

**PROPOSED AGENDA**

**CHARTER TOWNSHIP OF BRIGHTON  
ZONING BOARD OF APPEALS  
4363 BUNO ROAD  
BRIGHTON, MI 48114**

**APRIL 27, 2016  
REGULAR MEETING  
7:00 P.M.  
(810) 229.0562**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. CALL TO THE PUBLIC**
- E. AGENDA**
- F. MINUTES**

**1. MARCH 23, 2016 REGULAR MEETING**

**G. BUSINESS**

- 1. ZBA APPLICATION#: 16/04; LOCATION: 2739 PARKLAWN DR.; TAX ID#: 12-16-301-030; OWNER AND APPLICANT: CHRIS VSETULA; ZONING: R-5 (WATERFRONT RESIDENTIAL)**

- (a) Addition to Non-Conforming Buildings and Lots, a variance from *Article 21, Sec. 's 21-04 and 21-05* of the Zoning Ordinance
- (b) Side Yard Setback Variance, a variance from *Article 3, Sec. 3-03, District Regulations* of the Zoning Ordinance
- (c) Waterfront Setback Variance, a variance from *Article 3, Sec. 3-03, District Regulations* of the Zoning Ordinance

- 2. ZBA APPLICATION#: 16/05; LOCATION: 3523 OAK KNOLL DR.; TAX ID#: 12-19-201-054; OWNER: STEPHEN AND MARY ALLEN; APPLICANT: RON CZAJKA; ZONING: R-5 (WATERFRONT RESIDENTIAL)**

- (a) Lot Coverage, a variance from *Article 3, Sec. 3-03, District Regulations* of the Zoning Ordinance
- (b) Waterfront Residential Floor Area Ratio, a variance from *Article 3, Sec. 3-03, District Regulations* of the Zoning Ordinance

- H. REPORTS AND CORRESPONDENCE**
- I. CALL TO THE PUBLIC**
- J. ADJOURNMENT**

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at.....planner@brightontvp.com.

## PROPOSED MINUTES

CHARTER TOWNSHIP OF BRIGHTON  
ZONING BOARD OF APPEALS  
4363 BUNO ROAD  
BRIGHTON, MI 48114

MARCH 23, 2016  
REGULAR MEETING  
7:00 P.M.  
(810) 229.0562

Vice-Chairperson F. Grapentien called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.  
Present: C. Moran (alt.), J. Dorset, D. Hawk, J. Cogley, F. Grapentien, J. Gibbons, J. McKeon  
Absent: R. Doughty

### CALL TO THE PUBLIC

Cindy Mensch, 4445 Old Warner Court - Complaint regarding neighbor at 4463 Old Warner Court regarding a home based veterinary business; it is much larger than the Zoning Ordinance allows; delivery trucks; odors; dogs barking.

### AGENDA

J. Dorset moved and J. Cogley seconded **to approve the agenda as presented.**  
Motion carried.

### MINUTES

J. Dorset moved and J. Cogley seconded **to approve the November 18, 2015 special meeting minutes as presented.**  
Motion carried.

J. Dorset moved and J. Cogley seconded **to approve the January 14, 2016 special meeting minutes as presented.**  
Motion carried.

### BUSINESS

#### ELECTION OF 2016 OFFICERS

J. Cogley moved and D. Hawk seconded **to appoint F. Grapentien, Chairperson, J. Dorset, Vice-Chairperson, and J. Gibbons, Secretary, for 2016.**  
Motion carried.

### PRESENTATION OF AWARD TO TIM WINSHIP

F. Grapentien thanked Tim Winship for his long service to the Township as a Township Board Member, member of the Planning Commission, and Chairman of the ZBA and presented him with a certificate.

ZBA APPLICATION # 16/01; LOCATION: 2101 HACKER RD.; TAX ID #'S 12-18-100-034 AND 035;  
OWNER AND APPLICANT: SHEPHERD OF THE LAKES LUTHERAN CHURCH AND SCHOOL;  
ZONING: RC (RESIDENTIAL COUNTRY)

- a. Lot Coverage Variance, a variance from Zoning Ordinance *Article 3, Sec. 3-03, District Regulations*
- b. Variance to Extend Site Plan Approval, a variance from Zoning Ordinance *Article 18, Sec. 18-03(h)(2), Completion of Site Design*

Applicant Representative Bob Green, President of Shepherd of the Lakes Church and School Council, and Candice Briere, Metro Consulting Associates, discussed the need for a long term master plan for the church and school for capital funding purposes and plans for their proposed 45,000 sq. ft. addition to include gym, media center, restrooms/locker rooms, art room, dining room, kitchen, office and stage area for the church and school. It was stated that no additional students are planned for the addition so no additional traffic is expected and that the three (3) modulars on the site may or may not be removed with the addition. In order to construct the addition, there is a need for a lot coverage variance of two (2%) percent to increase the coverage from the required five (5%) percent allowable coverage to seven (7%) percent. The project would be built in two (2) or

three (3) phases with a third (1/3<sup>rd</sup>) of the project being in the first phase.  
K. Mathews, Township Planner, reviewed her report dated February 3, 2016.

**PUBLIC HEARING**

**The public hearing opened at 7:25 p.m.**

No comments were received.

**The public hearing closed at 7:25 p.m.**

The ZBA discussed both variance requests, especially the need for an extension of the site plan approval for ten (10) years.

- a. J. Cogley moved and J. Gibbons seconded **to approve a variance from Zoning Ordinance Article 3, Sec. 3-03, District Regulations, for a lot coverage variance of two percent (2%) to increase the lot coverage for the site from five (5%) percent to seven (7%) percent for ZBA Application # 16/01; Location: 2101 Hacker Rd.; Tax ID #'s 12-18-100-034 and 035; Owner and Applicant: Shepherd of the Lakes Lutheran Church and School for the following reasons: Compliance with the strict letter of the restrictions governing lot coverage would unreasonably prevent the use of the property; Granting of the requested variance would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel; The requested variance for lot coverage does not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances since the site is very large (30 acres); The variance will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood since the site is very large (30 acres); and Exceptional circumstances or conditions are applicable to the property and the intended use that do not generally apply to other properties or uses since the site is very large (30 acres).**

Motion carried.

- b. J. Cogley moved and J. Dorset seconded **to deny the variance request to extend site plan approval for ten (10) years, a variance from Zoning Ordinance Article 18, Sec. 18-03(h)(2), Completion of Site Design, for ZBA Application # 16/01; Location: 2101 Hacker Rd.; Tax ID #'s 12-18-100-034 and 035; Owner and Applicant: Shepherd of the Lakes Lutheran Church and School; Zoning: RC (Residential Country) for the following reasons: The variance request is not property/real estate related, the applicant has concurred that he does not need ten (10) years, and that granting this variance would set a precedent for the Township.**

Motion carried.

ZBA APPLICATION # 16/02; LOCATION: KINGS POINT CT.; TAX ID # 12-23-102-015; OWNER AND APPLICANT: CARL & KAREN BEKOFKSKE; ZONING: RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

Front Setback Variance, a variance from *Article 12-08(a), PUD Design Standards Regulatory Flexibility*, of the Zoning Ordinance

Applicant Representative Chris Macklin, Christopher Macklin Design, overviewed the request for a front yard setback variance of fourteen (14) ft. from the required forty (40) ft. setback. The homeowners Carl and Karen Bekofske were in attendance. The Planned Unit Development (PUD) for Oaks at Beach Lake has established a forty (40) ft. front yard, twenty (20) ft. side yard, and thirty-five (35) ft. rear yard setbacks for the homes in the PUD. This home site has a significant drop-off and therefore less than half of the lot is usable. The home will have individual septic and the active and reserve fields are being placed as far away from the wetland as possible which drives the location of the home. The home will be a walk-out and needs to be at a safe grade, so with the significant drop-off, the home needs to be moved forward towards the road. In order to build a three (3) car garage, there is a need to encroach into the front setback.

K. Mathews, Township Planner, reviewed her report dated February 23, 2016.

PUBLIC HEARING

The public hearing opened at 8:25 p.m.

None.

The public hearing closed at 8:25 p.m.

J. Dorset moved and D. Hawk seconded to approve a Front Yard Setback Variance, a variance from Zoning Ordinance Article 12-08(a), PUD Design Standards Regulatory Flexibility, for ZBA Application # 16/02; Location: Kings Point Ct.; Tax ID # 12-23-102-015; Owner and Applicant: Carl & Karen Bekofske; Zoning: Residential Planned Unit Development (PUD) for the following reasons: Compliance with the strict letter of the restrictions governing setbacks for the home and attached garage would unreasonably prevent the use of the property; Granting of the requested variance would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel; The variance request is not a function of a zoning change for the property or an ordinance change as it is an existing condition; In order to build the proposed home and a three (3) car attached garage a front yard setback variance is required and the applicant would like to have a similar home and garage as others in his neighborhood however there is a significant drop-off into a low area in the back half of his property which significantly reduces his lot size; The requested variance does not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances; The variance will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood; In order to allow a similar home and three (3) car garage as others in the neighborhood, the variance request is required; Exceptional circumstances or conditions exist which are applicable to the property and the intended use that do not generally apply to other properties or uses and in order to allow a similar home and three (3) car garage as others in the neighborhood, the variance request is required.

