

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
October 17, 2016 7:00 p.m.
Second Floor, Public Safety Building
8350 Main Street, Whitmore Lake, MI 48189

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPT AGENDA**
- 5. CORRESPONDENCE**
- 6. PUBLIC HEARINGS:**
 - A. Case #JZBA160008 – Loren Wallace 2225 Seven Mile Rd, South Lyon, MI 48178 to consider a variance request for a single family dwelling addition from Article VI AR-Agriculture District; Section 36-158, 4(b). The addition is located at a setback of 25.1 feet when the minimum required side yard setback is 30 feet, resulting in the need for a 4.9 foot side yard setback variance. The parcel number is B-02-10-200-003.
 - B. OLD BUSINESS**
 - C. NEW BUSINESS:**
 - A. Case #JZBA160008 – Loren Wallace 2225 Seven Mile Rd, South Lyon, MI 48178 to consider a variance request for a single family dwelling addition from Article VI AR-Agriculture District; Section 36-158, 4(b). The addition is located at a setback of 25.1 feet when the minimum required side yard setback is 30 feet, resulting in the need for a 4.9 foot side yard setback variance. The parcel number is B-02-10-200-003.
 - D. APPROVAL OF MINUTES:** August 15, 2016
 - E. CALL TO THE PUBLIC**
 - F. ZBA MEMBER COMMENTS**
 - G. ANNOUNCEMENT OF NEXT MEETING:** November 21, 2016
 - H. ADJOURNMENT**

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA41.72A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at (734) 449-5000, seven days in advance.

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The Northfield Township Zoning Board of Appeals will hold a public hearing at the request of:

- A. Case #JZBA160008 – Loren Wallace 2225 Seven Mile Rd, South Lyon, MI 48178 to consider a variance request for a single family dwelling addition from Article VI AR-Agriculture District; Section 36-158, 4(b). The addition is located at a setback of 25.1 feet when the minimum required side yard setback is 30 feet, resulting in the need for a 4.9 foot side yard setback variance. The parcel number is B-02-10-200-003.

The public hearing will be held on **Monday, October 17, 2016** at 7:00 p.m. on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA 41.7, 2A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at 734-449-2880, ext. 17, seven days in advance.

Angela Westover – Northfield Township Clerk

Publish: Sunday, October 2, 2016
Ann Arbor.com

NORTHFIELD TOWNSHIP RECEIVED

PAID
SEP 19 2016
NORTHFIELD TOWNSHIP TREASURER

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING BOARD OF APPEALS HEARING APPLICATION

NORTHFIELD TOWNSHIP

Applicant Information:		Proprietor/Owner Information:	
Name:	<u>Loren Wallace</u>	Name:	<u>Same</u>
Address:	<u>2225 Seven Mile Rd</u>	Address:	
Phone:	<u>734-255-4795</u>	Phone:	
Email:	<u>Hudsonhk@aol.com</u>	Email:	
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.			
Proof of Ownership Attached: <input type="checkbox"/>		Non-Owner Affidavit Attached: <input type="checkbox"/>	
If applicant is not the owner, describe applicants interest in the property: _____			
1. PROPERTY DESCRIPTION:			
A.) PROJECT ADDRESS: <u>2225 Seven Mile Rd</u>			
B.) PARCEL ID(S): <u>30210200003</u>		IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C.) LEGAL DESCRIPTION: _____			
2. PRESENT ZONING CLASSIFICATION:			
(AR) LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER: _____			
3: PRESENT USE OF PROPERTY: <u>17 X 15 Bedroom addition</u>			
4. NON-CONFORMING STATUS:			
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): _____ <u>4.9 feet over 30' set back in corner of addition.</u>			
B.) State year/month Non-Conformity began (to the best of your knowledge): <u>present</u>			
5. VARIANCE REQUEST:			
A.) Is a denial letter attached from the Zoning Administrator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, identify each section of ordinance from which Variance is requested: _____			

B.) Describe reason/need for Variance:

to accommodate a bedroom on my home. To keep Room square

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C.) Explain existing special conditions or circumstances that are unique to the land or buildings involved which are not applicable to similar land or building in the same district:

All neighbors have 5 or more acres.

D.) Did the special condition or circumstances arise from your actions?

☒ Yes ☐ No

Describe:

I started construction prior to permit application

E.) Explain why interpretation of the ordinance would deprive you of rights commonly enjoyed by other property owners in the same district:

I was trying to complete the foot print of my home by adding a bedroom. Set backs were less when home was built. so with out a variance I can not add on to my home as others can.

