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CHARTER TOWNSHIP OF WATERFORD  
ZONING BOARD OF APPEALS REGULAR MEETING

**Zoning Board of Appeals Meeting - 4:00**

I. Chairman Zuehlke called the Meeting to Order at 4:02 p.m.

II. Roll Call

Present: Dave Zuehlke, Chairman  
Todd Bonnivier, Secretary  
Marie Hauswirth, Board Member  
Rick Schneider, Board Member  
Art Frasca, Board Member  
Sue Camilleri, Alternate Board Member

Absent: Stan Moore, Vice Chairman  
Todd Hoffman, Board Member

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

General Public: Approximately 92 people

III. Approve the Minutes of the November 15, 2022 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by CAMILIERI*

*Supported by FRASCA; RESOLVED to APPROVE the Minutes of the November 15, 2022 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(6-0)**

IV. Approve the MODIFIED Agenda of the February 21, 2023 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by FRASCA*

*Supported by HAUSWIRTH; RESOLVED to APPROVE the Modified agenda of the February 21, 2023 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(6-0)**

## V. Old Business

**Case No. PZBA22-055**

**Sidwell No. 13-34-151-026**, Section 34, Lot 1 & 2, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 23.5 ft. variance from Section 3-900 to allow the proposed house to be located 11.5 ft. from the south lake rear property line. (35 ft. minimum required)
2. A 23.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 8.2 ft. from the south lake rear property line. (32 ft. minimum required)
3. A 9.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to be located 40.0 ft. from the north lakefront shoreline. (49 ft. minimum required)
4. A 7.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 38.5 ft. from the north lakefront shoreline. (46 ft. minimum required)
5. A 4.0 ft. variance from Section 2-104.3 to allow the proposed balcony to be located 35.0 ft. from the north lakefront shoreline. (39 ft. minimum required)
6. A 22.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to be located 27.0 ft. from the east lakefront shoreline. (49 ft. minimum required)
7. A 20.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 25.5 ft. from the east lakefront shoreline. (46 ft. minimum required)

**Property Location:** 4760 Onawa Ct  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Jeffrey Leib

**Applicant or representative present: David Lubin – Architect & Jeffrey Leib**

**David Lubin** stated the building envelope is approximately 1600sq ft. They have been working with the neighbor on revising the original plans. He indicated there is no variance needed on the neighbor's side. He agreed to the conditions that the house be constructed in the location shown on the plans.

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

**Nancy Scarlet, 4748 Onawa Ct.** referenced the stipulations mention and that it has been a tough process. It is on the board that you put this on us as neighbors to choose. They have squeezed out every inch on the property, but we are moving forward.

**Robert Hartzman, 4806 Onawa Ct.-** Submitted a letter asking it to be read.

**Board Member Camilieri** read the letter:

**Re: Variance Request Case No. PZBA22-055**

Dear Zoning Board of Appeals Members,

My name is Robert Hartman and I reside at 4806 Onawa Court. I respectfully request that this letter be read into the record at the February 21, 2023 ZBA meeting.

At the October 18, 2022, the ZBA concluded to postpone the above matter and requested that the Applicant work with its neighbors to address their concerns. At this meeting there was a substantial amount of discussion regarding the negative impact the proposed house would have on the neighbors' open view of the lake on the North shoreline.

I am very appreciative of the Applicant's modification of their site and architectural plans to move the North side of their home back to satisfy the 49 foot setback requirement on the Northwest corner of the home and the northwest corner of the 5 foot bump-out.

When reviewing the revised plans, I still have the following concern regarding the requested variance on the south side property line setback requirement:

- The current home is 20 feet from the south side property line. The site plan for the October 18, 2022 meeting requested to be 19.3 feet from the south side property line.
- The revised plans now request that the south side of the property be 11.5 feet from the property line. In addition, there is a 1.75 feet cantilever on the 2<sup>nd</sup> floor which will be 9.75 feet from the south property line.

Looking at a macro perspective, it would appear that the proposed footprint is either substantially the same or larger than what was requested at the October 18, 2022 meeting, which was larger than the footprint of the existing home. Instead of reducing the overall footprint of the home, it was simply shifted from the north to the south. If forced to choose between the house being moved further to the north or south, the obvious choice would be the current proposal of moving the house further to the south.

However, when looking at the Township Ordinance, the applicant must demonstrate practical difficulties for the ZBA to grant a variance with respect to the various setback requirements.

Specifically, Section 6-100.5 states that variance-granting authority shall be exercised in accordance with the ZBA finding of practical difficulties requiring demonstration by the applicant of 6 items. One of these items is that a lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

When looking at this specific test, it would appear that the applicant has not demonstrated

practical difficulties with respect to the following because a lesser variance would still give substantial relief to the applicant and be consistent with justice to other property owners:

- The need to have the house 11.5 feet from the south property line compared to the original October 18, 2022 request to have the house 19.3 from the south property line. Instead of decreasing the non-conformity of the existing house with respect to the south property line, the Applicant is increasing the non-conformity by 8.5 feet (current home is 20ft from lot line). Even without granting this additional variance, the footprint of the proposed house still appears to be larger than the existing home. In addition, it should be noted that the existing house has approximately 3,600 square feet of total living space which does not include the additional living space the applicant is gaining by having living space over the garage).

Therefore, I respectfully request that the ZBA limit the variance on the south property line to the original variance requested of 15.7 feet, which would put the house 19.3 feet from the south property line.

Very Truly Yours  
Robert Hartman  
4806 Onawa Court  
Waterford, MI 48327

**Gina Gora, 3347 Wormer Dr.** said this is a slippery slope with the houses on top of each other and having buffer zones on the lakefronts. She felt the proposed house would have a negative impact on the neighborhood.

**Claudine Kuelske, 4820 Sherwell** questioned the lot coverage and felt the house was too big for the lot.

**Staff** stated the maximum lot coverage allowed is 50%.

**Ms. Kuelske** stated the Board should be looking at practical difficulties.

**Ms. Kuelske** said she is not sure that the variances are reasonable at 110 feet. The proposed plan is too large to be built here, when a home can be built in the existing footprint. She requested the Board as to what is reasonable.

**Mr. Lubin** stated this is a dead-end street and there is a notch on the site plan that comes in on that side of the property, keeping us from meeting the 35 ft. setback.

**Chairman Zuehlke** explained that at the previous meeting the Board asked the owners and the neighbors to get together and work out the concerns. He stated that many lots in the Township need relief from the Zoning requirements.

