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## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

**March 22, 2018**  
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: Ms. Dehart, Mr. Powell, Mr. Schillack and Ms. Swanson were excused.

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

Also Present: Jason Iacoangeli, AICP, Staff Planner  
Lynn Hinton, Recording Secretary

Visitors: 15

#### Approval of the Agenda:

**Mr. Walz moved to approve the agenda as presented. Mr. Seiber supported and the MOTION CARRIED with a voice vote (3 yes votes)**

#### Approval of Minutes:

- a. Zoning Board of Appeals Meeting of January 25, 2018

**Mr. Walz moved to approve the minutes of January 25, 2018 as submitted. Mr. Seiber supported and the MOTION CARRIED with a voice vote (3 yes votes)**

#### New Business:

a. **File 18-005**  
Applicant: Michael Epley  
6075 Carroll Lake Road  
Commerce, MI 48382  
Location: 593 Burgess Drive  
White Lake, MI 48386, identified as 12-27-429-010  
Request: Variance to Article 3.1.5 R1-C Single Family Residential for side yard setback, lot coverage, lot width, and lot size.

Ms. Spencer noted for the record that 36 property owners within 300 ft. were notified of the request. There were no letters returned in favor, no letters returned in opposition, and no letters returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated March 13, 2018. This home is zoned (R1-C) Single Family Residential and uses both a private well and septic system. The home is located in the Cedar Shores No.2 Subdivision on Cedar Island Lake. The applicant is proposing to construct a new 18 x 22 ft. garage addition to the front of the existing garage. This garage addition will allow for a reconfiguration of the homes interior. The new addition will add an additional 396 sq. ft. of garage space to the home. The new garage will require a side yard setback variance in the amount of 5 ft. The existing garage is approximately 7.5 ft. from the property line, making the existing home legal non-conforming. The current parcel is slightly deficient in size for the district being 15,261 sq. ft. of the needed 16,000 sq. ft. for the R1-C district. Also, the lot is only 61.5 ft. in width of the required 100 ft. frontage.

Mr. Seiber questioned whether lot width was measured at the front yard setback. Mr. Iacoangeli responded that it is measured from the front yard setback line at 30 ft. back. The dimensions they had at the time used the assessors data. This lot is probably slightly larger than 61 ft.

The applicant, Greg Gondek, 593 Burgess, stated he and his wife are the owners and residents of this property. They are asking for consideration of the setback and they are hoping to add to their home to address hardships and issues with the home. Their family is expanding and they literally have no storage due to being on a small crawl space, their laundry area is a stackable unit inside a small closet with no other location to move it to. The current layout is one small bathroom for 4 people, and the layout of the residence has a staircase that is a safety issue. Mr. Gondek continued by stating the staircase is a fall hazard and they have fallen several times. Also, there is a large plate glass window at the base of the stairs and they fear someone will fall and go through the window. The existing windows do not meet code and emergency personnel would not be able to access in an actual emergency. They can't build to the front of the house due to the septic tank location, nor can they build to the rear.

Mr. Seiber noted that the addition is an extension of the house as it's situated and questioned whether they looked at turning the garage. The engineer stated they considered that, but the septic field became an issue of how far they could go, and also the overhead utilities play a roll, along with the aesthetics with changing the roofline.

Ms. Spencer opened the public hearing at 7:13 p.m. There were no comments offered and the public hearing was closed at 7:14 p.m.

**Mr. Walz moved in File 18-005 to approve the variance requested by Michael Epley, 593 Burgess Drive, parcel 12-27-429-010 in order to construct a new attached garage addition. The variances requested are to Section 3.1.5 R1-C Single Family Residential: 1) a 5 ft. side yard setback variance from the permitted 10 ft. for an end result of 5 ft.; 2) a 38.5 ft. variance from Required Lot Width of 100 ft. for an end result of 61.5 ft.; 3) a 739 sq. ft. variance to Minimum Lot Size from the required 16,000 sq. ft. for an end result of 15,261 sq. ft. This approval will have the following conditions: The applicant will pull all of the necessary permits from the White lake Township Building Department. Mr. Seiber supported and the MOTION CARRIED with a roll call vote: Seiber – yes (there is a sufficient hardship and practical difficulty in light of the location of the septic field and overhead utilities); Walz – yes (due to the irregular shape of the lot and this improvement will provide emergency access to the home); Spencer – yes (this is a non-conforming lot of record, the variances are minimal, there is a hardship with the location of the septic field, and safety is an issue). (3 yes votes)**

a. File 18-006

Applicant: Jim Abraham  
1805 Grove Street  
Highland, MI 48356  
Location: Vacant property on Ridge Road, south of Audubon  
White Lake, MI 48383, identified as 12-18-351-055  
Request: Variance to Article 3.1.6 R1-D Single Family Residential for lot  
coverage and lot width.

