

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
3040 N. PROSPECT, YPSILANTI, MI 48198
MONDAY
JUNE 12, 2017
7:00 P.M.
AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. ADOPTION OF AGENDA
4. APPROVAL OF MINUTES
 - A. Approval of the May 16, 2017 minutes.
5. CITIZEN PARTICIPATION
6. COMMUNICATIONS
7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS
 - A. ZBA #17-01 Variances from Section 3.101 (Dimensional Standards) to reduce the required setbacks to allow an addition to the principal structure into the front yard setback. **The property is located at 6166 First Street** and is zoned R-4 (Single Family Residential).
 - B. ZBA #17-03 Variances from Section 3.101 (Dimensional Standards) to reduce the required setbacks to allow an addition to the principal structure into the front yard setback. **The property is located at 5460 Geddes Road** and is zoned R-1 (Single Family Residential).
8. OTHER BUSINESS AS NECESSARY
9. ADJOURNMENT

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
MAY 16, 2017
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1. CALL TO ORDER

The meeting of the Superior Charter Township Zoning Board of Appeals was called to order by Chairman Rintamaki at 7:00 p.m.

2. ROLL CALL

The Zoning Board of Appeals members present were Dail, Deeds, Guenther, Lewis, and Rintamaki. Members Heningburg and Parm were absent. Rick Mayernik, Building and Zoning Official, was also in attendance. A quorum was present.

3. ADOPTION OF AGENDA

A motion was made by Member Lewis and supported by Member Deeds to adopt the agenda as presented. The motion carried.

4. APPROVAL OF MINUTES

A motion was made by Member Deeds and supported by Member Lewis to approve the minutes of December 15, 2016 as amended. The motion carried.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

A motion was made by Member Guenther and supported by Member Deeds to receive and file letter from Rick Mayernik, Building and Zoning Official, to Blake and Sherri Ratcliffe, dated February 6, 2012.

Motion Carried.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

- A. ZBA#17-02 Variances from Section 3.101 (Dimensional Standards) to reduce the required front yard setback to allow an addition to an existing house. The property is located at 3640 North Dixboro Road and is zoned A-2 (Agriculture).

1. Public Hearing

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A motion was made by Member Dail and supported by Member Lewis to open the public hearing. The motion carried.

Blake Ratcliffe, homeowner at 3640 North Dixboro Road, stated that he previously came before the ZBA on December 2, 2009 to appeal the variance from Section 3.101. He explained that once the economy fell, the financial ability to complete the addition went away. He stated that the project has not changed since 2009 and the scope of the project remains the same.

Chairman Rintamaki inquired about the square footage of addition. Mr. Ratcliffe stated that the square footage of the home would be approximately doubled. It was also noted that it would be a two story addition.

Member Guenther asked, if the homeowner purchased the home knowing there was an existing encroachment, would that be an action of the applicant?

Mr. Ratcliffe inquired about the variance that was granted in 2009 and if that would "cure" the issue of a pre-existing non-conformity.

Mr. Mayernik stated that the Building Department records show that permits were issued in 1984 for fire repairs to the home. However, there are no records of permits for the previous addition to the home.

He continued to note that past Zoning Administrators have looked at private roads and not necessarily required the setback that the Zoning Ordinance would require. Homes on private roads have been approved with encroachments into the setback.

A motion was made by Member Deeds and supported by Member Guenther to close the public hearing. The motion carried with voice vote.

Chairman Rintamaki stated that in regards to Member Guenther's statement, he does not believe that the issue was created by the applicant, but rather the builder.

Member Guenther stated that what they don't want are homeowners buying structures that are non-conforming and simply coming to the Zoning Board of Appeals for remediation. He inquired where the line should be drawn. He also noted that the applicant could file a complaint with the title company that did the title search.

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Chairman Rintamaki stated that if the homeowner purchases a home that is non-conforming and wants to enlarge the non-conformity, the ZBA will have to make an analysis and see how the large the change is.

Member Deeds agreed that the ZBA must make a reasonable decision in that case.

Member Guenther stated that if he were to buy a property that is non-conforming, that would be an action on his part. Additionally, part of that action is that he may not be able to expand the home.

Sherri Ratcliffe noted that there are two very large oak trees to the west of the home, and another to the north. They are trying to incorporate a footprint that will keep those trees in place.

Member Guenther stated that he is in favor of keeping trees. He explained that the northeast corner of the home is a classic case for a variance. He is still stumbling over the southwest corner however, because it is a significant encroachment into the setback.

Mr. Mayernik explained that the 60 foot setback is being indicated on the plan for historical purposes only, and a 75 foot setback is currently required in the Zoning Ordinance. He added that this parcel fronts on Dixboro Road, so the past logic could have been that the front yard setback fronts on Dixboro Road, and the side yard would possibly be the private road. Now, the front yard setback applies to both public and private no matter where they exist. He reiterated that there were some electrical and plumbing permits for a structure fire in 1984, but nothing in the file for the building permit.

Member Guenther asked if the ZBA has the authority to grant a variance for the existing southeast structure.

Chairman Rintamaki stated that as a Board they will have to look at what was given to them.

Mr. Ratcliffe stated that in 2009, their letter to the Zoning Board of Appeals asked the Board to "grant us a legal non-conformity for our existing home and for our proposed addition."

