
**CHARTER TOWNSHIP OF WATERFORD
NOTICE OF ZONING BOARD OF APPEALS REGULAR MEETING**

Based on the COVID-19 Local State of Emergency declared and confirmed as continuing by Resolution of the Board of Trustees on December 9, 2020, **this meeting will be held by electronic remote access that provides 2-way telephone or video conferencing** as permitted by the Open Meetings Act as amended by Public Act No. 254 of 2020, and the Electronic Remote Meeting Procedures approved by Resolution of the Board of Trustees on December 9, 2020.

The public may participate in each meeting through GoToMeeting by computer, tablet or smart phone using the following link:

<https://global.gotomeeting.com/join/423683333>

You can also dial in using your phone.

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

Access Code: 423-683-333

I. Call the Meeting to Order

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

II. Roll Call

Present: David Zuehlke, Chairman, Waterford, MI
Marie Hauswirth, Board Member, Waterford, MI
Todd Hoffman, Board Member, Waterford, MI
Rick Schneider, Board Member, Waterford, MI
Todd Bonnivier, Board Member, Waterford, MI
Stan Moore, Board Member, Waterford, MI
Art Frasca, Board Member, Farmington Hills, MI
All Members Remote

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

General Public Approximately 16

III. Approve the Minutes of the May 18, 2021, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Bonnivier RESOLVED to **APPROVE** the Minutes of the May 18, 2021*

Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(7-0)

- IV. Approve the Agenda of the June 15, 2021 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Bonnivier

Supported by Moore RESOLVED to APPROVE the Agenda of the June 15, 2021

Zoning Board of Appeals Meeting.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(7-0)

- V. Old Business

- VI. New Business

Case No. PZBA21-028

Sidwell No. 13-02-159-004, Section 2, Lot 116, "Bird Island No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 6.63 ft. variance from Section 3-901 Footnote 4 to allow the proposed addition to be located 35.37 ft. from the northwest lakefront shoreline. (42 ft. minimum required for the subject property)
2. A 4.63 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 34.37 ft. from the northwest lakefront shoreline. (39 ft. minimum required)

Property Location: 3876 Island Park Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: David Plautz – Crest Homes

Applicant or representative present: Dave Plautz (remote)

Mr. Plautz stated that he would like to close in an existing deck and turn it into living space. The home is on a point so it will not inhibit the neighbor's views. He felt the request was in character with the neighborhood. He expressed having support from the neighboring property owners.

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

Board Member Bonnivier said he went by the property today and spoke with homeowner. He did not feel the request would impede the neighbors view.

MOTION AND VOTE

Moved by Bonnivier

Supported by Hoffman; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-028 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 BY ROLL CALL VOTE.

(7-0)

Case No. PZBA21-029

Sidwell No. 13-02-126-007, Section 2, Lot 52, "Lake Acres Sub No 2", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. 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)
2. An 887 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 464 sq. ft. boat house, existing 936 sq. ft. garage, the proposed 234 sq. ft. breezeway and the proposed 697 sq. ft. attached garage to have a combined total square footage of 2331 sq. ft. (1444 sq. ft. maximum allowed for subject property)

Property Location: 4475 Parnell Dr
Property Zoned: R-1B, Single-Family Residential
Applicant: Toby & Amanda Fraifogl

Applicant or representative present: Amanda Fraifogl (remote) and Dave Plautz (remote)

Mr. Plautz stated that the variances were previously approved, but had expired. They were working to get financing together.

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

Chairman Zuehlke questioned how the current variances being requested compare to what was previously approved.

Mr. Plautz stated that this was the same request as before.

MOTION AND VOTE

Moved by Moore

Supported by Hoffman; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-029 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 BY ROLL CALL VOTE.

(7-0)

Case No. PZBA21-030

Sidwell No. 13-21-276-004, Section 21, Lot 129, "Holiday Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 156 sq. ft. variance from Section 3-302.3.A(10) to allow the existing detached accessory building to remain and have a floor area of 1600 sq. ft. (1444 sq. ft. maximum allowed for subject property)

Property Location: 5198 Joangay Blvd
Property Zoned: R-1A, Single-Family Residential
Applicant: Andrew Cook

Applicant or representative present: Andrew Cook (remote)

Chairman Zuehlke questioned if the applicant received approval from the homeowners association based upon the letter in the case file.

Staff indicated the homeowners association referenced is for a neighboring property. The applicant's property is not a part of that association.

Mr. Cook referenced the variances being requested.

