

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MARCH 24, 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  
Michael Powell, Township Board Liaison  
Debby Dehart, Planning Commission Liaison  
Niklaus Schillack, Vice Chairperson  
Jo Spencer, Chairperson

**Others:**

Justin Quagliata, Staff Planner  
Hannah Micallef, Recording Secretary

6 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 February 24, 2022

Member Powell said on page 9, the fourth paragraph down should read “increased” and not increases.

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

**CONTINUING BUSINESS:**

A. Applicant: Rob Higgs

15486 Surrey

Livonia, MI 48154

Location: (1) 3811 Ormond Road

White Lake, MI 48383 identified as 12-07-329-013

(2) 12-07-329-035

Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.5.E,

R1-C Single Family Residential Front-Yard Setback, Rear-Yard Setback, Maximum Lot Coverage, and Minimum Lot Area.

Chairperson Spencer noted for the record that 13 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 Dehart asked staff what was the square footage of the proposed house. Staff Planner Quagliata said the house details sheet and the plans were inconsistent and two different sizes were provided.

Member Schillack asked staff if lots 8 & 9 were combined. Staff Planner Quagliata confirmed, and said the plan showed all three lots as combined, but lot 7 was not yet combined.

Member Seiber asked staff if the unenclosed porch was not counted toward the front yard setback. Staff Planner Quagliata said a covered porch was counted towards the setback.

Robert Higgs, 15486 Surrey, Livonia, was present to speak on his case. He staked the property, as well as had a perc test done. He also received a notarized letter from the property owner's power of attorney.

Member Powell asked the applicant if he had acquired a septic field permit. Mr. Higgs said no. Member Powell suggested the applicant reduce their four bedrooms to three bedrooms and a den to better meet the requirements from the Oakland County Health Division.

Member Seiber stated the proposed location for the septic field was probably the best place for it due to lot configuration.

Member Powell said a front yard setback variance would allow the applicant to extend the roofline. The submitted plan measured the front setback from a step and not the roofline.

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

- A. Practical Difficulty
  - Chairperson Spencer said the size of the house could be reduced to come into compliance with the zoning ordinance.
- B. Unique Situation
  - Member Dehart said the lot was nonconforming and steep.
- C. Not Self-Created
  - Member Powell said the lots had been in existence since they were platted.
- D. Substantial Justice
  - Member Schillack said it would be ridiculous for the house to be built narrower and it would not fit in with the surrounding neighbor's houses.
- E. Minimum Variance Necessary
  - Member Seiber said based on where the applicant's plan had the house positioned, it was the best location in regard to least impact on the surrounding neighbor's lake view.

**Member Dehart MOVED to approve the variances requested by Rob Higgs from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-07-329-013, identified as 3811 Ormond Road, and Parcel Number 12-07-329-035 in order to construct a new house that would encroach 21.9 feet into the required front yard setback. A 1,077 square foot variance from the required lot area is also granted from Article 3.1.5.E. This approval will have the following conditions:**

- **A copy of the Power of Attorney shall be submitted to the Building Department.**
- **The Applicant shall obtain all necessary approvals from the Oakland County Health Division prior to issuance of a building permit.**
- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Prior to issuance of a building permit, a demolition permit shall be obtained from the Township to remove the existing buildings and structures from the subject parcels.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks.**
- **The subject parcels shall be combined prior to issuance of a building permit.**
- **Revised plans shall be submitted to meet requirements of the Building Official.**

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

Member Powell stated the applicant did not request or need a rear yard setback variance, and the front yard setback variance was necessary to prevent obstruction of the lake view for the surrounding neighbors.

#### **NEW BUSINESS**

- A. Applicant: Ken & Tyler Strom  
6040 Turnberry Drive  
Commerce, MI 48382  
Location: 1152 Clearwater Boulevard  
White Lake, MI 48386 identified as 12-35-401-010  
Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

Chairperson Spencer noted for the record that 16 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 Seiber asked staff if 30 percent lot coverage was ever granted by the Community Development Department. Staff Planner Quagliata said yes, if a building was able to meet all setback requirements and a lot was served by sanitary sewer.

Member Powell stated the survey showed the lot width as being narrower than what was presented on the staff report.

Member Dehart said there was standing water on the lot, and the lot to the south did as well. She wanted to know where water runoff would go if the house was built.

