

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 22, 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
Niklaus Schillack, Vice Chairperson
Mike Powell, Township Board Liaison
Debby Dehart, Planning Commission Liaison
Jo Spencer, Chairperson

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

7 members of the public present

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 28th, 2022.

MOVED by Member Seiber, SUPPORTED by Member Schillack, to approve the Zoning Board of Appeals Regular Meeting Minutes of July 28th, 2022 as presented. The motion CARRIED with a voice vote: (5 yes votes).

CONTINUING BUSINESS:

None.

NEW BUSINESS:

A. Applicant: Alan & Mary Peltier

9522 Cooley Lake Road

White Lake, MI 48386

Location: **9522 Cooley Lake Road**

White Lake, MI 48386 identified as 12-35-380-018

Request: The applicant requests to construct an accessory building, requiring a variance from Article 5.7.A, Accessory Buildings or Structures in Residential Districts. Variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width are also required to construct the accessory building and an addition on the dwelling unit.

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 U.S. Postal Service.

Staff Planner Quagliata presented his staff report.

Chairperson Spencer asked staff where Orchard Drive ended. Staff Planner Quagliata said Orchard Drive ended at subject site and picked up about 300 feet to the south.

Member Schillack asked staff if a new well was proposed. Staff Planner Quagliata said he did not see a new well proposed; the existing well was under the proposed deck.

Member Schillack asked staff if there was anything on the property that would prevent the garage being moved to the east. Staff Planner Quagliata said there was nothing preventing such a move.

Chairperson Spencer said the proposed garage was large and could be reduced to eliminate a requested variance.

Member Dehart stated she thought Orchard Drive was a private road. Staff Planner Quagliata said it was a public right-of-way. Member Dehart said if the garage was connected to the house, the garage would be pulled away from the west lot line.

Alan Peltier, applicant, was present to speak on his case. He said he wanted the garage because the existing house was old and had no garage. He said the deck would cover a large hole in the ground, and there would be a box in the deck to access the well. His intention was to remove the current shed, build the deck and garage, and ultimately improve the house.

Member Powell asked the applicant his reason for placing the garage where he did.

Mr. Peltier said he wanted everything laid out the way he proposed. He thought it would be better to have access to the deck and the house from the garage.

Member Powell suggested a covered walkway to the garage.

Member Powell said the applicant was not demonstrating a practical difficulty with his request and was asking the ZBA to grant several variances. Alternatives were provided for the applicant to eliminate the number of variances requested.

Chairperson Spencer opened the public hearing at 7:36 P.M.

Robert Peltier, 3197 Shawnee Lane, spoke in favor of the applicant's request.

Chairperson Spencer closed the public hearing at 7:38 P.M.

Member Dehart MOVED to postpone the appeal of Alan and Mary Peltier to a date of a triggering mechanism within six months of today's date for Parcel Number 12-35-380-018, identified as 9522 Cooley Lake Road, to consider comments stated during this hearing.

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

- B. Applicant: Ed Phillips/Phillips Sign & Lighting
40920 Executive Drive
Harrison, MI 48045
Location: **8545 Highland Road**
White Lake, MI 48386 identified as 12-24-126-009
Request: The applicant requests to install a wall sign on the side elevation of the building, requiring a variance from Article 5.9.J.ii.a, Wall Signs.

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 U.S. Postal Service.

Staff Planner Quagliata presented his staff report.

Member Powell asked staff what was the issue with the sign. Staff Planner Quagliata said the issue was the sign was proposed on the west facade of the building. The existing sign was approved by the previous Building Official, who should have required a variance.

Member Schillack asked staff for clarification regarding the size of the sign. Staff Planner Quagliata said the proposed sign was the same size as the existing sign.

Rebecca Godin, 9601 Dolin, was present to speak on the case. She said she did the original sign job back in the 1990s, and no variance was required then. The logo needed updates.

Chairperson Spencer opened the public hearing at 7:51 P.M. Seeing no public comment, she closed the public hearing at 7:52 P.M.

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

- A. Practical Difficulty
 - Member Dehart said the practical difficulty was the building fronted the side. Chairperson Spencer agreed.
- B. Unique Situation
 - Chairperson Spencer said the building was located far from the road.
- C. Not Self-Created
 - Chairperson Spencer said the applicant did not create the problem.
- D. Substantial Justice
 - Member Schillack said the building was unique, on a unique lot with a unique depth and there was no dramatic change to the signage.
- E. Minimum Variance Necessary
 - Member Schillack said the applicant was not requesting a larger sign.

