
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Meeting - 4:00

Chairman Zuehlke called the meeting to order at 4:00 pm

I. Roll Call

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

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

- III. Approve the Minutes of the April 19, 2022 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by MOORE

*Supported by FRASCA; RESOLVED to **APPROVE** the Minutes of the April 19, 2022 Zoning Board of Appeals Meeting as Printed.*

MOTION CARRIED UNANIMOUSLY

(7-0)

- IV. Approve the Agenda of the May 17, 2022 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by MOORE

*Supported by BONNIVIER; RESOLVED to **APPROVE** the Agenda of the May 17, 2022 Zoning Board of Appeals Meeting as Printed.*

MOTION CARRIED UNANIMOUSLY

(7-0)

V. Old Business

Case No. PZBA22-019

Sidwell No. 13-21-252-001, Section 21, Lot 161, "Holiday Farms No 3", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 10.0 ft. variance from Section 3-900 to allow the proposed addition to be located 25.0 ft. from the south front property line. (35 ft. minimum required)
2. An 8.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 24.0 ft. from the south front property line. (32 ft. minimum required)

Property Location: 1136 Edgeorge St
Property Zoned: R-1A, Single-Family Residential
Applicant: Anna Denny

Applicant or representative present: Anna Denny

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; to **UNTABLE** ZBA Case No. PZBA22-019*

MOTION CARRIED UNANIMOUSLY

(7-0)

Anna Denny stated they found their dining area was not livable, so they wanted to add extra space and make it ADA compliant.

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

Board Member Moore asked for clarification on the size of the addition.

Ms. Denny replied it is the size of a nook.

Board Member Bonnavier stated at the previous meeting the application did not have plans showing the improvements, but has provided them for this meeting.

MOTION AND VOTE

Moved by HOFFMAN

*Supported by HAUSWIRTH; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-019 based upon the information*

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

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

VI. New Business

Case No. PZBA22-023 – REQUEST WITHDRAWN BY APPLICANT

Sidwell No. 13-26-154-028, Section 26, Lots 48 & 49 with exclusions, “Elizabeth Park Acres”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 5.0 ft. variance from Section 3-900 to allow the proposed addition to be located 10.0 ft. from the east side property line. (15 ft. minimum required)
2. A 2.5 ft. variance from Section 3-900 to allow the proposed addition to have a maximum height of 22.5 ft. (20 ft. maximum allowed)
3. A one-story variance from Section 3-900 to allow the proposed addition to have a maximum of two stories. (one-story maximum allowed)

Property Location: 3824 Elizabeth Lake Rd
Property Zoned: C-1, Neighborhood Business
Applicant: AMAG, LLC (Charles Sawdon)

Case No. PZBA22-024

Sidwell No. 13-31-351-015, Section 31, N 72 ft of Lot 1, “Supervisor’s Plat No 12”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 17.0 ft. variance from Section 3-900 to allow the proposed structure to be located 3.0 ft. from the east rear property line. (20 ft. minimum required)
2. A 12.0 ft. variance from Section 3-900 to allow the proposed structure to be located 3.0 ft. from the south side property line. (15 ft. minimum required)
3. A 9.0 ft. variance from Section 3-900 to allow the proposed structure to be located 6.0 ft. from the north side property line. (15 ft. minimum required)

Property Location: 1455 (Vacant) S. Williams Lake Rd.
Property Zoned: C-UL, Union Lake Business
Applicant: Patrick Lloyd

Applicant or representative present: Patrick Lloyd

Patrick Lloyd stated the property is not usable for other types of businesses. This will be the first of its kind. There will be different kinds of electric chargers to use. He indicated this was previously the old Dobski's. He felt this area has good traffic flow and there is a need for this service.

Chairman Zuehlke stated there is a need for these charging stations and that they are not many uses for the property.

Board Member Moore asked how many stations and will there be security lights.

Mr. Lloyd said there will be 6 stations and security lighting.

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

MOTION AND VOTE

Moved by HOFFMAN

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-024 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA22-025 - REQUEST WITHDRAWN BY APPLICANT

Sidwell No. 13-04-401-002, Section 4, Lot 12 with exclusions, "Waterford Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 4.2 ft. variance from Section 2-508 to allow the proposed sign to have a maximum height of 19.2 ft. (15 ft. maximum allowed)
2. A 139 sq. ft. variance from Section 2-508 to allow the proposed sign to have a maximum area of 339 sq. ft. (200 sq. ft. maximum allowed)

Property Location: 5300 Dixie Hwy.
Property Zoned: C-4, Extensive Business
Applicant: Abraham Mchaimeck (4 Tech Signs)

Case No. PZB22-026

Sidwell No. 13-10-101-002, Section 10, Part of NW ¼ & Part of Lot 77, "Fairplains Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 6-100.4.J to extend the timeframe of the previous extension granted on May 18, 2021 to be valid until May 17, 2023.

