

**NORTHFIELD TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
May 16, 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 #JZBA160004 – Casey and Vicki Viegelahn, 561 E. Northfield Church Rd., Whitmore Lake, MI 48189 requests a variance from Article VI AR-Agriculture District; Section 36-15 Regulations and Standards; sub section (4) a for 16.50 foot front yard setback (from R-O-W) when the minimum required front yard setback is 50 feet. The parcel number is B-02-28-300-004 and is zoned AR-Agriculture.
7. **OLD BUSINESS**
8. **NEW BUSINESS:**
  - A. Case #JZBA160004 – Casey and Vicki Viegelahn, 561 E. Northfield Church Rd., Whitmore Lake, MI 48189 requests a variance from Article VI AR-Agriculture District; Section 36-15 Regulations and Standards; sub section (4) a for 16.50 foot front yard setback (from R-O-W) when the minimum required front yard setback is 50 feet. The parcel number is B-02-28-300-004 and is zoned AR-Agriculture.
9. **APPROVAL OF MINUTES:** February 16, 2016 & March 21, 2016
10. **CALL TO THE PUBLIC**
11. **ZBA MEMBER COMMENTS**
12. **ANNOUNCEMENT OF NEXT MEETING:** June 20, 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.

April 29, 2016

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

**Subject: J Schuck Homes/561 E. Northfield Church Road; Variance Review #1 (Application and materials dated received by Township on 4/13/16).**

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by J Schuck Homes on behalf of property owners, Vicki and Casey Viegelahn to build an attached garage and addition to an existing dwelling. The site is located on the north side of E. Northfield Church Road and is zoned AR (Agriculture) District. The site has an existing non-conforming dwelling and multiple detached accessory structures.

#### **VARIANCES**

The proposal requires the following variance from the Zoning Ordinance:

1. ARTICLE VI. AR AGRICULTURE DISTRICT; Section 36-158 Regulations and Standards; sub-section (4) a. Front yard setback requirement:

Front Yard Setback	- 50.00 feet required
	- 23.00 feet existing (to dwelling)
	- 33.50 feet proposed (from proposed garage to edge of R-O-W)
	- 16.50 foot 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) 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 subject site is a large parcel which more than exceeds the minimum lot size requirements for the AG district (41 acres). Based on the GIS and aerial maps of the site, there is nothing peculiar about the property itself that would distinguish it from its neighbors. The applicant's proposal calls for building an addition on the north (rear) side of the existing dwelling and an attached garage on the west side of the existing dwelling in order to utilize a large existing paved driveway that provides access to multiple detached structures on the site.

The existing dwelling was built in 1932 (per Washtenaw County records), which pre-dates the Zoning Ordinance. However, the location of the existing dwelling at a non-conforming front yard setback does not preclude the applicant from building an addition that would comply with the ordinance. The proposed attached garage is 24' x 24', which could be shifted to the north to comply with the setback requirement and still enable the use of the existing driveway. 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.

- 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 an attached garage at the location proposed. The applicant states that the location of the garage is dictated by the existing dwelling, and the applicant does not want a detached garage for "safety in this remote area".

The AG district has numerous single family dwellings with detached garages. Unless data is provided to substantiate a safety concern, we do not see the absolute need for an attached garage at the site. The property has numerous detached buildings which are similarly accessed; therefore, a detached garage would not be unusual on the site. Even if the applicant desires an attached garage for convenience, it appears that the site can accommodate the attached garage further north of the proposed location, in compliance with the setback standards. This may require an alteration in the design of the rear addition proposed; however, this is not an unnecessarily burdensome adjustment to make.

- 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 their property. The applicant would still be able to build a garage, which could be attached or detached.

- 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 applicant to build a structure that will bring the dwelling closer to the public street right-of-way than any of the other dwellings on that portion of E. Northfield Church Road. Approving the variance could set a precedent for similar requests from other property owners, when compliance is possible.

- (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 dictated by the location of the existing dwelling and for safety an attached garage would provide. Per the ordinance, existing nonconformities are not sufficient justification for the ZBA to allow for new or additional nonconformities. The applicant would need to demonstrate why the garage cannot be relocated as discussed above. Further, we are not aware of any safety concerns existing within the Township's AG zoned areas due to detached garages on large acreage parcels.
- (3) **The variance requested is the minimum possible for the reasonable use of the land, building and structure.** As previously noted, the proposed garage can likely be built in conformance with the Ordinance standards, unless the applicant can demonstrate otherwise.
- (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 the variance is not likely to have any adverse or injurious effect on the neighborhood or be detrimental to the

public in general. However, it is contrary to the intent of the ordinance to restrict the expansion of existing legal non-conforming structures.

