

**CHARTER TOWNSHIP OF OXFORD
ZONING BOARD OF APPEALS SPECIAL MEETING**

NOTICE AND AGENDA

Date: Monday, November 14, 2022
Time: 7:00 p.m.
Place: 300 Dunlap Road, Oxford, MI 48371

1. Call to order
2. Respects to the flag
3. Noting of roll
4. Approval of the agenda
5. Approval of minutes
 - A. Special Meeting – October 17, 2022
6. Public comment on items not on the agenda
7. New business

Case: 22-ZBA-003 (Gibson) 800 Maloney Avenue (P04=28-376-002). The applicant is proposing an addition to their residential home requiring five (5) variances:

- A. Requesting a reduced front-yard setback of three (3) feet rather than the twenty-five (25) feet required.
 - B. Requesting a reduced side-yard setback of three (3) feet rather than the ten (10) feet required.
 - C. Requesting a reduced natural feature setback of twenty-three (23) feet rather than the twenty-five (25) feet required.
 - D. Requesting a reduced side-yard setback for mechanical equipment of three (3) feet rather than the five (5) feet required.
 - E. Requesting increased lot coverage of forty-four-point three (44.3) percent rather than the thirty-five (35) percent allowed.
8. Board Member Comments
 9. Adjournment

The Charter Township of Oxford will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing. Individuals with disabilities requiring auxiliary aids or services shall contact the Charter Township of Oxford, by writing or calling, Curtis W. Wright, Township Clerk, (248) 628-9787, as soon as possible to allow the Township sufficient time to have available the aids and services.

Todd Walters, Chairperson
Charter Township of Oxford, Zoning Board of Appeals
300 Dunlap Road, Oxford, MI 48371
(248) 628-9787

Meeting Procedure

During a business meeting, the following Rules of Procedure shall apply to consideration of any item on the ZBA Agenda:

1. Applicant Statement
2. Open Public Hearing
3. Comments/Questions from the Public
4. Close Public Hearing
5. Building Administrator's Comments
6. Board Member Questions and Comments
7. Findings of Fact (Article 17, Section 17.8 – Variances, (C) - Standards
8. Motion
9. Board Member Discussion and Comment
10. Vote

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING, OCTOBER 17, 2022

A Special Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, October 17, 2022 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

Members Present: **Mageli, Bailey, Butler, Payne, Walters**

Members Absent: None

Also Present: Recording Secretary McCullough, the applicants, and one cameraperson (OCTV).

The meeting was called to order by Chairman Walters at 7:00 p.m.

APPROVAL OF THE AGENDA

Board Member Butler moved, Board Member Payne seconded, to approve the October 17, 2022 agenda as presented.

Ayes: 5 Nays: 0 Absent: 0
Motion Carried.

APPROVAL OF MINUTES – June 13, 2022

Board Member Mageli moved, Board Member Bailey seconded, to approve the June 13, 2022 minutes, as presented.

Ayes: 5 Nays: 0 Absent: 0
Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

22-ZBA-002B (Mills) – 925 N. Lapeer Rd. (P-04-22-101-003) Legacy Center. The applicant is requesting to change conditions of a previous variance approved by the Zoning Board of Appeals on 10/09/2017 to allow Township staff authority to approve a change in location of signs rather than requiring approval by the Planning Commission.

Christian Mills and Todd Caron, The Legacy Center, LLC, 925 N. Lapeer Rd., Oxford, MI 48371 were available to answer any questions of the Board.

Chairperson Walters opened the public hearing at 7:28 p.m.

Marianne Kainz, 149 Stony Lake Drive, stated her opposition to the requested variance.

Don Bokshan, 843 Stony Lake Court, stated his opposition to the requested variance.

Mark Swiezkowski, tenant at 925 N. Lapeer Road, spoke in support of the requested variance and the importance of signage for his business.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING, OCTOBER 17, 2022

Christian Mills, 925 N. Lapeer Road, questioned the accuracy of Ms. Kainz' comments and stated that he would like to support his tenants.

Hearing no further public comments, Chairperson Walters closed the public hearing at 7:36 p.m.

FINDINGS OF FACT

The Board of Appeals shall make a Finding of Fact based upon competent evidence that the requirements of *Section 17.8, subsection C.(1) through (5) have been met. [Article XXVII, Section 17.8 C.)]*

Neither the nonconforming use of neighboring lands, structures, or buildings in the same district, nor either the permitted or nonconforming use of lands, structures, or buildings in any other district(s) shall be considered grounds for the issuance of a variance.

SECTION 17.8 – SUBSECTION C(1):

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - The Board Members concurred that a literal enforcement of the provisions of the Zoning Ordinance would result in a practical difficulty, causing an excessive delay in receiving approval for changing signs.
2. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - The Board Members concurred that the need for the variance has neither been self-created by the applicant, nor the applicant's predecessors. The need is primarily caused by the nature of the applicant's business.
3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.
 - The Board Members concurred that a lesser variance than requested would not give substantial relief to the applicant.
4. The variance will do substantial justice to the applicant, as well as to other property owners.
 - The Board Members concurred that the variance will provide substantial relief to the applicant, as well as other property owners in that the total amount of square footage of signage has not been increased.
5. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - The Board Members concurred that the need for the variance is due to unique circumstances of the property.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING, OCTOBER 17, 2022

Board Member Payne moved, Board Member Butler seconded, with regard to 22-ZBA-002B, 925 N. Lapeer Rd. (P-04-22-101-003) Legacy Center, based on the Findings of Fact listed above, to approve the variance to change conditions of a previous variance approved by the Zoning Board of Appeals on 10/09/2017 to allow the Planning Commission and/or Township administrative staff the authority to approve a change in size, quantity, location and copy of signs rather than requiring approval only by the Planning Commission, as long as they do not increase the total square footage of signs previously approved. This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Bailey, Butler, Mageli, Walters, Payne

Nays: None

Absent: None

Motion Carried.

