

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS VIRTUAL REGULAR MEETING
FEBRUARY 25, 2021

Chairperson 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:

ROLL CALL: Josephine Spencer – Chairperson, present in White Lake, MI
Dave Walz – Vice Chair, present in White Lake, MI
Nik Schillack, present in White Lake, MI
Debby Dehart, present in White Lake, MI
Mike Powell, present in White Lake, MI

Also Present: Justin Quagliata, Staff Planner
Jason Hudson, White Lake Township Ordinance Officer
Nick Spencer, White Lake Township Building Official
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, Powell/yes, Spencer/yes, Walz/yes).

Approval of Minutes:

Zoning Board of Appeals Regular Meeting of January 28, 2021.

Mr. Schillack MOTIONED to approve the regular meeting minutes of January 28, 2021 as presented. Mr. Powell supported and the MOTION CARRIED with a roll call vote (Schillack/yes, Powell/yes, Spencer/yes, Dehart/yes, Walz/yes).

Continuing Business

- a. 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 since the public hearing was opened during the January 28, 2021 meeting, there would not be a public hearing again.

Staff Planner Quagliata gave his staff report. The plan has changed since the last meeting. On the west side of the lot, the original plan showed a proposed side yard set back of 7' and the architectural bump out was 1.21' from

the side yard lot line. The setback from the east side was 8.5' The revised plan changed slightly; the bump out was reduced to 1', resulting in a 10' setback between structures on the west side.

Mr. Snapp was present to speak on his case. He said he took 6" off the side of the house, and took 8-9" off where the bump out was to give 10' between his and the neighbor's house. He added the bump out is tapered.

Mr. Schillack MOVED to approve the variances requested by Robert Snapp from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-13-176-002, identified as 8834 Arlington Road, in order to construct a new house that would exceed the allowed lot coverage by 13% and encroach 2.29 feet into the required west side yard setback and 1.5 feet into the required east side yard setback. A 30-foot variance from the required lot width and 5,020 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- **Applicant shall obtain all necessary permits from the White Lake Township Building Department.**

Ms. Dehart SUPPORTED, and the motion CARRIED with a roll call vote (5 yes votes).

Schillack: YES; due to the changes the applicant made to the plan, there was no longer a self-imposed hardship.

Dehart: YES; the applicant worked hard and made changes with the ZBA's concerns in mind.

Powell: YES; for the reasons stated.

Spencer: YES; the parcel was non conforming, and there wasn't a self imposed hardship.

Walz: YES; for the reasons stated.

New Business:

- a. Applicant: Scott Grant
9411 Bonnie Briar Drive
White Lake, MI 48386
- Location: **9411 Bonnie Briar Drive**
White Lake, MI 48386 identified as 12-14-277-001
- Request: The applicant requests to construct an enclosed porch, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Rear-Yard Setback.

Ms. Spencer noted for the record that 22 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.

Staff Planner Quagliata gave his staff report.

Mr. Powell asked staff where the rear yard setback was. Staff Planner Quagliata said the setback was measured from the water's edge; and the natural water feature setback of 25' does not negate the underlying zoning district's rear yard setback.

Mr. and Mrs. Grant were present to speak on their case. Mr. Grant said he was looking to replace the existing deck with a screened in deck, which would require a roof. The lot was long and narrow. He said he was looking for a 9' foot setback between the deck and the water's edge. He wanted a useful deck area. Mrs. Grant said the architect seamlined all three of the roof differences so the roofline would look cleaner.

Ms. Dehart asked if the new porch would have same footprint as the existing porch. Mr. Grant said it would be it would be 1' further from the house, and into the side yard setback.

Mr. Powell said the plan shows 21.3' from the waters edge. The measurement from the water is perpendicular to the water, not perpendicular to the addition. Staff Planner Quagliata said that dimension was not shown correctly on the plan.

Mr. Powell asked the applicant the reason behind the bump out. Mr. Grant said it would be for more room for furniture. Mr. Powell said the setback from the bump out was greater at the southeast corner from the proposed deck.

Ms. Spencer opened the public hearing at 7:23 PM. Seeing no public comment, she closed the public hearing at 7:24 PM.

Ms. Dehart MOVED to approve the variance requested by Scott Grant from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-277-001, identified as 9411 Bonnie Briar Drive, in order to construct an enclosed porch that would encroach 14 feet into the required rear yard setback. 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 the approved rear yard setback.**

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

Dehart: YES; based on the lot size, the proposed deck would not obstruct anyone's views.

