

**NORTHFIELD TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
June 17, 2019 7:00 p.m.  
Second Floor, Public Safety Building  
8350 Main Street, Whitmore Lake, MI 48189

**AGENDA**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. ADOPT AGENDA**

**5. CORRESPONDENCE**

**6. PUBLIC HEARINGS:**

A. Case #JZBA190004 – Mark Zielinski, 9411 Main Street, Whitmore Lake, MI 48189 request a determination under Article XXIX Non-Conformities, Section 36-902 (6). The applicant is proposing to build an addition to an existing nonconforming single-family dwelling. The parcel number is B-02-05-328-020 and zoned WLD-D Whitmore Lake District-Downtown.

B. Case #JZBA190005 – Hardscape Solutions, LLC, 1031 W North Territorial Road, Ann Arbor, MI 48105 requests variances from Article VI AR-Agriculture District; Section 36-157, Conditional Uses; sub section (16) (a) (1) for a 4.09 acre lot area variance and Article VI AR-Agriculture District Section 36-157, Conditional Uses; sub section (16) (a) (2) for a 21.66 foot lot width variance. The applicant is operating a landscape supply company from the subject site. The parcel number is B-02-19-300-012 and is zoned AR- Agriculture District.

**7. OLD BUSINESS**

**8. NEW BUSINESS:**

A. Case #JZBA190004 – Mark Zielinski, 9411 Main Street, Whitmore Lake, MI 48189 request a determination under Article XXIX Non-Conformities, Section 36-902 (6). The applicant is proposing to build an addition to an existing nonconforming single-family dwelling. The parcel number is B-02-05-328-020 and zoned WLD-D Whitmore Lake District-Downtown.

B. Case #JZBA190005 – Hardscape Solutions, LLC, 1031 W North Territorial Road, Ann Arbor, MI 48105 requests variances from Article VI AR-Agriculture District; Section 36-157, Conditional Uses; sub section (16) (a) (1) for a 4.09 lot area variance and Article VI AR-Agriculture District Section 36-157, Conditional Uses; sub section (16) (a) (2) for a 21.66 foot lot width variance. The applicant is proposing is operating a landscape supply company from the subject site. The parcel number is B-02-19-300-012 and is zoned AR- Agriculture District.

**9. APPROVAL OF MINUTES:** Feb 19, 2019 and May 20, 2019

**10. CALL TO THE PUBLIC**

**11. ZBA MEMBER COMMENTS**

**12. ANNOUNCEMENT OF NEXT MEETING:** July 15, 2019

**13. ADJOURNMENT**

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA41.72A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at (734) 449-5000, seven days in advance.

## NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

### NOTICE OF PUBLIC HEARING

The Northfield Township Zoning Board of Appeals will hold a public hearing for 9411 Main Street, Whitmore Lake, MI 48189. The applicant, Mark Zielinski is proposing to build an addition to an existing dwelling. The parcel is zoned WLD-D (Whitmore Lake District-Downtown) and has a parcel number B-02-05-328-020. Single family residential dwellings are permitted only in the upper story of structures in the WLD-D district. The existing dwelling on the lower level is an existing non-conforming use, and the proposal to build an addition will require the following variance from the Zoning Ordinance:

Article XXIX. Nonconformities. Section 36-902. Non-conforming uses, sub-section (6), which states that,

*“In commercial and industrial districts and provided no increase in the number of families residing therein results, a nonconforming residential use may expand to occupy the floor area necessary for living purposes and any customary accessory uses or structures may be established therewith as long as such expansion meets the yard and setback requirements of the zoning district in which it is located subject to zoning board of appeals' approval.”*

The public hearing will be held on **Monday, June 17<sup>th</sup>, 2019** at 7:00 p.m. on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA 41.7, 2A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at 734-449-2880, seven days in advance.

Kathy Manley – Northfield Township Clerk

Publish: Sunday, June 2<sup>nd</sup>, 2019  
Newspaper: Ann Arbor News

# NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

## ZONING BOARD OF APPEALS HEARING APPLICATION

Applicant Information:	Proprietor/Owner Information:
Name: <u>MARK ZIELINSKI</u>	Name: <u>MARK ZIELINSKI</u>
Address: <u>9411 MAIN STREET</u>	Address: <u>9411 MAIN STREET</u>
Phone: <u>734-255-5408</u>	Phone: <u>734-255-5408</u>
Email: <u>MF21957@YAHOO.COM</u>	Email: <u>MF21957@YAHOO.COM</u>
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.	
Proof of Ownership Attached: <input checked="" type="checkbox"/>	Non-Owner Affidavit Attached: <input type="checkbox"/>
If applicant is not the owner, describe applicants interest in the property: _____	
<b>1. PROPERTY DESCRIPTION:</b>	
A.) PROJECT ADDRESS: <u>9411 MAIN STREET, WHITMORE LAKE MI. 48189</u>	
B.) PARCEL ID(S): <u>B02 05 328 070</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.) LEGAL DESCRIPTION: _____	
<b>2. PRESENT ZONING CLASSIFICATION:</b>	
AR LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO <u>WLD-D</u> W.L./N.T. Overlay OTHER: _____	
<b>3. PRESENT USE OF PROPERTY:</b> <u>SINGLE FAMILY RESIDENCE</u>	
_____	
<b>4. NON-CONFORMING STATUS:</b>	
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): <u>USED AS A SINGLE FAMILY RESIDENCE ON THE FIRST FLOOR</u>	
_____	
B.) State year/month Non-Conformity began (to the best of your knowledge): <u>1970</u>	
_____	
<b>5. VARIANCE REQUEST:</b>	
A.) Is a denial letter attached from the Zoning Administrator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If no, identify each section of ordinance from which Variance is requested:	
<u>EXISTING NON-CONFORMING USE PER SECTION 30-907(6)</u>	
_____	

B.) Describe reason/need for Variance: TO ADD A 7' X 16' ADDITION TO THE SOUTHWEST CORNER OF THE FIRST FLOOR REAR OF THE HOUSE.

C.) Explain existing special conditions or circumstances that are unique to the land or buildings involved which are not applicable to similar land or building in the same district:  
I REMOVED AN EXISTING (1920'S) REAR PORCH ON THE SOUTHWEST CORNER OF THE FIRST FLOOR (7' X 7') WITH THE FOOTINGS BECAUSE OF SEVERE WOOD ROT AND BROKEN FOUNDATION.

D.) Did the special condition or circumstances arise from your actions?  Yes  No

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E.) Explain why interpretation of the ordinance would deprive you of rights commonly enjoyed by other property owners in the same district: 1ST FLOOR SINGLE FAMILY RESIDENCE IS ALLOWED IN WLD-D AS EXISTING NON-CONFORMING USE.

F.) Explain why this is the minimum variance necessary to allow for a reasonable utilization of the land or structure: ALL OTHER REQUIREMENTS HAVE BEEN MET.

G.) Explain how this variance would be in harmony with the intent of the ordinance and not injurious to the neighborhood or neighbors or otherwise detrimental to the public interest: THE STRUCTURE REMAINS AS A SINGLE FAMILY RESIDENCE IN WLD-D AND ALL YARD SET-BACK REQUIREMENTS ARE IN COMPLIANCE WITH ZONING.

H.) I, the applicant, request the Zoning Board of Appeals grant the following: ALLOW FOR A 7' X 16' ADDITION TO THE SOUTHWEST CORNER OF THE FIRST FLOOR ONLY - AT REAR OF HOUSE.

**6. REQUIRED DOCUMENTS: (10 copies of application & site plans and 1 pdf file for large scale plans)**

Attach a scaled and accurate drawing with the legal description and showing:

- All lot dimensions
- Dimensions and locations of all existing and proposed buildings/additions and drives
- Other improvements and easements of record
- Show distances between existing and proposed buildings and/ or additions
- Show locations and distances of wells, septic and/or sewer lines
- Locations, size, and distances of buildings/structures on adjoining lots
- All additional pertinent information as listed on the checklist on page 3

All documents must be submitted at time of application. If further information is needed, the Zoning Board of Appeals reserves the right to postpone the hearing to review new information.

7. If applicable, all lot lines and building corners must be staked out a minimum of 10 days before the hearing date.

8. The address of the property must be clearly marked and visible from the road.

9. A fee of \* dollars as established by the township board is attached to the application. Applicant understands that the fee will not be refunded in whole or in part regardless of the outcome of the decision.

- \* \$595.00 - Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)
- \$795 = All others

**10. THE APPLICANT:**

- A.) Has received and read the attached provisions of the Township Zoning Ordinance in regards to Article XXX "Zoning Board of Appeals" and understands that a public hearing will be established within 45 days of the filing date and
- B.) Has also read the sections of the Township Zoning Ordinance that to pertain to this request and
- C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated information is not provided and to re-schedule it when the information is provided and
- D.) Understands that any approval or denial of this application shall not relieve the applicant of compliance with all other applicable provisions of the Township Zoning Ordinance or Building Code and each variance approved shall be null and void unless authorized activity commences within 180 days after the date of approval.

**AUTHORIZED SIGNATURE**

All information provided in this application is, in all respects, true and correct to the best of my knowledge, and I understand that incorrect information may be grounds for denying the application or voiding any approval granted hereunder.

Applicant(s) Signature \_\_\_\_\_

Date \_\_\_\_\_

**APPLICANT CHECKLIST**

The following information must be submitted to the Northfield Township Clerk prior to the application being scheduled for a public hearing:

- \_\_\_\_\_ Completed application form
- \_\_\_\_\_ Statement authorizing variance application if not the owner
- \_\_\_\_\_ Proof of ownership property
- \_\_\_\_\_ Legal description of property
- \_\_\_\_\_ 8 copies of site plan and required information
- \_\_\_\_\_ Review Fee

FOR ZONING BOARD OF APPEALS USE ONLY.

APPEAL OF DECISION

1.) Name and Office of Official/Commission: \_\_\_\_\_  
\_\_\_\_\_

2.) Date of Decision: \_\_\_\_\_

3.) Describe Decision that is being appealed:  
\_\_\_\_\_  
\_\_\_\_\_

4.) Describe alternate interpretation or reason for the relief requested:  
\_\_\_\_\_  
\_\_\_\_\_

ACTION TAKEN

The Northfield Township Board of Appeals reviewed the above requested variance or appeal and;

Approved: Date \_\_\_\_\_

Denied: Date \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of ZBA Chair

\_\_\_\_\_  
Signature of ZBA Secretary

Public Hearing date and time: \_\_\_\_\_

Notice sent to Newspapers: \_\_\_\_\_ for publication on: \_\_\_\_\_

(Notice shall be given not less than fifteen (15) days nor more than thirty (30) days before the date of public hearing.)

Notice sent to neighboring owners / occupants: \_\_\_\_\_  
\_\_\_\_\_

(Notice shall be sent to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the property.)

