

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
October 19, 2020 7:00 p.m.
Second Floor, Public Safety Building
8350 Main Street, Whitmore Lake, MI 48189**

In an effort to practice social distancing and in accordance with Governor Whitmer's Stay Home, Stay Safe, Save Lives Executive Order, the Northfield Township Planning Commission will hold a virtual meeting on

Monday, October 19, 2020 at 7:00 p.m. both virtually and in person

Join the virtual board meeting by visiting <https://zoom.us/j/95149704268> or dialing (312) 626-6799
Webinar ID: 951 4970 4268

Public participants will be able to address the board virtually during the public comment periods on the agenda.
Visit http://www.twp-northfield.org/government/how_to_join_a_virtual_meeting.php for more information.

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPT AGENDA**
- 5. CORRESPONDENCE**
- 6. PUBLIC HEARINGS:**
 - A. Case #JZBA200004 – Recommend to Approve, Approve with Conditions or Deny, the request of James Korf on behalf of Eric Patterson, TerraFirma, located at 6410 Whitmore Lake Road, Whitmore Lake, MI 48189. The applicant is proposing to conduct a landscaping business on the site and proposes to construct a gravel parking lot when the Ordinance requires an asphalt or concrete paved parking area. The parcel is zoned LI (Limited Industrial) district and has parcel numbers B-02-29-200-003 and -004
- 7. OLD BUSINESS**
- 8. NEW BUSINESS:**
 - A. Case #JZBA200004 – Recommend to Approve, Approve with Conditions or Deny, the request of James Korf on behalf of Eric Patterson, TerraFirma, located at 6410 Whitmore Lake Road, Whitmore Lake, MI 48189. The applicant is proposing to conduct a landscaping business on the site and proposes to construct a gravel parking lot when the Ordinance requires an asphalt or concrete paved parking area. The parcel is zoned LI (Limited Industrial) district and has parcel numbers B-02-29-200-003 and -004
- 9. APPROVAL OF MINUTES:** September 21, 2020
- 10. CALL TO THE PUBLIC**
- 11. ZBA MEMBER COMMENTS**
- 12. ANNOUNCEMENT OF NEXT MEETING:** November 16, 2020
- 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.

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The Northfield Township Zoning Board of Appeals will hold a public hearing for a variance request from James Korf on behalf of Eric Patterson, located at 6410 Whitmore Lake Road, Whitmore Lake, MI 48189. The applicant is proposing to conduct a landscaping business on the site. The parcel is zoned LI (Limited Industrial) district and has parcel numbers B-02-29-200-003 and -004. The applicant is requesting the following variance from the Zoning Ordinance:

1. Article XXV. Off-street parking and loading requirements, Section 36-762 (B) (3) to allow for the construction of a gravel parking lot to serve the business, when the Ordinance requires a concrete or asphalt surface in all districts except Agricultural.

The public hearing will be held on Monday, October 19, 2020 at 7:00 p.m.. This meeting will be held online using the Township's Zoom Account at the following web address:

<https://zoom.us/j/95149704268> you may also access the meeting via telephone by calling 1 312 626 6799 and using the webinar ID: 951 4970 4268

The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

In the event, that the State of Michigan prohibits "virtual" meetings prior to October 19, 2020. The Public Hearing will be held at the same time and on the same day, in person, on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The Township will notice a change of venue on the Township website and post in Township Hall.

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

Kathy Manley– Northfield Township Clerk

Publish: Sunday, October 4, 2020
Newspaper: legalads@mlive.com

\$795.

NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

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

ZONING BOARD OF APPEALS HEARING APPLICATION

| Applicant Information: | | Proprietor/Owner Information: | |
|---|--|--|--|
| Name: JAMES KOPF COMPOSITION WORKSHOP | Name: ERIC PATTERSON | | |
| Address: 800 JUNCTION, PLYMOUTH, MI | Address: 1650 WAMPLERS LK. BROOKLYN MI | | |
| Phone: 313.478.1547 | Phone: 734.320.5654 | | |
| Email: JKOPF@CMPWORKSHOP.COM | Email: ERIC@TERRAFIRMA LANDSCAPE.NET | | |
| If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided. | | | |
| Proof of Ownership Attached: <input checked="" type="checkbox"/> | | Non-Owner Affidavit Attached: <input checked="" type="checkbox"/> | |
| If applicant is not the owner, describe applicants interest in the property: ARCHITECT | | | |
| 1. PROPERTY DESCRIPTION: | | | |
| A.) PROJECT ADDRESS: 6410 WAMPLERS LK WHITMORE LK RD | | | |
| B.) PARCEL ID(S): 13-02-29-200-003, 004 | | IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| C.) LEGAL DESCRIPTION: ATTACHED 'ON SURVEY' | | | |
| 2. PRESENT ZONING CLASSIFICATION: | | | |
| AR LR MR MHP SR1 SR2 LC HC GC (L) GI RTM ES PUD PSC RC RO WLD- W.L./N.T. Overlay OTHER: | | | |
| 3. PRESENT USE OF PROPERTY: LANDSCAPE BUSINESS. | | | |
| 4. NON-CONFORMING STATUS: | | | |
| A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): EXISTING GREENHOUSE/BARN IS IN THE 20' SIDE YD SETBACK. (8') | | | |
| B.) State year/month Non-Conformity began (to the best of your knowledge): NO DATA EXISTS. | | | |
| 5. VARIANCE REQUEST: | | | |
| A.) Is a denial letter attached from the Zoning Administrator? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| If no, identify each section of ordinance from which Variance is requested: 36-762(b)(3) | | | |
| THE VARIANCE REQUEST IS FOR ALL PARKING + DRIVE SURFACES BEHIND THE 10' PERIMETER FENCE. THE APPLICANT IS REQUESTING A VARIANCE TO USE A GRAVEL SURFACE IN LIEU OF ASPHALT OR CONCRETE. | | | |

B.) Describe reason/need for Variance: IN ORDER TO UTILIZE THE SITE AS FULLY AS POSSIBLE FOR THE INTENDED BUSINESS, THE CLIENT NEEDS TO USE THE NORTH HALF OF THE SITE FOR PARKING + DRIVES. GIVEN THE FREQUENT + EXTENSIVE EXCAVATION OF THE EASEMENT, ALL ASPHALT WOULD HAVE TO BE REMOVED + REPLACED AT THE OWNERS EXPENSE.

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

THE EXISTING UTILITY EASEMENT ALLOWS CONSUMERS POWER TO FULLY EXCAVATE THE SITE. (ATTACHED) IN ADDITION, PERMEABLE DRIVING SURFACES ALLOW FOR STORM WATER TO BE LARGELY HANDLED ON SITE, IN LIEU OF ADDITIONAL DISCHARGE IN THE

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

☐ Yes ☒ No

Describe:

MDOT
STORM SYSTEM

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

THE UTILITY EASEMENT IS EXCAVATED FOR TESTING OF THE PIPELINE REGULARLY. WITHOUT A VARIANCE FROM THE ASPHALT REQUIREMENT, THE NORTH HALF OF THE SITE CANNOT BE USED FOR PARKING OR DRIVES WITHOUT AN EXORBITANT EXPENSE (REGULARLY)

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

IT ALLOWS THE OWNER TO UTILIZE THE NORTH HALF OF THEIR PROPERTY IN THE ONLY WAY PERMITTED BY THE UTILITY EASEMENT. PARKING + DRIVING.

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:

ANY + ALL PAVING OUTSIDE PRIVACY FENCE TO BE ASPHALT. NO GRAVEL DRIVES TO BE VISIBLE TO THE PUBLIC. ALL GRAVEL DRIVES WILL BE BUILT TO TWP SPECS + MAINTAINED BY THE OWNER.

