

I. **Call the meeting to order.**

Chairman Zuehlke called the meeting to order at 6:30 p.m.

II. **Roll Call.**

Present: Dave Zuehlke, Chairman
Garry Crake, Vice Chairman
Will Allen, Board Member
David Maloney, Board Member

Absent: Sally Zittel, Secretary

Also Present: Mark Kellenberger, Planner III
Colleen Pote, Stenographer
Doug Bradley, Building and Engineering Director
Brent Gibson, Assistant Building Director
Stacy St. James, Environmental Coordinator
Applicants and general public numbering approximately 20

III. **Approval of the Minutes**

MOTION AND VOTE:

Moved by Allen

*Supported by Maloney; RESOLVED, to **APPROVE** the Minutes of the July 5, 2005, regular meeting of the Zoning Board of Appeals as printed.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

IV. **Approval of the Agenda**

MOTION AND VOTE:

Moved by Crake

*Supported by Maloney; RESOLVED, to **APPROVE** the Agenda of the August 2, 2005, regular meeting of the Zoning Board of Appeals as printed.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

V. **PUBLIC HEARINGS**

OLD BUSINESS

Case No. 5066

Sidwell No. 13-34-301-009, Section 34, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting four (4) variances from the Waterford Township Zoning Ordinance.

1. A 17 ft. variance from Section 2540 to allow the northwest corner of the proposed single family house and its attached garage to come to within 8 ft. of the wetland boundary (25 ft. minimum setback required).
2. A 9 ft. variance from Section 2540 to allow the southern facade of the proposed single family house and its attached garage to come to within 16 ft. of the wetland boundary (25 ft. minimum setback required).
3. A 25 ft. variance from Section 2540 to allow the northwest corner of the proposed courtyard to come to within 0 ft. of the wetland boundary (25 ft. minimum setback required).
4. A 23 ft. variance from Section 2540 to allow the proposed single family driveway to come to within 2 ft. of the wetland boundary (25 ft. minimum required).

Property Location: 4980 Cheyenne
Property Zoned: R-1A, Single Family Residential
Applicant: Tamer Afr

PUBLIC HEARING RECORD

MOTION AND VOTE:

Moved by Crake
Supported by Maloney; RESOLVED, to REMOVE FROM THE TABLE Case No. 5066.
MOTION CARRIED UNANIMOUSLY.
(4 – 0)

Applicants and/or Representatives Present:

Tamer Afr, Applicant
Dominick Tringali, Representative

Mr. Tringali presented an overview of the subject property and made a brief statement outlining the reason for the variance requests. He then pointed out the wetland area on the overview and stated that the proposed house is entirely within the building envelope; however, due to the large area of wetland and the configuration of the property it has been difficult to meet the natural feature setback.

Chairman Zuehlke asked Mr. Tringali if the proposed court yard will have a foundation.

Mr. Tringali replied that it would. He then stated that his goal is to create a usable courtyard area, adding that using flagstone for the courtyard may be an option.

Chairman Zuehlke stated his concern that if a variance is granted to allow the courtyard to be constructed at the wetland boundary work could not be done on the courtyard without infringing on the wetland.

Mr. Tringali stated that the courtyard had been redesigned to increase the setback from the natural feature to 10 ft. reducing the variance needed to 15 ft.

During the public portion of the meeting, the following comments were heard.

Bernie Shoemaker, 1944 River Drive stated that he is representing the owner of the property to the south of the subject property. He then stated that he is opposed to the applicants request; this is a self imposed hardship. Mr. Afr was aware of the wetlands and limitations on the subject lot when he purchased it. He concluded by stating that the applicant is proposing a house that is too large and too close to the wetland, which will cause considerable run off on the adjacent properties and the lake.

Hearing no further comments, the public portion of the meeting was closed.

Board Member Allen stated his opinion that a pervious material should be used for the driveway. He then asked Mr. Tringali if he was familiar with previous asphalt.

Mr. Tringali stated that he is aware that there is pervious asphalt, however, he is not familiar with it.