Motion carried.

REPORTS AND CORRESPONDENCE

D. Hawk - Township Board update.

F. Grapentien - Board of Review update.

CALL TO THE PUBLIC

None.

J. Gibbons moved and J. Cogley seconded to adjourn.

Motion carried.

The meeting adjourned at 8:37 p.m.

Respectfully submitted,

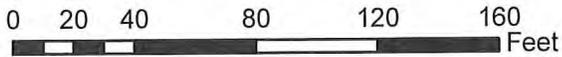
\_\_\_\_\_  
Frank Grapentien, Chairperson

\_\_\_\_\_  
John Gibbons, Secretary

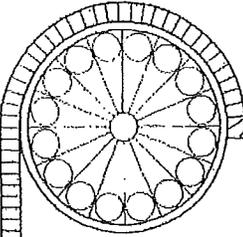
\_\_\_\_\_  
Kelly Mathews, Recording Secretary

\_\_\_\_\_  
Ann M. Bollin, CMC, CMMC, Clerk

# 2739 Parklawn



Charter Township of Brighton



# CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778

[www.brightontwp.com](http://www.brightontwp.com)

## ZONING BOARD OF APPEALS APPLICATION

1. Date Filed 3/24/16      3. ZBA Number 16/03 **RECEIVED**  
 2. Meeting Date 4/27/16      4. Fee Paid \$1150 **MAR 24 2016**

BRIGHTON TOWNSHIP

### 5. Applicant Information

Name CHRIS VSETULA  
 Address 2739 PARKLAWN DR.  
 City/State/Zip BRIGHTON MI 48114  
 Phone 910-598-2541 Fax \_\_\_\_\_  
 Email VSETULA@ATT.NET  
 Interest in the Property (e.g. fee simple, land option, etc.)  
 Property Owner  Other (Specify) \_\_\_\_\_

### 6. Current Property Owner Information

Name CHRIS VSETULA  
 Address 2739 PARKLAWN DR  
 City/State/Zip BRIGHTON MI 48114  
 Phone 910-598-2541 Fax \_\_\_\_\_  
 Length of Ownership 17 + YEARS

### 7. Location of Property for which the Variance is Requested

Address 2739 PARKLAWN DR  
 Cross Streets OFF OLD US 43 BETWEEN HILTON + HYGUE  
 Tax I.D. # 4712-16-301-030

### 8. Property Information

Zoning District \_\_\_\_\_  
 Area (Acreage) .33 Width 40 FT Depth 364  
 Current Use PRIVATE HOME SINGLE FAMILY

9. Variance Request

Total Number of Variances Requested 1

Describe your Request NEED 10 INCHES ON SIDE YARD  
DECK IS 7' 8" OFF LINE AND NEEDS TO BE 3' 6",  
NEED 5' 6" ON LAKE SIDE PAST THE 30% OF  
300 FT RULE.

Section(s) of the Zoning Ordinance SEC 3-03 R-5

10. Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

THE DECK WAS PUT BACK ON THE HOUSE IN THE  
SAME LOCATION MINUS 5 FT FURTHER AWAY FROM  
LAKE FOR THE STEPS. THE OLD DECK WAS REMOVED  
TO ALLOW THE HOUSE TO BE PICKED UP AND BASEMENT  
ADDED UNDER IT. HOUSE WAS GRANTHERED IN LOCATION.

- b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

THE NEW REPLACEMENT DECK IS VERY PROFESSIONAL  
LOOKING ADDING VALUE TO CURRENT HOME AND OTHERS.  
THIS DECK INCREASES THE PROPERTY VALUE.

- c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

NO THE DECK HAS BEEN REBUILT AS I  
THOUGHT IT WAS COVERED ON MY BUILDING  
PERMIT. BDL 2015-10969

- d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

YES I HAD TO REMOVE OLD DECK FROM HOUSE TO  
PUT BASEMENT UNDER HOUSE, I SHOULD HAVE LEFT  
IT ATTACHED TO THE HOUSE.

- e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

YES

- f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

THE DECK IS NOT BLOCKING ANYONES VIEW OF  
LAKE, SAME LOCATION AS OLD DECK, SO NO

11. Criteria for a Use Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. Can the site be reasonably used for any of the uses allowed within the current zoning designation?

YES

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- b. Are there unique circumstances peculiar to the property and not generally applicable in the area to other properties in the same zoning district?

YES MOST ALL HOUSES ON PARKLAWN DR. DO NOT MEET RESIDENTIAL SCHEDULE OF AREA AND BULK REQUIREMENTS SEC 3-03. THEY CROSS ONE SIDE OF THE LOT LINE. MOST HOMES WERE BUILT IN EARLY TO MID 1900'S

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- c. Was the need for a variance self-created by either the applicant or the applicant's immediate predecessor?

YES BASED ON TODAY'S SET BACK RULES.

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- d. Will the capacity and operation of the infrastructure be significantly compromised?

YES THE DECK WENT FROM 334 SQ FT TO  
320 SQ FT ALREADY TO MOVE THE STEPS  
FROM FRONT OF DECK TO SIDE OF DECK

- e. Will the granting of a use variance not alter the essential character of the neighborhood nor be a detriment to adjacent properties?

IT WILL NOT ALTER ESSENTIAL CHARACTER ONLY  
IMPROVE. IT WILL NOT BE A DETRIMENT TO  
ADJACENT PROPERTIES AS IT HAS BEEN IN  
THIS LOCATION FOR OVER 20 YEARS.

## 12. Criteria for Appeals and Interpretations

The Zoning Board of Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Zoning Board of Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- Arbitrary and capricious; or
- Filled to ensure consistency with ordinance standards; or
- Made an error, such as relying on false or inaccurate information, or
- Constituted an abuse of discretion; or
- Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Please describe how your appeal meets one of these criteria: I firmly  
BELIEVE THE DECK WAS INCLUDED ON BOL 2015-10969,  
AND GRANDFATHERED IN AS PART OF THE HOUSE,  
I UNDERSTAND MY BURDEN MAY NOT INCLUDE IN PERMIT WORKING  
HOWEVER 2 VIEWS SHOW THE DECK.

I, CHRIS VSETULA (applicant), do hereby swear that the above statements are true.

I, CHRIS VSETULA (property owner), hereby give permission for the Charter Township of Brighton officials, staff, and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

Chris Vsetula 3-24-2016  
Signature of Applicant Date

Chris Vsetula 3-24-2016  
Signature of Property Owner Date

<b><u>Brighton Township Zoning Board of Appeals Action</u></b>	
Approved/Denied	_____
Date	_____
Conditions of Approval	_____
	_____
	_____

		Actual Feet from Water	
2789 Parklawn Dr	Lou	44	
2775 Parklawn Dr	Rick	75	
2767 Parklawn Dr	Brown house	62	
2759 & 2763 Parklawn Dr	Empty Rental house	57	
2755 Parklawn Dr	Dick	55	
2751 Parklawn Dr	Tim	60	
2747 Parklawn Dr	Doug	65	
2743 Parklawn Dr	Bill	65	
2739 Parklawn Dr	Chris Vsetula	53	56 upper covered Deck
2735 Parklawn Dr	Ben's For Sale	58	
2731 Parklawn Dr	Just Sold	59	30% 18.6
2723 Parklawn Dr	Mark	67	
2715 Parklawn Dr	Justin	74	43.5
2711 Parklawn Dr	Harvey	75	
		62.1	

