

CHARTER TOWNSHIP OF NORTHVILLE
Zoning Board of Appeals
December 11, 2019

DATE: December 11, 2019
TIME: 7:00 P.M.
PLACE: Northville Township Hall
44405 Six Mile Road

APPROVED: January 15, 2020

CALL TO ORDER: 7:03 P.M.

ROLL CALL:

Present: Brian Doren, Eric Lark, Joseph LoPiccolo, Paul Slatin, Paul Smith
Excused: Symantha Heath, 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 – November 20, 2019

MOTION by LoPiccolo, support by Doren, to approve the minutes from the Zoning Board of Appeals meeting of November 20, 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. PZON19-0008 Gregory Hamel, Property Owner

Location: 19880 Maxwell Rd

Request: A variance request to Article 18.1, Schedule of Regulations, to allow an 18' front yard setback for a new house where 40' is required.

Gregory Hamel, property owner, was present on behalf of the petition.

Mr. Hamel discussed the unique nature of the property, which was heavily treed, hilly, and contained ravines. Due to the ravines, only 20% of the lot area was buildable – a triangle of usable area in the southwest corner, on the road side. It would be very hard to position a

reasonable sized home and they were looking at building a ranch with a footprint of 2500 square feet without being too close to the edge of the ravine. The hardship was unique to the property. Their goal was to position the house so that it was not on the edge of the ravine and they wanted to avoid erosion. If built on the edge of the ravine, it would be extremely expensive to put in counter-measures to prevent the foundation from cracking. Additionally, the variance would allow them to save the large trees that were the highlight of the property. The house that had previously been on the property was built on the edge of the ravine and did have a cracked foundation.

Mr. Hamel believed that this was a reasonable request. The front setback that would be encroached upon was not to a boulevard, sidewalk, or street, but to a line in the woods because the street ended at the driveway to the property. To the north was the dead-end road and further, past the woods, was the Meadowbrook Country Club. There were houses to the south, east, and west. With the approval of the variance, the proposed house would be further away from two of the neighboring houses and would be a little closer to the third, which was across the street. The houses were all quite far apart.

Mr. Hamel believed that the variance request was fair because they were not trying to build a giant house, but one that was sympathetically sized with the other houses on the street. They couldn't build what would be a typical house on the street, due to the topography of the property.

Public good would be served by not building on the edge of the ravine, which was the water run-off ravine behind Maxwell. They did not want to degrade the ravine. Additionally, the variance would allow them to save trees.

Member Lark summarized an objection submitted by Silke and Joe Nylas, who were neighbors, and who were concerned about the narrowness of the street and the parking situation. They were concerned that the ability of trucks to turn around at the dead end would be negatively impacted.

Mr. Hamel stated that the corner of the house that would encroach into the setback was past the end of the street. The road ended at the current driveway and the house would be further north, so there would be no effect on the street and the ability for drivers to turn around.

Member Doren stated that according to the design diagrams, it appeared that just a corner portion of the house encroached into the setback.

Mr. Hamel agreed, stating that it was the northwest corner of the house, which was north of where the street ended.

Member Doren wondered if an investigation had been made into decreasing the size of the home in order to accommodate the current setback and how that would affect the house.

Mr. Hamel stated that they had already made the house narrower and rotated it to get away from some mature trees to the south and the cliff on the east. They could have built a larger sized colonial, but they were interested in a ranch for their retirement home.

Member Doren asked about the previous house on the property.

Mr. Hamel confirmed that they tore down that house after purchasing the property and that it was a two-story house that did not meet the setback requirements. The garage was 30-feet from the street, which was a 10-foot deviation. There had been some confusion about the setback, but when submitting the variance request, he had been informed that the setback was 40-feet.

Member Lark asked about the size of the proposed home.

Mr. Hamel stated that the footprint of the proposed home was 2500 square feet and that there was a bonus room above the garage that was about 600 square feet. They were still in the design phases, so everything was still approximate.