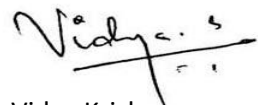
#### **RECOMMENDATION AND FINDINGS**

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 **deny** the requested variance for the property located at 561 E. Northfield Church Road:

1. There are no special conditions or circumstances peculiar to the site; the existing dwelling is non-conforming but does not preclude construction of a conforming addition.
2. The attached garage can be constructed in compliance with the Ordinance standards by shifting the addition to the north.
3. A detached garage can be constructed in compliance with Ordinance standards.
4. There is no evidence presented to substantiate a safety issue.
5. Compliance with the Ordinance requirements is not unnecessarily burdensome and will not affect the applicant's ability to enjoy their property.
6. Granting of the variance may set a precedent for similar requests.
7. Existing nonconformity of the principal dwelling is not a basis for granting a new variance.
8. The variance requested is not the minimum possible for reasonable use of the land and structure.
9. The variance is not adverse to public interest but is contrary to the ordinance intent to prevent expansion/allow for construction of new nonconforming structures/additions.

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:	J Schuck Homes, 616 Herald Street, Plymouth, MI 48170
	Owner:	Vicki and Casey Viegelahn, 9222 Northern Avenue, Plymouth, MI 48170

RECEIVED

APR 13 2016

NORTHFIELD TOWNSHIP

## Zoning Board of Appeals Hearing Application

Applicant:

Name J SCHUCK HOMES

Address 616 HERMLO ST

PLYMOUTH MI 48170

Phone: 734-342-4790

Owner:

VICKI FELIPPAK VIEGELANN

Name CASEY A VIEGELANN

Address 9222 NORTHERN AVE

PLYMOUTH MI 48170

Phone: 248-705-7906

\*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 561 E. NORTHFIELD CHURCH ROAD

B.) Parcel Identification BO2-28-300-004, BO2-28-300-003

C.) Legal Description OLD SID - BO2-028-019-00 NO28-10 S 1353 FT

OF W 1320 FT OF SW 1/4 OF SEC 28 T1S R6E (or  
attach.)

2.) Present Zoning District of Property AGRICULTURE

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):

EXISTING DWELLING IS NON-CONFORMING

1934

B.) State year/month Non-Conformity began (to the best of your knowledge): 2/10 YEARS AGO

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:

FRONT YARD 50' SET BACK

B.) Describe reason/need for Variance:

THIS CURRENT HOME IS NOW NON-CONFORMING LOCATED <sup>BEYOND</sup> ~~WITHIN~~ <sup>OUTSIDE</sup> THE SETBACKS

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:

THIS HOME MOST LIKELY WAS SUB-DIVIDED ON THE ROW ESTABLISHED AFTER IT WAS BUILT.

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

THE HOME ALREADY EXISTED. THE NEW LIVING SPACE ADDITION IS BEYOND THE SETBACKS. THE GARAGE LOCATION WAS DICTATED BY THE CURRENT HOME AND THE EXISTING WELL POINT THAT IS ALREADY IN PLACE WHICH WE WANT TO MAINTAIN

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

IT WOULD RESULT IN A DETACHED GARAGE <sup>ALIVE HOME BY</sup> WHICH IS DIFFERENT FROM OTHER ATTACHED GARAGES. THE ATTACHED GARAGE IS FOR SAFETY IN THIS REMOTE AREA

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

THE GARAGE SIZE HAS BEEN KEPT IN PROPORTION TO A HOME OF THIS ERA

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:

THE HOUSE ADDITION IS DESIGNED IN HARMONY WITH THE EXISTING HOME, IMPROVE THE REMODELED & EXPANDED HOME WILL IMPROVE THE VALUE OF THE NEIGHBORHOOD PROPERTY

B.) State year/month Non-Conformity began (to the best of your knowledge): 1934 or LATER

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:

B.) Describe reason/need for Variance:

THE CURRENT HOME IS NON-CONFORMING LOCATED WITHIN FRONT YARD SETBACK, PLANNED NEW ADDITION IS NOT, PLANNED ATTACHED GARAGE IS

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:

THIS HOME /LAND MOST LIKELY WAS SUB-DIVIDED WITH A RIGHT-OF-WAY (ROW) SET BACKS ESTABLISHED AFTER IT WAS BUILT

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

THE HOME ALREADY EXISTED. THE NEW LIVING SPACE ADDITION IS BEYOND THE SET BACKS. THE GARAGE LOCATION IS DICTATED BY THE CURRENT HOME AND EXISTING WELL POINT THAT IS ALREADY IN PLACE WHICH WE WANT TO MAINTAIN AS A SAFE/RELIABLE WATER SOURCE.

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

IT WOULD RESULT IN A DETACHED GARAGE WHICH IS DIFFERENT FROM OTHER LIKE HOMES IN THE AREA WITH ATTACHED GARAGES. THIS ATTACHED GARAGE IS FOR SAFETY IN THIS REMOTE AREA.

