

- I. Call the Meeting to Order
Chairman Zuehlke called the meeting to order at 4:01pm.

- II. Roll Call
Present: David Zuehlke, Chairman
Stan Moore, Vice Chairman
Karen Joliat, Secretary
Todd Hoffman, Board Member
Todd Bonnavier, Board Member
Steve Reno, Board Member

Absent: Colleen Murphy, Board Member

General Public: Approximately 5

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Larry Lockwood, Superintendent/Planning
Scott Alef, Planner II

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

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; RESOLVED to **APPROVE** the Minutes of the April 16, 2019 meeting as printed.*

MOTION CARRIED UNANIMOUSLY

(6-0)

- IV. Approve the Agenda of the May 21, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Joliat; RESOLVED to **APPROVE** the Agenda of the May 21, 2019 meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

- V. Old Business

VI. New Business

Case No. PZBA19-006

Sidwell No. 13-30-253-005, Section 30, Lot 61, "Eagle Landing on the Lake", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 4.0 ft. variance from Section 3-900 to allow the proposed attached garage addition to come to within 6.0 ft. of the southwest side property line. (10 ft. minimum required)

Property Location: 7289 Roberta Ln
Property Zoned: R-1A, Single-Family Residential
Applicant: John Gardner

Applicant or representative present: John Gardner

Mr. Gardner feels the requested variance will increase the value of his home and neighbors. He feels this will bring a more visual appeal, in that it would be better to have cars in the garage and not outside. He feels the increased garage area will be more in line with the size of the house.

Chairman Zuehlke referenced the petition with several signatures in support of the request.

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

Chairman Zuehlke questioned how it was possible for all the standards listed in the ordinance to be met. Based upon these requirements and how the Board determines if practical difficulty exists, he would have trouble supporting this request because the problem is self-created and is not unnecessarily burdensome. However, he would like to support this request because it does not seem unreasonable.

Staff commented that the applicant has addressed these questions in his application.

Board Member Moore questioned the uniqueness of the property and the ordinance requirements with regards to setbacks.

Staff clarified that even though some properties have zoning that only requires a 5' side yard setback, this property is zoned R-1A and has a 10' side yard setback.

Chairman Zuehlke further questioned the process for reviewing the request and determining whether the ordinance criteria are met.

Board Member Reno noted that he could not support this request as it is presented. He does not feel that a need has been presented to justify the garage addition and that the request is self-created.

Chairman Zuehlke stated that if the home had been built 6' to the north, there would be room without a variance.

Board Member Reno stated that the requested variance would fit with regards to the standard for denial.

Mr. Gardner further commented that it would be a hardship for him to have to move.

Discussion continued between the Board and applicant with regards to other possible locations and revision to the original request. Restraints of the existing house would limit the ability to relocate the proposed addition. He further stated that he pursued this request after noting that another variance was allowed when a window location prevented a garage to be in another location. The used of the existing garage was also questioned. He stated that the wetlands and the association by-laws prevent him from locating a garage behind the structure.

MOTION AND VOTE

Moved by Reno

*Supported by Joliat; to **DENY** case No. PZBA19-006 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:*

The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.

MOTION DIES due to lack of required votes

(3-3) Zuehlke, Bonnavier and Hoffman **OPPOSED**

Board Member Bonnavier questioned that if the homeowner's association wasn't involved and a detached garage was proposed what the setbacks were. It was confirmed that a detached garage could be 5 ft. from the property line, but the request to be 6 ft. from the property line with the addition was not supported.

MOTION AND VOTE

Moved by Moore

*Supported by Reno; to **TABLE** the request to the next meeting when a full Board would be present.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA19-007

Sidwell No. 13-25-476-033 & 13-25-476-031, Section 25, Lots 11-20 & 23, "Supervisor's Plat No 24", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 4,998 sq. ft. variance from the 24,000 sq. ft. minimum lot size required in the C-3, General Business Zoning District under Section 3-900, for an existing 19,002 sq. ft. parcel (13-25-476-033) if it is rezoned from C-2, Small Business Zoning District, to C-3, General Business Zoning District.
2. A 5,569 sq. ft. variance from the 24,000 sq. ft. minimum lot size required in the C-3, General Business Zoning District under Section 3-900, for an existing 18,431 sq. ft. parcel (13-25-476-031) if it is rezoned from C-2, Small Business Zoning District, to C-3, General Business Zoning District.

Property Location: 906, 908, 922, 930 & 932 W Huron St
Property Zoned: C-2, Small Business
Applicant: Tel-Huron, LLC

Applicant or representative present: Haley Jonna and Laith Jonna

Ms. Jonna gave a description of the subject properties. She indicated they have been vacant for several years, except for a business that operates between the subject properties. She indicated they do not own this property. They have developed a plan to re-develop the property jointly as a climate control self-storage with more lighting, security and parking, but it would require rezoning the property. Individually they do not qualify by size. However, if they could be considered jointly, then they do qualify. She stated that they have had difficulty re-developing the property since they purchased it.

Chairman Zuehlke advised that the Planning Commission has given the Board a list of reasons in support of request.

Board Member Reno confirmed the support of the Planning Commission, as he also sits on that Board.

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

Chairman Zuehlke expressed his support for the request as it would be a great improvement for the area.

Board Member Joliat commented that they tried to work within zoning requirements but they had issues with MDOT.

