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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 4:02 p.m.

I. Roll Call

II. Present: Dave Zuehlke, Chairman  
Todd Bonnavier, Secretary  
Todd Hoffman, Board Member  
Rick Schneider, Board Member  
Art Frasca, Board Member  
Jerry Frericks, Alternate Board Member

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

Absent: Stan Moore, Vice Chairman  
Marie Hauswirth, Board Member  
Art Frasca, Board Member

Public: Approximately 14

III. Approve the Minutes of the May 17, 2022 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by HOFFMAN*

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

**MOTION CARRIED UNANIMOUSLY**

**(5-0)**

IV. Approve the Agenda of the June 21, 2022 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by HOFFMAN*

*Supported by BONNIVIER; RESOLVED to **APPROVE** the Agenda of the June 21, 2022 Zoning Board of Appeals Meeting as Printed.*

***MOTION CARRIED UNANIMOUSLY  
(5-0)***

V. Old Business

VI. New Business

**Board Member Frasca joined the meeting**

**Case No. PZBA22-031**

**Sidwell No. 13-26-151-008**, Section 26, Lot 140, "Elizabeth Park Acres", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 10.0 ft. variance from Section 3-302.3.A(6) to allow the proposed detached accessory building to be located 10.0 ft. from the northeast lake rear property line. (20 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 9.0 ft. from the northeast lake rear property line. (17 ft. minimum required)

**Property Location:** 307 Lansing Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Julie Higgins

Applicant or representative present: Julie Higgins

**Julie Higgins** stated she is new to the area and would like to build a garage for storage. She felt her property is unique and reference the pictures she submitted. She stated the neighbor's garages are at the same distance or farther back than where hers will be built and the door would be on an side.

**Chairman Zuehlke** questioned the distance from the home to the garage to verify additional variances would not be needed.

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

**Board Member Frasca** asked if they are going to be removing the old shed.

**Ms. Higgins** stated she would be removing the shed.

**Board Member Schneider** asked if the pipe coming out from the shed is marking where the garage would end.

**Ms. Higgins** responded yes, that is what she used to visualize the size.

### **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. PZBA22-031 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**

**(6-0)**

### **Case No. PZBA22-032**

**Sidwell No. 13-01-301-029**, Section 1, Lot 25, "Lake Angelus Lakeview Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 13.2 ft. variance from Section 3-900 to allow the proposed addition to remain 21.8 ft. from the rear property line. (35 ft. minimum setback required)
2. An 11.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 21.0 ft. from the rear property line. (32 ft. minimum required)

**Property Location:** 2622 Costa Mesa Rd  
**Property Zoned:** R-1A, Single-Family Residential  
**Applicant:** Derek Hite

Applicant or representative present: Derek Hite

**Derek Hite** said the existing sunroom was probably not permitted and he would like to redo the structure and raise the slab. He also stated the roof would extend over the sunroom addition, which would be all glass and door walls.

**Board Member Schneider** asked if it would be on a crawl space.

**Mr. Hite** said it would be on 42 in footings, with the slab.

**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. PZBA22-032 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**  
**(6-0)**

**Case No. PZBA22-033**

**Sidwell No. 13-02-101-006**, Section 2, Part of Lot 4, "Lake Oakland Hills", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 3.6 ft. variance from Section 2-104.3 to allow the existing lower deck to remain 1.4 ft. from the north side property line. (5 ft. minimum required)
2. A 2.6 ft. variance from Section 2-104.3 to allow the existing lower deck to remain 2.4 ft. from the south side property line. (5 ft. minimum required)
3. A 10.0 ft. variance from Section 2-104.3 to allow the existing lower deck to remain 35.0 ft. from the east lakefront shoreline. (45 ft. minimum required for subject property)
4. A 4.2 ft. variance from Section 2-104.3 to allow the existing upper deck to remain 0.8 ft. from the north side property line. (5 ft. minimum required)
5. A 5.0 ft. variance from Section 2-104.3 to allow the existing upper deck to remain 0 ft. from the south side property line. (5 ft. minimum required)
6. A 2.0 ft. variance from Section 2-104.3 to allow the existing upper deck to remain 43.0 ft. from the east lakefront shoreline. (45 ft. minimum required for subject property)

**Property Location:** 4396 Lamson Dr  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Maynard & Kimberly Isabell

Applicant or representative present: Maynard & Kimberly Isabell

**Maynard Isabell** stated they are in the process of beautifying the house and the deck, which has been there since 2003. He stated before and after pictures were provided. The variances were needed to maintain the deck and the footprint of what was originally there. He stated some changes were made, such as removal of a catwalk, which will be replaced that with a stairway. A circular stairway on the front of the deck was also removed.

