

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR VIRTUAL MEETING  
June 24, 2021**

**CALL TO ORDER**

Chairperson Spencer called the meeting to order at 7:00 P.M. She then led the Pledge of Allegiance.

**ROLL CALL**

**Present:**

Kathleen Aseltyne, present in White Lake, MI

Nik Schillack, present in White Lake, MI

Debby Dehart- Planning Commission Liaison, present in White Lake, MI

Jo Spencer- Chairperson, present in White Lake, MI

Michael Powell, Township Board Liaison, present in Cincinnati, OH

**Absent:**

Dave Walz, Vice Chairperson

**Others:**

Justin Quagliata, Staff Planner

Hannah Micallef, Recording Secretary

**APPROVAL OF AGENDA**

**MOVED** by Member Schillack, **SUPPORTED** by Member Dehart to approved the agenda as presented. The motion **CARRIED** with a voice vote (5 yes votes).

**APPROVAL OF MINUTES:**

- a. Zoning Board of Appeals Regular Meeting of May 27, 2021

**MOVED** by Member Dehart, **SUPPORTED** by Member Aseltyne to approve the Zoning Board of Appeals Regular Meeting Minutes of May 27, 2021 as presented. The motion **CARRIED** with a voice vote (5 yes votes).

**CONTINUING BUSINESS:**

There was no continuing business.

**NEW BUSINESS:**

- a. 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 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. A variance from Article 5, Section 11.Q.xviii is required to waive the installation of parking area curbing.

Chairperson Spencer noted for the record that 13 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 Schillack asked staff if the units were reduced from 14 units to 12 units. Staff Planner Quagliata confirmed. Member Schillack asked staff if curbing was added. Staff Planner Quagliata said no. Member Schillack asked staff if landscaping fell into the ZBA's purview. Staff Planner Quagliata said yes, screening was required per the Zoning Ordinance since the property was adjacent to residentially zoned property.

Mr. Brian Howard, architect for the project, was present to speak on behalf of the applicant. He said when he reduced two units from the original plan, he was able to reduce the parking. By reducing the building footprint, he was able to pull it out of the natural features setback. He said more landscaping would be added around the parking area. He said there was no intent to eliminate curbing, and he did not notice it was missing on the plans. Curb and gutter would be installed around the parking lot.

Chairperson Spencer asked staff if the plans showed the screening material for the dumpster. Staff Planner Quagliata said the plans showed an 8' poured concrete or block wall with an 8' metal gate; he added the ordinance did not allow poured concrete walls for dumpster enclosures. Chairperson Spencer asked staff what materials the building would be built with. Staff Planner Quagliata said it would be a combination of brick (vener) and composite siding.

Chairperson Spencer asked Mr. Howard if the dumpster enclosure could be designed to have the same material that the building would have. Mr. Howard said yes, the enclosure could be constructed with brick veneer.

Member Powell asked staff if there was a way to prevent the dumpster gates of being open all day. Staff Planner Quagliata said the only way to ensure that would be a self-closing or electronic gate.

Chairperson Spencer opened the public hearing at 7:36 P.M. Seeing no public comment, she closed the public hearing at 7:36 P.M.

John Rozanski, applicant, was also present. He said he would beautify the dumpster enclosure as much as possible due to the location. He added he planned on isolating the building with landscaping. Mr. Howard said the idea was to soften the building from the parking area, and there would be landscaping lining the walkways.

Staff Planner Quagliata stated any condition regarding landscaping would have to be specific.

Member Dehart asked staff if irrigation was necessary. Staff Planner Quagliata said yes, and an irrigation plan was a requirement for final site plan approval.

Staff Planner Quagliata went through the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

In regards to side yard setback:

- Member Powell said the site itself had a number of practical difficulties. There were drawbacks in order to make the site conform with its zoning.

In regards to minimum lot width:

- Chairperson Spencer said the lot was not 200' wide

In regards to parking setbacks on the side yards:

- Chairperson Spencer said the applicant reduced the amount of setback variance requested since coming before the ZBA in February.
- Member Dehart said the front parking setback was due to the natural feature setback.
- Member Schillack said it would be better to keep cars away from the river due to potential car oil/car fluid run off into the river.

In regards to the projection and setback of the dumpster enclosure:

- Member Dehart said there was no other place for a dumpster.

B. Unique Situation

- Chairperson Spencer said the lot was nonconforming. Mr. Schillack added the river made the lot unique as well. The ZBA concurred this applied to all requested variances.

C. Not Self-Created

- Member Schillack said the river was an existing feature and not created by the applicant. The ZBA concurred this applied to all requested variances.

