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

II. Roll Call
Present:   David Zuehlke, Chairman
Stan Moore, Vice Chairman
Karen Joliat, Secretary
Todd Hoffman, Board Member
Todd Bonnivier, Board Member
Steve Reno, Board Member
Colleen Murphy, Board Member

General Public:   Approximately 15

Also Present:   Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Administrative Specialist
Brent Gibson, Superintendent/Building
Rob Merinsky, Director/Engineering
Larry Lockwood, superintendent/Planning
Scott Alef, Planner II
Gary Dovre, Township Attorney

III. Approve the Minutes of the August 20, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE
Moved by Reno
Supported by Joliat; RESOLVED to APPROVE the Minutes of the August 20, 2019 meeting as printed.
MOTION CARRIED UNANIMOUSLY
(7-0)

IV. Approve the Agenda of the September 17, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE
Moved by Moore
Supported by Bonnivier; RESOLVED to APPROVE the Agenda of the September 17, 2019 meeting as printed.
MOTION CARRIED UNANIMOUSLY
(7-0)
Chairman Zuehlke stated that the Township Attorney requested the Old Business items, Case No. PZBA19-018 and PZBA19-019, be heard at the end of the meeting.

V. New Business

Case No. PZBA19-026


Requesting

1. A 3.0 ft. variance from Section 3-302.3.A.(6) to allow the existing detached accessory building to remain within 2.0 ft. of the rear property line. (5 ft. minimum required)
2. A 4.2 ft. variance from Section 2-104.2 to allow the existing roof eave and gutter to remain within 0.8 ft. of the rear property line. (5 ft. minimum required)

Property Location: 722 S Cass Lake Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Juan Rubio

Applicant or representative present: Ulises Rubio

Mr. Rubio, present on behalf of his dad, stated that his dad did not think a permit was required for a shed, even though he owns a construction company. The Township sent a violation notice for working without permits. When they came in to pull a permit, they found that a variance would be needed, as it is too close to the property line.

Chairperson Zuehlke advised Mr. Rubio that the correct process for building is to pull permits or get permission first. He indicated the five feet is required for maintenance. He said that the structure appears to be well built, but rules need to be followed. He did also add that the adjacent neighbor (directly behind) was unable to stay for the meeting, but did stop in to give her support of this request.

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

Board Member Bonnivier said that upon inspection, it did not appear that there was not enough space from the property line with the overhangs.

Chairman Zuehlke questioned if gutters could be added to control runoff.

Mr. Rubio they could be added.
Board Member Moore questioned the Building Superintendent, Brent Gibson, if he looked at the building.

Mr. Gibson stated he has not inspected the building and permits would be needed.

Chairman Zuehlke reiterated that, if approved, permits and inspections would be needed, along with gutters.

MOTION AND VOTE
Moved by Reno to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA19-026 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:
- Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
- The variance will do substantial justice to the applicant and other property owners.
- A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
- The variance is needed due to unique circumstances of the property.
- The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
- The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.

Motion DIED due to lack of support.

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. PZBA19-026 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 and due to the difficulties the homeowners themselves have created, with the following STIPULATIONS:
- Permits must be pulled.
- Inspections must be approved.
- Gutters must be installed.

MOTION CARRIED, (5-2) with Board Members Reno and Zuehlke OPPOSED.

Case No. PZBA19-027

Sidwell No. 13-08-101-057, Section 8, NLY 51 FT OF LOT 297, ALSO NLY 51 FT OF PCL, “Whitfield Estates”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting
1. A 10.0 ft. variance from Section 3-900 to allow the proposed house to come to within 25.0 ft. of the east lake rear property line. (35 ft. minimum required)
2. A 20.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to come to within 60.0 ft. of the west lakefront shoreline. (80 ft. minimum required for subject property)

Property Location: Vacant Whitfield Dr (Between 3455 & 3445)
Property Zoned: R-1C, Single-Family Residential
Applicant: Emily Ford

Applicant or representative present: Emily Ford

Ms. Ford indicated she was in the processed of purchasing the lot and the house adjacent to it, currently owned by Mr.& Mrs. Holley. The lot was split in 1990 and there was a court order involved in the split. She understands the potential of a lakefront property and wishes to make improvements at a later date. She wants to be mindful of other lakefront owners and feels the proposed improvements do not create a visual obstruction.

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

Bryan McGraw, 3455 Whitfield Dr, is not in favor of this request. He stated he does not want to see a house built on the lot and that it will block his open side view of the lake. He further voiced concerns regarding public safety and periodic flooding that occurs in the area.

