
CHARTER TOWNSHIP OF WATERFORD
ZONING BOARD OF APPEALS REGULAR MEETING

Zoning Board of Appeals Pre-meeting – 3:30 pm

Agenda Review

Zoning Board of Appeals Meeting - 4:00 pm

I. Chairman Zuehlke Called the Meeting to Order at 4:00 pm

II. Roll Call

Present: David 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: 31 people

III. Approve the Minutes of the September 21, 2021 regular meeting of the Zoning Board of Appeals as printed.

IV. MOTION AND VOTE

Moved by Moore

*Supported by Frasca; RESOLVED to **APPROVE** the Minutes of the September 21, 2021 Zoning Board of Appeals Meeting as Printed.*

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

V. Approve the Agenda of the October 19, 2021 regular meeting of the Zoning Board of Appeals as printed.

VI. MOTION AND VOTE

Moved by Moore

*Supported by Frasca; RESOLVED to **APPROVE** the Agenda of the October 19, 2021*

Zoning Board of Appeals Meeting as Printed.

MOTION CARRIED UNANIMOUSLY

(7-0)

VII. Old Business

VIII. New Business

Case No. PZBA21-052

Sidwell No. 13-26-354-036, Section 26, Lots 710 & 711, "Elizabeth Lake Estates Sub No 3", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 3.0 ft. variance from Section 3-302.7.A to increase the height of the existing fence to a maximum height of 9.0 ft. along the northeast side property line, ending 35 ft. from the front property line. (Fences located on the rear or side property line shall not exceed six (6) ft. above the grade plane)
2. A 2.0 ft. variance from Section 3-302.7.A to allow the existing fence enclosure to maintain a maximum height of 6.0 ft. (Fences located within a required front yard shall not exceed four (4) ft. above the grade plane)

Property Location: 460 Lakeside Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Richard Wiltsie

Applicant present: Richard Wiltsie

Richard Wiltsie – Stated he was looking at the front of the home when he built the 6 ft. enclosure, not realizing he had to be back 35 ft. from the property line. He stated that he was in court for building the enclosure and that is when he was advised to ask for a variance. He referenced problems he has had with his neighbors. He felt the added fence height would provide privacy and the enclosure would make it easy to store his trash cans.

Chairman Zuehlke – Stated that they can only consider the request, not the other issues.

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

Susan and Thomas Connor - 454 Lakeside – stated they were the neighbors on the side of the enclosure and that their side of the garbage enclosure is only 4 ft. tall. The enclosure is only 18 ft. from their house and the garbage can smell. They also expressed other issues they had with the applicant. They were not in support of the 9 ft.

tall fence, but would support the enclosure if the Styrofoam that has been added to the side they share is removed and the fence is increase to 6 ft.

Chairman Zuehlke – Recommended splitting up the vote into 2 motions.

Board Member Bonnivier – Stated they should amend the enclosure variance to include all sides to be 6 ft. tall.

MOTION AND VOTE

Moved by Hoffman

Supported by Hauswirth; to find that practical difficulties exist and to APPROVE the following variance requested in ZBA Case No. PZBA21-052:

A 2.0 ft. variance from Section 3-302.7.A to allow the existing fence enclosure to maintain a maximum height of 6.0 ft. *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 with the STIPULATION that all sides of enclosure are to be 6 ft. in height.*

MOTION CARRIED UNANIMOUSLY

(7-0)

MOTION AND VOTE

Moved by Moore

Supported by Bonnivier; to find that practical difficulties do not exist and to DENY the following variance requested in ZBA Case No. PZBA21-052:

A 3.0 ft. variance from Section 3-302.7.A to increase the height of the existing fence to a maximum height of 9.0 ft. along the northeast side property line, ending 35 ft. from the front property line *based upon the applicant's failure to demonstrate that the review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA21-053

Sidwell No. 13-14-326-015, Section 14, S 40 FT of Lot 8, "Co-Tu-Ma-Bi Bluffs", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 16.56 ft. variance from Section 3-900 to allow the proposed addition to be located 18.44 ft. from the east lake rear property line. (35 ft. minimum required)
2. A 15.36 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 16.64 ft. from the east lake rear property line. (32 ft. minimum required)

Property Location: 1869 Watkins Lake Rd

Property Zoned: R-1C, Single-Family Residential
Applicant: Christian and Katie Hubbell

Applicant or representative present: Christian and Katie Hubbell
Dave Bickes - Modern Craft Homes

Dave Bickes- Stated they are asking for the roadside setback variance because the home sits farther away from the lake than most homes. The proposed addition is being attached to the existing house, so they are unable to move it back. The addition would still be further away from the road than the neighbor's home is and the sides of the addition would meet the same setback as the existing house.

