

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting September 21, 2015

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

Kenneth Dignan	Present
Doug Del Favero	Present
Greg Kolecki	Present
Jacqueline Otto	Absent with notice
Amy Steffens	Present
Gary Wellings, Alternate	Present

Also present:
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

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

5. CORRESPONDENCE

Dignan referred to a memo from Zoning Administrator Kurt Weiland regarding the case to be considered at this meeting.

6. PUBLIC HEARINGS

6A. Case #JZBA150009; Christopher Galea
Location: 4271 E. North Territorial East Road
Request for variance of 5 feet from the
requirement in Section 36-158(4)b for a
minimum 30 foot side yard setback to allow
proposed barn to be set back 25 feet;
Parcel 02-25-300-027; zoned AR—Agriculture.

- ▶ **Motion:** Del Favero moved, Wellings supported, that the public hearing be opened.
Motion carried 5—0 on a voice vote.

Christopher Galea said the proposed barn will be 26' x 60'.

Dignan read the memo dated 9/20/15 from Zoning Administrator Weiland indicating his support of the proposal as it would have little or no impact on surrounding properties and explaining the history of side yard setbacks in the AR district.

Michael Gingo said he lives two doors west of this property and said he has no objection to the proposal. He noted the address should properly be "North Territorial East, Ann Arbor, MI 48105" rather than East North Territorial, Whitmore Lake, MI 48189."

Per Anders, 4345 North Territorial East, said he lives next door top this site and also has no objection to the proposal.

- ▶ **Motion:** Del Favero 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 #JZBA150009; Christopher Galea
Location: 4271 E. North Territorial Road
Request for variance of 5 feet from the
requirement in Section 36-158(4)b for a
minimum 30 foot side yard setback to allow
proposed barn to be set back 25 feet;
Parcel 02-25-300-027; zoned AR—Agriculture.

Dignan referred to the packet materials. In response to a question from Steffens, Dignan said the setback in AR has been 30' as long as he knows, but as part of the codification of the zoning regulations into Township ordinances, the reference to this in old Article 10, which is now Article 36-90a, was missing, so it is understandable that there was a misunderstanding.

Steffens said the ordinance states that accessory buildings should be incidental to the primary structure, but at 1,560 sq. ft. it is not much smaller than the house which is about 1900 sq. ft., and since this is a five acre parcel there should be room for the pole barn to meet the setback requirement. Dignan said while accessory buildings are typically smaller than the primary building in residential districts, it is not uncommon for barns to be larger than homes in the AR district.

Galea said two septic fields and a swampy area create limitations for the placement of the pole barn, and he also wanted to keep the building in line with the house as planned when the house was built in 2013. In answer to a question from Wellings, Galea said he reviewed his plans with Weiland when he built the house and graded the site for the barn to be placed at this location.

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In answer to questions from Steffens, Galea said he needs the barn to be this size for the items he plans to store in it, and that is why he moved to this property. Dignan said he might feel differently without the memo from Weiland explaining that the setback in the AR district used to be 5 feet.

Wellings said this is a Board of Appeals, not an enforcement division, and the ZBA exists to give relief to petitioners. He added that while the use of this building will not initially be for agriculture, it could be used that way by a future owner. Steffens said the intent of the ordinance did not change when it was codified in 2013 and the ZBA is supposed to uphold the ordinance. Wellings said Galea was told by Weiland in 2013 that his proposal met the ordinance.

Galea said at 26' the barn is only slightly wider than any garage would be. Dignan said the application states the barn will be 24' wide; Galea said he emailed a new application to Mary Kendall showing the 26' width. Dignan said the width doesn't matter as long as only a 5' variance is still being requested.

Dignan said in his experience when there is a question of intent or clarity of the ordinance the ZBA should err on the side of the applicant, and that has been upheld by the courts time and time again. He said clarity was lacking when the applicant reviewed his plans with the Township in 2013 and he prepared his property according to those plans.

- ▶ **Motion:** Dignan moved, Del Favero supported, that in the request in Case #JZBA150009 by Christopher Galea at 4271 North Territorial Road East, Parcel 02-25-300-027, zoned AR—Agriculture, the ZBA finds that the applicant has met the Standards for Determination in showing that to accommodate the minimum 30' setback would create a hardship and the addition of the accessory building is in harmony with the community, and for that reason we grant a variance of 5' along the east property line. **Motion carried 4—1 on a roll call vote, Steffens opposed.**

9. UNFINISHED BUSINESS

None.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on _____, 2015.

Kenneth Dignan, Chair

Greg Kolecki, Secretary

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

10. MINUTES

- ▶ **Motion:** Kolecki moved, Del Favero supported, that the minutes of the July 20, 2015, regular meeting be approved as presented.
Motion carried 5—0 on a voice vote.

11. CALL TO THE PUBLIC

Michael Gingo said he understands Steffens' point about the case heard earlier, but the Standards for Determination allow the ZBA to look at area properties in considering variances, and two other properties were granted setback variances for barns.

12. ZBA MEMBER COMMENTS

Del Favero said the ZBA looks at each case on its own merits and does not rely on precedence. Dignan said five acre AR parcels are primarily used residentially, and quite a few cases of setback variances on such lots have come up, so this may be an indication that this requirement should be reconsidered.

Wellings said he thinks 30' is fine, but in this case the applicant was led by the Township to believe a 25' setback would be acceptable. Dignan added it was a variance of only 5' of the required 30'.

Del Favero thanked Jim Nelson and Lisa Lemble for their work.

13. ANNOUNCEMENT OF NEXT MEETING

October 18, 2015, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals if a meeting is necessary. Dignan said he will probably not be present.

14. ADJOURNMENT

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

The meeting was adjourned at 7:41 P.M.