

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS-REGULAR MEETING
OCTOBER 22, 2020
7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 PM and led the Pledge of Allegiance. Roll was called:

ROLL CALL: Mike Powell
 Nik Schillack
 Josephine Spencer –Chairperson
 Dave Walz – Vice Chair
 Debby Dehart

Also Present: Justin Quagliata, Staff Planner
 Hannah Micallef, Recording Secretary

Visitors: 0

Approval of the Agenda:

Mr. Walz MOTIONED to approve the agenda as presented. Ms. Dehart SUPPORTED and the MOTION CARRIED with a roll call vote (Walz/yes Dehart/yes, Powell/yes, Schillack/yes, Spencer/yes, Walz/yes).

Approval of Minutes:

Zoning Board of Appeals Special Meeting of October 15, 2020.

Mr. Schillack MOTIONED to approve the special meeting minutes of October 15, 2020 as presented. Ms. Dehart SUPPORTED and the MOTION CARRIED with a roll call vote (Schillack/yes Dehart/yes, Powell/yes, Walz/yes, Spencer/yes).

New Business:

- a. Applicant: Mack Industries (Howard Mack)
 8265 White Lake Road
 White Lake, MI 48386
- Location: **8275 White Lake Road**
 White Lake, MI 48386 identified as 12-01-176-003
- Request: The applicant requests to construct a building, requiring a variance from Article 3.1.20.E, LM Light Manufacturing Building Height due to the proposed height of the building.

Ms. 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 was returned undeliverable from the US Postal Service.

Property Description

The approximately 77.58-acre parcel identified as 8275 White Lake Road is located on the south side of White Lake Road, west of Cross Road, and zoned LM (Light Manufacturing). The property is used by Mack Industries to manufacture precast concrete structures. The 93.25-acre Mack Industries site is comprised of two parcels, the

subject site referenced above the adjacent 15.67-acre parcel to the east (Parcel Number 12-01-201-005) addressed as 8265 White Lake Road.

Applicant's Proposal

Mack Industries, the applicant, is proposing to construct a 70-foot by 200-foot (14,000 square feet) building, to increase manufacturing capabilities. No additional parking is proposed. Exterior elevations provided by the applicant show the building would be covered by pre-finished metal siding, with split-faced concrete block eight (8) feet up the base around the perimeter of the building.

Planner's Report

The building would be setback 552.56 feet from White Lake Road. In the LM zoning district, the maximum building height allowed is 40 feet; the proposed average height of the building is 43'-3". A variance of 3.25 feet is requested to exceed the maximum building height.

The applicant applied for administrative site plan review to construct the building. All reviewing parties recommended approval (see attached). The Planning Department recommended approval of the site plan with conditions, including the applicant receiving a building height variance from the Zoning Board of Appeals.

Mr. Schillack asked staff why the Light Manufacturing zoning district had a 44' height restriction. Mr. Quagliata said while multi story manufacturing complexes are not common anymore, the height restriction comes from protecting the view for potential adjacent residential homes.

Jim Butler was present to represent the applicant. The proposed building would be set back from White Lake Road, and would include extensive landscaping. The applicant made the height request because he would be getting into a different type of "material" to sell and expanding his goods.

Ms. Dehart asked Mr. Butler if the building would be 1 story. Mr. Butler confirmed. Mr. Powell asked Mr. Butler if there would be a 60' crane inside the building. Mr. Butler confirmed. Mr. Powell asked the applicant's representative if the proposed building would be fire suppressed. Mr. Salsider said it would not and there would be fire extinguishers present.

Ms. Spencer opened the public hearing at 7:14 PM. Seeing no public comment, she closed the hearing at 7:15 PM.

Mr. Walz MOVED to approve the variance requested by Mack Industries from Article 3.1.20.E of the Zoning Ordinance for Parcel Number 12-01-176-003, identified as 8275 White Lake Road, in order to construct a building that would exceed the maximum building height allowed by 3.25 feet. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Approval of this variance is in accordance with the administrative site plan review approval by the Planning Department.**

Mr. Schillack SUPPORTED, and the MOTION CARRIED with a roll call vote (5 yes votes):

Walz: YES; there was a practical difficulty based upon the nature of the business and the constraints of the building.

