

**NORTHFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
Minutes of Regular Meeting  
July 20, 2020**

**1. CALL TO ORDER**

The meeting was called to order by chair Kenneth Dignan at 7:06 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	Present
Jacki Otto	Present
Alternate: James Balsillie	Presence not required

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

**4. ADOPT AGENDA**

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

**5. CORRESPONDENCE**

Dignan noted an email related to the public hearing item had been received.

**6. PUBLIC HEARINGS**

**6A. Case #JZBA200001; James Azar**  
**Location: 587 W. Northfield Church Road;**  
**Request for variance from Section 36-719(g),**  
**Private Roads and Driveways, to allow**  
**construction of a Class B Private Road;**  
**Parcel 02-31-100-010; zoned AR—Agriculture.**

- **Motion:** Dignan moved, Cousino supported, that the public hearing be opened.  
**Motion carried 5—0 on a roll call vote.**

Planning Consultant Vidya Krishnan explained that the applicant proposes to split a 20-acre property into three parcels for the construction of a marijuana grow facility and two homes, providing access with a 2,000 foot long road. She noted the applicant is requesting approval of Class "B" private road, rather than a Class "A", which is the only subject of the requested variance. She reviewed the Standards for Determination against which variance requests are reviewed, and said the applicants contend a Class "B" road will serve the

Fire Department access requirements which are the basis for the Class "A" requirements, and it will save several landmark trees.

She read her report and made comments, including:

- The road location is subject to the State of Michigan review due to it crossing protected wetlands.
- There is no difference in the construction standards for either type of road, and one would not produce less dust than the other.
- The financial criteria cited by the applicant is not material to a variance request.
- Approving the variance would set a precedence unsupported by the ordinance and State law.
- There are no unique circumstances peculiar to the land to support a variance, and the need for the variance is self-created to maximize use of the property and save expense. Two single-family dwellings can be built with a shared driveway.
- The variances are not likely to have measurable impact on the surrounding neighborhood, but the applicant should have been aware of ordinance requirements before making their proposed plans.
- Allowing for a lower-quality roadway lowers standards in the Township which would set a negative precedent.

She recommended denial of the variance request.

Brandon Chaney, Nederveld, Inc., appeared for he applicant. His comments included:

- The property is 2664' x 327' and the Azar family plans to build two homes for their families, but they are unsure whether they will proceed with the proposed marijuana grow facility.
- The wider Class "A" road which is required would require disturbing 19,000 sq. ft. of wetlands, whereas a Class "B" road would disturb only 15,000 sq. ft.
- Per the international fire code a Class "B" road is sufficient for fire service, and the road will be accessed from Northfield Church, a 20' wide gravel road, which is the same width as the proposed private road.
- While the parcel conforms to zoning ordinance requirements, the 7½:1 depth:width ratio is unusual.
- Three-quarters of an acre of additional gravel would be required for a Class "A" road and result in removing five additional landmark trees and infilling of an additional 4,000 sq. ft. of wetlands.

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- The request is in harmony with the quiet, rural neighborhood with a 20 ft. wide gravel road serving most of the homes, so a 32' wide private road would not be in character with the area.
- A road that is 12' wider than needed is a lot of impact on neighbors.
- There is 325 feet of Northfield Church road frontage, but due to topography, clusters of trees, and a wetland, their proposed entrance location is required.
- Their proposal is the most efficient for avoiding destruction of natural features.
- The request is not being made based on cost.
- The applicants bought the property based on its natural features, and they want to preserve as much of it as possible.

Dignan called for comments from the public.

Kris Kraft said it sounded like Chaney said the marijuana facility proposal is being withdrawn. He said this property has been for sale for a long time, specifically because of the access issue. He said he would prefer a narrower road to limit damage to his back yard, which is 100 feet away. He added he is concerned about wetlands and about having a marijuana facility in the area. He said if the marijuana facility is built it should have an asphalt driveway. He said this is not a special property, and the shape of it was intentional because the other property owners did not want the wetlands developed.

Krishnan noted Chaney had not specifically said the Azar's are withdrawing their marijuana facility application. She also noted under the zoning ordinance regulations three homes can be built on the property using a shared driveway without encroaching on the wetlands.

Jeff Linton said there is a private road across the street from the site, and there is a lot of activity on the road now with commercial vehicles using it turn it around, and he asked what activity would be created as a result of this request. Dignan said that is an issue for the Planning Commission.

Chaney said the Drain Commission requires that no drainage being changed as a result of their construction, and they will follow all permit requirements. He agreed three residences could be built on the front of the property, but the applicants want to get access to the rear 60% of the property, and they want to do that while disturbing the wetlands and landmark trees as little as possible.

