

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS SPECIAL VIRTUAL MEETING  
**OCTOBER 15, 2020**  
7525 Highland Road  
White Lake, MI 48383

Ms. Spencer called the special meeting of the White Lake Township Zoning Board of Appeals to order at 6:03 p.m. and led the Pledge of Allegiance. Roll was called:

ROLL CALL: Debby Dehart  
Mike Powell  
Nik Schillack – late log in.  
Josephine Spencer –Chairperson  
Dave Walz – Vice Chair

Also Present: Justin Quagliata, Staff Planner  
Hannah Micallef, Recording Secretary

Visitors: 0

**Approval of the Agenda:**

**Mr. Powell MOTIONED to approve the agenda with an amendment to moved item 6c ahead of agenda item 6b. Ms. Dehart supported and the MOTION CARRIED with a roll call vote (Dehart/yes, Powell/yes, Schillack/yes, Spencer/yes, Walz/yes.).**

**Approval of Minutes:**

Zoning Board of Appeals Special Meeting Minutes September 10, 2020.

**Mr. Schillack said his name was misspelled on page one. Mr. Walz wanted to add that he would like to add “in his opinion” after the first sentence on page three, paragraph ten. Ms. Dehart MOTIONED to approve the special meeting minutes of September 10, 2020 as amended. Mr. Schillack supported and the MOTION CARRIED with a roll call vote (Powell/yes, Schillack/yes, Spencer/yes, Walz/yes, Dehart/yes).**

**New Business**

- a. Applicant: Chuck Essian  
9534 Mandon Road  
White Lake, MI 48386
- Location: **9534 Mandon Road**  
White Lake, MI 48386 identified as 12-35-126-034
- Request: The applicant requests to construct an addition to a single-family house that would attach to an accessory building, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback due to the setback from the side lot line.

**Ms. Dehart asked the Zoning Board of Appeals to be recused from agenda item 6a due to a conflict of interest. Mr. Powell MOTIONED to recuse Ms. Dehart from agenda item 6a. Mr. Schillack SUPPORTED, and the MOTION CARRIED with a voice vote (Walz/yes, Schillack/yes, Powell/yes, Spencer/yes, Dehart/abstained).**

Ms. Dehart was removed from the virtual meeting room.

Ms. Spencer noted for the record that 31 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

### **Property Description**

The approximately 1.597-acre (69,565.32 square feet) parcel identified as 9534 Mandon Road is located on Cedar Island Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,896 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

Chuck Essian, the applicant, is proposing to construct an addition to the existing house, which would connect with a detached garage on the south side of the property. The submitted plan shows a 45-foot-long, five-foot-wide covered walkway that would provide access from the existing house to the north with the proposed addition to the south.

### **Planner's Report**

The proposed addition is 20 feet by 40 feet (800 square feet) in size, and the proposed covered walkway is approximately 425 square feet in size. The roofed walkway would extend southward from the house to the addition, and the south side of the addition would connect with the north side of the existing three-car detached garage (approximately 960 square feet in size). The garage is located 6.6 feet from the west side property line.

The garage would be part of the principal structure if connected with the proposed addition, and therefore would be subject to the principal structure setback requirements of the R1-D zoning district. The garage would be considered nonconforming if it becomes part of the house because it does not meet the 10-foot side yard setback. Additionally, the submitted site plan shows the existing house located 14 feet from the east side property line. Based on Oakland County parcel information, the house appears to be built over the east side property line, and therefore is considered nonconforming.

Staff believes the proposed addition has the potential to be used as a secondary dwelling unit. While the applicant has indicated they have no intention of using the addition for those purposes, a future owner could convert the addition to be living quarters independent of the main house. A floor plan provided by the applicant shows the addition would contain one bedroom, one and one-half bathrooms, a laundry/utility room, and kitchen with full cooking facilities.

If the Zoning Board of Appeals approves the request, staff recommends conditions be placed on the approval to prohibit the proposed addition from being used as a secondary dwelling unit. The motion for approval provided on the following page includes the aforementioned conditions for the Board's consideration.

