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CHARTER TOWNSHIP OF WATERFORD  
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Meeting - 4:00

I. Chairman Zuehlke called the Meeting to Order at 4:02 pm

II. Roll Call

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

Absent: Marie Hauswirth, Board Member

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

General Public: approximately 42

III. Approve the Minutes of the May 16, 2023 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by MOORE*

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

**MOTION CARRIED UNANIMOUSLY**

**(6-0)**

IV. Approve the Agenda of the June 20, 2023 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by FRASCA*

*Supported by BONNAVIER; RESOLVED to APPROVE the agenda of the June 20, 2023 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(6-0)**

VI. Old Business

**Case No. PZBA23-022**

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

**Requesting**

1. An 8.2 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered porch to be located 74.8 ft. from the southeast lakefront shoreline. (83 ft. minimum required)
2. An 8.0 ft. variance from Section 3-900 to allow the proposed house to be located 27.0 ft. from the northwest lake rear property line. (35 ft. minimum required)
3. A 6.0 ft. variance from Section 2-104.1 to allow the proposed trellis to be located 25.0 ft. from the northwest lake rear property line. (31 ft. minimum required)
4. A 3.6 ft. variance from Section 2-305.A to allow the proposed generator unit to be located 1.4 ft. from the northeast side property line. (5 ft. minimum required)
5. A 3.2 ft. variance from Section 2-305.A to allow the proposed a/c unit to be located 1.8 ft. from the northeast side property line. (5 ft. minimum required)

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

**Applicant or representative present: Jeffrey Leib, Brad Backwill, Darren Naimi**

**Jeffrey Leib** stated that he has provided a petition of supports signed by several neighbors. The location of the home has been modified to be in line with the neighboring homes. The original footprint has been reduced and the house has been shifted ten feet closer to the road. He felt that the variances are modest and that a lesser variance does not allow for another house to be built that will fit in the building envelope. The outdoor appliances will be located next to the driveway of the neighboring property.

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

**Kirk Mackavich - 3749 Lake Front St.** - said he would like to see the neighbors that signed the petition stand up. He does not support the request and feels a house should be built to meet the setbacks. He was concerned that if other older homes are torn down and rebuilt, they will be located progressively closer to the water. He felt that they can have a beautiful home without the variances. He was concerned that the side variances for appliances will block the access of FD and will be tripping over them.

**Bill Lukes - 3761 Lake Front St.** - said he lives next door to this home and is against all of the variances. He did not feel as if the applicant was following the criteria for a

variance and that they could build a house without variances. He felt the generator was too close to the property line and will be louder the closer it is.

**Ted Owen - 1444 Farmridge** – stated he lived across the street from the property and was concerned as to how the proposed house will impact drainage.

**Charmian Zuehlke** stated that is a concern for the engineers and would be evaluated at that time.

**Neil Adrian - 3795 Lake Front St.** - said he lives three houses west of this site and feels his view of the lake will be impacted. He was not in support of the request. He is concerned about the impact on future development. He does support rebuilding on the side, but to reduce the size of the proposed house.

**Chairman Zuehlke** said he would like the applicant to conform to the ordinance as well.

**Board Member Schneider** questioned the size of the house.

**Mr. Leib** stated said the house is approximately 4250 sq. ft. without the basement. Including the basement, it is approximately 7000 sq. ft.

**Board Member Hoffman** asked how much closer the new home would be to the lake than the existing home.

**Mr. Backwill** said the new survey shows the new home is back a few feet from the lake than the other homes. He referenced the site line drawing on the site plan.

**Darren Naimi** explained the new survey to the Board members and where the trees were located.

**Mr. Leib** said the new site line shows the proposed house is now in line with five to seven of the contiguous homes.

**Board Member Frasca** said 3761 Lake Front is 71 ft. from the lake. When he would out to the site he said he stood at the line and it looked like it is about the same as this neighbor.

