47			8036 Cascade St.		
46		Applicant:	Michael Bullion		
45		a.			
44					
43	Continuing Bu	siness:			
42	Continuing D.	sinoss			
41	vvaiz supporte	eu and the WO	FION CARRIED with a voice vote (5 yes votes)		
40		• •	rove the meeting minutes of April 25, 2019 as presented. Mr.		
39 40	Mr Schillact	mound to any	roug the meeting minutes of April 25, 2010 on presented Mar		
38	Zoning Board of Appeals Meeting of April 25, 2019.				
37	7	Doord of Area	pole Maating of April 25, 2010		
36 37	Approval of M	mutes.			
35 36	Approval of M	linutos:			
33 34		• •	ce vote (5 yes votes)		
33	Mr. Walz mo	ved to annrow	e the agenda as presented. Mr. Schillack supported and the		
32		ie Agenua.			
31	Approval of th	e Agenda:			
29 30	VISICUIS.	5			
28 29	Visitors:	5			
27		Lynn mittoll,			
20			Alternate Recording Secretary		
26	Also Present:	Jason Jacoang	geli, AICP, Staff Planner		
24					
23		Dave Walz – Y	•		
22			encer – Chairperson		
22		Cliff Seiber - E	Exclised		
20		Nik Schillack			
20		Mike Powell	•		
19	ROLL CALL:	Debby Dehar	t		
18					
17	•	-	e Pledge of Allegiance. Roll was called: Mr. Seiber was excused.		
16	Ms. Snencer c	alled the regula	ar meeting of the White Lake Township Zoning Board of Appeals to		
14					
13			WHILE LAKE, IVIT 40303		
12			7525 Highland Road White Lake, MI 48383		
11 12			MAY 23, 2019 7525 Highland Road		
10					
			ZONING BOARD OF APPEALS		
8 9			WHITE LAKE TOWNSHIP		
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48		White Lake, MI 48386			
49	Location:	8306 Cascade St.			
50		White Lake, MI 48386, identified as 12-36-453-017			
51	Request:	Variance to Article 3.1.6 E. R1-D Single Family Residential: Front			
52		Yard Setback, Side Yard Setbacks, Lot Coverage, Lot Size, and			
53		Lot Width. Article 7.28.A Repairs and Maintenance.			
54					
55		nat a public hearing was held last meeting and this case was tabled			
56	to allow the applicant to com	e back with a revised plan.			
57					
58					
59	the MOTION CARRIED with a	unanimous voice vote. (5 yes votes)			
60					
61	Mr. lacoangeli reviewed his r	eport dated May 15, 2019. The applicant has submitted a revised			
	-				
62	plan based on the Commun	ity Development Department recommendations. The new plans			
62 63	plan based on the Commun show part of the existing gar	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft.			
62 63 64	plan based on the Commun show part of the existing gar from the property line at the	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft. closest point, and 13 ft. from the traveled portion of Cascade. The			
62 63 64 65	plan based on the Commun show part of the existing gar from the property line at the Community Development Development	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft. closest point, and 13 ft. from the traveled portion of Cascade. The epartment recommended a minimum 5 ft. of setback from the			
62 63 64 65 66	plan based on the Commun show part of the existing gar from the property line at the Community Development De property line. However, th	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft. closest point, and 13 ft. from the traveled portion of Cascade. The epartment recommended a minimum 5 ft. of setback from the e applicant has plumbing in the garage that would have to be			
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62 63 64 65 66 67 68	plan based on the Commun show part of the existing gar from the property line at the Community Development De property line. However, th removed to accommodate th an end result of 2 ft. The new	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft. closest point, and 13 ft. from the traveled portion of Cascade. The epartment recommended a minimum 5 ft. of setback from the e applicant has plumbing in the garage that would have to be at request. The front yard setback variance would be for 28 ft., for w home would still require a side yard setback variance on the east			
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62 63 64 65 66 67 68 69 70 71	plan based on the Commun show part of the existing gar from the property line at the Community Development Do property line. However, th removed to accommodate th an end result of 2 ft. The new side in the amount of 4.2 ft. ft be required on the west side	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft. closest point, and 13 ft. from the traveled portion of Cascade. The epartment recommended a minimum 5 ft. of setback from the e applicant has plumbing in the garage that would have to be at request. The front yard setback variance would be for 28 ft., for w home would still require a side yard setback variance on the east for an end result of 5.8 ft. Also, a side yard setback variance would			
62 63 64 65 66 67 68 69 70	plan based on the Commun show part of the existing gar from the property line at the Community Development De property line. However, th removed to accommodate th an end result of 2 ft. The new side in the amount of 4.2 ft. f be required on the west side new home will require a lot c	ity Development Department recommendations. The new plans rage being removed. The new setback for the garage will be 2 ft. closest point, and 13 ft. from the traveled portion of Cascade. The epartment recommended a minimum 5 ft. of setback from the e applicant has plumbing in the garage that would have to be at request. The front yard setback variance would be for 28 ft., for w home would still require a side yard setback variance on the east for an end result of 5.8 ft. Also, a side yard setback variance would of the property in the amount of 5 ft. for an end result of 5 ft. The			

