
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Meeting - 4:00 PM

Chairman Zuehlke called the Meeting to Order

I. Roll Call

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

Absent: Todd Bonnivier, Secretary

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

General public: 4

II. Approve the Minutes of the July 20, 2021 regular meeting of the Zoning Board of Appeals as printed.

III. **MOTION AND VOTE**

Moved by Moore

*Supported by Schneider; RESOLVED to **APPROVE** the Minutes of the JULY 20, 2021 Zoning Board of Appeals Meeting as Printed.*

MOTION CARRIED UNANIMOUSLY

(6-0).

IV. Approve the Agenda of the August 17, 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 August 17, 2021 Zoning Board of Appeals Meeting as Printed.*

MOTION CARRIED UNANIMOUSLY

(6-0).

V. New Business

Case No. PZBA21-043

Sidwell No. 13-22-176-001, Section 22, Lot 1 also WLY 61' of Lot 2, "Huronside Industrial Development", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a 5.16 ft. variance from Section 3-900 to allow the proposed stairs to be located 14.84' from the west side property line. (20 ft. minimum required)

Property Location: 4641 Highland Rd
Property Zoned: C-3, General Business
Applicant: D & R Investment

Applicant or representative present: David George & Phil Karmo

David George & Phil Karmo, Owners of D & R Investments, stated they are required to construct the stairs as an emergency access to the second story addition. There is no intention to use the stairs, except for in an emergency. They feel the stairs are shown to be located in the best area, as they walk down next to the building and not into the parking lot.

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

MOTION AND VOTE

Moved by Hauswirth

Supported by Moore; to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA21-043 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
(6-0)**

Case No. PZBA21-044

Sidwell No. 13-27-109-017, Section 27, Lot 49, "Crescent Lake Highlands", T3N, R9E, Waterford Township, Oakland County, Michigan

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

Property Location: 4811 Filer Ave
Property Zoned: R-1C, Single-Family Residential
Applicant: Erica Cisneros & Leonardo Elizondo

Applicant or representative present: Erica Cisneros & Kevin Cisneros

Chairman Zuehlke stated that the addition that applicants are requesting meets the setbacks. However, the existing house is nonconforming and then need a variance because of that.

Kevin Cisneros (translating for Erica Cisneros) expressed their agreement in the statement made by the Chairman.

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 variance(s) requested in ZBA Case No. PZBA21-044** 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
(6-0)**

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Meeting adjourned at 4:11 p.m.

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

Stacy St. James, Environmental Housing and Rehab Coordinator

Charter Township of Waterford
5200 Civic Center Drive, Waterford, Michigan 48329
Email: sstjames@waterfordmi.gov
Phone: (248) 674-6240

Case No. PZBA21-043

Property: 4641 Highland Rd
Applicant: D & R Investment
Zoning: C-3, General Business
Site Use: Retail
Proposal: Stairs

Analysis

The applicant is requesting a variance to allow for the construction of stair to access the second floor of the building. These stairs are required by the Fire Department as an emergency egress from the second floor. They are only intended to be used in the case of an emergency. The stairs are shown to be located 14.84' from the west side property line, where a minimum setback of 20' is required. No additional variances are 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. PZBA21-043 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. PZBA21-043 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. PZBA21-044

Property: 4811 Filer Ave
Applicant: Erica Cisneros & Leonardo Elizondo
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicants are proposing to construct an addition onto the existing house. The existing house is non-conforming, as it does not meet the minimum 35’ front yard setback (the house is shown at 30’). The proposed addition is shown to maintain the 30’ setback. No additional variances are 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. PZBA21-044 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. PZBA21-044 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: _____)