Mr. Powell asked staff how the applicant's request differed from a mother in law suite, which the Zoning Ordinance allowed for. Mr. Quagliata said there was a restriction on the size of a secondary dwelling unit in the ordinance, and the applicant's request exceeded the allowed square footage. The applicant did not request a variance for the size of the building. He added the proposed structure was only attached to the house by a breezeway.

Mr. Walz asked staff if a survey of the property was submitted. Mr. Quagliata said there wasn't. Mr. Walz said when he visited the site, the building area was not staked. Mr. Quagliata added the variance application required staking, and failure to do so could cause the case to be tabled.

Mr. Essian was present to speak on his case. He said he had to redraw his plot plan to scale to show an accurate picture of what would be built. He said he didn't stake out his addition, but he would be moving the new structure 3.5' east of the existing garage, with a 45' covered walkway connection the addition to the house.



Ms. Spencer noted for the record that 20 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

### **Property Description**

The approximately 0.114-acre (4,965.84 square feet) parcel identified as 10201 Joanna K Avenue is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 645 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

SLT Properties LLC, the applicant, is proposing to construct a second-story addition to the existing single-story house.

### **Planner's Report**

The existing house was built in 1938 and is considered nonconforming because the southwest corner of the house is located 2.56 feet from the side lot line, the northwest corner of the house is located 3.17 feet from the side lot line, the northeast corner of the house is located 6.22 feet from the side lot line, and the house is located 21.08 feet from the front lot line. A minimum 10-foot side yard setback and 30-foot front yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 7,034.16 square foot deficiency in lot area and a 55.1-foot deficiency in lot width (24.90 feet in width at the road right-of-way line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

Article 7, Section 23 of the zoning ordinance states nonconforming structures may not be enlarged or altered in a way which increases its nonconformity. The proposed second-story addition would be 482.50 square feet in size and at its closest point would encroach five (5) feet into the required 10-foot side yard setback from both the east and west property lines.

Article 7, Section 28 of the zoning ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs in any twelve (12) consecutive months. Based on the SEV of the structure (\$27,870), the maximum extent of improvements cannot exceed \$13,935. The applicant indicated the value of the proposed second-story addition is \$12,000. Based on the submitted plans and scope of the project staff believes the value of work would exceed 50% of the SEV, therefore a variance for the value of improvements is required. A variance from Article 7, Section 28 of the zoning ordinance was not requested or published.

Mr. Swierkos, 2439 Fenton Road, Hartland, was present to speak on his case. The request was to add a second story. The issue was the size of the lot. The house is in rough shape, and he is proposing to fix it and increase the living space to around 1,000 square feet. He would not add any bedrooms. He said when the project was priced out, he thought he could save money by doing the work himself, however, these were pre-COVID prices, and the addition would cost more than originally assumed.

Mr. Walz asked the applicant if the plans had been reviewed by a structural engineer? Mr. Swierkos said no, plans were prepared by an architect. He said he would not have a problem with a structural engineer reviewing the plans.

Ms. Spencer opened the public hearing at 7:42 PM. Seeing no public comment, she closed the public hearing at 7:43 PM.



## **Planner's Report**

The existing 616 square foot two-car detached garage would be demolished prior to constructing the proposed four-car garage, which would be 30 feet by 40 feet (1,200 square feet) in size. The applicant intends to locate the garage west of the existing house, and the garage would be connected to the house by a breezeway which would be 10'-8" by 15'-6" (165.34 square feet) in size. The garage would be located 26 feet from the front property line. A variance of nine (9) feet is requested to encroach into the front yard setback.

The submitted plan showing the shape and dimension of the property, and the existing structures is not drawn to scale. The location of the front property line should be verified to confirm the proposed setback of 26 feet is met.

Mr. Vincent was present to speak on his case. He said he was looking to replace garage, and to construct it in the same area the current one was at. He said his septic tank was 22' to the north of his garage, and he didn't want to interfere with the oak tree behind the garage.

Mr. Powell said it would be ideal to move the garage back 9' so the applicant wouldn't need a variance. Mr. Vincent said he could move the garage north 4'-6'. He would like to offset roofline of the new garage with the roofline of the house.

Ms. Dehart asked the applicant where the north wall of the new garage would be. Mr. Vincent said the wall would be 25' from the septic tank.

Ms. Spencer opened the public hearing at 8:14 PM. Seeing no public comment, she closed the public hearing at 8:14 PM.

