

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
MAY 22, 2025**

CALL TO ORDER

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

Roll was called:

ROLL CALL

Present:

Jo Spencer, Chairperson

Tony Madaffer

Steve Anderson, Township Board Liaison

Clif Seiber

Absent:

Debby Dehart, Planning Commission Liaison

Niklaus Schillack, Vice Chairperson

Also Present:

Andrew Littman, Staff Planner

Nick Spencer, Building Official

Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

MOTION by Member Anderson, seconded by Member Madaffer, to approve the agenda as presented.

The motion carried with a voice vote: (4 yes votes).

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

A. April 24, 2025

MOTION by Member Seiber, seconded by Member Anderson, to approve the minutes as presented.

The motion carried with a voice vote: (4 yes votes).

NEW BUSINESS

A. Applicant: Nick Moore

9141 Hutchins Road

White Lake, MI 48386

Location: **9141 Hutchins Road**

White Lake, Michigan 48386 identified as 12-35-226-033

Request: The applicant requests to increase the size of an existing accessory structure, requiring a variance from Section 5.7 – Accessory Buildings or Structures in Residential Districts.

Chairperson Spencer noted for the record that 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 Littman reviewed his report.

Nicholas Moore, 9141 Hutchins, was present to speak. He restores cars and has grown out of his existing garage. He wanted a bigger garage to store his vehicles and equipment.

Member Seiber asked Mr. Moore to confirm if his lot is 40' wide. Mr. Moore confirmed. Member Seiber asked Mr. Moore to explain the discrepancy between the width of the lot and the width of the garage. Mr. Moore stated it could have been an issue with the builder's sketch. Member Seiber stated the importance of an application including a professionally drawn plan, and due to the property, a certified boundary survey will need to be submitted.

The applicant was offered to table his case to provide a boundary survey. The ZBA further discussed the case.

Chairperson Spencer opened the public hearing at 6:52 P.M.

Brett Provins, 9130 Blondell, spoke in favor of the applicant's request. He stated the applicant has made improvements to the house and lot since purchasing it from family.

Mitchell Watkins, 9157 Blondell, spoke in favor of the applicant's request.

Chairperson Spencer closed the public hearing at 6:54 P.M.

The ZBA discussed the standards from Article 7, Section 37 of the Clear Zoning Ordinance:

- A. Practical Difficulty
 - Chairperson Spencer said the size of the lot is a practical difficulty.
- B. Unique Situation
 - Member Seiber stated that the narrowness of the lot, being 40' wide, made a unique situation
- C. Not Self-Created
 - Chairperson Spencer said there is a self-created hardship, as there is an existing building on the lot.
- D. Substantial Justice
 - Chairperson Spencer said there would be substantial justice if the applicant received his request.
- E. Minimum Variance Necessary

- Member Spencer said she did not believe the minimum variance to grant the applicant's request was met; she felt it was more of the maximum request.

MOTION by Member Seiber to approve the variances requested by Nick Moore from Section 3.1.6.E and Section 5.7.C of the Zoning Ordinance for Parcel Number 12-35-226-033, identified as 9141 Hutchins Road, in order to build an addition onto an existing garage. Variances from Section 3.1.6.E are granted to allow for construction on a lot that is 3,985 square feet less than the minimum lot area, and 40 feet less than the minimum lot width, required in the RI-D zoning district. Additionally, a variance from Section 5.7.C is granted to allow for the ground floor area of the proposed garage to be 194 percent of the ground floor area of the principal structure. This approval will have the following conditions:

1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division
2. In no event shall the projection of any roof overhang, eave trough or any other projection be closer than five feet to the side lot lines
3. No mechanical units, including HVAC systems or generators, shall be placed closer than five feet to any side yard lot line
4. An as-built survey shall be provided to verify compliance with setbacks and lot coverage requirements.
5. The applicant shall provide a topographic and boundary survey for review and approval by the White Lake Township Building Division before issuance of the permit.

Member Anderson supported, and the motion carried with a roll call vote: (3 yes votes). (Seiber/yes, Madaffer/yes, Spencer/no, Anderson/yes).