Chairman Zuehlke stated that the subject property is a difficult site due to the wetland area. He then stated that his concern with regard to the courtyard being constructed at the wetland boundary has been addressed by the reduction of the courtyard, which now provides a 10 ft. setback from the wetland. He then asked Mr. Tringali how wide the existing driveway is.

Mr. Tringali replied that the existing driveway is 16 ft. wide. He then stated that the width of the driveway could be reduced; he is open to direction from the Board as to alternatives to improving the driveway.

Board Member Allen stated that the wetland encompasses approximately 70% of the subject property making it a difficult site to develop. The applicant has altered the original plan to reduce the encroachment of the wetland buffer; therefore he had no objection to the request.

MOTION AND VOTE:

Moved by Allen.

*Supported by Crake; RESOLVED, to **APPROVE** Case the following variances with the stipulations that the driveway be no greater than 14 ft. in width and be constructed of a pervious material.*

- *A 17 ft. variance from Section 2540 to allow the northwest corner of the proposed single family house and its attached garage to come to within 8 ft. of the wetland boundary.*
- *A 9 ft. variance from Section 2540 to allow the southern facade of the proposed single family house and its attached garage to come to within 16 ft. of the wetland boundary.*
- *A 15 ft. variance from Section 2540 to allow the northwest corner of the proposed courtyard to come to within 10 ft. of the wetland boundary*
- *A 23 ft. variance from Section 2540 to allow the proposed single family driveway to come to within 2 ft. of the wetland boundary.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

NEW BUSINESS

Case No. 5084

Sidwell No. 13-08-477-027, Section 8, Lot 137, "Campbellgate Farms No. 5", T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting four (4) variances from the Waterford Township Zoning Ordinance.

1. A 10 ft. variance from Article 22 to allow the proposed garage addition to come to within 25 ft. of the north front property line (35 ft. minimum required).
2. A 7 ft. variance from Section 2407 to allow the proposed garage addition and its 1 ft. overhang to come to within 24 ft. of the north front property line (31 ft. minimum required).
3. A 1 ft. variance from Article 22 to allow the proposed garage addition to come to within 9 ft. of the western side property line (10 ft. minimum required).
4. A 4 in. variance from Section 2407 to allow the proposed garage addition and its 1 ft. overhang to come to within 8 ft. of the western side property line (8 ft. 4 in. minimum required).

Property Location: 6038 Barker
Property Zoned: R-1A, Single Family Residential

Applicant: Harbor Bay Homes Inc.

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Rick Budd, Representative
Richard and Carolyn Webb

Mr. Budd stated that variance # 4 is not needed as there will be no overhang on the west side of the garage. He then stated that the proposal is to convert the existing garage to living area and construct a new attached garage. The additional living area will provide a first floor laundry room and a bedroom.

Chairman Zuehlke stated that the proposed garage is not an oversize structure and will continue the existing non-conforming building line.

Discussion took place with regard to the subject property being located on a cul-de-sac and the fact that it is a pie shaped lot which causes the corner of the addition to come closer to the property line than the existing structure.

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

MOTION AND VOTE:

Moved by Crake.

*Supported by Maloney; RESOLVED, to **APPROVE** the following variances:*

- *A 10 ft. variance from Article 22 to allow the proposed garage addition to come to within 25 ft. of the north front property line.*
- *A 7 ft. variance from Section 2407 to allow the proposed garage addition and its 1 ft. overhang to come to within 24 ft. of the north front property line.*
- *1 ft. variance from Article 22 to allow the proposed garage addition to come to within 9 ft. of the western side property line.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 5054-A

Sidwell No. 13-05-127-047, Section 5,T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting a 13 ft. 6 in variance from Article 22 to allow the proposed industrial building to come to within 26 ft. 6 in. of the south rear property line (40 ft. minimum required).

Property Location: Vacant Parcel on Lessing St.
Property Zoned: M-1, Light Industrial
Applicant: Ted Taylor

Board Member Maloney excused himself from the Zoning Board of Appeals for the following case.

Chairman Zuehlke stated that an alternate Board Member is not available to fill the absence of Board Member Maloney for this case. He then explained to the applicant that he had the option of requesting his case be tabled to a later date to be heard by a full Board or proceed with a three member Board.

