

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

II. Roll Call.

Present: David Zuehlke, Chairman  
Steve Reno, Board Member  
Karen Joliat, Board Member  
Colleen Murphy, Board Member  
Todd Hoffman, Board Member  
Stan Moore, Board Member (arrived late)  
Todd Bonnivier, Alternate Board Member

Absent: Gary Crake, Vice chairman

General Public: Approximately 15

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

- III. Approve the Agenda of the June 19, 2018, regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Joliat*

*Supported by Reno; RESOLVED to **APPROVE** the Agenda of the June 19, 2018 regular meeting of the Zoning Board of Appeals.*

*MOTION CARRIED UNANIMOUSLY*

*(6-0) with board member Stan Moore absent.*

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

**MOTION AND VOTE**

*Moved by Reno*

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

*MOTION CARRIED UNANIMOUSLY*

*(6-0) with board member Stan Moore absent.*

V. PUBLIC HEARINGS

**OLD BUSINESS**

**NEW BUSINESS**

**Case No. 5511**

**Sidwell No. 13-27-152-005**, Section 27, Lot 12, "Crescent Lake Farm", T3N, R9E, Waterford Township, Oakland County, Michigan

**REQUEST TO BE TABLED BY APPLICANT**

Requesting a variance from Section 3-302.3.A(3) to allow for the proposed detached accessory building to be located on the subject property without a principal building. (There must be a principal building on the zoning lot which the subject building is accessory)

**Property Location:** Vacant Crescent Pt (south of 4735 Crescent Pt)  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Jodi Bohn

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Joliat; RESOLVED to **TABLE** Case No. 5511.*

*MOTION CARRIED UNANIMOUSLY*

*(7-0)*

**Case No. 5512**

**Sidwell No. 13-26-201-052**, Section 26, N ½ of Lot 41, "Sunny Slope Acres", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** an 1124 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 768 sq. ft. detached accessory building and the existing 1800 sq. ft. detached accessory building to have a total combined area of 2568 sq. ft. (1444 sq. ft. maximum accessory area for subject property)

**Property Location:** 380 N Cass Lake Rd  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Daniel Vasquez

Applicant or representative present: Daniel Vasquez and Dave Rosenberg

**Chairman Zuehlke** questioned staff at to if a building permit had been applied for. Staff indicated that there was not a permit application.

**Mr. Vasquez** stated that he did not know that he needed a permit to build this building. He indicated that he built the building himself. He further stated that he approached his neighbors for support.

**Chairman Zuehlke** questioned what the building was being used for.

**Mr. Vasquez** stated that he was in skilled trades.

**Mr. Rosenberg** gave an overview of the property. He stated the building was built near the rear of the property. He did not feel the ordinance takes into consideration a lot of this depth.

**Chairman Zuehlke** felt the building looked nice and that it cannot be seen from the road. He felt the spirit of the ordinance could still be upheld if granted. However, there is always the concern that homeowners will try to run a business out of their residential properties with a building of this size.

**Mr. Rosenberg** felt the spirit of the ordinance would be upheld and that the homeowner will not be running a business out of the building.

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

Board Members questioned if staff had inspected the building and if they had any comments regarding this request.

**Mr. Gibson** had no comments other than that he drove by and it looked nice. He further commented that if this request were approved, the applicant would be required to pull permits and get inspections.

**Board Member Reno** spoke up to say that he would be reluctant to approve this request when others residents have applied for similar variances and been denied.

**Board Member Moore** questioned the applicant if he pulled a permit for the other existing detached garage. The applicant indicated that he was sure that he did. Board Member Moore further questioned the applicant as to why he would think it was ok to not pull a permit this time. The applicant did not have an answer.

**Board Member Bonnivier** questioned if the applicant had removed any other out buildings.

**Mr. Vasquez** indicated that a 12x32 building had been removed.

**Board Member Joliat** questioned staff as to how much would the building have to be reduced to stay within ordinance guidelines and indicated she would like to see it reduced.

**Chairman Zuehlke** expressed concern regarding the applicant feeling he did not need a permit to construct the building and that this was the main point of the matter.