**Board Member Camilieri** said in a perfect world you work together and they did.

**Board Member Hauswirth** commended the owners and neighbors for working together.

### **MOTION AND VOTE**

*Moved by HAUSWIRTH*

*Supported by CAMILIERI; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-055 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 with the **CONDITION** that the proposed house shall be constructed within the designated location, as shown on the modified site plan, and within the footprint, as shown on the modified architectural plans, that have been submitted for the requested variances.*

**MOTION CARRIED**

**(6-0)**

## VI. New Business

### **Case No. PZBA23-001**

**Sidwell No. 13-11-451-020**, Section 11, Lot 5, "Supervisor's Plat No 50", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 0.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.3 ft. from the southeast side property line. (5 ft. minimum required)
2. A 17.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed covered deck to be located 51.0 ft. from the northeast lakefront shoreline. (68 ft. minimum setback 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:** 3302 Gilchrist  
**Property Zoned:** R-1B, Single-Family Residential  
**Applicant:** Martin & Susan Skinner

**Applicant or representative present: Martin & Susan Skinner**

**Martin Skinner** said the street that they live on is a small one with five homes on it. He stated that their home does not have good curb appeal and felt the proposed work would create that. He felt the neighbors were in support of the request.

**Chairman Zuehlke** stated the previous owners received variance, but did not do the work.

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

**Board Member Bonnavier** referenced the letters of support that were submitted by the neighbors.

#### **MOTION AND VOTE**

Moved by **BONNIVIER**

Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-001 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-002**

**Sidwell No. 13-11-429-015**, Section 11, Lot 165, "Jayno Heights No 3", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 2.0 ft. height variance from Section 3-302.7.A to allow the existing fence measuring 6.0 ft. in height by 8.0 ft. in width to remain within the required lakefront yard. (No fence shall be higher than four (4) feet in any required lakefront yard)

**Property Location:** 2903 Lola Ct  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** John & Denise Clarey

**Applicant or representative present: John & Denise Clarey**

**Denise Clarey** stated that the fence is a privacy screen. They removed an old gazebo that was covered in vegetation. He indicated there was a tree line behind it. She stated that they were in court over the matter and Judge Fox recommended they apply to the ZBA.

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

**Tracy Robinson, 2901 Lola Ct.** said this is not a privacy screen because it has wood posts and is permanent. She said there is a plastic shed that is also in their view.

**Chairman Zuehlke** asked the staff if the shed was in violation.

**Staff** stated the shed complies with the ordinance.

**Board Member Bonnivier** stated the shed is not part of the variance.

**Chairman Zuehlke** said the fence is 8 ft. long and did not see there to be an issue. He did not feel that the fence affected the neighbors view.

**Board Member Hauswirth** stated most people have screens for their patios.

**Board Member Camilleri** did not feel like reduction of the fence would make that much of a difference.

**Board Member Schneider** stated he agreed, with the other members.

**Board Member Frasca** told the applicant that they should come in next time before they build.

### **MOTION AND VOTE**

*Moved by* **SCHNEIDER**

*Supported by* **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-002 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

**MOTION CARRIED**

**(6-0)**

### **Case No. PZBA23-003**

**Sidwell No. 13-35-452-039**, Section 35, Lots 276-278, "Venice of the Lakes", T39, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 10.0 ft. variance from Section 3-900 to allow the proposed house to be located 25.0 ft. from the west lake rear property line. (35 ft. minimum required)
2. A 10.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 22.0 ft. from the west lake rear property line. (32 ft. minimum required)

**Property Location:** 1245 Bamford Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** John & Noemi Dugan

**Applicant or representative present: John Dugan**

**John Dugan** stated he has owned the property over 30 years and about 20 years ago they combined 3 small lots. He felt what they are asking for is minimal and they would like to meet the character of the neighborhood.

**Chairman Zuehlke** stated over time the ordinances have changed and the lot were originally small. It is common for lakefront properties

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

#### **MOTION AND VOTE**

*Moved by HAUSWIRTH*

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-003 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-004**

**Sidwell No. 13-35-376-019**, Section 35, Part of Lot 7-9, "Supervisor's Plat No 41", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 4.1 ft. variance from Section 3-900 to allow the proposed addition to be located 30.9 ft. from the west lake rear property line. (35 ft. minimum required)
2. A 1.6 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 30.4 ft. from the west lake rear property line. (32 ft. minimum required)
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:** 1375 Grinnell Ave  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Sam Yono

**Applicant or representative present: Randy Yono & Jay Newman – Architect**

**Jay Newman** said they are adding one small master bedroom suite that will blend in with the house. Other interior renovation are also planned. When looking at the additions they tried to unify the addition to make it look like it was all designed at the same time. The property is two lots that were combined. The home sits on one and the other that the addition is on. He stated he has worked on numerous additions in the



community and many of the older homes are non-conforming. This home is already non-conforming because of the east and north setbacks do not meet the current setbacks. He stated the roadside addition will not be increasing or contributing to the lake front non-conformity and it will also exceed the minimum side yard setback by close to 7 feet. The front entrance on Grinnell St, the foyer, is the only item of the addition that needs a 4.1 foot variance.

**Board Member Camilleri** asked for clarification on whether there were two separate lots

**Mr. Newman** stated the lots have been combined and now have one property description.

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

**Mr. Newman** submitted a document to the board with seven neighbors supporting the variance being approved.

#### **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. PZBA23-004 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-005**

**Sidwell No. 13-08-101-057**, Section 5, Part of Lot 297, "Whitfield Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 18.3 ft. variance from Section 3-900 to allow the proposed house to come to within 16.7 ft. of the east lake rear property line. (35 ft. minimum required)
2. A 16.3 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 15.7 ft. from the east lake rear property line. (32 ft. minimum required)
3. A 24.8 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to come to within 55.2 ft. of the west lakefront shoreline. (80 ft. minimum required for subject property)
4. A 22.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 54.2 ft. from the west lakefront shoreline. (77 ft. minimum required)

5. A 0.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.6 ft. from the north side property line. (5 ft. minimum required)
6. A 0.3 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.7 ft. from the south side property line. (5 ft. minimum required)

**Property Location:** Vacant Whitfield Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Scott & Mary Reed

**Applicant or representative present: Scott & Mary Reed, Dave Bickes – Modern Craft Homes**

**Dave Bickes** said the owners are getting older and would like everything on the first floor, with a loft. He stated that this home would have a larger footprint than a two story home. The way the road curves at this property is an issue with setbacks on the roadside. He did not feel there would be any view obstructions for the adjacent properties. He referenced previous variance that were approved for the property but never started.

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

**Hartley Anglin & Kathleen Dougherty, 3466 Whitfield Dr.** stated they have lived across the street on the hill for 21 years. The builder has alluded to the problem that this property was split and 4 people have owned it since 2019. The variance was approved before the last sale but it had expired. They expressed concerns that the proposed house would impact their view. They also expressed concerns about flooding in the area and that the new house would increase cause further problems.

**Chairman Zuehlke** stated the Road Commission could repair the drains and take the runoff to the lake to drain. He said they were asked years ago and they did not want to spend the money to do it.

**Mr. Anglin** stated the Township owns a ten-foot sliver of property next to this property.

**Chairman Zuehlke** said that he thought the road commission could use those ten-feet for the drain.

**Ms. Dougherty** said she would not want the water to drain to the lake and is concerned with the 6 variances requested, and does not understand the ordinances completely but that they are to protect the quality of life and property values of the residents. She stated there are quite a few variances that are not only going to affect them but the complete community. She felt the property was being overbuilt.