nael Bullion, a ihhi π, some of the requirements requested by the township. He considered his neighbor's concerns 74 75 and now they are not tying the house back to the garage and are leaving a courtyard to put the 76 mechanicals, to be considerate. He understands the garage is close to the right of way, but they 77 will have minimal traffic due to Cascade being closed. Not including spaces in garage, they will 78 have 3 usable spaces. The neighbor was granted a similar variance a few years ago. He is 79 limited on space and this plan allows him to retain some functionality of having a 2-car garage. 80 This will also save him from having to break up the floor and redo the plumbing.

81

Mr. Schillack asked if there was a minimum depth for a structure that will have a vehicle parked in it. Mr. lacoangeli stated there was not and the average vehicle length is 20 ft. The ordinance calls for 30 ft. setback from the property line for a reason to normally accommodate the length of a vehicle. Mr. Schillack noted this is 17 ft. his concern is more for the applicant and that he has enough room. Mr. Bullion indicated that he planned it to conform with the neighborhood and stay consistent with other homes and the right of way.

88

89 Mr. Walz stated that unfortunately, the Zoning Board can't consider financial hardships, but he

90 certainly understands where Mr. Bullion is coming from.91

2 of 8

Mr. Dehart asked if he would go up on the house. Mr. Bullion responded that they would keep the living room, but the rest of the house would be demolished. The house was built in 1920 and structurally they can't go up. The architect said it would require a huge modificaton to be structurally sound. The only new added portion is 15 ft. off the back towards the garage. This new design conforms to the township's standards and brings it up to the codes that are now in place.

98

Mr. Powell stated that these lake lots are hard to build newer homes. Mr. Bullion stated said he
 likes his neighbors and he and his wife agree they like being on the water and want to raise
 their family here.

102

Mr. Walz is concerned with the front yard setback being with a vehicle right on the line. In the wintertime, he wonders if you'll see the car on the road with snow build up. Mr. Bullion indicated that he put the car in the road on the plan as a reference point. They have 2 usable spaces on the property line over 20 ft. deep. The space on the left is 30 ft. There is a community pavement area that they share as a neighborhood and this hasn't been an issue in the past.

109

110 Mr. Walz noted that the ZBA is charged with minimizing the amount of variances requested and 111 lot coverage also concerns him. Mr. Bullion stated this home will be sized exactly with the 112 neighborhood. He doesn't want to block anyone's view by going closer to the lake. Originally, 113 he started at 42% and now is at 35%. He tried to minimize lot coverage but to go any narrower 114 would be awkward. They are limited on what they can do. Mr. Walz feels this will be difficult for him to support with the garage being in the street. He understands Cascade could 115 eventually become one-way. Mr. Powell stated we can't count on that, but there would be 116 117 some benefit. You don't want to approve something where a vehicle is in the road, but Mr. 118 Bullion does have 2 other spots, and doesn't have to park there. Bullion reiterated that he put 119 the car on the plan for reference. When he has guests, they will park parallel and not in the 120 street.

121

124

Mr. Powell asked where the well was on the site. Mr. Bullion responded that it is to the left ofthe existing porch and stairway, roadside and next to the garage. It will be accessible.

