

- I. Call the meeting to order.
Chairman Zuehlke called the meeting to order at 4:01pm.

- II. Roll Call.
Present: David Zuehlke, Chairman
Steve Reno, Board Member
Karen Joliat, Board Member
Colleen Murphy, Board Member
Todd Hoffman, Board Member
Stan Moore, Board Member

Absent: Gary Crake, Vice chairman

General Public: Approximately 16

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Brent Gibson, Building Superintendent
Larry Lockwood, Superintendent of Planning

- III. Approve the Agenda of the August 21 2018, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Reno

*Supported by Joliat; RESOLVED to **APPROVE** the Agenda of the August 21, 2018 regular meeting of the Zoning Board of Appeals.*

MOTION CARRIED UNANIMOUSLY

(6-0)

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

MOTION AND VOTE

Moved by Reno

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

MOTION CARRIED UNANIMOUSLY

(6-0)

- V. PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS**Case No. 5486-A**

Sidwell No. 13-02-377-004, Section 2, Lot 161, "Lake Oakland Heights," T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 6-100.4.J to extend the timeframe of the validity of the variances granted on August 15, 2017 to be valid until August 15, 2019. (The timeframe for acting upon and implementing variances granted shall be one calendar year after the date of the decision).

Property Location: 3871 Breaker St
Property Zoned: R-1A, Single-Family Residential
Applicant: Ronald & Kay Charbonneau

Applicant or representative present: Ronald Charbonneau

Mr. Charbonneau was requesting to extend the timeframe of the variance he was granted in 2017 for an additional year.

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

MOTION AND VOTE

Moved by Joliat

*Supported by Reno; RESOLVED to **APPROVE** Case No. 5486-A.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. 5516

Sidwell No. 13-07-441-009, Section 7, Lot 11 & S ½ of Lot 12, "Ideal Country Club", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. An 8.0 ft. variance from Section 3-900 to allow the proposed house to come to within 27.0 ft. of the east front property line. (35 ft. minimum required)
2. A 6.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 26.0 ft. of the east front property line. (32 ft. minimum required)

Property Location: Vacant Swain (between 2825 Swain & 7034 Desmond Rd)
Property Zoned: R-1C, Single-Family Residential

Applicant: Gary Ponagajba

Applicant or representative present: Gary Ponagajba

Mr. Ponagajba gave a brief description of the requested variances. He felt they were minimal based upon the size of the house and garage. He felt they were in character with how the area has been developed. He stated that a similar request was granted on a property a couple of houses down the road.

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

MOTION AND VOTE

Moved by Moore

*Supported by Murphy; RESOLVED to **APPROVE** Case No. 5516.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. 5517

Sidwell No. 13-02-204-040, Section 2, Lots 25 & 26, "Lake Acres Sub No 2", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 1225 sq. ft. variance from Section 3-302.3.A(10) to allow the existing accessory buildings with a combined area of 1728 sq. ft., the existing 377 sq. ft. accessory structure and proposed 564 sq. ft. accessory building to have a combined total square footage of 2669 sq. ft. (1444 sq. ft. maximum allowed for subject property)

Property Location: 3523 Mann Rd
Property Zoned: R-1B, Single-Family Residential
Applicant: Law Office of Aaron M. Fales, P.C.

Applicant or representative present: Mr. Fales and Mr. Heinrich

Mr. Fales stated the property was purchased prior 2016 in the current configuration. He indicated that the current garage and carport are difficult to use as a garage in that it is detached from the house and there is a significant slope leading down to the house. He stated that the existing garage does not function as a main garage would. He expressed the homeowners desire to have an attached garage for themselves and future owners. He described the property, indicating the slope around the house does not allow for it to be attached. He felt that if the garage was attached, then a variance would not be required. He indicated having support from neighboring property owners and that the request was in character with the neighborhood. He felt denial of the requested variances would be unnecessarily burdensome to the homeowner. Additionally, he felt requiring the homeowner to attach the proposed garage would also be unnecessarily burdensome. He felt an attached garage is desirable in today's

market. He did not see where the existing detached buildings and structure would need to be removed. He felt that since the house is built on two lots, the spirit of the ordinance was still being met by the request. He felt that the current request was the most practical and would be the must just for the homeowner.

Chairman Zuehlke questioned the letter of support.

Mr. Fales stated one was included in the packet and he possessed two others.

Chairman Zuehlke stated the lot is deep. However, he does not usually support this type of request.

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

Board Member Murphy questioned if they intended to take down the existing shed.

Mr. Fales stated they will take down the shed once the garage is built.

Board Member Murphy questioned the size of the shed.

Mr. Fales briefly described the detached accessory buildings and structures on the subject property. He felt the structure at the patio was not a building and should not be included as such.

