

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

- II. Roll Call.
Present: David Zuehlke, Chairman
Gary Crake, Vice chairman
Steve Reno, Board Member
Karen Joliat, Board Member
Colleen Murphy, Board Member
Todd Hoffman, Board Member
Stan Moore, Board Member

General Public: Approximately 10

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Rob Merinsky, Director/Engineer

- III. Approve the Agenda of the May 15, 2018, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Crake

*Supported by Joliat; RESOLVED to **APPROVE** the Agenda of the May 15, 2018 regular meeting of the Zoning Board of Appeals.*

MOTION CARRIED UNANIMOUSLY

(7-0)

- IV. Approve the Minutes of the April 17, 2018, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Crake

*Supported by Moore; RESOLVED to **APPROVE** the Minutes of the April 17, 2018 regular meeting of the Zoning Board of Appeals as printed.*

MOTION CARRIED UNANIMOUSLY

(7-0)

- V. PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS**Case No. 5507**

Sidwell No. 13-30-103-017, Section 30, Lots 282-284, "Swartz's Pleasant Lake Highlands", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 20.0 ft. variance from Section 3-302.3.A(6) to allow the proposed detached accessory building to come to within 0.0 ft. of the north lake rear property line. (20 ft. minimum setback required)

Property Location: 7785 Elizabeth Lake Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Renee Bussey

Applicant or representative present: Renee Bussey

Ms. Bussey said that she wished to replace the existing shed that was in bad shape. She felt there is really no other location for the shed due to the shape and size of the lot. It will be closer to the house than existing shed.

Chairman Zuehlke stated that the existing shed is off the property and the new shed is shown to be on the property.

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

MOTION AND VOTE

Moved by Crake

*Supported by Reno; RESOLVED to **APPROVE** Case No. 5507.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 4789-A

Sidwell No. 13-28-426-005, Section 28, Lot 27, "Supervisor's Replat of Elizabeth-Dale," T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 0.2 ft. variance from Section 3-302.3.A(5) to allow the proposed detached accessory building addition to come to within 4.8 ft. of the north side property line. (5 ft. minimum required)
2. A 1.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 3.6 ft. of the north side property line. (5 ft. minimum required)

3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

Property Location: 436 Hickory Nut Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Brian & Deb Rogers

Applicant or representative present: Brian Rogers

Chairman Zuehlke explained the non-conformity of this structure.

Mr. Rogers stated that he wished to add 17 feet onto the front of the existing accessory structure and maintain the same side yard setback. He felt the neighboring property owner were in support of the request.

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

Board Member Crake noted that since the structure is within 7 feet of the primary structure he may be required to fire rate the walls. This would be up to the building officials.

Board Member Murphy questioned if he planned to attach this to the existing house in the future. The applicant indicated he had no plans to attach it to the house.

Mr. Rogers indicated he had no plans to attach it to the house. He also stated that the total area is within the 1444 sq. ft. that is allowed. He indicated he would be able to build another building without a variance, but felt this request was a better fit.

MOTION AND VOTE

Moved by Crake

*Supported by Moore; RESOLVED to **APPROVE** Case No. 4789-A.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5508

Sidwell No. 13-01-226-028, Section 1, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 5.0 ft. variance from Section 3-302.3.A(4) to allow the proposed attached accessory building to come to within 5.0 ft of the north 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 come to within 4.0 ft. of the north side property line. (7 ft. minimum required).

Property Location: 4377 Rohr Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: James Raymaker

Applicant or representative present: James Raymaker

Mr. Raymaker said that the adjacent neighborhood association denied his request to access the proposed accessory building from Deer Run Trail. Therefore, he is proposing to build a front entry attached garage.

Chairman Zuehlke indicated there is property between the subject lot and Deer Run.

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

Board Member Murphy questioned the reconfiguration of the driveway.

Mr. Raymaker indicated they are planning to change the driveway and will get the required permits.

