

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
August 20, 2018 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 #JZBA180003 – To consider a request from Cindy Huss, 330 Delaware, Whitmore Lake, MI 48189. The applicant has replaced an existing chain link fence and gate with a new 6' privacy fence to enclose the rear and side yards. The site is a through lot with frontage onto Delaware on the north and Maplegrove Drive on the south. The fence along the south property line is along Maplegrove Drive right-of-way. The parcel is zoned SR-2 Single Family Residential Ordinance district and has a parcel number B-02-17-232-031.
 - B. Case #JZBA180004 – Kurt & Laura Hammond, 5073 Eric Ct, Ann Arbor, MI 48105. The applicant is proposing to construct a 28' diameter above ground swimming pool with an attached wood deck. The existing lot is nonconforming with respect to lot width and area. The parcel number is B-02-36-400-022 and is zoned – AR-Agricultural for the AR district. 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) (c):

Rear Yard Setback	- 50.00 feet minimum required
	- 26.68 feet proposed (west yard)
	- 23.32 foot variance requested
- 7. OLD BUSINESS**
- 8. NEW BUSINESS:**
 - A. Case #JZBA180003 – To consider a request from Cindy Huss, 330 Delaware, Whitmore Lake, MI 48189. The applicant has replaced an existing chain link fence and gate with a new 6' privacy fence to enclose the rear and side yards. The site is a through lot with frontage onto Delaware on the north and Maplegrove Drive on the south. The fence along the south property line is along Maplegrove Drive right-of-way. The parcel is zoned SR-2 Single Family Residential Ordinance district and has a parcel number B-02-17-232-031.
 - B. Case #JZBA180004 – Kurt & Laura Hammond, 5073 Eric Ct, Ann Arbor, MI 48105. The applicant is proposing to construct a 28' diameter above ground swimming pool with an attached wood deck. The existing lot is nonconforming with respect to lot width and area. The parcel number is B-02-36-400-022 and is zoned – AR-Agricultural for the AR district. The proposal requires the following variance from the Zoning Ordinance:
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Rear Yard Setback	- 50.00 feet minimum required
	- 26.68 feet proposed (west yard)
	- 23.32 foot variance requested
- 9. APPROVAL OF MINUTES:** June 18, 2018

10. CALL TO THE PUBLIC

11. ZBA MEMBER COMMENTS

12. ANNOUNCEMENT OF NEXT MEETING: September 17, 2018

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 at the request of:

Case #JZBA180003 –Cindy Huss, 330 Delaware, Whitmore Lake, MI 48189. The applicant has replaced an existing chain link fence and gate with a new 6' privacy fence to enclose the rear and side yards. The site is a through lot with frontage onto Delaware on the north and Maplegrove Drive on the south. The fence along the south property line is along Maplegrove Drive right-of-way. The parcel is zoned SR-2 Single Family Residential district and has a parcel number B-02-17-232-031. The proposal will require the following variance from the Zoning Ordinance:

1. Article XXIV. Supplementary District Regulations, Section 36-715. Fence Regulations, sub-section (d) (1) (a) fences in residential districts, to allow for a 6' privacy fence along Maplegrove Drive front yard, when the Ordinance allows for only ornamental fences not to exceed 3 feet in height in a required front yard or required side yard adjoining a public or private street.

The public hearing will be held on **Monday, August 20, 2018** 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, July 29, 2018

Newspaper: legalads@mlive.com

NORTHFIELD TOWNSHIP MICHIGAN

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: Cindy M. Huss	Name: (same)
Address: 330 Delaware Road	Address:
Phone: 734-395-1928	Phone:
Email: husscm@gmail.com	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: 330 Delaware Road	
B.) PARCEL ID(S): B-02-17-232-031	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.) LEGAL DESCRIPTION: See Attachment A.	
2. PRESENT ZONING CLASSIFICATION:	
AR LR MR MHP SR1 <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: Single	
family residential.	
4. NON-CONFORMING STATUS:	
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): See Attachment A.	
B.) State year/month Non-Conformity began (to the best of your knowledge): See Attachment A.	
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: _____	

B.) Describe reason/need for Variance: See Attachment A.

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

D.) Did the special condition or circumstances arise from your actions?

☐ Yes ☒ No

Describe: See Attachment A.

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

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

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: See Attachment A.

H.) I, the applicant, request the Zoning Board of Appeals grant the following: Allow me to maintain the fence in its current location and at its current height.

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.

Cindy M. Hume
Applicant(s) Signature

5-15-18
Date

APPLICANT CHECKLIST

The following information must be submitted to the Northfield Township Clerk prior to the application being scheduled for a public hearing:

- | | |
|------------|---|
| <u>X</u> | Completed application form |
| <u>N/A</u> | Statement authorizing variance application if not the owner |
| <u>X</u> | Proof of ownership property |
| <u>X</u> | Legal description of property |
| <u>X</u> | 8 copies of site plan and required information |
| <u>X</u> | 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: _____

Received Date: **RECEIVED**

MAY 18 2018

NORTHFIELD TOWNSHIP

Paid Date: **PAID**

MAY 18 2018

NORTHFIELD TOWNSHIP
TREASURER

Existing Legal Non-Conformities: ☐ Yes ☐ No

If yes, explain below:

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date _____

☐ Approved As Noted: Date _____

☐ Denied: Date _____

☐ Conditional Use Required

☐ Site Plan Approval Required

COMMENTS: _____

Zoning Administrator Signature

Date

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Comments:			

Signs:

7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Comments:			

Comments:

Engineering: _____

Utilities: _____ ☐ Connection fee's paid

Fire Chief: _____ ☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

Attachment A to Zoning Board of Appeals Hearing Application

330 Delaware Road

1 C. Legal Description:

Lots 397, 398, 399, 400, 485, 486; HORSESHOE LAKE DEVELOPMENT COMPANY'S SHADY BEACH SUBDIVISION, a part of the N.W. ¼ of Section 17 and a part of the N.E. ¼ of Section 18, T.1 S., R.6 E., Northfield Township, Washtenaw County, Michigan, as recorded in Liber 6 of Plats, Page 17 of Washtenaw County Records.

4 A. Non-Conformities which exist for this fence:

I replaced the material on an existing fence around my back yard. The backline of the fence sets a little less than 12 feet from the edge and 20 feet from the center of Maplegrove Drive. I replaced chain link with wood. I did not move the fence. I used the existing poles. The chain link fence was four feet tall and the wood that I used to replace the chain link is six feet tall. See Picture 1.

4 B. State year/month Nonconformity began:

When I purchased my property in May 2013, the chain link fence surrounded my property (on all sides). Almost all the properties with older homes in the Shady Beach Subdivision also have four foot chain link fences surrounding their front and back yards. Some properties have higher front and back yard fences. A neighbor who has since passed told me when I first moved in that the chain link fences were erected in the late 70s or early 80s. I replaced the chain link with wood in early November after first talking to my neighbors. The adjoining properties have fenced in front yards that are four feet high and in line with the back of my backyard fence.

5 B. Reason/Need for Variance:

In October I rescued a dog, Amos, who is very tall. He easily hopped over the fence from my back yard into the adjoining fenced in properties and into Maplegrove Drive. It was usually when he saw a squirrel. The adjoining properties that front Maplegrove Drive have four-foot fences around their front yards and their properties are entirely fenced in. He was not able for some reason to jump back into my yard. The wood fence keeps Amos safely in my yard. You can see Amos in Picture 2.

5 C. Existing Special Conditions or Circumstances:

My understanding is that because my property fronts Delaware Road and backs up to Maplegrove Drive, the fence across the back of my property can only be three feet high. I am requesting a variance for the fence to be six feet high in its present location. The fence is consistent with the Shady Beach neighborhood, including lots that go through from one road to another. See Pictures 1-6.

I moved from the traditional subdivisions of Canton Township with two to four variations of the same house in each neighborhood with uniform yards and uniform looks. I was attracted to this neighborhood in Northfield Township because of the towering trees, access to the lake, and the eclectic collection of houses and yards and fences.

5 D. The special circumstances did not arise from my actions:

Given the location of my house that was built in the early 1900's, it appears the property always went through from Delaware to Maplegrove. I did not purchase an additional back lot to get a bigger backyard. The fence has been located around the property to the best of my knowledge for 30-40 years. It was four feet high. I replaced the material on the fence around the back yard from chain link to wood using the existing posts. The fence around my back yard is now six feet high but it is the same location as it has been for 30-40 years.