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

Board Member Schneider – Asked if the old garage was being removed.

Mr. Hubbell – Stated yes and the new garage will still be 40 ft. to the edge of the road. It will be only 5 ft. closer to the road than the existing single car detached garage.

Board Member Moore – Explained that with the variance it would still be farther back than the adjacent house.

MOTION AND VOTE

Moved by Bonnivier

Supported by Hauswirth; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA21-053 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 UNANIMOUSLY
(7-0)

Case No. PZBA21-054

Sidwell No. 13-06-404-004, Section 6, SWLY ½ of Lot 213 & All of Lot 214, "Mountain View Country Club", T3N R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 5.14 ft. variance from Section 3-900 to allow the proposed house to be located 29.86 ft. from the northwest lake rear property line. (35 ft. minimum required)
2. A 3.14 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 28.86 ft. from the northwest lake rear property line. (32 ft. minimum required)

3. A 10.0 ft. variance from Section 3-901 Footnote 4 to allow the proposed house to be located 34.0 ft. from the southeast lakefront shoreline. (44 ft. minimum required for the subject property)
4. An 8.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 33.0 from the southeast lakefront shoreline. (41 ft. minimum required for the subject property)
5. A 10.06 ft. variance from Section 2.213.2.C to allow the proposed covered patio to be located 33.94 ft. from the southeast lakefront shoreline. (44 ft. minimum required for the subject property)

Property Location: 4040 Rich Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Kirk and Katherine Nolen

Applicant or representative present: Kirk and Katherine Nolen
Dave Bickes - Modern Craft Homes.

Dave Bickes - Explained they are tearing down the existing home and building new. They will be expanding the width, but will stay in line with the neighboring properties. The lot is shallow and he felt this design would be keeping in character with the neighborhood. He also felt the neighbors are in support.

Chairman Zuehlke - States this area used to be a lake community of cottages and now owners are building permanent residences.

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

MOTION AND VOTE

Moved by Schneider

Supported by Bonnavier; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA21-054 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 UNANIMOUSLY
(7-0)

Case No. PZBA21-055

Sidwell No. 13-06-451-022, Section 6, Lots 40-43 & vacated portion of Maceday Lk Rd, "Supervisor's Plat No 6", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2,115 sq. ft. variance from Section 3-900 to allow the proposed parcel to have a lot area of 7,685 sq. ft. (9,800 sq. ft. minimum required)

2. A 3.0 ft. variance from Section 3-900 to allow the proposed house to be located 32.0 ft. from the southwest lake rear property line. (35 ft. minimum required)
3. A 4.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 27.5 ft. from the southwest lake rear property line. (32 ft. minimum required)
4. A 1.0 ft. variance from Section 2-104.3 to allow the proposed uncovered deck to be located 19.0 ft. from the southeast lakefront shoreline. (20 ft. minimum required for the subject property)

Property Location: 7580 Maceday Lake Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: Gerald Frericks

MOTION AND VOTE

Moved by Moore

Supported by Frasca; to table ZBA Case No. PZBA21-055 to the November 16, 2021 meeting.

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

Case No. PZBA21-056

Sidwell No. 13-14-402-006, Section 14, Lot 18, "Newton Ely Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 15.0 ft. variance from Section 3-900 to allow the proposed house to be located 20.0 ft. from the east front property line. (35 ft. minimum required)
2. A 13.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to be located 19.0 ft. from the east front property line. (32 ft. minimum required)

Property Location: Vacant Lexington Rd
Property Zoned: R-1C, Single-Family Residential
Applicant: Ryan McCleary

Applicant present: Ryan McCleary

Ryan McCleary – Explained this is a buildable corner lot since the ordinance changed. With a required 35 ft. setback on the side lot line, it makes for a small building envelope. The proposed home will look like the other houses in the neighborhood. If he built within the ordinance requirements, the house would be small and narrow.

