

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
March 21, 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 #JZBA160002 – Judy M. Munch 82 East Shore Drive, Whitmore Lake, MI 48189 requests a variance from Article IX SR-2 Singles Family Residential District; Section 336-248 Regulations and Standards; sub section (4) a for front yard setback variance, to remove an existing enclosed porch on the east side of the home and replace it with a new three season room, and to build a new covered porch on the north and west sides of the dwelling. The parcel number is B-02-05-378-014 and is zoned - SR-2 Single Family Residential District.
7. **OLD BUSINESS**
8. **NEW BUSINESS:**
 - A. Case #JZBA160002 – Judy M. Munch 82 East Shore Drive, Whitmore Lake, MI 48189 requests a variance from Article IX SR-2 Singles Family Residential District; Section 336-248 Regulations and Standards; sub section (4) a for front yard setback variance, to remove an existing enclosed porch on the east side of the home and replace it with a new three season room, and to build a new covered porch on the north and west sides of the dwelling. The parcel number is B-02-05-378-014 and is zoned - SR-2 Single Family Residential District.
9. **APPROVAL OF MINUTES:** February 16, 2016
10. **CALL TO THE PUBLIC**
11. **ZBA MEMBER COMMENTS**
12. **ANNOUNCEMENT OF NEXT MEETING:** April 18, 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.

January 23, 2016

Northfield Township and/or To Whom It May Concern:

This is a Letter of Authorization granting William Munch and/or representatives of Slider Builders, Inc. whose address is 5309 E. Sherwood Road, Webberville, MI 48892 permission to act on my behalf to obtain Zoning permits and any and all building permits related to my project.

You may contact me with any questions you may have.

Thank you-



Judy Munch
82 East Shore Drive
Whitmore Lake, MI 48189
Parcel ID# B-02-05-378-014

RECEIVED

FEB 08 2016

NORTHFIELD TOWNSHIP

PAID

FEB 08 2016

NORTHFIELD TOWNSHIP TREASURER

Zoning Board of Appeals Hearing Application

Applicant:

Owner:

Name Bill MunchName Judy MunchAddress 10758 GamewoodAddress 82 East Shore DriveSouth Lyon, MI 48178Whitmore Lake, MIPhone: 313-999-6560Phone: 313-917-9179

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

Owner is ApplicantStatement Attached

1.) Property Description and Location

A.) Property Address 82 East Shore Drive, Whitmore Lake, MIB.) Parcel Identification B-02-05-378-014C.) Legal Description Attached(or
attach.)2.) Present Zoning District of Property Residential3.) Present Use of Property Single Family Residential

4.) Non-Conforming Status

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

Front set back does not meet current zoning.

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

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

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

B.) Describe reason/need for Variance:

Construction of porch would encroach into required front set-back.

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:

House set-back is similar to others built before current requirements.

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

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

Allow for front porch similar to others in area.

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

Improvement is designed to enhance appearance and value of residence and create more lakeview area for owner.

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:

Neighboring residences have porches not meeting current zoning set-backs. Existing concrete porch currently encroaches 6' into front set-back.

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

Variance of required front set-back from 30' to 9'.

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

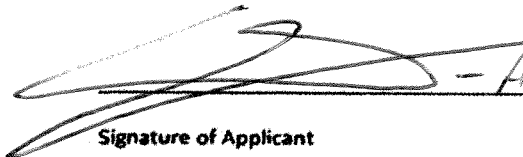
C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated information is not provided and to reschedule it when the information is provided and

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

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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.

 - Authorizing Agent
Signature of Applicant

2-8-16
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 :

5

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 _____

RECEIVED

PAID

DEC 16 2015

NORTHFIELD TOWNSHIP
ZONING COMPLIANCE APPLICATION/CERTIFICATE

DEC 16 2015

NORTHFIELD TOWNSHIP

NORTHFIELD TOWNSHIP TREASURER

- Certificate required prior to new construction or alterations of existing structures. Certificates also required prior to occupancy.
- Application must be accompanied by 2 copies of scaled site plan meeting information requirements of Zoning Administrator.
- Applications for zoning compliance certificates shall be deemed abandoned six (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued.
- Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

Parcel Identification Number: B-02- 05-378-014 Email: THE MUNCH FAMILY@gmail.comSite Address: 82 EAST SHORE DRLot #: _____ Subdivision: _____ Property Size: 60 X 305Property Owner: JUDY MUNCH, 82 EAST SHORE WHT LAKE (810) 999-6560
Full Name Address City/State PhoneLessee/Applicant: JUDY MUNCH 82 EAST SHORE WHT LAKE (810) 599-6560
Full Name Address City/State Phone

If application is made by 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.

Zoning (Circle Classification or list other): RC AR LR SR1 (SR2) MR VC LC GC ES HC GI LI Other: _____Type of Construction/Alteration: BUILD LAKESIDE SHED AND PORCHUse of Site/Structure: STORAGE # Units: 1Sewer Available? Yes, Northfield Twp. Sewer Tap Permit # 1111 No, WCHD Sewage Permit # _____Project Start Date: DEC-1-15 Projected Completion Date: JAN-1-16

PC/ZBA Case #: _____ Action: _____ Date: _____

In case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be deemed null and void.

I hereby acknowledge the above facts, and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property for purposes of inspection.

Authorized Signature

Date

12-1-2015

- Office Use Only -		
I hereby certify that I have reviewed the plans for the purpose of zoning compliance only and not for construction.		
Existing legal non-conformities: N/Y, _____		
Zoning Compliance Certificate:	Approved	Approved as noted
Comments/Reasons for denial:	<u>Request for variance has not been provided and an accessory structure may not be located in front of the existing building line of the principal building.</u>	
Zoning Administrator	Date <u>11/2/15</u>	

SR2 - SECTION 36-248(4)2 REQUIRES A 30' SET BACK FROM THE EDGE OF THE ROAD RIGHT-OF-WAY
8350 Main Street, Whitmore Lake, MI 48189

Telephone: (734) 449-5000 ♦ Fax: (734) 449-0123 ♦ Web site: twp-northfield.org

734-822-8127

12/10/15 email sent

February 23, 2016

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

Subject: Bill Munch and Judy Munch/82 East Shore Drive; Variance Review #1 (Application and materials dated received by Township on 2/8/16).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Bill and Judy Munch to remove an existing enclosed porch on the east side of the house at the above address and replace it with a new three-season room, and to build a new covered porch on the north and west sides of the building. The site is south of East Shore Drive, east of Garfield Drive and is zoned SR-2 (Single Family Residential) District.

VARIANCES

The proposal requires the following variance from the Zoning Ordinance:

1. ARTICLE IX. SR-2 SINGLE FAMILY RESIDENTIAL DISTRICT; Section 336-248 Regulations and Standards; sub-section (4) a. Front yard setback requirement:

Front Yard Setback	<ul style="list-style-type: none">- 30.00 feet required- 22.00 feet existing- 14.00 feet proposed (from edge of new porch to road ROW)- 8.00 foot variance requested
--------------------	---

* The application describes the variance requested as "from 30 feet to 9 feet" which does not match the sketch plans provided. For zoning purposes, front setback is measured from the right-of-way line, not from the centerline of the street. In this review we have used the existing setback measurement as determined in the Township's zoning compliance review and scaled from the Washtenaw County GIS with lot lines.