5 E., F. and G. Rights commonly enjoyed by other owners in the neighborhood that reasonably allows reasonable utilization of the land and is not injurious to others or public interest:

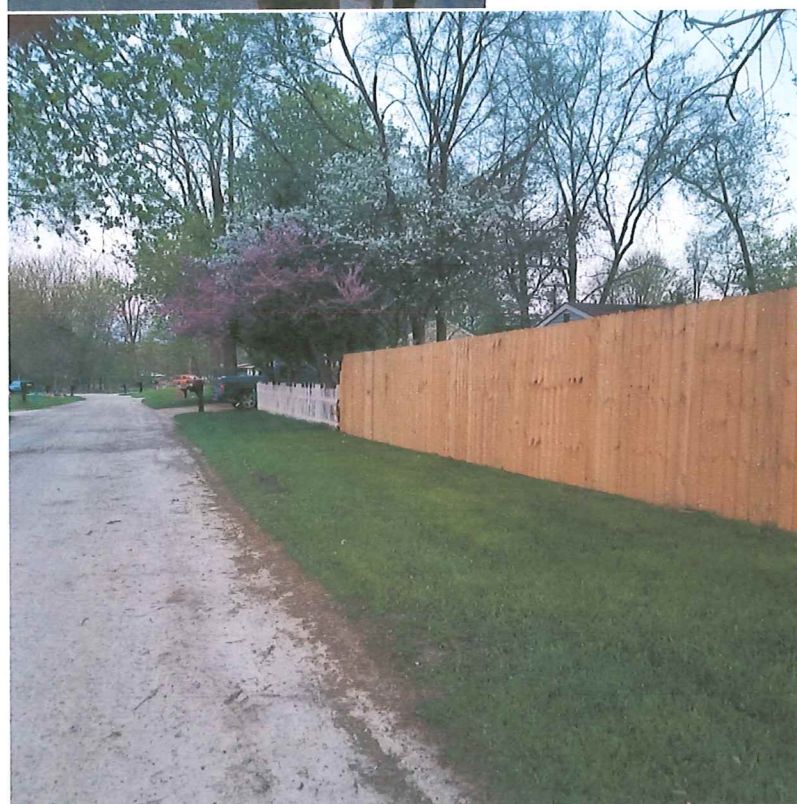
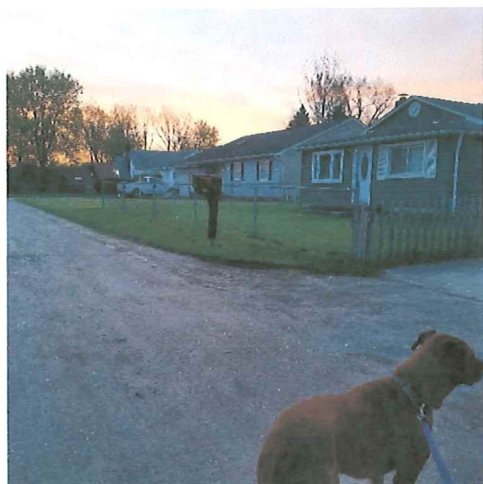
My fence is consistent with the Shady Beach neighborhood. See Pictures 1-6. A three-foot fence will not safely keep my pets in the back yard. Moving the six-foot fence back 30 feet from the back lot line on Maplegrove Drive mean I would not be able to use almost a third of my back yard and would be inconsistent with the neighborhood. It would look odd for my fence to be set back so much further from my neighbors' front yard fences. See Picture 1. Granting the variance would provide substantial relief to me and be more consistent with justice to other property owners in Shady Beach neighborhood. The variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Picture 1 – Maplegrove Drive



Facing west – my back fence is on the north side of Maplegrove. The adjoining front yards have four foot fences along the Maplegrove.

Picture 2 – Maplegrove Drive



The top picture is the south side of Maplegrove.

The bottom picture is the north side of Maplegrove.

Picture 3 – Back yard fences by roads on “through lots”



Delaware Road – facing west on the south side of the road (the white trimmed peak is my house)



Glenmoor Street –

facing west on the north side of the road



(same fence on Glenmoor)

Picture 4 – Front Yard fences



Shady Beach Drive – facing south on the west side of the road



Delaware Road facing east on the north side



Delaware Road facing east on the north side



the south side of the road

Maplegrove Road facing west on

Picture 5 – front of my property looking south



Pictures 6 – Front Yards



Fairmont Street - facing east, north side of the road



Beachway Street - facing east, north side



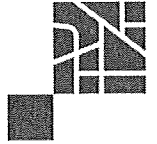
Shady Beach Street - facing north, east side



Shady Beach - facing north, east side



Beachway Street - facing east, north side



MCKENNA

June 19, 2018

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

Subject: Cindy M. Huss/330 Delaware; Variance Review #1 (Application and materials dated 5/18/18).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Cindy M. Huss for approval of an existing privacy fence placed on an existing single family residential parcel. The parcel is a through lot with frontage onto Delaware to the north and Maplegrove to the south, and is zoned SR-2 (Single Family Residential) District.

VARIANCES

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

1. Article XXIV. Supplementary District Regulations, Section 36-715. Fence Regulations, sub-section (d) (1) (a) fences in residential districts, to allow for a 6' privacy fence along Maplegrove front yard, when the Ordinance allows for only ornamental fences not to exceed 3 feet in height in a required front yard or required side yard adjoining a public or private street.

This is an AFTER-THE-FACT request for approval and was brought to the Township's attention through the issuance of a code violation notice for installation of a fence with no approval.

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) ***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 purpose or will render conformity with those restrictions unnecessarily burdensome.*** The applicant has replaced an existing chain link fence and gate with a new 6' privacy fence to enclose the rear and side yards. The site is located on the south side of Delaware and is a through-lot with frontage onto Maplegrove on the south. The fence is placed along the east, west and south property lines, and encloses the rear yard by connecting with short stretches of fencing and a gate to the side wall of the garage and dwelling. The fence along the south property line is along Maplegrove road right-of-way.

Per Section 36-29, a double-frontage lot is defined as "any interior lot having frontage on two streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required." Based on this definition, the lot has two front yards. Per Section 36-715, any fence placed on a residential lot must not exceed 3 feet in height when located in the required front yard. As a result, the applicant's privacy fence is not permitted at the height proposed along Maplegrove and for a setback of 30 feet.

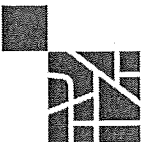
The applicant's justification in requesting the variance is to have an enclosed yard with fencing suitable to contain their pet dog. The applicant also provides a comparison of 4' chain link fences located within the neighborhood. As a clarification, chain link fences are permitted in the Township. The issue in the present case is the height of the fence and the fact that a privacy fence is opaque and not ornamental, and located in the front yard.

Compliance with the Ordinance standards would essentially prevent the applicant from have any privately enclosed yard space which can be considered as being unnecessarily burdensome. We acknowledge that for most single family dwellings, the expectation is to have as enclosed rear yard space for privacy and enjoyment. The subject site appears to be the only parcel on Delaware which is a through-lot with double frontage. Such a situation prevents the enclosing of any yard space with a fence greater than 3' in height.

- (2) ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variance will provide substantial justice to the applicant by allowing them to have an enclosed yard space for their pet, and is not adverse to the interests of other property owners in the neighborhood. While the 6' high privacy fence does look different when compared to other properties on Maplegrove, it does not appear to impact any health, safety or quality of life issues.
- (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 variance requested is to raise the height of the fence from 3' to 6' and install a privacy fence instead of a more ornamental design. The 6' height proposed is a standard height for privacy fences enclosing yard spaces. We have reviewed and approved several 6' fences in single family residential districts.
- (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.*** As previously noted, the subject site appears to be the only parcel on Delaware and Maplegrove that has dual frontage. While not a unique feature, the double frontage is not very common and places a definite limitation on some of the development aspects of the parcel.
- (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 problem necessitating the variance is to some extent self-created by the applicant installing a fence with no approval. Some of the challenge arises from the parcels double frontage. We are unable to find sufficient information on when the parcel was originally created and when the applicant acquired ownership of said parcel.
- (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 variance is not likely to have any adverse impact on the neighborhood or on public health, safety and welfare.

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 variance for the property located at 330 Delaware, subject to the following findings of fact:



1. Compliance with ordinance standards would prevent the creation of any privately enclosed yard space.
2. The subject parcel appears to be the only one on Delaware with double frontage.
3. The variance will provide substantial justice to the applicant and is not adverse to the interests of other property owners.
4. The variance requested is the minimum requested for residential privacy fences.
5. While not unique, double frontage lots are relatively uncommon within the Township.
6. The variance will have no detrimental impact on public health, safety or welfare.
7. The need for the variance is partly self-created.

