

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
January 21, 2020 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 #JZBA190011 – Thomas Finn, 501 E Shore Dr., Whitmore Lake, MI 48189 is proposing to split into 2 different parcels. One parcel will have the existing dwelling and the other parcel will have only a garage, which the applicant proposes to convert into a dwelling. The proposal will require variances from Chapter 14 Land Divisions and Subdivisions, Section 14.23 (a) (5). The parcel number is B-02-05-100-022 and zoned SR-2 Single Family Residential and within the Whitmore Lake/Horseshoe Lake Overlay District

7. OLD BUSINESS

8. NEW BUSINESS:

- A. Case #JZBA190011 – Thomas Finn, 501 E Shore Dr., Whitmore Lake, MI 48189 is proposing to split into 2 different parcels. One parcel will have the existing dwelling and the other parcel will have only a garage, which the applicant proposes to convert into a dwelling. The proposal will require variances from Chapter 14 Land Divisions and Subdivisions, Section 14.23 (a) (5). The parcel number is B-02-05-100-022 and zoned SR-2 Single Family Residential and within the Whitmore Lake/Horseshoe Lake Overlay District

B. Recommend to Adopt 2020 Calendar

C. Zoning Administrator Quarterly Report 10/1/19 – 12/31/19

9. APPROVAL OF MINUTES: November 18, 2019

10. CALL TO THE PUBLIC

11. ZBA MEMBER COMMENTS

12. ANNOUNCEMENT OF NEXT MEETING: December 16, 2019

13. ADJOURNMENT

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA41.72A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at (734) 449-5000, seven days in advance.

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The Northfield Township Zoning Board of Appeals will hold a public hearing for 501 East Shore Drive, Whitmore Lake, MI 48189. The parcel located in the SR-2 Single Family Residential district (Whitmore Lake-Horseshoe Lake Overlay District) which the applicant proposes to split into 2 different parcels. The parcel has an ID number: B-02-05-100-022. One parcel will have the dwelling and the other parcel will have only a garage, which the applicant proposes to convert into a dwelling. The proposal will require the following variances:

A. From Chapter 14. Land Divisions and Subdivisions:

1. Section 14.23 Minimum Requirements for approval of land divisions (a) (5); **Parcel A:**
Maximum depth to width ratio
 - 4:1 maximum permitted
 - 20.32: 1 ratio proposed (1321.29' deep (avg) x 65' wide)
 - 16.32: 1 ratio variance requested
2. Section 14.23 Minimum Requirements for approval of land divisions (a) (5); **Parcel B:**
Maximum depth to width ratio
 - 4:1 maximum permitted
 - 15.72: 1 ratio proposed (1321.29' deep (avg) x 84' wide)
 - 11.72: 1 ratio variance requested

B. From Chapter 36. Zoning:

1. ARTICLE IV. SCHEDULE OF DISTRICT REGULATIONS, Section 36-98 (d) Accessory Uses and building (8), to allow for the accessory structure to remain by itself on a parcel and be converted to a principal dwelling, when the ordinance does not allow for any accessory building to be built or used prior to the principal building or use, except as a construction facility for the use.

The public hearing will be held on **Tuesday, January 21, 2020** at 7:00 p.m. on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

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

Kathy Manley– Northfield Township Clerk

Publish: Sunday, January 5, 2020
Newspaper: Ann Arbor News

NORTHFIELD TOWNSHIP MICHIGAN

J2BA190011

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING BOARD OF APPEALS HEARING APPLICATION

Applicant Information:		Proprietor/Owner Information:	
Name: <u>THOMAS FINN</u>	Name: <u>Same as Applicant</u>		
Address: <u>13270 Foxboro Ct, Plymouth 48170</u>	Address:		
Phone: <u>734-218-3699</u>	Phone:		
Email: <u>umich123@yahoo.com</u>	Email:		
If application is made by anyone 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.			
Proof of Ownership Attached: <input checked="" type="checkbox"/>		Non-Owner Affidavit Attached: <input type="checkbox"/>	
If applicant is not the owner, describe applicants interest in the property: _____			
1. PROPERTY DESCRIPTION:			
A.) PROJECT ADDRESS: <u>541 E. Shore Dr., Whitmore Lake</u>			
B.) PARCEL ID(S): <u>B-02-05-100-022</u>		IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C.) LEGAL DESCRIPTION: <u>See attached legal description with SITE PLAN</u>			
2. PRESENT ZONING CLASSIFICATION:			
AR LR MR MHP <u>(SR2)</u> LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER: _____			
3. PRESENT USE OF PROPERTY: <u>House - Rental</u> <u>Garage - Storage</u>			
4. NON-CONFORMING STATUS: - SEE ATTACHED LETTER FROM McLENNA			
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): <u>1.) Depth / width ratio</u> <u>2.) Required side yard setback</u> <u>3.) Accessory structure on separate lot.</u>			
B.) State year/month Non-Conformity began (to the best of your knowledge): <u>1971</u>			
5. VARIANCE REQUEST:			
A.) Is a denial letter attached from the Zoning Administrator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, identify each section of ordinance from which Variance is requested: _____			

Variance request information continued, page 2

Pg. 1

B.) Describe reason/need for Variance:

The letter from the planner states:

- 1.) Proof of ownership is not provided. We have included proof with this packet
- 2.) The depth to width ratio would exceed 4 to 1 when lots are divided. These ratio values were calculated based on the property line extending over 1000' into the lake. Referring to McKenna #1d, Parcel A's depth must be less than 328ft and Parcel B's depth must be less than 264ft to conform. - Parcel A's land only depth is 160ft and Parcel B's land only depth is 140ft. Both depths are less than the maximum allowed depths defined by McKenna.
- 3.) Vehicular access is not provided to Parcel A (garage lot). - There is an existing driveway dating back to the early 1970's in front of the garage on Parcel A (photo included).
- 4.) We are requesting the side yard to be 6' vs 10' for the principal structure on Parcel B (existing home) because of the location of the existing well and recommended set back from the lot line for access. We have submitted a permit with Washtenaw County to have a new well drilled on the north side of the Parcel B home and we have a quote from Keller Well Drilling in Brighton. The existing well from the principal residence would be converted to the garage on Parcel A as part of the renovation to a single-family residence.
- 5.) The lot split would locate an accessory structure on a separate lot and create a nonconforming lot. - We are also submitting a Zoning Compliance Application to change the garage on Parcel A to a single-family residence in compliance with SR2 zoning requirements.

C.) Explain existing special conditions or circumstances that are unique to the land or building involved which are not applicable to similar land or building in the same district.

- 1.) The lot size used by the planner is not representative to the land-only acreage for the intent of zoning requirements. Referring to McKenna #1d, Parcel A's depth must be less than 328ft and Parcel B's depth must be less than 264ft to conform. - Parcel A's land only depth is 160ft and Parcel B's land only depth is 140ft. Both depths are less than the maximum allowed depths defined by McKenna.
- 2.) Due to the renovation of the garage to residence, the current well would be applied to Parcel A and a new well installed on the north side of Parcel B.

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

Describe: In 1971, the garage on Parcel A was built with a lot line dissecting the building. In 2017, we did a temporary correction by removing that lot line and combining the garage and house into one conforming lot. The proposed split will create a conforming lot on Parcel A and nearly conforming lot on Parcel B (with the only variance being 6' vs 10' on the south side lot line). This request is based on existing structure locations and required access to existing water well. This also corrects lot line and set back issues from the past.

E.) Explain why interpretation of the ordinance would deprive you of rights commonly enjoyed by other property owners in the same district: Regarding the 4 to 1 ratio, the majority of Whitmore Lake lots do not extend into the lake (over 1000'). Therefore, these owners would not need a variance for their lot ratio. Their lot ratios are based on land dimensions only.

F.) Explain why this is the minimum variance necessary to allow for a reasonable utilization of the land or structure: The variance requested for the 6' vs 10' setback on the side yard is based on 3 issues:

- 1.) Current structure locations of all existing buildings. The existing home on Parcel B will have over 80' of road frontage. However, the house is not centered on the property and has the majority of the frontage on the north side. By requesting 6' set back instead of 10', we can run the lot line parallel to the existing home and provide access to the existing well that will be incorporated on Parcel A.
- 2.) The existing well location is much closer to the existing garage on Parcel A, further facilitating the need for incorporating the existing well with Parcel A.
- 3.) The southern lot line in Parcel A runs through the corner of the neighboring house at 489 E. Shore house. We currently own that residence and plan to improve the set back by moving the lot line to the north. We will need some lineal footage from Parcel A to accomplish this while maintaining the 60' minimum width.

