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## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

**August 23, 2018**

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: Ms. Dehart, Ms. Swanson, and Mr. Seiber were excused.

ROLL CALL: Debby Dehart - Excused  
Mike Powell – Board Liaison  
Nik Schillack  
Cliff Seiber (Alternate) - Excused  
Josephine Spencer –Chairperson  
Allison Swanson - Excused  
Dave Walz – Vice Chair

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

Visitors: 8

#### **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:**

- a. Zoning Board of Appeals Meeting of June 28, 2018

**Mr. Walz moved to approve the minutes of June 28, 2018 as presented. Mr. Powell supported and the MOTION CARRIED with a voice vote (4 yes votes)**

#### **New Business:**

- a. File No. 18-0023

**Applicant:** Jorge and Katie Correa  
8806 Tacklers Ct.  
White Lake, MI 48386

**Zoning:** (R1-D) Single Family Residential

**Location:** 8806 Tackles Ct.  
White Lake, MI 48386

Spencer reported that letters were sent out to residents in a 300 foot radius. There were no letters returned in favor, no letters returned in opposition, and no letters returned undeliverable by the USPS.

**Staff Planner Iacoangeli presented his report.**

**Applicant's Proposal:** The applicant was found to be in violation of the Townships Fence Regulations Article 5.12 D. See the attached letter from the Ordinance Officer regarding the violation.

**Staff Planner's Report:** The applicant is seeking variances in order to allow the six (6') foot high fence to remain. The applicant is the home located next to the public-boat launch for Pontiac Lake at the end of Tackles. The applicant has stated that on many occasions including events being held on the lake the noise, litter, and trespassing become an issue. The home owners would like to keep the fence at six (6') feet to screen the view of their home, and yard from the public that launch their boats and park across from their home on a regular basis.

Walz asked if the road was public or private, it is a public road. The board thought that a small portion of the fence is on the road right of way. There was question about whether the area along the water is technically available for use by association members.

Katie & Jorge Correa were in attendance to represent their case. They repaired an existing fence, and then extended it along Tackles Ct. to prevent people from cutting through their yard. People cut through their yard because it's the shortest area to get through to a shared peninsula.

Walz asked if there were documented calls to the Police Department regarding people cutting through. There were calls made but Correa was unable to access how many calls were made. She estimates that she called 6 to 7 times per summer. She said that there are some domestic issues after people have been drinking on the lake all day.

Schillack asked why the fence goes directly to the water. They will double check the little wing to see if it is in the road. The fence on Tackles Drive has been up 30 years. The fence along Tackles Ct. has been up since June or July. There are gates along Tackles Ct. The fence is not complete right now. Walz visited the site earlier today and the applicants walked him through the area.

Correa reported that the Fire Marshall was down at the property earlier because someone was concerned about the fence and he confirmed that there were no issues with ease of access to peninsula.

Powell complimented Correa on the information packet, it was very thorough. Powell asked if they had to totally comply with the Township Ordinance what would they do. They would have to have the fence 30 feet back from the water, and would have to take down the 6 foot fence and put up a 4 foot fence, and then they would have to invest in arborvitaes to screen all the way down to the water.

Powell suggested cutting the fence across their driveway to prevent people coming through. Correas are defined as having two front yards as a corner lot.

Spencer read from a letter from 8841 Tackles (Kenneth Pyle) which was dropped off just prior to the meeting. His letter detailed 7 different reasons why he felt the fence was in violation.

Chairperson Spencer opened the meeting to the public.

Kenneth Pyle has been at 8841 Tackles for 25 years. He believes that once the fence goes up on the lake, they will start popping up all over the lake. He dropped off a letter in opposition. He's in agreement that the boat launch is a problem but says that Correias could put up arborvitaes. He said garbage trucks are having a hard time getting back there. Donna (3110 Causeway Drive, Brighton) is a friend of Kenneth Pyle and stated that everything else is wide open and this fence blocks his view. She doesn't understand why the fence couldn't be shorter.

