

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
SPECIAL VIRTUAL MEETING
August 12, 2021**

CALL TO ORDER

Chairperson Spencer called the meeting to order at 6:00 P.M. She then led the Pledge of Allegiance.

ROLL CALL

Present:

Dave Walz, present in Pontiac, MI

Michael Powell, Township Board Liaison, present in White Lake, MI

Clif Seiber, present in White Lake, MI

Nik Schillack, present in White Lake, MI

Jo Spencer, Chairperson, present in White Lake, MI

Absent:

Debby Dehart, Planning Commission Liaison

Others:

Justin Quagliata, Staff Planner

Nick Spencer, Building Official

Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

MOVED by Member Schillack, **SUPPORTED** by Member Powell, 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 July 22nd, 2021

Staff Planner Quagliata said there was two clerical errors in the minutes.

MOVED by Member Walz, **SUPPORTED** by Member Schillack to approve the Zoning Board of Appeals Regular Meeting Minutes of July 22nd, 2021 as amended.
The motion **CARRIED** with a voice vote (5 yes votes).

CONTINUING BUSINESS:

There was no continuing business.

NEW BUSINESS:

- a) Applicant: Wade Paris
9377 Gale Road
White Lake, MI 48386
- Location: 2290 Kingston Road, Lot 83 English Villas Subdivision
White Lake, MI 48386 identified as 12-14-233-007
- Request: The applicant requests to allow a single family house to encroach into setbacks, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Side-Yard Setback.

Chairperson Spencer noted for the record that 24 owners within 300 feet were notified. 0 letters were received in favor, 1 letter was received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave his staff report.

Member Powell asked staff for clarification regarding the rear yard setback. Staff Planner Quagliata said the rear yard would need a variance, but it was not requested or published.

Member Schillack asked staff if the SEV of the house would be affected. Staff Planner Quagliata said no, the house was new construction. Member Schillack asked staff where the a/c unit was. Staff Planner Quagliata said it was on the west side of the house.

Wade Paris, applicant, was present to speak on his case. He apologized for bringing the ZBA together for this issue, and said it was the fifth house he had built on Pontiac Lake needing variances. He said there were no red flags initially, and when the plans were drawn, the 4-inch brick ledges were not taken into account. The as-built showed the miscalculation of the brick, and Mr. Paris made Building Official Spencer aware of this during the final inspection. Mr. Paris took full responsibility for the mistake.

Member Seiber asked Mr. Paris if Kieft Engineering had a copy of the architectural plans when the plot plan was prepared. Mr. Paris confirmed.

Member Powell asked Mr. Paris for clarification regarding the brick ledge. Mr. Paris said the plans were drawn to have a brick ledge on the sides of the house. Mr. Powell said he only saw the brick on the elevations, but the brick wasn't included on the other plans.

Member Schillack asked Mr. Paris if he had an opportunity to examine the construction while it was ongoing. Mr. Paris said yes and he was at the site every day. Member Schillack asked Mr. Paris if the condition from his previous meeting in December 2020 was taken into account regarding downspouts. Mr. Paris confirmed.

Chairperson Spencer opened the public hearing at 6:32 P.M. She read one letter of opposition into the record.

Larry Oaks, 9380 Buckingham. He wanted to know what would happen to the house going forward and how would White Lake Township prevent something like this from happening in the future.

Richard Horton, 2247 Kingston. He said he was struggling to understand how variances were being requested for an already constructed house.

Building Official Spencer said an as-built survey was required near the end of a build. It was the builder's obligation to build within the variances, setbacks, and building code. As-built surveys were something new he was implementing as a part of the building process.

Bella Oaks, 9380 Buckingham. She said the aesthetics of the house didn't match the neighborhood.

Member Schillack asked staff if the house would be a part of a homeowner's association. Staff Planner Quagliata said no.

Sarah Scott, 9627 Buckingham. She said what kind of message would approving the requested variances say to other builders.

Chairperson Spencer closed the public hearing at 6:45 P.M.

Member Walz asked staff if the neighbors on either side of the house had expressed opposition. Staff Planner Quagliata said the Township had not received any communication from the property owners adjacent to the house.

Member Powell asked staff when the plans were submitted for the variances requested in December 2020. Staff Planner Quagliata said the application was initially submitted on October 28, 2020, and architectural plans were not submitted to the Township until after the variances were granted.

