

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 25, 2024**

CALL TO ORDER

Chairperson Spencer called the meeting to order 6:30 P.M. She led the Pledge Allegiance.

Roll was called:

ROLL CALL

Present:

Jo Spencer, Chairperson

Clif Seiber

Niklaus Schillack, Vice Chairperson

Debby Dehart, Planning Commission Liaison

Michael Powell, Township Board Liaison

Also Present:

Justin Quagliata, Staff Planner

Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

MOTION by Member Schillack, seconded by Member Dehart 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. March 28, 2024

MOTION by Member Seiber, seconded by Member Dehart to approve the minutes of March 28, 2024 as presented. The motion carried with a voice vote: (5 yes votes).

OLD BUSINESS

None.

NEW BUSINESS

- A. Applicant: VersaPro Restoration and Construction
12725 Stark Road
Livonia, MI 48150
Location: **10199 Lakeside Drive**
White Lake, MI 48386 identified as 12-22-477-011
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct a second story addition, requiring a variance from Article 7.23.A, Nonconforming Structures. Variances from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures are also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 50 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 briefly went over the Applicant’s request.

Member Schillack asked Staff Planner Quagliata if the property was serviced by well and septic. Staff Planner Quagliata confirmed. Member Schillack stated the well and septic did not appear to be on the survey.

Member Schillack stated there was clarification needed since there was a missing dimension on the survey of the southwest corner of the house to the side lot line. He added the ZBA needed all of the data to make accurate decisions.

Member Seiber asked Staff Planner Quagliata about the conditions of approval listed in the staff report, specifically point 2 and 3, if they were regarding the addition only. Staff Planner Quagliata confirmed.

Laura Dobbs, 10199 Lakeside, and Dave Remann from VersaPro were present to speak on behalf of the case. Mr. Remann presented the ZBA with the septic location from the approved septic permit issued by Oakland County. He added the request tonight was for a second story addition. He said he physically measured the house dimension to the side lot line and the addition ran parallel from the northwest corner of the house to the southwest corner. Ms. Dobbs said they were not going roadside anymore, nor building over the garage. The roof was in bad condition, and she wanted to get the project going to mitigate any issues regarding the roof.

Member Schillack stated the ZBA was not legally allowed to approve the setback at the west side yard lot line.

Chairperson Spencer opened the public hearing at 6:48 P.M. Seeing no public comment, she closed the public hearing at 6:48 P.M.

Member Powell said he remembered this case from years ago, and it indeed was a reduced request. He added he spoke to the neighbors when he was on site, and they were in favor of the Applicant's request.

Member Powell said he would like to leave the request for an updated survey up to the Building Official.

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

- A. Practical Difficulty
 - Member Dehart said the parcel was nonconforming and posed a practical difficulty. Chairperson Spencer agreed.
 - Member Schillack added the width of the lot and where the house currently sat was a practical difficulty.
- B. Unique Situation
 - Member Seiber said the width of the lot and where the house currently sat was a unique situation. Chairperson Spencer agreed.
- C. Not Self-Created
 - Chairperson Spencer said the owner did not build the house or plat the lot.
- D. Substantial Justice
 - Chairperson Spencer said granting a variance would grant the homeowner substantial justice, similar to what the surrounding neighbors had.
 - Member Schillack said the homeowner would not be infringing on the neighbor's substantial justice.
- E. Minimum Variance Necessary
 - Member Powell said the reduction in the Applicant's current request from the former request was the minimum variance necessary.

Member Schillack MOVED to approve the variances requested by VersaPro Restoration and Construction from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, in order to construct a second story addition that would encroach 5 feet into the required side yard setback from the west lot line and exceed the allowed value of improvements to a nonconforming structure by 330%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **Prior to issuance of a building permit, a determination from the Building Official will be made as to whether a revised survey shall be submitted to dimension the setback from the southwest corner of the house to the west side lot line. The side yard setback from the west lot line must be at least five feet.**
- **The addition's roof overhang shall be no closer than five feet to the west side lot line.**

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

- B. Applicant: Jordan Billet
8874 Arlington Road
White Lake, MI 48386 identified as 12-13-157-006
Location: **8874 Arlington Road**
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct first and second story additions, requiring a variance from Article 7.23.A, Nonconforming Structures. Variances from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures are also required due to both the value of improvements and the increase in cubic content. A variance is also required from Article 5.7.A due to the proposed setback from an accessory building.

