

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 23, 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
Niklaus Schillack, Vice Chairperson
Steve Anderson, Township Board Liaison
Clif Seiber
Tony Madaffer

Absent:

Debby Dehart, Planning Commission Liaison

Also Present:

Andrew Littman, Staff Planner
Nick Spencer, Building Official
Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

MOTION by Member Madaffer, seconded by Member Seiber to approve the agenda as presented. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

A. November 14, 2024

Mr. Madaffer pointed out a correction on page 5.

MOTION by Member Schillack, seconded by Member Madaffer, to approve the minutes of November 14, 2024, as corrected. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

OLD BUSINESS

None.

NEW BUSINESS

- A. Applicant: Michael Epley
6075 Carroll Lake Road
Commerce, MI 48382
Location: **450 Lakeview Drive**
White Lake, Michigan 48386 identified as 12-26-334-033
Request: The applicant requests to build a 2nd story addition onto an existing single-family home, requiring variances from Article 3.1.6.E, Minimum Lot Area, Article 3.1.6.E, Minimum Front Yard Setback, Article 3.1.6.E, Minimum Side Yard Setback, Article 5.3, Lots, Yards and Open Spaces, and Article 7.23, Nonconforming Structures.

Chairperson Spencer noted for the record that 22 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 summarized his report.

Member Schillack asked staff about the deck on the northwest side of the lot, and if it would remain. Staff Planner Littman stated he was unsure. There wasn't a dimension from the edge of the wood deck to the property line in the side yard setback.

Member Schillack asked how far the home on the northwest was from the applicant's house. Staff Planner Littman said 14'.

Michael Epley, 6075 Carroll Lake Road, was present to speak on behalf of the homeowners. Mr. Epley said the space to the west was utilized for the existing garage. The first floor will be cantilevered to provide more space and the second-story addition will not touch the deck. The porch was requested to be covered per the homeowner's request.

Member Schillack asked Mr. Epley why the addition wasn't proposed over the concrete patio. Mr. Epley said there is a drop in grade due to the walkout basement, and constructing the addition that way will be costly.

Member Seiber asked Mr. Epley if the bathrooms could be reduced in size to match the side of the existing house. Mr. Epley said he tried to lay out the addition with the house's current footprint, and reducing the addition brought layout tension.

Chairperson Spencer opened the public hearing at 6:52 P.M. Seeing none, she closed the public hearing at 6:52 P.M.

Member Seiber said he struggled with the side yard variance since the room sizes could be reduced for more compliance.

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

- A. Practical Difficulty
 - Chairperson Spencer said the lot is non-conforming.
- B. Unique Situation
 - Chairperson Spencer said the lot is non-conforming.
- C. Not Self-Created
 - Member Seiber said the east side yard setback is self-created.
- D. Substantial Justice
 - Member Schillack said it allows the homeowner to have a similar house to those surrounding it.
- E. Minimum Variance Necessary
 - Chairperson Spencer said it was the minimum variance necessary.

Member Anderson MOVED to approve the variances requested by Michael Epley from Article 3.1.5, Article 3.1.6, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-334-033, identified as 450 Lakeview Drive, to enlarge and alter a nonconforming single-family home by allowing the second-story addition to encroach 3 feet into the required eastern side yard setback and 14.7 feet into the required front yard setback. Additionally, variances from Article 3.1.5, Article 7.23.A, and Article 7.28.A are granted to allow for the construction of a porch that would encroach 6.1 feet into the required front yard setback. A variance from Article 3.1.5 Minimum Lot Area is granted to allow an increase in lot area of 320'. 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 lot lines**
- 3. No mechanical units, including HVAC system or generator, shall be placed closer than five feet to any side yard lot line 10 Item A.**
- 4. An as-built survey shall be required to verify the approved setbacks.**

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

(Anderson/yes, Madaffer/yes, Spencer/yes, Schillack/yes, Seiber/no)

- B. Applicant: Michael Epley
6075 Carroll Lake Road
Commerce, MI 48382
Location: **8274 Fox Bay Drive**
White Lake, Michigan 48386 identified as 12-24-453-007
Request: The applicant requests to build an addition onto an existing single-family home, requiring a variance from Article 3.1.5, Minimum Rear Yard Setback.

Chairperson 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 were returned undeliverable from the U.S. Postal Service.

Staff Planner Littman summarized his report.

Michael Epley, 6075 Carroll Lake Road, was present to speak on behalf of the homeowner. He said the house has been passed through generations of the homeowner's family for over 60 years. The deck used to be a sunroom. The deck will be re-structured to carry the weight of the addition.

Member Anderson asked Mr. Epley why the addition wasn't done when the deck was redone. Mr. Epley said it was a timing issue on the homeowner's behalf.

