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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

May 25, 2017

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: Mr. Erlich and Ms. Novak-Phelps were excused.

ROLL CALL: Joseph Erlich – Chairperson - Excused
Gail Novak-Phelps - Excused
Mike Powell – Board Liaison
Nik Schllack – Alternate
Josephine Spencer – Vice Chairperson
Dave Walz - Secretary

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

Visitors: 10

Approval of Agenda:

Mr. Walz moved to approve the agenda as presented. Mr. Powell supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Approval of Minutes:

a. Zoning Board of Appeals Meeting of April 27, 2017

Mr. Walz moved to approve the minutes of April 27, 2017 as submitted. Mr. Schllack supported and the MOTION CARRIED with a voice vote: (4 yes votes)

New Business:

a. **File 17-010 (Tabled from April 27, 2017)**
Applicant: Bill Derocher
3598/3604 Jackson Blvd.
White Lake, MI 48383
Location: 3598/3604 Jackson Blvd., White Lake, MI 48383, identified as
12-07-151-006 and 12-07-151-007
Request: Variance to Article 3.1.5 R1-C Single Family Residential for front
yard, side yard and rear yard setback, lot coverage, lot width, and
lot size.

Mr. Walz made a motion to remove File 17-010 from the table. Mr. Schllack supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Mr. Powell stated that he has a conflict of interest with this case and requested to be recused.

Mr. Walz moved to recuse Mr. Powell from the discussion on File 17-010. Mr. Schllack supported and the MOTION CARRIED with a roll call vote: Walz – yes; Schllack – yes; Spencer – yes. (3 yes votes)

Mr. Iacoangeli reviewed his report dated May 18, 2017. The property 3598 and 3604 Jackson Boulevard, identified as parcels 12-07-151-006 and 12-07-151-007 respectively are zoned (R1-C) Single Family Residential. The current homes on the property use well and private septic systems. The homes are located in the Smith & Brown Subdivision on White Lake. The applicant is proposing to construct a new 2,050 sq. ft. (2,200 sq. ft. home 4/27/17) home with an attached 776 sq. ft. 2-car garage (880 sq. ft. 3-car garage 4/27/17) on the property. The home would require a new well and new septic system.

The applicant is proposing to demolish the two existing homes located at 3598 and 3604 Jackson Blvd., and construct a new 2,050 sq. ft. home on the combined lots. The new home would also have an attached 776 sq. ft. attached garage. The new home would be a combined footprint of 3,050 sq. ft. (3,080 sq. ft. 4/27/17). This is an overall reduction of 20 sq. ft. from the original plan submitted to the ZBA on April 27, 2017. The home would require the following variances in order to be constructed as proposed: (1) A front yard setback of 20 ft. from Jackson Blvd., and would be located 15 ft. from the property line. The front yard setback in this district is 35 ft. The home will be located 34 ft. from the traveled portion of the road. The home will require a side yard setback to the north in the amount of 2.4 ft., which will make the house 7.6 ft. from the property line. The rear yard setback will be 9.11 ft. from the property line, which would require a variance in the amount of 25.8 ft. The home will also exceed the percent lot coverage. The allowable lot coverage on this lot should be 1,923 sq. ft. or 20%. The lot coverage of this home will be 3,050 sq. ft., which is 31.7%. This lot is deficient in lot width for the district with a lot width of 74 ft. of the required 100 ft. of frontage. This lot is also deficient in lot size, being 9,613 sq. ft. of the required 16,000 for the district.

Roger Young of Young & Young Contractors stated that they have tried to make meaningful reductions to the plan and still keep a modest home. They reduced the 3-car garage to a 2-car garage and the garage will be placed in the same location as the existing garage, which is 34 ft. from the line of travel on Jackson Road.

Mr. Young wanted to point out that Mr. Iacoangeli's calculations at the first review did not include the screened porch, which would change the total square footage to 3,349 sq. ft. from the original calculation of 3,080 sq. ft. They are now proposing 3,050 sq. ft., which is a reduction of 300 sq. ft.

Mr. Young continued that they wanted to maintain the setback from the lake side. The promenade exists on one of the two lots (northern side) and the actual distance at the closest point is 35 ft. from the water. He indicated that the neighbor to the south was concerned at the last meeting with site lines. They have changed their plan to depress a portion of the building by 2-3 ft. with a one-story roofline.

Other reductions in square footage come from pushing the house close to the south to provide for the on-site sanitary sewer system. They took everything in consideration and they have also reduced the side yard from 5 ft. to 2.4 ft. There is no change in the front yard variance request. He added that many of the homes are within the easement. Mr. DeRocher noted that both his neighbors are closer to the road, where he pushed as far from the road as possible.

Mr. Young stated that the zoning district and requirements have changed over the years and if this were a compliant lot, they would actually be compliant for lot coverage. He feels they designed a

modest, single family home, with a main floor master bedroom and bedrooms upstairs. The roof height is 24-26 ft. at the highest point. They wanted to keep the house proportionate to the cottage feel community and he also feels this house sits comfortably on the site. They have done their best to respect the ordinance setbacks, but the promenade and easement are still issues. They are working with imaginary lines, which have created constraints.

