

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
December 15, 2014 7:00 p.m.
Second Floor, Public Safety Building
8350 Main Street, Whitmore Lake, MI 48189**

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPT AGENDA**
- 5. CORRESPONDENCE**
- 6. PUBLIC HEARINGS:** None
- 7. NEW BUSINESS**
- 8. REVIEW OF BYLAWS**
 - a. Discussion of DRAFT of updated by-laws provided by Carlisle/Wortman Associates.
- 9. BUDGET AND TRAINING**
- 10. UNFINISHED BUSINESS**
- 11. APPROVAL OF MINUTES:** August 18, 2014
- 12. ZBA MEMBER COMMENTS**
- 13. CALL TO THE PUBLIC**
- 14. ANNOUNCEMENT OF NEXT MEETING:** January 19, 2014 (HOLIDAY)
- 15. ADJOURNMENT**

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA41.72A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at (734) 449-5000, seven days in advance.



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

MEMORANDUM

TO: Northfield Zoning Board of Appeals

FROM: Douglas J. Lewan, Community Planner

DATE: December 9, 2014

RE: Review and proposed DRAFT of ZBA By-laws

As requested, we have conducted a review of the current ZBA by-laws for compliance with the Michigan Zoning Enabling Act and the Northfield Township Zoning Ordinance. Due to the dated nature of the current by-laws, a digital copy is not available for manipulation. Therefore, we have provided a new draft which includes applicable existing language, and the most up-to-date statutory information.

Major modifications to the text include:

1. Section 1 – The addition of general membership and term information.
2. Section 2 – Provisions related to elected officials serving on the ZBA and the ZBA/Planning Commission Representative.
3. Section 3 – Existing provisions reorganized.
4. Section 4 – New Section related to ZBA duties.
5. Section 5 – Existing provisions reorganized.
6. Section 6 – Updated, existing provisions reorganized.
7. Section 7 – Conflict of Interest has been updated to include all requirements of the Michigan Zoning Enabling Act.
8. Section 8 – Existing provisions reorganized.
9. Section 9 – Existing provisions reorganized.

Please feel free to contact me with any questions or comments.

Northfield Township Zoning Board Appeals Bylaws

The following rules of procedure are hereby adopted by the Northfield Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq. These rules are enacted pursuant to Township Ordinance 66.01, et seq., providing for the creation of a Board of Zoning Appeals and the appointment of members thereto. Nothing herein shall be construed to give or grant the ZBA the power or authority to alter or change the Zoning Ordinance, including the Zoning Map, which authority is reserved for the legislative body.

SECTION 1: Membership and Term

- A. Board Composition** – The Northfield Township Zoning Board of Appeals (ZBA) shall consist of five (5) members. One (1) ZBA member shall also serve as a member of the Northfield Township Planning Commission.
- B. Township Board of Trustees Representation** – One (1) member of the ZBA may be a current member of the Northfield Township Board of Trustees (Board).
- C. Qualifications** – All members shall be electors of Northfield Township (Township) and be representative of the community.
- D. Appointment** – All members shall be recommended by the Supervisor and approved by Board.
- E. Vacancies** – All vacancies shall be filled in the same manner as the regular appointment process (Section 1, D) and shall only be for the balance of the uncompleted term.
- F. Term** - The term of each permanent member shall be three (3) years, except for members serving because of their membership on the Planning Commission or the Board, whose terms shall be limited to the time they are members of those bodies. Terms shall be staggered in a reasonable and practical manner.
- G. Alternates** – The Board may appoint two (2) alternate members for the same term as regular ZBA members. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflicting of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the ZBA has the same voting rights as a regular member.

SECTION 2: Officers

- A. Selection and Tenure** – At the first regular meeting of the year, the ZBA shall select from its membership a Chairperson, Vice Chairperson and Secretary. An elected township official shall not serve as an officer of the ZBA. All offices shall have a one (1)-year term. If any office is vacated between terms, the member selected to fill the vacated office shall only serve for the balance of the unexpired term. Officers may serve consecutive terms for the same office.

