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CHARTER TOWNSHIP OF WATERFORD  
ZONING BOARD OF APPEALS REGULAR MEETING

**Zoning Board of Appeals Meeting - 4:00**

I. Vice Chairman Moore called the Meeting to Order at 4:06 P.M.

II. Roll Call

III. Present: Stan Moore, Vice Chairman  
Todd Bonnivier, Secretary  
Marie Hauswirth, Board Member  
Todd Hoffman, Board Member  
Rick Schneider, Board Member  
Art Frasca, Board Member  
Sue Camilleri, Alternate Board Member  
Jerry Frericks, Alternate Board Member

Absent: David Zuehlke, Chairman

Also Present: Stacy St. James, Environ. And Housing Rehab Coordinator  
Janine Tremonti, Admin. Assistant  
Joellen Shortley, Township Attorney

General Public: 20 People

IV. Approve the Minutes of the November 16, 2021 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Hoffman*

*Supported by Hauswirth; RESOLVED to **APPROVE** the Minutes of the November 16, 2021 Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

- V. Approve the Agenda of the February 15, 2022 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by HOFFMAN*

*Supported by SCHNEIDER; RESOLVED to **APPROVE** the Agenda of the February 15, 2022 Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**  
**(7-0)**

- VI. Old Business

- VII. New Business

**Case No. PZBA22-001**

**Sidwell No. 13-23-101-012**, Section 23, Lot 44, "Supervisor's Plat No 23", T3N, R9E, Waterford Township, Oakland County, MI

**Requesting** a time extension to act on variance(s) granted February 16, 2021, from February 16, 2022 to February 16, 2023. (The timeframe for acting upon variances granted shall be one calendar year)

**Property Location:** 1476 Eason Rd  
**Property Zoned:** R-1A, Single Family Residential  
**Applicant:** Karl Morris

Applicant or representative was not present.

During the public portion of the meeting, no one spoke regarding the request.

**MOTION AND VOTE**

*Moved by FRASCA*

*Supported by BONNIVIER; to find that practical difficulties exist and to **APPROVE** the time extension as requested in ZBA Case No. PZBA22-001.*

**MOTION CARRIED UNANIMOUSLY**  
**( 7-0 )**

**Case No. PZBA22-002**

**Sidwell No. 13-12-303-007**, Section 12, Lot 180, "Jayno Heights No 3", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 23.0 ft. variance from Section 3-901 Footnote 4 to allow the existing detached accessory structure to remain 57.0 ft. from the south lakefront shoreline. (80 ft. minimum required for subject property)
2. A 9.0 ft. variance from Section 2-213.2.C to allow the existing detached accessory structure to have a maximum height of 17.0 ft. (8 ft. maximum allowed)
3. A 40.0 sq. ft. variance from Section 2-213.2.C to allow the existing detached accessory structure to have a maximum area of 120 sq. ft. (80 sq. ft. maximum allowed)

**Property Location:** 2999 St. Jude Dr.  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Wesley & Linda Garrett

The applicant has submitted a written (email) request to table the case until the next ZBA meeting.

#### **MOTION AND VOTE**

*Moved by BONNIVIER*

*Supported by HOFFMAN; to **TABLE ZBA Case No. PZBA22-002** to the March 15, 2022 meeting.*

**MOTION CARRIED UNANIMOUSLY**  
**( 7-0 )**

#### **Case No. PZBA22-003**

**Sidwell No. 13-21-101-022**, Section 21, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 9.0 ft. variance from Section 2-305.A to allow the existing electric vehicle charging station equipment to remain 11.0 ft. from the west side property line. (Such units shall not be located in any required yard setback)

**Property Location:** 5825 Highland Rd  
**Property Zoned:** C-4, Extensive Business  
**Applicant:** Gerald Kowalski

Applicant or representative present: Gerald Kowalski

**Gerald Kowalski**, Owner of the dealership stated when they applied for the electrical permit nothing was said about the placement of the electric car chargers. Mr. Kowalski also mentioned he will screen the chargers and they are 20ft from the property line, but that the power supply is not.

During the public portion of the meeting, no one spoke regarding the request.

