

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
APRIL 28, 2022**

**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:**

Clif Seiber  
Tony Madaffer  
Debby Dehart, Planning Commission Liaison  
Niklaus Schillack, Vice Chairperson  
Jo Spencer, Chairperson

**Others:**

Justin Quagliata, Staff Planner  
Hannah Micallef, Recording Secretary

15 members of the public present

**APPROVAL OF AGENDA**

**MOVED by Member Schillack, SUPPORTED by Member Dehart, 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 March 24th, 2022

**MOVED by Member Seiber, SUPPORTED by Member Schillack to approve the Zoning Board of Appeals Regular Meeting Minutes of March 24<sup>th</sup>, 2022 as presented. The motion CARRIED with a voice vote (5 yes votes).**

**NEW BUSINESS:**

- A. Applicant: Andrew Giles  
672 N. Milford Road Suite 152  
Highland, MI 48357  
Location: **471 Hillwood Drive**  
White Lake, MI 48383 identified as 12-21-452-015  
Request: The applicant requests to construct an accessory building (garage), requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback.

Chairperson Spencer noted for the record that owners within 300 feet were notified. 23 letters were received in favor, 0 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata presented his staff report. He noted the architectural plans did not scale.

Member Schillack asked staff about the submitted survey; he noted the well and septic field were not shown, and asked if identifying these items were required. Staff Planner Quagliata said yes; there was a checklist an applicant received with a building permit application requiring several different items be provided on a plan.

Benjamin Nelms, homeowner, was present to speak on behalf of his builder. Mr. Nelms said he was unaware the septic field and well were required to be identified on the plan. Mr. Nelms said the well was in the front of the house, and the septic field was in the rear of the house.

Mr. Schillack asked Mr. Nelms where the septic was in regard to the property lines. Mr. Nelms said the well was around 26 feet from the front property line, and the septic field was around 30 feet from the rear property line. He said his house was around 100 feet from Brendel Lake.

Staff Planner Quagliata said the topography was not shown on the survey.

Mr. Nelms said he wanted to build a garage for his children to play in it, and for his wife to park her vehicle in the winter.

Member Dehart asked Mr. Nelms if the orange traffic cones on his property were where the proposed garage was to be erected. Mr. Nelms confirmed, and said the walkway to the house would be redone during this project as well.

Member Seiber asked Mr. Nelms if there was to be a second floor on the proposed garage. Mr. Nelms said yes, and it would be used for storage with an attic access only. He would prefer storage tresses.

Member Schillack asked Mr. Nelms if he considered moving the garage closer to the house. Mr. Nelms said then he would have to consider the slope of the lot, and the slab was preexisting.

Chairperson Spencer opened the public hearing at 7:16 P.M.

Mike Krecek, 525 Hillwood, spoke in favor of the applicant's case.

Chairperson Spencer closed the public hearing at 7:18 P.M.

Member Seiber stated he understood the applicant's request based on the slope of the lot.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
  - Chairperson Spencer said the topography of the lot posed a practical difficulty. Member Schillack and Member Dehart agreed.
- B. Unique Situation
  - Chairperson Spencer said the lot was unique. Member Schillack agreed.
- C. Not Self-Created
  - Member Schillack said the applicant did not create the topography.
- D. Substantial Justice
  - Member Seiber said the surrounding neighbors had garages. Member Dehart said the neighbor's garages were closer to the road.
- E. Minimum Variance Necessary
  - Chairperson Spencer said the variances requested were the minimum necessary.

**Member Schillack MOVED to approve the variance requested by Andrew Giles from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-21-452-015, identified as 471 Hillwood Drive, in order to construct an accessory building (detached garage) that would encroach 15.18 feet into the required front yard setback. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Plans drawn to scale and a complete plot plan / survey shall be submitted to meet requirements of the Building Official.**
- **An as-built survey shall be required to verify the approved setbacks.**
- **The garage shall not include stairs or a second story or loft area or living space.**

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

- B. Applicant: Andrew Bienkowski and Rachel Menard  
2230 Wiggen Lane  
White Lake, MI 48386  
Location: **2230 Wiggen Lane**  
White Lake, MI 48386 identified as 12-14-231-003  
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, Rear-Yard Setback, and Maximum Lot Coverage. A variance from Article 3.11.Q, Natural Features Setback is also required

Chairperson Spencer noted for the record that 26 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 presented his staff report.

