

October 10, 2017

Township Board of Trustees and Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

Subject: Zoning Administrator Quarterly Report 7/1/17 – 9/30/17

Dear Trustees and Commissioners:

Section 36-971(6) of the Zoning Ordinance requires the Zoning Administrator to submit to the Township Board and Planning Commission, a quarterly report in which a summary of the activities of the office is presented. Following is a concise summary of the activities of note in the THIRD quarter of 2017 (July 1 through September 30).

Zoning Compliance Applications: A total of 30 applications were APPROVED

1. Approved six (6) new dwellings and additions to one (1) other existing dwelling.
2. Approved four (4) new accessory structures such sheds and pole barns.
3. Approved five (5) new decks.
4. Approved two (2) home occupations.
5. Approved four (4) new fence permits.
6. Approved soil permit for one (1) residential use parcel.

Non-residential Uses:

1. Approved sign permit for three (3) commercial uses (Arvin Sango; O'Donnell Electric; Bigtex Trailers).
2. Approved one request for temporary fireworks sales from Yellow Box fireworks; use required site plan and conditional use approval; however, applicant conducted the use without any approvals due to timeline issues.
3. ***Fiber Optics Business/175 Barker*** – Approved as an equipment services facility with outdoor storage, requiring site plan approval from the Planning Commission for change of use and site improvements beyond the scope of authority of the Zoning Administrator.
4. ***Dog Grooming/102 Barker*** – Approved proposed dog grooming business as being similar to a personal service establishment such as a beauty parlor or salon; administrative site plan approval required. Applicant was provided guidance for most basic requirements to be shown under ordinance provisions.
5. ***People's Express/9859 N. Main*** – Partly approved/partly denied. The use includes a transportation hub with an office and extensive service vehicle parking and facilities for service/repair and maintenance of fleet vehicles, in the WLD-W district. The transport service use is permitted as a conditional use in the district and requires site plan approval from Planning Commission and recommendation for conditional use approval from the Planning Commission with final approval by the Township Board of Trustees. The proposal to construct a garage/structure to allow for repair and maintenance of fleet vehicles is not permitted in the WLD-W district. Such use is classified as

vehicle repair and permissible only in the General Commercial (GC) and Light Industrial (LI) district. Therefore, that portion of the use was denied.

NO applications were DENIED. Four (4) applications were received, that were incorrectly drawn or showed non-compliance with ordinance standards and were initially turned down. We were able to direct the applicant to submit revisions and guide them to alter the plans to achieve compliance resulting in subsequent approval.

Zoning Board of Appeals Cases:

1. **Bobber Down/8475 N. Main** – Request for variance from side yard setback for proposed addition on the north side; recommended approval of variance – variance was granted by ZBA.
2. **3375 Five Mile Road** – Request for variance to exceed maximum permitted driveway length of 1000 feet; recommended approval of variance – variance was granted by ZBA.
3. **Ann Arbor Dog Training Club/1575 E. North territorial Road** – Request for variance from side yard setback for new building on site; recommended approval of variance – On ZBA agenda for consideration on 10/16/17.

Final Site Inspections: The Township has several sites that have been through site plan approval but have never been inspected for compliance to the approved plans which is very important to maintain the integrity of the Ordinance and ensure enforcement. The authority for such inspection lies with the Zoning Administrator per Sec. 36-87. Inspection of the Zoning Ordinance which states:

(a) All subgrade improvements, such as utilities subbase and base installations for drives and parking lots, and similar improvements, shall be inspected by the building inspector and approved prior to covering. The zoning administrator shall be responsible for the inspection of all improvements for conformance to the approved site plan. The zoning administrator is authorized to employ the township planner, township engineer, or other township departments or experts to assist in the inspection of all site improvements required by the approved site plan.

1. **O'Donnell Electric/8505 N. Main** – A letter was issued granting final site plan approval subject to installation of landscaping as shown on the approved site plan.
2. **RheTech/1500 E. North territorial Road** – A letter was issued granting final site plan approval subject to replacement of two (2) light fixtures on the north façade with shielded fixtures as shown on the approved site plan.
3. **Arvin Sango/955 E. North territorial Road** – Applicant requested intermediate site inspection to determine if they are compliant. Minor issues were found with regard to parking placement that are being resolved administratively.