Schillack: YES; there was a practical difficulty and work had been done to place the new building in a location that would not diminish the beauty of the area.

Spencer YES; there was a practical difficulty and the situation was unique and not self-created.

Powell: YES; for the reasons stated.

Dehart: YES; for the reasons stated.

- b. Applicant: Brett Petrice
4250 Oakguard Court
White Lake, MI 48383
- Location: **4259 Oakguard Court**
White Lake, MI 48383 identified as 12-07-176-016
- Request: The applicant requests to add a covered front porch to a single-family house, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback due to the proposed front yard setback. Variances from Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width are also required.

Ms. Spencer noted for the record that 24 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

Property Description

The approximately 0.135-acre (5,880.6 square feet) parcel identified as 4259 Oakguard Court is the northerly 40.64 feet of Lot 96 of the White Lake Grove subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 825 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Brett Petrice, the applicant, on behalf of property owner Jon M. Savitsky, is proposing to construct a covered porch on the front of the house.

Planner's Report

Currently the existing house is nonconforming to setbacks; the structure is located 2.1 feet from the south side property line, 7 feet from the north side property line, and 28 feet from the front property line. A minimum 10-foot side yard setback and 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 6,119.4 square foot deficiency in lot area and a 39.36-foot deficiency in lot width. In the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

A covered or enclosed porch is considered part of the principal structure and therefore subject to the same setbacks as the house. The proposed covered porch would be 8' by 12'-6" (100 square feet) in size and added on

to the front of the house. The porch would be located 21 feet from the front property line. A variance of nine feet is requested to encroach into the front yard setback.

Mr. Petrice was present to speak on behalf of the homeowner. He said he wanted to build a porch with metal roof. The current house was built without a porch.

Mr. Walz asked the applicant if there were any other reasons other than aesthetics for the construction of the proposed porch. Mr. Petrice said the porch would also serve for functionality, as the homeowner did not have a garage, the proposed porch would serve as a "loading" area for the homeowner's vehicle.

Mr. Powell asked if the structure would have a foundation. Mr. Petrice said the proposed porch would have two sonic tubes installed. Mr. Powell asked if the proposed project would be a roof overtop brick pavers set at grade, without any walls or additional doors. Mr. Petrice confirmed.

Mr. Quagliata said a covered porch would need a variance because in a future homeowner could enclose the porch and it would become living space.

Ms. Spencer opened the public hearing at 7:31 PM. Seeing no public comment, she closed the public hearing at 7:32 PM.

Mr. Schillack MOVED To approve the variance requested by Brett Petrice from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-07-176-016, identified as 4259 Oakguard Court in order to construct a covered porch that would encroach nine feet into the required front yard setback. A 39.36-foot variance from the required lot width and 6,119.4 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following condition:

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

Ms. Dehart SUPPORTED, and the MOTION CARRIED with a roll call vote (4 yes votes):

Schillack: YES; there was a practical difficulty.

Dehart: YES; there was a hardship with the lot.

Walz: NO; there was no practical difficulty demonstrated.

Powell: YES; the applicant did not build the home; therefore it was not a self created hardship.

Spencer: YES; the lot was non conforming and the situation was unique and not self created.

- c. Applicant: M.J. Whelan Construction
620 N. Milford Road
Milford, MI 48381
- Location: **10199 Lakeside Drive**
White Lake, MI 48386 identified as 12-22-477-011
- Request: The applicant requests to construct a second story addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Side-Yard Setback due to the proposed building setbacks. Variances from Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width are also required.

Ms. Spencer noted for the record that 30 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

Property Description

The approximately 0.223-acre (9,713.88 square feet) parcel identified as 10199 Lakeside Drive is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,830 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

M.J. Whelan Construction, the applicant, on behalf of property owner Laura Dobbs, is proposing to construct an addition to the first and second stories of the house. The applicant indicated the project includes remodeling both stories the existing house.

