

AGENDA



Zoning Board of Appeals
Thursday, January 15, 2026 ♦ 6:30 p.m.

LOCATION: Council Chamber
1827 N. Squirrel Road ♦ Auburn Hills, MI

PHONE: 248-364-6900 www.auburnhills.org
Meeting minutes are on file in the City Clerk's office.

1. MEETING CALLED TO ORDER

2. ROLL CALL OF THE ZONING BOARD OF APPEALS

3. MOMENT OF SILENCE IN REMEMBRANCE

Greg Ouellette, former Zoning Board of Appeals Member (served 2009 to 2025)

4. ELECTION OF OFFICERS – Chairperson, Vice-Chairperson, and Secretary

5. PERSONS WISHING TO BE HEARD (regarding items not on the agenda)

6. PETITIONERS

7. APPROVAL OF MINUTES – September 11, 2025

8. UNFINISHED BUSINESS – None

9. NEW BUSINESS

9a and 9b. Training Session – Review of Practice Cases

10. COMMUNICATIONS

11. NEXT SCHEDULED MEETING – Thursday, February 12, 2026 at 6:30 p.m. – Council Chamber

12. ADJOURNMENT

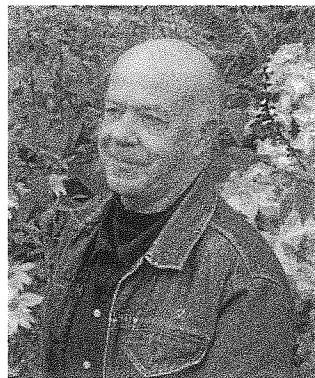
➤ **NOTE:** Anyone planning to attend the meeting who needs special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-370-9402 or the City Manager's Office at 248-370-9440 48 hours before the meeting. Staff will be pleased to make the necessary arrangements.

Dignity[®]
MEMORIAL

OBITUARY

Gregory Mark Ouellette

NOVEMBER 15, 1956 – NOVEMBER 4, 2025



IN THE CARE OF

Pixley Funeral Home - John Desmond Chapel

No one after lighting a lamp puts it under the bushel basket, but on the lampstand, and it gives light to all in the house.

Matthew 5:15

Gregory Mark Ouellette, 68, November 4, 2025, of Auburn Hills, Michigan. Survived by his beloved wife, Jeanne; children, Charles (Dana) and Alexis (Evan), and their mother, Roberta; eleven grandchildren, Shalynne, Charles, Jr., Landon, Eoin, Joseph, Robert, Rosemary, William, Arthur, Thomas, and Leo; nine brothers and sisters; and many nieces and nephews. He was preceded in death by his parents, Thomas and Dorothy, and his brother, Joseph.

Greg put his special light on the lampstand for his family, many friends, the community, and strangers. He learned from his mother the value of making people feel special and doing something nice for someone each day. Greg's warm presence and laughter were constant at family gatherings, birthdays, graduations, memorials, special days, and Zoom calls during the pandemic — he was always in everyone's corner. The only family party Greg ever missed was on Thanksgiving, 2007, when he drove from Michigan to Fort Bragg, North Carolina, to cook the turkey for single soldiers in his son's Army platoon! Greg took children seriously, including them in high-stakes family card games and enlisting his grandchildren to swing the hammer or add the secret ingredient to his chocolate chip pancakes; he often suggested the kids "sample a few" while they were cooking!

Greg was a bold adventurer and a bit of a mischief-maker from an early age. He once hopped on a flatcar in Wyandotte with his lifelong friend, Dan Gorno, riding it to Toledo and back before dinner; his mother was none the wiser. Greg passed that sense of adventure onto his children and grandchildren through roller coasters and adventures in the woods. He once even rang the doorbell of Elmore Leonard's house with his grandson, Landon, for his autograph (they got it!).

Greg's life-long civic service began just as boldly at Grosse Ile High School when he was elected Student Council President for back-to-back terms after first "running" as a Junior through the school wearing a pair of red Converse sneakers (if you know, you know!). Greg's service to his community continued. From delivering Meals on Wheels and teaching Sunday School at St. John Fisher Chapel for many years, to being a good neighbor, Greg built community person-to-person. He served nearly 30 years on the Auburn Hills City Planning Commission, including over 17 years as Chairman. Greg helped guide some of the most complex developments in the community, including Great Lakes Crossing and Auburn Hills' downtown area. He was elected to the Auburn Hills City Council posthumously on November 4. Ever the magnanimous winner, Greg graciously let someone else have the win.