The presiding officer at the first regular meeting of the year shall be the previous year's Chairperson if still a member and present, if not; a ZBA member shall preside to the following order:

1. Previous year's Vice Chairperson
2. Previous year's Secretary
3. Zoning Board of Appeals member with the longest period of service.

- B. Chairperson** – The Chairperson shall preside at all meetings, appoint committees subject to ZBA approval, prepare the meeting agenda, sign documents on behalf of the ZBA along with the Secretary, administer oaths regarding the cases before the ZBA, compel the attendance of witnesses and perform such other duties authorized by the ZBA or Northfield Township Board of Trustees (Board).
- C. Vice Chairperson** – The Vice Chairperson shall act in the capacity of the Chairperson in his or her absence, and shall automatically succeed to the unexpired term of the Chairperson in the event the office of Chairperson becomes vacant. The ZBA shall select a successor to the office of Vice Chairperson for the unexpired term when that office is vacated.
- D. Secretary** – The Secretary shall execute documents in the name of the ZBA, perform the duties hereinafter listed below and shall perform such other duties as the ZBA may determine. The Secretary may delegate certain duties to a staff member without transferal of final responsibility.
- 1. Minutes** – The Secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - 2. Correspondence** – The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the ZBA. All communications, petitions, reports or other written materials received by the Secretary shall be brought to the attention of the ZBA membership.

3. **Attendance** – The Secretary shall be responsible for maintaining an attendance record for each ZBA member.
 4. **Notices** – The Secretary shall issue such notices as may be required by the ZBA.
 5. **Roll Call** – The Secretary shall call roll for roll call votes.
- E. **ZBA / Planning Commission Representative** – One (1) Planning Commission Member shall serve as a liaison to the ZBA. The ZBA liaison shall report the actions of the ZBA to the Planning Commission and update the ZBA on actions by the Planning Commission that relate to the functions and duties of the ZBA. A member of the board who is currently an officer on the Planning Commission may not simultaneously serve as an officer of the ZBA.

SECTION 3: Regular Meetings

- A. **Meetings** – Regular meetings of the ZBA shall be held on the third Monday of each month, or as noted below. Four (4) regular meetings shall be held each year. All regular meetings shall take place at the Northfield Township Hall at 7:00PM; if there is no business to be conducted, than a meeting shall not be held. When the regular meeting day falls on a legal holiday, the ZBA shall select a suitable alternate date in the same month. Regularly scheduled meetings may only be cancelled by either a majority vote at any prior meeting or the Chairperson by notification to the Zoning Board of Appeals members at least five (5) days before the meeting – the reason for cancellation will be included in the notice.
- B. **Meeting Notice** – All meeting notices shall be made in accordance with the requirements of the zoning ordinance and the Open Meetings Act.
- C. **Public Records** – All meetings, records, documents, correspondence and other materials of the ZBA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. **Quorum** – Three (3) members of the total five (5) members serving constitutes a quorum for transacting business and taking official action for all matters. The ZBA shall not conduct business unless a majority of the regular members is present.
- E. **Voting** – To pass or deny any variance, appeal or other official action required by the zoning ordinance, an affirmative vote of the majority of the total membership (3 members) of the ZBA is required. Voting shall be by voice vote. However, a follow-up roll call vote shall be taken if requested by any ZBA member or directed by the Chairperson to clarify a vote. All ZBA members, including the Chairperson, shall vote on all matters, but the chairperson shall vote last. The ZBA / Planning Commission Representative shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission.

All votes shall be recorded in the minutes clearly identifying how each member voted. All members are expected to exercise their obligation to vote upon a question unless a conflict of interest is present.

F. Motions – Motions shall be restated before a vote. The name of the member making a motion and the member supporting shall be recorded. Motions deciding the issue on appeal may include conditions of approval imposed by the ZBA.

G. Time Limit – The ZBA shall hear and decide upon all matters properly before it within a reasonable time. The decision of the ZBA shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and the ZBA.