Chairman Zuehlke reference the court order, with regards to buildability of the lot.

Mr. McGraw further questioned the buildability of the lot.

Chairman Zuehlke explained how lakefront setbacks are calculated. He also referenced the staff memo and that it was indicated that the proposed building envelope was keeping in character with the adjacent properties.

Mr. McGraw further expressed his concerns with flooding in the area and that he was personally opposed to development of the property.

Chairman Zuehlke indicated the developer of the property would be required to control drainage from the property. An engineering plan would be reviewed, with the building permit process. The Board was only there to review the variances requested and that the request was not unusual.

Bob Holley, 3445 Whitfield Dr, identified himself as the owner of the vacant property and the adjacent house. He was concerns with the was the average setback must be calculated. They were being negatively impacted by two homes that are set back off
the water, due to the slope of those properties. He also voiced concerns with drainage, and ongoing issue that he felt were from the development of the properties across the street.

Board Member Murphy questioned staff if there are typically plans submitted for a variance request. She further noted that a variance is only granted for a year, and if construction has not started by this time, the variance would expire. She also commented that a home could be built and meet setback requirements. She was concerned that the request was for a house that “might” be built and that a precedence could be set if the request was approved.

Staff confirmed that a variance request is good if a project is started within one year. Staff further confirmed that specific construction plans are not required for a variance request, but they would have to submit plans that fit into the variance when applying for a permit.

Board Member Joliat questioned if the applicant planned to build within a year and questioned if she would be interested in tabling the request until drawings were obtained and come back.

Ms. Ford replied that the sole purposed was to obtain approval for the requested setback before spending money on having plans drawn up. She was told that specific plans are not required for a variance request.

Staff further confirmed that even with construction plans, the applicant is not obligated to build that house, only a house that meets the setbacks.

MOTION AND VOTE
Moved by Joliat
Supported by Hoffman to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA19-027 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 and that:

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

MOTION CARRIED, VOTE (5-2) with Board Members Reno and Murphy OPPOSED.
Case No. PZBA19-028

Sidwell No. 13-17-101-015, Section 17, Lots 16 & 17, “Williams Lake Grove”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 4.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to come to within 36.6 ft. of the west lakefront shoreline. (40.6 ft. minimum required for subject property)
2. A 4.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 33.6 ft. of the west lakefront shoreline. (37.6 ft. minimum required for subject property)

Property Location: 6888 Brightwood Ct
Property Zoned: R-1C, Single-Family Residential
Applicant: Tom Rothermel

Applicant or representative present: Tom Rothermel

Mr. Rothermel purchased this 90 year old home about a year ago. He has demolished the house. He is requesting a variance that would allow him to build a home and attached garage with a turn around. He could make the house fit in the building envelope, but it would not allow him to have the turn-around drive that he would like. He is restricted with his driveway by a utility pole. He is limited on side due to the size and shape of the lot. His southern neighbor has no objections, and can only speculate that the neighbor to the east would have no objections, because if approved he would remove the existing garage, expand his neighbor’s view.

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

Board Member Murphy questioned why he would need this request. She feels that there is enough room for a turn-around within the existing building envelope.

Mr. Rothermel said that he has been working with his architect to achieve this turn-around. The information he was provided by his architect indicated the turn radius would be too short unless he repositions the house and obtains a small variance. He felt his request is still substandard compare to other requests granted by the Board.

MOTION AND VOTE
Moved by Bonniver
Supported by Moore to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA19-028 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 the uniqueness of property and that the existing garage would be removed.

**MOTION CARRIED UNANIMOUSLY**

(7-0)

**Case No. PZBA19-029**

**Sidwell No. 13-25-327-012,** Section 25, Lot 6 EXC S 230 FT, “Supervisor’s Plat No 1”, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 9.0 ft. variance from Section 3-900 to allow the proposed addition to come to within 6.0 ft. of the west side property line. (15 ft. minimum required)

**Property Location:** 2665 Elizabeth Lake Rd  
**Property Zoned:** O-1, Local Office  
**Applicant:** Barbara Rubin

Applicant or representative present: Jeffrey Weinger, General Contractor

**Mr. Weinger** said that this property has sat vacant for several years. The owner purchased with the intent to occupy this as a medical office. In attempts to renovate the building, they encountered an interior column approximately 8 feet from the existing entrance. To move the column would be difficult, so it was determined to move the vestibule onto the side of the building. When this was proposed to the Township for site plan review, they found that the building was already at the minimum side yard setback. It was suggested to them that they to bring this plan before the Board to see if a variance could be granted. There is a significantly wide sidewalk in the area of the proposed addition. They felt that even with the proposed addition, there would still be adequate sidewalk around the addition.

