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CHARTER TOWNSHIP OF WATERFORD  
ZONING BOARD OF APPEALS REGULAR MEETING

**Zoning Board of Appeals Meeting - 4:00**

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

Roll Call

Present: Dave Zuehlke, Chairman  
Todd Bonnivier, Secretary  
Todd Hoffman, Board Member  
Marie Hauswirth, Board Member  
Rick Schneider, Board Member  
Art Frasca, Board Member  
Sue Camilleri, Alternate Board Member

Also Present: Stacy St. James, Environ. And Housing Rehab Coordinator  
Amy Williams, Departmental Aide

Absent: Stan Moore, Vice Chairman

General Public: approximately 3

- II. Approve the Minutes of the March 21, 2023 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bonnivier; RESOLVED to APPROVE the Minutes of the March 21, 2023 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED**

**(7-0)**

- III. Approve the Agenda of the April 18, 2023 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Camilleri*

*Supported by Hoffman; RESOLVED to APPROVE the Agenda of the April 18, 2023 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

## IV. Old Business

## V. New Business

**Case No. PZBA23-013**

**Sidwell No. 13-10-176-005**, Section 10, Lot 72, "Fairplains Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** an 11,125 sq. ft. variance from Section 3-900 to allow the existing parcel to maintain a lot area of 32,435 sq. ft. (43,560 sq. ft. minimum required)

**Property Location:** 3310 Warren Dr  
**Property Zoned:** M-1, Light Industrial  
**Applicant:** Corey Lake

Applicant was not present

**Board Member Camilleri** noted that the property was rezoned a few years back and the owner was unaware. They want to continue the business that they have been conducting at this location.

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

**MOTION AND VOTE**

*Moved by **Camilleri***

*Supported by **Bonnivier**; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA23-013 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**

**(7-0)**

VI. **Case No. PZBA23-014**

**Sidwell No. 13-35-435-006**, Section 35, Lots 119, 120 & S ½ of Lot 121, "The Meyering Land Company's Cass-Sylvan Lakes Community Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. An 11.0 ft. variance from Section 2-104.4 to allow the proposed porch to be located 14.0 ft. from the west front property line. (25 ft. minimum required)

2. A 2.1 ft. variance from Section 2-305.A to allow the proposed generator to be located 2.9 ft. from the south side property line. (5 ft. minimum required)

**Property Location:** 1225 Beachland Blvd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Jeff & Rachel Levine

**Applicant or representative present: Rachel Levine; Zack Ostroff - Architect**

**Zack Ostroff** gave a brief overview of why they needed this variance. He stated that this was a small uncovered addition that would spruce up the house and setbacks would be similar to others in the neighborhood. Not much is conforming on such a small lot. They also have support from the adjacent neighbor. The generator is small and will not protrude more than the existing AC unit.

**Chairman Zuehlke** stated that sound is sometimes a concern, but the neighbor has an existing sound barrier.

**Board Member Hoffman** noted that screening is required with installation of a generator.

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

**Brian Lesniak, 1277 Beachland,** stated he supported both variance requests.

#### **MOTION AND VOTE**

*Moved by **Hauswirth***

*Supported by **Bonnivier**; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA23-014 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  
(7-0)**

#### **VII. Case No. PZBA23-015**

**Sidwell No. 13-35-435-012**, Section 35, Lot 112, "The Meyering Land Company's Cass-Sylvan Lakes Community," T3N, R93, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 5.0 ft. variance from Section 3-900 to allow the proposed house to be located 30.0 ft. from the west front property line. (35 ft. minimum required)

2. A 3.0 ft. variance from Section 2-104.1 to allow the proposed trellis to be located 28.0 ft. from the west front property line. (31 ft. minimum required)
3. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.0 ft. from the north side property line. (5 ft. minimum required)
4. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.0 ft. from the south side property line. (5 ft. minimum required)
5. A 3.6 ft. variance from Section 2-305.A to allow the proposed generator to be located 1.4 ft. from the north side property line. (5 ft. minimum required)
6. A 3.2 ft. variance from Section 2-305.A to allow the proposed air conditioner to be located 1.8 ft. from the north side property line. (5 ft. minimum required)
7. A variance from Section 3-900 to allow the propose house to have a maximum of three (3) stories. (Two (2) stories maximum allowed)

**Property Location:** 1277 Beachland Blvd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Brian Lesniak

**Applicant or representative present: Brian Lesniak**

**Brian Lesniak** stated that he has been a resident of Waterford for over 29 years. He said that all of the variances requested are due the uniqueness of the property. He is trying to locate closer to the road (and would still be in line with neighboring properties) rather than to the water which would only obstruct views. He wanted more garage so that he could park two vehicles inside and he lost setback when the sea wall was put in, and the lot is narrow.

**Chairperson Zuehlke** questioned if he had addressed water drainage.

**Mr. Lesniak** stated that he did update the topography and water flow would be directed to the lake. Variances 3 and 4 were approved prior to the pandemic, but he lost his architect and ran out of time. Variances 5 and 6 are for placement of AC and generator because he does not have a lot of room. He indicated screening would be provided. He further stated that he was not aware until recently that this would be considered a 3-story home versus a walkout. He stated that this conforms with 2 parcels to the north, and immediately to the south, that have a similar situation.

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

**Timothy Travis, 3050 Harrison Pl**, asked for clarification of what we considered a third story, as he did not feel that his home was. He voiced concerns with the height of this house, and with the noise from generators. He said this would be a nuisance for the neighbor on the north side (bedroom side) of their home. He also voiced concerns regarding water drainage. Other than these items, he was OK with this request.

**Staff** explained that a third story is determined by how much of the basement is exposed.

**Board Member Hoffman** stated that if the grade were less sloping, a variance would not be required.

**Richard Harrison, 1287 Beachland**, felt that it made no sense to put a big house on a small lot, and wanted to know why they can request so many variances.