D. Substantial Justice

- Member Schillack said allowing the applicant to construct the building would grant him substantial justice. Chairperson Spencer agreed. The ZBA concurred this applied to all requested variances.

E. Minimum Variance Necessary

- Chairperson Spencer said the applicant had been working with Township staff regarding the needed variances and believed these variances were the minimum necessary. Member Schillack agreed. The ZBA concurred this applied to all requested variances.

**Member Schillack MOVED to approve the variances requested by John Rozanski from Articles 3.1.9.E, 5.11.A.iii, 5.11.A.iv, and 5.19.N.i.C of the Zoning Ordinance for Parcel Number 12-13-328-003, identified as 8565 Pontiac Lake Road, in order to construct an apartment building that would encroach 30 feet into the required west side yard setback. Parking setback variances are granted to encroach 30 feet into the required front yard setback, 65 feet into the required west side yard setback, and 16.5 feet into the required east side yard setback. A 2.5-foot variance and 38-foot variance are granted to allow the dumpster enclosure to encroach into the required front yard setback and project in front of the principal building. A 30-foot variance from the required lot width is also granted. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The Applicant shall receive preliminary site plan approval from the Township Board and final site plan approval from the Planning Commission.**
- **A permit from the Road Commission for Oakland County (RCOC) shall be required for all work within the Pontiac Lake Road right-of-way.**
- **A permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall be required for stormwater discharge into the Huron River/wetland.**
- **The Planning Commission shall not approve the landscape plan without the following elements:**
  - **3-foot masonry screen wall along the north and west property lines.**
  - **10 Arborvitae, a minimum of 6' in height at the time of planting, along the west side of the parking lot.**
  - **Dumpster enclosure shall match the same brick as the facade of the building with a metal backed wooden gate painted white.**
  - **A continuous juniper or like evergreen border around the dumpster enclosure, a minimum of 8' in height at the time of planting.**
  - **A minimum of 4 to 5 street trees along Pontiac Lake Road.**

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

- b.**     **Applicant:**     Scott A. Summers  
                              7032 Biscayne Avenue  
                              White Lake, MI 48383
- Location:**    **7032 Biscayne Avenue**  
                              White Lake, MI 48383 identified as 12-28-102-003
- 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 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 21 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 Schillack asked staff if the side yard setback variance requested was due to wanting to keep a window. Staff Planner Quagliata confirmed.

Member Dehart asked staff what year the house was built. Staff Planner Quagliata said the house was built in 1960.

Mr. Scott Summers, applicant, was present to speak on his case. He spoke with staff in the Planning Department regarding his plans. He wanted to construct the addition to keep consistency with the rest of the house. He originally wanted to build a lake room off the back, but after speaking with staff, he revised the plans to modify the overhang. He said the estimate of the value of work was due to the increase in lumber prices.

Member Schillack asked staff for the proposed roof overhang setback. Staff Planner Quagliata said 5.3'.

Member Aseltyne asked the applicant what the practical difficulty was in his situation. Mr. Summers said the property was oddly shaped and on an angle.

Chairperson Spencer opened the public hearing at 8:50 P.M. Seeing no public comment, she closed the public hearing at 8:51 P.M.

Staff Planner Quagliata went through the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
  - Member Powell said the shape of the lot was not in the applicant's control, and he appreciated the addition being jogged to lessen the variance needed.
- B. Unique Situation
  - Member Schillack said the house was built in 1960s, and the standards had changed since.
- C. Not Self-Created
  - Chairperson Spencer said the applicant did not build the house and bought it as it was.
- D. Substantial Justice
  - Member Schillack said the addition would not block neighbor's views.
- E. Minimum Variances Necessary
  - Chairperson Spencer said the applicant chose to jog the addition and not put it directly on the footpath.

**Member Aseltyne MOVED to approve the variances requested by Scott Summers from Article 3.1.5.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-28-102-003, identified as 7032 Biscayne Avenue, in order to construct an addition that would encroach 3.4 feet into the required east side yard setback and exceed the allowed value of improvements to a nonconforming structure by 193%. An 18.3-foot variance from the required lot width is 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.**
- **An as-built survey shall be required to verify the roof overhang setback from the east side lot line.**
- **The plans shall be revised for consistency to clarify the roof overhang setback.**

**Member Dehart SECONDED, and the motion carried with a roll call vote (5 yes votes):  
(Aseltyne/yes, Dehart/yes, Schillack/yes, Powell/yes, Spencer/yes)**

- c. Applicant: David Nemshick  
9323 Gale Road  
White Lake, MI 48386
- Location: **9323 Gale Road**  
White Lake, MI 48386 identified as 12-11-451-019
- 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, Front-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 19 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 Powell asked staff if the floorplan for the existing structure was submitted. Staff Planner Quagliata said renderings were submitted, but not floor plans. The existing house had two bedrooms, and the addition would contain two more, bringing the total bedrooms after the addition to four.

