

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
December 17, 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 #JZBA180008 – Gregory & Mary Kendall, 808 E Five Mile Road, Whitmore Lake, MI 48189 requests a variance from Article VI AR-Agriculture District; Section 36-158, Regulations and Standards; sub section (4) (a) for a 15 foot front yard setback variance. The applicant proposes to construct a 378 square foot deck on the west side of an existing dwelling. The parcel number is B-02-20-100-004 and is zoned AR-2 Agriculture District.
- 7. OLD BUSINESS**
- 8. NEW BUSINESS:**
 - A. Case #JZBA180008 – Gregory & Mary Kendall, 808 E Five Mile Road, Whitmore Lake, MI 48189 requests a variance from Article VI AR-Agriculture District; Section 36-158, Regulations and Standards; sub section (4) (a) for a 15 foot front yard setback variance. The applicant proposes to construct a 378 square foot deck on the west side of an existing dwelling. The parcel number is B-02-20-100-004 and is zoned AR-2 Agriculture District.
 - B. Adopt 2019 Calendar – (Note: January and February fall on Holidays)
- 9. APPROVAL OF MINUTES:** November 19, 2018
- 10. CALL TO THE PUBLIC**
- 11. ZBA MEMBER COMMENTS**
- 12. ANNOUNCEMENT OF NEXT MEETING:** November 28, 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 #JZBA180008 – Gregory & Mary Kendall, 808 E Five Mile Road, Whitmore Lake, MI 48189. The applicant proposes to construct a 378 square foot deck on the west side of an existing dwelling. The parcel is zoned AR Agriculture district, is a non-conforming lot with a non-conforming principal structure with a parcel number B-02-20-100-004. 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) (a):
Front Yard Setback - 50.00 feet minimum required
 - 35.00 feet proposed
 - 15.00 foot variance requested

The public hearing will be held on **Monday, December 17, 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, December 2, 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>Mary + Greg Kendall</u>	Name: _____
Address: <u>808 Five Mile Road</u>	Address: _____
Phone: <u>(734) 478-2023</u>	Phone: _____
Email: <u>mkendall@adtwp.org</u>	Email: _____
<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>808 Five Mile Road</u>	
B.) PARCEL ID(S): <u>B-02-20-100-004</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.) LEGAL DESCRIPTION: <u>see attached.</u>	
2. PRESENT ZONING CLASSIFICATION:	
<input checked="" type="radio"/> AR <input type="radio"/> LR <input type="radio"/> MR <input type="radio"/> MHP <input type="radio"/> SR1 <input type="radio"/> SR2 <input type="radio"/> LC <input type="radio"/> HC <input type="radio"/> GC <input type="radio"/> LI <input type="radio"/> GI <input type="radio"/> RTM <input type="radio"/> ES <input type="radio"/> PUD <input type="radio"/> PSC <input type="radio"/> RC <input type="radio"/> RO <input type="radio"/> WLD-___ W.L./N.T. Overlay OTHER: _____	
3. PRESENT USE OF PROPERTY: <u>Residence - Single Family</u>	
4. NON-CONFORMING STATUS:	
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use):	
<u>Legal Non-Conforming Lot.</u>	
<u>Legal Non-Conforming Structure (Home).</u>	
B.) State year/month Non-Conformity began (to the best of your knowledge):	
<u>UNSURE - Home was built in 1863 (155 years ago)</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: _____

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:

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

☐ Yes ☐ No

Describe: _____

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

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

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: _____

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



Wade-Trim

Bay City • Cadillac • Detroit • Flint • Gaylord
Indian River • Plymouth • Tampa • Taylor

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NOV 16 2018

REVISED

WORK SHEET

NORTHFIELD TOWNSHIP

- B. WE ARE REQUESTING A 15 FOOT VARIANCE OF THE FRONT YARD 50' FOOT SETBACK TO CONSTRUCT AN ABOVE GROUND DECK.
- C. WE ARE DEALING WITH A HOME BUILT IN 1863, THE HOUSE SITS WELL WITHIN THE 50' SETBACK AND THE NEW DECK IS TO BE CONSTRUCTED NEXT TO THE WEST ENTRANCE TO THE HOME. WE HAVE NOT FOUND ANY OTHER AREA SINCE THE DRIVEWAY ENCOMPASSES THE WEST AND SOUTH, HOUSE ON EAST, AND BEHIND WELL + SIDEWALK ON THE NORTH SIDE. ALL OPTIONS WERE CHECKED.
- D. YES & NO THE DECK IS REPLACING AN ORIGINAL SIDE PORCH THAT WAS IN BAD SHAPE, VERY SMALL, AND NOT SAFE TO STAND ON ANYMORE. WE DECIDED TO BUILD SOMETHING THAT WOULD BE USEFUL TO US TO ENJOY AND BE SAFE AS WE ARE RECENTLY RETIRED FROM OUR JOBS AND WANT A NICE AREA, OUTSIDE, WITH A TABLE & UMBRELLA AND BBQ. ALSO IS OUR ACCESS TO OUR SIDE ENTRANCE.
- E. WE ARE THE ONLY PEOPLE IN THE NEIGHBORHOOD THAT DO NOT HAVE A DECK TO ENJOY NATURE AND TO ENTERTAIN COMPANY. WE BOUGHT ACREAGE PROPERTY TO ENJOY AND THIS DECK WILL ALLOW US OUR RETIREMENT DREAM, AS WE BOTH LOVE THE OUTDOORS AND VIEWS.
- F. TO BUILD THIS DECK ANYWHERE ELSE ON THE PROPERTY WOULD NOT WORK. WE CANNOT GO SOUTH, AS THERE IS A DRIVEWAY BEHIND THAT GOES INTO THE LEAN-TO/GARAGE. WE CANNOT GO ANY FURTHER WEST BECAUSE THE MAIN DRIVEWAY IS THERE. ALSO, THIS DECK WILL LINE UP TO THE KITCHEN BUMP-OUT, NOT THE FRONT OF THE HOUSE, AND BEHIND THE WELL + SIDEWALK.
- G. THIS DECK CANNOT BE SEEN BY ANY OF OUR NEIGHBORS AS WE ALL OWN ACREAGE IN THIS AREA OF THE TOWNSHIP. WE ALSO CONTACTED OUR NEIGHBORS AND THEY HAVE NO ISSUE WITH THE CONSTRUCTION OF THIS DECK AND ARE HAPPY FOR US.
- H. WE PRAY THE BOARD TO PLEASE GRANT A 15 FOOT VARIANCE TO CONSTRUCT THIS DECK.

