

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR VIRTUAL MEETING**

August 26, 2021

CALL TO ORDER

Chairperson Spencer called the meeting to order at 7:00 P.M. She then led the Pledge of Allegiance.

ROLL CALL

Present:

Debby Dehart, Planning Commission Liaison, present in White Lake, MI
Michael Powell, Township Board Liaison, present in White Lake, MI
Kathy Aseltyne, present in White Lake, MI
Nik Schillack, present in White Lake, MI
Jo Spencer, Chairperson, present in White Lake, MI

Absent:

Dave Walz, Vice Chairperson

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

MOVED by Member Schillack, **SUPPORTED** by Member Aseltyne, to approve the agenda as presented. The motion **CARRIED** with a voice vote (5 yes votes).

APPROVAL OF MINUTES:

- a. Zoning Board of Appeals Special Meeting of August 12th, 2021

MOVED by Member Schillack, **SUPPORTED** by Member Powell to approve the Zoning Board of Appeals Special Meeting Minutes of August 12th, 2021 as presented.
The motion **CARRIED** with a voice vote (5 yes votes).

CONTINUING BUSINESS:

There was no continuing business.

NEW BUSINESS:

- a) Applicant: Michael Epley
6075 Carroll Lake Road
Commerce, MI 48382
- Location: **9386 Bonnie Briar**
White Lake, MI 48386 identified as 12-14-276-014
- Request: The applicant requests to construct an enclosed porch and attached garage, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Rear-Yard Setback, and Minimum Lot Area. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is required due to both the value of improvements and the increase in cubic content.

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 Quagliata gave his staff report.

Chairperson Spencer asked staff which survey submitted by the applicant was correct, as two were submitted but had different dimensions. Staff Planner Quagliata said the applicant would clarify.

Member Schillack asked staff if there was a deadline to receive all the materials from an applicant if there were missing or incorrect items in the applicant's submittal. Staff Planner Quagliata said he tried to work with the applicant, and there was an application deadline of July 22, 2021. The submittal on July 22 included a plan and survey. For the revised survey dated August 6, 2021, the hard copy was submitted on Tuesday, August 24, and a digital copy of the same plan followed on Wednesday, August 25, 2021.

Member Schillack stated the packets were delivered to the ZBA a week prior to the meeting for their review, and the latest plans were submitted after that.

Member Aselyne asked staff if the shed needed to be moved as it was in the natural features setback. Staff Planner Quagliata said the ZBA could address it.

Member Powell asked staff what the rear yard setback was defined as. Staff Planner Quagliata said the setback from the water was measured from the ordinary high-water mark.

Mike Epley, applicant, was present to speak on his case. Mr. Epley said the original survey was procured by the homeowner; it had the wrong lake on it. He approached the homeowner to request an adjusted survey. He said what he proposed was different than what Grant Ward Surveying showed; the Grant Ward survey had a proposed water line in the rear yard. He said his client wanted a two-car garage and enclosed porch. He positioned the garage in the front of the lot to minimize variances needed in the rear of the lot. He apologized for any confusion.

Member Schillack asked the applicant why the garage was proposed on the east side of the house. Mr. Epley said it was due to the wall but he didn't think the Grant Ward survey showed that. He added the homeowner wanted to keep living space on the west side of the house.

Chairperson Spencer asked the applicant if his clients were aware the ZBA was charged with eliminating and not increasing nonconformities. She said a detached garage could be put on the west side. Mr. Epley said a detached garage would not add the same value as an attached garage.

Chairperson Spencer stated she had not seen a practical difficulty from the applicant's case. She added aesthetics could not be considered for practical difficulty. Mr. Epley said he could adjust the plans for the side yard setback.

Member Dehart stated if the garage wasn't as deep, it could meet the side yard setback. She added she wanted to know where the well was. She said the lot was nonconforming, and the house was nonconforming. Mr. Epley said a 20-foot-deep garage wouldn't fit an extended truck. He said he would prefer to give 1.6 feet on the side yard.

Member Powell stated the lot was a hardship and the architecture of the existing house was a practical difficulty. He said if the north wall was angled, the side yard setback wouldn't need to be considered. Mr. Epley said doing it that way would cause a break in the siding and roof gable, and wouldn't look as nice. Mr. Epley added if the shed was a moveable structure, he would try to have it moved, or pour a new pad in compliance with the setbacks.

Member Aseltyne said she was disturbed by the inconsistency of the plans, and the well and grinder pump being unmarked on the surveys. She added wanting to park a larger vehicle was a self-created issue and could not be considered by the ZBA.