Ms. Dehart asked staff since the property was a corner lot, were there two front yard setbacks. Mr. Quagliata confirmed, the west yard was the rear yard.

Mr. Quagliata said if the ZBA was inclined to modify the front yard setback, they could grant 30' to be consistent with R1-D standards.

Mr. Powell said if a variance of 5' was granted instead of 9', it would give the applicant what he was looking for, maintain a bigger setback than what was existing, and enhance the architecture of the garage and breezeway to the house.

**Mr. Powell MOVED to approve the variance requested by Richard Vincent from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-27-403-009, identified as 572 Washington Boulevard, in order to construct an attached garage addition that would encroach five (5) feet into the required front yard setback resulting in a thirty (30) foot setback along De Grand, due to the hardship of a corner lot and to maintain a pleasing architectural façade. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **A survey shall be required to verify the location of the front property line.**

**Mr. Schillack SUPPORTED, and the MOTION CARRIED with a roll call vote (5 votes):**

**Powell: YES; there was a practical difficulty.**

**Schillack: YES; for the reasons stated.**

**Walz: YES; a hardship existed with the lot due to challenging conditions.**

**Spencer: YES; for all the same reasons.**

**Dehart: YES; for all the reasons stated.**

- d.      Applicant:      David Nellist  
                                 301 South Silvery Lane  
                                 Dearborn, MI 48124
- Location:      **10697 Castlewood Drive**  
                                 White Lake, MI 48386 identified as 12-34-151-004
- Request:        The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback and Article 3.11.Q, Water Features Setback due to the proposed buildings setbacks from the water's edge. Variances from Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width are also required.

Ms. Spencer noted for the record that 11 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

### **Property Description**

The approximately 0.23-acre (10,000 square feet) parcel identified as 10697 Castlewood Drive is located on Sugden Lake and zoned R1-D (Single Family Residential).

### **Applicant's Proposal**

David Nellist, the applicant, is proposing to construct a new house on an undeveloped parcel.

### **Planner's Report**

The parcel is nonconforming due to a 2,000 square foot deficiency in lot area and a 14-foot deficiency in lot width (66 feet in width at the road right-of-way line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to construct a 1,760 square foot single-story house and a 220 square foot accessory structure. The proposed house would be located 5.5 feet from the east property line. The minimum side yard setback is 10 feet in the R1-D zoning district; therefore, a five-foot variance is being requested to encroach into the east side yard setback.

Article 3, Section 11.Q of the zoning ordinance states no building shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The proposed house would be located 10.96 feet from the edge of the Sugden Lake canal to the west, and the proposed rear deck would be located 5 feet from the water's edge; therefore, a 20-foot variance is being requested to encroach into the water features setback. Additionally, the proposed accessory structure is also located 11.79 feet from the canal to the west.

Article 5, Section 3 of the zoning ordinance prohibits roofs, gutters, windows, and open balconies from projecting closer than five feet to a lot line. The roof overhang on the proposed house is located three (3) feet from the east side lot line. Article 7, Section 27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance of less than five feet from a side lot line for safety reasons.

Mr. Powell asked staff why setbacks were measured from the water's edge of the lake. Mr. Quagliata stated water was excluded from lot area calculations because it wasn't useable. He added rear setbacks on a lakefront lot are measured from the water's edge for the same reason.

Mr. Quagliata said there was not a sea wall, and the survey dated 1997 showed the water's edge in one place, but over time, it may have shifted. Mr. Walz asked staff if the water features setback could be more or less than 5'. Mr. Quagliata responded in the affirmative.

Ms. Dehart asked staff if soil borings were done to the parcel. Mr. Quagliata said not to his knowledge.

Mr. David Nellist, 301 S Silvery Lane, Dearborn, was present to represent his case. He said there was a permit in to the state for a seawall down the side and back of the property. He intends to have a new survey done of the property, as well as soil boring tests.

Mr. Powell said the area had recently been granted access to sanitary sewers. He asked if the lot was included in the Special Assessment District (SAD).

Ms. Spencer open the public hearing at 8:49 PM.

