

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
February 16, 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 #JZBA160001 – Nowatzke Truck & Trailer, 6900 Whitmore Lake Road, Whitmore Lake, MI 48189 to request a variance from Section 36-793(1) for (2) additional wall signs on the gasoline pump canopy. A variance from Section 36-795 for (8) pump toppers to read Marathon. A variance from Section 36-803, Article XXIX and Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12" electronic message sign. A variance to retain a legal non-conforming 4' x 10" pole sign that was shown on the proposed site plan to be removed. The Northfield Township Planning Commission approval was based on the removal of (4) existing pole signs. The parcel number is B-02- 20-300-036 and is zoned - GC General Commercial.
7. OLD BUSINESS
8. NEW BUSINESS
 - A. Case #JZBA160001 – Nowatzke Truck & Trailer, 6900 Whitmore Lake Road, Whitmore Lake, MI 48189 to request a variance from Section 36-793(1) for (2) additional wall signs on the gasoline pump canopy. A variance from Section 36-795 for (8) pump toppers to read Marathon. A variance from Section 36-803, Article XXIX and Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12" electronic message sign. A variance to retain a legal non-conforming 4' x 10" pole sign that was shown on the proposed site plan to be removed. The Northfield Township Planning Commission approval was based on the removal of (4) existing pole signs. The parcel number is B-02- 20-300-036 and is zoned - GC General Commercial.
9. APPROVAL OF MINUTES: August 17, 2015 & September 21, 2015
10. CALL TO THE PUBLIC
11. ZBA MEMBER COMMENTS
12. ANNOUNCEMENT OF NEXT MEETING: March 21, 2016
13. 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.

RECEIVED

JAN 13 2016

NORTHFIELD TOWNSHIP

PAID

JAN 13 2016

NORTHFIELD TOWNSHIP TREASURER

Zoning Board of Appeals Hearing Application

Applicant:

Owner:

Name Nowatzke Truck + Trailer

Name Tom Nowatzke

Address 6900 Whitmore Lake Rd.

Address _____

Whitmore Lake, MI 48189

Phone: 734-995-9600

Phone: _____

*If applicant is not the owner then a statement of authorization from owner must be attached

☒ Owner is Applicant

☐ Statement Attached

1.) Property Description and Location

A.) Property Address 6900 Whitmore Lake Rd., Whitmore Lake, MI 48189

B.) Parcel Identification B-99-20-061-700

C.) Legal Description Personal Property; Northfield Township; T2S-B6E;
Washtenaw County; Michigan 2005 New Personal Property (or
attach.)

2.) Present Zoning District of Property

G.C. General Commercial

3.) Present Use of Property

SEMI TRAILER & TRUCK SALES & REPAIR

4.) Non-Conforming Status

A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use):

B.) State year/month Non-Conformity began (to the best of your knowledge): 1979

5.) Variance Request (Applicant must completely answer 5A. through 5H.)

A.) Is denial letter attached from the Zoning Administrator? Yes X No _____. If no, identify each section of ordinance from which Variance is requested:

LETTER DATED SEPTEMBER 20, '15

B.) Describe reason/need for Variance:

WE ARE SEEKING A VARIANCE FOR (2) ADDITIONAL WALL SIGNS ON GAS PUMP CANOPY & (8) PUMP TOPPERS, 23 SQ. FT. OF WALL SIGNAGE & 16 SQ. FT. OF PUMP TOPPERS. ALSO 72 SQ. FT. OF EMC FOR BILLBOARD OFF US-23

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

WE HAVE BILLBOARD 1D ON US-23 HOWEVER WE ARE NOT VISIBLE FROM 23. WE ARE OFF WHITMORE LK. RD. NOT AT THE INTERSECTION OF N. TERRITORIAL. WHITMORE LK. IS OUR ONLY EXPOSURE TO THE LOCAL TRAFFIC.

D.) Did the special condition or circumstances arise from your actions? Yes ____ No X. Please describe briefly:

OUR BUILDING IS LOCATED BETWEEN OTHER BUSINESSES AND EXISTING CONDITIONS WERE PRESENT WHEN THE PROPERTY WAS PURCHASED.

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

THE ADJACENT GAS STATIONS ALL ADVERTISE PRICES AND 1D BY UTILIZING CANOPY SIGNAGE & PUMP TOPPERS WHICH ARE STANDARD PROTOCOL. SUNOCO ALSO UTILIZES A 72 SQ. FT. EMC FOR INCREASED EXPOSE TO US-23 TRAFFIC.

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

WE ARE COMPETING WITH MARATHON CORPORATE 1D STANDARDS NECESSARY TO BE COMPETITIVE IN THE MARKET. WE NEED TO DISPLAY GAS PRICING TO TRAFFIC ALONG US-23, THE EMC WOULD BE THE VEHICLE TO DO THIS, LIKE SUNOCO

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:

THIS ACTION WOULD ALLOW US A LEVEL PLAYING FIELD TO COMPETE WITH OTHER NEIGHBORING GAS STATIONS. THE PROPOSED 72 SQ. FT. EMC IS NO LARGER THAN THE ONE SUNOCO HAS IN PLACE.

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

TO HAVE (3) WALL SIGNS INSTEAD OF (1).
TO HAVE THE (8) PUMP TOWERS AND THE SAME
72 SQ. FT. EMC AS THE STATION ACROSS V/S-23

6.) 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 5

All documents must be submitted at time of application. If further information needs to be submitted, 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.

\$495.00 – 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 reschedule 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

To KEEP & MAINTAIN EXISTING POLE SIGN 4'x10' NEXT TO BLDG.
(SEE PHOTO)

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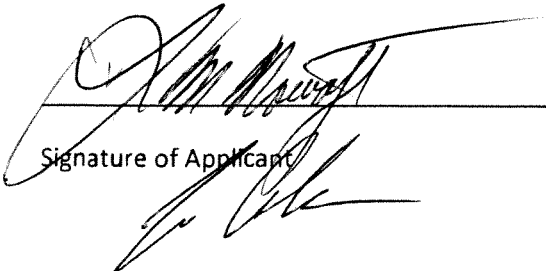
B.) Has also read the sections of the Township Zoning Ordinance that pertain to this request and

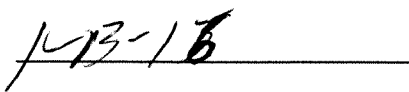
C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated information is not provided and to reschedule it when the information is provided and

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.

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.


Signature of Applicant


Date
1-13-16

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 of property
- ☒ Legal Description of property
- ☒ 8 copies of site plan and required information
- ☒ Review Fee

For Zoning Board of Appeal Use Only

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 Zoning Board of Appeals reviewed the above requested variance or appeal and on _____, 20____ APPROVED / DISAPPROVED the following:

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:

Copy of Minutes sent to: _____ File _____
Applicant _____

Building Department _____ Ordinance Enforcement Officer _____

NORTHFIELD TOWNSHIP

P. O. Box 576 • 8350 Main Street • Whitmore Lake, MI 48189 ☎ (734) 449-5000 📠 (734) 449-0123 • www.twp.northfield.mi.us

Sign Permit Application

Number: NT-SP-

Article 62.0 Sign Regulations

1. NAME OF APPLICANT: Huron Sign Co.
 ADDRESS: P.O. BOX 980423
TPSILANTI, MI 48198
 PHONE: 734-483-2000 FAX: 483-5164
 E-MAIL: JIMANDERSON@HURONSIGN.COM
2. Is Applicant the Owner of the Property where sign will be located? If not, written permission from the owner is to be attached to the application.
Applicant is the Owner ☐ Applicant is NOT the Owner ☒
3. Sign Location: NOWATZKE TRAVEL CENTER - 6900 WHITMORE LAKE RD
 Legal Description: B 02 20 300 036
4. Tax Parcel Identification Number(s): B-99-20-061-700
5. NAME OF SIGN CONTRACTOR: Huron Sign Co. / Jim Anderson
 Sign Contractors must be registered with the Northfield Township Building and Zoning Department with proof of public liability insurance on file per section 62.16 B, & D.
6. Is this application for sign permit also subject to approval of a sign permit under the Highway Safety Act, Michigan Department of Transportation? ☒ NO ☐ YES
 If yes, then a copy of the MDOT permit shall be required prior to issuance of building permit.
7. Total number of signs on property, not including this sign request: N-A
 Total square footage of all signs on this property not including this sign request: N-A
8. Zoning district of property: _____
9. Signs shall conform to all yard setbacks & height requirements of the district in which located unless otherwise proved in this article.
10. Indicate Type of Sign:

Ground Sign	Pole/Pylon Sign	Wall Sign
Projecting Sign	Marquee, Canopy & Awning Sign	Mansard Roof Sign
Window Sign	Billboard	Automobile Service Station/Fuel Price Sign
11. Please give a complete description and a scale drawing of the proposed sign. Description to include all graphics and writing, all dimensions, number of faces, distance between faces, total area in square feet, and a landscape plan on the base, if applicable.

REFACE EXISTING BILLBOARD TO REFLECT MARATHON TRAVEL CENTER. PROPOSED NEW 6'x12' EMC AT 72 SQ. FT.

12. An accurate scaled drawing, survey, or approved site plan of the property showing the location of all buildings and structures and their uses, and location of all current signs and the proposed sign shall accompany this application.

13. Is the sign to be illuminated? NO X YES Candle wattage used? _____
Externally or internally illuminated? INTERNALLY Outlet or direct wire? DIRECT

14. Is the sign request a part of a total development requiring site plan approval by the Township Planning Commission? X NO _____ YES If yes, no permit shall be issued unless approved by the Planning Commission.

15. INSPECTION FEE including existing structures\$ 40.00
(Plus Applicable Items Listed Below)	
Construction cost up to \$999 (per inspection)\$ 40.00
Cost of construction \$1,000 to \$9,999 (first \$1,000)\$ 25.00
PLUS each additional \$1,000 or part thereof\$ 6.00
Cost of construction \$10,000 and over (first \$10,000)\$100.00
PLUS each additional \$1,000 or part thereof\$ 4.00
ALL SIGNS: Minimum charge (under \$999)\$ 25.00
Over \$1,000.00	Same Fee Schedule as above

Applicant understands that the application fee will not be refunded, in whole or in part, regardless of the Township Zoning Inspector's or Township Planning Commission's decision. This fee does not include any fees to be charged by the Building Department for construction or electrical permits.

