

**City of Howell Board of Zoning Appeals**  
**April 3, 2019**  
**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, Erin Britten and Randall Mattson.

ABSENT: Jacob Schlittler.

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

GUESTS: Patrick Cleary, Matt Vetter and Russell Springborn.

**APPROVAL OF MINUTES OF FEBRUARY 21, 2019**

**MOTION by Mattson, SUPPORT by Keith, “To approve the minutes of the February 21, 2019 meeting.” MOTION CARRIED (6-0).**

**#19-09 – 1026 EAST GRAND RIVER (PID #4717-36-400-041) – PARKING SETBACK VARIANCES IN EAST AND WEST YRDS**

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

Russell Springborn, 3535 High Hillcrest, Howell, introduced Patrick Cleary and Matthew Vetter.

Patrick Cleary, Boss Engineering, 3121 East Grand River, Howell, reviewed the application, noting that: the request was for east and west side variances; the building was parallel to Grand River, but the property was not; and a portion of the Soapy Bucket pavement was actually on the New China King property. The proposed car wash building would be comprised of brick, with architectural details around the corners.

City Attorney Dennis Perkins inquired as to plans for how much of the original building would remain. Mr. Cleary responded that the north and south walls, as well as a southwest portion of the building, would remain intact. Matt Vetter, Schafer Construction, 151 First Street, Brighton, presented a diagram that indicated which aspects of the building would remain and which were planned for demolition.

Community Development Director Timothy Schmitt confirmed that the building does not meet current setbacks due to the City’s implementation of front yard setback averaging, but staff is comfortable with the planned building changes in the front of the site because the non-conformity would not be increased.

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City Attorney Perkins stated that the site plan proposed by the applicant in February 2018 met all City ordinance requirements; however, the plans were updated multiple times with additional items, resulting in it no longer being compliant with the ordinance.

Mr. Cleary noted that one of the proposed changes was due to the applicant attempting to enter into an agreement with the New China King restaurant to add a landscape buffer on their property at his cost. Mr. Springborn added that his property line is not the cement curb, but right behind the vacuum; and he noted his reluctance to saw cut the asphalt to allow more room for vehicular traffic.

Mr. Cleary stated that the applicant was requesting approval to not meet the minimum required setbacks to allow for fire trucks and emergency vehicle access on both sides of the property, while also providing for a stacking area for two drive lanes on the east side of the property. He noted that the applicant added a French drain, as well as redesign of the underground detention system, changes to the grade and addition of a retaining wall, on the west side of the property to alleviate the chronic drainage issue on the Abe's Auto Glass site.

Discussion followed regarding configuration and functionality of the proposed car wash; traffic safety features within the system; and staffing at the facility.

Chairman Munsey closed the public hearing at 7:25 p.m.

Discussion commenced regarding potential variances that the Board could grant as well as possible motion language. Mr. Springborn informed the Board that he did not plan to move forward with the project if the requested variances were not granted. Mr. Schmitt stated that the Board could grant lesser, or modified, variances than the applicant requested.

**MOTION by Mattson, "To deny the entire request due to the request not meeting the four required findings of fact, but recognizing that granting the request would be an improvement to the property." MOTION FAILED DUE TO LACK OF SUPPORT.**

Discussion followed regarding possible motions. City Attorney Perkins noted that the Board could grant one variance and deny the other in the same motion, or make separate motions for each variance request. Community Development Director Schmitt added that if the Board chose, it could make a motion regarding a particular area of the east property boundary line, in order to change the radius but allowing for a transition.

Member Holmes asked if the applicant could reduce the depth of the bays in order to meet setback requirements and discussion continued regarding feasibility of building modifications. Mr. Cleary noted that the applicant was trying to avoid incurring the costs of constructing a new building.

**MOTION by Mattson, SUPPORT by Keith, "To approve the requested variance for the property at 1026 East Grand River Avenue from Section 10.02(c) Required Greenbelt and Setbacks for the side yard parking setback in the west side yard (5 feet required v. 2 feet provided) for the proposed new parking and maneuvering lanes being constructed along with the reconstruction of the car wash, based on the findings of fact below:**

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- 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 (6-0).**

**MOTION by Mattson, SUPPORT by Keith, “To approve a modified variance request on the east property line for the area within 50 feet on either side of the closest point of the proposed building for the property at 1026 East Grand River Avenue from Section 10.02(c) Required Greenbelt and Setbacks for the side yard setbacks in the east side yard (5 feet required v. 2.5 feet provided) for the proposed new parking and maneuvering lanes being constructed along with the reconstruction of the car wash, 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.
- E. That the alleged hardship has not been created by any person presently having an interest in the property.”

**MOTION CARRIED (6-0).**

City Attorney Perkins asked the applicant if he could operate within the parameters approved by the Board, and Mr. Springborn confirmed.

**MOTION by Mattson, SUPPORT by Hertrich, “To excuse Member Schlittler from the April 3, 2019 meeting.” MOTION CARRIED (6-0).**

**ADJOURN**

**MOTION by Mattson, SUPPORT by Hertrich, “To adjourn the meeting at 7:48 p.m.”  
MOTION CARRIED (6-0).**