I. Swearing in of Board Members
Township Clerk, Kimberly F. Markee, swore in members of the Board

II. Call the Meeting to Order
Chairman Zuehlke called the meeting to order at 4:00 p.m.

III. 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

Absant: Colleen Murphy, Board Member

General Public: Approximately 25

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

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

MOTION AND VOTE
Moved by Joliat
Supported by Reno; RESOLVED to APPROVE the Minutes of the June 18, 2019 meeting as printed.
MOTION CARRIED UNANIMOUSLY
(6-0)

V. Approve the Agenda of the July 16, 2019, regular meeting of the Zoning Board of Appeals as amended.

MOTION AND VOTE
Moved by Moore
Supported by Reno; RESOLVED to APPROVE the AMENDED Agenda of the July 16, 2019, meeting moving Case No. PZBA19-015 to first on the agenda under New Business
MOTION CARRIED UNANIMOUSLY
(6-0)

VI. Old Business

VII. New Business

Case No. PZBA19-015

Sidwell No. 13-07-441-009, Section 7, Lot 11 & S ½ of Lot 12, "Ideal Country Club", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 1.0 ft. variance from Section 2-305.A to allow the proposed air conditioning unit to come to within 4.0 ft. of the north side property line. (5 ft. minimum required)

Property Location: 2823 Swain
Property Zoned: R-1C, Single-Family Residential
Applicant: Gary Ponagajba

Applicant or representative present: Gary Ponagajba

Mr. Ponagajba stated that he was unaware when requesting the first variances that a variance for setbacks was also required for an A/C unit. The home is 7’ from the property line and he would only need a 1’ variance for the unit. He indicated that most houses in the neighborhood have the A/C units on the side of the property to lessen the sound traveling across the water.

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

MOTION AND VOTE
Moved by Reno
Supported by Moore; RESOLVED to find that practical difficulties exist and to approve the variance requested in ZBA Case No. PZBA19-015 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 have been met:

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

MOTION CARRIED UNANIMOUSLY (6-0)

Case No. PZBA19-012

Sidwell No. 13-10-437-021, Section 10, Lots 37 & 38 with exclusions, “Supervisor’s Plat No 20”, T3N, R9E, Waterford Township, Oakland County, Michigan

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

Property Location: 4180 Dixie Hwy
Property Zoned: C-2, Small Business
Applicant: Leo Huantes, Jr

Applicant or representative present: Leo Huantes, Jr.

Mr. Huantes stated that his business has expanded and he wishes to put an addition on his building, utilizing an existing footing. The proposed addition would be set over further from the side property line than the existing building.

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

Board Member Reno felt that a 240 sq. ft. addition, which would conform to ordinance requirements, was not a viable size. He felt the request made sense. He also confirmed that parking would still be adequate, even with the addition.

MOTION AND VOTE

Moved by Joliat
Supported by Moore; RESOLVED to find that practical difficulties exist and to approve the variance requested in ZBA Case No. PZBA19-012 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 have been met:

A. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.

B. The variance will do substantial justice to the applicant and other property owners in that the proposed addition makes the building more conforming than the current building.

C. A lesser variance than requested would not give substantial relief to the applicant or be consistent with justice to other property owners

D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.

MOTION CARRIED UNANIMOUSLY
(6-0)

Case No. PZBA19-013

Sidwell No. 13-21-252-001, Section 21, Lot 160, “Holiday Farms No 3”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 5.0 ft. variance from Section 3-900 to allow the proposed house to come to within 30.0 ft. of the south front property line. (35 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 29.0 ft. of the south front property line. (32 ft. minimum required)
3. A 155 sq. ft. variance from Section 3-900 to allow the propose house to have a minimum floor area of 945 sq. ft. (1100 sq. ft. minimum required)

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

Applicant or representative present: Anna Denny

Ms. Denny stated that she has two possible variance request scenarios: 1.) A variance to allow a smaller structure (945 sq. ft.) would not need setback variances. 2.) A setback variance to build a structure that complies with the minimum sq. ft. structure. She stated these requests are so the structure does not encroach into the wildlife habitat and floodplain.

Chairperson Zuehlke questioned why she could not meet the minimum structure size.

Ms. Denny replied that she considered that she might want to add a garage in the future and this allowed room for the required setback from the neighboring property. She felt it would be more problematic to meet setbacks to make the home positioned more horizontally.

