

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: January 28, 2021

Agenda item: 6a

Appeal Date: January 28, 2021 (Tabled from December 17, 2020)

Applicant: Robert Snapp

Address: 3960 Woodmere Drive
Waterford, MI 48329

Zoning: R1-D Single Family Residential

Location: 8834 Arlington Road
White Lake, MI 48386

Property Description

The approximately 0.158-acre (6,980 square feet) parcel identified as 8834 Arlington Road is located on Pontiac Lake and zoned R1-D (Single Family Residential). The public sanitary sewer system is available to serve the site.

Applicant's Proposal

Robert Snapp, the applicant, is proposing to demolish the existing 975 square foot house and construct a new house.

Planner's Report

The existing house was built in 1938 and is nonconforming because it does not meet the west side yard setback. A minimum 10-foot side yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 5,020 square foot deficiency in lot area and a 30-foot deficiency in lot width (50 feet in width at the front lot line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to demolish the existing house to construct a 3,389(?) square foot two-story house with an attached two-car garage. The proposed house would be located seven feet from the west property line and 8.5 feet from the east property line; therefore, a three-foot variance is being requested to encroach into the west side yard setback and a 1.5-foot variance is being requested to encroach into the east side yard setback. Additionally, the proposed lot coverage exceeds 20%. However, the revised survey was not submitted, so staff was not able to ascertain the requested variance for lot coverage. The Applicant can explain their lot coverage request and why the revised survey wasn't provided at the meeting.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Side yard setback	10 feet	3 feet (west) 1.5 feet (east)	7 feet (west) 8.5 feet (east)
2	Article 3.1.6.E	Maximum lot coverage	20% (1,396 square feet)	?	?
3	Article 3.1.6.E	Minimum lot size	12,000 square feet	5,020 square feet	6,980 square feet
4	Article 3.1.6.E	Minimum lot width	80 feet	30 feet	50 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Robert Snapp from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-13-176-002, identified as 8834 Arlington Road, in order to construct a new house that would exceed the allowed lot coverage by __% and encroach 3 feet into the required west side yard setback and 1.5 feet into the required east side yard setback. A 30-foot variance from the required lot width and 5,020 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- In no event shall the projection of the roof overhang be closer than five feet to the west side lot line.

Denial: I move to deny the variances requested by Robert Snapp for Parcel Number 12-13-176-002, identified as 8834 Arlington Road, due to the following reason(s):

Table: I move to table the variance requests of Robert Snapp for Parcel Number 12-13-176-002, identified as 8834 Arlington Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated November 16, 2020.
2. Applicant's written statement dated November 23, 2020.
3. Letter of denial from the Building Department dated November 9, 2020.

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 difficulty 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 applicant's 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.

Marianne Moran
248-880-3535

mmoran925@gmail.com

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: Robert Snapp PHONE: 248-804-2873

ADDRESS: 3960 Woodmere Dr. Waterford, MI 48329

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

ADDRESS OF AFFECTED PROPERTY: 8834 Arlington PARCEL # 12-13-176-002

CURRENT ZONING: R1-D PARCEL SIZE: 0.158

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

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

To be emailed

APPLICATION FEE: 385⁰⁰ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: _____ DATE: 11/16/2020

Justin Quagliata

From: Justin Quagliata
Sent: Monday, November 23, 2020 3:10 PM
To: 'Marianne'
Subject: RE: 8834 Arlington - Variance Mtg.

Marianne,

Here is the ordinance link:

<http://www.whitelaketwp.com/Portals/1082/Docs/2019/Clearzoning%20Ordinance%2012-17-2018.pdf>

Justin

Justin Quagliata
Staff Planner
White Lake Township
7525 Highland Road
White Lake, MI 48383
(248) 698-3300 x 177
www.whitelaketwp.com



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From: Marianne <mmoran925@gmail.com>
Sent: Monday, November 23, 2020 2:59 PM
To: Justin Quagliata <JustinQ@whitelaketwp.com>
Subject: Re: 8834 Arlington - Variance Mtg.

Thanks for getting back with me Justin.

Can you send me a link to the ordinance? I can't seem to find Article 7.

Thanks

Marianne

On Mon, Nov 23, 2020 at 2:44 PM Justin Quagliata <JustinQ@whitelaketwp.com> wrote:

Marianne,

I'm sorry I missed your call. The Planning Dept. is working from home this week due to Covid. The variance standards we discussed are found in Article 7, Section 37 of the zoning ordinance. If you have any questions, feel free to call me on my cell (248) 505-7820.

Thanks,
Justin

Sent from my iPhone

On Nov 23, 2020, at 2:38 PM, Marianne <mmoran925@gmail.com> wrote:

Hi Justin,

I left a couple messages for you regarding the zoning ordinance you referred me to. I could not find it.

Since I have not heard back from you, I will just explain here why we need the variance.

1. Existing 50ft wide lot minus 10ft set back on each side of property, leaves 30ft wide buildable lot.
2. Conform to neighborhood new homes on similar size property on Pontiac Lake. I.e. 2718 Tackles Rd, and 2267 Kingston St., both on Pontiac Lake.
3. The necessity for a garage to store boat and house cars.

When available, please send me the agenda and call-in information for the December 17 zoning appeals meeting.

If you need more information, please do not hesitate to contact me.

Sincerely,
Marianne Moran
(248)880-3535

Phil Kowal, 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 48384-2900 - (248) 688-3300 - www.whitelaketwp.com

November 9, 2020

Robert Snapp
3960 Woodmere
Waterford, MI 48329

RE: Proposed Residential Structure at 8834 Arlington

Based on the submitted plans, the proposed residential structure does not satisfy the White Lake Township Clear Zoning Ordinance for R1-D zoning district.

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum lot width of 80 ft, minimum side yard setback of 10 ft each side, minimum rear yard setback of 30 ft, minimum lot size of 12,000 sf, and maximum lot coverage of 20%.

The proposed structure would be erected upon a non-conforming lot. The lot has a square footage of 6882.5 sf of a required 12,000 sf which equates to 25.5% coverage. The lot width is 50 ft of a minimum 80 ft. The proposed rear yard setback is 27 ft of the required 30 ft, and the proposed side yard setback is 5 ft of a required 10 ft.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. As well, a certified survey will be required prior to any variance considerations. Please get in touch with the White Lake Township Planning Department if you plan to seek a variance. Cutoff for application to the December 10th Zoning Board of Appeals meeting is November 16th.

Sincerely,

Nick Spencer, Building Official
White Lake Township

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: January 28, 2021

Agenda item: 6b

Appeal Date: January 28, 2021 (Tabled from December 10, 2020)

Applicant: M.J. Whelan Construction

Address: 620 N. Milford Road
Milford, MI 48381

Zoning: R1-D Single Family Residential

Location: 10199 Lakeside Drive
White Lake, MI 48386

Property Description

The approximately 0.223-acre (9,713.88 square feet) parcel identified as 10199 Lakeside Drive is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,830 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

M.J. Whelan Construction, the applicant, on behalf of property owner Laura Dobbs, is proposing to construct an addition to the first and second stories of the house. The applicant indicated the project includes remodeling both stories of the existing house.

Planner's Report

Currently the existing house is nonconforming to setbacks; the structure is located 4.1 feet from the east side property line, 4.2 feet from the west side property line, and 6.7 feet from the front property line. A minimum 10-foot side yard setback and 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 2,286.12 square foot deficiency in lot area and a 21.93-foot deficiency in lot width. In the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The proposed first floor addition is 48 square feet in size and located 8.5 feet from the east side lot line. Currently the second story is 705 square feet in size and the proposed addition on that level is 805 square feet in size. The second story addition at the front of the house would be located five feet (roof overhang) from the east side property line and 9.5 feet from the front property line. At the rear of the house the proposed second story roof overhang is five feet from the west side lot line.

Based on the improvements to the nonconforming portion of the house that encroaches farther than 9.5 feet towards the front property line, a variance of 23.3 feet is required to cover the existing 6.7-foot front yard setback.

Article 7, Section 28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$105,340), the maximum extent of improvements cannot exceed \$52,670. The value of the proposed work is \$200,000. A variance to exceed the allowed value of improvements by 380% is requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	23.3 feet	6.7 feet
2	Article 3.1.6.E	Side yard setback	10 feet	5 feet (east and west)	5 feet (east and west)
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	2,286.12 sq. ft.	9,713.88 sq. ft.
4	Article 3.1.6.E	Minimum lot width	80 feet	21.93 feet	58.07 feet
5	Article 7.28.A	Nonconforming structure	50% SEV (\$52,670)	380%	\$147,330 over allowed improvements

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by M.J. Whelan Construction from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, in order to alter the existing building and construct an addition that would encroach 23.3 feet into the required front yard setback, 5 feet into the required side yard setback from both the east and west property lines, and exceed the allowed value of improvements to a nonconforming structure by 380%. A 21.93-foot variance from the required lot width and 2,286.12 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- An as-built survey shall be required to verify the side yard setbacks. The projection of the roof overhang shall be no closer than five feet to the east and west side lot lines.

Denial: I move to deny the variances requested by M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, due to the following reason(s):

Table: I move to table the variance requests of M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated September 24, 2020.
2. Survey dated July 29, 2020.
3. Site plan, building elevations, and floor plans dated December 11, 2020.
4. Existing building elevations and floor plans dated November 7, 2020.
5. Letter of denial from the Building Department dated September 30, 2020.

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.

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: M.J. Whelan Construction PHONE: (248) 684-4649

ADDRESS: 620 N Milford Road, Milford MI, 48381

alex@mjwhelan.com

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

ADDRESS OF AFFECTED PROPERTY: 10199 Lakeside Drive PARCEL # 12-22-477-011

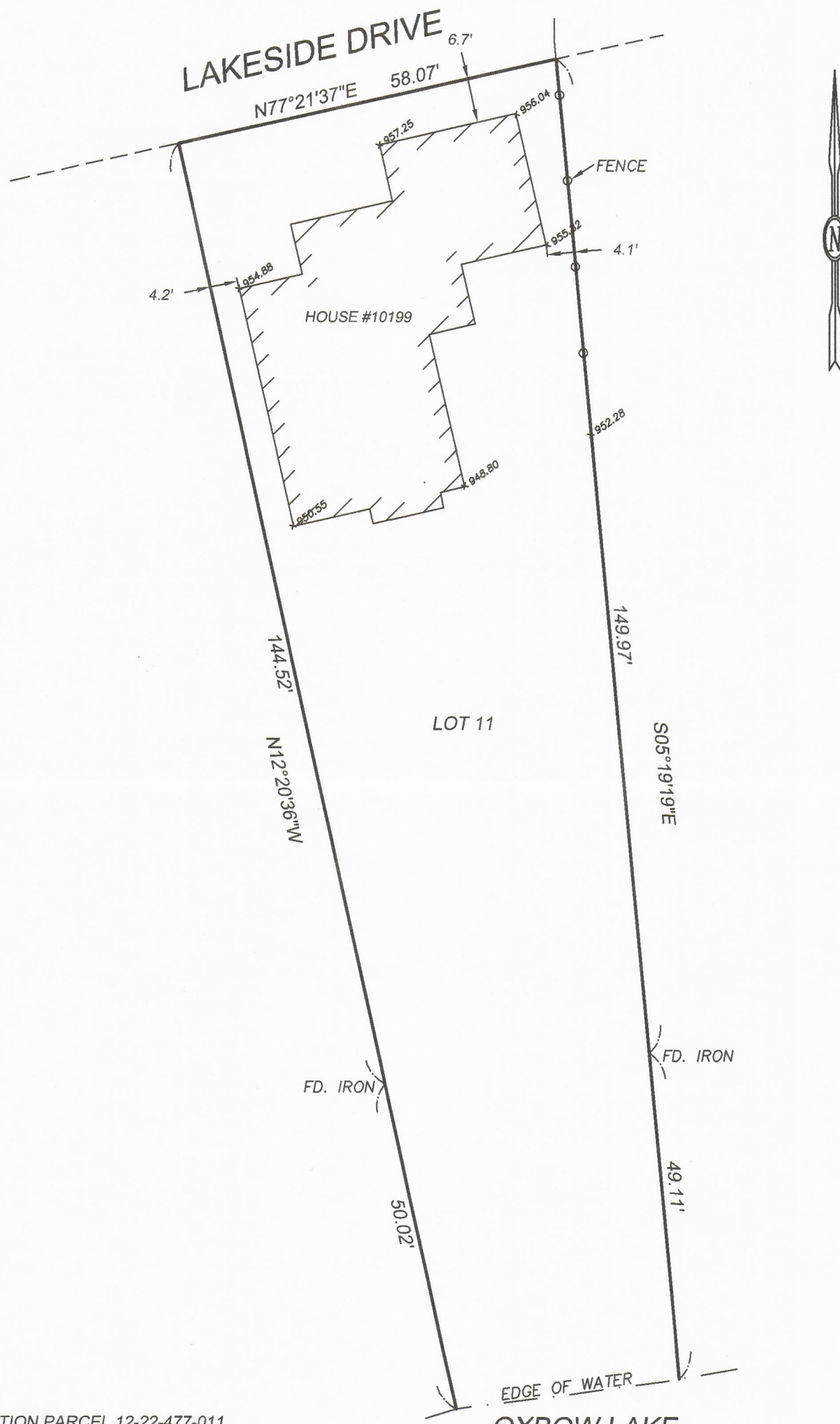
CURRENT ZONING: R1-D PARCEL SIZE: Irregular: 58' street width.
149.94' maximum Depth.
40' Lakeside width.

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)
Given original state of home and it's relationship
to property lines and setbacks, the above variance is
needed in an effort to create a second floor
that is aesthetically pleasing and functional.

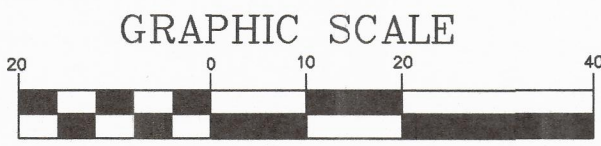
APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: 9/24/2020



DESCRIPTION PARCEL 12-22-477-011
 LOT 11 OF "TEGGERDINE BEACH" A SUBDIVISION OF PART
 OF THE SOUTHEAST 1/4 OF SECTION 22 & PART OF THE
 SOUTHWEST 1/4 OF SECTION 23, T.3N., R.8E., WHITE LAKE
 TOWNSHIP, OAKLAND COUNTY, MICHIGAN AS RECORDED IN
 LIBER 30 OF PLATS, PAGE 16, OAKLAND COUNTY RECORDS.

OXBOW LAKE



(IN FEET)
 1 inch = 20 ft.

© 2003 JCK & ASSOCIATES, INC.

Scale:
 1"=20'
 Date:
 7/29/20
 Job No.:
 10791
 Sht. No.:
 10F1

10199 LAKESIDE DRIVE
 WHITE LAKE TWP.
 OAKLAND CO., MI.

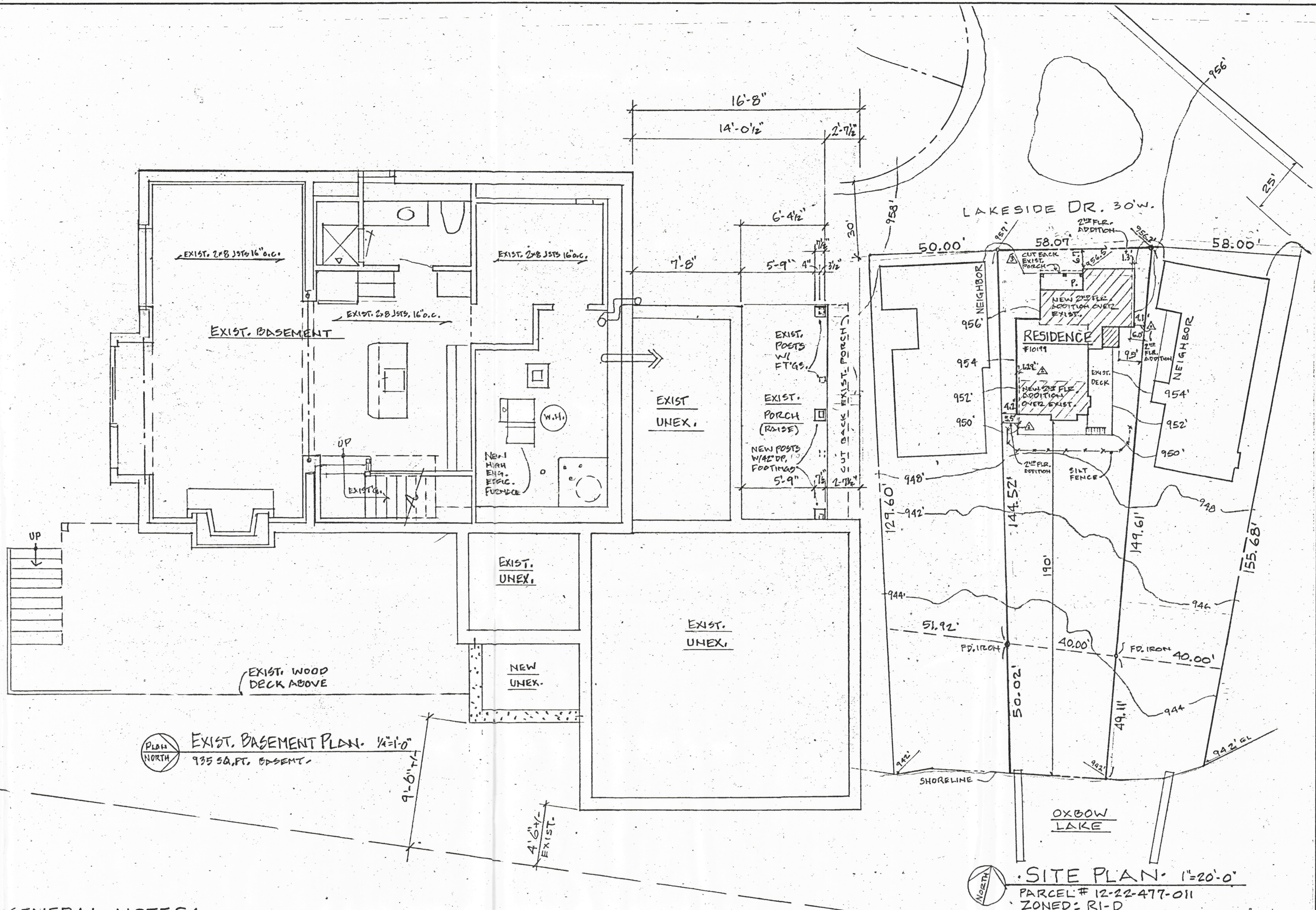
BOUNDARY SURVEY

DATE ISSUED FOR



8615 RICHARDSON ROAD
 COMMERCE TWP., MI. 48390
 PHONE: 248-363-2550
 FAX: 248-363-1646

ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED	9-8-20
REVISED	9-18-20
REVISED	11-18-20
REVISED	11-18-20



GENERAL NOTES:

- All new work to comply with applicable building codes, local ordinances and other controlling restrictions. This drawing designed to comply with the 2015 edition of the Michigan Residential Code (MRC).
- Footings to be minimum 42" deep and bear on undisturbed soil regardless of elevations shown.
- Verify all dimensions, roof pitches, etc. If discrepancies arise, notify architect before continuing work.
- Finish grade all areas disturbed construction to levels compatible with adjacent topography. Grade so that water flows away from building and to established drainage course.
- Verify location of all utilities and protect during construction. Each individual sub-trade is responsible to verify size of existing utilities and upgrade if required. (Call Miss Dig). Each individual sub-trade is responsible for their own permits.
- Wood bearing points: Provide solid blocking to steel or foundation at all headers and beams. Double joist or ladder under all partitions.
- All structural steel to meet ASTM-36.
- Framing Lumber: Doug. Fir / Hem. Fir / Larch / S. Pine, #2 or better; E=1,200,000 P.S.I.; Kiln-dried, maximum moisture content 19%. Wood construction shall be governed by the 5th edition of the 'ATC' Timber Construction Manual, and the latest edition of the NDS National Design Specification for Wood Construction, as published by the American Forest and Paper Association.
- Laminated Veneer Lumber (LVL's): 6PLVL, Micro-Lam, Para-Lam or equal; F=2,200 P.S.I.; Fv=225 P.S.I.; E=1,400,000 P.S.I.; Fc=1750 P.S.I.; Installation and all connections per manufacturer's instructions. (Do not drill any LVL's).
- Plywood: Shall bear the Engineered Wood Association (APA) trademark and conform to U.S. Product Standard PS-20R (APA) and FRP-10B for construction and industry plywood.
- Pre-Engineered Wood Trusses: Shall be engineered and fabricated by a licensed truss fabricator. Provide shop drawings for architect and builder review prior to fabrication.
- Wood Joists (if utilized): T.J., G.P. or equal. Install per manufacturer's written instructions, complete with all connections. Provide shop drawings for architect and builder review. Deflection = L/480.
- Joist Hangers: Simpson Strong Ties. All connections per manufacturer's instructions. Provide hurricane ties at all rafters and trusses.
- Aluminum Flashing and drip edge. Caulk all seams. Caulk at dissimilar material with permanent elastic caulk.
- Kitchen: See owner approved kitchen layout plan for appl., plumbing and elec. location before rough.
- Windows: Window designations are frame size. Refer to window order/schedule. Provide complete with all hardware and screens. Verify selections with owner.
- Doors: Interior doors are 6 panel primed. Exterior doors are 68" tall. Verify selections with owner.
- Insulation: All insulation to meet the Michigan Uniform Energy Code (MEC). And comply with the 2009 Michigan Residential Code (MRC).
- H.V.A.C.: Design/build by HVAC Contractor. Extend existing system at first floor. New zoned system for new second floor. Upgrade existing system as required.
- Electrical: Design/build by electrical contractor. Upgrade existing system to accommodate new addition and existing structure as required. Verify fixture selections and locations with owner. Match switch plate and outlet covers.
- Smoke Detectors: Install per section R-314 of the 2015 Michigan Residential Code (MRC). Smoke Detectors Indicated on plan.
- Carbon monoxide Detectors: Install per section R-315 of the 2015 Michigan Residential Code (MRC).