Member Schillack asked staff if the previous construction was done by the current owner. Staff Planner Quagliata said no, it was done by the previous owner.

Member Dehart asked staff the distance of the existing house to the side-yard. Staff Planner Quagliata said a variance was received for the side yard and was not built to the variance received. The proposed house would decrease the nonconformity on the south and north side of the lot, but create nonconformities by encroaching into the rear yard setback and natural features setback.

Andrew Bienkowski and Rachel Menard, 2230 Wiggen Lane, were present. Their goal was to create a safe house built to code. A new house would provide that, as well as keep in line with what the other neighbors had done in the neighborhood. Mr. Bienkowski said the south end addition was preexisting, it was from the 1950s.

Member Dehart asked the applicants if the shed would be removed. Ms. Menard confirmed.

Chairperson Spencer stated the house could be downsized to be brought more into compliance with the zoning ordinance.

Chairperson Spencer opened the public hearing at 7:46 P.M.

Roger Harrington, 2240 Wiggen Lane, spoke in support of the applicant's request.

Chairperson Spencer closed the public hearing at 7:50 P.M.

Member Seiber said the front setback and side yard setbacks would be an improvement, but the proposed house would be pushed 9 feet closer the lake. The depth of the lot was shallow, and would only leave a 30-foot-deep building envelope. He stated the way the lake surrounded the lot made it difficult to achieve the setback from the lake.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Member Seiber said the shape and lack of depth of the lot presented a practical difficulty.

B. Unique Situation

- Member Schillack said the lot was unique based on the shape.

C. Not Self-Created

- Chairperson Spencer said the proposed house could be downsized and the request was a self-created problem.

D. Substantial Justice

- Member Seiber said the neighboring houses did not fully comply with the zoning ordinance.
- Member Schillack said the proposed house could impact the view of the neighbors to the south.

E. Minimum Variance Necessary

- Chairperson Spencer said the proposed house could be downsized to reduce variance requests.

Member Dehart asked the applicants if they would consider reducing the rear corners of the house on the south and north sides to eliminate some of the requested variances. The ZBA discussed modifying the south side yard setback request to result in a setback of 7.5 feet.

**Member Schillack MOVED to table the variance requests of Andrew Bienkowski and Rachel Menard for Parcel Number 12-14-231-003, identified as 2230 Wiggen Lane, to consider comments stated during this public hearing.**

**SUPPORT by Member Madaffer and the motion CARRIED with a roll call vote (5 yes votes): (Schillack/yes, Madaffer/yes, Dehart/yes, Spencer/yes, Seiber/yes).**

C. Applicant: EROP, LLC (Jeff Justice)

3130 North Kandy Lane

Decatur, IL 62526

Location: **9345 Highland Road**

White Lake, MI 48386 identified as 12-23-202-006

Request: The applicant requests to construct an automobile wash establishment, requiring variances from Article 6.4.C.i, Minimum Driveway Spacing – Same Side of Road, Article 5.19.N.i.c, Dumpsters and Trash Storage Enclosures, Article 5.19.D, Required Minimum Screening and Landscaping, Article 5.9.F.iv, Prohibited Signs.

Chairperson Spencer noted for the record that 22 owners within 300 feet were notified. 0 letters were received in favor, 3 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata presented his staff report.

Chairperson Spencer asked staff if the driveway would be shifted to align with the driveway across Highland Road. Staff Planner Quagliata said yes, the applicant had made the change after last week's Planning Commission meeting. The frontage road was stubbed at the east and west side property lines. The dumpster was moved closer to the building from its previously proposed location.