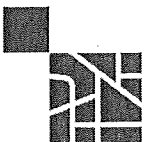
Respectfully submitted,

McKENNA ASSOCIATES



Vidya Krishnan
Senior Planner

cc: Township Manager: Steven Ayness, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
 Assessing/Building Asst. Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
 Applicant: Cindy Huss, 330 Delaware, Whitmore Lake, MI





QUIT CLAIM DEED

The Grantor, **Cindy M. Huss**, a single woman, whose address is 330 Delaware Rd., Whitmore Lake, Michigan 48189, Quit Claims to Grantee(s), **Cindy M. Huss**, a single woman, whose address is 330 Delaware Rd., Whitmore Lake, Michigan 48189, reserving for herself a life estate coupled with an unrestricted power to sell, convey, mortgage, lease or otherwise dispose of the property described below in fee simple during her lifetime, pursuant to Michigan Land Title Standard 9.3, which creates a general intervivos power of appointment, without joinder by the remaindermen, and to keep any and all proceeds derived therefrom. **If Cindy M. Huss has not conveyed the property prior to her death, the property is conveyed to Cindy M. Huss, Trustee of the Cindy M. Huss Revocable Living Trust Agreement dated January 4, 2018, and any amendments thereto,** whose address is 330 Delaware Rd., Whitmore Lake, Michigan 48189. The real property is situated in the Township of Northville, County of Washtenaw, and State of Michigan, and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION (EXHIBIT "A")

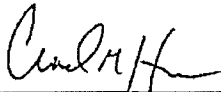
Commonly known as: 330 Delaware Rd. and Vacant Delaware Rd.

This transfer is exempt from taxation pursuant to MCLA 207.505(a) and MCLA 207.526(a), the consideration being less than One Hundred Dollars (\$100.00).

With full power to sell, convey, mortgage or lease on such terms as the Trustee(s), in its discretion determines; subject, however, to the reservation of a life estate for the Grantor(s).

Dated this 4th day of January, 2018

Signed by:



Cindy M. Huss

74

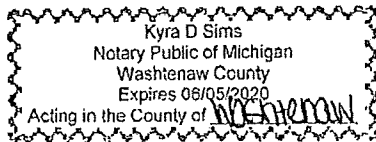
Washtenaw County Register of Deeds
Submitted for Recording
05/16/2018 AT 11:00 AM

STATE OF MICHIGAN)

) SS:

COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me on January 4, 2018, by **Cindy M. Huss**, a single woman, personally known to me, who executed this document of her own free act and deed.



Kyra D. Sims, Notary Public
Washtenaw County, Michigan
Acting in Washtenaw County, Michigan
My commission expires: 06/05/2020

Recording Fee: _____ State Transfer Tax: _____

Tax ID #: B-02-17-232-031 AND B-02-17-232-032

✓ When Recorded, Return To:

Cindy M. Huss
330 Delaware Rd.
Whitmore Lake, Michigan 48189

Send Subsequent Tax Bills To:

Cindy M. Huss
330 Delaware Rd.
Whitmore Lake, Michigan 48189

Prepared by:

Kyra D. Sims, Attorney
2950 S. State Street, Suite 300
Ann Arbor, Michigan 48104

Exhibit "A"
Legal Description

Lot 400 and the West 5 feet of Lot 399, Horseshoe Lake Development Company's Shady Beach Division, as recorded in Liber 6 of Plats, Page 17, Washtenaw County Records.

All of Lots 397 and 398, Lot 399 except the West 5 feet and Lots 485 and 486, Horseshoe Lake Development Company's Shady Beach Subdivision, according to the plat thereof, as recorded in Liber 6 of Plats, Page 17, Washtenaw County Records.

NORTHFIELD TOWNSHIP MICHIGAN

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 COMPLIANCE APPLICATION / CERTIFICATION

Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use.

This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow.

Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans.

Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application.

Applications for zoning compliance certificates shall be deemed abandoned (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.

PROJECT NAME:	
PROJECT ADDRESS: 330 Delaware Road, Whitmore Lake, MI	
PARCEL ID(S):	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant Information:	
Name: Cindy Huss	Name: (same as applicant)
Address: 330 Delaware Rd	Address:
Phone: 734-395-1928	Phone:
Email: husscm@gmail.com	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 type="checkbox"/>	Non-Owner Affidavit Attached: <input type="checkbox"/>
If applicant is not the owner, describe applicants interest in the property:	
PROPERTY DESCRIPTION	
Description of Proposed Use: replaced chain link on existing fence with wood - fence around my backyard.	
Sanitary Facilities: <input type="checkbox"/> Sewer; Sewer Tap Permit #: <input type="checkbox"/> Septic; WCHD Permit #:	
Zoning Classification(s): AR LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD- W.L./N.T. Overlay OTHER:	
Type of Construction/Alteration: replaced chain link on existing fence with wood on fence around my back yard.	
Project Start Date:	Project Completion Date:
AUTHORIZED SIGNATURE	
In the case of a 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 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 Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.	
Applicant(s) Signature: Cindy M. Huss	Date: 3-21-18

330 Delaware

Applicant: Cindy Huss
Zoning: SR-2 (Single Family Residential District)
Request: Fence in side, rear yards
Action: **DENIED – ZBA approval required** (See comments below)

Comments:

This is an after-the-fact request for approval. It is our understanding that the applicant has already installed the fence.

The applicant has replaced an existing chain link fence and gate with a new 6' privacy fence to enclose the rear and side yards. The site is located on the south side of Delaware and is a through-lot with frontage onto Maplegrove on the south. The fence is placed along the east, west and south property lines, and encloses the rear yard by connecting with short stretches of fencing and a gate to the side wall of the garage and dwelling. The fence along the south property line is along Maplegrove road right-of-way.

Per Section 36-29, a double-frontage lot is defined as *"any interior lot having frontage on two streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required."* Based on this definition, the lot has two front yards.

Per Fences are regulated under Section 36-715 of the Zoning Ordinance. Per sub-section (d) (1) (a) governing location of fences on residential lots *"Only ornamental type fences shall be located in a required front yard or in a required side yard adjoining a public or private street and shall not exceed three feet in height."* Therefore, the fence placed within the front yard off Maplegrove is allowed to have a maximum height of only 3 feet. The fence currently installed with a height of 6' is not permitted.

Had the applicant applied for a Zoning Compliance (as required) prior to installing the fence we would have made the requirement known. At this time the applicant's options are to reduce the fence height to 3 feet along Maplegrove and to a setback of 30 feet along the side lot lines OR apply for a variance from the Zoning Board of Appeals.

Zoning Administrator
5-1-2018

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The Northfield Township Zoning Board of Appeals will hold a public hearing at the request of:

- A. Case #JZBA180004 – Kurt & Laura Hammond, 5073 Eric Ct, Ann Arbor, MI 48105. The applicant is proposing to construct a 28' diameter above ground swimming pool with an attached wood deck. The existing lot is nonconforming with respect to lot width and area. The parcel number is B-02-36-400-022 and is zoned – AR-Agricultural. for the AR district. 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) (c):
 - Rear Yard Setback - 50.00 feet minimum required
 - 26.68 feet proposed (west yard)
 - 23.32 foot variance requested

The public hearing will be held on **Monday, August 20, 2018** 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, July 29, 2018
Newspaper: legalads@mlive.com

NORTHFIELD TOWNSHIP MICHIGAN

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>Kurt Hammond</u>	Name: <u>Kurt + Laura Hammond</u>
Address: <u>5073 Eric Court Ann Arbor</u>	Address: <u>5073 Eric Court Ann Arbor</u>
Phone: <u>734 - 332-4949</u>	Phone: <u>734 - 332-4949</u>
Email: <u>hammond4@charter.net</u>	Email: <u>hammond4@charter.net</u>
<small>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.</small>	
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>5073 Eric Court Ann Arbor</u>	
B.) PARCEL ID(S): <u>B-02-36-400-022</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.) LEGAL DESCRIPTION: <u>attached</u>	
2. PRESENT ZONING CLASSIFICATION:	
<input checked="" type="radio"/> AR LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER: _____	
3: PRESENT USE OF PROPERTY: <u>Single family residence</u>	
4. NON-CONFORMING STATUS:	
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): <u>Per AG lot area with building not less than 5 acres. Our lot 1.75. Zoning describes our lot as pie shaped indicating our Northside line is considered back/rear and required to be 50ft from right of way.</u>	
B.) State year/month Non-Conformity began (to the best of your knowledge): <u>prior 1997/Feb</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: _____ _____ _____	

B.) Describe reason/need for Variance: We would like to place an above ground 28 foot round pool with 54 inch sides and a 3 foot x 33 foot wrap around deck with a 6 x 6 sitting deck accessory.

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

The property slopes sharply approx. 50 ft west of the house. The flat area that is best for the placement of the pool is just outside the patio at the walkout basement. The septic tanks are South and Southwest of the house.

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

Describe: The property appears to have been split into 4 parcels years ago with all lots being less than the 5 acres not following the current Sec. 36-158 Regulations and standards for AR-Agricultures Districts.

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

This is the only area in our backyard that is flat to best accommodate the pool and in close proximity to our home and have family/friends enjoy.

