

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

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

- III. Approve the Agenda of the September 18, 2018, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Reno

*Supported by Moore; RESOLVED to **APPROVE** the Agenda of the September 18, 2018 regular meeting of the Zoning Board of Appeals.*

MOTION CARRIED UNANIMOUSLY

(7-0)

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

MOTION AND VOTE

Moved by Moore

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

MOTION CARRIED UNANIMOUSLY

(7-0)

- V. PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS**Case No. 5518**

Sidwell No. 13-12-102-001, Section 12, Lot 58 EXC SLY 30 FT, "Wormer Lake Heights", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 24.1 ft. variance from Section 3-900 to allow the proposed attached accessory building to come to within 10.9 ft. of the north lake rear property line. (35 ft. minimum required)
2. A 22.1 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 9.9 ft. of the north lake rear property line. (32 ft. minimum required)
3. A 0.2 ft. variance from Section 3-900 to allow the proposed attached accessory building to come to within 4.8 ft. of the west side property line. (5 ft. minimum required)
4. A 1.2 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 3.8 ft. of the west side property line. (5 ft. minimum required)

Property Location: 2995 Barkman Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: John Skarritt

Applicant or representative present: John Skarritt

Mr. Skarritt stated that he tried to purchase the adjacent lot so that it would be easier for him to make renovations, but the owner would not sell. He indicated having a limited footprint, but wished to build an attached garage to provide more security for two full size vehicles. He stated that their vehicles have been broken into on several occasions. He referenced one other neighbor down the street that has a structure even closer than what he is requesting.

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

Chairman Zuehlke recognized the unique situation and the needs of the applicant. However, he noted that the road right-of-way is only 25 ft. wide, which is very narrow and can create more of a hazard. Even though the property line being at the edge of the road is a hardship, he is reluctant to allow a variance that might allow a vehicle to back out into the street.

Board Member Joliat also visited the site and agreed with the Chairman. She feels that the space is too limited for clear vision.

Board Member Murphy also noted that allowing this would create a visual obstruction to the adjacent property owner.

Board Member Moore questioned if there was any way to shorten the depth of the proposed garage.

Chairman Zuehlke replied that the slope of the property requires stairs that would prohibit any reduction.

Board Member Joliat questioned the applicant regarding an existing garage.

Mr. Skarritt stated it was very small. He acknowledged the concerns of the Board and was willing to shorten the depth of the garage.

Board Member Joliat questioned how much it could be shortened.

Mr. Skarritt stated down to 24 ft.

Chairman Zuehlke that a minimum of 20 ft. would be necessary to function properly.

The Board and applicant continued to discuss options and concerns regarding the request.

MOTION AND VOTE

Moved by Moore

*Supported by Murphy; RESOLVED to **DENY** Case No. 5518 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

(7-0)

Case No. 2656-C

Sidwell No. 13-35-454-013, Section 35, Lot 502 & 503, "Venice of the Lakes No 1", 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 June 20, 2017 to be valid until June 20, 2019. (The timeframe for acting upon and implementing variances granted shall be one calendar year after the date of the decision).

Property Location: 1341 Brambles Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Ciro Spigno

The applicant was not present.

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

MOTION AND VOTE

Moved by Hoffman

*Supported by Reno; RESOLVED to **APPROVE** Case No. 2656-C*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5519

Sidwell No. 13-08-151-009, Section 8, Lot 188, "Whitfield Estates," T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 13.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed addition to come to within 51.0 ft. of the west lakefront shoreline. (64 ft. minimum required for subject property)
2. An 11.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 50.0 ft. of the west lakefront shoreline. (61 ft. minimum required for subject property)
3. A 15.0 ft. variance from Section 3-900 to allow the proposed addition to come to within 20.0 ft. of the east lake rear property line. (35 ft. minimum required)
4. A 13.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 19.0 ft. of the east lake rear property line. (32 ft. minimum required for subject property)
5. 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: 3181 Whitfield Ct
Property Zoned: R-1C, Single-Family Residential
Applicant: Blake Nelson & Shannon Healy-Nelson

Applicant or representative present: Blake Nelson & Shannon Healy-Nelson

Mr. Nelson stated that his property was already non-conforming. He is proposing two additions to the home: an attached garage on the street side that will not be any closer to the street than the house currently sits and a lakeside addition to update an older home to better accommodate a family of five. He felt the additions will improve the appearance of the neighborhood and increase property value. He stated the request was in keeping with how the neighborhood was developed.

