ZONING BOARD OF APPEALS **MINUTES**
CHARTER TOWNSHIP OF WATERFORD **TOWNSHIP HALL AUDITORIUM**
TUESDAY, JULY 20, 2010 **6:30 P.M.**

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 Ralph Woznick, Secretary Colleen Murphy, Board Member Ellie Pinner, Board Member Steve Reno, Board Member
Absent:	David Maloney, Board Member
Also Present:	Bob Vallina, Community Planning and Development Director Colleen Pote, Stenographer Stacy St. James, Environmental Coordinator Applicants and general public numbering approximately 5

III. **Approve the Minutes**

MOTION AND VOTE:
Moved by Crake
Supported by Reno; RESOLVED, to ***APPROVE*** *the Minutes of the June 15, 2010, regular meeting of the Zoning Board of Appeals as printed.*
MOTION CARRIED UNANIMOUSLY.
(6 – 0)

IV. **Approve the Agenda**

MOTION AND VOTE:
Moved by Woznick
Supported by Crake; RESOLVED, to ***APPROVE*** *the Agenda of the July 20, 2010, regular meeting of the Zoning Board of Appeals as printed.*
MOTION CARRIED UNANIMOUSLY.
(6 – 0)

V. **PUBLIC HEARINGS**

NEW BUSINESS

<u>Case No. 4609-A</u>

Sidwell No. 13-01-227-012, Section 1, Lot 24, "Whispering Oaks", 5-15-96 Fr 226-010, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 9 ft. variance from Section 3-900 to allow the proposed sunroom addition to come to within 26 ft. of the west rear property line. (35 ft. minimum required).
2. A 7.25 ft. variance from Section 2-104.2 to allow the proposed sunroom addition and its roof eave and gutter to come to within 24.75 ft. of the west rear property line. (32 ft. minimum required).

Property Location: 4475 Chloe Ct.
Property Zoned: R-1A, Single Family Residential
Applicant: Anthony & Lynn Matell

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:
Anthony and Lynn Matell, Applicants

Secretary Woznick informed the ZBA that he is the vice-president of the homeowners association for the subdivision in which the subject property is located. Since the association is weighing in on the matter, he believes that this may appear to be a conflict of interest, he does not want to use his voting position on the ZBA to unduly influence the outcome, and therefore will be abstaining from comments and voting in this case due to the fact that applicants are friends of his and that he is of the homeowners association. He then stated that he would like to make comments as a member of the general public.

[Secretary Woznick stepped down at 6:35 p.m. due to the stated conflict of interest.]

Chairman Zuehlke stated that in 2001 a request to encroach the rear yard setback to construct a sunroom on the subject property was denied by the Board. The applicants in this case have reconfigured the proposed sunroom to lessen the variance needed and now have the support of the homeowners association.

Mr. Matell stated that is correct.

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

Ralph Woznick, 2233 Deer Run Trail, stated that he is the Vice President of the homeowners association; and the association officers have voted to support the Matell's request to construct the proposed sunroom due to the fact that the subject property is on a cul-de-sac and is adjacent to subdivision common property.

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

Vice Chairman Crake stated that due to the irregular shape of the subject property and the fact that it is adjacent to subdivision common property, he has no objection to the request in this case.

MOTION AND VOTE:
Moved by Crake
*Supported by Reno; RESOLVED, to **APPROVE** Case No 4609-A*
MOTION CARRIED WITH WOZNICK ABSTAINING
(5 – 0)

[Secretary Woznick returned at 6:37 p.m.]

Case No. 0220-B

Sidwell No., 13-13-177-028 & 13-13-177-031, Section 13, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 3-802.4.D to allow installation of an above grade electrical fence (Electrical fences above grade are prohibited).

Property Location: 2549 Dixie Hwy
Property Zoned: M-1, Light Industrial & M-2, General Industrial
Applicant: Schram Auto Parts

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:
None Present

Chairman Zuehlke stated that the applicant in this case has requested that it be tabled to the next regular meeting of the Zoning Board of Appeals.

