

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 12, 2019
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 7:00 p.m. and led the Pledge of Allegiance. Roll was called:

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

Also Present: Jason Iacoangeli, AICP, Staff Planner
Sherri Ward, Recording Secretary

Visitors: 24

Approval of the Agenda:

Ms. Dehart moved to approve the agenda as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (5 yes votes)

Approval of Minutes:

Zoning Board of Appeals Meeting of October 24, 2019.

Ms. Dehart moved to approve the meeting minutes of October 24, 2019 as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (5 yes votes)

5. New Business:

Agenda item: 5a

Appeal Date: December 12, 2019

Applicant: Alan and Evelyn Sebastian
Address: 8122 Rene Court
Zoning: R1-C Single Family Residential
Location: 8122 Rene Court
White Lake, MI 48386

Ms. Spencer noted for the record that 34 property owners with 300 feet were notified of the request. There were no letters received in favor, no letters received in opposition and one letter was returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli presented his staff planners report.

Property Description: The property at 8122 Rene Court is a single-family home zoned R1-C Single Family Residential. The property is located in the Huron Dale Sub No.2. 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 25 x 6 covered front porch addition. The new porch will be approximately 150 square feet.

Staff Planner's Report: The covered porch will require a front yard setback variance in the amount of eleven (11') feet. The new covered porch will be located twenty-four (24') feet from the property line at its closest point. The required front yard setback for this district is thirty-five (35') feet. The lot is slightly deficient in lot size being only 14,580 square feet of the required 16,000. Also, the lot is deficient in lot width being only 84 feet of the required 100 feet for the district.

A public hearing was held to receive comments from the public regarding the request.

Mr. Walz moved to approve the variance requested by Alan and Evelyn Sebastian for the property at 8122 Rene Court identified as 12-24-427-012 in order to construct a covered porch addition. The variances requested are as follows: An 11' front yard setback variance from the required 35' for an end result of 24'; a 1,420 sq. ft. variance from the required 16,000 minimum lot size for an end result of 14,580 sq. ft.; an 16' required lot width variance from the 100' for an end result of 84'. This approval will have the following conditions: Applicant will pull all necessary permits with the White Lake Township Building Department. Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Powell – No, Schillack – yes, Spencer – yes, Dehart – yes, Walz -- yes. (4 yes votes)

Agenda item: 5b
Appeal Date: December 12, 2019
Applicant: Mark Williams
Address: 2511 Trevor
Commerce MI, 48390
Zoning: R1-D Single Family Residential
Location: 60 S Hulbert

White Lake, MI 48386

Ms. Spencer noted for the record that 29 property owners with 300 feet were notified of the request. There were no letters received in favor, no letters received in opposition and one letter was returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli presented his staff planners report.

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 seven (7') feet from the property line. Also, the new garage will be setback four (4') 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.

A public hearing was held to receive comments from the public regarding the request.

Mr. Walz moved to table the variance request of Mark Williams for 60 S. Hulbert identified as 12-26-105-024 to consider comments noted during this public hearing. Mr. Schillack supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – yes, Spencer – yes, Dehart – yes, Walz -- yes. (5 yes votes)

Agenda item: 5c
Appeal Date: December 12, 2019
Applicant: Elizabeth and John Masen
Address: 9452 Beechcrest
White Lake, MI 48386
Zoning: R1-D Single Family Residential
Location: 9452 Beechcrest
White Lake, MI 48386

Ms. Spencer noted for the record that 36 property owners with 300 feet were notified of the request. There were no letters received in favor, no letters received in opposition and one letter was returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli presented his staff planners report.

Property Description: The property at 9452 Beechcrest Street is a single-family home zoned R1-D Single Family Residential. The property is located in the Cedar Park No.1 Neighborhood on Cedar Island 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 622 square foot home addition on to the rear of the existing home. The home is currently 1,229 square feet on the ground floor. The addition will bring the total of the ground floor to 1,851 square feet.

Staff Planner's Report: The new addition will require side-yard setback variances on the east and west side of the home. The variance request for the east side of the home is for five (5') feet for an end result of five (5') feet. The west side of the home requires a variance in the amount of five (5') feet with an end result of five (5') feet. It should be noted that the front of the existing home is currently built over the front property into the road right of way. The portion of the home is about three (3') off the property. As a condition of any variance that might be granted the home should be scaled back to be on the property. The well for the home may not be located on the property as well based on the survey provided by the applicant. The lot is deficient in lot size being 11,723 square feet of the required 12,000 square feet. Also, the lot is deficient in lot width being only 40 feet of the required 80 feet for the R1-D District.

