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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

June 25, 2015 at 7:00 p.m.
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 Mr. Artinian were excused.

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

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

Visitors: 21

Approval of Agenda:

Ms. Novak-Phelps moved to approve the agenda as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Approval of Minutes:

- a. Minutes of regular meeting of May 28, 2015

Mr. Walz moved to approve the minutes of May 28, 2015 as presented. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (4 yes votes)

New Business:

- a. **File 15-014 (Tabled from May 28, 2015)**
Applicant: Christina Reoch
7638 Ring Neck
Waterford, MI 48327

Location: 8322 Cascade, Commerce, MI 48382
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

Ms. Novak-Phelps moved to remove File 15-014 from the table. Mr. Walz supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Ms. Spencer noted for the record that 48 property owners within 300 ft. were notified of the request. There were no letters received in favor, no letters in opposition, and 4 letters were returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated June 16, 2015. 8322 Cascade is a single family residential home zoned R1-D. The property is part of the Russell Beach neighborhood and is located on Cooley Lake. The home is connected to the public sanitary sewer and uses a private well. The applicant is proposing to construct a 19 ft. x 20 ft. (380 sq. ft.) garage in the front yard of the home. Also, the applicant is proposing a 95 sq. ft. home addition along the eastern side of the existing home and a 6 ft. x 6 ft. (36 sq. ft.) mudroom/entrance to the front of the home.

The applicant's proposal to add a 380 sq. ft. garage to the front yard of the home will need a front yard setback variance of 16 ft. in order to accommodate the garage on the northwest corner. The plan shows the new garage located 6.25 ft. from the eastern property line. The garage will be attached to the existing home, which is currently set back 8.25 ft. from the property line. The new home addition will be set back from the east property line 6.25 ft. The new mudroom/entrance addition will require a .25 ft. side yard setback on the west side of the property. The new garage and additions will bring the lot coverage to 30% (483 sq. ft.) over the allowable 20%. The lot is deficient in size for the district by 7,083 sq. ft. The lot is also deficient in lot width by 37.5 ft. The lot is only 42.5 ft. wide and 80 ft. is the required minimum for the district. The lot is legal non-conforming.

Ms. Reoch was present and her fiancé was on speaker phone. She stated they revised their plans to add a mud room and increased the garage to add more room to open car doors.

Spencer opened the discussion for public comment, but none was offered.

Mr. Walz noted the width is narrow and the east wall is moving out 2 ft. from the existing structure. We are encroaching closer to the property line. He asked whether the same could be accomplished with a lesser variance.

Ms. Spencer indicated that at the last meeting, the applicant had stated that there were issues with the rear foundation, as noted by the inspected. The applicant felt since they have to fix the foundation, they would increase their request 2 ft. on the garage to allow them to open their car doors when inside the garage.

Ms. Novak-Phelps moved in File 15-014 to grant the following variances: (1) a 3.75 ft. east side yard variance for an end result of 6.25 ft.; (2) a .25 ft. west side yard variance for an end result of 9.75 ft.; (3) a 14 ft. front yard variance for an end result of 16 ft.; (4) a 10% variance to maximum lot coverage for an end result of 30%; (5) a 37.5 ft. variance from required lot width for an end result of 42.5 ft.; (6) a 7,083 sq. ft. variance to minimum lot size for an end result of 4,917 sq. ft., contingent that the applicant provide ownership documentation to the Assessing Department, and gutters and downspouts be added. Mr. Ruggles supported and the MOTION CARRIED with a roll call vote: Spencer – yes (there is a hardship, the lot is non-conforming, and this would be a vast improvement) – Walz – yes (for the reasons stated); Novak-Phelps – yes (once purchased, it will be consistent with existing homes; Ruggles – yes (for the reasons stated). (4 yes votes)

a. **File 15-016**
Applicant: John Abela
11273 Lake Haven
White Lake, MI 48383
Location: 11273 Lake Haven, White Lake, MI 48383
Request: Variance to Article 3.1.5 R1-C Single Family Residential for lot width, and front yard setback.

Ms. Spencer noted for the record that 36 property owners within 300 ft. were notified of the request. There were no letters received in favor, one letter in opposition, and no letters were returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated June 16, 2015. This is a single family residential home zoned R1-C. The property is part of the Lake Haven Estates neighborhood. The home uses a septic system and a private well. The applicant is proposing to construct a 24 ft. x 48 ft. (1,152 sq. ft.) detached garage to the front yard of the home.

This home is located at the corner of Lake Haven Drive and Brigham Lane. Because this home is located on a corner lot, it is treated per the Ordinance as having two front yards. Each yard that fronts a street is considered to be a front yard and must meet the setback for that district. The applicants proposed garage addition is proposed to be located approximately 9 ft. from the property line and 19 ft. from the traveled portion of Brigham Lane. The garage would meet all other setback requirements for the district. The lot is conforming for the R1-C District, and the new garage would not create a lot coverage issue.

Mr. Abela stated they would like to construct a garage to house recreation vehicles.

Ms. Spencer asked where the septic system is located, and Mr. Abela responded that it is located in the back yard and the garage cannot be put there. They feel this is the most reasonable location for the new garage.

