

Ms. Spencer noted for the record that 29 owners within 300 feet were notified. No letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Property Description

The approximately 0.378-acre (16,465.68 square feet) parcel identified as 2518 Tackels Drive is located on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,837 square feet in size) utilizes a private well for potable water and the public sanitary sewer for sanitation.

Applicant's Proposal

Steven Gangnier, the applicant, is proposing to construct an attached garage addition to the house. The applicant indicated the height of the proposed garage would not exceed the height of the existing one-story house.

Planner's Report

The existing house was built in 1957 and is considered nonconforming because it does not meet the 10-foot side yard setback or the 30-foot front yard setback. The proposed four-car garage addition would be 1,184.30 square feet in size and at its closest point would encroach 23 feet into the required 30-foot front yard setback. An existing one-car attached garage (approximately 330 square feet) proposed for demolition is setback 8.7 feet from the front lot line. The proposed addition would be more nonconforming than the existing structure. Note not all of the dimensions labeled on the plan match the scaled drawing or the estimated floor plans, which are not drawn to scale.

The R1-D zoning district allows a maximum lot coverage of 20%. Currently the subject property contains approximately 17.5% lot coverage. The proposed addition would increase the lot coverage to 23.23% (3,824 square feet).

On April 25, 2019 the Zoning Board of Appeals approved variance requests from the applicant to construct a garage addition. Variances are valid for a period of six months from the date of approval, unless a building permit is obtained within such period and the work associated with the variance is started and proceeds to completion in accordance with the terms of the building permit. The applicant did not obtain a building permit within six months of approval so the variances expired and are void.

The previously approved garage addition was approximately 1,088 square feet in size (a 96.3 square foot increase in size from the 2019 to the 2020 request). A 20-foot variance to allow a 10-foot setback from Tackels Drive was approved (a 3-foot decreased setback from the prior proposal to the current request). Based on the previous proposal a 3.8% variance was granted to exceed the maximum lot coverage (a 0.57% decrease in lot coverage from the 2019 request due to the applicant's purchase of property to the east).

The applicant is requesting a variance for the proposed garage addition to encroach 23 feet into the front yard setback from Tackels Drive and a variance to exceed the maximum lot coverage by 3.23% (532 square feet). The requested variances are listed in the table on the following page.

Mr. Schillack asked if the purchase of the land to the east changes the lot coverage? Mr. Quagliata confirmed, and added that the parcels have been legally combined. The entire parcel is subject to the 20%.

Mr. Powell wanted clarification regarding the existing garage. It currently stands around 8' off the right of way. The new proposal shows the garage moving closer to the right of way. Mr. Quagliata reviewed the case from last year, and approved request last at that time was 10' set back from the front. The Board deemed that this request was a slight improvement to the non conformity. Mr. Powell also asked if there would be a difference in the variance requests if the entire addition were not a garage, but partial living space as well? Mr. Quagliata confirmed, and said it could become living space in the future and that needs to be taken into consideration.

Ms. Spencer noted for the record that 31 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Gangnier was present to explain his case. He assured the board that this addition is only for garage space. The 8.'7' is to the brick structure, the 7' is to the soffit overhang. It's the same footprint where the garage is now. He did buy the land next door to improve lot coverage. Post approval last year, the builder for the project elevated his quote. Due to cost, Mr. Gangnier was not able to pull permits at that time. He was advised by his new builder to go back to the ZBA for the existing lot line on the road because he wouldn't be able to comfortably fit a vehicle in the 10' setback. The garage would be no higher than the current one.

Mr. Powell said the layout for the garage is a two are side by side with the ability to put an extra boat or the like on the side. It's rare that a modern car is over 20' long, and the depth on the plans currently show around 21'. He feels as if the applicant is asking the ZBA to break the law to accommodate for a want, and not a need. This does not show a hardship.

Mr. Gangnier said that he spoke with Township staff, and was advised by a potential builder to par down based on price. It had been suggested to construct just the two-car garage off the front and lose the pull through if it's deemed unnecessary. In this case, the quotes are astronomical. His goal is to not use all of the variance with his current proposal, but his second choice is to stay within the variance requested and to have the two car without the pull through if it's financially feasible. In that case, he would still maintain the 10' setback. Mr. Powell said if 3' was lost off the front and added to the back of the garage, the same thing would be accomplished. He's not as concerned about the lot coverage as much as he is about the garage being pushed far into the road.

Ms. Spencer opened the public hearing at 7:22 p.m. Seeing none, she closed the hearing at 7:23 p.m.

Mr. Schillack said he feels like the garage is still a good addition to the neighborhood. He thinks over time, more people will try to move closer to the roads and away from the lakes.

Mr. Powell believes that a garage is needed, and the currently one is virtually a shed. He would prefer it to be wider than deeper. He doesn't think that any Township board will get used to a 10' setback from right of ways. He acknowledged that lake front lots need more percentage of lot coverage. He is not in favor of giving more than a 10' setback variance. The east side of the garage can be extended and it would be a good compromise. He suggested if the lot coverage percentage was left the same, the garage could be made wider. He would like to see the end result be 10' rather than 7'.

Ms. Spencer stated she was not comfortable with what was presented. The proposal currently is unsafe, and the ZBA is charged with health, safety and welfare. She would like to see greater than a 10' setback, but she is comfortable with 10'.

Ms. Dehart agreed, and said while she appreciated the applicant getting more land to make the lot coverage better, she can't see why last year's approval won't work.

Mr. Gangnier explained that the current lot dimension off the road is 8.7' to the brick building. The 7' is to the soffit. Mr. Quagliata added that the building plans reviewed by the Township measure the 7' setback to the edge of the structure, so what the applicant just described is not shown on the plan. Ms. Spencer clarified from the front of the building at pavement to the right of way is 7'. Mr. Quagliata confirmed. Mr. Gangnier apologized; he wrote the variance incorrectly. He should have meant to say exactly where the currently building is at which is 8.7'.

Mr. Powell pointed out that even at 10', it does not allow a car to pull out 90 degrees off the roadway and not stick its back out into the street. It does allow for a parallel park. 7' would have any opened car door out into the street. There are also overhead powerlines on this side of the street, normally there is a 12' easement. This makes for a 6' fall line of each side of the powerlines if they were to break, they wouldn't fall on a structure. Right now, they appear to be 3'-4' over the current structure. It wouldn't be fair to move that structure back far enough to move out of the fall line, if the lines were to snap. At 10', the wire would fall on the pavement and not on the structure.

Mr. Gangnier explained that DTE has 12' horizontal setbacks and 21' vertical setbacks from primary and secondary lines. He is currently in violation of both. The secondary lines only feed his house; the corner pole feeds the neighbor's house. The secondary line will go under ground after the build and feed to the new meter on the side of the house.

Mr. Powell MOTIONED to approve the variances requested by Steven Gangnier from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-11-478-038, identified as 2518 Tackels Drive, in order to construct an attached garage that would encroach 20 feet into the required front yard setback and exceed the maximum lot coverage by 3.23% (532 square feet).

Variance #	Ordinance Section	Subject Standard	Requested	Variance	Result
1	Article 3.1.6.E	Front yard setback	30'	20'	10'
2	Article 3.1.6.E	Max. Lot coverage	20%	3.23%	23.23%

This approval will have the following conditions:

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

Mr. Walz supported, and the MOTION CARRIED with a roll call vote (5 yes votes):

DeHart: YES, for the reasons Mr. Powell stated and for safety concerns on the setback

Powell: YES, it is a reduction in the existing non conforming use, overhead powerlines, and it allows for a car to be parked parallel between the garage and the street right of way

Schillack: YES, for reasons stated and this is an improvement to the neighborhood.

Walz: YES, a practical difficulty exists with the existing non configuration, and this will improve the area and safety with the location.

Spencer: YES, for the reasons stated, and since the variance is now 10' instead of 7', it is the safer option, and for all other reasons stated as well.

- b.) Applicant: Mike and Carolyn Roy
471 Joanna K Avenue
White Lake MI, 48386
- Location: **471 Joanna K Avenue**
White Lake, MI 48386 identified as 12-22-427-014
- Request: The applicant requests to construct a second-story addition on an existing one-story house, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback and Article 7.28.A, Repairs and Maintenance is required due to the value of improvements and increase in cubic content on a nonconforming structure.

Ms. Spencer noted for the record that 29 owners within 300 feet were notified. No letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Property Description

The approximately 0.56-acre (24,393.60 square feet) parcel identified as 471 Joanna K Avenue is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,264 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Mike and Carolyn Roy, the applicants, are proposing to construct an addition to the house. The applicant indicated the first-floor would be expanded over the footprint of the existing one-car garage and a new second-floor would be constructed over the entire first-floor.

Planner's Report

The existing house was built in 1947 and is considered nonconforming because it is located 3'-4" from the east property line. Article 7.23 of the zoning ordinance states nonconforming structures may not be enlarged or altered in a way which increases its nonconformity. The proposed addition would be 1,504.50 square feet in size and at its closest point would encroach five (5) feet into the required 10-foot side yard setback.

Article 7.28 of the zoning ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs 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 (\$175,859.50), the maximum extent of improvements cannot exceed \$87,929.75. The value of the proposed work is \$175,000. A variance to exceed to exceed the allowed value of improvements by 199% is requested.

Mr. Powell noted that with the change in the economy, the SEV percentage may want to be looked at again. It's hard to stay within the 50% rule with the cost of construction. Mr. Quagliata said it is pretty common in multiple municipalities, and the intent is to over time, to reduce or eliminate non conformities. This isn't to prevent people from making improvements, but instead prevent a dilapidated shack into becoming a mansion on the lake.

Mr. and Mrs. Roy were in attendance, as well as their daughter Sarah. Ms. Roy spoke on behalf of her parents. They are currently trying to update the house to code and make the home comfortable for them. The second story sq. footage may have to be reduced due to budget concerns. They are trying to become more compliant with the side yard as well.

Mr. Powell asked what was going to be proposed on the second floor. Ms. Roy said bedrooms and a bathroom, and the home currently has three bedrooms. He said it was important to not violate the standards from the Oakland County Health Department. The septic field will have to be able to support same number of bedrooms as to not trigger a change in use from the Health Department.

Ms. Spencer opened the public hearing at 7:52 p.m. Seeing none, she closed the public hearing at 7:53 p.m.

Ms. Dehart asked if anyone has determined that the existing structure can support an additional story.

Mr. Quagliata said the applicant will have a structural engineer certify that the existing structure can support a second story.

Mr. O'Neil mentioned that he met with the applicants, and their original application had more variances than what is being requested tonight, and they worked with staff to minimize the variances and the impact of the requests being made.

Mr. Powell pointed out that the applicants have the room to over 10' to the west, but they are trying to maintain two existing foundations and they have stepped up to make the non-conformities less on the east side.

Ms. Spencer said her problem is requesting 200% over the SEV. 200% is an enormous amount to increase the non-conforming area when the ZBA is charged to improve or eliminate. She is concerned about setting precedence.

Mr. O'Neil added that every application stands on its own. This section of the ordinance is to prevent someone from taking a shanty and limping it along when it needs to be demolished. This is not the situation with the applicant. They have a liveable, older home that they are putting a sizeable improvement on. They are being honest about the monetary costs. The applicants increased the value and are making the house more conforming with their side yard setback.

Mr. Walz MOTIONED to approve the variances requested by Mike and Carolyn Roy from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-22-427-014, identified as 471 Joanna K Avenue, in order to construct an addition that would encroach 5 feet into the required side yard setback and exceed the allowed value of improvements to a nonconforming structure by 199%.

Variance #	Ordinance Section	Subject	Standard	Requested	Result
1	Article 3.1.6.E	Side yard setback	10'	5'	5'
2	Article 7.28.A	Nonconforming structure	50% SEV	199%	\$87,070.25 over allowed improvements

With the following conditions:

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

Ms. Dehart supported the motion, and the MOTION CARRIED with a roll call vote (5 yes votes):

Dehart: YES, because moving the side yard set back is an improvement, as well as being an improvement to the neighborhood

Powell: YES, for the reasons stated as well as the applicants have done their best to minimize their variance request and have kept their sight distance to the lake for their neighbors in their proposed addition.

The garage would be part of the principal structure if connected with the proposed addition, and therefore would be subject to the principal structure setback requirements of the R1-D zoning district. The garage would be considered nonconforming if it becomes part of the house because it does not meet the 30-foot front yard setback.

The applicant is requesting a variance for the proposed garage addition to encroach 19.6 feet into the front yard setback from the Lake View Drive right-of-way.

