

**CHARTER TOWNSHIP OF NORTHVILLE**  
**Zoning Board of Appeals**  
**July 15, 2020**

**DATE:** July 15, 2020

**APPROVED:** August 19, 2020

**TIME:** 7:00 p.m.

**PLACE:** Meeting held remotely via video/teleconference

Due to the COVID-19 pandemic, pursuant to Executive Orders issued by Governor Whitmer, participation in the Zoning Board of Appeals meeting was held remotely via Zoom webinar video/teleconference. Members of the public body and members of the public participating electronically were considered present at the meeting and could participate as if physically present, as outlined on the Township website and posted per Open Meeting requirements.

**CALL TO ORDER:** The meeting was called to order by Chair Slatin via video/teleconference at 7:02 p.m.

**ROLL CALL:**

**Present:** Brian Doren, Symantha Heath, Eric Lark, Joseph LoPiccolo, Gary Sixt, Paul Slatin, Paul Smith.

**Excused:** None.

**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 – May 20, 2020

**MOTION by LoPiccolo, support by Sixt, to approve the minutes from the Zoning Board of Appeals meeting of May 20, 2020.**

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

**Motion approved 7-0.**

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. PZON20-0006 & Ryan Bloss, Vinyl Sash of Flint, Inc.**
- 2. PZON20-0008**

Property Owner: **Rosemary and Charles Eickhoff**  
Location: **41650 Waterfall Road**  
Request: A variance request to Article 18.1 – Schedule of Regulations, Minimum Yard Setbacks to allow a 43.3' setback to the rear property line where 50' is required.

A variance request to Article 22.5 (C) - Nonconforming Uses, Buildings & Structures to allow the expansion of the non-conforming 10.6' setback to the east property line where 15' is required.

Ryan Bloss, Vinyl Sash of Flint Inc, G-5433 Fenton Road, Flint, and Rosemary Eickhoff, property owner, were present on behalf of the petition.

Mr. Bloss explained that they wanted to replace the current deck with a new deck and sunroom. The sunroom would extend an additional foot beyond the current deck, which would put them 6.7 feet into the setback.

Ms. Eickhoff spoke of personal health conditions which did not allow her to be outside in the direct sunlight and drove the need for the sunroom. She could currently only be out on the deck in the evenings. Having a permanent structure with screens, windows and a roof would allow her to be outside without being in the sun. The sunroom would be in the exact location as the current deck with an extra foot and a half beyond where the current deck ended.

Responding to questions from the Board, Ms. Eickhoff said that the project would not impact her neighbors. She mentioned neighbors who had structures with a similar footprint in their back yards. The proposed sunroom would be an enclosed three seasons room. In addition, they would be rebuilding the deck to the side of the proposed sunroom, along the back of the house. The new deck would begin where the current deck ended and it would all be one level.

Member Doren stated that he had no problem with the expansion of a non-conforming use and continuing the deck out to the side. But he wondered about the dimensions of the sunroom. He wondered if there was a way to minimize the encroachment on the rear setback.

Ms. Eickhoff stated that the size of the sunroom would match the back of the house and give enough room to keep the same chairs. Anything smaller would be crowded. She was not going beyond the sides of the house.

Township Planner Frey noted that a deck was allowed to encroach up to 16 feet on the rear setback. It was when the deck was enclosed that it was considered part of the principal structure and the 50-foot setback applied.

Responding to questions from Member Doren and Ms. Eickhoff, Township Planner Frey clarified setbacks as they pertained to both principal and accessory structures. A deck that was not enclosed and not covered would be considered an accessory structure and would be allowed to encroach on the setback.

Member Lark asked about the other houses in the neighborhood and wondered if they had structures that encroached on the rear yard setbacks.

Ms. Eickhoff confirmed that a nearby house also had a sunroom.

Township Planner Frey stated that she was not aware if a variance had been needed for that sunroom. The lot could be deeper.

Member Lark and Smith discussed the overhead sketch and agreed that the lots appeared to have the same depth and that the sunroom looked to be about the same size as the one being requested.

Responding to a question from Member Lark, Ms. Eickhoff stated that her neighbors had no problem with the request.

Chair Slatin stated that no correspondence had been received regarding this petition.

Chair Slatin mentioned that many similar requests had come to the Board over the years and that in many cases, in the newer subdivisions, it was written into the covenants of the lots that they would not be able to get a variance.

Township Planner Frey noted that PUDs and Open Space Communities usually had other concessions or considerations in terms of smaller lot sizes or other reductions. However, this house was in a straight R-2 Zoning district.

Member Smith recalled that some similar requests had been approved in Northville Commons.

