

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

March 24, 2016 at 7:00 p.m.
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 was excused.

ROLL CALL: Joseph Erlich – Chairperson - Excused
Gail Novak-Phelps - Planning Comm. Liaison
Scott Ruggles – Twp. Board Liaison
Nik Schillack – Alternate
Josephine Spencer -Vice Chairperson
Dave Walz - Secretary

Also Present: Jason Iacoangeli, Staff Planner
Amy Bertin, Recording Secretary

Visitors: 10

Approval of Agenda

Ms. Novak-Phelps moved to approve the agenda as presented. Mr. Ruggles supported and the MOTION CARRIED with a voice vote. (5 yes votes)

Approval of Minutes

- a. Minutes of regular meeting of January 28, 2016

Mr. Schillack noted the January Minutes should be changed to reflect the correct spelling of his name.

Mr. Schillack moved to approve the minutes of January 28, 2016 as amended. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (5 yes votes)

Continuing Business

There was no Continuing Business at this time.

New Business:

- a. **File No. 16-002**
Applicant: Mary Lou Goss
6581 Carey Road

Location: Commerce Township, MI 48382
6581 Carey Road
Commerce Township, MI 48382, identified as 12-32-476-001
Request: Variance to Article 3.1.1 AG Agricultural District for lot size.
Standards for lot area and lot width.

Ms. Spencer noted for the record that 34 owner/occupants within 300 ft. were notified of the proposed zoning request variance. None were received in favor, none were received in opposition, and none were returned by U.S. mail.

Mr. Iacoangeli reported the applicant is proposing to split an existing conforming agricultural parcel that is 8.86 net acres, 11.11 gross acres, into two separate parcels. The proposed Parcel A would be 3.81 net acres or 5.21 gross acres which is deficient in size for the Agricultural District. Parcel B would be 5.05 net acres or 5.45 gross acres which would be conforming to the 5.05 net acres required. The applicant has applied to get a partial split under the existing Agricultural District. Based on gross acreage, the applicant would be able to split the property into lots that exceed the minimum lot size. However, in the Notes to District Standards the "minimum lot area shall not include rights of way or easement for a public road or access easement". About 20% or 2.25 acres of property is taken up by road right of way. The unique situation in this case is not only the road frontage on three sides of the property but also the fact that the entire 66 ft. of right of way for Cooley Lake Road runs through the applicant's property.

Mary Lou Goss, 6581 Carey Road, Commerce Twp. She would like to split the property so that she might be able to sell the smaller parcel if necessary. She would still like to have animals on both parcels. Is it possible to rezone the property as Suburban Farm?

Mr. Iacoangeli stated the issue with rezoning is, the closest zoning district applicable would be R-1A. To try and rezone it to Suburban Farm would be spot zoning which is not permitted under state law.

Ms. Goss stated she has to pay taxes on the whole road and now she is being told she can't factor the property in for the variance application. There is a possibility she won't actually split the property for quite some time.

Mr. Walz asked the applicant what types of animals are currently on the property.

Ms. Goss said right now, since her husband passed, there is nothing. Her brother-in-law has purchased some rabbits and chickens. There might possibly in the future be some larger animals added.

Ms. Spencer opened public hearing at 7:14 p.m.

Barb Allison, 6455 Cooley Lake Road. She is just here in support of Ms. Goss.

Ms. Spencer closed public hearing at 7:15 p.m.