Chairperson Spencer noted for the record 36 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 briefly went over the Applicant's request.

Member Seiber asked Staff Planner Quagliata if there was a natural features setback required. Staff Planner Quagliata said no, because the 30-foot rear yard setback was applicable and it was greater than the natural features setback. He stated the more stringent standard applied.

Member Powell asked Staff Planner Quagliata if a second story addition was proposed. Staff Planner Quagliata confirmed, and said the addition would be on the lakeside of the house. He said he received a comment from a neighbor concerned about one of the second story bedrooms not having a window.

Jordan Billet, 8874 Arlington, was present to speak on behalf of his case. He said he designed the plans himself. He had design constraints due to the lot. He said there was a load bearing wall that factored in to how far back the second story addition went.

Member Powell asked the Applicant how long they owned the house. Mr. Billet said eight months. Member Powell asked the Applicant what he used the rear yard shed for. Mr. Billet said it was used primarily for storage. Member Powell asked the Applicant if he gave any thought to removing the shed. Mr. Billet said removing storage to create storage was not a good business strategy. Mr. Billet said he would like to consider other options before moving or removing the shed.

Chairperson Spencer said if the shed could be moved, it should be moved elsewhere on the property.

Member Powell said he would want to see the shed removed from the property for the sake of the neighbor's enjoyment and view of the lake. He added the ZBA had required the removal of similar sheds in previous applications.

Member Seiber asked the Applicant if the 8/12 pitch on the roof could be altered to a 6/12 pitch to reduce a requested variance. Mr. Billet said that change could work.

Member Seiber inquired about the rear yard setback. Staff Planner Quagliata said if the first-floor addition was 10 feet away from the principal building (house), it would not trigger a need for a variance.

Member Powell said he would get rid of the shed since it blocked the homeowner's lake views as well.

Member Seiber stated there was a choice between reducing the size of the first-floor addition, or the removal of the shed completely. Mr. Billet said he would consider adjusting the corner of the addition.

Member Dehart suggested postponing the request so the height variance could be removed and so the Applicant could discuss with his wife what was preferred: the shed or the addition shape and size.

Chairperson Spencer opened the public hearing at 7:21 P.M. Seeing no public comment, she closed the public hearing at 7:21 P.M.

Member Powell asked Staff Planner Quagliata if the shed were removed, would the lot coverage variance be eliminated. Staff Planner Quagliata confirmed.

Member Seiber was not comfortable requiring the Applicant remove the shed. The lot size was a practical difficulty for the applicant. Member Dehart agreed.

Member Seiber added the variance for lot coverage might be eliminated by reducing the size of the addition instead of removing the shed.

Member Seiber asked Staff Planner Quagliata about the 18-inch overhang on the north side of the existing house and if a variance was needed. Staff Planner Quagliata said there were no proposed alterations within 10 feet of that area, so a variance was not needed.

Mr. Billet asked the ZBA to postpone his request until next month.

Member Seiber MOVED to postpone the appeal of Jordan Billet to the next available meeting after the Applicant submitted revised plans for Parcel Number 12-13-157-006, identified as 8874 Arlington Road, to consider comments stated during this public hearing.

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

C. Applicant: 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 a variance from Article 7.23.A, Nonconforming Structures. 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 29 owners within 300 feet were notified. 1 letter was received in favor, 0 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata briefly went over the Applicant's request

Member Seiber asked Staff Planner Quagliata if the proposed value of improvement to a nonconforming structure listed in the staff report was in addition to what was previously proposed from the Applicant's initial request. Staff Planner Quagliata confirmed.

Sid and Faith Jamil, 1767 Carriage Hill, were present to speak on their case. Lourdes Jamil, their daughter, was also present. They were looking to add to their previously requested variances. Mr. Jamil felt as the construction progressed, there were new ideas they would like to complete.

