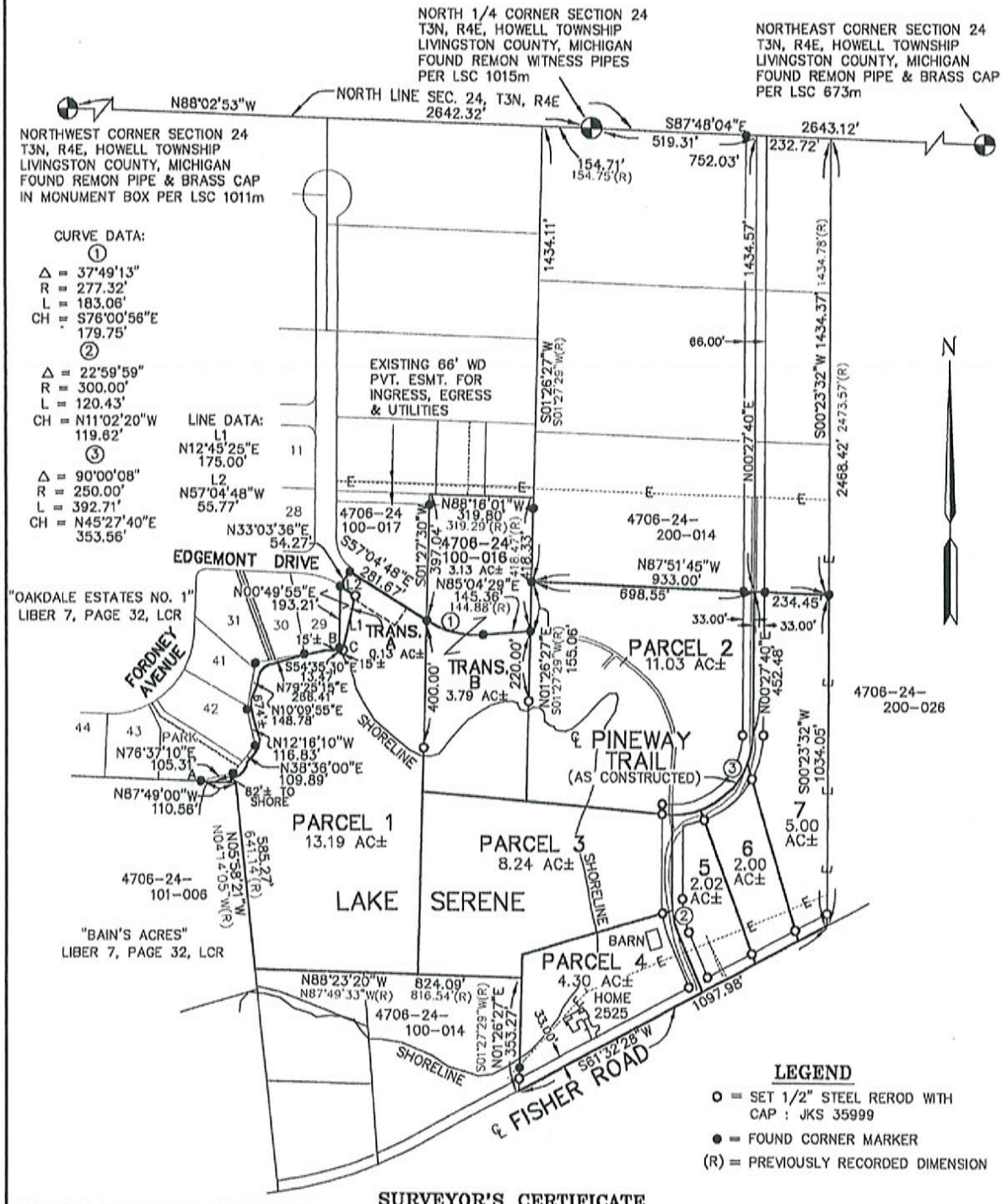
SEC 24 T3N R4E PART OF THE SW 1/4, BEG AT A POINT N 73*54'E 24.95 FT, N 80*28'E 418.52 FT, N 60*45'E 440 FT FROM THE NE COR. OF LOT 1 OF NORBORY MEADOWS, TH S 44*11'E 213.78 FT, N 82*16'E 242.56 FT, N 29*24'W 295.54 FT, N 28*58'W 233 FT TO C.L. FISHER RD, TH S 61*02'W 280 FT, S 28*55'E 233 FT TO POB

Commonly known as: Vacant Fisher Road
Sidwell No. 4706-24-300-029

FOR THE FULL CONSIDERATION OF: One Dollar ($1.00)


S
E
W
N
PARCEL 1
13.19 ACRES
(2.24ACRES UPLAND)
269.45"
WIDTH OF PARCEL AT
BLDG. SETBACK LINE
TRANSFER PARCEL B
420' SHORELINE
400'
269.45"
150'
66' WIDE PRIVATE
DRIVEWAY EASEMENT
TRANSFER PARCEL A
175'
281.67'
PVMT.
EDGEMONT
54.27'
MONTEREY CT.
OAKLEAF
168 ft

CERTIFICATE OF SURVEY



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED ON 05/15/2026, AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN LIMITS ACCEPTED BY THE PRACTICE FOR MICHIGAN PROFESSIONAL SURVEYORS, AND THAT ALL OF THE REQUIREMENTS OF ACT NO. 132, P.A. 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

NOTE: BEARINGS ARE BASED ON A PREVIOUS SURVEY

CLIENT: **BACHMAN ESTATE**

SCALE: 1" = 400'

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

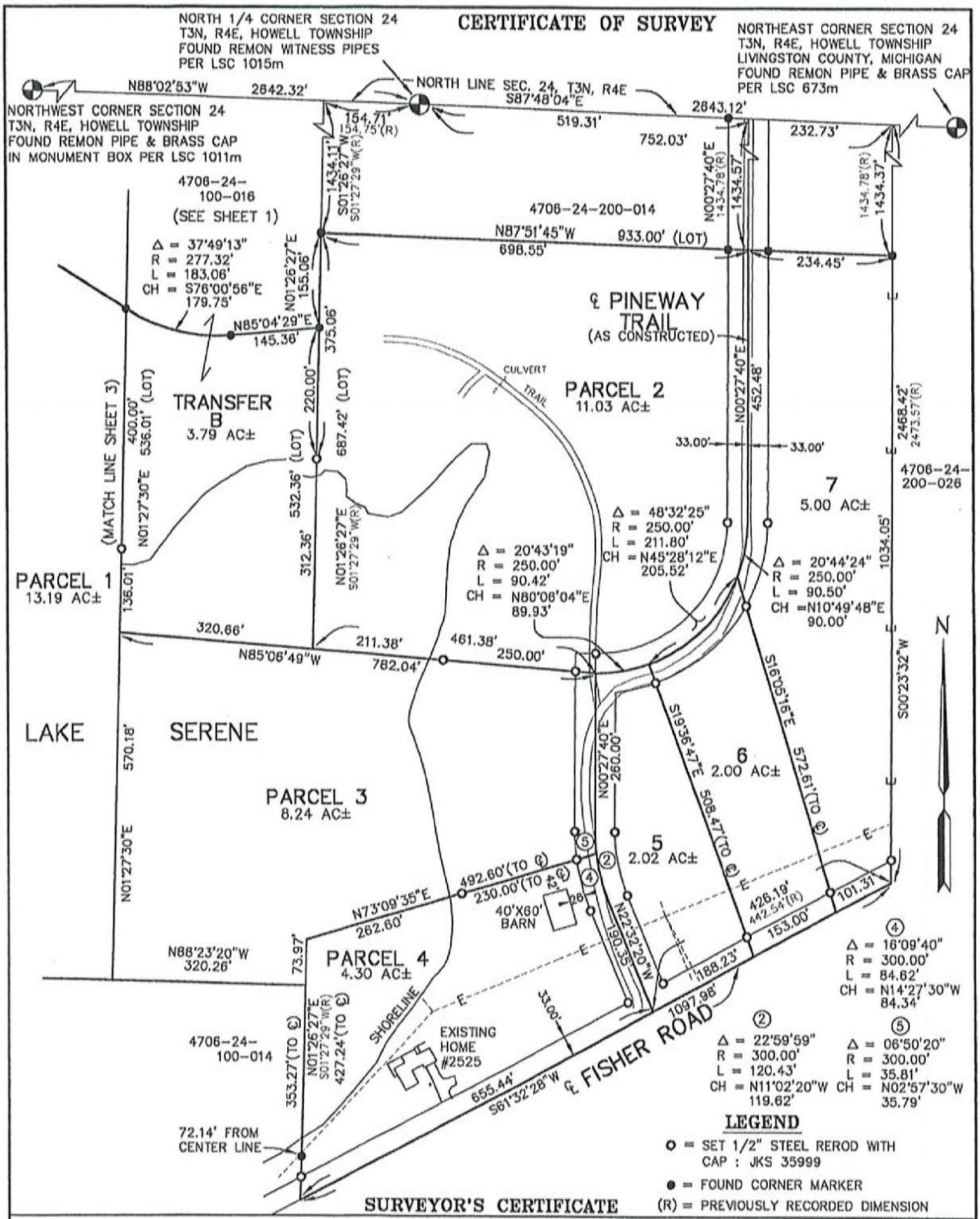
JACK K. SMITH
PROFESSIONAL SURVEYOR No. 35999

STATE OF MICHIGAN * JACK K SMITH * PROFESSIONAL SURVEYOR No. 4001035999 LICENSED PROFESSIONAL SURVEYOR

DATE: 07-05-2026	CREW: JKS
BOOK NO. 221 PG 30	COMP: JKS
	DRAWN: JKS
SHEET 1 OF 7	REV: 08-20-2026

GARLOCK-SMITH
PROFESSIONAL SURVEYORS
4655 OAK GROVE ROAD
HOWELL, MICHIGAN 48855
(517) 546 - 3340
GARLOCKSMITH@COMCAST.NET

CERTIFICATE OF SURVEY



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED ON 05/15/2026, AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN LIMITS ACCEPTED BY THE PRACTICE FOR MICHIGAN PROFESSIONAL SURVEYORS, AND THAT ALL OF THE REQUIREMENTS OF ACT NO. 132, P.A. 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

NOTE: BEARINGS ARE BASED ON A PREVIOUS SURVEY

CLIENT: **BACHMAN ESTATE**

SCALE: 1" = 200'