Chairman Zuehlke explained to the public how average lakefront setback is determined. He indicated many variance requests similar to this have come before the Board.

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

Don Healy, 3191 Whitfield Court, said that he supported this request and it would improve his site line.

MOTION AND VOTE

Moved by Moore

*Supported by Reno; RESOLVED to **APPROVE** Case No. 5519.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. 5520

Sidwell No. 13-33-451-019, Section 33, 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. (Detached accessory buildings shall not be erected in any yard except a rear yard)

Property Location: 1206 Murray Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: Leslee Strange

Applicant or representative present: Leslee Strange

Ms. Strange indicated she recently purchased the home. She stated that in 1984, when the house was built, the lot was much smaller and pie shaped. At that time, the only place to build was at the rear of the property. There is no room at the rear to build a garage. She hoped to build a detached garage in the side yard to store lawn equipment and items that would normally clutter the yard. The proposed garage would

not be far off from being in line with the house. She also stated that the lot is bigger now than when the home was built.

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

Lisa Myer, 1232 Murray Drive, objected to a pole barn style garage because of what it might look like, as it would be close to her bedroom window.

Board Member Murphy questioned the orientation of the garage on the property.

Ms. Strange indicated the garage door would be facing towards the house and that it would be designed to match the house.

Ms. Myer questioned if the applicant had a survey

Chairman Zuehlke discussed the items required for a permit.

James Myer, 1232 Murray Drive, said he was in favor of this request.

Board Member Moore indicated the garage was minimal in size.

Mr. Myer requested to see the print for the garage. He then approached the Board.

MOTION AND VOTE

Moved by Hoffman

*Supported by Reno; RESOLVED to **APPROVE** Case No. 5520 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.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Chairman Zuehlke stepped down as Chairman and from the Board stating that there may be a possible conflict of interest for the next case.

MOTION AND VOTE

Moved by Joliat

*Supported by Reno; RESOLVED to appoint **Stan Moore** as acting Chairman.*

*MOTION CARRIED UNANIMOUSLY
(6-0)*

Case No. 5521

Sidwell No. 13-11-253-054, Section 11, Lot 1 with exc and Part of Outlot C, "Indian Woods", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 50.1 ft. variance from Section 3-901 Footnote 4 to allow the proposed addition to come to within 40.9 ft. of the northwest lakefront shoreline. (91 ft. minimum required for subject property)
2. A 49.1 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 38.9 ft. of the northwest lakefront shoreline. (88 ft. minimum required for subject property)
3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

Property Location: 3389 Shawnee Ln
Property Zoned: R-1A, Single-Family Residential
Applicant: Ron & Michelle Bain

Applicant or representative present: Ron & Michelle Bain

Mr. Zuehlke gave a brief history of the request and his involvement with the applicant. He indicated a concern with the orientation of the house in regards to the road. This concern ended up not being an issue. However, a variance from the required lakefront setback was needed.

Mrs. Bain indicated the need for more storage. She stated their lot is unusually shaped, unlike neighboring properties, thus creating a hardship. The proposed addition would match the house and give them more space to store items that are currently being stored outside. She indicated already having the neighborhood association's approval.

Mr. Bain also referenced deed restrictions that do not allow for detached out buildings to be constructed.

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

Margaret Lemos, 3421 Coseyburn, lives across the lake and questioned what a non-conforming building was and how long it would take them to complete the project.

Board Member Moore stated that the house does not meet current setback requirements, in that the building is already too close to the road to comply with our ordinance.

Mrs. Bain stated that they hoped renovations would only take 3 – 4 months. She indicated the new addition would be further away from the road than the existing house. They planned to landscape to preserve the view and respect the neighbors.