Mr. Taylor stated that he would proceed and have his case heard by the three member Board.

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Ted Taylor, Applicant

Mr. Taylor stated that the subject property is a narrow lot that is zoned M-1, which requires a rear setback of 40 ft. The proposed structure will come to within 26 ft. 6 in. of the rear property line; however, the railroad at the rear provides additional buffer area.

Chairman Zuehlke stated that there is approximately 100 ft. of railroad right-of-way to the rear of the subject property. He then stated that in addition to the 26.5 ft. proposed setback it is the applicants opinion that adequate buffer area is provided.

During the public portion of the meeting, the following comments were heard.

Eugene Steffens, 4337 Lessing stated that his property is adjacent to the subject property. This is the second notice of a variance request he has received, the first one was a height variance; the applicant is now requesting a setback variance. Mr. Steffens asked for clarification as to where the proposed structure will be located on the property.

Mr. Bradley presented the site plan to Mr. Steffens pointing out the location of the proposed structure and the location of the setback variance request at the rear of the property.

Chairman Zuehlke asked Mr. Steffens if his question had been answered to his satisfaction.

Mr. Steffens stated that he is satisfied with the answers provided by Mr. Bradley.

Hearing no further comments, the public portion of the meeting was closed.

MOTION AND VOTE:

Moved by Allen.

*Supported by Crake; RESOLVED, to **APPROVE** Case No. 5054-A.*

MOTION CARRIED UNANIMOUSLY

(3 – 0)

Board Member Maloney resumed his place on the Board.

Case No. 5085

Sidwell No. 13-30-151-013, Section 30,N ½ of Lot 7 and all of Lot 8, “Swartzs’ Pleasant Lake Highlands”, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting three (3) variances from the Waterford Township Zoning Ordinance.

1. A 1.7 ft. variance from Article 22 to allow the proposed attached garage addition to come to within 33.3 ft. of the west front property line (35 ft. minimum required).
2. A 1.7 ft. variance from Article 22 to allow the proposed attached garage addition to come to within 5.8 ft. of the south side property line (7.5 ft. minimum required).
3. A 1.79 ft. variance from Section 2407 to allow the proposed attached garage addition and its 16 in. overhang to come to within 4.46 ft. of the south side property line (6.25 ft. minimum required).

Property Location: 307 S. Williams Lake Road
Property Zoned: R-1A, Single Family Residential
Applicant: Michael and Christina Moshier

PUBLIC HEARING RECORD**Applicants and/or Representatives Present:**

Christopher Moshier, Representative

Mr. Moshier stated that the proposal is to remove the existing two car stacked carport and construct a two car side by side attached garage.

Mr. Moshier stated that garage will continue the existing building line in the front; however, it will extend closer to the side property line than the existing carport.

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

Chairman Zuehlke stated that the proposal in this case is for a 20 ft. two car garage and the variance requests are modest, therefore he has no objection to the request.

MOTION AND VOTE:

Moved by Maloney.

*Supported by Crake; RESOLVED, to **APPROVE** Case No. 5085.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 5086

Sidwell No. 13-23-301-004, Section 23, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting a 40.75 ft. variance from Section 2404 of the Waterford Township Zoning Ordinance to allow the proposed church steeple to have an overall average height of 80.75 ft. (40 ft. maximum allowed).

Property Location: 3882 Highland Road
Property Zoned: R-1A, Single Family Residential
Applicant: Clayton Laturneau, Chairman Board of Trustee

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Clayton Laturneau, Applicant

Mr. Laturneau stated that the proposed steeple will replace the steeple that was removed approximately 10 years ago due to structural problems. The roof on the church is being replaced at this time, therefore the church would like to replace the steeple during this construction period.

Chairman Zuehlke asked Mr. Laturneau the height of the steeple that was removed.

Mr. Laturneau replied that the prior steeple was approximately 50 ft. in height.

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

Mr. Kellenberger clarified for the Board that the pre-existing steeple alone was 50 ft. in height, not including the height of the Church building. The proposed steeple at 39 ft. 6 in. is reduced in size from the previous steeple.

Chairman Zuehlke asked Mr. Kellenberger if the airport would object to a steeple of this height.

