

Ms. Spencer noted for the record that 29 owners within 300 feet were notified. No letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Property Description

The approximately 0.378-acre (16,465.68 square feet) parcel identified as 2518 Tackels Drive is located on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,837 square feet in size) utilizes a private well for potable water and the public sanitary sewer for sanitation.

Applicant's Proposal

Steven Gangnier, the applicant, is proposing to construct an attached garage addition to the house. The applicant indicated the height of the proposed garage would not exceed the height of the existing one-story house.

Planner's Report

The existing house was built in 1957 and is considered nonconforming because it does not meet the 10-foot side yard setback or the 30-foot front yard setback. The proposed four-car garage addition would be 1,184.30 square feet in size and at its closest point would encroach 23 feet into the required 30-foot front yard setback. An existing one-car attached garage (approximately 330 square feet) proposed for demolition is setback 8.7 feet from the front lot line. The proposed addition would be more nonconforming than the existing structure. Note not all of the dimensions labeled on the plan match the scaled drawing or the estimated floor plans, which are not drawn to scale.

The R1-D zoning district allows a maximum lot coverage of 20%. Currently the subject property contains approximately 17.5% lot coverage. The proposed addition would increase the lot coverage to 23.23% (3,824 square feet).

On April 25, 2019 the Zoning Board of Appeals approved variance requests from the applicant to construct a garage addition. Variances are valid for a period of six months from the date of approval, unless a building permit is obtained within such period and the work associated with the variance is started and proceeds to completion in accordance with the terms of the building permit. The applicant did not obtain a building permit within six months of approval so the variances expired and are void.

The previously approved garage addition was approximately 1,088 square feet in size (a 96.3 square foot increase in size from the 2019 to the 2020 request). A 20-foot variance to allow a 10-foot setback from Tackels Drive was approved (a 3-foot decreased setback from the prior proposal to the current request). Based on the previous proposal a 3.8% variance was granted to exceed the maximum lot coverage (a 0.57% decrease in lot coverage from the 2019 request due to the applicant's purchase of property to the east).

The applicant is requesting a variance for the proposed garage addition to encroach 23 feet into the front yard setback from Tackels Drive and a variance to exceed the maximum lot coverage by 3.23% (532 square feet). The requested variances are listed in the table on the following page.

Mr. Schillack asked if the purchase of the land to the east changes the lot coverage? Mr. Quagliata confirmed, and added that the parcels have been legally combined. The entire parcel is subject to the 20%.

Mr. Powell wanted clarification regarding the existing garage. It currently stands around 8' off the right of way. The new proposal shows the garage moving closer to the right of way. Mr. Quagliata reviewed the case from last year, and approved request last at that time was 10' set back from the front. The Board deemed that this request was a slight improvement to the non conformity. Mr. Powell also asked if there would be a difference in the variance requests if the entire addition were not a garage, but partial living space as well? Mr. Quagliata confirmed, and said it could become living space in the future and that needs to be taken into consideration.

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.

Mr. Gangnier was present to explain his case. He assured the board that this addition is only for garage space. The 8.'7' is to the brick structure, the 7' is to the soffit overhang. It's the same footprint where the garage is now. He did buy the land next door to improve lot coverage. Post approval last year, the builder for the project elevated his quote. Due to cost, Mr. Gangnier was not able to pull permits at that time. He was advised by his new builder to go back to the ZBA for the existing lot line on the road because he wouldn't be able to comfortably fit a vehicle in the 10' setback. The garage would be no higher than the current one.

Mr. Powell said the layout for the garage is a two are side by side with the ability to put an extra boat or the like on the side. It's rare that a modern car is over 20' long, and the depth on the plans currently show around 21'. He feels as if the applicant is asking the ZBA to break the law to accommodate for a want, and not a need. This does not show a hardship.

Mr. Gangnier said that he spoke with Township staff, and was advised by a potential builder to par down based on price. It had been suggested to construct just the two-car garage off the front and lose the pull through if it's deemed unnecessary. In this case, the quotes are astronomical. His goal is to not use all of the variance with his current proposal, but his second choice is to stay within the variance requested and to have the two car without the pull through if it's financially feasible. In that case, he would still maintain the 10' setback. Mr. Powell said if 3' was lost off the front and added to the back of the garage, the same thing would be accomplished. He's not as concerned about the lot coverage as much as he is about the garage being pushed far into the road.

Ms. Spencer opened the public hearing at 7:22 p.m. Seeing none, she closed the hearing at 7:23 p.m.

Mr. Schillack said he feels like the garage is still a good addition to the neighborhood. He thinks over time, more people will try to move closer to the roads and away from the lakes.

Mr. Powell believes that a garage is needed, and the currently one is virtually a shed. He would prefer it to be wider than deeper. He doesn't think that any Township board will get used to a 10' setback from right of ways. He acknowledged that lake front lots need more percentage of lot coverage. He is not in favor of giving more than a 10' setback variance. The east side of the garage can be extended and it would be a good compromise. He suggested if the lot coverage percentage was left the same, the garage could be made wider. He would like to see the end result be 10' rather than 7'.