Mr. Quagliata added that with the initial submittal, the applicant did not include the value of construction on the application. The applicant gave a verbal amount of \$19,500 estimated for the proposed work. Staff does not concur with that evaluation of work. The SEV of the property is \$62,000, and the maximum extent of improvements during a 12-month period cannot exceed \$31,000. This variance was not stated or published.

Mr. Quagliata added that the options tonight would be to either approve the published variance with conditions based on the evaluation, which has not been submitted. The other option is to table the case so the applicant can come back and both variances can be considered concurrently.

Mr. Hazen was present to represent the homeowners. He had come to the Township a year ago with a preliminary plan. He met with the former building official and at the time, it was suggested to reduce the size of the addition and to keep the structure behind the setbacks. When the applicants went to apply this year, they were told they needed to apply for a variance. The setback was the initial reason for the variance. He acknowledged it will probably cost somewhere from \$100,000-\$150,000 to construct.

Mr. Quagliata added that the applicants would not have to pay the full fee to reapply again. They would pay for the cost of postage and materials to re-notice the neighbors again. He estimated about another \$100-\$150 for the costs of mailing.

Mr. Neumann was in attendance as well. He said he didn't get anything regarding construction costs in writing because he wasn't certain his initial variance request would get approved.

Ms. Spencer added that while she does not have a problem with the requested variance, she cannot proceed any further without the SEV. If the SEV wasn't an issue, she would be in favor of the request.

Mrs. Jan Neumann, also in attendance, asked for the case to be tabled.

Mr. Walz MOTIONED to table the variance request of Andre' Neumann for Parcel Number 12-26-179-029, identified as 267 Lake View Drive, until such time the requested variance from the front yard setback and a variance to exceed the allowed value of improvements to a nonconforming structure can be considered concurrently.

Mr. Schillack supported, and the motion carried with a roll call vote (5 votes):

Dehart-YES; the construction amount needs to be given.

Powell- YES.

Schillack- YES; so, we can allow the applicants time to bring the information needed so a good wise decision can be made to help them as well as the community.

Walz- YES.

Spencer- YES, for all the reasons stated.

Other Business:

None.

Adjournment: The meeting was adjourned at 8:45 p.m.

Next Meeting Date: July 23, 2020 (will be also held via Zoom)

DRAFT

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: July 23, 2020

Agenda item: 6a

Appeal Date: July 23, 2020

Applicant: Andre' B. Neumann

Address: 267 Lake View Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 267 Lake View Drive
White Lake, MI 48386

Property Description

The approximately 0.421-acre (18,338.76 square feet) parcel identified as 267 Lake View Drive is located within the Cedar Crest No.1 Subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 772 square feet in size) utilizes a private well for potable water and a private septic system for sanitation. The corner lot also contains frontage on Bramblebrae Drive and the majority of the site driveway is located in the Lake View Drive right-of-way.

Applicant's Proposal

Andre' B. Neumann, the applicant, is proposing to construct a two-story addition to the existing single-story house and has indicated the foundation for the proposed addition would be slab-on-grade.

Planner's Report

The existing house was built in 1927 and is considered nonconforming because it does not meet the 30-foot front yard setback. The proposed 1,027.80 square foot two-story addition would connect the existing house on the south side of the property with a detached garage on the north side of the property. At its closest point the proposed addition would encroach 19.6 feet into the required 30-foot front yard setback.

The garage would be part of the principal structure if connected with the proposed addition, and therefore would be subject to the principal structure setback requirements of the R1-D zoning district. The garage would be considered nonconforming if it becomes part of the house because it does not meet the 30-foot front yard setback.

Article 7.28 of the zoning ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs in any period of 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 (\$62,260), the maximum extent of improvements cannot exceed \$31,130. The value of the proposed work is \$100,000. A variance to exceed the allowed value of improvements by 321% 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	19.6 feet	10.4 feet
2	Article 7.28.A	Nonconforming structure	50% SEV (\$31,130)	321%	\$68,870 over allowed improvements

Recommended Motions:

Approval: I move to approve the variances requested by Andre' Neumann from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-26-179-029, identified as 267 Lake View Drive, in order to construct an addition that would encroach 19.6 feet into the required front yard setback and exceed the allowed value of improvements to a nonconforming structure by 321%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department

Denial: I move to deny the variances requested by Andre' Neumann for Parcel Number 12-26-179-029, identified as 267 Lake View Drive, due to the following reason(s):

Table: I move to table the variance requests of Andre' Neumann for Parcel Number 12-26-179-029, identified as 267 Lake View Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated April 21, 2020.
2. Site plan received by the Township on June 3, 2020.
3. Floor plans received by the Township on April 21, 2020.
4. Letter of denial from the Building Department dated March 2, 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.

Copy - All paperwork emailed 4/21/2020

PAID 102K

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: Andre' B. Neumann PHONE: 248-240-2242

ADDRESS: 267 Lakeview Dr. White Lake, MI. 48386

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

ADDRESS OF AFFECTED PROPERTY: 267 Lakeview Dr., White Lake PARCEL # 12 - 26-179-029

CURRENT ZONING: residential PARCEL SIZE: 150.55 X 96.3 = 14,497.97 sq. ft.

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: We would like a variance to do an addition to attach our garage to our house to increase our house size so our daughter and son can have seperate rooms.

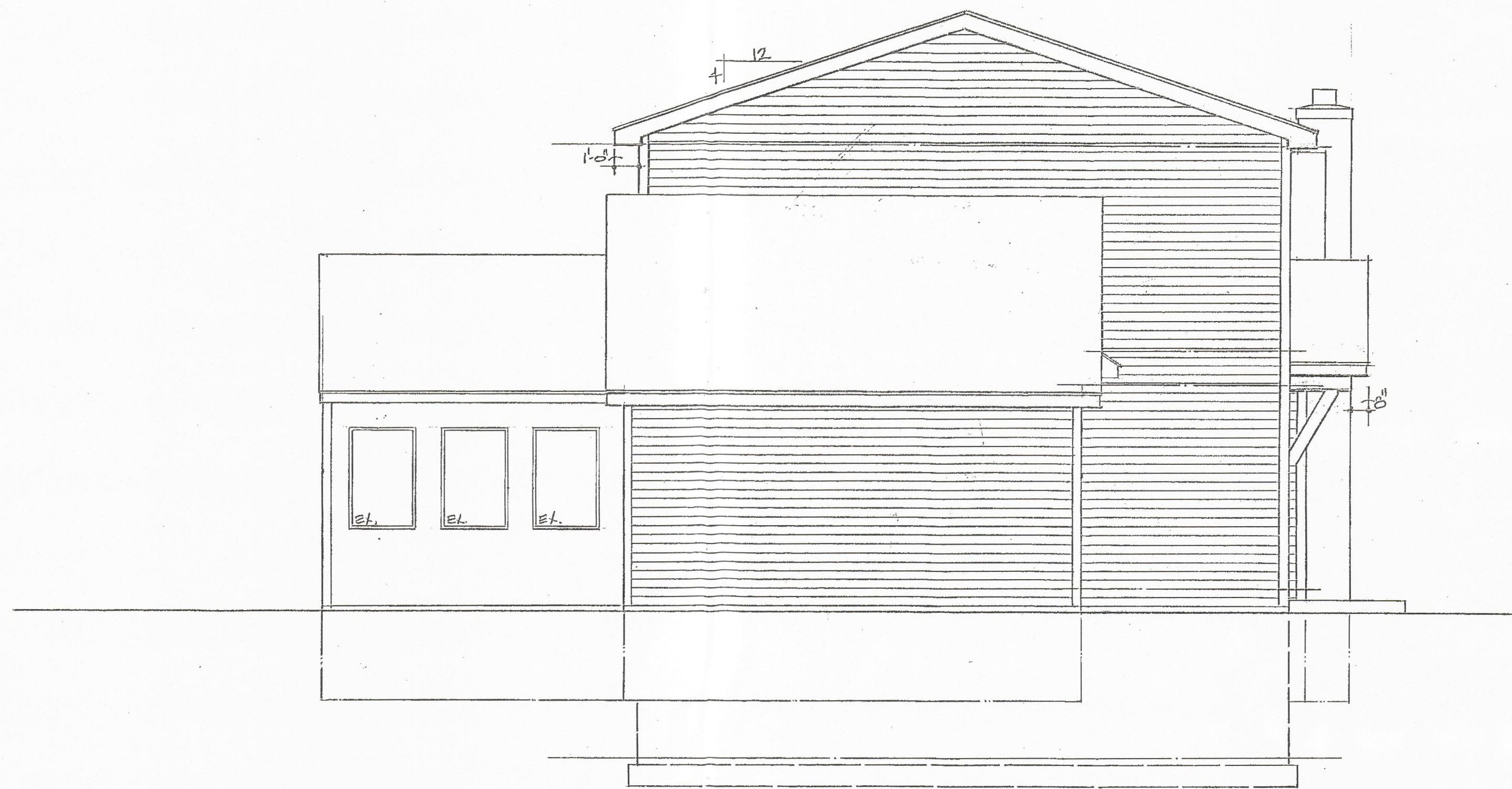
STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

We were told our house is too close to the road but the addition will not be any closer to the road than it already is. It does not affect where our house currently sits. We will only be bringing the kitchen out to match where the existing house sits now. Our architect, David Hazen told us he got this approved prior to finalizing the plans. He said he was told as long as we were staying inside the existing setbacks that it would be approved without needing a variance. Unfortunately, it was all verbal and we have nothing in writing to back this up.