Mr. Kellenberger replied that the airport was advised of the request, due to the lower elevation of the property and the reduced size of the steeple, the airport did not object to the request, however it is advisable that the applicant submit to the airport for airspace review, he added that he had an airspace review form for Mr. Laturneau.

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

Board Member Maloney asked staff if they were aware of any structures in the Township with a height of 80 ft.

Mr. Kellenberger stated that he was not aware of other steeples of this height.

Vice Chairman Crake asked Mr. Kellenberger if the height of 80 ft. included the building.

Mr. Kellenberger stated that is correct, the overall average height of the building and the proposed steeple will be 80.75 ft.

Vice Chairman Crake stated that due to the fact that the height of the proposed steeple has been reduced from the previous steeple he has no objection to the request. He added that the steeple is aesthetically pleasing and will be a nice addition to the church.

MOTION AND VOTE:

Moved by Crake.

*Supported by Allen; RESOLVED, to **APPROVE** Case No. 5086*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 5087

Sidwell No. 13-06-327-006, Section 6, "Mountain View Country Club", T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting a variance from Section 2803 of the Waterford Township Zoning Ordinance to allow the subject lot to be considered a separate building site.

Property Location: Vacant Lot on Visgar
Property Zoned: R-1A, Single Family Residential
Applicant: Jerome Palardy

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Jerome Palardy, Applicant

Mr. Palardy stated that he would like the subject lot, which is non-conforming to be considered a build site. He then stated that the lot is similar in size to others in the area.

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

Board Member Allen asked staff if two front yard setbacks are required on the subject property.

Mr. Kellenberger stated that is correct, however the required front yard setback along Visgar is reduced due to the size of the lot. The house that Mr. Palardy has indicated he would like to construct meets the setback requirements.

MOTION AND VOTE:

Moved by Allen.

*Supported by Crake; RESOLVED, to **APPROVE** Case No. 5087 with the stipulation that no further variances be granted.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 5088

Sidwell No. 13-34-484-002, Section 34, Lot 556 "Meniwaters Sub", T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting a variance from Section 2538 of the Waterford Township Zoning Ordinance to allow two (2) commercial vehicles to be parked on the subject property (one commercial vehicle per parcel allowed).

Property Location: 1451 Hendricks Way
Property Zoned: R-1B, Single Family Residential
Applicant: Olena Kostyuk

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Olena Kostyuk

Ms. Kostyuk stated that she would like to be allowed to store two ice cream trucks on the property for the summer months. She then stated that the trucks will be on the property from approximately 9:00 p.m. to 12:00 noon.

Chairman Zuehlke asked Ms. Kostyuk if she had been cited by Code Enforcement for the commercial vehicle storage.

Ms. Kostyuk stated that is correct.

Board Member Maloney stated his concern that allowing commercial vehicles to be stored in residential areas causes complaints of blight. He added that there appears to be other commercial vehicles stored in this area.

Vice Chairman Crake stated his concern that if the variance is granted it will allow commercial vehicles to be stored on the property indefinitely.

Mr. Kellenberger stated that the Board has the option of stipulating a specific time frame in which the vehicles can be located on the property or for specific vehicles.

MOTION AND VOTE:

Moved by Crake.

*Supported by Allen; RESOLVED to **APPROVE** a variance from Section 2538 of the Waterford Township Zoning Ordinance to allow two (2) commercial vehicles (ice cream trucks) to be parked on the subject property from August 2, 2005 through September 1, 2006.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 5089

Sidwell No. 13-36-30-019, Section 36, W ½ of Outlot B, "Sylvan Shores", T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting four (4) variances from the Waterford Township Zoning Ordinance.

1. A 3.7 ft. variance from Article 22 to allow the proposed addition to come to within 31.3 ft. of the north front property line (35 ft. minimum required).
2. A 1.04 ft. variance from Section 2407 to allow the proposed addition and its 16 in. overhang to come to within 29.96 ft. of the north front property line (31 ft. minimum required).
3. A .8 ft. variance from Article 22 to allow the proposed addition to come to within 4.2 ft. of the west side property line (5 ft. minimum required).

