
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Meeting - 4:00

I. Chairman Zuehlke called the Meeting to Order at 4:02pm

II. Roll Call

Present: Dave Zuehlke, Chairman
Stan Moore, Vice Chairman
Todd Bonnivier, Secretary
Marie Hauswirth, Board Member
Todd Hoffman, Board Member
Rick Schneider, Board Member
Art Frasca, Board Member

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

General Public: 16

III. Approve the Minutes of the July 18, 2023, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by MOORE

Supported by HAUSWIRTH; RESOLVED to APPROVE the Minutes of the July 18, 2023, meeting Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY

(7-0)

IV. Approve the Agenda of the August 15, 2023, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by FRASCA

Supported by BONNIVIER; RESOLVED to APPROVE the agenda of the August 15, 2023, meeting Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY

(7-0)

V. Old Business

VI. New Business

Case No. PZBA23-042

Sidwell No. 13-20-201-022, Section 20, "Supervisor's Plat No 60", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 51.32 sq. ft. variance from Section 2-508 to allow the existing freestanding sign to have a maximum sign facing area of 151.32 sq. ft. (100 sq. ft. allowed for subject property)

Property Location: 6477 Highland Rd
Property Zoned: HT-2, High Tech Industrial and Office
Applicant: Metro Detroit Signs

Applicant or representative present: Mary Ann Deters - Metro Detroit Signs

Mary Ann Deters said the owners recently made some upgrades and would like to update the reader board on the existing sign to an electric sign that is slightly larger.

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

MOTION AND VOTE

*Moved by **BONNIVIER***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-042 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)

Case No. PZBA23-043

Sidwell No. 13-26-251-013, Section 26, "Sunny Slope Acres" & "Roth Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2,921.31 sq. ft. variance from Section 3-900 to allow the existing parcel to remain 21,078.69 sq. ft. (24,000 sq. ft. minimum required for proposed Rezoning to C-3, General Business)
2. A 0.52 acre variance from Section 3-705.5.S(1) to allow the existing parcel to remain 0.48 acres (1.0 acre minimum required for proposed Special Approval)

Property Location: 3455 Highland Rd

Property Zoned: C-2, Small Business
Applicant: Ali David

Applicant or representative present: Ali David

Ali David stated there is a new market for golf carts and he needs a used car type of license so the carts will be registered with the state. He stated the nature of their work requires rezoning of the property.

Board Member Hauswirth asked for the Midas sign to be removed.

Board Member Bonnavier asked if the neighboring properties are zoned the same.

Mr. David said he believes so.

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

MOTION AND VOTE

*Moved by **HOFFMAN***

*Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-043 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. PZBA23-044

Sidwell No. 13-30-104-010, Section 30, Lots 108, 109 & N 10' of Lot 110, "Swartzs' Pleasant Lake Highlands", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3-302.3.A(6) to allow the proposed detached accessory building to remain within a side yard. (Detached accessory buildings shall not be erected in any yard except a rear yard)

Property Location: 60 Leota Blvd
Property Zoned: R-1C, Single-Family Residential
Applicant: Kenneth & Julie McDonald

Applicant or representative present: Kenneth & Julie McDonald

Kenneth McDonald said they had a garage fire and they want to rebuild the same size in the same spot as the previous garage.

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

Board Member Bonnivier remarked that this is a unique lot.

MOTION AND VOTE

*Moved by **BONNIVIER***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-044 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. PZBA23-045

Sidwell No. 13-12-104-008, Section 12, Lot 25, "Wormer Lake Heights", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3-302.3.D to allow the proposed swimming pool to be located within a side yard. (For lakefront lots, swimming pools must be located within the lakefront or rear yard)

Property Location: 2803 Barkman Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Hite & Sons Construction, Inc

Applicant or representative present: Derek Hite & Tim Ballard

Derek Hite stated that the property has a high water table and the lakeside property is too soft to locate the pool completely within it. He stated only a portion of the pool is within the side yard. He felt the neighbors were in support of the request.

