

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 24, 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 - Excused
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: 9

Approval of the Agenda:

Mr. Walz moved to approve the agenda as presented. Mr. Powell supported and the MOTION CARRIED with a voice vote (4 yes votes)

Approval of Minutes:

Zoning Board of Appeals Meeting of July 25, 2019.

Mr. Walz moved to approve the meeting minutes of July 25, 2019 as presented. Mr. Powell supported and the MOTION CARRIED with a voice vote (4 yes votes)

5. Continuing Business:

a.

Applicant: Michael Drew
8518 Cascade Street

Location: Commerce Township, MI 48382
8518 Cascade Street
Commerce Township MI 48382, identified as 12-36-377-002
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.

Agenda item: 6a
Appeal Date: July 25, 2019
Applicant: Michael Drew
Address: 8518 Cascade Street
Commerce, MI 48382
Zoning: R1-D Single Family Residential
Location: 8518 Cascade Street
Commerce, MI 48382

Property Description: The property at 8518 Cascade Street is zoned R1-D Single Family Residential. The property is located in the Russel Beach Neighborhood on Cooley Lake. The home currently uses public sanitation and has a private well for potable water.

Applicant's Proposal: The applicant removed and rebuilt a non-conforming shed that is located on the east side of the property from aerial investigation and research into the file the original shed was built in the 1990's. If this is the case the shed would have been subject to the current Ordinance Standards.

Staff Planner's Report: The Planning Department has determined that this structure is on the property line, if not built over. It is clear that the roof of this structure does overhang the neighbor's property. Based on the amount of space on the side of the home this structure cannot meet the ordinance requirements based on the need to be a minimum of ten (10') feet from the home. At a minimum this structure would need to be relocated to be attached to the existing home. Based on the size of the structure it would then require a two (2') foot side yard setback, being setback eight (8') feet from the eastern property line. The homeowner will need to pull all of the necessary permits with the Township Building Department. The lot is deficient in size being only 4,187 square feet of the required 12,000 for the R1-D District. Also, the lot is deficient in lot width being only 40' feet of the required 80' for the District.

Updated October 8th 2019: At the July 25th meeting the applicant was given ninety (90) days to propose a solution to the location of the shed. The shed is currently on the property line, and cantilevers over the neighboring property. The Zoning Board of Appeals held a public hearing that evening to receive comment on this appeal. At this time the ninety (90) day window has expired and the ZBA will need to make a decision as to this appeal. It is the recommendation of the Planning Department that the shed be removed from its current location and placed on the property in conformance with the Township Zoning Ordinance.

Mr. Walz moved to remove agenda item 5.a. from the table. Mr. Powell supported and the MOTION CARRIED with a voice vote (4 yes votes)

Mr. Walz asked if the applicant or a representative was here tonight. They were not, and Mr. Iacoangeli noted that he received an email that there was a medical emergency and they are asking for lenience. Mr. Iacoangeli wanted to note that part of the lot is in Commerce and part is in White Lake and if he chooses to appeal your decision, he can take it to the circuit court.

Mr. Powell noted in the write up that the homeowner was attempting to comply, what does this mean? Mr. Iacoangeli doesn't know how he was attempting to comply. Mr. Powell wanted to ask the homeowner some questions, and they weren't in attendance. There is no place where the shed could go and meet the ordinances. Not in the White Lake Township portion, maybe in Commerce. The homeowner may have some options in the area of the Commerce Township property.

Mr. Schillack noted that we couldn't grant a variance because the minimum sideyard is 5'. Mr. Powell noted that we may have been able to entertain a variance putting the shed next to the house, and it would have been helpful to have them here to work with.

Mr. Schillack moved to deny the variance requests of Michael Drew for the accessory structure at 8518 Cascade Street the parcel 12-36-377-002, due to the following reason (s): We are unable to fulfill the request based on the law and the Township restrictions. Further the shed should be removed, or relocated on the property in conformance with the White Lake Township Zoning Ordinance within the next thirty (30) days. Mr. Powell supported and the MOTION CARRIED with a roll call vote: Powell – Yes (The Township has been patient, and due to the lack of communication with the owner, this is the only alternative), Schillack – Yes (I wish we could work with the homeowner for a better solution, but we're forced to accept this), Spencer – Yes (this was tabled for 90 days with no contact and this leaves us with no choice since no one was here to explain further), Walz -- Yes (the denial is based on the existing shed being on the property line or cantilevered over the property line and not being in conformance with our ordinance). (4 yes votes).