4. A 2.14 ft. variance from Section 2407 to allow the proposed addition and its 16 in. overhang to come to within 2.86 ft. of the west side property line (5 ft. minimum required).

Property Location: 2509 Sylvan Shores Drive
Property Zoned: R-1B, Single Family Residential
Applicant: Peter and Kristen Von Bernthal

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Peter and Kristen Von Bernthal, Applicants

Mr. Von Bernthal stated that the request to increase the depth of the garage is for safety reasons; currently there is no direct access from the garage to the house.

Chairman Zuehlke stated that the plan submitted indicates that the garage area will be increased both in depth and width.

Mrs. Von Bernthal stated that the architect had drawn the plan with the option of widening the garage, however, only the depth will be increased.

Mr. Von Bernthal stated that the additional depth is also needed due to the fact that the garage is 3 ft. higher than the level of the house which will require steps down to the house.

During the public portion of the meeting, the following comments were heard.

Paul Horn, 2525 Sylvan Shores stated that as a neighbor he has no objection to the variances requested by the Von Bernthals.

Hearing no further comments the public portion of the meeting was closed.

Vice Chairman Crake stated that the variances requested in this case are minimal, therefore he has no objection to this case.

MOTION AND VOTE:

Moved by Crake.

*Supported by Maloney; RESOLVED, to **APPROVE** Case No. 5089.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 1539-B

Sidwell No. 13-25-200-007, Section 25, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting two (2) variances from the Waterford Township Zoning Ordinance.

1. A variance from Section 202 to allow the proposed 30 ft. by 60 ft. (1,800 sq. ft.) temporary tent to be located on the subject property from August 15, 2005 through August 19, 2005 (one year maximum allowed).
2. A variance from Section 2702.12 to allow balloons to be located on the subject property in conjunction with the temporary tent from August 15, 2005 through August 19, 2005 (Festoon signs prohibited).

Property Location: 2470 Elizabeth Lake Road
Property Zoned: C-2, General Business
Applicant: Quality Pontiac

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

No Representative Present

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

Board Member Allen stated his concern that allowing balloons may cause a visual distraction for passing traffic.

Vice Chairman Crake stated that similar variances were granted for this site last year, due to the fact that there were no problems or complaints he would support the requests in this case.

MOTION AND VOTE:

Moved by Crake.

*Supported by Allen; RESOLVED, to **APPROVE** Case No. 1539-B.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

Case No. 5090

Sidwell No. 13-15-276-007, Section 15, Lot 26, "Watkins Hills", T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting four (4) variances from the Waterford Township Zoning Ordinance.

1. A 3 ft. 10 in. variance from Article 22 to allow the proposed addition to come to within 6 ft. 2 in. of the north side property line (10 ft. minimum required).
2. A 3 ft. 8 in. variance from Section 2407 to allow the proposed addition and its 18 in. overhang to come to within 4 ft. 8 in. of the north side property line (8 ft. 4 in. minimum required).
3. A 3 ft. 6 in. variance from Article 22 to allow the proposed addition to come to within 31 ft. 6 in. of the east front property line (35 ft. minimum required).
4. A 6 in. variance from Section 2407 to allow the proposed addition and its 1 ft. overhang to come to within 30 ft. 6 in. of the east front property line (31 ft. minimum required).

Property Location: 2003 Oakdale
Property Zoned: R-1A, Single Family Residential
Applicant: Darren Brown

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Darren Brown, Applicant

Mr. Brown stated that the proposed addition to the rear will continue the existing non-conforming building line. He then stated that the porch on the front of the structure will provide needed curb appeal.

During the public comment portion of the meeting, no comments were heard either in support of or opposition to the applicant's request.

Chairman Zuehlke stated that the addition at the rear will not further encroach the side yard setback than the existing structure and porch at the front of the house is minimal, therefore he has no objection to the requested variances.

MOTION AND VOTE:

Moved by Allen.

*Supported by Maloney; RESOLVED, to **APPROVE** Case No. 5090.*

MOTION CARRIED UNANIMOUSLY.

