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

II. Roll Call
Present:    David Zuehlke, Chairman
            Stan Moore, Vice Chairman
            Karen Joliat, Secretary
            Todd Hoffman, Board Member
            Todd Bonnivier, Board Member
            Steve Reno, Board Member
            Colleen Murphy, Board Member

General Public:   Approximately 30

Also Present:   Stacy St. James, Environ. and Housing Rehab Coordinator
                Amy Williams, Administrative Specialist
                Larry Lockwood, Superintendent/Planning
                Scott Alef, Planner II
                Gary Dovre, Township Attorney
                Rob Merinsky, Director/Engineering
                Brent Gibson, Superintendent/Building

III. Approve the Minutes of the May 21, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE
Moved by Reno
Supported by Joliat; RESOLVED to APPROVE the Minutes of the May 21, 2019 meeting as printed.
MOTION CARRIED UNANIMOUSLY
(7-0)

IV. Approve the Agenda of the June 18, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE
Moved by Moore
Supported by Joliat; RESOLVED to APPROVE the Agenda of the June 18, 2019 meeting.
MOTION CARRIED UNANIMOUSLY
(7-0)
V. Old Business

**Case No. 5461-A**


**Property Location:** 3665 Lake Front St  
**Property Zoned:** R-1C, Single-Family Residential

In response to an appeal by Larry Landmesser in Oakland County Circuit Court Case No. 2019-172947-AA, from the Zoning Board of Appeals decisions on November 22, 2016 in Case No. 5461, and February 19, 2019 in Case No. 5461-A, that granted variances for the property at 3665 Lake Front Street, the following has been remanded by the Circuit Court to the Zoning Board of Appeals in order to make findings on the variance review standards in the Township Zoning Ordinance based on evidence in its records for the decisions that have been appealed, and any evidence or argument on those standards that may be presented at or for the hearing, regarding the following variances from the indicated Zoning Ordinance Sections that were granted by the Zoning Board of Appeals on February 19, 2019, in Case No. 5461-A:

1. A 18.92 ft. variance from Section 3-901, Footnote 4, to allow the proposed house to come to within 44.08 ft. of the southeast lakefront property line. (63 ft. minimum required for the subject property)
2. A 22.0 variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 38.0 ft. of the southeast lakefront property line. (60 ft. minimum required for the subject property)
3. A 5.0 ft. variance from Section 3-900 to allow the proposed house to come to within 30.0 ft. of the northwest lake rear property line. (35 ft. minimum required)
4. A 8.25 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 23.75 ft. of the northwest lake rear property line. (32 ft. minimum required)
5. A 2.75 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 2.25 ft. of the northeast side yard property line. (5 ft. minimum required)
6. A 2.75 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 2.25 ft. of the southwest side yard property line. (5 ft. minimum required)
7. A 1,404 sq ft (9%) variance from Section 3-901 Footnote 2.B(1)(B) to allow the propose house and its impervious surfaces to encompass a total area of 9,319 sq. ft. (59%). (7,915 sq ft (50%) maximum impervious surface allowed for the subject property)

Applicant or representative present: Clarence Dass, Attorney for Naimi’s
Clarence Dass, representative for the Naimi’s, indicated that the current situation is unique, in that the variances were approved in 2016 and again in 2019. A court decision requires the requests to be heard by the Board once again so that the requests can be clarified. He indicated that the neighboring property owner, Mr. Landmesser, spoke regarding the requests at both hearings. The requests were approved by the Board. The owner relied on these decisions and proceeded as approved by demolishing the existing home and starting redevelopment. This redevelopment has been delayed due to the circuit court decision to bring this back before the Zoning board for clarification. He expressed concerns over added development costs. He spoke regarding each variance requested and how those are consistent with houses in the area. He further stated that their engineer has re-evaluated the plans and can eliminate variance #7 as they found a way to reduce the impervious surface area with the type of driveway that will be installed.

Chairman Zuehlke questioned staff on the review of the previous plans with regards to possible drainage issues.

Mr. Merinsky stated that a plot plan was initially submitted in January. It was revised shortly after per staff’s comments and resubmitted. He indicated no written approval was granted, but there were no further issues at that time.

