
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Meeting - 4:00

Chairman Zuehlke called the meeting to order at 4:00 pm

I. Roll Call

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

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

Public: Approximately 9 people

III. Approve the Minutes of the June 21, 2022 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by MOORE

*Supported by HAUSWIRTH; RESOLVED to **APPROVE** the Minutes of the June 21, 2022 Zoning Board of Appeals Meeting as Printed.*

MOTION CARRIED UNANIMOUSLY

(7-0)

IV. Approve the Agenda of the July 19, 2022 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by FRASCA

*Supported by HOFFMAN; RESOLVED to **APPROVE** the Agenda of the July 19, 2022 Zoning Board of Appeals Meeting as Printed.*

MOTION CARRIED UNANIMOUSLY

(7-0)

V. Old Business

VI. New Business

Case No. PZBA22-009

Sidwell No. 13-33-376-006, Section 33, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2933 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 64 sq. ft. detached shed, existing 1050 sq. ft. detached carport, existing 2815 sq. ft. detached dome building and 1004 sq. ft. attached garage to maintain a combined total floor area of 4933 sq. ft. (2000 sq. ft. maximum allowed for subject property)
2. A 3.0 ft. variance from Section 3-302.7.A to allow the existing fence to remain and maintain an average height of 9.0 ft. along the south side property line. (6 ft. maximum allowed)

Property Location: 1289 Hiller Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: Ali David

Applicant or representative present: Ali David & Attorney Paulette Loftin

Paulette Loftin stated the owner applied to build this structure during the pandemic and it was denied.

Chairman Zuehlke questioned the year it was applied for.

Ms. Loftin answered it was 2019.

Ali David stated it was denied because of the size. He reduced it down to 1400 sq. ft., 40 x 40. He stated then the Township was closed for 3 months and I was concerned that his utv's/four wheelers and equipment were being stored outside. He I wanted to put them where nobody can see them and they are more secure. He stated the fencing was then installed.

Chairman Zuehlke questioned if the work was done without permits.

Mr. David stated yes, it was.

Ms. Loftin stated the information that she was provided says the fence is 9 ft. but the drawing her client prepared, shows the fence is 8 ft. and it is only on the south side of property and she questions how it is determined to be 9 ft. She further stated it is only

where there is a hill to help prevent the neighbors from seeing into the yard and the rest of the fence is 6ft. She said obviously her client did not apply for permits and is now trying to work to comply. He has allowed the Township to view the work that has been completed. Drawings have been submitted with the application and they are asking that it be granted in full or at least in part. Mr. David is willing to comply with the decision of the Board and open to any consideration.

Chairman Zuehlke expressed his concern when property owners complete work without permits. He stated the Township was still open and accepting applications. He felt the Board would be willing to work with the applicant. He stated it appears as though the Mr. David may be running a business out of this home. He understand the desire to have a taller fence, but the ordinances are in place for all residents within the Township.

Mr. David said during the pandemic the site slowly evolved to what it is now.

Chairman Zuehlke reiterated that there are still rules to follow and the applicant could have complied.

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

Board Member Schneider questioned the number of vehicle on the site, as shown on the aerial photo, and what would be done with them.

Mr. David stated he has secured a building at 3455 Highland Rd. He stated receiving approval from the Township to move the golf cart business, which gradually evolved to what it is, to that site.

Chairman Zuehlke questioned why he would need all the extra space if it is going to be moved. The request before the Board is large and more than what is usually approved.

Mr. David said there are several structures at the property. A small 64 sq. ft. shed has been on the property for quite a while. There is also a 1050 sq. ft. carport that is intended to be temporary.

Chairman Zuehlke asked the applicant if he was willing to remove some of the structures.

Mr. David stated he was.

Chairman Zuehlke felt the Board may be will to work with the applicant and grant a lesser variance than what was being requested. Instead of a 3000 sq. ft. variance, the Board may be willing to grant a 2000 sq. ft. variance. It would be up to the applicant as to what to keep and what to remove.

Board Member Schneider said was willing to support that decision, but the fence still need to be addressed.

Mr. David stated he would be willing to cut 2 ft. off the fence, but he felt the neighbors were in support of the current height.

Board Member Schneider expressed his concern for setting a precedence for future requests.

Mr. David stated that he was not aware of the height restriction. When he went to purchase it, there was the option of 6 ft. or 8 ft. He felt that since he had acreage he would buy the taller fence.

Board Member Hauswirth questioned to location of the business, as the application mentioned a site on Cooley Lake Rd, not the Highland Rd site that was mentioned earlier.