Mr. Ruggles moved in File 16-002 to grant the variance requested by Mary Lou Goss for the property at 6581 Carey Road, parcel 12-32-476-001 in order to split the parcel into Parcel A and Parcel B as described on the survey provided by Alpine Engineering dated with the revised date of 1-25-16. This approval will have the following conditions: Applicant will comply with all of the requirements of the White Lake Township Assessing Office with regard to the lot split. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Walz- yes (there is only one variance being requested, the applicant indicated there will be minimal animals on the property, there is a unique hardship in that there are roads surrounding three sides of the property); Novak-Phelps – yes (it meets the needs of the gross acreage for the split, there is a hardship in having to deduct the right of way for the road running through the entire property, as well as the unused wetlands existing on the property); Spencer- yes (there is a hardship with the road running through the property taking up a large amount of the property); Ruggles-yes (as there is a hardship created by the road frontage); Schillack-yes (there is a hardship created by the road). (5 yes votes)

b.	File No. 16-003
Applicant:	Christina Reoch 7638 Ring Neck Waterford, MI 48327
Location:	8322 Cascade, Commerce Twp., MI 48382, identified as 12-36-453-015
Request:	Variance to Article 3.1.6 R1-D Single Family Residential for lot width, lot size, side yard setback, lot coverage, and front yard

setback.

Ms. Spencer noted for the record that 46 letters were sent. No letters were received in favor, no letters were received in opposition, two were returned by U.S. mail. This case was last heard on June 25, 2015. The applicant failed to pull a permit within six months. The Minutes of that meeting are available for review.

Mr. Iacoangeli reported the applicant is proposing to construct a 380 sq. ft. garage in the front yard of the home. Also, the applicant is proposing a 95 sq. ft. home addition along the eastern side of the existing home and a 36 sq. ft. mud room entrance to the front of the home. The new garage will need a front yard setback variance in the amount of 16 ft. in order to accommodate the garage on the northwest corner. The plan shows the new garage located 6.25 ft. from the eastern property line. The garage will be attached to the existing home which is currently setback 8.25 feet from the property line. The new home addition will be setback from the eastern property line 6.25 ft. New mud room entrance addition will require a side yard setback on the west side of the property in the amount of 0.25 ft. The new garage and additions will bring the lot coverage to 30% or 483 sq. ft. over the allowable 20%. The lot is deficient in size for the district by 7083 sq. ft. The lot is also deficient in lot width by 37.5 ft. The lot is only 42.5 ft. wide. 80 ft. is the required minimum for the district and the property is considered to be legal non-conforming.

Christina Reoch, 8322 Cascade. We had trouble with our builder after the last application. The builder filed bankruptcy two weeks after he cashed our check to start. Everything stated at the June meeting is the same.

Ms. Spencer opened public hearing at 7:23 p.m. As there were no comments offered public hearing was closed at 7:23 p.m.

Ms. Novak-Phelps moved in File No. 16-003 to approve the variances requested by Christina Reoch for the property at 8322 Cascade, parcel 12-36-453-015 in order to construct the garage and home addition. The variances are as follows: (1) Article 3.1.6, side yard setback (east), permitted 10', requested variance 3.75', end result 6.25'; (2) Article 3.1.6, side yard setback (west), permitted 10', requested variance .25', end result 9.75'; (3) Article 3.1.6, front yard setback, permitted 30', requested variance 14', end result 16'; (4) Article 3.1.6, maximum lot coverage, permitted 20%/983 sq. ft., requested variance 10%/483 sq. ft., end result 30%/1466

sq. ft.; (5) Article 3.1.6, required lot width, required 80', requested variance 37.5', end result 42.5'; (6) Article 3.1.6, minimum lot size, required 12,000 sq. ft., requested variance 7083 sq. ft., end result 4917 sq. ft. The approval will have the following conditions: Applicant will comply with all of the requirements of the White Lake Township Building Department and acquire all of the necessary building and trade permits for the project, including gutters and downspouts. Mr. Ruggles supported and the MOTION CARRIED with a roll call vote: Walz-yes (although there are a number of variances in this particular case, there is a practical difficulty and hardship as noted in the previous Minutes regarding the rear foundation of the house); Novak-Phelps-yes (it is a difficult lot to put a home on but it will better conform with the neighborhood); Ruggles-yes (for reasons stated); Schillack-yes (for reasons stated); Spencer-yes (there is a hardship as the lot is non-conforming, it will be a vast improvement to the neighborhood). (5 yes votes)

c. **File No. 16-005**
Applicant: Michael Seling
 9370 Pontiac Lake
 White Lake, MI 48386
Location: 9370 Pontiac Lake
 White Lake, MI 48386, identified as 12-14-253-003
Request: Variance to Article 3.1.6 R1-D Single Family Residential for
 front and rear yard setback and natural features setback.

