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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

February 26, 2015 at 7:00 p.m.

7525 Highland Road
White Lake, MI 48383

Mr. Artinian 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. Spencer and Mr. Erlich were excused.

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

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

Visitors: 16

Approval of Agenda:

Ms. Novak-Phelps moved to approve the agenda as presented. Mr. Ruggles supported and the MOTION CARRIED with a voice vote. (5 yes votes)

Approval of Minutes:

- a. Minutes of regular meeting of January 22, 2015

Mr. Walz moved to approve the minutes of January 22, 2015 as presented. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (5 yes votes)

New Business:

a.	File 15-003
Applicant:	M.J. Whelan Construction 620 N. Milford Rd. Milford, MI 48381
Location:	314 Lakeside, White Lake, MI 48386
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for front yard setback.

Mr. Artinian noted for the record that 30 property owners within 300 ft. were notified of the request. There was one letter received in favor, no letters in opposition, and one letter was returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated February 18, 2015. This is a single family residential home zoned (R1-D). The property is part of the Oxbow Lake Heights No. 3 neighborhood and is located on Oxbow Lake. The home uses a private well and septic system.

The applicant is proposing to demo the existing home and utilize the existing basement foundation for the construction of a new home with 2,800 sq. ft. of useable floor space. The new home will be made 1,880 sq. ft. of first floor living space, 920 sq. ft. of living space on the 2nd floor, and a new 2-car garage totaling 750 sq. ft. (This is a larger 2-car garage 27 ft. x 22 ft.)

Unlike most lake lots, this particular parcel is made up of 3 lots and has over 170 ft. of road frontage on Lakeside Drive. The lot also has .49 acres of property, an excess of 9,375 sq. ft. required over the minimum for the lot size for the district. The only variance being requested in this case is a front yard setback variance of 16.5 ft. for an end result of 13.5 ft. The Community Development Department feels that the new garage length can potentially be shortened to reduce the non-conformity of the new structure. This is based on the fact that the existing 22 ft. x 28 ft. is proposed to remain. Because of the large size of the lot, lot coverage is not an issue with what is being proposed for this project.

Mr. Artinian added for the record that a letter was received and signed by several neighbors supporting the request.

Mr. Whelan, the developer for the project, indicated that they had done several rough drafts of where and how to put the garage and what is being proposed seems to be the best location. Powell Engineering has completed their drawings for the septic field and Oakland County Drain Commission has approved the location.

Mr. Walz asked Mr. Whelan to explain the proposed length of the garage. Mr. Whelan indicated the first 8 ft. of the garage is the existing staircase going into the basement and they need to keep that. The length and minimal amount needed is what is being proposed to avoid disrupting the footing of the basement. They wanted to get a decent size car in there and room to move around. The depth from north or south is not affecting the variance.

Mr. Walz questioned whether this was the minimum that could be achieved when looking at practical difficulty. Mr. Whelan responded that there would be issues if he had to rip out the old footing. He added that there is 10 ft. of existing footing. This appendix is creating the hardship. If this wasn't there, they could certainly keep a shorter garage.

Ms. Novak-Phelps referenced the plan, the garage width is 19.6 ft. and the length is 33.6 ft. Mr. Whelan confirmed and noted that from the house, you would lose 10 ft. because of the existing stairs, which brings the parkable area to 23 ft. x 23 ft. He added that they didn't try to overreach, they only wanted to get 2 cars in there.

Mr. Artinian stated there is a legal alternative, which would be for a 1-car garage.

Pastor Schillack questioned whether anything would change if the access was from the front and not the side. Mr. Whelan thought it would create more parking issue from the street, and will be difficult either way with the same variance.

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

Ms. Novak-Phelps moved in File 15-003 to grant a 16.5 ft. variance to the front yard setback for an end result of 13.5 ft.,. Mr. Ruggles supported and the MOTION CARRIED with a roll

call vote: Novak-Phelps – yes (this is appropriate with what is existing); Walz – yes (with the length of garage and looking at minimum variances, and the footing placement remaining, it makes it challenging for the applicant to shorten the length of the garage); Ruggles – yes (there is a lot of non-conformity with lake lots and this improves the lot and matches the community); Artinian – yes (this is not out of character); Schllack – yes (this is an improvement and will look nice with the neighborhood). (5 yes votes)

b.	File 15-004
Applicant:	Nick & Jody Marino 1385 Sugden Road White Lake, MI 48386
Location:	1385 Sugden Road, White Lake, MI 48386
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for lot width, side yard setback, lot coverage, and length to width.