Mr. Dass further referenced the letter of support from the neighboring property owners. He indicated making attempts to reach an agreement with Mr. Landmesser and his representatives, but did not hear back from them. He again addressed the reasons for the requested variances and that they were consistent with the neighborhood and did not cause any visual obstruction. He further agreed to reduce the overhang variances from 2.75 to 2.25.

Chairman Zuehlke expressed his concerns with the overhang and questioned if they could be removed/reduced on the side adjacent to Mr. Landmesser.

Lou DeRosier, representative for the Naimi’s, referenced the new material submitted for the remand hearing. He discussed items that related to each of the variance exhibits: V-1) He indicated this shows consistency with the neighborhood. V-2) He indicated this shows how the view would not be impacted. V-3) He indicated this referenced other houses that are set back from the road at a similar distance as what is being requested and that the proposed garage is what is projecting into the required setback. V-4) He indicated the criteria for this was similar to those from the V-3 exhibit. V-5 & V-6) He indicated this shows the house was setback at 6 ft. and that other houses in the area were closer to the side lot than what is being proposed. V-7) He indicated this request was no longer needed, as they would be constructing porous pavers for the driveway, reducing the impervious surface ration to 46%, instead of the requested 59%.

Mr. Dovre interjected to question if they were withdrawing variance requests #5, #6 & #7.
Discussion continued with regards to the variance requests #5 and #6. It appeared that the variances would still be needed, but would be reduced compared to the original request.

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

**Jay Feldman, 3675 Lake Front**, has no issues with this request and said that it only adds value to the neighborhood.

**Ted Owen, 1444 Farmridge**, spoke in favor of this request. He did not feel there was anything wrong with the request and the applicant deserved to have a nice home.

**Julia Thwainey, 3895 Lake Front**, spoke in support of the request.

**Steve Teitel, 3707 Lake Front**, indicate that he had no concerns with drainage and echoed the statement from Mr. Feldman.

**Tom Ryan, representative for Mr. Landmesser of 3605 Lake Front**, indicated his client does not object to the applicant building a new home, but of the variances that would affect his client’s property by causing drainage issues. They were not challenging variance requests #1 and #2. However, he felt that requests #3, #4 and #5 will cause issues. He stated the ordinance requires a 5 ft. setback for the house and eaves. He stated the setback was needed for the swale. He did not feel as if the current plan was sufficient to handle the drainage properly. He felt all the drainage would negatively impact his client and that the applicant needed to eliminate the water from getting to the road. He expressed his biggest concern was with request #5, as it would have the most impact on his client. He stated a swale was needed to direct drainage to the lake. He felt it would be simple, cost effective and low maintenance.

Discussion continued with possible solutions presented. It was suggested by Mr. Dovre to recess the current request so that the engineers and representatives present could discuss possible solutions, and to see if a compromise could be made to satisfy both parties.

**MOTION AND VOTE**

*Moved by Bonnivier*
*Supported by Moore; to RECESS the request to the end of the meeting to allow all parties to discuss possible solutions, and to see if a compromise could be made to satisfy both parties.*

*MOTION CARRIED UNANIMOUSLY*  
(7-0)

After the last case concluded, this case continued.

**Mr. Dovre** stated that the parties have agreed to a concept for a revised drainage plan that would incorporate a swale and trench drain to redirect drainage to the lake, rather
than the road. He indicated they did not come to an agreement concerning the overhang variances. He stated that a 1 ft. overhang would not need a variance, but the applicant indicated they could reduce the overhang from 3.25 ft. to 2.75 ft.

Mr. Ryan agreed with the proposed drainage plan and stated a maintenance agreement should be put in place.

Chairman Zuehlke questioned the maintenance agreement and if it could be enforced.

Mr. Dass also agreed with the revised drainage plan and indicated a 2.25 ft. variance was needed. He felt the drainage would only work with that dimension of an overhang, not with a smaller one.

Mr. Merinsky stated the Township could not enforce a maintenance agreement.

