

- I. Call the meeting to order.
Chairman Zuehlke called the meeting to order at 4:00pm.

II. Roll Call.

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

Absent: Gary Crake, Vice chairman
Steve Reno, Board Member

General Public: Approximately 15

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Brent Gibson, Building Superintendent
Rob Merinsky, Director/Engineering
Kirk Simpson, Chief Code Enforcement Officer
Gary Wall, Township Supervisor

- III. Approve the Agenda of the **March 20, 2018**, 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 20, 2018 regular meeting of the Zoning Board of Appeals.*

*MOTION CARRIED UNANIMOUSLY
(7-0)*

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

MOTION AND VOTE

Moved by Moore

*Supported by Joliat; RESOLVED to **APPROVE** the Minutes of the February 20, 2018 regular meeting of the Zoning Board of Appeals as printed.*

*MOTION CARRIED UNANIMOUSLY
(7-0)*

V. PUBLIC HEARINGS

OLD BUSINESS

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; to **UNTABLE** Case No.5503.*

*MOTION CARRIED UNANIMOUSLY
(7-0)*

Case No. 5503

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

Requesting

1. A 5.0 ft. variance from Section 3-302.3.A(6) to allow the existing detached accessory building to come to within 0.0 ft. of the northwest side property line. (5 ft. minimum required)
2. A 25.0 ft. variance from Section 2-213.2.B to allow the existing detached accessory building to come to within 0 ft. of the canal. (25 ft. minimum required)
3. A 1.5 ft. variance from Section 3-302.3.A(6) to allow the existing detached accessory building to come to within 3.5 ft. of the northeast rear property line. (5 ft. minimum required)

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

Applicant or representative present: Concettina Valente

Chairman Zuehlke gave a brief overview of this request from the February meeting and questioned the applicant regarding the changes.

Ms. Valente stated that, due to comments made at the last meeting, she chose a different location for the shed. She felt the location would not block the view for neighboring properties. She indicated that her hardship is the size of the lot and lack of parking spaces.

Chairman Zuehlke questioned her as to how she plans to maintain the shed with a 0 ft. setback.

Ms. Valente offered to move it a foot from the property line and gutter the building if necessary to control the water runoff.

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

Glen Simchak, 1292 Brambles, owns property across the canal and next door to the applicant. He expressed concerned with the placement of the shed and that it may be located on his property. He was also concerned that the dimensional information as it is shown on the survey may be incorrect.

Pamela Simchak, 1292 Brambles, said she would prefer the shed to be located on the other side of the residence, where the old shed was previously located.

Discussion continued between the Board and the applicant as to how she intended to maintain the structure if there was no setback from the property lines. Other locations were discussed. The Board expressed concerns with the 0 ft. setbacks as requested.

Board Member Moore recommended moving the structure a couple feet off the canal and the property line to allow for maintenance.

MOTION AND VOTE

Moved by Moore

*Supported by Joliat; RESOLVED to **APPROVE** items #1 and #2 in Case #5503 as **AMMENDED**:*

1) A 3.0 ft. variance from Section 3-302.3.A(6) to allow the existing detached accessory building to come to within 2.0 ft. of the northwest side property line. (5 ft. minimum required)

2) A 23.0 ft. variance from Section 2-213.2.B to allow the existing detached accessory building to come to within 2 ft. of the canal. (25 ft. minimum required)

*MOTION CARRIED UNANIMOUSLY
(7-0)*

MOTION AND VOTE

Moved by Joliat

*Supported by Moore; RESOLVED to **DENY** item #3 in Case #5503 as it is no longer necessary.*

*MOTION CARRIED UNANIMOUSLY
(7-0)*

NEW BUSINESS

Case No. 4868-A

Sidwell No. 13-04-253-009, Section 4, Lot 18, "Waterford Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 574 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 930 sq. ft. attached accessory building, the existing 144 sq. ft. detached accessory building and proposed 1500 sq. ft. detached accessory building to have a combined total square footage of 2574 sq. ft. (2000 sq. ft. maximum for subject property)

Property Location: 4194 Rural St
Property Zoned: R-1, Single-Family Residential
Applicant: Kasey Hopper

Applicant or representative present: Kasey Hopper

Chairman Zuehlke noted that a lesser variance was denied at this location in 2003.

