

---

---

CHARTER TOWNSHIP OF WATERFORD  
ZONING BOARD OF APPEALS REGULAR MEETING

**Zoning Board of Appeals Meeting - 4:00**

Chairman Zuehlke called the meeting to order at 4:00 p.m.

I. Roll Call

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

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

General Public: approx. 18 people

II. Approve the Minutes of the September 20, 2022 regular meeting of the Zoning Board of Appeals as printed.

**MOTION AND VOTE**

*Moved by **MOORE** Supported by **HAUSWIRTH**; RESOLVED to **APPROVE** the Minutes of the September 20, 2022 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

III. Approve the AMMENDED Agenda of the October 18, 2022 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 18, 2022 meeting Zoning Board of Appeals Meeting as Printed.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

IV. Old Business

V. New Business

**Case No. PZBA22-055**

**Sidwell No. 13-34-151-026**, Section 34, Lot 1 & 2, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 15.7 ft. variance from Section 3-900 to allow the proposed house to be located 19.3 ft. from the south lake rear property line. (35 ft. minimum required)
2. A 16.2 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 15.8 ft. from the south lake rear property line. (32 ft. minimum required)
3. A 13.2 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to be located 35.8 ft. from the north lakefront shoreline. (49 ft. minimum required)
4. An 11.7 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 34.3 ft. from the north lakefront shoreline. (46 ft. minimum required)
5. A 19.4 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to be located 29.6 ft. from the east lakefront shoreline. (49 ft. minimum required)
6. A 17.9 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 28.1 ft. from the east lakefront shoreline. (46 ft. minimum required)

**Property Location:** 4760 Onawa Ct  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Jeffrey Leib

**Applicant or representative present: Jeffrey Leib & Julie Weiner (home owner)**

**Chairman Zuehlke** questioned as to why so many variances are needed. He did state the lot was unusual.

**Jeffrey Leib** stated the request is to demolish the existing non-conforming house and construct a new home with setbacks that are more conforming than the existing house. He stated the proposed construction on the west side of the house is within the building envelope. The proposed house will have a greater setback than the current house on the east side and a slightly closer setback for the garage on the rear. Photos were submitted for the board to view. He stated that practical difficulty exists because the property has two lakefronts. He felt strict conformance with the setback requirement is unduly burdensome and is unnecessary except for the street side garage. The new proposed home will be consistent with the pattern of development for the neighborhood. The property is at the end of a dead end court and will have no impact on the surrounding properties. This was not self-created and will fit with the characteristics of the neighborhood and it is less non-conforming than the original home. Mr. Leib stated he knows of the letters that have been submitted regarding this variance request and

the neighbor that submitted the pictures stated she looks out her side window and will see a home, but that is the consequence of living in the middle of a block. Site lines are not measured by looking out the side windows. Most of the non-conformity are being reduced. He felt practical difficulties exist and respectfully requests the variances to be granted.

**Chairman Zuehlke** said that a letter was received and was requested to be read into the record.

**Board Member Moore** read the letter below, by Linda Hallick, 4780 Onawa Ct.  
October 14, 2022

*Zoning Board of Appeals  
Case No. PZBA2-055*

*4760 Onawa Ct  
Waterford, MI*

*I am writing regarding the six variances being requested by the parties at 4760 Onawa Ct.*

*I have concerns regarding the extensive variances being requested which have deviations that range from 25 to 50% from the setbacks required by the zoning ordinance.*

*I understand the property, like any and all property, has constraints on what someone may want to build. My property prohibits me from building a massive house even though it may be what I would desire. That is the case in all circumstances and is not unique to this piece of property.*

*Lane does not expand. When a home or piece of property is purchased, the land is defined and establishes what can and cannot be built. If someone creates a hardship based on a desire to have a home larger than what the land allows, that is In direct conflict with the zoning ordinance language:*

*“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”.*

*E. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.” (These are quotes from the zoning ordinance.). It is clear that all property owners in the area have the same restrictions and this property is not unique in that regard.*

*The property in question has the same restrictions that all people face on waterfront property but no different from anyone who has property boundaries. I can’t encroach on*

