

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
June 18, 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 #JZBA180002 – To consider a request from Al Hobbs, 442 East Shore Drive, Whitmore Lake, MI 48189. The applicant is proposing to build a garage on the site. The applicant previously received a variance to construct an accessory structure with no principal dwelling on the site. The proposal will require a variance from Section 36-218 (4)(b). The parcel is zoned SR-1 Single Family Residential district and has a parcel number B-02-05-401-004.

7. OLD BUSINESS

8. NEW BUSINESS:

- A. Case #JZBA180002 – To consider a request from Al Hobbs, 442 East Shore Drive, Whitmore Lake, MI 48189. The applicant is proposing to build a garage on the site. The applicant previously received a variance to construct an accessory structure with no principal dwelling on the site. The parcel is zoned SR-1 Single Family Residential district and has a parcel number B-02-05-401-004401-004. The proposal will require the following variance from the Zoning Ordinance:

Article VIII. SR-1 Single Family Residential District, Section 36-218. Regulations and Standards, sub-section (4) (b):

- Side Yard Setback - 10.00 feet/15.00 feet minimum required
- 10.00 feet/6.00 feet (south side) proposed
- 9.00 foot variance requested (south side yard)

9. APPROVAL OF MINUTES: May 21, 2018

10. CALL TO THE PUBLIC

11. ZBA MEMBER COMMENTS

12. ANNOUNCEMENT OF NEXT MEETING: July 16, 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:

A. Case #JZBA180002 –Al Hobbs, 442 East Shore Drive, Whitmore Lake, MI 48189. The applicant is proposing to build a garage on the site. The applicant previously received a variance to construct an accessory structure with no principal dwelling on the site. The parcel is zoned SR-1 Single Family Residential district and has a parcel number B-02-05-401-004. The proposal will require the following variance from the Zoning Ordinance:

1. Article VIII. SR-1 Single Family Residential District, Section 36-218. Regulations and Standards, sub-section (4) (b):
 - Side Yard Setback
 - 10.00 feet/15.00 feet minimum required
 - 10.00 feet/6.00 feet (south side) proposed
 - 9.00 foot variance requested (south side yard)

The public hearing will be held on **Monday, June 18, 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, June 3, 2018
Newspaper: legalads@mlive.com



MCKENNA

June 8, 2018

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

Subject: Al Hobbs/442 East Shore Drive; Variance Review #1 (Application and materials dated 5/14/18).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Al Hobbs to construct a new 32' x 36' garage to replace an existing 24' x 30' non-conforming garage on a parcel located on the east side of East Shore Drive in the SR-1 (Single Family Residential) District.

VARIANCES

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

1. Article VIII. SR-1 Single Family Residential District, Section 36-218. Regulations and Standards, sub-section (4) (b):
 - Side Yard Setback - 10.00 feet/15.00 feet minimum required
 - 10.00 feet/6.00 feet (south side) proposed
 - 9.00 foot variance requested (south side yard)

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 is the owner of 439 and 442 East Shore Drive, which are two (2) separate parcels located on the west and east sides of East Shore Drive, respectively. 439 East Shore Drive is occupied by a dwelling, while 442 has an accessory structure the garage, serving 439, located on it. The existing use of 442 is nonconforming; however per the applicant, the garage has remained on the lot since the 1950's, likely predating the Zoning Ordinance. The applicant received approval of a variance in January 2018 to construct an accessory structure (garage) on 442 East Shore with no principal dwelling.

The minimum required lot size and width in the SR-1 district is 10,890 sq. ft and 80 feet, respectively. The subject site has an area of 10,454 sq. ft. and a lot width of approximately 66 feet. The existing parcel is therefore, a non-conforming lot. The minimum required side yard setback is 10 feet and a combined side yard of not less than 25 feet. With a 66 foot wide lot, it is possible for the applicant to comply with the side yard setbacks and still allow for a 36' wide garage. However, such compliance would require placement of the garage at an angle that would make the side of the garage more visible to the street. The applicant's proposal places the garage parallel to the front lot line. The applicant's justification is that the placement will be in keeping with the alignment of the other structures on East Shore Drive and more attractive to the neighborhood. The applicant also states that the proposed angle will allow for the future addition of a home to the parcel that would be similar in appearance to the neighborhood.

HEADQUARTERS

235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.

Compliance with the strict provisions of the Ordinance would allow the applicant to build the exact same garage proposed. The proposed garage could be placed parallel and in alignment to the side lot lines instead of the front property line. When the applicant originally sought a variance to build only a garage, the setback shown was 12' with a need for only a 3' variance. At this time the variance requested has significantly increased. Angling the garage to comply with the side yard setbacks is not unnecessarily burdensome and in no way prevents the applicant's use of the property as desired. Unless the applicant can offer a compelling reason, aesthetic appearance alone or the existence of other non-conformities cannot be a justification for the granting of a new variance.


- (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 him to build a garage in the desired and is not adverse to the interests of other property owners in the neighborhood. The parcel abutting the subject site to the north and south are vacant.
- (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 build a new garage at the desired location. The southeast corner of the garage is at 6 feet and the setback steadily increases beyond that; however setback is measured to the closest point of the structure. We had previously met with the applicant at which time we reviewed plot plans that indicated a sharply angled front lot line, and the placement of a garage being off alignment if placed in compliance with the standards. The presence of possible easements was also mentioned and a much larger setback shown. However, at this time, the applicant has submitted an official staked survey which shows that the front lot line is not as dramatically angled, and the site has adequate room to accommodate the garage without the need for a variance.
- (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 applicant already has a variance to allow for the construction of a garage. Having a front lot line at an angle is a common feature of many parcels and is typical in an area where the roadway curves.
- (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 self-created by the applicant's desire to align the proposed garage with the front lot line for aesthetic purposes.
- (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. However, granting of a variance with no sound reasoning, except aesthetic appeal is contrary to the intent of the Zoning Ordinance and sound planning principles and is likely to set a precedent for other requests in the future.