Barry August noted that his father bought the property in 1944 and built 4 houses in that particular area. He spent a lot of time growing up and as an adult. August was unaware that this was a public boat launch. He thought it was only a public fishing area. He had to call the police all the time because of people partying out there, it's just a bad area for everyone living out there for a long time.

Correa wanted to comment that there are 30 year old pine trees, the garbage trucks don't go that far down the road, and the fire trucks wouldn't pull a big truck down there anyhow.

Schillack asked Iacoangeli if the boat launch was state land, and it is state property. Powell asked if they could put a fence along the front between the two homes if they could use a six foot fence. It's kind of an odd duck, they have two front yards. It almost would have to have 4 foot fences on all sides, and 32 feet off the water.

Powell asked Pyle that he was aware of the old 30 foot fence, and he is and is only complaining about the new fence. Powell pointed out that August has a 6 foot fence as well, and asked if August could verify that fence has been there for 30 years as well and he can verify that.

Powell recognizes that there are two big problems with a cut through and being close to a fishing site. Sometimes there are pros and cons for living in a beautiful site. Powell thinks there are probably other options. We'd like to give them privacy but not at the expense of other local property owners.

Walz sees the issue is self created. But they do have people trespassing on the property and that is not self created and creates a practical difficulty. He thinks a practical difficulty exists.

Schillack does not see an issue with the view. The six foot drive on Tackles does not seem problematic. He feels like it all comes down to the one piece on Tackles Ct. Powell pointed out that wood fences absorb the sound good, but plastic does not.

**Mr. Walz moved to approve the variance to Article 5.12.D requested by Jorge and Katie Correa, 8806 Tackles Court, parcels 12-13-106-014 in order to allow the six (6') high privacy fences to remain along the frontage of Tackles Drive and Tackles Court. This approval will have the following conditions: The variance must also be approved by the Fire Marshal of the White Lake Township Fire Department. Mr. Powell supported the motion, and the MOTION FAILED with a 3 to 1 roll call vote. (Powell – No, Schillack – No, Walz – Yes due to the hardship being the way the lot is situated and the practical difficulty relative to the location on the site).**

Powell is in total agreement about Tackles Drive. Powell thinks a four foot fence along Tackles Ct. would be fine, and still stop people from trespassing. Schillack wonders if more information is needed to make a decision and we need to table a portion of the motion. Powell would be in favor of a variance approved for the Tackles drive side including their driveway. He would be willing to entertain a motion for a 4 foot fence along the Tackles Ct side.

**Mr. Schillack moved to approve the variance to Article 5.12.D requested by Jorge and Katie Correa, 8806 Tackles Court, parcels 12-13-106-014 in order to allow the six (6') foot high privacy fence to remain along the frontage of Tackles Drive. Mr. Walz supported the motion and the motion was carried with 4-0 roll call vote. (Powell – Yes, Schillack – Yes, Spencer – Yes in keeping with allowing the removal of old fence and replacing with new, Walz – Yes for the reasons stated).**

Walz asked Greg Miller (8814 Tackles) how he feels about the six foot fence along Tackles Ct, he doesn't have a problem because there is a six foot fence along the other side of the road, he likes the fence and says it looks good. Powell is more concerned with the parallel fence along Tackles Ct.

**Mr. Walz moved to approve the variance to Article 5.12.D requested by Jorge and Katie Correa, 8806 Tackles Court, parcels 12-13-106-014 in order to allow the existing six (6') foot high privacy fence to remain that is running north and south on the property line, and additionally allow for the existing six (6') high fence to remain along the east and west property line that will transition to a four (4') foot high fence from 30 feet off of the property line down to the waters edge along Tackles Ct. The variance must also be approved by the Fire Marshal of the White Lake Township Fire Department. Mr. Powell supported the motion, and the MOTION CARRIED with a 4 to 0 roll call vote. (Powell – Yes, Schillack – Yes, Spencer – Yes this is a good compromise, Walz – Yes for the reasons stated).**

**Adjournment:**

**The meeting was adjourned at 8:34 p.m.**

**Next Meeting Date:**

**September 27, 2018**