

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS SPECIAL MEETING
DECEMBER 17, 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 5:30 PM and led the Pledge of Allegiance. Roll was called:

ROLL CALL: Mike Powell
Nik Schillack
Clif Seiber
Josephine Spencer –Chairperson
Dave Walz – Vice Chair - Excused
Debby Dehart

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

Visitors: 0

Approval of the Agenda:

Mr. Schillack MOTIONED to approve the agenda as presented. Ms. Dehart SUPPORTED and the MOTION CARRIED with a roll call vote (Schillack/yes, Dehart/yes, Seiber/yes, Powell/yes, Spencer/yes).

Approval of Minutes:

Zoning Board of Appeals Regular Meeting of October 22, 2020.
Zoning Board of Appeals Regular Meeting of December 10, 2020.

Mr. Schillack MOTIONED to approve the Zoning Board of Appeals Regular Meeting Minutes of October 22, 2020 as presented. Mr. Seiber supported and the MOTION CARRIED with a roll call vote (Schillack/yes, Seiber/yes, Dehart/yes, Powell/yes, Spencer/yes)

Mr. Schillack said there was a typo on page 8. Mr. Schillack MOTIONED to approve the Zoning Board of Appeals Regular Meeting Minutes of December 10, 2020 as amended. Mr. Powell SUPPORTED and the MOTION CARRIED with a roll call vote (Schillack/yes, Powell/yes, Seiber/yes, Spencer/yes, Dehart /yes).

New Business:

- a. Applicant: Michelle Squires
9578 Buckingham Road
White Lake, MI 48386
- Location: **9578 Buckingham Road**
White Lake, MI 48386 identified as 12-14-201-014
- Request: The applicant requests to construct an addition and covered porch on a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Maximum Lot Coverage. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Ms. Spencer noted for the record that 21 owners within 300 feet were notified. 0 letters were received in favor, 1 letter was received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Quagliata gave his staff report.

Mr. Schillack asked staff when the applicant received the stop work order. Mr. Quagliata said he spoke to the applicant on November 23rd, 2020, and followed up with an email the same day. Mr. Schillack asked if the addition foundation was poured after November 23rd, 2020. Mr. Quagliata confirmed.

Mr. Powell asked staff if the work was done with an approved building permit. Mr. Quagliata confirmed, and said the building permit was issued in error. Mr. Powell asked staff if it was common for the houses in the area to be over the maximum lot coverage. Mr. Quagliata confirmed.

Mr. Schillack asked staff if the construction work that took place was in accordance with the permit that was issued in error. Mr. Quagliata confirmed, and added the rear covered porch was already constructed by the time staff realized there was a zoning issue. The rear covered porch and the addition was approved on November 9th, 2020, on the permit that was issued in error. The front porch was not approved and no work had been done in that regard.

Ms. Michelle Squires was present along with her attorney, Amy Marino, 27495 Franklin Road, Apt 6, Southfield, Michigan. Ms. Marino spoke on behalf of the applicant. Ms. Marino said her client was advised in writing on November 9th that she would have to apply for a variance for the front porch, and Ms. Squires was aware of this and had not begun work on the front porch. The back porch and addition were a different story; Ms. Squires acted on good faith from the permit that was issued on November 9th, 2020 for the rear porch and the addition. Ms. Squires was notified on November 23, 2020 there was an issue with the permit, and she had already spent a substantial amount of money on supplies and labor by that time. The roof on the house was vulnerable as well.

Mr. Powell asked the applicant about the proposed cover on the front porch. It was proposed 6' deep and 16' wide. He asked if the front covered porch would be better over the door on the east side of the house and why it needed to be 16' wide when the front porch only measured about 5' wide.

Ms. Squires said if her variance request were granted, she would move the entrance for the front porch to the east side. She said there was an error on the plans submitted and the front porch was only going to be 12' wide to accommodate a wider entrance.

Ms. Seiber asked staff if building inspections were continued as construction was proceeded. Mr. Spencer confirmed, he went out to the home to inspect the footings, that was when the issue with the lot coverage was noticed. At that time, the footings had been dug but not poured. The footings were previously approved.

Ms. Dehart asked the applicant if the variance was not granted for the covered front porch, would the door be left where it was now and would the door have coverage over it. Ms. Squires said the door currently did not have coverage, and if the door were moved without the variance, there wouldn't be coverage over it.

Ms. Dehart asked staff if lot coverage was usually calculated for an addition. Mr. Spencer said usually it was, but it was missed this time.

Ms. Spencer opened the public hearing at 6:02 P.M. She read a letter of opposition into the record.

Nick Oosting, 9568 Buckingham. He said there were two accessory structures on the west side of the property that were not included on the drawing presented. He was in opposition of the variance for lot coverage.

Ms. Spencer closed the public hearing at 6:11 P.M. Ms. Spencer reopened the public hearing at 6:13 P.M.

Paul Shot, 9548 Buckingham. He was in opposition to the applicant's construction. He said his view to the lake was being taken away by the applicant's construction.

Ms. Spencer closed the public hearing at 6:14 P.M.