Reid Cooksey, 607 Shelby St, Detroit, was present to speak on behalf of the applicant. He said the comments from the applicant were took to heart. Front greenbelt landscaping was added, and the drive was shifted to align with the drive across Highland Road at Fisk Corners. The Michigan Department of Transportation (MDOT) approvals would be requested. The dumpster enclosure was placed where it was because the trash vehicles needed to be kept away from the drive into the tunnel and the vacuum spaces. The building was pushed as far back on the lot as it could; the DTE powerline prevented the building from being moved closer to the rear property line. Screening would be provided in the north and rear of the property.

Member Schillack asked Mr. Cooksey why the dumpster enclosure could not be located behind the front line of the building. Mr. Cooksey said due to the DTE overhead lines. In addition, heavy machinery driven over sensors and near the vacuum spaces had the potential to damage equipment.

Mr. Cooksey added the withdrawn sign variance was requested to provide the car wash visibility since there was a water main easement along the frontage that would prohibit a monument sign.

Chairperson Spencer opened the public hearing at 8:48 P.M. She read three letters in opposition of the applicant's request.

Mary Earley, 5925 Pineridge Court, spoke in opposition of the car wash in regards to traffic.

Robert Zawideh, 440 Berry Patch Lane, spoke regarding concerns of water runoff from the car wash to the lake. He was concerned about traffic as well.

Melissa Wheeler, 9229 Highland, owner of the Art of Dance, said her clients were voicing their concerns regarding the traffic.

David Gian, 9315 Steephollow Drive, had concerns about traffic and the lake.

Chairperson Spencer closed the public hearing at 9:04 P.M.

Member Dehart said the building provided a 428-foot setback from the back of the building to the rear property line.

Mr. Cooksey said the closest property to the car wash was the Art of Dance more than 70 feet away, and the decibels measured from the studio to the car wash would be zero. The vacuums were state of the art and were as muffled as could be. The soaps used would be bio degradable and environmentally friendly.

The ZBA discussed the proposed white vinyl fence versus a masonry screen wall. Staff Planner Quagliata stated a screen wall was usually suggested when the commercial activity was closer to a residential area. He added the Planning Commission was okay with the vinyl fence due to car wash being setback 428 feet from the rear property line. He added he also suggested the number of vacuums be reduced by 50 percent; however, the Planning Commission did not take offense to the proposed number of vacuums.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Member Dehart said the access management standards posed a practical difficulty due to the width of the lot, and the dumpster location was a practical difficulty due to the DTE power lines.

B. Unique Situation

- Member Seiber said the access situation was unique; failure to grant the variance on the driveway would prohibit access to the site.

C. Not Self-Created

- Member Dehart said the applicant did not place the powerlines.

D. Substantial Justice

- Chairperson Spencer said if the driveway variances were not granted, the applicant would be denied substantial justice. The dumpster was necessary as well, as heavy machinery loading could not be done over the drives to the tunnel.

E. Minimum Variance Necessary

- Chairperson Spencer said the variance for the dumpster was reduced. Member Schillack understood the variance for the driveway was necessary and minimal.

**Member Dehart** MOVED to approve the variances requested by EROP LLC from Article 6.4.C.i and Article 5.19.N.i.c of the Zoning Ordinance for Parcel Number 12-23-202-006, identified as 9345 Highland Road, in order to allow construction of a driveway 197 feet from the driveway to the east and 262 feet from the driveway to the west, and a 40-foot variance to allow the dumpster enclosure to project in front of the principal building. 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.
- The Highland Road site access drive shall align with the divided drive across the street (Fisk Corners boulevard-style access drive).

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

**OTHER BUSINESS**

Staff Planner Quagliata said there may be a Special Zoning Board of Appeals meeting in May to discuss zoning ordinance amendments.

**ADJOURNMENT**

**MOVED by Member Seiber, SUPPORTED by Member Dehart to adjourn the meeting at 9:32P.M. The motion CARRIED with a voice vote (5 yes votes).**

**NEXT MEETING DATE:** May 26, 2022 Regular Meeting