

City of Howell  
Planning Commission  
October 19, 2016  
611 E. Grand River Avenue  
Howell, MI 48843

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The regular meeting of the Planning Commission was called to order by Chairman Streng at 7:00 p.m.

COMMISSIONERS PRESENT: Paul Streng, Maryanne Vukonich, Mayor Nick Proctor, Jan Lobur, Robert Spaulding, Jeanette Ambrose and Erin Britten.

COMMISSIONER ABSENT:

ALSO PRESENT: Community Development Director Tim Schmitt and Recording Secretary Deanna Robson.

GUESTS: Angela Parth, Blodwyn Pradew, Dan, Vern and Lana Brockway.

**APPROVAL OF MINUTES**

**MOTION by Proctor, SUPPORT by Lobur, “To approve the September 21, 2016 regular Planning Commission meeting minutes as presented.” MOTION CARRIED (7-0).**

**MOTION by Proctor, SUPPORT by Spaulding, “To approve the September 28, 2016 special Planning Commission meeting minutes as presented.” MOTION CARRIED (7-0).**

**CALL TO THE PUBLIC**

None.

**STAFF REPORT**

Timothy Schmitt, Community Development Director, referenced the staff report. Mayor Proctor inquired if the fueling station on Grand River at Barnard is for sale again and Mr. Schmitt responded that he was not aware of the property being for sale, adding that staff has not yet received any building plans; the current owner installed signs without approval; violations have been issued; and staff has received little communication from the owners. Chairman Streng commented that the donation collection bins have not yet been removed from the property, as previously promised by the owner.

Mayor Proctor commended Director Schmitt for his work and research interpreting the medical marihuana issue and legislation, and the potential impact of the legislation on the City.

**PUBLIC HEARINGS**

**#16-029 – 616 WEST GRAND RIVER – CARRIAGE HOUSE DEMOLITION**

Chairman Streng opened the public hearing at 7:05 p.m.

Community Development Director Schmitt updated the Commission, stating that the request is from the Livingston Family Center to demolish and not replace the carriage house structure in rear of the house. He added that the property is located in the HL-1 district, which has specific guidelines and requires Planning Commission approval for any change to structures on the property. He noted that the carriage house structure is in poor condition, and a permit to demolish it would have already been issued in most cases if the property was not located in the HL-1 district. Mr. Schmitt informed the Commission that the issue was taken to the Board of Zoning Appeals due to a condition in the zoning code requiring replacement of demolished structures in HL-1, and the Board denied the request. Despite the condition of the property, the Commission cannot approve demolition due to the zoning code requiring that the structure be replaced.

Angela Parth, Executive Director of the Livingston Family Center, stated that the organization is requesting permission to demolish the carriage house. She added that she researched the information provided by Ms. Ambrose at the Board of Zoning Appeals meeting, and submitted her findings to her Board of Directors. She added that the carriage house is unusable; the structure is rotted and bowed; there is limited insurance on the building; and considerable cost would be incurred to replace the structure. A demolition company has offered to remove the structure free of charge; and a restoration assessment would cost at least \$2,500, requiring Board of Directors approval.

Commissioner Lobur questioned if funds were available to repair or replace the carriage house, and if the building is a danger to the property. Ms. Parth responded that money donated to the organization is earmarked for specific purposes; the organization does not currently utilize the carriage house; and it is not a safe structure.

Mayor Proctor inquired when a historic building could transition to a blight structure. Mr. Schmitt responded that if the structure were to collapse, it would be considered similar to a demolition by neglect. He added that the foundation has been rotted away for a number of years; and under the historic zoning code, an historic structure can always be preserved as long as it exists.