H. Agenda – The Chairperson shall be responsible for preparing an agenda for ZBA meetings. The order of business for meetings shall be as follows, or as amended by the Board through resolution or practice:

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Communications Received
5. Advertised Public Hearings
6. Unfinished Business
7. Approval of Minutes from the last meeting.
8. Comments and Questions by Audience, Staff, or ZBA members.
9. Announcement of Next Meeting.
10. Adjournment

a. **Placing Agenda Items by ZBA Members** - Any member of the ZBA may request items to be placed on the agenda by contacting the Chairperson at least twenty-one (21) days prior to the meeting or hearing. Requests should be accompanied by explanatory or background information when possible. The ZBA member may also propose additions at the time of agenda approval during the meeting.

b. **Placing Agenda Items by Citizen(s)** – Any citizen(s) may request items to be placed on the agenda by contacting the Chairperson at least twenty-one (21) days before the meeting or hearing. Request should be accompanied by explanatory or background information.

The Chairperson and Secretary shall determine if it is appropriate and upon which agenda it should be placed. The Secretary shall notify the citizen(s) whether or not the item is placed on the agenda and when.

- c. **Maximum Number of Public Hearings per Meeting** – In order to allow good conduct of business and careful review of all cases, the ZBA shall limit its agenda to no more than three (3) hearings on new cases per meeting. In the event more than three (3) applications are received by the deadline for submittal for the subsequent meeting, the Chair may elect to schedule an additional meeting in the same month to accommodate the additional hearings. The limit of three (3) new hearings per meeting may only be waived at the discretion of the Chairperson.

- I. **Meeting Minutes** – The Secretary shall be responsible for the preparation and presentation of minutes of the proceedings of all meetings of the ZBA according to the Open Meetings Act, and for depositing with the Township Clerk a copy of said minutes for retention. If this duty is delegated to a staff person, the Secretary must sign the minutes.

The minutes of the preceding meeting shall be acted upon by the ZBA and signed by the Secretary and Chairperson at the next meeting. A copy of all motions shall be carefully recorded. The names of those who make motions, those who support motions and the vote shall be recorded in the minutes in a manner which clearly conveys how each member voted.

The official minutes shall be retained by the Township Clerk as proscribed by law. Copies of proposed and approved minutes shall be available to the public at a reasonable charge or according to Township Board policy.

Proposed minutes shall be available to the public by the eighth (8th) calendar day after the meeting. Approved minutes shall be available by five (5) calendar days after that meeting when approved.

- J. **Governing Procedures** – Michigan statutes, ZBA by-laws, and Roberts Rules of Order Revised shall govern the order of business before the ZBA. Roberts Rules shall not apply when they conflict with Michigan Statutes or they deny a member his/her constitutional rights.

- K. **Public Hearings** – All public hearings held by the ZBA shall be held as part of a regular or special meeting of the ZBA. The following rules of procedure shall apply to public hearings held by the ZBA:

- 1. Chairperson opens public hearing by announcing the subject of the appeal, the petition by identifying the applicant's name, case number, specified request, and the general location of the subject property.

2. Chairperson summarizes procedures/rules to be followed during the hearing.
3. Chairperson will call on the appellant or their representative to present their statements in support of the appeal along with any supporting evidence.
4. Chairperson will call on the Zoning Administrator to present the substance of the appeal, staff reports facts about the appeal, including site conditions, uses of adjacent lands, utility and street capacities, and other pertinent matters and to answer questions of the ZBA.
5. Chairperson will call on other persons interested in speaking in support of the appeal.
6. Chairperson will call on persons wishing to speak in opposition to the appeal.
7. Chairperson may, within limits, permit the appellant a rebuttal.
8. Chairperson will, upon their motion or the motion of any ZBA member, announce the close of the hearing or announce continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.
9. ZBA deliberates the request and decides the issue or, if a majority of members decide more information or clarification is needed, the issue may be postponed to a future meeting.

To ensure that everyone has the opportunity to speak, the ZBA may elect to limit the time permitted for each person to speak. However, the applicant may be afforded additional time as determined by the Chairperson. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his or her discretion, may permit additional comments.