RECOMMENDATION AND FINDINGS

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **deny** the requested variance for the property located at 442 East Shore Drive:

1. Compliance with ordinance standards would still allow the applicant to build the 32' x 36' garage proposed.

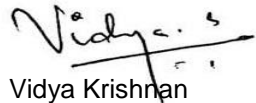


- 
2. Aesthetic appeal alone is not adequate justification for granting of a variance.
 3. The variance will provide substantial justice to the applicant and is not adverse to the interests of other property owners.
 4. The variance requested is not the minimum possible.
 5. The variance will have no detrimental impact on public health, safety or welfare; but will set a precedent for similar requests.
 6. The need for the variance is entirely self-created.

A variance granted remains with a property in perpetuity. Therefore, every request for variance has to be carefully evaluated and must meet the test as set forth in State Law. Each request for variance stands on its own merit and the existence of other non-conformities is not adequate justification for the creation of a new non-conformity. The ZBA could possibly consider the approval of a smaller variance IF the applicant provides some justification that meets the standards above.

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: Al Hobbs, 439 East Shore Drive, Whitmore Lake, 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 BOARD OF APPEALS HEARING APPLICATION

Applicant Information:		Proprietor/Owner Information:	
Name: <u>A1 Hobbs</u>	Name: <u>A1 Hobbs</u>		
Address: <u>P.O. Box 354 439 E. Shore Dr.</u>	Address: <u>P.O. Box 354 439 E. Shore Dr.</u>		
Phone: <u>734-417-0777</u>	Phone: <u>734-417-0777</u>		
Email: <u>hayden0777@charter.net</u>	Email: <u>hayden0777@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: _____			
1. PROPERTY DESCRIPTION:			
A.) PROJECT ADDRESS: <u>442 E. Shore Dr. Whitmore Lake</u>			
B.) PARCEL ID(S): <u>B-02-05-401-004</u>		IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C.) LEGAL DESCRIPTION: <u>Attached sheet.</u>			
2. PRESENT ZONING CLASSIFICATION:			
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>Garage</u>			
4. NON-CONFORMING STATUS:			
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): <u>no residence. My home is across the street.</u>			
B.) State year/month Non-Conformity began (to the best of your knowledge):			
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: _____			
<u>South East Corner property line</u>			

B.) Describe reason/need for Variance: _____

The existing parcel is non-conforming for use.

- need a 10 ft variance, for proper alignment of the structure of the building to the road front.

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:

There is an existing structure (24' x 30') garage. It is located across the street from the principle structure.

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

☐ Yes ☒ No

Describe: _____

The garage has existed since the 1950's. Variances have been created and changed since.

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

There are many properties throughout the district that do not comply with the ordinance and still exist.

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

- to keep the structure facing road front like all homes and buildings in the neighborhood.

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: _____

In keeping with the true intent of the ordinance, the goal is to improve the appearance of the entire neighborhood and township.

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

To grant the authorization to construct a new building to replace the existing structure and the variance of the South East corner (~10ft.) for proper alignment.

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

Attach a scaled and accurate drawing with the legal description and showing:

- All lot dimensions
- Dimensions and locations of all existing and proposed buildings/additions and drives
- Other improvements and easements of record
- Show distances between existing and proposed buildings and/ or additions
- Show locations and distances of wells, septic and/or sewer lines
- Locations, size, and distances of buildings/structures on adjoining lots
- All additional pertinent information as listed on the checklist on page 3

All documents must be submitted at time of application. If further information is needed, the Zoning Board of Appeals reserves the right to postpone the hearing to review new information.

7. If applicable, all lot lines and building corners must be staked out a minimum of 10 days before the hearing date.

8. The address of the property must be clearly marked and visible from the road.

9. A fee of dollars as established by the township board is attached to the application. Applicant understands that the fee will not be refunded in whole or in part regardless of the outcome of the decision.

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

\$795 = All others

10. THE APPLICANT:

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

"Zoning Board of Appeals" and understands that a public hearing will be established within 45 days of the filing date and

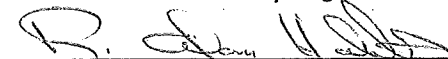
B.) Has also read the sections of the Township Zoning Ordinance that to pertain to this request and

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

D.) Understands that any approval or denial of this application shall not relieve the applicant of compliance with all other applicable provisions of the Township Zoning Ordinance or Building Code and each variance approved shall be null and void unless authorized activity commences within 180 days after the date of approval.

AUTHORIZED SIGNATURE

All information provided in this application is, in all respects, true and correct to the best of my knowledge, and I understand that incorrect information may be grounds for denying the application or voiding any approval granted hereunder.


Applicant(s) Signature

05-14-18
Date

APPLICANT CHECKLIST

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

- ☐ 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

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="text-align: center; font-size: 2em; color: blue; font-weight: bold;">RECEIVED</div> <div style="text-align: center; color: blue;">MAY 14 2018</div>	Paid Date: _____ <div style="text-align: center; font-size: 2em; color: blue; font-weight: bold;">PAID</div> <div style="text-align: center; color: blue;">MAY 14 2018</div> <div style="text-align: center; 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: _____ _____ _____
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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: _____

May 13, 2018

Subject: 442 East Shore Dr. Project

I feel that this variance of the southeast corner is necessary for any future plans to construct a new home on the property and staying uniform with the existing homes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Al Hobbs', written in a cursive style.