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: Our proposal to adjust lot lines will make all the lots closer in accordance with the intent of the ordinances, without impacting our neighbors. The new lot division will also allow the renovation of Parcel A to a residence, improving the value and appeal of the property for the neighborhood.

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

We humbly request approval of the variances so that the lot may be divided into two properties. Because McKenna's main issue with dividing the property was the 4 to 1 ratio, we also request that the land only dimensions be used when determining the ratio, which would put us in accordance with the regulation. We also request that the 6' side yard variance be granted. Thank you for your time.

6. REQUIRED DOCUMENTS: (10 copies of application & site plans and 1 pdf file for large scale plans)

Attach a scaled and accurate drawing 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 3

All documents must be submitted at time of application. If further information is needed, 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.

* \$595.00 Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)
\$795 = All others

10. THE APPLICANT:

- A.) Has received and read the attached provisions of the Township Zoning Ordinance in regards to Article XXX "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 re-schedule 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.

AUTHORIZED SIGNATURE

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.

Applicant(s) Signature

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 property
- ☒ Legal description of property
- ☐ 10 copies of site plan and required information
- ☐ Review Fee

FOR ZONING BOARD OF APPEALS USE ONLY

APPEAL OF DECISION

1.) Name and Office of Official/Commission:

2.) Date of Decision:

3.) Describe Decision that is being appealed:

4.) Describe alternate interpretation or reason for the relief requested:

ACTION TAKEN

The Northfield Township Board of Appeals reviewed the above requested variance or appeal and;

☐ Approved: Date _____

☐ Denied: Date _____

Comments:

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 fifteen (15) days nor more than thirty (30) 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:

Copies of Minutes sent to:

File _____

Applicant:

Building Department:

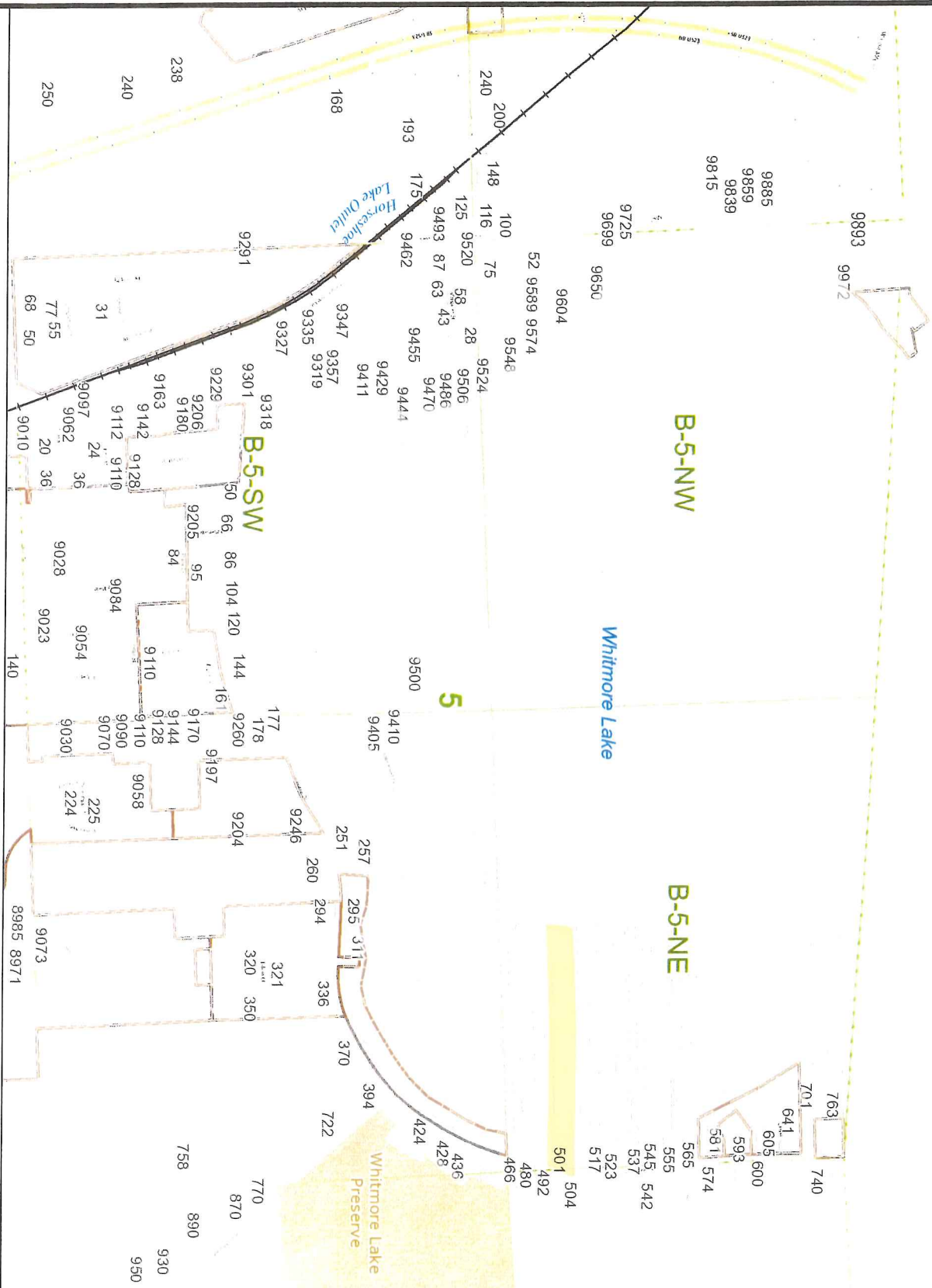
Ordinance Enforcement Officer:

501 East Shore Drive - Location



Legend

- Quarter Sections
- Sections
- Police Stations
- Fire Stations
- County Buildings
- Local Unit Offices
- Railroad



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE THE OFFICIAL RECORD OF THE WASHINGTON COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.

The information contained in this map is for informational 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.

NOTE: Parcels may not be to scale.

7/10/2019

LEGAL DESCRIPTION

Washtenaw County Legal Description

This data is received from local cities, villages, and townships. For additional information or verification, please contact your local city, village or township assessor, the Washtenaw County Clerk/Register of Deeds at (734)222-6710 or the Washtenaw County Department of Equalization at (734)222-6662.

Parcel Identification

Parcel Number:	B -02-05-100-022
Property Address Street Number, Name & Direction	501 EAST SHORE DR
City, Village, or Township:	TOWNSHIP OF NORTHFIELD
Legal Description:	OWNER REQUEST NO 5-18A PCL " A " COM AT E 1/4 COR SEC 5, TH NORTH 280.50 FT TO A POB, TH S 88-31-30 W 150.27 FT TO PT " A ", TH CONT S 88-31-00 W 1169.73 FT TO W LINE OF SE 1/4 OF NE 1/4 SEC 5, TH NORTH 148.50 FT ALNG SAID LINE, TH N 88-31-00 E 1206.54 FT TO PT " C " WHICH LIES N 13-50-08 E 153.90 FT FROM PT " A ", TH CONT N 88-31-00 E 113.46 FT, TH SOUTH 148.50 FT TO THE POB. PT OF NE 1/4 SEC 5, T1S-R6E. 4.50 AC COMBINED ON 02/06/2017 FROM B -02-05-100-016, B -02-05-100-015;

Washtenaw County Sales History

This data is received from local cities, villages, and townships. For additional information or verification, please contact your local city, village or township assessor, the Washtenaw County Clerk/Register of Deeds at (734)222-6710 or the Washtenaw County Department of Equalization at (734)222-6662.