**MOTION AND VOTE**

Moved by Reno

Supported by Joliat; as read before the Board by Township Attorney Gary Dovre that based on the evidence presented for this hearing and the February 19th, 2019 hearing and statements by the applicant and their engineers, it is moved to **AMEND** the February 19, 2019 decision in this case that approved the seven (7) variances requested, to include the following findings on the practical difficulty variance review standards in Section 6-100.5 of the Zoning Ordinance that the Applicant has demonstrated to the satisfaction of the Board, and based on these findings, to affirm the February 19, 2019 decision **EXCEPT**: 1.) For the variances #5 and #6, to **AMEND** the variances granted from 2.75 ft. to 2.25 ft. from the side yard setbacks, which are a standard of 5 ft., and are supported by a trench drain and swale being incorporated on the northeast side property line to address the drainage concerns expressed by the property owner to the east. 2). For variance #7 which, based on the updated architectural site plan, shows an impervious surface that complies with the ordinance standard and is therefore no longer required. With respect to variances #1- #4 which are being affirmed:

A. **Requiring strict compliance with the setback restrictions from which the variances were requested will be unnecessarily burdensome, with this finding based on the following:** The variance exhibits submitted by the applicant demonstrate that the variances will allow construction consistent with other homes in the area.

B. **The variances will do substantial justice to the Applicant, as well as other property owners, with this finding based on the following:** These six variances with the conditions in this motion will allow the applicant to build the same size home as proposed and it has not been shown that this will be unjust to other property owners.

C. **Lesser variances than requested will not give substantial relief to the Applicant and/or be consistent with justice to other property owners, with this finding based**
on the following: These variances, which are less than requested, will provide substantial relief to the applicant and with the conditions in this motion will be consistent to other property owners, including the owner to the east.

D. The need for the variances is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, with this finding based on the following: Being satisfied with the information provided in the application and presented at this meeting that this standard is satisfied.

E. The problem and resulting need for the variances has not been self-created by the applicant and/or the applicant’s predecessors, with this finding based on the following: The variances are being requested for an existing parcel, the dimensions of which were not established by the applicant.

F. The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done.

With the following **CONDITIONS**:

1. The applicant’s engineer will provide a revised drainage/plot plan for Township Engineer approval to include further detail of the side yard swales and trench drain(s) to avoid water run-off on to the property to the east, which shall include a suggested maintenance schedule.

2. The revised drainage/plot plan shall also indicate how discharges from the downspouts and/or sump pump are being addressed. If they discharge to the proposed drain conveying run-off from the trench drains to the lake, then a larger diameter pipe size having the capacity to handle the quantity of flow generated from all sources shall be considered.

3. The revised drainage/plot plan shall note that clean-outs will be installed wherever horizontal bends are incorporated in the drain for maintenance purposes.

4. The revised drainage/plot plan shall include clarification that the side yard swales can be constructed in the side yard areas as indicated by the flow arrows shown on the initial plot plan.

5. The revised drainage/plot plan shall clearly demonstrate how runoff collected in the stone base of the proposed permeable driveway will be conveyed to the lake.

**MOTION CARRIED UNANIMOUSLY**

(7-0)
Case No. PZBA19-006

Sidwell No. 13-30-253-005, Section 30, Lot 61, “Eagle Landing on the Lake”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 4.0 ft. variance from Section 3-900 to allow the proposed attached garage addition to come to within 6.0 ft. of the southwest side property line. (10 ft. minimum required)

Property Location: 7289 Roberta Ln
Property Zoned: R-1A, Single-Family Residential
Applicant: John Gardner

Applicant or representative present: John Gardner

MOTION AND VOTE

Moved by Joliat
Supported by Reno; to UNTABLE Case No. PZBA19-006.
MOTION CARRIED UNANIMOUSLY
(7-0)

Chairman Zuehlke reiterated the concerns that the Board had regarding the request being self-created and asked Mr. Gardner to present his case.

Mr. Gardner said that the structure could not be located in the rear yard due to subdivision requirement’s. He indicated that the slope of the property and electrical lines hinder placement of the garage. He stated that other homes in the neighborhood have three car garages and it would bring property values up. He indicated has support of neighbors and the association.

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

MOTION AND VOTE

Moved by Bonnivier
Supported by Murphy; RESOLVED to APPROVE Case No. PZBA19-006 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

A. The Applicant has satisfactorily demonstrated that requiring strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome, with this finding based on the following: Due to the taper of the property line.
B. The Applicant has satisfactorily demonstrated that the variances will do substantial justice to the applicant, as well as other property owners, with this finding based on the following: The have garnered approval from homeowners association.