Township Planner Frey stated that those houses were approved at 35 feet originally with a newer ordinance stating 50 feet. Those approved were consistent with their covenants and restrictions and the variance requests fit within the original ordinance.

Member Doren wondered if the Lakes of Northville had a homeowners association and if so, had the plans been submitted and approved? Were there any deed restrictions?

Ms. Eickhoff stated that the homeowners association had approved the project before they had put in their permits. Mr. Bloss stated that a copy had been provided to the District.

Township Planner Frey noted that the building department might have received the documentation.

Member Doren stated that it was being represented that the Lakes of Northville Homeowners Association had received and approved the plans.

Relating to the earlier discussion, Township Planner Frey clarified that if the proposed sunroom was not enclosed, but did have a roof, a variance would still be required.

Chair Slatin opened the public hearing at 7:24 p.m.

Ronald Verhelle, 41672 Waterfall Road, stated that he lived west of the subject site. They also had a three seasons room, but had not needed a variance. He wondered if another neighbor who had also put in a three seasons room had needed a variance. He supported the variance request.

Chair Slatin stated that this was the public hearing for both petitions by the petitioner and invited any other public to speak. Seeing that no others indicated that they wished to speak, Chair Slatin closed the public hearing at 7:28 p.m. and brought the matter back to the Board.

Member Smith wondered about a possible reduction of the variance.

Ms. Eickhoff stated that the current size of the deck was what she needed for the existing furniture to fit in the interior of the sunroom. It was not that big and the furniture was close together already.

Member Smith explained that the Board had to be concerned about the size of the variance, if any, that they approved.

Ms. Eickhoff stated that if it was cut back too far, it would not do her any good.

Chair Slatin wondered if there was an opportunity to swap the deck and the sunroom locations. If they could be flipped, the variance would be reduced by 2 feet. He explained that there were six criteria that the Board had to consider and that one of those was the minimum variance necessary. They strove to look at options that would minimize the amount of the variance granted.

Mr. Verhelle requested permission to speak. He felt it should be recognized that the ordinance might have been designed for houses with common yards in the back. They had woods in the back and it was unlikely that would change.

Chair Slatin noted that there were many reasons ordinances were put into place. Attractiveness to neighbors was one reason, but another consideration would be keeping the structure within the building envelope to minimize the amount of earth that was covered.

Ms. Eickhoff stated that if they flipped the sunroom and the deck, there would be no way to bring the sunroof off the roofline and make it look right. The sunroom would also have to come out of the front room instead of the kitchen. It would not be a good design for a difference of 2 feet. They did back into woods and had a deep yard that they kept maintained.

Member Doren stated that he would make a motion to approve the variance and that it was premised to a large extent on the fact that the homeowners association, as represented, had reviewed and approved the plans.

**MOTION by Doren, support by Smith, that the Zoning Board of Appeals approve Petition PZON20-0006, at 41650 Waterfall Road, a variance request to Article 18.1 – Schedule of**

**Regulations, Minimum Yard Setbacks to allow a 43.3' setback to the rear property line where 50' is required, with the following conditions:**

- **All plans and buildings must meet the 2015 Michigan Residential Code and subdivision approvals.**
- **A building permit must be approved prior to the expiration of the variance approval.**

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

**Motion approved 6-1.**

Chair Slatin directed the Board to the second petition regarding the property. He invited any further presentation from the petitioner. He summarized the situation: as the petitioner builds the sunroom, the building line will follow what was already there and the non-conformance would be extended forward.

Chair Slatin noted that the public hearing for this petition had already occurred.

**MOTION by Heath, support by LoPiccolo, that the Zoning Board of Appeals approve Petition PZON20-0008, at 41650 Waterfall Road, a variance request to Article 22.5 (C) - Nonconforming Uses, Buildings & Structures to allow the expansion of the non-conforming 10.6' setback to the east property line where 15' is required, with the following conditions:**

- **All plans and buildings must meet the applicable Michigan Residential Code.**
- **A building permit must be approved prior to the expiration of the variance approval.**

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

**Motion approved 6-1.**

**3. PZON20-0007 Seraphim and Evangelia Pallas, Property Owner**

Location: **18894 Valencia St.**

Request: A variance request to Article 3.2 L - General Use & Operating Provisions to allow the average roof height of a proposed detached garage to be 14.5' tall where 14' is permitted.

Seraphim Pallas, property owner, was present on behalf of the petition.

Member Heath left the meeting at 7:42 p.m.

Mr. Pallas stated that the request was for a variance on height. However, the request was for 14 feet 8 inches. There were two different ways of measuring the structure. When they

measured by taking the middle of each garage door and dividing that by four, it was 14 feet 8 inches. When they had measured on the general footage, it was 14.5 feet.

