



VII. Old Business

VIII. New Business

**Case No. PZBA22-005**

**Sidwell No.13-36-202-030**, Section 36, Lots 555 & 556, "Huron Gardens No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 14.0 ft. variance from Section 2-508.A to allow the proposed ground sign to be located 1.0 ft. from the south right-of-way. (15 ft. minimum required)
2. A 2.6 sq. ft. variance from Section 2.508.C to allow the proposed sign message board to have an area of 22.4 sq. ft. (19.8 sq. ft. (50% of the sign area) allowed for subject sign)

**Property Location:** 1116 Voorheis Rd  
**Property Zoned:** C-1, Neighborhood Business  
**Applicant:** Assist 1 Medical Staffing LLC

Applicant or representative not present

**Chairman Zuehlke** commented that the landscaping area is keeping them from meeting the setback requirement.

**Board Member Hauswirth** stated that the sign would be in a dangerous location for drivers to see around.

**Board Member Camilleri** agreed that is would impeding the clear vision area.

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

**MOTION AND VOTE**

*Moved by Hauswirth*

*Supported by Moore; Motion to find that practical difficulties do not exist and to **DENY** the variance(s) requested in ZBA Case No. PZBA22-005 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have not been met:*

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

**Case No. PZBA22-015**

**Sidwell No. 13-08-306-010**, Section 8, Lot 10, "Williams Lake Park", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 1.9 ft. variance from Section 3-302.3.A(5) to allow the proposed detached accessory building to have a maximum height of 18.9 ft. (17 maximum allowed)

**Property Location:** 2912 Orange Grove Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Bernard Fredal & Jennifer Summers

Applicant or representative present: Bernard Fredal & Jennifer Summers

**Bernard Fredal** stated the main reason they are asking for the variance is for added space and that they are putting a car lift in the garage. The exterior will match the roof and architecture of the home. He stated there are other garages on the street at about the same height.

**Chairman Zuehlke** commented that one of the reasons a variance is needed is due to the design of the garage. He felt the request was minimal.

**Mr. Fredal** commented that they supplied a letter with signatures of the neighbors who are in support of the variance.

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

#### **MOTION AND VOTE**

*Moved by Camilleri*

*Supported by Hauswirth; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-015 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)**

#### **Case No. PZBA22-016**

**Sidwell No. 13-06-451-022**, Section 6, Lots 40-43 and vacant portion of Maceday Lk Rd, "Supervisors Plat No 63 Lot 49". T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 5.0 ft. variance from Section 3-900 to allow the proposed house to be located 5.0 ft. from the south side property line. (10 ft. minimum required)
2. A 3.0 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. (7 ft. minimum required)

**Property Location:** 7580 Maceday Lake Rd  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Gerald Frericks

Applicant or representative present: Gerald Frericks

Gerald Frericks, as an alternate board member at this meeting, will not be voting.

**Chairman Zuehlke** explained the requested variances and stated there are no neighbors adjacent to the area in which a variance is being requested.

**Mr. Frericks** stated he does not think homes should be 5 ft. from the property line but in his case the property next to him cannot be built on and the closest home on this side is 600 ft. away.

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

#### **MOTION AND VOTE**

*Moved by Bonnivier*

*Supported by Hoffman; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-016 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**

**(6-0) with Frericks abstaining from vote**

#### **Case No. PZBA22-017**

**Sidwell No. 13-14-351-022**, Section 14, Lots 31 & 32, "Linnet Park", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 2.8 ft. variance from Section 2-305.A to allow the proposed generator to be located 2.2 ft. from the southeast side property line. (5 ft. minimum required)
2. A 2.9 ft. variance from Section 2-305.A to allow the existing air conditioning units to remain 2.1 ft. from the southeast side property line. (5 ft. minimum required)

**Property Location:** 3950 Pitt Rd

**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Carol & Mark DeVore

Applicant or representative present: Dave Bickes from Modern Craft Homes

**Chairman Zuehlke** commented that most houses now are building right to the setbacks without room for exterior appliances.