**Chairman Zuehlke** explained the variances being requested and how they are common on lakefront properties. The Board tries to work with applicants on their requests.

**Ms. Dougherty** said she did not know the size of the home.

**Mr. Bickes** showed Ms. Dougherty the footprint plans of the home.

**Emily Ford, 3445 Whitfield Dr.** stated she is the realtor that owned the home and the lot. She said they were always two parcels and were not split. She said she did her due diligence before she bought this parcel and knew what could be built on it and had a building envelope drawn up. She felt that it has sold so many times because people are not doing their due diligence and want to build something that will not work. She said she has drawings to show that one of the variances they are requesting would affect her sight lines. She also felt that requesting relief for the five foot side yard setback was unnecessary.

**Board Member Camilleri** felt that the proposed design preserve the sight line of the adjacent property owner. She stated the side setback variances are minimal and feels the request is moderate.

**Chairman Zuehlke** said when you are building on a vacant lot you will be changing the neighbors views to a degree, but we want to make sure it is not drastic.

**Ms. Reed** said they do have a copy of Ms. Ford's drawings but it was hard to fit what they wanted in the same building footprint. She felt the deck and railing will have minimal obstruction.

#### **MOTION AND VOTE**

*Moved by **CAMILLERI***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-005 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-006**

**Sidwell No. 13-35-277-006**, Section 35, Lots 263 & 264, "The Meyering Land Company's Cass-Sylvan Lakes Community Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 12.2 ft. variance from Section 3-900 to allow the proposed addition to be located 22.8 ft. from the east lake rear property line. (35 ft. minimum required)
2. A 10.2 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 21.8 ft. from the east lake rear property line. (32 ft. minimum required)

**Property Location:** 1000 Wyman Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Wayne Baumann

**Applicant or representative present: Wayne Baumann & Rick Ferella – Builder**

**Wayne Baumann** said he simply wants to add a 30 x 30 addition on to the street side of the home. The addition will still be 42-44 ft. from the road edge. He stated the road curves in and that is why the variances are needed.

**Chairman Zuehlke** said it looks like the request will be similar to how the adjacent properties have been developed. He questioned why the addition cannot be flush with the side of the garage and why the extra footage is needed.

**Mr. Baumann** said the existing house is a 1800 sq. ft. ranch and need more room is needed for the family.

**Board Member Bonnavier** said that it looks like there is plenty of room between the lot line and the road.

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

**Board Member Bonnavier** stated the property appears to be on a curve, affecting the lot.

**Board Member Schneider** agreed with Board Member Bonnavier.

**MOTION AND VOTE**

*Moved by **BONNIVIER***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-006 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(6-0)**

**Case No. PZBA23-007**

**Sidwell No. 13-34-251-012**, Section 34, Lot 2, "Supervisor's Plat No 46", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 25.0 ft. variance from Section 2-104.3 to allow the deck to be located 0.0 ft. from the southeast lake rear property line. (25 ft. minimum required for subject property)
2. A 23.2 ft. variance from Section 2-104.3 to allow the deck to be located 1.8 ft. from the southwest side property line. (25 ft. minimum required for subject property)
3. A 25.0 ft. variance from Section 2-104.3 to allow the deck to be located 0.0 ft. from the east side property line. (25 ft. minimum required for subject property)

**Property Location:** 4290 Cass Elizabeth Rd  
**Property Zoned:** R-1E, Single-Family Attached Residential  
**Applicant:** Joe Attisha

**Applicant or representative present: Joe Attisha**

**Chairman Zuehlke** asked if the deck was built without a permit.

**Joe Attisha** stated yes and he apologized for it. He stated he has been in the area for 20 years and has done his best to improve the neighborhood. The families that live in this building have to use the deck to leave their apartments and do not feel safe..

**Chairman Zuehlke** stated the work was done without permits.

**Mr. Attisha** said yes they were just planning to repair the deck boards to make it safe.

**Chairman Zuehlke** asked if the deck encroaches on the property next door.

**Mr. Attisha** said the deck does not encroach, we did build it over the property line. When we were made aware of that we came to the Township and turned in plans with that part removed.

**Chairman Zuehlke** asked if that work has been completed.

**Mr. Attisha** stated they did not want to go further until they heard back from the Township. They were advised to go for the variance before permits could be issued. He was told to make sure it is safe for the residents in the mean time. He spoke to the neighbors on both sides and explained to them what was proposed. He submitted some photos to show that it was in dire need of repair. He admitted that the work went too far.

**Chairman Zuehlke** stated it is a lot easier to come in and apply for the permit. That way staff can review it and let you know what can and cannot be done. He explained that the setbacks are there so you can maintain your structures, without using the neighbor's yard.

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

**Heather Shaoni, 3826 Cass Elizabeth Rd.,** said the deck is an improvement and is much safer.

**Craig Linderman, 960 Sunset Dr.,** said he is the President of the Walters Beach Condos and that they met with Mr. Attisha. Originally they were upset. However, Mr. Attisha explained what he was doing and that he was going to cut it off so it will not be hanging over the property line. He stated the deck is originally a foot off the property line and it has been for many years. and Mr. Attisha has to deal with what was previously built, and they did not have any problem with it.

**Jacquelynn Brown, 945 Oregon Blvd.,** said that Mr. Attisha is very immersed in our community as a business owner and is a great addition.

**Board Member Schneider** said the work looks good and safe.

**Board Member Camilieri** stated the tenants need this deck and there is no way around it.

#### **MOTION AND VOTE**

*Moved by FRASCA*

*Supported by BONNIVIER; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-007 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-008**

**Sidwell No.13-35-132-001; 010; 013; 014; 019; 030; 033,** Section 35, Units 1, 10, 13, 14, 19, 30, 33, "Lake Pointe Condominium", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 3.3 ft. variance for from Section 3-900 to allow the proposed house at Unit 1 to be located 31.7 ft. from the east front property line. (35 ft. minimum required)

2. A 0.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter at Unit 1 to be located 31.5 ft. from the east front property line. (32 ft. minimum required)
3. A 1.8 ft. variance for from Section 3-900 to allow the proposed house at Unit 10 to be located 33.2 ft. from the front property line. (35 ft. minimum required)
4. A 0.2 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter at Unit 10 to be located 31.8 ft. from the front property line. (32 ft. minimum required)
5. A 8.2 ft. variance for from Section 3-900 to allow the proposed house at Unit 13 to be located 26.8 ft. from the east front property line. (35 ft. minimum required)
6. A 6.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter at Unit 13 to be located 25.3 ft. from the east front property line. (32 ft. minimum required)
7. A 2.7 ft. variance for from Section 3-900 to allow the proposed house at Unit 14 to be located 32.3 ft. from the rear property line. (35 ft. minimum required)
8. A 0.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter at Unit 14 to be located 31.2 ft. from the rear property line. (32 ft. minimum required)
9. A 1.6 ft. variance for from Section 3-900 to allow the proposed house at Unit 19 to be located 33.4 ft. from the front property line. (35 ft. minimum required)
10. A 4.7 ft. variance for from Section 3-900 to allow the proposed house at Unit 30 to be located 30.3 ft. from the front property line. (35 ft. minimum required)
11. A 2.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter at Unit 30 to be located 29.2 ft. from the front property line. (32 ft. minimum required)
12. A 4.8 ft. variance for from Section 3-900 to allow the proposed house at Unit 33 to be located 30.2 ft. from the front property line. (35 ft. minimum required)
13. A 2.9 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter at Unit 33 to be located 29.1 ft. from the front property line. (32 ft. minimum required)