Notice sent to Zoning Board of Appeals Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Copies of Minutes sent to: \_\_\_\_\_ File \_\_\_\_\_

Applicant: \_\_\_\_\_

Building Department: \_\_\_\_\_

Ordinance Enforcement Officer: \_\_\_\_\_

Received Date: _____	Paid Date: _____	Existing Legal Non-Conformities: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain below: _____ _____ _____
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**ZONING COMPLIANCE CERTIFICATE:**

Approved: Date \_\_\_\_\_  Approved As Noted: Date \_\_\_\_\_

Denied: Date \_\_\_\_\_  Conditional Use Required

Site Plan Approval Required

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator Signature Date

AREA OF CONCERN			
	Complies	Does Not Comply	N/A
<b>Landscaping:</b>			
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Comments:			

<b>Signs:</b>			
7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Comments:			

**Comments:** \_\_\_\_\_

**Engineering:** \_\_\_\_\_

**Utilities:** \_\_\_\_\_  Connection fee's paid

**Fire Chief:** \_\_\_\_\_  Inspection Complete

**Access:** \_\_\_\_\_

**Other Conditions of Approval:** \_\_\_\_\_

\_\_\_\_\_

**Additional Comments:** \_\_\_\_\_

\_\_\_\_\_

RECORDED  
WASHTENAW COUNTY, MI

SEP 2 11 09 AM '97

PEGGY A. HAILES  
COUNTY CLERK/REGISTER

WARRANTY DEED

81-7079

RICHARD T. WALLMAN and SANDRA K. WALLMAN, husband and wife

whose address is 9411 Main, Whitmore Lake, Michigan 48190

Conveys and Warrants to MARK E. ZIELINSKI, a single man

whose address is 2240 Pontiac Trail, Ann Arbor, Michigan 48103

the following described premises situated in the Township of Northfield, County of Washtenaw, State of Michigan, to wit:

Washtenaw County Treasurer

Parcel A

Tax Certificate No. 116277MM

All that part of the following described parcel of land which lies West of the West side of the Whitmore Lake Road; commencing at the West 1/4 post of Section 5, Northfield Township; thence S 2°00' E 616.26 feet along the West line of Section 5; thence N 86°30' E 636.90 feet; thence N 80°30' E 7.76 feet for a place of beginning; thence continuing N 80°30' E 60 feet; thence S 9°34' E 23.30 feet; thence S 59°53' E 14.14 feet; thence N 80°30' E 119.96 feet to the West; line of the Whitmore Lake Road; thence to the left along the West line of said road 2.00 feet in the arc of a circular curve of radius 1113.30 feet; thence N 80°30' E 66.46 feet to the East line of the Whitmore Lake Road; thence to the right along the East line of said road 36.89 feet in the arc of a circular curve of radius 1179.30 feet; thence N 80°30' E 392.34 feet to the East line of the West 1/2 of the Southwest 1/4 of Section 5; thence S 2°14' E 30.50 feet along the East line of the West 1/2 of the Southwest 1/4 of Section 5; thence S 80°30' W 392.56 feet to the East line of the Whitmore Lake Road; thence continuing S 80°30' W 247.34 feet; thence N 9°55' W 96.19 feet to the place of beginning, being part of the West 1/2 of the Southwest 1/4 of said Section 5, Northfield Township, Washtenaw County, Michigan.

Parcel B

Also the following described parcel lying East of the Whitmore Lake Road, viz: The South 10 feet of the North 20 feet of that part of the following described parcel which lies East of the East side of Whitmore Lake Road; commencing at the West 1/4 post of Section 5; thence S 2° E 518.82 feet in West line of said Section; thence N 86°30' E 584.12 feet for a place of beginning; thence N 86°30' E 40.24 feet; thence N 80°30' E 678.20 feet to the East line of West 1/2 of Southwest 1/4; thence S 2°14' E 93.47 feet in the East line of West 1/2 of Southwest 1/4; thence S 80°30' W 388.40 feet; thence S 9° E 5.04 feet; thence S 80°30' W 278.78 feet; thence S 86°30' W 52.78 feet; thence N 2° West 97.37 feet to the place of beginning, being a part of the West 1/2 of the Southwest 1/4 of Section 5, T1S, R6E, excepting from the above described parcel such portion as lies within the boundaries of Highway U.S. 23.

for the full consideration of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00)

subject to easements and restrictions of record. Also subject to liens for any tax and/or assessment which become due and payable on or after July 30, 1997

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The grantor grants to the grantee the right to make the maximum divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

STATE OF <b>MICHIGAN</b>		REAL ESTATE TRANSFER TAX
Dept of Taxation		\$121.00-C
County of Washtenaw		\$825.00-S
02 Sep 1997		\$0021800

121-825-

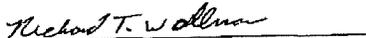
PAGE 2 OF WARANTY DEED

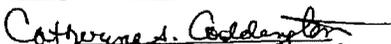
Dated this 1st day of August, 1997

Witnesses:

  
**STEPHANIE STEARN**

Signed and Scaled:

  
Richard T. Wallman

  
CATHERINE A. CODDINGTON

  
Sandra K. Wallman

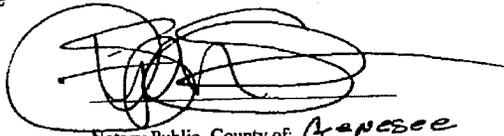
STATE OF MICHIGAN )

COUNTY OF WASHTENAW )  
*Livingston Co.*

The foregoing instrument was acknowledged before me this 1st day of August, 1997 by Richard T. Wallman and Sandra K. Wallman, husband and wife

My commission expires:

**STEPHANIE STEARN**  
Notary Public, Genesee Co., MI  
My Comm. Expires Feb. 17, 2001  
Acting in *Livingston* Co., MI



Notary Public, County of: *Genesee*  
State of Michigan

Instrument drafted by:

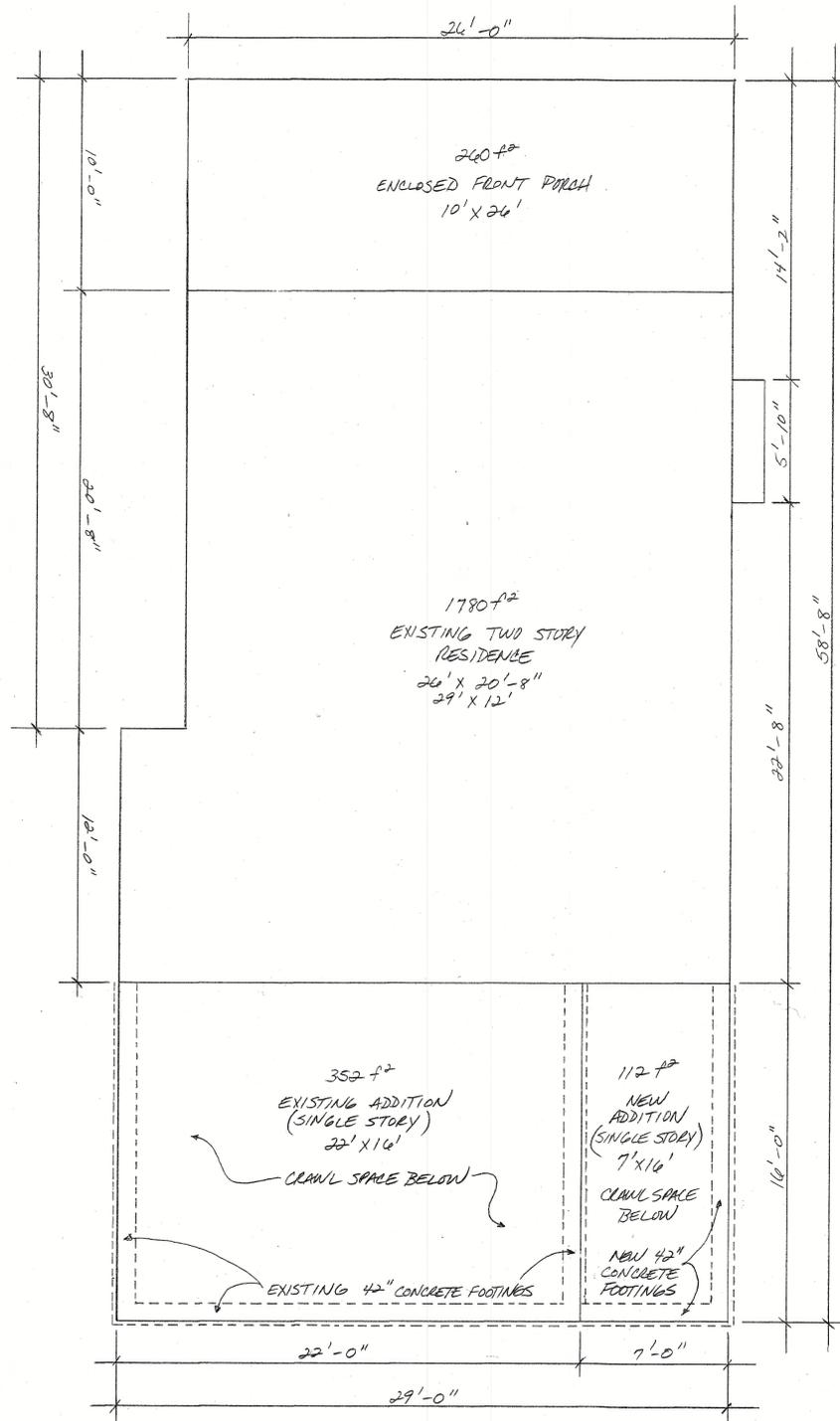
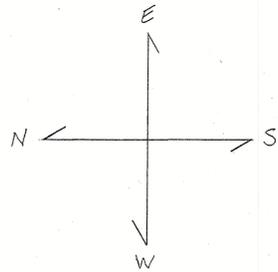
David W. Lutton  
2200 Green Road, #E  
Ann Arbor, MI 48105

When recorded, return to:  
and send future tax bills to:

Mark E. Zielinski  
2240 Pontiac Trail  
Ann Arbor, MI 48103

Tax code: 02-05-328-020 and  
02-05-300-007

MAIN STREET



GENERAL CONSTRUCTION NOTES

A) DEMOLITION

- 1) REMOVE EXISTING 7' X 7' REAR PORCH AT SOUTHWEST CORNER OF STRUCTURE.
- 2) REMOVE EXISTING FOOTING & CONCRETE DEBRIS FROM UNDER EXISTING REAR PORCH.
- 3) REMOVE ROOF STRUCTURE FROM EXISTING ADDITION AT REAR OF HOUSE.
- 4) REMOVE SOUTH AND WEST WALLS FROM EXISTING ADDITION.
- 5) REMOVE FLOOR STRUCTURE FROM REAR ADDITION.
- 6) REMOVE SOUTH FACING FOOTING FROM REAR ADDITION AND CONCRETE DEBRIS.
- 7) LEAVE INTACT - NORTH FACING WALL AND CONCRETE FOOTING. BRACE WALL IMMEDIATELY FOR SAFETY DURING NEW CONSTRUCTION PHASE.

