

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

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

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

July 27, 2017
White Lake Township
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. Novak-Phelps and Mr. Erlich were excused.

ROLL CALL: Joseph Erlich – Chairperson - Excused
Gail Novak-Phelps - Excused
Mike Powell – Board Liaison
Nik Schlack – Alternate
Josephine Spencer – Vice Chairperson
Dave Walz - Secretary

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

Visitors: 21

Approval of Agenda:

Mr. Iacoangeli requested to add a brief discussion regarding moving the September 28 regular ZBA meeting to Wednesday, September 20.

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

Approval of Minutes:

a. Zoning Board of Appeals Meeting of June 22, 2017

Mr. Powell moved to approve the minutes of June 22, 2017 as corrected. Mr. Walz supported and the MOTION CARRIED with a voice vote: (4 yes votes)

New Business:

a.	File 17-012 (Tabled from June 22, 2017)
Applicant:	Robert Hermanson 2699 Ridge Road White Lake, MI 48383
Location:	2699 Ridge Road, White Lake, MI 48383, identified as 12-18-101-027
Request:	Variance to Article 5.12 for fences

Mr. Walz made a motion to remove File 17-012 from the table. Mr. Schlack supported and the MOTION CARRIED with a voice vote (4 yes votes).

Mr. Iacoangeli indicated that the office received a letter from Mr. Hermanson requesting the Zoning Board members to consider a new proposal since the last meeting.

Bill Pierson, attorney for the Hermanson's, stated they are requesting a variance from Ordinance Section 5.12.d.ii Fences. They would like to install a 6 ft. privacy fence on the south side between the 2 homes. They have downsized their original request of 110 ft. to 34.10 ft., which runs from the livable point of the home at the picture window and extends to the large tree off the Hermanson's deck. He added that no trees would be removed. They feel this will hide the utilities and meters, and the A/C unit of the neighbor's residence.

There was a lot of discussion previously on whether a 4 ft. fence could do this, but they feel a 4 ft. fence would not block the sound of the A/C unit as effectively, nor would it block the view of the utilities and gas meter. The Hermanson's just want to enjoy their privacy and they feel the Bartman's took advantage of variances previously granted to them. The noise from the A/C is immediately off their deck and this is the main issue. Secondly, they have to look at all the Bartman's equipment/utilities.

Most recently, there have been two additional problems with the Bartman's since the last meeting. The Bartman's weed-whipped and sprayed weed killer on plants that are in question of who they belong to and also to allow Comcast to install a new line. There has been dispute between Mr. Hermanson and Mr. Bartman resulting in Mr. Hermanson being arrested. Mr. Bartman has since filed a PPO. They feel a fence may have prevented this incidence. They also feel the township caused this problem by granting the Hermanson's variance so close without stating they would additionally put their utilities on this side. The township can cure this problem by granting this requested variance.

Mr. Walz questioned what the excessive noise is and Mr. Pierson responded that it was from the A/C unit outside his dining room and deck area. Mr. Walz stated that are standards associated with excessive noise, and questioned whether a sound abatement had been assessed to determine what is acceptable. Mr. Pierson indicated that it's no different from what any A/C unit sounds like, but the Hermanson's do not have A/C and have their windows open, which makes for a continuous noise around the clock.

Mr. Powell stated that he feels everyone has a right to quiet enjoyment. It is hard to measure the sound of noise. It is difficult to get a meter read with background noise. Normally a gas meter is only 3 ft. off the ground and he has no concept as to why the Bartmans's meter is up 6 ft. He will reject that the township caused this problem. Had the Bartman's variance not been granted, they would still have the same noise and view, just a little further away. He is leaning towards agreeing with this. This is an infringement on Mr. Hermanson's right to enjoyment and buffering his house.

Mr. Schlack asked Mr. Pierson to help him understand the experience. Mr. Pierson stated there is emotional distress on the Hermonson's by having to put up with the visual and audio intrusion on their privacy. The Hermanson's look at the Bartman's utilities and meter when sitting on their deck and hear the constant sound of the A/C. This is just an intrusion on their privacy. Mr. Hermanson added that he does not have A/C and the majority of summer evenings his windows are open. It is upsetting to lie in bed and hear the AC come on and go off.

Mr. Walz moved in File 07-012 to approve the variance request by Robert Hermanson for the property at 2699 Ridge Road, White Lake, MI 48383, parcel 12-18-101-027, to install a privacy fence approximately 34.10 ft. to the south side of the home and that the height not exceed a maximum of 6 ft., and that the applicant will verify that the fence is installed on

his property and will not extend any closer to the lake side than the 34.10 ft. described. Mr. Powell supported.