Chairman Zuehlke questioned why the applicant built a garage larger than what was applied for.

Mr. Cook stated that the lumber package he used was a mistake by Menards and that it was cheaper. He stated that he decided to keep it instead of return it.

Chairman Zuehlke stated the applicant should have contacted the Building Department.

Mr. Cook indicated he left messages. It was during an inspection that he found out he needed to apply for a variance for the larger garage. He also stated that he had passed 6 inspections by the building department before the cease and desist was issued.

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

Chairman Zuehlke felt the request was not a large one and he did not feel you could see the increased area compared to what was approved.

Board Member Bonnavier stated that it is a little bit bigger than approved permit.

Mr. Cook indicated it was 4' wider. It was the same height as what was previously approved and that is met the required setbacks.

Board Member Moore questioned the use of the building and went through the list of inspections that have been conducted. He asked if he was living in the building.

Mr. Cook stated he was not living in the building. There was a bathroom in the building and it was mainly going to be used for working on vehicles.

Board Member Moore questioned the underground plumbing approval.

Mr. Cook state he felt everything was approved.

Chairman Zuehlke questioned if the improvements were shown on the plan.

Mr. Cook stated they were not.

Chairman Zuehlke felt what has been built was more than what was approved.

Discussion continued between the Board Members and applicant regarding the inspections that have been conducted and what is still needed.

Chairman Zuehlke recommended tabling the case to determine if additional permits are needed and what inspections are still required.

MOTION AND VOTE

Moved by Moore

*Supported by Hauswirth; to **TABLE** the variances requested in ZBA Case No.*

PZBA21-030 to the next Zoning Board of Appeals meeting on July 20, 2021 so that the inspections, permits and plans can be verified.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(7-0)

Case No. PZBA21-031

Sidwell No. 13-33-126-009, Section 33, T3N, R9E, Waterford Township, Oakland County, Michigan

Appeal by Noor Kestou of the administrative decision rendered on April 26, 2021 regarding the subject zoning lot (13-33-126-009).

Property Location: 5558 Cooley Lake Rd
Property Zoned: C-3, General Business
Applicant: Noor Kestou

Applicant or representative present: Noor Kestou (remote)

Mr. Kestou stated that he leased the space with the assumption of replacing the Subway sign on the end of the building with a sign for his business, so the southbound traffic on Cooley Lk Rd can see this sign. The proposed sign would be similar in size and location as the previous wall sign.

Chairman Zuehlke felt the request was justified but wanted further clarification from staff.

Scott Alef, Planner II, Waterford Twp., stated the ordinance requirements for wall signs. The concern with this case is that he does not have wall space in the location of the proposed sign, as his unit is an interior one. He is concerned of the precedence that could be set as there already is a unit that can utilize that wall for signage and this request would take away the space they would be allotted. In addition, there would not be enough room on the wall to allow the other units to also have a sign there.

Chairman Zuehlke asked for further clarification as to the signs that could be located on his wall.

Board Member Hauswirth referenced the Marco's Pizza sign also on the wall and questioned the number of business in the plaza.

Board Member Moore questioned if they have space on the tall sign by the driveway.

Mr. Kestou indicated they do have a space on the sign.

Board Member Moore felt the tall sign provided additional advertisement.

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

Staff Member Alef indicated there as 8 units in the building, with 5 businesses occupying the spaces currently. They would all possibly request space on the wall.

MOTION AND VOTE

Moved by Moore

to DENY the request in ZBA Case No. PZBA21-031 based upon the applicant's failure to demonstrate that the review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION DIED DUE TO LACK OF SUPPORT

Board Member Bonnivier felt all the storefronts should be allowed space on the wall. He felt the ordinance may need to be changed. He questioned staff on how to grant signage for all the businesses.

Staff Member Alef was concerned that it may allow signage to be placed anywhere on the building regardless of frontage.

Board Member Hauswirth questioned if other occupants want signage as well.

John Brossia(?), with Oakland Kayak (building tenant), did not need any additional signage on the wall. The big sign was enough.

Discussion continued between the Board Members, Staff and applicant.

MOTION AND VOTE

Moved by Bonnivier

Supported by Hoffman; to REVERSE the administrative decision rendered on April 26, 2021 as requested in ZBA Case No. PZBA21-031 based upon the information presented in the record.