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

THE GARAGE SIZE AND STYLE HAS BEEN KEPT IN PROPORTION TO A HOME OF THIS ERA

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:

THE HOUSE ADDITION IS DESIGNED IN HARMONY WITH THE EXISTING HOME. ~~IMPROVING~~ THIS REUNITED AND EXPANDED HOME WILL IMPROVE THE VALUE OF THE NEIGHBORING PROPERTIES. WE HAVE SIGNED CONFORMANCE FROM THE NEIGHBORS

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

MY CLIENT AND I KINDLY REQUEST APPROVAL  
TO BUILD THE ATTACHED GARAGE, AS DRAWN, WITHIN  
THE 50' FRONT SET BACK

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 to pertain to this request and

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

Joseph P. Schuck

Signature of Applicant

4/13/2016

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

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#### 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:

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ACTION TAKEN

The Northfield Township Zoning Board of Appeals reviewed the above requested variance or appeal and on \_\_\_\_\_, 20\_\_\_\_ APPROVED / DISAPPROVED the following:

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\_\_\_\_\_  
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:

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(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:

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Copy of Minutes sent to: \_\_\_\_\_ File \_\_\_\_\_  
Applicant \_\_\_\_\_

Building Department \_\_\_\_\_ Ordinance Enforcement Officer \_\_\_\_\_

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FIVED

PZ 160011

PAID

08 2016

# NORTHFIELD TOWNSHIP ZONING COMPLIANCE APPLICATION/CERTIFICATE

MAR 08 2016

## NORTHFIELD TOWNSHIP

- Certificate required prior to new construction or alterations of existing structures. Certificate 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- 28 - 300 - 004Site Address: 501 E NORTHFIELD CIRCUIT RUNLot #: — Subdivision: — Property Size: 60 ACRES

Property Owner: VICKI & CASEY VIEGELMAN PLYMOUTH MI (248) 705-7906

Full Name Address City/State Phone

Lessee/ Applicant: ( )

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 AGRICULTURE LR SR1 SR2 MR VC LC GC ES HC GI LI Other: —

Type of Construction/Alteration: EXISTING HOME ADDING GAR/KITCHEN/PAVING 9 GARAGEUse of Site/Structure: RESIDENTIAL # Units: —Sewer Available? Yes, Northfield Twp. Sewer Tap Permit # — No, WCHD Sewage Permit # SEN2015-0038Project Start Date: 4/2016 Projected Completion Date: 11/2016PC/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: [Signature] Date: 3/8/2016

- 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: NY, Existing dwelling is non-conforming located within front yard setback.

Zoning Compliance Certificate: Approved Approved as noted Denied

Comments/Reasons for denial: proposed attached garage is located in the 50' front yard setback. Not allowed.

Zoning Administrator: [Signature] Date: 3/16/16

April 12, 2016

Dear Northfield Township and Washtenaw County:

I, Vicki Filipiak Viegelahn, am the legal owner the of property located at 561 E Northfield Church Rd, Whitmore Lake, MI 48189, also referred to as parcel ID B-02-28-300-004 (Parcel 2), and B-02-28-300-003 (Parcel 3.)

I authorize Joe Schuck, of J Schuck Homes, to act in my authority as applicant for the zoning variance being applied for the ZBA on the above mentioned property.

Regards,

A handwritten signature in dark ink, appearing to read "Vicki Filipiak Viegelahn", written in a cursive style.

Vicki Filipiak Viegelahn

9222 Northern Ave

Plymouth MI 48070

248-705-7906

L: 5138 P: 304 6304973 D

02/25/2016 01:29 PM Total Pages: 2

Lawrence Kestenbaum, Washtenaw Co



Receipt# 16-3894 6304973

02/25/2016 Washtenaw Co., Michigan

Real Estate Transfer Tax

Tax Stamp # 426455

County Tax: \$396.00 State Tax: \$2700.00



## WARRANTY DEED



File No. M107769CD

Time Submitted for Recording  
Date 2-25 2016 Time 10:40  
Lawrence Kestenbaum  
Washtenaw County Clerk/Register

The Grantors: WFF Holdings LLC, a Michigan Limited Liability Company  
whose address is: 34194 Northland Dr, Livonia, MI 48152

Convey and Warrant to: Casey Vegelahm and Vicki Filipiak Vegelahm, husband and wife  
whose address is: 9222 Northern Ave, Plymouth, MI 48170

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

PARCEL 2:  
The Southwest 1/4 of the Southwest 1/4 of Section 28, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan.

PARCEL 3:  
The South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 28, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan.

Commonly known as: 561 E. Northfield Church Rd., Whitmore Lake, MI 48189.

for full consideration of: \$360,000.00 (Three Hundred Sixty 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.

