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CHARTER TOWNSHIP OF WATERFORD  
ZONING BOARD OF APPEALS REGULAR MEETING

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

I. Chairman Zuehlke called the Meeting to Order at 4:00 P.M.

II. Roll Call

III. Present:                 Dave Zuehlke, Chairman  
                                   Stan Moore, Vice Chairman  
                                   Todd Bonnivier, Secretary  
                                   Marie Hauswirth, Board Member  
                                   Todd Hoffman, Board Member  
                                   Rick Schneider, Board Member  
                                   Sue Camilleri, Alternate Board Member

Absent:                         Art Frasca, Board Member

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

General Public:             14 People

IV. Approve the Minutes of the February 15, 2022 regular 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 15, 2022 Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

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

**MOTION AND VOTE**

*Moved by Moore*

*Supported by Hauswirth; RESOLVED to **APPROVE** the Agenda of the March 15, 2022*

*Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

VI. Old Business

**MOTION AND VOTE**

*Moved by Moore*

*Supported by Camilleri; to **UNTABLE** Case No. PZBA22-002*

**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

Applicant or representative present: Wesley & Linda Garrett

**Wesley Garrett** stated that his daughter wanted a tree house, since we were going through Covid and could not take our kids to play; we decided to check with the neighbors to see if they were ok with it.

**Mr. Garrett** had his daughter go and talk to the neighbors and ask if they were ok with it, and they said yes.

**Mr. Garrett** said that he started the tree house in May of 2021 and that it was going to be a temporary structure. The neighbors came to look at it while he was building it and did not mention any concerns. He said he made sure it was structurally sound and

made sure that it matched the home, it was also camouflaged by the branches of the tree, and it was finished in July of 2021. In November of 2021, he said he received a code enforcement complaint about the structure.

**Mr. Garrett** said he went to his immediate neighbors and they signed that they were fine with it.

**Chairman Zuehlke** asked if he has an association and if he talked to them about the tree house.

**Mr. Garrett** stated he went to the association after he received the code enforcement letter. They did not have concerns until after they were alerted.

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

**Robert George, 2995 St. Jude**, stated his home is adjacent to the Garrett's. Their daughter came over to his house in October of 2020 and asked if it was ok if her Dad built a tree house. Thought that this structure was going to be a platform with a ladder or a rope, what he built was a sizeable room.

**Mr. George** said he is not happy with the structure and did not contact him or want to make trouble. He said he bought a house on a lake and expects a lake view.

**Mr. George** also stated that he submitted pictures and you can see from them that it blocks his right side view of the lake.

**Mr. George** said the association contacted him and they asked him his thoughts and feelings on it and he told them he is not happy with it and thinks it is too close to the property line. He does not think it is allowable by the association to have an outbuilding.

**Chairman Zuehlke** asked Mr. George if he has a copy or if it is in the bylaws.

**Mr. George** said he did not and the association told him it was not allowed.

**Mr. George** stated that Mr. Garret did a good job building it but it is in a way in his back yard too.

**Kimberly Crane, 2963 Lola Ct.**, Board member of the Jayno Heights Land Owners Association, stated in July of 2021 the structure was brought to the attention of the President and he did not follow up on the complaint.

**Chairman Zuehlke** asked if the Association is registered every year.

**Ms. Crane** answered yes.

**Chairman Zuehlke** noted it did not need a permit.

**Township Staff** stated the structure was under 200 sq ft and did not require a building permit.

**Ms. Crane** stated that the bylaws, which are part of the property owners deed restrictions, states nothing can be built here without prior approval from the restrictions committee.

**Ron Loch, 2426 Silver Pointe Dr.**, stated he lives on the lake, appreciates the views, and wants to protect them. They should have come to the Township first and could have had the discussion of what was needed before it was built. He is worried they will be setting a precedent for building these type of structures if it is approved.

**Bruce Heckman, 2983 Stephanie Ct.**, stated this is a very large tree house and it sets a precedent with the amount of open space area, we have small lots on the lake and would make encroachments worse.

**Chairman Zuehlke** public portion of the meeting is closed.

**Chairman Zuehlke** stated if this was built on the ground, it would have been approved and it would have met setbacks with marginally altering the pitch of the roof. We do have rules that we are trying to enforce, understands everyone's concerns.

**Board Member Hauswirth** stated she understands both sides with having kids and living on a lake and lake view rights are important, would like to see a compromise to modify and meet everyone's expectations.

**Board Member Camilleri** agreed with bringing it down out of the tree and modify the roof slightly so it would meet the zoning ordinances and would not block the views of the lake.

**Chairman Zuehlke** stated he has a different opinion that with it up higher you can see the lake under it.

**Linda Garrett** stated that is what we were thinking that the limbs of the tree will camouflage it and you can definitely see and have a view under it.