Member Schillack MOVED to approve the variance requested by Ed Phillips/Phillips Sign and Lighting from Article 5.9.J.ii.a of the Zoning Ordinance for Parcel Number 12-24-126-009, identified as 8545 Highland Road, in order to install a 33.8 square foot wall sign on the west side elevation of the building. 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 enlarge signage on the building shall require approval of the Zoning Board of Appeals.**

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

- C. Applicant: Mark Johnson
150 Danforth Drive
White Lake, MI 48386
Location: **150 Danforth Drive**
White Lake, MI 48386 identified as 12-23-376-004
Request: The applicant requests to construct a garage, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Maximum Lot Coverage. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record that 20 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 plot plan had a raised seal. Staff Planner Quagliata said no, and it was not signed by a professional surveyor. Member Schillack asked staff if a survey was required. Staff Planner Quagliata confirmed. Member Schillack asked staff what the lot coverage would be without the pool. Staff Planner Quagliata said 26 percent. Member Schillack asked staff if the larger lot coverage was granted, could it be used for something other than the pool. Staff Planner Quagliata said the variance would run with the land. Member Schillack stated on the site plan the new well was underneath a proposed wall. Staff Planner Quagliata said he did not think that layout would be permissible by the Oakland County Health Division. Member Schillack asked staff if there was anything on the site plan that would indicate water mitigation. Staff Planner Quagliata said drainage was shown on the site plan.

Member Dehart asked staff if the proposed pool was inground. Staff Planner Quagliata confirmed.

Mark Johnson, applicant, was present to speak on his case. He said he tried to buy the neighboring lot, but the deal fell through. The shed on the property line was removed. He said he only wanted the garage to be 30 feet by 30 feet and it was miscalculated on the site plan. He said he intended to get a survey soon. The western wall would be bumped to the east to keep the well protected.

Chairperson Spencer opened the public hearing at 8:25 P.M. Seeing no public comment, she closed the public hearing at 8:26 P.M.

Member Schillack stated he would be more comfortable making a decision once all of the data was presented. The site plan was not signed and sealed.

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

A. Practical Difficulty

- Member Schillack said everything required for the application was not submitted, therefore, he did not have enough data to make a decision.
- Member Powell said he found a practical difficulty with the site as the house was close to the road.
- Member Dehart said she found a practical difficulty due to the topography of the lot and the arch of Danforth Street.

B. Unique Situation

- Member Schillack said everything required for the application was not submitted, including how large the lot was, he did not have enough data to make a decision.
- Member Powell said the unique situation was the drop off from the house to the north, making it impossible to extend the garage to the north, and the proximity of Danforth Street to the front of the house.

C. Not Self-Created

- Member Schillack said everything required for the application was not submitted, including the size of the lot, he did not have enough data to make a decision.
- Member Powell said it was not self-created due to the lot configuration and the topography of the lot.
- Chairperson Spencer said the applicant reduced the size of the garage, and she did not feel there was a self-created hardship.

D. Substantial Justice

- Member Schillack said everything required for the application was not submitted, including the size of the lot, he did not have enough data to make a decision.
- Member Powell said not providing the applicant a garage would deny him substantial justice as many of the other houses on the street were nonconforming or had variances as well.

E. Minimum Variance Necessary

- Member Schillack said everything required for the application was not submitted, including the size of the lot, he did not have enough data to make a decision.
- Member Powell said the variance was the minimum the applicant could ask for.

Member Powell MOVED to approve the variances requested by Mark Johnson from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-23-376-004, identified as 150 Danforth Drive, in order to construct a two-car attached garage addition that would encroach 7.6 feet into the required front yard setback, and exceed the allowed lot coverage by potentially 8 percent. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 102%. 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 within the side yard setbacks.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **A revised plot plan signed and sealed by a licensed professional surveyor shall be submitted to the Building Department showing all of the proposed improvements.**
- **An as-built survey shall be required to verify setbacks and lot coverage.**

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

OTHER BUSINESS

None.

ADJOURNMENT

MOVED by Member Powell, SUPPORTED by Member Dehart to adjourn the meeting at 9:01 P.M. The motion CARRIED with a voice vote (5 yes votes).

NEXT MEETING DATE: October 27, 2022 Regular Meeting