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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

October 23, 2014 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. Ruggles was excused.

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

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

Visitors: 14

Approval of Agenda:

Mr. Iacoangeli wanted to add "2015 Meeting Schedule Approval" to the agenda, under "Other Business".

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

Approval of Minutes:

- a. Minutes of regular meeting of September 25, 2014

Mr. Artinian moved to approve the minutes of September 25, 2014 as presented. Mr. Erlich supported and the MOTION CARRIED with a voice vote. (4 yes votes)

New Business:

Applicant: **File 14-015**
Eric Gallant
9634 Caprice
White Lake, MI 48386

Location: 9634 Caprice, White Lake, MI 48386
Request: Variance to Article 3.1.6 R1-D Single Family Residential for front yard setback.

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

Mr. Iacoangeli reviewed his report dated October 13, 2014. This is a single family residential home zoned (R1-D) located on a canal for Round Lake in the Round Lake Overlook No. 3 neighborhood. The home uses a private well and the public sewer system.

The applicant is proposing to build an approximate 16 ft. x 24 ft., or 384 sq. ft. shed. The applicant believes that the hardship is related to the topography of the lot. The lot slopes from the road (south) down to the canal (north). The shed being added will require a front yard setback variance of 20 ft. The shed will be 10 ft. from the lot line and additional 7 ft. from the traveled portion of the road. The lot is conforming for the district and meets the required lot size and lot width. Based on the required front yard setback for the district, very little lot area is left that is not impacted by the slope of the lot.

Mr. Iacoangeli stated that when he visited the site, he measured approximately 15 ft. to the traveled portion of the road. Some other constraints discussed were the fact that the side yard is encumbered by the septic field and the other side of the home is low and wet.

Mr. Gallant indicated there was a fire in the existing shed a few years ago and he would like to build a new one. There are wetlands on the property and erosion is strong. He needs storage and this was the only place on the property where a new shed would fit. There are approximately 7 houses within 300 ft. and no one seems to be opposed. Mrs. Gallant noted that there is a tree line of Arborvitae's that border the road and the shed would not be seen. Mr. Gallant added that he takes care of the roads in the neighborhood and he could also store those materials in the shed.

Ms. Spencer opened the discussion for public comment.

Mr. Artinian asked whether the shed could be moved 5 ft., but Mr. Gallant stated he is already building a support beam that will abut the septic field, so his options are very limited. Mr. Iacoangeli agreed that there doesn't seem to be a lot of options in this case.

Ms. Novak-Phelps moved in File 14-015 to approve a 20 ft. variance to the front yard setback for an end result of 10 ft. Mr. Erlich supported and the MOTION CARRIED with a roll call vote: Spencer – yes (there is a hardship with the slope of the lot and the applicant has no other alternative); Erlich – yes (this is a necessary building); Novak-Phelps (this is a good building and there is no other place to locate the shed, and the applicant is taking care of the road); Artinian – yes (for reasons stated). (4 yes votes)

Applicant: **File 14-016**
Douglas Tollman
440 Burgess
White Lake, MI 48386
Location: 440 Burgess, White Lake, MI 48386
Request: Variance to Article 3.1.5 R1-C Single Family Residential for lot width, lot size, lot coverage, and side yard setback.

Ms. Spencer noted for the record that 24 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition, and no letters were returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated October 13, 2014. This is a single family residential home zoned (R1-C). The home is a legal non-confirming lot of record located in the Cedar Island Shores neighborhood located on Cedar Island Lake. The home uses a private well and a private septic system.

The applicant is proposing to build a 9 x 27, or 243 sq. ft. home addition on the rear of the existing home. The home addition will require a side yard setback variance of 2 ft. The existing home is currently 7.8 ft. from the lot line on the west side. The lot is legal non-confirming and is deficient in lot size and lot width. The new home addition will bring the lot coverage to a total of 22.8% versus the existing lot coverage of 20.8%.

Mr. Iacoangeli stated he visited the site and the new home addition will utilize the same common wall as the existing house and has very little impact on the side yard or the neighbor on the side where the addition is being proposed. The other variances requested are more so formalities.

Steve Ryan, the contractor for the job, stated the applicants want to improve the house for retirement. The plan has stayed on the common wall and they are not adding a second story. This is a non-confirming lot and any improvements will require variances. The hardship is the non-confirming lot of record. Mrs. Tollman added that they are removing 4 ft. of chimney space and are really only adding approximately 4.5 ft. They need handicap accessible and expanded doors. She said they are taking down 4 ft. of chimney space and are only adding approximately 4.5 ft.