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

Board Member Butler moved, Board Member Bailey seconded, to adjourn the meeting at 7:54 p.m.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

Todd Walters, Chairperson

Margie Payne, Secretary

Approved:

/s/mm



Case # 22 ZBA 003

Zoning Board of Appeals Application

I (We) the undersigned, do hereby make application to the Zoning Board of Appeals of Oxford Township for a hearing on the following described matter:

1. NAME OF APPLICANT: Gibson Scott & Kimberly
Last First
 ADDRESS: 800 Maloney Avenue, Oxford, Michigan 48371 (248) 321-2268
Street City Zip Phone
 EMAIL ADDRESS: gibbyuofm@gmail.com

2. NAME OF PROPERTY OWNER: Gibson Scott & Kimberly
Last First
 ADDRESS: 800 Maloney Avenue, Oxford, Michigan 48371 (248) 321-2268
Street City Zip Phone
 EMAIL ADDRESS: gibbyuofm@gmail.com

Received

SEP 26 2022

3. LEGAL DESCRIPTION OF PROPERTY: _____

T5N, R10E, SEC 28 LAKELAND LOT 52 Oxford Township

4. ZONING OF PROPERTY: R-1 Residential PARCEL #: 04-28-376-002

INSTRUCTION TO APPELLANT: Fill in #1-10 and the appropriate Section A, B, C or D, on the application. Do not fill in more than ONE of these sections unless you are seeking more than one type of relief from the Zoning Board of Appeals. This application is not acceptable unless all required statements have been made in each Section that you choose to fill-out. Additional information may be supplied on separate sheets if the space provided on this form is inadequate. You must provide the specific code sections or ordinance provisions that support the relief being requested.

SECTION A: INTERPRETATION: Check the appropriate box below:

The Appellant requests that an interpretation be made by the Zoning Board of Appeals of Article _____, Section _____ of the Township Zoning Ordinance

An appeal is made for an interpretation of the Zoning Map

The above interpretation is requested for the following reason(s): _____

SECTION B: DIMENSIONAL OR USE VARIANCE: The Appellant requests a variance to be granted from the terms of Article 15, Section 15.2 of the Zoning Ordinance in the case of his/her property because the following peculiar or unusual conditions are present which justify a variance:

Current home on site is already outside zoning setback variances due to when it was constructed in 1948. Conforming to current zoning setbacks will restrict the ability to renovate/expand the current residence footprint on the site so a first floor bedroom can be accessed by homeowner as they continue into their elderly years.

The following describes the unnecessary hardship or practical difficulty that will result if the variance is not granted: Continued hardship of not being able add house square footage and functionality, with no garage, will continue walking across the 1/street to parking during winter months increases chances of eventual fall/injury on ice. Access into the home with a elderly mother and disabled brother in a wheelchair would be prohibitive for them.

Has a Building Permit been refused for this request: Yes No

Is this appeal the result of an Ordinance Violation Notice: Yes No

Is this an existing condition? Yes No

SECTION C: APPEAL: The Appellant requests reversal of the following decision(s) of the _____ made on _____, 20____, regarding the following matters: _____

Article _____, Section _____ of the Zoning Ordinance authorizes the Zoning Board of Appeals to address the appeal.

SECTION D: OTHER RELIEF REQUESTED OR SPECIAL EXCEPTION: The Appellant requests that the following request be approved: _____

Authorization for the above is found in Chapter _____, Article _____, Section _____ of the Township Code of Ordinances.

5. Do you have control over any of the properties adjoining the site you have described in #3 of this application? Yes No If yes, describe the properties involved: _____

6. How long have you owned the property described in #3 and #6 of this application? 9 years, 2 months

7. What hardships or practical difficulties are connected with your property that owners of similar lots or parcels do not possess? ~~Home proximity to the water is closer, location of the home is closer to the street, limited building space, no garage for parking or direct immediate means of egress into the residence~~

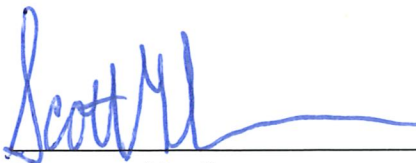
8. Did you cause these special conditions and circumstances? Yes No
Explain your answer: _____

9. How would the literal interpretation of the provisions of the Township's Zoning Ordinance deprive you of rights commonly enjoyed by other properties having the same zoning?

Other property owners have larger parcels that have been renovated, added onto, or an existing residence demolished and construction of a new residence has been built which includes garages.

10. Would granting of the relief you have requested in this application confer a special privilege denied to others? Yes No If yes, explain: _____

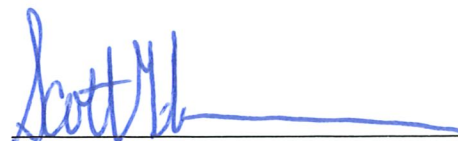
AFFIDAVIT: I agree that the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further I agree, any Zoning Board of Appeals ruling is with the understanding that applicable sections of the Oxford Township Zoning Ordinance will be complied with as well as, if applicable, any conditions imposed by the Zoning Board of Appeals. Further, I agree to give permission for officials of the Charter Township of Oxford, including Zoning Board of Appeals members, to enter the property subject to this application for the purposes of inspection. Also, I understand any action by the Zoning Board of Appeals only gives land use rights and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.



Signature of Applicant

09/26/22

Date



Signature of Owner

09/26/22

Date

Received

SEP 26 2022

Oxford Township

Gibson Residence

800 Maloney Ave.
Oxford, MI 48371



Oak Street Design

1135 N. Oak St.
Rochester, MI 48307

jenna@oakstdesign.com
Phone: (248) 891-1629

project

Gibson Residence
800 Maloney Ave.
Oxford, MI 48371

zoning

ZONING: R-1
SETBACKS: FRONT YARD - 25'
REAR YARD - 20'
SIDE YARD - 10'
MAX. HT.: 35' OR 2.5 STORIES

LOT COVERAGE	
LOT SIZE	= 4,128 SF
MAX. % COVERAGE	x 35 %
MAX. ALLOWABLE	= 1,445 SF
BUILDING FOOTPRINT	= 1,546 SF
ATTACHED GARAGE	= 250 SF
COVERED PORCH	= 32 SF
ACTUAL COVERAGE	= 1,828 SF