Mr. Hopper stated he is requesting this variance to store collectable vehicles at his residence. He felt the proposed building is keeping in character with the neighborhood.

Chairman Zuehlke questioned removing the shed to lessen the request.

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

Dave Woodward, 4209 Rural Street, questioned as to why he needed a variance when he has over 2 acres of land.

Chairman Zuehlke explained the requirements of the zoning ordinance.

Board Member Hoffman questioned the height of the building.

Mr. Hopper indicated that it would be 18 ft. tall.

Discussion continued regarding the request. Board Member Moore suggested removal of the shed.

MOTION AND VOTE

Moved by Moore

*Supported by Bonnivier; RESOLVED to **APPROVE** Case #4868-A as **AMMENDED**:*

A 430 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 930 sq. ft. attached accessory building and proposed 1500 sq. ft. detached accessory building to have a combined total square footage of 2430 sq. ft. (2000 sq. ft. maximum for subject property)

*With the **STIPULATION** that the existing 144 sq. ft. shed be removed.*

*MOTION CARRIED UNANIMOUSLY
(7-0)*

Case No. 5293-A

Sidwell No. 13-35-481-004, Section 35, Lots 99 & 100, "The Meyering Land Company's Cass-Sylvan lakes Community Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. An 8.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed addition to come to within 26.0 ft. of the southeast lakefront shoreline. (34 ft. minimum required for subject property)
2. A 6.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 25.0 ft. of the southeast lakefront shoreline. (31 ft. minimum required for subject property)

Property Location: 1329 Kessler Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Ronald & Karen Allcorn

Applicant or representative present: Ronald Allcorn

Mr. Allcorn stated the proposed addition will be constructed in the same location as his existing deck. He felt his property is small. Also, with an unimproved right-of-way on his side yard, he did not fee it would impact the neighboring property as they are greater than 60 ft. away.

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

MOTION AND VOTE

Moved by Schneider

*Supported by Moore; to **APPROVE** Case No.5293-A.*

*MOTION CARRIED UNANIMOUSLY
(7-0)*

Case No. 5504

Sidwell No. 13-36-351-006, Section 36, Lots 144 & 145, also part of vacant Labrosse Dr, "The Meyering land Company's Cass-Sylvan Lake Community Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A one story variance from Section 3-900 to allow the lower level of the existing two story house to be considered a separate story. (Two story maximum allowed)
2. A 2.1 ft. variance from Section 3-900 to allow the existing house to have a maximum height of 32.1 ft. (30 ft. maximum allowed)

Property Location: 1260 Larch Pl
Property Zoned: R-1C, Single-Family Residential
Applicant: Mitchel Garfield

Applicant or representative present: Mitchel Garfield and Dean Sigler

Chairman Zuehlke questioned staff and received clarification on the request.

Mr. Sigler stated he felt the property was unique and the grading as it was originally approved may cause an issue. He referenced other properties in the area that were developed similar to what was being proposed.

Chairman Zuehlke expressed concern that the applicant may be trying to work around the requirements of the zoning ordinance.

Mr. Sigler indicated that was not the case. It was after consulting with an architect that they knew they might have a problem.

Richard Leonard, 1249 Larch, was in support of the request as he felt it would not negatively impact the neighborhood.

Board Member Moore indicated that he could see where the original grading would be an issue. He did not feel the height of the building was out of character with others in the area.

Mr. Garfield stated that the house is still under construction. In designing the original site plan, he admitted to not thinking of all of the implications of the proposed grading. After consulting with a landscape architect, he realized the approved plan was not the best idea.

Staff verified that the plans submitted originally were compliant with zoning requirements.