**Mr. Rosenberg** stated he had issues with the opinion of the Chairman.

#### **MOTION AND VOTE**

*Moved by Reno*

*Supported by Moore; RESOLVED to **DENY** Case No. 5512.*

*MOTION CARRIED*

*(6-1)with Bonnivier OPPOSED*

#### **MOTION AND VOTE**

*Moved by Zuehlke*

*Supported by Moore; RESOLVED to **AMEND** the motion for Case No. 5512 to include the following findings:*

- 1) No practical difficulty exists in the case.*
- 2) Compliance with the strict letter of the ordinance would not unreasonably prevent the use of the property for a permitted purpose and would not render conformity with the ordinance unnecessarily burdensome.*
- 3) The applicant has not provided any proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.*
- 4) The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.*
- 5) The need for the variances requested is self created.*

*MOTION CARRIED*

*(6-1)with Bonnivier OPPOSED*

#### **Case No. 5513**

**Sidwell No. 13-14-352-044**, Section 14, Lot 7 & 8, "Linnet Park", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 5.2 ft. variance from Section 2-104.3 to allow the proposed uncovered deck to come to within 96.8 ft. of the northeast lakefront shoreline. (102 ft. minimum required for subject property)

**Property Location:** 3940 Covert Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Crest Homes

Applicant or representative present: Dave Plautz and Lori Dietuz

**Mr. Plautz** stated that to have room for a table, the variance would be needed. He did not feel the request would have a negative impact on neighboring properties.

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

### **MOTION AND VOTE**

*Moved by Moore*

*Supported by Reno; RESOLVED to **APPROVE** Case No. 5513.*

*MOTION CARRIED UNANIMOUSLY*

*(7-0)*

### **Case No. 5514**

**Sidwell No. 13-35-277-009**, Section 35, Part of Lot 267-269, "Meyering Land Company's Cass-Sylvan Lakes Community Sub No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 9.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed addition to come to within 23.0 ft. of the northwest lakefront shoreline. (32 ft. minimum required for subject property)
2. A 6.5 ft variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 22.5 ft. or the northwest lakefront shoreline. (29 ft. minimum for subject property)

**Property Location:** 966 Wyman Dr  
**Property Zoned** R-1C, Single-Family Residential  
**Applicant:** Dan Beaudoin and Steve (builder)

Applicant or representative present: Dan Beaudoin

**Mr. Beaudoin** built this home years ago and recently purchased the lot with plans to enlarge, but did not realize that zoning requirements had changed until he submitted his plans. The setback when he built was only 25 ft. He further stated that he felt the neighbors were in support of his request.

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

**Board Member Murphy** questioned the placement of his deck.

**Mr. Beaudoin** felt the current request was the best use for the property.

**Chairman Zuehlke** indicated he felt the request was minimal.

### **MOTION AND VOTE**

*Moved by Hoffman*

*Supported by Joliat; RESOLVED to **APPROVE** Case No. 5514.*

*MOTION CARRIED UNANIMOUSLY  
(7-0)*

**Case No. 5515**

**Sidwell No. 13-10-437-014**, Section 10, Lot 39 with exclusion, "Supervisor's Plat No 22", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 6.25 ft. variance from Section 2-508.A to allow the proposed freestanding ground sign to come to within 8.75 ft. of the southwest right-of-way. (15 ft. minimum required)
2. A 23.75 ft. variance from Section 2-508.A to allow the proposed freestanding ground sign to come to within 1.25 ft. of the northwest side property line. (25 ft. minimum required)

**Property Location:** 4166 Dixie Hwy  
**Property Zoned:** C-2, Small Business  
**Applicant:** MRJ Sign Company LLC – Mark R. Johnson

Applicant or representative present: Mark Johnson

**Mr. Johnson** explained how he plans to re-use the base of the existing non-conforming sign to put up a new sign to allow for more visibility. He indicated that if the minimum setbacks were met, the sign would be located in the middle of the parking lot. In addition, the proposed site was within the height requirements.

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

**Board Member Reno** questioned if the post was to be removed and a monument sign installed.

**Mr. Johnson** indicated utilizing the existing concrete base and cutting the pole down to the maximum height allowed. He indicated the concrete would be covered, so as not to be seen.

**Board Member Moore** voiced concerns that the sign might obstruct the view of vehicles exiting the parking lot.

**Board Member Murphy** explained as to how the sign will not obstruct the view based upon the location and distance from the road.

**Mr. Johnson** confirmed there is quite a bit of room between the sign and the edge of the road.

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Joliat; RESOLVED to **APPROVE** Case No. 5515 with the following*

**STIPULATION:**

*The sign is to be constructed as required per the ordinance.*

**MOTION CARRIED UNANIMOUSLY**

*(7-0)*

**Case No. 3240-B**

**Sidwell No. 13-16-126-001**, Section 16, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 7.5 ft. variance from Section 2-508.A to allow the proposed freestanding ground sign to come to within 7.5 ft. of the north right-of-way. (15 ft. minimum required)

<b>Property Location:</b>	5601 Hatchery Rd
<b>Property Zoned:</b>	R-M2, Multiple-Family Residential
<b>Applicant:</b>	Peter Eichinger

Applicant or representative present: Peter Eichinger

**Mr. Eichinger** stated that the vegetation up front, probably required by a previous site plan, is now overgrown and blocks the views of the sign until you are right on top of it. He proposes to turn the sign for more visibility and does not feel that it will obstruct views of traffic.