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

A VARIANCE FROM SECTION 36-762 (b) (3) TO ALLOW GRAVEL DRIVES + PARKING EQUAL TO A CLASS B GRAVEL ROAD BEHIND 10' PRIVACY FENCE.

6. REQUIRED DOCUMENTS: (10 copies of application & site plans and 1 pdf file for large scale plans)

Attach a scaled and accurate drawing with the legal description and showing:

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

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

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

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

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

* \$595.00 - Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)

\$795 = All others

10. THE APPLICANT:

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

AUTHORIZED SIGNATURE

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

Applicant(s) Signature _____

Date _____

APPLICANT CHECKLIST

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

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

FOR ZONING BOARD OF APPEALS 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 Board of Appeals reviewed the above requested variance or appeal and;

☐ Approved: Date _____ ☐ Denied: Date _____

Comments: _____

Signature of ZBA Chair

Signature of ZBA Secretary

Public Hearing date and time: _____

Notice sent to Newspapers: _____ for publication on: _____

(Notice shall be given not less than fifteen (15) days nor more than thirty (30) days before the date of public hearing.)

Notice sent to neighboring owners / occupants: _____

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

Notice sent to Zoning Board of Appeals Members: _____

Copies of Minutes sent to: _____ File _____

Applicant: _____

Building Department: _____

Ordinance Enforcement Officer: _____

Received Date: **RECEIVED**
SEP 28 2020
NORTHFIELD TOWNSHIP

Paid Date: **PAID**
SEP 28 2020
NORTHFIELD TOWNSHIP TREASURER

Existing Legal Non-Conformities: ☐ Yes ☐ No

If yes, explain below:

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date _____

☐ Approved As Noted: Date _____

☐ Denied: Date _____

☐ Conditional Use Required

☐ Site Plan Approval Required

COMMENTS: _____

Zoning Administrator Signature

Date

AREA OF CONCERN

Landscaping:

| | Complies | Does Not Comply | N/A |
|-----------------------------|--------------------------|--------------------------|--------------------------|
| 1 Greenbelt | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 Parking lot islands, etc. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 Site Landscaping | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 Foundation Planting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 Dumpster Screening | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6 Comments: | | | |

Signs:

| | | | |
|-------------------|--------------------------|--------------------------|--------------------------|
| 7 Number of Signs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8 Size and area | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9 Comments: | | | |

Comments:

Engineering: _____

Utilities: _____ ☐ Connection fee's paid

Fire Chief: _____ ☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____



Development ■ Building Construction ■ Landscape Contracting

3780 East Morgan Road Ypsilanti, MI. 48197 (734) 434-3811 Fax (734) 434-2830

COMPOSITION WORKSHOP ARCHITECTURE+ INTERIOR DESIGN

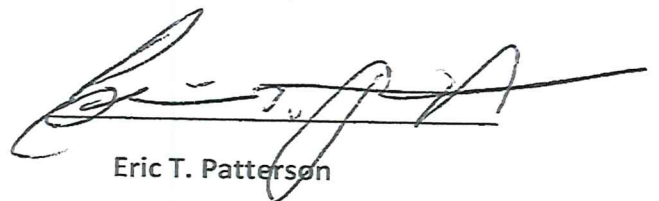
JAMES KORF ARCHITECT/ PRESIDENT

800 JUNCTION STREET

PLYMOUTH MI. 48170

This is a letter to authorize the above person, James Korf to act as my authorized agent for the purpose applications, paperwork and any associated correspondence in regard's to the project located at 6410 Whitmore Lake Rd. Whitmore Lake Mi. I am the President and owner of Patterson Development group LLC and Vice President of TERRAFIRMA INC. If there is any question I can be reached at 734-320-5654 or eric@terrafirmalandscape.net Thank you for your assistance.

Sincerely,



Eric T. Patterson

L: 5307 P: 788 6474540 LC

06/18/2019 02:39 PM Total Pages: 3
Lawrence Kestenbaum, Washtenaw Co



MEMORANDUM OF LAND CONTRACT

③
30

Tammera M. Bollman and Michael E. Bollman (hereafter "the seller"), wife and husband, whose address is 6404 Whitmore Lake Road, Whitmore Lake, Michigan 48189, and Patterson Development Group, LLC (hereafter referred to as "the buyer"), a Michigan limited liability company, whose address is 1650 Wamplers Lake Road, Brooklyn, Michigan 49230, enter into this *Memorandum of Land Contract* on this 4th day of June, 2019, to give record notice of the *Land Contract* entered into by Buyer and Seller on June 4, 2019, in which Seller is selling the following premises in the Township of Northfield, County of Washtenaw, State of Michigan, to Buyer for valuable consideration:

See attached legal description.

Commonly known as: 6410 and 6404 Whitmore Lake Road, Whitmore Lake, Michigan

Tax Identification Numbers: B-02-29-200-003 (Parcel 1)
B-02-29-200-004 (Parcel 2)

The terms of the *Land Contract*, unless terminated earlier in accordance with its terms, ends on June 7, 2026.

DATED: June 2nd 2019.

SELLER


Tammera M. Bollman

Michael E. Bollman

Time Submitted for Recording
Date 6-18-2019 Time 1:50pm
Lawrence Kestenbaum
Washtenaw County Clerk/Register

61

BUYER

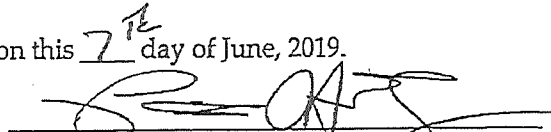
 MEMBER
Patterson Development Group, LLC
By: Eric T. Patterson
Its: Member

STATE OF MICHIGAN)
) SS.
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this 7th day of June, 2019, by Tammera M. Bollman and Michael E. Bollman, wife and husband, and by Patterson Development Group, LLC, by Eric T. Patterson, Member, on behalf of the company.

Subscribed and sworn to before me on this 7th day of June, 2019.

PATRICK P. HURLEY
Notary Public, State of Michigan
County of Monroe
My Commission Expires 08-13-2022
Acting in the County of Washtenaw


_____, Notary Public
_____, County, Michigan
My commission expires _____
Acting in the County of Washtenaw

PREPARED WITHOUT OPINION BY:
Kristina M. Fisk, P64634
Inosencio & Fisk, PLLC
740 West Michigan Avenue
Post Office Box 4033
Jackson, Michigan 49204-403

Return Recorded Documents To:

A.S.K. Services, Inc.
40600 Ann Arbor Rd E, Ste 200
Plymouth, MI 48170

File Number: 502884-31

EXHIBIT A - LEGAL DESCRIPTION

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

Parcel 1:

A parcel of land in the Northeast 1/4 of the Northwest 1/4 of Section 29, Township 1 South, Range 6 East, Northfield Township, Washtenaw County, State of Michigan. To find the point of beginning of this description, begin at the Northeast corner of said section, run thence West along the North line of said Section 661.7 feet to the Northeast corner of the Northwest 1/4 of the East 1/2 of the Northeast 1/4 of said section; thence Southerly deflecting 89 degrees 52 minutes 30 seconds to the left 495.40 feet; thence Westerly deflecting 89 degrees 43 minutes 30 seconds to the right 2066.86 feet to the Westerly right of way line of new highway US-23, so called, and the Point of Beginning of this description, running thence Westerly along the same course 472.27 feet to the centerline of old highway US-23, so called; thence Northerly deflecting 85 degrees 14 minutes 30 seconds to the right 68.34 feet along the center line of said old highway US-23 to the beginning of a circular curve to the left of radius 1432.69 feet; thence Northerly along the center line of said old highway US-23 and in the arc of said curve through a central angle of 04 degrees 01 minutes 00 seconds, the chord subtending said arc being 100.39 feet in length and deflects 02 degrees 00 minutes 30 seconds from the proceeding course; thence Easterly 425.13 feet to the Westerly right of way line of said new highway US-23; thence Southeasterly along the said Westerly line of the right of way of said new highway US-23, 177.07 feet to the Point of Beginning.