Mr. David stated he was unable to receive approval from West Bloomfield to locate the business in that original location. He stated he still owns it, but does not currently have plans to develop the site.

Board Member Hauswirth express her concern about running a commercial business out of a residential location.

Mr. David stated he started the business with his kids, so he felt it was truly their business and something he could do with them. He did not realize when he first purchased the building in West Bloomfield it was not zoned properly for what he would be using it for.

Board Member Moore said he is requesting 2915 and asked staff how much does he have already.

Discussion continued between the Staff and Board Members as to the request, what is allowed and what is existing. The Board discussed options at a lesser variance than what we requested.

Mr. David felt the carport could be removed easily. The shed could be left. However, he stated the dome structure was difficult to construct and would be difficult to remove.

Board Member Hauswirth questioned the use of the dome structure.

Mr. David stated it was used as a garage.

Board Member Moore questioned to size of the dome structure.

Mr. David said when he bought the dome structure he decided to construct it on top of the storage containers, instead of on the ground.

Board Member Moore questioned the use of the storage containers.

Ms. Loftin said it is one structure.

Mr. David said the dome structure is 40 x 40. Including the storage containers, it is 2815 sq. ft.

Discussion continued between the Board and the applicant regarding the structure's construction and optional variance allowance.

Chairman Zuehlke questioned the status of the current permit application.

Staff indicated it is on hold, pending the decision of the Board.

Chairman Zuehlke stated if the Board did allow for variances, everything would need to be inspected and brought into compliance.

Board Member Schneider questioned if the dome structure would pass inspections.

Mr. David stated it was reviewed by a structural engineer and will meet code.

Discussion continued between the Board members regarding the fence variance options as well as continued discussion regarding the total square footage variance options.

Mr. David questioned to specific modification that would need to be made to meet the variances approved by the Board.

Chairman Zuehlke stated it would be up to the applicant to make whatever modifications are necessary to comply with what is approved.

MOTION AND VOTE

Moved by SCHNEIDER

*Supported by MOORE; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-009 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*

AMENDMENTS:

- **Amend request #1 to allow for a 1200 sq. ft. variance to allow the existing accessory structures to maintain a combined floor area of 3200 sq. ft.**
- **Amend request #2 to allow for the fence to have a maximum height of 6 ft. as measured from its location on the berm.**

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA22-037

Sidwell No. 13-20-252-025, Section 20, N 76 ft. of S 142 ft. of Lot 16, "Supervisor's Plan No 60", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. An 8.9 ft. variance from Section 3-900 to allow the proposed attached garage to remain 1.1 ft. from the north side property line. (10 ft. minimum required)
2. A 6.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to remain 0.6 ft. from the north side property line. (7 ft. minimum required)

Property Location: 1087 Shoman Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: Michele White & John Green (Builder)

Applicant or representative present: Richard Hines & Michele White

Richard Hines stated right after they purchased the home they had to put a new roof on the carport, it is a low pitched roof. He said at about 3 years later it is dilapidated and during Covid talked to their builder to see if they could add a garage to make it look better. He also said it is an eyesore and wants to make it look better and do it the right way with a garage door.

Chairman Zuehlke asked if they were going to combine property so they would meet the ordinance, but you decided not to.

Mr. Hines said no that was not the case and that this was like this when they purchased the home.

Chairman Zuehlke stated it must have been the previous owners that were talking about it. He stated the reason there is a 5 ft. setback is so you can maintain your property without going on the neighbor's property.

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

Board Member Hauswirth asked if the current carport accommodates one car or two cars.

Mr. Hines said it accommodates two cars. He also said the variance for the footings.

Board Member Schneider questioned if it could be deeper instead of wider.

Mr. Hines stated it was cost prohibitive.

Board Member Schneider was concerned about maintaining the proposed garage and between the proposed garage and side property line.

Mr. Hines stated the property gets further away as you go towards the rear.

Chairman Zuehlke stated that drainage would need to be considered and have gutters and drainage underground.

Board Member Schneider was not in support of the building being so close to the side property line.

Board Member Hauswirth said it could cause future problems, if neighbors no longer get along or new neighbors move in.

Board Member Moore asked how wide is the garage.

Chairman Zuehlke stated it is 20 x 22, not an unusually big garage.

Board Member Hoffman said it is about the same size as the carport.

Board Member Moore asked if they have thought about putting the garage on the rear of the home and having the drive on the side.

Michelle White said no and that the deck comes off the back.

Mr. Hines said they have big trees in the back they would like to keep.

