City of Howell Board of Zoning Appeals Wednesday, June 1, 2016 City 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 7:01 p.m.

Present: Sean Munsey, Ken Keith, William Flattery, David Holmes, Victoria Hertrich, Randall Mattson (arrived at 7:03 p.m.), Jeannette Ambrose, City Attorney Dennis Perkins, Community Development Director Timothy Schmitt, and Recording Secretary Deanna Robson.

Absent: None.

Guests: Mefail Telias; Adam, Alexandria, Michelle and Austin Kreeger; Gary Losey; and Aiden McLearon.

APPROVAL OF MINUTES OF MAY 4, 2016

MOTION by Flattery, SUPPORT by Keith to approve the minutes of the May 4, 2016 meeting. MOTION CARRIED (7-0).

#16-014 – 304 MAPLE STREET – VARIANCE FOR HEIGHT OF FENCE IN FRONT YARD

Chairman Munsey opened the public hearing at 7:02 p.m. and invited the applicant to address the Board.

Adam Kreeger, 304 Maple, stated that he lives on a corner lot with a pool and would like to install a tall fence in what is considered to be his front yard for safety and insurance reasons. Discussion followed regarding the current status of the fence project; the location, height, and composition of the previous fence; location of the pine trees near the pool and their impact on preventing the fence installation closer to the pool; distance of the fence from the sidewalk; the absence of visual traffic obstructions with installation of the fence; and the design and appearance of the fence. Gary Losey, 515 S. Center, stated that he encouraged Adam to pursue building a taller fence due to the amount of foot traffic in the area.

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

The Board discussed a request that was previously denied for a tall fence on a corner lot by homeowners with dogs; noting that the reason behind the denial was based on previous staff's recommendation because corner lots are considered to have two front yards, also adding that the property was more heavily traveled that that of the current request. The Board inquired if the previous fence at 304 Maple met City ordinance requirements and Community Development Director Schmitt confirmed that it did. In response to additional questions from the Board, Mr. Schmitt responded that six foot fences in front yards have not been permitted in the past; corner lots are considered to have two from yards; and the State of Michigan requires that fences

surrounding inground pools are at least 42 inches in height with a locking mechanism. Michelle Kreeger, 304 Maple, stated that she has observed a number of fences six feet in height in the surrounding area, adding that she and her husband have completed many improvements to the residence.

MOTION by Keith, SUPPORT by Hertrich, to approve the request for a six foot tall fence in the front yard of 304 Maple Street, along Gregory Street, when only four feet is permitted in the yard adjacent to a street, based on the following findings of fact, circumstances of the property, and proximity to the park:

- 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).

#16-015 – 321 WEST STREET – VARIANCE FOR REAR YARD SETBACK FOR CONSTRUCTION OF NEW HOME

Chairman Munsey opened the public hearing at 7:17 p.m. and invited the applicant to address the Board.

Community Development Director Tim Schmitt entered a letter into the public record from Carolyn Pybus of 415 and 417 Railroad Street requesting that the Board deny this request.

Mefail Telias, 321 West, stated that he is requesting a variance to build a home due to the size, location and configuration of his property.

The Board inquired and Mr. Telias confirmed that he is the owner of the property and he intends to reside in the proposed home. Discussion followed regarding the proposed home's proximity to neighboring buildings, setback distances, traffic patterns on Railroad Street, and the previous residence that was demolished. The Board confirmed that it would not be possible to build a home that complies with current building standards without a variance.

Chairman Munsey closed the public hearing at 7:27 p.m.

MOTION by Flattery, SUPPORT by Hertrich to approve the request of a side yard setback variance to allow construction of a new house on the vacant lot located at 321 West Street, with a setback only thirteen feet from the neighboring property in the east, where thirty-five feet are required, based on the following 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).

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MOTION by Flattery, SUPPORT by Holmes, "To adjourn the meeting at 7:30 p.m." MOTION CARRIED (7-0).

Deanna Robson, Recording Secretary