

- 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, Secretary
Colleen Murphy, Board Member
Todd Hoffman, Board Member
Stan Moore, Vice Chairman
Todd Bonnivier, Board Member

Absent: Steve Reno, Board Member

General Public: Approximately 8

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Larry Lockwood, Superintendent/Planning
Gary Wall, Township Supervisor

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

MOTION AND VOTE

Moved by Joliat

*Supported by Moore; RESOLVED to **APPROVE** the Minutes of the March 19, 2019 meeting as printed.*

MOTION CARRIED UNANIMOUSLY
(6-0)

- IV. Approve the Agenda of the April 16, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Joliat; RESOLVED to **APPROVE** the April 16, 2019 Agenda.*

MOTION CARRIED UNANIMOUSLY
(6-0)

V. Old Business

VI. New Business

Case No. PZBA19-003

Sidwell No. 13-19-476-024, Section 19, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3-302.3.A(7) to allow the existing detached accessory structure to remain within a side yard. (Detached accessory structures shall not be erected in any yard except a rear yard)

Property Location: 7030 Reed Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: Jerry Carcone

Applicant or representative present: Jerry Carcone

Mr. Carcone stated if the structure was behind the house, he wouldn't be able to access it because of so many trees. He wants to store his boat inside and only plans to have this for a couple of years because he would eventually like to build a second garage. He received an enforcement violation notice, and he tried to pull a permit to be in compliance. His lot is triangular and locating it in the rear yard would require it to be turned and would make it more visible to neighbors. His lot is wooded and he feels the structure is hardly visible where it sits.

Chairman Zuehlke questioned if the structure was collapsible, to possibly remove it when the boat was not being stored.

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

Carol Sadowski, 7043 Marco, questioned if the applicant had a staked survey of the property or if one had ever been done. Her objection is that she can see the structure from her yard. She further stated that planting some evergreens, as a buffer, would be helpful.

Chairman Zuehlke stated that the property boundary is not relevant to this request and voiced his opinion that this is a very large pie shaped property. It is his opinion that this location would be less visible to the neighbors than if the owner located it in the rear yard. No variance would be required for it in a rear yard.

Board Member Murphy questioned what the structure looked like and the possibility of it being located on the east side of the property.

MOTION AND VOTE

Moved by Bonnavier

*Supported by Joliat; RESOLVED to **APPROVE** Case No. PZBA19-003 based on the Applicant's application which states:*

- 1) Unable to access the temporary structure for use intended because of unique lot dimension.*
- 2) The temporary structure is still in the back portion of the property and complies with all other ordinance requirements including setbacks and size.*
- 3) Would not be able to access the structure and setbacks would not be met.*
- 4) The temporary structure will not fit properly within boundary offsets.*
- 5) The problem occurs from the zoning ordinance, due to unique property shape, and all other requirements will be met.*

*With the following **STIPULATION**:*

Shrubbery to be added to hide the structure.

MOTION CARRIED

(5-1) with Board Member Murphy against.

Case No. PZBA19-004

Sidwell No. 13-27-453-002, Section 27, Lot 29, "Randgate Park", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.0 ft. of the north side property line. (5 ft. minimum required)
2. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.0 ft. of the south side property line. (5 ft. minimum required)
3. A 3.0 ft. variance from Section 3-900 to allow the proposed enclosed porch to come to within 32.0 ft. of the east rear property line. (35 ft. minimum required)
4. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 31.0 ft. of the east rear property line. (32 ft. minimum required)

Property Location: Vacant Grixdale Ln (N of 443 Grixdale Ln)
Property Zoned: R-1C, Single-Family Residential
Applicant: Mark's Homes Inc

Applicant or representative present: Mark Yovich

Chairperson Zuehlke questioned if the applicant planned to bring in fill due to the current grade.

Mr. Yovich said he was not. He further stated that he was only requesting minimal variance due to the small size of the lot. The house meets the setbacks, but the plans include a one foot overhang with gutter that are required for drainage. Although he could cut back the overhang, it would alter the look of the property. The property owner wishes to build a ranch style house that is handicap accessible. He feels that this request does not negatively affect the neighborhood.

Board Member Moore questioned if he included plans for proper drainage.

Mr. Yovich replied, that yes, he plans to pipe drainage to the ditch.

MOTION AND VOTE

Moved by Bonnivier

*Supported by Hoffman; RESOLVED to **APPROVE** Case No. PZBA19-004 based on the following:*

- 1) *The setbacks of the lot.*
- 2) *The uniqueness of the lot being small.*
- 3) *The information included on the Applicant's request.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA19-005

Sidwell No. 13-20-101-090, Section 20, Lots 4-19, "Supervisor's Plat No 31," T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A variance from Section 2-508 to allow a proposed post-pylon sign to be erected at the subject property. (All freestanding signs shall be ground signs)
2. A 14.75 ft. variance from Section 2-508 to allow the proposed post-pylon sign to have a maximum height of 29.75 ft. (15 ft. maximum allowed for subject property)

Property Location: 6975 Highland Rd
Property Zoned: C-4, Extensive Business
Applicant: Suburban Ford of Waterford, LLC

Applicant or representative present: Bob Mackenzie and Tim LeRoy

Chairperson Zuehlke congratulated the applicants on how the site has been developed. He reference the ordinance concerning signage requirements. He stated that it would be difficult to not identify the business and asked the applicant to address the need for the requested variances.

