

CITY OF NORTHVILLE
Board of Zoning Appeals
December 6, 2017 – 7:00 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Chair Silvestri called the meeting to order at 7:02 p.m.

II. ROLL CALL:

Commissioners: Present: John Callahan
Ryan McKindles
Patti Mullen
Lou Ronayne (alternate)
Dominic Silvestri
Jay Wendt

Absent: Michelle Aniol (excused)
David Marold (excused)
Douglas Bingham (alternate – excused)

Also present: Sally Elmiger, Planning Consultant
Ken Roth, Mayor
Patrick Giesa, City Council liaison
Jim Gallogly, Department of Public Works Director

III. APPROVAL OF THE AGENDA:

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

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

IV. MINUTES OF PREVIOUS MEETING: November 1, 2017

Motion McKindles, support by Mullen, to approve the November 1, 2017 meeting minutes as published.

Voice vote: Ayes: All. Nays: None. Abstentions: 1 (Ronayne). Motion carried 5-0-1.

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 #17-13

ABDUL BAZZI

711 N. CENTER STREET

To consider a request to construct a private road to access three parcels on premises zoned R-1B, First Density Residential District, at 711 N. Center Street, Northville, Michigan, 48167, parcel number 48-22-34-377-002. The applicant is seeking relief from Section 18.18(4) of the Zoning Ordinance that requires any lot split within the R-1B Zoning District which is accessed by a private road to have a minimum lot area of twelve thousand (12,000) square feet. The definition of “lot area” excludes private road rights of way. Therefore, Lot A requires a variance of 35 square feet; Lot B requires a variance of 2,095 square feet; and Lot C requires a variance of 2,095 square feet. Section 18.18(1) requires that the pavement edge of any private road shall be a minimum of fifteen (15) feet from any adjoining property line. The proposal is locating the edge of the pavement two (2) feet from the front property line. Therefore, a variance of thirteen (13) feet is required to locate the private road as designed.

Member McKindles called Case #17-13, noting that the application included two surveys from Jekabson & Associates, the warranty deed, the contract to purchase the property, a certified letter authorizing Mike Miller of the Mike Miller Building Company to speak on the owner’s behalf tonight, and a narrative from the applicant in support of the request.

Chair Silvestri noted that the two surveys provided represented (1) the previously approved lot split which showed three curb cuts on North Center Street, and (2) a survey showing two curb cuts and a private road as requested this evening.

Member McKindles disclosed that Mr. Miller was building a home for him, and he felt in order to avoid the appearance of a conflict he should be recused.

MOTION Callahan, support by Mullen, to recuse Member McKindles from Case #17-13.

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

Member McKindles left the dais.

Mike Miller, Mike Miller Building Company, Northville MI, was present on behalf of this application. He was here to answer any questions the Board might have and to explain why they were requesting the variances in order to construct a private road on the property.

Chair Silvestri summarized the information on the surveys. The first survey showed the lot split as approved by the Planning Commission, with Parcel A, the southernmost parcel, using the existing curb cut, and Parcels B and C having new separate driveways with separate curb cuts on North Center Street. The second survey showed the proposed configuration if tonight’s variances were granted: the existing curb cut to the south, and a new curb cut to the north, with a shared private road providing access to the three new lots.

Chair Silvestri asked Mr. Miller to explain the practical difficulty involved in this request.

Mr. Miller said there was an issue with the grade differential on the property, with an approximate 30-foot grade differential from North Center Street to the western property line. The applicants were seeking a safe way for owners to access their individual driveways. Having the separate driveways as approved by the Planning Commission could cause an issue with the sight line distances for drivers on Center Street and also for pedestrians, including students from Amerman and Hillside Schools, because 4-5 foot high retaining walls would be required at the driveway entrances, potentially hiding an exiting car until it was almost on top of the sidewalk.

Mr. Miller continued that they looked at all options to increase the safety of the site, and the one proposed this evening – a shared private road – was the best solution.

Chair Silvestri asked Department of Public Works Director Gallogly to speak to this issue.

Director of Public Works Gallogly said that the Planning Commission had liked the plan being presented to the BZA. He further explained the applicants had agreed to shift the sidewalk up from the road, whether or not they received the requested variances. However, the sidewalk shift was not shown on the plans presented this evening.

Planning Consultant Elmiger said that the Planning Commission had not insisted on the private road as a solution because they could not approve a lot split that resulted in nonconforming lots. The lot split that was approved met land division standards.

Chair Silvestri asked Mr. Miller to further explain the sidewalk shift mentioned by DPW Director Gallogly.

Mr. Miller acknowledged that the sidewalk shift was not on the plans presented to the Board. He showed a plan dated September 27, 2017 that he thought had been substituted, that showed the sidewalk pulled back. The sidewalk would be moved 5 feet from North Center Street and would be widened by 1 foot.

In response to a further question from Chair Silvestri, Mr. Miller said they didn't think they would need a retaining wall at a different location. The private road could be configured in such a way that the slope would drop gradually. If they did need a retaining wall at one of the curb cuts, it would only be 1-2 feet high.

In response to further questions from Chair Silvestri, DPW Director Gallogly said because the sidewalk was not yet on the drawing, he was not sure where it would end up. However, he felt that the slope from the curb down to the sidewalk could be done with good landscaping, perhaps including boulders. In any event, he would not approve anything until it met standards and was safe.

Chair Silvestri asked Member Wendt if he could remember the Planning Commission's discussion regarding this matter. Member Wendt said he could not speak for the entire Planning Commission, but his preference – both tonight and at the Planning Commission meeting – was for two lots only, and one curb cut.

