

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
MAY 23, 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:

Sean O'Neil, Community Development Director

Nick Spencer, Building Official

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).

APPROVAL OF MINUTES

A. April 25, 2024

MOTION by Member Powell, seconded by Member Seiber to approve the minutes of April 25, 2024 as presented. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

OLD BUSINESS

A. 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.

Director O'Neil briefly went over the applicant's request.

Jordan Billet, 8874 Arlington, was present to speak on behalf of his request. His variances requested were reduced from nine to four variances.

Member Powell said the applicant left the shed on the rear of the property and reduced the size of the building.

Member Schillack said he was surprised the applicant chose to reduce the size of the structure, but was happy that the variances requested were reduced.

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

- A. Practical Difficulty
 - Member Powell said the house and the shed were preexisting, and the applicants were trying to make the house the best they could.
- B. Unique Situation
 - Member Seiber said the lot configuration was unique due to the undersized lot width at the road.
- 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 variances would not infringe on view lines of the neighbors.
- E. Minimum Variance Necessary
 - Member Schillack said the applicant reduced the requested number of variances needed and was grateful for it.

Member Schillack MOVED to approve the variances requested by Jordan Billet from Article 7.23.A of the Zoning Ordinance for Parcel Number 12-13-157-006, identified as 8874 Arlington Road, in order to enlarge and alter a nonconforming house by allowing the second-story addition to encroach 0.5 foot into the required side yard setback and exceed the allowed lot coverage by 1%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 165%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **In no event shall the projection of any roof overhang be closer than five feet to the side lot lines.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five feet to any side yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage**

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

NEW BUSINESS

A. Applicant: Vinyl Sash of Flint, Inc.
5433 Fenton Road
Grand Blanc, MI 48507
Location: **9471 Cedar Island Road**
White Lake, MI 48386 identified as 12-35-254-007
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width. 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.

Director O’Neil briefly went over the applicant’s request. The septic and well locations were not shown on the survey. The locations would need to be called out on a plan prior to the Building Department issuing permits.

Member Schillack said there was not a dimension measured from the shed to the side yard lot line, nor was there a dimension measured from the house to the front yard property line.

The State Equalized Value was listed on the application as the total value of the property and structure, but the ordinance in this instance only needed to take into account the value of the structure.

Robert Bloss, Vinyl Sash, and the homeowners, Mr. and Mrs. LeShok, were present to speak on behalf on their case. A tree fell on their deck last summer and destroyed their deck. They wanted to rebuild and add a sunroom to the home.

The septic field was located roadside, on the northeast corner of the lot. The well was behind the garage. The shed at the lake was about 3’ from the side yard lot line.

Member Powell asked the applicant if the proposed deck would have the same footprint as the former deck. Mr. Bloss confirmed.

Chairperson Spencer opened the public hearing at 7:01 P.M. Seeing none, she closed the public hearing at 7:01 P.M.

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

- A. Practical Difficulty
 - Member Dehart said the lot was undersized for the current zoning standards, and the house was non-conforming as well.
- B. Unique Situation
 - Member Seiber said the lot configuration was unique due to the narrowness of the lot.
- 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 Powell agreed.
- E. Minimum Variance Necessary
 - Member Seiber said the width of the addition was minimal.
 - Member Schillack said there weren't any other suitable locations for the sunroom.

Member Powell MOVED to approve the variances requested by Vinyl Sash of Flint, Inc. from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-35-254- 007, identified as 9471 Cedar Island Road, in order to construct an addition that would encroach 3.9 feet into the required west side yard setback and exceed the allowed value of improvements to a nonconforming structure by 140%. A 32-foot variance from the required lot width and a 6,816 square foot variance from the required lot area are 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.**
- **Prior to issuance of a building permit, the survey shall be updated to provide existing and proposed lot coverage calculations. A separate variance application for lot coverage may be required, as information on lot coverage was not provided and a lot coverage variance was not requested/published.**
- **The addition plans shall be revised for consistency with the surveyor's site plan to the satisfaction of the Building Official, and shall include the septic, well, and setback locations from the west jog of the side yard property line and from the lakeside shed to the side yard property line.**
- **The addition's roof overhang shall be no closer than five feet to the west side 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 Seiber supported, and the motion carried with a roll call vote: (5 yes votes)
(Powell/yes, Schillack/yes, Spencer/yes, Seiber/yes, Dehart/yes).

B. Applicant: Lisa Gulda
5033 Thicket Lane
Clarkston, MI 48346

Location: **Parcel Number 12-16-200-030**

Request: The applicant requests to divide a parcel of land, requiring variances from Article 3.1.1.F, AG Agricultural Minimum Lot Area and Minimum Lot Width.

