

**NORTHFIELD TOWNSHIP  
ZONING BOARD OF APPEALS**  
August 15, 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 #JZBA160007 – Giulio Cogo/Judy Hayward, 600 East Shore Dr., Whitmore Lake, MI, who seek a variance from Northfield Township Land Division Ordinance Section 14.23.a.5, to allow for a proposed lot split resulting in 2 parcels A and B, with proposed parcel B have a width to depth ratio of 1:4.47, instead of a width to depth ratio of 1:4 as required by the State Land Division Act. The parcel number is B-02-04-200-006 and is zoned SR-1 Single Family Residential District.
7. **OLD BUSINESS**
8. **NEW BUSINESS:**
  - A. Case #JZBA160007 – Giulio Cogo/Judy Hayward, 600 East Shore Dr., Whitmore Lake, MI, who seek a variance from Northfield Township Land Division Ordinance Section 14.23.a.5, to allow for a proposed lot split resulting in 2 parcels A and B, with proposed parcel B have a width to depth ratio of 1:4.47, instead of a width to depth ratio of 1:4 as required by the State Land Division Act. The parcel number is B-02-04-200-006 and is zoned SR-1 Single Family Residential District.
9. **APPROVAL OF MINUTES:** July 18, 2016
10. **CALL TO THE PUBLIC**
11. **ZBA MEMBER COMMENTS**
12. **ANNOUNCEMENT OF NEXT MEETING:** September 19, 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.

# NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

## NOTICE OF PUBLIC HEARING

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

- A. Case #JZBA160007 – Giulio Cogo/Judy Hayward, 600 East Shore Dr., Whitmore Lake, MI, who seek a variance from Northfield Township Land Division Ordinance Section 14.23.a.5, to allow for a proposed lot split resulting in 2 parcels A and B, with proposed parcel B have a width to depth ratio of 1:4.47, instead of a width to depth ratio of 1:4 as required by the State Land Division Act. The parcel number is B-02-04-200-006 and is zoned SR-1 Single Family Residential District.

The public hearing will be held on **Monday, August 15, 2016** at 7:00 p.m. on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

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

Angela Westover – Northfield Township Clerk

Publish: Sunday, July 31, 2016  
Ann Arbor.com

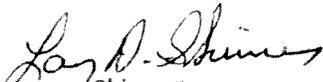
Larry Skinner  
Pers. Rep for the Lee & Ruby Skinner Estate  
10588 W. Saint Charles Road  
Sumner, MI 48889

May 12, 2012

Regarding Property located at: 600 East Shore Drive, Whitmore Lake, MI 48189

I, Larry Skinner personal representative for the Lee and Ruby Skinner estate which owns the home at 600 East Shore Drive, Whitmore Lake give full permission for Judy Hayward to submit plans to the board of review to obtain written approval to split the above mentioned property and obtain sewer tap.

Sincerely,

  
Larry Skinner

**Judy G. Hayward**  
9881 Marshall  
South Lyon, MI 48178

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May 13, 2016

I, Judy G. Hayward, give Giulio J. Cogo permission to act as my agent in all matters  
pertaining to 600 East Shore Dr, Whitmore Lake, Michigan.



Judy G. Hayward

PAID

JUL 26 2016

RECEIVED

JUL 26 2016

NORTHFIELD TOWNSHIP TREASURER  
K#1377

NORTHFIELD TOWNSHIP

Zoning Board of Appeals Hearing Application

Applicant:

Owner:

Name GWilio Cogo/Judy Hayward Name Lee S. Kinner

Address 9883 Marshall Rd. Address \_\_\_\_\_  
S. LYON M. 48178

Phone: 810-560-2935 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 600 East Shore Dr. Whitmore Blvd

B.) Parcel Identification # B-02-04-200-006

C.) Legal Description attached

\_\_\_\_\_  
attach.) (or

2.) Present Zoning District of Property SFR

3.) Present Use of Property Residential

4.) Non-Conforming Status

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

The property conforms for all criteria except is 30 feet deeper than the 4 to 1 ratio for state split regulations.