**Mr. Mackavich** said his covered porches are behind the sight line not at the sight line.

**Chairman Zuehlke offered the public a chance to come up and view the revised plans. The public, applicant and Board Members discussed at length the proposed variances and the impact on surrounding properties.**

#### **MOTION AND VOTE**

*Moved by FRASCA*

*Supported by MOORE; to find that practical difficulties exist and to APPROVE*

*the variances requested in ZBA Case No. PZBA23-022 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(5-1) with Zuehlke OPPOSED**

VII. New Business

**Case No. PZBA23-024**

**Sidwell No. 13-14-353-016**, Section 14, E ½ of Lot 69 & All of Lot 70, “Linnet Park”, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 13.0 ft. variance from Section 3-900 to allow the proposed house to be located 22.0 ft. from the front property line. (35 ft. minimum required)
2. A 11.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 21.0 ft. from the front property line. (32 ft. minimum required)
3. A 12.0 ft. variance from Section 3-900 to allow the proposed house to be located 23.0 ft. from the rear property line. (35 ft. minimum required)
4. A 10.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 22.0 ft. from the rear property line. (32 ft. minimum required)

**Property Location:** 3971 Covert Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Duane Nichols

**Applicant or representative present: Pat Mitchell – Owner; Duane Nichols - Builder**

**Duane Nichols** said they are proposing to remove the fire-damaged home and rebuild on the same footprint.

**Board Member Bonnavier** stated a new attached garage would be added as well.

**Mr. Nichols** said that yes, a two car attached garage would be added and it meets setbacks.

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

**MOTION AND VOTE**

Moved by **BONNIVIER**

Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-024 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**

**(6-0)**

**Case No. PZBA23-025**

**Sidwell No. 13-07-438-007**, Section 7, Lot 9, "Ideal Country Club", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 33.5 ft. variance from Section 3-900 to allow the proposed attached garage addition to be located 1.5 ft. from the front property line. (35 ft. minimum required)
2. A 31.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 1.0 ft. from the front property line. (32 ft. minimum required)
3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

**Property Location:** 2816 Rowan Blvd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Mark Brummitt & Jeanine Duguay

**Applicant or representative present: Mark Brummitt and Jeanine Duguay**

**Mark Brummitt** stated he doesn't know why the garage variance says it is 1 ft. away, as it will be 8 feet from the road.

**Chairman Zuehlke** stated that the applicant was before the Board previously and they did not end up building.

**Mr. Brummitt** stated that they were at a disadvantage with regards to their house size compared to other homes in the area and that they would like living space above garage.

**Chairman Zuehlke** stated that setbacks are taken from the property line and that is why a variance of 34 ft. variance is required. Calculations are not taken from the edge of the road.

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

**Pauline Bandlow - 2781 Sunderland** - said the stipulation for the previous variance request was for the encroachments of a shed and deck be removed. She would still like

the same stipulation as part of this decision. She was still not completely in favor of the request as it should not be so close to the road. She also expressed concern with the location of the big boulders on the road edge.

**Mr. Brummitt** said they did not build the deck and lien-to encroachments, but they will be removed.

**Cheri Werk - 2790 Sunderland** - said over the last couple of years they have had issues and would like all the encroachments removed. She felt the curve on the road is dangerous and the garage will be too close. She was not opposed to the construction of a garage, but was opposed to the size of the proposed garage.

**Ralph Rehme - 2820 Sunderland** - stated this is a blind corner and was not sure why they did not go with what was previously granted. He stated concerns with parking and where the boat/trailer would be stored. He was not in support of this variance.

**John Stiller - 2824 Rowan** - said he does not see a problem with them wanting to build, if they keep everything up. He was in support of the request.

**Mr. Brummitt** said it would be a drive through garage with 2 doors and that they will not be backing out. The trailer and the lien-to will be gone once they build the garage.

**Chairman Zuehlke** felt the original approval was adequate.

**Mr. Brummitt** said they would like a two-car garage.

**Board Member Bonnavier** felt the applicant was asking for more than what was previously approved. He was not in support of the garage being so close to the property line.