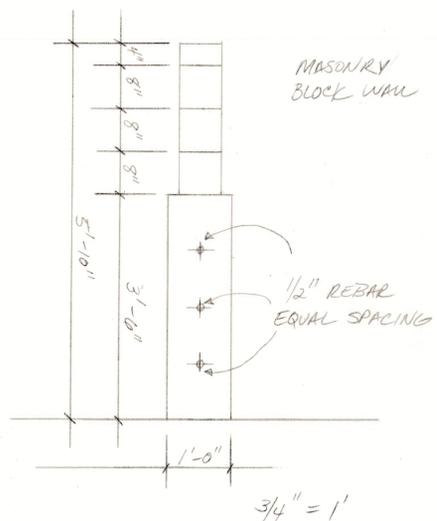
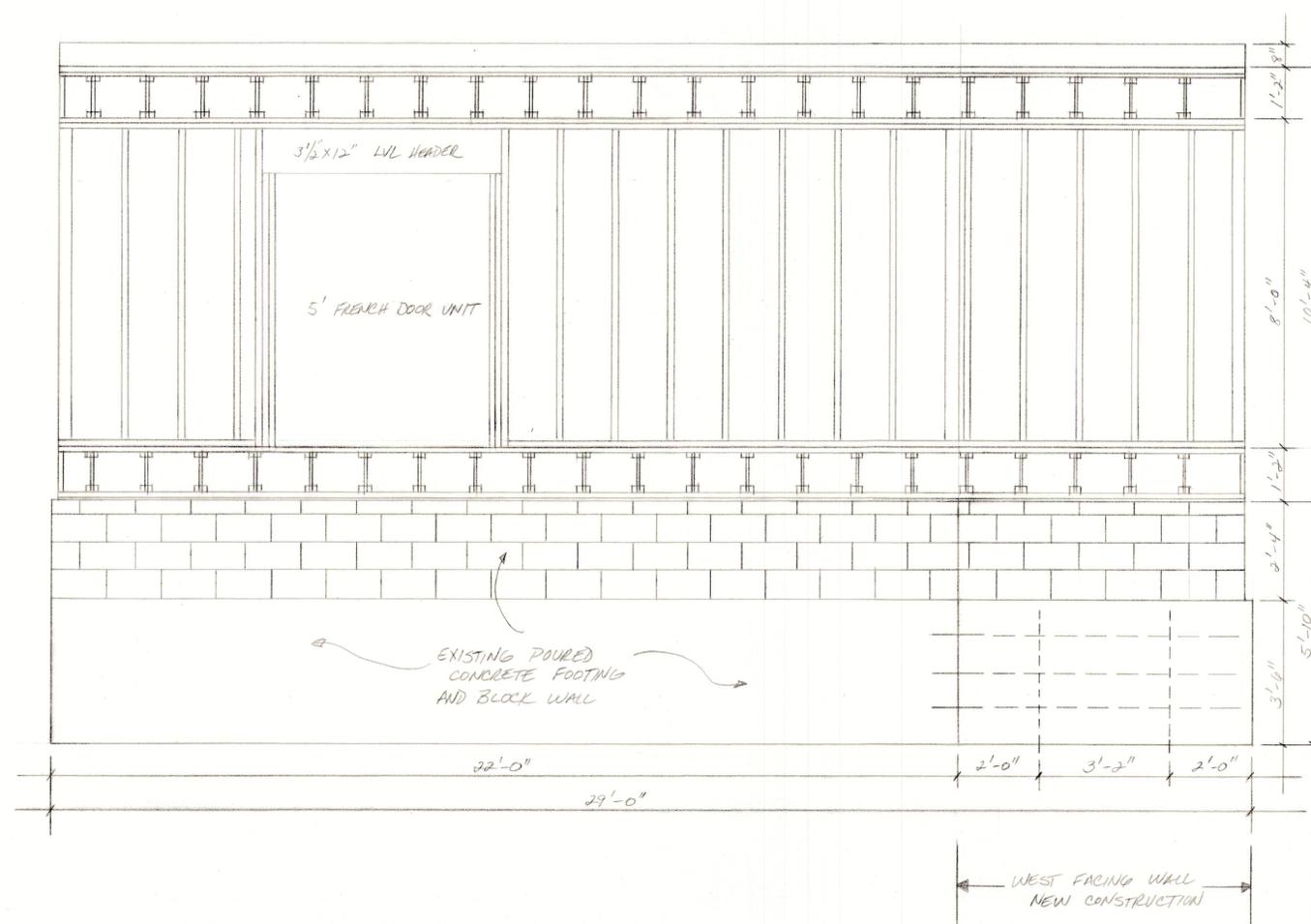
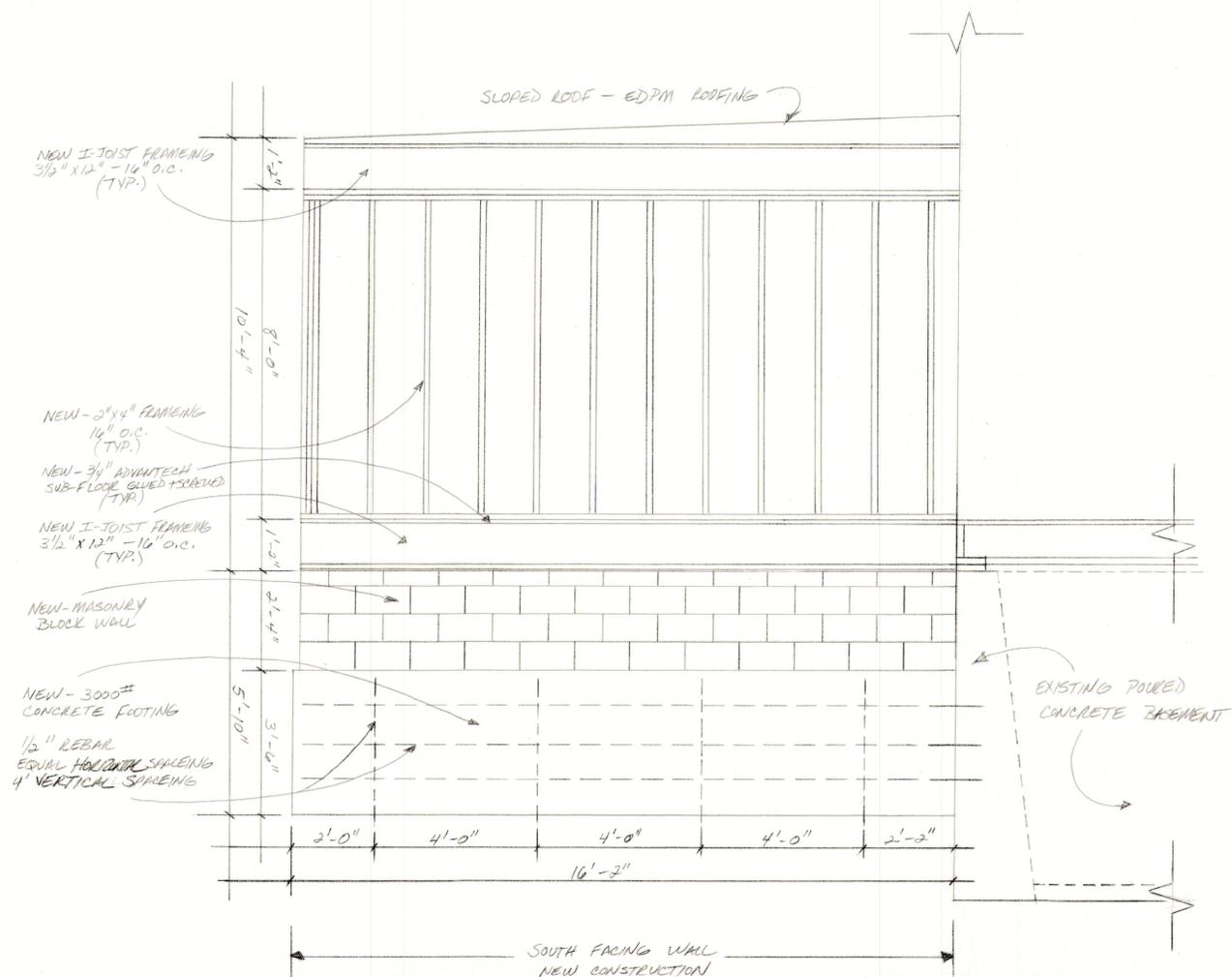
B) CONSTRUCTION

- 1) HAND EXCAVATE 3' WIDE TRENCH TO INSTALL NEW FOOTING FORMWORK.
- 2) INSTALL NEW FOOTING FORMWORK WITH 1/2" REBAR FOR NEW 7' X 16' ADDITION.
- 3) POUR FOOTINGS USING #3000/6s. CONCRETE MIX.
- 4) INSTALL 3 1/2 ROWS MASONRY BLOCK (SOLID TOP CAP BLOCK) ALIGNING NEW BLOCK WALL WITH THE EXISTING ADDITION BLOCK WALL AND THE EXISTING SOUTH FACING BASEMENT WALL.
- 5) POUR NEW 4" THICK INSULATED CONCRETE FLOOR IN CRAWL SPACE WITH EXPANSION JOINTS.
- 6) PROVIDE NEW FRAMING ACCORDING TO ELEVATION DRAWINGS PROVIDED.

9411 MAIN STREET WHITMORE LAKE MI. 48189		
SCALE: 1/4" = 1'	APPROVED BY:	DRAWN BY: MFEZ
DATE: 1 SEPT 2018		REVISED
REAR OF HOUSE - EXISTING ADDITION REMODEL		DRAWING NUMBER
		999-RA

SOUTH FACING WALL ELEV.

WEST FACING WALL ELEV.



9411 MAIN STREET WHITMORE LAKE, MI. 48189		
SCALE: 1/8" = 1'	APPROVED BY:	DRAWN BY: MFS
DATE: 1 SEPT 2018		REVISED
REAR OF HOUSE - EXISTING ADDITION REMODEL		DRAWING NUMBER
		1000-RA



June 9, 2019

Zoning Board of Appeals  
Northfield Township  
8350 Main Street  
Whitmore Lake, MI 48189-0576

**Subject: Mark Zielinski/9411 Main Street; Zoning Board of Appeals Review (Application and materials dated 5/11/19)**

Dear ZBA Members:

We have reviewed the above referenced ZBA application submitted by Mark Zielinski to construct a 112 square foot (7' x 16') addition to an existing dwelling. The parcel is located on the west side of Main Street, north of East Shore Drive and is zoned WLD-D (Whitmore Lake District - Downtown).

## REQUEST

The site has a detached 2-story single family dwelling with a detached garage. Single family residential dwellings are permitted only in the upper story of structures in the WLD-D. The existing dwelling on the lower level is an existing non-conforming use, and the proposal to build an addition will require ZBA approval. Section 36-902. Non-conforming uses, sub-section (6) states that,

*"In commercial and industrial districts and provided no increase in the number of families residing therein results, a nonconforming residential use may expand to occupy the floor area necessary for living purposes and any customary accessory uses or structures may be established therewith as long as such expansion meets the yard and setback requirements of the zoning district in which it is located subject to zoning board of appeals approval."*

The proposed additions comply with the setback requirements for the district with proposed rear and side yard setbacks of 75+ feet and 15 feet, respectively.

## COMMENTS

Per Section 36-905 (a)(4), the Board of Appeals has three (3) applicable standards when making a determination on allowing for a deviation from the non-conformity provisions.

1. **That the retention of the nonconforming building or structure is reasonably necessary for the proposed improvement or that requiring the removal of such building or structure would cause unnecessary hardship.** This standard has been met. The site has an existing single family dwelling which was built in 1920 per the applicant (1900 per the Assessor's records). The structure long pre-dates the Zoning Ordinance and WLD-D regulations. While the ordinance does allow residential uses in the district, such uses are permitted in the upper floors only, in order to maintain the integrity of what is intended as a core downtown commercial district. Removal of the existing residential use on the main level is not a reasonable requirement. The applicant notes that the area of the proposed addition was previously occupied by a porch that

### HEADQUARTERS

235 East Main Street  
Suite 105  
Northville, Michigan 48167

☎ 248.596.0920  
F 248.596.0930  
MCKA.COM

had a damaged foundation and wood rot and had to be removed. The proposed addition is intended to fill up that corner and square-up the building footprint. Not allowing for an expansion/addition to an existing residential structure, to meet the needs of the single family use can be construed as causing unnecessary hardship.

2. **That the proposed improvement is reasonably necessary for the continuation of activities on the property.** This standard has been met. It is not unreasonable for the applicant to build an addition in an area previously occupied by a structure that was part of the dwelling unit. While a detailed floor plan has not been submitted or use of the addition area specified, the addition is intended to be an expansion to the single family use.
3. **That the enlarged or otherwise improved non-conforming building or structure will not adversely affect public health, safety or welfare.** This standard has been met. The proposed addition is located in the southwest corner of the structure and is compliant with the setback requirements for the district. The addition is not visible from Main Street. We don't anticipate any adverse impacts to public health, safety and welfare from the proposed structure.