- **Motion:** Otto moved, Cousino supported, that the public hearing be closed.  
**Motion carried 5—0 on a roll call vote.**

## 7. OLD BUSINESS

None.

## 8. NEW BUSINESS

**8A. Case #JZBA200001; James Azar  
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Request for variance from Section 36-719(g),  
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construction of a Class B Private Road;  
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Dignan said the environmental impact of a Class "A" road over a Class "B" road is significant, and only a variance would allow the latter. Krishnan said her review of the proposal would have been different if no commercial enterprise were involved because granting a variance with that type of business involved would open the door for similar businesses in the future.

In answer to a question from Otto, Krishnan said the required width for a residential driveway is only 12 feet.

Gustafson noted a Class "A" road is required only for roads longer than 1,000 feet, so he asked whether the first 1,000 ft. could be built to Class "B" standards and the rest to Class "A" standards. He also noted the applicant would have to get approval from the Fire Department for any road configuration that is different from what is required. Krishnan said the Township Engineer would have to be consulted about that. Cousino also questioned whether a hybrid of the two road widths could be used. He said buyers should do their homework before purchasing land.

Kolecki said for the current proposal with the commercial operation involved he would be inclined to stay with the Class "A" requirement. Dignan asked if a Class "A" road would be required if the commercial operation were raising chickens. Krishnan said the issue of the road class is related only to its length. Dignan said three homes could be built with a Class "B" road, then a chicken farming operation added without any changes to the road, and he asked if there is any option without a variance other than a Class "A" road. Krishnan said the length over 1,000 ft. requires a Class "A" road, but the use of the property affects the review of the request for the variance, and any commercial operation would indicate more intense use and so support the need for a Class "A" road. Dignan noted the AR zoning allows many uses other than residential, including a commercial type of enterprise protected under the Right to Farm Act.

Angela Azar said their engineer said they could not build a Class "B" road for the first 1,000 ft., and a Class "A" beyond that. She said the traffic load for the commercial operation will be less than for a single-family home, and she referenced a letter from their business' grower about traffic to the site.

In answer to a question from Cousino, Krishnan said there is nothing in the ordinance that would prevent a

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single-family home and the grow operation on a single parcel. Cousino said an extra 12 feet of roadway will not have a massive effect on the natural features and development should meet ordinance requirements.

In answer to a question from Otto, Cousino said there are other Class "B" roads in the Township.

Dignan said drainage is of concern in this area, and he questioned whether a Class "A" road is harmonious with the area. Krishan agreed that environmental considerations may be appropriate, and said perhaps a zoning text amendment is in order to address situations such as this, allowing Class "B" roads over 1,000 feet serving specific uses. She said that would be a matter for the Planning Commission to consider.

► **Motion:** Dignan moved, Otto supported, that in Case #JZBA200001 the Zoning Board of Appeals postpone indefinitely a decision in this case and advise the applicant to go to the Planning Commission in order to:

1. make a determine whether they are going to continue to propose the marijuana grow facility, and
2. If it is going to be strictly residential, decide whether they would like the Planning Commission to revisit the private road section of the ordinance to create a distinction between residential and non-residential uses of the parcel.

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

#### 8B. Zoning Administrator Quarterly Report.

Krishnan reviewed the written report for the period January 1 through March 31, 2020, noting that activity was generally low other than applications for marijuana businesses under the new ordinance, each of which required zoning compliance review. She noted

she is starting to work with the code enforcement officer and the new Township attorney on code enforcement.

In answer to a question from Dignan, Krishnan said she does not anticipate ZBA applications related to marijuana special use permits.

#### 10. MINUTES

Otto noted one minor correction.

► **Motion:** Otto moved, Dignan supported, that the minutes of the January 21, 2020, regular meeting be approved as amended.

**Motion carried 5—0 on a voice vote.**

#### 11. CALL TO THE PUBLIC

Brandon Chaney thanked the ZBA for their consideration of the Azar request.

#### 12. ZBA MEMBER COMMENTS

None.

#### 13. ANNOUNCEMENT OF NEXT MEETING

**August 17, 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.

#### 14. ADJOURNMENT

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

**Motion carried 5—0 on a voice vote.**

The meeting was adjourned at 8:38 P.M.

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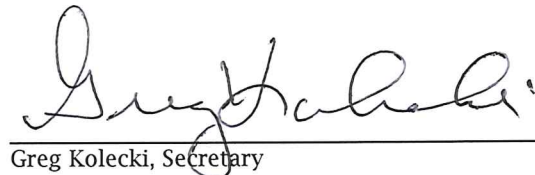
Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

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

Adopted on September 21, 2020.

  
Kenneth Dignan, Chair

  
Greg Kolecki, Secretary

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