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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

February 25, 2010 at 7:00 p.m.

7525 Highland Road
White Lake, MI 48383

Mr. Gilbert 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 was absent.

ROLL CALL: Robert Artinian – Secretary - **Absent**
Wayne Gilbert – Chairperson
Mike Lanthier
Steve Martinko – Substitute for Mr. Long
Linda Pearson – Alternate
Josephine Spencer - Vice Chairperson

Also Present: Lynn Lindon, Recording Secretary

Visitors: 12

Approval of Agenda:

Ms. Spencer moved to approve the agenda as presented. Ms. Pearson supported and the MOTION CARRIED with a voice vote. (5 yes votes)

Approval of Minutes:

- a. Minutes of December 10, 2009

Action will be taken at the next meeting.

New Business:

	File No. 09-016
Applicant:	Brian & Stacie Contat 2260 Kingston White Lake, MI 48386
Location:	2260 Kingston, identified as 12-14-233-009
Request:	An extension to their variance that was granted on September 24, 2009.

Mr. Iacoangeli gave a brief overview of this case. The applicant wanted a variance in the front of the property to bring it closer to the road and accommodate more living space. They are requesting a 6-month extension.

Ms. Contat noted they are moving due to a job transfer and in the process of trying to sell, potential buyers are looking for an extension before pursuing their plans. New homeowners could simply pull building permit, without having to go through this process again.

Mr. Iacoangeli indicated the board could condition that this only be granted 6 more months, at which time the new owners would have to reapply. This variance can only be used for what was approved prior and not for modifications to the home. Permit must be pulled for exactly what was given, or they have to come back for variances.

Mr. Martinko moved in File 09-016 to grant the requested extension until August 25, 2010, conditioned up the fact that a permit must be pulled for exactly what was granted prior. Ms. Pearson supported and the MOTION CARRIED with a voice vote. (Martinko – yes; Pearson – yes; Spencer – yes; Gilbert – yes; Lanthier – yes. (5 yes votes)

	File No. 10-001
Applicant:	Jeff Nachtweih 3443 Valleybrook Brighton, MI 48114
Location:	3085 Ridge Road, identified as 12-18-101-012
Request:	Variance to Article 6 for front and side yard setback, lot size, lot width, lot coverage, and distance to the neighbors.

Mr. Iacoangeli reviewed his report dated January 28, 2010. This is a vacant lot located in the "Rolling Acres" subdivision and is a legal non-conforming lot of record located on White Lake. This home is not served by the sanitary sewer system and uses a private well. The applicant wishes to construct a new 2,750 sq. ft. single family home on the property. The buildable area is restricted based on the non-conforming size of the lot, location of the septic field, and the encroachment of the right-of-way for Ridge Road. The Planning Department's concern is that the home could have less of an impact if it was built as a 2-story home (rather than 1-story), reducing the size of the building footprint. This would be consistent with other homes in the neighborhood.

Mr. Gilbert noted for the record that 36 homeowners/occupants within 300 ft. were notified of the request. No letters were returned in favor or opposition, and 3 were undeliverable by the U.S. Postal Service.

Mr. Lanthier questioned whether this was a walkout out plan and Mr. Nachtweih confirmed the plan is for a ranch with a walkout. Ms. Pearson asked about the size of the septic field and how many bathrooms/bedrooms and whether there would be a loft over the garage. Mr. Nachtweih indicated this would be 2 bedroom/2.5 bath and there would not be a loft over the garage. He added that he would not be coming out any further than the neighboring house and he is still 50 ft. from the road. He just put in a new septic field and wanted to make sure the county was ok with this before he came in for variances.

Mr. Martinko asked how he would address rain runoff and how much landscaping is planned. Mr. Nachtweih stated he has a 6" trough and gutters. He plans on matching the landscaping line with his neighbors. Both neighbors are 5 ft. from their lot lines and he will be 5 ft. on one side and 10 ft. on the other.

Mr. Lanthier noted in the past the ZBA has required a 2-hour firewall. Mr. Gilbert agreed and felt this could be conditioned in the variance.