*my neighbor's property because I desire a home bigger than the property can support. If it is deemed that the property in question restricts the ability of the applicant to use their property (which it does not) then all zoning variances should be granted because that applies to anyone seeking variances.*

*The footprint of the current house does not prevent the owner from using the property for the permitted purpose but provides for a sight line from my property that will now be partially obscured. This request is a hardship being created by a homeowner who does not have the size land required to build the proposed house without it being more intrusive to the neighbors.*

*I am not asking that all set backs be observed because I know it is not possible but I am asking that additional variances not be granted that will impact my property and that the current footprint of the house be used. No additional variances should be granted which would create visual restrictions and change the character of the neighborhood.*

*Zoning ordinances were created to protect the integrity of neighborhoods and I am asking that protections be honored in this case.*

*Linda Hallick  
4780 Onawa Ct  
Waterford, Mi*

**Chairman Zuehlke** said Waterford is a lake front community and that the planners in the past did not plan for bigger houses. He felt it would be nice to rezone for the lake front properties, but it is not possible. The Board attempts to make the best decisions, trying to take everyone's concerns in mind.

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

**Nancy Scarlett, 4748 Onawa Ct.**, stated her home is immediately west of the home that is requesting the variances. She said she is opposed because the north side mostly will be built in front of her home and it will be obstructing her view and the view of the other neighboring properties as well. She submitted more photos showing the views from the west side.

**Chairman Zuehlke** appreciated the additional photos to provide further clarification as to the existing view and possible impact of the proposed house.

**Ms. Scarlett** asked that while they are looking at the photos, to look at the arborvitae bushes towards the lake. She stated the last one closest to the lake is approximately 40 feet from the lake. The proposed variance would allow the house to be constructed 35.8 from the lake, so it would be closer than the arborvitae.

**Board Member Schneider** questioned who owns the arborvitae.

**Ms. Scarlett** stated that the arborvitae belong to the applicant. She also said the fourth arborvitae sits at the 13.2-foot setback that would be required as calculated by staff. The 40 ft. building envelope was created by the applicant, it is not 49 ft. setback that was determined by the staff. The proposed house would be two plus stories and felt it would negatively affect the views and property value of her home. The land challenges were existing when they purchased the home two years ago. Therefore, they are making it their own hardship. She felt the proposed house that is shown to be shifted towards her house will negatively affect her home and the other property owners. If they demolish the existing house, they should have to rebuild to meet the ordinance requirements. Removing a non-conforming home and rebuilding another non-conforming home that blocks a neighbors lake view is not a fair solution for the other existing homeowners. She stated the survey does not highlight the new non-conforming NW corner of the proposed home. Ms. Scarlett stated that the survey the applicant turned in did not show her home and the negative impact the proposed house will have on her views. Ms. Scarlett reference her letter of opposition submitted and the survey with her home drawn on it. She felt the items she provided shows the negative impact on her home, the neighboring home and the character of the neighborhood. The variances requested do not show justice for the neighboring property like the variance standards state. They felt they could modify the home they wish to build to meet their needs and the ordinance without negatively impacting the view of the existing established neighborhood. We referenced the information she regarding previously requested variances for the subject property in 2015. She stated it unopposed by the neighbors, indicating that there are possibilities to build without affecting the neighboring views. She also stated that when she built her home she made sure that the views of the neighbors were being considered. Ms. Scarlett respectfully asked that the requested variances be denied.

**Bob Hartman, 4806 Onawa Ct.**, stated he is 3 houses down and said he did not agree with the statement of looking out the side of your house and expect your neighbors to not block your view. However, he felt that this was different in that when he goes out on his deck and looks at the arborvitae, the proposed building will block his view.

**Claudine Kuelske, 4820 Sherwell**, stated that being on a lake is not a hardship it is a privilege. It is one lake not two, it is the uniqueness of the property but it is one lakefront. She stated the setbacks are there to protect adjacent property, to protect the lake and to prevent encroachment, while allowing neighbors and neighboring dwellings a view without obstruction and to provide uniform aesthetics. She felt that the existing houses are in conformance with the lakefront view. She also asked that the Board be fair and that there are six variances presented today, that range from 13.2 ft. to 19.4 ft. She stated that she was before the Board and the variances she requested were 1 ft. to 15 ft. and it was denied. She did not feel that this case was special and unique to be granted these extreme variances.