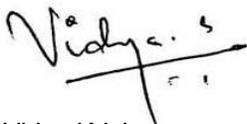
#### RECOMMENDATION

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **approve** the proposed addition to the property located at 9411 Main Street:

1. The existing dwelling on the lower/main level is a legal non-conforming use.
2. The structure and its use predate the Zoning Ordinance.
3. Not allowing for the proposed residential expansion could be construed as causing unnecessary hardship.
4. The proposed addition is in compliance with the setbacks for the district.
5. The proposed additions are not likely to have any adverse impact on public health, safety or welfare.

Respectfully submitted,

#### McKENNA ASSOCIATES



Vidya Krishnan  
Principal Planner

cc: Township Manager: Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189  
Assessing/Building Asst. Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189  
Applicant: Mark Zielinski, via e-mail: [mfz1957@yahoo.com](mailto:mfz1957@yahoo.com)



# NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

## ZONING COMPLIANCE APPLICATION / CERTIFICATION

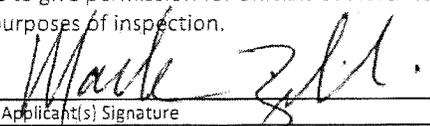
Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use.

This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow.

Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans.

Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application.

Applications for zoning compliance certificates shall be deemed abandoned (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued. Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

<b>PROJECT NAME:</b>	
<b>PROJECT ADDRESS:</b> 9411 MAIN STREET WHITMORE LAKE MI. 48189	
<b>PARCEL ID(S):</b> 60805328020	<b>IS THIS PROPERTY IN A FLOOD PLAIN:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicant Information:</b>	
<b>Proprietor/Owner Information:</b>	
<b>Name:</b> MARK ZIELINSKI	<b>Name:</b> SAME
<b>Address:</b> 9411 MAIN STREET	<b>Address:</b>
<b>Phone:</b> 734-255-5408	<b>Phone:</b>
<b>Email:</b> MFZ1957@YAHOO.COM	<b>Email:</b>
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.	
<b>Proof of Ownership Attached:</b> <input checked="" type="checkbox"/>	<b>Non-Owner Affidavit Attached:</b> <input type="checkbox"/>
If applicant is not the owner, describe applicants interest in the property: _____	
<b>PROPERTY DESCRIPTION</b>	
<b>Description of Proposed Use:</b> BEDROOM / BATHROOM / CLOSET	
<b>Sanitary Facilities:</b> <input checked="" type="checkbox"/> Sewer; Sewer Tap Permit #: _____ <input type="checkbox"/> Septic; WCHD Permit #: _____	
<b>Zoning Classification(s):</b> AR LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO <u>WLD-DD</u> W.L./N.T. Overlay OTHER: _____	
<b>Type of Construction/Alteration:</b> EXISTING REAR ADDITION RENOVATION AND 112 sq.ft. ADDITION	
<b>Project Start Date:</b> SEPT 2018	<b>Project Completion Date:</b> NOV 2018
<b>AUTHORIZED SIGNATURE</b>	
In the case of a false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be null and void.	
I hereby acknowledge the above facts and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.	
 Applicant(s) Signature	09/04/2018 Date

FOR OFFICE USE ONLY

**RECEIVED**  
SEP - 4 2018  
NORTHFIELD TOWNSHIP

**PAID**  
SEP 04 2018  
NORTHFIELD TOWNSHIP  
TREASURER

Received Date: \_\_\_\_\_ Paid Date: \_\_\_\_\_ Existing Legal Non-Conformities:  Yes  No

If yes, explain below:  
NON-CONFORMING SINGLE FAMILY USE ON FIRST FLOOR.

ZONING COMPLIANCE CERTIFICATE:

- Approved: Date \_\_\_\_\_
- Approved As Noted: Date 9/16/18
- Denied: Date \_\_\_\_\_
- Conditional Use Required
- Site Plan Approval Required

COMMENTS: See attached comment sheet.  
ZBA approval required.

Nidya S  
Zoning Administrator Signature \_\_\_\_\_ Date 9/16/18

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6 Comments: \_\_\_\_\_

Signs:	Complies	Does Not Comply	N/A
7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9 Comments: \_\_\_\_\_

Comments: \_\_\_\_\_

Engineering: \_\_\_\_\_

Utilities: \_\_\_\_\_  Connection fee's paid

Fire Chief: \_\_\_\_\_  Inspection Complete

Access: \_\_\_\_\_

Other Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

## **9411 Main Street**

Applicant: Mark Zielinski  
Request: Proposed building addition and renovation  
Zoning: WLD-D (Whitmore Lake Downtown District)  
Action: **Approved – requires ZBA approval (See comments below)**

### **Comments:**

The subject site is zoned WLD-D district. The subject site has an existing 2-story residential dwelling on it. The applicant is proposing to add a 7' x 16' addition on the southwest corner of the existing dwelling to accommodate a bedroom, bathroom and closet.

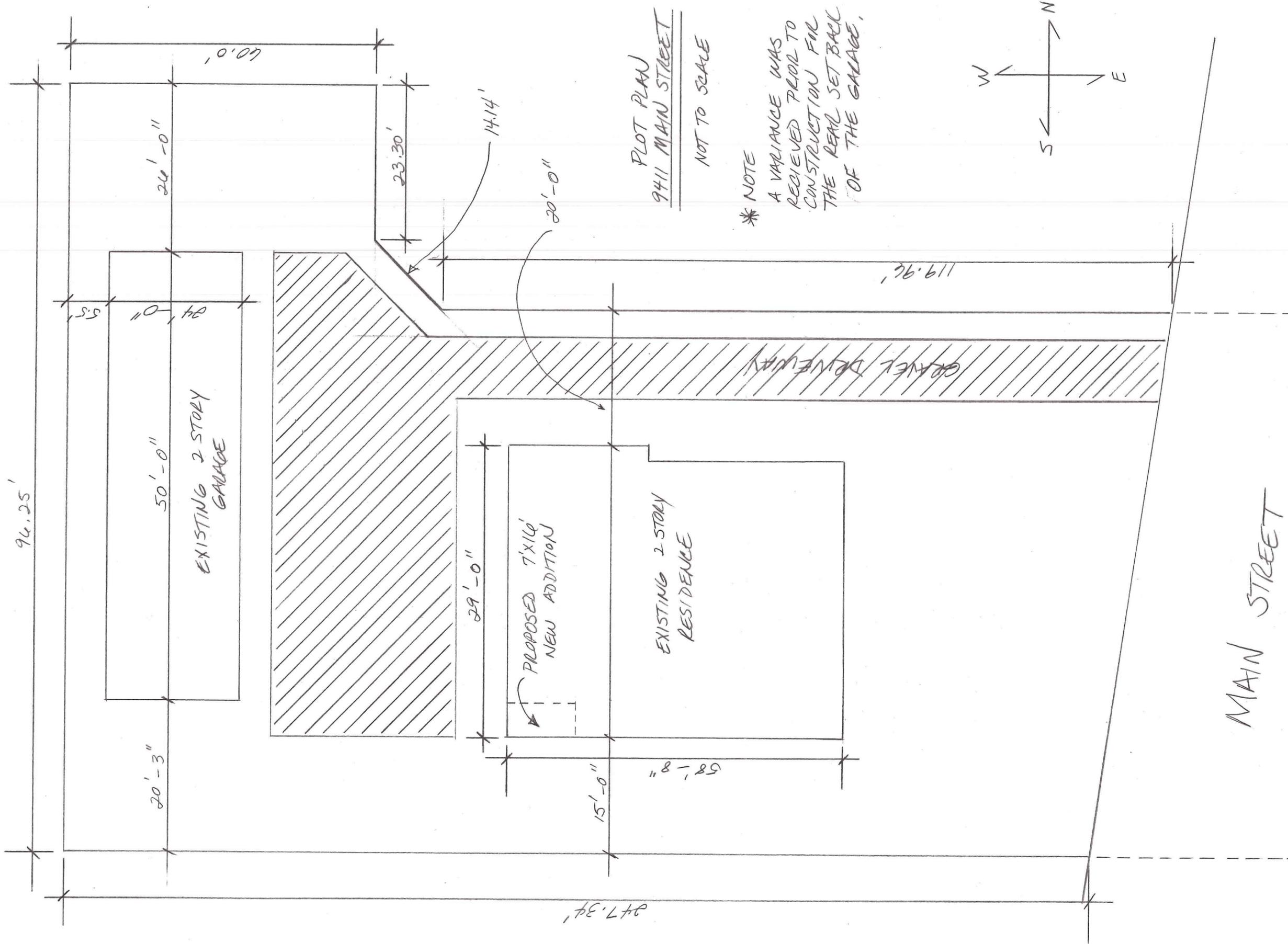
Single family residential dwellings are permitted only in the upper story of structures in the WLD-D district. However, the existing dwelling on the lower level is an existing non-conforming use. Per Section 36-902 (6):

*"In commercial and industrial districts and provided no increase in the number of families residing therein results, a nonconforming residential use may expand to occupy the floor area necessary for living purposes and any customary accessory uses or structures may be established therewith as long as such expansion meets the yard and setback requirements of the zoning district in which it is located **subject to zoning board of appeals' approval.**"*

The proposed addition appears to be in conformance with the required rear yard setback of 30 feet for the district. However, the expansion will require approval from the Zoning Board of Appeals.

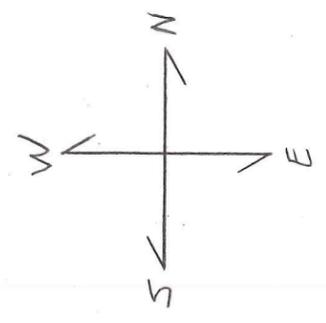
The applicant must obtain approval from the Zoning Board of Appeals for construction of the addition.

**Zoning Administrator**  
**9-16-2018**



PLOT PLAN  
9411 MAIN STREET  
 NOT TO SCALE

\* NOTE  
 A VARIANCE WAS  
 RECEIVED PRIOR TO  
 CONSTRUCTION FOR  
 THE REAR SET BACK  
 OF THE GARAGE,



RECEIVED  
 MAY 07 2019  
 NORTHFIELD TOWNSHIP

DATE: 14 SEPT 2018  
 DRAWN BY: MARK ZIELINSKI  
 PROPERTY: 9411 MAIN STREET  
 ADDRESS: WHATMORE LAKE MI. 48189

## NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

### NOTICE OF PUBLIC HEARING

The Northfield Township Zoning Board of Appeals will hold a public hearing for 1031 W. North Territorial Road, Ann Arbor, MI 48105. The applicant, Hardscape Solutions LLC, is operating a landscape supply company from the subject site. The parcel is zoned AR Agriculture district and has a parcel number B-02-19-300-012.

Landscaping businesses are permitted as a conditional land use in the AR district per Section 36-157 (16) of the Zoning Ordinance, and are subject to specific requirements. The proposal will require the following variances from the Zoning Ordinance:

1. Article VI. AR Agriculture District, Section 36-157. Conditional Uses, Sub-section (16).a.1:

Lot Area	-	10.00 acres minimum required
	-	5.91 acres existing and proposed
	-	4.09 acres variance requested

2. Article VI. AR Agriculture District, Section 36-157. Conditional Uses, Sub-section (16).a.2:

Lot Width	-	300.00 feet minimum required
	-	278.34 feet existing and proposed
	-	21.66 foot variance requested

The public hearing will be held on **Monday, June 17<sup>th</sup>, 2019** at 7:00 p.m. on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA 41.7, 2A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at 734-449-2880, seven days in advance.