**Board Member Reno** questioned if the sign was within the right-of-way.

**Mr. Eichinger** stated it was 7 ft. from the right of way.

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

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Hoffman; RESOLVED to **APPROVE** Case No. 3240-B.*

**MOTION CARRIED UNANIMOUSLY**

*(7-0)*

VI. Adjourn the meeting.

Chairman Zuehlke adjourned the meeting at 4:34pm.

**Case No. 5512**

**Property:** 380 N Cass Lake Rd  
**Applicant:** Daniel Vasquez  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Existing detached garage to remain

**Analysis**

The applicant is requesting a variance to allow the newly constructed detached garage to remain at the subject property. The garage is shown to be 40 ft. by 45 ft. (1800 sq. ft.). In addition, to the new garage, an existing 24 ft. by 32 ft. (768 sq. ft.) garage was already at the site, prior to construction. The maximum accessory structure area for the subject property is 1444 sq. ft. Therefore, an 1124 sq. ft. variance is required. All other zoning requirements are shown to be met.

On March 29, 2018 Township staff verified that the accessory building was built without the required permits. A notice was sent to the property owner, indicating that a permit would be required. They were given until April 27, 2018 to comply. The property owner was made aware that a variance would also be required. A ZBA application was submitted on April 12, 2018. The case was on hold until the applicant received a survey. Once received, the case was placed on the next available agenda, which was June 19, 2018.

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

**ZBA Review Standards**

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

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

**Case No. 5513**



**Property:** 3940 Covert Rd  
**Applicant:** Crest Homes  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Uncovered deck

#### **Analysis**

The applicant is requesting a variance to allow the proposed uncovered deck to come to within 96.8 ft. of the lakefront shoreline. Based upon the average location of the buildings within 200 ft. of the subject property, a minimum setback of 102 ft. would be required. Therefore, a 5.2 ft. variance is needed. Based upon the site plan submitted (see packet), only a small portion of the deck (shaded gray) is shown to project within the required setback. The majority of the deck is shown to meet the minimum required setback.

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

#### **ZBA Review Standards**

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

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

#### **Case No. 5514**

**Property:** 966 Wyman Dr  
**Applicant:** Dan Beaudoin  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant currently has an approved building permit to construct a large addition onto the existing house. The addition includes an uncovered porch. The applicant would like to cover and enclose the porch. However, this would require a variance as the setback requirements are more restrictive for a covered or enclosed porch, compared to an uncovered porch. Based upon the average location of the buildings within 200 ft. of the subject property, a minimum setback of 32 ft. would be required. Therefore, a 9 ft. variance is needed to allow the porch to come to within 23 ft of the shoreline. The applicant has submitted letters of support from the adjacent property owners (two to the north and two to the south – see file).

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

**ZBA Review Standards**

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

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

**Case No. 5515**

**Property:** 4166 Dixie Hwy  
**Applicant:** MRJ Sign Company LLC – Mark R Johnson  
**Zoning:** C-2, Small Business  
**Site Use:** Medical Care Office  
**Proposal:** Sign

**Analysis**

The applicant is proposing to construct a new sign at the subject property. The proposed sign is shown to be in the same general location as the previous sign. However, a variance is required to replace the sign as the location does not meet the minimum setback requirements. The sign is shown to come to within 1.25 ft of the northwest side property line, where a minimum setback of 25 ft. is required. Additionally, the sign is shown to come to within 8.75 ft. of the southwest right-of-way, where a

minimum setback of 15 ft. is required. **If the Board determines the request should be approved, staff recommends it is with the stipulation that “the sign is constructed as required per ordinance”.**

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

#### **ZBA Review Standards**

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

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

#### **Case No. 3240-B**

**Property:** 5601 Hatchery Rd  
**Applicant:** Peter Eichinger  
**Zoning:** R-M2, Multiple-Family Residential District  
**Site Use:** Elder Care Facility  
**Proposal:** Sign

#### **Analysis**

The applicant is proposing to construct a new sign at the subject property. The proposed sign is shown to be in the same general location as an existing sign. However, the current sign is parallel to Hatchery Rd. The applicant is proposing to construct a sign perpendicular to Hatchery Rd. The proposed sign is shown to come to within 7.5 ft. of the right-of-way, where a minimum setback of 15 ft. is required. All other ordinance requirements are shown to be met.

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."*