**MOTION CARRIED BY ROLL CALL VOTE.
(5-2) With Moore & Fraska OPPOSED**

Case No. PZBA21-032

Sidwell No. 13-03-251-011, Section 3, Lot 30, "Eyster's Woodhull Lake Farms", T3N, R9E, Waterford Township, Oakland County, MI

Requesting a 2.88 ft. variance from Section 2-305.A to allow the proposed generator to be located 2.12 ft. from the southwest side property line. (5 ft. minimum required)

Property Location: 4430 Island Park Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Courtney Seres

Applicant or representative present: Courtney Seres and Carl Granger (remote from Waterford)

Chairman Zuehlke questioned why the generator cannot be located at the rear.

Mr. Granger stated that doors are in the way. The proposed location is also near the air conditioner and other mechanicals.

Mrs. Seres felt the neighbors were in support of the request.

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

Board Member Hauswirth stated these were usually together in the same area.

Chairman Zuehlke states he would like sound screening/shrubs.

Discussion continued regarding the model of the unit proposed to be installed.

MOTION AND VOTE

Moved by Moore

Supported by Hoffman; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-032 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 with the STIPULATION that noise-cancelling panels/shrubs be added around the unit.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

(7-0)

Case No. PZBA21-033

Sidwell No. 13-05-103-081, Section 5, Lots 98 & 99, "Meadowood", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 160 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 260 sq. ft. shed, existing 768 sq. ft. detached accessory building and newly constructed 576 sq. ft. detached accessory building addition to maintain a combined floor area of 1604 sq. ft. (1444 sq. ft. maximum allowed)

Property Location: 4217 La Forest Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Michael Irwin

Applicant or representative present: Michael Irwin (remote)

Chairman Zuehlke reference letters of support for the request.

Board Member Bonnavier stated it was a double lot and didn't feel it was necessary to take down part of the shed to conform.

Chairman Zuehlke questioned the applicant if he agreed to remove part of the shed when he got the permit.

Mr. Irwin stated it did agree, but would like to keep the same size shed. He did not realize he could request a variance at that time.

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

Board Member Hauswirth likes to see things stored inside.

Board Member Moore stated that it was a lot of storage space.

MOTION AND VOTE

Moved by Bonnivier

*Supported by Hauswirth; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA21-033 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 BY ROLL CALL VOTE.

(6-1) with Moore OPPOSED

Case No. PZBA21-034

Sidwell No. 13-03-376-034, Section 3, Lots 211 & 212, "Eyster's Woodhull lake Farms Sub No 1", T3N, R9E, Waterford Township, Oakland County, MI

Requesting

1. A 16,716 sq. ft. (47.5%) variance from Section 3-900 to allow the proposed Parcel A to maintain an impervious surface of 34,304 sq. ft. (97.5%) of the lot area. (17,588 sq. ft. (50%) maximum allowed)
2. A 6,132 sq. ft. (25%) variance from Section 3-900 to allow the proposed Parcel B to maintain an impervious surface of 18,381 sq. ft. (75%) of the lot area. (12,249 sq. ft. (50%) maximum allowed)

Property Location: 4668-4684 W Walton Blvd.

Property Zoned: C-3, General Business

Applicant: Waterford 2828, LLC

Applicant or representative present: Gene Wong, Property Manager (remote); Duane Bennett, Surveyor (remote)

Chairman Zuehlke questioned the request

Staff indicated the applicant is only requesting the property to be split into two parcels. No additional development of the parcels is proposed. The proposed split evaluates the parcels separately for zoning requirements. The percentages change based upon the

new parcels, even though no additional improvements are proposed. The original parcel does not comply either.

Discussion continued regarding the current site conditions and existing buildings.

Mr. Wong states that they are splitting the property and not building anything new.

Chairman Zuehlke questioned how landscaping will be addressed.

Mr. Wong indicated the property has been the same for several years and there are no plans to alter the landscaping.

Chairman Zuehlke expressed his desire to alter the site for more landscaping.

Board Member Moore questioned the need for the split.

Mr. Wong indicated they plan to sell the warehouse at the rear and keep the building up front.

Mr. Bennett indicated there are two existing buildings. They are not proposing to construct anything additional or increase parking.

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

MOTION AND VOTE

Moved by Hoffman

Supported by Moore; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-034 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 BY ROLL CALL VOTE.

(6-1) with Schneider OPPOSED

Case No. PZBA21-035

Sidwell No. 13-06-377-027, Section 6, Part of Lot 6, "Maceday Knolls", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A variance from Section 6-100.4.J to extend the timeframe of the previous extension granted on August 18, 2020 to be valid until June 15, 2022.
2. A 5.7 ft. variance from Section 3-302.3.A(5) to allow the proposed detached accessory building to have a maximum height of 22.7 ft. (17 ft. maximum height allowed)

Property Location: 7683 Maceday Lake Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: Todd Fox

Applicant or representative present: Todd Fox (remote)

Mr. Fox stated he would like to extend his previously approved variances.