Commissioner Ambrose noted that this is a prominent historic building in a prominent area. She referenced the denial of a requested demolition prior to the purchase of the property in January 2011 due to the historical value of the structure. She remarked that the master plan was developed with feedback received from citizens regarding the importance of preserving historic structures, noting local community pride regarding historic carriage houses and barns. She added that the organization purchased the property knowing that the previous demolition request had been denied, yet nothing was done to preserve the structure. Ms. Parth noted that the organization's priority is for services provided, rather than preservation of historic structures. Commissioner Lobur added that a replacement structure would not be historic, also noting that the organization is non-profit and lacks funds for these types of projects. Commissioner Spaulding stated that he was a member of the Planning Commission when the previous owner requested demolition of the carriage house; the structure and its maintenance have always been conditions of the property and a responsibility of the property owner; and the owners have

violated the zoning code by neglect. Discussion followed regarding modifications made to the carriage house by previous property owners, and removal of these modifications to preserve the historic structure.

Mayor Proctor inquired if the demolition was requested solely based on insurance, and Ms. Parth responded that the request was made based on liability. Mayor Proctor added that nature will eventually take care of the demolition and the City will lose a historical structure because he has no realistic expectation that the building will be restored by the current property owner. Ms. Parth noted that money that the organization receives is put back into services. Mayor Proctor inquired if any capital improvements have been made to the main house and Ms. Parth replied that the furnace, some plumbing and some windows have been replaced; but there have been no major structural issues. Commissioner Spaulding stated that it is the homeowner's responsibility to abide by City ordinances, and that can be a hardship no matter who owns the property.

Chairman Streng asked about removal of the additions to the structure; possible next steps for the applicant in the appeals process; and Board of Zoning appeals discussions and decision options. Discussion followed regarding the lack of grant opportunities available for the carriage house restoration. Commissioner Spaulding added that all properties in the HL-1 district are held to the same zoning requirements.

Vice Chairperson Vukonich asked for Planning Commission options. Mr. Schmitt responded that there are no options without reconstruction under the current code, and that staff will have to enforce property maintenance regulations. Chairman Streng inquired if a structure can ever be removed in the HL-1 district and Mr. Schmitt replied that removal must be approved by the Planning Commission, and the Board of Zoning Appeals would have to approve the request not to reconstruct a structure that has been approved for removal. Chairman Streng asked about the appeals process following a Board of Zoning Appeals decision and Mr. Schmitt responded that the appeal would be to Circuit Court. Director Schmitt noted that if the Planning Commission is following the zoning code, there is only one course of action – to deny the site plan application. Mayor Proctor stated that he would have to vote to permit the demolition: a 501c3 organization does not have the funds to replace the structure; the building is in significant disrepair and is cost prohibitive to repair; there is some liability with a decrepit property; the structure has no foundation; and the ordinance is too strict to allow flexibility. Commissioner Lobur noted her agreement with Mayor Proctor. Mr. Schmitt stated that the Commission could make a motion to approve and the applicant could request reconsideration from the Board of Zoning Appeals because a full board was not present when the decision was made. The BZA would then have to approve the request or the property owner could take the issue to Circuit Court. Commissioner Lobur inquired if the issue would then return to the Planning Commission and Mr. Schmitt responded that it would not – the reconsideration request, specifically requesting a full board, must be submitted to Mr. Schmitt the following day for inclusion at the next Board of Zoning Appeals meeting. Chairman Streng inquired about a hearing before the Building Board of Appeals (BBA) and Mr. Schmitt replied that the BBA can only hear appeals of the construction code.

Commissioner Spaulding reiterated his disappointment that the property owners made no attempt to salvage the carriage house; they originally purchased the property knowing that they had a responsibility to maintain the structures therein; no facts or information has been presented to the Commission; and future property owners may have wanted the carriage house. Vice Chairperson Vukonich inquired about appeal opportunities if the Commission denies the request based on the zoning ordinance. Mr. Schmitt responded that the denial could be appealed to the Board of Zoning Appeals, and the property owner could request reconsideration if the Commission approves the request.

Dan Brockway, 2619 Golf Club, asked for confirmation that if the request is approved by the Commission, the applicant can go to the Board of Zoning Appeals. Blodwyn Praedew, 624 West Grand River, stated that she has been residing at her home since the addition was made to the carriage house in 1980's; is concerned that the structure would be torn down and used for parking; attended the Board of Zoning Appeals meeting where the request was considered; believes there should be more due diligence on the part of the property owners; and agreed with Commissioners Ambrose and Spaulding.