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

APPLICANT'S SIGNATURE:  DATE: 4/21/2020

aneumann1996@gmail.com



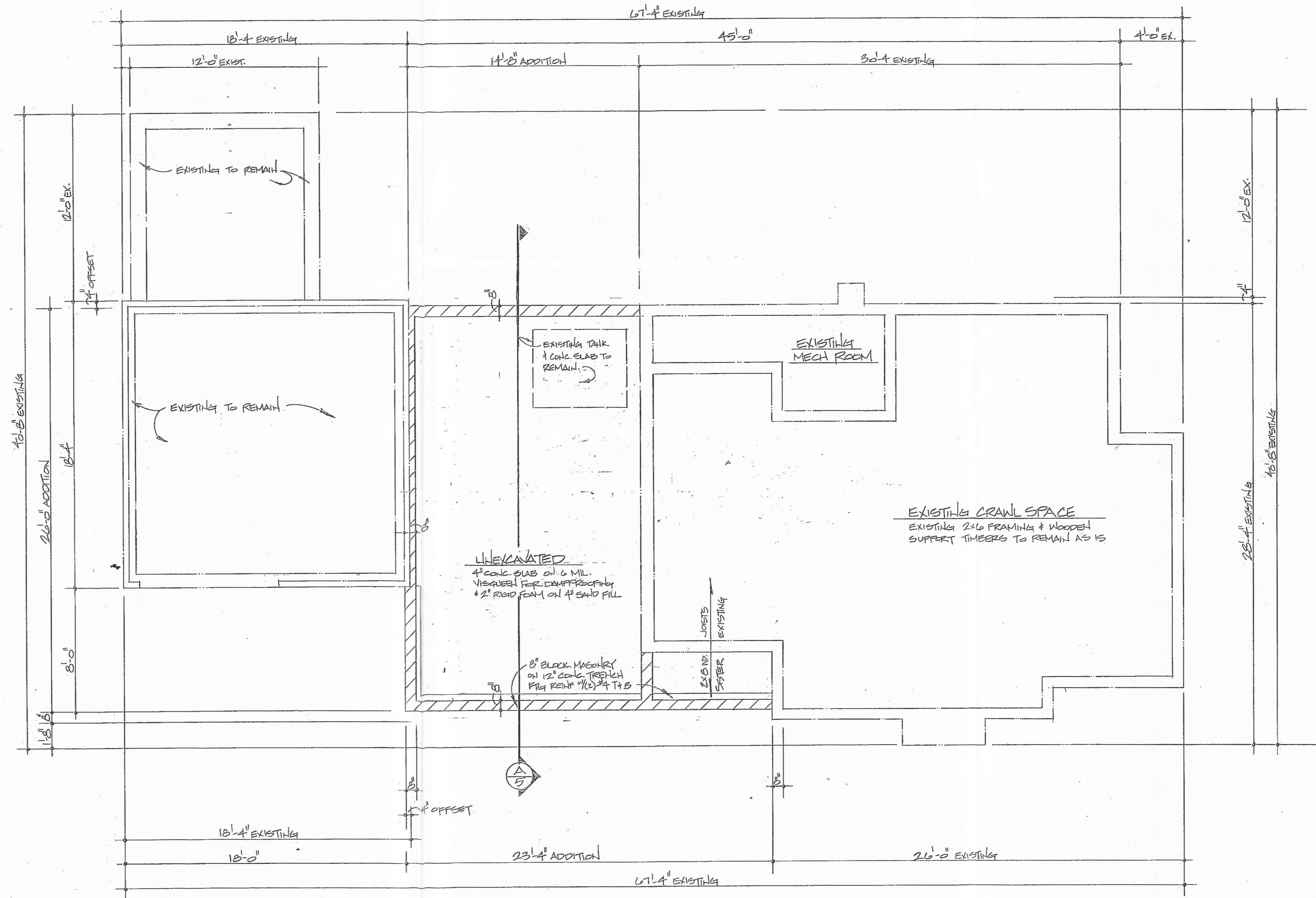
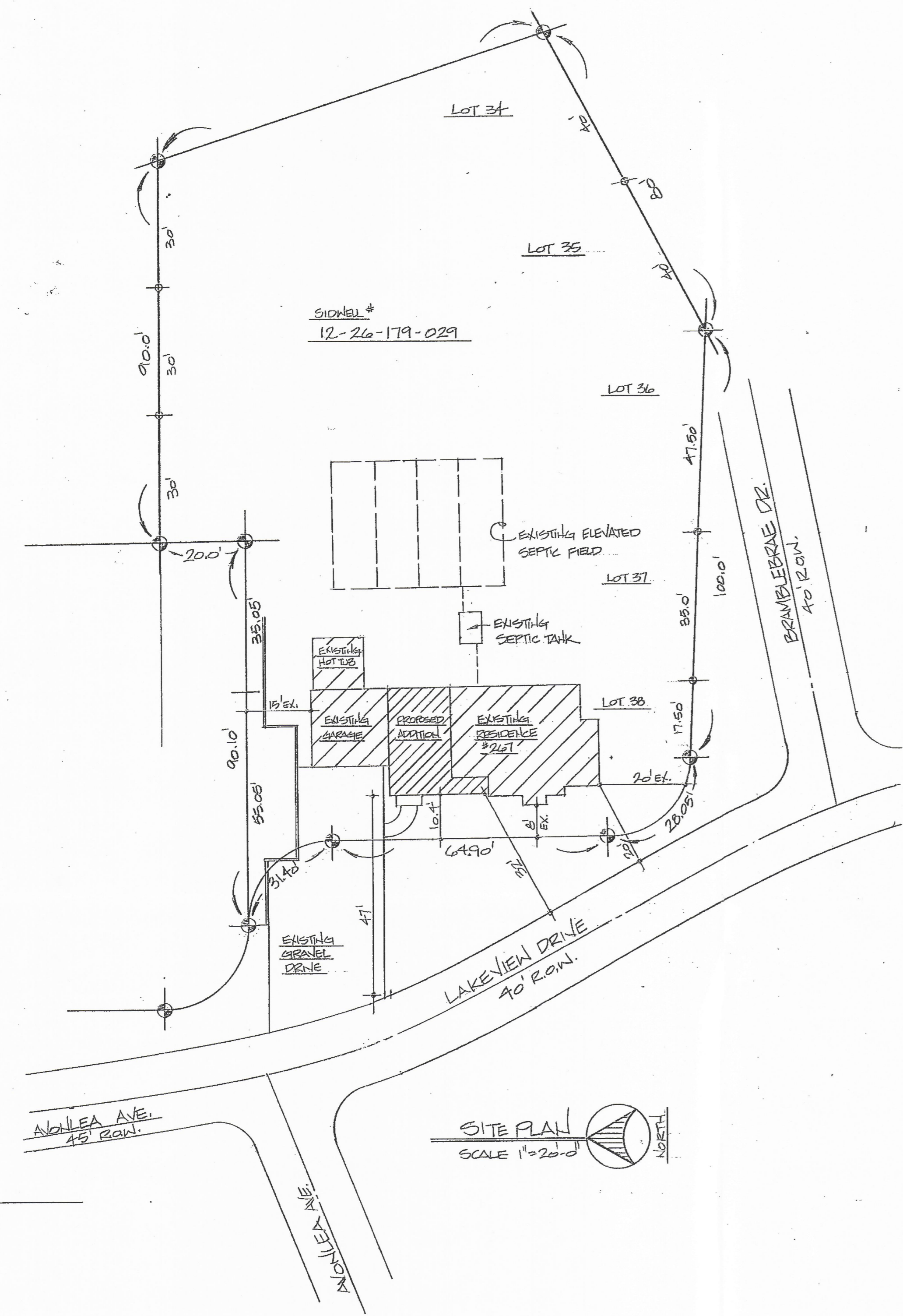
NORTH ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



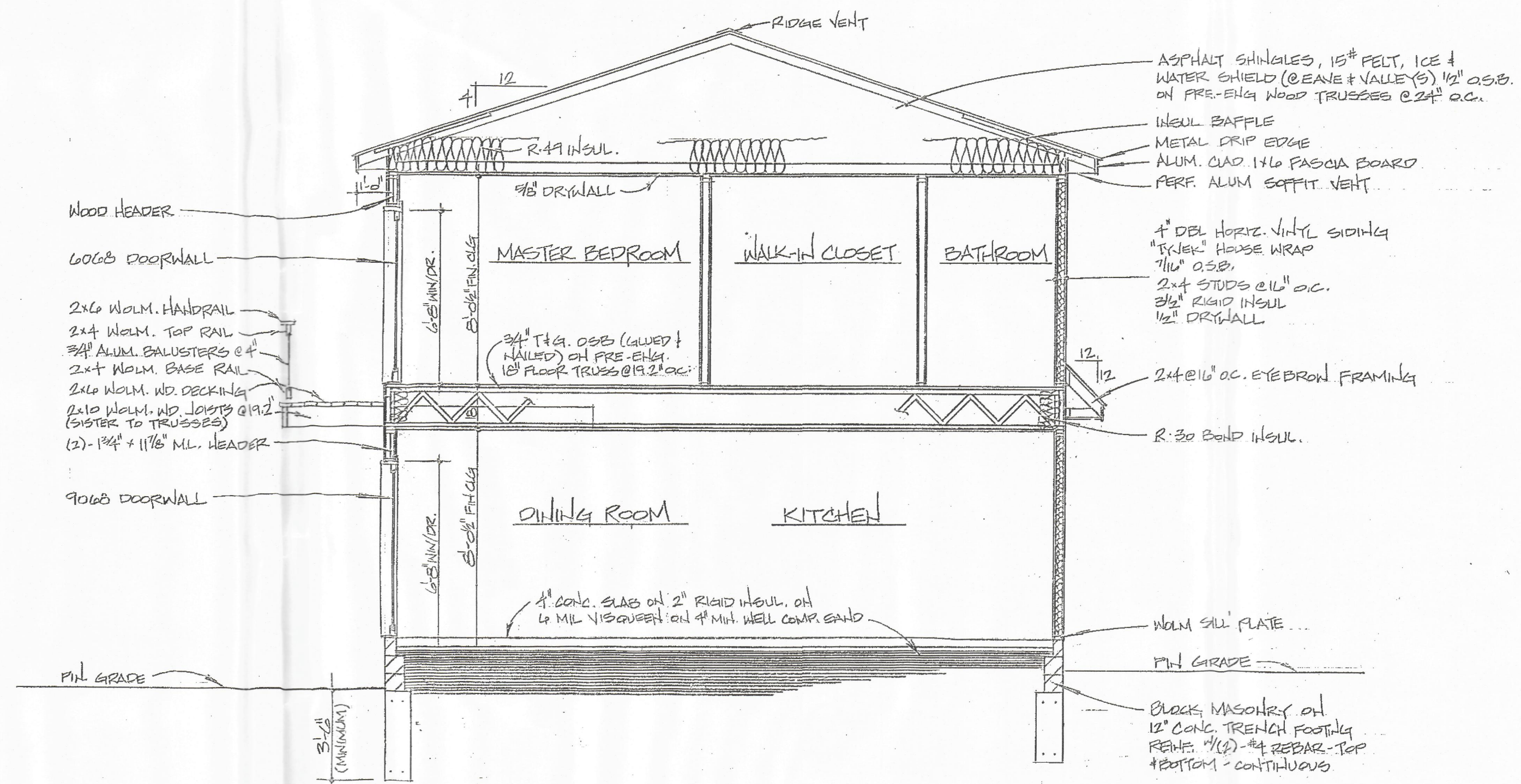
WEST ELEVATION
SCALE 1/4" = 1'-0"



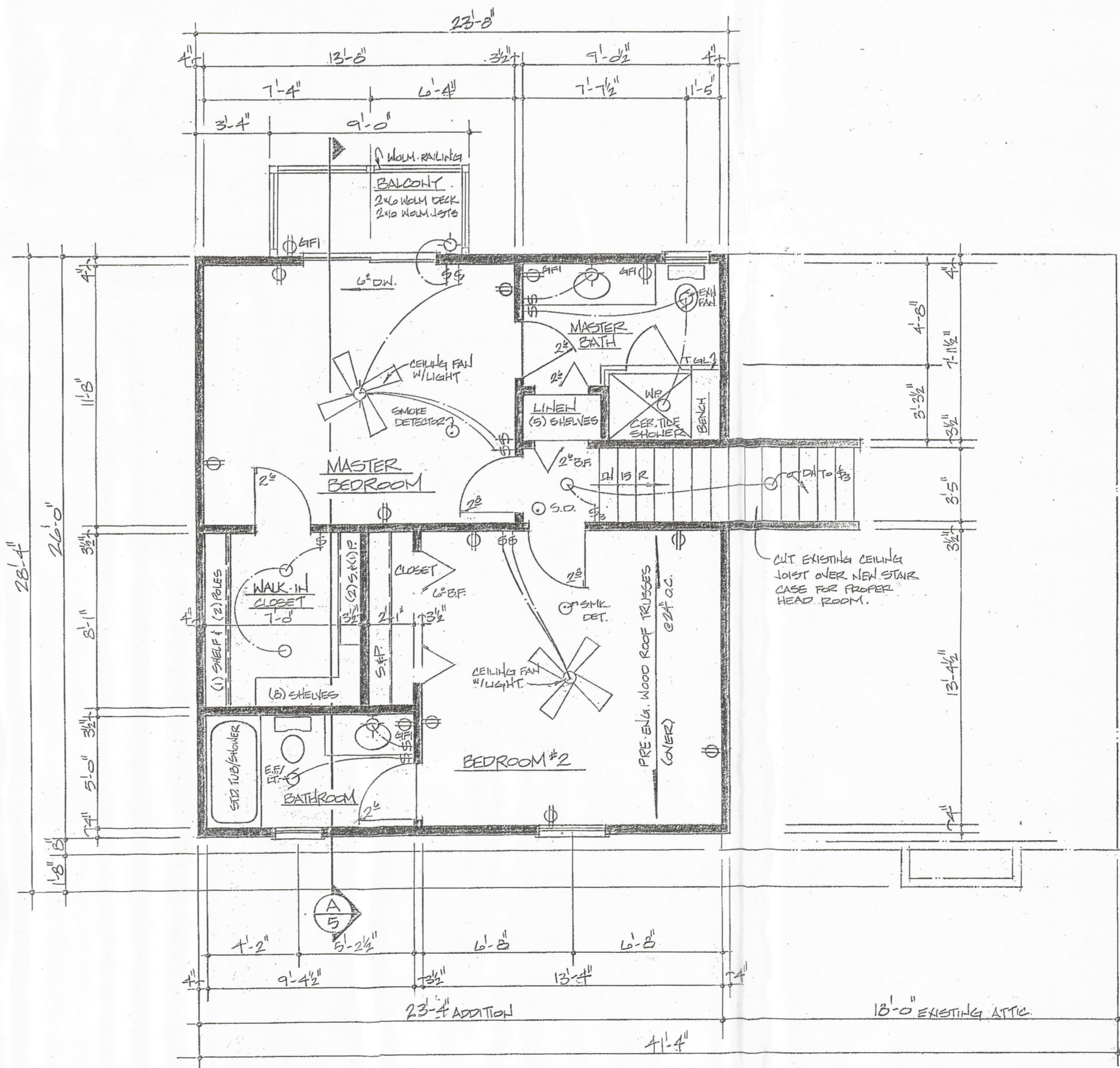
CRAWLSPACE/FOUNDATION PLAN
SCALE 1/4"=1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



BUILDING SECTION A
SCALE 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

PLAN NUMBER	19-0619
SHEET NUMBER	A-3

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



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

WHITE LAKE TOWNSHIP

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

MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of building permit application for 267 Lakeview Dr.
Date: March 2, 2020

=====

I have denied the building permit application for an addition at 267 Lakeview Dr. based on the following:

1. The existing structure is legal non-conforming for front yard setbacks. Proposed addition would require a variance for the front yard setback.
2. Site map to include front yard setbacks, well and septic locations.
3. A soil erosion permit is required.
4. The value of the project is required.


