

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
September 21, 2020**

1. CALL TO ORDER

The meeting was called to order by chair Kenneth Dignan at 7:05 P.M. at via tele-conference.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

Brad Cousino	Present
Kenneth Dignan	Present
Scott Gustafson	Present
Greg Kolecki	Absent
Jacki Otto	Present
Alternate: James Balsillie	Presence not required

Also present:
Recording Secretary Lisa Lemble
Building/Planning/Zoning Coordinator Mary Bird
Planning Consultant Vidya Krishnan
Members of the public

4. ADOPT AGENDA

- ▶ **Motion:** Gustafson moved, Otto supported, that the agenda be adopted as presented.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- ▶ **Motion:** Otto moved, Cousino supported, that the public hearing be opened.
Motion carried 4—0 on a roll call vote.

**6A. Case #JZBA200003; James Azar;
Location: 587 W. Northfield Church Road;
Request for variance to allow private road
longer than 1,000 feet; Parcel 02-31-100-010;
zoned AR—Agriculture.**

Brandon Chaney, Nederveld, Inc., appeared for the applicants. He said this is the same request as was presented in July, 2020, except that the proposal for a marijuana grow facility has been removed. He noted the proposal calls for three residential lots to be served by one 20' wide Class B road rather than the Class A road required by the ordinance.

Planning consultant Vidya Krishnan read her report dated September 13, 2020, and noted that a completely new application was submitted for this hearing. She said approval of the variance will provide substantial justice to the applicant and other property areas in the area and will not set a precedent. She said Class B roads are not unusual in the AR district, and while the need for the variance is partially caused by the applicant—who knew the narrow width of the parcel when purchasing it—there will be only three homes using the road and there are unique characteristics to the land that are out of the applicant's control.

Dignan called for comments from the public. There were none.

6B. Case #JZBA200002; Moms Love, LLC/Susan Morris; Location: 587 W. Northfield Church Road; Request for front and rear yard variances from Section 36-158(4) to building new shed and alter existing porches on a non-conforming dwelling; Parcel 02-29-200-014; zoned AR—Agriculture.

Robert Hobbs of the Equity Build Company appeared on behalf of the applicant. He said the parcel is a very narrow triangle and is overlapped by the street rights-of-way, so anything built on the site would require a variance. He said drainage work will be done on the site before the porches are rebuilt, and a small existing shed will be replaced with a larger one.

Planning Consultant Vidya Krishnan read her report dated September 14, 2020. She noted the proposed shed will be 17' x 20', the variance will provide substantial justice to the applicant, and although a smaller variance could be requested, the proposal is reasonable since the parcel has much less buildable area than neighboring parcels. She said a location resulting in smaller variances would place the shed more than 100 feet from the residence or on top of the drainfield. She said the need for the variance was not self-created and is due to unique circumstances related to the shape and size of the property. Finally, she said the variances will not have a negative effect on neighboring properties.

Dignan called for comments from the public. There were none.

- ▶ **Motion:** Otto moved, Dignan supported, that the public hearing be closed.
Motion carried 4—0 on a roll call vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

**8A. Case #JZBA200003; James Azar;
Location: 587 W. Northfield Church Road;
Request for variance to allow private road
longer than 1,000; Parcel 02-31-100-010;
zoned AR—Agriculture.**

Otto recalled there was significant discussion of this case when it was originally presented in July. Cousino asked if the petitioner understood the ordinance before purchasing the property. Appearing for the applicant, Brandon Chaney, Nederveld, Inc., said the petitioner did understand the ordinance, and after purchasing it had a survey done and discovered the considerable natural features which the narrower Class B road will help preserve.

In answer to a question from Cousino, Chaney said the roads on the similar properties that he provided aerial photographs of appear not to have been built to Class A standards. Planning Consultant Vidya Krishnan said she does not know how those roads came about—through variances or otherwise—but the Fire Chief says there are not many private Class A roads in the Township. Cousino said it does not look like this will be a detriment to the character of the Township, but he has concerns about people buying property assuming they will be able to get a variance. He added, however, that the proposed road should be sufficient to serve the three lots proposed.

Krishnan recalled that the ZBA suggested that the Planning Commission consider changing the road requirements for developments of this type to avoid the need for variances. Cousino suggested setting a maximum number of homes that could be served with a Class B private road. Dignan agreed, and noted a variance would not be required if the applicant built a Class A road, but he also recalled that area property owners had concerns about water runoff and destruction of natural features that would result from construction of a (wider) Class A road. He said he understands there is a financial benefit for the applicant with a Class B road, but it also benefits the neighborhood.

Otto said a quick search of ZBA records shows a similar variance granted for a home on March 30, 2015. It was noted that that request involved installation of a dry hydrant for fire safety, but this variance would not relieve the applicant from any Fire Department requirements.