Member Guenther stated that if the Board had the authority to grant approval for an existing non-conformity, his concern would go away. He added that if that is what was acted on the first time, what lapsed was the building permit.

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PAGE 4 of 4**

Chairman Rintamaki stated that if the Board grants a variance for both the existing home and the proposed addition, the action at the December 2, 2009 meeting took care of the preexisting non-conformity.

Chairman Rintamaki explained to the applicant that the variance would be approved based on the drawings that were submitted. The proposed addition cannot deviate from what was approved by the ZBA.

Moved by Member Deeds, supported by Member Lewis to approve ZBA #17-02, variances from Section 3.101 (Dimensional Standards) to reduce the required front yard setback to allow an addition to an existing house, having found that the existing non-conformity on the southeast portion of this structure was cured by the request of the applicant of the ZBA at the December 2, 2009 meeting.

Roll Call Vote:

Yes: Dail, Deeds, Guenther, Lewis, Rintamaki.
No: None.
Absent: Heningburg, Parm.
Abstain: None.

Motion Carried.

Members discussed existing non-conformities as well as non-conformities in the future.

9. OTHER BUSINESS AS NECESSARY

None.

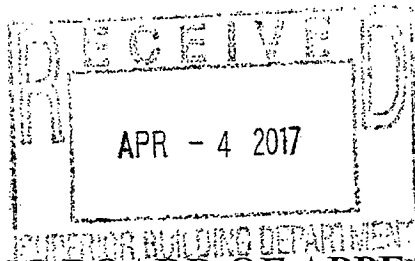
10. ADJOURNMENT

A motion was made by Member Deeds and supported by Member Lewis to adjourn the meeting at 7:57 p.m. The motion carried.

Respectfully submitted,

John Rintamaki, Chairman Zoning Board of Appeals

Laura Bennett, Recording Secretary Superior Charter Township
3040 N. Prospect, Ypsilanti, MI 48198



ZONING BOARD OF APPEALS APPLICATION

(This application must be typewritten or printed. All questions must be answered.)

Request is hereby made for one of the following:

☒ Variance from the requirements of the following Zoning Ordinance

Section(s): SECTION 3.101 - FRONT YARD SETBACK

☐ Appeal of the decision of the Township Zoning Official

(P)

APPLICANT INFORMATION

Name Brian Athey + Deborah Walker

Address 6166 1st St. Ypsilanti, MI

Phone Number _____

Email _____

Is the property owned by the applicant? (YES) NO

If "NO", what is the applicant's interest in the property? _____

Name, address and telephone number of owner(s): _____

DESCRIPTION OF THE PROPERTY

Address ~~6166~~ 1st Street

Parcel ID# J-10-32-300-009

Parcel size 47,515 sf / 1.09 acre

Size of the proposed building or addition, if any 2,775 SF

Use of existing building (if any) and property Residential

Zoning classification of property R4

If a new building is proposed, has the Building Inspection department examined the plans for the proposed building? YES NO N/A

Has the department refused a permit? YES NO

Has there been any previous land use application involving this property? YES (NO)

If "YES", state the date of filing, the character of appeal and the disposition.

DESCRIBE THE REASONS FOR YOUR APPEAL

Note: The Zoning Board of Appeals is required to use the standards listed in Section 13.08(B) of the Zoning Ordinance when considering an appeal. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed. A copy of the standards is attached to the application.

The applicant is proposing two small additions that maintain the existing nonconforming lines of the house. The house exceeds 100ys old, and the non-conformity is not the result of the applicant's actions. Approval of the variance request will not increase the non-conformity + Denial of the request will not decrease the non-conformity.

YOU MAY WISH TO ASK YOUR NEIGHBORS TO SIGN THE FOLLOWING SECTION IF THEY HAVE NO OBJECTION TO THE APPEAL YOU ARE MAKING.

We the undersigned, as owners of property any part of which is located within 300 feet of any part of the property involved in this appeal, have no objections to the granting of the request made in this appeal:

NAME (PLEASE PRINT)	SIGNATURE	STREET ADDRESS


INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL

The following must attached and submitted with the application:

- Ten (10) sets of drawings, all on sheets 8 ½ inches by 11 inches or 8 ½ inches by 14 inches, drawn to scale and showing all measurements, features and structures, including the general location of all natural features on the property, measurements to show distances between structures, measurements between structures and property lines, measurements for lot width and lot area, and height of structures. Rights-of-way and easements must also be shown.
- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill.)

APPLICANT'S DEPOSITION – Must be completed by applicant.

I hereby state that all of the statements and information contained in this application and the supporting documents herewith are true and correct.

Signature of applicant  Date 3 April 2017

NOTARY PUBLIC – Applicant's signature must be notarized.

Sworn to before me this 3rd day of April 20 17

My commission expires _____
(Notary Public, Washtenaw County Michigan)
Linda M. Peasley
Notary Public - Michigan
My Commission Expires Dec 16, 2020
Acting in the County of _____

To be filled in by Township Clerk (or designated Township Officer/Personnel)

I hereby state that this petition was properly received and filed on 4/4/17 (date)

Signature of Clerk (or designee)


Fee paid \$ 175.00

Notice to Applicants for the Zoning Board of Appeals

Filing Applications

You must call and schedule an appointment with the Township Zoning Official Richard Mayernik to file an application. He may be reached at the Township Office at (734) 482-6099.