**Dave Bickes** stated they are trying to keep all the appliances on the same side of the home. This side of the home is next to the neighbor's driveway not the home. The neighbors signed a letter stating they were in favor of the variance. He also stated they will screen the unit with bushes or a fence.

**Board Member Hauswirth** stated screening will be required around the unit.

**Board Member Camilleri** said she originally was going to ask if they could move it back but then was given the information that there would not be room for screening.

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

#### **MOTION AND VOTE**

*Moved by Hauswirth*

*Supported by Bonnavier; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-017 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)**

#### **Case No. PZBA22-018**

**Sidwell No. 13-14-326-002**, Section 14, S 45 ft. of N 90 ft. of Lot 16, "Co-Tu-Ma-Bi Bluffs", 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 be located 4.0' ft. from the north side property line. (5 ft. minimum required)
2. A 4.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered porch to be located 56 ft. from the west lakefront shoreline. (60 ft. minimum setback required for subject property)
3. A 1.0 ft. variance from Section 2-104.3 to allow the proposed uncovered porch to be located 49.0 ft. from the west lakefront shoreline. (50 ft. minimum required for subject property)

**Property Location:** 1985 Watkins Lake Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Christopher & Diane Below

Applicant or representative present: Christopher & Diane Below

**Chairman Zuehlke** explained the lakefront setback requirements compared to previous ordinances.

**Christopher Below** stated they will sit back farther than the homes on either side of them and would not obstruct their views. He stated the deck variance would be to square off the construction of the deck on the one side when they rebuild it. The addition on the rear would need a variance for the windows on the back two bedrooms so they could have a view of the lake. These windows would be on the second story of the addition. This addition is next to the neighbor's garage not the home and there are trees between the homes.

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

#### **MOTION AND VOTE**

*Moved by Hoffman*

*Supported by Bonnavier; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-018 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)**

#### **Case No. PZBA22-019**

**Sidwell No. 13-21-252-001**, Section 21, Lot 161, "Holiday Farms No 3", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 10.0 ft. variance from Section 3-900 to allow the proposed addition to be located 25.0 ft. from the south front property line. (35 ft. minimum required)
2. An 8.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 24.0 ft. from the south front property line. (32 ft. minimum required)

**Property Location:** 1136 Edgeorge St  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Anna Denny

Applicant or representative present: Anna Denny

**Chairman Zuehlke** stated they needed plans submitted for the review, so they can determine what it is and how it will look so they can vote on it.

**Anna Denny** said she provided plans that detail the size, and that it would be rather small. Stated that it was drawn on the survey. It is going to match the house with same colors and siding.

**Chairman Zuehlke** stated that those were not plans.

**Ms. Denny** said she will be working with an architect, but did not want to spend the money until it was approved.

**Chairman Zuehlke** state we do not operate like that and part of the application states for you to supply plans pertaining to the project.

**Ms. Denny** said it would cost \$3000 for plans to be drawn up and that the reason they want the addition is because the kitchen is too small and the support walls cannot be moved to make room for the kitchen table. She also stated they would like it to have ADA compliance for the width of the openings.

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

**Board Member Bonnivier** asked if she was able to draw up plans herself and table this to the next meeting.

**Chairman Zuehlke** stated the plans would need to be drawn to scale.

#### **MOTION AND VOTE**

*Moved by Bonnivier*

*Supported by Moore; to **TABLE** ZBA Case No. PZBA22-019 to the May 17, 2022 regular meeting.*

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

#### **Case No. PZBA22-020**

**Sidwell No. 13-03-329-015**, Section 3, W 65 ft. of Lot 85, "Eyster's Woodhull Lake Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 1.0 ft. variance from Section 3-900 to allow the proposed attached garage to maintain a setback of 9.0 ft. from the east side property line. (10 ft. minimum required)
2. 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:** 4587 Midland Ave  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** MaryAnn Northcote & Kimberly Hettinger

Applicant or representative present: Kimberly Hettinger

**Chairman Zuehlke** explained the meaning of a nonconforming building.

**Kimberly Hettinger** stated she needs the variance for an attached garage and needed to apply to the ZBA.

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

**MOTION AND VOTE**

*Moved by Hauswirth*

*Supported by Moore ; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-020 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)**

