

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 14, 2023**

CALL TO ORDER

Chairperson Spencer called the meeting to order 7:01 P.M. She led the Pledge Allegiance.

Roll was called:

ROLL CALL

Present:

Jo Spencer, Chairperson
Clif Seiber
Kathleen Aseltyne
Debby Dehart, Planning Commission Liaison
Niklaus Schillack, Vice Chairperson

Absent:

Mike Powell, Board Liaison

Others:

Justin Quagliata, Staff Planner
Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

MOTION by Member Schillack, seconded by Member Aseltyne 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. September 28, 2023
Member Schillack wanted to make an edit on Page 2, Paragraph 2 to add to "the benefit of the applicant."

MOTION by Member Schillack, supported by Member Seiber to approve the minutes of September 28, 2023 as amended. The motion carried with a voice vote: (5 yes votes).

OLD BUSINESS

None.

NEW BUSINESS

- A. Applicant: Leonard Mydini
4780 Dixie Hwy.
Waterford, MI 48329
Location: **8317 Highland Road**
White Lake, MI 48386 identified as 12-13-455-021
Request: The applicant requests to install a wall sign on the side elevation of the building, requiring a variance from Article 5.9.J.ii.b, Wall Signs.

Chairperson Spencer noted for the record 11 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 a brief report.

Member Dehart asked staff if there was a current sign on the north side of the building. Staff Planner Quagliata said no.

Scott David, 2331 Oakdale, was present to speak on behalf of the applicant. The building was existing and had received fascia improvements. The owner wanted signage at the entrance of the building. Only one wall sign was being requested.

Member Schillack asked the applicant why the sign was proposed to be in this location. Mr. David said the proposed sign had proximity to the road.

Chairperson Spencer opened the public hearing at 7:11 P.M. Seeing no public comment, she closed the public hearing at 7:11 P.M.

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

- A. Practical Difficulty
 - Member Seiber said the location of the building presented a practical difficulty, in addition to the fact the building was located close to Highland Road.
- B. Unique Situation
 - Member Dehart said there was a unique situation because the entrance to the building and the parking was to the west.
 - Member Schillack added there was a unique situation because the building was nonconforming.
- C. Not Self-Created
 - The applicant did not build the building.

D. Substantial Justice

- Chairperson Spencer said the sign being on the Highland Road side would help traveler's see the building and the parking lot.
- Member Schillack said if an individual attempted to make a turn to see the building, it could be dangerous.

E. Minimum Variance Necessary

- Chairperson Spencer said she saw the minimum variance necessary.
- Member Schillack added conditioning approval on no additional signage further ensured the minimum variance necessary.

Member Seiber MOVED approve the variance requested by Leonard Mydini from Article 5.9.J.ii.b of the Zoning Ordinance for Parcel Number 12-13-455-021, identified as 8317 Highland Road, in order to install a 55.4 square foot wall sign on the west side elevation of the building. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **No additional signage shall be permitted on the building.**
- **Any future modification to signage on the building, except for eliminating signage, shall require approval of the Zoning Board of Appeals**

**Member Schillack supported, and the motion carried with a roll call vote: (5 yes votes)
(Seiber/yes, Schillack/yes, Spencer/yes, Dehart/yes, Aseltyne/yes)**

B. Applicant: Jade Robb
10280 Lakeside Drive
White Lake, MI 48386

Location: **Parcel Number 12-22-428-013**

Request: The applicant requests to construct an accessory building (garage), requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Minimum Lot Area, and Minimum Lot Width.

Chairperson Spencer noted for the record 27 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 a brief report.

Member Schillack asked staff if the property was serviced by well and septic. Staff Planner Quagliata confirmed. The well and septic locations were not labeled on the survey.

Jade Robb, 10280 Lakeside Drive, was present to speak on her case. The property was her late fathers, and she was finishing the project. The intention was to finish the garage to match the house. The existing garage which had been recently demolished was small, and the existing footings would be used. The septic was to the left of the garage. The lot was tricky and small, and most of the garages on the street sat close to the road. She was aimable to adjusting the overhang on the garage, and the dormer could be adjusted as well. The upstairs would be used for storage.

Member Schillack commented he did not know where the septic and well were located. He asked the applicant why the garage was moved toward the road. Ms. Robb said the choice was made due to a large elevation change in the property. She added the well was behind the house, between the house and the shed.