Meeting Schedule

The Zoning Board of Appeals does not have a regular meeting schedule. Meetings are called whenever there is an application for a variance. Because variance requests require a public hearing, it generally takes four (4) weeks from the date an application is received until a meeting of Zoning Board of Appeals can be held. This time is needed to schedule the meeting date and to mail out notices of the public hearing.

Reasons for the Appeal

The Zoning Board of Appeals is required to use the standards listed in Section 13.08 of the Zoning Ordinance when considering the appeals. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed.

Site Visits

Filing an application gives the implied consent for Township officials and/or consultants to visit the subject site.

Application Fees

An application fee must be paid when you file your application. The fees are as follows:

1. Appeals brought by the owner of a single-family dwelling for a variance from density and height regulations of the Zoning Ordinance = **\$175.00**
2. Any other appeal = **\$500.00**

Applicant's Acknowledgement

I hereby acknowledge that I have read and agree to the above and that I have been given a copy of this notice.



Signature

3 April 2017

Date



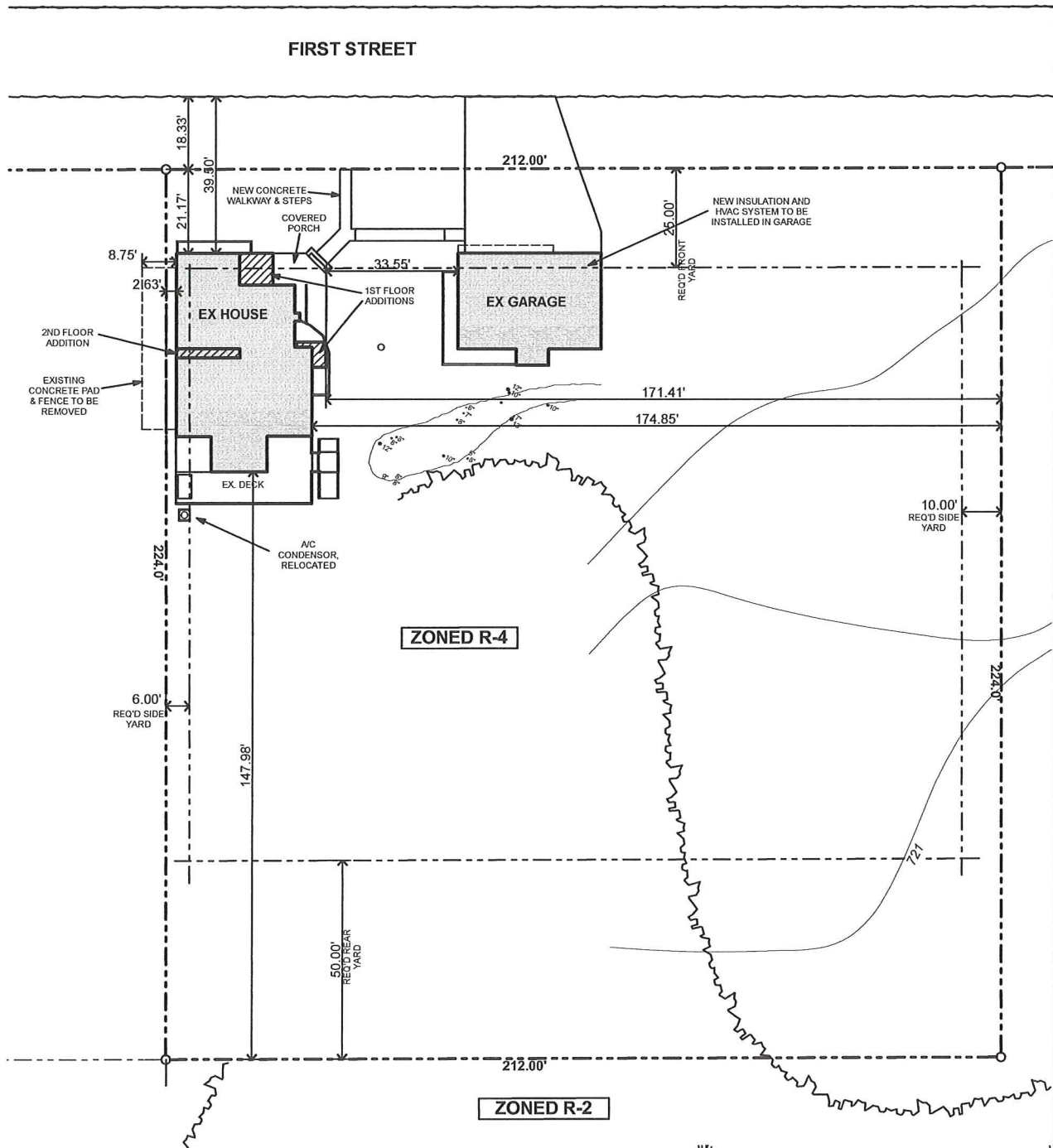
Existing Residence



Proposed Residence

ATHEY RESIDENCE
6166 FIRST ST
RENDERING
3/31/2017

focus / design
Todd Ballou, Registered Architect
(734) 276-2110
www.focusdesign.us
focusdesign@comcast.net
3300 Berry Rd, Ypsilanti, MI 48198



