

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 24, 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

Niklaus Schillack, Vice Chairperson

Debby Dehart, Planning Commission Liaison

Michael Powell, Township Board Liaison

Also Present:

Andrew Littman, Staff Planner

Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A. July 25, 2024

Member Powell wanted to amend some clerical errors:

He said he wanted to clarify the recusal motion on page two. He thought Member Dehart should have recused herself, but suggested staff ask the Township attorney regarding proper procedure.

Member Powell added on page 2, paragraph 5, second line should have "is" added to it, the sentence was incomplete.

Member Powell said on page 2, paragraph 7, should have was after it. He added page seven should read "in no event"

Member Schillack said on the bottom of page 3, it should read 4 yes votes instead of 6. Member Seiber page 2, paragraph 3 "could be moved closer to". Member Schillack said page 8 need to correct the number of yes votes from 4 to 5.

MOTION by Member Powell, seconded by Member Schillack as corrected. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

OLD BUSINESS

None.

NEW BUSINESS

- A. Applicant: Kieft Engineering, represented by Casey Leach
5852 South Main Street, Suite 1
Clarkston, Michigan 48346
Location: **Parcel #12-01-127-002**
Request: The applicant requests to construct a parking area with a gravel surface, requiring a variance from Article 5.11.Q.xi, Off-Street Parking Space Layout, Standards, Construction and Maintenance.

Chairperson Spencer noted for the record 6 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 Littman gave a summary of the applicant's request.

Member Schillack asked staff if there were other unresolved items that the applicant needed to address from Planning Commission. Staff Planner Littman said he would need to research that. The only ZBA variance the applicant requested was for the parking.

Member Dehart asked staff if the hoop house will be a hard surface. She had concerns regarding the salt leeching. Staff Planner Littman said his understanding is the intention is the floor of the hoop house will have a hard surface.

Member Seiber asked staff if the site was being used for boat storage, would the parking lot need to be paved. Staff Planner Littman said no. Member Seiber the ordinance appeared to be grey on whether the applicant needs a variance.

Casey Leach, Kieft Engineering, was present to speak on behalf of the applicant's case. Mr. Leach said the parcel is next to the Oakland Harvester's property, and they would be working together to construct a shared driveway. He confirmed that the salt bins in the hoop house will have concrete underneath them. Mr. Leach agreed that it is only equipment and materials ancillary to the principal use that will be using the gravel part of the yard. Only the proprietor and his employees would be using this part of the yard. This storage yard will be constructed to protect the bigger equipment being driven on the asphalt on site. All of the drive aisles will be paved.

Member Seiber asked Mr. Leach how thick the gravel will be. Mr. Leach said he imagined 21 AA stone will be used, and the thickness had not been specified but he thought about 6-8 inches of thickness.

Member Powell asked Mr. Leach what the upper layers of the existing soils are. Mr. Leach said a geotechnical report was not done on this site. The perc test has not been done.

Member Powell asked Mr. Leach about the three areas on the northwest corner of the gravel area, and wanted to know where the salt would be stored in. Mr. Leach said there will be two bins with salt storage. Each salt bin will have its own hoop house. The hoop house will not be taller than the primary building.

Member Powell asked Mr. Leach if the hoop houses would be tall enough for a truck to be backed up to them to dump salt into. Mr. Leach said that hadn't been worked out yet.

Nick Hopson, proprietor, said the tri axle dump truck would be able to dump into the bins. He didn't want to have any salt leeching into the ground either.

Member Powell said sodium chloride and concrete usually do not work well together. Mr. Hopson said he wanted a concrete base, and hasn't experienced any issues with concrete for this use in the past.

Member Powell asked Mr. Leach where the well location is on the site. Mr. Leach said the well is to the east of the building, in the parking lot island. Member Powell said he has concerns about salt leeching into the well, and wanted to make sure the design segregates the salt from the well. Mr. Leach said there is a high point along the edge of the asphalt where it met the gravel and concrete, the catch area for salt would be in a separate area.