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) a. **Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings in the same district.**
The applicant's parcel is one of many parcels on East Shore Drive that do not appear to meet the required front yard setback of 30 feet from the street right-of-way. Based on the County GIS and information provided by the applicant, there appears to be nothing peculiar about the subject site that would distinguish it from its neighbors, or from other parcels in the SR-2

District in the area. Based on scaling the Washtenaw County GIS maps, there is one house farther east (148 East Shore) that has a setback less than 15 feet (approximately 11.5 ft.); 166, 138 and 132 East Shore have setbacks of less than 20 ft. at 15.6 ft., 18.2 ft., and 17.7 ft. respectively (see attached). Some properties on East Shore Drive have enclosed porches, others have open porches and some have just a concrete porch landing in front of the main entrance to the dwelling. Addition of a new enclosed porch would appear to allow the subject dwelling to be closer to the street than its immediate neighbors and many of the dwellings on nearby lots. While there are no special conditions or circumstances that are innate to the land itself, the existing pattern of development in the area/neighborhood indicates homes placed closer to the street and in many cases with porches to take advantage of the lake views. The pattern of development likely predates the current Zoning Ordinance.

We recognize the desire of homeowners to have improved views of the lake from their homes and to enjoy lake side living. Further, the Planning Commission is studying the regulations that apply to lakefront lots and may recommend changes in the future. While strict interpretation of the standards does not allow us to make a finding of special conditions or circumstances peculiar to this site, we do find that the existing pattern of development in the area is somewhat similar to the requested encroachment.

- b. **The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.** The request for variance results from the applicant's desire to have a porch to create more "lake view area" and also to "enhance appearance and value of residence". As noted above and based on the information submitted, to our knowledge there are no special conditions or circumstances associated with the request for variance.
 - c. **The literal interpretation of this chapter would deprive the applicant of the rights commonly enjoyed by other property owners in the same district under the terms of this chapter.** Adherence to the provisions of the Ordinance would not impede the applicant's ability to enjoy the property. While enclosing a porch across the entire front of the house as requested would give an expanded area for relaxation and viewing the lake, the existing house has an enclosed porch on the east side which offers lake views similar to other dwellings in the vicinity.
 - d. **That granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.** Granting the requested variance will allow the applicants to build a structure that will bring the dwelling closer to the public street right-of-way than other dwellings on that portion of East Shore Drive. Approving the variance could set a precedent for similar requests from other property owners, which would be in keeping with the established pattern of development.
- (2) **The existence of nonconforming uses of neighboring lands, structures or buildings in the same district, any permitted or nonconforming uses of lands, structures or buildings in other districts, and nonconforming structures, shall not be considered grounds for issuance of a variance.** Per the applicant, the proposed setback is similar to others built before current zoning requirements. However, per the Ordinance, existing nonconformities are not sufficient justification for the ZBA to allow for new or additional nonconformities.
- (3) **The variance requested is the minimum possible for the reasonable use of the land, building and structure.** As previously noted, the existing house has an enclosed porch on the east side

which offers lake views similar to other dwellings in the vicinity. The proposed covered porch in the front while offering additional lake views, is not essential for the reasonable use of the land or structure.

- (4) **Granting of the variance will be in harmony with the intent of the Ordinance and will not be injurious to the neighborhood or otherwise detrimental to public interest.** Granting of the variance is not likely to have any adverse or injurious effect on the neighborhood or be detrimental to the public in general.

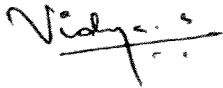
RECOMMENDATION AND FINDINGS

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 render a decision on the requested variance for the property located at 82 East Shore Drive,

1. There are no special conditions or circumstances peculiar to the site or structure on it; however, the request is in keeping with existing pattern of development in the area/neighborhood.
2. The existing pattern of development with non-compliant front yard setbacks likely precedes the Zoning Ordinance setback regulation from which the variance is requested.
3. Compliance with the Ordinance requirements is not unnecessarily burdensome and will not affect the applicant's ability to enjoy their property.
4. Granting the variance could set a precedent for similar requests.
5. Existing nonconformities along East Shore Drive are not a basis for granting a new variance.
6. The variance requested has not been demonstrated to be the minimum possible for reasonable use of the land and structure.
7. The variance is not adverse to the public interest.