3/2/2020

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: July 23, 2020

Agenda item: 6c

Appeal Date: July 23, 2020

Applicant: Jim Wolfenbarger

Address: 2355 Ridge Road
White Lake, MI 48383

Zoning: R1-D Single Family Residential

Location: 2355 Ridge Road
White Lake, MI 48383

Property Description

The 0.341-acre (14,337 square feet) parcel identified as 2355 Ridge Road is located on White Lake within the England Beach No. 1 subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,152 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Jim Wolfenbarger, the applicant, is proposing to demolish the existing house and detached garage and construct a new house with an attached garage totaling 3,578 square feet in size.

Planner's Report

On May 23, 2019 the Zoning Board of Appeals approved a variance request from the applicant to construct the house. Variances are valid for a period of six months from the date of approval, unless a building permit is obtained within such period and the work associated with the variance is started and proceeds to completion in accordance with the terms of the building permit. The applicant did not obtain a building permit within six months of approval so the variance expired and is void. The following variances were previously granted:

- 3-foot variance from the north side yard setback
- 40-foot variance from the required lot width

On July 25, 2019 the Zoning Board of Appeals denied a variance request to allow a covered deck/porch to encroach five feet into the south side yard setback.

The request has not changed since the 2019 approval, with the exception that the deck/porch will not be covered. Minutes from the 2019 meetings when the case was considered are attached for the Board's review. The conditions of approval required by the Board in 2019 are included in the motion on the following page. The requested variance is 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	7 feet

Recommended Motions:

Approval: I move to approve the variance requested by Jim Wolfenbarger from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-18-151-024, identified as 2355 Ridge Road, in order to construct a new house that would encroach 3 feet into the required side yard setback. This approval will have the following conditions:

- The Applicant shall obtain all necessary approvals from the Oakland County Health Division prior to issuance of a building permit.
- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The new house setback from the lake shall be 45 feet from the traverse line.
- Any mechanical units shall be placed on the south side of the house.

Denial: I move to deny the variance requested by Jim Wolfenbarger for Parcel Number 12-18-151-024, identified as 2355 Ridge Road, due to the following reason(s):

Table: I move to table the variance request of Jim Wolfenbarger for Parcel Number 12-18-151-024, identified as 2355 Ridge Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated June 9, 2020 and received by the Township on June 11, 2020.
2. Plot plan dated May 22, 2019.
3. Minutes from the May 23, 2019, June 27, 2019, and July 25, 2019 Zoning Board of Appeals Meetings.

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

JUN 11 2020

COMMUNITY DEVELOPMENT DEPARTMENT

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

RECEIVED

JUN 11 2020

COMMUNITY DEVELOPMENT DEPARTMENT

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

APPLICANT'S NAME: Jim Wolfenbarger PHONE: 248 330-4775

ADDRESS: 2335 Ridge rd White Lake MI 48383

APPLICANT'S EMAIL ADDRESS: Wolfenbargerj@comcast.net

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

ADDRESS OF AFFECTED PROPERTY: 2355 Ridge rd PARCEL # 12 - 18-151-024

CURRENT ZONING: R1D PARCEL SIZE: 33077 sq ft

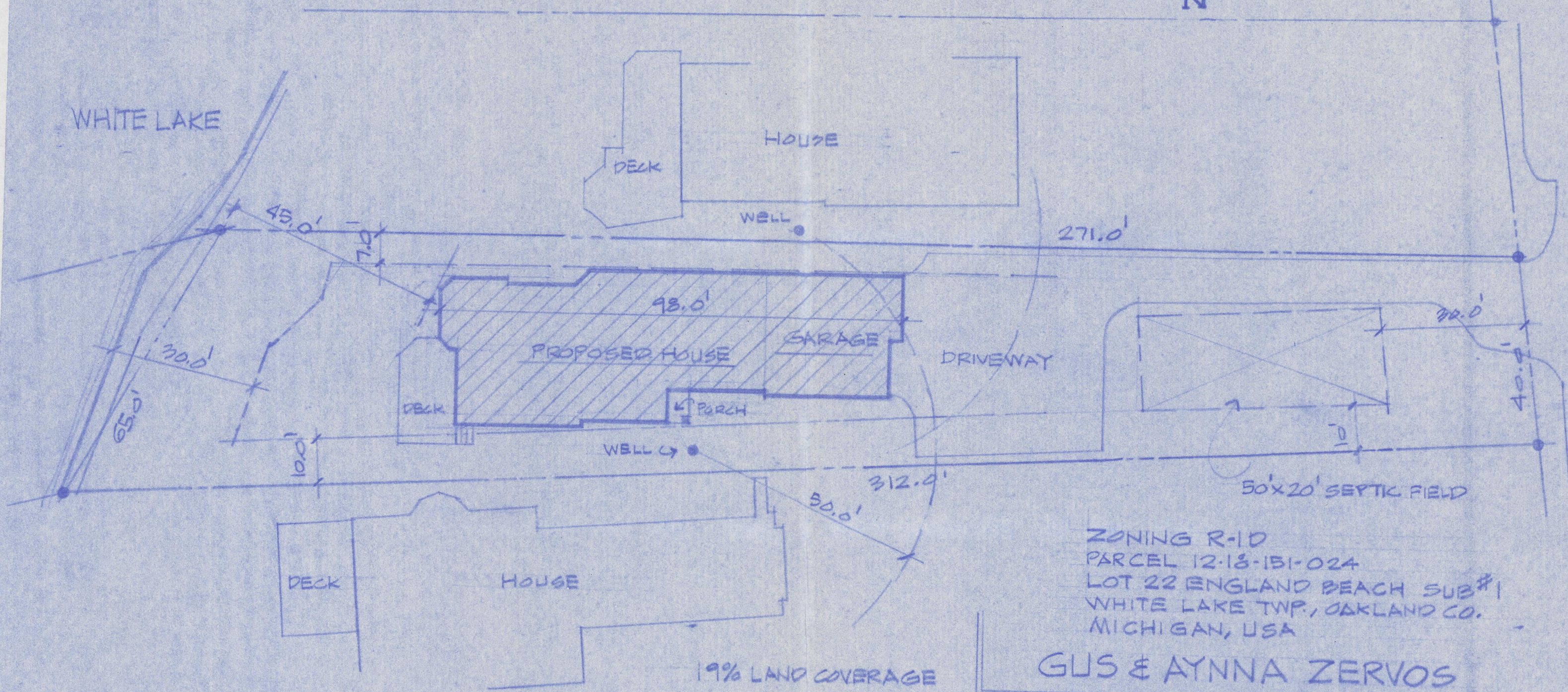
STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Requesting north side yard set back from 10' to 7' (Ordinance is 10')

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

The existing Home that will be Demolished is 5' from north side property line, we will be ~~coming inside~~ 7'. The property is 40' wide at that point

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

APPLICANT'S SIGNATURE: [Signature] DATE: 6-9-2020



ZONING R-1D
 PARCEL 12-18-151-024
 LOT 22 ENGLAND BEACH SUB #1
 WHITE LAKE TWP., OAKLAND CO.
 MICHIGAN, USA

GUS & AYNNA ZERVOS

19% LAND COVERAGE

PLOT PLAN

1" = 20'-0"

5.22.19

INFORMATION FROM
 KIEFT ENG. SITE PLAN

DAVE DOBRIN ASSOCIATES
 7471 HITCHCOCK RD.
 WHITE LAKE, MI 48383
 248-887-2424 O - 248-885-1585 C

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WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
MAY 23, 2019
7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Seiber was excused.

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

Also Present: Jason Iacoangeli, AICP, Staff Planner
Lynn Hinton, Alternate Recording Secretary

Visitors: 5

Approval of the Agenda:

Mr. Walz moved to approve the agenda as presented. Mr. Schillack supported and the MOTION CARRIED with a voice vote (5 yes votes)

Approval of Minutes:

Zoning Board of Appeals Meeting of April 25, 2019.

Mr. Schillack moved to approve the meeting minutes of April 25, 2019 as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote (5 yes votes)

Continuing Business:

a.
Applicant: Michael Bullion
8036 Cascade St.

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
May 23, 2019

94 and structurally they can't go up. The architect said it would require a huge modificaton to be
95 structurally sound. The only new added portion is 15 ft. off the back towards the garage. This
96 new design conforms to the township's standards and brings it up to the codes that are now in
97 place.

98
99 Mr. Powell stated that these lake lots are hard to build newer homes. Mr. Bullion stated said he
100 likes his neighbors and he and his wife agree they like being on the water and want to raise their
101 family here.

102
103 Mr. Walz is concerned with the front yard setback being with a vehicle right on the line. In the
104 wintertime, he wonders if you'll see the car on the road with snow build up. Mr. Bullion
105 indicated that he put the car in the road on the plan as a reference point. They have 2 usable
106 spaces on the property line over 20 ft. deep. The space on the left is 30 ft. There is a community
107 pavement area that they share as a neighborhood and this hasn't been an issue in the past.

108
109 Mr. Walz noted that the ZBA is charged with minimizing the amount of variances requested and
110 lot coverage also concerns him. Mr. Bullion stated this home will be sized exactly with the
111 neighborhood. He doesn't want to block anyone's view by going closer to the lake. Originally,
112 he started at 42% and now is at 35%. He tried to minimize lot coverage but to go any narrower
113 would be awkward. They are limited on what they can do. Mr. Walz feels this will be difficult
114 for him to support with the garage being in the street. He understands Cascade could eventually
115 become one-way. Mr. Powell stated we can't count on that, but there would be some benefit.
116 You don't want to approve something where a vehicle is in the road, but Mr. Bullion does have 2
117 other spots, and doesn't have to park there. Bullion reiterated that he put the car on the plan
118 for reference. When he has guests, they will park parallel and not in the street.

119
120 Mr. Powell asked where the well was on the site. Mr. Bullion responded that it is to the left of
121 the existing porch and stairway, roadside and next to the garage. It will be accessible.

122
123 Mr. Powell feels the applicant has done a good job presenting his hardships, and he understands
124 Mr. Walz's concerns in that a garage is not a hardship. He feels if Mr. Bullion shrinks the garage,
125 he could eliminate this concern. There are so many variances here and this is a tough case. Mr.
126 Walz stated that ordinances are in place for a reason and this board is seeking to provide
127 approval from that. Variances 5,6,7 are out of Mr. Bullion's control. Ms. Spencer also feels
128 variance 4 seems out of Mr. Bullion's control too. Variances 1-3 are not.

129
130 Mr. Powell indicated that everyone has seen these narrow lots before. When Mr. Bullion first
131 proposed this, he was going to follow the existing footprint, but has since tapered it down 3 ft.
132 to conform to the side yard setbacks.

133
134 Mr. Schillack feels in terms of lot coverage, there needs to be area for water to absorb on his
135 property. As far as visibility, he's not blocking the neighbors view and he wanted to be
136 courteous to them. Mr. Powell noted there is an excellent outlet to the lake. Downspouts
137 should point to the lake side and Mr. Bullion agreed.

138

CHARTER TOWNSHIP OF WHITE LAKE
 Zoning Board of Appeals
 May 23, 2019

139 Mr. Bullion added that he proposed the garage in 2015 to build in the existing footprint, 10 ft.
 140 wider but at the same depth. He gave setbacks to the street, unaware there was a right of way
 141 on the street. He provided measurements to the road to the township. Ultimately this has
 142 brought him here having to request variances.

143

144 Mr. Powell noted that last month's meeting minutes reflect that there were no responses from
 145 the neighbor in favor or opposition, and none were returned by the postal service, nor was
 146 anyone here the for public hearing.

