

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
**July 25, 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 – Board Liaison, Excused  
Nik Schillack -Excused  
Cliff Seiber  
Josephine Spencer –Chairperson  
Dave Walz – Vice Chair

Also Present: Jason Iacoangeli, AICP, Staff Planner

**Approval of the Agenda:**

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

**Approval of Minutes:**

Zoning Board of Appeals Meeting of June 27, 2019.

**Mr. Walz moved to approve the meeting minutes of June 27, 2019 as presented. Mr. Seiber supported and the MOTION CARRIED with a voice vote (4 yes votes)**

**Old Business:**

**Agenda item:** 5a  
**Appeal Date:** July 25, 2019  
**Applicant:** Jim Wolfenbarger  
**Address:** 2355 Ridge Road  
White Lake, MI 48383  
**Zoning:** R1-D Single Family Residential  
**Location:** 2355 Ridge Road  
White Lake, MI 48383

**Property Description:** The property at 2355 Ridge Road is a single-family home zoned R1-D Single Family Residential. The property is located in England Beach No. 1 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 demolish the existing home and detached garage and replace it with a new home with an attached garage. The new home will have a ground floor area of 1,860 square feet, the attached garage will be 728 square feet. The combined coverage will be 2,588 square feet.

Ms. Spencer noted that this case was tabled from the June 27, 2019 meeting. **Mr. Walz moved to remove the above-mentioned case from the table. Ms. DeHart supported.**

Ms. Spencer noted for the record that 23 property owners within 300 ft. were notified of the request. There were no letters received in favor, none in opposition, and no letters returned undeliverable by the US Postal Service.

Mr. Iacoangeli gave his staff report. The project was tabled last month, due to the ZBA feeling that there might be options for the applicant to work with the Community Development department to alleviate the need for a five-foot (5') side yard setback variance to accommodate a covered porch on the south side of the property. The applicant came to the office and made it known that the property owner wanted to maintain the architectural elevations to the house, and that they would be here at this meeting to discuss trying to preserve the porch with the ZBA. The property owner was not interested in modifying the plan to remove the covered porch.

Mr. Seiber asked to look at the plan again. Mr. Iacoangeli brought the plans up and reminded the board what the applicant was asking for. During the May 23, 2019 meeting, the applicant was asked to shift the house over further south, to get more than five feet (5') from the north property line. At that time, it was thought there was to be an open deck, as decks are allowed to encroach on the side yard setbacks. This way, the house would have met the ten foot (10') side yard setback. However, the three permanent columns are the covered porch, and at their closest point, they would be only five feet (5') from the property line. The ordinance would have allowed it if it were an open deck, but because an enclosed porch can theoretically be framed in and become part of the house. This difference is what triggers a variance.

Mr. Walz wanted to clarify the request that was being made by the applicant: that the porch not be covered? Mr. Iacoangeli replied that no, what is being asked is that the applicant is request a five foot (5') side yard setback in order to retain the covered porch on the south side of the house.

Ms. Dehart asked if it would have footings in a sense where if the porch is enclosed, it would be considered an addition to the home. Mr. Iacoangeli confirmed that the columns would load bearing, where they could handle snow and the roof above. Ms. Dehart asked if the footings would then require a foundation, and Mr. Iacoangeli confirmed that while the building official would make the final call, the ordinance is written in a way where down the line, that enclosed porch could be made into a sunroom for example, and that is why the variance is called for.

Mr. Seiber asked if the applicant didn't have the three columns, and the roof was cantilevered out, if the variance would still be required? Mr. Iacoangeli replied that no, if such was the case the variance would not, as long as that portion of the house was cantilevered within the ordinance's restriction of two feet (2'). After that, the building code comes into effect. Mr. Seiber noted that the variance is really only for the set of the three columns. Ms. DeHart asked how wide the overhang was proposed to be; it will be five foot (5') wide. The length of the covered porch is projected to be about twenty-five feet (25').

No one was present to represent the applicant. Ms. Spencer asked if the applicant had indicated what their hardship was regarding the porch. No formal comment had been made.