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

JACK K. SMITH

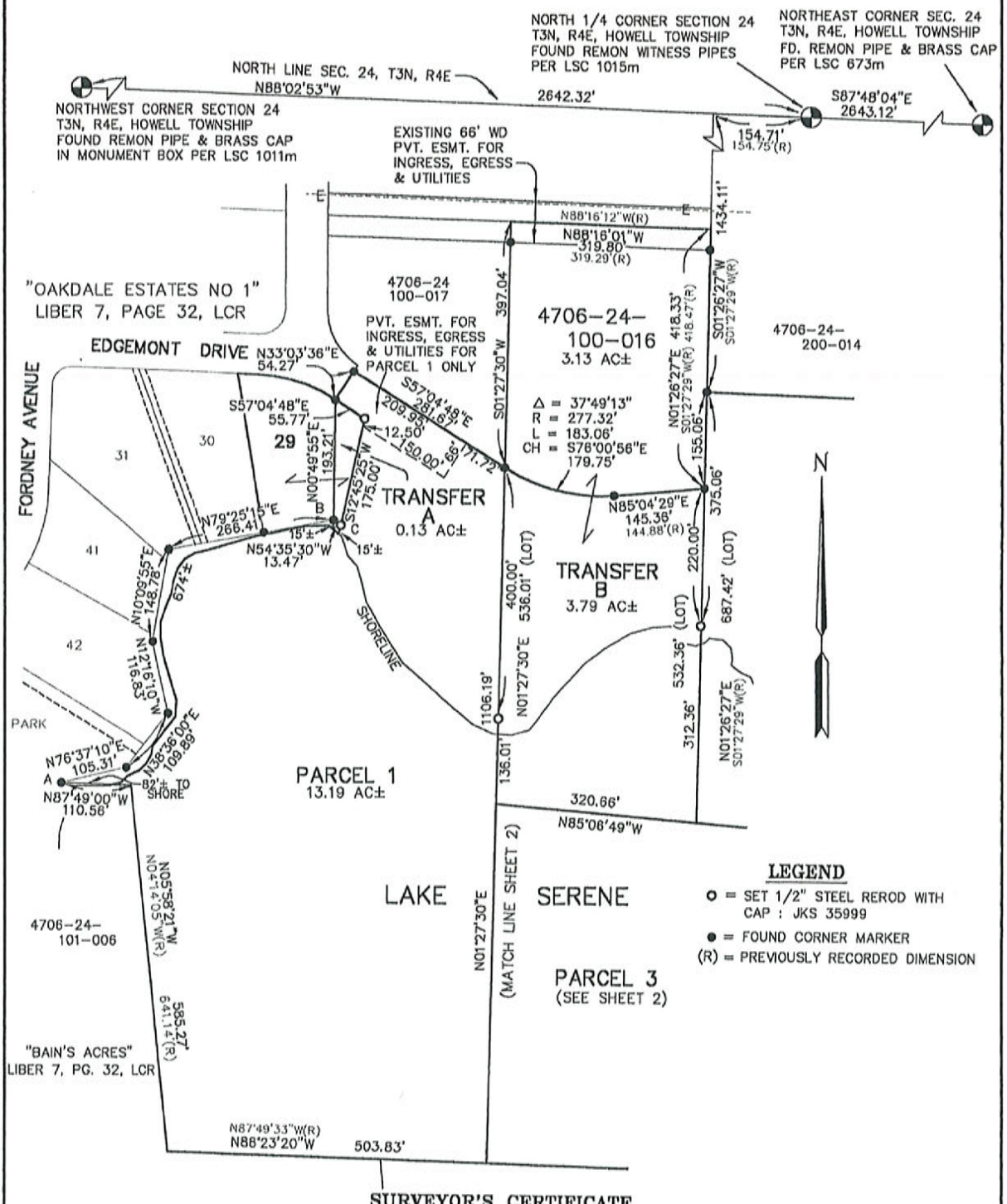
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SHEET 2 OF 7	REV: 08-20-2026

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NOTE: BEARINGS ARE BASED ON A PREVIOUS SURVEY

CLIENT: **BACHMAN ESTATE**

SCALE: 1" = 200'

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

JACK K. SMITH

PROFESSIONAL SURVEYOR No. 35999

STATE OF MICHIGAN
JACK K SMITH
PROFESSIONAL SURVEYOR
No. 4001035999
LICENSED PROFESSIONAL SURVEYOR

DATE: 07-05-2026	CREW: JKS
BOOK NO. 221 PG 30	COMP: JKS
	DRAWN: JKS
SHEET 3 OF 7	REV: 08-20-2026

GARLOCK-SMITH
PROFESSIONAL SURVEYORS
4655 OAK GROVE ROAD
HOWELL, MICHIGAN 48855
(517) 546 - 3340
GARLOCKSMITH@COMCAST.NET

LEGAL DESCRIPTIONS:

TRANSFER PARCEL A – 0.13 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1589.17 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1589.23 FEET); THENCE S85°04'29"W 145.36 FEET (PREVIOUSLY RECORDED AS 144.88 FEET); THENCE 183.06 FEET ALONG THE ARC OF A 277.32 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 37°49'13" AND HAVING A CHORD BEARING N76°00'56"W 179.75 FEET; THENCE N57°04'48"W 281.67 FEET TO A POINT ON THE EASTERLY LINE OF "OAKDALE ESTATES NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 7 OF DEEDS ON PAGE 32 IN THE OFFICE OF THE REGISTER OF DEEDS FOR LIVINGSTON COUNTY, MICHIGAN; THENCE S33°03'36"W 54.27 FEET ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY LINE OF "EDGEMONT DRIVE" TO THE NORTHEAST CORNER OF LOT 29 OF SAID "OAKDALE ESTATES NO. 1" FOR A PLACE OF BEGINNING; THENCE S57°04'48"E 55.77 FEET; THENCE S12°45'25"W 175.00 FEET TO POINT "C", A POINT ON A SHORE LINE REFERENCE LINE; THENCE CONTINUING S12°45'25"W 15 FEET, MORE OR LESS TO THE SHORE LINE OF LAKE SERENE; THENCE NORTHWESTERLY 12 FEET, MORE OR LESS ALONG SAID SHORELINE; THENCE N00°49'55"E 15 FEET, MORE OR LESS ALONG THE EASTERLY LINE OF SAID LOT 29 TO POINT "B", A POINT ON SAID SHORE LINE REFERENCE LINE THAT LIES DISTANT N54°35'30"W 13.47 FEET FROM AFORESAID POINT "C"; THENCE CONTINUING N00°49'55"E 193.21 FEET ALONG SAID EASTERLY LINE OF LOT 29 TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHWEST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 0.13 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

TRANSFER PARCEL B – 3.79 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1589.17 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1589.23 FEET) FOR A PLACE OF BEGINNING; THENCE CONTINUING S01°26'27"W (PREVIOUSLY RECORDED AS S01°27'29"W) 532.36 FEET; THENCE N85°06'49"W 320.66 FEET; THENCE N01°27'30"E 536.01 FEET; THENCE 183.06 FEET ALONG THE ARC OF A 277.32 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°49'13" AND HAVING A CHORD BEARING S76°00'56"E 179.75 FEET; THENCE N85°04'29"E 145.36 FEET (PREVIOUSLY RECORDED AS 144.88 FEET) TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHWEST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 3.79 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

4706-24-100-016 – 3.13 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1170.84 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1170.76 FEET) FOR A PLACE OF BEGINNING; THENCE CONTINUING S01°26'27"W 418.33 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 418.47 FEET); THENCE S85°04'29"W 145.36 FEET (PREVIOUSLY RECORDED AS 144.88 FEET); THENCE 183.06 FEET ALONG THE ARC OF A 277.32 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 37°49'13" AND HAVING A CHORD BEARING N76°00'56"W 179.75 FEET; THENCE N01°27'30"E 397.04 FEET TO A POINT ON THE CENTER LINE "OAK LEAF LANE" AN EXISTING 66.00 FOOT WIDE PRIVATE ROAD EASEMENT; THENCE S88°16'01"E 319.80 FEET (PREVIOUSLY RECORDED AS S88°16'12"E 319.29 FEET) ALONG SAID CENTER LINE TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHWEST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 3.13 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO AND TOGETHER WITH THE USE OF "OAK LEAF LANE", A PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

COMBINED TRANSFER PARCEL B AND 4706-24-100-016 – 6.92 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1170.84 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1170.76 FEET) FOR A PLACE OF BEGINNING; THENCE CONTINUING S01°26'27"W (PREVIOUSLY RECORDED AS S01°27'29"W) 950.69 FEET; THENCE N85°06'49"W 320.66 FEET; THENCE N01°27'30"E 933.05 FEET TO A POINT ON THE CENTER LINE "OAK LEAF LANE" AN EXISTING 66.00 FOOT WIDE PRIVATE ROAD EASEMENT; THENCE S88°16'01"E 319.80 FEET (PREVIOUSLY RECORDED AS S88°16'12"E 319.29 FEET) ALONG SAID CENTER LINE TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHWEST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 6.92 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO AND TOGETHER WITH THE USE OF "OAK LEAF LANE", A PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

CLIENT: **BACHMAN ESTATE**

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

JACK K. SMITH

PROFESSIONAL SURVEYOR No. 35999

STATE OF MICHIGAN * JACK K SMITH * PROFESSIONAL SURVEYOR No. 4001035999 LICENSED PROFESSIONAL SURVEYOR

DATE: 07-05-2026	CREW: JKS
BOOK NO. 221 PG 30	COMP: JKS
	DRAWN: JKS
SHEET 4 OF 7	REV: 08-20-2026

GARLOCK-SMITH
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4655 OAK GROVE ROAD
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PARCEL 1 – 13.19 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1589.17 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1589.23 FEET); THENCE S85°04'29"W 145.36 FEET (PREVIOUSLY RECORDED AS 144.88 FEET); THENCE 183.06 FEET ALONG THE ARC OF A 277.32 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 37°49'13" AND HAVING A CHORD BEARING N76°00'56"W 179.75 FEET FOR A PLACE OF BEGINNING; THENCE S01°27'30"W 1106.19 FEET; THENCE N88°23'20"W (PREVIOUSLY RECORDED AS N87°49'33"W) 503.83 FEET; THENCE N05°58'21"W 585.27 FEET (PREVIOUSLY RECORDED AS N04°14'05"W 641.14 FEET) ALONG THE EASTERLY LINE OF "BAIN'S ACRES" ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 7 OF PLATS ON PAGE 32 IN THE OFFICE OF THE REGISTER OF DEEDS FOR LIVINGSTON COUNTY, MICHIGAN; THENCE N87°49'00"W 110.56 FEET ALONG THE NORTHERLY LINE OF SAID "BAIN'S ACRES" TO POINT "A", A POINT ON A SHORE LINE REFERENCE TRAVERSE LINE; THENCE S87°49'00"E 82 FEET, MORE OR LESS ALONG SAID NORTHERLY LINE TO A POINT ON THE SHORE LINE OF LAKE SERENE; THENCE NORTHEASTERLY 674 FEET, MORE OR LESS, ALONG THE SHORE LINE OF SAID LAKE SERENE; THENCE N12°45'25"E 15 FEET, MORE OR LESS TO POINT "C" A POINT ON AFORESAID SHORE LINE REFERENCE TRAVERSE LINE THAT LIES DISTANT THE FOLLOWING SIX (6) COURSES FROM SAID POINT "A": (1) N76°37'10"E 105.31 FEET, (2) N38°36'00"E 109.89 FEET, (3) N12°16'10"W 116.83 FEET, (4) N10°09'55"E 148.78 FEET, (5) N79°25'15"E 266.41 FEET AND (6) S54°35'30"E 13.47 FEET; THENCE CONTINUING N12°45'25"E 175.00 FEET; THENCE N57°04'48"W 55.77 FEET ALONG THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF EDGEMONT DRIVE AND NORTHERLY LINE OF LOT 29 OF "OAKDALE ESTATES NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 7 OF PLATS ON PAGE 32 IN THE OFFICE OF THE REGISTER OF DEEDS FOR LIVINGSTON COUNTY, MICHIGAN TO THE NORTHEAST CORNER OF SAID LOT 29; THENCE N33°03'36"E 54.27 FEET ALONG THE EASTERLY LINE OF SAID "OAKDALE ESTATES NO. 1" AND ALONG THE EASTERLY LINE OF SAID EDGEMONT DRIVE; THENCE S57°04'48"E 281.67 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE WEST 1/2 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 13.19 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO AND TOGETHER WITH THE USE OF A PRIVATE EASEMENT FOR INGRESS, EGRESS AND UTILITIES FOR THE EXCLUSIVE USE OF PARCEL 1 AS DESCRIBED BELOW, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

PRIVATE EASEMENT FOR INGRESS, EGRESS & UTILITIES FOR THE EXCLUSIVE USE OF PARCEL 1:

A PRIVATE EASEMENT FOR INGRESS, EGRESS AND UTILITIES FOR THE EXCLUSIVE USE OF PARCEL 1 BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1589.17 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1589.23 FEET); THENCE S85°04'29"W 145.36 FEET (PREVIOUSLY RECORDED AS 144.88 FEET); THENCE 183.06 FEET ALONG THE ARC OF A 277.32 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 37°49'13" AND HAVING A CHORD BEARING N76°00'56"W 179.75 FEET; THENCE N57°04'48"W 71.72 FEET FOR A PLACE OF BEGINNING; THENCE S32°55'12"W 66.00 FEET; THENCE N57°04'48"W 150.00 FEET; THENCE N12°45'25"E 12.50 FEET; THENCE N57°04'48"W 55.77 FEET ALONG THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF EDGEMONT DRIVE AND NORTHERLY LINE OF LOT 29 OF "OAKDALE ESTATES NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 7 OF PLATS ON PAGE 32 IN THE OFFICE OF THE REGISTER OF DEEDS FOR LIVINGSTON COUNTY, MICHIGAN TO THE NORTHEAST CORNER OF SAID LOT 29; THENCE N33°03'36"E 54.27 FEET ALONG THE EASTERLY LINE OF SAID "OAKDALE ESTATES NO. 1" AND ALONG THE EASTERLY LINE OF SAID EDGEMONT DRIVE; THENCE S57°04'48"E 209.95 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE WEST 1/2 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 2 – 11.03 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1434.11 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1434.58 FEET) FOR A PLACE OF BEGINNING; THENCE S87°51'45"W 698.55 FEET TO A POINT ON THE CENTER LINE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT; THENCE S00°27'40"W 452.48 FEET ALONG SAID CENTER LINE; THENCE CONTINUING 211.80 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF A 250.00 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 48°32'25" AND HAVING A CHORD BEARING S45°28'12"W 205.52 FEET; THENCE N85°06'49"W 461.38 FEET; THENCE N01°26'27"E (PREVIOUSLY RECORDED AS N01°27'29"E) 687.42 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 11.03 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO AND TOGETHER WITH THE USE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

