

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR VIRTURAL MEETING
May 27, 2021 at 7:00 PM**

CALL TO ORDER

Chairperson Spencer called the meeting to order at 7:00 P.M.

ROLL CALL

Present:

Jo Spencer, Chairperson
Kathleen Aseltyne
Debby Dehart, Planning Commission Liaison
Michael Powell, Township Board Liaison
Clif Seiber

All present in White Lake Township, MI

Absent:

Dave Walz, Vice Chairperson
Nik Schillack

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

MOTION by Member Aseltyne, SUPPORT by Member Seiber, to approve the agenda as presented. The motion CARRIED with a voice vote (all in favor).

APPROVAL OF MINUTES:

- a. Zoning Board of Appeals Regular Meeting of April 22, 2021
- b. Zoning Board of Appeals Special Meeting of April 29, 2021

MOTION by Member Powell, SUPPORT by Member Dehart, to approve the regular meeting minutes of April 22, 2021 as presented. The motion CARRIED with a voice vote (All in favor).

MOTION by Member Dehart, SUPPORT by Member Powell, to approve the special meeting minutes of April 29, 2021 as presented. The motion CARRIED with a voice vote (All in favor).

CONTINUING BUSINESS

No continuing business.

NEW BUSINESS:

- a. Applicant: McComb Construction
1871 Austin Street
Troy, MI 48083
- Location: **9562 Mandon Road**
White Lake, MI 48386 identified as 12-35-126-023
- 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 Building Height, and Minimum Lot Width.

Chairperson Spencer noted for the record that 24 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 the applicant would be creating additional variances by demolishing the old house and building the new one. Staff Planner Quagliata confirmed.

Member Powell asked staff if the side yard setback on the west side was measured from the bump-out on the plans. Staff Planner Quagliata confirmed, and stated the bump-out was labeled as a cantilever but not shown as such on the plans. Member Powell asked staff if the ordinance allowed a cantilevered fireplace. Staff Planner Quagliata said if the fireplace was cantilevered, it would be considered an architectural feature.

Member Powell asked staff if measurements were calculated regarding compliance of the roof pitch. Staff Planner Quagliata said no. Member Powell asked staff if the roof were lower, would it need the variance. Staff Planner Quagliata said no.

Member Seiber asked staff if the existing garage was to remain. Staff Planner Quagliata confirmed.

Bob McComb was present to speak on the case. He said the fireplace could be cantilevered, or eliminated if needed. He added the roofline showed four consecutive gables, which would help maintain the same pitch for all of the gables.

Member Powell asked Mr. McComb if there was a fireplace proposed in the basement as well. Mr. McComb said there was a direct vent fireplace in the basement, and there was flexibility on how the fireplace could be vented.

Member Powell stated all the gables could be dropped down but still have the same pitches, and the roof would be lower. Mr. McComb said the proposed pitch lent itself to the house and the other houses around it. The roof was designed as it was for architectural purposes.

Member Seiber asked Mr. McComb if the first-floor ceiling could be reduced to 8'. Mr. McComb said it could, but it would be an outdated look and the trusses would have to be revisited.

Member Aseltyne asked Mr. McComb what the practical difficulty was in this case. Mr. McComb said the property was narrow, and hard to get a new house on it. He said houses around this one had received variances as well. He said he had to get 3 bedrooms, an office, and other amenities on the lot.

Member Dehart asked staff what the side yard setback would be on the west side if the fireplace was cantilevered. Staff Planner Quagliata said the variance would be 1.01' for an 8.99' setback. He added the current house was approximately 6.5' from the east side lot line and 13' from the west side lot line.

Member Dehart asked Mr. McComb if the existing septic field would remain. Mr. McComb said no, the septic would be removed and replaced with a modern field. The well would be relocated as well.

Chairperson Spencer opened the public hearing at 7:27 P.M. Seeing no public comment, she closed the public hearing at 7:27 P.M.

Mr. Mike Mack, the property owner, said the house was in need of a lot of work. He had children and pets with only one bathroom, and the bedrooms were spread out in the house. He added it would be more feasible to start with new construction and bring everything up to code in the process.

Member Powell asked Mr. Mack how the ZBA could grant relief for the situation without incurring additional variances. Mr. Mack said he tried to keep the house as it could, but the lot was platted and subdivided long ago.

Mr. Mack said the existing garage was storage for jet skis, boats, and a riding mower. He said since it was already there, he would like to keep it.