SCALE: 1" = 40'-0"

ATHEY RESIDENCE
 6166 FIRST ST
 SITE PLAN
 3/31/2017

focus / design

Todd Ballou, Registered Architect

(734) 276-2110

www.focusdesign.us

focusdesign@comcast.net

3300 Berry Rd, Ypsilanti, MI 48198

LEGAL DESCRIPTION:

CURRENT PROPERTY ID: J-10-32-300-009 *OLD SID - J 10-050-007-00 SU 38-5B BEG AT NW COR OF LOT 26, TH S 39 DEG 09' W TO SW COR OF LOT 26, TH CONT S 39 DEG 09' W 75.50 FT, TH S 50 DEG 51' E 75.00 FT TH N 39 DEG 09' E 224 FT TO NLY LINE OF LOT 26, TH N 50 DEG 51' W 75.00 FT IN NLY LINE OF LOT 26 TO PL OF BEG, BEING PART OF SW FRL 1/4, SEC 32, T2S-R7E, AND PART OF LOT 26 VILLAGE OF SUPERIOR ALL OWNED & OCCUPIED AS ONE PARCEL. ASSESSMENT INCLUDES 300-007 & 300-008

AREA ANALYSIS

EXISTING		PROPOSED	
EX. 1ST FLOOR AREA	1,503 SF	EX. 1ST FLOOR AREA	1,503 SF
EX. 2ND FLOOR AREA	388 SF	CLOSET ADDITION	+72 SF
EX. LIVING AREA	1,891 SF	FOYER ADDITION	+27 SF
		EX. 2ND FLOOR AREA	388 SF
		ADDITION FOR STAIR	+37 SF
EX. 1ST FLOOR AREA	1,503 SF	PROP. 1ST FLOOR AREA	1,602 SF
EX. COVERED PORCH	111 SF	PROP. LIVING AREA	2,027 SF
EX. DETACHED GARAGE	967 SF±		
EXISTING BLDG FOOTPRINTS	1,581 SF±	PROP. 1ST FLOOR AREA	1,602 SF
		PROP. COVERED PORCH	206 SF
		EX. DETACHED GARAGE	967 SF±
		PROP. BLDG FOOTPRINTS	2,775 SF±
EX. LOT AREA	47,515 SF (1.09 ACRES)		
EX. LOT COVERAGE	$\frac{1,581 \text{ SF}}{47,515 \text{ SF}} = 3.33 \%$	PROP. LOT COVERAGE	$\frac{2,775 \text{ SF}}{47,515 \text{ SF}} = 5.84 \%$
EX. FLOOR AREA RATIO	$\frac{1,891 \text{ SF}}{47,515 \text{ SF}} = 0.04$	PROP. FLR AREA RATIO	$\frac{2,027 \text{ SF}}{47,515 \text{ SF}} = 0.04$

SCHEDULE OF REGULATIONS

ZONED R4 RESIDENTIAL	REQ'D	EXISTING	PROPOSED	VARIANCE
MIN LOT WIDTH	60.0 FT	212.0 FT	NO CHANGE	NONE
MIN LOT DEPTH	120.0 FT	224.0 SF	NO CHANGE	NONE
MIN LOT AREA	7,200 SF	47,515 SF	NO CHANGE	NONE
MIN FRONT YARD	25.0 FT	21.19 FT	NO CHANGE	3.81 FT VARIANCE (ADDITION)
MIN LEAST SIDE	6.0 FT	2.63 FT	2.63 FT	3.37 FT VARIANCE (2ND FLOOR)
MIN TOTAL SIDES	16.0 FT	177.48 FT	174.04 FT	NONE
MIN REAR YARD	35.0 FT	147.98 FT	NO CHANGE	NONE
MAX GROUND FLOOR COVERAGE	25.0%	3.33 %	5.84 %	NONE
MAX FLOOR AREA RATIO	0.40	0.04	0.04	NONE
MAX BLDG HEIGHT	35.0 FT	21.0 FT	NO CHANGE	NONE
	2½ STORIES	2 STORY	NO CHANGE	NONE

ATHEY RESIDENCE

6166 FIRST ST

ZONING DATA

3/31/2017

focus / design

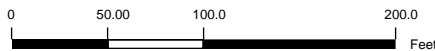
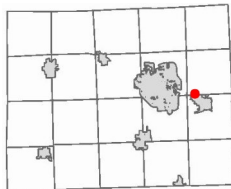
Todd Ballou, Registered Architect

(734) 276-2110

www.focusdesign.us

focusdesign@comcast.net

3300 Berry Rd, Ypsilanti, MI 48198



1: 1,200

5/25/2017

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

ZONING BOARD OF APPEALS APPLICATION

(This application must be typewritten or printed. All questions must be answered.)

Request is hereby made for one of the following:

✓ Variance from the requirements of the following Zoning Ordinance
Section(s): 3.101

☐ Appeal of the decision of the Township Zoning Official

APPLICANT INFORMATION

Name DAVID + KIANA BARFIELD

Address 5460 GEORGES ROAD

Phone Number _____ Email L...

