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## WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • [www.whitelaketwp.com](http://www.whitelaketwp.com)

### WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

**January 25, 2018**

7525 Highland Road  
White Lake, MI 48383

Mr. Walz 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. Powell and Ms. Spencer were excused.

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

Also Present: Jason Iacoangeli, AICP, Staff Planner  
Lynn Hinton, Recording Secretary

Visitors: 11

#### Approval of Minutes:

- a. Zoning Board of Appeals Meeting of November 30, 2017

**Ms. Swanson moved to approve the minutes of November 30, 2017 as submitted. Mr. Seiber supported and the MOTION CARRIED with a voice vote: (5 yes votes)**

#### New Business:

<b>a.</b>	<b>File 18-001</b>
Applicant:	William Derocher 3598 & 3604 Jackson Blvd. White Lake, MI 48383
Location:	3598 & 3604 Jackson Blvd., White Lake, MI 48383, identified as 12-07-151-006 and 12-07-151-007 respectively
Request:	Variance to Article 3.1.5 R1-C Single Family Residential for front yard, lot coverage, lot width, and lot size.

Mr. Walz noted for the record that 31 property owners within 300 ft. were notified of the request. There were 4 letters returned in favor, 2 letters returned in opposition, and zero letters returned undeliverable by the US Postal Service. Mr. Walz read the letters into record.

Mr. Iacoangeli reviewed his report dated January 17, 2018. The properties 3598 and 3604 Jackson Blvd, identified as parcel numbers 12-07-151-006 and 12-07-151-007 respectively are zoned (R1-C) single Family Residential. The current homes on the property use well and private septic systems. The homes are located in the Smith & Brown Subdivision on White Lake.

The applicant is proposing to construct a new 1,851 sq. ft. home, a 296 sq. ft. covered porch and a 631 sq. ft. attached 2-car garage on the property. The home would require a new well, and a new septic system.

The Community Development Department has reviewed the application for Mr. and Mrs. Bill Derocher and has made the finding that the submitted plan produced by Young and Young Architects is a significant change from the previously submitted plans from April and May of 2017. The current plan has eliminated the need for both side yard and rear yard setbacks. Because of these changes the applicant was permitted to again make application to the Zoning Board of Appeals.

The applicant is proposing to demolish the two existing homes located at 3598 and 3604 Jackson Blvd. and construct a new 1,851 sq. ft. home on the combined lots. The new home would be a combined footprint of 2,778 sq. ft. and would require the following variances in order to be constructed as proposed: A front yard setback variance of 16.75 ft., the home would be located 18.25 ft. from the property line. The front yard setback in this district is 35 ft. The home will be located 37.50 ft. from the traveled portion of the road. The home will also exceed the percent lot coverage. The allowable lot coverage on this lot should be 1,923 sq. ft. or 20%. The lot coverage of this home will be 2,778 sq. ft., which is 28.90%. This lot is deficient in lot width for the district with a lot width of 74 ft. of the required 100 ft. of frontage. The lot is also deficient in lot size being 9,613 sq. of the required 16,000 for the district.

Mr. Schillack noted that there were actually 9 letters from neighbors supporting the request, but Mr. Walz stated that 5 of those letters could not be validated because the addresses weren't listed.

Mr. Schillack continued by noting that the lot coverage was reduced from 34% to 31.7% in May and is now repropoed at 28.9%, with an overall reduction in square footage from 3,050 sq. ft. to 2,078 sq. ft. Also, since the last time this case was before the board, the applicant has eliminated the side yard and rear yard setback requests. He has also reduced the front yard setback request by 3 ft. The lot width and lot size requests run with the property and do not have anything to do with the submittal for a new home.

Roger Young, architect for the project, addressed the board. He indicated that they have reduced the footprint based on comments from residents and board members from the last meeting. He wanted to add to Mr. Iacoangeli's staff report by noting the criteria represent the combination of 2 lots and individually those lots are 37 ft. wide. Anyone else subject to the zoning must meet the established zoning requirements. It's inevitable anyone would be before the board if they wanted to build. For each lot respectively, they would be allowed a 1,362 sq. ft. footprint and to comply, the home would be 162 sq. ft. over the lot area. The south lot at the same multiplier would be 214 sq. ft. over. The combined existing home footprint is actually larger than what they are proposing.