C. The Applicant has satisfactorily demonstrated that lesser variances than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners, with this finding based on the following: Due to the lot design and electrical mains.

D. The Applicant has satisfactorily demonstrated that the need for the variances is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, with this finding based on the following: The property is unique with tapered front corner.

E. The Applicant has satisfactorily demonstrated that the problem and resulting need for the variances has not been self-created by the applicant and/or the applicant’s predecessors, with this finding based on the following: Due to the placement of original home on the lot.

F. The Applicant has satisfactorily demonstrated that the spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done, with this finding based on the following: There is still a substantial distance between the proposed structures and existing neighbors’ structures.

**MOTION CARRIED**
(5-2) with board members Reno and Joliat against.

VI. New Business

**Case No. PZBA19-008**

Sidwell No. 13-34-154-008, Section 34, Lot 17 & 18, “Chetolah Shores Sub”, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 14.5 ft. variance from Section 3-900 to allow the existing detached accessory building to be attached and remain 20.5 ft. from the rear property line. (35 ft. minimum required)
2. A 12.5 ft. variance from Section 2-104.2 to allow the existing roof eave and gutter to remain within 19.5 ft. from the rear property line. (32 ft. minimum required)

Property Location: 931 Seyburn Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Michael Epley

Applicant or representative present: Robert Alexander, the owner and Michael Epley, the contractor.

Chairman Zuehlke explained for the public benefit the reason a variance was needed.

Mr. Epley said that the house was originally built as a cottage and is small. The unusual shape of the house made expansion difficult. The easier solution was to attach the house to the existing garage thus creating a non-conforming setback. The house would be no closer to the rear or side yard lines, but the expansion will give them much needed space. A lesser variance would not be possible.

Mr. Alexander stated how the house has been in the family for several years. The growing family size was the need for the improvements in the current house.

Chairman Zuehlke noted that the existing garage footings would have to meet code to attach to the primary structure.

Mr. Epley indicated that they will comply with the building code requirements.

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

MOTION AND VOTE
Moved by Bonnivier
Supported by Joliat; RESOLVED to APPROVE Case No. PZBA19-008 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

A. The Applicant has satisfactorily demonstrated that requiring strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome, with this finding based on the following: Due to the non-conforming design.

B. The Applicant has satisfactorily demonstrated that the variances will do substantial justice to the applicant, as well as other property owners, with this finding based on the following: It will be no closer to the rear property line.
C. The Applicant has satisfactorily demonstrated that lesser variances than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners, with this finding based on the following: It will minimize impact on adjacent neighbors.

D. The Applicant has satisfactorily demonstrated that the need for the variances is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, with this finding based on the following: It is unique to this existing property.

E. The Applicant has satisfactorily demonstrated that the problem and resulting need for the variances has not been self-created by the applicant and/or the applicant’s predecessors, with this finding based on the following: Adding room for comfortable use without encroaching on any new property lines.

F. The Applicant has satisfactorily demonstrated that the spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done, with this finding based on the following: It will give full usefulness of the residence for future occupants.

With the following CONDITION: that the footings be approved by the Building Department.

MOTION CARRIED UNANIMOUSLY (7-0)

Case No. PZBA19-009


Requesting

1. A 4.0 ft. variance from Section 3-900 to allow the proposed attached garage to come to within 6.0 ft. of the south side property line. (10 ft. minimum required)
2. A 3.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.0 ft. of the south side property line. (7 ft. minimum required)

Property Location: 3708 Embarcadero St
Property Zoned: R-1A, Single-Family Residential
Applicant: Larry Gatzmyer

Applicant or representative present: Larry Gatzmyer

Chairperson Zuehlke pointed out that there are only two houses without garages in this neighborhood.

Mr. Gatzmyer said that he has never had a garage. He wished to build one that was large enough to accommodate a car and his motorcycle.

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

Board Member Joliat questioned how long the applicant had owned the property and noted that if he reduced the size, he would not require a variance. She further commented that many residents pay for storage of recreational vehicles.

Mr. Gatzmyer stated he has living in the house since 2003 and that a smaller size garage would not meet his needs and give him the room he needed. He did not feel like a smaller garage would be worth the cost.

Chairman Zuehlke stated that the proposed request was not unique, in that most all the other garages in the area were 5-10 ft. from the property line.