(4 – 0)

VI. Adjourn the meeting.

Chairman Zuehlke adjourned the meeting at 7:16 p.m.

ADDENDA**August 2, 2005****Case No. 5066****Property:** 4980 Cheyenne**Applicant:** Tamer Afr**Zoning:** R-1A, Single Family Residential**Site Use:** Vacant**Proposal:** To construct a single family house within the Natural Features Setback.

Analysis: This case was originally tabled at the May 17, 2005, ZBA meeting to have the applicant provide additional information regarding the wetland location, the amount of upland and wetland on the site, and the amount of upland that will be covered by the proposed single family house. The applicant did not provide that information for the June 7, 2005, meeting and was therefore, tabled again. The applicant has since provided the required information and it has been included your packet. The submitted plan, prepared by Giffels-Webster Engineering, identifies the property as encompassing 58,698 sq. ft. (1.34 acres) of which 26,721 sq. ft. (.61 acres) is wetland and 31,977 sq. ft. (.73 acres) is upland. The applicant's plan indicates that a 3,500 sq. ft. house would have an upland lot coverage of 11%.

The following is the original review of the application that was submitted for the May 17th meeting.

The applicant would like to construct the proposed house on the subject property. The proposed structure will meet all setback requirements from property lines, however, because of the presence of the wetland on the property and the size of the proposed

house, four variances are needed from the Natural Features Setback. Among the variances is one for the driveway; one for the courtyard; and two for the structure. It seems that a house could be designed to fit within the confines of the Natural Features Setback, recognizing that the footprint would have to be downsized.

While the subject property is a large parcel and there are significant wetlands on the property, staff can not support the requests to violate the Natural Features Setback, as it appears that a conforming house may be able to be constructed.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No.5066 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5084

Property: 6038 Barker

Applicant: Harbor Bay Homes, Inc.

Zoning: R-1A, Single Family Residential

Site Use: Single family residential

Proposal: To allow the existing garage to be converted to living space and a new attached garage constructed on the existing house.

Analysis: The applicant in this case would like to convert the existing garage to living space and construct a new attached garage. The addition will extend the existing non-conforming building line, however, because the property is located on the beginning of the cul-de-sac the corner of the addition will be closer to the property line than the existing structure. The proposed addition will also extend 1 ft. too close to the side property line, providing a 9 ft. setback where 10 ft. is required.

While the requested variance is a continuation of a non-conforming building line and the side yard variance is minimal, staff can not support the requested variances.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5084 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5054-A

Property: Vacant parcel on Lessing St.

Applicant: Ted Taylor

Zoning: M-1, Light Industrial

Site Use: Vacant

Proposal: To allow the proposed industrial building to be constructed with a reduced rear setback.

Analysis: The applicant in this case would like to construct a new industrial office/warehouse and would like to construct it closer to the rear property line than allowed by Ordinance. The property to the rear is owned and occupied by the railroad company, which may lessen the impact of the variance. The subject property is somewhat irregular in shape, which creates an un-uniformed rear setback, however, because the proposal is new construction on a vacant parcel, staff can not support the requested variance.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5054-A I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5085

Property: 307 S. Williams Lake Road

Applicant: Michael and Christina Moshier

Zoning: R-1A, Single Family Residential

Site Use: Single family residential

Proposal: To allow the existing carport to be removed and an attached garage to be constructed.

Analysis: The applicants in this case would like to remove the existing carport and construct an attached garage. The proposed garage will extend the existing non-conforming front building line, however, it will project closer to the side property line than the existing carport. To the applicants' credit they have chosen to minimize the width of the garage in an effort to maximize the amount of side yard setback that they can provide.

While staff can not support the requested variances, the applicants have proposed a modest garage.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5085 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5086

Property: 3882 Highland Road

Applicant: Clayton Laturneau

Zoning: R-1A, Single Family Residential

Site Use: Existing Church

Proposal: To allow a steeple to be constructed on top of the existing Church.

Analysis: The applicant in this case would like to construct a steeple on the existing church. In speaking with the applicant, a steeple, larger than the one being proposed, existed on the church approximately 10 years ago, however, it had to be removed for safety reasons. Since that time the church has discussed erecting a new steeple and has decided to request the necessary variance from the ZBA.

