

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS VIRTUAL REGULAR MEETING  
**APRIL 22, 2021**

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:03 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  
                                 Debby Dehart, present in White Lake, MI  
                                 Nik Schillack, present in White Lake, MI  
                                 Mike Powell, present in White Lake, MI

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

Visitors:                    0

**APPROVAL OF THE AGENDA:**

**Mr. Walz MOTIONED to approve the agenda as amended. Mr. Schillack SUPPORTED. All in favor.**

**APPROVAL OF MINUTES:**

Zoning Board of Appeals Regular Meeting of March 25, 2021.

**Mr. Walz MOTIONED to approve the regular meeting minutes of March 25, 2021 as presented. Mr. Schillack SUPPORTED. All in favor.**

**NEW BUSINESS**

- a.     Applicant:     James Kovach  
                                 3700 Jackson Boulevard  
                                 White Lake, MI 48386
- Location:     **3700 Jackson Boulevard**  
                                 White Lake, MI 48386 identified as 12-07-158-013
- Request:     The applicant requests to construct a house, requiring a variance from  
                                 Article 3.1.5.E, R1-C Single Family Residential Front-Yard Setback

Chairperson Spencer noted for the record that 26 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.

James Kovach was present to speak on his case. He said he resubmitted drawings from his architect that showed a clearer view of the roof overhangs.

Mr. Quagliata said the applicant needed to revise his plot plan for the Building Department with the updated overhangs if the requested variance was approved.

Chairperson Spencer opened the public hearing at 7:11 P.M. Seeing no public comment, she closed the public hearing at 7:11 P.M.

**Mr. Schillack MOVED to approve the variance requested by James Kovach from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-07-158-013, identified as 3700 Jackson Boulevard, in order to construct a new house that would encroach 22 feet into the required west front yard setback. This approval will have the following conditions:**

- **The applicant's plot plan shall be updated and presented to the Building Official prior to obtaining permits from the Building Department.**
- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**

Staff Planner Quagliata went through the standards from Article 7.37 of the ClearZoning Ordinance:

- A. Practical Difficulty was MET
  - Chairperson Spencer said a practical difficulty was demonstrated due to the right-of-way of Jackson Boulevard and the property's two front yard setbacks.
  - Mr. Powell said a practical difficulty was demonstrated due to the lot's lack of depth.
- B. Unique Situation was MET
  - Mr. Schillack said the unique situation was the Jackson Boulevard right-of-way. Ms. Dehart agreed.
- C. Not a Self-Created Hardship was MET
  - Mr. Walz said the situation was pre-existing and the applicant had no control over it.
  - Mr. Powell said the lot was part of the original plat.
- D. Substantial Justice was MET
  - Mr. Schillack said the variance would grant substantial justice as the variance would allow the applicant to build a house more consistent with the houses in the neighborhood, and could not see the proposed plans causing any discomfort or danger to the neighbors. Chairperson Spencer agreed.
  - Mr. Powell said the variance allowed the applicant the only way to improve his property.
- E. Minimum Variance Necessary was MET
  - Chairperson Spencer said the applicant did not request an excessive variance.
  - Mr. Schillack added nothing more had been requested from the applicant due to the right-of-way.

**Mr. Powell SUPPORTED, and the motion CARRIED with a roll call vote (5 yes votes).  
(Spencer/yes, Powell/yes, Dehart/yes, Schillack/yes, Walz/yes)**

- b.** 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 were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his staff report.

Mr. Schillack asked staff when the applicant purchased the property. Staff Planner Quagliata said 2019.

Mr. Schillack asked staff if the ordinances affecting development of the subject property had changed since 2019. Staff Planner Quagliata said no.

Mr. Schillack asked staff if the parcel had been split. Staff Planner Quagliata said no, it was an original un-platted parcel from the 1960's.

Mr. Schillack asked staff if fill was brought into the property. Staff Planner Quagliata said fill was brought into the property at some point. He stated in 1963, there was a structure on the parcel and the western portion of the land wasn't as filled. Sometime between 1974 and 1980, fill was brought in as shown on Oakland County's aerial photos. The previous structure on the property was demolished in 2006.

Mr. Schillack asked staff about the soil investigation report. Staff Planner Quagliata said there were engineering concerns with pile vibrations shaking other homes off their foundations. There were many geotechnical concerns with the site, and not many houses in the Township were built on piles. The applicant would have to be mindful of helical piles, and a larger shaft diameter would likely have to be used to prevent buckling of the piles. The site was challenging to build.

Ms. Dehart asked staff if the applicant would have to get permission from the parcel to the north to extend the road to their parcel. Staff Planner Quagliata said it would be an Oakland County Road Commission determination.

