

- I. Call the Meeting to Order
Acting Chairman, Stan Moore called the meeting to order at 4:00p.m.

- II. Roll Call
Present: Stan Moore, Vice Chairman
Rick Schneider, Board Member
Todd Bonnivier, Board Member
Steve Reno, Board Member
Jerry Frericks, Alternate Board Member

Absent: David Zuehlke, Chairman
Karent Joliat, Secretary
Todd Hoffman, Board Member

General Public: Approximately 11

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Rob Merinsky, Director/Engineering
Brent Gibson, Superintendent/Building

- III. Approve the Minutes of the November 19, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Reno

*Supported by Schneider; RESOLVED to **APPROVE** the Minutes of the November 19, 2019 meeting as printed.*

MOTION CARRIED UNANIMOUSLY

(5-0)

- IV. Approve the Agenda of the February 18, 2020, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Reno

*Supported by Bonnivier; RESOLVED to **APPROVE** the February 18, 2020 Agenda.*

MOTION CARRIED UNANIMOUSLY

(5-0)

- V. Old Business

- VI. New Business

Case No. PZBA20-001

Sidwell No. 13-26-151-034, Section 26, WLY ½ of Lot 137, also all of Lots 138 & 139, “Elizabeth Park Acres”, T39, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3-302.3.A(6) to allow the proposed detached accessory building to be located within a side yard. (Detached accessory buildings shall not be erected in any yard except a rear yard)

Property Location: 291 Lansing Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: James Harper

Applicant or representative present: James Harper

Mr. Harper stated that he lives on a lake which makes the lakeside his front yard and there is no room for a garage in his rear yard. The only place to locate the garage would be in the side yard.

Board Member Moore questioned if the existing garage would be removed.

Mr. Harper stated it would be removed once the new garage was completed.

During the public portion of the meeting, the following spoke in favor of this request.

Dennis Arning 315 Lansing Drive, a resident for over 30 years expressed his support for the request. He felt the improvements would improve the neighborhood.

Board Member Bonnivier questioned if the shed would be removed.

Mr. Harper stated he did not plan to remove the shed.

Board Member Schneider questioned the construction of the garage.

Mr. Harper indicated it would be two stories to accommodate a car hoist and space above. The second story would be facing the lake.

Board Member Moore questioned if there would be living space in the garage.

Mr. Harper said there would not be living space in the garage.

MOTION AND VOTE

Moved by Reno

*Supported by Bonnivier; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA20-001 based upon the information*

presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION CARRIED UNANIMOUSLY

(5-0)

Case No. PZBA20-002

Sidwell No. 13-22-201-016, Section 22, Lot 30 & E ½ of Lot 31, "Watchpocket Plat", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 46.9 ft. variance from Section 3-901 Footnote 4 to allow the proposed sunroom addition to come to within 10.6 ft. of the north lakefront shoreline. (57.5 ft. minimum required for subject property)
2. A 37 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered deck addition to come to within 20.5 ft. of the north lakefront shoreline. (57.5 ft. minimum required for subject property)

Property Location: 4260 South Shore St
Property Zoned: R-1C, Single-Family Residential
Applicant: Toni Cerny

Applicant or representative present: Toni Cerny; Neno Tansy

Mr. Tansy explained construction that has been done up to this point. He indicated he had an approved permit to construct the lower level deck. He stated working with staff to confirm what could be constructed. Additional, it was discussed what would require a variance. He stated the homeowner desired the covered decks to assist in care for her parents. They wanted to make the decks accessible. The upper deck would be close to what currently existing, with regards to the lakefront setback.

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

Terry Beadle, 4204 South Shore, normally is against any variance on the lakeside because of past issues. He expressed his confusion as to what was being presented.

Mr. Tansy indicated they were not extending the house. The proposal is to cover the newly constructed deck. The existing house is one of the original houses constructed on the lake and is very close to the shoreline. He explained the current site conditions and how they would be improved by the request.

Mr. Beadle questioned the proximity to the shoreline.

Mr. Tansy indicated the location of the lower deck and that the upper deck was basically expanding up and to the side. Not towards the shoreline.

Ms. Cerny further explained the request and proposed work.

Mr. Tansy stated that the existing decks were built prior to purchase and are not in compliance. He plans to make them compliant and safe.

