

CHARTER TOWNSHIP OF NORTHVILLE
Zoning Board of Appeals
May 20, 2020

DATE: May 20, 2020

APPROVED: July 15, 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
Bob Belair, Deputy Director of Public Services

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

Approval of Minutes:

Zoning Board of Appeals – February 19, 2020

MOTION by Heath, support by LoPiccolo, to approve the minutes from the Zoning Board of Appeals meeting of February 19, 2020.

Roll call vote: Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Smith, Slatin
Nays: None

Motion approved unanimously.

Chair Slatin made standard introductory remarks explaining the role of the ZBA and the procedures for tonight's remote 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. PZON20-0002

Metro Auto Leasing

Location: 50595 Six Mile Road

Request: A variance request to Article 18.2.S, Schedule of Regulations – request to allow an existing building setback of 50'-0" for a building addition where 200' is required abutting residential property.

Action: Approve, Approve with Conditions, Postpone, Deny

Danielle Bohannon, Technical Group, Inc., 37716 Hills Tech Dr., Farmington Hills, was present on behalf of this variance request from Metro Auto Leasing, 50595 Six Mile Road. She explained that this variance had been granted on September 25, 2018 but due to certain County approval processes and timetables, the work was not able to be completed before the variance expired on September 25, 2019. This variance request was identical to the one granted in 2018, that the existing non-conforming 50-foot building setback be allowed to continue as part of a building expansion.

Ms. Bohannon explained that the building existed before the adjacent residential development; this situation was not self-created.

In response to questions from the Board, Township Planner Frey confirmed that this request was identical to the one granted September 25, 2018. The applicants were proposing to construct an addition to the existing building. Given the location of the building and loading dock, it would be difficult to increase the building setback from the east property line. The width of the drive aisle had been reduced and as a result, a 10-foot setback and landscape buffer had been achieved, where approximately 5 feet currently exists. Also, the gravel parking behind the building would be replaced with lawn.

Chair Slatin opened the public hearing at 7:12 p.m. Seeing that no public indicated they wished to speak, Chair Slatin closed the public hearing at 7:12 p.m. and brought the matter back to the Board.

Township Planner Frey noted that no written communication had been received regarding this request.

MOTION by Heath, support by Smith, that the Zoning Board of Appeals approve Petition PZON20-0002, Metro Auto Leasing, 50595 Six Mile Road, a variance request to Article 18.2.S, Schedule of Regulations, to allow an existing building setback of 50'0" for a building addition, where 200' is required abutting residential property, with the following conditions:

- **Variations are valid for one year from the date of approval. A building permit must be approved prior to the expiration of the variance approval.**
- **Conditions of the 2018 variance approval must be met:**
 - **Relocate dumpster to the west side of the property.**
 - **Provide 50% more landscape between the east property line and the edge of the driveway.**
- **All plans shall comply with applicable building codes.**

Roll call vote: Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Smith, Slatin
Nays: None

Motion approved unanimously.

2. PZON20-0003 John Hauptmann – Hauptmann Homes, LLC

Location: 15500 Portis Road

Request: A variance request to Article 34.4 C (1) Land Division, Combination or Reconfiguration request to divide existing parcel into two 66'x320' lots where ordinance requires the resulting lots to have a depth to width ratio not to exceed 3:1

Action: Approve, Approve with Conditions, Postpone, Deny

John Hauptmann, Hauptmann Homes, LLC, 9421 Ball Street, Plymouth, was present on behalf of this petition for a variance from the requirement for land divisions to result in parcels with a 3:1 depth to width ratio, in order to divide an existing parcel into two 66'x320' lots as described.

Mr. Hauptmann said he was in full agreement with the analysis, comments and conclusions in Township Planner Frey's March 23, 2020 review letter. The existing home would be removed.

Township Planner Frey explained that this area of the Township was originally platted with deep lots and many existing parcels did not meet the 3:1 depth to width ratio. Twenty five of the 41 lots within 500 feet of the subject lot were 66 feet wide.

Chair Slatin opened the public hearing at 7:18 pm. Seeing that no public indicated that they wished to speak, Chair Slatin closed the public hearing at 7:18 pm and brought the matter back to the Board.

Township Planner Frey noted that no written communication had been received regarding this request.

MOTION by LoPiccolo, support by Heath, that the Zoning Board of Appeals approve Petition PZON20-0003, John Hauptmann – Hauptmann Homes, LLC, 15500 Portis Road, a variance request to Article 34.4.C(1) Land Division, Combination or Reconfiguration, in order to divide an existing parcel into two 66'x320' lots, where the ordinance requires the resulting lots to have a depth to width ratio not to exceed 3:1, with the following conditions:

- **The existing home must be demolished and approved by final inspection prior to finalizing the lot split and assigning the parcel ID's.**
- **All plans and buildings must meet the 2015 Michigan Residential Code and subdivision approvals.**
- **Variances are valid for one year from the date of approval. A building permit must be approved prior to the expiration of the variance approval.**

Roll call vote: Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Smith, Slatin

Nays: None

Motion approved unanimously.