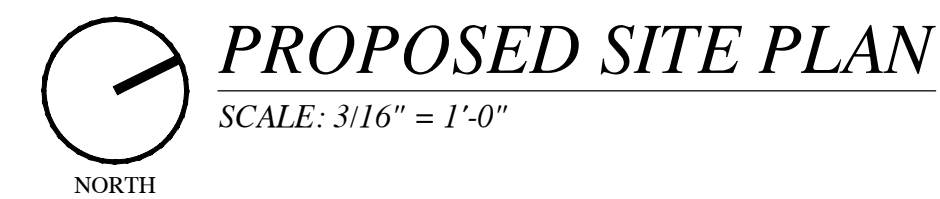
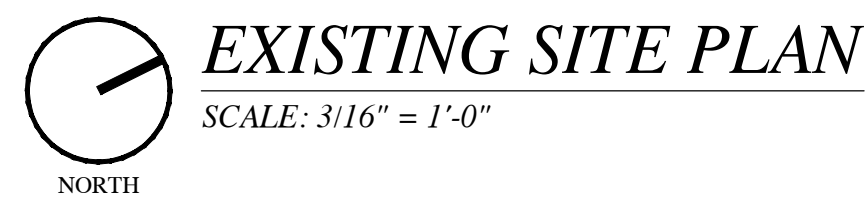
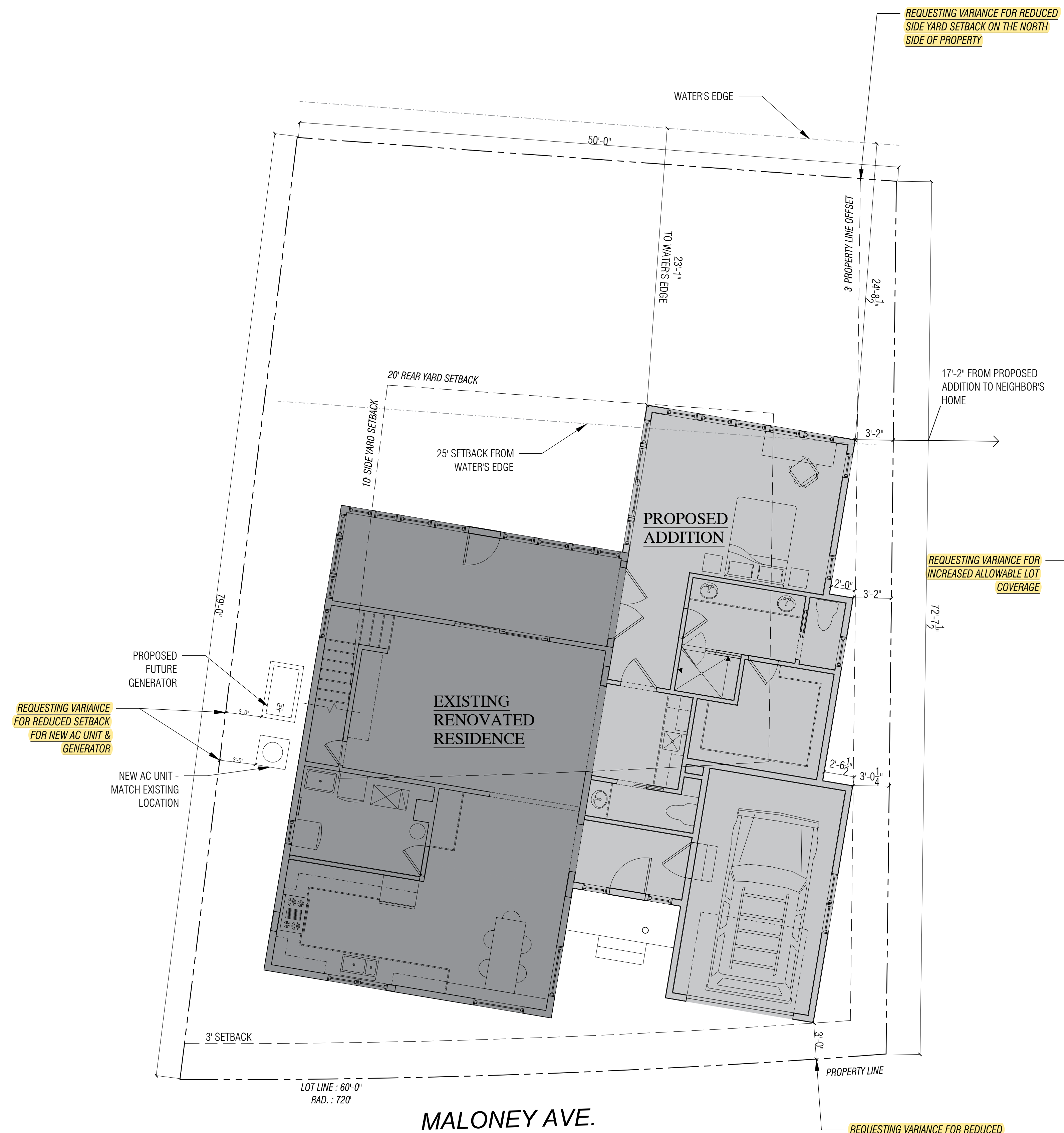
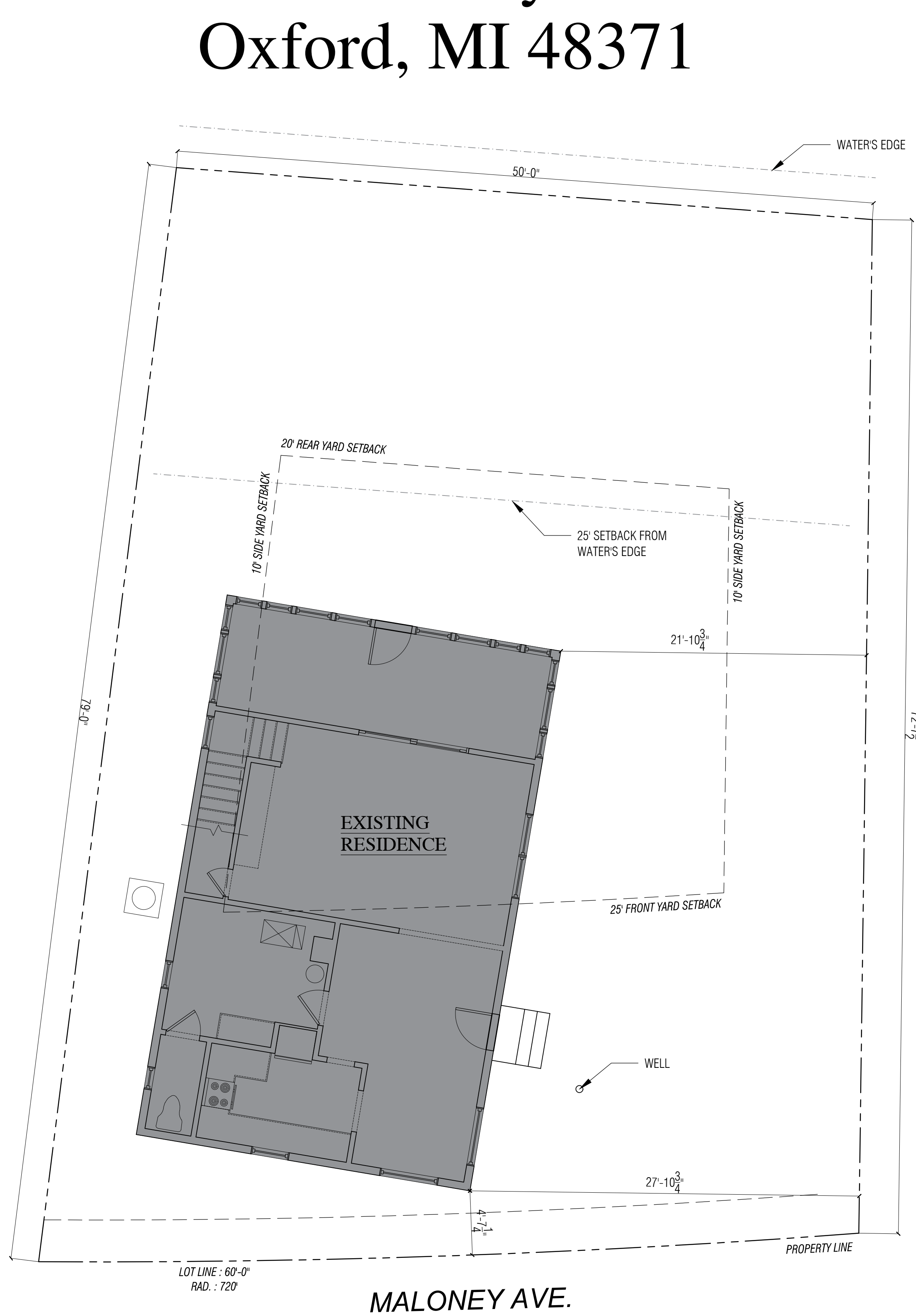
SQUARE FOOTAGE	
EXISTING MAIN LEVEL	= 817 SF
EXISTING UPPER LEVEL	= 580 SF
TOTAL EXISTING	= 1,397 SF
PROPOSED MAIN	= 1,553 SF
PROPOSED UPPER	= 580 SF
TOTAL PROPOSED	= 2,133 SF