B.) State year/month Non-Conformity began (to the best of your knowledge): at present for split

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

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

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B.) Describe reason/need for Variance:

to accomplish split the 30 foot (which is minimal needs to be approved)

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:

The existing parcel is 100% in compliance for split  
The proposed split is typical of this area with varied sized parcels

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

Parcel was developed years ago

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

The split would enhance the site with no impact on the area but without variance the new site is rendered useless.

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

By allowing this variance which is actually more generous than a minimal a large parcel would be conducive to a better building site

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:

It is actually far larger than any building sites anywhere in the area and does not require a "sheep horn" to achieve

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

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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 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.

*Judy Hayward*

Signature of Applicant

7-25-16

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 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 \_\_\_\_\_

SR-2

SR-2

WINDENMANN'S POINT  
L. 5, PG. 46

CEDAR ROAD

AMENDED PLAT OF  
WINDENMANN'S POINT  
L. 36, PG. 52-54

SR-2

1298.09'  
N00°00'00"E

B-02-05-103-007

165.00'

N00°00'00"E

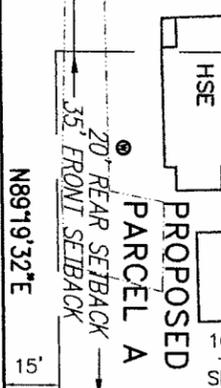
E. SHORE DR. ROAD C/L

33' WD 1/2 R.O.W.

33' ROW

N00°00'00"E

R.O.W. LINE AS DEPICTED ON PLAT OF WINDENMANN'S POINT.



PROPOSED PARCEL A

B-02-04-200-006  
600 EAST SHORE DRIVE

1.44 AC.

58919'32"W

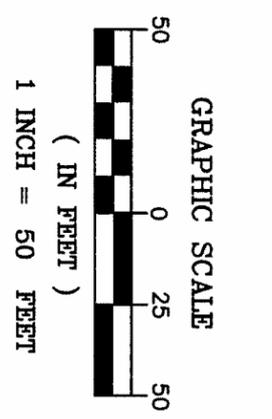
380.00'

WEST PROP. LINE  
EAST ROAD R.O.W. LINE

B-02-04-200-007  
580 EAST SHORE DRIVE

B-02-04-200-008  
574 EAST SHORE DRIVE  
SR-1

B-02-04-200-005  
620 EAST SHORE DRIVE  
SR-1



165.00'  
N00°02'49"E  
161.00'

N89°19'32"E

230.00'

N89°19'34"E

94.76'

FIP

B-02-04-200-00C  
574 EAST SHORE DR  
SR-1

ZONED SR-1 (SINGLE FAMILY RESIDENTIAL)

LOT AREA: 0.25 ACRES WITH SEWER

LOT WIDTH: 80' WITH SEWER

SETBACKS  
FRONT 35'  
SIDE 10' MIN. 25' TOTAL  
REAR 20'

PARENT PARCEL: B-02-04-02400-006

PARENT PARCEL AREA: 1.44 AC.

PROPOSED PARCELS:  
PARCEL A

LOT AREA: 0.275 ACRES

LOT WIDTH: 80'

L/W RATIO: 150 / 80 = 1.875

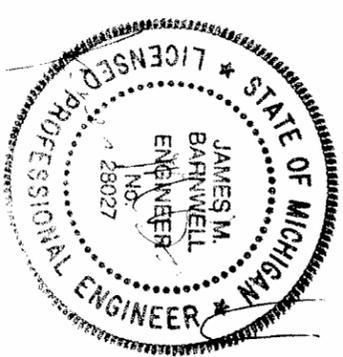
LOT AREA: 1.165 ACRES

LOT WIDTH: 85'

L/W RATIO: 380 / 85 = 4.47

AVERAGE WIDTH:  $\frac{230 \times 165}{380} + \frac{85 \times 150}{380} = 133.4$

L/W RATIO BASED ON AVERAGE WIDTH:  $\frac{380}{133.4} = 2.49$



DESIGN: SES  
DRAFT: SES  
CHECK: JMB

REVISED

VARIANCE REQUEST  
LENGTH TO WIDTH RATIO  
600 EAST SHORE DRIVE

CLIENT:  
GULIO COGO  
4047 BROADMORE  
HOWELL, MI 48843

SCALE: 1" = 50'  
PROJECT No.: 9162926  
DWG NAME: LD  
JULY 20, 2016

1

RUTH BROWN AYMAN  
SECY-TREAS.