**Property Location:** Vacant Village Pointe Cir & Lake Village Ave  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** M/I Homes of Michigan LLC – Mike Kennedy

**Applicant or representative present: Mike Noles – Umlor Group & Mike Kennedy - MI Homes**

**Mike Noles** stated that this development has 42 lots in it, and that only seven lots need variances. Many of these variances are for gutters/overhangs. He referenced the packet information provided and the criteria that are needed for approval. He stated they are asking for lot specific front yard variances. The variances range from 2.5 inches to 8 ft. The greatest variances are for the corner lots, in which there are two front yard setbacks. These lots are #1 and #13. For the lots on a

cul-de-sac, it is an unusual case with the roads already built. If the cul-de-sacs were rotated slightly, variances may not be needed. These are lots #10 & #19. A similar case is already constructed eyebrow island. He felt it did not need to be built so large. If it was slightly shrunk, variances may not be needed. These lots are #30 and #33. Stated the last lot is a very unusually shaped lot and has a 45 deg angle across the back with a much smaller building envelope. This is lot #14.

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

**Shelia Morley, 602 Woodingham St.**, stated she share a common lot line with units #1 through #6. She questioned how the proposal would impact her property. She has concerns about the fence being removed. She stated men came to her door and told her they would be taking down the fence. She said that it is not just a fence, but a retaining wall as well. She stated she has lived next to the elementary for several years and has been maintaining the fence, which is including the other side of the fence as well

**Chairman Zuehlke** asked if the fence is on her property.

**Ms. Morley** stated that she was previously told that it was on her property. She said the developer said they had a survey and that the fence is one foot onto their property. She referenced a conversation she had with the contractor hired to remove the fence.

**Mike Kennedy** said he would like to clarify that they are the purchaser of the property but do not currently own it.

**Ms. Morley** asked if the current owner is still working on the property.

**Mr. Kennedy** stated yes, the current owner, Clearview Homes, is constructing two homes at the back of the development. They are looking to purchase the building on the remaining lots.

**Chairman Zuehlke** asked if this has nothing to do with MI homes but the other developer.

**Mr. Noles** asked to provide a little clarification. The firm his is representing, M/I Homes, is purchasing the remaining undeveloped lots, which include the ones adjacent to Ms. Morley's property. So ultimately, they will be the builder on the property. The lots that are adjacent to Ms. Morley's home are not subject to the variances requested. He stated the fence is an altogether different matter. He has seen the survey that shows the fence is two feet onto the property that M/I Homes is proposing to develop. He said the fence was built by the school back in the 1960's. The fence affects several other properties along the west property line as well. Along there, the fence is approximately 10 foot into the property line. Over the years, the adjacent properties have encroached



onto the property. He stated that none of the fence issues has anything to do with the variances being requested. He felt the fence issues could be solved fairly reasonably.

**Ms. Morley** stated that her main problem is that she was told she had a week until the fence was removed.

**Mr. Noles** stated again, that was not them.

**Chairman Zuehlke** stated the fence was not an issue for the Zoning Board or M/I Homes.

**Ms. Morley** said stated she was mainly bring up the matter in the hopes of receiving help.

**Chairman Zuehlke** stated again that it has nothing to do with this case. He directed her to contact the original contractor she spoke with to resolve the matter.

**Ms. Morley** indicated they will not call her back.

**Mr. Noles** said he will give her his card and he will call her back. He stated that there are many ways that we can solve this problem. He apologized for her grief in this issue and was certain they can work this out. He offered some options to alleviate the issue.

**Ms. Morley** asked if there is anything she can do to protect her property lines.

**Chairman Zuehlke** stated there would be a survey done and stakes showing the property lines.

**Laurie White, 603 S. Winding Dr.**, said she is one of the properties that back up to the development. She questioned wither these were new condominiums or if they were new homes.

**Mr. Noles** stated that they are site condos. They will be detached homes that look like any other neighborhood.

**Ms. White** said she was confused about Clearview homes being the original developer.

**Mr. Noles** stated they were not the original developer but are the current one. The predecessor of Clearview homes received the previous approval and developed the property. The property transferred to Clearview homes and they are selling the properties to M/I Homes.

**Ms. White** questioned the practical difficulty in approving variances to the land that was raw property to begin. She felt it could be developed without variances at all. She questioned as to why the roads could not be adjusted to avoid all the variances. She

was concerned with the location of the property line and existing retaining wall. She was concerned about losing part of her rear yard.

**Chairman Zuehlke** stated the engineers address erosion during the permitting process, not by the Zoning Board.

**Ms. White** said she understands that but did not feel they provided any practical difficulty. She was concerned about the number of proposed houses. She said they should go with what was already developed without asking for variances.

**Chairman Zuehlke** said they are asking for the variances before they build instead of coming and asking for variances later.

**Board Member Schneider** asked Ms. White if her retaining wall is on her property or the subdivision property.

**Ms. White** stated the fence in her rear yard is the that the school district constructed when the school was built back in the 1960's.

**Chairman Zuehlke** stated clarified that this area was not her property.

**Ms. White** stated she is just now finding that out because of the stake that were placed in her yard.

**Eric Faust, 609 S. Winding Dr.**, expressed similar concerns about losing what he thought was part of his rear yard. He was concerned that the requested variances would impact his property.

**Chairman Zuehlke** asked Mr. Noles if he understands the concerns of the residents.

**Mr. Noles** stated he does understand their concerns. He stated he has dealt with many objections on this particular case. However, the concerns being expressed are not regarding the variances being requested. He gave a brief history on the previous school. Decades ago when the school was built, they constructed a fence approximately 10 feet in from the common property line. Homes were built, people moved in and they got used to the fence being there. It became their visual determination of the end of their property, so they used the area. However, it is still school property. This issue is unrelated to the variances being requested. He felt there are many ways to work out the property encroachments.

**Chairman Zuehlke** asked if they have plans for water run offs and other site development.

**Mr. Noles** stated that everything has been fully approved, permitted and installed. The only thing left is to build the houses. Again, they are happy to work out the issues with the fence and do whatever it takes to solve the problem.