Parcel 2:

Commencing at the Northeast corner of Section 29, Town 1 South, Range 6 East; thence West along the North line of said Section 661.7 feet to the Northeast corner of the Northwest one-quarter of the East one-half of the Northeast one-quarter of said Section; thence Southerly deflecting 89 degrees 52 minutes 30 seconds to the left 495.4 feet along the East line of the Northwest one-quarter of the East one-half of the Northeast one-quarter of said section for a Place of Beginning; thence continuing Southerly in the East line of the Northwest one-quarter of the East one-half of the Northeast one-quarter of said section 165.0 feet; thence Westerly deflecting 89 degrees 43 minutes 30 seconds to the right 2524.6 feet to the centerline of U.S. Highway 23 (now known as Whitmore Lake Road); thence Northerly deflecting 85 degrees 14 minutes 30 seconds to the right 165.57 feet along the centerline of U.S. Highway 23 (now known as Whitmore Lake Road); thence Easterly deflecting 94 degrees 45 minutes 30 seconds to the right 2539.13 feet to the Point of Beginning; EXCEPT that portion of land situated Easterly of a line 125.0 feet Westerly of and parallel to the survey line of Highway U.S. 23 Relocation, being a part of the North one-half of Section 29, Northfield Township, Washtenaw County, Michigan.

Commonly known as: 6410th and 6404th Whitmore Lake Road, Whitmore Lake, MI 48189
 Tax parcel number(s): B-02-29-200-004 B-02-29-200-003

2019 PHOTO OF THE EXCAVATED EASEMENT,



CP EASEMENT TRACT.

WASHTENAW #45

Liber 03237 Page 0130

QUITCLAIM DEED

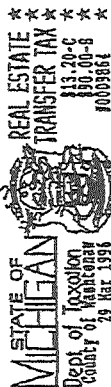
THIS INDENTURE, Made this 28th day of February, 1996,
Between CONSUMERS POWER COMPANY, a Michigan corporation, 212 West Michigan
Avenue, Jackson, Michigan (successor by merger to Consumers Power Company,
a Maine corporation), Grantor, and NURSERY MERCHANTS, INC., a Michigan
corporation, 6410 Whitmore Lake Road, Whitmore Lake, Michigan, Grantee,

WITNESSETH:

That Grantor, for and in consideration of the sum of \$12,000.00 to
it in hand paid by Grantee, the receipt whereof is hereby confessed and
acknowledged, does by these presents grant, bargain, sell, remise, release and
forever QUITCLAIM unto Grantee and to its successors and assigns, forever,
land in the Township of Northfield, County of Washtenaw and State of Michigan,
described as follows:

A parcel of land in the Northeast 1/4 of the Northwest 1/4 of
Section 29, Township 1 South, Range 6 East, Northfield Township,
Washtenaw County. To find the Point of Beginning of this
description, begin at the Northeast corner of said section, run
thence West along the North line of said section 661.7 feet to the
Northeast corner of the Northwest 1/4 of the East 1/2 of the
Northeast 1/4 of said section, thence Southerly deflecting 89°52'30"
to the left 495.40 feet, thence Westerly deflecting 89°43'30" to the
right 2066.86 feet to the Westerly right of way line of new highway
US-23, so called, and the Point of Beginning of this description,
running thence Westerly along the same course 472.27 feet to the
center line of old highway US-23, so called, thence Northerly
deflecting 85°14'30" to the right 68.34 feet along the center line
of said old highway US-23 to the beginning of a circular curve to
the left of radius 1432.69 feet, thence Northerly along the center
line of said old highway US-23 and in the arc of said curve through
a central angle of 04°01'00", the chord subtending said arc being
100.39 feet in length and deflects 02°00'30" from the preceding
course, thence Easterly 425.13 feet to the Westerly right of way
line of said new highway US-23, thence Southeasterly along the said
Westerly line of the right of way of said new highway US-23, 177.07
feet to the Point of Beginning, excepting and reserving the right of
way given to the State Highway Commissioner on September 22, 1927
and recorded December 8, 1927 in Liber 273 of Deeds on Page 430 of
Washtenaw County Records.

Excepting and reserving to Grantor, its successors and
assigns, forever, (a) all right, title and interest in
and to all coal, oil, gas and other minerals (but not
including sand, clay or gravel) on, in or under the land
herein described, and (b) the exclusive right to store,
re-store and protect oil, gas and other minerals in the
subsurface strata underlying the land herein described.
Grantor, its successors and assigns, and its and their
lessees and licensees, shall have the right, at any time,



11:50 AM
DATE March 29, 1996
PEGGY M. HAINES
CLERK OF THE COUNTY CLERK

to use all usual, necessary or convenient means for (i) exploring for, mining and removing said coal, oil, gas and other minerals, and (ii) storing, re-storing and protecting oil, gas and other minerals in such subsurface strata and taking and retaking same from storage; but without entering upon the surface of the land herein described.

Also, saving, excepting and reserving to Grantor, its successors and assigns, the easement and right to enter at all times upon a strip of land 116 feet wide running in an Easterly and Westerly direction across the above-described land, and to lay, construct, operate, maintain, repair, inspect, improve, change, add to, enlarge, remove and replace existing facilities consisting of a 26" gas transmission pipeline with valves, connections, service lines running laterally from said pipeline, including the right to add additional lateral service lines at any time, and other accessories, for the purpose of transmitting and/or distributing gas, oil and/or any other substances on, over, under and across said 116-foot wide strip of land, including any public highways upon or adjacent to said land.

Also saving, excepting and reserving to Grantor, its successors and assigns, the easement and right to enter at all times upon a strip of land, the North line of which is to be located 33 feet North of and parallel to the above-described existing pipeline and the South line to be located 83 feet South of and parallel to said existing pipeline, to lay, construct, operate, maintain, repair, inspect, improve, change, add to, enlarge, remove and replace future facilities consisting of a pipeline with valves, connections, service lines running laterally from said pipeline, including the right to add additional lateral service lines at any time, and other accessories for the purpose of transmitting and/or distributing gas, oil and/or any other substance on, over, under and across said strip of land including any public highways upon or adjacent to said land.

Grantees shall not erect or construct any buildings or other structures over any of the aforesaid facilities or within such proximity thereto that, in the opinion of Grantor, its successors and assigns, may interfere or threaten to interfere with or be hazardous to the construction, operation or maintenance of said existing or future facilities.

Also saving, excepting and reserving to Grantor, its successors and assigns, the easement and right to trim,

remove, destroy or otherwise control any trees, roots, brush or other vegetation that, in the opinion of Grantor, its successors and assigns, may interfere or threaten to interfere with or be hazardous to the construction, operation or maintenance of said existing or future facilities.

Nonuse or a limited use of the above-described easements by Grantor shall not prevent Grantor from later making use of the easement or the full extent herein reserved.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, TO HAVE AND TO HOLD said premises unto Grantee and to its successors and assigns to the sole and only proper use, benefit and behoof of Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed in its corporate name and by its duly authorized representative as of the day and year first above written.

