

CITY OF NORTHVILLE
Board of Zoning Appeals
June 7, 2017 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Chair Silvestri called the meeting to order at 7:30 p.m.

II. ROLL CALL:

Commissioners: Present: Michelle Aniol
John Callahan
David Marold
Ryan McKindles
Patti Mullen
Dominic Silvestri
Douglas Bingham - alternate

Absent: Jay Wendt (excused)

Also present: Sally Elmiger, Planning Consultant
Brent Strong, Building Inspector

III. APPROVAL OF THE AGENDA:

Motion McKindles, support by Aniol, to approve the agenda as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

IV. MINUTES OF PREVIOUS MEETING: May 3, 2017

Motion McKindles, support by Callahan, to approve the May 3, 2017 meeting minutes as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

V. CASES TO BE HEARD – BY CASE:

- A. Case is called.
- B. Appellant presents case.
- C. Board questions & comments.
- D. Public comments on the case.
- E. A motion (usually to grant the variance) is made and seconded; discussed then voted upon; the results are announced by the Chair.

**VI. CASE #17-06
ANDRE & MICHELLE KAZEZYCH
495 W. CADY**

To consider two variance requests on premises zoned R-1B, First Density Residential District, at 495 W. Cady St., Northville, Michigan, 48167, parcel number 48-003-01-0297-000. The applicant is seeking a variance to expand a non-conforming building (Section 22.01) that is currently located in the Cady Street and First Street front yard setbacks. The applicant is seeking a second variance to expand a non-conforming building (Section 22.01) that is currently located in the First Street front yard setback. The variance needed along Cady Street is 13.2 feet and the variance needed along First Street is 3.1 feet from the requirements in Section 15.01

Member McKindles called Case #17-06, and reviewed the items in the Members' packets.

Andre & Michelle Kazewych, owners, 495 W. Cady Street, Northville, and Steve Pariseau, architect, 104 W. Fourth Street, Suite 303, Royal Oak MI, were present on behalf of this application.

Mr. Pariseau said the first variance was being requested in order to expand the existing front porch, which was of a dimension that was not conducive for seating or socializing. Referencing the comments in the Carlisle/Wortman review letter dated May 17, 2017, he pointed out that they were an existing historic house that fronted both Cady and First Street, resulting in 2 front-yard setbacks. After submittal to the Historic District Commission, they discovered they needed to request a variance for Cady Street as well as First Street.

The owners wanted to have a space out front in order to enjoy the community, see the parades that marched down Cady Street, and speak with neighbors. Because of where the original home was positioned on the lot, it was clear that the home would not have been built in its current location were the ordinance requirements in place. Expanding the front porch would not be at all harmful to the health, safety and welfare of the community and would promote a healthier living environment for the residents.

In response to a question from Member Mullen, Mr. Kazewych said the calculations were from averages of both streets. Planning Consultant Elmiger added that using averages was how the necessary variances were calculated.

In response to a further question from Member Mullen, Mr. Pariseau said this home would be the closest to the street on Cady. However, the setback would not be expanded any further than the current setback for the front porch.

In response to questions from Chair Silvestri, Mr. Kazewych said they purchased the home November 1, 2016. The nonconforming status of the home had not been disclosed, and they were not aware of its nonconforming status at the time of purchase. The home was built in 1900.

Member Mullen said the owners might not have known about the nonconforming status because this was the first time a variance had been requested for this property. Member Callahan said that ignorance of the ordinance was not a reason to grant a variance.

In response to a question from Member Aniol, Planning Consultant Elmiger said the porch was already in the front yard setback. The applicants wanted to expand the nonconformity to the east side, not to the front. The porch would not be any closer toward the sidewalk than it was now.

In response to a question from Chair Silvestri, Planning Consultant Elmiger said the encroachment into the setback would not be increased. The extended porch would still be in the front yard because it was a corner lot. The proposed addition was in the front yard setback but not the side yard setback.

Member Aniol asked the width of the parcel. Mr. Pariseau said the lot was 73 feet wide.

In response to a further question from Member Aniol, Planning Consultant Elmiger explained that there were two separate variances and the result of either did not affect the other one.

Chair Silvestri said that regardless of how wide or how narrow the expanded porch was, it would still be in a front yard because the property was on a corner lot. Even a tiny expansion would still need a variance.

Member Aniol asked about the door going into the side of the house, as shown on the drawings. Mr. Pariseau said with the renovation that door on the east side would be eliminated.

Chair Silvestri said the expanded porch seemed to be mainly cosmetic.