Schillack: YES; for the reasons stated.

Powell: YES; the circumstance was unique and denying this would deny substantial justice to the applicant.

Walz: YES; a hardship existed due to the challenges of the lot.

Spencer: YES; a hardship existed and the lot size was large enough so views would not be obstructed.

- b.** Applicant: Signature Group of Livingston Inc.
508 E. Grand River Avenue, Suite 100A
Brighton, MI 48116
- Location: **2765 Ridge Road**
White Lake, MI 48383 identified as 12-18-101-025
- Request: The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback 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 22 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.

Staff Planner Quagliata gave his staff report.

Mr. Schillack asked staff if the overhang was in the 5', the ZBA could not legally approve the requested variance. Staff Planner Quagliata confirmed.

Mr. Walz asked staff what can be done with the shed. Staff Planner Quagliata said the ZBA could remain or be moved.

Mr. Schillack asked if the addition increased the non conformity of the home. Staff Planner Quagliata confirmed, there was an increase of 598 sq ft.

Mr. and Mrs. Rozman, were present to speak on their case. The home was a cottage lake home that needed work to be made liveable. It was assessed as a three-bedroom home, but it was more like a one bedroom. The deck was rotting and unsafe and needed to come out. That would free up space for a master bedroom and bathroom, which the home lacked. They were not extending or encroaching on the side lot line.

David Holdwich, builder, was also present. He said the south side of the home had 30" overhangs. If the overhang was an issue, they could be reduced or eliminated.

Mr. Powell said the house was not parallel to the property line. The closer the addition was to the property line, the side yard setback was reduced from 5.5' to 5.3'. He suggested moving the addition to the north, instead of matching the side of the house.

Mr. Powell asked what the shed was used for, and if it could be removed. The shed looked like an obstacle for pulling into the current home. He also asked where the A/C unit was going to be placed. Mr. Holdwich said the A/C would be placed by the current electrical and gas meter, but it could be moved to the east side of the addition. Mrs. Rozman said the shed was used for excess storage.

Mr. Powell asked about moving the addition a foot north, instead of eliminating the overhang. Mr. Holdwich said it could be done, but wanted to see how it would impede on an east facing kitchen window. He said there would be 12' to the window, so the addition could be moved 12" inches north with a 12" overhang.

Mrs. Rozman added the house was small, and she just wanted to make the home liveable. She added she and her husband were willing to with the ZBA to be able to achieve a favorable outcome for everyone.

Mr. Schillack asked if the addition could go further east. Mr. Holdwich said the design was made for entry; if the house was elongated, there would be no real entry into the home.

Chairperson Spencer opened the public hearing at 7:51 PM. Seeing no public comment, she closed the public hearing at 7:52 PM

Ms. Dehart asked the whole addition were to be moved to the north, and enlarged on the east, what square footage would have been lost. Mr. Holdwich said the square footage would be taken from the proposed bathroom.

Mr. Powell asked if the shed had a foundation. Mr. Rozman said it did, and he would prefer to keep it. Mrs. Rozman said the shed was there when the home was bought, and it was being used. Mr. Holdwich said there was just one corner of the shed that was 6" off the property line.

Mr. Powell MOVED to approve the variances requested by Signature Group of Livingston Inc. from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-18-101-025, identified as 2765 Ridge Road, in order to construct an addition that would encroach 3.7 ft feet into the required side yard setback from the south lot line and exceed the allowed value of improvements to a nonconforming structure by 620.44%. A 19.51-foot variance from the required lot width is 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 feet to the south side lot line.**
- **An as-built survey shall be required to verify the roof overhang setback from the south side lot line.**
- **If the current shed is damaged in any way from now on, it must be moved to comply with Township Zoning Ordinance**
- **Any air conditioner or mechanical units must be moved to the east side of the home, not along the side yard.**

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

Powell: YES; the lot posed a hardship.

Schillack: YES; there was a practical difficulty demonstrated.

Dehart: YES; for the reasons stated.

Spencer: YES; the applicants listened to the concerns of the ZBA.

Walz: YES; the applicant demonstrated a hardship with the existing structure and the lot was non conforming.

- c. Applicant: Brandon Gibson
1349 Sugden Lake Road
White Lake, MI 48386
- Location: **1349 Sugden Lake Road**
White Lake, MI 48386 identified as 12-34-351-016
- Request: The applicant requests to construct an addition to a single-family house, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback. 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 12 owners within 300 feet were notified. 1 letter was received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Powell asked staff if there was a proposed addition lakeside. Staff Planner Quagliata said no.

