

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
June 18, 2018**

1. CALL TO ORDER

The meeting was called to order by chair Stephen Safranek at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

Brad Cousino	Present
Kenneth Dignan	Present
Greg Kolecki	Present
Jacki Otto	Absent with notice
Stephen Safranek	Present
James Balsillie, Alternate	Absent

(Presence not required)

Also present:

Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

- ▶ **Motion:** Dignan moved, Kolecki seconded, that the agenda be adopted as presented.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

**6A. Case #JZBA180002; Al Hobbs; Applicant
Location: 442 East Shore Drive
Request for variance from Section
37 218(4)(b)—side yard setbacks;
Parcel 02-05-401-004;
zoned SR-1—Single Family Residential.**

Al Hobbs noted he was granted a variance in January to allow construction of a garage on this parcel which does not contain a principle residence. He said he is now asking for a setback variance. He said the proposed garage does not extend any further into the required setbacks than the existing garage.

He said he owns the home across the street and received a 4' variance in 2005 even though he was staying within the footprint of the existing building on that parcel when he built the new one. He provided photographs of utility lines running across the adjacent parcel which he said prevents anything from being built on it, so no structure there will be close to the garage he is proposing.

He said only the southeast corner of the proposed garage would be encroaching into the required setbacks. Dignan noted that the ordinance requires the two side yard setbacks to total a minimum of 25 feet, with at least one setback being a minimum of 10 feet. He said since the north setback will be 10 feet, and the south setback is proposed to be 6 feet, only one variance of 9 feet on the south is required.

There was discussion about whether the proposed south setback is proposed to be 6 feet—as shown on the engineering drawing—or 7 feet.

Hobbs said he could meet the setback requirements by turning the building several degrees, but it would be unsightly in this area where all of the buildings are oriented in the direction he proposes for the garage.

In answer to a question from Krishnan, Hobbs said he could build a home on top of the garage because the footings he is putting in will support it.

- ▶ **Motion:** Dignan moved, Cousino seconded, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Bill Barnett, 428 East Shore, said he lives next door. He said he researched moving the power lines and learned that it would cost about \$10,000 to move a single pole, so it would be cost prohibitive to build a home on the parcel to the south. He said the new garage would improve property values in the area and he supports the proposal.

- ▶ **Motion:** Dignan moved, Kolecki seconded, that the public hearing be closed.
Motion carried 4—0 on a voice vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

**8A. Case #JZBA180002; Al Hobbs; Applicant
Location: 442 East Shore Drive
Request for variance from Section
37 218(4)(b)—side yard setbacks;
Parcel 02-05-401-004;
zoned SR-1—Single Family Residential.**

Planning Consultant Vidya Krishnan read her report of June 8, 2018. She said the proposed garage could be constructed on the lot, but it would require turning the garage so that the side would be more visible to the street. She recommended denial of the request because the proposed 32' x 36' garage could be built on the lot without variances. She said aesthetic appeal is not sufficient to support the variance. She noted that the

support shown by several neighbors present at the meeting can be taken into consideration by Board members when considering their decision.

- ▶ **Motion:** Dignan moved, Kolecki seconded, that the request in Case #JZBA180002 by Al Hobbs at 442 East Shore Drive be granted due to the unique orientation of the property to the road, and the existence of power lines creates a situation where a homestead clearly cannot be built to the south on the adjacent property. The applicant must keep within the non-conforming setback to the south and be conforming to the north (10 feet). With those unique characteristics of this property and circumstances presented, the finding of facts are relevant and criteria have sufficiently been met to grant the variance. The applicant must provide an accurate survey which the zoning official certifies is in compliance with the motion.

Regarding future construction of a house on the lot, Hobbs noted that an addition for a house can be built toward the north side of the lot where there is more than sufficient room. Krishnan said the ZBA has the option of approving this variance with the stipulation that no variances be granted for future construction of a house. She said if that were done the applicant's only appeal would be to the Circuit Court.

- ▶ **Amended motion:** Dignan moved, Kolecki seconded, to allow for a variance of nine feet to permit for a setback of six feet on the south based on the following findings of fact:
 - a. The orientation of the property on East Shore is unique.
 - b. The power line places an encumbrance or limitation on the development capabilities of the property and the adjacent property to the south.Conditions of the granting of this variance are:
 - a. The applicant must maintain the 10 foot north side yard setback.
 - b. A new survey must be submitted that is accurate and submitted to the zoning official for review and check.

- c. It is understood that any future proposals submitted by the applicant will not place any additions on this property any closer to the south property line than the setback variance being granted at this time.

Cousino said the direction homes in this area face vary widely, so the basis of the orientation of the building does not carry as much weight for him as the existence of the power lines.

Amended motion carried 4—0 on a roll call vote.

9. MINUTES

- ▶ **Motion:** Dignan moved, Cousino seconded, that the minutes of the May 21, 2018, regular meeting be approved as presented.
Motion carried 5—0 on a voice vote.

10. CALL TO THE PUBLIC

None present.

11. ZBA MEMBER COMMENTS

None.

12. ANNOUNCEMENT OF NEXT MEETING

July 16, 2018, 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.

13. ADJOURNMENT

- ▶ **Motion:** Dignan moved, Kolecki seconded, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:00 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 _____, 2018.

Stephen Safranek, Chair

Greg Kolecki, Secretary

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