Member Schillack asked staff if the value of the project was determined after the project was complete. Staff Planner Quagliata said applicants were required to give an estimate to the value of the work being done, as that was how building permit fees were determined. The International Code Council, based on current construction costs, estimated the value of the addition at \$169,000.

Member Aseltyne asked staff what the percentage over SEV the proposed value of work would be. Staff Planner Quagliata said it would be 860%.

Mr. Nemschick, the applicant, was present to speak on his case. He said he requested a 3' variance to allow for a large distance or fire lane on the east side of the house. He would also be able to add a third bay on the east side. He said he would sign paperwork to certify the living space over the garage would not be used as a second dwelling. He said the addition would be connected to the current house, and not separated from the existing structure.

Member Powell asked the applicant how the proposed bedrooms in the addition would be used. Mr. Nemschick said one of the existing bedrooms would be eliminated and made into an office, and the other could be eliminated to widen the living room area. The new bedrooms would be made into a master bedroom and a potential nursery.

Member Aselyne asked the applicant why he didn't want to demolish the current house since the addition was the size of a new house. Mr. Nemschick said it would be inconvenient to tear the entire house down during this time, and he worked from home.

Member Powell stated the applicant could have torn down the existing house and build a new house that would not require variances. The variances, if granted, would run with the land. Mr. Nemschick said his lot was 70' wide and he wanted the requested variances for the side yard for neighbors and himself to get access to the area behind the back of the house.

Member Dehart said if the house was centered on the lot, there would be room on the east side, and lessen the variances requested. Mr. Nemschick said without the garage, there would be 21'.

Chairperson Spencer opened the public hearing at 9:29 P.M. Seeing no public comment, she closed the public hearing at 9:29 P.M.

Staff Planner Quagliata went through the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
  - Member Powell did not see a practical difficulty. A garage could be constructed closer to the existing structure, and there could be architectural changes to lessen the variances needed. Chairperson Spencer and Member Aselyne agreed.
  - Member Dehart said the lot was nonconforming. Member Schillack agreed, and saw the practical difficulty regarding the SEV as well.
- B. Unique Situation
  - Chairperson Spencer said the lot had room to shift the house.
- C. Not Self-Created
- D. Substantial Justice
- E. Minimum Variance Necessary

**Member Dehart MOVED to approve the variances requested by David Nemshick from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-11-451-019, identified as 9323 Gale Road, in order to construct an addition that would encroach 3 feet into the required west side yard setback and 12.6 feet into the required front yard setback, and exceed the allowed value of improvements to a nonconforming structure by 860%. A 10-foot variance from the required lot width is also granted from Article 3.1.6.E. This approval will have the following conditions:**

- **The Oakland County Health Division shall certify the on-site water system is properly designed to handle the anticipated additional load prior to issuance of a building permit.**
- **The addition plans shall be reviewed by the Township's Department of Public Services prior to issuance of a building permit.**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The principal dwelling unit shall be owner-occupied and the addition shall not be rented separately from the principal dwelling unit.**
- **This approval shall not be interpreted to permit creation of a for-rent apartment, or the conversion of the existing single-family unit into a duplex or the like.**
- **The second-story addition shall not exceed 550 square feet in size.**
- **The second-story addition shall not include more than one (1) bedroom.**
- **The addition shall not exceed the maximum building height of the R1-D zoning district. Architectural plans, drawn to scale, shall be submitted at the time of reapplication for a building permit.**
- **Access to the addition shall be provided from the enclosed connection on the north side of the house. Any other exterior entrance to the addition shall be prohibited.**
- **Exterior alteration/renovation shall not change the overall single-family character of the dwelling unit or the surrounding neighborhood, as determined by the Planning Department.**
- **Prior to issuance of a building permit, the Applicant shall submit a revised floor plan for the addition, which shall be subject to the approval of the Planning Department.**
- **No new street address shall be assigned to the addition.**
- **All utility connections and services shall be shared between the principal dwelling unit and addition. No new meters (electric, gas, or otherwise) shall be installed to serve the addition.**
- **The addition shall not have its own cooking facilities.**
- **Prior to issuance of a building permit, an agreement shall be prepared by the Township Attorney, to be signed by the Applicant and recorded with the Oakland County Register of Deeds, stating the addition shall not be used as a secondary dwelling unit. The agreement shall be binding on the Applicant and all future owners of the property. The Applicant shall be billed the cost of the Township Attorney's fees to draft the agreement.**
- **Any future enlargement or alteration of the addition shall require approval of the Zoning Board of Appeals.**