Ms. Spencer stated she was not comfortable with what was presented. The proposal currently is unsafe, and the ZBA is charged with health, safety and welfare. She would like to see greater than a 10' setback, but she is comfortable with 10'.

Ms. Dehart agreed, and said while she appreciated the applicant getting more land to make the lot coverage better, she can't see why last year's approval won't work.

Mr. Gangnier explained that the current lot dimension off the road is 8.7' to the brick building. The 7' is to the soffit. Mr. Quagliata added that the building plans reviewed by the Township measure the 7' setback to the edge of the structure, so what the applicant just described is not shown on the plan. Ms. Spencer clarified from the front of the building at pavement to the right of way is 7'. Mr. Quagliata confirmed. Mr. Gangnier apologized; he wrote the variance incorrectly. He should have meant to say exactly where the currently building is at which is 8.7'.

Mr. Powell pointed out that even at 10', it does not allow a car to pull out 90 degrees off the roadway and not stick its back out into the street. It does allow for a parallel park. 7' would have any opened car door out into the street. There are also overhead powerlines on this side of the street, normally there is a 12' easement. This makes for a 6' fall line of each side of the powerlines if they were to break, they wouldn't fall on a structure. Right now, they appear to be 3'-4' over the current structure. It wouldn't be fair to move that structure back far enough to move out of the fall line, if the lines were to snap. At 10', the wire would fall on the pavement and not on the structure.

Mr. Gangnier explained that DTE has 12' horizontal setbacks and 21' vertical setbacks from primary and secondary lines. He is currently in violation of both. The secondary lines only feed his house; the corner pole feeds the neighbor's house. The secondary line will go under ground after the build and feed to the new meter on the side of the house.

Mr. Powell MOTIONED to approve the variances requested by Steven Gangnier from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-11-478-038, identified as 2518 Tackels Drive, in order to construct an attached garage that would encroach 20 feet into the required front yard setback and exceed the maximum lot coverage by 3.23% (532 square feet).

Variance #	Ordinance Section	Subject Standard	Requested	Variance	Result
1	Article 3.1.6.E	Front yard setback	30'	20'	10'
2	Article 3.1.6.E	Max. Lot coverage	20%	3.23%	23.23%

This approval will have the following conditions:

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

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

DeHart: YES, for the reasons Mr. Powell stated and for safety concerns on the setback

Powell: YES, it is a reduction in the existing non conforming use, overhead powerlines, and it allows for a car to be parked parallel between the garage and the street right of way

Schillack: YES, for reasons stated and this is an improvement to the neighborhood.

Walz: YES, a practical difficulty exists with the existing non configuration, and this will improve the area and safety with the location.

Spencer: YES, for the reasons stated, and since the variance is now 10' instead of 7', it is the safer option, and for all other reasons stated as well.

- b.) Applicant: Mike and Carolyn Roy
471 Joanna K Avenue
White Lake MI, 48386
- Location: **471 Joanna K Avenue**
White Lake, MI 48386 identified as 12-22-427-014
- Request: The applicant requests to construct a second-story addition on an existing one-story house, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback and Article 7.28.A, Repairs and Maintenance is required due to the value of improvements and increase in cubic content on a nonconforming structure.

Ms. Spencer noted for the record that 29 owners within 300 feet were notified. No letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Property Description

The approximately 0.56-acre (24,393.60 square feet) parcel identified as 471 Joanna K Avenue is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,264 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Mike and Carolyn Roy, the applicants, are proposing to construct an addition to the house. The applicant indicated the first-floor would be expanded over the footprint of the existing one-car garage and a new second-floor would be constructed over the entire first-floor.

Planner's Report

The existing house was built in 1947 and is considered nonconforming because it is located 3'-4" from the east property line. Article 7.23 of the zoning ordinance states nonconforming structures may not be enlarged or altered in a way which increases its nonconformity. The proposed addition would be 1,504.50 square feet in size and at its closest point would encroach five (5) feet into the required 10-foot side yard setback.

Article 7.28 of the zoning ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$175,859.50), the maximum extent of improvements cannot exceed \$87,929.75. The value of the proposed work is \$175,000. A variance to exceed to exceed the allowed value of improvements by 199% is requested.

Mr. Powell noted that with the change in the economy, the SEV percentage may want to be looked at again. It's hard to stay within the 50% rule with the cost of construction. Mr. Quagliata said it is pretty common in multiple municipalities, and the intent is to over time, to reduce or eliminate non conformities. This isn't to prevent people from making improvements, but instead prevent a dilapidated shack into becoming a mansion on the lake.

Mr. and Mrs. Roy were in attendance, as well as their daughter Sarah. Ms. Roy spoke on behalf of her parents. They are currently trying to update the house to code and make the home comfortable for them. The second story sq. footage may have to be reduced due to budget concerns. They are trying to become more compliant with the side yard as well.