## **MOTION AND VOTE**

*Moved by **MOORE***

*Supported by **FRANSA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-025 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 following **STIPULATIONS**:*

*The requested variances be modified to the following:*

- 1. A 24.0 ft. variance from Section 3-900 to allow the proposed attached garage to be located 11.0 ft. from the south front property line. (35 ft. minimum required)*
- 2. A 21.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 10.5 ft. from the south front property line. (32 ft. minimum required)*

*And that the encroaching structure on the abandoned roadway be removed.*

**MOTION CARRIED UNANIMOUSLY  
(6-0)**

**Case No. PZBA23-026**

**Sidwell No. 13-03-430-002**, Section 3, Lots 187 & 188, "Supervisor's Plat No 10", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 22.4 ft. variance from Section 3-900 to allow the proposed attached garage addition to be located 12.6 ft. from the south rear property line. (35 ft. minimum required)
2. A 20.9 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 11.1 ft. from the south rear property line. (32 ft. minimum required)

**Property Location:** 3815 Pomeroy Ave  
**Property Zoned:** R-C, Single-Family Residential  
**Applicant:** Courtney Wood

**Applicant or representative present: Courtney Wood – Builder; Chris Cameron – owner**

**Courtney Wood** said the lot is a unique shape and there is an existing detached garage. The proposed 2-car attached garage would be used for recreational vehicle and water sports storage with living space above. She did not feel that it would impact any views of neighboring properties.

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

**Board Member Bonnivier** stated the lot is unique and the rear yard is more like a side yard.

**MOTION AND VOTE**

*Moved by FRASCA*

*Supported by BONNIVIER ; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-026 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**  
**(6-0)**

**Case No. PZBA23-027**

**Sidwell No. 13-11-451-012; 016**, Section 11, Lot 10 & 2, "Supervisor's Plat No 50", T3N, R9E, Waterford Township, Oakland County, Michigan

### Requesting

1. A 0.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.3 ft. from the south side property line. (5 ft. minimum required)
2. A 0.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.2 ft. from the west side property line. (5 ft. minimum required)
3. A 6.0 ft. variance from Section 3-302.3.A(5) to allow the proposed detached accessory building to have a maximum height of 23.0 ft. (17 ft. maximum allowed)

**Property Location:** 3322 Gilchrist  
**Property Zoned:** R-1B, Single-Family Residential  
**Applicant:** Ryan Hubbard

**Applicant or representative present: Ryan Hubbard**

**Ryan Hubbard** said the parcel the garage is located on is oddly shaped with a sewer easement. The need to go higher is because it cannot go wider and will be conforming with the neighboring properties.

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

**Board Member Bonnivier** stated that the property is unique.

**Mr. Hubbard** stated that the parcel will be combined with the main parcel where the house is located.

### MOTION AND VOTE

*Moved by **BONNIVIER***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-027 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 the properties be combined.*

**MOTION CARRIED UNANIMOUSLY**  
**(6-0)**

**Case No. PZBA23-028**



**Sidwell No. 13-36-130-016**, Section 36, Part of Lots 63 & 64, "Sylvan Shores", T3N, R9E, Waterford Township, Oakland County, Michigan

### Requesting

1. An 8.8 ft. variance from Section 3-900 to allow the proposed attached garage addition to be located 26.2 ft. from the north lake rear property line. (35 ft. minimum required)
2. A 7.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 24.2 ft. from the north lake rear property line. (32 ft. minimum required)

**Property Location:** 2589 Sylvan Shores Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Brandon Becker – Building Detail Inc

### Applicant or representative present: **Brandon Becker**

**Brandon Becker** said he is with a small design build firm and are representing the homeowners, Tim and Theresa Skotak. He stated the house was built in 1954 and it is an existing non-conforming building. The floor area of the home is 1530 square feet and is a single story. They would like a little more floor space to add another bathroom and make a master suite. Any addition would need a variance. He felt the request fits in with the neighborhood and the they have support of the neighbors.