F.) Explain why this is the minimum variance necessary to allow for a reasonable utilization of the land or structure:

I only need 4.9' to have a complete room rectangular in shape and of size to be of benefit

G.) Explain how this variance would be in harmony with the intent of the ordinance and not injurious to the neighborhood or neighbors or otherwise detrimental to the public interest:

The needed variant will not encroach on my neighbors or be of any nuisance to them. I feel that is the intent of the set back.

H.) I, the applicant, request the Zoning Board of Appeals grant the following:

A. 4.9' variant in the North west corner of my home addition.

6. REQUIRED DOCUMENTS:

Attach a scaled and accurate drawing (8 copies) correlated with the legal description and showing:

- All lot dimensions
- Dimensions and locations of all existing and proposed buildings/additions and drives
- Other improvements and easements of record
- Show distances between existing and proposed buildings and/ or additions
- Show locations and distances of wells, septic and/or sewer lines
- Locations, size, and distances of buildings/structures on adjoining lots
- All additional pertinent information as listed on the checklist on page 3

All documents must be submitted at time of application. If further information is needed, the Zoning Board of Appeals reserves the right to postpone the hearing to review new information.

7. If applicable, all lot lines and building corners must be staked out a minimum of 10 days before the hearing date.

8. The address of the property must be clearly marked and visible from the road.

9. A fee of * dollars as established by the township board is attached to the application. Applicant understands that the fee will not be refunded in whole or in part regardless of the outcome of the decision.

* \$295.00 - Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)

\$495 = All others

10. THE APPLICANT:

- A.) Has received and read the attached provisions of the Township Zoning Ordinance in regards to Article 66.0 "Zoning Board of Appeals" and understands that a public hearing will be established within 45 days of the filing date and
- B.) Has also read the sections of the Township Zoning Ordinance that to pertain to this request and
- C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated information is not provided and to re-schedule it when the information is provided and
- D.) Understands that any approval or denial of this application shall not relieve the applicant of compliance with all other applicable provisions of the Township Zoning Ordinance or Building Code and each variance approved shall be null and void unless authorized activity commences within 180 days after the date of approval.

AUTHORIZED SIGNATURE

All information provided in this application is, in all respects, true and correct to the best of my knowledge, and I understand that incorrect information may be grounds for denying the application or voiding any approval granted hereunder.

Applicant(s) Signature

Date

9-20-16

APPLICANT CHECKLIST

The following information must be submitted to the Northfield Township Clerk prior to the application being scheduled for a public hearing:

- ☒ Completed application form
- ☒ Statement authorizing variance application if not the owner
- ☒ Proof of ownership property
- ☒ Legal description of property
- ☒ 8 copies of site plan and required information
- ☒ Review Fee

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pg. 3

SEP 20 2016

NORTHFIELD TOWNSHIP

APPEAL OF DECISION

1.) Name and Office of Official/Commission: _____

2.) Date of Decision: _____

3.) Describe Decision that is being appealed: _____

4.) Describe alternate interpretation or reason for the relief requested: _____

ACTION TAKEN

The Northfield Township Board of Appeals reviewed the above requested variance or appeal and;

☐ Approved: Date _____ ☐ Denied: Date _____

Comments: _____

Signature of ZBA Chair

Signature of ZBA Secretary

Public Hearing date and time: _____

Notice sent to Newspapers: _____ for publication on: _____

(Notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of public hearing.)

Notice sent to neighboring owners / occupants: _____

(Notice shall be sent to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the property.)

Notice sent to Zoning Board of Appeals Members: _____

Copies of Minutes sent to: _____ File _____

Applicant: _____

Building Department: _____

Ordinance Enforcement Officer: _____

September 28, 2016

Zoning Board of Appeals
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189-0576

Subject: Loren Wallace/2225 Seven Mile Road; Variance Review #1 (Application and materials dated received by Township on 9/17/16).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Loren Wallace to construct a 17' x 15' addition on the west side of the existing dwelling. The site is located on the north side of Seven Mile Road, east of Spencer Road and is zoned AR (Agriculture) District.

Background. This application is an "after the fact" request for approval of a variance. The applicant has already constructed the addition. The Township Assessor discovered the addition, which consequently led to the applicant needing to apply for a Zoning Compliance approval. The Zoning Compliance was denied by the Zoning Administrator on the grounds that the addition did not comply with the required side yard setback for the AR district. For the addition to be a legally approved structure, the applicant was directed to apply to the Zoning Board of Appeals and seek approval of a variance first and subsequently Building Department approval that would allow the addition to remain. After a significant discussion on the need for an official survey, the applicant has submitted the necessary documentation for the ZBA's review and consideration.