MOTION AND VOTE

Moved by Joliat

*Supported by Moore; to **APPROVE** Case No.5504.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5505

Sidwell No. 13-17-376-044, Section 17, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 10.0 ft. variance from Section 2-508.A to allow the proposed freestanding ground sign to come to within 5.0 ft. of the south right-of-way. (15 ft. minimum required)
2. A 0.16 ft. variance from Section 2-508 to allow the proposed freestanding ground sign to have a maximum height of 8.16 ft. (8 ft. maximum allowed for subject property)
3. An 18 sq. ft. variance from Section 2-508 to allow the proposed freestanding ground sign to have a maximum sign facing area of 93 sq. ft. (75 sq. ft. maximum allowed for subject property)

Property Location: 6620 Highland Rd
Property Zoned: O-2, General Office
Applicant: The Medical Real Estate Group, LLC

Applicant or representative present: Shakir Alkhafaji

Mr. Alkhafaji indicated that this property has a unique flag shape. There is limited road frontage and the building sits approximately 500 ft. back from the road, whereas the adjacent properties are much closer. He felt the location of the existing sign is a safety issue and it is hard for patients to find. He felt the proposed sign and the new location would help patients identify the location of the building easier. In addition, it would provide signage for future tenants of the building.

Chairman Zuehlke referenced the ordinance requirements with regards to signs.

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

Board Member Moore questioned and received clarification on the location of the proposed sign.

MOTION AND VOTE

Moved by Murphy

*Supported by Hoffman; to **APPROVE** Case No.5505.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5506

Sidwell No. 13-36-302-002, Section 36, Lot 345, "Meyering Land Company's Cass-Sylvan Lakes Community Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 20.6 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to come to within 22.7 ft. of the east lakefront shoreline. (43.3 ft. minimum required for subject property)
2. An 18.6 ft. variance from Section 2-104.1 to allow the proposed balcony to come to with 20.7 ft. of the east lakefront shoreline. (39.3 ft. minimum required for subject property)
3. An 18.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 21.9 ft. of the east lakefront shoreline. (40.3 ft. minimum required for subject property)
4. A 0.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.2 ft. of the north side property line. (5 ft. minimum required)
5. A 0.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.3 ft. of the south side property line. (5 ft. minimum required)

Property Location: 979 Stratton Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Kawkab Matti

Applicant or representative present: Kawkab Matti and Ghallan Abdelour

Mr. Matti stated that he purchased this small lot on the lake with the intention to rebuild. He indicated that the existing seawall was deteriorated so he applied to the DEQ to have it removed. In doing so, he took away part of the shoreline that would have helped in reducing the lakefront setback variance that would be needed.

Mr. Abdelour indicated there is a vacant, subdivision owned property to the north. He stated that if they met the setback requirements there would not be a large enough building envelope to build within. He felt the proposed request took into account the setback of the adjacent properties and keeping in line with them. He felt moving the house closer to the road would create a parking problem.

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

Karl Aavik, 957 Stratton Drive, expressed his concerns regarding the site line and how the proposed house may affect his view.

Ryan Cockerill, 987 Stratton, expressed concerns that if the seawall was replaced and the applicant was to gain additional land, he would be allowed to move the house closer to the lakeshore.

Discussion continued regarding the location of the house and the possibility of what can be built based on the new seawall location. The Board discussed having the applicant provide the DEQ permits for the removal of the old seawall and construction of the new seawall. The applicant indicated they do not have a permit for the new seawall, but are working on it.

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; to **APPROVE** Case No.5506 with the following*

STIPULATIONS:

The house must be construction in the same location, as shown on the site plan as it has been submitted with the Zoning Board of Appeals application, regardless of the location of a new seawall.

The applicant must provide the Township with the DEQ permit for the seawall that was removed and the permit for the new seawall once it has been received.