Is the property owned by the applicant? ☒ YES ☐ NO

If "NO", what is the applicant's interest in the property? _____

Name, address and telephone number of owner(s): _____

DESCRIPTION OF THE PROPERTY

Address 5460 Geddes

Parcel ID# J-10-30-300-005 Parcel size 0.2 ACRES

Size of the proposed building or addition, if any MUDROOM ADDITION: 80 SQ. FT., GARAGE: 720 SF.

Use of existing building (if any) and property SINGLE FAMILY

Zoning classification of property R-1

If a new building is proposed, has the Building Inspection department examined the plans for the proposed building? ☐YES ☐NO

Has the department refused a permit? ☐ YES ☒ NO

Has there been any previous land use application involving this property? YES NO

If "YES", state the date of filing, the character of appeal and the disposition.

DESCRIBE THE REASONS FOR YOUR APPEAL

Note: The Zoning Board of Appeals is required to use the standards listed in Section 13.08(B) of the Zoning Ordinance when considering an appeal. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed. A copy of the standards is attached to the application.

This is a unique circumstance because the original house was built far into the front 60' setback. Also, the grades are very steep around the house limiting the location of a garage with 1st Floor access.

We currently park our cars where we are proposing the garage to be and we will extend a small room on the east to create a mudroom. We would also like to add a covered entrance to our front door. Because so much of our house is in the front setback, this covered entrance would also be non-conforming.

YOU MAY WISH TO ASK YOUR NEIGHBORS TO SIGN THE FOLLOWING SECTION IF THEY HAVE NO OBJECTION TO THE APPEAL YOU ARE MAKING.

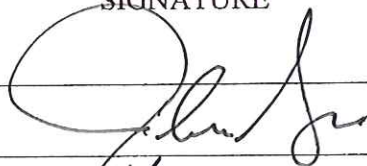
We the undersigned, as owners of property any part of which is located within 300 feet of any part of the property involved in this appeal, have no objections to the granting of the request made in this appeal:

NAME (PLEASE PRINT)

SIGNATURE

STREET ADDRESS

JOSEPH A. SESI



5522 GEDDES

YVONNE T. SESI

Yvonne T. Sesi 5522 GEDDES.

INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL

The following must attached and submitted with the application:

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- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill.)

APPLICANT'S DEPOSITION – Must be completed by applicant.

I hereby state that all of the statements and information contained in this application and the supporting documents herewith are true and correct.

Signature of applicant Paul W. Bryant Date 5-9-17

NOTARY PUBLIC – Applicant's signature must be notarized.

CAROL A. HECTOR
Notary Public, State of Michigan
County of Oakland
My Commission Expires 08-31-2018
Acting in the County of Washtenaw

Sworn to before me this 9 day of May 2017

My commission expires 8/31/2018
(Notary Public, Washtenaw County, Michigan)

Carol Hector

To be filled in by Township Clerk (or designated Township Officer/Personnel)

I hereby state that this petition was properly received and filed on 5/23/17 (date)

Signature of Clerk (or designee)

Laura Bennett

Fee paid 175.00

Notice to Applicants for the Zoning Board of Appeals

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Reasons for the Appeal

The Zoning Board of Appeals is required to use the standards listed in Section 13.08 of the Zoning Ordinance when considering the appeals. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed.

Site Visits

Filing an application gives the implied consent for Township officials and/or consultants to visit the subject site.

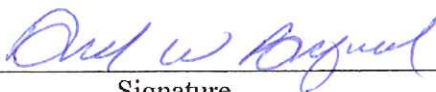
Application Fees

An application fee must be paid when you file your application. The fees are as follows:

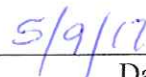
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2. Any other appeal = **\$500.00**

