

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
**JANUARY 23, 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 p.m. and led the Pledge of Allegiance. Roll was called:

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

Also Present: Nick Spencer, WLT Building Official  
Hannah Micallef  
Lisa Hamameh  
Sherri Ward, Recording Secretary

Visitors: 10

**Approval of the Agenda:**

**Mr. Schillack moved to approve the agenda as presented. Mr. Seiber supported and the MOTION CARRIED with a voice vote (4 yes votes)**

**Approval of Minutes:**

Zoning Board of Appeals Meeting of December 12, 2019.

**Mr. Seiber moved to approve the meeting minutes of December 12, 2019 as presented. Ms. Dehart supported and the MOTION CARRIED with a voice vote (4 yes votes)**

**Continuing Business**

a.

Applicant: Mark Williams  
2511 Trevor  
Commerce MI, 48390

Location: **60 S Hulbert**  
White Lake, MI 48386 identified as 12-26-105-024

Request: Variance to Article 3.1.6 E. R1-D Single Family Residential: Side-Yard Setback, Rear Yard Setback, Lot Coverage, Lot Width, and Lot Size. Variance to Article 5.7 Accessory Structures.

**Mr. Schillack MOVED to remove this agenda item from the table at 7:06 p.m. The MOTION CARRIED with a voice vote (4 yes votes).**

Noticing to neighbors within 300 feet was not done again because a public hearing was held on this case last month.

Ms. Spencer wanted to note for the record that a letter was received from David Morgan at 44 S. Hulbert and he doesn't have a problem with the garage being 5' from the property line. Mark Williams (applicant) had noted that at the December meeting the ZBA indicated that they would be more in favor to approve with a favorable letter from the property owner to the north (David Morgan).

**Property Description:** The property at 60 S. Hulbert is a single-family home zoned R1-D Single Family Residential. The property is located in the Carleton Heights Neighborhood near Oxbow Lake. The home currently uses a private well for water, and a private septic system for sanitation.

**Applicant's Proposal:** The applicant is proposing to construct a new 24 x 28 detached garage. The garage will be a total of 672 square feet.

**Staff Planner's Report:** The new garage at 60 S. Hulbert Avenue will require a side-yard setback variance being only seven (7') feet from the property line. Also, the new garage will be setback four (4') feet from the existing house. The Accessory Structures Ordinance Article 5.7 states that a detached structure that is located less than ten (10') feet from a primary structure will need to meet all of the setbacks as if it were attached to the home. This would require the garage to be setback ten (10') from the property line and not the five (5') feet for accessory structures. The lot is deficient in lot width being platted at 91 feet, however the frontage on Hulbert is limited to 10 feet which is the width of the easement.

Cynthia Burgess (60 S. Hulbert) stated that a garage is a necessity because she has moved in her elderly parents and there's a lot of equipment that needs to be stored. Ms. Spencer wanted to note for the record that this is the original report dated November 25, 2019. Staff didn't write a second report.

Mr. Schillack asked if it later becomes attached to the residence, will it need a variance? Mr. Spencer reported that an attached structure would have to meet all the setbacks. The homeowner noted that she has no intention of attaching it to the house.

Mr. Seiber asked if the letter that we received, was it the house to the right with the double gate? Yes it is and it's a good distance from the proposed garage to his house.

Mr. Williams noted that he is asking for a 5' side yard setback, and 6.7' between the house and garage. Ms. Hamameh wanted to note for the benefit of the board that the variance can't be greater than it was published for and we had the public hearing on. Mr. Spencer noted that the variance needed is the 6.7' between the main structure and the accessory structure and only one variance would be needed because the garage would meet the 5' set back off the property line.

Ms. Hamameh noted that the ZBA could table this agenda item to get the noticing up to date. Ms. Spencer suggested that the applicant not be charged for the additional publication of the notice.

Ms. Dehart said we need to determine the front lot line. Mr. Seibert noted that the ordinance defines the lot width. The variance needed is the lot width and the distance between the house and the garage.

Ms. Spencer asked If it's agreeable, could we schedule a special day time meeting for February since the next meeting is not scheduled until March? Ms. Hamameh said yes as long as its properly noticed. This will be coordinated with the Planning department with a quorum of the board.