Mr. Powell feels the applicant has done a good job presenting his hardships, and he understands Mr. Walz's concerns in that a garage is not a hardship. He feels if Mr. Bullion shrinks the garage, he could eliminate this concern. There are so many variances here and this is a tough case. Mr. Walz stated that ordinances are in place for a reason and this board is seeking to provide approval from that. Variances 5,6,7 are out of Mr. Bullion's control. Ms. Spencer also feels variance 4 seems out of Mr. Bullion's control too. Variances 1-3 are not.

131

Mr. Powell indicated that everyone has seen these narrow lots before. When Mr. Bullion first
 proposed this, he was going to follow the existing footprint, but has since tapered it down 3 ft.
 to conform to the side yard setbacks.

135

Mr. Schillack feels in terms of lot coverage, there needs to be area for water to absorb on his property. As far as visibility, he's not blocking the neighbors view and he wanted to be courteous to them. Mr. Powell noted there is an excellent outlet to the lake. Downspouts should point to the lake side and Mr. Bullion agreed.

140

Mr. Bullion added that he proposed the garage in 2015 to build in the existing footprint, 10 ft. wider but at the same depth. He gave setbacks to the street, unaware there was a right of way on the street. He provided measurements to the road to the township. Ultimately this has brought him here having to request variances.

145

Mr. Powell noted that last month's meeting minutes reflect that there were no responses from
the neighbor in favor or opposition, and none were returned by the postal service, nor was
anyone here the for public hearing.

149

150 Mr. Schillack moved to approve the variance requested by Michael Bullion for the property at 151 8306 Cascade St. identified as 12-36-453-017 in order to construct a new home. The variances 152 requested are as follows: (1) a 28 ft. variance to the front yard setback for an end result of 2 153 ft.; (2) a 4.2 ft. variance to the east side yard setback for an end result of 5.8 ft.; (3) a 5 ft. 154 variance to the west side yard setback for an end result of 5 ft.; (4) a 17.5% or 1,118 sq. ft. 155 variance to maximum lot coverage for an end result of 37.5% or 2,406 sq. ft.; (5) a 5,556 sq. ft. 156 variance to minimum lot size for an end result of 6,444 sq. ft.; (6) a 35 ft. variance from required lot width for an end result of 45 ft.; (7) a variance from non-conforming structure. 157 158 This approval will have the following conditions: The applicant will pull all necessary permits 159 with the White Lake Township Building Department; the applicant will be required to call for 160 a footing inspection prior to any foundation being set, the foundation will need to be staked and be able to be properly verified by the Building Division staff; and the applicant will be 161 162 required to provide the Township a sealed as-built plan for the new home. Mr. Powell 163 supported and amended that the A/C unit not be placed in the side yard setback areas.

164

Discussion on the Motion: The width of the lot varies from 45 ft. to 41 ft. at the lake side, and the overall width is less than 45 ft. Is the motion adequate to the dimensions on the plan? Mr. lacoangeli stated that the motion with dimensions are ceremonial. This is existing and the board is recognizing this. We are not recognizing that the existing structure has less setback, only what is being motioned tonight. This variance runs with the land.

170

The MOTION CARRIED with a roll call vote: Schillack – yes; Walz – no (we are not preventing from using the existing residence for its intended purpose and issue is self-created); Powell – yes (the applicant has shown hardship and the existing structure and garage is already nonconforming. The home is not an expanded non-conformity on the parcel); Dehart – yes (the applicant has tried to make adjustments and it's a non-conforming lot); Spencer – yes (this is non-conforming lot and there is a hardship. The applicant has worked with staff and listened to concerns last month from the board); (4 yes votes; 1 no vote-Walz)

178 179 4 of 8

b.