Donald McCuean, 10687 Castlewood Drive. He was the homeowner east of the property in question. The previous owner of the lot told him he did pay to tie into the sewers. He had no problems with the applicant's variance request.

Ms. Spencer closed the public hearing at 8:53 PM

Mr. Powell asked the applicant what the smaller building on the north was. Mr. James Nellist said it would be a small work room, and north of that would be a carport. Mr. Quagliata asked the applicant why the accessory building couldn't be moved to the east to meet the 25' setback? Mr. James Nellist said he wanted room to have a turning radius to maneuver a vehicle into the carport. Mr. Quagliata also said the side deck could be reduced in size to get a greater setback from the water's edge to the west.

Mr. Powell asked if there was a flood plain on Sugden Lake? Mr. James Nellist said no, not as far as this property was concerned, and the plans proposed a finished first floor grade of 4', with the crawl space included.

**Mr. Schillack MOVED to approve the variances requested from David Nellist from Article 3.1.6.E for parcel number 12-34-151-004, identified as 10697 Castlewood Drive in order to construct a new house that would encroach twenty (20) feet into the required water feature setback and five (5) feet into the required side yard setback, a fourteen (14) foot variance from the required lot width and two thousand (2,000) square foot variance to the lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:**

- **The applicant will obtain all necessary permits from the White Lake Township Building Department.**
- **In no event shall the projection of the roof overhang be closer than five (5) feet to the east side lot line or five (5) feet to the water's edge to the west.**
- **A current survey shall be submitted at the time of reapplication for a building permit.**
- **A floodplain certificate be submitted to ensure the finished floor elevation is at least one (1) foot above the floodplain.**

**Ms. Dehart SUPPORTED, and the MOTION CARRIED with a roll call vote (5 votes):**

**Schillack: YES; the house would make a nice addition to the neighborhood and there would be a seawall next to the inlet.**

**Dehart; YES, the applicant was working hard to make sure the home is constructed properly and it will be a nice addition to the neighborhood.**

**Walz: YES; a hardship existed due to the configuration and challenges of the existing lot size.**



**Spencer: YES; a hardship existed and land that wasn't developed can be developed beautifully now in White Lake.**  
**Powell: YES; the applicant demonstrated a non-self-imposed hardship and practical difficulty due to the existing conditions of the parcel.**

- e. Applicant: Lakewood Village Improvement Association  
971 Schuyler Drive  
White Lake, MI 48383
- Location: **The following three locations, all within Road Commission for Oakland County (RCOC) right-of-way: northeast corner of Biscayne Avenue and Bogie Lake Road, northeast corner of Ellinwood Drive and Bogie Lake Road, and northeast corner of Thompson Lane and Bogie Lake Road**  
White Lake, MI 48383
- Request: The applicant requests to construct three monument signs within the road right-of-way, requiring variances from Article 5.9.I, Residential District Signs due to the proposed zero-foot setback from the road right-of-way and installation of a third monument sign.

Ms. Spencer noted for the record that 57 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

**Applicant's Proposal**

The Lakewood Village Improvement Association, the applicant, is proposing to remove and replace three freestanding (monument) signs at the following entrances to the subdivision: the northeast corner of Biscayne Avenue and Bogie Lake Road, the northeast corner of Ellinwood Drive and Bogie Lake Road, and the northeast corner of Thompson Lane and Bogie Lake Road. All of the proposed signs are located within Road Commission for Oakland County (RCOC) right-of-way, and said locations contain R1-C (Single Family Residential) zoning.

**Planner's Report**

All of the proposed signs are 1.92 feet by 6.375 feet (12.22 square feet) in size. The single-sided monument structures are four feet in height and eight feet in length, including the sign area. In accordance with Article 5, Section I (Residential District Signs) of the zoning ordinance, one monument sign, not more than 30 square feet in area, may be maintained at or adjacent to the principal entrance to the subdivision. One additional sign may be permitted if the subdivision has access to two thoroughfares or the subdivision has more than one boulevard street entrance from an existing arterial or it has at least 250 homes. The signs may not exceed six feet in height.