Al Hobbs

RECEIVED

MAY 14 2018

NORTHFIELD TOWNSHIP

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: 442 EAST Shore Dr. W.L. 48189

PARCEL ID(S): B-02-05-401-004

IS THIS PROPERTY IN A FLOOD PLAIN: ☐ Yes ☒ No

Applicant Information:

Name: AL Hobbs

Address: POB 354-439 E. Shore Dr.

Phone: 734-417-0777

Email: hayden0777@charter.net

Proprietor/Owner Information:

Name: AL Hobbs

Address: 439 E. Shore Dr. W.L.

Phone: 734-417-0777

Email: hayden0777@charter.net

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: ☒

Non-Owner Affidavit Attached: ☐

If applicant is not the owner, describe applicants interest in the property: _____

PROPERTY DESCRIPTION

Description of Proposed Use: New GARAGE

Sanitary Facilities: ☐ Sewer; Sewer Tap Permit #: _____ ☐ 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: New GARAGE

Project Start Date: Apr: 1-01-17

Project Completion Date: Aug. 2017

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

Date

Pg. 1 of 2

FOR OFFICE USE ONLY

Received Date:

Paid Date:

PAID

Existing Legal Non-Conformities:

☒ Yes ☐ No

If yes, explain below:

FEB 14 2017

NORTHFIELD TOWNSHIP
TREASURER

THE EXISTING PARCEL IS NON-
CONFORMING WITH REGARD TO
LOT AREA & LOT WIDTH.
EXISTING NON-CONFORMING USE
ON SITE.

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date _____☒ Denied: Date 2/21/17☐ Approved As Noted: Date _____☐ Conditional Use Required☐ Site Plan Approval Required

COMMENTS:

SEE ATTACHED COMMENT SHEET

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:

442 East Shore Drive

Applicant: Al Hobbs
Zoning: SR-1 (Single Family Residential District)
Request: New Garage
Action: **DENIED** (See comments below)

Comments:

The subject site is a parcel on the east side of East Shore Drive with an existing garage on it and NO principal structure i.e., dwelling. Garages are accessory structures per Section 36-29 of the Zoning Ordinance. An accessory structure is defined as:

Accessory use, building or structure means a use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.