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

**Edna Shin - 2555 Sylvan Shores Dr.** - said she lives next door and expressed concerns as to how the addition will impact her property with regards to the line of sight for pulling out into the road. She stated that her elevation is quite different, in that there is an extremely steep driveway going down. She stated that there are other structures currently obstructing her view. There are a lot of walkers and joggers on the road. She is concerned about parking and that it would present a hazard to get out of her driveway. She questioned the accuracy of the information submitted for the request.

**Stephan Gruetttert - 2505 Sylvan Shores Dr.** – felt the request may have a negative impact as the house is getting bigger. He is also concerned that a 2<sup>nd</sup> story may be added to the house in the future. He also questioned the protocol of the meeting to ensure that his comments and concerns are included.

**Staff** stated yes, there are minutes taken for the meeting.

**Laura Kasa - 2596 Sylvan Shores Dr.** - said she lives across the street and is concerned about the loss of parking if the addition is moved closer to the road. She also stated that there are lots of dog walkers, walkers, runners, and bikers. She is

concerned with access on the street with the added congestion and the possible parking in the street. She was also concerned about a second story addition.

**Chairman Zuehlke** stated the request is to extend the master suite out for a bigger bathroom and a closet. A second story is not shown.

**Board Member Bonnivier** stated that he felt the addition will be out of line with adjacent properties.

**Mr. Becker** said they looked to add on the front, but it would obstruct the lake views. A second story is not possible for the current structure to support. He felt the request was modest and they will be parking in the garage.

**Theresa Skotak** detailed the existing house conditions and driveway. She felt the request was modest.

#### **MOTION AND VOTE**

*Moved by MOORE*

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-028 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**  
**(6-0)**

#### **Case No. PZBA23-029**

**Sidwell No. 13-27-378-001**, Section 27, Lot 35 EXC NELY 59 ft, "Elizabeth Lake Golf & Country Club Summer Homes Sites", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 1.0 ft. variance from Section 3-302.3.A(5) to allow the proposed detached accessory building to have a maximum height of 18.0 ft. (17 ft. maximum allowed)
2. A 2.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 3.0 ft. from the southeast side property line. (5 ft. minimum required)

**Property Location:** 4933 Cooley Lake Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Mark Garver

**Applicant or representative present: Randy Garver**

**Randy Garver** stated the lot is oddly shaped. The proposed garage is for storage. The request allows for a bit more space when backing out.

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

#### **MOTION AND VOTE**

Moved by **FRASCA**

Supported by **MOORE**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-029 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**  
**(6-0)**

#### **Case No. PZBA23-030**

**Sidwell No. 13-12-303-018**, Section 12, "Jayno Heights No 3", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 1.5 ft. variance from Section 3-900 to allow to proposed house to have a maximum height of 31.5 ft. (30 ft. maximum allowed)
2. A variance from Section 3-900 to allow the proposed house to have a maximum of three (3) stories. (Two (2) stories maximum allowed)

**Property Location:** 2980 Stephanie Ct  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Vera & Pjeter Camaj

**Applicant or representative present: Pjeter Camaj – Owner; Alexander-Adler & Associates**

**Alex Adler** stated the property has issued with the water table and flood elevation. The proposed house is attempting to meet the intent of the ordinance and will look like 2 stories at the road. They are trying to meet the look of the neighboring houses.

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

**John Hingst - 2967 Stephanie Ct.** - said he is directly north of the property and is concerned it will look like a 3 story house. He is also concerned about the precedence being set for future re-builds. He felt the lot was small and the house would be out of place.

**Mr. Adler** said they would be building up the grade in the front with retaining walls as to not drain on the neighbors.

**Board Member Frasca** said it does slope down to the water.

**Pjeter Camaj** said it is a 1.5-acre lot, not a small lot and it does slope towards the lake.

**Bill Skubik - 2548 Silverside** - said he lives on the other side of the Lake and does not think the property is wide enough to be built on.

