

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 28, 2024**

CALL TO ORDER

Chairperson Spencer called the meeting to order 6:30 P.M. She led the Pledge Allegiance.

Roll was called:

ROLL CALL

Present:

Jo Spencer, Chairperson

Clif Seiber

Kathy Aseltyne

Debby Dehart, Planning Commission Liaison

Tony Madaffer

Also Present:

Justin Quagliata, Staff Planner

Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

MOTION by Member Aseltyne, seconded by Member Seiber to approve the agenda as presented. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

A. January 25, 2024

MOTION by Member Dehart, seconded by Member Seiber, to approve the minutes of January 25, 2024 as presented. The motion carried with a voice vote: (5 yes votes).

OLD BUSINESS

None.

NEW BUSINESS

A. Applicant: Northern Sign
2181 E. Walton Blvd. Ste. 100
Auburn Hills, MI 48326
Location: **10951 Highland Road**
White Lake, MI 48386 identified as 12-22-301-014
Request: The applicant requests to exceed the allowed number of wall signs, requiring a variance from Article 5.9.J.ii.b, Wall Signs – Maximum Number of Signs.

Chairperson Spencer noted for the record 19 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 briefly went over the applicant's request.

Member Dehart asked staff how many signs were allowed. Staff Planner Quagliata said three wall signs were allowed on the north facade that did not exceed 200 square feet.

Tammy Long, Northern Sign, was present to speak on behalf of her case. Kroger needed the sign to direct customers where to park to pick up their groceries.

Member Seiber asked the applicant if customers could come to the door where the sign was to get their groceries. Ms. Long said no, customers would not leave their car to pick up their groceries.

Member Aseltyne asked the applicant if the pharmacy sign and the Murray's Cheese sign were necessary. Ms. Long was not sure if the Murray's Cheese sign was necessary.

Staff Planner Quagliata said it was more typical to identify the parking spots, rather than install a wall sign, to indicate pick-up.

Chairperson Spencer opened the public hearing at 6:41 P.M. Seeing no public comment, she closed the public hearing at 6:41 P.M.

Member Seiber said the shift in the market and how groceries were purchased necessitated a need for more signage for customers to pick up groceries.

Member Aseltyne suggested some of the other signs on the building could be removed in exchange for the new sign being installed.

Member Dehart said she did not see how the pick-up sign had a directional purpose.

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

A. Practical Difficulty

- Chairperson Spencer did not see a practical difficulty.
- Member Seiber said he saw a practical difficulty due to a shift in the way the market worked. Member Aseltyne agreed.

B. Unique Situation

- Member Seiber said most stores did not have pick-up.

C. Not Self-Created

- Member Dehart said it was a self-created problem. Chairperson Spencer agreed.

D. Substantial Justice

- Chairperson Spencer said Kroger had more signage than the other buildings in the center, and the ZBA denied Arby's of a sign on the back of its building.

E. Minimum Variance Necessary

- Member Dehart said the shopping cart image before the pick-up text was more than the minimum variance necessary.

Member Seiber asked staff if a sign was removed from the building, would a variance be necessary. Staff Planner Quagliata confirmed, the store was only allowed three wall signs on the north facade. Previous Building Division staff issued Kroger more sign permits than allowed. The current banner signs were also unpermitted.

Staff Planner Quagliata said in regards to the size, it would be more difficult to reduce the total sign area on the north facade due to the size of the main "Kroger Marketplace" sign. There was also an additional "Kroger Marketplace" sign on the west side of the building that was over the allowed maximum size.

Member Dehart asked the applicant if the proposed signs would be back lit. Ms. Long confirmed.

Staff Planner Quagliata said he did not believe the proposed pick-up wall sign would provide an indicator to help pick-up customers know where to park. He suggested more directional signage in the parking lot to draw customers to the pick-up parking spaces.

MOTION by Member Seiber, seconded Member Dehart to approve the variance requested by Northern from Article 5.9.J.ii.b of the Zoning Ordinance for Parcel Number 12-22-301-014, identified as 10951 Highland Road, in order to install a seventh wall sign on the north facade. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **The unpermitted banners currently on the building shall be removed.**
- **No additional signage shall be permitted on the building.**
- **Any future modification to signage on the building, except for eliminating signage, shall require approval of the Zoning Board of Appeals.**

The motion FAILED with a roll call vote: (4 no votes).