16. The APPLICANT understands:

- All signs shall be inspected by the Township Building/Zoning Inspector, for conformance to this ordinance prior to placement on this site.
- Foundations shall be inspected by the Building Inspector on the site prior to pouring of concrete for the sign structure.
- Any sign involving electrical components shall be wired in accordance with the Northfield Township Electrical Code and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.
- Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
- All signs shall comply with the requirements of the building code of Northfield Township.
- The adviser is hereby made responsible for copy, structure, lighting, and all other parts of a sign.

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.

1-11-16
DATE


APPLICANT

P. O. Box 576 • 8350 Main Street • Whitmore Lake, MI 48189 ☎ (734) 449-5000 📠 (734) 449-0123 • www.twp.northfield.mi.us

Number: NT-SP-

APR 29 2015

NORTHFIELD TOWNSHIP

- Applicant is the Owner ✓ Applicant is NOT the Owner

RE-FACE EXISTING BILLBOARD SIGN WITH NEW ALUMINUM
PANELS TO IDENTIFY GAS STATION. ~~ADDING (2)~~
~~NEW GAS PRICE DISPLAYS PER DRAWING.~~
15' HIGH GOAL POST SIGN ALONG WHITWIDE LAKE ROAD.

12. An accurate scaled drawing, survey, or approved site plan of the property showing the location of all buildings and structures and their uses, and location of all current signs and the proposed sign shall accompany this application.

13. Is the sign to be illuminated? NO YES Candle wattage used? EXISTING
Externally or internally illuminated? GOAL POST SIGN YES Outlet or direct wire? CANDLE WATTAGE TO COMPLY WITH ORDINANCE
14. Is the sign request a part of a total development requiring site plan approval by the Township Planning Commission? NO YES If yes, no permit shall be issued unless approved by the Planning Commission. P.C. approved GOAL POST - REFACE NOT ON SAME PARCEL

15. INSPECTION FEE including existing structures\$ 40.00
(Plus Applicable Items Listed Below)
- Construction cost up to \$999 (per inspection)\$ 40.00
- Cost of construction \$1,000 to \$9,999 (first \$1,000)\$ 25.00
PLUS each additional \$1,000 or part thereof\$ 6.00
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PLUS each additional \$1,000 or part thereof\$ 4.00
- ALL SIGNS: Minimum charge (under \$999)\$ 25.00
Over \$1,000.00 Same Fee Schedule as above

FOOTING INSPECTION
AND ELECTRICAL
FINAL FOR THE
GOAL POST SIGN.

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16. The APPLICANT understands:

- All signs shall be inspected by the Township Building/Zoning Inspector, for conformance to this ordinance prior to placement on this site.
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- Any sign involving electrical components shall be wired in accordance with the Northfield Township Electrical Code and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.
- Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
- All signs shall comply with the requirements of the building code of Northfield Township.
- The adviser is hereby made responsible for copy, structure, lighting, and all other parts of a sign.

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.

DATE

4-28-15

APPLICANT

FOR TOWNSHIP USE ONLY

Sign Permit Number: NT-SP-_____ is: ☒ APPROVED
☐ DENIED

If denied state reason: GAS PRICING ON BILLBOARD PORTION IS DENIED - REFACE IS APPROVED AS WELL AS A GOAL POST SIGN ON WHITMORE LAKE ROAD REPLACING AN EXISTING POLE SIGN -

Issued by: _____ Date: 12/21/15

- A. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of this permit.
 Permit expires: _____
- B. Signs located on premises on which the principle use or structure has been abandoned shall be removed therefrom by the owner of the business advertised or owner of the property which contains the sign, whichever applies within ninety (90) days of notification by Northfield Township.
- C. A sign shall be removed by the owner, agent or person having the beneficial use of the building or structure on premises upon which said sign shall be found within ninety (90) days after the business which it advertises is no longer conducted on the premises.

1. Dimensions of sign: GOAL POST Height 15' Length 7' 3/2" Width 4' 4"
 2. Number of Faces: 2
 Distance between faces of back-to-back sign: 6" ±

3. If more than two (2) faces indicate square footage of each face: _____

4. Calculation of Total Square Footage of Sign:

Height _____ Square Footage of Additional _____ Square Footage of Environmental _____
 X Length _____ Faces _____ Enhancements _____
 = Square Footage + +
 EQUALS TOTAL SQUARE FOOTAGE OF PROPOSED SIGN

Total Square Footage of Current Signs + Total Square Footage of Proposed Signs = Total Square Footage of All Signs on Property

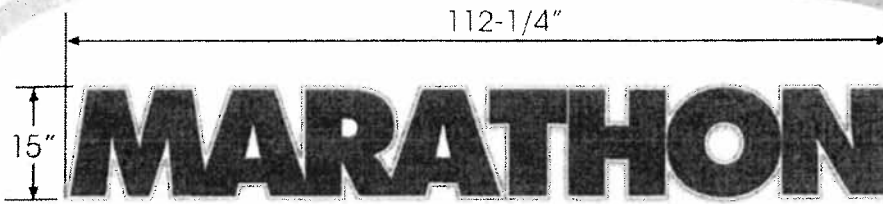
Verify the total square footage of all existing and proposed signs for the permitted zoning district.

WILL NEED ADDRESS EXISTING SIGN ISSUES, APPLICANT HAS INDICATED THEY WILL GO TO THE ZBA AND REQUEST VARIANCES.

CANOPY MOUNT SIGNAGE

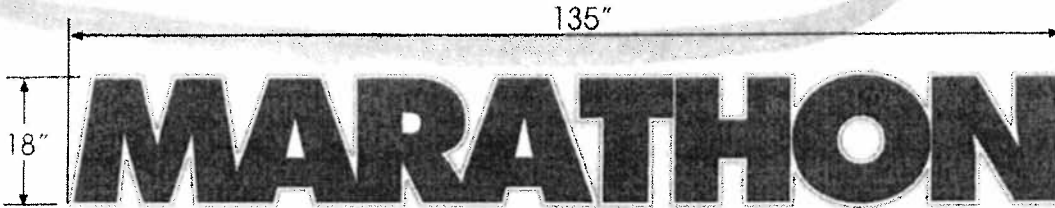
LED-Illuminated Channel Lettersets

ORDER THIS ONE.



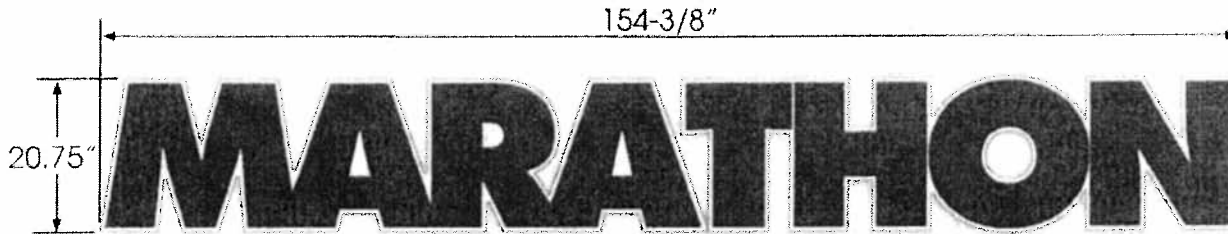
E002898B 15" LETTERSET

Fits fascias 34-38" H
11.69 Sq.Ft.



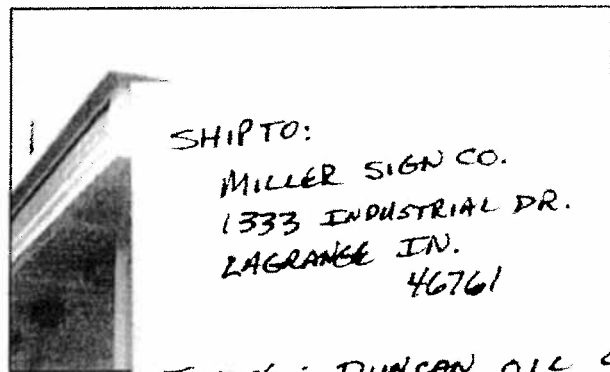
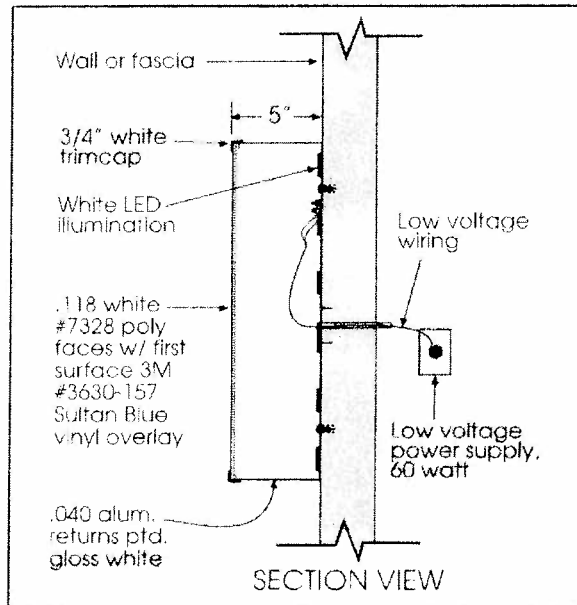
E002899B 18" LETTERSET

Fits fascias 40-44" H
16.88 Sq.Ft.



E002900B 20.75" LETTERSET

Fits fascias 46-48" H
22.25 Sq.Ft.



DAY VIEW

INVOICE: DUNCAN OIL CO.
KEN KILGORE
937-305-7001



NIGHT VIEW OF LETTERS ON CANOPY

Sign Comparison



HURON
SIGN CO

663 S. MANSFIELD
P.O. BOX 980423
YPSILANTI, MI 48198
PHONE 734-483-2000
1-800-783-0100
FAX 734-483-5164
www.huronsign.com



STANDARD DIGITAL PRINT COLOR
IS BASED ON 6 COLOR PROCESS
PRINTING. THE RESULTING COLORS
ARE NOT EXACT MATCH. IF YOU
REQUIRE EXACT MATCH COLOR
IT IS AVAILABLE AS A PREMIUM
SERVICE. SEE SALES PERSON FOR
DETAILS.

200.8 SQFT REMOVED FROM EXISTING SIGN



EXISTING SIGN

64.8 SQFT TO BE
REMOVED
136 SQFT TO BE
REMOVED



PROPOSED SIGN

ADD NEW
72 SQFT
PRICE SIGN
UNLEADED \$3.29
PREMIUM \$3.69
DEISEL \$3.69
CONEYS \$1.69

ALL ELECTRICAL SIGNS TO
BEAR THIS MARK

Underwriters
Laboratories, Inc.