**Board Member Bonnivier** stated he would like to see the screening on the application.

**Alternate Board Member Camilleri** asked if there will be screening for the adjacent property.

**Board Member Schneider** stated they should come around the corner 90 deg.

**Mr. Kowalski** was agreeable to the screening of the adjacent property.

#### **MOTION AND VOTE**

*Moved by FRASCA*

*Supported by BONNIVIER; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA22-003 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met with the STIPULATION that screening would be provided around the unit at 90 degrees to provided screening from the adjacent property.*

**MOTION CARRIED UNANIMOUSLY**

**( 7-0 )**

#### **Case No. PZBA22-004**

**Sidwell No. 13-28-278-004**, Section 28, Lot 35, "Supervisor's Replat of Elizabeth-Dale", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 4.0 ft. variance from Section 3-900 to allow the proposed attached garage to be located 31.0 ft. from the east front property line. (35 ft. minimum required)
2. A 2.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 30.0 ft. from the east front property line. (32 ft. minimum required)

**Property Location:** 360 Hickory Nut Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Darrell DeAngelo

Applicant or representative present: Darrell DeAngelo

**Darrell DeAngelo** Stated he is asking for the variance for an attached garage.

During the public portion of the meeting, no one spoke regarding the request.

**Alternate Board Member Camilleri** stated this variance is in character with the other non-conforming homes in the area.

**Board Member Bonnivier** also agreed that he request was in character with the other homes.

#### **MOTION AND VOTE**

*Moved by HOFFMAN*

*Supported by SCHNEIDER; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA22-004 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED UNANIMOUSLY**

**( 7-0 )**

#### **Case No. PZBA22-006**

**Sidwell No. 13-34-151-005**, Section 34, Lot 26, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 3.4 ft. variance from Section 2-305.A to allow the proposed generator to be located 1.6 ft. from the east side property line. (5 ft. minimum required)
2. A variance from Section 2-305.B to waive the screening requirement for the proposed generator. (All units shall be screened)

**Property Location:** 4958 Sherwell Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Brian & Debra Rodgers

Applicant or representative present: Brian & Debra Rodgers

**Brian Rodgers** stated they live on a narrow lake lot. They had received a previous variance to come closer to the street and this should have been addressed at that time. He stated that the neighbors on both sides have a similar situation and have submitted their support for the variance.

During the public portion of the meeting, no one spoke regarding the request.

**Alternate Board Member Camilleri** said that the side they are putting it on is nice because the noise is on same side as the neighbors.

#### **MOTION AND VOTE**

*Moved by SCHNEIDER*

*Supported by BONNIVIER; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA22-006 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED UNANIMOUSLY  
( 7-0 )**

**Case No. PZBA22-007**

**Sidwell No. 13-36-101-028**, Section 36, Part of Lots 8 & 9, "Sylvan Shores", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 3.0 ft. variance from Section 2-305.A to allow the proposed generator to be located 2.0 ft. from the south side property line. (5 ft. minimum required)
2. A 0.9 ft. variance from Section 2-305.A to allow the proposed air conditioning unit to be located 4.1 ft. from the south side property line. (5 ft. minimum required)
3. A 0.8 ft. variance from Section 2-305.A to allow the proposed air conditioning unit to be located 4.2 ft. from the south side property line. (5 ft. minimum required)
4. A variance from Section 2-305.B to waive the screening requirement for the proposed exterior appliances. (All units shall be screened)

**Property Location:** 2810 Woodbine Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Bill & Shannon Johns

Applicant or representative present: Bill & Shannon Johns

**Shannon Johns** stated she originally thought they would only need one a/c for their home, but they need two units and she thought there was enough room. Other clearance requirements have impacted placement of the units. She also stated she was not aware of the screening requirements.

During the public portion of the meeting, the following spoke regarding the request:

**Amy Bessolo**, 2780 Woodbine, asked for clarification of what screening meant.

**Vice Chairman Moore** stated all units outside of the home need to be screened by bushes, fencing, etc.

**Board Member Hoffman** asked the owner if she thought about switching the units around to provide more room

**Mrs. Johns** said they talked to Consumers about the location and that they require additional clearances from their equipment. She stated she would like to modify the layout, be felt a variance would be needed either way.