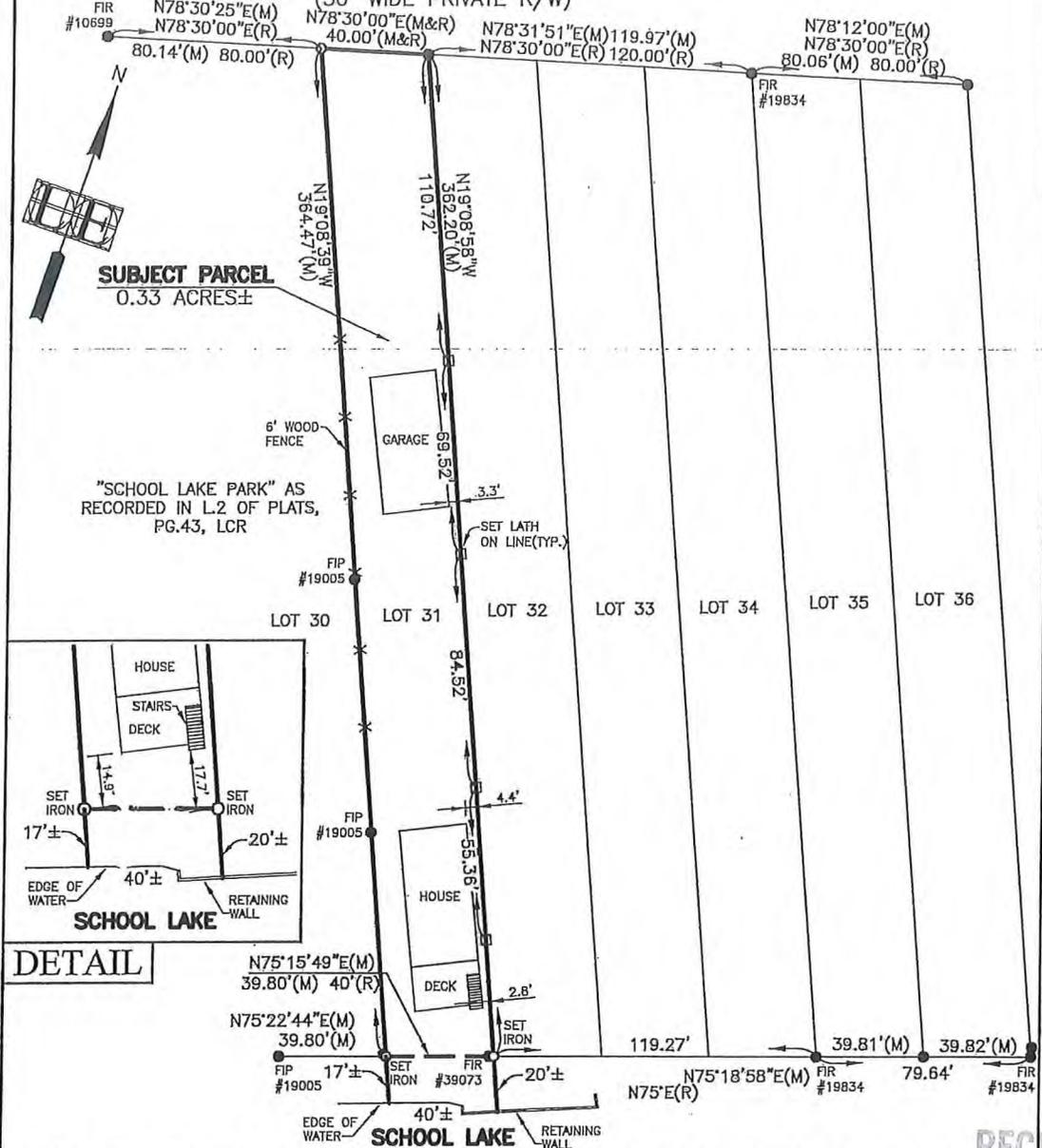
RECEIVED

MAR 24 2016

BRIGHTON TOWNSHIP

# SKETCH OF SURVEY

## PARK DRIVE (30' WIDE PRIVATE R/W)



**LEGAL DESCRIPTION SUBJECT PARCEL** (Per Quit Claim Deed as recorded in Liber 3894, Page 762, Livingston County Records)

Lot 31, "SCHOOL LAKE PARK", according to the Plat thereof as recorded in Liber 2 of Plats, Page(s)43, Livingston County Records.  
 Tax Id #4712-16-301-030  
 2739 Parklawn Drive

Bearings were established from the plat of "SCHOOL LAKE PARK" as recorded in Liber 2 of Plats, on Page 43, Livingston County Records.

**LEGEND**  
 ○ SECTION CORNER    ○ SET IRON ROD    ● FOUND MONUMENT  
 x-x-x FENCE        ● FOUND IRON ROD/PIPE    ● SOIL BORING



**LIVINGSTON ENGINEERING**  
 CIVIL ENGINEERING    SURVEYING    PLANNING

3300 S. OLD US. 23, BRIGHTON, MICHIGAN 48114  
 INTERNET: WWW.LIVINGSTONENG.COM    PHONE: (810) 225-7100    FAX: (810) 225-7699

CLIENT CHRIS VSETULA  
 DESCRIPTION SOUTHWEST 1/4,  
 SECTION 16, T2N-R6E, BRIGHTON TOWNSHIP,  
 LIVINGSTON COUNTY, MICHIGAN

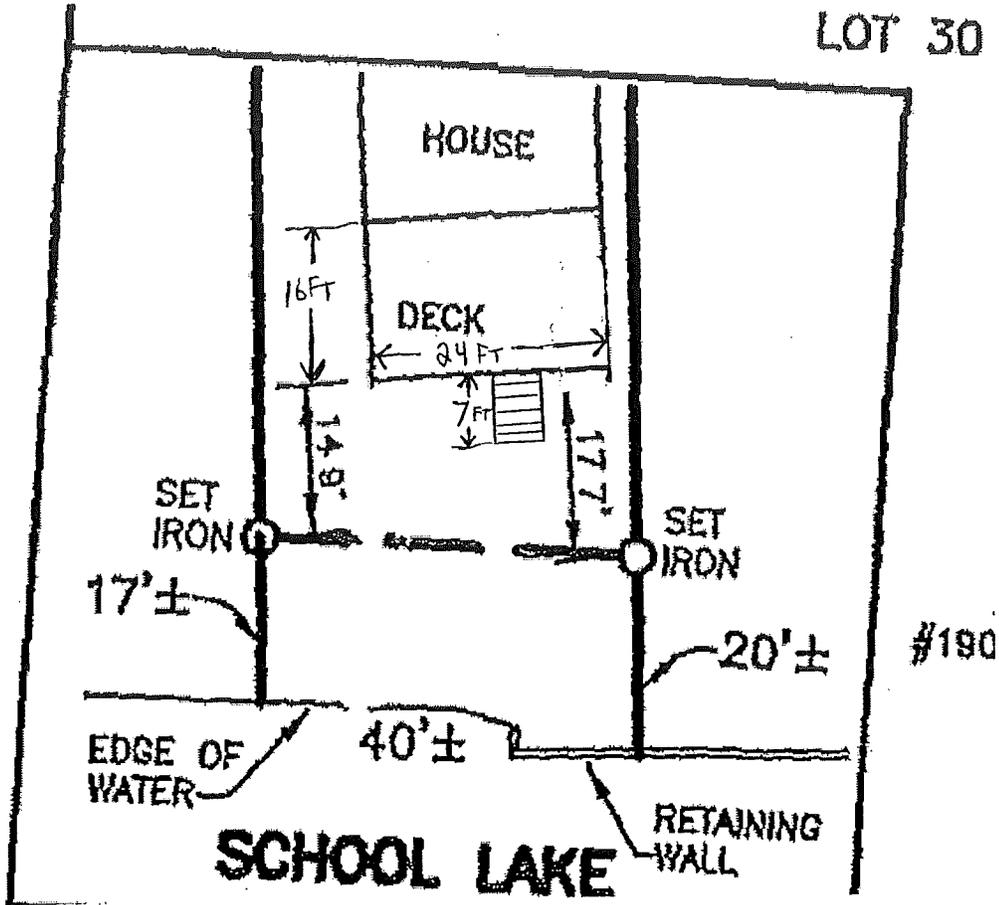
0'    50'    100'  
 SCALE 1"=50'  
 SHEET No. 1 of 1

DATE 03-03-16  
 REV. 03-03-16  
 JOB No. 16120  
 DRAWN MMB/RLP  
 CHECK



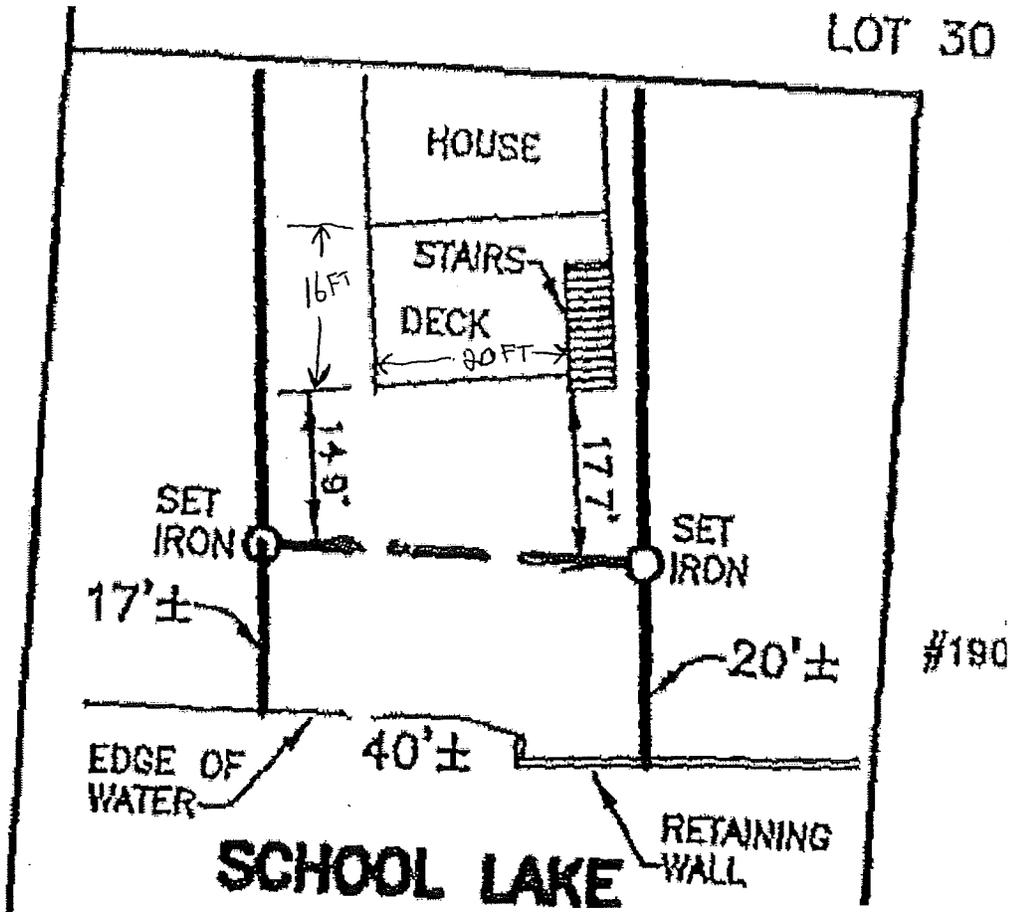
RECEIVED  
 MAR 24 2016  
 BRIGHTON TOWNSHIP