Mr. Pariseau explained that the expanded porch would be more usable and would also tie in with the architecture. Mrs. Kazewych added that previously there had been a carport at the proposed location so this was a huge improvement. Member Callahan asked how big the carport had been. Mr. Pariseau said it was about 8' x 20' with a stair placed directly in front of the main entry door.

In response to a question from Member McKindles, Mr. Pariseau said the existing porch was on the north side.

Seeing that discussion had ended, Chair Silvestri opened the public hearing. As no one came forward to speak, Chair Silvestri closed the public hearing and asked the applicants if they wanted action on both variance requests in one motion, or did they want to separate the variance requests into two motions.

Mr. Pariseau said they would like action on the first variance request only. They would like to retract the request for the second variance, which was for the addition on the First Street side, as they had come up with an alternate plan that did not need a variance.

Chair Silvestri indicated the Board understood that the second variance request had been withdrawn.

MOTION McKindles, support by Aniol, in the matter of BZA Case #17-06, 495 W. Cady, to grant variance request (1) only, a 13.2 foot variance from Section 15.02 from the front yard setback along Cady Street, in order to expand a non-conforming structure, based on the following findings of fact:

- 1. There are exceptional or extraordinary circumstances or conditions which apply to this property that do not apply generally to other properties in the zoning district in that the house – being a historic home - currently exists within the front yard setback.**
- 2. Granting of the requested variance would do substantial justice to the applicant.**

3. **The problem and the resulting need for the variance did not result from the actions of the applicant and/or the applicant’s predecessor.**
4. **The variance requested is the minimum necessary to permit reasonable use of the land.**
5. **This request would not have an impact on public safety or create any type of public nuisance.**

Chair Silvestri called the vote.

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| Marold | yes |
| Callahan | no |
| Mullen | yes |
| Silvestri | yes |
| McKindles | yes |
| Aniol | yes |
| Bingham | yes |

Therefore the motion carried, 6-1 (Callahan opposed).

CASE # 17-07

**DAN OLGREN
46925 S. CHIGWIDDEN**

To consider a variance request on premises zoned R-1A, first Density Residential District, at 46925 S. Chigwidden Drive, Northville, Michigan, 48167, parcel number 48-22-33-355-010. The applicant is seeking a variance to install a privacy fence (6 feet tall) ahead of the front building line along Lanthorn Lane and Eight Mile Road (Section 18.09). The variance needed along Lanthorn Lane is a maximum of 40 feet, and the variance needed along Eight Mile Road is a maximum of 78 feet.

Member McKindles called Case #17-07, and reviewed the items in the Members’ packets.

As the applicant was not yet present, the Board moved on to the next case.

CASE # 17-08

**TODD & JULIET CULP
375 LAKE STREET**

To consider a variance request on premises zoned R-1B, First Density Residential District, at 375 Lake Street, Northville, Michigan 48167, parcel number 48-001-02-0045-000. The applicant is seeking a variance to expand a non-conforming building (Section 22.01) that is currently located in the Lake Street front yard setback. The variance needed along Lake Street is 1.83 feet from the requirements in Section 15.01.

Member McKindles called Case #17-08, and reviewed the items in the Members’ packets. He noted that correspondence from Jon Forslund had been received in support of this request.

Juliet and Todd Culp, 375 Lake Street, were present on behalf of this application.

Mrs. Culp gave some of her personal background, including being raised in a historic home in Northville, and earning a degree in architecture. After their marriage, the Culp's purchased the historic home at 375 Lake Street, which they had been restoring for 18 years. History and architecture were very important to her; she had spent 10 years on the Historic District Commission as well as the Northville Historical Society Board. Mr. Culp had also been on the Northville Historical Society Board for about 10 years.

Mrs. Culp said their lot coverage was about 15%. Because their home was smaller – about 1200 square feet – they took advantage of their porch during the nicer weather. She explained that the porch was 18 feet wide, not 21 feet as stated in the packet, and had a 5-foot walkway down the middle. There was seating for 2 on either side of the walkway which complicated their ability to sit together as a family and have dinner on the porch. Therefore they wanted to continue their porch around the corner of the house to the side door. This would allow sufficient room for them to have a table and chairs and not be in the path of the door, as well as to be architecturally and aesthetically pleasing.

At this time Mrs. Culp distributed further documentation for this request, including:

- Photographs of the original house
- List of 62 neighbor signatures supporting the variance.
- Dimensioned site plan
- Extra drawing showing locations of the doors
- Schematic of supporters in the immediate vicinity
- Schematic of the proposed porch addition
- Schematic showing additions that had been removed over time.