**Chairman Zuehlke** replied that each request is reviewed individually and cannot be compared to another. They have the right to ask for whatever they want and the Board will decide what will be approved or not.

**Ms. Kuelske** said that the plans show a three-car garage and did not feel it was a hardship. She felt that adjustment could be made to the proposed development to fit more within the confines of the property.

**Bob Alexander, 4864 Sherwell**, stated that he was here a few times and the first was for a variance that was denied. He was able to modify his plans to make it work. He was here again when a neighbor was going to demolish and rebuild. He suggested that the owners knew what they bought and that they could conform. He is in support of people upgrading and make beautiful homes. However, when a request for a new house is present, that is the time changes can be made to conform to what the Township allows. He stated that when his neighbor was denied they sold the property. A new builder purchased it and built a beautiful home that complied with all of the regulations.

**Mr. Leib** clarified that he never stated there was a hardship. What he did stated was there was a practical difficulty. He stated that the proposed house will only increase the footprint of the current house by approximately 200sq ft. He stated that the survey used was what the staff approved for the last owner. We stated that they are not proposing any variances on the west side of the home. The variances on the east side are reduced from where the current home is located. We stated that he respects the comments of the neighbor to the west, but did not feel that their view of the lake would be blocked. He indicated her home orientates to the north, and she cannot say we are blocking the view of the lake with her looking out her side window. He stated that if she looks out the other side of her house, she will see her other neighbor's house. He did not feel the proposed house would block views of any of the neighbors and that the request was reasonable.

Discussion continued between the Board and applicant with regards to requested variances, size of the proposed house and possible options.

**Chairman Zuehlke** felt that other options should be explored further that takes into account the applicants desires in addition to the neighbors' concerns.

**Mr. Leib** said that they are willing to explore modifying the proposed plans.

**Board Member Hauswirth** expressed her support in tabling the request.

**Board Member Schneider** felt there were options to reduce the size of the proposed building to better meet the property.

**Board Member Zuehlke** suggested tabling the request to the next meeting, on November 15, 2022

**MOTION AND VOTE**

Moved by **MOORE**

Supported by **FRASCA**; to **TABLE** ZBA Case No. PZBA22-055 to the November 15, 2022 meeting.

**MOTION CARRIED**

**(7-0)**

**Case No. PZBA22-050**

**Sidwell No. 13-23-101-012**, Section 23, Lot 44, "Supervisor's Plat No 23", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a variance from Section 6-100.4.J to extend the timeframe of the previous extension granted on February 15, 2022 to be valid until February 16, 2024.

**Property Location:** 1476 Eason Rd  
**Property Zoned:** R-1A, Single Family Residential  
**Applicant:** Karl Morris

**Applicant or representative present: None**

**Chairman Zuehlke** stated this was simply a request to extend the timeframe of a previously approved variance.

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

**MOTION AND VOTE**

Moved by **MOORE**

Supported by **BONNIVIER**; to **APPROVE** ZBA Case #PZBA22-050 extending the timeframe of the previous extension granted on February 15, 2022, until February 16, 2024

**MOTION CARRIED**

**(7-0)**

**Case No. PZBA22-051**

**Sidwell No. 13-08-329-001**, Section 8, Lot 67, "Lake Williams Heights", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. An 18.0 ft. variance from Section 3-900 to allow the proposed house to remain 17.0 ft. from the north side property line. (35 ft. minimum required)

2. A 16.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to remain 16.0 ft. from the north side property line. (32 ft. minimum required)

**Property Location:** 2850 Lansdowne Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Bradley & Kimberly Jezierski

**Applicant or representative present: Bradley & Kimberly Jezierski**

**Bradley Jezierski** indicated they bought their house in 1998. They had a house fire, gutted the home and found out it was not up to code, so it was torn down. They were able to keep the basement. They are proposing to construct a new house in the same location, with a small addition at the rear of the house.

