
**CHARTER TOWNSHIP OF WATERFORD
NOTICE OF ZONING BOARD OF APPEALS REGULAR MEETING**

Based on the COVID-19 Local State of Emergency declared and confirmed as continuing by Resolution of the Board of Trustees on December 9, 2020, **this meeting will be held by electronic remote access that provides 2-way telephone or video conferencing** as permitted by the Open Meetings Act as amended by Public Act No. 254 of 2020, and the Electronic Remote Meeting Procedures approved by Resolution of the Board of Trustees on December 9, 2020.

The public may participate in each meeting through GoToMeeting by computer, tablet or smart phone using the following link:

<https://global.gotomeeting.com/join/423683333>

You can also dial in using your phone.

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

Access Code: 423-683-333

I. Call the Meeting to Order

Chairman Zuehlke called the meeting to order at 4:04 p.m.

II. Roll Call

Present:

David Zuehlke, Chairman, Waterford, MI
Stan Moore, Vice Chairman, Cape Coral, FL (arrived late)
Marie Hauswirth, Board Member, Waterford, MI
Todd Hoffman, Board Member, Waterford, MI
Rick Schneider, Board Member, Waterford, MI
Todd Bonnivier, Board Member, Waterford, MI

Absent:

Steve Reno, Board Member

Also Present:

Stacy St.James, Environ. And Housing Rehab Coordinator
Amy Williams, Departmental Aide both remote from Waterford, MI

General Public:

Approximately 15

III. Approve the Minutes of the February 16, 2021, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Hauswirth

Supported by Hoffman; RESOLVED to APPROVE the Minutes of the February 16, 2021 meeting as written.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(5 - 0) with Board Member Moore absent.

- IV. Approve the Agenda of the March 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 AMMENDED Agenda of the March 16, 2021 regular meeting of the Zoning Board of Appeals TABLING Case No. PZBA21-016 to the April 20th, 2021 meeting.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(5 - 0) with Board Member Moore absent.

- V. Old Business

Case No. PZBA20-026

Sidwell No. 13-08-178-015, Section 8, Lot 15, "Whitfield Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2.5 ft. variance from Section 3-900 to allow the proposed attached accessory building to be located 32.5 ft. from the east lake rear property line. (35 ft. minimum setback required)
2. A 2.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 29.5 ft. from the east lake rear property line. (32 ft. minimum setback 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: 2989 Lansdowne Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Allan Zelinski

Applicant or representative present: Allan Zelinski, Waterford, MI

MOTION AND VOTE

Moved by Hauswirth

Supported by Bonnivier; RESOLVED to UNTABLE Case No. PZBA20-026.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(5 - 0) with Board Member Moore absent.

Mr. Zelinski said he originally came before the Board in November with plans for a new house. Since that meeting, he has amended his request to only build a garage. He hoped the amended request would alleviate the concerns expressed at the last meeting. The house will remain as it is.

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

David Pernick, Clawson, MI, was present on behalf of the neighbor, Kyle Carson at 2995 Lansdowne. He stated that he did not oppose the request, but wanted clarification on the garage. He questioned whether the garage would be constructed as it was submitted with the application.

Mr. Zelinski indicated the garage will meet code and ordinance requirements.

MOTION AND VOTE

*Moved by Hoffman; Supported by Bonnivier; to find **that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA20-026** 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 BY ROLL CALL VOTE.

(4 - 0) unable to hear Board Member Schneider and with Board Member Moore absent

VI. New Business

Case No. PZBA21-009

Sidwell No. 13-33-277-037, Section 33, Lots 29-31 with exclusions, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 13.0 ft. variance from Section 3-900 to allow the proposed sunroom addition to be located 22.0 ft. from the north rear property line. (35 ft. minimum required)
2. An 11.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 21.0 ft. from the north rear property line. (32 ft. minimum required)

Property Location: 5122 Cohoctah Pl
Property Zoned: R-1C, Single-Family Residential
Applicant: James Hall (Funspace Direct, LLC)

Applicant or representative present: James Hall, Clinton Twp, MI

Mr. Hall said that strict compliance with the ordinance would be unnecessarily burdensome as his lot is very small and a smaller room would not be sufficient.

Chairman Zuehlke questioned the proximity to the wetlands.

Mr. Hall does not believe the wetlands encroaches onto this property.

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

Board Member Bonnavier questioned how this relates to neighboring properties.

Mr. Hall felt that granting the variance would still be consistent with the neighborhood.

MOTION AND VOTE

*Moved by Hauswirth; Supported by Hoffman; to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-009** 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 BY ROLL CALL VOTE.

(5 - 0) with Board Member Moore absent.