SITE PLAN - 1"=20'-0"
 PARCEL # 12-22-477-011
 ZONED: R1-D
 LOT # 11; TEGGERDINE BEACH SUB.

△ SITE PLAN INFORMATION TAKEN FROM SURVEY # 10791; DATED 7-29-20 BY JCK GROUP, INC.; 8615 RICHARDSON ROAD, COMMERCE TWP., MI 48390
 PHONE #: 248-363-2550
 FAX #: 248-363-1646

620 N. Milford Rd.
 Milford, MI 48381
 248-684-4649
M.J. WHELAN
 CONSTRUCTION
 www.mjwhelan.com Fax: 248-685-0179

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
BRYAN & LAURA DOBBS
 10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

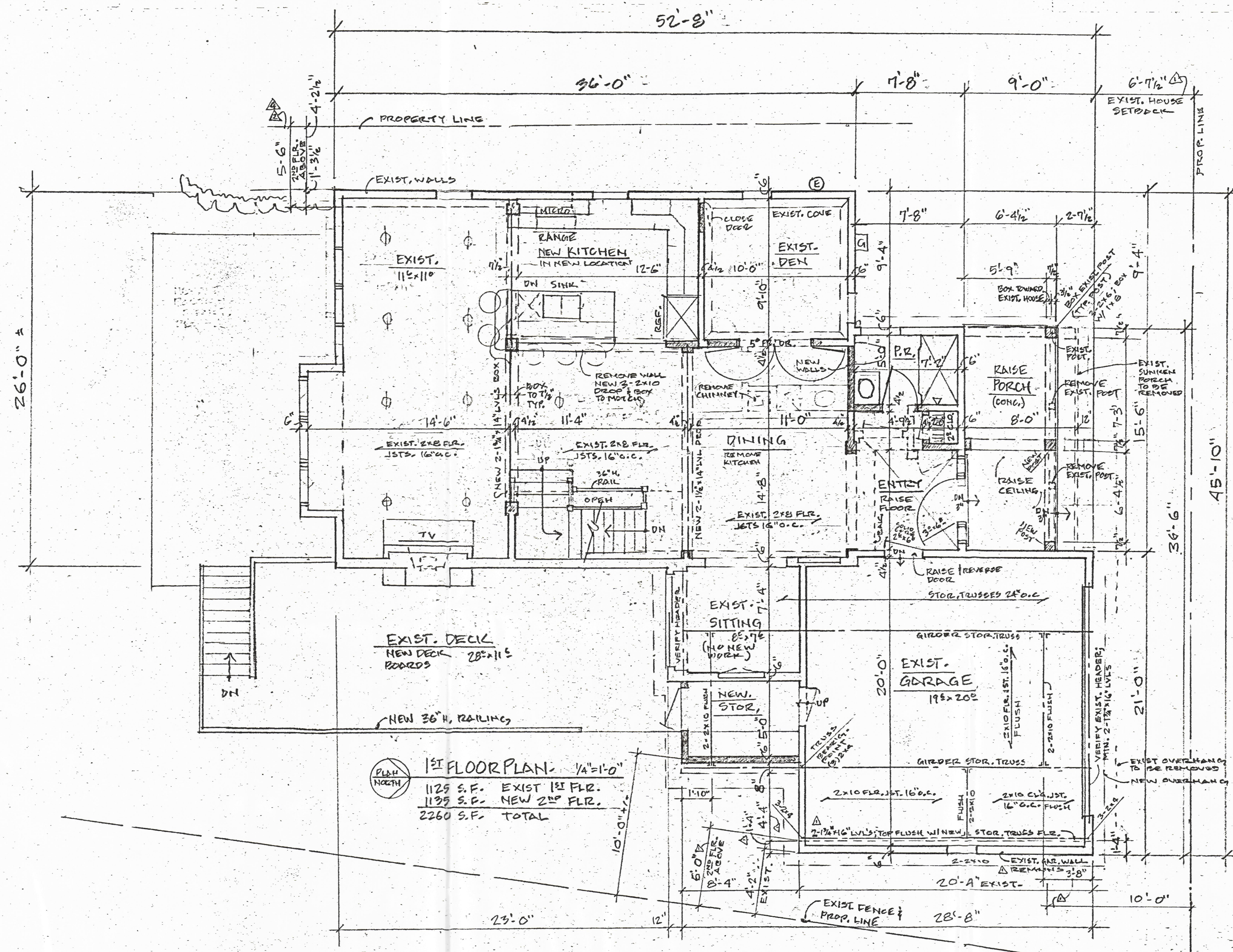
SCALE: 1/4"=1'-0"
 FILE NAME: DOBBS
 DRAWN BY: GAO
 JOB #: W-2870
 SHEET TITLE
 • BASEMENT PLAN
 • SITE PLAN
 • GENERAL NOTES
 SHEET # 1 OF 5
W-2870



ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED A	9-8-20
REVISED B	9-28-20
REVISED C	11-10-20
REVISED D	12-11-20

620 N. Milford Rd.
 Milford, MI 48381
 248-684-4649
 www.mjwhelan.com Fax: 248-685-0179

M.J. WHELAN
 CONSTRUCTION



1ST FLOOR PLAN - 1/4" = 1'-0"

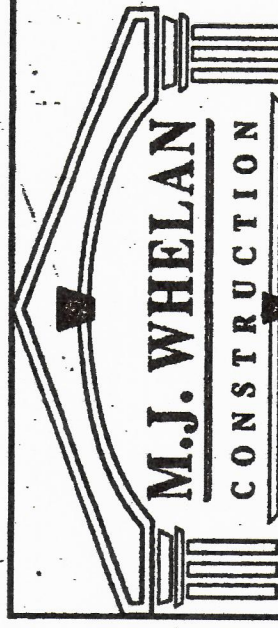
1125 S.F. EXIST. 1ST FLR.
 1135 S.F. NEW 2ND FLR.
 2260 S.F. TOTAL

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
BRYAN & LAURA DOBBS
 10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

SCALE: 1/4" = 1'-0"
 FILE NAME: DOBBS
 DRAWN BY: CAO
 JOB # W-2870
 SHEET TITLE
 - 1ST FLOOR PLAN

ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED A	9-8-20
REVISED B	9-28-20
REVISED C	11-10-20
REVISED D	11-11-20

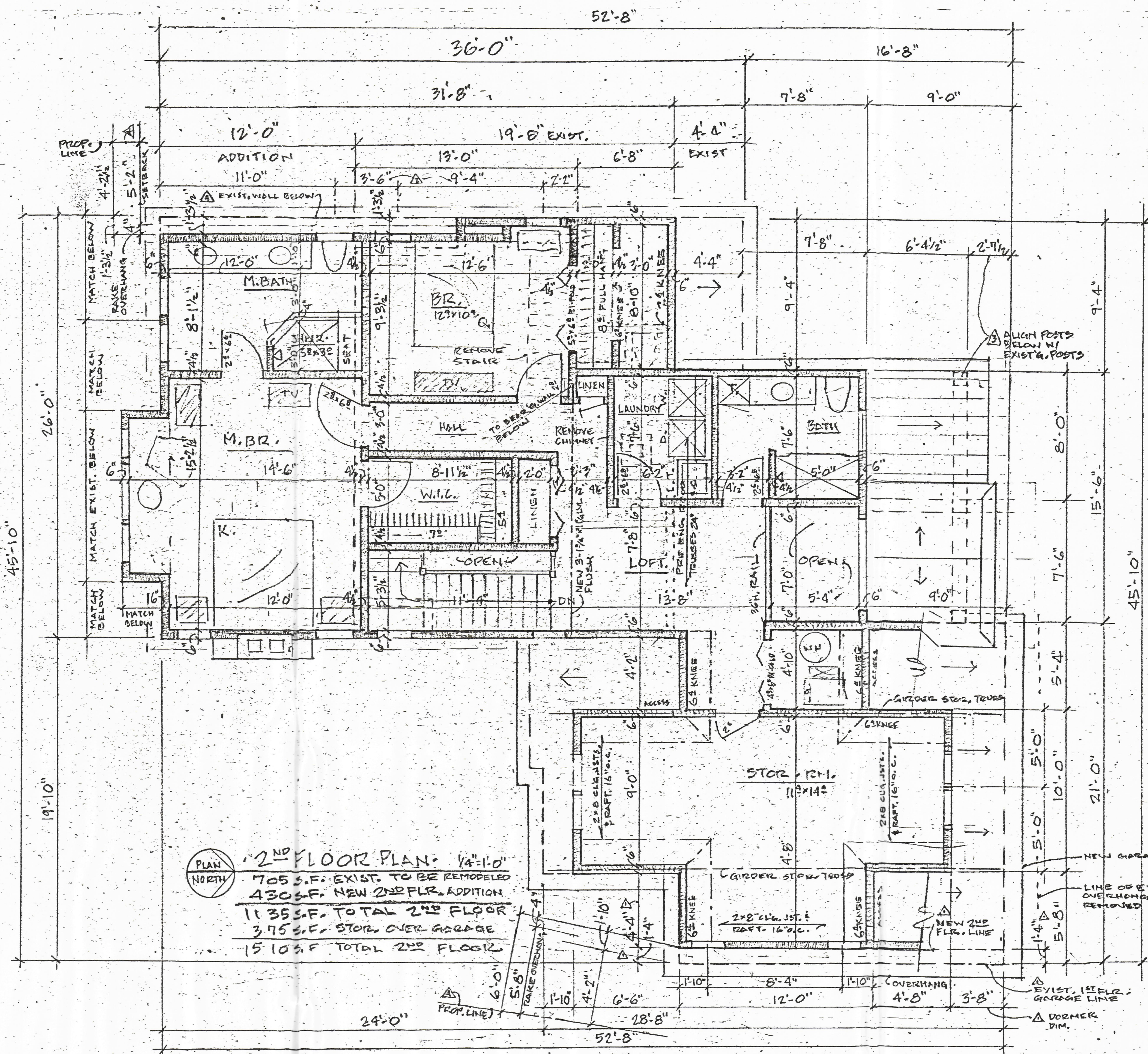
620 N. Milford Rd.
Milford, MI 48381
248-684-4649
www.njwhelan.com Fax: 248-685-0179



M.J. WHELAN
CONSTRUCTION

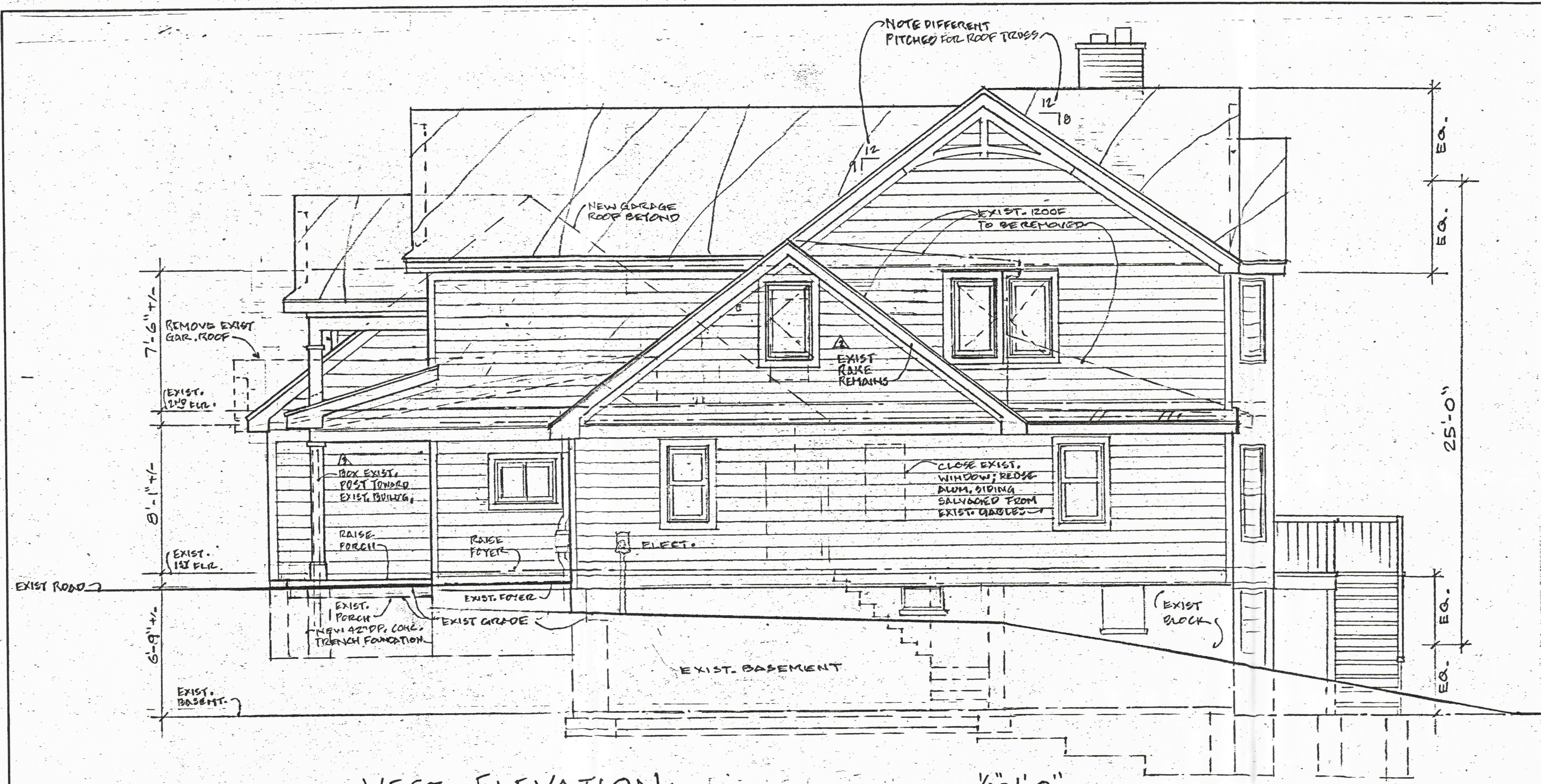
PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
BRYAN & LAURA DOBBS
10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48886

SCALE: 1/4" = 1'-0"
FILE NAME: DOBBS
DRAWN BY: CAO
JOB #: W-2870
SHEET TITLE
- 2ND FLOOR PLAN

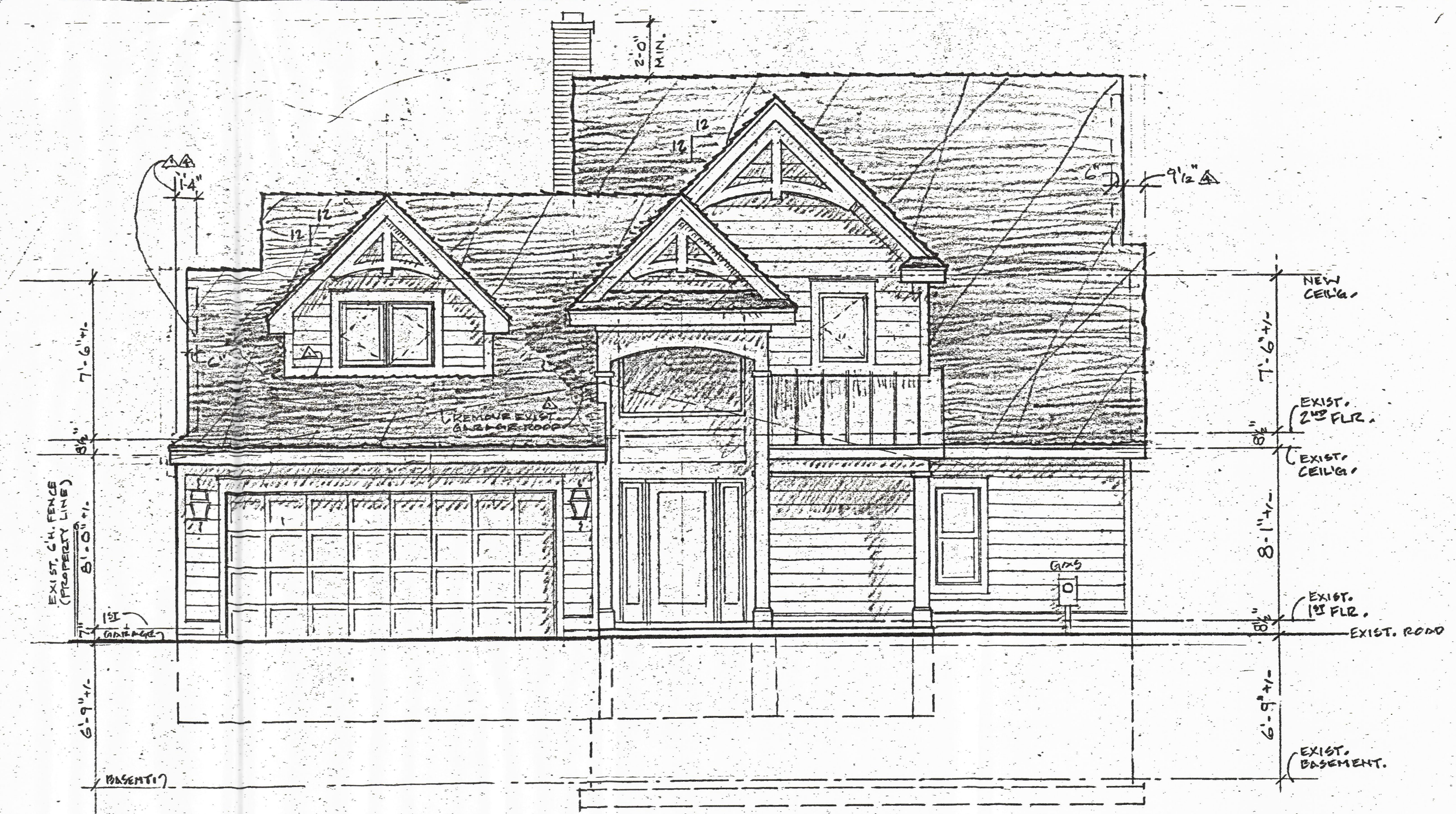


2ND FLOOR PLAN: 1/4"=1'-0"
705 S.F. EXIST. TO BE REMODELED
430 S.F. NEW 2ND FLR. ADDITION
1135 S.F. TOTAL 2ND FLOOR
375 S.F. STOR. OVER GARAGE
1510 S.F. TOTAL 2ND FLOOR

ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED	9-8-20
REVISED	9-29-20
REVISED	11-10-20
REVISED	11-11-20



WEST ELEVATION
(RIGHT SIDE) 1/4"=1'-0"



NORTH ELEVATION
(FRONT) 1/4"=1'-0"

620 N. Milford Rd.
Milford, MI 48381
248-684-4649
www.mjwhelan.com Fax: 248-685-0179

M.J. WHELAN
CONSTRUCTION

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
BRYAN & LAURA DOBBS
10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

