
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Meeting - 4:00

Chairman Zuehlke called the Meeting to Order 4:00 pm.

I. Roll Call

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

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

General Public: 15

II. Approve the Minutes of the August 15, 2023 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by FRASCA Supported by HAUSWIRTH; RESOLVED to APPROVE the Minutes of the August 15, 2023, meeting Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY

(7-0)

III. Approve the Amended Agenda of the September 19, 2023 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by MOORE

Supported by HOFFMAN; RESOLVED to APPROVE the amended agenda of the August 15, 2023, meeting Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY

(7-0)

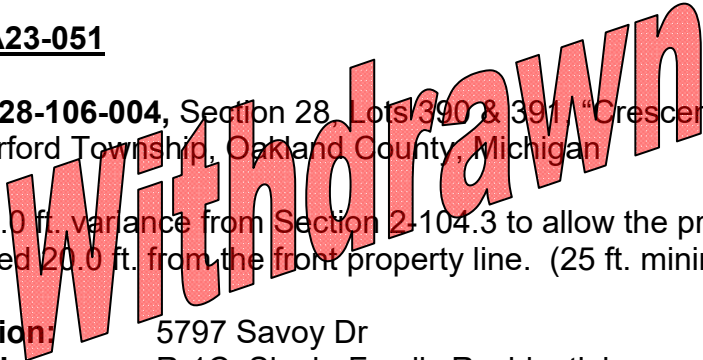
IV. Old Business

Case No. PZBA23-051

Sidwell No. 13-28-106-004, Section 28, Lots 390 & 391, "Crescent Lake Estates No 1", T3N R9E, Waterford Township, Oakland County, Michigan

Requesting a 5.0 ft. variance from Section 2-104.3 to allow the proposed uncovered deck to be located 20.0 ft. from the front property line. (25 ft. minimum required)

Property Location: 5797 Savoy Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Wayne Helgemo



V. New Business

Case No. PZBA23-053

Sidwell No. 13-28-283-005, Section 28, Lot 88, "Supervisor's Replat of Elizabeth-Dale", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 0.6 ft. variance from Section 2-305.A to allow the proposed generator to be located 4.4 ft. from the southwest side property line. (5 ft. minimum required)

Property Location: 345 Reymont Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Joseph Huffman

Applicant or representative present: Joseph Huffman

Joseph Huffman stated he is getting older and has a heart condition, so this generator will be easier to use for power outages. He would like it on the side of the house and he felt the neighbors were in support of the location

Board Member Hoffman said they need to be careful with the vents.

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

Susan Ingermann, 359 Reymont, stated they are next door with a vacant lot and are in favor of the request.

MOTION AND VOTE

Moved by **FRASCA**

Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-053 based upon the information

presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

**MOTION CARRIED UNANIMOUSLY
(7-0)**

Case No. PZBA23-054

Sidwell No. 13-04-127-021, Section 4, Waterford Township, Oakland County, Michigan

Requesting

1. A 13.0 ft. variance from Section 2-508.A to allow the proposed sign to be located 2.0 ft. from the southwest right-of-way. (15 ft. minimum required)
2. A 1.0 ft. variance from Section 2-508 to allow the proposed sign to have a maximum height of 11.0 ft. (10 ft. maximum allowed for subject property)
3. A 9.0 sq. ft. variance from Section 2-508 to allow the proposed sign to have a maximum sign facing area of 84.0 sq. ft. (75 sq. ft. maximum allowed for subject property)

Property Location: 5676 Dixie Hwy
Property Zoned: C-3, General Business
Applicant: Michael Zacks

Applicant or representative present: Michael Zacks- 4 Tech Signs & Owner Tarek Gayar.

Michael Zacks said the proposed sign will be consistent with the others in the area. It will be bigger and 2 ft closer to the sidewalk. He stated the larger sign would allow him to market and be competitive with the surrounding petroleum providers. It will be aesthetically pleasing with a stone base and a small electronic board to post the products.