MOTION CARRIED UNANIMOUSLY

(7-0)

VI. Adjourn the meeting.

Chairman Zuehlke adjourned the meeting at 4:57pm

Case No. 5503

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

Analysis

THIS CASE WAS TABLED AT THE FEBRUARY 20, 2018 MEETING TO ALLOW FOR THE FOLLOWING: A FULL BOARD, ADDITIONAL DOCUMENTATION AND/OR REVISIONS TO THE REQUEST. THE APPLICANT HAS SUBMITTED A REVISED SITE PLAN. THE REVIEW OF THAT PLAN IS AS FOLLOWS:

Per the recommendation of the Board, the applicant has submitted a plan revising the proposed location of the existing shed. Originally it was show to be located at 0' from the northwest side property line and within 5' of the front (road) property line. The applicant is proposing to relocate the shed to a location still at a 0' setback from the northwest side property line. However, it is now proposed to be located at the rear (canal) side of the property. The applicant is proposing a 0' setback from the natural features setback requirement of 25'. It is show to be located on a concrete portion of the property (see revised plan) 0' from the canal. At the hearing on February 20, the adjacent property owner expressed concerned with the location of the shed and that he felt it was crossing over the property line and onto his property by approximately a foot. ***Even though a building permit is not required, due to the size of the building, staff would recommend that if the Board chooses to approve the requested variances, it should be with the stipulation that the applicant apply for a permit so that staff can verify placement of the shed.***

ORIGINAL ANALYSIS FROM FEBRUARY 20, 2018 MEETING:

On May 25, 2017 a complaint was received regarding the construction of a shed too close to the property line. On June 22, 2017 the inspector was out to verify the complaint. While the shed was less than 200 sq ft and did not require a building permit, it would still be required to meet the minimum setback requirements. The property owner was notified of the requirement. An additional notice was also sent on July 23, 2017. On August 25, 2017 a Zoning Board of Appeals application was received. However, the applicant did not have the required survey. She indicated that she was notified by the surveyor that is would be several weeks until the survey would be completed. A message was left with the applicant on November 20, 2017 checking on the status of the survey. The survey was received shortly afterwards. Code enforcement was not aware that this was received and issued a citation for the case. At the February 8, 2018 district court hearing, the judge was made aware of the upcoming ZBA meeting and it is my understanding that the case was postponed pending the ZBA decision.

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

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

Case No. 4868-A

Property: 4194 Rural St
Applicant: Kasey Hopper
Zoning: R-1, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory building

Analysis

The applicant is requesting a variance to allow the existing and proposed accessory buildings to exceed the maximum square footage allow for the subject property. The size of the subject property is 77,207 sq. ft. or 1.77 acres. The larger parcel size allows for the applicant to benefit from the increased total accessory area of 2000 sq. ft. The information submitted by the applicant indicates that there is currently a 930 sq. ft. attached garage and 144 sq. ft. detached shed on the subject parcel. That would allow for the construction of an additional 926 sq. ft. of accessory area before a variance would be required. The applicant is proposing to construct a new 1500 sq. ft. detached accessory building. Therefore, a 547 sq. ft. variance is required. All other zoning requirements, including height and setback, are shown to be met.

A review of variances granted in the area indicates that relief has been given on several occasions to allow for accessory buildings to exceed the maximum sq. ft. allowed by the ordinance (see attached aerial showing the location of these variances). With that being said, the amount of relief given varies per request. In 2003, a variance request was denied at the subject property to allow for a larger attached garage to add storage to the house, as submitted by a previous applicant. The current applicant is indicating the added detached accessory building will house a classic car collection. The applicant has submitted letters of support from neighboring property owners.

Case No. 5293-A

Property: 1329 Kessler Ave
Applicant: Ronald & Karen Allcorn
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential

Proposal: Proposed three season room addition

Analysis

The applicants are proposing to construct an addition onto their house. The addition is shown to be located on the lakefront side of the house and to have a dimension of 18 ft. by 13 ft. (234 sq. ft.). The applicant has indicated the addition will be utilized as a three season room. The addition is shown to be located within 26 ft. of the lakefront shoreline. Based upon the average lakefront setback of the buildings located within 200 ft. of the subject property, the minimum lakefront setback for the subject property is 34 ft. Therefore, a setback variance of 8 ft. would be required for the proposed addition. An additional variance is also required for the proposed 1' overhang. Currently, a deck is located where the addition is proposed. The applicant has indicated they have been utilizing a large canvas over the deck and would like something more permanent. All other zoning requirements are shown to be met.