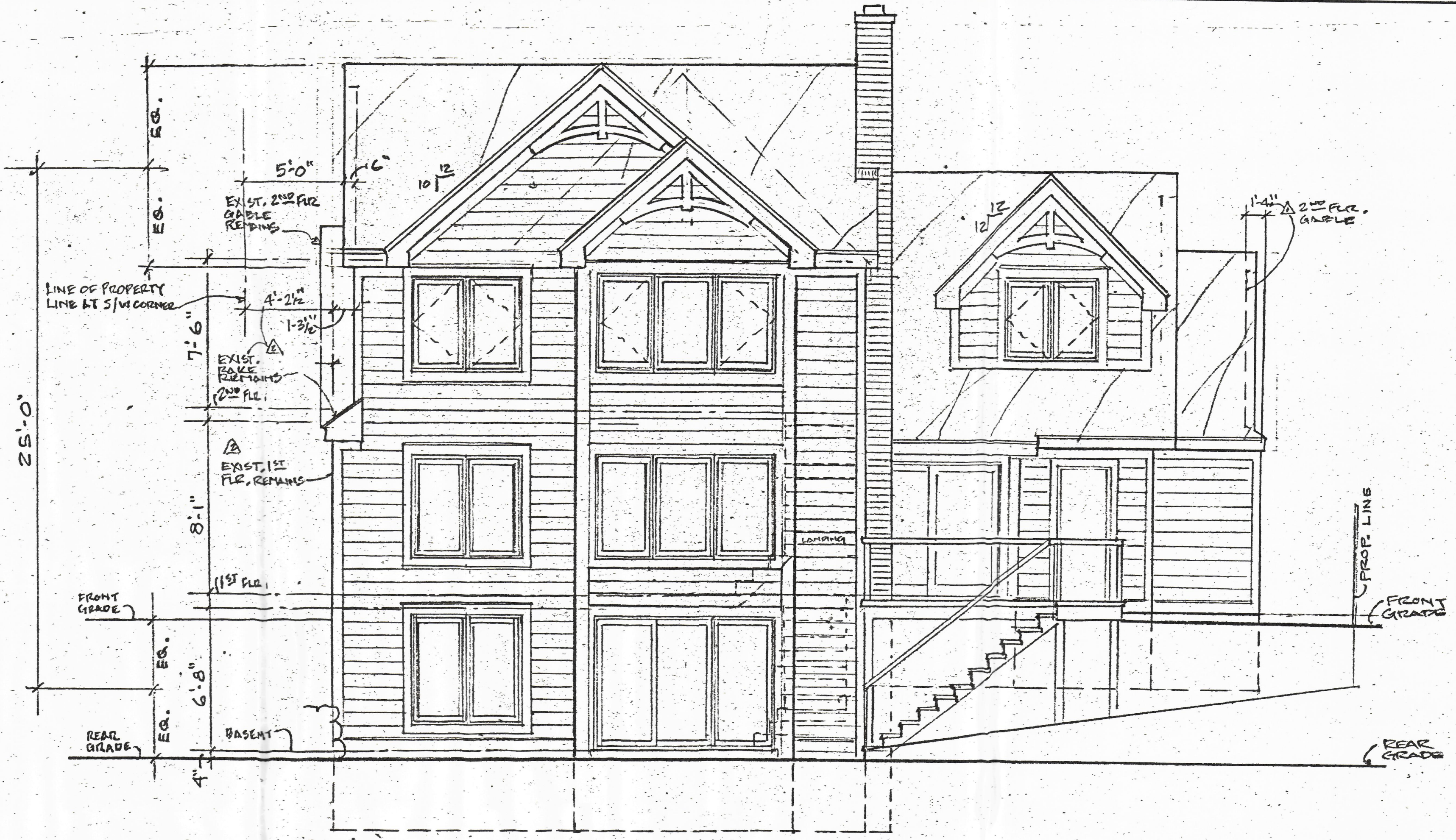
SCALE: 1/4"=1'-0"
FILE NAME: DOBBS
DRAWN BY: CAO
JOB #: W-2870
SHEET TITLE
WEST ELEVATION
NORTH ELEVATION
SHEET #4 OF 5
W-2870

ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED	9-8-20
REVISED	9-28-20
REVISED	11-10-20

620 N. Milford Rd.
 Milford, MI 48381
 248-684-4649
 Fax: 248-685-0179

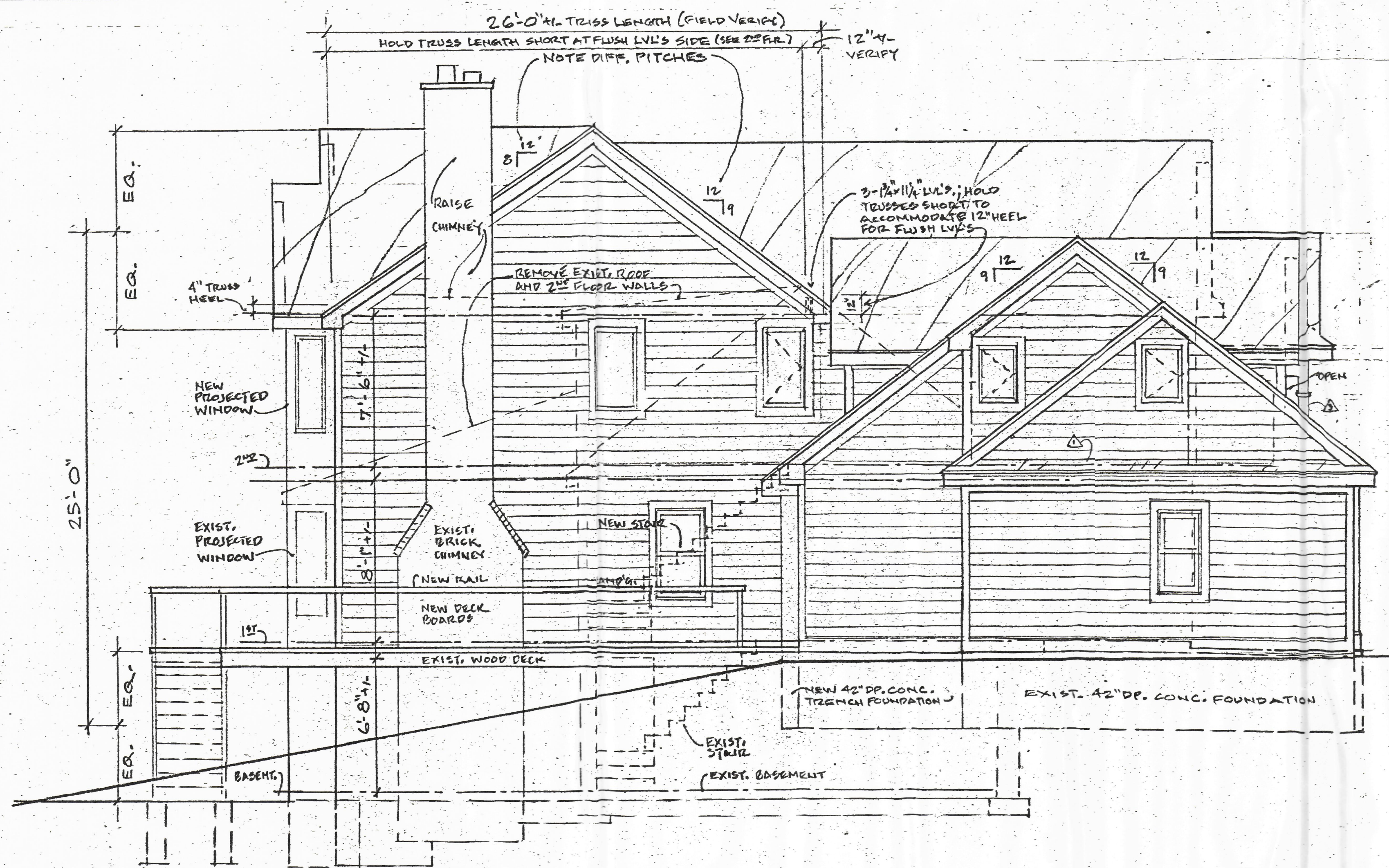
M.J. WHELAN
 CONSTRUCTION

www.mjwhelan.com



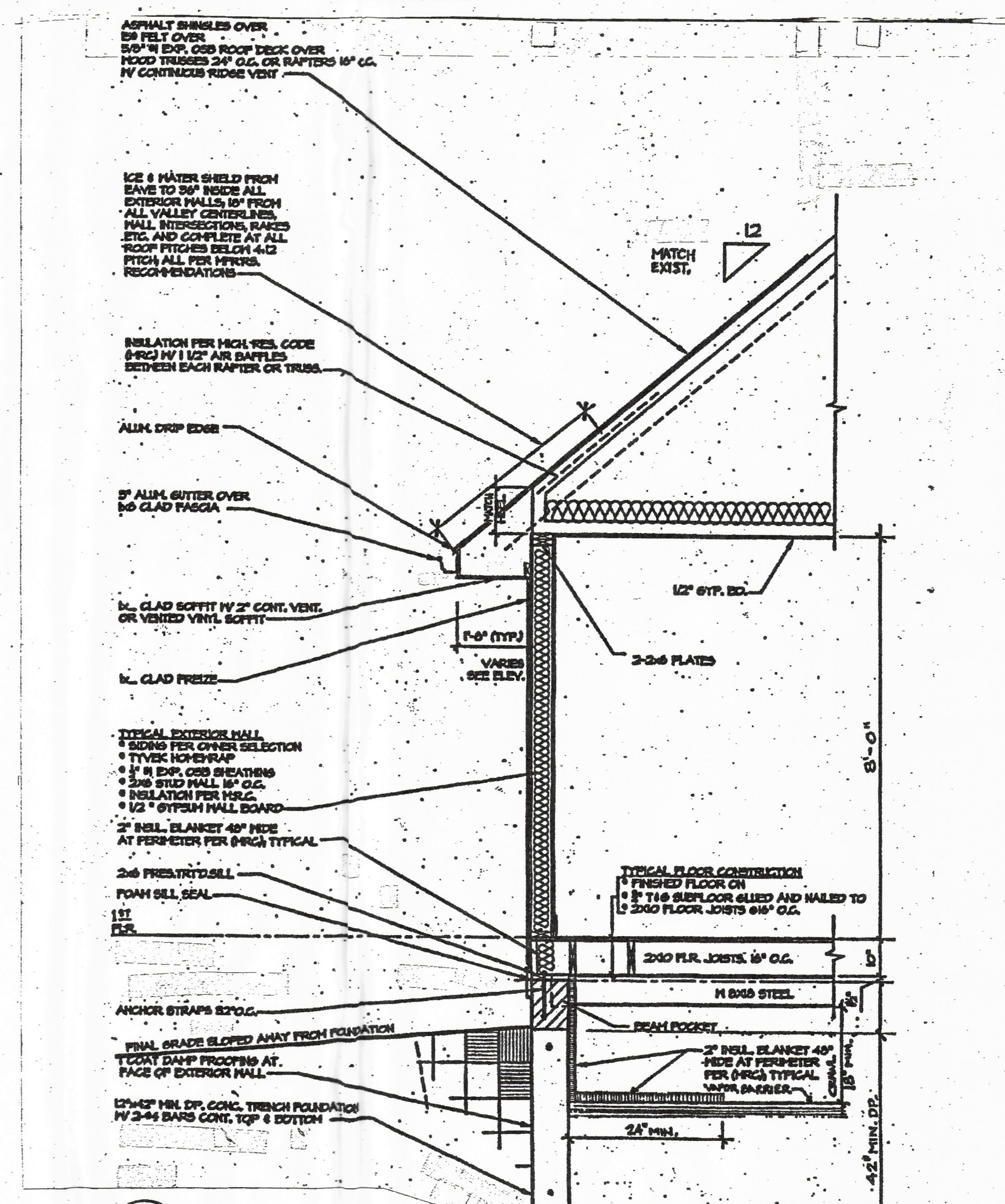
SOUTH ELEVATION
 (REAR/LAKE SIDE)

1/4" = 1'-0"



EAST ELEVATION
 (LEFT SIDE)

1/4" = 1'-0"

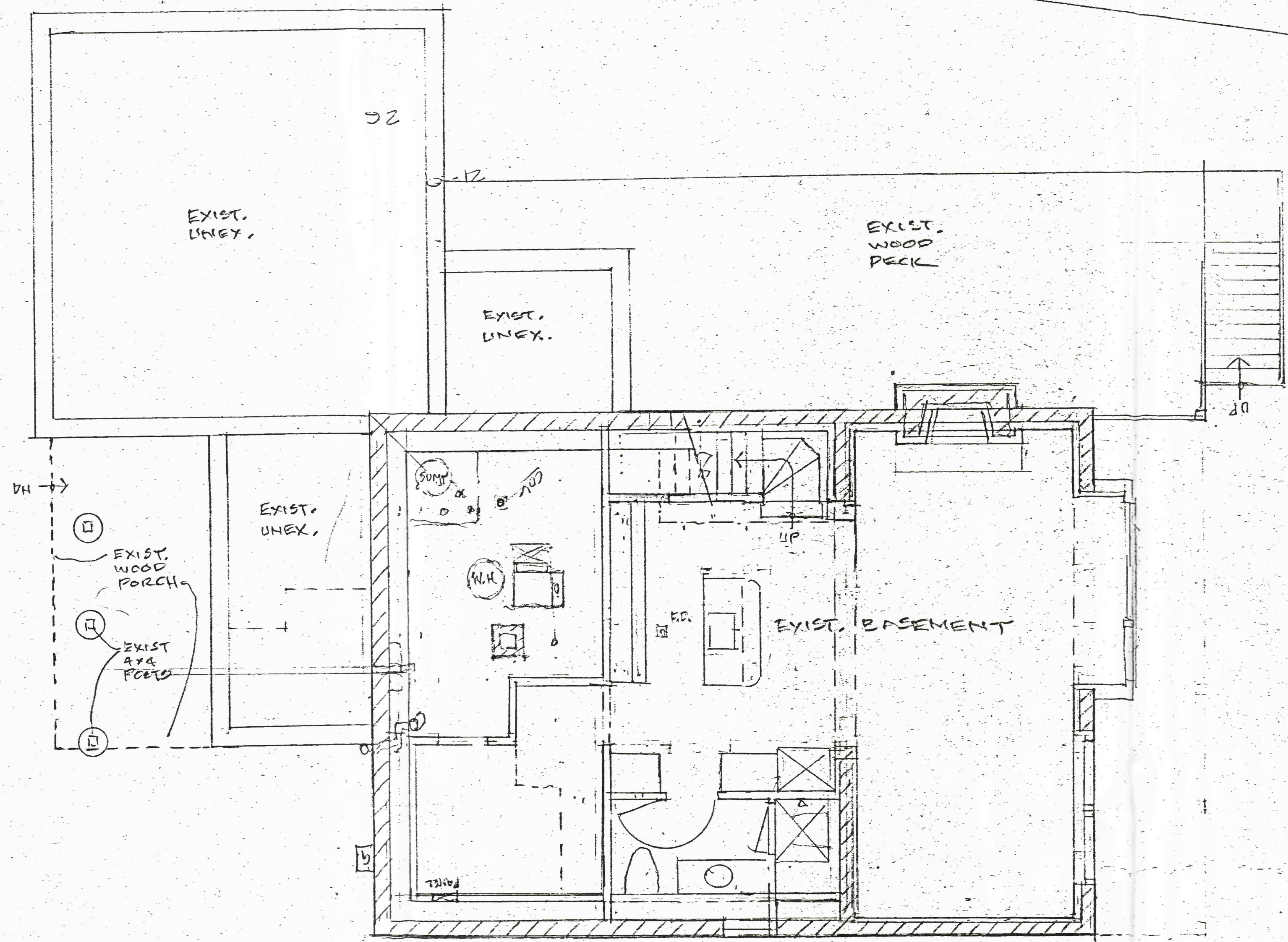


TYPICAL WALL SECTION

1/2" = 1'-0"

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
BRYAN & LAURA DOBBS
 10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

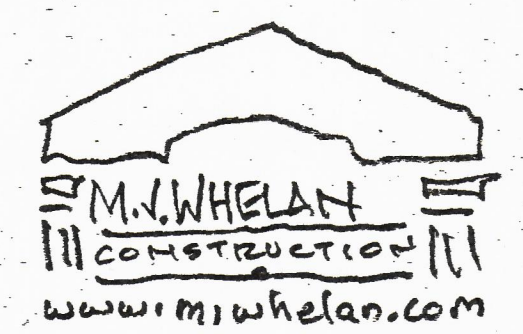
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 FILE NAME: DOBBS
 DRAWN BY: CAO
 JOB # W-2870
 SHEET TITLE
 SOUTH ELEVATION
 EAST ELEVATION
 TYP. WALL SECTION
 SHEET # 5 OF 5
 W-2870

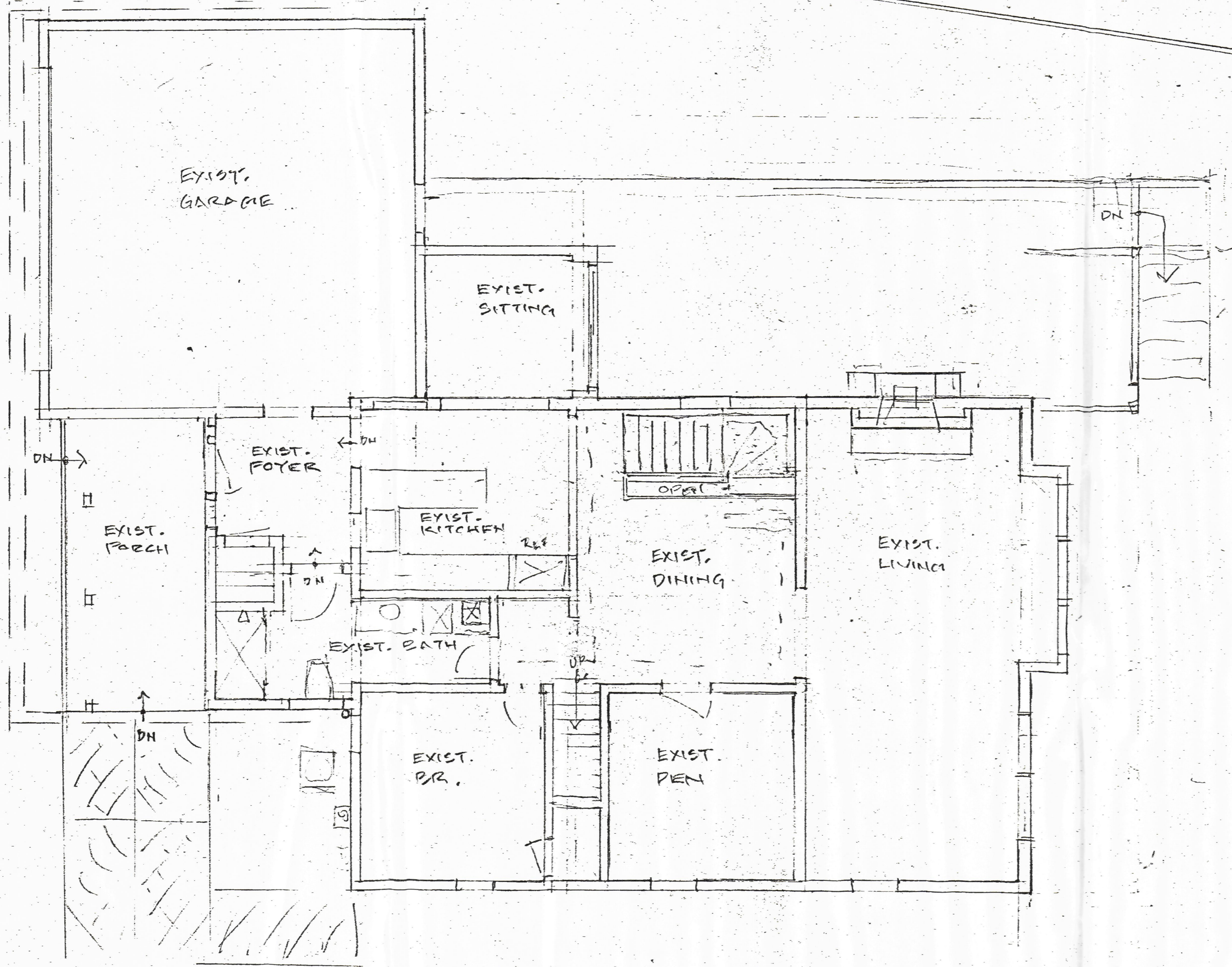


AS-BUILT BASEMENT FOR
 BRYAN & LAURA DOBBS

1/4" = 1'-0"