**MOTION AND VOTE**

*Moved by BONNIVIER*

*Supported by FRASCA; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA22-007 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED UNANIMOUSLY**

**( 7-0 )**

**Case No. PZBA22-008**

**Sidwell No. 13-17-101-057**, Section 17, Lot 60, "Williams Lake Grove", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 14.4 ft. variance from Section 2-213.2.B to allow the proposed addition to be located 10.6 ft. from the west canal shoreline. (25 ft. minimum required)
2. A 12.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 9.6 ft. from the west canal shoreline. (22 ft. minimum required)
3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

**Property Location:** 6942 Hatchery Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Lorrie Kobylik

Applicant or representative present: Lorrie Kobylik & Ken Hackman

**Lorrie Kobylik** stated they want to renovate small lot with a single car garage. On the east side, they would like to build a two car garage with storage above it and add 7ft on the west side to make a new entryway to home. Five neighbors wrote letters in support of the new garage.

**Board Member Bonnivier** asked for clarification on the request.

**Ms. Kobylik** stated they are extending the kitchen and upstairs adding another bedroom.

**Alternate Board Member Camilleri** expressed her concern regarding the pressure that may be placed on the seawall with the proposed addition. She requested engineering be submitted with the permit application to show the entryway addition will not adversely affect the sea wall.

During the public portion of the meeting, nobody spoke regarding the request.

**MOTION AND VOTE**

Moved by CAMILLERI

Supported by FRASCA; **to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA22-008** based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met with the **STIPULATION** that engineering be provided showing the addition will not impact the seawall.

**MOTION CARRIED UNANIMOUSLY  
( 7-0 )**

**Case No. PZBA22-010**

**Sidwell No. 13-04-433-008**, Section 4, T3N, R9E, Waterford Township, Oakland County, Michigan

Appeals by Drayton Plains (MI) LLC c/o W. P. Carey Inc., of the September 28, 2021 Planning Commission Special Approval Decision in Case PRSA #21-09-02 and Denial of Conceptual Site Plan #21-0661-B (Parcel 13-04-433-008)

**Property Location:** 5100 Dixie Hwy  
**Property Zoned:** C-4, Extensive Business  
**Applicant:** Drayton Plains (MI) LLC c/o W. P. Carey Inc.

Applicant or representative present: Representative David Schlackman

**Board Member Frasca and Alternate Board Member Camilleri recused themselves and left the dais.**

**Alternate Board Member Jerry Frericks joined the meeting at the dais.**

**Vice Chairman Moore** prefaced the case by stating that the purpose of the hearing is for an appeal of the decision made by the Planning Commission for the previously referenced Special Approval and Site Plan. The request is not indented to be a review of the proposed project but to determine if the Planning Commission based their decision on the criteria as required.

**David Schlackman** stated the Planning Commission did commit errors in their decision. The Planning Commission provided no analysis of criteria as was provided by the applicant and relied solely on the staff report and recommendations. He stated that the staff report has errors. The Masterplan specifically suggests that warehousing and outdoor storage in this zoning should be discouraged or restricted. The Special use that was requested was not warehousing and outdoor storage, but for indoor climate controlled storage in the existing building and indoor storage in proposed structures on the lot. Mr. Schlackman continued to state that the second error the staff made was saying there were 61 similar facilities in the market. He stated this number was



incorrect, siting 17 facilities instead with theirs being the only climate controlled. Additionally, he stated that based upon a market analysis, indoor climate controlled storage is an underutilized service in this community. He continued stating that the Planning Commission paraphrased a statement from MDOT concerning a maze like construction and the traffic in the area would be directly impacted. He felt this to be untrue. Additionally, the plan shows that the screening are more than what is required. He stated these criteria were the only ones utilized by the Planning Commission for their decision. Mr. Schlackman also said the Planning Commission was persuaded by the residents during the public comments section asking for other retailers to lease this space. He stated that if those retailers would have come forward with interest the owners would definitely lease it to them. He stated that there is no other use for this property. He referenced a statement regarding complaints on the property. Mr. Schlackman mentioned the outstanding complaints on this property have all been addressed and taken care of.