GERTRUDE NORRIS  
PRES. AND RECMGR.

MRS. ARTHUR BROWN  
GEORGE J. BURKE  
GERTRUDE NORRIS  
RUTH BROWN AYMAN  
GEORGE L. AYMAN  
DIRECTORS

OFFICE OF

# Washtenaw Abstract Company

Ann Arbor, Michigan

ESTABLISHED 1861  
INCORPORATED 1898

CAPITAL, \$75,000.00

## Abstract of Title To the Following Described Land

Beginning at a point in the east line of East Lake Shore Drive distant north 329.0 feet; thence east 50 feet from the southwest corner of the northwest quarter of the northwest quarter of section number four, town one south of range six east; thence north 165.0 feet to a point; thence east 380.0 feet to a point; thence south 165.0 feet to a point; thence west 380.0 feet to beginning, being in the township of Northfield, county of Washtenaw and state of Michigan. Subject to Grant to the Detroit Edison Company as described in liber 1 of Grants page 363.

*Legal 600 East Shore Drive*

**LEGAL DESCRIPTION PARCEL A ± 0.28 Acres**

**Part of Parcel No. B-02-04-200-006**

*Situated in the Township of Northfield, County of Washtenaw and State of Michigan, and described as follows:*

Part of the Northwest 1/4 of Section 4, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan, described as follows: Commencing at the West 1/4 corner of Section 4; thence N00°00'00"E 1298.09 feet along the West line of said Section 4; thence N89°19'32"E 50.00 feet; thence N00°00'00"E 85.00 feet to the **PLACE OF BEGINNING**; thence continuing N00°00'00"E 80.00 feet thence N89°19'32"E 150.00 feet; thence S00°00'00"W 80.00 feet; thence S89°19'32"W 150.00 feet to the Place of Beginning. Containing 0.28 acres, more or less. Subject to and together with all easements and restrictions affecting title to the described above premises.

**LEGAL DESCRIPTION PARCEL B ±1.16 Acres**

**Part of Parcel No. B-02-04-200-006**

*Situated in the Township of Northfield, County of Washtenaw and State of Michigan, and described as follows:*

Part of the Northwest 1/4 of Section 4, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan, described as follows: Commencing at the West 1/4 corner of Section 4; thence N00°00'00"E 1298.09 feet along the West line of said Section 4; thence N89°19'32"E 50.00 feet to the **PLACE OF BEGINNING**; thence N00°00'00"E 85.00 feet; thence N89°12'32"E 150.00 feet; thence N00°00'00"E 80.00 feet; thence N89°12'32"E 230.00 feet; thence S00°00'00"W 165.00 feet; thence S89°12'32"W, 380.00 feet to the Place of Beginning of Containing 1.16 acres, more or less. Subject to and together with all easements and restrictions affecting title to the described above premises.

Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the described above parcel.

528  
**-005**

B -02-04-200-005

**2.00 Ac.**

528

380

**-006**

B -02-04-200-006

**1.44 Ac.**

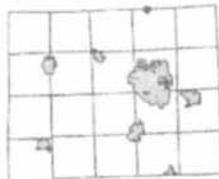
380

430

**-007**

B -02-04-200-007

**.28 Ac.**



1: 625

7/28/2016



NOTE: Parcels may not be to scale.

