

CHARTER TOWNSHIP OF NORTHVILLE
Zoning Board of Appeals
December 14, 2022

DATE: December 14, 2022
TIME: 7:00 pm
PLACE: Northville Township Hall
44405 Six Mile Road

APPROVED: May 17, 2023

CALL TO ORDER: 7:01 pm

ROLL CALL:

Present: Brian Doren, Milan Gandhi, Joseph LoPiccolo, Christopher Roosen, Paul Slatin, Paul Smith, Thomas Stroup

Excused: None

Staff: Bob Belair, Director of Public Services

Director of Public Services Belair confirmed that all property owners within 300 feet of tonight's petition had been notified.

Approval of Minutes:

Zoning Board of Appeals – November 16, 2022

MOTION by LoPiccolo, support by Stroup, to approve the minutes from the Zoning Board of Appeals meeting of November 16, 2022.

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. Four affirmative votes would be required to pass any motion and all variance requests approved would be valid for one year.

Petitions:

1. PZON22-0014	Ghada Beydoun
Property Owner:	Kassem Beydoun
Location:	39827 Golfview Dr.
Request:	To allow the addition on the back of the house to be 43' from the rear property line where 50' is required by township ordinance
Action:	Approve, Approve with Conditions, Postpone, Deny

Ghada Beydoun, 39827 Golfiew Dr., was present on behalf of this petition.

Ms. Beydoun explained that there was an existing deck on the property that was permitted around 2004 and she wanted to enclose the bottom of the deck for additional storage space, requiring a seven-foot variance. She explained that they started the work before they applied for a variance because they did not know they would need a permit or a variance to update an existing structure in this way. This project would enhance the value of her home and neighboring homes.

Ms. Beydoun explained they would like to turn the existing deck into a 4-season room, and enclose the bottom in order to give them the additional space they needed. They had received several letters of support from their neighbors, and had received approval from their homeowners association.

Ms. Beydoun provided pictures of the existing deck.

Board discussion and questions:

- The deck had been approved because decks were allowed to encroach 16' into the rear setback. What was being proposed was an addition, something markedly different than the deck structure.
- The professionals Ms. Beydoun had hired should have known that they would have to pull permits.
- The Board pointed out that there were 5 letters in the packet from neighbors who opposed the variance. Ms. Beydoun said that they only had two adjacent neighbors and the back of the property was adjacent to the golf course.
- The house was 67' to 74.5' from the rear lot line, which would leave enough room to permit a smaller addition that would comply with the setback. Had Ms. Beydoun explored the possibility of a compliant smaller addition? Ms. Beydoun said she did not want to tear down the entire existing deck because the deck was already approved and tearing it down would be expensive. The foundations were already in place and the addition process had begun; they did not want to tear everything out and start all over again.
- The Board pointed out that decks were regulated by different rules than additions. Decks were allowed to encroach 16' into the setback; additions were not allowed to encroach into the setback.
- The original deck was a half-circle design that had already been demolished and a new foundation had been poured.

Chair Slatin opened the public hearing at 7:20 pm.

Ketan Tolia, 39813 Golfview Dr, opposed the variance. He was the petitioner's immediate neighbor to the south. He objected to the way the addition was built and that the variance was requested after the fact. Construction started in late August. The petitioner should have known a permit was required. Additionally, the plan was not the same plan the petitioner submitted to the homeowners association, and the plan had

not been reviewed by the HOA Architectural Review Committee. The plans submitted to the HOA showed the circular porch being enclosed; now the construction was for a large rectangular addition. Also, the petitioner had previously been on the Architectural Review Committee and would have been aware that a permit was necessary. Township ordinances were clear and unambiguous, but the petitioner had given no consideration to following the ordinance. The addition would obstruct views from Mr. Tolia's house. The lot itself was not unique, and the petitioner had not attempted to justify needing a variance per ordinance requirements. This problem was self-created by the petitioner.

In response to questions from Member Doren, Mr. Tolia said there were deed restrictions in the HOA bylaws, although he had not specifically researched them.

Todd Calloway, 45426 Pebble Beach Ct, neither supported or opposed the variance. Calloway was on the board of directors at Meadowbrook Country Club which shared a property line with the petitioner. He asked if the proposed addition would get any closer to the property line.

Director of Public Services Belair confirmed that Meadowbrook had been notified of tonight's meeting.

Seeing no one else approach the podium, Chair Slatin closed the public hearing at 7:34 pm.

In response to public comment, Ms. Beydoun said that they informed the president and two other members of the homeowners association of the construction plans after the plans changed. She said public comment was exaggerated, and that she was unaware that a permit would be required when they started work. The project was started in August and had progressed off and on. Ms. Beydoun referred to a picture taken from the neighbor's point of view and said that the addition would not obstruct the neighbor's view.

Member Roosen noted that misunderstandings between neighbors were not part of the Board's decision.

Several Board members spoke of their support for homeowners improving their homes and properties. However, variances could only be granted based on specific criteria as laid out in the ordinance.

Chair Slatin explained that the Board's decision must be based on the five criteria outlined in Township Planner Frey's November 28 letter to the petitioner. He noted that the petitioner had a standard sized lot with a significant amount of room to design a similar sized addition and maintain the required 50' setback.

Member Stroup said that the contractor should have gotten approval for the petitioner's plan before starting the work. He could not support the request because it did not meet the ordinance criteria for granting a variance.

Location: 44711 6 Mile Rd.
Request: To allow the replacement of the existing wire fence on the front property line with a new 3' tall decorative white farm style fence
Action: Approve, Approve with Conditions, Postpone, Deny

Rachel Landin, 44711 6 Mile Rd, was present on behalf of this petition.

Ms. Landin explained that there was an existing fence at the front of their property. The property had been vacant for several decades before the Landins purchased it. A significant amount of vegetation had grown through the fence and the fence had deteriorated to the point that it could not be repaired.

Ms. Landin noted that there was a bike and foot path adjacent to her property. She wanted to improve sight lines to the path by removing the existing fence and vegetation and replacing them with a three-foot tall fence with slats. The footprint of the proposed fence would be the same as the existing fence. The proposed fence would tie into the existing chain link fence on the sides. A variance was needed for the length of the fence to exceed 100', and the length of the fence sections to exceed 20'.

In response to a question from Member Doren, Ms. Landin said that the driveway would remain unfenced in its existing location in the middle of the frontage.

Chair Slatin noted that the length of the proposed fence was 240' where a total of 100' was allowed, with long sections exceeding the allowed 20' section length. The proposed fence did meet the criteria for a decorative fence based on the fence's three-foot height, and decorative fences were allowed in the front yard. The existing fence was non-conforming, and the proposed fence would be an improvement.

Chair Slatin opened the public hearing at 8:06 pm. Seeing no one approach the podium, Chair Slatin closed the public hearing at 8:06 pm.

Chair Slatin noted that correspondence was received from Kerry Howard, 17040 Birchwood Drive, in support of the variance.

MOTION by LoPiccolo, support by Stroup, that the Zoning Board of Appeals approve Petition PZON22-0016, for Winston and Rachel Landin, a variance request to Article 31, Fences, to allow the replacement of the existing wire fence on the front property line with a new 3' tall decorative white farm style fence to not exceed 240', minus the width of the driveway.

Roll Call Vote: Ayes: Doren, Gandhi, LoPiccolo, Roosen, Smith, Stroup, Slatin
Nays: None

Motion approved 7-0.

4. PZON22-0017

Meadowbrook Country Club

Property Owner:

Meadowbrook Country Club

Location:

40941 8 Mile Rd.

Request:

To allow the use of a temporary tent to house maintenance equipment and maintenance functions until the new maintenance facility is completed.

Action:

Approve, Approve with Conditions, Postpone, Deny

Ross Hoekstra, McIntosh Poris Associates, 36801 Woodward Ave, Suite 200, Birmingham, was present on behalf of this petition. Todd Calloway, 45426 Pebble Beach Court, was also present.

