

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS Minutes of Regular Meeting May 21, 2018

1. CALL TO ORDER

The meeting was called to order by chair Stephen Safranek at 7:04 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

Brad Cousino	Absent with notice
Kenneth Dignan	Present
Greg Kolecki	Present
Stephen Safranek	Present
Amy Steffens	Present
James Balsillie, Alternate	Absent (Presence not required)

Also present:

Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Members of the public

4. ADOPT AGENDA

- **Motion:** Safranek moved, Otto seconded, that the agenda be adopted with Minutes being moved to follow Correspondence.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. MINUTES

- **Motion:** Dignan moved, Otto seconded, that the minutes of the January 22, 2018, regular meeting be approved as presented.
Motion carried 4—0 on a voice vote.

7. PUBLIC HEARINGS

- 7A. **Case #JZBA180001; Sutton Schoolhouse; Location: 2931 E. Joy Road; Request for variances from 36-905(a)(3) Expansion and Substitution, and Sections 36-158(4)(a), 36-158-(4)(c), and 36-158(3), Regulations and Standards; to allow addition to the existing building and demolish the attached garage/shed; Parcel 02-34-400-005; zoned AR—Agriculture.**

- **Motion:** Otto moved, Dignan seconded, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Matthew Hagerty, attorney with Myers & Myers PLLC, appeared representing Sutton Schoolhouse LLC. He said this lot is one-half acre, the building on it is thought to be the oldest in the Township, and since it ceased being used as a school in the 1960s it has been in continuous ownership of one family, and is now owned by his aunt and uncle. He said it was in use as a residence until the 1990s.

Hagerty noted:

- At one-half acre the existing lot is non-conforming (five acres minimum required).
- The front yard setback requires a 22.84 ft. variance from the required 50 ft., but the non-conformity will not be increased with the proposed addition.
- The year yard setback will require a 23.5 ft. variance from the required 50 ft., but the adjacent property there is owned by a utility company, so there is no adjoining neighbor on that side.
- The lot coverage of 11.6% slightly exceeds the allowable 10%.
- The proposed residential use is compatible with the surrounding uses.

He said given the small lot size and the existing building location the variances required are relatively modest, and he believes the proposal meets the standards for determination for the variances requested.

In answer to questions, architect Dennis Dinser, Arcadian Design of Fenton, said the existing building will remain in its current location, the addition will be clad in brick which will be matched as closely as possible to the existing building.

Safranek called for comments from the public. Timothy DiLaura, 5045 Pontiac Trail, the neighbor immediately on the east, asked what the basis for granting the requested variances would be, especially in light of the lot being only one-tenth the minimum required lot size.

Planning Consultant Vidya Krishnan reviewed her report, listing the variances required and explaining the standards for determination which must be considered by the ZBA. She noted that if the ordinance requirements were strictly enforced, neither the existing building nor the proposed addition would be allowed because only a 1' wide sliver of land would be considered buildable within the required setbacks. She said that would render the lot unbuildable which is considered to be unusually burdensome under State law; and while the applicant is proposing an addition, they are attempting to bring the property more into compliance with the ordinance by removing the garage. She said the proposal would allow preservation of an historic building, it is not adverse to the interests of

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other property owners in the district, and it minimizes the variances required.

Krishnan noted this lot was created before the existence of the zoning ordinance, so it is a legal non-conforming lot of record. She said the history of the parcel and the building is unique and cannot be attributed to other properties in the area, and the applicant did not create the issues that resulted in the need for variances. She also noted that the side yard setbacks—which have greater potential to affect neighboring properties than the front and rear yards—are being adhered to. She concluded that for these reasons the proposal is considered to be reasonable for the site.

In answer to a question from Mr. DiLaura, Krishnan said in addition to considering the side yard setbacks, the concerns of neighbors is the reason for the public hearing.

DiLaura said allowing a development like this on a lot this size so close to the road is not in keeping with the look, lay of the land, and temperament of the area which requires a five acre minimum. He said he feels the neighbors have certain rights, and the Township should protect the existing environment. He said seeing that compromised is of concern. In answer to a question from Dignan, DiLaura said he has lived in house for ten years.