The Board and Mr. Hamel clarified the size of the variance request, the dimensions on the plot plan, and where the previous garage had been located.

Member Doren asked about the percentage of the home that protruded into the setback.

Mr. Hamel stated that he did not have that calculation, but that it was just the corner of the master bedroom.

Chair Slatin wondered if there was any way to adjust the placement of the house. He noted that the side yard requirement was for a 15-foot setback and that they currently had 26 feet, which might give room for reducing the encroachment.

Mr. Hamel approached the Board and, referencing the plat, discussed the placement of the house. He pointed out a large tree they were attempting to save. He also noted that the ravine was triangular in shape so that as you moved north, you also had to move west. The blueprints were based on the best information they had as to the exact location and size of the house. If possible, they would do better but the topography, trees, and footprint of the house led to the current plan because 80% of the property was unusable.

Chair Slatin explained the purpose of the Board and that one criterion for a variance was that the variance be the minimum necessary to grant relief. While he felt that the rationale for a variance was strong, he wondered if there was any way to reduce the encroachment into the setback. He stated that possibly a postponement would allow time for further design work to see if the variance could be minimized.

Mr. Hamel felt that a delay would not change anything. They were not planning on changing the shape of the house, but they had turned it to be optimal for the ravine and trees.

Member Lark asked about restrictions at the back of the house. Mr. Hamel approached the Board and, referencing the plat, discussed the topography and placement of the house.

Member Doren asked about the positioning of the house and the possibility of a lesser variance. More of the house might encroach on the setback, but it would not be as deep of an encroachment.

Mr. Hamel stated that it would be possible if they made a straight rectangular house. Currently the plan was for the garage to be at about a 30-degree angle because no one liked looking at garage doors, which were generally unsightly. The plan was originally for a 45-degree angle, but they had made it flatter. If they made it completely flat, they could slide it north and get out of the setback, but it would just be a big rectangle and the design had already been compromised by the triangle of land they had available.

Responding to questions from Member Doren, Mr. Hamel stated that they had found the house before they had found the lot and that they were trying to make the two fit. They had changed the design of the house and were trying to avoid cutting down trees. If they were too close to the trees when they dug for the foundation or the driveway, they would hit the roots. They were as close as they dared to some of the trees on the south end.

Chair Slatin understood that the variance was being requested so that they would have some amount of back yard before the ravine.

Mr. Hamel agreed. He stated that the southwest corner had a flat spot but that immediately to the north and east it dropped off. They had a triangle of flat land they were trying to utilize. It was the hardship that was unique to the lot on that street.

The Board discussed with Mr. Hamel where the top of the ravine and the edge of the cliff was located.

Mr. Hamel pointed out that the old house was built on the edge of the cliff and had the deck cantilevered with tall pillars. The foundation was cracked and the hill was eroding. They wanted to get the house off the cliff.

Chair Slatin opened the public hearing at 7:32 P.M.

Silke Nyilas, 19875 Maxwell Road, did not support the variance request. She and her husband had also sent in a letter. She felt that one didn't pick a house and then try to make it fit onto a property, but that one designed a house that fit the property. A solution could be to have a two-story house.

Joe Nyilas, 19875 Maxwell Road, did not support the variance request. His main concern was keeping the look and the feel of the area. He was concerned about the impact on the street with the assumption that if the house was closer to the road, the driveway would be shorter. Guests might have to park on the narrow street. There were already times when their driveway was blocked by trucks, such as DTE Energy. In winter, the problem was even worse.

Member Doren understood from the plans that the end of the driveway would actually be further back than the previous driveway.

Mr. Nyilas stated that he had not seen the plans and had trouble understanding the drawing that had been sent to residents, but that moving from a 40-foot setback to an 18-foot setback seemed like way too much. The encroachment should be the minimum possible.

Responding to questions from Member Lark, Mr. Nyilas also expressed a concern about the view because as the only house that wouldn't have a 40-foot setback, it would stick out.

Sibille Lepek, 19576 Maxwell Road, wondered about the effect of granting this request on the rest of the neighborhood and asked for clarification.