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

MOTION AND VOTE

*Moved by **SCHNEIDER***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-045 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. PZBA23-046

Sidwell No. 13-22-277-016, Section 22, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 2-409.7(34) to allow the required number of parking spaces be reduced to 670 for the subject property (999 spaces required for the subject property)

Property Location: 4200 Highland Rd
Property Zoned: C-4, Extensive Business
Applicant: Kyle Wrentmore

Applicant or representative present: Kyle Wrentmore & Euponine Pierre

Kyle Wrentmore said that they have been granted site approval for the carwash. The current parking lot has less parking than is required. However, there will still be a lot of parking area left.

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

MOTION AND VOTE

Moved by **HOFFMAN**

Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-046 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. PZBA23-047

Sidwell No. 13-36-233-006, Section 36, Lots 759-765 and part of Lot 762-765, "Huron Gardens No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 20.0 ft. variance from Section 3-900 to allow the proposed addition to remain 0.0 ft. from the north side property line. (20 ft. minimum required)
2. 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: 150 S Telegraph Rd
Property Zoned: C-3, General Business
Applicant: Bloom General Contracting, Inc

Applicant or representative present: Shane Burley & Bill Golling

Shane Burley said the existing structure has a zero setback and the addition would meet the character of the area. All other setbacks will be maintained.

Bill Golling said he is the owner of the property, and that Oliver Supply built the original buildings. He also said he and the neighbors have worked together pertaining to the maintenance of the buildings since 1978. He stated he has received Planning Commission approval and feels he has support from neighboring properties.

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

MOTION AND VOTE

Moved by FRASCA

*Supported by SCHNEIDER; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-047 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. PZBA23-048

Sidwell No. 13-35-432-011, Section 35, Lots 13 & 14, The Meyering Land Company's Cass-Sylvan Lakes Community Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 15.5 ft. variance from Section 3-900 to allow the proposed house to be located 19.5 ft. from the southeast lake rear property line. (35 ft. minimum required)
2. A 13.0 ft. variance from Section 2-104.1 to allow the proposed canopy to be located 18.0 ft. from the southeast lake rear property line. (31 ft. minimum required)

Property Location: 1160 Otter Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Doug Steinard

Applicant or representative present: Brian Baker – Architect

Brian Baker said they want to build on the existing footprint. The building will line up with the neighboring properties and keep in character with the neighborhood.

Board Member Hoffman questioned if the existing house was going to be removed.

Mr. Baker indicated it will be removed.

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

Board Member Frasca asked how they were going to handle the water table and elevation.

Mr. Baker said he is working with the contractor, and they will be doing a soil boring test. They will be adding swales to help with drainage.

Board Member Bonnivier commented that the setback is the same as the house now.

MOTION AND VOTE

Moved by **HAUSWIRTH**

Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-048 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. PZBA23-049

Sidwell No. 13-31-354-006, Section 31, Unit 6, "Parkside at Williams Lake", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 1.0 ft. variance from Section 3-900 to allow the existing house to remain 34.0 ft. from the front property line. (35 ft. minimum required)

Property Location: 7934 Jordan Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: David Plautz – Crest Homes

Applicant or representative present: Dave Plautz

Dave Plautz said these are duplicate homes and was not sure how this happened. When the final as-builts were reviewed the home was shown to be one foot too close.

Chairman Zuehlke stated it doesn't look out of place, but you need to make sure the foundation is in the correct spot before pouring so this doesn't happen again.

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

MOTION AND VOTE

Moved by **HOFFMAN**

Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-049 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. PZBA23-050

Sidwell No. 13-31-354-023, Section 31, Unit 23, "Parkside at Williams Lake", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 1.8 ft. variance from Section 3-900 to allow the proposed house to be located 33.2 ft. from the west front property line. (35 ft. minimum required)
2. A 0.1 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 31.9 ft. from the west front property line. (32 ft. minimum required)

Property Location: 7955 Jordan Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: David Plautz – Crest Homes

Applicant or representative present: Dave Plautz – Builder; Marsha Burke – owner

Marsha Burke said she didn't realize how deep the garage was and needed more room for her cars to fit.

Dave Plautz said it will be closer to the road, not the neighbor's homes.

Chairman Zuehlke stated the plans are usually done ahead and that you should have notice it was too small.

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

Board Member Bonnavier commented that it looks like there is a 15 ft easement between the property line and road.