MOTION AND VOTE
Moved by Murphy
Supported by Hoffman; to find that practical difficulties exist and to APPROVE Case No. PZBA19-009 based upon the information presented by the applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the zoning ordinance:

1. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome because the house was built without a garage.
2. The variance will do substantial justice to the applicant and other property owners because it will blend in with neighboring properties.
3. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners because it is a little bit bigger and the owner needs the extra space.
4. The variance is needed due to unique circumstances of the property. This house has no garage and it would be consistent with other homes in the area.
5. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors as it is unique and would not be a burden if there was a garage.
6. The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice because it will give him equal space as other homes on the street.

**MOTION CARRIED**
(5-2) with board members Joliat and Reno against.

**Case No. PZBA19-010**


Requesting a variance from Section 6-100.4.J to extend the timeframe of the validity of the variances granted on May 17, 2016 to be valid until May 17, 2021. (The timeframe for acting upon and implementing variances granted shall be one calendar year after the date of the decision).

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

Applicant or representative present: Alan Hall with API, the owner

**Chairman Zuehlke** commented that when they first applied for a variance they had a tenant ready to move in.

**Mr. Hall** gave a brief recap of issues that resulted in the tenant space falling through. He identified several proposed tenants and how they did not end up working out. He now has a couple of possible occupants, and would like to receive an extension on the variances to proceed with redevelopment.

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

**MOTION AND VOTE**
moved by Moore  
supported by Reno; RESOLVED to grant an EXTENSION of the APPROVAL for Case No. PZBA19-010 until May 17, 2021.  
**MOTION CARRIED** UNANIMOUSLY  
(7-0)

**Case No. PZBA19-011**
Sidwell No. 13-26-201-052, Section 26, N ½ of Lot 41, “Sunny Slope Acres”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting an 356 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 1800 sq. ft. detached accessory building to remain at the subject property. (1444 sq. ft. maximum accessory area for subject property)

Property Location: 380 N Cass Lake Rd  
Property Zoned: R-1A, Single-Family Residential  
Applicant: Daniel Vasquez

Applicant or representative present: Daniel Vasquez

Chairman Zuehlke gave a brief history of the requests. He stated the applicant constructed the building without proper permits, when the applicant knew they were required.

Mr. Vasquez was requesting to keep the building so that he may store all his vehicles inside. He had a proposal to attached the smaller garage to the house and convert it to living space, but he did not feel as if the Board would be in support of this plan. He is requesting that the Board allow him this variance so that he can keep the large building and that he reduced his request with removal of the other garage.

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

Steve Warner, 340 N Cass Lake Rd, questioned the previous request and the resolution from that meeting.

Chairman Zuehlke explained the previous request and that is was denied. He indicated that the applicant was allowed to come before the Board again because the request was a reduction of the previous request. The original request did not consider removal of the smaller garage.

MOTION AND VOTE
Moved by Reno  
Supported by Moore; to DENY Case No. PZBA19-011 in that practical difficulties do not exist in this case and that the request is self-created.  
MOTION CARRIED  
(6-1) with Board Member Bonnivier opposed.

VI. Discussions

VII. All Else

VIII. Public Comment
IX. Adjourn the Meeting

Chairman Zuehlke adjourned the meeting at 5:40pm.
Case No. PZBA19-006

Property: 7289 Robert Ln
Applicant: John Gardner
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage addition

Analysis
The applicant is proposing to construct an addition to the existing attached garage. The proposed addition is shown to come to within 6’ of the side property line. Based upon the zoning of the property, a 10’ minimum setback would be required. The current garage appears to have a size of 400 sq. ft. The proposed addition would add an additional 240 sq. ft., for a total size of 640 sq. ft.

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

ZBA Review Standards
Variance –granting authority shall be exercised in accordance with a ZBA finding of practical difficulties requiring demonstration by the applicant of all of the following:

A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
B. The variance will do substantial justice to the applicant, as well as to other property owners.
C. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
E. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.
F. The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done.”

DRAFT MOTION FOR 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. PZBA19-006 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

1. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
2. The variance will do substantial justice to the applicant and other property owners.


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

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. PZBA19-006 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:

- 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.

NOTES ON MOTION FOR DENIAL:

MUST strike from the Motion the standards the Applicant DID demonstrate.
Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.