Parcel Identification

Parcel Number:	B -02-05-100-022
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Boundary Line Change

DENIAL LETTER

1 of 4

From: Mary Bird (birdm@Northfieldmi.gov)

To: umich123@yahoo.com

Cc: GriffinB@Northfieldmi.gov

Date: Wednesday, October 2, 2019, 08:28 AM EDT

Hello Mr. Finn,

We received a request for boundary line change application on June 21, 2019. The application was denied by the Planner on July 18, 2019 due to 5 items which needed to be addressed. I have attached the Planner's review letter again for your convenience. If you wish to continue moving forward with your boundary request, you will need to submit a Zoning Board of Appeals application and required fee. This will address the depth to width ratio and side yard setback requirement variances. Regarding the accessory structure, you will need to submit a demolition building permit along with all shut off notices and fee of \$125.00 for demolition inspection reviews. Please provide status so we may keep moving forward with your project. Thank you for your time and cooperation on this matter.

Mary L. Bird

Bldg/Planning/Zoning Coordinator

Northfield Township

734 449-2880 x 17



Thomas Finn Division Review 1.pdf
236.5kB



MCKENNA

July 18, 2019

Ms. Mary Bird, Assessing
Northfield Township
8350 Main Street - P.O. Box 576
Whitmore Lake, MI 48189

**Subject: Thomas Finn; 501 East Shore Drive #B-02-05-100-022 and #B-02-21-100-009
Parcel Division Review #1; Application Received June 24, 2019**

Dear Ms. Bird

We have reviewed the above referenced request from Thomas Finn to divide one parcel along East Shore Drive. The parcel is identified as #B-02-05-100-022 and will be split into two parcels. The parcel is zoned SR2 (Single Family Residential) District and the parcels is a part of the WLHL (Whitmore Lake/ Horseshoe Lake) Overlay District. Mckenna has records of the parcel being combined to another parcel in 2017. This created a long rectangular parcel. Now the parcel is being divided to create two long rectangular parcels. Parcel A is 2.85 acres and Parcels B is 1.65 acres.

Comments

1. **Application Requirements.** The Northfield Township Land Division Ordinance, Section 14.22 lists the required application information for land divisions, and the same requirements apply to boundary line adjustments. We have also reviewed the application for consistency with other requirements of the ordinance.
 - a. **Section 14.22.a.1 – Application.** The application was completed in the form acceptable to the Township, with a survey and legal description of the site included.
 - b. **Section 14.22.a.2 – Proof of Ownership.** Thomas Finn has not provided proof of ownership but has paid all current taxes and fees. We recommend proof of ownership be provided.
 - c. **Section 14.22.a.3 – Tentative Parcel Map.** The tentative parcel maps have been provided and are drawn to scale including the divided lots for existing and proposed parcels, boundary lines, approximate dimensions, and the locations of nearby public streets.
 - ★ d. **Section 14.22.a.4 – Standards Met.** The parcel surveys and the application demonstrate that the standards under the State of Michigan Land Division Act and the Township's Land Division Ordinance have not been met. The required depth to width ratio is 4 to 1. The width of parcel A is 66.37 ft. This would require a depth of no more than 264 ft. However, the depth of the parcel is 1167 ft. Parcel B has a similar case. The width is 82 ft. and this would allow for a depth of 328 ft. The actual depth of the parcel is 1206 ft. The lots are required by the State and the Township to be no more than a 4 to 1 ratio. We find this standard not to be met.
 - e. **Section 14.22.a.5 – Transfer of Division Rights.** No transfer of division rights is identified.
 - f. **Section 14.22.a.6 – Payment of Fees.** The Township Treasurer stamped the application as paid on April 8, 2019.
2. **Minimum Requirements.** According to Section 14.23 of the Township's Land Division Ordinance, the following requirements must be met to the Township's satisfaction.



- a. **Section 14.23.a.1 – Application Requirements.** The Land Division Act states under 560.109 (b) that parcels may not be greater than a 4 to 1 width to depth ratio. Requirements of Section 14.22 have not been met.
- b. **Section 14.23.a.2 – Vehicular Access.** Parcel A would have 66.37 ft of frontage on East Shore Drive and Parcel B would have 82 ft of frontage on East Shore Drive. Parcel B has a proposed driveway and Parcel A does not have a driveway. There is a 2 car Garage on parcel A and access to this garage is not present. Adequate vehicular access is not available for Parcel A. We recommend providing an easement or driveway for the 2-car garage.
- c. **Section 14.23.a.3 – Number of Previous Divisions.** The lot is less than 10 acres and is being split into 2 lots. The proposed division complies with the requirements of the Land Division Act, Section 108.
- d. **Section 14.23.a.4 – Access to Public Utilities.** The parcel division will not have any effect on access to public utilities for the combined site.
- e. **Section 14.23.a.5 – Depth-to-Width Ratio Compliance.** A resulting parcel must have a depth-to-width ratio no greater than four-to-one. The dimensions of parcel A is 66.37 ft. This would require a depth of no more 264 ft. However, the depth of the parcel is 1167 ft. Parcel B has a similar case. The width is 82 ft. and this would allow for a depth of 328 ft. The actual depth of the parcel is 1206ft. The ratio does not meet the four-to-one ratio requirement.
- f. **Section 14.23.a.6 – Schedule of Regulations.** Both parcels are located in the SR2, (Single Family Residential District) and the WHL (Whitmore Lake/ Horseshoe Lake) Overlay District. The minimum lot width for lots served by a central sewer is 60 feet, and the both the divided parcel width will be greater than 60 feet. The minimum lot area is 7,500 square feet for lots served by a central sewer, and the divided lots both have square footage greater than 7,500 square feet. The maximum lot coverage is 30%, and the lot coverage on the divided parcel appears to be far less than 30%.

The split would place each building on separate sites. The two buildings on the proposed parcels appear to meet the setback requirements of the WLHL District for the street front yard (10 feet), side yard (each not less than 10 feet), and lakefront rear yard (not less than 20 feet), however the division of these parcels will change the setbacks. One of the side yard setbacks for principal buildings on parcel B becomes 6 feet with the division of the parcel. The required side yard setback is 10 ft and does not comply with the zoning ordinance.

3. **Zoning Ordinance.** Section 36-59: "Division and Consolidation of Land" of the Northfield Township Zoning Ordinance stipulates compliance with the Township Land Division Ordinance and that newly consolidated lots conform to all the applicable regulations of the zoning district in which the property is located. The zoning ordinance does not permit for an accessory structure to be located on separate lot than its primary structure. For this reason, the proposed lot division would create an additional non-conforming lot and go against the requirements of Chapter 14.
4. **No Guarantee of Development Approval.** Section 14-23(c) of the Land Division Ordinance states the Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied due to an inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect. Additionally, Section 14-24 states that the approval of a land division shall not constitute an approval or permit required under other



applicable Township ordinances, and that any approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.

RECOMMENDATION

The proposed parcel division will not comply with the Land Division Ordinance the Zoning Ordinance. The main issue is the division will create lots that do not meet the 4 to 1 depth to width ratio. Therefore, we recommend disapproval for the following reasons:

1. Proof of ownership is not provided.
2. The depth to width ratio would exceeds 4 to 1 when the lots are divided.
3. Vehicular access is not provided to Parcel A.
4. The required side yard setback would be less than 10 feet for the principal structure on Parcel B.
5. The lot split would locate an accessory structure on a separate lot and create a nonconforming lot.

If you have any questions regarding our findings and recommendation, please let us know.

Respectfully submitted,

MCKENNA

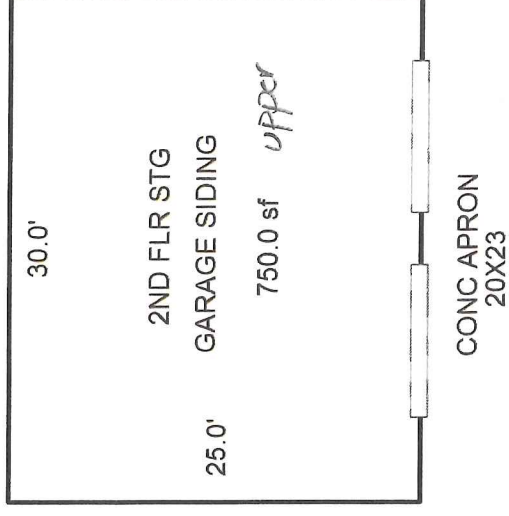
Handwritten signature of Paul Lippens.