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 AM divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.



19

Dated 2, 18, 16

Time Submitted for Recording  
Date 2-19 2016 Time 3:19pm  
Lawrence Kestenbaum  
Washtenaw County Clerk/Register

LIB

WASHTENAW COUNTY TREASURER

TAX CERTIFICATE NO. 101809 W

Time Submitted for Recording  
Date 2-23 2016 Time 10:51  
Lawrence Kestenbaum  
Washtenaw County Clerk/Register

## WARRANTY DEED

(Continued)

Signed By:

WFF Holdings LLC

By: William Hall

William Hall

Member

WFF Holdings LLC

By: Sheila Hall

Sheila Hall

Member

STATE OF Michigan

COUNTY OF Washtenaw

The foregoing instrument was acknowledged before me this 10 day of Feb, 2016 by William Hall, Member, of WFF Holdings LLC and Sheila Hall, Member, of WFF Holdings LLC.

**C. RESTRICK**

Notary Public, State of Michigan  
County of Washtenaw

My Commission Expires 11-07-2021

Acting in the County of Washtenaw

C. Restrick, Notary Public

County

My Commission Expires: \_\_\_\_\_

Acting in the County of: \_\_\_\_\_

Drafted by: Thomas D. Richardson, ESQ.  
111 N. Main Street  
Ann Arbor, MI 48104

When recorded return to: ~~561 E Northfield Church Rd~~  
~~Whitmore Lake, MI 48189~~

Tax Code: B-02-28-300-004

B-02-28-300-003

Casay and Vicki V Hegeleahn  
9222 Northern Ave.  
Plymouth MI 48170

Casey and Vicki Viegelahn  
561 Northfield Church Rd, Whitmore Lake, MI 48189

Dear Northfield Church Rd Neighbors,

We recently purchased the Hall farm on Northfield Church Rd with intentions of adding onto and remodeling the existing structure. Part of our remodeling plan was to add a two-car garage to the West end of the current home; however, Northfield Township determined that the garage would be out of compliance due to an insufficient setback from the road (please see architectural drawing for specific setback measurements). On 16 May 2016 the Northfield Township Zoning Board of Appeals has scheduled us for a variance review. If you **Do Not** have any objects or concerns to a variance allowing the garage being constructed as depicted in the architectural drawing please sign this letter.

Sincerely,

Casey and Vicki Viegelahn

*Norma Kirchhoff*

*Norma Kirchhoff  
590 E Northfield Church Rd  
Whitmore Lake MI 48189*



Casey and Vicki Viegelahn  
561 Northfield Church Rd, Whitmore Lake, MI 48189

Dear Northfield Church Rd Neighbors,

We recently purchased the Hall farm on Northfield Church Rd with intentions of adding onto and remodeling the existing structure. Part of our remodeling plan was to add a two-car garage to the West end of the current home; however, Northfield Township determined that the garage would be out of compliance due to an insufficient setback from the road (please see architectural drawing for specific setback measurements). On 16 May 2016 the Northfield Township Zoning Board of Appeals has scheduled us for a variance review. If you **Do Not** have any objects or concerns to a variance allowing the garage being constructed as depicted in the architectural drawing please sign this letter.