Chair Slatin and Township Planner Frey clarified that the request was specific to this property only.

Michael Cutaiar, 19800 Maxwell Road, spoke in support of a minor variance to allow for some encroachment if it wasn't going to impact the road. His understanding from the comments was that the driveway would be longer than what was currently in place.

Mr. Cutaiar's house was built a little too close to the ravine, which also went through his property. Consequently, he was dealing with issues of erosion and needing to shore up the ravine. Since the encroachment on the proposed house was past the end of the road, it was better to not risk the problem of erosion.

Responding to a question from Member Smith, Mr. Hamel stated that the new driveway would be longer than the previous driveway. The garage door was further from the street.

Chair Slatin closed the public hearing at 7:42 P.M.

Chair Slatin acknowledged correspondence that had been received regarding the variance request, as follows:

Silke and Joe Nyilas, 19875 Maxwell Road, and Paul and Sibille Lepek, 19576 Maxwell Road, had both written letters indicating that they did not support the variance request and had also been represented during the public hearing.

Janet Schemanske, 19540 Maxwell Road, and Richard Blott, 41124 Stoneleigh Street, also indicated that they did not support the variance request.

Chair Slatin invited Mr. Hamel to respond to the concerns of the public.

Mr. Hamel reiterated that the parking situation would be no worse and might be better. Regarding the view from the street, he would love to have a long driveway and a house set back to where the other houses were placed. However, it could not be done. The houses on the street did not line up face to face. His property was at the dead end and would be in the trees. It would not be an eyesore. The request was only concerned with a corner of the house that was quite a bit north of the end of the street and would have no bearing on the street.

Member Smith understood how the dimension was alarming, but upon seeing the plans, he didn't think it was very intrusive. While he had wondered if the variance could be minimized, it was just the corner of the house and there was the issue of all the trees. This was not a huge house, but just a unique property situation.

Chair Slatin asked if the property had Township sewer or a septic field.

Mr. Hamel indicated that the property was on the municipal sewer system.

Chair Slatin was inclined to support the variance request because of the characteristics of the lot, including the huge ravine. He would also be open to looking at a smaller variance request. However, trying to preserve the mature trees was important and it was a modest sized home.

Member Smith agreed and commented that the variance request was pretty minimal with just the corner of the house. From the comments during the public hearing, it seemed like the opposing residents were not familiar with the specifics of the request.

Member Doren noted that a change from a 40-foot to an 18-foot variance sounded like a lot. However, the old garage was about 30 feet from the street, so it was less of a change. While it was just a corner of the house, they didn't have the actual square footage of how much would encroach.

Member Lark agreed that there were a lot of good reasons to grant the variance which included being at the end of the street, the uniqueness of the lot, and that the parking on the street would not likely change. However, he wasn't sure if the petitioner had done all possible to try and make the house conform. The ravine ran behind other houses on the street as well.

MOTION by LoPiccolo, support by Smith, that the Zoning Board of Appeals approve Petition PZON19-0008, at 19880 Maxwell Road, a variance request to Article 18.1, Schedule of Regulations, to allow an 18' front yard setback for a new house where 40' is required with the following conditions:

- **All plans and buildings must meet the 2015 Michigan Residential Code.**
- **The variance is valid for one year. Construction shall begin within one year of the variance approval.**
- **The size and nature of the encroachment does not change.**
- **Approval is conditioned upon the plans that were presented at tonight's meeting.**

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

Motion approved unanimously.

Other Business

None.

Department Reports

Jennifer Frey, Township Planner

Township Planner Frey reviewed the December Planning Commission meeting which included:

- Proposed project on Haggerty Road.
- DPS building addition on Beck Road.
- Rezoning of the old fire station property on 7 Mile Road to R-2.

Public Comments and Questions

None

Adjournment:

MOTION by LoPiccolo, support by Smith, to adjourn the December 11, 2019 Zoning Board of Appeals meeting at 8:08 P.M.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.