Chairperson Spencer noted for the record 13 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.

Director O'Neil briefly went over the applicant's request.

Member Dehart asked staff why the applicant did not rezone the property. Director O'Neil said the applicant was made aware of the rezoning process, but did have the right to request the variance if they wanted to go through the Zoning Board of Appeals process.

Member Schillack said the request seemed to be of a zoning matter, not of a variance perspective. Member Powell agreed, and pointed out that the applicant could apply and obtain lot splits for the southern three parcels, and rezoning the top two parcels.

Member Sieber said the Master Plan would support a rezoning to Suburban Farm, and it seemed that the applicant was trying to seek a rezoning through the variance process.

Lisa Gulda, 5033 Thicket Lane, was present. She said she only applied because she was advised to by former staff to proceed in this way as opposed to a rezoning request.

Member Powell said the ZBA is charged with granting variances based on hardship, not personal preference.

Member Seiber asked the applicant to confirm that parent parcel was split in 2021. Ms. Gulda confirmed, and said it was her father's property. When it was split in 2021, her brothers received the bigger parcel, and she received the smaller parcel with 15 acres.

Member Schillack said the applicant's request made sense; but the ZBA had to grant variances based on hardship.

Member Powell stated that he would have been in favor of the request if there were issues with the rezoning of the southernly three parcels.

Chairperson Spencer opened the public hearing at 7:30 P.M. Seeing none, she closed the public hearing at 7:30 P.M.

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

- A. Practical Difficulty

- B. Unique Situation
- C. Not Self-Created
 - Member Powell said the problem was self-created. The southerly three lots would not be impacted either as they could be split now.
- D. Substantial Justice
 - Member Schillack said there wasn't a matter of substantial justice as the applicant could go through the rezoning process.
- E. Minimum Variance Necessary

Member Powell asked staff to confirm that there wouldn't be any variances needed for the three southerly parcels. Director O'Neil confirmed.

Member Schillack MOVED to deny the variances requested by Lisa Gulda for Parcel Number 12- 16- 200-030 due to the following reason(s): there was not a proven hardship, the problem was self-created, and substantial justice wasn't withheld from the applicant.

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

- C. Applicant: Connie Barker
600 Farnsworth Road
White Lake, MI 48386
Location: **600 Farnsworth Road**
White Lake, MI 48386 identified as 12-26-453-014
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area. 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 31 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Director O'Neil briefly went over the applicant's request.

Member Powell asked staff how front, rear, and side yard were determined in this scenario. Director O'Neil said the orientation of the existing surrounding lots made Farnsworth Road the front yard, opposite of the backyard. The neighbor to the north was oriented facing Farnsworth as well. The majority of the houses on Farnsworth faced Farnsworth.

Marlon Fleck, 2840 Eatonville, and Connie Barker, 600 Farnsworth spoke on behalf of the applicant. The alterations would allow Ms. Barker's mother to age in place in her home. The alterations were for handicapped modifications.

Member Powell said he empathized with the applicant's need for their request. He said the existing house looked small from the Farnsworth roadside. He asked the applicant how the additional floor would be adjusted to the existing floor. Mr. Fleck said there would be a foyer in the breezeway, and there would be a chairlift installed. The existing rooms were too small to help and assist.

Member Seiber asked the applicant what the garage was used for. Ms. Barker said vehicles. Member Seiber asked the applicant if they had considered converting the garage for living space. Mr. Fleck said he considered it, but the two-car garage was necessary, especially if there was someone in a wheelchair.

Chairperson Spencer opened the public hearing at 8:07 P.M. Seeing none, she closed the public hearing at 8:07 P.M.

Member Seiber said the surrounding houses did meet the rear yard setbacks, and if a variance were granted, it would be one of the only houses in the area that did not meet the rear yard setbacks. Member Powell added that the subject lot was a corner lot. Member Seiber said there were alternatives presented without needing the rear yard setback, he did not see a case for substantial justice.

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

- A. Practical Difficulty
 - Member Dehart said the corner parcel was a practical difficulty
 - Member Schillack said a corner lot had been recognized as a practical difficulty in the past.
- B. Unique Situation
 - Member Dehart said the corner parcel was a unique situation.
- C. Not Self-Created
 - Member Dehart said the applicant didn't plat the parcel.
- D. Substantial Justice
 - Member Seiber said he did not see a case for substantial justice.
 - Member Dehart said the applicant offered to reduce the addition.
- E. Minimum Variance Necessary
 - Member Dehart said if the applicant were to reduce the addition, there would be less of a variance necessary.
 - Member Schillack appreciated the applicant's offer to eliminate the shed.

