ZONING BOARD OF APPEALS **MINUTES**
CHARTER TOWNSHIP OF WATERFORD **TOWNSHIP HALL AUDITORIUM**
TUESDAY, MARCH 3, 2009 **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 Will Allen, Board Member David Maloney, Board Member
Absent:	None
Also Present:	Bob Vallina, Community Planning and Development Director Colleen Pote, Stenographer Doug Bradley, Building and Engineering Director Stacy St. James, Environmental Coordinator Applicants and general public numbering approximately 5

III. **Approve the Minutes**

MOTION AND VOTE:
Moved by Crake
Supported by Woznick; RESOLVED, to APPROVE the Minutes of the November 18, 2008, regular meeting of the Zoning Board of Appeals as printed.
MOTION CARRIED UNANIMOUSLY.
(5 – 0)

IV. **Approve the Agenda**

MOTION AND VOTE:
Moved by Woznick
Supported by Crake; RESOLVED, to APPROVE the Agenda of the March 3, 2009, regular meeting of the Zoning Board of Appeals as printed.
MOTION CARRIED UNANIMOUSLY.
(5 – 0)

V. **PUBLIC HEARINGS**

NEW BUSINESS

Case No. 5302

Sidwell No., 13-16-352-035, Section 16, Lots 80 & 81, Also N 20 ft. of Lot 82, Also all of Lot 84, 4-11-01 FR 001 & 003, T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 25 ft. variance from Article 22 to allow the proposed helicopter landmark display to come to within 15 ft. of the west front property line. (40 ft. minimum required).

2. An 8 ft. variance from Article 22 to allow the proposed helicopter landmark display to come to within 7 ft. of the north side property line. (15 ft. minimum required).

Property Location: 1690 Airport Road
Property Zoned: M-1, Light Industrial
Applicant: VFW #1008

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:
Robert Rambo, Representative

Mr. Rambo stated that the proposal is to use the Vietnam-era, UH-1 Huey helicopter as a landmark for the VFW post. In its current location in another community, the helicopter has been vandalized; the VFW has the area available and can provide a secure location for the helicopter. Mr. Rambo added that this is a wonderful opportunity for the VFW to become the stewards of the U.S. Department of Defense-owned helicopter that has a lot of history associated with it. The funds are available to restore the helicopter to its original condition and it will be an asset to the property and the community.

Chairman Zuehlke questioned if there are any concerns that the proposed location for the helicopter will cause a visual obstruction.

Mr. Vallina stated that the landmark location is outside of the clear vision area for the Airport Road/Dwight Ave. intersection.

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 Woznick; RESOLVED, to APPROVE Case No 5302.
MOTION CARRIED UNANIMOUSLY.
(5 – 0)

Case No. 4377-G

Sidwell No. 13-16-276-007 & 13-16-276-008, Section 16, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting a 19 day variance from Section 2703.9 to allow the proposed temporary signage to be displayed on the subject property for 49 days (30 days maximum allowed).

Property Location: 5200 Civic Center Dr. and 2495 Crescent Lake Road
Property Zoned: R-1A, Single Family Residential
Applicant: Waterford Friends of the Library

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:
Margaret Voss, Representative

Ms. Voss stated that the proposed signs are used each year to promote used book sales to help support the library.

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 Woznick; RESOLVED, to APPROVE Case No 4377-G
MOTION CARRIED UNANIMOUSLY.
(5 – 0)

Case No. 3133-S

Sidwell No.13-16-478-007, Section 16, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting approval from Section 202 of the Waterford Township Zoning Ordinance to allow the erection of a 40 ft. by 60 ft. (2,400 sq. ft.) temporary tent and its associated security fencing from July 15, 2009 through October 31, 2009 for the sale of produce (one year maximum allowed).

Property Location: 1585 Crescent Lake Road
Property Zoned: C-3, Extensive Business
Applicant: Larry and Rene VanHoutte

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:
Larry VanHoutte, Representative

Mr. VanHoutte made no comment.

Chairman Zuehlke stated that the variance request made by Mr. VanHoutte is a request that has been made annually for several years to allow the erection of a temporary tent and security fencing for the sale of produce during the summer and autumn months.

Chairman Zuehlke questioned if the Township received any complaints regarding the transient merchant activity on this site last year.

Mr. Vallina stated that no complaints were received regarding Mr. VanHoutte's business at this location.

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 Woznick; RESOLVED, to APPROVE Case No 3133-S
MOTION CARRIED UNANIMOUSLY.
(5 – 0)

Case No. 2671-G

Sidwell No. 13-04-433-008, Section 4, T3N, R9E, Waterford Township, Oakland County, Michigan.

Requesting approval to allow the proposed outdoor storage corral to be located on site from March 1, 2009 through August 29, 2009.