147

148 **Mr. Schillack moved to approve the variance requested by Michael Bullion for the property at**
 149 **8306 Cascade St. identified as 12-36-453-017 in order to construct a new home. The variances**
 150 **requested are as follows: (1) a 28 ft. variance to the front yard setback for an end result of 2**
 151 **ft.; (2) a 4.2 ft. variance to the east side yard setback for an end result of 5.8 ft.; (3) a 5 ft.**
 152 **variance to the west side yard setback for an end result of 5 ft.; (4) a 17.5% or 1,118 sq. ft.**
 153 **variance to maximum lot coverage for an end result of 37.5% or 2,406 sq. ft.; (5) a 5,556 sq. ft.**
 154 **variance to minimum lot size for an end result of 6,444 sq. ft.; (6) a 35 ft. variance from**
 155 **required lot width for an end result of 45 ft.; (7) a variance from non-conforming structure.**
 156 **This approval will have the following conditions: The applicant will pull all necessary permits**
 157 **with the White Lake Township Building Department; the applicant will be required to call for a**
 158 **footing inspection prior to any foundation being set, the foundation will need to be staked**
 159 **and be able to be properly verified by the Building Division staff; and the applicant will be**
 160 **required to provide the Township a sealed as-built plan for the new home. Mr. Powell**
 161 **supported and amended that the A/C unit not be placed in the side yard setback areas.**

162

163 Discussion on the Motion: The width of the lot varies from 45 ft. to 41 ft. at the lake side, and
 164 the overall width is less than 45 ft. Is the motion adequate to the dimensions on the plan? Mr.
 165 lacoangeli stated that the motion with dimensions are ceremonial. This is existing and the board
 166 is recognizing this. We are not recognizing that the existing structure has less setback, only what
 167 is being motioned tonight. This variance runs with the land.

168

169 **The MOTION CARRIED with a roll call vote: Schillack – yes; Walz – no (we are not preventing**
 170 **from using the existing residence for its intended purpose and issue is self-created); Powell –**
 171 **yes (the applicant has shown hardship and the existing structure and garage is already non-**
 172 **conforming. The home is not an expanded non-conformity on the parcel); Dehart – yes (the**
 173 **applicant has tried to make adjustments and it's a non-conforming lot); Spencer – yes (this is**
 174 **non-conforming lot and there is a hardship. The applicant has worked with staff and listened**
 175 **to concerns last month from the board); (4 yes votes; 1 no vote-Walz)**

176

177

b.

178

Applicant: Jim Wolfenbarger
 2335 Ridge Road
 White Lake, MI 48383

179

180

Location: **2335 Ridge Road**
 White Lake, MI 48386 identified as 12-18-151-024

181

182

Request: Variance to Article 3.1.6 E. R1-D Single Family Residential: Side
 Yard Setback, Lot Coverage, Lot Size, and Lot Width.

183

184

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
May 23, 2019

185
186 Chairperson Spencer noted for the record that 23 letters were sent out to residents in a 300 ft.
187 radius and none were received in favor, one received in opposition, and none were returned by
188 the USPS.

189
190 Mr. Iacoangeli reviewed his report. This is a single family home zoned R1-D Single Family
191 Residential. The property is located in England Beach No. 1 on White Lake. The home currently
192 uses a private well for water and a private septic system for sanitation.

193
194 The applicant is proposing to demolish the existing home and detached garage and replace it
195 with a new home with an attached garage. The new home will have a ground floor area of 1,860
196 sq. ft., the attached garage will be 728 sq. ft., and the combined coverage will be 2,588 sq. ft.

197
198 The applicant is proposing to construct a 2,588 sq. ft. home on a legal non-conforming lot of
199 record. The new home will require side yard setback variances. On the north side, the home
200 will be located 7 ft. from the property line requiring a variance in the amount of 3 ft. The home
201 will meet the setback requirement on the south side of the property, as decks are allowed to be
202 within 5 ft. of a side property line. The deck on the plan is located 7 ft. from the property line
203 and the home is ft. from the property line. The Community Development Department feels that
204 the home should be shifted to the south slightly in order to provide a greater side yard setback
205 on the north side of the home. A lot coverage variance will not be required for this new home.
206 The new house will have 45 ft. setback to the closest point where the edge of the deck meets
207 the existing home.

208
209 Mr. Iacoangeli indicated that a septic permit has not been applied for yet, but if their proposal
210 has to change to provide more room for the septic field, the plan process starts over again from
211 the beginning. There is a proposed septic field 50 ft. x 20 ft. This begins to limit amount of area
212 for the driveway and septic, so pushing it closer to the street becomes counter-productive.
213 There is a chance their proposal could change after Health Department review. Also, the
214 applicant did not provide a view analysis from neighboring lots.

215
216 Mr. Wolfenbarger, 2335 Ridge, indicated that he lives 2 houses to the south of this home. With
217 regards to elevation, he didn't have anything. They did preliminary drawings. This is a 2-
218 bedroom home and the septic system will be minimal. There is sand and gravel in the area and
219 there shouldn't be an issue with septic field. The well is between the existing septic and the
220 house. They clear all the neighbors by 80 ft. from adjacent wells and from theirs too. The home
221 itself is the exact same size as what is there. All the setbacks are same, except that the lake side
222 will be a few feet closer.

223
224 Mr. Schillack asked how high the cathedral ceiling is in the front room, but Mr. Wolfenbarger
225 didn't know. Mr. Powell noted that the lake side is coming up and providing a great space in the
226 great room. Mr. Wolfenbarger added that it will fade up and step back down on the lake side.
227 Mr. Powell stated that the existing garage doesn't meet any setback requirements.

228

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
May 23, 2019

229 Mr. Schillack asked if the ZBA normally approves these cases without any visibility plans. Mr.
230 Powell said it appears this home will not cut off view any more than the existing home, except
231 that the existing home is one story. It appears the home to the north can see over the existing,
232 but we do not have a sight line ordinance and it looks like the owner is trying to be as
233 understanding as possible. Mr. Iacoangeli added that Mr. Wolfenbarger is also meeting the
234 height requirements.

235

236 Mr. Spencer opened the public hearing at 8:02 pm.

237

238 Mike Liubakka, 2365 Ridge, stated that he submitted a formal letter (which is included in the
239 packet and will be part of the minutes). He said letter was written based on the original plans.
240 He brought a few pictures to share with the board members and he is concerned with the side
241 elevations. The entire basement is above grade and he will be looking at a 3-story home with
242 the cathedral ceiling. There is also a 3rd structure on the property and he questioned if this was
243 this included in plan. That structure overhangs his property. His concerns are height, blocking
244 sunlight into his yard, which will kill plants and grass given the height.

245

246 Mr. Iacoangeli indicated that structures down by the lake, which are typically boat houses, are
247 not included in lot coverage. The board should be mindful that crossing property lines are a civil
248 matter between the neighbor and the property owner.

249

250 Mr. Liubakka continued by asking where the mechanicals would be located, i.e., A/C, generator.
251 His bedroom is in southwest corner. Lastly, his house is meeting the 10 ft. setback on his side
252 and his deck is 6 ft. off the lot line. If Mr. Wolfenbarger gets a variance, there's nothing stopping
253 from being closer to the water. Ms. Spencer noted that the ZBA has the right to condition any
254 approvals within reason and to the nature of the request.

255

256 Paul Fugat, 2345 Ridge, stated his original concern was that this proposal was too close to the
257 lake, but it seems now that Mr. Wolfenbarger has pushed it back, so he can't argue that. The
258 plan looks good to him now.

259

260 With no other comments, Ms. Spencer closed the public hearing at 8:15 pm.

261

262 Mr. Powell asked if Mr. Wolfenbarger has a basement under his home. Mr. Wolfenberger
263 responded that there is 800 sq. ft. behind the garage with a 2-story home above grade. Mr.
264 Powell stated that water drainage must be controlled, pointing downspouts towards water.

265

266 Mr. Iacoangeli reviewed the ordinance definitions of basements and the calculations for what is
267 a story. If it's a 3-story with a walkout, it would be against the ordinance. The house still needs
268 to meet the minimum of 25 ft. and this meets the height requirement.

269

270 Mr. Wolfenbarger stated this revised drawing came from the concerns from Mr. & Mrs.
271 Liubakka. He made the adjustments for them and they seemed happy with his changes. He
272 painted on the lakeside the footprint, which is not much further than the existing home. He
273 feels this new plan fits well now and he's not sure he can do much more to make it work.

274

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
May 23, 2019

275 Mr. Powell sees the logic of pushing the house to the north to not need a variance for the deck.
276 He asked what the width of the deck would be. Mr. Wolfenbarger stated the deck goes from 4
277 ft. to 5 ft. and it would be covered. The front porch wraps the corner and there will be 3
278 columns that are covered. Mr. Powell noted that the department will have to determine if this
279 is a feature or structural. Lake lots have a back side and a front side. The traffic side will be
280 more enhanced.

281

282 Mr. Powell stated he is sensitive to the neighbor on the north. The mechanicals can go closer to
283 the garage and not the house. He feels Mr. Wolfenbarger can create a niche and set it lower
284 around the side. He is concerned with noise into the home to the south especially if he has a
285 generator. Generators can be set back from the house, the A/C cannot.

286

287 Mr. Schillack stated he wants to make sure it affects as less to the neighbors as possible. Mr.
288 Wolfenbarger suggested that he could kick it in the corner and fence it in or put trees around it.
289 Mr. Powell suggested that he can put it under for his guests, not for your neighbors to hear.

290

291 **Mr. Powell moved to approve the variances requested by Jim Wolfenbarger for the property**
292 **at 2355 Ridge Road, identified as 12-18-151-024 in order to construct a new home. The**
293 **variances requested are as follows: (1) a 3 ft. variance from the north side yard setback for an**
294 **end result of 7 ft.; (2) a 40 ft. variance from required lot width for an end result of 40 ft. This**
295 **approval will have the following conditions: The applicant will get all necessary approvals**
296 **from the Oakland County Health Division prior to the issuance of a building permit; and the**
297 **applicant will pull all necessary permits with the White Lake Township Building Department,**
298 **and that the setback from the lake will be presented from the distance on the plan is showing**
299 **45 ft. from traverse line, and any mechanical units be placed on the south side of the house.**
300 **Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Schillack – yes (there**
301 **has been a significant effort to revise with view lines and we added to the neighborliness by**
302 **specifying the location of the A/C unit, and this will be a good addition to the neighborhood)**
303 **Powell – yes (the owner has presented the hardship of the lot and the lot width); Dehart – yes**
304 **(for reasons stated); Spencer – yes (this is a non-conforming lot and they put in place what is**
305 **best for this area, and for reasons stated) ; Walz – yes, (for reasons stated). (5 yes votes)**

306

307 **Other Business:**

308

309 None

310

311 **Adjournment:**

312 The meeting was adjourned at 8:45 p.m.

313

314 **Next Meeting Date:**

315 June 27, 2019

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 27, 2019
7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called:

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

Also Present: Jason Iacoangeli, AICP, Staff Planner
Sherri Ward, Recording Secretary

Visitors: 12

Approval of the Agenda:

Mr. Powell moved to approve the agenda as presented. Mr. Seiber supported and the MOTION CARRIED with a voice vote (4 yes votes)

Approval of Minutes:

Zoning Board of Appeals Meeting of May 23, 2019.

Mr. Schillack moved to approve the meeting minutes of May 23, 2019 as presented. Mr. Powell supported and the MOTION CARRIED with a voice vote (4 yes votes)

New Business:

Agenda item: 6a
Appeal Date: June 27, 2019
Applicant: Brian Cisco

Address: 2391 Orchard Lane
White Lake, MI 48386
Zoning: R1-D Single Family Residential
Location: 2391 Orchard Lane
White Lake, MI 48386

Property Description: The property at 2391 Orchard Lane is a single family home zoned R1-D Single Family Residential. The property is located in the English Villas Sub on Pontiac Lake. The home currently uses a private well for water, and the sanitary sewer system for sanitation.

Applicant's Proposal: The applicant is proposing to construct a new 24'x 32' (768 square foot) garage on the north side of the property. The garage would replace a 756 square foot existing non-conforming garage on the north side of the property.

Staff Planner's Report: The applicant is proposing to remove a legal non-conforming garage from the property and replace it with a new 24' x 32' detached garage. The new garage would require a side-yard setback variance in the amount of five (5') feet, placing it five (5') from the property line. Further it would require a rear-yard setback being located only fourteen (14') feet from the rear property line. Also, the fourteen feet is inside the natural features setback requirement of twenty five (25') feet. It will require a variance from this provision as well. The new garage will require a lot coverage variance in the amount of 2.8% with the total lot coverage being 22.8%. The lot meets the minimum lot size for the district being 15,754 square feet of the required 12,000. However the lot is deficient in lot width being only 76 feet of the required 80 for the R1-D zoning.

Ms. Spencer noted for the record that 35 property owners within 300 ft. were notified of the request. There were seven letters received in favor, zero in opposition, and no letters returned undeliverable by the US Postal Service.

Brian & Vivian Cisco (2391 Orchard Lane) were in attendance. Ms. Cisco explained that they have a very small area to access the road at their property and very little parking. She indicated that emergency vehicles would have a hard time there. The existing garage is really not a 2 car garage and they have up to five vehicles parked at the home at times. The current garage has two parts to it and they have to pull across the front yard to gain access to the other side of the garage. They use the street a lot to park when they have company and makes it congested, and they have to back out into the road to get out of their property.