**Chairman Zuehlke** stated the issues could have been address if a building permit was submitted prior to construction.

**Mr. Isabell** said that was not the intent, but they started this during Covid and read online that you only need a permit if it is a new deck. He did not realize a permit was required.

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

**Albert Lipusch, 4400 Lamson Dr** - stated the deck was in violation prior to the current owners. He was concerned with the retaining wall that was built on the common lot line. He did not feel the proposed deck was the same size as what was previously there. He felt it has been extended towards the lake more. He is also concerned with the retaining wall and that it is failing.

**Chairman Zuehlke** asked staff if the retaining wall is their issue or code enforcement.

**Ms. St. James** replied that engineering could look at it.

**Mr. Isabell** stated he had plans to fix the wall, but it is been hard to find a contractor to complete the job.

**Chairman Zuehlke** stated that part of the approval might include bringing the wall into compliance.

**Board Member Bonnavier** asked what the retaining wall is holding up.

**Mr. Isabell** stated there was a deck built over a patio and the retaining wall was next to the patio. However, there is enough room to maintain the wall.

**Ms. Isabell** stated that she does not think there is a safety issue and that ivy roots and weeds have probably moved it.

**Chairman Zuehlke** said there is also an issue with the upper deck projecting over the property line and that it will also need to be brought into compliance.

**Ms. Isabell** stated they did not know that the upper deck was an issue when they bought it. They found out when they had a survey done. She stated they are working with the neighbor on the side of the upper deck.

**Board Member Bonnavier** asked the applicant how they are planning on fixing the upper deck and how much needs to come off.

**Mr. Isabell** stated they would need to remove approximately six inches to comply. He also stated they also have letters of support from neighboring property owners.

**Discussion continued between the Board and the applicants regarding the setback from the lake to the deck and the upper deck encroachment.**

#### **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. PZBA22-033 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 following STIPULATIONS:*

- ***Amend request #5 to permit A 3.0 ft. variance from Section 2-104.3 to allow the existing upper deck to remain 2 ft. from the south side property line. (5 ft. minimum required)***
- ***On the lower deck, remove the decking that extends past the last post towards the lakeside***
- ***Make the necessary repairs to the retaining wall***

**MOTION CARRIED UNANIMOUSLY**

**(6-0)**

### **Case No. PZBA22-034**

**Sidwell No. 13-33-434-036**, Section 33, Lots 1-3, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. An 11.8 ft. variance from Section 3-900 to allow the proposed attached garage to be located 23.2 ft. from the southwest front property line. (35 ft. minimum required)
2. A 9.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 22.3 ft. from the southwest front property line. (32 ft. minimum required)
3. A 9.0 ft. variance from Section 2.104.4 to allow the proposed covered porch to be located 16.0 ft. from the southwest front property line. (25 ft. minimum required)
4. A 0.9 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 4.1 ft. from the west side property line. (5 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:** 5150 Cheyenne Ave  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Marcy Soufrine

Applicant or representative present: Marcy Soufrine & Virgil Manly

**Marcy Soufrine** stated she would like to beautify the property and line up the garage with the house, allowing easier access from the porch.

**Chairman Zuehlke** explained the lot is nonconforming and how that impacts the proposed improvements.

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

**Board Member Frasca** stated that the lot is small and there is not a lot that can be done.

**Chairman Zuehlke** asked Ms. Soufrine about the vacant parcels they own next to this and if they wanted to combine them.

