

- I. Call the meeting to order.
Vice chairman Crake called the meeting to order at 3:58pm.

Roll Call.

Present: Gary Crake, Vice chairman
Colleen Murphy, Board Member
Todd Hoffman, Board Member
Stan Moore, Board Member
Rick Schneider, Alternate Board Member
Todd Bonnivier, Alternate Board Member

Absent: David Zuehlke, Chairman
Karen Joliat, Board Member
Steve Reno, Board Member

General Public: Approximately 5

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

- II. Approve the Agenda of the **February 20, 2018**, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; RESOLVED to **APPROVE** the Agenda of the February 20, 2018 regular meeting of the Zoning Board of Appeals.*

MOTION CARRIED UNANIMOUSLY

(6-0)

- III. Approve the Minutes of the **February 13, 2018**, special meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; RESOLVED to **APPROVE** the Minutes of the February 13, 2018 special meeting of the Zoning Board of Appeals as printed.*

MOTION CARRIED UNANIMOUSLY

(6-0)

IV. PUBLIC HEARINGS

OLD BUSINESS**NEW BUSINESS****Case No. 5503**

Sidwell No. 13-35-457-001, Section 35, Lots 80 & 81, "Venice of the Lakes," T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 5.0 ft. variance from Section 3-302.3.A(4) to allow the existing detached accessory building to remain within 0.0 ft. of the northwest side property line. (5 ft. minimum required)
2. A 30.0 ft. variance from Section 3-302.3.A(4) to allow the existing detached accessory building to remain within 5.0 ft. of the southwest front property line. (35 ft. minimum required)

Property Location: 1401 Rossdale Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Concettina Valente

Applicant or representative present: Concettina Valenta

The applicant was not present when the meeting was called to order. The public portion of the meeting was opened for comment.

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

Mr. Simchak, owner of 1397 Rossdale, said that he was not in support of this request. He indicated that the survey he recently had completed indicated that the shed was approximately 1 ft. over the property line and onto his property. He said the shed that was originally on the property, was located on the other side of the house. The applicant has since removed the shed.

Tracie Spatafore, of 1392 Rossdale spoke in opposition to the requested variances.

Ms. Valente stated that she hired a contractor to install the shed. She indicated speaking with the Township and was told permits were not required for the shed. She implied that the neighbor was aware of the location of the shed during construction and did not express a concern regarding the location. She stated she needed the shed to store seasonal equipment, as she did not have a basement.

Discussion continued between the Board, the applicant, Mr. Simchak and staff. The Board questioned the applicant as to the original location of the shed. The Board questioned the location of widows on the neighboring house in relation to the shed. The Board questioned staff regarding receiving a copy of Mr. Simchak's survey. The Board questioned the possibility of relocating the shed to another location on the property. The Board recognized that many of the structures in the area are non-conforming. Staff indicated that Mr. Simchak's survey was not part of the case file. Staff further confirmed that if the shed was relocated to other locations on the property a variance would still likely be required.

MOTION AND VOTE

Moved by Murphy

*Supported by Moore to **DENY** Case No. 5503 as the shed is located too close to the buildings and does not meet setback requirements.*

MOTION DIED due to lack of quorum (vote of 3-3).

Board members Murphy, Moore and Crake voting to approve the motion.

Board members Hoffman, Schneider and Bonnivier voting to deny the motion.

MOTION AND VOTE

Moved by Murphy

*Supported by Moore; **RESOLVED to TABLE** the request until the March 20, 2018 meeting to allow for any or all of the following: a full Board, additional documentation, and/or revisions to the request.*

MOTION CARRIED UNANIMOUSLY

(6-0)

VI. Adjourn the meeting.

Meeting adjourned at 4:19pm

Case No. 5503

Property: 1401 Rossdale Dr
Applicant: Concettina Valente
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Allow the existing shed to remain

Analysis

On May 25, 2017 a complaint was received regarding the construction of a shed too close to the property line. On June 22, 2017 the inspector was out to verify the complaint. While the shed was less than 200 sq ft and did not require a building permit, it would still be required to meet the minimum setback requirements. The property owner was notified of the requirement. An additional notice was also sent on July 23, 2017. On August 25, 2017 a Zoning Board of Appeals application was received. However, the applicant did not have the required survey. She indicated that she was notified by the

surveyor that it would be several weeks until the survey would be completed. A message was left with the applicant on November 20, 2017 checking on the status of the survey. The survey was received shortly afterwards. Code enforcement was not aware that this was received and issued a citation for the case. At the February 8, 2018 district court hearing, the judge was made aware of the upcoming ZBA meeting and it is my understanding that the case was postponed pending the ZBA decision.

The applicant is requesting a variance to allow the existing shed to remain. The shed is shown to have an approximate area of 100 sq. ft. As stated above, it would not require a building permit, but would still be required to meet the minimum setback requirements. For the subject property, the shed would need to maintain a minimum setback of 5 ft. from the side property line. The survey indicates it is at a 0 ft. setback. In addition, when an accessory building is within 10 ft. of the primary building, it must meet the minimum requirements as the primary building. With this site, a minimum setback on 35 ft. from the roadside property line is also required. The shed is shown to be 5 ft. from the property line.

The applicant is arguing that a shed has always existed at the property. She has provided real estate listings dating back to 1998 where in the exterior feature description a "shed" is identified. However, these listings do not indicate the location and/or size of the shed. The applicant has also provided several photos of the current shed and many other photos of other buildings/structures that I believe she feels do not meet the minimum setback requirements. Looking at the survey provided, there may not be a location in which to locate the shed without a variance. A minimum setback of 35 ft. is required from the road side property line, a minimum setback of 5 ft. from the side yard property lines and a minimum setback of 25 ft. from the canal. If it is within 10 ft. of the primary building it must also meet a minimum 35 ft. setback from the rear property line.