Sincerely,

Casey and Vicki Viegelahn



444 E. Northfield Church Rd  
Whitmore Lake MI 48189

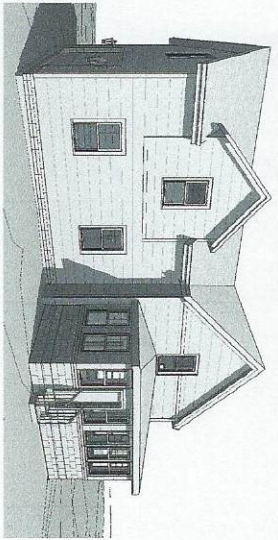
Joseph D. Carlson



# SITE INFORMATION

PROJECT: 2024-0001  
 SHEET: 1 OF 1  
 DATE: 10/20/2023

OWNER:	FORESTAGROUP, LLC
ARCHITECT:	FORESTAGROUP, LLC
ENGINEER:	FORESTAGROUP, LLC
GENERAL CONTRACTOR:	FORESTAGROUP, LLC
CONTRACT NO.:	2024-0001
CONTRACT DATE:	10/20/2023
CONTRACT VALUE:	\$1,000,000
CONTRACT TYPE:	NEW CONSTRUCTION
CONTRACT LOCATION:	10000 N. 100th St, Eden Prairie, MN 55324
CONTRACT DESCRIPTION:	NEW 10,000 SQ. FT. COMMERCIAL BUILDING
CONTRACT STATUS:	UNDER CONSTRUCTION
CONTRACT NOTES:	SEE ATTACHED DRAWINGS FOR DETAILS
CONTRACT CONTACT:	JOHN DOE, PROJECT MANAGER
CONTRACT PHONE:	(952) 123-4567
CONTRACT EMAIL:	john.doe@forestagroup.com
CONTRACT WEBSITE:	www.forestagroup.com
CONTRACT SOCIAL MEDIA:	www.facebook.com/forestagroup
CONTRACT ADDRESS:	10000 N. 100th St, Eden Prairie, MN 55324
CONTRACT ZIP CODE:	55324
CONTRACT COUNTY:	Washburn County, MN
CONTRACT TOWN:	Eden Prairie
CONTRACT WARD:	Ward 1
CONTRACT DISTRICT:	District 1
CONTRACT ZONE:	Commercial
CONTRACT PERMIT:	Permit 12345
CONTRACT EXPIRATION:	12/31/2024
CONTRACT FEE:	\$10,000
CONTRACT PAYMENT:	50% UPON START, 50% UPON COMPLETION
CONTRACT SCHEDULE:	12 MONTHS
CONTRACT START DATE:	10/20/2023
CONTRACT COMPLETION DATE:	10/20/2024
CONTRACT DELAY PENALTY:	\$1,000 PER DAY
CONTRACT FORCE MAJEURE:	NOT APPLICABLE
CONTRACT ASSIGNMENT:	NOT APPLICABLE
CONTRACT SUBCONTRACTING:	NOT APPLICABLE
CONTRACT INSURANCE:	General Liability, Workers Comp, Auto
CONTRACT BONDING:	Not Required
CONTRACT DISPUTE RESOLUTION:	Arbitration
CONTRACT GOVERNING LAW:	Minnesota
CONTRACT JURISDICTION:	Minnesota
CONTRACT APPLICABLE CODES:	Minnesota Building Code, Minnesota Fire Code
CONTRACT STANDARDS:	ASCE 7-16, IBC 2018
CONTRACT REFERENCES:	Minnesota Building Code, Minnesota Fire Code
CONTRACT NOTES:	SEE ATTACHED DRAWINGS FOR DETAILS



## PERSPECTIVE

### SITE KEY NOTES

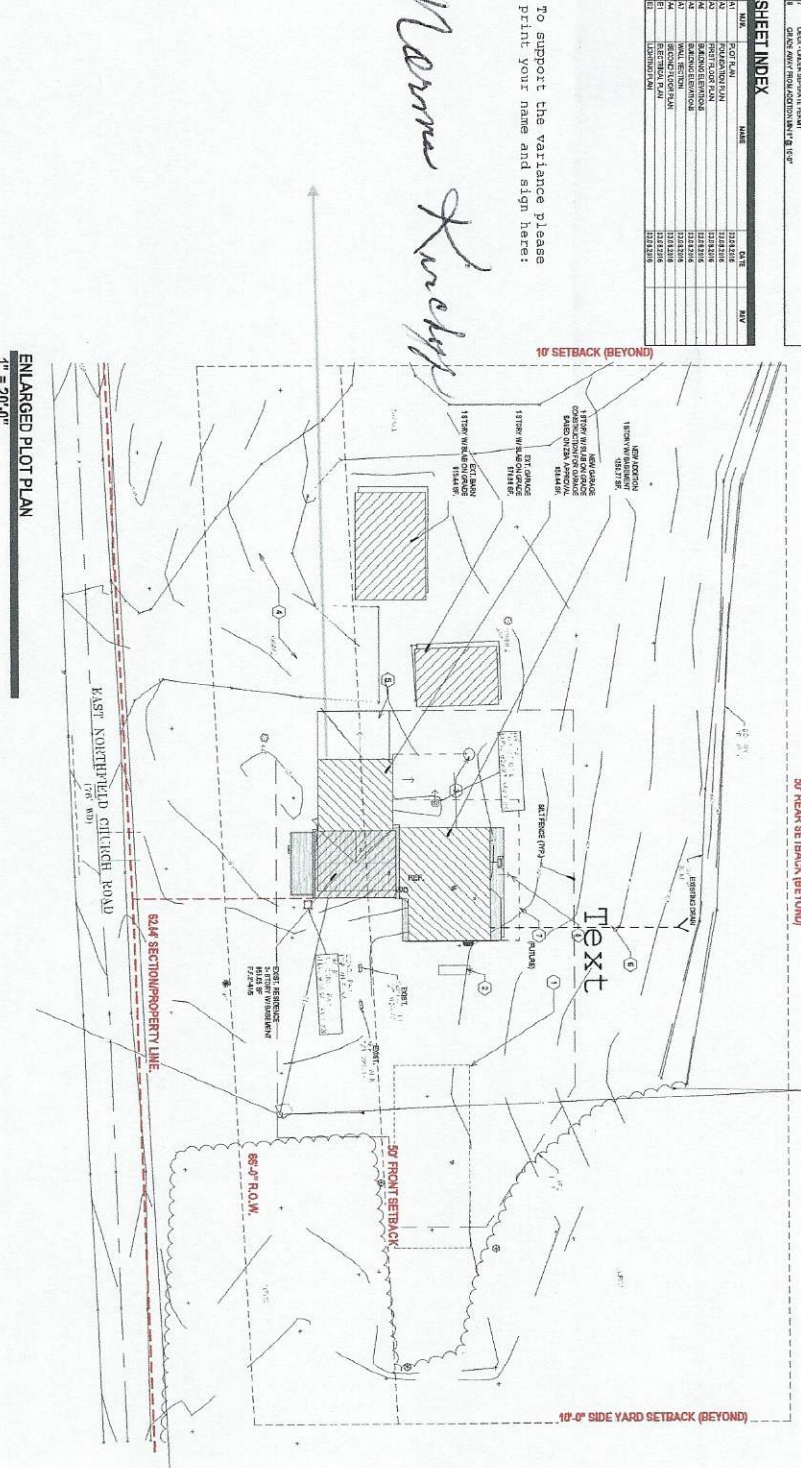
- EXISTING BUILDING TO BE DEMOLISHED AND REPLACED WITH NEW BUILDING.
- NEW BUILDING SHALL BE CONSTRUCTED TO MEET ALL CITY REQUIREMENTS.
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### SHEET INDEX