VARIANCES

The proposal will require the following variance from the Zoning Ordinance:

1. ARTICLE VI. AG-AGRICULTURE DISTRICT; Section 36-158 Regulations and Standards; sub-section (4) b. side yard setback requirement,

Side Yard Setback	- 30.00 feet required
	- 25.10 feet existing (to new addition)
	- 4.90 foot variance requested

COMMENTS

Per Section 36-943 (d) of the Northfield Township Zoning Ordinance, the ZBA must, prior to acting on a proposed variance, consider and make findings regarding several factors, listed in bold type below. A variance shall not be granted by the ZBA unless all the following conditions are met:

- (1) ***Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with those restrictions unnecessarily burdensome.***

The subject site has an area of 5 acres which meets the minimum lot size requirement of 5 acres for the AG District. The site has an existing dwelling with accessory structures on it. The dwelling (prior to the addition) was non-conforming with respect to the front yard setback, but complied with all

other setback requirements. It appears that the structure was exactly at the side yard setback of 30 feet from the western lot line. The addition constructed by the applicant squared off the dwelling resulting in the addition now being located within the required side yard setback and generating the need for the variance. The existing dwelling is located at an angle to the side property line rather than parallel to it, and the addition got placed in the side yard setback as a result.

Compliance with the strict provisions of the Ordinance would not have prevented the applicant's use of the property, but would have resulted in a smaller addition or an addition with a different footprint that does not necessarily make the footprint a square. Such a modification for conformity would not have been unnecessarily burdensome. However, now that the addition has been constructed, compliance would require the demolition of the addition, which would be unnecessarily burdensome given that the side yard setback encroachment is relatively minor and will have no impact on adjacent property owners or the neighborhood.

- (2) ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variance will provide substantial justice to the applicant by allowing him to retain a building addition, and is not adverse to the interests of other property owners in the district. The dwelling and the proposed addition are not in the vicinity or close proximity to any structures on the abutting property and will have no impact on views, sounds, light, air, or other quality of life factors.
- (3) ***The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.*** As noted previously, the addition has already been built. The variance requested is the minimum deviation necessary to enable the applicant to square off the footprint of the dwelling.
- (4) ***The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district.*** There are no unique circumstances that are peculiar to the land; however, the placement of the principal dwelling at an angle to the side property line and at the southwest corner of a possible building envelope on the large parcel, limits where and how the addition can be placed on the structure while maintaining a functional layout.
- (5) ***The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.*** The problem necessitating the variance is self-created by the applicant proceeding with construction of the addition prior to obtaining building permits and zoning approval, which would have identified the non-compliance and directed the applicant to revise the design to comply or apply for a variance. However, strict compliance with the Zoning Ordinance would have required the applicant to reconfigure the western wall by jogging it inward or building it parallel to the western lot line.
- (6) ***The variance will be in harmony with the spirit and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.*** The proposed variance is not likely to have any adverse impact on the neighborhood or on public health, safety, and welfare. The intent of zoning and land use planning is to provide for the orderly development and use of land, and side yard setbacks are intended to maintain spacing between abutting properties for protection of health, safety, and welfare. While compliance with Ordinances

and regulations is the responsibility of every citizen, which was not met in this case, the non-compliance of the side yard by 4.9 feet will have no detrimental impact since there is no other structure in close proximity to the structure on the site.

RECOMMENDATION AND FINDINGS

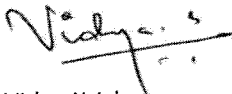
Based on the findings below, and subject to any additional information presented and discussed by the applicant, the ZBA, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **approve** the requested side yard setback variance for the property located at 2225 Seven Mile Road:

1. Compliance with ordinance standards would require a demolition of an addition already built, which could be construed as being unnecessarily burdensome.
2. The existing dwelling is placed at an angle to the side property line, rather than parallel to it, making an addition on the west side challenging.
3. The variance will provide substantial justice to the applicant and is not adverse to the interests of other property owners.
4. The variance requested is the minimum possible.
5. The variance will have no detrimental impact on public health, safety or welfare.
6. The variance requested is not adverse to the spirit and intent of the ordinance.

Subsequent to the approval of the variance, the applicant must obtain approval from the Building Department for conformance to State Building Codes.