SUBJECT	GREG & MARY KENDALL 308 FIVE MILE	BY	CHK.	SHEET NO.	JOB NUMBER
		DATE	DATE	OF	

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.

Mary Kendall & Gregory L. Kendall
Applicant(s) Signature

10/18/2018
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; transform: rotate(-10deg); opacity: 0.5;">RECEIVED</div> <div style="color: blue;">OCT 23 2018</div> <div style="color: blue; font-size: 0.8em;">NORTHFIELD TOWNSHIP</div>	Paid Date: <div style="font-size: 2em; color: blue; transform: rotate(-10deg); opacity: 0.5;">PAID</div> <div style="color: blue;">OCT 23 2018</div> <div style="color: blue; font-size: 0.8em;">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: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div>
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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			
	Complies	Does Not Comply	N/A
Landscaping:			
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: _____

WARRANTY DEED

3050 164

60132 (3)

The Grantor(s)

Dorothy Arnold Hiuser, survivor of herself and her deceased husband, Barton E. Hiuser, (whose death certificate is hereto attached), whose address is 808 Five Mile Road, Whitmore Lake, MI 48189, whose death certificate is recorded

Convey(s) and Warrant(s) to in Liber 3050, Page 163, Washtenaw County Records,

Gregory L. Kendall and Mary E. Kendall, husband and wife, whose address is 40977 Schoolcraft, Plymouth Township, MI 48170,

the following property located in the Township of Northfield, Washtenaw County, Michigan:

7 Acres of land being 40 rods North and South and 28 rods East and West in the Northeast corner of the following: The East 1/2 of the Northwest 1/4 and the West 20 acres of the West 1/2 of the NE 1/4 of Section 20, T1S, R6E, Northfield Township, Washtenaw County, Michigan. Excepting from said 7 acre parcel the East 2 2/3 acres thereof as described in Warranty Deed recorded in Liber 1267, Page 355, Washtenaw County Records.

(Address: 808 Five Mile Road)

for the sum of One (\$1.00) Dollar and other good and valuable consideration, subject to easements and building and use restrictions of record.

Dated: November 8th, 1994

Witnessed by:

Mari E. Eicher
Mari E. Eicher
Susan J. Aeschliman
Susan J. Aeschliman

Dorothy Arnold Hiuser
Dorothy Arnold Hiuser

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss.
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this 8th day of November, 1994, by Dorothy Arnold Hiuser, survivor of herself and her deceased husband, Barton E. Hiuser.

Mari E. Eicher
Mari E. Eicher, Notary Public
Wayne, Acting in Oakland County, Michigan
My Commission Expires: 1-23-96

Drafted by:
Robert Fine (P27541)
2349 E. Stadium Blvd.
Ann Arbor, MI 48104

When recorded return to: RETURN TO

STANDARD FEDERAL BANK
2600 W. BIG BEAVER RD.
TROY, MICHIGAN 48064

Recording fee: \$12.00
State transfer tax: n/a
tax parcel #02-20-100-004
File #60132

Send tax bills to:

RECORDED
WASHTENAW COUNTY, MI

Nov 18 11 28 AM '94

WASHTENAW COUNTY
TAX CERTIFICATE NO. 125366mm

TT013

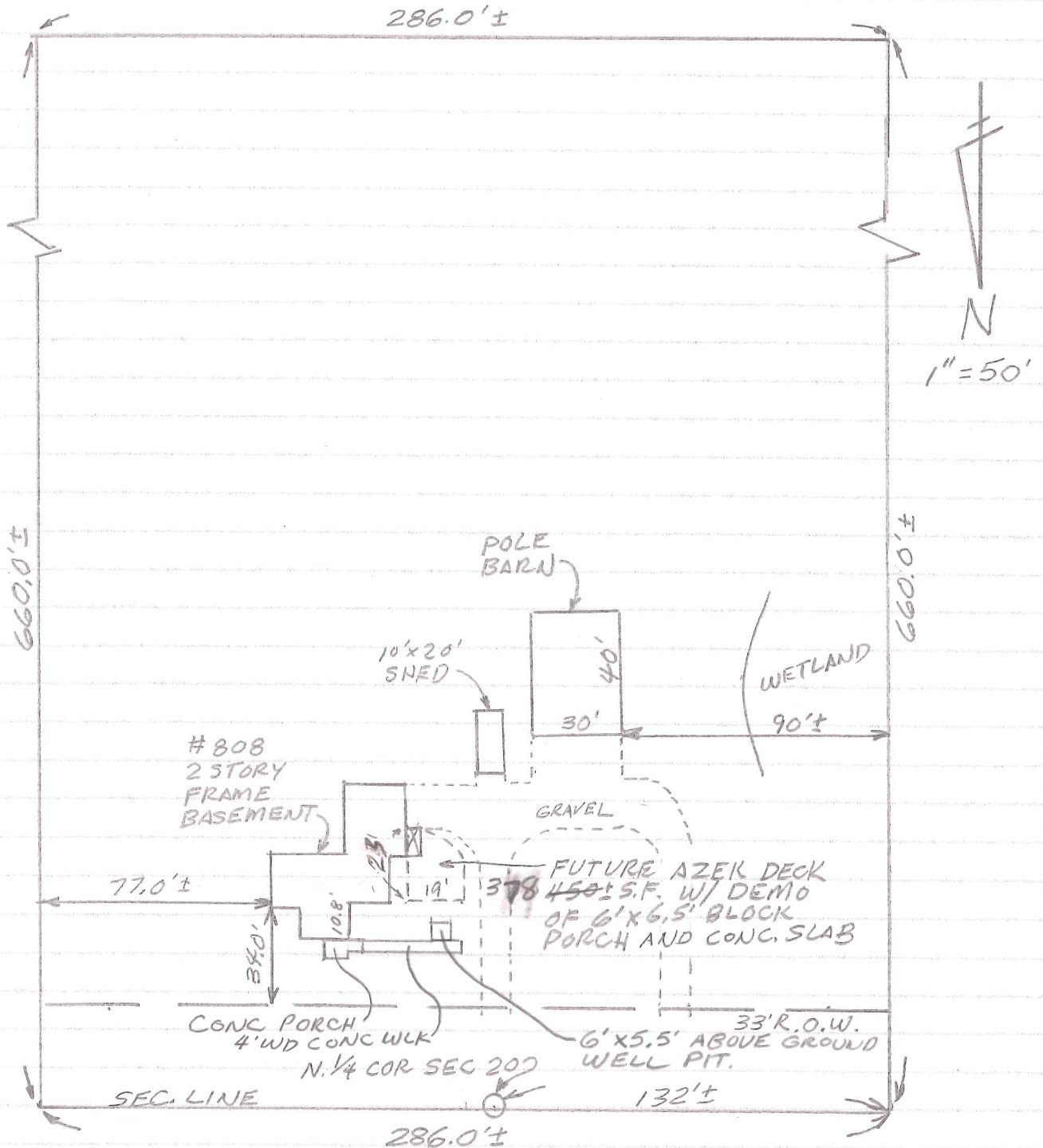
RECEIVED
COUNTY CLERK'S OFFICE

**Wade-Trim**Bay City • Cadillac • Detroit • Flint • Gaylord
Indian River • Plymouth • Tampa • Taylor**RECEIVED**

NOV 16 2018

REVISED**WORK SHEET**

NORTHFIELD TOWNSHIP

FIVE MILE ROAD 66' WD
16' GRAVELGREGORY & MARY KENDALL
808 FIVE MILE
WHITMORE LAKE, MI. 48189

(REVISED)

SUBJECT

808 FIVE MILE

BY GK

DATE 10-08-18

CHK.

DATE

SHEET NO.

1 OF 1

JOB NUMBER



Wade-Trim

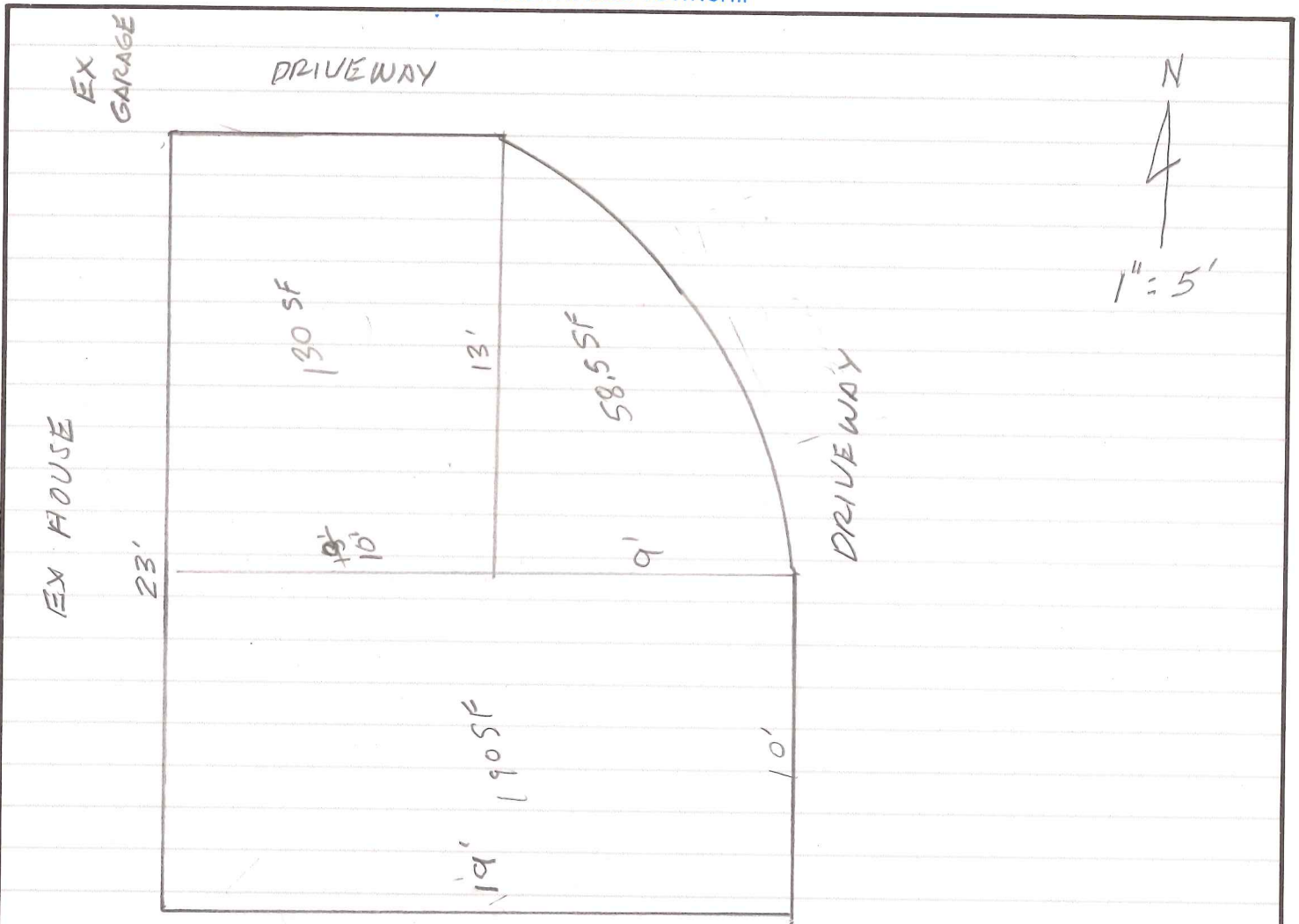
Bay City • Cadillac • Detroit • Flint • Gaylord
Indian River • Plymouth • Tampa • Taylor

RECEIVED

NOV 16 2018

REVISED
WORK SHEET

NORTHFIELD TOWNSHIP



TOTAL = 378.5 S.F. DECK

GREG & MARY KENDALL
808 FIVE MILE
WHITMORE LK., MI.
48189

SUBJECT	BY	CHK.	SHEET NO. OF	JOB NUMBER
	DATE	DATE		

DECK FORM

HOUSE

ATTACHMENT FOR
LANDINGS, STAIRS,
ETC. R311.5.1

Decking
Size: *5/4 Trex*

A 4" sphere cannot
pass through

WHEN
ATTACHING
BOND TO BOND,
FOLLOW
SECTION R607

DO NOT
PENETRATE
BRICK

PROVIDE
LATERAL
BRACING

All Post Must Bear on
Undisturbed Soil - Minimum 42"
below Finish Grade

Beam/Post Connection Method and Hardware to be Used:
bolts; all hardware to be hot-dipped galvanized.