In answer to a question from George Kempf, Krishnan said this will be a single-family home. Kempf said this is the only remaining one-room schoolhouse in Northfield Township. He said the first settler, Mr. Sutton, donated the land for the school. He said it is sad to see this building being converted, and it would be great to see it preserved, perhaps as an office for the historical society. He said he is opposed to the proposal.

Dorothy Kapp Shear said she and her brother, Dale Kapp, both attended the school. She said while they are happy to see the proposed design, they wish the building could be preserved, perhaps as a museum. She said they have heard that this will be used as a bed and breakfast, and she would be opposed to that.

Michelle DiLaura said the neighbors on the west side are on vacation, but they also have concerns. She said as a single-family home it could still be used as an Airbnb property, and while she understands that may be permitted, it is not what the neighbors would like. She questioned the need to put an addition on the house.

Jennifer DeLisle, 9213 Dexter-Chelsea Road, said she understands the concerns of the neighbors, and she does not live as close, but to her the building is too special to be lost. She said two other schoolhouses have been lost recently; one was torn down by the Township and one collapsed. She said the plans proposed respect the scale of the building and the beautiful aspect of it. She said a lot of time and effort

has been put into the plans, and while not every lot should be given variances she feels this is very special.

In answer to questions from Otto, DeLisle said she is still a part of the historical society, and while it might be possible to raise funds to buy and renovate this property, the organization does not have the funds to preserve this property.

Dinser said he has worked with the property owners on other preservation projects, and they are very respectful of historic properties. He said the existing 1,100 sq. ft. building will be restored as the addition is built. He said the existing building would be almost impossible to use for offices, and any commercial use would require parking and lighting and would create traffic, none of which would be in character with the building. He said if the residential proposal cannot be approved, the value of the property would be lost to the owner, and it would be more valuable for a commercial developer to tear it down. He said they are being as delicate as they possibly can in the design, it will be better than it is now, and it will be preserved as a residential lot.

In answer to questions from Safranek, owner Dennis Hagerty said he and his wife live about two miles from this property, and while they do not plan on living in the house, their long-term plan is for it to be used as a residence, and not an Airbnb rental. He said they will not live in it, but will offer it to relatives and friends first, and any other residents would be carefully screened. Mr. Kempf said historic preservation grants are available for buildings like this.

Dinser noted the proposed side yard setback would be twice the required 30' setback.

- ▶ **Motion:** Otto moved, Dignan seconded, that the public hearing be closed.
Motion carried 4—0 on a voice vote.

8. OLD BUSINESS

None.

9. NEW BUSINESS

- 8A. Case #JZBA180001; Sutton Schoolhouse; Location: 2931 E. Joy Road; Request for variances from 36-905(a)(3) Expansion and Substitution, and Sections 36-158(4)(a), 36-158-(4)(c), and 36-158(3), Regulations and Standards; to allow addition to the existing building and demolish the attached garage/shed; Parcel 02-34-400-005; zoned AR—Agriculture.**

Krishnan said there is a lot of respect in the Township for long-term residents, and she noted that Northfield Township does not have any control over development in the Ann Arbor Township area to the south of this site. She said Northfield Township has always worked to maintain its five acre minimum for lots in the AR

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district, but this lot existed before the first zoning ordinance was adopted.

In addition, she noted all property owners have the right to rent out their homes, and though many people would like to see the building preserved as a museum or public building, the property has been in the current family's possession for many years, and they cannot be forced to sell it for other purposes.

Krishnan said the requirement of the ZBA is to consider ordinance standards, and she read her recommendation for approval of the request based on the standards for determination noting that the requested variances are the minimum possible. She reiterated that the only use approved for this site is as a single-family home, and any other use would have to be approved by the Township.

In answer to questions from ZBA members, Krishnan said any other use, including as a school or museum, would require review by the Township Zoning Administrator and may or may not be determined to be allowable in the AR district.