Mrs. Culp said they were asking for a 1.8 foot variance (22"). Regarding comments in the review letter, joggling the porch back by 22" would be architecturally inappropriate for their Mansard style home. They wanted to maintain the architectural integrity of the home.

Mrs. Culp said that the practical difficulty was that they had 2 front yards as well as the fact that their home was built in 1888, before setbacks were imposed.

Regarding substantial justice, Mrs. Culp said that they were not asking for more depth than they had currently. They just wanted to eat on their porch. The beauty of their neighborhood was that they all ate on their porches and talked to their neighbors as they walked by.

Regarding whether the hardship was self-created, Mrs. Culp said their home was built in 1888, well before front yard averaging was part of any ordinance. This situation was not self-created.

Regarding whether this was the minimum variance necessary, Mrs. Culp said they were trying to work with the existing porch depth. They had been excited to find the original porch columns under their porch, and they would like to re-install those as well as add a railing. They had six feet and by the time those architectural details were added, they would only have about 5 feet of useable space. They did feel they were asking for the minimum variance necessary.

Mrs. Culp continued that granting the variance would not create a public nuisance or have an impact on public safety.

Mrs. Culp explained that they had approached every home within the 300-foot radius to make sure there weren't people who would be upset by the proposed porch expansion, and she had presented a schematic to the Board this evening showing supporters in the immediate vicinity who were willing to sign the letter of support. There were 2 snowbirds and 2 vacancies, but generally they did not have any opposition to this variance request.

Finally, Mrs. Culp pointed out they were not the porch closest to the street.

Member Aniol said she understood why the applicants were making this request. However, she had a fundamental reservation: the drawings had no information regarding dimensions, and did not appear dimensioned to scale. How did the applicants know they were in the setback? How did they know where everything was? Shouldn't a survey be required?

Building Inspector Strong said the front yard setback was generally based on measuring from the sidewalk. He had measured and verified the accuracy of tonight's request.

Chair Silvestri said he would also like to see a little more information. He couldn't tell where or what dimension the existing porch was from the property line. Based on the applicant's presentation, he understood they were asking for a 22" or 1.84-foot variance in order to bring the proposed porch addition flush with the existing porch.

Member Aniol asked where the property line was and what the measurement was from the property line to the house. Mrs. Culp said she was told they should measure from the street because there was no sidewalk, and obtain the averaging that way.

Member Aniol said she wasn't worried about averaging. She was concerned that the applicants didn't know where the property lines were in relationship to the house.

Building Inspector Strong explained that with front yard averaging the location of the porch was established based on a known point. Since there were no sidewalks they used the curb as the known point.

Member Aniol asked for further clarification.

Building Inspector Strong said that front yard setbacks were based on front yard averaging, and did not require surveys, but rather required that an applicant follow the instructions on the front yard setback worksheet to establish the front yard setback.

Mrs. Culp interjected that they were 19'11" from their property line. They knew this from spikes placed when they built their garage.

In response to questions from the Board, Planning Consultant Elmiger said that all the property lines were at the same distance from the curb. This property's front setback from the curb was the same distance between the curb and the property line as neighboring parcels. The average was always used for the front yard setback in this district, not the 25-foot requirement.

Building Inspector Strong reiterated that when determining the average a known point was used: the property line, or a known point like the curb. In tonight's instance, the average was obtained based on distance from the curb, and in the applicant's case, they differed from the average by 1.84 feet.

Member Aniol asked if the variance were granted, would they be granting a variance from the front yard setback? Planning Consultant Elmiger explained that the variance would be granted from the average front yard setback, which was based on the homes within 200 feet on either side of the subject home.

Chair Silvestri asked why the 22" variance was necessary. Mrs. Culp said the 22" variance was necessary because with the Mansard style the porch would not jog but would go straight across and have a cap. Previous owners had taken the cap off and made a hip roof, which was not authentic to this home. When the Culp's had found the original porch columns they were excited to plan a porch that would be correct for the Mansard look.

Mr. Culp said that they could jog the porch back for that section and extend it around, but it would not look right.

Chair Silvestri advised that it would have been better to have full architectural drawings as to what was being proposed. The need for the variance was not apparent from the materials submitted, though tonight's explanation had certainly helped. Mr. Culp said that they had struggled with how much information was required. They came as prepared as they thought was necessary.

Member McKindles said his property was within 300 feet of the Culp property and his wife had signed the document in support of this project. Therefore he would abstain from voting.

