

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS-REGULAR MEETING
DECEMBER 10, 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 7:03 PM and led the Pledge of Allegiance. Roll was called:

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

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

Visitors: 0

Approval of the Agenda:

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

Approval of Minutes:

Zoning Board of Appeals Regular Meeting of October 22, 2020.

No action was taken on the minutes of the Regular Meeting of October 22, 2020.

New Business:

- a. Applicant: SLT Properties LLC (Robert Swierkos)
 2439 Fenton Road
 Hartland, MI 48353
- Location: **10201 Joanna K Avenue**
 White Lake, MI 48386 identified as 12-22-427-003
- 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, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Mr. Schillack MOVED to remove agenda item 6a from the table. Mr. Seiber SUPPORTED, and the MOTION CARRIED with a roll call vote (Schillack/yes, Seiber/yes, Powell/abstained, Dehart/yes, Spencer/yes).

Mr. Powell left the virtual meeting room as he was previously recused from the case.

Ms. Spencer noted for the record that 20 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 US Postal Service.

Staff Planner Quagliata gave his report. The applicant had submitted a letter from a structural engineer for the ZBA to review.

Mr. Bob Swierkos was present to speak on his case. He said a structural engineer inspected the house, there were minor issues but nothing that would preclude the second story addition.

Ms. Spencer opened the public hearing at 7:21 P.M. Seeing no public comment, she closed the public hearing at 7:21 P.M.

Ms. Dehart asked staff if the Building Department would look at the house before construction. Mr. Spencer, White Lake Township Building Official, said an engineering review had to be submitted and would be taken into account.

Mr. Seiber MOVED to approve the variances requested by SLT Properties LLC from Article 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-22-427-003, identified as 10201 Joanna K Avenue, in order to construct a second-story addition that would encroach 8.92 feet into the required front yard setback, 5 feet into the required side yard setback from both the east and west property lines, and exceed the allowed value of improvements to a nonconforming structure by 254%. A 55.10-foot variance from the required lot width and 7,034.16 square foot variance from the required lot size are also 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.**

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

Seiber: YES.

Dehart: YES; based on the structural engineer’s report, the current structure would be enhanced by the addition.

Schillack: YES; safety mattered to the ZBA as well as keeping variances like the applicant’s within reasonable bounds.

Spencer: YES; the property was nonconforming, and the applicant redesigned the second floor so the roof overhangs would not encroach closer than five feet to the side lot lines. The structural engineering letter shed light on the feasibility of the second story addition, and the nonconformity of the building’s footprint was not being expanded.

Mr. Powell re-entered the virtual meeting room.

- b. Applicant:** M.J. Whelan Construction
620 N. Milford Road
Milford, MI 48381
- Location:** **10199 Lakeside Drive**
White Lake, MI 48386 identified as 12-27-477-011
- Request:** The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming

Structures will be required due to both the value of improvements and the increase in cubic content.

Mr. Schillack MOVED to remove agenda item 6b from the table. Mr. Seiber supported, and the MOTION CARRIED with a roll call vote (Schillack/yes, Seiber/yes, Powell/yes, Dehart/yes, Spencer/yes).

Ms. Spencer noted for the record that 31 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 US Postal Service.

Staff Planner Quagliata gave his report.

Ms. Spencer asked the Building Official if he felt comfortable with the estimated value of improvements of the house. Mr. Spencer confirmed.

Mr. Powell asked staff whether the setback to the addition was the same as the setback to the front of garage to the right-of-way, or would the addition be pulled back from the front of the garage a certain distance. Mr. Quagliata said the front of the garage was setback 6.7' from the front lot line and the addition would be farther back than the garage at 9.5.'

Ms. Dehart asked staff what the current setback was for the front entrance of the house? Mr. Quagliata said currently the front entrance was back more than 6.7'. Based on the work proposed to the existing first floor of the house, the variance should be from the existing setback at 6.7'.

Matt Whalen was present to speak on his case. He said the overhang that was encroaching into the side yard setback was currently there. The new overhang from the addition would be pulled back, and it could be pulled back another 1' further if needed.

