

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
October 16, 2017**

1. CALL TO ORDER

The meeting was called to order by chair Stephen Safranek at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Greg Kolecki	Present
Jacqueline Otto	Present
Stephen Safranek	Present
Amy Steffens	Present
Gary Wellings	Absent
Jeff Lehrke, Alternate	Present

Also present:
Planning Consultant Vidya Krishnan
Members of the public

4. ADOPT AGENDA

- ▶ **Motion:** Safranek moved, Kolecki supported, that the agenda be adopted as presented.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- 6A. Case #JZBA170005; Ann Arbor Dog Training Club; 1575 E. North Territorial Road; Request for 139 foot variance from required setback from the east property line; Article XXIV, Supplementary Regulations and Standards, Section 36-714(2); Parcel 02-21-300-017.**

- ▶ **Motion:** Safranek moved, Otto supported, that the public hearing be opened.
Motion carried 5—0 on a voice vote.

Planning Consultant Krishnan read her October 4th report, noting the request is for a new 18,000 square foot building in the General Industrial (GI) zoning district, and the use is considered similar to a dog kennel, which is an allowed use in the district.

She noted that moving the building to comply with the building setback would place it in a drainage path and further from the septic system, and would require it to be placed over existing access easements. She said granting the variance would not be adverse to adjoining property owners which are single-family residences in GI zoning, but are screened sufficiently by dense landscaping and additional acceptable landscaping is proposed.

Krishnan added it is likely that this use—daytime training of dogs by their owners with no overnight kennel facilities—pre-dates the adoption of zoning ordinances in the Township, and the proposal is not likely to adversely affect the neighborhood.

Dave Hughes of Vanston-O'Brien and several Club members appeared. Mary Westhoff, Club President, explained that the Club teaches owners to train their dogs and offers agility and obedience events, but dogs are never allow to run free on the site and are not kept on-site overnight. She added that moving events indoors would actually reduce sound from the site. In answer to questions she said there could be as many as 100 dogs on the site at one-time, but most of the time they are crated indoors. She confirmed that owners are always present with their dogs, and are required to pick up after their dogs. Club member Kittie Burkhart said dogs currently use the new building location to relieve themselves, but after the building is constructed they will go across the driveway in the area by Advanced Disposal (on the west). In answer to a question, Hughes said the stormwater detention basin shown on the plan is new.

Jack Secrist, 7140 Nollar, said he is not adjacent to this property, and while he has never had a problem with the Club since he has lived in the area he does not think the proposed setback is sufficient. In answer to questions from Commissioners, he said noise is not his main concern; rather he thinks 60 feet is not a sufficient setback for any building.

In answer to questions, Westhoff said the AKC requires 10,000 square feet for the arena alone, so 18,000 square feet is needed for the facility, and the typical hours of operation for events is from 7:00-9:00 A.M. until 5:00 P.M. Hughes said now that engineering data is available he could increase the building setback to 70 feet, and he noted that the 200 foot setback was established for outdoor kennels, whereas Club operations incur indoors. He noted the normal setback in the district is 20 feet. Krishnan confirmed that the 200 foot kennel setback regulation is based on sound

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mitigation for outdoor housing of dogs, the proposed setback would not look out of place in the area, and if the building were used for industrial purposes it would be fully compliant with setbacks.

Steffens questioned whether the ordinance requirement for an additional 50 foot transition strip for properties adjacent to residential zoning should be followed in this case, even though the adjacent residences are zoned GI. Krishnan said the intent of the ordinance is to phase out non-conformities over time and that is more of a priority than providing protections for non-conforming uses.

In answer to a question from Steffens about storm drainage, Hughes said this is currently handled strictly by sheet flow, and about 2,000 cubic yards of material will be graded to create the detention basin. Steffens asked how much material would have to be moved to increase the building setback.

Otto noted that the garage of the neighbor to the east has a setback that is more non-confirming than the proposed building would be.