Chairman Zuehlke – Reiterated that the corner lot is why there is an issue with setbacks. He also asked if this would be an investment property.

Mr. McCleary – stated that yes, it was an investment property and that he lives across the street from the lot.

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

David Luciw - 3460 Lexington Rd. - Opposes the variance because the corners are the most noticeable lots and it will be closer to Revere than the other Revere homes. He also stated the Revere neighbors will not see the lake any longer just the back of the garage. This corner is a bus stop and children play in the street because there are no sidewalks and there is not a stop sign on Lexington. He expressed his concern with safety and traffic in the area.

John Ayers - 1841 Revere Rd. - Opposed to the variance and felt the owner should build what is allowed without a variance.

Susan Scerbo - 3400 Lexington Rd. (Representative for Bill Balian - 3410 Lexington Rd.) - Stated that Mr. Balian could not be here and that he opposes the variance. He felt it is a little too crowded and thinks it would impede the school busses and children, with being so close to the road. He felt the 35 ft. setback should be maintained.

Christine Cutler - 1820 Revere Rd. - Purchased her home because of the smaller size and charm of the neighborhood. She was opposed to the variance because the esthetics of the neighborhood with views of the lake will be disrupted and there are safety concerns as well.

Public portion of the meeting is closed.

Mr. McCleary - Replied to the neighbors saying that the lot is buildable, just what size to build is the issue. He stated that the variance from the 35ft. setback makes the proposed home consistent with the other corner houses in the area.

Board Member Bonnavier – Explained the distance from the corner of property at the telephone pole is about 16 ft. from the road edge and then another 10ft. from that would be the home, so it puts it approximately 36 ft. from the road edge.

Board Member Schneider – stated there were other non-conforming houses in the area.

Board Member Hoffman – Questioned the location of stop signs at the corner of Lexington and Revere.

Mr. McCleary – Stated the stop sign is on Revere only and that it is not a four way stop.

MOTION AND VOTE

Moved by Hoffman

Supported by Moore; to find that practical difficulties exist and to APPROVE the variances requested in ZBA Case No. PZBA21-056 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 UNANIMOUSLY

(7-0)

Case No. PZBA21-057

Sidwell No. 13-05-327-014, Section 5, Lot 17, "Mountain-View Lake Sub Annex No 1", T39, R9E, Waterford Township, Oakland County, Michigan

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

Property Location: 3875 Lotus Dr
Property Zoned: R-1C, Single-Family Residential
Applicant: Douglas Hetherington and Susan Ingesouliau

Applicants present: Douglas Hetherington and Susan Ingesouliau

Susan Ingesouliau – Stated they bought the home in 1983 as a cottage and now that they are older and will be living full time in it, they would like to modify it with adding more square footage. Stated that since the ordinance changed, the home is now non-compliant.

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

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. PZBA21-057 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION CARRIED UNANIMOUSLY

(7-0)

Case No. PZBA21-058

Sidwell No. 13-21-427-045, Section 21, "Oakland County Condominium Plan No 545 Saybrook Pointe", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2.0 ft. variance from Section 3-402.6 and the SPL Manual to allow the proposed fence, located along the west side property line, to have a height of 4.0 ft. (6.0 ft. height required)
2. A variance from Section 3-402.6 and the SPL Manual to allow the proposed fence, located along the west side property line, to be constructed of chain link material. (Must be a fence wall or solid fence)

Property Location: Saybrook Point Condominium – Saybrook Dr, Saybrook Ct, Amherst Ct.
Property Zoned: R-M2, Multiple Family Residential
Applicant: Kramer Triad Management / Saybrook Pointe Board Members

Applicants present: Kramer Triad Representative – Albert Gjeloshaj

Chairman Zuehlke – Asked if the fence was rotting and if that was the reason it needed to be removed.