Tarek Gayar stated the reason they are asking for this is because of the surrounding competition. They need help to appeal to the street traffic. The current sign is not visible and sits 15 ft from the street. Most signs on Dixie Hwy are about 2 ft from the property line. They would like to go higher also. They are changing to a BP from a Sunoco and they have different rules for signage.

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

Chairman Zuehlke stated he is not in favor of the request.

Board Member Schneider said he had no problem seeing the current sign.

Board Member Hauswirth stated if you look at the signs going into Clarkston they are low profile. The new ordinance is to adopt that and keep the signs lower profile and not

the big tall ones. The old Kmart had the tall sign and they were allowed to keep it and maintain it. Once they come down you have to adhere to the new ordinance.

Board Member Hoffman asked if it is the sign size or being closer to the sidewalk.

Mr. Gayar said closer to the sidewalk.

Board Member Bonnivier said he has no problem with the sign size request but does not want it closer to the road.

Board Member Hauswirth said the walking ability and visibility is an issue for the Dixie Corridor that they are trying to make it more walkable.

Mr. Gayar stated that BP has specifications as to how the sign needs to be designed. The location of the gas price is also very important.

Board Member Schneider said that the setback is designed for the visibility of the roadway and safety for drivers and people walking. He would be in favor for the sign being larger, but not closer to the road.

Board Member Frasca questioned the location of the current sign.

Board Member Moore said it was 15 ft. back. He could see it fine from both ways on Dixie Hwy.

MOTION AND VOTE

Moved by **MOORE**

*Supported by **HAUSWIRTH**; to find that practical difficulties do not exist and to **DENY** the variances requested in ZBA Case No. PZBA23-054 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 not been met.*

MOTION

(3 -4) BONNIVIER, SCHNEIDER, HOFFMAN AND FRASCA VOTING AGAINST MOTION DIED DUE TO LACK OF A QUORUM

NEW MOTION AND VOTE

Moved by **HOFFMAN**

*Supported by **SCHNEIDER**; to find that practical difficulties do not exist and to **DENY Variance Request #1** in ZBA Case No. PZBA23-054 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 not been met, and to **APPROVE Variance Request #2 & #3** 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 APPROVED

(4-3) ZUEHLKE, MOORE & HAUSWIRTH VOTING AGAINST

Case No. PZBA23-055

Sidwell No. 13-03-228-034, Part of Outlot E, "Lake Oakland Hills", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 6.0 ft. variance from Section 3-900 to allow the proposed house to be located 29.0 ft. from the northeast front property line. (35 ft. minimum required)
2. A 4.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 28.0 ft. from the northeast front property line. (32 ft. minimum required)
3. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.0 ft. from the northwest side property line. (5 ft. minimum required)

Property Location: Vacant Major Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Albert Gilaj

Applicant or representative present: Albert Gilaj

Albert Gilaj said he purchased the property and it was already split into 3 parcels. He is planning to build 3 small homes.

Chairman Zuehlke felt the variance was due to the curve of the road and how it impacted the 3rd lot.

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

Susanne Mitchel - 4411 Park Ct., asked why he needs to build three houses. She was concerned with parking in the street, drainage issues and well issues. The Fire Department could have a problem with the houses being built close together. They are not comparable to other houses in the area.

Greg Emmans - 4475 Sashabaw Rd., felt the variance wouldn't really impact him, but was concerned about drainage issues and electric power problems. He opposed the request.

Kimberly Wichtman - 4445 Sashabaw Rd., stated she agreed with the first speaker. She was concerned with traffic and was opposed to the variance.

Darwin Willbrandt - 4407 Park Ct., said he is opposed to the variances. Concerned about the distance between the homes. Does not see the need to build these homes.

Board Member Bonnivier stated that the middle home is well away from the other homes.

Board Member Hauswirth stated the 3rd home is the only issue being addressed.

