

**CHARTER TOWNSHIP OF NORTHVILLE**  
**Zoning Board of Appeals**  
**August 21, 2019**

**DATE:** August 21, 2019  
**TIME:** 7:00 P.M.  
**PLACE:** Northville Township Hall  
44405 Six Mile Road

**APPROVED:** September 18, 2019

**CALL TO ORDER:** 7:00 P.M.

**ROLL CALL:**

**Present:** Brian Doren, Symantha Heath, Eric Lark (arrived 7:03 P.M.) Joseph LoPiccolo, Paul Slatin, Paul Smith

**Excused:** Gary Sixt

**Staff:** Jennifer Frey, Township Planner

Township Planner Frey confirmed that all property owners within 300 feet of tonight's petition had been notified.

**Approval of Minutes:**

Zoning Board of Appeals – July 17, 2019

**MOTION by Heath, support by LoPiccolo, to approve the minutes from the Zoning Board of Appeals meeting of July 17, 2019.**

Voice Vote: Ayes: All  
Nays: None

**Motion approved unanimously.**

Chair Slatin made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting. Chair Slatin noted that four votes would be required to pass any motion. He also noted that all variance requests approved would be valid for one year.

**Petitions:**

**1. PZON19-0004**     **John Armstrong, Property Owner**<sup>[L]</sup><sub>SEP</sub>  
Petitioner:         **Bryan Armstrong**  
Location:           **15840 Northville Road**  
Request:            A variance to Article 3.2 (K)(1)(b), Accessory Structures and Uses, to allow a 1,980 square foot accessory structure where 695 square feet is permitted.  
  
Request:            A variance to Article 3.2 (L), Accessory Structures and Uses, to allow a 20' tall accessory structure where 14' is permitted.

Bryan Armstrong, 15840 Northville Road, was present on behalf of the petition.

Mr. Armstrong spoke about his desire to build a larger structure than was permitted. The small house limited the size of the accessory structure. He wanted a larger garage/recreational workshop.

Mr. Armstrong said that he had misunderstood how the height of the garage was determined. His 20-foot height request had been for total height and not the midpoint height. He explained that he no longer needed a variance for the height of the structure.

Member Smith wondered if Mr. Armstrong had considered an attached garage.

Mr. Armstrong stated that due to a previous addition on the house, an attached garage would be somewhat unfeasible and would require another addition to the house that would then connect to the garage.

Responding to a request for clarification, Township Planner Frey explained that if the garage was attached, it would no longer be an accessory structure and would not have the same limitations.

Chair Slatin asked about the shed that was east of the current garage. Mr. Armstrong stated that the small metal shed would be removed.

Member Doren wondered how the 1,980 square footage had been determined.

Mr. Armstrong stated that in his research, the 1,980 square footage equated to a 66 by 30-foot building which was one of the available sizes. To maintain proper setbacks, the garage needed to be 10 feet away from the house and also 10 feet away from the overhead powerline that ran through the middle of the yard.

Member Lark wondered if there were any variances in the immediate area.

Mr. Armstrong referenced a property to the south where the garage appeared to be larger than half the square footage of the house. He did not know if the garage was built via the permit process or if there was a variance involved.

Township Planner Frey stated that there were not any permits on that structure, so the size was unverified. Depending on the age of the structure, there could have been a different standard at the time.

Member Smith wondered if a breezeway or connection would work as a potential solution.

Township Planner Frey confirmed that if the garage were structurally connected to the house, such as with a covered walkway, there would be no need for a variance.

Member Doren stated that he was troubled because the size of the structure was essentially three times what was permitted by the ordinance. He wondered if the garage was from a kit.

Mr. Armstrong confirmed that the proposed garage was an engineered building and that he would be working with a contractor.

Member Doren asked if Mr. Armstrong had explored the possibility of reducing the garage in size. One factor the Board considered was if the request was the minimum variance required. He understood that this might be a stock building, but wondered if any other sizes had been considered. The current garage was 525 square feet. 695 square feet was permitted, but 1,980 square feet was requested. He wondered if there was a possibility of compromising on the size the building.

Mr. Armstrong related that he had not looked at any smaller sizes. Responding to further questions, he stated that the building would be for personal use only with no commercial use and no storage of commercial vehicles.

Chair Slatin acknowledged the size of the variance request but suggested that the standard was aimed at appropriate aesthetics: avoiding a large accessory structure with a smaller home. Other standards such as lot coverage and setbacks were all being followed. Given the unique location within the Township, this request might be acceptable.

Member Doren agreed that the location of the property was a factor in favor of the petitioner. However, the apparent lack of consideration for any other sizes that would require a lesser variance was concerning. A variance for three times the allotted size was troubling.

Member Lark agreed that the location was unique in many ways and that the structure wouldn't impede the view to the road. The railroad track was right next door. The variance request was large, with the garage requested being 50% larger than the main structure. Perhaps the variance could be minimized, however if the garage was being used to store vehicles, would that be better than having cars just sitting outside?