Respectfully submitted,

McKENNA ASSOCIATES



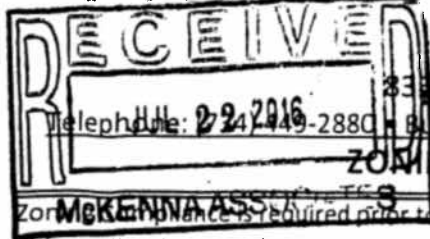
Vidya Krishnan
Senior Planner

cc:	Township Manager:	Howard Fink, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
	Assessing/Building Asst.	Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
	Applicant:	Loren Wallace, 2225 Seven Mile Road, Whitmore Lake, MI

NORTHFIELD TOWNSHIP

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MICHIGAN JUL 9 2016



Telephone: 248-2946-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp.northfield.mi.us

ZONING COMPLIANCE APPLICATION / CERTIFICATION

Zoning compliance is required prior to new construction, alterations to an existing structure, or change of use.

This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow. Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans. Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application. Applications for zoning compliance certificates shall be deemed abandoned (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued. Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

PROJECT NAME: <u>Home add on</u>	
PROJECT ADDRESS: <u>2225 Seven Mile Rd</u>	
PARCEL ID(S): <u>B 0210 300 003</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant Information:	
Proprietor/Owner Information:	

Name: <u>Loren Wallace</u>	Name: _____
Address: <u>2225 Seven Mile</u>	Address: <u>Same</u>
Phone: <u>734-255-4795</u>	Phone: _____
Email: <u>Hudsonhk@aol.com</u>	Email: _____

If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.

Proof of Ownership Attached: <input checked="" type="checkbox"/>	Non-Owner Affidavit Attached: <input type="checkbox"/>
--	--

If applicant is not the owner, describe applicants interest in the property: _____

PROPERTY DESCRIPTION

Description of Proposed Use: <u>Home use</u>
<u>17x15 bedroom Addition</u>

Sanitary Facilities: <input type="checkbox"/> Sewer; Sewer Tap Permit #: _____	<input type="checkbox"/> Septic; WCHD Permit #: _____
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Zoning Classification(s):
<u>AR</u> LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-____ W.L./N.T. Overlay OTHER: _____

Type of Construction/Alteration: <u>addition</u>
<u>17x15 bedroom Addition</u>

Project Start Date: <u>ASAP</u>	Project Completion Date: <u>ASAP</u>
---------------------------------	--------------------------------------

AUTHORIZED SIGNATURE

In the case of a false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be null and void.

I hereby acknowledge the above facts and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.

Applicant(s) Signature

Date

Pg. 1 of 2

Received Date:

Paid Date:

Existing Legal Non-Conformities:

☐ Yes ☐ No**RECEIVED****PAID**

If yes, explain below:

JUL 20 2016

JUL 20 2016

NORTHFIELD TOWNSHIP

NORTHFIELD TOWNSHIP TREASURER

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date _____☐ Approved As Noted: Date _____☒ Denied: Date 7/28/16☐ Conditional Use Required☐ Site Plan Approval Required

COMMENTS:

SEE ATTACHED COMMENT SHEET
ZBA APPROVAL OF VARIANCE FOR SIDEYARD
SETBACK REQD.

Zoning Administrator Signature

Date

AREA OF CONCERN

Landscaping:

Complies Does Not Comply N/A

1 Greenbelt

☐☐☐

2 Parking lot islands, etc.

☐☐☐

3 Site Landscaping

☐☐☐

4 Foundation Planting

☐☐☐

5 Dumpster Screening

☐☐☐

6 Comments:

Signs:

7 Number of Signs

☐☐☐

8 Size and area

☐☐☐

9 Comments:

Comments:

Engineering: _____

Utilities: _____

☐ Connection fee's paid

Fire Chief: _____

☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

2225 seven Mile Road

Applicant: Loren Wallace
Zoning: AR (Agriculture District)
Request: Single Family Addition
Action: **DENIED** (See comments below)

Comments:

The proposed single family dwelling addition is a principal use permitted per Section 36-156 (1) of the Zoning Ordinance. The existing lot meets the minimum lot size and width requirement for the district. The existing dwelling meets the required setbacks for the district.

The proposed addition is intended to square off the existing dwelling. The addition does not comply with the required side yard setback of 30 feet (Section 36-158.4.b). The plan indicates a side yard setback of 29 feet while it appears from scaling of the Washtenaw county GIS maps that the setback might be even lesser than 29 feet. The proposed addition is DENIED.

It is our understanding that the applicant has already constructed the addition without the benefit of any permits or approvals. The applicant must apply to the Zoning Board of Appeals (ZBA) for an after-the-fact variance from side yard setback. The ZBA application must be accompanied by a formal survey by a registered land surveyor which identifies the exact setback.

