

City of Howell Board of Zoning Appeals
Thursday, October 27, 2016
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 7:03 p.m.), City Attorney Dennis Perkins, Community Development Director Timothy Schmitt, and Recording Secretary Deanna Robson.

Absent: None.

Guests: Angela Parth.

APPROVAL OF MINUTES OF September 29, 2016

MOTION by Hertrich, SUPPORT by Flattery, to approve the minutes of the September 29, 2016 meeting. MOTION CARRIED (6 -0).

#16-031 – 733 SOUTH WALNUT – FENCE HEIGHT

Chairman Munsey opened the public hearing at 7:01 p.m.

The applicant was not in attendance.

Chairman Munsey closed the public hearing at 7:01 p.m.

Community Development Director Schmitt stated that the fence is not 8 feet in height in entirety due to the downward sloping in some areas of the property. Vice Chairman Keith informed the Board that the applicant contacted him claiming that she did not receive a letter about the meeting, adding that she is in Ann Arbor with her daughter who is having a baby. Board Member Hertrich noted her agreement with the applicant's request. Chairman Munsey reminded the Board of the precedent from 4-5 years ago due to a tall fence on downward sloping property.

MOTION by Hertrich, SUPPORT by Flattery, to approve the requested variance for an eight foot tall fence along the rear property line of 733 South Walnut, where only six feet is permitted 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).

#16-027 – 616 WEST GRAND RIVER – REQUEST FOR RECONSIDERATION

Community Development Director Schmitt informed the Board that the Planning Commission addressed the demolition request at their October 19, 2016 regular meeting and discussed the issue at length. The Commission ultimately approved the request, but City zoning ordinance requires that the structure be reconstructed. Therefore, the applicant has submitted a request for reconsideration with a full BZA board, as there was a member missing when the BZA previously reviewed the application.

Board Member Mattson stated that he read the letter from the applicant and confirmed that there is a structure on the property with historical significance.

Mr. Schmitt stated that demolitions must be approved by the Planning Commission, only if evidence of reconstruction is provided, for properties in the HL-1 district.

Angela Parth, Executive Director of the Livingston Family Center, a 501c3 organization that is also the home of The Connection Youth Services for homeless and runaway youth, stated that her organization's funding is derived from donations and grants and is earmarked for services provided by the organization. She added that donated funds could not be used to reconstruct the building – the organization would have to specifically raise funds for that purpose.

Discussion followed regarding requiring the organization to rebuild the historical structure, and therefore forcing them to raise funds specifically to do so; the diminished historical value of a reconstructed structure; and the agency's knowledge that the property was in a historic district when they purchased it. Member Mattson stated that he did not know if it would be appropriate to require the organization to rebuild the structure because they are a non-profit. Member Ambrose questioned if any action was required by the Board at that meeting. Mr. Schmitt responded that staff was only requesting that the Board address the request for reconsideration and approve to conduct a discussion with a full Board, however, the Board could take additional action.

MOTION by Mattson, SUPPORT by Holmes, to reconsider the variance request as previously presented, subject to the applicant restoring the area to grass after demolition, 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

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- 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 (5-2). Members Ambrose and Hertrich opposed.

ADJOURN

MOTION by Flattery, **SUPPORT** by Keith, “To adjourn the meeting at 7:14 p.m.”

MOTION CARRIED (7-0).

Deanna Robson, Recording Secretary