**Case No. PZBA22-021**

**Sidwell No. 13-04-280-003**, Section 4, Lot 16, "Lakeland Estates No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 3.0 ft. variance from Section 2-305.A to allow the proposed generator to be located 7.0 ft. from the southwest side property line. (10 ft. minimum required)

**Property Location:** 5067 Shoreline Blvd  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Kevin McKechnie

Applicant or representative present: Virginia Smith, Property owner



**Virginia Smith** said the neighbor at 5077 Shoreline Blvd does not oppose the generator variance request, a letter from this neighbor was submitted. She stated that the generator will be set back away from the neighbor's backyard, and will be next to all the other meters.

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

### **MOTION AND VOTE**

*Moved by Hoffman*

*Supported by Bonnivier; to find that practical difficulties exist and to **APPROVE the variances requested in ZBA Case No. PZBA22-021** 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)**

### **Case No. PZBA22-022**

**Sidwell No. 13-31-200-005**, Section 31, Waterford Township, Oakland County, Michigan

**Requesting** a 15 dwelling unit variance from Section 3-900 to allow the proposed multiple family development to have a maximum of 45 dwelling units (maximum of 30 dwelling units allowed for the subject property)

**Property Location:** 1128 (Vacant) S Hospital Rd  
**Property Zoned:** R-M2, Multiple-Family Residential  
**Applicant:** Trademark Building Company Inc – Tony McGuckin

Applicant or representative present: Tony McGuckin & Bennet Trebello

**Chairman Zuehlke** said to the applicant that they need to really give a good argument for this request.

**Tony McGuckin** stated they are not excited about being back here either, since we were here last they have had a significant increase of costs from interest rates to labor costs. He said they are not adding more land use, just adding more units to the same space. Per unit, cost will be less; it is not just about the money but the viability of the project. He stated that nobody would be able to get the money right now to build it. The lender told us to go back to the drawing board and either try to reduce cost or add more units.

**Chairman Zuehlke** stated people bring up the financial end, but it is not a concern for the Board. They have to make sure that this is good for the area, with that amount of

units. He was also concerned about the traffic, more people now because of more units.

**Bennet Trebello** stated the timing of the world right now happened so quickly, we did not want to have to come back here, and we are truly appealing for the help of the Township. He stated they have studied the parking and would have enough parking for the extra units and does not think the extra cars will impose negatively, concerning the traffic.

**Chairman Zuehlke** Said you are now asking for double of what was the original numbers, which were 21, and now you're asking for 45 after we gave you 30.

**Mr. McGuckin** Said it was approved for 45 units as a 2<sup>nd</sup> phase previously for Colonial Oaks, but were never built.

**Mr. Trebello** stated that it is coming down to economics and they are trying to provide a good product, with these town homes.

**Board Member Moore** asked what plans supplied were the new ones and how were they going to add what they were asking for?

**Mr. McGuckin** stated they are going to look like the plans. The original units were 1400 sq ft and the new ones will be between 1000 & 1200 sq ft., reducing some from 3 bedrooms to 2 bedrooms, which will reduce some of the parking. He stated they would be adding 2 units to each building, going from 4 to 6 units per building and a 3 unit building that was previously only 2 units. Instead of 26 feet of frontage, it would be between 16 and 18 feet.

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

**Shirley Gaulke, 7047 Colonial Oaks Dr.,** stated the traffic on S. Hospital Rd is terrible and is so noisy and people speed. She was concerned about the added traffic. She stated the apartments next door have vacancies and is concerned about all the trees being removed.

**Chairman Zuehlke** stated this is an issue if you live next to 30 acres you would like nobody to build on it and the reality is that it will be built on. They will have to go through a process with landscaping etc. and we cannot tell them they cannot take down a tree or not.

**Mr. Trebello** felt they would not be impacting the neighbors in any way, from the visual aspect our units, because they will be lower than the neighboring complex.

**Board Member Camilleri** stated the standards in the ordinances and the community relying on the Board, that when a product is built it will not adversely affect the surrounding properties. Their highest and best use has to do with the banks' ability to

finance. She felt the perspective is totally different from the Board. She was not in favor of the request.