CLIENT: **BACHMAN ESTATE**	
SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST HOWELL TOWNSHIP LIVINGSTON COUNTY, MICHIGAN	JACK K. SMITH PROFESSIONAL SURVEYOR No. 35999
DATE: 07-05-2026	CREW: JKS
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STATE OF MICHIGAN
JACK K SMITH
PROFESSIONAL SURVEYOR
No. 4001035099
LICENSED PROFESSIONAL SURVEYOR

PARCEL 3 – 8.24 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W (PREVIOUSLY RECORDED AS S01°27'29"W) 2121.53 FEET FOR A PLACE OF BEGINNING; THENCE S85°06'49"E 461.38 FEET TO A POINT ON THE CENTER LINE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT; THENCE S00°27'40"W 260.00 FEET ALONG SAID CENTER LINE; THENCE CONTINUING 35.81 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF A 300.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 06°50'20" AND HAVING A CHORD BEARING S02°57'30"E 35.79 FEET; THENCE S73°09'35"W 492.60 FEET; THENCE S01°26'27"W 73.97 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 73.71 FEET); THENCE N88°23'20"W (PREVIOUSLY RECORDED AS N87°49'33"W) 320.26 FEET; THENCE N01°27'30"E 570.18 FEET; THENCE S85°06'49"E 320.66 FEET TO THE PLACE OF BEGINNING. BEING A PART OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 8.24 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO AND TOGETHER WITH THE USE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 4 – 4.30 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W (PREVIOUSLY RECORDED AS S01°27'29"W) 2121.53; THENCE S85°06'49"E 461.38 FEET TO A POINT ON THE CENTER LINE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT; THENCE S00°27'40"W 260.00 FEET ALONG SAID CENTER LINE; THENCE CONTINUING 35.81 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF A 300.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 06°50'20" AND HAVING A CHORD BEARING S02°57'30"E 35.79 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING 84.62 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF SAID 300.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°09'40" AND HAVING A CHORD BEARING S14°27'30"E 84.34 FEET; THENCE CONTINUING ALONG SAID CENTER LINE S22°32'20"E 190.35 FEET TO A POINT ON THE CENTER LINE OF FISHER ROAD; THENCE S61°32'28"W 655.44 FEET; THENCE N01°26'27"E 427.24 FEET; THENCE N73°09'35"E 492.60 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE EAST 1/2 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 4.30 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FISHER ROAD, ALSO BEING SUBJECT TO AND TOGETHER WITH THE USE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 5 – 2.02 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W (PREVIOUSLY RECORDED AS S01°27'29"W) 2121.53; THENCE S85°06'49"E 461.38 FEET TO A POINT ON THE CENTER LINE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT FOR A PLACE OF BEGINNING; THENCE 90.42 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF A 250.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20°43'19" AND HAVING A CHORD BEARING N80°06'04"E 89.93 FEET; THENCE NON-TANGENTIALLY S19°36'47"E 508.47 FEET TO A POINT ON THE CENTER LINE OF FISHER ROAD; THENCE S61°32'28"W 188.23 FEET ALONG THE CENTER LINE OF SAID FISHER ROAD TO ITS INTERSECTION WITH THE CENTER LINE OF SAID "PINEWAY TRAIL"; THENCE N22°32'20"W 190.35 FEET ALONG SAID CENTER LINE; THENCE CONTINUING 120.43 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF A 300.00 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22°59'59" AND HAVING A CHORD BEARING N11°02'20"W 119.62 FEET; THENCE CONTINUING ALONG SAID CENTER LINE N00°27'40"E 260.00 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE EAST 1/2 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 2.02 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FISHER ROAD, ALSO BEING SUBJECT TO AND TOGETHER WITH THE USE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

CLIENT: **BACHMAN ESTATE**

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

JACK K. SMITH

PROFESSIONAL SURVEYOR No. 35999

STATE OF MICHIGAN * JACK K SMITH PROFESSIONAL SURVEYOR No. 4001035999 * LICENSED PROFESSIONAL SURVEYOR

DATE: 07-05-2026	CREW: JKS
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PARCEL 6 – 2.00 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W (PREVIOUSLY RECORDED AS S01°27'29"W) 2121.53; THENCE S85°06'49"E 461.38 FEET TO A POINT ON THE CENTER LINE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT; THENCE 90.42 FEET ALONG SAID CENTER LINE AND ALONG THE ARC OF A 250.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20°43'19" AND HAVING A CHORD BEARING N80°06'04"E 89.93 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING 211.80 FEET ALONG SAID CENTER LINE AND 250.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 48°32'25" AND HAVING A CHORD BEARING N45°28'12"E 205.52 FEET; THENCE NON-TANGENTIALLY S16°05'16"E 572.61 FEET TO A POINT ON THE CENTER LINE OF FISHER ROAD; THENCE S61°32'28"W 153.00 FEET ALONG THE CENTER LINE OF SAID FISHER ROAD; THENCE N19°36'47"W 508.47 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 2.00 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FISHER ROAD, ALSO BEING SUBJECT TO AND TOGETHER WITH THE USE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 7 – 5.00 ACRES:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N88°02'53"W 154.71 FEET (PREVIOUSLY RECORDED AS 154.75 FEET) ALONG THE NORTH LINE OF SAID SECTION 24; THENCE S01°26'27"W 1434.11 FEET (PREVIOUSLY RECORDED AS S01°27'29"W 1434.58 FEET); THENCE S87°51'45"E 698.55 FEET TO A POINT ON THE CENTER LINE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT FOR A PLACE OF BEGINNING; THENCE CONTINUING S87°51'45"E 234.44 FEET; THENCE S00°23'32"W 1034.05 FEET TO A POINT ON THE CENTER LINE OF FISHER ROAD; THENCE S61°32'28"W 101.31 FEET ALONG SAID CENTER LINE OF FISHER ROAD; THENCE N16°05'16"W 572.61 FEET TO A POINT ON SAID CENTER LINE OF "PINEWAY TRAIL"; THENCE NON-TANGENTIALLY 90.50 FEET ALONG SAID CENTER LINE AND THE ARC OF A 250.00 FOOT RADIUS CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20°44'24" AND HAVING A CHORD BEARING N10°49'48"E 90.00 FEET; THENCE CONTINUING ALONG SAID CENTER LINE N00°27'40"E 452.48 FEET TO THE PLACE OF BEGINNING. BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 5.00 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FISHER ROAD, ALSO BEING SUBJECT TO AND TOGETHER WITH THE USE OF "PINEWAY TRAIL" A 66.00 FOOT WIDE PRIVATE ROAD EASEMENT, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

PINEWAY TRAIL AS CONSTRUCTED:

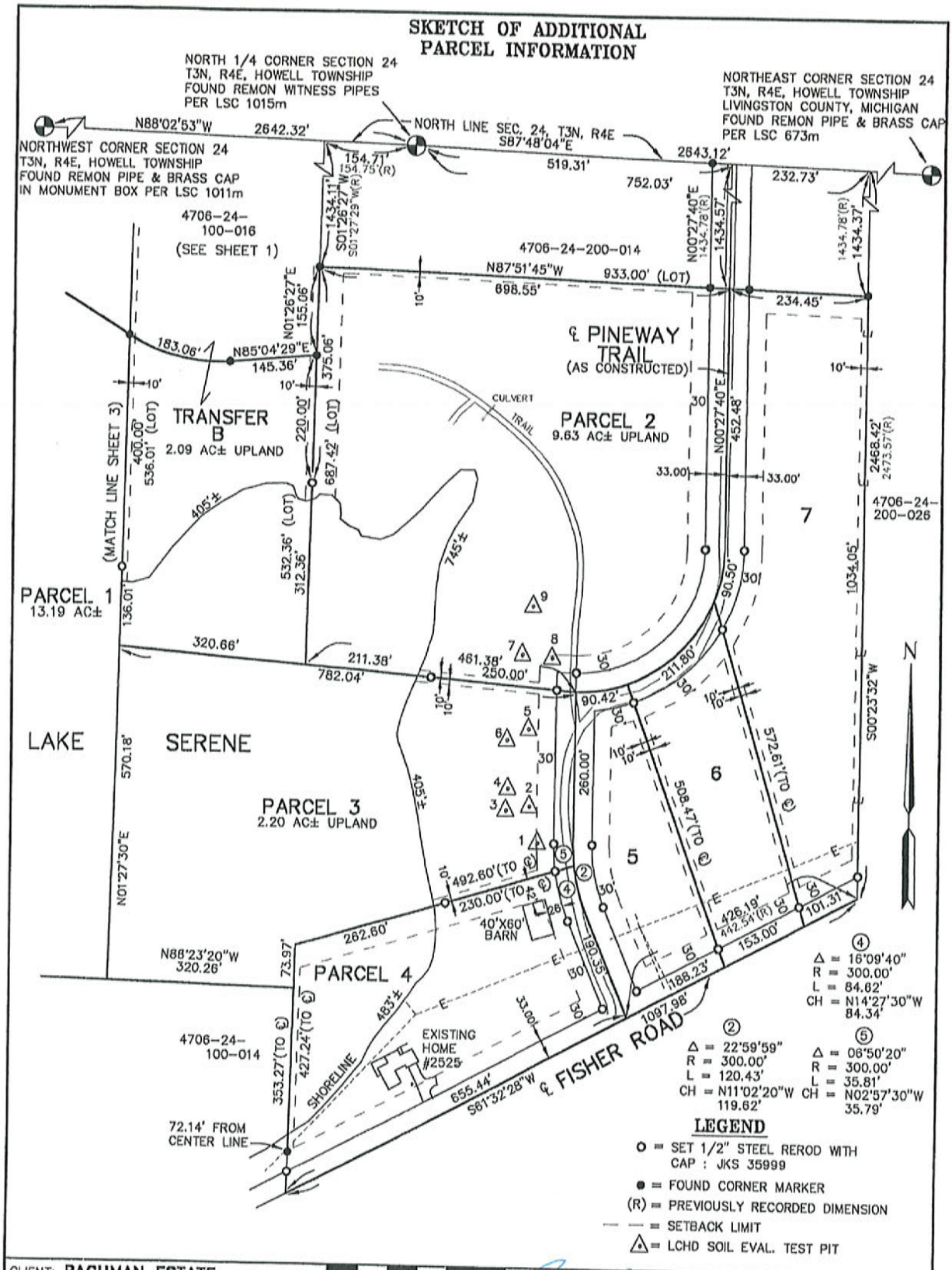
AN EXISTING 66.00 FOOT WIDE PRIVATE DRIVEWAY EASEMENT HAVING A CENTER LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 24, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, SAID CORNER LYING DISTANT S88°02'53"E 2642.32 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 24; THENCE S87°48'04"E 519.31 FEET ALONG THE NORTH LINE OF SAID SECTION 24 FOR A PLACE OF BEGINNING; THENCE S00°27'40"W 1887.05 FEET; THENCE 392.71 FEET ALONG THE ARC OF A 250.00 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'08" AND HAVING A CHORD BEARING S45°27'40"W 353.56 FEET; THENCE NON-TANGENTIALLY S00°27'40"W 260.00 FEET; THENCE 120.43 FEET ALONG THE ARC OF A CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 22°59'59" AND HAVING A CHORD BEARING S11°02'20"E 119.62 FEET; THENCE S22°32'20"E 190.35 FEET TO A POINT ON THE CENTER LINE OF FISHER ROAD AND THE PLACE OF ENDING. BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY FISHER ROAD, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