sheet title

SITE PLANS

date

06.20.2022	SCHEMATIC PLANS
06.29.2022	CONCEPT REV.
08.17.2022	CONCEPT REV.
10.19.2022	SITE PLAN DETAIL
10.20.2022	SITE PLAN DETAIL



A-1



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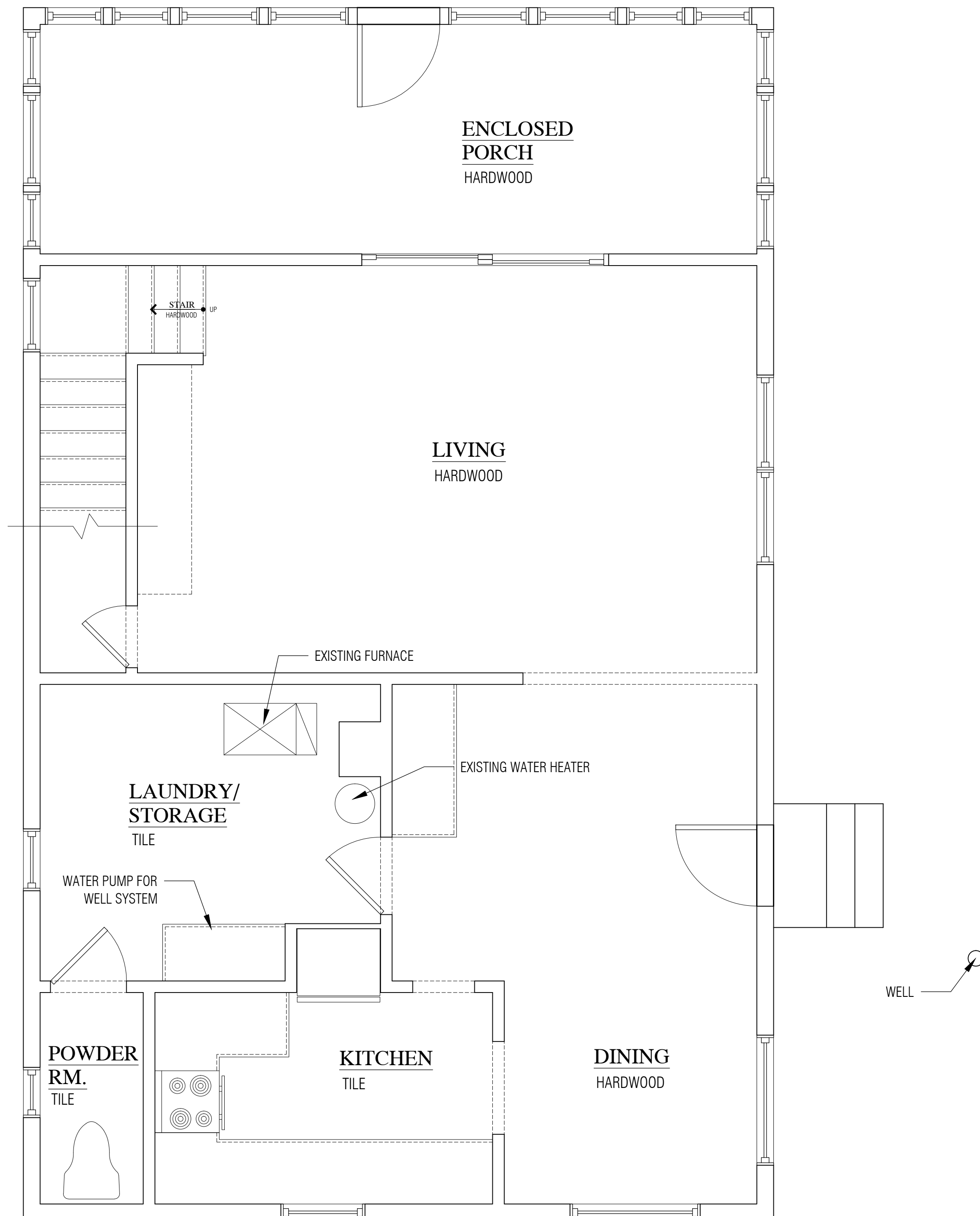
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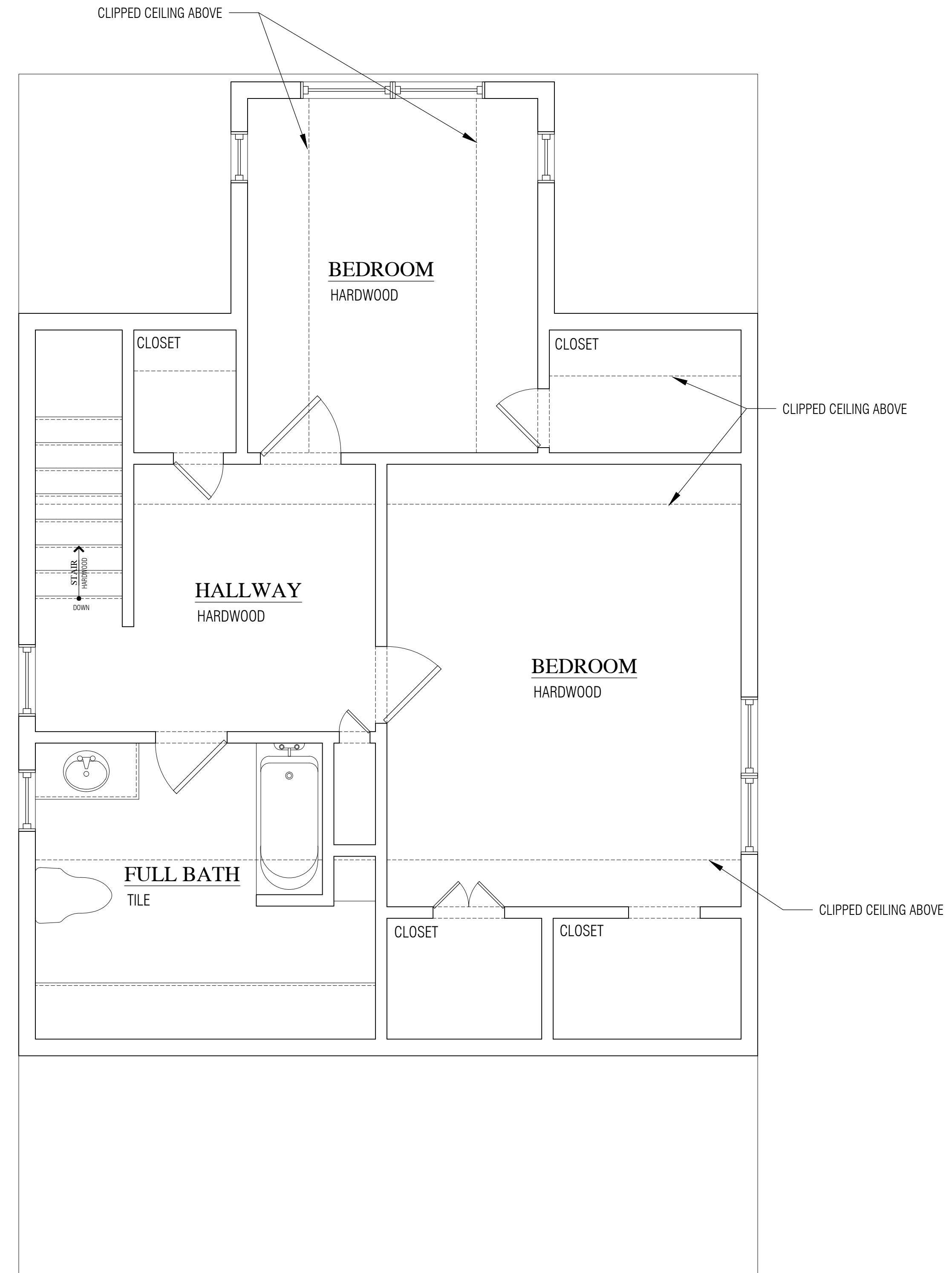
EXISTING PLANS

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EXISTING MAIN LEVEL PLAN
SCALE: 3/8" = 1'-0"
NORTH