Chairman Zuehlke said there is 30 ft between the houses, the builder meets all requirements of the zoning for these lots. He then explained the permit review process.

MOTION AND VOTE

*Moved by **BONNIVIER***

*Supported by **MOORE**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-055 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA23-056

Sidwell No. 13-05-152-015, Section 5, Lot 100, "Harris Park", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. 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)
2. An 18.0 ft. variance from Section 2-104.3 to allow the proposed uncovered deck to be located 37.0 ft. from the south lakefront shoreline. (55 ft. minimum for subject property)

Property Location: 4051 Lotus Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Thomas & Anne Cavalier

Applicant or representative present: Thomas Cavalier

Chairman Zuehlke stated the applicant is removing the existing deck and rebuilding the same size and location.

Thomas Cavalier said the deck will be in the same spot with a 10 ft addition to the bedroom.

Chairman Zuehlke stated the nonconforming will not be increased.

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

Andrew Cavalier - 4047 Lotus Dr., said he is in favor of the request and the deck needs to be replaced.

MOTION AND VOTE

Moved by FRASCA

*Supported by MOORE; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-056 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA23-057

Sidwell No. 13-34-278-016, Section 34, Lot 119 & 120, "Elizabeth Lake Estates No 1", 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: 4063 Hazelett Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Ionel Furtos

Applicant or representative present: Ionel Furtos

Ionel Furtos said they need a garage to keep cars out of the weather and room for family. The house does not have a basement. The garage would add additional storage.

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

MOTION AND VOTE

Moved by HOFFMAN

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-057 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED UNANIMOUSLY
(7-0)**

Case No. PZBA23-058

Sidwell No. 13-20-352-010, Section 20, Unit 10, "Oakland County Condominium Plan No 879 Hunters Run Village Condominium", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 3.6 ft. variance from Section 2-305.A to allow the proposed generator to be located 6.4 ft. from the west side property line. (10 ft. minimum required)

Property Location: 6874 Fox Ln
Property Zoned: R-1A, Single-Family Residential
Applicant: Kyle & Kathleen Benning

Applicant or representative present: Kyle Benning

Kyle Benning said they are looking for a 3.6 ft variance for the generator. He referenced the neighbors submitting a letter of support. They wanted to be protected with a whole house generator and be able to help neighbors during the storms, as they frequently lose power.

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

MOTION AND VOTE

Moved by SCHNEIDER

*Supported by HAUSWIRTH; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-058 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED UNANIMOUSLY
(7-0)**

Case No. PZBA23-059

Sidwell No. 13-08-178-015, Section 8, Lot 15, "Whitfield Estates", 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: 2989 Lansdowne Rd
Property Zoned: R-1C, Single-Family Residential

Applicant: Allan Zelinski

Applicant or representative present: Allan Zelinski

Chairman Zuehlke said the previous variance approval expired. The current request is less than what was previously approved.

Allan Zelinski indicated that was correct.

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

MOTION AND VOTE

Moved by FRASCA

Supported by MOORE; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA23-059 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

**MOTION CARRIED UNANIMOUSLY
(7-0)**

VII. Discussions

VIII. All Else

Schedule Zoning Board of Appeals work session to discuss bylaws

The Board members discussed possible dates. It was decided that they would hold the study session on Thursday, October 5th at 5:00pm in the 3rd Floor Conference Room at Township Hall.