**Vice Chairman Moore** asked for clarification of the maze like construction comment was not from staff but it was from MDOT.

**Mr. Schlackman** read from the Planning and Zoning department September 22, 2021 special approval review, "The staff comment: The proposed use is to occur in on a property within a connected shopping center plaza. Based on comments received by MDOT, and considering the maze-like arrangement of and access to the mini-warehouse buildings, this site is not well integrated into the overall shopping center." He felt the plan reflects access between the two shopping centers.

**Vice Chairman Moore** read aloud **Section 4-006.3 - Planning Commission Review Criteria**. The Planning Commission, in conducting its review of any proposed Special Approval use, shall determine whether such use shall:

- A. Be in accordance with the objectives of the master Plan and with future land use plans for the area as adopted or maintained by the Planning commission.

**Board Member Hauswirth** read the Planning Commission Findings: The proposed use is not in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission for the reasons noted in the Staff report. The Staff comment: The subject parcel is defined as Community Business in the Master Plan. The Master Plan calls for an integrated or planned shopping center design focused on general retail, service, and comparison shopping needs of the general population base. While commercial storage establishments are not specifically prohibited, the Master Plan specifically suggests that uses such as warehousing and outdoor storage should be discouraged, or restricted. The request for commercial storage in this location is not consistent with the long term vision of the Master Plan for this area.

**Board Member Hoffman** read the findings on the owner's application: As noted in the review, commercial storage facilities are not specifically prohibited. The proposed use is

not requesting approval for outside storage. All storage activities will be provided for within a structure and will not be located outside. The proposed use is for a commercial storage facility and not for warehousing. This use is complementary to, and not competitive with, the existing retail and supportive of modern housing needs.

**Board Member Bonnivier** asked if the structures in the parking lot will be there and are they climate controlled.

**Mr. Schlackman** stated yes they are proposed to be there, however, they are not climate controlled. They are independent, covered storage units.

**Vice Chairman Moore** asked if there were 10 or 15 in a row.

**Mr. Schlackman** he stated that is correct and they will be screened from the road.

**Vice Chairman Moore** questioned how many there will be, as they look to be double sided, approximately 100 or so.

**Mr. Schlackman** did not know the exact number.

The Board Members continued to discuss the semantics of outdoor storage.

**Mr. Schlackman** clarified that these units were separate or "outside" of the existing building, but are not open and exposed to the elements. Everything would be contained within the unit.

**Vice Chairman Moore** read aloud the Planning Commission Review Criteria.

- B.** Be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, compliance with the performance standards required under **ARTICLE II, Division 2-2**, and will have no adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, natural resources and/or the public trust therein.

**Board Member Hauswirth** read the Planning Commission findings: B.1 The proposed use will not be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, and compliance with the performance standards required under ARTICLE II, Division 2-2, for the reasons noted in the Staff report. B.2 The proposed use will have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district, for the reasons noted in the Staff report. B.3 The proposed use will not result in an impairment, pollution, and/or destruction of air, water, natural resources and /or the public trust therein. Staff Comment: The proposed use is to occur in on a property within a connected shopping plaza. Based on comments received by MDOT,

and considering the maze-like arrangement of and access to the mini-warehouse buildings, this site is not well integrated into the overall shopping center. The design of the site disconnects the attached Payless Shoes site from the rest of the shopping center and forces additional traffic back onto Dixie Highway.

**Board Member Hoffman** read the findings on the owner's application: The proposed closing of the access drive to Dixie Highway as suggested by MDOT will eliminate access for the "Payless" site to Dixie Highway. The "Payless" site has an existing easement agreement with the applicant which only allow for the access to Dixie Highway and not for cross access through the site. The removal of this access drive to Dixie Highway will eliminate an existing secondary access to the development in case of an emergency. The proposed design for the site provides for an orderly flow of traffic for the users of the proposed development and not a "maze like arrangement" as suggested. The development will continue to be integrated with the commercial development to the east and not require access to Dixie Highway as suggested. Also, refer to comments above.

**Mr. Schlackman** felt their statement summed up how they felt about the comments MDOT stated and the fact they did not consider the easement.