David Smith, 8615 Richardson, was present to speak on the case on behalf of the applicant. He said the lot was platted in the early 1900s and was hard to survey. The lot width was about 46 feet at a perpendicular angle. He tried to refrain from requesting front and rear yard setbacks, and a storm system would be proposed to drain water into the lake and away from the neighbor's properties.

Chairperson Spencer asked if the lots were combined and separated at one point. Mr. Smith said no, and the lots were purchased separately by the applicant. He added the lot was a typical lake lot, with mushy soils, and the house foundation on the subject lot would require helical piers.

Chairperson Spencer opened the public hearing at 7:48 P.M. Seeing no public comment, she closed the public hearing at 7:48 P.M.

Member Seiber said the applicant demonstrated a good effort by trying to get as compliant with the side yard setbacks as possible, since the width of the lot was narrow.

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

- A. Practical Difficulty
  - Member Dehart said the lot was platted years ago and was nonconforming.
- B. Unique Situation
  - Member Powell said the plat predated the zoning ordinance.
- C. Not Self-Created
  - Member Dehart said the applicant did not plat the lot.
- D. Substantial Justice
  - Member Powell said the lot was typical for the plat.
- E. Minimum Variance Necessary
  - Chairperson Spencer said the side yard setback variances were minimal.

**Member Powell MOVED to approve the variances requested by Ken & Tyler Strom from Articles 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-401-010, identified as 1152 Clearwater Boulevard, in order to construct a new house that would encroach 1.6 feet into the north side lot line and 1.4 feet from the south side lot line and exceed the allowed lot coverage by 2.2%. A 34-foot variance from the required lot width and a 2,538 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.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **A storm sewer line shall be installed and downspouts attached on the house to carry storm water to the lake.**

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

- B. Applicant: Angela and Michael Runyan  
661 Oxhill Court  
White Lake, MI 48386  
Location: 661 Oxhill Court  
White Lake, MI 48386 identified as 12-23-177-008  
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct a second story addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.5.E, R1-C Single Family Residential Minimum Lot Area and Minimum Lot Width.  
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 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.

Angela and Michael Runyan were present to speak on their case. They said they had outgrown the house, and instead of moving, they had chosen to add on to the existing house.

Chairperson Spencer asked the applicant if they considered moving the second story to meet setbacks. The applicant said they considered it, but it would eliminate living space and the proposed plan would be more aesthetically pleasing.

Member Powell said the applicant's design was practical and to shift the second story would cause for poles to be installed in the middle of the garage.

Member Seiber asked if a firewall was required between the garage and the living space. Member Powell said yes, but that would be a Building Department requirement.

Chairperson Spencer opened the public hearing at 8:10 P.M. Seeing no public comment, she closed the public hearing at 8:10 P.M.

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

- A. Practical Difficulty
- Member Dehart said the cul- de-sac caused the parcel to be nonconforming.
  - Member Powell said the placement of the house by the original builder was inappropriate.
- B. Unique Situation
- Member Schillack said the way the road was cut and the house was placed on the lot made for a unique situation.

C. Not Self-Created

- Member Schillack said the way the road was cut and the house was placed on the lot were not self-created by the applicant.

D. Substantial Justice

- Member Powell said none of the other surrounding houses would have an issue with a similar addition the existing house did due to its placement.

E. Minimum Variance Necessary

- The structural walls in the garage were needed to support the addition.

**Member Schillack MOVED** move to approve the variances requested by Angela and Michael Runyan from Article 3.1.5.E, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 12- 23-177-008, identified as 661 Oxhill Court, in order to construct a second-story addition. Variances from Article 7.23.A are granted to allow: the addition to encroach 0.2 feet into the required setback from the west side lot line and 5.7 feet into the required front yard setback. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 156%. A 7.96-foot variance from the required lot width and a 3,367.6 square foot variance from the required lot area are also granted from Article 3.1.5.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department**

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

**OTHER BUSINESS**

A. Zoning Ordinance Discussion – Part 3

Staff Planner Quagliata said there would be a future special meeting for further conversation on the zoning ordinance.

**ADJOURNMENT**

**MOVED** by Member Seiber, **SUPPORTED** by Member Dehart to adjourn the meeting at 8:24 P.M. The motion **CARRIED** with a voice vote (5 yes votes).

**NEXT MEETING DATE:** April 28, 2022 Regular Meeting