Chair Slatin thought that if the petitioner doubled the size of the house, the accessory structure would be acceptable. He questioned whether they would be encouraging or forcing someone to double the size of their house when it wasn't needed. He wondered if multiple smaller structures would work.

Township Planner Frey explained that the ordinance was cumulative for the total area of all accessory structures and that the intent was for the accessory structure to be proportionate to the principal structure. Because this property was under two acres, it would be limited to two accessory structures.

Member Heath asked how many cars the garage would hold.

Mr. Armstrong stated that about half of the structure would be a two-car garage. The other half would be a recreational workshop for hobby woodworking and building things for the house.

Member Smith said that he had no issue with this particular request, but he was concerned about setting a precedent.

Member Heath agreed with the concern regarding precedence. She did not see a practical difficulty from building a smaller structure to accomplish the same goals.

Responding to a question from Member Smith, Mr. Armstrong confirmed that there was currently no plan to build a second floor, such as a loft, in the garage.

Chair Slatin opened the public hearing at 7:21 P.M.

Ernest Panizzoli, 15860 Northville Road, spoke against the petition due to the large size proposed for a garage within a neighborhood, with an additional concern about it having a commercial use in the future.

Chair Slatin closed the public hearing at 7:25 P.M.

Chair Slatin noted that two responses were received regarding the petition. Harold Hester, 15830 Northville Road, had no objection to the oversize garage. Buford Conn, 15850 Northville Road, objected to the large size of the garage in a residential area, being twice the size of the house.

Chair Slatin invited Mr. Armstrong to respond to the comments.

Mr. Armstrong spoke to the uniqueness of the situation with the property and the nearby railroad tracks. The only neighbor who could be seen from his property was Mr. Hester. Other houses were not within eyesight. While Mr. Armstrong understood the concern about setting a precedent, this was a unique situation. He reiterated that there was no plan for either a second story or for commercial use.

Responding to a question from Member Smith, Township Planner Frey confirmed that if the petition were denied, the petitioner could come back to the Board with a revised proposal.

**MOTION by Smith, support by Heath, that the Zoning Board of Appeals deny Petition PZON19-0004 for Brian Armstrong at 15840 Northville Road: A variance to Article 3.2 (K)(1)(b), Accessory Structures and Uses, to allow a 1,980 square foot accessory structure where 695 square feet is permitted.**

Roll Call Vote:           Ayes: Doren, Heath, Lark, Smith  
                                  Nays: LoPiccolo, Slatin

**Motion to Deny approved 4-2.**

Mr. Armstrong discussed options with the Board, including the possibility of asking for a lesser variance or connecting the garage to the house via a breezeway.

**2. PZON19-0005           Jimmy Rizkallah, Property Owner**  
Petitioner:           **Tiffany Camerella, Technical Group, Inc.**  
Location:             **50595 6 Mile Rd.**

Request: A variance to Article 18.1, Schedule of Regulations, Footnote S, to allow a 10' driveway setback from east property line, where 100' is required.

Request: A variance to Article 18.1, Schedule of Regulations, to allow a 6' driveway setback from west property line, where 20' is required.

Petitioner Tiffany Camerella, Technical Group, 37716 Hills Tech Drive, Farmington Hills, and property owner Jimmy Rizkallah, 50620 Hawthorne Court, were present on behalf of the petition.

Ms. Camerella said they had previously made a variance request, but that request had to be revised after receiving drainage requirements from the County. Because they could not tie in to the existing city sewer lines, they had to provide a large retention area at the front of the property which dictated where they could put parking. They would have truck traffic throughout, requiring a large turning radius. She also noted that Mr. Rizkallah was willing to accommodate any landscaping requirements to screen the property. The site was pretty tight for the use of the building.

Responding to a question from Member Doren, Ms. Camerella clarified that they could not comply with the previously requested 20-foot setback because of the detention pond required in the front and the drain on the east side of the property, which would allow for drainage from the back of the parking lot into the front detention area. They had also slightly enlarged the size of the addition, which required more parking spots.

Responding to a question from Member Heath, Mr. Rizkallah said that the property was on Six Mile Road between Ridge Road and Napier Road.

Ms. Camerella and Mr. Rizkallah further explained that the parking lot had to be moved slightly due to the septic and reserved septic fields. A variance from the County had been received to overlap those by 30% because of the tightness of the property.

In response to a question from Member Doren, Mr. Rizkallah and Ms. Camerella confirmed that the current setbacks on the existing front driveways were less than the requested setback.

Mr. Rizkallah explained that both the east and west driveways currently had a five-foot setback; the east driveway had been there since 1980.

Township Planner Frey noted that because the east driveway wasn't straight, the setback was zero feet where it abutted the east property line and then opened up to five feet. The realignment of the driveway would make it straight and increase the setback to ten feet.