-SUITABLE FOR WET LOCATIONS-
IN ACCORDANCE WITH NEC 600

ELECTRIC SIGN
CERTIFIED MANUFACTURER

# OF SETS	1 D/F	RETURN DEPTH	RACEWAY COLOR	N.A.	DESIGNER	S WILKIE
FACE COLOR	DIGITAL PRINT	TYPE OF INSTALL	TRANSFORMER	N.A.	DATE	10/14/15
RETURN COLOR		TYPE OF FACE	BALLAST	N.A.	JOB NO.	old-7692 / new-9028
RETAINER COLOR		RACEWAY D. H. L.	COMMENTS:		JOB NAME	NTT-9038-COMP-2
NEON COLOR	N.A.	HOUSINGS	N.A.	SALESPERSON:	JIM ANDERSON	ADDRESS: 6900 Whitmore Lk. Rd. Whitmore Lake, MI

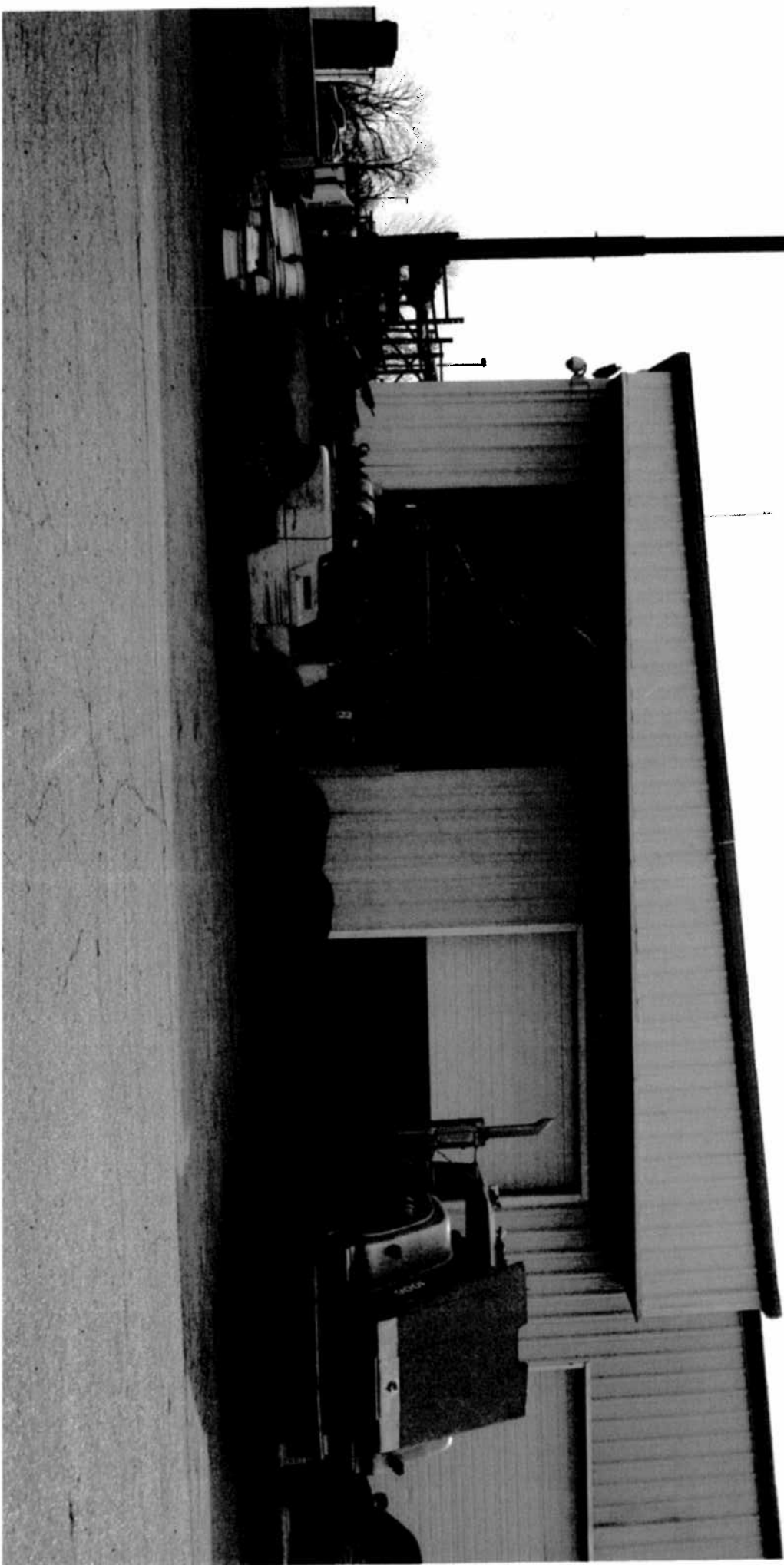
APPROVED BY: _____ DATE: _____

THIS DRAWING IS THE REGISTERED PROPERTY
OF HURON SIGN COMPANY. IT IS UNLAWFUL TO
REPRODUCE IT IN ANY FORM , WITHOUT WRITTEN
CONSENT FROM HURON SIGN COMPANY

THIS DRAWING PROVIDED & INTENDED FOR CONCEPTUAL
PURPOSES ONLY. THE FINISHED PRODUCT MAY BE
SUBJECT TO MINOR & NECESSARY MODIFICATIONS TO
AID OR ENABLE FABRICATION PROCEDURES

THIS DESIGN CONCEPT ©COPYRIGHT 2014

NOWATZKE
TRUCK & TRAILER
734-995-9600



Northfield Township

Building & Zoning Department

January 10, 2016

Mr. Tom Nowatzke
Nowatzke Truck & Trailer
6900 Whitmore Lake Road
Whitmore Lake, MI 48189

Mr. James Anderson
Huron Sign Company
663 S. Mansfield
Ypsilanti, Michigan 48197

Re: Nowatzke Truck & Trailer 6900 Whitmore Lake Road

Dear Tom & Jim;

I am writing to summarize the status of the current signs and the proposed signs for the above referenced location. The property prior to the addition of the new canopies and gas pumps had two pole signs along Whitmore Lake Road, one pole sign near where the old diesel fuel pumps were located, and one at the Northeast corner of the building. There is also a very large billboard type sign along the highway. This was an on-site sign before the property was split into two parcels to construct the Tractor Supply Store and at this point I am not sure who owns this parcel since Mr. Nowatzke returned the tax bill to the Township recently explaining that he did not own this parcel.

The Northfield Township Zoning Ordinance limits the number of free standing signs to one on each roadway in the General Commercial Zoning District. The height is limited to (15) fifteen feet; the signage is limited to a total of (80) eighty square feet between both signs. Since there is already a free standing sign along the highway that exceeds the (80) eighty square feet, I believe limiting the Whitmore Lake Road side free standing sign to (40) forty square feet would be fair. Gasoline price advertising signs maybe additional to the eighty square feet total that is permitted, but they are limited to six square feet in area.

Wall signs are also permitted as well but are limited to (2) two square feet per each foot of length of wall to which the sign is affixed. Each business on the site is permitted one wall sign but the total sign area combined may not exceed the two square feet per each foot of wall length. Since the site is now considered a service station the sign maybe attached to the canopy instead of the wall.

Before this project started there were 4 existing pole signs on site, 1 off site pole/billboard sign and two wall signs. (parts & service) (fuel open/closed),

The Approved site plan shows 4 existing pole signs to be removed and one new pole sign along Whitmore Lake to be installed. The off site/billboard was not included in the sign package that was provided in the planning commission submittal. One new wall sign attached to the gas canopy was proposed and the existing wall signs were not included.

The revised proposal is to remove 3 of the existing pole signs instead of the 4 signs that were listed on the site plan, install one new pole sign along Whitmore Lake Road, install 4 wall signs on the canopies and modify the offsite pole/billboard sign, and install 2 signs on the top of each gas pump for an additional 8 signs.

Permitted pole signs are one pole sign for each road frontage with a total sign area not to exceed 80 square feet plus 6 square feet for gas pricing.

Permitted wall signs are one sign for each business with the sign total area not exceeding 2 square feet for each foot of wall length. I have calculated the wall length along Whitmore Lake Road as 162 feet, which would allow for 324 square feet of wall signage shared between the two businesses.

Business #1

Nowatzke Truck & Trailer – one wall sign on canopy – appears to be 36' long and 3' high for a total of 108 square feet. Exact dimensions have not been provided. (108 square feet)

Business #2

Marathon service station and convenience store – three wall signs on the gas canopy which appear to be 11.69 square feet each for a total of 35 square feet. A variance will be required to have three wall signs instead of one as permitted.

Pump Toppers – not permitted

Each gas pump has Marathon written across the top, so there is four pumps with a sign on each side, 8 signs approximately 6" tall by 4 feet wide (2 square feet per sign) and a total of 16 square feet. I did not count the Marathon small logo on each pump. (51 square feet total). A variance will be required to have the pump toppers or they must be removed.

Goal Post Sign (pole sign) – the total surface of the sign area is 67.62 square feet but the total area used for advertising appears to be 24 for the Marathon, 3 for the STP additive for a total of 27. The gas pricing portion appears to be 5.6 square feet each for a total of 11.2 square feet but only 6 square is set aside for gas pricing but since you can have 50% of your permitted sign area to be digital, we can take 5.2 square feet and add it to your 27 square feet of advertising area and still fall under the 40 square feet that I set as half of your permitted 80 square feet of pole sign advertising area permitted based on the fact that at this time there are two other pole signs on the highway side of the building that are in question. No variance is required for the new goal post sign as long as the remainder of the free standing pole sign issues are rectified by removal or a variance from the ZBA.

The current pole sign along the highway is approximately 588 square feet. You have proposed the removal of two portions, one being 64.8 square feet and the second being 136 square feet and the addition of a 72 square foot digital sign. This would provide 460 square feet of sign area. Digital signs are limited to 50% of the permitted static sign area, which is 40 square feet based on the fact that the sign on Whitmore Lake will be approximately 40 square feet. This would allow the permitted digital area to be 20 square feet. Thus with the proposed changes you are still 420 square above the permitted sign area and 52 square feet above the permitted digital sign area. This is why your request has been denied and a variance from the Zoning Board of Appeals will be required for these changes.