Height Above
Grade: *29"*

Less than 4"

Less than 4"

Guardrail
minimum 36"

BLOCK & SCREW OR USE
APPROVED BRACKETS ON
RAIL POSTS

A 6" sphere cannot
pass through

Grade

Rise: Max 8 1/4"
Run: 9" Min
Nosing: 3/4" - 1 1/4"
All risers will be equal
Tread 10"
No nose if tread = 11"

Post Size: *4x4*

BEAM SIZE: *2x8x12"*
TOP BEARING

Joist Size: *2x8"*
Spacing: *16" o.c.*

Post to Post Span: *8'-0"*

12" Minimum
4"

POST AT HOUSE MUST BE TO
HOUSE FOOTING DEPTH

Footing: 42"

PLEASE FILL IN ALL REQUIRED INFORMATION
Revised: 3/20/18

Beam/Post connection method: Birdmouth cut with (2) 1/2" carriage

Northside Top Lessor 734-444-0123 Grade 1009 Kendall Det





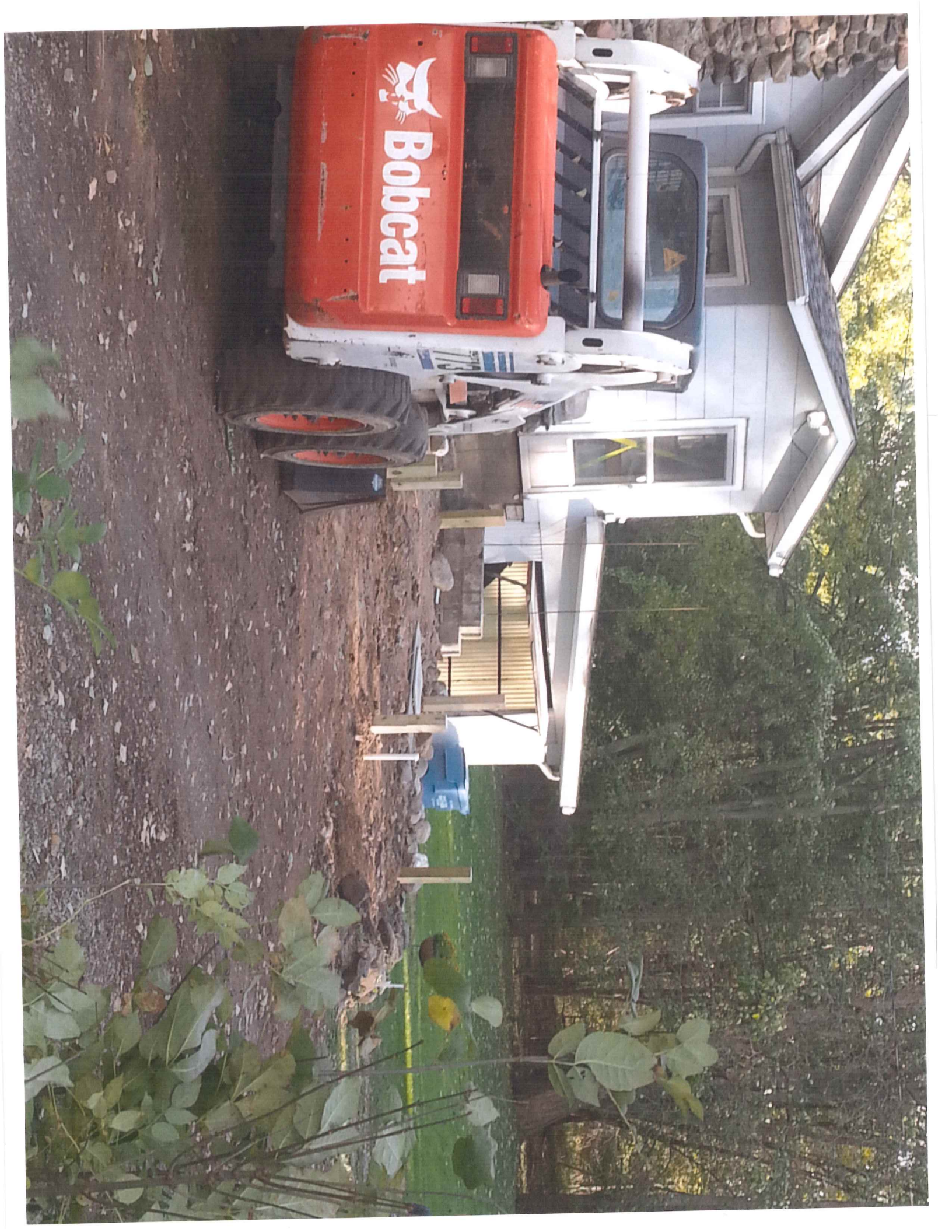


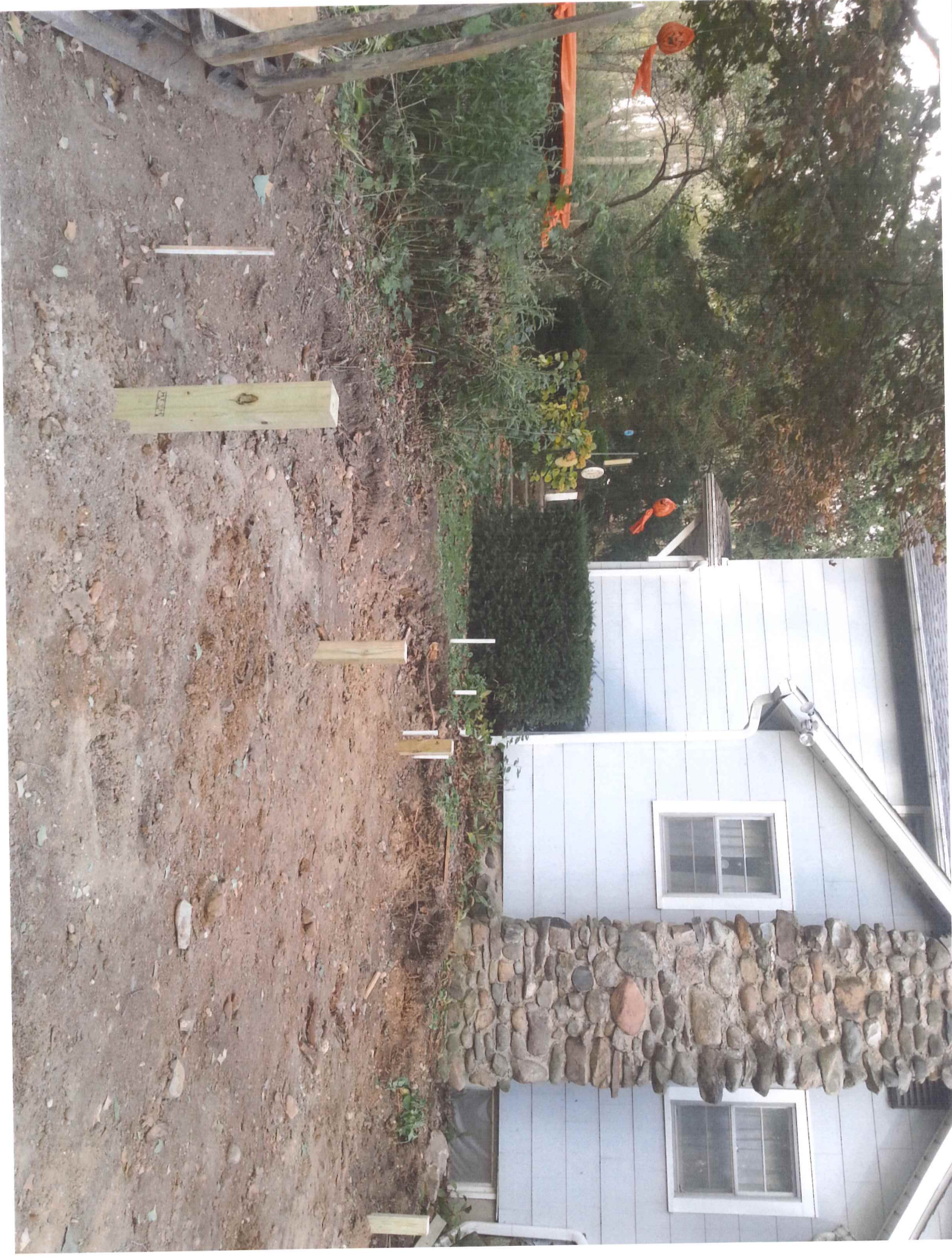


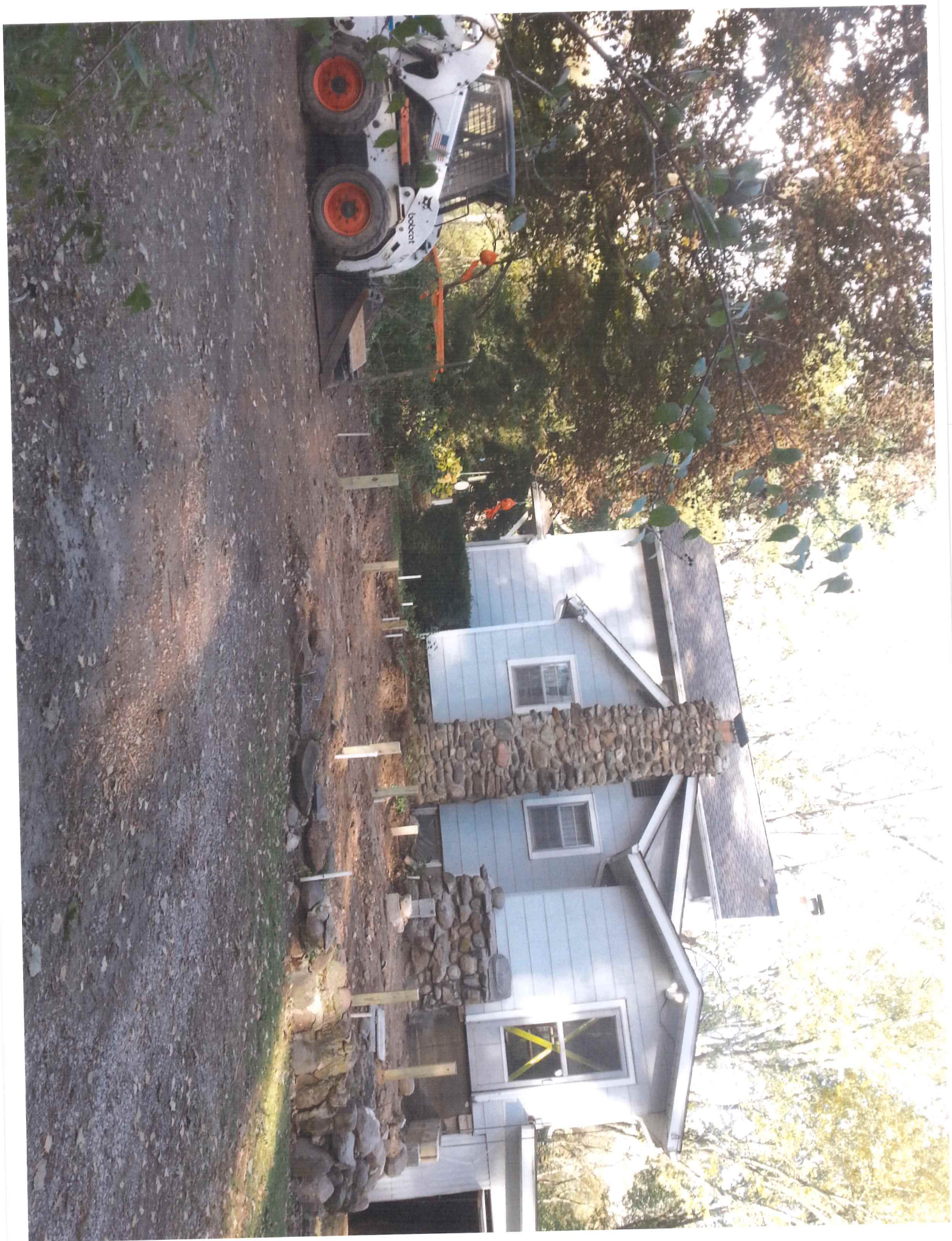
Hardback
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December 6, 2018

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

Subject: Mary and Greg Kendall/808 Five Mile Road; REVISED - Variance Review #2 (Application dated 10/18/18; revised materials dated 11/16/18).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Mary and Greg Kendall to construct a deck on the west side of their existing dwelling located on the south side of Five Mile Road 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) (a):
Front Yard Setback - 50.00 feet minimum required
 - 35.00 feet proposed
 - 15.00 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 non-conforming lot with a lot area of only 4.33 acres when the minimum required lot area for parcels in the AR district is 5 acres. The existing dwelling is also non-conforming with a front yard setback of 34 feet, when the minimum requirement is 50 feet.