In response to a question from Chair Silvestri, Mrs. Culp said she would like the petition for support with 62 signatures included with the original packet.

Member Aniol said she was in favor of this request, but without having a property survey to verify the information, she was unsure that she could vote to approve it.

Building Inspector Strong said that any building project that incorporated front yard setbacks did not require surveys because the front yard setback was not based on the property line, but rather was based on an averaging system from a known point. The average would be the same no matter what known point was used.

Member McKindles said the issue of requiring a survey had come up several times. If a survey were going to be required the applicant would need to be so notified at the beginning of the process.

Planning Consultant Elmiger said that going forward dimensioned drawings would be required for all dimensional variance requests. She noted that a site plan was not necessarily a survey. However, having a site plan – whether it was a survey or an architectural site plan – was very important.

Mrs. Culp noted that the survey she had distributed this evening did have dimensions and was drawn to scale.

In response to a question from Member Aniol, Mrs. Culp said she was unsure whether they had a mortgage survey.

Chair Silvestri reiterated that going forward he would like to see as part of the submitted materials a dimensioned plan. This helped the Board understand what was being requested.

Seeing that the Board discussion had ended, Chair Silvestri opened the public hearing.

Rick Swanson, 542 Carpenter Street, spoke in favor of the request. The Culps had put a lot of effort into working with their neighbors and making sure the neighbors were not unhappy with this request. 22 inches would be a virtually unnoticeable difference, and the applicants needed the variance in order to enhance the appearance of their home.

Bill Stockhausen, 218 Dunlap, disclosed that Mrs. Culp was his daughter. The Culps were trying to make a 900 square foot historical home work while maintaining the historical flavor of the neighborhood. He was in favor of the variance.

Kathleen Switalski, 218 Lake Street, spoke in favor of the request. The Culps' projects were always impeccable. She did not understand the conversation about a survey.

Chair Silvestri said that while a survey might not be necessary, a dimensioned site plan helped the Board understand what was being requested. They had not received this documentation in their packets, and this had resulted in the conversation this evening.

Lisa Militello, 521 Main Street, spoke in favor of the request. They had purchased an historic home four years ago and the work that was done on their home was not done to the style of the house. She supported the Culps' desire to keep the historic integrity of their home.

Laura Tillman, 429 Lake Street, spoke in favor of the request. 22 inches did not seem like an extraordinary request.

Tim Reitman, 504 Horton Street, spoke in favor of this request. The home was in disrepair when the Culps purchased it. Every improvement they made on the home brought it back to its historic integrity, as was this current proposed improvement.

Seeing that no one else came forward to speak, Chair Silvestri closed the public hearing, and indicated he was ready for a motion.

MOTION by Marold, support by Callahan, in the matter of BZA case #17-09, 375 Lake Street, to grant a variance of 1.83 feet along Lake Street from the requirements in Section 15.01, in order to expand a non-conforming building that is currently located in the Lake Street front yard setback, based on the following findings of fact:

- 1. The existing porch was located on the Lake Street front yard, and the location of the porch constituted a practical difficulty.**
- 2. The variance granted would provide substantial justice.**
- 3. The problem and resulting need was not self-created.**
- 4. The variance requested is the minimum necessary to permit reasonable use of the land.**
- 5. The variance does not have an impact on public safety or create a public nuisance.**

In response to a question from Member Aniol, Chair Silvestri confirmed that the dimensioned site plan and the petition from the surrounding neighbors in support of this variance would be entered into the formal record.

Chair Silvestri called the vote.

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| Marold | yes |
| Callahan | yes |
| Mullen | yes |
| Silvestri | yes |
| McKindles | abstained |
| Aniol | yes |
| Bingham | yes |

Therefore the motion carried 6-0-1 (McKindles abstained).

As Mr. Olgren was now present, the Chair recalled Case #17-07.

CASE # 17-07

DAN OLGREN

46925 S. CHIGWIDDEN

To consider a variance request on premises zoned R-1A, first Density Residential District, at 46925 S. Chigwidden Drive, Northville, Michigan, 48167, parcel number 48-22-33-355-010. The applicant is seeking a variance to install a privacy fence (6 feet tall) ahead of the front building line along Lanthorn Lane and Eight Mile Road (Section 18.09). The variance needed along Lanthorn Lane is a maximum of 40 feet, and the variance needed along Eight Mile Road is a maximum of 78 feet.

Member McKindles called Case #17-07, and reviewed the items in the Members' packets.

Building Inspector Strong said that Mr. Olgren submitted a permit for the subject fence, which was approved. However, upon inspection of the installed fence, it was discovered that the diagram submitted as part of the permit process was inaccurate and a variance was now required for the fence.