**Mr. Walz moved to DENY the variance requested by Jim Wolfenbarger for the construction of a covered porch on the property at 2355 Ridge Road identified 12-18-151-024 due to no practical difficulty being observed and/or explained by the applicant. Ms. DeHart supported and the MOTION CARRIED with a roll call vote: DeHart – yes, there is no practical difficulty demonstrated by the applicant. Walz – yes, Spencer –Yes, Seiber – yes (4 yes votes).**

**New Business:**

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

Ms. Spencer noted for the record that 25 property owners within 300 ft. were notified of the request. There were four letters received in favor, one in opposition, and no letters returned undeliverable by the US Postal Service.

Mr. Iacoangeli went to the property along with the ordinance officer, and measure the shed being three feet and one inches from the neighbor's home and about seven feet four inches from the property owners home.

Ms. DeHart asked what the proper setback for the shed would have been for the property. Mr. Iacoangeli conveyed that the ordinance states for a minimum ten feet (10') set back for accessory structures from the main building. The side yard can be five feet (5'), but there is not enough room between the property owner's home and the property line to accommodate both.

The only logical option to move the shed would be up against the house, but at that point you're giving more room to the neighbor's side. The shed meets the standards for the front and rear setbacks. The rear edge of the house is forty five (45') feet away from the seawall. The shed sits twenty five feet (25') from the front yard set back. Mr. Iacoangeli also made note that the front of the home is in Commerce Township, and they have different standards from White Lake. He contacted Commerce Township's planner earlier in the day, and confirmed that Commerce's are less stringent. Commerce allows for a three foot (3') side yard setback for accessory structures on lake lots. They also have a twenty five foot (25') front yard setback, however, on the street side of a lake lot, Commerce's Zoning Board tends to be a little bit more lenient. While there may be challenges in relocation, the shed where sits it is now does not conform to our ordinances.

Ms. DeHart asked if a stake survey had been done, which was then confirmed that a survey was not performed.

Mr. Walz asked if the ZBA had the authority to grant a variance when the shed encroaches on to another's property? Mr. Iacoangeli confirmed again that no, where it is now that the shed will either have to be moved, or taken down completely. Sheds in White Lake do not require a building permit if they are under 200 sq ft. The homeowner built this shed not knowing the ordinance, and placing it where it was before almost 30 years ago. This act of rebuilding removed the cap on any old applicable ordinances, and now it is considered under this ordinance, where it is now considered non-conforming.

The floor was opened for public hearing at 7:34 PM

Jennifer Dubinsky (1515 Grinshaw) made several comments regarding the other neighbors close to the Cascade property.

Justin Lang (5604 Tuscola, Commerce) was a former resident in the neighborhood where this property sits, had more comments regarding the neighbors/neighborhood.

Stanley Lipka had remarks regarding the neighbor, neighborhood as well. He made mention that the shed sits on his property.

Paul Dubinsky (1515 Grinshaw) helped Mr. Chris White assemble the shed for Mr. Drew. Mr. Drew asked him about removing the overhang., which he measured as have a three-inch (3") overhang over on the Lipka property.

Mary Earley (5925 Pine Ridge Ct) asked the length, width and height of the shed? Ms. Spencer replied that the length is eight point two feet (8.2') by the width of eight point two feet. (8.2'). It is a square shaped shed.

Mr. Iacoangeli suggested that while it is known the shed is non-conforming, a variance wouldn't be able to be requested in this situation . The township will not let the shed remain on someone else's property line. The structure has to move. 60-90 days should be given to Mr. Drew so he can work with the township in order to find a conforming placement for this shed. That way, the property owner can work with the Building Official to find the right placement on his property for the shed. This solution allows the shed to still stand, and get it off the other neighbor's property line.

**Mr. Walz moved to table the variance requested by Michael Drew for the property at 8518 Cascade identified as 12-36-377-002 with the condition to find new placement for the shed within the next 90 days, and to provide a stake survey with the new proposed plan if the building department deems it necessary. Ms. DeHart supported and the MOTION CARRIED with a roll call vote: Seiber – yes. Dehart- yes. Walz- yes (for the reasons stated) Spencer-yes. (4 yes votes).**

**Other Business**

None.

**Adjournment:**

**The meeting was adjourned at 7:59 p.m.**

**Next Meeting Date:**

**August 22, 2019**