

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
August 20, 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 (presence not required)	Absent

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

4. ADOPT AGENDA

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

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

**6A. Case #JZBA180003; Cindy Huss
Location: 330 Delaware; Request for variance to allow 6' privacy fence; Parcel 02-17-232-031; zoned SR-2; Single-Family Residential.**

- ▶ **Motion:** Dignan moved, Cousino supported, that the public hearings be opened.
Motion carried 5—0 on a voice vote.

Cindy Huss said she replaced a four foot high chain link fence with a six foot wood fence and apologized for doing so without a permit. She noted when she received the notice of violation she applied for a zoning compliance permit and was denied. She explained her lot has street frontages on the front and back. She noted that two neighbors were present in support of her request.

**6B. Case #JZBA180004; Kurt and Laura Hammond;
Location: 5073 Eric Court; Request for variance**

**to construct an above-ground pool and deck on non-conforming lot of record;
Parcel 02-36-400-022; Zone AR-Agricultural.**

Kurt Hammond explained he is requesting a variance to allow him to install an above-ground 28' diameter pool and attached deck. He said other locations on the property are not available because of the location of the septic field. In answer to questions he said the lot is on a cul-de-sac and he is the original owner, but the builder thought the property line was further to the north than it is. He said if they had known that they would have built the house closer to the cul-de-sac.

Krishnan said there is a consent judgement in effect for the five lots on Eric Court allowing the lots to be developed.

Safranek called for additional public comment. There was none.

- ▶ **Motion:** Dignan moved, Cousino supported, that the public hearings be closed.
Motion carried 4—0 on a voice vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

**8A. Case #JZBA180003; Cindy Huss
Location: 330 Delaware
Request for variance to allow 6' privacy fence;
Parcel 02-17-232-031; zoned SR-2; Single-Family Residential.**

Planning consultant Krishnan noted that privacy fences are limited to 3' in height in front yards, and because this lot has two street frontages—the only lot like this in the area—the fence in the rear of the house along Maplegrove is technically in a front yard.

Krishnan said:

- While the 6' high fence does look a little different than other fences in the area it does not appear to impact health, safety, or quality of life.
- The double street frontage places a definite limitation on some of the development aspects of the parcel.
- She recommends that the variance be approved subject to the findings of fact in her memo.

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In answer to a question, Krishnan said there is no place in the yard facing Maple Grove that a 6' high fence could legally be placed.

► **Motion:** Dignan moved, Kolecki supported, that in the request for variance in Case #JZBA180003 by Cindy Huss, 330 Delaware, to allow a 6' privacy fence; Parcel 02-17-232-031, the ZBA adopt the recommendation of the senior planner citing the conditions and findings of fact in her letter dated June 19 2018.

David Maw, 321 Delaware, said there is one lot to the east that comes all the way through to Delaware and it has had a 6' high stockade fence for as long as he can remember. He said he is in favor of approval of the variance.

Safranek said it would be nice if there was some landscaping between the fence and the road, although he knows that cannot be required as part of the variance.

Motion carried 4—0 on a roll call vote.

**8B. Case #JZBA180004; Kurt and Laura Hammond;
Location: 5073 Eric Court; Request for variance to construct an above-ground pool and deck on non-conforming lot of record;
Parcel 02-36-400-022; Zone AR-Agricultural.**

Krishnan said a rear yard setback of 50' is required for the proposed pool and deck; 26.68 feet is proposed.

She said:

- The placement of the house in the rear yard of the property, the slope of the property, and the septic field also limits the location of the pool, and the only alternate location for the pool would be far from the house which would not be practical or visually appealing.
- Approval of the variance will allow substantial justice to the applicant and will not adversely affect the interest of other property owners in the neighborhood.
- The variance is not likely to have any adverse impact on the neighborhood of public health, safety, and welfare.

- The pool is being proposed for the best location possible without having adverse effects on the neighborhood.
- She recommended approval of a variance of 23.32 feet for the rear yard setback.

In answer to a question, Krishnan said structures anchored to the ground, including pools, are structures, require permits, and must comply with zoning regulations.

► **Motion:** Safranek moved, Cousino supported, that the request for variance in Case #JZBA180004; be approved for the reasons stated on the record and for the reasons stated in Krishnan's report.

Motion carried 4—0 on a roll call vote.

9. MINUTES

► **Motion:** Dignan moved, Kolecki supported, that the minutes of the June 18, 2018, regular meeting be approved as presented.

Motion carried 4—0 on a voice vote.

10. CALL TO THE PUBLIC

No comments.

11. ZBA MEMBER COMMENTS

Dignan, member of the school board, thanked the community for its support of the school millage on August 7th.

12. ANNOUNCEMENT OF NEXT MEETING

September 17, 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 supported, that the meeting be adjourned.

Motion carried 4—0 on a voice vote.

The meeting was adjourned at 7:33 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/