

**CITY OF NORTHVILLE**  
Board of Zoning Appeals  
May 2, 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: John Callahan  
Patti Mullen  
Ryan McKindles  
Dominic Silvestri  
Lou Ronayne (alternate)

Absent: Michelle Aniol (excused)  
David Marold (excused)

Also present: Sally Elmiger, Planning Consultant  
Patrick Giesa, City Council  
Brent Strong, Building Official

**III. APPROVAL OF THE AGENDA:**

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

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

**IV. MINUTES OF PREVIOUS MEETING: March 7, 2018**

Member McKindles noted that he would abstain, as he was not present at the March 7, 2018 meeting.

**Motion Callahan, support by Mullen, to approve the March 7, 2018 meeting minutes as published.**

*Voice vote: Ayes: 4. Nays: None. Abstentions: 1 (McKindles). Motion carried 4-0-1.*

**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 #18-05**

**VISTAL HOMES – ALDO STENTA  
HILL STREET (Vacant Lot)  
48-22-34-406-018**

**To consider a variance request on premises zoned R-1B, First Density Residential District, on a vacant lot at the northwest corner of Hill Street and the undeveloped portion of Horton Street, Northville, Michigan, 48167, parcel number 48-22-34-406-018. The applicant is seeking a variance to construct a new residence in the front yard setback along the Horton Street right-of-way. The variance needed along Horton Street is 18 feet from the requirements in Section 15.01.**

Member McKindles called Case #18-05 and reviewed materials in the application packet.

Chair Silvestri noted that a plot plan dated June 15, 2017 was in the packets, along with a preliminary plot plan dated March 15, 2018.

Aldo Stenta, 46870 7 Mile Road, Northville MI said that the plot plan dated March 15, 2018 was the plot plan being used to request the variance. The 2017 plot plan showed the logical orientation of the subject lot and adjacent lot re-proportioned to only front Hill Street. Additionally tonight they were presenting a 1929 schematic of the original Oakwood Subdivision. The applicants were asking for lot 78 to be identical to lot 77, without the restrictions that would normally apply to a true corner lot. Without the variance, it was practically impossible to build on lot 78.

Chair Silvestri asked for further explanation. The 2017 plot plan showed lots 77 and 78 running east and west. Currently those lots were re-oriented to run north and south.

Mr. Stenta said he thought the lots were re-oriented in the 1940s, in order to accommodate having a park to the north. Horton Street was a paper street between Maplewood and Hill Street.

Chair Silvestri said the application made certain claims regarding past decisions that Horton Street would never be developed. Was there documentation for this claim?

Mr. Stenta said they had made an assumption regarding that claim, as they had not been able to find any records of what the City actually intended.

Building Official Strong said his research showed that in the late 60s and early 70s the City purchased the first few lots that now made up Maplewood Park. At that time the City had three options: 1) purchase the lots, 2) condemn the lots and try to take them, 3) develop Horton Street. The minutes did not show which decision was ultimately made, but it appeared that the City was able to purchase the lots and not condemn them, though again the record was not absolutely clear. The City owned 10 lots that made up Maplewood Park.

In response to a question from Chair Silvestri, Building Official Strong said that if Horton Street was developed, the proposed structure would not meet setback requirements. Therefore the applicants were seeking a variance this evening.

In response to comments from Member McKindles, Building Official Strong said there was a walking path and a storm sewer line running through the Horton Street easement. The walking path led to Maplewood Park, which was an undeveloped park. From the audience, a resident explained that the City maintained the walking path when the residents asked them to clear branches, etc.

In response to questions from Members Mullen and McKindles, Building Official Strong said the paper street stretched from Maplewood to Hill Street, had a 50-foot easement and, if developed, would be a 30-foot wide road. If the road were constructed, other lots that were currently land locked could also be developed.

Discussion followed regarding the size of Maplewood Park, the City-owned lots that were included in the Park, and other undeveloped lots that were privately owned.

Mr. Stenta explained that some undeveloped lots had been purchased privately, in order to keep the lots undeveloped.

In response to a comment from Member Mullen, Planning Consultant Elmiger said the lot in question was a conforming lot.

From the audience, a resident said that Northville had deeded some of the undeveloped lots to adjoining property owners with the understanding that those lots would never be developed.

From the audience, a resident said that they purchased the house that was facing west on Hill Street because the City had required that the privately held undeveloped lots would never be developed.

From the audience, Keith Brandt, Brandt Real Estate, said he had represented the sellers when they sold the lots to Vistal Homes, and he was also representing Vistal Homes. In response to a question from Chair Silvestri, Mr. Brandt said that the records for this area were imprecise. However, it made sense to orient lots 77 and 78 to Hill Street because the City did not want them accessed from Horton Street.

Chair Silvestri asked Planning Consultant Elmiger if she knew of any documentation that supported the claim that the lots were oriented toward Hill Street because the City did not want to develop Horton Street. Planning Consultant Elmiger said she did not know of any such documentation.