SHEET NO.	SHEET TITLE	DATE	BY
1	GENERAL NOTES	10/20/2023	J.D.
2	FOUNDATION	10/20/2023	J.D.
3	FLOOR PLAN	10/20/2023	J.D.
4	SECTION	10/20/2023	J.D.
5	DETAILS	10/20/2023	J.D.
6	LANDSCAPE	10/20/2023	J.D.
7	MECHANICAL	10/20/2023	J.D.
8	ELECTRICAL	10/20/2023	J.D.
9	PLUMBING	10/20/2023	J.D.
10	FINISHES	10/20/2023	J.D.
11	CONCRETE	10/20/2023	J.D.
12	STEEL	10/20/2023	J.D.
13	WOOD	10/20/2023	J.D.
14	GLASS	10/20/2023	J.D.
15	MECHANICAL	10/20/2023	J.D.
16	ELECTRICAL	10/20/2023	J.D.
17	PLUMBING	10/20/2023	J.D.
18	FINISHES	10/20/2023	J.D.
19	CONCRETE	10/20/2023	J.D.
20	STEEL	10/20/2023	J.D.
21	WOOD	10/20/2023	J.D.
22	GLASS	10/20/2023	J.D.
23	MECHANICAL	10/20/2023	J.D.
24	ELECTRICAL	10/20/2023	J.D.
25	PLUMBING	10/20/2023	J.D.
26	FINISHES	10/20/2023	J.D.
27	CONCRETE	10/20/2023	J.D.
28	STEEL	10/20/2023	J.D.
29	WOOD	10/20/2023	J.D.
30	GLASS	10/20/2023	J.D.

To support the variance please  
 Print your name and sign here:

*Norm Knodel*



ENLARGED PLOT PLAN  
 1" = 20'-0"



## LOCATION MAP



## VICINITY MAP

### NOTES

- COORDINATE ALL PLANS WITH THE CITY OF EDEN PRAIRIE.
- ALL TRACES SHALL BE REMOVED AND THE SITE SHALL BE RESTORED TO ORIGINAL CONDITION.
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### PROJECT