LOT 30



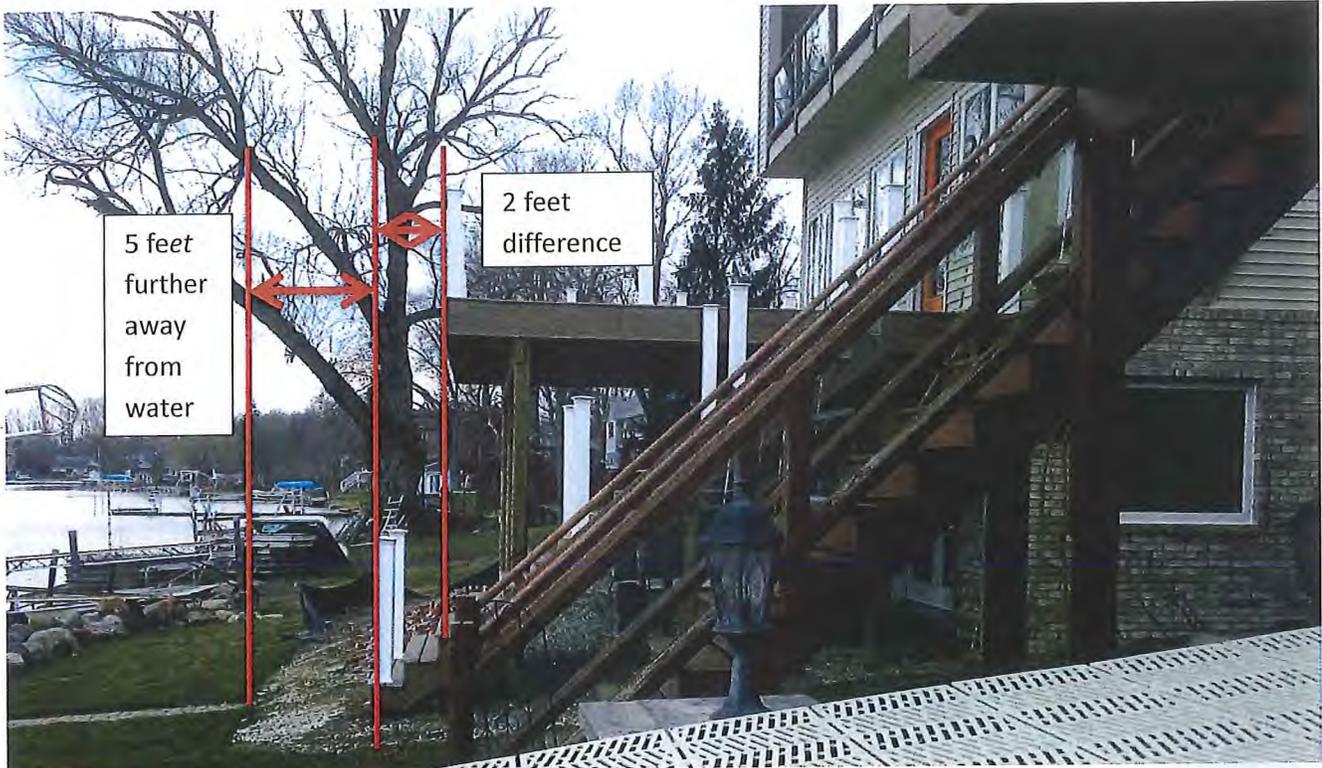
Before house was raised

LOT 30

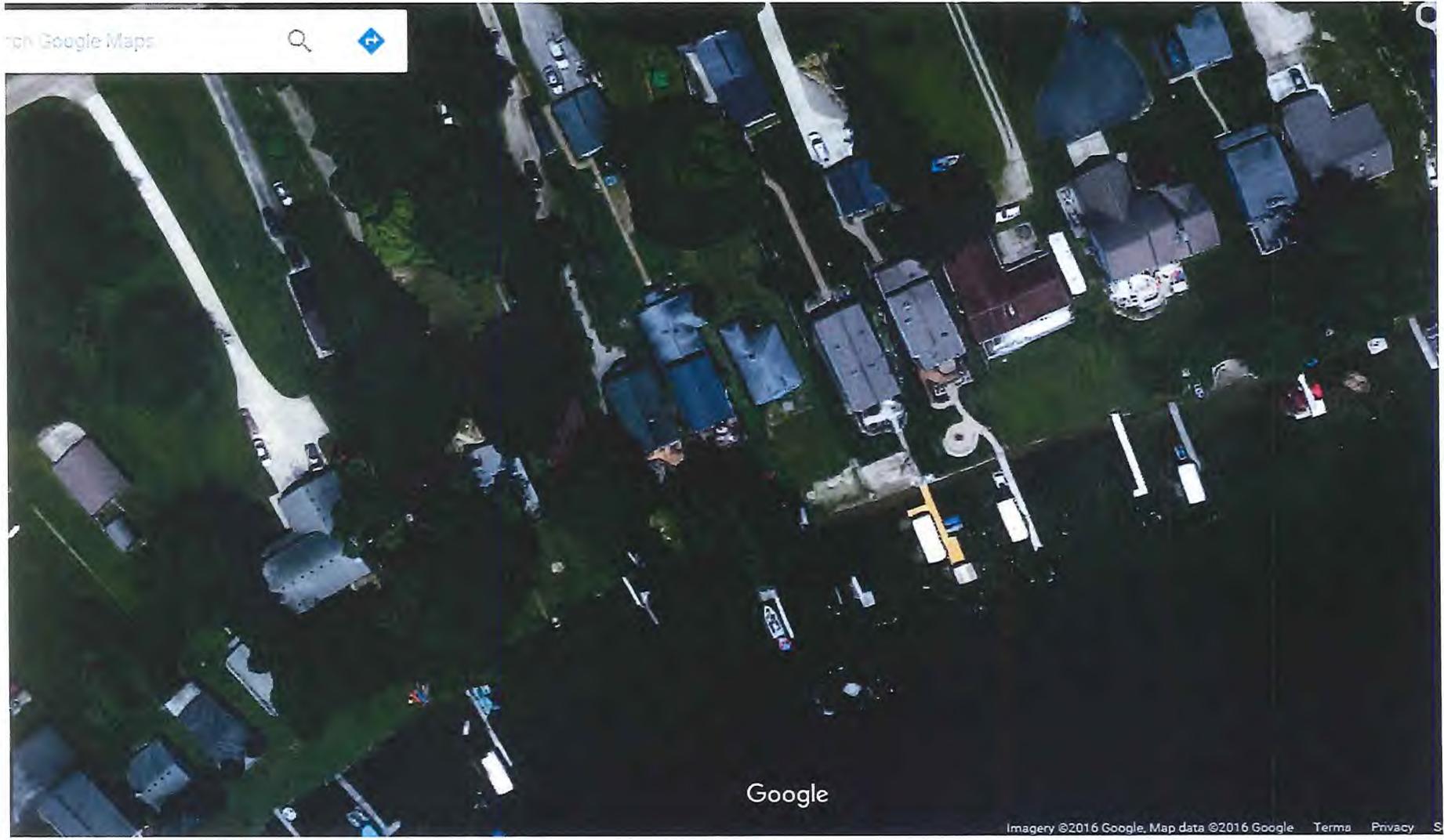


After house was raised





Search Google Maps



Google



**Date:** March 28, 2016

**To:** Zoning Board of Appeals  
Charter Township of Brighton

**From:** Kelly Mathews

**Subject:** Variance Requests

**Location:** 2739 Parklawn Drive

**Requests:** Non-Conforming Building, Waterfront/Natural Features Setback, and Side Yard Setback

**Zoning:** R-5, Waterfront Residential

**Tax ID#:** 12-16-301-030

**Applicant:** Chris Vsetula

**Owner:** Chris Vsetula

Dear ZBA Members:

The Zoning Board of Appeals (ZBA) application submitted by Chris Vsetula has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review. The applicant is proposing a second (2<sup>nd</sup>) floor deck addition to his home which requires a variance from *Sec.'s. 21-03 and 21-04*, addition to a nonconforming building. Additionally, the deck addition requires a waterfront/natural feature setback variance and an easterly side yard setback variance. The parcel is 0.33 acres and includes one platted lot.

In order to construct the second (2<sup>nd</sup>) floor deck addition, the applicant requests a maximum variance request of ten (10) inches from the easterly side lot line and a maximum variance request of 5.5 ft. from the waterfront (lake side). The average in this area along School Lake is sixty-two (62) ft. and decks can encroach thirty (30%) percent into the required side yard and waterfront setbacks so a ten (10) inch easterly side yard setback variance and a 5.5 ft. waterfront variance is required. In order to construct the addition, variances are required to allow an expansion of the non-conforming building and lot.

