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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

September 22, 2016

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 7:03 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Erlich and Mr. Ruggles were excused.

ROLL CALL: Joseph Erlich – Chairperson - Excused
Gail Novak-Phelps
Scott Ruggles – Board Liaison - Excused
Josephine Spencer – Vice Chairperson
Dave Walz - Secretary

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

Visitors: 8

Approval of Agenda:

Ms. Novak-Phelps moved to approve the agenda as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote. (3 yes votes)

Approval of Minutes:

- a. Zoning Board of Appeals Meeting of August 25, 2016

Mr. Walz moved to approve the minutes of August 25, 2016 as submitted. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote: (3 yes votes)

- b. Zoning Board of Appeals Special Meeting of September 15, 2016

Ms. Novak-Phelps moved to approve the minutes of September 15, 2016 as submitted. Mr. Walz supported and the MOTION CARRIED with a voice vote: (3 yes votes)

New Business:

- a. **File 16-019**
Applicant: James Bodrie
21940 Garfield
Northville, MI 48167

Location: Vacant property located on the northeast corner of Beechcrest and Mandon Street, White Lake, MI 48386, identified as 12-35-202-003

Request: Variance to Article 3.1.6 R1-D Single Family Residential for lot width, lot size, side yard setback, lot coverage, and front yard setback(2), and for minimum first floor square footage.

Ms. Spencer noted for the record that 42 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 September 15, 2016. The vacant property identified as 12-35-202-003 located on the northeast corner of Beechcrest and Mandon Street is zoned (R1-D) Single Family Residential. The site would have to use a private well and a private septic system.

The applicant is proposing to construct a new 616 sq. ft. single family residential home on the property. The new 2-bedroom home will require a front yard setback variance from Beechcrest in the amount of 5 ft. for an end result of 25 ft. from the property line. On Mandon, the home will require a 20 ft. front yard setback for an end result of 10 ft. from the property line. The home will also require a 1 ft. north side yard setback with an end result of 9 ft. from the home to the property line. The lot is legal non-conforming for the district being 5,040 sq. ft. required of the minimum 12,000 sq. ft. needed for R1-D. The lot is also only 43 ft. wide of the required 80 ft. for the district. The home the applicant is proposing to build is smaller than the minimum building square footage allowed in the R1-D district. The home should be a minimum of 700 sq. ft. for a 2-story home, and the proposed home will only be 616 sq. ft. and will require an 84 sq. ft. variance.

Mr. Bodrie, 21940 Garfield Road, Northville, MI stated the first floor square footage is 480 sq. ft., with the total square footage of the home at 1,180 sq. ft. He asked whether the garage would count in the footprint. If so, the total first floor square footage would be larger. He reviewed the floor plan blueprint with the board members.

There was some discrepancy with the square footage on the permit versus the application. Mr. Bodrie thinks there may have been miscommunication, but Mr. Iacoangeli stated that the case has been advertised correctly. He asked Mr. Bodrie what the total square footage of the home was including the garage. Mr. Bodrie responded that the total square footage with the garage would be 710 sq. ft. for the ground floor. Mr. Iacoangeli noted for the board members that since this is over 700 sq. ft., the variance request for Minimum Floor Area would not be required.

Mr. Bodrie addressed the practical difficulty and hardship. He stated that the property is legal non-conforming and was created by zoning laws after the subdivision was platted. Strict enforcement of the building code would create a hardship and it would be impossible to build on the lot. The shape of the lot is trapezoidal, which makes it more difficult and no property line is parallel to each other. Also, being on a corner lot, he has 2 front yard setbacks and he feels he has done what he can do to build a reasonable size home. The setbacks requested are consistent with the neighborhood. He added that he also owns the property across the street and submitted a staked survey for that property, which is 9 ft. from Mandon, and less than what he is requesting for the proposed lot. Every request, he feels, is well within the normality of the neighborhood and would not degrade it. He referenced 3 files which were all granted similar setbacks.

Ms. Spencer opened the public hearing at 7:18 p.m.

Cheryl Cox 9488 Beechcrest, questioned whether Mr. Bodrie purchased the property before or after the new zoning went into effect. Mr. Bodrie responded that he purchased after. Ms. Cox indicated that the previous owner would have known about the setback requirements and that the lot was non-conforming. She questioned the placement of the well and septic. Mr. Iacoangeli

stated that the Oakland County Health Department will either give approval or deny, and they will make sure the ground will perk. Any motion tonight will be conditioned upon approval from the county.

Paul Kotowski, 9470 Mandon, stated he lives next door to the vacant lot. He has expressed his concern to Mr. Brodie regarding removing trees along the lot line that are damaging his fence, but they haven't been removed. He is not opposed to Mr. Brodie building a house, but wants him to take care of the overgrown lot and remove the trees along the fence line. Ms. Spencer indicated that the Ordinance Officer would have to deal with those issues, as the ZBA cannot force Mr. Brodie to do that.

With no other comments, the public hearing was closed at 7:24 p.m.

Ms. Novak-Phelps moved in File No. 16-019 to approve the variances requested by James Bodrie for the property located on the northeast corner of Beechcrest and Mandon Street, parcel 12-35-202-003 in order to construct a 710 sq. ft. new residential home including a garage. The variances are as follows: (1) a 5 ft. front yard setback from the permitted 30 ft. for an end result of 25 ft.; (2) a 20 ft. front yard setback variance from the permitted 30 ft. for an end result of 10 ft.; (3) a 1 ft. north side yard setback from the permitted 10 ft. for an end result of 9 ft.; (4) a 6,960 sq. ft. variance to minimum lot size from the required 12,000 sq. ft. for an end result of 5,040 sq. ft.; (5) a 37 ft. variance to required lot width from the required 80 ft. for an end result of 43 ft. The approval will have the following conditions: All variances are subject to the applicant obtaining approval from the Oakland County Health Division for the installation of a well and septic system; and that the applicant will pull all of the necessary permits from the White Lake Township Building Department. Mr. Walz supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is legal non-conforming lot of record and while the house is small and doesn't conform with the area, it is contingent on well and septic approval from Oakland County and she has no problem approving this); Walz – yes (based on the practical difficulty with the shape of the lot in addition to reasons stated); Novak-Phelps – yes (this lot is already legal non-conforming and there is a hardship with the corner lot with 2 setback requirements, and this is contingent on the approval of septic and well. She feels this will greatly improve the corner with a home and cleaning up the lot). (3 yes votes)

Next Meeting Date:

- a. Regular Meeting – October 27, 2016 (Ms. Spencer cannot attend)

Adjournment:

Ms. Novak-Phelps moved to adjourn the meeting at 7:30 p.m. Mr. Walz supported and the MOTION CARRIED with a voice vote. (3 yes votes)