MOTION AND VOTE

Moved by **MOORE**

Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA23-050 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. PZBA23-051

Sidwell No. 13-28-106-004, Section 28, Lots 390 & 391, “Crescent Lake Estates No 1”, T3N R9E, Waterford Township, Oakland County, Michigan

Requesting a 5.0 ft. variance from Section 2-104.3 to allow the proposed uncovered deck to be located 20.0 ft. from the front property line. (25 ft. minimum required)

Property Location: 5797 Savoy Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Wayne Helgemo

Applicant or representative present: Not present

Staff stated fees were not paid and this case should be passed to the next meeting.

MOTION AND VOTE

Moved by MOORE

Supported by BONNIVIER; to PASS the variance requested in ZBA Case No. PZBA23-051 to the September 19, 2023 meeting.

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA23-052

Sidwell No. 13-35-377-003, Section 35, Part of Lot 2 & 3, “Supervisor’s Plat No 41”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting consideration of a motion to reconsider Conditions 1 and 4 as approved in Case No. 5461-A on June 18, 2019, to clarify the intended location for the swales.

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

Applicant or representative present: Darren Naimi

Darren Naimi said that the project is finished, and they have moved in. He did not know that he needed a swale on the other side. He indicated receiving a letter of the support from the neighbor on the side without the swale.

Chairman Zuehlke questions the applicant as to why they did not follow the approved plans.

Mr. Naimi stated they thought the swale only needed to be on one side. The generator sits on this side and cannot have two swails, one on each side and have a safe property. He also said the planner was here a few weeks ago and he agreed that it shouldn't have 2 swales and that an emergency vehicle wouldn't get through.

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

Larry Lanmesser, 3605 Lake Front St. said he is the neighbor to the east and in 2019 it was determined that the swails were there for a purpose and they were needed. He does not want more water run-off to drain on his property.

Chairman Zuehlke stated the Township Engineer and Lawyer are here to talk about this case.

Mr. Naimi said that the swale was done on the east side of the property.

Kyle Gall said he is the Consulting Engineer for Waterford Township.

Condition one was for the east side swale to be on this side. The standard detail for the swale was for it to be six inches deep and said it is not a typical depth and is excessive. The swale on the southern portion is about one inch deep and it is not sufficient and should be better defined.

Condition two was for a trench drain to be installed in the driveway and it was not installed.

Condition four stated the swails should be on the property side yards and that it showed on the initial plot plan was a little vague. On the final plot plan Rob Merinsky, the previous engineer made it clear that there should be two swails. With the walkway now there on the west side, the swail will not be able to be constructed. That side does not seem to be having an issue for drainage and we have received a letter from that neighbor that they have no problem with it not having the swale.

The main concerns are on condition one with the east side swale (Condition One) and if the west side swale should be there or not.

Chairman Zuehlke asked Mr. Gall if the walkway was eliminated could the swail be constructed.

Mr. Gall said the owner would have to remove the walkway to construct the swail, but the neighbor next door does seem to be ok with it not being there. There could be a potential for run off, but it is nowhere near what the east side is.

Board Member Hauswirth stated the concern right now is the east side, and those recommendations need to be addressed before we can decide.

Mr. Gall said yes, the east side does have issues that still need to be addressed.

Board Member Moore asked what has been done with the gutters.

Mr. Gall said they should be tied into the underground drains to the lake. But I have not seen the drains because we are not out there during construction, but I have seen the drains going through the seawall into the lake and per the final as-builts they show they were connected underground and the engineer has signed and sealed those as-builts.

Board Member Hauswirth asked Mr. Gall if he feels the driveway drain will make an impact as well.

Mr. Gall said that Mr. Merinsky's concern was that even though it had permeable pavers it would still wash down with a higher rainfall it would still help capture some of that. The permeable pavers require maintenance and if that was not being done the drain would then help to alleviate drainage problems.

Board Member Hoffman said when he was out there today the drain to the left of the driveway was not draining and was full.

Mr. Naimi said the sprinkler system is broken and it was filling up the drain, and the sprinkler guy is coming to fix it.

Board Member Schneider asked if that is draining to the lake why is it backing up.