Mr. Powell said the plans showed the proposed roof line encroaching within 5' of the side yard setback. Mr. Whalen asked to table the case in order to provide the ZBA a new print with clear drawings of the existing and proposed overhangs. He also said in regard to the value, the homeowner was a tradesman and was planning on doing a lot of the work himself. He added the drawings submitted were not the set he intended to submit. Mr. Spencer added the print submitted for consideration tonight was similar to the one seen at the prior meeting.

Mr. Schillack MOVED to table the variance requests of M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, in order to allow the applicant to submit revised plans. Ms. Dehart SUPPORTED, and the MOTION CARRIED with a roll call vote (5 yes votes):

Schillack: YES; there were issues that still needed clarification on the plans.

Dehart: YES.

Powell: YES.

Seiber: YES.

Spencer: YES; the applicant was acting in good faith to clarify the issues presented tonight.

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- c. Applicant: Dale Schneider
8034 Mountain View
White Lake, MI 48386
- Location: **8018 Mountain View**
White Lake, MI 48386 identified as 12-25-276-010
- Request: The applicant requests to construct a duplex, requiring variances from Article 3.1.8.E, RM-1 Attached Single Family Residential Front-Yard Setback, Rear-Yard Setback, Maximum Lot Coverage, and Minimum Lot Width.

Ms. Spencer noted for the record that 127 owners within 300 feet were notified. 0 letters were received in favor, 3 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his report.

Ms. Dehart asked staff if the parcel had two separate identification numbers, Mr. Quagliata said no. Ms. Dehart asked staff how many structures were allowed to be built on a parcel in the RM-1 district. Mr. Quagliata said there wasn't a set number, but instead a density requirement. Ms. Dehart asked staff if the applicant would be using a community septic system. Mr. Quagliata said the proposed units would connect to the public sanitary sewer system.

Mr. Seiber asked staff if the site plan would go to the Planning Commission. Mr. Quagliata said no, if the ZBA decided to grant the variances, staff would process the site plan administratively.

Mr. Powell asked staff how the Planning Department would evaluate the density on this parcel. Mr. Quagliata said there was a formula in the zoning ordinance. Mr. Powell asked staff if the right of way and easements were removed from said calculation. Mr. Quagliata confirmed.

Mr. Powell said the zoning ordinance required private roads to be placed on a 60' right of way. Mr. Quagliata said when he initially met with the applicant, a lot split was suggested but the idea was dropped per the applicant. The new parcel would have met the requirements for area, but would have needed a variance for lot width in that instance.

Ms. Spencer asked staff if the Building Official would be limited overseeing the construction of a modular/manufactured home. Mr. Spencer said modular/manufactured homes were inspected at state level, and his staff would not be involved with inspections aside from the foundations, the garage if it were stick built, and the final finished build.

Dale Schneider was present to speak on his case. He said sewer was currently on the corner of the property, and he had no control where the sewer was going to be when the private road was installed. He said he was limited with what he could do with the property.

Ms. Spencer opened the public hearing at 8:17 P.M.

Allyssa Oswiecimski, 8014 Wildwood Lane. She was concerned with Mr. Schneider's duplex being too close to her back-property line, as well as privacy and the effect on her property's value. Ms. Spencer read her letter of opposition into the record.

Jessica Montgomery, 8008 Wildwood Lane. She was in opposition of Mr. Schneider’s proposed variances because of potential drainage and runoff issues. Ms. Spencer read her letter of opposition into the record.

Chris Jenish, 8022 Wildwood Lane. He had the same concerns of his neighbors, and felt Mr. Schneider was asking for too big of a structure for the property. Ms. Spencer read his letter of opposition into the record.

Ms. Spencer closed the public hearing at 8:39 P.M.

Mr. Schneider said he had no problem making the front yard smaller to allow for a greater rear yard setback. He added he could build a stick built home as opposed to a manufactured home.

Mr. Schillack MOVED to deny the variances requested by Dale Schneider for Parcel Number 12-25-276-010, identified as 8018 Mountain View, due to the following reason(s):

- **There was a self-imposed hardship.**

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

Schillack: YES; there was a self-imposed hardship.

Powell: YES; for the reason stated.

Dehart: YES; for the reason stated.