Paul Lippens, AICP
Director of Urban Design
and Mobility

Handwritten signature of Irvin Wyche.

Irvin Wyche
Assistant Planner

501 East Shore Drive – Existing 2 story garage 750 sq/ft with 20 x 23 concrete driveway



EAST SHORE DR

Note: 2 Floors
Main - 750 sq ft
Upper - 750 sq ft

Sketch by Apex Sketch

↑



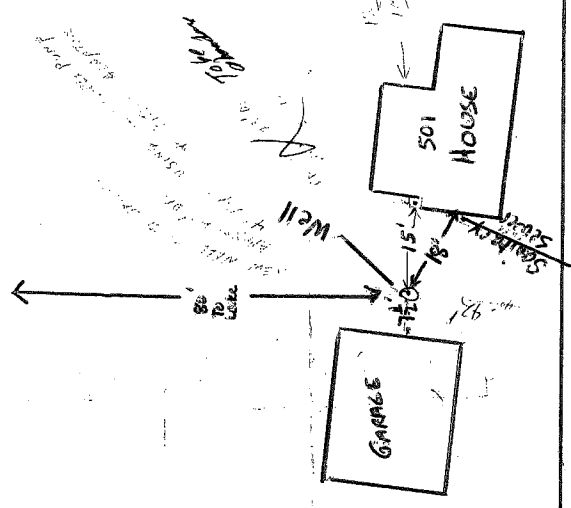
GRAND TOTAL 100.00
WATER TOP WATER
6' P.O. 100.00
100.00
100.00
100.00
100.00

[illegible]

Location of Well
APPROVED (No. 22-15-1)
Washtenaw County
Health Department
Date: 4-28-72
By: [Signature]

House
NOT
to
Secret

MACADAM
EGGS
OF
ROAD



PLEASE ADDRESS CORRESPONDENCE TO
JOHN E. TIPIN
2324 FULTON ST.
TOLEDO, OHIO 43620

Proof of Ownership

1 of 6

L: 5085 P: 205 6251820 D

03/18/2015 01:36 PM Total Pages: 3

Lawrence Kestenbaum, Washtenaw Co



Receipt# 15-6750 6251820

03/18/2015 Washtenaw Co, Michigan

Real Estate Transfer Tax

Tax Stamp # 374016

County Tax: \$258.50 State Tax: \$1762.50



WARRANTY DEED



File No. M106986

The Grantors: Gail A. Tarr

whose address is: 2703 Oak Grove PL, Toledo, OH 43613

Convey and Warrant to: Thomas E. Finn and Sandra P. Iannucci, husband and wife

whose address is: 13270 Foxboro Ct, Plymouth, MI 48170

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

SEE ATTACHED EXHIBIT A/LEGAL DESCRIPTION RIDER

for full consideration of: \$235,000.00 (Two Hundred Thirty Five 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 all divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Dated 01/12/15

Washtenaw County Register of Deeds
Submitted for Recording
03/17/2015, 12:50 PM

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 926992

19

LIB

WARRANTY DEED

(Continued)

Signed By:

By: X. Gail A. Tarr
Gail A. Tarr

STATE OF ~~MICHIGAN~~ Ohio)
COUNTY OF Lucas)

The foregoing instrument was acknowledged before me this 14th day of Jan, 2015 by Gail A. Tarr.

Edward L. Hoffman Notary Public
Lucas County OH
My Commission Expires: no expiration
Acting in the County of: Lucas

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

When recorded return to: 501 East Shore Dr
Whitmore Lake, MI 48189

EDWARD L. HOFFMAN
Notary Public — State of Ohio
My Commission has no Expiration Date.

Tax Code: B-02-05-100-015
B-02-05-100-016 *

3 of 1

FILE NO. M106986

PARCEL ID B-02-05-100-015

EXHIBIT A/LEGAL DESCRIPTION

Land is located in the Township of Northfield, County of Washtenaw, State of Michigan, and described as follows:

Commencing at the East 1/4 post of Section 5, Town 1 South, Range 6 East, thence 20 rods in the East line of section for a PLACE OF BEGINNING; thence West 80 rods to the West line of the East fractional 1/2 of the Northeast fractional 1/4; thence North 6 rods in the West line of the East fractional 1/2 of the Northeast fractional 1/4; thence East 80 rods to the East line of section; thence South 6 rods in the East line of section to the PLACE OF BEGINNING, being a part of the Northeast fractional 1/4.

-015
parcel

Commencing at the East 1/4 post of Section 5, Town 1 South, Range 6 East, thence 17 rods in the East line of section for a PLACE OF BEGINNING, thence West 80 rods to the West line of the East fractional 1/2 of the Northeast fractional 1/4; thence North 3 rods in the West line of the East fractional 1/2 of the Northeast fractional 1/4; thence East 80 rods to the East line of section; thence South 3 rods in the East line of section to the PLACE OF BEGINNING, being a part of the Northeast fractional 1/4.

-016
parcel

Commonly known as: 501 East Shore Dr., Whitmore Lake, MI 48189.



4 of 6

QUITCLAIM DEED

The Grantor(s): **THOMAS E. FINN**, a married man
 whose address is: 13270 Foxboro Court, Plymouth, Michigan 48170
 Quit Claims to: **FINNUCCI INVESTMENTS I, LLC**, a limited liability company, absolutely and in fee simple
 whose address is: 13270 Foxboro Court, Plymouth, Michigan 48170
 the following described premises situated in the Township of Northfield, County of Washtenaw, State of Michigan:

A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 1 SOUTH, RANGE 6 EAST, NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 5; THENCE DUE NORTH 280.50 FEET ALONG THE EAST LINE OF SAID SECTION 5 TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 150.27 FEET TO A POINT CALLED TRAVERSE POINT "A"; THENCE CONTINUING SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 1169.73 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5 AS DESCRIBED; THENCE DUE NORTH 148.50 FEET ALONG SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 1206.54 FEET TO A POINT CALLED TRAVERSE POINT "C", SAID POINT BEING DISTANT NORTH 13 DEGREES 50 MINUTES 08 SECONDS EAST 153.90 FEET FROM SAID TRAVERSE POINT "A"; THENCE CONTINUING NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 113.46 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 5; THENCE DUE SOUTH 148.50 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 4.50 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

Parcel ID: B-02-05-100-022

Commonly known as: 501 East Shore Drive

COUNTY AND STATE TRANSFER TAX EXEMPT MCLA 207.505(a) & 207.526(a)
 for the sum of One Dollar (\$1.00). Drafter has not conducted an examination of title nor was required to do so and therefore, no responsibility is assumed for title or description problems. Dated: March 26, 2017

Signed in presence of:

Signed by:


 SCOTT M. ROBBINS


 THOMAS E. FINN


STATE OF MICHIGAN)

COUNTY OF WAYNE)ss.

Time Submitted for Recording
 Date 5-18 2017 Time 11:00 AM
 Lawrence Kestenbaum
 Washtenaw County Clerk/Register

This foregoing instrument was acknowledged before me this 26th day of March, 2017, by and between THOMAS E. FINN and SANDRA P. IANNUCCI, husband and wife.
a married man.

Drafted by and when Recorded Return to:
 SCOTT M. ROBBINS, ESQ.
 BARRON, ROSENBERG, MAYORAS & MAYORAS, P.C.
 1301 WEST LONG LAKE RD., STE. 340
 TROY, MI 48098 248-641-7070 FAX: 248-641-7073


 Scott Robbins, Notary Public
 Oakland County, Michigan
 My Commission Expires: 12/29/2018
 Acting in Wayne County, Michigan

Washtenaw County Register of Deeds
 Submitted for Recording
 7/12/2017 11:00 AM

Time Submitted for Recording
 Date 7-20 2017 Time 11:00 AM
 Lawrence Kestenbaum
 Washtenaw County Clerk/Register

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
FILING ENDORSEMENT

This is to Certify that the ARTICLES OF ORGANIZATION (DOMESTIC L.L.C.)

for

FINNUCCI INVESTMENTS 1, LLC

ID NUMBER: F09170

received by facsimile transmission on January 16, 2017 is hereby endorsed.

Filed on January 24, 2017 by the Administrator.