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

This variance is necessary based on the size of the above ground pool (28 foot round with 54 inch sides) plus the 3 foot wide wrap around decking, sitting area and steps.

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 placement would have the pool close to our walkout basement entrance and patio and would not be visible to neighbors. We are asking variance to ensure the placement of an above ground pool (28 foot round with 54 inch sides) with deck accessory is installed where our children/family/friends can enjoy.

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

to please allow the pool and deck accessory structure to be placed 26 feet 8 1/4 inches from rear lot line. The main portion of decking and pool would 30 feet from the line but sitting deck 26 feet 8 1/4 in. from the northline. The house to the north fronts Dixboro Rd. and sits a considerable distance from our backyard. The house to the south is on the cul-de-sac and does not have a line of sight to our backyard where the pool would be.

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

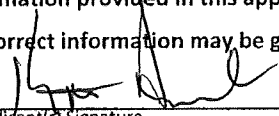
B.) Has also read the sections of the Township Zoning Ordinance that pertain to this request and

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

7/25/2018
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
- ☒ 8 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:

Received Date: <div style="font-size: 2em; color: blue; font-weight: bold;">RECEIVED</div> <div style="color: blue; font-weight: bold;">JUL 26 2018</div> <div style="color: blue; font-weight: bold;">NORTHFIELD TOWNSHIP</div>	Paid Date: <div style="font-size: 2em; color: blue; font-weight: bold;">PAID</div> <div style="color: blue; font-weight: bold;">JUL 26 2018</div> <div style="color: blue; font-weight: bold;">NORTHFIELD TOWNSHIP TREASURER</div>	Existing Legal Non-Conformities: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain below: <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px;"></div>
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ZONING COMPLIANCE CERTIFICATE:

- | | |
|--|---|
| <input type="checkbox"/> Approved: Date _____

<input type="checkbox"/> Denied: Date _____ | <input type="checkbox"/> Approved As Noted: Date _____

<input type="checkbox"/> Conditional Use Required
<input type="checkbox"/> Site Plan Approval Required |
|--|---|

COMMENTS: _____

Zoning Administrator Signature

Date

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Comments:			

Signs:

7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Comments:			

Comments:

Engineering: _____

Utilities: _____ ☐ Connection fee's paid

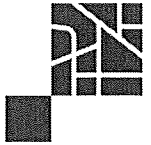
Fire Chief: _____ ☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

MCKENNA



August 8, 2018

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

Subject: Kurt and Laura Hammond/5073 Eric Ct.; Variance Review #1 (Application and materials dated 5/14/18).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Kurt and Laura Hammond to construct a 28' diameter above ground swimming pool on a parcel located on Eric Court and the southeast end of the Township, in the AR (Agriculture) District.

VARIANCES

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

1. Article VI. AR Agriculture District, Section 36-158. Regulations and Standards, sub-section (4) (c):
Rear Yard Setback - 50.00 feet minimum required
 - 26.68 feet proposed (west yard)
 - 23.32 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) **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 purpose or will render conformity with those restrictions unnecessarily burdensome.** The subject site is a 1.75 acre parcel located in the AR district. The subject property does not meet the minimum lot size requirement of 5 acres for AR District. It is our understanding that the subject property was part of a consent judgement which allowed for construction of a principal dwelling on the parcel for residential use.

The subject site is located at the end of a cul-de-sac. The front yard extends out from the edge of the right-of-way, which means the rear yard is the yard opposite the front yard, as defined by the Zoning Ordinance. The existing dwelling is non-conforming and placed within the rear yard too. The applicant is proposing to install an above ground pool in the backyard of the dwelling to provide access to it from the walkout basement. The minimum required rear yard setback is 50 feet, and the proposed pool is placed 26.68' feet from the rear lot line. Per the applicant, the pool cannot be relocated to a position in compliance with the setback requirement because of the slope of the property. Per the applicant, the yard slopes away to the west. While such a gradual slope might be acceptable for an in-ground pool, it would affect the placement of an above-ground pool. In addition, a relocation of the pool to the southwest would place it on or very near the septic fields. Based on the location of the septic field, compliance with the ordinance standards would require placement of the pool far away from the dwelling itself. While this does not inhibit the applicant's ability to use it, it would not be very functional for access from the dwelling and would place the pool in the middle of

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.

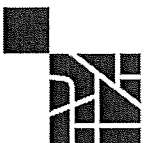
the lot with full visibility from the cul-de-sac. Existing tree cover would shield it from the abutting property to the southwest, but would still place it centrally rather than being tucked in behind the dwelling.

- (2) ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variance will provide substantial justice to the applicant by allowing them to build a pool as desired and is not adverse to the interests of other property owners in the neighborhood. The proposed pool will be placed behind and mostly concealed from view of any abutting properties.
- (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 variance would allow the applicant to place a new pool at the desired location. Per the applicant any shifting of the pool would place it on a slope or on top of the septic field. As previously noted the proposed location of the pool is not likely to adversely affect the views or other quality of life factors for any of the abutting 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.*** There are no unique circumstances peculiar to the subject site by itself. The existing non-conforming location of the principal dwelling has an impact on the placement of any accessory structures. If the dwelling were placed centrally and in compliance with the setbacks, the swimming pool could possibly have been located in compliance with the setbacks too.
- (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 problem necessitating the variance is partly self-created. Since the dwelling is not placed appropriately, the applicant's placement of the pool is dictated by the dwelling's location.
- (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 variance is not likely to have any adverse impact on the neighborhood or on public health, safety and welfare.

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 variance for the property located at 5073 Eric Court:

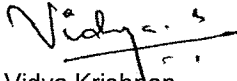
1. Compliance with ordinance standards would require relocation of the pool, which is not feasible.
2. The location of the existing dwelling and the septic fields limits the placement of and access to the pool
3. The variance will provide substantial justice to the applicant and is not adverse to the interests of other property owners.
4. The variance requested is the minimum possible.



5. The variance will have no detrimental impact on public health, safety or welfare.
6. The need for the variance is partly self-created.

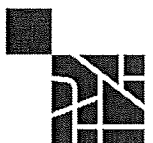
Respectfully submitted,

McKENNA ASSOCIATES



Vidya Krishnan
Senior Planner

cc: Township Manager: Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Assessing/Building Asst. Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Applicant: Kurt and Laura Hammond, via e-mail: hammond4@charter.net





OFFICIAL SEAL

Washtenaw Co., MI

10/16/06 Lawrence Kestenbaum

L-4587 P-332 Clerk Register

Page: 1 of 2

ACS-S753776-D-2006-2
Lawrence Kestenbaum, Washtenaw03:21 P
10/16/06
L-4587 P-332STATE OF
Michigan
Washtenaw Co
10/16/2006
12954REAL ESTATE TRANSFER TAX
\$166.10-C
\$1,132.58-S
96615

WARRANTY DEED

STATUTORY FORM FOR INDIVIDUALS

This Indenture,

KNOW ALL MEN BY THESE PRESENTS THAT:

Bolek Builders, Inc.

738 E. Tyrell Rd.

Bancroft, MI 48414

Convey(s) and Warrant(s) To:

Kurt Hammond and Laura Hammond, Husband and Wife

613 Watersedge

Ann Arbor, MI 48105

for the sum of

ONE HUNDRED FIFTY THOUSAND SIX HUNDRED TWELVE AND 46/100 DOLLARS — (\$150,612.46)

the following described premises situated in

The Township of Northfield, County of Washtenaw and State of Michigan to wit:

SEE EXHIBIT A ATTACHED HERETO

Subject to easements, reservations, restrictions and limitations of record, if any. And further subject to: None

This premises may be located within the vicinity of farmland or a farm operation. Generally accepted agriculture 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 (0) division(s) under section 108 of the division act, Act No. 288 of the Public Acts of 1967.

Dated this day of:

October 9, 2006

Signed by

Bolek Builders, Inc.

BY: Richard E. BolekRichard E. Bolek
PresidentSTATE OF MICHIGAN)
COUNTY OF SHIAWASSEE)

I, D.D. JONES, a Notary Public of the County and the State first written above, do hereby certify that Richard E. Bolek, President of Bolek Builders, Inc., on behalf of the corporation, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 9th day of October, 2006.

D.D. Jones
Notary Public D.D. JONESSHIAWASSEE County, acting in the County of Shiawassee, Michigan
My commission expires August 21, 2013

Assisted By:

Chicago Title of Michigan
220 West Main Street
Owosso, MI 48867

Drafted By:

Richard E. Bolek
738 E. Tyrell Rd.
Bancroft, MI 48414

Mall After Recording To:

Kurt Hammond
5073 Eric Crt
Ann Arbor, MI 48105

Send Subsequent

Tax Bills To:

Kurt Hammond
5073 Eric Crt
Ann Arbor, MI 48105

Document 1 of 2

SUBMITTED
FOR RECORDING

OCT 11 2006

Washtenaw County, MI
Clerk Register's OfficeWASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 42147 T.C.