Case No. PZBA21-011

Sidwell No. 13-06-407-001, Section 6, Lot 226 & N ½ of Lot 227, "Mountain View Country Club", T3N, R9E, Waterford Township, Oakland County, MI

Requesting

1. A 12.0 ft. variance from Section 3-900 to allow the proposed attached accessory building to be located 23.0 ft. from the southwest lake rear property line. (35 ft. setback required)
2. A 9.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 22.6 ft. from the southwest lake rear property line. (32 ft. minimum required)
3. A 2.5 ft. variance from Section 3-900 to allow the proposed addition to remain 2.5 ft. from the northwest side property line. (5 ft. minimum required)
4. A 3.0 ft. variance from Section 2-104.2 to allow the roof eave and gutter to remain 2.0 ft. from the northwest side property line. (5 ft. minimum required)
5. A 1.5 ft. variance from Section 2-213.2.B(3) to allow the proposed addition to remain 23.5 ft. from the canal. (25 ft. minimum required)
6. 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: 3840 Iris Dr

Property Zoned: R-1C, Single-Family Residential
Applicant: Guanglong Luo

Applicant or representative present: Guanglong Luo, Lake Orion, MI

Mr. Luo has a very small lot, and would like to add an attached garage, and turn the existing carport to living space. He explained how the existing house and proposed garage related to the property lines and lakeshore. He felt the location of the proposed garage was the one good spot. He said he tried to minimize any impacts with the proposed request. He also stated the existing house had water and sewer.

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

MOTION AND VOTE

*Moved by Bonnavier; Supported by Hauswirth to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-011** 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 due to the fact that it is a difficult lot.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(6 - 0)

Case No. PZBA21-012

Sidwell No. 13-06-302-021, Section 6, Lots 358-361, "Mountain View Country Club", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 7.2 ft. variance from Section 3-900 to allow the proposed detached accessory building to be located 27.8 ft. from the west front property line. (35 ft. minimum required)
2. A 4.6 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 27.4 ft. from the west front property line. (32 ft. minimum required)
3. 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: 3934 Florine Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Kevin & Katie Gill

Applicant or representative present: Kevin Gill, Waterford, MI

Mr. Gill stated that he had been planning to build a garage since he purchased the property in 2019. He recently acquired the adjacent lot, which housed a garage previously. He stated that the wetlands on the rear of his property prevent him from placing a garage in the rear. However, there is plenty of room on the side. He is planning to place the garage in line with the existing house. He felt this was the best location for the garage.

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

MOTION AND VOTE

*Moved by Hauswirth; Supported by Hoffman to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-012** 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 BY ROLL CALL VOTE.

(6 - 0)

Case No. PZBA21-013

Sidwell No. 13-10-281-027, Section 10, Lots 13 & 14, "Rosemound Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 0.3 ft. variance from Section 3-900 to allow the proposed addition to remain 4.7 ft. from the east side property line. (5 ft. minimum required)
2. A 1.3 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to remain 3.7 ft. from the east side property line. (5 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: 4025 Rosemound Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Valerie & Angela Cantu

Applicant or representative present: Angela Cantu, Waterford, MI

Ms. Cantu said with their growing family, they wanted to add a garage. With their non-conforming property, it made sense to place it in the front. They do not have room to place the garage in the rear yard. She also stated it would be in line with the house, along the side.

Chairman Zuehlke supported the side entry garage.

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

Spiros Demopoulos, 4013 Rosemound, said that he supports this request.

MOTION AND VOTE

*Moved by Hoffman; Supported by Bonnivier to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-013** 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 BY ROLL CALL VOTE.

(6 - 0)

Case No. PZBA21-014

Sidwell No. 13-34-154-025, Section 34, Lots 1, 2, 21 &22, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 31.8 ft. variance from Section 3-900 to allow the proposed addition to be located 3.2 ft. from the north rear property line. (35 ft. minimum required)
2. A 29.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 2.2 ft. from the north rear property line. (32 ft. minimum required)

Property Location: 4860 Cass-Elizabeth Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Greg Thibodeau

Applicant or representative present: Greg Thibodeau, Waterford, MI

Mr. Thibodeau advised the Board that he wished to tear down the existing bedroom and re-build a new master bedroom in the same location. The proposed addition would be larger, but it would maintain the same distance to the property line as what is existing. He stated the small, oddly shaped lot made it difficult to construct an addition.

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

Board Member Bonnivier said that he visited the property and spoke with the owner. He stated Mr. Thibodeau owns the adjacent lot and he plans to angle the existing fence to allow for more room on this property.