Mr. Young continued by stated some of the non-conforming conditions. The existing home to the north is 1.2 ft. from the side yard property line and has been brought into compliance to meet the current ordinance. The property to the south is at 7.6 ft. and that non conformity will be brought into compliance. The distance to the property line is 17.4 ft. where the present home is 22.8 ft. The proposal is 5 ft. further back from the neighbor's garage. They are diminishing the less than desirable conditions.

They have looked at ways across the board to reduce non-conformities. Architecturally, they have worked to create something neighborly that is tasteful. They want to be good neighbors on every

level. They have listened to comments from the board and neighbors and have redrawn this plan many times. There is nothing that is arbitrary or unnecessary. In their opinion, this is not a cottage home, but rather a permanent year-round primary residence. They believe their reductions and the need for variances are not self-created.

They would be honoring the front yard easement and provide for a vehicle to park and still be on the owner's property. Other improvements are that they have increased the sanitary sewer system and environmentally won't leach into the lake and will also have a deeper well for better health, not only for Derocher family. Lake development is challenging and they have worked very hard to come up with a reasonable and appropriate solution.

Mr. Walz stated he appreciates that the applicant has worked to reduce the variance requests.

Ms. Dehart asked whether this would be on a crawl space. Mr. Young responded that it is a partial crawl/partial basement, but not living space. Ms. Dehart asked if septic was proposed on the lake side or road side and whether the lots have perked. Mr. Young responded that Powell Engineering has worked with them and the septic will be located on the road side now. Engineering meets the setbacks from county and the lots have perked.

Mr. Seiber asked what the lot coverage was for the northerly house being torn down. Mr. Young didn't have the actual numbers but stated it was greater than the 20%. Mr. Seiber also stated that the County Health Department covers well and septic, but he noticed the house next door is 12 ft. away from the proposed septic field. Mr. Young indicated that moving forward they would work with the resident to relocate her well and details would be worked out. None of the wells meet the requirements of the 50 ft. proximity. Mr. Iacoangeli added that a lot are 25 ft. deep wells and do not meet current standards. The county will dictate a deeper well if needed. Mr. Derocher stated they would test the well depth to the depth the health dept requires at no expense to the neighbor.

Mr. Walz stated he is struggling with the allowable lot coverage at 28.90% end result.

Mr. Young stated the house has become as small as it could. It's a modest home with an attached garage. The garage is what is sinking this right now. The Board previously mentioned that the Derocher's didn't need to have a garage, but there would be lot coverage challenges for any modest home with an attached garage. He thinks in this district and area, 30% lot coverage would seem more appropriate for the ordinance. It is the intent to park cars safely in a garage, not a carport, and also house garbage cans. Mr. Walz stated that the ZBA does recognize these challenges with lake lots.

Mr. Young continued that from an impervious standpoint, they wanted to make this house as green as possible. Run-off is contained on the property. This won't negatively impact the neighbors either. All water will be directed naturally to the waters edge. The on-site sanitary challenges take up a significant portion of the property. The front yard that would allow for an attached garage is not unreasonable in keeping with the community.

Mr. Iacoangeli added that when dealing with these lake lots, to get something that is functional by today's standards, which is 2,000 sq. ft., this is typical. For this district and the amount of space they have even with 28% lot coverage, is about the limit. If going smaller, homes would become more linear and you would get narrow and up 2 stories. Aesthetically those designs are not appealing. Once you get to 20% on a lot this small, the house becomes vertical. From his point of view, what they are proposing is reasonable.

Mr. Schillack appreciates that they have reduced variances requested from 6 to 4. He is also seeing that they are not building towards the lake. Theoretically, they could have gone further front.

Mr. Walz opened the public hearing at 7:40 pm.

Steve Kirschner, 3662 Jackson (and 500 ft. south of the Derocher's), stated they are in favor in that they are taking 2 houses with non-conformities and combining into a 3 bedroom home with up-to-date septic and well systems, which is better for the lake and the neighbors. Also, this is more conforming than other houses on this street and much less coverage than the house to the south. They have seen year round homes built on these lots and he feels what the Derocher's are doing is great.

Jeff Timer, 3654 Jackson, (and 400 ft. from the Derocher's), stated he is also in favor, as this will improve home values in the area. He likes the idea of a nicer, bigger home on the property. He was concerned with 20% lot coverage, but he thinks the Derocher's proposal is a great plan.