Ms. Spencer noted for the record one letter was received from Dave and Laura Becker, 111375 Brigham Lane. They are opposed because the garage would impede their view and the sight line of traffic, which would create a safety concern with the children. The height of the garage also concerns them.

Ms. Spencer opened the discussion for public comments at 7:15 p.m.

Michele Link 11236 Lake Haven, stated there is an existing 2.5 car garage on the lot and she feels there is ample space for a 24x48 ft. garage without changing the zoning ordinance. There is not a unique situation to provide for a 2nd garage. There is no hardship and no need to distinguish this from surrounding properties. She asked what will prevent them from using the private road to access the garage. She feels this would deter from the harmony and aesthetics of the neighborhood.

Russ Deladurantaye, 11264 Lake Haven, stated his house is across the street, and if this is granted, he will only see this building when he looks out his window. He is concerned that a variance will be granted when Mr. Abela could put this garage on the back corner of his property without needed variances. He feels this will stick out like a thumb and there has to be another way for this to be built on the property without being 19 ft. from the road.

Dave Need, 11255 Lake Haven, doesn't see a practical difficulty with this lot. The septic field cannot be considered a financial difficulty if he had to move it. Mr. Abela has a choice to build this. This could be placed in the opposite corner, if the septic has to be moved. This variance is

self-created and no other lot in the neighborhood looks like this. There would not be a need for the variances if the garage was relocated.

John Schmidt, 11295 Lake Haven asked if this would be creating blind spots.

Rebecca Need, 11255 Lake Haven, asked for a point of clarification. Based on the diagram, the garage will create a blind spot, it is not far from where the 2 roads meet, and it is dangerous for children at the bus stop.

Tim Croteau, 11278 Lake Haven, stated he echoes the views from the others. This will not be consistent with the harmony of the neighborhood and will be an eyesore. He has a disabled child and he is concerned with cars not seeing him in his wheelchair.

Greg Whitefield, 11225 Lake Haven, asked if the variance was granted whether there would be conditions for use other than what the owner wants to use it for, i.e., a small business. If so, this would create more traffic, and they already see twice more traffic being off Bogie Lake Road. E is opposed.

Mary Smith, 11351 Lake Haven, she has 2 small children and she is concerned with not being able to see where her son is at. She intentionally moved here for sight lines and the neighborhood.

Danielle Turner, 11386 Brigham Lane, would have hoped Mr. Abela would have come to them with his plan. She doesn't want it so close to Brigham Lane. Most homes have a large setback and you can see the homes. Now she will see this giant garage that will interrupt the flow of the neighborhood. She hopes it can go somewhere else.

Duane Dudas, 11375 Lake Haven, has 2 garages on his property, but he built them within the ordinances and there have been no issues. He is not opposed to adding additional structures, but in this case, 24 x 48 ft. is more like a commercial building. This takes away from the neighborhood.

With no other comments, the public hearing was closed at 7:35 pm.

Ms. Spencer stated in response to the public comments, that the ZBA members drove through neighborhood and this structure will be set back 85 ft. from Lake Haven, which is considerable. She asked Mr. Abela if his intent for this garage was for a business. Mr. Abela stated it is not. Ms. Spencer noted that if he was to start a business, the neighbors could call the Planning Department Ordinance Enforcement. The ZBA can't put a restriction unless he says that's what he will do.

Ms. Novak-Phelps feels there is a legal alternative to extend the existing garage without needing a variance.

Mr. Iacoangel noted that Mr. Abela has worked with the building official on where the most appropriate placement would be. Mr. Abela stated that he talked to the planner and that's the area they suggested. Mr. Iacoangeli added that part of the area is encumbered by septic field, and septic fields are hardships similar to topography, and he would not have to move the field. The issue is with the 35 ft. front yard setback, in that this parcel is unique with 2 front yard setbacks. He'd have move the garage on a diagonal towards the gazebo and extend the existing driveway with a side entrance. With this reconfiguration, however, there would still be a need for a side yard variance.

Mr. Ruggles feels the proposed garage is a little large. Mr. Iacoangeli noted that if this was a normal property that wasn't on a corner lot, technically he could shift a foot and it would be conforming. He meets the requirement by 51 ft. other than this has 2 front yards. Mr. Ruggles

asked whether 2 front yards would be considered a hardship. Mr. Iacoangeli didn't think it could be a hardship, but it is an ordinance requirement that is unique.

Ms. Spencer informed Mr. Abela that his case could be tabled to allow him 30 days to decide if he can reduce the size of the garage or move it with the suggestions this evening. Mr. Abela stated that he has already considered other options and would like to proceed this evening

Mr. Ruggles moved in File 15-016 to grant a 26 ft. variance to the front yard setback for an end result of 9 ft. Ms. Novak-Phelps supported and the MOTION FAILED with a roll call vote: Novak-Phelps – no (she feels there are legal alternatives where a variance would not be needed and she doesn't see a hardship in this case); Walz – no (for the reasons stated); Ruggles – no (there is alternative, and no hardship); Spencer – yes (there is a hardship, 2 front yards are creating a problem, and with the septic field in the back, it will be difficult placing the building elsewhere). (3 no votes; 1 yes vote)

Next Meeting Date:

- a. Regular Meeting – July 23, 2015

Adjournment:

The meeting was adjourned at 7:45 p.m.