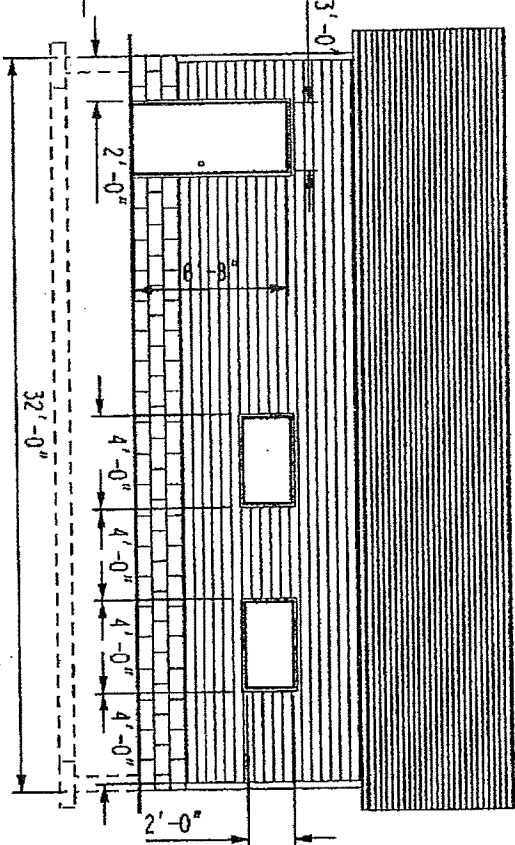
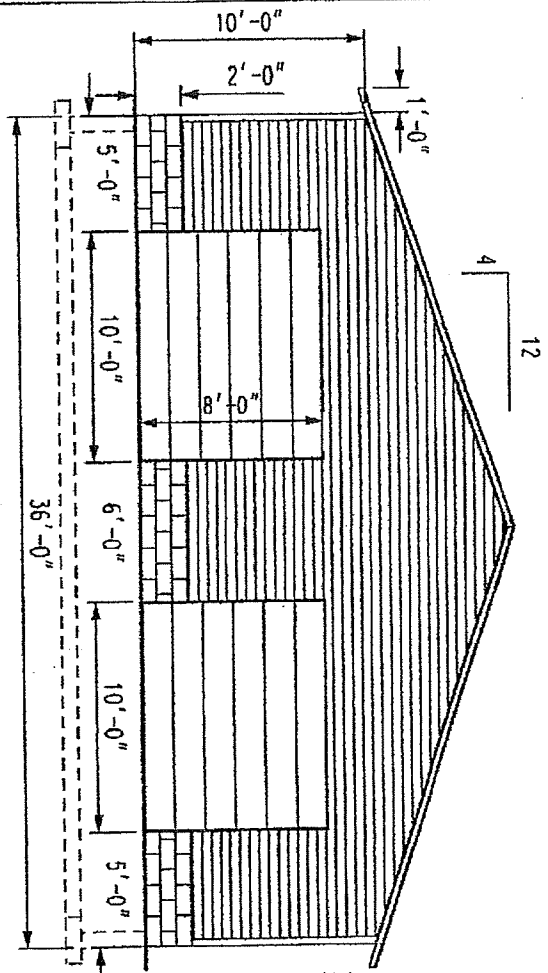
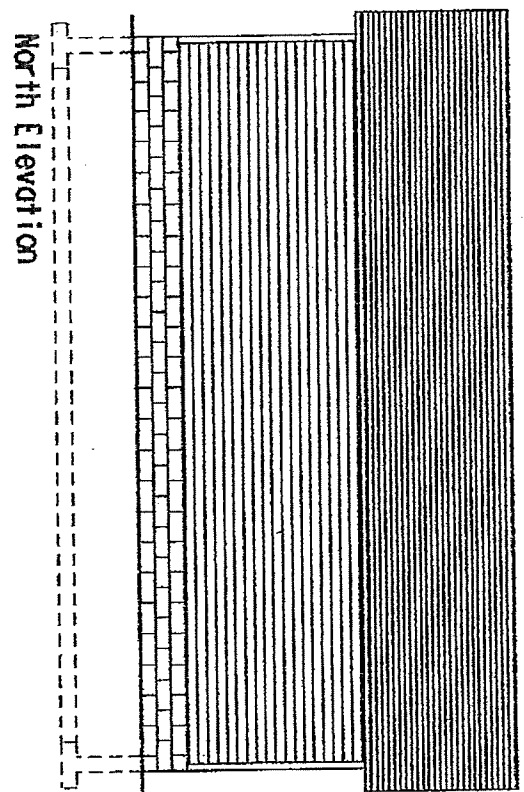
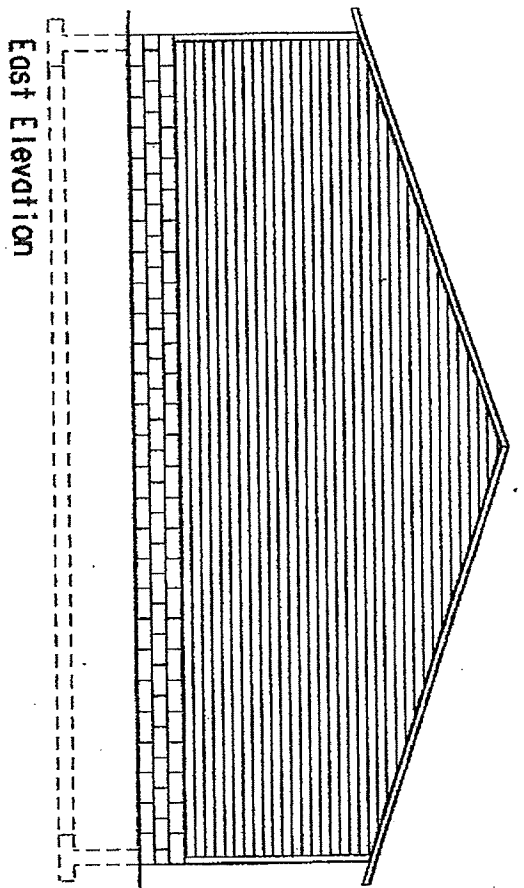
The existing garage/storage shed is therefore a non-conforming use of the property which is not allowed. Further, Section 36-98. Sub-section (8) states "**No accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this chapter.**"

The replacement of the non-conforming garage with a new non-conforming use i.e., garage is not permitted. Therefore, the request is denied.

Construction of a principal dwelling on the subject site in the future will make the garage a legal accessory structure, as allowed under the ordinance provisions.

Zoning Administrator

2-21-17



West Elevation

Notes:

1. Asphalt shingle roofing
2. Vinyl siding, windows and trim
3. Concrete masonry knee and foundation walls
4. Concrete footings to 42" below grade
5. Steel entry and garage doors

South Elevation

Hobbs Garage

Scale: $\frac{1}{8}" = 1'-0"$

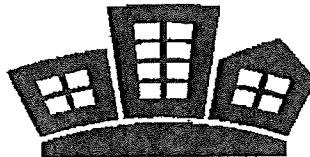
Date : ~~December 19, 2017~~
01-20-2017

L: 5068 P: 269 6234795 D

11/26/2014 09:58 AM Total Pages: 3
Lawrence Kestenbaum, Washtenaw Co



QUIT CLAIM DEED



LIBERTY TITLE

THE CLOSING AND TITLE EXPERTS

File No. N10533

The Grantors: Richard Alan Hobbs, a single man

whose address is: 439 E. Shore Dr, Whitmore Lake, MI 48189

Quit Claims to: Richard Alan Hobbs, a single man, and Bonnie Kathryn Everett, as joint tenants with full rights of survivorship

whose address is: 439 E. Shore Dr, Whitmore Lake, MI 48189

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

SEE ATTACHED EXHIBIT A/LEGAL DESCRIPTION RIDER

for full consideration of: 1.00

MCL 207.505(a) Instruments where the value of the consideration is less than \$100.00

MCL 207.526(a) A written instrument in which the value of the consideration for the property is less than \$100.00

Dated this 13th day of November, 2014.

Signed by:

Richard Alan Hobbs

Time Submitted for Recording
Date 11/25/2014 Time 11:00 AM
Lawrence Kestenbaum
Washtenaw County Clerk/Register



SR

QUIT CLAIM DEED
(Continued)

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)

Livingston)

The foregoing instrument was acknowledged before me this 13th day of November, 2014 by Richard Alan Hobbs, a single man.