Discussion on Motion:

Mr. Powell is supporting granting the request of a 34.10 ft. privacy fence up to a maximum of 6 ft. Although the applicant can install a 4 ft. fence without a variance, he doesn't feel a 4 ft. fence would let him enjoy his privacy, and also being considered is what has happened between the two neighbors.

The MOTION CARRIED with a roll call vote: Powell – yes; Schlack – yes; Spencer – yes (She is struggling to see the practical difficulty with substantial injustice, but the utilities are higher than 4 ft.) - yes; Walz - no (there is not a substantial injustice and the applicant has not proven that a 4 ft. fence will not resolve his alleged concerns). (3 yes votes; 1 no vote)

b.	File 17-013
Applicant:	Epley Custom Design 6075 Carroll Lake Rd. Commerce, MI 48382
Location:	1801 Pawgrove Ct., White Lake, MI 48383, identified as 12-28-178-010
Request:	Variance to Article 3.1.5 R1-C Single Family Residential for front yard setback.

Ms. Spencer noted for the record that 19 property owners within 300 ft. were notified of the request. No letters were received in favor, no letters were received in opposition, and one letter was returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli reviewed his report dated July 18, 2017. This is a single family residential home zoned R1-C. The property is part of the Lakewood Village neighborhood, located on Lake Neva. The home uses a private septic system and a private well for water. The applicant is requesting a variance from the township in order to construct a new 22 x 22 ft. attached two-car garage to the front of the home. Because the lot sits on the radius of two streets, Pawgrove and Ellingrove, the lot has two front yard setbacks. The new garage will be 20 ft. from the front yard property line along Pawgrove Court. The Ordinance requires that the side yard setback be 35 ft. The new garage will require a 15 ft. variance for the front yard setback. It should be noted that the garage has been approved by the Lakewood Architectural Review Board.

Carlo Kehr of Epley Custom Design and Dan Vanhouten, the homeowner, were present.

Mr. Kehr indicated that they wanted a garage due to lack of storage space and they have tried to design to standards that met with their needs. The irregular shape of the lot provided the hardship of needing the variance.

Mr. Powell questioned what would happen if they put the garage on other side of the house further from the property line and serviced off Ellingrove. Mr. Vanhouten stated the bedrooms are located on that side of the house and to enter the garage you'd have to go through the bedrooms. This plan puts the garage in front of the existing garage, which would be converted into living space to the home. Also, he hasn't been able to determine where the septic is located, but he's pretty sure it is not under the driveway.

Mr. Powell asked whether he looked at building the addition on the lake side of the house, then he wouldn't need a variance. Mr. Vanhouten stated the shape of the lot gets smaller as you go towards the lake and he may have a problem with the side yards. Also, it's possible the septic could be there.

Mr. Walz noted that the applicant has indicated he is unsure where the septic field is. He questioned whether the board could proceed with this case. Mr. Powell indicated that he designs septic systems and he can guarantee Mr. Vanhouten's septic is not under the driveway. They hope it's not on the lake side either, but with older homes that is most likely the case. We also know it is not 50 ft. from the well, since that's been a requirement of the health department for years.

Ms. Spencer opened the public hearing at 7:35 p.m.

Delbert Sellers, 1040 Pawgrove, presented Chairperson Spencer with a signed petition from 8 homeowners. They are opposed to the request. Mr. Vanhouten has an existing 2-car garage and there is no hardship here. This is 20 ft. from road and they don't feel Mr. Vanhouten has done due diligence. The garage could be offset or shortened and some of the existing garage could be used. They don't want to see a 22 ft. long wall where they currently see the lake. This would impact two of the residents.

Ms. Spencer read into record the petition signed by homeowners at 1040, 1039, 1025, 1018, 1026, and 1005 Pawgrove and 7285 Ellingrove, who oppose the variance request.

With no other comments, the public hearing was closed at 7:39 p.m.

Mr. Kehr noted that when looking through the street, only the neighbor directly to the north (Mark & Cheryl Kendall) would be impeded, and also noted is that they did not sign the petition. The Vanhoutens talked to them. The roof is meeting the ridge height exactly as it is now. With regard to impeding the view of the other houses, only if standing in their driveway as opposed to being in their home. Mr. Vanhouten added that those homeowners would have to look straight down the street to see any water.

Mr. Schllack asked if clarity was from the road or other homes view. Mr. Sellers stated that 2 homes would see a 22 ft. wall, where now they see past the end of the street. Mr. Vanhouten stated he could park an RV there, which would also impede views. Mr. Schllack asked whether the view from the road was impeded more than the view of the lake and Mr. Vanhouten confirmed that it was.