The Lakewood Village subdivision has more than 250 homes, so a second development entry sign is permitted by right. A variance is requested to install the third sign. Additionally, subdivision signs not placed within a public boulevard entrance must be setback at least 10 feet from the road right-of-way. As all of the proposed signs would be located within the right-of-way, the applicant is requesting a 10-foot variance for the placement of each sign. The RCOC approved the applicant's permit application to allow the removal and replacement of the three signs within the Bogie Lake Road right-of-way. If the Zoning Board of Appeals approves the request, staff recommends the following condition:

The Applicant shall obtain the required Road Commission for Oakland County (RCOC) permit and provide a copy of said permit to the Building Department at the time of application for a Township sign permit.



**Request:** The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

Ms. Spencer noted for the record that 30 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

### **Property Description**

The approximately 0.112-acre (4,880 square feet) parcel identified as 8414 Cascade Street is located on Cooley Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,097 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

### **Applicant's Proposal**

8414 Cascade LLC, the applicant, is proposing to demolish the existing house and construct a new house.

### **Planner's Report**

The existing house was built in 1928 and is considered nonconforming because it does not meet the front and side yard setbacks. A minimum 30-foot front yard setback and 10-foot side yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 7,120 square foot deficiency in lot area and a 40-foot deficiency in lot width (40 feet in width at the road right-of-way line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to demolish the existing house to construct a 3,238 square foot two-story house with an attached two-car garage. The proposed house would be located five feet from the east and west property lines; therefore, a five-foot variance is being requested to encroach into the side yard setback. Additionally, the new house would be located 20 feet from the front property line; therefore, a 10-foot variance is being requested to encroach into the front yard setback. The proposed lot coverage is 46.86% (2,287 square feet), which is 26.86% (1,311 square feet) beyond the 20% maximum lot coverage allowed (976 square feet).

Mr. Powell asked staff if the rear yard setback was to the deck or the house? Mr. Quagliata said the setback 30' setback was from the house to the water's edge, and the deck was subject to the water's feature setback, which was 25'.

Mr. Gahasan Abdelnour, GAV Associates, was present to represent the applicant. He is asking for variances of 5' from the side yard setbacks, and 10' from the front yard setback. He said the lot was non-conforming, and he was asking for the 20' front yard setback to be in more conformity with the rest of the homes in the area. He asked for the lot coverage because the lot was small.

Mr. Powell asked staff to confirm the applicant is not requesting lakeside variances. Mr. Quagliata confirmed. Mr. Powell said he was concerned for the neighbors on both sides of the property, and their view, but the applicant was meeting the setbacks from the rear lot lines.

Mr. Beals, the homeowner, was also in attendance and said it was important to be considerate of his neighbors on both sides. The house was in line with the neighbors to the east and west, in regards to his sightlines. He said this new home would be his primary residence.

Ms. Spencer opened the public hearing at 9:47 PM. Seeing none, she closed the public hearing at 9:47 PM.

**Mr. Walz MOVED to approve the variances requested by 8414 Cascade LLC from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-36-453-012, identified as 8414 Cascade Street, in order to construct a new house that would exceed the allowed lot coverage by 26.86% and encroach 10 feet into the required front yard setback and 5 feet into the required side yard setback from both the east and west property lines. A 40-foot variance from the required lot width and 7,120 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **In no event shall the projection of the roof overhang be closer than five (5) feet to the east or west side lot lines.**

**Ms. Dehart SUPPORTED and the MOTION CARRIED with a roll call vote:**

**Walz: YES; the house would be an improvement to the area and a hardship existed due to the lot configuration.**

**Dehart: YES; there was a hardship with this lot size.**

**Schillack YES; the house would be an improvement to the neighborhood.**

**Powell: YES; the lot was substandard and legal non-conforming and the owner presented a case for practical difficulty to provide a modern home on this lot.**

**Spencer: YES; for all the reasons stated.**

**Other Business:**

Ms. Spencer wanted to add she was concerned applicants were not staking out their additions. Mr. Quagliata said the application required additions to be staked, and there may be a need to be more stringent with it. He suggested the Zoning Board of Appeals require stake surveys with future application package submittals. He also suggested holding a ZBA training session in the near future.

**Adjournment:**

**Ms. Dehart MOTIONED to adjourn the meeting at 10: 18 PM, Mr. Schillack SUPPORTED. All in favor.**

**Next Meeting Date:** October 22, 2020