General Rules for Conduct at Hearings –

1. Statements or questions by the audience shall be addressed to the Chairperson.
2. ZBA members may question the appellant, others in support and those in opposition during presentations.
3. ZBA members shall refrain from debating or arguing with persons commenting.
4. If a large number of individuals wish to voice the same position either in support of or in opposition to the appeal, they may designate one (1) person to be the spokesperson for the group.
5. The Chairperson has the authority to restrict each speaker to a reasonable length of time for presenting their comments.

6. During the hearing, the ZBA shall not be bound by the strict rules of evidence and may take into consideration any evidence it deems relevant and material or exclude any evidence it deems irrelevant and immaterial.
- L. Special Meetings** – Special Meetings of the ZBA may be called by the Chairperson to handle organizational issues or may be requested by an applicant due to an applicant’s request or timing issue. If the applicant makes the request and the Special Meeting is called for that purpose, the applicant shall be responsible for any and all additional costs. If there is more than one applicant’s request addressed at a Special Meeting, the costs shall be shared equally between all applicants. The business conducted by the ZBA shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special Meetings shall also be noticed as required by the Michigan Zoning Enabling Act, as amended, the Open Meetings Act and these bylaws.
 - M. Committees and Committee Meetings** – The ZBA shall create committees and make appointments to these as it considers advisable. Committees shall consist of no more than two (2) ZBA members. Standing Committees shall be recommended by the Chairperson and appointments approved by the ZBA.

The ZBA may authorize such special committees as deemed necessary and provide a timeline for the committee to report its recommendations. A special committee shall be dissolved when its final report is accepted by the ZBA. Committees shall be limited to recommendations to the ZBA on appropriate matters that reflect on the scope and charge of that committee. Committees have no authority to take administrative action or act on behalf of the ZBA.
 - N. Closed Meetings** – Closed meetings may be held for the purposes outlined in the Open Meetings Act.
 - O. Communication between the ZBA and the Township Board** – All decisions made during the ZBA meetings shall be sent to the Township Board and Planning Commission – included within the meeting minutes.

SECTION 4: Duties of the ZBA

The ZBA shall perform the following duties:

- A.** Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101 et seq.
- B.** Attend local training sessions or meetings, as needed to properly fulfill the duties of a ZBA member.
- C.** Attend conferences and/or workshops that are approved and funded by the Board.

- D. Perform other duties and responsibilities as requested by the Board or as may be specified in another Township ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material.

SECTION 5: Notice of Appeal, Time for Appeal, Stay of Proceedings, Dismissal and Reinstatement of Appeal

- A. **Notice of Appeal** – All Notices of Appeal to the ZBA shall be made in writing on notice forms provided for that purpose and adopted by the ZBA. Notices of appeal shall be serviced upon the administrative official from whom the appeal is taken, and such official shall transmit to the ZBA all papers constituting the record upon which the action of appeal was taken. The notice of appeal shall be accompanied by such fee as established by the Township Board.
- B. **Time for Appeal** – Every appeal shall be filed by the appellant within sixty (60) days of the date of order refusal of permit, requirement, decision, or determination of such official from which the appeal is taken, provided the ZBA may in exceptional cases for good reason grant additional time.
- C. **Stay of Proceedings** – Filing an appeal stays all further enforcement proceedings by the Zoning Administrator or other official unless the Zoning Administrator or other official certifies to the ZBA after the notice of appeal has been filed with her/him that by reason of facts stated in her/his certificate, a stay would in her/his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless the appellant obtains a restraining order which may be granted by the ZBA or by the circuit court, on application, on notice to the Zoning Administrator or other official and on due cause shown.
- D. **Dismissal and Reinstatement of Appeal** – When an appellant fails to appear at a properly scheduled meeting on the ZBA, the Chairperson may entertain a motion from the ZBA to dismiss the case for want of prosecution; the appellant will be furnished written notice of the action by the Secretary of the Board. The appellant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, the appellant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairperson for good cause shown, and upon payment of a fee established by the Township Board. The Township Board may waive the reinstatement fee upon a showing of extenuating circumstances. In all cases, reinstated in the above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