Mr. Kehr stated that with a HIP roof on a slab, storage capacity is very minimal. Having additional space was the driving need for the garage.

Mr. Powell indicated that according to the aerial, Mr. Vanhouten's house has a yard full of trees and he is not convinced those trees would not block the view from the neighboring houses anyway. The homeowners association and Mr. Sellers made very good suggestions as well. He has a tendency to think that some redesign and if the garage were moved closer to the front door and pulled away from the exterior of the house he could need less of a variance. It appears he is maintaining some of his garage inside his house and may not need as much depth. He may also be willing to table and come back with another design, proving he needs a 22 ft. deep garage. He was hoping Mr. Vanhouten would be willing to put windows in the garage so it doesn't look like a wall of garage. Right now, Mr. Powell is not willing to entertain a full variance.

Mr. Walz is concerned with tabling. Mr. Vanhouten has representation who has researched this on his behalf. In this case, either approve or deny. Mr. Schllack was hesitant because of the 7-8 neighbors who have spoken about it.

Mr. Vanhouten stated he could add windows. Mr. Schllack stated he would love to see him come back in a month and everyone was happy. Mr. Kehr agreed that if aesthetics were the issue, they would add windows. He also noted that the Lakewood Village Homeowners Association approved the design. Mr. Iacoangeli added that the Homeowners Association provided an architectural review only for aesthetics, not for building quality or setback requirements, etc.

Mr. Schllack stated that concerns from neighbors are not based on what the HOA would have normally considered. Mr. Iacoangeli indicated that the residents feel it should be smaller and less intrusive. They are not opposed to the garage.

Mr. Powell asked how big of a jog the new garage would be from the north face of the existing garage. Mr. Kehr responded 3 ft. He added that moving the garage the other way would make them change the roof valley between pitches. He noted that there is a service door on the side of garage for easy access to come in from the side, and that the side setback was not affected. If they reduce the size from the road, the electric feed comes in on the northwest corner of the garage and they may have to redo the service, which would have to be underground.

Mr. Walz stated if there is consideration to table, he is not in support. Mr. Vanhouten has had an opportunity to research this and has HOA documentation. There is enough information for this board to make a decision one way or another. Each case has to be considered individually.

Mr. Walz moved to approve the variance requested by Epley Custom Design for the property at 1081 Pawgrove Court, parcel 12-28-178-010 in order to construct a 22 x 22 ft. attached garage to the existing home. The variance requested is for a 15 ft. front yard setback to allow the garage to be 20 ft. from the property line. This approval will have the following conditions: The applicant will pull all necessary permits with the White lake Township Building Department; and that the garage will remain a front entry garage and at least 2 windows on each side, north and south, with at least 3 ft. widths matching the existing window in the current garage area be added to soften the impact of that wall. Mr. Powell supported ant the MOTOIN CARRIED with a roll call vote: Spencer – yes (there is a practical difficulty with the lot itself and in her opinion, there is a penalty the proponent pays with 2 front yards and he does not have the luxury of an inner lot); Walz – yes (due to hardship being the lot and for the reasons stated); Schllack – yes (the addition of 4 windows make it aesthetically pleasing and give the feel it is not a wall but part of the home); Powell – yes (for reasons stated). (4 yes votes)

c.	File 17-014
Applicant:	TWB Co. 3690 Oakshire Ave. Waterford, MI 48328
Location:	9387 Gale Road, White Lake, MI 48386, identified as 12-11-451-012
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for front and side yard setbacks, lot coverage, and lot width.

Ms. Spencer noted for the record that 22 property owners within 300 ft. were notified of the request. No letters were received in favor, no letters were received in opposition, and no letters were returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli reviewed his report dated July 19, 2017. This is a single family residential home zoned R1-D. The property is part of the Callahans Subdivision located on Pontiac Lake. The home is connected to the sanitary sewer system and uses a private well for water. The applicant is requesting a variance from the township in order to construct a new home addition. The home addition will include a new 462 sq. ft. garage and an additional 474 sq. ft. of living space on the ground floor. 900 sq. ft. will be added to the second floor of the home. The existing garage is going to be removed in order to shift the structure to meet the minimum 5 ft. setback allowed by the ZBA per Ordinance 58.

The home is currently 736 sq. ft. on the ground floor. Currently the garage sits 4.8 ft. from the property line at its closest point. The new home addition on the east side of the home will use the existing setback line of 7.7 ft. The new garage will require a front yard setback variance in the amount of 10 ft. for the end result of 25 ft. from the property line. It should be noted that the road

right of way for Gale Road is 60 ft. in front of the property placing the garage at 85 ft. from the traveled portion of Gale Road. This lot is deficient in lot width by 30 ft. being only 50 ft. of the required 80 ft. for the R1-D district.