Krishnan recommended approval of the request based on the findings of fact in her report of September 13, 2020, including that it will allow preservation of some additional trees and will not have a detrimental effect on the area. In answer to a question from Cousino, Krishnan said if the applicants resubmit their application for a marijuana grow facility they would be required to go through complete site plan review again.

- **Motion:** Dignan moved, Otto supported, that the request in Case #JZBA200003 be approved for 587 W. Northfield Church Road, based on a finding of fact in the letter dated September 13, 2020, from McKenna and Associates, to grant a variance from a Class A Road to a Class B Road to serve single-family dwellings only.
Motion carried 4—0 on a roll call vote.

In answer to a question, Krishnan said private roads require Planning Commission approval.

8B. Case #JZBA200002; Moms Love, LLC/Susan Morris; Location: 587 W. Northfield Church Road; Request for front and rear yard variances from Section 36-158(4) to building new shed and alter existing porches on a non-conforming dwelling; Parcel 02-29-200-014; zoned AR—Agriculture.

Dignan said he has a problem calling a 500 sq. ft. outbuilding a shed, and he asked what it will be used for. On behalf of the applicant Robert Hobbs of the Equity Build Company said Susan Morris bought this property for her son who was growing mushrooms for restaurants, but the basement of the building has significant drainage problems, which is why they are making this proposal. He said he advised Morris that the mushroom growing operation needed to be moved out of the basement, and that is what the shed is for.

Krishnan said she was under the impression that the shed would be used for storage of personal materials. Hobbs said this will not be commercial agriculture, rather it will be experimental in part of the shed only. Krishnan said some uses in AR would require additional approvals, and the applicant should be aware of that.

Gustafson asked why a less conspicuous location on the site is not proposed for the shed location so that it could be more hidden. Hobbs said there is no other available location due to the location of the septic tanks. He noted the next closest structure to the east is 600-700 feet away. Krishnan said AR is the only district where it is common to have out buildings in front yards. Cousino said the shed is not even as deep as a garage. In answer to questions, Krishnan said the 10' separation between the proposed shed and the house is the minimum required, and there are other mushroom growing operations in the Township in AR zoning.

Krishnan recommended approval of the variances based on the findings of fact in her report dated September 14, 2020, including that the irregular shape of the lot was not created by the applicant. She said if the applicant ever uses the shed for any kind of commercial application additional approvals will be required from the Township.

Dignan said he is not comfortable with item 4 in Krishnan's findings.

**Northfield Township Zoning Board of Appeals
Minutes of Regular Meeting
Held via tele-conference
September 21, 2020**

► **Motion:** Dignan moved, Otto supported, that in Case #JZBA200002 the Zoning Board of Appeals grant the variances requested, based on the recommendation and finding of facts in the McKenna letter dated September 14, 2020, with exclusion of item #4 in the Recommendations and Findings (“Possibly locating the shed 100’+ north of the existing dwelling would serve no purpose”), and if at any point in time the applicant converts the hobby of growing mushrooms to a commercial venture that the applicant be required to return to the Township to seek additional approvals for such an operation.

Motion carried 3—1, Gustafson opposed.

**8C. Zoning Administrator Quarterly Report,
April 1, 2020 – June 30, 2020.**

Planning Consultant Vidya Krishnan reviewed her report. There was discussion about the interest in developing the Leland Farm property at the northwest corner of Whitmore Lake and North Territorial Road for both residential and commercial development. It was noted the existing zoning does not allow the multi-family residential or commercial uses proposed. Krishnan noted no formal proposal has been submitted. There was a brief discussion about the designation for the property in the master plan.

Krishnan also noted administrative reviews were also done for the Northfield Human Services food pantry and the Township’s Community Center parking lot.

Regarding the site plan review for the TerraFirma application that was before the Planning Commission last week, Dignan said he is frustrated by the delays that application has experienced. Cousino said this application was on the November, 2019, Planning Commission agenda, and was given specific directions about needing a ZBA variance at that time. Dignan said his understanding was the application was resubmitted in March, but not heard by the Commission until this month. Krishnan said she does not know the details of this application, and she will find out more, but it is

her understanding that the applicant changed direction at one point and the planner would not have delayed an application that was ready to be considered.

Cousino said the planner had discussed with the applicant that the Commission could find that a variance was not required and that administrative approval be used instead, but the Commission was not in favor of that. Dignan said it was his understanding that the approval being sought by TerraFirma was granted previously for another applicant. He asked for clarification of this information.

9. MINUTES

► **Motion:** Cousino moved, Otto supported, that the minutes of the July 20, 2020, regular meeting be approved as presented.

Motion carried 4—0 on a voice vote.

10. CALL TO THE PUBLIC

None present.

11. ZBA MEMBER COMMENTS

None.

12. ANNOUNCEMENT OF NEXT MEETING

October 19, 2020, at 7:00 PM at the Public Safety Building or via-teleconference was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

13. ADJOURNMENT

► **Motion:** Cousino moved, Otto supported, that the meeting be adjourned.

Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:30 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 _____, 2020.

Kenneth Dignan, 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/