SECTION 6: Absences, Removals, Resignations and Vacancies

- A.** To be excused from a meeting of the ZBA, a ZBA member shall notify the Clerk's office, ZBA Chairperson or other individual as designated by the ZBA. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B.** Members of the ZBA may be removed by the Board for misfeasance, malfeasance or non-feasance in office upon written charges and after a due process hearing. A member shall disclose when there is or may be a conflict of interest prior to the matter being considered by the ZBA. Failure of a member to disclose that there is or may be a conflict of interest to allow the Board to disqualify the member from a vote shall constitute malfeasance in office. A member shall first be given the opportunity to resign prior to removal by the Board.
- C.** A member may resign from the ZBA by sending a letter of resignation to the Supervisor, Board or ZBA Chairperson. Unless otherwise indicated in the letter, the resignation shall be effective on the date the letter is received.
- D.** Vacancies shall be filled by the Board within twenty-one (21) days of resignation or removal of a ZBA member. Successors shall serve out the unexpired term of the member being replaced.

SECTION 7: Conflict of Interest

- A.** ZBA members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 - 1. The ZBA member, member's relative or other family member is involved in any request for which the ZBA is asked to make a decision.
 - 2. The ZBA member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association.
 - 3. The ZBA member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance.
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict. However, declaring a conflict of interest should not be used as a means of avoiding a difficult or uncomfortable decision.
- B.** The ZBA member declaring a conflict of interest should state the nature of the conflict to the board. The ZBA shall consider a motion to excuse the declared member through the vote. Once formally excused, the member should vacate his or her seat during all proceedings involving the matter that lead to the member's declared conflict of interest

The member declaring conflict may also choose to leave the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. Further, he or she should not make any presentations to the ZBA as a representative of the proposal.

SECTION 8: Annual Report and Budget Request

The annual report will be prepared under the direction of the Chairperson in early June and presented in written form to the Township Board immediately thereafter. The report shall include the ZBA operations, a report on appeals and recommendations regarding actions by the Township Board and Planning Commission as related to zoning.

The ZBA budget request for appropriation shall be prepared under the direction of the Chairperson at the first meeting after January 1 each year and shall be presented to the Planning Commission for inclusion in the department budget.

SECTION 9: Suspension and Amendments

These rules may be temporarily suspended at any regular or special meeting by a majority vote of the total members appointed (3 of 5).

These bylaws may be amended at any meeting by a vote of a majority of the membership of the ZBA.

Adopted by the Northfield Township at a regular meeting, held on _____
_____, 2015.

Secretary,
Northfield Township Zoning Board of Appeals.

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
August 18, 2014**

1. CALL TO ORDER

The meeting was called to order by Chair
Kenneth Dignan at 7:04 P.M. at 8350 Main Street.

**2. ROLL CALL
AND DETERMINATION OF QUORUM**

Roll call:
Tim Anderson Absent with notice
Doug Del Favero Present
Kenneth Dignan Present
Jacqueline Otto Present (arrived 7:06 P.M.)
Athena Trentin Present
Gary Wellings, Alternate Present

Also present:
Recording Secretary Lisa Lemble
Member of the public

3. PLEDGE OF ALLEGIANCE

4. ADOPT AGENDA

- ▶ **Motion:** Del Favero moved, Trentin supported, that the agenda be adopted as presented.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

Dignan referred to three letters that had been distributed to ZBA members concerning the public hearing on the agenda.

[Otto arrived at this point].

6. PUBLIC HEARINGS

8A. Case #JZBA140003; Ken Johnson, Applicant, Location: 8056 Lake Shore Drive; Request for variances to allow expansion of an existing garage: (1) Section 22.02, Permitted Uses, accessory structure to an approved primary structure such as single family home, and (2) Section 22.04E, Yard and Setback requirements; Side Yard setbacks (30) feet. Zoned SR2.

- ▶ **Motion:** Del Favero moved, Wellings supported, that the public hearing be opened.
Motion carried 5—0 on a voice vote.

Ken Johnson, applicant, said he would like to improve his existing non-conforming garage. He said this would allow him to get rid of some unsightly sheds on adjacent property he has acquired and improve the appearance of the property.