810436192

800 E. STADIUM
Ann Arbor, MI 48104-4355
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0667

Prepared by: LaTonya Morris

LOAN#: 265940657

NOTENovember 3, 2016
[Date]Ann Arbor,
[City]Michigan
[State]5073 Eric Ct, Ann Arbor, MI 48105-9263
[Property Address]**1. BORROWER'S PROMISE TO PAY**

In return for a loan that I have received, I promise to pay U.S. \$468,800.00 (this amount is called "Principal"), plus interest, to the order of the Lender. The Lender is **BANK OF AMERICA, N.A.** I will make all payments under this Note in the form of cash, check or money order.

I understand that the Lender may transfer this Note. The Lender or anyone who takes this Note by transfer and who is entitled to receive payments under this Note is called the "Note Holder."

2. INTEREST

Interest will be charged on unpaid principal until the full amount of Principal has been paid. I will pay interest at a yearly rate of **3.875%**.

The interest rate required by this Section 2 is the rate I will pay both before and after any default described in Section 6(B) of this Note.

3. PAYMENTS**(A) Time and Place of Payments**

I will pay principal and interest by making a payment every month.

I will make my monthly payment on the **1st** day of each month beginning on **January 1, 2017**. I will make these payments every month until I have paid all of the principal and interest and any other charges described below that I may owe under this Note. Each monthly payment will be applied as of its scheduled due date and will be applied to interest before Principal. If, on **December 1, 2046**, I still owe amounts under this Note, I will pay those amounts in full on that date, which is called the "Maturity Date."

I will make my monthly payments at **P.O. Box 650070, Dallas, TX 75265-0070** or at a different place if required by the Note Holder.

(B) Amount of Monthly Payments

My monthly payment will be in the amount of U.S. \$**2,204.47**.

4. BORROWER'S RIGHT TO PREPAY

I have the right to make payments of Principal at any time before they are due. A payment of Principal only is known as a "Prepayment." When I make a Prepayment, I will tell the Note Holder in writing that I am doing so. I may not designate a payment as a Prepayment if I have not made all the monthly payments due under the Note.

I may make a full Prepayment or partial Prepayments without paying a Prepayment charge. The Note Holder will use my Prepayments to reduce the amount of Principal that I owe under this Note. However, the Note Holder may apply my Prepayment to the accrued and unpaid interest on the Prepayment amount, before applying my Prepayment to reduce the Principal amount of the Note. If I make a partial Prepayment, there will be no changes in the due date or in the amount of my monthly payment unless the Note Holder agrees in writing to those changes.

5. LOAN CHARGES

If a law, which applies to this loan and which sets maximum loan charges, is finally interpreted so that the interest or other loan charges collected or to be collected in connection with this loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from me which exceeded permitted limits will be refunded to me. The Note Holder may choose to make this refund by reducing the Principal I owe under this Note or by making a direct payment to me. If a refund reduces Principal, the reduction will be treated as a partial Prepayment.

6. BORROWER'S FAILURE TO PAY AS REQUIRED

MULTISTATE FIXED RATE NOTE -Single Family- Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

Form 3200 1/01 (page 1 of 3 pages)

CONVENTIONAL FIXED RATE NOTE (EXNOTE.US)
5.46 (07/16)

Page 1 of 3

BANK OF AMERICA, N.A.



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*26594065736122720091

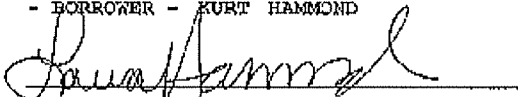
Doc ID#: 2206660657

Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if such exercise is prohibited by Applicable Law.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.


- BORROWER - KURT HAMMOND

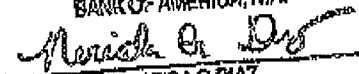

- BORROWER - LAURA HAMMOND

[Sign Original Only]

Mortgage Loan Originator **Marla Riccio Hoefelmeyer**
Nationwide Mortgage Licensing System and Registry Identification Number 621619
Mortgage Loan Origination Company **BANK OF AMERICA, N.A.**
Nationwide Mortgage Licensing System and Registry Identification Number 399802

PAY TO THE ORDER OF

WITHOUT RECOURSE
BANK OF AMERICA, N.A.

BY 
NEREIDA G. DIAZ
ASSISTANT VICE PRESIDENT

MULTISTATE FIXED RATE NOTE - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

Form 3200 1/01 (page 3 of 3 pages)

CONVENTIONAL FIXED RATE NOTE (FEDNOTE, US)
5.46 (07/16)

Page 3 of 3

BANK OF AMERICA, N.A.



2359406573612272000

**EXHIBIT A
LEGAL DESCRIPTION**

Your Reference No.:

810436192

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

Parcel 3:

Commencing at the Southeast corner of Section 36, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan; thence South 89 degrees 16' 35" West 669.65 feet along the South line of said Section 36 and the centerline of Joy Road (variable width); thence North 00 degrees 00' 11" East 570.52 feet to the point of beginning; thence continuing North 00 degrees 00' 11" East 80.00 feet; thence North 89 degrees 16' 35" East 392.74 feet; thence South 02 degrees 21' 23" West 310.45 feet to the center of a 75.00 foot radius cul-de-sac; thence North 59 degrees 20' 30" West 441.69 feet to the point of beginning. Being a part of the Southeast 1/4 of said Section 36. Subject to and together with a private easement for ingress, egress and public utilities described below.

Public Easement for Ingress, Egress and Public Utilities

Commencing at the Southeast corner of Section 36, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan; thence South 89 degrees 16' 35" West 190.76 feet along the South line of said Section and the centerline of Joy Road; thence North 00 degrees 43' 26" West 60.00 feet to the Northerly right of way line of Joy Road (variable width) and the point of beginning; thence South 89 degrees 16' 35" West 96.00 feet along said right-of-way line; thence nontangentially 23.56 feet along the arc of a 15.00 foot radius circular curve concave to the Northwest, delta 090 degrees 00' 00", chord bearing North 44 degrees 16' 35" East 21.21 feet; thence North 00 degrees 43' 25" West 100.30 feet; thence 49.06 feet along the arc of a 197.00 foot radius circular curve to the left, delta 014 degrees 16' 11", chord bearing North 07 degrees 51' 30" West 48.94 feet to a point of compound curvature; thence 65.41 feet along the arc of a 75.00 foot radius circular curve to the left, delta 049 degrees 58' 11", chord bearing North 39 degrees 58' 41" West 63.36 feet to a point of reverse curvature; thence 350.34 feet along the arc of a 75.00 foot radius circular curve to the right, delta 267 degrees 38' 37", chord bearing North 68 degrees 51' 32" East 108.22 feet to a point of reverse curvature; thence 54.46 feet along the arc of a 75.00 foot radius circular curve to the left, delta 041 degrees 36' 23", chord bearing South 01 degree 52' 39" West 53.27 feet to a point of reverse curvature; thence 83.55 feet along the arc of a 263.00 foot radius circular curve to the right, delta 018 degrees 12' 08", chord bearing South 09 degrees 49' 29" East 83.20 feet; thence South 00 degrees 43' 25" East 100.30 feet; thence 23.56 feet along the arc of a 15.00 foot radius circular curve to the left, delta 090 degrees 00' 00", chord bearing South 45 degrees 43' 25" East 21.21 feet to the point of beginning.

B-02-36-400-022

**SUBMITTED
FOR RECORDING**

OCT 16 2006

**Washtenaw County, MI
Clerk Register's Office**



ACS-5753776-D-2006-2
Lawrence Kastenbaum, Washtenaw

Page: 2 of 2

03:21 P
10/16/06

L-4587 P-332

NORTHFIELD TOWNSHIP MICHIGAN

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 COMPLIANCE APPLICATION / CERTIFICATION

Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use.

This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow.

Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans.

Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application.

Applications for zoning compliance certificates shall be deemed abandoned (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.