**Ms. Soufrine** stated she does own them but does not want to combine them.

**Virgil Manly** said it made more sense to use this side of home since it couldn't be used for anything else.

**Board Member Bonnavier** asked about the driveway coming off Oregon.

**Mr. Manly** said it would be coming off Oregon to the garage.

#### **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. PZBA22-034 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**

**(6-0)**

#### **Case No. PZBA22-035**

**Sidwell No. 13-17-101-002**, Section 17, Lot 14, "Williams Lake Grove", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 23.5 ft. variance from Section 2-305.A to allow the proposed generator to be located 11.5 ft. from the south lake rear property line. (35 ft. minimum required)
2. A 0.7 ft. variance from Section 2-305.A to allow the proposed generator to be located 4.3 ft. from the west side property line. (5 ft. minimum required)

**Property Location:** 6870 Brightwood Ct  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Ronald & Deborah Ciotti

Applicant or representative present: Ronald & Deborah Ciotti

**Chairman Zuehlke** asked if the generator is going to sit next to the AC unit and if it would be screened.

**Ronald Ciotti** stated it would be located next to the AC and that the existing white fence was theirs.

**Chairman Zuehlke** said they would need to extend the fence to screen the generator.

**Mr. Ciotti** said they would be adding a fence to cover it or shrubbery.

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

### **MOTION AND VOTE**

*Moved by SCHNEIDER*

*Supported by FRASCA; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-035 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**

**(6-0)**

### **Case No. PZBA22-036**

**Sidwell No. 13-15-478-009**, Section 15, Lot 39, "Linnet Park", T3N, R9E, Waterford Township, Oakland County, Michigan

### **Requesting**

1. A 6.2 ft. variance from Section 3-900 to allow the proposed addition to be located 28.8 ft. from the southwest lake rear property line. (35 ft. minimum required)
2. A 4.2 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 27.8 ft. from the southwest lake rear property line. (32 ft. minimum required)
3. A 1.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 3.5 ft. from the northwest side property line. (5 ft. minimum required)
4. A 9.5 ft. variance from Section 2-305.A to allow the proposed generator to be located 25.5 ft. from the southwest lake rear property line. (35 ft. minimum required)
5. A 9.5 ft. variance from Section 2-305.A to allow the proposed a/c unit to be located 25.5 ft. from the southwest lake rear property line. (35 ft. minimum required)
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:** 4054 Lark Ave  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Chris Lukas

Applicant or representative present: Chris Lukas and Rob Clark (Architect - CBI Designs)

**Chairman Zuehlke** questioned if it would be lining up with what is existing.

**Rob Clark** said they are lining up with the existing street side of home and expanding to the west. He stated the existing garage is short and this would expand it.

**Board Member Frericks** questioned if the improvements would be five feet from the west side property line.

**Mr. Clark** stated that was correct.

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

**Board Member Bonnivier** was in support of the request.

**Board Member Hoffman** stated the AC and generator must have the correct clearance from windows.

#### **MOTION AND VOTE**

*Moved by Bonnivier*

*Supported by Frasca; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-036 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**

**(6-0)**

VII. Discussions

VIII. All Else

IX. Public Comment

X. **Meeting adjourned at 4:47 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. PZBA22-031**

**Property:** 307 Lansing Dr  
**Applicant:** Julie Higgins  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Detached Garage

**Analysis**

The applicant is requesting a variance to allow for the construction of a new 400 sq. ft. (20 ft. x 20 ft.) detached garage on the lake rear (road) side of the subject property. Currently there is a shed in the approximate location of the proposed garage. The garage is shown to be located 10 ft. from the right-of-way, where a minimum setback of 20 ft. is required. A variance is also required for the proposed overhang. The proposed garage is shown to meet all other zoning 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. PZBA22-031 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. PZBA22-031 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. PZBA22-032**

**Property:** 2622 Costa Mesa Rd  
**Applicant:** Derek Hite  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Proposed addition

**Analysis**

The applicant is proposing to construct an addition onto the existing house. The proposed addition is shown to be located in place of the current enclosed porch. The proposed addition is shown to maintain the same rear yard setback of 21.8 ft. (35 ft. minimum required). Since the existing porch and foundation are being removed, a variance is needed to construct the addition. A variance for the proposed overhang is also required. All other zoning requirements are shown to be met.

