

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

Chairman Zuehlke called the meeting to order at 4:30 p.m.

II. **Roll Call.**

Present: Dave Zuehlke, Chairman  
Garry Crake, Vice Chairman  
Ralph Woznick, Secretary  
David Maloney, Board Member  
Colleen Murphy, Board Member  
Steve Reno, Board Member

Absent; Ellie Pinner, Board Member

Also Present: Bob Vallina, Community Planning and Development Director  
Colleen Pote, Stenographer  
Stacy St. James, Environmental Coordinator  
Brent Gibson, Assistant Building Director  
Applicants and general public numbering approximately 2

III. **Approve the Minutes**

**MOTION AND VOTE:**

*Moved by Crake*

*Supported by Woznick; RESOLVED, to **APPROVE** the Minutes of the January 25, 2011, special meeting of the Zoning Board of Appeals as printed.*

*MOTION CARRIED UNANIMOUSLY.*

*(6 – 0)*

IV. **Approve the Agenda**

**MOTION AND VOTE:**

*Moved by Reno*

*Supported by Woznick; RESOLVED, to **APPROVE** the Agenda of the March 16, 2011, special meeting of the Zoning Board of Appeals as printed.*

*MOTION CARRIED UNANIMOUSLY.*

*(6 – 0)*

V. **PUBLIC HEARINGS**

**NEW BUSINESS**

**Case No. 5336**

**Sidwell No. 13-36-105-008**, Section 36, Lot 44, "Sylvan Shores", T3N, R9E, Waterford Township, Oakland County, Michigan

**Requesting**

1. A 17 ft. variance from Section 3-900 to allow the proposed new house to come to within 18 ft. of the northwest lake rear property line. (35 ft. minimum required).
2. A 15 ft. variance from Section 2-104.2 to allow the proposed new house and its roof eave and gutter to come to within 17 ft. of the northwest lake rear property line. (32 ft. minimum required).

**Property Location:** 2775 Sylvan Shores  
**Property Zoned:** R-1C, Single Family Residential  
**Applicant:** GETA Design, Douglas W. Leahy

**PUBLIC HEARING RECORD**

**Applicants and/or Representatives Present:**

Doug Leahy, Applicant  
Wendy McFalda

**Mr. Leahy** displayed the proposed plan and outlined the reason the variances are needed in order to construct the new house on the subject property. Mr. Leahy then stated that he and his client, Ms. McFalda, had worked to design a modern day house that best fits the lot and is in keeping with the character of the neighborhood.

**Chairman Zuehlke** stated that the proposed setback is similar to the setback of the houses on the adjacent lakefront properties.

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

**Ron Loefler**, 2763 Sylvan Shores, stated that the proposed setback will allow the house to be constructed in line with the homes on the adjacent properties, therefore he has no objection to the variances.

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

**Secretary Woznick** stated that due to the fact that the proposal is in keeping with the character of the neighborhood he would support the requested variances in this case.

**MOTION AND VOTE:**

*Moved by Woznick*

*Supported by Crake; RESOLVED, to **APPROVE** Case No 5336.*

*MOTION CARRIED UNANIMOUSLY.*

*(6 – 0)*

**VI. Adjourn the meeting.**

Chairman Zuehlke adjourned the meeting at 4:36 p.m.

**March 16, 2011****Case No. 5336****Property:** 2775 Sylvan Shores**Applicant:** GETA Design, Douglas W. Leahy**Zoning:** R-1C, Single Family Residential**Site Use:** Single family residential**Proposal:** To construct a new house on a vacant zoning lot

**Analysis:** The subject zoning lot had previously contained a house under a previous owner. After several years of Township enforcement action, the former house was demolished in 2007. The applicant is the new owner of the now vacant zoning lot and would like to construct a new house on the subject property. The proposed new house will conform to all but one of the Zoning Ordinance requirements. The proposed house will be located within 18 ft. of the northwest lake rear property line and not the required 35 ft. lake rear setback. While the proposed lake rear setback of the new house would not be out of character with the surrounding neighborhood, staff is unable to support the applicant's request since it does not conform to the letter of the Zoning Ordinance.

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

**Draft Motion For Denial**

In the matter of ZBA case No. 5336 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.