

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
OCTOBER 27, 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

10 members of the public present

**APPROVAL OF AGENDA**

Chairperson Spencer wanted to add "2023 Meeting Schedule" under Other Business.

**MOVED by Member Schillack, SUPPORTED by Member Powell, to approve the agenda as amended. The motion CARRIED with a voice vote: (5 yes votes).**

**APPROVAL OF MINUTES:**

- a. Zoning Board of Appeals Regular Meeting of September 22<sup>nd</sup>, 2022.

**MOVED by Member Seiber, SUPPORTED by Member Schillack, to approve the Zoning Board of Appeals Regular Meeting Minutes of September 22<sup>nd</sup>, 2022 as presented. The motion CARRIED with a voice vote: (5 yes votes).**

**CONTINUING 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.

Staff Planner Quagliata presented his staff report and noted the proposed garage was slightly reduced in size and shifted location to reduce some variances. The porch would still require variances.

Member Dehart asked where the unlawful fence was located on the property. Staff Planner Quagliata said the fence was on the south property line.

Alan Peltier, applicant, was present to speak on his case. He said the porch needed to be rebuilt as it was in poor condition. He wanted to rebuild the porch as a 3'x6' area. The shed would be removed when the garage was finished.

Staff Planner Quagliata asked the applicant where the main entrance of the house was located. Mr. Peltier said the front door would be at the proposed porch.

Member Powell stated the right-of-way on Cooley Lake Road was 160 feet wide, which was more than double the average right-of-way on most roads. The right-of-way at Cooley Lake Road was a practical difficulty for the applicant.

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

A. Practical Difficulty

- Member Dehart said the lot was nonconforming, and the road right-of-way was large. Member Schillack agreed.

B. Unique Situation

- Member Schillack said the road right-of-way made a unique situation. Chairperson Spencer agreed.

C. Not Self-Created

- Member Schillack said the porch was in line with the current house and therefore not self-created.

D. Substantial Justice

- Member Schillack said the applicant would be able to enjoy his porch similar to his neighbors.

E. Minimum Variance Necessary

- Member Powell said the porch was minimally sized. Member Schillack added the applicant reduced the size of the garage to reduce the amount of variances requested.

**Member Schillack** MOVED to approve the variances requested by Alan and Mary Peltier from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-380-018, identified as 9522 Cooley Lake Road, in order to construct a covered porch addition that would encroach 6 feet into the required east front yard setback and 1.5 feet into the required south side yard setback. An 8-foot variance from the required lot width and a 2,439.17 square foot variance from the required lot area are also granted from Article 3.1.6.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 setbacks and lot coverage.
- The shed shall be removed from the property prior to the final building inspection.
- The unlawful fence/screen shall be made compliant or removed from the property prior to the issuance of a building permit.

Member Powell asked staff if the applicant could make the fence compliant with the zoning ordinance. Staff Planner Quagliata said the fence could be removed or the applicant could make it compliant.

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

#### **NEW BUSINESS**

A. Applicant: Paul Peter

9474 Thames Boulevard

White Lake, MI 48386

Location: **9474 Thames Boulevard**

White Lake, MI 48386 identified as 12-14-203-007

Request: The applicant requests to construct an accessory building, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

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 there was a setback required from a wellhead. Staff Planner Quagliata said there was not.

Member Seiber asked staff if the garage footings were inspected. Staff Planner Quagliata said no, the work was done without a permit and inspection would be made a requirement of the building permit if the Board approved the request.

Paul Peter, applicant, was present to speak on his case. He said he wanted to build a garage to store vehicles and to have extra storage. He said the reason the plans were drawn the way presented was because he believed the proposed structure needed to be 10 feet away from the wellhead.

Member Powell asked the applicant where the wellhead was located. The applicant said the wellhead was located by the walkway; it was a “wishing” well. Member Powell asked the applicant what would prevent him from moving the well to reduce the variances requested. The applicant said he could, but the well was a functioning well and it would be a waste of resources to drill a new one.

Chairperson Spencer opened the public hearing at 7:30 P.M. Seeing no public comment, she closed the public hearing at 7:30 P.M.

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

A. Practical Difficulty

- Member Schillack said the cul-de-sac right-of-way created a practical difficulty. Member Dehart added the lot was a nonconforming lot. Member Seiber said the lot was half the size of the zoning district standard.
- Member Powell said there was room to shift the garage closer to the house.

B. Unique Situation

- Member Dehart said the lot was unique due to the cul-de-sac right-of-way affecting the front yard setback. Member Schillack agreed.

C. Not Self-Created

- Member Dehart said the applicant did not create the road right-of-way or the lot.

D. Substantial Justice

- Member Schillack said the applicant would have a garage similar to other houses in the area.

E. Minimum Variance Necessary

- Member Dehart said the size of the garage requested was minimal.

Member Schillack asked the applicant why concrete was poured prior to any permits being requested. The applicant said the concrete was poured in the summer in preparation of the proposed accessory building. A rat wall had not been poured yet.