**Mr. Faust** said what he is worried about the drop off behind his house, grade changes and run off.

**Mr. Noles** identified a sanitary sewer that runs through the back yard of the new homes adjacent to his. They are not proposing to dig in this area. The only thing that may happen is your new neighbors might put up a swing set or play in this area. The variance being requested do not impact this area.

**Board Member Camilieri** stated that all the variances are interior and their hardships are from the existing roads. The setbacks are from the roadways, and will not affect the adjacent neighbors.

**Board Member Bonnivier** stated he hopes the fence line issues can be worked out and help the neighbors all the way around this property.

#### **MOTION AND VOTE**

*Moved by CAMILIERI*

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-008 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(6-0)**

#### **Case No. PZBA23-009**

**Sidwell No. 13-20-151-001**, Section 20, T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 86 unit variance from Section 3-900 to allow the proposed development to have a maximum density of 166 units. (80 units maximum allow for subject property)
2. A 3.83 ft. variance from Section 3-900 to allow Buildings 1-9 in the proposed development to have a maximum height of 38.83 ft. (35 ft. maximum allowed)
3. A variance from Section 3-901 Footnote 8.A(3) to reduce the minimum setback between any buildings and any off-street parking facility as reflected by the revised site plan submitted on January 31, 2023.
4. A variance from Section 2-802.2, 2-802.9 and 3-402.6.B to reduce the landscaping requirements as reflected by the revised site plan submitted on January 31, 2023.
5. A variance from Section 2-404 to reduce the amount of required nonmotorized pathways as reflected by the revised site plan submitted on January 31, 2023.

**Property Location:** Vacant Pontiac Lake Rd  
**Property Zoned:** R-M2, Multiple-Family Residential  
**Applicant:** Jordan London, AIA – Edmund London & Associates

**Applicant or representative present: Dr. Ammar Alkhafaji & Jordan London, AIA-Edmund London & Associates & Kasey Leach – Kieft Engineering**

**Dr. Ammar Alkhafaji** said this is his families business. This property is so unique with multiple natural features. The majority of the property is wetlands. The total size of the property is approximately 42 acres. They are proposing only to develop 8 acres of it. He felt the hardship is due to the large amount of the wetlands on the property and the unique shape. The proposal would enhance the views of the wetlands, wildlife and the lake, for the residents and the community. He stated they are proposing a luxury gated apartment community with 166 units. If they were able to develop the entire parcel, 360 units would be allowed. The current proposal is requesting half of that. The proposed development would have a clubhouse with a pool, fitness center, work rooms for people working from home and garages attached to the units. These buildings are shown to be three stories. Most of the first floor is shown to be garages that access directly to the units. He felt this feature is unique to the proposed development.

**Chairman Zuehlke** stated he is very familiar with the property with a commercial property to the north and a subdivision on the east side. He asked the owner if they have talked to the airport about the height of the buildings in relationship to fly overs.

**Jordan London** stated they have been in contact with the airport.

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

**Susan Smith, 7130 Pontiac Lk Rd.,** stated she is 600 ft. off the corner of Pontiac Lk Rd. and Hospital Rd. She owns a large acreage parcel. Her property has a ton of wild life. She expressed concern regarding the current amount of traffic on Pontiac Lk Rd. She stated she is worried about the impact the proposed development would have on the local wild life, natural fields and ponds. She is concerned with the potential for an additional 200 to 300 people moving to the area, increasing traffic. She understands they want to build luxury apartments. She does not feel Waterford is a luxury community. She expressed concerns on how the development will affect her water supply, since she is on a well. She also stated she currently has issues with trespasser on her property. She did not feel that this was an ideal location to be having the extra hundreds of people. She said she does not agree with what is being requested. She feels it will devalue her home, wreck her life, her peace and quiet.

**Steve Klein 2740 N. Williams Lk Rd.,** said he represents Conservation of Waterford Lands, a local nonprofit. H would like to suggest the best way to enjoy the natural features on the site with a walking trail. The proposed development is seeking variances

and from a conservation standpoint, it is impossible to say yes or no the best achieved conservation goals. He said one way to achieve these goals and to not have destruction to the island, wetlands, the extra traffic on the roads, would be to set up a conservation easement over the wetland. He stated that if the variances are to be granted, he recommends that the conservation easement absolutely be a condition. It is proposed on the plans at the North end of the property for a walking trail and he suggested it be open to the public to walk on and get to the small island. He felt that if the variances are not granted that the owners may seek a permit from the State of Michigan through EGLE to fill in the wetlands, in an attempt to create a larger area to build. However, he did not know the likelihood of the request being approved. He stated that if the variances are not approved, he would encourage the Township to purchase the property and put it in a conservancy. He also suggested that the neighbors could pursue this as well and approve funds to purchase it. He said he is mostly appealing to the public and his neighbors and that the condition of the conservation easement be a requirement.

**Melanie Smedley, 1355 Sherwood Forest Ct.**, questioned what made the apartments luxury.

**Mr. London** said they recently changed the name of the proposed development to luxury living. He felt the traditional apartment caters to more of a transient person. Today, for financial reasons, many people opt to live in an apartment setting as opposed to home ownership. This development would provide higher end finishes with enclosed parking garages, higher ceilings, more glass and a club house.

**Chairman Zuehlke** stated that this company has other complexes built at Cooley Lk Rd. and Union Lake Rd. and they could see the actual buildings the applicant has constructed.

**Ms. Smedley** said she is a 2 year resident and bought the property because of the amazing view. She stated she has invested numerous amounts of money into her home. She is concerned the proposed development will have an impact on the wildlife and increase traffic. She feels the wildlife needs to be preserved. She questioned whether the roads would be widened.

**Kasey Leach** stated there would be turn in tapered lanes constructed at Pontiac Lk Rd., which will be the main and only access point to the development.

**Mr. London** stated he wanted to clarify that the proposed development will be maintaining 34 acres of wetlands on the property. Again stating that if there were no wetlands on the property, there could be 350 or more units built here. The ordinance does not include the wetlands as buildable property. They chose not to apply for a wetland fill permit. They would like to maintain the existing wetlands.

**Chairman Zuehlke** stated some of the concern might be due to the multiple requests, which can be overwhelming for the neighbors. The greatest concerns appear to be the number of units proposed and the impact on traffic.

**Richard Smedley, 1355 Sherwood Forest Ct.**, stated they moved to his home because of the view and the lake. He is concerned about the proposal to double what is allowed and the height variance being requested. He is concerned about the impact to the existing infrastructure and wildlife.

**Alycia Mosher, 7035 Pontiac Lk Rd.**, felt her view would be totally impacted by this development. She purchased her home to be able to live and work in the same area. She enjoys the safety and peace the area provides. Being on a well, she is concerned that with the proposed development she will be required to hookup to Township, which will be expensive. She expressed similar concerns as others, regarding extra traffic on an already busy road, habitat destruction and negative impact to home values. She felt the proposed development would be better suited for another area. She questioned how the applicant is qualified to maintain the wetlands.