Member Seiber asked Mr. Epley where the septic field is. Mr. Epley said the septic field is in the rear yard. Member Seiber asked Mr. Epley if the deck could be shifted to the side yard to eliminate the variance for the rear yard. Mr. Epley said the current layout of the house warrants the deck being in its current location, and it would be impractical to move it to the side.

Chairperson Spencer opened the public hearing at 7:27 P.M. Seeing none, she closed the public hearing at 7:27 P.M.

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

- A. Practical Difficulty
 - Chairperson Spencer said the current home exists, and the roof triggered the variance process.
- B. Unique Situation
 - Member Schillack said the footings are existing.
- C. Not Self-Created
 - Chairperson Spencer said there is no self-created hardship.
- D. Substantial Justice
 - Chairperson Spencer said it allows the homeowner to have a similar house to those surrounding it.
- E. Minimum Variance Necessary
 - Chairperson Spencer said it was the minimum variance necessary.

Member Schillack MOVED to approve the variance requested by Mike Epley from Article 3.1.5 of the Zoning Ordinance for Parcel Number 12-24-453-001, identified as 8274 Fox Bay Drive, in order to build a sunroom onto an existing home that encroaches 12.6 feet into the required rear yard setback. This approval will be conditional on the applicant obtaining all necessary permits from the White Lake Township Building Division, and providing an as-built survey to verify the approved rear yard setback and verifying the location of the septic field with the Building Department and Oakland County Environmental Division.

Member Anderson supported and the motion carried with a roll call vote: (4 yes votes). (Schillack/yes, Anderson/yes, Spencer/yes, Madaffer/yes, Seiber/no).

- C. Applicant: Michael Epley
6075 Carroll Lake Road
Commerce, MI 48382
Location: **51 Danforth Street**
White Lake, Michigan 48386 identified as 12-26-126-028
Request: The applicant requests to build an addition onto an existing single-family home, requiring variances from Article 3.1.6.E, Minimum Lot Area, Article 3.1.5.E, Minimum Lot Width, Article 3.1.5.E, Minimum Front Yard Setback, Article 3.1.5.E, Minimum Side Yard Setback, Article 5.3, Lots, Yards and Open Spaces, and Article 7.23, Nonconforming Structures.

Chairperson 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 U.S. Postal Service.

Staff Planner Littman summarized his report.

Member Schillack asked staff how far the garage is from the house. Staff Planner Littman said 6'.

Michael Epley, 6075 Carroll Lake Road, was present to speak on behalf of the homeowners. Mr. Epley said the plans show an offset from the rear right corner of the garage to create a 5' setback from the overhang to the north lot line. The intent is to connect the garage to the house.

Member Seiber asked Mr. Epley where the septic field was located. Mr. Epley said the grinder station shown on the plan is non-functional and will be crushed. The property is connected to the sewer.

Chairperson Spencer opened the public hearing at 8:03 P.M. Seeing none, she closed the public hearing at 8:03 P.M.

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

- A. Practical Difficulty
 - Member Schillack said the houses on that side of Danforth are non-conforming.
- B. Unique Situation
 - Member Schillack said it was unique because Danforth is extra challenging.
- C. Not Self-Created
 - Member Seiber said the lot is deficient in width and area.
- D. Substantial Justice
 - Member Schillack said it allows the neighbors to enhance their homes similarly to their neighbors.
- E. Minimum Variance Necessary
 - Chairperson Spencer said it is the minimum variance necessary.

Member Seiber MOVED to approve the variances requested by Mike Epley from Article 3.1.6 and Article 5.3 of the Zoning Ordinance for Parcel Number 12-26-126-028, identified as 51 Danforth Street, to build an addition onto a single-family home that combines the home with a detached garage, resulting in a new structure that encroaches 19.5 feet into the required front yard setback and 5 feet into the required north side yard setback. Additionally, a variance from the required lot width is granted from Article 3.1.6.E and a 5,233 sq ft variance from the required lot area is granted from Article 3.3.6.E.

The approval will have the following conditions:

- 1. The applicant shall obtain all necessary permits from the White Lake Township Building Department**
- 2. In no event shall the projection of any roof overhang or any projection be closer than five feet to the side property line.**
- 3. No mechanical units, including HVAC systems or generator shall be placed closer than five feet to any side property line.**
- 4. An as-built survey is required to verify the approved setbacks.**

Member Schillack supported, and the motion carried with a roll call vote: (5 yes votes) (Seiber/yes, Schillack/yes, Madaffer/yes, Spencer/yes, Anderson).

- D. Applicant: Four Seasons Land Development
10380 Highland Road
White Lake, MI 48386
Location: **10380 Highland Road**
White Lake, Michigan 48386 identified as 12-22-251-016
Request: The applicant requests to construct a new building, requiring variances from Article 3.1.20.E, Minimum Side Yard Setback.