Mr. Naimi said there was too much water going into it because the sprinklers were broken.

Board Member Schneider stated if the sprinklers were filling it then it makes sense that a hard rain would overflow it.

Board Member Hoffman said the sump pump was also ejecting water from the side of the house out of a pipe.

Mr. Naimi said he has no idea what that is. He does not go on that side of the house, was thinking it was an exhaust pipe.

Chairman Zuehlke said the conditions need to be solved first before we can vote on the re-consideration.

Joellen Shortley, Township Attorney stated she agrees that until conditions one and four are addressed, but in particularly condition one on the east side that Kyle sited and

the drainage in the driveway, if those conditions could be addressed and satisfied and signed off on by the engineer then the applicant could come back and ask about the condition regarding the swale on the west side. This side does not appear to be a problem. Would not recommend voting on this until the engineer is satisfied that condition one is met and signed off on.

Chairman Zuehlke said he agrees.

Board Members, applicant and the engineer discussed conditions and repairs.

Board Member Moore stated the east side swail, driveway drain, and overflow sump discharge need to be addressed.

MOTION AND VOTE

Moved by MOORE

Supported by FRASCA; to PASS the variance requested in ZBA Case No. PZBA23-051 to a DATE TO BE DETERMINED.

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

VII. Discussions

VIII. All Else

IX. Public Comment

X. **Meeting Adjourned at 4:53 pm**

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. Written public comment must be received by noon on the day of the meeting. Comments may be submitted by email, mail or in person to the employee/official listed below. Prior to the meeting, members of the public may contact the Township employee/official at the address listed below with questions and/or to view the documents submitted by the applicant for this request. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

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

Case No. PZBA23-042

Property: 6477 Highland Rd
Applicant: Metro Detroit Signs
Zoning: HT-2, High Tech Industrial Office
Site Use: Boat Sales
Proposal: Nonconforming sign modification

Analysis

The applicant is requesting a variance to modify the existing nonconforming post pylon sign at the subject property. The existing sign is nonconforming in both height and area. The sign height is not shown to be modified. The total sign area is shown to slightly increase. The proposed modification is to replace the bottom marquee cabinet with an electric message board. The existing cabinet is shown to be 27.5 sq. ft. The electric message board is shown to be 29.28 sq. ft.

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. PZBA23-042 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. PZBA23-042 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: _____)

Case No. PZBA23-043

Property: 3455 Highland Rd
Applicant: Ali David
Zoning: C-2, Small Business
Site Use: Vehicle Dealer Establishment (Golf Cart Sales & Repairs)
Proposal: Maintain Current Parcel Size per Rezoning/Special Approval Requirements

Analysis

The applicant operates a golf cart sales and service business at the subject property. They were recently before the Planning Commission with a request to maintain their current use of the subject property, as the use had evolved over the years from what was originally approved and was no longer compliant. The Planning Commission has issued a favorable recommendation to the Township Board for the rezoning of the property. However, a variance is required since the size of the property does not meet the minimum requirement for the proposed rezoning. A Special Approval from the Planning Commission for the outdoor display or storage was also required and approved, with a similar condition that a variance would be needed since the property does not meet the minimum lot size to allow for outdoor storage. The property size and the current use of the property are not proposing to change. The requested variances would allow for the Rezoning and Special Approval requests to be approved, bringing the property into compliance.

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. PZBA23-043 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. PZBA23-043 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. PZBA23-044

Property: 60 Leota Blvd
Applicant: Kenneth & Julie McDonald
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Garage

Analysis

The applicants are proposing to construct a new garage in the same location and the same size as the previous garage that was damaged in a fire. The garage is detached and shown to be located within the side yard. The ordinance requires detached garages to be located within a rear yard. Based upon the shape of the property and the location of the house, there does not appear to be enough space to construct a garage in the rear yard.

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. PZBA23-044 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. PZBA23-044 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. PZBA23-045

Property: 2803 Barkman Dr
Applicant: Hite & Sons Construction, Inc
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential

Proposal: Pool

Analysis

The applicant is proposing to construct a new pool at the subject property. The pool is shown to be located partially within the side yard and partially within the lakefront yard. The ordinance requires a pool to be located with a rear yard. However, since the subject property is also lakefront, the pool is allowed to be located within the lakefront yard as well. The applicant has indicated that due to the high water table, the pool cannot be located completely within the lakefront yard.

