

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
November 18, 2013**

1. CALL TO ORDER

The meeting was called to order by Chair
Tim Anderson at 7:02 P.M. at 8350 Main Street.

3. PLEDGE OF ALLEGIANCE

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

Roman agreed to serve as Secretary.

Roll call:	
Tim Anderson	Present
Doug Del Favero	Present
Jacqueline Otto	Present
Larry Roman	Present
Athena Trentin	Absent
Gary Wellings, Alternate	Absent
(presence not required)	

Also present:
Zoning Administrator
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

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

5. CORRESPONDENCE

Anderson noted that the applicant in Case JZBA130005 had submitted information via email about altering his request.

6. PUBLIC HEARINGS

- 6A. Case #JZBA130005; Tony Buccinna, Location: 8077 Lakeshore Drive; Parcel 02-08-390-005; Request for variances for the expansion of an existing garage:**
- 1. Section 22.04.E.1; 24' variance from the 30' front yard setback requirements**
 - 2. Section 22.04.C, Lot Coverage, variance to allow the 30% maximum allowable lot area coverage to be exceeded by 230 square feet. Parcel 02-08-250-019; Zoned ES-Enterprise Service**

- **Motion:** Roman moved, Del Favero supported, that public hearing be opened.
Motion carried 4—0 on a roll call vote.

Tony Buccinna, owner of 8077 Lakeshore Drive, explained that he and his wife, Kathleen, would like to add onto their garage. He noted that he had sent an email indicating they would like to change the request submitted with their application to:

- increase the width of the garage addition from 12.0 to 15.0 feet
- reduce side yard setback from 11.6 to 8.6 feet
- reduce the front yard setback from 6.0 to 4.0 feet

He distributed new drawings and noted these changes would add 72 sq. ft. to garage space. He said he spoke to his neighbors about his originally submitted proposal and they suggested that he increase the size of the proposed addition since there is room for it. He said this increases the area of the lot coverage variance to 300 sq. ft. He said this would allow the width of the garage door to be increased so he would have 53" instead of 17" clearance for his car.

Buccinna noted the house is only 900 sq. ft. He referred to a map showing the lots in the immediate area of his house with arrows pointing out homes that do not meet minimum front yard setback requirements (12 homes out of about 17). He said the setback he is proposing would be harmonious with the houses around him, and the house would still be set back about 25 from the edge of the road.

Anderson said he visited the site a couple times and the stakes showing the limits of the proposed addition line up with the overhangs of the adjacent houses. He said that seems reasonable to him, but he would not like to see the proposed addition come closer to the road than the other houses in the area. He also questioned whether the increased variances Buccinna is now requesting can be acted on by the ZBA at this time because they exceed the variances listed in the public notices.

Buccinna said the proposed addition would come about one foot closer to the road than the neighboring house. Roman said it seems from the drawings Buccinna submitted that his home—and most of the others in the area—is set on the property line. Buccinna said that information came from the County website, but he believes that is incorrect. He referred to the drawing from the time the house was built in 1991 showing side yard setbacks of 10'1" and 11'6".

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Del Favero asked about the legality of the ZBA acting on the increased variances being requested. Anderson said he has not seen the public notice. Zoning Administrator Kurt Weiland also noted that the additional garage area would require a side yard setback variance—which was not advertised—because it would reduce the east side yard setback to less than the minimum 10' requirement.

Buccinna asked if there would be an additional fee for having the ZBA consider his revised request at another meeting. Anderson said he could not say for sure, but the Township would incur the additional costs of sending required public notices, placing a legal advertisement, and paying meeting attendance fees. He said the ZBA could act on the original request at this meeting, but if the Buccinnas would rather have the revised request approved they should probably wait.

Buccinna said he is concerned about delaying construction because of the weather. Roman said footings can be poured throughout the winter. Weiland said if he were the applicant he would ask for a decision on the original application tonight in case a quorum could not be met for the December meeting. In answer to a question from Otto, Weiland said the ZBA could call a meeting any time after the legal notice requirements for the revised request is met.

In answer to a question from Buccinna, Anderson said the ZBA action could be approval, denial, or approval with changes. Del Favero said ZBA members may agree with Buccinna's assessment of his request, but they are bound by law to make sure proper notice requirements are met. He said it might be possible for the ZBA to meet in only 15 days or so to consider the revised request. Buccinna said he and his wife are willing to go to all of the neighbors and bring proof of their approval back to the ZBA.

Buccinna asked the ZBA to act on his original request, but added he would like to come back—hopefully in no more than 15-20 days—to have the ZBA act on his revised request.