EXISTING UPPER LEVEL PLAN
SCALE: 3/8" = 1'-0"
NORTH



Oak Street Design

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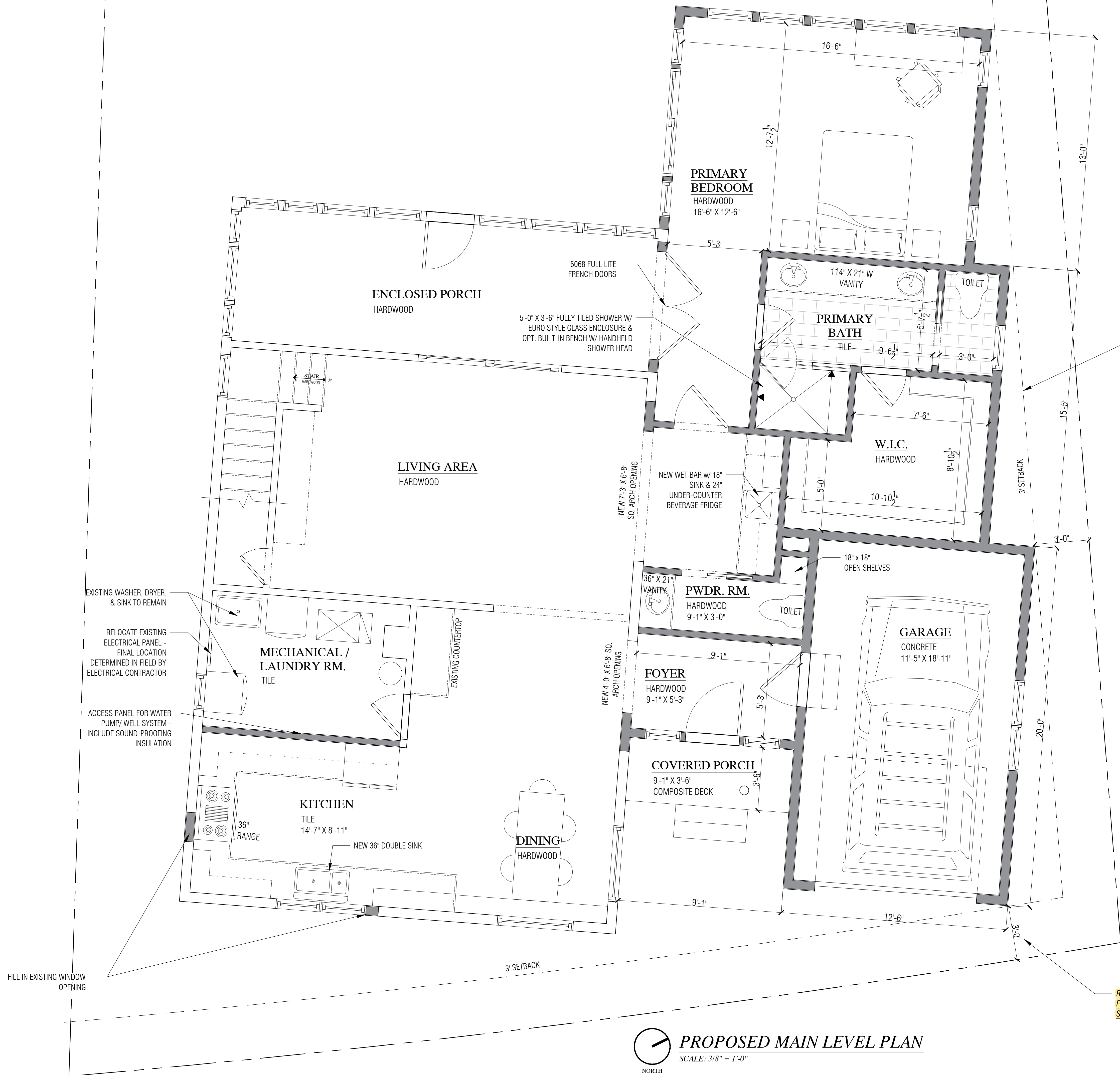
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sheet title

PROPOSED MAIN LEVEL PLAN

date

06.20.2022	SCHEMATIC PLANS
06.29.2022	CONCEPT REV.
08.17.2022	CONCEPT REV.
10.19.2022	SITE PLAN DETAIL



REQUESTING VARIANCE FOR REDUCED SIDE YARD SETBACK ON THE NORTH SIDE OF PROPERTY

REQUESTING VARIANCE FOR INCREASED ALLOWABLE LOT COVERAGE

REQUESTING VARIANCE FOR REDUCED FRONT YARD SETBACK ON THE EAST SIDE OF PROPERTY

PROPOSED MAIN LEVEL PLAN
SCALE: 3/8" = 1'-0"

CERTIFICATE OF SURVEY

RESIDENTIAL PLOT PLAN

Prepared For: Scott Gibson
800 Maloney
Oxford Twp., Mi 48371

LEGAL DESCRIPTION OF PROPERTY:

Lot 52, LAKELAND, a Subdivision of the S.W.1/4 of Section 28,
Township of Oxford, Oakland County, Michigan.

Plat recorded in LIBER 26, PAGE 5, O.C.R.

SUBJECT to easements and restrictions of record, if any.

BEARINGS are assumed

BENCH MARK: Elevation 100.00

Assumed elevation at manhole as shown on attached sheet.

SEE DETAIL OF PROPERTY ON SHEET No. 2

Sheet 1 of 2



I HEREBY CERTIFY that I have surveyed and mapped the property herein described; and that said survey was performed with a relative error of closure of no greater than 1 in 5000 and that all the requirements of P.A. 132, 1970 have been complied with.