**Vice Chairman Moore** read aloud the Planning Commission Review Criteria.

- C. Be in compliance with such Special Approval use service areas identified and adopted by the Planning Commission

**Board Member Hauswirth** read the Planning Commission Findings: The proposed use is not located in any Special Approval use service areas identified and adopted by the Planning Commission and that the review criteria was not applicable.

**Board Member Hoffman** read the findings on the owner's application: The project is in compliance with the requirements of the zoning district for parking, setbacks and landscaping.

**Board Member Hoffman** questioned existing fencing at the site, with regards to the Payless property and available access off of Dixie Hwy. He questioned if the new site could be accessed by the Payless site.

Discussion continued between the Board Members and Mr. Schlackman with regards to fencing and access to the site.

**Vice Chairman Moore** questioned whether the Payless site as part of the Kmart site and if it was vacant.

**Staff** stated it is separate and currently occupied as a smoke shop.

Further discussion continued between the Board Members and Mr. Schlackman with regards around the site.

**Vice Chairman Moore** read aloud the Planning Commission Review Criteria.

- D. Be a use that does not impose an unreasonable burden upon public services and utilities.

**Board Member Hauswirth** read the Planning Commission Findings: The proposed use will not impose an unreasonable burden upon public services and utilities.

**Board Member Hoffman** read the findings on the owner's application: Agree with the findings.

**Vice Chairman Moore** read aloud the Planning Commission Review Criteria.

- E. Be in compliance with the regulations of the zoning district in which it is located.

**Board Member Hauswirth** read the Staff comments: The proposed use will not be in compliance with the regulations of the Zoning District in which it is proposed to be located. Although there are minor setback and parking issues, the property meets current zoning restrictions.

**Board Member Hoffman** read the findings on the owner's application: The exceptions noted have all been resolved.

**Vice Chairman Moore** read aloud **Section 4-006.4 - Planning Commission Approval Criteria**. Before approving any Special Approval use, the Planning commission shall consider the following:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent zoning lots, pedestrian circulation will not be hindered, outdoor operations and display will not burden and/or disrupt uses on adjacent properties, and/or the natural and surrounding environment will not be negatively impacted.

**Board Member Hauswirth** read the Planning Commission conclusions: A.1 The proposed use is not such location, size and character as to be compatible with the orderly development of the Zoning District in which it is proposed to be situated, for the reason noted in the Staff report.

**Board Member Hoffman** read the findings on the owner's application: Currently there are a significant amount of vacant and outdated retail building in the surrounding area. The existing building has been vacant for a significant amount of time. The owner has

been actively marketing the building for retail use since the previously user closed operations. Additionally, the owner has entertained the idea of redeveloping the property for new retail development; however, there has not been an interest. The likelihood of this building being leased to a traditional large format retailer is unlikely given the current market conditions for retail buildings of this size. Therefore, the owner is proposing an adaptive reuse of the building to provide for improved complimentary activity on the site in lieu of a vacant and outdated site which will continue to deteriorate and degrade while having a deleterious impact of the entire center and the surrounding area.

**Board Member Hauswirth** read the Planning Commission conclusions: A.2 The proposed use will not be compatible with the orderly development or use of adjacent zoning lots, for the reason noted in the Staff report. A.3 Pedestrian circulation will not be hindered by the proposed use. A.4 Outdoor operations and display in connection with the proposed use will burden and/or disrupt uses on adjacent properties. A.5 The natural and surrounding environment will be negatively impacted by the proposed use.

**Vice Chairman Moore** read aloud the Planning Commission Approval Criteria.

- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities, which serve its location.

**Board Member Hauswirth** read the Planning Commission conclusions: The Proposed use will be within the capacity limitations of the existing or proposed public services and facilities, which serve its proposed location.

**Board Member Hoffman** read the findings on the owner's application: Agreed with the findings.

**Vice Chairman Moore** read aloud the Planning Commission Review Criteria.

- C. The scope of the land use or activity under consideration is conducive to fulfilling a gap in the geographic coverage of such services to Township residents.

**Board Member Hauswirth** read the Planning Commission conclusions: The proposed use will not be conducive to fulfilling a gap in the geographic coverage of such services to Township residents, for the reason noted in the Staff report.