CLIENT: **BACHMAN ESTATE**	
SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST HOWELL TOWNSHIP LIVINGSTON COUNTY, MICHIGAN	JACK K. SMITH PROFESSIONAL SURVEYOR No. 35999
DATE: 07-05-2026	CREW: JKS
BOOK NO. 221 PG 30	COMP: JKS
	DRAWN: JKS
SHEET 7 OF 7	REV: 08-20-2026

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STATE OF MICHIGAN
JACK K SMITH
PROFESSIONAL SURVEYOR
No. 4001035999
LICENSED PROFESSIONAL SURVEYOR

SKETCH OF ADDITIONAL PARCEL INFORMATION



CLIENT: **BACHMAN ESTATE**

SCALE: 1" = 200'

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

JACK K. SMITH

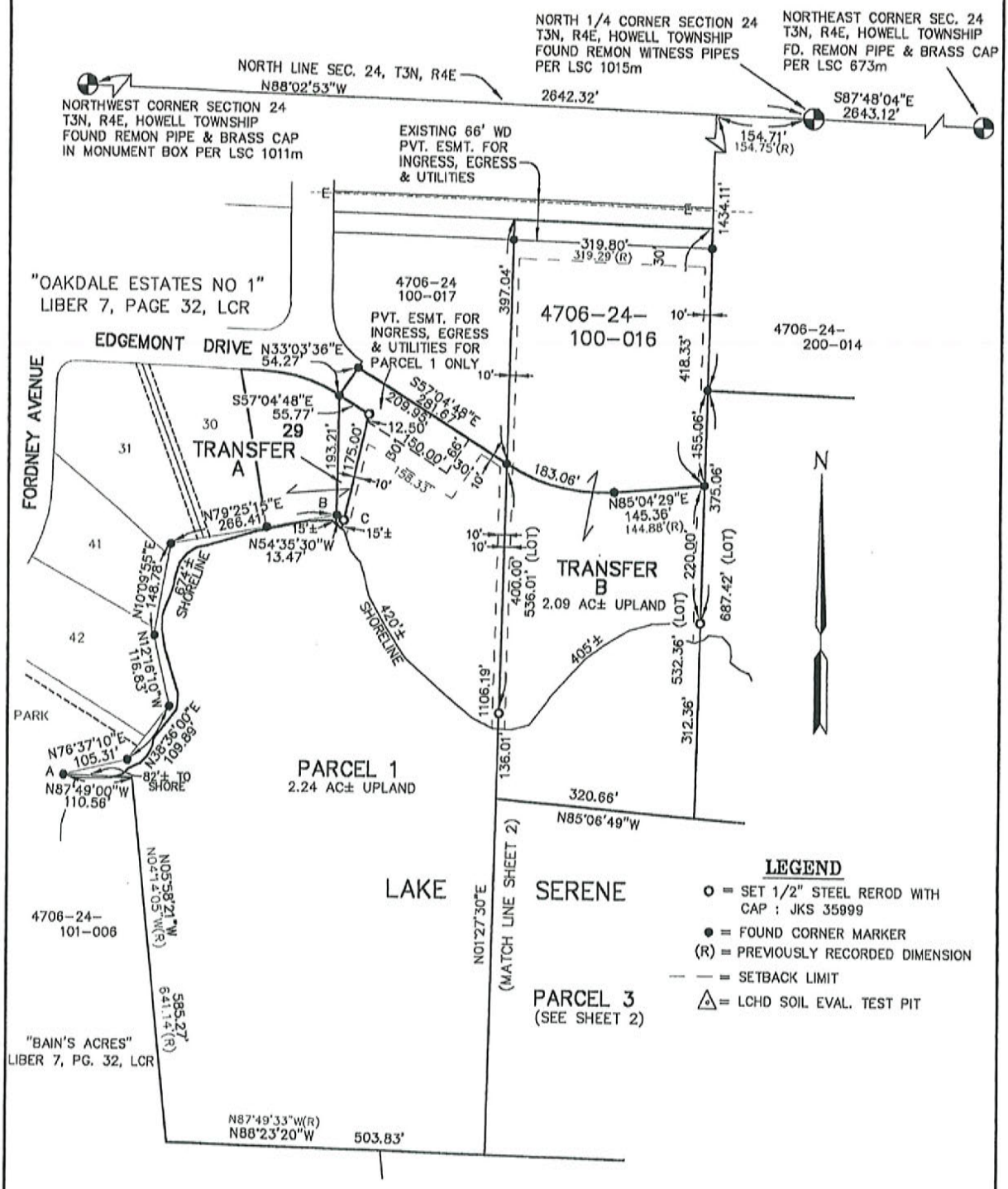
PROFESSIONAL SURVEYOR No. 35999

STATE OF MICHIGAN
JACK K SMITH
PROFESSIONAL SURVEYOR
No. 4001035999
LICENSED PROFESSIONAL SURVEYOR

DATE: 07-29-2026	CREW: JKS
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SKETCH OF ADDITIONAL PARCEL INFORMATION



CLIENT: **BACHMAN ESTATE**

SCALE: 1" = 200'

SECTION: 24 TOWN: 3 NORTH RANGE: 4 EAST

HOWELL TOWNSHIP

LIVINGSTON COUNTY, MICHIGAN

JACK K. SMITH

PROFESSIONAL SURVEYOR No. 35999

STATE OF MICHIGAN * JACK K SMITH * PROFESSIONAL SURVEYOR No. 4001035999 LICENSED PROFESSIONAL SURVEYOR

DATE: 07-29-2026 | CREW: JKS

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ARTICLE VI
SFR SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6.01 PURPOSE.

The purpose of this district is to provide for single family housing neighborhoods free from other uses except those which are (1) normally accessory and (2) compatibly supportive and convenient to the residents living within such a district. The size of lots and parcels in this district should be planned to be of such an area and width and density so that on-site water supply and wastewater disposal systems are not to be permitted and development can only be allowed if and when public water supply and wastewater sanitary sewer systems are available as a direct abutting service to each lot or parcel planned to be used for housing or other permitted use in the district. The language of the PURPOSE shall not preclude development of existing lots and parcels where sewer and or water are not available provided they or any future subdivision of them can meet the onsite water supply and wastewater disposal permit requirements of the Livingston County Public Health Department and other requirements of the SFR Zoning District and this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983, Amend. by Ord. No. 223 eff. May 1, 2009, Amend. by Ord.247 eff. July 1, 2011)

Section 6.02 PERMITTED PRINCIPAL USES.

A. Single family conventional dwellings.

B. Single family conventional dwelling that meet the requirements of the Single Family Residential District. (Amend. By Ord. No. 223 eff. May 1, 2009)

C. State Licensed Day Care Facilities.

   1) Child Family Day Care Homes (six (6) or fewer minor children).

   2) Adult Family Day Care Homes (6) or fewer adults).

D. State Licensed Foster Care Facilities.

   1) Adult Foster Care Family Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions (six (6) or fewer adults).

   2) Child Foster Family Homes (four (4) or fewer minor children).

   3) Child Foster Family Homes (five (5) or six (6) minor children).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000, by Ord. No. 107 eff. June 28, 2007; amend by Ord. No. 254 eff. Feb. 10, 2013)

Section 6.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XVI "Special Uses":

A. State Licensed Day Care Facilities.

1) Adult Group Day Care Homes (seven (7) to twelve (12) adults).

2) Child Group Day Care Homes (seven (7) to twelve (12) minor children).

B. The rearing and housing of horses, mules and similar domestic animals.

(Relocated to become 6.05C under Permitted Accessory Uses with Conditions)

Section 6.04 PERMITTED ACCESSORY USES.

A. Normal existing accessory uses to single family housing and existing agricultural uses.

B. Normal accessory uses to permitted and approved "Special Uses."

C. House Hold Pets.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. 271 eff. Oct. 3, 2017)

Section 6.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

A. Roadside stands for existing agricultural land uses in conformance with the provisions of Section 4.05A.

B. Private swimming pools for use as a part of single family dwellings in conformance with the provisions of Section 14.25.

C. The rearing and housing of horses, mules and similar domestic animals.

1) The rearing and housing of horses, mules or similar domestic animals, for noncommercial purposes shall be in accordance with the Michigan Right to Farm Act, Public Act 93 of 1981 (MCL 286.471

D. Interior or Attached Accessory Dwelling Units subject to requirements listed in Section 14.10 Accessory Building as Dwelling.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984; further amend. by Ord. No. 12 eff. Sept. 5, 1986; further amend by Ord. No. 62 eff. Oct. 8, 1997; further amend by Ord. No. 125, eff. March 25, 2001, further amend. by Ord. No. 160 eff. June 20, 2003; further amend. by Ord. No. 254 eff. Feb. 10, 2013)

Section 6.06 DIMENSIONAL REQUIREMENTS EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

A. Lot area. Minimum of 10,000 square feet with public sewer.

B. Lot area. A minimum of one (1) acre with on-site water supply and waste water disposal providing public sanitary sewer or public water supply systems are not available to the lot or parcel.

C. Lot width. Minimum of 120 feet for a one (1) acre or more parcel and a minimum of 70 feet for a 10,000 square feet to less than (1) acre parcel.

D. Lot coverage. Maximum of 30%.

E. Gross Floor Area. Minimum for:

1) One (1) story dwellings: 900 square feet.

2) Two (2) story dwellings: 600 square feet on the first floor and at least 900 square feet for both stories.

F. Yard and setback requirements.

1) Front yard. Minimum of thirty (30) feet from the road right-of-way line, or as specified in Section 26.05, whichever is greater.

2) Side yard. Minimum of ten (10) feet for each side yard, but a minimum total of twenty (20) feet for both side yards.

3) Rear yard. Minimum of forty (40) feet.

G. Height limitations. Maximum of two and one-half (2 1/2) stories or 35 feet, except that detached accessory structures shall not exceed twenty (20) feet.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend. Ord. No. 119 eff. Dec. 27, 2000, further amended by Ord. No. 128 eff. Oct. 21, 2001 further amend. Ord. No.223 eff. May 1, 2009)

LIVINGSTON COUNTY ROAD COMMISSION
LAND SPLIT / SIGHT DISTANCE REVIEW

****NOTE: THIS IS NOT A DRIVEWAY PERMIT****

Review Number **2610-015**

Property Owner and Applicant Information

Owner: **Bachman Trust**
Street Address:
City, State, ZIP: **, MI**
Day Phone:

Applicant: **Dan Davenport**
Company:
Address: **6870 Grand River**
City,State: **Brighton MI, 48114**
Applicant Phone: **(810) 599-2141**

Recommended for Approval:
Yes

Date of Review:
9/9/2026

Inspector:
Kim Hiller

Location

Township: **Howell** Section **24** Roadway On: **Edgemont Drive** Side of Street: **East**
Approach Type: **Residential** Development:
Speed Limit (if posted): **25** Speed Factors (if any):

Comments:

The "stub" road is dedicated public road right-of-way. The "stub" road is already constructed to meet LCRC shared driveway approach requirements, therefore, a driveway waiver would be needed for a driveway approach off the end of the "stub" road.

Inspector: Kim Hiller

Field Measurements: Location of existing property corners from nearest crossroad: **0 and 0 feet of Monterey Ct**

Parcel	Prop/Emnt Corners	Access Point(s)	Sight Distance Req. Std	Sight Distance Req. Min	Sight Distance Measured		S.D. Comply	CVA Comply	Neighbor Consent	Approve
Driveway		**0**		**290**	**290 West**	**290 North**	**Yes**	**Yes**	**No**	**Yes**

** This review is based on the survey/sketch provided to us at the time of application or during the review process. Any changes to property lines or driveway locations after the date of this review will void the review and may prevent approval or permits for any future driveway approaches.

NOTICE OF PUBLIC HEARING
HOWELL TOWNSHIP ZONING BOARD OF APPEALS
3525 BYRON RD. HOWELL, MI 48855, 517-546-2817

The Howell Township Zoning Board of Appeals will be holding the following Public Hearing at the **Howell Township Hall: 3525 Byron Rd. Howell, MI 48855 on Tuesday, October 20, 2026 at 6:30 p.m.** to consider the following request:

PETITIONER: Bachman Trust, File# PZBA2026-02, PARCEL #4706-24-100-013, 4706-24-100-011 (full legal descriptions available upon request.)