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



Sent by Facsimile Transmission

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 24th day of January, 2017.

Julia Dale

***Julia Dale, Director
Corporations, Securities & Commercial Licensing Bureau***

CSCL/CQ-700 (Rev. 08/15)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU OF COMMERCIAL SERVICES		
Date Received	(FOR BUREAU USE ONLY)	
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.		
Name Thomas E. Finn		
Address 13270 Foxboro Court		
City	State	ZIP Code
Plymouth	MI	48170
		EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF ORGANIZATION**For use by Domestic Limited Liability Companies**

(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

ARTICLE IThe name of the limited liability company is: **FINNUCCI INVESTMENTS 1, LLC****ARTICLE II**

The purpose or purposes for which the limited liability company is formed is to engage in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan.

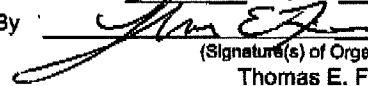
ARTICLE III

The duration of the limited liability company if other than perpetual is: _____

ARTICLE IV

- The name of the resident agent at the registered office is: Thomas E. Finn
- The street address of the location of the registered office is:
13270 Foxboro Court Plymouth, Michigan 48170
 (Street Address) (City) (ZIP Code)
- The mailing address of the registered office if different than above:
 _____, Michigan _____
 (P.O. Box or Street Address) (City) (ZIP Code)

ARTICLE V (Insert any desired additional provision authorized by the Act; attach additional pages if needed.)

Signed this 13th day of January, 2017
 By 
 (Signature(s) of Organizer(s))
Thomas E. Finn
 (Type or Print Name(s) of Organizer(s))

NOV 14 2019

NORTHFIELD TOWNSHIP

LEGEND

FOUND IRON
SET CAPPED IRON
SECTION CORNER
RECORD MEAS.
FIELD MEAS.
PROPERTY LINE
SECTION LINE
EASEMENT LINE
PARCEL LINE
FENCE LINE



ORIGINAL PARCEL

PARCEL ID#
B-02-05-100-014

NORTHEAST CORNER
SEC. 5, T.1S., R.6E.,
NORTHFIELD TOWNSHIP
WASHTENAW CO., MICH.



2019

OWNSHIP

FOUND IRON
SET CAPPED IRON
SECTION CORNER
RECORD MEAS.
FIELD MEAS.
PROPERTY LINE
SECTION LINE
EASEMENT LINE
PARCEL LINE
FENCE LINE

●
○
R
M

PARCEL ID#
B-02-05-100-014

1320.00' R&M (TOTAL)

1206.54' (M)

W. LINE OF THE S.E. 1/4
OF THE N.E. 1/4 OF SEC. 5
AS DESCRIBED

148.50' R&M

DUE NORTH R&M

WHITMORE LAKE

PARCEL ID# B-02-05-100-022
195,954 FT²
4.50 AC.±

EDGE OF WATER ON
7/6/16

13'±

66.0' (M)
65.5' (R)

4' WOVEN WIRE

N 88°31'00" E R&M

113.46' "C" TO SEC. LINE

FOUND CAPPED IRON
TRAVERSE POINT "C"

TRAVERSE LINE

33.5'±
2.7'

10.5'±

#501
EX. HSE.

33' ROW LINE

1.5'

148.50' R&M

DUE SOUTH R&M

33.0'

26.0'

FOUND CAPPED IRON

NORTHEAST CORNER
SEC. 5, T.1S., R.6E.,
NORTHFIELD TOWNSHIP
WASHTENAW CO., MICH.

27.0'±

2 CAR GARAGE

EX. DRIVEWAY

25.6'±

BLD. COR. ±
ON PROP. LINE

EX. BLD.

FOUND CAPPED IRON

25.95'

150.27' "A" TO SEC. LINE

S 88°31'00" W R&M

4' WOVEN WIRE
(MEANDERING)

9" SEA WALL

9'±

45.7' (M)
45.3' (R)

4' CHAIN LINK

FOUND CAPPED IRON
TRAVERSE POINT "A"

1169.73' (M)

1320.00' R&M (TOTAL)

DUE NORTH R&M

280.50' R&M

S 88°31'00" W (R)

POINT OF COMMENCEMENT

E. LINE OF SEC. 5
POINT OF BEGINNING

Q OF EAST SHORE DRIVE 66 FT. WD.

EAST 1/4 COR.
SEC. 5, T.1S.,
NORTHFIELD TOWNSHIP
WASHTENAW CO.

STATE OF MICHIGAN
MICHAEL J. NOWRY
PROFESSIONAL
SURVEYOR
No.
52472
LICENSED PROFESSIONAL SURVEYOR

LEGAL DESCRIPTION
SEE PAGE 3 OF 3

PARCEL ID#
B-02-05-100-017



**Nowry & Hale
Land Surveying LLC**

192 N. Main St., Suite D, Plymouth, MI, 48170
Office: (734)446-5501 Email: nowryhale@yahoo.com

SECTION:	NE 1/4 Sec. 5	DATE:	11/06/19	CLIENT: Tom Finn 13270 Foxboro Court Plymouth, MI 48170
TN./RGE.:	1S./6E.	PROJ. #:	016-189	
CITY/TWP:	Northfield	DWG. BY:	JCP/MJN	
COUNTY:	Washtenaw	1 INCH = 40 FEET		
				PAGE # 1 OF 3

I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated hereon has been surveyed under my supervision, that the plat hereon is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Section 3, Public Act 132 of 1970.

Michael J. Nowry Professional Surveyor # 52472

LEGAL DESCRIPTIONS

ORIGINAL PARCEL
ID# B-02-05-100-022

A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 1 SOUTH, RANGE 6 EAST, NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 5; THENCE DUE NORTH 280.50 FEET ALONG THE EAST LINE OF SAID SECTION 5 TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 150.27 FEET TO A POINT CALLED TRAVERSE POINT "A"; THENCE CONTINUING SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 1169.73 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5 AS DESCRIBED; THENCE DUE NORTH 148.50 FEET ALONG SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 1206.54 FEET TO A POINT CALLED TRAVERSE POINT "C", SAID POINT "C" BEING DISTANT NORTH 13 DEGREES 50 MINUTES 08 SECONDS EAST 153.90 FEET FROM SAID TRAVERSE POINT "A"; THENCE CONTINUING NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 113.46 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 5; THENCE DUE SOUTH 148.50 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 4.50 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

PARCEL "A"

A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 1 SOUTH, RANGE 6 EAST, NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 5; THENCE DUE NORTH 280.50 FEET ALONG THE EAST LINE OF SAID SECTION 5 TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 150.27 FEET TO A POINT CALLED TRAVERSE POINT "A"; THENCE CONTINUING SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 1169.73 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5 AS DESCRIBED; THENCE DUE NORTH 91.64 FEET ALONG SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 1192.92 FEET TO A POINT CALLED TRAVERSE POINT "B". SAID POINT "B" BEING DISTANT NORTH 14 DEGREES 06 MINUTES 38 SECONDS EAST 95.11 FEET FROM SAID TRAVERSE POINT "A"; THENCE SOUTH 78 DEGREES 27 MINUTES 10 SECONDS EAST 129.66 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 5. THENCE DUE SOUTH 62.40 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 2.73 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

PARCEL# "B"

A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 1 SOUTH, RANGE 6 EAST, NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 5; THENCE DUE NORTH 342.90 FEET ALONG THE EAST LINE OF SAID SECTION 5 TO THE POINT OF BEGINNING; THENCE NORTH 78 DEGREES 27 MINUTES 10 SECONDS WEST 129.66 FEET TO A POINT CALLED TRAVERSE POINT "B"; THENCE SOUTH 88 DEGREES 31 MINUTES 00 SECONDS WEST 1192.92 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5 AS DESCRIBED; THENCE DUE NORTH 56.86 FEET ALONG SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 1206.54 FEET TO A POINT CALLED TRAVERSE POINT "C", SAID POINT "C" BEING DISTANT NORTH 13 DEGREES 22 MINUTES 53 SECONDS EAST 58.81 FEET FROM SAID TRAVERSE POINT "B"; THENCE CONTINUING NORTH 88 DEGREES 31 MINUTES 00 SECONDS EAST 113.46 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 5; THENCE DUE SOUTH 86.10 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 1.77 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.