**Diane Norris, 1205 N. Hospital Rd.**, said she is concerned about the wildlife and the wetlands, the doubling of the units, flooding and traffic.

**Chairman Zuehlke** stated that every project in the Township as many of the same issues of concern. Most people would like things to remain unchanged and undeveloped.

**Jeane' Smith, 455 N. Hospital Rd.**, stated she lives adjacent to the property. She appreciates the Board for listening to the neighbors and encouraging the neighbors to work together. She has lived in the area for several years and is concerned about the traffic and how increased with recent development in the area. She expressed her support of rezoning, based upon the previous plan. She is concerned that the units will not be owned, but leased. She feel that they are creating a self-imposed hardship. She did not feel like the request was in character with the neighborhood. She expressed similar concern regarding impacting values to neighboring properties and increased traffic.

**Sandy Graham, 1064 Oak Pointe Dr.**, said she lives in the adjacent condos and is concerned about the wetlands, wildlife, water issues, extra traffic from the extra units and the development in her view. She would like to see sidewalks installed along Pontiac Lk Rd. She is concerned about the added burden to the Police and Fire Departments. She is concerned for the safety of the neighbors.

**Stephen Ratz, 2297 Marston**, does not feel they should build what is allowed and that the natural areas need to be preserved.

**Catherine Roller, 1110 Oak Pointe Dr.**, said she enjoys living in the area but it concern about investing any more in her home with the proposed development. She expressed similar concerns of increased population to the area and widening of Pontiac Lake Rd.

**Robin McGregor, 2629 Caterham**, does not feel that apartments will add to the tax base. She felt this development was not a good fit for the area. Proposed developments should improve on the master plan. She expressed concern regarding the number of unit and negative impact on traffic.

**Chris Ripplinger, 1407 Sherwood Forest Ct.**, said he is opposed to all of the variances. He stated that there are vacant apartments now and more are not needed. He is also concerned about traffic, frequent power outages, water table impacts and potential flooding. He stated he already looks at Surburban Ford when there are no leaves on the trees and does not want to see lights and noise across the lake. He is against this development.

**Jeri Burger, 1423 Sherwood Forest Ct.**, said she is concerned about the natural resources and the wildlife. She asked if an environmental impact study has been done and how do the residents access that information.

**Mr. London** said he didn't know if they have had that done, but a permit was applied for from the State for a wetlands survey.

**Mr. Leach** said they have a copy of the previous survey that was done. The previous permit was for minor wetland impact for the culvert and storm water discharge. Per the Township engineers, a run off study will need to be completed if the request is approved. They may raise the water a fraction, but everything will be reviewed by Township engineers.

**Ms. Burger** questioned how will the public be notified when the study is done. She asked if the public will be sent out letters.

**Staff** stated that letters would only go out if it required a public hearing.

**Ms. Burger** asked about the consideration of a conservation easement.

**Mr. London** stated that 34 acers of wetlands would be conserved.

**Board Member Camilieri** stated the Board received a letter from the Blue Heron Head Waters Conservancy and the services they can provide with wetland conservation.

**Ms. Burger** questioned if this is something that the Township or developer would pursue.

**Board Member Camilieri** stated it could be something the developer pursues.

**Mr. London** clarified that the wetlands are under the regulation of the State (EGLE)

**Peter Edward, 4745 Crescent Point**, said he is concerned about doubling the approved density. He did not feel that is was in line with the master plan. He felt like this was a zoning change request, not variance. He does not feel that a conservation easement achieves what is being proposed. He did not see a true hardship and there were other options available. He stated he was not personally impacted by the proposed development, but it would impact the Township.

**Shelley Cabalum, 6579 Ashley Ct.**, said she lives across the street and references an easement on her property. She is concerned about her family and the encroachment of her easement. She felt many people were opposed to the development and expressed concern regarding other unfinished projects in the Township.

**Jacquelyn Brown, 945 Oregon Blvd.**, said she is a lifetime resident of the Township and concerned about the impact on the plants, animals, people and that the natural resources should be a priority. She does not feel that the applicant should be able to double the units that are allowed and that the density requirements protects from overdevelopment. She is concerned about the impact of quality of life. She asked the Board not to be hasty with their decision and at the very least consider the conservation easement. She left a copy of a letter and list of supporters with the Board.

**Debbie Downs, 1088 Oak Pointe Dr.**, expressed her concern that the proposed development does not fit in this area. She is concerned about the value of her home decreasing. She does not support the request.

**Mark Brown, 6786 York St.**, said he agrees with the prior residents and there are overwhelming complaints to not approve this. The does not support the development being built or approved. He felt the only ones that will benefit are the developers.

**Mary Craite, 3655 Mariner St.**, in concerned about the existing traffic. She is concerned for the safety of the kids, getting to school and home because of the roads and traffic. She questioned how busses would get into/out of the site and if a traffic study has been conducted.

**Greg Bauer, 6950 Hatchery Rd.**, stated he has lived in Waterford for several years. He expressed concern with the destruction of the natural areas in the Township and the impact his has had on the wildlife. He feels the Boards decision should be representative of the people. He does not support development of wetlands and natural areas.

**Tyler Soncrainte, 6788 Essex Ct.**, said he is not opposed to development in the Township, but would rather see homes built that are owned, compared to apartments that are rented. He feels that homeowners better bring pride in the ownership and appreciate conservation of the natural beauty.



**Robert Tarchalski, 2343 Evadna Rd.**, said he believes the Township is working its way to being a city with all the building and is not concerned about the community and what the people want. He feels that development is ruining the Township. He has seen several businesses close down and many properties are now abandoned. He feels like there are other, better-suited locations for the proposed development. He did not feel that the wetlands would provide a good foundation. He is concerned about the impact to the wetland and wildlife. He does not feel that the Township has the best interest of the people in mind.

**Nancy Broyles, 4048 Crocus Rd.**, said she is not near the development and she supports everything that everyone has said. She knows that building is stressful for the neighbors. She does not approve of the number of units they are asking for. She feels that the natural resources of the Township should be considered. She feels that this is what attracts people to come to Waterford. She questioned the variance regarding landscaping.

**Dr. Alkhafaji** said the landscaping variances is so they do not have to rip out the mature vegetation and plant new plants and vegetation. They want to conserve the mature vegetation. Based on the requirement of the ordinance, they we would have to rip out mature trees and vegetation to plan new. He stated that they truly want to conserve as much as they can. He also stated the height variance is for only three ft., which provides the ability to construct sloped roofs instead of a flat roofs.

**Ms. Broyles** questioned the variance for non-motorized pathways.

**Dr. Alkhafaji** explained per the current ordinance they would be required to put in more cement and pathways around the site. They feel they have sufficient pathways and do not want to add more concrete to the site. He said they are proposing boardwalks to get to the water and wetlands, which have been approved by EGLE.