A public hearing was held to receive comments from the public regarding the request.

Mr. Powell moved to approve the variance requested by Elizabeth and John Masen for the property at 9452 Beechcrest St. identified as 12-34-201-005 in order to construct an addition. The variances requested are as follows: A 5' East side yard setback variance from the required 10' for an end result of 5'; a 5' West side yard setback variance from the permitted 10' for an end result of 5'; a 277 sq. ft. minimum lot size variance from the required 12,000 sq. ft. for an end result of 11, 723 sq. ft.; a 40' required lot width variance from the required 80' for an end result of 40'. This approval will have the following conditions: The owners acknowledge, and it shall be documented that White Lake Township is indemnified from any responsibility due to the South portion of the home currently being located in the existing right of way; The front of the home located in the right of way for Beechcrest will be removed in order to place the home fully on private property; Applicant will pull all necessary permits with the White Lake Township Building Department; All necessary permits will be acquired from the Oakland County Health Division; Applicant will pull all necessary permits with the White Lake Township Building Department; All mechanicals shall be on the lake side and downspouts should be used to direct water away from adjacent neighbors. Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – yes, Spencer – yes, Dehart – yes, Walz - - yes. (5 yes votes)

Agenda item: 5d
Appeal Date: December 12, 2019
Applicant: Laura Popovich
Address: 5540 Farley Road
Clarkston, MI 48346
Zoning: R1 - D Single Family Residential
Location: Vacant Lot (Garage Only) near 11060 Beryl Drive
Identified as: 12- 33- 277- 010
White Lake, MI 48386

Ms. Spencer noted for the record that 28 property owners with 300 feet were notified of the request. There were no letters received in favor, no letters received in opposition and one letter was returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli presented his staff planners report.

Property Description: The property identified as 12- 33- 277- 010 is a vacant lot near 11060 Beryl. Currently, the lot has a garage on the property. This lot is located in the Bogie Lake Sub. The lot does not have a well or sanitation.

Applicant' s Proposal: The applicant is proposing to bring electricity to the structure.

Staff Planner' s Report: The garage located on the vacant lot is considered a legal non -conforming structure as the lot does not have a primary structure or residence. Article 7. 23 Non -Conforming Structures Section A states that a non -conforming structure may not be enlarged or altered in a way which increases the non -conformity. Adding electricity to this use will increase the non -conformity by making the garage more useable and will perpetuate the use. The applicant related to staff that a real- estate sale of the property did not transpire because the garage did not have power. When the applicant was told that a variance could not be granted based on financial need or self- created hardship the applicant then stated that the power would be for personal use only, and that a home would be built on the lot eventually. The Community Development Department is recommending denial as this will increase the use of this structure and perpetuate the non -conformity. The applicant has the ability to bring power to the lot but not to the structure with a meter and panel. This lot is also deficient in lot width being only 66 feet of the required 80' feet for the district a variance of 14' feet are required. Also, the lot is deficient in lot size being only 9, 343 square feet of the required 12, 000 for the RI -D District this is a variance in the amount of 2, 657 square feet.

A public hearing was held to receive comments from the public regarding the request.

Mr. Powell moved to deny the variance requests of Laura Popovich for the extension of electrical service to the garage/ accessory use, at a vacant parcel 12- 34- 201- 005, due to the following reason: This is a non-conforming structure and the addition of electricity perpetuates the non-conformity and allows for an expansion of the use. Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – yes, Spencer – yes, Dehart – yes, Walz -- yes. (5 yes votes)

Agenda item: 5e
Appeal Date: December 12, 2019
Applicant: Steve and Mary Luff
Address: 3359 Duffield
White Lake, MI 48383
Zoning: R1-D Single Family Residential
Location: 3359 Duffield
White Lake, MI 48383

Ms. Spencer noted for the record that 23 property owners with 300 feet were notified of the request. There were no letters received in favor, no letters received in opposition and no letters were returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli presented his staff planners report.

Property Description: The property at 3359 Duffield is a single-family home zoned R1-D Single Family Residential. The property is located in the Supervisors Plat No. 2 on White 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 984 square foot home with an attached 270 square foot garage. The home will also have a 110 square foot screened in porch, bringing the building coverage to 1,364 square feet. The home will have a second floor with approximately 1,228 square feet of living area.

