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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

May 22, 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. Artinian, Mr. Ruggles and Ms. Novak-Phelps were excused.

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

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

Visitors: 9

Approval of Agenda:

Mr. Erlich moved to approve the agenda as presented. Mr. Fine supported and the MOTION CARRIED with a voice vote. (3 yes votes)

Approval of Minutes:

- a. Minutes of regular meeting of February 27, 2014

Mr. Erlich moved to approve the minutes of February 27, 2014 as presented. Mr. Fine supported and the MOTION CARRIED with a voice vote. (3 yes votes)

New Business:

	File 14-003
Applicant:	Douglas Russell-Olson 1920 Hill Road White Lake, MI 48383
Location:	2000 Hill Road, White Lake, MI 48383, identified as 12-17-326-009
Request:	Variance to Article 5.5 frontage and for Article 4.51D for the minimum setback to any exterior property line.

Ms. Spencer noted for the record that 20 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 May 13, 2014. This is a single-family residential property that uses a private well and private septic system. The home also has a cell tower located on the property behind the existing home.

The applicant is proposing to split the parcel into 4 total parcels with 3 new (SF) Suburban Farms parcels being created by the property split. The 3 new parcels would be deficient in the required road frontage of 165 ft., which is required for (SF) per the Zoning Ordinance 58. Also, one of the newly created parcels would have a cell tower located on the property and this tower's fall zone would cross an adjacent property line, which is prohibited by Section 4.51.B.

The applicant is asking for variances required to create 3 new parcels, one of which is encumbered by the existing cell tower. The applicant has surveyed in an easement for a road, which would service all of the new parcels and grant them the necessary road frontage. These parcels would need to have restriction recorded against them that states no parcel can be sold or developed until such time that the entire road is built to either private or public road standards per OCRC. Further, the easement for the road would need to be recorded for all of the newly created parcels. Also, a restriction would need to be recorded against the deed of the lot with the cell tower that states no dwelling unit or residential type structure can be erected on the property or within the fall zone of the tower on adjacent properties until the cell tower is completely removed from the property.

It is the opinion of the Assessing Department that the splits should be denied based on the fact that the proposed road servicing the parcels does not exist and that the lots can be split at such time the road is built and approved. The Community Development Department would require the above-mentioned conditions be attached to any approval that might be granted for this request.

The applicant was asked how tall the cell tower was and he responded 280 ft. Mr. Olson stated it was acceptable by the township assessing department that the easement be put in. He added that he does not have a development plan for any of the parcels at this time. Parcel 1 would allow them to sell the home to the existing occupants/tenants. Parcel 2 has the cell tower and he is hoping to segment it off, but would not use it for residential development. He noted there is 22 yrs left on the lease of the tower and at any time, the management company can decide to remove the tower. In working with township departments, they determined an easement would have to be approved and at such time the tower would be removed, they would then have access to Parcel 2. He is not interested in developing, but there has been interest in selling the property. Pending approval of this board, the remaining legal descriptions can be written for each parcel individually. The parcels meet the requirements for SF, with each parcel at 2+ acres.

Mr. Erlich asked if there were comments from the neighbor to the east. Mr. Olson stated he has not contacted him yet, but the neighbor to the south has proposed interest in purchasing the rear acreage, 12 acres (or 5 parcels). There has been ongoing communication, and he would put in a road along the south property line and bring it around to the lake. Parcels 7, 6 & 5 would be added to his.

Mr. Fine referenced the cell tower and the 22 years remaining on the contract. Mr. Olson stated the tower could become obsolete in the future due to satellite. Mr. Fine asked what the maintenance was on the tower. Mr. Olson stated every few months a company comes out to check on the equipment. Ms. Olson added that the tower is secure. AT&T and T-Mobile are the lessees on the tower.

Ms. Spencer opened the public hearing at 7:17 pm. With no comments, she closed the public hearing.