**Chairman Zuehlke** asked for and received clarification on the proposed footprint.

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

#### **MOTION AND VOTE**

*Moved by **BONNIVIER***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-051 based upon the information presented by the applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

**MOTION CARRIED**

**(7-0)**

#### **Case No. PZBA22-052**

**Sidwell No. 13-35-156-052; 053**, Section 35, Lot 535 & 536, "Elizabeth Lake Estates No 2", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 1.3 ft. variance from Section 3-900 to allow the existing house located at 3812 Cass Elizabeth Rd to remain 3.7 ft. from the proposed west side property line. (5 ft. minimum required)
2. A 2.3 ft. variance from Section 2-104.2 to allow the existing roof eave and gutter located at 3812 Cass Elizabeth Rd to remain 2.7 ft. from the proposed west side property line. (5 ft. minimum required)
3. A 5.0 ft. variance from Section 3-302.3.A(6) to allow the existing shed located at 3826 Cass Elizabeth Rd to remain 0 ft. from the proposed east side property line. (5 ft. minimum required)

**Property Location:** 3812 & 3826 Cass Elizabeth Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Sandra Brown & Diane Cieslak

**Applicant or representative present: Sandra Brown**

**Chairman Zuehlke** stated that the requested variances would help to clean up a nonconforming situation by adjusting a common property line.

**Sandra Brown** stated that the requested variances would help to bring the homes into compliance and that she was also representing the adjacent property owner/co-applicant.

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

#### **MOTION AND VOTE**

*Moved by FRASCA*

*Supported by HOFFMAN; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-052 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**

**(7-0)**

#### **Case No. PZBA22-053**

**Sidwell No. 13-15-427-007**, Section 15, Part of Lot 53, "Watkins Lakelands", T3N, R9E, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 25.8 ft. variance from Section 3-901 Footnote 4 to allow the proposed addition to be located 56.2 ft. from the southeast lakefront shoreline. (82 ft. minimum required for subject property)
2. A 23.8 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 55.2 ft. from the southeast lakefront shoreline. (79 ft. minimum required for subject property)

**Property Location:** 4303 Lakewood Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Ryan Columbus

**Applicant or representative present: Ryan Columbus**

**Ryan Columbus** stated that when they bought the home in May, there was a raised deck on the rear of the home. The deck was removed and they are proposing to construct a new screen porch in a similar location as the deck. The new porch will encroach slightly more into the required lakefront yard than the previous deck.

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

#### **MOTION AND VOTE**

*Moved by FRASCA*

*Supported by HAUSWIRTH; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-053 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**

**(7-0)**

#### **Case No. PZBA22-054**

**Sidwell No. 13-04-127-022**, Section 4, Waterford Township, Oakland County, Michigan

#### **Requesting**

1. A 21.8 ft. variance from Section 3-900 to allow the existing building to remain 3.2 ft. from the southwest front property line. (25 ft. minimum required)
2. A 16.8 ft. variance from Section 3-702.5.B(2) to allow for the existing greenbelt to remain 3.2 wide. (20 ft. minimum width required)
3. A variance from Section 2-802.1.D(1) to reduce the greenbelt tree planting requirement from eight (8) trees to one (1) tree for the subject property. (One (1) tree per 30 lineal ft. required)

**Property Location:** 5806 Dixie Hwy  
**Property Zoned:** C-3, General Business  
**Applicant:** Golden Rockies Inc

**Applicant or representative present: Andy Andre - Triumph Engineering**

**Andy Andre** stated the variances are related to the non-conformity of the existing building and property. The existing building does not meet minimum setbacks. He indicated there has been a building with this footprint since the 1940's, with the present building shown to be there since 1963. They are not proposing to expand the building. They would just like to maintain the existing non-conformity. With regard to the greenbelt, it does not support placement of trees within it as required by the ordinance. They do plan to place the trees at other locations on the property.

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

**Board Member Frasca** asked staff if the requests is approved, would it impact other properties in the area or is it strictly for this property.

**Staff** stated that it is just for this property. The variances would allow the applicant the opportunity to re-build in the same footprint if ever needed.