JENNIFER BUTASH

Notary Public, State of Michigan

County of Livingston

My Commission Expires 09-16-2017

Acting in the County of Livingston

Public

Notary

County

My Commission Expires:

Acting in the County of:

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

When recorded return to: Grantee
Richard Alan Hobbs
PO Box 354
Whitmore Lake, MI 48189

Tax Code: B-02-05-401-004

110533

FILE NO. N10533

PARCEL ID B-02-05-401-004

EXHIBIT A/LEGAL DESCRIPTION

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

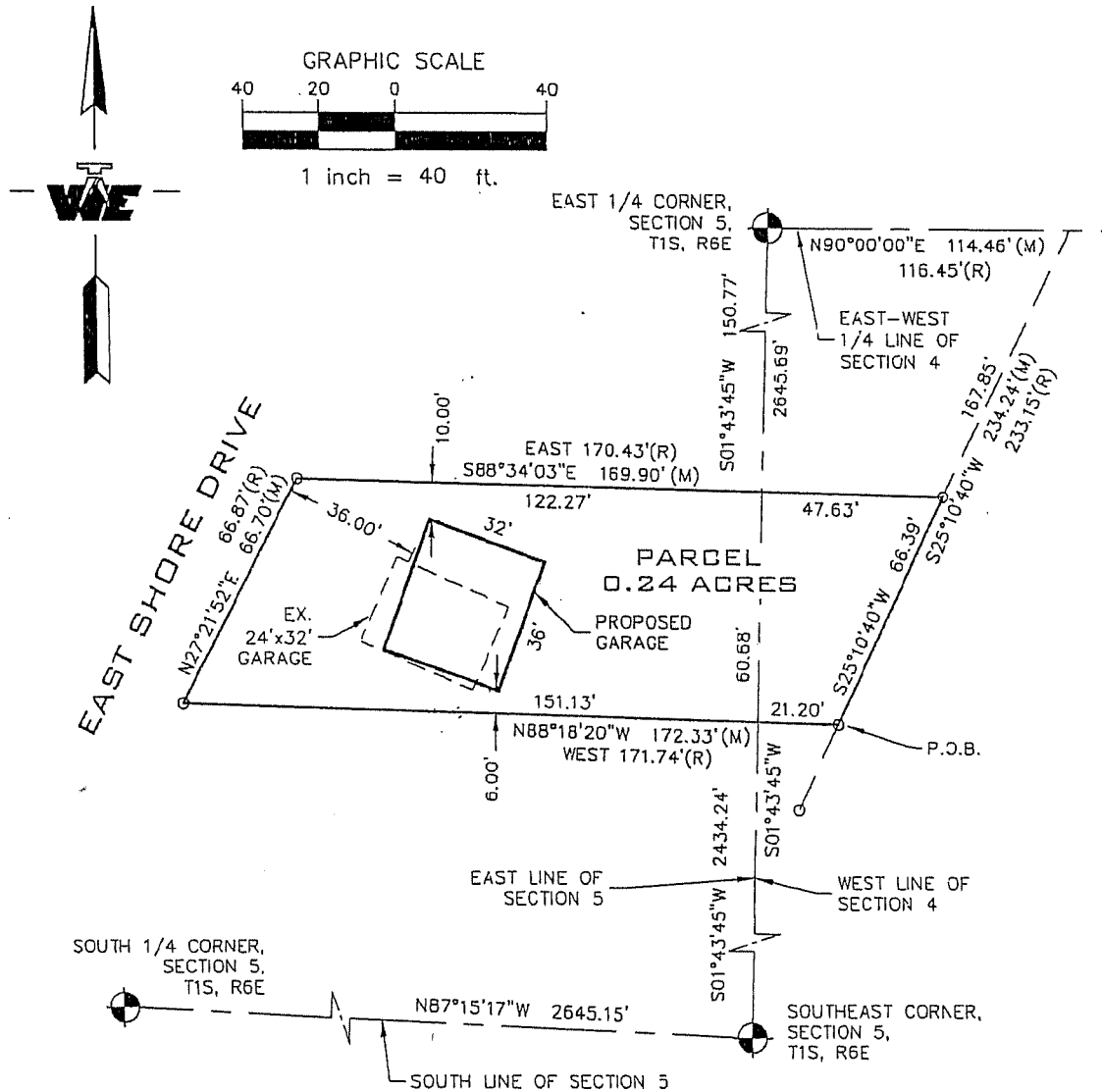
Starting at a point on the East and West 1/4 line of Section 4, Town 1 South, Range 6 East, 116.45 feet East of the West 1/4 line of said Section; thence South 25° 10' 40" West, 233.15 feet to an iron stake, which point is 200 feet East of the center line of East Shore Drive for a place of beginning; thence due West 171.74 feet; thence Northeasterly along a line parallel with the center of East Shore Drive a distance of 66.87 feet; thence due East a distance of 170.43 feet to an iron pipe; thence South 25° 10' 40" West, 66.30 feet to the place of beginning, all being a part of the Southwest 1/4 of Section 4 and part of the Southeast 1/4 of Section 5, said Town 1 South, Range 6 East, Township of Northfield, County of Washtenaw, State of Michigan.

Commonly known as: 442 East Shore Dr., Whitmore Lake, MI 48189.