#### **VARIANCE REQUESTS**

**Expansion of a Non-Conforming Building and Lot (*Article 21, Sec.'s 21-04 and 21-05, Non-Conforming Buildings and Lots*).** The applicant is requesting variances to allow an addition to the non-conforming home. No non-conforming building or lot shall be enlarged, expanded, or extended to occupy a greater area of land except with approval by the Zoning Board of Appeals (ZBA). The applicant would like to add a 320 sq. ft.

deck addition to the south side of the existing home which needs to be approved by the ZBA since the addition would expand the non-conforming building and lot.

**Waterfront/Natural Features Setback (*Article 3, Section 3-03, Waterfront/Natural Features Setback*).** The applicant is requesting a 5.5 ft. variance from the waterfront yard setback requirement of approximately sixty-two (62) ft. in this area along School Lake. The R-5 zoning district requires the building to be at the average within 300 ft. of the property. Then, a deck can encroach thirty (30%) percent into that setback. The applicant is proposing a small second (2<sup>nd</sup>) floor deck addition to the home on the water/lake side of the property. The existing home is currently non-conforming because it is located fifty-three (53) ft. from the lake/water side and the average in the area is sixty-two (62) ft.

**Side Yard Setback (*Article 3, Section 3-03, Side Yard Setback*).**

The applicant is requesting a maximum ten (10) inches from the easterly side yard setback requirement of 3.5 ft. (Decks can encroach 30% into the required 5 ft. setback). The applicant is proposing a 320 sq. ft. second floor deck to the existing home. The R-5 zoning district allows a deck to encroach thirty (30%) percent into the required five (5) ft. side yard setback.

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for variances for the south side, second story deck addition.

## **STANDARDS FOR ZBA ACTION**

The ZBA should only grant a variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to variances that the ZBA should review in order to determine the need for the requested.

***1. Practical Difficulty/Substantial Justice.*** *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.*

The current home was allowed to be constructed at the current location, fifty-three (53) ft. from School Lake and 2.8 ft. minimum from the easterly side yard setback. The applicant would like to maintain what was previously allowed except for variance requests for the small second (2<sup>nd</sup>) floor deck addition. Overall variances to allow an addition to a non-conforming building and lot is requested. In order to construct the deck addition, these variances are required since the existing home does not meet the

waterfront and side yard setbacks which is a variance request from *Sec. 's 21-04 and 21-05* of the Zoning Ordinance. In order to allow the deck addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required. Compliance with the strict letter of the restrictions governing setbacks for the home would unreasonably prevent the use of the property. Granting of the requested variances would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel. The variance request is not a function of a zoning change for the property or an ordinance change; it is an existing condition. In order to enlarge the home, side yard and waterfront setback variances in addition to the variances to allow the expansion of a non-conforming building and lot, is required.

**2. *Public Safety and Welfare.*** *The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.*

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for a variance for the small deck addition. The requested variances do not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances. In order to allow the addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

**3. *Impact on Surrounding Neighborhood.*** *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for a variance for a small deck addition to the existing home. The variances will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. In order to allow an addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

**4. *Extraordinary Circumstances.*** *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for a variance for the small deck addition. There are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses. In order to allow an addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

## RECOMMENDATIONS

It is recommended that the variances as proposed are approved. Specifically, the following variances.

**Non-Conforming Buildings and Lots (*Article 21, Sec.'s 21-04 and 21-05*).** No non-conforming building or lot shall be enlarged, expanded, or extended to occupy a greater area of land except with approval by the Zoning Board of Appeals (ZBA). The applicant would like to add a small deck addition to the home on the south side. The variance request to allow a non-conforming building and lot to be expanded is required in order to expand the non-conforming use and building.

**Waterfront/Natural Features Setback (*Article 3, Section 3-03, Waterfront/Natural Features Setback*).** The applicant is requesting a maximum 5.5 ft. variance request from the waterfront yard setback requirement which allows decks to encroach thirty (30%) percent into the average waterfront setback of sixty-two (62) ft. in this area along School Lake. The R-5 zoning district requires the building to be at the average within 300 ft. of the property.

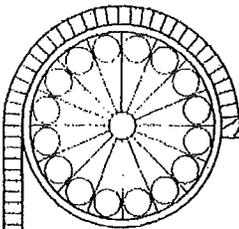
**Side Yard Setback (*Article 3, Section 3-03, Side Yard Setback*).** The applicant is requesting a maximum ten (10) inches from the easterly side yard setback requirement of 3.5 ft., thirty (30%) percent into the required five (5) yard side yard setback.

# 3523 Oak Knoll Drive



0 10 20 40 60 80 Feet

Charter Township of Brighton



# CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778  
[www.brightontwp.com](http://www.brightontwp.com)

## ZONING BOARD OF APPEALS APPLICATION

1. **Date Filed** March 28, 2016      3. **ZBA Number** \_\_\_\_\_  
2. **Meeting Date** April 27, 2016      4. **Fee Paid** \$1150<sup>00</sup>

### 5. Applicant Information

Name Ron Czajka  
Address 7617 Brookview Drive  
City/State/Zip Brighton, MI 48116  
Phone (734) 718 7578 Fax \_\_\_\_\_  
Email rjczajka@msn.com

RECEIVED

MAR 28 2016

BRIGHTON TOWNSHIP

Interest in the Property (e.g. fee simple, land option, etc.)

Property Owner  Other (Specify) Buyer under contract

### 6. Current Property Owner Information

Name Stephen P. Allen and Mary E. Allen  
Address 38691 Summers  
City/State/Zip Livonia, MI 48154  
Phone (734) 516 6098 Fax \_\_\_\_\_  
Length of Ownership Since 2013

### 7. Location of Property for which the Variance is Requested

Address 3523 Oak Knoll Drive  
Cross Streets N of HILTON RD / E of GRAND RIVER  
Tax I.D. # 4712-19-201-054

### 8. Property Information

Zoning District R-5  
Area (Acreage) 0.121 acres Width 65' / 66.43' Depth 85'  
Current Use Single Family Residential

**9. Variance Request**

Total Number of Variances Requested 2

Describe your Request To completely remove the existing, non-conforming single family residence without a garage built in 1952 and construct a new single family residence with a garage that is also non-conforming but to a lesser extent. The variance request is for the lot coverage. The proposed new residence will cover approx 30% of the property (ref. Exhibit 1.1), 5% more than the allowable lot coverage. Furthermore, the proposed residence would require a Waterfront Residential Floor Area Ratio variance as the ratio is 47.44%, 17.45% more than the average (ref. Exhibit 1.2).

Section(s) of the Zoning Ordinance Sec. 3-03 District Regulations

**10. Criteria for a Dimensional Variance**

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

Due to the irregular lot size 0.121 acres coupled with the addition of a garage , strict compliance would create a hardship and severely limit the living space of the proposed new residence, resulting in an unconventional architectural design and footprint. This would be a detriment to the home's overall appeal affecting not only its value but possibly the value of neighboring properties.

When constructing a new lakefront home, the value of newer neighboring properties should be taken into consideration so that values are consistent.

- b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

A new single family residence would certainly increase the tax value of this property as well as support & probably increase the value of the surrounding homes. The removal of the current structure without garage and the building of a new structure with garage would improve the overall appearance of the neighborhood [see exhibit 3]. The garage will house vehicles, seasonal equipment and outdoor furniture out of public view. Moreover, sight lines would improve as the new structure is proposed to be 11ft further from the lake than the existing structure meeting all setback requirements [see exhibit 2]. Also the building height will not exceed the 35 ft maximum. The proposed home would certainly be much closer to the standards found in newer homes constructed in this lakefront community.

- c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

Due to the irregularity of the parcel, a lesser variance would restrict the usage of the existing structure's footprint in which the variance purpose requested in this application are evident in neighboring properties.

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- d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

No, the variance requested in this application is a significant improvement to the existing structure rear setback and would lessen the current non conformity while improving the appearance of the neighborhood with an addition of a garage.

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- e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

Yes, in order to have a more conventional single family home with garage layout and structural design.

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- f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

No. Since the existing and new structures are both non-conforming, the variance, if granted, would lessen the overall non-conformity as well as improve the value of the property as well as neighboring homes.

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**11. Criteria for a Use Variance**

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. Can the site be reasonably used for any of the uses allowed within the current zoning designation?

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- b. Are there unique circumstances peculiar to the property and not generally applicable in the area to other properties in the same zoning district?

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- c. Was the need for a variance self-created by either the applicant or the applicant's immediate predecessor?

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- d. Will the capacity and operation of the infrastructure be significantly compromised?

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- e. Will the granting of a use variance not alter the essential character of the neighborhood nor be a detriment to adjacent properties?