Case No. PZBA19-008

Property: 931 Seyburn Ave
Applicant: Michael Epley
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis
The applicant is proposing to construct an addition on the existing house. The proposed addition would connect the existing detached garage to the existing house. Currently, the detached garage meets the zoning requirement at 20.5 ft from the rear property line and 12.8 ft. side property line (5 ft. minimum required for each). However, once the garage is attached, even though there are no improvement proposed to the garage, it is now non-conforming as the minimum required rear setback is 35 ft.
The applicant has provided information addressing the standards listed below on the attached “Supplemental Information” sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

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. PZBA19-008 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

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

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. PZBA19-008 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:
- 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.

NOTES ON MOTION FOR DENIAL:
MUST strike from the Motion the standards the Applicant DID demonstrate.
Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.
Property: 3708 Embarcadero St
Applicant: Larry Gatzmyer
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage

Analysis
The applicant is proposed to construct an attached 24 ft. wide by 28 ft. deep attached garage on the existing house. Currently, there is not a garage at the subject property. The proposed garage is shown to come to within 6 ft. of the side property line. Based upon the R-1A zoning, a minimum 10 ft. side yard setback is required. The proposed request appears to be in keeping with the character with the neighborhood (see aerial photo provided in packet). The houses on either side of the subject property do not meet the 10 ft. minimum side yard setback, based upon the information provided by the applicant. Additionally, most houses in the area appear to enjoy an attached garage 24 ft. to 26 ft. in width. However, a garage with a width of 20 ft. or less could be constructed at the subject property without the need for a variance.

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

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. PZBA19-009 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

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

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. PZBA19-009 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:
- 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.

NOTES ON MOTION FOR DENIAL:
MUST strike from the Motion the standards the Applicant DID demonstrate.
Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.

Case No. PZBA19-010

Property: 4795 Dixie Hwy
Applicant: API – Architectural Planners Incorporated
Zoning: C-3, General Business
Site Use: Restaurant and/or retail establishment
Proposal: Two (2) year extension on previously granted 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. Therefore, the applicant is requesting an addition two (2) year extension to allow the variance to be valid until May 17, 2021.

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

**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. PZBA19-010 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:**

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

**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. PZA19-010 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:**

- 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.

**NOTES ON MOTION FOR DENIAL:**

*MUST strike from the Motion the standards the Applicant DID demonstrate.*
*Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.*

Case No. PZBA19-011

Property: 380 N Cass Lake Rd

Applicant: Daniel Vasquez
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Existing detached garage to remain (remove smaller garage)

Analysis
The applicant originally came before the Zoning Board on June 19, 2018 to allow the newly constructed detached garage and existing detached garage to remain at the subject property (see original review below). A maximum square footage variance was requested and denied. The applicant is now requesting a variance to allow the newly constructed garage to remain, but have the existing smaller garage removed. A maximum square footage variance is still needed, as the garage to remain is 1800 sq. ft (1444 sq. ft. maximum allowed for the subject property). It appears this case has been before the District Court on several occasions.

Original review:
The applicant is requesting a variance to allow the newly constructed detached garage to remain at the subject property. The garage is shown to be 40 ft. by 45 ft. (1800 sq. ft.). In addition, to the new garage, an existing 24 ft. by 32 ft. (768 sq. ft.) garage was already at the site, prior to construction. The maximum accessory structure area for the subject property is 1444 sq. ft. Therefore, an 1124 sq. ft. variance is required. All other zoning requirements are shown to be met.

On March 29, 2018 Township staff verified that the accessory building was built without the required permits. A notice was sent to the property owner, indicating that a permit would be required. They were given until April 27, 2018 to comply. The property owner was made aware that a variance would also be required. A ZBA application was submitted on April 12, 2018. The case was on hold until the applicant received a survey. Once received, the case was place on the next available agenda, which was June 19, 2018.

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

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. PZAB19-011 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:**

1. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
2. The variance will do substantial justice to the applicant and other property owners.
3. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
4. The variance is needed due to unique circumstances of the property.
5. The problem and resulting need for the variance was not self-created by the applicant or
the applicant’s predecessors.

6. The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.

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. PZBA19-011 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:

- 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.

NOTES ON MOTION FOR DENIAL:

MUST strike from the Motion the standards the Applicant DID demonstrate.
Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.