Zoning Administrator



QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That Heather Wallace, a single woman

whose address is: 34549 Norris St., Wayne, MI 48184

Quit Claim(s) to: Loren Wallace, a single man

whose address is: 2225 Seven Mile Road, South Lyon, MI 48178

the following described premises situated in the Township of ~~South Lyon~~ ^{Northfield}, County of ~~Oakland~~ ^{Washtenaw}, and State of Michigan, to wit:

The East 5.0 acres of that part of the Northwest 'A of the Northwest 'A of Section 10, Town 1 South, Range 6 East, lying North of Seven Mile Road and measuring 249.47 feet on the center line of Seven Mile Road, and 220.68 feet on the North line of Section 10 and also described as: A 5 acre parcel beginning at the Northwestern corner of the Northwest 'A of the Northwest 'A of Section 10 and proceeding South 928.80 feet to the center line of Seven Mile Road; thence 249.47 feet Southwesterly along the center line of Seven Mile Road; thence North 1,060.33 feet to the North line of Section 10; thence East 220.68 feet to the point of beginning.

Commonly known as: 2225 Seven Mile Road, South Lyon, MI 48178

for the full consideration of One (\$1.00) Dollar

Dated this 9th day of January 2015

Signed and Sealed:

Heather Wallace

State of Michigan)

County of ~~Wayne~~ ^{Washtenaw}

On January 9, 2015, Heather Wallace, a single woman, executed and acknowledged the foregoing instrument before me, a Notary Public for the County of ~~Wayne~~ ^{Washtenaw}, as her free act and deed.

Raymond I. Foley, II, Notary Public
State of Michigan, County of Wayne
Acting in Wayne County
My Commission Expires: 04-13-21

Time Submitted for Recording
Date 2-4-2015 Time 9:25 AM
Lawrence Kestenbaum
Washtenaw County Clerk/Register

Instrument
Drafted by: Raymond I. Foley, II

Business Address: 15530 Middlebelt
Livonia, MI. 48154

Recording Fee: \$

When recorded return to: ~~Draft~~

Tax Parcel No.: 8-02-10-200-003

Send subsequent tax bills to: Grantees

State Transfer Tax: Exempt MCLA 207.505 (a) and 207.526 (a)

When Recorded Please Return To
Progressive Title Agency, Inc.
15700 W. 10 Mile Rd. Ste 114 301
Southfield, MI. 48075

(15)

Time Submitted for Recording
Date 2-4-2015 Time 9:20 AM
Lawrence Kestenbaum
Washtenaw County Clerk/Register



OFFICIAL SEAL

01/07/10

L-4768 P-294

Washtenaw Co., MI
Lawrence Kestenbaum
Clerk Register

Page: 1 of 2

11:29 A
01/07/10ACS-5934936-D-2010-2
Lawrence Kestenbaum, Washtenaw

L-4768 P-294

STATE OF
Michigan
Washtenaw Co
01/07/2010
158

REAL ESTATE TRANSFER TAX

\$176.00-C
\$1,200.00-S
115650**DEED OF PERSONAL REPRESENTATIVE**

Mark Allan St. Charles, Personal Representative of the Estate of Janet Louise Ball, Deceased, Washtenaw County Probate Court File Number 09-88-DE, whose address is 6656 Wilson Drive, Brighton, MI 48116, transfers and conveys unto Heather Wallace and Loren Wallace, wife and husband, whose address is 33130 Brown, Garden City, MI 48135,

the following described real property and premises situated in the Township of Northfield, Washtenaw County, State of Michigan:

See Attached Exhibit A.

Commonly known as: 2225 7 Mile Road, South Lyon, MI 48178

for the full consideration of One Hundred Sixty Thousand and no/100 (\$160,000.00) Dollars;

This conveyance is made incident to administration of the Estate of Janet Louise Ball, Deceased.

Subject to easements and building and use restrictions of record if any, and to the lien of property taxes not yet due and payable. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act. The grantor grants the grantee the right to make ANY/ANY Division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The undersigned, Mark Allan St. Charles, Personal Representative of the Estate of Janet Louise Ball, Deceased, warrants and represents that he has not, through his acts or omissions, encumbered or alienated the title to said lands incidental to administration of said estate, but makes no other warranty.

Dated this 29 day of December, 2009.

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 60721AC

ESTATE OF Janet Louise Ball, Deceased

Mark Allan St. Charles, Personal Representative for Janet Louise Ball.

BY: Mark Allan St. Charles, Personal Representative of the Estate of Janet Louise Ball, Deceased, Washtenaw
County Probate Court File Number 09-88-DE

STATE OF MICHIGAN COUNTY OF LIVINGSTON

Acknowledged before me in LIVINGSTON County, Michigan, on 12/29, 2009, by Mark Allan St. Charles, Personal Representative of the Estate of Janet Louise Ball, Deceased.

