

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 22, 2023**

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:

Jo Spencer, Chairperson
Anthony Madaffer
Clif Seiber
Debby Dehart, Planning Commission Liaison

Absent:

Niklaus Schillack, Vice Chairperson
Mike Powell, Board Liaison

Others:

Justin Quagliata, Staff Planner
Sean O'Neil, Community Development Director
Hannah Micallef, Recording Secretary

7 members of the public present.

APPROVAL OF AGENDA

MOTION by Member Seiber, seconded by Member Madaffer to approve the agenda as presented. The motion CARRIED with a voice vote: (4 yes votes).

APPROVAL OF MINUTES

A. Zoning Board of Appeals Special Meeting of May 25, 2023

MOTION by Member Dehart, seconded by Member Seiber to approve the Special Meeting minutes of May 25, 2023 as presented. The motion CARRIED with a voice vote: (4 yes votes).

CALL TO THE PUBLIC

There was no public comment.

OLD BUSINESS

None.

NEW BUSINESS

A. Applicant: Jessica Shaw

9101 Hickorywood Drive

White Lake, MI 48386

Location: **9101 Hickorywood Drive**

White Lake, MI 48386 identified as 12-35-476-019

Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 36 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 gave a brief report.

Member Dehart asked staff if the side yard setback was included when the case was published. Staff Planner Quagliata confirmed.

Jessica Shaw, 9101 Hickorywood Drive. She wanted to add on the three-season room to be able to see sunshine and her backyard as she did not currently have windows on that side of the house.

Member Seiber asked Ms. Shaw what was the bump out on the west side of the house. Ms. Shaw said it was the stairs to the houses' Michigan basement.

Member Seiber asked Ms. Shaw about the neighbor's trench. Ms. Shaw said the neighbor dug the trench to divert water from his crawl space.

Chairperson Spencer opened the public hearing at 7:07 P.M.

Mike Slay, 2370 East Rose Center Rose, Highland. He stated he was a friend of the Applicant and was helping her with the construction process.

Chairperson Spencer closed the public hearing at 7:09 P.M.

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

- A. Practical Difficulty
 - Member Dehart said there was a practical difficulty due to the shape of the lot and age of the house.
- B. Unique Situation
 - Member Seiber said the shape of the property provided a unique situation.
- C. Not Self-Created
 - Chairperson Spencer did not see a self-created problem.
- D. Substantial Justice
 - Chairperson Spencer said substantial justice would be provided.
- E. Minimum Variance Necessary
 - Member Seiber said the 0.6-foot variance was the minimum necessary.

Member Dehart MOVED to approve the variances requested by Jessica Shaw from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-35-476-019, identified as 9101 Hickorywood Drive, in order to construct an addition. Variances from Article 7.23.A are granted to allow the addition to encroach 0.6 foot into the required east side yard setback and exceed the allowed lot coverage by 15%. A variance from Article 7.28.A is granted to exceed the allowed value of improvements to a nonconforming structure by 120%. A 40-foot variance from the required lot width and a 7,460 square foot variance from the required lot area are also granted from Article 3.1.6.E.

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**

**Member Madaffer supported, and the motion CARRIED with a roll call vote: (4 yes votes)
(Dehart/yes, Madaffer/yes, Spencer/yes, Seiber/yes)**

- B. Applicant: Arthur Marcum
326 Vista Terrace
White Lake, MI 48386
And Joseph & Michele Fillar
334 Vista Terrace
White Lake, MI 48386
Location: **Parcel Number 12-26-306-001**
Request: The applicants request to divide a parcel of land, requiring a variance from Article 3.1.5.E, R1-C Single Family Residential Minimum Lot Width.

Chairperson Spencer noted for the record 49 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 gave a brief report.

Joe Filar, 334 Vista Terrace, was present to speak on behalf of his case. He liked his house and wanted this variance to maintain his property and keep the split property in its natural state.

Member Seiber asked Mr. Filar his reasoning behind disallowing easements. Mr. Filar said it was a way to maintain the property and to keep its natural beauty.

Member Seiber asked Mr. Filar about the survey's call out to another easement that was not shown. Mr. Filar believed it was an easement for a proposed bridge from years ago, and the plans to construct the bridge were long abandoned.

Chairperson Spencer opened the public hearing at 7:18 P.M. Seeing no public comment, she closed the public hearing at 7:18 P.M.

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

- A. Practical Difficulty
 - Member Dehart said there was a practical difficulty due the layout of the school district lines.
- B. Unique Situation
 - Chairperson Spencer said the shape of the property provided a unique situation.
- C. Not Self-Created
 - Member Dehart did not see a self-created problem.
- D. Substantial Justice
 - Chairperson Spencer said substantial justice would be provided.
- E. Minimum Variance Necessary
 - Member Seiber said due to the unique situation, the requested variance was the minimum variance needed.

Member Seiber MOVED to approve the variance requested by Arthur Marcum and Joseph and Michele Fillar from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12- 26-306-001 in order to divide a parcel with the partitioning requiring 100-foot lot width variances for Parcel A and Parcel B. This approval will have the following conditions:

- **The Applicant shall apply for and receive land division approval from the Township Assessor.**
- **The following deed restrictions shall be established:**
 - o **Parcel A shall only be bought and sold in conjunction with 326 Vista Terrace and Parcel B shall only be bought and sold in conjunction with 334 Vista Terrace.**
 - o **No buildings or structures shall be built on Parcel A and Parcel B.**
 - o **No easements shall ever be granted across Parcel A and Parcel B.**

Member Madaffer supported, and the motion CARRIED with a roll call vote: (4 yes votes) (Seiber/yes, Madaffer/yes, Dehart/yes, Spencer/yes).

OTHER BUSINESS

None.

NEXT MEETING DATE: July 27, 2023

ADJOURNMENT

MOTION by Member Dehart, seconded by Member Seiber to adjourn at 7:21 P.M. The motion **CARRIED** with a voice vote: (4 yes votes).