Seiber: YES; there was a self-imposed hardship and the proposed structure could damage the neighbors home due to drainage issues.

Spencer: YES; there was a self-imposed hardship.

- d. Applicant: Wade Paris
9377 Gale Road
White Lake, MI 48386
- Location: **Kingston Road, Lot 83 English Villas Subdivision**
White Lake, MI 48386 identified as 12-14-233-007
- Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

Ms. Spencer noted for the record that 24 owners within 300 feet were notified. 1 letter was received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his report.

Mr. Powell asked staff about the ownership history of the parcel. Mr. Quagliata said the parcel was in the same configuration as when it was originally platted.

Ms. Dehart asked staff if the neighbor’s shed was encroaching on the applicant’s parcel. Mr. Quagliata said no, the shed was nonconforming.

Wade Paris was present to speak on his case. He said the shed was on 4’x4’s, so the neighbor moved the shed a little further back from the side lot line. He said the front yard setbacks vary along Kingston, and he wanted an

18.2' front yard setback from the road edge. He met with Planning Staff and based on their input, he left the side and rear yard setbacks in compliance and asked for the front yard variance instead.

Ms. Spencer opened the public hearing at 9:07 P.M.

Eric Avedesian, 2300 Kingston. He said he was the neighbor with the shed, and he moved it once the survey was done. He liked the setback of the proposed home to the water, and the fact the applicant was taking the neighbor's view of the lake into account with his plans. Ms. Spencer read his letter of favor into the record.

Ms. Spencer closed the public hearing at 9:12 P.M.

Ms. Dehart MOVED to approve the variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-233-007 in order to construct a new house that would exceed the allowed lot coverage by 6.22% and encroach 13.2 feet into the required front yard setback. A 20-foot variance from the required lot width and 6,913 square foot variance from the required lot size are also 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.**
- **The roofline along the sides of the house shall be guttered and downspouted with a solid storm sewer system directed towards the lake.**

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

Dehart: YES; the applicant had a nonconforming parcel and had worked diligently to minimize the variances.

Seiber: YES; the applicant maintained the side yard setbacks, especially when the neighbor's setbacks were so tight.

Powell: YES; the rear setback from the lake was appreciated and the applicant did not block the neighbor's view. The case was a not a self-imposed hardship.

Spencer: YES; the lot was nonconforming.

Schillack: YES; for all the reasons stated.

- e. Applicant: Margaret Lepkowski
11031 Beryl Drive
White Lake, MI 48386
- Location: **1240 Castlewood Drive**
White Lake, MI 48386
- Request: The applicant requests to construct a covered porch and addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance is also required from Article 5.7.A due to the proposed setback from an accessory building. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Ms. 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 US Postal Service.

Mr. Quagliata gave his staff report.

Ms. Dehart asked staff since the existing detached garage would be within 10' of the addition, would the ordinance consider it as an attached garage. Mr. Quagliata confirmed, and added the garage currently was 4' from the north side lot line. The applicant had offered to make the garage 5' from the lot line.

Mr. Seiber said the applicant's plans showed a dimension of 16'7" from the proposed porch roof overhang to the road right of way, but it wasn't dimensioned properly. There was not a clear front yard setback provided on the plan.

Ms. Margaret Lepkowski was present to speak on her case. She said the home was a family home, and the survey submitted was done in 1987. She said no significant changes had been made to the house since 1987, and she thought the survey would suffice. When planning the addition, she knew the lot was nonconforming in a few aspects, and she tried to come up with a plan while keeping the look of the neighborhood in mind. The proposed addition would make the home a total of approximately 900 square feet. The porch was existing since the 80s, and the only change would be the addition of the roof on it. There would be no extension of new construction past the current porch.

Mr. Powell said in order for the ZBA to consider the variance request, the dimension between the corner of the front porch and the front property line was needed because that setback was drawn at the wrong angle. The drawing showed a variance setback larger than what was needed.

Ms. Spencer opened the public hearing at 9:41 P.M. Seeing no public comment, she closed the public hearing at 9:41 P.M.

