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## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

**April 27, 2017**

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. Erlich and Ms. Novak-Phelps were excused.

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

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

Visitors: 11

#### Approval of 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 March 23, 2017

**Mr. Walz moved to approve the minutes of March 23, 2017 as submitted. Mr. Powell supported and the MOTION CARRIED with a voice vote: (4 yes votes)**

#### New Business:

- a. **File 17-008**  
Applicant: Alan Kovacic  
1329 Castlewood Dr.  
White Lake, MI 48386  
Location: 1329 Castlewood Dr., White Lake, MI 48386, identified as 12-34-331-007  
Request: Variance to Article 3.1.6 R1-D Single Family Residential for lot size, lot width, front yard setback, side yard setback, and lot coverage

Ms. Spencer noted for the record that 16 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 April 11, 2017. This property is zoned (R1-D) Single Family Residential. The home is located in the Lake Dale neighborhood on Sugden Lake. The home uses a private well and the public sanitary sewer. The applicant is proposing to construct a new 18 ft. x 22 ft. (396 sq. ft.) detached garage on the property. The garage would require a side yard setback variance of 5 ft. for an end result of 5 ft. from the southern property line. The new garage will also require a front yard setback variance of 20 ft. for an end result of 10 ft. The new garage will be located 17 ft. from the traveled portion of the road. The garage will also place the lot coverage over the allowable 20% for the district. The lot coverage will be over 173 sq. ft. for an end result of 23.3%. The lot is deficient in lot width by 40 ft. The R1-D district requires a minimum of 80 ft. Also, the lot is deficient in size with a total of 5,180 sq. ft. of the required 12,000 sq. ft. minimum.

Mr. Powell asked whether this site had sanitary sewers in front of it. The applicant, Alan Kovacic, confirmed that it did, but he is still on septic. He has already paid for hooking up to the sewers and is expecting that to happen very soon. Mr. Powell noted the existing septic field will be partially under the slab, and Mr. Kovacic stated the existing septic tank and field will be decommissioned.

Mr. Powell questioned why Mr. Kovacic was asking for a variance on the side yard. Mr. Kovacic stated that the slab is 5 ft. from the lot line. Mr. Powell noted that the ordinance only controls the structure, not the slab. Mr. Powell asked whether Mr. Kovacic could push the garage. Mr. Kovacic responded that the new sewage pump would be there and he doesn't know if he can build over it. He added that his neighbor to the south does not have a problem with his request. Ms. Spencer asked Mr. Iacoangeli if the sewer line could be built over and Mr. Iacoangeli stated that it could not. There needs to be access to maintain it.

Ms. Spencer opened the public hearing at 7:09 p.m. No comments were offered and the public hearing was closed at 7:10 p.m.

Mr. Powell indicated that given this area, Mr. Kovacic's proposal is confirming for the neighborhood and he does see a hardship with lot size and lot width. The front and side yard setbacks are issues. It is not practical to push back further from the street, but the side yard has room for him to push it some.

Ms. Spencer stated she would prefer to error with generous room where the sewer lines are coming in. The grinder pump may eventually have to be replaced and they will need the room to do so.

Mr. Walz stated that the lot is very restrictive and there are challenges. This proposal is consistent with the rest of the neighborhood. The shed will be removed and this will be an improvement to the area.

Mr. Schllack noted that the homes are snug to the lot and Mr. Powell added that Mr. Kovacic is not asking for anything exorbitant.

**Mr. Powell moved in File 17-008 to approve the variances from Article 3.1.6 requested by Alan Kovacic, 1329 Castlewood Drive, parcel 12-34-331-007, in order to construct a new 396 sq. ft. detached garage. The variance requested are as follows: (1) A 20 ft. variance for front yard setback from the required 30 ft. for an end result of 10 ft.; (2) a 5 ft. variance to the south side yard setback from the permitted 10 ft. for an end result of 5 ft.; (3) A 3.3% variance from maximum lot coverage from the permitted 20% for an end result of 23.3%; (4) a 40 ft. variance from required lot width from the required 80 ft. for an end result of 40**

ft.; (5) a 5,180 sq. ft. variance to minimum lot size from the required 12,000 sq. ft. for an end result of 6,820 sq. ft. This approval will have the following conditions: That the applicant will pull all of the necessary permits from the White Lake Township Building Department, and connecting to sanitary sewer prior to construction of the garage, and that the applicant must remove any detached sheds from the property. Mr. Schlack supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is an existing non-conforming lot and the proposal would be an improvement to the area. There is a hardship by meeting the 10 ft. setback and there may be harm to the sewer lines going into the property without a variance); Walz – yes (this is a non-conforming lot and the proposal will be an improvement); Schlack – yes (this is non-conforming and an improvement to the area); Powell – yes (for the reasons stated) (4 yes votes)