**Mr. Schillack MOVED to table the variance request of Mark Williams for 60 S. Hulbert identified as 12- 26- 105- 024 to consider comments noted during this ZBA meeting. It is our recommendation that the application bear no cost for republication. Ms. Dehart supported and the MOTION CARRIED with a voice vote (4 yes votes).**

5. **New Business:**

- a.
  - Applicant: Donald Miles  
3710 Jackson Blvd.  
White Lake MI, 48383
  - Location: **3710 Jackson Blvd.**  
White Lake, MI 48383 identified as 12-07-158-014
  - Request: Variance to Article 5.7 Accessory Structures.

Ms. Spencer noted for the record that 28 owners within 300 feet were notified. No letters were received in favor, no letters were received in opposition and one letter was returned undeliverable from the US Postal Service.

Ms. Hamameh presented the staff planner report prepared by Jason Iacoangeli and she is sitting in for Planning Director, Sean O'Neil.

**Property Description:** The property at 3710 Jackson Blvd. is a single-family home zoned R1-C single family residential. The home is located in the Bakers Point Neighborhood, located on White Lake. The home uses a private well for potable water and a septic system for sanitation.

**Applicant's Proposal:** The applicant has deviated from an approved building permit for an accessory structure. The result is a garage building that exceeds the height requirements of Article 5.7 Accessory Structures C.

**Staff Planner's Report:** The garage located at 3710 Jackson Blvd. exceeds the building height maximum for accessory structures. The total height of the structure is not to exceed eighteen (18') feet at the mid-peak of the roof. The garage as constructed has a roof height of 20' feet at the top of the dormer. The dormers on the garage were not a part of the approved permit, and were added after the permit was released. The wall height for the structure also exceeds the maximum wall height of fourteen (14') feet per the Ordinance. The current garage has sixteen (16') feet of wall height as measured from the slab floor of the interior of the structure.

Mr. Spencer wanted to note that the distance measured was to the mid peak of dormer not to top of dormer.

Mr. Seiber asked if the total height changed from the permit? The only change is the addition of the dormers. Mr. Spencer noted that the mid peak of the dormer is over the 18 foot maximum. Ms. Dehart asked if the dormers were on the original plan? The dormers were not on the original plan.

Don Miles (3710 Jackson) stated that he was not trying to pull anything. His lumber salesman asked about the dormers and he thought that sounded good, he didn't know it affected the height and he thinks it looks better with the dormers and said the neighbors love it.

Mr. Spencer noted that because of the dormers, the top wall height of the dormer is where the measurement is to. Ms. Dehart asked how you could comply to the code? Mr. Spencer noted that if the eave came down to roof line, the mid peak would change. He could bring the roof line down but it would look strange, and not aesthetically pleasing. The dormer made it deviate from ordinance.

Ms. Dehart asked when it's under construction does the building department go out at certain stages? Mr. Spencer stated that it was caught prior to inspection. Mr. Spencer said that the reason this is set up this way is so that there aren't living quarters or second floors on the accessory structures.

Ms. Spencer opened the meeting to the public at 7:49 p.m., no one spoke on the agenda item and she closed the meeting to the public at 7:49 p.m.

Mr. Seiber noted that when he was out there he felt that it's a long garage and the dormers help break up the roof line and make it look attractive. The dormers are what really through everything off and he would support these variances.

**Mr. Schillack MOVED to approve the variance requested by Donald Miles for 3710 Jackson Blvd. identified as 12-07-158-014 for the detached garage located on the property. The variances requested are as follows: A 2' maximum wall height variance from the permitted 14' for an end result of 16'; A 2' building height variance from the permitted 18' Mid Peak for an end result of 20'. This approval will have the following conditions: Applicant will pull all necessary permits with the White Lake Township Building Department and there will not be finished space above the garage. Ms. Dehart supported and the MOTION CARRIED with a roll call vote (Dehart – yes; Schillack – yes, Spencer – yes, she believes there is extenuating circumstances and would like to grant both because we've specifically discussed the condition that there cannot be finished space above the garage; Seiber – yes, the addition of the dormers is an improvements). (4 yes votes)**

**b.**

Applicant: Kim McFadden  
9693 Bonnie Briar  
White Lake MI,48386

Location: **9120 Buckingham**  
White Lake, MI 48386 identified as 12-14-280-014

Request: Variance to Article 3.1.6 E. R1-D Single Family Residential: Front-Yard Setback, Rear-Yard Setback, Side-Yard Setback, Building Height, Lot Coverage, Lot Width, and Lot Size. Variance to Article 5.7 Accessory Structures. 7.28 Repairs and Maintenance

Ms. Spencer noted for the record that 33 owners within 300 feet were notified. No letters were received in favor, no letters were received in opposition and no letters were returned undeliverable from the US Postal Service.

