

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS- SPECIAL MEETING
FEBRUARY 26, 2020
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 7:06 p.m. and led the Pledge of Allegiance. Roll was called:

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

Also Present: Sean O’Neil, WLT Planning Director
Hannah Micallef, Recording Secretary

Visitors: 2

Approval of the Agenda:

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

Approval of Minutes:

Zoning Board of Appeals Meeting of January 23, 2020.

Mr. Walz had a question regarding the way the board members vote is written into the record. He was wondering if more comments were needed when the Appeals members vote, instead of just a “yes/no”. Ms. Spencer clarified that in the future, the votes will include the specific comments from each member for documentation purposes. Mr. O’Neil also suggested that with any vote, the ZBA would want to be as clear as possible with their commentary regarding their vote. The ZBA would need to site the reasons for their approval or denial. Mr. Powell moved to approve the meeting minutes of January 23, 2020 as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (3 yes votes).

Continuing Business

- a.
- Applicant: Mark Williams
2511 Trevor
Commerce MI, 48390
- Location: **60 S Hulbert**
White Lake, MI 48386 identified as 12-26-105-024
- Request: Variance to Article 3.1.6 E. R1-D Single Family Residential: Side-Yard Setback, Rear Yard Setback, Lot Coverage, Lot Width, and Lot Size. Variance to Article 5.7 Accessory Structures.

Ms. Spencer noted for the record that 29 owners within 300 feet were notified. No letters were received in favor, no letters were received in opposition and two letters was returned undeliverable from the US Postal Service.

Property Description: The property at 60 S. Hulbert is a single-family home zoned R1-D Single Family Residential. The property is located in the Carleton Heights Neighborhood near Oxbow Lake. The home currently uses a private well for water, and a private septic system for sanitation.

Applicant's Proposal: The applicant is proposing to construct a new 24 x 28 detached garage. The garage will be a total of 672 square feet.

Staff Planner's Report: The new garage at 60 S. Hulbert Avenue will require a side-yard setback variance being only five (5') feet from the property line. Also, the new garage will be setback six (6') feet from the existing house. The Accessory Structures Ordinance Article 5.7 states that a detached structure that is located less than ten (10') feet from a primary structure will need to meet all of the setbacks as if it were attached to the home. This would require the garage to be setback ten (10') from the property line and not the five (5') feet for accessory structures. The lot is deficient in lot width being platted at 91 feet, however the frontage on Hulbert is limited to 10 feet which is the width of the easement.

Mr. O'Neil added that this is an awkward lot, and it would not be something that you could build on this day. This lot is legal non-conforming. The confusion last month was regarding the variance needed for the five feet (5') side yard set back for the garage, because it doesn't meet the required ten feet (10') distance from the home, or just granting a variance of four feet (4') which would be the difference between the six feet (6') that's provided and the ten feet (10') that is required, which would be sufficient to allow five feet (5') on the other side. The public hearing was published both ways.

Mark Williams, on behalf of the homeowner, was in attendance.

Mr. Powell asked if during last month's meeting if the neighbor to the north was present at last month's meeting. It was presented during January's meeting, and it was read into the record at

that time. The notarized letter was read again, and it was in favor of the proposed garage construction.

Mark Williams, 2511 Trevor Drive, Commerce Twp.: stated he was asking to build the garage on behalf of the homeowner, Cindy Burgess. He explained the hardship that cause the variance. The position of the garage on the lot doesn't allow for much space. The homeowner wanted to leave the windows on the north side of the house untouched for her elderly parents. The homeowner wanted to keep the walkway open to the lake, but more so, she wanted a garage to have storage for medical equipment as well as a place to park. Mr. Williams stated that he played with the layout several times, and this is the way that worked out the best for the homeowner to transport her parents to and from the home, as well as have ventilation on that side of the house.

Mr. Powell wanted clarification regarding Mr. Williams comments about ventilation. Mr. Williams stated he wanted to give the homeowner space between the home and the garage to keep the the windows intact. If the garage were attached, ventilation and light would be lost, as the windows would be eliminated.

Mr. Powell stated that several of the home's windows looked like that were not to code. Mr. Williams said that the side windows could be made into ingress/egress. Mr. Powell stated the windows do not meet the current code for ingress/ egress, but could be made that way by elongating them. Since that is an option, it's hard to not allow the garage to slide against the building. If the garage were pushed up to the side of the house, you would not have cross ventilation n due to the loss of the windows. Cross ventilation is a choice, not a hardship. Mr. Powell sees two ways to solve the issue: move the garage a foot away from the house which gives ten feet (10') ft. from the outside edge and no variance is needed, or connect the garage to the home, that again would leave ten feet (10') on the edge. He noted that there is a garage door in the front, it swings between the house and the garage. If they moved the garage door to the front, they would have full access to the house and the garage.

Mr. Williams acknowledged his only hardship really is eliminating the windows. The windows add cross ventilation and light into the home. He emphasized he really needs to keep the walkway between the garage and the house for mobility of the parents. He trying to keep the walkway. He has never discussed elongating the windows with the homeowner, but by keeping the windows you keep the light, cross-ventilation in the home. He is trying to make the homeowner happy.

Mr. Powell mentioned if this were a new home, no one would be asking for a separation between house and garage. Mr. O'Neil added the only difference with an attached garage would have an added interior door. Mr. Williams stated where the bedrooms are, there's no way a hallway can be added for an interior door and walkway to be built into an attached garage.

Mr. O'Neil suggested maybe reducing the width of the garage, as to further reduce the amount of non-conformity. The garage proposed is large and deep, perhaps they could go narrower and deeper garage. A 22' by 22' garage you can pull two cars into and still open doors. By taking some of the length from the width, more length could be added to the depth. A 30' depth by 22' width, you would gain 2' ft. from the property line. Mr. Walz asked what variances would be needed for the proposed scenario. Mr. O'Neil explained by reducing the width of the garage,

they could take it from the side yard setback and relieve some of the non-conformity on that side.

Mr. Williams mentioned that the neighbor to the south was okay with the building plans as is, this neighbor and the homeowner share a driveway. Mr. Williams noted that he is worried that eliminating the two feet (2') will change this plan construction wise as well as financially alter the project.

Mr. O'Neil reminded the audience that the board is charged by eliminating the most non-conformities as possible within the township. A compromise is needed at this point. The ZBA does not take financial issues into account. The current garage may not be enough of a hardship to approve the variances. A 22 ft. wide garage is still a large garage, especially on a lake lot. If the garage is made shorter in width, in the long-term, the shorter garage will be more acceptable for future neighbors/ owners of the affected properties. This variance and future garage are a forever result.

Mr. Williams said that the reason he wants to build the garage to the bigger with is to accommodate a SUV and a walkway. This was done to meet the homeowners needs. By not building to the homeowner's specifications, he is in jeopardy of losing his contract with the homeowner. The homeowner was not present at this meeting, but was at the two meetings prior.

Ms. Spencer opened the hearing to the public at 7:43 pm

Mary Earley, 5925 Pine Ridge Ct. Mrs. Earley mentioned that people come to these meetings and try to put as much into a smaller lake lot as they would a bigger lot that could accommodate. She does not think a two car garage is necessary when a one car could work just as well. One car is a smaller garage gives plenty of room for transport of individuals/

Ms. Spencer closed the public hearing at 7:45 PM

Mr. Walz suggested a compromise would be favorable. He liked the idea of a garage being built to encapsulate personal belongings. Having a garage is a necessity to storage personal items. Maybe not going all the way to the lot line, and using the length there to deepen the garage. He struggles to understand the practical difficulty regarding the natural ventilation. There's many factors that play into ventilation. Mr. Williams again said the 24' makes a nice sized garage for the homeowner. He suggested five feet (5') between the house and six feet (6') between the neighbors as his compromise.

Ms. Spencer recalled the homeowner saying at the last meeting there would be equipment for the elderly parents in the garage that need to be stored. Mr. Powell said that the cars currently are not parked inside, and that the homeowner could be have a lot of benefits from a one car garage as opposed to none at all.

Mr. Williams said moving the garage five feet (5') with six feet (6') on the side would be a good compromise. He could move the pavers on the side of the house and connect the walkway to the home. Mr. Walz clarified that the walkway would not be covered? Mr. Williams said the

homeowner does not want it covered. Mr. Walz added that covered walkway would reduce fall risks, weather, etc.

Mr. Powell mentioned that the garage cross section has eaves and soffits. That side of the house, the eaves would be touching the home at the current 2 ft. size. Mr. Williams said he could reduce them to 1 ft. eaves. This would help with the hardship of light and ventilation.

Mr. Walz and Ms. Spencer agreed that the garage size needs to be adjusted in order for them to feel comfortable in approving any variances. Mr. Powell likes the idea of a 22 ft. wide garage. Mr. Williams suggested 23 ft. wide, as it would work for the homeowner and give five feet (5') away from the house and would give the seven feet (7') needed, as well as changing the eaves to one foot (1").

Mr. Powell MOVED to approve the variance requested by Mark Williams for 60 S. Hulbert identified as 12- 26- 105- 024 in order to construction a detached garage for the necessity of parking cars, equipment and materials inside instead of outside. The variances requested are as follows:

Variance number one, from Article 3.1.6 Side yard variance. The Ordinance permit ten feet (10') and requires ten feet (10') The requested is 3 ft., for an end result of seven feet (7'). from property line. Variance two, article 3.1.6. required lot width. The ordinance requires eighty ft. (80') the requested variance is seventy feet (70'), with an end result of ten ft. (10'). Stipulation that this is a direct result of the configurations of the lot

Variance three, Article 5.7. d regarding accessory structures or structures in residential districts. Requirement is ten ft. (10') apart per the ordinance, requesting five ft. (5') between the principal and accessory structure, with an end result of 5' between the structures and with no ability to attach the the structures together. Construction of the eaves/roof overhang will need it be approved by the building department. Gutters need to be added and downspouts will direct the water to the northwest toward the lake and away from the neighbor toward the north east. The applicant will need to all al necessary permits through the White Lake Township Building Department. Mr. Walz supported and the MOTION CARRIED with a roll call vote: Powell- Yes, because he believes there is a hardship, the property does need a garage, but the owner has agreed with compromise, so this is a necessity for the enjoyment of the property, Spencer- Yes, the applicant has compromised with what was originally presented and the non-conformity has been reduced since the meeting prior. Walz –Yes, for the reasons stated.

Other Business: Mr. O'Neil mentioned that the new staff planner will be attending March's ZBA meeting. His name is Justin Quagliata, and he currently handles the ZBA in the township he works in now.

Adjournment:

The meeting was adjourned at 8:07 p.m.

Next Meeting Date:

March 26, 2020

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: White Lake Township Zoning Board of Appeals

FROM: Sean O'Neil, AICP, Planning Director 

DATE: June 11, 2020

Agenda item: 5a

Appeal Date: June 11, 2020

Applicant: Kim McFadden

Address: 9693 Bonnie Briar
Walled Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 9120 Buckingham
White Lake, MI 48386

Property Description: The property at 9120 Buckingham is a single-family home zoned R1-D Single Family Residential. The property is located in English Villas Subdivision on Pontiac Lake. The home currently uses a private well for water, and the public sanitary sewer system for sanitation.

Applicant's Proposal: The applicant is proposing to remodel and existing single-family home, and detached garage. The applicant would be adding additional square footage to the ground floor of the home in the amount of 240 square feet. The current home is 878 square feet, the new total would be 1,358 square feet. A new second story would be added to the home. Also, a two-car garage addition is being proposed to the existing single-story garage. The current garage is 635 square feet in size the new garage would be a total of 1,275 square feet with a storage area on the second floor. The roof area that connects the two structures would cover an additional 72 square feet of area.

Planner's Report: Under the current Ordinance Section 7.28, Repairs and Maintenance, the maintenance to non-conforming structures are not to exceed fifty percent 50% of the State Equalized Valuation in repairs in a given twelve (12) month period. This project will far exceed this number at 8,967%. Further, the Ordinance does not allow for the cubic content of the non-conforming structure to be increased. According to the Building Department, the current garage cannot support the addition being proposed by the applicant because it is not a viable structure. Therefore, the applicant will reconstruct the garage and attach it with a roof structure. Also, the home's foundation may not support a second story, and would require a signed structural report from a Michigan Licensed Structural Engineer. The proposed lot coverage is now at 26.4% or 6.4% beyond the allowable limit. As proposed the new garage will sit 21.3' from the road right-of-way, requiring a front yard setback variance of 8.7'. In summary, the remodeling being proposed exceeds the Non-Conforming Structures Ordinance by almost 9,000%. Based on the SEV of the Structure (currently at only \$3,680) the buildings should be demolished and the applicant should propose a new home that conforms to the current Clear Zoning Ordinance 58, as a legal alternative does exist for this property.

Proposed Variances

Variance #	Ordinance Section	Subject
1	Article 7.28.A	Nonconforming Structure

Current Building TCV (True Cash Value): \$7,360
 Total SEV (State Equalized Value): \$3,680 50% = \$1,840
 Proposed Estimated Cost of Construction: \$165,000
 8967% Percent Over the allowable Maintenance
 No Expansion of the Cubic Content of the Structure

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
2	Article 3.1.6	Front Yard Setback	30.0'	8.7'	23.1'

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
3	Article 3.1.6	Maxium Lot Coverage	20%	6.40%	26.40%
			2,300 sq. ft.	405 sq. ft.	2,705 sq. ft.

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
3	Article 3.1.6	Minimum Lot Size	12,000 sq. ft.	1, 750 sq. ft.	10,240 sq. ft.

Recommended Motions:

Table: “I move to table variance request of Kim McFadden for 9120 Buckingham identified as 12-14-280-014 to consider comments noted during this public hearing”.

Approval: “I move to approve the variance requested by Kim McFadden for the property at 9120 Buckingham identified as 12-14-280-014 in order to remodel an existing home and garage. The variances requested are as follows (see table). This approval will have the following conditions:

- Applicant will pull all necessary permits with the White Lake Township Building Department.

Denial: “I move to deny the variance requests of Kim McFadden for the remodel at 9120 Buckingham the parcel 12-14-280-014, due to the following reason (s):

- There are legal alternatives that exist.
- The applicant has not demonstrated a hardship or practical difficulty that justify the variances being requested.

7.37 STANDARDS

General variances: The Zoning Board of Appeals may authorize a variance from the strict application of the area or dimensional standard of this Ordinance when the applicant demonstrates all of the following conditions "A - E" or condition F applies.

- A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.
- B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

- C. Not self created: The applicants problem is not self created.
- D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).
- E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.
- F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:
 - i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;
 - ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com


MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of building permit application for 9120 Buckingham
Date: February 27, 2020

=====

I have denied the building permit application for 9120 Buckingham based on the following:

1. Expansion of a non-conformity by adding a second story. Requires a variance of 8.8 ft on the NW corner
2. New garage proposed 21.3 ft front yard setback requiring a variance of 8.7 ft
3. Total lot coverage of 26.4% requiring a variance of 6.4% (I can give greater detail about this number if need be, but the numbers on the site plan did not include several items)
4. Cost of repairs and construction exceeds 50% of State Equalized Value


2/27/2020

Lopez Engineering, Inc. STRUCTURAL CONSULTING

7508 M E Cad Blvd
Suite C
Clarkston, MI 48348
Phone (248) 634-0444
Fax (248) 297-5200
tom@lopezengineers.com

RECEIVED

January 30, 2020
March 5, 2020

MAR 11 2020

Job No. 20-029

Kim McFadden
9120 Buckingham LLC
9693 Bonnie Briar
White Lake, MI 48386

BUILDING
DEPARTMENT

Re: Foundation Inspection
9120 Buckingham
White Lake, MI 48436

This is a follow-up letter from a site meeting among you, Alan Pelowski from Alan Construction and Thomas J. Mickus from Lopez Engineering. The purpose of the inspection was to verify whether the existing foundation is suitable for a new 2 story addition. The inspection was executed January 28, 2020. *Later in March a clarification in the letter was needed by your contractor as to whether a 3 to 4 ft. high stone or brick veneer could be fastened on the house exterior. This issue is addressed later in the report.*

Findings

Upon arrival to the premises a 1-story building was found in fair to poor condition residing on a concrete block masonry foundation. The 20 ft. by 45 ft. existing structure appeared to have exterior wood siding and a roof system. On the inside all the interior finishes were found removed with construction debris and tools throughout.

In the basement, 6 ft. high concrete masonry walls were found beneath the exterior perimeter walls. The walls were found relatively plumb in good condition. Further, the walls were checked by hitting them with a hammer. All walls did not chip and sounded solid. (Note a compromised wall would easily chip or sound hollow when hitting it with a hammer) The walls appeared to be free of any major distress.

According to Alan Pelowski, the foundation will be extended 5 ft. in the 20 ft. dimension. The new foundation will have a concrete spread footing 42" below finished grade with 8" concrete block foundation walls. Further, new roof and 2nd floor trusses will clear span

January 30, 2020
Page 2

Job No. 20-018

the new 25 ft. dimension. Lastly, new pressure treated wood blocking will be installed between the first-floor framing and the top of the masonry wall.

Analysis

The following materials were referenced in writing this report: The 2015 Michigan Residential Code, Minimum Loads on Buildings and Other Structures (ASCE 7-10), The Building Code Requirements for Structural Concrete (ACI 318-11), the 2011 Building Code Requirements and Specification for Masonry Structures (by MSJC), A manual prepared by the Department of Army Corps of Engineers "Evaluation and Repair of Concrete Structures", and the 2011 National Design Specifications.

Loading:

Roof:	Dead Load= 15 psf, Live Load= 30 psf
2 nd Floor:	Dead Load= 15 psf, Live Load= 30 psf
1 st Floor:	Dead Load= 15 psf, Live Load= 40 psf

Conclusion:

We conclude that the existing masonry foundation system can accommodate loads from the first floor and new second story addition. Further, there shall be no internal loads on the interior framing but shall be redirected by clear span roof and floor trusses. Lastly, *4" thick full size stone or brick veneer is to be installed on exterior walls on the outside of the structure. However, a 3 to 4 ft. high 1" to 1 1/2" thick stone or brick veneer may be mounted and supported by the wood framed walls using wire fabric fastened to the wood and thin set to set the stone or brick.*

Please feel free to contact our office with any further questions or concerns.

Very Truly Yours,

Thomas J. Mickus

Thomas J. Mickus, P.E.



Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



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WHITE LAKE TOWNSHIP

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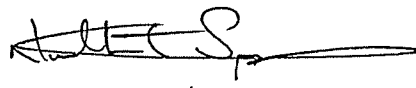
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4. Cost of repairs and construction exceeds 50% of State Equalized Value


2/27/2020

Lopez Engineering, Inc. STRUCTURAL CONSULTING

7508 M E Cad Blvd
Suite C
Clarkston, MI 48348
Phone (248) 634-0444
Fax (248) 297-5200
tom@lopezengineers.com

January 30, 2020

Job No. 20-029

Kim McFadden
9120 Buckingham LLC
9693 Bonnie Briar
White Lake, MI 48386

Re: Foundation Inspection
9120 Buckingham
White Lake, MI 48436

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Findings

Upon arrival to the premises a 1-story building was found in fair to poor condition residing on a concrete block masonry foundation. The 20 ft. by 45 ft. existing structure appeared to have exterior wood siding and a roof system. On the inside all the interior finishes were found removed with construction debris and tools throughout.

In the basement, 6 ft. high concrete masonry walls were found beneath the exterior perimeter walls. The walls were found relatively plumb in good condition. Further, the walls were checked by hitting them with a hammer. All walls did not chip and sounded solid. (Note a compromised wall would easily chip or sound hollow when hitting it with a hammer) The walls appeared to be free of any major distress.

According to Alan Pelowski, the foundation will be extended 5 ft. in the 20 ft. dimension. The new foundation will have a concrete spread footing 42" below finished grade with 8" concrete block foundation walls. Further, new roof and 2nd floor trusses will clear span the new 25 ft. dimension. Lastly, new pressure treated wood blocking will be installed between the first-floor framing and the top of the masonry wall.

January 30, 2020
Page 2

Job No. 20-018

Analysis

The following materials were referenced in writing this report: The 2015 Michigan Residential Code, Minimum Loads on Buildings and Other Structures (ASCE 7-10), The Building Code Requirements for Structural Concrete (ACI 318-11), the 2011 Building Code Requirements and Specification for Masonry Structures (by MSJC), A manual prepared by the Department of Army Corps of Engineers "Evaluation and Repair of Concrete Structures", and the 2011 National Design Specifications.

Loading:

Roof:	Dead Load= 15 psf, Live Load= 30 psf
2 nd Floor:	Dead Load= 15 psf, Live Load= 30 psf
1 st Floor:	Dead Load= 15 psf, Live Load= 40 psf

Conclusion:

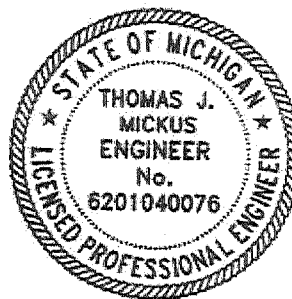
We conclude that the existing masonry foundation system can accommodate loads from the first floor and new second story addition. Further, there shall be no internal loads on the interior framing but shall be redirected by clear span roof and floor trusses. Lastly, no stone or brick veneer is to be installed on exterior walls.

Please feel free to contact our office with any further questions or concerns.

Very Truly Yours,

Thomas J. Mickus

Thomas J. Mickus, P.E.



CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: Kim McFadden PHONE: 248.666.3368
ADDRESS: 9693 Bonnie Dr, Wht Lk
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 9120 Buckingham PARCEL # 12 - 14-280-014
CURRENT ZONING: R1-D PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)
Due to the prior owner's health conditions (living in house for over a year without water or lavatory facilities), the structures on the property have deteriorated to the point of them being unusable and/or livable. To bring the property and structures to the current building standards of the neighborhood, surrounding area and values.

APPLICATION FEE: 385⁰⁰ (CALCULATED BY THE PLANNING DEPARTMENT)
APPLICANT'S SIGNATURE: [Signature] DATE: 12/18/19

Kimcfadden1@comcast.net



White Lake Township
 7525 Highland Rd.
 White Lake, MI 48383

Receipt

Date	Receipt No.
12/23/2019	136872

Received of:
KIM MCFADDEN

Description: ZBA FEE
12-14-280-014
9693 BONNIE BRIAR

Item	Description	Amount
FEEZBA	ZBA/ ZONING BOARD OF APPEALS	385.00
	101-000-608.000 ZBA/ ZONING BOARD OF APPEALS	385.00
TOTAL		385.00

Check No.	Payment Method	Amount
4997	CHECK	385.00

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48306-2000 (248) 698-3300 • www.whitelaketwp.com

MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Department
Subject: Denial of building permit application for 9120 Buckingham
Date: December 2, 2019

=====

I have denied the building permit application for 9120 Buckingham based on the following:

1. Proposed garage would require demolition to construct what is proposed. Current garage is not a viable structure to be used as the base for the new structure. Proposed garage requires a variance for front yard setback.
2. Variance required for addition to right side of house for front yard setback
3. 2 story decks and covered porches are included in lot coverage calculations. Proposed garage plus proposed house and covered porches/decks equal 2570 sq. ft. 11,500 sq. ft. total lot size equals 22% lot coverage. Maximum lot coverage for R1D is 20%. Will require a variance as designed.
4. Maximum garage wall height of 14 ft. Designed as 15.5 ft.
5. Maximum mean roof height for an accessory structure of 18 ft. Designed as 19.5 ft.
6. Secondary gable walls on accessory structures will be held to a maximum wall height of 14 ft.
7. Complete Homeowner Affidavit on building permit application
8. Submit an Energy Compliance Worksheet
9. Site plan submitted does not match aerial view from Oakland County. Submit property survey
10. Indicate grinder station, water stop box and proposed silt fence location on site plan
11. Drawings for 2nd story balcony
 - a. Ledger attachment to overhangs not permitted
 - b. Ledger attachment to open web floor trussed not permitted
 - c. Show existing deck and attachment methods for the two structures
12. No indication on print for structural member(s) supporting the load for the 2nd story floor trusses at rear of house
13. Type and R-value of wall insulation MRC N1102.1.1
14. Type and R-value of ceiling insulation, minimum R-38. R-30 indicated on plan
15. Insulation for crawl space MRC N1102.2.2.10
16. Smoke detectors and carbon monoxide detectors per MRC and MCL 125.1504f. Indicate on print
17. Existing foundation will be evaluated on site at time of footing inspection
18. Foundation will require damp proofing MRC R406.1
19. Unvented crawl spaces will require a Class I vapor retarder MRC R408.3

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION

RECEIVED

NOV 29 2019

BUILDING
DEPARTMENT

Charter Township of White Lake
7525 Highland Road • White Lake, MI 4838
(248) 698-3300 • Fax (248) 666-7451



Authority: P.A. 230 OF 1972, as amended Completion: Mandatory to obtain permit Penalty: Permit will not be issued	This department will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.
---	--

APPLICANT TO COMPLETE ALL ITEMS

NOTE: SEPARATE APPLICATIONS MUST BE COMPLETED FOR PLUMBING, MECHANICAL, AND ELECTRICAL PERMITS

APPLICATION DATE: <u>11 / 20 / 2019</u>	IS OWNER APPLICANT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
---	---

PROPERTY INFORMATION

STREET ADDRESS OF PROJECT <u>9120 Buckingham</u>	APT. #	PARCEL I.D. NUMBER <u>12.14.280.014</u>	ZONING <u>R1D</u>
---	--------	--	----------------------

OWNER INFORMATION

LAST NAME OR BUSINESS NAME <u>9120 Buckingham LLC</u>	FIRST NAME	PHONE NUMBER <u>248.666.3368</u>
STREET ADDRESS <u>9120 Buckingham #</u>	CITY <u>White Lk</u>	STATE <u>MI</u>
		ZIP CODE <u>48386</u>

APPLICANT INFORMATION

	OWNER OR LESSEE	CONTRACTOR
OWNER OR COMPANY NAME	<u>Kim McFadden</u>	
CONTACT NAME	<u>Same</u>	
LICENSE NUMBER	<u>-(License # is N/A for homeowner)-</u>	
STREET ADDRESS	<u>9120 Buckingham</u>	
CITY/STATE/ZIP	<u>White Lk, 48386</u>	
PHONE	<u>248.666.3368</u>	
EMAIL	<u>jshuell7@comcast.net</u>	<u>Kimcfadde1@comcast.net</u>
ARCHITECT/ENGINEER NAME:		
LICENSE NUMBER:	CONTACT #:	

FEDERAL EMPLOYER ID NUMBER	
WORKERS COMP. INSURANCE CARRIER	
MESC NUMBER	

01/06/2020
03:29 PM

Valuation Report

DB: Assessing-19

Y -12-14-280-014
Property Class: 403
Map #: POST

2019 Est. T.C.V.
Township of White Lake

LESHOW, PATRICIA
9120 BUCKINGHAM RD
WHITE LAKE, MI 48386-1513

Land Value Estimates for Land Table 11L.Pontiac Lake

Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value	
Lake Access	17.00	140.00	1.0000	0.9661	1630	75		20,078	
Lake Access	38.00	115.00	1.0000	0.8756	1630	75		40,676	
Lake Access	53.33	96.00	1.0000	0.8000	1630	20	Excess Land	13,908	
115 Actual Front Feet, 0.26 Total Acres								Total Est. Land Value =	74,661

TCV

Cost Est. for Res. Bldg: 1 Single Family Ranch Cls C -5 Blt 1940

(11) Heating System: Forced Air w/ Ducts
Ground Area = 878 SF Floor Area = 878 SF.
Phy/Ab.Phy/Func/Econ/Comb. % Good=53/10/100/100/5.3

Building Areas

Stories	Exterior	Foundation	Size	Cost New	Depr. Cost
1+ Story	Siding	Basement	798		
1 Story	Siding	Crawl Space	80		
			Total:	111,757	5,915

Other Additions/Adjustments

Deck					
Treated Wood			192	3,372	179

Garages

Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)					
Base Cost			440	17,318	918

Built-Ins

Dishwasher			1	652	35
Unvented Hood			1	275	15

Fireplaces

Exterior 1 Story			1	5,450	289
------------------	--	--	---	-------	-----

Totals: 138,824 7,351

TCV

Notes:

ECF (11L Pontiac Lake) 1.000 => TCV: 7,351

2019 Est. T.C.V. Y -12-14-280-014 = 82,012

Est. TCV/Total Floor Area = 93.41

2018 Assessed	MBOR	S.E.V.	Base for Cap	C.P.I.		
88,350	88,350	88,350	55,070	2.40		
2019 New Eq. Adjustment	Loss	Additions	Tax Adjustment	Losses		
0	-9,830	37,510	0	751	23,381	
2019 Assessed	MBOR	S.E.V.	Capped	->Taxable<-	PRE/MBT	
41,010	41,010	41,010	32,440	32,440	0	

2019 Assessed 41,010

Active
TAXABLE
TAXABLE

403	403 Lake Imp
403	403 Lake Imp
62300	WATERFORD SCHOOL DISTRICT
11L	11L Pontiac Lake
POST	
R1D	
<none>	

Year
2020 U
2019 C
2018 C A
2017 C
2016 C
2015 C
2014 C
2013 S
2012 S
2011 S
2010 S
2009 C
2008 C
2007 C
2006 C
2005 C
2004 C
2003 C
2002 C
2001 C

Sales - Y -12-14-280-014

Sale 1 of 3

*Date of Sale: 08/16/2019 Confidential Sale Price: 100,000
 Instrument: WD Adj. Sale Price: 100,000
 Terms: 1-ValidSale PTA penalty applies Rsn for Adj:
 Days on Market: 0 PTA Penalty Billed: 0.00 RPS Statement To:

Sheriff Deed/Foreclosure Fields (Informational Only)
 Redemption Date: // Joint Tenants
 Secondary Grantee:
 Liber/Page: 53178:820
 Short Note:

Ex. from PRE Report Ex. from Tran. Reports
 Flag this Sale for use in ECF Analysis Vacant Land Sale P.A. Liber/Page:

P.A. Options: P.A. Date Filed: // Don't update Physical Characteristics: Eff. Frontage: 92.36
 Cur. Assd: 41,000 When Sold: 41,010 Net Acres: 0.264
 Class: 403 Land Val: 74,661 ECF TBL: 11L

Final S.E.V.
45,410
41,010
88,350
87,370
86,640
68,630
60,890
51,660
51,160
51,380
54,150
70,850
93,940
108,820
106,390
105,370
93,580
84,580
78,560
72,200



White Lake Township Building Dept.
7525 Highland Rd.
White Lake, MI 48383

(248) 698-3300
Fax (248) 666-7451

Grading and Drainage Permit Application

Date: 11/20/2019

Applicant: _____
Project Address: 9120 Buckingham Sidwell: 12-14-280-014
Zoning: R1D

Property Owner: Business Individual
Name: 9120 Buckingham LLC / Kim McFadden
Street: 9120 Buckingham Apt: _____ P.O. Box: _____
Contact Information: Home: (248) 666-3368 ext. _____ Cell: (248) 672-9420 Ext. _____
Email Address: jshue117@comcast.net / Kimcfadden1@comcast.net

Design Professional: _____ State License #: _____
Contact Information: Work: (____) _____ - _____ ext. _____ Cell: (____) _____ - _____ Ext. _____
Email Address: _____

Brief Description of Proposed Work: Complete Renovation and remodel of Residential Structure
Add 2 additional vehicle storage to existing 2 c garage and add unfinished 2nd floor for storage
Add 5' to East side of Residential Structure, add 2nd floor, add 2 additional Bathrooms,
Remodel existing Kitchen & Bathroom Rebuild existing deck

FEES

Permits:	Building Dept. Grading... \$200.00	Inspections:	Field (by Township Engineer) (up to 2) \$400.00
	Soil Erosion \$350.00		(Additional / each)..... \$200.00
Reviews:	Building Department..... \$ 50.00		Site Evaluation \$ 50.00
	Engineer..... \$350.00		

SIGNATURES

APPLICANT
By: [Signature]
Date: 11/20/2019

TOWNSHIP'S AUTHORIZATION
By: _____
Date: _____

SOIL EROSION & SEDIMENT CONTROL PERMIT

NOV 04 2019

000073-2020-SF

Date Issued

Permit Number

Under the provisions of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, approval of the soil erosion and sediment control plan filed with this office for the following earth disruption is granted.

