

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS- SPECIAL MEETING
FEBRUARY 26, 2020
7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:06 p.m. and led the Pledge of Allegiance. Roll was called:

ROLL CALL: Debby Dehart -Excused
Mike Powell
Nik Schillack - Excused
Cliff Seiber -Absent
Josephine Spencer –Chairperson
Dave Walz – Vice Chair

Also Present: Sean O’Neil, WLT Planning Director
Hannah Micallef, Recording Secretary

Visitors: 2

Approval of the Agenda:

Mr. Powell moved to approve the agenda as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (3 yes votes)

Approval of Minutes:

Zoning Board of Appeals Meeting of January 23, 2020.

Mr. Walz had a question regarding the way the board members vote is written into the record. He was wondering if more comments were needed when the Appeals members vote, instead of just a “yes/no”. Ms. Spencer clarified that in the future, the votes will include the specific comments from each member for documentation purposes. Mr. O’Neil also suggested that with any vote, the ZBA would want to be as clear as possible with their commentary regarding their vote. The ZBA would need to site the reasons for their approval or denial. Mr. Powell moved to approve the meeting minutes of January 23, 2020 as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (3 yes votes).

Continuing Business

- a.**
- Applicant: Mark Williams
2511 Trevor
Commerce MI, 48390
- Location: **60 S Hulbert**
White Lake, MI 48386 identified as 12-26-105-024
- Request: Variance to Article 3.1.6 E. R1-D Single Family Residential: Side-Yard Setback, Rear Yard Setback, Lot Coverage, Lot Width, and Lot Size. Variance to Article 5.7 Accessory Structures.

Ms. Spencer noted for the record that 29 owners within 300 feet were notified. No letters were received in favor, no letters were received in opposition and two letters was returned undeliverable from the US Postal Service.

Property Description: The property at 60 S. Hulbert is a single-family home zoned R1-D Single Family Residential. The property is located in the Carleton Heights Neighborhood near Oxbow Lake. The home currently uses a private well for water, and a private septic system for sanitation.

Applicant's Proposal: The applicant is proposing to construct a new 24 x 28 detached garage. The garage will be a total of 672 square feet.

Staff Planner's Report: The new garage at 60 S. Hulbert Avenue will require a side-yard setback variance being only five (5') feet from the property line. Also, the new garage will be setback six (6') feet from the existing house. The Accessory Structures Ordinance Article 5.7 states that a detached structure that is located less than ten (10') feet from a primary structure will need to meet all of the setbacks as if it were attached to the home. This would require the garage to be setback ten (10') from the property line and not the five (5') feet for accessory structures. The lot is deficient in lot width being platted at 91 feet, however the frontage on Hulbert is limited to 10 feet which is the width of the easement.

Mr. O'Neil added that this is an awkward lot, and it would not be something that you could build on this day. This lot is legal non-conforming. The confusion last month was regarding the variance needed for the five feet (5') side yard set back for the garage, because it doesn't meet the required ten feet (10') distance from the home, or just granting a variance of four feet (4') which would be the difference between the six feet (6') that's provided and the ten feet (10') that is required, which would be sufficient to allow five feet (5') on the other side. The public hearing was published both ways.

Mark Williams, on behalf of the homeowner, was in attendance.

Mr. Powell asked if during last month's meeting if the neighbor to the north was present at last month's meeting. It was presented during January's meeting, and it was read into the record at

that time. The notarized letter was read again, and it was in favor of the proposed garage construction.

Mark Williams, 2511 Trevor Drive, Commerce Twp.: stated he was asking to build the garage on behalf of the homeowner, Cindy Burgess. He explained the hardship that cause the variance. The position of the garage on the lot doesn't allow for much space. The homeowner wanted to leave the windows on the north side of the house untouched for her elderly parents. The homeowner wanted to keep the walkway open to the lake, but more so, she wanted a garage to have storage for medical equipment as well as a place to park. Mr. Williams stated that he played with the layout several times, and this is the way that worked out the best for the homeowner to transport her parents to and from the home, as well as have ventilation on that side of the house.

Mr. Powell wanted clarification regarding Mr. Williams comments about ventilation. Mr. Williams stated he wanted to give the homeowner space between the home and the garage to keep the the windows intact. If the garage were attached, ventilation and light would be lost, as the windows would be eliminated.

Mr. Powell stated that several of the home's windows looked like that were not to code. Mr. Williams said that the side windows could be made into ingress/egress. Mr. Powell stated the windows do not meet the current code for ingress/ egress, but could be made that way by elongating them. Since that is an option, it's hard to not allow the garage to slide against the building. If the garage were pushed up to the side of the house, you would not have cross ventilation n due to the loss of the windows. Cross ventilation is a choice, not a hardship. Mr. Powell sees two ways to solve the issue: move the garage a foot away from the house which gives ten feet (10') ft. from the outside edge and no variance is needed, or connect the garage to the home, that again would leave ten feet (10') on the edge. He noted that there is a garage door in the front, it swings between the house and the garage. If they moved the garage door to the front, they would have full access to the house and the garage.

Mr. Williams acknowledged his only hardship really is eliminating the windows. The windows add cross ventilation and light into the home. He emphasized he really needs to keep the walkway between the garage and the house for mobility of the parents. He trying to keep the walkway. He has never discussed elongating the windows with the homeowner, but by keeping the windows you keep the light, cross-ventilation in the home. He is trying to make the homeowner happy.