**Mr. McGuckin** stated that the perspectives overlap, in that we want to build a product that people want to live in, in this Township. He reiterated the subject property is zoned to be a multifamily project.

**Board Member Camilleri** was in support of 21 units.

**Mr. McGuckin** stated that according to the funny shape of the property, they did their best to make it work with 30. He really does believe in this Township and would like to move forward with the project.

**Board Member Hauswirth** stated the Township did make concessions and went ahead and granted the 30. She was not in favor of the additional units.

### **MOTION AND VOTE**

*Moved by Camilleri*

*Supported by Hoffman; to find that practical difficulties do not exist and to **DENY** the variances requested in ZBA Case No. PZBA22-022 based upon the applicants failure to demonstrate that the following review standards 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.*
- *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  
(7-0)**

VII. Discussions

VIII. All Else

IX. Public Comment

X. Meeting adjourned at 4:52 p.m.

Members of the public will only be able to speak during any public hearing that is held at the meeting and during the public comment period at the end of the meeting and such comments will be limited to three minutes per person. The Chairperson will recognize all persons wishing to speak during a public hearing and the public comment period. Prior to the meeting, members of the public may contact the members of the Zoning Board of

Appeals to provide input or ask questions by email or mail to the Township employee/official and at the addresses listed below. 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. PZBA22-005**

**Property:** 1116 Voorheis Rd  
**Applicant:** Assist 1 Medical Staffing LLC  
**Zoning:** C-1, Neighborhood Business  
**Site Use:** Medical Care Office  
**Proposal:** New sign

**Analysis**

The applicant is proposing to construct a new monument sign at the subject property. The sign is shown to be located 1.0 ft. from the south right-of-way (15 ft. minimum required). The applicant has been working with Township staff regarding the location so that the sign would not be within the clear vision triangle (see site plan). Additionally, a variance is needed for the sign message board. The sign message board is the portion of the sign that provides a changeable message (either digitally or manually). The ordinance does not allow this area to occupy more than 50% of the sign area (prior to 2021, this area could occupy 100% of the sign). The total sign area is 39.6 sq. ft., which would allow for a 19.8 sq. ft. message board. The applicant is showing the message board area on the proposed sign at 22.4 sq. ft. If the applicant constructed a sign at the maximum size for the subject property (50 sq. ft.), the sign message board could be 25 sq. ft. and a variance would not be needed. However, since the proposed sign is smaller than the maximum allowed, it reduces the area for the message board. The proposed sign meets all other ordinance requirements.

*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. PZBA22-005 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. PZBA22-005 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. PZBA22-015**

**Property:** 2912 Orange Grove Rd  
**Applicant:** Bernard Fredal & Jennifer Summers  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Detached garage

**Analysis**

The applicants are requesting a variance to allow the proposed detached garage to have a maximum height of 18.9 ft., where the ordinance allows for a maximum height of 17 ft. All other ordinance requirements are shown to be met, including the size and location of the proposed building. They have also included letters of support from the adjacent property owners.

*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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*(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. PZBA22-015 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:***

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- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
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- *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. PZBA22-016**

**Property: 7580 Maceday Lake Rd**  
**Applicant: Gerald Frericks**  
**Zoning: R-1A, Single-Family Residential**  
**Site Use: Single Family Residential**  
**Proposal: New House**

**Analysis**

The applicant is requesting a variance to allow the proposed house to be located 5 ft. from the side property line, where a minimum setback of 10 ft. is required. The applicant was previously before the Board on November 16, 2021 and received variances for the proposed lot size, lakefront setback and lake rear setbacks (see attached minutes). At that time, the proposed house was shown to meet the minimum side setback. Since then, the applicant has modified the design of the house and essentially

squared off that side of the house. The previous design showed the house parallel to the side property line, 10 ft. off (see attached).