Ms. Spencer noted for the record that 17 property owners within 300 ft. were notified of the request. There were no letters returned in favor, 2 letters returned in opposition, and no letters returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated March 13, 2018. The property is located just north of the property at 2039 Ridge Road. The lot is in the Stinson Lake Subdivision and will use a private well and private septic for sanitation. The applicant is proposing to build a new 4,965 sq. ft. 2-story single family home on the property.

The proposed home location on the property will meet all of the setback requirements for the R1-D district however the home's size will place it over the allowable lot coverage of 20%. The home will exceed the maximum allowed square footage of 3,572 sq. ft. by 1,393 sq. ft. making it 27.8% lot coverage. At the time this report was written, the applicant still had not obtained a septic permit from the Oakland County Health Division for well and septic location. This does not have an impact on the request however, the applicant should be aware that health division standards may require an alteration in the homes design. Further, any changes to the design that would require additional variances would require them to return to the Zoning Board of Appeals potentially delaying the project.

Mr. Seiber asked if this was a new subdivision. Mr. Iacoangeli stated it was not, it was platted in the 1950's. Mr. Seiber asked if like variances have been granted in this area. Mr. Iacoangeli responded that this property is on Ridge Road and anyone on White Lake has probably received a variance at one time based on the fact that the R1-D district has many of these lots that do not meet the standards, but this particular lot does.

Jim Abraham, 1805 Grove Street, Highland, MI 48356, stated that their objective was to not go into the setbacks and preserve their green space, and conform to the ordinances. They are proposing a unique porch with open air. The lots in this area of Ridge Road have big ridges down to the lake and it's very hard to traverse. The irregular shape of the lot and topography is one reason for doing what they did. They have two handicap residents in their home with wheelchairs and the objective is to have a porch to be able to bring the wheelchairs outside. The oversized garage will have ramp structures to be handicap accessible. Taking the porch off would reduce the lot coverage, but they'd like to keep the porch for the reasons mentioned. He added that they have a letter from Oakland County Health Department that the property perked fine without the need for an engineered field and they can fit the septic in the lot plan. He added that that they are proposing a 3-season room at the north end of the porch to screen from inclement weather, but the rest of the porch would be open.

Mr. Walz appreciates the concerns with the setbacks and lot coverage. He asked whether Mr. Abraham was set on this plan. Mr. Abraham stated he would rather put the porch on the north side of the house before eliminating it. He continued with regard to the garage, that the handicap ramps are a double row, which blows out a car space. The thought was to still have parking for vehicles in inclement weather and still accommodate handicap entry.

Mr. Walz stated he is concerned with exceeding the maximum lot coverage based upon what Mr. Abraham is sharing. Mr. Abraham stated he was open to addressing any concerns.

Mr. Seiber felt if Mr. Abraham can go with a 3-car garage, it would get them closer to the lot coverage requirement. Mr. Abraham stated he would probably scrap the covered room on the porch, but they would like to use the area for inclement weather.

Mr. Walz stated he understands the desire for the porch however, with the 4-car garage, there seems to be an opportunity to compromise for all these pieces. He is not saying to eliminate everything, but to reduce the size. Mr. Abraham asked if there was a target number from the board they could work with. Mr. Walz suggested working with Mr. Iacoangeli. Mr. Iacoangeli stated he feels maybe a smaller deck and half a bay taken off the garage could get Mr. Abraham closer to the 20%. Mr. Abraham was acceptable to working with Mr. Iacoangeli and will contact his office.

Ms. Spencer opened the public hearing at 7:22 p.m.

She read into record two letters of opposition. The first from the Bower's at 2039 Ridge Road, and the second from John Hall, 225 Audubon.

William Sherbrook, Jackson Court, stated that when he looked on the map, it doesn't look like the house complies. Mr. Abraham responded that the surrounding homes are non-conforming.

With no other comments, Ms. Spencer closed the public hearing at 7:32 p.m.

Mr. Abraham requested to have his case tabled so he can meet with Mr. Iacoangeli and come back with another plan.

