

TEMPLATE MOTIONS
PZBA 23-12 – 1044 E. 11 MILE ROAD

VARIANCE #1 – ACCESSORY STRUCTURE LOCATION

Approval

Move to APPROVE the variance application for a detached accessory structure within an interior side yard at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

The variance is granted with the following conditions:

- 1) Additional landscaping in the form of deciduous trees shall be planted within the front yard adjacent to 11 Mile Road to further screen the accessory structure from the road. Details of such plantings may be coordinated with the City Planner.
- 2) The building setback variances do not relieve the applicant from minimum building and fire code requirements.

Denial

Move to DENY the variance application for a detached accessory structure within an interior side yard at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
 - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
 - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
 - d. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

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VARIANCE #2 – SETBACKS

Approval

Move to APPROVE the variance application for a 3-foot principal building setback and a 3-foot side yard building setback for a detached accessory structure at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

Denial

Move to DENY the variance application for a 3-foot principal building setback and a 3-foot side yard building setback for a detached accessory structure at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
 - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
 - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
 - d. The requested variance is not the minimum variance necessary; and
 - e. The requested variance results from the applicant's chosen structure model, where alternative smaller models are available; and
 - f. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

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VARIANCE # 3 – HEIGHT

Approval

Move to APPROVE the variance application for a detached accessory structure exceeding 15 feet in height, not to exceed a 16-foot leg height, at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

Denial

Move to DENY the variance application for a detached accessory structure exceeding 15 feet in height at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
 - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
 - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
 - d. The requested variance is not the minimum variance necessary; and
 - e. The requested variance results from the applicant's chosen structure model, where alternative shorter models are available; and
 - f. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.