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. PZBA23-045 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. PZBA23-045 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. PZBA23-046

Property: 4200 Highland Rd
Applicant: Kyle Wrentmore
Zoning: C-4, Extensive Business
Site Use: Retail Establishment
Proposal: Vehicle Wash Establishment (Car Wash)

Analysis

The applicant is proposing to construct a car wash, in addition to another (future) outlet, in a portion of the parking lot that services the Meijer building. The development of these areas will cause a reduction in the current available parking below what is required per the Township ordinance. The site as a whole requires 999 parking spaces. The current parking count is shown to be 791 spaces. The development of the outlets will reduce the parking by an additional 121 spaces. Therefore, the variance requested is to allow for the parking requirement to be reduced to 670 spaces. The request has received a favorable recommendation from the Planning Commission.

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. PZBA23-046 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. PZBA23-046 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. PZBA23-047

Property: 150 S. Telegraph Rd
Applicant: Bloom General Contracting, Inc
Zoning: C-3, General Business
Site Use: Private Commercial Storage
Proposal: Addition

Analysis

The applicant is proposing to construct an addition onto the existing building at the subject property. The current building is nonconforming, in that it does not meet the minimum north side setback. It is shown to be at a 0’ setback, where the minimum is 20’. The proposed addition is shown to maintain the same setback as the existing building. The applicant had also indicated in their application the need for variances from the impervious surface and landscaping requirements. After consulting the Township Planner, it was determined that neither of these would be required. The location of the proposed addition is currently a paved (impervious surface), so the ratio would not change with the addition. Also, landscaping is not required as the area impacted is a side yard. The use of the property has received a favorable recommendation for Special Approval from the Planning Commission.

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. PZBA23-047 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. PZBA23-047 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. PZBA23-048

Property: 1160 Otter Ave
Applicant: Doug Steinard
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. The new house is shown to maintain the same lake rear (road) side setback as the existing house. This setback it shown to be 19.5 ft., where a minimum setback of 35 ft. would be required. A variance to maintain the nonconforming setback is required. Based upon the plans submitted, all other setback minimums are shown to be met.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA23-048 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. PZBA23-048 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. PZBA23-049

Property: 7934 Jordan Dr
Applicant: David Plautz – Crest Homes
Zoning: R-1A, Single-Family Residential

Site Use: Single Family Residential

Proposal: Existing house

Analysis

The applicant has recently constructed a new house at the subject property. Part of the final approval process is providing an as-built drawing to the Development Services Department for review and approval. It was determined by the as-built drawing that the house was constructed 1' closer to the front property line than what was originally proposed and what the ordinance allows. The house is shown to be located 34' from the front property line, where a 35' minimum setback is 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. PZBA23-049 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. PZBA23-049 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. PZBA23-050

Property: 7955 Jordan Dr
Applicant: David Plautz – Crest Homes
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House (under construction)

Analysis

The applicant is currently building a new house at the subject property. They have received a request from the property owner to construct the attached garage a bit larger than what was originally approved. The garage was originally shown to be 29.8’ wide by 22.3’ deep. The request is to add 2’ to the depth of the garage, making it 24.3’ deep. However, this would require a 2’ encroachment into the west front setback. The subject property is considered a corner lot, with a 35’ minimum setback from both Jordan Dr (to the north) and Julian Ct. (to the west). While the property is addressed to Jordan Dr, the drive access is shown to be off of Julian Ct, a dead-end street. So, the 2’ encroachment is towards Julian Ct.

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. PZBA23-050 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. PZBA23-050 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. PZBA23-051

Property: 5797 Savoy Dr
Applicant: Wayne Helgemo
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Deck

Analysis

The applicant is requesting a variance to construct a new deck on the existing house. The request was previously approved at the July 18, 2017 ZBA meeting (minutes attached). However, the applicant never constructed the deck, and the variance has expired. The current request is shown to be the same as what was approved at the previous meeting. The original staff review is listed below.