#### **MOTION AND VOTE**

*Moved by **MOORE***

*Supported by **FRASCA**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-054 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**

**(7-0)**

#### **Case No. PZBA22-056**

**Sidwell No. 13-08-351-015**, Section 8, Lot 121, "Williams Lake Park No 1", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting** a 1.3 ft. variance from Section 3-302.3.A(5) to allow the proposed detached accessory building to have a maximum height of 18.3 ft. (17 ft. maximum allowed)

**Property Location:** 6907 Desmond Rd  
**Property Zoned:** R-1C, Single-Family Residential  
**Applicant:** Jared & Kate Most

**Applicant or representative present: Kate Most**

**Kate Most** stated they originally update the existing garage but it was structurally unsafe and in bad shape. She said the additional height would allow for storage of their boat, outdoor items and a truck.

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

#### **MOTION AND VOTE**

*Moved by **SCHNEIDER***

*Supported by **HAUSWIRTH**; to find that practical difficulties exist and to **APPROVE** the variances requested in ZBA Case No. PZBA22-056 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**

**(7-0)**

## VII. Approve the 2023 Meeting Schedule

**MOTION AND VOTE***Moved by MOORE**Supported by FRASCA; RESOLVED to APPROVE the 2023 Scheduled as it has been Presented.***MOTION CARRIED UNANIMOUSLY  
(7-0).**

## VIII. All Else

## IX. Public Comment

X. **Meeting Adjourned 5:00 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 and Housing Rehab Coordinator  
Charter Township of Waterford  
5200 Civic Center Drive, Waterford, Michigan 48329  
Email: [sstjames@waterfordmi.gov](mailto:ssstjames@waterfordmi.gov)  
Phone: (248) 674-6240

**Case No. PZBA22-055**

**Property:** 4760 Onawa Ct  
**Applicant:** Jeffrey Lieb  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The applicant is requesting variances to construct a new house as the subject property. Based upon the information submitted, the proposed house is reducing the encroachment on the north and east lakefront shoreline, compare to the existing house. As for the lake rear (road) side setback, an additional encroachment of approximately 1’ is proposed compare to the existing house. As for the west side property line, the proposed house is coming closer than the existing house. However, the minimum required setback of 5’ is being maintained (the proposed house is approximately 6.5’ from the west side property line). While the site plan indicates a required minimum lakefront setback of 40’, staff calculated the minimum setback at 49’ (the average setback of the primary buildings within 200’ of the subject property). Additional variances are required for the proposed overhang/gutter projections.

*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. PZBA22-055 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. PZBA22-055 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. PZBA22-050**

**Property:** 1476 Eason Rd  
**Applicant:** Karl Morris  
**Zoning:** R-1A, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Extension of Previous Extension

**Analysis**

The applicant is requesting an extension of a previous extension granted February 15, 2022. The extension is scheduled to expire on February 16, 2023. The applicant is requesting the approval to be valid until February 16, 2024.

Below is the original variance that was previously granted on February 16, 2021:

***February 16, 2021 Staff Review:***

***The applicant is proposing to construct a detached accessory building at the subject property. The proposed building is shown to be 36 ft. by 48 ft. (1728 sq. ft.). In addition to the proposed building, there is an existing attached garage (1071 sq. ft.) and 3 existing detached sheds (140 sq. ft., 80 sq. ft. and 120 sq. ft.). The combined area of the existing and proposed accessory buildings is 3139 sq. ft. The maximum allowed for the subject property is 1444 sq. ft. A variance of 1695 sq. ft. is being requested. The height and location of the proposed building meets the zoning requirements.***

**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.

***MOTION to APPROVE case #PZBA22-050 extending the timeframe of the previous extension granted on February 15, 2022, until February 16, 2024***

**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.

***MOTION to DENY case #PZBA22-050 extending the timeframe of the previous extension granted on February 15, 2022, until February 16, 2024***

**Case No. PZBA22-051**

**Property:** 2850 Lansdowne Rd  
**Applicant:** Bradley & Kimberly Jezierski  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** New House

**Analysis**

The applicants are requesting variances to allow for the construction of a new house at the subject property. The previous house was damaged by a fire and demolished. The applicants are proposing to construct the new house in the same location as the previous house. A variances will be needed from the north side property line (17 ft. proposed – 35 ft. required). A variances will also be needed for the proposed overhangs on the north side of the house. All other ordinance requirements are shown to be met.

