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**CHARTER TOWNSHIP OF WATERFORD  
NOTICE OF ZONING BOARD OF APPEALS REGULAR MEETING**

Based on the COVID-19 Local State of Emergency declared and confirmed as continuing by Resolution of the Board of Trustees on December 9, 2020, **this meeting will be held by electronic remote access that provides 2-way telephone or video conferencing** as permitted by the Open Meetings Act as amended by Public Act No. 254 of 2020, and the Electronic Remote Meeting Procedures approved by Resolution of the Board of Trustees on December 9, 2020.

The public may participate in each meeting through GoToMeeting by computer, tablet or smart phone using the following link:

<https://global.gotomeeting.com/join/423683333>

You can also dial in using your phone.

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

Access Code: 423-683-333

I. Call the Meeting to Order

Chairman Zuehlke called the meeting to order at 4:00p.m.

II. Roll Call

Present: David Zuehlke, Chairman, Waterford, MI  
Marie Hauswirth, Board Member, Waterford, MI  
Todd Hoffman, Board Member, Waterford, MI  
Rick Schneider, Board Member, Waterford, MI  
Todd Bonnavier, Board Member, Waterford, MI  
Stan Moore, Vice Chairman, Waterford, MI  
Sue Camilleri, Alternate Board Member, Waterford, MI

Absent: Steve Reno, Board Member recently passed away

Also Present: Stacy St. James, Environ. And Housing Rehab Coordinator  
Amy Williams, Departmental Aide both remote from Waterford, MI

General Public: Approximately 7

III. Approve the Minutes of the April 20, 2021, regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by Moore*

*Supported by Bonnavier; RESOLVED to APPROVE the Minutes of the March 16, 2021 Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

**(7-0).**

- IV. Approve the Agenda of the May 18, 2021, regular meeting of the Zoning Board of Appeals.

**MOTION AND VOTE**

*Moved by Camilleri*

*Supported by Bonnavier; RESOLVED to APPROVE the Agenda of the May 18, 2021 Zoning Board of Appeals Meeting.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

**(7-0).**

- V. Old Business

- VI. New Business

**Case No. PZBA21-022**

**Sidwell No. 13-34-278-001**, Section 34, Lot 40, "Elizabeth Lake Estates No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 15.0 ft. variance from Section 3-900 to allow the proposed addition to be located 20.0 ft. from the east rear property line. (35 ft. minimum required)
2. A 13.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 19.0 ft. from the east rear property line. (32 ft. minimum required)
3. A 22.0 ft. variance from Section 3-900 to allow the existing detached accessory building to be attached and remain 13.0 ft. from the east rear property line. (35 ft. minimum required)
4. A 20.0 ft. variance from Section 2.104.2 to allow the existing roof eave and gutter to remain 12.0 ft. from the east rear property line. (32 ft. minimum required)
5. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

**Property Location:** 761 Lakeside Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Linda & Tony Portelli

Applicant or representative present: Linda & Tony Portelli (remote from Waterford, MI)

**Mr. Portelli** stated that they wished to add a first floor master bedroom and laundry to eliminate steps as they get older.

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

**Board Member Camilleri** questioned if the existing shed would be taken down as part of this request.

**Mr. Portelli** replied that it is not a shed, but a garage. The addition will connect the garage to the house.

### **MOTION AND VOTE**

*Moved by Hauswirth*

*Supported by Moore; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-022 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 BY ROLL CALL VOTE.**

**(7 - 0)**

### **Case No. PZBA21-023**

**Sidwell No. 13-34-202-013**, Section 34, Lot1, "Randgate Park No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 15.4 ft. variance from Section 3-901 Footnote 4 to allow the proposed sunroom addition to be located 55.6 ft. from the southwest lakefront shoreline. (71 ft. minimum required for subject property)
2. A 13.4 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 54.6 ft. from the southwest lakefront shoreline. (68 ft. minimum required for subject property)
3. A 2.77 ft. variance from Section 3-900 to allow the proposed sunroom addition to be located 2.23 ft. from the northwest side property line. (5 ft. minimum required)
4. A 3.77 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 1.23 ft. from the northwest side property line. (5 ft. minimum required)
5. A 13.4 ft. variance from Section 2-104.3 to allow the proposed deck to be located 47.6 ft. from the southwest lakefront shoreline. (61 ft. minimum required for subject property)