Ms. Spencer noted for the record that 48 letters were sent to property owner/occupants within 300 ft. of this request. None were received in favor, none were received in opposition, five were returned non-deliverable by the U.S. mail.

Mr. Iacoangeli reported that 9370 is a newly created parcel zoned R1-D.

Ms. Spencer had a correction on the issue of the distribution of letters regarding this variance. There were 20 letters sent to property owner/occupants within 300 ft.. No letters were received in favor, no letters were received in opposition and only one was returned by U.S. mail.

Mr. Iacoangeli continued. The applicant is proposing to construct a new 1472 sq. ft. home with an attached 493 sq. ft. garage. The new home being built will fall outside of the required building areas in the front and the rear. The proposed home will be located 15.04 ft. from the

closest point of the garage to the lot line requiring a variance for front yard setback of 14.96 ft. The required front yard setback for the district is 30 ft. The applicant is proposing a 21.97 rear yard setback which will require a variance in the amount of 8 ft. The required rear yard setback for the district is 30 ft. The applicant will also need a 3 ft. variance from the 25 ft. natural features setback.

Ms. Novak-Phelps was confused on what they are requesting. It appears as though a house already exists on the property.

Mr. Iacoangeli stated there is already a house on the property but the parcel has been split.

Ms. Spencer asked for clarification on whether the variance sought was for 3 ft. or 3.03. Mr. Iacoangeli informed her the report reflects 3 ft. but there is a building tolerance.

Mike Seling, 2403 Granger Road, Ortonville. This is a triangular shaped parcel which makes it difficult to build on. There is an existing culvert already on the east end of the property, making it a prime place for the garage even though they would need a variance. He has a wife and four children so he would prefer not to build a small house. The property has been in the family for many years. The idea is to be able to stay close to and care for his father. Other design plans were looked at but this one has the most functionality.

Ms. Spencer opened public hearing at 7:37 p.m. As there were no comments offered public hearing was closed at 7:37 p.m.

Mr. Walz moved in File 16-005 to grant the following variances requested by Michael Seling for the property at 9370 Pontiac Lake Road, parcel 12-14-253-003 in order to construct a new single family home on the property. The variances requested are as follows: (1) Article 3.1.6, front yard setback, permitted 30', requested variance 15.04', end result 14.96'; (2) Article 3.1.6, rear yard setback, permitted 30', requested variance 21.97', end result 8.03'; (3) Article 3.11.Q, natural features setback, permitted 25', requested variance 21.97', end result 3.03'. This approval will have the following conditions: Applicant will obtain all necessary building and/or trade permits necessary to complete the project with the White Lake Building Dept., including gutters and downspouts. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Schillack-yes (it will add to the conformity of the neighborhood); Ruggles-yes (the lot size is a hardship); Spencer-yes (the parcel is non-conforming); Novak-Phelps-yes

(for the reasons stated); Walz-yes (for the reasons stated). (5 yes votes)

d. File No. 16-006
Applicant: Calvary Lutheran Church/Evan and Colleen Thompson
9101 Highland Road
White Lake, MI 48386
Location: 9101 Highland Road
White Lake, MI 48386, identified as 12-23-227-003
Request: Variance to Article 5.9.H.v Residential District Sign Regulations.

Ms. Spencer noted for the record that 86 owner/occupants within 300 ft. were notified of the proposed variance request. There were no letters received in favor, no letters received in opposition, and one letter was returned by U.S. mail.