Greg was a sports aficionado and always physically active. He played tennis for many years and always loved organizing a game of touch football, pickle, kick-the-can, or a bike ride with his nieces, nephews, and grandchildren. Greg inherited his love for the Detroit Tigers from his grandfather, Joe "Red" Giles, who took him to games at Tiger Stadium as a child. Greg continued this tradition over many years with his children and grandchildren. He famously cheered loudest when the Tigers won in '68, and geared up with his infant son, Charles, to root for the win in '84. Greg's anticipation for another season reached a fever pitch in late winter, leading him and Jeanne to Lakeland, Florida, to watch spring training.

After many years of hiking on Sunday mornings with a close community of hikers, and one last grand adventure up Mount Washington in Maine with his dear friend, Tom Lipinski, Greg hit the trail one last time on November 4.

Greg's final act of service was to be a light for others in some of life's darkest moments as an organ donor so that they could continue their own adventures.

FAMILY

Jeanne Ouellette
Wife

Charles (Dana)
Son

Alexis (Evan)
Daughter

Roberta
Mother of Gregory's children

Shalynne, Charles Jr., Landon, Eoin, Joseph, Robert, Rosemary, William,
Arthur, Thomas, and Leo
Grandchildren

Thomas and Dorothy Ouellette
Parents (deceased)

Joseph
Brother (deceased)

Gregory also leaves behind nine brothers and sisters and many nieces and nephews.



CITY OF AUBURN HILLS

ZONING BOARD OF APPEALS

MEETING DATE: JANUARY 15, 2026

AGENDA ITEM NO 4.

COMMUNITY DEVELOPMENT

To: Chairperson Boelter and the Zoning Board of Appeals
From: Steven J. Cohen, AICP, Director of Community Development
Submitted: January 2, 2026
Subject: 2026 Election of Officers of the Auburn Hills Zoning Board of Appeals

INTRODUCTION

Per Article 5 of the Zoning Board of Appeals By-Laws, it would be appropriate for the Y2026 elections to take place for the Chairperson, Vice-Chairperson, and Secretary at this meeting.

ARTICLE 5

SECTION 1. ELECTION OF OFFICERS

Election of Officers of the Board shall be held annually at the January regular meeting.

- A. The term of office shall be one (1) year commencing immediately upon election. The immediate past Chairperson shall continue to preside at the meeting until the election of the new Chairperson is complete.
- B. Should an Officer be unable to complete his/her term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed.

<u>Officers of the Board</u>	<u>Y2025</u>	<u>Y2026</u>
Chairperson	Jay Boelter	_____
Vice-Chairperson	Jordan Vankuren	_____
Secretary	Vacant	_____



**CITY OF AUBURN HILLS
ZONING BOARD OF APPEALS
MINUTES
NOT YET APPROVED**

September 11, 2025

Administrative Conference Room, 1827 N. Squirrel Road, Auburn Hills, MI 48326

1. **CALL TO ORDER:** Acting Chairman Boelter called the meeting to order at 6:00 p.m.
2. **ROLL CALL:** Present: Jay Boelter, Jordan Vankuren, Itanya Montgomery, Greg Ouellette
Absent: Cheryl Verbeke
Also Present: City Attorney Brittney Ellis, Director of Community Development Steve Cohen, Assistant Director of Community Development Devin Lang, City Clerk Laura Pierce, Deputy City Clerk Kris Klassen, Building Official Jeffrey Spencer, Recording Secretary Susan McCullough
Guests: None

3. ELECTION OF OFFICERS

Chairperson

Moved by Ouellette to nominate Mr. Boelter as Chairperson.

Second by Montgomery.

Mr. Boelter accepted the nomination.

VOTE: Yes: Ouellette, Boelter, Montgomery, Vankuren
No: None

Motion Passed (4-0)

Vice-Chairperson

Moved by Boelter to nominate Mr. Vankuren as Vice-Chairperson.

Second by Ouellette.

Mr. Vankuren accepted the nomination.

VOTE: Yes: Boelter, Vankuren, Montgomery, Ouellette
No: None

Motion Passed (4-0)

Secretary

Moved by Boelter to nominate Mr. Ouellette as Secretary.

Second by Vankuren.

Mr. Ouellette accepted the nomination.

VOTE: Yes: Montgomery, Vankuren, Ouellette, Boelter
No: None

Motion Passed (4-0)

4. PERSONS WISHING TO BE HEARD - None

5. PETITIONERS - None

6. APPROVAL OF MINUTES – February 9, 2023

Moved by Ouellette to approve the minutes of February 9, 2023.

Second by Vankuren.

VOTE: Yes: Montgomery, Vankuren, Boelter, Ouellette
No: None

Motion Passed (4-0)

7. UNFINISHED BUSINESS – None.

8. NEW BUSINESS

8a. Training Session – Facilitated by Brittney K. Ellis, Attorney, The Kelly Firm

Attorney Brittney Ellis with The Kelly Firm facilitated a training session for the Zoning Board of Appeals covering the following topics:

- i. Meeting Decorum
- ii. Open Meetings Act Requirements
- iii. Zoning Board of Appeals Duties
- iv. Rules Concerning the Granting of Non-Use Variances (Dimensional Variances) to the Zoning Ordinance

8b. Cancellation of the October 9, 2025 Zoning Board of Appeals meeting

Moved by Ouellette to cancel the October 9, 2025 Zoning Board of Appeals meeting due to a lack of agenda items.

Second by Vankuren.

VOTE: Yes: Boelter, Vankuren, Montgomery, Ouellette
No: None

Motion Passed (4-0)

9. COMMUNICATIONS – Mr. Cohen shared the timeline and process for an application. He stated that Mr. Spencer will email Board members a notice of cancellation each month if there is no business for the Board. Mr. Boelter asked if the Board could have a “mock” meeting because they meet so infrequently. Mr. Cohen stated that this could be arranged.

10. NEXT SCHEDULED MEETING - The next scheduled meeting is on Thursday, November 13, 2025 at 6:30 p.m. in the City Council Chambers.

11. ADJOURNMENT – 7:06 p.m.

Submitted by:

Susan McCullough, MiPMC III, CMC

Recording Secretary

CITY OF AUBURN HILLS
ZONING BOARD OF APPEALS BY-LAWS
OAKLAND COUNTY, MICHIGAN
(Amended February 9, 2023)

ARTICLE 1

The name of this Board shall be the City of Auburn Hills Zoning Board of Appeals.

ARTICLE 2

SECTION 1. PURPOSE

The Zoning Board of Appeals, hereinafter called the “Board”, shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of these By-Laws and applicable laws shall be observed, public safety and welfare secured, and substantial justice done.

SECTION 2. MEMBERSHIP AND TERM OF OFFICE

The Board shall consist of five (5) members appointed by the City Council. Appointments shall be for a period of one (1), two (2), and three (3) years, respectively, so as nearly as may be to provide for appointment of an equal number each year, thereafter each member to hold office for the full three (3) year term. One member of the City Council shall serve as an ex officio member of the Board, with all voting rights, whose term shall expire with his or her term on the City Council. One member of the Planning Commission shall serve as a member of the Board, with all voting rights, whose term shall expire with his or her term on the Planning Commission. All Board members shall be appointed by the Mayor, subject to the approval of a majority of the City Council. All members of the Board shall be residents of the City. The members selected shall be representative of the population distribution and of the various interests present in the City. No City employee or contractor may serve on the Board.

The City Council may appoint to the Board not more than two (2) alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Board in the absence of a regular member. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board has the same voting rights as a regular member.

Should a Board member be unable to complete a full three (3) year term, the Mayor, with the approval of the City Council, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

SECTION 3. COMPENSATION

Members of the Board shall be compensated for their services as determined by the City Council.

SECTION 4. REMOVAL OF BOARD MEMBERS

The City Council may remove a member of the Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. The Chairperson shall be responsible for informing the Mayor of instances of suspected misfeasance, malfeasance, or nonfeasance by a Board member.

Unexcused absences are strongly discouraged. To be excused from a Board meeting, a member shall notify the Community Development Department via phone or in writing in advance of a meeting from which he/she intends to be absent.