WITNESSES:

CONSUMERS POWER COMPANY

Joretta L Lester
Joretta L Lester
Karen S Malewitz
Karen S Malewitz

By W J Meadowcroft
W J Meadowcroft
Its General Supervisor II-General Services *KSM*

APPROVED AS TO FORM
W J Meadowcroft
CONSUMERS POWER COMPANY
LEGAL DEPARTMENT

STATE OF MICHIGAN)
) SS.
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this 28th day of February, 1996, by W J Meadowcroft, General Supervisor II - General Services, of CONSUMERS POWER COMPANY, a Michigan corporation, on behalf of the corporation.

Karen Sue Malewitz
Karen Sue Malewitz
Notary Public, Jackson County, Michigan
My Commission Expires July 9, 1998

Prepared by:
Wendy A. Spickard
Consumers Power Company
212 West Michigan Avenue
Jackson, MI 49201

①

SECTION 27
NORTHFIELD TWP.
WASHINGTON CO.

WESTERLY
LIS-20
RIGHT OF WAY
LINE - 2 -

X.
TIAN
NS.
P.CO.
ING

WHITMORE LAKE RD.

RETAINED
EASEMENT
AREA

EXISTING C.P.CO.
PROPERTY

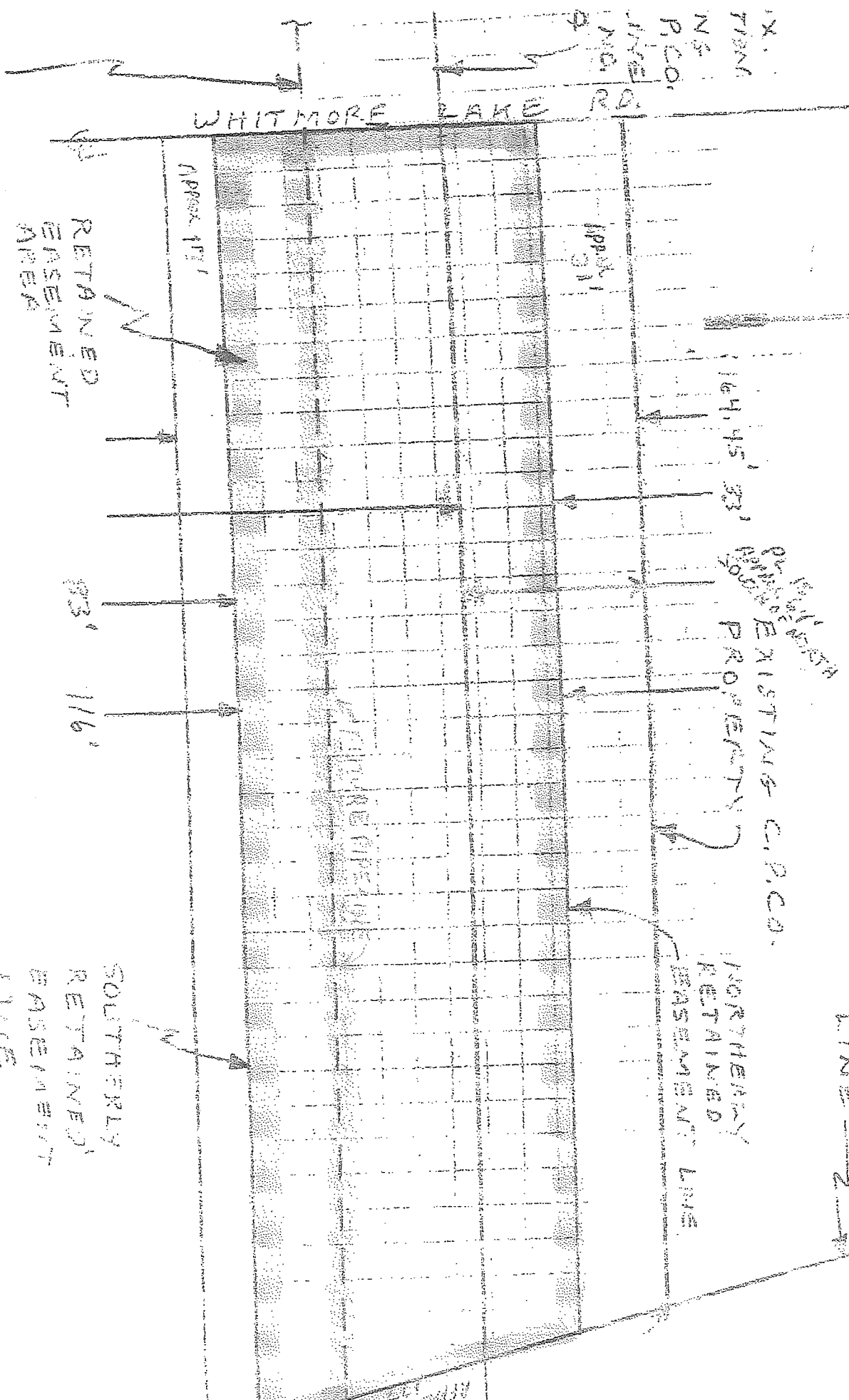
NORTHERLY
RETAINED
EASEMENT LINE

SOUTHERLY
RETAINED
EASEMENT
LINE

SCALE: 1" = 50'

APPROX. LOCATION
FUTURE C.P.CO.
PIPELINE

LOU 1363RCH
9/20/95



1

jkorf@cmpworkshop.com

From: jkorf@cmpworkshop.com
Sent: Wednesday, September 16, 2020 5:42 PM
To: 'Dennie Peters'
Subject: FW: Asphalt over gas transmission line

LETTER FROM
CONSUMERS POWER

James Korf Architect
President
313-478-1547

compositionworkshop
architecture + interior design

800 Junction St.
Plymouth, Michigan 48170

From: Scott Hoeft <Scott.Hoeft@cmsenergy.com>
Sent: Wednesday, September 16, 2020 4:55 PM
To: jkorf@cmpworkshop.com
Subject: Asphalt over gas transmission line

James,

Although Consumers does permit paving over its gas transmission lines, it is strongly discouraged. That being said Consumers will only allow paving over the transmission line subject to the following and will require a site plan and a signed written agreement.

- Prior to commencing any excavation or digging on the Right-of-Way, the Utility Communications System (Miss Dig), phone number 811 or (800) 482-7171 shall be contacted in accordance with Michigan Compiled Law 460.701 et seq., as amended by Public Act 174 of 2013 and any future amendments.
- There must be 10'-wide by 20'-long openings (green areas) approved by the Company after every 100' of paving
- No ground cover is to be added or removed from the Company's Right-of-Way without the express written consent of the Company.
- If heavy equipment is to cross the Company's existing pipeline, a minimum of 5 feet of cover shall be verified and maintained over the pipeline. If a minimum 5 feet of cover cannot be maintained, protective bridging shall be provided and installed by the Landowner. Drawings are available upon request showing Company-accepted bridging practices.
- Landowner expressly acknowledges that Consumers has made Landowner aware that it or its vehicles may cause damage to the Permitted Facilities in the exercise of its Easement rights, and Landowner expressly accepts the risk of said damage and hereby waives, releases, and indemnifies Consumers from and against any claim Landowner may at any time or from time to time have against Consumers related to any damage caused by Consumers or Consumers' vehicles to said Permitted Facilities.
- * • All costs and expenses for constructing, operating, maintaining and removing the Permitted Facilities shall be borne solely by Landowner.