<b>b.</b>	<b>File 17-009</b>
Applicant:	Thomas Dunleavy 2365 Willow Lane Highland, MI 48356
Location:	Mr. C's Ice Cream, 8001 Elizabeth Lake Rd., White Lake, MI 48386, identified as parcel 12-25-226-001
Request:	Variance to Article 5.9 for Signs

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 no letters were returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli reviewed his staff report dated April 12, 2017. This property is zoned (GB) General Business. The building is currently used as an ice cream parlor. The applicant is proposing to construct a new 31 sq. ft. LED reader board monument sign. This sign will be 6 ft. tall and include an 18 in. masonry base. The sign face will be 7 ft. x 4.5 ft., or 31 sq. ft. of sign face. The applicant would like to construct a new freestanding style monument sign that will replace a legal non-conforming pylon sign. The new sign will be slightly larger than the Sign Ordinance would normally allow. Signs in the GB district are required to have a minimum of 10 ft. of setback from the right of way. The R.O.W. at the intersection of Elizabeth Lake and Williams Lake Roads is very wide and extends past the sidewalk along the property. The applicant is proposing to set back the sign 12 ft., which would allow for a 24 sq. ft. sign. The district allows for 2 sq. ft. of sign face for every foot of setback not to exceed 50 sq. ft. of sign face or 25 ft. back from the R.O.W. The applicant is restricted from moving the sign further back due to the existing parking lot. Staff believes that the sign being asked for is reasonable. Further, the elimination of the post pylon sign will be a benefit to the overall aesthetic of the neighborhood and eliminate a non-conforming sign.

Mr. Walz asked if there was any concern with visibility. Mr. Iacoangeli stated there is no concern. The clear vision triangle is 25 ft. x 25 ft. and this sign is set back even further and is well outside that triangle. Mr. Schlack asked if the vision for bicycles would be affected and Mr. Iacoangeli responded that it would not, as the sign is also set back from the sidewalk.

Scott David, 8070 Renee Drive, White Lake, representing Mr. Dunleavy, stated that they would take the same location of the existing sign, but reduce the height to 6 ft. high.

Mr. Powell asked whether the overall daytime brightness would meet the ordinance. Mr. David confirmed that the new sign would conform to township standards. Mr. Powell asked whether there was an automatic light dimming function. Mr. David responded that programming is unlimited and dimming can be set to any level. Mr. Iacoangeli added that the ordinance requires these types of signs to go static after 11:00 pm, and can resume rotation of specials after 6:00 am. Mr. Powell asked whether White Lake Township signs have to match the requirements of MDOT. Mr. Iacoangeli stated that White Lake Township is more conservative than what MDOT

asks for and are slower to change than what the ordinance allows. He will work with applicant to make sure it meets the township's requirements.

Ms. Spencer opened the public hearing at 7:23 p.m. No comments were offered and the public hearing was closed at 7:24 p.m.

Mr. Walz indicated that post pylon signs are becoming outdated. He is pleased to see the transition to monument signs, plus to the township. Mr. Powell agreed and added that knowing it has to go on the corner, and the desire is to hit every direction, this is good request.