Notary's

Signature [Signature]

Notary Public, State of Michigan, County of LIVINGSTON

Acting in the County of LIVINGSTON
My commission expires:

[print name]

Tax Code: B-02-10-200-003

Transfer Tax: \$1,376.00

Drafted by: Nancy M. Burger, NANCY M. BURGER, PLC, 300 N. Fifth Ave., Suite 230, Ann Arbor, MI 48104

NO TITLE OPINION RENDERED.

When Recorded Return to: Heather Wallace and Loren Wallace, 2225 7 Mile Road, South Lyon, MI 48178

CARRIE K. KUHN
Notary Public, Washtenaw County, MI
Acting in LIVINGSTON MI
My Commission Expires: 11/17/08 2013



11:29 A
01/07/10ACS-5934936-0-2010-2
Lawrence Kestenbaum, Washtenaw

L- 4768 P- 294

EXHIBIT A

The land referred to in this document is situated in the Township of Northfield, County of Washtenaw, State of Michigan and described as follows:

The East 5.0 acres of that part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 1 South, Range 6 East, lying North of Seven Mile Road and measuring 249.47 feet on the centerline of Seven Mile Road, and 220.68 feet on the North line of Section 10, and also described as: A 5 acre parcel beginning at the Northwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 10 and proceeding South 928.80 feet to the centerline of Seven Mile Road; thence 249.47 feet Southwesterly along the centerline of Seven Mile Road; thence North 1,060.33 feet to the North line of Section 10; thence East 220.68 feet to the point of beginning.

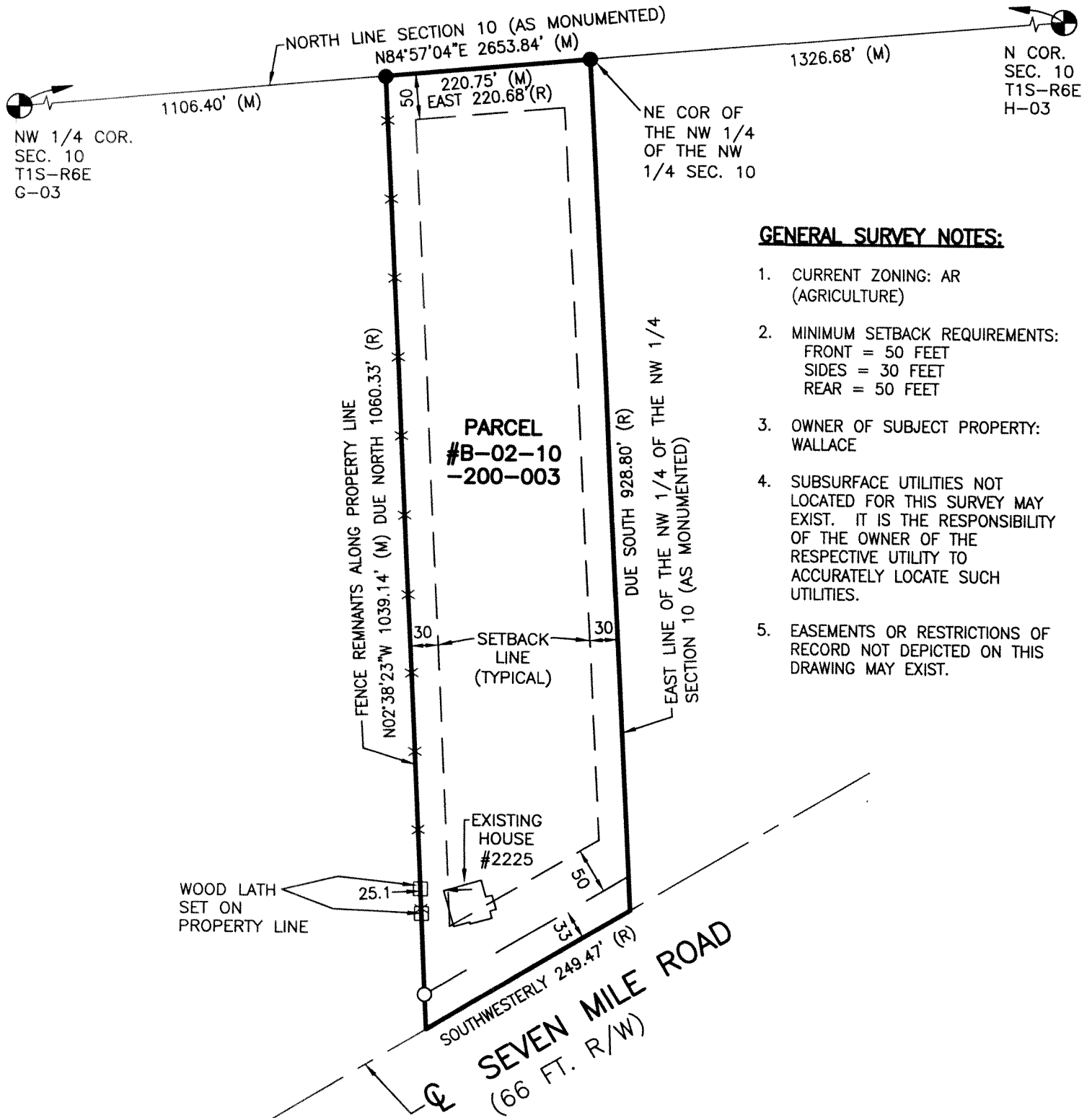
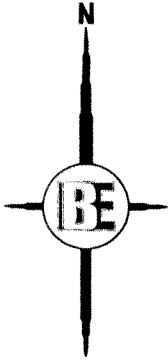
More commonly known as: 2225 7 Mile Road, South Lyon, MI 48178