180Applicant:Jim Wolfenbarger1812335 Ridge Road182White Lake, MI 48383183Location: 2335 Ridge Road 184White Lake, MI 48386 identified as 12-18-151-024185Request:Variance to Article 3.1.6 E. R1-D Single Family Residential: Side186Yard Setback, Lot Coverage, Lot Size, and Lot Width.	ft. Dy				
182White Lake, MI 48383183Location:184 2335 Ridge Road 184White Lake, MI 48386 identified as 12-18-151-024185Request:Variance to Article 3.1.6 E. R1-D Single Family Residential: Side	ft. Dy				
183Location: 2335 Ridge Road 184White Lake, MI 48386 identified as 12-18-151-024185Request:Variance to Article 3.1.6 E. R1-D Single Family Residential: Side	ft. Dy				
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185Request:Variance to Article 3.1.6 E. R1-D Single Family Residential: Side	ft. Dy				
	ft. Dy				
faru Setback, Lot Coverage, Lot Size, and Lot Width.	ру				
	ру				
187	ру				
188 Chairperson Spencer noted for the record that 23 letters were sent out to residents in a 300	-				
189 radius and none were received in favor, one received in opposition, and none were returned	ly				
190 the USPS.	ly				
191	ly				
192 Mr. lacoangeli reviewed his report. This is a single family home zoned R1-D Single Fam	•				
193 Residential. The property is located in England Beach No. 1 on White Lake. The home current					
194 uses a private well for water and a private septic system for sanitation.					
195					
196 The applicant is proposing to demolish the existing home and detached garage and replace 197 with a new home with an attached garage. The new home will have a ground floor area					
with a new home with an attached garage. The new home will have a ground floor area of					
198 1,860 sq. ft., the attached garage will be 728 sq. ft., and the combined coverage will be 2,58	38				
199 sq. ft.					
200					
The applicant is proposing to construct a 2,588 sq. ft. home on a legal non-conforming lot record. The new home will require side yard setback variances. On the north side, the hon					
record. The new home will require side yard setback variances. On the north side, the home					
203 will be located 7 ft. from the property line requiring a variance in the amount of 3 ft. The hon					
204 will meet the setback requirement on the south side of the property, as decks are allowed to l					
within 5 ft. of a side property line. The deck on the plan is located 7 ft. from the property line					
and the home is ft. from the property line. The Community Development Department fee	ls				
207 that the home should be shifted to the south slightly in order to provide a greater side ya	rd				
208 setback on the north side of the home. A lot coverage variance will not be required for this ne					
209 home. The new house will have 45 ft. setback to the closest point where the edge of the de	ck				
210 meets the existing home.					
211					
212 Mr. lacoangeli indicated that a septic permit has not been applied for yet, but if their propos	al				
213 has to change to provide more room for the septic field, the plan process starts over again fro	m				
the beginning. There is a proposed septic field 50 ft. x 20 ft. This begins to limit amount of are	ea				
215 for the driveway and septic, so pushing it closer to the street becomes counter-productiv	e.				

217 218

216

Mr. Wolfenbarger, 2335 Ridge, indicated that he lives 2 houses to the south of this home. With regards to elevation, he didn't have anything. They did preliminary drawings. This is a 2bedroom home and the septic system will be minimal. There is sand and gravel in the area and there shouldn't be an issue with septic field. The well is between the existing septic and the house. They clear all the neighbors by 80 ft. from adjacent wells and from theirs too. The home

applicant did not provide a view analysis from neighboring lots.

There is a chance their proposal could change after Health Department review. Also, the

- itself is the exact same size as what is there. All the setbacks are same, except that the lake sidewill be a few feet closer.
- 226

Mr. Schillack asked how high the cathedral ceiling is in the front room, but Mr. Wolfenbarger didn't know. Mr. Powell noted that the lake side is coming up and providing a great space in the great room. Mr. Wolfenbarger added that it will fade up and step back down on the lake side. Mr. Powell stated that the existing garage doesn't meet any setback requirements.

231

Mr. Schillack asked if the ZBA normally approves these cases without any visibility plans. Mr. Powell said it appears this home will not cut off view any more than the existing home, except that the existing home is one story. It appears the home to the north can see over the existing, but we do not have a sight line ordinance and it looks like the owner is trying to be as understanding as possible. Mr. Iacoangeli added that Mr. Wolfenbarger is also meeting the height requirements.

- 238
- 239 Mr. Spencer opened the public hearing at 8:02 pm.
- 240

Mike Liubakka, 2365 Ridge, stated that he submitted a formal letter (which is included in the packet and will be part of the minutes). He said letter was written based on the original plans. He brought a few pictures to share with the board members and he is concerned with the side elevations. The entire basement is above grade and he will be looking at a 3-story home with the cathedral ceiling. There is also a 3rd structure on the property and he questioned if this was this included in plan. That structure overhangs his property. His concerns are height, blocking sunlight into his yard, which will kill plants and grass given the height.