Site/Code/Zoning Violations: Section 36-974 (a) of the Zoning Ordinance states:

It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the building inspector. A certificate of occupancy shall not be issued until it has been signed by the zoning

administrator, said signature signifying compliance with all provisions of this chapter. A certificate of occupancy shall not be issued for any building or structure or a part thereof, or for the use of land, which does not comply with all provisions of this chapter. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this chapter, and shall list each legal nonconformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this chapter and punishable under section 36-979.

The Township brought to our attention two (2) properties which appeared to be in violation of the ordinance, and asked for an inspection report. I visited the sites with the Code Enforcement Officer and made the following observations, which were presented with details to the Township in written reports:

1. **Broadscape/6350 Whitmore Lake Road** - The site is zoned AR (Agriculture) District and is located within the Whitmore Lake North Territorial Overlay District. Landscape Supply companies are permitted in the AR district as a conditional use per Section 36-157 (16) of the Zoning Ordinance. A landscape supply use on the site, therefore, would be permitted, but only with approval from the Planning Commission and Township Board of Trustees. Broadscape Landscape Supply has no record of site plan approval or even a Zoning Compliance application on file.
2. **Regal Recycling/6270 Whitmore Lake Road** - The site is zoned AR (Agriculture) District and is located within the Whitmore Lake North Territorial Overlay District. Scrap recycling and junk yards are not permitted in the AR district or the overlay district; however, the use received approval from the Zoning Board of Appeals on November 26, 2012 as an existing legal non-conforming use. The business received site plan approval from the Planning Commission in August 2013 for a 7,200 square foot accessory structure, which was built without any permits. The site plan application/approval was an 'after the fact' request/action. As part of the site plan approval, the applicant was required to bring several items up to code. The Township records indicate that since site plan approval, the applicant has not made the necessary changes to meet the conditions of approval. Per records, the Township has reminded the applicant numerous times to comply with the planning and engineering requirements, to no avail. A site visit indicated numerous violations on the site and non-compliance with the approved site plan.

Meetings:

1. Met on 8/9/17 with new Township Manager, Supervisor, Zoning Coordinator and Code enforcement official on updates to various issues and cases within the Township.

Other Issues:

1. Identified need for revising WLD-W district use profile. The district currently permits uses that are typically allowable only in industrial and heavy commercial districts.
2. Discussed with Zoning Coordinator interpretation on measurement of waterfront yard setbacks, living space above garage, ordinance requirements of professional site plan drawings, soil permit requirements etc.

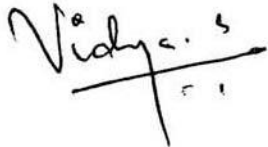
I have continued to work in the past few months to facilitate a smooth Zoning Compliance application process. In working with the Zoning Coordinator, we have tried our best to guide applicants into turning in proper drawings. Having accurately measured drawings is a must in order to safeguard the Township and the property owners' interests. Approval of a structure that may have been incorrectly shown resulting in the construction

of a non-conforming new structure will have implications for property insurance and liability in the event of a fire or other disaster, and can create issues between neighbors.

I am aware that the Planning Commission and Township Board of Trustees have heard from residents and property owners about our being "rigid" with rules. The Zoning Ordinance is a legal binding document adopted under a State law. It is not within the scope of my authority to waive or modify rules arbitrarily. We have suggested that the Ordinance be amended in some cases where the regulations seem excessively burdensome; however, until such time the ordinance is amended, we are bound by the rules on the book and by a code of ethics. Exempting some property owners from complying with the Ordinance would be unfair to those who follow the rules and eventually will be a detriment to the quality of life factors for the Township as a whole.

