

**City of Howell Board of Zoning Appeals  
January 17, 2019  
City Hall Council Chambers  
611 E. Grand River  
Howell, MI 48843**

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

BOARD MEMBERS PRESENT Sean Munsey, Ken Keith, Victoria Hertrich, David Holmes, Randall Mattson, Jacob Schlittler, Erin Britten.

ALSO PRESENT: City Attorney Dennis Perkins, Community Development Director Timothy Schmitt and Deputy Clerk Deanna Robson.

GUESTS: Duncan & Audra Seaton and Patrick Cleary.

**APPROVAL OF MINUTES OF NOVEMBER 13, 2018**

**MOTION by Hertrich, SUPPORT by Mattson, “To approve the minutes of the November 13, 2018 meeting.” MOTION CARRIED (7-0).**

**#19-02 – 403 JEWETT (PID # 4717-35-404-003 ACCESSORY STRUCTURE SETBACKS**

Chairman Munsey opened the public hearing at 7:00 p.m.

Duncan Seaton, 403 Jewett, informed the Board that they removed an old garage and would like to replace it with a new garage five feet from the location of the original.

Community Development Director Schmitt added that the preservation of a large tree on the property is the reason for the proposed location of the garage closer to Crane Street than permitted.

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

**MOTION by Keith, SUPPORT by Hertrich, “To approve the requested variance to allow for the construction of a new attached garage for the existing single-family home (setback of 14.1 feet where 25 feet is required), based on the findings of fact below:**

- 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.”**

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

**#19-03 – 401 EAST GRAND RIVER (PID #4717-36-307-043) – MULTIPLE VARIANCES TO REOPEN VACANT GAS STATION**

Chairman Munsey opened the public hearing at 7:02 p.m.

Community Development Director Schmitt recommended that the Board postpone the agenda item due to the anticipated appeal of the site plan and special land use request denial at the January 16, 2019 Planning Commission meeting.

Chairman Munsey closed the public hearing at 7:03 p.m.

**MOTION by Mattson, SUPPORT by Hertrich, “To postpone action on consideration of the four requested variances listed below to allow for the reopening of a gas station on the property, requiring that work shall commence on bringing the site back into operation by May 1st, 2019, in order to re-notice the public hearing with a motion to appeal the denial:**

- 1. Variance from Section 4.07, Schedule of Area, Height, Width, and Setback requirements, side yard setback requirement, 1.5 feet proposed where 8 feet is required.**
- 2. Variance from Section 4.07, Schedule of Area, Height, Width, and Setback requirements, front yard build to line, 80 feet existing, 23 feet required.**
- 3. Variance from Section 6.17, Automobile Filling Stations, Automobile Repair Garages, Automobile Service Stations, Automobile Washes, and Automobile Dealerships, minimum lot area requirement, 10,000 square feet required, 8,712 square feet provided.**
- 4. Variance from Section 6.17, Automobile Filling Stations, Automobile Repair Garages, Automobile Service Stations, Automobile Washes, and Automobile Dealerships, canopy height limited to height of main building, current canopy is five feet taller than existing building.**

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

**#19-04 – VACANT HIGHLAND ROAD (PID # 4717-25-102-012) – FRONT YARD PARKING**

Chairman Munsey opened the public hearing at 7:04 p.m.

Patrick Cleary, Boss Engineering, state that the request was based on unique aspects of the property line being curved along Oak Grove Road. He noted that the applicant has worked with staff regarding the building and parking configurations, and has tried to minimize any issues related to zoning of the property.

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

City Attorney Dennis Perkins recommended that, if the Board chose to approve the request, a contingency be added to the motion that the original signature of the property owner, Anthony J. Kiesel, be included in the application.

**MOTION by Mattson, SUPPORT by Keith, “To approve the requested variance to allow for the construction of a new 4,150 square foot dental clinic on the property and to allow the majority of parking to be located in the front yard, where the ordinance requires the majority of parking to be located in the side or rear yard, contingent upon original owner signature on the application, based on the findings of fact below:**

- 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 Mattson, SUPPORT by Hertrich, “To adjourn the meeting at 7:07 p.m.”  
MOTION CARRIED (7-0).**

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Deanna Robson, Deputy City Clerk