IX. Public Comment

X. **Vice Chairman Moore adjourned the meeting at 4:58 pm**

Members of the public will only be able to speak during the public portion of the meeting and during the public comment period at the end of the meeting. Written public comment must be received by noon on the day of the meeting. Comments may be submitted by email, mail or in person to the employee/official listed below. Prior to the meeting, members of the public may contact the Township employee/official at the address listed below with questions and/or to view the documents submitted by the applicant for this request. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Stacy St. James, Environmental and Housing Rehab Coordinator

Charter Township of Waterford
5200 Civic Center Drive, Waterford, Michigan 48329
Email: sstjames@waterfordmi.gov
Phone: (248) 674-6240

Case No. PZBA23-053

Property: 345 Reymont Rd
Applicant: Joseph Huffman
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Generator

Analysis

The applicant is requesting a variance to allow for the placement of a generator on the southwest side of their house. The generator is shown to be located 4.4 ft from the side property line, where a minimum setback of 5 ft is required.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-053 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-053 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)

Case No. PZBA23-054

Property: 5676 Dixie Hwy
Applicant: Michael Zacks
Zoning: C-3, General Business
Site Use: Gas Station
Proposal: Sign

Analysis

The applicant is proposing to remove the existing freestanding sign and construct a new freestanding sign at the subject property. The proposed sign is shown to be located 2 ft. from the south right-of-way (sidewalk) where a minimum setback of 15 ft. is required. The sign is also shown to have a maximum height of 11 ft. and sign facing area of 84 sq. ft. The ordinance allows for a maximum height of 10 ft. and sign facing area of 75 sq. ft. Therefore, variances are required for location, height and area.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-054 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-054 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)

Case No. PZBA23-055

Property: Vacant Major Ave
Applicant: Albert Gilaj
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 shape of the lot creates a unique building envelope. The proposed building location is shown to meet the minimum rear and side yard setback requirements. The applicant is requesting a variance from the northeast front (Sashabaw Rd side) property line. The minimum setback required is 35 ft. The proposed house is shown to be located 29.19 ft. from the front property line. Additionally, variances are being requested from the northeast front property line and northwest side property line for the proposed overhangs.

The applicant has provided information addressing the standards listed below on the “Supplemental Information” sheet. These standards and the information provided by the applicant addressing these

standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-055 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-055 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)

Case No. PZBA23-056

Property: 4051 Lotus Dr
Applicant: Thomas & Anne Cavalier
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential

Proposal: Addition and deck

Analysis

The applicants are proposing to construct an addition and new deck on the existing house. The existing house is nonconforming, in that it does not meet the minimum side yard setback requirement. Based upon the proposed plan, the addition is shown to maintain the nonconforming setback. As for deck, there currently is a deck on the existing house. The current deck is also nonconforming, in that it does not meet the minimum lakefront setback requirement. The applicant is proposing to remove the existing deck and construct a new deck the same size in the same location, which requires 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

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-056 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-056 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)

Case No. PZBA23-057

Property: 4063 Hazelett Dr
Applicant: Ionel Furtos
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 the existing house. While the garage meets the minimum setback requirements, the house is nonconforming. The proposed garage is expanding the footprint of the existing nonconforming house by more than the 25% allowed per ordinance. If the proposed garage were detached, variances would still be required as detached buildings must be located within the rear yard. Based upon the location of the existing house at the subject property, there is virtually no rear yard.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-057 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-057 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)

Case No. PZBA23-058

Property: 6874 Fox Ln
Applicant: Kyle & Kathleen Benning
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Generator

Analysis

The applicant is proposing to place a new generator at the subject property. The property is zoned R-1A, which has a more restrictive side yard setback minimum of 10 ft. The proposed generator is shown to be located 6.4 ft. from the west side property line, 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

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-058 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-058 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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

(Evidence provided: _____)

Case No. PZBA23-059

Property: 2989 Lansdowne Rd
Applicant: Allan Zelinski
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage

Analysis

The applicant is proposing to remove the existing detached garage and construct a new attached garage on the existing house. While the garage meets the minimum setback requirements, the house is nonconforming. The proposed garage is expanding the footprint of the existing nonconforming house by more than the 25% allowed per ordinance.

The applicant originally received approval for the requested variance at the March 16, 2021 meeting (minutes attached), but did not begin the proposed work. However, at that meeting, the applicant also received variances for setbacks. The applicant has modified the request so that a setback variance is no longer needed.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-059 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-059 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: _____)