GUARANTY SURVEY CO.
REGISTERED LAND SURVEYORS
1660 ROCHESTER ROAD
TROY, MI 48083
ESTABLISHED 1939

PETER G. PITCHFORD
TOM NORTHROP

(248) 528-1717
FAX (248) 528-1746

ORDER No. 190516

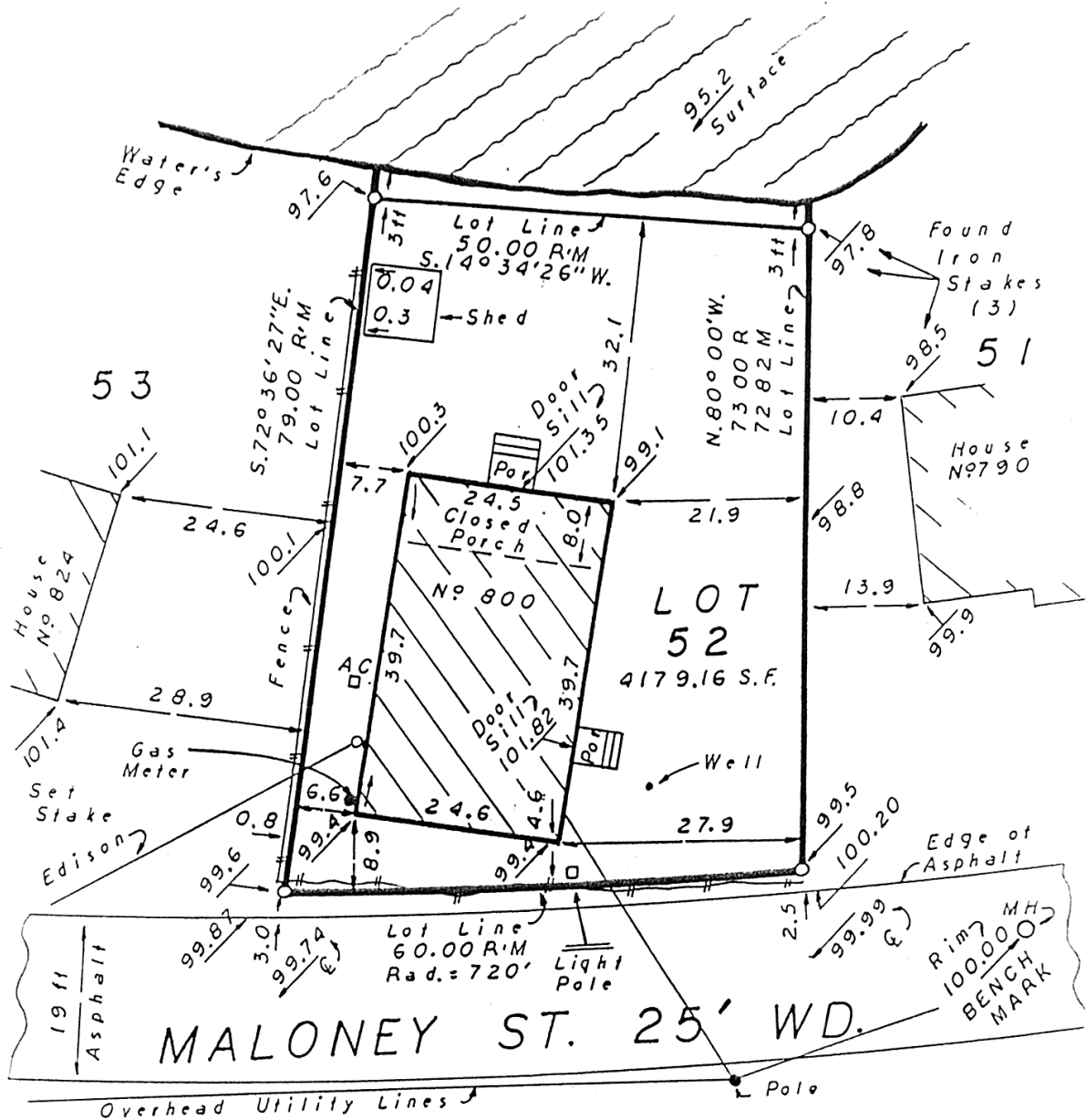
Aug. 23. 2013

DATE

BY:

Thomas M. Northrup

CLEAR LAKE



Scale 1" = 20' **Z**

RESIDENTIAL PLOT PLAN
 Aug. 23, 2013
 Job No. 190516

SHEET 2 of 2

GUARANTY SURVEY CO.
 REGISTERED LAND SURVEYORS
 1660 ROCHESTER ROAD
 TROY, MI 48083
 ESTABLISHED 1939

PETER G. PITCHFORD
 TOM NORTHRUP

(248) 528-1717
 FAX (248) 528-1740



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

ZONING BOARD OF APPEALS REPORT FOR OXFORD TOWNSHIP

TO: Oxford Township Zoning Board of Appeals
FROM: Zach Michels, AICP
DATE: October 27, 2022
RE: Gibson Variance Petition (22-ZBA-003)

PETITION INFORMATION

Applicant(s):	Scott and Kimberly Gibson
Owner(s):	Scott and Kimberly Gibson
Project Description:	House addition Reduced front-yard setback of three (3) feet rather than the twenty-five (25) feet required Reduced side-yard setback of three (3) feet rather than the ten (10) feet required
Petition Description:	Reduced natural feature setback of twenty-one (23) feet rather than the twenty-five (25) feet required Reduced side-yard mechanical equipment setback of three (3) feet rather than the 5 feet required Increased lot coverage of forty-four point three (44.3) percent rather than the thirty-five (35) percent allowed
Property Location:	800 Maloney (04-28-376-002)

PROPERTY INFORMATION

Existing Zoning	R-1 Single-family Residential <i>The intent of the Single-Family Residential districts is to provide districts in which the principal land use is single-family residential, along with those uses which are compatible with a single-family residential environment and are customarily accessory to or supportive of such uses. A reasonable range of lot sizes is envisioned which will provide a variety of desirable and economically feasible housing opportunities for all members of the general public. Certain other private and public uses are also intended for these</i>
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(22-ZBA-003) Gibson

Variance Report
October 27, 2022

	<i>districts, subject to conditions which will insure their compatibility with the main use and character of these districts</i>
Existing Land Use	Single-family house
Future Land Use Map	Village Residential - 12,000 square feet <i>Intended primarily for the core areas of Oxford Township in proximity to the Village of Oxford (Primary Urban Service areas), the Village Residential designation is intended to provide residential settings of a greater density, focused on creating high-quality neighborhood settings of a more traditional character. Three distinct minimum lot sizes are anticipated for these areas - 25,000, 12,000 and 9,000 sq. ft. - which correlate to densities of approximately 1.5, 3, and 4 units per acre, respectively. To achieve the traditional neighborhood character intended for these areas, emphasis should be placed on streetscaping and architecture (street trees, prominent front porches, sidewalks, smaller setbacks, de-emphasized garages, architectural variety, etc.). Provision of pedestrian and recreational amenities is also critical to the quality of these residential areas. Developments of this density should be located within water/sewer service districts and limited to the urban service areas</i>
Area	4,128 square feet, 0.09 acres (excluding rights-of-way and easements)



(22-ZBA-003) Gibson

Variance Report
October 27, 2022

ZONING INFORMATION

	North	East	South	West
Surrounding Zoning	<i>R-1 Single Family</i>	<i>R-1 Single Family</i>	<i>R-1 Single Family</i>	<i>n/a</i>
Surrounding Land Uses	<i>Single-family houses</i>	<i>Vacant/parking</i>	<i>Single-family houses</i>	<i>Lake</i>
Future Land-Use Map	<i>Village Residential-12,000 sf</i>	<i>Village Residential-12,000 sf</i>	<i>Village Residential-12,000 sf</i>	<i>n/a</i>

PROJECT NARRATIVE

The applicants are proposing to build an addition to the northern side of their existing single-family house.

The existing house has a lot coverage of roughly 817 square feet, with a full first story and a partial upper story of roughly 580 square feet. It is considered legally nonconforming, as it extends into several required setbacks.

The proposed addition would have a lot coverage of roughly 1,018 square feet. It would include a covered porch, entry foyer, powder room, master bedroom with attached bathroom and walk in closet, and an attached, single-car garage. The proposed addition would be a single story.

The proposed front-yard setback would be 3 feet from the Maloney right-of-way (*lot line*) to the east, extending 22 feet into the required 25 foot setback. The wall of the proposed attached garage would be roughly 8 feet from the edge of the travelled road.

This distance would not allow for a vehicle to be parked between the proposed garage and the road. If the vehicle is backed out of the garage, the rear of the vehicle is likely to enter the roadway before the driver has clear vision of the road.

The applicants also own a lot on the eastern side of Maloney that they use for parking.

Many, but not all, of the houses in this section of Maloney have attached garages. Most of them have space for a vehicle to park in the driveway, but there is 1 attached garage that is roughly 10 feet from the edge of the travelled road.