Kathy Manley – Northfield Township Clerk

Publish: Sunday, June 2<sup>nd</sup>, 2019  
Newspaper: Ann Arbor News

# NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

## ZONING BOARD OF APPEALS HEARING APPLICATION

Applicant Information:		Proprietor/Owner Information:	
Name: <u>Hardscape Solutions, LLC</u>	Name: <u>Thomas Rogowski</u>		
Address: <u>1031 N. Territorial Rd W</u>	Address: <u>1031 N. Territorial Rd W A2 48105</u>		
Phone: <u>(734) 239-9300</u>	Phone: <u>810 923-6498</u>		
Email: <u>tom@hardscapeoutdoor-solutions.com</u>	Email: <u>tom@hardscapeoutdoor-solutions.com</u>		
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.			
Proof of Ownership Attached: <input type="checkbox"/>		Non-Owner Affidavit Attached: <input type="checkbox"/>	
If applicant is not the owner, describe applicants interest in the property: _____			
<u>Applicant is Owner is same</u>			
<b>1. PROPERTY DESCRIPTION:</b>			
A.) PROJECT ADDRESS: <u>1031 N. Territorial Rd W Awn Arbor, mi 48105</u>			
B.) PARCEL ID(S): <u>B-02-19-300-012</u>		IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C.) LEGAL DESCRIPTION: _____			
<u>Attached on site-plan</u>			
<b>2. PRESENT ZONING CLASSIFICATION:</b>			
<input checked="" type="checkbox"/> AR LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L/N.T. Overlay OTHER:			
3: PRESENT USE OF PROPERTY: <u>Residential &amp; Landscaping</u>			
<b>4. NON-CONFORMING STATUS:</b>			
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): _____			
<u>less than 10 access for landscape Business</u>			
B.) State year/month Non-Conformity began (to the best of your knowledge): <u>January 2019</u>			
<b>5. VARIANCE REQUEST:</b>			
A.) Is a denial letter attached from the Zoning Administrator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, identify each section of ordinance from which Variance is requested: _____			
_____			
_____			

B.) Describe reason/need for Variance: Existing Property is Less than 10 Acres, In Addition to the Lot width being 22 FEET Less than Necessary in order to be Compliant with operating A Landscape BUSINESS.

C.) Explain existing special conditions or circumstances that are unique to the land or buildings involved which are not applicable to similar land or building in the same district:

Corner Parcel Surrounded by Roadways on two Sides (Hellner & N. Territorial), the other two Sides Surrounded by Large Agricultural Farmland (Aerial Photo Attached), we are unique in the fact that we have NO immediate neighbors.

D.) Did the special condition or circumstances arise from your actions?  Yes  No

Describe: Purchased Land in January 2019 from Raheim Khavidi (Sun & Shade Landscaping), previously been leasing portion of the property since May 2009 in order to operate our business as well. In this 10 year span was UNAWARE OF ANY NON-CONFORMITIES.

E.) Explain why interpretation of the ordinance would deprive you of rights commonly enjoyed by other property owners in the same district: Land locked by (2) roadways & parcels of large farmland purchase of additional parcels to comply would be financially unattainable.

F.) Explain why this is the minimum variance necessary to allow for a reasonable utilization of the land or structure:

1/3 (33%) of existing property is not currently being utilized, current plans to leave tree farm & orchard intact. Space for landscape supplies, once condensed, is minimal. Portions of property will be unused.

G.) Explain how this variance would be in harmony with the intent of the ordinance and not injurious to the neighborhood or neighbors or otherwise detrimental to the public interest: Location (corner lot) -

Traffic to/from does not disturb any adjacent dwellings as there is no other within 500 ft. Property is secluded by roads & farm land.

H.) I, the applicant, request the Zoning Board of Appeals grant the following:

Conditional Use within the AR District to operate a Landscape Business.

**6. REQUIRED DOCUMENTS:** (10 copies of application & site plans and 1 pdf file for large scale plans)

Attach a scaled and accurate drawing with the legal description and showing:

- All lot dimensions
- Dimensions and locations of all existing and proposed buildings/additions and drives
- Other improvements and easements of record
- Show distances between existing and proposed buildings and/ or additions
- Show locations and distances of wells, septic and/or sewer lines
- Locations, size, and distances of buildings/structures on adjoining lots
- All additional pertinent information as listed on the checklist on page 3

All documents must be submitted at time of application. If further information is needed, the Zoning Board of Appeals reserves the right to postpone the hearing to review new information.

7. If applicable, all lot lines and building corners must be staked out a minimum of 10 days before the hearing date.

8. The address of the property must be clearly marked and visible from the road.

9. A fee of    dollars as established by the township board is attached to the application. Applicant understands that the fee will not be refunded in whole or in part regardless of the outcome of the decision.

- \* \$595.00 - Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)
- \$795 = All others

**10. THE APPLICANT:**

A.) Has received and read the attached provisions of the Township Zoning Ordinance in regards to Article XXX "Zoning Board of Appeals" and understands that a public hearing will be established within 45 days of the filing date and

B.) Has also read the sections of the Township Zoning Ordinance that to pertain to this request and

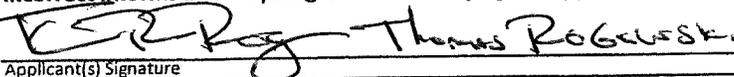
C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated information is not provided and to re-schedule it when the information is provided and

D.) Understands that any approval or denial of this application shall not relieve the applicant of compliance with all other applicable provisions of the Township Zoning Ordinance or Building Code and each variance approved shall be null and void unless authorized activity commences within 180 days after the date of approval.

**AUTHORIZED SIGNATURE**

All information provided in this application is, in all respects, true and correct to the best of my knowledge, and I understand that incorrect information may be grounds for denying the application or voiding any approval granted hereunder.

Applicant(s) Signature

 Thomas Rogalski

Date

10 May 2019

**APPLICANT CHECKLIST**

The following information must be submitted to the Northfield Township Clerk prior to the application being scheduled for a public hearing:

- Completed application form
- Statement authorizing variance application if not the owner
- Proof of ownership property
- Legal description of property
- 8 copies of site plan and required information
- Review Fee

FOR ZONING BOARD OF APPEALS USE ONLY

APPEAL OF DECISION

1.) Name and Office of Official/Commission:

\_\_\_\_\_

2.) Date of Decision: \_\_\_\_\_

3.) Describe Decision that is being appealed:

\_\_\_\_\_

4.) Describe alternate interpretation or reason for the relief requested:

\_\_\_\_\_

ACTION TAKEN

The Northfield Township Board of Appeals reviewed the above requested variance or appeal and;

Approved: Date \_\_\_\_\_  Denied: Date \_\_\_\_\_

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of ZBA Chair

Signature of ZBA Secretary

Public Hearing date and time: \_\_\_\_\_

Notice sent to Newspapers: \_\_\_\_\_ for publication on: \_\_\_\_\_

(Notice shall be given not less than fifteen (15) days nor more than thirty (30) days before the date of public hearing.)

Notice sent to neighboring owners / occupants: \_\_\_\_\_

\_\_\_\_\_

(Notice shall be sent to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the property.)

Notice sent to Zoning Board of Appeals Members: \_\_\_\_\_

\_\_\_\_\_

Copies of Minutes sent to: \_\_\_\_\_ File \_\_\_\_\_

Applicant: \_\_\_\_\_

Building Department: \_\_\_\_\_

Ordinance Enforcement Officer: \_\_\_\_\_

RECEIVED

MAY 13 2019

NORTHFIELD TOWNSHIP

Received Date:

Paid Date:

PAID

MAY 13 2019

NORTHFIELD TOWNSHIP  
TREASURER

Existing Legal Non-Conformities:  Yes  No

If yes, explain below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZONING COMPLIANCE CERTIFICATE:

Approved: Date \_\_\_\_\_

Approved As Noted: Date \_\_\_\_\_

Denied: Date \_\_\_\_\_

Conditional Use Required

Site Plan Approval Required

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator Signature

\_\_\_\_\_  
Date

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6 Comments:

Signs:

7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9 Comments:

Comments:

Engineering: \_\_\_\_\_

Utilities: \_\_\_\_\_  Connection fee's paid

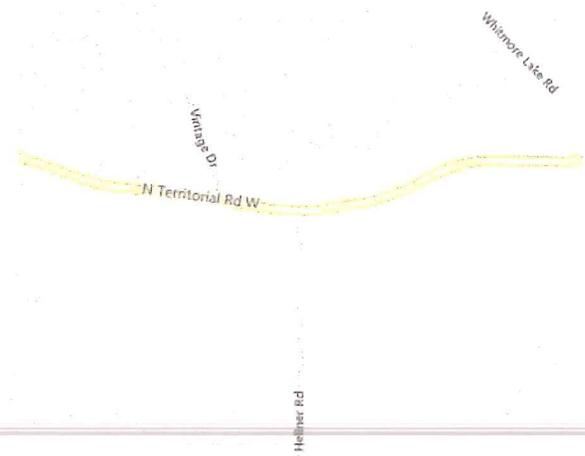
Fire Chief: \_\_\_\_\_  Inspection Complete

Access: \_\_\_\_\_

Other Conditions of Approval: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

1031 N. Territorial Rd W  
Ann Arbor, MI 48105



# NORTHFIELD TOWNSHIP MICHIGAN

January 23, 2019

Thomas Rogowski  
Hardscape Solutions, LLC  
1031 W. North Territorial  
Ann Arbor, MI 48105

**Re: Notice of Violation 1031 W. North Territorial Rd. Parcel B -02-19-300-012**

Dear Mr. Rogowski,

It has come to the attention of Northfield Township that you recently purchased the property at 1031 W. North Territorial and that you are operating a business, Hardscape Solutions LLC, at that location. All new businesses are required to file for a Zoning Compliance approval, which will determine the need for any additional approvals. The Township has not received any such application from you.

You are in violation of the following ordinance:

**Sec. 36-864. - Site plan approval.**

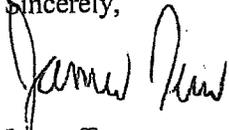
(b) "Site plan review and approval is required for all proposed uses and structures within the township except for individual single-family dwellings"...

(c) "Site plan review and approval is required for existing uses or structures, except individual single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:

- (1) An increase or reduction of the floor area of a structure or land area occupied by the use.
- (2) A change of use, even if the change of use is permitted in the subject zoning district.
- (3) A variance from the provisions of this chapter, regardless of its size."

The first step to become compliant with the ordinances is to submit a zoning compliance application, which is enclosed. Please submit a zoning compliance application with the required \$200 fee within 30 days, no later than February 23, 2019. If the Township does not receive the zoning compliance application, enforcement action will be taken. If you believe the information contained in this notice of violation is incorrect or you would like to discuss this matter further, please contact me at the phone number listed below. The Township looks forward to your cooperation with regards to this matter.