DATE: 11-07-19
 SHEET: 1 OF 6
 DWG.#: W-2870

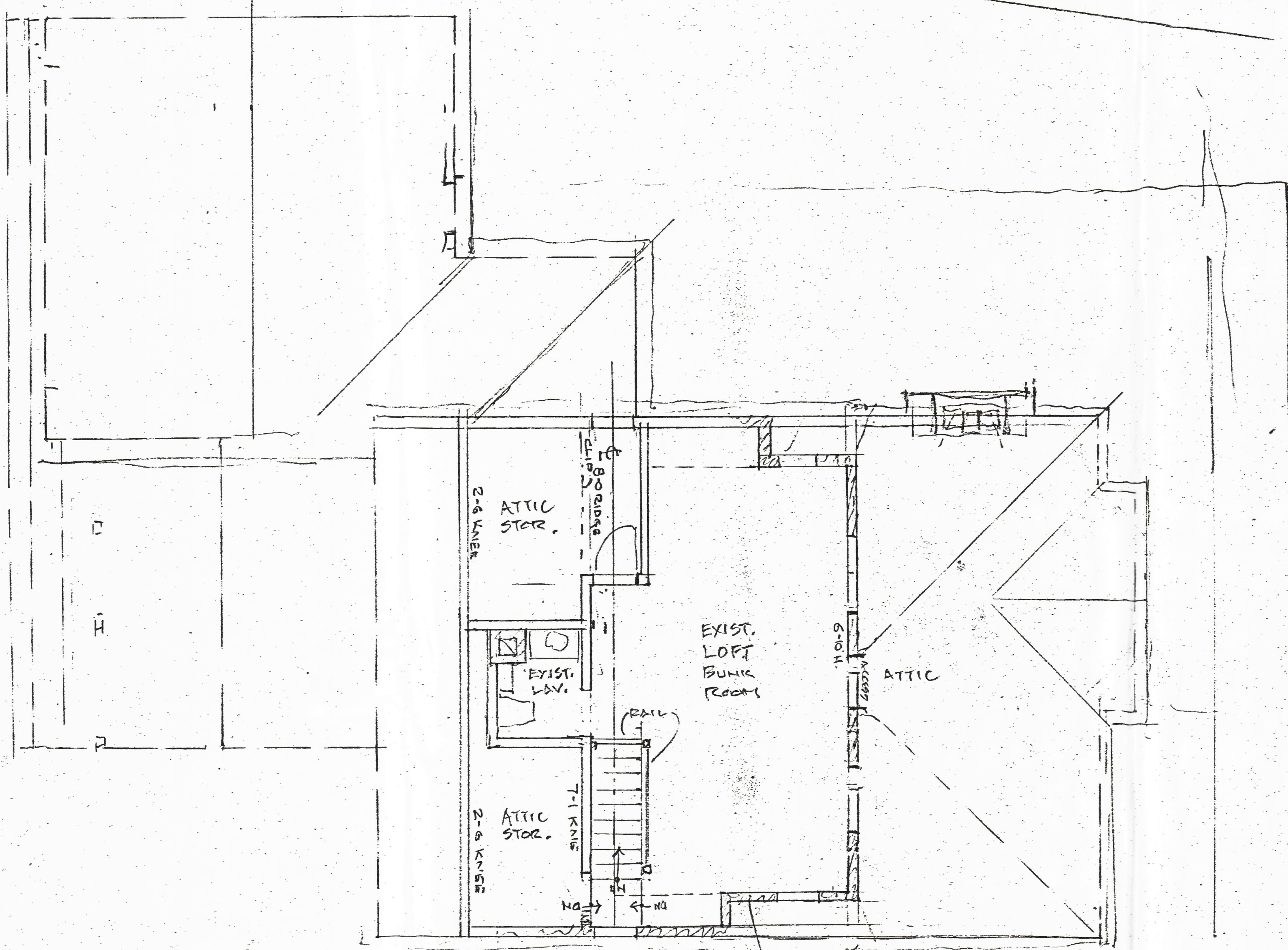




AS-BUILT 1ST FLOOR PLAN FOR 1/4"=1'-0"
 BRYAN & LAURA DOBBS

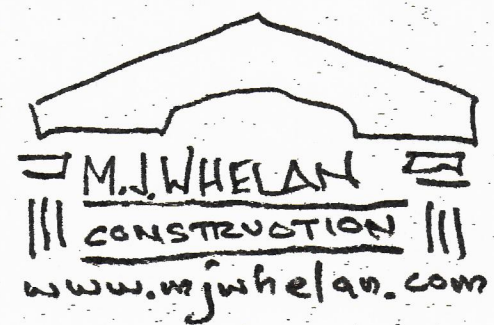
DATE: 11-07-19
 SHEET: 2 OF 6
 DWG.#: W-2870

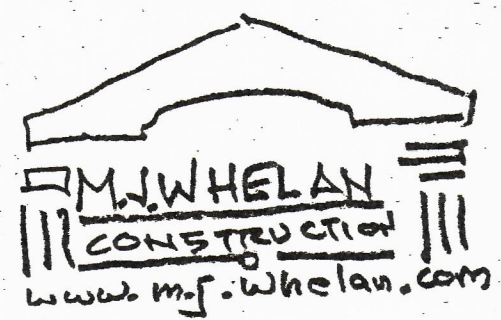




AS-BUILT 2ND FLOOR PLAN FOR 1/4"=1'-0"
 BRYAN & LAURA DOBBS

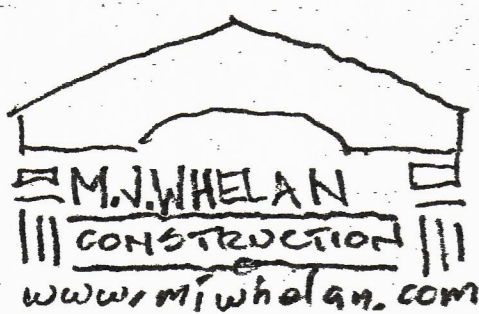
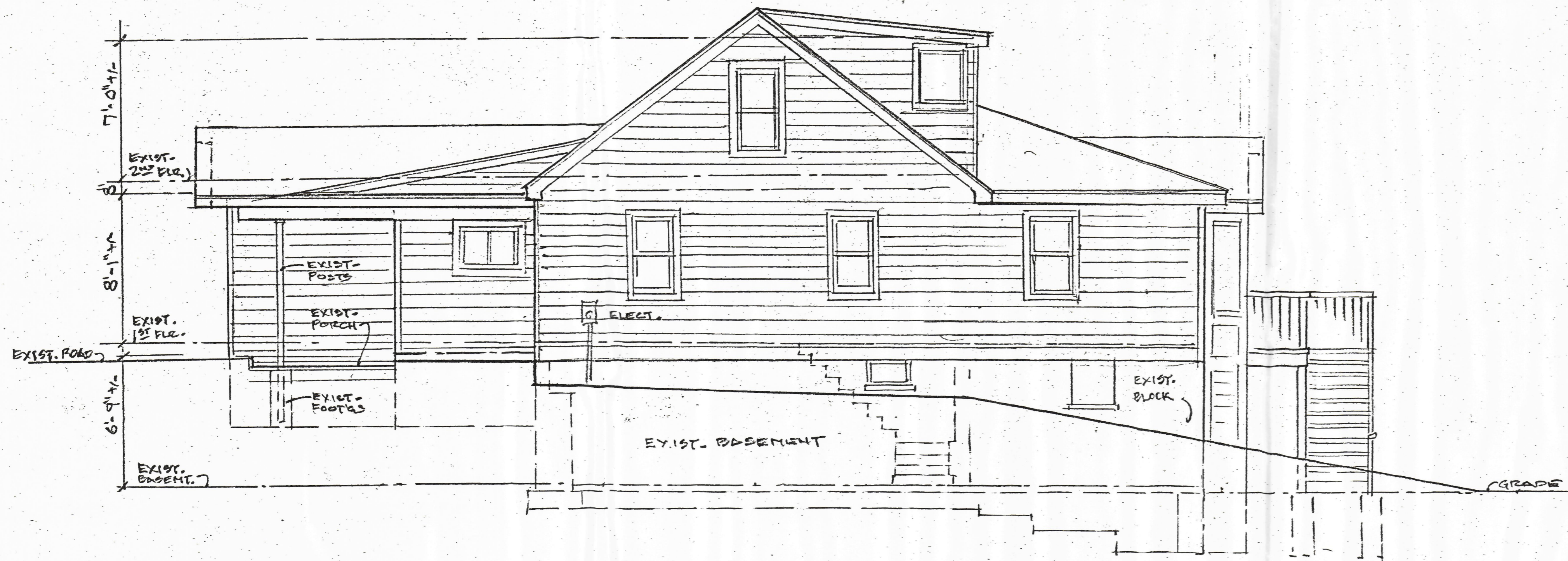
DATE: 11-07-19
 SHEET: 3 OF 6
 DWG.#: W-2870





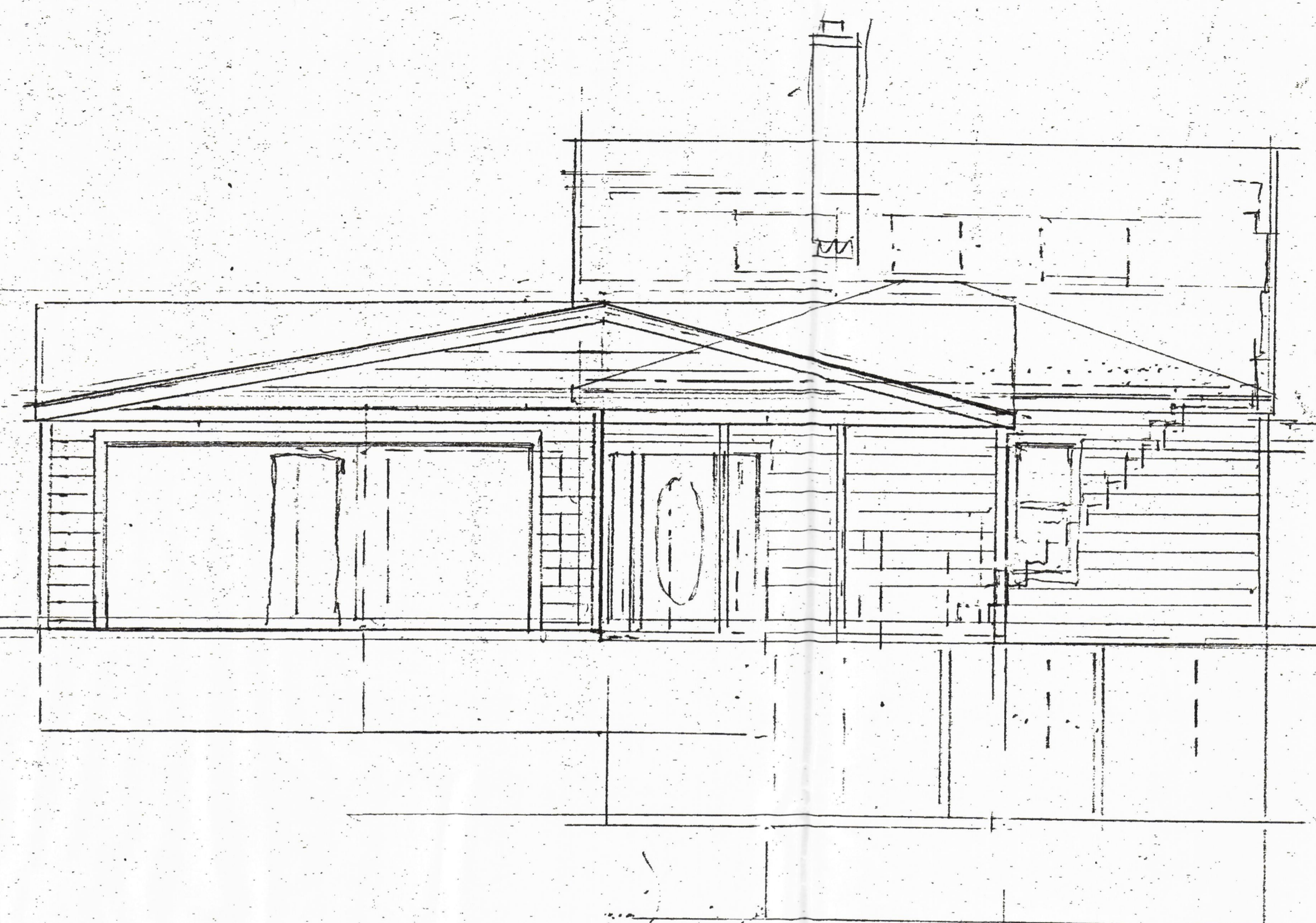
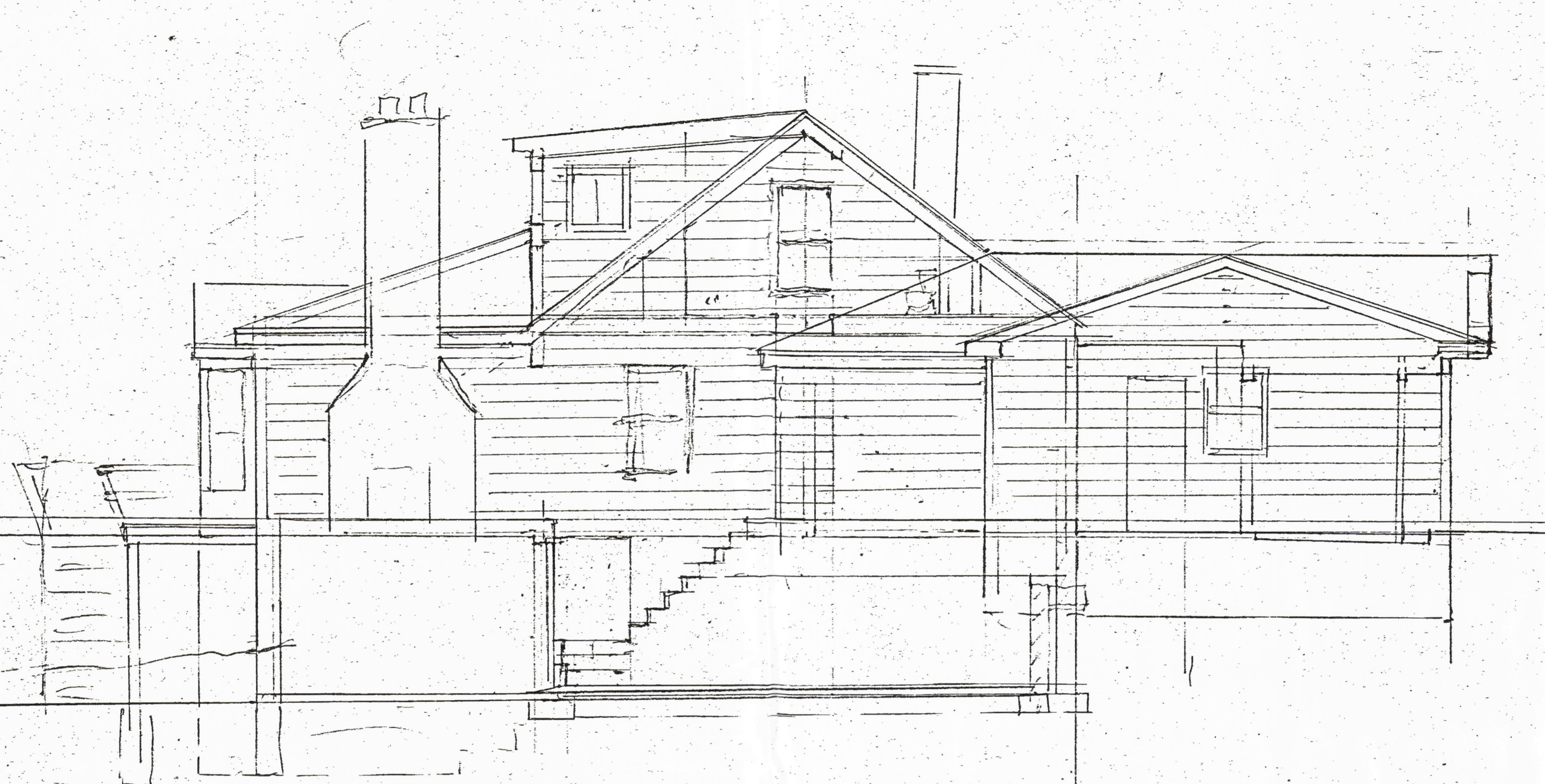
AS-BUILT LAKE ELEVATION FOR = $\frac{1}{4}'' = 1'-0''$
BRYAN & LAURA DOBBS

DATE: 11-07-19
SHEET: 4 OF 6
DWG #: W-2870

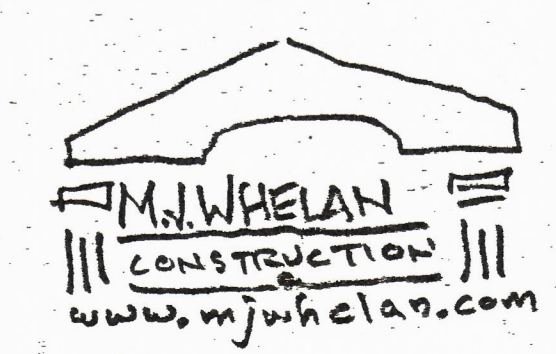


AS-BUILT WEST ELEVATION FOR 1/4"=1'-0"
 BRYAN & LAURA DOBBS

DATE: 11-07-19
 SHEET: 5 OF 6
 DWG.#: W-2870



AS-BUILT SECTION/ELEVATIONS FOR 1/4"=1'-0"
BRYAN & LAURA DOBBS



DATE: 11-02-13
SHEET: 6 OF 6
DWG. #: W-2870

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

September 30, 2020

Bryan and Laura Dobbs
10199 Lakeside Dr.
White Lake, MI 48386

RE: Proposed Addition

The existing structures and lot are non-conforming with a lot width of 58.07 ft. and lot area of 9,714 sq. ft. The site contains a residential structure having a 4.1 ft. side yard setback on the east side and a 4.2 ft. side yard setback on the west side. Further, the existing front yard setback is 6.7 ft. The proposed 2nd story addition would increase this non-conformity by adding living space within the required 10 ft. side yard setbacks and required 30 ft front yard setback. It should also be noted, any newly constructed projection must not extend into the 5 ft. side yard setback.

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance for R1-D requires: Minimum side yard setback of 10 feet one side and 20 feet total of two sides, a front yard setback of 30 feet, Minimum lot width of 80 feet, and minimum lot area of 12,000 square feet.

Article 5.3 of the White Lake Township Clear Zoning Ordinance states: said projection shall not extend more than five (5) feet into said required open spaces, and in no event will the projection be closer than five (5) feet to the lot line.

A variance is required to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Spencer".

Nick Spencer, Building Official
White Lake Township

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: January 28, 2021

Agenda item: 6c

Appeal Date: January 28, 2021

Applicant: Maria Elliot

Address: 2115 Haley Road
White Lake, MI 48383

Zoning: SF Suburban Farms

Location: 2115 Haley Road
White Lake, MI 48383

Property Description

The approximately 3.01-acre parcel identified as 2115 Haley Road is located in Section 16 of the Township and zoned SF (Suburban Farms). The existing house on the property (approximately 1,429 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Maria Elliot, the applicant, is requesting the Zoning Board of Appeals vary the standards for the keeping of Class II animals to allow four equine animals where three are permissible.

Planner's Report

Article 4, Section 2 of the zoning ordinance outlines the standards for the Maintenance of Animals in AG (Agricultural) and SF zoning districts. Class II animals, including bovine, swine, ovine, equine, rabbits and chickens may be maintained in AG and SF districts on lots having two or more acres. Two Class II animals are allowed on a two-acre lot, and one additional animal may be kept for each additional acre by which the parcel exceeds two acres.

The subject site is 3.01 acres in size, so three Class II animals are allowed by right. The applicant is maintaining three horses and one donkey on the property. A donkey is a member of the equine family, therefore the donkey counts towards the animal allowance. In August 2020 the Township Ordinance Officer received a complaint regarding the number of animals being maintained by the Applicant, and a violation letter was sent to the Applicant. Corrective enforcement measures have been stayed pending a decision by the Zoning Board of Appeals. If the decision rendered by the Board is denial, a correction period should be determined by the Board to remove one animal from the site.

For background, this request is the first appeal the Board has considered from the Maintenance of Animals ordinance. While each case is considered independently and on its own merits, the Board should recognize granting variances of this type could result in future requests from this ordinance, particularly for chickens and rabbits. Staff believes requests of this nature should be avoided.

For reference, this ordinance is similar, and in some cases less restrictive, than adjoining communities. Commerce Township utilizes the same regulation method for horses as White Lake Township. Waterford Township allows three hooved livestock (horses, cattle, mules, sheep, goats, llamas, and swine) on lots at least five contiguous acres in size, if lots within a one-quarter mile radius are an average size of not less than three acres. Chickens and small birds are permitted by right on lots five contiguous acres or greater in size, and subject to special use approval by the Planning Commission on lots less than five contiguous acres in size.

Springfield Township requires a minimum lot area of four acres for bovine, equine, swine, and ovine and allows one animal for the first four acres and one additional animal for each one acre in excess of four acres. Chickens and rabbits are permitted on lots a minimum of 1.5 acres in size, and one animal for the first 1.5 acres and one additional animal for each one-quarter acre in excess of 1.5 acres is allowed.

All of the standards outlined in Article 7, Section 37 of the zoning ordinance must be met in order to grant a variance. The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 4.2	Minimum lot size for maintenance of 4 Class II animals	4 acres	0.99 acre	3.01 acres
2	Article 4.2	Maximum Class II animal allowance	3 (3.01 acres)	1	4

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Maria Elliot from Article 4, Section 2 of the Zoning Ordinance for Parcel Number 12-16-401-024, identified as 2115 Haley Road, in order to allow four (4) Class II animals on a 3.01-acre lot. This approval will have the following conditions:

- The Applicant shall comply with all necessary standards for the maintenance of Class II animals found in Article 4, Section 2 of the White Lake Township zoning ordinance.
- No additional Class II animals shall be maintained on the property.

Denial: I move to deny the variances requested by Maria Elliot for Parcel Number 12-16-401-024, identified as 2115 Haley Road, due to the following reason(s):

- Further, one animal shall be removed from the property within thirty (30) days.

Table: I move to table the variance requests of Maria Elliot for Parcel Number 12-16-401-024, identified as 2115 Haley Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated December 9, 2020.
2. Applicant's written statement dated September 21, 2020.
3. Violation letter from the Ordinance Officer dated August 27, 2020.

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.

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

RECEIVED

DEC 10 2020

COMMUNITY
DEVELOPMENT
DEPARTMENT

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

APPLICANT'S NAME: Maria Elliott PHONE: 248-714-5119

ADDRESS: 2115 Haley Rd White Lk mi 48383

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

ADDRESS OF AFFECTED PROPERTY: 2115 Haley Rd PARCEL # 12 - 16 - 401 - 024

CURRENT ZONING: SF PARCEL SIZE: 3.01

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

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

See additional paper work 2 pages

APPLICATION FEE: 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Maria Elliott DATE: 12-9-2020

krydan@gmail.com

RECEIVED

DEC 10 2020

COMMUNITY
DEVELOPMENT
DEPARTMENT

09/21/2020

RE: 2115 Haley Rd

To: Zoning Board of Appeals

We are responding to the letter we received in regards to the horse zoning ordinance.

When we moved here we were under the understanding that we were allowed to have 4 horses on this property, we had no intent to exceed the limit.

We are asking the Zoning Board of Appeals to allow us to be able to keep the 3 horses and a miniature donkey on our property do to the hardship case which involves these 4 animals.

One of the horses that I have is 28 years old and I have owned her for 24 years that is getting towards the end of her life that we are taking care of, and that it would not be fair to move her are put her in another living arrangement or worry that she would be sent to the meat market just because she is old. Our vet also recommended that she should be retired and not ridden any more do to her age, she has been a very good horse and deserves to live out her life where she is well cared for and loved.

One of the other horses I have is 21 years old and I have had her for 21 years, I raised her from a baby. She also has health issues that restrict her ridding abilities, she is on a very strict diet due to laminitis and if not monitored carefully she will founder, she also has difficulty breathing at times that has to be maintained with medication. This horse also has very high separation anxiety and if separated from the first horse that I have mentioned, if I even take the other horse on the other side of the fence this horse becomes so upset that she starts screaming and trying to get through the fence to get to her. I have had neighbors come running over to our house because they thought something bad had happened to the horse when she gets like that. This horse also deserves to live out her life where her needs and the understanding of her anxiety is properly cared for and loved.

We also have a miniature donkey that we rescued 10 years ago from a very abusive situation and does not adept well to change, you cannot even move her water bucket, if moved to a different place she will not drink out of it, the donkey has adapted well to her surroundings here due to the kindness and love that we have given her and has become a very loving and gentle animal, because of the trust she has developed with us, she follows us around like a puppy. She has also become a very therapeutic animal to my grandson and me due to her being so gentle and wanting to be loved on.

The last horse in regards to this hardship case is my riding horse that I ride all the time since the other two can no longer be ridden, these 4 animals are my pets that I have a very special attachment and bond too, they are also very attached to me, when you have had an animal as long as I have had these animals it is devastating to even think of having to get rid of one of them, and it would be very devastating to separate one of these animals because they are very socially oriented and attach to each other. All 4 of these animals are very well taken care of and loved they also have a very clean living environment.

I am asking the Zoning Board of Appeals to please allow a variance so that we can keep all 4 of these animals on this property due to the special care that they need and to allow me to also keep my riding horse which provides my therapeutic environment. After working 12 hour days taking care of other people, these 4 animals each in their own way are my relaxation and help me relieve my stress and at the time that I am with them I forget about my worries and problems, that's why these 4 animals are so therapeutic for me.

The variance that we are asking for is for the 4 equine that we have now, when one of them has passed we will not exceed the limit which is allowed per the horse zoning ordinance for this property.

Thank you

Maria Elliott

Samuel Elliott

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer



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

WHITE LAKE TOWNSHIP

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

08/27/2020

ELLIOTT JR, SAMUEL
2115 HALEY RD
WHITE LAKE, MI 48383-2009
Parcel: Y -12-16-401-024

RE: 2115 HALEY RD

Dear: ELLIOTT JR, SAMUEL

I am writing to advise you that the above described property is currently in violation of White Lake Township Ordinance.

B. Class II Animal: An animal which is normally part of the livestock maintained on a farm, including:

- i. Bovine and like animals, such as the cow.
- ii. Swine and like animals, such as the pig and hog.
- iii. Ovine and like animals, such as the sheep and goat.
- iv. Equine and like animals, such as the horse.
- v. Rabbits (which are not maintained or kept as domesticated household pets); poultry, and other like animals.

Class II animals may be maintained in the AG and SF districts as a permitted use subject to the special conditions listed in Section 3.1.1 (AG District) and Section 3.1.2 (SF District). Class II animals shall only be permitted on a lot having two (2) or more acres, and there shall be at least one (1) acre per Class II animal in excess of 75 lb. that is maintained on the property.

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer



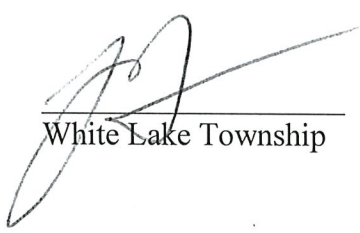
Trustees
Scott Ruggles
Liz Fessler Smith
Andrea C. Voorheis
Michael Powell

WHITE LAKE TOWNSHIP

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

Please contact my office within ten (10) days of the date of this letter to request a re-inspection to verify compliance or, if full compliance is not possible due to the nature of the violation, to discuss a specific time frame to be in full compliance with all Township Ordinances. If contact is not made or if the Township is not satisfied with the timetable proposed, court proceedings will become necessary.

Very Truly Yours,



White Lake Township

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: January 28, 2021

Agenda item: 6d

Appeal Date: January 28, 2021

Applicant: Metro Detroit Signs

Address: 11444 Kaltz Avenue
Warren, MI 48089

Zoning: GB General Business

Location: 9178 Highland Road
White Lake, MI 48386

Property Description

The approximately 0.844-acre (36,764.64 square feet) parcel identified as 9178 Highland Road is located on the northeast corner of Fisk and Highland Roads and zoned GB (General Business).

Applicant's Proposal

Metro Detroit Signs, the applicant, on behalf of property owner Dr. David Leskowitz, is proposing to install a 6.64-foot-tall monument sign with an electronic message board.

Planner's Report

The proposed sign is 4.85 feet by 8.13 feet (39.42 square feet) in size. The electronic message board is 3.6 feet by 8.13 feet (29.26 square feet) in size, and the top static cabinet is 1.25 feet by 8.13 feet (10.16 square feet in size). In accordance with Article 5, Section 9.J.i, the maximum sign height from grade is six feet, including the decorative elements such as bases, columns, and caps. The ordinance also requires freestanding signs to be installed on a decorative masonry base a minimum of 18 inches in height from the finished grade. The proposed base meets the current standard. Additionally, Article 5, Section 9.J.vii of the zoning ordinance states for signs including an electronic message board, the upper 25% of the sign cannot include an electronic display component. The proposed sign meets this standard. Based on an overall sign height of 6.64 feet, the applicant is requesting a 7.68-inch (0.64-foot) variance.

At its January 19 meeting the Township Board introduced the first reading of a series of zoning ordinance amendments. A provision of the sign ordinance being amended increases the maximum sign height from six feet to seven feet. After the Township Board adopts the zoning amendments at its February meeting, the proposed sign height would be conforming. The property owner was informed of this change to sign policy and asked to proceed with the variance request. Based on the increased sign height which will soon be permitted, staff recommends approval of the requested variance. With the amended ordinance, the sign height variance will be void. Granting this variance would allow the applicant to begin installing the sign in advance of the amended ordinance taking effect.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 5.9.J.i	Maximum sign height	6 feet	7.68 inches	6.64 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Metro Detroit Signs from Article 5.9.J.i of the Zoning Ordinance for Parcel Number 12-23-26-005, identified as 9178 Highland Road, in order to install a monument sign that would exceed the allowed height by 7.68 inches. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- All nonconforming signs shall be removed from the property.

Denial: I move to deny the variance requested by Metro Detroit Signs for Parcel Number 12-23-26-005, identified as 9178 Highland Road, due to the following reason(s):

Table: I move to table the variance request of Metro Detroit Signs for Parcel Number 12-23-26-005, identified as 9178 Highland Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated December 7, 2020.
2. Applicant's written statement dated December 7, 2020.
3. Sign plan dated October 21, 2020 (revision date November 23, 2020).
4. Site plan dated November 23, 2020.

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 difficulty 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.

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

RECEIVED

DEC 18 2020

COMMUNITY
DEVELOPMENT
DEPARTMENT

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

APPLICANT'S NAME: Metro Detroit Signs PHONE: 586-759-2700

ADDRESS: 11444 Kaltz Ave Warren, MI 48089

APPLICANT'S EMAIL ADDRESS: kdeters@metrosal.com

APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: Sign Contractor

ADDRESS OF AFFECTED PROPERTY: 9178 Highland Rd #A PARCEL # 12 - 23 - 226 - 005

CURRENT ZONING: GB PARCEL SIZE: .84

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: request to install a ground sign w/ an EMU
overall measurements = 58.19" x 97.56" (39.42 sq feet) at 79.69" overall height. Top static cabinet
is 15" x 97.56" (10.16 sq feet). EMU is 43.19" x 97.56" (29.26 sq feet)

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

Please see the attached ZBA cover letter.

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Ren Deter DATE: 12-7-20

12/3/2020

Metro Detroit Signs Mail - White Lake Family Me monument sign



Letter of Authorization from the
Owner
Joe Crudo <jcrudo@metrosal.com>

White Lake Family Medicine monument sign

David L <dleszkowitz@gmail.com>
To: Joe Crudo <jcrudo@metrosal.com>

Wed, Dec 2, 2020 at 5:23 PM

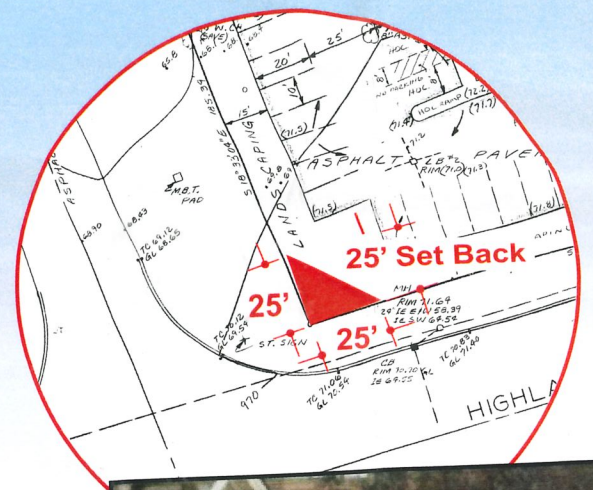
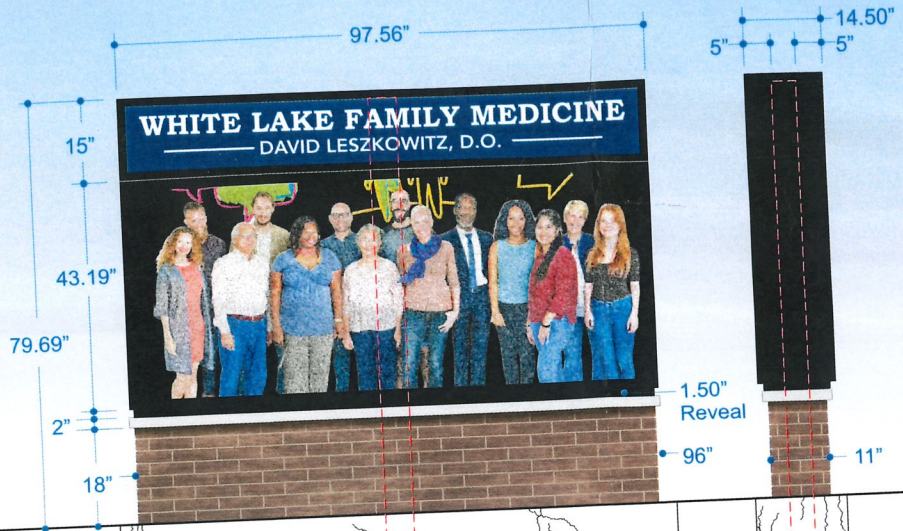
I dr david leszkowitz authorize metro signs to represent me at the zoning board of appeals for a sign . Thanks
Dr leszkowitz

Sent from my iPhone
[Quoted text hidden]

RECEIVED

DEC 18 2020

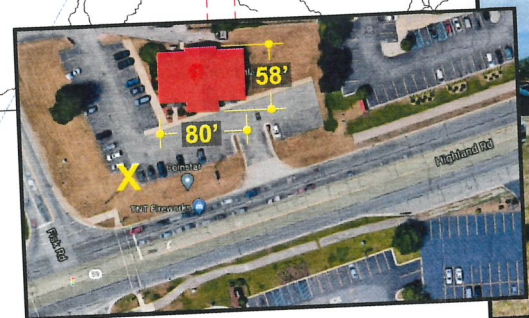
COMMUNITY
DEVELOPMENT
DEPARTMENT



SIGN DIMENSIONS
 58.19"x97.56" Sign Face - 39.42 Sq. Ft.

- NOTES**
- New Full Color LED Display
 - Double Sided
 - New Brick Base
- LISTED

Center Pole Into 42"x102" Cement Footing



RENDERING IS FOR REPRESENTATION ONLY SIZE, COLOR AND SCALE MAY VARY

ADDRESS
 9178 Highland Rd • White Lake Charter Township, Michigan 48386

WHITE LAKE FAMILY MEDICINE	Sales Person: Joe Crudo	Drawn By: Connie Fotiu	Date: 10/21/2020	File Name: White Lake Family Medicine.cdr Monument Sign Pg 1	Revision: 11/23/2020 #4
	This drawing and design/layout is the property of Metro Detroit Signs. The use of which in part or in whole is not permitted without prior written consent from Metro Detroit Signs. All rights reserved. Copyright 2018				Work Order#: XXX
Customer Signature _____ Date _____					

METRO SIGNS
 LIGHTING

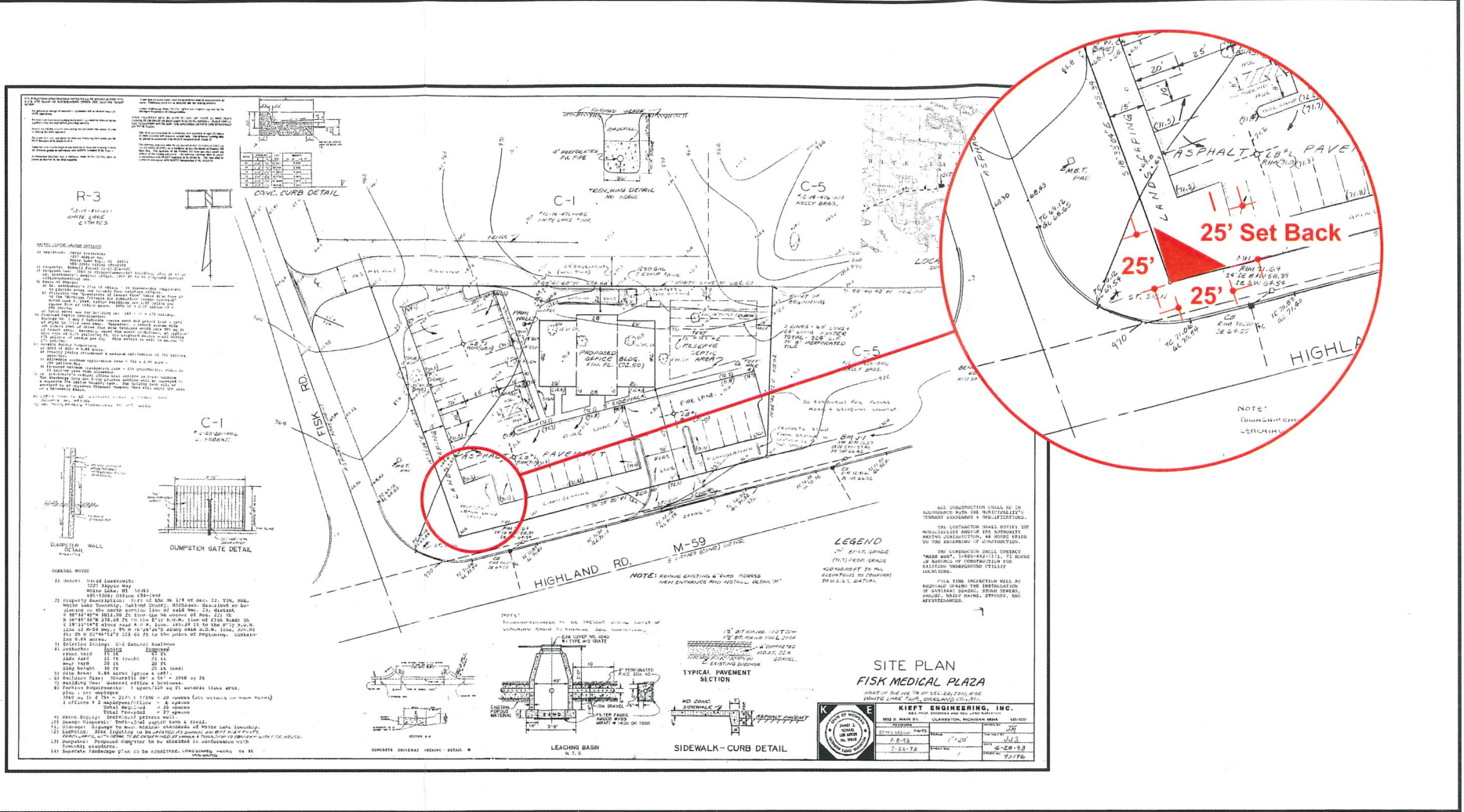
11444 Kaltz Ave
 Warren, MI 48089
 Phone: 586-759-2700
 Fax: 586-759-2703

RECEIVED

DEC 18 2020

COMMUNITY DEVELOPMENT DEPARTMENT

Site Plan



WHITE LAKE FAMILY MEDICINE	Sales Person: Joe Crudo	Drawn By: Connie Fotu	Date: 11/23/2020	File Name: White Lake Family Medicine.cdr Site Plan Pg 2	Revision:	11444 Kaltz Ave Warren, MI 48099 Phone: 586-759-2700 Fax: 586-759-2703
	This drawing and design/layout is the property of Metro Detroit Signs. The use of which in part or in whole is not permitted without prior written consent from Metro Detroit Signs. All rights reserved. Copyright 2018					

DEC 18 2020

COMMUNITY DEVELOPMENT DEPARTMENT

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: January 28, 2021

Agenda item: 6e

Appeal Date: January 28, 2021

Applicant: James Stanecki

Address: 8884 Cooley Lake Road
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 8884 Cooley Lake Road
White Lake, MI 48386

Property Description

The approximately 0.49-acre (21,344.4 square feet) parcel identified as 8884 Cooley Lake Road is located on Cooley Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,963 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

Applicant's Proposal

James Stanecki, the applicant, is proposing to divide a lot that is currently comprised of two lots of the Twin Shores plat (Lots 7 & 8).

Planner's Report

The submitted survey indicates the proposed division would keep the house on the proposed Parcel A in compliance with the 10-foot minimum side yard setback requirement. Parcel B would contain 70 feet of lot width along the chord and 0.21-acre of lot area (9,147.6 square feet). The proposed Parcel A would contain 64.66 feet of lot width (14.66 feet along the chord) and 0.28-acre of lot area (12,196.8 square feet).

The R1-D zoning district requires a minimum lot area of 12,000 square feet and a minimum lot width of 80 feet, as measured along the right-of-way line of the street upon which the lot fronts. With a proposed lot width for Parcel A of 64.66 feet a 15.34-foot variance is requested. With a proposed lot width of 70 feet and a proposed lot area of 9,147.6 square feet a 10-foot variance for lot width and a 2,852.4 square foot variance for lot area is being requested for Parcel B.

The proposed partitioning of the parcel would require a land division, which would be considered by the Assessor. The applicant intends to apply for a land division pending the outcome of the variance requests.

The submitted survey shows an 80 square foot shed located 1.3 feet from the west side property line and eight feet from the northwest corner of the house. Article 5, Section 7.A of the zoning ordinance states no accessory building or structure may be located closer than 10 feet to any principal structure or building unless it conforms to all regulations of the ordinance applicable to principal structures or buildings. The shed is nonconforming to the 10-foot side yard setback. If the Board approves the request, staff recommends a condition requiring the shed become compliant with setbacks. If the shed is moved 10 feet away from the house, the accessory structure side yard setback can be reduced to five feet.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Minimum lot size	12,000 square feet	2,852.4 square feet (Parcel B)	9,147.6 square feet
2	Article 3.1.6.E	Minimum lot width	80 feet	15.34 feet (Parcel A) 10 feet (Parcel B)	64.66 feet (Parcel A) 70 feet (Parcel B)

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by James Stanecki from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-36-351-027, identified as 8884 Cooley Lake Road, in order to divide a lot with the partitioning requiring 15.34 feet (Parcel A) and 10 feet (Parcel B) variances for lot width and 2,852.4 square foot variance for lot area. This approval will have the following conditions:

- The Applicant shall apply for and receive land division approval from the Township Assessor.
- The nonconforming shed shall be relocated to comply with setbacks.

Denial: I move to deny the variances requested by James Stanecki for Parcel Number 12-36-351-027, identified as 8884 Cooley Lake Road, due to the following reason(s):

Table: I move to table the variance requests of James Stanecki for Parcel Number 12-36-351-027, identified as 8884 Cooley Lake Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated January 4, 2021.
2. Certificate of survey dated January 4, 2021.
3. Email from the Department of Public Services dated December 21, 2020.
4. Letter of denial from the Assessor dated September 19, 2017.

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.

RECEIVED

JAN 04 2021

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 STANECKI PHONE: 313 530 9135
ADDRESS: 8884 COOLEY LAKE RD, WHITE LAKE 48386
APPLICANT'S EMAIL ADDRESS: Jim.Stancki@att.net
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: SAME PARCEL # 12-36-357-627
CURRENT ZONING: R1D PARCEL SIZE: 0.49

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

VALUE OF IMPROVEMENT: \$ _____ SEV OF EXISITING STRUCTURE: \$ _____

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

Dividing land to build retirement home.

APPLICATION FEE: 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: [Signature] DATE: 1-4-21

CERTIFICATE OF SURVEY

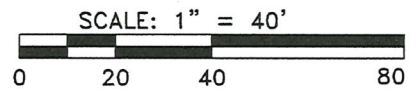
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 10/30/2020, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THE SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



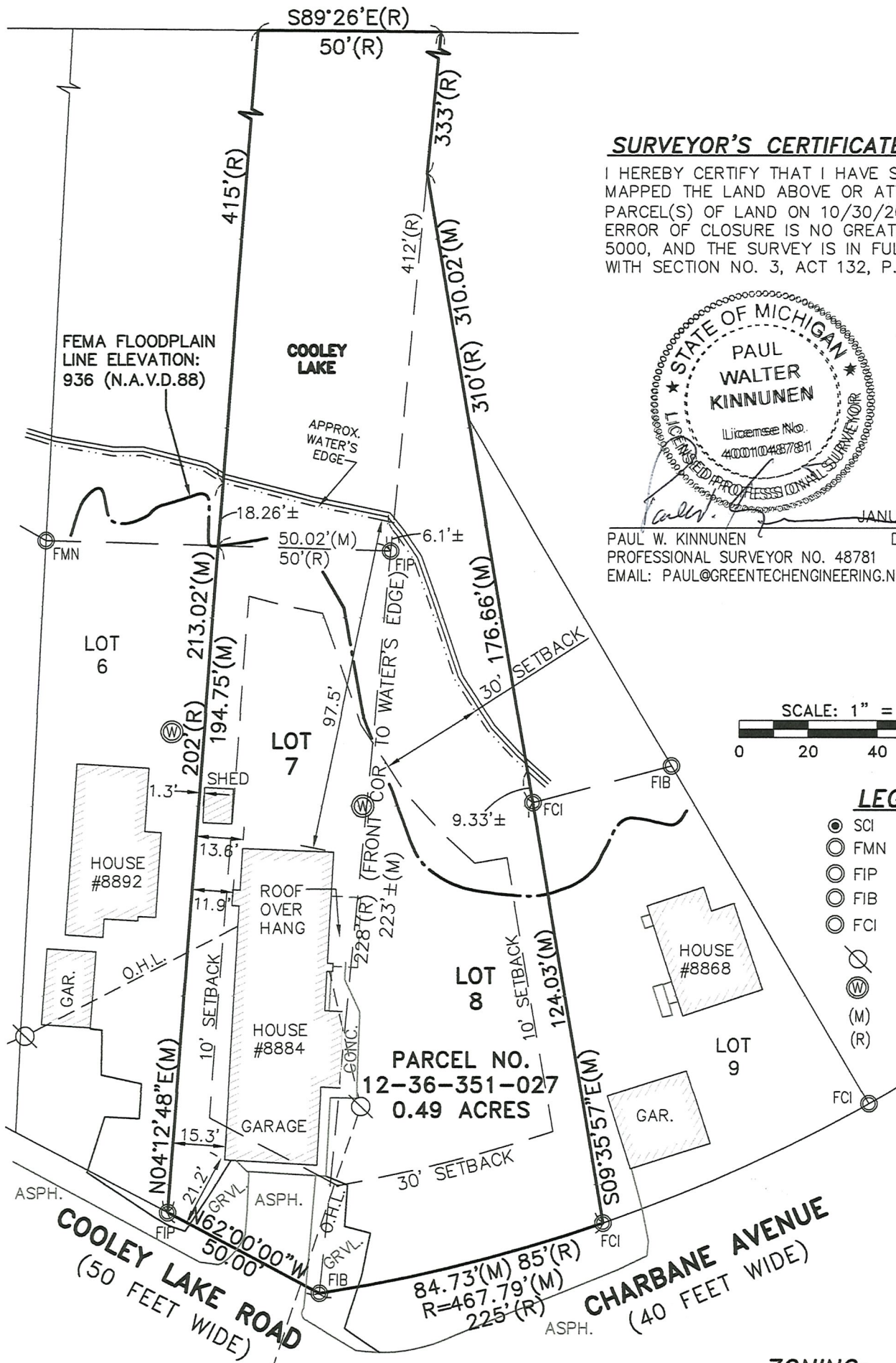
JANUARY 4, 2021
DATE OF MAP

PAUL W. KINNUNEN
PROFESSIONAL SURVEYOR NO. 48781
EMAIL: PAUL@GREENTECHENGINEERING.NET



LEGEND

- SCI SET CAPPED IRON
- FMN FOUND NAIL
- FIP FOUND IRON PIPE
- FIB FOUND IRON BAR
- FCI FOUND CAPPED IRON
- ⊗ EX. UTILITY POLE
- ⊙ EX. WATER WELL
- (M) MEASURED
- (R) RECORD



SURVEY NOTES:

1. TITLE WORK WAS NOT PROVIDED. EXISTING EASEMENTS, IF ANY, ARE NOT SHOWN.
2. SEE SHEET 3 FOR EXISTING & PROPOSED LEGAL DESCRIPTIONS.

BASIS OF BEARING:

BEARINGS ARE BASED ON SOUTH LINE OF LOT 7 BEING N62°00'00"W PER "TWIN SHORES", L. 25, PG. 18, O.C.R.

ZONING:

R1-D, SINGLE FAMILY RESIDENTIAL

SETBACKS:

FRONT: 30'
REAR: 30'
SIDES: 10' ONE SIDE
20' TOTAL OF TWO SIDES

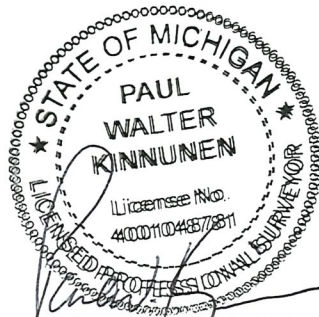
GREENTECH
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
51147 W. Pontiac Trail, Wixom, MI 48393
Phone: (248) 668-0700 Fax: (248) 668-0701

CLIENT:	DATE: 1-4-2021
JAMES STANECKI	DRAWN BY: PWK
PARCEL SPLIT	CHECKED BY: JPP
#8884 COOLEY LAKE ROAD	0 20 40
SECTION: TOWNSHIP: 03N. RANGE: 08E.	FBK: --
WHITE LAKE TOWNSHIP	1/3
OAKLAND COUNTY	CHF: MM
MICHIGAN	SCALE HOR 1"=40 FT. VER 1"= -- FT.

CERTIFICATE OF SURV

SURVEYOR'S CERTIFICATE

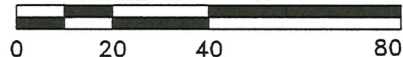
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 10/30/2020, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THE SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



JANUARY 4, 2021

PAUL W. KINNUNEN
PROFESSIONAL SURVEYOR NO. 48781
EMAIL: PAUL@GREENTECHENGINEERING.NET

SCALE: 1" = 40'



LEGEND

- SCI SET CAPPED IRON
- FMN FOUND NAIL
- FIP FOUND IRON PIPE
- FIB FOUND IRON BAR
- FCI FOUND CAPPED IRON
- ⊗ EX. UTILITY POLE
- ⊙ EX. WATER WELL
- (M) MEASURED
- (R) RECORD



ZONING:

R1-D, SINGLE FAMILY RESIDENTIAL

SETBACKS:

FRONT: 30'
REAR: 30'
SIDES: 10' ONE SIDE
20' TOTAL OF TWO SIDES

BASIS OF BEARING:

BEARINGS ARE BASED ON SOUTH LINE OF LOT 7 BEING N62°00'00"W PER "TWIN SHORES", L. 25, PG. 18, O.C.R.

SURVEY NOTES:

- TITLE WORK WAS NOT PROVIDED EXISTING EASEMENTS, IF ANY, ARE NOT SHOWN.
- SEE SHEET 3 FOR EXISTING & PROPOSED LEGAL DESCRIPTIONS.
- PARCEL AREAS ARE TO THE WATER'S EDGE.

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	14.66'	467.79'	1°47'44"	S80°19'16"W 14.66'
C2	70.07'	467.79'	8°34'55"	S75°07'57"W 70.00'

CLIENT:

JAMES STANECKI

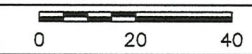
DATE: 1-4-2021

DRAWN BY: PWK

CHECKED BY: JPP

PARCEL SPLIT

#8884 COOLEY LAKE ROAD
SECTION: TOWNSHIP: 03N. RANGE: 08E.
WHITE LAKE TOWNSHIP
OAKLAND COUNTY
MICHIGAN



FBK: --
CHF: MM

2/3

20-318

SCALE HOR 1" = 40 FT.
VER 1" = -- FT.

GREENTECH

ENGINEERING, INC.

CIVIL ENGINEERS & LAND SURVEYORS

51147 W. Pontiac Trail, Wixom, MI 48393
Phone: (248) 668-0700 Fax: (248) 668-0701

CERTIFICATE OF SURVEY

LEGAL DESCRIPTIONS:

EXISTING PARCEL (PARCEL NO. 12-36-351-027):

LOTS 7 & 8 OF "TWIN SHORES", A SUB-DIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 36, T.03N., R.08E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 25 OF PLATS, PAGE 18, OAKLAND COUNTY RECORDS.

PROPOSED PARCEL 'A':

PART OF LOTS 7 & 8 OF "TWIN SHORES", A SUB-DIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 36, T.03N., R.08E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 25 OF PLATS, PAGE 18, OAKLAND COUNTY RECORDS, **EXCEPT** THAT PART OF LOT 8 DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE ALONG THE SOUTH LINE OF SAID LOT 8, 70.07 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 467.79 FEET, A DELTA ANGLE OF 08°34'55" AND A CHORD BEARING S75°07'57"W 70.00 FEET; THENCE N01°31'43"E 213.71 FEET; THENCE N05°19'39"E 6.10 FEET TO THE WATER'S EDGE OF COOLEY LAKE; THENCE CONTINUING ALONG SAID WEST LINE, N05°19'39"E 104.39 FEET; THENCE S09°35'57"E 176.66 FEET ALONG THE EAST LINE OF SAID LOT 8 TO THE SAID WATER'S EDGE OF SAID COOLEY LAKE; THENCE CONTINUING ALONG SAID EAST LINE, S09°35'57"E 133.36 FEET TO THE **POINT OF BEGINNING**. CONTAINING 0.28 ACRES (LAND AREA TO WATER'S EDGE), MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

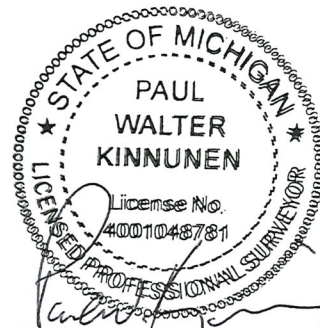
PROPOSED PARCEL 'B':

PART OF LOT 8 OF "TWIN SHORES", A SUB-DIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 36, T.03N., R.08E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 25 OF PLATS, PAGE 18, OAKLAND COUNTY RECORDS, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE ALONG THE SOUTH LINE OF SAID LOT 8, 70.07 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 467.79 FEET, A DELTA ANGLE OF 08°34'55" AND A CHORD BEARING S75°07'57"W 70.00 FEET; THENCE N01°31'43"E 213.71 FEET; THENCE N05°19'39"E 110.49 FEET ALONG THE WEST LINE OF SAID LOT 8; THENCE S09°35'57"E 310.02 FEET ALONG THE EAST LINE OF SAID LOT 8 TO THE **POINT OF BEGINNING**. CONTAINING 0.21 ACRES (LAND AREA TO WATER'S EDGE), MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 10/30/2020, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THE SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



JANUARY 4, 2021

PAUL W. KINNUNEN DATE OF MAP
 PROFESSIONAL SURVEYOR NO. 48781
 EMAIL: PAUL@GREENTECHENGINEERING.NET



CLIENT: JAMES STANECKI	DATE: 1-4-2021												
PARCEL SPLIT	DRAWN BY: PWK												
#8884 COOLEY LAKE ROAD	CHECKED BY: JPP												
SECTION: 36 TOWNSHIP: 03N. RANGE: 08E. WHITE LAKE TOWNSHIP OAKLAND COUNTY MICHIGAN	<div style="text-align: center;"> </div>												
	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">FBK:</td> <td style="border: none; text-align: center; font-size: 2em;">3/3</td> <td style="border: none; text-align: right; font-size: 0.8em;">20-318</td> </tr> <tr> <td style="border: none;">CHF: MM</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">SCALE</td> <td style="border: none;">HOR 1"=</td> <td style="border: none;">FT.</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">VER 1"=</td> <td style="border: none;">FT.</td> </tr> </table>	FBK:	3/3	20-318	CHF: MM			SCALE	HOR 1"=	FT.		VER 1"=	FT.
FBK:	3/3	20-318											
CHF: MM													
SCALE	HOR 1"=	FT.											
	VER 1"=	FT.											

From: Kelly Lang KLang@whitelaketwp.com
Subject: 8884 Cooley Lake, White Lake
Date: Dec 21, 2020 at 3:08:58 PM
To: Jim.stanecki@att.net
Cc: Aaron Potter APotter@whitelaketwp.com

Mr. Stanecki,

Per your request, we researched the property 8884 Cooley Lake Rd. (parcel id: 12-36-351-027) for gravity sewer leads. This property was originally lot 7 & 8 of Twin Shores Subdivision with the parcel ids: [12-36-351-017](#) and [12-36-351-018](#). According to the recorded drawings for lots 7 and 8, each lot has their own gravity sewer lead. DPS does not disclose the location of these sewer leads until the permitting process is in progress. Field verification will be necessary at time of sewer connection.

Please let us know if you need any more information, we are always happy to help.
Regards,

Kelly Lang

Secretary, Dept. of Public Services
White Lake Township
[7525 Highland Road](#)
[White Lake, MI 48383](#)
[\(248\) 698-7700 x 232](#)
klang@whitelaketwp.com



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

Jim Stanecki
8884 Cooley Lake Rd
White Lake, MI 48386

September 19, 2017

RE: Split of parcel 12-36-351-027
Lot 8

The above applicant has requested to split parcel 12-36-351-027, lot 8. The desire is to split lot 8 to create a new buildable parcel. Currently lots 7 and 8 of Twin Shores Subdivision have a total of 135 feet of road frontage on Cooley Lake Rd and approximately 19,775 square feet of area. The current zoning of this parcel is R1D, requiring a minimum of 80 feet of road frontage and 12,000 square feet of area. Individually the newly created parcels will not have sufficient road frontage to meet the zoning requirement. The new parcels would have approximately 65 and 70 feet. The square footage of the new created parcels would also be insufficient to meet the zoning requirements well. Lot 7 and part of 8 would be approximately 11,760 square feet, leaving the new parcel with approximately 8,015 square feet.

A 3,960 square foot home currently occupies the property. Without a survey I was unable to determine where the building sets on the property in relation to each lot, but it would appear that the proposed separation may leave less than the required ten feet set back from the existing home to the east lot line.

The parcel as it exists conforms to the size and set back requirements in the zoning ordinance. A split would leave two non-conforming sites and may violate the following sections of the ordinance.

Section 4.15: requires substandard lots to meet setback and open space provisions of the ordinance.
Section 27.06A: requires all side, rear, and open space setbacks for use of nonconforming lots of record.

Section 27.06 B7: The Zoning Board of Appeals may not reduce the side yard below five feet.

The request to split lot 8 is denied. You have the right to appeal to the zoning board of appeals. Please call the planning department if you need assistance.

Sincerely,

Jeanine A Smith, Assessor
White Lake Township

cc: Planning Department

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: January 28, 2021

Agenda item: 6f

Appeal Date: January 28, 2021

Applicant: Matthew Slicker

Address: 408 Burgess Drive
White Lake, MI 48386

Zoning: R1-C Single Family Residential

Location: 408 Burgess Drive
White Lake, MI 48386

Property Description

The approximately 0.387-acre (16,857.72 square feet) parcel identified as 408 Burgess Drive is located on Cedar Island Lake and zoned R1-C (Single Family Residential). The existing single-story house on the property (approximately 2,375 square feet in size) utilizes a private well for potable water and a private septic system for sanitation. The property, Lot 3 of the Cedar Island Shores plat, contains 68 feet in width at the street line.

Applicant's Proposal

Matthew Slicker, the applicant, is proposing to remove the existing 20-foot by 24-foot (480 square feet) single-story two-car attached garage to construct a new 33-foot by 24-foot two-story attached garage (792 square feet per floor; 1,584 total square feet).

Planner's Report

The existing house was built in 1954 and is nonconforming because it is located 2.9 feet from the west side property line and 4.8 feet (garage) from the east side property line. The proposed addition at the front of the house would be located five feet (roof overhang) from the east side lot line. A five-foot variance is being requested to encroach into the east side yard setback.

Article 7, Section 28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$100,400), the maximum extent of improvements cannot exceed \$50,200. The value of the proposed work is \$200,000. A variance to exceed the allowed value of improvements by 398% is requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.5.E	Side yard setback	10 feet	5 feet (east)	5 feet (east)
2	Article 3.1.5.E	Minimum lot width	100 feet	32 feet	68 feet
3	Article 7.28.A	Nonconforming structure	50% SEV (\$50,200)	398%	\$149,800 over allowed improvements

Recommended Motions:

Approval: I move to approve the variances requested by Matthew Slicker from Articles 3.1.5.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-27-427-004, identified as 408 Burgess Drive, in order to construct an addition that would encroach 5 feet into the required side yard setback from the east lot line and exceed the allowed value of improvements to a nonconforming structure by 398%. A 32-foot variance from the required lot width is also granted from Article 3.1.5.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- An as-built survey shall be required to verify the side yard setback. The projection of the roof overhang shall be no closer than five feet to the east side lot line.

Denial: I move to deny the variances requested by Matthew Slicker for Parcel Number 12-27-427-004, identified as 408 Burgess Drive, due to the following reason(s):

Table: I move to table the variance requests of Matthew Slicker for Parcel Number 12-27-427-004, identified as 408 Burgess Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated January 4, 2021.
2. Survey dated August 20, 2004 (revision date January 4, 2021).
3. Letter of denial from the Building Department dated January 7, 2021.

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.

**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: Matthew Slicker PHONE: 248-535-3342

ADDRESS: 408 Burgess Dr White Lake, MI 48386

APPLICANT'S EMAIL ADDRESS: mslicker@hrcenr.com

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

ADDRESS OF AFFECTED PROPERTY: 408 Burgess Dr PARCEL # 12 - 27-427-004

CURRENT ZONING: R1-C PARCEL SIZE: 0.387 acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: 3.1.5.E - Side yard setback
decrease of 5' from 10' for a result of a 5' setback. 7.28 - Renovations exceeding 50% of SEV

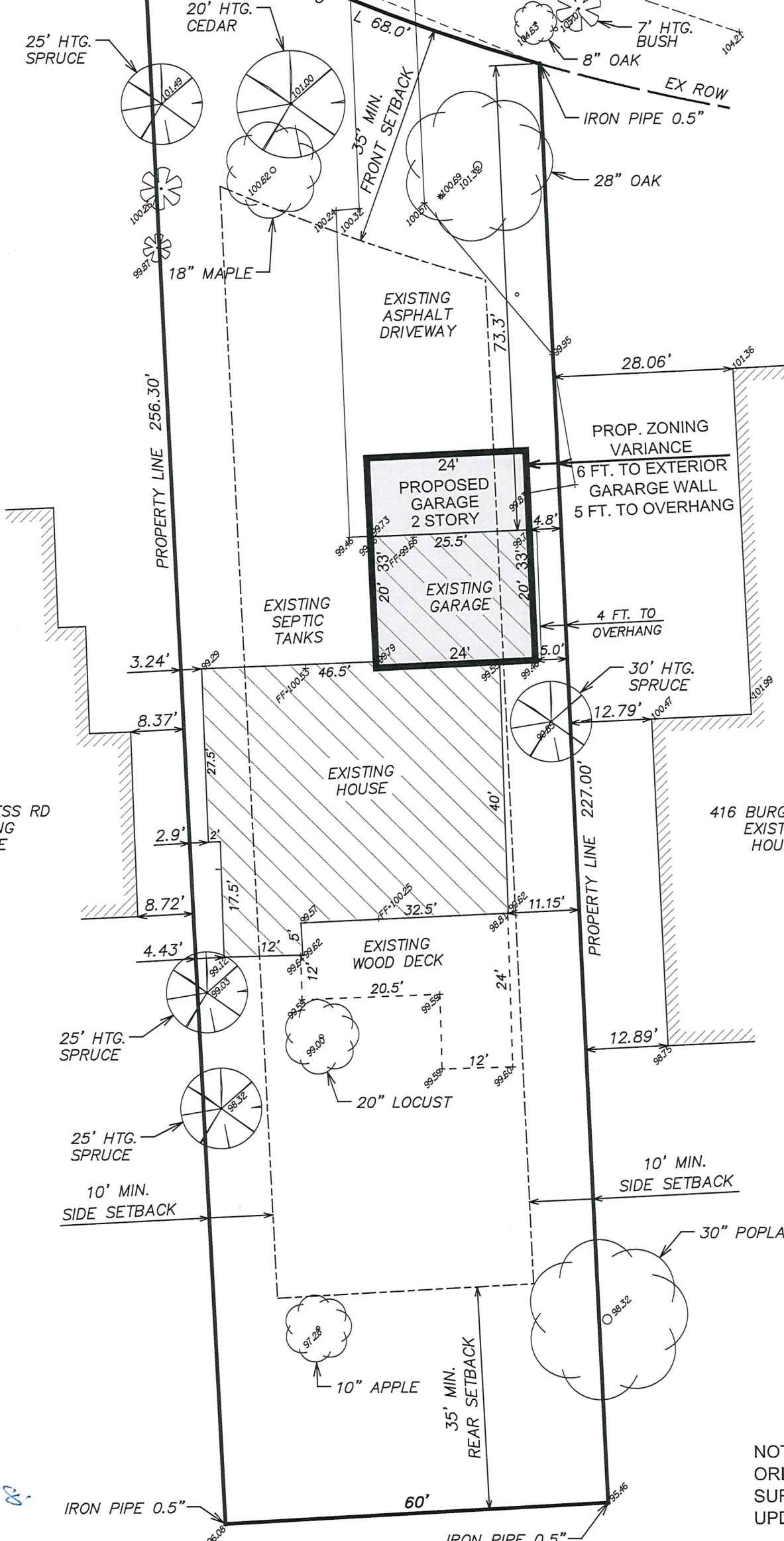
VALUE OF IMPROVEMENT: \$ 250,000 SEV OF EXISITING STRUCTURE: \$ 193,940

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

The existing house is 1900 sft +/- . Additional space is needed and we want to have a deeper garage. The septic tanks are located on the west side of the existing garage and the garage can not be moved any further to the west for the setback to the septic tanks. The existing garage is currently 5' from the property line.

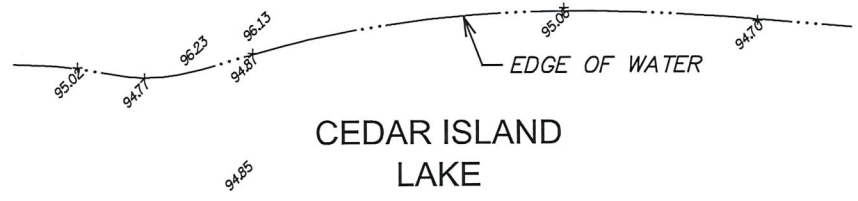
APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Matthew G. Slicker, P.E. Digitally signed by Matthew G. Slicker, P.E.
DN: cn=Matthew G. Slicker, o=HRC Engineering, ou=HRC Engineering, email=mslicker@hrcenr.com, c=US DATE: 1/4/2021



Jlm Isaacs Jr
 Professional Land Surveyor #25848
 4884 Lore Dr
 Waterford, MI 48329

Client: Matthew Slicker



NOT
 ORIG
 SUR
 UPD
 PRO
 LOT
 SHO
 TAX
 408

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer



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

WHITE LAKE TOWNSHIP

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

January 7, 2021

Matthew Slicker
408 Burgess Dr.
White Lake, MI 48386

RE: Proposed Alteration

Based on the submitted plans, the proposed residential structure does not satisfy the White Lake Township Clear Zoning Ordinance for R1-C zoning district.

Article 3.1.5 of the White Lake Township Clear Zoning Ordinance: Requires a minimum side yard setback of 10 ft each side and 20 ft total.

The existing structure is legal non-conforming with the lot containing a residential structure having a 3 ft. side yard setback on one side. While the proposed alteration would move the non-conforming foundation and overhangs outside the required 5 ft. side yard setback per **Article 7.27 (vii)**, the structure will still be non-conforming for R1-C zoning districts.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance.

Sincerely,

Nick Spencer, Building Official
White Lake Township

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals

FROM: Justin Quagliata, Staff Planner

DATE: January 28, 2021

RE: Bylaw Amendments

Based on staff research, it appears the Zoning Board of Appeals (ZBA) bylaws have not been reviewed and updated in over 20 years. The proposed amendments modernize and simplify many provisions of the bylaws, and include a few new bylaws related to the current operations of the Planning Department and practices of the Board. A summary of the substantive amendments are as follows:

- Article 3, Section 1: replaced repealed Township Zoning Act (Act 184 of 1943) with the Michigan Zoning Enabling Act 110 of 2006.
- Article 4, Section 1: eliminated limitation of officers serving more than two consecutive terms.
- Article 4, Section 5: eliminated this section for a Secretary officer. The Planning Department acts as the ZBA secretary. Removed references to “Secretary” and replaced with “Planning Department” throughout bylaws.
- Article 5, Section 1: updated this section regarding establishment of the annual meeting schedule.
- Article 5, Section 2: updated this section regarding special meeting notice to Board members.
- Article 5, Section 5: **newly created section** stating “No more than six public hearings may be scheduled for a regular meeting of the Board. The Chairperson may approve exceptions when this bylaw would cause substantial backlog in Board business.” This documents the policy we currently utilize.

- Article 5, Section 6: **newly created section** stating “Agenda items shall not be introduced for discussion or a public hearing opened after 10:00 p.m. The Chairperson may approve exceptions when this bylaw would cause substantial backlog in Board business.” In practice, if an item is completed after 10:00 p.m. and there is remaining business on the agenda, the Chair (who would likely seek concurrence from the other Board members), would decide whether or not to proceed with the meeting.
- Article 6, Section 1: updated this section regarding order of business (agenda) for more flexibility.
- Article 8, Section 5: updated this section (Stays) to be more consistent with Article 7, Section 34 of the zoning ordinance.
- Article 9: updated (simplified) this section regarding notice of public hearings.
- Article 11, Section 7: **newly created section** establishing a correction period for violations (determined by the Board, not to exceed six months).
- Article 12, Section 2: **newly created section** establishing a method to suspend a bylaw (at least three affirmative votes).

Redline and clean copy versions of the bylaws are attached. In accordance with Article XII, Section 1 of the current bylaws, an affirmative vote of a majority of the total membership of the Board is needed to amend the bylaws.

**CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS**

By-Laws and Rules of Procedure

Preamble

These by-laws ~~and rules~~ are supplementary to the provisions of the Zoning Ordinance of the Charter Township of White Lake as they relate to procedures of the Zoning Board of Appeals. Nothing herein shall be construed to give or grant to the Zoning Board of Appeals the power or authority to grant use variances, to alter or change the zoning ordinance, including the zoning map, which authority is reserved for the Township Board.

These by-laws ~~and rules of procedures~~ are adopted by the White Lake Township Zoning Board of Appeals (hereinafter called the Board).

Article I: Title

Section 1

The title of the Board shall be "The Zoning Board of Appeals for the Charter Township of White Lake."

Article II: Membership

Section 1

The Board ~~of Appeals~~ shall consist of five (5) regular members who shall be appointed by the Township Board. A member of the Board must be a member of the Planning Commission and a member of the Board may be a member of the Township Board. In addition to the five (5) regular members, the Township Board may appoint two alternate members. An alternate member may be called by the ~~e~~Chairperson to sit as a regular member of the Board ~~of Appeals~~ in the absence of a regular member ~~if a regular member is absent from or unable to attend two or more consecutive meetings of the Board of Appeals~~. Once an alternate member has been appointed, he or she shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the Board ~~of Appeals~~.

Section 2

Each member shall be appointed and serve for three (3) years, expiring on a date in December ~~31~~ in the year of expiration as determined by Township Board appointment, except for a member serving because of their membership on the Township Board, whose term shall be limited to the time he or she is a member of that body. Successor's in office shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. If appointments are made from the Planning Commission and/or Township Board, one or two of the terms shall be modified to facilitate these appointments.

Article III: AUTHORITY

Section 1

The Board ~~of Appeals~~ shall have all the powers and assume all the duties outlined in ~~Act 184 of the Public Acts of 1943 as amended~~ the Michigan Zoning Enabling Act (MZEA) 110 of 2006 (MCL 125.3101 et. seq.) and Zoning Ordinance No. 58 of the Charter Township of White Lake.

Article IV:

Section 1

Officers and their Duties

- (a) The officers of the Board shall consist of Chairperson, ~~and~~ Vice-Chairperson, selected from the general membership of the Board.
- (b) The election of all officers shall occur at the Board's first meeting in January following Township ~~to~~ Board appointments or re-appointments.
- (c) Any member nominated for an office ~~of~~ the Board shall have served on the Board for at least one year.
- (d) Nominations of members for an office shall be from the floor by a current member of the Board during the meeting when elections are held.
- (e) All nominations shall be seconded by another member of the Board to be considered a valid nomination.
- (t) All elections shall be conducted by a roll call vote. If there is only one nominee for an office, that nominee shall be assumed to be unanimously elected.
- (g) To be elected to an office, a nominee must receive a majority of the votes of those present.
- (h) All terms of office shall be for one year.
- (l) A member of the Board may serve in the same office of the Board for any number of terms, ~~but not more than two consecutive terms.~~

Section 2

Resignation of Officers

- (a) An officer may resign his/her office by submitting a letter to the Board addressed to the Chairperson or Vice-Chairperson, as appropriate.
- (b) The resignation from office will not become effective until acted upon and accepted by the Board at its next regularly scheduled meeting.

In the event an office becomes vacant by death, resignation or otherwise, the Board ~~of Appeals~~ shall elect an officer to serve the remainder of the term.

Section 3

Chairperson

The Chairperson shall preside at all meetings of the Board ~~of Appeals~~, in accordance with the rules provided herein.

Clearly ~~st~~ate the issues before the Board.

As appropriate, act as a liaison between the Board, ~~and~~ the Planning Staff, consultants, and other pertinent agencies or agents of the Township of White Lake, and utilizing proper administrative/management chains of authority.

Summarize pertinent correspondence received which deal with an issue before the Board.

Reserve his/her opinions on an issue until the other members of the Board who so wish have spoken on the issue.

Section 4

Vice-Chairperson

The Vice-Chairperson shall preside over meetings in the absence of the Chairperson, and at such times he or she shall have all the powers and be responsible for all the duties of the Chairperson.

Assist the Chairperson in recognizing members who may wish to speak.

Shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Board shall select a successor to the office of Vice-~~Chairperson~~ at the earliest practicable time.

Section 5

Secretary

~~The Board shall appoint a secretary who need not be a member of the Board.~~

~~The Secretary shall keep written records of all minutes, procedures, actions, and correspondence of the Board.~~

~~It shall be his/her duty to send notices of the meetings together with information and material to members.~~

~~The Secretary shall supervise all clerical work of the Board, sign all extra official communications of the Board, and perform such other additional duties as may be requested by the Board.~~

Article V: Meetings

Section 1

~~At the beginning of each year of its existence, the Secretary shall recommend to the Township Board the date, time and place of the regular meetings of the Board and shall advise the Board of the date, time and place of the meetings set by the Township Board. The Board shall hold at least six (6) regular meetings each year. All meetings of the Board shall be posted at the Township in accordance with the Open Meetings Act. All meetings shall be held on the fourth Thursday of the Month, unless otherwise so designated. A schedule of the Board's regular meetings including date, time, and place shall be established for each calendar year in accordance with the Open Meetings Act (Act 267 of 1976 as amended). Notice of such schedule shall be available to the public no later than ten days after the first meeting of the Board in each calendar year. A change in the regular meeting schedule shall be posted within three days after the meeting at which the change is made.~~

Section 2

Special meetings may be called ~~at any item~~ by the order of the Chairperson. Also, special meetings may be called upon request of two (2) members. When a special meeting is called, the ~~Planning Department Secretary~~ shall provide seventy-two (72) hours' notice of same to each member of the ~~Board~~. Notification may be by e-mail or telephone and shall include the purpose of the meeting. Public notice of special meetings shall be in accordance with the Open Meetings Act (Act 267 of 1976 as amended). Agenda items to be considered at a special meeting shall be limited to those included in the call to meeting, unless all members are present and vote otherwise.

Section 3

All meetings shall be open to the public and shall be preceded by notice in accordance with the Michigan Open Meetings Act, Act 267~~6~~ of the Public Acts of 1976 as amended and the Zoning Ordinance.

Section 4

In parliamentary matters, Robert's Rules of Order shall govern. The ~~Chairperson/presiding officer~~, subject to these rules, shall decide all points of order or procedure.

Section 5

No more than six public hearings may be scheduled for a regular meeting of the Board. The Chairperson may approve exceptions when this bylaw would cause substantial backlog in Board business.

Section 6

Agenda items shall not be introduced for discussion or a public hearing opened after 10:00 p.m. The Chairperson may approve exceptions when this bylaw would cause substantial backlog in Board business.

Article VI: Order of Business

Section 1

An agenda outlining the order of business shall be developed by the Planning Department with concurrence of the Chairperson. The agenda may be reordered by the Board during a scheduled meeting. The Board may postpone action on an agenda item if substantive information or materials are submitted at the meeting at which the agenda item is scheduled for consideration.~~The order of business for meetings shall be as follows:~~

- ~~1. Call to order by Chairperson~~
- ~~2. Roll Call~~
- ~~3. Determination of a quorum~~
- ~~4. Approval of previous meetings(s) minutes~~
- ~~5. Communications~~
- ~~6. Hearing of cases:~~

- ~~tabled cases~~
~~new cases~~
- ~~7. Miscellaneous business~~
 - ~~8. Adjournment~~

Article VII: Quorum and Voting

Section 1

For the transaction of ordinary business, at any regular meeting, or special meeting, three (3) members shall constitute a quorum. The ~~occurring affirmative~~ vote of at least ~~a majority~~ three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide any matter upon which the Board is required to pass by law, or to ~~ea~~ffect any variation in the terms of the Zoning Ordinance.

Section 2

A member shall disqualify himself or herself from participation in discussing a matter or voting on a matter in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself as outlined above when a conflict of interest exists may constitute ~~misconduct~~ malfeasance in office.

The member shall exit the room when ~~the~~ is case is called, and shall not return until a decision has been recorded. An alternate member may be called to sit for the regular member. Whenever possible, notification of a conflict shall be given to the Chairperson at least 72 hours prior to the hearing, and the Chair~~person~~ shall notify the Planning Staff so that an alternate may be requested to attend the meeting.

Article VIII: Appeals

Section 1

All applications to the Board ~~of Appeals~~ shall be made in writing on forms provided for that purpose. An application form may be obtained from the Planning Department. Appeals will be scheduled for hearing before the Board upon receipt of a completed application and supporting documentation and information required to be provided with the application. ~~The~~ application shall be accompanied by such fee as established by the Township Board.

Section 2

An appeal shall be made by the applicant within forty-five (45) days from the date of order, refusal of permit, requirement, or determination of such department from which the appeal is taken. The Board may, in exceptional cases, for good reason grant additional time to file an appeal.

Section 3

Applications of appeals for interpretation, variance, or appeal of an administrative decision pursuant to the requirements of the zoning ordinance shall be made in the name of the property

owner or by a person or persons having a substantial interest or rights in the property affected. An applicant may appear on his or her own behalf or may be represented by an attorney or agent at the hearing. Failure to appear will not necessarily deter action of the Board.

Section 4

The ~~Planning Department~~Secretary may require of the applicant additional information and/or data deemed essential to fully advise the Board of the circumstances relative to the request. Refusal or failure to comply shall be grounds for dismissal of the application by the Board.

Section 5

~~An appeal stays all proceedings in furtherance of the action appealed from subject to the conditions enumerated in the Township Rural Zoning Act. An appeal of any administrative order, requirement, decision, or determination stays all proceedings in furtherance of the action appealed unless the Planning Department, body, or officer certifies to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by the circuit court.~~

Section 6

The Board ~~of Appeals~~ shall not be bound by strict rules of evidence and it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

Article IX: Notice of Hearing

~~A written notice of public hearing indicating the nature of the request, the name of the applicant, and the date, time and place of the public hearing shall be mailed to the applicant and to the owners of all lots or parcels of land lying within three hundred (300) feet of the property in question or to the owners and occupants of the two adjoining parcels, whichever is farther. If any of the parcels fall within the boundary limits or an established homeowner's association, a notice shall be sent to said association if the Township has an address on record. The notice shall be delivered personally or by regular mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the tenant is not known, the term occupant may be used. Such notice shall be served or mailed at least seven (7) days prior to the date of the hearing. Notice of public hearings, including date, time, place, and purpose shall be made in conformance with applicable statutes and ordinances, including the Michigan Zoning Enabling Act (Act 110 of 2006 as amended) and Article 7, Section 35 of Zoning Ordinance No. 58 of the Charter Township of White Lake.~~

Article X: Procedure of Hearing

Section 1

The order of procedure of hearing shall be:

1. Presentation of the proponent's request by the Chairperson-
2. Administrative official's presentation and/or recommendation
3. ~~Applicant~~Proponent's presentation of his or her case
4. Board members questions to the Pproponent.
5. Open public hearing: Interested persons in support
Interested persons in opposition
6. Close public hearing
7. Proponent has opportunity to answer to any remarks made by

the public.

~~8.8 Board of Appeals~~ Members' questions, discussion and deliberations.

In the conduct of a hearing, all comments shall be directed to the Chairperson.

Section 2

The petitioner shall limit his/her remarks to ten minutes.

If the petitioner has a spokesperson, that person may make the main presentation and the petitioner may also speak, but both speakers shall not exceed the time limit of this rule without permission from the Chairperson.

Any member of the public wishing to address the Board during the public hearing shall fill out a card giving his/her name, address, and item he/she wishes to discuss.

The general public shall limit his/her remarks to three minutes each. Speakers shall not exceed the time limit of this rule without permission from the Chairperson.

Any person speaking on behalf of a group shall limit his/her remarks to five minutes, provided that those represented not speak individually.

No person other than a Board member shall be allowed to address an issue following the closing of the public hearing by the Chairperson.

The Chairperson shall instruct the petitioner or those who wish to speak during the public hearing to sum up their remarks when the Chairperson or Board Members feel that he/she has strayed from the pertinent facts, has become repetitive, or disrespectful to the Board.

Section 3

Motions

All motions shall be restated by the Chairperson before a vote is taken.

The name of the maker and supporters of the motion shall be recorded.

An affirmative vote of the majority of the Board members present for the conduct of business shall be required for the approval of any requested action or motion placed before the Board.

Roll call votes shall be required for all votes made by the Board.

Roll call votes shall be conducted in alphabetical order. The first such vote during the meeting shall begin with the first name alphabetically; the second vote shall begin with the second name alphabetically, and so forth. The Chair~~person~~ shall always cast the final vote.

Any member of the Board shall be excused from discussing or voting on any issue in which that member has a financial interest other than the common public interest.

Any member of the Board shall be excused from voting on any issue concerning that member's conduct.

On all other issues, each member who is present is required to vote unless excused by the unanimous consent of the remaining members present.

Section 4

Minutes

The Board minutes shall be prepared by the Planning Department or their designee, ~~and~~ approved by the Board, and be available to the public. Minutes of closed sessions shall be maintained separately and not disclosed to the public, except upon court order.

The minutes shall contain the following:

1. A synopsis of the meeting.
2. A complete restatement of all motions.
3. Points of consideration.
4. A record of the outcome of the Board votes, and the basis for such votes.
5. A complete statement of the conditions or recommendations made on any action.
6. A record of attendance.

ARTICLE XI Disposition of Appeals

Section 1

The Board ~~of Appeals~~ may reverse, affirm, vary or modify any order, requirement, decision, or determination as in its opinion should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 2

The final decision shall be in writing. The motion which decides the issue shall be in the form of a statement or resolution reciting the findings of facts and shall state the reasons for the findings as well as the conclusion and any conditions of approval imposed by the Board ~~of Appeals~~.

Section 3

Any applicant may, with the consent of the Board ~~of Appeals~~, withdraw his/her application at any time prior to final action thereon.

Section 4

Failure of an applicant or a subsequent owner of the property in question, to comply with the terms of any decision, including any conditions imposed thereunder, shall be in violation of the Zoning Ordinance and such terms and penalties thereunder may be enforced to halt such violation.

Section 5

No order of the Board ~~of Appeals~~ permitting the erection or alteration of a building shall be valid for a period longer than six (6) months from the date of approval, unless a building permit for such erection or alteration is obtained within such period, ~~and~~ such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board ~~of Appeals~~ permitting a use of a building or premises shall be valid for a period longer than six (6) months from the date of approval, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained ~~within such period,~~ and such erection or alteration is started and proceeds to completion ~~—in accordance with the terms of such permit.~~

Section 6

A file containing materials and decisions in relation to each case shall be kept by the Planning Department~~Secretary~~ as part of the record of the Board ~~of Appeals~~. All records shall be of public record.

Section 7

All violations shall be corrected within a reasonable time period, as determined by the Board, not to exceed six (6) months, as the Board may permit upon application. A violation not corrected within the specified time period shall be reported to the Township Attorney.

Article XII: Amendment and Suspension of Bylaws

Section 1

These by-laws ~~and Rules of Procedure~~ may be amended at any regular meeting upon an affirmative vote of a majority of the total membership of the Board ~~of Appeals~~.

Section 2

A bylaw may be suspended upon an affirmative vote of a majority of the total membership of the Board, provided said action is in accordance with established state or federal law, Township ordinance, and parliamentary authority.

The foregoing rules and regulations are hereby adopted by the Zoning Board of Appeals ~~for~~ the Charter Township of White Lake on ___ _ _ _ _

**CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS**

Bylaws

Preamble

These bylaws are supplementary to the provisions of the Zoning Ordinance of the Charter Township of White Lake as they relate to procedures of the Zoning Board of Appeals. Nothing herein shall be construed to give or grant to the Zoning Board of Appeals the power or authority to grant use variances, to alter or change the zoning ordinance, including the zoning map, which authority is reserved for the Township Board.

These bylaws are adopted by the White Lake Township Zoning Board of Appeals (hereinafter called the Board).

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Section 1

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Section 1

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Section 2

Each member shall be appointed and serve for three (3) years expiring on a date in December in the year of expiration as determined by Township Board appointment, except for a member serving because of their membership on the Township Board, whose term shall be limited to the time he or she is a member of that body. Successor's in office shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. If appointments are made from the Planning Commission and/or Township Board, one or two of the terms shall be modified to facilitate these appointments.

Article III: AUTHORITY

Section 1

The Board shall have all the powers and assume all the duties outlined in the Michigan Zoning Enabling Act (MZEA) 110 of 2006 (MCL 125.3101 et. seq.) and Zoning Ordinance No. 58 of the Charter Township of White Lake.

Article IV:

Section 1

Officers and their Duties

- (a) The officers of the Board shall consist of Chairperson and Vice-Chairperson, selected from the general membership of the Board.
- (b) The election of all officers shall occur at the Board's first meeting in January following Township Board appointments or re-appointments.
- (c) Any member nominated for an office of the Board shall have served on the Board for at least one year.
- (d) Nominations of members for an office shall be from the floor by a current member of the Board during the meeting when elections are held.
- (e) All nominations shall be seconded by another member of the Board to be considered a valid nomination.
- (f) All elections shall be conducted by a roll call vote. If there is only one nominee for an office, that nominee shall be assumed to be unanimously elected.
- (g) To be elected to an office, a nominee must receive a majority of the votes of those present.
- (h) All terms of office shall be for one year.
- (i) A member of the Board may serve in the same office of the Board for any number of terms

Section 2

Resignation of Officers

- (a) An officer may resign his/her office by submitting a letter to the Board addressed to the Chairperson or Vice-Chairperson, as appropriate.
- (b) The resignation from office will not become effective until acted upon and accepted by the Board at its next regularly scheduled meeting.

In the event an office becomes vacant by death, resignation or otherwise, the Board shall elect an officer to serve the remainder of the term.

Section 3

Chairperson

The Chairperson shall preside at all meetings of the Board, in accordance with the rules provided herein.

Clearly state the issues before the Board.

As appropriate, act as a liaison between the Board, the Planning Staff, consultants, and other pertinent agencies or agents of the Township of White Lake, and utilizing proper administrative/management chains of authority.

Summarize pertinent correspondence received which deal with an issue before the Board.

Reserve his/her opinions on an issue until the other members of the Board who so wish have spoken on the issue.

Section 4

Vice-Chairperson

The Vice-Chairperson shall preside over meetings in the absence of the Chairperson, and at such times he or she shall have all the powers and be responsible for all the duties of the Chairperson.

Assist the Chairperson in recognizing members who may wish to speak.

Shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Board shall select a successor to the office of Vice-Chairperson at the earliest practicable time.

Article V: Meetings

Section 1

The Board shall hold at least six (6) regular meetings each year. A schedule of the Board's regular meetings including date, time, and place shall be established for each calendar year in accordance with the Open Meetings Act (Act 267 of 1976 as amended). Notice of such schedule shall be available to the public no later than ten days after the first meeting of the Board in each calendar year. A change in the regular meeting schedule shall be posted within three days after the meeting at which the change is made.

Section 2

Special meetings may be called by the order of the Chairperson. Also, special meetings may be called upon request of two (2) members. When a special meeting is called, the Planning Department shall provide seventy-two (72) hours' notice of same to each member of the Board. Notification may be by e-mail or telephone and shall include the purpose of the meeting. Public notice of special meetings shall be in accordance with the Open Meetings Act (Act 267 of 1976 as amended). Agenda items to be considered at a special meeting shall be limited to those included in the call to meeting, unless all members are present and vote otherwise.

Section 3

All meetings shall be open to the public and shall be preceded by notice in accordance with the Michigan Open Meetings Act, Act 267 of the Public Acts of 1976 as amended and the Zoning Ordinance.

Section 4

In parliamentary matters, Robert's Rules of Order shall govern. The Chairperson, subject to these rules, shall decide all points of order or procedure.

Section 5

No more than six public hearings may be scheduled for a regular meeting of the Board. The Chairperson may approve exceptions when this bylaw would cause substantial backlog in Board business.

Section 6

Agenda items shall not be introduced for discussion or a public hearing opened after 10:00 p.m. The Chairperson may approve exceptions when this bylaw would cause substantial backlog in Board business.

Article VI: Order of Business

Section 1

An agenda outlining the order of business shall be developed by the Planning Department with concurrence of the Chairperson. The agenda may be reordered by the Board during a scheduled meeting. The Board may postpone action on an agenda item if substantive information or materials are submitted at the meeting at which the agenda item is scheduled for consideration.

Article VII: Quorum and Voting

Section 1

For the transaction of ordinary business, at any regular meeting, or special meeting, three (3) members shall constitute a quorum. The affirmative vote of at least three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide any matter upon which the Board is required to pass by law, or to affect any variation in the terms of the Zoning Ordinance.

Section 2

A member shall disqualify himself or herself from participation in discussing a matter or voting on a matter in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself as outlined above when a conflict of interest exists may constitute malfeasance in office.

The member shall exit the room when the case is called, and shall not return until a decision has been recorded. An alternate member may be called to sit for the regular member. Whenever possible, notification of a conflict shall be given to the Chairperson at least 72 hours prior to the hearing, and the Chairperson shall notify the Planning Staff so that an alternate may be requested to attend the meeting.

Article VIII: Appeals

Section 1

All applications to the Board shall be made in writing on forms provided for that purpose. An application form may be obtained from the Planning Department. Appeals will be scheduled for hearing before the Board upon receipt of a completed application and supporting documentation and information required to be provided with the application. The application shall be accompanied by such fee as established by the Township Board.

Section 2

An appeal shall be made by the applicant within forty-five (45) days from the date of order, refusal of permit, requirement, or determination of such department from which the appeal is taken. The Board may, in exceptional cases, for good reason grant additional time to file an appeal.

Section 3

Applications of appeals for interpretation, variance, or appeal of an administrative decision pursuant to the requirements of the zoning ordinance shall be made in the name of the property owner or by a person or persons having a substantial interest or rights in the property affected. An applicant may appear on his or her own behalf or may be represented by an attorney or agent at the hearing. Failure to appear will not necessarily deter action of the Board.

Section 4

The Planning Department may require of the applicant additional information and/or data deemed essential to fully advise the Board of the circumstances relative to the request. Refusal or failure to comply shall be grounds for dismissal of the application by the Board.

Section 5

An appeal of any administrative order, requirement, decision, or determination stays all proceedings in furtherance of the action appealed unless the Planning Department, body, or officer certifies to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by the circuit court.

Section 6

The Board shall not be bound by strict rules of evidence and it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

Article IX: Notice of Hearing

Notice of public hearings, including date, time, place, and purpose shall be made in conformance with applicable statutes and ordinances, including the Michigan Zoning Enabling Act (Act 110 of 2006 as amended) and Article 7, Section 35 of Zoning Ordinance No. 58 of the Charter Township of White Lake.

Article X: Procedure of Hearing

Section 1

The order of procedure of hearing shall be:

1. Presentation of the proponent's request by the Chairperson
2. Administrative official's presentation and/or recommendation
3. Proponent's presentation of his or her case
4. Board members questions to the proponent.
5. Open public hearing: Interested persons in support
Interested persons in opposition
6. Close public hearing
7. Proponent has opportunity to answer to any remarks made by the public.
8. Board Members' questions, discussion and deliberations.

In the conduct of a hearing, all comments shall be directed to the Chairperson.

Section 2

The petitioner shall limit his/her remarks to ten minutes.

If the petitioner has a spokesperson, that person may make the main presentation and the petitioner may also speak, but both speakers shall not exceed the time limit of this rule without permission from the Chairperson.

Any member of the public wishing to address the Board during the public hearing shall fill out a card giving his/her name, address, and item he/she wishes to discuss.

The general public shall limit his/her remarks to three minutes each. Speakers shall not exceed the time limit of this rule without permission from the Chairperson.

Any person speaking on behalf of a group shall limit his/her remarks to five minutes, provided that those represented not speak individually.

No person other than a Board member shall be allowed to address an issue following the closing of the public hearing by the Chairperson.

The Chairperson shall instruct the petitioner or those who wish to speak during the public hearing to sum up their remarks when the Chairperson or Board Members feel that he/she has strayed from the pertinent facts, has become repetitive, or disrespectful to the Board.

Section 3

Motions

All motions shall be restated by the Chairperson before a vote is taken.

The name of the maker and supporter of the motion shall be recorded.

An affirmative vote of the majority of the Board members present for the conduct of business shall be required for the approval of any requested action or motion placed before the Board.

Roll call votes shall be required for all votes made by the Board.

Roll call votes shall be conducted in alphabetical order. The first such vote during the meeting shall begin with the first name alphabetically; the second vote shall begin with the second name alphabetically, and so forth. The Chairperson shall always cast the final vote.

Any member of the Board shall be excused from discussing or voting on any issue in which that member has a financial interest other than the common public interest.

Any member of the Board shall be excused from voting on any issue concerning that member's conduct.

On all other issues, each member who is present is required to vote unless excused by the unanimous consent of the remaining members present.

Section 4

Minutes

The Board minutes shall be prepared by the Planning Department or their designee, approved by the Board, and be available to the public. Minutes of closed sessions shall be maintained separately and not disclosed to the public, except upon court order.

The minutes shall contain the following:

1. A synopsis of the meeting.
2. A complete restatement of all motions.
3. Points of consideration.
4. A record of the outcome of the Board votes, and the basis for such votes.
5. A complete statement of the conditions or recommendations made on any action.
6. A record of attendance.

ARTICLE XI: Disposition of Appeal

Section 1

The Board may reverse, affirm, vary or modify any order, requirement, decision, or determination as in its opinion should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 2

The final decision shall be in writing. The motion which decides the issue shall be in the form of a statement or resolution reciting the findings of facts and shall state the reasons for the findings as well as the conclusion and any conditions of approval imposed by the Board.

Section 3

Any applicant may, with the consent of the Board , withdraw his/her application at any time prior to final action thereon.

Section 4

Failure of an applicant or a subsequent owner of the property in question to comply with the terms of any decision, including any conditions imposed thereunder, shall be in violation of the Zoning Ordinance and such terms and penalties thereunder may be enforced to halt such violation.

Section 5

No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than six (6) months from the date of approval, unless a building permit for such erection or alteration is obtained within such period, and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than six (6) months from the date of approval, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 6

A file containing materials and decisions in relation to each case shall be kept by the Planning Department as part of the record of the Board . All records shall be of public record.

Section 7

All violations shall be corrected within a reasonable time period, as determined by the Board, not to exceed six (6) months, as the Board may permit upon application. A violation not corrected within the specified time period shall be reported to the Township Attorney.

Article XII: Amendment and Suspension of Bylaws

Section 1

These bylaws may be amended at any regular meeting upon an affirmative vote of a majority of the total membership of the Board.

Section 2

A bylaw may be suspended upon an affirmative vote of a majority of the total membership of the Board, provided said action is in accordance with established state or federal law, Township ordinance, and parliamentary authority.

The foregoing rules and regulations are hereby adopted by the Zoning Board of Appeals for the Charter Township of White Lake on _ _ _ _ _

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals

FROM: Justin Quagliata, Staff Planner

DATE: January 28, 2021

RE: Election of Chair and Vice-Chair

The Zoning Board of Appeals bylaws require that at the first regular meeting each calendar year the Board must select from its members a Chair and Vice-Chair. In accordance with Article 7, Section 32.B of the zoning ordinance, an elected official of the Township cannot serve as chair or vice-chair of the Zoning Board of Appeals. The general duties of each position are as follows:

Chair: The chair shall preside at all meetings, authorize calls for special meetings, and perform such other duties as may be specified by the Zoning Board of Appeals.

Vice-Chair: The vice-chair shall act in the capacity of the chair in the chair's absence. In the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term.

At the meeting on January 28, 2021 the current chair will request nominations for the officer positions listed above. Once nominations are made the Zoning Board of Appeals will vote on each office. The Board member receiving the most votes will serve in that position. The elected officer will begin serving immediately after being selected and will remain in office for the remainder of the year. Current officers may be re-elected, pending a bylaw amendment being considered at the January 28 meeting.

**Zoning Board of Appeals
Survey Requirement**

RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Charter Township of White Lake, Oakland County, Michigan, held virtually via Zoom on the 28th day of January, 2021 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, the Michigan Zoning Enabling Act confers upon a Zoning Board of Appeals powers such as, but not limited to, deciding appeals of an administrative official's decision, granting variances from standards of the zoning ordinance, and interpreting the provisions of the zoning ordinance; and

WHEREAS, Article 7, Section 38 of the zoning ordinance authorizes the Zoning Board of Appeals to compel testimony, require appellants to prepare and submit all necessary surveys, plans or other information necessary for the Zoning Board of Appeals to investigate the matters before it; and

WHEREAS, currently a survey is not required to file a variance application with the Planning Department; and

WHEREAS, the Zoning Board of Appeals discussed requiring a survey for variance applications at its special meeting on October 15, 2020 and its regular meeting on October 22, 2020; and

WHEREAS, in order to thoroughly consider variance requests the Zoning Board of Appeals determined a survey is necessary to verify the shape and dimension of the property, the location of all existing and proposed structures, and building-to-building and building-to-property line relationships.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE CHARTER TOWNSHIP OF WHITE LAKE, OAKLAND COUNTY, MICHIGAN as follows:

1. Pursuant to Article 7, Section 38 of the Zoning Ordinance, the Zoning Board of Appeals requires all appellants requesting a variance on nonconforming lots or a variance on nonconforming buildings/structures to provide a certified survey prepared by a registered land surveyor, as defined in Article 2, Section 2 of the Zoning Ordinance, upon submission of an application to the Township.
2. The Zoning Board of Appeals authorizes the Planning Department to grant a waiver from the survey requirement at its discretion.
3. The Zoning Board of Appeals reserves the right to modify the survey requirement in the future.

BE IT FURTHER RESOLVED that effective immediately the Planning Department of the Charter Township of White Lake is directed to administer the survey requirement.

ADOPTED: YEAS: _____

NAYS: _____

I, the undersigned, the duly qualified Chairman of the Zoning Board of Appeals of the Charter Township of White Lake, Oakland County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Zoning Board of Appeals held on the 28th day of January 2021.

Josephine Spencer
Zoning Board of Appeals Chair