Mr. Erlich stated he is not happy with this request. He would like to see, as suggested, a road installed to service the parcels. Once this is approved, the applicant would be able to build, despite him saying that is not his intention.

Mr. Olson stated the easement required by the township, would allow access to Parcel 2 with the tower. The other parcels would then be able to build, but only when approved by the township with building permits, etc.

Mrs. Olson added that they didn't want to keep coming back for multiple splits and that's why they decided to do this all at once.

Mr. Fine is concerned with the height of the tower. This will cross over Parcels 1, 3, 7 and 8. Mrs. Olson stated the tower was erected in 1991, prior to the established fall zone in 1996. The tower was beyond the fall line of the residents on Parcel 1. Their home is on Parcel 8 and they signed a waiver when the fall zone was set.

Ms. Spencer stated she hasn't heard of any hardship of why this variance request is necessary. The applicant can put the road in themselves. Mr. Olson stated it would be over \$100k, but Ms. Spencer noted the board could not consider financial hardships. Hardships have to do with the property and the way it's laid out. She cannot approve without a hardship. She offered the applicant the option of tabling his case this evening until a full board is present.

Mr. Iacoangeli stated this is a self-imposed problem. The parcels are deficient in road frontage because the road is not in right now. The ZBA could grant with a list of restrictions, or deny based on the fact that the parcels are deficient until the road is installed. What the applicant is requesting does not meet the ordinance standards. Mr. Olson felt that the easement would satisfy the frontage issue.

Mr. Olson asked the board to table his case until a full board is present.

Mr. Erlich moved in File 14-003 to table until a full board was present. Mr. Fine supported and the MOTION CARRIED with a voice vote (3 no votes)

	File 14-004
Applicant:	Douglas Russell-Olson 1920 Hill Road White Lake, MI 48383
Location:	1920 Hill Road, White Lake, MI 48383, identified as 12-17-326-010
Request:	Variance to Article 5.5 frontage

Ms. Spencer noted for the record that 4 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition and 1 letter were returned undeliverable by the US postal service.

Mr. Iacoangeli reviewed his report dated May 13, 2014. This is a single-family residential property. The home uses a private well and a private septic system. The applicant is proposing to split the parcel into 4 total parcels with 3 new (SF) Suburban Farms parcels being created by the property split. The 3 new parcels would be deficient in the required road frontage of 165 ft., which is required for (SF) per the Zoning Ordinance.

The applicant is asking for variances required to create 3 new (SF) parcels and has surveyed in an easement for a road, which would service all of the new parcels and grant them the necessary

road frontage. These parcels would need to have restriction recorded against them that states no parcel can be sold or developed until such time that the entire road is built to either private or public road standards per OCRC. Further, the easement for the road would need to be recorded for all of the newly created parcels.

It is the opinion of the Assessing Department that the splits should be denied based on the fact that the proposed road servicing the parcels does not exist and that the lots can be split at such time the road is built and approved. The Community Development Department would require the above-mentioned conditions be attached to any approval that might be granted for this request.

Mr. Olson requested to have this case tabled until a full board is present.

Ms. Spencer opened the public hearing at 7:45 pm. With no comments, the public hearing was closed.

Mr. Fine moved in File 14-004 to table until a full board is present. Mr. Erlich supported and the MOTION CARRIED with a voice vote. (3 yes votes)

	File 14-005
Applicant:	Robert Zimmerman 3178 Rippleway White Lake, MI 48383
Location:	3178 R ippleway, White Lake, MI 48383, identified as 12-31-476-013
Request:	Variance to Article 3.1.5 R1-C Single Family Residential, for side yard setback

Ms. Spencer 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 no letters were returned undeliverable by the US postal service.

Mr. Iacoangeli reviewed his report dated May 13, 2014. This is a single family residential home zoned (R1-C) Single Family Residential. The home uses a private well and private septic system.