ARTICLE VI – SFR-Single Family Residential, Section 6.06 Dimensional Requirements Except as Otherwise Specified in this Ordinance

REQUEST: Applying for a variance to create a parcel with less than 120 feet of lot width / road frontage

The Public is invited to submit written comments on the proposed request to the Zoning Administrator at inspector@howelltownshipmi.org or at Howell Township Hall, 3525 Byron Rd. Howell, MI 48855 by **Monday October 12, 2026.**

NO

NO

Jonathan Hohenstein
Howell Township Zoning Administrator

WE SAY NO 2 THIS & WE CANT BE THEIR SO LETTING U KNOW

TU

NO

Linda Finley
2467 FISHER

Howell Township
Zoning Board of Appeals
Staff Report

Date: September 10, 2026

Applicant: Dan Davenport on behalf of the Bachman Trust

Property: Vacant land, parcel #s 4706-24-100-013, 4706-24-100-011

Request

To create a parcel that does not have 120 feet of lot width / road frontage.

Background

Ronald and Freida Bachman, now the Bachman Trust, own parcels 4706-24-100-013, 4706-24-100-011, and 4706-24-300-020. Parcel 4706-24-300-020 is not part of this discussion. The Trust has applied to the Township Planning Commission to split 4706-24-100-013 and 4706-24-100-011 into eight parcels. Proposed Parcel 1 of parcel 4706-24-100-013 failed to meet the requirements of the Ordinance. The Township Planner's recommendation to the applicant was to apply to the Zoning Board of Appeals for a decision on the road frontage for Parcel 1.



Findings of Fact

The Ordinance currently requires the following:

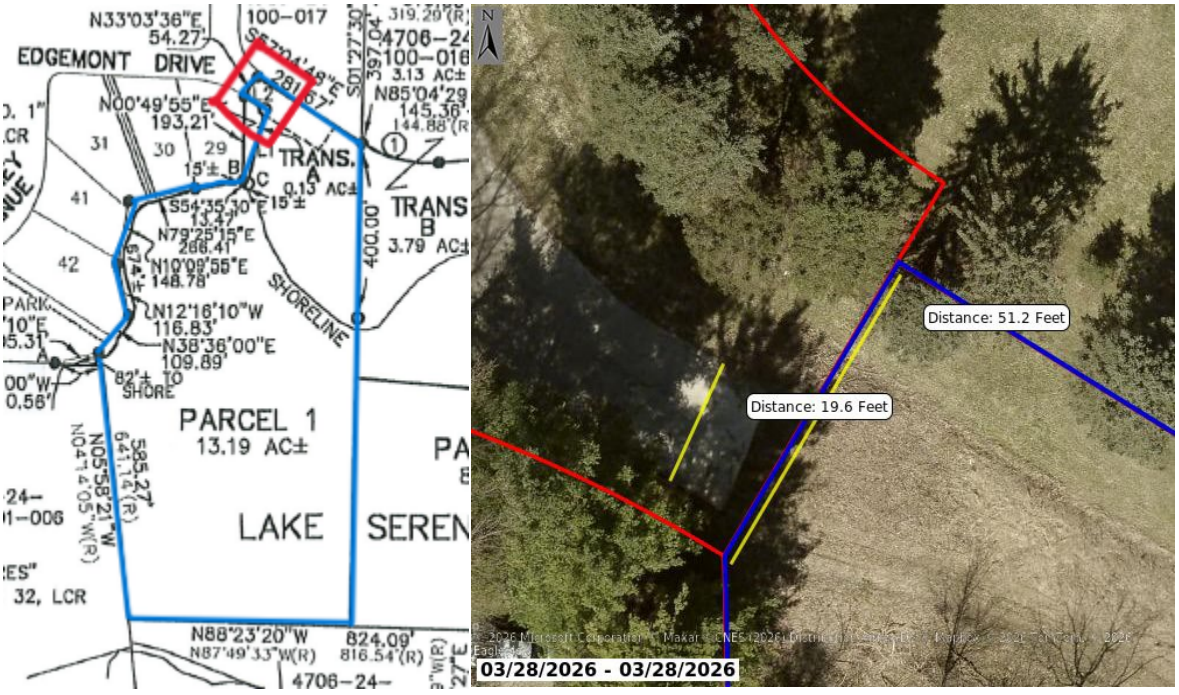
- Section 26.02-C: The required minimum area and road frontage for each lot, parcel, or site area shall be equal to the minimum lot or parcel width as required in each zoning district.

- As shown in the zoning map, these parcels are in the Single Family Residential Zoning District.



- Section 6.06-C: Minimum of 120 feet for a one (1) acre or more parcel and a minimum of 70 feet for a 10,000 square feet to less than (1) acre parcel.

As proposed, parcel 1 is a 13.19-acre parcel with 1.75 acres of upland area and would have, according to the survey, 54.27 feet of road frontage, meeting neither the 120-foot nor the 70-foot requirement for Single Family Residential parcels:



The Township has historically read the definition of **Building Setback Line** to mean that a structure cannot be built on a parcel unless it is sited on the property outside of the parcel setbacks and meets the building setback line standard of the Zoning Ordinance. It is common for parcels in the Township to not have the required road frontage required in the Ordinance. An example of this is a parcel that does not have road frontage, but has an easement for ingress and egress, which is usually at most 66 feet wide, but is usually less. Another nearby example is a parcel that is a flag lot, which has a tail of property connecting the larger portion of the parcel to Fisher Road that is approximately 20 feet wide for their driveway, but which structure meets the property setbacks and the building setback line requirements.

While the applicant also raises the definition of **Lot, Waterfront** in defense of the request, this definition does not apply to this request due to the definitions of **Lot**, and **Lot of Record,** because Parcel 1 does not yet exist and is therefore not a Lot of Record.

Definitions:

- **Building Setback Line**: **The line formed by the outer surface of a structure** or enclosure wall at or with the finish grade or surface of the ground; pertaining to and defining those minimum (building) setback lines which are established, in general, **parallel to the front road right-of-way line** and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

- **Building Line:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

- **Lot**: A portion of land divided in conformance with all of the provisions of Public Act 288 of 1967 in accordance with Public Act 288 Land Division Act of 1967 as amended, Subdivision Control Act and the Subdivision Regulations of Howell Township.

- **Lot of Record:** A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of the Ordinance shall also constitute a "lot of record". (Includes "Parcel of Record")

- **Lot, Waterfront:** A lot having a frontage directly upon a lake, river or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

- **Road Frontage:** The legal line of demarcation between a dedicated road right-of-way or easement and abutting land.

- **Road Line:** The line which forms the outer limits of a road right-of-way or easement and which forms the line from which all road setbacks and front yards are measured.

Zoning Ordinance Standards

For the ZBA to approve a dimensional variance the applicant must demonstrate a practical difficulty. The ZBA should review the documents submitted by the applicant supporting the variance request against the provisions of the Ordinance, Section 22.07:

1. **That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.**
    - Parcel 4706-24-100-013 is an odd shape, including a road stub off Edgemont Drive. It appears that a much larger development was anticipated that would extend Edgemont Drive through the existing parcel to Pineway Trail allowing for more parcels and more homes to be built. The proposed lot is also an odd shape. While the proposed parcel may not meet the strict letter of the Ordinance, it meets the spirit of the Ordinance by providing access to a public road no less than 20 feet in width, as required by Section 26.03 and 26.13.

2. **That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.**
    - As stated above, there are a lot of parcels in the Township that have no road frontage, only an easement, or have less than the building setback line frontage as road frontage but still have the required access to a public road.

3. **That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.**
    - It is common in the Township for property to have less than the building setback line amount of road frontage.

4. **That no nonconforming uses of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for the issuance of a variance.**

5. **Applicants shall also follow the outline of requirements prescribed by the Zoning Board of Appeals when applying for an appeal for an interpretation of or a variance from the provisions or requirements of this Zoning Ordinance.**

6. **Reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.**
    - The road stub from Edgemont Drive already exists and is over 20’ wide which is enough for access for a single driveway making the request larger than the minimum.

7. **The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.**
    - One additional residential driveway on Edgemont Drive will be in harmony with the Ordinance and will not be detrimental to any existing property or owners in this residential area.

The ZBA needs to discuss the facts of the case against the provisions of Section 22.07 of the Ordinance and determine if the applicant has demonstrated a practical difficulty. In order to grant the requested variance, the Zoning Board of Appeals would need to find in favor of the applicant for all of the standards listed above. I have included my findings under each standard. Any motion made to approve or deny the variance request needs to include the findings of fact that support the decision. Attached is a draft written decision to be completed by the Zoning Board of Appeals.

Respectfully submitted,
Jonathan Hohenstein
Howell Township Zoning Administrator

HOWELL TOWNSHIP

ZONING BOARD OF APPEALS

WRITTEN DECISION OF ZONING BOARD OF APPEALS

Application Number: PZBA2026-02

Hearing Date: October 20, 2026

Applicant: Dan Davenport on behalf of the Bachman Trust ("Applicant").

Site Address: Parcel No. 4706-24-100-013, 4706-24-100-011 (the "Parcels").

Purpose of Request: Request a variance from the 120' road frontage requirement of parcels located in the Single Family Residential (SFR) Zoning District of the Howell Township Zoning Ordinance Section 6.06.

Public Hearing: The ZBA opened the public hearing on October 20, 2026, to consider the subject matter of the Application for a variance. The ZBA heard comments from the Applicant, the Township attorney, and members of the public, along with exhibits submitted by the Applicant and Township Zoning Administrator.

Standards of Review: The Howell Township Zoning Ordinance provides the standards for review by the Zoning Board of Appeals in section 22.07.

In order for a variance to be granted, evidence must be presented at a public hearing that all of the following conditions exist:

1. **That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.**

2. **That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.**

3. **That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.**

Findings of Fact: The ZBA finds as follows based upon the Zoning Ordinance, the Application, information and comments received by the Applicant, the Zoning Administrator, and the Township attorney, and based on input (both through comments and written submissions) received during the public hearing.

1. Pursuant to the Zoning Ordinance, Article 22, the ZBA has the authority to hear the request for a variance.

2. Applicant is the approval of the owner of the subject parcels of this variance request.
3. The Application was filed requesting a variance from the road frontage requirements per Section 6.06-C of the Ordinance.

Whether the Applicant has shown:

1. That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district, the ZBA specifically finds:

_____

_____

_____

_____

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance, the ZBA specifically finds:

_____

_____

_____

_____

3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district, the ZBA specifically finds:

_____

_____

_____

_____

4. The reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located, the ZBA specifically finds:

_____

_____

_____

_____

5. Whether the Applicant has shown that the requested variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is located, the ZBA specifically finds:

_____

_____

_____

_____

Decision:

For the reasons above and stated on the record, the ZBA GRANTS / DENIES the Application for a variance.

ADOPTED:

YEAS: _____

NAYS: _____

_____ Dated: October 20, 2026

Ken Frenger, ZBA Chair

HOWELL TOWNSHIP

Application for Zoning Board of Appeals

3525 Byron Road Howell, MI 48855
Phone: 517-546-2817 ext. 108
Email: inspector@howelltownshipmi.org

File Number: PZBA-_____ Parcel ID: 4706-01-200-022 Date 9/15/2026

Residential Request, Fee $400.00 Commercial Request, Fee $900.00

NOTE: WE ARE FLEXIBLE ON BUILDING LOCATION. S1

Owner Name JASON HOWE Owner Address 5937 FISHER RD

Applicant Name STEVE BROCK Applicant Address 2259 JACKSON BLVD

Contact Person for all Correspondence STEVE BROCK

Address 2259 JACKSON BLVD, HIGHLAND, MI 48356

Phone [redacted] Fax — Email [redacted]

Applicant is: ☐ Owner ☐ Tenant ☐ Land Contract Purchaser

☒ Other, Explain FAMILY FRIEND

Nature of Request

☒ Application for Variance ☐ Appealing Planning Commission Decision

☐ Appealing Zoning Administrator Decision ☐ Application for Interpretation of Ordinance

General Location of Property CORNER OF ALLEN + FISHER RDS

Between Roads ALLEN & FISHER

* Please attach a copy of the legal description of property to the application. SEE SURVEY

Current Zoning Classification AR

Details of your request and reasons why the request should be granted:
AS THE PROPERTY IS JUST UNDER 20 ACRES (18.76) BOTH A SQ. FT AND SET BACK VARIANCE ARE REQUESTED TO BUILD A BARN TO HOUSE VEHICLES, AND FARM EQUIPMENT. OVERHEAD WIRES ARE CREATING A HARDSHIP FOR PLACEMENT. WE ARE SEEKING A 4' BACK-OF-HOUSE VARIANCE AND A 1,136 SQ. FT ACCESSORY BUILDING VARIANCE.