Mr. Hoekstra explained that Meadowbrook was requesting a variance to Article 37.11 to allow the erection of a membrane structure, i.e., tent, for the temporary use of the Club's maintenance operations to maintain equipment while a new maintenance facility was constructed. Meadowbrook had previously appeared before the Board on two occasions, when the Board had confirmed the Planning Commission's special land use approval for the location of the new maintenance facility. The new maintenance facility had been under construction in summer 2022, when construction was paused for an appeal of the Board's decision. The appeal was now resolved and construction could continue, and the new facility was scheduled to be completed in August 2023. There was a practical difficulty because the existing maintenance facility was scheduled to be demolished in February 2023, which left the Club without a maintenance facility for a six-month period. The variance would allow maintenance operations to continue.

Mr. Hoekstra stated that Article 37.11 of the ordinance prohibited the parking or storage of vehicles and equipment in membrane structures, and seemed designed to prevent long term storage in temporary structures. Meadowbrook would use the proposed tent for maintenance. The Club was therefore requesting temporary use of a temporary structure for vehicle maintenance.

Mr. Hoekstra stated that the Club had investigated other structures that could accommodate the Club's vehicle lift, and found that other options would take as long as the construction of the new maintenance facility to complete. A tent was the only temporary structure available to the Club that would provide enough height to work on their maintenance equipment during this period. The Club would not receive a lasting benefit by erecting the tent, and would not set a special precedent based on the decision.

Mr. Hoekstra said that the petition had a specific timeframe that aligned with the completion of Meadowbrook's permitted and approved maintenance facility. Special land use was approved and confirmed twice by the Board, and pending litigation had been resolved.

Mr. Hoekstra said that if the variance was approved, Meadowbrook would follow the submission requirements in Article 37, including fire, building, and public safety reviews.

In response to questions, Mr. Hoekstra gave the following additional information:

- The tent would be provided with temporary power and heat.
- They had explored temporary fencing for security, but no fencing was planned at this time. There would be security cameras and parking lot lighting. There were existing storage containers being used for equipment storage that would continue to be used.
- There had not been any objections or feedback from neighbors regarding the tent. About half of the tent would be screened by existing conifers along the edge of the property.

In response to a question from Member Stroup, Mr. Calloway explained that the appeal to Circuit Court of the Board's decision to confirm special land use was denied by the judge due to lack of standing and on its merits on November 21. The case was closed and the order had been filed with the Court.

Director of Public Services Belair stated that no correspondence had been received in regards to the variance request.

Chair Slatin opened the public hearing at 8:18 pm.

Linda Malec, 20557 Wintergreen Circle, spoke in opposition to the variance request. She raised concerns about an on-site construction trailer already on the property, existing vehicles parked near the existing maintenance facility, and an on-site semi-trailer stored on site. She disputed the petitioner's statement that the legal case was resolved, noting that the decision could be appealed to a higher court. She raised a concern about ongoing construction noise, and said that subcontractors were connecting to facilities on Wintergreen Circle, including putting poles in residential yards, instead of connecting from Eight Mile Rd.

Seeing no one else approach the podium, Chair Slatin closed the public hearing at 8:23 pm.

In response to public comment, Mr. Calloway explained that subcontractors were connecting to facilities on Wintergreen Circle because DTE had taken an existing power line back too far. DTE was currently resolving the situation and the utilities would be connecting from Eight Mile Road going forward.

Mr. Calloway said that he had a copy of the judge's order that closed the appeal. He also quoted the appellants' brief which stated that the appellants were not opposed to the petitioner constructing a new maintenance facility, but were opposed to the location of the proposed building. He noted that the proposed tent would not be near Wintergreen Circle and would not impact Wintergreen properties.

- Provided a summary of the December Planning Commission meeting.

Christopher Roosen, Board of Trustees

- The last meeting of 2022 would be on December 15.
- Gave an update regarding plans for new central services complex at Legacy Park.
- Provided 2022 recap.

Public Comments

Adjournment

MOTION by LoPiccolo, support by Stroup, to adjourn the December 14, 2022 Zoning Board of Appeals meeting at 8:42 P.M.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.