**Chairman Zuehlke** stated this is a common request, which is mostly due to the grade and the house being a walk-out.

### **MOTION AND VOTE**

*Moved by* **SCHNEIDER**

*Supported by* **FRASCA**; *to find that practical difficulties exist and to* **APPROVE** *the variances requested in ZBA Case No. PZBA23-030 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.*

**MOTION CARRIED**

**(6-0)**

### **Case No. PBZA23-031**

**Sidwell No. 13-33-429-018**, Section 33, Lots 32 & 33, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 20.0 ft. variance from Section 3-900 to allow the proposed attached garage to be located 15.0 ft. from the southwest lake rear property line. (35 ft. minimum required)
2. A 18.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 14.0 ft. from the southwest lake rear property line. (32 ft. minimum required)
3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

**Property Location:** 4975 Coshocton Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Ronald Backiel

**Applicant or representative present: Ronald Backiel**

**Ronald Backiel** said this is an existing home that does not meet setbacks. He is restricted on depth due to the existing entry. would like to add a garage with the entry door where it is. He felt it would be a decent size garage and the houses on either side will be closer to the road than this will be.

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

**Chairman Zuehlke** stated there is not a garage there now and he felt the request was minimal.

#### **MOTION AND VOTE**

*Moved by **MOORE***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-031 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.*

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-021**

**Sidwell No. 13-04-476-018**, Section 4, Lot 18, "Supervisor's Plat No 6", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 14.0 ft. variance from Section 2-508.A to allow the proposed post-pylon sign to be located 1.0 ft. from the northeast right-of-way. (15 ft. minimum required)

**Property Location:** 5155 Dixie Hwy  
**Property Zoned:** C-2, Small Business  
**Applicant:** Jeffrey Conlon

**Applicant or representative present: Jeffrey Conlon**

**Jeffrey Conlon** would like to put the sign back to where it was before it blew down.

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

#### **MOTION AND VOTE**

*Moved by **FRASCA***

*Supported by **MOORE**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-021 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**

(6-0)

**Case No. PZBA23-032**

**Sidwell No. 13-34-408-012**, Section 34, Unit 48, "Forest Bay", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 3.0 ft. variance from Section 2-305.A to allow the proposed generator to be located 7.0 ft. from the south side property line. (10 ft. minimum required)

**Property Location:** 4409 Island View Dr  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Ernest Otani

**Applicant or representative present: Ernest Otani**

**Ernest Otani** stated he did not have anything additional to add to the request.

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

**MOTION AND VOTE**

*Moved by FRASCA*

*Supported by BONNIVIER; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-032 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.*

**MOTION CARRIED**

(6-0)

VII. Discussions

VIII. All Else

IX. Public Comment

X. Meeting Adjourned at 5:55 PM

Members of the public will only be able to speak during the public portion of the meeting and during the public comment period at the end of the meeting. Prior to the meeting, members of the public may contact the Township employee/official at the address listed below. Written submittals must be received by noon on the day of the meeting. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by

phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Stacy St. James, Environmental and Housing Rehab Coordinator  
Charter Township of Waterford  
5200 Civic Center Drive, Waterford, Michigan 48329  
Email: sstjames@waterfordmi.gov  
Phone: (248) 674-6240

**Case No. PZBA23-022**

**Property:** 3769 Lake Front St  
**Applicant:** Kevin Akey  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The applicant was before the Board at the May 16<sup>th</sup> meeting requesting several variances for the construction of a new house at the subject property (original review below). The request was tabled to the June 20<sup>th</sup> meeting so the applicant could review the request and make changes to reduce the impact and address the concerns of the neighboring property owners. The main change made by the revised plans shows that the house has been shifted away from the lakefront and towards the road. The current request shows that the enclosed portion of the house new meets the minimum lakefront setback. A setback variance for the covered porch is still required. With the change, a variance is now needed from the lake rear (road) side of the property. The revised plans indicate a proposed setback of 27 ft., where a minimum setback of 35 ft. is required. The revised plans have also eliminated the side yard setback encroachments for the architectural features and fireplaces. However, variances are still need for the proposed a/c unit and generator.

