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WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
MAY 23, 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: Mr. Seiber was excused.

- 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
 Lynn Hinton, Alternate Recording Secretary

Visitors: 5

Approval of the Agenda:

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

Approval of Minutes:

Zoning Board of Appeals Meeting of April 25, 2019.

Mr. Schillack moved to approve the meeting minutes of April 25, 2019 as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (5 yes votes)

Continuing Business:

- a.
Applicant: Michael Bullion
 8036 Cascade St.

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

98
99 Mr. Powell stated that these lake lots are hard to build newer homes. Mr. Bullion stated said he
100 likes his neighbors and he and his wife agree they like being on the water and want to raise
101 their family here.

102
103 Mr. Walz is concerned with the front yard setback being with a vehicle right on the line. In the
104 wintertime, he wonders if you'll see the car on the road with snow build up. Mr. Bullion
105 indicated that he put the car in the road on the plan as a reference point. They have 2 usable
106 spaces on the property line over 20 ft. deep. The space on the left is 30 ft. There is a
107 community pavement area that they share as a neighborhood and this hasn't been an issue in
108 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
115 for him to support with the garage being in the street. He understands Cascade could
116 eventually become one-way. Mr. Powell stated we can't count on that, but there would be
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
122 Mr. Powell asked where the well was on the site. Mr. Bullion responded that it is to the left of
123 the existing porch and stairway, roadside and next to the garage. It will be accessible.

124
125 Mr. Powell feels the applicant has done a good job presenting his hardships, and he
126 understands Mr. Walz's concerns in that a garage is not a hardship. He feels if Mr. Bullion
127 shrinks the garage, he could eliminate this concern. There are so many variances here and this
128 is a tough case. Mr. Walz stated that ordinances are in place for a reason and this board is
129 seeking to provide approval from that. Variances 5,6,7 are out of Mr. Bullion's control. Ms.
130 Spencer also feels variance 4 seems out of Mr. Bullion's control too. Variances 1-3 are not.

131
132 Mr. Powell indicated that everyone has seen these narrow lots before. When Mr. Bullion first
133 proposed this, he was going to follow the existing footprint, but has since tapered it down 3 ft.
134 to conform to the side yard setbacks.

135

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

140

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

145

146 Mr. Powell noted that last month's meeting minutes reflect that there were no responses from
147 the neighbor in favor or opposition, and none were returned by the postal service, nor was
148 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**
157 **required lot width for an end result of 45 ft.; (7) a variance from non-conforming structure.**
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**
161 **and be able to be properly verified by the Building Division staff; and the applicant will be**
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

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

170

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

178

179

b.

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224 itself is the exact same size as what is there. All the setbacks are same, except that the lake side
225 will be a few feet closer.

226

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

231

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

238

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

240

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

248

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

252

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

258

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

262

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

264

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

268

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

272

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

277

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

284

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

289

290 Mr. Schillack stated he wants to make sure it affects as less to the neighbors as possible. Mr.
291 Wolfenbarger suggested that he could kick it in the corner and fence it in or put trees around it.
292 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)**
306 **Powell – yes (the owner has presented the hardship of the lot and the lot width); Dehart – yes**
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

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