Ms. Hamameh presented the staff planner report prepared by Jason Iacoangeli and she is sitting in for Planning Director, Sean O'Neil.

**Property Description:** The property at 9120 Buckingham is a single-family home zoned R1-D Single Family Residential. The property is located in English Villas Subdivision on Pontiac Lake. The home currently uses a private well for water, and the public sanitary sewer system for sanitation.

**Applicant's Proposal:** The applicant is proposing to remodel and existing single-family home, and detached garage. The applicant would be adding additional square footage to the ground floor of the home in the amount of 240 square feet. The current home is 878 square feet, the new total would be 1,118 square feet. A new second story would be added to the home. Also, a two-car garage addition is being proposed to the existing single-story garage. The current garage is 635 square feet in size the new garage would be a total of 1,075 square feet with a second storage area on the second floor.

**Staff Planner's Report:** Under the current Ordinance Section 7.28 Repairs and Maintenance the maintenance to non-conforming structures are not to exceed fifty percent 50% of the State Equalized Valuation in repairs in a given twelve (12) month period. This project will exceed this number. Further, the Ordinance does not allow for the cubic content of the non-conforming structure to be increased. Based on this, the applicant's proposal needs to be treated as a new

home. Further, from the paperwork obtained from the Township Building Division the current garage cannot support the addition being proposed by the applicant because it is not a viable structure. Also, the home's foundation may not support a second story, and would require a signed structural report from a Michigan Licensed Structural Engineer. The current height of the proposed garage exceeds the maximum allowable height for accessory structures as well as the wall height. The home and garage should be demolished in order for a new home that conforms to the current Ordinance to be constructed. The remodeling being proposed exceeds the Non-Conforming Structures Ordinance by almost 9000%. Based on the SEV of the Structure the buildings should be demolished and the applicant should propose a new home that conforms to the current Clear Zoning Ordinance 58.

Ms. Dehart asked Mr. Spencer if he viewed the home and property and he did. The current garage is leaning extensively and he is confident that it doesn't have a 42" foundation to support the garage.

Kim McFadden was in attendance to discuss her application. The house was in probate and it was quite a fight. The house was in very poor condition, but solid. She doesn't think it's an over improvement of the area, the entire neighborhood is over the 20%. She presented a lot survey for the board to review.

Alan Polowski (the contractor) said the existing house has a block foundation. The existing garage has 36" footings. Soil bearings were done on the site. He stated that he is basically looking at adding on to the house using the existing 12' block walls. Any structural repairs on the walls will be done and the new garage will have all new foundation and all new walls.

Ms. Spencer noted that the staff report noted that a signed structural report from a Michigan Licensed Structural Engineer would be required to ensure that a second story would be supported. She's not in favor until she sees an engineering report. She would like to give suggestions, table the case and have them come back. We are looking to eliminate the nonconformities, not increase them. She could demolish and come back before us with a proposed new structure. We're charged with eliminating the nonconformities.

Ms. Hamameh wanted to point out that this is already a nonconforming structure, so you are expanding and the ZBA is charged with eliminating these.

Mary Earley (5925 Pine Ridge) thinks that the board's attempts to minimize the variances are a good idea. She'd vote to demolish the structures.

Katherine Takas (9513 Bonnie Briar) is a neighbor and she would like to see the property improved.

Ms. Hamameh suggested that Mr. Spencer in the Building Department and Mr. O'Neil in the Planning Department sit down with the applicant and see what the options are instead of asking for all these variances. Ms. Spencer noted that if you sit down with them, they'll guide you through to make it doable. Ms. McFadden said she promised the prior owner that she wouldn't tear it down.

Mr. Polowski asked if it would help if we obtained the structural engineer certification. Ms. Spencer noted again that she would like to see something from a structural engineer. Ms. Spencer stated that she wouldn't put the Township or employees in any jeopardy. If the signed structural report from a Michigan Licensed Structural Engineer is prepared and approved by the building department, she'll accept the data.

Mr. Seiber stated that he thinks you have a tough fight and it's increasing the nonconformity. He'd hate to see the money spent on structural engineer when he would struggle to approve this case with so many variances.

Mr. Polowski asked if he could cut the corner back to make it less close to the property line? Mr. Seiber stated anyway you can reduce the existing nonconformities.

Ms. Dehart asked if soil borings were done on the whole parcel? Yes, they were. She asked if pilings are required, and the contractor stated that they are not. A basement could go in but it would make the elevation of the home higher.

