

## Northfield Township Planning Commission Lake Overlay Consideration

The Northfield Township Planning Commission has requested a review of recent Zoning Board of Appeals cases to assess the need for a Lake Overlay District. The purpose of such a district would be to reduce nonconformities requiring residents of SR-2 districts to obtain variances before conducting many home improvements.

Twelve (12) cases appearing before the Board between November 2013 and September 2015 were reviewed, representing all cases available on the Northfield Township website. Due to incomplete information (packet or minutes not available), the intent and resolution of only eight (8) cases could be determined. Five of these cases were within the SR-2 district. Overall, 7 of the 12 petitioners to the ZBA lived in the SR-2 district, while 5 of the 12 petitioners lived in the Agricultural (AR) district.

The SR-2 cases reviewed were as follows:

- **433 E Shore Drive.** 7.5' variance from side yard setback requested for principal structure once the proposed project of connecting the garage to the house is completed, due to differing setback requirements for principal and accessory structures in this district. Granted conditional to site plan provision.
- **8056 Lakeshore Road.** 10' variance requested from front setback due to irregularly shaped lot bordered by three roads, two of which require 30' setback. Granted.
- **573 E Shore Drive.** 3' variance from front yard setback and 5' setback from north side yard setback, due to placement of existing buildings and irregularly shaped lot. Granted.
- **8077 Lakeshore Road.** 25' variance requested from 30' front setback requirement due to small lot size and prevailing built conditions in the surrounding parcels, and 5% variance requested from 30% lot coverage requirements due to small lot size. Granted.
- **254 Lakeview Drive.** June 2014 request. Examine variance to Section 65.02: Non Conforming Lots of Record "seems discriminatory" and should be reviewed by PC. Need packet to fully understand issue.
- **8111 Beech Road** – 5' variance to 30' setback from lake access easement due to irregularly shaped lot, existence of easement for access and separation, and prevailing built conditions. Need minutes to understand resolution to case.

To determine the extent of the nonconformities of lakefront properties, an analysis of dimensions was conducted via GIS throughout the SR1 and SR2 districts. All parcels within the districts were included in order to compare the extent of nonconformity among lakefront parcels vs. among non-lakefront parcels.

## Nonconforming Parcel Study for SR1 and SR2 Zoning Districts

	SR1 Number	SR1 Percent	SR2 Number	SR2 Percent
Total Parcels (in entire township, includes conforming)	672		856	
Total All Nonconforming Parcels	170	25.30%	497	58.06%
Parcels < Side Yard Setback (10ft)	25	3.7%	91	10.6%
Parcels < Rear Yard Setback (20ft)	3	0.4%	18	2.1%
Parcels < Front Yard Setback (SR1 35 ft; SR2 30 ft)	20	3.0%	72	8.4%
Total Nonconforming to Setback Requirements	48	7.1%	181	21.1%
Parcels < Minimum Lot Size (nonconforming) (SR1 10,890 sqft; SR2 7,500 sqft)	122	18.15%	316	36.92%
Total Number of <i>Lakefront</i> Parcels (includes conforming)	62		133	
Number of Nonconforming <i>Lakefront</i> Parcels	48	77.42%	119	89.47%

A few pertinent facts:

- As can be seen from the table, nonconformity due to setbacks and due to minimum lot size are both present in the SR1 and SR2 districts. The map shows that they are not necessarily correlated, though many parcels are indeed nonconforming in more than one way.
- The purpose of a minimum lot size is to ensure adequate spatial separation between dwelling units. There is no “right” minimum size; it is entirely contextual.
- Setbacks also ensure spatial separation, but they are more specific. An examination of what they are desired to do would be helpful.
  - Front setbacks provide a buffer between the public access street and the structures of a lot. They are often recommended or required by road authorities. Since we are discussing lakefront properties, which are active on both the standard “front” and “rear” lot lines, we will refer to the front setback as the “street side” setback.
  - Rear setbacks provide a buffer between the structures of a lot and the adjoining use opposite the public street. It is usually assumed that in residential settings, this will be another residential lot, so the buffer is between the occupants of one lot and the occupants of another. It also serves the independent value of providing personal open space on each lot. We will refer to the rear setback as the “lake side” setback.
  - Side setbacks provide a buffer between adjoining lots. Here again, the buffer is between the occupants of one lot and the occupants of another. The size is much smaller, primarily by convention and for convenience, but also because it is not serving other purposes such as open space or traffic safety. It does serve an important purpose of slowing or containing the spread of fire.