Member Seiber asked the applicant if the concrete slab would be removed. Ms. Robb said the slab was in poor shape and most likely needed to be removed.

Member Seiber asked the applicant if the garage could be moved over six inches to keep the overhang on the garage outside of the five-foot side yard setback. Ms. Robb said the goal was to save some money by saving the existing footing. She said she wanted to keep the existing wall and create a six-inch overhang.

Member Seiber asked the applicant if the garage were moved to meet the front yard setback, would it suffice as an alternate location. Ms. Robb said the issue was the elevation change. She said it was not a favorable option, but it was a possible option.

Member Seiber said if the location of the septic field was properly identified on the survey, it would give a more accurate idea of the property limitations.

Member Aseltyne asked the applicant if she knew where the septic tank and field were located. Ms. Robb said the tank was on the west side of the property.

Member Aseltyne asked the applicant if she was willing to reduce the wall height. Ms. Robb said she was fine with adjusting the height.

Chairperson Spencer opened the public hearing at 7:35 P.M. Seeing no public comment, she closed the public hearing at 7:35 P.M.

Member Aseltyne asked staff if the survey was valid without the septic and well identified. Staff Planner Quagliata said if the Board was comfortable making a decision with the information provided, it could do so.

Member Schillack said the ZBA being provided a complete survey was a clear part of the application process. He struggled to make a decision without a complete survey.

The ZBA discussed what it would like for the applicant to address at a future meeting.

Member Seiber MOVED to postpone the appeal of Jade Robb to the next available meeting date after a revised plan is submitted for Parcel Number 12-22-428-013, identified as 10280 Lakeside Drive, to consider comments stated by staff, the Zoning Board of Appeals members, and the public during this hearing and to revise the plans.

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

- C. Applicant: Sadeer "Sid" Jamil
1767 Carriage Hill
Commerce, MI 48382
Location: **10890 Hillway Drive**
White Lake, MI 48386 identified as 12-34-352-003
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct first and second-story additions, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 28 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Schillack asked staff if the property was serviced by a well and the public sanitary sewer. Staff Planner Quagliata confirmed.

Member Dehart asked staff who would determine if there were footings that could support the additions. Staff Planner Quagliata said it would be something the Building Official would do during plan review, and the Building Official may require a structural engineer's report on the foundation.

Sid Jamil, 1767 Carriage Hill, was present to speak on his case. The west side entry/porch had been eliminated, and he would have it corrected on the plans. He bought the house from an estate, and the house needed to be gutted due to the previous property owner passing in the house and being unbound for months. There was mold in the house, and a new roof was needed. The house was too small for his family, and he was open to working with the Board. He said the majority of the properties on the street were deficient in lot width.

Member Seiber asked the applicant what was the depth of the covered porch overhang, as it was not dimensioned on the plan. Mr. Jamil said he was not sure, and would have the architect dimension it on revised plans.

Chairperson Spencer opened the public hearing at 8:02 P.M.

Nancy Geer, 10891 Hillway, spoke against the applicant's request due to the proposed construction impacting her views.

Staff Planner Quagliata said the Township did not have a view ordinance.

Craig Matthie, 10882 Hillway, spoke in favor of the improvements being made to the property.

Chairperson Spencer closed the public hearing at 8:09 P.M.

Mrs. Jamil, applicant, said trees were removed on the west side of the property. A total of four trees were removed to improve the neighbor's views. She added the second story would not be excessively tall and should not impact the neighbor's views.

Member Aseltyne said having a large family and wanting more space was a self-created problem.

Member Schillack added the decisions made by the Board had to be based on the property itself.

Staff Planner Quagliata said he assumed the door on the side of the house would remain, and the overhang would be removed. He clarified the Zoning Ordinance contained maximum building height standards, and the maximum building height allowed in the R1-D zoning district was 25 feet. The only case an aggrieved party may have relative to building height would be in regard to the portion of the proposed second story encroaching three feet into the side yard setback.

The ZBA discussed the variance requests being of post-construction nature due to previous owner's unpermitted second story and rear covered porch.

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

A. Practical Difficulty

- Member Seiber said the width of the lot was well under the 80 feet required for the zoning classification, and the existing house width was minimal.