The non-conforming pole sign along the highway was considered an onsite sign before the property was split, but it no longer advertises the business that occupies the parcel, so it is now considered off site advertising which is only permitted for an approved billboard. I have requested that you provide me with a copy of any variance or agreement that you may have received during the property split and development of the Tractor Supply site regarding this sign. At this point I must view it as a legal non-conforming sign/structure. Typically legal non-conforming signs are limited to basic maintenance and change of copy only. It is the intent of the ordinance to permit such nonconformities to remain until the use is discontinued or the structure is removed but not encourage their survival. Based on the fact that at this point I have received nothing regarding the agreement for this sign advertising an offsite business, I believe the Township is being generous in allowing you to even change the copy. I do not believe that the proposed changes will make it any more compliant since it would violate the digital portion of the ordinance and intensify the use by allowing digital copy.

Please feel free to contact if you have any questions or concerns regarding this matter by telephone at 734-822-3127, or by email at weilandku@pittsfield-mi.gov .

Thank you for your time,

Regards,

A handwritten signature in black ink, appearing to read 'Kurt Weiland', written over a horizontal line.

Kurt Weiland
Building & Zoning Administrator
Northfield Township
Director of Building Services
Pittsfield Charter Township

Northfield Township

Building & Zoning Department

To: Northfield Township Zoning Board of Appeals

From: Kurt Weiland, Zoning Administrator

Re: Case #JZBA 160001 Nowatzke Truck & Trailer, 6900 Whitmore Lake Road

Date: January 26, 2016

Free standing signs are permitted under the Northfield Township Zoning Ordinance but the number of free standing signs is limited to one on each roadway in the General Commercial Zoning District. The height is limited to (15) fifteen feet; the signage is limited to a total of (80) eighty square feet between both signs. Since there is already a free standing sign along the highway that exceeds the (80) eighty square feet, I believed that limiting the Whitmore Lake Road side free standing sign to (40) forty square feet was fair knowing that highway sign was a legal non-conforming sign. Gasoline price advertising signs maybe additional to the eighty square feet total that is permitted, but they are limited to six square feet in area.

Wall signs are also permitted as well but are limited to (2) two square feet per each foot of length of wall to which the sign is affixed. Each business on the site is permitted one wall sign but the total sign area combined may not exceed the two square feet per each foot of wall length. Since the site is now considered a service station the sign maybe attached to the canopy instead of the wall.

The following is a summary of the current signs and the proposed signs for the above referenced location. The property prior to the addition of the new canopies and gas pumps had two pole signs along Whitmore Lake Road, one pole sign near where the old diesel fuel pumps were located, and one at the Northeast corner of the building. There is also a very large billboard type sign along the highway. This was an on-site sign before the property was split into two parcels to construct the Tractor Supply Store. Currently there is a small rectangular shaped easement area where the sign is located. There were also two wall signs, one that read "Parts & Service Entrance" which I would consider a directional sign, and one that reads "Fuel-Open-Closed".

The Approved site plan for this project shows 4 existing pole signs to be removed and one new pole sign to installed along Whitmore Lake Road (this has been approved and installed). The off site/billboard was not included in the sign package that was provided in the planning commission submittal. One new wall sign attached to the gas canopy was proposed and the existing wall signs were not included.

The revised proposal is to remove 3 of the existing pole signs instead of the 4 signs that were listed on the site plan, install one new pole sign along Whitmore Lake Road, install 4 wall signs

on the canopies and modify the offsite pole/billboard sign, and install 2 signs on the top of each gas pump for an additional 8 signs.

Permitted pole signs are one pole sign for each road frontage with a total sign area not to exceed 80 square feet plus 6 square feet for gas pricing.

Permitted wall signs are one sign for each business with the sign total area not exceeding 2 square feet for each foot of wall length. I have calculated the wall length along Whitmore Lake Road as 162 feet, which would allow for 324 square feet of wall signage shared between the two businesses.

Business #1

Nowatzke Truck & Trailer – one wall sign on canopy – appears to be 36’ long and 3’ high for a total of 108 square feet. Exact dimensions have not been provided. (108 square feet) **No variance is required**

Existing Nowatzke Truck & Trailer (4’x10’?) pole sign located at the Northeast corner of the building was called out to be removed on the approved site plan but the property owner said that this was a mistake and now wants to keep it. The Township Planner directed the owner to request a variance from the Zoning Board of Appeals. **A variance from Section 36-793(3) will be required to retain this sign on the property. This sign could be viewed as a legal non-conforming road frontage sign for the highway depending on how the larger highway sign is viewed.**

Business #2

Marathon service station and convenience store – three wall signs on the gas canopy which appear to be 11.69 square feet each for a total of 35 square feet. The sign area is not a problem but the number of signs is a problem. **A variance from Section 36-793(1) will be required to have three wall signs that advertise the brand on the canopy instead of one as permitted.**

Pump Toppers – not permitted

Each gas pump has Marathon written across the top, so there is four pumps with a sign on each side, 8 signs approximately 6” tall by 4 feet wide (2 square feet per sign) and a total of 16 square feet. I did not count the Marathon small logo on each pump. (51 square feet total). **A variance from Section 36-795 will be required for the pump topper signs that spell out the brand name on each side of the pump.**

Goal Post Sign (pole sign) – the total surface of the sign area is 67.62 square feet but the total area used for advertising appears to be 24 for the Marathon, 3 for the STP additive for a total of 27. The gas pricing portion appears to be 5.6 square feet each for a total of 11.2 square feet but only 6 square is set aside for gas pricing but since you can have 50% of your permitted sign area to be digital, we can take 5.2 square feet and add it to

your 27 square feet of advertising area and still fall under the 40 square feet that I set as half of your permitted 80 square feet of pole sign advertising area permitted based on the fact that at this time there are two other pole signs on the highway side of the building that are in question. No variance is required for the new goal post sign as long as the remainder of the free standing pole sign issues are rectified.

The current pole sign along the highway is approximately 588 square feet. The applicant has proposed the removal of two portions, one being 64.8 square feet and the second being 136 square feet and the addition of a 72 square foot digital sign. This would provide 460 square feet of sign area. Digital signs are limited to 50% of the permitted static sign area, which is 40 square feet based on the fact that the sign on Whitmore Lake will be approximately 40 square feet. This would allow the permitted digital area to be 20 square feet. Thus with the proposed changes they would be 420 square above the permitted sign area and 52 square feet above the permitted digital sign area. A variance from Section 36-796, a variance from 36-803 and Article XXIX, Section 36-901(e) will be required for these changes.

The legal non-conforming pole sign along the highway was considered an onsite sign before the property was split, but it no longer advertises the business that occupies the parcel, so it is now considered off site advertising which is only permitted for an approved billboard. Legal non-conforming signs are limited to basic maintenance and change of copy only. It is the intent of the ordinance to permit such nonconformities to remain until the use is discontinued or the structure is removed but not encourage their survival. I do not believe that the proposed changes will make the sign any more compliant since it would violate the digital portion of the ordinance and intensify the use by allowing digital copy therefore I do not support this variance request.



Pole sign that the owner is asking a variance on to keep

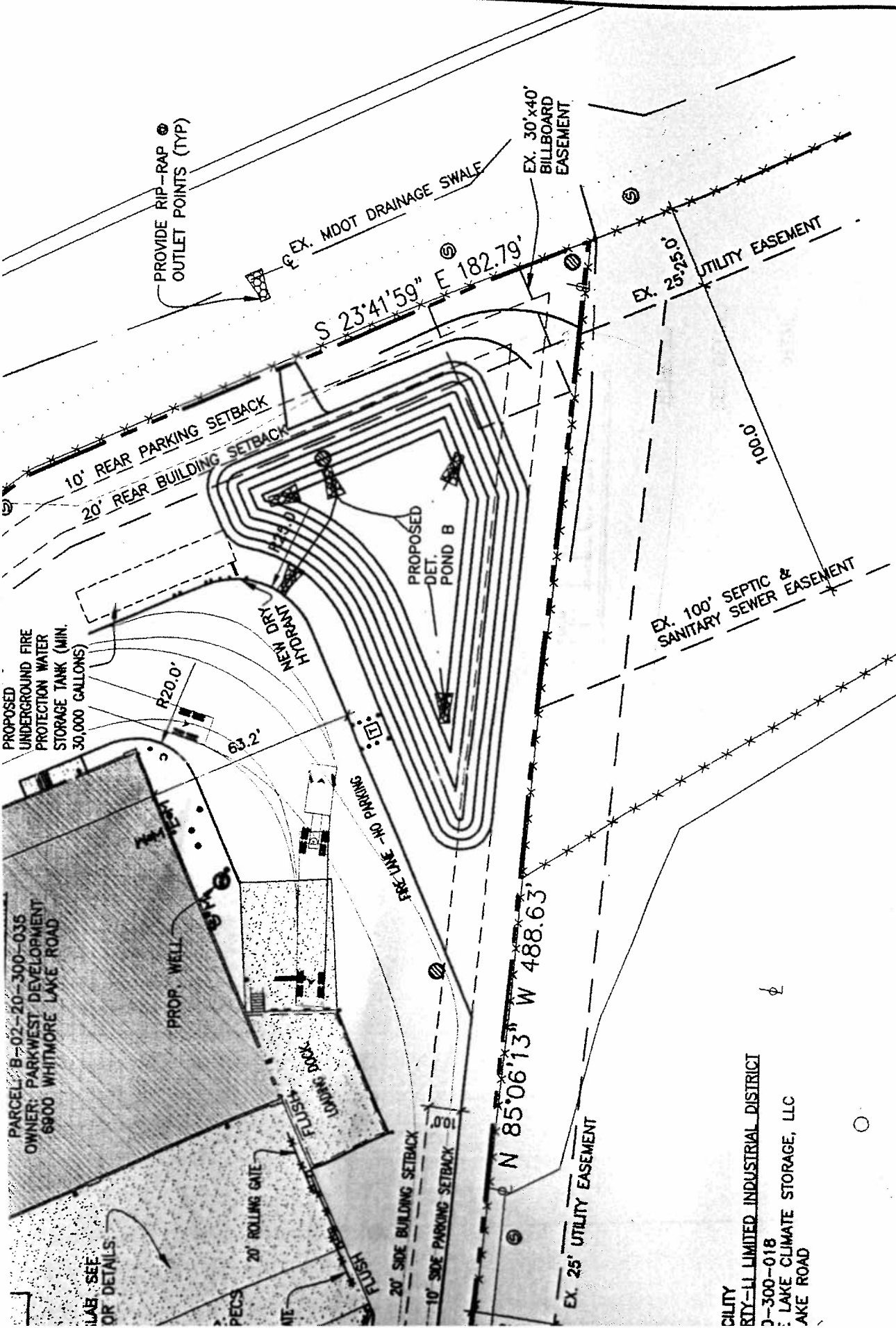
Diesel canopy is ok

Gas canopy has 3 wall signs
only one is permitted



This sign is to be removed





CITY
 CITY-LIMITED INDUSTRIAL DISTRICT
 2-300-018
 LAKE CLIMATE STORAGE, LLC
 LAKE ROAD

EX. WELL
 ✓

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS Minutes of Regular Meeting May 21, 2007

1. CALL TO ORDER

The meeting was called to order by Chair Kittie Burkhart at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:	
Kittie Burkhart	Present
Doug Del Favero	Present
Brad Miklosovic	Present
Susan Shink	Present [arrived at 7:07 P.M.]
Michael Gingo	Present
Drew Kmiecik, Alternate	Absent

Also present:
Building and Zoning Director Larry Andree
Planning Consultant Zak Branigan;
Carlisle/Wortman Associates
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

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

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

6A. Case #JBZA070002; Tractor Supply Company; 6900 Whitmore Lake Road, Requesting variances to Section 62.06, Signs Permitted in Business and Industrial Districts; Parcel 02-20- 300-035; Zoned GC

Dan Raglow with Toltest, Inc., explained that he is filling in for the applicant who could not be at the meeting. He said Toltest is the design-build company for this project. He said he understands that the future sign is being proposed at this time for placement on the adjacent property in the future after that parcel has been acquired for redevelopment as a shopping center. He said it is also his understanding is that a variance is being requested to allow the new pole sign to be larger than allowed because of the difficulty in locating a sign

that can be seen given the US-23 Territorial intersection and the curve in the road.

