
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Pre-Meeting - 3:30 PM (3rd Floor Conference Room)

Agenda Review

Zoning Board of Appeals Meeting - 4:00 PM

Chairman Zuehlke called the Meeting to Order

I. Roll Call

All Present: David Zuehlke, Chairman
Marie Hauswirth, Board Member
Todd Hoffman, Board Member
Rick Schneider, Board Member
Todd Bonnivier, Board Member
Stan Moore, Board Member
Art Frasca, Board Member

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

General Public: 15 People

II. Approve the Minutes of the June 15, 2021 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Hoffman

*Supported by Moore; RESOLVED to **APPROVE** the Minutes of the June 15, 2021 Zoning Board of Appeals Meeting as Printed.*

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

III. Approve the Agenda of the July 20, 2021 regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Frasca; RESOLVED to **APPROVE** the Agenda of the July 20, 2021 Zoning*

Board of Appeals Meeting as Printed.
MOTION CARRIED UNANIMOUSLY
(7-0).

IV. Old Business

MOTION AND VOTE
MOVED BY Moore
Supported by Hauswirth; to UNTABLE Case No. PZBA21-030
MOTION CARRIED UNANIMOUSLY
(7-0)

Case No. PZBA21-030

Sidwell No. 13-21-276-004, Section 21, Lot 129, "Holiday Farms", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 156 sq. ft. variance from Section 3-302.3.A(10) to allow the existing detached accessory building to remain and have a floor area of 1600 sq. ft. (1444 sq. ft. maximum allowed for subject property)

Property Location: 5198 Joangay Blvd
Property Zoned: R-1A, Single-Family Residential
Applicant: Andrew Cook

Mr. Cook stated he started his permit process in October 2019. He ordered the lumber package in late February early March 2020. He compared prices for a 36 x 40 and a 40 x 40 structure and found the 40 x 40 to be cheaper. When it was delivered and was the bigger size he called the building department and did not receive a return phone call. He stated he had time off of work so he started construction. He stated he had several inspections and nobody said anything about the building size. When he called for an inspection in April 2021, a stop work order was sent.

Chairman Zuehlke questioned the applicant as to the compliance of the original packaged that was ordered. He also questioned the applicant as to who constructed the footing

Mr. Cook indicated he built the footing and poured the foundation himself.

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

Board Member Frasca questioned the applicant as to if he was approved for a 36' x 40' building prior to ordering the lumber.

Mr. Cook stated his permit was issued in October 2019.

Board Member Frasca questioned the applicant as to if he was aware that the building was 40' x 40' instead.

Mr. Cook stated no. However, when he received the plans and material, he then realized it was 40' x 40'.

Board Member Frasca implied that the applicant was aware of the building being larger before it was constructed.

Board Member Schneider questioned as to whether the footing inspections were done before the concrete was poured.

Mr. Cook indicated that yes, they were. He continued to state that without being able to receive the answers he was looking for, he would just build the building and worry about it later.

Stan Moore asked the applicant if he felt that he should have mentioned the increase in size when the footings were inspected.

Mr. Cook stated he felt it was the inspector's job to measure the building and make sure it was the right size.

Board Member Schneider indicated the inspectors go with what the permit says.

Chairman Zuehlke questioned the status of the inspections.

Mr. Cook discussed the status of each inspection that was completed.

Board Member Bonnavier questioned what inspections were still needed.

Staff indicated that the rough electrical was approved, but all the final inspections were still needed.

Board Member Bonnavier questioned if all the minimum setback were still being met.

Mr. Cook indicated they were.

MOTION AND VOTE

Moved by Moore; to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA21-030 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION DIED DUE TO LACK OF SUPPORT

Chairman Zuehlke explained the difficulty of the request and how the regulations have changed over the years. He further continue to compare hardships that exist compared to those that are created.

Board Member Bonnivier questioned whether the original permit needed variances. It was clarified that variances were not needed for the original permit.

MOTION AND VOTE

Moved by Bonnivier

Supported by Hoffman; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-030 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met due to Covid difficulties.

MOTION DIED DUE TO LACK OF REQUIRED VOTES

(2-5) with Hauswirth, Moore, Schneider, Frasca and Zuehlke OPPOSED

MOTION AND VOTE

Moved by Moore

Supported by Frasca; to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA21-030 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

MOTION CARRIED

(5-2) with Bonnivier and Hoffman OPPOSED

V. New Business

Case No. PZBA21-037

Sidwell No. 13-31-354-001 thru 032, Section 31, Units 1-32, "Oakland County Condominium Plan No 2256 Parkside at Williams Lake", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 5.0 ft. variance from Section 2-305.A to allow for exterior appliances to be located 5.0 ft. from the side yard property line for Units 1-32 within Parkside at Williams Lake. (10 ft. minimum required)

Property Location: 7922-7990 Jordan Dr; 1120-1182 Julian Ct; 1113-1199 Prudence Dr

Property Zoned: R-1A, Single-Family Residential

Applicant: Crest Homes – David Plautz

Dave Plautz stated he has 32 lots in this development with no side entrances except for one house. The required 10' side setbacks creates 20' between the houses. He would like to give as much free space as possible in the rear yards and place units on the sides of the house.

Chairman Zuehlke stated expressed his concern with regards to the noise impacting the neighbors.

Mr. Plautz stated the units are very quiet and the houses are well insulated.

Chairman Zuehlke indicated he would like to see shrubbery around the units to help deaden the noise.

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

Rochelle Brockman, 1200 Prudence, lives next to the retentions pond and was concerned with how this would impacts her

Mr. Plautz felt it would not impact her, since her home is on other side of the retention pond.

Mike Paternoster, 1201 Prudence, lives adjacent to the new build and believes all the units should be in the back of the homes.

Mr. Plautz stated he does not want to place the units in the rear yard if possible. He stated he would be willing to screen the units with shrubbery.

Board Member Frasca expressed his concern regarding designing a house that fits the lot, taking into consideration the placement of these units.

Board Member Schneider clarified the variance is for all appliances, not just generators.

Chairman Zuehlke stated he could not support a variance for the generators, only the A/C units.

MOTION AND VOTE

Moved by Moore

Supported by Bonnivier; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-037 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met with the STIPULATION that the variance would only apply for A/C units, not generators, and that shrubbery must be installed for all units.

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA21-038

Sidwell No. 13-02-477-004, Section 2, Part of Lot 13, "Supervisor's Plat No 57", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 143 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 1,323 sq. ft. accessory buildings and proposed 264 sq. ft. accessory building addition to have a combine floor area of 1587 sq. ft. (1444 maximum allowed for subject property)

Property Location: 3819 Clintonville Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: George Wallace

Mr. Wallace stated he purchased the home in 1997, so his mother in-law could live with them until she passed away. He is now having another family member living with them that needs care and has a van that needs a ramp. He indicated having storage in the attached garage that would need to be relocated to accommodate the ramp.

Chairman Zuehlke stated it is not any closer to property line and lakeshore than the existing building.

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

Board Member Schneider felt the lot was large enough to support the request and that is would not look out of place.

Board Member Hauswirth also felt that it fits the lot.

MOTION AND VOTE

Moved by Hauswirth

*Supported by Frasca; to find that practical difficulties exist and to **APPROVE** the variance(s) requested in ZBA Case No. PZBA21-038 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA21-039

Sidwell No. 13-19-302-120, Section 19, Unit 24, "Oakland County Condominium Plan No 1010 Woods of Oakland Manor", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 3.3 ft. variance from Section 3-901 Footnote 8.A(1) to allow the proposed addition to be located 31.7 ft. from the east rear property line. (35 ft. minimum required)
2. A 1.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 31.0 ft. from the east rear property line. (32 ft. minimum required)

Property Location: 7803 E Oakland Manor Dr
Property Zoned: R-M1, Low Density Multiple-Family
Applicant: Janet & Lawrence Adler

Janet Adler said the sunroom would be the exact same size as the deck that is there now. It would be designed to look like the rest of the house. It would also be heated and air-conditioned. She felt that it would not be worth building it smaller due to the cost and size.

Chairman Zuehlke questioned if she had approval from the association.

Mrs. Adler indicated she did get the approval of the association, but did not bring the document.

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

Board Member Moore questioned if she planned on adding a deck as well.

Mrs. Adler indicated that she did not.

MOTION AND VOTE

Moved by Bonnivier

Supported by Frasca; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-039 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA21-040

Sidwell No. 13-34-251-012, Section 34, Lot 2, "Supervisor's Plat No 46", T3N, R9E, Waterford Township, Oakland County, MI

Requesting

1. A 3.2 unit variance from Section 3-900 to allow the existing building to remain and maintain a density of 6.0 dwelling units. (2.8 dwelling unit maximum for the subject property)
2. A 2.0 units per building variance from Section 3-305.3.A to allow the existing building to remain and contain 6.0 dwelling units. (4 dwelling unit per building maximum)

Property Location: 4290 Cass Elizabeth Rd
Property Zoned: R-1E, Single-Family Attached
Applicant: TJA Investments, LLC

Joseph Attisha indicated he is the owner of TJA Investments and has been the owner of the Grapes and Hops Store across the street for 18 years. Has recently purchased this property, in addition to other properties from the same owner, and have improved them. He was planning to improve this property as well. The structure has been previously registered as a rental property with 6 units.

Chairman Zuehlke questioned if additional units were being added.

Mr. Attisha stated that it would only be 6 units as it currently is.

Chairman Zuehlke stated that if something happened to the building, it could not be rebuilt as 6 units.

Mr. Attisha indicated that he understood.

MOTION AND VOTE

Moved by Hoffman

Supported Frasca; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-040 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met, with the STIPULATION that if the building was removed or sustained substantial structural damage, the approved variances would then be void.

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

Case No. PZBA21-041

Sidwell No. 13-08-178-014, Section 8, Lot 16, "Whitfield Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 4.5 ft. variance from Section 3-900 to allow the proposed deck to be located 0.5 ft. from the south side property line. (5 ft. minimum required)

2. A 13.0 ft. variance from Section 2-104.3 to allow the proposed deck to be located 45.0 ft. from the west lakefront shoreline. (58 ft. minimum required for the subject property)

Property Location: 2995 Lansdowne Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Kyle Carson

Timothy Patterson, Lawyer representing Kyle Carson, stated Mr. Carson purchased the older lakefront home in December 2019 and that the existing deck had been there for years. Mr. Carson started to repair the deck and found that the structure needed to be replaced. Since the size of the deck was not changing, Mr. Carson did not think he needed a permit. There is a door on the side of the house that is accessed by the deck.

Chairman Zuehlke questioned why the work was started without permits.

Mr. Patterson indicated Mr. Carson did not think a permit was required with the deck would be the same size and same footprint as the old deck.

Board Member Bonnavier indicated that originally only the deck boards were going to be replaced, but it was found that the entire deck would need to be replaced.

Mr. Patterson mentioned letters of support submitted from neighbors and photos provided of the rotten structure.

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

Allan Zelinski, 2989 Lansdowne Rd, expressed his opposition to the requested variances. He indicated he notified the applicant that a variance would be needed due to the condition of the deck. He was concerned when the lumber was dropped off before they had a permit. He stated they are the closest house to the water and that the proposed deck is 3' closer to the water than the old deck. He was also concerned that the deck would be raised 3' higher to meet the level of the door. He felt that Mr. Carson knew the rules ahead of time and tried to do this without permits. He was also concerned with a newly constructed fence that was now blocking his view.

Chairman Zuehlke thought the deck was same size as what was there originally.

Mr. Zelinski again stated it was 3' longer.

Board Member Schneider questioned Mr. Zelinski if his view was being blocked.

Mr. Zelinski stated the fence was taller than the ordinance allows. He indicated it was constructed after the stop work order was filed and that it is taller than 6 ft.

Board Member Moore questioned staff on the ordinance requirements for a fence.

Staff indicated that the fence could be 6' in height, but must meet the same setback as the home, which is 68' from the water, but it can be 4' all the way to the water's edge.

Andy Suman, 2971 Lansdowne Rd., did not feel he should be able to build right to the property lines. He felt it would be hard to construct and maintain. He was opposed to variances for height and distance from the side property line.

Chairman Zuehlke indicated many of the houses in the area were built close to the property line.

Mr. Carson indicated that the house was not constructed square on the lot.

Debra Sigmann, 2983 Lansdowne Rd., indicated she lived here for 37 years and that herself and others have updated their houses and followed setbacks and the rules. She felt they should rebuild exactly the same as it was. She was concerned about the work that had been done and the height.

Chairman Zuehlke stated that the deck was in poor condition and that it did need to be rebuilt.

Cliff Sigmann, 2983 Lansdowne Rd., expressed his belief that the owner knew before removing the old deck that he was going to rebuild the whole deck, not just the deck boards. He felt he should be required to follow the same rules.

Board Member Moore stated the site plan measurements are not scaled out correctly. The deck on the site was 11'8", but the new deck measures 15'. He also indicated that the lumber in the driveway is 16', which would imply that a 15 ft. deck was planning to be built. He felt the deck should only be allowed to project 12' toward the shoreline. He also felt that the deck along the side should be reduced to allow for space between the lot line and the deck.

Board Member Schneider expressed his concern with regards to the proposed deck and existing trees located at the property.

Board Member Hauswirth questioned the fence.

Mr. Carson indicated explained the height of the current fence.

MOTION AND VOTE

Moved by Schneider

Supported by Moore; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-041 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met with the STIPULATION that the deck does not project more than 12 ft. from the house toward

the shoreline, the south side deck is reduced to 36 inches wide, and the fence meets ordinance requirements.

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

Case No. PZBA21-042

Sidwell No. 13-02-480-013, Section 2, Lot 47, "Lake Oakland Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 7.0 ft. variance from Section 2-104.3 to allow the proposed stairs to be located 3.0 from the north side property line. (10 ft. minimum required)

Property Location: 3558 Lakeshore Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: Dale & Elizabeth Paruch

Mr. & Mrs. Paruch stated they would like to update the home and relocate the stairs on their deck to make them safer. He felt with the lake front setback requirement, anything they proposed would need a variance. He indicated the deck will be the same size and only the deck boards would be replaced. He felt the neighbors were in support of the request.

Chairman Zuehlke questioned that it was only the stairs.

Mr. Paruch confirmed that, yes, just the stairs.

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

Board Member Bonnivier stated that not much was changing and they cannot access down the lot line as it is.

MOTION AND VOTE

Moved by Hoffman

Supported by Bonnivier; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-042 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

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

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Members of the public will only be able to speak during the public portion of the meeting and during the public comment period at the end of the meeting. The Chairperson will recognize all persons wishing to speak during a public hearing and the public comment period. Prior to the meeting, members of the public may contact the members of the Zoning Board of Appeals to provide input or ask questions by email or mail to the Township employee/official and at the addresses listed below. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Stacy St. James, Environmental Housing and Rehab Coordinator
Charter Township of Waterford
5200 Civic Center Drive, Waterford, Michigan 48329
Email: [sstjames@waterfordmi.gov](mailto:ssstjames@waterfordmi.gov)
Phone: (248) 674-6240

Case No. PZBA21-030

Property: 5198 Joangay Blvd
Applicant: Andrew Cook
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Existing garage area

Analysis

On June 15, 2021, the case was originally before the Board. A decision was made to table the case to the next meeting so that clarification could be reached regarding the inspections that still needed to be completed. Staff meet with the inspectors and composed a list of needed inspections. The list was provided to the applicant on June 21, 2021. The applicant expressed concerns that they would not be able to complete the inspections prior to the July 20, 2021 meeting date. As of today, July 12, 2021, none of the inspections still needed have been completed. However, a rough electrical inspection and gas line pressure test are pending.

Original Write-up:

The applicant is requesting a variance to allow the newly constructed garage to have a floor area of 1600 sq. ft., where a maximum of 1444 sq. ft. is allowed for the subject property. The applicant originally applied for a building permit to construct a 40 ft. by 36 ft. garage (1440 sq. ft.). The permit was issued and construction began. During the course of construction, it was determined that the garage was constructed larger than originally approved. The constructed garage was 40 ft. by 40 ft. (1600 sq. ft.). The applicant was notified a variance would be required for the additional area.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-030 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-030 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-037

Property: Jordan Dr; Julian Ct; Prudence Dr (Parkside at Williams Lake Site Condo)

Applicant: David Plautz – Crest Homes

Zoning: R-1A, Single-Family Residential

Site Use: Single Family Residential

Proposal: Reduced side yard setback for exterior appliances (i.e. A/C, generator, etc.)