In answer to a question from Kurt Weiland, Zoning Administrator, Johnson said his first choice would be to tear down the garage and start over, but if that is not possible he would push the garage onto an existing concrete slab and put an addition on it.

Weiland said he is concerned about the simplicity of the public notice, but it covers the things that would be of interest to neighbors. He noted that the applicant had provided some pictures of the type of garage proposed.

In answer to a question from Del Favero, Johnson said he had included with his ZBA application a copy of the 1976 building permit for the garage which was issued to a previous owner. Dignan said the zoning ordinance must have changed since the garage was built since it is now non-conforming despite that building permit having been issued. Otto noted the garage in question is not the one attached to the house, but is across the street.

- ▶ **Motion:** Del Favero moved, Wellings supported, that the public hearing be closed.
Motion carried 5—0 on a voice vote.

7. NEW BUSINESS

7A. Case #JZBA140003; Ken Johnson, Applicant, Location: 8056 Lake Shore Drive; Request for variances to allow expansion of an existing garage: (1) Section 22.02, Permitted Uses, accessory structure to an approved primary structure such as single family home, and (2) Section 22.04E, Yard and Setback requirements; Side Yard setbacks (30) feet. Zoned SR2.

In answer to questions from Dignan, Weiland and Johnson confirmed that a similar request was denied administratively in 2002. Johnson clarified that the request at that time was to replace the garage with a new one of the current dimensions, and the Zoning Administrator at the time, Larry Andree, said it could not be rebuilt legally.

**Northfield Township Zoning Board of Appeals
Minutes of Regular Meeting
Public Safety Building; 8350 Main Street
August 18, 2014**

Del Favero said if Johnson were allowed to tear down the existing garage and built a new one the non-conformity on the Beech side could be reduced. Wellings referred to letters from neighbors who are opposed to Johnson's plans and said their concerns may come from not having specific plans to review. He suggested they might withdraw their objections if they knew what was going to be built and knew the unattractive sheds would be removed. He said he is also reluctant to approve requests without specific plans.

Johnson said he had submitted some drawings and said the garage would be 39' x 30' with the doors on the Beech side. He said some neighbors have approached him and said they would not have an objection. Dignan noted that letters in opposition had been received from Julia Buccinna, 8095 Lakeshore, Kathleen Buccinna, 8077 Lakeshore, and Marlene Lewis, 8073 Lakeshore.

Dignan said it appears it would be better for the existing garage to be torn down and a single new structure built, rather than having an addition built onto the existing garage. Weiland said the front of the garage will be on Beech, and the side front yard would be on Lakeshore. Dignan said even with a totally new garage a variance for the rear yard setback would still be required. Johnson said the setback from Lakeshore would be 30 feet. Weiland said this is an unusual situation and 30 foot setbacks are required on Lakeshore, Beech, and Park.

Johnson said one of the people who sent a letter in opposition would like to buy this property and he thinks the other two must have gotten variances because their homes are closer than 30 feet to the road.

In answer to a question from Otto, Johnson said the use of the garage would not change, and he currently uses it to store his tractor, bike, and equipment. Trentin said all three opposition letters state they do not want something that will look like a pole barn, so she agreed that plans which better show what it will look like would help. Johnson said it will not look like that and he is only adding 15 feet to the back. Otto also said she is concerned about the face of the building moving closer to Lakeshore.

Wellings said it sounds like Johnson is willing to work with the ZBA and address concerns of neighbors. He said the ZBA is supposed to provide the minimum variance necessary, and he sees a role of the ZBA to be to work with property owners and neighbors to get the best outcome. He said the building is an eyesore and the neighbors would probably be in favor of an improved structure. Johnson said he is using the temporary canopy to cover items that he had stored at the back of the garage.

In answer to a question from Otto, Johnson said he would be willing to replace the entire structure. Otto noted that would require a larger foundation than currently exists.