- B. Applicant: Chase Middler
951 West Clarkston Road
Lake Orion, MI 48362
Location: **950 Lake Lane Drive**
White Lake, Michigan 48386 identified as 12-21-278-010
Request: The applicant proposes to construct a single-family home, requiring variances from Section 3.1.5.E – Minimum Lot Width, Section 3.1.5.E – Minimum Front Yard Setback, and Section 3.1.5.E – Minimum Rear Yard Setback.

Chairperson Spencer noted for the record that 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 Littman reviewed his report.

Chase Middler, 951 West Clarkston Road, was present to speak on his request. He said the plan was drawn to maximize safety along Highland Road.

Member Seiber asked the applicant about the deck. Mr. Middler said the deck was added, but there isn't a deck in the revised plans. He added that the deck is not a game-changer.

Chairperson Spencer opened the public hearing at 7:15 P.M. Seeing none, she closed the public hearing at 7:15 P.M.

The ZBA discussed the standards from Article 7, Section 37 of the Clear Zoning Ordinance:

- A. Practical Difficulty
 - Member Seiber stated the corner lot creates an additional setback that constricts structure configuration and a driveway approach to Highland Road wouldn't be permitted by MDOT.
- B. Unique Situation
 - Chairperson Spencer said the corner lot made for a unique situation.
- C. Not Self-Created
 - The applicant did not plat the lot.
- D. Substantial Justice
 - Chairperson Spencer said the house will be consistent with the surrounding houses in the area.
- E. Minimum Variance Necessary
 - Member Spencer said she did believe the request was the minimum variance necessary.

MOTION by Member Seiber to approve the variances requested by Chase Middler from Section 3.1.5 and Section 7.27 of the Zoning Ordinance for Parcel Number 12-21-278-010, identified as 950 Lake Lane Drive, in order to build a new single-family home. A variance from Section 3.1.5 is granted to allow for construction on a lot that is 15.19 feet less than the minimum lot width required in the R1-C zoning district. Additionally, variances from Section 3.1.5 are granted to allow for the home to encroach 10 feet into the required front yard setback (from Lake Lane Drive) and 19.6 feet into the required rear yard setback. Lastly, a variance from Section 7.27 of the Zoning Ordinance is also granted to allow for development on a lot that does not meet the minimum Ordinance requirements for lot area and width. This approval has the following conditions:

- 1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- 2. No mechanical units, including a HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear lot line.**
- 3. The proposed deck shall be setback at least five (5) feet from the east property line.**
- 4. A foundation certificate shall be required prior to the backfill inspection by the Building Division**
- 5. An as-built survey shall be required to verify the approved setbacks**

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

- C. Applicant: Michael Mocer, Inc.
25201 Alexa Drive
Commerce Township, MI 48390
Location: **2927 Ridge Road**
White Lake, Michigan 48383 identified as 12-18-101-018
Request: The applicant requests to construct a single-family home, requiring variances from Section 3.1.6.E – Minimum Lot Width, Section 3.1.6.E – Minimum Lot Area, Section 3.1.6.E – Minimum Side Yard Setback, Section 3.1.6.E – Minimum Front Yard Setback, Section 3.1.6.E – Maximum Lot Coverage, and Section 3.1.6.E – Maximum Building Height.

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 Littman reviewed his report.

Member Seiber asked staff if a cantilever would be considered a projection into the side yard setback. Building Official Spencer said the ordinance does not consider it if the cantilever is greater than 8' from grade.

Mike Mocer, 25201 Alexa, stated that the cantilever is noted on the plan that the grade be lower than 8' clearance below the dining seat. He added that he did not factor the gutters into the side yard setback, and requested a dimension of 5' from the overhang to the property line.

Member Seiber asked the applicant if the boat house was remaining. Mr. Mocer confirmed.

Chairperson Spencer opened the public hearing at 7:32 P.M. Seeing none, she closed the public hearing at 7:33 P.M.

The ZBA discussed the standards from Article 7, Section 37 of the Clear Zoning Ordinance:

- A. Practical Difficulty
 - Member Seiber stated the lot width and area contributed to the practical difficulty
- B. Unique Situation
 - Chairperson Spencer said the lot posed a unique situation.
- C. Not Self-Created
 - The applicant did not plat the lot.
- D. Substantial Justice
 - Member Seiber said the applicant's proposal was similar to the surrounding houses.
- E. Minimum Variance Necessary
 - Member Spencer said she did believe the improved request was the minimum variance necessary.