MOTION AND VOTE

*Moved by Bonnivier; Supported by Hoffman to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-014** 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.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.
(6 - 0)**

Case No. PBA21-015

Sidwell No. 13-30-477-007, Section 30, E ½ of Lot 39, "Supervisor's Plat No 53", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 3.1 ft. variance from Section 3-900 to allow the proposed addition to be located 31.9 ft. from the north front property line. (35 ft. minimum required)
2. A 1.6 ft. variance from Section 3-900 to allow the proposed addition to be located 8.4 ft. from the west side property line. (10 ft. minimum required)
3. A 0.1 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 6.9 ft. from the west side property line. (7 ft. minimum required)

Property Location: 7295 Pershing
Property Zoned: R-1A, Single-Family Residential
Applicant: Jim & Monica Morgan

Applicant or representative present: Jeff Klatt, architect for the applicant, remote from Royal Oak, MI

Mr. Klatt stated the applicants have lived in the house over 45 years. He said that the existing house has very tight bedrooms, no basement and no garage. He felt the proposed addition was modest. It would provide needed space and allow for accessibility throughout the house.

Chairman Zuehlke voiced concerns with the grade and drainage adjacent to the garage addition.

Mr. Klatt said that he would address these concerns and come up with an appropriate drainage plan when applying for a building permit.

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

MOTION AND VOTE

*Moved by Bonnivier; Supported by Hoffman to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-015** 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 a drainage plan be submitted to the Building Department when applying for a building permit.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.
(6 - 0)**

Case No. PZBA21-016 – REQUEST TO BE TABLE TO APRIL 20TH MEETING

Sidwell No. 13-03-228-028, Section 3, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 93.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed detached accessory building to be located 33.0 ft. from the west lakefront shoreline. (126 ft. minimum required for subject property)
2. A 120 sq. ft. variance from Section 2-213.2.C to allow the proposed detached accessory building to have a maximum area of 200 sq. ft. (80 sq. ft. maximum for subject property)

Property Location: 4355 Sashabaw Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: Edward & Rosemarie Johnston

Case No. PZBA21-017

Sidwell No. 13-35-453-007, Section 35, NWLY ½ of Lot 454 & All of Lot 455, “Venice of the Lakes No 1”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 0.8 ft. variance from Section 3-900 to allow the proposed accessory structure to be located 4.2 from the northwest side property line. (5 ft. minimum required)
2. A 1.5 ft. variance from Section 3-900 to allow the proposed covered patio to be located 3.5 ft. from the northwest side property line. (5 ft. minimum required)

Property Location: 1274 Brambles Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Jeff Jozwick

Applicant or representative present: Jeff Jozwick, Waterford, MI

Mr. Jozwick wishes to put a roof over the existing patio. The proposed request would allow for the roof without having to tear up the existing patio to construct the support posts. He felt the request was in character with the neighborhood. He also felt it would create separation between him property and the adjacent property.

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

Board Member Bonniver questioned if the existing fence would be taken down and if the chimney would meet code.

Mr. Jozwick stated that the fence would remain. He also stated the proposed outdoor fireplace would not be wood burning, but instead a gas insert.

MOTION AND VOTE

*Moved by Hoffman; Supported by Hauswirth to find that **practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-017** 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 BY ROLL CALL VOTE.

(6 - 0)

VI. Discussions

VII. All Else

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 Bonniver nominated Stan Moore, supported by Hoffman
 - b. Vote(s) to elect carried (6-0)
3. Secretary
 - a. Nominations
Board Member Hauswirth nominated Todd Bonniver, supported by Hoffman
 - b. Vote(s) to elect carried (6-0)

VIII. Public Comment

IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 5:04 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. To provide for orderly public participation, a person wishing to speak must first state their name. Second, they must identify that they are participating remotely and state the city, township, village or country and state from which they are attending. Then they may request to be

recognized by the Chairperson of the meeting. 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 Housing and Rehab Coordinator
Charter Township of Waterford
5200 Civic Center Drive, Waterford, Michigan 48329
Email: sstjames@waterfordmi.gov
Phone: (248) 674-6240

Case No. PZBA20-026

Property: 2989 Lansdowne Rd
Applicant: Allan Zelinski
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage (amendment of original request)

Analysis

The applicant originally came before the ZBA on November 17, 2020. The original request was for a new house at the subject property. Variances were requested from the minimum lakefront setback requirement. The case was tabled at the meeting, pending additional information from the applicant. Since that meeting, the applicant has amended their request. They are no longer requesting variances for a new house. The applicant is now requesting variances to allow for an attached garage to be located on the lake rear (road) side of the house. The proposed garage is shown to be located 32.5 from the property line, where a 35 ft. minimum setback is required. The existing house is non-conforming. However, no improvements are being proposed. The house is shown to remain as-is.

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. PZBA20-026 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. PZBA20-026 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. PZBA21-009

Property: 5122 Cohoctah Pl
Applicant: James Hall (Funspace Direct, LLC)
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Sunroom addition

Analysis

The applicant is proposing to construct a sunroom addition at the subject property. There is a large wood deck on the rear of the house. The applicant is proposing to remove the deck to construct a 14 ft. by 14 ft. sunroom. The proposed sunroom is shown to be located 22 ft. from the rear property line (35 ft. minimum setback required). Therefore, a variance of 13 ft. would be required. The subject property backs up to a subdivision park, so there are no houses that share the rear property line.