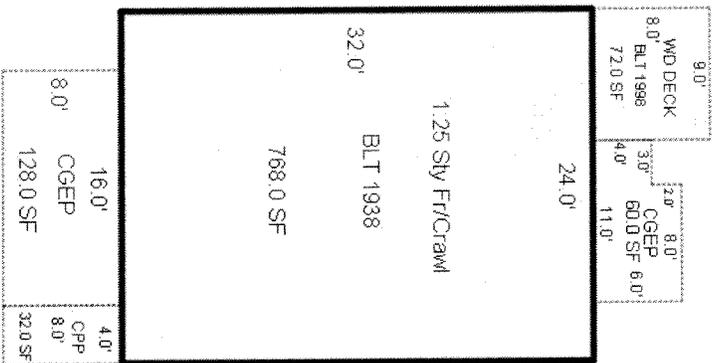
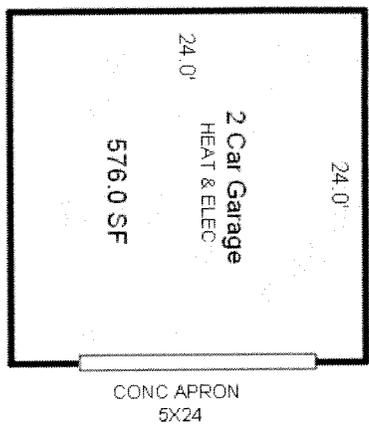
The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of the facts is hereby disclaimed.





\*\*\* Information herein deemed reliable but not guaranteed\*\*\*





# EAST SHORE DR

Sketch by Apex Sketch

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

August 4, 2016

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

**Subject: Gulio Cogo and Judy Hayward/600 East Shore Drive; Variance Review #1 (Application and materials dated received by Township on 7/26/16).**

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Gulio Cogo and Judy Hayward to split an existing parcel of land into two (2), one with an existing dwelling and accessory structure and the second vacant parcel for the construction of a new dwelling. The site is located on the east side of East Shore Drive, just south of Eight Mile Road and is zoned SR-1 (Single Family Residential-1) District.

#### VARIANCES

The proposal requires the following variance from the Zoning Ordinance:

1. Northfield Township Land Division Ordinance Section 14.23.a.5, to allow for a proposed lot split resulting in 2 parcels:

Lot width to depth ratio	-	1:4 maximum permitted
	-	1:4.47 proposed (for Parcel B)
	-	0.47 width to depth ratio (40 feet depth) variance requested

#### 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 all the following conditions are met:

- (1) ***Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with those restrictions unnecessarily burdensome.*** The subject site is a large parcel with an area of 1.44 acres (62,726 square feet) which more than exceeds the minimum lot size requirement of 10,890 square feet for the SR-1 District. The site has an existing dwelling with accessory structures on the NW portion of the site providing adequate area for accommodating another dwelling. The applicant is proposing the split to create a buildable lot. With a minimum required lot width of 80 feet, the proposed split results in 2 lots (A and B) with widths of 80 feet and 85 feet, respectively. With a lot depth of 380 feet, it is not possible for the applicant to comply with the required 1:4 ratio. Strict compliance with the ordinance standards will prevent the creation of a buildable lot which otherwise complies with all other provisions of the district in which it is located. Considering the size of the parent parcel and the buildable parcel, this could be construed as being unnecessarily burdensome. The existing dwelling and garage on the parcel are nonconforming with respect to some setback requirements; however, the proposed split is not altering those nonconformities in any way.

- (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 applicants by allowing for the creation of a new buildable parcel, and is not adverse to the interests of the existing property owners in the neighborhood or district.
- (3) ***The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.*** As noted previously, the proposal to split creates 2 lots with a width of 80 feet and 85 feet respectively, which comply with the minimum lot width requirement of 80 feet for the SR-1 District. The applicant has attempted to minimize the extent of the variance requested by making the lot for which the variance is being requested, the wider one.
- (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.*** The subject property is one of the larger parcels in the area along East Shore Drive. With the exception of a few parcels, most are smaller in size. The location of the existing dwelling and accessory structures on the subject site gives the appearance of having a vacant lot in the middle of a developed street. While the larger lot size is not necessarily unique to the subject site, it is not generally found in the area or amongst similarly zoned parcels.
- (5) ***The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.*** The problem necessitating the variance results from the applicants desire to split the parcel and create an additional buildable lot that does not conform to the State's Land Division Act requirement for parcels not to exceed the 1:4 ratio.
- (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.*** This standard is met. The proposed variance is not likely to have any adverse impact on the neighborhood or on public health, safety and welfare. The intent of the width to depth ratio is to prevent the creation of flag lots and narrow and elongated L-shaped parcels that would pose challenges and concerns for development and access. The parcel to be created will exceed the depth permitted by only 40 feet, which is not significant considering the size of the parcel. The frontage along East Shore Drive will remain consistent with existing developed single family residential development pattern.