Planner's Report

Currently the existing house is nonconforming to setbacks; the structure is located 4.1 feet from the east side property line, 4.2 feet from the west side property line, and 6.7 feet from the front property line. A minimum 10-foot side yard setback and 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 2,286.12 square foot deficiency in lot area and a 21.93-foot deficiency in lot width. In the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The proposed first floor addition is 48 square feet in size and located 9.5 feet from the east side lot line. Currently the second story is 705 square feet in size and the proposed addition on that level is 805 square feet in size. The second story addition at the front of the house would be located five feet from the east side property line and 6.7 feet from the front property line. At the rear of the house the wall of the proposed second story is five feet from the west side lot line; however, the proposed roof overhang is within five feet of the side lot line. Article 5, Section 3 of the zoning ordinance prohibits roofs, gutters, windows, and open balconies from projecting closer than five feet to a lot line. Article 7, Section 27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance of less than five feet from a side lot line for safety reasons.

The applicant did not provide the value of improvements on their building permit application. Because the current structure was non conforming, the value of improvements had to be taken into account. The value of improvement for the addition was valued at \$90,000 and the SEV for the current building was \$150,000. A variance to exceed the allowed value of improvements was not requested or published.

Mr. Schillack asked staff if the proposed roof overhang projected into the side lot line. Mr. Quagliata confirmed.

Mr. Powell asked staff how far the applicant was planning to build from the existing garage to the home. Mr. Quagliata said the addition would go over the entire garage, and the roof overhang would be 6.7' from the front property line.

Ms. Dehart asked staff if the Building Department made applicants aware a value of work needed to be provided on their applications. Mr. Quagliata said there would be changes made to the ZBA applications so where an application would not be accepted without the value of work listed.

Matt Whalen was present to speak on behalf of his case. He said he pulled in two of the side exterior walls 9". The overhang shown on the plans was existing on the home currently. The covered front porch was drawn with its existing overhang as well. He said it was a struggle to configure the addition with the current footprint of the house.

Mr. Powell asked Mr. Whalen if the storage room over the garage was going to be a habitable space. Mr. Whalen confirmed. Mr. Powell asked staff if the concern was a new overhang being created, or with the current overhang. Mr. Quagliata said the concern was how the new overhang was proposed to be constructed.

Ms. Dehart asked staff if the new roof overhang was going to follow the same dimensions as the existing roof overhang. Mr. Quagliata said it was drawn that way in the plans.

Mr. Whalen said the new gables on the addition were pulled in 9", as shown on the north and west elevations. His only reason for pulling in the proposed gables 9" was to not encroach on the side yard setback.

Ms. Spencer opened the public hearing at 8:02 PM. Seeing no public comment, she closed the public hearing at 8:02 PM.

Ms. Dehart asked staff since the addition was not in the side yard set back, but the existing structure was, would the ZBA have authority to grant the variance requests for the addition. Mr. Quagliata said the ordinance would allow the existing non conformity to remain unless the ZBA decided differently.

Mr. Whalen said he could bring in the proposed overhang close to 1' if need be. He said he would also taken another look at the front porch dimensions and set back as well.

Mr. Powell said if the new overhang on the front porch were slid back, there would be more room given to the front yard set back. Mr. Whalen said new overhang is over the existing porch, and he thought the overhang to be within the same envelope of the existing porch.

Mr. Whalen said he would provide a better drawing of the existing structure to see if his plans were going to increase the non conformity of the home, or if he was indeed making improvements that were acceptable by the homeowner and community at large.

MS. Dehart MOVED to table the variance requests of M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, to consider comments stated during this public hearing.

Mr. Schillack SUPPORTED, and the MOTION CARRIED with a roll call vote (5 yes votes):

Dehart: YES; the ZBA has given the applicant guidance, and another variance needed to be published for the SEV.

Schillack: YES; the conversation gave a better understanding of the ZBA's thought processes when making decisions.

Powell: YES; for the reasons stated.

Walz: YES; for the reasons stated.

Spencer: YES; for the reasons stated.

CHARTER TOWNSHIP OF WHITE LAKE
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Other Business:

There was discussion regarding language for resolution for stake survey requirements for future ZBA applications.

Adjournment: Mr. Walz **MOTIONED** to adjourn the meeting at 8:33 P.M. Ms. Dehart **SUPPORTED**. All in favor.

Next Meeting Date: December 10, 2020