Laurie Timer, 3654 Jackson, indicated that she and her husband love White Lake. They are concerned with what is happening to the lake moving forward and she feels 20% coverage per lot seems extremely restrictive. She also feels this proposal would be increasing lake value and the tax base, and the improvements are within reason. They are not asking for anything outrageous and the Derocher's have shown a good faith effort by reducing their original request. There's already an improvement with them removing the shed and fence. While garages aren't "necessary", she doesn't want to see rusted poles with tarp draping over to protect vehicles. She is in favor of the request.

Vaughn Doshen of Sylvan Lake, representing Mrs. Reason, is concerned with the well and water. The well location is an issue and the septic on the lake side will be less than 25-30 ft. away from her well. Mr. Walz stated that state and county agencies will insure all codes and requirements are met.

Rick Lenow, 3605 Jackson, stated his client owns property across the street that is off the lake. He echoes the support already mentioned. There are benefits from health, safety and welfare, protection of lake, upgrading the septic. He added that traffic on this street is challenging, and taking 2 houses into 1 reduces traffic flow. There is an aesthetic benefit and property values will increase. He sees in other communities that have homes that are 1,200 sq. ft. were the norm and smaller for cottages, but times have changed. Coverages nowadays are often at 30%. Anything less is respectful to the community and neighbors, and allows for a house that you would be proud to have in your community.

Barbara Derocher, addressed the 20% coverage issue. She stated that they tried to meet their needs as they grow older and retire. With that being said, they wanted a master on the main floor as they age, and they tried to give the neighbors something that looks nice and helps the environment. They needed a garage and do not want the neighbors to have to look at stuff in their yard. They tried for a win-win situation.

With no other comments, Mr. Walz closed the public hearing at 7:52 pm.

Mr. Seiber stated he sees this as a great improvement to the neighborhood by combining 2 lots. The side yard setbacks have been eliminated and there is a good separation between homes. These are great improvements on the setbacks. The total distance to the road right-of-way is 37.5 ft. which is enough room to park a vehicle. From what he can tell, he will have a greater front setback than the neighbors. Lot coverage was his biggest concern. The 28% is not out of character, but when he looked at adjacent homes, he came up with 35%, and other homes are at 50%. This is not out of character at all. He is supporting the variances. He was concerned with well, but Powell Engineering and OCHD will work this out appropriately.

Mr. Walz said he respects comments to adjacent properties, but each has a unique situation and this will be dealt with on an individual case basis.

Mr. Schillack stated that he appreciates the good faith effort and they have taken into account all the concerns from the board and residents.

Mr. Walz is still concerned with allowable lot coverage, but he appreciates comments for a modest home.

Mr. Schillack moved in File 18-001 to approve the variance requested by Bill Derocher, 3598 and 3604 Jackson Blvd., parcels 12-07-151-006 and 12-07-151-007 in order to construct a new single-family home. The variances requested are to Section 3.1.5 R1-C Single Family Residential. (1) a 16.75 ft. front yard setback variance from the required 35 ft. for an end result of 18.25 ft.; (2) an 8.90 or 855 sq. ft. variance from allowed lot coverage from the required 20% or 1,923 sq. ft. for an end result of 28.90% or 2,778 sq. ft.; (3) a 26 ft. variance to required lot width from the required 100 ft. for an end result of 74 ft.; (4) a 6,387 sq. ft. variance to minimum lot size from the required 16,000 sq. ft. for an end result of 9,613 sq. ft. This approval will have the following conditions: Approval for a new well and septic system must be granted by the Oakland County Health Division prior to the issuance of a building permit, and the applicant will pull all necessary permits from the White lake Township Building Department. Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Walz – yes (this certainly an improvement to the area but this is something perhaps the homeowner brought on themselves by purchasing the second home, however they eliminated the side yard variance requests and reduced number of variances requested); Schillack – yes; (this is an improvement to the area, aesthetically pleasing and he appreciates what was done to make it good for everyone); Dehart – yes (this will enhance the area and she likes that older homes with older septic's will be eliminated and a new one installed); Swanson – yes (environmental concerns with the well and septic, and a number of reductions in the request will accommodate the ADA as well and this adds value and improvement to the area); Seiber – yes (he commends the Derocher's for working on this and coming back a 3<sup>rd</sup> time. (5 yes votes)

**Next Meeting Date:**

- a. Regular Meeting – February 22, 2018

**Adjournment:**

Mr. Schillack moved to adjourn the meeting at 8:05 p.m. Ms. Swanson supported and the MOTION CARRIED with a voice vote. (5 yes votes)