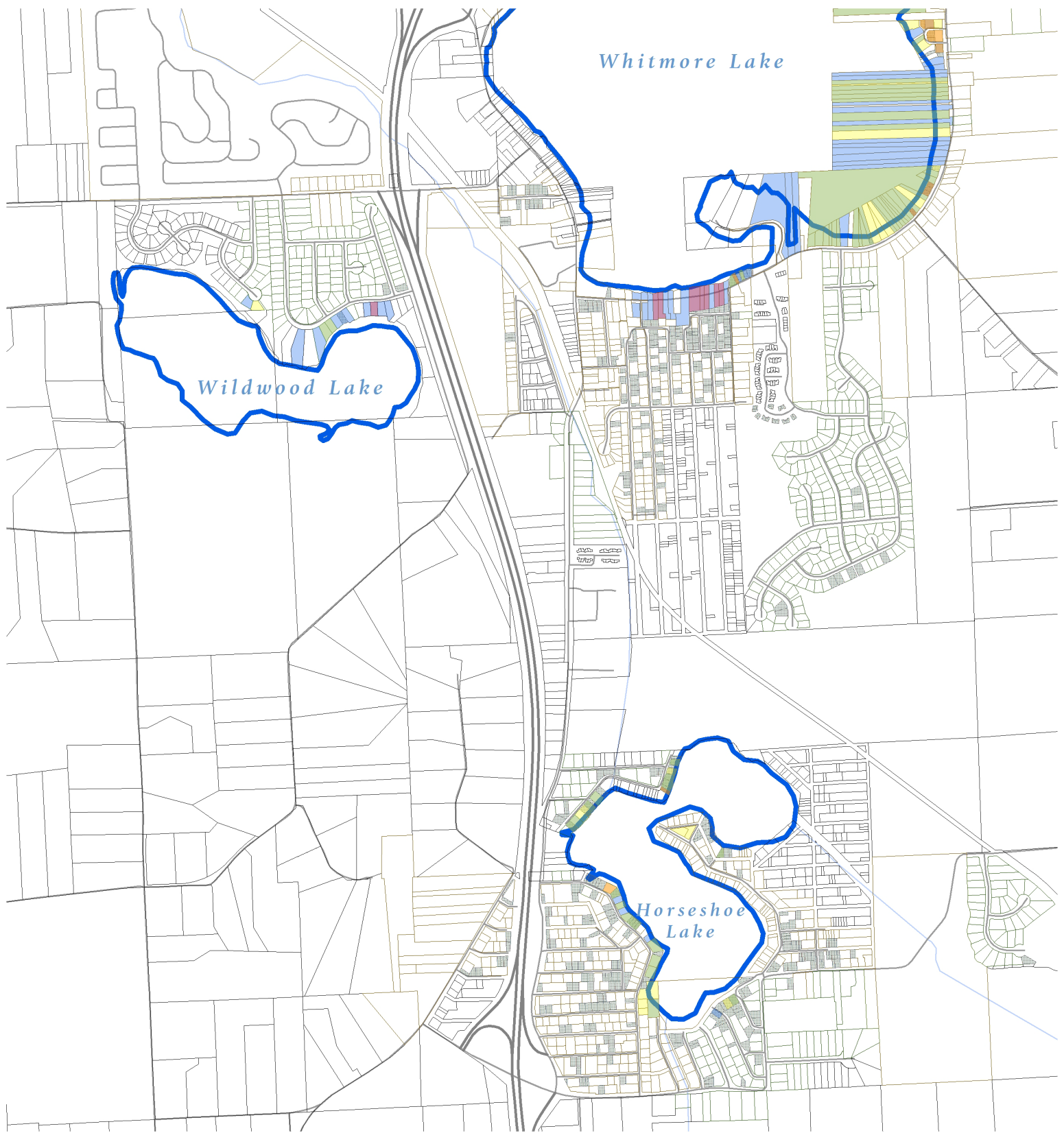
- From a practical legal standpoint, it is more important to get the setbacks right than the minimum lot size. This is because of a provision in Section 36-900: Nonconforming lots of record:

*"A permitted principal structure and use, and customary accessory structures and uses, may be erected or placed on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. ... This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area of width, or both, of the lot shall conform to the regulations for the district in which such lot is located."*

Given these conditions, the proposal currently under consideration is to:

- **Minimize street side setbacks.** Reduce the street side (front) setbacks to the minimum that is reasonably considered to be safe for each street with parcels abutting the lake. This will not remove all of the nonconformities, because there are cases in which built conditions simply do not match the current understanding of traffic safety, but it will more closely match the requirements on paper to the conditions of the actual properties.
- **Firm up lake side setbacks.** Determine a "best practices" distance for the lake side (rear) setback. This will likely be the same on all of the lakes, and though it should roughly accommodate the built conditions, the goal should be preserving lake health. Section 36-723: Natural Features recommends a 25' vegetated strip to buffer any watercourse within the Township and a 50' setback for buildings and construction. Currently, only 21 parcels are not meeting the 20' lake side setback required in both SR1 and SR2. An examination of ways to encourage further compliance with best practices may be warranted. Where street side setbacks have been minimized, an opportunity exists to encourage pushing development, and its related disturbances, away from the water.
- **Implement sliding minimum side setbacks.** Currently, the minimum side setbacks represent 31% of the minimum lot width in the SR1 district (25ft setbacks; 80ft lot width) and 33% of the lot width in the SR2 district (20ft setbacks; 60ft lot width). A GIS analysis of all 117 lakefront parcels which do not conform to side setbacks found that half of those parcels would conform if the standard was simply that side yard open space must total 30% of the lot width. Decreasing the percentage to 25% would reduce the total number of nonconforming properties (side setback only) to just 39, but fire department opinion should be sought if contemplating that.

A particular benefit to this method is that it preserves the desired setbacks on parcels which are capable of handling it. If side setbacks were simply reduced to meet the most prevailing conditions, it would allow for a truly out-of-scale building with just one lot combination.



NORTHFIELD TOWNSHIP

# Lakefront Overlay Parcel Study

Data Sources: State of Michigan Geographic Data Library, Washtenaw County GIS

- |                   |                    |                      |
|-------------------|--------------------|----------------------|
| Township Boundary | Parcels            | < Front Yard Setback |
| Roads             | SR1 Parcels        | < Back Yard Setback  |
| County Boundary   | SR2 Parcels        | < Side Yard Setback  |
| Lakes             | < Minimum lot size |                      |
| Rivers/Streams    |                    |                      |

0 0.175 0.35 Miles