6. A 2.77 ft. variance from Section 3-900 to allow the proposed deck to be located 2.23 ft. from the northwest side property line. (5 ft. minimum required)

**Property Location:** 600 Grixdale Ln  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** D & W Windows & Sunrooms

Applicant or representative present: Gary Minto of D & W (remote from Davison, MI); Nick Gonzales, owner (remote from Waterford, MI)

**Mr. Gonzales** said that he and his wife are recent empty nesters, and they love this area. They are downsizing a bit, but this addition would provide more living space. They back up to a park and do not feel like it would affect the surround area. They also felt the improvement would raise the property value and add to the neighborhood.

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

**Board Member Moore** questioned if they were removing the existing deck and if they would be adding one later.

**Mr. Gonzales** stated that the lower deck would remain and they would be removing the upper deck and stairs only.

#### **MOTION AND VOTE**

*Moved by Moore*

*Supported by Camilleri; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA21-023 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.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

**(7 - 0)**

#### **Case No. PZBA21-024**

**Sidwell No. 13-08-326-005**, Section 8, Lot 9, "Whitfield Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 6.9 ft. variance from Section 3-901 Footnote 4 to allow the proposed sunroom to be located 48.1 ft. from the west lakefront shoreline. (55 ft. minimum required for subject property)
2. A 4.9 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 47.1 ft. from the west lakefront shoreline. (52 ft. minimum required for subject property)

3. A 0.9 ft. variance from Section 2-104.3 to allow the proposed stairs to be located 44.1 ft. from the west lakefront shoreline. (45 ft. minimum required for subject property)
4. A 1.0 ft. variance from Section 3-900 to allow the proposed stairs and walkway to be located 4.0 ft. from the south side property line. (5 ft. minimum required)

**Property Location:** 2947 Lansdowne Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Marianne Uhley

Applicant or representative present: Marianne Uhley (remote from Waterford, MI)

**Ms. Uhley** just purchased the property and felt that a screened porch would be more appealing than a temporary structure. It would add to the usable living space of the current house. It will project slightly more than the existing deck. She felt the covered porch would add to the property value and neighborhood aesthetics.

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

**Board Member Moore** questioned if there was a plan to replace the deck in the future.

**Ms. Uhley** stated they were just planning to construct the sunroom.

#### **MOTION AND VOTE**

*Moved by Camilleri*

*Supported by Moore; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-024 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 BY ROLL CALL VOTE.**

**(7 - 0)**

#### **Case No. PZBA21-025**

**Sidwell No. 13-30-476-015**, Section 30, E ½ of Lot 29, "Supervisor's Plat No 53", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 3.9 ft. variance from Section 3-900 to allow the proposed addition to be located 6.1 ft. from the north side property line. (10 ft. minimum required)
2. A 1.9 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 5.1 ft. from the north side property line. (7 ft. minimum required)

3. A 9.6 ft. variance from Section 3-900 to allow the proposed addition to be located 25.4 ft. from the west rear property line. (35 ft. minimum required)
4. A 7.6 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 24.4 ft. from the west rear property line. (32 ft. minimum required)
5. A 96.0 sq. ft. variance from Section 3-302.3.A(10) to allow the existing attached accessory building and proposed attached accessory building addition to have a combined floor area of 1540 sq. ft. (1444 sq. ft. maximum allowed)
6. 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:** 760 S Hospital Rd  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** John Green, Builder

Applicant or representative present: John Green (remote from Waterford, MI); Jeff & Diana Hill, owners (remote from Waterford, MI)

**Mr. Hill** said that without a basement, they have a need for storage. They are currently filling up two bedrooms with storage and would like to use them as bedrooms. They also have classic cars being stored in the yard and have addressed previous complaints regarding the cars. He felt it would help clean up the yard and provide them with the needed storage.

