

- I. Call the Meeting to Order
Chairman Zuehlke called the meeting to order at 4:00p.m.

- II. Roll Call
Present: David Zuehlke, Chairman
Karent Joliat, Secretary
Todd Hoffman, Board Member
Rick Schneider, Board Member
Todd Bonnivier, Board Member
Steve Reno, Board Member

Absent: Stan Moore, Vice Chairman

General Public: Approximately 10

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

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

MOTION AND VOTE

Moved by Reno

*Supported by Joliat; RESOLVED to **APPROVE** the Minutes of the February 18, 2020 meeting as printed.*

MOTION CARRIED UNANIMOUSLY

(6-0)

- IV. Approve the **AMMENDED** Agenda of the March 17, 2020, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Joliat

*Supported by Bonnivier; RESOLVED to **APPROVE** the Agenda of the March 17, 2020 meeting as Amended.*

MOTION CARRIED UNANIMOUSLY

(6-0)

- V. Old Business

- VI. New Business

Case No. PZBA20-003

Sidwell No. 13-26-451-012, Section 26, Lot 12, "Lincolnshire", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 15.0 ft. variance from Section 3-900 to allow the proposed attached accessory building to come to within 20.0 ft. of the west lake rear property line. (35 ft. minimum required)
2. A 14.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 18.0 ft. of the west lake rear property line. (32 ft. minimum required)
3. A 5.0 ft. variance from Section 3-900 to allow the proposed attached accessory building to come to within 5.0 ft. of the north side property line. (10 ft. minimum required)
4. A 4.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 3.0 ft. of the north side property line. (7 ft. minimum required)

Property Location: 345 S Cass Lake Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: Ara Akkashian

Applicant or representative present: Ara Akkashian

Mr. Akkashian is requesting a variance so that he can make more storage space for two antique cars and two boats that are currently being stored in the yard. The proposed garage would get these items out of the weather and out of site. The structure would have gutters and cause no drainage issues on the neighboring property. He indicated there would not be another driveway installed, as the garage would only be used seasonally.

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

Fay Czach, 331 S. Cass Lake Rd, voiced concerns about drainage and that the structure would be too close to her property line.

Mr. Akkashian further stated that the garage would not cause issues for her sidewalk.

Chairman Zuehlke stated that if the requests were approved, plans would have to be looked at by the Township to ensure that there would be no drainage issues on a neighboring property.

Board Member Joliat spoke to say that she reviewed the site and there was a nice flow to the neighborhood. She understands the need for more space, but feels that the proposed structure seems obtrusive and that the request is self-created.

Board Member Reno concurred with this statement.

MOTION AND VOTE

Moved by Joliat

*Supported by Reno; to find that practical difficulties do not exist and to **DENY** the variance(s) requested in ZBA Case No. PZBA20-0003 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:*

- *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.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA20-004 – AMMENDED REQUEST

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 **46.5 ft.** variance from Section 3-901 Footnote 4 to allow the existing deck to be covered and come to within 11.0 ft. of the north lakefront shoreline. (57.5 ft. minimum required for subject property)
2. A 36 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered deck addition to come to within 21.5 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 and Neno Tansy

Staff explained that the amended request did not require re-publication due to the 46.5 ft. variance was less than the 58 ft. that was published.

Ms. Cerny told the board that her request was to put a roof over her existing deck, and extend the roof for the upper deck to be more in line with the cantilever on the house.

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

James Smith, 4180 S. Shore, voiced concerns with this possibly creating a precedent for neighboring property owners to ask for the same thing as her deck is already really close to the water. Other than that he had no issues.

Chairman Zuehlke addressed this concern to state that every case is heard and decided upon based on its own individual merit. There would be no precedent.

Board Members and the applicant had further discussion to verify exactly what the applicant was asking for, as there still seemed to be some confusion.

Staff verified that there was an existing permit for the decks on the home, but not for the covered portion on the lower deck or extension on the upper deck.

MOTION AND VOTE

Moved by Bonnivier

*Supported by Joliat; to find that practical difficulties do not exist and to **DENY** the following variance requested in ZBA Case No. PZBA20-004:*

A 46.5 ft. variance from Section 3-901 Footnote 4 to allow the existing deck to be covered and come to within 11.0 ft. of the north lakefront shoreline. (57.5 ft. minimum required for subject property)

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:

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

MOTION CARRIED UNANIMOUSLY

(6-0)

MOTION AND VOTE

Moved by Bonnivier

*Supported by Reno; to find that practical difficulties exist and to **APPROVE** the following variance requested in ZBA Case No. PZBA20-004 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met:*

A 36 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered deck addition to come to within 21.5 ft. of the north lakefront shoreline. (57.5 ft. minimum required for subject property)

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA20-005

Sidwell No. 13-36-203-024, Section 36, Lot 616, "Huron Gardens", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

An Appeal under Zoning Ordinance Section 6-100.4.F, of a Zoning Official decision based on available evidence, that a duplex use of the property, which is not a permitted principal or special approval use in the R-1C Single Family District, was not a lawful nonconforming use under the Zoning Ordinance.

WITHDRAWN

Property Location: 130 S Josephine Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Andrea & Tyler Williams

VI. Discussions

VII. All Else

Election of Officers

1. Chairperson

NOMINATION AND VOTE

Steve Reno nominated Dave Zuehlke

Supported by Todd Bonnavier

MOTION CARRIED UNANIMOUSLY

(6-0)

2. Vice-Chairperson

NOMINATION AND VOTE

Karen Joliat nominated Stan Moore

Supported by Todd Hoffman

MOTION CARRIED UNANIMOUSLY

(6-0)

3. Secretary

NOMINATION AND VOTE

Steve Reno nominated Karen Joliat

Supported by Todd Hoffman

MOTION CARRIED UNANIMOUSLY

(6-0)

VIII. Public Comment

IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 4:39 p.m.

Case No. PZBA20-003

Property: 345 S. Cass Lake Rd
Applicant: Ara Akkashian
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage

Analysis

The applicant is proposing to construct an attached garage on the existing house. The proposed garage is shown to be located on the north side of the house. The setback from the north side property line is shown to be 5 ft. (10 ft. minimum required). The setback from the west lake rear (road) property line is shown to be 20 ft. (35 ft. minimum required). The size of the proposed garage is 612 sq. ft. Variances are being requested from the north and west property lines for the proposed addition and overhang. There is an existing attached garage on the south side of the 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. PZBA20-003 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA20-003 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*

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

(Evidence provided: _____)

Case No. PZBA20-004

Property: 4260 South Shore St
Applicant: Toni Cerny
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Cover existing lower deck; New covered upper deck

Analysis

On February 18, 2020, the applicant was before the ZBA requesting variances similar to the current request. At that time there was a lot of confusion as to what was being proposed. The application information submitted did not correspond with what was being proposed. Therefore, the variances were denied. The applicant has since resubmitted variance requests and clarified the work being proposed. They have indicated they plan to only cover the newly constructed lower deck (information submitted with the previous request showed a sunroom). Additionally, they have slightly reduced the size of the roof for the upper deck. Lakefront setback variances are required to cover the lower deck and the area of the roof on the upper deck that extends beyond the wall of 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

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MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA20-004 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)
_____)

DRAFT MOTION FOR DENIAL

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Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA20-004 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)
_____)