

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR VIRTUAL MEETING
July 22, 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:

Michael Powell, Township Board Liaison, present in Monument, CO
Kathleen Aseltyne, present in White Lake Township, MI
Nik Schillack, present in White Lake Township, MI
Debby Dehart- Planning Commission Liaison, present in White Lake Township, MI
Jo Spencer- Chairperson, present in White Lake Township, MI

Absent:

Dave Walz, Vice Chairperson

Others:

Justin Quagliata, Staff Planner
Nick Spencer, Building Official
Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

MOVED by Member Schillack, **SUPPORTED** Member Aseltyne, to approve 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 June 24th, 2021

MOVED by Member Schillack, **SUPPORTED** by Member Dehart to approve the Zoning Board of Appeals Regular Meeting Minutes of June 24th, 2021 as presented.
The motion **CARRIED** with a voice vote (5 yes votes).

CONTINUING BUSINESS:

There was no continuing business.

NEW BUSINESS:

- a) Applicant: Stone Hollow Properties & Development LLC
 1100 Corporate Drive
 Milford, MI 48381
- Location: 4355 Jackson Boulevard
 White Lake, MI 48383 identified as 12-07-181-004
- Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Maximum Building Height, Minimum Lot Area, and Minimum Lot Width.

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 U.S. Postal Service.

Staff Planner Quagliata gave his staff report.

Chairperson Spencer asked staff if the proposed front yard setback could not be considered since it was not published. Staff Planner Quagliata confirmed.

Member Powell asked staff if the builder met the requirements of a basement versus a third story, how would the height of the backfill be calculated with the garage utilizing the basement area. Staff Planner Quagliata said plans would have to be presented for a calculation to be made.

Chairperson Spencer asked staff if a person were to walk into the proposed front door, would they be walking into the basement. Staff Planner Quagliata said the plans showed the first floor with a foyer and stairs leading up to the second level. The ground level was labeled as basement on the plans, but it would be finished space and considered a story.

Member Schillack asked staff if the roof on top of the proposed second story porch was structurally sound to be walked on to from the third floor. Staff Planner Quagliata said no.

Member Dehart asked staff where the grade was measured from. Staff Planner Quagliata said the average grade was measured from the building. Member Dehart asked if the basement was counted towards the total square footage. Staff Planner Quagliata said the zoning ordinance considered what the applicant was calling a basement as the first floor.

Staff Planner Quagliata read the ClearZoning Ordinance definition of “story” and “height of building.”

Mario Giannandrea, 510 Highland Avenue, Milford, was present to speak on the case. He stated the back of the middle story went out to grade. He said the rendering presented did not show the roof as being inaccessible from the proposed third floor, but the building plans did.

Member Powell stated the Board was confused because the site plan did not show proposed grades and the architectural elevations of the house showed the grade substantially below the level of the French doors on the second floor, and it was confusing as to whether that was a deck or grade level patio.

Mr. Giannandrea said he tried to position the house on grade, and the lot sloped from the back to the front, creating a reverse walkout. The house was designed to nestle tightly into the lot.

Member Dehart asked the applicant what was on the land behind the lot. Mr. Giannandrea said the area behind the lot was heavily wooded.

Member Schillack asked staff what the zoning was for the land behind the subject parcel. Staff Planner Quagliata said the parcels directly behind the subject parcel were zoned R1-D Single Family Residential.

Member Dehart asked staff if the lot was platted or metes and bounds. Staff Planner Quagliata said the lot was a metes and bounds parcel.

Member Aselyne asked the applicant the reasoning for the square footage of the proposed house being so large. Mr. Giannandrea said the footage included the basement walkout, and without including the basement it would be a smaller square footage.

Chairperson Spencer opened the public hearing at 7:32 P.M. Seeing no public comment, she closed the public comment at 7:33 P.M.

Member Powell asked staff how the variance requests were calculated. Building Official Spencer said the 8.5-foot variance was requested because the proposed basement was considered a first floor per the ClearZoning Ordinance. Staff Planner Quagliata stated the maximum building height was 25 feet or two stories, and the proposed house was 33.5 feet in height.

Mr. Giannandrea said the proposed house was 2,700 square feet. Staff Planner Quagliata said since the basement was considered a story, the proposed square footage increased to 4,098 square feet.

Member Powell said if the backfill was higher around the back and sides of the house, the average height would be less than maximum building height. Staff Planner Quagliata stated an artificial grade could not be established on the site for the purpose of building a structure.

Chairperson Spencer asked staff if the parcel directly behind the subject parcel was metes and bounds. Staff Planner Quagliata confirmed.

