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

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

Absant:    Karen Joliat, Secretary

General Public:   Approximately 15

Also Present:   Stacy St. James, Environ. and Housing Rehab Coordinator
                Amy Williams, Administrative Specialist

III. Approve the Minutes of the September 17, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE
Moved by Reno
Supported by Moore; RESOLVED to APPROVE the Minutes of the September 17, 2019 meeting as printed.
MOTION CARRIED UNANIMOUSLY
(6-0)

IV. Approve the Agenda of the October 15, 2019, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE
Moved by Moore
Supported by Hoffman; RESOLVED to APPROVE the Agenda of the October 15, 2019 meeting.
MOTION CARRIED UNANIMOUSLY
(6-0)

V. Old Business

VI. New Business

Case No. PZBA19-030

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

Property Location: 4456 Forest Ave
Property Zoned: R-1A, Single-Family Residential
Applicant: Charles Bowles III

Applicant or representative present: Charles Bowles III

Mr. Bowles stated that the unique shape of the property does not allow for a garage in the rear yard. He meets all other zoning requirements.

Chairman Zuehlke indicated it is similar in request based upon the photos provided by the applicant of other houses in the area.

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

Board Member Murphy questioned if he owned the property. She also questioned the applicant if a larger garage was considered when the house was build. She felt that it is a large side lot and that his request does not really go with the neighborhood. She questioned if the proposed garage could be moved closer to the house.

Mr. Bowles said that he does own the lot, but has plans to sell. The purchaser is requesting the additional garage to store a boat. He did not feel that the request would negatively affect the neighboring properties and that it was a good location for the proposed garage. Based upon the size of the lot, he felt he could have built two houses instead of one.

Board Member Bonnivier verified that there would be 20 feet setback from the dwelling.

MOTION AND VOTE
Moved by Bonnivier
Supported by Hoffman; to find that practical difficulties do exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA19-030 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met and due to the unique shape of the lot.

MOTION CARRIED
(5-1) with Board Member Murphy OPPOSED.
Case No. PZBA19-031

Sidwell No. 13-06-377-027, Section 6, Part of Lot 6, “Maceday Knolls”, T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 884 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 528 sq. ft. attached garage and proposed 1800 sq. ft. detached accessory building to have a combined total square footage of 2328 sq. ft. (1444 sq. ft. maximum allowed for subject property)

**Property Location:** 7683 Maceday Lake Rd
**Property Zoned:** R-1A, Single-Family Residential
**Applicant:** Todd & Chasi Fox

Applicant or representative present: Todd Fox

Mr. Fox stated he is looking for more storage. He has a lot of outdoor equipment and toys that he would like to secure. He also has plans for a workshop. He further stated that he has spoken with the neighbors and feels like they are in support of his request.

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

Board Member Bonnivier questioned access to the proposed building.

Mr. Fox said that he was working with the neighbor to possibly put in a joint access, or he would re-configure the landscaping to allow access.

Board Member Moore noted that the property backs up to an old landfill, so it would not be developed. He further questioned the applicant if he would be willing to reducing the size of the proposed building to 30 ft. by 50 ft.by 10 feet, reducing the request by 300 sq. ft.

Mr. Fox said that he would be willing to make this amendment.

**MOTION AND VOTE**

Moved by Reno
Supported by Moore; to find that practical difficulties do exist and to APPROVE the variance(s) as AMENDED:

A 584 sq. ft. variance from Section 3-302.3.A(10) to allow the existing 528 sq. ft. attached garage and proposed 1500 sq. ft. detached accessory building to have a combined total square footage of 2028 sq. ft.

in ZBA Case No. PZBA19-031 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. PZBA19-032

Sidwell No. 13-28-376-012, Section 28, Lot 12, “Supervisor’s Plat No 51”, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 4.8 ft. variance from Section 2-104.4 to allow the proposed covered porch to come to within 20.2 ft. of the south front property line. (25 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: 5516 Lake Vista Dr
Property Zoned: R-1A, Single-Family Residential
Applicant: Ian Bigsby

Applicant or representative present: Ian Bigsby

Mr. Bigsby stated that he has owned this property for over 20 years and would like to increase the size of the house. Because the addition is larger than 25% of the existing footprint and the house is nonconforming, a variance would be required to make these changes. He is also requesting to construct a porch on the front of the house that also requires a variance for the front yard setback. He feels this request if minimal.

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

Board Member Murphy questioned the applicant if he planned to tear down the existing building.

Mr. Bigsby replied that he did not.

MOTION AND VOTE

Moved by Hoffman
Supported by Moore; to find that practical difficulties do exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA19-032 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. PZBA19-033

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: 3809 Hazelett Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Leon Seto

Applicant or representative present: Leon Seto

Mr. Seto said that his family is growing and he needs more room.

Chairperson Zuehlke stated that his request meets all zoning requirements, but the current structure is nonconforming, requiring a variance. The addition is proposed at the rear of the house.

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

Mr. Chappel, 3846 Oak Knoll, stated that he was in support of this request. He felt Mr. Seto has done nothing but make improvements to the property and is a good neighbor.

MOTION AND VOTE
Moved by Reno
Supported by Moore; to find that practical difficulties do exist and to Approve the variance(s) as amended in ZBA Case No. PZBA19-033 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. Approve the 2020 Meeting Schedule

MOTION AND VOTE
Moved by Moore
Supported by Hoffman; RESOLVED to APPROVE the Meeting Schedule for 2020.
MOTION CARRIED UNANIMOUSLY
(6-0)

VII. Discussions

VIII. All Else
IX. Public Comment

X. Adjourn the Meeting
   Chairman Zhulke adjourned the meeting at 4:20p.m.
Case No. PZBA19-030

Property: 4456 Forest Ave
Applicant: Charles Bowles III
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached Garage

Analysis
The applicant is proposing to construct a detached garage at the subject property. The ordinance requires that detached accessory building can only be located within a rear yard. Due to the limited rear yard area, the applicant is proposing to locate the garage within the side yard. The existing house has an attached garage approximately 528 sq. ft. The proposed garage is shown to be 720 sq. ft. The total existing and proposed area is 1248 sq. ft. The ordinance allows for a maximum area of 1444 sq. ft. for the subject property, which the proposal is within. The garage is shown to meet the front and side yard setbacks as required for the primary building. The photos provided indicate it will be constructed to have a similar look as the existing attached garage. The applicant has provided photos of other properties in the area that they feel are similar in nature to the proposed request.

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. PZBA19-030 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.**

(Evidence provided: ______________________________________________________________________)

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

**Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA19-030 based upon the applicant’s failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:**

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

(Evidence provided: ____________________________________________________________________
____________________________________________________________________________________)

Case No. PZBA19-031
Property: 7683 Maceday Lake Rd
Applicant: Todd & Chasi Fox
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory building

Analysis
The applicants are proposing to construct a detached accessory building at the subject property. The building is shown to be 30 ft. by 60 ft., for an area of 1800 sq. ft. The existing attached garage is shown to have an area of 528 sq. ft. The combined total area for the existing and proposed buildings is 2328 sq. ft., when the maximum allowed for the subject property is 1444 sq. ft. A variance of 884 sq. ft. is being requested. All other ordinance requirements, including minimum setback and maximum height are shown to be met. The applicant has provided photos of a building that is similar in appearance to the building they are proposing to construct.

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. PZBA19-031 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.
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. PZBA19-031 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.

Case No. PZBA19-032
Property: 5516 Lake Vista Dr
Applicant: Ian Bigsby
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition and porch

Analysis
The applicant is proposing to construct a rear addition and front porch on the existing house. The house is non-conforming, in that it does not meet the minimum front yard setback. The main addition is proposed to be located at the rear of the house and is shown to meet the minimum side and rear yard setbacks. The ordinance allows for an expansion of a non-conforming building, but it is limited to a maximum of 25% of the existing building footprint. Based upon this requirement, any addition over approximately 219 sq. ft. would require a variance. The proposed addition is shown to be approximately 494 sq. ft. In addition, a new covered front porch is also proposed. The ordinance requires a minimum setback of 25 ft. The house is already shown to be located 27.5 ft. from the front
property line, only allowing for a 2.5 ft. addition. The proposed front porch is shown to project 7.3 ft. into the front setback, the porch being 6 ft. in depth with a 1.3 ft. overhang.

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. PZBA19-032 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. PZBA19-032 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: _____________________________________________________________________________)

October 15, 2019

Case No. PZBA19-033
Property: 3809 Hazelett Dr  
Applicant: Leon Seto  
Zoning: R-1C, Single-Family Residential  
Site Use: Single Family Residential  
Proposal: Addition

Analysis  
The applicant is proposing to construct an addition onto the existing house. The house is an existing non-conformity, in that it does not meet the minimum front and west side yard setback. The proposed addition is shown to be located onto the rear of the house. The addition is shown to meet the minimum east side and rear yard setbacks. The ordinance allows for an expansion of a non-conforming building, but it is limited to a maximum of 25% of the existing building footprint. Based upon this requirement, any addition over approximately 344 sq. ft. would require a variance. The proposed addition is shown to be approximately 1250 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. PZBA19-033 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. PZBA19-033 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: ____________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
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