**Mr. Walz moved in File 17-009 to approve the variance requested by Thomas Dunleavy, 8001 Elizabeth Lake Road, parcel 12-25-226-001, in order to construct a new free standing monument sign. The variance requested is to Section 5.9.I Non-Residential Freestanding Signs for 7 sq. ft. from the required 24 sq. ft. for an end result of 31 sq. ft. This approval will have the following conditions: That the applicant will pull all of the necessary permits from the White Lake Township Building Department; that the applicant will remove the existing post pylon sign from the property; that only one freestanding sign will be allowed on the property; and that the new LED sign will conform to all the standards of Section 5.9.vii Electronic Message Board Signs. Mr. Schlack supported and the MOTION CARRIED with a roll call vote: Walz – yes; Spencer – yes (this eliminates the non-conforming sign); Powell – yes (this is a major improvement, and it is eliminating the legal non-conforming sign); Walz - yes (for the reasons stated); Schlack – yes (for the reasons stated (4 yes votes)**

<b>c.</b>	<b>File 17-010</b>
Applicant:	Bill 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
Request:	Variance to Article 3.1.5 R1-C Single Family Residential for front yard, side yard and rear yard setback, lot coverage, lot width, and lot size.

Ms. Spencer noted for the record that 31 property owners within 300 ft. were notified of the request. No letters were received in favor, 2 letters were received in opposition, and no letters were returned undeliverable by the U.S. Postal Service.

Mr. Powell indicated that his office did an engineered septic system for this site and it would be inappropriate for him to act on the variances requested. He asked to be recused from this case. Ms. Spencer agreed that this would be a conflict of interest. A roll call vote was taken to recuse Mr. Powell from the discussion. Walz – yes; Spencer – yes; Schlack – yes; Powell – yes. (4 yes votes)

Mr. Iacoangeli reviewed his report dated April 19, 2017. The property 3598 and 3604 Jackson Boulevard, identified as parcels 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 2,200 sq. ft. home with an attached 800 sq. ft. 3-car garage on the property. The home would require a new well and new septic system. The applicant is proposing to demolish the two existing homes located at 3598 and 3604 Jackson Blvd., and construct a new 2,200 sq. ft. home on the combined lots. The new home would also have an attached 880 sq. ft. attached garage. The new home would be a combined footprint of 3,080 sq. ft. The home would require the following variances in order to be constructed as proposed: (1) A front yard setback of 20 ft. from Jackson Blvd., and would be located 15% from the property line. The front yard setback in this district is 35 ft. The home will require a side yard setback to the north in the

amount of 5 ft., which will make the house 5 ft. from the property line. The rear yard setback will be 6 ft. from the property line, which would require a variance in the amount of 29 ft. 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 3,080 sq. ft., which is 32%. This lot is deficient in lot width for the district with a lot width of 74 ft. of the required 100 ft. of frontage. This lot is also deficient in lot size, being 9,613 sq. ft. of the required 16,000 for the district.

Roger Young of Young & Young Contractors is representing Mr. Derocher. He indicated that they were retained to design a single family home, which would be used as the Derocher's primary residence. They are proposing a 3-bedroom home, 2 bedrooms of which are 12 ft. x 15 ft. on the upper level and a master suite on the main floor. He added that there are no self-created hardships and all the homeowners on Jackson Blvd. have deficiencies. This is a unique situation because there is a promenade that occurs on one of the Derocher's two properties. There is a seawall on the property and the people encumbered by this promenade element are paying taxes, at which the Derocher's account for 20%. They have met with Oakland County Health Department and township staff to look at all the unique circumstances.

Mr. Young continued that lot coverage and open space is not considered with the Derocher's property. There are dimensional limitations and the requirements of the lots must honor spatial setbacks. There were challenges with fitting functional requirements in a small space and they are 60% less than the required surface area when taking in the promenade and boulevard area. If they take the calculations of the zoning area, with the required 20%, the total is 3,200 sq. ft. They are proposing 3,349 sq. ft. inclusive of the lawn and promenade.

With regard to wells, a 50 ft. radius is required. Every lot and every homeowner has a non compliant lot for well location. One benefit though is that the well can go deeper, and they are offering to pay for any expense to provide for the neighbor to the south. There are restrictions placed by the Health Department. They feel they have done what they can to lessen issues. They want this house to be low and neighborly, and are not proposing anything higher than 30 ft. They feel the house is relatively modest at 2,000 sq. ft. with an upper level. He noted that this house is smaller than the sum of both existing cottages and it reduces the requirements of bedrooms from the current 5 to 3.

Mr. Young indicated that there are a lot of issues due to the property, but none of these issues are self-created. A variance is required to put any garage on the property and a side yard variance is required due to the sanitary field requirements dictated by the Health Department. Mr. Young added that Mr. Derocher bought in this area to enjoy the lake for many years. Mr. Powell designed one of the best state-of-the-art systems, and Mr. Derocher will buy the neighbor a new well too.