*May 16<sup>th</sup> Meeting Staff Review:*

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

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-022 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_ )*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-022 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

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

*(Evidence provided: \_\_\_\_\_ )*

**Case No. PZBA23-024**

**Property:** 3971 Covert Rd  
**Applicant:** Duane Nichols  
**Zoning:** R-1C, Single-Family Residential



Site Use: Single Family Residential

Proposal: New House

**Analysis**

The applicant is requesting variances to allow a new house to be built in the same location on the same foundation as the previous house that was damaged by a fire. The new house is shown to maintain the same front yard setback of 22 ft. and same rear yard setback of 23 ft. (35 ft. minimum required for both). The proposal is shown to be adding an attached garage to the new house, where one did not previously exist. However, the garage is shown to be located further from the front and rear property lines than the proposed house. All other setbacks are shown to be met.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-024 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-024 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

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

- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

*(Evidence provided: \_\_\_\_\_)*

**Case No. PZBA23-025**

**Property: 2816 Rowan Blvd**  
**Applicant: Mark Brummit & Jeanine Duguay**  
**Zoning: R-1C, Single-Family Residential**  
**Site Use: Single Family Residential**  
**Proposal: Attached Garage**

**Analysis**

The applicants are requesting variances to allow for the construction of an attached garage. The proposed garage is shown to be located 1.5 ft. from the front property line, where a minimum setback of 35 ft. is required. The proposed garage is shown to be located approximately 8.5 ft. from the edge of the road.

At the March 15, 2022 meeting, the applicants requested variances for a similar garage. The previous garage was shown to be located 1.0 ft. from the front property line. The Board approved the request with the stipulation that the proposed garage maintain a minimum setback of 11 ft. from the front property line (see meeting minutes in file). The applicant did not act on the previous approval.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-025 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-025 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

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

*(Evidence provided: \_\_\_\_\_)*

**Case No. PZBA23-026**

**Property:** 3815 Pomeroy Ave  
**Applicant:** Courtney Wood  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Attached Garage

**Analysis**

The applicant is requesting a variance for the construction of an attached garage on the south side of the house. The proposed garage is shown to be located 12.6 ft. from the south property line. Due to the unique shape of the lot, this would be considered the rear yard where a minimum setback of 35 ft. would be required. The orientation of the house and access to the property off Pomeroy Ave would give the appearance of this being within the side yard. If that were the case, a minimum setback of 5 ft. would be required. The existing detached garage (590 sq. ft.) and shed (120 sq. ft.) are shown to remain. The combined sq. ft. of the existing and proposed buildings does not exceed the maximum allowed for the 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. PZBA23-026 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

(Evidence provided: \_\_\_\_\_ )

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-026 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

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

(Evidence provided: \_\_\_\_\_ )

**Case No. PZBA23-027**

**Property:** 3322 Gilchrist  
**Applicant:** Ryan Hubbard  
**Zoning:** R-1B, Single-Family Residential  
**Site Use:** Single Family Residential

**Proposal: Detached Garage**

**Analysis**

The applicant is requesting variances to allow for the construction of a detached garage on the subject property. The property is currently a separate lot that the applicant owns in common and is planning to combine with the main lot the house is located on to the north. There currently is a detached garage on the property. The proposed garage is shown to be in the same location as the existing garage, but it will be a bit larger (24 ft. x 32 ft. existing – 24 ft. x 38 ft. proposed). Except for the requested encroachment of the proposed overhangs, the location meets the minimum setback requirements. However, the applicant is also requesting a variance of 6 ft. to allow the proposed garage to have a maximum height of 23 ft. (17 ft. maximum allowed). He has indicated that the desired additional height is to accommodate a golf simulator in the upper level of the building. The applicant has provided several signatures of support for the request from adjacent property owners, including from the Adams Lake Condo Association which is located to the west of the 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. PZBA23-027 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-027 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