Per the applicant the dwelling was constructed in 1863, long before the Zoning Ordinance or district setbacks were established. Setbacks are measures from the future-right-way, which was also likely established well after the dwelling was constructed. The applicant proposes to build a 378 square foot deck on the west side of the existing dwelling which will place it 35 feet from the future right-of-way line. Per the applicant, an existing side cement and block porch was dilapidated and unsafe and therefore needed to be replaced.

The revised drawing and application note that the location of the deck is limited by the placement of an existing driveway on the west which curves to the south to allow access to the existing lean-to/garage. The garage/lean-to is at a lower grade supported by a rock wall. The applicant also states that with the existing sidewalk and well located to the north, the proposed deck is placed in the best possible location for it on the site which will allow it to line up with the kitchen wall. The original application incorrectly noted the deck size as 450 square feet, which has now been corrected.

Compliance with the Ordinance standards will reduce the size of the deck to approximately 110 square feet. While a smaller size deck is not necessarily depriving the applicant's ability to use the property; considering the size of the property (4.33 acres), a 110 square foot deck would likely be viewed by the applicant as not meeting their needs. Compliance with the Ordinance standards for a structure that was established prior to the zoning ordinance could be construed as being unnecessarily burdensome.


- (2) ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variances will provide substantial justice to the homeowner by allowing for the construction of a large deck, as desired, and is not adverse to the interests of other property owners. The deck is designed to line up with the kitchen wall of the existing dwelling and is not going to impede the views of any of the 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 requested is not the minimum possible. While we support the applicant's desire and need to replace an unsafe porch with a new structure, the deck could possibly be built a bit smaller. However, the request made at this time by the applicant is for a 378 square foot deck to meet their needs.
- (4) ***The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district.*** The subject site is to some extent limited by the placement of the original structure a long time ago and the subsequent delineation of rights-of-way. While this is a challenge, it is common to many properties in the Township. The existence of the driveway, rock wall and lean-to/garage structure limits the placement of the deck.
- (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 by the applicant's proposal to replace a small porch with a much larger deck.
- (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 808 Five Mile Road:

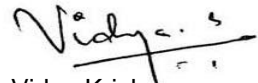
1. Compliance with the Ordinance standards for a structure that was established prior to the zoning ordinance could be construed as being unnecessarily burdensome.
2. The existing historical building footprint limits the placement of new structures.
3. The variance will provide substantial justice to the applicant and is not adverse to the interests of other property owners.



- 
4. The variance requested is not the minimum possible.
 5. The need for variance is partly self-created.
 6. The variance will have no detrimental impact on public health, safety or welfare.

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: Mary and Greg Kendall, 808 Five Mile Road, Northfield Township, MI



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>New Deck</u>	
PROJECT ADDRESS: <u>808 Five Mile ROAD</u>	
PARCEL ID(S): <u>B-02-20-100-004</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant Information:	
Name: <u>Gregory + Mary Kendall</u>	Name:
Address: <u>808 Five Mile Road</u>	Address:
Phone: <u>(734) 478-2023</u>	Phone:
Email:	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: _____	
Sanitary Facilities: <input type="checkbox"/> Sewer; Sewer Tap Permit #: _____ <input type="checkbox"/> Septic; WCHD Permit #: _____	
Zoning Classification(s): <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: _____	
Type of Construction/Alteration: <u>New Deck</u>	
Project Start Date: <u>10/10/2018</u> Project Completion Date: <u>11/1/2018</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>Mary E. Kendall</u> Applicant(s) Signature	<u>10/5/2018</u> Date

FOR OFFICE USE ONLY

Received Date:
RECEIVED

OCT 10 2018

NORTHFIELD TOWNSHIP

Paid Date:

Existing Legal Non-Conformities:

☒ Yes ☐ No

If yes, explain below:

NON-CONFORMING LOT.
NON-CONFORMING STRUCTURE.

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date _____
☒ Denied: Date 10-13-18☐ Approved As Noted: Date _____☐ Conditional Use Required
☐ Site Plan Approval Required

COMMENTS:

See attached comment sheet

Zoning Administrator Signature

Nidya's

Date

10-13-2018

AREA OF CONCERN

	Complies	Does Not Comply	N/A
Landscaping:			
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: _____

808 Five Mile Road

Applicant: Gregory and Mary Kendall
Request: Construction of a deck
Zoning: AR (Agriculture District)
Action: **DENIED** (see comments below)

Comments:

The applicant is proposing to construct a 450 square foot deck on the west side of an existing dwelling. Decks are accessory structures and a principal use permitted per Section 36-156 (13) of the Zoning Ordinance.

The existing lot is non-conforming with an area of 4.33 acres, which is below the minimum requirement of 5 acres. The existing dwelling is a non-conforming structure and located at a setback of 34 feet from the r-o-w on Five Mile Road. *The required setbacks for the AR district are 50' for front yard, 30 feet each for the side yards and 50' for the rear yard.* The proposed deck is shown located at a setback of 35 feet, and therefore, cannot be approved.

The applicant can revise the proposal to shift the deck in compliance with the required 50' setback and re-submit for consideration of approval.