Mr. David Nellist, applicant, and his architect, James Nellist, 1331 Cornell Drive, Grand Rapids, were present to speak on the case. Mr. James Nellist said a new survey was done since the last time this case was before the Board. A seawall was also staked out, and was waiting on EGLE approval. Lopez Engineering would be assisting with the design and installation of the helical piles. The carport was moved to the east to get farther from the softer soils on the west side of the property, pending their engineer's opinion. A well company came out, and the well would be below the deck on the south side.

Mr. Powell asked the applicant why the garage was proposed to be closer to the road. Mr. James Nellist said several configurations were considered. One configuration was considered lengthwise east to west, but that would have blocked the front door. He added he didn't want to place the garage too close to the lake because of the softer soils. He said it made more sense to align it with the roof and to have room between the house and the garage.

Ms. Dehart asked the applicant if the piles would have fill on top, and how that would affect the neighbors. Mr. James Nellist said that would be a discussion with their engineer, but the idea was for the least amount of footprint in terms of weight; he would like to avoid fill as much as possible. The crawl space may be eliminated and the elevation of the house would be above the floodplain. Staff Planner Quagliata said bringing fill to the site could cause instability and be problematic. Mr. David Nellist said he hoped to only use a minimum amount of fill by having the house sit on piles instead of a concrete foundation.

Chairperson Spencer opened the public hearing at 8:05 P.M. Seeing no public comment, she closed the public hearing at 8:06 P.M.

Ms. Dehart asked staff if the lot was not platted, how did it come into existence. Staff Planner Quagliata said the lot was a metes and bounds parcel created by a land division.

Staff Planner Quagliata went through the standards from Article 7.37 of the ClearZoning Ordinance:

- A. Practical Difficulty was MET
  - Mr. Powell said a practical difficulty was demonstrated due to the water to the west and lot being narrower than normal.
  - Mr. Walz said the applicant did not take shortcuts and did their appropriate due diligence.
- B. Unique Situation was MET
  - Mr. Schillack said the unique situation was the lot was different from the others to the east due to the water features surrounding the lot.
- C. Not a Self-Created Hardship was MET
  - Ms. Dehart said the water feature caused a greater side yard setback.
- D. Substantial Justice was MET
  - Mr. Schillack said the lot was not the same as the lot to the east.
- E. Minimum Variance Necessary was MET

- Mr. Powell said if the deck was made into a patio, the requested Natural Features Setback variance would not be as great.

**Mr. Powell MOVED to approve the following variances for David Nellist from Articles 3.1.6.E and 3.11.Q of the Zoning Ordinance for Parcel Number 12-34-151-004, identified as 10697 Castlewood Drive, in order to construct a new house that would encroach 14 feet into the required natural features setback and 3 feet into the required east side yard setback. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department**
- **Subject to the placement of the seawall as proposed on the drawing, and on the issuance of an EGLE permit.**

**Mr. Powell added the 14' encroachment into the natural feature setbacks was the minimum variance necessary to accomplish what the applicant desired.**

**Ms. Dehart SUPPORTED, and the motion CARRIED with a roll call vote (4 yes votes). (Powell/yes, Dehart/yes, Spencer/yes, Walz/yes, Schillack/no)**

- c. Applicant: Rob Pope  
75 Jesswood Lane  
White Lake, MI 48386
- Location: **7755 Highland Road**  
White Lake, MI 48383 identified as 12-21-276-023
- Request: The applicant requests to install a monument sign within the setback from the road right-of-way and exceeding the allowed size, requiring variances from Article 5.9.J.i.a and Article 5.9.J.i.b.

Chairperson 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 were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his staff report.

Chairperson Spencer asked staff if a sign permit had been applied for or obtained. Staff Planner Quagliata said no, permits were pending the outcome of the variance request.

Mr. Schillack asked staff if the underground utilities affected the proposed sign location. Staff Planner Quagliata said the sign couldn't be moved further south due to the MDOT right-of-way. If the sign were moved too far north, it would be in the parking lot.

Ms. Dehart asked staff if the proposed placement of the sign would restrict ingress/egress vision from Highland Road (M-59). Staff Planner Quagliata said the sign would be in a clear vision triangle.

Mr. Pope was present to speak on his case. He said he dug the hole for the sign because he had rental equipment available. He stated the ingress/egress from the road had clear vision on both sides. He said due to underground work and setbacks from utilities, the proposed location was the only place for the sign. The right-of-way line was right up to the road, and he gave up some property on the east side due to where the line was. He said he couldn't move the sign to the north because he was concerned with large vehicles crossing over the curb and hitting the sign.

Chairperson Spencer asked staff about Mr. Pope's concerns with the sign being damaged if moved further north, and if a monument sign could be built to collapse upon impact. Staff Planner Quagliata said the proposed sign would not break away upon impact, but there were some signs that were constructed to break away upon impact.