Member Mullen pointed out that the Planning Commission had already approved the three lots. If the applicants did not receive the requested variances, they would most likely develop the three lots as approved, with three separate curb cuts.

Planning Consultant Elmiger noted that the applicants would still have to shift the sidewalk, as that had been a condition of the lot split.

Member Mullen felt that the variances for the lot sizes and the setback for the private road represented a better solution than the original lot split with the three driveways. Two lots weren't an option, since the applicants had already been approved for the three lots.

Planning Consultant Elmiger explained that the three lots were presented to the Planning Commission with three individual driveways, and this met the requirements for a lot split: 1) lot area, 2) lot width, 3) width to depth ratio, and 4) accessibility. The applicants spoke at the Planning Commission meeting about wanting a private road, but the Commission could not approve that because with the private road the lots would not meet dimensional requirements.

Mr. Miller said that technically they didn't need any variances to develop the property. They were applying for the variances for safety reasons only.

Member Callahan asked if there was any way to grade the front of the lots to obviate the safety issues being discussed. Mr. Miller said there was no way to do this. The proposal presented this evening was the best and safest way to deal with ingress and egress on the site.

Member Callahan asked if there was going to be any type of retaining wall or sight issue where the private drive emptied out to North Center Street. Mr. Miller said there might be some type of minimal retainage – no more than two feet high, so sight lines would not be blocked. Member Callahan suggested this should be a condition of approval.

In response to a question from Department of Public Works Director Gallogly, Planning Consultant Elmiger said she didn't think the applicants would need to return to the Planning Commission with new plans if the variances were granted this evening, but she would confirm that. In any event, whether or not the plan had to return to the Planning Commission would not affect the decision made tonight.

Chair Silvestri asked if the Board could approve the private road with the condition that only two lots would be developed.

Mr. Miller said they always planned on developing three lots, and three lots had been approved by the Planning Commission. If they were not granted the variances, they would develop the three lots with three separate entrances. It didn't make financial sense to develop only two lots on this property. Again, they were only seeking the variances to provide for enhanced safety of the new homeowners, along with the pedestrians and drivers on North Center Street.

Referring to her review letter of November 20, 2017, Planning Consultant Elmiger pointed out that she actually considered the need for the variances to be self-created. The applicant could choose to avoid the variances by splitting the parcel into two (vs. three) lots. But if the question was lot access only, the topography close to North Center Street made access via individual driveways problematic.

The private road would offer benefits to the ultimate users of the lots as well as pedestrians and motorists along North Center Street.

Discussion followed. The property had already been split into three lots, with no conditions except for the sidewalk shift.

Department of Public Works Director Gallogly reiterated that should the variance requests be granted, the applicant would still need to get a permit from the City and the Department would make sure access to the property was safe.

In response to comments from Planning Consultant Elmiger, Mr. Miller said they ran the calculations on constructing the driveways if there were only two lots, and the difference in slope differential was a percent at most. Additionally, it did not make financial sense for them to develop the property with only two lots.

Chair Silvestri opened the public hearing.

Steve Kowalski, 646 East Street, Northville, MI, was concerned about the loss of greenbelt at the rear of the property, which gave privacy to the East Street residents in that area. Mr. Miller said that there would not be significant tree removal in that area, unless the trees were dead or diseased.

Mr. Kowalski was also concerned about adding the north curb cut, in order to allow cars to turn left to go north. A right hand turn using only the existing curb cut on North Center Street seemed more logical. Turning north from the additional curb cut would be especially difficult in winter, when cars would have no momentum going up the hill.

Seeing that there was no further public comment, Chair Silvestri closed the public hearing and brought the matter back to the Board.

MOTION by Mullen, support by Ronayne, in the matter of BZA Case #17-13, 711 N. Center Street, Northville, MI 48167, to grant the variances as requested, specifically to grant relief from Section 18.18(4) of the Zoning Ordinance, with Lot A being granted a variance of 35 square feet, Lot B being granted a variance of 2,095 square feet, and Lot C being granted a variance of 2,095 square feet. Additionally, a variance of 13 feet is granted from Section 18.18(1), in order to allow the edge of the pavement of the private road to be 2 feet from the front property line,

With the following condition:

- **The sidewalk will be pulled back as previously approved by the Planning Commission, with the specific distance the sidewalk will be pulled back based on the Department of Public Works Director's recommendation and approval.**

And that this motion is based on the following findings of fact:

1. **The practical difficulty is the topography of the land, including the steep slope toward North Center Street.**
2. **Granting of the requested variances will do substantial justice to the applicant as well as to other property owners in the district.**

3. **The problem is not self-created, as the topography of the land is driving the need for the variances.**
4. **The variances requested are for the minimum variances necessary.**
5. **The variances requested will increase public safety in the area.**

Chair Silvestri called the vote:

Wendt	no
Callahan	no
Mullen	yes
Ronayne	yes
Silvestri	yes

Motion carried 3-2 (McKindles recused).

Member McKindles rejoined the Board.

VII. PUBLIC COMMENTS:

None.

IX. DISCUSSION:

Mayor Roth introduced City Council Member Patrick Giesa as the official Council liaison to the Board of Zoning Appeals.

Member Wendt suggested that when something was heard by the BZA that had previously been before the Planning Commission, it would be beneficial to have the minutes of that Planning Commission meeting. Planning Consultant Elmiger said she would relay that request to the City Clerk.

X. ADJOURNMENT:

Motion McKindles, support by Wendt, to adjourn the meeting at 7:53 p.m.

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

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 1/03/2018