Mr. Schllack asked what portion of the home's western part would be one story. Mr. Young responded that the bottom rectangle would be one story. The grade falls about 2 ft. from the placement of the house. There are basements in the existing homes, but there will not be a basement in the new home, only a maximum 3 ft. crawl space. There will be steps from the porch to step into the house and the patio will be at lawn level.

Ms. Spencer asked whether the township requires a garage on new construction and what the standard dimensions for a 2-car garage are. Mr. Iacoangeli stated that the standard dimensions for a 2-car garage is 24 ft. x 24 ft. Mr. Young indicated that they are proposing 24 ft. x 26 ft. to keep garbage cans inside and be able to walk around vehicles.

Ms. Spencer noted for the record that the public hearing was held last month and the board would not hear public comments this evening.

Mr. Walz noted that this case was tabled last month to allow the applicant to discuss the variance requests with the planning department. Mr. Young indicated that he had phone and email communication with Mr. Iacoangeli last week to let him know about the design adjustments and was told by Mr. Iacoangeli that they were moving in the right direction. Mr. Young feels they have done what they could to reach a compromise. Without the promenade in the equation, they would not require a setback from the lake. Lot coverage creates a challenge. Mr. Young reiterated their reductions since the last meeting. The porch was reduced from 278 sq. ft. to 224 sq. ft.; the house went from 2,185 sq. ft. to 2,150 sq. ft.; and the garage reduced from 886 sq. ft. to 776 sq. ft.

Mr. Walz noted that a comment was made about other garages being closer, but this board cannot take those other homes in account. They have to focus on this exact circumstance. There are still a number of variances requested and he is somewhat uncomfortable with the requests until having an opportunity to view this again based on the information provided this evening.

Mr. Iacoangeli stated that using the 3,349 sq. ft., the percent of lot coverage was at 34.8%. The new lot coverage is at 31.7%. Mr. Young added again that if this property were compliant, it would be at 19% lot coverage.

Mr. Walz stated that he mentioned at the last meeting this board is trying to take in consideration to what the applicant is trying to do. This is an enhancement to the property however, he is still concerned with whether these variances are the minimum for providing relief and the justice that the applicant is seeking.

Mr. Derocher stated that the reductions may not appear to be that much, but the side and front yard setbacks would be much more grand otherwise. He has sacrificed his full desire to what he finds acceptable and doesn't feel this is obtrusive. He is accommodating the line of site for his neighbors and with the side yard setbacks. Mr. Young added that they are constrained by the on-site sanitary setback that is required by the county. They can't push back any further to the north. This is an improvement over what exists there now and he promised the leaching and sanitary sewer is the best money can buy.

Ms. Spencer noted that the board cannot consider other homes or property when looking at requests. Part of the criteria is that it doesn't allow for this. She feels these variance requests are excessive, and the board is not adhering to the standards of the criteria that are given. Because of

the excessive amount of square footage, this is a self-created hardship. A smaller house would not hinder the use of the property. The township has a limit of 20% lot coverage and the applicant is seeking 11.7% over that limit. She is concerned with the property being consumed with concrete and house that ground water will go to the neighbor's property or into the lake. Water will not be able to be contained on the property and go into the ground as it should. Mr. Young and Mr. Derocher are asking the board to break the law, and they can only do this within reason. This is self-created and there is no reason why the applicant cannot build within closer proximity to what the ordinance requires. She asked them not to compromise the standards she has to adhere to. The board is not denying them the right to use the property, only denying the use of the property in an excessive way. Further, it is not a township requirement to have a garage, nor is it their right to have a garage. Mr. Young questioned whether it was preferred to have junk in the yard.

Mr. Iacoangeli stated that 20% of lot coverage on a lot this size would put the structure at 1,923 sq. ft. as opposed to the 3,050 sq. ft. that is being presented this evening.

Mr. Young stated he knows how to be sensitive when it comes to lot coverage and storm water retention. He does not believe this home will negatively impact the neighbors, or the lake, or the township. The materials they are using are earthy in nature and this is a very country house, not towering. He compelled them to take that into consideration.

Ms. Spencer reiterated that this is self-created, and she suggested they build closer to the township's requirements. They can build a smaller home and reduce the self-created hardship. She appreciates what he has done, but she can't break the criteria in the standards.

Mr. Walz stated their options: They can table this again and Mr. Derocher can come back with another reduction in the plan; or the board could vote now, which would require all 3 members to vote in favor.

Mr. Derocher expressed frustration and stated he would see the township in court.

Mr. Schllack called the question.

Mr. Walz moved to deny the variance request of Bill Derocher, 3598 and 3604 Jackson Blvd., parcels 12-07-151-006 and 12-07-151-007 in order to construct a new single family home. Mr. Schllack supported and the MOTION CARRIED with a roll call vote: Spencer – yes (there are standards this board must adhere to; there is no practical difficulty; this property is not a unique situation but rather it is self-created in her opinion; we are not denying them from building on the property, only that the requests are excessive); Walz – yes (for the reasons stated. This will be an improvement to the area and the home will be very appealing, but as from the last meeting, there was concern with a number of variances requested and the concern with the size and type of variances requested still remains); Schllack – yes (while it's aesthetically pleasing and an enhancement, there is too great a distance between what is self-created and what the standards of the ordinance allow). (3 yes votes)

b.	File 17-011
Applicant:	David Campbell 7110 Highland Rd. White Lake, MI 48383
Location:	7110 Highland Road, White Lake, MI 48383, identified as 12-21-316-013
Request:	Variance to Article 5.9 for signs.