Chairman Zuehlke expressed his concerns with businesses being run out of buildings in this similar situation.

Mr. Heinrich indicated he would like to store items inside the proposed garage, instead of outside.

Chairman Zuehlke expressed his concern regarding the total accessory area that is being proposed.

Board Member Reno indicated that routinely these types of requests are not supported. He indicated other storage options. However, he understands the convenience of storage on site.

Mr. Fales felt that overall the request would enhance the neighborhood. The request is only due to the inability to attached the proposed building to the house.

Board Member Joliat questioned the statement that it would not require a variance if attached to the house.

Staff indicated that it would depend upon the use of the building.

Chairman Zuehlke further expressed his concern regarding the size.

Mr. Fales again stated his rationale regarding the size based upon the property being composed of two zoning lots.

Chairman Zuehlke stated that the property is still recognized as one property.

Mr. Fales again stated the shed would be removed and that the covered patio should not impact the request as it was not a building.

Chairman Zuehlke again stated that it is viewed as one lot.

Discussion continued regarding the amended request if the shed and patio were not considered.

Mr. Fales stated that topography is the biggest obstacle. He did not feel it was practical or reasonable to require the garage to be attached. He did not feel it made rational sense. He expressed his understanding of the unusual circumstances of the case. However, he did not know if any other option was feasible.

MOTION AND VOTE

Moved by Reno

Supported by Murphy; RESOLVED to DENY Case No. 5517 based on the following findings:

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

MOTION CARRIED UNANIMOUSLY
(6-0)

Case No. 4183-A

Sidwell No. 13-35-452-035, Section 35, Lots 269 & only 38 ft of Lot 270, "Venice of the Lakes", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3.302.3.A(6) to allow the proposed detached accessory building to be located within a side yard. (On a lakefront lot, detached accessory buildings shall not be erected in any yard except a front or rear yard)

Property Location: 1191 Bamford Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Elizabeth McGinnis

Applicant or representative present: Elizabeth McGinnis

Ms. McGinnis stated that she has the support of both neighbors and that one neighbor has a similar garage as her request. She indicated that the old garage has been removed. She felt it made sense to relocate the proposed garage, as the old garage was much closer to the shoreline. She stated the proposed garage is still further from the road than the house. She did not know anywhere else the garage could be located.

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

Board Member Moore questioned the entrance to the garage.

Ms. McGinnis stated it would be front entry.

Board Member Murphy questioned the entrance into the house.

Ms. McGinnis approached the Board to explain the configuration of the house regarding the entrances.

Board Member Murphy questioned the ability to turn the garage so that the entrance would be on the side.

Ms. McGinnis indicated she did not know where else the garage could be located.

Board Member Reno stated that they did not receive anything from neighboring property owners expressing opposition to the request. He felt that if it was an issue, they would be here to express their opinion.

MOTION AND VOTE

Moved by Reno

*Supported by Hoffman; RESOLVED to **APPROVE** Case No. 4183-A.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. 5222-B

Sidwell No. 13-34-306-026, Section 34, Lot 273 & 274, "Venice of the Lakes", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 16.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed new house to come to within 58.0 ft. of the southwest lakefront shoreline. (74 ft. minimum required for subject property)
2. A 14.0 ft variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 57.0 ft. of the southwest lakefront shoreline. (71 ft. minimum required for subject property)
3. 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 northwest side property line. (5 ft. minimum required)

Property Location: 4669 Charest Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Chad Clark

Applicant or representative present: Chad Clark

Chairman Zuehlke explained how lakefront setback requirements are calculated.

Mr. Clark explained that the previous house that was located on the property had burned down. He stated the original house was located much closer to the lakefront shoreline than the house he is proposing to construct. He is proposing to build a much smaller house with what he feels are reasonable setbacks. He referenced the required lakefront setback and how neither neighboring houses meet that setback either. He felt the proposed house was in character with the neighborhood and would line up with the adjacent neighbors.

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

David Crow, 4665 Charest, voiced a concern regarding drainage and how the site will be further developed with regards to landscaping.

Chairman Zuehlke explained that plans would have to be submitted to the building department for review to ensure that drainage would not be an issue.

Mr. Clark indicated the proposed house would have gutters to help direct the runoff.

Mr. Crow stated having current drainage issues in the neighborhood.

Chairman Zuehlke questioned if these issues were new.

Mr. Crow said they were not new, but ongoing.

Resident (no name given), 4655 Charest Ave, stated having drainage issue with a newer build near her.

Chairman Zuehlke asked if she had contacted the Township.

Resident stated she has not contacted the Township.

Chairman Zuehlke recommended that she contact the Township.

Board Member Murphy asked the applicant if he had plans to sell the house.