Chairperson Zuehlke questioned whether a larger house could be build. He felt the side yard was large enough to accommodate a larger house.
Ms. Denny stated that a larger home was not desirable. They were trying to keep costs low. The proposed house was a modular house.

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

Chairperson Zuehlke expressed his concern with the size of the proposed house.

Board Member Reno agreed regarding the size of the proposed house.

Board Member Moore clarified the two scenarios and the variances that would and would not be needed.

**MOTION AND VOTE**

Moved by Zuehlke
Supported by Reno; RESOLVED to **find that practical difficulties exist and to APPROVE variances No. 1. and No. 2. in ZBA Case No. PZBA19-013** 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 have been met:

A. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.

B. The variance will do no substantial justice to the applicant and other property owners in that the proposed addition makes the building more conforming than the current building.

C. A lesser variance than requested would not give substantial relief to the applicant or be consistent with justice to other property owners

D. The variance is needed due to unique circumstances of the property.

E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.

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

**MOTION CARRIED UNANIMOUSLY**

(6-0)

**MOTION AND VOTE**

Moved by Moore
Supported by Joliat; RESOLVED to **find that practical difficulties do not exist and to DENY variance No. 3. in ZBA Case No. PZBA19-013** 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.

*MOTION CARRIED UNANIMOUSLY*

(6-0)

**Case No. PZBA19-014**

Sidwell No. 13-21-477-001, Section 21, Lot 3, "Pheasant Ridge", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. An 18.0 ft. variance from Section 3-900 to allow the propose house to come to within 17.0 ft. of north front property line. (35 ft. minimum required)
2. A 16.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 16.0 ft. of the north front property line. (32 ft. minimum required)
3. A 10.0 ft. variance from Section 3-900 to allow the proposed house to come to within 25.0 ft. of the west front property line. (35 ft. minimum required)
4. An 8.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 24.0 ft. of the west front property line. (32 ft. minimum required)

**Property Location:** Vacant Corner of Hickory Ln & Pheasant Rd
**Property Zoned:** R-1B, Single-Family Residential
**Applicant:** Robert Slade

Applicant or representative present: Robert Slade

Mr. Slade said that he wanted to build a house of an adequate size. He felt the corner lot causes difficulties with setbacks. He felt the location of the propose house was in character with the neighborhood and setbacks would similar to the adjacent houses.

Chairperson Zuehlke questioned if the lots had always been separate or were they split.

Mr. Slade said that they have always been separate.

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

Claire Ransom, 5059 Pheasant, feels that there is not enough room for a house, it will cause a visual obstruction and the request was excessive.
Chairperson Zuehlke explained, for the benefit of the public, why a variance is needed. The corner lot is not buildable without a variance, and further offered that Mr. Slade is a very reputable builder.

Ms. Ransom stated she understood the circumstance with still felt the lot was too small for development.

Board Member Joliat indicated that the building envelop was only 10 ft. by 42 ft.

Board Member Reno noted that what the applicant was proposing does fit in with the neighborhood.

Board Member Moore questioned the size of the house.

Mr. Slade advised that he was proposing a 1300 sq. ft. house with a 2 car garage. The driveway would be off Pheasant and the house would front on Hickory.

**MOTION AND VOTE**

Moved by Reno
Supported by Hoffman; RESOLVED to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-014 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.

B. The variance will do substantial justice to the applicant and other property owners.

C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.

D. The variance is needed due to unique circumstances of the property.

E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.

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

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

After the vote, an unidentified resident questioned if the trees and brush would be cut down. Mr. Slade indicated he would try to leave as much as possible. The unidentified resident further stated he was in favor of this request as the property has been an overgrown eyesore and any improvement is welcome.

Case No. PZBA19-016

Requesting

1. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 4.0 ft. of the north side property line. (5 ft. minimum required)

2. A 1.0 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. (5 ft. minimum required)

Property Location: 1277 Beachland Blvd
Property Zoned: R-1C, Single-Family Residential
Applicant: Brian Lesniak

Applicant or representative present: Brian Lesniak

Mr. Lesniak said this is a unique smaller parcel that he purchased with the intent to build a custom home. Plans were drawn based on setback requirements without the realization that the overhang is part of the setback requirement. He reduced the overhang to only 1 foot to be less intrusive on the setback.