Mr. Spencer said his concern is the second story and increasing the weight on the current foundation. Mr. Seiber suggested tabling this and getting more options from the Planning and Building Departments. Ms. Dehart wanted to note variance #6 was incorrect, it should say 1.5'.

Mr. Spencer asked why they wouldn't want to attach the garage to house. There is a power pole in the way and she wants a covered walkway (she referred to it as a portico). Ms. Dehart asked about the possibility of underground utilities. Ms. Dehart asked if you can build over the sewer line and you cannot, but the grinder could be relocated. There could be a problem with the sewer line location.

**Mr. Schillack MOVED to table the variance requests at 9120 Buckingham, White Lake, MI 48386 identified as 12-14-280-014 and to consider comments made during this meeting. Mr. Seiber supported and the MOTION CARRIED by voice vote. (4 yes votes).**

Mr. Spencer recommended that the applicant come back in and speak with Sean O'Neil in Planning to see if we can eliminate or narrow down some of the variances and get a plan together to move forward.

Mr. Polowski asked if it be possible to get in on the special February meeting. Two cases may take too long and we're limited by space. Ms. Spencer noted that the staff will try hard and evaluate the request.

Ms. Hamameh noted that if you are going to do structural engineer report, that doesn't guarantee any approvals and could be a condition in the end, if you can get past all the variances. Ms. Dehart stated that you want to eliminate as many variances as possible.

The covered walkway increases the maximum lot coverage and Mr. Spencer wants to make sure the numbers are accurate.

Ms. Hamameh noted that it would need to be revised consistent with the first notice unless the variances are being minimized. Ms. Hamameh stated that the information needs to go to the

Planning Director, Sean O'Neil in enough time to calculate any changes or deficiencies and publish.

**Other Business**

None.

**Adjournment:**

The meeting was adjourned at 8:51 p.m.

**Next Meeting Date:**

March 26, 2020

DRAFT



**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** White Lake Township Zoning Board of Appeals

**FROM:** Sean O'Neil, AICP, Planning Director 

**DATE:** February 18, 2020

---

**Agenda item:** 5a

**Appeal Date:** February 26, 2020

**Applicant:** Mark Williams

**Address:** 2511 Trevor  
Commerce MI, 48390

**Zoning:** R1-D Single Family Residential

**Location:** 60 S Hulbert  
White Lake, MI 48386

**Property Description:** The property at 60 S. Hulbert is a single-family home zoned R1-D Single Family Residential. The property is located in the Carleton Heights Neighborhood near Oxbow Lake. The home currently uses a private well for water, and a private septic system for sanitation.

**Applicant's Proposal:** The applicant is proposing to construct a new 24' x 28' detached garage. The garage will be a total of 672 square feet in size.

**Planner's Report:** The new detached garage at 60 S. Hulbert Avenue will require a side-yard setback variance of 5 feet, where a 10-foot setback is required per Article 3.1.6. This is due to the fact that the detached garage is only 6 feet from the home, and not the 10 feet that is required, per Article 5.7.B. The lot is deficient in lot width. Though platted at 91 feet (where 80' is required), the frontage on Hulbert is limited to only 10 feet, which is the width of the easement.

**Proposed Variances**

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
1	Article 3.1.6	Side Yard Setback	10'	5'	5'
2	Article 3.1.6	Required Lot Width	80'	70'	10'
3	Article 5.7.B	Accessory Buildings or Structures in Residential Districts	10'	4'	6'

**Recommended Motions:**

**Table:** "I move to table variance request of Mark Williams for 60 S. Hulbert identified as 12-26-105-024 to consider comments noted during this public hearing".

**Approval:** "I move to approve the variance requested by Mark Williams for the property at 60 S. Hulbert identified as 12-26-105-024 in order to construct a detached garage (state the reasons). The variances requested are as follows (see table). This approval will have the following conditions:

- Applicant will pull all necessary permits with the White Lake Township Building Department.

**Denial:** "I move to deny the variance requests of Mark Williams for the detached garage, at 60 S. Hulbert the parcel 12-26-105-024, due to the following reason (s):

### 7.37 STANDARDS

General variances: The Zoning Board of Appeals may authorize a variance from the strict application of the area or dimensional standard of this Ordinance when the applicant demonstrates all of the following conditions "A - E" or condition F applies.

- A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.
- B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

- C. Not self created: The applicants problem is not self created.
- D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).
- E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.
- F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:
  - i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;
  - ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.