(Seiber/yes, Dehart/no, Spencer/no, Aseltyne/no, Madaffer/no).

MOTION by Member Aseltyne, seconded by Member Seiber to approve the variance requested by Northern from Article 5.9.J.ii.b of the Zoning Ordinance for Parcel Number 12-22-301-014, identified as 10951 Highland Road, in order to install a seventh wall sign on the north facade. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **The unpermitted banners currently on the building shall be removed.**
- **No additional signage shall be permitted on the building.**

- **Any future modification to signage on the building, except for eliminating signage, shall require approval of the Zoning Board of Appeals.**
- **The “Kroger Pharmacy,” “drive thru,” and “Murray’s Cheese” signs shall be removed from the building in exchange for the “pick-up” sign.**

**The motion carried with a roll call vote: (5 yes votes).
(Aseltyne/yes, Seiber/yes, Spencer/yes, Dehart/yes, Madaffer/yes).**

- B. Applicant: Ginko Investment, LLC (John Sutphin)
2438 N. Rochester Road
Oakland, MI 48363
Location: **Parcel Number 12-01-127-004**
Request: The applicant requests to construct a self-storage facility, requiring variances from Article 5.19.D.i, Required Minimum Screening and Landscaping.

Chairperson Spencer noted for the record 14 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 briefly went over the applicant’s request.

Member Dehart asked staff if a berm and landscaping on White Lake Road would affect traffic visibility. Staff Planner Quagliata said no.

Jim Butler, PEA Group, was present to speak on behalf of the applicant’s request. The west side of the site was adjacent to single family, and that side of the site had topographic challenges. Trees would need to be removed to create the berm, and retaining walls would need to be constructed. Landscaping would be used instead and the developer would work with homeowners regarding potentially planting trees on the HOA property. The buildings were single-story. A berm along White Lake Road would block the site from travelers looking for the site, and would hinder an effective business operation. A stack stone wall was proposed, with additional commercial grade landscaping in a greenbelt.

Member Seiber said there was a gap in the fence along the rear of the property, and asked if the fence was needed for security. Mr. Butler said no. Member Seiber asked if there was potential to shorten the fence to save two evergreens. Mr. Butler said yes.

Member Seiber stated the frontage would have ten overhead doors that would face the main road, but a six-foot fence at the right-of-way would not screen those due to the elevation of the road. The proposed ginkgo trees and magnolia trees would grow high and wide, but there would be a gap between the trees. He suggested less spacing between the trees for a higher density landscape screen.

Member Dehart asked Mr. Butler if there would be a monument sign by the driveway. Mr. Butler said no, but there would be a ground sign that would run perpendicular on the face of the front wall.

Chairperson Spencer opened the public hearing at 7:10 P.M. Seeing no public comment, she closed the public hearing at 7:10 P.M.

Member Seiber asked Mr. Butler what type of stormwater system would be used. Mr. Butler said it would be underground and onsite.

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

- A. Practical Difficulty
 - Member Seiber said the topography of the lot was a practical difficulty. Member Aseltyne and Chairperson Spencer agreed.
- B. Unique Situation
 - Chairperson Spencer said the demonstration of the practical difficulty presented a unique situation.
- C. Not Self-Created
 - Chairperson Spencer said the developer did not create the topography of the site.
- D. Substantial Justice
 - Chairperson Spencer said granting the variances would grant substantial justice to the applicant.
- E. Minimum Variance Necessary
 - Chairperson Spencer said the variances were the minimum necessary.