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**12. Criteria for Appeals and Interpretations**

The Zoning Board of Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Zoning Board of Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- a. Arbitrary and capricious; or
- b. Filled to ensure consistency with ordinance standards; or
- c. Made an error, such as relying on false or inaccurate information, or
- d. Constituted an abuse of discretion; or
- e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Please describe how your appeal meets one of these criteria: \_\_\_\_\_

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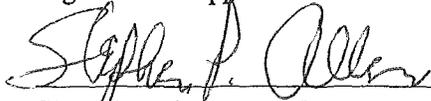
I, Ron Czajka (applicant), do hereby swear that the above statements are true.

I, Stephen P. Allen and Mary E. Allen (property owner), hereby give permission for the Charter Township of Brighton officials, staff, and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

 3/24/16

Signature of Applicant

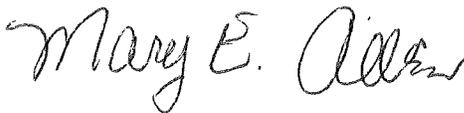
Date



3/24/16

Signature of Property Owner

Date



3/24/16

**Brighton Township Zoning Board of Appeals Action**

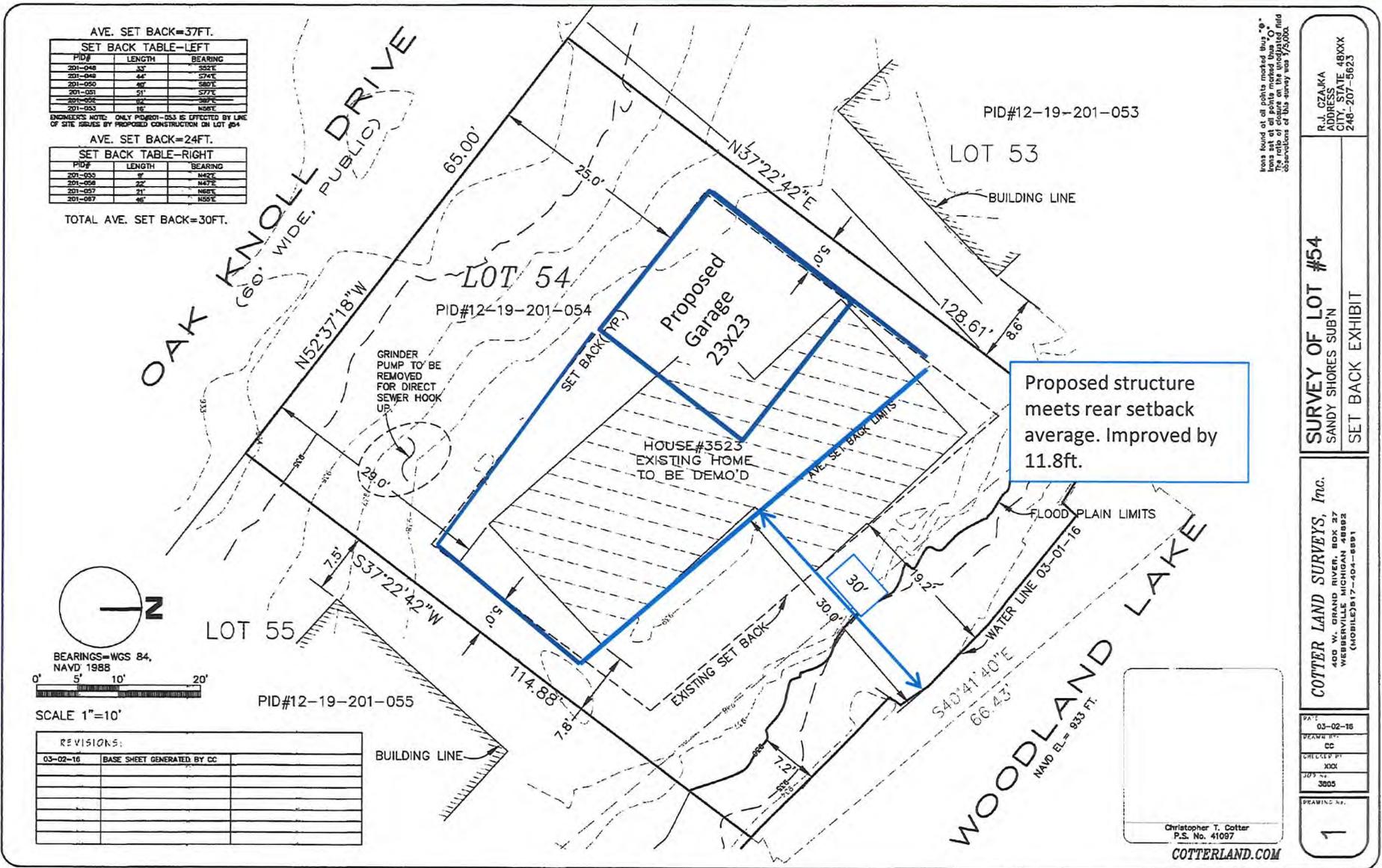
Approved/Denied \_\_\_\_\_

Date \_\_\_\_\_

Conditions of Approval \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Exhibit 1.1**  
**Variance #1**  
**Maximum Lot Coverage**

Lot size .121 Acres or 5270.76 ft  
 Current structure w/o a garage = 1297 sq ft  
 Proposed structure w/ a garage = 1591 sq ft  
 \*Of the 1591 sq ft, the garage is 529 sq ft.



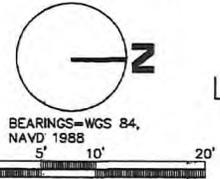
AVE. SET BACK=37FT.

PID#	LENGTH	BEARING
201-040	34'	S31°E
201-048	44'	S74°E
201-050	96'	S60°E
201-051	51'	S77°E
201-052	92'	S65°E
201-053	18'	N56°E

AVE. SET BACK=24FT.

PID#	LENGTH	BEARING
201-052	8'	N45°E
201-054	32'	N45°E
201-057	21'	N60°E
201-057	46'	N55°E

TOTAL AVE. SET BACK=30FT.



REVISIONS:

DATE	DESCRIPTION
03-02-16	BASE SHEET GENERATED BY CC

Proposed structure meets rear setback average. Improved by 11.8ft.

Items found at all points marked thus "O" were set at all points marked thus "X" and were not observed at this survey was 7/2/08.

R.J. CZAJKA  
 ADDRESS  
 CITY, STATE 489XX  
 248-207-5623

**SURVEY OF LOT #54**  
 SANDY SHORES SUBN  
 SET BACK EXHIBIT

**COTTER LAND SURVEYS, Inc.**  
 400 W. GRAND RIVER, BOX 37  
 WEBBERVILLE MICHIGAN 48862  
 (PHONE)317-404-6691

PAGE	03-02-16
DATE	03
CHECKED BY	3001
DATE	3805
DRAWING NO.	1

Christopher T. Cotter  
 P.S. No. 41097  
 COTTERLAND.COM

Exhibit 1.2  
Variance #2  
Waterfront Residential Floor Area Ratio

Address	Stories	Structure Sq Feet	Acres	Lot Square Ft	Area %	Max %
3529 Oak Knoll Dr	1	970	0.141	6141	15.80%	23.69%
3535 Oak Knoll Dr	2	1712	0.147	6403	26.74%	40.11%
3541 Oak Knoll Dr	2	1564	0.198	8624	18.14%	27.20%
3517 Oak Knoll Dr	2	2178	0.225	9801	22.22%	33.33%
3511 Oak Knoll Dr	1	936	0.261	11369	8.23%	12.35%
3505 Oak Knoll Dr	2	2909	0.244	10682	27.23%	40.85%
Average		1712			19.73%	29.59%

<b>3523 Oak Knoll Proposal</b>	<b>2</b>	<b>2500</b>	<b>0.121</b>	<b>5270</b>	<b>47.44%</b>	<b>17.85% Variance</b>
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## Exhibit 2

### Rear Setback Improvement Meets rear setback average requirement

AVE. SET BACK=37FT.