Member Powell asked there are catch basins in the gravel and concrete areas. Mr. Leach confirmed, and some of the storm run off will be directed towards to catch basins. The sumps would be 3', and there would be a baffle pipe on the catch basin to keep the floatable material out. There will be another in line water quality unit placed near the catch basins as well.

Chairperson Spencer opened the public hearing at 7:06 P.M.

Mary Earley, 5925 Pineridge Court, wanted to know if the potential tenant of the other part of the building will have to go through the planning process and would be allowed to store their equipment on site.

Mr. Leach said the site received a special land use, and if final site plan approval is received, another tenant could move in and store equipment under the special land use. Mr. Hopson said he has not addressed another tenant yet, and he wanted to keep the building for his business solely, but he wanted to keep the option open for another tenant.

Chairperson Spencer closed the public hearing at 7:08 P.M.

Member Seiber said from a screening standpoint, the existing berm is pretty good in the front. The rear and westerly side of the site are also well screened. He was glad to hear the bottom of the bins would be paved to contain the salt.

Member Powell asked staff about the fuel tanks on site. Mr. Leach said they will be tripled contained.

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

A. Practical Difficulty

- Member Seiber said the proposed use presents a practical difficulty due to the equipment that will be used on site will damage asphalt, and it makes more sense to use gravel.
- Member Powell said asphalt and paved roads are well protected, and big equipment tears up asphalt.

B. Unique Situation

- Member Seiber said the gravel area is out of the way, and the use would be for storage only.

C. Not Self-Created

- Member Dehart said the machinery abusing asphalt is not self- created.

D. Substantial Justice

- Member Powell said it does not make sense to have an applicant spend the money on the asphalt only have their equipment tear it up.

E. Minimum Variance Necessary

- Member Seiber said all other required paved areas would be paved.

Member Seiber MOVED to approve the variance requested by Kieft Engineering from Article 5.11.Q.xi of the Zoning Ordinance for Parcel Number 12-01-127-002 to allow for a parking area with gravel surfacing, instead of asphaltic or concrete surfacing. This approval is conditional on the Applicant developing and maintaining the site per the approved site plan. The applicant will provide paving under the two bins and containment areas for the salt.

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

B. Applicant: Scott Robbins
368 Lakeside Drive
White Lake, Michigan 48386
Location: **368 Lakeside Drive**

White Lake, Michigan 48386 identified as 12-22-428-003

Requests: The applicant requests to expand his single-family home, requiring variances from Article 3.1.6.E, R1-D Single Family Residential District Minimum Side Yard Setback, Article 7.23.A, Nonconforming Structures, and Article 7.28.A, Repairs and Maintenance.

Chairperson Spencer noted for the record 18 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 Littman gave a summary of the applicant's request.

Member Powell asked staff about the overhangs on the side yards, and wanted to know if the plan showed the overhangs projecting into the 5' setback. Mr. Littman said he wants clarification from the applicant.

Member Seiber asked staff for clarification regarding the 5' setback. Staff Planner Littman said nothing can project into the 5' setback.

Scott Robbins, 368 Lakeside Drive, said the house is currently used as a vacation home, but he was hoping to live in White Lake full time. The house as it is was limited due to several legal non-conformities. The house has one bathroom and limited storage space. The roof and electrical wiring needed to be updated for safety reasons. The placement of the septic system on the lot presented an issue with a horizontal addition. His design is preliminary and he wants his design to be compliant. He asked for the previous variances that were approved in 2022 to be re-approved along with the new requested variances.

Member Seiber asked the applicant where the well is located. Mr. Robbins said it is located on the north side of the house, close to the neighbor's property line. Member Seiber said there is a large overhang off the garage side, and the ZBA legally cannot approve any projection into the 5' setback.

Member Schillack asked where the HVAC would be located. Mr. Robbins said it would be on the south side of the house, and a new HVAC system would be installed.

Chairperson Spencer opened the public hearing at 7:36 P.M. Seeing none, she closed the public hearing at 7:36 P.M.