Mr. Clark answered with "maybe".

Board Member Murphy stated that additional variances may be required if future homeowners planned to make changes to the house.

Chairman Zuehlke stated the only variance is on the lakeside and he did not feel the proposed house would block the view. He felt the proposed house was in a better location than the original house.

MOTION AND VOTE

Moved by Hoffman

*Supported by Moore; RESOLVED to **APPROVE** Case No. 5222-B.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. 4617-C

Sidwell No.13-08-226-034, Section 8, Lots 107 & 108, also lot 110 & N 20 ft of Lot 111, "Maceday Gardens Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 13.0 ft. variance from Section 2-508.A to allow the proposed freestanding ground sign to come to within 2.0 ft. of the north right-of-way. (15 ft. minimum required)
2. A 0.5 ft. variance from Section 2-508.A to allow the proposed freestanding ground sign to come to within 49.5 ft. of the west side property line. (50 ft. minimum required)
3. A variance from Section 2-508 to allow for two freestanding ground signs on one zoning lot. (Maximum of one sign for zoning lots possessing less than 400 feet of right-of-way frontage)

Property Location: 3485 Airport Rd
Property Zoned: C-2, Small Business
Applicant: Alex Gilbert

Applicant or representative present: Alex Gilbert and Mike Stevens

Mr. Stevens stated that the owner would like to have a second sign, to be located on Williams Lake Road for visibility and to help customers find the building. Current parking and the main sign is around the corner on Airport Road, which causes much confusion for customers. He felt the property was unique and did not feel the neighboring property owners had an issue with the proposed sign location.

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

Shelly Wiles, 5527 Oster Drive, stated that she works for property owner (dentist) and described how it is difficult to explain to customers how to find the building. She feels the proposed second sign would be a good improvement.

Chairman Zuehlke expressed he is typically not in support of signs. He feels that they are not that important.

Board Member Murphy stated it is difficult to find the building, depending upon where you are coming from.

Board Member Reno did not feel that the proposed sign would create a visual obstruction and that the situation was unique.

MOTION AND VOTE

Moved by Reno

*Supported by Murphy; RESOLVED to **APPROVE** Case No. 4617-C.*

MOTION CARRIED UNANIMOUSLY

(6-0)

VI. Adjourn the meeting.

Chairman Zuehlke adjourned the meeting at 4:48pm

Case No. 5486-A

Property: 3871 Breaker St
Applicant: Ronald & Kay Charbonneau
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Extension of previous variances: Addition to existing house

Analysis

The applicant is requesting a one year extension of the variance request (see below) that were approved at the August 15, 2017 ZBA meeting:

The applicant is proposing to construct an addition on the existing house. The addition is shown to come to within 7.0 ft of the side property line, where a minimum setback of 10 ft. is required. The addition is shown as an extension along the side of the existing house. However, due to the configuration of the property, the side property line is shown to be closer to the proposed addition compared to the existing house. A 2 ft. overhang is also proposed, which is similar to the overhang on the existing house.

ZBA Review Standards

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

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

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. 5486-A based on the following findings:

- 1) No practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would not unreasonably prevent the use of the property for a permitted purpose and would not render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has not provided any proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.

- 4) The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- 5) The need for the variances requested is self created.

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. 5486-A based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.

Case No. 5516

Property: Vacant Swain (between 2825 Swain & 7034 Desmond Rd)
Applicant: Gary Ponagajba
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

Analysis

The applicant is requesting a variance to allow the proposed new house to come to within 27 ft. of the east front property line, where a minimum setback of 35 ft. is required. The additional variance is for the proposed overhang. All other zoning requirements are shown to be met. Based upon the aerial photo of the neighborhood (see attached), this request appears to be in character with how the neighborhood has been developed. Additionally, in 2015 a similar variance was granted for a new house to be constructed within 18 ft. of the east front property line for the parcel located at 2831 Swain (north of the subject property).

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

ZBA Review Standards

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

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

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. 5516 based on the following findings:

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

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. 5516 based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.

Case No. 5517

Property: 3523 Mann Rd

Applicant: Law Office of Aaron M. Fales, P.C. – Aaron Fales

Zoning: R-1B, Single-Family Residential

Site Use: Single Family Residential

Proposal: Proposed attached accessory building

Analysis

The applicant, representing the homeowner, is proposing to construct an attached accessory building onto the existing house at the subject property. The proposed building is shown to have an area of 564 sq. ft. The construction plans submitted with the application identify the proposed building as garage. The site currently has additional detached accessory buildings and structures. One building identified as garage on the site plan is located between the house and the road and has an area of approximately 1592 sq. ft. Another building is located near the lake and is identified as a pool room with an area of approximately 81 sq. ft. There is also a shed located near the southwest side property line with an approximate area of 56 sq. ft. Also, there is a covered deck near the water with an approximate area of 377 sq. ft. The combined accessory area of the existing buildings is 1728 sq. ft. and the accessory structure is 377 sq. ft., for a total combined area of 2105 sq. ft. The maximum total combined accessory area for the subject property is 1444 sq. ft. Therefore with the existing 2105 sq. ft. and proposed 564 sq. ft. (total area of 2669 sq. ft.), a 1225 sq. ft. variance would be required. All other zoning ordinance requirements are shown to be met.