Responding to a question from Member Heath, Mr. Rizkallah stated that he had not approached any of the homeowners to see if they would allow him to add any additional plant material on their property.

Mr. Rizkallah and Ms. Camerella discussed ideas for using plants to buffer the property from the adjacent neighborhood. It was noted that there was already some plant material there, including tall pine trees along the length of the subdivision.

Township Planner Frey thought that if the homeowners' association was willing, there might be an opportunity for further buffering in the back, to screen the headlights in the parking lot.

Mr. Rizkallah stated that he was willing to add buffering if the homeowners' association was willing.

Member Heath and Township Planner Frey discussed how such a provision would look in a motion, particularly if the planting would be dependent on the homeowners' association approval.

Mr. Rizkallah said that there was currently a lot of vegetation from trees and brush.

Township Planner Frey stated that the need for buffering could be determined in the field or in conversation with the homeowners' association.

Further conversation was had about the buffering with Township Planner Frey noting that if approved, the petitioner would still have a variety of landscape requirements when they returned for site plan approval. The focus for the Board related to mitigating any potential impacts from the variance on adjacent properties that might be above or beyond what the ordinance or other standards would require.

Responding to a question from Member Lark, Township Planner Frey explained that the parcel to the west was zoned industrial, which was why there was only a 20-foot setback requirement. There was a larger setback requirement on the east because it abutted a residential property. This site was there first and the residential property was developed later via a consent judgment. Previously, the eastern property had been zoned industrial and there would only have been a 20-foot setback at that time. Now that it was residential, a 100-foot setback was required. This could be considered a unique situation or hardship for the subject site, which had to comply with standards that were not in place originally.

Responding to questions from Member Smith, Mr. Rizkallah indicated that currently the whole property, aside from the cement driveway, was gravel and that improvements would be made to the back of the property, including the parking lot. While the aerial picture showed many cars and trucks parked back in the gravel area, the plan was to have a regular parking lot.

Township Planner Frey noted that currently there were significant nonconformities on the site. Were the variance to be approved, the site would be made less nonconforming as a result of the overall project. When the site plan went to the Planning Commission for the building addition, one requirement would be the additional parking, which required the variance.

Responding to questions from the Board, Mr. Rizkallah stated that with the new addition, there would be three tenants in separate units. Currently, there was a leasing company that bought and sold cars via the Internet. The company bought damaged vehicles that went directly to auction. Occasionally, a car might be in their lot temporarily before it was taken to auction.

Township Planner Frey asked about the vehicles shown on the aerial picture, noting that it was an older picture.

Mr. Rizkallah stated that those vehicles, which had been used for parts, were no longer there.

Chair Slatin asked about the current state of cars present on the site.

Mr. Rizkallah shared that there were about ten to fifteen cars towards the front, where the pond would be located.

Chair Slatin opened the public hearing at 7:48 P.M. Seeing nobody come forward to speak, he closed the public hearing at 7:48 P.M.

Chair Slatin noted that no correspondence had been received regarding the variance request.

**MOTION by Doren, support by LoPiccolo, that the Zoning Board of Appeals approve both parts of Petition PZON19-0005 for Technical Group: 1) to allow a 10' driveway setback from the east property line where 100' is required and where a 0-5' setback currently exists; and 2) to allow a 6' driveway setback from the west property line where 20' is required and where a 0-5' setback currently exists. The motion to approve is conditioned upon:**

- 1. All plans and buildings must meet the current building code.**
- 2. The Planning Commission approves the 10' setback from the east property line.**
- 3. Additional plant material shall be provided on the adjacent association property or adjacent lots to fill in any gaps in the existing buffer vegetation, with the approval of the homeowners' association.**

Member Doren noted that the petitioner had indicated that they would approach the homeowners' association to determine whether or not additional planting might be beneficial and would comply with requests related to buffering that might be made by the association.

Responding to a question from Chair Slatin, Township Planner Frey confirmed that no official correspondence had been received from the homeowners' association.

Mr. Rizkallah noted that some of his neighbors had been at a previous meeting with some concerns, but that those concerns had been addressed.

Roll Call Vote:           Ayes: Doren, Heath, Lark, LoPiccolo, Slatin, Smith  
                                  Nays: None

**Motion approved unanimously.**

### **Other Business**

None

### **Department Reports**

**Jennifer Frey, Township Planner**

- The Village at Northville – Project update.
- Chick-fil-A – Project update.

**Samantha Heath, Board of Trustees**

- No Report.

**Erik Lark, Planning Commission**

- Ward Church Ballfield relocation update.

**Public Comments and Questions**

None

**Adjournment: 8:00 P.M.**

**MOTION by Heath, support by LoPiccolo, to adjourn the August 21, 2019 Zoning Board of Appeals meeting.**

Voice Vote:           Ayes: All  
                              Nays: None

**Motion approved unanimously.**