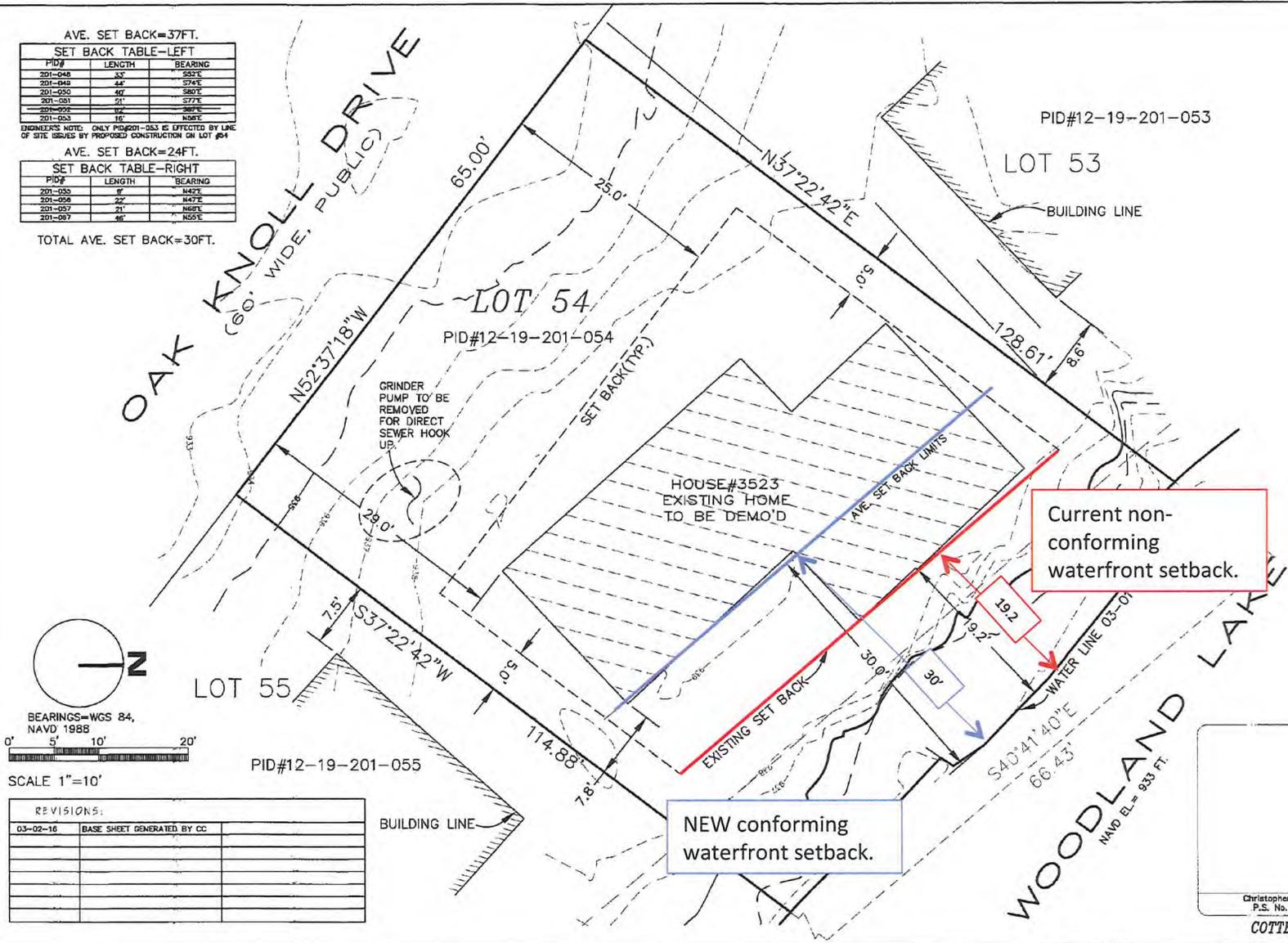
SET BACK TABLE-LEFT		
PID#	LENGTH	BEARING
201-048	33'	353°E
201-049	44'	374°E
201-050	40'	380°E
201-051	20'	377°E
201-052	19'	369°E
201-053	16'	N36°E

ENGINEERS NOTE: ONLY PID#201-053 IS EFFECTED BY LINE OF SITE, SURVEY BY PROPOSED CONSTRUCTION ON LOT #54

AVE. SET BACK=24FT.

SET BACK TABLE-RIGHT		
PID#	LENGTH	BEARING
201-053	17'	N42°E
201-056	22'	N47°E
201-057	21'	N65°E
201-067	48'	N55°E

TOTAL AVE. SET BACK=30FT.



Iron found at all points marked "I" in this survey. The ratio of change on the undulating field observations of this survey was 1/25,000.

R.J. CZAJKA  
SURVEYOR  
CITY STATE 48XXX  
248-207-5623

**SURVEY OF LOT #54**  
SANDY SHORES SUB N  
SET BACK EXHIBIT

**COTTER LAND SURVEYS, Inc.**  
400 W. GRAND RIVER, BOX 27  
WEBERVILLE MICHIGAN 48892  
(MOBILE)317-404-0901

DATE: 03-02-16  
DRAWN BY: CC  
CHECKED BY: JCC  
JOB NO: 3805  
DRAWING NO:

1

Christopher T. Cotter  
P.S. No. 41097  
COTTERLAND.COM

Exhibit 3  
Current Structure



Exhibit 3  
Curb Appeal

Example 1



Exhibit 3  
Waterfront Appeal

Example 1



Examples 2 & 3



Exhibit 4  
Natural bend in lake benefits line of sight.

3523 Oak Knoll



AVE. SET BACK=37FT.

SET BACK TABLE-LEFT		
PID#	LENGTH	BEARING
201-048	33'	S82E
201-048	44'	S74E
201-050	40'	S80E
201-051	51'	S77E
201-052	102'	S87E
201-053	18'	N58E

ENGINEER'S NOTE: ONLY PID#201-053 IS EFFECTED BY LINE OF SITE ISSUES BY PROPOSED CONSTRUCTION ON LOT #54

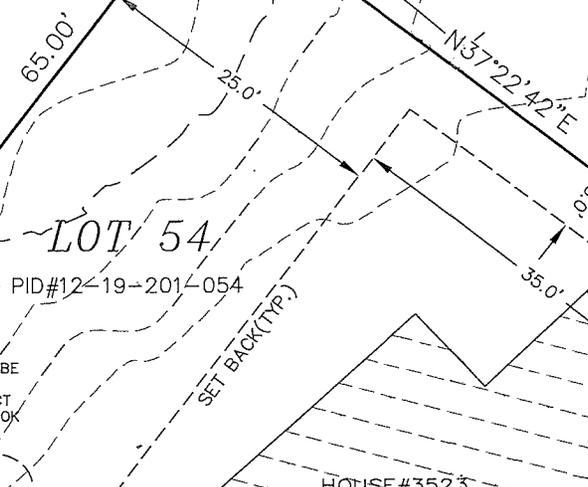
AVE. SET BACK=24FT.

SET BACK TABLE-RIGHT		
PID#	LENGTH	BEARING
201-055	8'	N42E
201-058	22'	N47E
201-057	21'	N68E
201-067	48'	N55E

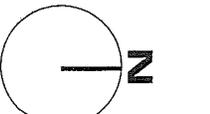
TOTAL AVE. SET BACK=30FT.

ROOF PEAK LEFT=963.30'  
 ROOF PEAK RIGHT=951.60'  
 AVE. ROOF PEAK=957.5'

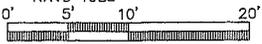
OAK KNOLL DRIVE  
 (60' WIDE, PUBLIC)



PID#12-19-201-053  
 LOT 53  
 BUILDING LINE

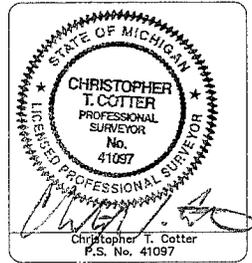


BEARINGS=WGS 84,  
 NAVD 1988



SCALE 1"=10'

REVISIONS:	
DATE	DESCRIPTION
03-02-16	BASE SHEET GENERATED BY CC



COTTERLAND.COM

Items found at all points marked thus "g" from sets of all points marked thus "g" field observations of this survey was 1/5,000.

P.I. CZAJKA  
 ADDRESS  
 CITY STATE 48XXX  
 248-207-5629

**SURVEY OF LOT #54**  
 SANDY SHORES SUB'N  
 SET BACK EXHIBIT

**COTTER LAND SURVEYS, Inc.**  
 400 W. GRAND RIVER, BOX 27  
 WEBBERVILLE MICHIGAN 48692  
 (MDD)517-404-6991

DATE: 03-02-16  
 DRAWN BY: CC  
 CHECKED BY: XXX  
 JOB NO: 3605  
 DRAWING NO: 1

March 23, 2016

Charter Township of Brighton  
Zoning Board of Appeals  
4363 Buno Road  
Brighton, MI 48114

Location: 3523 Oak Knoll Drive  
Tax ID#: 4712-19-201-054  
Owner: Stephen and Mary Allen  
Applicant: Ron Czajka [Buyer Under Contract]  
Zoning: R-5 [Waterfront Residential]

**RE: Variance Application Authorization**

Dear Zoning Board of Appeals:

Per the purchase agreement for the sale of the subject location and Tax ID#, the owner has granted the buyer under contract the right to apply and receive judgment for a variance as a condition for the purchase of this property. Attached is a signed copy of the purchase agreement that details the allowance for a variance application and judgment to be facilitated by the buyer. The owner assumes this documentation provides the Brighton Township Board of Appeals with sufficient information for the buyer under contract to proceed with the variance process.

Sincerely,

Handwritten signature of Stephen P. Allen and Mary E. Allen in cursive script.

Stephen P. Allen and Mary E. Allen



Addendum / Amendment

Date: 02/19/2016

This Addendum/Amendment is attached to and made a part of the Purchase Agreement dated: 02/19/2016 regarding property located at: 3523 Oak Knoll

If any of the provisions of this Addendum/Amendment conflict with the provisions of the attached Purchase Agreement, the terms and conditions of this Addendum/Amendment shall prevail.