Ms. Spencer noted for the record that 26 property owners within 300 ft. were notified of the request. No letters were received in favor, no letters were received in opposition, and no letters were returned undeliverable by the U.S. Postal Service.

Mr. Iacoangeli reviewed his report dated May 18, 2017. The property at 7110 Highland Road identified as parcel 12-21-326-013 is zoned General business (GB). The building is currently used as an ice cream parlor. The applicant is proposing to construct a new free standing monument sign on the property to replace a failed post pylon sign that existed on the property. The new sign is proposed at 4 ft. x 8 ft., or 32 sq. ft.

The applicant would like to construct a new freestanding style monument sign that will replace a legal non-conforming pylon sign. Signs in the General Business District are required to have a minimum of 10 ft. setback from the right of way. The ROW along M-59 in front of the property extends into the existing parking area for the dentist office. The old sign was located 19 ft. from the traveled portion of M-59 and was still located in the middle of the M-59 ROW. The applicant will be required to move the sign back an additional 18 ft. from the most southern pole of the old pylon sign in order to locate the sign on private property. The applicant should be required to provide a survey showing the new sign on private property, as the Township does not have the right to permit a sign to be erected within the MDOT ROW.

Typically, per the ordinance, a sign would be allowed to have 2 sq. ft. of sign face for every foot of setback from the ROW. A minimum of 10 ft. setback is required per the ordinance. This sign, if located on the edge of the ROW, will be required to have a minimum of a 1 ft. setback. Pushing the sign back 10 ft. to meet the requirement would place the sign almost next to the building. The size of the sign should also be granted a variance to allow a sign that would be 4 ft. x 8 ft. per the applicant submitted. This sign would have a face of 32 sq. ft.

Mr. Schllack referenced the tree on the neighboring property, and asked if it would be visible. Dr. Campbell felt visibility will be limited, but there is nowhere else on the property to put it. He is having communication with the neighbor about trimming the tree.

Mr. Walz referenced the letter of compliance, where a masonry base is required. Dr. Campbell stated he has a revised plan which includes the masonry base. Mr. Iacoangeli added that approval could be conditioned to make sure it meets the current sign standards. Originally, Dr. Campbell wanted to redo the cabinet on the existing sign, but we couldn't permit it because the township doesn't have jurisdiction.

Mr. Schllack questioned why the sign couldn't be located further west. Dr. Campbell stated he could not put it in the parking lot or off Sunset Drive.

Mr. Powell asked if property lines were staked. Dr. Campbell indicated that there is a surveyor's post at the rear of the property and they measured 84 ft. forward from that post. Mr. Powell stated he understands the hardship with MDOT taking his property and he agrees with staff that there is no other place for the sign to be located. He is sympathetic to this application.

Ms. Spencer opened the public hearing at 8:18 pm.

Brett Overall, Highland Tropical, stated he is not sure why he got a notice on this, but he is glad he did.

With no other comments, Ms. Spencer closed the public hearing at 8:19 pm

Mr. Schllack questioned why MDOT had so much of this property. Mr. Iacoangeli stated MDOT most likely took the extra footage in case they ever had to widen the road. There is something more to this portion of the road with the guardrail and separation of the fence.

Mr. Walz to approve the variance requested by Dr. David Campbell, 7110 Highland Road, parcel 12-21-326-013, in order to construct a new freestanding monument sign. The variances requested are from Section 5.9.I Non-Residential Freestanding Signs for 12 sq. ft. sign space from the required 20 sq. ft. for an end result of 32 sq. ft.; and a 16 ft. setback from the required 10 ft. for an end result of 1 ft. This approval will have the following conditions: The applicant will pull all of the necessary permits from the White Lake Township building department; the applicant will remove the existing post pylon sign; a survey will be commissioned to make sure the new sign is located on the private property at 7110 Highland Road and not in the MDOT Right of Way; and that the contractor will call for a footing inspection prior to installing the sign in the place to verify the location is consistent with the survey; masonry base of 18 inches or more shall be approved by authority having jurisdiction in White Lake Township. Mr. Powell supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is a hardship and it's unfortunate that MDOT is not cooperative. Part of doing business is that you need a sign); Powell – yes (obviously this is a non-self-imposed hardship, there is no financial issue, the variance is needed due to the shape, size and condition of the property); Schllack – yes (this is not a self-inflicted hardship); Walz – yes (for the reasons stated). (4 yes votes)

Next Meeting Date:

- a. Regular Meeting – June 22, 2017

Adjournment:

Mr. Walz moved to adjourn the meeting at 8:27 p.m. Mr. Schllack supported and the MOTION CARRIED with a voice vote. (4 yes votes)