Mr. Iacoangeli noted that Township staff will notify the applicant.

6. New Business:

a.

Applicant: Gregory Strzempek
8298 Cascade Street
White Lake, MI 48386
Location: **8298 Cascade Street**
White Lake, MI 48386 identified as 12-36-453-018
Request: Variance to Article 3.1.6 E. R1-D Single Family Residential: Side-Yard Setback, Lot Coverage, Lot Width, and Lot Size.

Agenda item: 6a

Appeal Date: October 24th, 2019

Applicant: Gregory Strzempek

Address: 8298 Cascade
Zoning: R1-D Single Family Residential
Location: 8298 Cascade
White Lake, MI 48386

Property Description: The property at 8298 Cascade is a single-family home zoned R1-D Single Family Residential. The property is located in the Russel Beach Neighborhood on Cooley 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 remodel the existing home by adding a two (2) story addition on to the street side of the home. This addition will be 32 x 23 on the main floor or 736 square feet.

Staff Planner's Report: The new addition on the front of the home will not meet the current side yard setback for a home in the R1-D District. The home will require a five (5) foot side yard setback variances as the new addition will be only five feet from the property line at its closest point. Further the new addition will bring the total lot coverage over the allowable 20% for District.

The current lot coverage is as follows:

Current:

House: 708 Square feet

Existing Garage: 412 Square Feet

Total: 1,120 (17%) Lot Size: 6,452 Square Feet

The proposed lot coverage is as follows:

Proposed:

House: 1,444 Square Feet

Garage: 412 Square Feet

Total: 1,856 (29%) Lot Size: 6,444 Square Feet

Based on the Departments analysis the applicant will need a 9% variance for lot coverage. The new total lot coverage will be twenty-nine (29%) percent. The lot is deficient in lot width being only forty-five (45') feet of the required eighty (80') feet for the district. Also, the lot is deficient in size being only 6,452 square feet of the required 12,000 square feet for the R1-D District.

Mr. Iacoangeli presented his staff report. Ms. Spencer noted for the record that 32 property owners within 300 feet were notified. No letters were received in favor, no letters were received in opposition and none were returned by the U.S. Postal Service.

Greg Strzempek (8298 Cascade) was in attendance to discuss his case. They have owned the property for seven years and this is a lake home that they would like to make their primary residence. They would like to make it street level so you're not going up and down stairs to enter the home due to his wife's prosthetic hips. They want to build out towards the street and the house is angled on the lot.

Mr. Powell noted that part of our job is to balance out the hardship of site. Besides your wife's hardship, why is this not a self-imposed hardship? All of the homes they have owned for the last 30 to 40 years have had 1st floor masters, it's been a requirement for them.

Mr. Powell noted that the addition is fairly large, you're almost doubling the size of the house. Mr. Strzempek stated that the lot is so narrow, they are trying to bump it up enough with a first floor bath, master, and entry.

Mr. Walz had a question of the staff. On page 19 of 19 of the PDF packet, the top left corner is missing the dimension and if you choose to grant a variance that dimension is missing and a plot plan would have to be submitted. The existing dimension where the new meets the old has to meet setbacks and this must be clarified. Mr. Powell stated that if you look at the plan more carefully, the one corner is 2 ½ feet off the property line and you're probably closer to a 4' to 4.3' setback instead of a 5' setback. There may need to be a jog to meet that 5'.

Mr. Powell stated that you're asking us to break the law, and our job is to see if there's a hardship you didn't create yourself. Is this the least variance that you can request? Mr. Schillack said that is his inclination to table this and have them come back with a suggestion. Mr. Powell noted that we could also grant what we feel is reasonable. Mr. Iacoangeli stated that it should be noted that ordinance allows for 30% coverage when it's connected to sewer if all setbacks were met.

The public hearing was opened at 7:41 p.m.