[Shink arrived at this point].

Andree referred to a copy of the site plan with the four signs for this project marked on it. He noted that no variances are required for the monument sign at Whitmore Lake Road and one of the wall signs. He said he explained to John Healey, the applicant, that of the two remaining signs, both of which require variances, the one on the property not yet owned by Tractor Supply cannot be granted by the ZBA at this point.

In answer to a question from Burkhart, Raglow said the Nowatzke sign is located on this property on an easement granted for it, and that sign will remain at this point. In answer to a question from Branigan, Raglow said the pole sign proposed by Tractor Supply will be new construction, not reuse of the existing pole sign.

Burkhart asked if a sign meeting the zoning ordinance regulations could be met by placing the sign in a different location. Andree said that was not discussed, and the proposed location of the sign was shown on the site plan approved by the Planning Commission. Gingo recalled that the problem was that a sign on the lengthy US-23 frontage of this property cannot be seen by southbound US-23 traffic until after the exit.

Andree noted that the Great Dane sign is a legal, non-conforming sign, and the owner does not want it removed until his property is acquired by Tractor Supply. Branigan explained that for that property to be redeveloped, the new owner would be required to remove the non-conforming sign as part of the approval of a new site plan.

Andree noted that the variance for the pylon sign would actually require a 160 sq ft. variance, not the 112 shown, because he did not add all of the signage together—as is required—in making the calculation for the variance.

Branigan said he thought during the Planning Commission discussions that the Great Dane sign was going to be changed out to advertise Tractor Supply, rather than a new pole sign being constructed. Raglow said he believes all of the plans submitted have always shown a sign at the location proposed for the pole sign. Del Favero noted that using the Nowatzke sign would defeat the purpose of having a sign that can be seen by southbound US-23 traffic before the Territorial Road exit.

Andree said although the Great Dane sign is an eyesore, the ZBA cannot address that because the

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applicant does not own that property. He also noted that both the wall sign and the monument sign meet ordinance requirements, and he asked Raglow to share that with the applicant.

Referring to his earlier comment, Branigan said after reviewing minutes of a Planning Commission meeting he did not attend, there had indeed been discussion about Tractor Supply building a new sign, rather than changing out the Great Dane sign.

There was discussion about Tractor Supply's desire to have a sign which can be seen by southbound US-23 before passing the Territorial Road exit. Andree said there is no way the proposed 30 ft. pole sign will be visible to people traveling southbound until after they have passed the exit.

In answer to a question from Miklosovic, Andree said the Township currently has a moratorium on billboard sign construction because there are more than are allowed by the Township.

Brangian said at this point the assumption has to be made that the adjacent property will not be developed with a shopping center, and the Great Dane sign will stay where it is.

Shink suggested that the Board review the Standards for Determination.

Burkhart asked how the signage at this Tractor Supply compares to signage at their other locations. Raglow said some have had larger signs—10'x30'—and the one in Howell has a larger sign along the expressway frontage. Branigan said it is likely that examples with less signage could also be found.

Branigan said the proposed monument sign is quite large, and a wall sign is also being proposed, so the applicant could make those smaller to preserve more square footage for a sign along US-23. He acknowledged that this is an unusual situation because the building's wall sign cannot be seen from Whitmore Lake Road. He said if that sign could be seen from the road, they might need the proposed monument sign.

There was discussion about the ordinance not taking into consideration the special situation created by the expressway frontage. Shink said that will not be a factor in her consideration of this request. Gingo said the Tractor Supply logo is very well known.

In answer to a question from Burkhart, Andree confirmed that a total of 80 sq. ft. is allowed between the ground sign at Whitmore Lake Road and the pole sign on US-23, and the ground sign is proposed at 48 sq. ft. leaving only 32 sq. ft. for another sign under the ordinance.

Shink said she understands that businesses want signs that are as large as possible, but that is why there is a sign ordinance. She said she can also understand that all businesses along the expressway would want large signs along the freeway, and she questioned whether

allowing the large sign on US-23 that Tractor Supply is requesting would constitute a privilege not granted to others. She said Tractor Supply chose this property and they knew what the sign ordinance was.

Del Favero said the Township is trying to attract businesses to the communities, and he would not want to tie Tractor Supply's hands.

In answer to a question from Burkhart, all Board members agreed that they cannot act on the sign on the adjacent property.

Gingo said it seems to him that the wall sign could probably easily be seen by passersby along US-23 if they moved it to east side of the building. Raglow noted that there is heavy landscaping along that side of the building as required by the Planning Commission.

► **Motion:** Del Favero moved, Burkhart supported, that in Case #JZBA070002, by Tractor Supply Company, 6900 Whitmore Lake Road, Parcel 02-20-300-035, (a) the 160 square foot variance for a 24'x8' pylon sign 30 feet above grade along US-23 be granted, and (b) the variance for a proposed future monument sign 50 feet tall by 20 feet wide, to be erected at a future date when the balance of the Transportation Logistics property at 6900 Whitmore Lake Road is developed, be denied.

Burkhart noted that she had supported the motion for discussion purposes.

Motion failed 1—4 on a roll call vote.

Raglow asked if a revised proposal can be brought to the ZBA in the future. Andree said the ordinance requires that only substantially different proposals may be brought during the year following a denial.

7. NEW BUSINESS

None.

8. UNFINISHED BUSINESS

- 7A. Case #JZBA070001; Request by Northfield Hills, LLC, for the following variances to develop the Northfield Preserve Site Condominiums at the intersection of Seven Mile and Donna Lane:**
- 1) Section 60.22(G)(3), a sixteen foot variance from sixty-six feet narrowed to a fifty foot road right-of-way width;**
 - 2) Section 60.21(F)(2), Side Setbacks, a variance to allow 15 or 20 feet between buildings;**
 - 3) Section 60.26(c)(6)(a)(1)(a), a wetland setback of at most twenty-five (25) feet for the construction of a roadway and 14 lots; and**
 - 4) Section 60.26(c)(6)(a)(1)(a) wetland setback of at most fifty (50) feet for construction of a roadway and 3 lots; Parcel B-02-09-200-007; Zoned SR1**

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Rod Danko of The Planning Team thanked the Board for allowing them time to consider changes to their plan since their proposal was on the agenda in February. He said they took to heart the Board's charge to reduce the variances needed to the minimum, and he believes they have made very significant progress.

In answer to a question from Burkhart regarding the variance for the road right-of-way, Danko said the road will not change from the standard width or construction

Regarding the third variance request (for wetlands setback for the roadway and 14 lots), Danko said the request for this variance has been completely eliminated.

Regarding the variances for separation between homes, he noted a variance from 25 feet to 20 feet is still being requested for the homes in the cul-de-sac, and a variance from 25 to 15 feet is being requested for 24 other lots. Burkhart thanked Danko for making it clear on the plan which lots are involved in the variance requests.

In answer to a question from Board members about encroachment on smaller wetlands, Danko said only lots 20, 21, and 28 encroach in these. Shink said according to the DEQ more than 50% of the State's wetlands have been lost to development, and she is concerned about granting a variance to allow any wetlands to be disturbed after the Township has enacted a wetlands protection ordinance.

Shink said she understands the effort the applicant has put into to minimize encroachments into wetlands buffers, but added this site is considered to be very biodiverse by the Huron River Watershed Council. Branigan noted that the wetlands being encroached upon are unregulated, and the Planning Commission still has not granted any approvals to the applicant.

Miklosovic said he appreciates the effort the applicant put into revising these plans. He said he is no longer concerned about the wetlands issue, but he is concerned about the sideyard setback issue. He said he has seen problems caused by this in the past. Andree noted that the maximum building coverage and FAR allowed for any lot is 30%, which will, in effect, limit the size of homes on the lots.

Shink said she understands Miklosovic's concern about the small lot sizes, and she is a little concerned about that, too, but she noted that the ZBA cannot do anything about the lot sizes. Branigan confirmed this, noting that all the ZBA can do is act on a request for variance of the side yard setbacks. He said when he and Andree met with the applicant recently their focus was on reducing the number of variances as much as possible on a site which has a very high percentage of wetlands on it while still preserving the number of lots required to allow the developer to turn a profit on the developer.

Shink recalled that there was discussion previously about a fire concern related to the separation between houses. Danko he consulted with two fire chiefs and could find only a reference to a minimum ten feet between residences. Andree confirmed that the National Fire Protection Association's requirement is ten feet.

Stuart Farber said development in general is imperfect, and as regulation increases, it is like shooting at a moving target. He said they are trying to work within the ordinances as well as they can, but ordinances try to set a standard of perfection. He said they have been trying to work on the plan's imperfections, and he was impressed with the work Danko and his associates were able to do on this plan. He said they are trying to build the best neighborhood they can.

Regarding the size of homes and the setbacks, Danko said the governing regulation will be the 30% building coverage and FAR limits.

Shink asked if anyone else has a problem with the 15 foot separation between the houses. Gingo said he can think of a subdivision with 10 feet between homes that seems too dense, but those homes are over 3,000 square feet, so the scale is different. Shink said she lived in an area where houses were close together, and it did allow for more neighborly behaviors.

