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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

July 28, 2011 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. Gilbert, Ms. Novak-Phelps and Mr. Lanthier were excused.

ROLL CALL: Robert Artinian – Vice-Chairperson
Wayne Gilbert - **Absent**
Rik Kowall - Alternate
Mike Lanthier - **Absent**
Gail Novak-Phelps - **Absent**
Linda Pearson - Alternate
Josephine Spencer - Chairperson

Also Present: Sean O'Neil, Director of Community Development
Jason Iacoangeli, Staff Planner
Lynn Lindon, Recording Secretary

Visitors: 13

Approval of Agenda:

Mr. Artinian moved to approve the agenda as presented. Ms. Pearson supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Approval of Minutes:

a. Minutes of April 28, 2011

No action could be taken this evening.

New Business:

Applicant: **File No. 11-005**
Denise Reuven
2010 Kingston
White Lake, MI 48386

Location: 2010 Kingston, identified as 12-13-155-011
Request: Variance to Article 6, for lot size, lot width, lot coverage, distance to neighbors, and side yard setback. Variance to Section 4.20, Accessory Buildings in Residential Districts.

Ms. Pearson made a motion to remove this case from the table. Mr. Artinian supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Ms. Spencer noted for the record that 40 property owners within 300 ft. were notified of the request. No letters were returned in favor or opposition and 2 were returned undeliverable by the US postal service.

Mr. Iacoangeli re-reviewed his report dated June 13, 2011. The applicant is seeking variances retroactively in order to maintain the use of the 336 sq. ft. shed that exists on the property. This shed was erected without a building permit and the Township Ordinance requires building permits for structures over 200 sq. ft. He noted that the existing home is currently not served by sanitary water or sewer.

Bob Kostin, attorney for the Reuven's, noted that there is pending litigation on this matter. He has met with the township attorney, who is apprised of the request to seek variances. He understands this was tabled at the last meeting and since that time, the applicant may have additional variance requests this evening for consideration.

Since the new variance requests were less than what was originally advertised, the board members agreed to consider the new proposal submitted this evening.

Mr. Reuven stated for the record that he has sanitary sewers. Mr. Iacoangeli indicated that the water department does not have on record that this home is serviced by sanitary sewers. Mr. Reuven stated that he pays a monthly water bill to the township.

Mr. Reuven submitted two new drawings for consideration. One would increase the space from the neighbor's house by 7 ft. and leave him room to paint the shed in between the area of his house and the shed. His other proposal would be to increase the space by 8 ft. and move the shed directly up against his house. It was noted that the shed in question is 12' x 28'.

Ms. Pearson stated her concerns last month were due to the size of the shed. She feels the increase from 12' x 14' to 12' x 28' and adding a second story is extreme.

Mr. Kowall expressed concern with the proximity to the adjacent neighbor and questioned how the Fire Chief felt about this.

Mr. Reuven responded that his new approach would give more space between the 2 houses than what the neighbor had given them when their shed was up. He needs storage space and is willing to move the shed 8' from the neighbor's property.

Ms. Pearson noted that at the last meeting she asked whether Mr. Reuven was willing to lower the roof line. Mr. Reuven stated that he would prefer not change the roof line. Ms. Pearson indicated that she is trying to look for a happy medium that will work for everyone. She understands this is a shed kit, but she still has an issue with the size of the shed and moving it will still not satisfy her.

Mr. Reuven stated that if he built a garage, he would be going larger and higher than the shed. The shed is currently under the height restrictions and less than the maximum lot coverage.

Mr. Artinian felt this boils down to lot size supporting the structure. Mr. Kowall added that the whole process of planning is to minimize what has happened in the past. Mr. Kowall is concerned with the fire hazard. If the shed starts on fire, it could start both his and the neighbors house on

fire. There might be modifications in the building code for a firewall that could suppress the process, but fire departments are in the "what if" and they have to consider different scenarios. If there is a way to prevent or minimize something from happening, then that's what this board has to do.

Ms. Reuven noted that there would be 11 ft. between the shed and the neighbor with this new proposal. Mr. Kowall responded that there would be procedures and protocol to follow for a garage, and it would be by the book. He feels the shed could have been smaller and configured differently. Mr. Reuven stated he would be willing to put a metal roof the shed for more protection.

Ms. Pearson said the difference in size and moving it 8 ft. from the neighbor's property line, as it stands right now, she is opposed to the request.

Ms. Spencer opened the discussion for comments from the public.

Ed Kennedy, 9219 Buckingham, referenced a fire in the past that took out 2 houses across from it. Putting 10-15 ft. between houses will not stop a fire. However, the neighborhood was grandfathered in and he feels there should be some type of acceptance for this neighborhood. Some people just want to keep their stuff hidden and out of the weather.

Karen Stenke, 2030 Kingston, is concerned with setting a precedent and disregard for the zoning process. The applicant put up the shed without going through the process. She is also concerned with maximum lot coverage and the fact that other people in the area have been denied requests for additions. Ms. Spencer noted for the record that each case is based on its own merits.

Irene Jacobs, 2020 Kingston, still has a problem with the size of the shed and the privacy fence that Mr. Reuven had put up. She submitted photos to the board members showing the privacy fence, but Mr. Iacoangeli reminded the board members that the discussion is centered around the building tonight.

Thomas Johnson, 9136 Buckingham, takes issue with the size and height of the shed as it blocks the view for everyone within a few houses.

Ms. Spencer noted that at the last meeting there was the suggestion that the building official gave permission for the applicant to continue building the shed. After talking with the building official, at the time the complaint was received the applicant was just finishing up with the roofing. The shed was complete and the applicant was asked to come into the township for a permit.

Mr. Artinian indicated that this board is bound if the land makes the change. This island has matured and has gotten more packed. Variances are established to slow the process and residents have a legal alternative of getting rid of some of their stuff.

Mr. Kennedy responded to Mr. Artinians statement in that the board's predecessors at some point made the decisions on the properties of those who rebuilt the neighborhood. The area is overcrowded now because of the people that allowed those variances to happen.

With no other comments, Ms. Spencer closed the public hearing.

Mr. Reuven stated he would do what he can to use fire protectant material and move the shed over 8 ft. to allow more space. His intention is to make the shed blend with the house.

For the purpose of the motion, it was decided to use Mr. Reuven's second proposal, which is for a 2 ft. north side yard variance for an end result of 8 ft.

Mr. Artinian moved in File 11-005 to grant the following variances: (1) 7,050 to minimum lot size for an end result of 4,950; (2) 30 ft. to the required lot width for an end result of 50 ft.; (3) 8.4% to maximum lot coverage for an end result of 28.4%; (4) a 2 ft. north side yard setback variance for an end result of 8 ft.; (5) and 9.7 ft. from the distance to the neighbors for an end result of 10.3 ft., with fire retardant material used on both sides of the shed and the roof, and that gutters and downspouts will be added and directed to the lake. Mr. Kowall supported. The MOTION FAILED with a roll call vote: Pearson – no; Kowall – no; Artinian – yes (the applicant has compromised and is willing to move the shed 8 ft. away from the neighbors and add fire retardant material); Spencer – no (there is no hardship or practical difficulty and there are concerns for public safety and welfare and also with the fact that this will set a precedent. The applicant did not pull a permit and go through the proper channels. Had they contacted the township prior to construction, there may have been a hardship. (3 no votes; 1 yes vote).

Next Meeting Date:

- a. August 25, 2011

Adjournment:

Ms. Pearson moved to adjourn the meeting at 7:50 pm. Mr. Kowall supported and the MOTION CARRIED with a voice vote. (4 yes votes)