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

- *The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

*(Evidence provided: \_\_\_\_\_ )*

**Case No. PZBA23-028**

**Property:** 2589 Sylvan Shores Dr  
**Applicant:** Brandon Becker – Building Detail Inc  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant is requesting a variance for the construction of a small addition to the existing attached garage on the lake rear (road) side of the existing house. The existing building is shown to be located at the minimum 35 ft. setback from the lake rear property line. The proposed addition is shown to project approximately 8.5 ft. into the required setback. The proposed addition would have a setback of 26.2 ft. from the property line. There appears to be approximately 12 additional feet between the property line and the edge of the road.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-028 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. PZBA23-028 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. PZBA23-029**

**Property:** 4933 Cooley Lake Rd  
**Applicant:** Mark Garver  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Detached Garage

**Analysis**

The applicant is requesting variances to allow for the construction of a new detached garage. While the location of the proposed garage meets the minimum setback requirements, the overhang is shown to be located 3 ft. from the southeast side yard property line, a 2 ft. encroachment. In addition, the applicant is requesting a variance to allow the building to have a maximum height of 18 ft, where a maximum height of 17 ft. is allowed.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-029 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. PZBA23-029 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. PZBA23-030**

**Property:** 2980 Stephanie Ct  
**Applicant:** Vera & Pjeter Camaj  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The applicant is proposing to construct a new house at the subject property. Based upon the information submitted by the applicant, the house is shown to meet all minimum setback requirements. However, due to the grading of the property and the elevation of the ground water, the applicant is requesting variances from the height and story requirements. The proposed house is shown to have a



maximum height of 31.5 ft., where 30 ft is allowed. In addition, a variance to allow the basement to be considered a 3<sup>rd</sup> story is also being requested.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-030 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. PZBA23-030 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. PZBA23-031**

**Property: 4975 Coshocton Dr**

**Applicant:** Ronald Backiel  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Attached Garage

**Analysis**

The applicant is requesting variances to allow a new attached garage to be constructed on the existing house. The existing house is nonconforming, in that it does not meet the minimum lake rear (road) side setback of 35 ft. The attached garage is shown to be located at the same setback as the porch, 15 ft. from the property line. Therefore, a variance of 20 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. PZBA23-031 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. PZBA23-031 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. PZBA23-021**

**Property:** 5155 Dixie Hwy  
**Applicant:** Jeffrey Conlon  
**Zoning:** C-2, Small Business  
**Site Use:** Dental Office  
**Proposal:** New Sign

**Analysis**

The applicant is requesting a variance to allow for the placement of a new sign in the same location as the previous sign that was blown over. Due to the location, Planning staff has requested that the new sign be constructed differently than the previous sign to allow for clear vision under the sign (see packet information for drawings of the previous sign and proposed sign). While the proposed sign is within the maximum height and size allowed, it is shown to be located 1.0 ft. from the right-of-way, where a minimum setback of 15 ft. would be required. If placed at the minimum setback, the sign would then be in the middle of the drive lane for the business.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-021 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-021 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) \*\***

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

*(Evidence provided: \_\_\_\_\_)*

**Case No. PZBA23-032**

**Property:** 4409 Island Park Dr  
**Applicant:** Ernest Otani  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Generator

**Analysis**

The applicant is requesting a variance to place a new generator within the required south side yard setback. The proposed generator is shown to be located 7 ft. from the side yard property line. Because the property is zoned R-1A, a 10 ft. minimum setback is required. Properties zoned R-1B or R-1C have a minimum setback of 5 ft. The proposed generator is shown to be located next to the existing a/c unit.

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

**DRAFT MOTION FOR APPROVAL**

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-032 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. PZBA23-032 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: \_\_\_\_\_ )*