**Chairperson Zhulke** questioned if this would affect parking.

**Mr. Weinger** indicated there is already an easement for the shared drive with adjacent property owner and parking would not be affected.

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

**Board Member Bonnivier** questioned if they had plans to place some type of barrier or bollard to keep cars from encroaching on the existing sidewalk and proposed vestibule.

**Mr. Weinger** indicated that he would be open to the idea.

**MOTION AND VOTE**

Moved by Reno
Supported by Hoffman to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA19-029 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 and that:

- The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
- The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.

**MOTION CARRIED UNANIMOUSLY**

(7-0)

VI. Old Business

**Case No. PZBA19-018**

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

**Requesting**

1. A variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to be located at the subject property. (All freestanding signs shall be ground signs)
2. A 30 ft. variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum height of 38 ft. (8 ft. maximum allowed for subject property)
3. A 287.85 sq. ft. variance from Section 2-508.C to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum sign facing area of 381.6 sq. ft. (93.75 sq. ft. maximum allowed for subject property)
4. A 10.0 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 5.0 ft. of the south right-of-way line. (15 ft. minimum required)
5. An 11.0 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 14.0 ft. of the west side property line. (25 ft. minimum required)
6. A variance from Section 2-508 to allow for the existing freestanding sign and proposed non-accessory freestanding post pylon sign (electronic billboard) to be located at the subject property. (One freestanding sign allowed for subject property)
7. A 358.85 sq. ft. variance from Section 2-508.C to allow the existing 146 sq. ft. freestanding sign and proposed 381.6 sq. ft. non-accessory freestanding post pylon sign (electronic billboard) to have a total combined sign facing area of 527.6 sq. ft. (168.75 sq. ft. maximum allowed for subject property)
Although the Zoning Board of Appeals does not have authority to grant them, variances have also been requested from Sections 3-201, 3-701, and 2-501.9.H, which prohibit the use of the property for a non-accessory (billboard) sign that is not related to the principal use of the property.

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

Applicants and representatives present: Randy Oram, President - International Outdoor, Inc; Jim Faycurry, Real Estate Department; Jeff Sieving, Legal Counsel; Mansour Oram, Real Estate Representative.

**Mr. Oram** provided additional information to the Board.

**Chairman Zuehlke** questioned the applicant as to if they had anyone signed on to advertise on the billboard.

**Mr. Oram** indicated they do not. The additional information are just samples to supplement the original application packet. He indicated that this would be a two-step process. If approved by this Board, it would then be presented to the Township Board for further approval.

**Chairman Zuehlke** indicated that the Board did not need details as to the message of the billboard.

**Mr. Oram** indicated there are two different sites and although most of the information pertains to both, he will present sections one thorough four that apply to both sites. Mr. Faycurry will then address the individual uniqueness of each site.

They are proposing a public and private partnership to do the marketing and advertising of commercial and non-commercial nature. Basically, there will be eight advertisers with eight seconds each. They are proposing to allow the Township to have one of those ads free of charge, even though that is uncommon for their industry. These ads would run twenty-four hours each day. Notices can create public awareness and other information to the public.

Section 1 of the packet addresses who they are as a company, their local partnerships and the events they have been involved with. He feels this is new technology and other communities are embracing it. Amber Alerts take over when needed. They also work with FBI most wanted, Crime stoppers and various other public service announcements. He also indicated there are content restrictions with the landlords and as a company policy. He indicated Michigan’s restrictions concerning the frequency of the messages.
Section 2 addresses the style of the sign being proposed and gives various samples. They are looking to construct a brick clad style. They feel this is keeping the general style of the area and blend in with surrounding buildings.

Section 3 addresses the two locations where the two signs are being proposed. The zoning of those two sites in also listed in that section.

Section 4 references studies, regarding the safety of similar digital billboards and studies that have been conducted. He also stated the standard billboard size compared to the proposed signs. He then referred to Mr. Faycurry to address the specific variances being requested for each case.

Mr. Faycurry said that both locations are approved by the State of Michigan. The State controls the timing of the message (8 seconds per message). He stated the approvals are included in the packet information. He indicated the variances being request are numerous, but after meeting with the Township Officials and Attorney, it was identified that the dimensional variance would be required prior to requesting a use variance from the Township Board. In other communities it is handled through the PUD process, but the Township does not provide for that review for this request.