Chairperson Spencer noted for the record that 17 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 summarized his report.

Member Seiber asked staff if the property owner were to build the last two buildings he was originally approved for, would he be able to pull permits even though the setbacks were different when the plans were originally approved. Staff Planner Littman said the site plan didn't include the proposed building and was expired.

Building Official Spencer said the plan would most likely have to go before the Planning Commission again for an amended final site plan approval.

Building Official Spencer said the original buildings proposed were additional storage units, but what the applicant is asking for will trigger a change of use. A storm drain plan would need to be updated, as well as plans for parking, sewer, water, and fire apparatus turns. The property is currently landlocked, and a combination would need to take place.

Member Anderson stated that this request should have gone before the Planning Commission or the applicant should have met with Planning Department staff. There wasn't enough information provided.

Harold Oliver, 10380 Highland, was present to speak on behalf of his case. He said he has owned the property for over 20 years. He was asking to be grandfathered in. He wanted to build an office for his son's glass glazing company.

Chairperson Spencer opened the public hearing at 8:42 P.M. Seeing none, she closed the public hearing at 6:42 P.M.

Member Madaffer MOVED to postpone the appeal of Four Seasons Land Development, known as Parcel Number 12-22-251-016 until the applicant is ready to return to consider comments stated during this public hearing.

Member Anderson supported, and the motion carried with a roll call: (5 yes votes) (Madaffer/yes, Anderson/yes, Schillack/yes, Seiber/yes, Spencer/yes).

- E. Applicant: William Budday
343 Blind Trail
White Lake, MI 48386
Location: **343 Blind Trail**
White Lake, Michigan 48386 identified as 12-26-253-019
Request: The applicant requests to build an attached garage onto an existing single-family home, requiring variances from Article 3.1.6.E, Minimum Lot Area and Article 3.1.6.E, Minimum Front Yard Setback.

Chairperson Spencer noted for the record that 33 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 summarized his report.

Chairperson Spencer said the garage's proximity to the road is potentially hazardous.

Member Schillack asked staff how deep the proposed garage is. Mr. Budday answered 24'x36'.

Willam Budday, 343 Blind Trail was present to speak on his case. He didn't see another location on the lot for the garage. When he initially submitted the plans to the Building Department, he realized he did not have a side yard due to the road frontage. He said there was a large oak tree by the garage, and the

street was a dead end. He said the north side of the house is where the well is, and the septic field is by the retaining wall.

Building Official Spencer said Blind Trail is not heavily traveled.

Member Seiber asked Mr. Budday if Blind Trail is a private road. Mr. Budday confirmed, and he along with the two other neighbors on the road maintained it.

Member Seiber asked Mr. Budday where the door would be relocated. Mr. Budday said there are two front doors in his house, one that enters the kitchen and one entering the living room.

Mr. Seiber asked Mr. Budday if the garage could be put on the side of the house where the deck is. Mr. Budday said he considered it, but it would then require a natural features setback.

Chairperson Spencer opened the public hearing at 9:00 P.M. Seeing none, she closed the public hearing at 9:00 P.M.

Member Seiber stated the driveway would be long enough to park a vehicle without the vehicle being parked on the road.

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

- A. Practical Difficulty
 - Chairperson Spencer said the lot was nonconforming and had an unusual shape.
- B. Unique Situation
 - Chairperson Spencer said the shape of the lot makes for a unique situation.
- C. Not Self-Created
 - The applicant did not build the road.
- D. Substantial Justice
 - Member Schillack said it would allow the homeowner to use their home similarly to their neighbors.
- E. Minimum Variance Necessary
 - Member Schillack said it is the minimum variance necessary.

Member Seiber MOVED to approve the variances requested by William Budday from Article 3.1.5, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 1226-253-019, identified as 343 Blind Trail, in order to enlarge and alter a nonconforming single-family home by allowing a proposed attached garage and second-story addition to encroach 5.7 feet into the required front yard setback. Additionally, an 855 sq ft variance from the required lot area is granted from Article 3.1.6.E

The approval will have the following conditions:

- 1. This approval will be conditional on the applicant obtaining all necessary permits from the White Lake Township Building Division.**
- 2. An as-built survey shall be submitted to the Building Department to verify the approved front yard setback.**

Member Schillack supported and the motion carried with a roll call vote: (5 yes votes). (Seiber/yes, Schillack/yes, Spencer/yes, Madaffer/yes, Anderson/yes).

OTHER BUSINESS

None.

NEXT MEETING DATE: February 27, 2025

ADJOURNMENT

MOTION by Member Anderson, seconded by Member Madaffer, to adjourn at 9:06 P.M. The motion carried with a roll call vote: (5 yes votes).

DRAFT