Property Location: 4795 Dixie Hwy
Property Zoned: C-3, General Business
Applicant: API (Architectural Planners Incorporated)

Applicant or representative present: Alan Hall

Alan Hall stated they own the property and would like to renew the previous variance for their perspective buyer.

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

MOTION AND VOTE

Moved by BONNIVIER

*Supported by HOFFMAN; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-026 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

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

Case No. PZBA22-027

Sidwell No. 13-25-431-009, Section 25, Lot 14, "Huron Gardens", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 4.0 ft. variance from Section 3-900 to allow the proposed addition to be located 31.0 ft. from the rear property line. (35 ft. minimum required)
2. A 2.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 30.0 ft. from the 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: 943 Boston Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Sharon Jenks

Applicant or representative present: Sharon Jenks

Chairman Zuehlke explained non-conforming structure and how the ordinance has changed over the years.

Sharon Jenks stated she purchased the home one and a half years ago and the water heater and furnace are in closets. She stated said she wants the addition on the back for a utility room on the first floor, so she can have closet space. The second floor would be a bonus room for crafts and a bathroom.

Chairman Zuehlke stated the lot is small. He likes the addition on the rear instead of the front, so it is not closer to the road.

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

MOTION AND VOTE

Moved by SCHNEIDER

*Supported by HAUSWIRTH; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-027 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA22-028

Sidwell No. 13-15-453-019, Section 15, Lot 10, "The Highlands", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2.8 ft. variance from Section 2-305.A to allow the proposed generator to be located 2.2 ft. from the southwest side property line. (5 ft. minimum required)
2. A variance from Section 2-305.B to waive the screening requirement for the proposed generator. (All units shall be screened)

Property Location: 4381 Forest Ave.
Property Zoned: R-1C, Single-Family Residential
Applicant: John & Judith Helmuth

Applicant or representative present: Brian Vanette

Brian Vanette stated there are no other places to fit the generator because of windows on front and rear. All the utilities are on the south side where they want the generator. He stated that the neighbors are in support of the request.

Chairman Zuehlke said he would like screening around the unit.

Mr. Vanette said there are shrubs on the lot line and the owners do not want a fence there.

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

Board Member Hoffman asked if they run parallel to the property line.

Chairman Zuehlke asked what kind of shrubs.

Mr. Vanette stated they are lilacs, which are on the neighbor's property.

Board Member Moore stated he was not in support of the screening variance as the existing vegetation is not a year round screening like an evergreen would be.

MOTION AND VOTE

Moved by MOORE

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-028 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 **STIPULATION** that the screening will be installed.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA22-029

Sidwell No. 13-05-356-012, Section 5, Lot 35 with exclusions, "Supervisor's Plat No 33", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

Property Location: 3520 Whitfield Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: Jerry Wert

Applicant or representative present: Jerry Wert

Chairman Zuehlke stated the nature of the request and that a previous variance in 2001 stipulated that a home was supposed to be built at the site, but it never was built.

Jerry Wert stated the garage is already there and they are now ready to build the home.

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

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. PZBA22-029 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA22-030

Sidwell No.13-36-202-030, Section 36, Lots 555 & 556, "Huron Gardens No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 13.5 ft. variance from Section 2-508.A to allow the proposed ground sign to be located 1.5 ft. from the south right-of-way. (15 ft. minimum required)

Property Location: 1116 Voorheis Rd
Property Zoned: C-1, Neighborhood Business
Applicant: David Bowen

Applicant or representative present: David Bowen

David Bowen stated that they are re-applying and asking for a 13.5 ft. variance instead of 14 ft. to install a monument sign. He stated it will be one foot from the property line and the drive off Voorheis Rd. is an entrance only. The exit off the property is on Waterly Rd., at the north end of the property. He did not feel the proposed sign would cause a vision issue. He referenced a stone wall near the Waterly Ave and Voorheis Rd intersection that was more of an obstruction.

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

Chairman Zuehlke was concerned about the traffic. He felt that if the existing shrubs were remove, they could locate the sign further away from Voorheis Rd. and meet setbacks.