Carolyn Stevens (8290 Cascade) is the neighbor to the West. She would love to see them do this, but their survey shows part of her house on the property line and she has a different survey. Mr. Iacoangeli stated that this type of issue would be between property owners and their counsel. Mr. Walz noted that the other question is should we table to reconsider or take a vote, if we deny it can't come back. If it was tabled it could come back on December 12th. Their son, Ryan Strzempek, is helping with the process and is concerned with the time frame to get started.

Mr. Powell asked how the storm water works, ease troughs and downspouts? It goes through the underground. Mr. Powell noted that there is very little area between homes and you'd need to pick up drainage.

Mr. Walz moved to approve the variance requested by Gregory Strzempek for the property at 8298 Cascade identified as 12-36-453-018 in order to construct a home addition. The variances requested are as follows: 1) A 2' variance from the East side yard setback from the permitted 10' for an end result of 8'; 2) A 5' variance from the West side yard setback from the permitted 10' for an end result of 5'; 3) A maximum lot coverage variance of 9% (566 sq. ft.) from the permitted 20% (1,290 sq. ft.) for an end result of 29% (1,856 sq. ft.); 4) A 35' variance from the required lot width of 80' for an end result of 45'; 5) A 5,548 sq. ft. variance from the minimum lot size of 12,000 sq. ft. for an end result of 6,452 sq. ft. This approval will have the following conditions: Applicant will supply the Township a detailed sealed plot plan produced by a licensed engineer, architect, or surveyor prior to the issuance of a Building Permit; Applicant will apply for all necessary sewer permits as required by White Lake

Township; Applicant will pull all necessary permits with the White Lake Township Building Department; Applicant will direct downspouts and provide drainage as necessary; Mechanicals and any other ancillary equipment stay in the front or rear yards, not on the sides. Mr. Schillack supported and the MOTION CARRIED with a roll call vote: Powell – Yes (the applicant has demonstrated a hardship and is configuring his home to similar homes in the area); Schillack – Yes (for the reasons stated and it is an improvement to the neighborhood); Spencer – Yes (It's non-conforming and has a practical difficulty); Walz – Yes (for the reasons stated). (4 yes votes)

b.

Applicant: Vincelli Construction
9634 Buckingham
White Lake, MI 48386
Location: **9020 Buckingham**
White Lake, MI 48386 identified as 12-14-280-019
Variance to Article 3.1.6.E. R1-D Single Family Residential:
Rear-Yard Setback, Natural Features Setback, Lot Coverage, and
Lot Size.

Agenda item: 6b
Appeal Date: October 24th, 2019
Applicant: Vincelli Construction c/o Tom and Wendy Switalkski
Address: 9634 Buckingham
Zoning: R1-D Single Family Residential
Location: 9020 Buckingham
White Lake, MI 48386

Property Description: The property at 9020 Buckingham is a single-family home zoned R1-D Single Family Residential. The property is located in English Villas Sub. on Pontiac Lake. The home currently uses a private well for water, and the public sanitary sewer for sanitation.

Applicant's Proposal: The applicant is proposing to construct a new 15' x 16' three (3) season sunroom on the side of the existing home.

Staff Planner's Report: The applicant is proposing to construct a 240 square foot 3 seasons room addition to the existing home this new addition will require a rear-yard setback variance in the amount of eight (8') feet being twenty-two (22') feet from the high-water mark or seawall. Also, a natural features setback variance in the amount of three (3') feet. The addition will be setback twenty-two (22') feet from the high-water mark or seawall. The Ordinance requires that all structures be located twenty-five (25') feet from all waterbodies. The new sunroom will also place the home over the allowable lot coverage. The lot is slightly deficient in size for the district being 10,624 square feet of the require 12,000 for the R1-D District. The lot is conforming in regard to lot width being 124.85 feet of the required eighty (80') feet for the District.

Ms. Spencer noted for the record that 15 property owners within 300 feet were notified. Three letters were received in favor, no letters were received in opposition and none were returned by the U.S. Postal Service. Mr. Iacoangeli presented his staff report.

Mr. Schillack asked if this parcel included two lots that were combined into one previously and they were combined.

