

- I. Call the Meeting to Order  
Chairman Zuehlke Called the meeting to order at 3:58p.m.

- II. Roll Call  
Present: David Zuehlke, Chairman  
Stan Moore, Vice Chairman  
Karen Joliat, Secretary  
Todd Hoffman, Board Member  
Rick Schneider, Board Member  
Todd Bonnivier, Board Member

Absent: Steve Reno, Board Member

General Public: Approximately 15

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator  
Amy Williams, Departmental Aide  
Rob Merinsky, Director/Engineering

- III. Approve the Minutes of the June 16, 2020, regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Moore*

*Supported by Joliat; RESOLVED to **APPROVE** the Minutes of the June 16, 2020 meeting.*

**MOTION CARRIED UNANIMOUSLY**

*(6-0)*

- IV. Approve the Agenda of the July 21, 2020, regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Moore*

*Supported by Joliat; RESOLVED to **APPROVE** the Agenda of the July 21, 2020 meeting.*

**MOTION CARRIED UNANIMOUSLY**

*(6-0)*

- V. Old Business

- VI. New Business

**Case No. PZBA20-007**

**Sidwell No. 13-09-351-005**, Section 9, S 50 Ft of Lot 5, "Supervisor's Plat No 40", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 15.0 ft. variance from Section 3-900 to allow the proposed addition to remain 0 ft. from the south side property line. (15 ft. minimum required)
2. 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:** 2574 Airport Rd  
**Property Zoned:** C-1, Neighborhood Business  
**Applicant:** Mark Malvich / The Bait Shop LLC

Applicant or representative present: Mark Malvich

**Mr. Malvich** indicated this is just a small addition to help with the kids programs and that they participate with the parks and recreation department to provide the programs.

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

**Board Member Joliat** expressed her support for the request and questioned the applicant regarding the existing trailer being removed.

**Mr. Malvich** indicated the trailer would be removed.

**Board Member Bonnavier** asked the applicant if he had the cooperation of the adjacent property owner.

**Mr. Malvich** stated he did and that he was looking to purchase additional adjacent property to expand the size of his property.

**MOTION AND VOTE**

*Moved by Bonnavier*

*Supported by Schneider; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in **ZBA Case No. PZBA20-007** 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. PZBA20-008**

**Sidwell No. 13-35-377-006**, Section 35, Part of Lots 1, 2 and VAC Grinnell Ave, "Supervisor's Plat No 41", T2N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 2.0 ft. variance from Section 3-900 to allow the proposed structure to come to within 3.0 ft. of the northeast side property line. (5 ft. minimum required)
2. A 28.8 ft. variance from Section 3-901 to allow the proposed structure to come to within 36.8 ft. of the southeast lakefront shoreline. (65.6 ft. minimum required)
3. A 27.1 ft. variance from Section 2-104.2 to allow the proposed structure and its 1.3 ft. overhang to come to within 35.5 ft. of the southeast lakefront shoreline. (62.6 ft. minimum required)
4. A 57.7 sq. ft. variance from Section 2-213.2.C to allow the proposed structure to have maximum area of 137.7 sq. ft. (80 sq. ft. maximum allowed)
5. A 3.5 ft. variance from Section 2-213.2.C to allow the proposed structure to have a maximum height of 11.5 ft. (8 ft. maximum allowed)

**Property Location:** 3675 Lake Front St  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Patrick Funke / Michael J. Dul & Associates, Inc

Applicant or representative present: Patrick Funke

**Mr. Funke**, landscape architect for the owner, stated that they started this project prior to COVID, and when construction resumed, the extreme heat made them realize that they would need some type of shelter to shield the hot sun from the already partially constructed outdoor kitchen. They wished to build a simple design that would not obstruct views with its transparency. He gave details of the structure and existing site conditions. He indicated they were working with the neighboring property owner on development and design.

**Chairman Zuehlke** questioned why they would need a two-foot variance, and not just move the proposed structure over by two feet.

**Mr. Funke** stated that moving the proposed structure would cause issues due to gas and other utility lines already in place. He further stated that he had the neighbor's full support for this project.

**Chairman Zuehlke** stated he did not see the hardship. He felt it was capable of meeting the five-foot setback. He understands the need to the remaining variances.

**Jay Feldman, of 3665 Lake Front**, submitted a letter of support and spoke up to say that he has no issues with this request.

**Chairman Zuehlke** continued to express his lack of support for the side yard setback variance.

**Mr. Funke** stated they would have designed the kitchen differently, but they did not see anything else that could be done at this time.