**Board Member Hauswirth** said that overall, the home at 1253 is similar in proportion to the lot size, and noted that he is not obstructing any views with his request.

**Board Member Snyder** agreed with everything but questioned the applicant as to why he did not move the AC/Generator to the other side of the house where there was more room.

**Mr. Lesniak** said he considered this, but the walk/ entry (traffic flow) is on the other side.

#### **MOTION AND VOTE**

*Moved by Hoffman*

*Supported by Frasca; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA23-015 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.*

**MOTION CARRIED UNANIMOUSLY  
(7-0)**

#### **VIII. Case No. PZBA23-016**

**Sidwell No. 13-05-127-006**, Section 5, Lot 15, "Harris Park", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 19.8 ft. variance from Section 3-900 to allow the proposed addition to be located 15.2 ft. from the northwest front property line. (35 ft. minimum required)
2. A 17.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 14.2 ft. from the northwest front property line. (32 ft. minimum required)

**Property Location:** 6673 Windiate Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Kirk MacDonald

Applicant present: Kirk MacDonald

**Mr. MacDonald** stated that he was not expanding on the structure, just making it livable space.

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

### **MOTION AND VOTE**

Moved by **Frasca**

Supported by **Bonnivier**; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA23-016 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  
(7-0)**

IX. Discussions

X. All Else

XI. Public Comment

XII. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 4:48 p.m.

Members of the public will only be able to speak during the public portion of the meeting and during the public comment period at the end of the meeting. Prior to the meeting, members of the public may contact the Township employee/official at the address listed below. Written submittals must be received by noon on the day of the meeting. 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 and Housing Rehab Coordinator  
Charter Township of Waterford  
5200 Civic Center Drive, Waterford, Michigan 48329  
Email: [sstjames@waterfordmi.gov](mailto:ssstjames@waterfordmi.gov)  
Phone: (248) 674-6240

**Case No. PZBA23-013**

- Property:** 3310 Warren Dr
- Applicant:** Corey Lake
- Zoning:** M-1, Light Industrial
- Site Use:** Landscaping establishment
- Proposal:** Lot area variance (Rezoned to Light Industrial from High Tech Office)

**Analysis**

Historically, the subject property has been zoned Light Industrial. In 2010, the Zoning Ordinance was updated and the subject property was rezoned to High Tech Office. The applicant has indicated that he was not made aware of the zoning change. This zoning change would not allow the applicant to maintain the existing business at the subject property as it is not a permitted use. The applicant applied to the Planning Commission to rezone the property back to Light Industrial. At their February 28, 2023 meeting they resolved unanimously to forward a favorable recommendation to the Township Board. At the March 27 Board meeting, the Township Board approved the rezoning. However, a variance is still needed, as the subject property does not meet the minimum lot size for the Light Industrial zoning district. No changes or modifications to the property or structures is proposed through this process. Everything is shown to be maintained 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. PZBA23-013 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. PZBA23-013 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. PZBA23-014**

**Property:** 1225 Beachland Blvd  
**Applicant:** Jeff & Rachel Levine  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Porch and generator

**Analysis**

The applicant is requesting a variance to allow for a porch to be constructed on the existing non-conforming house. The porch is shown to be located on the lake rear (road) side of the house. The existing house is located 21' from the property line. The proposed porch has a minimum setback required of 25'. Therefore, any size porch addition would require a variance. The proposed porch is shown to project into the setback 7', with a proposed setback of 14'. Based upon the site plan submitted, there is approximately 24' between the property line and the edge of the road. Therefore, the proposed porch will be set back from the edge of the road approximately 38'. The applicant is also requesting a variance for the placement of a generator within the side yard. The generator is shown to be located near an existing a/c unit. The generator would be located 2.9' from the side property line. Again, similar to the existing a/c unit. The applicant has submitted a letter of support from the adjacent property owner.

*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.*

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*(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.

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- *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. PZBA23-015**

**Property:** 1277 Beachland Blvd  
**Applicant:** Brian Lesniak  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New house; generator; a/c

**Analysis**

The applicant is requesting variances for the construction of a new house at the subject property. A variance is shown to be needed from the lake rear (road side) property line to allow the house to be located 30’ from the property line, where a minimum setback of 35’ would be required. Variances for the proposed overhangs area also needed from the lake rear (road side) property line, in addition to

both the north and south side property line. Variances are not needed from the lakefront shoreline. The applicant is requesting additional variances to allow the both the proposed a/c unit and generator to be located within the north side setback. The a/c unit is shown to be located 1.8' from the property line and the generator is shown to be located 1.4' from the property line. A minimum setback of 5' is required for both. The final variance being requested is to allow for the house to have 3 stories. The proposed house is shown to have 2 stories, with a walk-out basement. Due to the grading of the site, the elevation of the first floor and the amount of the basement exposed, it would be considered an additional story (3<sup>rd</sup> story). A maximum of 2 stories is allowed.

On July 16, 2019, the applicant received variances from both side setback requirements for the overhangs of a proposed house (see attached minutes in packet). However, the work was never started.

*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.

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*(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.

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- *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. PZBA23-016**

**Property:** 6673 Windiate Rd  
**Applicant:** Kirk MacDonald  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant is requesting variances to allow the existing porch to be converted into living space. The current house and porch are nonconforming. The setback requirements for a porch are less restrictive than for living space (i.e. 25’ minimum for a porch and 35’ minimum for living space). So, even though the conversion of the porch to living space will not be increasing the current footprint, the required minimum setback changes, subsequently increasing the nonconformity and requiring variances.

*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.

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*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

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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: \_\_\_\_\_ )*