Respectfully submitted,

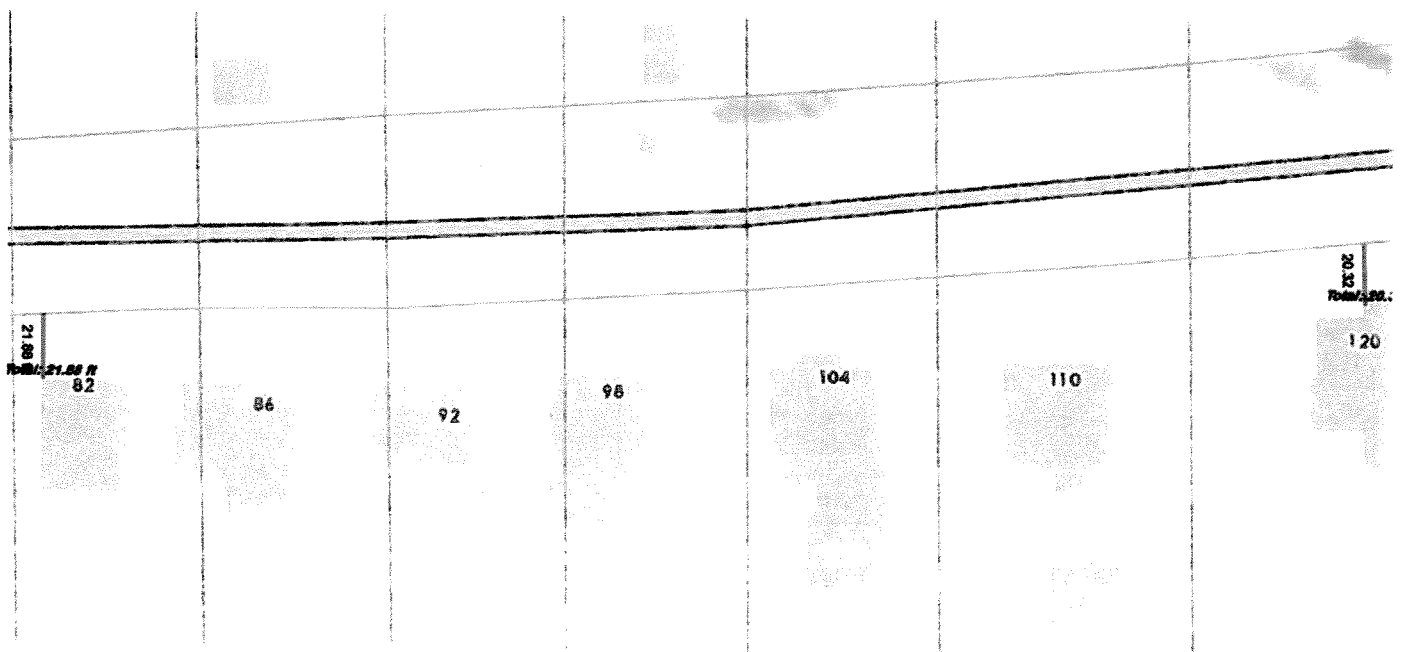
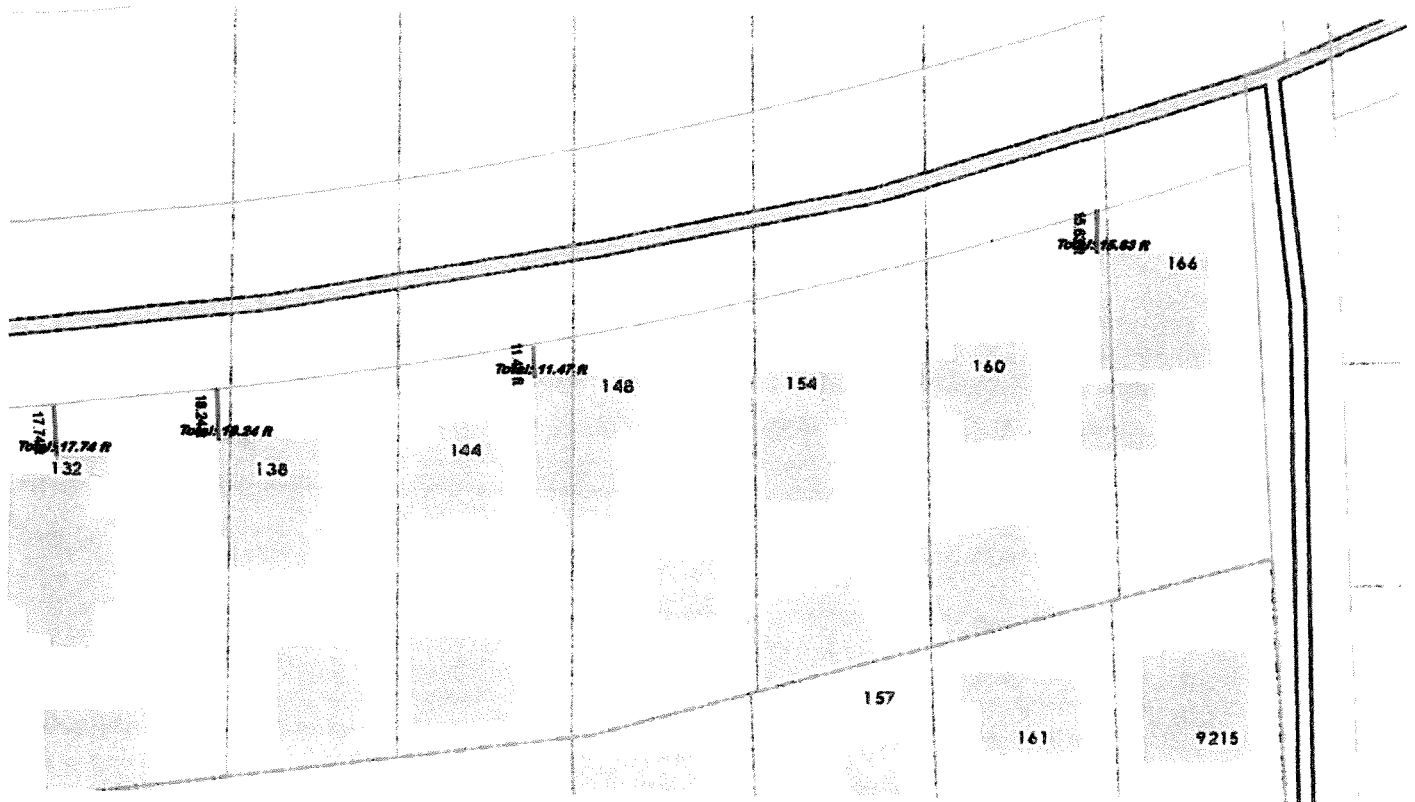
McKENNA ASSOCIATES, INCORPORATED



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

Approximate Building Setbacks along East Shore in Vicinity of 82 East Shore



Source: Washtenaw County GIS; Printed 2/22/16

Not to Scale

Northfield Township

Building & Zoning Department

To: Northfield Township Zoning Board of Appeals

From: Kurt Weiland, Zoning Administrator

Re: 82 East Shore Drive, Parcel #B-02-05-378-014

Date: January 12, 2016

The property owner has submitted a zoning compliance application to construct an addition to the primary structure that would encroach into the (30) foot front yard setback and also construct a shed/cabana on the lakeside of their property.

The first project consist of removing an existing enclosed porch on the east side of the home and replacing it with a new three season room and covered porch that will extend eight feet in front of the current home. It appears the current home has a (22) twenty two foot front yard setback currently and with the proposed addition this would be reduced to (14) fourteen feet. The minimum required front yard setback in the SR-2 zoning district is (30) thirty feet, thus a (16) sixteen foot front yard variance is required in order to proceed with the project. Until a variance is obtained from the Northfield Township Zoning Board of Appeals the request to construct the proposed addition must be denied.

The applicant has also requested approval to construct an accessory structure along the lake. This property is a through lot with East Shore Drive splitting the parcel in two. Since the proposed lakeside accessory structure would be located in front of the primary structure and therefore would not comply with Article IV(d)(2), which states that buildings not attached to the principal building shall not be located in front of the rear line of the principal building this request has also been denied. Article IV(g)(1) would allow for the construction of a deck, patio, or similar open air structure anywhere on the lot. It would still be required to be located out of the road right-of-way.

Relevant Ordinance Sections

Article IX. SR-2 Single Family Residential District, Section 36-248 (4) Yard and setback requirements (a) Front yard. Not less than 30 feet.

Article IV. Section 36-98(d)(2) In any SR-1, SR-2, or MR district, accessory uses and buildings not attached to the principal building shall not:

- a. be located in front of the rear line of the principal building or, in the case of a corner lot, in the required side yard;
-

- b. be located less than five (5) feet from an interior side or rear property line;
- c. Exceed 15 feet in height

Article IV (f) Yard Measurements.

Yards shall be measured from the exterior faces of a structure to lot lines. Yards shall be measured from the outer edge of a roof overhang or cornice less two (2) feet, if the roof overhang or cornice extends more than two (2) feet from the exterior face of the structure. Front and corner side yards shall be measured from the existing right-of-way lines. All required yards shall be located parallel and adjacent to property lines. All required yards shall be measured from the right-of-way line of a public street, or from the right-of-way or easement line of a private street.

Article IV (g)(1). Exemptions from area, placement, and height regulations.

1. The following structures may be located anywhere on any lot: Open and unroofed terraces, patios, porches and steps; awnings; flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; sidewalks and private driveways; trees, plants, shrubs, and hedges; fences complying with standards within Section 36-715; mailboxes; and light poles. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provisions of Section 36-98(h), "Visibility at Intersections".