The Board and Mr. Pallas discussed the confusion on the height measurement.

Township Planner Frey stated that they had worked to see if the measurement could be made to reach 14 feet and therefore not need a variance. In the ordinance, the measurement was defined as an average between the eaves and the ridge measured at 5 feet intervals around the foundation.

Chair Slatin stated that it was not the height of the tallest part of the roof.

Mr. Pallas stated that there was no limitation for the tallest portion, as it could be an A-frame. Currently the roof was 18 feet but he understood that he could go up to 20 or 25 feet if the roof was slanted differently or wrapped around like a barn shape. When looking at building the garage, he requested it be kept as small as possible and they put the very minimum pitch on it that they could with a shingled roof. He had the ceiling vaulted on the inside to give a little more height. He had discussed digging it out but was told that it would result in water in the garage.

Mr. Pallas shared another option, which would make the footprint larger. He could add a third section where the roof was dropped a little bit. He would not need a variance if he did that. However, it would be a larger building than he needed, more trees would need to be cut, and it would be more expensive – all for the same amount of space that he needed internally.

Mr. Pallas explained that he had height limitations. He was trying to make the door as small as possible. His RV had a height of 12 feet 8 inches and so the door was 13 feet. The soft antenna would still drag. He also had a tractor and plow with a roll bar to help take care of their 2.5 acres which had about 270 trees. Third, he had classic cars that he had on lifts. If he dropped the ceiling a little bit, he would not be able to get one car on top of the other and he would hit his head on the lifts. He had done this in the past and antennas would break.

Mr. Pallas stated that the lot was irregular and that the garage would be hidden in the thick, dense woods. He was allowed to go to 5 feet on the rear setback, but his two neighbors in the back would be happier if it was 15 feet from the property line, so he pulled it further from their houses. With the heavy woods, it would likely not be visible and he had discussed adding extra trees. While his neighbors would be happier without a garage, what they had been really concerned about was that it would be a metal pole barn structure. But the garage would be stylish with top quality doors that no one would actually see due to the odd plot configuration.

Member Smith wondered if any consideration had been given to connecting the house to the garage via a canopy or a breezeway. Then a variance would not be required.

Member Smith and Township Planner Frey discussed the implications of connecting the garage to the house in such a manner. It would become a part of the principal structure and would be able to be go up to 35 feet. The side setbacks would be 15 feet and the rear setback would be

50 feet. It was an irregularly shaped lot, but due to the size of the breezeway, the garage would have to be moved closer to the house.

Member Doren stated that he was troubled by the ambiguity of the petition. They had been presented with a request of 14.5 feet but the petitioner was indicating that he might need 14 feet 8 inches. If that additional height was not actually needed, the petitioner could extend the height beyond what was needed. How could they determine what variance request was needed?

Mr. Pallas stated that the Township had always been very helpful and that the problem had been known about early on. He had been told that if it was really tight, he could measure it at every 5 feet and then take the average.

Member Doren asked if that had been done. Mr. Pallas stated that it had not.

Township Planner Frey noted that a lot of discussion had occurred but that the Township had not received any measurements that showed that the garage complied without a variance.

Mr. Pallas stated that he felt that there was ambiguity in how to measure. He had not understood that the definition was in the ordinance. He had talked to the engineer and the Township. About a month or six weeks ago, before a deadline, he had received an email asking if he wanted to go for 14 feet 8 inches on the application and he had responded affirmatively. They had always tried to give everything as requested as quickly as possible.

Township Planner Frey stated that they had gone off the application for the agenda and that when messages get sent back and forth via email it could get confusing. To clarify for the Board, it sounded like the request was for 14 feet 8 inches.

Chair Slatin stated that he was more troubled with the ordinance and the way the height was measured. The structure was 18.3 feet tall. When looking at the variance they looked to see if it would fit in a community or if it would look out of place. The original request was for 14.5 feet and now they were being asked to look at 14 feet 8 inches, which was a small change. However, the highest point was still 18 feet. That didn't change. He wondered what the ordinance was trying to accomplish and if it was solely to avoid unsightly structures.

Township Planner Frey stated that a garage was an accessory structure and that an accessory structure was smaller than a principal structure. She stated that the documents on the petition that were provided on the website to the public did have the petitioner's revised drawing that showed 14 feet 8 ½ inches.

Member Smith confirmed that 14 feet 8½ inches was also on the elevation provided.

Mr. Pallas stated that when he researched variances that most of them were approved for much more than this height and that some cities also encouraged these and had the limitation as the minimum required to fit an RV in the structure.