Mr. Powell MOVED to to approve the variances requested by Margaret Lepkowski from Article 3.1.6.E and Article 5.7.A of the Zoning Ordinance for Parcel Number 12-34-129- 018, identified as 1240 Castlewood Drive, in order to construct a covered porch that would encroach 16 feet into the required front yard setback and an addition that would encroach 2 feet into the required setback from the detached garage. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 125%. A 15-foot variance from the required lot width and a 5,683.8 square foot variance from the required lot size are also 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.**
- **Prior to construction of the covered porch a setback dimension from the front property line shall be required.**

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

Powell: YES; there was a practical difficulty and there wasn't a self-imposed hardship.

Schillack: YES; for the reasons stated.

Dehart: YES; for the reasons stated.

Spencer: YES; the lot is nonconforming.

Seiber: YES.

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- f. Applicant: Michael Epley
6075 Carroll Lake Road
Commerce, MI 48382
- Location: **414 Lake View Drive**
White Lake, MI 48386 identified as 12-26-334-015
- Request: The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback, Lot Coverage, and Minimum Lot Area. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Ms. Spencer noted for the record that 23 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 US Postal Service.

Mr. Quagliata gave his staff report.

Mr. Schillack asked staff if the parcel was a double lot, and would it affect the variance from Article 7.28A. Mr. Quagliata stated the lot was a double lot, and the land value was excluded for that ordinance calculation, just the value of the structure was considered.

Mr. Epley was present to speak on his case. He said the existing septic was in the front yard, and it prohibited an addition in the front. He anticipated the lot coverage to be under 20%, but he did not accommodate the existing deck and shed. The southeast side yard setback for the second story was nonconforming, and it was intentionally pulled back from the southeast lot line. The side yard setback on the northwest corner was critical for entry from the roadside into the garage. If the garage was made smaller, the approach for the garage would encroach into the setbacks needed from the septic field.

Mr. Powell asked the applicant if he needed the 5' side yard setback because the garage door would have to be pushed closer to the house, and if that would conflict with the existing septic field. Mr. Epley confirmed, he said any compaction over the septic field would prohibit the field's ability to "breathe." Mr. Powell said the well for the home was in the rear yard, and a well service company may not be able to navigate on either the west or east side of the home.

Ms. Spencer opened the public hearing at 10:05 P.M. Seeing no public comment, she closed the public hearing at 10:05 P.M. Ms. Spencer re-opened the public hearing at 10:08 P.M.

Jordan Zaleski, 414 Lakeview Drive. He was the owner of the property and said the septic field was a hurdle in being able to make improvements. He added if the variances requested were granted, he would remove the shed, and would also dig a new well for the home.

Ms. Spencer closed the public hearing at 10:13 P.M.

Mr. Seiber said the lot was 80' wide, and the applicant was proposing a 72' wide home with a 3' side yard setback on one side. The site plan showed building envelope in the back of the home. The garage could be kept as proposed and house be moved back, the applicant could make up square footage that way. The dry well could also be moved.

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Mr. Schillack asked the applicant if there was no other way to keep the garage on the property without encroaching 5' into the side yard setback. Mr. Epley said if the garage was changed to comply in that way, it would have to be reduced from a two car to a one car garage. Mr. Schillack asked the applicant what would change if the garage were pivoted and made into a side entry garage. Mr. Epley said living space square footage would be lost in that scenario. Mr. Quagliata added the zoning ordinance required a side yard setback of 25' for a side entry garage.

Mr. Powell MOVED to approve the variances requested by Michael Epley from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-26-334-015, identified as 414 Lake View Drive, in order to construct an addition that would exceed the maximum lot coverage by 9.38%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 553.56%. A 2,809 square foot variance from the required lot size is also 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.**

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

Powell: YES; the applicant proved a practical difficulty but the ZBA does not believe the westerly setback is a non self- imposed hardship.

Schillack: YES; for the reasons stated.

Dehart: YES; for all of the reasons stated.

Spencer: YES; for all of the reasons stated.

Seiber: YES; for all of the reasons stated.

Other Business:

None.

Adjournment: Mr. Schillack **MOTIONED** to adjourn the meeting at 10:42 P.M. Mr. Powell **SUPPORTED**. All in favor.

Next Meeting Date: December 17, 2020