Well written and impartially administered Zoning Regulations are not a detriment to a community's growth. In fact, developers welcome the opportunity to build in a community that has clear-cut guidelines and rules that enable the construction of well-designed sites with consideration to long term growth. As the Zoning Administrator, I strive to be prompt and attentive to the needs of the applicants while ensuring that they understand the process and also comply with the rules and regulations set forth in the Zoning Ordinance.

Respectfully submitted,
McKenna Associates

A handwritten signature in black ink that reads "Vidya Krishnan". The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

Vidya Krishnan
Senior Planner

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS Minutes of Regular Meeting September 18, 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	Absent with notice
Stephen Safranek	Present
Amy Steffens	Present
Gary Wellings	Present
Jeff Lehrke, Alternate	Present

Also present:
Recording Secretary Lisa Lemble
Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Members of the public

4. ADOPT AGENDA

- **Motion:** Steffens moved, Wellings supported, that the agenda be adopted as presented.
Motion carried 5—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

- 6A. Case #JZBA170004; Robert and Susan Garza; Location: 3375 Five Mile Road, South Lyon; Request for variance from Section 36-719(d)(3), Private Roads and Driveway Regulations; to construct a 15 foot wide 1,365 foot long gravel driveway (ordinance maximum is 1,000 feet); Parcel 02-14-300-017; zoned AR—Agriculture.**

Planning Consultant Vidya Krishnan reviewed the request and her report dated September 5, 2017. She noted that creation of flag-shaped lots can no longer legally be created, so this lot was created some time ago. She said literal interpretation of the ordinance would deprive the applicant of rights afforded to others in the district, no special privilege would be granted by approval, and while the variance requested could be slightly reduced, doing so would require

relocating the well and septic field. She noted the Fire Department is requiring a dry hydrant/pond installation.

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

Corey Kanitz said he is attempting to purchase this property to build a house. He said the intent is to disturb as little of the land as possible while building the planned home. In answer to questions he said the road will be 15 feet wide and gravel. In answer to a question from Steffens, Krishnan said the Washtenaw County Road Commission will allow the road as long as the lot is buildable.

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

- 6A. Case #JZBA170004; Robert and Susan Garza; Location: 3375 Five Mile Road, South Lyon; Request for variance from Section 36-719(d)(3), Private Roads and Driveway Regulations; to construct a 15 foot wide 1,365 foot long gravel driveway (ordinance maximum is 1,000 feet); Parcel 02-14-300-017; zoned AR—Agriculture.**

Krishnan recommended approval of the requested variance, subject to approval of a dry hydrant/pond installation as required by the Fire Department, based on compliance with the findings of fact including:

- slopes on the site and the flag-shape of the parcel create difficulties in placement of the home
- the natural characteristics of the site are not the result of action by the applicant,
- if the variance is not granted the applicant would have to change the location of the house, garage, septic field, and well, which would be burdensome,
- while the requested variance is not the minimum possible, other factors may be affecting the design of the development,
- there will be no adverse on the public as the result of the variance being granted.

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Corey Kanitz said he believes construction of a pond on the site will be feasible, and he understands this is required to be within 1,000 feet of the house.

- ▶ **Motion:** Steffens moved, Lehrke supported, that the request in Case #JZBA170004, Corey Kanitz, at 3375 Five Mile Road, South Lyon for variance from Section 36-719, Private Roads and Driveway Regulations; to allow a 15 foot wide gravel driveway with a total length of 1,365 feet. The proposed project meets the standards of Section 36-94(3)(d) of the Northfield Township zoning ordinance as discussed at tonight's hearing and as presented in the staff report dated September 5, 2017. Approval is conditioned on all Fire Department requirements being met.
Motion carried 5—0 on a roll call vote.

9. MINUTES

- ▶ **Motion:** Wellings moved, Lehrke supported, that the minutes of the August 21, 2017, regular meeting be approved as presented.
Motion carried 5—0 on a voice vote.

11. CALL TO THE PUBLIC

None present.

12. ZBA MEMBER COMMENTS

No comments.

13. ANNOUNCEMENT OF NEXT MEETING

October 16, 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.

14. ADJOURNMENT

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

The meeting was adjourned at 7:20 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 _____, 2017.

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/