Mr. Mackenzie agreed that the development was significant. He stated that the proposed sign was previously located at their prior site, just down the road, and was in compliance at the time of construction. They wished to relocate the sign to the new site to keep up with the majority of their competitive dealerships who have similar signs. He felt from a distance, it is a factor and benefit to have a tall sign. It is part of their brand and feel that it would be less intrusive than a sign that would be allowed by the ordinance. The size is also smaller than what the ordinance allows and is a reflection of their image.

Chairperson Zuehlke expressed his support for the request. He did not feel a monument sign would be a benefit to the site.

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

Susan Work, 1427 Laurel Valley Drive, stated she was representing the neighboring condo association and questioned the location of the sign. The applicant showed her the proposed plans.

Board Member Murphy stated that because of the speed of the traffic on this road and the amount of people entering the Township from the west, it assists customers with finding the site.

Board Member Joliat stated that she was not in favor of post pylon signs, but this was an existing sign just relocated from the previous location down the road. Therefore, she was in support of the request.

Board Member Moore felt that if they put up signage that the ordinance allowed, it would be more of an obstruction than what was being requested

Board Member Hoffman questioned staff as to what would be allowed per the Township's ordinance.

Staff referenced the ordinance in that two signs would be allowed based upon the property frontage. Additionally, the larger sign could be up to 200sq.ft.

Board Member Joliat noted that there are concerns from the airport.

Mr. LeRoy said that the have submitted the necessary application to the airport and the review could take up to 60 days. He understand that the Board's decision would be contingent upon the airport's approval.

MOTION AND VOTE

Moved by Joliat

*Supported by Moore; RESOLVED to **APPROVE** Case No. PZBA19-005 based upon the following:*

- 1) Strict compliance with the ordinance provisions being varied is unnecessarily burdensome because of the deep setback of the building and the elevation of the road.*
- 2) The variance will do substantial justice to the applicant and other property owners because it will allow for proper signage at the location.*
- 3) A lesser variance than requested would not give substantial relief to the applicant because of their branding and customers being able to see where the building is.*
- 4) The variance is needed due to the unique circumstances of the property because the building is set so far back because of the large envelope and the elevation of the road makes it more difficult to see.*
- 5) The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors, because of the large building and the grouping or accumulation of the multiple properties.*

*With the following **STIPULATION:***

Approval from the Airport

MOTION CARRIED

(5-1) with Board Member Hoffman against.

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 4:30pm.

Case No. PZBA19-003

Property: 7030 Reed Dr
Applicant: Jerry Carcone
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Existing detached accessory structure to remain in side yard

Analysis

The applicant is requesting a variance to allow the existing detached canopy storage tent to remain within a side yard. The ordinance requires a detached accessory structure to only be located within a rear yard. The size of the tent shown to be 12 ft. wide 24 ft. long and 8 ft tall. In January, 2019 a complaint was received regarding the structure. The applicant was notified of the complaint and that a building permit would be required. In February, a building permit application was submitted. Upon review, it was determined that a variance would be required to allow the structure to remain in a side yard. All other ordinance requirements, including setback and size, 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 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(s) requested in ZBA Case No. PZBA19-003 based on the Applicant's and other information presented demonstrating the following with respect to each variance being granted:

- 1) **Strict compliance with the ordinance provisions being varied is unnecessarily burdensome**
(because _____)
- 2) **The variance will do substantial justice to the applicant and other property owners**
(because _____)
- 3) **A lesser variance than requested would not give substantial relief to the applicant**
(because _____)

OR (ONLY ONE IS REQUIRED)

- A lesser variance than requested would not be consistent with justice to other property owners**
(because _____)
- 4) **The variance is needed due to unique circumstances of the property**
(because _____)
- 5) **The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors**
(because _____)

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

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(s) requested in ZBA Case No. PZBA19-003 based on the applicant's failure to demonstrate the review standards in Section 6-100.5 of the Zoning Ordinance, and the following findings regarding those standards with respect to each variance:

- 1) **Strict compliance with the ordinance provisions was not shown to be unnecessarily burdensome**
(Without the variance(s) the applicant can still _____)
- 2) **It was not shown that the variance will do substantial justice to the applicant and other property owners**
(The variance would have allowed _____ which I find would not provide substantial justice to _____)
- 3) **Even a lesser variance than requested would not be consistent with justice to other property owners**
(because _____)
- 4) **The variance is not needed due to unique circumstances of the property that are not generally applicable in the area or to other properties in the same zoning district**
(because _____)
- 5) **The problem and resulting need for the variance was self-created by the applicant or the applicant's predecessors**
(because _____)
- 6) **Based on the review standards not demonstrated by the applicant, the variance would not observe the spirit of the Zoning Ordinance, secure public safety and welfare, and do substantial justice.**