- Consumers Energy Company reserves the right at any time and for any reason, and from time to time, to relocate or expand its facilities within the Easement, and Landowner expressly agrees to, at Landowner's sole cost and expense, relocate the Permitted Facilities to accommodate for said relocation or expansion, including, but not limited to, relocation to ensure proper clearances necessary for any applicable safety code.

Scott Hoeft

Operations Support - Consumers Energy

Percheron Contractor

O: 517-788-1752

WORKING TO DELIVER THE ENERGY YOU NEED, WHENEVER YOU NEED IT.

THAT'S OUR PROMISE TO MICHIGAN!



Please consider the environment before printing this email

Consumers Energy

Count on Us

NEW HEADQUARTERS
6410 WHITMORE LAKE RD,
NORTHFIELD TWP

PROJECT

6410 WHITMORE LAKE RD

TERRAFIRMA

NEW HEADQUARTERS

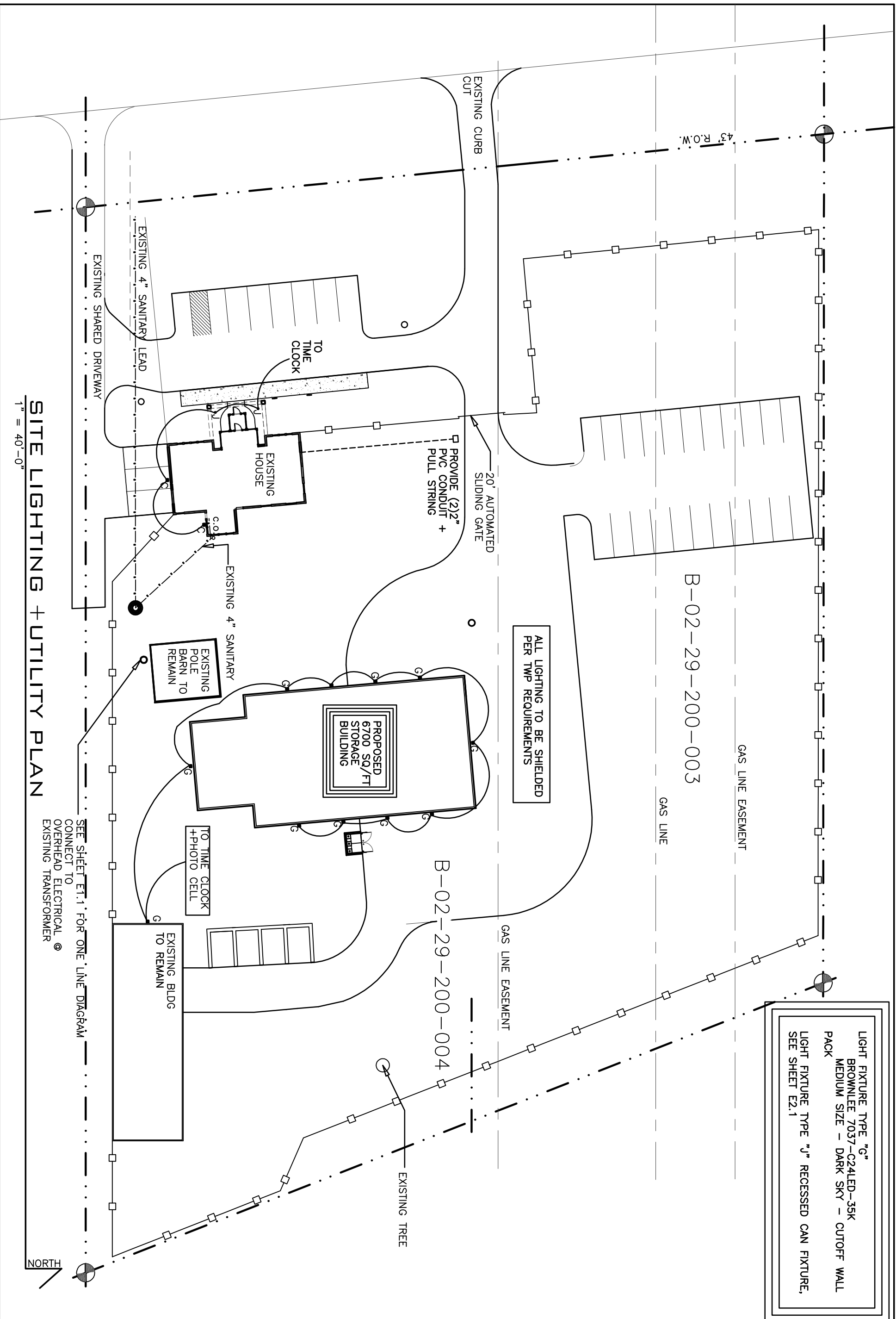
| DATE | | REVISIONS |
|------------|--|-----------|
| 31.JULY.19 | ISSUED FOR ZONING COMPLIANCE | JFK |
| 05.SEP.19 | ISSUED FOR REZONING | JFK |
| 12.OCT.19 | ISSUED FOR CONDITIONAL USE | JFK |
| 12.OCT.19 | SITE PLAN APPROVAL | JFK |
| 18.OCT.19 | ISSUED FOR PERMITS | JFK |
| 12.AUG.20 | REV. + REISSUED FOR SITE PLAN APPROVAL | JFK |
| 27.SEPT.20 | REV. + REISSUED FOR COND. USE + ZBA | JFK |