248

Mr. lacoangeli indicated that structures down by the lake, which are typically boat houses, are not included in lot coverage. The board should be mindful that crossing property lines are a civil matter between the neighbor and the property owner.

252

Mr. Liubakka continued by asking where the mechanicals would be located, i.e., A/C, generator. His bedroom is in southwest corner. Lastly, his house is meeting the 10 ft. setback on his side and his deck is 6 ft. off the lot line. If Mr. Wolfenbarger gets a variance, there's nothing stopping from being closer to the water. Ms. Spencer noted that the ZBA has the right to condition any approvals within reason and to the nature of the request.

258

Paul Fugat, 2345 Ridge, stated his original concern was that this proposal was too close to the
lake, but it seems now that Mr. Wolfenbarger has pushed it back, so he can't argue that. The
plan looks good to him now.

- 262
- With no other comments, Ms. Spencer closed the public hearing at 8:15 pm.

Mr. Powell asked if Mr. Wolfenbarger has a basement under his home. Mr. Wolfenberger responded that there is 800 sq. ft. behind the garage with a 2-story home above grade. Mr. Powell stated that water drainage must be controlled, pointing downspouts towards water.

268

Mr. Iacoangeli reviewed the ordinance definitions of basements and the calculations for what is a story. If it's a 3-story with a walkout, it would be against the ordinance. The house still needs to meet the minimum of 25 ft. and this meets the height requirement.

272

Mr. Wolfenbarger stated this revised drawing came from the concerns from Mr. & Mrs. Liubakka. He made the adjustments for them and they seemed happy with his changes. He painted on the lakeside the footprint, which is not much further than the existing home. He feels this new plan fits well now and he's not sure he can do much more to make it work.

277

Mr. Powell sees the logic of pushing the house to the north to not need a variance for the deck. He asked what the width of the deck would be. Mr. Wolfenbarger stated the deck goes from 4 ft. to 5 ft. and it would be covered. The front porch wraps the corner and there will be 3 columns that are covered. Mr. Powell noted that the department will have to determine if this is a feature or structural. Lake lots have a back side and a front side. The traffic side will be more enhanced.

284

Mr. Powell stated he is sensitive to the neighbor on the north. The mechanicals can go closer to the garage and not the house. He feels Mr. Wolfenbarger can create a niche and set it lower around the side. He is concerned with noise into the home to the south especially if he has a generator. Generators can be set back from the house, the A/C cannot.

289

Mr. Schillack stated he wants to make sure it affects as less to the neighbors as possible. Mr.
 Wolfenbarger suggested that he could kick it in the corner and fence it in or put trees around it.
 Mr. Powell suggested that he can put it under for his guests, not for your neighbors to hear.

293

294 Mr. Powell moved to approve the variances requested by Jim Wolfenbarger for the property 295 at 2355 Ridge Road, identified as 12-18-151-024 in order to construct a new home. The 296 variances requested are as follows: (1) a 3 ft. variance from the north side yard setback for an 297 end result of 7 ft.; (2) a 40 ft. variance from required lot width for an end result of 40 ft. This 298 approval will have the following conditions: The applicant will get all necessary approvals 299 from the Oakland County Health Division prior to the issuance of a building permit; and the 300 applicant will pull all necessary permits with the White Lake Township Building Department, 301 and that the setback from the lake will be presented from the distance on the plan is showing 302 45 ft. from traverse line, and any mechanical units be placed on the south side of the house. 303 Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Schillack – yes (there 304 has been a significant effort to revise with view lines and we added to the neighborliness by 305 specifying the location of the A/C unit, and this will be a good addition to the neighborhood) Powell – yes (the owner has presented the hardship of the lot and the lot width); Dehart – yes 306 307 (for reasons stated); Spencer – yes (this is a non-conforming lot and they put in place what is 308 best for this area, and for reasons stated) ,; Walz – yes, (for reasons stated). (5 yes votes)

- 309
- 310 **Other Business:**
- 311
- 312 None
- 313

CHARTER TOWNSHIP OF WHITE LAKE Zoning Board of Appeals May 23, 2019

- 314 Adjournment:
- 315 The meeting was adjourned at 8:45 p.m.
- 316
- 317 **Next Meeting Date:**
- 318 June 27, 2019