Dan and Susan Olgren, owners, 46925 S. Chigwidden, were present on behalf of this application. Mr. Olgren explained that their property was on the corner of Lanthorn and Eight Mile Road. Cars lined up in front and back of their home for a couple of hours every morning and evening. On the Lanthorn side parents regularly waited to pick up children who attended school across Eight Mile Road. With those things in mind the Olgrens thought a privacy fence would be a good idea. Also, they would like to have a dog and were hoping to be able to prevent the dog from running into Eight Mile Road.

Mr. Olgren said that they had received HOA approval as well.

Mrs. Olgren said they were somewhat surprised when it was discovered they needed to seek a variance, especially since they had obtained a permit for the fence, and had approval from the HOA.

Noting that the subject lot was a double corner lot, Chair Silvestri asked the applicants to speak to the *practical difficulty* requirement.

Mr. Olgren explained that their low-profile ranch home had many windows and was very open. Cars parked along Eight Mile Road and Lanthorn could easily see right through their home. They needed a privacy fence to give them visual privacy. Also, the fence did provide some sound reduction from the traffic on Eight Mile Road.

Chair Silvestri asked if there was any way the Olgrens could install a fence along Eight Mile Road without needing a variance. Even if they moved it further back, would they still need a variance? Planning Consultant Elmiger said that was the case.

Chair Silvestri asked if the initial survey was provided by the fence company. Building Inspector Strong said the schematic provided by the fence company was a hand-drawn sketch, which was typical of what was received for fences.

In response to a question from Member Mullen, Building Inspector Strong explained how the fence had been drawn incorrectly on the sketch, which showed the house square with Chigwidden. The sketch showed a fence along Eight Mile Road, stopping at the corner of the house and then coming back along Lanthorn.

Building Inspector Strong said initially he thought a variance was needed only for the fence along Lanthorn. However, after evaluating the situation with Planning Consultant Elmiger, he realized that by a technicality the back yard that abutted Eight Mile Road was also considered a front yard, and two variances were needed: one on the Lanthorn side and one on the Eight Mile side.

Mr. Olgren pointed out that there was also a sidewalk along the Eight Mile side that was fairly busy.

Alternate Bingham asked if the fence shown in the pictures was the fence they wanted. Mr. Olgren said that was the fence they had installed and wanted to keep. It was completely installed and was exactly how they wanted it.

Chair Silvestri opened the public hearing. Seeing that there was no public comment, Chair Silvestri closed the public hearing and indicated he was ready for motion.

MOTION by McKindles, support by Aniol, in the matter of BZA Case #17-07, 46925 S. Chigwidden, to grant the applicant's request for a 40-foot variance along Lanthorn Lane and a 78-foot variance along Eight Mile Road, in order to install a 6-foot tall privacy fence ahead of the front building line along Lanthorn Lane and Eight Mile Road, based upon the following findings of fact:

- 1. There are exceptional or extraordinary circumstances or conditions applied to this property as it is adjacent to 8 Mile Road and also subject to 3 front yard setbacks per the ordinance.**
- 2. That the granting of the requested variance will do substantial justice to the applicant as well as to other property owners in the district.**
- 3. The condition is not self-created and do not result from the actions of the applicant or the applicant's predecessor.**
- 4. This is the minimum variance necessary to permit reasonable use of the land.**
- 5. The request does not have an impact on public safety or create a public nuisance.**

Seeing that there was no discussion from the board, Chair Silvestri called the question.

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| Marold | yes |
| Callahan | no |
| Mullen | yes |
| Silvestri | yes |
| McKindles | yes |
| Aniol | yes |
| Bingham | yes |

Therefore the motion carried, 6-1 (Callahan opposed).

VIII. PUBLIC COMMENTS:

None.

IX. DISCUSSION:

Building Inspector Strong noted that the Planning Commission and Historic District Commission meetings started at 7:00 p.m. Did the BZA want to follow this pattern?

After brief discussion, Member Mullen made the following motion:

MOTION by Mullen, support McKindles, that the Board of Zoning Appeals start its meetings at 7:00, moving forward.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

As there were a number of students present, Member Aniol asked why they were here. Sean Abbott, 6 Mile Road, said they were present as a requirement for their Civics class.

Member Aniol thanked Building Inspector Strong for work he was doing in the City.

X. ADJOURNMENT:

Motion McKindles, support by Marold, to adjourn the meeting at 8:47 p.m.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 7/5/2017