Bruce Bonniver of TWB Co., 3690 Oakshire, stated they are asking for a variance to install an addition and garage. Their hardship is with the 50 ft. lot and topography.

Mr. Powell complimented the applicant on wanting to shift the garage. He questioned the existing deck that has partially been torn down. He didn't want to arbitrarily grant another variance unintentionally. Mr. Bonniver stated that the homeowner has taken this down and they have a landscaper working on the area. Mr. Iacoangeli noted that decks are allowed to encroach into the side yard and can go to the water's edge on a lake lot. Mr. Powell indicated that the applicant removed a portion of the deck that was existing. It appears the existing deck does not meet the ordinance. He questioned whether this is something we would consider being grandfathered in. Mr. Iacoangeli stated it is not typically grandfathered. The request is for a home addition in front to match the existing line of the home at 7.7 ft. The deck is more of an enforcement issue for the building department.

Ms. Spencer asked what the minimum house size is for an R1-D lot and Mr. Iacoangeli stated it is 1,000 sq. ft. on the ground level.

Ms. Spencer opened the public hearing at 8:10 p.m.

Wade Paris, 9377 Gale, stated he understands hardships with building on lake lots and Vick and Karen Stoy have talked about this for a while. They had an issue with the deck between the houses and they addressed this. It is open now. He is not opposed and he appreciates them moving out towards the road.

Laura Roth, 9395 Gale, is the neighbor to the left of the Stoy's. She just wants to make sure they would not be going any closer to the lake. Ms. Stoy stated nothing will change on the lake side.

Mr. Powell stated there is an obvious hardship with the shape of the property and extreme road right of way. This will fit in with the neighborhood and not be obtrusive.

Mr. Walz moved to approve the variances requested by TWB Co. / Victor and Karen Stoy, for the property at 9387 Gale Road, parcel 12-11-451-012 in order to construct a new home addition with attached garage. The variances requested from Article 3.1.5 are as follows: (1) a 5 ft. variance to the front yard setback from the permitted 30 ft. for an end result of 25 ft.; (2) a 2.3 ft. variance from the east side yard setback from the permitted 10 ft. for an end result of 7.7 ft.; (3) a 5 ft. variance to the west side yard setback from the permitted 10 ft. for an end result of 5 ft.; (4) a 30 ft. variance from required lot width from 80 ft. to 50 ft. This approval will have the following conditions: The applicant will pull all necessary permits with the White Lake Township Building Department; and that soil erosion and sedimentation control will be maintained at all times to the County standard and that gutters and downspouts will be added in accordance with township standards. Mr. Schlack, supported and the MOTION CARRIED with a roll call vote: Powell – yes (for reasons stated and this is an extremely non-conforming lot and the practical difficulty deserves to have the variances granted); Spencer - yes; (this is a non-conforming lot that also has a practical difficulty and hardship); Schlack – yes (for the reasons stated and this will be consistent with the neighborhood and add value); Walz – yes (for reasons stated). (4 yes votes)

Mr. Walz indicated that often on these cases, areas are not staked out. This seems to be ongoing. Mr. Iacoangeli stated that usually applicants will stake the weekend prior to the meeting. He will follow up with applicants. The application clearly states they have to stake one week before or 72 hours after submitting the application. The policy will be to recontact applicants a

week prior to the meeting. If their property is not staked, they will be tabled until they do what was asked on the application.

d. Zoning Board Regular Meeting Thursday, September 28.

Mr. Iacoangeli requested to change the meeting date to Wednesday, September 20 at 7:00 p.m. due to a meeting conflict.

Mr. Schllack moved to change the September Zoning Board meeting from Thursday, September 28 to Wednesday, September 20. Mr. Powell supported and the MOTION CARRIED with a unanimous voice vote. (4 yes votes)

Liaison Report:

Mr. Powell stated the first case troubled him a little and he asked for opinions from the board. . There was clearly more than just the A/C unit there and the township has nothing in place to prevent a generator from sitting across from someone's window. He would like this studied further. There is nothing in the ordinance that addresses this. Mr. Spencer added that this needs to be built into the ordinance about screening utilities and that they can't be more than 3 ft. off the ground. There is no reason for any utility to be 6 ft. off the ground. We need some guidelines.

Next Meeting Date:

a. Regular Meeting – August 24, 2017

Adjournment:

Mr. Powell moved to adjourn the meeting at 8:35 p.m. Mr. Schllack supported and the MOTION CARRIED with a voice vote. (4 yes votes)