**Board Member Hoffman** read the findings on the owner's application: This comment is not factual, and the development would be a state of the art facility and a credit to the community.

**Joellen Shortley, Township Attorney** stated the power point presentation included in their packets had additional information that could be referenced.

**Vice Chairman Moore** asked if the power point was played during the Planning Commission meeting and who supplied it.

**Ms. Shortley** stated that Planning Superintendent Polkowski supplied the power point and it was played at the Planning Commission meeting.

**Vice Chairman Moore** questioned the difference between commercial storage and warehousing. He feels they are very similar.

**Mr. Schlackman** gave his opinion on how he felt they were different and how it related to request.

**Vice Chairman Moore** read the definition of Commercial Storage from the ordinance: Commercial storage establishment engaged in indoor or outdoor storage of vehicles in good repair, equipment, materials, goods, products, or machinery. Commercial storage establishments shall be classified based upon the intensity and scope of the items to be stored and shall be defined as follows, including but not limited to. He then stated it continues with the various types of commercial storage.

**Vice Chairman Moore** read aloud the Planning Commission Review Criteria.

- D. The Planning Commission may stipulate reasonable restrictions on the hours of operations, an increase of setback requirements to that of a more intensive zoning district, additional screening and barriers, and authorizing future review to ensure that such use does not violate the performance standards established in this Zoning Ordinance.

**Board Member Hauswirth** read the Staff report conclusions: Should the use be approved, Staff would suggest a redesign of the site with compatibility and circulation of the entire shopping center connections in mind. Staff would recommend the maximum landscaping required by the ordinance: 30-foot transitional yards with a 6-foot fence wall along the north and west property lines. As the Master Plan suggests, Staff would recommend utilizing the parking lot of the subject property as a commercial storefront while occupying the vacant Kmart as an adaptive reuse proposal.

**Board Member Hoffman** read the findings on the owner's application: The revised plan has eliminated Building A, which allow for a larger building setback along the west property line. As stated above, the existing building location does not allow for the increase of the transitional yard to be 30 feet wide. It should be noted that along the west side of the property there are no existing residential homes located immediately adjacent to the proposed development. In fact, there is an existing private road along the entire length of the property. Along the north property line there is a 6 foot high screen wall which provides for the screening of the development. It is proposed that this screen wall will remain.

**Board Member Hoffman** questioned which building is Building A.

**Mr. Schlackman** stated Building A is not in the plans that were provided. He also noted there was discussion and negotiation with the Planning Department before the site plan was submitted.

### **MOTION AND VOTE**

*Moved by MOORE*

*Supported by HAUSWIRTH;*

*For Case PZBA22-010, a review of the Planning Commission decision on September 28, 2021 to deny Special Approval in Special Approval Case No. 21-09-02, Site Plan #21-0661-B, a motion under Zoning Ordinance section 6-100.4 G to **AFFIRM** the September 28, 2021, Planning Commission decision that denied a request for special approval by W.P. Carey for a commercial storage establishment:*

- 1. The decision did address each of the review and approval criteria in section 4-006 of the Zoning Ordinance.*
- 2. The Planning commission is given the discretion to make special use approval decisions, evidence was not presented in this appeal that warrants the ZBA overturning the decision in this case.*
- 3. Based on the record of the Planning Commission and arguments and materials presented for this hearing, the ZBA finds that the Planning commission decision was not contrary to the explicit or implied expression of the intent and the terms and conditions of section 4-006 of the ordinance.*

**MOTION CARRIED UNANIMOUSLY by roll call vote.  
( 6-0 )**

During the public portion of the meeting, nobody spoke regarding the request.