Mr. Walz asked staff where the 6' sign height was measured from. Staff Planner Quagliata said for measuring sign height, grade meant the ground where the sign was installed, which must be generally level with the surrounding property as measured within a 10-foot radius from the base of the sign. The sign was being measured 6' from the base of the sign to the top of the sign.

Mr. Powell asked staff if the site had more parking spaces than the ordinance required. Staff Planner Quagliata said the site provided the minimum number of required parking spaces.

Mr. Powell asked the applicant why the sign couldn't be moved further north. Mr. Pope said he was concerned with the cross traffic. Mr. Powell asked the applicant if he knew of traffic that cut the curb. Mr. Pope confirmed.

Mr. Powell asked staff if the applicant was planning on any wall signs. Staff Planner Quagliata confirmed, each tenant would have around a 40 square foot wall sign.

Ms. Dehart asked the applicant if the sign was lighted. Mr. Pope said yes, it would be internally lit and double sided.

Chairperson Spencer opened the public hearing at 9:19 P.M. Seeing no public comment, she closed the public hearing at 9:19 P.M.

Staff Planner Quagliata went through the standards from Article 7.37 from the Clear Zoning Ordinance:

A. Practical Difficulty was NOT met

- Mr. Schillack said he did not see a practical difficulty, and there were ways to protect the sign and lives of drivers travelling down the road.
- Mr. Powell said he did not see a practical difficulty in regards to the setback or the over-sized sign being requested.

- B. Unique Situation was NOT met because Practical Difficulty was NOT met
- C. Not a Self-Created Hardship was NOT met
- D. Substantial Justice was NOT met
  - Mr. Powell said the proposed location would be a problem for the sign.
- E. Minimum Variance Necessary was NOT met because Practical Difficulty was NOT met

**Ms. Dehart MOVED to deny the variances requested by Rob Pope for Parcel Number 12-21- 276-023, identified as 7755 Highland Road, due to failure to meet items A, B, C, D, E from Article 7.37 of the Zoning Ordinance.**

**Mr. Walz SUPPORTED and the motion CARRIED with a roll call vote (5 yes votes)  
(Dehart/yes, Walz/yes, Powell/yes, Schillack/yes, Spencer/yes)**

**A 7-minute recess was taken at 9:28 P.M. The ZBA returned from recess at 9:35 P.M.**

- d. Applicant: VFW Post 4156 (Gary Schultz)  
635 Andrews Street  
Commerce Township, MI 48382
- Location: **321 Union Lake Road**  
White Lake, MI 48386 identified as 12-26-276-001
- Request: The applicant requests to install a monument sign in a residential zoning district, requiring variances from Article 5.9.I.iii for the size and number of signs. The applicant, under Article 7.36, Powers of Zoning Board of Appeals Concerning Administrative Review and Variances, is also appealing a determination of the Staff Planner to deny a sign permit application to install an electronic message board sign in a residential zoning district.

Chairperson Spencer noted for the record that 56 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 the difference between residential and agricultural zoning. Staff Planner Quagliata said Agricultural was residential zoning. Mr. Schillack asked staff about the zoning of the properties around the site. Staff Planner Quagliata said the properties to the east and west were zoned Local Business. Mr. Schillack asked staff if a different zoning would allow for less variances. Staff Planner Quagliata said if the property was zoned Local Business, an electronic sign would be allowed by right.

Chairperson Spencer asked staff if the additional wall sign and temporary sign were placed on the property with permits. Staff Planner Quagliata said there was no sign permit history for the property.

Chairperson Spencer asked staff if the sign requested wasn't allowed for a residentially zoned property. Staff Planner Quagliata confirmed.

Staff Planner Quagliata said when he reviewed the zoning ordinance, the ordinance stated electronic display signs are only permitted as an accessory use in non-residential districts.

Mr. Powell asked staff what the site was master planned for. Staff Planner Quagliata said the property fell into the Public and Quasi-Public category, and there were no future plans for the property outside of its current or similar uses.

Mr. Schultz was present to speak on his case. He said he wasn't sure about the current nonconforming signs, he thought they obtained the proper permits. He said the existing signs did not draw attention to what the VFW was trying to do. Their membership was decreasing, and the electronic sign could help.

Scott Glouger, VFW Post Commander, said the VFW was community oriented, and they helped the youth. A new sign could help share their services and bring more attention to their causes.

Dave Shockling, VFW Quartermaster, said if the new sign was allowed, the two nonconforming ground signs would be removed and the VFW would comply with all setbacks.

Mr. Schillack asked the applicant if they had thought about rezoning. Mr. Schultz said he wasn't sure; rezoning may cause them legal problems.

Chairperson Spencer opened the public hearing at 10:01 P.M. Seeing no public comment, she closed the public hearing at 10:01 P.M.

Ms. Dehart asked staff if the property was spot zoned. Staff Planner Quagliata said no.