MOTION by Member Anderson to approve the variances requested by Michael Mocer, Inc. from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-18-101-018, identified as 2927 Ridge Road, in order to build a new single-family home that would encroach 4 feet into the northern side yard setback and exceed the allowable building height by 2 feet. A 28-foot variance from the required lot width, 2,576-square-foot variance from the required lot size, and 4.7 percent variance from the maximum lot coverage are also granted from Article 3.1.6.E. This approval will have the following conditions:

- 1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- 2. In no event shall the projection of any roof overhang be closer than five feet to the side yard lot lines.**
- 3. No mechanical units, including HVAC system or generator, shall be placed closer than five feet to any side yard lot line.**
- 4. 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.**

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

- C. Applicant: Allied Signs, Inc.
 33650 Giftos Drive
 Clinton Township, MI 48035
 Location: **Kroger**
 10951 Highland Road
 White Lake, MI 48386 identified as 12-22-301-004
 Request: The applicant requests to add signage onto an existing non-residential building, requiring variances from Section 5.9.J.ii.a – Maximum Size of Wall Signs in a Non-Residential District, Section 5.9.J.ii.b – Maximum Number of Wall Signs in a Non-Residential District, and Section 7.23 – Nonconforming Structures.

Chairperson Spencer noted for the record that 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 Littman reviewed his report.

Member Seiber asked staff if the amount of wall signs Kroger could potentially end up with will be non-conforming, and if the ZBA should approve them for the five signs. Staff Planner Littman said there is a total of five signs on the front (north) façade and one on the side (west) façade. The Murray Cheese's sign will be removed. The Comerica and Starbucks signs will be renovated. The sign on the west elevation was revised and reduced in size.

Member Anderson thanked the applicant for his revisions to the signs and for removing the temporary banners

Bob Bionjourno, Allied Signs, was present to speak on behalf of Kroger. He said there will be six signs total: one on the west elevation and five on the north elevation.

Chairperson Spencer opened the public hearing at 7:49 P.M.

Mary Earley, 5929 Pine Ridge Court, said there are too many signs on the building, even with the requested variance.

Chairperson Spencer closed the public hearing at 7:50 P.M.

The ZBA discussed the standards from Article 7, Section 37 of the Clear Zoning Ordinance:

- A. Practical Difficulty
 - Member Seiber stated that there are two additional separate companies within the store presents a practical difficulty. He added that grocery pickup is a fairly recent concept that necessitates more signage.
- B. Unique Situation
 - Chairperson Spencer said the practical difficulty poses a unique situation
- C. Not Self-Created
 - Chairperson Spencer said this is due to the marketing plan of Kroger stores nationwide.
- D. Substantial Justice
 - Member Seiber said similar stores have the same signage requirements.
- E. Minimum Variance Necessary
 - Chairperson Spencer said the applicant reduced the proposed signs and removed the temporary and Murray Cheese signs.

MOTION by Member Seiber to approve the variances requested by Allied Signs from Article 5.9.J.H and Article 7.23 of the Zoning Ordinance for Parcel Number 12-22-301-014, identified as 10951 Highland Road, in order to replace an existing legally nonconforming wall sign with a new 229.5 square-foot wall sign reading "Kroger Marketplace" for a total of six signs. The approval is conditional on the applicant obtaining all necessary permits from the White Lake Township Building Division and the elimination of the Murray's Cheese sign.

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

- E. Applicant: PH Communities
8255 Cascade, STE. 110
Commerce Twp., MI 48382
Location: **Elizabeth Trace Condos**
South side of Elizabeth Lake Road, East of Union Lake Road identified as 12-26-204-038
Request: The applicant is seeking to complete an existing multi-family condominium

development, requiring variances from Section 3.11.Q, Section 3.11.G, Section 3.11.U, Section 5.19.E – Interior Landscaping Requirements, and Section 5.21 – Public Sidewalk Standards.

Chairperson Spencer noted for the record that 94 owners within 300 feet were notified. 0 letters were received in favor, 1 letter was received in opposition (while it did not pertain to the ZBA), and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Littman reviewed his report.