*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. PZBA22-016 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.***

*(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. PZBA22-016 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. PZBA22-017**

**Property: 3950 Pitt Rd**



**Applicant:** Carol & Mark DeVore  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Existing a/c units and proposed generator

**Analysis**

The applicants are requesting variances for the existing a/c units and proposed generator. Variances are needed to allow the a/c units to remain within the required side yard. A variance is requested to allow the proposed generator to be placed adjacent to the existing a/c units, within the side yard (see site plan). The applicants have provided 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.*

**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. PZBA22-017 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. PZBA22-017 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. PZBA22-018**

**Property:** 1985 Watkins Lake Rd  
**Applicant:** Christopher & Diane Below  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition, covered porch and uncovered porch

**Analysis**

The applicants are requesting a variance to allow an addition to be constructed on the existing house. The proposed addition is shown to be located on the east side of the house (lake rear – between the house and existing detached garage). While the proposed addition is shown to meet the minimum side yard setback of 5 ft., a variance will be required to allow the 1 ft. overhang to project into the setback. The applicants are also proposing to construct a combination of covered and uncovered porch on the west lakefront side of the house. The covered portion of the porch is shown to be located 56 ft. from the lakefront shoreline, where a minimum setback of 60 ft. is required. Additionally, the uncovered portion of the proposed porch is shown to be located 49 ft. from the lakefront shoreline, where a minimum setback of 50 ft. would be required. The proposed lakefront improvements appear to be maintaining the same lakefront setback as the adjacent houses.

*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. PZBA22-018 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. PZBA22-018 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. PZBA22-019**

**Property:** 1136 Edgeorge St  
**Applicant:** Anna Denny  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant is requesting a variance to allow the proposed addition to be located 25 ft. from the front property line where a minimum setback of 35 ft. is required. The applicant previously received a variances on July 16, 2019 to allow the house to be located 30 ft. from the front property line (see attached minutes). Construction documents have not been provided for the proposed addition. However, the applicant indicated a 1 ft. overhang is also proposed, which requires an additional variance.

*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. PZBA 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. PZBA 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. PZBA22-020**

**Property:** 4587 Midland Ave  
**Applicant:** MaryAnn Northcote & Kimberly Hettinger  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Attached garage

**Analysis**

The applicants are proposing to construct an attached garage on the existing house. The existing house is nonconforming, in that it does not meet the minimum side yard setback of 10 ft. (it is shown at 9 ft.). The proposed garage will maintain the same side yard setback as the house. All other zoning requirements are shown to be met.

*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. PZBA22-020 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. PZBA22-020 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. PZBA22-021**

**Property:** 5067 Shoreline Blvd  
**Applicant:** Kevin McKechnie  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Generator

**Analysis**

The applicant is requesting a variance to allow for the placement of a generator within the required side yard setback. The zoning of the subject property requires a minimum setback of 10 ft. from the side yard property line for the proposed generator. The applicant is requesting a 3 ft. variance to allow for the generator to be placed 7 ft. from the side yard property line. They 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.*

**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. PZBA22-021 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. PZBA22-021 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. PZBA22-022**

**Property:** 1128 (vacant) S Hospital Rd  
**Applicant:** Trademark Building Co Inc  
**Zoning:** R-M2, Multiple-Family Residential  
**Site Use:** Multiple Family (Townhouses)  
**Proposal:** Dwelling Unit Increase

**Analysis**

The applicant was originally before the ZBA on November 16, 2021 and received a variance to allow for a maximum of 30 dwelling units for the subject property, where the ordinance allows for 21 units (see original review below). The applicant has modified the plans and is requesting a variance to allow for a maximum of 45 dwelling units for the subject property.

**November 16, 2021 Staff Review:**

*The applicant is proposing to construct a new multiple family residential development at the subject property. The site plan shows eight attached single family buildings, with a total of 30 units. A variance is needed to allow for 30 units at the subject property, as the ordinance limits the development to 21 units (the buildable area determines the number of units allowed. The required setbacks had an impact on the buildable area). The plan has received support from the Township Planning staff (see attached staff report). The Planning Commission also approved the plan, with the condition that a variance be granted for the unit increase (see attached minutes).*

*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. PZBA22-022 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. PZBA22-022 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: \_\_\_\_\_ )*