**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. PZBA22-051 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.***

*(Evidence provided: \_\_\_\_\_)*

**DRAFT MOTION FOR DENIAL**

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

***Motion to find that practical difficulties do not exist and to DENY the variance(s) requested in ZBA Case No. PZBA22-051 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. PZBA22-052**

**Property:** 3812 & 3826 Cass Elizabeth Rd  
**Applicant:** Sandra Brown & Diane Cieslak  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Property line adjustment

**Analysis**

The applicants are requesting variances to allow for the adjustment of a common property line. The variances needed apply to the existing buildings on the site. The adjustment is shown in the attached site plan. A variance is needed to bring the existing non-conforming shed into more of a conforming situation. Currently it is located across the common lot line. The proposed variance allows it to be located completely on the property at 3826 Cass Elizabeth, but 0 ft. from the lot line (5 ft. minimum required). Additionally, the adjustment would decreased the existing setback of the house at 3812 Cass Elizabeth. Currently it is conforming, but the adjustment would require a variance to allow the existing house to be located 3.7 ft. from the common lot line (5 ft. minimum required). An additional variance would be needed for the existing 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. PZBA22-052 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. PZBA22-052 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. PZBA22-053**

**Property:** 4303 Lakewood  
**Applicant:** Ryan Columbus  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Sunroom

**Analysis**

The applicant is requesting a variance to construct a sunroom on the lakefront side of the existing house. Based upon the average setback of the houses within 200 ft. of the subject property, a minimum setback of 82 ft. is required. An existing screened deck was shown to be located 57.5 ft. from the shoreline. The proposed sunroom is shown to be located a bit closer at 55.2 ft. A variance for the proposed overhang will also 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. PZBA22-053 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. PZBA22-053 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. PZBA22-054**

**Property:** 5806 Dixie Hwy  
**Applicant:** Golden Rockies, Inc  
**Zoning:** C-3, General Business  
**Site Use:** Medical Marihuana Provisioning Center

**Proposal: Establish existing site conditions as conforming**

**Analysis**

The applicants were before the Planning Commission on May 24, 2022 for Major Site Plan review for a proposed medical marihuana provisioning center at the proposed property. The Planning Commission approved the request with a few stipulations (see attached staff write up and PC meeting minutes). These stipulations included seeking a variance for the following: existing building setbacks, greenbelt width and tree requirements. All of the variances needed are only due to the proposed use of the property. If the property was to be used as another use, variances would not be needed as the Planning Commission would have authority over these site conditions. The variance for the existing building is to legalize the nonconforming front setback. There are no exterior structural changes proposed for the existing building. This variance would just allow for the building to be reconstructed if it was to sustain substantial structural damage. The variance for the greenbelt width again is to legalize the existing nonconforming greenbelt. No changes are proposed. The last variance for the tree requirements ties into the fact that due to the reduced greenbelt width, it is unable to support the number of trees that would be required. The rear of the site is substantially wooded and it is my understanding they are planning to preserve these trees.

*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. PZBA22-054 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. PZBA22-054 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. PZBA22-056**

**Property:** 6907 Desmond Rd  
**Applicant:** Jared & Kate Most  
**Zoning:** R-1C, Single-Family Residential  
**Site Use:** Single Family Residential  
**Proposal:** Detached Garage

**Analysis**

The applicants are requesting a variance to allow the proposed garage to have a maximum height of 18.3 ft., where a maximum height of 17 ft. would be allowed. All other ordinances requirements, including minimum setbacks, are shown to be met.

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

**DRAFT MOTION FOR APPROVAL**

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

***MOTION to find that practical difficulties exist and to APPROVE the variance(s) requested in ZBA Case No. PZBA22-056 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. PZBA22-056 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: \_\_\_\_\_ )*

---