With regards to 5010 Highland Rd, he stated they researched clear vision for the location relating to this case to determine the size, height and location of the sign as it pertains to the variances being requested.

Mr. Oram referenced photos and maps provided in the packet information with regards to the proposed sign location and height. He referenced the approval received from the State for the sign.

Chairman Zuehlke stated that the approvals have expired.

Mr. Oram indicated those approvals have been renewed since the packets have been submitted. He stated that approval could be provided if needed.

Mr. Faycurry discussed MDOT minimum sign spacing requirements.

Mr. Oram discussed the information provided in Section 5 of the packet with regards to the technology of the billboard, including the LED lighting. He referenced the results of various lighting studies that were conducted.

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

Board Member Moore stated that this sign is proposed near a very busy intersection. The information he found stated that this intersection was rated to be the 4th most dangerous intersection in the County. He did not know how a sign of that size and height could not be a distraction.
Mr. Oram gave his opinion of how the proposed sign would help draw a driver's attention to the road. Based upon the size and height, it can be seen from a distance. He felt the light at the intersection will also aid in providing time to read through the messages. He further noted several studies that were done and their conclusions do not show signs to be the contributing factor of accidents.

Board Member Moore stated that he found several studies that state since 2018 accidents have gone up 41 percent due to distraction, and pedestrian accidents in the Country went up 28 percent. He felt there are enough distractions without adding more.

Mr. Oram feels signs do not contribute to distractions. He indicated studies before and after billboards, including one along I-75, that showed no increase in accidents. He did agree that distracted driving is a problem, but not due to signs. He indicated that the proposed signs would not provide any moving images, as compared to many on premise signs.

Mr. Faycurry indicated the sign messaging was regulated by the State.

Board Member Bonniver noted that maybe in the studies on I-75 where there were no turnoffs or businesses to pull in or out of, and motorists are moving, it may not increase accidents. But, in a City or Township, where there are other signs, he is not so sure that it would not be a distraction. In addition, it would take away from other businesses signs.

Board Member Murphy questioned what other communities they proposing these signs in, with regards to surface streets.

Mr. Oram said that they are proposing these signs in fifteen other communities and some have already been approved. He felt the proposed signs are not uncommon on surface streets, as they are smaller than the freeway signs. He further stressed the public and private partnerships and that the messaging is important to keep the residents informed in a timely basis.

MOTION AND VOTE

Moved by Joliat
Supported by Reno to DENY the 7 dimensional variances requested in Case No. PZBA19-018 based on the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

A. **Strict compliance with restrictions governing area, setbacks, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

The Application Answer on this standard addressed the community and emergency messaging functions of the proposed sign and why this property was desirable but failed to address why any of the dimensional ordinances from which variances were
requested were burdensome or prevented use of the property, which is and has been for some time as a viable and visible gas station.

B. The variance will do substantial justice to the applicant, as well as other property owners.
The owner whose use and value of the land would be maximized is not an "other property owner" for purposes of this standard. The only fact relied on in the Application Answer to show justice to other property owners is compliance with the clear vision area under the Ordinance. The Applicant has failed to demonstrate how a second sign on this property that will dwarf all other signs of other property owners would provide them with substantial justice. The benefits of a community messaging sign are not a consideration with respect to this standard.

C. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
While the Application Answer to this standard refers to the need for the proposed billboard to be visible from the roadway, there has been no showing that a sign that complied with the dimensional standards under the ordinance would not be. The photograph of the existing, much smaller sign confirms that the size requested is not needed. The only lesser variance addressed by Applicant is height, claiming that what is proposed is necessary to avoid competing with other signage on the property and electrical lines and poles. Those are not sufficient reasons and ignore the second focus of this standard which is justice to other property owners.

D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
The Application Answer for this standard relies on the location and commercial zoning classification of the property only, the MDOT locational approval, and the existence of off-premises signs on other commercial property in the Township. As indicated in the Staff Report, those signs predate the current ordinance and are nonconforming. That this property is commercially zoned does not make it unique for purposes of the dimensional variances under this standard, and the Applicant has not submitted anything unique about this property related to those variances. It is one of many gas stations in the Township located at the corner of a busy intersection.

E. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.
The Application Answer for this standard relies on the nonconforming off-premises signs on commercial properties that is claimed to be unfair because they are not allowed on other similarly situated properties. That is not responsive to this standard on the dimensional variances requested. It is the Applicant that chose this already developed location and is proposing a sign that, in addition to requesting a post-pylon sign as a second sign at this location, involves the following additional deviations from the Ordinance:

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<th>Dimension</th>
<th>Deviation</th>
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<tr>
<td>Height</td>
<td>+ 475% (8’ to 38’)</td>
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Sign Area + 407 % (93.75 SF to 381.6 SF)
ROW Setback - 67 % (15' to 5')
Side Setback - 56% (25' to 14')
Total Area of all Signs + 312.65% (168.75 SF to 527.6 SF)
The need for each of these variances is clearly self-created.

F. The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done.
Although the community messaging functions of the proposed sign could be considered as consistent with the public safety and welfare elements of this standard, the spirit of the Zoning Ordinance and substantial justice would be disregarded by granting such major deviations from the Ordinance on the weak or non-existent showings made by Applicant.

MOTION CARRIED UNANIMOUSLY
(7-0)

Case No. PZBA19-019
Sidwell No.13-26-429-027, Section 26, Part of Lot 18 and all of Lot 19, “Supervisor’s Plat No 35”, T3N, R9E, Waterford Township, Oakland County, Michigan
Requesting

1. A variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to be located at the subject property. (All freestanding signs shall be ground signs)
2. A 39 ft. variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum height of 45 ft. (6 ft. maximum allowed for subject property)
3. A 319.1 sq. ft. variance from Section 2-508 to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to have a maximum sign facing area of 381.6 sq. ft. (62.5 sq. ft. maximum allowed for subject property)
4. A 15 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 0 ft. of the northeast right-of-way line. (15 ft. minimum required)
5. A 25 ft. variance from Section 2-508.A to allow the proposed non-accessory freestanding post pylon sign (electronic billboard) to come to within 0 ft. of the southeast side property line. (25 ft. minimum required)

Although the Zoning Board of Appeals does not have authority to grant them, variances have also been requested from Sections 3-201, 3-701, and 2-501.9.H, which prohibit the use of the property for a non-accessory (billboard) sign that is not related to the principal use of the property.
Property Location: Vacant W Huron St (between 3081 & 3101)
Property Zoned: C-2, Small Business
Applicant: International Outdoor Inc.

Applicants and representatives present: Randy Oram, President - International Outdoor, Inc; Jim Faycurry, Real Estate Department; Jeff Sieving, Legal Counsel; Mansour Oram, Real Estate Representative.

Chairman Zuehlke stated the requests are similar to the previous case.

Mr. Oram said that the request is similar with regards to the sign, but he would like to address the uniqueness of this property. The proposed sign 45 ft. height is industry standard. The proposed setback allows the sign to be closer to the road and provide visibility for drivers. With respect to the clear vision area, the pole is pushed back. It is located around a bend and more in the line of sight of vehicles as they approach. The sign is intended to be an off premises sign, so that it would not be a distraction to on premise sign. He further stated that the lot has easements, prohibiting the use of the lot, with the exception of parking, which is what the owner to the east is currently using it for. The location of the sign was designed to not impact the storm water easement. He referenced similar information and studies, as they compare to the previous case. He further believes that offering off site advertising may reduce some of the existing signs in the community.

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

MOTION AND VOTE
Moved by Reno
Supported by Hoffman to DENY the 5 dimensional variances requested in Case No. PZBA19-019 based on the Application not being signed by the owner of the property, Carolyn D Biondo, who also owns the adjoining property at 3081 West Huron, and Applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

A. Strict compliance with restrictions governing area, setbacks, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

The Application Answer on this standard addressed the community and emergency messaging functions of the proposed sign and why this property was desirable but failed to address why any of the dimensional ordinances from which variances were requested were burdensome or prevented use of the property, which as shown on the aerial photo submitted by Staff, is used for vehicle parking and is of the same size as the developed property to the west.

B. The variance will do substantial justice to the applicant, as well as other property owners.
The owner whose use and value of the land would be maximized is not an "other property owner" for purposes of this standard. The Applicant has failed to demonstrate how a sign on this property that will dwarf all other signs of other property owners would provide them with substantial justice. The benefits of a community messaging sign are not a consideration with respect to this standard.

C. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
While the Application Answer to this standard refers to the need for the proposed billboard to be visible from the roadway, there has been no showing that a sign that complied with the dimensional standards under the ordinance would not be. The only lesser variance addressed by Applicant is height, claiming that what is proposed is necessary to avoid competing with other signage on the property even though there is none, and electrical lines and poles. Those are not sufficient reasons and ignore the second focus of this standard which is justice to other property owners.

D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
The Application Answer for this standard relies on the location and commercial zoning classification of the property, the MDOT locational approval, the existence of off-premises signs on other commercial property in the Township, and storm water run-off issues and an electrical line easement. As indicated in the Staff Report, those signs predate the current ordinance and are nonconforming. That this property is commercially zoned does not make it unique for purposes of the dimensional variances under this standard, and the Applicant has not submitted any sufficient facts regarding how the storm water and electrical easement make the property undevelopable as claimed, or anything else thing unique about this property related to those variances. As noted in the Staff Report, it is under common ownership with the property to the east and could be combined with that property.

E. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.
The Application Answer for this standard relies on the nonconforming off-premises signs on commercial properties that is claimed to be unfair because they are not allowed on other similarly situated properties. That is not responsive to this standard on the dimensional variances requested. It is the Applicant that chose this location and is proposing a sign that, in addition to requesting a post-pylon sign, involves the following additional deviations from the Ordinance:

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<thead>
<tr>
<th></th>
<th>Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>+ 750% (6' to 45')</td>
</tr>
<tr>
<td>Sign Area</td>
<td>+ 610% (62.5 SF to 381.6 SF)</td>
</tr>
<tr>
<td>ROW Setback</td>
<td>- 100% (15' to 0')</td>
</tr>
<tr>
<td>Side Setback</td>
<td>- 100% (25' to 0')</td>
</tr>
</tbody>
</table>

The need for each of these variances is clearly self-created.
F. The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done. Although the community messaging functions of the proposed sign could be considered as consistent with the public safety and welfare elements of this standard, the spirit of the Zoning Ordinance and substantial justice would be disregarded by granting such major deviations from the Ordinance on the weak or non-existent showings made by Applicant.

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

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

**MOTION AND VOTE**
Moved by Moore
Supported by Joliat to **ADJOURN** the meeting at 5:30 p.m.
**MOTION CARRIED UNANIMOUSLY**
(7-0)
Analysis
On July 25th, 2019, a complaint was received regarding the construction of a shed on the subject property. The concern was that the shed was constructed without permits and too close to the rear property line. Upon inspection, it was determined to be in violation. A notice was sent to the property owner July 30th, 2019. On August 6th, 2019 an application to the Zoning Board of Appeals was submitted by the applicant.

Based upon the information submitted, the existing shed is 20.3’ by 11.1’. It also has a covered patio the same size as the shed (see photos). The size of the shed and covered patio is within what the zoning ordinance allows. However, it is shown to be within 2’ of the rear property line, where a minimum setback of 5’ is required. Also, since it is greater than 200 sq. ft., a building permit would also be required.

If the Board chooses to approve the requested variances, it should be with the stipulation that the applicant apply for the required permits and receive the required inspections.

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-026 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. PZBA19-026 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. PZBA19-027

Property: Vacant Whitfield Dr (Between 3455 & 3445)
Applicant: Emily Ford
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

Analysis
The applicant is requesting variances to allow for the construction of a new house on the subject property. Based upon the information provided, variances are being requested from the minimum lakefront shoreline setback and the lake rear (road) property line. The applicant is proposing a building envelope for construction. The building envelope shown appears to have setbacks similar to other houses in the area. The proposed lakefront setback of 60’ is in line with the adjacent property owners and does not appear to cause a visual obstruction, maintaining existing lake views. As for the lake rear (road) side property line, the proposed setback of 25’ is more restrictive compared to what the adjacent property owners currently enjoy. The proposed building envelope is shown to be 2,460 sq. ft. For a lakefront property, this building area seems to be comparable to how the neighboring properties have been developed, with most houses non-conforming with regards to current ordinance requirements. The applicant is showing that the side yard setback minimums will be met. If the applicant was to construct a new house within the required setback minimums (80’ minimum lakefront setback and 35’ minimum lake rear (road) setback), the building envelope would be reduced to approximately 1,190 sq. ft.
The applicant has provided additional information regarding a Circuit Court Order from June 21, 1990 and ZBA approval from October 16, 1990 which gives the history as to how the lot was created to provide for a buildable property.

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

**DRAFT MOTION FOR APPROVAL**

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

**MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-027 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. PZBA19-027 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. PZBA19-028

Property: 6888 Brightwood Ct
Applicant: Tom Rothermel
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 subject property is at the end of a dead end road. The property is lakefront with what is essentially two shorelines, as it is on a peninsula (see aerial) The applicant is requesting variances from the west lakefront shoreline. He is requesting that the proposed house be constructed to within 36.6’ of the shoreline, where a minimum setback of 40.6’ is required. The proposed setback does not seem as though it will negatively impact the other house on the peninsula with regards to their lake view. The applicant has indicated the setback variance is desirable so that the proposed garage can be a bit bigger, while still providing an adequate turning radius and parking for the property. He has also indicated that if the variances were granted, he would remove the existing detached garage. He feels that removing the garage would improve the property and benefit the adjacent home owner, as they would then have a better view of the lake. The applicant demolished the house that existing on the property. Based upon the information provided, the previous house was located in a similar location, with regards to the west lakefront shoreline, as to what the applicant is proposing with the new house and the requested variances. The setback from the north shoreline is further for the new house than where the old house was located, bringing that side into conformity with ordinance minimums.

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

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

**MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-028 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. PZBA19-028 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. PZBA19-029

Property: 2665 Elizabeth Lake Rd

Applicant: Barbara Rubin

Zoning: O-1, Local Office

Site Use: Medical Facility (Dermatology)

Proposal: Addition

Analysis

The applicant is requesting a variance to construct a small addition on the west side of the existing building. The information submitted indicates the addition is a 6’ by 8’ vestibule at the west entrance. The minimum side yard setback for the subject property is 15’. The proposed addition is shown to come to within 6’ of the side property line. It does not appear that the proposed addition would affect the pedestrian sidewalk and access around the building.

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

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.
MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-029 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. PZBA19-029 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. PZBA19-018

Property: 5010 Highland Rd
Applicant: International Outdoor Inc
Zoning: C-3, General Business
Site Use: Gas Station
Proposal: Non-accessory Freestanding Post Pylon Electronic Billboard Sign

Analysis
The applicant is proposing to erect a non-accessory freestanding post pylon electronic billboard sign at the subject property. The subject property is currently occupied by a Mobil gas station. The applicant is proposing to erect the sign along Highland Rd near the southwest corner of the property (see attached site plan). The sign is proposed to have a maximum height of 38 ft. (8 ft. maximum allowed for the subject property). The sign in proposed to have a maximum sign facing area of 381.6 sq. ft.
(93.75 sq. ft. maximum allowed for the subject property). The site currently has a freestanding post pylon sign for the existing Mobil station (see attached photo). Variances are also needed to allow for both signs on the property, in addition to their combined sign facing area. The proposed billboard sign is shown to also need a 10 ft. variance to allow the closest point of the sign to come to within 5 ft. of the Highland Rd right-of-way line (15 ft. minimum required) and a 10 ft. variance to come to within 14 ft. of the west side property line (25 ft. minimum required). The zoning ordinance does allow for billboard signs. However, they are only allowed in the M-2 General Industrial District after Special Approval, as granted by the Planning Commission.

The applicant’s application attempts to make the argument that non-accessory (billboard) signs have existed for many years and these signs were “approved” in several places within the Township that are not zoned M-2. I have provided the following to address the signs identified in Question 1 of the Supplimental Information. It appears these signs have existed for over 40 years.

Looking through our historical aerial photos, it appears as though the sign on W Huron, west of Telegraph Rd existed since the mid 70’s or earlier in some form…

Google earth provides this view of it currently…
The location is between the bank at 994 W Huron and the strip plaza at 932 W Huron...

Here are the Telegraph Rd ones (this is just south of 1715 N Telegraph Rd)...

Again, this site existed prior to the mid 70's..
On August 6, 2019, the applicant submitted the attached supplemental information for this case. As you can see, the applicant has now acknowledged and requested variances from Section 3-201, 3-701 and 2-501.9.H of the Ordinance, which prohibit the use of property for a non-accessory (Billboard) sign that is not related to the principal use of the property. While those variances have been included in the Notice for your September 17, 2019, hearing, per the Township Attorney and as stated in the Notice, the Zoning Board of Appeals does not have authority to grant those variances. Variances from those types of ordinance use prohibitions are referred to as “use variances.”

According to the Township Attorney, your hearing of this case should have 2 phases. The first should focus only on the dimensional variances that have been requested, without regard to the ordinance use prohibitions and variances. Once you have made a decision on the dimensional variances, the second phase would be for the Applicant and anyone else to have the opportunity to present evidence and argument on why use variances would or would not be appropriate if you could consider and act on them. Once those presentations are done, the second phase of the hearing would be done. You would not need to, and should not, take any action other than the Chair to close that phase of the hearing.

The Township Attorney will be attending the meeting to answer questions and provide any additional guidance that may 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. PZBA19-018 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:**

A. Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
B. The variance will do substantial justice to the applicant and other property owners.
C. A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners
D. The variance is needed due to unique circumstances of the property.
E. The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
F. The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.
DRAFT MOTION FOR DENIAL
If the Zoning Board of Appeals chooses to deny the applicant’s request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA19-018 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:
- Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.
- The variance will do substantial justice to the applicant and other property owners.
- A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners.
- The variance is needed due to unique circumstances of the property.
- The problem and resulting need for the variance was not self-created by the applicant or the applicant’s predecessors.
- The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.

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

Case No. PZBA19-019
Property: Vacant W Huron St (between 3081 & 3101)
Applicant: International Outdoor Inc
Zoning: C-2, Small Business
Site Use: Vacant
Proposal: Non-accessory Freestanding Post Pylon Electronic Billboard Sign

Analysis
The applicant is proposing to erect a non-accessory freestanding post pylon electronic billboard sign at the subject property. The subject property is currently vacant. It appears it is being used for additional parking for the adjacent properties. The applicant is proposing to erect the sign along W Huron St near the east corner of the property (see site plan included in application). The sign is proposed to have a maximum height of 45 ft. (6 ft. maximum allowed for the subject property). The sign in proposed to have a maximum sign facing area of 381.6 sq. ft. (62.5 sq. ft. maximum allowed for the subject property). The proposed billboard sign is shown to also need a 15 ft. variance to allow the closest point of the sign to come to within 0 ft. of the W Huron St. right-of-way line (15 ft. minimum required) and a 25 ft. variance to come to within 0 ft. of the west side property line (25 ft. minimum required). The zoning ordinance does allow for billboard signs. However, they are only allowed in the M-2 General Industrial District after Special Approval, as granted by the Planning Commission.

It should also be noted that based upon the owner of record information as recorded at Oakland County, Carolyn D Biondo is listed as the owner. The application submitted lists Randy Grassi as the property owner. Additionally, based upon this same information, the adjacent property at 3081 W
Huron St is also listed as owned by Carolyn D Biondo. Based upon this information, there exists the possibility that the subject property and the adjacent property could be combined to make a parcel more conducive to development, reducing the argument that the subject property is undevelopable.

The applicant’s application attempts to make the argument that non-accessory (billboard) signs have existed for many years and these signs were “approved” in several places within the Township that are not zoned M-2. I have provided the following to address the signs identified in Question 1 of the Supplemental Information. It appears these signs have existed for over 40 years.

Looking through our historical aerial photos, it appears as though the sign on W Huron, west of Telegraph Rd existed since the mid 70’s or earlier in some form…

Google earth provides this view of it currently…
The location is between the bank at 994 W Huron and the strip plaza at 932 W Huron…

Here are the Telegraph Rd ones (this is just south of 1715 N Telegraph Rd)…

Again, this site existed prior to the mid 70’s.
On August 6, 2019, the applicant submitted the attached supplemental information for this case. As you can see, the applicant has now acknowledged and requested variances from Section 3-201, 3-701 and 2-501.9.H of the Ordinance, which prohibit the use of property for a non-accessory (Billboard) sign that is not related to the principal use of the property. While those variances have been included in the Notice for your September 17, 2019, hearing, per the Township Attorney and as stated in the Notice, the Zoning Board of Appeals does not have authority to grant those variances. Variances from those types of ordinance use prohibitions are referred to as “use variances.”

According to the Township Attorney, your hearing of this case should have 2 phases. The first should focus only on the dimensional variances that have been requested, without regard to the ordinance use prohibitions and variances. Once you have made a decision on the dimensional variances, the second phase would be for the Applicant and anyone else to have the opportunity to present evidence and argument on why use variances would or would not be appropriate if you could consider and act on them. Once those presentations are done, the second phase of the hearing would be done. You would not need to, and should not, take any action other than the Chair to close that phase of the hearing.

The Township Attorney will be attending the meeting to answer questions and provide any additional guidance that may 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. PZBA19-019 based upon the information presented by the Applicant and for this hearing demonstrating each of the following review standards in Section 6-100.5 of the Zoning Ordinance:

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

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA19-019 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

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

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