Mr. Schillack asked staff since the plan was changed, would ZBA be able to vote on it. Staff Planner Quagliata said the garage was not meant to be demolished, but it was. The garage was non-conforming, but the applicant wants to rebuild a new garage in its place.

Mr. Gibson was present to speak on his case. He said he thought the Building Department knew the garage was going to be torn down. His intent was to only keep the garage footprint, and to build up from where the garage was. He spoke to the Building Department about constructing the proposed garage 10' away, but ran into issues because of an elevation change. There were several issues within the current home, so the variance from Article 7.28.A was due to bringing the home up to code.

Mr. Powell asked the applicant if the plans submitted to the Building Department showed a detached garage. Mr. Gibson confirmed. Mr. Powell asked if revised plans were submitted to the Building Department. Mr. Gibson said no. Mr. Powell asked the applicant if the intent of the plans submitted to the Planning Department were to leave the existing garage and put a second story on top of it. Mr. Gibson said no, and the architect may have drawn the plan in error. Mr. Powell said there was a setback requirement from the right of way, and that Sugden Lake Road was a wider right of way than most subdivisions. Mr. Powell asked why the addition couldn't be moved closer to the lake and away from the right of way now the garage was demolished. Mr. Gibson said the septic was 20' behind where the existing garage was. Mrs. Gibson, who was also present, said the grade dropped behind the home and that posed an issue. Mr. Powell asked what the applicant was saving construction wise from the existing garage. Mr. Gibson said he would try to save the slab foundation.

Ms. Spencer opened the public hearing at 8:25 PM. She read a letter of favor from Jeffrey and Michelle Rice, 1361 Sugden Lake Road. Seeing no public comment, she closed the public hearing at 8:26 PM.

Mr. Powell asked staff if the variance requested was granted, could the applicant submit new plans with the garage even with the setback offered. Staff Planner Quagliata confirmed.

Ms. Dehart MOVED to approve the variances requested by Brandon Gibson from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-34-351-016, identified as 1349 Sugden Lake Road, in order to construct an attached garage and second-story addition that would encroach 23.1 feet into the required front yard setback and exceed the allowed value of improvements to a nonconforming structure by 546%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**

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

Dehart: YES; the lot offered challenges.

Walz: YES; there was an existing hardship with the existing structure and lot.

Spencer: YES; there was a practical difficulty and there was a hardship as well.

Powell: YES; the applicant was not proposing any increase in non conformity, and Sugden Lake Road had a large right of way, which proved to be a hardship.

Schillack: YES; there was a practical difficulty and a hardship was demonstrated.

- d. Applicant: John Rozanski
2704 Wabum Road
White Lake, MI 48386
- Location: **8565 Pontiac Lake Road**
White Lake, MI 48386, identified as 12-13-328-003
- Request: The applicant requests to construct an apartment building and associated parking lot, requiring variances from Article 3.1.9.E, RM-2 Multiple Family

Residential Side-Yard Setback and Minimum Lot Width. A variance from Article 3.11.Q, Natural Features Setback is required due to the building being located within the wetland setback. A variance from Article 5.11.A, Off-Street Parking is required due to the parking setbacks. A variance from Article 5.19.N.i.c, Dumpsters and Trash Storage Enclosures is required for the dumpster projection in front of a principal building.

Ms. Spencer noted for the record that 10 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.

Staff Planner Quagliata gave his report.

Mr. Schillack asked staff what plan did the Planning Commission approve? Staff Planner Quagliata said the Planning Commission approved the entire preliminary site plan, and if the requested variances were granted, the applicant would need to revise the plans before final site plan approval.

Ms. Dehart asked staff about the applicant's desire to install docks on the adjacent vacant parcel. Staff Planner Quagliata said the Township Board could address that, and EGLE would be the agency permitting those docks. The Township Board would consider the preliminary plan provided there weren't any significant changes regarding the variances requested. If there were, the plan would go back to the Planning Commission.

Mr. Schillack asked Ms. Dehart if the Planning Commission had concern regarding the amount of asphalt on the site. Ms. Dehart said no, and the Township Engineer reviewed the plans and did not see a drainage issue. Ms. Dehart added it was discussed at the Planning Commission meeting that the applicant would not be requesting as many variances the units were reduced.