I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated hereon has been surveyed under my supervision, that the plat hereon is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Section 3, Public Act 132 of 1970.

Nowry & Hale
Land Surveying LLC
192 N. Main St., Suite D, Plymouth, MI, 48170
Office: (734)446-5501 Email: nowryhale@yahoo.com

Michael J. Nowry Professional Surveyor # 52472

SECTION:	NE 1/4 Sec. 5	DATE:	11/06/19	CLIENT:	
TN./RGE.:	1S./6E.	PROJ. #:	016-189		Tom Finn
CITY/TWP:	Northfield	DWG. BY:	JCP/MJN		13270 Foxboro Court Plymouth, MI 48170
COUNTY:	Washtenaw		1 INCH = 40 FEET		PAGE # 3 OF 3



MCKENNA

January 15, 2020

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

Subject: Thomas Finn/501 East Shore Drive; Variance Review #1 (Application not dated; supplemental info. Dated recd. on 12/9/19).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Thomas Finn to split an existing 4.50 acre parcel into 2 smaller parcels. The parcel is located on the west side of East Shore Drive and is zoned SR-2 (Single Family Residential) District. The site is currently occupied by a dwelling and a detached garage. One parcel will have the dwelling and the other parcel will have only a garage, which the applicant proposes to convert into a dwelling.

VARIANCES

The proposal will require the following variances from the Zoning Ordinance:

A. From Chapter 14. Land Divisions and Subdivisions:

1. Section 14.23 Minimum Requirements for approval of land divisions (a) (5); **Parcel A:**

- Maximum depth to width ratio - 4:1 maximum permitted
- 20.32: 1 ratio proposed (1321.29' deep (avg) x 65' wide)
- 16.32: 1 ratio variance requested

2. Section 14.23 Minimum Requirements for approval of land divisions (a) (5); **Parcel B:**

- Maximum depth to width ratio - 4:1 maximum permitted
- 15.72: 1 ratio proposed (1321.29' deep (avg) x 84' wide)
- 11.72: 1 ratio variance requested

B. From Chapter 36. Zoning:

1. ARTICLE IV. SCHEDULE OF DISTRICT REGULATIONS, Section 36-98 (d) Accessory Uses and building (8), to allow for the accessory structure to remain by itself on a parcel and be converted to a principal dwelling, when the ordinance does not allow for any accessory building to be built or used prior to the principal building or use, except as a construction facility for the use.

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 the following conditions are met:

1. ***Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted***

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



purpose or will render conformity with those restrictions unnecessarily burdensome.

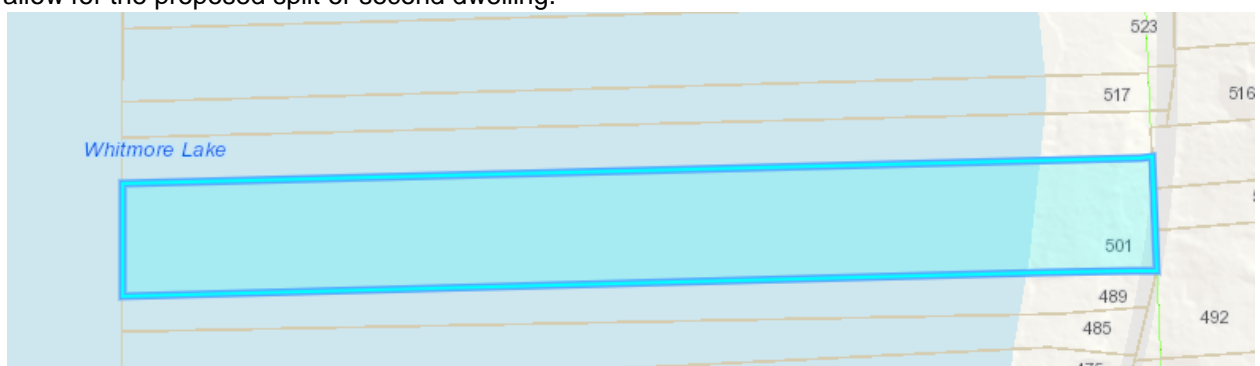
The subject site has an area of 4.50 acres and is platted to occupy land and a significant portion under the waters of Whitmore Lake. The applicant proposes to split the site into 2 parcels A and B. Parcel A will have an area of 2.73 acres and will be occupied by a detached 2 story garage which the applicant proposes to convert to a principal dwelling, while Parcel B will have an area of 1.77 acres and will continue to remain occupied by the existing single family dwelling.



Source: Google Images 2019

The property is zoned SR-2 which required minimum lot area and width of 7,500 square feet and 60 feet, respectively. The proposed parcels exceed the minimum lot width and area requirements of the district; however, the depth of the parcels results in non-compliance with the 4:1 depth to width ratio on two of the parcels, which necessitates the variance request. The ordinance also does not permit the construction of an accessory unit on a parcel prior to the construction of a dwelling. Therefore, retaining the garage on its own parcel requires a variance.

The subject site is similar to several other parcels on the west side of East Shore Drive that have platted lines extending into the Lake. Even though the land under the water is counted towards lot area, it is not usable. The applicant's proposal creates 2 separate lots which will comply with the minimum width and also minimum area requirements for the land located outside the water i.e., the buildable area of the lot will comply with the minimum district requirements. However, because of the unusual rectangular shape, the parcels will exceed the 4:1 depth to width ratio. The intent behind the ordinance requirement for maintaining a 4:1 depth to width ratio was to prevent the creation of long skinny lots; however, the applicant's proposal while creating unusual lot shape **on paper**, does not result in an undesirable outcome. Compliance with Ordinance standards would not allow for the proposed split or second dwelling.



Source: Washtenaw County GIS

The request for variance to allow the applicant to retain a garage on its own parcel is to allow the applicant the ability to convert it into a principal dwelling. If converted to such a dwelling, the structure will be compliant with the required setbacks for the district. The applicant has also submitted a notarized letter from a building



contractor that states that the garage can be structurally converted into a dwelling. This letter was required to prevent the garage from remaining in the event such a conversion was not possible under State Building Codes. Compliance with the Ordinance standards will require the applicant to demolish the structure entirely. The option to convert it to a dwelling is a reasonable request since it is a permitted use in the underlying zoning district. Approval of such a variance should be conditioned upon a strict timeline.

2. ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variances will provide substantial justice to the property owner by allowing him to have two separate residential dwellings, and is not adverse to the interests of other property owners. The parcel abuts similar SR-2 zoning to the north and south. With the exception of a couple of other parcels in a similar scenario, most of the other parcels are smaller. The applicant's proposal does not alter the number of structures on the parcel, but merely allows for the garage to also be converted to a dwelling.
3. ***The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.*** The applicant had revised the proposed lot split upon our direction to ensure that each of the resultant parcels will comply with the minimum lot area and lot width requirements for the district. Further, we had also required changes to ensure that all existing structures on both parcels will comply with the setback requirements and not become non-conforming. The variance approval is not going to result in any tangible/noticeable impact on the site; therefore, there are no adverse impacts anticipated on the neighboring property owners.
4. ***The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district.*** The subject site is unusual in that the platted lines extend well into the water of the abutting lake and is essentially unbuildable. In our experience in other lakeside communities, platted lot lines frequently extend into the water, but are generally limited to a few feet. The subject site has over three-quarters of its 'platted area' under water. This situation is shared by several of the abutting parcels to on the west side of East Shore Drive. The other areas around the Township zoned SR-2, including the parcels around Wildwood Lake and Horseshoe Lake, do not share such an unusual configuration.
5. ***The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.*** The need for variances is not self-created. The lot lines were platted a long time ago and we are unaware of the reason for the existing plat lines. The need for variance to retain the accessory structure is to some extent self-created; however the conversion of the structure into a dwelling will essentially negate the variance.
6. ***The variance will be in harmony with the spirit and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.*** The proposed variances are not likely to have any adverse impact on the neighborhood or on public health, safety and welfare. The intent of zoning and land use planning is to provide for the orderly development and use of land. The applicant's proposal meets that intent.