The applicant is proposing to build a new attached 2-story side entrance garage (20x40) to the existing home. Part of the old front entry garage will be converted into living space for the existing home.

The new garage addition will require a side yard setback variance of 24 ft. Because the home is located on a corner lot, it has 2 front yards. The required setback for this district is 35 ft. and the proposed garage is 30 ft. from the traveled portion of Lakeland Court. The Community Development Department believes it should be a condition of the variance that the existing driveway be removed in order to keep the look of the neighborhood consistent. The driveway should be replaced with the grass and the curb cut on Rippleway eliminated.

Mr. Zimmerman stated he has 3 road frontages. If the house were centered on the property, it would be 54 ft. from east and 32 ft. from west. If it were 10 ft. one way, he would not have a need for the variance. He is proposing a similar addition to his home as what the neighbor had done in the past. This would be a safer access point for his children.

Ms. Spencer opened the public hearing

Mike Urbanik, 3142 Rippleway, is the neighbor on the adjacent side of the cul-de-sac. He is not opposed to Mr. Zimmerman's request. He has been a great neighbor.

Tim Ollila, 3240 Lakeland Court, is in favor of what Mr. Zimmerman is proposing. Rippleway has turned into a speedway and safety is an issue.

Mr. Iacoangeli added that Lakeland Court is a public street, and Mr. Zimmerman should seek a residential driveway permit for a new curb cut with OCRC.

Mr. Fine moved in File 14-005 to approve an 11 ft. variance to the front yard setback for an end result of 24 ft. that existing driveway be removed and replaced with grass, the curb cut on Rippleway eliminated and a permit secured with Oakland County for a new curb cut and driveway, and gutters and downspouts be added. Mr. Fine supported and the MOTION carried with a roll call vote: Spencer – yes; (this is an unusual set back, and the proposal will allow room so there's no site interference on the roadway and this will also be an improvement. Fine – yes; Erlich - yes (3 yes votes)

	File 14-006
Applicant:	Kathleen Dreyer 11021 Beryl White Lake, MI 48383
Location:	11021 Beryl, White Lake, MI 48383, identified as 12-33-278-015
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 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 May 14, 2014. This is a single family residential home zoned (R1-D) located on Bogie Lake. The lot is legal non-conforming of record located in the Bogie Lake Subdivision. The home uses a private well and private septic system.

The applicant is proposing to build a 12x33 or 396 sq. ft. addition to the existing home. The new home addition will require a side yard setback of 5 ft. This lot is currently legal non-conforming with regard to lot size and lot width. The lot is deficient in width for the district by 25.5 linear ft. Also, the lot is undersized for the district by 3,437 sq. ft. This new addition would eliminate the minimum floor area per dwelling non-conformity by making the home larger than 1,000 sq. ft. on the first floor, at 1,316 sq. ft.

Ms. Dreyer distributed a package to the members. She gave a brief history of the property. The lot is non-conforming. This is a very small house and they need to have cardio equipment due to health issues. She is just looking to have a room on the side of the house for cardio equipment and storage space at the back.

Ms. Spencer opened the public hearing at 7:57 pm. With no comments, the public hearing was closed.

Mr. Erlich moved in File 14-006 to approve the following variances: (1) a 3,437 sq. ft. variance to Minimum Lot Size for an end result of 8,563 sq. ft.; (2) a 25.5 ft. variance to Required Lot Width for an end result of 54.5 ft.; (3) a 5 ft. variance to the side yard setback for an end result of 5 ft. Mr. Fine supported and the MOTION carried with a roll call vote: Spencer – yes (this board is charged with eliminating non-conformity and this proposal does that); Fine – yes; Erlich – yes. (3 yes votes)

Next Meeting Date:

- a. Regular Meeting – June 26, 2014

Adjournment:

Mr. Erlich moved to adjourn the meeting at 8:02 pm. Mr. Fine supported and the MOTION CARRIED with a unanimous voice vote. (3 yes votes)