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

Mr. Artinian moved in File 14-016 to approve the following variances: (1) a 2.2 ft. variance to the west side yard setback for an end result of 7.8 ft., (2) a 2.8% variance to maximum lot coverage for an end result of 22.8%, (3) a 3,558 sq. ft. variance to minimum lot size for an end result of 12,442 sq. ft., (4) a 20 ft. variance to required lot width for an end result of 60 ft., and that gutters and downspouts be added. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Erlich – yes (this is a good addition to the home); Novak-Phelps – yes (this is a non-confirming lot of record and a nice addition to the neighborhood); Artinian – yes (for the reasons stated); Spencer – yes (for the reasons stated). (4 yes votes)

	File 14-017
Applicant:	Matt Malmquist 9703 Mandon White Lake, MI 48386
Location:	9703 Mandon, White Lake, MI 48386
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for rear yard setback and side yard setback.

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

Mr. Iacoangeli reviewed his report dated October 13, 2014. This is a single family residential home zoned (R10D). The lot is a confirming lot of record located in the Cedar Lake Park neighborhood. The home is on a septic system and uses a private well.

The applicant is proposing to demolish the existing non-confirming detached cinder block garage and build a new attached garage to the home. The new garage will be 26.8' x 38.6', or approximately 1,053 sq. ft. The garage addition being added will require a side yard setback variance of 2 ft. The existing garage is currently 8 ft. from the side yard. The rear yard setback

will require a variance in the amount of 25 ft. The new garage will be 5 ft. from the rear yard. The existing garage is currently 2 ft. from the rear property line.

Mr. Iacoangeli reported that when he measured off the front corner of the existing garage, he was getting 7 ft. and not 8 ft. as indicated by the applicant. He suggested using the 7 ft. as stated in his staff report.

Mr. Malmquist stated he and his wife intend on expanding their family and they would like to improve the functionality of the property.

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

Ms. Novak-Phelps moved in File 14-017 to approve the following variances: (1) a 3 ft. variance to the west side yard setback for an end result of 7 ft., (2) a 25 ft. variance to the rear yard setback for an end result of 5 ft. and to include the removal of the existing cinder block garage and add gutters and downspouts on the new garage. Mr. Erlich supported and the MOTION CARRIED with a roll call vote: Artinian – yes (this is a reasonable request); Erlich – yes; Novak-Phelps – yes (this will be a nice improvement on the property) – yes; Spencer – yes (this is an improvement to the property). (4 yes votes)

	File 14-018
Applicant:	Nathaniel Kahn 1074 Round Lake White Lake, MI 48386
Location:	1074 Round Lake, White Lake, MI 48386
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for lot width, lot size, and side yard setback.

Ms. Spencer noted for the record that 44 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition, and no letters were returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated October 13, 2014. This is a legal non-conforming single family residential home zoned (R1-D). The property is part of the Hambly and Bowles Oak Park neighborhood and is located on Mandon Lake. The proposed home will be connected to the White Lake Township sewer and will use a private well.

The applicant is proposing to remove the existing home and build a new 3 bedroom home that is approximately 1,182 sq. ft. on the ground floor with a 483 sq. ft. attached garage. This home is proposed to be a 2-story single family home with a basement. The home is proposed at 26 ft. x 44 ft. on the ground floor at the attached garage is proposed at 22 ft. x 24 ft. The new home being constructed will require a side yard setback variance on the west side of the property in the amount of 4 ft. The attached garage will be set back 6 ft. from the property line on this side of the home. The home will require a 5 ft. side yard setback on the east side of the property, with the home being 5 ft. from the property line. The lot is deficient in lot width and only provides 40 ft. of the required 80 ft. for the district. The lot is extremely long and narrow.

Mr. Iacoangeli noted that when he measured the site, he got the 6 ft. that the applicant had, but when going back towards the lake, he could only get 7 ft. as opposed to the 9 ft. as submitted by the applicant, at the rear left corner of the house. Mr. Iacoangeli doesn't feel this is significant because the other side is 10 ft. from the existing fence.

Nathan Kahn, 1074 Round Lake Road, indicated that they are building their permanent residence. Daniel Weberman, the builder, stated that this proposed house is only 1 ft. wider than the previous house. They moved it closer to the street to give more lakeside frontage. The lot is big and the house will only cover 9% of the total lot.