Anthony Miller from Vincelli Construction was in attendance. This home is currently set back 22 feet from lake, and the plan is to continue the same setback. They will remove part of the wood deck, concrete, 12' of wood fencing and a boat and kayak rack for construction of the 3 seasons room.

Mr. Walz asked what the practical difficulty was. Mr. Miller noted that the original design of the neighborhood makes it a practical difficulty, many homes require a variance to do anything on their property. Mr. Miller noted that they won't be blocking any lake views.

Mr. Powell wanted to raise some points for discussion. Will it block the neighbors view? Mr. Powell also wondered if the setback to the lake is correct. Mr. Schillack asked if we have some kind of ordinance for sight line average? Mr. Iacoangeli noted that we do not currently have that. Mr. Schillack asked if we should be looking into having that type of ordinance.

The meeting was opened for the public hearing at 8:11 p.m., and closed to the public hearing at 8:11 p.m.

Ms. Spencer read three letters from neighbors in favor of the three seasons room.

Mr. Walz noted that it is part of the ZBA's responsibility to minimize variances and asked if they had any considerations about making the room smaller for the natural features setback? This would be difficult for Mr. Miller to say, he's being hired to do the job and any changes would have to be reviewed by client.

Mr. Powell noted that there are two things bothering him, and the ZBA needs to deal with the 22' dimension. If we look at the angle and you dimension that by the right angle to the house and the lake, what is that dimension really? Seth Marianos (Milford High School, 12th grade) helped the board figure out the geometry and it looks like that dimension could really be 15'.

Mr. Powell stated that the 3 seasons room addition can never become habitable space and only remain a 3 seasons room. Mr. Walz feels that this is self created. Mr. Powell asked if it could be moved 10' back and then there is no natural features setback necessary. Mr. Powell asked how you enter the proposed room and Mr. Miller noted that there is a doorway there. Mr. Powell noted that it looks like we're just matching the existing setback.

Mr. Powell moved to approve the variance requested by Vincelli Construction for the property at 9020 Buckingham identified as 12-14-280-019 in order to construct a sunroom addition. The variances requested are as follows: 1) An 15' variance to the rear yard setback from the permitted 30' for and end result of 15'; 2) A 10' variance to the natural features

setback from the permitted 25' for an end result of 15'; 3) A 1,376 sq. ft. variance to the minimum lot size of the permitted 12,000 sq. ft. for an end result of 10,624 sq. ft. This approval will have the following conditions: Applicant will pull all necessary permits with the White Lake Township Building Department; the constructed assessed 3 seasons room will be used as non habited space. Mr. Schillack supported and the MOTION CARRIED with a roll call vote: Powell – Yes (the unique shape of the lot presents a hardship, the 15' proposed setback matches the existing home); Schillack – Yes (for the reasons stated and it is an improvement to the neighborhood); Spencer – Yes (It's a hardship with the non-conforming lot and it's also an improvement to the neighborhood); Walz – No (doesn't see the hardship, and it's self created). (3 yes votes)

c.

Applicant: Timothy Snyder
1180 Round Lake Road
White Lake, MI 48386
Location: 1180 Round Lake Road
White Lake, MI 48386 identified as 12-35-403-035
Variance to Article 3.1.6.E R1-D Single Family Residential:
Front Yard Setback, Side-Yard Setback, Rear Yard Setback, Lot
Coverage, Lot Width, and Lot Size,

Agenda item: 6c
Appeal Date: October 24th, 2019
Applicant: Timothy Snyder
Address: 1180 Round Lake Road
Zoning: R1-D Single Family Residential
Location: 1180 Round Lake Road
White Lake, MI 48386

Property Description: The property at 1180 Round Lake Road is a single-family home zoned R1-D Single Family Residential. The property is located in Needles Six Lakes Sub. The home currently uses a private well for water, and the public sewer system for sanitation.

