

**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.

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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

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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 it 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 December 15, 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/