**Ms. Broyles** questioned if traffic studies have been completed. If not, shouldn't they be done first.

**Board Member Camilieri** said the ZBA does not make decisions regarding the roads. This is under the jurisdiction of the Road Commission for Oakland County. She feels like a traffic study may be preliminary at this stage. EGLE has jurisdiction over environmental issues.

**Gina Gora, 3347 Wormer Dr.**, said she has been a resident for several years and feels variances should not be needed. She feels that there are already very few restrictions on building and landscaping. She feels the Township needs more sidewalks and pathways. She stated she agrees with the other that have already spoken.

**Chairman Zuehlke** stated he feels the Board should table the decision to the next meeting on March 21, 2023.

**Board Member Camilieri** stated she agrees that they are not ready to make a decision on this. We have justice as a scale; we need to balance the property rights of the property owners with the needs of the community, which is our function here. She stated that she supports walkability. She does not support the variances for lack of sidewalks. She questioned handicap accessibility with the lack of sidewalks. She expressed concern regarding the proposed density. She recommended eliminating just one of the buildings to reduce the number of variances. She further stated she would love to see a beautiful development like this happen. She understand that people always want to have a pristine lake and no buildings in site. Unfortunately, this is not always possible. Property owners have the right to develop, but she hopes they can come up with a better plan to address of the concerns.

**Board Member Hauswirth** stated a resident mentioned quality versus quantity. She felt that this was a quality project.

**Staff** stated that if the request were tabled to a specific date, no additional notifications would be mailed out.

**Board Member Frasca** stated the proposed density is a major concern.

#### **MOTION AND VOTE**

*Moved by CAMILIERI*

*Supported by FRASCA; to TABLE the variances requested in ZBA Case No. PZBA23-009 to the March 21, 2023 regular meeting.*

**MOTION CARRIED**

**(6-0)**

#### VII. Discussions

#### VIII. All Else

##### Election of Officers

1. Chairperson
  - a. Nominations
  - b. Vote(s) to elect
2. Vice-Chairperson
  - a. Nominations
  - b. Vote(s) to elect
3. Secretary
  - a. Nominations
  - b. Vote(s) to elect

#### **MOTION AND VOTE**

*Moved by CAMILLIERI*

*Supported by HAUSWIRTH; to TABLE the Election of Officers to the March 21, 2023 regular meeting.*

***MOTION CARRIED UNANIMOUSLY  
(6-0)***

Public Comment

IX. The Meeting was adjourned at 7:25 P.M.

Members of the public will only be able to speak during any public hearing that is held at the meeting and during the public comment period at the end of the meeting and such comments will be limited to three minutes per person. The Chairperson will recognize all persons wishing to speak during a public hearing and the public comment period. Prior to the meeting, members of the public may contact the members of the Zoning Board of Appeals to provide input or ask questions by email or mail to the Township employee/official and at the addresses listed below. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Stacy St. James, Environmental and Housing Rehab Coordinator  
Charter Township of Waterford  
5200 Civic Center Drive, Waterford, Michigan 48329  
Email: [sstjames@waterfordmi.gov](mailto:sstjames@waterfordmi.gov)  
Phone: (248) 674-6240

**Case No. PZBA22-055**

**Property:** 4760 Onawa Ct  
**Applicant:** Jeffrey Lieb  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The request came before the Board at the October 18<sup>th</sup>, 2022 meeting (original staff review below). The request was tabled to the November 15<sup>th</sup> meeting. The applicant was still in the process of modifying the plan and requested the case again be tabled until the February 21, 2023 meeting. Since then, the applicant has been working with the neighboring property owners and modifying their request to best meet the needs/concerns of both parties. Based upon the submitted site plan, the request has been modified from the original request in October. The new request is reflected in the current agenda. That new information is attached, in addition to the original information provided to the Board at the October 18<sup>th</sup> meeting. The modifications were made in attempt to have less of an impact on the lake view from the adjacent property. The footprint was moved south, towards Onawa Ct. This adjustment has reduced the requested lakefront setback variances from the north shoreline and increased the requested lake rear (road) setback variance needed from Onawa Ct to the south. A slight increase to the requested east lakefront setback variance would also be needed.

The applicant and neighboring property owners have been in communication throughout the modification process. The consensus between the two parties is that a conditions should be put in place that ties the approval to the site plan and architectural drawing that have been submitted for the request. This would lock the proposed house to the location that is shown on the site plan. It would not allow any modifications to the house that might take advantage of the reduced setbacks being requested. The applicant is in support of the conditions being added to the motion. The draft motion for approval listed below includes the requested conditions.

**October 18<sup>th</sup>, 2022 Staff Review:**

The applicant is requesting variances to construct a new house as the subject property. Based upon the information submitted, the proposed house is reducing the encroachment on the north and east lakefront shoreline, compare to the existing house. As for the lake rear (road) side setback, an additional encroachment of approximately 1' is proposed compare to the existing house. As for the west side property line, the proposed house is coming closer than the existing house. However, the minimum required setback of 5' is being maintained (the proposed house is approximately 6.5' from the west side property line). While the site plan indicates a required minimum lakefront setback of 40', staff calculated the minimum setback at 49' (the average setback of the primary buildings within 200' of the subject property). Additional variances are required for the proposed overhang/gutter projections.

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

**DRAFT MOTION FOR APPROVAL**

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

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-055 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 with the **CONDITION** that the proposed house shall be constructed within the designated location, as shown on the modified site plan, and within the footprint, as shown on the modified architectural plans, that have been submitted for the requested variances.***

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

**DRAFT MOTION FOR DENIAL**

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

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-055 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. PZBA23-001**

**Property:** 3302 Gilchrist  
**Applicant:** Martin & Susan Skinner  
**Zoning:** R-1B, Single-Family Residential  
**Site Use:** Single Family Residential

**Proposal: Addition and Covered Deck**

**Analysis**

The applicants are requesting variances to construct an addition and covered porch onto the existing house. The existing house is nonconforming. The proposed addition is shown to be for additional living space, an attached garage, and entryway. The addition is shown to meet the minimum setbacks. However, the proposed overhang is shown to encroach slightly into the side yard setback. A minimum setback of 5 ft. is required and the applicants are requesting the overhang to be located 4.3 ft. from the property line (0.7 ft. variance required). The applicants are also requesting a variance to construct a covered deck on the lakefront side of the house. Currently there is a deck on the lakefront side approximately 15 ft. deep and 38 ft. wide. They are proposing to cover a portion of the north end of the deck, approximately 15 ft. deep by 21 ft. wide. The proposed covered deck is shown to maintain the same lakefront setback as the existing deck. The remaining deck is shown to remain uncovered. In 2009, similar variances, with regards to the proposed addition, were requested and approved (see attached minutes). However, those additions were never constructed.