Sincerely,



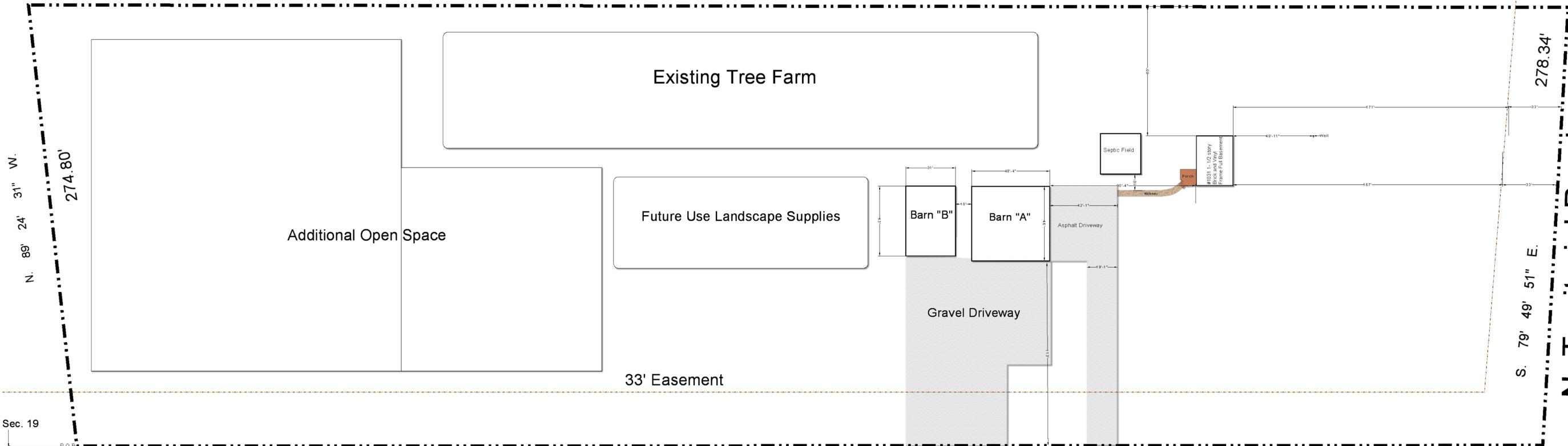
James Turner  
Code Enforcement Officer  
Northfield Township  
code\_enforcement@northfieldmi.gov  
(734) 449-2880 ext. 13

cc: Mrs. Vidya Krishnan, Zoning Administrator

8350 Main Street • Whitmore Lake, Michigan 48189-0576  
Telephone: (734) 449-2880 • Fax: (734) 449-0123 • Web Site: [www.twp-northfield.org](http://www.twp-northfield.org)

Adjacent Lots Existing Farmland

N. 01° 01' 00" E. 954.58'



278.34'

N. Territorial Road  
(25' ASPHALT PAVT)

S. 79° 49' 51" E.

33' Easement

S. COR. of Sec. 19  
N. 01° 01' 00" E. 1338.21'  
N. & S. Line of SEC. 19  
& C.L. of Hellner Road

Hellner Road  
( 22' GRAVEL RD )

S. 01° 01' 00" W. 908.27'

**Customer Name:** Thomas Rogowski ( OWNER )  
**Applicant:** Hardscape Solutions L.L.C.  
**Address:**  
 1031 N. Territorial Road W.  
 Ann Arbor, MI. 48105  
 Scale: 30 Scale



**Property Description:**  
 Commencing at the South- 1/4 corner of section 19, T1S, R6E, Northfield Township, Washtenaw County, Michigan; thence North 01 degrees 01' 00" East 1338.21 feet along the North-South 1/4 line of said section 19 and along the centerline of Hellner Road for a PLACE OF BEGINING; thence North 89 degrees 24' 31" West 274.80 feet; thence North 01 degrees 01' 00" East 954.58 feet; thence South 79 degrees 49' 51" East 278.34 feet along the centerline of North Territorial Road; thence South 01 degrees 01' 00" West 908.27 feet along East-West 1/4 line of said Section 19 and along the centerline of Hellner Road to the PLACE OF BEGINING, being a part of the Southwest 1/4 of said Section 19, being subject to the rights of the public over the easterly 33.0 feet thereof as occupied by Hellner Road the northerly 33.0 feet thereof as occupied by North Territorial Road.



June 9, 2019

Zoning Board of Appeals  
Northfield Township  
8350 Main Street  
Whitmore Lake, MI 48189-0576

**Subject: Hardscape Solutions LLC/1031 West North Territorial Road; Variance Review #1  
(Application and materials dated received by Township on 5/13/19).**

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Thomas Rogowski of Hardscape Solutions LLC, to operate a landscaping business on an existing property. The parcel is located on the southwest corner of W. North territorial Road and Hellner Road and is zoned AR (Agriculture) District. The site is occupied by an existing dwelling and several accessory buildings.

**BACKGROUND**

The site has been operated as a Sun and Shade Landscaping, a landscaping business for the numerous years, with no approvals. The Township had repeatedly issued violations notices to the property owner to apply for formal approvals. The previous owner of the business met with the Township staff and stated his willingness to apply for approvals, but never followed through. It recently came to our attention that he sold the business to Mr. Rogowski, who informed the Township that he had been leasing space from Sun and Shade for 10 years under the impression that it was an approved use on the site. Mr. Rogowski was informed that the use was never approved and he must follow through on the approval process.

Landscaping businesses are permitted as a conditional land use in the AR district per Section 36-157 (16) of the Zoning Ordinance, and are subject to specific requirements. The applicant filed a Zoning Compliance application and was denied pending approval of variances by the Zoning Board of Appeals. ***The request before the ZBA is an attempt to correct a code violation and establish the legality of an existing unauthorized use. IF the ZBA should make a decision to grant the variances, the applicant will still be required to apply for site plan and conditional use approval from the Planning Commission and Board of Trustees.***

**VARIANCES**

The proposal will require the following variances from the Zoning Ordinance:

- 1. Article VI. AR Agriculture District, Section 36-157. Conditional Uses, Sub-section (16).a.1:

- Lot Area - 10.00 acres minimum required  
- 5.91 acres existing and proposed  
- 4.09 acres variance requested

- 2. Article VI. AR Agriculture District, Section 36-157. Conditional Uses, Sub-section (16).a.2:

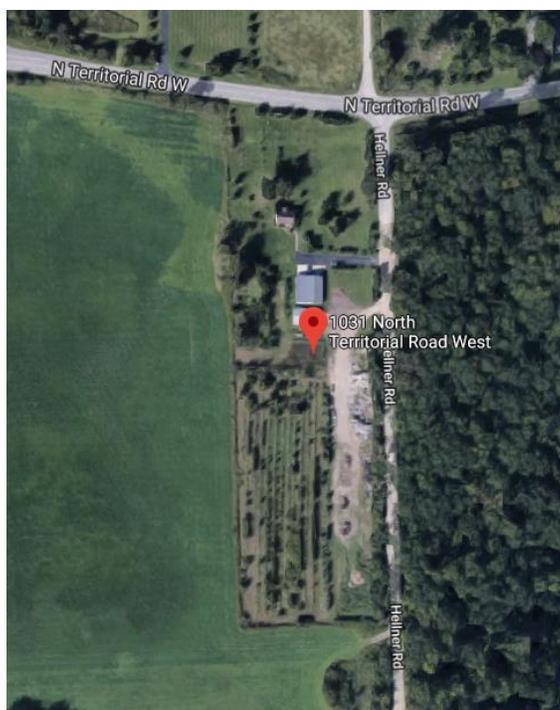
- Lot Width - 300.00 feet minimum required  
- 278.34 feet existing and proposed  
- 21.66 foot variance requested



## COMMENTS

Per Section 36-943 (d) of the Northfield Township Zoning Ordinance, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors, listed in bold type below. A variance shall not be granted by the ZBA unless the following conditions are met:

- 1. *Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with those restrictions unnecessarily burdensome.*** The subject site has an area of 5.91 acres and a lot frontage of 278 feet on East North Territorial Road, when the minimum required lot size and lot width for landscaping businesses is 10 acres and 300 feet, respectively. Since the use is currently existing, this could be considered an existing non-conformity. The subject property abuts public right-of-way to the north and east and the land to the west and south is owned by another property owner. Per the applicant, the abutting land is an established farmland and acquisition of additional land is not financially feasible. While the business was illegally established, strict compliance with the Ordinance standards would not allow for the business to continue on site. Eliminating an established business may cause a loss of livelihood and may be construed as being unnecessarily burdensome.
- 2. *The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variance will provide substantial justice to the applicant by allowing him to continue a business, and is not likely to be adverse to the interest of the other property owners. As noted previously, if the variances are approved, the applicant will still be required to go through site plan and conditional land use approvals to clean up the site and make changes as required to comply with ordinance requirements. To our knowledge, the Township has received no complaints regarding the business use of the site. The applicant also notes that there are no neighbors in close proximity to the subject site. As a corner lot the site has frontage onto both North Territorial and Hellner Roads and all access to the landscape business is off Hellner, which exceeds the 300 foot frontage requirement.
- 3. *The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.*** As noted previously, the use of the site is existing and the applicant has stated that there is no possibility of acquiring additional land. Per the applicant, only 1/3<sup>rd</sup> or 33% of the site is actually in use as a landscape business, while the remaining portion is and shall remain untouched. Our visit to the site has indicated significant wet areas on the southern portion which is likely not usable. The variances being requested are the only option available to the applicant at this time; however, since the lot size is much below what is typically required for a landscaping business, the Zoning Board of Appeals can place a limitation or conditions on the extent of the use on the site. This will ensure that any potential adverse impacts resulting from a smaller lot size for the use will be mitigated.





4. ***The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district.*** There are no unique circumstances that are peculiar to the land. The subject site meets the minimum lot size requirement for the AR district and is suitable for a single family residential use. The site has a dwelling located on it and the use should have been limited to the dwelling use and any related AR uses that do not have a minimum lot size requirement. However, as previously noted, the use was established with no approvals.
5. ***The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.*** The need for variances is entirely self-created. The previous owner of the property was well aware of the violations and had been issued multiple notices by the Township, which he chose not to comply with. The present owner's lack of due diligence prior to purchasing the property and assumption that the use was approved, is a self-created issue.
6. ***The variance will be in harmony with the spirit and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.*** The proposed variances are not likely to have any adverse impact on the neighborhood or on public health, safety and welfare. The intent of zoning and land use planning is to provide for the orderly development and use of land. Ideally, the property owner(s) should have sought approval from the Township prior to initiating a new business. However, like many other sites within the Township, it appears that the use of the site started off as a residential and farming use and evolved into a commercial business with no approvals. The location of the site on a street corner, adequate access, and no close neighbors, reduces any potential adverse impacts. Applying for and obtaining site plan and conditional land use approval will also ensure that the site is laid out and operated in a safe and functional manner consistent with the Zoning and Building Code regulations.

#### **RECOMMENDATION AND FINDINGS**

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **approve** the requested variance for the Landscape business located at 1031 W. North Territorial Road:

1. Compliance with ordinance standards would require the business to shut down entirely.
2. While approvals should have been obtained prior to starting the business, the owner at this time is attempting to rectify a major code violation.
3. The variances requested are the minimum possible since it is an existing non-conforming lot (for the use proposed), with no scope for expansion.
4. There are no dwelling units in close proximity to the subject site.
5. The subject site is a corner lot with adequate frontage on the secondary street.
6. The variance will have no detrimental impact on public health, safety or welfare.
7. The variance requested is not adverse to the spirit and intent of the ordinance.



**The variances are recommend for approval subject to the following conditions:**

1. The applicant shall apply for and seek site plan and conditional land use approval.
2. Since the parcel is almost half the minimum required lot size for a landscaping business, the landscaping business use on the site shall not occupy more than 50% of the parcel at any time. The remaining portion of the parcel may be used for farming activities.