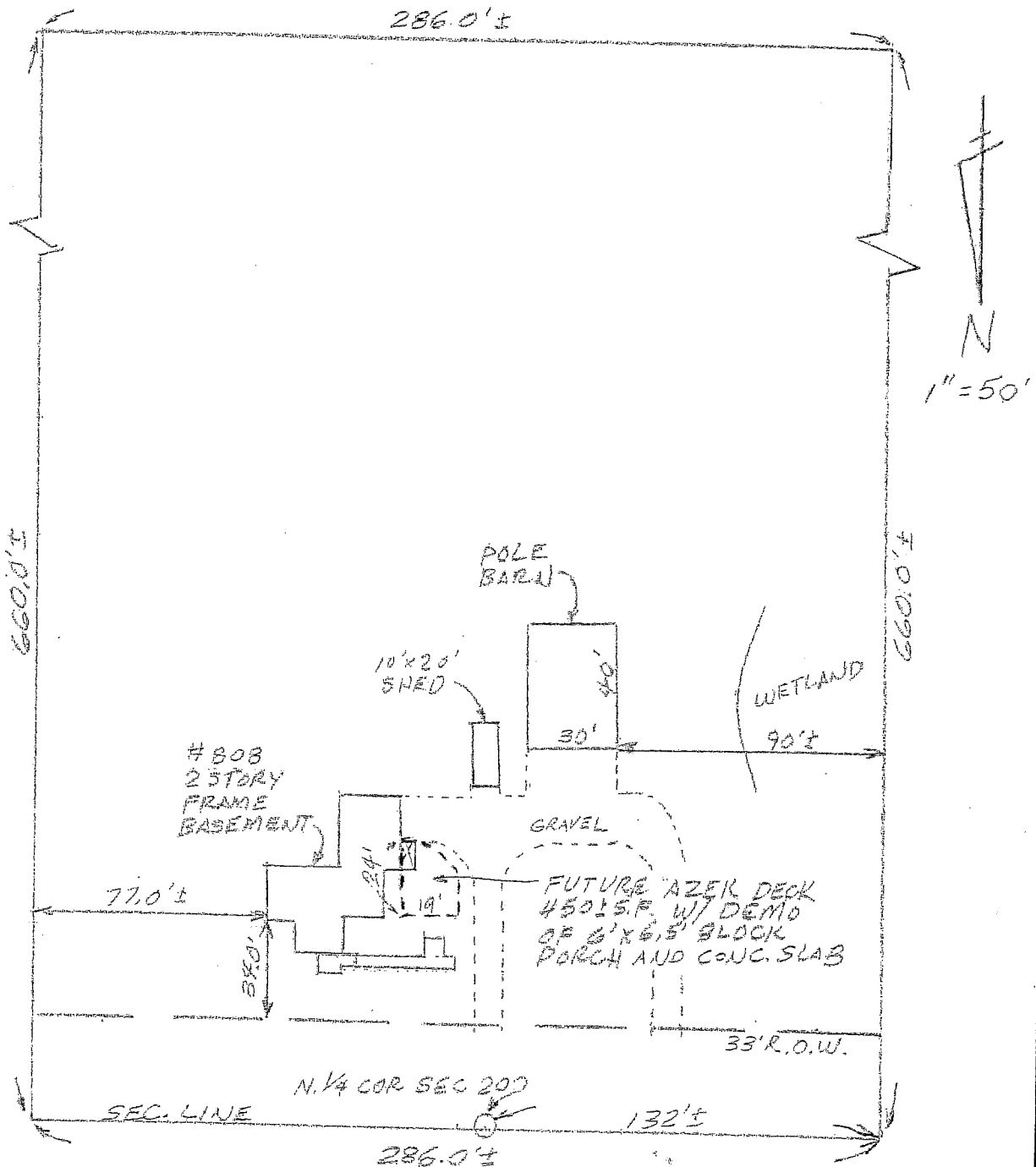
Zoning Administrator
10-13-2018



Wade-Trim

Bay City • Cadillac • Detroit • Flint • Gaylord
Indian River • Plymouth • Tampa • Taylor

WORK SHEET



FIVE MILE ROAD 66' WD
16' GRAVEL

GREGORY & MARY KENDALL
808 FIVE MILE
WHITMORE LAKE, MI. 48189

SUBJECT

808 FIVE MILE

BY GK

DATE 10-03-18

CHK.

DATE

SHEET NO.

1 OF 1

JOB NUMBER

DECK FORM

HOUSE

ATTACHMENT FOR
LANDINGS, STAIRS,
ETC. R311.5.1

Decking
Size: *3/4" x 2" x 8"*

A 4" sphere cannot
pass through

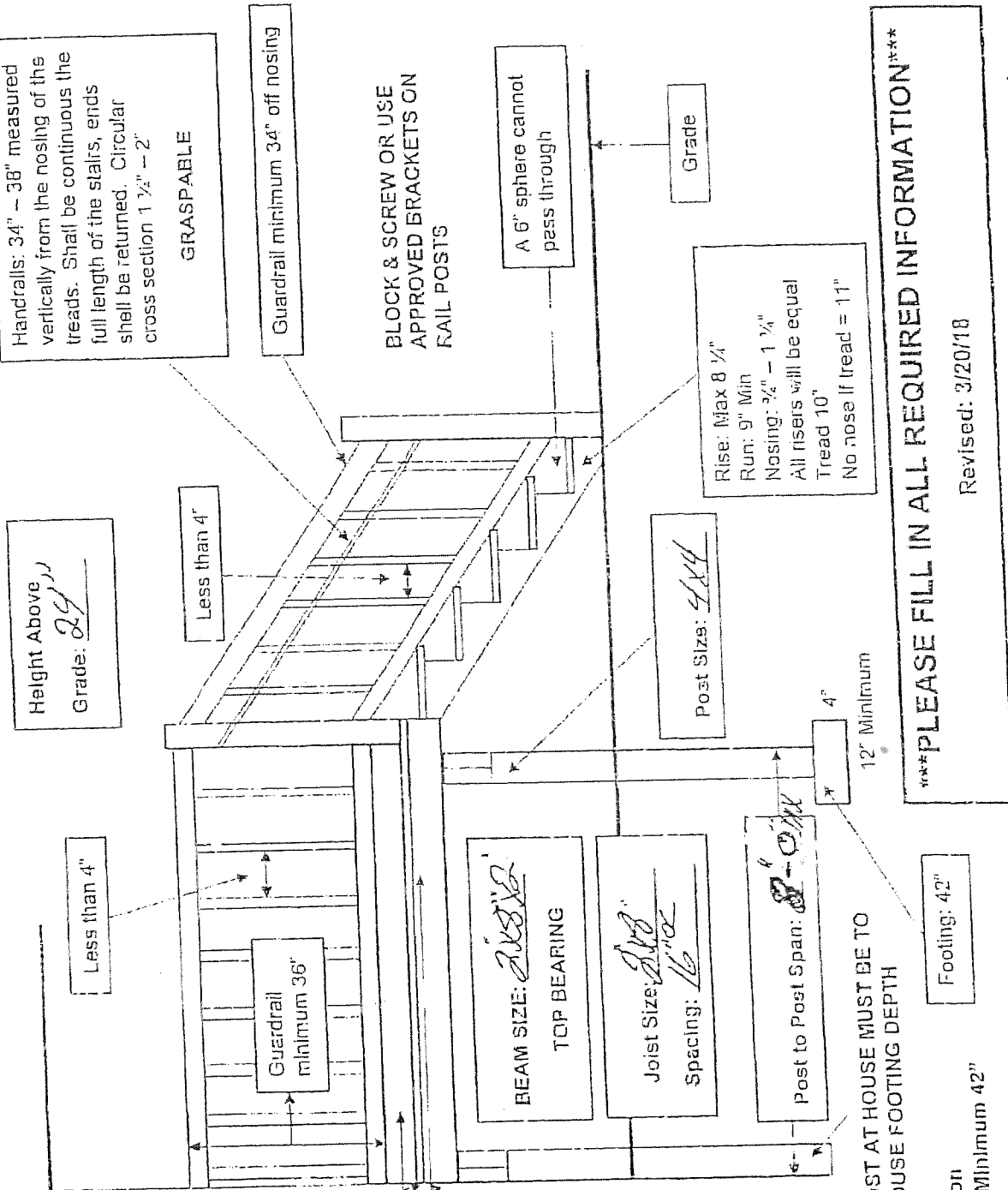
WHEN
ATTACHING
BOND TO BOND,
FOLLOW
SECTION R507