ARTICLE 3

SECTION 1. OFFICERS

The Board shall have a Chairperson, Vice-Chairperson, and a Secretary.

SECTION 2. CHAIRPERSON

The Chairperson shall preside at all meetings, appoint such committees from time to time as deemed necessary, and perform such duties as may be delegated by the Board. The Chairperson shall have a vote on all motions and resolutions of the Board. An ex officio member of the Board shall not serve as Chairperson.

SECTION 3. VICE-CHAIRPERSON

The Vice-Chairperson shall preside in the absence of the Chairperson.

SECTION 4. SECRETARY

The Secretary shall present the petition as submitted by the applicant for each case as it is called for hearing. The Secretary shall also read all correspondence into the record at public meetings. The Chairperson may delegate this authority to another Board member if the Secretary is absent. The duties of record keeping (i.e., minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Board) shall be performed by the Community Development Department.

ARTICLE 4.

SECTION 1. MEETINGS

All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions will be conducted. Regular meetings will be held on the second Thursday of the month at 6:30 p.m., at the City Council Chamber at 1827 N. Squirrel Road, Auburn Hills, MI 48326, unless otherwise stipulated. The Chairperson may authorize via the Community Development Department, as determined by necessity, a date and time change of the regular meeting in accordance with the requirements of the Michigan Open Meetings Act.

A. SPECIAL MEETINGS

The general purpose of special meetings will be to review matters that cannot wait for the regular meeting date or are too lengthy to be discussed at a regular meeting. The special meetings may be authorized by the Chairperson or the Vice-Chairperson of the Board at such time and place deemed necessary, in coordination with the Community Development Department. Prior notice of forty-eight (48) hours is required to each Board member stating the time, place, and nature of business.

SECTION 2. ORDER

The parliamentary rules contained in the current edition of *Robert's Rules of Order* shall govern the Board as applicable and consistent with these By-Laws.

SECTION 3. HEARING ORDER ANNOUNCEMENT

The Chairperson shall outline the following order of procedure for all hearings at the scheduled time on the agenda:

“Ladies and Gentlemen:

The Board of Appeals is made up of the following:

_____, an elected City Official; _____ a Planning Commissioner,

_____, _____, _____, _____ -

all approved by the City Council.

The Michigan Court System has agreed upon the following rules concerning the granting of variances:

To obtain a non-use variance the applicant must show practical difficulty by meeting all the criteria:

1. *That strict compliance with ordinance standards would unreasonably prevent the applicant from using of the property for a permitted purpose or would render conformity unnecessarily burdensome.*
2. *That the request is the minimum relief needed to grant fairness to the applicant in a manner that is consistent with the level enjoyed by other property owners in the zoning district.*
3. *That the problem is due to the unique circumstances of the property.*
4. *That the problem is not self-created.*

This meeting is open to the public and the minutes go on record. We open each public hearing and Board Secretary _____ will read the petition. Then we will hear from City staff representative _____. We will then hear from the petitioner or the petitioner's representatives. Next, we will hear from anyone in the audience wishing to be heard during the public hearing.

Persons wishing to be heard must be sworn in. After the Board is satisfied it has received all the relevant testimony it can expect, the hearing is closed, and deliberation begins. The Board may or may not call for further testimony after the hearing is closed.

The Chairperson shall ask for a Motion on the order and then ask for a Second to the Motion. There may be further discussion by the Board on the motion, except if a motion to table the item is made by a Board member. The item will conclude with a Roll Call Vote on the order.”

SECTION 4. CONFLICT OF INTEREST

Failure of a Board member to disclose a potential conflict of interest may constitute malfeasance in office.

A member declaring a conflict of interest should state the nature of the conflict and whether he/she believes he/she could impartially consider the request before the Board. Once a member discloses a potential conflict of interest regarding a particular matter, he/she may be disqualified from voting on the matter upon a majority Roll Call vote of the remaining members of the Board.

A member shall declare a conflict of interest when:

- A. A relative or other family member is involved in any request for which the member is asked to make a decision;
- B. The member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association;

- C. The member owns or has a financial interest in neighboring property. For purposes of this provision, this shall include ownership of any property directly abutting a property subject to a proposed development application; or
- D. There is a reasonable appearance of a conflict of interest, as determined by the member declaring such conflict.