**Staff** stated that two letters in support of the request were received and included in the member packets.

### VII. Discussions

### VIII. All Else

Election of Officers will be tabled to the March 15, 2022 meeting

1. Chairperson
  - a. Nominations
  - b. Vote(s) to elect
2. Vice-Chairperson
  - a. Nominations
  - b. Vote(s) to elect
3. Secretary
  - a. Nominations
  - b. Vote(s) to elect

**MOTION AND VOTE**

*Moved by MOORE*

*Supported by BONNIVIER; to Table the Election of Officers to the March 15, 2022 meeting.*

**MOTION CARRIED UNANIMOUSLY**

**( 6-0 )**

IX. Public Comment

X. **Vice Chairman Moore Adjourned the Meeting at 5:21 pm.**

Members of the public will only be able to speak during any public hearing that is held at the meeting and during the public comment period at the end of the meeting and such comments will be limited to three minutes per person. The Chairperson will recognize all persons wishing to speak during a public hearing and the public comment period. Prior to the meeting, members of the public may contact the members of the Zoning Board of Appeals to provide input or ask questions by email or mail to the Township employee/official and at the addresses listed below. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Stacy St. James, Environmental and Housing Rehab Coordinator  
Charter Township of Waterford  
5200 Civic Center Drive, Waterford, Michigan 48329  
Email: [sstjames@waterfordmi.gov](mailto:ssstjames@waterfordmi.gov)  
Phone: (248) 674-6240



**Case No. PZBA22-001**

**Property:** 1476 Eason Rd  
**Applicant:** Karl Morris  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Extension of Previous Variances

**Analysis**

The applicant is requesting an extension of the variance that was previously granted on February 16, 2021 (see original review below). The approved variance is scheduled to expire on February 16, 2022 (one year after approval). The applicant is requesting the approval to be valid until February 16, 2023 (one year extension).

***February 16, 2021 Staff Review:***

***The applicant is proposing to construct a detached accessory building at the subject property. The proposed building is shown to be 36 ft. by 48 ft. (1728 sq. ft.). In addition to the proposed building, there is an existing attached garage (1071 sq. ft.) and 3 existing detached sheds (140 sq. ft., 80 sq. ft. and 120 sq. ft.). The combined area of the existing and proposed accessory buildings is 3139 sq. ft. The maximum allowed for the subject property is 1444 sq. ft. A variance of 1695 sq. ft. is being requested. The height and location of the proposed building meets the zoning requirements.***

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision.

***MOTION to APPROVE case #PZBA22-001 extending the timeframe of variances previously granted in case #PZBA21-006, until February 16, 2023***

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision.

***MOTION to DENY case #PZBA22-001 extending the timeframe of variances previously granted in case #PZBA21-006, until February 16, 2023***

**Case No. PZBA22-003**

**Property:** 5825 Highland Rd  
**Applicant:** Gerald Kowalski  
**Zoning:** C-4, Extensive Business  
**Site Use:** Automotive Dealership

**Proposal:** Electric vehicle charging stations

**Analysis**

The applicant recently applied for an electrical permit for electric vehicle charging stations. The applicant was not aware that a site plan review of the charging stations would be required, prior to installation. The stations and required equipment were installed and it was then determined that a variance would be needed for the location. The ordinance states that they cannot be located within a required yard setback. The minimum side yard setback for the subject property is 20 ft. While the charging units meet the required setback, the equipment associated with the units do not. The site plan provided indicates the equipment is located 11 ft. from the side property line. While Planning staff is not opposed to the requested variances, the applicant will still be required to submit a revised site plan to Planning staff for review.

*The applicant has provided information addressing the standards listed below on the “Supplemental Information” sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.*

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-003 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-003 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.*

- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

*(Evidence provided: \_\_\_\_\_)*

**Case No. PZBA 22-004**

**Property:** 360 Hickory Nut Dr  
**Applicant:** Darrell DeAngelo  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Attached garage

**Analysis**

The applicant is proposing to construct an attached garage at the existing house. The garage is shown to be 20 ft. by 20 ft. The existing house is 51 ft. from the front property line. The proposed garage is shown to be located 31 ft. from the front property line. A minimum setback of 35 ft. would be required.

*The applicant has provided information addressing the standards listed below on the “Supplemental Information” sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.*

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-004 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-004 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

*(Evidence provided: \_\_\_\_\_)*

**Case No. PZBA22-006**

**Property:** 4958 Sherwell Dr  
**Applicant:** Brian & Debra Rodgers  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Generator

**Analysis**

The applicants are requesting a variance for the location of the proposed generator. They are requesting a variance to place it within the side yard. The proposed generator is shown to be located 1.6 ft. from the east side property line. A minimum of 5 ft. is required. Due to the close proximity to the side property line, a variance from the screening requirements would also be required. The applicants have provided letters of support from the adjacent neighbors.

