

**City of Howell Board of Zoning Appeals
Wednesday, May 31, 2017
City Hall Council Chambers
611 E. Grand River
Howell, MI 48843**

The meeting of the Board of Zoning Appeals was called to order by Chairman Munsey at 7:00 p.m.

Present:, Sean Munsey, Ken Keith, William Flattery, David Holmes, Victoria Hertrich, Jeannette Ambrose, Randall Mattson (arrived at 7:04 pm), City Attorney Dennis Perkins, Community Development Director Timothy Schmitt, and Recording Secretary Deanna Robson.

Absent: None.

Guests: Jason and Heather Piepho, Lisa and Jeff Layer, Jason and Hollie Schrock, and Sara Moran.

ELECTION OF OFFICERS

MOTION by Hertrich, SUPPORT by Ambrose, “To re-elect Sean Munsey to the position of Chairman and Kenneth Keith to the position of Vice-Chairman.” MOTION CARRIED (6-0).

APPROVAL OF MINUTES OF MARCH 30, 2017

MOTION by Ambrose, SUPPORT by Hertrich, “To approve the minutes of the March 30, 2017 meeting.” MOTION CARRIED (6-0).

#17-11 – 612/618 KIMBALL – INGROUND POOL ON VACANT LOT

Chairman Munsey introduced the agenda item and opened the public hearing at 7:03 p.m.

Jason Piepho, 612 Kimball, stated that the proposed pool was moved to the rear of the vacant property based on a request from the homeowner’s association; landscaping will be used to hide the pool and make the lot aesthetically pleasing; and a house with a garage could be built and the remainder of the vacant lot and would meet all required standards.

Jeff Layer, 624 Kimball, noted that he resides in the lot adjacent to the proposed pool; and the utilization of the lot and the corresponding landscaping will beautify the property. He stated that the plan was well done and will be a benefit to the community.

Chairman Munsey closed the public hearing at 7:05 p.m.

Community Development Director Schmitt stated that staff received a note of support from Brian Messenger, 532 Kimball.

City Attorney Perkins inquired if a variance would be required to build a house on the vacant lot. Director Schmitt replied that a variance would not be required.

City Attorney Perkins confirmed with the applicant that the fenced in area will not go all the way to the lot lines and that the pool landscaping will be inside the fence.

MOTION by Flattery, SUPPORT by Ambrose, “To approve the two requested variances to allow a pool to be built on the vacant lot (addressed as 618 Kimball) adjacent to 612 Kimball with the condition listed and based on the findings of fact below:

- 1. Variance 1: Section 5.02 Accessory Buildings, Structures, and Uses subsection (e) to allow a private swimming pool in the side yard of an existing home, rather than the rear yard as required.**
- 2. Variance 2: Section 5.02 Accessory Buildings, Structures, and Uses to allow a private swimming pool as an accessory structure/use on a lot that does not have a primary structure/use.**

Required condition:

- Applicant must obtain all necessary building permits for the construction of the pool prior to beginning work.**

Findings of fact:

- A. That the restrictions of this Zoning Ordinance unreasonably prevent the owner from using the property for a permitted purpose of would render conformity unnecessarily burdensome;**
- B. That the variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be consistent with the justice to other property owners;**
- C. That the plight of the landowner is due to the unique circumstances of the property.**
- D. That the alleged hardship has not been created by any person presently having an interest in the property.”**

MOTION CARRIED (7-0).

#17-12 – 309 EAST GRAND RIVER AVENUE – ACCESSORY STRUCTURE IN FRONT YARD

Chairman Munsey introduced the agenda item and opened the public hearing at 7:08 p.m.

Community Development Director Schmitt stated that the request was for a small structure to the rear of the property for covered parking and an accessory dwelling unit, which requires a variance due to through frontage on the lot.

Chairman Munsey closed the public hearing at 7:10 p.m.

Sara Moran, 301 E. Sibley, inquired about the vacant lot on Sibley and the vacant gas station on Grand River, noting her concerns about the appearance of both properties. Chairman Munsey thanked her for her comments, but suggested that a City Council meeting would be a more appropriate venue to voice her concerns.

City Attorney Perkins inquired how soon the applicant planned to begin work on the accessory structure and Director Schmitt responded that he believed construction would begin in 2018, noting that the applicant has one year to complete the project once the variance as been approved.

MOTION by Flattery, SUPPORT by Holmes, “To approve the two requested variances to allow an accessory structure and accessory dwelling unit to be constructed to the rear of the main structure at 309 East Grand River Avenue, along Sibley Street with the conditions listed and based on the findings of fact:

- 1. Variance 1: Section 5.02 Accessory Buildings, Structures, and Uses subsection (b) to allow a detached accessory structure with an accessory dwelling unit to be built in the front yard of a through lot.**
- 2. Variance 2: Section 5.02 Accessory Buildings, Structures, and Uses subsection (b) to allow the proposed accessory structure to be approximately 1,144 square feet, where only 900 square feet is permitted.**

Required condition:

- Applicant must obtain all necessary building permits for the construction of the garage prior to beginning work.**

Findings of fact:

- A. That the restrictions of this Zoning Ordinance unreasonably prevent the owner from using the property for a permitted purpose of would render conformity unnecessarily burdensome;**
- B. That the variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be consistent with the justice to other property owners;**
- C. That the plight of the landowner is due to the unique circumstances of the property.**
- D. That the alleged hardship has not been created by any person presently having an interest in the property.”**

MOTION CARRIED (7-0).

#17-13 – 123 RIDDLE – ACCESSORY STRUCTURE SETBACKS

Chairman Munsey introduced the agenda item and opened the public hearing at 7:14 p.m.

Jason Schrock, 123 Riddle, stated that the house was built in 1932; he would like to redo the garage and increase the width by six feet in order to accommodate modern car sizes; rather than moving the garage into the backyard, he would like it to remain one foot from the property line; and he plans to salvage the brick and repurpose it for the front and east façade it matches the house.

Chairman Munsey closed the public hearing at 7:16 p.m.

MOTION by Keith, SUPPORT by Mattson, “To approve the two requested variances to allow the expansion of the existing detached garage at 123 Riddle with the conditions listed and based on the findings of fact:

- 1. Variance 1: Section 5.02 Accessory Buildings, Structures, and Uses to allow the existing garage to be expanded to the north and to the east without increasing the**

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- existing one-foot setback on the western property line, where three feet would normally be required.
2. **Variance 2: Section 5.02 Accessory Buildings, Structures, and Uses to allow the existing garage to be expanded to the north and to the east to be 6.5 feet from the main structure on the property, where 10 feet would normally be required.**

Required condition:

- **Applicant must obtain all necessary building permits for the construction of the garage prior to beginning work.**

Findings of fact:

- A. **That the restrictions of this Zoning Ordinance unreasonably prevent the owner from using the property for a permitted purpose of would render conformity unnecessarily burdensome;**
- B. **That the variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be consistent with the justice to other property owners;**
- C. **That the plight of the landowner is due to the unique circumstances of the property.**
- D. **That the alleged hardship has not been created by any person presently having an interest in the property.”**

MOTION CARRIED (7-0).

ADJOURN

**MOTION by Hertrich, SUPPORT by Flattery, “To adjourn the meeting at 7:17 p.m.”
MOTION CARRIED (7-0).**

Deanna Robson, Recording Secretary