Mr. Bowen indicated all the shrubs would need to be moved and it would be hard to see the sign around the existing stone wall.

Board Member Moore stated his concern regarding clear vision if the sign was constructed.

Mr. Bowen stated the sign would be at the same place the existing tree, which he felt was already causing an obstruction.

Board Member Moore said that you can see between the tree and the shrub but if the sign is there you couldn't see.

Mr. Bowen said because of the curve you cannot see anyways.

Board Member Moore stated it would be even worse.

Board Member Hauswirth stated it would be an accident waiting to happen.

Mr. Bowen asked for a setback limit if this is denied.

Board Member Moore stated that if the sign was 10 ft. back from the property line he could support the request.

Board Member Schneider expressed his support for a 10 ft. setback.

MOTION AND VOTE

*Moved by **MOORE***

*Supported by **HOFFMAN**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-030 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 **STIPUATION** that the proposed ground sign be located 10. ft. from the south right-of-way.*

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

VII. Discussions

VIII. All Else

IX. Public Comment

X. **Meeting adjourned at 4:40 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
Phone: (248) 674-6240

Case No. PZBA22-019

Property: 1136 Edgeorge St
Applicant: Anna Denny
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicant is requesting a variance to allow the proposed addition to be located 25 ft. from the front property line where a minimum setback of 35 ft. is required. The applicant previously received a variances on July 16, 2019 to allow the house to be located 30 ft. from the front property line (see attached minutes). Proposed construction documents were not provided at the April 19, 2022 meeting and the request was tabled. The applicant has since submitted those drawings for review by the Board (see packet info).

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. PZBA22-019 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. PZBA22-019 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. PZBA 22-023

Property: 3824 Elizabeth Lake Rd
Applicant: AMAG, LLC (Charles Sawdon)
Zoning: C-1, Neighborhood Business
Site Use: Office
Proposal: Addition

Analysis

The applicant is requesting a variance to construct an addition onto the existing building. The proposed addition is shown to be two-stories, where the limit for the zoning district is one-story. Based upon this additional story request, a variance for height would also be required (20 ft. maximum – 22.5 ft. proposed). Additionally, a variance from the side yard property line is also required. A 15 ft. minimum setback is required, while the request is to be located 10 ft. from the side yard property line. The proposed addition will maintain the same side yard setback as the existing accessory building and the same front setback as the primary building.

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. PZBA22-023 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. PZBA22-023 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. PZBA22-024

Property: 1455 (Vacant) S Williams Lake Rd

Applicant: Patrick Lloyd

Zoning: C-UL, Union Lake Business

Site Use: Currently Vacant

Proposal: Electric Vehicle Charging Station

Analysis

The applicant is requesting variances to allow for the construction of an electric vehicle charging station on the subject property. The proposed structure is shown to be located 6 ft. from the north side property line and 3 ft. from the south side property line, where a minimum setback of 15 ft. is required. The proposed structure is also shown to be located 3 ft. from the east rear property line, where a minimum setback of 20 ft. is required. Planning staff have stated they are not opposed to the proposed plan, pending ZBA approval.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-024 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. PZB22-024 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. PZBA22-025

Property: 5300 Dixie Hwy
Applicant: Abraham Mchameck (4 Tech Signs)
Zoning: C-4, Extensive Business

Site Use: Retail

Proposal: Sign

Analysis

The applicant is requesting variances to construct a new sign at the subject property. They are proposing to replace the existing sign. The existing sign is shown to have a height of 25 ft. The proposed sign is shown to have a height of 19.2 ft. The maximum height allowed for the subject property is 15 ft. In addition, the proposed sign is shown to have an area of 339 sq. ft. where 200 sq. ft. maximum is allowed. The proposed sign is shown to meet setback and clear vision minimums.

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. PZBA22-025 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. PZBA22-025 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. PZBA22-026

Property: 4795 Dixie Hwy

Applicant: API – Architectural Planners Incorporated

Zoning: C-3, General Business

Site Use: Restaurant and/or retail establishment

Proposal: One (1) year extension on a previously granted extension of variances (building/property renovation with reduced greenbelt areas)

Analysis:

The following request (see below) was approved by the Zoning Board of Appeals at the May 17, 2016 meeting. The ordinance states the timeframe for acting upon and implementing variances granted shall be one calendar year after the date of approval. The applicant asked for a two (2) year extension on the variances that were previously granted at the June 20, 2017 to allow them to be valid until May 17, 2019. However, the applicant indicated that the original tenant's deal fell through and that they were seeking other opportunities for the property. On May 17, 2021 applicant requested an additional two (2) year extension to allow the variance to be valid until May 17, 2021. The applicant came back again to request an additional one (1) extension of the timeframe previously granted to allow the variances to be valid until May 17, 2022. That variance is soon to expire. The applicant is requesting an additional one (1) year extension on the previously approved extension to all the original variances to be valid until May 17, 2023.