*The applicant has provided information addressing the standards listed below on the “Supplemental Information” sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.*

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-006 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

(Evidence provided: \_\_\_\_\_ )

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-006 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

(Evidence provided: \_\_\_\_\_ )

**Case No. PZBA22-007**

**Property:** 2810 Woodbine Dr  
**Applicant:** Bill & Shannon Johns  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Proposed A/C and generator

**Analysis**

The applicants are requesting variances for the placement of two new A/C units and a generator at the new house. The site plan submitted shows the proposed units to be placed with the south side yard. One A/C unit is shown to be located 4.1 ft. from the south side property line. The other A/C unit is shown to be located 4.2 ft. from the south side property line. The generator is shown to be located 2.0 ft from the south side property line. The minimum required setback is 5 ft. Due to the close proximity to the south side property line, they are also requesting a variance to waive the screening requirements.

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-007 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_ )*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-007 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

*(Evidence provided: \_\_\_\_\_ )*

**Case No. PZBA22-008**

**Property:** 6942 Hatchery Rd  
**Applicant:** Lorrie Kobylik  
**Zoning:** R-1C, Single-Family Residential

Site Use: Single Family Residential

Proposal: Addition

**Analysis**

The applicant is proposing to construct an addition to the house at the subject property. The addition is shown to be located on the west side of the house. The proposed addition is shown to be located 10.6 ft. from the west side property line. The zoning of the subject lot only requires a minimum setback of 5 ft. from the side property line. However, the side property line is a canal. There is a minimum setback of 25 ft. required from canal. Therefore, a 14.4 ft variance is required.

*The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.*

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-008 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-008 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

*(Evidence provided: \_\_\_\_\_)*

**Case No. PZBA22-010**

**Property:** 5100 Dixie Hwy  
**Applicant:** Drayton Plains (MI) LLC c/o W. P. Carey Inc.  
**Zoning:** C-4, Extensive Business  
**Site Use:** Proposed Commercial Storage Establishment  
**Proposal:** Appeal of the September 28, 2021, Planning Commission Special Approval Decision in Case No PRSA #21-09-02 and Denial of Conceptual Site Plan #21-0661-B

**Analysis**

Drayton Plains (MI) LLC c/o W. P. Carey Inc. has requested an appeal to the Zoning Board of Appeal of the **September 28, 2021, Planning Commission Special Approval Decision in Case No PRSA #21-09-02 and Denial of Conceptual Site Plan #21-0661-B (13-04-433-008)**. Attached you will find the following information:

- Letter from Joellen Shortley, the attorney for Waterford Township, in reference to the request for appeal
- Planning Commission Review and Approval Criteria, including motion template
- Staff generated aerial photos of subject property
- Public comment received for the February 15, 2022 Zoning Board of Appeals Meeting - Case #PZBA22-010
- Zoning Board of Appeals Application from Drayton Plains (MI) LLC c/o W. P. Carey Inc. which includes their statement of appeal, various information and zip drive containing a video copy of the September 28, 2021 Planning Commission Meeting
- Documents of the record for the September 28, 2021 Planning Commission Meeting
  1. Staff Report
  2. Location Map
  3. Aerial Map
  4. Master Plan Map
  5. Zoning Map
  6. Site Plan Application
  7. Special Use Application
  8. Site Plan
  9. Storage Facility Locations
  10. Public Comments
  11. Staff Power Point Presentation
  12. Agenda and Minutes from the September 28, 2021 Planning Commission Meeting
  13. Sign in sheet from the September 28, 2021 Planning Commission Meeting
  14. Notification and address list from the September 28, 2021 Planning Commission Meeting
  15. Proof of publication from the September 28, 2021 Planning Commission Meeting



16. Petitions from residents to deny the request as presented to the Planning Commission on September 28, 2021 by Drayton Plains (MI) LLC c/o W. P. Carey Inc.
  - Staff Letter of the September 28, 2021 Planning Commission Decision