

**City of Howell Board of Zoning Appeals**  
**February 21, 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 7:06 p.m.

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

ABSENT: Randall Mattson.

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

GUESTS: Doug Swatosh and Fadi Kajy.

**APPROVAL OF MINUTES OF JANUARY 17, 2019**

**MOTION by Keith, SUPPORT by Hertrich, “To approve the minutes of the January 17, 2019 meeting.” MOTION CARRIED (6-0).**

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

Chairman Munsey reviewed the request and opened the public hearing at 7:07 p.m.

Douglas Swatosh, the attorney representing the applicant, informed the Board that the current request was for the same variances and site plans that were previously approved in 2016. Due to cash flow problems, his client could not complete the work at that time, but now has a stable financial situation. Mr. Swatosh acknowledged the City’s concerns regarding the property as well as the staff recommendation that the work start by May 1, 2019. After approval, the applicant plans to work with an architect to get construction plans completed and start work as soon as possible.

City Attorney Dennis Perkins requested verification from Community Director Timothy Schmitt that the plans were the same as those submitted in 2016 and Mr. Schmitt confirmed.

Attorney Perkins then asked the applicant what was outstanding in terms of plans and planning, and when he could begin work on the site. Fadi Kajy informed the Board that his father is the actual owner of the property, but he is one of the owners of the company that owns the property. He stated that he will try to open the gas station as soon as possible, and could open as soon as all of the repairs have been completed and everything on the site is compliant.

Community Development Director Schmitt noted that the applicant would need minor modifications of the plans as well as an architectural submittal and review.

Member Holmes inquired if inspections were needed on the underground storage tanks. Mr. Schmitt responded that the State of Michigan has assured staff that there are no problems with the tanks. Attorney Perkins asked if environmental monitoring had been conducted and Mr. Swatosh responded that no samples had been taken.

Chairman Munsey closed the public hearing at 7:15 p.m.

Mr. Schmitt confirmed that if the Board approved the request, no further review would be needed.

**MOTION by Keith, SUPPORT by Holmes, “To approve the 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:**

- 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.**
- 5. Appeal of Denial of Site Plan and Special Land Use by the Planning Commission to approve the Site Plan and Special Land Use as presented, and subject to all conditions of the Staff Report dated January 9, 2019.**

Mr. Schmitt confirmed that if work does not start by May 1, 2019, the site will be in violation and staff will recommend that City Council begin condemnation proceedings.

**MOTION CARRIED (5-1). Member Hertrich opposed.**

**MOTION by Keith, SUPPORT by Britten, “To excuse Member Mattson from the February 21, 2019 meeting.” MOTION CARRIED (6-0).**

**ADJOURN**

**MOTION by Keith, SUPPORT by Britten, “To adjourn the meeting at 7:18 p.m.” MOTION CARRIED (6-0).**

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Deanna Robson, Deputy City Clerk