Staff has discussed this matter with the Oakland County International Airport and because of the lower elevation of the property and the reduced size of the steeple, the Airport does not believe that the steeple will present a problem with regard to airspace review. It is advisable, however, that if the ZBA wishes to grant approval, that it include a stipulation that the church submit for airspace review.

While the church does own a large amount of property and it does not appear to be in anyone's immediate backyard, the request does seem extreme and there is no guarantee that the church will not sell some of the property.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5086 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.

- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5087

Property: Vacant Lot on Visgar

Applicant: Jerome Palardy

Zoning: R-1A, Single Family Residential

Site Use: Vacant

Proposal: To be allowed to construct a single family house on the subject lot.

Analysis: The applicant would like to construct a single family house on the subject lot. The subject lot is currently owned in common with the parcel to the east. A lot evaluation was done and the subject lot did not pass, therefore, a variance must be sought before a building permit can be obtained. The subject lot has a separate sidwell number and sewer lead. The house that the applicant has indicated that he would like to construct, meets and exceeds the setback requirements. However, because it is owned in common and the lot evaluation was not favorable, staff can not support the requested variances.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5087 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.

- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5088

Property: 1451 Hendricks Way

Applicant: Olena Kostyuk

Zoning: R-1B, Single Family Residential

Site Use: Non-conforming multi-family

Proposal: To allow a second commercial vehicle to be parked on the subject property.

Analysis: The applicant in this case was cited by Code Enforcement for parking two commercial vehicles (ice cream trucks) on a single parcel of property. The applicant has indicated that they would like to park them on the property from 9:00 p.m. through 11:30 a.m. from May through September. Staff can not support the applicant's request to park an additional commercial vehicle on the subject property.

If the ZBA wishes to grant the variance the above referenced parameters should be included in the motion.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5088 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.

- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5089

Property: 2509 Sylvan Shores Drive

Applicant: Peter and Kristen Von Bernthal

Zoning: R-1B, Single Family Residential

Site Use: Single family residential

Proposal: To construction an addition to the garage and add a second floor.

Analysis: The applicants would like to construct an addition to the front of the existing house and extend the depth of the garage. The addition will continue the non-conforming building line of the existing structure which is within 4.2 ft. of the west side property line. The applicants are also proposing a 16 in. overhang that will extend inside of 3 ft. to the property line. The applicants would like to increase the depth of the garage to allow space to walk around the vehicles and to allow direct access to the house.

The addition is a continuation of the existing side yard setback, however, it creates a non-conforming front yard setback. While staff recognizes that direct access from the house to the garage and the ability to walk around vehicles in the garage is desirable, staff can not support the requested variances.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5089 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.

- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 1539-B

Property: 2470 Elizabeth Lake Road

Applicant: Quality Pontiac

Zoning: C-2, General Business

Site Use: Existing car dealer

Proposal: To allow a temporary tent and balloons to be located on the subject property.

Analysis: The applicant requested similar variances last year and was approved. No new Code Enforcement complaints have been received regarding the subject property. Staff recognizes the desires of businesses to have special sales to attract customers. The Zoning Ordinance allows the ZBA to grant temporary structures for one year, however, the same Ordinance prohibits balloons. It would seem that the location of the tent on the subject property would draw enough attention and further, the applicant can apply for a temporary sign permit through the Building Department if additional advertisement is needed. Staff can not support the request for the location of balloons on the subject property.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 1539-B I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.

August 2, 2005

Case No. 5090

Property: 2003 Oakdale

Applicant: Darren Brown

Zoning: R-1A, Single Family Residential

Site Use: Single family residential

Proposal: To construct an addition to the rear of the structure and a covered porch.

Analysis: The applicant in this case would like to construct an addition to the rear of the existing structure and a small covered porch on the front of the existing structure. The addition to the rear is simply a continuation of the existing non-conforming building line and will not result in an increase in the amount of encroachment.

While the proposed covered porch is very small in scale, it does create a non-conforming situation and therefore staff can not support the requested variance.

If the Zoning Board of Appeals finds merit in the arguments of staff, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5090 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.