- **Motion:** Gingo moved, Del Favero supported, that the request in Case JBZA70001 by Northfield Hills, LLC, to develop the Northfield Preserve Site Condominiums at the intersection of Seven Mile and Donna Lane, Parcel B-02-09-200-007; Zoned SR1 for variance from Section 60.22(G)(3), Specifications for Rights-of-Way and Roadways, Table 1, Width of Right of Way, for a sixteen (16) foot variance from sixty-six (66) feet narrowed to a fifty (50) foot road right-of-way width, be granted, based on a finding of compliance with the Standards for Determination.
Motion carried 5—0 on a roll call vote.

- **Motion:** Motion: Gingo moved, Del Favero supported, that the request in Case JBZA70001 by Northfield Hills, LLC, to develop the Northfield Preserve Site Condominiums at the intersection of Seven Mile and Donna Lane, Parcel B-02-09-200-007; Zoned SR1, for a variance from Section 60.26, Natural Features Preservation, (C) Wetlands, (6) Wetland Use Conditions, (a)(1)(a), allowing the roadway and 3 lots—lots 33, 34, and 46 on the plan dated May 11, 2007—to encroach into the 25 foot wetlands buffer, based on a finding of compliance with the Standards for Determination.
Motion carried 4—1 on a roll call vote, Shink opposed.

- **Motion:** Shink moved, Del Favero supported, that in Case JBZA70001 by Northfield Hills, LLC, to develop the Northfield Preserve Site Condominiums at the intersection of Seven Mile and Donna Lane, Parcel B-02-09-200-007; Zoned

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SR1 the request for variance from be granted, as stated in the letter received May 11, 2007 in the Building and Planning Department, and based on a finding of compliance with the Standards for Determination, as follows:

from Section 60.21(F)(2), Residential Open Space Option, Design Standards, Side Setbacks,

- a five (5) foot variance from the required twenty-five (25) foot separation distance from an adjacent dwelling for each of 11 lots (1-4 and 56-62), and,
- a ten (10) foot variance from the required twenty-five (25) foot separation distance from an adjacent dwelling for each of 24 lots (6-16, 18-23, and 39-45).

Motion carried 4—1 on a roll call vote, Miklosovic opposed.

9. MINUTES

February 26, 2007

One minor correction was made.

- **Motion:** Gingo moved, Shink supported, that the minutes of the February 26, 2007, regular meeting be approved as amended.
Motion carried 5—0 on a voice vote.

10. COMMENTS AND QUESTIONS BY ZBA MEMBERS, STAFF AND THE PUBLIC

Signs. Burkhart thanked the Commissioners for their hard work. She said although she does not want more billboards, the Tractor Supply case may indicate that changes to the sign ordinance may be in order.

Gingo referred to the school district's plan to erect two billboards on their property to generate income for the schools. He noted that there had been discussion at the Planning Commission and the Township Board about passing a resolution in opposition to this because the

Township has no zoning jurisdiction over school district property, but that was not done. He suggested, however, that as much or more effect might be had by anyone who has concerns about this calling school board members directly.

Miklosovic said he feels the real issue that is not being addressed is blight, and that has more effect on the community than the size of signs. Gingo noted that the Planning Commission has created a subcommittee to look at this issue, but noted that this may be a general law issue which would require enactment of an ordinance by the Township Board.

Risk Management. Shink reported that she attended a Risk Management seminar recently, and offered to provide copies of the written materials to ZBA members. She said the main point made by the attorney who made the presentation was to avoid arbitrary or discriminatory regulations to keep ordinances defensible. Branigan said he would scan it so it can be e-mailed to anyone who is interested.

11. CALL TO THE PUBLIC

None present.

12. ANNOUNCEMENT OF NEXT MEETING

June 18, 2006, 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. Andree noted that no applications have been submitted to date, and the deadline is Tuesday, May 29th.

13. ADJOURNMENT

- **Motion:** Gingo moved, Del Favero supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 9:03 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 _____, 2007.

Kittie Burkhart, Chair

Brad Miklosovic, Secretary

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
July 16, 2007**

1. CALL TO ORDER

The meeting was called to order by Chair Kittie Burkhart at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Roll call:	
Kittie Burkhart	Present
Doug Del Favero	Present
Brad Miklosovic	Present
Susan Shink	Absent with notice
Michael Gingo	Present
Drew Kmiecik, Alternate	Absent

Also present:
Building and Zoning Director Larry Andree
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

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

Andree noted that Roll Call had inadvertently been omitted from the agenda.

- **Motion:** Del Favero, Gingo supported, that the Roll Call be restored to the agenda as item 2a.
Motion carried 4—0 on a voice vote.

Roll call was taken.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- 6A. Case #JZBA070003; 2665 E. Five Mile Road; Applicants; Leonard and Marlene Chockley; Request for 473-foot variance to Section 60.22 (D)(3) to allow driveway in excess of 1,000 feet; Parcel 02-15-400-002; Zoned AR**

Jim Atchison of Atchison Builders said the Chockleys are requesting variances to (a) allow a driveway longer than 1,000 feet in length, (b) not be required to install a dry hydrant, and (c) avoid the requirement of meeting Class B Road standards. He said many homes built today are of a large scale for which the additional cost of the dry hydrant and a Class B Road are a small percentage of the total cost, but in this case those costs would be prohibitive. He said the owners are interested in having a country feel to their home, so wish to build it further back from the road.

He said he met with the Interim Fire Chief, Capt. Keine, to determine what is needed for public safety purposes, and he said the plan submitted to the ZBA fulfills those requirements. He said Keine indicated that it would be sufficient for the driveway to be 20 ft. in width and meet the weight requirements of a Class B Road between the road and the first T, but not include ditches or signs. He said this would allow tanker trucks to approach the house to resupply the fire trucks, and added that this section of road is less than 1,000 feet from Five Mile Road.

Atchison said this is a simple plan meeting the requirements of the Fire Department, the Township and the owners. Gingo questioned whether there are sufficient wetlands on the site to support a dry well. Atchison said there is not.

The engineer for the project explained how Keine came to the conclusion that having a staging area which could be reached by heavy equipment would be sufficient.

Andree said he had met with Atchison and referred him to Capt. Keine. He referred to the letter of July 2, 2007, from Keine which indicates that in lieu of a dry hydrant he would accept the wider driveway and base which will support heavy equipment, but that a circular turnaround meeting ordinance requirements must be provided instead of the proposed T. He said Keine added that a perpetual agreement for year-round maintenance up to the turnaround would be required. In answer to a question from Burkhart, Atchison and the engineer indicated they did not get a copy of Keine's letter.

Atchison said the National Fire Code recognizes a T as being acceptable instead of a cul-de-sac, so the Township should also accept that. Andree said there are situations in which a T or Y turnaround works, but

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in this case, with the need to have multiple trucks on the site in varying kinds of weather, the Fire Chief has indicated those options would not be sufficient.

Eileen Cozier, 7701 Sutton Road, said this house will be at the southwest corner of her property and she has no problem with this proposal. At her request Atchison showed her where the driveway will be located.

In answer to a question from Burkhart, Atchison said there is a small area that percs near the house site.

In answer to a question from Del Favero, Atchison said the proposed cul-de-sac seems excessive to him. He said there are houses all over the country without a turnaround of that type. Andree said most houses do not have driveways in excess of 1,000 feet, which is the maximum length of the hoses the trucks carry. The engineer explained that the turnaround issue was not resolved at the meeting with Keine because Keine had to go out on a fire call. He said the requirement seems fair to him.

Gingo explained that without the circular turnaround it is quite likely that the necessary resupply of water to fight a fire could not be brought in and hooked up in time.

In answer to a question from Andree, Atchison said he has received a letter from the gas company approving their request to build the driveway over the pipeline.

Gingo said it appears that the driveway will cut through what little woodland there is on the site. Atchison said their intent is to avoid as much of the gas line as possible while avoiding as many of the large trees as possible. He said the result is that they will be cutting into the brushy side of the woodland. Andree noted that the Road Commission must also approve the location of the curb cut.

Gingo said the driveway seems to be close—perhaps 50-60 feet—to the garage and house on the west side. Atchison said they have to also stay out of as much of the wetlands as possible.

Arlene Chockley said this is their dream retirement house. She said they have lived in a variety of subdivisions, and they are looking forward to living in peace and quiet some distance from the road. She said no other houses will be back there, and they want to take down as few trees possible to maintain as much of the natural state as possible. She added that the house is only a 2,100 sq. ft. walk-out ranch, and they hope to have a natural prairie area around the house. She said they are trying to limit the impervious surface and disturbance of the land. She said they are looking forward to living in Northfield Township and contributing to the community.

Karl Ehnis, owner of the 80 acres to the east, asked if anyone has checked to see if the O'Connor Drain will be affected in any way. He said that must be preserved. Andree said it does not look like there will be an impact, but added that a Soil & Erosion Control Permit is required. Atchison said erosion and drainage was looked at and the permit has been issued. He added that the drain was recently cleaned so is in much better shape than it has been in years.

Motion: Del Favero moved, Gingo supported, that the request in Case #JZBA070003, 2665 E. Five Mile Road, by Leonard and Marlene Chockley, for a 473-foot variance to Section 60.22 (D)(3) to allow driveway in excess of 1,000 feet; Parcel 02-15-400-002; Zoned AR, be granted, with the condition that the applicant meet the requirements of Capt. Keine, as stated in his memo, as follows:

1. The initial ±596 feet of drive be maintained at 20 feet of width and be constructed so as to support a 25-ton single-axle truck year-round.
2. The T-type turnaround be replaced by a circular turnaround, constructed pursuant to the dimensions listed in Article 60.0 Table 1 of the Northfield Township Zoning Ordinance. Past practice has shown that the T-type turnaround does not provide sufficient room for apparatus set-up and maneuvering.
3. The homeowner must understand that approval is conditional upon perpetual maintenance of the circular turnaround, including snow removal and grading.

Motion carried 4—0 on a roll call vote.

**6B. Case #JZBA070004; Tractor Supply Company;
Location: adjacent to 6900 Whitmore Lake Road;
Request 172.14 sq. ft. variance to Section 62.13
for a Double-sided pylon sign;
Parcel B-02-20-300-035. Zoned GC**

John Healey of Parkwest Development of Toledo appeared as representative for the applicant. He recalled that the ZBA had denied sign requests in May. He said based on comments from the ZBA the applicant has agreed to substantially reduce the size of the sign along US-23.