Steffens questioned whether this should be considered a use variance since under consideration of a setback variance use cannot be considered, and regardless of what information the applicant provides the operations allowed in GI zoning could be conducted 24 hours per day. Krishnan said it is impossible for a zoning ordinance to consider every possible use, and the Township's ordinance does not have a category specifically for a dog training facility, so the ordinance allows the Zoning Administrator to make determinations about use. She said GI is the perfect district for this use, but not all requirements of the district make sense for this use. She said she understands the concern, but given the limitations of the land the Township would not want the applicant to strictly comply with the setback requirements. She added that when all things are taken into consideration the variance requested is not beyond the realm of good planning.

In answer to a question from Kolecki, Krishnan said she and Mary Bird could not find any Township records to confirm the applicant's statement that the Club was originally classified as "other" under GI zoning. She added that classifying this applicant that way would put them in the same category as such things as adult amusement facilities, and that would not be appropriate.

Safranek asked whether this facility could be used as a dog kennel if the variance is approved. Krishnan said just because she (the Zoning Administrator) has determined that the use is similar to a dog kennel, that does not mean the building could be used for a kennel. She said the ZBA is granting only a building setback

variance, not a variance for the use. Steffens noted that is the variance is approved the Planning Commission still needs to approve the site plan and a Conditional Use Permit.

Dick Raloff, Club Building Committee member, and Kittie Burkhart, said the only reason this variance is required is because this is a "dog" training facility, commented on the drainage issue, and said they have always worked hard to work well with the Township.

- **Motion:** Otto moved, Lehrke supported, that the public hearing be closed.
Motion carried 5—0 on a voice vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

- 8A. **Case #JZBA170005; Ann Arbor Dog Training Club; 1575 E. North Territorial Road; Request for 139 foot variance from required setback from the east property line; Article XXIV, Supplementary Regulations and Standards, Section 36-714(2); Parcel 02-21-300-017.**

Krishnan reviewed the findings of fact in her October 4th report and recommended approval, noting that additional approvals are required from the County and the Township Planning Commission.

- **Motion:** Lehrke moved, Kolecki supported, the request in Case #JZBA170005 by the Ann Arbor Dog Training Club at 1575 E. North Territorial Road, Parcel 02-21-300-017, for a 139 foot variance from required 200 foot setback from the east property line under Article XXIV, Supplementary Regulations and Standards, Section 36-714(2), be granted, consistent with the recommendations and finding set forth in the planning consultants October 4, 2017, report, subject to final approval from the Planning Commission and from Washtenaw County for storm drainage retention.
Motion carried 5—0 on a roll call vote.

9. MINUTES

September 18, 2017

A duplicate word was noted.

- **Motion:** Otto moved, Lehrke supported, that the minutes of the August 17, 2017, regular meeting be approved as amended.
Motion carried 5—0 on a voice vote.

10. CALL TO THE PUBLIC

No comments.

11. ZBA MEMBER COMMENTS

Krishnan noted the Planning Commission and Township Board will hold a joint meeting on October 24th and invited ZBA members to attend.

12. ANNOUNCEMENT OF NEXT MEETING

November 20, 2017, 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.

13. ADJOURNMENT

- ▶ **Motion:** Safranek moved, Otto supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

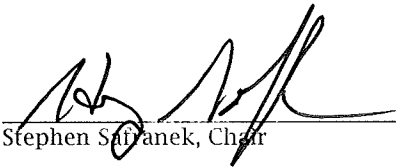
The meeting was adjourned at 7:55 P.M.

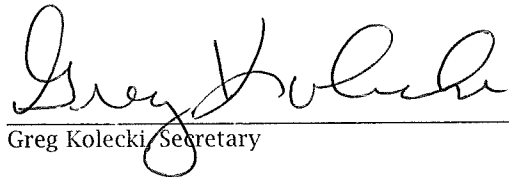
Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted January 22, 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/