

HOWELL TOWNSHIP ZONING BOARD OF APPEALS
Howell Township Hall, 3525 Byron Road, Howell MI, 48855
Meeting Minutes: **June 24, 2019, 6:30 P.M.**

MEMBERS PRESENT:

Kim Babcock	Chairman
Andrew Sloan	Vice-Chair & PC Representative
Evan Rudnicki	Board Representative
Alex Hansen	Member
Carrie Newstead	Member

MEMBERS ABSENT:

Also Present: Joe Daus – Zoning Administrator.

Chairman Babcock called the meeting to order at 6:30 P.M.

The roll was called.

All rose for the Pledge of Allegiance.

APPROVAL OF AGENDA: MOTION by Sloan, seconded by Newstead, “**TO APPROVE THE JUNE 24, 2019 ZONING BOARD OF APPEALS AGENDA AS PRESENTED.**” Motion carried.

APPROVAL OF MINUTES: MOTION by Sloan, seconded by Rudnicki, “**TO APPROVE THE MAY 20, 2019 ZONING BOARD OF APPEALS MEETING MINUTES AS PRESENTED.**” Motion carried.

TOWNSHIP BOARD REPORT:

(Board Rep. Evan Rudnicki reported on the following items)

- Approved the 2019/2020 Howell Township Budget.
- Appointed William Hofsess to the Planning Commission’s open seat.
- Approved resolutions: #06.19.465, #06.19.467, and #06.19.468
- Approved agreement with Charter Communications.
- Appointed Evan Rudnicki as the HARPA alternate.
- Approved recommendation of the Property Committee on properties #4706-25-200-046 and #4706-25-400-047.

PLANNING COMMISSION REPORT:

(Vice-Chair Andrew Sloan reported on the following items)

- Martha Haglund was appointed Vice-Chairperson of the Planning Commission
- Recommended denial of rezoning request from applicant Vern Brockway, file #PC-2019-03, parcel ID #4706-27-200-006, from MFR to RSC.
- Recommended approval of the rezoning request from applicant Chestnut Development, LLC, file #PC-2019-04, parcel ID #4706-27-100-025 from AR, RSC to MFR.
- Approved the temporary site plan application from Michael Crosby, file #PC-2019-06, parcel ID #4706-32-400-002 to set up a tent for retail sales of fireworks for the dates June 15, 2019 thru July 15, 2019.
- Postponed action on the preliminary site plan application for Chestnut Development, LLC, file #PC-2019-05, parcel ID #4706-27-100-025.

PETITIONER: ALAN JOHNSON, FILE #PZBA-2019-04, PARCEL ID #4706-23-300-050, 2278 BREWER ROAD. REQUESTING VARIANCE TO ALLOW FOR CONSTRUCTION OF A DETACHED ACCESSORY STRUCTURE WITHIN SIDE YARD SETBACKS.

- Chairperson Babcock reviewed the request for the petitioner’s variance on the following section to allow for a detached accessory structure within side yard setbacks: **ARTICLE XIV: SUPPLEMENTAL REGULATIONS:** Section 14.07 Accessory Building Provisions, Item B., requesting a -10 foot variance.

- Petitioners Alan and Debra Johnson describe: when first moved in there was an existing concrete slab on the south side of their property. Their intention is to repurpose this concrete slab as an area to construct an accessory structure that will be used for storage. The existing concrete slab is currently 30 ft. x 30 ft., Mr. Johnson intends to add onto this existing concrete to be 30 ft. x 40 ft. in size, the additional 10 ft. of concrete would be added onto the east portion of the slab. The current position of the concrete slab is 10 ft. from the back of the house.
- Questions were taken from the ZBA members to Alan and Debra Johnson.
- Hardship preventing the petitioner from abiding by the setback requirements: without a variance the petitioner would have to construct an additional 20 ft. of concrete rather than 10 ft. There is sloped land off this portion of the property which in the case the petitioner had to add 20 ft. rather than 10 ft., he would also need to fill that sloped portion about 2 ft., doubling the cost of construction. Without a variance this structure would be 5 ft. away from trees he would like to keep, but for safety reasons would not feel comfortable being so close and as a result would need to remove at least 5 ft. of the trees in question. With the variance the structure would be 15 ft. away from the trees, which is seen by the petitioner as a safer distance and as a result having no reason to remove any of the trees.
- Chairperson Babcock stated the Findings of Fact for purposes of the ZBA's decision: Petitioner is present on their own behalf, the location of the property has been identified, the preventing hardships have been stated as well as the unique nature of their property, and the ordinance requirement has been identified as Section 14.07.
- **MOTION** by Hansen, seconded by Rudnicki, **"TO APPROVE THE VARIANCE FOR FILE #PZBA-2019-04, PARCEL ID #4706-23-300-050, 2278 BREWER ROAD FOR ALAN JOHNSON'S REQUEST FOR A -10 FOOT VARIANCE WITHIN SIDE YARD SETBACKS."** Discussion followed. A roll-call was taken: Rudnicki – yes, Hansen – yes, Newstead – yes, Sloan – yes, Babcock – yes. Motion carries 5 to 0.