MOTION AND VOTE

*Moved by **MOORE***

*Supported by **BONNIVIER**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-037 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

(6-1) SCHNEIDER OPPOSED

Case No. PZBA22-038

Sidwell No. 13-22-101-014, Section 22, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 9.6 ft. variance from Section 2-508.A to allow the proposed ground sign to be located 5.4 ft. from the south right-of-way. (15 ft. minimum required)
2. A 12.7 ft. variance form Section 2-508.A to allow the proposed ground sign to be located 12.3 ft. from the west side property line. (25 ft. minimum required)

Property Location: 4972 Highland Rd
Property Zoned: C-2, Small Business
Applicant: Gabriel Schuchman

Applicant or representative present: Gabriel Schuchman & Mitchel Harvey (Stonefield Engineering)

Mitchel Harvey stated the additional variance from the west side property line with a few unique circumstances. He stated the lot is not very deep for a commercial lot and for it to meet setbacks the sign would be in the drive. Also, Highland Rd pavement juts to the south toward the property but the lot continues west, so the sign will appear to be set back farther than it is.

Chairman Zuehlke asked if this is a monument sign.

Mr. Harvey answered yes. It is 8 ft. tall and 10 ft. wide.

Board Member Moore questioned where the driveway would be located.

Mr. Harvey stated based on discussion with the Township and MDOT they are utilizing a cross access with the property to the west. He stated that will be the only points of ingress and egress, as to minimize movement on busy Highland Rd. He reference a letter of approval from them for the sign variance.

Board Member Moore asked if they are closing up the driveways.

Mr. Harvey stated that both driveways will be closed.

Board Member Schneider asked what restaurant is going in there.

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

Troy Dunaj – 4930 Pauton Ave - said he was representing the neighborhood behind this new establishment. H was concerned with the lighting of the sign and if it could be turned off during off hours.

Chairman Zuehlke asked Mr. Harvey if that is something, they could comply with.

Mr. Harvey stated yes, that they are agreeable to this request.

Board Member Hoffman stated that with the building and the trees it will be difficult to see

MOTION AND VOTE

*Moved by **HOFFMAN***

*Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-038 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

(7-0)

Case No. PZBA22-039

Sidwell No. 13-04-251-005, Section 4, Lot 28, "Waterford Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 598 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 198 sq. ft. shed and proposed 2400 sq. ft. detached accessory building to have a combined total floor area of 2598 sq. ft. (2000 sq. ft. maximum allowed for subject property)

Property Location: 4265 Rural St
Property Zoned: R-1, Single-Family Residential
Applicant: Teresa Boylan

Applicant or representative present: Teresa Boylan and Robert Boylan

Robert Boylan stated they started to work on the property and want to tear down the barn and garage to replace it with a new 2400 sq. ft. Garage.

Board Member Moore questioned the number of buildings

Mr. Boylan stated there is one little blue shed and two red buildings. One is shaped like an L, which is an old barn and chicken coop.

Board Member Moore asked if they are taking down all the buildings.

Mr. Boylan said that they can remove the shed also, once the new one is built. He felt everything should fit into the new building and that it will be located 20 ft. off the property line.

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

Board Member Moore asked if there is an attached garage to the home.

Mr. Boylan stated yes, it is a regular two-car garage.

Chairman Zuehlke stated 32 x 60 is a large structure.

Mr. Boylan said it is 32 x 60 with a 10 ft. porch.

Chairman Zuehlke asked why he wanted something so big.

Mr. Boylan said that they have a lot of stuff.

Board Member Hoffman asked what the size of the lot is.

Chairman Zuehlke stated it is 2 ½ acres.

Board Member Schneider said all of the lots there are big.

Board Member Hauswirth asked if they were going to remove the shed also.

Mr. Boylan stated that it is storage now and everything should fit in the new structure, so yes they will take it down.

Teresa Boylan stated that this property was her Great Aunt and Uncles home who have passed away, and that they are trying to maintain the property.

MOTION AND VOTE

*Moved by **SCHNEIDER***

*Supported by **BONNIVIER**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-039 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 **STIPULATION:***

The two large structures must be removed before a final approval is issued.

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA22-040

Sidwell No. 13-25-429-009, Section 25, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 14,087.5 sq. ft. variance from Section 3-900 to allow the subject property to have an impervious surface of 29,675 sq. ft. (95.2%) of the lot area. (15,587.5 sq. ft. (50 %) maximum allowed for subject property)

Property Location: 521 Elizabeth Lake Rd

Property Zoned: C-3, General Business
Applicant: Imperial Auto Wash

Applicant or representative present: Thomas Black - owner

Chairman Zuehlke stated it seems like the business has been running well for years and questioned the need for a variance.