Healey noted that Andree has indicated that only 80 sq. ft. of signage is allowable because US-23 does not meet the definition of street, but when they purchased the property they were under the impression that they could have signage on both the Whitmore Lake Road and US-23 frontages. He said they have a little bit of a hardship because the building is set back from

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Whitmore Lake Road where the access is, yet most of the people will see it from US-23.

He said they are asking that they be allowed to have a monument sign on Whitmore Lake Road.

He said although they have 600 feet of frontage on US-23, sight of their building from US-23 is blocked with heavy landscaping, by the N. Territorial overpass, and neighbors who park large trucks near the highway.

Healey presented renderings of the site showing a sign measuring 200 sq. ft. per side to give an idea of the scale of a sign that size in comparison to the building, and he noted that they are requesting only a 100 sq. ft. per side sign. He said based on the lack of exposure to the highway the applicants are requesting a variance in the total signage for this development.

Gingo questioned whether what will probably be a fleeting glance by passing motorists will be sufficient. Healey said they believe that is all that is necessary.

In answer to a question, Healey said the proposed pole sign is half the size of the previous proposal and five feet short. Burkhart said it would be nice if all of the signs in that stretch could be replaced with one large sign advertising all of the businesses in that area. Healey said it was their commitment to the Planning Commission that if other adjacent properties were to be combined into this development in the future their pylon signs would be removed and advertising for them added to a common sign. He said he believes in comparison to those other existing signs, the size they are requesting—given the amount of frontage they have—is reasonable.

Del Favero said he agrees that many of the existing signs are in very bad shape, but he is hesitant to penalize new businesses that are making substantial development commitments to the community. Gingo it may seem like a penalty, but the Township is trying to work toward a goal of less signage along the expressway, and the way to do that is to bring non-conforming signs into conformance as they are redeveloped.

Healey said Tractor Supply committed to the Planning Commission that they will remove this requested sign if other adjacent developments agree to joint use of a single sign. He said giving Tractor Supply a presence and allowing them to be successful will help lead to the Township's goal of redevelopment of the larger area. Burkhart said she wishes the ZBA could act based on future promises and goals, but Tractor Supply does not have control of those other properties, and the ZBA must act on what the situation is now.

In answer to a question from Del Favero, Healey said Tractor Supply has an option on one of the adjacent

properties which they will have an opportunity to act upon with the next few years. Del Favero asked if the ZBA could approve a variance for this sign with the stipulation that it be removed in 3-4 years regardless of whether they acquire the adjacent properties. Andree said the ZBA could do that, but it might lead to litigation. Miklosovic noted that in that scenario the applicant could choose to reduce the size of the sign to bring it into compliance. Del Favero asked if the applicant would be willing to commit to something of that nature.

Healey said Tractor Supply is one of the very few businesses that could locate at an interchange without having a municipal water supply, so he cannot say what will happen with the other surrounding sites in the next few years.

Burkhart said while she does not like all of the signs in that stretch of US-23, she feels it is not unreasonable for a business to ask for such a sign. She said it is just unfortunate that there are so many signs there and so many of them are so unattractive. In answer to a question from Gingo, Healey said they can use a sign containing only the initials TSC only where passersby are much closer.

Healey again said that they are required to ask for this variance because US-23 does not meet the definition of a street. Andree said the Township has always recognized the right of businesses in this area with two frontages to have signs on both sides, but a variance is required for additional square footage.

Gingo said the Township wants to encourage redevelopment of sites—as Tractor Supply is doing—as opposed to development of open space or farmland. Miklosovic said this will weigh into his decision.

Healey said he knows that the ZBA cannot make decisions about current cases based on future possibilities, but the commitment Tractor Supply has made to reducing total signage as other sites in the area are brought into their development should be reflected in the minutes.

► **Motion:** Del Favero moved, Miklosovic supported, that the request in Case #JZBA070004, Tractor Supply Company, for a 172.14 sq. ft. variance from Section 62.13 for a double-sided pylon sign at the property adjacent to 6900 Whitmore Lake Road; Parcel B-02-20-300-035. Zoned GC, be granted based on a finding of compliance with the Standards for Determination.

There was discussion about whether there should be a stipulation that this sign eventually be removed in favor of a different sign being constructed which advertises multiple businesses in this area.

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- **Amended Motion:** Del Favero moved, Miklosovic supported, that the request in Case #JZBA070004, Tractor Supply Company, for a 172.14 sq. ft. variance from Section 62.13 for a double-sided pylon sign at the property adjacent to 6900 Whitmore Lake Road; Parcel B-02-20-300-035. Zoned GC, be granted based on a finding of compliance with the Standards for Determination, with the stipulation that it be removed within five years.

Andree said Tractor Supply would be penalized by the added stipulation because only the overall developer of the site—Parkwest Development—has control over whether they bring other properties into this development.

Del Favero and Miklosovic withdrew the amended motion.

Original Motion carried 5—0 on a roll call vote.

6. NEW BUSINESS

None.

7. UNFINISHED BUSINESS

None.

8. MINUTES

May 21, 2007

- **Motion:** Gingo moved, Del Favero supported, that the minutes of the May 21, 2007, regular meeting be approved as presented, and to dispense with the reading. Motion carried 5—0 on a voice vote.

9. COMMENTS AND QUESTIONS BY ZBA MEMBERS, STAFF AND THE PUBLIC

Tractor Supply. Burkhart thanked Andree for clarifying the issue of future removal of the sign requested by Tractor Supply. She said the ZBA tries hard to meet the needs of both applicants and the community, but sometimes it is not possible. Del Favero said he hopes this will be the first step in cleaning up that area, and he thanked the other Board members for supporting his motion.

Gingo said the ZBA has to act on what is presented to it, and while some people may see this as a short term loss, he believes it is the beginning of a long term gain, and is the view that must be taken at some point. He added that Mr. Healey has proven himself to be a trustworthy representative of the applicant, and that made a difference in his approach to his decisions on this project.

10. ANNOUNCEMENT OF NEXT MEETING

August 20, 2007 at 7:00 P.M. at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals. Andree said no applications have been submitted at this point. It was noted that even though citizens have the option to pay lower fees to be heard at that meeting, they are choosing to make changes to their plans rather than come before the ZBA. Burkhart said credit is due to Andree for taking the time to explain options to applicants, and she thanked him for that.

11. ADJOURNMENT

- **Motion:** Del Favero moved, Gingo supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 8:50 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 _____, 2007.

Kittie Burkhart, Chair

Brad Miklosovic, Secretary

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS Minutes of Regular Meeting August 17, 2015

1. CALL TO ORDER

The meeting was called to order by Chair Kenneth Dignan at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call	
Kenneth Dignan	Present
Doug Del Favero	Present
Greg Kolecki	Present
Jacqueline Otto	Present
Amy Steffens	Absent with notice
Gary Wellings, Alternate	Absent
(presence not required)	

Also present:
Recording Secretary Lisa Lemble
Mary Bird, Assessing & Building Assistant
Kurt Weiland, Zoning Administrator
Members of the public

4. ADOPT AGENDA

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

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- 6A. Case #JZBA150007; Michael and Lisa Gersky, Location: 8111 Beech Avenue; Request for variance from Section 36-248(4)(b), to reduce the required street side yard setback from 30 to 15 feet to build a 1,450 sq. ft. house. Parcel 02-08-376-001; Zoned SR-2—Single Family Residential.**

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

Michael Gersky presented images of the proposed 1,450 sq. ft. log house he and his wife wish to build, and explained that an easement on the north side presents a difficulty. He said he has spoken with his neighbor who indicated he has no objection to the proposal.

Zoning Administrator Kurt Weiland said the applicants have done a good job of trying to work with the site. He said the easement is for a street that may never be built, the proposal represents a minimal intrusion into the required side street setback, and he recommended approval of the request.

Robert Mccowan, 4672 Willowbrook, Ann Arbor, general contractor, said the 30 foot setback starts eight feet behind the edge of the gravel, and that creates a building footprint that will not allow a reasonably-sized house. He said the easement has been overgrown for many years, it is unlikely to become a road anytime in the foreseeable future, and the owners are likely to clean it up.

Ken Johnson, 8056 Lakeshore, said when this property was previously for sale it was considered unbuildable, and he provided an Assessor's document which includes notes to that effect. He said this property has been underwater twice in recent years, and another house recently built across from this site—which is farther away from the lake—has had to have its pump running constantly at times to keep the house from flooding. He said given the flooding problems on Horseshoe Lake he is concerned about where the water from this site will go.

Dave Taylor, 8108 Lakeshore and 8102 Park, said it has been his understanding that this lot is wetland serving as a retention area. He said he does not understand how this lot can be built on without bringing in a huge amount of fill. He said other people with similar lots have been told they cannot build on them because they are wetlands, and he questioned whether the DNR should be consulted about the wetlands status.

Steven Aldridge, 8306 Lakeshore, said he shares the concerns of Johnson and Taylor about the flooding.

Sue Gow, 8026 Lakeshore, said she was told 18 years ago she could never build on this side of her property because of the water problems on those lots. She said she is concerned that if this is allowed for one of these lots it will be allowed for all similar lots. Del Favero said each ZBA case is considered on its own merits and precedent is not set by ZBA decisions.

Cam Vozar, 8008 Lakeshore, said he lives three houses east of the subject site, and he shares the same concerns about flooding. He said this is unbuildable because of the setbacks. Dignan noted the ZBA has no say about whether a lot is unbuildable due to issues such as wetlands.

Gersky said he was assured that this is not a wetland, and he will make sure that is true. Mccowan said the sump pump was running in the recently-built house at

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8036 Park referred to by Johnson because the structural design of the house was built to accept flood water, and once the water was gone the pump stopped running. He noted that site had to comply with FEMA regulations and was inspected by the MDEQ, and the same would be true for this house.

In answer to a question from Otto, Weiland said the driveway will be addressed on Beech, rather than Maple, because it would be very difficult for emergency services to find it with an address on Maple.

In answer to a question from Kolecki, Mccowan said a sewer tap is available for the site. Weiland noted the house cannot be built without one.

**6B. Case #JZBA150008; Jeffrey M. Forth;
Location: 6935 Earhart Road; Request for
variance from Section 36-158(4)(b), to reduce
the required interior side yard setback from 30
to 16 feet (14 foot variance) to build a garage.
Parcel 02-23-100-008;
Zoned AR—Agricultural.**

Jeffrey Forth said he wants to build a standard garage that will enhance the value of the house. He said his neighbors have no objection to the proposal, and the site is very rural.

In answer to question from Otto, Forth said he will use the second floor as a hobby shop, but he really only wants the second level so the garage will match the house style.