Ms. Jonna confirmed the statement.

MOTION AND VOTE

Moved by Reno

Supported by Moore; Motion to find that practical difficulties exist in ZBA Case No.

PZBA19-007 and to grant a 4,998 square feet variance for the existing 19,002 square feet parcel 13-25-476-033 and a 5,569 square feet variance for the existing 18,431 square feet parcel 13-25-476-031 from the 24,000 square feet minimum lot size required in the C-3, General Business District, with the following conditions:

- 1. Both parcels being rezoned to that classification and being approved by the Township, developed, and used as an indoor climate-controlled self-storage facility under a single site plan for common development.*
- 2. There will be no outdoor operations, displays, or storage.*
- 3. The use of existing buildings will not disrupt the surrounding area.*
- 4. Additional lighting will be provided at the site.*
- 5. Petitioner will repave the parking areas.*
- 6. Petitioner will make façade improvements consistent with retail appearance.*
- 7. Petitioner will install or extend the white vinyl fence along the north boundary of the property east from the trailer park property corner to match the existing fence installed by PNC Bank.*

This motion is based on the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

- 1. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- 2. The variance will do substantial justice to the applicant and other property owners.*
- 3. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- 4. The variance is needed due to unique circumstances of the property.*
- 5. The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- 6. 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

(6-0)

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

MOTION AND VOTE

Moved by Joliat

*Supported by Reno; RESOLVED to **ADJOURN** the meeting at 4:24pm.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA19-006

Property: 7289 Robert Ln
Applicant: John Gardner
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage addition

Analysis

The applicant is proposing to construct an addition to the existing attached garage. The proposed addition is shown to come to within 6' of the side property line. Based upon the zoning of the property, a 10' minimum setback would be required. The current garage appears to have a size of 400 sq. ft. The proposed addition would add an additional 240 sq. ft., for a total size of 640 sq. ft.

The applicant has provided information addressing the standards listed below on the attached "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

ZBA Review Standards

Variance –granting authority shall be exercised in accordance with a ZBA finding of practical difficulties requiring demonstration by the applicant of all of the following:

- A. *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*
- B. *The variance will do substantial justice to the applicant, as well as to other property owners.*
- C. *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*
- D. *The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.*
- E. *The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.*
- F. *The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done."*

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that 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. PZBA19-006 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

1. **Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.**
2. **The variance will do substantial justice to the applicant and other property owners.**
3. **A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners**

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

DRAFT MOTION FOR DENIAL

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that 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. PZBA19-006 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:

- 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.

NOTES ON MOTION FOR DENIAL:

***MUST strike from the Motion the standards the Applicant DID demonstrate.
Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.***

Case No. PZBA19-007

Property: 906, 908, 922, 930, 932 W Huron St
Applicant: Tel-Huron, LLC
Zoning: C-2, Small Business
Site Use: Commercial Center
Proposal: Rezone to C-3, General Business District

Analysis

The subject property consists of two parcels along W Huron St that are separated by another parcel that they do not own. The applicant submitted a request to the Planning Commission for rezoning of the subject properties to allow for the redevelopment of the properties as a whole as a proposed climate controlled self-storage facility. The rezoning of the subject properties would allow for the type of business to occur. However, a land area variance is required since the size of the parcels independently do not meet the minimum size requirement for the proposed zoning. But, when they are considered as a whole development, they do. The parcel that exists between the subject properties does not allow for the properties to be combined. At the May 7th meeting, the Planning Commission voted to forward a

favorable recommendation on to the Township Board to rezone the subject properties if the necessary variance are granted (please see the attached draft minutes from that meeting and the staff write up regarding that case).

STAFF IS RECOMMENDING THAT IF THE ZBA IS INCLINED TO GRANT THE VARIANCES, THAT IT BE CONDITIONAL. SUGGESTED LANGUAGE FOR THE MOTION, INCLUDING THE CONDITIONS, IS ATTACHED.

DRAFT MOTION FOR APPROVAL:

Motion to find that practical difficulties exist in ZBA Case No. PZBA19-007 and to grant a 4,998 square feet variance for the existing 19,002 square feet parcel 13-25-476-033 and a 5,569 square feet variance for the existing 18,431 square feet parcel 13-25-476-031 from the 24,000 square feet minimum lot size required in the C-3, General Business District, with the following conditions:

1. Both parcels being rezoned to that classification and being approved by the Township, developed, and used as an indoor climate-controlled self-storage facility under a single site plan for common development.
2. There will be no outdoor operations, displays, or storage.
3. The use of existing buildings will not disrupt the surrounding area.
4. Additional lighting will be provided at the site.
5. Petitioner will repave the parking areas.
6. Petitioner will make façade improvements consistent with retail appearance.
7. Petitioner will install or extend the white vinyl fence along the north boundary of the property east from the trailer park property corner to match the existing fence installed by PNC Bank.

This motion is based on the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

1. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
2. The variance will do substantial justice to the applicant and other property owners.
3. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners
4. The variance is needed due to unique circumstances of the property.
5. The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.
6. The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.

DRAFT MOTION FOR DENIAL:

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA19-007 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:

- 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.

NOTES ON MOTION FOR DENIAL:

MUST STRIKE from the Motion the standards the Applicant DID demonstrate.

Motion MUST LIST AT LEAST ONE standard the Applicant DID NOT demonstrate.