

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

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

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

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

4. ADOPT AGENDA

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

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

**8A. Case #JZBA150007; Michael and Lisa Gersky,
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15 feet to build a 1,450 sq. ft. house.
Parcel 02-08-376-001;
Zoned SR-2—Single Family Residential.**

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

jurisdiction over anything related to environmental conditions on this site.

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

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

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

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

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

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

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

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

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

9. UNFINISHED BUSINESS

None.

10. MINUTES

June 1, 2015

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

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:
Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted on _____, 2015.

Kenneth Dignan, Chair

Greg Kolecki, Secretary

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

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

11. CALL TO THE PUBLIC

None present.

12. ZBA MEMBER COMMENTS

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

13. ANNOUNCEMENT OF NEXT MEETING

September 21, 2015, at 7:00 PM at the Public Safety
Building was announced as the date and time of the
next regular meeting of the Zoning Board of Appeals.
Bird reported that no applications have been submitted
yet for that meeting.

12. ADJOURNMENT

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

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