



April 23, 2018

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

Subject: Sutton Schoolhouse/2931 E. Joy Road; Variance Review #1 (Application and materials dated 3/22/18).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Sutton Schoolhouse LLC to build an addition to the existing schoolhouse building and demolish the detached garage/shed structure on site. The parcel is zoned AR (Agricultural) and is a non-conforming lot of record with an area of 0.5 acres. The single- family use is permitted per Section 36-156 (1) of the Zoning Ordinance.

The applicant was originally scheduled for the April 16, 2018 ZBA meeting. The Township sent in the notice for publication to the newspaper to comply with the required 15 day minimum deadline established by State Law. However, due to an error on the part of the newspaper, the notice did not get published. As a result, the Township had to re-publish the notice in the paper and reschedule the request for the May ZBA meeting.

VARIANCES

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

1. Article XXIX. Nonconformities, Section 36-905 (a)(3) – Expansion and Substitution, to construct additions that do not conform to the regulations of the district in which they are located.
2. Article VI. AR – Agriculture District, Section 36-158. Regulations and Standards, sub-section (4) (a):

Front Yard Setback	-	50.00 feet required
		19.58 feet existing
		27.16 feet proposed
		22.84 foot variance requested
3. Article VI. AR – Agriculture District, Section 36-158. Regulations and Standards, sub-section (4) (c):

Rear Yard Setback	-	50.00 feet required
		26.66 feet existing
		26.50 feet proposed
		23.50 foot variance requested
4. Article VI. AR – Agriculture District, Section 36-158. Regulations and Standards, sub-section (3):

Lot Coverage	-	10% maximum coverage permitted (2,178.3 sq.ft)
		11.6% coverage proposed (2,522 sq. ft)
		1.6% coverage variance requested (343.7 sq. ft)

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 all 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 is the location of the historic Sutton Schoolhouse which was built in 1875. The structure on it transitioned from being a schoolhouse to a dwelling and has remained vacant for a while. The structure is in need of repair and the applicant is proposing a modest addition that will make it a viable single family dwelling.

With a lot area of 0.5 acres, the subject site is 1/10th the minimum required lot size for the AR district. As a result even the existing structure is non-conforming. The proposed addition lines up to the back wall of the existing dwelling while the front wall is set back further than the existing structure from Joy Road. Strict compliance with the Ordinance standards is impossible and will render the parcel completely unbuildable, which is unnecessarily burdensome. The applicant is attempting to decrease the degree of non-conformity of the parcel by removing the existing non-conforming garage structure.

- (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 them to build an addition, rehabilitate and reuse a historic structure within the Township and is not adverse to the interests of other property owners in the district. The dwelling and the proposed addition are not in the vicinity or close proximity to any structures on the abutting properties and will have no impact on views, sounds, light, air or other quality of life factors.
- (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 proposed addition is intended to line up with the back wall of the main structure, and is setback more from the front lot line than the existing structure, to create a practical footprint for the dwelling. The existing and proposed structures comply with the required side yard setbacks even though the parcel is very small.
- (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.*** Per the applicant's narrative, the Sutton schoolhouse is the oldest public building in Northfield. Based on the history, the present ½ acre parcel with the schoolhouse building was conveyed to the present family that owns it in 1963. Over the years the parcel has been conveyed to various members of an extended family. The history of this parcel makes it unique and unlike any other in the Township, therefore, the unique circumstances associated with this parcel and structure cannot be attributed to any other property that we have knowledge of.
- (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 problem necessitating the variance is a result of the small size of the lot and existing structure which is tied to the history of the parcel itself, and not self-created by the applicant.
- (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 variance is 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. Even with the variances, the applicant is complying with the side yard setbacks required, and maintaining spacing between abutting properties for protection of health, safety and welfare.

RECOMMENDATION AND FINDINGS

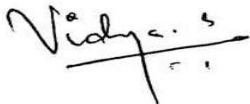
Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **approve** the requested variance for the Sutton Schoolhouse LLC property located at 2931 E. Joy Road:

1. Compliance with ordinance standards would render the parcel unbuildable, which could be construed as being unnecessarily burdensome.
2. The parcel size is 1/10th the minimum lot size required and likely predates the Zoning Ordinance.
3. The existing non-conformity of the parcel is being reduced with the demolition of the existing non-conforming garage.
4. The variance will provide substantial justice to the applicant and is not adverse to the interests of other property owners.
5. The unique circumstances are related to the history of the parcel and is not self-created.
6. The variance requested is the minimum possible.
7. The variance will have no detrimental impact on public health, safety or welfare.
8. The variance requested is not adverse to the spirit and intent of the ordinance.

Subsequent to the approval of the variance, the applicant must obtain approval of Building Permits prior to start of construction or demolition.

Respectfully submitted,

McKENNA ASSOCIATES



Vidya Krishnan
Senior Planner

cc: Township Manager: Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Zoning Coordinator: Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
Applicant: Sutton Schoolhouse LLC, 5657 Pontiac Trail, Ann Arbor, MI 48105