| | |
|-------------|--|
| SHEET TITLE | |
| TITLE SHEET | |

SITE NOTES

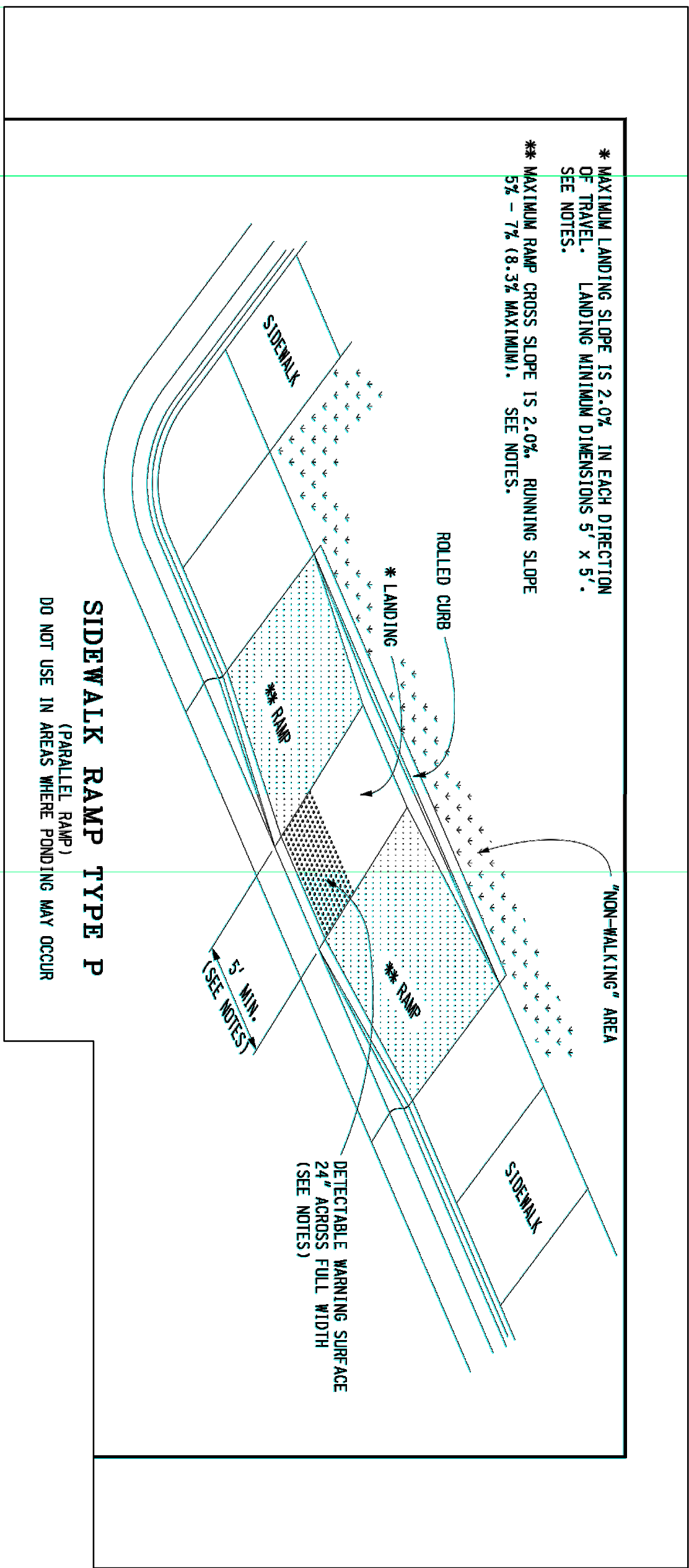
- 1. SOIL TYPES ARE BASED UPON USDA SURVEY OF WASHTENAW COUNTY.
BRB - BROWN LOAMY SAND 0-6% SLOPES
BFB - FILL AND
MND - MIAMI LOAM 12% - 18% SLOPES
- 2. ALL EXTERIOR BUILDING LIGHTING TO BE SHIELDED AS REQUIRED BY TOWNSHIP GUIDELINES. SEE SHEET E2.2
- 3. PROVIDE SIFT FENCE FOR EROSION CONTROL. PER TOWNSHIP REQUIREMENTS, THE GENERAL CONTRACTOR IS REQUIRED TO MAINTAIN EROSION CONTROL MEASURES FOR THE DURATION OF THE PROJECT. NO EROSION CONTROL MEASURES ARE TO BEGON PRIOR TO INSTALLATION OF EROSION CONTROL MEASURES.
- 4. STORAGE PITS SHALL CONTAIN:
 - PINE MULCH
 - 2" PINE STONE
 - 4" EROSION CONTROL STONE
- 5. ANY GRAVEL, GRASS OR PARKING AREAS WILL BE CONSTRUCTED PER TOWNSHIP REQUIREMENTS

LIGHT FIXTURE TYPE "C"
BROWN/7057-COATED-SSV
PACK
MEDIUM SIZE - DARK SKY - CUTOFF WALL
LIGHT FIXTURE TYPE "J" RECESSED CAN FIXTURE.
SEE SHEET E2.1



SITE LIGHTING + UTILITY PLAN

1" = 40'-0"



ADA SIDEWALK DETAIL

1/4" = 1'-0"

BT1.2

G

GRAVEL PARKING

1/4" = 1'-0"

BT1.2

B

CONCRETE DETAIL

1/4" = 1'-0"

BT1.2

D

FENCE DETAIL

1/4" = 1'-0"

BT1.2

E

ASPHALT DETAIL

1/4" = 1'-0"

BT1.2

F

DETAIL

3/4" = 1'-0"

BT1.2

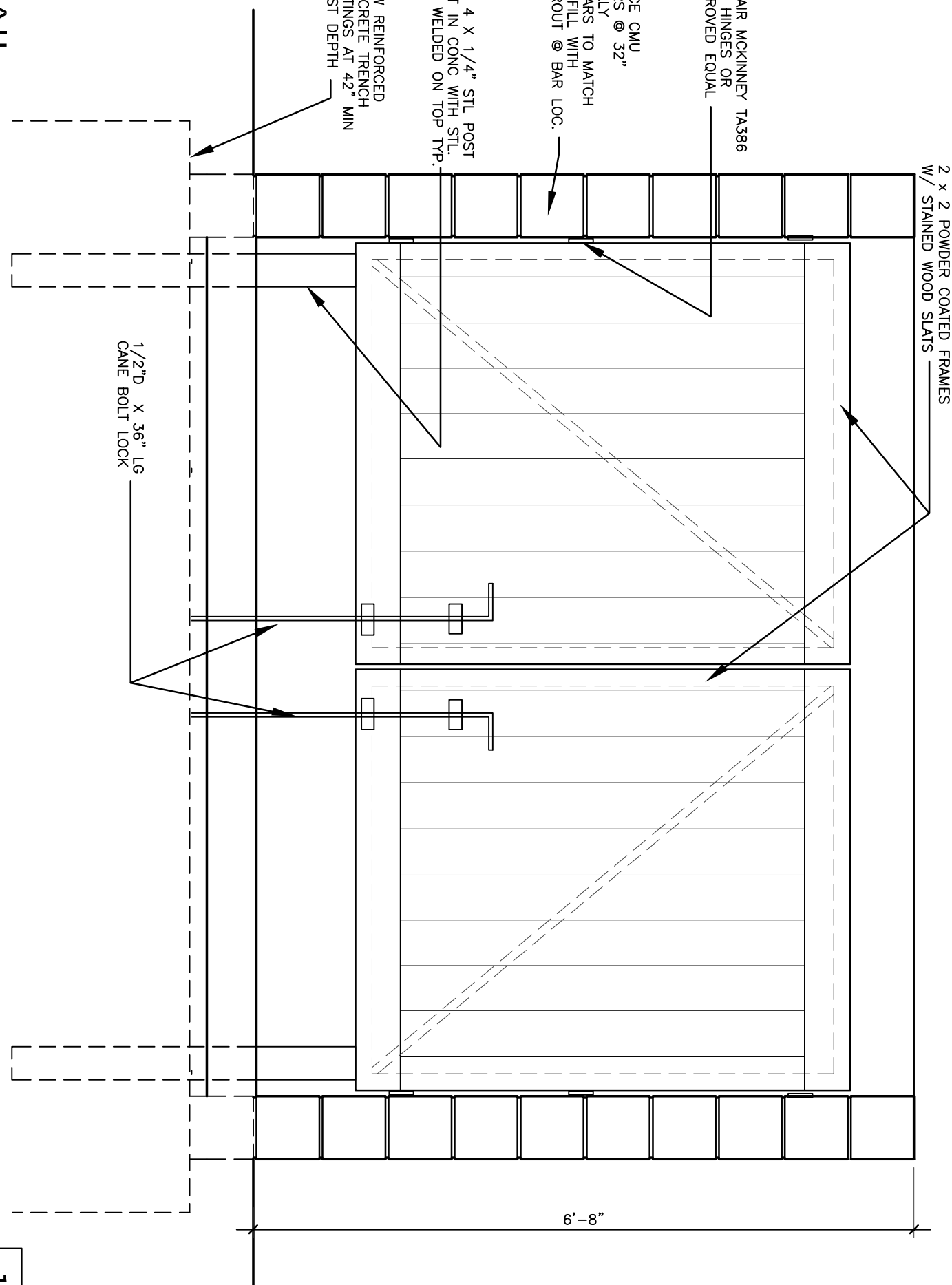
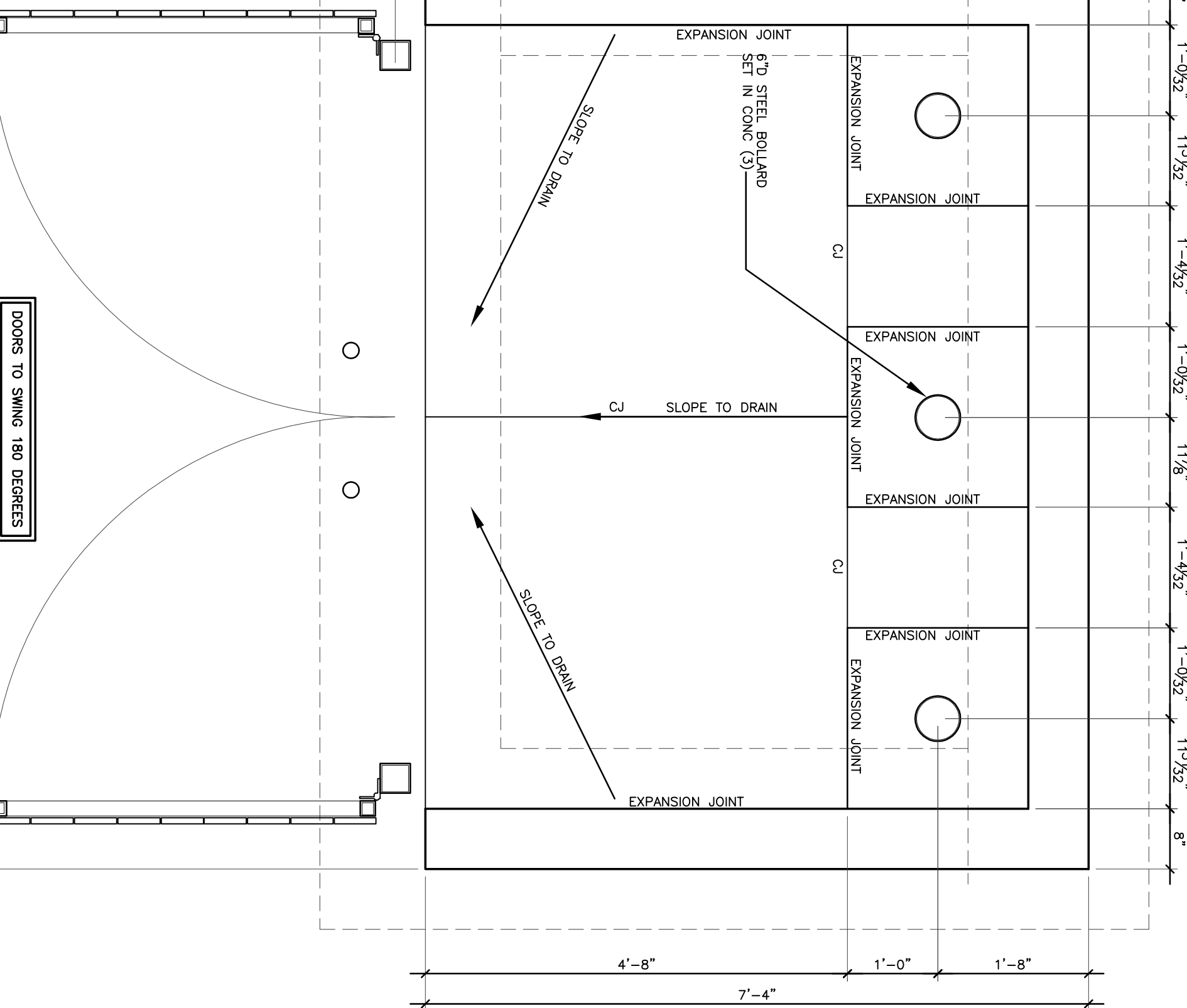
A