Applicable Definitions from Article 2.0 Definitions;

Lot, Double Frontage: Any interior lot having frontage on two (2) streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

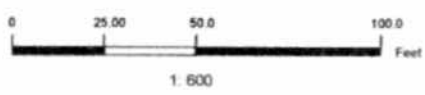
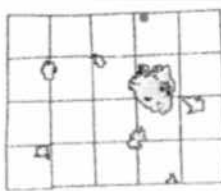
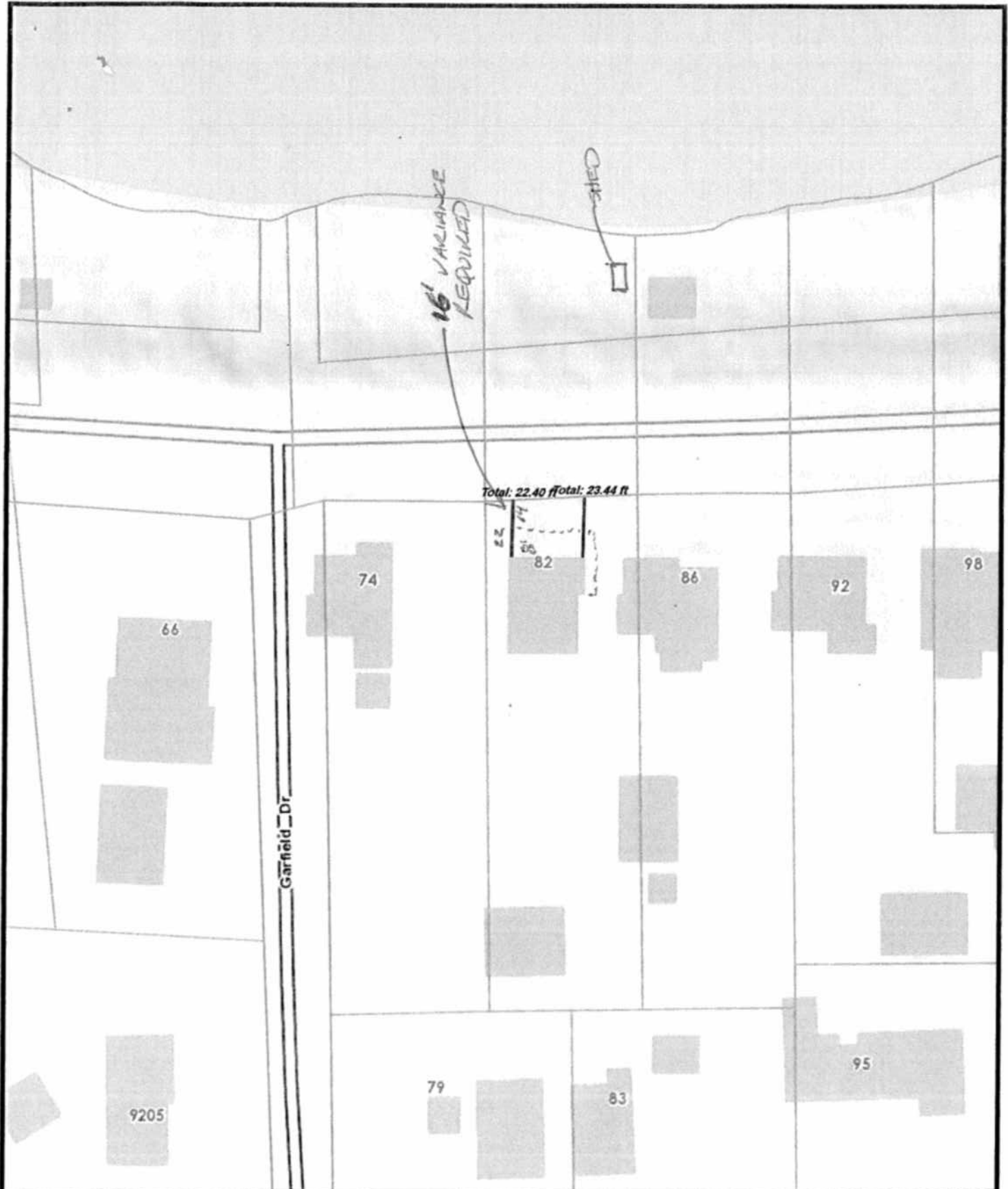
Lot Lines: (1) Front Lot Line: In the case of a lot not located on a corner, the line separating said lot from the street right-of-way. In the case of a corner lot or double frontage lot, the front lot line shall be that line that separates said lot from that street which is designated as the front street on the plat, or which is designated as the front street on the site plan review application or required for a building permit.

Setback: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The minimum Required Setback is the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this ordinance.

Structure: Anything constructed, erected, or placed with a fixed location on the surface of the ground or water, or affixed to something having a fixed location, including but not limited to, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, paving and roadways, poles, towers, cables, pipelines, drainage tiles, and other underground installations. See Section 10.01 for additional regulations.

Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front property line and the nearest line of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.

Yard, Side: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.



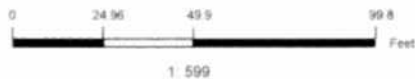
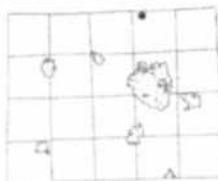
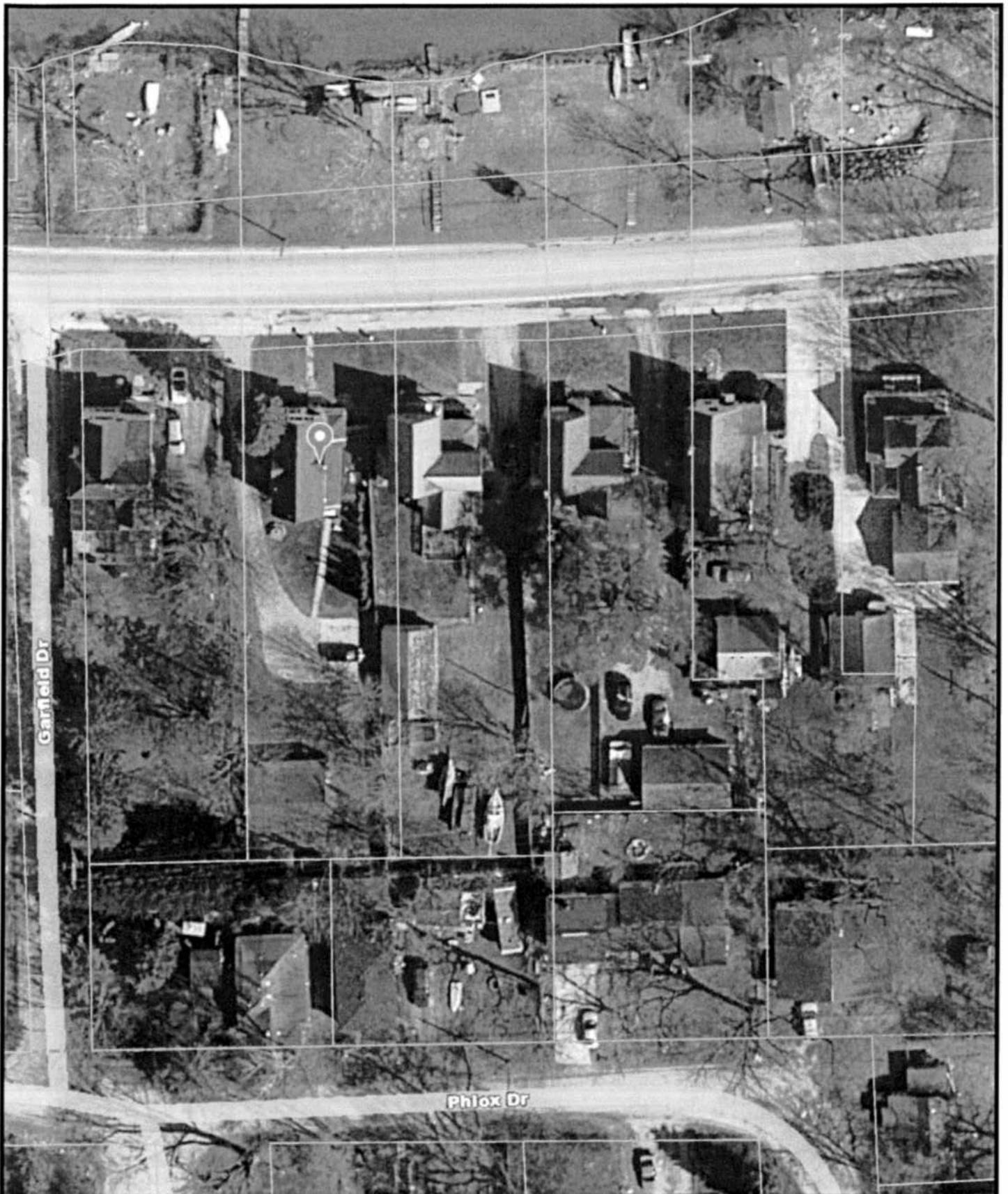
1/11/2016