As no one was yet present on behalf of Agenda Item 3, PZON20-0005, the following motion was offered:

MOTION by Slatin, support by Lark, to amend the agenda to change PZON20-0004 to Agenda Item 3, and change PZON20-0005 to Agenda Item 4.

Roll call vote: Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Smith, Slatin
 Nays: None

Motion approved unanimously.

3. PZON20-0004 Michael Klement, AIA Architect

Location: 900 Spring Drive

Request: A variance request to Chapter 170, Article 18.1 Schedule of regulations to allow 25' front setback where 40' is required and 7 and 8' side yard setback where 15' is required for new home construction.

Action: Approve, Approve with Conditions, Postpone, Deny

Michael Klement, AIA Architect, 2301 Platt Road, Suite 30, Ann Arbor, was present on behalf of this request to allow a 25-foot front setback where 40 feet is required, and 7 and 8 foot side yard setback where 15 feet is required, for new home construction at 900 Spring Drive. Dave Gutman, owner, was also present.

Mr. Klement explained that the existing home was proposed to be removed, in order for a new home to be constructed in the same location. The existing house was compliant with the City of Northville dimensional requirements, but not in compliance with Township dimensional requirements. The goal was for the new home to be placed on the lot consistent within the context of the street. Also, there was a relatively steep grade change to the rear, and the proposed location would allow the home to be constructed on the flatter area of the property, maximizing the distance of the home from the wetlands.

All the other homes to the east on Spring Drive were in the City of Northville. The intention was to conform with the rhythm and placement of those homes.

The existing home was constructed in 1965; the situation was not self-created. In terms of substantial justice, the subject site is experienced as part of a City of Northville neighborhood, and granting the variance would provide substantial justice to other homeowners on the street.

Regarding whether this was the minimum variance necessary, the applicants were seeking to utilize the setback requirements of the City of Northville for new construction, in order to maintain the consistent appearance with the other four houses on the north side of Spring Drive.

Mr. Klement further explained that they would be seeking LEED certification for this home. One goal was to locate the house as far from the wetland as possible, and overall to provide an example of sustainable stewardship.

Chair Slatin opened the meeting for Board discussion.

Member Lark asked Township Planner Frey to further explain suggested condition #2 in the review letter regarding verifying the road easement. Township Planner Frey explained that Spring Drive was a private road in the Township. Depending on where the road easement was, it was possible only a portion of the lot needed the 25-foot variance for the front yard setback. However, if the drawings were depicting the easement accurately, the 25-foot variance would be needed for the entire frontage.

Member Lark asked what the square footage of the existing home was, and the square footage of the new home. Mr. Klement said he didn't know the existing square footage. New home square footage would be determined in part by the results of tonight's hearing. Again, they were seeking to be as far from the wetlands as possible, and were asking for the ability to comply with City of Northville regulations in order to maintain consistency on the street.

Member Smith asked for more information regarding City of Northville setback requirements. Mr. Klement explained that the City's front yard setback requirement was 25 feet. Side yard setbacks needed to total 15 feet, or as in this instance, 7 feet on one side and 8 feet on the other.

Member Doren asked for more information regarding suggested condition #3 in Township Planner Frey's letter, which suggested maintaining the Township's 15-foot setback on the west side of the lot. Township Planner Frey explained that the homes to the east and north on Spring Drive were very consistent with front and side yard setbacks, so maintaining compatibility to the east made sense. However, the situation to the west was different, with much larger acreage lots, and the need to be consistent with City standards didn't really apply. Maintaining the Township's 15-foot setback on the west side would minimize grading and encroachment toward the edge of the wetland/floodplain, while still providing plenty of depth in the building envelope.

Member Smith said when he visited the site he had come to the same conclusion.

Chair Slatin said that the following letters had been received in support of this variance:

Betty Hamilton, 901 Spring Drive
David and Susan Gutman, 903 Spring Drive
Lynn Stringer, 905 Spring Drive
Kathryn Yutzy, 526 Orchard Drive
James Arthur Jolliffe, 490 Orchard Drive
Ming and Barbara Louie, 820 Spring Drive
Adrian Wheeler, 860 Spring Drive
Erin Parris-Dallia, 400 Orchard Drive

Mr. Klement pointed out that 860 Spring and 905 Spring were the adjacent neighbors; both had submitted letters expressing support for this request.