Chairperson Spencer opened the public hearing at 7:49 P.M. Seeing no public comment, she closed the public hearing at 7:50 P.M.

Member Aseltyne said she couldn't entertain the idea of moving the garage to the west side of the lot since the well and grinder pump locations were unknown.

Member Dehart said she saw a hardship due to the style of the existing house, and if the well was on the west side of the lot, there would be an incurred cost to move the well.

Member Powell said if the garage was moved to the west side, it could be made larger. He took more of an issue with the side yard setbacks than the rear yard setbacks. If the garage was made wider and put on the west side, the shed could be eliminated.

Member Schillack MOVED to table the variance requests of Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, to consider comments stated during this public hearing.

**SUPPORTED by Member Powell, and the motion CARRIED with a roll call vote (5 yes votes):
(Schillack/yes, Powell/yes, Dehart/yes, Spencer/yes, Aseltyne/yes)**

- b) Applicant: Raymond Roberts
10016 White Road
Linden, MI 48451
- Location: 4590 Braidwood Drive
White Lake, MI 48383 identified as 12-06-454-054
- Request: The applicant requests to construct a covered porch, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Minimum Lot Area, Minimum Lot Width, and Maximum Lot Coverage. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record that 28 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 Quagliata gave his staff report. He added the applicant did not submit a certified boundary survey.

Member Powell asked staff about the shed. Staff Planner Quagliata said the shed was encroaching into the front yard setback, and it looked like the fence was in the road right-of-way.

Member Dehart asked staff if a variance was granted for the addition in 1998 since the addition encroached into the front yard setback. Staff Planner Quagliata said no.

Member Schillack asked staff if the applicant was responsible for submitting an accurate survey. Staff Planner Quagliata confirmed.

Chairperson Spencer stated inaccurate documents from applicants put a severe burden on the ZBA to perform due diligence and make decisions on variance requests.

Member Schillack said he had a difficult time making a decision not having all the data in front of him.

Member Powell asked staff if the ZBA was to assume the existing house setback from the front property line. Staff Planner Quagliata said because a mortgage survey was submitted, it was unknown whether the dimensions were accurate.

Raymond Roberts, applicant, was present to speak on his case. He apologized for not having a boundary survey, and said he was contacted by Staff Planner Quagliata and told a boundary survey was needed. He tried to find a cost-effective boundary survey, and would have not had the boundary survey before the deadline for tonight's meeting. He said the existing porch was slab and block, and the material was eroding. He originally was going to repair the erosion or lay over wood, but the natural elements hit the front porch hard. He decided to cover it for longevity purposes, and did not realize attaching the roof of the porch would add to the square footage of the house.

Chairperson Spencer opened the public hearing at 8:23 P.M. Seeing no public comment, she closed the public hearing at 8:23 P.M.

Member Schillack stated it was important for the ZBA to have all of the data before them, no matter the size of the project.

Staff Planner Quagliata went through the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Chairperson Spencer did not see a practical difficulty.
- Member Dehart said she could see a practical difficulty since the weather was eroding the front porch.
- Member Schillack said he could not determine a practical difficulty with an incomplete application.

B. Unique Situation

- Member Schillack said he could not determine a unique situation with an incomplete application.

C. Not Self-Created

- Member Schillack said he could not determine if the situation was self-created with an incomplete application.

D. Substantial Justice

- Member Powell said the homeowner was using their house and therefore, the ZBA was not prohibiting substantial justice.
- Member Schillack said he could not determine substantial justice with an incomplete application.

E. Minimum Variance Necessary

- Member Powell said a boundary survey could prove there was more room in the front yard, and a variance could be eliminated.

- Member Schillack said he could not determine the minimum variance necessary with an incomplete application.

Member Aseltyn **MOVED** to table the variance requests of **Raymond Roberts** for **Parcel Number 12-06-454-054**, identified as **4590 Braidwood Drive**, to consider comments stated by the members of the Zoning Board of Appeals Members.

SUPPORTED by Member Schillack, and the motion **CARRIED** with a roll call vote (5 yes votes):
(Aseltyn/yes, Schillack/yes, Powell/yes, Spencer/yes, Dehart/yes).

c) Applicant: Yuanwei (Bill) Lin
2844 Livernois Road, #1553
Troy, MI 48084
Location: **855 Hilltop Drive**
White Lake, MI 48386 identified as 12-23-151-004
Request: The applicant requests to construct an addition, requiring a variance from Article 3.1.5.E, R1-C Single Family Residential Rear-Yard Setback.