Mr. Seiber looked at the property and there is a low guy wire, does that cause problems? Mr. Cisco has talked with DTE and there are issues with moving it. Mr. Seiber noted that moving the garage will allow them to move around in their drive easier.

Ms. Spencer noted that the letters received in favor were from L. Hansen (2435 Orchard Lane), D. Phillips (2451 Orchard Lane), C. Dawson (2470 Orchard Lane), G. Helzer (2431 Orchard Lane), C. Cook (8975 Tackels), B. Desotell (2441 Orchard Lane), B. Vangorder (2424 Orchard Lane).

Mr. Seiber noted that this represents an improvement for the side yard setback and the front yard setback improves. He'll be more aligned with the neighbor's yard and it will be more

usable. There are a lot of positive aspects to this, and it's a good request. Mr. Powell couldn't agree more, the geometrics at the end of the street create a hardship.

Mr. Schillack moved to approve the variance requested by Brian Cisco for the property at 2391 Orchard Lane identified as 12-13-105-009 and 12-13-105-010 in order to construct a garage. The variances requested are as follows: 1) A North side yard setback variance of 5 ft. from the required 10 ft. for an end result of 5 ft. 2) A rear yard setback variance of 16 ft. from the required 30 ft. for an end result of 14 ft. 3) A natural features setback variance of 11 ft. from the required 25 ft. for an end result of 14 ft. 4) A maximum lot coverage variance of 1.6% from the required 20% for an end result of 21.6%. This approval will have the following conditions: Applicant will pull all necessary permits with the White Lake Township Building Department. Mr. Seiber supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – yes, Spencer – yes (it eliminates non-conformances and is in the best interest of safety), Seiber – yes (this is a vast improvement and helps out the neighbors). (4 yes votes).

Agenda item: 6b
Appeal Date: June 27, 2019
Applicant: Ken Strom
Address: 6040 Turnberry Drive
Commerce, MI 48382
Zoning: R1-D Single Family Residential
Location: 1142 Clearwater Blvd
White Lake, MI 48386

Property Description: The property at 1142 Clearwater is zoned R1-D Single Family Residential. The property is located in Round Lake Overlook No 1 on Round Lake. The new home will use a private well for water, and the public sanitary sewer for sanitation.

Applicant's Proposal: The applicant is proposing to construct a new 1,872 square foot home on the property. The home will be approximately 1,332 square feet with an attached 540 square foot garage.

Staff Planner's Report: The new home will require side-yard setback variances on the north and south sides. The northern setback will be five (5') feet of the required ten. On the south side the plan shows the home at seven point seven (7.7') feet from the property line. This would be a setback variance in the amount of 3.3 feet. The home will also require a lot coverage variance being 1.6% over the allowable 20%. Further, the lot is deficient in size being only 8,656 square feet of the required 12,000 square feet for the R1-D District. Also, the home is deficient in lot coverage being 45 feet in width with the required width being 80 feet for the R1-D District. The lot is considered to be legal non-conforming.

Ms. Spencer noted for the record that 64 property owners within 300 ft. were notified of the request. There were zero letters received in favor, zero in opposition, and no letters returned undeliverable by the US Postal Service. There was one anonymous email received, but that will not be read, and it will remain with the file.

Mr. Powell asked Mr. Iacoangeli how we've dealt with this in the past, and he would like his help. The width of the lot is measured on an angle, the actual width is 90 degrees to the sideline. What does the ordinance define as the width of the lot? Mr. Iacoangeli noted that the width of the lot is taken at the front yard setback at the street side. The ordinance speaks to width as to how much frontage at the street. This lot would not be allowed to be created in today's standards. There is a misconception that it's measured at the lake side, it's based on the road frontage.

David Smith (surveyor for the Strom family) was in attendance to discuss the ZBA case. This lot is a unique lot in its design, and there's two 5 foot easements on one side, originally the lot was 50' but has that 5 foot easement. The lot is 41.8 feet perpendicular to itself. It was a difficult lot again because of the 5' easements. Sanitary sewer will be brought down and benefit another new construction across the street. Mr. Smith commented he likes to leave 10 feet between future houses and he's assuming there will be a future house on the other lot.

Mr. Powell asked if Lot 50 is owned in the same title name as lot 49, and it is. Mr. Smith wanted to clarify there was an existing home, and that a demo permit was applied for to demo the existing house.

Mr. Powell asked about the term future access. Are you asking that the 7.7 setback is for the existing owner to go to the lake? Since the owner will probably build on the second lot he's trying to keep as much room in between the two homes. Mr. Powell asked if it would be an easement? Mr. Smith would like to leave as much room as possible in between the future homes. Mr. Powell noted that without making it permanent and in writing, he's asking for a 7.7 setback and not an easement for people to access the lake? There will be no easement, just room between for the future build. Mr. Smith is anticipating a second new build on the adjacent lot.

Mr. Powell stated that other communities recognize that lots are legal nonconforming but they state in their ordinance if you own the adjacent lot you must combine them, and not have two nonconforming lots. Does our ordinance recognize this? Mr. Iacoangeli stated that it does not. Our current ordinance allows for them to be built individually and this situation has originated in the past. Mr. Powell asked if the Township should visit this ordinance for White Lake Township?

Ross Hittinger (1143 Clearwater) was in attendance. He has the adjacent 5 foot easement. Mr. Hittinger noted that in the future the applicant will want a variance on his adjacent lot and the future build and the new home will clutter the neighborhood. He is against the variance.

Martha MacDonald (1225 Clearwater) wanted to go on record to say that the lot is totally flooded all the time. She had a neighboring house built 4' higher than hers that caused drainage problems. She wants to know what type of drainage is proposed, the house is too big for the lot, and she's very concerned about the grading. Ms. Spencer noted that the WLT Building Department will review the proposed grading prior to issuing a building permit.

James Wardrop (1270 Clearwater) is asking about how the sewer would benefit and how would the system work. The road is higher than the proposed home site.

The sewer is a forced main system. For the storm drainage, the house will be 1 ft. or ½ ft. higher than the flood plain. The builder will incorporate a schedule 40 drain system that will go to the lake.

Mr. Powell asked about the setback from the older home that had been demolished? It was probably 2 or 3 feet from the property line.

Mr. Seiber has a few comments, the lots were platted long before WLT had an ordinance. The two 5 easements help mitigate that setback to the north. This one gives him trouble. There is room on the lot and the lots are owned by the same owner and you could meet that. If you're going to build the same one on the other lot, it doesn't look like its available. It's hard to argue hardship since you own the other lot. He wouldn't support the 7.7 foot ordinance.

Mr. Powell wants to make sure the proposed front patio is on the ground. Mr. Smith stated that it is a surface level patio with no roof over it.

Mr. Powell wanted to note that one of the issues in the past is that we've had problems with mechanical units on the side of the homes where we've granted variances. On the north side, he would want to prevent mechanical units being place on the north side of the home. On the south side he wouldn't want it on the required side yard setback. It would need to be put maybe up front on the lakeside. Mr. Smith noted that we would put it on the lakeside.

Mr. Smith wanted to respond to Mr. Seiber's comment. With the second lot we could reduce the variances, but this lot is encumbered by the 5 feet easements. Mr. Smith guaranteed they wouldn't need 5 feet on lot 50. Mr. Powell noted if you reduced the request here, you're forcing them to ask for a variance on lot 50. One way or another they will end up with a variance on the other lot. Mr. Seiber stated that if we give it to them on this lot, they'll probably be back in on lot 50. Mr. Seiber wondered if assessing can't grant a reconfiguration of the lot. Mr. Iacoangeli doesn't think the assessor would allow a lot split for lot 50 combination taking off two feet.

The applicant, Ken Strom, reported that when they bought the pieces of land, he intention was to remodel the home but he found out the home was floating in 5 feet of peat moss. The point is we have really bad soils, and there was no redoing the existing house. They are trying to improve the neighborhood by bringing sewer in.

Mr. Powell estimates that this is an additional 3 feet from the north setback we had before. Mr. Powell appreciates Mrs. MacDonald speaking about the drainage for the record. They have to maintain all the water on their own property and he hopes the WLT Building Department will pay special attention to this.

Mr. Seiber moved to approve the variance requested by Ken Strom for the property at 1142 Clearwater identified as 12-35-401-009 in order to construct a new home. The variances requested are as follows: 1) A North side yard setback variance of 5 ft. from the required 10

ft. for an end result of 5 ft. 2) A South side yard setback variance of 2.3 ft. from the required 10 ft. for an end result of 7.7 ft. 3) A maximum lot coverage variance of 1.6% from the required 20% for an end result of 21.6% 4) A minimum lot size variance of 3,344 sq. ft. from the required 12,000 sq. ft. for an end result of 8,656 sq. ft. 5) A required lot width variance of 35 ft. from the required 80' for an end result of 45 ft. This approval will have the following conditions: Applicant will pull all necessary permits the White Lake Township Building Department, and no mechanical units will be placed within any side yard setbacks. Mr. Powell supported and the MOTION CARRIED with a roll call vote: Powell – yes (Mr. Powell doesn't believe this will be an overbuilding of the lot, they will bring in sanitary sewer and deal with drainage issues and he's in favor of the variance), Schillack – no (Mr. Schillack appreciates the challenges of the lot but is concerned with the easements), Spencer – yes (The lot is non-conforming and the requests are minimum, this will be an improvement to the area especially with sewer and it eliminates non-conformances and is in the best interest of safety), Seiber – yes (this is a challenging lot with the width and thinks it's a good design of a 29' wide home that fits on the lot). (4 yes votes).

Agenda item: 6c
Appeal Date: June 27, 2019
Applicant: Jim Wolfenbarger
Address: 2335 Ridge Road
Zoning: R1-D Single Family Residential
Location: 2355 Ridge Road
White Lake, MI 48383

Property Description: The property at 2355 Ridge Road is a single family home zoned R1-D Single Family Residential. The property is located in England Beach No. 1 on White Lake. The home currently uses a private well for water, and a private septic system for sanitation.

Applicant's Proposal: The applicant is proposing to demolish the existing home and detached garage and replace it with a new home with an attached garage. The new home will have a ground floor area of 1,860 square feet, the attached garage will be 728 square feet. The combined coverage will be 2,588 square feet.

Staff Planner's Report: After the last Zoning Board of Appeals meeting held on May 23rd it was brought to the attention of the Building Department by the applicant that the home will have a covered porch /deck on the south side of the house. The extent of porch / deck being covered will require a side yard setback as it will be treated as part of the homes living space. The porch will require a five (5') foot side yard setback on the south side of the home for an end result of five (5') feet.

Ms. Spencer noted for the record that 23 property owners within 300 ft. were notified of the request. There were zero letters received in favor, zero in opposition, and no letters returned undeliverable by the US Postal Service.

Ms. Spencer noted for the record that 23 owners were notified, no letters were received in favor, no letters were received in opposition, and no letter were returned via US Mail. The applicant couldn't be here this evening, he had an emergency family meeting.

The porch is question is on the south side. It wasn't given consideration at the last meeting, it was originally shown as a deck but it's a covered porch and requires a variance. Mr. Seiber asked if the variance granted before was on this side? No, it was the other side of the home. Mr. Iacoangeli stated that because it's covered, it requires a variance.

Mr. Powell noted that when this was reviewed last month, they would have been asking for two substantial setbacks and our decision may have been different. If you refer to page 36 you can see that the language just says deck, it doesn't say covered porch. Decks can encroach into side yard up to 5 feet, but this changes things. This variance is solely to allow the covered porch.

Mr. Seiber asked about the adjacent house, their house is probably with 7 or 8 feet of the property line. Michael Liubakka (2365 Ridge Road) wanted to comment as long as everything stays as agreed last time, he is in agreement with the variance, he's on the north side.

Mr. Powell stated that he has been before ZBA's many times in other communities, and you don't necessarily have a right to a three car garage, or a 24 x 24 shed 1 foot off property line. Maybe you don't need to have a covered walkway versus a walkway and he's struggling with that.

Mr. Schillack is feeling that a lot of time was spent on the previous variance for the home, and now we're finding out it wasn't clear. Mr. Seiber asked if we know how wide the deck was proposed last time? The deck was on the plan, it wasn't clear that it was a covered porch

Mr. Iacoangeli noted that because this is architectural, in nature you could make it a condition that this never be enclosed.

Mr. Schillack stated that suddenly putting a roof on could be a matter of visibility and he worries about cutting a view off for the other neighbors. We spent a lot of time last month and now it's something different, it would have changed the entire conversation. It could have changed how we voted.