Member Doren asked the applicant to address the comments regarding maintaining a 15 foot setback to the west.

Mr. Klement said they were proposing to spread the house wide rather than deep, keeping the house as close to the street as possible, and reducing the impact on the rear of the property. Also, part of the aspiration of the new construction was to harness passive solar energy. Designing the house with more of a south orientation via a reduced west side yard setback supported that goal. Last, it was possible the lot to the west was not developable.

Chair Slatin opened the public hearing at 7:41 pm.

Lisa D., 350 Orchard, said she lived to the northeast of the subject site, on the other side of the pond. She supported the variance request.

Brian Turnbull, 361 Eaton Drive, City of Northville and Mayor of the City, supported the variance request, as it would conform to the homes on the street that were in the City. He pointed out that another new home was being built across the street, which would also have the 25-foot front setback the City of Northville required.

Dave Gutman, owner, said that they were attempting to build a "net zero" home, minimizing their carbon footprint and preserving the natural features on this site. They did want the house to be wide, with less depth, to take advantage of solar energy and to be consistent with other homes on the street.

Seeing that no other public indicated they wished to speak, Chair Slatin closed the public hearing at 7:47 pm and brought the matter back to the Board.

Chair Slatin suggested that separate motions be offered for the front yard setback variance request and the side yard setback variance request.

MOTION by Heath, support by LoPiccolo, that the Zoning Board of Appeals approve the variance request to Chapter 170, Article 18.1 Schedule of regulations to allow a 25-foot front setback where 40 feet is required, for new home construction, with the following conditions:

- **All plans and buildings must meet the 2015 Michigan Residential Code.**
- **The location of the road easement shall be verified and identified on a revised drawing.**
- **Variations are valid for one year from the date of approval. A building permit must be approved prior to the expiration of the variance approval.**

Roll call vote: Ayes: Doren, Heath, Lark, Piccolo, Sixt, Smith, Slatin
 Nays: None

Motion approved unanimously.

MOTION by Heath, support by LoPiccolo, that the Zoning Board of Appeals approve the variance request to Chapter 170, Article 18.1 Schedule of regulations to allow 7- and 8-foot

side yard setback where 15 feet is required, for new home construction, with the following conditions:

- All plans and buildings must meet the 2015 Michigan Residential Code.
- The location of the road easement shall be verified and identified on a revised drawing.
- The extent of the side yard setback variance shall be limited to the portion of the lot between the road and the wetland/floodplain.
- Variances are valid for one year from the date of approval. A building permit must be approved prior to the expiration of the variance approval.

Chair Slatin said that this case demonstrated a very strong practical difficulty, in terms of its border and relationship to the City of Northville, and topographical conditions of the site, including the slope to the north toward a wetland/pond.

Roll call vote: Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Smith, Slatin
Nays: None

Motion approved unanimously.

4. PZON20-0005 Susan & Thomas Hillebrand

Location: 16220 Old Bedford Road

Request: A variance request to Article 22.5.C Nonconforming Uses, Buildings and Structures- To expand nonconforming 12.1' side yard setback where 15' is required by the current ordinance

Action: Approve, Approve with Conditions, Postpone, Deny

Susan and Thomas Hillebrand, 16220 Old Bedford Road were present on behalf of this request, which was to expand a nonconforming side yard setback in order to construct an accessible master bedroom suite addition so that they could age in place at this location.

Chair Slatin opened the public hearing at 7:59 pm. Seeing that no public indicated that they wished to speak, Chair Slatin closed the public hearing at 7:59 pm. and brought the matter back to the Board.

Chair Slatin noted that a letter in support of this variance request had been received from Christopher and Jody Stolicker, 16416 Old Bedford.

MOTION by Heath, support by LoPiccolo, to approve PZON20-0005, Susan & Thomas Hillebrand, 16220 Old Bedford Road, a variance request to Article 22.5.C Nonconforming Uses, Buildings and Structures – to expand a nonconforming 12.1' side yard setback where 15' is required by the current ordinances, with the following conditions:

- All plans and buildings must meet the applicable Michigan Residential Code.
- Variances are valid for one year from the date of approval. A building permit must be approved prior to the expiration of the variance approval.

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

Motion approved unanimously.

Other Business

None.

Department Reports

Jennifer Frey, Township Planner

No petitions had been received for the June Meeting.

Eric Lark, Planning Commission

Member Lark summarized the May 5 Planning Commission meeting.

Samantha Heath, Board of Trustees

None

Public Comments and Questions

None

Adjournment:

MOTION by Slatin, support by LoPiccolo, to adjourn the May 20, 2020 Zoning Board of Appeals meeting at 8:05 P.M.

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

Motion approved unanimously.