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

**DRAFT MOTION FOR APPROVAL**

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

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-032 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. PZBA22-032 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. PZBA22-033**

**Property:** 4396 Lamson Dr  
**Applicant:** Maynard & Kimberly Isabell  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Decks

**Analysis**

On October 19, 2020 a complaint was received regarding construction of decks at the subject property without a permit. It was determined that a permit was required and the homeowner was notified of this requirement. Work stopped and an application was submitted March 15, 2021. The applicant was notified on August 9, 2021 that variances would be needed. A ZBA application was received May 11, 2022.

Upper and lower level decks did exist at the subject property prior to the construction of the current decks. However, the exact size and setbacks of those previous decks has not been verified.

The applicant is requesting variances to allow the existing decks to remain at the subject property. Based upon the information submitted, variances from both side yard setbacks and the lakefront setback are required. The lower level deck is shown to be located 1.4 ft. from the north side property line (5 ft. minimum required), 2.4 ft. from the south side property line (5 ft. minim required) and 35 ft. from the lakefront shoreline (45 ft. minimum required). The upper level deck is shown to be located 0.8 ft. from the north side property line (5 ft. minimum required) and 43 ft. from the lakefront shoreline (45 ft. minimum required). As for the setback of the upper level deck from the south side property line, based upon the information submitted, the deck encroaches into the adjacent property by 0.7 ft. Therefore, if the Board decided to grant the requested variances, it should be with the stipulation that the upper level deck be reduced in size on the south side so that it does not encroach into the adjacent property. The request has been advertised to allow the deck to remain 0 ft. from the south side property line.

*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. PZBA22-033 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. PZBA22-033 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. PZBA22-034**

**Property:** 5150 Cheyenne Ave  
**Applicant:** Marcy Soufrine  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Attached garage and covered porch

**Analysis**

The applicant is proposing to construct a new attached garage and covered porch on the existing house. The subject property is a small, awkward shaped lot. The depth of the lot is only 70 ft., which does not allow for a building envelope (the minimum front and rear setbacks are each 35 ft.) Therefore, the existing house is nonconforming. The proposed attached garage is shown to be located 23.2 from the southwest front property line (the existing house is shown to be located 26.1 ft. from the southwest front property line). The proposed covered porch is shown to be located 16.0 ft. from the southwest front property line. Additional variances are needed for the proposed roof eaves and gutters.

*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. PZBA22-034 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. PZBA22-034 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. PZBA22-035**

**Property:** 6870 Brightwood Ct  
**Applicant:** Ronald & Deborah Ciotti  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Generator

**Analysis**

The applicants are proposing to install a new generator at the subject property. The generator is shown to be located near an existing a/c unit. The generator is shown to be located 4.3 ft. from the west side property line and 11.5 ft. from the lake rear (road) property line (the existing house is shown to be located 12 ft. from the lake rear property line, so the proposed generator would only project 0.5 ft.

beyond the house). The applicants are not requesting a variance from the screening requirements as the proposed location would still allow for screening to be installed.

*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. PZBA22-035 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. PZBA22-035 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. PZBA22-036**

**Property: 4054 Lark Ave**



**Applicant:** Chris Lukas  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Addition and generator

**Analysis**

The applicant is proposing to construct an addition on the existing house and install a generator unit at the subject property. The proposed addition is shown to be located 28.8 ft. from the lake rear (road) property line (35 ft. minimum required). The existing house is shown to be located 29.6 ft. from the lake rear (road) property line. Additional variance are needed for the associated roof eaves and gutters. Also, a variance to install a new generator within the lake rear (road) yard is also being requested. The proposed generator is shown to be located 25.5 ft. from the lake rear (road) property line, where a minimum setback of 35 ft. is required. The generator is shown to be located near an existing a/c unit. The applicant is not requesting a variance from the screening requirements as the proposed location would still allow for screening to be installed.

*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. PZBA22-036 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. PZBA22-036 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: \_\_\_\_\_ )*  
\_\_\_\_\_