Applicant's Acknowledgement

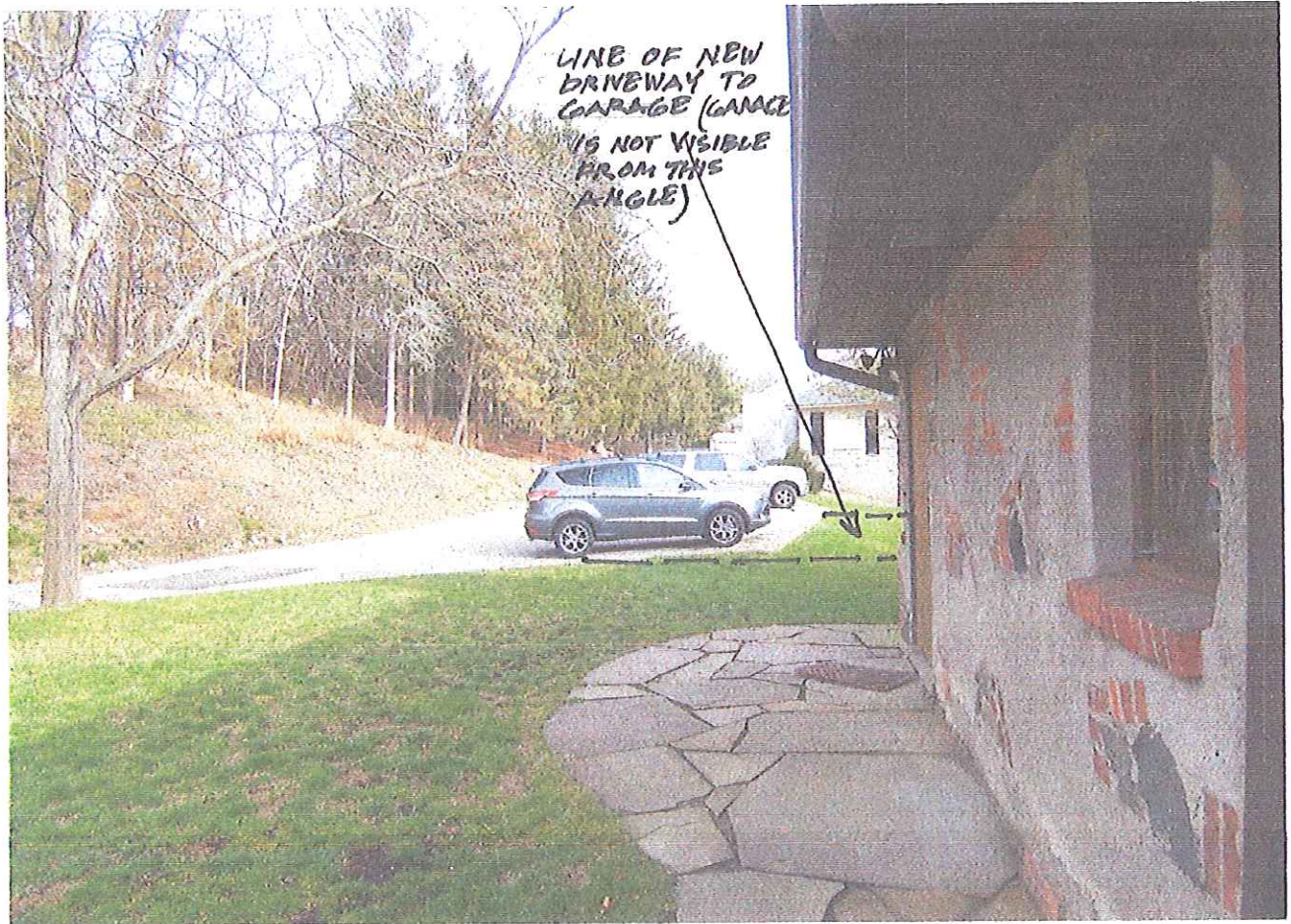
I hereby acknowledge that I have read and agree to the above and that I have been given a copy of this notice.



Signature



Date



EXISTING VIEW EAST



EXISTING VIEW SOUTH LOOKING



MUDROOM ATTACHES
TO BK. ROOM

EXISTING VIEW WEST LOOKING

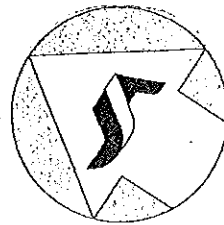
AREA OF PROPOSED
GARAGE

Legal Description

*OLD SID - J 10-030-039-10 SU 30-11A-2A-1A-1B COM AT CEN OF SEC 30, TH S 2-14 E 977.43 FT, TH S 80-56-35 W 660.0 FT, TH S 1-31-45 W 464.0 FT, TH S 19-23-25 E 320.0 FT TO POB, TH N 57-39-55 E 485.32 FT, TH 60.0 FT ALONG ARC OF CURVE, RAD. 75 FT, CHORD N 89-59-45 E 58.41 FT, TH S 22-55-20 E 194.93 FT, TH S 15-12-45 E 500 FT TO WATER'S EDGE OF HURON RIVER, TH S 87-32-35 W 322.60 FT, TH S 84-27-05 W 132.77 FT, TH S 2-55-20 E 26.83 FT, TH S 64-01-40 W 133.78 FT TH N 0-42-15 E 537.75 FT TO POB, PART S 1/2 SEC 20 T2S R7E 8.20 AC

Legal Description

*OLD SID - J 10-030-039-10 SU 30-11A-2A-1A-1B COM AT CEN OF SEC 30, TH S 2-14 E 977.43 FT, TH S 80-56-35 W 660.0 FT, TH S 1-31-45 W 464.0 FT, TH S 19-23-25 E 320.0 FT TO POB, TH N 57-39-55 E 485.32 FT, TH S 60-0 FT ALONG ARC OF CURVE, RAD. 75 FT, CHORD N 89-59-45 E 58.41 FT, TH S 22-55-20 E 194.93 FT, TH S 15-12-45 E 500 FT TO WATER'S EDGE OF HURON RIVER, TH S 87-32-35 W 322.60 FT, TH S 84-27-05 W 132.77 FT, TH S 2-55-20 E 26.83 FT, TH S 64-01-40 W 133.78 FT TH N 0-42-15 E 537.75 FT TO POB. PART S 1/2 SEC 20 T2S R7E 8.20 AC



NEW COVERED ENTRANCE
6' x 11' 6"