**Board Member Joliat** understood the concerns and discussed other options for shading.

During the public portion of the meeting, the following spoke regarding this request.

**Board Member Bonnivier** questioned the overhang on the structure.

**Mr. Funke** clarified that it was only on the pool side, so that an additional variance would not be needed from the side property line.

**Board Member Bonnivier** questioned the distance from the structure to the house.

**Mr. Funke** indicated it was 9'9" at the closest point.

**Chairman Zuehlke** felt that since no one expressed opposition to the request, it would speak favorably for the request.

**Board Member Bonnivier** expressed his support for the request, being that it was only a structure.

**Mr. Funke** indicated they were trying to be respectful of the view on the lake and make the structure attractive as well.

#### **MOTION AND VOTE**

*Moved by Bonnivier*

*Supported by Hoffman; to find that practical difficulties exist and to **approve** the variance(s) requested in **ZBA Case No. PZBA20-008** based upon the information presented by the Applicant and the Owner 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. PZBA20-009**

**Sidwell No. 13-30-426-014**, Section 30, Part of Lot 4, "Supervisor's Plat No 53", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** 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:** 7068 Mather St.  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Vito Salvaggio / Salvaggio & Co Construction LLC

Applicant or representative present: Vito Salvaggio; Alan Alcid

**Mr. Alcid** stated that they wished to remove the existing garage and rebuild with an addition to home. His plans meet setback requirements, but a variance is needed to expand a non-conforming building.

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

**Board Member Moore** asked for clarification as to if the existing garage would be removed.

**Mr. Salvaggio** stated that it would be removed.

#### **MOTION AND VOTE**

*Moved by Joliat*

*Supported by Moore; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in **ZBA Case No. PZBA20-009** 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 and due to the non-conforming property.*

**MOTION CARRIED UNANIMOUSLY**

(6-0)

#### **Case No. PZBA20-010**

**Sidwell No. 13-15-478-016**, Section 15, Part of Lot 4, "Supervisor's Plat No 18", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.0 ft. of the south side property line. (5 ft. minimum required)
2. 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:** 1776 Eason  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Daniel & Elizabeth House

Applicant or representative present: Daniel House

**Chairman Zuehlke** stated the lot was an unusual shape.

**Mr. House** explained the request and the need for the variances.

**Chairman Zuehlke** questioned the dimension of the proposed addition.

**Mr. House** clarified the dimensions.

**Chairman Zuehlke** questioned the shape of the addition.

**Mr. House** stated based upon the shape of the lot, a square addition was not practical.

**Board Member Joliat** questioned if formal plans were submitted.

**Board Member Schneider** questioned the pitch of the roof.

**Mr. House** stated it was pitched towards the lot line.

Board members further questioned the applicant on exactly what he was proposing to build, as there were no plans submitted with the request. Without plans, they felt they could not adequately make a determination, as they would like to see what he was proposing to build and address any drainage issues.

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

#### **MOTION AND VOTE**

*Moved by Zuehlke*

*Supported by Joliat; to **TABLE ZBA Case No. PZBA20-010** until the August 18, 2020 regular meeting so that plans could be submitted for further review.*

**MOTION CARRIED UNANIMOUSLY**

(6-0)

#### **Case No. PZBA20-011**

**Sidwell No. 13-04-127-015**, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 59 parking space variance from Section 5-004 referencing the Site Planning and Landscape Design Standards Manual Section SPL-003 "Parking and

Loading” to allow for a reduction in total required parking spaces to 286 total parking spaces. (345 parking spaces required for subject property)

**Property Location:** 5570-5640 Dixie Hwy  
**Property Zoned:** C-4, Extensive Business  
**Applicant:** Epic 20 LLC.

Applicant or representative present: Epic 20 LLC

**Chairman Zuehlke** stated never seeing the parking lot full.

The Board members discussed the current parking situation and businesses that could be affected by this request. They did not feel the proposed development would have a negative impact on the existing use of the site.

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

#### **MOTION AND VOTE**

*Moved by Moore*

*Supported by Joliat; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in **ZBA Case No. PZBA20-011** 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 and that Staff review the final site plan for approval.*

**MOTION CARRIED UNANIMOUSLY**

*(6-0)*

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 4:30p.m.