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

Board Member Moore questioned if the water would be guttered.

Mr. Fox indicated he is planning to direct the water to the back or to collect it to be used on the site.

MOTION AND VOTE

Moved by Moore

*Supported by Bonnavier; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA21-035 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 BY ROLL CALL VOTE.

(7-0)

Case No. PZBA21-036

Sidwell No. 13-31-354-011, Section 34, Unit 11, "Oakland County Condominium Plan No 2256 Parkside at Williams Lake", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting an 8.0 ft. variance from Section 3-900 to allow the existing deck to remain 2.0 ft. from the north side property line. (10 ft. minimum required)

Property Location: 1143 Prudence
Property Zoned: R-1A, Single-Family Residential
Applicant: David Plautz

Applicant or representative present: David Plautz (remote)

Mr. Plautz stated this was the first house built. Because of the grade, a deck was needed on the side to allow access to the side door. He did not know it would be an issue, as decks are allowed on the rear. It was constructed based upon the size requested by the homeowner.

Chairman Zuehlke indicated that a deck would be allowed but it must meet setbacks.

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

Chairman Zuehlke stated that the request is not uncommon, but that the applicants need to be aware of the rules.

Board Member Moore indicated a variance would be needed for a structure of any size in that location. He felt something is needed due to the grade.

Mr. Plautz indicated the original grading plan indicated level lots, but it could not be built that way. This is the only house with a side entrance.

MOTION AND VOTE

Moved by Moore

Supported by Bonnavier; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-036 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 BY ROLL CALL VOTE.

(7-0)

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Meeting adjourned at 5:42 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. To provide for orderly public participation, a person wishing to speak must first state their name. Second, they must identify that they are participating remotely and state the city, township, village or country and state from which they are attending. Then they may request to be recognized by the Chairperson of the meeting. 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 Housing and 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. PZBA21-028

Property: 3876 Island Park Dr
Applicant: David Plautz – Crest Homes
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicant is proposing to construct an addition on the existing house. The addition is on the lakeside of the house and is shown to be located 35.37 ft. from the lakefront shoreline. Based upon the average setback of the primary buildings within 200 ft. of the subject property, the minimum lakefront setback is 42 ft. Therefore, a variance of 6.63 ft. would be required.

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. PZBA21-028 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. PZBA21-028 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. PZBA21-029

Property: 4475 Parnell St
Applicant: Toby & Amanda Fraifogl
Zoning: R-1B, Single-Family Residential
Site Use: Single Family Residential
Proposal: Combined accessory area

Analysis

The request was previously approved at the November 20, 2018 meeting. The variances expired before the applicants were able to begin the work. Due to this, they were unable to request an extension and must request the variances again. The requests are the same as what was previously approved and the review from the original case is shown below.

November 20, 2018 case review:

The applicants are proposing to construct a new house on the subject property. Currently, there is a house and a boat house on the site. The current house is non-conforming with regards to minimum setback requirements. The proposed house is shown to be connected to the existing house by a breezeway. The existing house is comprised of garage space on the main level and living space above. The applicant has identified that modifications to the existing house will be made once the new house has been completed, so as to comply with the requirement of having only one house on a parcel (i.e. the kitchen in the existing house will be removed). In addition, an existing boathouse is shown on the site. No modifications are shown to be made to the boathouse. However, the boathouse is considered accessory area and counts towards to total accessory area allowed for the subject parcel. The applicants are also proposing to construct a new attached garage on the proposed house, connected to the existing garage by a breezeway. The combined accessory area for the existing and proposed buildings totals 2331 sq. ft. (Boathouse – 464 sq. ft.; Existing garage – 936 sq. ft.; Proposed breezeway – 234 sq. ft.; Proposed attached garage – 697 sq. ft.) The maximum accessory area allowed for the subject property is 1444 sq. ft. , requiring a variance of 887 sq. ft.