15/17

Northfield Address  
 581 E Northfield Church Road  
 Winnetka Lake, MN

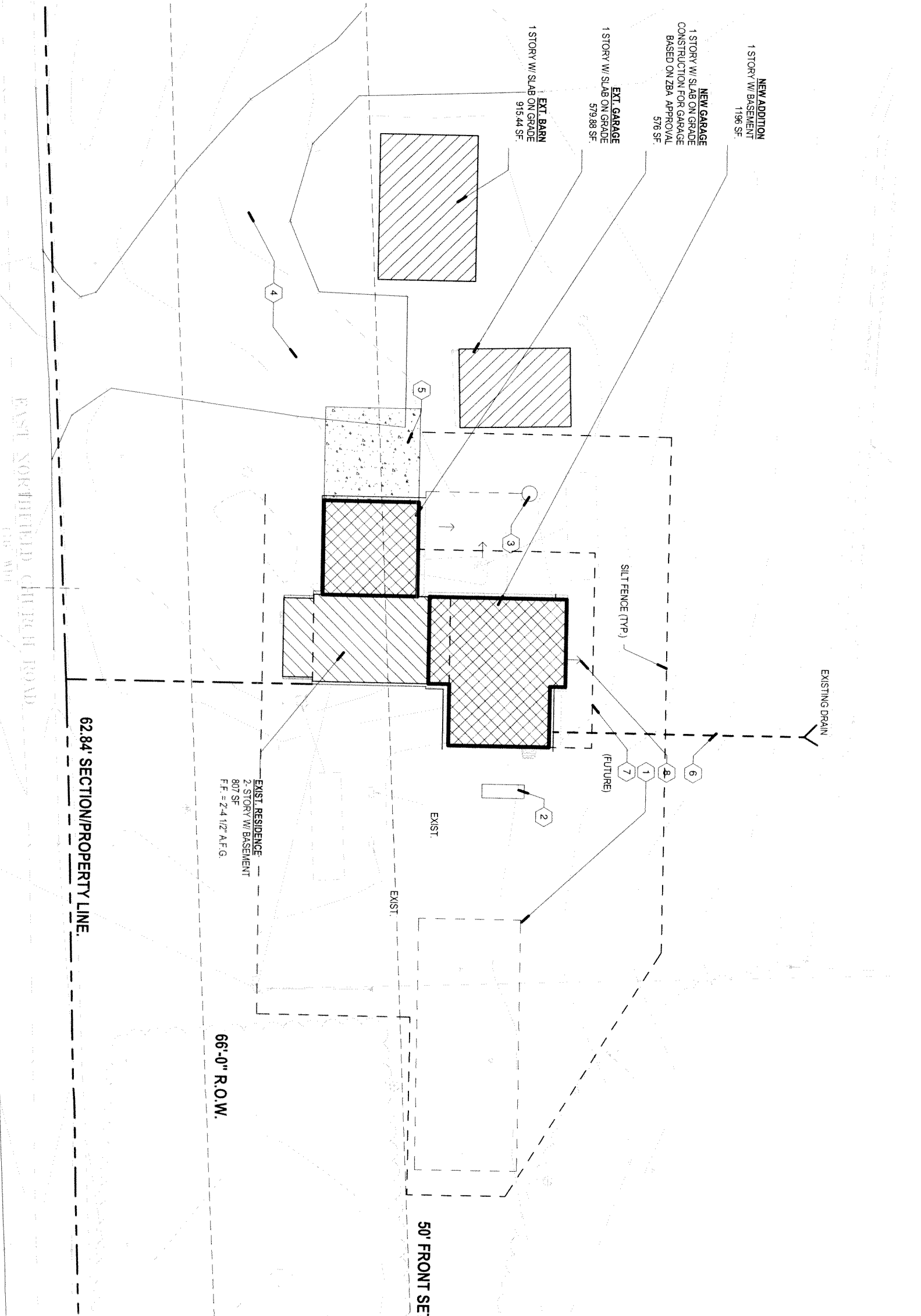
### SEAL

DATE  
 04/04/2018

SUBMITTAL  
 PERMIT

SHEET NAME  
 PLOT PLAN

SHEET #  
 A1



**NEW ADDITION**  
1 STORY W/ BASEMENT  
1196 SF.

**NEW GARAGE**  
1 STORY W/ SLAB ON GRADE  
CONSTRUCTION FOR GARAGE  
BASED ON ZBA APPROVAL  
576 SF.

**EXT. GARAGE**  
1 STORY W/ SLAB ON GRADE  
579.88 SF.

**EXT. BARN**  
1 STORY W/ SLAB ON GRADE  
915.44 SF.

**EXIST. RESIDENCE**  
2 STORY W/ BASEMENT  
807 SF  
F.F. = 2'-4 1/2" A.F.G.

**62.84' SECTION/PROPERTY LINE.**

**66'-0" R.O.W.**

**50' FRONT SET**

**EAST NORTHEAST CHURCH ROAD**  
100' WIDE

# 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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Public Safety Building; 8350 Main Street  
February 16, 2016**

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.**

**Northfield Township Zoning Board of Appeals  
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February 16, 2016**

- ▶ **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.

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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

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/)

# NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

## Minutes of Regular Meeting March 21, 2016

### 1. CALL TO ORDER

The meeting was called to order by Chair Amy Steffens at 7:06 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	Present

Also present:

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

### 4. ADOPT AGENDA

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

### 5. CORRESPONDENCE

None.

### 6. PUBLIC HEARINGS

- 6A. Case #JZBA160002; Judy M. Munch;  
Location: 82 East Shore Drive;  
Request for variance from Article IX, SR-2 Single-family residential district, Section 346-228, subsection 4, front yard setback, to remove an existing closed porch on the east side of the home and replace it with a three season room, and to build a porch on the north and west sides of the dwelling. Parcel 02-05-378-014.