Mr. Brian Howard was present to speak on behalf of the applicant. He wanted to clarify that the balconies/cantilevers do not go down to grade. The building needs to be moved back 6" so the foundation/garden level wall is outside of the natural features setback. He asked once the building is outside the natural features setback, why couldn't the cantilevers go up 8'-10'.

Mr. Powell asked Mr. Howard asked if there would be no sidewalk or patios, up to the building's edge on the walk out side if the cantilevers were drawn as previously suggested. Mr. Howard confirmed and said there would be a mulch walkway that would come up to the building's edge.

Mr. Rozanski, owner, was also present. He said he went with 14 units without the need for a community well. He is not planning on putting a marina in. He didn't realize how challenging the site would be to build on, but was willing to do what he would have to. He was trying to create an improvement for the area that surrounds the existing building.

Mr. Howard said there was an attempt to put the building on Pontiac Lake Road, but it was determined it wasn't cost prohibitive. He ultimately designed the building to be flipped and built into the hill. He said he tried to move the trash enclosure, but there was no other place to move it. They plan to landscape, and want to put up fencing for additional screening. There were other utility challenges that were presented during the design process as well.

Chairperson Spencer opened the public hearing at 9:05 PM. Seeing no public comment, she closed the public hearing at 9:06 PM.

Mr. Powell asked what the parking requirements were. Staff Planner Quagliata said the minimum required parking spaces would be 34, and that was provided on the site plan.

Mr. Powell asked staff how the ZBA could suggest that the owner voluntarily one unit off each floor, and shrink the building width down, the side yard setback variance would be reduced. It would also reduce the parking spaces required, which would allow for bigger setbacks on both sides of the parking lot. Staff Planner Quagliata said in that scenario, the plan would get sent back to the Planning Commission with direction for their approval, then the plan would come back to the ZBA. The plan would have to be denied this evening, and sent back to the Planning Commission for the ZBA to consider a new plan with new variances. The applicant would have to reapply for the ZBA since there would be substantive changes to the plan.

Mr. Powell expressed his concerns in regards to a garbage truck being able to maneuver within the site. Mr. Rozanski said he met with the Fire Department and the plans did meet the turning radius for a fire truck, so a garbage truck should fit as well.

Mr. Rozanski said he could consider eliminating three total units if it would aid him in getting approval for the project.

Mr. Schillack said the number of units requested was a self-imposed hardship, and the applicant was maxing out the lot, as well as maxing out variances.

Mr. Howard said he could see a design of three floors of four units each, to reduce the side yard setback. The south side yard setback would be pulled in and reduced around 20'. He could try to then rotate the trash enclosure along the south corner. He would still need a variance for the parking along Pontiac Lake Road. He said there was some flexibility if the owner was on board with reducing the units.

Mr. Powell asked the applicant how much that would reduce the width of the building. Mr. Howard said if the one southern unit was eliminated, and left the footprint of the building on the north side against the 30' set back, and the entire building was moved off the south lot line, there would be a 46' setback.

Mr. Powell asked staff if there was a potential to have overflow parking on the other side of Pontiac Lake Road for overflow parking? Staff Planning Quagliata said the RM-2 zoning district requires a certain amount of area for recreation, and if that area became parking, the calculation for recreation would need to be redone.

Mr. Powell asked why curbing was not proposed around the parking lot. Mr. Howard wasn't sure, and Mr. Rozanski said he wasn't opposed to curbing.

Mr. Powell MOVED to deny the variances requested by John Rozanski for Parcel Number 12-13-328-003, identified as 8565 Pontiac Lake Road, due to the following reason(s):

- **To allow the owner and his consultants to make modifications to the site to lessen the requested variances to the site by reducing the units reducing the parking requirements as the owner and Planning Commission believe is best, and increase the buffering for the parking lot and landscape buffering around the dumpster area.**

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

Powell: YES; the site plan could be resubmitted with less variances requested.

Schillack: YES; the plan had too many variances and the number requested would need to be reduced.

Dehart: YES; for the reasons stated.

Walz: YES; for the reasons stated.

Spencer: YES.

Other Business

Staff Planner Quagliata said the ZBA training scheduled for March was tentatively rescheduled for April in person. He also added that a second alternate will be recommended to the Township Board during their March meeting. Her name is Kathy Aseltyne, and she comes with years of experience on different Township boards, as well as being on the Parks and Recreation committee currently.

Adjournment: Mr. Schillack MOTIONED to adjourn the meeting at 9:43 PM. Mr. Walz SUPPORTED. All in favor.

Next Meeting Date: March 25, 2021