Respectfully submitted,

**McKENNA**

Vidya Krishnan  
Principal Planner

cc: Township Manager: Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189  
Assessing/Building Asst. Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189  
Applicant: Tom Rogowski, via e-mail: [tom@hardscapeoutdoorsolutions.com](mailto:tom@hardscapeoutdoorsolutions.com)

# NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: [www.twp-northfield.org](http://www.twp-northfield.org)

## ZONING COMPLIANCE APPLICATION / CERTIFICATION

Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use. This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow. Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans. Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application. Applications for zoning compliance certificates shall be deemed abandoned (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued. Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

<b>PROJECT NAME:</b>	
PROJECT ADDRESS: 1031 N TERRITORIAL RD W, Ann Arbor, MI 48105	
PARCEL ID(S): B-02-19-300-012	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Applicant Information:</b>	
Name: Landscape Solutions, LLC	Name: Thomas Rogowski
Address: 1031 N TERRITORIAL RD W	Address: 1031 N. TERRITORIAL RD W
Phone: 810 231-2170	Phone: 810 923 6498
Email: <a href="http://www.landscapeoutdoorsolutions.com">www.landscapeoutdoorsolutions.com</a>	Email: Tom@landscapeoutdoorsolutions.com
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.	
Proof of Ownership Attached: <input checked="" type="checkbox"/>	Non-Owner Affidavit Attached: <input type="checkbox"/>
If applicant is not the owner, describe applicants interest in the property: _____	
<b>PROPERTY DESCRIPTION</b>	
Description of Proposed Use: Landscaping Contractor	
Sanitary Facilities: <input type="checkbox"/> Sewer; Sewer Tap Permit #: _____ <input checked="" type="checkbox"/> Septic; WCHD Permit #: _____	
Zoning Classification(s): <input checked="" type="radio"/> AR <input type="radio"/> LR <input type="radio"/> MR <input type="radio"/> MHP <input type="radio"/> SR1 <input type="radio"/> SR2 <input type="radio"/> LC <input type="radio"/> HC <input type="radio"/> GC <input type="radio"/> LI <input type="radio"/> GI <input type="radio"/> RTM <input type="radio"/> ES <input type="radio"/> PUD <input type="radio"/> PSC <input type="radio"/> RC <input type="radio"/> RO <input type="radio"/> WLD-___ W.L./N.T. Overlay OTHER: _____	
Type of Construction/Alteration: _____	
Project Start Date: _____	Project Completion Date: _____
<b>AUTHORIZED SIGNATURE</b>	
In the case of a false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be null and void. I hereby acknowledge the above facts and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.	
 Applicant(s) Signature	1/30/19 Date

FOR OFFICE USE ONLY

RECEIVED

FEB 05 2019

NORTHFIELD TOWNSHIP

Paid Date:

PAID

FEB 05 2019

NORTHFIELD TOWNSHIP  
TREASURER

Existing Legal Non-Conformities:

Yes  No

If yes, explain below:

BUSINESS ESTABLISHED WITH  
NO APPROVALS, NOT A LEGAL  
NC USE.  
NON-CONFORMING LOT AREA & WIDTH  
FOR LANDSCAPE BUSS.

ZONING COMPLIANCE CERTIFICATE:

Approved: Date \_\_\_\_\_

Approved As Noted: Date \_\_\_\_\_

Denied: Date \_\_\_\_\_

Conditional Use Required

Site Plan Approval Required

COMMENTS:

See attached comment sheet.  
ZBA approval of variances reqd. prior to  
PC and BOT consideration of conditional  
use & site plan

Zoning Administrator Signature

Date

Nichols

2/13/19

AREA OF CONCERN

Landscaping:

	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6 Comments:

Signs:

7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9 Comments:

Comments:

Engineering: \_\_\_\_\_

Utilities: \_\_\_\_\_

Connection fee's paid

Fire Chief: \_\_\_\_\_

Inspection Complete

Access: \_\_\_\_\_

Other Conditions of Approval: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

## 1031 W. North Territorial

Applicant: Hardscape Solutions LLC (Owner: Thomas Rogowski )  
Request: Landscaping Contractor  
Zoning: AR (Agriculture District)  
Action: **Zoning Board of Appeals and Planning Commission Action required (See comments below)**

### Comments:

The applicant has filed a request for Zoning Compliance approval in response to a Code Enforcement violation notice. It is our understanding that the applicant recently purchased this business, which was formerly known as Sun and Shade Landscaping. That business never received any approvals from the Township and had been issued multiple violation notices to bring the site into compliance with the ordinance requirements. However, it appears that the business was sold to the applicant.

The application lists the use as "landscaping contractor". In addition, the site has a single family dwellings structure on it, which is listed on the Assessor's records as "residential". Single family dwellings are permitted by right in the AR district per Section 36-156 (1) of the Zoning Ordinance. However, it is unclear if the applicant is using this structure for residential uses or in conjunction with the landscaping business. The subject site is zoned AR district, which permits landscaping businesses as a conditional land use per Section 36-157 (16) of the Zoning Ordinance, as follows:

*(16) Landscape nurseries, greenhouses, and landscaping businesses with retail facilities may be permitted where the nature of the business will not negatively impact adjacent nonagricultural uses, and provided the business does not pose an environmental hazard. Landscaping businesses may include operations necessary to install and maintain plant materials off site, including storage of trucks for transportation of plants, soils, and other landscaping materials. Such equipment may consist of trucks not exceeding 12 yards capacity, flatbed trailers only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders small front end loaders, and tree moving equipment. In addition, a landscaping/nursery operation may include other decorative manmade materials such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Construction equipment or road maintenance equipment is not considered to be a part of nursery and/or landscaping operations. The following regulations shall apply to all landscape nurseries and landscape businesses the AR district:*

- a. *The following yard and setback requirements shall apply:*
  1. *Lot area. Not less than ten acres in area.*
  2. *Lot width. Not less than 300 feet in width.*
  3. *Front yard setback. 85 feet.*
  4. *Side yard setback. Each side yard setback shall not be less than 50 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 60 feet.*
  5. *Rear yard setback. Not less than 50 feet.*
- b. *A permanent vegetative buffer with a minimum width of 20 feet shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed*

*before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See section 36-706 for planting materials.*

The subject site has an area of 5.91 acres and a lot width of approximately 278 feet.

The applicant must provide a more detailed explanation of exactly what the business involves as a landscape contractor, including clarification if the residential structure is being used as part of the business or as a dwelling.

If the business is indeed a landscape company, it will first require approval from the Zoning Board of Appeals for lot area and lot width, neither of which meets the minimum requirements of the Ordinance. An application must be filed for ZBA consideration per the provisions of Section 36-943.

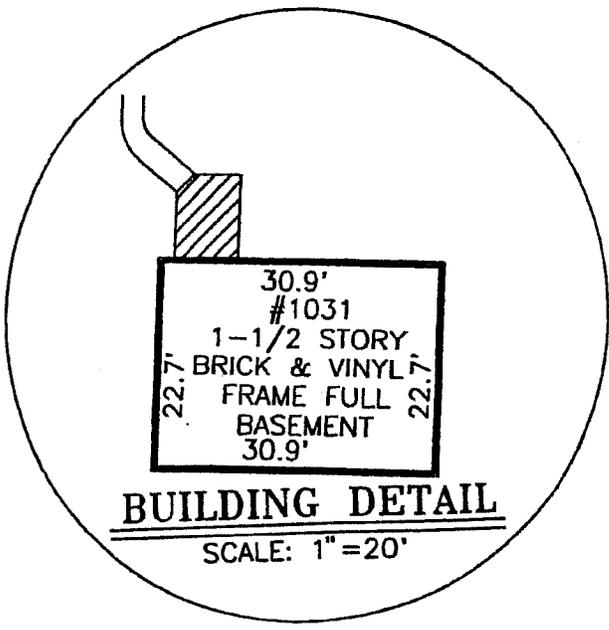
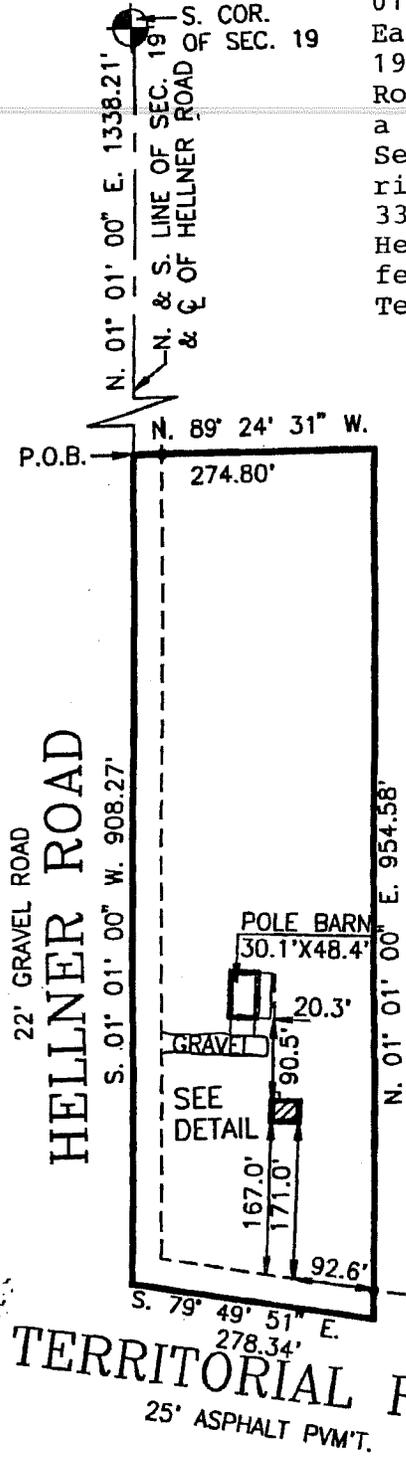
If the ZBA grants the variances, the applicant will subsequently have to apply to the Planning Commission for site plan and conditional land use approvals under the requirements of Section 36-864. Conditional land uses require a recommendation from the Planning Commission and final approval from the Township Board of Trustees.

**Zoning Administrator**  
**2/13/2019**

# MORTGAGE SURVEY

## Property Description:

Commencing at the South 1/4 corner of Section 19, T1S, R6E, Northfield Township, Washtenaw County, Michigan; thence North 01° 01' 00" East 1338.21 feet along the North-South 1/4 line of said Section 19 and along the centerline of Hellner Road for a PLACE OF BEGINNING; thence North 89° 24' 31" West 274.80 feet; thence South 01° 01' 00" East 954.58 feet; thence South 79° 49' 51" East 278.34 feet along the centerline of North Territorial Road; thence South 01° 01' 00" West 908.27 feet along the East-West 1/4 line of said Section 19 and along the centerline of Hellner Road to the Place of Beginning, being a part of the Southwest 1/4 of said Section 19, being subject to the rights of the public over the easterly 33.0 feet thereof as occupied by Hellner Road the northerly 33.00 feet thereof as occupied by North Territorial Road.



N. TERRITORIAL ROAD  
25' ASPHALT PVM'T.

**NORTHFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
Minutes of Regular Meeting  
February 19, 2019**

**1. CALL TO ORDER**

The meeting was called to order by Kenneth Dignan at 7:08 P.M. at 8350 Main Street.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**AND DETERMINATION OF QUORUM**

Brad Cousino	Present
Kenneth Dignan	Present
Scott Gustafson	Present
Greg Kolecki	Present
Jacki Otto	Absent with notice
Alternate: James Balsillie	Presence not required

Also present:  
Building/Planning/Zoning Coordinator Mary Bird  
ZBA Alternate James Balsillie

**4. ADOPT AGENDA**

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

**5. CORRESPONDENCE**

None.

**6. PUBLIC HEARINGS**

None.

**7. OLD BUSINESS**

None.

**8. NEW BUSINESS**

**8A. Election of Officers**

- ▶ Cousino nominated Kenneth Dignan to serve as Chair of the Zoning Board of Appeals. Kolecki supported.

Dignan called for additional nominations. There were none.

- ▶ **Motion:** Dignan moved, Cousino supported, that nominations for Chair be closed and that a unanimous ballot be cast for Dignan.  
**Motion carried 4—0 on a voice vote.**

- ▶ Cousino nominated Jacki Otto to serve as Vice-Chair of the Zoning Board of Appeals. Kolecki supported.