The adjacent houses are setback roughly 10 to 12 feet from the Maloney right-of-way.

The proposed side-yard setback would be 3 feet from the northern side lot line, extending 7 feet into the required 10 foot setback. The proposed wall along this side has several corners and recesses.

(22-ZBA-003) Gibson

Variance Report
October 27, 2022

When buildings are less than 5 feet from a lot line, building code requires certain design and materials to reduce the spread of fire. This would be handled administratively as part of building plan review.

The proposed natural feature setback would be roughly 23 from the ordinary high-water mark of Clear Lake to the west, extending 2 feet into the required 25 foot setback. The adjacent house to the north is less than 15 feet from the ordinary high-water mark, and the two adjacent houses to the south are more than 25 feet from the ordinary high-water mark.

The proposed whole house generator would be 3 feet from the southern side lot line, extending 2 feet into the required 5 foot setback. Mechanical equipment, likes generators and air conditioner units, are allowed to be within the required side-yard setback, but must be set back at least 5 feet from the lot line.

There is an existing air conditioner unit in this area, which will remain. Most of the lots in the area have mechanical equipment in side yards, but most of them appear to meet the 5 foot setback.

The proposed lot coverage of 44.3 percent includes the building area and the covered porch. Adjacent lots appear to meet the 35 percent lot coverage, but most of the adjacent lots are larger than this lot.

The table below lists the requested variance for the proposed project and the Zoning Ordinance standard.

Ordinance Section	Required	Requested	Notes
3.7	25 feet minimum	3 feet	<i>Reduced front-yard setback from Maloney right-of-way to the east</i>
3.7	10 feet minimum	3 feet	<i>Reduced side-yard setback from the northern side lot line</i>
10.3	25 feet minimum	23 feet	<i>Reduced natural feature (lake) setback from the ordinary high-water mark to the west</i>
3.7(E)(4)	5 feet minimum	3 feet	<i>Reduced mechanical equipment setback from the southern side lot line</i>
3.7	35 percent maximum	44.3 percent	<i>Increased lot coverage</i>

APPLICABLE LAND USE STANDARDS

Required Front-yard Setback

25 feet

§3.7, Page 3-20.

Required Side-yard Setback

10 feet

§3.7, Page 3-20.

Required Natural Feature Setback

- A. For any use requiring site plan approval, condominiums subdivision plan approval, plat approval, private or public road approval, or a Land Improvement Permit under Ordinance No. 108A as amended, there shall be maintained in all districts a natural features setback, as provided herein, unless and to the extent, it is determined to be in the public interest not to maintain such a setback. The intent of this provision is to require a minimum setback from wetlands and watercourses, and to regulate property within such setback in order to:
1. Prevent physical harm, impairment or destruction of or to such wetlands and watercourses. It has been determined that, in the absence of such a minimum setback, intrusions in or on to such areas would occur, resulting in harm, impairment or destruction of the same contrary to the public health, safety and general welfare.
 2. Protect unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting and traveling areas for numerous animals.
 3. Protect surface water run-off and water quality for pollution prevention purposes, and assist in beneficial water recharge for drinking, irrigation, and other purposes.
 4. Provide water storage area in storm events.
 5. Provide areas for recreational or other functional uses which are unique due to geographic relationship to natural feature.
 6. Preserve aesthetic views and areas for the enjoyment of natural resources.
 7. Preserve threatened and endangered species habitat, including upland species.
 8. Reduce the need for on-site and off-site storm water storage capacity based upon the availability of a greater area of absorption and a smaller impervious area.
 9. Stabilize and protect soil resources, including the prevention of erosion and prohibition of the loss due to moving water resulting in destruction of upland, structures and infrastructure on the upland, and prevention of the alteration of the course of moving waters. This regulation is based on the police power, for the protection of the public health, safety, and welfare, including the authority granted in the Michigan Zoning Enabling Act (P.A. 110 of 2006).
- B. For purposes of this regulation the terms "wetland" or "watercourse" shall be defined as set forth in Charter Township of Oxford Ordinance No. 80B. The setback required to be maintained by this regulation shall be twenty-five (25) feet from the boundary of a wetland, and twenty-five (25) feet from the ordinary highwater mark of a watercourse.
- C. Within an established wetland or watercourse setback subject to this Section, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no deposition of any material, removal of any soils, minerals and/or vegetation, dredging, filling or land balancing, or construction of any temporary or permanent structures.
- D. In determining whether proposed activities are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other activity, taking into consideration the local, state, and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a

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debatable question whether the proposal is clearly in the public interest, authorization for the construction or other activity within the setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:

1. The relative extent of the public and private need for the proposed activity.
2. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
3. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland or watercourse setback provides.
4. The probable impact of the proposed construction or other activity in relation to the cumulative effect created by other existing and anticipated activities in the wetland or watercourse to be protected.
5. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health.
6. The size and quantity of the wetland or watercourse setback being considered.
7. The amount and quantity of the remaining wetland or watercourse setback.
8. Proximity of the proposed construction and/or operation in relation to the wetland or watercourse, taking into consideration the degree of slope, soil type and the nature of the wetland or watercourse to be protected.

§10.3, Page 10-9.

Maximum Lot Coverage

35 percent

§3.7, Page 3-20.

Mechanical Equipment Setback

Outdoor residential mechanical equipment such as air conditioning equipment and generators may encroach into required side or rear yards but shall be no closer than five (5) feet from the side or rear property line. Such structures are not permitted to encroach into the required front yard.

§3.7(E)(4), Page 3-22.

DECISION CRITERIA REVIEW

The Zoning Board of Appeals shall have the power to authorize specific variances from the standards of the Zoning Ordinance provided that the spirit of that Ordinance is observed, the public safety secured, and substantial justice done. All the required findings listed below, as outlined in §17.8 Variances of the Zoning Ordinance, shall be met, and the record of proceedings of the Zoning Board of Appeals shall contain evidence supporting each conclusion.

- A literal enforcement of the provisions of the Zoning Ordinance would result in a practical difficulty;

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- The need for the variance has neither been self-created by the applicant nor the applicant's predecessors the need for the variance is due to unique circumstances on the property;
 - A lesser variance than requested would not give substantial relief to the applicant; and
 - The variance will provide substantial justice to the applicant and other property owners.
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Please contact us if you should have any questions regarding this case.



CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner