
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 4:00 p.m.

II. Roll Call

Present: Dave Zuehlke, Chairman
Stan Moore, Vice Chairman
Todd Bonnavier, Secretary
Todd Hoffman, Board Member
Marie Hauswirth, Board Member
Rick Schneider, Board Member
Art Frasca, Board Member

Also Present: Stacy St. James, Environ. And Housing Rehab Coordinator
Janine Tremonti, Admin. Assistant

General Public: approximately 34

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

MOTION AND VOTE

Moved by FRASCA

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

MOTION CARRIED UNANIMOUSLY

(7-0)

IV. Approve the AMMENDED Agenda of the May 16, 2023 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by MOORE

Supported by HAUSWIRTH; RESOLVED to APPROVE the agenda of the May 16, 2023 meeting Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY

(7-0)

V. Old Business

Case No. PZBA23-009

Sidwell No. 13-20-151-001, Section 20, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. An 86 unit variance from Section 3-900 to allow the proposed development to have a maximum density of 166 units. (80 units maximum allow for subject property)
2. A 3.83 ft. variance from Section 3-900 to allow Building 1 of the proposed development to have a maximum height of 38.8 ft. (30 ft. maximum allowed)
3. A variance from Section 3-901 Footprint (8 ft.) to reduce the minimum setback between any buildings and an offset parking facility as reflected by the revised site plan submitted on January 31, 2023.
4. A variance from Section 2-802.2, 2-802.9 and 3-402.6.B to reduce the landscaping requirements as reflected by the revised site plan submitted on January 31, 2023.
5. A variance from Section 2-404 to reduce the amount of required nonmotorized pathways as reflected by the revised site plan submitted on January 31, 2023.

Property Location: Vacant Pontiac Lake Rd
Property Zoned: R-M2, Multiple-Family Residential
Applicant: Jordan London, AIA – Edmund London & Associates

Request to table (date to be determined)

MOTION AND VOTE

Moved by MOORE

Supported by FRASCA; RESOLVED to TABLE ZBA Case ZBA Case No. PZBA23-009 to a DATE TO BE DETERMINED.

MOTION CARRIED UNANIMOUSLY (7-0)

VI. New Business

Case No. PZBA23-017

Sidwell No. 13-33-433-019, Section 33, Lots 1-3, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3-302.3K to allow the existing gardening area to remain in a front yard. (Gardening areas shall only be located in the rear yard)

Property Location: 1205 Oregon Blvd
Property Zoned: R-1C, Single-Family Residential

Applicant: Sean Cassar

Applicant or representative present: Sean Cassar

Sean Cassar said when he moved in the front yard was overgrown and he wanted to clean it up and make it look more presentable.

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

Marcie Soufrine - 5150 Cheyenne -stated she was in favor of the variance and she felt it that it looks nice.

MOTION AND VOTE

Moved by **HAUSWIRTH**

Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-017 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

(7-0)

Case No. PZBA23-018

Sidwell No. 13-28-276-027, Section 28, Lot 98 & 99, "Supervisor's Replat of Elizabeth-Dale", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2.0 ft. variance from Section 3-900 to allow the proposed garage addition to be located 3.0 ft. from the north side property line. (5 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 2.0 ft. from the north side property line. (5 ft. minimum required)

Property Location: 269 Reymont Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Keith & Dolores Henige

Applicant or representative present: Keith & Dolores Henige

Keith Henige stated they are asking for the variance to add a one-car addition to the existing two-car garage.

Chairman Zuehlke commented that the property is on an angle.

Mr. Henige stated that only the front corner is closer to lot line. He stated that they do not have a basement and needed the extra space for storage.

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

MOTION AND VOTE

Moved by SCHNEIDER

*Supported by HAUSWIRTH; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-018 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

(7-0)

Case No. PZBA23-019

Sidwell No. 13-23-176-004, Section 23, Lot 26, "Watkins-Pontiac Estates No 2", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 6.0 ft. variance from Section 3-900 to allow the proposed attached garage to be located 4.0 ft. from the north side property line. (10 ft. minimum required)
2. A 4.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 3.0 ft. from the north side property line. (7 ft. minimum required)

Property Location: 1417 Woodlow St
Property Zoned: R-1A, Single-Family Residential
Applicant: Robert Brand

Applicant or representative present: Robert Brand, Contractor

Robert Brand stated that a tree fell on the garage. They will be using the existing foundation and adding on to the rear. He felt they were keeping in character with the neighborhood.

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

Christopher Smith - 1445 Woodlow – expressed his support for the request.

MOTION AND VOTE

Moved by FRASCA

Supported by **BONNIVIER**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-019 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

(7-0)

Case No. PZBA23-020

Sidwell No. 13-04-433-008, Section 4, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 2-508 to increase the sign facing area of the existing nonconforming freestanding sign from 236.49 sq. ft. to 308.49 sq. ft. (100 sq. ft. maximum total sign face area allowed)

Property Location: 5100 Dixie Hwy
Property Zoned: C-4, Extensive Business
Applicant: Aver Sign Co.

Applicant or representative present: Jennifer Glover - Aver Sign

Jennifer Glover stated that they are proposing to add a cabinet and marathon price structure to the existing pole sign. She felt the request was keeping in character with other signs in the area.

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

Mike Rimsa - 5255 Eagle Lake Dr - expressed his concerns regarding the use of the site. He stated he did not support the content of other signs in the area.

Chairman Zuehlke stated the Board could not address his concerns, as they did not relate to this request.

MOTION AND VOTE

Moved by **BONNIVIER**

Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-020 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

(7-0)

Case No. PZBA23-022

Sidwell No. 18-02-105-012, Section 2, Lot 74, "Cass Lake Highlands Sub", T2N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 10.1 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to be located 72.9 ft. from the southeast lakefront shoreline. (83 ft. minimum required for subject property)
2. An 18.2 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered porch to be located 64.8 ft. from the southeast lakefront shoreline. (83 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 northeast side property line. (5 ft. minimum required)
4. A 1.0 ft. variance from Section 2-104.1 to allow the proposed fireplace cantilevers to be located 4.0 ft. from the northeast side property line. (5 ft. minimum required)
5. 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 southwest side property line. (5 ft. minimum required)
6. A 1.0 ft. variance from Section 2-104.1 to allow the proposed architectural features to be located 4.0 ft. from the southwest side property line. (5 ft. minimum required)
7. A 3.6 ft. variance from Section 2-305.A to allow the proposed generator unit to be located 1.4 ft. from the northeast side property line. (5 ft. minimum required)
8. A 3.2 ft. variance from Section 2-305.A to allow the proposed a/c unit to be located 1.8 ft. from the northeast side property line. (5 ft. minimum required)

Property Location: 3769 Lake Front St
Property Zoned: R-1C, Single-Family Residential
Applicant: Kevin Akey

Applicant or representative present: Brad Backwill – AZD Architect’s and Darin Naimi – nephew of owner.

Brad Backwill stated they did not plan to need so many variances. He said that other houses on the lake were set back further than the proposed house. The projection was mainly for the porch. He felt the side yard variances were for minor projections. He recognized the main concern was on the lakeside of the house. They would like to push the house more towards the road, but there was not room

Darin Naimi stated that many houses in the area have been rebuilt. The lot was small and he did not feel that the view would be blocked since the overhang will be taller than the other homes so the neighbors should be able to look and see the lake under it.

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

Bill Lukes 3761 - Lake Front St - he stated that the home that is there now is large enough and he was not in support of all of the encroachments. He felt the ordinance is set up for the neighborhood and to maintain harmony with neighbors and that they should build a house that fits on the property. Many of the other houses on the road comply to the ordinance requirements.

Chairman Zuehlke commented that lake areas used to be small cottages and they have been torn down to build bigger homes.

Dave Roemensky - 3785 Lake Front St - said his property has been in the family for 81 years and there has been many changes up and down the street. He stated that when they built they stayed within the limits. He did not support the request and felt the house was too big.

Kirk Mackavich - 3749 Lake Front - said that when he built his home be built within the setbacks. He felt they don't have a hardship and that it is just too big of a home for the lot. He is not in favor of the variance and they should be able to build a smaller home to fit into the setbacks.

Chairman Zuehlke commented that the previous setbacks from the lake used to be a lot closer. The side yard setbacks are in place to maintain the house and drainage.

Peter Edward - 4745 Crescent Pt. - stated there is no hardship to build on this lot and that they should meet the setbacks. He felt the generator is going to be very close with its sound. The request is a self-created issue and the house can be redesigned. He is not in favor of the variances.

Neil Adrian - 3795 Lake Front - said he is two houses west of this home and will not be able to see the east side of the lake. Everyone will lose the sights of the lake that they currently have. He felt they should meet the ordinance requirements.

Chairman Zuehlke said the house is going to be beautiful but thought they should be able to meet setbacks.

Board Member Hauswirth agreed with the Chairman.

Board Member Moore commented he was in support of variance 3 thru 8.

Board Member Schneider agreed with Board Member Moore.

Chairman Zuehlke commented that a new home should be designed to fit the building envelope.

Board Member Frasca said it would be better if they asked for variances on the roadside of the home so as not to affect the neighbor's views of the lake. It felt it could be moved 15 feet towards the road and then they would only need 5 feet extra on lakeside.

Mr. Backwill said that looking into the roadside variances is possible and he would like to make some changes and come back at the June ZBA meeting.

MOTION AND VOTE

*Moved by **MOORE***

*Supported by **HAUSWIRTH**; to **PASS** the variances requested in ZBA Case No. PZBA23-022 to the June 20, 2023 ZBA Meeting.*

MOTION CARRIED

(7-0)

Case No. PZBA23-023

Sidwell No. 13-10-426-044, Section 10, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 27.6 ft. variance from Section 3-901 Footnote 8.A(1) to allow the proposed 11 unit carport garage to be located 7.4 ft. from the north side property line. (35 ft. minimum required)
2. A 25.6 ft. variance from Section 2-104.2 to allow the proposed 11 unit carport garage roof eave and gutter to be located 6.4 ft. from the north side property line. (32 ft. minimum required)
3. A 13.0 ft. variance from Section 3-901 Footnote 8.A(3) to allow the proposed 11 unit garage to be located 12.0 ft. from the off-street parking facility. (25 ft. minimum required)
4. A 9.0 ft. variance from Section 3-901 Footnote 8.A(1) to allow the proposed 6 unit carport garage to be located 26.0 ft. from the south side property line. (35 ft. minimum required)
5. A 7.0 ft. variance from Section 2-104.2 to allow the proposed 6 unit carport garage roof eave and gutter to be located 25.0 ft. from the south side property line. (32 ft. minimum required)
6. A 5.0 ft. variance from Section 3-901 Footnote 8.A(3) to allow the proposed 6 unit garage to be located 20.0 ft. from the off-street parking facility. (25 ft. minimum required)
7. A 20.0 ft. variance from Section 3-901 Footnote 8.A(1) to allow the proposed 4 unit carport garage to be located 15.0 ft. from the south side property line. (35 ft. minimum required)

8. An 18.0 ft. variance from Section 2-104.2 to allow the proposed 4 unit carport garage roof eave and gutter to be located 14.0 ft. from the south side property line. (32 ft. minimum required)
9. A 13.0 ft. variance from Section 3-901 Footnote 8.A(3) to allow the proposed 4 unit garage to be located 12.0 ft. from the off-street parking facility. (25 ft. minimum required)
10. A 10.0 ft. variance from Section 3-901 Footnote 8.A(1) to allow the proposed duplex to be located 25.0 ft. from the east side property line. (35 ft. minimum required)
11. A 8.0 ft. variance from Section 2-104.2 to allow the proposed duplex roof eave and gutter to be located 24.0 ft. from the east side property line. (32 ft. minimum required)
12. A 17.0 ft. variance from Section 3-901 Footnote 8.A(3) to allow the existing stairs to remain 8.0 ft. from any off-street parking facility. (25 ft. minimum required)

Property Location: 3000 Sashabaw Rd
Property Zoned: R-M2, Multiple-Family
Applicant: Raves Construction (Ramiz Sheena)

Applicant or representative present: Pat McWilliams – Kieft Engineering, Joe Bruce and Bob Soles – Raves Construction

Pat McWilliams stated they are preserving the existing historical school and converting it into condominiums. They are installing a new parking lot and drive lanes. With the required setbacks they getting squeezed with the proposed garages, requiring them to be closer to the property lines. He explained the site and surrounding area. He explained the details of the plan and the location of the proposed garages. He indicated to the south of the lot is commercial and to the north of the lot is residential. The proposed setback varies from 7 ft. on the north side and 33 ft. on the south side. As for the proposed duplex, he felt it will look like part of the surrounding neighborhood. Where other houses have a minimum side yard setback of 5 ft., the proposed duplex will have a setback of 25 ft. With regards to the existing stairs, they are only used for basement access. The proposed plan will take into account stormwater management.

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

Tom Redigan - 4179 Lanco Ct. – stated that he objected to the zoning change when it was presented. He felt the applicant should meet the ordinance requirements. He did not feel as if the duplex will blend in with the neighborhood. He was concerned with the impact the project would have on the neighborhood.

Chairman Zuehlke offered a change for the applicant to explain the request to the public and for the public to come down and look at the plans.

Peter Edward - 4745 Crescent Point - stated he is concerned about the safety issue of cars coming onto the property and safety of the carports. He stated he is in favor of the overall concept of the property.

Chairman Zuehlke commented this development would be nice for the property.

Board Member Hauswirth commented they are building garages not carports and they would be an asset.

Board Member Schneider asked about the fencing.

Mr. McWilliams said the fencing proposed on south side is a six-foot PVC privacy fence and landscape screening for the duplex and leaving the existing fence. The line of the six-foot privacy fence will be straightened out.

Jim Jackson - 4175 Farner - said there are a lot of apartments and condominiums without garages and the carports could just go on the parking lot.

Dale Verhey - 3458 Sashabaw - stated the duplex does not match with the whole character of the street. It will be very different and a drastic change for Lanco Ct. and he was not in support of the variances.

Sandy Redigan - 4179 Lanco Ct. - said she is concerned about the fence line.

Board Member Hauswirth commented the fence is not part of the variances requested.

Mr. McWilliams commented that the neighbor would gain five feet more property once the fence is straightened out.

Board Member Bonnivier asked if there is a water retention pond in the corner.

Mr. McWilliams answered yes there is excellent soil here and they will put in a retention basin, with the middle being a leaching basin. He stated the property has plenty of capacity to drain into the ground as well.

Board Member Schneider commented he is in favor of the project, but has questions about the duplex and whether it can have an entrance from Sashabaw instead of Lanco Ct.

Mr. McWilliams said the use of Lanco Ct for the duplex makes sense. He agreed that the duplex may not blend in, but it will be a nice addition to the neighborhood. He also stated that the density of the site would support more than what is being proposed.

MOTION AND VOTE

*Moved by **BONNIVIER***

*Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-023 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

(7-0)

VII. Discussions

VIII. All else

IX. Public Comment

X. Meeting adjourned at **5:19 PM**

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. PZBA23-017

Property: 1205 Oregon Blvd
Applicant: Sean Cassar
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Gardening Area to remain

Analysis

The applicant is requesting a variance to allow the existing gardening area to remain in a front yard. The ordinance requires gardening areas to only be located within a rear yard. In November 2021, a complaint was received regarding the gardening area. At that time, the ordinance officer did not believe it was in violation and closed the complaint. In November 2022, another complaint was received and it

was at this time that the determination was made that the gardening area was in violation of the ordinance requirements. The applicant indicated that they would like to keep the gardening areas in the current location and applied for 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.

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-017 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. PZBA23-017 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. PZBA23-018

Property: 269 Reymont Rd
Applicant: Keith & Dolores Henige
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Garage Addition

Analysis

The applicants are requesting a variance to allow for the construction of a garage addition at the existing house. The garage addition is shown to maintain the same lake rear (road) setback as the existing house. However, the proposed garage addition is shown to be located 3 ft. from the north side property line, where a minimum setback of 5 ft. is required. Based upon the plans submitted, the garage addition will have doors on the front and rear of the garage, allowing access to the lakefront yard through the proposed garage addition.

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. PZBA23-018 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. PZBA23-018 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. PZBA23-019

Property: 1417 Woodlow
Applicant: Robert Brand
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached Garage

Analysis

The applicant is requesting a variance to allow the construction of an attached garage in the same location as the previous garage that was destroyed from a tree fall during an ice storm. The proposed garage is shown to maintain the same side yard setback of 4 ft that the previous garage was located. Based upon the zoning of the subject property, the minimum side yard setback is 10 ft. The proposed garage is shown to extend an additional 6 ft. towards the rear yard than the previous garage, but this does not impact the variances that would be needed even without this enlargement as the side yard setback increases towards the rear property line.

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. PZBA23-019 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. PZBA23-019 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. PZBA23-020

Property: 5100 Dixie Hwy
Applicant: Aver Sign Co
Zoning: C-4, Extensive Business
Site Use: Retail Establishment
Proposal: Existing Sign – Increase Sign Face Area

Analysis

The applicant is requesting a variance to increase the sign face area of the existing freestanding post-pylon sign. This is the site of the old Kmart on Dixie Hwy. Currently, Bin Street is operating in a portion of the building, while Billy Bob’s Country Market is currently under construction in another portion of the building. The sign face area increase is shown to be for the proposed Marathon fueling station (see renderings in packet info). The proposal would add an additional 72 sq. ft. (6 ft x 12 ft) to the current sign face area. It is shown to be located under the can being utilized by Bin Street, but will still provide the minimum visual clearance needed under the sign. The overall height and width of the current sign is shown to remain the same.

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. PZBA23-020 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. PZBA23-020 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. PZBA23-022

Property: 3769 Lake Front St

Applicant: Kevin Akey

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 subject property is lakefront. Based upon the average setback of the houses within 200 ft, the minimum required lakefront setback is 83 ft. The proposal shows the house will be located 72.9 ft from the lakefront shoreline, which will require a 10.1 ft variance. A covered porch is shown to be located 64.8 ft from the lakefront shoreline. Since the porch is covered, it is required to meet the same 83 ft setback as the house, requiring a 18.2 ft variance. While the house is shown to meet the minimum 5 ft side yard setback requirements, the overhangs, fireplace cantilevers and architectural features that project into this setback will require variances. Each is shown to be located 4.0 ft from the side yard property lines, requiring a 1.0 ft variance. The last variances being requested are for the proposed a/c unit and generator, which are shown to be located within the side yard setback. The applicant has indicated that screening will be installed.

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. PZBA23-022 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. PZBA23-022 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: _____)

Case No. PZBA23-023

Property: 3000 Sashabaw Rd
Applicant: Raves Construction (Ramiz Sheena)
Zoning: R-M2, Multiple-Family Residential
Site Use: Multiple Family Residential
Proposal: Proposed carport garages; Duplex building

Analysis

The applicant is proposing to convert the existing Academy of Waterford School to a multi-family development. The existing building is shown to remain in its existing footprint, with façade and interior modifications to facilitate the redevelopment. There are no additions proposed to the building and the only variances needed for the building are to allow the existing exterior staircases to remain in their current location in reference to the proposed parking areas. However, to compliment the development, the applicant is seeking variances to allow for the construction of carport garages at the site. Based upon the site plan provided, the development will consist of 21 residential units. They are also showing 21 proposed carport garage units. These carport garage units are shown to be attached in three separate buildings: 11 units at the north side of the property, 6 units at the southwest side of the property and 4 units at the southeast side of the property. Based upon the zoning of the property, there is a 35 ft minimum setback required between all buildings and the development exterior property line. The proposed garage carport buildings are all showing to require setback variances from this requirement. The other addition to the site is a duplex unit to the east. The same 35 ft. setback applies to this building. Therefore, a variance from the east exterior property line is required, where most residential side yard setback requirement would be 5 ft or 10 ft for other zoning districts. The proposed development has been reviewed by the Planning Commission. While, their approval is not a requirement for development to proceed they did not express any concerns with what is being proposed. If the Zoning Board approves the request, the applicant would still be required to apply for all of the necessary permits and receive all the required approvals.

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. PZBA23-023 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. PZBA23-023 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: _____)