Weiland said if the minimum building envelope meets the 30' front yard setback on Beech, and has a front side yard setback of 10' on Lakeshore it could be an acceptable project. There was discussion about whether to postpone action. Wellings said a concrete plan is needed because variances cannot be granted without specifics, and he suggested that Johnson work with Weiland on that. Dignan noted that the ZBA could consider this request again next month at no cost to Johnson because another application has already been received for that agenda.

Wellings said a major concern of the neighbors is the setback on Lakeshore, so those concerns would be alleviated if the full 30 foot setback is met on that side, and if a 12-15 foot setback is provided on Beech—essentially what it is now. He said meeting the rear 10 foot setback should not be a problem. He said he does not see that a drawing would provide him with any other necessary information. Weiland also suggested that any motion for approval specify information about the appearance, including materials, and perhaps a simple statement that it not look like a pole barn.

Johnson said he does not think the garage is currently at least 10 feet from the Beech property line. Weiland said he thinks the setback is 12 feet. Trentin said it sounds like the ZBA is saying they would be in favor of a request that (1) keeps the garage same size as the existing one, (2) keeps a minimum 30 feet setback from Lakeshore, and (3) keeps a minimum setback of 10 feet from the privacy fence, increasing that setback as much as possible from Beech. Johnson said the building could be extended north quite a ways and still meet any setback requirement from Park.

In answer to a question from Del Favero, Johnson said if he rebuilds the garage he would like to increase the height of the building from 8 feet to 10 feet.

► **Motion:** Dignan moved, Del Favero supported, that in Case #JZBA140003; Ken Johnson, Applicant; 8056 Lake Shore Drive, that based on a finding of compliance with the Standards for Determination, the Zoning Board of Appeals grants the following variances with the following conditions:

1. The structure must be harmonious with the primary structure,
2. A variance from Section 65.05 to permit the applicant to construct a new building in place of the existing building is granted.
3. A variance from Section 22.02 to permit the applicant to build an accessory structure on a

**Northfield Township Zoning Board of Appeals
Minutes of Regular Meeting
Public Safety Building; 8350 Main Street
August 18, 2014**

unique lot bordered by three roads in the SR-2 zoning district is granted.

4. A variance of 20 feet from the front setback requirement of Section 22.04(E) on Beech Street is granted, with the setback of the garage not to be less than that of the existing structure.
5. A variance of 10 feet from the back yard setback requirement from the neighboring house per Section 22.04(E)3 is granted.
6. The applicant must meet the Lakeshore front yard 30 foot setback requirement.

Motion carried 5—0 on a roll call vote.

8. REVIEW OF BYLAWS

Dignan reported that Planning Consultant Douglas Lewan is currently preparing an updated draft of the ZBA by-laws for the ZBA to review.

9. BUDGET AND TRAINING

Dignan said there is money in the budget for training, and he urged any ZBA member who is interested in attending any training sessions to let him or Township Manager Fink know.

9. MINUTES

- ▶ **Motion:** Del Favero moved, Trentin supported, that the minutes of the June 16, 2014, regular meeting

be approved as presented.

Motion carried 5—0 on a voice vote.

10. COMMENTS AND QUESTIONS BY ZBA MEMBERS, STAFF AND THE PUBLIC

Trentin said she appreciated the way the ZBA members were able to work with the applicant and come up with a solution that will be acceptable to the ZBA, the applicant, and the neighbors. Otto agreed, noting that Horseshoe Lake lots are a challenge to work with when the owners wish to improve their property. Wellings said he thinks people will appreciate the final product and it was great to see everyone work well together. Del Favero and Wellings thanked Dignan for his efforts and expertise in working out a solution. Weiland said he also appreciates the efforts the ZBA members made. Dignan said he is happy to see the changes that have been made to the ordinance that make is easier for people to make improvements to their properties. He said the comment from the applicant about ZBA action being an encouragement for him to stay in the Township was great to hear.

11. ANNOUNCEMENT OF NEXT MEETING

September 15, 2014, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

12. ADJOURNMENT

- ▶ **Motion:** Del Favero moved, Trentin supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 8:11 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted on _____, 2014.

Kenneth Dignan, Chair

Tim Anderson, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/zoning_board_of_appeals/