Have previous appeal(s) been made on this property? [X] No [ ] Yes

If yes: Date of appeal_____ Nature of appeal _____ Decision_____

Appealing the Zoning Administrator's decision? [ ] Yes [X] No

Appealing the Planning Commission's decision? [ ] Yes [X] No

If yes, grounds for appeal:

Specify ordinance sections which substantiate your reasons for appeal:

Requesting an interpretation of the ordinance? [ ] Yes [X] No

If yes, Zoning Ordinance section _____

Applicants interpretation of the Ordinance section (attach any supporting material)

Please provide the following:

Zoning Ordinance Section	14.07
Is this a request for a dimensional variance?	[X] Yes 1,136 SF [ ] No
Is this a request for a use variance?	[ ] Yes [X] No
State the minimal acceptable variance being requested	4' AND 1,136 SF
Date and Decision of Zoning Administrator and/or Planning Commission	

Applicant hereby acknowledges the following (initial each section)

That granting of the variance request will not confer upon the Applicant any special privileges that are denied by the provisions of the ordinance to other lands, under the provisions of the ordinance.	SA
The practical difficulties or unnecessary hardship in the strict application of the ordinance was not created or caused by the Applicant.	SA
The Zoning Board of Appeals cannot grant a variance for a use that is not permissible in the designated zoning district.	SA
The Zoning Board of Appeals has the right to prescribe conditions and safeguards for any variance granted.	SA
The Applicant acknowledges that the use for construction authorized by such variance or permit must be commenced within one year of granting the variance, otherwise the variance is null and void.	SA
No application for a variance which has been denied shall be resubmitted for a period of one year except on grounds of new evidence of change of conditions.	SA
Applicant acknowledges he has read and understands Article XXII entitled "Zoning Board of Appeals."	SB
Applicant grants permission to all ZBA members access to the property to view all relevant areas pertaining to the request.	SA

I hereby depose and say that all the above statements and information contained in this Application and any attachments submitted herein are true and accurate.

Owner's Signature

JASON R. HOWE

Print Name

9-12-2026

Date

Subscribed and sworn to before me this 12 day of Sept, 2026

Notary Public

Charity Nation

Printed Name

Livingston County, Michigan

My Commission expires: 12/9/32

Applicant's Signature

STEVE BROCK

Print Name

9/15/26

Date

Subscribed and sworn to before me this 12 day of Sept 2026

Notary Public

Charity Nation

Printed Name

Livingston County, Michigan

My Commission expires: 12/9/32

CHARITY NATION
Notary Public - State of Michigan
County of Livingston
My Commission Expires Dec 9, 2032
Acting in the County of Livingston

SURVEY

N

100 0 50 100

SCALE: 1 INCH = 100 FEET

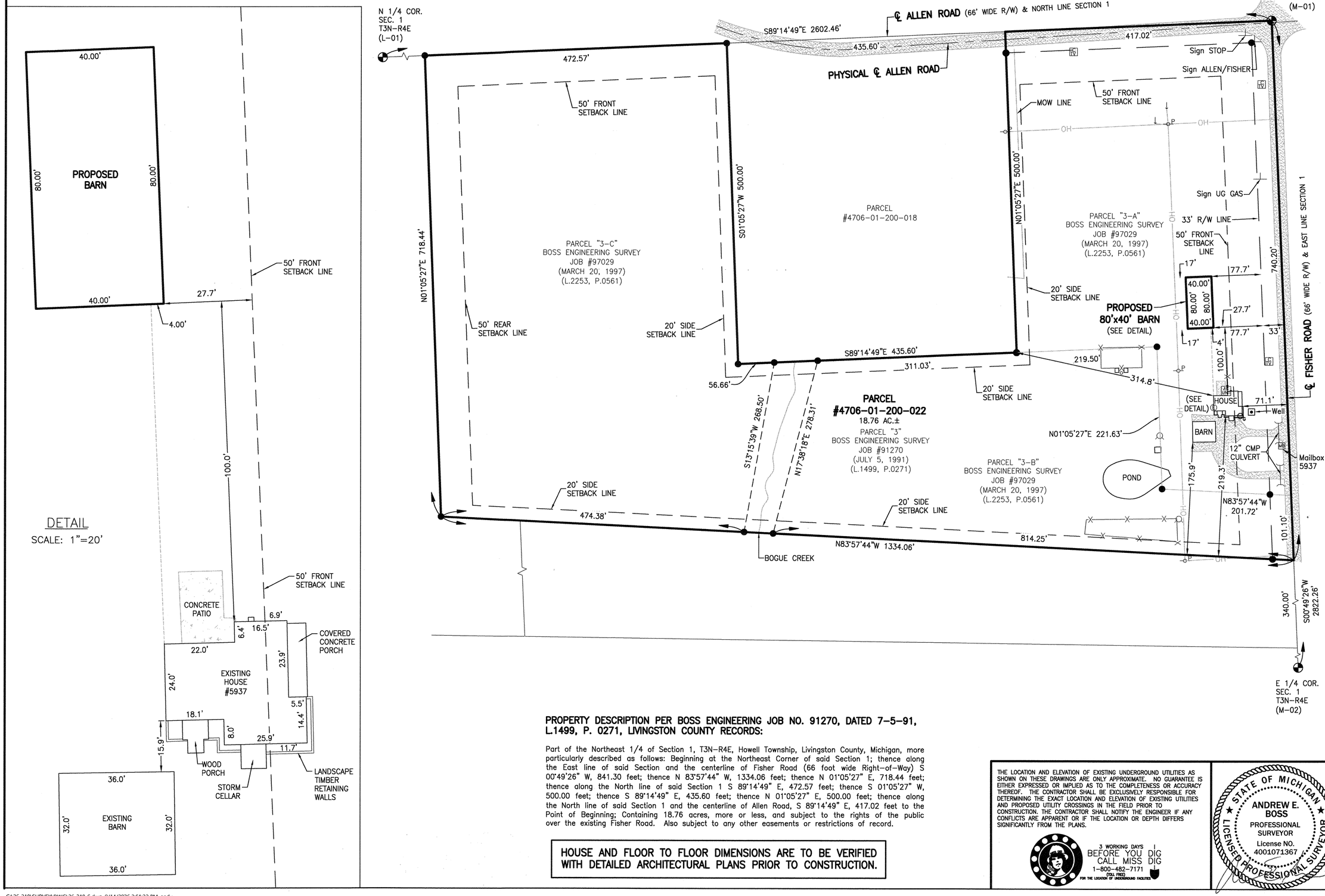
GENERAL SURVEY NOTES:

1. RECORD BEARINGS WERE ESTABLISHED FROM BOSS ENGINEERING JOB NO. 97029, AS RECORDED IN LIBER 2253, PAGE 0561, LIVINGSTON COUNTY RECORDS.
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
4. THE LOCATIONS OF UNDERGROUND UTILITIES, AS SHOWN ON THIS DRAWING ARE APPROXIMATE. THE LOCATIONS ARE BASED ON PHYSICAL FIELD LOCATIONS OF STRUCTURES ALONG WITH MISS DIG MARKINGS.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
6. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.

LEGEND

P	POWER POLE		SECTION CORNER
	GUY WIRE	OH	OVERHEAD WIRES
E	ELECTRICAL METER	X	FENCE
AC UNIT	AIR CONDITIONING UNIT	℄	CENTERLINE
	WELL	L.	LIBER
	12" CORRUGATED METAL PIPE	P.	PAGE
G	GAS METER	L.C.R.	LIVINGSTON COUNTY RECORDS
TV	CABLE TV RISER	(M&R)	MEASURED AND RECORD
MB	MAILBOX	P.O.B.	POINT OF BEGINNING
	SIGN	CMP	CORRUGATED METAL PIPE
	FROST FREE HYDRANT		CONCRETE
	STEEL ROD OR PIPE FOUND		GRAVEL

CURRENT ZONING: AR (AGRICULTURAL RESIDENTIAL)
MINIMUM SETBACK REQUIREMENTS:
FRONT = 50 FEET
SIDES = 20 FEET
REAR = 50 FEET
MINIMUM LOT AREA = 1 AC.±
MINIMUM LOT WIDTH = 150 FEET
MAXIMUM LOT COVERAGE = 20%
MAXIMUM BUILDING HT. = (2) STORIES



DETAIL
SCALE: 1"=20'

PROPERTY DESCRIPTION PER BOSS ENGINEERING JOB NO. 91270, DATED 7-5-91, L.1499, P. 0271, LIVINGSTON COUNTY RECORDS:

Part of the Northeast 1/4 of Section 1, T3N-R4E, Howell Township, Livingston County, Michigan, more particularly described as follows: Beginning at the Northeast Corner of said Section 1; thence along the East line of said Section and the centerline of Fisher Road (66 foot wide Right-of-Way) S 00°49'26" W, 841.30 feet; thence N 83°57'44" W, 1334.06 feet; thence N 01°05'27" E, 718.44 feet; thence along the North line of said Section 1 S 89°14'49" E, 472.57 feet; thence S 01°05'27" W, 500.00 feet; thence S 89°14'49" E, 435.60 feet; thence N 01°05'27" E, 500.00 feet; thence along the North line of said Section 1 and the centerline of Allen Road, S 89°14'49" E, 417.02 feet to the Point of Beginning; Containing 18.76 acres, more or less, and subject to the rights of the public over the existing Fisher Road. Also subject to any other easements or restrictions of record.

HOUSE AND FLOOR TO FLOOR DIMENSIONS ARE TO BE VERIFIED WITH DETAILED ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE) FOR THE LOCATION OF UNDERGROUND FACILITIES

STATE OF MICHIGAN
ANDREW E. BOSS
PROFESSIONAL SURVEYOR
License NO. 4001071367
LICENSED PROFESSIONAL SURVEYOR

BOSS Engineering
Engineers Surveyors Planners Landscape Architects
3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
517.546.4836 FAX 517.548.1670

PROJECT: 5937 FISHER ROAD, HOWELL

PREPARED FOR: BROCK
5937 FISHER ROAD
HOWELL, MI, 48855
(248) 231-8501

TITLE: SURVEY

NO	BY	REVISION PER	DATE
1	AEB	MOVE BARN WEST	9-14-26

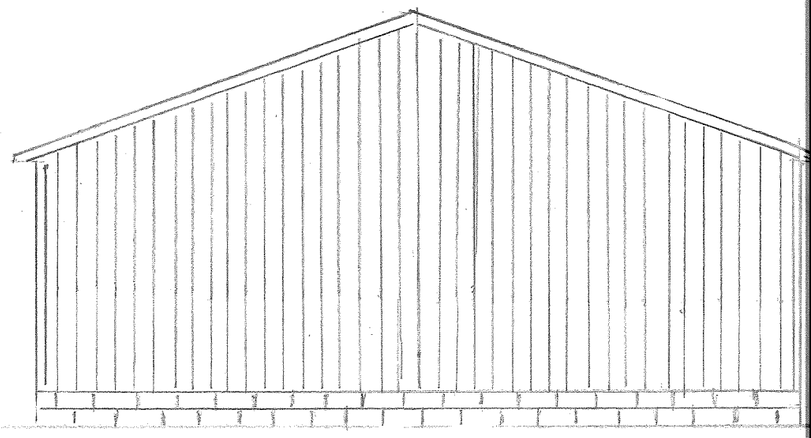
DRAWN BY: CE
FIELD CREW: CZ
CHECKED BY:
SCALE 1" = 100'
JOB NO. 26-318
DATE 9-11-26
SHEET NO. 1 OF 1