Township Planner Frey stated that the Township had never had a conversation about changing the ordinance to allow RVs. Some variances for size on an accessory structure had been denied and petitioners had to either reconfigure them on the side or attach them to the principal structure. The intent was that the garage was an accessory structure and smaller in scale.

Mr. Pallas stated that he could actually build the garage with a larger footprint. It was an option if he did not receive the variance. However, for a difference of a few inches of height, the building would be larger, with a weird roof, and more trees would have to be cut down.

Member Lark asked about how his neighbors felt about the project.

Mr. Pallas stated that his neighbors were in favor of the request. The ones in the back hadn't wanted the garage and feared it would be a pole barn. In deference to his neighbors, he planned to set the garage back further and hide it more in the corner where about fifty trees would wrap around it. With that, all of the neighbors had been positive about the project. Some of them indicated that they wouldn't even be able to see the garage. Even his house couldn't be seen from Valencia Street because it was so far back.

Member Smith agreed that the house was not visible from Valencia Street.

Chair Slatin opened the public hearing at 8:00 p.m.

Matt DeDona, 18893 Valencia Street, stated that he was due west of the subject site. He would not even notice the structure from his vantage point. He supported the variance request.

Dan Dressler, 18945 Edenderry Street, stated that he was directly behind the subject site. They had some initial concerns that it would be a pole barn which would not be a fit structure for the neighborhood. They had also been concerned with how close it would be to the property line. Mr. Pallas had agreed to move the garage to 15 feet from the property line and also put in some trees back there and tuck the garage away from their view. Their discussions also indicated that it would be a much nicer looking building than feared.

Responding to questions from the Board, Mr. Pallas stated that the current plan was to build the garage 15 feet from the side property line and 15 feet from the rear property line.

Seeing that no others indicated that they wished to speak, Chair Slatin closed the public hearing at 8:04 p.m. and brought the matter back to the Board.

Two correspondence had been received regarding the petition:

- Edgar F. and Mary J. Jacobi, 18890 Valencia Street, supported the variance request.
- Thomas Zielke, 18900 Valencia Street, supported the variance request.

Member Smith began a discussion on practical difficulties and the uniqueness of the situation. While he understood the need to have a garage large enough for the RV and the hoists for the

classic cars, he could not classify those as being a practical difficulty. He wondered if part of the building could be stepped down so the petitioner would not need a variance.

Mr. Pallas stated that he could not drop the ceiling and that those extra inches were essential to the design. His current garage had a 10-foot ceiling and could only fit two mustangs – one on top of the other. And the tractor had a safety roll bar and had a little extra height. He did vault the ceiling in one area to accommodate a taller vehicle.

Member Smith asked if vaulting the entire roof would allow for the roof line to be dropped a little bit.

Mr. Pallas stated that vaulting the entire roof would not make a difference because he would still be stuck with the base of the roof. The proposed garage came in at 11 feet at the base of the roof. His current garage was at 10 feet.

Member Smith asked about the possibility of custom rafters that would allow for less height.

Mr. Pallas responded that they were already using special scissor rafters. He was still limited at the edge of the roof, the ceiling height and the pitch. He had tried to go for a lower pitch because that would drop the roof a few inches, but it couldn't be done due to snowfall. He was using the very least pitch he could.

Chair Slatin stated that the need to get the RV covered was not a practical difficulty. Instead they needed to look at what about the lot provided difficulty and uniqueness that would justify the variance. He felt that the practical difficulty was that in order to lower the roofline a bigger structure would need to be built. With the nature of the area and the trees on the lot, there was practical difficulty that would justify the variance. Nature was an important aspect of the neighborhood, which was not a standardized subdivision. It was a rural area with a dirt road.

Member Smith agreed that the area was very unique.

The Board discussed height would be used in the motion. The elevations that had been provided stated 14 feet 8 ½ inches.

The Board discussed with Mr. Pallas the petitioner's decision, at his neighbor's request, to build the garage 15 feet from the rear property line. Member Doren indicated that he would like to see that listed as a condition of the variance. Mr. Pallas indicated that he would be fine with the variance being contingent on that requirement.

Chair Slatin noted that if the building department decided that the measurement didn't meet the height allowed by the variance, the petitioner would need to come before the Board again.

**MOTION by LoPiccolo, support by Sixt, that the Zoning Board of Appeals approve Petition PZON20-0007, at 18894 Valencia Street, a variance request to Article 3.2 L - General Use & Operating Provisions to allow the average roof height of a proposed detached garage to be 14' 8 ½" tall where 14' is permitted, with the following conditions:**

- **All plans and buildings must meet the 2015 Michigan Residential Code**



Member Doren expressed concern about other people also wanting fences because many of the lots nearby were similarly very narrow and very deep.