MOTION AND VOTE

Moved by Crake

*Supported by Moore; RESOLVED to **APPROVE** Case No. 5508.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5509

Sidwell No. 13-08-226-014, Section 8, Lot 106, "Maceday Gardens Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 2.0 ft. variance from Section 3-302.3.A(6) to allow the proposed detached accessory building addition to come to within 3.0 ft. of the east side property line. (5 ft. minimum required)

Property Location: 6041 Williams Lake Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Darren Brantley

Applicant or representative present: Darren Brantley and Dorian Gluckman

Mr. Gluckman stated that the applicant wished to extend the existing garage to make it a four car garage, but to do so would bring it to within 3 feet of the property line.

During the public portion of the meeting no one spoke regarding this request. However, a letter was submitted from the neighboring business in support of the request.

MOTION AND VOTE

Moved by Moore

*Supported by Crake; RESOLVED to **APPROVE** Case No. 5509.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5510

Sidwell No. 13-06-426-009, Section 6, "Mountain View Park Lot 8, "T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 3.7 ft. variance from Section 3-900 to allow the proposed attached accessory building to come to within 6.3 ft. of the southeast side property line. (10 ft. minimum required)
2. A 1.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 5.3 ft. of the southwest side property line. (7 ft. minimum required)
3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

Property Location: 3819 Dorothy Lane
Property Zoned: R-1A, Single-Family Residential
Applicant: William & Deborah Walters

Applicant or representative present: William & Deborah Walters

Mr. Walters stated that due to the irregular lot lines, the front of the proposed garage would meet the minimum side setback. However, since the house is non-conforming a variance is required.

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

John Stockbridge, 3845 Dorothy Lane, stated that he was in support of this request.

MOTION AND VOTE

Moved by Hoffman

*Supported by Crake; RESOLVED to **APPROVE** Case No. 5510.*

MOTION CARRIED UNANIMOUSLY

(7-0)

VI. Adjourn the meeting.

Chairman Zuehlke adjourned the meeting at 4:20pm

Case No. 5507

Property: 7785 Elizabeth Lake Rd
Applicant: Renee Bussey
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory building

Analysis

The applicant is proposing to construct a 10 ft. by 12 ft. shed at the subject property. Currently there is an 8 ft. by 8 ft. shed on the property. The current shed is in disrepair (see photos) and it is located partially off the property (see site plan). The applicant is proposing to remove the existing shed and construct the new shed with a 0 ft. setback from the north lake rear (road) side property line.

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."*

Case No. 4789-A

Property: 436 Hickory Nut Dr
Applicant: Brian & Deb Rogers
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory building addition

Analysis

The applicant is proposing to construct an addition onto the existing detached garage. The existing detached garage is non-conforming in that it is located 4.8' from the north side property line, where a minimum setback of 5' is required. The proposed addition is shown to maintain the same side yard setback as the detached garage. The existing garage is 639 sq. ft. The proposed addition will add an additional 447 sq. ft. for a total area of 1086 sq. ft. The ordinance allows for a maximum accessory area of 1444 sq. ft. for the subject property.

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."*

Case No. 5508

Property: 4377 Rohr Rd
Applicant: James Raymaker
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential

Proposal: Addition**Analysis**

The applicant is proposing to construct an addition onto the north side of their house. The addition is two stories, shown with a garage below and bonus room above. The addition is proposed to be located 5' from the north side property line, where a minimum setback of 10' is required.

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."*

Case No. 5509

Property: 6041 Williams Lake Rd
Applicant: Darren Brantley
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached garage addition

Analysis

The applicant is proposing to construct an addition to the existing detached garage. The current garage is conforming with regards to setbacks and size. The size of the existing detached garage is 744 sq. ft. The proposed addition will add any additional 264 sq. ft. for a total size of 1008 sq. ft. The maximum size allowed is 1444 sq. ft. However, the proposed addition is shown to come to within 3' of the east side property line. A minimum setback of 5' is required and therefore, a variance is required.

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.”*

Case No. 5510

Property: 3819 Dorothy Lane
Applicant: William & Deborah Walters
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage

Analysis

The applicant is proposing to construct an addition onto their house. The addition is two stories with a garage and living space below and additional living space above. The proposed garage is show to be 964 sf. The existing house is non-conforming with regards to the side yard setback. The proposed addition is show to maintain and gradually become more conforming as it progresses to the northeast.

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."*