

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 8, 2022**

CALL TO ORDER

Chairperson Spencer called the meeting to order at 7:03 P.M. She then led the Pledge of Allegiance.

ROLL CALL

Present:

Clif Seiber,
Nik Schillack, Vice-Chairperson
Jo Spencer, Chairperson
Kathleen Aseltyne
Anthony Madaffer

Absent:

Michael Powell, Township Board Liaison
Debby Dehart, Planning Commission Liaison

Others:

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

20 members of the public present

APPROVAL OF AGENDA

MOTION by Aseltyne, support by Schillack 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 October 27, 2022

MOTION by Madaffer, support by Seiber to approve the regular meeting minutes of October 27, 2022 as presented. The motion CARRIED with a voice vote: (5 yes votes).

NEW BUSINESS

- A. Applicant: David and Jeanine Scalpone / Sterling Mintzer
11071 Beryl Drive
White Lake, MI 48386
Location: **11071 Beryl Drive**
White Lake, MI 48386 identified as 12-33-278-010
Request: The applicant requests to construct a single-family house and accessory building (garage), requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front Yard Setback, Side-Yard Setback, and Maximum Lot Coverage. A variance from Article 5.7.A, Accessory Buildings or Structures in Residential Districts is required for the setback between the principal building and accessory building.

Chairperson Spencer noted for the record that 28 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 3 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave his report.

Member Schillack asked staff when the house and garage were demolished. Staff Planner Quagliata said the buildings were demolished sometime mid to late October 2022. Member Schillack asked staff if a permit was necessary to demolish a house within the Township. Staff Planner Quagliata confirmed, and added a homeowner was not allowed to demolish their own house. Member Schillack asked staff if any of the items from the demolition permit checklist were performed. Staff Planner Quagliata said no.

Member Aselyne asked staff why the case ended up before the ZBA again. Staff Planner Quagliata said the variances approved in January 2022 were no longer valid as the building the variances were approved for was no longer in existence.

Member Seiber asked staff if the proposed house was moved closer to the lake side of the lot, would the side yard setback variance for the garage be eliminated. Staff Planner Quagliata confirmed, and added the applicant would have to receive a front yard variance in that proposed scenario.

Richard Linnell, 2804 Orchard Lake Road, was present to speak on behalf of the applicants. He said the applicants met with architects and builders after receiving their variance approvals in January 2022. The applicants were told the floor joists needed replacement. The applicants were under the impression if they did not expand the footprint of their new house, they would not need further variances. He said his clients did not think about the need for a demolition permit. The floor joists and walls were removed during the demolition. At that time, the applicants realized they went beyond the limits of their variances and would have to come before the ZBA again.

Member Schillack asked Mr. Linnell if the builder performed the demolition. Sterling Mintzer, 4683 Ravinewood Drive, builder, said he hired a company to demolish the house. Member Schillack asked Mr. Mintzer why a demolition permit was not obtained. Mr. Mintzer stated the building plans showed only the foundation remaining, and thought the Township knew he needed a demolition permit based on the plans submitted. He proceeded with the demolition based on that assumption.

David Scalpone, 11071 Beryl Drive, stated Mr. Mintzer was going from the plans submitted in June 2022. Chairperson Spencer said the permit submitted in June 2022 specified enlarging and altering a structure, not building a new structure entirely. She added by the elimination of the former buildings, a new house could be built on the property without needing variances.

Staff Planner Quagliata stated the plans included in the ZBA packet were confusing as the new plans refer to what the applicant would like to build if variances were granted this evening, not the former plans referencing the former structure.

Member Seiber asked the builder to confirm the depth of the garage. Mr. Scalpone said he was not sure what the proposed depth was. Member Seiber asked the applicant why the former driveway was not removed on the plans as the proposed garage would be side entry. Mr. Scalpone said the former driveway could be removed and greenery added in its place. Member Seiber asked the applicant what the plan was for the proposed driveway. Mr. Mintzer said the proposed driveway would be poured concrete. Mr. Seiber asked Mr. Scalpone his intention for the proposed garage's second floor. Mr. Scalpone said the second floor would be used for storage only.