Member Powell MOVED to approve the variances requested by Connie Barker from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-453-014, identified as 600 Farnsworth Road, in order to construct an addition that would encroach 6 feet into the required rear yard setback (west), exceed the allowed lot coverage by 10%, and exceed the allowed value of improvements to a nonconforming structure by 335%. A 1,110 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 shed shall be removed from the property prior to approval of the final inspection by 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 and lot coverage.**

**Member Schillack supported, and the motion carried with a voice vote: (4 yes votes)
(Powell/yes, Dehart/yes, Spencer/yes, Schillack/yes, Seiber/no).**

D. Applicant: Gateway Commons, LLC
600 N. Old Woodward, Suite 100
Birmingham, MI 48009
Location: **6340 Highland Road and 6350 Highland Road**
White Lake, MI 48386 identified as 12-20-402-003 and 12-20-426-003
Request: The applicant requests to construct a commercial/retail center, requiring variances from Article 6.4.C.iii, Minimum Driveway Spacing – Relative to Intersections, Article 4.17.A, Drive-Thru Window Service Front Yard Setback, Article 4.17.B, Drive-Thru Window Service Driveway Setback from Residential Zoning Districts, and Section 5.11.M, Minimum Requirements for Off-Street Parking.

Chairperson Spencer noted for the record 13 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.

Chairperson Spencer said she believed this was the first time she saw these sections of the ordinance come before the ZBA.

Director O’Neil gave a brief report.

Member Seiber asked staff if the drive thru windows were placed on the west side of the property, would a variance be triggered for the additional 10’. Director O’Neil confirmed.

Member Schillack asked staff if there would be disorderly traffic patterns within the parking lot. Director O’Neil said it would most likely be of internal nature, and the developer would need to mitigate that.

Member Schillack commended the developer for working around the natural features setback on the site.

Keith Maziasz, 600 N Old Woodward, Scott Tousignant, 3140 East Howell, and Jake Root, 1644 Ford, were all present to speak on behalf of the applicant. The east end of the building needed the additional stacking for the drive thru customers. The drive location on Bogie Lake Road was the anticipated location preferred by MDOT, which was roughly 70' short of meeting the zoning requirements. The extra 10' needed for the drive thru was for the window, not for the stacking. The west side of the building would not be ideal for a drive thru window as it would not face up to a driver's side window. The topography of the site proved to be a difficulty due to the changes in elevation.

Member Seiber asked the applicant if the building could be shifted westerly to accommodate the 60' front yard set back. Mr. Tousignant said the site proved to be difficult due to the wetlands, and shifting the building would encroach on the drive aisles.

Chairperson Spencer opened the public hearing at 8:52 P.M.

Mary Earley, 5925 Pine Ridge Court, was concerned about traffic cutting through the development.

Chairperson Spencer closed the public hearing at 8:54 P.M.

Member Powell stated that the site was extremely hard to engineer, and the project had seen a lot of planning efforts from the Planning Commission and staff.

Member Schillack said he was looking forward to seeing the site developed.

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

- A. Practical Difficulty
 - Member Dehart said the site had topographical issues.
- B. Unique Situation
 - Member Seiber said there was a M-59 boulevard that impacted the driveway.
- C. Not Self-Created
 - The applicant did not plat or create the lot.
- D. Member Substantial Justice
 - Member Seiber said the variance would provide substantial justice.
 - Member Schillack said seeing a quality design on a difficult site was substantial justice.
- E. Minimum Variance Necessary
 - Member Dehart said it was the minimum variance necessary,
 - Member Schillack said the site would not impact the natural features of the site.

Member Seiber MOVED to approve the variances requested by Gateway Commons, LLC from Article 6.4.C.iii, Article 4.17.A, Article 4.17.B, and Article 5.11.M of the Zoning Ordinance for 6350 Highland Road (Parcel Number 12-20-426-003) and 6340 Highland Road (Parcel Number 12-20-402-003) in order to allow construction of a commercial/retail center. This approval will have the following conditions:

- **The variances shall become effective if and when the final site plan for the development is approved by the Planning Commission.**
- **Approval is in accordance with the preliminary site plan prepared by Boss Engineering dated January 1, 2023 (revision date February 28, 2024).**

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

OTHER BUSINESS

Director O’Neil said he and Building Official Spencer would be at future ZBA meetings until a new staff member was hired and settled.

NEXT MEETING DATE: July 25, 2024 (June’s meeting will be canceled).

ADJOURNMENT

MOTION by Member Schillack, seconded by Member Seiber, to adjourn at 9:09 P.M. The motion carried with a voice vote (5 yes votes).