July 18, 2017 Staff Review:

The applicant is proposing to construct a new deck on their house. The deck is shown to be 8 ft. deep by 26 ft. wide and to come to within 20 ft. of the front property line, where a minimum setback of 25 ft. is required. The current house is nonconforming in that it is shown to be located within 27 ft. of the front property line, where a minimum setback of 35 ft. is required. This nonconformity makes construction of a deck of any size difficult. Additionally, while the deck is shown to be located within 20 ft. of the property line, it appears to be approximately 39 ft. from the edge of the road.

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. PZBA23-051 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. PZBA23-251 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. PZBA23-052

Property: 3665 Lake Front St
Applicant: Darren Naimi
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Clarification of conditions on previously approved motion

Analysis

The applicant is currently in the final stages of construction of a new house at the subject property. As part of the final approval process, an as-built drawing is required to be submitted for review by the Township Engineer to confirm the site has been developed according to the original approved site plan. It was during the review of the as-built that the Township Engineer made the determination that the site was not developed as originally approved. The main item that has been omitted is a drain/swale that shown to be required along the southwest side property line but was not constructed. The applicant has submitted a request for clarification of the conditions on a previous motion as approved at the June 18, 2019 meeting requiring a drain in this location. The original motion stated the following conditions:

1. *The applicant's engineer will provide a revised drainage/plot plan for Township Engineer approval to include further detail of the side yard swales and trench drain(s) to avoid water run-off on to the property to the east, which shall include a suggested maintenance schedule.*
2. *The revised drainage/plot plan shall also indicate how discharges from the downspouts and/or sump pump are being addressed. If they discharge to the proposed drain conveying run-off from the trench drains to the lake, then a larger diameter pipe size having the capacity to handle the quantity of flow generated from all sources shall be considered.*
3. *The revised drainage/plot plan shall note that clean-outs will be installed wherever horizontal bends are incorporated in the drain for maintenance purposes.*
4. *The revised drainage/plot plan shall include clarification that the side yard swales can be constructed in the side yard areas as indicated by the flow arrows shown on the initial plot plan.*
5. *The revised drainage/plot plan shall clearly demonstrate how runoff collected in the stone base of the proposed permeable driveway will be conveyed to the lake.*

The conditions in question with the current request are #1 and #4, specifically when identifying the swales/drains. The applicant is questioning whether swales were intended to be located within one or both side yards.

Since the time the applicant has submitted this request, staff was able to locate the original review conducted by the Township Engineer at the time, Rob Merisky, dated June 14, 2019 (attached). This review appears to reaffirm that swales/drains were intended to be constructed within both side yards.

Additionally, the adjacent homeowner at 3605 Lake Front St has submitted a letter of concern regarding the request. While each item of concern may not be directly related to the request, the Township Engineer has provided his review of each concern:

1. ***"First concern in this matter is the water pooling in the southwest of our property" – There is definitely still potential for ponding at the southwest of the 3605 Lake Front. The swale was technically constructed but is extremely shallow. The grade on 3605 Lake Front is highest at the property line so given a significant enough rain, the drainage will overflow the swale and still go onto that property. I am okay with them not having a 6" swale like was the plan, but at that area it is only an inch deep, which is pretty inconsequential.***
2. *"Second concern in the matter is I am going to need to add a speed bump type water barrier at the beginning of my driveway to prevent the excessive water runoff from the Naimi driveway*

entering mine and coming towards the house.” – This is accurate that water flows to the street and towards the driveway of 3605 Lake Front, though Lake Front has always flowed towards 3605 Lake Front and likely has historically been a problem. Now looking at the two attached letters from Rob’s reviews, he was requiring the trench drains for approval to help mitigate this though and they were not built. I’m sure the argument will be that they got removed because the driveway is permeable, but they were being required even with the driveway being permeable.

3. *“Third concern in the matter is if there is a Maintenance scheduling of the Swales, French Drains and Pumps to discharge the water to the lake.” – There is recommended maintenance on the plans but all of the maintenance activities talk about keeping grass clippings and leaves out of the storm system, but there is no real grass or trees on the site so it is not relevant. In the ZBA minutes Rob said on page 5 that “the Township could not enforce a maintenance agreement.”*