Applicant's Proposal: The applicant is proposing to construct a new 576 square foot (24 x 24) garage. The garage will be attached to the east side of the home. This home

Staff Planner's Report: The applicant is proposing to construct a 24' x 24', 576 square foot garage addition on to an existing home. The home is currently located on Round Lake Road and adjacent to Applewood Drive. This portion of Applewood Drive does not have a dedicated right of way as the street does on the east side of Round Lake Road. This portion is an easement over property that allows for access to a home behind the applicant's residence. The Ordinance however treats this situation as the applicant having two front yards on both Round Lake Road and Applewood Drive. The situation requires the applicant to get two front yard setback variances. The Round Lake setback would place the new garage eight (8') feet from the property line. This would be a variance in the amount of twenty-two (22') feet. The garage

would be thirty-three (33') feet from the traveled portion of Round Lake Road. The home would new garage would be nineteen (19') feet from the property line which would require a variance in the amount of eleven (11') feet. It should be noted that the garage is not proposed to be built any further out than the existing home on the Applewood side. No permanent structures will be allowed within the easement area. The applicant will also require a lot coverage variance:

The current lot coverage is as follows:

Current:

House: 1,728 Square feet
Total: 1,788 (22%) Lot Size: 7,766 Square Feet

The proposed lot coverage is as follows:

Proposed:

House: 1,728 Square Feet
New Garage 576 Square Feet
Total: 2,304 (30%) Lot Size: 7,766 Square Feet

Based on the Departments analysis the applicant will need a 10% variance for lot coverage. The lot is deficient in size being only 7,766 of the required 12,000 square foot minimum.

Ms. Spencer noted for the record that 29 property owners within 300 feet were notified. One letter was received in favor, no letters were received in opposition and none were returned by the U.S. Postal Service. Mr. Iacoangeli presented his staff report.

Timothy Snyder (1180 Round Lake Road) was in attendance to discuss his application. Mr. Snyder presented large photos detailing why he proposed it in the location he did. Mr. Walz thanked Mr. Snyder for the drawings provided.

Jan Perkins (9324 Applewood) stated that years ago Applewood was proposed to go through to Clearwater, but they changed their mind. She has no objection to the garage but she noted that there is a storm drain there and doesn't want the storm drain covered. Ms. Spencer stated that the building department will look at that. Mr. Snyder said that the drain is not effective anymore and he wouldn't be pulling out on it.

Mr. Snyder presented 9 letters from neighbors in support of the variance. Ms. Spencer read from those letters and they were received from the following addresses: 1211 Clearwater, 1236 Round Lake Road, 1185 Clearwater, 1201 Clearwater, 9220 Maplewood, 1177 Clearwater, 1233 Round Lake Road, 1216 Round Lake Road, and 1140 Round Lake Road.

Mr. Powell asked whose cars are parked in the property to the north? Mr. Snyder noted that those are his, he doesn't have anywhere to park. Mr. Powell asked if he is putting an addition

attached to what used to be a garage, and he is. Mr. Snyder stated that he will put the entrance to the garage wherever the ZBA recommends.

Mr. Schillack moved to approve the variance requested by Timothy Snyder for the property at 1180 Round Lake Road identified as 12-35-403-035 in order to construct a garage addition. The variances requested are as follows: 1) A 22' variance to the front yard setback on Round Lake Road from the permitted 30' for an end result of 8'; 2) An 11' variance to the front yard setback on Applewood Drive from the permitted 30' for an end result of 19'; 3) A 10% maximum lot coverage variance from the permitted 20% for an end result of 30%; 4) A 4,234 sq. ft. minimum lot size variance from the permitted 12,000 sq. ft. for an end result of 7,766 sq. ft. 5) A 6' variance to the allowable turn radius of 25' for an end result of 19' to allow for a side entry garage. This approval will have the following conditions: Applicant will pull all necessary permits with the White Lake Township Building Department. Walz supported and the MOTION CARRIED with a roll call vote: Powell – Yes (Due to lot size and proximity to Round Lake Road, he has a major hardship and being able to have full right of way of Round Lake Road); Schillack – Yes (It is an improvement to the neighborhood and he has a hardship); Spencer – Yes (It's a hardship and for the reasons stated); Mr. Walz – Yes (For the reasons stated). (4 yes votes)

Other Business

None.

Adjournment:

The meeting was adjourned at 8:57 p.m.

Next Meeting Date:

12/12/19