Weiland said because the lot is only an acre in size changes in the zoning ordinance have made the size non-conforming and the increased setbacks have reduced the building footprint. He said Forth has cleaned up the house and the property considerably and he recommends approval of the proposal.

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

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

**8A. Case #JZBA150007; Michael and Lisa Gersky,
Location: 8111 Beech Avenue; Request for
variance from Section 36-248(4)(b), to reduce
the required street side yard setback from 30 to
15 feet to build a 1,450 sq. ft. house.
Parcel 02-08-376-001;
Zoned SR-2—Single Family Residential.**

Otto said the ZBA cannot solve Horseshoe Lake flooding issues. Dignan agreed and said the ZBA has no

jurisdiction over anything related to environmental conditions on this site.

In answer to questions from Kolecki, Weiland said most of the Horseshoe Lake area is in a floodplain, and any building must comply with state construction code and FEMA so that flood waters are allowed in and the elevation of the property is not raised. He said the DEQ would determine whether this is a wetland; that is nothing the Township can comment on. Otto noted wetlands would be shown on Horseshoe Lake Association records and this property is not so designated.

Dignan said the ZBA has dealt with other properties like this having two road frontages, although Maple Road is not developed next to this property. In answer to a question from Dignan, Mr. Johnson said Maple Road is undeveloped from the end of Park to Beech.

At Del Favero's request Mccowan explained that FEMA regulations must be followed for setting the elevation of the crawl space floor and finish first floor of a house in this area, so as a builder his objective is to not change the elevation of the group. He said the MDEQ sends someone out to walk the property, look at native and invasive species, and determine the wetlands status. In answer to a question from Kolecki, Mccowan said fill would be allowed to be brought in to raise the driveway to the 905' finished floor elevation set by FEMA, but a carport will be built for this house so that will not be as necessary. He added that they want to try to save as many trees as possible on the site.

In response to comments made during the public hearing that some lots are unbuildable, Weiland said if people are willing to meet the requirements and codes of various governmental agencies to build a house on a given lot, they are welcome to do so. Otto noted that the notes on the Assessor's record provided by Mr. Johnson for this parcel, can be interpreted to say that the reason this lot is unbuildable is because of the lack of developed road frontage.

Dignan noted the ZBA has heard many cases regarding setbacks in the SR-2 zoning district, and the Planning Commission has made it a priority to address this, including perhaps allowing more administrative approvals of variances.

- **Motion:** Dignan moved, Del Favero supported, that in the request in case #JZBA150007 by Michael and Lisa Gersky a variance of 15 feet from Section 36-248(4)(b), side yard, setback, be granted to build a 1,450 square foot home. The property is located at 8111 Beech Avenue in the Horseshoe Lake Subdivision, Parcel 02-08-376-001, and is zoned SR-2 Single-Family Residential. The ZBA has found that the applicant has met the conditions necessary and the Standards for Determination and is requesting the minimal variance necessary in order to build the home. The property is unique in nature being both a lakefront two road front property, which makes this variance necessary.
Motion carried 4—0 on a roll call vote.

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- 8B. Case #JZBA150008; Jeffrey M. Forth;
Location: 6935 Earhart Road; Request for
variance from Section 36-158(4)(b), to reduce
the required interior side yard setback from 30
to 16 feet (14 foot variance) to build a garage.
Parcel 02-23-100-008;
Zoned AR—Agricultural.

Dignan said that—as stated earlier by Del Favero—the
applicant made this request very easy to understand by
physically marking the pertinent elements on the site.

- **Motion:** Dignan moved, Del Favero supported, that
in Case #JZBA150008 brought by Jeffrey M. Forth
of 6935 Earhart Road for a variance from the side
yard setback requirement of 30 feet in the AR
district per Section 36-158(4)(b), the Zoning Board
of Appeals approves a variance of 14 feet to the
side yard setback. The Parcel number is 02-23-100-
008, and the property is zoned AR—Agricultural.
The ZBA recognizes that this one acre parcel in the
AR district is unique in nature, and the applicant
has met the requirements of the Standards for
Determination.
Motion carried 4—0 on a roll call vote.

9. UNFINISHED BUSINESS

None.

10. MINUTES

June 1, 2015

Dignan made a correction to the names of ZBA
members listed under Roll Call.

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 _____, 2015.

Kenneth Dignan, Chair

Greg Kolecki, Secretary

- **Motion:** Kolecki moved, Otto supported, that the
minutes of the June 1, 2015, regular meeting be
approved as amended.
Motion carried 4—0 on a voice vote.

11. CALL TO THE PUBLIC

None present.

12. ZBA MEMBER COMMENTS

Del Favero and Dignan thanked the staff, Nelson, and
Lemle.

13. ANNOUNCEMENT OF NEXT MEETING

September 21, 2015, 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.
Bird reported that no applications have been submitted
yet for that meeting.

12. ADJOURNMENT

- **Motion:** Otto moved, Del Favero supported, that
the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 7:57 P.M.

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

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting September 21, 2015

1. CALL TO ORDER

The meeting was called to order by Chair Kenneth Dignan at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

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

Also present:
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

- **Motion:** Dignan moved, Del Favero supported, that the agenda be adopted as presented.
Motion carried 5—0 on a voice vote.

5. CORRESPONDENCE

Dignan referred to a memo from Zoning Administrator Kurt Weiland regarding the case to be considered at this meeting.

6. PUBLIC HEARINGS

6A. Case #JZBA150009; Christopher Galea
Location: 4271 E. North Territorial East Road
Request for variance of 5 feet from the
requirement in Section 36-158(4)b for a
minimum 30 foot side yard setback to allow
proposed barn to be set back 25 feet;
Parcel 02-25-300-027; zoned AR—Agriculture.

- **Motion:** Del Favero moved, Wellings supported, that the public hearing be opened.
Motion carried 5—0 on a voice vote.

Christopher Galea said the proposed barn will be 26' x 60'.

Dignan read the memo dated 9/20/15 from Zoning Administrator Weiland indicating his support of the proposal as it would have little or no impact on surrounding properties and explaining the history of side yard setbacks in the AR district.

Michael Gingo said he lives two doors west of this property and said he has no objection to the proposal. He noted the address should properly be "North Territorial East, Ann Arbor, MI 48105" rather than East North Territorial, Whitmore Lake, MI 48189."

Per Anders, 4345 North Territorial East, said he lives next door to this site and also has no objection to the proposal.

- **Motion:** Del Favero moved, Kolecki supported, that the public hearing be closed.
Motion carried 5—0 on a voice vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

8A. Case #JZBA150009; Christopher Galea
Location: 4271 E. North Territorial Road
Request for variance of 5 feet from the
requirement in Section 36-158(4)b for a
minimum 30 foot side yard setback to allow
proposed barn to be set back 25 feet;
Parcel 02-25-300-027; zoned AR—Agriculture.

Dignan referred to the packet materials. In response to a question from Steffens, Dignan said the setback in AR has been 30' as long as he knows, but as part of the codification of the zoning regulations into Township ordinances, the reference to this in old Article 10, which is now Article 36-90a, was missing, so it is understandable that there was a misunderstanding.

Steffens said the ordinance states that accessory buildings should be incidental to the primary structure, but at 1,560 sq. ft. it is not much smaller than the house which is about 1900 sq. ft., and since this is a five acre parcel there should be room for the pole barn to meet the setback requirement. Dignan said while accessory buildings are typically smaller than the primary building in residential districts, it is not uncommon for barns to be larger than homes in the AR district.

Galea said two septic fields and a swampy area create limitations for the placement of the pole barn, and he also wanted to keep the building in line with the house as planned when the house was built in 2013. In answer to a question from Wellings, Galea said he reviewed his plans with Weiland when he built the house and graded the site for the barn to be placed at this location.

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In answer to questions from Steffens, Galea said he needs the barn to be this size for the items he plans to store in it, and that is why he moved to this property. Dignan said he might feel differently without the memo from Weiland explaining that the setback in the AR district used to be 5 feet.

Wellings said this is a Board of Appeals, not an enforcement division, and the ZBA exists to give relief to petitioners. He added that while the use of this building will not initially be for agriculture, it could be used that way by a future owner. Steffens said the intent of the ordinance did not change when it was codified in 2013 and the ZBA is supposed to uphold the ordinance. Wellings said Galea was told by Weiland in 2013 that his proposal met the ordinance.

Galea said at 26' the barn is only slightly wider than any garage would be. Dignan said the application states the barn will be 24' wide; Galea said he emailed a new application to Mary Kendall showing the 26' width. Dignan said the width doesn't matter as long as only a 5' variance is still being requested.

Dignan said in his experience when there is a question of intent or clarity of the ordinance the ZBA should err on the side of the applicant, and that has been upheld by the courts time and time again. He said clarity was lacking when the applicant reviewed his plans with the Township in 2013 and he prepared his property according to those plans.

- **Motion:** Dignan moved, Del Favero supported, that in the request in Case #JZBA150009 by Christopher Galea at 4271 North Territorial Road East, Parcel 02-25-300-027, zoned AR—Agriculture, the ZBA finds that the applicant has met the Standards for Determination in showing that to accommodate the minimum 30' setback would create a hardship and the addition of the accessory building is in harmony with the community, and for that reason we grant a variance of 5' along the east property line. **Motion carried 4—1 on a roll call vote, Steffens opposed.**

9. UNFINISHED BUSINESS

None.

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 _____, 2015.

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/

10. MINUTES

- **Motion:** Kolecki moved, Del Favero supported, that the minutes of the July 20, 2015, regular meeting be approved as presented.
Motion carried 5—0 on a voice vote.

11. CALL TO THE PUBLIC

Michael Gingo said he understands Steffens' point about the case heard earlier, but the Standards for Determination allow the ZBA to look at area properties in considering variances, and two other properties were granted setback variances for barns.

12. ZBA MEMBER COMMENTS

Del Favero said the ZBA looks at each case on its own merits and does not rely on precedence. Dignan said five acre AR parcels are primarily used residentially, and quite a few cases of setback variances on such lots have come up, so this may be an indication that this requirement should be reconsidered.

Wellings said he thinks 30' is fine, but in this case the applicant was led by the Township to believe a 25' setback would be acceptable. Dignan added it was a variance of only 5' of the required 30'.

Del Favero thanked Jim Nelson and Lisa Lemble for their work.

13. ANNOUNCEMENT OF NEXT MEETING

October 18, 2015, 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 if a meeting is necessary. Dignan said he will probably not be present.

14. ADJOURNMENT

- **Motion:** Wellings moved, Del Favero supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 7:41 P.M.