Staff Planner's Report: The new home at 3359 Duffield will require a front-yard setback variance in the amount of ten (20') feet with the new home being set back twenty (10') feet from the property line. The home will also require side-yard setback variances on the north and south side of the home. The north side-yard setback will be 5.75 feet, the required variance will be for 4.25 feet. The south side-yard setback will be 6.75 feet, a variance in the amount of 3.25 feet will be necessary to construct the home. It should be noted that the applicant has made an effort to straighten the new home to be parallel with the lot lines. This will be an improvement over the setbacks of the existing non-conforming home that is to be removed. The new home will exceed the allowable twenty (20%) percent lot coverage of 1,097 square feet. The home will be 1,364 square feet which is 25%. This is 267 square feet over the allowable coverage, or 5%. The home is deficient in lot size being only 5,488 square feet of the required 12,000 square feet for the R1-D District. Also, the lot is 43 feet wide along the frontage. This is 37 feet below the required 80 feet.

A public hearing was held to receive comments from the public regarding the request.

Mr. Walz moved to approve the variance requested by Steve and Mary Luff for the property at 3359 Duffield identified as 12-07-377-023 in order to construct a new home. The variances requested are as follows: A North side yard setback variance of 4.25' feet from the required 10' for an end result of 5.75', a West side yard setback variance of 3.25' from the permitted 10' for an end result of 6.75 feet; a front yard setback variance of 22' from the required 30' for an end result of 8' (NOTE: If an 8' front yard variance is not needed for OCHD requirements

the front yard setback will have an end result of 10'; a 267 sq. ft. maximum lot coverage variance from the required 1,097 sq. ft. for an end result of 1,364 sq. ft.; a 6,512 sq. ft. minimum lot size variance from the required 12,000 sq. ft. for an end result of 5,488 sq. ft.; a required lot width variance of 37' from the required 80' for an end result of 43'. This approval will have the following conditions: Applicant will pull all necessary permits with the White Lake Township Building Department; approval of a well and septic permit from the Oakland County Health Division prior to issue of permit. Mr. Schillack supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – yes, Spencer – yes, Dehart – yes, Walz - - yes. (5 yes votes)

Agenda item: 5f
Appeal Date: December 12, 2019
Applicant: Mike and Tia Kreps
Address: 8447 Cooley Beach Drive
White Lake, MI 48386
Zoning: R1-D Single Family Residential
Location: 8447 Cooley Beach Drive
White Lake, MI 48386

Ms. Spencer noted for the record that 29 property owners with 300 feet were notified of the request. There were no letters received in favor, no letters received in opposition and no letters were returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli presented his staff planners report.

Property Description: The property identified at 8447 Cooley Beach Drive is a single-family home zoned R1-D single family residential. The home is located in the Cooley Beach Sub, located on Cooley Lake. The home uses a private well for potable water and a septic system for sanitation.

Applicant's Proposal: The applicant has deviated from an approved building permit for an accessory structure. The result is a garage building that exceeds the height requirements of Article 5.7 Accessory Structures C.

Staff Planner's Report: The garage located at 8447 Cooley Beach Drive exceeds the building height maximum for accessory structures the ordinance allows for walls in a accessory building to be fourteen (14') feet total height. The total height of the structure is not to exceed eighteen (18') feet at the mid-peak of the roof. The garage as constructed has a roof height of 19.5 and is two-stories, with 8 ft walls on the second story. The applicant has an interior staircase for the second story as well. The Community Development Department believes that the structure as built is in violation of the accessory buildings ordinance that is very specific. Wall height is to be fourteen (14') feet at a maximum, this structure has eighteen (18') feet tall walls on one side and seventeen (17') on the other. The ordinance states that the maximum building height is to be eighteen feet at the mid-peak, this structure is (19.5') feet. What was constructed was a deviation from the approved building plan and is a self-created hardship. The garage should be altered to reduce the overall height to be consistent with Article 5.7.C Accessory Structures.

Further, the home has an semi-attached garage on the front of the home. The lot is deficient in lot width being only 50' feet of the required 80' feet for the R1-D District.

A public hearing was held to receive comments from the public regarding the request.

Mr. Walz moved to deny the variance requests of Mike and Tia Kreps for 8447 Cooley Beach Drive for a detached garage on parcel 12-36-452-008, due to the following reason(s): The garage was not constructed per the approved plan and it does not meet the wall and building height requirements of Article 5.7 Accessory Structures; this is a self-created hardship brought on by the applicant not following the Ordinance and the approved plan. Mr. Powell supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – no, Spencer – yes, Dehart – yes, Walz -- yes. (4 yes votes)

Other Business

None.

Adjournment:

The meeting was adjourned at 10:03 p.m.

Next Meeting Date:

January 23, 2020