THE PURCHASER WILL PREPARE EXTENSIVE DOCUMENTATION, SURVEYS AND PLANS FOR THE BRIGHTON TOWNSHIP ZONING BOARD APPROVAL REVIEW MEETING ON APRIL 27TH. THIS AGREEMENT IS CONTINGENT UPON THE ZONING BOARD AND/OR ANY OTHER AUTHORITY APPROVING A NEW NEW CONSTRUCTION FOR PARCEL NUMBER 4712-19-201-054 BASED ON THE SUBMITTED DOCUMENTATION, SURVEYS AND PLANS BY THE PURCHASER. AS NECESSARY, THE SELLER WILL BE AN ADVOCATE OF AND AVAILABLE TO THE PURCHASER DURING THE ZONING BOARD PROCESS WITHIN REASONABLE NOTICE. THE PURCHASER WILL FORFEIT THEIR 1000.00 EARNEST MONEY DEPOSIT IF THEY ARE DENIED BY THE TOWNSHIP TO MOVE FORWARD WITH THEIR BUILDING PLANS

All other provisions, terms and conditions of the attached Purchase Agreement shall remain the same.

Authentisign  
Ronald J Czajka  
2/19/2016 10:15:17 AM EST  
Purchaser / Date

Steph J. Allen  
Seller / Date

Purchaser / Date

Mary Allen  
Seller / Date

Witness / Date

[Signature] 2/21/16  
Witness / Date

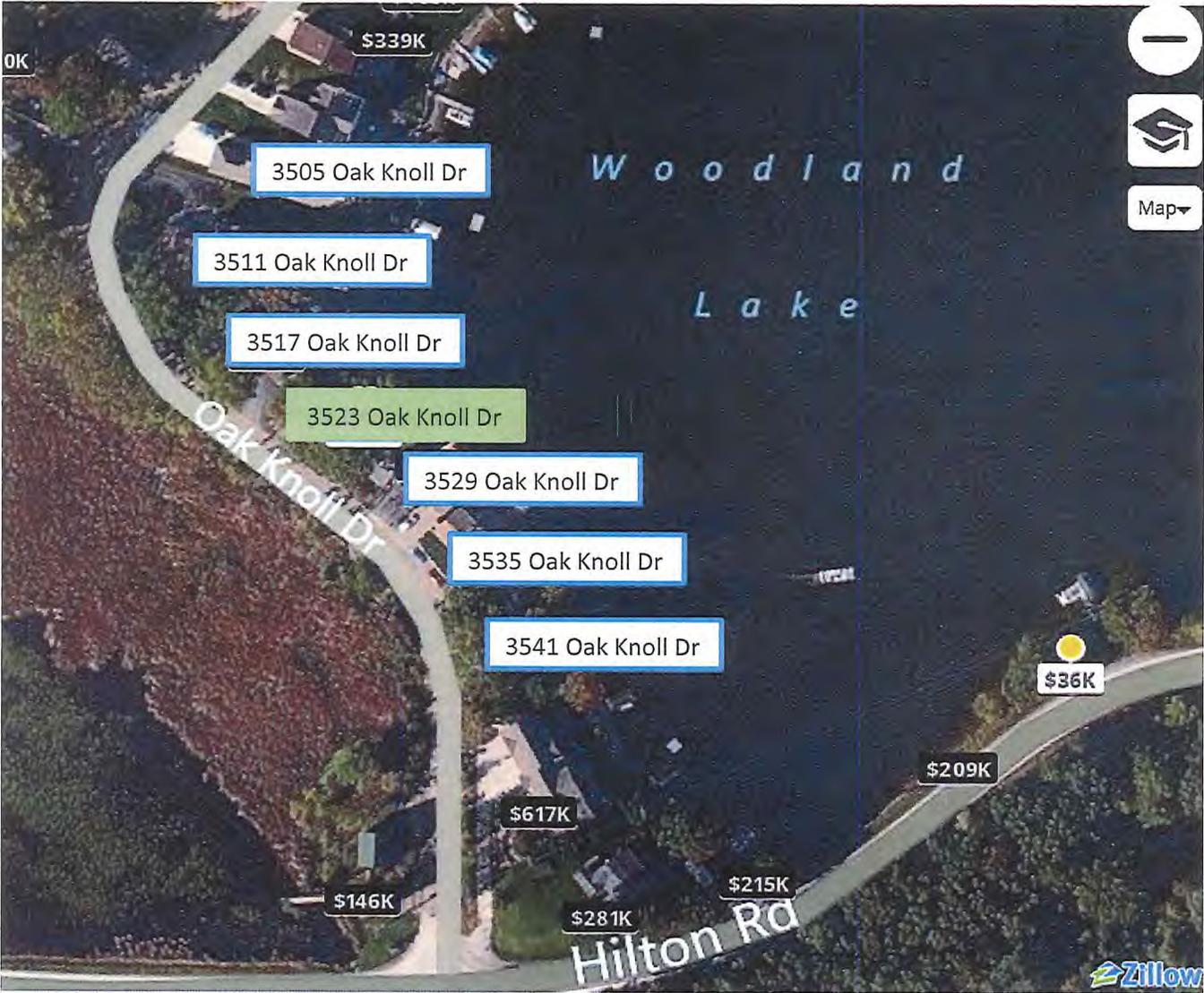
Mike Tripoli  
Real Estate Agent  
(248) 255-3259

# Natural Waterfront Set Back Average Map

Average 30 feet



# Residential Floor Area Ratio Home Locations



**Date:** March 30, 2016

**To:** Zoning Board of Appeals  
Charter Township of Brighton

**From:** Kelly Mathews

**Subject:** Variance Requests

**Location:** 3523 Oak Knoll Drive

**Requests:** Lot Coverage and Waterfront Residential Floor Area Ratio

**Zoning:** R-5, Waterfront Residential

**Tax ID#:** 12-19-201-054

**Applicant:** Ron Czajka

**Owner:** Stephen and Mary Allen

Dear ZBA Members:

The Zoning Board of Appeals (ZBA) application submitted by Ron Czajka has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review. The applicant is proposing a new two (2) story home, attached garage, and deck on a property located at 3523 Oak Knoll. The current home will be demolished. The parcel is .121 acres and consists of one platted lot. In order to construct the home, the applicant requires two (2) variances: lot coverage and waterfront residential floor area ratio. The applicant intends on meeting the other Zoning Ordinance requirements: height, setbacks, etc.

The applicant intends on constructing a new home and attached garage for a total of 1,591 sq. ft. (the attached garage is 529 sq. ft.). The current home on the site is 1,297 sq. ft.

#### **VARIANCE REQUESTS**

**Lot Coverage (*Article 3, Section 3-03, Lot Coverage*).** The maximum lot coverage in the R-5 zoning district is twenty-five percent (25%). With the new home and attached garage, the lot coverage will be thirty (30%) percent. Currently, the lot coverage with just the home is twenty-five (25%) percent.

**Waterfront Residential Floor Area Ratio (*Article 3, Section 3-03, Waterfront Residential Floor Area Ratio*).** The floor area ratio shall not exceed 1.5 times the floor area ratio of surrounding dwellings located on the opposing lot, three (3) closest lots in each direction along both sides of the road that the lot fronts and all lots abutting the rear lines of the subject lot. The floor are ratio shall be determined as the ratio of the residential floor area of the dwelling to the net lot area.

## STANDARDS FOR ZBA ACTION

The ZBA should only grant a variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to variances that the ZBA should review in order to determine the need for the requested.

*1. Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.*

In order to allow the construction of a new home, attached garage and deck, a lot coverage and waterfront residential floor area ratios are required. The applicant is making the lot more conforming by adding a garage and the size of the new home is smaller than the current home. Currently, the lot coverage is twenty-five (25%) percent and it will be thirty percent (30%) with the garage addition. The lot is very small for the district that it is in. New lots in the R-5 district require .29 acres and this lot is only .121 acres. As far as the waterfront floor area ratio, the applicant requires a variance of 17.85% for the waterfront floor area ratio since the average in the area is 19.73% and he is proposing 47.44%.

Compliance with the strict letter of the restrictions governing setbacks for the home would unreasonably prevent the use of the property. Granting of the requested variances would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel. The variance request is not a function of a zoning change for the property or an ordinance change; it is an existing condition. In order to construct a new home, attached garage, and deck, lot coverage and waterfront floor area ratio variances are required.

*2. Public Safety and Welfare. The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.*

The applicant would like to construct a similar home, attached garage, and deck as other homes in the area have. The requested variances do not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.

**3. Impact on Surrounding Neighborhood.** *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The applicant would like to construct a similar home, attached garage, and deck as other homes in the area have. The variances will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

**4. Extraordinary Circumstances.** *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The applicant would like to construct a similar home, attached garage, and deck as other homes in the area have. There are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses.

## **RECOMMENDATIONS**

It is recommended that the variances as proposed are approved. Specifically, the following variances.

**Lot Coverage (Article 3, Section 3-03, Lot Coverage).** The maximum lot coverage in the R-5 zoning district is twenty-five percent (25%). With the new home and attached garage, the lot coverage will be thirty (30%) percent. Currently, the lot coverage with just the home is twenty-five (25%) percent.

**Waterfront Residential Floor Area Ratio (Article 3, Section 3-03, Waterfront Residential Floor Area Ratio).** The floor area ratio shall not exceed 1.5 times the floor area ratio of surrounding dwellings located on the opposing lot, three (3) closest lots in each direction along both sides of the road that the lot fronts and all lots abutting the rear lines of the subject lot. The floor are ratio shall be determined as the ratio of the residential floor area of the dwelling to the net lot area.