Chair Silvestri wondered if there were any City records that would shed some light as to the City's intent when the properties were reoriented. Did the City intend that the east half of 77 and 78 conform to the setback requirements from Horton Street, even though they faced Hill Street?

Mr. Stenta said that common sense would dictate that the City's intent was to leave Horton Street undeveloped. Also, he was sure that all the residents in the area preferred that Horton Street remain undeveloped.

Alternate Ronayne asked why the City had never vacated Horton Street. Planning Consultant Elmiger said she could not answer that question, but as of today the street was not vacated. Right now the City had three options: 1) leave Horton Street the way it was, 2) vacate Horton Street, or 3) construct Horton Street within the right of way.

Planning Consultant Elmiger noted that according to audience comments there might be some deed restrictions that prohibited the privately-owned undeveloped lots north of the subject parcel from being developed. Member McKindles said he thought those lots were 81, 82, 83, and 84, and if there was an intention to keep them undeveloped there should be a record of that. Planning Consultant Elmiger said that there was very little information in the public record regarding the City's intent toward those parcels.

Member McKindles thought the public record regarding the Novi Street addresses might yield further information.

Member McKindles emphasized the need to understand the context of what happened in this area 50 years ago. Granting the requested variance could lead to the development of 4 more parcels; such development would change the character of the street dramatically.

Chair Silvestri opened the public hearing.

Lisa Buckland, 449 Hill, emphasized that BZA members needed to visit the site before making a decision.

John Buckland, 449 Hill, said they had lived there for 48 years. They purchased the property after receiving assurances from a city councilman and others in the City that Horton Street had been condemned into perpetuity and would never be developed.

Chair Silvestri explained that currently the potential for a road existed; hence the variance request. Member Mullen suggested that the residents in that area could petition the City to vacate the road.

Building Official Strong pointed out that when the Buckland's constructed an addition, they were approved to build 4.5 feet from the Horton Street right of way. This seemed to indicate the City was never going to develop Horton Street.

Keith Brandt, Brandt Real Estate, realtor for Vistal Homes, said he was sure the City was never going to develop Horton Street.

Amy Weaver, 880 Horton, said she lived across the street from the Buckland's. Her home faced Hill but had a Horton Street address. She was concerned that Horton Street had never been vacated, and contained a major sewer line. She asked what would happen if the City vacated the street.

Planning Consultant Elmiger explained the vacation process. Building Inspector Strong added that even if vacated, the City might retain an easement for access to the sewer line, a provision for a walking path, etc.

Chair Silvestri emphasized the need to approach this from a legal standpoint; so far no one had found any records stating the City's intent regarding Horton Street, and the street was not vacated.

Chair Silvestri asked the applicant if they had considered other home designs that would require a lesser setback, providing more of a cushion from the east property line. Mr. Stenta said if they were required to have a smaller footprint, they would lose their current client.

Chair Silvestri thought the BZA needed more information, including copies of deeds and deed restrictions, and whatever was in the record regarding City intent toward this area. Planning Consultant Elmiger said she would search the minutes for any record there. The applicant should find the deed restrictions.

The consensus of the Board was to adjourn this case in order to give the applicant and planning consultant time to provide further information.

Member Ronayne thought this case should be before the City Council and/or Planning Commission. More people than the applicant would be impacted if the City vacated the road. The application said the road had been abandoned but had not provided a record to show this. If the road were vacated the need for the variance would not exist.

Chair Silvestri agreed that City Council should look at Horton Street and perhaps others in order to clear up what the City intended for those paper streets. However, currently this case was before the BZA and the Board needed to make a decision, and not require the applicant to wait for other City action, which could take a long time.

Chair Silvestri asked the applicant if he would like to request this item be tabled until the June meeting. Mr. Stenta said he did make that request.

**MOTION by Callahan, support by McKindles, to table Case #18-05 to the June 2018 meeting in order to give the applicant and planning consultant time to provide further information as requested this evening.**

Chair Silvestri asked for a roll call vote:

<b>Ronayne</b>	<b>yes</b>
<b>McKindles</b>	<b>yes</b>
<b>Mullen</b>	<b>yes</b>
<b>Callahan</b>	<b>yes</b>
<b>Silvestri</b>	<b>yes</b>

**Motion carried unanimously.**

#### **VII. PUBLIC COMMENT: None.**

#### **VIII. DISCUSSION:**

In response to comments from Alternate Ronayne, Planning Consultant Elmiger said she would talk with the City Manager regarding paper streets in the City.

In response to a question from the audience, Planning Consultant Elmiger said the lot coverage requirement was no more than 30%, or in the case of smaller lots, 35%.

#### **IX. ADJOURNMENT**

**MOTION by McKindles, support by Callahan, to adjourn the meeting at 7:58 p.m.**

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

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 06/06/2018