Chairperson Zuehlke questioned if he had a plan for drainage and if the house would have gutters.

Mr. Lesniak stated that other houses did not have gutters and there did not seem to be a problem.

Chairperson Zuehlke indicated that a drainage plan should be included in the motion.

Mr. Lesniak stated he would be willing to put in whatever was needed. He felt his situation was unique and similar variances were granted in the area. He plans to live in the house and felt development of the property would be beneficial to the area.

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

Sheri Sundberg, 1275 Beachland Blvd, expressed her concerns with the management of water. The water levels are high and she has a basement and foundation. She was not opposed to development of the property, but was opposed to the variances being requested.

Chairperson Zuehlke stated that drainage plans would be reviewed by the Building Department.
**Board Member Joliat** noted that another resident turned in a letter voicing concerns for the same.

Mr. Lesniak said the lot is relatively flat and drops off closer to the water. He feels he should be able to address any drainage concerns.

**Board Member Bonniver** questioned if flooding has occurred from the lake.

Ms. Sundberg indicated the only flooding has been at the road.

**Board Member Moore** questioned more details of the intended building.

Mr. Lesniak said he intended to build a 2200 sq. ft. two story home on crawl space. He did have the ground tested and pilings were not required. However, a maximum 6-7 ft. basement was recommended.

**MOTION AND VOTE**

Moved by Moore, **RESOLVED** to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-016 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 have been met:

A. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.

B. The variance will do substantial justice to the applicant and other property owners.

C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.

D. The variance is needed due to unique circumstances of the property.

E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.

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

With the CONDITION that a detailed drainage plan is approved by the Township Engineer before a building permit is issued.

**MOTION CARRIED UNANIMOUSLY**

(6-0)

Case No. PZBA19-017

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

Property Location: 5517 Savoy Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Michael Ristich

Applicant or representative present: Michael Ristich

Chairman Zuehlke said that there was a letter from neighbors that spoke highly of the applicant and was in support of the request.

Mr. Ristich said that they have outgrown the home and needed to expand. The house is non-conforming, as it is situated at the rear of the lot. The only location for an addition is on the front of the house.

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

Board Member Moore questioned staff regarding the need for the variance.

Staff confirmed that it was only needed because the location of the existing house is non-conforming. Otherwise, they meet setback requirements.

MOTION AND VOTE
Moved by Hoffman
Supported by Joliat; RESOLVED to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-017 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 have been met:

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

MOTION CARRIED UNANIMOUSLY (6-0)

Case No. PZBA19-018
Sidwell No. 13-16-478-003, Section 16, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to be located at the subject property. (All freestanding signs shall be ground signs)

2. A 30 ft. variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum height of 38 ft. (8 ft. maximum allowed for subject property)

3. A 287.85 sq. ft. variance from Section 2-508.C to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum sign facing area of 381.6 sq. ft. (93.75 sq. ft. maximum allowed for subject property)

4. A 10.0 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 5.0 ft. of the south right-of-way line. (15 ft. minimum required)

5. An 11.0 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 14.0 ft. of the west side property line. (25 ft. minimum required)

6. A variance from Section 2-508 to allow for the existing freestanding sign and proposed non-accessory freestanding post pylon sign (electronic billboard) to be located at the subject property. (One freestanding sign allowed for subject property)

7. A 358.85 sq. ft. variance from Section 2-508.C to allow the existing 146 sq. ft. freestanding sign and proposed 381.6 sq. ft. non-accessory freestanding post pylon sign (electronic billboard) to have a total combined sign facing area of 527.6 sq. ft. (168.75 sq. ft. maximum allowed for subject property)

Variances have not been requested from Sections 3-201, 3-701, and 2-501.9.H, which prohibit the use of the property for a non-accessory (billboard) sign that is not related to the principal use of the property.

Property Location: 5010 Highland Rd
Property Zoned: C-3, General Business
Applicant: International Outdoor Inc.

MOTION AND VOTE

Moved by Moore
Supported by Reno; RESOLVED to POSTPONE Case No. PZBA19-018 to the August 20, 2019 regular meeting.