Mr. Powell asked what was going to be proposed on the second floor. Ms. Roy said bedrooms and a bathroom, and the home currently has three bedrooms. He said it was important to not violate the standards from the Oakland County Health Department. The septic field will have to be able to support same number of bedrooms as to not trigger a change in use from the Health Department.

Ms. Spencer opened the public hearing at 7:52 p.m. Seeing none, she closed the public hearing at 7:53 p.m.

Ms. Dehart asked if anyone has determined that the existing structure can support and additional story.

Mr. Quagliata said the applicant will have a structural engineer certify that the existing structure can support a second story.

Mr. O'Neil mentioned that he met with the applicants, and their original application had more variances than what is being requested tonight, and they worked with staff to minimize the variances and the impact of the requests being made.

Mr. Powell pointed out that the applicants have the room to over 10' to the west, but they are trying to maintain two existing foundations and they have stepped up to make the non-conformities less on the east side.

Ms. Spencer said her problem is requesting 200% over the SEV. 200% is an enormous amount to increase the non-conforming area when the ZBA is charged to improve or eliminate. She is concerned about setting precedence.

Mr. O'Neil added that every application stands on its own. This section of the ordinance is to prevent someone from taking a shanty and limping it along when it needs to be demolished. This is not the situation with the applicant. They have a liveable, older home that they are putting a sizeable improvement on. They are being honest about the monetary costs. The applicants increased the value and are making the house more conforming with their side yard setback.

Mr. Walz MOTIONED to approve the variances requested by Mike and Carolyn Roy from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-22-427-014, identified as 471 Joanna K Avenue, in order to construct an addition that would encroach 5 feet into the required side yard setback and exceed the allowed value of improvements to a nonconforming structure by 199%.

Variance #	Ordinance Section	Subject	Standard	Requested	Result
1	Article 3.1.6.E	Side yard setback	10'	5'	5'
2	Article 7.28.A	Nonconforming structure	50% SEV	199%	\$87,070.25 over allowed improvements

With the following conditions:

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

Ms. Dehart supported the motion, and the MOTION CARRIED with a roll call vote (5 yes votes):

Dehart: YES, because moving the side yard set back is an improvement, as well as being an improvement to the neighborhood

Powell: YES, for the reasons stated as well as the applicants have done their best to minimize their variance request and have kept their sight distance to the lake for their neighbors in their proposed addition.

The garage would be part of the principal structure if connected with the proposed addition, and therefore would be subject to the principal structure setback requirements of the R1-D zoning district. The garage would be considered nonconforming if it becomes part of the house because it does not meet the 30-foot front yard setback.

The applicant is requesting a variance for the proposed garage addition to encroach 19.6 feet into the front yard setback from the Lake View Drive right-of-way.

Mr. Quagliata added that with the initial submittal, the applicant did not include the value of construction on the application. The applicant gave a verbal amount of \$19,500 estimated for the proposed work. Staff does not concur with that evaluation of work. The SEV of the property is \$62,000, and the maximum extent of improvements during a 12-month period cannot exceed \$31,000. This variance was not stated or published.

Mr. Quagliata added that the options tonight would be to either approve the published variance with conditions based on the evaluation, which has not been submitted. The other option is to table the case so the applicant can come back and both variances can be considered concurrently.

Mr. Hazen was present to represent the homeowners. He had come to the Township a year ago with a preliminary plan. He met with the former building official and at the time, it was suggested to reduce the size of the addition and to keep the structure behind the setbacks. When the applicants went to apply this year, they were told they needed to apply for a variance. The setback was the initial reason for the variance. He acknowledged it will probably cost somewhere from \$100,000-\$150,000 to construct.

Mr. Quagliata added that the applicants would not have to pay the full fee to reapply again. They would pay for the cost of postage and materials to re-notice the neighbors again. He estimated about another \$100-\$150 for the costs of mailing.

Mr. Neumann was in attendance as well. He said he didn't get anything regarding construction costs in writing because he wasn't certain his initial variance request would get approved.

Ms. Spencer added that while she does not have a problem with the requested variance, she cannot proceed any further without the SEV. If the SEV wasn't an issue, she would be in favor of the request.

Mrs. Jan Neumann, also in attendance, asked for the case to be tabled.

Mr. Walz MOTIONED to table the variance request of Andre' Neumann for Parcel Number 12-26-179-029, identified as 267 Lake View Drive, until such time the requested variance from the front yard setback and a variance to exceed the allowed value of improvements to a nonconforming structure can be considered concurrently.

Mr. Schillack supported, and the motion carried with a roll call vote (5 votes):

Dehart-YES, the construction amount needs to be given.

Powell- YES.

Schillack- YES, so we can allow the applicants time to bring the information needed so a good wise decision can be made to help them as well as the community.

Walz- YES.

Spencer- YES, for all the reasons stated.

Other Business:

None.

Adjournment: The meeting was adjourned at 8:45 p.m.

Next Meeting Date: July 23, 2020 (will be also held via Zoom)

DRAFT