**Member Seiber MOVED to approve the variances requested by Paul Peter from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-203-007, identified as 9474 Thames Boulevard, in order to construct a detached garage that would exceed the allowed lot coverage by 4.3% and encroach 21.2 feet into the required front yard setback. A 40- foot variance from the required lot width and 5,393 square foot variance from the required lot area are also granted from Article 3.1.6.E. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The second-story of the garage shall not be used as living space.**
- **No sanitary sewer service shall be extended to the garage.**
- **Architectural plans drawn to scale shall be submitted to meet requirements of the Building Official.**
- **The foundation including rat wall shall be made available for inspection by the Building Official.**
- **An as-built survey shall be required to verify setbacks and lot coverage.**

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

- B. Applicant: Adam Hufeld  
10071 Elizabeth Lake Road  
White Lake, MI 48386  
Location: **10071 Elizabeth Lake Road**  
White Lake, MI 48386 identified as 12-27-228-001  
Request: The applicant requests to construct a deck, requiring variances from Article 3.10.A, Attached Decks, Porches, and Patios in Residential Districts. Variances from Article 5.12. Fences, Walls, and Other Protective Barriers. Fences, Walls and Other Protective Barriers are requested to install a privacy fence exceeding the allowed height and within the road right-of-way.

Chairperson Spencer noted for the record that 32 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 damage on the existing deck was related to the State of Emergency declared after last summer's tornado that occurred in White Lake Township. Staff Planner Quagliata said not to his knowledge.

Member Powell asked staff if the road right-of-way was dedicated to the Oakland County Road Commission. Staff Planner Quagliata said he was unsure.

Adam Hufeld, applicant, was present to speak on his case. He said the fence came down during the tornado in 2021. Consumer's Energy was doing work near the house that resulted in the fence being torn down. He said he wanted the variance for the fence because of the bar across the street and for privacy purposes.

Member Powell asked the applicant why he was requesting a 6-foot front yard fence. Mr. Hufeld said it was mainly for privacy purposes.

Member Dehart asked if a 4-foot fence could be installed alongside 6-foot arborvitaes. Mr. Hufeld said that idea was not out of the question.

Chairperson Spencer opened the public hearing at 8:08 P.M. Seeing no public comment, she closed the public hearing at 8:08 P.M.

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

- A. Practical Difficulty
  - Member Seiber said the road right-of-way created a practical difficulty.
  - Member Powell said the elevation of the road created a practical difficulty.
- B. Unique Situation
  - Member Schillack said the road right-of-way was unique.
- C. Not Self-Created
  - The applicant did not create the road right-of-way.
- D. Substantial Justice
  - Member Schillack said the house was across the street of a commercial property, which other houses around were not.
  - Member Powell added the lot was not normal, and the lot was adjacent to a busy road.
- E. Minimum Variance Necessary
  - Member Schillack said no matter where the fence was placed, it would still be in the road right-of-way.

**Member Dehart MOVED** to approve the variances requested by Adam Hufeld from Articles 3.10.A and 5.12 of the Zoning Ordinance for Parcel Number 12-27-228-001, identified as 10071 Elizabeth Lake Road. A variance from Article 3.10.A is granted in order to construct a deck that would encroach into the road right-of-way (0-foot setback). A 2-foot variance to install a six-foot-tall privacy fence is also granted from Article 5.12. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The Applicant shall obtain the required Road Commission for Oakland County (RCOC) permit and provide a copy of said permit to the Building Department prior to installation of the fence.

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

- C. Applicant: Todd McGeachy  
539 Burgess Drive  
White Lake, MI 48386  
Location: **539 Burgess Drive**  
White Lake, MI 48386 identified as 12-27-429-003  
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct a garage addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.5.E, R1-C Single Family Residential Minimum Lot Area.

Chairperson Spencer noted for the record that 24 owners within 300 feet were notified. 0 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.

Member Schillack asked staff if the ordinance had restrictions about lines of vision. Staff Planner Quagliata said there was a 25-foot clear vision triangle at a corner.

Member Schillack stated the northeast wall of the proposed garage looked to be flush with the existing garage. Staff Planner Quagliata said the plans from the architect and surveyor varied, and the offset was not clear. The wall connecting the existing garage and the new garage would not be open.

Todd McGeachy, applicant, was present to speak on his case. He said he wanted to store his personal items in a garage.

Member Powell asked the applicant what the practical difficulty was for his case. The applicant said he wanted to store his possessions inside to protect them from the elements.

Member Schillack asked the applicant why he chose a second garage instead of expanding the current garage. Mr. McGeachy said it was an aesthetic choice on his part, but he was open to opening up the garage.

Chairperson Spencer opened the public hearing at 8:43 P.M. Seeing no public comment, she closed the public hearing at 8:43 P.M.

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

A. Practical Difficulty

- Member Schillack said he did not see a practical difficulty in relation to the property. There was an existing garage as well.
- Member Powell said the lot was sufficiently sized and there was already a garage there as well as a legal nonconforming house.

B. Unique Situation

- Chairperson Spencer said she did not find a unique situation.

C. Not Self-Created

- Member Dehart said the applicant created his own problem. Chairperson Spencer agreed.

D. Substantial Justice

- Member Dehart said the house already had an attached garage.

E. Minimum Variance Necessary

- Member Schillack said the variances would be expanding a nonconformity.

**Member Seiber MOVED to deny the variances requested by Todd McGeachy for Parcel Number 12-27-429-003, identified as 539 Burgess Drive, due to the following reason(s):**

- **Failure to meet the standards from Zoning Ordinance Article 7, Section 37.**

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

**OTHER BUSINESS**

A. 2023 Meeting Dates

**MOVED by Member Powell to approve the 2023 ZBA Meeting Dates. Member Dehart SUPPORTED and the motion CARRIED with a voice vote: (5 yes votes)**

**ADJOURNMENT**

**MOVED by Member Seiber, SUPPORTED by Member Schillack to adjourn the meeting at 8:57 P.M. The motion CARRIED with a voice vote (5 yes votes).**

**NEXT MEETING DATE:** December 8, 2022 Regular Meeting