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

Mr. Artinian moved in File 14-018 to approve the following variances: (1) a 4 ft. variance to the west side yard setback for an end result of 6 ft., (2) a 5 ft. variance to the east side yard setback for an end result of 5 ft., (3) a 40 ft. variance to required lot width for an end result of 40 ft. and adding gutters and downspouts. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is a non-conforming lot of record and there is a hardship); Artinian – yes (the lot drives the variances they need); (Novak-Phelps – yes (there is no way any home could be conforming on this lot); Erlich – yes (for the reasons stated). (4 yes votes)

	File 14-019
Applicant:	David Bartman 2475 Canyon Ridge White Lake, MI 48383
Location:	2485 Ridge, White Lake, MI 48383
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for lot width, and side yard setback.

Ms. Spencer noted for the record that 23 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition, and no letters were returned undeliverable by the US Postal Service.

A petition signed by 14 neighbors supporting the request was read into record. Those residents feel the plan will greatly improve the property and improve the neighborhood.

Mr. Iacoangeli reviewed his report dated October 13, 2014. This is a legal non-conforming single family residential home zoned (R1-D). The property is part of the Rolling Acres No. 1 neighborhood and is located on White Lake. The home uses a septic system and private well.

The applicant is proposing to remove the existing home and build a new 4 bedroom home that is approximately 1,716 sq. ft. on the ground floor with a 920 sq. ft. attached size entry garage. This home is proposed to be a one-and-a-half story home. The home will be 38.6 ft. x 44 ft. on the ground floor with 23 ft. x 40 ft. attached garage. The new home will require a 4 ft. side yard setback on the north side. The home will be set back 6 ft. from the property line on this side of the home. It will also require a 4 ft. side yard setback on the south side yard setback with the home being 6 ft. from the property line. The lot is deficient in lot width and only provides 68 ft. of the required 80 ft. for the district.

Mr. Iacoangeli disclosed that during the mailing process, the staff reported that the vacant lot next door, Lot 38, is owned by the applicant.

Ms. Spencer indicated that this is a legal platted subdivision and the ZBA is not required by law to force the applicant to combine the two lots together, however, the ZBA has denied similar requests in the past and had applicants combine the lots to make it legal conforming.

Mr. Bartman stated that his proposal is using the same footprint and that the south side will be tighter. Based on the county and what they will approve, in order to get a septic field on the lot, he has to be so far from the neighbor's well and needs 24 ft. to put the drive in. The existing structure was built in 1947 and his proposal will greatly improve the area and follow suit with other homes being built there.

Mr. Erlich asked whether he was using the existing septic. Mr. Bartman stated that he was not. Everything has to be predicated on the new home size and number of bedrooms.

With regard to combining the two lots, Mr. Bartman stated he has not considered this option because they like the "up north" feel and they'd like to stay consistent with the neighborhood. This is a stand alone lot.

Ms. Spencer stated that if Mr. Bartman has no plans to build on the vacant lot or sell it, combining the lots would eliminate a non-conforming situation. The assessing department can combine them at little or no cost and he wouldn't be paying taxes on both lots. Mr. Bartman indicated that he has mortgages on both properties and he would have to pay off the mortgage on the vacant lot before he could combine the two together.

Mr. Artinian disclosed that he knows the applicant. The board members didn't feel there was a conflict of interest in this case.

Ms. Spencer opened the discussion for public comment.

Bob Hermonson, 2699 Ridge, asked whether there would be a 4 ft. variance on each side and Mr. Iacoangeli stated that was correct.

Ms. Novak-Phelps moved in File 14-019 to approve the following variances: to remove the existing home (1) a 4 ft. variance to the north side yard setback for an end result of 6 ft., (2) a 4 ft. variance to the south side yard setback for an end result of 6 ft., (3) a 12 ft. variance to required lot width for an end result of 68 ft., and to include gutters and downspouts. Mr. Artinian supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is a legal non-conforming property and will be an improvement to the area and there is a hardship); Erlich – yes (he agrees this is an improvement); Novak-Phelps – yes; (this is a definite improvement to the neighborhood); Artinian – yes (for reasons stated). (4 yes votes)

Other Business:

2015 Meeting Dates

Ms. Novak-Phelps moved to approve the 2015 Meeting Dates Schedule. Mr. Erlich supported and the MOTION CARRIED with a unanimous voice vote. (4 yes votes)

Next Meeting Date:

- a. Regular Meeting – December 11, 2014 (possible cancellation)

Adjournment:

Mr. Artinian moved to adjourn the meeting at 7:52 pm. Ms. Novak-Phelps supported and the MOTION CARRIED with a unanimous voice vote. (4 yes votes)