Member Schillack said his impression from the December 2023 meeting was the Applicants responding to the previous owner's self-created problem. He asked the Applicants if they had future plans beyond this proposal. Mr. Jamil said no, he was done planning and there was nothing more that could be done. Raising the garage roof would not allow for living space; it would be storage space.

Member Dehart appreciated the Applicant connecting to the sewer system.

Member Seiber asked the Applicant how long the house was vacant. Mr. Jamil said it was vacant prior to his purchasing the house; the previous owner had passed away in the house. He wanted to complete the project before the school year started.

Chairperson Spencer opened the public hearing at 7:50 P.M. She read one letter in favor of the Applicant's request into the record. Chairperson Spencer closed the public hearing at 7:51 P.M.

Member Dehart said she originally had concerns with the porch footings, but she spoke with the builder and he was able to show her the footings. Mr. Jamil added his new builder was very anal and did things legitimately.

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

A. Practical Difficulty

- Member Dehart said the width of the lot posed a practical difficulty. Chairperson Spencer agreed.
- Member Schillack added the SEV would continue to be an issue.

B. Unique Situation

- Member Seiber said the lot was unique.
- Member Powell said the house was set back further than the adjacent lots.
- Member Seiber said the addition would not go past the neighbor's homes.

C. Not Self-Created

- Member Schillack said he did not see a self-created issue.

D. Substantial Justice

- Chairperson Spencer said granting a variance would grant the homeowner substantial justice, similar to what the surrounding neighbors had.
- Member Schillack said the requested variances would not impact the neighbor's views.

E. Minimum Variance Necessary

- Member Schillack said the Applicant was being reserved in their configuration of the addition.

Member Schillack MOVED to approve the variances requested by Sid 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 an additional 112.5%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **The Applicant shall submit architectural plans for the additions to the satisfaction of the Building Official.**
- **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.**

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

- D. Applicant: Eric Goins & Julie Rule-Goins
1032 Round Lake Road
White Lake, MI 48386
Location: **1032 Round Lake Road**
White Lake, MI 48386 identified as 12-35-255-013
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct a second story addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area. Variances from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures are also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 30 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 briefly went over the Applicant's request

Member Schillack asked Staff Planner Quagliata if there were any recent improvements to the house. Staff Planner Quagliata said he believed the Applicants received a permit for the Building Division a couple years ago, and did not require a variance. The project that received the variance did not proceed.

Eric Goins and Julie Rule, 1032 Round Lake Road, were present to speak on behalf of their case. They waited to work on their project because of COVID, but they were now ready to proceed. The addition would not change the footprint of the house. The house was built in 1932, and the roof was sagging. They were hoping by increasing the pitch of the roof there would be better runoff for snow and rain. The alterations would not impact the surrounding neighbors' views.

Member Schillack asked the Applicants if the increase of the pitch was to prevent the sagging. Mr. Goins confirmed.

Chairperson Spencer opened the public hearing at 8:06 P.M. Seeing no public comment, she closed the public hearing at 8:06 P.M.

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

- A. Practical Difficulty
 - Member Seiber said the roof provided a practical difficulty.
- B. Unique Situation
 - Member Seiber said the roof needed replacing.
- C. Not Self-Created
 - The Applicants did not create the roof pitch.
- D. Substantial Justice
 - Member Dehart said everyone needed a roof.

E. Minimum Variance Necessary

- Member Schillack said Applicants were not asking for anything more than the minimum.

Member Powell MOVED to approve the variances requested by Eric Goins & Julie RuleGoins from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-35-255-013, identified as 1032 Round Lake Road, in order to increase the second-story roof height that would encroach 2 feet-3 inches feet into the required side yard setback from the north lot line and exceed the allowed value of improvements to a nonconforming structure by 119%. A 2,866 square foot variance from the required lot area 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 roof overhang shall be no closer than five feet to the north side lot line.**

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

OTHER BUSINESS

None.

NEXT MEETING DATE: May 23, 2024

ADJOURNMENT

MOTION by Member Dehart, seconded by Member Seiber, to adjourn at 8:13 P.M. The motion carried with a voice vote: (5 yes votes).