PROJECT NAME: <u>Hammond Pool / Deck</u>	
PROJECT ADDRESS: <u>5073 Eric Ct.</u>	
PARCEL ID(S): <u>B-02-36-400-022</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant Information:	
Name: <u>Laura Hammond</u>	Name: <u>Kurt + Laura Hammond</u>
Address: <u>5073 Eric Ct. Ann Arbor 48105</u>	Address: <u>5073 Eric Ct. Ann Arbor 48105</u>
Phone: <u>734 332 4949</u>	Phone: <u>734 332 4949</u>
Email: <u>hammond4@charter.net</u>	Email: <u>hammond4@charter.net</u>
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: _____	

PROPERTY DESCRIPTION	
Description of Proposed Use: <u>install 28' above ground pool + deck</u>	
Sanitary Facilities: <input type="checkbox"/> Sewer; Sewer Tap Permit #: _____ <input type="checkbox"/> Septic; WCHD Permit #: _____	
Zoning Classification(s): <input checked="" type="radio"/> LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER: _____	
Type of Construction/Alteration: <u>Pool / Deck</u> <u>Pool install 1 to 2 day (2 to 6 week delivery)</u>	
Project Start Date: <u>*Est. 7/10/18</u>	Project Completion Date: <u>8/10/18</u>

AUTHORIZED SIGNATURE	
In the case of a 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 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 Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.	
<u>Laura Hammond</u> Applicant(s) Signature	<u>6/21/18</u> Date

FOR OFFICE USE ONLY

RECEIVED

Received Date:
JUN 25 2018

NORTHFIELD TOWNSHIP

PAID

Paid Date:
JUN 25 2018

NORTHFIELD TOWNSHIP TREASURER

Existing Legal Non-Conformities: ☒ Yes ☐ No

If yes, explain below:

Non-Conforming Lot.
Non-Conforming Structures.

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date _____☐ Approved As Noted: Date _____☒ Denied: Date 7-21-2018☐ Conditional Use Required☐ Site Plan Approval Required

COMMENTS:

SEE ATTACHED COMMENT SHEET.
APPLY FOR BZA VARIANCE.

Zoning Administrator Signature

Date

AREA OF CONCERN

Landscaping:

	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Comments:			

Signs:

7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Comments:			

Comments:

Engineering: _____

Utilities: _____

☐ Connection fee's paid

Fire Chief: _____

☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

5073 Eric Court - REVISED

Applicant: Kurt and Laura Hammond
Request: Construction of a 28' diameter above ground swimming pool
Zoning: AR (Agriculture District)
Action: **DENIED – ZBA approval required** (see comments below)

Comments:

The proposed above ground swimming pool with attached wood deck are accessory structures permitted by right in the district per Section 36-156 (13) of the Zoning Ordinance. The existing lot appears to be nonconforming with respect to lot width and area for the AR district. The proposed pool is not complaint with the setbacks requirements for the district. Per Section 36-158 (4) (c), required rear yard setback in the AR district is 50 feet. The proposed pool with deck accessory structure is placed 26 feet 8 ¼ inches from the rear lot line and therefore does not meet the requirements.

It is my understanding the applicant contends the slope of the land and the presence of the septic fields makes re-locating the pool not feasible. Under the provisions of Section 36-936 (a) (2), the applicant can seek a setback variance from the Board of Zoning Appeals for placement of the pool. It is not within the scope of authority of the Zoning Administrator or the Township Staff to make a different interpretation of the Ordinance or grant a waiver from its requirements. Such authority is granted only to the BZA by State Law.

Further, per Section 36-715 (d) (6), swimming pools are required to be provided with a safety fence *not less than four feet or more than six feet in height*. Based on my review of the proposed pool design, and the fact that the pool height above ground exceeds 4', an additional fence will not be required around the entire pool. The fence can be limited to the areas with the decking and steps shown. Subject to the fence meeting building code requirements, it is approved as noted.

Zoning Administrator
7-21-2018

PROPOSED POOL LOCATION FOR
5073 ERIC COURT
ANN ARBOR, MI

DETAIL A
SCALE 1" = 10'

PROPERTY LINE

N 89°16'35"E 392.74

30'-0"

33'-0"

25'-8 1/4"

47'-0"

6'-0"

6'-0"

3'-0"

3'-0"

21'-0"

STAIRS WITH GATE

WOOD DECK

28' DIA. ABOVE GROUND POOL

38'-0"

12'-8 1/4"

12'-0"

CONC.

WOOD DECK

WESTSIDE OF HOUSE

28' DIA. POOL

38'-0"

47'-0"

SEE DETAIL A

N 00°00'11"E 80.00

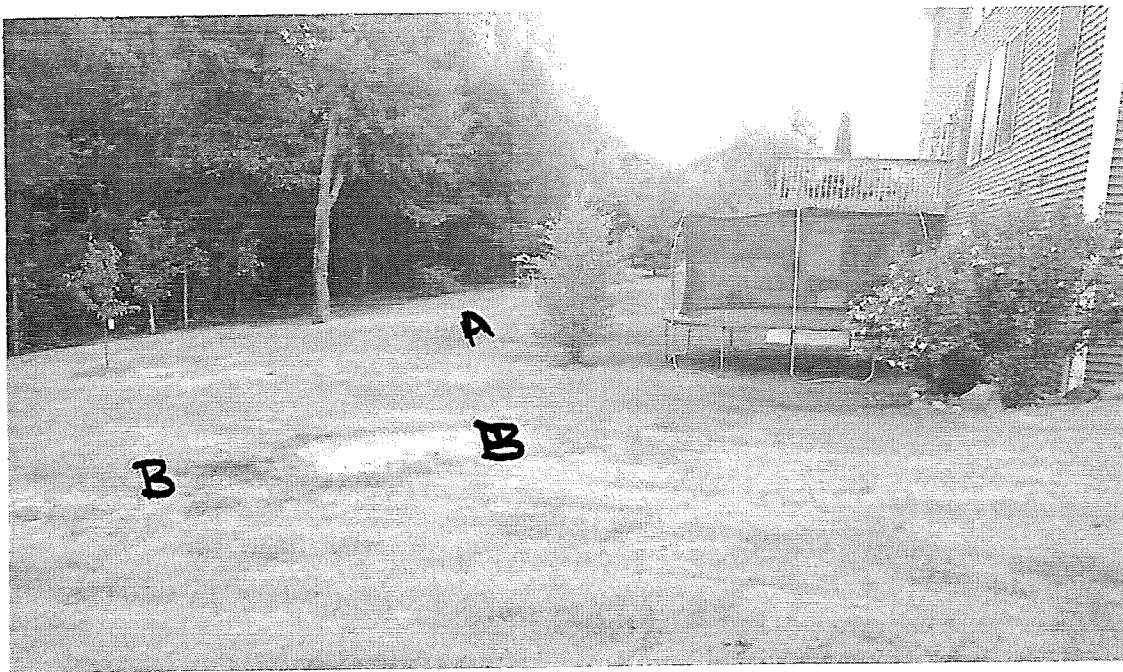
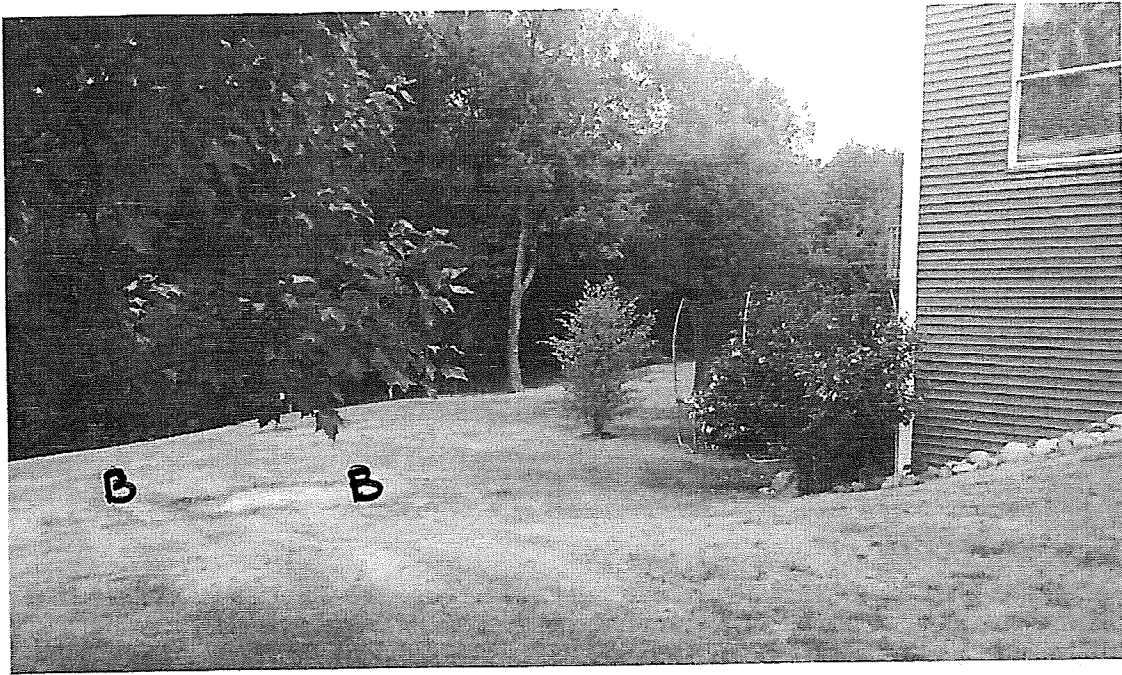
N 89°16'35"E 392.74