#### **MOTION AND VOTE**

*Moved by Camilleri*

*Supported by Bonnavier; to find that practical difficulties do not exist and to **DENY** the variance(s) as requested in ZBA Case No. PZBA22-002 based upon the Applicant's failure to demonstrate that the review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

*(4-3) Hoffman, Moore and Zuehlke OPPOSED*

## VII. New Business

**Case No. PZBA22-011**

**Sidwell No. 13-04-253-015**, Section 4, Lot 8, "Waterford Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 10.0 ft. variance from Section 3-900 to allow the proposed building to be located 10.0 ft. from the southeast side property line. (20 ft. minimum required)
2. A 9.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 8.0 ft. from the southeast side property line. (17 ft. minimum required)

**Property Location:** Vacant Dixie Hwy (between 5440 & 5400 Dixie Hwy)  
**Property Zoned:** C-3, General Business  
**Applicant:** AC Tire & Service Center, Inc – Michael Clancy

Applicant or representative present: Michael Clancy & Patrick McWilliams - Kieft Engineering Inc.

**Michael Clancy**, Owner of the business stated they would like the ability to repair trailers in the building. They will be able to move the trailers with a tractor to get them into the building and therefore do year around repairs.

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

**Board Member Hauswirth** asked if there would be storage of trailers outside of the building.

**Mr. Clancy** said no, only parked during the day when they are waiting to be picked up.

**MOTION AND VOTE**

*Moved by Hoffman*

*Supported by Bonnavier; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-011 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. PZBA22-012**

**Sidwell No. 13-10-402-012**, Section 10, NWLY 97 FT OF LOT 18, "Supervisor's Plat No 22", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** 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:** 4355 Dixie Hwy  
**Property Zoned:** C-2, Small Business  
**Applicant:** Kieft Engineering, Inc – Casey Leach, P.E.

Applicant or representative present: Casey Leach – Kieft Engineering Inc.

**Casey Leach** stated the variance is for an addition to the kitchen.

**Chairman Zuehlke** parking for this business needs to be only on their own lot.

**Mr. Leach** said they are working with the Township to use Township property for extra parking.

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

**Susan Habel, 4315 Dixie Hwy** – owner of Burke Building Center stated she is worried about the embers from the smokers blowing over to her lumberyard next door.

**Chairman Zuehlke** stated we are here to give permission to the variance request for an addition to a current non-conforming building.

**Board Member Schneider** stated the front of the building is non-conforming and the addition meets rear setbacks.

**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. PZBA22-012 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. PZBA22-013**

**Sidwell No.13-35-277-011**, Section 35, Lot 265, ALSO PART OF LOT 266, "The Meyering Land Company's Cass-Sylvan Lakes Community Sub No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 20.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed sunroom addition to be located 17.0 ft. from the northwest lakefront shoreline. (37 ft. minimum setback required for subject property)

**Property Location:** 970 Wyman Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Great Day Improvements

Applicant or representative present: Mike Roberts – Great Day Improvements

**Mike Roberts** stated that the homeowner is looking for a two-foot bump out to build a second floor solarium with the same roofline as the current roof.

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

**Board Member Camilleri** commented this was a modest request and with how the shoreline is, it will not block views of the lake.

#### **MOTION AND VOTE**

*Moved by Schneider*

*Supported by Hauswirth; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-013 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. PZBA22-014**

**Sidwell No. 13-07-438-007**, Section 7, Lot 9, "Ideal Country Club", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 34.0 ft. variance from Section 3-900 to allow the proposed attached garage to be located 1.0 ft. from the south front property line. (35 ft. minimum required)
2. A 31.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 0.5 ft. from the south front property line. (32 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:** 2816 Rowan Blvd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Jeanine Duguay & Mark Brummitt

Applicant or representative present: Mark Brummitt & Jeanine Duguay

**Chairman Zuehlke** commented the property is on a curve, but it would be a hard sell for them to present that the variance should be granted.

**Mark Brummitt** stated that the garage would be far enough from the road to not worry about mail trucks & plow trucks.

**Mr. Brummitt** also said they would have enough room to turn out of the driveway.

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

**Pauline Bandlow**, 2781 Sunderland – Stated she has lived two lots away for 22 years. How many feet between the paved road and the property line?

**Ms. Bandlow** expressed concern about being able to have a pedestrian get off the road if needed.

**Ms. Bandlow** also has concerns about the abandoned road next to this address and how and where will their guests park, on the side of the road at the dangerous corner?

**Ralph Rehme**, 2820 Sunderland – Stated concerns about parking and walking dogs in the neighborhood, this is a dangerous corner, does not agree with the variance.

**Meredith Morgan**, 2810 Sunderland – Stated concerns about how far off the road the garage will be and the walking pedestrians.

**Chairman Zuehlke** concerned about

**Board Member Bonniver** asked if they could build a smaller garage so it is not as close to the road.

**Mr. Brummitt** stated yes that they could discuss changing the size of garage.

**Board Member Moore** stated they could cut it down to a 24 x 15 garage instead, then they would be far enough from the road and still drive through and then they would have a 24 ft. variance request and it would be 11 ft. from property line.