At this time Vice-Chairman Sloan officially recuses himself from the next Agenda item due to the fact that the applicant has appeared before the Planning Commission for which Sloan is the Chairperson of.

CLOSED SESSION: MOTION by Rudnicki, seconded by Newstead at 6:40 P.M., **"TO CLOSE THE PUBLIC HEARING AND BEGIN THE CLOSED SESSION."** Motion carried.

Discussion over the Township Attorney's confidential opinion regarding the next item: File #PZBA-2019-03, Parcel ID #4706-27-400-005, 2440 W. Grand River, request for a zoning ordinance interpretation, section 19.02, item L.

MOTION by Newstead, seconded by Hansen at 6:55 P.M., **"TO OPEN THE PUBLIC HEARING."** Motion carried.

REQUESTOR: VANSTON/O'BRIEN INC., FILE #PZBA-2019-03, PARCEL ID #4706-27-400-005, 2440 W. GRAND RIVER. SEEKING INTERPRETATION OF THE HOWELL TOWNSHIP ZONING ORDINANCE IN ORDER TO OBTAIN CLARIFICATION FOR THE FOLLOWING SECTIONS TO POTENTIALLY ALLOW LIMESTONE DETAILS ON THE FRONT OF THE BUILDING.

- Chairperson Babcock reviewed the request for interpretation on the following section as the requestor asks for clarification on whether the proposed limestone details in question are considered to be signs based on what is written in the Zoning Ordinance: **ARTICLE XIX: SIGN REGULATIONS:** Section 19.02 Definitions, Item L., Sign.
- Dave Hughes with Vanston/O'Brien Inc., present on behalf of an owner's representative and as the building contractor. Asking for consideration of the ZBA to consider the limestone symbol and detailing in question as architectural wall panels and not as signs.
- Questions were taken from the ZBA members to Mr. Hughs.
- Each symbol (three total) would be 10 ft. wide and a little over 5 ft. high, each weighing about 1,500 pounds and will display a three-dimension type carving. There is current signage for the business that is just under the maximum amount of square footage permitted.
- Chairperson Babcock goes on to present the definition of "sign", directly from the Howell Township Zoning Ordinance, into four components to then discuss with both the ZBA members and the requestor on whether or not

each of the components fit with the proposed limestone detailing: 1. “structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise”, 2. “displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation”, 3. “used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry”, 4. “located upon any land or in any building, in such manner as to attract attention from outside the premises.” Discussion followed.

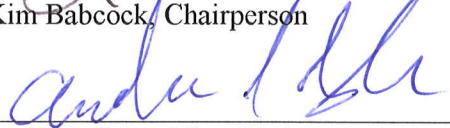
- **MOTION** made by Newstead, seconded by Hansen, **“TO AGREE ON THE INTERPRETATION THAT UNDER HOWELL TOWNSHIP ZONING ORDINANCE REGULATION, THE PROPOSED LIMESTONE DETAILING WOULD BE CONSIDERED AS A SIGN.”** Discussion followed. A roll-call was taken: Newstead – yes, Hansen – yes, Rudnicki – yes, Babcock – yes.

ADJOURNMENT: MOTION by Babcock, seconded by Hansen, **“TO ADJOURN.”** Motion carried and meeting adjourned at 7:19 P.M.

Approved: _____ X _____
As Presented: _____
As Amended: _____
As Corrected: _____
Dated: 09.23.2019



Kim Babcock, Chairperson



Andrew Sloan, Vice-Chairperson



Josie Modrack, Recording Secretary