B. Unique Situation

- Member Dehart said the lots were platted years ago and did not meet today's width standards for the zoning district.

C. Not Self-Created

- The applicant did not build the house or create the lot width.
- Member Schillack said technically the previous property owner's actions created a self-created problem.

D. Substantial Justice

- Member Schillack said the proposed house would be in line with the surrounding neighbors.

E. Minimum Variance Necessary

- Member Dehart said by removing the proposed side covered porch from their plans, the applicants were staying within the footprint of the existing house.
- Member Schillack said the building height the applicant requested was compliant with the Zoning Ordinance.

Member Seiber MOVED to approve the variances requested by Sadeer Jamil from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-34-352-003, identified as 10890 Hillway Drive, in order to complete additions that would encroach 3 feet into the required west side yard setback and exceed the allowed value of improvements to a nonconforming structure by 248%. A 29.75-foot variance from the required lot width 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 Division.**
- **The Applicant shall modify architectural plans showing elimination of the proposed covered porch from the west side of the house and dimension the roof overhangs.**
- **No mechanical units, including HVAC system or generator, shall be placed in the front yard or closer than five (5) feet to any side yard lot line or rear yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks**
- **In no event shall the projection of any roof overhang be closer than five feet to the side property lines.**
- **The Board recommends the Building Official require an engineer certify the foundation under the existing rear covered porch.**

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

D. Applicant: Chase Middler

951 W. Clarkston Rd.

Lake Orion, MI 48362

Location: **Parcel Number 12-21-278-010**

Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.5.E, R1-C Single Family Residential Front-Yard Setback, Rear-Yard Setback, and Minimum Lot Width.

Chairperson Spencer noted for the record 14 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 a brief report.

Member Seiber asked staff if there were two front yard setbacks, would the lot have two rear yard setbacks. Staff Planner Quagliata said no. He stated when the lot was platted, the proposed house orientation would not have been allowed. He added while there was not an access management ordinance at the time the lot was platted, a permit for a driveway on Highland Road would not have been obtained. If someone had built on the lot back in the day, the east property line would have been a side yard, and the house orientation would have been adjusted.

Member Schillack asked staff if the property was on municipal water. Staff Planner Quagliata said the proposed house would be connected to municipal water and sewer.

Member Seiber asked the applicant if the covered deck was intended to be built. Dave Smith, on behalf of the applicant, said no. Member Seiber said the architectural plans and site plan showed a front covered porch, and the architectural plans showed a rear covered porch that was not shown on the site plan. Member Seiber said the site plan showed a rear deck. Mr. Smith said the porch would be open. A future deck would be put on the north side of the house.

Chairperson Spencer opened the public hearing at 8:52 P.M. Seeing no public comment, she closed the public hearing at 8:52 P.M.

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

A. Practical Difficulty

- Member Seiber said the lot being on a corner created a practical difficulty, as well as the applicant's efforts to configure the proposed house to not exceed the front line on the house on Lake Lane and the house on Highland Road.

B. Unique Situation

- Member Schillack said the corner lot provided a unique situation.

C. Not Self-Created

- The applicant did not plat the lot.

D. Substantial Justice

- Member Schillack said the proposed house lined up with the surrounding houses, and the applicant would have what the neighbor's had.

E. Minimum Variance Necessary

- Member Schillack said he made the motion for the property receiving variances in 2019, and he felt this plan was better than the previous expired plan.

Member Schillack move to approve the variances requested by Chase Middler from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-21-278-010 in order to construct a new house that would encroach 10 feet into the required front yard setback and 19.6 feet into the required rear yard setback. A 15.19-foot variance from the required lot width is also granted from Article 3.1.5.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **No mechanical units, including HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear yard lot line.**
- **The proposed deck shall be setback at least five feet from the east property line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **When submitting the building permit application, the plot plan and architectural plan shall be consistent.**

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

OTHER BUSINESS

Staff Planner Quagliata stated beginning in January 2024, the ZBA will meet at 6:30 P.M. instead of 7:00 P.M. for regular meetings.

NEXT MEETING DATE: January 25, 2024.

ADJOURNMENT

MOTION by Member Aseltyne, seconded by Member Schillack, to adjourn at 9:04 P.M. The motion carried with a voice vote: (5 yes votes).