## MOTION AND VOTE



*Moved by Camilleri*

*Supported by Moore; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-014 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 following **STIPULATIONS:***

*The requested variances be modified to the following:*

- 1. A 24.0 ft. variance from Section 3-900 to allow the proposed attached garage to be located 11.0 ft. from the south front property line. (35 ft. minimum required)*
- 2. A 21.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 10.5 ft. from the south front property line. (32 ft. minimum required)*

*And that the encroaching structure on the abandoned roadway be removed.*

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

VII. Discussions

VIII. All Else

IX. Election of Officers

1. Chairperson

a. Nominations

Board Member Moore nominated Dave Zuehlke, supported by Hoffman

b. Vote(s) to elect carried (6-0)

2. Vice-Chairperson

a. Nominations

Board Member Hoffman nominated Stan Moore, supported by Camilleri

b. Vote(s) to elect carried (6-0)

3. Secretary

a. Nominations

Board Member Zuehlke nominated Todd Bonnivier, supported by Hoffman

b. Vote(s) to elect carried (6-0)

Public Comment

XI. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 5:05 p.m.

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. PZBA22-002**

**Property:** 2999 St. Jude  
**Applicant:** Wesley & Linda Garrett  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Allow existing treehouse to remain.

**Analysis**

This case was tabled from the February 15, 2022 regular meeting at the request of the applicant. The original case review is below:

The applicants are requesting variances to allow the existing treehouse to remain at the subject property. The structure is located on the lakefront side of the house. It is shown to be located on an elevated platform/deck, 8 ft. in height. The structure itself it shown to have a height of 9 ft. The combined height of the structure/deck is 17 ft. (see photos).

The ordinance regulates the location, size and height of buildings/structures located within the required lakefront setback. The minimum required lakefront setback for the subject property is 80 ft. The structure is shown to be located 57 ft. from the shoreline. The maximum size allowed for buildings/structures located within the required lakefront yard is 80 sq. ft. The existing structure (structure and deck combined) is shown to have an area of 120 sq. ft. The maximum height allowed for buildings/structures located within the require lakefront yard is 8 ft. The existing structure (structure and deck combined) is 17 ft. Therefore, variances are required for the location, height and size of the existing treehouse.

On October 26, 2021, a complaint was received by the Township with regards to the treehouse. A violation notice was sent out on October 28, 2021. The applicants submitted their ZBA application November 24, 2021. The first available meeting in which their request could be heard is the February 15, 2022 meeting.

*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. PZBA22-002 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. PZBA22-002 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: \_\_\_\_\_)*

**Case No. PZBA22-011**

**Property:** Vacant Dixie Hwy (between 5440 & 5400 Dixie Hwy)  
**Applicant:** AC Tire & Service Center, Inc – Michael Clancy  
**Zoning:** C-3, General Business  
**Site Use:** Auto Repair Center  
**Proposal:** Proposed building

**Analysis**

The applicant is requesting a variance to allow the proposed building to be constructed at the subject property. The building is shown to be located 10 ft. from the southeast side property line, where a minimum setback of 20 ft. is required. The applicant owns the auto repair center adjacent to the subject property (across Rural St). They indicated the need for the requested variance is to allow for maneuvering on the site. The subject property is 100 ft wide and the proposed building is shown to be 50 ft. wide. The reduced setback would allow for a 40’ wide area.

*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. PZBA22-011 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. PZBA22-011 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. PZBA22-012**

**Property:** 4355 Dixie Hwy  
**Applicant:** Kieft Engineering, Inc – Casey Leach, P.E.  
**Zoning:** C-2, Small Business  
**Site Use:** Restaurant

**Proposal: Building addition**

**Analysis**

The applicant is requesting a variance to construct an addition on the existing building. The subject property was recently purchased by Jack’s Roadside BBQ. They are proposing an addition onto the building to allow for additional food prep/storage space and indoor seating. The existing building is nonconforming, in that it does not meet the minimum front setback. The addition is shown to be located onto the back of the building. No other variances are shown to be needed.

*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. PZBA22-012 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. PZBA22-012 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. PZBA22-013**

**Property:** 970 Wyman Dr  
**Applicant:** Great Day Improvements  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Sunroom addition

**Analysis**

The applicant is requesting a variance to construct a sunroom addition on the lakefront side of the existing house. The addition is shown to be located 17 ft. from the shoreline. Based upon the average lakefront setback of the houses within 200 ft. of the subject property, the minimum required setback is 37 ft. Therefore, a variance of 20 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. PZBA22-013 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. PZBA22-013 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. PZBA22-014**

**Property:** 2816 Rowan Blvd  
**Applicant:** Jeanine Duguay & Mark Brummitt  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Attached garage

**Analysis**

The applicants are requesting a variance to construct an attached garage on the existing house. The house is nonconforming, in that it does not meet the minimum front setback of 35 ft. (the house is shown to be located 27 ft. from the front property line). The proposed attached garage is shown to be located 1 ft. from the front property line. Additionally, a 6 in overhang is also proposed. The proposed garage is shown to be a side entry, pull through garage, approximately 24 ft. wide by 26 ft. deep. The site plan indicates the existing carport, shown on the east side of the house, is going to be removed.

*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. PZBA22-014 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. PZBA22-014 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: \_\_\_\_\_ )*