*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. PZBA23-001 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. PZBA23-001 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. PZBA23-002**

**Property:** 2903 Lola Ct  
**Applicant:** John & Denise Clarey  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Fence

**Analysis**

The applicants are requesting a variance to allow the existing fence section that measures 6 ft. in height by 8 ft. in width to remain in the required lakefront yard. The fence section is located next to the existing house, adjacent to the patio (see attached photos). The applicants are identifying it as a decorative screen. However, the zoning ordinance identifies it as a fence. To be located within the required lakefront yard, the fence cannot exceed 4 ft. in height. Therefore, a variances of 2 ft. would be 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. PZBA23-002 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. PZBA23-002 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. PZBA23-003**

**Property:** 1245 Bamford Dr  
**Applicant:** John & Noemi Dugan  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The applicants are proposing to construct a new house at the subject property. They are requesting a variance to allow the house to come closer to the lake rear (road) side property line. The proposed house is shown to be located 25 ft. from the property line, where a minimum setback of 35 ft. is required (10 ft. variance needed). Based upon the site plan submitted, this location appears to be in character with the neighborhood as the adjacent houses are shown to be located 21 ft. and 24.8 ft. from the road side property line, respectively. All other setbacks are shown to be met.

*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. PZBA23-003 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. PZBA23-003 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. PZBA23-004**

**Property:** 1375 Grinnell Ave  
**Applicant:** Sam Yono  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant is proposing to construct an addition onto the existing house. The existing house is nonconforming, in that it does not meet the minimum lake rear (road) setback of 35 ft. (the site plan indicates the existing house is approximately at 28'). The proposed addition is shown to be located further back from the property line at approximately 31 ft. Even though the addition is set back further than the house, a variance will still be required for expansion of a nonconforming building. All other setbacks are shown to be met.

*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. PZBA23-004 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. PZBA23-004 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. PZBA23-005**

**Property:** Vacant Whitfiled Dr  
**Applicant:** Scott & Mary Reed  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The applicants are requesting variances to construct a new house at the subject property. A variance from the lake rear (road) side property line is requested to allow the house to be located approximately 17 ft. from the property line. Based upon the site plan, there is an additional 11 ft. between the property line and the edge of the road. A variance from the lakefront shoreline is allow being requested. Based upon the average setback of the houses within 200 ft. of the property, the required lakefront setback is 80 ft. The house is proposed to be located 55.2 ft. from the shoreline. Variances will also be needed for the overhangs to encroach into all required setbacks (lakefront, lake rear and sides). In 2019, variances were approved to allow a proposed house/overhang to encroach into the lake rear (road) setback. No additional variances were requested at that time. However, the house was never built and the property was sold.

*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. PZBA23-005 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. PZBA23-005 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. PZBA23-006**

**Property:** 1000 Wyman Dr  
**Applicant:** Wayne Baumann  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant is requesting a variance to construct an addition onto the existing house. The addition is shown to be located on the lake rear (road) side of the house, approximately 23 ft. from the property line. Based upon the site plan submitted, there is an additional 20 ft. between the property line and the edge of the road. A variance for the overhang is also 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. PZBA23-006 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. PZBA23-006 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. PZBA23-007**

**Property: 4290 Cass Elizabeth Rd**

**Applicant: Joe Attisha**

**Zoning: R-1E, Single-Family Attached Residential**

**Site Use: Single Family Attached Residential**

**Proposal: Deck**

**Analysis**

The applicant is requesting a variance to allow the recently reconstructed deck to remain at the subject property. The deck appears to be in a similar location as the previous deck. The building is nonconforming, in that is located extremely close to the lake rear (road) side property line and side yard property lines. A deck of any size would require variances from these property lines. The applicant is requesting variances to allow the deck to be located at a 0 ft. setback from both the lake rear and east

side property line (currently, the deck encroaches into the right-of-way for Cass Elizabeth Rd – the applicant indicated they will be modifying the deck to eliminate this encroachment). A minimal 1.8 ft. setback is shown to be maintained from the southwest side property line (see site plan). Several letters of support were submitted with the application. If the Board determines variances are justified, staff recommends that it should be with the stipulation that the applicant applies for the required permits and receives the required inspections.

*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. PZBA23-007 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

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

**DRAFT MOTION FOR DENIAL**

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

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-007 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

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

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

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

**Case No. PZBA23-008**

**Property:** Various Lake Village Ave & Village Pointe Cir.  
**Applicant:** M/I Homes of Michigan – Mike Kennedy  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New Houses

**Analysis**

The applicant is in the process of purchasing several lots at the recently established Lake Pointe Condominium development, the previous location of Burt Elementary School. They are not the original developer of the Condominium. There are 42 units in the development. They are requesting variances for 7 of the units: Unit 1, 10, 13, 14, 19, 30 & 33. For all the units, except for Unit 14, the variances being requested are from the front property line. For Unit 14, the variances being requested are from the rear property line. No variances are shown to be needed from the side property lines. These requested variances range from 1.6 ft. to 8.2 ft. Unit 1 & 13 are corner lots with 2 front property lines. The minimum setback from the front property line is 35'. So, these units have more restrictive setback requirements. Units 10, 19 & 30 are pie shaped, with a more narrow front lot width compared to the wider rear lot width. Unit 33 is decreased in depth due to the road design and has a more restrictive side setback due to a storm drain easement. Unit 14 is oddly shaped. The applicant indicated they would like to maintain a consistent product for each unit in the development and that the requested variances would allow for them to achieve that consistency.

*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. PZBA23-008 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. PZBA23-008 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. PZBA23-009**

**Property:** Vacant Pontiac Lake Rd  
**Applicant:** Jordon London, AIA – Edmund London & Associates  
**Zoning:** R-M2, Multi-Family Residential  
**Site Use:** Multi-Family Residential  
**Proposal:** Multi-Family Apartment Complex

**Analysis**

The applicant is requesting variances for the proposed multi-family apartment complex to be constructed at the subject property. The subject property is a 46.5 acre parcel located near the corner of Pontiac Lake Rd and N Hospital Rd. The drive access is shown along Pontiac Lake Rd across from 6927. The majority of the parcel is wetland, with approximately 8 acres of upland. The proposed plan is shown to conserve the wetland, with a small exception for the construction of the drive access to the property. Even though to parcel is very large, when the plan is reviewed it is based upon the “buildable” portion of the property, which is the 8 acres of upland. Based upon the buildable portion of the property, the maximum number of units allowed is 80. The applicant is proposing to construct a 166 unit apartment complex, consisting of 9 buildings and a clubhouse. The proposed buildings (excluding the clubhouse) are shown to consist of 3 stories with a maximum height of 38.83 ft. (a maximum height of 35 ft. is allow for this zoning district). Additional variances are being requested from the landscape requirement. Again, the requirements only take into account the buildable area and how it is being developed. The proposed plan indicates the remaining wetland and natural area surrounding the development will remain primarily untouched. A variance from the sidewalk requirement is also being proposed. The Planning Staff review of this proposed development has been included in the packet information.



*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. PZBA23-009 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

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

**DRAFT MOTION FOR DENIAL**

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

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA23-009 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:***

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

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

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