DETAIL

3/4" = 1'-0"

BT1.2

1



COMPOSITION WORKSHOP

Architecture + Interior Design

800 Junction St.
Plymouth, Michigan. 48170

Phone: 313.478.1547
Fax: 734.425.5226

PROJECT

6410 WHITMORE LAKE RD

TERRAFIRMA

NEW HEADQUARTERS

| DATE | ISSUED FOR ZONING COMPLIANCE | JFK |
|------------|--|-----|
| 31.JULY.19 | ISSUED FOR REZONING | JFK |
| 05.SEP.19 | ISSUED FOR SITE PLAN REVEN | JFK |
| 12.OCT.19 | REV. + REISSUED FOR SITE PLAN APPROVAL | JFK |
| 4.NOV.19 | REV. + REISSUED FOR SITE PLAN APPROVAL | JFK |
| 12.AUG.20 | REV. + REISSUED FOR COND. USE + ZBA | JFK |
| 27.SEP.20 | | |

FILE NUMBER

19_13

DRAWN BY

JFK

DATE ISSUED

01.JUNE.19

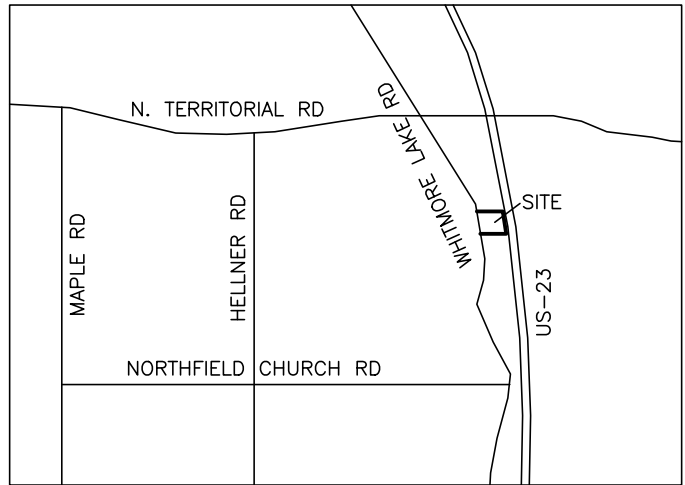
SHEET TITLE

LIGHTING + UTILITY PLAN

DETAILS

SHEET NUMBER

ST1.2



LOCATION MAP
NO SCALE



SCALE: 1" = 30'

LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 29, T. 1 S., R. 6 E., NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE DUE EAST 2333.20 FEET ALONG THE NORTH LINE OF SAID SECTION 29 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. 23; THENCE S. 21° 52' 17" E. 362.83 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. 23 TO THE POINT OF BEGINNING; THENCE CONTINUING S. 21° 52' 17" E. 356.88 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. 23; THENCE S. 89° 17' 55" W. 522.92 FEET TO A POINT ON THE CENTERLINE OF WHITMORE LAKE ROAD (1/2 = 43 FEET WIDE); THENCE N. 05° 27' 35" W. 233.91 FEET ALONG SAID CENTERLINE OF WHITMORE LAKE ROAD; THENCE 100.41 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1432.69 FEET A CENTRAL ANGLE OF 04° 00' 56" AND A LONG CHORD BEARING N. 07° 28' 03" W. 100.39 FEET ALONG SAID CENTERLINE OF WHITMORE LAKE ROAD; AND THENCE N. 89° 17' 55" E. 425.27 FEET TO THE POINT OF BEGINNING, CONTAINING 3.611 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE WESTERLY 43 FEET FOR WHITMORE LAKE ROAD (86 FEET WIDE). ALSO SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD, IF ANY.