CERTIFICATE OF SURVEY

BASIS OF BEARING:

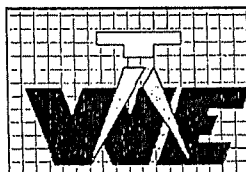
THE BASIS OF BEARING FOR THIS SURVEY IS BASED ON THE BEARING SOUTH 25°10'40" WEST ON THE EAST LINE OF THE SUBJECT PROPERTY ON SECTIONS 4 & 5, TOWN 1 SOUTH, RANGE 6 EAST, TOWNSHIP OF NORTHFIELD, WASHTENAW COUNTY, MICHIGAN AS RECORDED IN LIBER 5068, PAGE 268.



LEGEND

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

(R) RECORD ♦ SECTION CORNER ⊙ = MONUMENT
(M) MEASURED • = SET IRON
(P) PLATTED ○ = FOUND IRON —x—x— FENCE



WOLVERINE
Engineers & Surveyors, Inc.

312 North Street
Mason, Michigan 48854
Ph: 517-676-9200
Fx: 517-676-9396
<http://www.wolveng.com>

SURVEY FOR: AL HOBBS 442 EAST SHORE DRIVE	
FIELD SURVEY: TY & TD	DATE: 05/16/2018
DRAWN: JMS	JOB NO.: 18-0730
SCALE: 1" = 40'	SHEET: 1 OF 1

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

LAND IS LOCATED IN THE TOWNSHIP OF NORTHFIELD, COUNTY OF WASHTENAW, STATE OF MICHIGAN, AND DESCRIBED AS FOLLOWS:

STARTING AT A POINT ON THE EAST AND WEST 1/4 LINE OF SECTION 4, TOWN 1 SOUTH, RANGE 6 EAST, 116.45 FEET EAST OF THE WEST 1/4 LINE OF SAID SECTION; THENCE SOUTH 25° 10' 40" WEST, 233.15 FEET TO AN IRON STAKE, WHICH POINT IS 200 FEET EAST OF THE CENTER LINE OF EAST SHORE DRIVE FOR A PLACE OF BEGINNING; THENCE DUE WEST 171.74 FEET; THENCE NORTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER OF EAST SHORE DRIVE A DISTANCE OF 66.87 FEET; THEN DUE EAST A DISTANCE OF 170.43 FEET TO AN IRON PIPE; THENCE SOUTH 25° 10' 40" WEST, 66.30 FEET TO THE PLACE OF BEGINNING, ALL BEING A PART OF THE SOUTHWEST 1/4 SECTION 4 AND PART OF THE SOUTHEAST 1/4 OF SECTION 5, SAID TOWN 1 SOUTH, RANGE 6 EAST, TOWNSHIP OF NORTHFIELD, COUNTY OF WASHTENAW, STATE OF MICHIGAN.

COMMONLY KNOWN AS: 442 EAST SHORE DR., WHITMORE LAKE, MI 48189.

THE LAND DESCRIBED ABOVE CONTAINS 0.24 ACRES AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

WITNESSES TO SECTION CORNERS:

SECTION 5, TOWNSHIP 1 SOUTH, RANGE 6 EAST,
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

EAST 1/4 CORNER, SECTION 5

FOUND 3/4" PIPE
N&T, WESI, N. SIDE 18" LOCUST, EAST 18.43'
N&T, WESI, E. SIDE 14" LOCUST, S27°W 13.54'
NAIL, N. SIDE UTILITY POLE, WEST 37.47'
SW CORNER OF HOUSE #466 FOUNDATION, N19°W 13.89'

SOUTHEAST CORNER OF SECTION 5

FOUND 2" PIPE IN 18-INCHES OF WATER, SWAMP
MAG NAIL, N. SIDE 10" MAPLE, S76°E 24.00'
NAIL, N. SIDE 36" OAK, S57°E 49.00'
NAIL, NE. SIDE TRIPLE HICKORY, S10°E 53.00'
N&T, WESI, NE. SIDE 14" MAPLE, S24°E 20.18'

CERTIFICATION STATEMENT:

I, DONALD J. BENDZINSKI, PROFESSIONAL SURVEYOR #35989, CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION, THAT ALL CORNERS HAVE BEEN MARKED AS SHOWN, THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS WAS 1:5000 OR BETTER, AND THAT ALL THE REQUIREMENTS OF PUBLIC ACT 132, AS AMENDED, HAVE BEEN COMPLIED WITH.

Donald J. Bendzinski
5/16/18
DATE

LEGEND

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

(R) RECORD

(M) MEASURED

(P) PLATTED

SECTION CORNER

SET IRON

FOUND IRON

MONUMENT

FENCE

WOLVERINE

Engineers & Surveyors, Inc.

312 North Street

Mason, Michigan 48854

Ph: 517-676-9200

Fx: 517-676-9396

http://www.wolveng.com

SURVEY FOR:

AL HOBBS

442 EAST SHORE DRIVE

FIELD SURVEY:

TY & TD

DATE:

05/16/2018

DRAWN:

JMS

JOB NO.:

18-0730

SCALE:

N/A

SHEET:

2 OF 2



NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting May 21, 2018

1. CALL TO ORDER

The meeting was called to order by chair Stephen Safranek at 7:04 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Brad Cousino	Absent with notice
Kenneth Dignan	Present
Greg Kolecki	Present
Stephen Safranek	Present
Amy Steffens	Present
James Balsillie, Alternate	Absent (Presence not required)

Also present:

Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Members of the public

4. ADOPT AGENDA

- **Motion:** Safranek moved, Otto seconded, that the agenda be adopted with Minutes being moved to follow Correspondence.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. MINUTES

- **Motion:** Dignan moved, Otto seconded, that the minutes of the January 22, 2018, regular meeting be approved as presented.
Motion carried 4—0 on a voice vote.

