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## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

Regular Meeting  
7525 Highland Road  
White Lake, MI 48383  
**December 12, 2013 @ 7:00 p.m.**

Mr. Artinian called the meeting to order at 7:10 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Ruggles and Ms. Spencer were excused.

ROLL CALL: Rob Artinian, Chairperson  
Joseph Erlich, Secretary  
Gail Novak-Phelps  
Scott Ruggles, Board Liaison - Excused  
Josephine Spencer, Vice Chairperson - Excused

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

Visitors: 2

#### Approval of Agenda:

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

#### Approval of Minutes:

- Minutes of October 24, 2013

**Ms. Novak-Phelps moved to approve the minutes of October 24, 2013 as presented. Mr. Erlich supported and the MOTION CARRIED with a voice vote. (3 yes votes)**

#### Call to the Public (for items not on the agenda)

Mr. Artinian opened the discussion for public comment on items not listed on the agenda, but none was offered.

#### New Business:

- a. **File No.** File No. 13-015  
**Applicant:** David & April Rasky  
2754 Mystic Valley Dr.  
White Lake, MI 48383  
**Location:** 3837 Jackson, White Lake, MI 48383, identified as parcel 12-07-157-015  
**Request:** Variance to Article 3.1.6 R1-D single family residential, for lot size, lot width, minimum floor area, and side yard setback

Mr. Artinian noted for the record that 42 property owners within 300 ft. were notified and there were no letters received in favor or opposition of the request and 6 letters were returned undeliverable by the U.S. Postal service.

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Mr. Iacoangeli reviewed his report dated December 2, 2013. This is a legal non-conforming lot of record zoned R1-D. The home uses a private well and a private septic system. The applicant is proposing to build a 381 sq. ft. addition to the existing home on the north side of the structure. They are also proposing to add a 255 sq. ft. covered porch to the front of the home. Covered porches are considered just like additions for the purposes of determining setback requirements. The home addition will require a variance to both side yards with a setback of 5.10 ft. on the east side of the home and 5.4 ft. on the west side. The existing house is small in size (550 sq. ft.). The new addition will bring the home up to 931 sq. ft. and it will still be deficient in size by 69 sq. ft. The OCHD has approved the home addition with regard to the well and septic pending final Township approval.

Mrs. Rasky stated she is the property owner of 3837 Jackson. Their practical difficulty is that the lot is non-conforming and deficient in size for the township. The existing home is 1-bedroom and they are trying to make it more livable in today's standards. The house currently sits 10 ft. from the property lines and it's grandfathered in from the old setbacks in place years ago. They've talked to the neighbors on both sides, and neither were opposed to what they want to do. If the variances are granted, there would still be 15ft. between the house on the west, and 29 ft. between the house to the east. They cannot build to the rear without disrupting the septic system. They also cannot go up on the house because the existing structure will not support a second level.

Mr. Artinian noted that the ZBA is bound by what it can and can't do. He asked if there was anything else they could do to not increase the non-conformity. Legally the ZBA cannot increase the non-conformity, and he has reservations about granting these variances. This proposal would be going 3 ft. closer to the neighbors and lessening the access for emergency vehicles.

Ms. Novak-Phelps stated that leveling the house and rebuilding will still not make a conforming situation. Mr. Iacoangeli added that the applicant's hardship is that the district is 12,000 sq. ft. lot area and the applicant is at less than 6,000 sq. ft. Rebuilding would still require variance setbacks. In addition, the back yard is being taken up by the septic field. The applicant is seeking variances. The addition will be remediating a non-conformity. The new addition will make the house more conforming while doing something positive for the ordinance.

There was continued discussion on possible options for the applicant to consider, but the applicant feels they have made the best use of the property with what they are presenting.

**Ms. Novak-Phelps moved in File 13-015 to approve the following variances: (1) a 6,257 sq. ft. variance to minimum lot size for an end result of 5,743 sq. ft.; (2) a 30 ft. variance to lot width for an end result of 50 ft.; (3) a 4.9 ft. variance to the east side yard setback for an end result of 5.10 ft.; (4) a 4.6 ft. variance to the west side yard setback for an end result of 5.4 ft.; (5) a 69 sq. ft. variance to minimum floor area for an end result of 931 sq. ft.; and to include gutters and downspouts, and building official make the determination whether a fire rated wall would be necessary. Mr. Erlich supported and the MOTION CARRIED with a roll call vote: Erlich – yes; Novak-Phelps – yes (with adding the fire shielding. She also feels the addition will make the house more conforming and be a nice addition to the neighborhood, and neither neighbor was opposed with the proposal; Artinian – yes (begrudgingly). (3 yes votes)**

**Other Business:**

**a. Approval of the 2014 ZBA meeting dates**

**Ms. Novak-Phelps moved to approve the 2014 ZBA meeting dates as submitted. Mr. Erlich Supported and the MOTION CARRIED with a voice vote. (3 yes votes).**

**Next Meeting Date:**

**a. January 23, 2014**

**Adjournment**

**Ms. Novak-Phelps moved to adjourn the meeting at 7:40 p.m. Mr. Erlich supported and the MOTION CARRIED with a voice vote. (3 yes votes)**