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

A. Practical Difficulty

- Chairperson Spencer said the ZBA would not unreasonably prevent the owner from using the site if the variance was denied. A house could be built in compliance with the zoning ordinance. She did not find a practical difficulty.
- Member Dehart stated she saw a practical difficulty due to the lot.
- Member Powell said the topography of the lot was a practical difficulty.

B. Unique Situation

- Member Powell stated the lot was unique to the area.

- C. Not Self-Created
 - Member Powell and Chairperson Spencer said the applicant's plans were a self-created problem.
- D. Substantial Justice
 - Chairperson Spencer said substantial justice was not being denied as the applicant's right to build was not being taken.
- E. Minimum Variance Necessary
 - Member Schillack said if the house were moved back, a house could meet the setbacks.

Member Schillack MOVED to deny the variances requested by Stone Hollow Properties & Development LLC for Parcel Number 12-07-181-004, identified as 4355 Jackson Boulevard, due to the following reason(s):

- **Failure to meet requirements from ClearZoning Ordinance Article 7, Section 37, items A, B, C, D, E.**

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

- B. Applicant: Valerie Thompson
9417 Cedar Island Road
White Lake, MI 48386
- Location: **9417 Cedar Island Road**
White Lake, MI 48386 identified as 12-35-254-015
- 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 Front-Yard Setback and Maximum Lot Coverage.

Chairperson Spencer noted for the record that 27 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 U.S. Postal Service.

Staff Planner Quagliata gave his staff report.

Member Schillack asked staff since the garage was proposed to be attached to the house, would the nonconformity be increased. Staff Planner Quagliata said if the variance were granted, the garage would become part of the house, and the increase in nonconformity was in reference to the addition connecting the garage and house.

Valerie Thompson, 9417 Cedar Island Road, was present to speak on the case. She said she was trying to expand her kitchen 5 feet, would like to put in a laundry room and mudroom in the 10-foot gap that would connect the house to the garage. Five steps would have to be added.

Member Powell asked the applicant what her practical difficulty was. Ms. Thompson said going up and down steps to get to her laundry room, shoveling snow on the outside walkway, and taking out trash was becoming harder as she aged.

Member Aselyne asked the applicant if there was another place for the addition. Ms. Thompson said her main reason for the proposed location of the addition was to attach the house to the garage, and the only part of the house needing a variance was where the house attached to the garage. There was no way to attach the house to the garage without a variance.

Chairperson Spencer stated the Zoning Board of Appeals could not grant variances for personal circumstances. Member Aselyne added age was not a practical difficulty.

Chairperson Spencer opened the public hearing at 8:20 P.M. Seeing no public comment, she closed the public hearing at 8:21 P.M.

Member Dehart asked staff if the house and garage were conforming. Staff Planner Quagliata said the house was conforming and the garage was nonconforming.

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

A. Practical Difficulty

In regards to the house:

- Member Powell said the applicant could modify their plans for the addition.
- Member Schillack said there were other options for the addition.

In regards to the garage:

- Member Schillack said he saw the practical difficulty as the garage was already there.

B. Unique Situation

In regards to the house:

- Member Powell said ordinances and building codes had changed since the house was built, but there was another option to resolve the applicant's issue.

In regards to the garage:

- Member Schillack said the garage was already there.

C. Not Self-Created

In regards to the house:

- No comments.

In regards to the garage:

- Member Dehart said the garage was existing.

D. Substantial Justice

In regards to the house:

- No comments.

In regards to the garage:

- Member Powell said the garage was existing, and a number of houses in the area had access to their garages without having to go outside.

E. Minimum Variances Necessary

In regards to the house:

- No comments.

In regards to the garage:

- Member Schillack said the garage was existing.

Member Powell MOVED to approve the variance requested by Valerie Thompson from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-254-015, identified as 9417 Cedar Island Road, in order to allow the existing garage to encroach 20 feet into the required front yard. This approval shall have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- If the house is ever damaged or destroyed, the existing garage must be built per the zoning ordinance standards at that time.

Member Schillack SECONDED, and the motion carried with a roll call vote (3 yes votes):
(Powell/yes, Schillack/yes, Aseltyne/no, Dehart/yes, Spencer/no)

OTHER BUSINESS

No other business.

ADJOURNMENT

MOVED by Member Aseltyne, **SUPPORTED** by Member Dehart to adjourn the meeting at 8:44 P.M.
The motion CARRIED with a voice vote (5 yes votes).

NEXT MEETING DATE: August 26, 2021 – Regular Meeting