#### **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 the property located at 600 East Shore Drive:

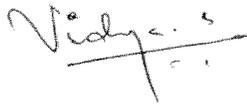
1. Compliance with ordinance standards would prevent the creation of a buildable parcel which could be construed as being unnecessarily burdensome.
2. The subject site is almost six times the minimum lot size required for the SR-1 District.

3. The variance will provide substantial justice to the applicants and is not adverse to the interests of other property owners.
4. The variance requested is the minimum possible.
5. The subject parcel is one of the larger parcels on East Shore Drive.
6. The variance requested is not adverse to the spirit and intent of the ordinance.
7. Any dwelling built on the resultant parcel will be required to comply with all setback and dimensional requirements for the district.

Subsequent to the approval of the variance, the applicant will be required to get formal approval of a lot split from the Township Assessor, prior to constructing any dwelling on the site.

Respectfully submitted,

**McKENNA ASSOCIATES**



Vidya Krishnan  
Senior Planner

cc: Township Manager: Howard Fink, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189  
Assessing/Building Asst. Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189  
Applicant: Gulio Cogo/Judy Hayward

# NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS Minutes of Regular Meeting July 18, 2016

## 1. CALL TO ORDER

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

## 2. PLEDGE OF ALLEGIANCE

## 3. ROLL CALL AND DETERMINATION OF QUORUM

Marlene Chockley	Present
Doug Del Favero	Present
Greg Kolecki	Present
Jacqueline Otto	Present
Amy Steffens	Present
Gary Wellings, Alternate	Absent
(presence not required)	

Also present:

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

## 4. ADOPT AGENDA

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

## 5. CORRESPONDENCE

None.

## 6. PUBLIC HEARINGS

- 6A. Case #JZBA160005; Gregory Yarrington; Location: 5450 Hellner Road. Request for variance from Section 36-719(d)(3), Private Roads and Driveway Regulations to construct a 15 foot wide driveway with a total length of 1,400 feet. Parcel 02-31-100-007. Zoned AR.**

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

Gregory Yarrington said he has owned this land for almost 18 years and they are now ready to build on it. He said the high water table on the property prevents them from building closer to the road, so the building site is at the rear of the property where the elevation is highest. He said they are doing their best to preserve as many natural elements as possible, although they removed many dead elm streets and will do some dredging to create a dry hydrant.

Krishnan reviewed her June 23<sup>rd</sup> report noting that the site is challenged by the high water table which is not the result of any action on the part of the applicant,

without the requested variance a home with a basement could not be built, the variance is the minimum that can be requested, granting the request will not confer any special privileges on the applicant, and the request is not adverse to the public interest. She recommended approval of the request.

Brynn Raupagh, 5445 Hellner Road, said she lives across the road and spoke in favor of the request.

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

- 6B. Case #JZBA160006; Richard Bonello; Location: 981 Main Street. Request for variance from Section 36-902(6), Non-conforming Uses, to construct a 30' x 40' pole barn intended for vehicle parking and storage. Parcel 02-06-105-018. Zoned WLD-D (Whitmore Lake Downtown)**

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

Richard Bonello said he would like to build a pole barn to store cars, gardening tools, etc. He said the house was built in the 1930s and he is in the process of cleaning it up.

Krishnan reviewed her report of June 16, 2016, and explained that ZBA approval is required because construction of a pole barn would be expansion of a non-conforming use. She noted the principal use—a house—is a legal, non-conforming use, not allowing storage area could be construed as a hardship, the proposed barn is clearly an accessory use to the house, and the addition will not have any negative public effects. She recommended approval of the request.

In answer to a question from Del Favero, Krishnan said there is no side yard setback requirement in the WLD-D district.

- ▶ **Motion:** Steffens moved, Chockley supported, that the public hearing be closed.  
**Motion carried 5—0 on a voice vote.**

## 7. OLD BUSINESS

None.