Analysis

The applicant is requesting a variance to allow exterior appliances (i.e. A/C, generator, etc.) to be located 5 ft. from the side yard property line for all lots within the development. The development is zoning R-1A, which requires a 10 ft. side yard setback. Most of the homes within the development are already at the minimum 10 ft. side yard setback. This does not allow for exterior appliances to be located in any side yard. They must be placed in the rear yard. Several of the lots have already been developed. At that time, the developer was unaware of the setback requirement for the appliances and these units were placed within the 10 ft. side yard setback. Additionally, the Township Inspectors were also unaware of the setback requirement and approved the location of these units. The proposed variance request would allow these units to remain. In addition, it would also allow future units to be placed in a similar location as to those that are already in place. Reducing the minimum setback to 5 ft. would still allow 5 ft. of clearance to the side property line, which is the minimum setback for the R-1B/R-1C zoning districts.

The applicant has provided information addressing the standards listed below on the “Supplemental Information” sheet. These standards and the information provided by the applicant addressing these

standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-037 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-037 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-038

Property: 3819 Clintonville Rd
Applicant: George Wallace
Zoning: R-1A, Single-Family Residential

Site Use: Single Family Residential

Proposal: Detached garage addition

Analysis

The applicant is proposing to construct an addition onto the existing detached garage. Currently, the combined accessory area of both the attached garage and detached garage is 1,323 sq. ft. The applicant is proposing to construct a 264 sq. ft. addition onto the existing detached garage. The proposed combined area would be 1,587 sq. ft., where a maximum of 1444 sq. ft. is allowed. A variance of 143 sq. ft. would be required.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-038 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-038 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-039

Property: 7803 E Oakland Manor Dr
Applicant: Janet & Lawrence Adler
Zoning: R-M1, Low Density Multiple-Family
Site Use: Single Family Residential
Proposal: Sunroom addition

Analysis

The applicants are proposing to construct a sunroom addition onto the rear of the house. The addition is proposed to be located 31.7 ft. from the rear property line, where a minimum setback of 35 ft. is required. It will maintain the same north side yard setback as the house. Currently, a deck 11 ft. x 17 ft. is shown to be located in the area of the proposed 11.5 ft. x 20.3 ft. sunroom.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-039 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-039 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-040

Property: 4290 Cass Elizabeth Rd
Applicant: TJA Investments, LLC
Zoning: R-1E, Single-Family Attached
Site Use: Single Family Attached
Proposal: Bring existing non-conforming multi-unit building into conformity

Analysis

The applicant is seeking variances to bring the existing non-conforming multi-unit building into compliance with the current Zoning Ordinance. The existing building is three levels, with two units per level. The ordinance allows for a maximum of four units per building. A 2-unit variance is required to allow the building to contain six units. In addition, the ordinance allows for 5.4 units per buildable acres. The subject property is approximately 0.53 acres, which would allow for 2.8 dwelling units. Therefore, a variance of 3.2 units would also be required. The applicant is not proposing any additional changes to the building. Staff recommends that if the Board decides to approve the requested variances it would be with the stipulation that if the existing building was removed or sustained substantial structural damage, the new building would be required to meet the requirements of the Zoning Ordinance and the approved variances would then be void.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-040 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-040 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-041

Property: 2995 Lansdowne Rd
Applicant: Kyle Carson
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Deck

Analysis

The applicant is proposing to construct a deck on the lakefront side of the house. The deck is shown to be located 0.5 ft. from the south side property line, where a minimum setback of 5 ft. is required. Additionally, a variance from the lakefront setback would also be required. The deck is shown to be located 45 ft. from the shoreline, where a 58 ft. minimum setback is required.

On June 11, 2021 a complaint was received. The complainant was concern that work was being done without a permit. On June 15, 2021, the inspector visited the site and confirmed that a new deck was being constructed. A stop work order was issued. One June 16, 2021, the applicant submitted the Zoning Board of Appeals application.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-041 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-041 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-042

Property: 3558 Lakeshore Dr
Applicant: Dale & Elizabeth Paruch
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Relocate deck stairs

Analysis

The applicant is requesting a variance to relocate the stairs on their existing deck. The proposed stairs are shown to be located 3 ft. from the side property line, where a 10 ft. minimum setback is required. No structural changes to the deck are being proposed.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-042 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-042 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: _____)