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

William Munch and Thomas Slider of Slider Builders, Inc. of Webberville appeared for the applicant and described the dimensions of the proposed porch. It was noted that the porch would result in the house encroaching 16' into the required 30' setback.

Fink questioned whether the new porch as it extends to the west side of the house would leave sufficient space

for the driveway, but said a building permit would not be issued until that is verified. In answer to a question from Steffens, Slider said the east side of the new porch will be enclosed and the west side will be open.

In answer to a question from Otto, Munch said there is a sidewalk right along the road.

Vidya Krishnan of McKenna Associates reviewed the site plan, noting that the house currently extends 6' into the front yard setback, and the proposal would extend the north side of the house an additional 8' in that 30' setback.

Krishnan reviewed the findings of fact in her written report, noting that while there are no special conditions or circumstances, the existing pattern of development in the area shows that most homes extend into the required front yard setback. She said a strict interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the area, and approving the variance would not give the applicant special rights not enjoyed by others in the area. She also noted that the Planning Commission is working on a developing less stringent setback requirements for lake areas, and deferred to the ZBA to make a decision based on the information provided.

Chockley acknowledged that the Planning Commission is considering revised setbacks for lake areas, but she thought those new regulations would be for areas of lower traffic. She said she is concerned about safety by increasing the footprint of the house toward the road.

Wellings said many homes along East Shore should be the pride and joy of the community, but are not, and said he applauds the applicant for taking steps to improve this property. In answer to questions from Munch, he said his neighbors told him they do not object to this proposal and the existing side porch needs serious work. He said an 8' porch is not excessive and it would extend the building out only 2' further than the existing stoop. Otto said this proposal also makes the property more symmetrical.

In answer to a question from Steffens, Munch said he would have no objection if a condition of approval were that the open part porch as shown in the plans be required to stay open.

Steffens noted no members of the public were present.

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

## 7. OLD BUSINESS

None.

## 8. NEW BUSINESS

**8A. Case #JZBA160002; Judy M. Munch;**  
**Location: 82 East Shore Drive;**  
**Request for variance from Article IX, SR-2 Single-family residential district, Section 346-228, subsection 4, front yard setback, to remove an existing closed porch on the east side of the home and replace it with a three season room, and to build a porch on the north and west sides of the dwelling. Parcel 02-05-378-014.**

- **Motion:** Wellings moved, Otto supported, that in Case #JZBA160002; Judy M. Munch; 82 East Shore Drive; Parcel 02-05-378-014, zoned SR-2 Single-Family Residential, that the ZBA grant an 8' variance from the front yard setback based on the recommendations and findings that:
- there are no special conditions or circumstances peculiar to the site or the structure on it; however, the request is in keeping with the existing pattern of development in the area/neighborhood,
  - the existing pattern of development with non-compliant front yard setbacks likely precedes the Zoning Ordinance setback regulation from which the variance is requested,
  - the variance is not adverse to the public interest,
  - the proposal would add taxable value to the Township,
  - there have been no neighbor complaints,
  - it improves the appearance of the neighborhood and the community,
- with the conditions that the front porch will be enclosed and that the driveway and access be reviewed for public safety. **Motion carried 5—0 on a roll call vote.**

## 9. MINUTES

### February 16, 2016

Steffens asked that the statement, "Mr. Nowatzke declined tabling this hearing for additional research into the parcel the billboard sits on." be added

- **Motion:** Kolecki moved, Otto supported, that the minutes of the February 16, 2016, regular meeting be approved as amended.  
**Motion carried 5—0 on a voice vote.**

## 10. CALL TO THE PUBLIC

None present.

## 11. ZBA MEMBER COMMENTS

**ZBA Training Materials.** Chockley offered to share information from a ZBA training session she attended.

**Revising the Standards for Determination.** Steffens said she would like the Planning Commission to review and consider revising the Standards of Determination in Section 36-943. Planning consultant Krishnan agreed this would be advisable because currently the ZBA has no flexibility in approving variances that do not strictly comply with these standards. Wellings agreed, noting that variances have had to be denied in the past that the ZBA would have liked to approve.

- **Motion:** Steffens moved, Kolecki supported, that the Zoning Board of Appeals recommends that the Planning Commission review and amend Section 36-943(D)1-5, the Standards for Determination, for variance requests with input from the members of the ZBA. **Motion carried 5—0 on a voice vote.**

**Plans Required for Variance Requests.** Steffens said plans submitted for variance requests often do not include the minimum information required for ZBA members to understand the request and make informed decisions. She said Krishnan will work on preparing a sample plot plan to help applicants understand what is required, including existing and proposed setbacks.

## 12. ANNOUNCEMENT OF NEXT MEETING

**April 18, 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.

## 13. ADJOURNMENT

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

The meeting was adjourned at 8:00 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

---

Greg Kolecki, Secretary

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