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

ZBA Review Standards

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

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

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. 5517 based on the following findings:

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

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. 5517 based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.

Case No. 4183-A

Property: 1191 Bamford Dr
Applicant: Elizabeth McGinnis
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory building

Analysis

The applicant is proposing to construct a detached accessory building on the subject property. The application information identifies this proposed building as a garage. The ordinance only allows for detached accessory buildings to be constructed within a rear yard. The subject property is a lakefront lot. Therefore, the rear is between the house and the road. The site plan submitted indicates the house is located within 21' of the road side property line. It does not appear that a garage could be constructed in the rear yard without the benefit of a variance. The site is shown to have a substantial side yard area. This is the location the applicant is proposing to construct the garage. The original garage shown on the aerial photo has been removed. All other ordinance requirements are shown to be met.

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

ZBA Review Standards

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

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

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No.4183-A based on the following findings:

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

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. 4183-A based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.

- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.

Case No. 5222-B

Property: 4669 Charest Ave
Applicant: Chad Clark
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: New house

Analysis

The applicant is proposing to construct a new house on the subject property. The property is a lakefront lot. The lakefront setback is determined by the average setback of the buildings within 200 ft. of the subject property. Based upon this, the minimum setback required is approximately 74 ft. The applicant is proposing to construct the house to within 58 ft. of the shoreline. According to the site plan submitted with the application, the proposed setback of 58 ft. appears to be consistent with the setback of the houses on the adjacent lots. The applicant is also requesting a setback variance for the roof eave and gutter on the west side and lake side of the proposed house. All other zoning ordinance requirements are shown to be met.

On August 19, 2014 a similar variance request was denied. However, at that time the proposal was based upon being able to sell the property to a future buyer. The applicant at that time did not provide house plans. The current applicant has provided plans for the proposed he plans to build if the variances are approved. In addition, the request from 2014 also included a setback variance from the road side property line. The current request shows the proposed location meets the minimum 35 ft. setback.

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

ZBA Review Standards

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

- A. *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*
- B. *The variance will do substantial justice to the applicant, as well as to other property owners.*
- C. *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*

- D. *The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.*
- E. *The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.*
- F. *The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done."*

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. 5222-B based on the following findings:

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

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. 5222-B based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.

Case No. 4617-C

Property: 3485 Airport Rd
Applicant: Alex Gilbert
Zoning: C-2, Small Business
Site Use: Professional Medical Care Office

Proposal: New Sign**Analysis**

The applicant is requesting to construct a new sign at the subject property. The property is unique in that it has two frontages, but is not a corner lot (see aerial). The entrance to the office is on Airport Rd. Currently, there is a sign at this entrance (see photo). The applicant would like to construct an additional sign along the Williams Lake Rd frontage of the property. The ordinance only allows one sign per zoning lot, unless the lot has over 401 ft. of frontage. The subject property does benefit from the total frontage along both roads. However, the total frontage is 170 ft. and therefore restricted to one sign per lot. In addition, the required setback for the proposed sign from the Williams Lake Rd right-of-way is 15 ft. and the applicant is proposing to construct the sign at 2 ft. from the right-of-way. Also, the required setback for the proposed sign from the west side property line is 50 ft. and the applicant is proposing to construct the sign at 49.5 ft. from the property line. The proposed sign height and area both conform to the zoning ordinance requirements.

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

ZBA Review Standards

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

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

Draft Motion for Denial

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to DENY the variance requested in ZBA Case No. 4617-C based on the following findings:

- 1) No practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would not unreasonably prevent the use of the property for a permitted purpose and would not render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has not provided any proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.

- 4) The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- 5) The need for the variances requested is self created.

Draft Motion for Approval

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that will reflect such a decision:

RESOLVE to APPROVE the variance requested in ZBA Case No. 4617-C based on the following findings:

- 1) Practical difficulty exists in the case.
- 2) Compliance with the strict letter of the ordinance would unreasonably prevent the use of the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome.
- 3) The applicant has provided proof that the requested variances would ensure fairness for the Applicant as well as surrounding property owners.
- 4) The applicant has demonstrated that the property is unique, warranting the requested variances.
- 5) The need for the variances requested is not self created.