BOSS Engineering

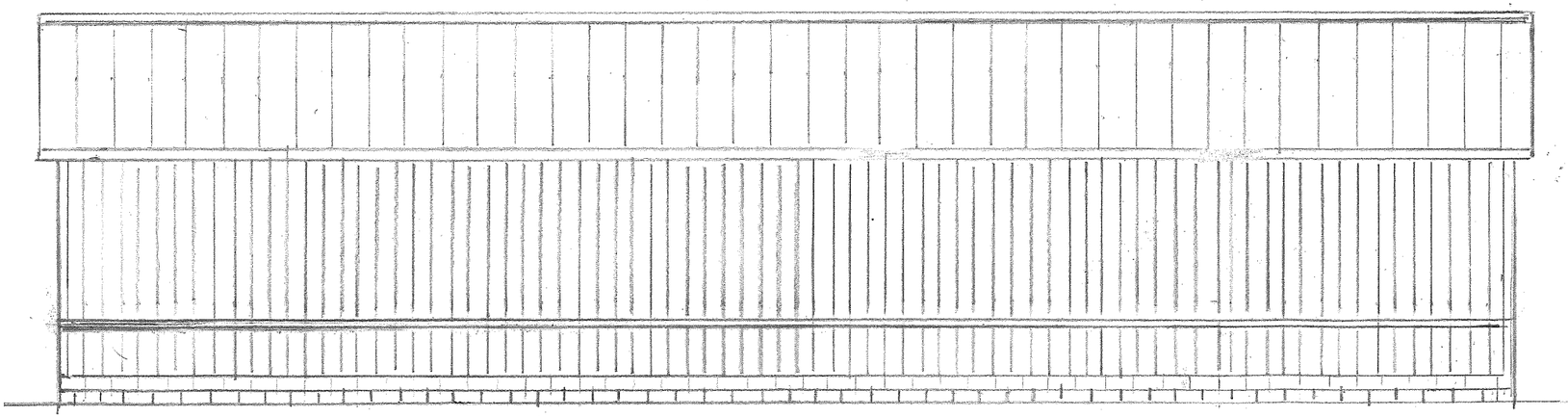
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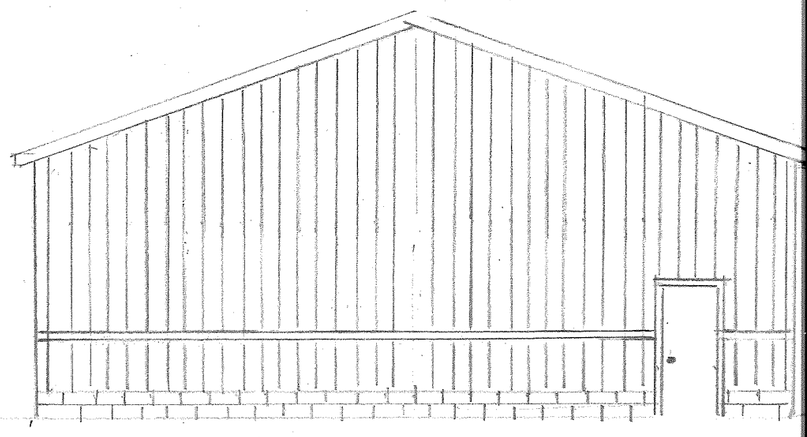
WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

Howell Township
Zoning Board of Appeals
Staff Report

Date September 21, 2026

Applicant: Jason Howe
Property: 5937 Fisher Rd., Howell, MI 48855. Parcel# 4706-01-200-022

Request
The owner of the property would like to construct a 3,200 square foot barn to house vehicles and farm equipment located four feet in front of the rear line of the house.

Backqround
Jason Howe purchased the property in 2011. The parcel is approximately 18.76 acres and is located in the Agricultural Residential (AR) zoning district on the corner of Fisher Road and East Allen Road.







Findings of Fact

Variance #1

Jason is requesting to construct an accessory structure that exceeds the square footage permitted under the Ordinance.

The Ordinance currently limits the maximum square footage of Accessory buildings on parcels with less than 20 acres in the Agricultural Residential zoning district to 3,000 square feet.

Section 14.07 C: Accessory Buildings located on lots and parcels in all Zoning Districts shall be subject to the following regulations:

LOT OR PARCEL AREA REGULATION	REGULATION	MAXIMUM SQUARE FOOTAGE*
12,000 sq. ft. to 0.9 acre	4% of lot area	800 sq. ft
1 acre to 1.9 acres	4% of lot area	2000 sq. ft.
2 acre to under 19.9 acres	4% of lot area, except that commercial agricultural farm operations shall be excluded from this regulation	3000 sq. ft.
20 acres and above	Subject to Max Lot Coverage	No limit

Jason's proposed structure meets the definition of a detached accessory structure (see definition below), since it is not attached to the main house and will be used to store cars and farm equipment. It would be subject to the maximum square footage allowed of 3,000 square feet of accessory structures or 4% of lot area. Historically the Township has used the more restrictive regulation. There are currently four small accessory structures that total approximately 337 square feet and a detached garage that is 1,472 square feet for a total of 1,809 square feet of current accessory structures. Jason's drawings indicate that the proposed accessory structure is 80' x 40' or 3,200 square feet. Jason's application indicates he is asking for a 1,136 square foot variance but our calculations indicate it would be a 2,009 square foot variance that would be required.

> ***Building, Accessory.*** A supplementary building or structure on the same lot or parcel of land as the main building or buildings or part of the main building occupied by or devoted exclusively to any accessory use; but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings except for these dwellings or residential buildings specifically permitted in this ordinance.

Variance #2

Jason is also asking for a variance to allow the structure to be located four feet in front of the rear line of the principal dwelling.

Section 14.07 B: Detached accessory buildings and structures shall be located entirely in the rear yard outside of the rear setback…
There are exceptions to the rule, but they do not apply to this request.

> **Yard, Rear Yard:** An open space extending the full width of the lot, parcel, or building site the depth of which is the minimum horizontal distance between the rear property line and the nearest building and other structures located on the lot, parcel or site
>
> **Rear Lot Line.** That lot line opposite the front lot line.

Zoning Ordinance Standards

For the ZBA to approve a dimensional variance the applicant must demonstrate a practical difficulty. The only support provided by the applicant was stated on the application, "Overhead wires are creating a hardship for placement."

The ZBA must consider the request against the provisions of the Ordinance, Section 22.07:

1. **That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.**

- The principal use of the land is for single family residences with the associated permitted accessory uses. Accessory buildings are common in the area and in the Township. Although, power lines are present in the area where the accessory structure is proposed, other areas on the property are available for placement of the structure.

2. **That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.**

- While the ZBA must take into account provision 4 below. A review of the area identified two parcels with accessory structures exceeding the maximum permitted square footage. However, those structures are associated with commercial-use buildings.

3. **That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.**

- The majority of existing accessory structures in the Township meet the Ordinance. Therefore, the regulation is not unreasonably restrictive, nor unreasonably burdensome and granting the variance would confer a special privilege that is denied to other properties and buildings in the area.

4. **That no nonconforming uses of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for the issuance of a variance.**

5. **Applicants shall also follow the outline of requirements prescribed by the Zoning Board of Appeals when applying for an appeal for an interpretation of or a variance from the provisions or requirements of this Zoning Ordinance.**

6. **Reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.**

- The applicant's comments on the submitted drawings listed the following issues with complying with the Ordinance: The proposed structure would be used to store vehicles and farm equipment, and the utility lines are located within the area where the structure is proposed.

- While the power lines may be in the way of the desired location, the parcel is 18 acres. The power line location seems be an inconvenience not a justification for granting the requested variance. No further written information was provided on how the variance meets the requirements of the Ordinance.

7. **The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is located.**

- The variance request would not be injurious or otherwise detrimental to the public welfare of this area of the township or to the Agricultural Residential zoning district.

The ZBA needs to discuss the facts of the case against the provisions of Section 22.07 of the Ordinance and determine if the applicant has demonstrated a practical difficulty. In order to grant the requested variance, the Zoning Board of Appeals would need to find in favor of the applicant for all of the standards listed above. I have included my findings under each standard. Any motion made to approve or deny the variance request needs to include the findings of fact that support the decision. Attached is a draft written decision to be completed by the Zoning Board of Appeals.

Respectfully,
Marnie Hebert
Deputy Zoning Administrator

HOWELL TOWNSHIP

ZONING BOARD OF APPEALS

WRITTEN DECISION OF ZONING BOARD OF APPEALS

Application Number: PZBA2026-03

Hearing Date: October 20, 2026

Applicant: Steve Brock on behalf of Jason Howe ("Applicant").

Site Address: Parcel No. 4706-01-200-022 (the "Parcels").

Purpose of Request: Request a variance to exceed the maximum square footage for an accessory building on a parcel less than 20 acres in size, as well as a dimensional variance to allow the accessory building to be located in front of the rear line of the principal dwelling.

Public Hearing: The ZBA opened the public hearing on October 20, 2026, to consider the subject matter of the Application for a variance. The ZBA heard comments from the Applicant, the Township attorney, and members of the public, along with exhibits submitted by the Applicant and Township Zoning Administrator.

Standards of Review: The Howell Township Zoning Ordinance provides the standards for review by the Zoning Board of Appeals in section 22.07.

In order for a variance to be granted, evidence must be presented at a public hearing that all of the following conditions exist:

1. **That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.**

2. **That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.**

3. **That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.**

Findings of Fact: The ZBA finds as follows based upon the Zoning Ordinance, the Application, information and comments received by the Applicant, the Zoning Administrator, and the Township attorney, and based on input (both through comments and written submissions) received during the public hearing.

1. Pursuant to the Zoning Ordinance, Article 22, the ZBA has the authority to hear the request for a variance.

2. Applicant has the approval of the owner of the subject parcel of this variance request.
3. The Application was filed requesting a variance to increase maximum square footage of accessory buildings as well as a dimensional variance on placement of the accessory building per section 14.07 of the ordinance.

Whether the Applicant has shown:

1. That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district, the ZBA specifically finds:

_____

_____

_____

_____

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance, the ZBA specifically finds:

_____

_____

_____

_____

3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district, the ZBA specifically finds:

_____

_____

_____

_____

4. The reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located, the ZBA specifically finds:

_____

_____

_____

_____

5. Whether the Applicant has shown that the requested variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is located, the ZBA specifically finds:

_____

_____

_____

_____

Decision:

For the reasons above and stated on the record, the ZBA GRANTS / DENIES the Application for a variance.

ADOPTED:

YEAS: _____

NAYS: _____

_____ Dated: October 20, 2026

Ken Frenger, ZBA Chair

Outlook

Jason Howe 5937 Fisher Road

From Dean [redacted]
Date Thu 10/8/2026 10:20 AM
To Howell Township Inspector <inspector@howelltownshipmi.org>

> **WARNING:** This email is from an external source. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Zoning Administrator,

My name is David Dean Wade from 800 East Allen Road (and the vacant land behind this property). This is in regard to Jason Howe, File# PZBA2026-03, Parcel #4706-01-200-022, located at 5937 Fisher Road. As a neighbor on adjacent properties I have no objections to the proposed buildout.

Dean

Fahey Schultz Burzych Rhodes

August 14, 2026
Category: Township Law

2025 Zoning Cases Review, Part II: The Nonconforming Use Doctrine

At the start of the year, our E-Letter examined five significant court decisions from 2025 addressing warrantless code enforcement inspections, Right to Farm Act preemption, vested rights in unlawfully issued permits, the distinction between "rezoning" and "amending" for notice purposes, and the presumptive validity of legislative rezoning decisions. You can read Part I here. This Part II continues that review with five cases from 2025 that focus on the nonconforming use doctrine, laches and zoning estoppel that may have a notable impact on townships and municipalities in Michigan.

Nonconforming Uses Generally

The doctrine of nonconforming uses provides that a lawful use of property that existed before a zoning ordinance was enacted may continue even though the use no longer conforms to current zoning regulations. This is distinct from nonconforming structures, which involve physical buildings or structures that do not meet current dimensional requirements (such as setbacks, height, or lot coverage) but were lawfully constructed before those requirements were adopted. For a use to qualify as a lawful nonconforming use, the property owner must generally establish that: (1) the use existed before the zoning regulation's effective date; (2) the use was lawful at that time; and (3) the use has been continuous and has not been abandoned.