Property Location: 5100 Dixie Highway
Property Zoned: C-2, General Business
Applicant: Kmart # 3379, Tim Stefek

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:
No Representative Present

Chairman Zuehlke stated that the request in this case is to allow a corral for the seasonal sales of landscape materials.

Chairman Zuehlke questioned if the Township has received any complaints regarding the corral and storage of landscape materials in previous years.

Mr. Vallina stated that there have been no complaints received by code enforcement with regard to the corral and landscape materials.

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 Woznick; RESOLVED, to APPROVE Case No 2671-G
MOTION CARRIED UNANIMOUSLY.
(5 – 0)

VI. **Adjourn the meeting.**

Chairman Zuehlke adjourned the meeting at 6:37 p.m.

March 3, 2009

Case No. 5302

Property: 1690 Airport Road

Applicant: VFW #1008

Zoning: M-1, Light Industrial

Site Use: VFW Post

Proposal: To install a Vietnam-Era, UH-1 Huey Helicopter as a landmark display for the VFW Hall.

Analysis: The applicants have had an opportunity to acquire a Vietnam-Era, UH-1 Huey Helicopter to use as a landmark display for the VFW Post. Many VFW Halls throughout the nation have such landmark displays as a helicopter, tank, cannon, or similar military vehicles or equipment. The applicant's landmark display also fits in well given the location of the subject property across from the Oakland County International Airport and does not cause any conflicts with adjacent properties. The applicants have ensured that the location of the landmark display is outside of the clear vision area for the Airport Road/Dwight Ave. intersection. However, the subject property is zoned M-1, Light Industrial, which requires a front yard setback of 40 ft. and side yard setback of 15 ft. The landmark display directly correlates with the specialized use of the property as a VFW Post so the ZBA could reasonably accept that the applicant can demonstrate that this is a unique condition of the property that would warrant the requested variances. Further, that strict compliance with the letter of the ordinance would unreasonably prevent the petitioner from using the property for a landmark display honoring our veterans and would therefore render conformity with the ordinance unnecessarily burdensome. From a community-minded perspective staff is supportive of the applicant's request but is unable to authorize the requested variances as they do not conform to the letter of the M-1 zoning district setback regulations in 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. 5302 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.

March 3, 2009

Case No. 4377-G

Property: 5200 Civic Center Dr. and 2495 Crescent Lake Rd.

Applicant: Waterford Friends of the Library

Zoning: R-1A, Single Family Residential

Site Use: Township Civic Center

Proposal: To allow temporary signs to advertise book sales.

Analysis: The applicants conduct used book sales throughout the year to help support the library. There have been no Code Enforcement complaints regarding the signage in the past. While staff cannot support the requested variances, it is serving a public function.

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. 4377-G 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.

March 3, 2009

Case No. 3133-S

Property: 1585 Crescent Lake Road

Applicant: Larry and René VanHoutte

Zoning: C-3, Extensive Business

Site Use: Waterford Christian Association

Proposal: To allow the erection of a temporary tent and fence for the purposes of fruit and vegetable sales

Analysis: The applicant is requesting a variance from Section 202 to allow the erection of a 40 ft. by 60 ft. (2,400 sq. ft.) temporary tent for the sale of fruits and vegetables during the summer and autumn months. The applicant has operated the fruit stand for several years without a Code Enforcement complaint. The applicant is again requesting to erect a fence around the perimeter of the tent to prevent vandalism. If the ZBA wishes to grant the request for the location of the tent, staff is not opposed to allowing the applicant to use such fencing to secure their operation.

Although transient merchants are allowed under the General Ordinance, temporary structures are not. While the ZBA has traditionally granted such variances, it continues to be staff's position that the ability to erect temporary tents and structures should have been addressed in the General Ordinance. Therefore staff is unable to support this request as 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. 3133-S 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.

March 3, 2009

Case No. 2671-G

Property: 5100 Dixie Highway

Applicant: Kmart #3379, Tim Stefek

Zoning: C-2, General Business

Site Use: Existing Kmart

Proposal: To allow a corral for the seasonal sales of landscape materials.

Analysis: The applicant is requesting approval to allow a corral in the parking area for the seasonal sales of landscape materials. The applicant has conducted this sale for the past several years and was granted the same variance last year. Staff views this request as being similar to the request received each year for the Kmart at M-59 and Cass Lake Road, where the applicant is actually the property owner and conducts business in a building located on site. The outdoor sales at this location should be viewed more as a special event than as a Transient Merchant Sales activity. The current Zoning Ordinance requires all special events of an established business to receive approval from the ZBA before such activities are conducted. While staff cannot support the requested variance as it does not conform to the letter of the Zoning Ordinance, the applicant has conducted the sales on this location as an accessory special event activity of the primary business for several years without violation 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. 2671-G 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.