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 Washenaw 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 this data is hereby disclaimed.

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-322-8862.



2/8/2016

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-4662.



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 value of this data is hereby disclaimed.



WARRANTY DEED



File No. N11119

The Grantors: Robert J. Forbes, a single man

whose address is: 82 East Shore, Northfield, MI 48189

Convey and Warrant to: Judy M. Munch, Trustee of The Judy M. Munch Living Trust, dated April 22, 1994

whose address is: 3124 West River Drive, Gladwin, MI 48624

the following described premises situated in the Township of Northfield, County of Washtenaw, State of Michigan, to wit:

See Attached Legal

PARCEL 1:

Commencing at a point in the North line of East Shore Drive where the East line of land deeded to Ivan Stevenson and Ann Stevenson intersects East Shore Drive; thence Northerly to low water line; thence Easterly along low water line to a point Northerly of the East line of Property now or formerly owned by Raymond G. Monahan and Mary V. Monahan, his wife; thence running Southerly to the North line of East Shore Drive; thence Westerly along the North line of East Shore Drive to the Place of Beginning; being a part of the Southwest 1/4 of Section 5, T1S, R5E, Northfield Township, Washtenaw County, Michigan.

PARCEL 2:

Beginning on the South line of the highway running on the South side of Whitmore Lake at a point 352-5/10 feet East of and on a line at right angles with the line dividing the East and West halves of the Southwest 1/4 of Section 5 of Northfield Township, running thence southerly on a line parallel with said dividing line 220 feet; thence Easterly on a line parallel with said South line of highway 58 feet; thence Northerly on a line parallel with said dividing line 220 feet to said South line of highway; thence Westerly on the South line of said highway 58 feet to the Place of Beginning. Also to the center of the highway in front of the property above described, all being in the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 5, T1S, R6E, Northfield Township, Washtenaw County, Michigan.

Commonly known as: 82 East Shore, Whitmore Lake, MI 48189.

for full consideration of: \$269,000.00 (Two Hundred Sixty Nine Thousand and 00/100)

Subject to: Building and use restrictions and easements of record. Liens for any tax and/or assessment which become due and payable on or after the effective date hereof. Rights, if any, of the United States, the State of Michigan, other governmental entities, the public and other riparian owners in and with respect to Whitmore Lake. Adverse claims that a portion of the subject premises has been created by artificial means or has accreted to such portions so created.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make ____ divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Dated 09/11/15

Signed By:

By: Robert J. Forbes
Robert J. Forbes

Washtenaw County Treasurer
Tax Certificate NO: 98684 TC

WARRANTY DEED


(Continued)

STATE OF MICHIGAN)

COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 11 day of Sept., 2015 by Robert J. Forbes, a single man.

JENNIFER M. J. STEPP
Notary Public, State of Michigan
County of Oakland
My Commission Expires 06-04-2021
Acting in the County of Oakland


_____, Notary Public
County _____
My Commission Expires: _____
Acting in the County of: _____

Drafted by: Thomas D. Richardson, Esq.
111 N. Main Street

When recorded return to: Judy Munch
82 East Shore Dr
Northfield, MI 48189

Ann Arbor, MI 48104
Tax Code: B-02-05-378-014

Continuation of Schedule A

File No: 81-15435704-ATA

EXHIBIT "A"

The land referred to in this commitment is described as follows: Township of Northfield, County of Washtenaw, State of Michigan

Parcel 1: Commencing at a point in the North line of East Shore Drive where the East line of land deeded to Ivan Stevenson and Ann Stevenson intersects East Shore Drive; thence Northerly to low water line; thence Easterly along low water line to a point Northerly of the East line of property now or formerly owned by Raymond G. Monahan and Mary V. Monahan, his wife; thence running Southerly to the North line of East Shore Drive; thence Westerly along the North line of East Shore Drive to the Place of Beginning, being a part of the Southwest 1/4 of Section 5, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan.

Parcel 2: Beginning on the South line of the highway running on the South side of Whitmore Lake at a point 352 5/10 feet East of and on a line at right angles with the line dividing the East and West halves of the Southwest 1/4 of Section 5 of Northfield Township; running thence Southerly on a line parallel with said dividing line 220 feet; thence Easterly on a line parallel with said South line of highway 58 feet; thence Northerly on a line parallel with said dividing line 220 feet to said South line of highway; thence Westerly on the South line of said highway 58 feet to the Place of Beginning. Also to the center of the highway in front of the property above described, all being in the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 5, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan.

The above parcels are also Assessed and described as follows for Tax Purposes:

Commencing at the Southwest corner of the East 1/2 of the Southwest 1/4 of Section 5; thence North 00 degrees 30 minutes East 1279.56 feet; thence South 84 degrees 20 minutes East 278.09 feet; thence South 88 degrees 14 minutes East 74.41 feet to the point of beginning; thence South 88 degrees 14 minutes East 58 feet thence South 00 degrees 30 minutes West 243.045 feet; thence North 88 degrees 14 minutes West 58 feet; thence North 00 degrees 30 minutes East 243.045 feet to the point of beginning. Also all land North of Road and South of Lake Shore Between Northerly Extension of Easterly and Westerly lines of above Parcel. Part Southwest 1/4 of Section 5 Extension of Easterly and Westerly boundaries of above described land Section 5, Town 1 South, Range 6 East; parcel part of the Southwest 1/4 of Section 5, Town 1 South, Range 6 East, extensions of Easterly and Westerly Boundaries of above described land Section 5 Town 1 South, Range 6 East.