## 8. NEW BUSINESS

- 8A. Case #JZBA160005; Gregory Yarrington; Location: 5450 Hellner Road. Request for variance from Section 36-719(d)(3), Private Roads and Driveway Regulations to construct a 15 foot wide driveway with a total length of 1,400 feet. Parcel 02-31-100-007. Zoned AR.**

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Del Favero thanked Yarrington for investing in the Township on a difficult piece of property. In answer to a question from Chockley, Yarrington described the plans for the dry hydrant and driveway design.

Steffens asked if Yarrington has had a wetlands delineation survey done. Yarrington said he has submitted a DEQ application and a representative from the State of Michigan has already inspected the site and indicated he does not see a problem with his plans.

- ▶ **Motion:** Steffens moved, Chockley supported, that the request in Case #JZBA160005 by Gregory Yarrington, 5450 Hellner Road, for a variance from Section 36-719(d)(3), Private Roads and Driveway Regulations, to construct a 15 foot wide driveway with a total length of 1,400 feet, when the ordinance permits a maximum length of 1,000 feet, Parcel 02-31-100-007, Zoned AR-Agriculture, meets the findings of fact included in the ordinance and per the discussion tonight and in the report dated June 16th, subject to a dry hydrant being place on the site per Fire Department specifications.  
**Motion carried 5—0 on a roll call vote.**

**6B. Case #JZBA160006; Richard Bonello;  
Location: 981 Main Street. Request for variance from Section 36-902(6), Non-conforming Uses, to construct a 30' x 40' pole barn intended for vehicle parking and storage. Parcel 02-06-105-018. Zoned WLD-D (Whitmore Lake Downtown)**

In answer to questions, Krishnan said the barn will be 46 from the front property line, and Bonello said the peak of the barn will not be higher than the house, but he does not have a drawing of the barn or know what the roof pitch is. He said it will having vinyl siding, a cement floor, and standard doors and will look like a typical garage. Bonello said the color will a gray to match the house with white trim. In answer to a question from Del Favero, Bonello said this will be his primary residence. Del Favero said it is nice to see this property being improved.

Steffens said consideration of this request is confusing because the findings do not address the ordinance language about either retention or removal of the non-conforming uses, neither one of which is proposed. Krishnan agreed it is confusing, but said the intent behind the ordinance must also be considered. She said it is an interpretation, but it is reasonable to consider whether it would be a hardship for a legal dwelling not to have a garage.

Steffens said it seems like consideration of a use variance is implied. Krishnan said this is definitely not a use variance because residential use is allowed in the district and the application is not saying that the property is no longer useful for any of the allowed uses. Steffens expressed concern about the proposed accessory structure being larger than the dwelling because the ordinance states accessory uses must be subordinate to the principal use. Krishnan says the garage is clearly a subordinate use to the principal structure, and the ordinance does limit the size of the proposed structure.

- ▶ **Motion:** Del Favero moved, Chockley supported, that the request in Case #JZBA160006 by Richard Bonello, 9681 Main Street, for a variance from Section 36-902(6), Non-conforming Uses, to construct a 30' x 40' pole barn intended for vehicle parking and storage, Parcel 02-06-105-018, zoned WLD-D (Whitmore Lake Downtown District), be approved based on the findings of fact listed in the letter dated June 16, 2016, from McKenna Associates. **Motion carried 5—0 on a roll call vote.**

**9. MINUTES**

- ▶ **Motion:** Otto moved, Del Favero supported, that the minutes of the May16, 2016, regular meeting be approved as presented.  
**Motion carried 5—0 on a voice vote.**

**11. CALL TO THE PUBLIC**

No comments.

**12. ZBA MEMBER COMMENTS**

No comments.

**13. ANNOUNCEMENT OF NEXT MEETING**

**August 15, 2016**, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

**14. ADJOURNMENT**

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

The meeting was adjourned at 7:43 P.M.

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Prepared by Lisa Lemble. Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~; wording added is underlined.

Adopted on \_\_\_\_\_, 2016.

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Amy Steffens, Chair

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Greg Kolecki, Secretary

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Official minutes of all meetings are available on the Township's website at  
[http://www.twp-northfield.org/government/zoning\\_board\\_of\\_appeals/](http://www.twp-northfield.org/government/zoning_board_of_appeals/)

Draft