- **Motion:** Dignan moved, Otto seconded, that the request in Case #JZBA180001, Sutton Schoolhouse, 2931 E. Joy Road, Parcel 02-34-400-005; be approved based on the application having met the Standards for Determination as identified by the Zoning Administrator in her recommendation.

Safranek said he is usually very deferential to staff recommendations, and this is probably as unique a situation as the ZBA will encounter, but especially troubling to him is the fact that the lot size is one-tenth of the minimum size required in the district. He said that magnifies all of the issues on the lot, including parking, which must occur along the road or in one of the setbacks. He also said this is a huge addition in that it is doubling the size of the building, and he expects that the next request will be for a garage. He said he believes this will be adverse to the interests of neighboring property owners. He said while the property owners did not create the issue of the lot size, they came into possession of it knowing about it. He said the proposal will be a problem given traffic on the road and will create problems for the neighbors, and he is inclined to vote no because of the substantial and almost overwhelming change to the property.

Otto said the ZBA can only address what is presented, rather than what might occur, such as a garage, and the family bought the property before zoning existed in the Township. She said she feels the burden to neighbors would be less as a residence than if the property were left in disarray.

Dignan said the property's most recent use was as a single-family residence, not the historic school use. He said as the existing or proposed home it will not have significant effects on the neighboring properties, and there are many homes in the Township that do not and will never have garages or carports. He said he sees

this as the only way to preserve this precious structure, and if left unaddressed it will continue to decay and will be lost. He said he has never seen a more thoughtful, detailed proposal submitted to the ZBA, and he has no doubt the owner will carry through with the project which will allow the heritage of the property to continue to be identified. He said any available grants are usually matching grants and it is very hard to realize those projects. He said he is grateful to the applicants for the proposal, and it is not reasonable to hold them to 2018 standards for a parcel purchased in 1963.

Krishnan noted that for perspective, while this parcel is in a five acre minimum lot size district, it is the size of two SR-1 zoned residential parcels and the proposal is for a house of modest size.

Safranek agreed this is not a small lot by city standards, but it is surrounded by much larger lots. Regarding parking, he said his concern is that there is no provision for it at all and that adds to the sense of non-conformity. Regarding ownership, he said the current owners knew about the lot size issue when they acquired it. He said this is a very difficult decision and he does not mean to make light of it, but he is troubled by a substantial addition to a small building on a very small lot without provision for parking, which he thinks most people would be concerned about.

Dignan said the people with five acre lots near this parcel knew about this lot when they purchased their properties. Safranek questioned whether it is reasonable for neighbors to have known what the property was used for when it has been vacant for decades. Dignan said they could have asked.

Dignan said per State law the ZBA cannot address an issue—such as parking—unless it is a part of the proposal. Safranek disagreed, and said the ZBA can consider problems that approval of a non-conformity would create and effects on neighbors.

Safranek called the question.

Motion carried 3—1 on a roll call vote, Safranek opposed.

9B. Election of Officers.

- **Motion:** Dignan moved, Kolecki seconded, that Safranek service as Zoning Board of Appeals Chair. **Motion carried 4—0 on a voice vote.**
- **Motion:** Kolecki moved, Safranek seconded, that Dignan service as Zoning Board of Appeals Vice-Chair. **Motion carried 4—0 on a voice vote.**
- **Motion:** Dignan moved, Safranek seconded, that Kolecki serve as Zoning Board of Appeals Secretary. **Motion carried 4—0 on a voice vote.**

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**9C. Zoning Administrator Quarterly Report:
January 1 – March 31, 2018.**

Safranek referenced Krishnan's first quarter report. Krishnan noted there has been a significant increase in zoning compliance applications for new homes, additions, and other improvements which is a sign of a healthy community.

10. ANNOUNCEMENT OF NEXT MEETING

June 18, 2018, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular

meeting of the Zoning Board of Appeals. Krishnan noted there will be at least one application.

11. ADJOURNMENT

- ▶ **Motion:** Safranek moved, Otto seconded, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:25 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:
Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted on _____, 2018.

Stephen Safranek, Chair

Greg Kolecki, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/zoning_board_of_appeals/