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 Quagliata gave his staff report. He added the applicant did not submit a certified boundary survey, but submitted a math equation instead.

Member Dehart asked staff if boundary surveys were required for every case. Staff Planner Quagliata said boundary surveys were required for nonconforming parcels and nonconforming buildings/structures. The applicant could not prove the house was conforming, so a boundary survey was required.

Bill Lin, applicant, was present to speak on his case. He said he wanted an indoor pool for himself and his wife for hydrotherapy. He thought the mortgage survey he submitted was sufficient. When he was made aware, he contacted a registered surveyor and was quoted several thousand dollars.

Staff Planner Quagliata stated when he met with the applicant, he made the applicant aware he needed a boundary survey and plans that scaled.

Member Powell suggested the applicant look for other surveyors, and the applicant may not even need a variance once an accurate survey was completed.

Chairperson Spencer opened the public hearing at 9:08 P.M. Seeing no public comment, she closed the public hearing at 9:08 P.M.

Member Schillack MOVED to table the variance request of Yuanwei (Bill) Lin for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, to consider comments stated during this public hearing.

SUPPORTED by Member Aselyne, and the motion CARRIED with a roll call vote (5 yes votes): (Schillack/yes, Aselyne/yes, Spencer/yes, Powell/yes, Dehart/yes).

- A. Applicant: Derek & Kaitlyn Byerle
12201 William Randy Court
White Lake, MI 48386
- Location: **12201 William Randy Court**
White Lake, MI 48386 identified as 12-15-276-031
- Request: The applicant requests to extend the permit period for the temporary use of a motor home or trailer (camper or travel), requiring a variance from Article 7.21.B, Permit for Temporary Use of Motor Home, Manufactured Home or Travel Trailer.

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 Quagliata gave his staff report.

Member Powell asked staff when the temporary use permit would begin. Staff Planner Quagliata said if the variance was granted, the permit would not extend beyond one year.

Kaitlyn Byerle, applicant, was present to speak on her case. She was asking to keep the trailer on their property for stability for their children and to keep an eye on the contractors working on their house. She added the trailer wasn't on the property yet.

Chairperson Spencer opened the public hearing at 9:25 P.M. Seeing no public comment, she closed the public hearing at 9:25 P.M.

The Zoning Board of Appeals determined Condition F applied from Article 7, Section 37 of the ClearZoning Ordinance.

- **Member Schillack MOVED to approve the variance requested by Derek & Kaitlyn Byerle from Article 7.21.B of the Zoning Ordinance for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, in order to extend the permit period for the temporary use of a motor home or travel trailer by 48 weeks. This variance is granted because the applicant's house is uninhabitable as determined by the Building Official, and the Local State of Emergency declared in White Lake Township. This approval will have the following conditions:**

- **The Applicants shall obtain all necessary permits from the White Lake Township Building Department.**
- **The motor home or travel trailer shall be parked in a location that meets the minimum front, side, and rear yard setbacks of the SF (Suburban Farms) zoning district.**
- **The permit shall expire either on August 26, 2022 or when the house becomes habitable, whichever occurs first. Habitability of the house shall be determined by the Building Official.**
- **The Applicants shall provide the Township a status report on the progress of the house repairs no later than February 28, 2022. At that time the property and dwelling shall be available for inspection upon request by the Planning Department, Building Official, or other authorized official. It shall be evident work on the house has occurred to occupy the dwelling.**
- **Upon expiration of the permit, the motor home or travel trailer shall not be occupied. The unoccupied motor home or travel trailer shall be removed from the property, or stored on the property in compliance with the zoning ordinance and Township Code of Ordinances.**
- **The Applicants shall not utilize the motor home or travel trailer for operation of a home occupation.**

**SUPPORTED by Aseltyne, and the motion CARRIED with a roll call vote (5 yes votes):
(Schillack/yes, Aseltyne/yes, Spencer/yes, Powell/yes, Dehart/yes).**

OTHER BUSINESS

Member Aseltyne stated Staff Planner Quagliata had done a fine job since coming on board, and the ZBA had shown a new level of professionalism.

ADJOURNMENT

MOVED by Member Dehart, SUPPORTED by Member Aseltyne to adjourn the meeting at 9:36 P.M. The motion CARRIED with a voice vote (5 yes votes).

NEXT MEETING DATE: September 23, 2021- Regular Meeting