**Member Dehart asked to amend the motion to alter condition number four to be: the addition shall not be rented separately from the principal dwelling unit.**

**SUPPORTED by Member Aseltyne, and the motion FAILED with a roll call vote (4 no votes):  
(Dehart/yes, Aseltyne/no, Schillack/no, Powell/no, Spencer/no)**

**Member Aseltyne MOVED to deny the variances requested by David Nemshick for Parcel Number 12-11-451-019, identified as 9323 Gale Road, due to the following reason(s):**

**Failure to meet the variance standards outlined in Article 7, Section 37 of the ClearZoning Ordinance.**

**Member Powell SUPPORTED, and the motion CARRIED with a roll call vote (4 yes votes):  
(Aseltyne/yes, Powell/yes, Dehart/no, Schillack/yes, Spencer/yes)**

The ZBA recessed at 10:05 P.M. The ZBA returned from recess at 10:11 P.M.



- d.      Applicant:      Todd Hammerick  
                                 26204 Barrington Circle  
                                 Commerce, MI 48390
- Location:      **8414 Cascade Street**  
                                 White Lake, MI 48386 identified as 12-36-453-012
- Request:        The applicant requests to construct a single-family house, requiring  
                                 variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard  
                                 Setback, Side-Yard Setback, Lot Coverage, Minimum Lot Area, and  
                                 Minimum Lot Width.

Chairperson Spencer noted for the record that 30 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 Schillack asked staff how close the neighboring house to the west was to the applicant's property. Staff Planner Quagliata said 3.8'. Member Schillack said there was a tree on the west side yard property line.

Member Aselyne asked staff if the house were smaller, would it be in conformance. Staff Planner Quagliata said in order to comply with the side yard setbacks, the house could only be 20' wide.

Ghassan Abdelnour, 24001 Orchard Lake, Farmington, MI, architect, was present to speak on behalf of the applicant. He was the architect for the previous homeowner when this request was brought in front of the ZBA in October, 2020.

Todd Hammerick, applicant, was present to speak on his case. He said he spoke to his neighbor and the fence on the west would be taken down.

Member Powell asked Mr. Abdelnour where the HVAC system would be placed. Mr. Abdelnour said the HVAC would be in the rear of the house and hidden. Member Powell asked Mr. Abdelnour how gutter drainage would be dealt with. Mr. Abdelnour said a gutter system would be installed. Mr. Powell asked Mr. Abdelnour if adding the dormer created a building height problem. Mr. Abdelnour said no, and Mr. Hammerick said the dormer would be extended laterally, not vertically.

Chairperson Spencer opened the public hearing at 10:30 P.M. Seeing no public comment, she closed the public hearing at 10:30 P.M.

Staff Planner Quagliata went through the standards from Article 7, Article 37, from the ClearZoning Ordinance:

- A. Practical Difficulty
- Chairperson Spencer said the lot was a practical difficulty. Members Dehart and Schillack agreed.
- B. Unique Situation
- Member Dehart said the lot size posed a unique situation.

- C. Not Self-Created
  - Chairperson Spencer said the applicant did not have anything to do with the shape of the lot.
- D. Substantial Justice
  - Member Schillack said most of the surrounding houses had similar view lines.
- E. Minimum Variance Necessary
  - Chairperson Spencer said the applicant was requesting the minimum, as a 20' wide house would not be feasible.

**Member Schillack MOVED to approve the variances requested by Todd Hammerick from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-36-453-012, identified as 8414 Cascade Street, in order to construct a new house that would exceed the allowed lot coverage by 26.86%, encroach 10 feet into the required front yard setback, and 5 feet into the required side yard setback from both the east and west property lines. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **In no event shall the projection of the roof overhang be closer than five (5) feet to the east and west side lot lines, including the gutters.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard property line.**
- **All roof drainage will be picked up in downspouts and pipes to eliminate surface drainage down the property line from the home.**

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

**OTHER BUSINESS**  
No other business.

**ADJOURNMENT**  
**MOVED by Member Aseltyne, SUPPORTED by Member Schillack to adjourn the meeting at 10:41 P.M.**  
**The motion CARRIED with a voice vote (5 yes votes).**

**NEXT MEETING DATE:** July 22, 2021 Regular Meeting