Mr. Artinian noted for the record that 26 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition, and one letter was returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated February 18, 2015. This is a single family residential home zoned (R1-D). The property is part of the Oak Ridge Park neighborhood and is located on Sugden Lake. The home uses a private well and septic system.

The applicant is proposing to construct a 680 sq. ft. addition to the rear of the home. This generates some concern with regard to the Township Zoning Ordinance. The new addition will need a side yard setback variance in the amount of 5 ft. on the north side of the home. The plan shows the new addition at 4.7 ft. at the northwest corner. The new addition must be setback at 5 ft. and the plan should be revised to indicate that the addition has been recessed from the existing structure. Further, this corner should be field verified by the Building Official at the time of construction. Second, the new addition increases the lot coverage above 20% to 22%. The new addition would also make the home exceed the Width-to-Length Proportion for structure and would cause the home to exceed the 3:1 proportions. The home will project out 4 ft. longer than what is allowed per the ordinance. The lot is also legal non-conforming with regard to lot width and requires a variance of 20 ft.

Ms. Novak-Phelps referenced the first request pertaining to the northwest corner and whether it would be bringing the non-conformity farther. Mr. Iacoangeli stated the existing structure was legal non-conforming when it was built. At that time, a sliding scale was allowed for averaging side yards, which has since been done away with. The concern is that the corner where the new addition attaches to the house needs a minimum of 5 ft. side yard setback. The question is how to gain the additional footage that is needed. He noted that there are concerns raised that applicant feels they may have additional property available to them. Even then, does the addition make sense and do they have the fullest and best use of this lot right now.

Pastor Shillack asked whether this would block the view of the lake, and Mr. Artinian stated he is concerned with side yard.

Nick Marino, the homeowner, and Fred Weinberg, the architect were present to address the board.

Mr. Marino said they are a family of 5, and they are getting into a situation where they work from home and they have no basement. They want to build out to allow a space to work and to come in from the lake. If the requirement is 5 ft., they will accommodate for that. They have had 2 surveys that were different from each other. He has talked to the neighbor, who thought the boundary had moved in at some point.

Mr. Walz noted there is a discrepancy with the measurements versus the surveys and he questioned whether this case should be tabled until additional information can be provided.

Mr. Artinian asked about the fireplace bump-out of 3 ft. Mr. Marino indicated that the end of existing house is 4.7 ft. and they are stepping in towards the lot to accommodate this. They will come in on the other side if they have to just to keep it symmetrical. Mr. Iacoangeli noted that the board cannot grant for less than 5 ft.

Mr. Marino feels the staked survey will come back with him gaining 2 ft., not losing any. The information he found when it was built, and based on neighbor's statement, leads him to believe the lot line moved in 2 ft.

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

Mr. Walz asked about lot coverage. Mr. Iacoangeli indicated that the ordinance allows for 20% of the lot to be encumbered by structures. Currently, the lot is conforming, but the new addition adds 231 sq. ft. over what is allowed. If the house were connected to sanitary sewer, the ordinance would allow for 30%, which it would then meet lot coverage.

Pastor Schillack questioned whether the total lot coverage would come down if there were 2 more feet. He quickly calculated the numbers and determined that 4.75% would be added, which would cover the lot size.

Mr. Artinian stated that there is legal alternative by making a symmetrical step on each side.

Mr. Ruggles moved in File 15-003 to grant the following variances: (1) a 5 ft. variance to the north side yard setback for an end result of 5 ft.; (2) a 2% variance to maximum lot coverage for an end result of 22%; and (3) a 20 ft. variance to required lot width for an end result of 60 ft. (4) a 2.9 ft. variance to the south side yard setback for an end result of 7.1 ft. The applicant needs to revise and resubmit the plan based on any findings he may have, and the Building Department needs to see this prior to issuing a building permit. Gutters, downspouts and a firewall are to be added. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Artinian – no (there is a legal alternative by reducing the square footage of the addition to 600 sq. ft. and be safe by having at least 5 ft., and eliminate the variance on the other side for a cost of 92 sq. ft.); Novak-Phelps – yes (this needs to have a correct survey for the property lines in some fashion); Ruggles – yes (for the reasons Ms. Novak-Phelps stated); Walz – no (the requirements are to look at a minimum amount of relief, and he concurs with Mr. Artinian); Schillack – yes (he would like to see a final survey). (3 yes votes, 2 no votes)

Next Meeting Date:

- a. Regular Meeting – March 26, 2015

Adjournment:

Ms. Novak-Phelps moved to adjourn the meeting at 7:40 pm. Mr. Ruggles supported and the MOTION CARRIED with a unanimous voice vote. (5 yes votes)