S 02°21'23"W 310.45

ERIC COURT

SCALE: 1" = 50'

DETAIL A
SCALE 1' = 10'



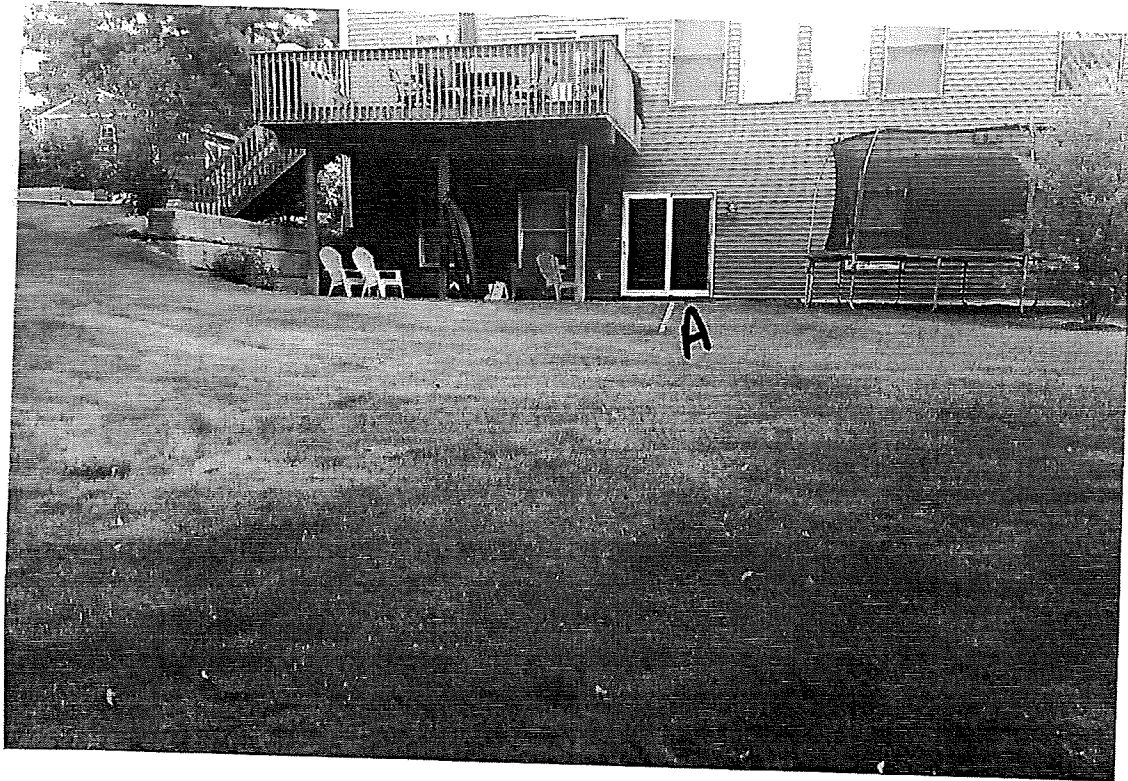
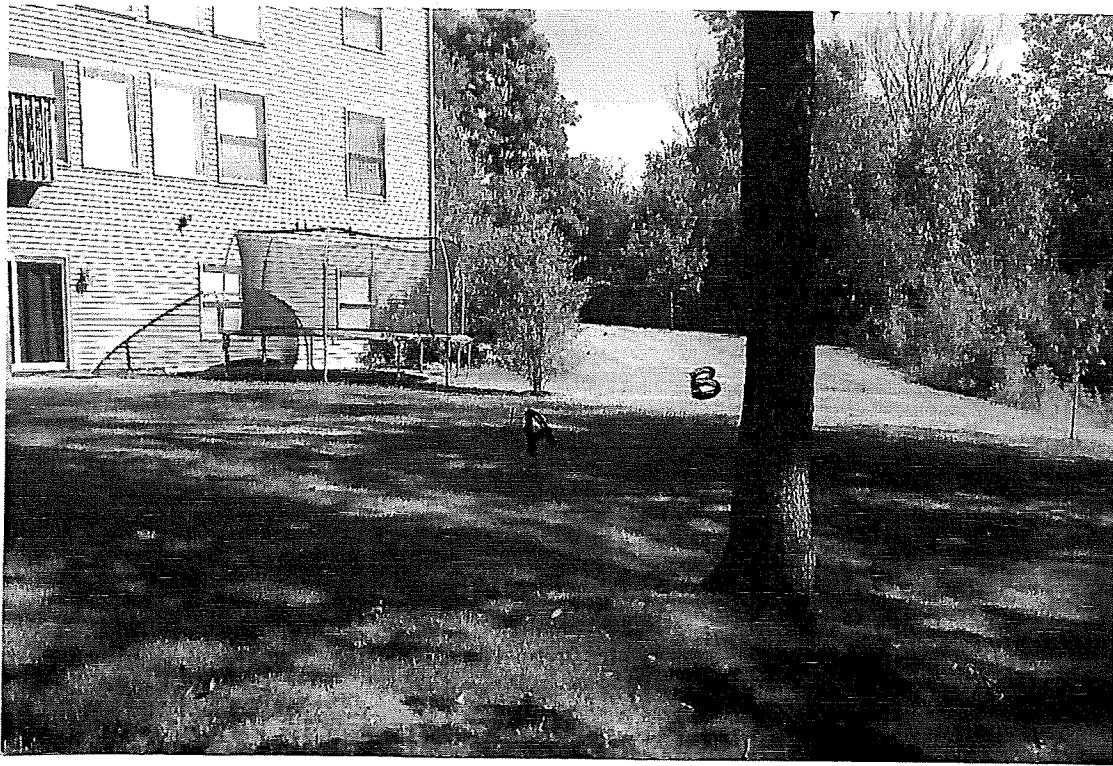
A = Stake center of pool
B = Septic tanks location