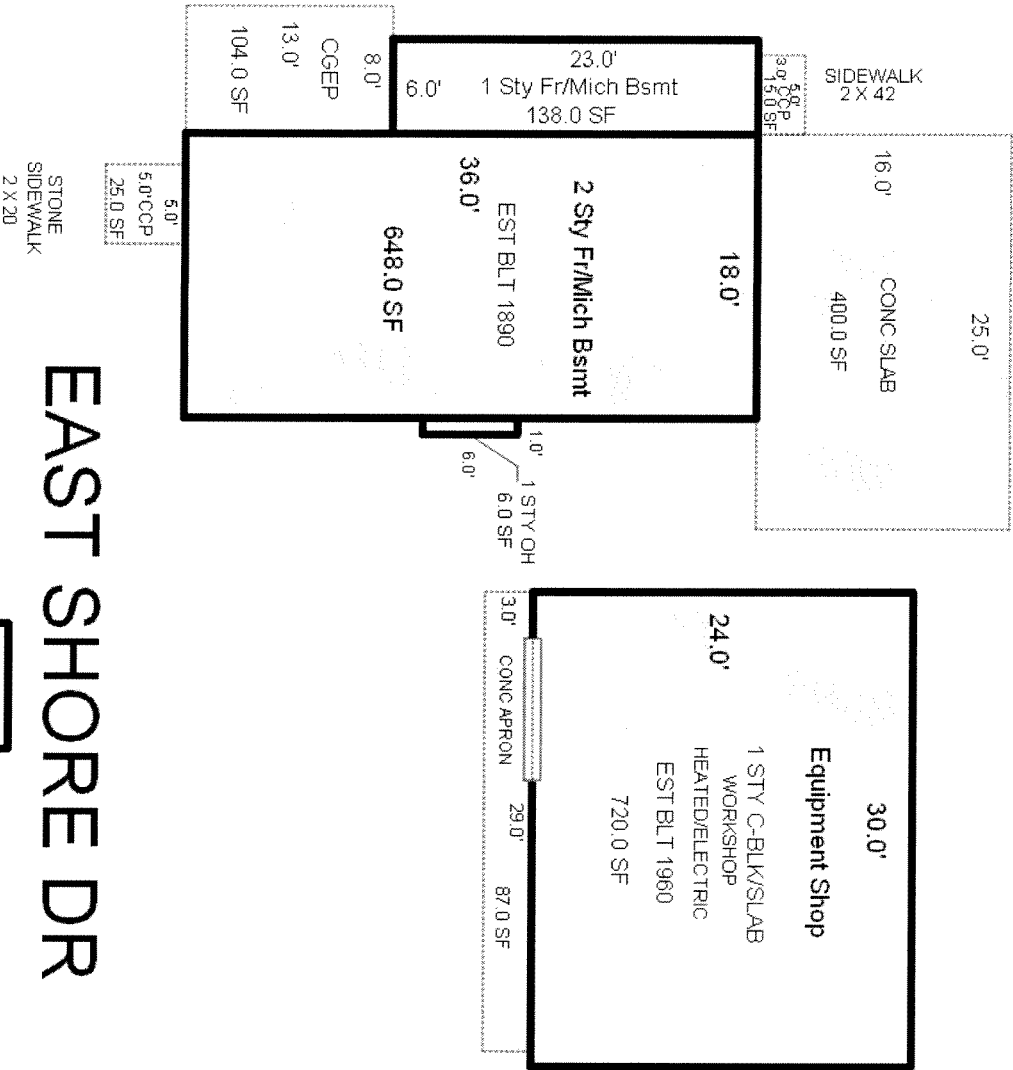
Attorneys Title Agency, LLC
31440 Northwestern Hwy, Suite 100
Farmington Hills, MI 48334
Ph:(248) 594-3839 Fax:(248) 341-5080

Agent for: FIRST AMERICAN TITLE INSURANCE COMPANY

This commitment valid and binding for a period of 90 days from the date hereof. Thereafter it is void and of no effect.
SCHEDULE A of this commitment--Page 2



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



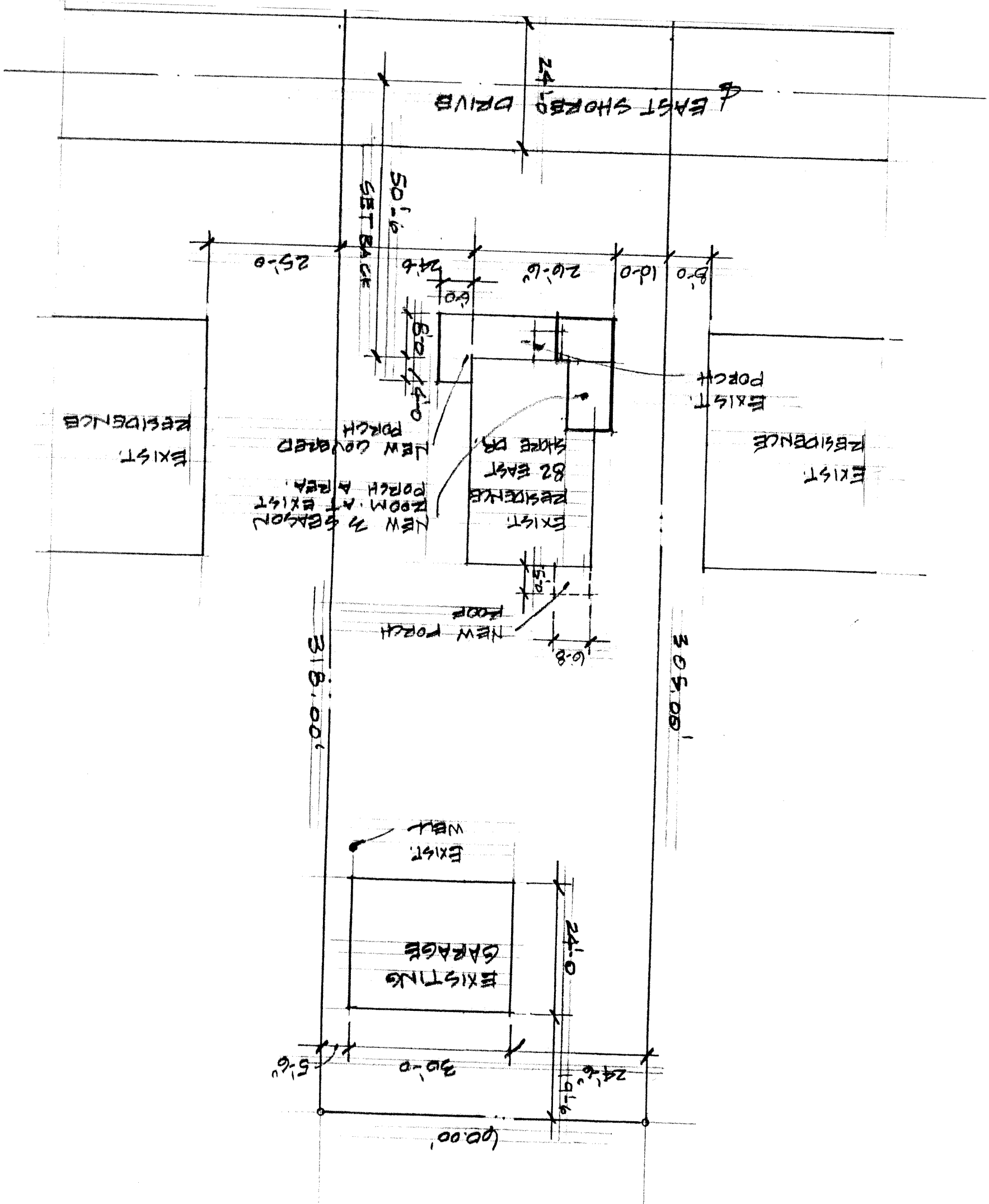
Sketch by Apex Sketch
*** Information herein deemed reliable but not guaranteed***