Tax ID Number: B-02-10-200-003

Loan Number:

CT File Number: 325286-31

SURVEY OF WEST PROPERTY LINE



GENERAL SURVEY NOTES:

1. CURRENT ZONING: AR (AGRICULTURE)
2. MINIMUM SETBACK REQUIREMENTS:
FRONT = 50 FEET
SIDES = 30 FEET
REAR = 50 FEET
3. OWNER OF SUBJECT PROPERTY: WALLACE
4. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
5. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting August 15, 2016

1. CALL TO ORDER

The meeting was called to order by chair Amy Steffens at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Marlene Chockley	Present
Doug Del Favero	Present
Greg Kolecki	Absent with notice
Jacqueline Otto	Present
Amy Steffens	Present
Gary Wellings, Alternate	Absent

Also present:

Recording Secretary Lisa Lemble
Township Manager Howard Fink
Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Members of the public

4. ADOPT AGENDA

Steffens added Item 8B, discussion of a zoning compliance permit application.

- **Motion:** Del Favero moved, Chockley supported, that the agenda be adopted as amended.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- 6A. Case #JZBA150007;**
Applicants: Giulio Cogo and Judy Hayward
Location: 600 East Shore Drive
Request for variance from Land Division Ordinance Section 14.23.a.5 to allow for a proposed lot split resulting in two parcels (A and B) with proposed parcel B having a width:depth ratio of 1:4.47 instead of 1:4 as required by the State Land Division Act. Parcel 02-04-200-006; Zoned SR-1
- **Motion:** Chockley moved, Del Favero supported, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Giulio Cogo, 983 Marshall Road, South Lyon, explained that he is planning on renovating the house on this lot, which is in disrepair, and splitting the lot to allow construction of a second house. He said the purpose of the State law regarding width:depth ratio is to prevent extremely narrow lots, but if this lot were 20 feet shallower no variance would be required.

Planning Consultant Vidya Krishnan reviewed her report, noting that the minimum lot size and setback requirements for both lots being created are met. She said strict compliance with the State restrictions would prevent the owner from using the property for a permitted purpose, substantial justice will be provided by granting of the variance, the variance requested is the minimum required, and the variance will be in harmony with the spirit and intent of the ordinance and will not be injurious to the neighborhood.

In answer to a question from Otto, Krishnan said the vacant lot being created is large enough to allow construction of a home without requiring variances.

In answer to a question from Chockley, Krishnan said the existing house front yard setback and the north setback for the garage are not in compliance with the SR-2 setbacks.

Loren Walsh, 2225 Seven Mile Road, said it sounds like the applicant is improving the property, and supported the application.

Thomas Sweda, 574 E. Shore Drive, said he has lived next to this property for 30 years, and he considered developing it at one point. He presented a drawing showing a way to split the property using a private road that would be in compliance with the State regulations. He said a flag-shaped lot will be created in either situation, and he would have no objection to the split as he proposed. In answer to a question from Steffens, Krishnan said the minimum lot width in this district at the front setback line is 80 feet, and that requirement would not be met with the plan proposed by Sweda. She added that a private road is not allowed for a single dwelling.

Mr. Cogo said his intention is to build a single-family dwelling on the new lot sometime in the future, and the renovations to the existing house will require replacing the foundation.