- ▶ **Motion:** De Favero moved, Roman supported, that public hearing be closed.
Motion carried 4—0 on a roll call vote.

7. NEW BUSINESS

7A. Case #JZBA130005; Tony Buccinna, Location: 8077 Lakeshore Drive; Parcel 02-08-390-005; Request for variances for the expansion of an existing garage:

1. **Section 22.04.E.1, 24 feet to the front yard setback requirements**
2. **Section 22.04.C, Lot Coverage, allowing the 30% maximum allowable lot area coverage to be exceeded by 230 square feet. Parcel 02-08-250-019; Zoned ES-Enterprise Service**

The ZBA considered the applicant's original request. Anderson said he would not like to see the addition extend closer to the road than the adjacent houses do, and he said the stakes locating the proposed addition appear to be in line with the overhangs of the adjacent houses. Buccinna said the stakes actually line up with the walls of the adjacent houses, and the overhangs of the adjacent buildings extend two feet closer than the stakes to the road.

Anderson noted there is a shed on a neighboring property which appears to be in the road. He said he does not know how that happened, but that is a less permanent structure and he would not like to see that used as a guide for where house setbacks should be. He would like the building setback line that appears to have been set by the houses adjacent to the Buccinnas to be maintained.

In answer to a question from Del Favero, Buccinna said the front of his proposed garage would pretty much line up with the setbacks of the adjacent houses. He said garages further down the road are much closer to the road. In answer to a question from Anderson, Buccinna said the garage addition would have a 12" overhang into the front yard setback.

Buccinna asked why the deck is included in the lot coverage calculations. Weiland explained that decks are not included in Floor Area Ratio (FAR), but anything that covers the ground is included in the lot coverage calculation. In answer to a question from Otto, Weiland said he can only speak to additions built since he started working for the Township, but all of those have had to comply with lot coverage requirements or be granted a variance.

Weiland noted that he calculated lot coverage in this case based on an 11' x 12' garage because that is what was proposed when he denied the building permit, but Buccinna noted his variance application clearly shows a 12' x 12' proposed garage.

- ▶ **Motion:** Anderson moved, Del Favero supported, that the request in case #JZBA130005; Tony Buccinna, applicant, at 8077 Lakeshore Drive; Parcel 02-08-390-005, be approved, granting a 25' variance Section 22.04.E.1 of the zoning ordinance for construction of a 12' x 12' garage addition, reducing the front yard setback from 30' to 5'.
Motion carried 4—0 on a roll call vote.

- ▶ **Motion:** Del Favero moved, Otto supported, that the request for a variance from Section 22.04.C of the zoning ordinance in case #JZBA130005; Tony Buccinna, applicant, at 8077 Lakeshore Drive; Parcel 02-08-390-005 be approved, based on the applicant satisfying the Standards for Determination, for the expansion of an existing garage to reduce the lot coverage from the required 30% to approximately 35% or an additional 242 sq. ft.
Motion carried 4—0 on a roll call vote.

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There was a brief discussion about how to get the Buccinnas' revised request heard as quickly as possible. Anderson said ZBA members are not intending to put up obstacles to getting the Buccinnas' desired plans approved, but they must follow the law.

8. UNFINISHED BUSINESS

Anderson noted that a Secretary needs to be elected. Roman agreed to serve.

- ▶ **Motion:** Del Favero moved that Roman serve as ZBA Secretary.
Motion carried 4—0 on a voice vote.

9. MINUTES

August 19, 2013

Recording Secretary Lemble apologized for not having Roman listed as a ZBA member, and noted that all motions should be shown as 4—0, not 5—0.

- ▶ **Motion:** Roman moved, Del Favero supported, that the minutes of the August 19, 2013, regular meeting be approved as amended.
Motion carried 4—0 on a voice vote.

10. ZBA MEMBERS COMMENTS

In answer to questions from Del Favero regarding the issue of fees for a second hearing of the Buccinnas' ZBA request, Otto said she believes only the Township

Board could waive fees for a Zoning Board of Appeals application. She suggested that the staff who process applications be consulted first about what is usually done.

Anderson thanked Jim Nelson for running the audio equipment and Lisa Lemble for preparing minutes.

11. SECOND CALL TO THE PUBLIC

None present.

11. ANNOUNCEMENT OF NEXT MEETING

December 16, 2013, 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. Anderson noted a meeting might be held earlier if the legal notice for the Buccinnas' revised request can be met.

12. ADJOURNMENT

- ▶ **Motion:** Roman moved, Otto supported, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:08 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 February 24, 2014.

Kenneth Dignan, Chair

Tim Anderson, Secretary

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