Case No. PZBA19-004

Property: Vacant Grixdale Lane
Applicant: Mark's Homes Inc
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 applicant is requesting a variance from both side yard property lines to allow the proposed roof eave and gutter to project 1.0 ft into the required 5.0 ft. minimum setback. The house is shown to meet the minimum setback. Additionally, the applicant is proposing to construct a screened in porch on the rear of the house. Since the porch is enclosed, it must meet the minimum 35 ft. rear yard setback. Based upon the proposed location, a 3 ft. variance would be required to allow the proposed porch to come to within 32 ft. of the rear property line. All other setback 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 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(s) requested in ZBA Case No. PZBA19-004 based on the Applicant’s and other information presented demonstrating the following with respect to each variance being granted:

- 1) **Strict compliance with the ordinance provisions being varied is unnecessarily burdensome**
(because _____)
- 2) **The variance will do substantial justice to the applicant and other property owners**
(because _____)
- 3) **A lesser variance than requested would not give substantial relief to the applicant**
(because _____)

OR (ONLY ONE IS REQUIRED)

A lesser variance than requested would not be consistent with justice to other property owners
(because _____)

- 4) **The variance is needed due to unique circumstances of the property**
(because _____)
- 5) **The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors**
(because _____)
- 6) **The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.**

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(s) requested in ZBA Case No. PZBA19-004 based on the applicant’s failure to demonstrate the review standards in Section 6-100.5 of the Zoning Ordinance, and the following findings regarding those standards with respect to each variance:

- 1) **Strict compliance with the ordinance provisions was not shown to be unnecessarily burdensome**
(Without the variance(s) the applicant can still _____)
- 2) **It was not shown that the variance will do substantial justice to the applicant and other property owners**
(The variance would have allowed _____ which I find would not provide substantial justice to _____)
- 3) **Even a lesser variance than requested would not be consistent with justice to other property owners**
(because _____)
- 4) **The variance is not needed due to unique circumstances of the property that are not generally applicable in the area or to other properties in the same zoning district**
(because _____)
- 5) **The problem and resulting need for the variance was self-created by the applicant or the applicant’s predecessors**
(because _____)
- 6) **Based on the review standards not demonstrated by the applicant, the variance would not observe the spirit of the Zoning Ordinance, secure public safety and welfare, and do substantial justice.**

Case No. PZBA19-005

Property: 6975 Highland Rd
Applicant: Suburban Ford of Waterford, LLC
Zoning: C-4, Extensive Business
Site Use: Automotive Sales and Service
Proposal: Relocated post-pylon sign to be erected at subject property

Analysis

The applicant is requesting a variance to allow the post-pylon sign that exists at their previous location on the corner of Airport Rd and Highland Road to be relocated and erected on the subject property. The current ordinance does not allow for the erection of post-pylon signs. The sign is identified as having a total height of 29.75 ft. and a sign area of 60 sq. ft. The ordinance would allow for a sign to have a facing area of up to 200 sq. ft. for the subject property. However, the maximum height for a monument sign is 15 ft. Attached, you will find an email from Pat Shull, with the Oakland County International Airport. She has requested, as a condition of approval, that the applicant submit a request for an Obstruction Evaluation / Airport Analysis for the proposed sign, as well as for any crane used in the project. If the Board decides to approve the request, it should be with the stipulation that the applicant submit the information as requested above.

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 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(s) requested in ZBA Case No. PZBA19-005 based on the Applicant's and other information presented demonstrating the following with respect to each variance being granted:

- 1) **Strict compliance with the ordinance provisions being varied is unnecessarily burdensome**
(because _____)
- 2) **The variance will do substantial justice to the applicant and other property owners**
(because _____)
- 3) **A lesser variance than requested would not give substantial relief to the applicant**
(because _____)

OR (ONLY ONE IS REQUIRED)

- A lesser variance than requested would not be consistent with justice to other property owners**
(because _____)
- 4) **The variance is needed due to unique circumstances of the property**
(because _____)
- 5) **The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors**

(because _____)

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

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(s) requested in ZBA Case No. PZBA19-005 based on the applicant’s failure to demonstrate the review standards in Section 6-100.5 of the Zoning Ordinance, and the following findings regarding those standards with respect to each variance:

- 1) **Strict compliance with the ordinance provisions was not shown to be unnecessarily burdensome**
(Without the variance(s) the applicant can still _____)
- 2) **It was not shown that the variance will do substantial justice to the applicant and other property owners**
(The variance would have allowed _____ which I find would not provide substantial justice to _____)
- 3) **Even a lesser variance than requested would not be consistent with justice to other property owners**
(because _____)
- 4) **The variance is not needed due to unique circumstances of the property that are not generally applicable in the area or to other properties in the same zoning district**
(because _____)
- 5) **The problem and resulting need for the variance was self-created by the applicant or the applicant’s predecessors**
(because _____)
- 6) **Based on the review standards not demonstrated by the applicant, the variance would not observe the spirit of the Zoning Ordinance, secure public safety and welfare, and do substantial justice.**