Member Schillack stated the Township did not require the applicant to demolish the pre-existing house, and the applicant went ahead with demolition on their own.

Chairperson Spencer opened the public hearing at 7:45 P.M. She read a petition in favor of the request into the record.

Tracey Snyder, 1121 Brittney Lane, spoke in favor of the applicant's request.

Matt Sprader, 10070 Elizabeth Lake Road, suggested demolition permits should be included with building permits.

Julie Gable, 11217 Sugden, spoke in favor of the applicant's request.

Mary Earley, 5929 Pine Ridge Court, said she was at the January 2022 meeting and felt the applicant's problem was self-created.

Andrew Deloney, 2165 Arapahoe, spoke in favor of the applicant's request.

Dan Kiehl, 6103 Rosewood Parkway, spoke in favor of the applicant's request.

Lisa Zielaskowski, 860 Artdale, spoke in favor of the applicant's request.

Chairperson Spencer closed the public hearing at 8:02 P.M.

Member Seiber said the proposed plan was made in a good faith effort to reduce as many variance requests as possible. He said if the house was moved closer to the lake, the side yard setback variance for the garage would be eliminated.

Member Aseltyne asked the applicants why the garage was detached from the house. Ms. Scalpone said the garage walls were moved after action from the January 2022 ZBA meeting. The garage wall was required by the ZBA to be moved to increase the setback from the side yard property line from two feet to six feet.

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

- A. Practical Difficulty
 - Chairperson Spencer said she did not see a practical difficulty in regards to the lot.
 - Member Seiber said the lot was undersized for its zoning classification.
 - Chairperson Spencer said a house could be built on the lot without variances.
 - Member Schillack said he did see the building envelope presented itself, but understood why the applicant wanted the side entry garage.
- B. Unique Situation
 - Chairperson Spencer did not see a unique situation and the lot was not exceptional or extraordinary and the lot was similar to others in the area.
 - Member Seiber said the lot was unique based on what it was zoned for, and the lot was nowhere close to its zoning classification size requirements.
- C. Not Self-Created
 - Chairperson Spencer said there was a self-created problem. By the applicant removing the buildings, the problem was self-created.
 - Member Seiber said anything an applicant proposed would be self-created. He said what the ZBA needed to weigh was what was reasonable in relation to a self-created problem.
- D. Substantial Justice
 - Chairperson Spencer said a house could be built on the property without needing variances and substantial justice would be done.
- E. Minimum Variance Necessary
 - Chairperson Spencer said no variances were necessary to build on the property.
 - Member Seiber said the applicants' new proposal was an improvement over their former approved variances.

Member Schillack said he would like for a demolition permit to be completed post-construction if variances were approved.

Member Schillack MOVED to postpone the appeal of David and Jeanine Scalpone / Sterling Mintzer to January 26, 2023 for Parcel Number 12-33-278-010, identified as 11071 Beryl Drive, to consider comments stated during this hearing, and prior to the January 26, 2023 ZBA meeting, the applicant will submit a demolition permit application to the Building Department including all the necessary attachments.

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

The ZBA called for a recess at 8:38 P.M. The ZBA returned from recess at 8:42 P.M.

OTHER BUSINESS

- A. 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 an extension of the approval period for variances granted on May 26, 2022.

Staff Planner Quagliata gave a report.

Rachel Menard and Andrew Bienkowski, 2230 Wiggen Lane, were present to speak on their case. Due to labor and supply shortages, they were unable to obtain a contract with a builder. A builder had been contracted recently and the applicants were ready to move forward.

Member Seiber MOVED to approve the extension of the approval period for six months for variances granted on May 26, 2022, as requested by Andrew Bienkowski and Rachel Menard for Parcel Number 12-14-231-003, identified as 2330 Wiggen Lane.

Member Schillack SUPPORTED, and the motion CARRIED with a voice vote: (5 yes votes). (Seiber/yes, Schillack/yes, Spencer/yes, Aseltyne/yes, Madaffer/yes).

ADJOURNMENT

MOTION by Member Aseltyne, supported Member Schillack by to adjourn at 8:48 P.M. The motion CARRIED with a voice vote: (5 yes votes).