MOTION CARRIED UNANIMOUSLY (6-0)
Case No. PZBA19-019

Sidwell No. 13-26-429-027, Section 26, Part of Lot 18 and all of Lot 19, “Supervisor’s Plat No 35”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to be located at the subject property. (All freestanding signs shall be ground signs)

2. A 39 ft. variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum height of 45 ft. (6 ft. maximum allowed for subject property)

3. A 319.1 sq. ft. variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum sign facing area of 381.6 sq. ft. (62.5 sq. ft. maximum allowed for subject property)

4. A 15 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 0 ft. of the northeast right-of-way line. (15 ft. minimum required)

5. A 25 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 0 ft. of the southeast side property line. (25 ft. minimum required)

Variances have not been requested from Sections 3-201, 3-701, and 2-501.9.H, which prohibit the use of the property for a non-accessory (billboard) sign that is not related to the principal use of the property.

Property Location: Vacant W Huron St (between 3081 & 3101)
Property Zoned: C-2, Small Business
Applicant: International Outdoor Inc.

MOTION AND VOTE

Moved by Moore
Supported by Reno; RESOLVED to POSTPONE Case No. PZBA19-019 to the August 20, 2019 regular meeting.
MOTION CARRIED UNANIMOUSLY
(6-0)

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting
Chairman Zuehlke adjourned the meeting at 4:40 p.m.
Case No. PZBA19-015

Property: 2823 Swain
Applicant: Gary Ponagajba
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Air Conditioning Unit

Analysis
The applicant is seeking a variance to place an air conditioning unit within the required side yard setback. The ordinance states that they must maintain the same minimum setback as the primary building. For the R-1C zoning, the minimum setback is 5 ft. The house is located 7 ft. from the side property line. The applicant indicated that a 1 ft. clearance is needed between the house and the unit. The width of the unit is 2 ft. Therefore, it would be located within 4 ft. of the side property line, requiring a 1 ft. variance. The applicant received a variance in 2018 to allow the house to be constructed within 27 ft of the east front property line. He indicated that at that time, he was unaware that the air conditioning unit would also require a variance or he would have applied for that variance at the same time. He also indicated that the neighboring property, on the same side as where the unit is proposed to be located, also have their unit in a similar location (see photo).

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. PZBA19-015 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
B. The variance will do substantial justice to the applicant and other property owners.
C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. 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. PZBA19-015 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.

*(NOTE ON MOTION FOR DENIAL: Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate and exclude those that do not apply.)*

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Case No. PZBA19-012  
Property: 4180 Dixie Hwy  
Applicant: Leo Huantes, Jr  
Zoning: C-2, Small Business  
Site Use: Personal Grooming Establishment  
Proposal: Addition to a non-conforming building  
Analysis  
The existing building is currently being utilized as a lash lounge. The applicant indicated that the business is growing and they are in need of additional space. The current building is non-conforming in that it does not meet the minimum front and northwest side setback requirements. The building is shown to be approximately 957 sq. ft. in size. The zoning ordinance does allow for the expansion of a non-conforming building. However, the expansion is limited to an addition that does not exceed 25% of the existing building. For this case, the applicant could construct an addition that does not exceed approximately 240 sq. ft. An addition of this size may not meet the growing needs of the applicant and may be cost prohibitive. The Planning Department has review the plans and does not object to the proposed addition. They indicated parking will still be sufficient to services the existing building and proposed addition. In addition, the location of the proposed addition is more conforming than the current building.

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

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The attached 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. PZBA19-012 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
B. The variance will do substantial justice to the applicant and other property owners.
C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. 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. PZBA19-012 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:
Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate.

Case No. PZBA19-013
Property: 1136 Edgeorge St
Applicant: Anna Denny
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

**Analysis**
The applicant is proposing to construct a new house on the subject property. She is requesting a 5 ft. variance to allow the proposed house to come to within 30 ft. of the front property line. She is also request a variance from the minimum floor area required for the zoning district. The R-1A zoning district requires a minimum floor area of 1100 sq. ft. and the applicant is proposing a floor area of 945 sq. ft. However, both variance would not be required if one or the other is approved. She has expressed her desire to not clear the area on the property as indicated on the site plan as “tree/brush line.” Not building within this area greatly reduces the building envelope. The house she is proposing to build has a small building footprint, so as to fit within this area. Below, I have provided two scenarios as the applicant has presented:

**Scenario #1:**
If the front setback variance is granted, the area variance would not be required. The site plan with the highlighted information shows this scenario. The granting of the setback variance would allow for a house that meets the minimum floor area requirements. Therefore, the area variance would not be required.