- **Motion:** Chockley moved, Otto supported, that the public hearing be closed.
Motion carried 4—0 on a voice vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

8A. Submittal Requirements; Variance for 2225 Seven Mile Road.

Planning consultant Vidya Krishnan explained that Loren Wallace, owner of this property, submitted a zoning compliance permit application after constructing an addition to the house. She said the side yard setback is shown as 29' rather than the required 30', which means he will have to submit a variance request. She said, however, while a survey is not required for a zoning compliance application, it is required for a ZBA application, so the question before the ZBA is whether to allow the ZBA application without a survey. Krishnan said her concern is setting a precedent for future requests.

Wallace said the required survey would cost \$3,100, and he explained that for the zoning compliance permit he submitted drawings showing a 29' setback measured from the existing fence, which he assumes is on the property line.

Wallace noted he will be requesting a 1'-2' variance on a five acre parcel that is zoned agricultural. Chockley said a survey could show the fence is not on the property line and the setback of the addition is 30' or more. Wallace acknowledged that he created this problem when he failed to get a building permit to build the addition.

Steffens said she understands surveys are expensive, but they make the situation clear, help the Township act on requests, and help avoid problems in the future. Otto said without a survey the ZBA would not know how large or small a variance it is granting. Krishnan said which County GIS information is available, it is just one type of data and the Township does not like to rely on it for establishing property lines.

Del Favero said the entire Board sympathizes with Wallace regarding the cost of the survey, but he has also unexpectedly benefitted from having a survey of his property performed, and he agreed that the ZBA would have difficulty determining what variance to grant without it. Fink said he and Krishnan understand both sides of this issue.

Wallace asked whether he could take the measurements again and—if it turns out his original measurements had been wrong and there actually is a 30' setback—submit a revised zoning compliance application.

Otto questioned whether the ZBA has the authority to change the submittal requirements. Steffens asked if there are any existing survey pins on his property. Wallace said he has not looked. Fink said the only way staff would be comfortable accepting revised

measurements is if Wallace were to find an existing pin, and he recommended looking with a metal detector.

In answer to a question from Steffens, Fink said a motion pertaining only to this property is appropriate, and Krishnan said the motion will establish a precedent.

► **Motion:** Otto moved, Del Favero supported, that regarding the request by Loren Wallace at 2225 Seven Mile Road, the Zoning Board of Appeals require a survey in accordance with Section 36-943(c)2. **Motion carried 4—0 on a voice vote.**

8B. Case #JZBA150007;
Applicants: Giulio Cogo and Judy Hayward
Location: 600 East Shore Drive
Request for variance from Land Division Ordinance Section 14.23.a.5 to allow for a proposed lot split resulting in two parcels (A and B) with proposed parcel B having a width:depth ratio of 1:4.47 instead of 1:4 as required by the State Land Division Act.
Parcel 02-04-200-006; Zoned SR-1

Otto said she appreciates the information provided by Mr. Sweda, but it does not provide a solution since a private road cannot serve a single home. In answer to a question from Krishnan, Sweda said he had once considered building more than one home on the rear of the proposed new lot. Krishnan said in that case a private road would be required. Cogo said a private road would give Sweda access to property Sweda owns, but he does not need a private road for the single house he wants to build on the new lot being created by the split.

Motion: Chockley moved, Otto supported, that the request in Case #JZBA150007 by Giulio Cogo and Judy Hayward at 600 East Shore Drive for variance from Land Division Ordinance Section 14.23.a.5 to allow for a proposed lot split resulting in two parcels (A and B) with proposed parcel B having a width:depth ratio of 1:4.47 instead of 1:4 as required by the State Land Division Act, Parcel 02-04-200-006, Zoned SR-1 be approved subject to the findings of fact stated in the letter from McKenna Associates dated August 4, 2016. **Motion carried 4—0 on a roll call vote.**

9. UNFINISHED BUSINESS

None.

10. MINUTES

► **Motion:** Del Favero moved, Otto supported, that the minutes of the July 18, 2016, regular meeting be approved as presented.
Motion carried 4—0 on a voice vote.

11. CALL TO THE PUBLIC

None present.

12. ZBA MEMBER COMMENTS

Del Favero thanked the staff for their assistance during the meeting.

13. ANNOUNCEMENT OF NEXT MEETING

September 19, 2016, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

14. ADJOURNMENT

- **Motion:** Otto moved, Del Favero supported, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:10 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on _____, 2016.

Amy Steffens, Chair

Greg Kolecki, Secretary

Official minutes of all meetings are available on the Township's website at
http://www.twp-northfield.org/government/zoning_board_of_appeals/