Project Description: SINGLE FAMILY RESIDENCE

Project Location: 12-14-280-014, CHARTER TOWNSHIP OF WHITE LAKE
9120 BUCKINGHAM DR (PONTIAC LK RD & M-59)

Owner: KIM & JOHN MCFADDEN

Street Address: 9693 BONNIE BRIAR ST **Phone:** 248-666-3368

City And State: WHITE LAKE, MICHIGAN **Zip:** 48386

Review Fee: \$75.00 **Initial Inspection Fee:** \$145.00

On Site Contact: KIM & JOHN MCFADDEN **Phone:** 248-666-3368

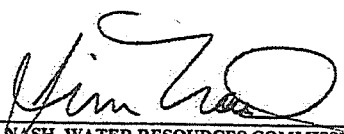
Site Classification: 4


CONDITIONS AND CLARIFICATIONS

Only checked conditions are applicable

1. This permit does not include or constitute a drainage review.
2. This permit does not waive the necessity for any other Federal, State or local permits as may be applicable to the project.
3. This permit is subject to any changes deemed necessary by this office to ensure that no sedimentation occurs to off-site areas or waters of the state.
4. This permit references drawings and specifications submitted on 10/18/19 by KIM & JOHN MCFADDEN.
5. This is an AFTER-THE-FACT-PERMIT. The Owner(s) and /or their agent(s) did not obtain the required permit until the project was substantially in progress.
6. This soil erosion and sediment control permit does not convey permission to work within the right-of-way of the Drain. Please contact the Oakland County Water Resources Commissioner's Office at 248-858-0958 for permit requirements.
7. IF THIS WORK SITE IS BETWEEN ONE (1) AND FIVE (5) ACRES AND HAS A POINT SOURCE DISCHARGE OF THE STORM WATER TO WATERS OF THE STATE (DIRECTLY OR THROUGH A SEPARATE STORM DRAIN SYSTEM), THE SITE HAS AUTOMATIC COVERAGE UNDER THE PERMIT-BY-RULE FOR STORM WATER DISCHARGE.
8. IF THIS WORK SITE IS FIVE (5) ACRES OR LARGER AND HAS A POINT SOURCE DISCHARGE OF THE STORM WATER TO WATERS OF THE STATE (DIRECTLY OR THROUGH A SEPARATE STORM DRAIN SYSTEM), A FEDERAL STORM WATER DISCHARGE PERMIT (N.P.D.E.S. PERMIT) WILL BE REQUIRED. A NOTICE OF COVERAGE (NOC) FORM, SITE MAP, A COPY OF this permit, AND PERMIT FEE MUST BE RECEIVED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE ANY CONSTRUCTION BEGINS AT THE SITE. CALL 517-241-8993 FOR MORE INFORMATION.
9. Temporary soil erosion and sediment control measures shall be: a) properly installed prior to or at the time of any earth disruption, b) periodically maintained as necessary; c) kept in operation until disrupted earth is permanently stabilized.
10. A geotextile filter fabric fence in accordance with the Soil Erosion and Sedimentation Control Standard Details will be in place between the disrupted area and the curb or ditch adjacent to BUCKINGHAM DR and any low-lying off-site areas.

CONTINUED ON BACK


JIM NASH, WATER RESOURCES COMMISSIONER
Soil Erosion & Sediment Control Agent
Oakland County, Michigan


JOSEPH A. GARDNER
Designated Enforcement Agency
Part 91 of Public Act 451 of 1994

2. A person who knowingly violates Part 91 or knowingly makes a false statement in an application for a permit or in a soil erosion and sedimentation control plan may be ordered to pay a fine of up to \$10,000 for each day of violation.
3. If corrective action is not taken within five (5) days of the date of a Notice of Determination of Violation letter, the permit holder will be responsible for a payment of a civil fine of not less than \$2,500 or more than \$25,000 for each day of violation. MCL 324.9121(1); 9121(2); and 9121(3).
4. By applying for and accepting this permit, the landowner hereby consents to the following: (1) the authority of the Michigan Department of Environmental Quality, or the county enforcing agency to enter upon the property at all reasonable times for the purpose of inspecting and investigating conditions or practices that may be in violation of Part 91; (2) installation of soil erosion and sedimentation controls by the county enforcing agency with all costs related to the administration, legal costs, permit or renewal fees and implementation of controls to be assessed against the landowner which may become a lien on the property.
5. No earth disruption can occur on this site before the issuance of the soil erosion permit.
6. The current violation re-inspection fee of \$75 will be assessed if the violations are not corrected within the five (5) day period.

This permit will be renewed every three months from this date at the current class inspection fee until the project has permanent soil erosion controls in place and temporary soil erosion controls removed.

An invoice for the renewal fee will be sent to the permit holder.

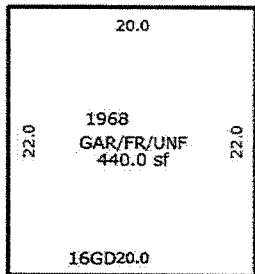
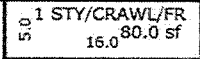
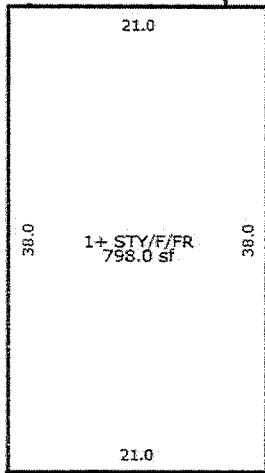
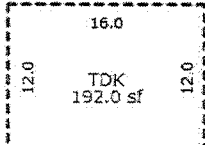
This permit can only be renewed for a maximum of ONE (1) year of inactivity from the date of application.

I hereby acknowledge that I have read, understand, and accept the terms and conditions of this permit.

Property Owners Signature: _____

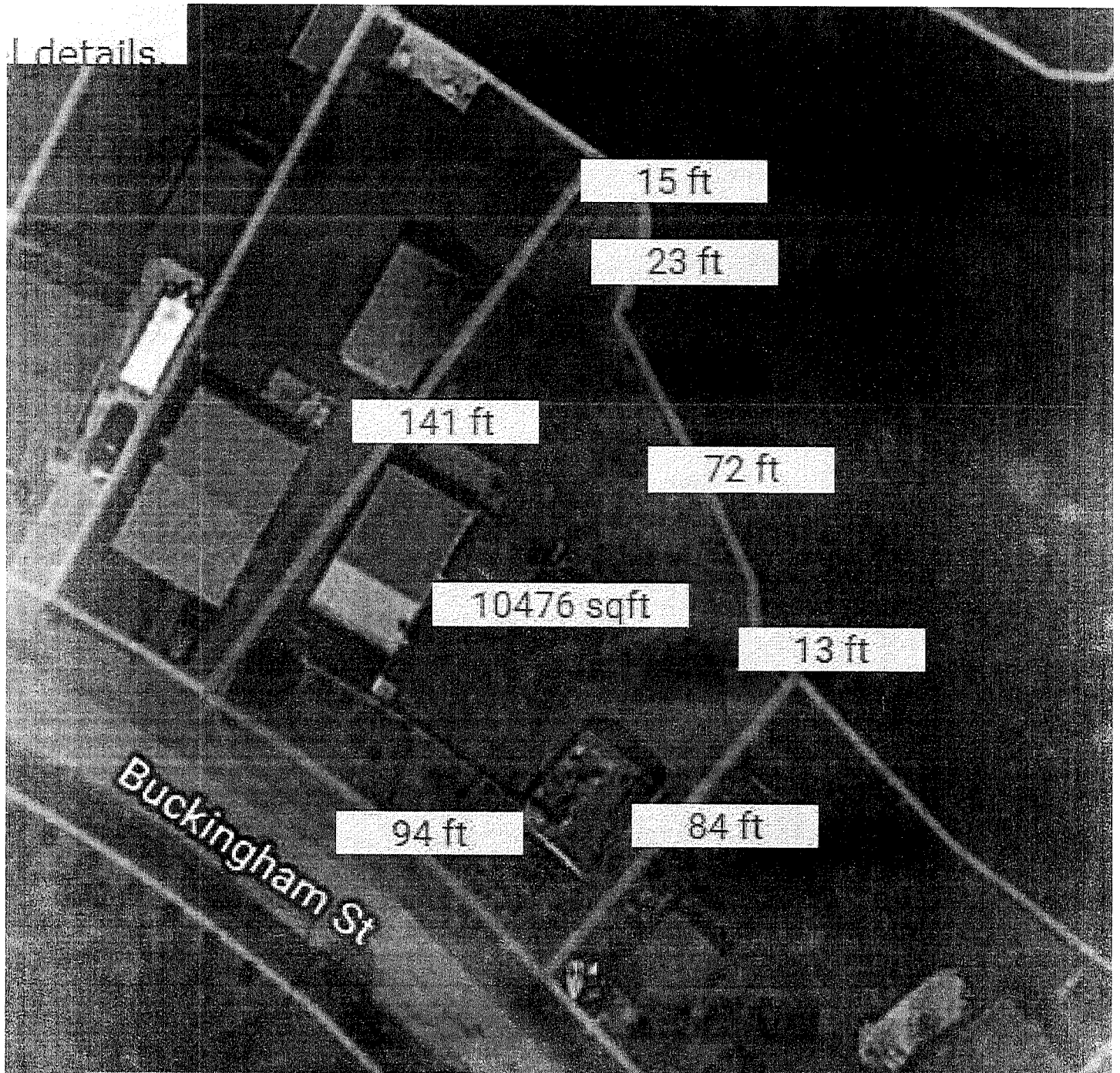
(or Designated Agent signature*)

* Designated agent must have a written and notarized statement from the property owner providing authorization to secure a permit on behalf of the property owner.





details



Map data ©2019 Imagery ©2019, Maxar Technologies, U.S. Geologic

Borrower: 9120 BUCKINGHAM

File No.: BUCKINGHAM

Property Address:

Case No.:

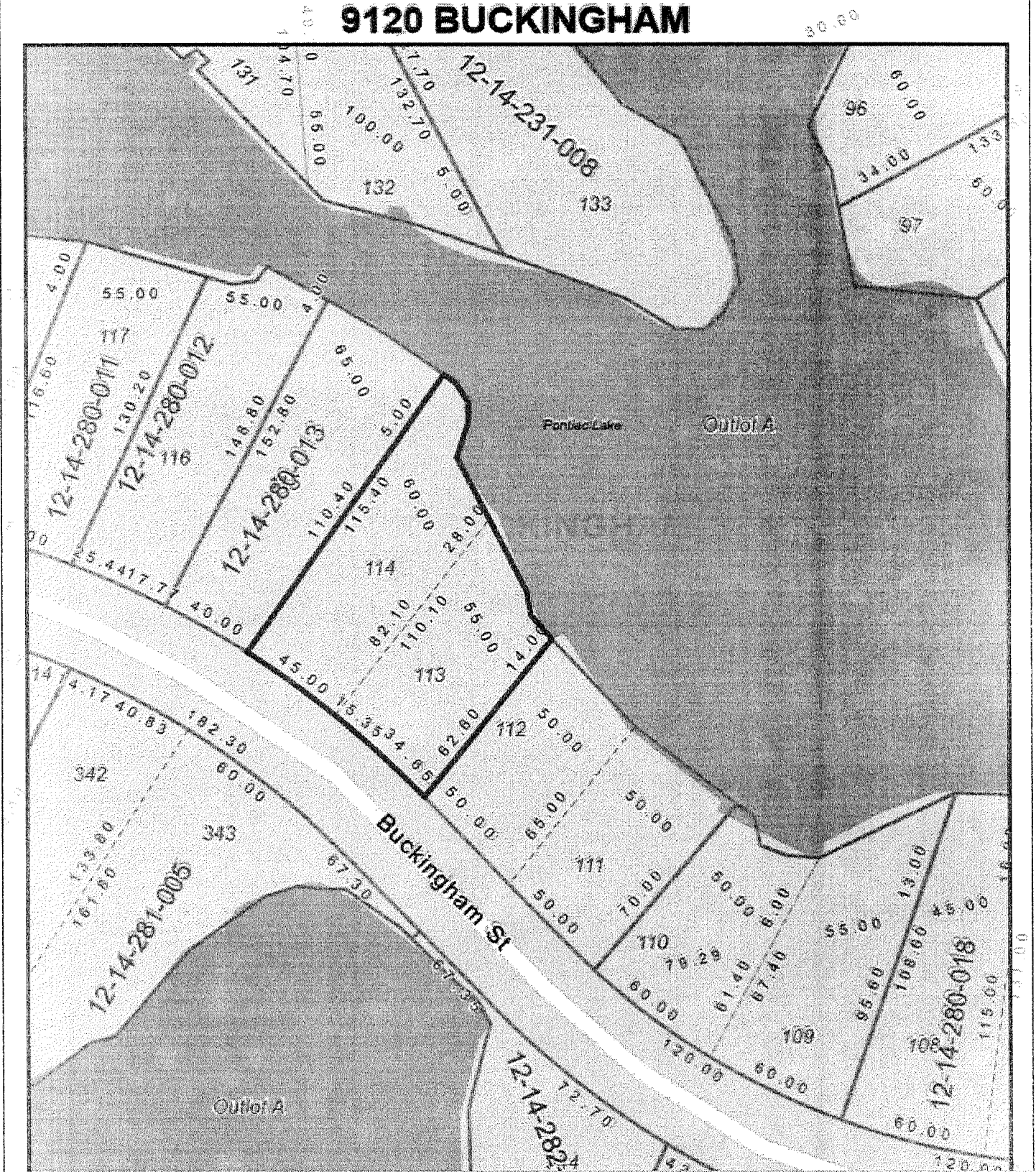
City:

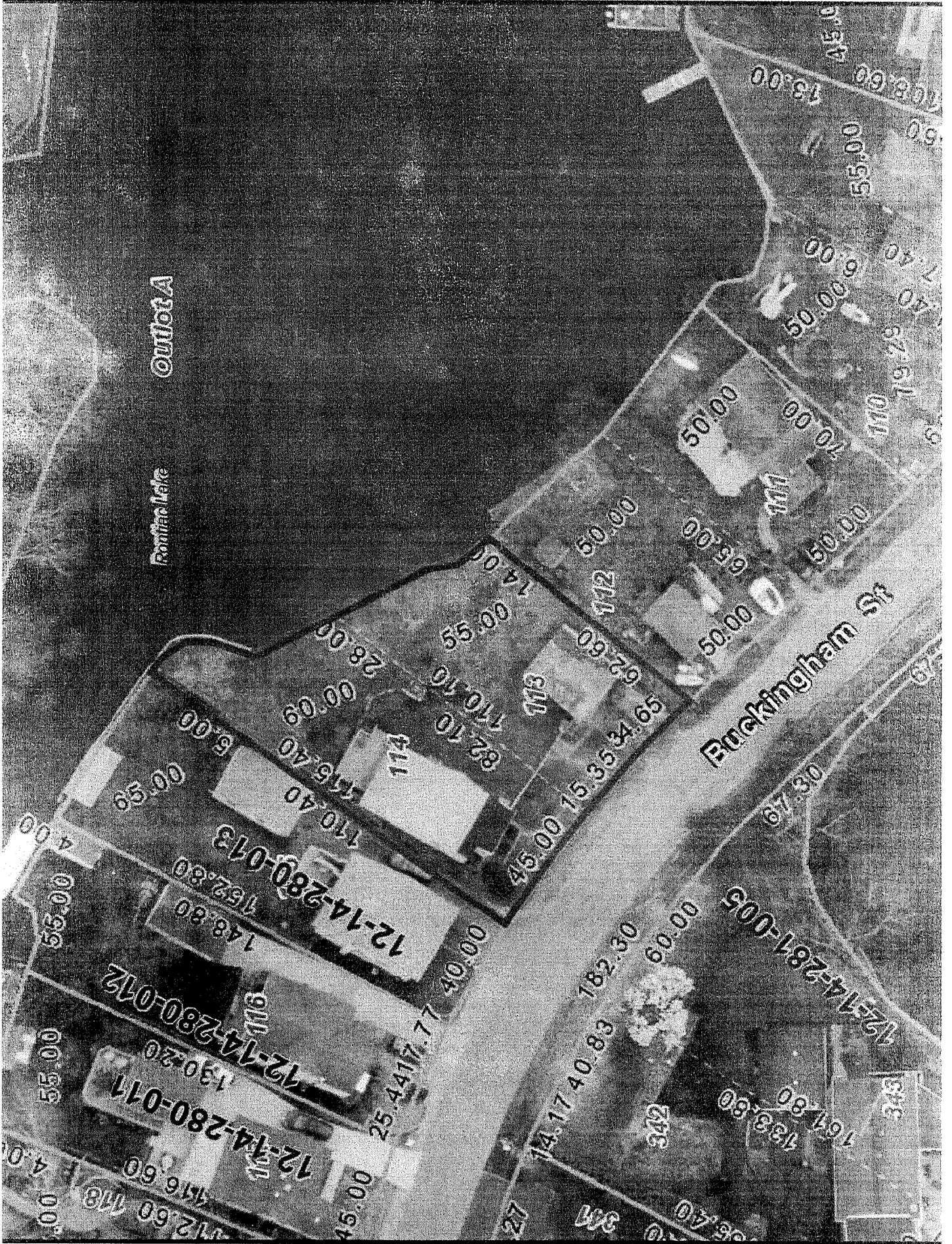
State: MI

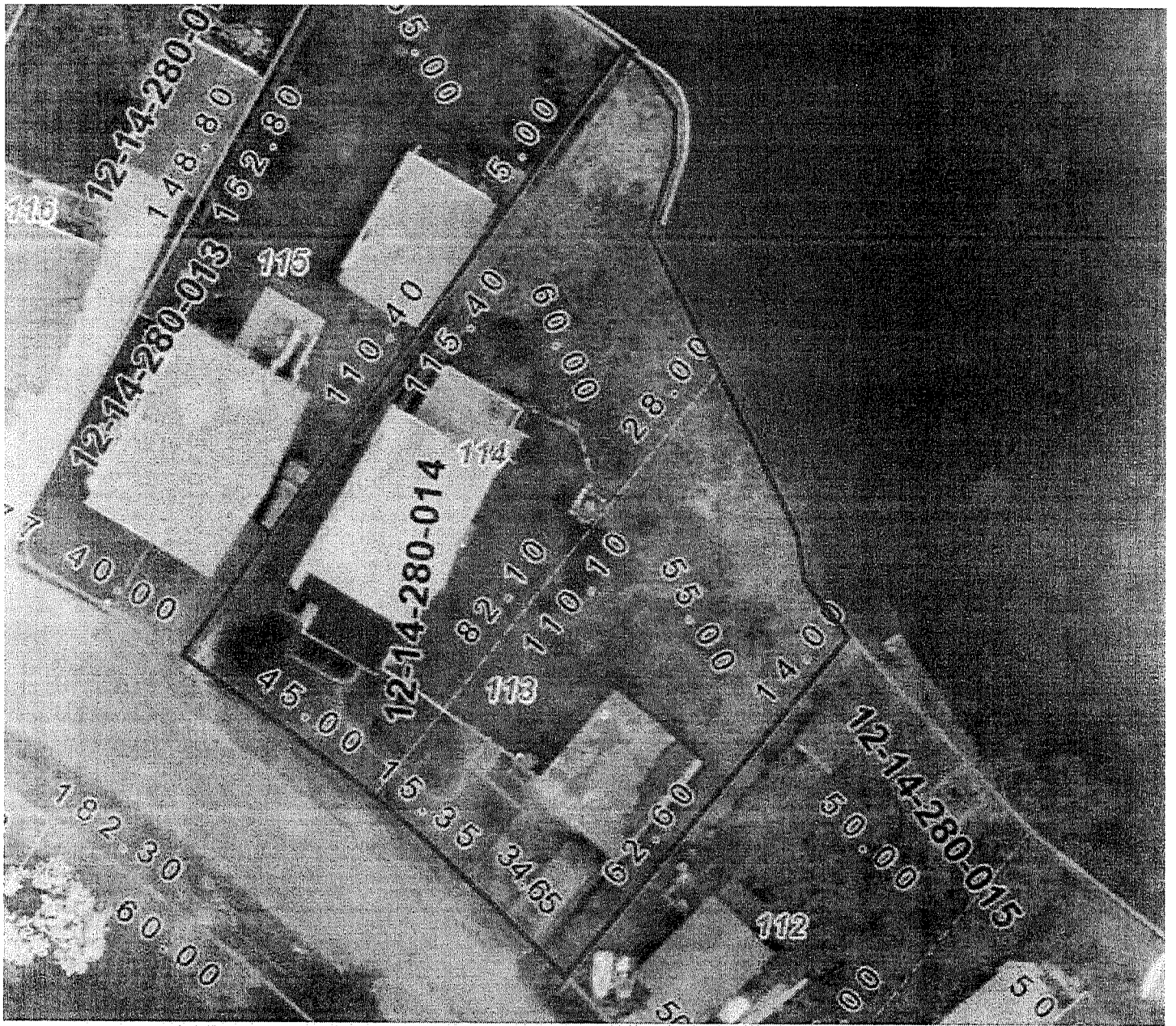
Zip:

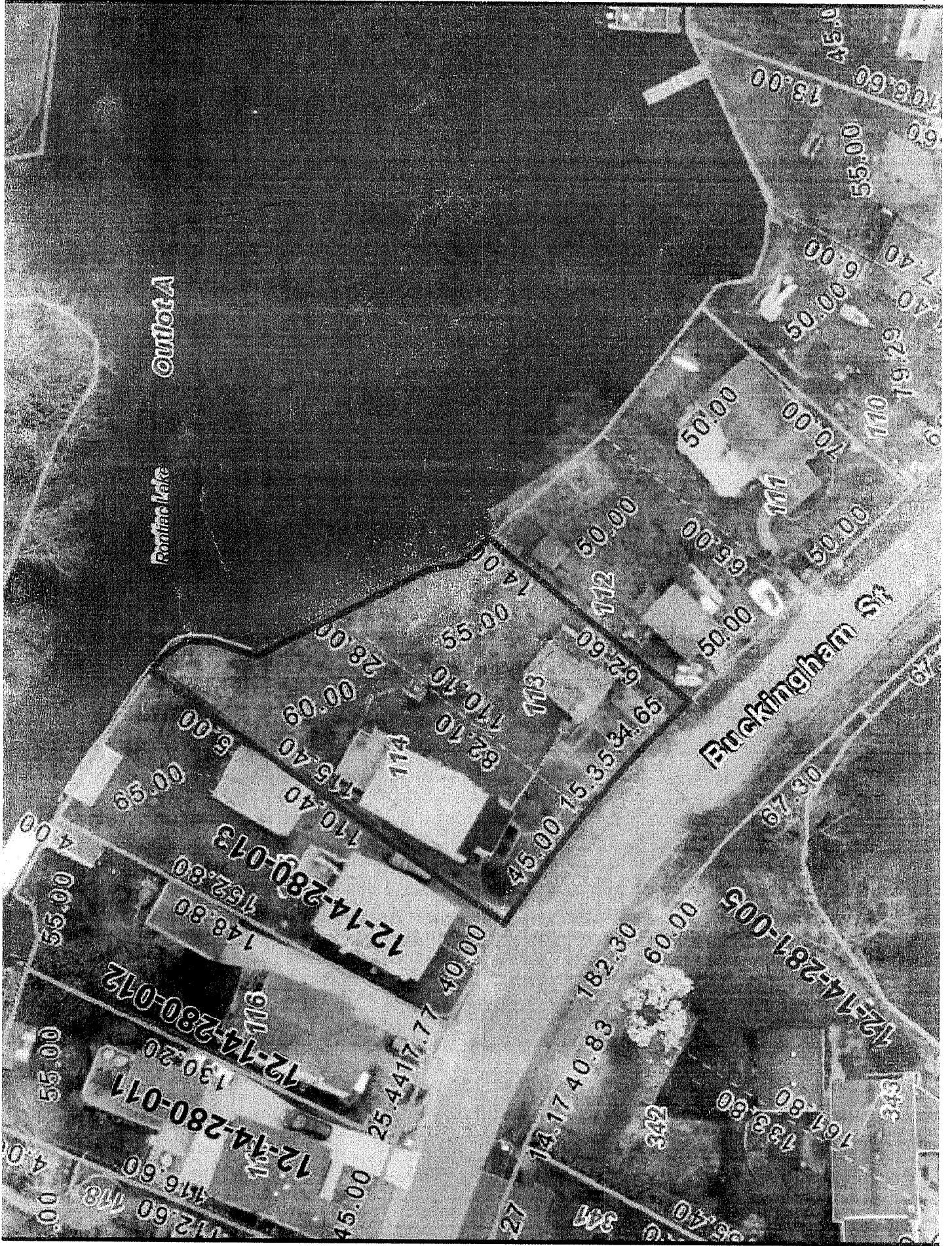
Lender:

9120 BUCKINGHAM









1748 + 192

105x

57.5

Review Notes for proposed addition/garage at 9120 Buckingham

11/27/19

1. Proposed garage would require demolition to construct what is proposed. Current garage is not a viable structure to be used as the base for the new structure. Proposed garage requires a variance for front yard setback.
2. Variance required for addition to right side of house for front yard setback
3. 2 story decks and covered porches are included in lot coverage calculations. Proposed garage plus proposed house and covered porches/decks equal 2570 sq. ft. 11,500 sq. ft. total lot size equals 22% lot coverage. Maximum lot coverage for R1D is 20%. Will require a variance as designed.
4. Maximum garage wall height of 14 ft. Designed as 15.5 ft.
5. Maximum mean roof height for an accessory structure of 18 ft. Designed as 19.5 ft.
6. Secondary gable walls on accessory structures will be held to a maximum wall height of 14 ft.
7. Complete Homeowner Affidavit on building permit application
8. Submit an Energy Compliance Worksheet
9. Site plan submitted does not match aerial view from Oakland County. Submit property survey
10. Indicate grinder station, water stop box and proposed silt fence location on site plan
11. Drawings for 2nd story balcony
 - a. Ledger attachment to overhangs not permitted
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15. Insulation for crawl space MRC N1102.2.2.10
16. Smoke detectors and carbon monoxide detectors per MRC and MCL 125.1504f. Indicate on print
17. Existing foundation will be evaluated on site at time of footing inspection
18. Foundation will require damp proofing MRC R406.1
19. Unvented crawl spaces will require a Class I vapor retarder MRC R408.3

ADDENDUM TO PURCHASE AGREEMENT
9120 BUCKINGHAM LLC - PATRICIA CRAIG
9120 BUCKINGHAM, WHITE LAKE MI

ASSIGNMENT OF PURCHASER'S INTEREST

This Addendum is part of a the PURCHASE AGREEMENT FOR REAL PROPERTY dated on or about June 22, 2018, between KIMBERLY E. MCFADDEN as Purchaser, and PATRICIA CRAIG as Seller. Herein, Kimberly E. McFadden shall be referred to as "Assignor" and the entity 9120 Buckingham LLC shall be referred to as "Assignee".

1. This assignment is effective between Assignor, Kimberly E. McFadden and Assignee, 9120 Buckingham LLC as of June 22 2019;
2. Assignor hereby assigns any and all rights, title and/or interest in the underlying purchase agreement, the escrow and the underlying property to the Assignee.
3. This assignment relates to a specific real estate purchase contract including any and all amendments and addendums thereto.
4. Assignee hereby accepts all the terms and conditions of the purchase agreement and the duties and obligations under the purchase contract.
5. This transaction is handled by being handled by ATA National Title Group/Seaver Title Agency, and the Assignee accepts the assignment and is substituted as buyer in connection with the purchase transaction.
6. Assignee will execute any and all documents necessary and required to accomplish the assignment as requested by the title company and/or seller.

DATED THIS 22 DAY OF JUNE, 2019:


The above terms are hereby agreed to by the Assignor.



KIMBERLY E. MCFADDEN, Assignor

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: White Lake Township Zoning Board of Appeals
FROM: Sean O'Neil, AICP, Planning Director 
DATE: June 11, 2020

Agenda item: 6a

Appeal Date: June 11, 2020

Applicant: Mike and Tia Kreps

Address: 8447 Cooley Beach Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 8447 Cooley Beach Drive
White Lake, MI 48386

Property Description: The property identified at 8447 Cooley Beach Drive is a single-family home zoned R1-D single family residential. The home is located in the Cooley Beach Sub, located on Cooley Lake. The home uses a private well for potable water and a septic system for sanitation.

Applicant's Proposal: The applicant had originally deviated from an approved building permit for an accessory structure. The result is a garage building that exceeds the height requirements of Article 5.7 Accessory Structures C. After being denied last November, the applicant has come back with a plan that is more consistent in size with the building permit that was issued in error last June. This proposal reduces the height of the building walls by one (1) foot.

Staff Planner's Report: The garage located at 8447 Cooley Beach Drive exceeds the building height maximum for accessory structures. The ordinance allows for walls in an accessory building to be 14' in height, and as constructed it is 19' tall. The total height of the structure is not to exceed 18' at the mid-peak of the roof. The garage as constructed has a roof height of 21' and is two-stories tall, with 8' walls on the second story. The applicant has an interior staircase for the second story as well. The modified structure will have 14' tall walls on one side and 18' on the other. The modified structure will also have a roof height of 20.5' which is a 0.5' reduction. While the existing structure was built inconsistent with the approved plans and the ordinance, it will be altered to reduce the overall total and wall heights to be more consistent with Article 5.7.C Accessory Structures. Further, the home has a semi-attached garage on the front of the home. The lot is deficient in lot width being only 50' feet of the required 80' feet for the R1-D District.

Proposed Variances

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
1	Article 5.7.C	Wall Height	14'	4'	18'

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
2	Article 5.7.C	Building Height	18' Mid Peak	2.5'	20.5'

Variance #	Ordinance Section	Subject	Permitted	Requested Variance	End Results
3	Article 3.1.6	Required Lot Width	80'	30'	50'

Recommended Motions:

Table: “I move to table variance request of Mike and Tia Kreps for 8447 Cooley Beach Drive identified as 12-36-452-008 to consider comments noted during this public hearing”.

Approval: “I move to approve the variance requested by Mike and Tia Kreps for 8447 Cooley Beach Drive identified as 12-36-452-008 in order to finish the construction of a detached garage . The variances requested are as follows (see table). This approval will have the following conditions:

- Applicant will pull all necessary permits with the White Lake Township Building Department.

Denial: “I move to deny the variance requests of Mike and Tia Kreps for 8447 Cooley Beach Drive for a detached garage on parcel 12-36-452-008, due to the following reason (s):

- The garage was not constructed per the approved plan and it does not meet the wall and building height requirements of Article 5.7 Accessory Structures
- This is a self-created hardship brought on by the applicant not following the Ordinance and the approved plan.

7.37 STANDARDS

General variances: The Zoning Board of Appeals may authorize a variance from the strict application of the area or dimensional standard of this Ordinance when the applicant demonstrates all of the following conditions "A - E" or condition F applies.

- A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.
- B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

- C. Not self created: The applicants problem is not self created.
- D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).
- E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.
- F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:
 - i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;
 - ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of application for accessory structure 8447 Cooley Beach
Date: March 3, 2020

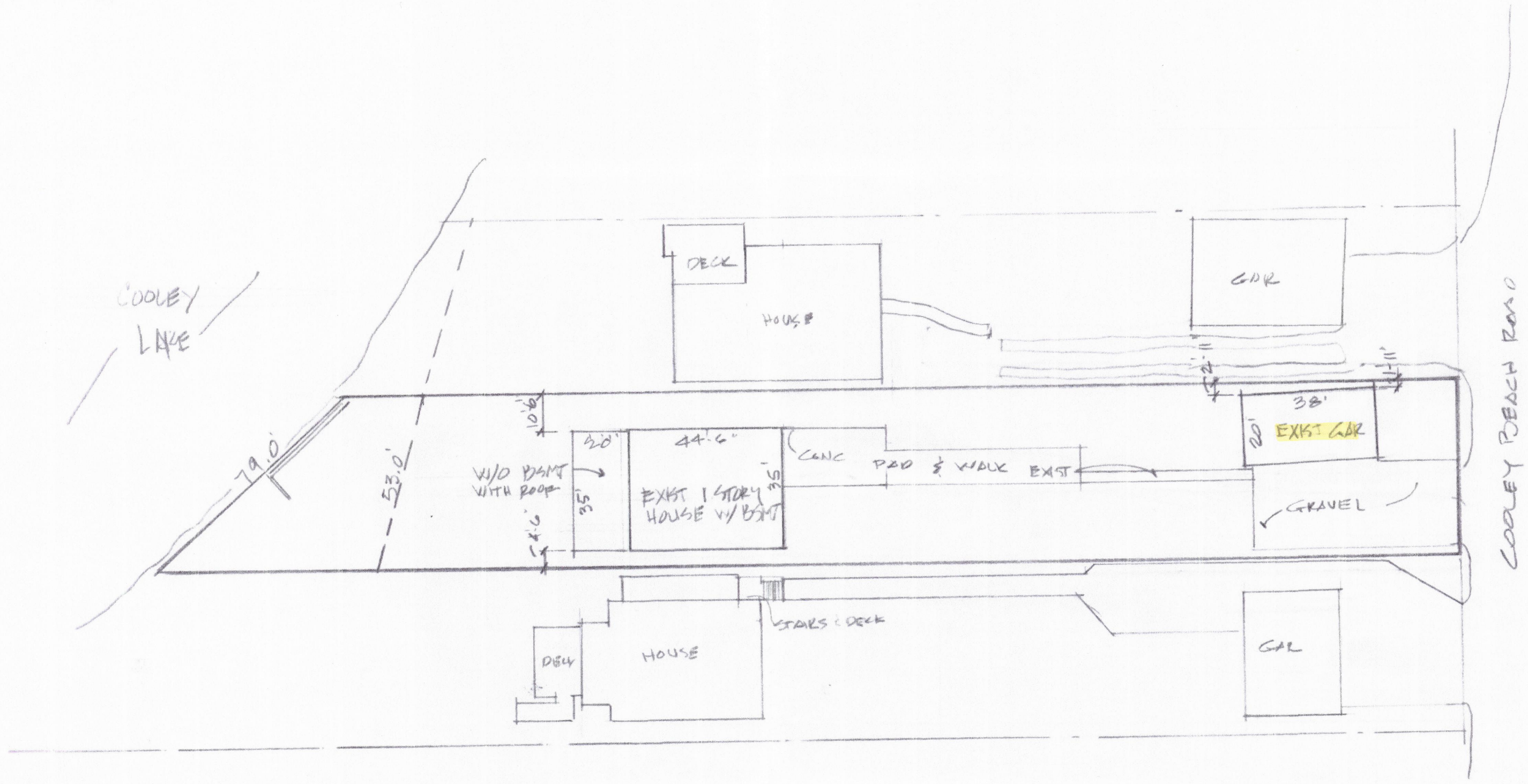
=====

I have denied the building permit application for the accessory structure at 8447 Cooley Beach based on the following:

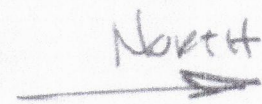
1. Owner deviated from the approved building plans by adding a full 2nd story to an accessory structure.
2. After further review it was determined that the original plans were approved in error by the previous building official. The structure having a total wall height of 19 ft. where 14 ft. is permitted, and roof height of 21 ft. where 18 ft. is permitted.
3. Owner has redesigned the structure to lower the total wall height to 18 ft. seeking a variance of 4 ft.; and a roof height of 20 ft.-6 in. with a variance request of 2 ft.-6 in.

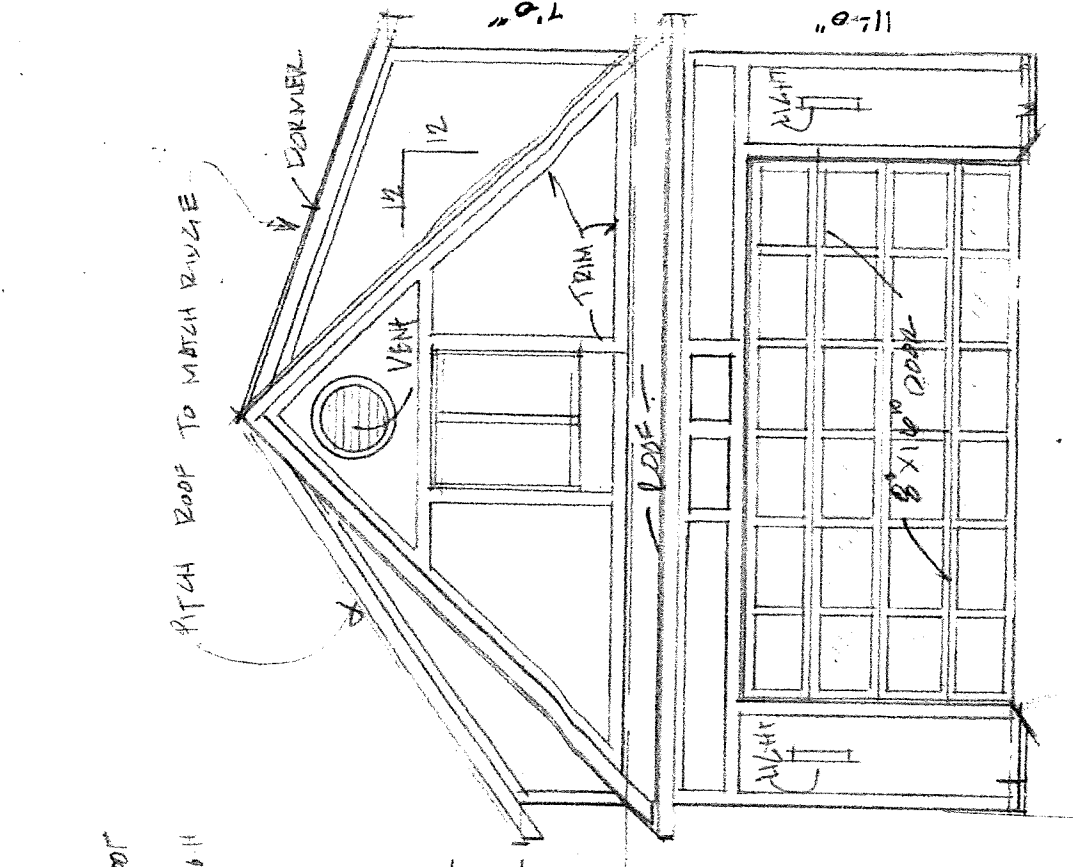
A 4419

Handwritten notes or address

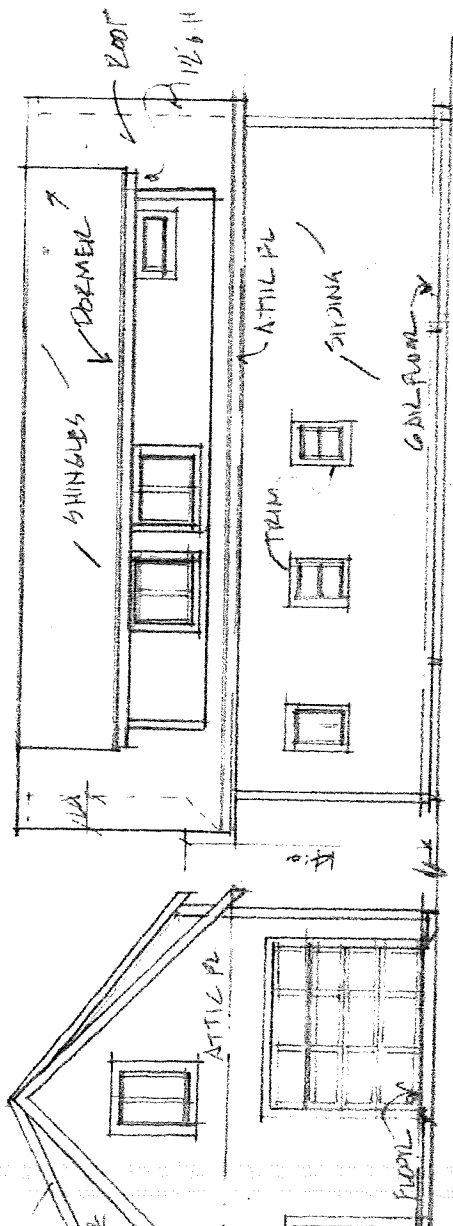


SITE PLAN - EXISTING 1" = 30'-0"

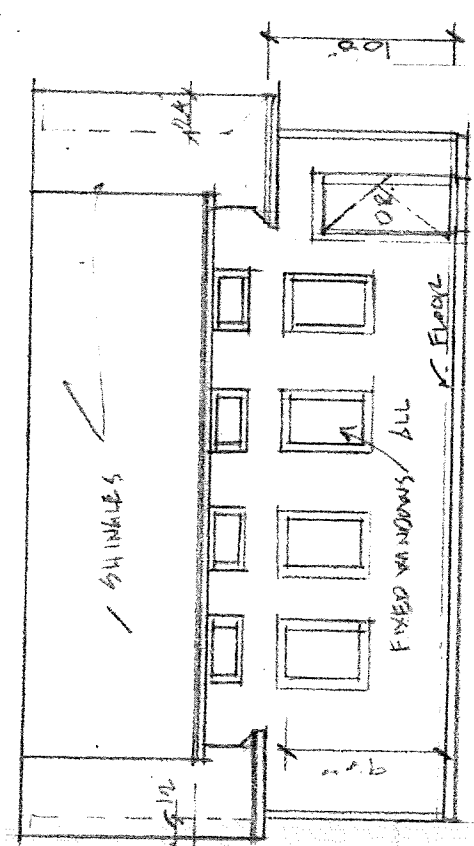




NORTH ELEVATION V₀ = 1'-0"



WEST ELEVATION V₀



EAST ELEVATION V₀ = 1'-0"

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: Mike & Tia Kreps PHONE: 248-219-4322
ADDRESS: 8447 Cooley Beach Drive
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 8447 Cooley Beach Drive PARCEL # 12 - 36-452-008
CURRENT ZONING: R1D PARCEL SIZE: 0.360 acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Total wall height of the accessory structure in excess of 14" for an overall total of 18'-18'6". White Lake Township Ordinance 5.7 (C).

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

Revised plans per Building Official, Planning Director, & Township Counsel recommendations

Revised plans lower East wall height from 19' to 14', within Ordinance specifications

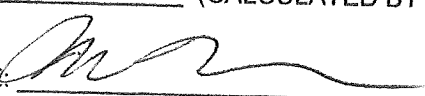
Revised plans lower overall West wall height from 19' on original plans to about 18'.

Original plans were approved and construction was well under way.

Revised plans fundamentally "flip-flop" the original plans and lower the heights.

Revised plans lower the upper level West wall from 8' to 7'.

APPLICATION FEE: 485⁰⁰ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: 3/27/20

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of application for accessory structure 8447 Cooley Beach
Date: March 3, 2020

=====

I have denied the building permit application for the accessory structure at 8447 Cooley Beach based on the following:

1. Owner deviated from the approved building plans by adding a full 2nd story to an accessory structure.
2. After further review it was determined that the original plans were approved in error by the previous building official. The structure having a total wall height of 19 ft. where 14 ft. is permitted, and roof height of 21 ft. where 18 ft. is permitted.
3. Owner has redesigned the structure to lower the total wall height to 18 ft. seeking a variance of 4 ft.; and a roof height of 20 ft.-6 in. with a variance request of 2 ft.-6 in.

A handwritten signature in black ink, appearing to read "Nick Spencer", with a long horizontal flourish extending to the right.

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: White Lake Township Zoning Board of Appeals

FROM: Sean O'Neil, AICP, Planning Director 

DATE: June 11, 2020

Agenda item: 6b

Appeal Date: June 11, 2020

Applicant: Creative Custom Builders

Address: 7655 Highland Road, Ste 202
Waterford, MI 48327

Zoning: R1-C Single Family Residential

Location: 10126 Elizabeth Lake Road
White Lake, MI 48386

Property Description: The property identified at 10126 Elizabeth Lake Road is zoned R1-C single family residential. The parcel is located on Oxbow Lake. The new home that is proposed to be constructed would utilize a private well for potable water and the Township's sanitary sewer system for sanitation. The parcel is non-conforming in both lot area and width.

Applicant's Proposal: The applicant wishes to obtain variances that would allow them to reconstruct a home and utilize the existing foundation. They wish to utilize the existing basement foundation on the hillside that is on their site. They have designed the home with a side-entry garage to provide more room for parking off of the road and allow vehicles safer forward access to the road when leaving the side-entry garage. The applicant maintains that the house is being placed consistent with that of the neighboring homes. They do not want to negatively impact their neighbor's views or drainage by moving the location closer.

Planner's Report: The applicant wishes to obtain variances that would allow them to reconstruct a home on this lakefront lot. The variances necessary are listed in the table below. Variances #2 and #3 pertain to the existing platted lot. Variance #1 requests a front yard setback of 16' where 35' is required, which results in a 19' variance.

Proposed Variances

Variance #	Ordinance Section	Subject	Required	Requested Variance	End Results
1	Article 3.1.5	Front Yard Setback	35'	19'	16'

Variance #	Ordinance Section	Subject	Required	Requested Variance	End Results
2	Article 3.1.5	Lot Area	16,000	5,894	10,106

Variance #	Ordinance Section	Subject	Required	Requested Variance	End Results
3	Article 3.1.5	Required Lot Width	100'	40'	60'

Recommended Motions:

Table: “I move to table variance request of Creative Custom Builders for 10126 Elizabeth Lake Road, identified as 12-27-226-015 to consider comments noted during this public hearing”.

Approval: “I move to approve the variance requested by Creative Custom Builders for 10126 Elizabeth Lake Road, identified as 12-27-226-015, in order to construct a new home. The variances requested are as follows (see table). This approval will have the following conditions:

- Applicant will pull all necessary permits with the White Lake Township Building Department.

Denial: “I move to deny the variance requests of Creative Custom Builders for 10126 Elizabeth Lake Road, identified as 12-27-226-015, due to the following reason (s):

7.37 STANDARDS

General variances: The Zoning Board of Appeals may authorize a variance from the strict application of the area or dimensional standard of this Ordinance when the applicant demonstrates all of the following conditions "A - E" or condition F applies.

- A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.
- B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

- C. Not self created: The applicants problem is not self created.
- D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).
- E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.
- F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:
- i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;
 - ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Copy
Revised
2/22/2020

CHARTER TOWNSHIP OF WHITE LAKE Zoning Board of Appeals APPLICATION

robert@eccbmich.com

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

Jim@eccbmich.com
Melissa@eccbmich.com

APPLICANT'S NAME: CREATIVE CUSTOM BUILDERS PHONE: 248-599-3183(0)
248-417-7795(0)
ROBERT

ADDRESS: 7655 HIGHLAND RD STE 202, WATERFORD
MI, 48327

APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 10126 ELIZABETH LK RD PARCEL # 12 - 27-226-015

CURRENT ZONING: R1-C PARCEL SIZE: 9,821 SF +/-

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____
~ ARTICLE 5.0/5.3

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

THE NEED FOR A FRONT YARD VARIANCE IS DUE TO UNIQUE CIRCUMSTANCES PECULIAR TO THIS OXBOW LAKE LOT PROPERTY. THESE CONDITIONS CREATE AN UNNECESSARY HARDSHIP THAT REQUIRES RELIEF. WE ARE REQUESTING A FRONT YARD SETBACK TO FIT A NEWLY CONSTRUCTED GARAGE ONTO A NEWLY CONSTRUCTED HOUSE ONTO THE EXISTING BASEMENT FOOTPRINT. THE GARAGE HAS BEEN DESIGNED AS A SIDE ENTRY COURTYARD WHICH CREATES A SAFER PARKING SITUATION. THE NEW GARAGE AND DRIVE WILL ALLOW PARKED CARS TO ACTUALLY BE FARTHER AWAY FROM ELIZABETH LAKE RD ALONG WITH CREATING A TURN AROUND WHICH ALLOWS CARS TO PULL OUT FORWARD FACING ONTO ELIZABETH LAKE RD. THIS REQUEST IS CONSISTANT WITH OTHER PROPERTIES IN THE DISTRICT AND THIS PROPERTY MEETS THE REQUIRED LEGAL STANDARD.

APPLICATION FEE: \$ 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: James M. Hallen DATE: 2.25.2020

10126 ELIZABETH
LK. RD.
12-27-226-015

WHITE LAKE TOWNSHIP

2.25.2020

ZONNING BOARD OF APPEALS

Pg 2.

ADDITIONALLY, IF THE NEWELY DESIGNED HOUSE WAS MOVED CLOSER TO THE OXBOW LAKE FRONTAGE (NORTH OF ELIZABETH LAKE RD) THEN A HARDSHIP WOULD BE CREATED AND WOULD NOT BE CONSISTANT WITH OTHER NEIGHBORING PROPERTIES. THIS WOULD CAUSE IMPEDING LAKE VIEW HARDSHIPS FOR THE NEIGHBORING HOUSES.

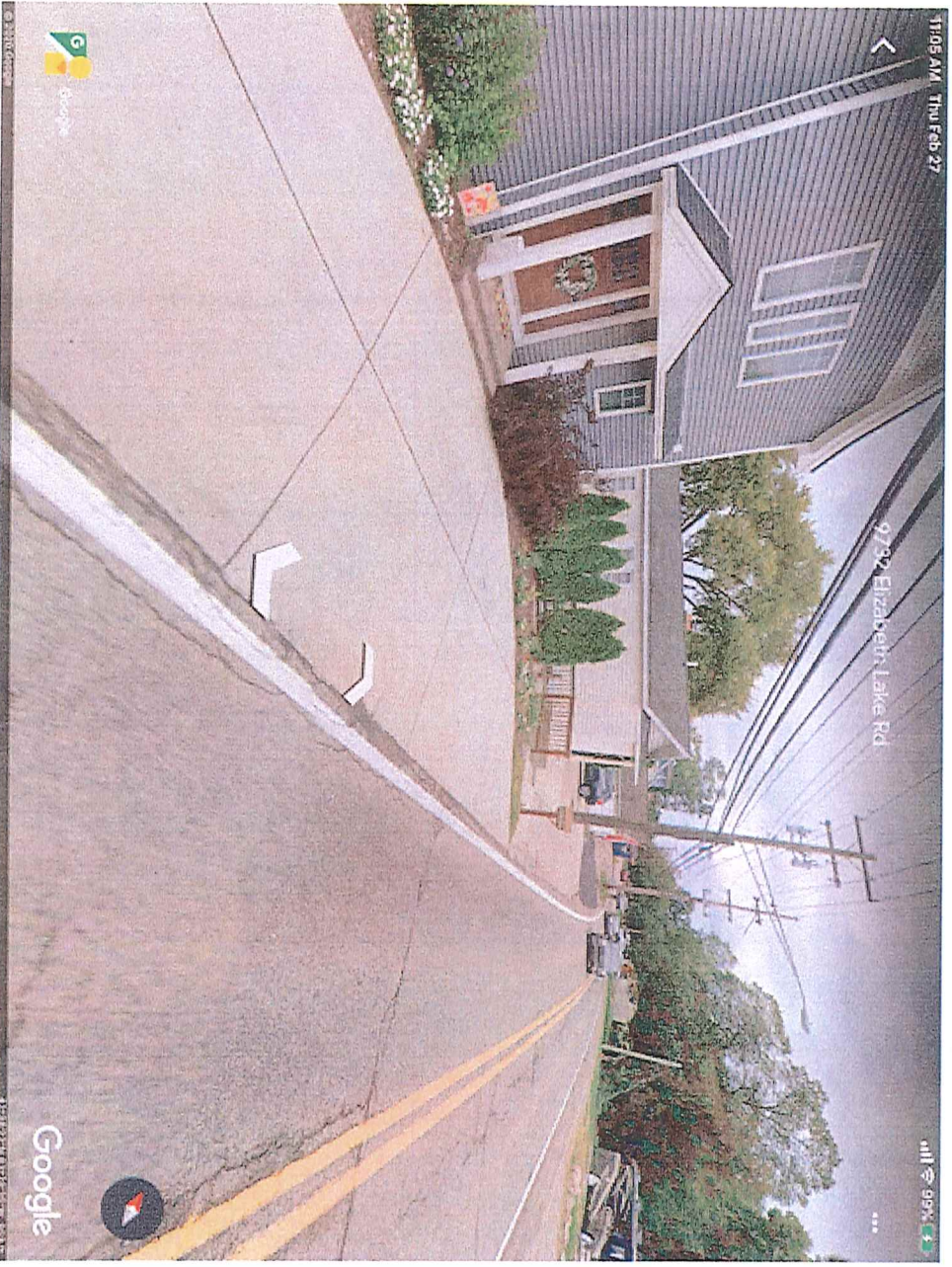
IT WOULD ALSO CREATE SUBSTANTIAL DIRT FILLING AND DRAINAGE HARDSHIPS TO THE NEIGHBORING HOUSES.

THE ABOVE MENTIONED UNNECESSARY HARDSHIPS REQUIRE RELIEF. AGAIN, THE REQUEST IS CONSISTANT WITH OTHER PROPERTIES IN THE DISTRICT AND SURROUNDING PROPERTIES.

JL 2.25.2020

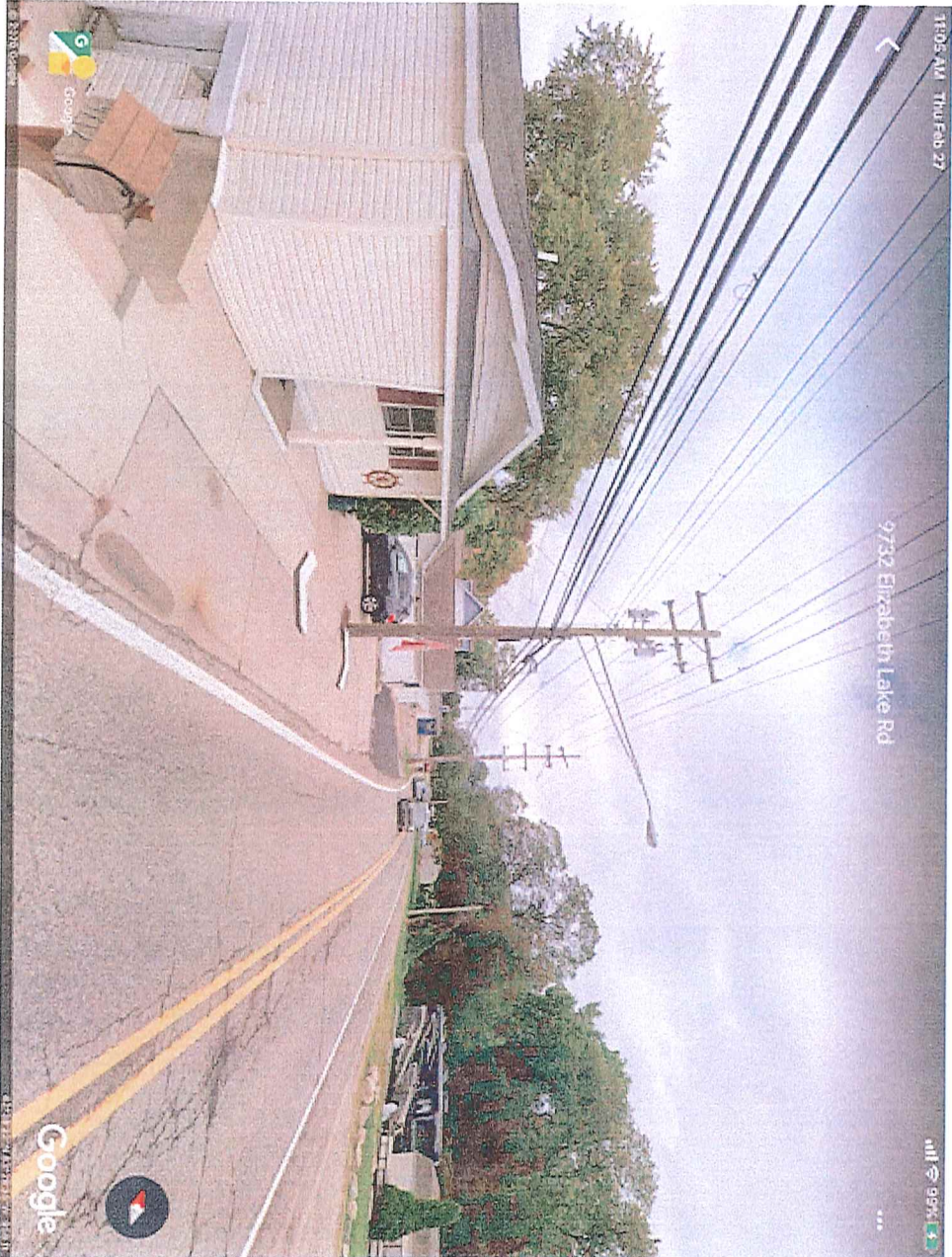
PLEASE SEE ATTACHED EXHIBITS

EXHIBIT
FOR 10126 ELIZABETH
LAKES RD



NEWLEY CONTRACTED HOME ALONG
ELIZABETH LAKE RD.

EXHIBIT
FOR 101216 ELIZABETH
LK RD



EXIT
FOR 10126 ELIZABETH
Lk RD.



EXHIBIT
FOR 10126 ELIZABETH
LE RD

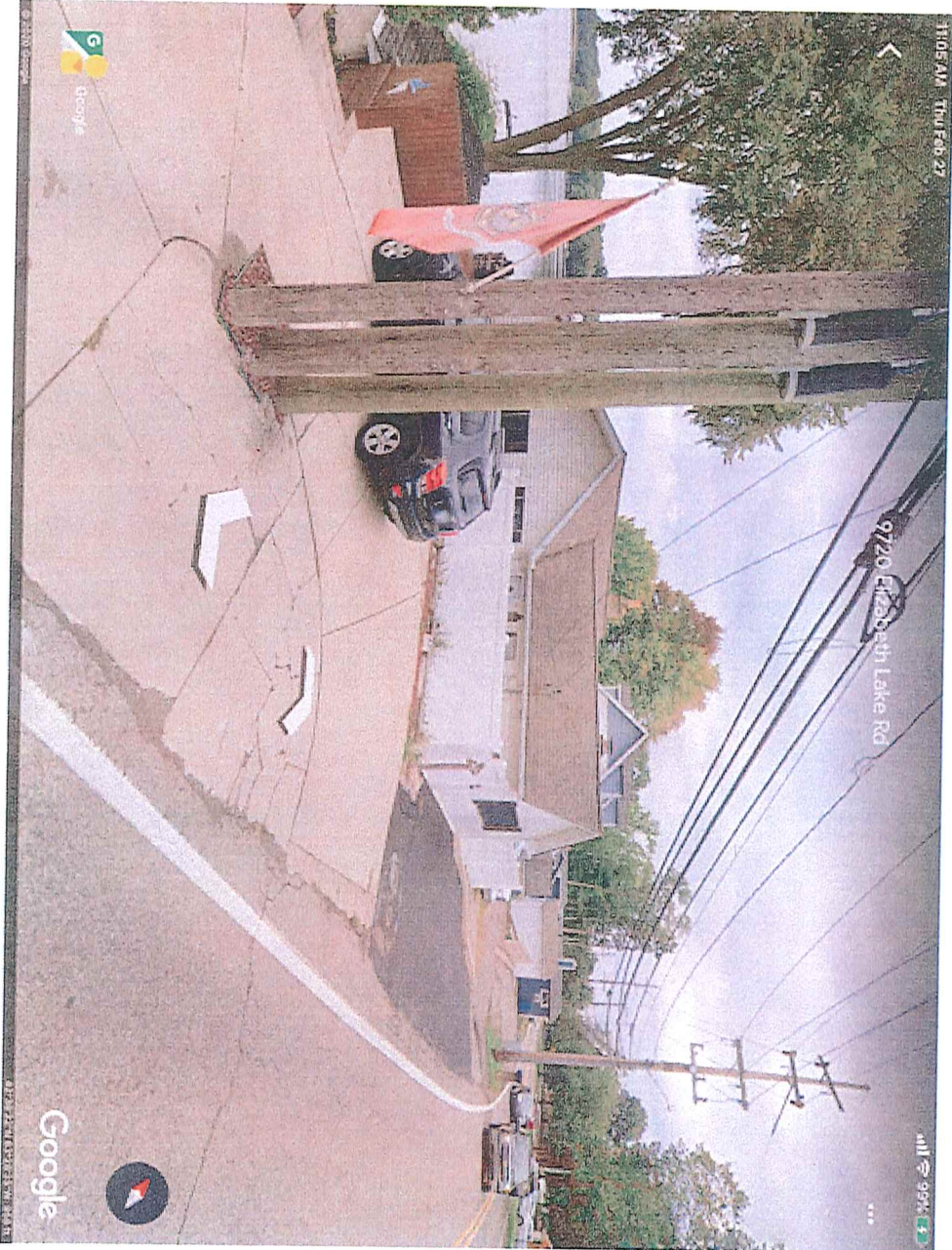


EXHIBIT
FOR 10126 ELIZABETH
W. RD.

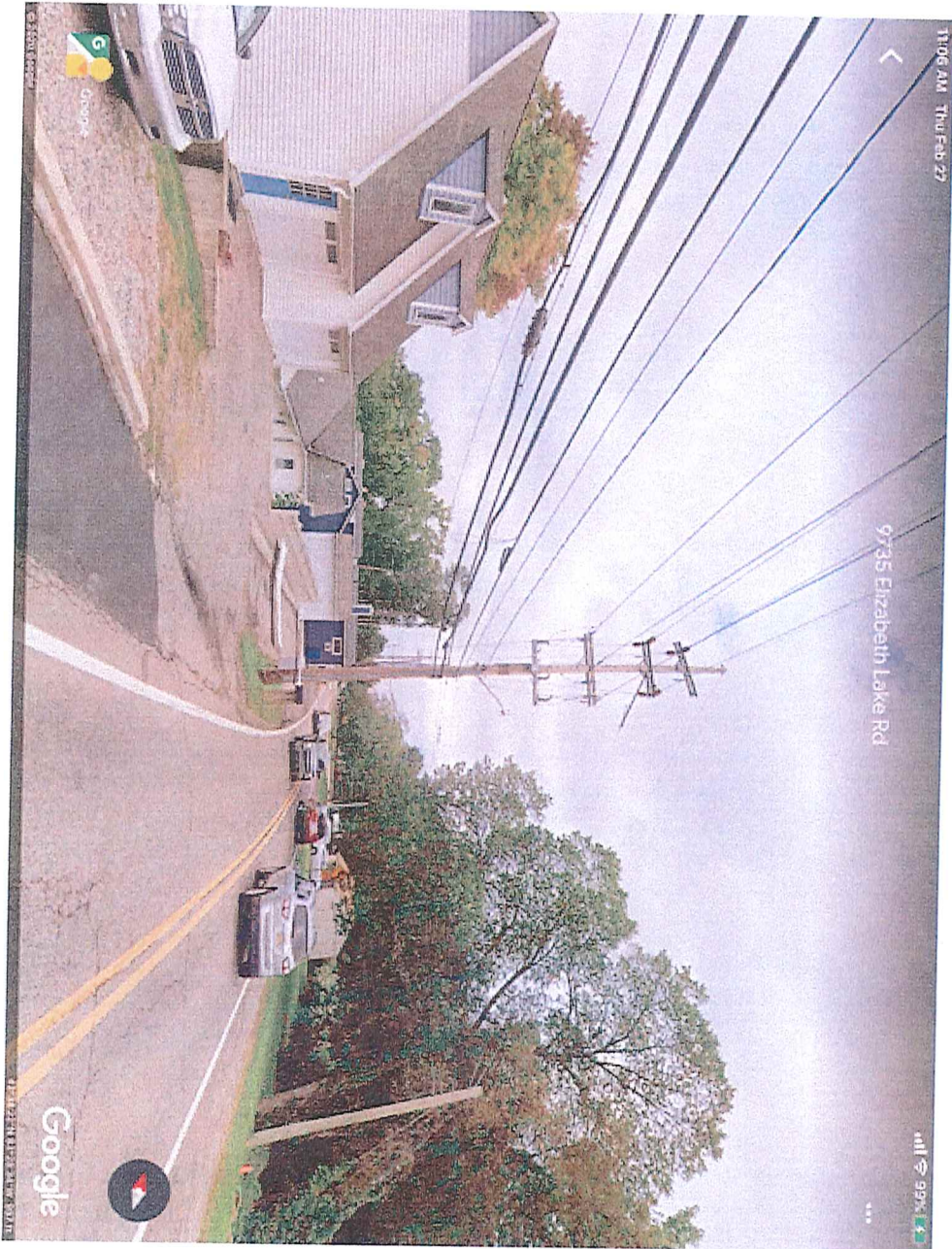


EXHIBIT
FOR 10126 ELIZABETH
LAKES RD

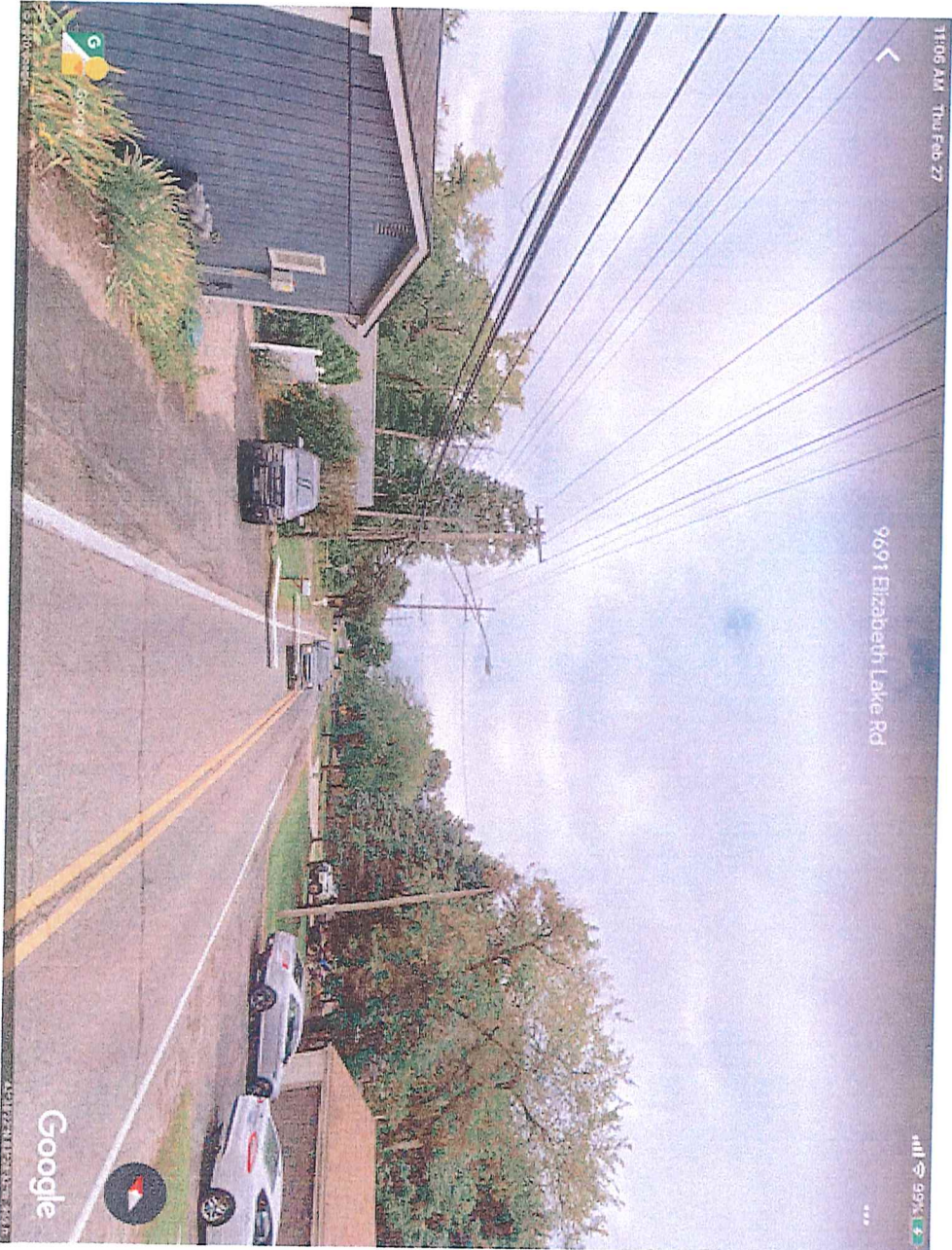
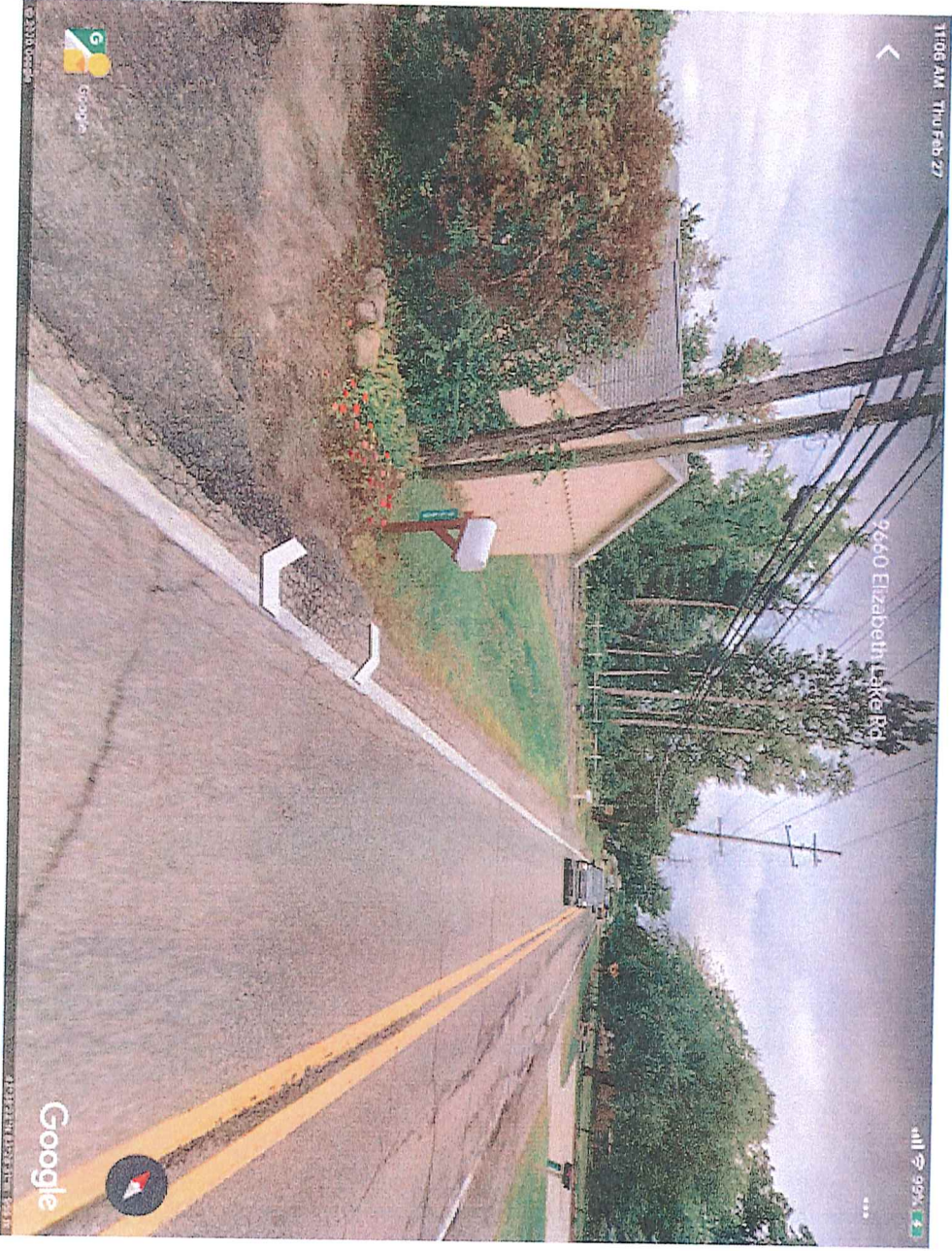


EXHIBIT
FOR 10126 ELIZABETH
L RD



EXHIBIT
FOR 10126 ELIZABETH
LAKEL RD.



Dan Grimes
10126 Elizabeth Lake Rd
White Lake, MI 48386
2/26/20

RE: Representation at Zoning Board & Appeals meeting

To whom it may concern,

I, Dan Grimes, authorize Creative Custom Builders to represent my property on my behalf in front of the Zoning Board of Appeals. This is regarding the property at 10126 Elizabeth Lake Rd, White Lake MI 48386

Sincerely,

A handwritten signature in black ink, appearing to be 'Dan Grimes', written in a cursive style.

Dan Grimes

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com


MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of building permit application for 10126 Elizabeth Lake Rd.
Date: February 25, 2020

=====

I have denied the building permit application for 10126 Elizabeth Lake Road based on the following:

1. The proposed garage is 16' feet off of the road right of way in the front yard. The property is zoned R1C and requires a front yard setback of 35'. A 19' variance for the front yard setback would be required to build the attached garage as proposed.


2/26/2020

DENIED 2.25.2020 - Nick Spencer requires front yard variance

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION

Charter Township of White Lake
7525 Highland Road • White Lake, MI 4838
(248) 698-3300 • Fax (248) 666-7451



RECEIVED

FEB 19 2020

BUILDING DEPARTMENT

Table with 2 columns: Authority, Completion, Penalty on the left; and a non-discrimination statement on the right.

APPLICANT TO COMPLETE ALL ITEMS

NOTE: SEPARATE APPLICATIONS MUST BE COMPLETED FOR PLUMBING, MECHANICAL, AND ELECTRICAL PERMITS

Table with 2 columns: APPLICATION DATE (2/19/2020) and IS OWNER APPLICANT? (YES/NO).

PROPERTY INFORMATION

Table with 4 columns: STREET ADDRESS OF PROJECT (10126 ELIZABETH LAKE RD), APT. #, PARCEL I.D. NUMBER (27-226-015), ZONING (E1-C).

OWNER INFORMATION

Table with 4 columns: LAST NAME OR BUSINESS NAME (G DIMMES), FIRST NAME (DAN), PHONE NUMBER (248-770-7077), STREET ADDRESS (10126 ELIZABETH LAKE RD), CITY (WHITE LAKE), STATE (MI), ZIP CODE (48386).

APPLICANT INFORMATION

Table with 3 columns: OWNER OR LESSEE, CONTRACTOR, and ARCHITECT/ENGINEER NAME. Includes contact information for Creative Custom Builders and Brian Nepper Architecture P.C.

Table with 2 columns: FEDERAL EMPLOYER ID NUMBER (83-3859795), WORKERS COMP. INSURANCE CARRIER (MICHIGAN INSURANCE), MESC NUMBER.

BUILDING AND PROPERTY CHARACTERISTICS

DESCRIBE IN DETAIL WORK TO BE DONE: DEMO EXISTING HOUSE. SAFE BASEMENT BUILT NEW 2 STORY HOUSE WITH GARAGE		TYPE OF IMPROVEMENT: <input type="checkbox"/> FENCE <input type="checkbox"/> DECK <input type="checkbox"/> ROOF <input checked="" type="checkbox"/> NEW SINGLE FAMILY HOME <input type="checkbox"/> ALTERATION/REPAIR <input type="checkbox"/> ADDITION <input type="checkbox"/> MOVE STRUCTURE <input checked="" type="checkbox"/> DEMOLITION <input type="checkbox"/> NEW COMMERCIAL BUILDING <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> GARAGE <input type="checkbox"/> ACCESSORY STRUCTURE <input type="checkbox"/> WINDOWS/DOORS	
USE GROUP: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER: _____ CONSTRUCTION TYPE: WOOD		VALUE OF IMPROVEMENT: \$ ~300,000	
LOT SIZE -- FRONT: 60'	REAR: 60'	SIDE: 158'	SIDE: 161'
TOTAL SQ. FT. OF LOT: 9821 +/-			
PROPOSED SETBACKS -- FRONT: 16'	REAR: 35'	SIDE: 10'	SIDE: 10'
SQ. FT. OF PROPOSED CONST. -- GARAGE: 480 sq.ft.	1 ST FLOOR: 1090 sq.ft.	2 ND FLOOR: 1090 sq.ft.	TOTAL: 2180 sq.ft.
SQ. FT. OF EXISTING STRUCTURES -- GARAGE: N/A	1 ST FLOOR: 1000 sq.ft.	2 ND FLOOR: 393 sq.ft.	TOTAL: 1393 sq.ft.
TOTAL HEIGHT & # OF STORIES: ~25' 2	NO. OF EXISTING BEDROOMS: 3	NO. OF PROPOSED BEDROOMS: 3	TOTAL NO. OF BEDROOMS: 3

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent; and we agree to conform to all applicable laws of this jurisdiction. The applicant signing this application is aware that (s)he assumes full responsibility for insuring that all work done complies with all applicable codes and ordinances.

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subject to civil fines.

SIGNATURE OF APPLICANT Robert B. Pawa	PHONE 248-417-7795
PRINT APPLICANTS NAME ROBERT B. PAWA	
ADDRESS, CITY, STATE, ZIP 7655 HIGHLAND RD, SUITE 202, WATERPOW 48327	

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

N865354

RESIDENTIAL BUILDER COMPANY
LICENSE

- Q. O. - JAMES MICHAEL VEILLEUX INDV#: 2101095890

CREATIVE CUSTOM BUILDERS LLC
10130 ELIZABETH LAKE ROAD
WHITE LAKE MI 48386

LICENSE NO.
2102221560

EXPIRATION DATE
05/31/2022

AUDIT NO
3408435

THIS DOCUMENT IS DULY ISSUED
UNDER THE LAWS OF THE STATE
OF MICHIGAN

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

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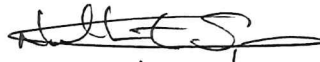
MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of building permit application for 10126 Elizabeth Lake Rd.
Date: February 25, 2020

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I have denied the building permit application for 10126 Elizabeth Lake Road based on the following:

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2/26/2020

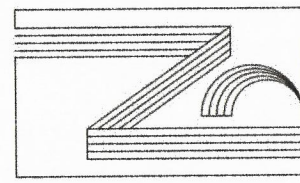
CREATIVE CUSTOM BUILDERS

PERMIT SET

2.19.2020

Submitted to WhiteLakeTwp

2.19.20



BRIAN NEEPER
ARCHITECTURE P.C.
BRIANNEEPER.COM
248.259.1784

STREET FRONT ELEVATION CONCEPT CREATIVE CUSTOM BUILDERS, LLC
Grimes Residence 10126 Elizabeth Lake Rd. White Lake, Michigan

FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

A-1

SHEET NUMBER

CHECKED BY

BN / RR

DRAWN BY

18000

JOB NUMBER

BRIANNEEER P.C.

12/23/19

REVISIONS

FINAL

PERMITS

BID

12/23/19

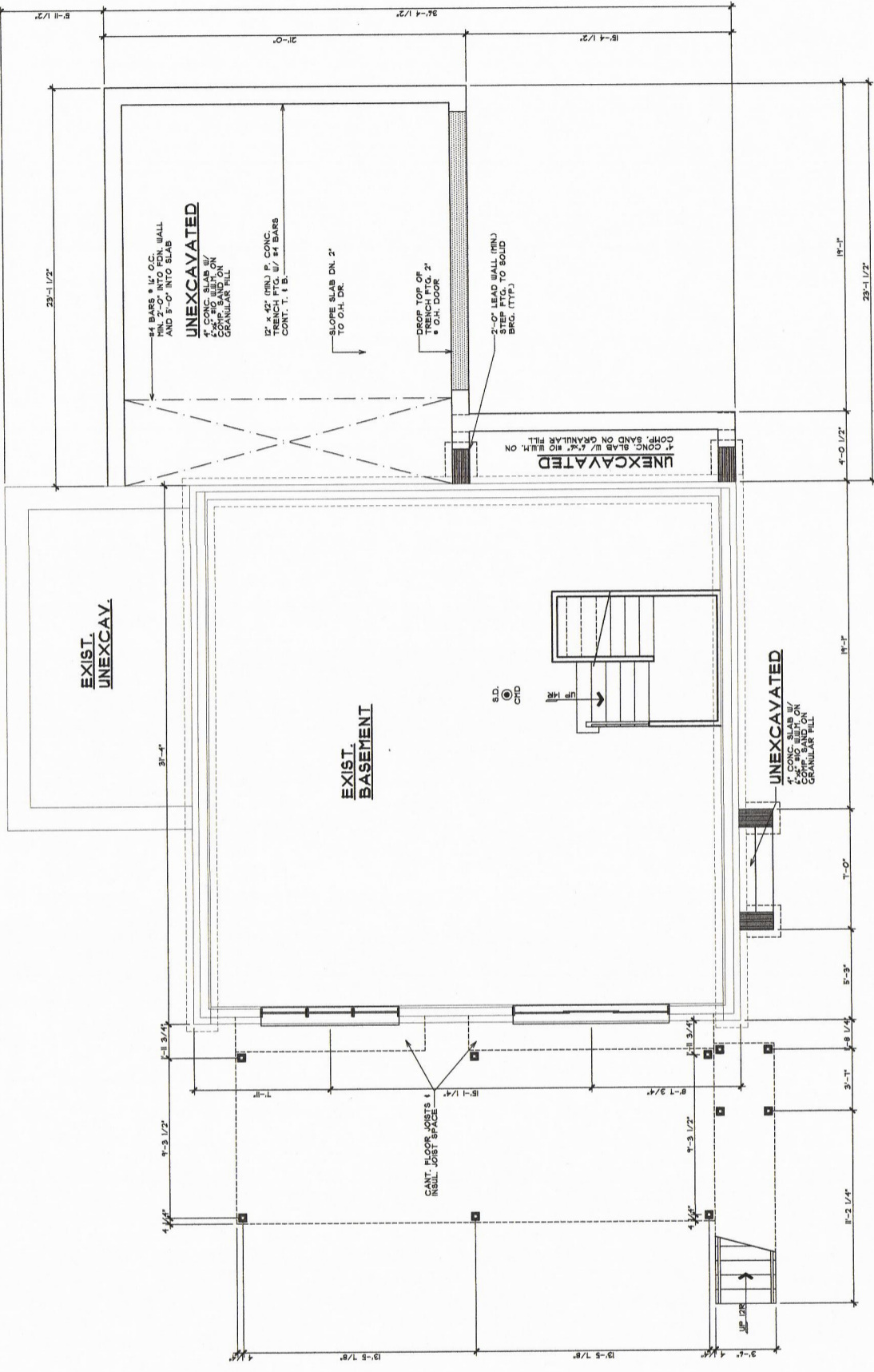
PRELIMINARY

CLIENT / PROJECT

GRIMES RESIDENCE
 CREATIVE CUSTOM BUILDERS, LLC
 1012 ELIZABETH LAKE ROAD
 WHITE LAKE, MICHIGAN

FOUNDATION PLAN
 PRELIMINARY

BRIANNEEER ARCHITECTURE P.C.
 DESIGN - PLANNING - INTERIORS
 630 NORTH OLD WOODWARD, SUITE 203
 BIRMINGHAM, MICHIGAN
 BRIANNEEER.COM
 248.259.1784





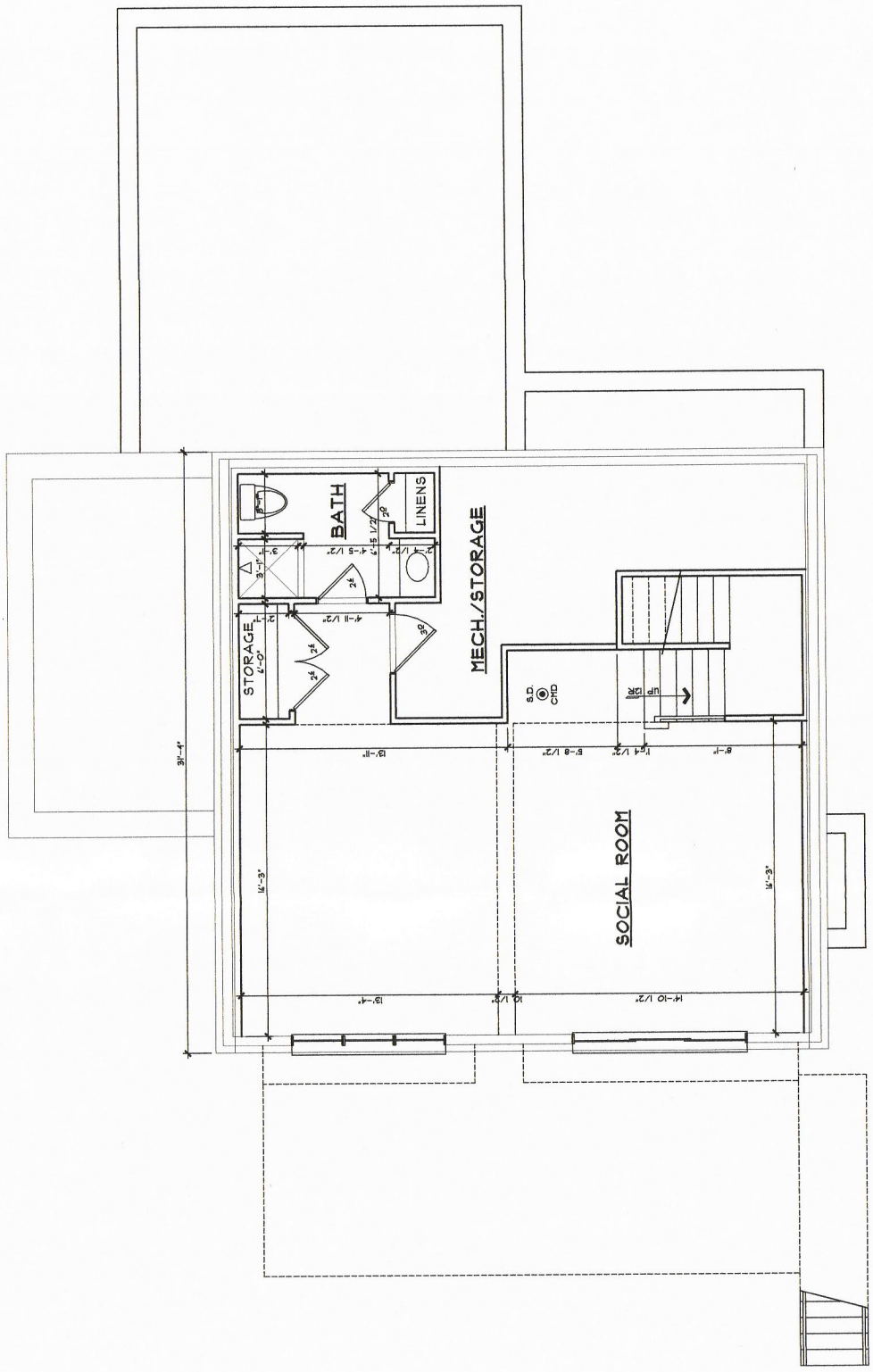
BRIAN NEPPER ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
690 North Woodward, Suite 203
BIRMINGHAM, MICHIGAN
BRIANNEPER.COM
248.259.1784

SHEET TITLE
LOWER LEVEL PLAN
PRELIMINARY

CLIENT / PROJECT
GRIMES RESIDENCE
CREATIVE CUSTOM BUILDERS, LLC
1012 ELIZABETH LAKE ROAD,
WHITE LAKE, MICHIGAN

PRELIMINARY	12-23-18
DES	
PERMITS	
FINAL	
REVISED	

COPYRIGHT © 2018 BRIAN NEPPER P.C. JOB NUMBER 19000	DRAWN BY BN / RR
CHECKED BY	SHEET NUMBER A-2



LOWER LEVEL PLAN 420 SQ. FT. FINISHED

SCALE: 1/4" = 1'-0"

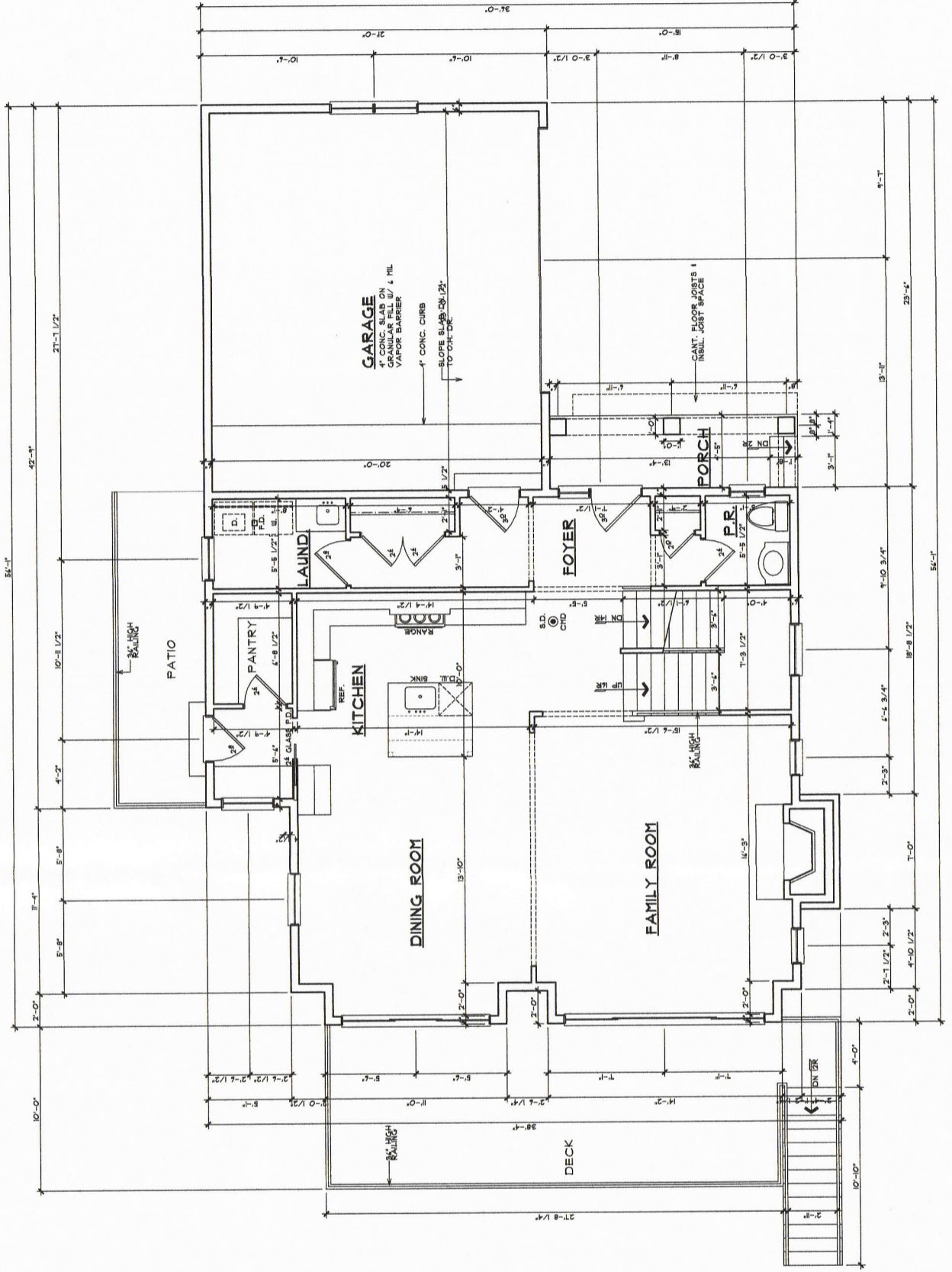


BRIAN NEPPER ARCHITECTURE P.C.
 DESIGN - PLANNING - INTERIORS
 630 NORTON WOODWARD, SUITE 203
 BIRMINGHAM, MICHIGAN
 BRIANNEPER.COM
 248.259.1784

PRELIMINARY
FIRST FLOOR PLAN
 SHEET TITLE

CLIENT / PROJECT
GRIMES RESIDENCE
 CREATIVE CUSTOM BUILDERS, LLC
 1026 ELIZABETH LAKE ROAD
 WHITE LAKE, MICHIGAN

PRELIMINARY	12-23-19
BIDS	
PERMITS	
FINAL	
REVISIONS	
SHEET NUMBER A-3	
DRAWN BY BN/RR	
CHECKED BY	
JOB NUMBER 16000	
COMPANY BRIAN NEPPER ARCHITECTURE P.C.	



SQUARE FOOTAGE

1ST FLOOR	1090 SQ. FT.
2ND FLOOR	1090 SQ. FT.
TOTAL	2180 SQ. FT.

FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

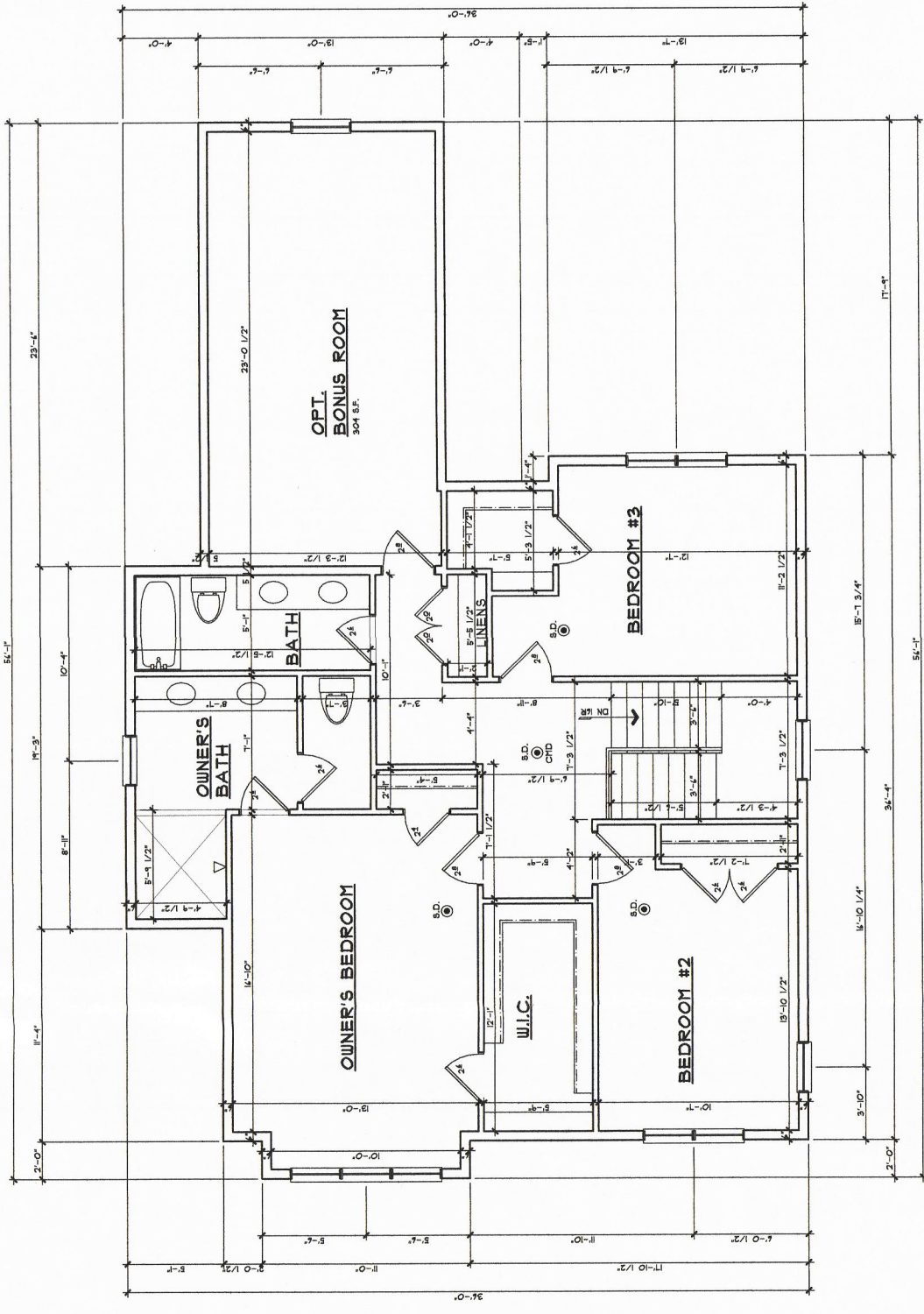


BRIAN NEPPER ARCHITECTURE P.C.
 DESIGN - PLANNING - INTERIORS
 630 North Woodward Suite 203
 BIRMINGHAM, MICHIGAN
 BRANNEPER.COM
 248.259.1784

SHEET TITLE
SECOND FLOOR PLAN
 PRELIMINARY

CLIENT / PROJECT
GRIMES RESIDENCE
 CREATIVE CUSTOM BUILDERS, LLC
 1012 ELIZABETH LAKE ROAD
 WHITE LAKE, MICHIGAN

PRELIMINARY	12-28-18
BBS	
FRAME	
FINAL	
REVISIONS	
COPYRIGHT © 2019 ARCHITECTURE P.C. JOB NUMBER 19000	
DRAWN BY	BN / RR
CHECKED BY	
SHEET NUMBER	A-4



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

SP-1

SHEET NUMBER

CHECKED BY

BN/RR

DRAWN BY

18000

JO'S NUMBER

PROJECT NO.

BRANNNEPER P.C.

BRANNNEPER P.C.

BRANNNEPER P.C.

REVISIONS

FINAL

PERMIT

BIDS

12-23-18

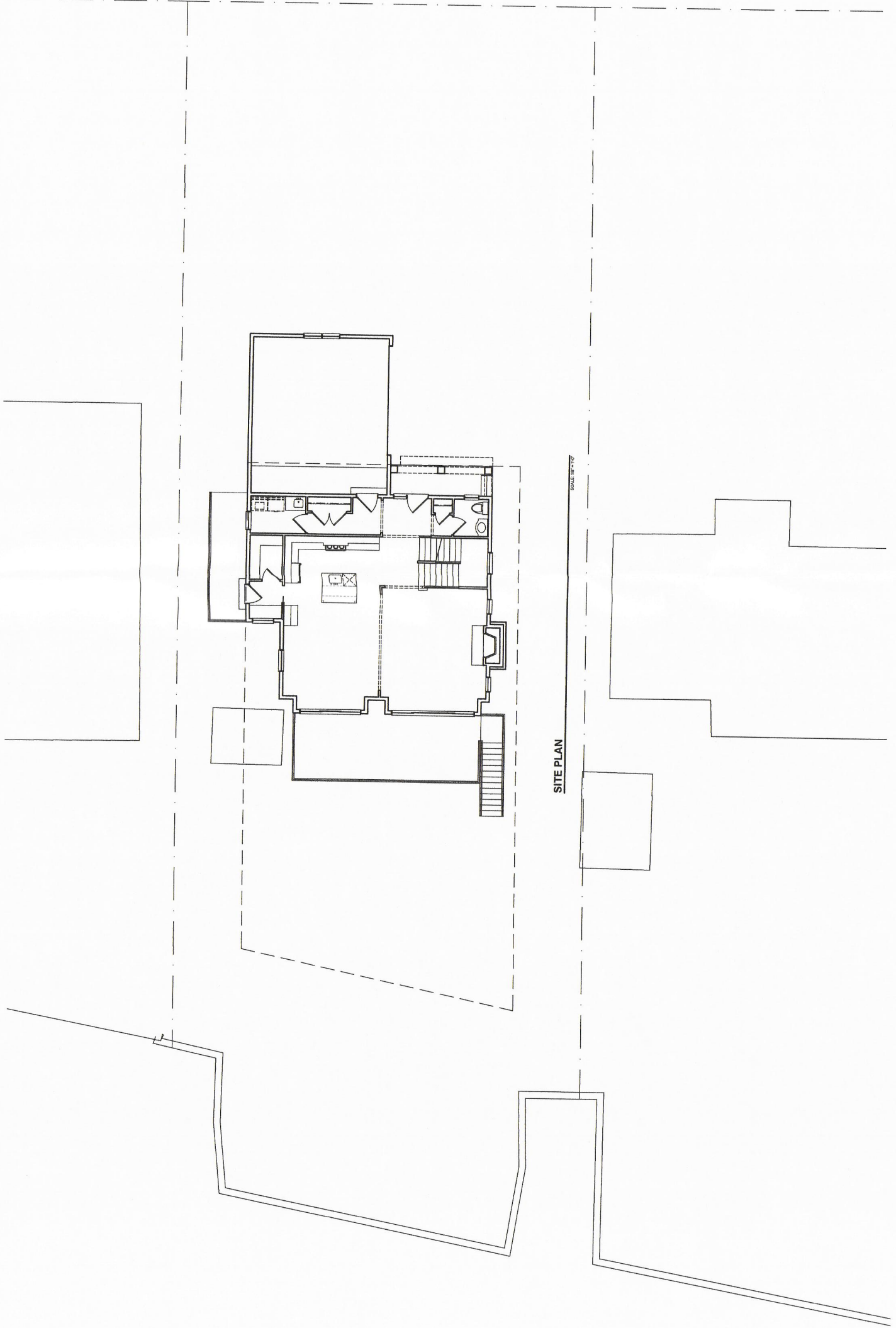
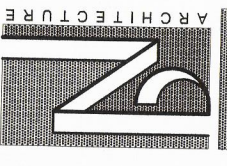
PRELIMINARY

CLIENT / PROJECT

GRIMES RESIDENCE
CREATIVE CUSTOM BUILDERS, LLC
10126 ELIZABETH LAKE ROAD
WHITE LAKE, MICHIGAN

SHEET TITLE
SITE PLAN
PRELIMINARY

BRANNNEPER ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
830 North Old Woodward, Suite 203
BIRMINGHAM, MICHIGAN
BRANNNEPER.COM
248.259.1784



SITE PLAN

SCALE: 1/8" = 1'-0"

49287 WEST ROAD
WYOM, MI 48393
(P): 248-437-7803
(F): 866-960-4307

3050 SUNSET LANE
TRAVERSE CITY,
MI 49684
(P): 231-252-2445
(F): 866-960-4307

REVISIONS

CLIENT: CREATIVE CUSTOM BUILDERS

TOPOGRAPHIC | BOUNDARY SURVEY

10126 ELIZABETH LAKE ROAD

These documents are instruments of service in respect of the Project and any reuse without written permission of the Engineer is prohibited. The Engineer will be at least not liable for any errors or omissions in the drawings or data, or for any consequences resulting therefrom. Any such verification or inspection shall be the responsibility of the client or owner. The Engineer is not responsible for any utility lines or structures shown on these drawings or data that are not shown on the drawings or data, or for any consequences resulting therefrom.

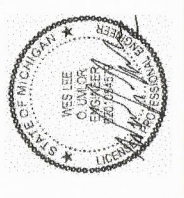
SECTION 27

TOWN 3 NORTH, RANGE 8 EAST

WHITE LAKE, MI 48386

OAKLAND COUNTY

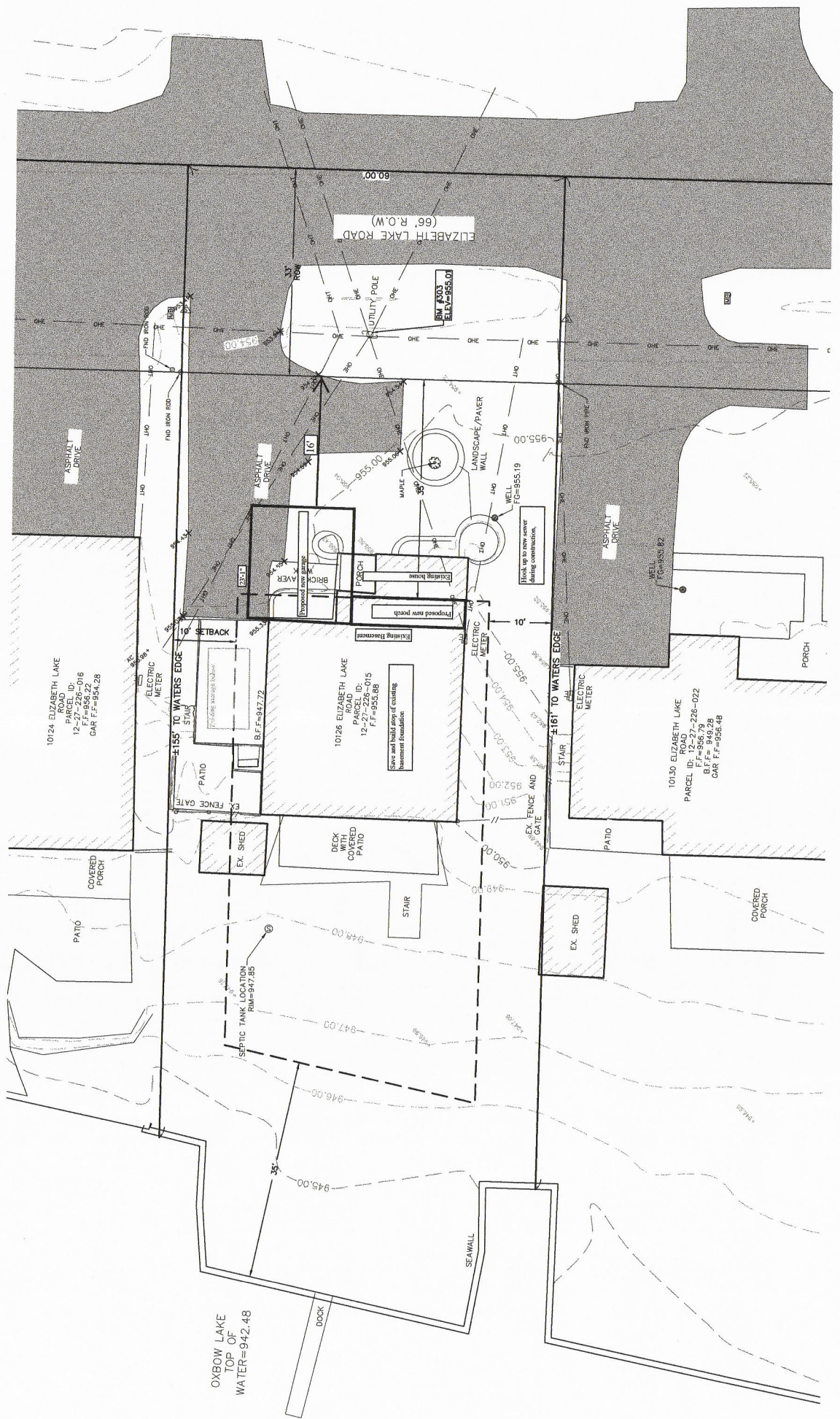
DATE: 11-14-19
Drawn By: MD
Checked By: P.E. WES UMLOR
Scale: 1" = 10'
Job No.: 101009
Sheet No.: 1



SITE BENCHMARK #303
BENCHMARK IN UTILITY POLE ON NORTH SIDE OF ELIZABETH LAKE ROAD
BM ELEV.=955.01




SYMBOL	DESCRIPTION
EX	EX. SPOT ELEVATION
EX	EX. OVERHEAD CABLE
EX	EX. OVERHEAD FIBER
EX	EX. UNDERGROUND CABLE
EX	EX. UNDERGROUND FIBER
EX	EX. WATER MAIN
EX	EX. WATER VALVE
EX	EX. WATER MANHOLE
EX	EX. WATER METER
EX	EX. WATER INLET/CATCH BASIN
EX	EX. STORM INLET/CATCH BASIN
EX	EX. STORM MANHOLE
EX	EX. SANITARY MANHOLE
EX	EX. CLEAN OUT
EX	EX. VENT
EX	EX. UNDERGROUND GAS
EX	EX. GAS METER
EX	EX. UNDERGROUND TELEPHONE
EX	EX. TELEPHONE RISER
EX	EX. TELEPHONE HANDHOLE
EX	EX. UNDERGROUND ELECTRIC
EX	EX. ELECTRIC RISER
EX	EX. ELECTRIC HANDHOLE
EX	EX. ELECTRIC TRANSFORMER
EX	EX. METER
EX	EX. GENERATOR
EX	EX. ASPHALT
EX	EX. CONCRETE
EX	EX. TIELINE
EX	EX. WATER MARKER
EX	EX. GAS MARKER
EX	EX. TELE. MARKER
EX	EX. FIBER MARKER
EX	EX. MEDIA MARKER
EX	EX. DEMO TREE



**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: White Lake Township Zoning Board of Appeals
FROM: Sean O'Neil, AICP, Planning Director 
DATE: June 11, 2020

Agenda item: 6c

Appeal Date: June 11, 2020

Applicant: James & Lauren Wardrop

Address: 7080 Oakley Park
West Bloomfield, MI 48323

Zoning: R1-C Single Family Residential

Location: 725 Ranveen Drive
White Lake, MI 48386

Property Description: The property identified at 725 Ranveen Drive is a vacant parcel (a double lot) that is zoned R1-C single family residential. The parcel is located on Cedar Island Lake. Any home that is constructed would utilize a private well for potable water and a septic system for sanitation.

Applicant's Proposal: The petitioner wishes to appeal, under Article 7.36 of the Zoning Ordinance, a determination of a Township Official of both the "basement" and "grade" definitions of the Zoning Ordinance.

Planner's Report: The original interpretations, now under appeal, were made by Brent Bonnivier, former Building Official, and Jason Iacoangeli, former Senior Planner. There is also a denial letter that was issued from Nick Spencer, our current Building Official. The applicant's attorney has provided a lengthy packet of information for your review. Our report will be brief and include the communications to the applicant and the excerpts from the Zoning Ordinance. Most of these items are in the applicants packet as well. Nick Spencer and I will be at the Zoom meeting and will be prepared to answer questions regarding this case and Zoning Ordinance 58. It is the opinion of both Nick and I that the original interpretations by Brent and Jason, as well as his own denial letter, are indeed correct.

Recommended Motions:

Table: "I move to table interpretation request of James & Lauren Wardrop, regarding 725 Ranveen Drive, to consider comments noted during this public hearing".

Concur with Township's Interpretation: "I move that the ZBA concurs with the interpretation made by the Township Officials in the case of James & Lauren Wardrop, regarding 725 Ranveen Drive.

Overturn Township's Interpretation: "I move that the ZBA concurs with the interpretation of James & Lauren Wardrop, regarding 725 Ranveen Drive, and overturns the interpretation of the Township Officials.

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

August 30, 2019

Clearview Homes
811 E. South Blvd.
Suite #100
Rochester Hills, MI 48307
586-873-2030

RE: 725 Ranveen, 12-26-307-031

Based on the revised plans the applicant is still proposing a basement wall system that does not satisfy the White Lake Township Clear Zoning Ordinance.

Article 2 of the White Lake Township Clear Zoning Ordinance states:

GRADE. The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot.

BASEMENT. A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling.

An artificial grade cannot be established on the site for the purpose of building a structure. Since no curb is present, and according to the engineer's plot plan, "Grade" would be measured as 938.7 ft. The proposed basement finished floor is 936.8 ft. Using the wall section detail from the building plans, the proposed basement ceiling height is 944 ft. That being the case, the vertical distance from grade to the basement floor is less than the vertical distance from grade to the basement ceiling which would in turn make the proposed basement a 3rd story. R1-C zoning limits the stories above grade to 2 stories.

A variance is needed to the schedule of regulations, Article 6 of the White Lake Township Clear Zoning Ordinance.

Sincerely,

Nick Spencer
Building Department

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorhels
Liz Fessler Smith

WHITE LAKE TOWNSHIP

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July 11, 2019

Clearview Homes
811 E. South Blvd.
Suite #100
Rochester Hills, MI. 48307
586-873-2030

RE: 725 Ranveen
12-26-307-031

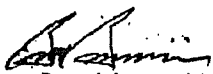
Comments:

The applicant is proposing to build a 2-story home on top of a basement wall system that is a story above grade making this proposed home a 3-story home. The R1-C zoning district limits the stories above grade to 2 stories.

A variance is needed to the schedule of regulations, Article 6 of the White Lake Township Clear Zoning Ordinance.

Also see Planning Department comments dated 6-4-19.

Respectfully,


Bren Bonivier, Building Official
White Lake Township
BBB/tlh

RECEIVED

JAN 15 2020

COMMUNITY DEVELOPMENT DEPARTMENT

CHARTER TOWNSHIP OF WHITE LAKE Zoning Board of Appeals APPLICATION

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: James and Lauren Wardrop (734) 558-7909 PHONE: 248-380-0000 ADDRESS: 7080 Oakley Park, West Bloomfield, MI 48323 APPLICANT'S INTEREST IN PROPERTY: [X] OWNER [] BUILDER [] OTHER:

attorney number

ADDRESS OF AFFECTED PROPERTY: 725 Ranveen Dr., White Lake, MI PARCEL # 12 - 26-307-031 CURRENT ZONING: R1-C PARCEL SIZE: 0.385 Acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Please see attachment

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED) Please see attachment

APPLICATION FEE: (CALCULATED BY THE PLANNING DEPARTMENT) APPLICANT'S SIGNATURE: [Signature] DATE: 1-14-20

attorney for applicant



White Lake Township Building Dept.
7525 Highland Rd.
White Lake, MI 48383

(248) 698-3300
Fax (248) 666-7451

APPLICATION FOR BUILDING & ZONING PERMIT

DATE OF APPLICATION: 5/29/19

PERMIT #: _____

1. Address of new construction: 725 Ranveen
2. Request Permit For: New single family home
3. Sidwell #: 12-26-307-031 4. Lot # 80 & 79 5. Zoning: Resid.
6. Subdivision: Cedar Shores 2 7. Subdivision Approval X: n/a
8. Lot Size: Front 127' Rear 107' Side 127' Side 141'
9. Total Sq. Ft. of Lot: disturbance: ~0.37acres
10. Required Setbacks: Front _____ Rear _____ Side >10 Side >10
11. Proposed Setbacks: Front 45.00 Rear 59.56 Side 10.00 Side 60.80
12. Building Height at Mid-Peak: 25.9 Total Height: 30.6 13. Total # of Stores: 2
14. # of Bedrooms: 2 15. Building Use Group: Residential
16. Type of Construction: Wood 17. Type of Foundation: Poured concrete
18. Sq. Ft. of Proposed Construction:
Garage: 444 1st Floor: 1071 2nd Floor: 1065 Total: 2136
19. Sq. Ft. of Existing Structures:
Garage: 0 1st Floor: 0 2nd Floor: 0 Total: 0
20. Septic Permit #: 192-19-000007 21. Driveway Permit #: _____ County Rd. Private Rd.
22. Soil Erosion Permit # WLT2019-0679266 23. Wetland – on or abutting (circle one) YES NO
24. Value of Proposed Work: \$ _____ 25. Permit Fee: _____
26. Attach a Detailed Plot Plan 27. Review Fee: _____

APPLICANT'S NAME: Clearview Homes PHONE #: 586-873-2030
ADDRESS: 811 E. South Blvd. Suite#100
DATE: 5/29/19

IV. PROPOSED USE OF BUILDING

A. RESIDENTIAL

ONE FAMILY
 2. TWO OR MORE FAMILY
 NO. OF UNITS _____

3. HOTEL, MOTEL
 NO. OF UNITS _____

4. ATTACHED GARAGE
 5. DETACHED GARAGE
 6. OTHER

B. NON-RESIDENTIAL

7. AMUSEMENT
 8. CHURCH, RELIGION
 9. INDUSTRIAL
 10. PARKING GARAGE

11. SERVICE STATION
 12. HOSPITAL, INSTITUTIONAL
 13. OFFICE, BANK, PROFESSIONAL
 14. PUBLIC UTILITY

15. SCHOOL, LIBRARY, EDUCATIONAL
 16. STORE, MERCANTILE
 17. TANKS, TOWERS
 18. OTHER

NONRESIDENTIAL-DESCRIBE IN DETAIL PROPOSED OF BUILDING, E.G. FOOD PROCESSING PLANT, MACHINE SHOP, LAUNDRY BUILDING AT HOSPITAL, ELEMENTARY SCHOOL, SECONDARY SCHOOL, COLLEGE, PAROCHIAL SCHOOL, PARKING GARAGE FOR DEPARTMENT STORE, RENTAL OFFICE BUILDING, OFFICE BUILDING AT INDUSTRIAL PLANT. IF USE OF EXISTING BUILDING IS BEING CHANGED, ENTER PROPOSED USE

Construction of a new single family residential home with attached garage

V. SELECTED CHARACTERISTIC OF BUILDING

A. PRINCIPAL TYPE OF FRAME

1. MASONRY, WALL BEARING
 2. WOOD FRAME
 3. STRUCTURAL STEEL
 4. REINFORCED CONCRETE
 5. OTHER

B. PRINCIPAL TYPE OF HEATING FUEL

GAS
 7. OIL
 8. ELECTRICITY
 9. COAL
 10. OTHER

C. TYPE OF SEWAGE DISPOSAL

11. PUBLIC OR PRIVATE COMPANY
 12. SEPTIC SYSTEM

D. TYPE OF WATER SUPPLY

13. PUBLIC OR PRIVATE COMPANY
 14. PRIVATE WELL OR CISTERN

E. TYPE OF MECHANICAL

15. WILL THERE BE AIR CONDITIONING YES NO
 16. WILL THERE BE FIRE SUPPRESSION? YES NO

F. DIMENSIONS/DATA

17. NUMBER OF STORIES	2	21. FLOOR AREA:	EXISTING	ALTERATIONS	NEW
18. USE GROUP	Resident.	BASEMENT	_____	_____	1071
19. CONST. TYPE	Wood	1ST & 2ND FLOOR	_____	_____	2136
20. NO. OF OCCUPANTS	2	3RD - 10TH FLOOR	_____	_____	0
		11TH - ABOVE	_____	_____	0
		TOTAL AREA	_____	_____	3207

G. NUMBER OF OFF STREET PARKING SPACES ⁰

22. ENCLOSED ² _____
 23. OUTDOORS _____

VI. APPLICANT INFORMATION

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF THE FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION.

NAME Clearview Homes		TELEPHONE NO. 586-873-2030	
ADDRESS 811 East South Boulevard. SUITE#100	CITY Rochester Hills	STATE MI	ZIP CODE 48307
FEDERAL I.D. NUMBER/SOCIAL SECURITY NUMBER 26-4654306			

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

Section 23a of the state construction code act of 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.

SIGNATURE OF APPLICANT Eric Konieczny Digitally signed by Eric Konieczny
Date: 2019.05.28 13:10:44 -04'00'

PLAN REVIEW FEE ENCLOSED \$ _____ BUILDING PERMIT FEE ENCLOSED \$ _____

VII. LOCAL GOVERNMENTAL AGENCY TO COMPLETE THIS SECTION

ENVIRONMENTAL CONTROL APPROVALS

	REQUIRED?	APPROVED	DATE	NUMBER	BY
A - ZONING	<input type="checkbox"/> YES <input type="checkbox"/> NO				
B - FIRE DISTRICT	<input type="checkbox"/> YES <input type="checkbox"/> NO				
C - POLLUTION CONTROL	<input type="checkbox"/> YES <input type="checkbox"/> NO				
D - NOISE CONTROL	<input type="checkbox"/> YES <input type="checkbox"/> NO				
E - SOIL EROSION	<input type="checkbox"/> YES <input type="checkbox"/> NO				
F - FLOOD ZONE	<input type="checkbox"/> YES <input type="checkbox"/> NO				
G - WATER SUPPLY	<input type="checkbox"/> YES <input type="checkbox"/> NO				
H - SEPTIC SYSTEM	<input type="checkbox"/> YES <input type="checkbox"/> NO				
I - VARIANCE GRANTED	<input type="checkbox"/> YES <input type="checkbox"/> NO				
J - OTHER	<input type="checkbox"/> YES <input type="checkbox"/> NO				

VIII. VALIDATION - FOR DEPARTMENT USE ONLY

USE GROUP _____	BASE FEE _____
TYPE OF CONSTRUCTION _____	NUMBER OF INSPECTIONS _____
SQUARE FEET _____	
APPROVAL SIGNATURE _____	
TITLE _____	DATE _____



White Lake Township Building Dept.
7525 Highland Rd.
White Lake, MI 48383

(248) 698-3300
Fax (248) 666-7451

Grading and Drainage Permit Application

Date: 5/29/19

Applicant: Clearview Homes
Project Address: 725 Ranveen Sidwell: 12-26-307-031
Zoning: Residential

Property Owner: Business Individual
Name: Jim & Lauren Wardrop
Street: 725 Ranveen Apt: _____ P.O. Box: _____
Contact Information: Home: (734) 558 - 7909 ext. _____ Cell: (____) _____ - _____ Ext. _____
Email Address: _____

Design Professional: Lehner Associates State License #: 36785
Contact Information: Work: (586) 412 - 7060 ext. _____ Cell: (____) _____ - _____ Ext. _____
Email Address: permits@myclearviewhome.com

Brief Description of Proposed Work: Construction of a new single family residential home with a attached garage

FEES

Permits:	Building Dept. Grading... \$200.00	Inspections:	Field (by Township Engineer) (up to 2) \$400.00
	Soil Erosion \$350.00		(Additional / each)..... \$200.00
Reviews:	Building Department..... \$ 50.00		Site Evaluation \$ 50.00
	Engineer..... \$350.00		

SIGNATURES

APPLICANT

TOWNSHIP'S AUTHORIZATION

By: _____

By: _____

Date: 5/29/19

Date: _____



White Lake Township Building Dept.
7525 Highland Rd.
White Lake, MI 48383

(248) 698-3300
Fax (248) 666-7451

BUILDING AND ZONING PERMIT REGULATIONS

1. A Certificate of Occupancy must be obtained before occupying the building.
2. Additional permits are required for HVAC, Plumbing, Electrical, Fireplaces, Pools, Fences and Decks.
3. Three (3) site plans and three (3) sets of construction plans with sectionals are required to be submitted with the building application.
4. The Builder and property owner are responsible for drainage and grade on the construction site.
5. The Builder and property owner are responsible for lot line and proper setbacks as approved by White Lake Township.
6. Attach a complete list of all sub-contractor names, trades, license numbers and phone numbers.
7. A \$50.00 re-inspection fee will be charged to all permit holders if any of the following is not in place when an inspection is called for:
 - A. Soil erosion fence is not installed properly
 - B. The lot number is not properly marked (properly marked is a visible address with the lot number and permit number that can be clearly seen from the road).
 - C. The job site must be clean with a safe access for the inspectors.
8. The road must be cleaned and maintained properly (this includes snow removal).
9. If granted, a Temporary Certificate of Occupancy will cost \$100.00 every 30 days until a final Certificate is issued and must be paid for in advance.

Builder's Name: Clearview Homes, LLC

Signature: _____ Phone: 586-873-2030

Property Owner: Lauren & Jim Wardrop

Signature:   Phone: 734-558-5885

Authentisign 5/17/2019 9:14:52 PM EDT 05/17/2019 Authentisign 5/17/2019 9:12:44 PM EDT 05/17/2019

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

WHITE LAKE TOWNSHIP BUILDING DEPARTMENT

Residential Plot Plan Requirements

1. Plans must be drawn to scale
2. Show all easements
3. Show direction of drainage
4. Show adjacent grades
5. Indicate property lines with correct measurements
6. Show location of all structures with setbacks
7. Show all proposed structures with the setbacks
8. Indicate all waterfronts and wetlands
9. Indicate location of well & septic or township water and sewer leads and lines
10. Show driveway location
11. Show overhead power lines
12. Show underground power lines
13. Show gas line locations
14. Show distance between adjoining structures
 - Individual lots may require more information. Also, some of the newer site condos and subdivisions may require more detail and township engineer approval.
 - Plans will be returned to the applicant if they are lacking required information.
15. Total square footage of lot.
16. Total square footage of all structures.

• 1 st Floor	<u>1071</u>
• 2 nd Floor	<u>1065</u>
Total	<u>2136</u>

January 14, 2020

Charter Township of White Lake
7525 Highland Road
White Lake, MI 48383
P: (248) 698-3300

RE: *James and Lauren Wardrop 725 Ranveen, White Lake, MI
Appeal from Denial of Building Permit*

NOTICE OF APPEAL

Dear Members of the Zoning Board of Appeals (“ZBA”):

Thank you for taking the time to consider this appeal. The property owners, James and Lauren Wardrop (the “Wardrops”), request the ZBA consider their appeal from the denial of a building permit for a single-family home at 725 Ranveen, White Lake (the “Property”). The Wardrops are the owners of record. (**Exhibit 1**, Warranty Deed.)

1. Introduction.

Under Section 7.36.A of the Zoning Ordinance, the ZBA has the authority to “hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance.”

The Township Building Department made an error of law when it misconstrued the plain language of the Zoning Ordinance, misapplied the definition of “grade,” and erroneously considered the Wardrops’ basement a third “story” of their single-family home construction. The “grade” as defined in the Zoning Ordinance should be calculated from “the ground where it meets or is intended to meet the foundation wall.” Using the intersection of the ground and the foundation wall, the basement is sufficiently deep to fall into the Zoning Ordinance’s definition of “basement” and not count as the third “story.”

2. Background and statement of facts.

The subject residential property is in the R1-C Single Family zoning district. The lot is a waterfront lot, located on Cedar Lake, with the lake on the north side of the property. The Property is adjacent to two single family homes—715 Ranveen Dr., and 735 Ranveen Dr. See **Exhibit 2** (lot). The Property has not been developed to-date due to issues with obtaining a septic system permit from the Oakland County Health Department. However, such a permit was obtained in 2019.

Charter Township of White Lake
January 14, 2020
Page 2 of 4

Clearview Homes (“Clearview”) is the builder retained by the Wardrops to construct a single-family home on the Property. On June 4, 2019, Clearview submitted a site plan application for a building permit to build a 2-story, 2,136 square foot home in accordance with the plans attached as **Exhibit 3**. The home also has a standard basement with well window, as depicted on **Exhibit 2**.

On or about June 14, 2019, the Planning Director issued a letter that stated “Site Plan Requirements are not approved. Do not issue building permit.” (**Exhibit 4**.) Further, the Director indicated that “Home exceeds number of stories based on an artificial [sic] grade being established on site. Basements are determined using natural/existing grade for the site. Please see attached. Plans need to be revised and resubmitted.” This was followed up by a July 11, 2019 letter to Clearview, which indicates that the “basement wall system [] is a story above grade making this proposed home a 3-story home. The R1-C zoning district limits the stories above grade to 2 stories.” (**Exhibit 5**.) This July 11 letter is signed by Bren Bonnivier, Building Official.

Clearview then attempted to work with the building department to address its concerns and submitted revised plans on August 13, 2019. However, on August 30, 2019, the Building Department once again denied the application. (**Exhibit 6**.) The Building Department explained that the proposed basement is not sufficiently below grade, and accordingly is classified as a third story, which is not permitted under R1-C Zoning. Specifically, the Building Department takes the position that the proposed basement does not meet the definition of “basement” in the zoning ordinance, and accordingly, is a third story.

For the reasons explained below, with the Building Department’s interpretation of the Zoning Ordinance is an error of law, and the Wardrops respectfully ask the ZBA to interpret the ordinance and reverse the Building Department’s decision denying the Building Permit.

3. The Building Department made an error of law when it used the definition of “grade” applicable to calculation of the grade of a street or sidewalk—and ignored the definition of grade applicable to buildings.

Section 7.34 of the Zoning Ordinance provides that “[a]n appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation...aggrieved by a decision of the Building Official.” The Wardrops are aggrieved by the Building Official’s decision denying their building permit. This is an appeal from the decision of the Building Official dated August 30, 2019.

The August 30, 2019 decision states that the proposed “basement wall system does not satisfy the White Lake Township Clear Zoning Ordinance” because “the proposed basement [is] a 3rd story [and] R1-C zoning limits the stories above grade to 2 stories.” (**Exhibit 6**.) However, the Building

Charter Township of White Lake
January 14, 2020
Page 3 of 4

Official misinterpreted the Zoning Ordinance and did not apply the proper definition of “grade” to calculate whether the proposed basement meets the definition of “basement” in the Zoning Ordinance, and does not count as a third story.

The Zoning Ordinance defines “basement” to ensure that builders do not circumvent the two-story residential limitation by building the ground floor just slightly below grade, and then claiming that the ground floor is a “basement.” To that end, Basement is defined as:

BASEMENT. A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, and not counted as floor area.

The term “grade” is defined as follows:

GRADE. The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot. **When the word "grade" is used herein in relation to “building grade”, it shall mean the ground where it meets or is intended to meet the foundation wall**, unless such has been officially established. In the case where the grade changes around the structure with relation to the first floor elevation such as a two-story house with a walk out or daylight basement, the walk-out or daylight basement shall not be considered a story nor included in the height calculations.

(emphasis added.)

Here, Building Department’s calculation of grade for the purposes of whether the basement should count as a third story is wrong and contrary to the Zoning Ordinance. In its August 30, 2019 letter denying the application, the Building Department erroneously applied the first two sentences of the definition of “grade” that is applicable *only* to the “grade of the street or sidewalk.” There is no “grade of the street or sidewalk” involved in approving the Wardrops’ building plans. For the purposes of the “basement,” however, the word grade is used “in relation to building grade” and therefore means “the ground where it meets or is intended to meet the foundation wall.”

The Building Department erroneously calculated “grade” at the elevation of the centerline of the street at the mid-point of the front of the lot, at 938.7 feet. Again, under the plain language of the Zoning Ordinance, this calculation of “grade” *only* applies when calculating the “grade of the street or sidewalk.” According to the second half of the definition of “grade,” “Building grade” – i.e.

FAUSONE BOHN, LLP

ATTORNEYS AT LAW

Charter Township of White Lake
January 14, 2020
Page 4 of 4

grade related to buildings—is measured from “the ground where it meets or is intended to meet the foundation wall.” The building grade in this instance is higher than the sidewalk—940.415 feet. The basement floor is at 936.8 feet, and the basement ceiling is at 944 feet. Accordingly, the distance from basement floor to grade is 3.615 feet and from basement ceiling to basement floor is 3.585 feet. Accordingly, the basement is a basement, and not a story.

The Building Department’s August 30, 2019 letter also states “An artificial grade cannot be established on the site for the purpose of building a structure.” The term “artificial grade” is not defined anywhere in the Zoning Ordinance. Further, the sole existing definition of “grade” in the Zoning Ordinance contemplates two separate grade measurements—one for determining grade of a street or sidewalk—and one for determining building grade. And, for drainage purposes, the home must be at a higher elevation than the street or the curb—otherwise water would flow towards the house, pool along the foundation walls, and cause flooding.

Finally, looking again at the definition of “grade,” the term expressly contemplates a walk-out basement as *not* counting as a story:

In the case where the grade changes around the structure with relation to the first floor elevation such as a two-story house with a walk out or daylight basement, the walk-out or daylight basement shall not be considered a story nor included in the height calculations

Here, the proposed basement is a standard basement—not a walkout or daylight basement. A walkout or daylight basement is more like an additional story, yet the Wardrops’ proposed house does not have a walkout. Accordingly, there is no basis under the Zoning Ordinance to consider the Wardrops’ basement as a “story.”

The Wardrops’ proposed construction is permitted as of right under the Zoning Ordinance. The Building Department committed an error of law when it interpreted the Zoning Ordinance to measure grade from the street. The Wardrops respectfully request the ZBA to grant their appeal and reverse the decision of the Building Department that the basement is a third “story.”

Respectfully,

FAUSONE BOHN, LLP

Dan V. Artaev
Attorney for applicant

EXHIBIT 1

WARRANTY DEED

The Grantor(s): **The Milton G. Van Gordon and Betty L. Van Gordon Trust, Milton G. Van Gordon and Betty L. Van Gordon, as trustees and Milton G. Van Gordon and Betty L. Van Gordon, husband and wife, as to their life estate interest** whose address is 20200 Hibma Road, Tustin, MI 49688

Convey and Warrant to: **James Wardrop and Lauren Wardrop, Husband and Wife**

whose address is 7080 Oakley Park, West Bloomfield, MI 48323

the following described premises situated in the Township of White Lake, County of Oakland and State of Michigan, to-wit:

SEE ATTACHED EXHIBIT "A"

Commonly known as: **Vacant land Ranveer, White Lake Twp, MI 48383**

Tax parcel number(s): **12-26-307-031**

For the sum of: **One Hundred Ten Thousand and 00/100 Dollars (\$110,000.00)**

Subject to: the existing building and use restrictions, easements, and zoning ordinances, if any.

Dated: August 29, 2014

Seller(s):

The Milton G. Van Gordon and Betty L. Van Gordon Trust

Milton G. Van Gordon
Milton G. Van Gordon, Trustee

Betty L. Van Gordon
Betty L. Van Gordon, Trustee

Milton G. Van Gordon
Milton G. Van Gordon, as to life estate interest

Betty L. Van Gordon
Betty L. Van Gordon, as to life estate interest

EXHIBIT 2

RECEIVED

JUN 14 2019

BUILDING DEPARTMENT

Letter of Compliance
Regarding
Site Plan Requirements for Commercial Construction

The White Lake Township Building Department has received the attached plans and an application has been made for a building permit. Please advise as to the site plan requirements.

Applicants Name: ELZARVIEW HOMES
Project Name: _____
Address of Proposed Project: 725 RANVEEN
Sidwell Number: 12-ZC-307-031
Date: 6-14-19
Proposed Type of Project: SINGLE FAMILY
Please Respond By: ASAP

- Site Plan Review and Approval Required
- Administrative Review Required
- Site Plan Review and Approval is Not Required
- Approved Site Plan is on File
- Other _____


This Portion is to be Completed By The White Lake Township Planning Department

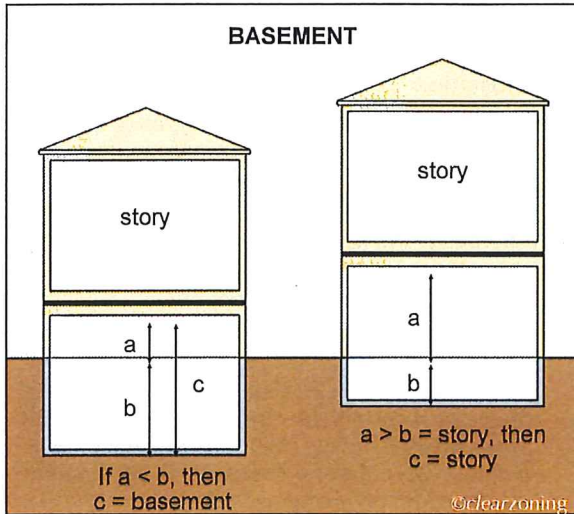
Site Plan Requirements Are *Not* Approved. Do Not Issue Building Permit.
 Site Plan Requirements Are Approved. Approval is Granted to Issue Building Permit.
 Planning Directors Comments: HOME EXCEEDS NUMBER OF STORIES BASED ON AN ARTIFICIAL GRADE BEING ESTABLISHED ON SITE. BASEMENTS ARE DETERMINED USING NATURAL/EXISTING GRADE FOR THE SITE. PLEASE SEE ATTACHED. PLANS NEED TO BE REVISED AND RESUBMITTED.

X

White Lake Township Planning Director Signature

****Please return completed form to the Building Department****

BASEMENT. A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, and not counted as floor area. 



BED AND BREAKFAST. A single-family dwelling in which the owner/operator provides overnight accommodations to guests in return for payment, and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

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BOAT LIVERY OR RENTAL. Any premises on which boats or floats of any kind are kept for the purpose of renting, leasing or providing use thereof to persons other than the owners for a charge or fee.

BOAT MARINA (BOAT YARD). A water craft complex, on and/or adjacent to a waterway used primarily for recreation purposes, including the refueling of watercraft and providing minor repair services for such craft, not involving removal of watercraft from the water or removal of inboard or outboard engines from the watercraft. A marina may provide unwallled covered storage not involving the removal of craft from the water. A marina may include on-shore, as accessory service uses, a food service establishment, laundry or sanitary facilities, marine related convenience items, and other customary accessory facilities. A marina does not include facilities for boat or motor rental, mechanical or structural repair or boat hauling. The term marina shall not include a boat livery.

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BUILDING HEIGHT. See Height of Building.

BUILDING LINE. A line established in general, parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

BUILDING OFFICIAL. The Building Official of the Township of White Lake, or his/her authorized representative.

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2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

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HAZARDOUS MATERIAL. A chemical or other material, which is or may be injurious to the public health, safety or welfare, or injurious to the environment. Hazardous materials include, but are not limited to, critical materials and hazardous substances.

HAZARDOUS SUBSTANCES. Those *hazardous chemicals* as currently defined by the Michigan Department of Public Health and the Michigan Department of Labor; *flammable and combustible liquids* as currently defined by the Michigan State Police Fire Marshal Division; *critical materials, polluting materials, and hazardous waste* as currently defined by the Michigan Department of Environmental Quality; *hazardous substances* as currently defined by the U.S. Environmental Protection Agency; and *hazardous materials* as currently defined by the U.S. Department of Transportation.

HEIGHT OF BUILDING (BUILDING HEIGHT). The vertical distance from the average grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs. The height of a walk-out basement shall not be included in the height of the building.



725 Ranveen

Legend

725 Ranveen Dr

Ranveen St

Google Earth

© 2019 Google

100 ft

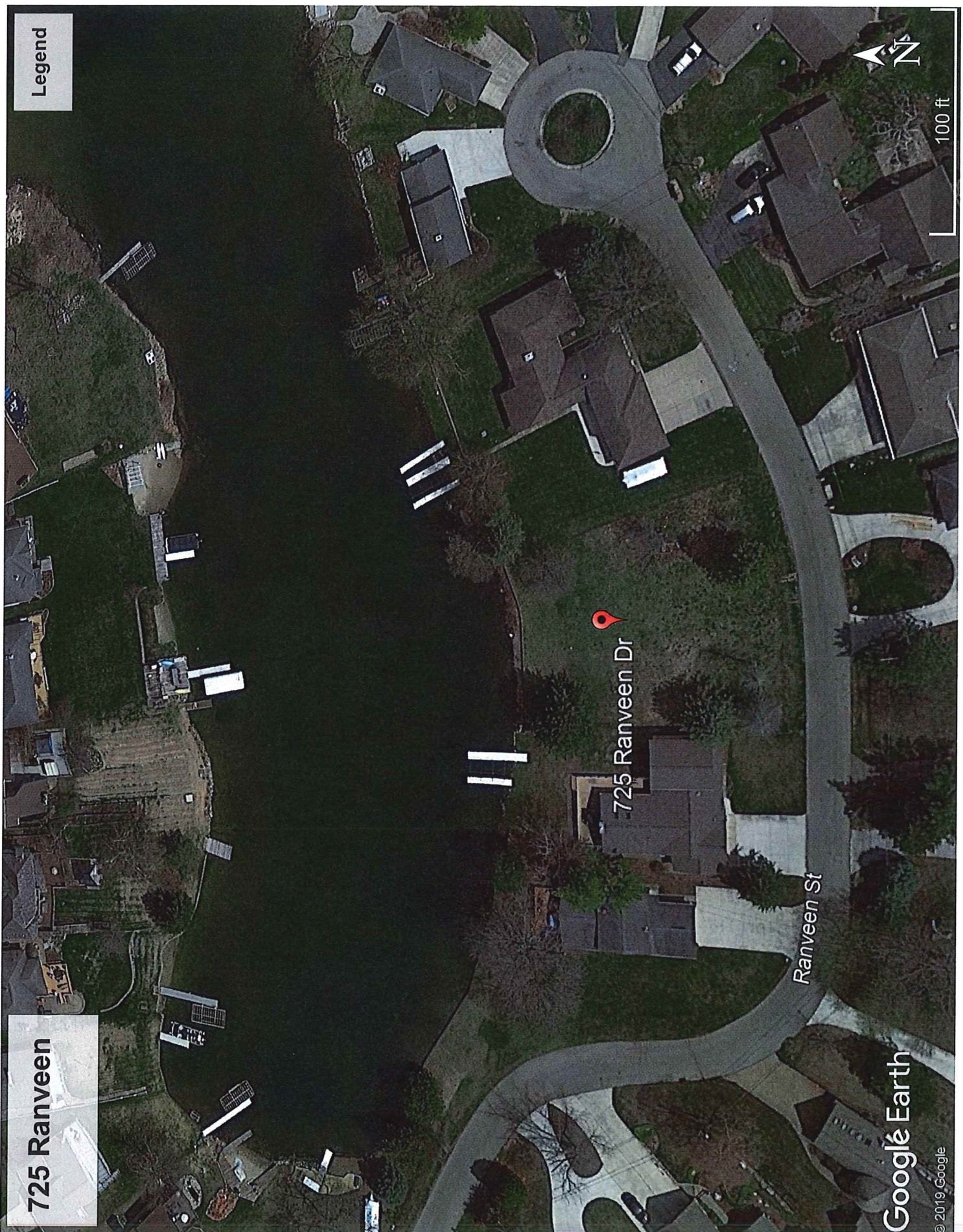


EXHIBIT 3

EXHIBIT 4

RECEIVED

JUN 14 2019

BUILDING
DEPARTMENT

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Regarding
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The White Lake Township Building Department has received the attached plans and an application has been made for a building permit. Please advise as to the site plan requirements.

Applicants Name: 222 ARVIEW Homes
Project Name: _____
Address of Proposed Project: 725 RANVEEN
Sidwell Number: 12-26-307-031
Date: 6-14-19
Proposed Type of Project: SINGLE FAMILY
Please Respond By: ASAP

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- Other _____

This Portion is to be
Completed By The White
Lake Township Planning
Department

- Site Plan Requirements Are *Not* Approved. Do Not Issue Building Permit.
- Site Plan Requirements Are Approved. Approval is Granted to Issue Building Permit.
- Planning Directors Comments: HOME EXCEEDS NUMBER OF STORIES BASED ON AN ARTIFICIAL GRADE BEING ESTABLISHED ON SITE. BASEMENTS ARE DETERMINED USING NATURAL/EXISTING GRADE FOR THE SITE. PLEASE SEE ATTACHED. PLANS NEED TO BE REVISED AND RESUBMITTED.

X

White Lake Township Planning Director Signature

Please return completed form to the Building Department

EXHIBIT 5

C

Basement Height 7.17
 Basement Floor Elev 996.83
 Basement Ceiling Elev 944.00
 1st Floor Fin Floor Elev 945.12 (Dropped FF / BFF by 0.79')

940.415 (Average elevation of basement)

945.12 (Dropped FF / BFF by 0.79')

Side	Elev	Elev	Avg. Elev	Side Avg. Feet Above Bsmt. Floor (Avg. Elev - Bsmt. Floor Elev)	Length	Length * (Avg Elev - Bsmt Floor Elev)	Avg. Feet Above Bsmt. Floor for Entire Side (H / G)	Avg. Side Elevation (I - Bsmt. Floor Elev)	Avg. Side Elevation * Total Side Length (I * G total)
	G	H	I	J					
North	940.50	940.00	940.25	3.42	39.92	136.5264	3.420	940.250	37534.78
East	940.00	940.50	940.25	3.42	21.54	73.6668	3.507	940.337	31049.93
South	940.50	941.00	940.75	3.67	11.48	42.1316	3.797	940.627	37549.84
West	941.00	940.50	940.75	3.92	33.02	115.80	3.920	940.750	30122.82
					19.62	72.0054			
					20.30	79.5760			
					39.92	151.58			
					32.02	125.5184			
					32.02	125.5184			
					<u>Length Sum</u>				
					144.88				

136257.36 940.48
 This cell must be greater than
 Average elevation of basement

0.07

Elevation Delta



The Documents are in Chronological Order

1) Both Clearview Homes and the Engineering Firm feel that the City is misinterpreting their own rules about counting a daylight as a "Story" and they had us remove the daylight the denial before this. (Show them the ordinance). They steered us in to redoing your home, with-out the daylight, in towhere we are now.

Action Item: Go to the ZBA and ask them to explain how the ordinance "was" applied to our submittal. The way they called your home a 3 story contradicts, their own ordinance. Explain your ordinance, and how its applied in both application that we submitted.

Confidential: Our office feels that (Brent) Neighbor who works there now has Nick at the office instead of himself, but steering him to work against you guys

The city is steering you to go to the ZBA to (see Jason) ask for a variance....(favor) which we feel they will deny. Amy feels Jason Lacoangeli on the ZBA is not friendly at helping.

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A

White Lake Township Building Dept.
7525 Highland Rd.
White Lake, MI 48383

(248) 698-3300
Fax (248) 666-7451

SUBMITTAL REQUIREMENTS FOR SINGLE FAMILY HOMES, ADDITIONS, GARAGES AND RENOVATIONS

- NEW-- Package for new residences must include \$ 350 payment for Engineering Review upon submittal. Plot plan requirements are included in the building permit application.
- Application for Building & Plan Examination (3 pages)
Complete the homeowner affidavit only if the permit is being issued to the homeowner.
Note: Must be owner occupied to qualify as a homeowner permit.
- Grading & Drainage Permit application (1 page)
- Soil Erosion Permit application. Soil Erosion Control Permit must be applied for at Oakland County WRC. (248) 858-5389. www.oakgov.com/water
- 3 complete sets of plans.
- 3 detailed plot plans. New homes are required to have the plot plan done by a licensed professional i.e. Surveyor, architect or engineer.
- Provide 3 reports of the energy code compliance.
- Provide copy of septic permit, well permit or complete White Lake Twp. Sewer and Water hook up requirements and provide proof that all fees have been paid.
- Provide driveway permit from OCRC.
 - Allow 10 days for review and processing the permit.
 - Incomplete submittals will be returned as revise and resubmit.
 - No work is allowed to be started until all permits are issued.
- Prior to disturbing any soil call and schedule a site evaluation. Failure to call for a site evaluation may require an engineered site plan to be prepared.

RECEIVED

JUN 14 2019

BUILDING DEPARTMENT

Letter of Compliance
Regarding
Site Plan Requirements for Commercial Construction

The White Lake Township Building Department has received the attached plans and an application has been made for a building permit. Please advise as to the site plan requirements.

Applicants Name: CLEARVIEW Homes
Project Name:
Address of Proposed Project: 725 RANVEEN
Sidwell Number: 12-26-307-031
Date: 6-14-19
Proposed Type of Project: SINGLE FAMILY
Please Respond By: ASAP

- Site Plan Review and Approval Required
Administrative Review Required
Site Plan Review and Approval is Not Required
Approved Site Plan is on File
Other

This Portion is to be Completed By The White Lake Township Planning Department

Site Plan Requirements Are Not Approved. Do Not Issue Building Permit.
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Planning Directors Comments: HOME EXCEEDS NUMBER OF STORIES BASED ON AN ARTIFICIAL GRADE BEING ESTABLISHED ON SITE. BASEMENTS ARE DETERMINED USING NATURAL/EXISTING GRADE FOR THE SITE. PLEASE SEE ATTACHED. PLANS NEED TO BE REVISED AND RESUBMITTED.

X [Signature]
White Lake Township Planning Director Signature

Please return completed form to the Building Department

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



B

Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

July 11, 2019

Clearview Homes
811 E. South Blvd.
Suite #100
Rochester Hills, MI. 48307
586-873-2030

RE: 725 Ranveen
12-26-307-031


Comments:

The applicant is proposing to build a 2-story home on top of a basement wall system that is a story above grade making this proposed home a 3-story home. The R1-C zoning district limits the stories above grade to 2 stories.

A variance is needed to the schedule of regulations, Article 6 of the White Lake Township Clear Zoning Ordinance.

Also see Planning Department comments dated 6-4-19.

Respectfully,


Bren Bonnavier, Building Official
White Lake Township
BBB/llh

Amy Gudenu

From: Nick Spencer <NSpencer@whitelaketwp.com>
Sent: Friday, August 30, 2019 2:57 PM
To: Permits
Subject: 725 Review
Attachments: 725 Ranveen Grade.pdf

Hello Amy

Please find the attached letter for 725 Ranveen. To apply for the Zoning Board of Appeals please get in touch with Jason Iacoangeli at extension 177. If you have any questions please give me a call.

Nick Spencer
Building Department | Community Development

White Lake Township | 7525 Highland Township | White Lake, MI 48383-2900
(248) 698-3300 Extension: 132

www.whitelaketwp.com



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D

Rik Kowall, Supervisor
Terry Lilley, Clerk
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August 30, 2019

Clearview Homes
811 E. South Blvd.
Suite #100
Rochester Hills, MI 48307
586-873-2030

RE: 725 Ranveen, 12-26-307-031

Based on the revised plans the applicant is still proposing a basement wall system that does not satisfy the White Lake Township Clear Zoning Ordinance.

Article 2 of the White Lake Township Clear Zoning Ordinance states:

GRADE. *The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot.*

BASEMENT. *A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling.*

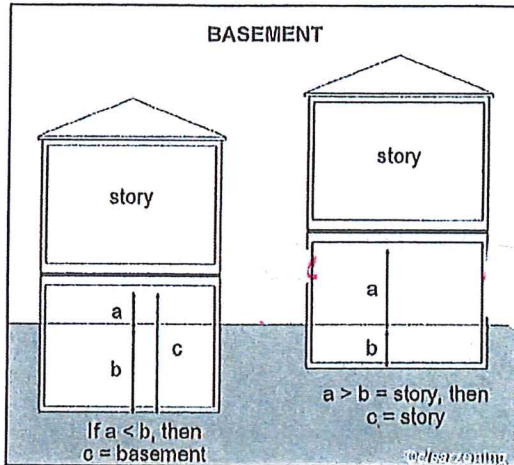
An artificial grade cannot be established on the site for the purpose of building a structure. Since no curb is present, and according to the engineer's plot plan, "Grade" would be measured as 938.7 ft. The proposed basement finished floor is 936.8 ft. Using the wall section detail from the building plans, the proposed basement ceiling height is 944 ft. That being the case, the vertical distance from grade to the basement floor is less than the vertical distance from grade to the basement ceiling which would in turn make the proposed basement a 3rd story. R1-C zoning limits the stories above grade to 2 stories.

A variance is needed to the schedule of regulations, Article 6 of the White Lake Township Clear Zoning Ordinance.

Sincerely,

Nick Spencer
Building Department

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2 Definitions

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E

Amy Gudenau

From: Nick Spencer <NSpencer@whitelaketwp.com>
Sent: Friday, September 6, 2019 2:12 PM
To: Permits
Subject: RE: 725 Review

Our ordinance does not specify any allowable tolerance for grade change. Your best option would be to get in touch with Jason Iacoangeli from the planning department to go to the Zoning Board of Appeals.

Best Regards

Nick Spencer
Building Department | Community Development

White Lake Township | 7525 Highland Township | White Lake, MI 48383-2900
(248) 698-3300 Extension: 132

www.whitelaketwp.com



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From: Permits <permits@myclearviewhome.com>
Sent: Friday, September 6, 2019 12:21 PM
To: Nick Spencer <NSpencer@whitelaketwp.com>
Subject: RE: 725 Review

Hi Nick,

We are working with our engineer to see what options we have in revising the home for potential approval. Is there a change to the grade that is allowable or a tolerance?

Thank You!



Amy Gudenau

P: 586-873-2030

E: amy@myclearviewhome.com

W: www.MyClearviewHome.com

From: Nick Spencer <NSpencer@whitelaketwp.com>

Sent: Friday, August 30, 2019 2:57 PM

To: Permits <permits@myclearviewhome.com>

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Nick Spencer

Building Department | Community Development

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The Documents are in Chronological Order

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A

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7525 Highland Rd.
White Lake, MI 48383

(248) 698-3300
Fax (248) 666-7451

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- Provide copy of septic permit, well permit or complete White Lake Twp. Sewer and Water hook up requirements and provide proof that all fees have been paid.
- Provide driveway permit from OCRC.
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Rik Kowall, Supervisor
Terry Lilley, Clerk
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B

Trustees
Scott Ruggles
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Liz Fessler Smith

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July 11, 2019

Clearview Homes
811 E. South Blvd.
Suite #100
Rochester Hills, MI. 48307
586-873-2030

RE: 725 Ranveen
12-26-307-031


Comments:

The applicant is proposing to build a 2-story home on top of a basement wall system that is a story above grade making this proposed home a 3-story home. The R1-C zoning district limits the stories above grade to 2 stories.

A variance is needed to the schedule of regulations, Article 6 of the White Lake Township Clear Zoning Ordinance.

Also see Planning Department comments dated 6-4-19.

Respectfully,


Bren Bonnier, Building Official
White Lake Township
BBB/tlh

RECEIVED

JUN 14 2019

BUILDING DEPARTMENT

Letter of Compliance
Regarding
Site Plan Requirements for Commercial Construction

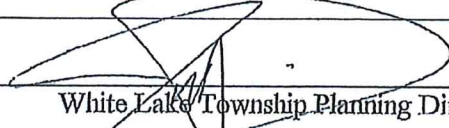
The White Lake Township Building Department has received the attached plans and an application has been made for a building permit. Please advise as to the site plan requirements.

Applicants Name: 262ARVIEW HOMES
Project Name: _____
Address of Proposed Project: 725 RANVEEN
Sidwell Number: 12-26-307-031
Date: 6-14-19
Proposed Type of Project: SINGLE FAMILY
Please Respond By: ASAP

- Site Plan Review and Approval Required
- Administrative Review Required
- Site Plan Review and Approval is Not Required
- Approved Site Plan is on File
- Other _____

This Portion is to be Completed By The White Lake Township Planning Department

Site Plan Requirements Are *Not* Approved. Do Not Issue Building Permit.
 Site Plan Requirements Are Approved. Approval is Granted to Issue Building Permit.
 Planning Directors Comments: HOME EXCEEDS NUMBER OF STORIES BASED ON AN ARTIFICIAL GRADE BEING ESTABLISHED ON SITE. BASEMENTS ARE DETERMINED USING NATURAL/EXISTING GRADE FOR THE SITE. PLEASE SEE ATTACHED. PLANS NEED TO BE REVISED AND RESUBMITTED.

X 
White Lake Township Planning Director Signature

Please return completed form to the Building Department

Amy Gudenau

From: Nick Spencer <NSpencer@whitelaketwp.com>
Sent: Friday, August 30, 2019 2:57 PM
To: Permits
Subject: 725 Review
Attachments: 725 Ranveen Grade.pdf

Hello Amy

Please find the attached letter for 725 Ranveen. To apply for the Zoning Board of Appeals please get in touch with Jason Iacoangeli at extension 177. If you have any questions please give me a call.

Nick Spencer
Building Department | Community Development

White Lake Township | 7525 Highland Township | White Lake, MI 48383-2900
(248) 698-3300 Extension: 132

www.whitelaketwp.com



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D

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

August 30, 2019

Clearview Homes
811 E. South Blvd.
Suite #100
Rochester Hills, MI 48307
586-873-2030

RE: 725 Ranveen, 12-26-307-031

Based on the revised plans the applicant is still proposing a basement wall system that does not satisfy the White Lake Township Clear Zoning Ordinance.

Article 2 of the White Lake Township Clear Zoning Ordinance states:

GRADE. *The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot.*

BASEMENT. *A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling.*

An artificial grade cannot be established on the site for the purpose of building a structure. Since no curb is present, and according to the engineer's plot plan, "Grade" would be measured as 938.7 ft. The proposed basement finished floor is 936.8 ft. Using the wall section detail from the building plans, the proposed basement ceiling height is 944 ft. That being the case, the vertical distance from grade to the basement floor is less than the vertical distance from grade to the basement ceiling which would in turn make the proposed basement a 3rd story. R1-C zoning limits the stories above grade to 2 stories.

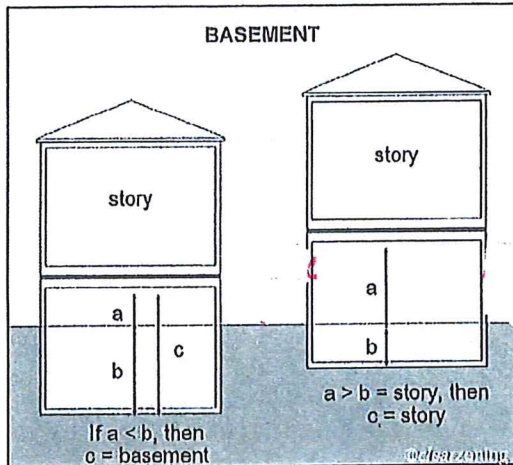
A variance is needed to the schedule of regulations, Article 6 of the White Lake Township Clear Zoning Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Spencer', written over a horizontal line.

Nick Spencer
Building Department

BASEMENT. A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, and not counted as floor area.



BED AND BREAKFAST. A single-family dwelling in which the owner/operator provides overnight accommodations to guests in return for payment, and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

BERM. A mound of earth planted with scrubs, grass, and trees or suitable ground cover in accordance with the Landscaping and Screening section of the Zoning Ordinance, constructed to sufficient height, length, and width to act as a screening barrier where required by this Ordinance.

BLOCK. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BOARD OF APPEALS. The Zoning Board of Appeals of the Township of White Lake.

BOAT LIVERY OR RENTAL. Any premises on which boats or floats of any kind are kept for the purpose of renting, leasing or providing use thereof to persons other than the owners for a charge or fee.

BOAT MARINA (BOAT YARD). A water craft complex, on and/or adjacent to a waterway used primarily for recreation purposes, including the refueling of watercraft and providing minor repair services for such craft, not involving removal of watercraft from the water or removal of inboard or outboard engines from the watercraft. A marina may provide unwallied covered storage not involving the removal of craft from the water. A marina may include on-shore, as accessory service uses, a food service establishment, laundry or sanitary facilities, marine related convenience items, and other customary accessory facilities. A marina does not include facilities for boat or motor rental, mechanical or structural repair or boat hauling. The term marina shall not include a boat livery.

BUILDABLE AREA. The space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING. A structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall, be deemed a separate building.

BUILDING HEIGHT. See Height of Building.

BUILDING LINE. A line established in general, parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

BUILDING OFFICIAL. The Building Official of the Township of White Lake, or his/her authorized representative.

BUILDING PERMIT. The written authority issued by the Code Official or his/her agent of the Township permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this Ordinance.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

GASOLINE STATIONS, SELF-SERVE. A facility whereby fuel is dispensed by the consumer and no vehicles are repaired on the site.

GASOLINE STATIONS, FULL SERVICE. A facility whereby fuel is dispensed by the consumer or attendant employed by the facility and vehicles are repaired on site.

GRADE. The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot. When the word "grade" is used herein in relation to "building grade", it shall mean the ground where it meets or is intended to meet the foundation wall, unless such has been officially established. In the case where the grade changes around the structure with relation to the first floor elevation such as a two-story house with a walk out or daylight basement, the walk-out or daylight basement shall not be considered a story nor included in the height calculations. ~~7~~*

GREENBELT. An open landscaped area intended to act as a buffer for noise and/or sight relief.

GREENWAY. A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

GROUP ADULT OR CHILD CARE CENTER (INCLUDES NURSERY SCHOOL). See Group Day Care Facility.

GROUP DAY CARE FACILITY. A non-residential building or structure where care, protection, and supervision are provided, on a regular schedule at least twice a week, to either children or adults.

GROUP DAY CARE HOME. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

HAZARDOUS MATERIAL. A chemical or other material, which is or may be injurious to the public health, safety or welfare, or injurious to the environment. Hazardous materials include, but are not limited to, critical materials and hazardous substances.

HAZARDOUS SUBSTANCES. Those *hazardous chemicals* as currently defined by the Michigan Department of Public Health and the Michigan Department of Labor; *flammable and combustible liquids* as currently defined by the Michigan State Police Fire Marshal Division; *critical materials, polluting materials, and hazardous waste* as currently defined by the Michigan Department of Environmental Quality; *hazardous substances* as currently defined by the U.S. Environmental Protection Agency; and *hazardous materials* as currently defined by the U.S. Department of Transportation.

HEIGHT OF BUILDING (BUILDING HEIGHT). The vertical distance from the average grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs. The height of a walk-out basement shall not be included in the height of the building. ~~8~~



E

Amy Gudenau

From: Nick Spencer <NSpencer@whitelaketwp.com>
Sent: Friday, September 6, 2019 2:12 PM
To: Permits
Subject: RE: 725 Review

Our ordinance does not specify any allowable tolerance for grade change. Your best option would be to get in touch with Jason Iacoangeli from the planning department to go to the Zoning Board of Appeals.

Best Regards

Nick Spencer
Building Department | Community Development

White Lake Township | 7525 Highland Township | White Lake, MI 48383-2900
(248) 698-3300 Extension: 132

www.whitelaketwp.com



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From: Permits <permits@myclearviewhome.com>
Sent: Friday, September 6, 2019 12:21 PM
To: Nick Spencer <NSpencer@whitelaketwp.com>
Subject: RE: 725 Review

I reached out to White Lake to see if there is an allowable tolerance in reference to the ordinance for the "artificial grade" and there is not. Do you have any ideas on how the plan can be adapted so that it may be approved with that ordinance in mind?

We are open to "out of the box" ideas if you have any, so that we can present any remaining options to the home owners as the next option may be for them to pursue a legal remedy as they did for the septic approval.

Please let us know if you have any ideas.

Thank You!



Amy Gudenau

P: 586-873-2030

E: amy@myclearviewhome.com

W: www.MyClearviewHome.com

From: Amy Gudenau

Sent: Tuesday, September 3, 2019 10:25 AM

To: Thomas Kellogg <tom@la-eng.com>

Cc: Brad Manning <brad@myclearviewhome.com>

Subject: 725 Ranveen Job #16-146

Good Morning Tom,

We received the attached disapproval letter for the revised plan we submitted for 725 Ranveen, can you review and let us know if you have any ideas on changes that can be made to get approval for the home?

Thank you!



Amy Gudenau

P: 586-873-2030

E: amy@myclearviewhome.com

F

Amy Gudenau

From: Thomas Kellogg <tom@la-eng.com>
Sent: Thursday, September 12, 2019 4:12 PM
To: Amy Gudenau
Cc: Brad Manning
Subject: RE: 725 Ranveen Job #16-146

Follow Up Flag: Follow up
Flag Status: Flagged

Amy:
In my opinion, the reviewer is mis-interpreting the ordinance. He is quoting the front house grade being the same as the grade of the street or sidewalk. On the face, this does not make sense. He failed to read the rest of Article 2 under the "grade" heading. Further down it says "building grade" being the grade where the ground meets the foundation. Unfortunately, I believe the only way to resolve this is by going to ZBA and asking for a clarification of the ordinance and a variance if they interpret the ordinance the same as the reviewer. I believe this step is necessary before filing a lawsuit. The owner's may want to apply for the ZBA hearing and have their attorney present their case.
Let me know if you want to discuss this further.

Tom

Thomas Kellogg, P.E., P.S.
Principal Engineer/Surveyor

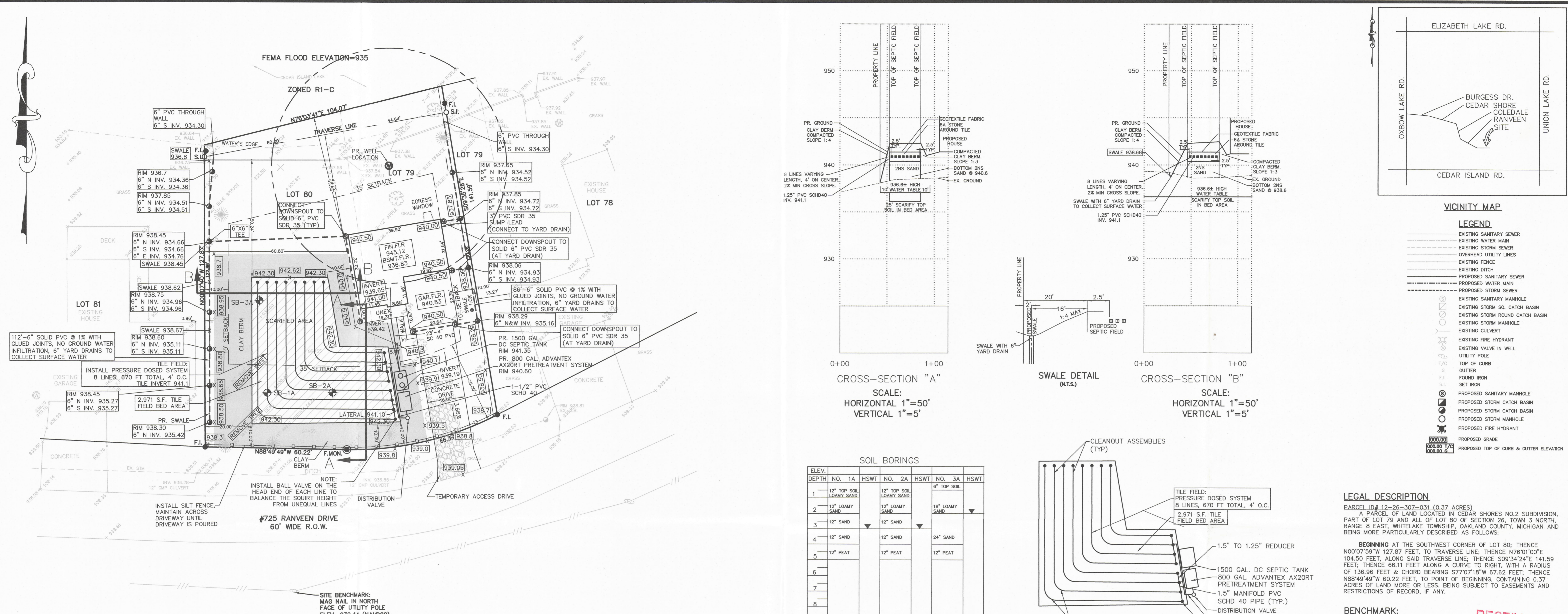


p: 586.412.7050 x105
tom@la-eng.com

From: Amy Gudenau <amy@myclearviewhome.com>
Sent: Friday, September 06, 2019 4:12 PM
To: Thomas Kellogg <tom@la-eng.com>
Cc: Brad Manning <brad@myclearviewhome.com>
Subject: RE: 725 Ranveen Job #16-146

Hi Tom,

EXHIBIT 6



NOTES:

- DUE TO POOR SOILS AT THE REAR OF THE PROPERTY AND PROXIMITY TO LAKE, THE RESERVE AREA SHALL BE LOCATED OVER THE PRIMARY FIELD.
- "DEED RESTRICTION" - PRIOR TO OCHD GRANTING FINAL APPROVAL FOR THE USE OF AN ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM, THE FOLLOWING SHALL BE RECORDED WITH OAKLAND REGISTER OF DEEDS IN THE FORM OF A DEED RESTRICTION. THIS PREMISE IS SERVED BY AN ALTERNATIVE TECHNOLOGY TYPE WASTEWATER DISPOSAL SYSTEM IN ACCORDANCE WITH OAKLAND COUNTY HEALTH DIVISION GUIDELINES. THE WASTEWATER SYSTEM REQUIRES ROUTINE OPERATION AND MAINTENANCE ON AT LEAST A TWICE ANNUAL SCHEDULE, FOR THE LIFE OF THE SYSTEM. AN OPERATION AND MAINTENANCE MANUAL FOR THE WASTEWATER SYSTEM HAS BEEN DEVELOPED WITH A COPY ON FILE AND AVAILABLE FOR REVIEW AT THE OAKLAND COUNTY HEALTH DIVISION.
- ENGINEER MUST SUBMIT A LETTER TO OCHD STATING THAT THE PRE-TREATMENT AND PRESSURE DOSED SYSTEM WAS INSTALLED IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS AND MUST SUBMIT UPON COMPLETION. ENGINEER RESPONSIBLE FOR INSPECTION.
- BUILDER TO CONSULT ENGINEER BEFORE ESTABLISHING HOUSE GRADE. HOUSE GRADE TO BE ESTABLISHED SO THAT PLUMBING DRAINS BY GRAVITY TO OUTLET ELEVATION. USE LOW VOLUME TOILETS.
- DO NOT INSTALL SEPTIC SYSTEM DURING WET WEATHER CONDITIONS, AS DETERMINED BY THE ENGINEER. AFTER THE AREA IS SCARIFIED, IT MUST BE PROTECTED FROM CONSTRUCTION EQUIPMENT AND OTHER TRAFFIC THAT MAY SMEAR OR COMPACT THE SOIL.
- ONLY AUTHORIZED ADVANTEX CONTRACTOR CAN INSTALL THE SYSTEM. A LIST MAYBE OBTAINED FROM MILAN SUPPLY COMPANY.
- AN OPERATING PERMIT MUST BE OBTAINED FROM THE OAKLAND COUNTY HEALTH DEPARTMENT AND THE SYSTEM SHALL BE MAINTAINED BY AN ADVANTEX AUTHORIZED SERVICE PROVIDER.
- THE SEPTIC STANK EFFLUENT FILTER MUST MEET THE REQUIREMENT FOR ADVANTEX AND NSF/ANSI STANDARD 46 AND BE RATED WITH MINIMUM DAILY FLOW RATE OF 1.5 TIMES THE TOTAL REQUIRED SEPTIC TANK CAPACITY (2250 GPD).
- OPERATION PERMIT - AN OPERATION PERMIT SHALL BE ISSUED FOR ALL ALTERNATIVE SYSTEMS OR ENGINEERED ALTERNATIVE SYSTEMS THAT INCLUDE PRE-TREATMENT, ALTERNATIVE SYSTEMS AND ENGINEERED ALTERNATIVE SYSTEMS SHALL BE MAINTAINED IN ACCORDANCE WITH A MANUFACTURER RECOMMENDATIONS OR AT A FREQUENCY SET FORTH BY THE HEALTH OFFICER. THE HEALTH DIVISION MAY CHARGE A NOMINAL PERMIT TO REVIEW MAINTENANCE REPORTS AND ADMINISTRATIVELY COORDINATE THIS PROGRAM. OPERATION PERMITS SHALL BE ISSUED ANNUALLY FOR THE LIFE OF THE SYSTEM, AND ARE NOT TRANSFERABLE IF THE PROPERTY UNDERGOES A CHANGE OF OWNERSHIP.
- OPERATION AND MAINTENANCE REPORTS - ANNUAL REPORTS OF MAINTENANCE PERFORMED ON AN ALTERNATIVE SYSTEM OR ENGINEERED ALTERNATIVE SYSTEM SHALL BE PROVIDED TO THE HEALTH DIVISION UPON RENEWAL OF THE OPERATION PERMIT. OPERATION AND MAINTENANCE REPORTS OR DOCUMENTATION OF MAINTENANCE PERFORMED SHALL BE PROVIDED TO THE HEALTH DIVISION BY THE OWNER OR MAINTENANCE PROVIDER WITHIN 30 DAYS OF THE SERVICE. FAILURE TO CONDUCT REQUIRED MAINTENANCE OR PERFORM CORRECTIONS RECOMMENDED BY THE MAINTENANCE PROVIDER SHALL RESULT IN PENALTIES SET FORTH IN THIS ARTICLE.

KEY

SILT FENCING

PROPOSED ELEVATION

0.37 ACRES DISTURBED AREA

SOIL TYPE: 63A URBAN LAND-THEFTORD COMPLEX, 0 TO 3 PERCENT

CONSTRUCTION SEQUENCE

A	INSTALL SILT FENCE AND INLET FILTERS	WEEK 1
B	BUILDING CONSTRUCTION	WEEKS 2-20
C	DRIVEWAY & SIDEWALK CONSTRUCTION	WEEKS 21-22
D	FINAL GRADING	WEEKS 23-24
E	STABILIZE GROUND WITH VEGETATION AS NEEDED	WEEKS 25-26

SOIL EROSION NOTES:

- LIMITS OF EARTH DISRUPTION WILL BE CONTAINED ON SITE TO ACHIEVE POSITIVE DRAINAGE PER MASTER GRADING PLAN.
- THE ESTIMATED GROSS ACREAGE DISTURBED IS 0.37 ACRES.
- SOIL EROSION MEASURES WILL BE MAINTAINED ON A WEEKLY BASIS AND AFTER EACH STORM EVENT. CLEARVIEW HOMES WILL BE RESPONSIBLE FOR THE MAINTENANCE OF SOIL EROSION MEASURES.
- THE NEAREST WATERCOURSE IS THE CEDAR ISLAND LAKE, LOCATED AT THE REAR OF PROPERTY.
- NEAREST OPEN WATER IS CEDAR ISLAND LAKE ADJACENT TO SITE.

FEMA MAP:

ZONE X - AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

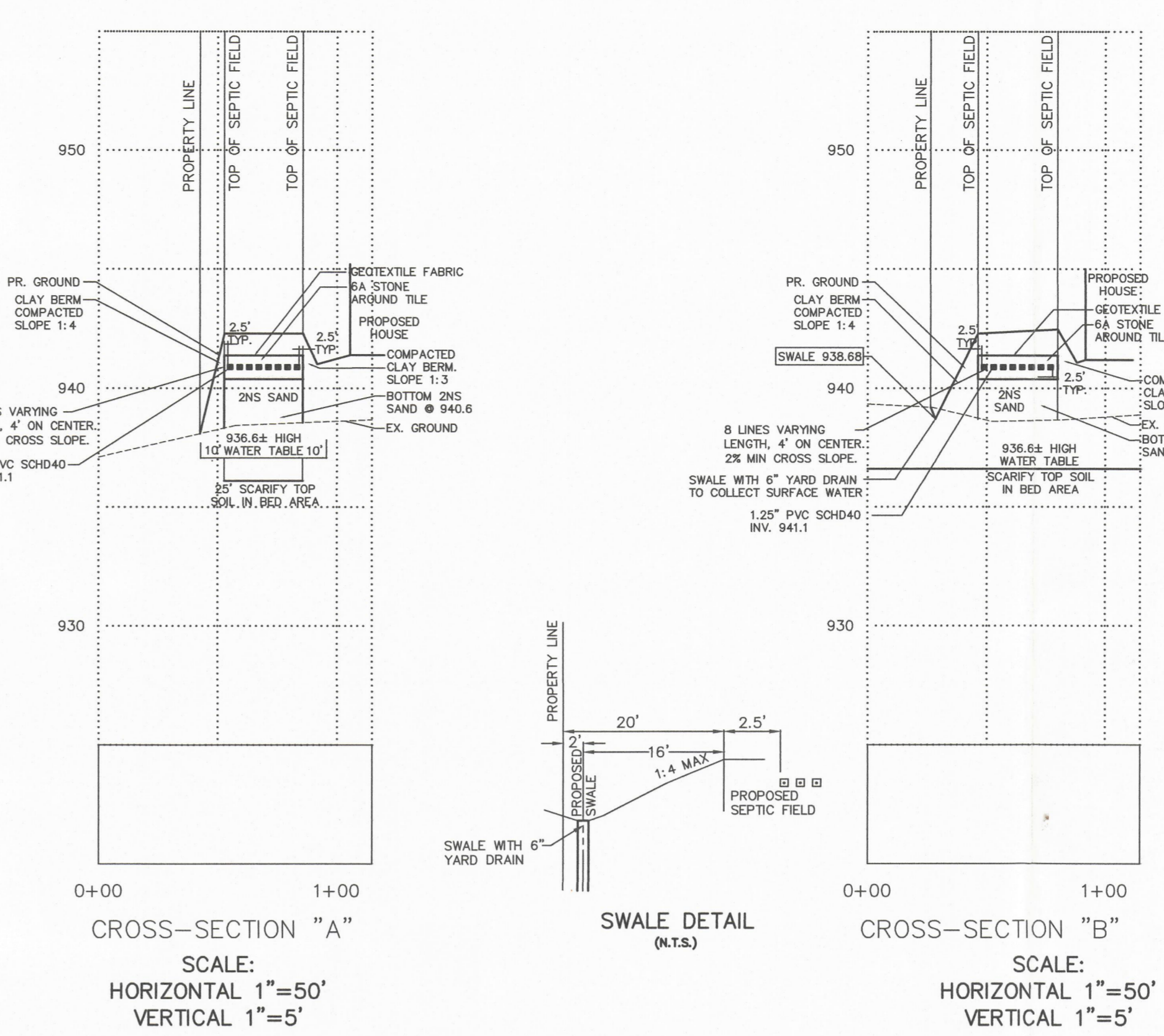
THE NEAREST WATERCOURSE IS CEDAR ISLAND LAKE - ZONE AE - ELEVATION 935.

CONCRETE CALCS:

GARAGE	449.60 S.F.
WALK	51.54 S.F.
DRIVE	739.10 S.F.
APPROACH	292.20 S.F.
TOTAL	1,537.44 S.F.

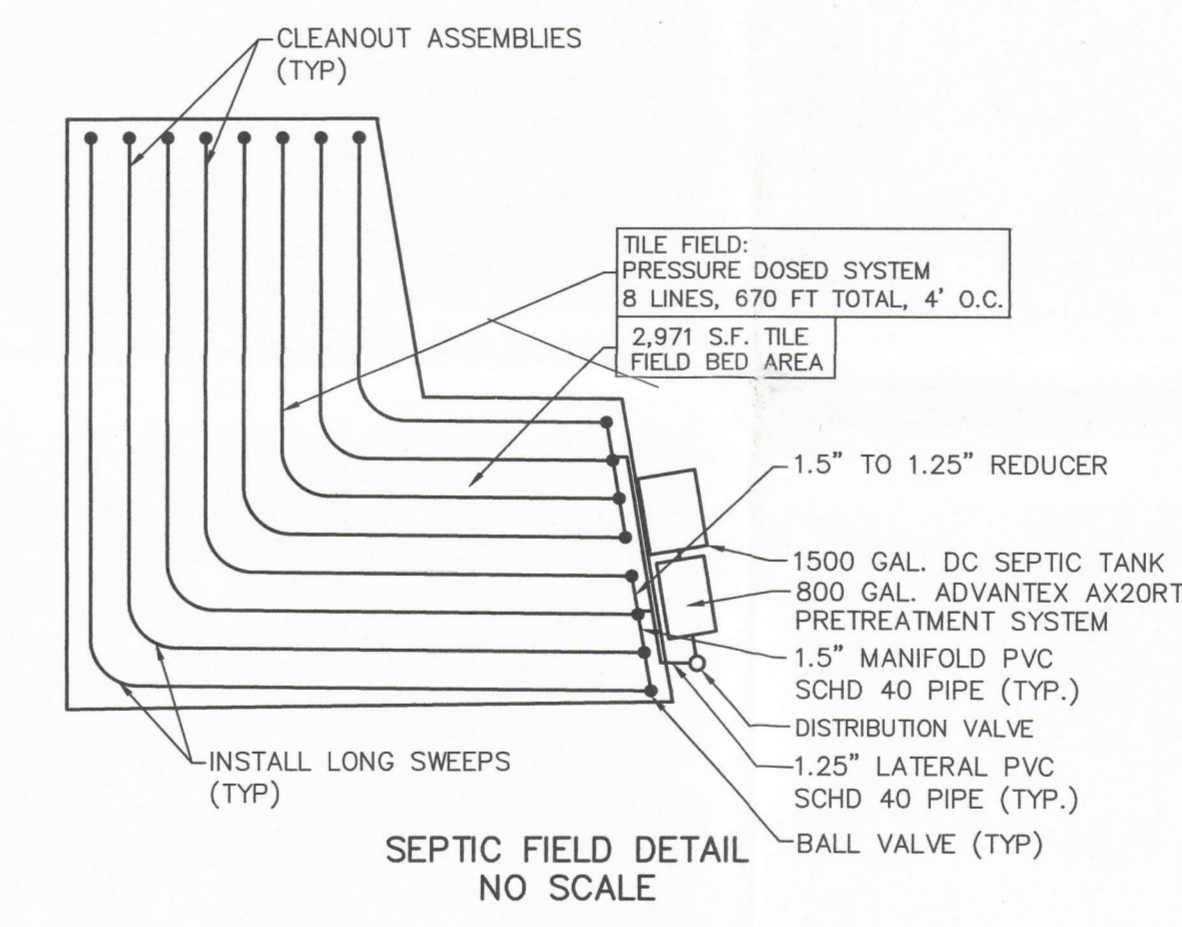
DESIGN CRITERIA

- Water usage - 300 gallons per day. (2 bedroom house at 150gpd/bedroom)
- An infiltration rate of 0.10 yields a required field size of 3000 sq. ft.
- A total bed area 2971 sq. ft. is provided.
- Orifice shields must be placed on 1.25" laterals.



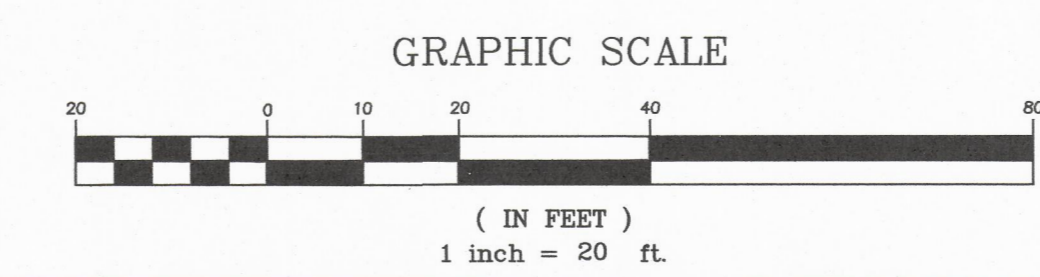
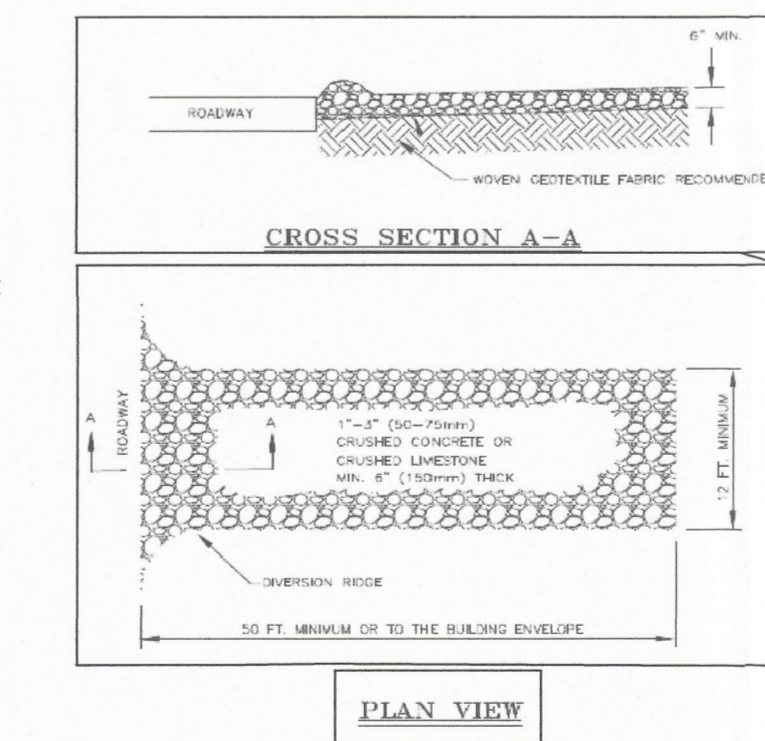
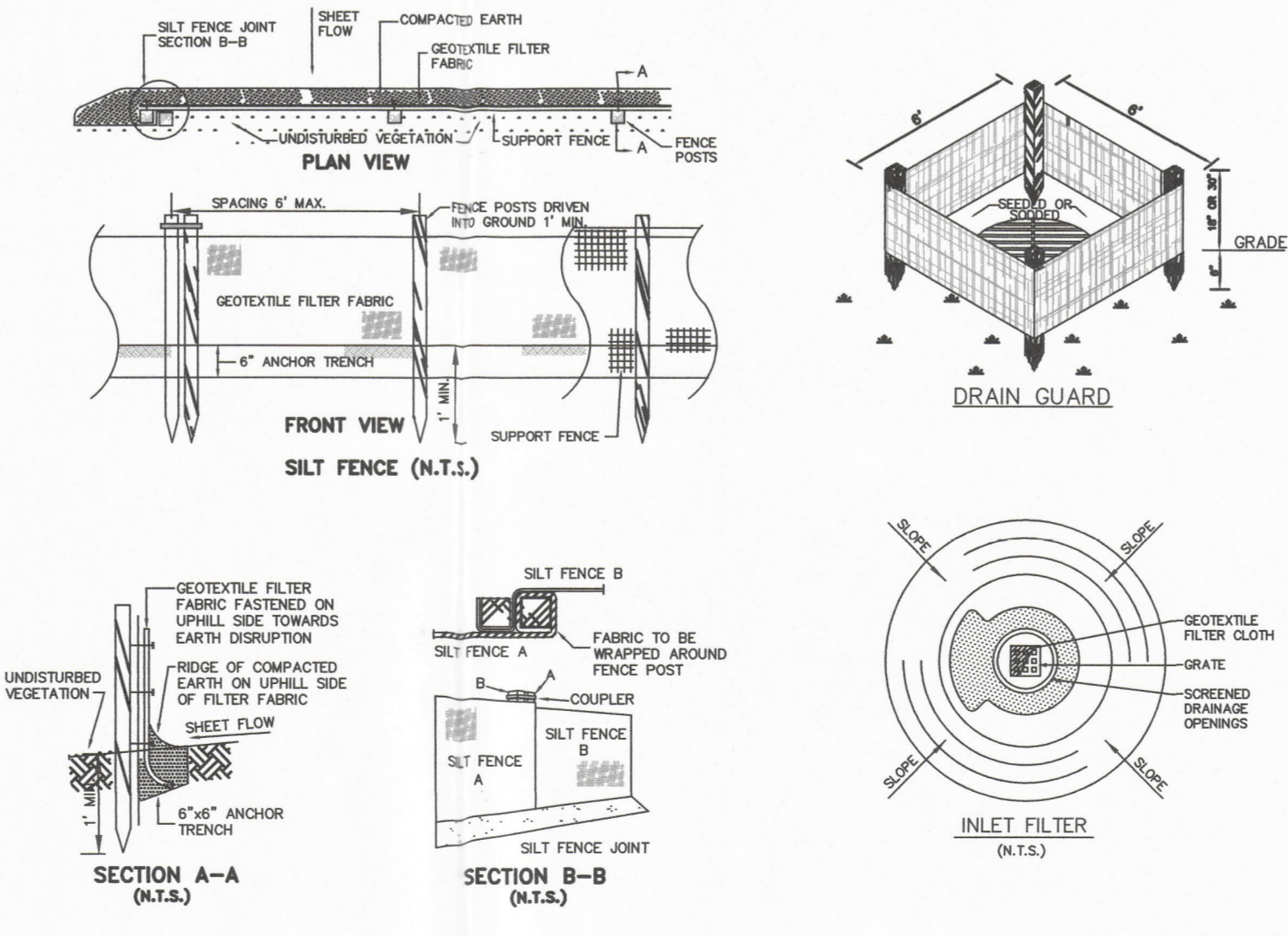
SOIL BORINGS

ELEV.	DEPTH	NO. 1A	HSWT	NO. 2A	HSWT	NO. 3A	HSWT
936.8	1	12" TOP SOIL (LOAMY SAND)		12" TOP SOIL (LOAMY SAND)		18" TOP SOIL	
936.7	2	12" LOAMY SAND		12" LOAMY SAND		12" LOAMY SAND	
936.6	3	12" SAND		12" SAND		24" SAND	
936.5	4	12" SAND		12" SAND		12" PEAT	
936.4	5	12" PEAT		12" PEAT			
936.3	6						
936.2	7						
936.1	8						
936.0	9						



NOTE: KEEP STREETS FREE AND CLEAR OF DIRT AT ALL TIMES.

NOTE: SUMP LEAD SHALL BE CONNECTED TO AN APPROVED DRAINAGE SYSTEM.



LEGAL DESCRIPTION

PARCEL ID# 12-26-307-031 (0.37 ACRES)

A PARCEL OF LAND LOCATED IN CEDAR SHORES NO.2 SUBDIVISION, PART OF LOT 79 AND ALL OF LOT 80 OF SECTION 26, TOWN 3 NORTH, RANGE 8 EAST, WHITELAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 80; THENCE N00°07'59"W 127.87 FEET, TO TRAVERSE LINE; THENCE N76°01'00"E 104.50 FEET, ALONG SAID TRAVERSE LINE; THENCE S09°34'24"E 141.59 FEET; THENCE 66.11 FEET ALONG A CURVE TO RIGHT, WITH A RADIUS OF 136.96 FEET & CHORD BEARING S77°07'18"W 67.62 FEET; THENCE N88°49'49"W 60.22 FEET, TO POINT OF BEGINNING, CONTAINING 0.37 ACRES OF LAND MORE OR LESS, BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

BENCHMARK:

MAG NAIL IN UTILITY POLE LOCATED ACROSS FROM VACANT LOT 80.

ELEV. = 939.44

NOTE: ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF ALL GOVERNING AGENCIES.

NOTE: ALL WATERMAINS, SANITARY SEWERS, (AND LEADS) AND STORM SEWERS UNDER PROPOSED OR EXISTING PAVEMENT OR WITHIN INFLUENCE OF PAVEMENT (EXTENDING 3' BEYOND EDGE OF PAVEMENT THEN TAPERING TO ORIGINAL GROUND AT 1:1 SLOPE) SHALL BE SAND BACKFILLED AND COMPACTED TO 95% OF TUMM (PROCTOR) DENSITY. ALL UTILITY CROSSINGS SHALL BE SAND BACKFILLED. SAND BACKFILLING IS INCIDENTAL TO UNIT PRICES.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

CLEARVIEW HOMES
811 EAST SOUTH BLVD.
SUITE 100
ROCHESTER HILLS, MI. 48307
(248) 703-0254
brad@clearviewhome.com

CLIENT

RECEIVED
AUG 13 2019
BUILDING DEPARTMENT

STATE OF MICHIGAN
THOMAS W. KELLOGG
ENGINEER
No. 36785
LICENSED PROFESSIONAL ENGINEER

PARCEL ID# 12-26-307-031 705 Ranveen

REVISIONS:

1-25-17	REVISED PER OCHD REVIEW	T.W.K.
3-27-17	REVISED PER OCHD REVIEW	T.W.K.
4-18-17	REVISED PER OCHD REVIEW	T.W.K.
5-09-17	REVISED PER OCHD REVIEW	T.W.K.
10-26-17	REVISED PER TWP. REVIEW	R.P.
11-3-17	REVISED PER TWP. REVIEW	R.P.
05-29-18	REVISED PER OWNER REQUEST	R.K.
07-11-18	REVISED PER CITY	R.K.
08-08-18	REVISED PER OCHD	R.K.
05-08-19	REVISED BLDG	R.K.
08-07-19	REVISED PER TOWNSHIP	T.W.K.

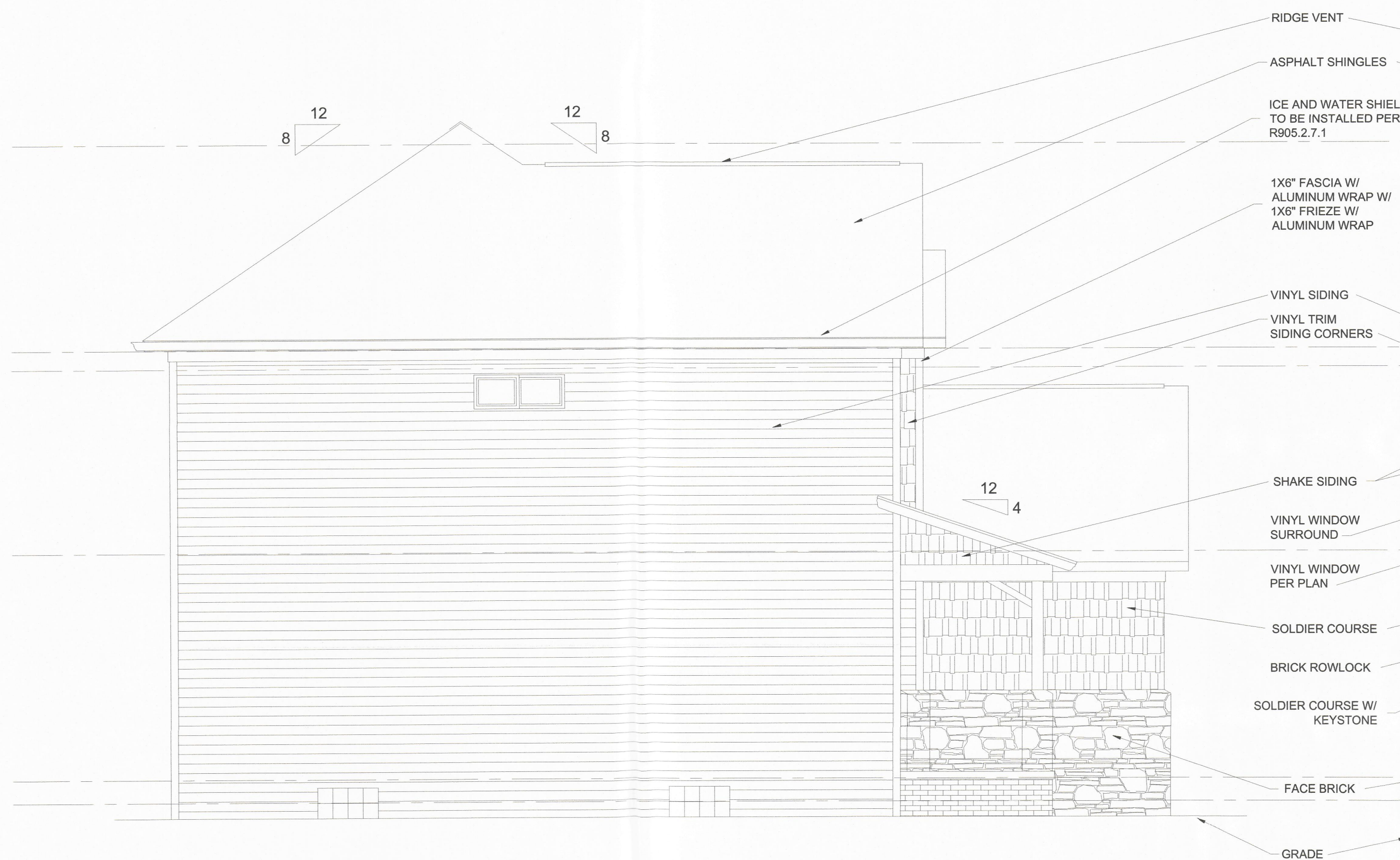
LEHNER ASSOCIATES, INC.
PROFESSIONAL ENGINEERS & SURVEYORS
17001 NINETEEN MILE ROAD, SUITE 3
CLINTON TOWNSHIP, MICHIGAN 48038-1203
PHONE: (586) 412-7050
FAX: (586) 412-7114
www.lehnerassociates.com

DRAWING SCALE: 1" = 20 FEET
DATE: 11-02-2016
DRAWN BY: AWC
CHECKED BY: T.W.K.

CEDAR SHORES NO.2
LOT 80 & PART OF 79
SEPTIC PLANS

PART OF SECTION 26, T3N, R8E,
WHITELAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN

JOB No.: 16-146
SHEET No.: 01



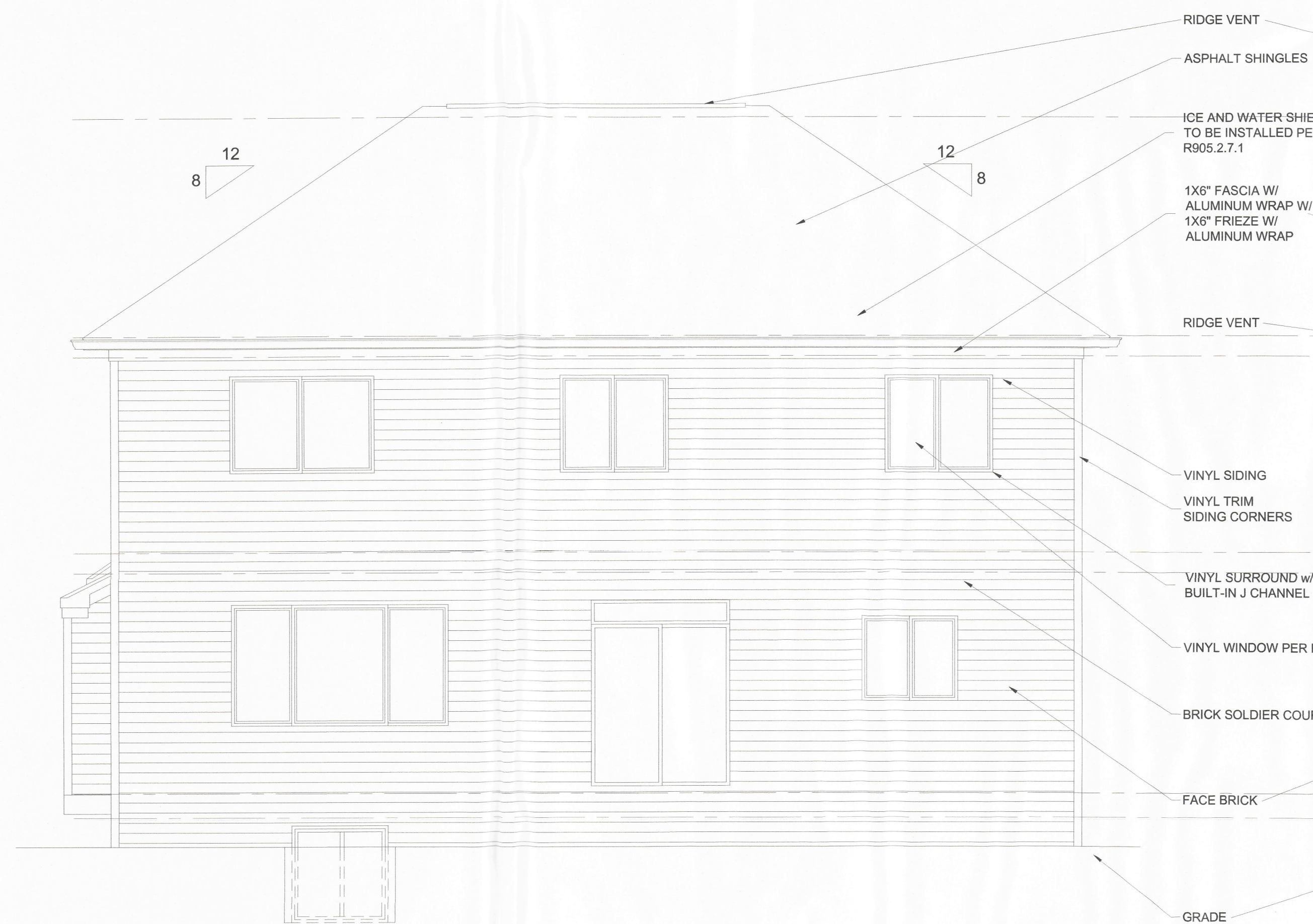
SIDE ELEVATION

SCALE: 1/4" = 1'-0"



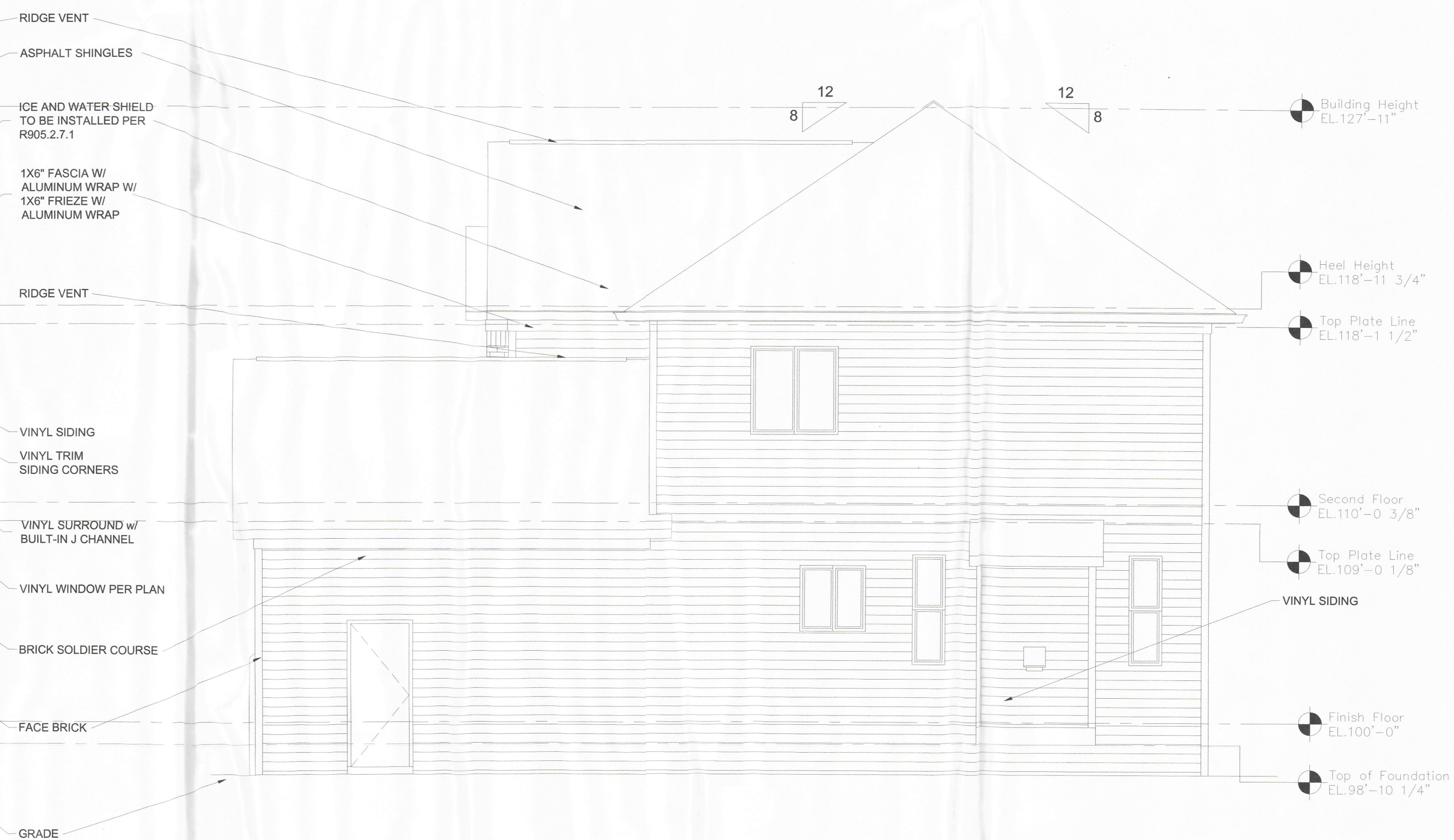
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION B

SCALE: 1/4" = 1'-0"

Clearview Homes, LLC

P.O. Box 71075, Rochester Hills, MI 48307
Phone: 248.275.6992
Fax: 586.843.3007

DOVER
CUSTOM ELEVATION
2136 S.F.

NO.	REVISIONS	DATE

725 RANVEEN
2-CAR GARAGE (FRONT ENTRY)

Date: 08/13/19
Scale: 1/4" = 1'-0"
Drawn By: CM

A-3
EXTERIOR ELEVATIONS