Albert Gjeloshaj – Stated the fence needed to be removed because of the neighboring properties not maintaining the trees and roots on their sides. The fence was being pushed over from lack of property maintenance on the neighbor's side. He stated the previous Management Co. said they were granted approval to remove the fence. Condo owners have had the trees trimmed on their side of the fence, but do not think it is fair they have to pay for the other side of the fence also. He stated that letters were sent to the neighboring properties asking them to remove the trees and nothing was ever done. He explained that he met Township Planner Scott Alef at the property a few times. He told Mr. Alef he tried to approach a few neighbors and they were hostile, so he gave up.

Chairman Zuehlke – Stated he does not think it was granted in the past.

Staff indicated there was no record of an approval in the past to remove the fence.

During public portion of the meeting the following spoke:

Damjana Gjetaj - 5053 Pontiac Lk Rd. - Stated her and her family want the fence back up. She explained this has been a big inconvenience for them with people and cars on their lawn and no privacy. She wants the same privacy fence back up.

Mr. Gjeloshaj – Confirmed that their property is by the parking lot area and there is no issue with trees on their lot. But the next property down is one of the issues.

Ms. Gjetaj – Feels caught in the middle as she kept their side of the fence painted and in good repair.

Danette Gauthrie - 884 Saybrook Dr. – stated she was new to the Association Board and asked if there is a rule that the fence has to be there.

Planner Scott Alef – Explained yes, that it has been required for decades. He also stated that the site plan states it is required to have a 6ft. privacy fence. The Planning Department is in support of other options if presented.

Chairman Zuehlke – Questioned if there is a height issue.

Mr. Alef – Stated yes, they want a shorter fence without screening, where a visual barrier is needed.

Molly Tacey - 835 Crescent Lk Rd. - Expressed she is not sure where the problem is, because she has a fence and wants to keep it.

Mr. Gjeloshaj – Told her it is not her area in question and that she is keeping her fence.

Ms. Gauthrie – Stated the homeowners on the other side of fence are not helping with the trees and will not cooperate.

Mr. Gjeloshaj – Stated they do not want to bring the fence in from the property line and they do not want to go around the trees. He further stated the Condo owners do not want the expense of removing trees and putting the fence back up.

Board Member Moore – Stated removing the trees or constructing the fence around them.

Mr. Gjeloshaj – Stated the Condo owners are not willing to pay for it.

Ms. Gjetaj – Inquired about the notices that were sent out and said they did not receive one.

Mr. Gjeloshaj – Stated the Management Co. sent letters to the addresses on Hickory Lane not on Pontiac Lk Rd.

Board Member Frasca – Stated that it is the easiest to put back up.

Board Member Hoffman – Stated that you can cut trees down that are on your property or trim them if they are hanging over.

Board Member Schneider – Stated with a commercial property line it is the Condos that has to have the fencing.

Ms. Gauthrie – Stated they are willing to pay their fair share, but that the houses should share the cost for tree removal.

Chairman Zuehlke – Explained that the original privacy fence that was on the site was required and that if the variance is denied, then they will have to put it back up.

MOTION AND VOTE

Moved by Hoffman

Supported by Moore; to find that practical difficulties do not exist and to DENY the variances requested in ZBA Case No. PZBA21-058 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

MOTION CARRIED UNANIMOUSLY

(7-0)

VI. Approve the 2022 Meeting Schedule

VII. MOTION AND VOTE

Moved by Moore

Supported by Frasca; RESOLVED to APPROVE the 2022 Meeting Schedule as it has been presented.

MOTION CARRIED UNANIMOUSLY

(7-0).

VIII. All Else

IX. Public Comment

X. Adjourn the Meeting

4:56 p.m.