Discussion followed regarding the applicant withdrawing the request and gathering additional information on restoration and relocation costs and options; reapplying to the Planning Commission and the corresponding effect on requesting reconsideration from the Board of Zoning Appeals; time limits on research and appealing to the BZA; a new submittal to the BZA based on the addition of information; and the requirement to address the issue at every monthly meeting if postponing the issue versus withdrawing the application. Discussion followed regarding restoration or repairing the carriage house in order to make it structurally sound. Mr. Schmitt noted that staff would require a structural analysis of any work on the structure at this point.

Chairman Streng closed the public hearing at 8:05 p.m.

Mayor Proctor noted that he has no realistic expectation that 501c3 will ever have the extra funds needed to make the carriage house building structurally sound.

**MOTION by Proctor, SUPPORT by Lobur, "To approve the Site Plan application (#16-029) for 616 West Grand River Avenue, parcel id number 4717-35-203-006, a request from Livingston Family Center to demolish the carriage house on the property without replacing it." MOTION CARRIED (4-3). Commissioners Vukonich, Spaulding and Ambrose opposed.**

Community Development Director Schmitt informed the Commission that the next step would be a request for reconsideration of the denial to the Board of Zoning Appeals.

Commissioner Ambrose inquired if the City is opening the door for other property owners in the historic district to fail to maintain their properties if the demolition is approved. Mr. Schmitt responded that anyone can ask for a demolition permit, but reconstruction is required in the HL-1 district. He added that that Board of Zoning Appeals is not a precedent setting body.

**MICRO-ALCOHOL ORDINANCE**

Chairman Streng opened the public hearing at 8:10 p.m.

Chairman Streng closed the public hearing at 8:11 p.m.

**MOTION by Spaulding, SUPPORT by Ambrose, “To recommend approval to the City Council for the City-initiated ordinance to establish standards for micro-alcohol production in the City of Howell. MOTION CARRIED (6-1). Mayor Proctor opposed.**

**NEW BUSINESS**

**#16-030 – VACANT LUCY ROAD (PARCEL ID #4717-06-100-004) – LOT SPLIT**

Chairman Streng pointed out that some of the documentation from the surveyor is incorrect, such as the written description, drawing, and name of the railroad. Community Development Director Schmitt noted that the Planning Commission is only deciding whether or not to authorize the lot split, and that the legal description will be verified prior to filing an approved lot split with Livingston County.

Mr. Schmitt stated that the request is to split off 4.08 acres from an existing 44 acre parcel with the intention of developing the property, but no development plans have yet been submitted.

Vern Brockway stated that he intends to eventually subdivide the property into six or seven parcels, selling them for industrial use. Dan Brockway, 2619 Golf Club, added that the split and future development will also facilitate drainage on the parcels.

Mayor Proctor inquired as to the zoning of the property; Mr. Schmitt responded that the parcel is zoned I-2 Industrial. Mayor Proctor asked if the owners intend to subdivide the requested split property and sell the properties for industrial use and Dan Brockway, 2619 Golf Club and owner of Evergreen Outdoor landscaping, confirmed.

**MOTION by Lobur, SUPPORT by Spaulding, “To approve the land division/combination application (#16-030) for the vacant parcel of land on the east side of Lucy Road, parcel id number 4717-06-100-004, to remove 4.08 acres of land from the main parcel, creating a new four acre parcel and adding 0.08 acres of land to the property to the north fronting on Lucy Road, subject to the following conditions:**

- **The applicant shall provide a new survey and legal description for the property to the north, where the 0.08 acres of land is being added.**
- **The applicant shall provide corrected legal descriptions for both pieces of property; also correcting the error regarding the railroad ownership.”**

**MOTION CARRIED (7-0).**

**OTHER BUSINESS**

None.

**MOTION by Lobur, SUPPORT by Britten, “To adjourn the meeting at 8:21 p.m.”  
MOTION CARRIED (7-0).**

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Deanna Robson, Recording Secretary