Mr. Powell mentioned if this were a new home, no one would be asking for a separation between house and garage. Mr. O'Neil added the only difference with an attached garage would have an added interior door. Mr. Williams stated where the bedrooms are, there's no way a hallway can be added for an interior door and walkway to be built into an attached garage.

Mr. O'Neil suggested maybe reducing the width of the garage, as to further reduce the amount of non-conformity. The garage proposed is large and deep, perhaps they could go narrower and deeper garage. A 22' by 22' garage you can pull two cars into and still open doors. By taking some of the length from the width, more length could be added to the depth. A 30' depth by 22' width, you would gain 2' ft. from the property line. Mr. Walz asked what variances would be needed for the proposed scenario. Mr. O'Neil explained by reducing the width of the garage,

they could take it from the side yard setback and relieve some of the non-conformity on that side.

Mr. Williams mentioned that the neighbor to the south was okay with the building plans as is, this neighbor and the homeowner share a driveway. Mr. Williams noted that he is worried that eliminating the two feet (2') will change this plan construction wise as well as financially alter the project.

Mr. O'Neil reminded the audience that the board is charged by eliminating the most non-conformities as possible within the township. A compromise is needed at this point. The ZBA does not take financial issues into account. The current garage may not be enough of a hardship to approve the variances. A 22 ft. wide garage is still a large garage, especially on a lake lot. If the garage is made shorter in width, in the long-term, the shorter garage will be more acceptable for future neighbors/ owners of the affected properties. This variance and future garage are a forever result.

Mr. Williams said that the reason he wants to build the garage to the bigger with is to accommodate a SUV and a walkway. This was done to meet the homeowners needs. By not building to the homeowner's specifications, he is in jeopardy of losing his contract with the homeowner. The homeowner was not present at this meeting, but was at the two meetings prior.

Ms. Spencer opened the hearing to the public at 7:43 pm

Mary Earley, 5925 Pine Ridge Ct. Mrs. Earley mentioned that people come to these meetings and try to put as much into a smaller lake lot as they would a bigger lot that could accommodate. She does not think a two car garage is necessary when a one car could work just as well. One car is a smaller garage gives plenty of room for transport of individuals/

Ms. Spencer closed the public hearing at 7:45 PM

Mr. Walz suggested a compromise would be favorable. He liked the idea of a garage being built to encapsulate personal belongings. Having a garage is a necessity to storage personal items. Maybe not going all the way to the lot line, and using the length there to deepen the garage. He struggles to understand the practical difficulty regarding the natural ventilation. There's many factors that play into ventilation. Mr. Williams again said the 24' makes a nice sized garage for the homeowner. He suggested five feet (5') between the house and six feet (6') between the neighbors as his compromise.

Ms. Spencer recalled the homeowner saying at the last meeting there would be equipment for the elderly parents in the garage that need to be stored. Mr. Powell said that the cars currently are not parked inside, and that the homeowner could be have a lot of benefits from a one car garage as opposed to none at all.

Mr. Williams said moving the garage five feet (5') with six feet (6') on the side would be a good compromise. He could move the pavers on the side of the house and connect the walkway to the home. Mr. Walz clarified that the walkway would not be covered? Mr. Williams said the

homeowner does not want it covered. Mr. Walz added that covered walkway would reduce fall risks, weather, etc.

Mr. Powell mentioned that the garage cross section has eaves and soffits. That side of the house, the eaves would be touching the home at the current 2 ft. size. Mr. Williams said he could reduce them to 1 ft. eaves. This would help with the hardship of light and ventilation.

Mr. Walz and Ms. Spencer agreed that the garage size needs to be adjusted in order for them to feel comfortable in approving any variances. Mr. Powell likes the idea of a 22 ft. wide garage. Mr. Williams suggested 23 ft. wide, as it would work for the homeowner and give five feet (5') away from the house and would give the seven feet (7') needed, as well as changing the eaves to one foot (1").

Mr. Powell MOVED to approve the variance requested by Mark Williams for 60 S. Hulbert identified as 12- 26- 105- 024 in order to construction a detached garage for the necessity of parking cars, equipment and materials inside instead of outside. The variances requested are as follows:

Variance number one, from Article 3.1.6 Side yard variance. The Ordinance permit ten feet (10') and requires ten feet (10') The requested is 3 ft., for an end result of seven feet (7'). from property line. Variance two, article 3.1.6. required lot width. The ordinance requires eighty ft. (80') the requested variance is seventy feet (70'), with an end result of ten ft. (10'). Stipulation that this is a direct result of the configurations of the lot

Variance three, Article 5.7. d regarding accessory structures or structures in residential districts. Requirement is ten ft. (10') apart per the ordinance, requesting five ft. (5') between the principal and accessory structure, with an end result of 5' between the structures and with no ability to attach the the structures together. Construction of the eaves/roof overhang will need it be approved by the building department. Gutters need to be added and downspouts will direct the water to the northwest toward the lake and away from the neighbor toward the north east. The applicant will need to all al necessary permits through the White Lake Township Building Department. Mr. Walz supported and the MOTION CARRIED with a roll call vote: Powell- Yes, because he believes there is a hardship, the property does need a garage, but the owner has agreed with compromise, so this is a necessity for the enjoyment of the property, Spencer- Yes, the applicant has compromised with what was originally presented and the non-conformity has been reduced since the meeting prior. Walz –Yes, for the reasons stated.

Other Business: Mr. O'Neil mentioned that the new staff planner will be attending March's ZBA meeting. His name is Justin Quagliata, and he currently handles the ZBA in the township he works in now.

Adjournment:

The meeting was adjourned at 8:07 p.m.

Next Meeting Date:

March 26, 2020