The member declaring a conflict of interest should abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member should absent himself/herself from the room in which the discussion takes place, unless doing so would violate the member's constitutionally protected rights to participate. The member should not make any presentations to the Board as a representative of the proposal.

SECTION 5. EX-PARTE COMMUNICATION

Failure of a Board member to disclose ex parte communications may constitute malfeasance in office.

The Board desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, members who experience ex parte communication shall disclose the details of the communication at the Board meeting after the introduction of the item to which the ex parte communication pertained.

For clarification, Board member communication with the Community Development Department regarding an agenda item or other relevant issue (e.g., questions, clarifications, requests for information, etc.) shall not constitute ex parte communication.

Members may attend meetings held by applicants with adjacent property owners; however, only in the capacity of an observer. If a member chooses to take part in discussions at said meeting, he/she shall disclose the nature of their participation to the Board prior to participating in a hearing or deliberations on a request. Once a member discloses their ex parte communication regarding a particular matter, he/she may be disqualified from voting on the matter upon a majority roll-call vote of the remaining members of the Board.

ARTICLE 5

SECTION 1. ELECTION OF OFFICERS

Election of Officers of the Board shall be held annually at the January regular meeting.

- A. The term of office shall be one (1) year commencing immediately upon election. The immediate past Chairperson shall continue to preside at the meeting until the election of the new Chairperson is complete.

B. Should an Officer be unable to complete his/her term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed.

ARTICLE 6

SECTION 1. RULES

A quorum consists of three (3) members.

SECTION 2. VOTING

To an official action authorized by the City Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Board is required. For example, if three (3) members are present, out of a total of five (5) members, all three (3) must concur to pass a motion. Voting shall be by Roll Call. A record of the Roll Call vote shall be kept as part of the minutes.

SECTION 3. AGENDA OF REGULAR MEETING

Conduct of a regular meeting shall generally require the following order of business:

- A. Meeting Called to Order
- B. Roll Call
- C. Petitioners
- D. Minutes
- E. Old Business
- F. New Business
- G. Communications
- H. Next Scheduled Meeting
- I. Adjournment

ARTICLE 7

SECTION 1. SITE VISITS

Board members are encouraged to conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually and without ex parte communication.

SECTION 2. BUDGET

On behalf of the Board, the Community Development Department shall prepare a budget to support the Board's training and activities and submit to the City Council for approval or disapproval.

SECTION 3. TRAINING

Members of the Board shall strive to attend educational programs designed for the training of Michigan Zoning Board of Appeals members if the adopted City budget provides funds to reimburse members for or pre-pay the cost of tuition, registration, and travel expenses for the training. The Community Development Department shall coordinate training opportunities and funding.

SECTION 4. AMENDMENT TO BY-LAWS

The By-Laws may be amended at any regular meeting by an affirmative vote of at least a majority of the total membership of the Board.

Adopted: October 8, 2009

Amended, February 9, 2023



THE
KELLY
FIRM

ZONING BOARD OF APPEALS

AUTHORITY AND STANDARDS FOR GRANTING DIMENSIONAL
VARIANCES

Authority of Zoning Board of Appeals

Role of the ZBA:

- ZBA Members are appointed by the local governing body (i.e., City Council).
- Terms are generally for 3 years.
- The ZBA is the sole authority responsible for interpreting zoning texts and maps, reviewing appeals of administrative decisions, and granting variances from ordinance standards when compliance would cause practical difficulty.
- A well-functioning ZBA is essential because it acts as the final step before a matter proceeds to court, and its decisions are subject to judicial review, often shaping the judge's final ruling.
- In Auburn Hills, the ZBA is only empowered to consider dimensional variances—NOT use variances.

ZBA Voting Requirements:

- The ZBA *shall not* conduct business unless a majority of members are present.
- When voting on an administrative appeal or dimensional variance, simple majority of ZBA membership is needed.
- A member of the Zoning Board of Appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the zoning commission, the planning commission, or the legislative body. However, the member may consider and vote on other unrelated matters involving the same property.

Dimensional Variances may be granted by the Zoning Board of Appeals only in cases where the applicant can demonstrate that "Practical Difficulty" exists on the property.