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

A. Practical Difficulty

- Member Dehart said the lot was platted a long time ago.
- .

B. Unique Situation

- Member Seiber said lot width created a unique situation.

C. Not Self-Created

- Member Dehart said the applicant did not plat the lot.

D. Substantial Justice

- Member Schillack said it would provide the neighbors with a home similar to their neighbors.
- Member Powell said it did not make sense to penalize someone for putting money into their house because of the SEV limitation.

E. Minimum Variance Necessary

- Member Seiber said the variances requested matches the existing house, and this was the minimum necessary for the applicant to do what he needs to.

Member Powell MOVED to approve the variances requested by Scott Robbins from Articles 3.1.6.E, 7.23.A, and 7.28.A of the Zoning Ordinance for Parcel Number 12-22-428-003, identified as 368 Lakeside Drive, in order to build additions onto his existing home. A variance from Article 7.23. A is granted to allow the building additions to encroach 5 feet into the required north and south side yard setbacks. Variances from Article 7.28.A are granted to increase the cubic content of a nonconforming structure, as well as exceed the allowed value of improvements to a nonconforming structure by 221 percent. Additionally, a 32-foot variance from the required lot width is 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.**
- **In no event shall the projection of the roof overhang be closer than five feet to the side lot lines.**
- **An as-built survey shall be required to verify the roof overhang setback from the north and south side lot lines.**
- **No newly established mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.**

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

OTHER BUSINESS

Staff Planner Littman said a unique situation has arisen. The Assessor, Community Development Director, the applicant, and himself have been working on a lot split issue. The applicant wanted to split a .9 acre parcel on Ridge Road but would not be able to receive two perc tests. Assessor Hieber and Director O'Neil had the idea to split the .66-acre lot and the .9 acre lot with a result of four deed-restricted parcels. The smaller inland parcels (.9 acres) would only be allowed to have the septic systems and would essentially be rendered unbuildable.

Staff Planner Littman wanted to get feedback from the ZBA to see if the request was feasible to move forward with.

Member Schillack said in the past, there have been applicants asking for interpretations without paying fees, but this situation is different because an application has been made, but it was uncertain whether the applicant could move forward.

Member Dehart asked what the lot width minimum was for a R1-C lot. Staff Planner Littman confirmed it was 100'. Variances would not be requested for the R1-C parcel.

Member Seiber asked staff if the two parcels were listed under the same parcel ID. It was established there were two separate parcels.

Member Powell said Oakland County Environmental Health would not issue permits on building sites sized less than an acre. He said if the septic fields were on the lots on the east side of the road, the houses could be built on the west side of the road. The septic fields would be further from the lake and not encumber the lake lots. The houses on the lake would not require variances, but the lots on the east side of the road would require variances because they would be undersized for the zoning district once split. Those lots need to be deed-restricted for the septic fields only and deemed an unbuildable site. An alternative would be a community septic system to be shared between the two houses, but that could cause neighbor issues in the future.

Member Powell said he made it clear to the Township that the ZBA cannot be held accountable for conceptual advice.

Member Dehart asked who issues the parcel IDs. Member Powell said the County does.

Member Powell said he had spoken to the Oakland County Environmental Health Department and they are in favor of this configuration.

Jim Wolfenbarger, 2335 Ridge, said he wanted to put the tanks on the building sites and the fields would be across the street.

Member Powell said as of November 20, 2024, he will no longer be a Trustee of the Township, but he will be available as a ZBA alternate. He said it was an honor to be on the ZBA, and he appreciated each one of his fellow ZBA members. This will be his last ZBA meeting as the Township Liaison.

Member Seiber said he appreciated Mike's input and feedback during the meetings. Member Dehart said she has learned a lot from Member Powell.

NEXT MEETING DATE: November 14, 2024

ADJOURNMENT

MOTION by Member Seiber, seconded by Member Schillack to adjourn at 8:19 P.M. The motion carried with a voice vote: (5 yes votes).