BENCHMARKS

BM.
NAIL SET IN WEST FACE OF UTILITY POLE LOCATED IN MIDDLE OF PROPERTY 6410 WHITMORE LAKE ROAD.
ELEV.: 926.94 NAVD 88

UTILITY NOTE

UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND, BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES AND UTILITY COMPANIES SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

LEGEND

| | | |
|--------------------|--------|---------------------|
| BENCHMARK | B.M. | STORM MANHOLE |
| FINISHED FLOOR | F.F. | STORM CATCH BASIN |
| FINISHED GRADE | F.G. | SANITARY MANHOLE |
| EXISTING | EX. | GATE VALVE & WELL |
| FIELD MEASURE | F.M. | DET. EDISON MANHOLE |
| INVERT ELEVATION | I.E. | WATER/GAS SHUT OFF |
| GAS MAIN | —G— | FIRE HYDRANT |
| WATERMAIN | —W— | UTILITY POLE |
| STORM SEWER | —S— | SOIL BORING |
| SANITARY SEWER | —SE— | SEPTIC TANK |
| OVERHEAD WIRES | —OW— | WELL |
| 1" WATER SERVICE | —WS— | POLE OR POST |
| 6" SANITARY LEAD | —SL— | MAILBOX |
| PROP. SUMP LEAD | —SUMP— | SIGN |
| FENCE | —F— | LIGHT |
| PROP. ELEVATION | —PE— | DECIDUOUS TREE |
| EX. SPOT ELEVATION | —SE— | EVERGREEN TREE |
| RECORDED DISTANCE | —R— | FLAGPOLE |
| MEASURED DISTANCE | —M— | HANDICAPPED STALL |
| SET IRON | S.I. | PAY PHONE |
| FOUND IRON | F.I. | GUYWIRE |
| FOUND CONC. MON. | F.C.M. | EX. GAS PUMP |
| POINT OF BEGINNING | P.O.B. | GAS MARKER |
| TOP OF PIPE | T/P | MONITORING WELL |
| TOP OF CURB | T/C | SECTION CORNER |
| GUTTER | G | UTILITY PEDESTAL |
| CLEAN OUT | C.O. | CULVERT |
| ENCROACHMENT | ENC. | |
| TO BE REMOVED | T.B.R. | |

| | |
|--------------------|--------------------|
| FILE NO.: 2540-002 | DWG. NO.: 2540-002 |
| DESIGNED BY: XXX | SHEET No. |
| DRAWN BY: BGW | 1-1 |
| CHECKED BY: G.L.A. | |
| SCALE: 1" = 30' | |

07/13/2020 CLIENT

DENNIE PETERS
TERRAFIRMA
6410 WHITMORE LAKE RD
WHITMORE LAKE, MI 48189

8495 N. TERRITORIAL RD.
PLYMOUTH, MI 48170
PHONE: (734) 416-9650
FAX: (734) 416-9657
www.glasurveyor.com

GLA SURVEYORS & ENGINEERS

TOPOGRAPHIC SURVEY
TERRAFIRMA PROPERTY
6410 WHITMORE LAKE RD
PART OF THE NW 1/4 SEC 29, T.1S., R.6E.
NORTHFIELD TWP, WASHTENAW COUNTY, MI 48197





October 8, 2020

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

Subject: Terra Firma/6410 Whitmore Lake Road; Variance Review (Application and materials dated 9/28/2020).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by James Korf on behalf of Eric Patterson. The parcel located in the LI (Light Industrial) district with parcel ID numbers: B-02-29-200-003 and - 004. The applicant proposes to operate a landscaping business (Terra Firma) on the site along with associated outdoor storage. The proposal requires site plan and conditional land use approval from the Planning Commission and Township Board of Trustees.

Improvements required include paving of the parking lot on the site. The applicant proposes to construct a gravel parking lot behind the perimeter fence, in lieu of an asphalt or concrete parking lot.

VARIANCE

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


1. Article XXV. Off-street parking and loading requirements, Section 36-762 (B) (3) to allow for the construction of a gravel parking lot to serve the business, when the Ordinance requires a concrete or asphalt surface in all districts except Agricultural.

COMMENTS

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

1. ***Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with those restrictions unnecessarily burdensome.*** The subject site is to be operated as a landscaping business with associated outdoor storage. The Ordinance requires asphalt or concrete paved parking, while the applicant proposes to construct the parking areas with gravel.

The applicant's justification in requesting the variance is that the site is constrained by an existing utility easement owned by Consumer's Energy, placed across it. The easement document grants the utility company to fully excavate the site as needed for access to the pipes in the ground. Installation of a asphalt or



a concrete parking lot would be subject to being torn up at any time by the utility company. The applicant further contends that construction of a permeable surface parking lot (gravel) allows for improved storm water drainage through infiltration rather than discharge into an existing storm water system.

In a letter dated September 9, 2020, the Township's Planning Consultant notes that the gravel parking is acceptable, subject to the engineer's approval. In a letter dated September 9, 2020, the Township's Engineer has stated that the gravel lot reduces impervious surface area and the site provides for required detention. The letter raises no objection to the proposed gravel lot.

Compliance with the Ordinance standards would require the construction of a parking area that is subject to being torn out at any time. From pictures submitted it appears that the easement was excavated as recently as 2019, and per the applicant the easement is frequently excavated for testing purposes. The width of the easement and the size of the pipes makes the excavation a major operation on the site. The easement agreement also specifies that the parking lot would have to be removed and replaced at the owner's expense. While financial considerations generally don't impact the Board's consideration, in this case, reconstructing a parking lot repeatedly can be construed as being unnecessarily burdensome.

2. ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variance will provide substantial justice to the applicant by allowing them to construct a gravel parking lot that meets their needs while allowing it full access for excavation in the event of a need to access the underground utilities, and is not adverse to the interest of other property owners or the intent of the Zoning Ordinance. The Township has previously approved parking lots with alternate materials provided engineering concerns are addressed. The requested variance is not setting a precedent as there are other sites that have received similar exemptions.
3. ***The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.*** The applicant is asking for a variance to provide a gravel lot instead of an asphalt or concrete lot. There is no minimum variance to be granted in this case.
4. ***The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district.*** There are no unique circumstances that are peculiar to the land. It is a regular shaped industrial use parcel. However, as previously noted the parcel is constrained by the location of a major utility easement across it. This is a limitation faced by other properties through which the same utility easement traverses.
5. ***The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.*** The need for variances is not self-created. The applicant has no control over the location of the utility easement. It is a restriction on the parcel that they have to work with. The gravel parking lot will still provide an adequate drained surface for parking while allowing for necessary access to the easement.
6. ***The variance will be in harmony with the spirit and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.*** The proposed variance is not likely to have any adverse impact on the neighborhood or on public health, safety and welfare.



Per the Township Engineer's review the parking lot will have adequate drainage and will not cause any storm water issues. All other items related to circulation, parking, landscaping, screening etc. are being addressed as part of the review or site plan approval.

RECOMMENDATION AND FINDINGS

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals approve the requested variance for Terra Firma to be located at 6410 Whitmore Lake Road Road for the following findings of fact:

1. The property is constrained by a major utility easement across it, which is frequently excavated.
2. Construction of a paved lot that is subject to frequent excavation is unnecessarily burdensome.
3. Other properties have received similar exemptions.
4. Approval of the variance is not likely to set a precedent.
5. The variance requested is the minimum possible.
6. The problem resulting in the need for variance is not self-created.
7. The variance will have no detrimental impact on public health, safety or welfare.
8. The variance requested is not adverse to the spirit and intent of the ordinance.
9. The Township Planner and Engineer have no objections to the request.

Respectfully,
McKENNA



Vidya Krishnan
Principal Planner

cc: Township Manager:
Assessing/Building Asst.
Applicant:
Owner:

Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
James Korf, via e-mail: jkorf@cmpworkshop.com
Eric Patterson, via e-mail: eric@terrafirmalandscape.net



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 Kolečki, Secretary

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