Member Powell asked Mr. Paris what changed on the plans since the December 10, 2020 ZBA meeting. Mr. Paris said the overhang and the back deck.

Mr. Powell asked staff for clarification regarding the dates on the plan submitted for the December 10, 2020 ZBA meeting. Staff Planner Quagliata said when Mr. Paris submitted the variance application, he submitted a plot plan dated October 16, 2020 with a revision date of November 9, 2020. Member Powell asked staff if that was the plan the Building Department denied due to variances needed. Staff Planner Quagliata said yes, and added at that time, architectural plans were not submitted to the Township.

Member Schillack asked staff when the architectural plans were submitted. Staff Planner Quagliata said sometime after December 10, 2020.

Building Official Spencer said a third-party engineer reviewed plot plans, and he reviewed the building construction plans. The engineer analyzed the site plan, but it was the responsibility of the builder to be within the allowed setbacks and codes.

Member Seiber asked Mr. Paris if the lot had a house on it before he bought it. Mr. Paris said no.

Member Schillack asked Mr. Paris which houses he went before the ZBA with in the past. Mr. Paris said 2000 Kingston, 2267 Kingston, 2270 Kingston, and 9377 Gale Road.

Member Powell stated the jog between the house wall and the garage wall looked to be changed by about one foot on the as-built plan, and the architectural plans did not show the dimension of the jog. There was a 4.5-inch discrepancy from the approved plans and the as-built, and Mr. Paris said that was due to the brick ledge.

Member Schillack asked staff when the as-built plan was received. Staff Planner Quagliata said the as-built was dated July 12, 2021 and Building Official Spencer said the as-built was required before the final inspection.

Member Seiber stated the architectural plan looked like the brick on the back and front corners of the house wrapped around the outside of the framing. Mr. Paris said yes, and added he would have asked for appropriate setback variances in December 2020 if he had realized the corner wrap would have encroached into the setbacks.

Building Official Spencer said going forward, the Building Department would require foundation certifications. At the time a foundation was being placed, an engineer would certify it. He was considering it for the builds granted variances, or tight lots.

Member Schillack asked staff if more variances would be needed for the house after this evening. Staff Planner Quagliata said the ZBA could correct the violation in the rear yard.

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

- A. Practical Difficulty
 - Chairperson Spencer said she could not find a practical difficulty under Article 7, Section 37. The house was already erected. Member Schillack agreed.
 - Member Powell said results of ZBA decisions could end up in a lawsuit.
- B. Unique Situation
 - Chairperson Spencer said she couldn't find a practical difficulty; therefore, she didn't feel it was a unique situation.
- C. Not Self-Created
 - Member Schillack said it was an unfortunate situation, but by self-admission of the applicant, it was self-created.
- D. Substantial Justice
 - Chairperson Spencer said there were different options for siding, and removing the brick would not make the home less aesthetically pleasing. Not every house on the lake was a brick structure.
 - Member Schillack said neighbors had called in to give their opinions. The ZBA did not have to agree with the neighbors, but the neighbor's opinions should be weighed.
 - Member Powell said many of the houses around the property would need variances to be rebuilt.
- E. Minimum Variance Necessary
 - Member Powell said it wouldn't make sense to remove brick from the west side of the house. If the brick were taken off of the easterly side, the variance would be the minimum necessary.

Member Seiber asked Member Powell how many inches would be saved by removing the brick and replacing it with cultured stone. Member Powell said about 2.5-3 inches.

Member Walz MOVED to approve the post-construction variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-233-007, identified as 2290 Kingston Road, in order to allow the house to encroach 0.9 feet into the required east side yard setback and 0.5 feet into the front yard beyond the 13.2-foot variance granted December 10, 2020.

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

OTHER BUSINESS

Staff Planner Quagliata said the major storm event that came through the Township damaged about a thousand houses, and Supervisor Kowall declared a State of Emergency, which was then approved by the Township Board. There would potentially be some storm related variance requests in the future, and additional meetings/longer meetings may be required.

He also added Township meetings would most likely be on Zoom until the end of the year.

ADJOURNMENT

MOVED by Member Walz, SUPPORTED by Member Schillack to adjourn the meeting at 8:08 P.M. The motion CARRIED with a voice vote (5 yes votes).

NEXT MEETING DATE: August 26, 2021- Regular Meeting