Lawful Nonconforming Uses Must Be Reviewed Based on the Specific Facts of Each Case

In *Green Oak Charter Township v. DD&G Holdings, LLC*, (Case No. 368903, Sept. 15, 2025), the Michigan Court of Appeals addressed lawful nonconforming uses and the attendant burdens of proof that attach when that defense is asserted. In this case, property located in the Township was purchased in 2008 by several corporate entities, which began operating a greenhouse and landscape supply center and a landscape design and maintenance company. On the property, the owners also accumulated junk vehicles, landscaping materials, and other debris for outdoor storage. Under the Township's zoning ordinance, the property was zoned residential farming, which provided for uses such as low-density single-family residential development, agriculture, and other compatible uses.

Beginning in 2014, the Township regularly sent warnings and citations for violations. In October 2018, the Township filed a complaint alleging that the property was operated as a nuisance per se because it violated at least fifteen different zoning ordinance provisions, including that the landscape business and outdoor storage were not permitted uses in the residential farming zoning district, there was

insufficient lot size for a greenhouse (greenhouses required properties of 10 acres or more, but this property was only 5.03 acres), and various other violations related to permits, setbacks, lot coverage, parking surfaces, and accumulated debris.

The trial court entered judgment in favor of the Township and the Court of Appeals. The Township presented evidence that the zoning ordinance was enacted in 1967 and that the property at issue had been continuously zoned as residential farming, which never permitted landscaping businesses or outdoor storage. The Township supported its position through testimony, photographs, and aerial images showing the property's gradual expansion over time. As such, the court found that the Township carried its burden of proof to establish the ordinance violations at issue, which shifted the burden to Defendants to provide evidence that their use was lawfully nonconforming. Defendants presented only a conclusory affidavit without factual detail that the use was lawful, which the court deemed insufficient. The court noted that Defendants bought the property in 2008 and "developed [the] business . . . at their own risk."

This case is a helpful reminder for municipalities considering how to pursue use and other related zoning violations to consider whether the nonconforming use doctrine will apply. Municipalities should be prepared to present specific evidence establishing: (1) when the zoning ordinance was enacted; (2) what uses have been permitted in the applicable district since enactment; and (3) specific evidence of the violations. Courts regularly find photographs, parcel overviews, and annotated drawings helpful in discerning the zoning ordinance violations and evaluating historical use.

Municipalities should also consider that property owners claiming nonconforming use status will be required by courts to present specific factual evidence that the use was lawful and existed before the zoning regulation. Thus, instead of waiting for such evidence at a hearing, municipal officials should navigate those claims by asking property owners for proof of a nonconforming use before taking formal enforcement action. Such steps will mitigate against unnecessary use of resources by all involved.

Nonconforming Use and Laches Must Be Clearly Raised by the Property Owners

The nonconforming use doctrine came up a second time last year when the Michigan Court of Appeals addressed the obligation for property owners to raise whether they have a lawful nonconforming use or otherwise want to claim laches as defenses in zoning enforcement cases. Laches is an equitable defense that bars a claim when there has been an unreasonable delay in bringing the claim and the delay has caused prejudice to the defendant. In the zoning context, a property owner might assert laches where a municipality waited too long to enforce the ordinance. This is different from the nonconforming use doctrine, which is based on the timing of when the use began relative to when the ordinance was enacted. However, the two can be related because both involve questions of timing and historical use of property. Municipalities often see these raised together (as well as zoning estoppel) when seeking enforcement against activity that has been occurring on a property for an extended period of time.

In *Township of Imlay v. Schutte* (Case No. 367304, May 21, 2025), Defendant owned and bred sheepdogs and sought to purchase land in the Township. Before purchasing the property, the Supervisor told Defendant's real estate salesperson that there were no limits on dog ownership. Defendant purchased the property and moved in with her dogs in 2003, regularly licensing them with the county.

In 2016, Defendant was keeping nearly forty dogs on the property. Animal control indicated a county-issued kennel license would be appropriate, which required Township approval. The Township Planning Commission discussed the request at three separate meetings in 2016. Defendant claims an agreement was reached at a Planning Commission meeting to reduce the number of dogs to at most twenty within ten years, but nothing was recorded in the meeting minutes.

In 2022, the Township notified Defendant that she was operating an unlawful dog kennel without zoning approval and filed suit to seek compliance with the Township zoning ordinance. Defendant asserted the Township was breaching the alleged 2016 agreement. She sought dismissal of the case, arguing primarily that the zoning ordinance was enacted in 2009 and she had possessed over four dogs since 2003, making her use a lawful nonconforming use. She also contended laches barred the claim, because the Township could have sought enforcement in 2009. The court did not evaluate the merits of either defense, however, because Defendant did not assert laches or nonconforming use as affirmative defenses in her answer to the Township's complaint.

The Court treated Defendants' reference to the agreement as asserting another affirmative defense, the defense of zoning estoppel. Zoning estoppel also arises in zoning enforcement cases, but is often overstated. Importantly, it is a rare and narrow exception against a property owner's obligation to comply with zoning. With respect to the alleged agreement, the Court determined that, even if the 2016 meeting involved a request or agreement that Defendant reduce the number of dogs, she only met with the Planning Commission, and there was no basis to show the Planning Commission could bind the Township in such a manner. Additionally, the meeting minutes did not reflect any agreement. The court concluded there was merely a request by one Planning Commission member without any vote or proof of a binding agreement, and that zoning estoppel only applies in truly exceptional circumstances, which were not present here. The rejection of this defense reflects the high bar for zoning estoppel, where Township supervisor comments and discussions with a Planning Commission that result in an alleged agreement were still not sufficient to formally authorize the land use and bind the Township.

This case reiterates that the nonconforming lawful use doctrine regularly shows up in zoning enforcement cases because many Michigan municipalities have adopted zoning in the past 40-50 years (some even in the past 20 years). As a result, the doctrine can apply and permit uses to continue so long as they were conducted lawfully before the ordinance was enacted. If there is a nonconforming use occurring on the property, that can often complicate determining which uses on a property may be lawful or otherwise exceed that prior lawful status.

This case also highlights the importance of meeting minutes and resolutions related to land use approvals. Municipalities should ensure meeting minutes, resolutions, and related records accurately reflect what occurred. Zoning approvals run with the land. It is important that the historical records can be easily discerned by successive officials and staff who may be responsible for determining code compliance in the future.

Structure or Use Changes that May Constitute Continuation of Nonconforming Uses

One reoccurring issue is expansion and alterations to nonconforming structures and nonconforming uses. In *Pierce v. Nye* (Case No. 368883, June 24, 2025), the Michigan Court of Appeals addressed the distinction between permissible "continuation" and prohibited "expansion" of a prior nonconforming use. In this case, the dispute centered on a shooting range that was a nonconforming use. When the property owner upgraded the sporting clays course on the east side of the property (including replacing old throwers with new portable ones, adding shooting stations, removing some trees, and adding walkways), neighboring property owners claimed these changes constituted an unlawful expansion.

An individual purchased land for a shooting range in the Township in 1965. The range opened around 1973. The Township adopted its first zoning ordinance in 1979. Under the zoning ordinance, the land was zoned agricultural and shooting ranges were not a permitted use. In 2008, the Township amended its ordinance, which allowed shooting ranges by special use permit. At some point, however, the Township Board determined the range to be a lawful nonconforming use.

From 1975 to 2021, approximately ten percent of trap shooting took place on the east side of the property. In Spring 2021, after upgrading the east side for safety reasons, adjacent property owners noticed louder and more frequent shooting activity. The adjacent property owners filed suit in June 2021, seeking to shut down the alleged expanded use of Defendant's shooting range. The trial court rejected Plaintiffs' nuisance per se claims, determining that the sport shooting had occurred since the 1970s on the entire property and continued to the present. This meant the use predated the 1979 ordinance and was therefore protected as a prior lawful nonconforming use. The Court of Appeals affirmed.

A continuation of the lawful nonconforming use is permissible, but it must be of "substantially the same size and essential nature" and is "restricted to the area nonconforming at the time the ordinance was enacted." The court found the upgrades on the east side were not an unlawful extension or enlargement. Shooting had occurred on the east side since the 1970s. In the 1990s, a mechanical launcher was built for clay shooting. In 2021, it was upgraded for safety reasons: old throwers were replaced with new, portable ones, some trees were removed, and walkways were added. The structures associated with the shooting stations were deemed incidental to the use. Because the use and intensity itself (sport shooting) remained the same and had occurred on the east side of the property since the 1970s, the upgrades related to how the nonconforming use was conducted, not whether the use had expanded into new areas. Critically, the court noted that "the style of shooting remained the

same."

The facts of this case demonstrate how fact-intensive lawful continuation versus unlawful expansion of nonconforming uses can be. Municipalities must be diligent in assessing whether any changes to a nonconforming use would cause it to fall outside of its protected status based on the municipalities' specific nonconforming lawful use provisions. Here, the court noted that the use remained of substantially the same size and essential nature, and thus no expansion occurred. This is why municipalities should document the scope of nonconforming uses as thoroughly as possible when they become aware of them, including the specific areas used, intensity of use, and nature of operations. This creates a baseline for evaluating future claims of expansion.

Nonconforming Use Doctrine Applies Only to Zoning Ordinances

Similar to rulings from Michigan's appellate courts, the Sixth Circuit recently explained that the nonconforming use doctrine discussed above only applies to zoning ordinances. The building code, fire code, and other municipal ordinances are not subject to the doctrine. *Lathfield Investments, LLC v. City of Lathrup Village*, 136 F.4th 282 (6th Cir. 2025) focused on numerous building code violations preexisting the current owner. In this case, the city had issued notices and citations to the previous owner regarding the code violations when the property was sold to a new owner. When the city withheld various licenses and approvals to the current owner due to code violations, the current owner sued the city, alleging, among other things, that the property was a lawful nonconforming use.

The Sixth Circuit rejected the current owner's arguments. Relevant for this E-Letter, the owner argued that the nonconforming use doctrine should protect it from having to remedy the building code violations that existed when *it purchased* the property. The court disagreed. The court explained that a prior nonconforming use is permissible if it exists *before* a zoning regulation's effective date. Plaintiff had not established a property interest that was deprived because Plaintiff had not proven the property was ever operated as a "lawful use," nor had Plaintiff applied for a required building permit. The court also emphasized that "nonconformity use doctrine . . . is only appropriate for zoning regulations" and was inapplicable to building code violations.

Municipalities are reminded that building code, fire code, and similar regulatory violations may be enforced regardless of how long the property has been out of compliance. The nonconforming use doctrine provides no protection against such enforcement. Property owners who purchase a property with pre-existing violations are not immune from compliance and remain responsible for correcting those violations. Interestingly, the Court did take note of the City's repeated evidence of intent to enforce over time, including violation

notices, citations, and communications of the same, which the Court relied upon to defeat the owner's assertion of laches. Such findings suggest municipalities are benefited by maintaining enforcement records and documentation regarding compliance efforts even when immediate compliance is not achieved.

Conclusion

The cases examined in Part II demonstrate the continued application of the nonconforming use doctrine in Michigan cases. From evidentiary burdens for claiming nonconforming status to the procedural requirements for asserting defenses, courts continue to reaffirm the longstanding nonconforming use doctrine and its limits on expansions of such uses. While presenting difficulty for enforcing municipalities, these cases underscore the *fact-intensive* nature of a nonconforming use analysis, and how such issues have to be reviewed with the historical context of when applicable zoning ordinance regulations are enacted in relation to when uses are commenced. Municipalities should also be careful not to immediately jump to conclusions that no changes to a nonconforming use are permissible. As the *Pierce* case makes clear, the text of the zoning ordinance may well permit replacements and upgrades without impacting the protected status. Zoning administrators will need to pay careful attention to the specific text in the zoning ordinance. And it remains worth repeating that the nonconforming use doctrine applies only to zoning regulations, and not to building code, fire code, or other municipal regulatory violations.

Together with Part I, this E-Letter provides an overview of the nonconforming use doctrine from significant zoning and land use decisions in 2025. It is important to stay up to date on recent developments in Michigan law and consider how those changes may impact zoning ordinances, zoning practices, and enforcement in your municipality.

This publication is intended for educational purposes only. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

Author

Christopher Patterson

Chris Patterson is a Member of Fahey Schultz Burzych Rhodes PLC and leads the firm's Municipal Practice Group. His practice focuses on municipal law, land use and zoning, administrative law, and related litigation. Chris regularly advises planning commissions, zoning boards, and local officials on development issues, ordinance interpretation, and complex regulatory decisions affecting Michigan communities.

Member and Municipal Practice Group Leader

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