Ms. Dehart asked the applicant if the accessory buildings were not there, would it help the lot coverage. Ms. Squires said there was one, which was built a long time ago, and the other is a deck box which could be moved. Mr. Quagliata said those accessory structures weren't taken into account when he calculated lot coverage.

Mr. Powell MOVED approve the variances requested by Michelle Squires from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-14-201-014, identified as 9578 Buckingham Road, in order to construct a covered porch that would encroach 22 feet into the required front yard setback, and an addition that would exceed the allowed lot coverage by 8.52%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 186.58%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **An as-built survey shall be required to verify setbacks.**

Mr. Seiber SUPPORTED, and the MOTION CARRIED with a roll call vote (4 yes votes):

Powell: YES; there was a non self-imposed hardship and the site posed a practical difficulty.

Seiber: YES; there was a practical difficulty in regards to the front porch, a cover was needed and 6' was not accessible.

Dehart: YES; there was a practical difficulty that was not self created.

Schillack: YES; the Township needed to stand by its word.

Spencer: NO; there was no practical difficulty. The situation was not unique and was self created. The ZBA was not denying the applicant substantial justice in utilizing their property.

- b.** Applicant: Timothy M. Andres
490 Burgess Drive
White Lake, MI 48386
- Location: **490 Burgess Drive**
White Lake, MI 48386 identified as 12-27-427-016
- Request: The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.5.E, R1-C Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Ms. Spencer noted for the record that 27 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Quagliata gave his staff report.

Mr. Powell asked staff if there was a relationship between the zoning ordinance and setback to the retaining walls versus the structure itself. Mr. Quagliata said there was a section of the building code that stated if a retaining wall was over a certain height, a permit would be required. If the retaining wall was attached to the house, it would be considered a part of the house.

Mr. Schillack asked staff if the addition was an increase, decrease, or no change to the nonconformity of the home. Mr. Quagliata said there was no increase in nonconformity, but because the finished floor of the garage would be raised, and had to be demolished to do so, the nonconforming status of the garage would be lost so the ordinance requiring compliance with setbacks was triggered.

Tim Andres was present to speak on his case. He said the retaining wall would be 3' tall, and there would not be a screen wall over the top of it, just plantings. It would be attached to the house under grade, but it wouldn't have to be anchored to the house. It would be 8' from the front yard lot line, and projected out in front of the garage. He said he was not changing the footprint or the size of the garage, and he was going to remove the second floor over the garage.

Ms. Spencer opened the public hearing at 6:34 P.M. Seeing no public comment, she closed the public hearing at 6:34 P.M.

Mr. Powell MOVED to approve the variances requested by Timothy M. Andres from Article 3.1.5.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-27-427-016, identified as 490 Burgess Drive, in order to construct an attached garage that would encroach 27 feet into the required front yard setback and 1.6 feet into the required east side yard setback. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 280%. A 30-foot variance from the required lot width and 6,112 square foot variance from the required lot size are also granted from Article 3.1.5.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Prior to issuance of a building permit the applicant shall obtain a permit from the Road Commission for Oakland County (RCOC) to work in the Burgess Drive right of- way to improve the driveway.**

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

Powell: YES; it would protect the home from water damage.

Schillack: YES; for the reasons stated and it was a good improvement to the neighborhood.

Seiber: YES; the driveway condition was a hardship and the variances would remedy that.

Dehart: YES; for all of the reasons stated.

Spencer: YES; for all of the reasons stated.

- c. Applicant: Robert Snapp
3960 Woodmere Drive
Waterford, MI 48329
- Location: **8834 Arlington Road**
White Lake, MI 48386 identified as 12-13-176-002
- 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, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

Ms. Spencer noted for the record that 23 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Quagliata gave his staff report.

Mr. Schillack asked staff if the nonconformities would be decreased, increased, or kept the same. Mr. Quagliata said the new house would be slightly closer to the side yard lot line by approximately 1', so nonconformities would be increased.

Mr. Powell said the existing home was 6.7' off the west property line and 15' off the east property line. The existing home to the west was 2.3' from the shared property line, and the home to the east was 3.3' from the shared property line. He wanted to understand the floorplan and why the applicant would increase the nonconformities.

Mr. Powell MOVED to table the variance requests of Robert Snapp for Parcel Number 12-13- 176-002, identified as 8834 Arlington Road, to allow the applicant an opportunity to revise the plan.

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

Powell: YES.

Schillack: YES; there were other ways to avoid increased nonconformities.

Dehart: YES; for all of the reasons stated.

Spencer: YES; for all of the reasons stated.

Seiber: YES; for all of the reasons stated.

Other Business:

2021 Meeting Dates.

Mr. Schillack MOVED to approve the Zoning Board of Appeals 2021 Meeting dates. Mr. Powell SUPPORTED, and the MOTION CARRIED with a roll call vote (Schillack/yes, Powell/yes, Spencer/yes, Dehart/yes, Seiber/yes).

Adjournment: Mr. Powell **MOTIONED** to adjourn the meeting at 6:50 P.M. Ms. Dehart **SUPPORTED**. All in favor.

Next Meeting Date: January 28, 2021