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. PZBA21-029 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. PZBA21-029 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. PZBA21-030

Property: 5198 Joangay Blvd
Applicant: Andrew Cook
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Existing garage area

Analysis

The applicant is requesting a variance to allow the newly constructed garage to have a floor area of 1600 sq. ft., where a maximum of 1444 sq. ft. is allowed for the subject property. The applicant originally applied for a building permit to construct a 40 ft. by 36 ft. garage (1440 sq. ft.). The permit was issued and construction began. During the course of construction, it was determined that the garage was constructed larger than originally approved. The constructed garage was 40 ft. by 40 ft. (1600 sq. ft.). The applicant was notified a variance would be required for the additional area.

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. PZBA21-030 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. PZBA21-030 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. PZBA21-031

Property: 5558 Cooley Lake Rd
Applicant: Noor Kestou
Zoning: C-3, General Business
Site Use: Retail Establishment
Proposal: Appeal of an administrative decision

Analysis

The applicant is seeking an appeal of an administrative decision regarding their request for a wall sign. The applicant is the tenant at a small strip plaza. The original tenant was a restaurant. The new tenant is a retail store. When there is a change of use an administrative review is conducted, which includes signage for the establishment. The unit the applicant is occupying is an interior unit. The sign located above the unit has been approved for the new business. However, the applicant is requesting additional signage at the end of the building that faces the road in which the plaza is located. The prior business had signage on the end of the building, that has since been removed. The applicant is requesting a similar size sign in the same location as the previous one. However, based upon the review provided by the planning staff (see attached), in multiple unit buildings, an interior unit does not qualify for signage on the side of the building that they do not front on.

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. PZBA21-031 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. PZBA21-031 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. PZBA21-032

Property: 4430 Island Park Dr
Applicant: Courtney Seres
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Generator

Analysis

The applicant is requesting a variance to allow for a generator to be located within a required side yard. The generator is shown to be located 2.12 ft. from the side yard property line, where a minimum setback of 5 ft. is required.

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. PZBA21-032 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. PZBA21-032 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. PZBA21-033

Property: 4217 Laforest Dr
Applicant: Michael Irwin
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Total combined accessory building area

Analysis

The applicant is requesting a variance to allow the combined floor area of all of the accessory buildings at the subject property to have an area of 1604 sq. ft., where a maximum combined area of 1444 sq. ft. is allowed. Currently there is an existing 260 sq. ft. shed, 768 sq. ft. attached garage and newly constructed 576 sq. ft. detached garage. A permit was recently issued for the detached garage with the stipulation that the applicant reduce the size of the shed to 100 sq. ft., so as to comply with the maximum combine accessory area. The applicant is requesting the shed to remain as is, requiring a 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. PZBA21-033 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. PZBA21-033 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. PZBA21-034

Property: 4668/4684 W Walton Blvd
Applicant: Waterford 2828, LLC
Zoning: C-3, General Business
Site Use: Retail Establishment
Proposal: Proposed split

Analysis

The applicant is requesting to split the subject property into two parcels (see attached). During the review of the lot split application, it was determined that variances would be needed with regards to the impervious surface of the resulting parcels. The ordinance allows for a maximum of 50% of the lot to be impervious. While the applicant is not proposing to modify the subject property (in that they are not increasing or decreasing the current impervious surfaces), once the property is split the way the percentage of impervious surface per lot is calculated changes, since they will now be two, smaller lots.

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. PZBA21-034 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. PZBA21-034 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. PZBA21-035

Property: 7683 Maceday Lake Rd
Applicant: Todd Fox
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Extension of previous variances; Accessory building height variance

Analysis

The applicant is requesting an extension of the previous extension of variances granted regarding the construction of a detached accessory building at the subject property. The previous variance was to allow the existing 528 sq. ft. attached garage and proposed 1800 sq. ft. detached accessory building to have a combined total square footage of 2328 sq. ft. (1444 sq. ft. maximum allowed for subject property). The applicant is also requesting that the proposed building be allowed to have a maximum height of 22.7 ft., where the ordinance would only allow the building to have a maximum height of 17 ft. for the subject property.

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. PZBA21-035 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. PZBA21-035 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. PZBA21-036

Property: 1143 Prudence Dr
Applicant: David Plautz
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Allow the existing deck/platform to remain

Analysis

The applicant is requesting a variance to allow the existing deck/platform to remain. The deck/platform was construct to access the service door of the garage. The structure is located within the side yard. The minimum side yard setback is 10 ft., whereas the structure is located 2 ft. from the side yard property line. When the building permit was submitted for the new house, the service door was shown on the construction plans. However, there was not a deck/platform shown. Upon inspection, the building inspector noticed the structure and notified the applicant variances would be needed or the structure would need to be removed.

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. PZBA21-036 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. PZBA21-036 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: _____)