MOTION by Member Seiber, seconded by Member Aseltyne, to approve the variances requested by Ginko Investment, LLC (John Sutphin) from Article 5.19.D.i of the Zoning Ordinance for Parcel Number 12-01- 127-004 in order to modify the landscape and screening requirements associated with the construction of a self-storage facility. This approval will have the following conditions:

- **The variances shall become effective if and when the final site plan for the development is approved by the Planning Commission.**
- **Approval is in accordance with the preliminary landscape plan prepared by PEA Group dated February 2, 2023 (revision date October 24, 2023).**
- **The westerly fence will be shortened to allow saving the two evergreen trees.**
- **The tree spacing along the White Lake Road right-of-way shall be reduced from 30 feet to 20 feet.**

**The motion carried with a roll call vote: (5 yes votes).
(Seiber/yes, Aseltyne/yes, Madaffer/yes, Dehart/yes, Spencer/yes)**

- C. Applicant: Dave Sheill
11112 Windhurst Drive
White Lake, MI 48386
Location: **11112 Windhurst Drive**
White Lake, MI 48386 identified as 12-33-476-010
Request: The applicant requests to enlarge and alter a nonconforming structure (detached garage) to construct an addition, requiring a variance from Article 7.23.A, Nonconforming Structures. Variances from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures are also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 15 owners within 300 feet were notified. 15 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 briefly went over the applicant's request.

Member Dehart asked staff if the ZBA was allowed to approve the nonconformity of the roof structure. Staff Planner Quagliata said the new knee wall and new cubic content were not within five-feet of the side yard lot line.

Dave Sheill, 11112 Windhurst, was present to speak on behalf of his case. He purchased the home in 2000, and the garage was old. He had met with the ZBA a few years ago, and for unfortunate personal reasons, he did not proceed with the project. He had now lost his impotence since that time. He had run out of storage area and wanted to create more storage by fixing the existing garage and adding on to it. A lean-to addition on one side of the garage was now also proposed. He added money was no object because he wanted to make the garage nice.

Member Aseltyne asked the applicant about the lean-to addition. Mr. Sheill said he wanted it mainly for aesthetic value.

Member Seiber asked the applicant if he knew where his septic field was. Mr. Sheill said yes, there was a drywell 15 feet from the back of the existing garage.

Member Seiber asked the applicant if the lean-to addition could be relocated to the back of the garage to reduce the variances requested. Mr. Sheill said he liked the way it was designed for aesthetics. He also said his uncle was in a wheelchair and the design of the garage would aid him when he visited. Member Aseltyne said Mr. Sheill's uncle's condition was not a practical difficulty.

Member Dehart asked the applicant if the building could be setback more from the side lot line in order to keep the roof overhang on the south side. Mr. Sheill said he didn't need the overhangs on that side of the building.

Chairperson Spencer opened the public hearing at 7:41 P.M. Chairperson Spencer summarized the letters that were received in favor of the applicant's request.

Chairperson Spencer closed the public hearing at 7:44 P.M.

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

- A. Practical Difficulty
 - Member Dehart said the lot did not meet the current standards.
- B. Unique Situation
 - Member Dehart said the situation was unique because the lot did not meet the current standards.
- C. Not Self-Created
 - Member Dehart said the applicant did not create the lot.
- D. Substantial Justice
 - Member Seiber said other lots in the neighborhood enjoyed garages close to the road right of way.
- E. Minimum Variance Necessary
 - Member Dehart said if the roof overhang was reduced on the south side, the variance would be reduced as well.

Member Seiber said he could see granting relief to the lot coverage issue, but the lean-to addition on the north side of the garage was hard to justify.

Member Dehart suggested reducing the size of the lean-to addition to reduce the variance request.

Member Seiber MOVED to approve the variances requested by Dave Sheill from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-33-476-010, identified as 11112 Windhurst Drive, in order to replace the roof on the existing detached garage and construct a lean-to addition that would exceed the allowed lot coverage by 7% and encroach 2 feet into the required front yard setback. A variance to exceed the allowed value of improvements to a nonconforming structure by 602% is also granted from Article 7.28.A. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **The second-story of the garage shall not be used as living space.**
- **No septic or future sanitary sewer services shall be extended to the garage.**
- **In no event shall the projection of any roof overhang be closer than five feet to the side lot lines and no closer than the existing garage walls to the south property line.**

**Member Dehart supported, and the motion carried with a roll call vote: (4 yes votes)
(Seiber/yes, Dehart/yes, Aseityne/no, Spencer/yes, Madaffer/yes)**

OTHER BUSINESS

None.

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 28, 2024

NEXT MEETING DATE: April 25, 2024

ADJOURNMENT

MOTION by Member Aseltyne, seconded by Member Dehart, to adjourn at 7:51 P.M. The motion carried with a voice vote: (5 yes votes).