**Case No. PZBA20-007**

**Property:** 2574 Airport Rd  
**Applicant:** The Bait Shop LLC / Mark Malvich  
**Zoning:** C-1, Neighborhood Business  
**Site Use:** Retail Business  
**Proposal:** Addition

**Analysis**

The applicant is proposing to construct a new 20 ft. x 22 ft. addition onto their existing building. The existing building has a 0 ft. south side yard setback. The applicant is proposing to maintain that setback with the proposed addition. The subject property is a small commercial parcel. Based upon the size of the existing building, any addition over 194 sq. ft. would require a variance. The Planning Commission has review the plans and approves of the proposal, pending ZBA 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. PZBA20-007 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. PZBA20-007 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

**\*\* (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. PZBA20-008**

**Property:** 3675 Lake Front St  
**Applicant:** Patrick Funke – Michael J Dul & Associates, Inc  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Pergola

**Analysis**

The applicant is proposing to construct a pergola at the subject property. The pergola is showing to be located with 3 ft. of the northeast side property line and 36.8 ft. of the southeast lakefront shoreline. The zoning of the property requires a minimum setback of 5 ft. from the side property line. The lakefront setback for the property is based upon the average setback of the houses with 200 ft. of the subject property. Based upon this, the required lakefront setback for the subject property is 65.6 ft. The structure is shown to be 11.5 ft. tall and 137.7 sq. ft. in size. The applicant has included with their application a letter of support from the neighbor at 3665 Lake Front St, which is the neighbor of the adjacent property closest to the proposed structure.

*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**

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

**DRAFT MOTION FOR DENIAL**

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**\*\* (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. PZB20-009**

**Property:** 7068 Mather St  
**Applicant:** Vito Salvaggio – Salvaggio & Co Construction LLC  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition and attached garage

**Analysis**

The applicant is proposing to construct an addition and attached garage onto the existing house. They have indicated they are planning to remove the existing detached garage. The current house is non-conforming, in that it does not meet the minimum required 35 ft. front yard setback (the house is shown at 20.8 ft). While the proposed addition and attached garage meet the minimum setbacks from the rear and side property lines, the size of the proposed addition is more than the allowed 25% expansion of the non-conforming house, requiring a variance.

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

**DRAFT MOTION FOR APPROVAL**

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

**DRAFT MOTION FOR DENIAL**

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**\*\* (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. PZBA20-010**

**Property:** 1776 Eason  
**Applicant:** Daniel & Elizabeth House  
**Zoning:** R-1C, Single-Family Residential

Site Use: Single Family Residential

Proposal: Attached garage, car port and porch

**Analysis**

The applicant is proposing to construct an attached garage, car port and porch on the existing house. The current house is non-conforming, in that it does not meet the minimum required 35 ft. lake rear (road) setback (the house is shown at 13.8'). The proposed additions will meet minimum setbacks. However, a variance is being request to allow the 1.0 ft. overhang to project into the required 5 ft. side yard setback. Based upon the non-conforming nature of the house, the proposed garage addition exceeds the maximum allowed expansion of 25% of the non-conforming building, requiring a variance. Currently, the existing house does not have a garage and almost all of the site is paved (impervious). Staff would recommend that if the Board grants the requested variances it would be with the stipulation that the applicant provide a way to capture the drainage from the proposed addition and direct it in a way that does not have a negative impact on neighboring properties (i.e. roof gutters directed to the lake, etc.).

*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**

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*(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.

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**\*\* (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. PZBA20-011**

**Property:** 5570 Dixie Hwy  
**Applicant:** Epic 20, LLC  
**Zoning:** C-4, Extensive Business  
**Site Use:** Retail  
**Proposal:** Drive-thru coffee kiosk

**Analysis**

The applicant is proposing to construct a drive-thru coffee kiosk at the subject property (Waterford Village - Big Lots parking lot). After being reviewed by the Planning Department, it was determined that a variance would be needed due to the reduction in parking spaces by the proposed development. Based upon the parking calculations, 345 spaces are required for the existing plaza. Currently, there are only 306 space available. The current loss of parking appears to be due to the erection of a wireless communication tower in the norther corner of the site (all parking within 150 ft. of the tower was removed). The proposed coffee kiosk would further reduce the parking spaces by an additional 20 spaces. A variance of 59 spaces is required to accommodate the spaces lost by the existing tower and the proposed coffee kiosk. The Planning Commission granted site plan approval at their June 23, 2020 meeting (staff write up and draft minutes attached), contingent upon the approval of a variance by the ZBA. If the Board approves the request, Township staff would further review the site plan before issuing final 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**

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*(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.

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- *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: \_\_\_\_\_ )*