Jim Eppink, 27 South Squirrel, was present to speak on behalf of the applicant. He stated the applicant is eager to finish the development. There are currently 19 residents who live in the existing neighborhood, and the residents have maintained the property well. The applicant is proposing units of the same depth, but they will be 2' wider to allow for bigger kitchens. The Planning Commission approved the plans subject to architectural enhancements. He said the practical difficulty is due to the existing utilities and infrastructure, and the ordinance at the time the existing units were constructed. The challenge is building new structures in an approved and constructed neighborhood. He added that the applicant eliminated a building in order to minimize variances.

Member Seiber stated he understood the need for the requested variances.

Member Anderson thanked Mr. Eppink for his willingness to work with the Township. He said he was happy to have PH Homes develop in the community.

Chairperson Spencer read a letter into the record.

Chairperson Spencer opened the public hearing at 8:18 P.M.

Mark Stoll, 170 Oakridge, spoke in opposition to the applicant's request. He expressed concern about drainage.

Paul Bastas, 40 Grandview, spoke in favor of the applicant's request.

Michael Prus, 42 Grandview Circle, spoke in favor of the applicant's request.

Mary Lehman, 109 Willard's Way, spoke in favor of the applicant's request. She expressed concern about encroachment into the wetland.

Chairperson Spencer closed the public hearing at 8:28 P.M.

Member Seiber stated the roadway was fixed, and there still will be a substantial amount of wetland buffer remaining. He added that the proposed units look similar to those that were approved in 2004, and he understood the separation of the buildings. He said the site will still have mature vegetation, and

extending the sidewalk through the wetland is counterproductive. The sidewalk would connect to nothing, and could remain unconnected for a long time.

The ZBA discussed the standards from Article 7, Section 37 of the Clear Zoning Ordinance:

- A. Practical Difficulty
 - Member Seiber said the site has been partially built since 2004.
- B. Unique Situation
 - Member Seiber said the development and infrastructure is pre-existing.
- C. Not Self-Created
 - Member Seiber said this developer did not abandon the site in 2005.
- D. Substantial Justice
 - Member Anderson stated that this will increase the property value for existing orders.
- E. Minimum Variance Necessary
 - Member Seiber said the proposed plans are in close compliance with the original approved site plan.

MOTION by Member Seiber to approve the variances requested by PH Homes/Elizabeth Trace for parcel 12-26-204-038 from Section 3.1 I.Q of the Zoning Item E. Ordinance are granted to allow the porch of unit 47 to encroach 4 feet into the required setback from a wetland, the porch of unit 48 to encroach 4.9 feet into the required setback from a wetland, the porch of unit 49 to encroach 5.6 feet into the required setback from a wetland, and the porch of unit 50 to encroach 2.3 feet into the required setback from a wetland,. Variances from Section 3.11 ,G of the Zoning Ordinance are granted to allow there to be a 30.2-foot setback between units 4750 and existing units 10-14, a 36.1-foot setback between units 51-54 and units 5559, a 20.6-foot setback between units 60-63 and units 64-67, and a 35.4-foot setback between units 68-72 and existing units 42-46. Variances from Section 3.11.U of the Zoning Ordinance are granted to allow for the following reductions in the required minimum setback from the back of the sidewalk: 8.7 feet for the building with units 60-63; 22 feet for the building with units 64-67; and 15.6 feet for the building with units 68-72. A variance from Section 5.19.E of the Zoning Ordinance is granted to allow the Applicant to plant 132 fewer trees and 647 fewer shrubs than required to satisfy the interior landscaping ordinance standards. In lieu of requiring a path that is 1 - foot off the right-of-way line and runs along the entire Elizabeth Lake Road frontage, a variance from Section 5.21 of the Zoning Ordinance is granted to allow for a winding path that is 302 feet short of running the entire length of the Elizabeth Lake Road frontage.

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

OTHER BUSINESS

None.

NEXT MEETING DATE: June 26, 2025

ADJOURNMENT

MOTION by Member Anderson, seconded by Member Seiber, to adjourn at 8:39 P.M. The motion carried with a roll call vote: (4 yes votes)