Mr. Iacoangeli reported that 9101 Highland Road is the Calvary Lutheran Church. The applicant is proposing to install a temporary accessory sign on the property to display the amount of produce harvested from the church's community garden. The sign will be installed more than 100 ft. from the property line. The sign is proposed to be 6'x4' or 24 sq. ft. The sign height is not to exceed 6 ft. The zoning ordinance does allow accessory signs for religious institutions. The regulations state that the sign cannot exceed 16 sq. ft. in size and 6 ft. in height. The applicant will be required to seek a variance from Article 5.9.D.ii to allow the size of the sign to exceed the allowed 16 sq. ft. for an end result of 24 sq. ft.

Ms. Spencer questioned exactly what is meant by temporary.

Mr. Iacoangeli responded that the recommendation by the Community Development Director was the sign be applied for on a yearly basis by the church, at no cost, in order to evaluate whether the sign is being maintained and is still in an appropriate place.

Mr. Walz questioned where the sign would be installed.

Mr. Iacoangeli stated it will be installed close to the where the community garden sits on the property and will be more than 100 ft. back from the traveled portion of M-59.

Mr. Schillack asked for clarification on how many faces to the sign there were.

Evan Thompson, 167 Leota Blvd., Waterford. He is looking to build a sign for the White Lake Community Garden as an Eagle Scout Project. It is designed to be V shaped facing out to the road. It will be good advertisement for the garden, to let people know what it is and within the past 5 yrs. they've donated at least 10 tons of food to Open Door Outreach. It will also state ways to help with the garden so they can raise even more food.

Colleen Thompson, 167 Leota Blvd., Waterford. The garden has been there for five years. It is a community project, not just a church project. Most of the people who work it come from the community as well as master gardeners. The produce mostly goes to Open Door Outreach. When there is more food than they can take, it will go to Grace Centers of Hope in Pontiac and Lighthouse. They have recently partnered with Micah 6 this year to see if they can take some of the excess and sell it in their store in Pontiac to raise funds.

Ms. Spencer opened public hearing at 7:48 p.m.

Debbie Robitaille , 5650 Oster Drive, Waterford. She is director of administration at Calvary Lutheran. This proposed sign will look much better than the current temporary one. It also will bring some recognition from other volunteers so we can continue to maintain the garden.

Ms. Spencer closed public hearing at 7:49 p.m.

Mr. Schillack moved in File 16-006 to approve the variance requested by Evan Thompson for the property at 9101 Highland Road, parcel 12-23-227-003 in order to construct an accessory sign. The variances requested are to Article 5.9.D.ii Temporary Signs for sign area to allow the construction of a 6'x4' or 24 sq. ft. sign. The sign is not to exceed six (6') feet in height. This approval will have the following conditions: The church and/or its assigns will need to apply for a Temporary Sign permit on a yearly basis to the White Lake Community Development Department; the applicant will contact the Community Development Department to inspect the final installation of the sign. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Walz-yes (it is a benefit to the community and is a great communication piece for those traveling along M-59); Novak-Phelps-yes (it will allow for better visibility of the good work going on in the garden for White Lake); Spencer-yes (for the reasons stated as well as the assurances it will be temporary, needing to be renewed on a yearly basis by the Township to be certain it remains esthetically pleasing); Ruggles-yes (for the reasons stated); Schillack-yes (it will be more esthetically pleasing and have a benefit for the wider community). (5 yes

CHARTER TOWNSHIP OF WHITE LAKE

ZONING BOARD OF APPEALS REGULAR MEETING

MARCH 24, 2016

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votes)

Other Business

There was no other business at this time.

Next meeting dates:

- a. Regular Meeting - April 28, 2016

Adjournment:

Ms. Novak-Phelps moved to adjourn the meeting at 7:52 p.m. Mr. Ruggles supported and the MOTION CARRIED with a voice vote. (5 yes votes)