Original request (May 17, 2016):

The applicant is proposing to renovate the existing building, which was previously the "Donut Delight" restaurant on Dixie Hwy. Their intention is to provide restaurant and/or retail space for two tenants. On April 12, 2016 the plan came before the Planning Commission for a conceptual plan review. The Planning Commission provided favorable feedback regarding the proposed design, including the reduced greenbelt areas, which require variances. It was stated that the Planning Commission would support the requested variances and what was proposed would be an improvement to what is currently there.

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. PZBA22-026 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. PZBA22-026 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. PZBA22-027

Property: 943 Boston Ave
Applicant: Sharon Jenks
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicant is requesting a variance to construct an addition on the rear of the house. The proposed addition is shown to be located 31 ft. from the rear property line, where a minimum setback of 35 ft. is required. The existing house is non-conforming in that it is shown to be located approximately 34 ft. from the rear property line. The proposed addition will be approximately 3 ft. closer to the rear property line than the existing house.

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. PZBA22-027 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. PZBA22-027 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. PZBA22-028

Property: 4381 Forest Ave
Applicant: John & Judith Helmuth
Zoning: R-1C, Single-Family Residential

Site Use: Single Family Residential

Proposal: Generator

Analysis

The applicants are requesting a variance to allow for the placement of a generator within the required side yard setback. The zoning of the subject property requires a minimum setback of 5 ft. from the side yard property line for the proposed generator. The applicant is requesting a 2.8 ft. variance to allow for the generator to be placed 2.2 ft. from the side yard property line. Based upon the proximity to the property line, a variance from the screen requirement is also requested. The applicants have submitted a letter of support from the adjacent property owner.

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. PZB22-028 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. PZBA22-028 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. PZBA22-029

Property: 3520 Whitfield Dr
Applicant: Jerry Wert
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

Analysis

The applicant is requesting a variance to construct a new house at the subject property. In August 2001, a variance was granted to allow the existing detached garage to remain on the subject property with the stipulation that a house was constructed on the property. This never occurred. The applicant is proposing to construct a house and attaching to the existing garage. The propose house meets the minimum setback requirements. However, the existing garage is nonconforming and the proposed house would be considered expansion of the nonconformity, requiring a variance.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-029 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. PZBA22-029 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. PZBA22-030

Property: 1116 Voorheis Rd
Applicant: Assist 1 Medical Staffing LLC
Zoning: C-1, Neighborhood Business
Site Use: Medical Care Office
Proposal: New sign

Analysis

The applicant is requesting a variance to construct a new sign at the subject property. They were before the Board on April 19th, 2022 and were denied their request (see review below). The applicant has modified the plan to allow for a setback of 1.5 ft. from the south right-of-way, requiring a variance of 13.5 ft (the previous location showed a setback of 1 ft. from the south right-of-way). They have also modified the sign area to eliminate the need for a variance for the message board that was previously requested.

April 19, 2022 Meeting - Staff Review

The applicant is proposing to construct a new monument sign at the subject property. The sign in shown to be located 1.0 ft. from the south right-of-way (15 ft. minimum required). The applicant has been working with Township staff regarding the location so that the sign would not be within the clear vision triangle (see site plan). Additionally, a variance is need for the sign message board. The sign message board is the portion of the sign that provides a changeable message (either digitally or manually). The ordinance does not allow this area to occupy more than 50% of the sign area (prior to 2021, this area could occupy 100% of the sign). The total sign area is 39.6 sq. ft., which would allow for a 19.8 sq. ft. message board. The applicant is showing the message board area on the proposed sign at 22.4 sq. ft. If the applicant constructed a sign at the maximum size for the subject property (50 sq. ft.), the sign message board could be 25 sq. ft. and a variance would not be needed. However, since the

proposed sign is smaller than the maximum allowed, it reduces the area for the message board. The proposed sign meets all other ordinance requirements.

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. PZBA22-030 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. PZBA22-030 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: _____)