Based upon the required lakefront setback of 34 ft. and the location of the existing house at 39 ft. from the shoreline, the applicant would be allowed to construct an additional 5 ft. onto their house toward the lake before a variance would be required. Additionally, adjacent to the subject property and the proposed addition is a 40 ft. wide easement that separates the subject property from the adjacent property owner to the south. In 2008, the applicants did receive a variance to allow a shed to come to within 19 ft. of the lakefront shoreline.

Case No. 5504

Property: 1260 Larch Pl
Applicant: Mitchel Garfield
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: 3rd story and height variance for existing house

Analysis

The applicant is requesting a variance to allow for the existing house to have a maximum height of 32.1 ft. and to allow the basement to be considered a 3rd story. In 2016 a permit was issued for the construction of a new house at the subject property. The plans submitted were reviewed with regards to zoning compliance. The applicant submitted a site plan that showed various retaining walls throughout the site. The main purpose of the retaining walls was to bring the proposed plan into compliance with regards to the maximum height of the house and the average exposure of the basement. The ordinance allows for proposed grades to be considered when determining final height and basement exposure. On many sites, this can be achieved with grading of the site and retaining walls. Review of the plan submitted indicated that the proposed house was within what was allowed for maximum height and basement exposure. All other zoning requirements were shown to be met. A permit was therefore issued. The house is currently under construction (see attached assessing photos from 11-20-17).

Currently, the applicant is proposing to remove/relocate/reconfigure many of these retaining walls. In doing so, the existing house would be non-conforming with regards to maximum height and basement

exposure, therefore, requiring variances. Engineering staff has reviewed the proposed grading plan and did not identify any issues with the plan with regards to drainage on the site.

Case No. 5505

Property: 6620 Highland Rd
Applicant: The Medical Real Estate Group, LLC
Zoning: O-2, General Office
Site Use: Medical Establishment
Proposal: Sign

Analysis

The applicant is proposing to construct a new sign at the subject property. The proposed sign is shown to be located within 5 ft. of the south right-of-way for Highland Rd, where a minimum setback of 15 ft. is required (10 ft. variance required). In addition, the applicant is proposing the sign to have a height of 8.16 ft., where a maximum of 8 ft. is allowed for the subject property (0.16 ft. variance required). Also, the proposed sign is shown to have a sign facing area of 93 sq. ft., where a maximum area of 75 sq. ft. is allowed for the subject property (18 sq. ft. variance required).

The ordinance regulates signs based upon the amount of right-of way frontage the subject property has. The subject property is a T-shaped parcel. The property frontage along Highland Rd is show to be 150 ft. This width allows for a maximum sign height of 8 ft. and maximum sign face area of 75 sq. ft. As you progress north on the lot, it eventually widens up to a width of over 400 ft. At this width, the maximum height and area allowed increase. However, the 15 ft. minimum setback from the right-of-way still remains.

Case No. 5506

Property: 979 Stratton Dr
Applicant: Kawkab Matti
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 house is shown to come to within 22.7 ft. of the lakefront shoreline. Based upon the average setback of the houses within 200 ft. of the subject property, a minimum setback of 43.3 ft. is required. In addition, a balcony is proposed on the lakefront side of the house, also requiring a variance. The remaining variance requests are for the proposed overhangs on the lakefront and sides of the house.

Looking at the survey as provided by the applicant, you will notice the shoreline cuts in towards the proposed house location. Is does not maintain a straight line across the property, in comparison to the

neighboring properties. Also, the applicant is showing a line connecting the closest points of the adjacent houses, in relation to the lakefront shoreline. The proposed house appears to maintain the average setback between the adjacent properties.