Thomas Black stated they have revamped the site, which has included adding more green space. However, they still could not meet the green space requirements.

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

Chairman Zuehlke said he felt the redesign would be nicer and function better.

Board Member Schneider questioned where the additional greenspace would be located.

Mr. Black stated they will be planting around the sign, at the rear of the site and anywhere else possible.

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. PZBA22-040 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

(7-0)

VII. Discussions

VIII. All Else

IX. Public Comment

X. Meeting adjourned at 4:46 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. 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 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. PZBA22-009

Property: 1289 Hiller Rd
Applicant: Ali David
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Existing accessory buildings/structures and fence

Analysis

The applicant is requesting variances to allow the existing accessory buildings/structures and fence to remain at the subject property. The previously existing buildings included an attached garage (1004 sq. ft.) and detached shed (64 sq. ft.). These buildings were permitted and met the ordinance requirements. Since then, other building/structures/fencing have been constructed prior to receiving the required permits/approvals/variances:

- 2815 sq. ft. detached dome building (Quonset structure)
- 1050 sq. ft. detached carport
- 9 ft. average height fence (8 ft. high fence located on a 1 ft. average height berm)

Based upon the above improvements, variances for the total accessory area are required (4933 sq. ft. existing – 2000 sq. ft. maximum allowed). Additionally, a variance for the existing fence is also required (9 ft. average existing – 6 ft. maximum allowed)

Litigation is pending regarding the above activities.

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. PZBA22-009 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. PZBA22-009 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. PZBA22-037

Property: 1087 Shoman Dr.
Applicant: Michele White & John Green
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage

Analysis

The applicants are requesting a variance to construct an attached garage onto the existing house. Currently there is a carport in the location of the proposed garage. The proposed garage is shown to be the same size as the existing carport. The existing carport is shown to be located 1.1 ft. from the side property line. The proposed garage is shown to maintain this setback, requiring a variance.

Note regarding survey: the survey submitted indicates a distance of 11.12 ft. between the carport and side property line. This was based upon a proposed split of the adjacent property that would allow 10' to be added to the subject property. The split was never completed. Therefore, the setback between to carport and side property line remains at 1.12 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. PZBA22-037 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. PZBA22-037 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. PZBA22-038

Property: 4972 Highland Rd
Applicant: Gabriel Schuchman
Zoning: C-2, Small Business
Site Use: Fast Food Restaurant
Proposal: Sign

Analysis

The applicant is requesting variances to construct a sign at the subject property. The sign is shown to be located 5.4 ft. from the south right-of-way, where a minimum setback of 15 ft. is required. Based upon the site plan submitted, the proposed sign will still be located approximately 45 ft. from the edge of Highland Rd. An additional variance is required to allow the proposed sign to be located 12.3 ft. from the west side property line, where a minimum setback of 25 ft. is required. The proposed sign will not be located within the clear vision triangle and it is also shown to be within the maximum height and area requirements.

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. PZBA22-038 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. PZBA22-038 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. PZBA22-039

Property: 4265 Rural St
Applicant: Teresa Boylan
Zoning: R-1, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached garage

Analysis

The applicant is requesting a variance to construct a detached garage at the subject property. The proposed garage is shown to be 32 ft. by 60 ft. with an overhang/lean-to 8 ft. by 60 ft. The combined area of the proposed garage/lean-to is 2400 sq. ft. The subject property is an acreage parcel, which allows for a maximum accessory area of 2000 sq. ft. In addition to the proposed garage, a 198 sq. ft. shed will also remain. Therefore, the total area proposed is 2598 sq. ft., requiring a variance of 598 sq. ft. The applicant has indicated that the existing barn and garage will be removed (see site plan).

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. PZBA22-039 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. PZBA22-039 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. PZBA22-040

Property: 521 Elizabeth Lake Rd
Applicant: Imperial Auto Wash
Zoning: C-3, General Business
Site Use: Car Wash
Proposal: Site Improvements

Analysis

The applicant is proposing to make improvements to the existing car wash. The proposed improvements are to create better circulation on the site and improve site conditions. To achieve this, the applicant is requesting a variance to increase the impervious surface of the site. Currently, there is very little green space (approximately 2,583 sq. ft. – 8.29% of the site). The proposed improvements would further reduce the green space to approximately 1, 500 sq. ft. – 4.81% of the site. The applicant has indicated they will be replacing the wall along the south and east sides of the property. They have also indicated they will be installing new landscaping along the wall to the south and under the new sign at the north 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. PZBA22-040 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. PZBA22-040 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: _____)