Mr. Walz indicated that Mr. Young mentioned reasons for spatial needs to support the 3,080 sq. ft. footprint. He asked whether there is a "top 2" of those that are compelling or if they are all equal. Mr. Young responded that as far as overall design, they based it on living habits and comfort level. A 2-car garage would not accommodate 2 cars and house maintenance equipment. Mr. Walz noted that part of this board's criteria is to provide relief of a practical difficulty with minimum variances necessary. There are a significant amount of variances necessary with this plan that are not at a minimum. It appears with size of the house for the area and with what the applicant is requesting, there are a fair number of variances that the same could be accomplished with lesser variances proposed. These variances do not appear to be the least amount requested for relief for the applicant.

Mr. Young indicated that they tried to mitigate and came up with what they believed is reasonable. They can work to diminish some of this, but the on-site sanitary requirements restrict their ability. They tried to have a greater setback on the south side and push it as far as they could to meet county requirements. Variances #5 and #6 are existing, and they are demolishing the existing structures. They are asking for a dimensional variance taken from the promenade setback. This

home is not any closer than other homes, and they are actually further back. He doesn't feel the variance for the front yard is excessive.

Mr. Walz noted that the lot coverage is at 39% which is almost double the requirement and there is an existing promenade area. Mr. Iacoangeli clarified that his staff report gives the benefit of the promenade. They are at 34% with the promenade and easement. If he deducted this, the calculation would be closer to 40%.

Mr. Schlack stated he can't see a 3-car garage with the septic system. Mr. Walz stated that when considering a 3-car garage for this site, he is concerned with the number and type of variances requested. He would have difficulty supporting this with the variances they are seeking at this time. Since there are only 3 members present tonight, a no vote from him would make this project go down. He asked whether the applicant would like to go back and review his plans to revisit the variance requests.

Ms. Spencer opened the public hearing at 8:11 p.m. She read into record letters of opposition from George & Elyse Schepansky, 3612 Jackson Blvd., White Lake, 48383; and from Bruce M. Hug, Attorney for Cletus and Lois Thomason, 3594 Jackson Blvd, White Lake, 48383.

Vanig Godoshian, 2500 Pontiac Drive, Sylvan Lake, representing Mrs. Reason, who lives next door to Mr. Derocher. Mrs. Reason purchased a small cottage a few years back, as most on that street are small cottages. They understand things change, but she would like to keep things the way they are. Her site line will be blocked and she is not in favor.

Karen Carr, owns the property at 3594 Jackson, feels this proposed home is excessive for the amount of area they have. They like the Derochers, but feel they should build a home that would be an appropriate size fitting for the neighborhood. She is also concerned what this would do to her existing well.

Elyse Schepansky, 3612 Jackson, does not object to Mr. Derocher building a new home, but is opposed to the size of the house being proposed. There is no hardship asking for a 3-car garage. No one along Jackson Blvd. has a 3-car garage. The township states 20% lot coverage and he is requesting 34%. This is excessive and she is asking the board to deny this.

With no other comments, Ms. Spencer closed the public hearing at 8:18 p.m.

Mr. Derocher asked for his case to be tabled. Mr. Young agreed to review their plan again, look at issues raised this evening, and address the concerns of the community.

**Mr. Schlack moved to table the variance request for Bill Derocher, 3598 and 3604 Jackson Blvd., parcels 12-07-151-006 and 12-07-151-007 to consider comments noted during this public hearing. Mr. Walz supported and the MOTION CARRIED with a roll call vote: Schlack – yes; Walz- yes (to allow an opportunity for the applicant to work with staff to review the variance requests); Spencer – yes (for the same reasons). (3 yes votes)**

Mr. Powell noted that it would assist if the property lines were staked out on lots to help identify where things are. Mr. Iacoangeli stated that applicants are instructed that they have to have their property staked prior to the meeting. Mr. Walz confirmed that this particular property was not staked when he visited earlier in the day.

**Next Meeting Date:**

- a. Regular Meeting – May 25, 2017

**Adjournment:**

**Mr. Walz moved to adjourn the meeting at 8:31 p.m. Mr. Schlack supported and the MOTION CARRIED with a voice vote. (4 yes votes)**