**Mr. Seiber moved to table the variance request of Jim Abraham for the vacant parcel identified as 12-18-351-055 to consider comments noted during this public hearing. Mr. Walz supported and the MOTION CARRIED with a voice vote. (3 yes votes)**

<b>1a.</b>	<b>File 18-007</b>
Applicant:	John Badaczewski 4224 Jackson Blvd. White Lake, MI 48383
Location:	4224 Jackson Blvd. White Lake, MI 48383, identified as 12-07-326-007
Request:	Variance to Article 3.1.5 R1-C Single Family Residential for side and front yard setback, lot coverage, lot size and lot width.

Ms. Spencer noted for the record that 22 property owners within 300 ft. were notified of the request. There were no letters returned in favor, no letters returned in opposition, and no letters returned undeliverable by the US Postal Service.

Mr. Iacoangeli reviewed his report dated March 13, 2018. This property is zoned (R1-C) Single Family Residential and currently uses a well and private septic system. The home is located in the Supervisor Plat No.1 located on White Lake. The applicant is proposing to construct an attached 24x24 ft. garage addition to the existing home. The new garage would be approximately 576 sq. ft. The garage addition will be located on the north side of the property. There currently is a garage located on the side of the property. The applicant is proposing to be 5 ft. from the side property line on the north side. The applicant has not supplied the township with a formal survey, or drawing that is to scale that depicts the actual setback of the new attached garage. In the field, township staff was able to verify that the existing structure is located approximately 5 ft. from the property line however, due to snow cover, it was hard to verify the property line. The new garage will also require a front yard setback in the amount of 16 ft. as the garage will be located 19 ft. from the property line. The R1-C district requires that a 35 ft. front yard setback be maintained. This garage addition will also require a lot coverage variance in the amount of 3.3%. The allowable lot coverage is 1,770 sq. ft. or 20%. The new garage will bring the lot coverage to 2,064

sq. ft. or 23.3% lot coverage. The lot is deficient in size being 8,854 sq. ft. of the required minimum of 16,000 sq. ft. for the R1-C district.

Mr. Walz stated that he visited the property and he struggled because it was not staked or marked.

Theresa Scott, 4144 Jackson, indicated they painted white paint on the grass and on the walls of the garage and maybe it wasn't the best color, but the gas company used orange. She added that the existing garage is not a garage; it's a storage shed that's only 8 ft. deep. They wanted to put a garage in because her husband is on crutches after surgery and another winter would be very difficult on him. This house does not have any storage; there is no attic or basement. They would like a 2-car garage with a little storage above it.

Mr. Seiber asked if there was conflict with neighbor. Ms. Scott stated one neighbor was here this evening and the other neighbor does not have any issues. It was noted that they are located on a dead end and this would not affect either neighbor. The septic field is to the left of the driveway between driveway and the lake.

Ms. Spencer opened the public hearing at 7:42 p.m.

William Sherbrook, 4208 Jackson Court, stated he is the neighbor and he is ok with what they want to do.

With no other comments, Ms. Spencer closed the public hearing at 7:44 p.m.

**Mr. Walz moved to approve the variance requested by John Badaczewski, 4224 Jackson Blvd., parcel 12-07-326-007 in order to construct a garage addition. The variances requested are to Section 3.1.5 R1-C Single Family Residential. (1) a 5 ft. side yard setback variance from the permitted 10 ft. for an end result of 5 ft.; (2) a 16 ft. front yard setback variance from the permitted 35 ft. for an end result of 19 ft.; (3) a 3.3% (or 294 sq. ft.) variance to Allowed Lot Coverage for an end result of 23.3% (or 2,064 sq. ft.); (4) a 7,146 sq. ft. variance to Minimum Lot Size from the permitted 16,000 sq. ft. for an end result of 8,854 sq. ft. This approval will have the following conditions: The applicant will provide the township building department with a detailed drawing and survey that illustrates all of the setbacks of the new garage to the property line, this will be provided to the township prior to issuing a permit; and the applicant will pull all of the necessary permits from the White Lake Township Building Department. Mr. Seiber supported and the MOTION CARRIED with a roll call vote: Spencer – yes (the variances are minimal, this is a non-conforming lot and this will be an improvement); Walz – yes (for reasons stated); Seiber – yes (due to the irregular configuration of the lot and he is happy to see the neighbor showed up in support). (3 yes votes)**

**Other Business:**

Mr. Walz made a capstone presentation to the Zoning Board of Appeals in fulfillment of the Master Citizen Planner designation program requirements. The topic was Ethics.

**Next Meeting Date:**

- a. Regular Meeting – April 26, 2018

**Adjournment:**

**Mr. Seiber moved to adjourn the meeting at 7:48 p.m. Ms. Walz supported and the MOTION CARRIED with a voice vote. (3 yes votes)**