WHITEMORE LAKEFRONT

Building Type	Equipment Shop	Toolshed				
Year Built	1960					
Class/Construction	C	D, Frame				
Quality/Exterior	Average	Low Cost				
Base Rate/SF	15.65	5.55				
# of Walls, Perimeter	4 Wall, 108	4 Wall, 36				
Perimeter Mult.	X 1.171 = 20.20	X 1.959 = 10.87				
Height	8	7				
Story Height Mult.	X 0.963 = 19.45	X 0.946 = 10.29				
Heating System	Space Heaters, Fan	No Heating/Cooling				
Heat Adj./SF	+ 1.600 = 17.25					
Misc. Adjustment						
Misc. Adj./SF						
County Multiplier	X 1.52 = 29.57	X 1.52 = 15.63				
Final Rate/SF	\$29.57	\$15.63				
Length/Width/Area	30 x 24 = 720	10 x 8 = 80				
Cost New	\$ 21,289	\$ 1,251				
Phy./Func./Econ. %Good	47/100/100 47.0	76/100/100 76.0				
Depreciated Cost	\$ 10,006	\$ 951				
+ Unit-In-Place Items	\$ 0	\$ 0				
Description, Size X Rate X %Good = Cost						
Itemized ->						
Unit-In-Place ->						
Items ->						
E.C.F.	X 1.05	X 1.05				
% Good	47	76				
Est. True Cash Value	\$ 10,506	\$ 998				
Comments:	1 STY C/SIAB; ELEC, HEAT					
Total Estimated True Cash Value of Agricultural Improvements / This Card: 11504 / All Cards: 11504						

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

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NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting February 16, 2016

1. CALL TO ORDER

The meeting was called to order by Vice-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	Absent with notice
Greg Kolecki	Present
Jacqueline Otto	Present
Amy Steffens	Present
Gary Wellings, Alternate	Absent

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

4. ADOPT AGENDA

- **Motion:** Chockley moved, Otto supported, that the amended agenda be adopted as posted.
Motion carried 4—0 on a voice vote.

5. ELECTION OF OFFICERS

- **Motion:** Chockley nominated Amy Steffens to serve as Chair. Kolecki supported.
Motion carried 4—0 on a voice vote.
- **Motion:** Steffen nominated Greg Kolecki to serve as Secretary. Otto supported.
Motion carried 4—0 on a voice vote.
- **Motion:** Chockley nominated Jacqueline Otto to serve as Vice-Chair. Steffens supported.
Motion carried 4—0 on a voice vote.

6. 2015 MEETING SCHEDULE

Steffens read the list of proposed meeting dates—the third Monday of each month at 7:00 P.M. for the remainder of the year.

- **Motion:** Chockley moved, Otto supported, that the 2016 Zoning Board of Appeals Meeting Schedule be adopted as presented.

Motion carried 4—0 on a voice vote.

6. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

8A. Case #JZBA160001; Nowatzke Truck & Trailer; Location: 6900 Whitmore Lake Road; Parcel 02-20-300-036; Zoned GC—General Commercial; Request for variances from:

- Section 36-793(1) for two additional wall signs on the gasoline pump canopy.
- Section 36-795 for eight pump toppers.
- Section 36-803, Article XXIX and Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12' electronic message sign.

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

Jim Anderson, Huron Sign Company, appeared for Nowatzke Truck & Trailer. He said under the current sign ordinance the one illuminated sign already installed on the canopy—facing west toward Whitmore Lake Road and Alexander's Farm Market—is allowed, and they are seeking a variance to place two additional signs on the north and south sides of the canopy which would be non-illuminated vinyl.

Anderson said they are also requesting eight illuminated pump toppers—two on each side of four pumps—which are standard identification packages that come with the pumps as distributed. Nowatzke said he has no choice about accepting them or not.

Anderson also said the billboard on US-23 was in place when Nowatzke purchased the property, and they are proposing to remove 200 sq. ft. of the current sign and install a 6'x12' (72 sq. ft.) electronic message sign like the one on the sign for the gas station on the east side of US-23.

Nowatzke said when he purchased the property there were existing fuel pumps and he is now replacing

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them. He referred to additional signs that are being removed per the information distributed to ZBA members. He said they currently have four employees who are Whitmore Lake residents and he hopes to hire at least four more. He thanked Weiland for his assistance on this project.

In answer to questions from Otto, Weiland said the pole sign along US-23 where Nowatzke would like to put the electronic sign is technically not on his property, so it is considered to be a non-conforming billboard.

Chockley said she cannot vote on the sign issues that were previously acted upon as part of the site plan approval by the Planning Commission when she was a member of the Commission, but she can vote on the variance regarding the billboard. Steffens explained that this means all three other ZBA members must vote in favor of the other variance requests, and she offered to delay ZBA action on those requests until the full ZBA meets again. Nowatzke said he would prefer to proceed.

Nowatzke referred to the packet of information he distributed at the beginning of the meeting and pointed out signs that have been removed. He said the pole sign on the northwest corner by Whitmore Lake Road will also be removed.

Weiland said since there are two businesses on the property the diesel pump canopy sign—showing the Nowatzke name—is permitted in addition to the Marathon canopy signage, but pump toppers are not allowed in the zoning ordinance. He noted the toppers have been allowed by variance in some cases, but not in others, and an emblem is allowed, but not the name. Regarding the pole signs, Weiland said the Nowatzke sign on the northeast corner of the building was noted on the approved site plan to be removed, and although technically the sign ordinance would allow one pole sign on each road frontage, the total square footage allowed is 80 sq. ft. He said if the billboard is to be considered essentially an on-site sign there is a question of whether that should be included in the total 80 sq. ft. allowed for pole signs.

Steffens asking what the wording immediately on top of the pumps stating “Fueling the American Spirit” are considered to be. Weiland said he would not consider that to be signage. Nowatzke referred to photos of the Sunoco station pumps showing toppers on each of them. Kolecki noted the Speedway pumps have advertising on top of them. Weiland said he does not know if those were approved.

Weiland said because the billboard is a legal but non-conforming sign, if it blew over it could not be replaced and it is not allowed to be improved or have any greater impact than it has now. He said in his opinion that means he the ordinance would not allow the addition of the digital sign, even though the total

square footage would be reduced. Chockley noted pole signs under the ordinance are permitted to be a maximum of 15' high and this proposed signage would be a total of 46' high.

