

CITY OF NORTHVILLE
Board of Zoning Appeals
March 7, 2018 – 7:00 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Chair Silvestri called the meeting to order at 7:00 p.m.

II. ROLL CALL:

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

Absent: Ryan McKindles (excused)
David Marold (excused)

Also present: Sally Elmiger, Planning Consultant
Patrick Giesa, City Council liaison
Ken Roth, Mayor

III. APPROVAL OF THE AGENDA:

Planning Consultant Elmiger asked to have *BZA Training* added to Discussion (Item 8).

It was noted that the agenda should be corrected under Approval of Meeting Minutes to read: Jan 3, 2017-2018.

Motion Aniol, support by Callahan, to amend the agenda to include *BZA Training* under Item 8. Discussion, and to correct the date of the Jan. 3 minutes to be approved to read 2017 2018.

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

IV. MINUTES OF PREVIOUS MEETING: January 3, 2018 and February 7, 2018

It was noted that when a motion was made to approve the January 3, 2018 minutes at the February 7 meeting, not enough members who had been at the January 3 meeting were present to approve them. Therefore they were on tonight's agenda.

Alternate Ronayne noted that the January 3, 2018 minutes should be corrected as follows:

- p. 7, 4th paragraph from the bottom, 3rd line: Remerica Associates Hometown

Chair Silvestri and Member Aniol said they would abstain from voting on approval of the January 3, 2018 minutes, as they were not present for that meeting.

Motion Mullen, support by Callahan, to approve the January 3, 2018 meeting minutes as amended.

Voice vote: Ayes: 4. Nays: None. Abstentions: 2 (Aniol, Silvestri). Motion carried 4-0.

Member Mullen and Alternate Ronayne said they would abstain from voting on approval of the February 7, 2018 minutes, as they were not present for that meeting.

Motion Aniol, support by Wendt, to approve the February 7, 2018 meeting minutes as published.

Voice vote: Ayes: 4. Nays: None. Abstentions: 2 (Mullen, Ronayne). Motion carried 4-0.

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 #18-04

NORTHVILLE HISTORICAL SOCIETY

315 GRISWOLD

(tabled from Feb. 7, 2018)

To consider a request for a use variance on premises zoned R-1B, First Density Residential District, so that the building may be leased for meeting, counseling, and office space to a non-profit organization called the Living and Learning Enrichment Center. Use variances are determined by considering the standards of Section 25.04(c) of the ordinance. The property in question is part of the Mill Race Village campus, and is located at 315 Griswold, Northville, Michigan, 48167, parcel number 48-001-03-0720-301.

Secretary Callahan called Case #18-04 and reviewed materials in the application packet, including nine letters submitted in support of the application, specifically in support of the use in question.

Chair Silvestri noted that the BZA had received a memorandum from Planning Consultant Elmiger dated March 3, 2018, in response to questions raised by Member Aniol at the February meeting regarding this variance request. He asked Member Aniol if the memorandum sufficiently answered her concerns.

Member Aniol said in February she had had two questions:

- Since the agreement between the City and the Historical Society identified that the building structures within Mill Race village were City property, why was the Historical Society and not the City making the request for the variance? She understood this had been past practice, specifically in 2008, but this did not answer the basic question.
- Why was a use variance being requested for an office use when the January 2, 2008 minutes read that Carlisle/Wortman determined that an office use was already permitted by the Special Use Approval?

Member Aniol said that while she appreciated and respected the research Planning Consultant Elmiger had summarized in her March 3 memorandum, Member Aniol still felt that the Historical Society should not be coming before the BZA for a use variance in this instance. Section 25.04.c. stated that *a use variance is a variance that permits a use that is otherwise not provided for in the zoning district*. Since the office use was provided for as part of a Special Use in the zoning district, per the January 2008 record, the request for this office use should go to the Planning Commission for a Special Use permit, not come before the BZA as a request for a use variance.

Member Aniol continued that Section 6 of the agreement between the City and the Historical Society identified that any modifications to the approved plan for Mill Race Village had to be brought by the Historic Society to the Northville Planning Commission, under the Special Land Use provision. A change in the office use was such a modification. Therefore, this language clarified why the Historical Society was bringing the request, but not why this use was coming before the BZA.

Chair Silvestri noted that City Manager Sullivan had also provided a memorandum, dated March 6, 2018, further explaining why the Historical Society had *control and access* under their lease agreement *to seek zoning approvals and building permits for the property*.

Planning Consultant Elmiger asked Member Aniol to further explain her conclusion that an office use was a Special Land Use in the R-1B District.

Member Aniol said that Planning Consultant Elmiger's February 1 letter stated that Mill Race Village, and the subject site being part of the Village, was located in the First Density Residential R-1B District, under Special Land Uses Permitted After Review and Approval, specifically publicly owned historical villages under Section 3.03.d, and that office uses accessory to the permitted use were considered under the Special Land Use in the district. However, the consultant's letter also said counseling services were not listed as permitted uses. Still, Member Aniol said that the counseling service was an office use and that was what was identified in the request: an office use.

Planning Consultant Elmiger explained that the permitted office uses were offices of the Historical Society, not offices in general.

Member Aniol argued that a change in office use was a modification of the site plan under the agreement between the City and the Historical Society, and therefore should be heard by the Planning Commission.

Chair Silvestri asked the applicant if they wanted to proceed with a use variance this evening, or apply for a Special Land Use permit before the Planning Commission.

Mark Chester, Board of Directors, Northville Historic Society, explained that in 2007-2008 they had started with a request to the Planning Commission, but had been directed to come before the BZA instead. They were following that same process this evening.

Chair Silvestri said that he believed the applicants could be heard this evening, though it would of course be up to each Board Member as to how they would eventually vote.

Chair Silvestri asked if there were any additional Board comments or comments from the public.

Leanie Bailey, Executive Director of the Northville Historical Society, asked if those BZA members who had not been present during the February meeting had any questions, and if they had had a chance to review all the relevant materials. Member Mullen and Alternate Ronayne said they had reviewed everything.

Secretary Callahan referred to discussion at the February meeting as to whether this was a request for an office use into perpetuity, or whether it was a request for the specific office use mentioned in the request as read.

Mr. Chester said the original January 2008 variance was linked to a specific tenant. The Historical Society had hoped to be able to receive a use variance for a generic office use, or a use with certain conditions, rather than having to return for a new use variance every time the tenant changed. The tenant and lease agreement still had to be approved by City Council. However, it appeared in February that the BZA was unwilling to grant a blanket use variance, and the Historical Society was fine with that approach also.

Chair Silvestri said in his opinion having the Historical Society return for each use strengthened the checks and balances regarding what uses would be approved for this structure in the Mill Race Village.

Mr. Chester said that was acceptable to the Society.

Seeing that discussion had ended, Chair Silvestri indicated he was ready for a motion.

Motion Callahan, support by Mullen, that the Board of Zoning Appeals approve Case #18-04, brought by the Northville Historical Society, for a use variance on premises zoned R-1B, First Density Residential District, located at 315 Griswold in Mill Race Village, so that the building may be leased for meeting, counseling, and office space to a non-profit organization called the Living and Learning Enrichment Center, and that the use variance be for this tenant only.

The motion is based on the following findings of fact:

- 1. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation, and has provided documentation to substantiate this finding.**
- 2. The need for the variance is due to unique circumstances peculiar to the property; specifically its location and the agreements that are required for the use of the property.**
- 3. The problem and resulting need for the variance has not been self-created by the Historical Society.**

4. **The capacity and operations of public streets, utilities, and other facilities and services will not be significantly compromised by granting the use variance.**
5. **The use variance will not alter the essential character of the neighborhood nor be a detriment to adjacent properties.**
6. **The motion to approve the use variance for the specific named tenant represents the minimum variance necessary to permit reasonable use of the land.**

Chair Silvestri asked for a roll call vote:

Wendt	yes
Callahan	yes
Mullen	yes
Aniol	no
Ronayne	yes
Silvestri	yes

The motion carried 5-1.

VII. PUBLIC COMMENT: None.

VIII. DISCUSSION:

BZA TRAINING

Planning Consultant Elmiger explained that training was available for BZA members. The training would be a general overview of BZA responsibilities and procedures, or could focus on specific questions provided to the trainer.

Discussion followed regarding possible dates, including the next scheduled BZA meeting. Chair Silvestri and Member Ronayne said they were not available for that meeting. Planning Consultant Elmiger said she would get back to the Board via email regarding possible dates.

GENERAL DISCUSSION

In response to a question from Member Mullen, Mayor Roth said firemen were allowed to park in the circular drive in front of City Hall; this was basically the only parking available to the firefighters.

Mayor Roth said that there would be future training for all Boards and Commissions regarding the Open Meetings Act, reflecting the City Council-adopted goal to increase the level of training for Council and all Boards and Commissions.

In response to a question from Member Aniol, Member Wendt reported on Planning Commission activity, specifically regarding the Foundry Flask area, and also on updates to the Master Plan.

It was noted that the development across from Kroger's would be breaking ground soon. Also, the recent staging at the Downs area was in support of the gas line work in the City.

IX. ADJOURNMENT

MOTION by Aniol, support by Mullen, to adjourn the meeting at 7:30 p.m.

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

Respectfully submitted,
Cheryl McGuire, Recording Secretary

Approved as published May 2, 2018