Discussion continued between the Board, applicant and public regarding landscaping, orientation of the garage, among other items. The proposed plans were presented to Ms. Lemos for review.

MOTION AND VOTE

Moved by Murphy

*Supported by Reno; RESOLVED to **APPROVE** Case No. 5521.*

MOTION CARRIED UNANIMOUSLY

(6-0)

VI. Adjourn the meeting.

Chairman Moore adjourned the meeting at 4:32pm

Case No. 5518

Property: 2995 Barkman Dr
Applicant: John Skarritt
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage

Analysis

The applicant is proposing to construct an attached garage on to the existing house. The proposed garage is shown to come to within 10.9' of the lake rear (road) property line. Also, a setback of 4.8' from the west side property line, to line up with the house, is also proposed. Variances for the associated overhangs are also required.

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. 5518 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. 5518 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. 2656-C

Property: 1341 Brambles Dr

Applicant: Ciro Spigno

Zoning: R-1C, Single-Family Residential

Site Use: Single Family Residential

Proposal: Second Renewal of previous variance (proposed addition on rear of house)

Analysis

Second extension (current request): The applicant is requesting a one year extension of the variance request (see below) that were approved at the June 20, 2017 ZBA meeting:

First extension: The following request was approved by the Zoning Board of Appeals at the August 18, 2015. The ordinance states the timeframe for acting upon and implementing variances granted shall be one calendar year after the date of approval. The applicant is asking for the same variances that were previously granted.

Original request: The applicant is proposing to construct an addition on the rear of the existing house. An addition is also proposed which will be attached to the existing house and detached garage. Based upon the information provided by the applicant, a second story is proposed over the existing house and additions. The plot plan indicates the proposed rear addition will be located in the area currently occupied by a deck. The subject property requires a minimum rear yard setback of 35'. The proposed addition is shown to be located 29' from the rear property line, requiring a 6' variance. In addition, a

minimum setback of 25' is required from the shoreline. The addition is shown to be located 22' from the shoreline, requiring a 3' variance.

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. 2656-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. 2656-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.

Case No. 5519

Property: 3181 Whitfield Ct
Applicant: Blake Nelson & Shannon Healy-Nelson
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition and attached garage addition to existing house

Analysis

The applicants are proposing to construct two additions onto the existing house. One addition is shown as an attached garage on the road side and the other is an addition on the lake side. The current house is non-conforming as it does not meet the minimum rear (road) setback of 35'. The proposed attached garage is shown to not come any closer to the property line than the existing house currently is. On the lake side, the proposed addition is shown to extend 16' closer than the current house is to the lake along the full width of the house. Based upon the average location of the houses within 200' of the subject property, the required setback for this property is a minimum of 64'. The applicants are requesting a 12.97' variance to allow the addition to come closer to the lakeshore. However, based upon the site plan submitted, the addition is shown to be located in line with the adjacent houses. Variances are also required for the associated overhangs.

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. 5519 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. 5519 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. 5520

Property: 1206 Murray Dr
Applicant: Leslee Strange
Zoning: R-1A, 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 576 SF garage. The ordinance only allows for detached accessory buildings to be constructed within a rear yard. The site plan submitted shows the house is located at the rear of the property, with no room to construct a garage as the ordinance requires. The site is shown to have a substantial front and side yard area. This is the location the applicant is proposing to construct the garage. 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. 5520 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. 5520 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. 5521

Property: 3389 Shawnee Ln
Applicant: Ron & Michelle Bain
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicants are proposing to construct an addition to the existing house. The information submitted with the application indicates this addition is shown as a garage with a second story living space area above. The current house is non-conforming, as it does not meet the minimum setback from the road side property line or the shoreline. Therefore, any substantial improvement would require a variance. The variances required for the proposed addition are from the shoreline. Based upon the average setback of the houses within 200' of the subject property, the minimum setback required is about 91'. The proposed addition is shown to come to within 40.9' of the shoreline. This property is unique in that there are no homes to the north along the shoreline (see attached aerial photo). Due to the location of the proposed addition, the houses located to the south would not appear to be impacted. 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. 5521 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. 5521 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.