

- I. Call the Meeting to Order
Chairman Zuehlke called the meeting to order at 3:59pm.

Roll Call

Present: David Zuehlke, Chairman
Karen Joliat, Board Member
Steve Reno, Board Member
Colleen Murphy, Board Member
Todd Hoffman, Board Member
Stan Moore, Board Member
Todd Bonnivier, Alternate Board Member

Absent: Gary Crake, Vice Chairman (recently resigned)

General Public: Approximately 15

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Brent Gibson, Building superintendent

- II. Approve the Minutes of the February 19, 2019, 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 19, 2019 meeting as printed.*

MOTION CARRIED UNANIMOUSLY
(7-0)

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

MOTION AND VOTE

Moved by Moore

*Supported by Joliat; RESOLVED to **APPROVE** the Agenda of the March 19, 2019 meeting.*

MOTION CARRIED UNANIMOUSLY
(7-0)

IV. Old Business

V. New Business

Case No. PZBA19-001

Sidwell No. 13-12-353-005, Section 12, Lot 54, "Silver Beach", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 21.0 ft. variance from Section 3-900 to allow the proposed house to come to within 14.0 ft. from the southwest lake rear property line. (35 ft. minimum required)
2. A 19.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 13.0 from the southwest lake rear property line. (32 ft. minimum required)
3. A 9.9 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered porch to come to within 52.2 ft. from the northeast lakefront property line. (62.1 ft. minimum required for subject property)

Property Location: 2628 Silverside Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Brad Grava

Applicant or representative present: Brad Grava

Mr. Grava purchased the home in 2012 and wished to update the home, but it is close to 100 years old. He hired an architect to help him design a home that would be consistent and fit nicely with the neighborhood. He feels that the neighbors are in support of this request. He looked into remodeling the current house, but felt it would be best to start new.

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

Chairman Zuehlke voiced concerns with the close proximity of the proposed house to the road with regards to parking and maintaining clear vision.

Mr. Grava felt it helps that they are near the end of a dead end street. The traffic should be limited.

Chairman Zuehlke expressed his understanding that a garage is necessary.

Mr. Grave stated that the existing shed would be removed once the garage is constructed.

Board Member Bonnavier questioned if the garage was front or side entry.

Mr. Grava stated that it would be a side entry garage.

MOTION AND VOTE

Moved by Joliat

*Supported by Bonnavier; RESOLVED to **APPROVE** Case No. PZBA19-001 due to the difficulty of the size and shape of the lot.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA19-002

Sidwell No. 13-28-283-007, Section 28, Lots 85 & 86, "Supervisor's Replat of Elizabeth-Dale", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 20.89 ft. variance from Section 3-900 to allow the proposed addition to come to within 14.11 ft. of the northwest lake rear property line. (35 ft. minimum required)
2. A 19.89 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 12.11 ft. from the northwest lake rear 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: 359 Reymont Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Susan & Keith Ingermann

Applicant or representative present: Susan & Keith Ingermann

Mrs. Ingermann said that they currently have a detached garage, which is closer to the street than what is proposed. They are proposing to remove the existing garage and construct a new attached garage with an addition. Her mother is ADA and they are trying to accommodate her needs and put vehicles in a garage. She felt the request was in character with the neighborhood.

Chairman Zuehlke voiced concerns regarding backing out into the street and visibility.

Mr. Ingermann stated that the proposed garage will be setback 10 feet from the edge of the road.

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

Joe Huffman, 345 Reymont, said that he had no issues with this request.

Mary Scott, 5121 Oakcliff, questioned if the garage would be used as a repair shop.

Mrs. Ingermann clarified the request.

Chairman Zuehlke assured her that the property is zoned single family residential and a repair shop is not allowed in the zoning district.

Ms. Scott continued to have the same concern.

Chairman Zuehlke again stated a business cannot be allowed within the zoning district.

Dolores Henige, 269 Reymont, asked if the newly installed fence would remain.

Mrs. Ingermann further explained the existing site conditions and the proposed request.

Craig Lechowicz, 315 Reymont, voiced his support for this request.

Board Member Murphy asked for and received clarification on their intended addition.

MOTION AND VOTE

Moved by Reno

*Supported by Murphy; RESOLVED to **APPROVE** Case No. PZBA19-002 as the proposed request is more conforming.*

MOTION CARRIED UNANIMOUSLY

(7-0)

VI. Discussions

VII. All Else

Election of Officers

1. Chairperson

- a. Nominations – Board Member Reno nominated Dave Zuehlke for Chairperson, supported by Hoffman.
- b. Vote was unanimous to elect Dave Zuehlke as Chairperson.

2. Vice-Chairperson

- a. Nominations – Board Member Joliat nominated Stan Moore as Vice Chairperson, supported by Reno.
 - b. Vote was unanimous to elect Stan Moore as Vice Chairperson.
3. Secretary
- a. Nominations – Board Member Moore nominated Karen Joliat as Secretary, supported by Reno.
 - b. Vote was unanimous to elect Karen Joliat as Secretary.

VIII. Public Comment

IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 4:16pm

Case No. PZBA19-001

Property: 2628 Silverside Rd
Applicant: Brad Grava
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

Analysis

The applicant is proposing to construct a new house at the subject property. The proposed house is shown to come to within 14 ft of the lake rear (road side) property line. With regards to the lake side, the house is shown to meet the minimum setback for the property, which is 62 ft. However, the plan indicates a covered porch on the lake side that will come to within 52 ft of the shoreline. Since the porch is covered, it is required to meet the same minimum lakefront setback as the house. Therefore, a variance is required. The proposed house is shown to meet all other zoning requirements.

The applicant has provided information addressing the standards listed below on the attached "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.

ZBA Review Standards

Variance –granting authority shall be exercised in accordance with a ZBA finding of practical difficulties requiring demonstration by the applicant of all of the following:

- A. *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*
- B. *The variance will do substantial justice to the applicant, as well as to other property owners.*
- C. *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*
- D. *The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.*
- E. *The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.*
- F. *The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done."*

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. PZBA19-001 based on the following findings:

- 1) No practical difficulty exists in the case.

- 2) Compliance with the strict letter of the ordinance would not unreasonably prevent the use of the property for a permitted purpose and would not render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has not provided any proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- 5) The need for the variances requested is self created.

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. PZBA19-001 based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.

Case No. PZBA19-002

Property: 359 Reymont Rd
Applicant: Susan & Keith Ingermann
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicants are proposing to construct an addition onto their existing house. The addition is shown to be located on the lake rear (road) side of their house. Based upon the plans submitted, the addition is composed of a main level garage, with second story living space as well. The new addition is shown to replace an existing detached garage. The existing attached garage is shown to be converted to living space. The existing detached garage is shown at 13 ft from the lake rear property line. The proposed addition is shown to be a bit further from the lake rear property line at a 14 ft setback. All other zoning requirements are shown to be met.

The applicant has provided information addressing the standards listed below on the attached "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.

ZBA Review Standards

Variance –granting authority shall be exercised in accordance with a ZBA finding of practical difficulties requiring demonstration by the applicant of all of the following:

- A. *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*
- B. *The variance will do substantial justice to the applicant, as well as to other property owners.*
- C. *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*
- D. *The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.*
- E. *The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.*
- F. *The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done."*

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. PZBA19-002 based on the following findings:

- 1) No practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would not unreasonably prevent the use of the property for a permitted purpose and would not render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has not provided any proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- 5) The need for the variances requested is self created.

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. PZBA19-002 based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.

- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.