Ms. Dehart asked staff if the applicant would consider a non-electronic monument sign. Staff Planner Quagliata said such a sign could be permitted if the VFW removed some or all of the nonconforming signage.

Mr. Powell asked staff if a monument sign where letters could be changed would be allowed. Staff Planner Quagliata confirmed.

Staff Planner Quagliata went through the standards from Article 7.37 from the Clear Zoning Ordinance:



- A. Practical Difficulty was NOT met
  - a. Ms. Dehart said the perceived practical difficulty was the zoning, but the use was unaffected.
- B. Unique Situation was NOT met because Practical Difficulty was NOT met
- C. Not a Self-Created Hardship was NOT met
  - a. Mr. Powell said the ZBA provided the applicant with options for signs that would be more conforming to the zoning ordinance.
- D. Substantial Justice was NOT met
- E. Minimum Variance Necessary was NOT met because a Practical Difficulty was NOT demonstrated

**Mr. Walz MOVED** move to affirm the decision of the Staff Planner and deny the variances requested by Gary Schultz (VFW) for Parcel Number 12-26-276-001, identified as 321 Union Lake Road, due to failure to meet items A, B, C, D, E from Article 7.37 of the Zoning Ordinance.

**Mr. Powell SUPPORTED, and the motion carried with a roll call vote (5 yes votes):**  
**(Walz/yes, Powell/yes, Dehart/yes, Spencer/yes, Schillack/yes)**

- e. Applicant: Ken and Karen Pilarski  
8315 Cooley Beach Drive  
White Lake, MI 48386
- Location: **8315 Cooley Beach Drive**  
White Lake, MI 48386 identified as 12-36-452-016
- 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.

Chairperson Spencer noted for the record that 25 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.

Chairperson Spencer asked staff where the houses adjacent to the applicant's house were. Staff Planner Quagliata said the houses northwest and northeast of the applicant's house were setback closer to the road on their respective lots.

Mr. Schillack asked staff if the current house was remaining. Staff Planner Quagliata confirmed.

Mr. Powell said he spoke with the applicant during his site visit, and the applicant was willing to reduce the roof overhangs over the existing structure to be more compliant with the zoning ordinance.

Mr. and Mrs. Pilarski were present to speak on their case. He said the reason for the attached garage was due to their age and the need for more storage. The existing foundation would be kept, and the roof overhangs would be reduced by half. He added the houses northwest and northeast of his were staggered, so the neighbor's views of the lake would not be affected. The electrical in the house would be upgraded to bring that up to code as well.

Staff Planner Quagliata asked the applicants where the HVAC was going to be. Mr. Pilarski said they would be moved to the street side of the house, in the basement area. The A/C unit was going to be put on the east side of the house. Staff Planner Quagliata said the A/C would need to be moved to an alternative location as mechanical units could not encroach within 5' of a lot line.

Mr. Schillack asked the applicant the status of the existing detached garage. Mr. Pilarski said the existing garage would remain.

Chairperson Spencer opened the public hearing at 10:48 P.M. Seeing no public comment, she closed the public hearing at 10:49 P.M.

Staff Planner Quagliata went through the standards from Article 7.37 from the Clear Zoning Ordinance:

- A. Practical Difficulty was MET
  - Mr. Powell found a practical difficulty with the existing structure, it was nonconforming, and without the requested variances there would be no way to improve or maintain the quality of the structure.
- B. Unique Situation was MET
  - Ms. Dehart said the lot was platted long ago, and was now smaller than the current standards for lots.
- C. Not a Self-Created Hardship was MET
  - Chairperson Spencer said the lot was platted years ago and was no fault of the applicant.
- D. Substantial Justice was MET
  - Mr. Powell said the neighboring properties would not be adversely impacted.
- E. Minimum Variance Necessary was MET
  - Chairperson Spencer said the minimum variances necessary were demonstrated, and the applicant offered to reduce the nonconformity of the existing roof overhangs.

**Mr. Powell MOVED to approve the variances requested by Ken and Karen Pilarski from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-36- 452-016, identified as 8315 Cooley Beach Drive, in order to construct an addition and attached garage that would encroach 4 feet into the required east side yard setback and 2.7 feet into the required west side yard setback, and exceed the allowed value of improvements to a nonconforming structure by 818%. A 30-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.**
- **An as-built survey shall be required to verify the roof overhang setback from the side lot lines.**
- **The outside mechanical units shall not be closer than 5' to the side yard property lines.**

**Mr. Schillack SUPPORTED, and the motion CARRIED with a roll call vote (5 yes votes):  
(Powell/yes, Schillack/yes, Dehart/yes, Walz/yes, Spencer/yes)**

**Other Business**

There was no other business.

**Adjournment: Mr. Schillack MOTIONED to adjourn the meeting at 11:01 P.M. Ms. Dehart SUPPORTED. All in favor.**

**Next Meeting Date:** April 29, 2021