MOTION AND VOTE:
Moved by Woznick
*Supported by Reno; RESOLVED, to **TABLE** Case No 0220-B to the August 17, 2010, regular meeting of the Zoning Board of Appeals.*
MOTION CARRIED UNANIMOUSLY.
(6 – 0)

VI. **Discussion**

Mr. Vallina informed the ZBA of the upcoming revenue shortfall that the Township will be experiencing due to the decrease in property values and continuing state cutbacks in revenue sharing. Mr. Vallina stated that the Township Board and Township Supervisor have successfully kept tight budgets for the past ten years and that has put the Township in good shape to weather the ongoing economic storms. However, more tightening is necessary and the Supervisor has set budget goals for each department. As part of the Community Planning and Development Department budget for 2011 and

due to the continuing low level of ZBA and Planning Commission activities due to the poor economy, Mr. Vallina is recommending that both the ZBA and Planning Commission support a regular meeting schedule for the next year that consists of four regular meetings. For the ZBA, Mr. Vallina is recommending regular meetings for the following dates:

April 5, 2011	1st Tuesday in April
May 17, 2011	3rd Tuesday in May
August 16, 2011	3rd Tuesday in August
November 1, 2011	1st Tuesday in November

Chairman Zuehlke stated that he is supportive of such a schedule, provided that it does not interfere with applicants seeking variances in between meetings who may wish to pay for a special meeting. Chairman Zuehlke also stated that he is supportive of holding ZBA meetings at 4:30 p.m.; this would enable meetings to start during Township business hours and also help the Township cut costs.

MOTION AND VOTE:
Moved by Crake
Supported by Woznick; RESOLVED, to adopt the following 2011 regular meeting schedule:

April 5, 2011	1st Tuesday in April
May 17, 2011	3rd Tuesday in May
August 16, 2011	3rd Tuesday in August
November 1, 2011	1st Tuesday in November

with all meetings starting at 4:30 p.m., and further stipulating that applicants seeking variances between the meeting gaps may request staff to arrange a special ZBA meeting provided that the applicant bear all costs of the special meeting.
MOTION CARRIED UNANIMOUSLY.
(6 – 0)

VII. **Adjourn the meeting.**

Chairman Zuehlke adjourned the meeting at 6:40 p.m.

July 20, 2010

Case No. 4609-A

Property: 4475 Chloe Ct.

Applicant: Anthony & Lynn Matell

Zoning: R-1A, Single Family Residential

Site Use: Single Family Residential

Proposal: Construct a sunroom addition onto the rear of the house

Analysis: The applicant is proposing to construct a sunroom that encroaches into the required rear yard. Nine years ago, the applicant appeared before the ZBA with a similar request. At that time, the applicant's proposal would have required a 14 ft. variance. Also, the developer still controlled the association and he was opposed to the ZBA approving the variance. The ZBA denied the applicant's request at that time.

The applicant has now relocated the proposed sunroom from the westernmost portion of the rear wall to the east to substantially reduce the variance needed to 9 ft. Also, the association now supports the applicant's request. Although the applicant now enjoys the support of their subdivision association and the applicant has substantially reduced the requested variance, staff cannot 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. 4609-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.

July 20, 2010

Case No. 0220-B

Property: 2549 Dixie Hwy.

Applicant: Schram Auto Parts

Zoning: M-1, Light Industrial & M-2, General Industrial

Site Use: Automotive recycler establishment and related distressed vehicle storage yard

Proposal: To construct an electrical fence

Analysis: The applicant is requesting a variance to install an above-grade electrical fence for security reasons. Such a fence has been specifically prohibited by the Zoning Ordinance for nearly twenty years. As background for the ZBA, this is the first time that an applicant has requested a variance from the ZBA to install an electrical fence. The Zoning Ordinance does allow for up to three strands of barbed wire, faced toward the property to be protected, on top of fences. Also, the applicant can install security cameras without requiring a variance. Therefore, the applicant possesses security options that do not require a variance, there is no practical difficulty existing 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, and the applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances. Therefore, staff is opposed to this request and recommends that the ZBA deny the applicant's request and maintain the Township's prohibition of electrical fences above grade.

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. 0220-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.