Dignan called for additional nominations. There were none.

- ▶ **Motion:** Dignan moved, Cousino supported, that nominations for Vice-Chair be closed and that a unanimous ballot be cast for Otto.  
**Motion carried 4—0 on a voice vote.**

- ▶ Dignan nominated Greg Kolecki to serve as Secretary of the Zoning Board of Appeals. Cousino supported.

Dignan called for additional nominations. There were none.

- ▶ **Motion:** Dignan moved, Cousino supported, that nominations for Secretary be closed and that a unanimous ballot be cast for Kolecki.  
**Motion carried 4—0 on a voice vote.**

**8B. Adopt 2019 Calendar**

- ▶ **Motion:** Dignan moved, Cousino supported to adopt the 2019 calendar as presented.  
**Motion carried 5—0 on a roll call vote.**

**9. MINUTES**

- ▶ **Motion:** Dignan moved, Kolecki supported, that the minutes of the December 19, 2018, regular meeting be approved as presented.  
**Motion carried 5—0 on a voice vote.**

**10. CALL TO THE PUBLIC**

No comments.

**11. ZBA MEMBER COMMENTS**

Dignan welcomed Gustafson to the ZBA. He also noted that meeting procedures are currently being reviewed to make sure they are aligned with the ZBA by-laws.

**12. ANNOUNCEMENT OF NEXT MEETING**

**March 18, 2019**, 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:** Cousino moved, Kolecki supported, that the meeting be adjourned.  
**Motion carried 5—0 on a voice vote.**

The meeting was adjourned at 7:17 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 \_\_\_\_\_, 2019.

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Kenneth Dignan , 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/](http://www.twp-northfield.org/government/zoning_board_of_appeals/)

**NORTHFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
Minutes of Regular Meeting  
May 20, 2019**

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**AND DETERMINATION OF QUORUM**

Brad Cousino	Absent
Kenneth Dignan	Present
Scott Gustafson	Present
Greg Kolecki	Present
Jacki Otto	Present
Alternate: James Balsillie	Presence not required

Also present:

Planning Consultant Vidya Krishnan  
Members of the public

**4. ADOPT AGENDA**

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

**5. CORRESPONDENCE**

Dignan referred to an updated memo from Krishnan regarding 433 East Shore Drive.

**6. PUBLIC HEARINGS**

**6A. Case #JZBA190003; Patricia Dallaire; Location: 433 East Shore Drive; Request for variance from Article XXIII.II, Section 36-695 for a 4.41 foot east side yard setback variance and a 9.76 foot combined side yard setback variance for construction of a second story addition over an existing garage; Parcel 02-05-402-005; zoned SR-2 Single Family Residential; Located in the Whitmore Lake Overlay District.**

- ▶ **Motion:** Dignan moved, Otto supported, that the public hearing be opened.  
**Motion carried 4—0 on a roll call vote.**

Patricia Dallaire said she is proposing to build a second story onto her existing one-car garage for storage of her grandchildren's water toys. She said the footprint of the garage will not be changing.

Planning consultant Vidya Krishnan reviewed her written report, explaining that the variances requested are the minimum required for the request, and the overlay district provides additional relief over other SR-2 zoned parcels.

Dignan called for comments from the public. Al Hobbs, 439 East Shore Drive, said he bought the lot next door in 2002 and was granted a variance to build a two-story home, partly based on the garage next door being only one story. He expressed concern about the fire hazard of having two two-story buildings only six feet apart, which makes this a huge safety issue. He said Dallaire's garage has a loft space in it. Dallaire again said the new construction will not make her home any closer to Hobbs' home than it already is.

In answer to a question from Otto, Krishnan said the story being added to the garage could be used for any purpose as long as it complies with the building code.

- ▶ **Motion:** Gustafson moved, Kolecki supported, that the public hearing be closed.  
**Motion carried 4—0 on a voice vote.**

**6B. Case #JZBA190002; Jake Kerrigan; Location: 7400 Nollar Road; Request for variances from Article VI, Section 36-158(4)(a) for a 20.50 foot front yard setback variance, and from Article VI, Section 36-158(4)(b) for a 3.40 foot side yard setback variance to build an addition on the existing dwelling. Parcel 02-16-400-011; zoned AR—Agriculture.**

- ▶ **Motion:** Dignan moved, Otto supported, that the public hearing be opened.  
**Motion carried 4—0 on a roll call vote.**

Jake Kerrigan said he is proposing to construct an addition to increase the size of his living room and office.

Planning consultant Vidya Krishnan reviewed her written report, noting that this involves both a non-conforming lot of record (two acres rather than the required minimum five acres) and a non-conforming structure of record. She said the proposal calls for a 436.8 square foot addition on the front of the house. She noted an addition without variances would be possible only on the back of the house, which not be functionally appropriate for a living room and office.

Dignan called for comments from the public. There were none.

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

**6C. Case #JZBA190001; Michael Terry, Jr.  
Location: 69 Schrum Drive;  
Request for variance from Article IV, Section  
36-98(d)(2)(a) to allow a garage to be located in  
front of the rear line of the principal dwelling.  
Parcel B-02-08-355-015; zoned SR-1 Single  
Family Residential.**

Michael Terry said he proposes to build a 20'x 40' pole barn, adding that he sees no line of sight issues or detriment to the neighborhood.

Planning consultant Vidya Krishnan reviewed her written report, noting that the variance requested is to allow construction of the proposed pole barn in front of the rear line of the principle dwelling, rather than behind the rear line of the house. She explained that while there is more than enough space to build the pole barn behind the house, DTE requires that any structures be placed at least 15 feet away from their power lines located in that part of the lot.

Krishnan said allowing the structure to be built as proposed would provide substantial justice to the applicant and will not have any adverse impact on the neighborhood.

In answer to a question, Krishnan said a building permit was issued in error for construction of the garage at the proposed location, but Mr. Terry agreed to halt construction pending this hearing.

- ▶ **Motion:** Dignan moved, Otto supported, that the public hearing be opened.  
**Motion carried 4—0 on a roll call vote.**

Dignan called for comments from the public. There were none.

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

## 7. OLD BUSINESS

None.

## 8. NEW BUSINESS

**8A. Case #JZBA190003; Patricia Dallaire;  
Location: 433 East Shore Drive;  
Request for variance from Article XXIII.II, Section  
36-695 for a 4.41 foot east side yard setback  
and a 9.76 foot combined side yard setback for  
construction of a second story addition over an  
existing garage; Parcel 02-05-402-005;  
zoned SR-2 Single Family Residential;  
Located in the Whitmore Lake Overlay District.**

Krishnan referred to the fire safety concerns of Mr. Hobbs during the public hearing and his understanding that the variance granted to allow construction of his home next door was based on the garage on the subject property being only one story in

height. She said findings of facts cannot be made based on limiting what someone else can do on their property, and in most locations the Fire Department considers a five foot separation between buildings sufficient. She read her written recommendation for approval of the requested variances.

In answer to a question from Dignan, Krishnan said the distance between the homes at 433 and 439 East Shore is about 6 feet as measured on the plans. Gustafson said the building code limits openings or requires increased fire protection on buildings located close to other buildings, so he does not see this being a fire hazard as the building code covers that.

- ▶ **Motion:** Dignan moved, Otto supported, that in Case #JZBA190003, Parcel 02-05-402-005, also known as 433 East Shore Drive, Whitmore Lake, 48189, this Board grant the setback variance of 4.41 feet on the east side yard setback and 9.76 feet combined side yard setback variance, based on the recommendation dated May 16, 2019 from the zoning administrator and in agreement with the findings of fact as defined in that letter.  
**Motion carried 4—0 on a roll call vote.**

**8B. Case #JZBA190002; Jake Kerrigan;  
Location: 7400 Nollar Road;  
Request for variances from Article VI, Section  
36-158(4)(a) for a 20.50 foot front yard setback  
variance, and from Article VI, Section  
36-158(4)(b) for a 3.40 foot side yard setback to  
build an addition on the existing dwelling.  
Parcel 02-16-400-011; zoned AR—Agriculture.**

In the interest of transparency Dignan noted that—although he does not see it as a conflict of interest—the applicant's mother is the Director of Finance for the Whitmore Lake Public Schools, and Dignan is the President of the school board.

Planning consultant Krishnan read her written recommendation for approval of the requested variances.

- ▶ **Motion:** Otto moved, Kolecki supported, to accept the proposal from the Township planner in Case #JZBA190002, Jake Kerrigan, 7400 Nollar Road in Whitmore Lake, in regards to Section 36-158(4)(a), regulations and standards, for a 20.50 foot front yard setback variance, and for Section 36-158(4)(b), regulations and standards, for a 3.40 foot side yard setback.

In answer to a question from Dignan, the applicant said the house was built in 1947.

- Motion carried 4—0 on a roll call vote.**

**8C. Case #JZBA190001; Michael Terry, Jr.  
Location: 69 Schrum Drive;  
Request for variance from Article IV, Section  
36-98(d)(2)(a) to allow a garage to be located in  
front of the rear line of the principal dwelling.  
Parcel B-02-08-355-015; zoned SR-1 Single  
Family Residential.**

Planning consultant Krishnan read her written recommendation for approval of the requested variances, noting that the DTE requirements render a significant portion of the property unbuildable and the granting the variances would not be detrimental to the neighborhood.

In answer to a question from Dignan, Krishnan explained that due to the zoning compliance permit for Mr. Terry's initial application being approved (before she was informed of the DTE setback requirements), Mr. Terry was required to pay only the advertising costs for the ZBA hearing, rather than the full application fee.

In answer to a question from Kolecki, Mr. Terry said he has outlined the location of the proposed structure on his property, and the large tree located there will not have to be removed. In answer to a question from Gustafson, Krishnan said she does not know if there is a recorded DTE easement on this property, but it is her understanding that they have a 15' easement from all of their lines.

- ▶ **Motion:** Dignan moved, Kolecki supported, that the variance be approved in Case #JZBA190001, Michael Terry, Jr., 69 Schrum Drive, from Article IV, Section 36-98(d)(2)(a) to allow the garage to be located at the minimal amount necessary in front of the rear line of the principal dwelling on Parcel B-02-08-355-015, in accordance with the memo from the zoning administrator dated May 10, 2019, and her recommendations and findings.  
**Motion carried 4—0 on a roll call vote.**

**9. UNFINISHED BUSINESS**

**Zoning Administrator Quarterly Report.** Krishnan reviewed her written report. She noted that since the

end of the first quarter she has approved more zoning compliance permits (12) than she did during the entire first quarter (10). She briefly reviewed some small business proposals that are in process or that she has been approached about, including in the downtown. Dignan said he believes connecting neighborhoods with the downtown via non-motorized paths and creating a more walkable community will be key for development in the downtown area.

ZBA members briefly discussed the denial of the zoning compliance permit for Territorial/Hardscape at 1031 E. North Territorial, and the requirements for the owner to apply for variances, a conditional use permit (CUP), and site plan approval. The Board also discussed conditions that could be set for the CUP.

**10. MINUTES**

- ▶ **Motion:** Dignan moved, Kolecki supported, that the minutes of the December 17, 2018, regular meeting be approved as presented.  
**Motion carried 4—0 on a voice vote.**

**11. CALL TO THE PUBLIC**

None present.

**12. ZBA MEMBER COMMENTS**

No comments.

**13. ANNOUNCEMENT OF NEXT MEETING**

**June 17, 2019**, 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.

**14. ADJOURNMENT**

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

The meeting was adjourned at 8:13 P.M.

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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 \_\_\_\_\_, 2019.

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Kenneth Dignan, Chair

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Greg Kolecki, Secretary