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

**Board Member Bonnivier** asked if the existing shed would be removed.

**Mr. Hill** said that it could be removed if needed.

#### **MOTION AND VOTE**

*Moved by Bonnivier*

*Supported by Hauswirth; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-025 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, due to the corner lot, with the STIPULATION that the shed be removed.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

**(7 - 0)**

**Case No. PZBA21-027**

**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 June 18, 2019 to be valid until May 17, 2022.

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

Applicant or representative present: Alan Hall (remote from Waterford, MI)

**Chairman Zuehlke** questioned if this space was rented.

**Mr. Hall** stated that it was not, but they were currently under contract to sell.

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

**Board Members** agreed that they would like to see this property re-developed.

#### **MOTION AND VOTE**

*Moved by Moore*

*Supported by Hauswirth; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-027 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 BY ROLL CALL VOTE.**

**(7 - 0)**

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 4:30p.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. To provide for orderly public participation, a person wishing to speak must first state their name. Second, they must identify that they are participating remotely and state the city, township, village or country and state from which they are attending. Then they may request to be

recognized by the Chairperson of the meeting. 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 Housing and 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. PZBA21-022**

**Property:** 761 Lakeside Dr  
**Applicant:** Linda & Tony Portelli  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicants are proposing to construct an addition on their existing house. The addition is shown to attach their house to their existing detached garage, becoming attached. The subject property is a corner lot, with a a front yard on both Lakeside Dr and Hazelett Dr. The detached garage is non-conforming with regards to the required setback from Hazelett Dr. However, the setback from the east rear property line is conforming. Once the garge is attached, the required rear yard setback changes and variances are required, even though the garage is remaining in the same location. Additionally, the proposed addition does not meet the required east rear yard setback requirement. However, it will be set back further from the rear yard property line than the existing garege.

*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. PZBA21-022 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. PZBA21-022 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. PZBA21-023**

**Property:** 600 Grixdale Ln  
**Applicant:** D & W Windows & Sunrooms  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Sunroom and deck

**Analysis**

The applicant is requesting a variance to construct a sunroom and deck on the existing house. The applicant has identified that they would be constructing the sunroom. The deck would be constructed at a later time. The applicant knew variances would be required for both, so they applied for both at this time. The existing house is nonconforming with regards to the northwest side yard property line (shown at 0.6’ when a 5’ minimum is required). The sunroom and deck are shown to maintain a greater distance from the side yard, but still require a variance (proposed at 2.23’ with a 5’ minimum required). The house is also shown to encroach into the required lakefront setback as well. The minimum setback is based upon the average setback of the houses within 200’ of the subject property. The minimum setback is 71’ (61’ would be required for the deck). The sunroom is shown to be located 55.6’ from the lakeshore. The deck is shown to be located 47.6’ from the lakefront shoreline.

*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. PZBA21-023 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. PZBA21-023 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. PZBA21-024**

**Property:** 2947 Lansdowne Rd  
**Applicant:** Marianne Uhley  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Sunroom and stairs/walkway

**Analysis**

The applicant is proposing to construct a sunroom at the subject property. The sunroom will be located on the lakefront side of the house. Based upon the average setback of the houses within 200’ of the subject property, the minimum setback for the proposed sunroom is 55’. It is shown to be located 48.1’ from the lakefront shoreline. In addition, the applicant is proposing to construct stairs and a walkway along the south side of the house, towards the lake. The stairs/walkway are shown to

be located 4’ from the side yard property line, where a minimum setback of 5’ is required. The stairs are also shown to wrap around the proposed sunroom, encroaching into the required lakefront setback, requiring a variance (shown at 44.1’, with a minimum setback of 45’ 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. PZBA21-024 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. PZBA21-024 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: \_\_\_\_\_ )*

**Property:** 760 S Hospital Rd  
**Applicant:** John Green, Builder  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition

**Analysis**

The applicant is proposing to construct an addition on to the existing house. The addition is shown to be cold storage. The addition is shown to be located 6.1' from the north side property line, where a 10' minimum setback is required. The addition is shown to be located 25.4' from the west rear property line, where a 35' minimum setback is required. Additionally, the existing garage is shown to be 868 sq. The proposed addition is shown to be 672 sq ft, for a combined area of 1540 sq ft (1444 sq ft maximum allowed, 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. PZBA21-025 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. PZBA21-025 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. PZBA21-027**

**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 are currently 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. This variance is soon to expire. The applicant is 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.

**Original request:**

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. PZBA21-027 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. PZBA21-027 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: \_\_\_\_\_ )*