Mr. Seiber wonders if a table is in order for the applicant to be here. Mr. Schillack appreciates that but this should have come up last meeting. Mr. Iacoangeli stated that in fairness to the applicant, this got picked up by the WLT Building Department when they reviewed their permit application. The applicant came to us and went through the effort to have this addressed.

Architecturally speaking the posts couldn't go in the walkway, they could maintain the jog in the roof by just having an overhang. If they cantilever, it's an architectural feature. Mr. Powell noted that sometimes we can't accommodate everything.

Mr. Powell wanted to discuss the concept of tabling. They can come back with further discussion or redraw with an architectural overhang. Mr. Iacoangeli stated that we have business scheduled for the July meeting already and tabling is fair. This is the same thing they submitted last time, they omitted that the porch was covered and they weren't aware it wasn't covered under the variances granted. We didn't address it at the May meeting, it went before the Building Department and they caught it. When the Building Official reviewed the plans in detail, he noticed the deck had a covered porch and he approved the plans besides this item.

Mr. Powell doesn't have a problem giving the applicant a chance to come back in and discuss the requested variance with the ZBA. Mr. Powell is more comfortable with a table. He wants to go back out and see if the porch will impact any neighbor's views, he'd like that opportunity. Mr. Seiber noted that he would have a problem voting to deny because he wasn't in attendance in May and he hasn't visited the site. If there isn't a column to establish the outside edge of an architectural feature, where would you be comfortable with the width of an overhang? There is a provision in the ordinance about cantilevering.

Mr. Seiber moved to table the variance request of Jim Wolfenbarger for 2355 Ridge Road identified as 12-18-151-024 to consider comments noted during this public hearing and allow the applicant to make alterations to the plans or comments to the ZBA board. Mr. Powell supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Other Business

None.

Adjournment:

The meeting was adjourned at 8:33 p.m.

Next Meeting Date:

July 25, 2019

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
July 25, 2019
7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called:

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

Also Present: Jason Iacoangeli, AICP, Staff Planner

Approval of the Agenda:

Mr. Walz moved to approve the agenda as presented. Mr. Seiber supported and the MOTION CARRIED with a voice vote (4 yes votes)

Approval of Minutes:

Zoning Board of Appeals Meeting of June 27, 2019.

Mr. Walz moved to approve the meeting minutes of June 27, 2019 as presented. Mr. Seiber supported and the MOTION CARRIED with a voice vote (4 yes votes)

Old Business:

Agenda item: 5a
Appeal Date: July 25, 2019
Applicant: Jim Wolfenbarger
Address: 2355 Ridge Road
White Lake, MI 48383
Zoning: R1-D Single Family Residential
Location: 2355 Ridge Road
White Lake, MI 48383

Property Description: The property at 2355 Ridge Road is a single family home zoned R1-D Single Family Residential. The property is located in England Beach No. 1 on White Lake. The home currently uses a private well for water, and a private septic system for sanitation.

Applicant's Proposal: The applicant is proposing to demolish the existing home and detached garage and replace it with a new home with an attached garage. The new home will have a ground floor area of 1,860 square feet, the attached garage will be 728 square feet. The combined coverage will be 2,588 square feet.

Ms. Spencer noted that this case was tabled from the June 27, 2019 meeting. **Ms. Spencer**

Ms. Spencer noted for the record that 23 property owners within 300 ft. were notified of the request. There were no letters received in favor, none in opposition, and no letters returned undeliverable by the US Postal Service.

Mr. Iacoangeli gave his staff report. The project was tabled last month, due to the ZBA feeling that there might be options for the applicant to work with the Community Development department to alleviate the need for a five-foot (5') side yard setback variance to accommodate a covered porch on the south side of the property. The applicant came to the office and made it known that the property owner wanted to maintain the architectural elevations to the house, and that they would be here at this meeting to discuss trying to preserve the porch with the ZBA. The property owner was not interested in modifying the plan to remove the covered porch.

Mr. Seiber asked to look at the plan again. Mr. Iacoangeli brought the plans up and reminded the board what the applicant was asking for. During the May 23, 2019 meeting, the applicant was asked to shift the house over further south, to get more than five feet (5') from the north property line. At that time, it was thought there was to be an open deck, as decks are allowed to encroach on the side yard setbacks. This way, the house would have met the ten foot (10') side yard setback. However, the three permanent columns are the covered porch, and at their closest point, they would be only five feet (5') from the property line. The ordinance would have allowed it if it were an open deck, but because an enclosed porch can theoretically be framed in and become part of the house. This difference is what triggers a variance.

Mr. Walz wanted to clarify the request that was being made by the applicant: that the porch not be covered? Mr. Iacoangeli replied that no, what is being asked is that the applicant is request a five foot (5') side yard setback in order to retain the covered porch on the south side of the house.

Ms. ____ asked if it had footings similar to

Mr. Schillack moved to approve the variance requested by Brian Cisco for the property at 2391 Orchard Lane identified as 12-13-105-009 and 12-13-105-010 in order to construct a garage. The variances requested are as follows: 1) A North side yard setback variance of 5 ft. from the required 10 ft. for an end result of 5 ft. 2) A rear yard setback variance of 16 ft. from the required 30 ft. for an end result of 14 ft. 3) A natural features setback variance of 11 ft. from the required 25 ft. for an end result of 14 ft. 4) A maximum lot coverage variance of 1.6% from the required 20% for an end result of 21.6%. This approval will have the following conditions:

Applicant will pull all necessary permits with the White Lake Township Building Department. Mr. Seiber supported and the MOTION CARRIED with a roll call vote: Powell – yes, Schillack – yes, Spencer – yes (it eliminates non-conformances and is in the best interest of safety), Seiber – yes (this is a vast improvement and helps out the neighbors). (4 yes votes).

New Business:

Agenda item: 6a
Appeal Date: July 25, 2019
Applicant: Michael Drew
Address: 8518 Cascade
Commerce, MI 48382
Zoning: R1-D Single Family Residential
Location: 8518 Cascade
Commerce, MI 48382

Property Description: The property at 8518 Cascade Street is zoned R1-D Single Family Residential. The property is located in the Russel Beach Neighborhood on Cooley Lake. The home currently uses public sanitation and has a private well for potable water.

Applicant's Proposal: The applicant removed and rebuilt a non-conforming shed that is located on the east side of the property from aerial investigation and research into the file the original shed was built in the 1990's. If this is the case the shed would have been subject to the current Ordinance Standards.

Staff Planner's Report: The Planning Department has determined that this structure is on the property line, if not built over. It is clear that the roof of this structure does overhang the neighbor's property. Based on the amount of space on the side of the home this structure cannot meet the ordinance requirements based on the need to be a minimum of ten (10') feet from the home. At a minimum this structure would need to be relocated to be attached to the existing home. Based on the size of the structure it would then require a two (2') foot side yard setback, being setback eight (8') feet from the eastern property line. The homeowner will need to pull all of the necessary permits with the Township Building Department. The lot is deficient in size being only 4,187 square feet of the required 12,000 for the R1-D District. Also, the lot is deficient in lot width being only 40' feet of the required 80' for the District.

Ms. Spencer noted for the record that 64 property owners within 300 ft. were notified of the request. There were zero letters received in favor, zero in opposition, and no letters returned undeliverable by the US Postal Service. There was one anonymous email received, but that will not be read, and it will remain with the file.

Mr. Powell asked Mr. Iacoangeli how we've dealt with this in the past, and he would like his help. The width of the lot is measured on an angle, the actual width is 90 degrees to the sideline. What does the ordinance define as the width of the lot? Mr. Iacoangeli noted that the width of the lot is taken at the front yard setback at the street side. The ordinance speaks to width as to how much frontage at the street. This lot would not be allowed to be created in today's standards. There is a misconception that it's measured at the lake side, it's based on the road frontage.

David Smith (surveyor for the Strom family) was in attendance to discuss the ZBA case. This lot is a unique lot in it's design, and there's two 5 foot easements on one side, originally the lot was 50' but has that 5 foot easement. The lot is 41.8 feet perpendicular to itself. It was a difficult lot again because of the 5' easements. Sanitary sewer will be brought down and benefit another new construction across the street. Mr. Smith commented he likes to leave 10 feet between future houses and he's assuming there will be a future house on the other lot.

Mr. Powell asked if Lot 50 is owned in the same title name as lot 49, and it is. Mr. Smith wanted to clarify there was an existing home, and that a demo permit was applied for to demo the existing house.

Mr. Powell asked about the term future access. Are you asking that the 7.7 setback is for the existing owner to go to the lake? Since the owner will probably build on the second lot he's trying to keep as much room in between the two homes. Mr. Powell asked if it would be an easement? Mr. Smith would like to leave as much room as possible in between the future homes. Mr. Powell noted that without making it permanent and in writing, he's asking for a 7.7 setback and not an easement for people to access the lake? There will be no easement, just room between for the future build. Mr. Smith is anticipating a second new build on the adjacent lot.

Mr. Powell stated that other communities recognize that lots are legal nonconforming but they state in their ordinance if you own the adjacent lot you must combine them, and not have two nonconforming lots. Does our ordinance recognize this? Mr. Iacoangeli stated that it does not. Our current ordinance allows for them to be built individually and this situation has originated in the past. Mr. Powell asked if the Township should visit this ordinance for White Lake Township?

Ross Hittinger (1143 Clearwater) was in attendance. He has the adjacent 5 foot easement. Mr. Hittinger noted that in the future the applicant will want a variance on his adjacent lot and the future build and the new home will clutter the neighborhood. He is against the variance.

Martha MacDonald (1225 Clearwater) wanted to go on record to say that the lot is totally flooded all the time. She had a neighboring house built 4' higher than hers that caused drainage problems. She wants to know what type of drainage is proposed, the house is too big for the lot, and she's very concerned about the grading. Ms. Spencer noted that the WLT Building Department will review the proposed grading prior to issuing a building permit.

James Wardrop (1270 Clearwater) is asking about how the sewer would benefit and how would the system work. The road is higher than the proposed home site.

The sewer is a forced main system. For the storm drainage, the house will be 1 ft. or ½ ft. higher than the flood plain. The builder will incorporate a schedule 40 drain system that will go to the lake.

Mr. Powell asked about the setback from the older home that had been demolished? It was probably 2 or 3 feet from the property line.

Mr. Seiber has a few comments, the lots were platted long before WLT had an ordinance. The two 5 easements help mitigate that setback to the north. This one gives him trouble. There is room on the lot and the lots are owned by the same owner and you could meet that. If you're going to build the same one on the other lot, it doesn't look like its available. It's hard to argue hardship since you own the other lot. He wouldn't support the 7.7 foot ordinance.

Mr. Powell wants to make sure the proposed front patio is on the ground. Mr. Smith stated that it is a surface level patio with no roof over it.

Mr. Powell wanted to note that one of the issues in the past is that we've had problems with mechanical units on the side of the homes where we've granted variances. On the north side, he would want to prevent mechanical units being place on the north side of the home. On the south side he wouldn't want it on the required side yard setback. It would need to be put maybe up front on the lakeside. Mr. Smith noted that we would put it on the lakeside.

Mr. Smith wanted to respond to Mr. Seiber's comment. With the second lot we could reduce the variances, but this lot is encumbered by the 5 feet easements. Mr. Smith guaranteed they wouldn't need 5 feet on lot 50. Mr. Powell noted if you reduced the request here, you're forcing them to ask for a variance on lot 50. One way or another they will end up with a variance on the other lot. Mr. Seiber stated that if we give it to them on this lot, they'll probably be back in on lot 50. Mr. Seiber wondered if assessing can't grant a reconfiguration of the lot. Mr. Iacoangeli doesn't think the assessor would allow a lot split for lot 50 combination taking off two feet.

The applicant, Ken Strom, reported that when they bought the pieces of land, he intention was to remodel the home but he found out the home was floating in 5 feet of peat moss. The point is we have really bad soils, and there was no redoing the existing house. They are trying to improve the neighborhood by bringing sewer in.

Mr. Powell estimates that this is an additional 3 feet from the north setback we had before. Mr. Powell appreciates Mrs. MacDonald speaking about the drainage for the record. They have to maintain all the water on their own property and he hopes the WLT Building Department will pay special attention to this.