RECOMMENDATION AND FINDINGS

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **approve** the requested variances for 501 East Shore Drive:

1. The platted lot lines extend significantly into the lake rendering most of the parcel unbuildable.
2. The proposal allows for the creation of 2 lots which would comply with the minimum requirements for the SR-2 district.
3. The proposal allows the applicant the ability to convert an existing structure into a dwelling per documentation submitted from a builder.
4. All of the structures on the resulting 2 parcels will be compliant with the setback requirements for the SR-2 district.
5. The variances requested are the minimum possible.
6. The variances result from the unusual situation for parcels along west side of East Shore and are not common to other SR-2 zoned areas.
6. The problem is not self-created.
7. The variances will have no detrimental impact on public health, safety or welfare.
8. The variances requested are not adverse to the spirit and intent of the ordinance.

The variances are approved subject to the condition that the detached garage on Parcel A will be converted to a single family residential dwelling in compliance with State Building Codes within a period of one year from the date of approval of the variance. Non-compliance will be deemed as a violation of the BZA terms of approval, resulting in enforcement action.

Respectfully,
McKENNA

Vidya Krishnan
Principal Planner

cc: Township Manager:
Assessing/Building Asst.
Applicant:

Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Thomas Finn, via e-mail: umich123@yahoo.com

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS CALENDAR

January	21	2020	Holiday
February	18	2020	Holiday
March	16	2020	
April	20	2020	
May	18	2020	
June	15	2020	
July	20	2020	
August	17	2020	
September	21	2020	
October	19	2020	
November	16	2020	
December	21	2020	



January 1, 2020

Township Board of Trustees and Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

Subject: Zoning Administrator Quarterly Report 10/1/2019 – 12/31/2019

Dear Trustees and Commissioners:

Section 36-971(6) of the Zoning Ordinance requires the Zoning Administrator to submit to the Township Board and Planning Commission, a quarterly report in which a summary of the activities of the office is presented. Following is a concise summary of the activities of note in the LAST quarter of 2019 (October 1 through December 31, 2019).

Zoning Compliance Applications: A total of 13 applications were APPROVED.


1. Approved three (3) new dwellings.
2. Approved four (4) additions to single family dwellings.
3. Approved two (2) new accessory structures like porches and decks.
4. Approved three (3) new pole barns.
5. Approved one (1) application for lot split.

Three (3) applications were approved for Non-residential Uses:

1. ***Wireless Equipment Upgrade*** – at existing tower at 115 Joy Road.
2. ***9905 Spencer/ Waterscape World LLC*** – The applicant filed a request for Zoning Compliance approval in response to a Code Enforcement violation notice. It is our understanding that the business originally was a small scale operation approved as a home occupation type business, but over the years has grown into a full-fledged commercial enterprise. The commercial business did not receive approvals from the Township and had been issued violation notices to bring the site into compliance with the ordinance requirements. The use is classified as a “landscaping contractor”. In addition, the site has a single family dwelling structure on it, which is listed on the Assessor’s records as “residential”. The subject site has an area of 4.90 acres and a lot width of approximately 350 feet.

As a landscape company, the applicant will first require approval from the Zoning Board of Appeals for lot area, which does not meet the minimum requirements of the Ordinance. An application must be filed for ZBA consideration per the provisions of Section 36-943.

If the ZBA grants the variances, the applicant will subsequently have to apply to the Planning Commission for site plan and conditional land use approvals under the requirements of Section 36-864. Conditional land uses require a recommendation from the Planning Commission and final approval from the Township Board of Trustees.

- 
3. **75 Barker/ Kwanis Christmas Tree Sales** – Approved use of site for temporary sales of Christmas trees for 11 days as noted on application.

Denied

1. One application for a fence on Earhart Road was denied because proposed fence was 6 feet tall and placed along right-of-way line which is not permitted by the Ordinance.

Administrative Site Plan Approvals:

Danny and Joy LLC Restaurant/9531/9535 Main Street - Reviewed and granted administrative site plan approval with conditions for the use of an existing building on a site as a restaurant. The site is zoned WLD-D (Whitmore Lake Downtown District) and the applicant proposed demolition of a portion of the building and addition of a deck. The administrative site plan approval review included improvements to parking area, making site ADA accessible, addition of ramps, landscaping, façade improvements, lighting and signage. A copy of the administrative site plan review letter is attached.

Zoning Board of Appeals Cases: A total of two (2) cases were reviewed by the ZBA this quarter

1. **43 Margaret/Bhukari** – The owner of the property applied for and received approval of variances from minimum lot area and lot width for a two-family dwelling parcel in the Sr-2 District. Duplexes are permitted as a conditional land use in the district. The existing dwelling on the site was set up with two separate entrances, 2 furnaces, 2 heaters etc., but was never approved by the Building Official as a duplex. The new owner of the property is attempting to rectify the violations and seek all necessary approvals.
2. **8036 Lakeshore/Bottom** – The homeowner applied for and obtained setback variances for the addition of decks to the front and rear of an existing dwelling. The dwelling is one of few abutting an unimproved but platted right-of-way to its rear, making it a dual frontage lot. The parcel also is one of few outside the overlay district boundaries which provides significant relief from setbacks. a front and rear deck
3. **985 Five Mile Road/Van Buhler** – The applicant applied for and obtained approval of variance from lot width to depth ration for two (2) newly created parcel (split to be approved). The applicant is proposing to create 5 buildable lots on a 22.44 acre parcel located in the SR-1 district. The original parcel included a landlocked piece which is predominantly occupied by wetlands. The applicant was required to combine the 2 parcels which resulted in an excessively deep parent parcel. All of the new lots to be created will exceed minimum lot size and width requirements for the district and will have dwelling built in compliance with ordinance standards.

Final Site Inspections:

1. **Spiritus Sanctus/4225 Joy Road** – Conducted final site inspection for compliance to Planning Commission approved plans for a new administrative building and granted approval.
2. **Small Potatoes/9230 N. Main Street** - Conducted final site inspection for compliance to Planning Commission approved plans for a new food service/catering business and granted approval.
3. **People's Express/175 Barker** - Conducted final site inspection with Township Engineer and found numerous inconsistencies with the plan approved by the Planning Commission including



but not limited to incorrect setbacks, incorrectly striped parking spaces, fence in different places, missing berms, missing lighting etc. The plan cannot be approved and the applicant must re-appear before the PC for amended site plan approval.

Zoning Administrator Office Hours:

Upon authorization from the Township Board, I continue to have office hours at Township Hall every Wednesday for four (4) hours in the morning. I work with the Zoning Coordinator, Township Manager and Code Enforcement official to address and resolve issues by meeting with property owners and going on-site inspections. I am also available to meet by appointment with any citizen who has any questions or concerns regarding zoning matters. I continue to have multiple meetings every Wednesday with property owners to help them with zoning related questions. I also meet with property owners in response to code violation notices and help guide them.

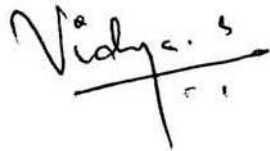
In response to some concerns I have heard regarding prompt availability of someone to answer questions, I am always available via email and phone to the Township's Zoning Coordinator who immediately forwards queries to me, which are promptly answered. A property owner with a concern or question does not have to wait for a Wednesday to get the question answered, unless they are desirous of a sit down meeting.

Other Items: The addition of the Code Enforcement Officer has been helpful in addressing issues of long pending code violations. We are making slow progress in achieving compliance on some violators. Some challenges remain in our interactions with property owners who are non-compliant with the regulations; however, the Code Enforcement Officer and I continue to do our best to be supportive of existing businesses in the Township, within the limits to our authority established in the Zoning Ordinance.

As the Zoning Administrator, I strive to be prompt and attentive to the needs of the applicants while ensuring that they understand the process and also comply with the rules and regulations set forth in the Zoning Ordinance.

Respectfully submitted,

McKENNA

A handwritten signature in black ink, appearing to read 'Vidya', with a horizontal line drawn across it.