**Scenario #2:**
If the front setback variance is denied, the area variance would be required. The other site plan shows this scenario. The denial of the setback variance would reduce the building envelope (due to the applicants desire to maintain the tree/brush line), providing the need for the area variance.

Both scenarios are due to the applicants desire to maintain the tree/brush line undisturbed. Staff is concerned with the precedence that may be set in approving a reduced floor area variance. The plan submitted by the applicant identifies a house with a 15.7 ft. by 30 ft. footprint (472.5 sq. ft.). It is proposed as a two story, making the floor area 945 sq. ft. The character of the neighborhood does not appear to support this size house.

The site plan does identify a flood plain. Staff would support the applicant’s desire to not construct a new house in the flood zone. However, there appears to be an adequate building envelope that would not restrict construction of a house that does not need variances. The applicant has indicted she is concerned with the conditions of the soil. However, information supporting this concern has not been provided.

*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. PZBA19-013 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
B. The variance will do substantial justice to the applicant and other property owners.
C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. 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. PZBA19-013 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.

(NOTE ON MOTION FOR DENIAL: Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate and exclude those that do not apply.)

Case No. PZBA19-014
Property: Vacant Corner of Hickory Ln & Pheasant Rd
Applicant: Robert Slade
Zoning: R-1B, Single-Family Residential
Site Use: Single Family Residential
Proposal: New house

Analysis
The applicant is proposing to construct a new house at the subject property. The subject property is considered to be a corner lot. In that, it has a 35 ft. setback from both the Pheasant Rd property line.
and the Hickory Ln property line. In addition, there is also a rear setback of 35 ft. from the east property line and a 5 ft setback from the south property line. When all these setback minimums are taken into consideration, the building envelop of the subject property is approximately 10 ft. by 42 ft. The applicant is proposing to construct a house 29 ft by 53 ft. The location of the proposed house appears to maintain a similar setback to those that are constructed along Hickory Drive (approximately 24 ft. from the west front property line) and Pheasant Rd (approximately 16 ft. from the north front property line). The proposed house is show to have a 22 ft. by 22 ft. garage on the east end of the house. The applicant indicated that the proposed driveway would come off of Pheasant Rd and the garage would be side entry.

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. PZBA19-014 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.

B. The variance will do substantial justice to the applicant and other property owners.

C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.

D. The variance is needed due to unique circumstances of the property.

E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.

F. 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. PZBA19-014 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.

(NO T E ON MOTION FOR DENIAL: Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate and exclude those that do not apply.)

Case No. PZBA19-016
Property: 1277 Beachland Blvd
Applicant: Brian Lesniak
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

Analysis
The applicant is proposing to construct a new house at the subject property. Based upon the site plan provided by the applicant, the house meets all the minimum setback requirements. However, the 1 ft. overhangs on the north and south side of the house are shown to be located within 4 ft. of the side yard property lines, where a minimum setback of 5 ft. is required. If the Board chooses to approve the requested variances, staff would recommend that the approved include the stipulation that the applicant provide a detailed grading plan for engineering review when applying for the building permit.

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. PZBA19-016 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
B. The variance will do substantial justice to the applicant and other property owners.
C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. 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. PZBA19-016 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.

(NOTE ON MOTION FOR DENIAL: Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate and exclude those that do not apply.)

Case No. PZBA19-017

Property: 5517 Savoy Dr
Applicant: Michael Ristich
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicant is proposing to construct an 784 sq. ft. addition on the existing house. The current house is non-conforming in that it does not meet the minimum rear setback requirements. The house is shown to be approximately 908 sq. ft. in size. The zoning ordinance does allow for the expansion of a non-conforming building. However, the expansion is limited to an addition that does not exceed 25% of the existing building. For this case, the applicant could construct an addition that does not exceed approximately 227 sq. ft. An addition of this size may not meet the needs of the applicant and may be cost prohibitive. In addition, the location of the proposed addition is more conforming than the current house.

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

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-017 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. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
B. The variance will do substantial justice to the applicant and other property owners.
C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. 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. PZBA19-017 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.

(Note on Motion for Denial: Motion MUST list AT LEAST ONE standard the Applicant DID NOT demonstrate and exclude those that do not apply.)