Ms. Spencer moved in File 10-001 to grant variances for (1) a 2,560 sq. ft. variance to minimum lot size for an end result of 9,440 sq. ft.; (2) a 9% variance to maximum lot size for an end result of 29%; (3) a 29 ft. variance to the required lot width for an end result of 51 ft.; (4) an 18.5 ft. variance to the front yard setback for an end result of 16.5 ft.; (5) a 5 ft.

north side yard setback for an end result of 5 ft.; (6) a 10 ft. variance to the distance to the neighbors; (7) a 4 ft. variance to the south for distance to the neighbors. In addition to granting, we are requesting a firewall on the north side and this can be deferred to the building official, and that gutters and downspouts be directed to the southwest corner of the property, all based on a staked survey shown to the building and planning departments. Mr. Martinko supported and The MOTION CARRIED with a roll call vote: Pearson – yes; Martinko – yes; Spencer – yes (this is non-conforming lot and a hardship exists on the property, and this will blend nicely with the neighborhood); Lanthier – yes (for the reasons stated); Gilbert – yes (for reasons stated and the use of fireproofing).

File No. 10-002
Applicant: Matt Decker
9260 Ute Pointe Dr.
Clarkston, MI 48346
Location: 15 Mill St., identified as 12-27-228-002
Request: Variance to Article 6 for side yard setback, lot size, and distance to neighbors, lot coverage, lot width, and front yard setback, and a variance to Article 27.02 (b) for Nonconforming structures.

Mr. Iacoangeli reviewed his report dated February 1, 2010. This is a 1-story home located on a legal non-conforming lot of record. This home is not served by the sanitary sewer system and uses a private well. The applicant wishes to construct a 24x35 attached 2-car garage. This garage would replace the existing 16x22 attached 1-car garage. It should be noted the existing garage and parts of the home were destroyed by fire. Tot total rebuild of the home will exceed 100% of the SEV of the home. Because of this, the applicant will need a variance for Article 27.02(b) Nonconforming Structures. It has become clear that more than 1/3 of the property is included in the right-of-way for Mill Road and Elizabeth Lake Road. This has caused the lot to be deficient with regard to lot size, lot coverage, and front yard setback. The applicant could reduce the size of the garage to 24x24 in order to reduce the amount of lot coverage. It should be noted that a condition of the Township as part of this request is that the home will be required to connect to the sanitary sewer system.

Mr. Iacoangeli continued that there are issues with the right-of-way in that it consumes a portion of the lot. The net parcel would be 8,476 sq. ft. and this is why the house will require a front yard variance. Maximum lot coverage is 441 sq. ft. over what they are supposed to have and then they need 2.2 ft. sideyard setback would be required. The ordinance states that if you are going to exceed in the repair value of a home then it shouldn't be repaired. His opinion is that the lot is so challenged it would be as difficult to replace what is already there. Mill Road may never be widened and Elizabeth Lake Road could potentially, but looking at the property, the house sits in an area that would be safe if the road was widened. It is consistent with the area.

The applicant stated they would continue on the same path so the garage is flush with the house. The way it's angled, it is further back from the road. His client wants to make it more appealing from the lakeside.

Ms. Spencer moved in File 10-002 to grant variances for (1) a 7,523 sq. ft. variance to minimum lot size for an end result of 8,477 sq. ft.; (2) a 5% variance to maximum lot size for an end result of 25%; (3) a 20.87 ft. front yard setback for and end result of 9.13 ft.; (4) a 2.2 ft. north side yard setback for an end result of 7.8 ft.; (5) A variance to Article 27.02(b) for Non-conforming Structure, all contingent upon the fact that the home will be required to connect to the township sanitary sewer system and gutters and downspouts will be installed. Pearson supported and The MOTION CARRIED with a roll call vote: Spencer – yes (this is non-conforming and normally with Article 27.02 she would hesitate to grant, however the layout of the property, and with today's economy, SEV's are lower which creates hardship with property owners and when this turns around, she is confident the

SEV will go back up, and had it happened in the future they probably would not have had to come to the board for this Article 27.02); Pearson – yes (she had concerns with the size of garage but aesthetically it will fit and she agrees with the end result); Martinko – yes (the neighbors will be happy that things will be housed in the garage); Lanthier – yes; Gilbert – yes (2 side yards are reasonable, this is not protruding any further, this is no closer to the road, and this size of garage will look right).

OTHER BUSINESS:

- a. Election of Officers

Mr. Lanthier moved to elect Ms. Spencer as Chair, Mr. Gilbert as Vice Chair and Mr. Artinian as Secretary. Mr. Gilbert supported and the motion carried with a voice vote. (5 yes votes

Next Meeting Date:

- a. March 25, 2010

Adjournment:

Mr. Martinko moved to adjourn the meeting at 7:50 pm. Ms. Spencer supported and the MOTION CARRIED with a voice vote. (5 yes votes)