Vidya Krishnan
Principal Planner

Cc: Steven Aynes, Township Manager
Mary Bird, Zoning Coordinator
Jim Turner, Code Enforcement Officer
Paul Lippens, Planning Consultant



NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting November 18, 2019

1. CALL TO ORDER

The meeting was called to order by chair Kenneth Dignan at 7:07 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Brad Cousino	Absent
Kenneth Dignan	Present
Scott Gustafson	Present
Greg Kolecki	Present
Jacki Otto	Present (arrived at 7:12 P.M.)
Alternate: James Balsillie	Presence not required

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

4. ADOPT AGENDA

- **Motion:** Dignan moved, Kolecki supported, that the agenda be adopted as presented.
Motion carried 3—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- **Motion:** Dignan moved, Kolecki supported, that the public hearing be opened.
Motion carried 3—0 on a voice vote.

6A. Case #JZBA190008; Paul VanBuhler;
Location: 985 Seven Mile Road and vacant;
Request for variance from Chapter 14, Section 14.23, Land Divisions and Subdivisions to split into five parcels. Two parcels require depth to width ratio variances. Parcel 02-04-300-008;
Zoned SR-1, Single Family Residential.

Planning Consultant Vidya Krishnan read her report dated November 12, 2019. She explained that this action will resolve the issue of a landlocked parcel by combining it with a the parcel fronting on Seven Mile Road, and while two of the lots require depth to width ratios, all five parcels being created will have road frontage and meet all other requirements of the SR-2 district. Based on the findings of fact, including that the larger lots will be more compatible with development in the area that required by SR-2 zoning, she recommended approval.

Dignan noted that the only reason there are two separate parcels here is because the land is in two different school districts.

Paul Van Buehler, applicant, said Ms. Krishnan's report described the situation accurately and he had nothing to add.

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

6B. Case #JZBA190010; Lauralyn Bottom;
Location: 8036 Lakeshore Drive;
Request for variance from Article IX,
Section 36-248(4)(a) for deck setback variances from Lakeshore and Maple. Parcel 02-08-395-005;
Zoned SR-1, Single Family Residential.

Planning Consultant Vidya Krishnan read her report dated November 12, 2019. She recommended approval of the requested variance of 22.30 feet for the front deck to be located at a setback of 7.70 feet from the Lakeshore frontage, and of a reduced variance of 12.30 feet (rather than the 14 feet requested) for the rear deck to be located at a setback of 17.70 feet from the Maple frontage, unless the applicant can provide adequate justification on the need for a 14 foot deep deck.

Lauralyn Bottom, applicant, said the reason for the size of the back deck is because it faces the lake and will function as an extension of their living room. In answer to a question from Otto, Bottom said she also owns the property across Maple Road.

Dignan called for comments from the public. Mike Bottom thanked the Township staff and planners for their help with this project and said they are willing to do what is best for the community.

6C. Case #JZBA190009; Jabeen Bukhari (Maji Group);
Location: 43 Margaret Street;
Request for variance from Article IX,
Section 36-248(1) and (2)(b) to develop the existing structure as a duplex. Parcel 02-05-328-006;
Zoned SR-2, Single Family Residential.

Planning Consultant Vidya Krishnan read her report dated November 12, 2019. She noted the applicant has purchased the property with the intent of rectifying code violations and improving the property, which the Township has no legal mechanism to require, and the applicant is attempting to bring the status of the house—which was converted to duplex use by a previous owner—into compliance with Township ordinances. She said based on the findings of fact she recommends approval of the requested variances,

subject to the applicant obtaining site plan and conditional land use approval.

Applicant Jabeen Bukhari said she had nothing to add to the information

Dignan called for comments from the public. Sayed Habib, Bukhari's husband, 3017 Walnut Drive, Scio Township, thanked Krishnan for her presentation and said this proposal would be an improvement for the area.

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

- 8A. Case #JZBA190008; Paul VanBuhler;**
Location: 985 Seven Mile Road and vacant;
Request for variance from Chapter 14, Section 14.23, Land Divisions and Subdivisions to split into five parcels. Two parcels require depth to width ratio variances. Parcel 02-04-300-008; Zoned SR-1, Single Family Residential.

There was discussion about how the proposed splits will affect the school district boundaries. VanBuhler said parcels 1 and 5 will be split between the South Lyon and Whitmore Lake school districts, and the other three will be wholly within the Whitmore Lake District. Scott Schmocker, GLA Surveyors and Engineers, said all houses will be built on the Whitmore Lake District side of the lots because the property at the rear of lots 1 and 5 is unbuildable.

- **Motion:** Dignan moved, Otto supported, that in Case JZBA190008, Parcel 02-04-300-008, in accordance from a memo from McKenna dated November 12, 2019, and based on the findings of fact documented in that memo, that the Zoning Board of Appeals approve the requested variances for 985 Seven Mile Road from Section 14.23, Minimum Requirements for approval of land divisions (a)(5), of 8.23:1 for parcels 1 (A and B), and per Section 14.23, Minimum Requirements for approval of land divisions (a)(5) of 5.02:1 for parcels 5 (A and B).
Motion carried 4—0 on a roll call vote.

- 8B. Case #JZBA190010; Lauralyn Bottom;**
Location: 8036 Lakeshore Drive;
Request for variance from Article IX, Section 36-248(4)(a) for deck setback variances from Lakeshore and Maple. Parcel 02-08-395-005; Zoned SR-1, Single Family Residential.

Dignan noted that a deck only 8 foot in width is not very usable, and he has little issue with a width of 14'. Otto said Maple Avenue, which the larger deck will

face, will likely never be developed. Gustafson said he also has no problem with a 14 foot deck.

- **Motion:** Dignan moved, Otto supported, that in Case #JZBA190010 variances from Article IX, SR-2 Single Family Residential District, Section 36-248(4)(a), Regulations and Standards, be granted, as follows: for the Lakeshore Drive frontage a variance of 22.30 feet be granted, and for the front yard setback on Maple Avenue a variance of 18.3 feet be granted, based on findings of fact as documented in the November 12, 2019 report from McKenna, striking the second item #4 from the findings of fact, and based upon the facts that the rear yard of the applicant continues all the way to the lake in single ownership, Northfield Township is a recreational community where lakeside living is as essential a component as indoor living, where the size of the deck proposed by the applicant is not an unreasonable size considering that they have no immediate neighbors, and Maple Road being developed is unlikely. **Motion carried 4—0 on a roll call vote.**

- 8C. Case #JZBA190009; Jabeen Bukhari (Maji Group);**
Location: 43 Margaret Street;
Request for variance from Article IX, Section 36-248(1) and (2)(b) to develop the existing structure as a duplex. Parcel 02-05-328-006; Zoned SR-2, Single Family Residential.

- **Motion:** Dignan moved, Otto supported, in Case JZBA190009, that as outlined in the November 12, 2019, memo from McKenna, variances be granted as follows: a variance of 6,672.75 square feet be granted from the requirements of Article IX, SR-2 Single Family Residential District, Section 36-248(1), Regulations and Standards; and a variance of 70 feet be granted from the requirements of Article IX, SR-2 Single Family Residential District, Section 36-248(2)(b), Regulations and Standards, based on the findings of fact, subject to the applicant applying for site plan and conditional use approval through the Planning Commission.

Dignan asked when DTE installed the second meter on this house. Ms. Bukhari and Krishnan said no information could be found out about this. Krishnan noted the house appears to have been split and used as a duplex, but Bukhari said only one portion of it was recently being lived in.

Dignan thanked the applicants for working with the Township to bring the property into compliance with ordinances.

Motion carried 4—0 on a roll call vote.

Dignan thanked all of the applicants for making an investment in the community and thanked Krishnan for her assistance to applicants.

10. MINUTES

- **Motion:** Otto moved, Kolecki supported, that the minutes of the July 15, 2019, regular meeting be approved as presented.
Motion carried 4—0 on a voice vote.

10. CALL TO THE PUBLIC

No comments.

11. ZBA MEMBER COMMENTS

Krishnan referred to her two most recent Zoning Administrator quarterly reports included in the packet. She noted that in some cases people she has met with have proceeded with projects without approvals, which is discouraging, and she commended applicants who comply or seek variances and necessary approvals.

Dignan noted that quite a few homes are being built in the Whitmore Lake School District, which is great for the district and also good for the Township.

12. ANNOUNCEMENT OF NEXT MEETING

December 16, 2019, 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:** Dignan moved, Kolecki supported, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:16 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 _____, 2019.

Kenneth Dignan, Chair

Greg Kolecki, Secretary

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