EXISTING CAR PARKING
AREA

60' SETBACK
centerline of 66' ingress/egress easement

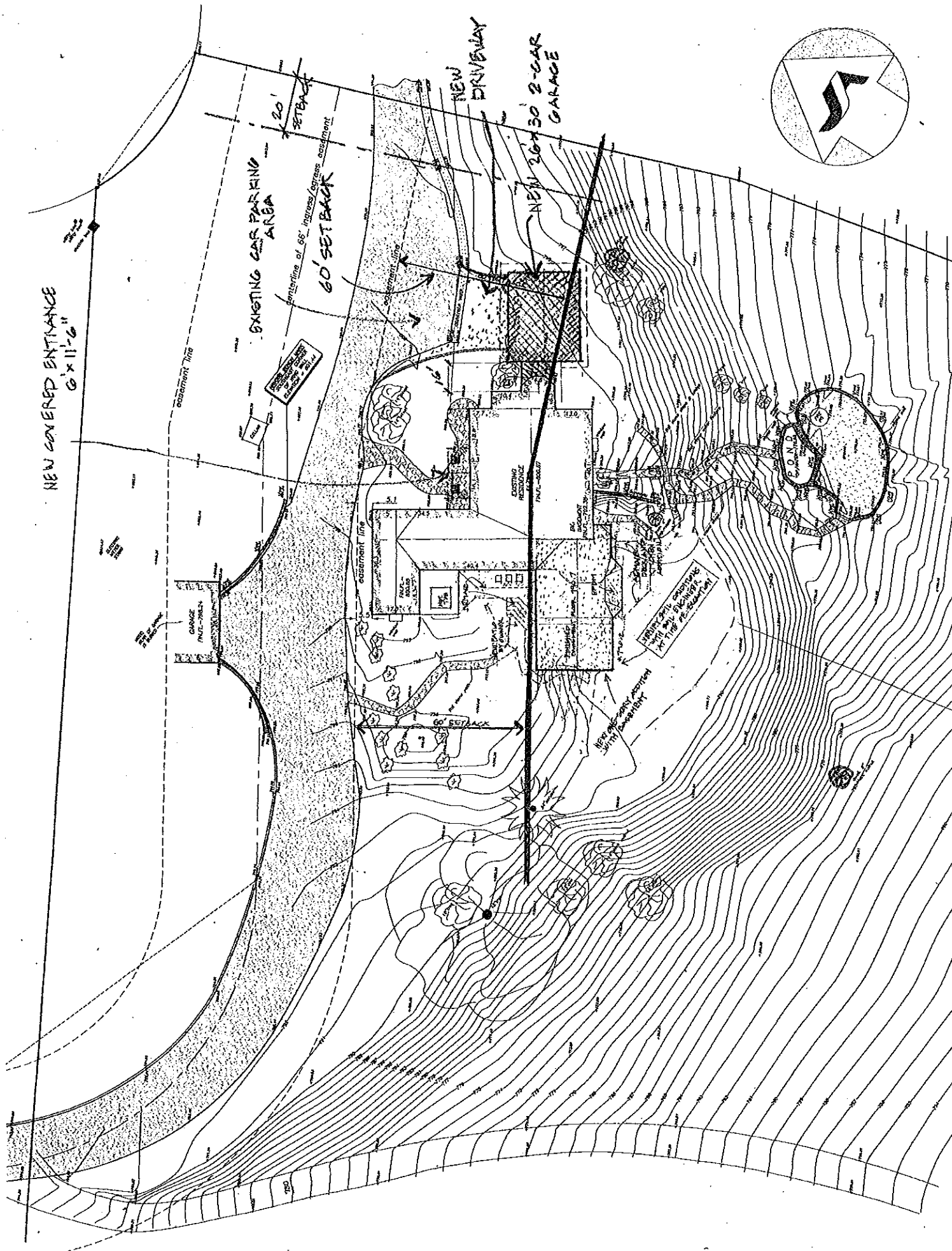
NEW
DRIVEWAY

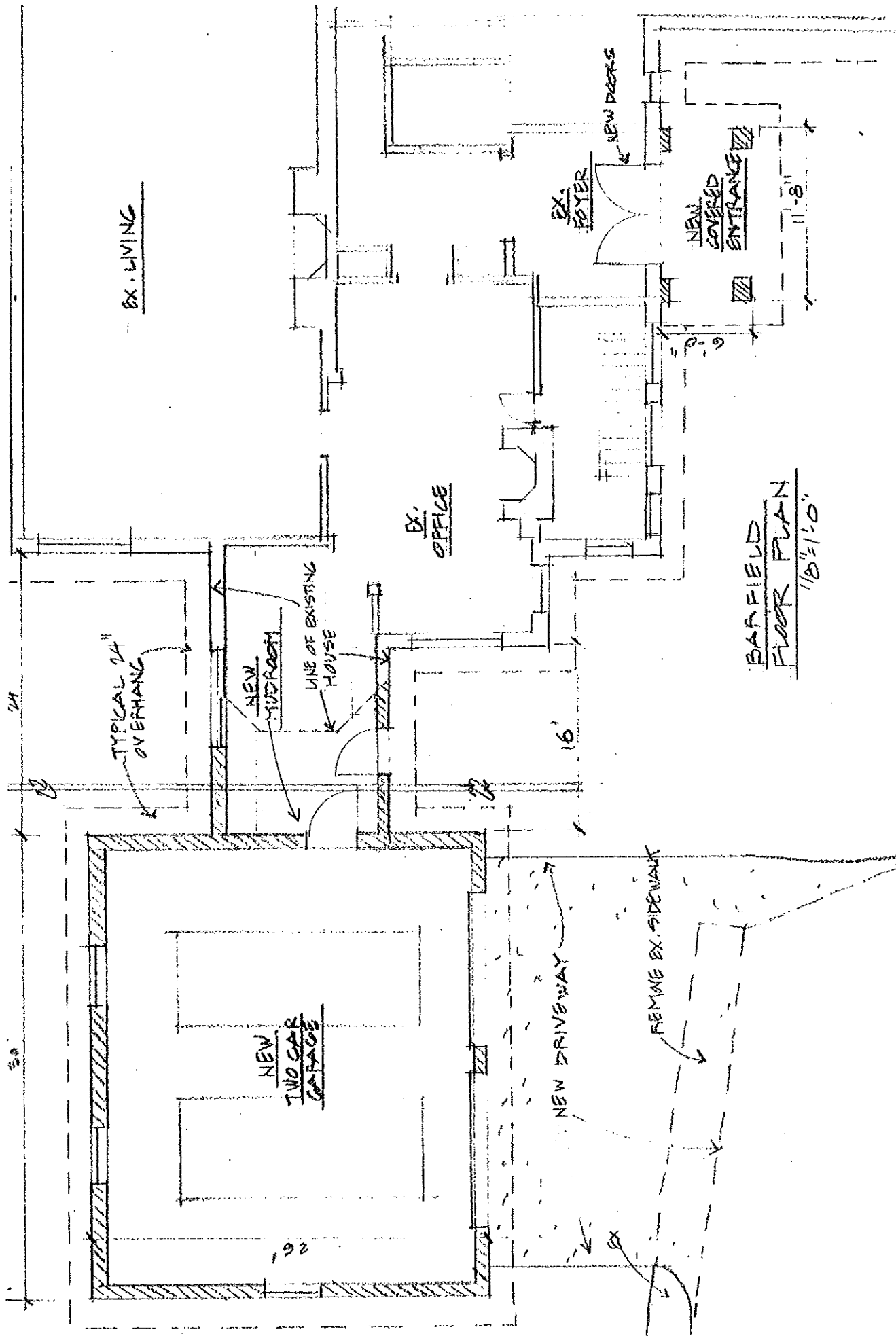
NEW 26' x 30' 2-CAR
GARAGE

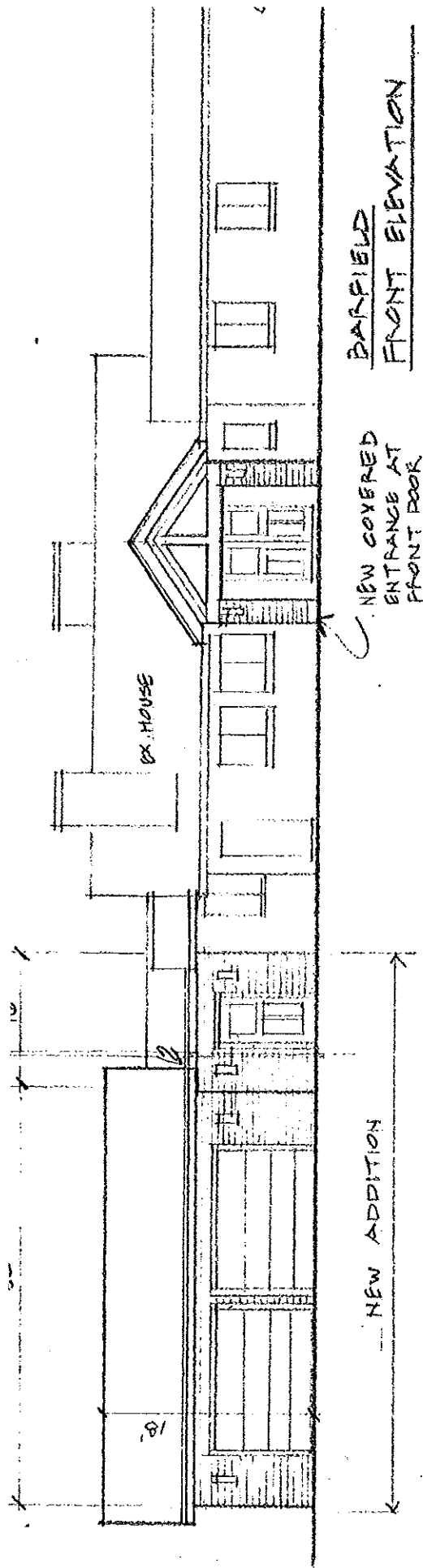
EXISTING
RESIDENCE

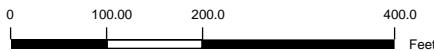
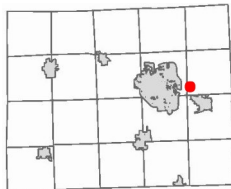


NO NEW PAVING PERMITTED
WITHIN EASEMENT









1: 2,400

5/25/2017

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.