National Boatland, Inc. v. Farmington Hills ZBA, 146 Mich App 380 (1985))



1st Standard for Granting a Non-Use Variance:

That strict compliance with regulations governing dimensional requirements would unreasonably prevent the property owner from using the property for a permitted purpose or will render Ordinance conformity unnecessarily burdensome.

** For the first standard the ZBA should analyze if there is a way to accomplish the same purpose without a variance, even if it will be more inconvenient or more expensive for the Applicant. A variance should only be granted for circumstances unique to the Property.**



2nd Standard for Granting a Non-Use Variance

That the requested variance is the minimum variance necessary. Granting the variance would be consistent with the spirit of the Zoning Ordinance (general health, safety, and welfare) and is fair to adjacent properties.

ZBA should consider if a lesser variance than requested would provide substantial justice to the property owner, the lesser variance should be considered.



3rd Standard for Granting a Non-Use Variance

That the variance is needed due to unique circumstances or physical characteristics of the land involved, and the uniqueness is not shared by neighboring properties in the same zone (such as narrowness, shallowness, shape, or topography). It should **not** be due to the applicants' personal or economic difficulty.

ZBA should consider whether 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



4th Standard for Granting a Non-Use Variance

That the need for the requested variance is not “self-created”. (i.e. *Did the property owner take any action that made the variance necessary?*)

In considering whether the need for a variance is “self-created,” the ZBA should consider whether a property owner — present or past - took affirmative action to alter the Property, counter to the controlling Ordinance at the time. The rule is usually triggered when the landowner does something to or on the Property in a way that makes it unfit for the use it is zoned.

Case study: Were the
Elements of Practical
Difficulty Met?



0.12-acre corner lot — owner seeks a 6-ft front-yard setback variance to build a 10-ft covered entry where the ordinance requires a 20-ft setback.

Facts involving the property:

- Small, irregular lot created by a historic railroad right-of-way — lot is only 30 ft deep along one frontage and widens irregularly; other lots on block are regular and larger.
- Existing house was built in 1940 and sits centered on the lot; no ability to expand to the rear (steep drainage easement) or to the side (N/S property lines have easements).
- Owner did not create lot shape or bulk problems;



Sample Findings of Fact

- **Unreasonable prevention / undue burden:** Strict compliance would force the owner to build an exposed entry across a steep drainage easement or add an impractical internal vestibule that would reduce interior accessibility, both effectively prevent reasonable use (safe access).
- **Minimum variance / spirit of ordinance:** 6-ft intrusion is the *least* needed to achieve sheltered access. Condition the approval to that exact footprint and materials. The change preserves health/safety and is fair to neighbors.
- **Unique physical circumstances of Property:** Lot depth and recorded drainage/utility easements (and historic railroad cut) create unique constraints not common to neighboring parcels.
- **Not self-created:** Lot configuration and easements predate the current owner; owner has not illegally altered property to create the need.



0.18-acre rectangular lot — applicant requests a 12-ft front-yard setback variance to build an additional 400 sq ft living room addition where the ordinance requires a 30-ft front setback and the applicant proposes 18 ft.

Facts Involving the Property:

- Lot is regular, level, and fully buildable; no recorded easements, slopes, or drainage issues.
- Existing house sits well back on the lot; there is adequate space behind and to the sides to expand without encroaching the front yard.
- Neighbors submitted letters citing loss of front-yard character and negative impact on street sight lines. Plan shows addition will intrude into the visual setback and partially block a street tree.



Sample Findings of Fact

- **Unreasonable prevention / undue burden:** Strict compliance would *not* unreasonably prevent use — the owner can build a conforming addition at the rear or alter interior layout; denial does not prohibit reasonable use.
- **Minimum necessary / spirit of Ordinance:** The requested 12-ft intrusion is not the minimum; a smaller addition, a different orientation, or interior reconfiguration would meet needs while preserving the ordinance's intent (protect street character and sight lines).
- **Unique physical circumstances of Property :** Property has no unique physical constraints — lot size/shape and topography are typical of the block.
- **Self-created hardship:** Applicant acquired the property knowing the setback requirements and designed the project to maximize front-facing space; hardship is self-created.