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

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

Case No. PZBA21-052

Property: 460 Lakeside Dr
Applicant: Richard Wiltsie
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Fence height variances

Analysis

The applicant is requesting variances for an existing fence enclosure and to allow an existing fence to be increased in height. The fence enclosure is located on the driveway to the east side of the property. The applicant has been utilizing the enclosure to store their trash bins. The height of the fence enclosure is 6 ft. However, since the enclosure is within the required 35 ft. front yard setback, the maximum height it can be is 4 ft. A 2 ft. variance is required for the enclosure. Additionally, the applicant is requesting a variance to increase the height of their existing fence along the east side property line. The current fence is 6 ft. in height. The applicant has indicated they would like to add a 3 ft. lattice to the top of the fence, making the total height 9 ft. For clarification, the applicant is proposing to stop the fence addition 35 ft. from the front property line (see site plan). On November 18, 2014 the applicant requested a variance to allow this fence to be 8 ft. in height. That request was denied.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-052 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. PZBA21-052 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. PZBA21-053

Property: 1869 Watkins Lake Rd
Applicant: Christian & Katie Hubbell
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicants are requesting a variance to allow for the construction of an addition on the existing house. The addition is shown to be living space and a garage. The addition is shown to be located 18.44 ft. from the east lake rear (road) side property line, where a minimum setback of 35 ft. is required. Based upon the site plan submitted, the addition is shown to be located approximately 40 ft. from the edge of Watkins Lake Rd. All other zoning requirements 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. PZBA21-053 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. PZBA21-053 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. PZBA21-054

Property: 4040 Rich Dr
Applicant: Kirk & Katherine Nolan
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: New House

Analysis

The applicants are proposing to construct a new house at the subject property. The proposed house is shown to be located 29.86 ft. from the northwest lake rear (road side) property line, where a minimum setback of 35 ft. is required. Based upon the information provided by the applicants, the existing house is significantly closer to the road side property line than the proposed house. The propose house is also shown to be located 34 ft. from the southeast lake front shoreline, where a minimum setback of 44 ft. would be required (the minimum lakefront setback is the average lakefront setback of the houses within 200 ft. from the subject property). The proposed house appears to be approximately 6 ft. closer to the lake shore than the existing house. The applicants are also proposing to construct a covered porch on the lakefront side of the house. The porch is shown to be located

33.94 ft. from the shoreline, where a minimum setback of 44 ft. is also required. The information provided indicates the lakefront setbacks of the adjacent houses are 35.16 ft. and 39.69 ft., somewhat similar to what is being proposed.

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

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-054 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. PZBA21-054 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. PZBA21-056

Property: Vacant Lexington Rd
Applicant: Ryan McCleary
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 a corner lot. There is a 35 ft. minimum setback from the north (Lexington Rd), east (Revere Rd) and south property lines, creating a building envelope that is virtually unbuildable. The proposed house is shown to be located 20 ft. from the east front (Revere Rd) property line, where a minimum setback of 35 ft. would be required. All other 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. PZBA21-056 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. PZBA21-056 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: _____)

Case No. PZBA21-057

Property: 3875 Lotus Dr
Applicant: Douglas Hetherington & Susan Ingesoulian
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Addition

Analysis

The applicants are proposing to construct an addition on the existing house. The addition is shown to be living space and an attached garage. The existing house is nonconforming, in that it does not meet the minimum lakefront setback. The proposed addition will be located on the road side of the house and is shown to meet the minimum setback requirements. However, since the addition is greater than 25% of the existing house, it is considered substantial improvement (expansion of a nonconforming building) and requires a variance. All other ordinance requirements 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. PZBA21-057 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-057 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

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

(Evidence provided: _____)

Case No. PZBA21-058

Property: Saybrook Pointe Condo (Saybrook Dr, Saybrook Ct, Amherst Ct)
Applicant: Kramer Triad Management / Saybrook Pointe Board
Zoning: R-M2, Multiple Family Residential
Site Use: Condominium Development
Proposal: Fence

Analysis

The applicants are requesting a variance to allow for a fence, that does not meet the ordinance requirements, to be install along the west side property line of the Saybrook Pointe Condominium Development. The original screening fence was removed without authorization from the Township. The fence was a required element of their site plan (see attached violation notice). The request is to install a 4 ft. high chain link fence. The Site Planning and Landscape Manual (SPL), as referenced within the Zoning Ordinance, requires a 6 ft. high solid/screening fence. The purpose of the fence is to screen the complex from the adjacent single family residential properties. A variance would be required for the reduction in fence height and proposed fence material.

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these

standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

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

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA21-058 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

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

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA21-058 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: _____)