Mr. Wolfe thought that some neighbors had already built fences. There were several similar fences around the area.

Member Doren agreed that there was a hodgepodge of fences that anyone would notice.

Township Planner Frey stated that some variance requests had been allowed to provide a continuation of a chain link fence. Perhaps there were others that existed that didn't comply, but they would not be approved if a permit were requested.

Responding to a question from Member Smith, Township Planner Frey discussed the difference between a fence and a privacy screen. A fence would be allowed on the property line and enclose the entire lot. They could be 4 feet or 54 inches with decorative projections. A privacy screen would be permitted with the five standards mentioned in the review letter of July 8, 2020. A privacy screen was intended to be a continuation off the side of the house on the side of a deck and would be like wing walls off the back of the house. They were allowed to be higher in order to screen the deck from neighbors. They were not intended to be on the property line. The fence in question was taller than an allowed privacy screen and not a contiguous enclosure.

Member Lark asked if the chain link fence was nonconforming.

Member Smith thought that it was quite old.

Township Planner Frey noted that it was nonconforming but it was there previously and no one was saying that it needed a variance. They were concerned about the new construction without a permit.

Member Smith wondered if the person who had filed the complaint had also filled out a letter against the request.

Township Planner Frey said that they had not. She believed that they were not within the notification zone.

Member Doren recalled a previous request to the Board of a similar nature that had been denied.

Member Lark asked about the standards that were relevant to the request.

Township Planner Frey noted that there were three standards for privacy screens that were not met by the application. First, the length of a privacy screen maxed out at 16 feet beyond the rear building line. Second, the privacy screen should not be located in the required side yard. Privacy screens were meant to be adjacent to a deck and abutting the house and would not be on a property line. Third, a privacy screen should not exceed five feet from the bottom of the screen. Typically, the screen might start a couple of feet off the ground at the level of the deck. The structure in question was 6 feet.

Member Smith stated that the variance was for height but that he saw the first two standards as more of a problem.

Township Planner Frey noted that the structure was not really a privacy screen per the ordinance definition, but it was a fence.

Member Smith wondered if they considered the structure as a fence, would it be compliant.

Township Planner Frey stated it would still be non-compliant, but just on height.

Member Doren stated that as a fence, it couldn't be completely enclosed – that it would have to have some capacity to it.

Township Planner Frey noted that the shadowbox fence would meet that criteria.

Member Smith thought this would be considered a privacy screen rather than a fence because it was not contiguous.

Township Planner Frey agreed and stated that it did not enclose anything. A privacy screen would be allowed to go a little higher but would be more limited in application and length.

Responding to a question from Chair Slatin, Mr. Wolfe stated that he had not hired a fence contractor, but had installed the fence himself.

Chair Slatin opened the public hearing at 8:34 p.m. Seeing that no members of the public indicated that they wished to speak, Chair Slatin closed the public hearing at 8:35 p.m. and brought the matter back to the Board.

Chair Slatin noted that the Board had heard from Elizabeth Wong previously during the meeting via Mr. Wolfe's phone and also recognized that the following correspondence had been received regarding the petition.

- P. Clapper, 15833 Maxwell Avenue, had no objections to the variance.

Member Smith noted that he had a concern over any precedent that would be set in a case like this one and the one Member Doren had recalled. While this fence was not particularly aesthetically displeasing, he worried about others making similar requests. Additionally, the rule's cited in Ms. Frey's letter of July 8, 2020 regarding length and location were grounds for a motion to deny the variance.

Member Lark asked if the petitioner would be allowed to put up a fence if he enclosed the entire yard and limited the fence to 4.5 feet.

Township Planner Frey agreed that such a fence would be allowed.

**MOTION by Smith, support by Sixt, that the Zoning Board of Appeals DENY Petition PZON20-0009, at 15812 Maxwell Avenue, a variance request to Article 31.5.C. (1), (2), (4) to allow screen to be located on the side of the house, within side yard setback and 6' height where 5' is permitted.**

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

**Motion to DENY approved 5-1.**

**Other Business**

None.

**Department Reports**

**Jennifer Frey, Township Planner**

The Board would meet in August either virtually or in person.

**Eric Lark, Planning Commission**

Member Lark summarized the June Planning Commission meeting.

**Samantha Heath, Board of Trustees**

None.

**Public Comments and Questions**

None

**Adjournment:**

**MOTION by LoPiccolo, support by Smith, to adjourn the July 15, 2020 Zoning Board of Appeals meeting at 8:43 P.M.**

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

**Motion approved 6-0.**