7. PUBLIC HEARINGS

- 7A. **Case #JZBA180001; Sutton Schoolhouse; Location: 2931 E. Joy Road; Request for variances from 36-905(a)(3) Expansion and Substitution, and Sections 36-158(4)(a), 36-158(4)(c), and 36-158(3), Regulations and Standards; to allow addition to the existing building and demolish the attached garage/shed; Parcel 02-34-400-005; zoned AR—Agriculture.**

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

Matthew Hagerty, attorney with Myers & Myers PLLC, appeared representing Sutton Schoolhouse LLC. He said this lot is one-half acre, the building on it is thought to be the oldest in the Township, and since it ceased being used as a school in the 1960s it has been in continuous ownership of one family, and is now owned by his aunt and uncle. He said it was in use as a residence until the 1990s.

Hagerty noted:

- At one-half acre the existing lot is non-conforming (five acres minimum required).
- The front yard setback requires a 22.84 ft. variance from the required 50 ft., but the non-conformity will not be increased with the proposed addition.
- The rear yard setback will require a 23.5 ft. variance from the required 50 ft., but the adjacent property there is owned by a utility company, so there is no adjoining neighbor on that side.
- The lot coverage of 11.6% slightly exceeds the allowable 10%.
- The proposed residential use is compatible with the surrounding uses.

He said given the small lot size and the existing building location the variances required are relatively modest, and he believes the proposal meets the standards for determination for the variances requested.

In answer to questions, architect Dennis Dinser, Arcadian Design of Fenton, said the existing building will remain in its current location, the addition will be clad in brick which will be matched as closely as possible to the existing building.

Safranek called for comments from the public. Timothy DiLaura, 5045 Pontiac Trail, the neighbor immediately on the east, asked what the basis for granting the requested variances would be, especially in light of the lot being only one-tenth the minimum required lot size.

Planning Consultant Vidya Krishnan reviewed her report, listing the variances required and explaining the standards for determination which must be considered by the ZBA. She noted that if the ordinance requirements were strictly enforced, neither the existing building nor the proposed addition would be allowed because only a 1' wide sliver of land would be considered buildable within the required setbacks. She said that would render the lot unbuildable which is considered to be unusually burdensome under State law; and while the applicant is proposing an addition, they are attempting to bring the property more into compliance with the ordinance by removing the garage. She said the proposal would allow preservation of an historic building, it is not adverse to the interests of

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May 21, 2018**

other property owners in the district, and it minimizes the variances required.

Krishnan noted this lot was created before the existence of the zoning ordinance, so it is a legal non-conforming lot of record. She said the history of the parcel and the building is unique and cannot be attributed to other properties in the area, and the applicant did not create the issues that resulted in the need for variances. She also noted that the side yard setbacks—which have greater potential to affect neighboring properties than the front and rear yards—are being adhered to. She concluded that for these reasons the proposal is considered to be reasonable for the site.

In answer to a question from Mr. DiLaura, Krishnan said in addition to considering the side yard setbacks, the concerns of neighbors is the reason for the public hearing.

DiLaura said allowing a development like this on a lot this size so close to the road is not in keeping with the look, lay of the land, and temperament of the area which requires a five acre minimum. He said he feels the neighbors have certain rights, and the Township should protect the existing environment. He said seeing that compromised is of concern. In answer to a question from Dignan, DiLaura said he has lived in house for ten years.

In answer to a question from George Kempf, Krishnan said this will be a single-family home. Kempf said this is in the only remaining one-room schoolhouse in Northfield Township. He said the first settler, Mr. Sutton, donated the land for the school. He said it is sad to see this building being converted, and it would be great to see it preserved, perhaps as an office for the historical society. He said he is opposed to the proposal.

Dorothy Kapp Shear said she and her brother, Dale Kapp, both attended the school. She said while they are happy to see the proposed design, they wish the building could be preserved, perhaps as a museum. She said they have heard that this will be used as a bed and breakfast, and she would be opposed to that.

Michelle DiLaura said the neighbors on the west side are on vacation, but they also have concerns. She said as a single-family home it could still be used as an Airbnb property, and while she understands that may be permitted, it is not what the neighbors would like. She questioned the need to put an addition on the house.

Jennifer DeLisle, 9213 Dexter-Chelsea Road, said she understands the concerns of the neighbors, and she does not live as close, but to her the building is too special to be lost. She said two other schoolhouses have been lost recently; one was torn down by the Township and one collapsed. She said the plans proposed respect the scale of the building and the beautiful aspect of it. She said a lot of time and effort

has been put into the plans, and while not every lot should be given variances she feels this is very special.

In answer to questions from Otto, DeLisle said she is still a part of the historical society, and while it might be possible to raise funds to buy and renovate this property, the organization does not have the funds to preserve this property.

Dinser said he has worked with the property owners on other preservation projects, and they are very respectful of historic properties. He said the existing 1,100 sq. ft. building will be restored as the addition is built. He said the existing building would be almost impossible to use for offices, and any commercial use would require parking and lighting and would create traffic, none of which would be in character with the building. He said if the residential proposal cannot be approved, the value of the property would be lost to the owner, and it would be more valuable for a commercial developer to tear it down. He said they are being as delicate as they possibly can in the design, it will be better than it is now, and it will be preserved as a residential lot.

In answer to questions from Safranek, owner Dennis Hagerty said he and his wife live about two miles from this property, and while they do not plan on living in the house, their long-term plan is for it to be used as a residence, and not an Airbnb rental. He said they will not live in it, but will offer it to relatives and friends first, and any other residents would be carefully screened. Mr. Kempf said historic preservation grants are available for buildings like this.