DO NOT
PENETRATE
BRICK

PROVIDE
LATERAL
BRACING

All Post Must Bear on
Undisturbed Soil - Minimum 42"
below Finish Grade

Beam/Post Connection Method and Hardware to be Used:
bolts; all hardware to be hot-dipped galvanized.



PLEASE FILL IN ALL REQUIRED INFORMATION

Revised: 3/20/18

Beam/Post connection method: Birdmouth cut with (2) 1/2" carriage

Northfield Twp Leisa 734-444-0123 Greer May Kemble Det

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS CALENDAR

January	28	2019
February	25	2019
March	18	2019
April	15	2019
May	20	2019
June	17	2019
July	15	2019
August	19	2019
September	16	2019
October	21	2019
November	18	2019
December	16	2019

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting November 19, 2018

1. CALL TO ORDER

The meeting was called to order by Jacki Otto at 7:20 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Brad Cousino	Present
Kenneth Dignan	Absent
Greg Kolecki	Present
Jacki Otto	Present
Stephen Safranek	Absent with notice
James Balsillie, Alternate	Presence not required

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

4. ADOPT AGENDA

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

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

6A. Case #JZBA180005; Steve Gedda
Location: 9433 Sandlewood
Request for setback variances from the requirement in Section 36-218(4) to allow construction of additions to a single-family dwelling. Parcel 02-06-311-027; Zoned SR-1, Single-Family Residential

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

Matt Gedda appeared on behalf of Steve Gedda. He explained that the proposed additions are the minimum necessary to accommodate new entrances into the home and a ramp within the garage for ingress and egress by his brother who is paralyzed from the neck down. He noted the rear addition will not require variances.

Planning Consultant Vidya Krishnan reviewed the request, noting that a 3.5 foot variance from the Sandlewood front yard setback and a 6.17 foot variance from the Timbercrest front yard setback are requested. She noted the lot and existing dwelling meet all zoning requirements, and the variances will provide substantial justice to the applicant, are the minimum needed, are due to circumstances not generally applicable to other properties, will not adversely affect neighboring properties, and are necessary to ensure the safety and well-being of the homeowner.

Krishnan recommended approval of the requested variances subject to the findings of fact that:

1. Compliance with ordinance standards would prevent the construction of the additions along both street frontages.
2. The need for the variances is to provide necessary barrier free access to the dwelling.
3. The variances will provide substantial justice to the applicant and is not adverse to the interests of the other property owners.
4. The variances requested are the minimum possible.
5. The variances will have no detrimental impact on public health, safety, or welfare.
6. The need for the variances is due to personal physical limitations faced by the applicant and circumstances beyond his control.

Andy Lakatos, 9249 Lakewood Drive, President of the Wildwood Lake Homeowners Association, said approval of building plans by the Association is required. He said he has concerns about whether the proposed additions will affect propensity for flooding, the pitch of the proposed roof, and vehicles parked in the driveway potentially blocking the sidewalk.

Krishnan said the building height is well below what is allowed per the zoning ordinance, the ZBA does not review architectural details, and the proposed structure does not exceed the allowed lot coverage. Gedda asked if the Association can prevent issuance of a building permit. Lakatos said the Association's Architecture Committee reviews plans. Otto noted many of the proposed changes to this structure are covered under the Americans with Disabilities Act (ADA), and the Association's rules would not supersede that federal Act. Gedda said he will provide a copy of the plans to the Association.

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

8A. Case #JZBA180005; Steve Gedda

Location: 9433 Sandlewood

Request for setback variances from the requirement in Section 36-218(4) to allow construction of additions to a single-family dwelling. Parcel 02-06-311-027; Zoned SR-1, Single-Family Residential

- **Motion:** Otto moved, Kolecki supported, that in Case #JZBA180005 by Matt Gedda on behalf of Steve Gedda, the variances be accepted as follows:

- a. from the front yard setback on Sandlewood for the 3.5 foot variance requested as outlined in Article VIII, Section 36-218(4a)
- b. from the front yard setback on Timbercrest for the 6.17 foot variance requested as outlined in Article VIII, Section 36-218(4a)

for Parcel 02-06-311-027, subject to the findings of fact in the McKenna report dated October 15, 2018.

In answer to a question from Cousino, Gedda said the new roof line will not be any higher than the existing roofline.

Motion carried 3—0 on a roll call vote.

8B. Zoning Administrator Quarterly Report: July—September, 2018

Krishnan referred to the report, noting that several permits for residences and businesses have been issued, but there remain issues with compliance with ordinances on other properties. She said the new code enforcement officer is working to catch up on the

backlog of cases. She noted that Township is not primarily interested in issuing citations, and tries to work with business and property owners to come into compliance to make the Township an attractive community.

9. UNFINISHED BUSINESS

None.

10. MINUTES

- **Motion:** Cousino moved, Kolecki supported, that the minutes of the October 15, 2018, regular meeting be approved as presented and to dispense with the reading. **Motion carried 3—0 on a voice vote.**

11. CALL TO THE PUBLIC

None present.

12. ZBA MEMBER COMMENTS

Commissioners wished everyone a Happy Thanksgiving.

13. ANNOUNCEMENT OF NEXT MEETING

December 17, 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.

14. ADJOURNMENT

- **Motion:** Otto moved, Kolecki supported, that the meeting be adjourned.
Motion carried 3—0 on a voice vote.

The meeting was adjourned at 7:48 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/