Board Member Bonnavier questioned the approvals for the newly constructed deck.

Mr. Tansy indicated that it has permits and complies.

Board Member Bonnavier questioned the proposed construction.

Mr. Tansy further explained the request and site conditions. He indicated the plans submitted were incorrect and that a sunroom was not proposed. Just a covered deck.

Jeff Urian, 4306 South Shore, felt the existing deck is already too close to the water. He felt the proposal would encroach on the lake views. He did not feel it was necessary to enjoy the lake house. He indicated he was opposed to the request.

Mr. Tansy indicated the approval for the existing deck and that the original deck was in a similar located. He stated that they are not wanting to enclose any walls. However, the plans submitted show a proposed sunroom with walls and windows.

Mr. Urian expressed his concerns regarding the height of the building and that the lake views would be blocked. He felt the request would set a precedence and allow others to propose similar requests. He expressed his opposition to the request.

Board Member Frericks questioned the material being used.

Mr. Tansy explained the materials that would be used. He felt the proposal would not be blocking view.

Board Member Moore questioned if previous variance were required.

Staff indicated they were not needed.

Board Member Schneider questioned what was already approved.

Mr. Tansy indicated the currently constructed deck was approved. He indicated they could construct the second story deck and enclose it without variances. Variances were only needed for the overhang. Again, he stated that he felt the proposal would not block lake view and that current site conditions prevent view through the site anyway.

Further discussion continued between the Board and applicant regarding the construction of the proposed improvements.

Board Member Moore question staff on what the Building Department would need to see.

Brent Gibson, Building Superintendent, stated that he was a bit confused by the request and has not seen the plans.

Board Member Moore indicated the applicant has submitted plans for a proposed sunroom.

Mr. Gibson stated that what will be needed depends upon what is being proposed to be built.

Further discussion continued between the Board, applicant and staff regarding what was proposed and the requirements that would be needed.

Board Member Reno stated that he was not in support of the request as it has been presented. He suggested the applicant work with the Building Department to clarify.

Board Member Moore stated the drawings and request did not match what the applicant indicated would be constructed.

MOTION AND VOTE

Moved by Reno

*Supported by Bonnivier; to find that practical difficulties do not exist and to **DENY** the variance(s) requested in ZBA Case No. PZBA20-002 based upon the applicants failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:*

Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.

MOTION CARRIED UNANIMOUSLY

(5-0)

VI. Discussions

VII. All Else

Election of Officers

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; RESOLVED to **TABLE** the election of officers until the March 18, 2020 meeting when more members are present.*

MOTION CARRIED UNANIMOUSLY

(5-0)

VIII. Public Comment

IX. Adjourn the Meeting

MOTION AND VOTE

Moved by Reno

*Supported by Bonnivier; RESOLVED to **ADJOURN** the meeting AT 4:40 PM.*

MOTION CARRIED UNANIMOUSLY

(5-0)

Case No. PZBA20-001

Property: 291 Lansing Dr
Applicant: James Harper
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory building

Analysis

The applicant is requesting a variance to allow the proposed detached accessory building to be located within the side yard. The ordinance only allows detached accessory buildings to be located in a rear yard. The subject property is lakefront. Therefore, the rear yard is the area between the house and the road side property line. The existing house is shown to be approximately 15 ft. from the property line. This would not allow for the placement of the proposed building within a location that would conform to the ordinance requirements. Currently, there is a detached accessory building on the subject property. The garage is in disrepair. The applicant has indicated the existing building would be removed with the construction of the new building.

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. PZBA20-001 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. PZBA20-001 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. PZBA20-002

Property: 4260 South Shore St
Applicant: Toni Cerny
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Sunroom addition and covered deck

Analysis

The applicant is proposing to construct a sunroom addition and covered deck at the subject property. The applicant current has a permit for a new uncovered deck. The applicant would like to enclose a portion of the deck for a sunroom and cover another portion of the deck. The subject property is lakefront. Based upon the average setback of the houses within 200 ft. of the subject property, the minimum lakefront setback is 57.5 ft. The proposed sunroom addition is shown to come to within 10.6 ft. of the lakefront shoreline. The proposed covered porch is shown to come to within 20.5 ft. of the lakefront shoreline.

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. PZBA20-002 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. PZBA20-002 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: _____)