Dinser noted the proposed side yard setback would be twice the required 30' setback.

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

8. OLD BUSINESS

None.

9. NEW BUSINESS

- 8A. Case #JZBA180001; Sutton Schoolhouse;
Location: 2931 E. Joy Road;
Request for variances from 36-905(a)(3)
Expansion and Substitution, and Sections
36-158(4)(a), 36-158(4)(c), and 36-158(3),
Regulations and Standards; to allow addition to
the existing building and demolish the attached
garage/shed; Parcel 02-34-400-005;
zoned AR—Agriculture.**

Krishnan said there is a lot of respect in the Township for long-term residents, and she noted that Northfield Township does not have any control over development in the Ann Arbor Township area to the south of this site. She said Northfield Township has always worked to maintain its five acre minimum for lots in the AR

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district, but this lot existed before the first zoning ordinance was adopted.

In addition, she noted all property owners have the right to rent out their homes, and though many people would like to see the building preserved as a museum or public building, the property has been in the current family's possession for many years, and they cannot be forced to sell it for other purposes.

Krishnan said the requirement of the ZBA is to consider ordinance standards, and she read her recommendation for approval of the request based on the standards for determination noting that the requested variances are the minimum possible. She reiterated that the only use approved for this site is as a single-family home, and any other use would have to be approved by the Township.

In answer to questions from ZBA members, Krishnan said any other use, including as a school or museum, would require review by the Township Zoning Administrator and may or may not be determined to be allowable in the AR district.

- **Motion:** Dignan moved, Otto seconded, that the request in Case #JZBA180001, Sutton Schoolhouse, 2931 E. Joy Road, Parcel 02-34-400-005; be approved based on the application having met the Standards for Determination as identified by the Zoning Administrator in her recommendation.

Safranek said he is usually very deferential to staff recommendations, and this is probably as unique a situation as the ZBA will encounter, but especially troubling to him is the fact that the lot size is one-tenth of the minimum size required in the district. He said that magnifies all of the issues on the lot, including parking, which must occur along the road or in one of the setbacks. He also said this is a huge addition in that it is doubling the size of the building, and he expects that the next request will be for a garage. He said he believes this will be adverse to the interests of neighboring property owners. He said while the property owners did not create the issue of the lot size, they came into possession of it knowing about it. He said the proposal will be a problem given traffic on the road and will create problems for the neighbors, and he is inclined to vote no because of the substantial and almost overwhelming change to the property.

Otto said the ZBA can only address what is presented, rather than what might occur, such as a garage, and the family bought the property before zoning existed in the Township. She said she feels the burden to neighbors would be less as a residence than if the property were left in disarray.

Dignan said the property's most recent use was as a single-family residence, not the historic school use. He said as the existing or proposed home it will not have significant effects on the neighboring properties, and there are many homes in the Township that do not and will never have garages or carports. He said he sees

this as the only way to preserve this precious structure, and if left unaddressed it will continue to decay and will be lost. He said he has never seen a more thoughtful, detailed proposal submitted to the ZBA, and he has no doubt the owner will carry through with the project which will allow the heritage of the property to continue to be identified. He said any available grants are usually matching grants and it is very hard to realize those projects. He said he is grateful to the applicants for the proposal, and it is not reasonable to hold them to 2018 standards for a parcel purchased in 1963.

Krishnan noted that for perspective, while this parcel is in a five acre minimum lot size district, it is the size of two SR-1 zoned residential parcels and the proposal is for a house of modest size.

Safranek agreed this is not a small lot by city standards, but it is surrounded by much larger lots. Regarding parking, he said his concern is that there is no provision for it at all and that adds to the sense of non-conformity. Regarding ownership, he said the current owners knew about the lot size issue when they acquired it. He said this is a very difficult decision and he does not mean to make light of it, but he is troubled by a substantial addition to a small building on a very small lot without provision for parking, which he thinks most people would be concerned about.

Dignan said the people with five acre lots near this parcel knew about this lot when they purchased their properties. Safranek questioned whether it is reasonable for neighbors to have known what the property was used for when it has been vacant for decades. Dignan said they could have asked.

Dignan said per State law the ZBA cannot address an issue—such as parking—unless it is a part of the proposal. Safranek disagreed, and said the ZBA can consider problems that approval of a non-conformity would create and effects on neighbors.

Safranek called the question.

Motion carried 3—1 on a roll call vote, Safranek opposed.

9B. Election of Officers.

- **Motion:** Dignan moved, Kolecki seconded, that Safranek service as Zoning Board of Appeals Chair. **Motion carried 4—0 on a voice vote.**
- **Motion:** Kolecki moved, Safranek seconded, that Dignan service as Zoning Board of Appeals Vice-Chair. **Motion carried 4—0 on a voice vote.**
- **Motion:** Dignan moved, Safranek seconded, that Kolecki serve as Zoning Board of Appeals Secretary. **Motion carried 4—0 on a voice vote.**

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**9C. Zoning Administrator Quarterly Report:
January 1 – March 31, 2018.**

Safranek referenced Krishnan's first quarter report. Krishnan noted there has been a significant increase in zoning compliance applications for new homes, additions, and other improvements which is a sign of a healthy community.

10. ANNOUNCEMENT OF NEXT MEETING

June 18, 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. Krishnan noted there will be at least one application.

11. ADJOURNMENT

- **Motion:** Safranek moved, Otto seconded, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:25 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/