

CITY OF NORTHVILLE
Board of Zoning Appeals
November 5, 2014 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

1. CALL TO ORDER:

Chairman Stapleton called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Commissioners: Present: Rolland Stapleton – Chairman
James Bress – Secretary
David Marold
Ryan McKindles
Patti Mullen
Dominic Silvestri
Jay Wendt

Absent: None

Also present: Sally Elmiger, Planning Consultant

3. APPROVAL OF THE AGENDA:

Motion by Silvestri, support by Bress, to approve the agenda as published.

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

4. MINUTES OF PREVIOUS MEETING: June 4, 2014

MOTION by McKindles, support by Marold, to approve the June 4, 2014 meeting minutes as published.

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

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.

Case # 14-07
MICHAEL YURGALITE

**534 W. DUNLAP STREET
NORTHVILLE, MI 48167**

The applicant requests a dimensional variance to Section 18.22 Temporary Structures in order to install a membrane storage structure (fabric hoop house) on a seasonal basis, on the premises zoned R-1B, First Density Residential District, parcel number 48 002 02 0414 000. The membrane storage structure is proposed to be located on an existing concrete slab of a previous garage.

Zoning Appeals Secretary, Mr. Bress, read the case.

Secretary Bress reported that two letters had been received opposing the appeal, from Ron Somers, 515 W. Dunlap Street, Northville, MI 48167 and from Thomas R. Guy, 433 Dubuar, Northville MI 48167

Chair Stapleton noted that the request for the dimensional variance was “from walnut season to spring for the next few years.” This needed more specificity as a motion to grant the variance could not be so open ended in nature.

After discussion, Applicant Yurgalite said that he would like to have the structure installed not before August 15 and removed not after April 15 for the next two years, in order to protect his vehicles from falling walnuts and from the winds and snow of winter.

In response to a question from Chair Stapleton, Planning Consultant Elmiger said that Section 25.04.e.4. read:

Permit, after review and comment by the Planning Commission, other uses or buildings not mentioned above for a period not to exceed twelve (12) months with the granting of an additional twelve (12) months uses which do not require the erection of any capital improvement of a structured nature.

Consultant Elmiger said that as the request was for two years, the above standard would apply and this request would have to be reviewed by the Planning Commission before the BZA could hear it.

Member Wendt said that because this request was located within the Historic District, the Historic District Commission should also review the request before the Applicant returned to the BZA.

Applicant Yurgolite explained that the enforcement notice he had originally received was from the Police Department and he had immediately complied with the enforcement. He had started the appeals process with the Building Inspector, who had instructed him to appear before the BZA. He further explained that he wanted to use the structure until his children finished college, after which he would construct a normal garage. He affirmed that he had lived in his Carpenter Gothic home in the Historic District for over 20 years, and had worked with the Historic District Commission on colors, materials, additions, etc. for improvements on his residence.

Member Silvestri pointed out that Section 18.22.2 Temporary Structures said: *Membrane storage structures are prohibited in all residential zoning districts.* He wanted to make sure the Applicant understood the hurdles he would have to overcome as he worked his way through this process.

Member Bress said he thought that the photo of the proposed structure included in the application packet was not the same structure as the one the Applicant had used on his property. The Applicant needed to make sure any representation of the proposed structure matched exactly what would be constructed, should the appeal be granted.

Motion by Silvestri, support by Bress, to refer Case 14-07 to the Planning Commission and to the Historic District Commission for their review.

The Chair called the question, with a roll call vote:

Bress	yes
Marold	yes
McKindles	yes
Mullen	yes
Silvestri	yes
Stapleton	yes
Wendt	yes

Therefore, the motion carried unanimously.

6. PUBLIC COMMENTS: None

7. DISCUSSION: DIMENSIONAL VARIANCE CRITERIA

Referring to proposed *Changes to BZA Criteria for Dimensional Variance* dated April 25, 2014, Planning Consultant Elmiger explained that the City Attorney recommended a reduction in the number of criteria for a dimensional variance from seven to four. This change and the four remaining criteria were supported by the Zoning Enabling Act and applicable case law.

Planning Consultant Elmiger further explained that during the training session held earlier in the year, the trainer had also suggested that the number of dimensional variance criteria be reduced as it was difficult to reach consensus on reasons to grant or deny a variance with the number of criteria being used.

The process for amending the Zoning Ordinance would be to send the proposed changes to the Planning Commission with an accompanying explanation. If the Planning Commission agreed, they would hold a public hearing on the proposed changes, and then make a recommendation to the City Council for approval. The City Council would then adopt or reject the proposed changes.

Discussion followed. The consensus of the Board was that original criterion 3 should remain:

3. Public safety and welfare. The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.

Original criteria 5. *No safety hazard or nuisance* and 6. *Relationship to adjacent land uses* could be deleted.

Member Silvestri asked for clarification regarding additional wording being proposed in Section 25.04.b. Nonuse (Dimensional) Variances that said:

The board shall not grant a nonuse variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified *in all of the following* below.

Planning Consultant Elmiger said that *all* the criteria had to be met for approval.

Chair Stapleton asked for a motion.

MOTION by Silvestri, support by McKindles, to submit to the Planning Commission with explanation the proposed changes to the BZA criteria for a dimensional variance as outlined in the *Changes to BZA Criteria for Dimensional Variance* dated April 25, 2014 but with the proposed changes amended so that original criterion 3. *Public safety and welfare* also be retained in the criteria.

The Chair called the question, with a roll call vote:

Bress	yes
Marold	yes
McKindles	yes
Mullen	yes
Silvestri	yes
Stapleton	yes
Wendt	yes

Therefore, the motion carried unanimously.

Chair Stapleton invited further comments from the Board.

In response to a question from Member Mullen, Planning Consultant Elmiger said that the new Building Inspector, Craig Strong, came to the City on a contract basis from the Code Enforcement Services of Carlisle/Wortman. Mr. Strong was a Certified Building Inspector and would be in the office 3 half days per week.

Hearing no further discussion from the Board, Chair Stapleton asked for a motion to adjourn.

8. ADJOURNMENT:

Motion by Marold support by Silvestri, to adjourn the meeting at 7:59 p.m.

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

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 12-03-2014