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. PZBA21-009 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. PZBA21-009 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. PZBA21-011

Property: 3840 Iris Dr

Applicant: Guanglong Luo

Zoning: R-1C, Single-Family Residential

Site Use: Single Family Residential

Proposal: Proposed attached garage and conversion of carport to living space

Analysis

The applicant is proposing to renovate the existing house. The applicant is proposing to construct a new attached garage on the lake rear (road) side of the house. The garage is shown to be located 23 ft. from the road-side property line (35 ft. minimum setback required). A variance of 12 ft. would be required. In addition, the applicant is proposing to convert the existing carport into living space. The existing carport is shown to be located 2.5 ft. from the side property line (5 ft. minimum required). The applicant is planning to utilize the existing foundation, enclose the carport and convert it to living space. The plans indicate the existing setback will be maintained. However, looking at an aerial photo of the property, in addition to the survey, there is a portion of land approximately 20 ft. wide between the side property line and the canal. This area has historically been utilized with the subject property. So, while the existing carport is 2.5 ft. from the side property line, there is 22.5 ft. between the building and the canal.

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. PZBA21-011 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. PZBA21-011 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. PZBA21-012

Property: 3934 Florine Ave
Applicant: Kevin & Katie Gill
Zoning: R-1C, Single-Family Residential

Site Use: Single Family Residential

Proposal: Detached Garage

Analysis

The applicants are proposing to construct a detached garage at the subject property. The garage is shown to be 20 ft. by 20 ft. The applicants are proposing to locate the garage in a side yard, where the ordinance requires it to be located in a rear yard. The subject property is a combination of several lots. The majority of available space is within the side yard. Additionally, there appears to be a large wetland area at the rear of the property that would restrict the location of the proposed garage if it was placed in the rear yard. The applicants are also requesting a variance from the required 35 ft. front setback to locate the garage 27.8 ft. from the front property line. Based upon the survey submitted with the application, the proposed garage appears to be in line with the existing house.

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. PZBA21-012 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. PZAB21-012 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. PZBA21-013

Property: 4025 Rosemound Ave
Applicant: Valerie & Angela Cantu
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition to a non-conforming building

Analysis

The applicants are proposing to construct an addition on the existing house. The proposed addition is shown as a sunroom and attached garage. The existing house is non-conforming. It does not meet the minimum rear and side yard setback requirements. The proposed garage addition is shown to maintain the existing side yard setback. The proposed sunroom is shown to meet all minimum setback 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. PZBA21-013 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. PZBA21-013 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. PZBA21-014

Property: 4860 Cass-Elizabeth Rd
Applicant: Greg Thibodeau
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition to a non-conforming building

Analysis

The applicant is proposing to construct an addition onto the existing non-conforming house. The proposed addition is shown as a bedroom. The information submitted with the application shows there currently is living space in the same location as the proposed bedroom addition. The existing living space is shown to be located 3.2 ft. from the rear property line. The applicant is proposing to remove this space and reconstruct the bedroom in the same location, maintaining the same 3.2 ft. setback. The property is unique in that the rear property line is not the traditional straight line. It does jog in quite significantly. It is from this point that the 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. PZBA21-014 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. PZBA21-014 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: _____)

Case No. PZBA21-015

Property: 7295 Pershing
Applicant: Jim & Monica Morgan
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Foyer and attached garage addition

Analysis

The applicants are proposing to construct additions onto the existing house. The first addition is on the front of the house. The information submitted with the application show a foyer addition. This is proposed to be located 31.9 ft. from the front property line, where a minimum setback of 35 ft. is required. The second addition is an attached garage/addition on the side of the house. The proposed

garage/addition is shown to be located 8.4 ft. from the side property line, where a minimum setback of 10 ft. is required. All other proposed improvements on the existing house are shown to meeting zoning ordinance 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. PZBA21-015 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. PZBA21-015 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. PZBA21-017

Property: 1274 Brambles Dr
Applicant: Jeff Jozwick
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Proposed covered patio with fireplace

Analysis

The applicant is proposing to construct a new covered patio and fireplace at the subject property. The proposed covered patio appears to be located in the same area as the existing brick paver patio. The applicant is requesting a variance to allow the roof of the patio to be located 3.5 ft. from the side property line, where a minimum setback of 5 ft. is required. Additionally, the information submitted also shows an outdoor fireplace. The fireplace is proposed to be located 4.2 ft. from the side property line, where a minimum setback of 5 ft. is required. All other ordinance requirements are shown to be met.

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. PZBA21-017 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. PZBA21-017 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: _____)