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

A. Practical Difficulty

- Chairperson Spencer did not see a practical difficulty. A structure could be built on the property once the current house was demolished.
- Member Aseltyne agreed, and said the ZBA could not increase a nonconformity, and this situation was a personal choice.
- Member Powell said if the lot was created today, it would have a minimum width of 80'. The lot wasn't created by the homeowners.
- Member Dehart agreed with Member Powell. The lot did not meet the current standards, and it was sloped. A septic field and well also had to be accommodated for.
- Member Seiber said the current zoning standard was for an 80' wide lot, with 10' side yard setbacks. Applying that same standard to the current lot drove the percentage of side yard setback usage to 40% or more. The westerly existing side yard setback was currently in compliance, but the proposed variance would make the setback out of compliance. The building height could be reduced with changes to the roof slope.

B. Unique Situation

- Member Powell said the lot was unique as it was 57' wide and not 80' wide as the current minimum standard required.
- Chairperson Spencer said there were houses in the area that made the lot width work.
- Member Aseltyne agreed with Chairperson Spencer.

C. Not a Self-Created Problem

- Member Dehart said the lot was a hardship.

D. Substantial Justice

- Member Powell said the lot was unique as several lots surrounding met the current width requirements, but several others did not.

E. Minimum Variance Necessary

- Member Powell said the variance on the side yard could be reduced by pulling the wall in on the west side. The building height was a desire, and could be reduced.

Member Powell MOVED approve certain variances requested by McComb Construction from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-126-023, identified as 9562 Mandon Road, in order to construct a new house that would encroach 4 feet into the required east side yard setback. A 27-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.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than 5' to any side yard property line.**

**Member Dehart SUPPORTED, and the motion CARRIED with a roll call vote (3 yes votes):
(Powell/yes, Dehart/yes, Seiber/yes, Aseltyne/no, Spencer/no)**

- b.** Applicant: Metro Detroit Signs
11444 Kaltz Avenue
Warren, MI 48089
- Location: **6491 Highland Road**
White Lake, MI 48383 identified as 12-20-276-020
- Request: The applicant requests to install an electronic message board 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. The applicant is also requesting to install a second wall sign, requiring a variance from Article 5.9.J.ii.b.

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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.

Member Dehart asked staff if window signs would still be allowed. Staff Planner Quagliata said window signs were allowed, but temporary banners were not allowed.

Member Aseltyne asked staff if the setback was measured from the base of the sign or the extent of the cabinet. Staff Planner Quagliata said the measurement was from the maximum extent the sign would encroach into the setback from the right-of-way.

Member Powell asked staff if the sign could be moved further north. Staff Planner Quagliata said the watermain was to the north. Member Powell stated since Highland Road was a divided highway in the vicinity of the property, the clear vision triangle would not be an issue. Staff Planner Quagliata confirmed.

Mark Pfau, owner, was present to speak on the case. He said reducing the sign height would impact the business because McDonald's was an "impulse" business. He said the current sign height of 20' feet helped bring business due to its size and travelers down M-59. He said he would like more height than the proposed 7' for better visibility.

Member Powell asked Mr. Pfau if it would be possible to cantilever the message board 2' to the north and still maintain the 2' setback from the right-of-way line. He also asked if the proposed wall sign on the east side was necessary.

Mr. Pfau said the signs were to alert people driving east the McDonald's was there. Mr. Paul Deters, the applicant, was also present to speak on behalf of the owner. He said there was a possibility the cantilever of the sign could be reduced or eliminated on the south side. The sign would look better centered on the existing pedestal. The sign would be out of the clear vision triangle, and wouldn't pose an issue for pedestrians. The current sign was over 20' high and over 50 square feet in area, and the proposed sign would be less than 40 square feet in area. Mr. Deters added the arches on the south elevation was hidden by mature trees, so the east side wall sign was needed as a marker to identify the site.

Chairperson Spencer opened the public hearing at 8:15 P.M. Seeing no public comment, she closed the public hearing at 8:15 P.M.

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

A. Practical Difficulty

- Member Powell said the sign on the front of the building was impractical, and the new architectural building designs lent themselves to needing signage on the side.

B. Unique Situation

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- C. Not a Self-Created Problem
 - Member Dehart said the location of the watermain was an issue.
- D. Substantial Justice
- E. Minimum Variance Necessary

Member Dehart MOVED to approve the variances requested by Metro Detroit Signs from Article 5.9.J.i.a and 5.9.J.i.b of the Zoning Ordinance for Parcel Number 12-20-276-020, identified as 6491 Highland Road, in order to install a 38.3 square foot monument sign that would be located 2 feet from the road right-of-way line and a second wall sign. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **No additional signage shall be permitted on the building.**
- **Any future modification to signage on the building, except for eliminating signage, shall require approval of the Zoning Board of Appeals**

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

Other Business

No other business.

Adjournment

Member Aseltyne MOVED to adjourn at 8:43 P.M. Member Dehart SUPPORTED and the motion CARRIED with a voice vote (All in favor).

Next Meeting Date: June 24, 2021 Regular Meeting