Hammond
B-02-36-400-022



A = Stake center of pool
B = Septic tanks location

Hammond
B-02-36-400-022



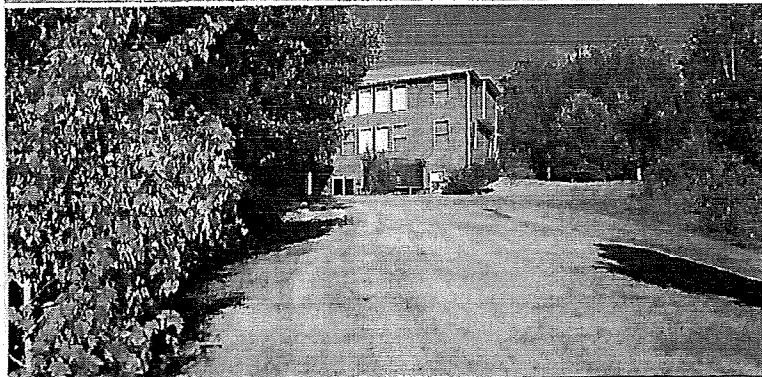
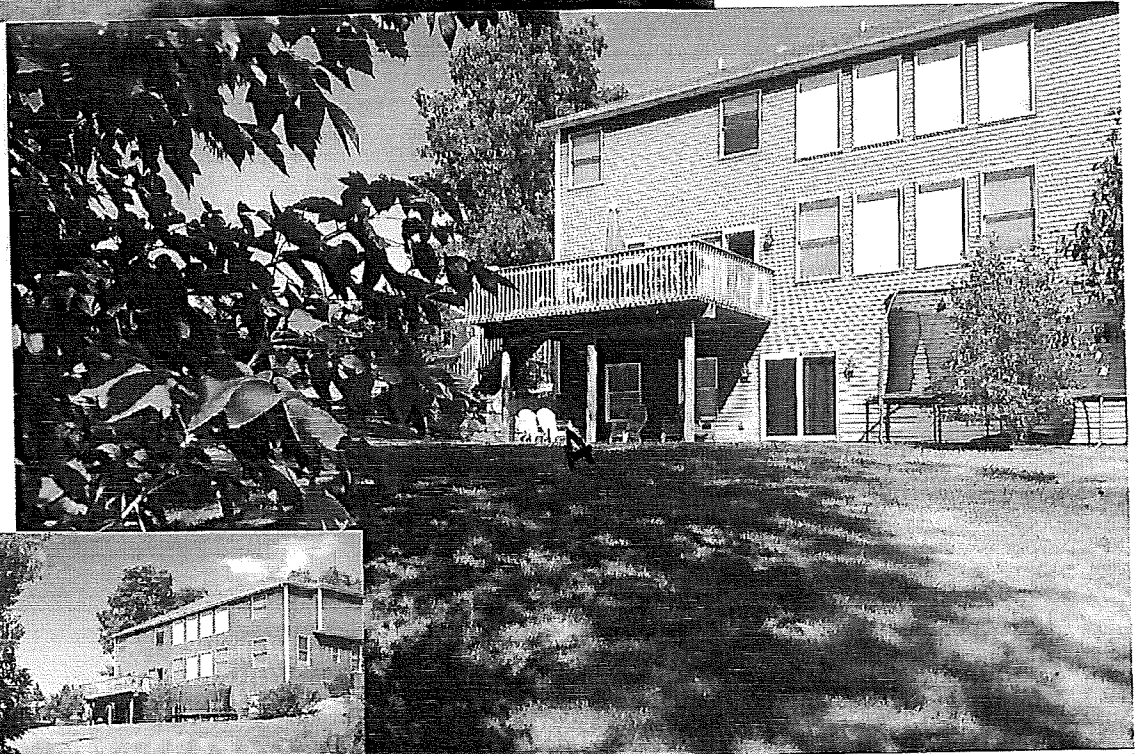
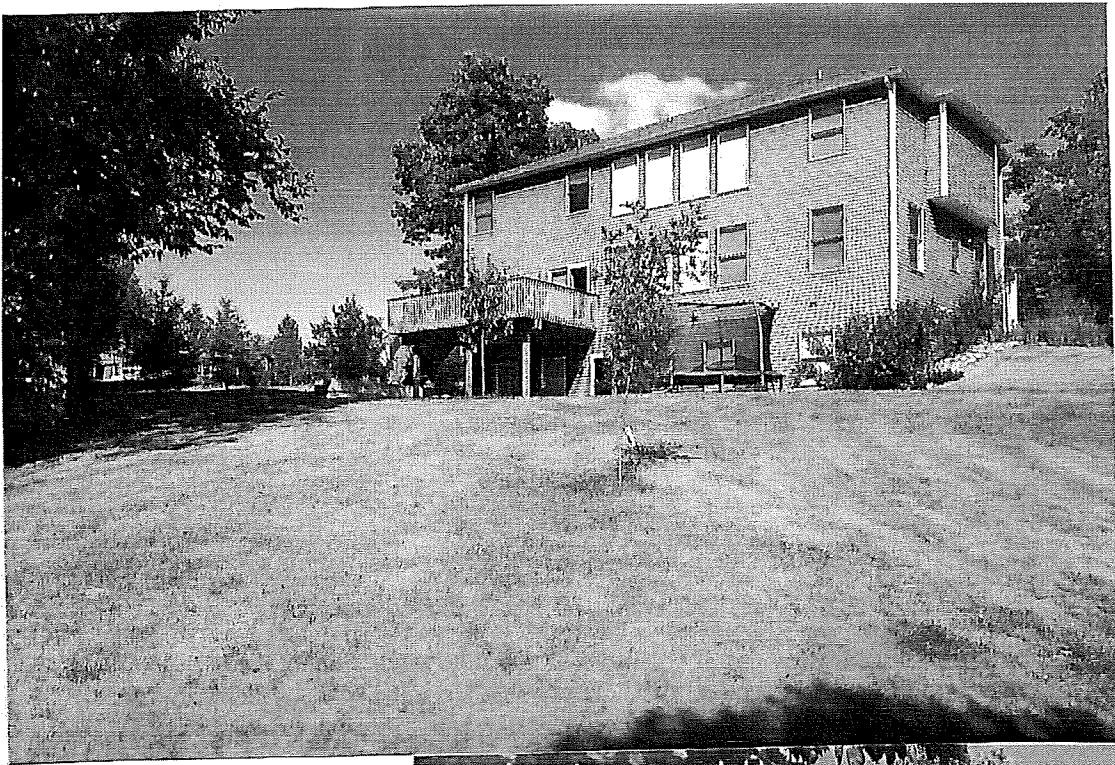
A = Stake center of pool
B = Septic tanks location

Hammond
B-02-36-400-022



A = Stake center of pool
B = Septic tank location

Hammond
B-02-36-400-022



A= Stake center of pool
B= Septic tank location

Hammond
B-02-36-400-022

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting June 18, 2018

1. CALL TO ORDER

The meeting was called to order by chair Stephen Safranek at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

Brad Cousino	Present
Kenneth Dignan	Present
Greg Kolecki	Present
Jacki Otto	Absent with notice
Stephen Safranek	Present
James Balsillie, Alternate	Absent

(Presence not required)

Also present:
Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

- **Motion:** Dignan moved, Kolecki seconded, that the agenda be adopted as presented.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

6A. Case #JZBA180002; Al Hobbs; Applicant
Location: 442 East Shore Drive
Request for variance from Section
37 218(4)(b)—side yard setbacks;
Parcel 02-05-401-004;
zoned SR-1—Single Family Residential.

Al Hobbs noted he was granted a variance in January to allow construction of a garage on this parcel which does not contain a principle residence. He said he is now asking for a setback variance. He said the proposed garage does not extend any further into the required setbacks than the existing garage.

He said he owns the home across the street and received a 4' variance in 2005 even though he was staying within the footprint of the existing building on that parcel when he built the new one. He provided photographs of utility lines running across the adjacent parcel which he said prevents anything from being built on it, so no structure there will be close to the garage he is proposing.

He said only the southeast corner of the proposed garage would be encroaching into the required setbacks. Dignan noted that the ordinance requires the two side yard setbacks to total a minimum of 25 feet, with at least one setback being a minimum of 10 feet. He said since the north setback will be 10 feet, and the south setback is proposed to be 6 feet, only one variance of 9 feet on the south is required.

There was discussion about whether the proposed south setback is proposed to be 6 feet—as shown on the engineering drawing—or 7 feet.

Hobbs said he could meet the setback requirements by turning the building several degrees, but it would be unsightly in this area where all of the buildings are oriented in the direction he proposes for the garage.

In answer to a question from Krishnan, Hobbs said he could build a home on top of the garage because the footings he is putting in will support it.

- **Motion:** Dignan moved, Cousino seconded, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Bill Barnett, 428 East Shore, said he lives next door. He said he researched moving the power lines and learned that it would cost about \$10,000 to move a single pole, so it would be cost prohibitive to build a home on the parcel to the south. He said the new garage would improve property values in the area and he supports the proposal.

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

8A. Case #JZBA180002; Al Hobbs; Applicant
Location: 442 East Shore Drive
Request for variance from Section
37 218(4)(b)—side yard setbacks;
Parcel 02-05-401-004;
zoned SR-1—Single Family Residential.

Planning Consultant Vidya Krishnan read her report of June 8, 2018. She said the proposed garage could be constructed on the lot, but it would require turning the garage so that the side would be more visible to the street. She recommended denial of the request because the proposed 32' x 36' garage could be built on the lot without variances. She said aesthetic appeal is not sufficient to support the variance. She noted that the

support shown by several neighbors present at the meeting can be taken into consideration by Board members when considering their decision.

- **Motion:** Dignan moved, Kolecki seconded, that the request in Case #JZBA180002 by Al Hobbs at 442 East Shore Drive be granted due to the unique orientation of the property to the road, and the existence of power lines creates a situation where a homestead clearly cannot be built to the south on the adjacent property. The applicant must keep within the non-conforming setback to the south and be conforming to the north (10 feet). With those unique characteristics of this property and circumstances presented, the finding of facts are relevant and criteria have sufficiently been met to grant the variance. The applicant must provide an accurate survey which the zoning official certifies is in compliance with the motion.

Regarding future construction of a house on the lot, Hobbs noted that an addition for a house can be built toward the north side of the lot where there is more than sufficient room. Krishnan said the ZBA has the option of approving this variance with the stipulation that no variances be granted for future construction of a house. She said if that were done the applicant's only appeal would be to the Circuit Court.

- **Amended motion:** Dignan moved, Kolecki seconded, to allow for a variance of nine feet to permit for a setback of six feet on the south based on the following findings of fact:
- a. The orientation of the property on East Shore is unique.
 - b. The power line places an encumbrance or limitation on the development capabilities of the property and the adjacent property to the south.
- Conditions of the granting of this variance are:
- a. The applicant must maintain the 10 foot north side yard setback.
 - b. A new survey must be submitted that is accurate and submitted to the zoning official for review and check.

- c. It is understood that any future proposals submitted by the applicant will not place any additions on this property any closer to the south property line than the setback variance being granted at this time.

Cousino said the direction homes in this area face vary widely, so the basis of the orientation of the building does not carry as much weight for him as the existence of the power lines.

Amended motion carried 4—0 on a roll call vote.

9. MINUTES

- **Motion:** Dignan moved, Cousino seconded, that the minutes of the May 21, 2018, regular meeting be approved as presented.
Motion carried 5—0 on a voice vote.

10. CALL TO THE PUBLIC

None present.

11. ZBA MEMBER COMMENTS

None.

12. ANNOUNCEMENT OF NEXT MEETING

July 16, 2018, 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 seconded, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:00 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 _____, 2018.

Stephen Safranek, 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/