In response to questions from Otto, Nowatzke said he would be willing to enter into an agreement that the property the billboard is on cannot be sold separately from the gas station property. Otto said she would like to make sure the sign is tied to the subject property.

Anderson said if a variance had been granted when the billboard was erected in the early 1990s that variance would still be in effect today. Weiland said when the property the sign is on was separated from the rest of the Nowatzke property by creation of the current Tractor Supply parcel the sign became a billboard, and Nowatzke has not submitted any evidence that he owns the property the billboard is on. In answer to a question from Steffens, Nowatzke pointed out on the plan the property that he has an easement over for both the sign and the access to it.

Anderson said in today's world gas prices change every day, and the electronic sign would allow Nowatzke's Marathon station to be competitive in the market. Chockley said she would prefer to see the sign come into conformance with the Township's sign ordinance as required by the ordinance when changes are made to a non-conforming sign. Nowatzke noted that he is allowed to reface the sign at its current size under the ordinance, but he is offering to reduce the total square footage in exchange for permission to add the electronic sign.

Chockley asked if the height of the sign could be reduced. Anderson said a sign with a maximum 15' height would have no visibility on US-23.

Dale Brewer, 11548 East Shore Drive, said the land the billboard is on cannot legally exist at 1/16 acre and without an address, so it is clear that this is an off-site advertising sign or billboard. He said the only legitimate reasons for granting a variance are hardship or practical difficulty, and neither is true in this case. He said Nowatzke does as he likes, including removing spoiled soil from this site by dumping it in an illegal manner in Green Oak Township, and installing two new light poles on the property which are not shown on the site plan and are not down-shielded per ordinance requirements. He also said an incorrect address is shown on the application and Nowatzke is delinquent in personal property taxes.

Brewer noted that the signs referred to for other gas stations along US-23 are all on their own properties, so are not billboards, except for a billboard legally rented by Speedway which shows that there are other options for providing sufficient advertising along the highway. He said Marathon requires operators to put up as much signage as is possible within local ordinances, but does not require additional advertising. He said Nowatzke

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did not perform the required due diligence before submitting his site plan to the Planning Commission, but that is not a reason for a variance to be granted.

Nowatzke said he paid all of his taxes two weeks ago, and the soil he transferred off his site was not the cause of a ticket being issued on the Green Oak property.

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

9. OLD BUSINESS

None.

10. NEW BUSINESS

10A. Case #JZBA160001; Nowatzke Truck & Trailer; Location: 6900 Whitmore Lake Road; Request for variances from:

- **Section 36-793(1) for two additional wall signs on the gasoline pump canopy.**
- **Section 36-795 for eight pump toppers.**
- **Section 36-803, Article XXIX and Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12' electronic message sign.**

Parcel 02-20-300-036; Zoned GC—General Commercial.

Steffens asked why the Marathon station on Lee Road is doing well without highway signage, but Nowatzke maintains he needs that to conduct his business. Nowatzke said that station does not sell diesel. He said without the variance for the billboard he would probably sell about 75% less diesel fuel. He said he did not build these signs, he acquired them as part of the property purchase, and he feels he is doing his part to improve the appearance of his property.

Chockley asked whether it would be possible for Nowatzke to put an 80 sq. ft. sign on at the point of his property closest to US-23 that would serve his needs. Otto said she would be opposed to such a sign in addition to the existing billboard, and she is concerned that Nowatzke might abandon the upkeep of the billboard if the Township does not grant him a variance now. In answer to a question from Chockley, Weiland confirmed that a 40 sq. ft. sign along US-23 would be allowed.

Steffens said the existing billboard looks so industrial that it appears to her not be a place for non-truckers, and she feels that adding the electronic sign would reinforce the industrial nature of it. She said she is not sure this is the aesthetic the Township wants to support. She added that this sign is not visible to driver's going north, and drivers heading south do not

see it until they are past the exit to the Nowatzke station so she is unsure how much it actually benefits his station. Regarding the size of the sign, Anderson said studies show that a minimum 36" character height is necessary for drivers to notice a sign along an expressway, so the 40 sq. ft. sign being discussed would not work, especially since only 20 sq. ft. of it could be dedicated to the electronic portion.

Otto proposed setting aside consideration of the billboard sign at this meeting because there are too many concerns about it. She said she would like the proposal improved so the ZBA could approve it, and she would not be opposed to the ZBA having a special meeting to expedite this. She said the Planning Commission should have addressed the billboard at the time of the site plan approval. She said she would like to see a proposal that ties the billboard to the Nowatzke property. Chockley said the Planning Commission did not consider the billboard specifically because it is not on the site. She suggested getting input from the Township planning consultant and attorney.

Steffens said she is concerned that the notice for this meeting did not identify the sign on US-23 as an off-site advertising sign and questioned whether it needs to be renoticed.

Nowatzke said he is leaning toward simply resurfacing the billboard and putting up a new 40 sq. ft. pole sign on his property with 50% of it being electronic. Weiland said he would deny that because another pole sign would not be allowed. Nowatzke said he thought he was doing enough by removing all of the signs he has removed so far.

- **Motion:** Otto moved, Kolecki supported, that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road a variance be granted from Section 36-793(1) to allow for two additional wall signs on the gasoline pump canopy.
Motion carried 3—0—1 on a roll call vote, Chockley abstaining.

- **Motion:** Otto moved, Kolecki supported, that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road a variance be granted from Section 36-795 for eight pump toppers to read "Marathon."
Motion failed 2—1—1 on a roll call vote, Steffens opposed, Chockley abstaining.

- **Motion:** Otto moved, Kolecki supported, that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road variances be granted from Section 36-803, Article XXIX, Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12' electronic signage.
Motion failed 1—3 on a roll call vote, Steffens, Kolecki and Chockley opposed.

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- **Motion:** Otto moved, Kolecki supported that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road a variance be granted to retain the a legal non-conforming 4' x 10" pole sign that was shown on the proposed site plan to be removed. **Motion failed 2—1—1, Steffens opposed, Chockley abstaining.**

11. MINUTES

- **Motion:** Steffens moved, Kolecki supported, that the minutes of the August 17, 2015, regular meeting be approved as presented.
Motion carried 4—0 on a voice vote.
- **Motion:** Steffens moved, Kolecki supported, that the minutes of the September 21, 2015, regular meeting be approved as presented.
Motion carried 4—0 on a voice vote.

12. CALL TO THE PUBLIC

Dale Brewer said when the Planning Commission considered the Nowatzke site plan all signage within 25 of the subject property was identified, but the

billboard was outside that area, so the Planning Commission could not consider it. He said the billboard—if it is on a separate parcel—should be assigned a separate address.

13. ZBA MEMBER COMMENTS

Otto said the ZBA decisions at this meeting did not provide a solution for the billboard on US-23 because it is allowed to remain at its current size.

14. ANNOUNCEMENT OF NEXT MEETING

March 21, 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.

15. ADJOURNMENT

- **Motion:** Chockley moved, Kolecki supported, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:50 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

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

Adopted on _____, 2016.

Amy Steffens, 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/