



Member Schillack asked staff if any building permits had been issued for the other lots of Clare Lane. Staff Planner Quagliata said no.

Member Dehart asked staff if the developer of the property created any deed restrictions on the lots. Staff Planner Quagliata said the Township did not enforce deed restrictions.

Jim Veilleux, Creative Custom Builders, was present to speak on his case. He said the house plan was redesigned to extend the roof out 5', and the deck would be completely covered by the roof structure. As designed the house would not be able to stand without the deck. The deck would be wrap around and used as egress and ingress to the house. The house would be setback off the road and tucked into the trees. He stated due to the pandemic, construction costs had gone up and his client was spending more on this house than originally intended.

Member Powell asked the applicant about adding an addition to bring the house into compliance with the minimum standards. Mr. Veilleux said it was considered, but it would be a financial strain on his client.

Mr. Wagner, 1268 Pinecrest Drive, White Lake, the property owner, said he would finish the basement for his son to be able to live with him.

Member Schillack asked staff what would have to be done to the deck to have it considered a part of the house's square footage. Staff Planner Quagliata said the porch would have to be enclosed and heated.

Chairperson Spencer opened the public hearing at 6:33 P.M.

Staff Planner Quagliata read a letter of opposition into the record.

Chairperson Spencer closed the public hearing at 6:36 P.M.

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

- A. Practical Difficulty was NOT met
  - Chairperson Spencer said since financial hardship was not something the ZBA could take into consideration, there was no practical difficulty demonstrated.
  - Member Powell said the site was two (2) acres, and there was no practical difficulty presented.
- B. Unique Situation was NOT met
  - Member Dehart said since there was no practical difficulty, a unique situation was not demonstrated.
  - Member Powell said the unique situation was personal to the applicant, but not due to the location, lot, or area.
- C. Not a Self-Created Hardship was NOT met



Michael Lemon, 4400 McKeachie Road, was present to speak on his case. He said he called the Township four months ago and was verbally told it would be okay to put the pool in the front yard. He said he would have liked the pool in the rear yard, but there was no room and his well was in the rear yard. The pool would be far off McKeachie Road and not be seen from the road. He said he wanted the pool for his grandchildren.

Member Powell asked the applicant if the circle on his plans between the shop and the house was the well. Mr. Lemon confirmed, and said there was not room for the pool north or south due to the driveway configuration.

Member Powell asked the applicant if there was a basement in the house. Mr. Lemon confirmed.

Member Powell asked the applicant how deep the pool would be in its deepest end. Mr. Lemon said 8'.

Member Powell asked the applicant if he built the house. Mr. Lemon said no.

Chairperson Spencer opened the public hearing at 7:09 P.M. Seeing no public comment, she closed the public hearing at 7:09 P.M.

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

- A. Practical Difficulty was MET
  - Member Schillack said knowing the well was behind the house, he could not see how the pool could be constructed between the house and the shop.
- B. Unique Situation was MET
  - Member Dehart said the site was different because the house sat far back.
- C. Not a Self-Created Hardship was MET
  - Member Schillack said there was not a self-created hardship because the applicant did not build the house.
- D. Substantial Justice was MET
  - Member Dehart said the pool would not have a negative impact on the surrounding properties.
  - Member Powell said the area chosen was the only logical place to construct the pool.
- E. Minimum Variance Necessary was MET
  - Member Powell said the terrain prevented the pool from being located closer to the house.

**Member Dehart MOVED to approve the variance requested by Michael Lemon from Article 5.10 of the Zoning Ordinance for Parcel Number 12-08-251-003, identified as 4400 McKeachie Road, in order to install a swimming pool that would project 124 feet in front of the rear line of the house. This approval will have the following conditions:**

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

- **A site plan drawn to an engineer's scale shall be submitted prior to the issuance of a Building Permit.**

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

**Other Business**

There was no other business.

**Adjournment: Member Dehart MOTIONED to adjourn the meeting at 7:24 P.M. Member Walz SUPPORTED. All in favor.**

**Next Meeting Date:** May 27, 2021