Mr. Seiber moved to approve the variance requested by Ken Strom for the property at 1142 Clearwater identified as 12-35-401-009 in order to construct a new home. The variances requested are as follows: 1) A North side yard setback variance of 5 ft. from the required 10 ft. for an end result of 5 ft. 2) A South side yard setback variance of 2.3 ft. from the required 10 ft. for an end result of 7.7 ft. 3) A maximum lot coverage variance of 1.6% from the required 20% for an end result of 21.6% 4) A minimum lot size variance of 3,344 sq. ft. from the required 12,000 sq. ft. for an end result of 8,656 sq. ft. 5) A required lot width variance of

35 ft. from the required 80' for an end result of 45 ft. This approval will have the following conditions: Applicant will pull all necessary permits the White Lake Township Building Department, and no mechanical units will be placed within any side yard setbacks. Mr. Powell supported and the MOTION CARRIED with a roll call vote: Powell – yes (Mr. Powell doesn't believe this will be an overbuilding of the lot, they will bring in sanitary sewer and deal with drainage issues and he's in favor of the variance), Schillack – no (Mr. Schillack appreciates the challenges of the lot but is concerned with the easements), Spencer – yes (The lot is non-conforming and the requests are minimum, this will be an improvement to the area especially with sewer and it eliminates non-conformances and is in the best interest of safety), Seiber – yes (this is a challenging lot with the width and thinks it's a good design of a 29' wide home that fits on the lot). (4 yes votes).

Agenda item: 6c
Appeal Date: June 27, 2019
Applicant: Jim Wolfenbarger
Address: 2335 Ridge Road
Zoning: R1-D Single Family Residential
Location: 2355 Ridge Road
White Lake, MI 48383

Property Description: The property at 2355 Ridge Road is a single family home zoned R1-D Single Family Residential. The property is located in England Beach No. 1 on White Lake. The home currently uses a private well for water, and a private septic system for sanitation.

Applicant's Proposal: The applicant is proposing to demolish the existing home and detached garage and replace it with a new home with an attached garage. The new home will have a ground floor area of 1,860 square feet, the attached garage will be 728 square feet. The combined coverage will be 2,588 square feet.

Staff Planner's Report: After the last Zoning Board of Appeals meeting held on May 23rd it was brought to the attention of the Building Department by the applicant that the home will have a covered porch /deck on the south side of the house. The extent of porch / deck being covered will require a side yard setback as it will be treated as part of the homes living space. The porch will require a five (5') foot side yard setback on the south side of the home for an end result of five (5') feet.

Ms. Spencer noted for the record that 23 property owners within 300 ft. were notified of the request. There were zero letters received in favor, zero in opposition, and no letters returned undeliverable by the US Postal Service.

Ms. Spencer noted for the record that 23 owners were notified, no letters were received in favor, no letters were received in opposition, and no letter were returned via US Mail. The applicant couldn't be here this evening, he had an emergency family meeting.

The porch is question is on the south side. It wasn't given consideration at the last meeting, it was originally shown as a deck but it's a covered porch and requires a variance. Mr. Seiber

asked if the variance granted before was on this side? No, it was the other side of the home. Mr. Iacoangeli stated that because it's covered, it requires a variance.

Mr. Powell noted that when this was reviewed last month, they would have been asking for two substantial setbacks and our decision may have been different. If you refer to page 36 you can see that the language just says deck, it doesn't say covered porch. Decks can encroach into side yard up to 5 feet, but this changes things. This variance is solely to allow the covered porch.

Mr. Seiber asked about the adjacent house, their house is probably with 7 or 8 feet of the property line. Michael Liubakka (2365 Ridge Road) wanted to comment as long as everything stays as agreed last time, he is in agreement with the variance, he's on the north side.

Mr. Powell stated that he has been before ZBA's many times in other communities, and you don't necessarily have a right to a three car garage, or a 24 x 24 shed 1 foot off property line. Maybe you don't need to have a covered walkway versus a walkway and he's struggling with that.

Mr. Schillack is feeling that a lot of time was spent on the previous variance for the home, and now we're finding out it wasn't clear. Mr. Seiber asked if we know how wide the deck was proposed last time? The deck was on the plan, it wasn't clear that it was a covered porch

Mr. Iacoangeli noted that because this is architectural, in nature you could make it a condition that this never be enclosed.

Mr. Schillack stated that suddenly putting a roof on could be a matter of visibility and he worries about cutting a view off for the other neighbors. We spent a lot of time last month and now it's something different, it would have changed the entire conversation. It could have changed how we voted.

Mr. Seiber wonders if a table is in order for the applicant to be here. Mr. Schillack appreciates that but this should have come up last meeting. Mr. Iacoangeli stated that in fairness to the applicant, this got picked up by the WLT Building Department when they reviewed their permit application. The applicant came to us and went through the effort to have this addressed.

Architecturally speaking the posts couldn't go in the walkway, they could maintain the jog in the roof by just having an overhang. If they cantilever, it's an architectural feature. Mr. Powell noted that sometimes we can't accommodate everything.

Mr. Powell wanted to discuss the concept of tabling. They can come back with further discussion or redraw with an architectural overhang. Mr. Iacoangeli stated that we have business scheduled for the July meeting already and tabling is fair. This is the same thing they submitted last time, they omitted that the porch was covered and they weren't aware it wasn't covered under the variances granted. We didn't address it at the May meeting, it went before the Building Department and they caught it. When the Building Official reviewed the plans in detail, he noticed the deck had a covered porch and he approved the plans besides this item.

Mr. Powell doesn't have a problem giving the applicant a chance to come back in and discuss the requested variance with the ZBA. Mr. Powell is more comfortable with a table. He wants to

go back out and see if the porch will impact any neighbor's views, he'd like that opportunity. Mr. Seiber noted that he would have a problem voting to deny because he wasn't in attendance in May and he hasn't visited the site. If there isn't a column to establish the outside edge of an architectural feature, where would you be comfortable with the width of an overhang? There is a provision in the ordinance about cantilevering.

Mr. Seiber moved to table the variance request of Jim Wolfenbarger for 2355 Ridge Road identified as 12-18-151-024 to consider comments noted during this public hearing and allow the applicant to make alterations to the plans or comments to the ZBA board. Mr. Powell supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Other Business

None.

Adjournment:

The meeting was adjourned at 8:33 p.m.

Next Meeting Date:

August 22, 2019

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: July 23, 2020

Agenda item: 6b

Appeal Date: July 23, 2020

Applicant: Gary Fulkerson

Address: 10185 Elizabeth Lake Road
White Lake, MI 48386

Zoning: R1-C Single Family Residential

Location: 10185 Elizabeth Lake Road
White Lake, MI 48386

Property Description

The 0.606-acre (26,400 square feet) parcel identified as 10185 Elizabeth Lake Road is located within the Baker Beach No. 1 subdivision and zoned R1-C (Single Family Residential). The existing house on the property (approximately 2,067 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Gary Fulkerson, the applicant, is proposing to construct an addition to the existing house and has indicated the foundation for the proposed addition would be slab-on-grade.

Planner's Report

The existing house was built in 1951 and is considered nonconforming because it does not meet the 10-foot side yard setback or the 35-foot front yard setback. In 2012 the Zoning Board of Appeals approved variances to expand the nonconforming structure with an addition and attached garage. The following variances were previously granted:

- 20-foot variance from required lot width
- 13-foot variance from the front yard setback
- 4.15-foot variance from the west side yard setback
- 3.9-foot variance from the distance to the neighbors (applicant's contribution to total of 20 feet)

The proposed addition would be 690 square feet in size and would encroach 4.15 feet into the required 10-foot side yard setback and, while expanding the nonconformity, would maintain the 5.85-foot west side yard setback approved in 2012.

Article 7.28 of the zoning ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs in any period of 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 (\$136,670), the maximum extent of improvements cannot exceed \$68,335. The value of the proposed work is \$75,000. A variance to exceed the allowed value of improvements by 110% 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	4.15 feet	5.85 feet
2	Article 7.28.A	Nonconforming structure	50% (\$68,335)	110%	\$6,665 over allowed improvements

Recommended Motions:

Approval: I move to approve the variances requested by Gary Fulkerson from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-27-227-013, identified as 10185 Elizabeth Lake Road, in order to construct an addition that would encroach 4.15 feet into the required side yard setback and exceed the allowed value of improvements to a nonconforming structure by 110%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.

Denial: I move to deny the variances requested by Gary Fulkerson for Parcel Number 12-27-227-013, identified as 10185 Elizabeth Lake Road, due to the following reason(s):

Table: I move to table the variance requests of Gary Fulkerson for Parcel Number 12-27-227-013, identified as 10185 Elizabeth Lake Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated May 15, 2020.
2. Site plan and elevations.
3. Letter of denial from the Building Department dated May 14, 2020.
4. Minutes from the March 22, 2012 Zoning Board of Appeals Meeting.

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: PHONE:

ADDRESS:

APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER:


ADDRESS OF AFFECTED PROPERTY: PARCEL # 12 -

CURRENT ZONING: PARCEL SIZE:

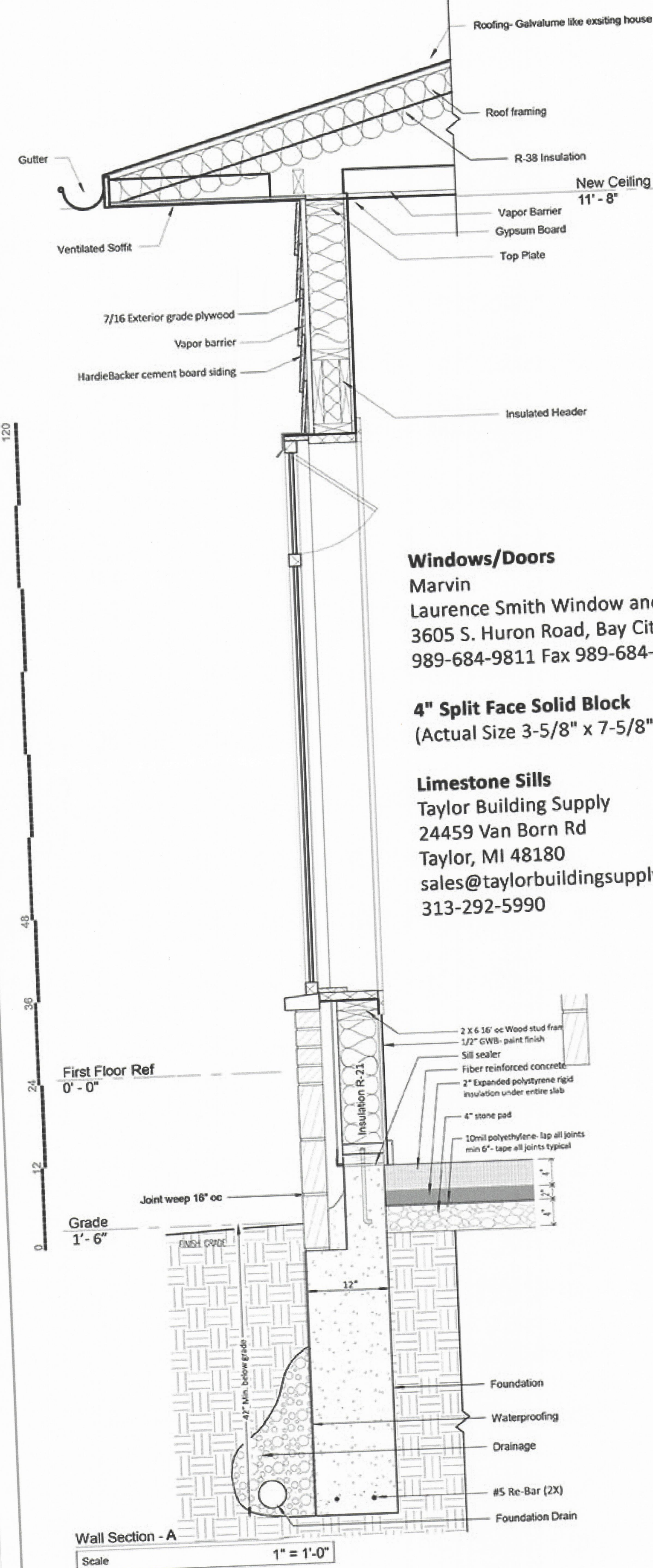
STATE REQUESTED VARIANCE AND ORDINANCE SECTION:

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

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  _____ DATE: **5/15/20**

Typical Wall Section- Sec A-A



Concrete Polishing
 Concrete Reflections
 Detroit 313-423-8200
 or
 Impact - Concrete Polishing
 1080 Hidden Ln, Rochester Hills, MI 48309
 248-906-8458
 \$2K for 500 sq ft

Cabinetry
 Accurate Woodworking & Cabinetry
 7675 Highland Rd # A,
 Waterford Twp, MI 48327
 Nancy Alexander
 (248) 666-3755
 accuratewoodworking@yahoo.com

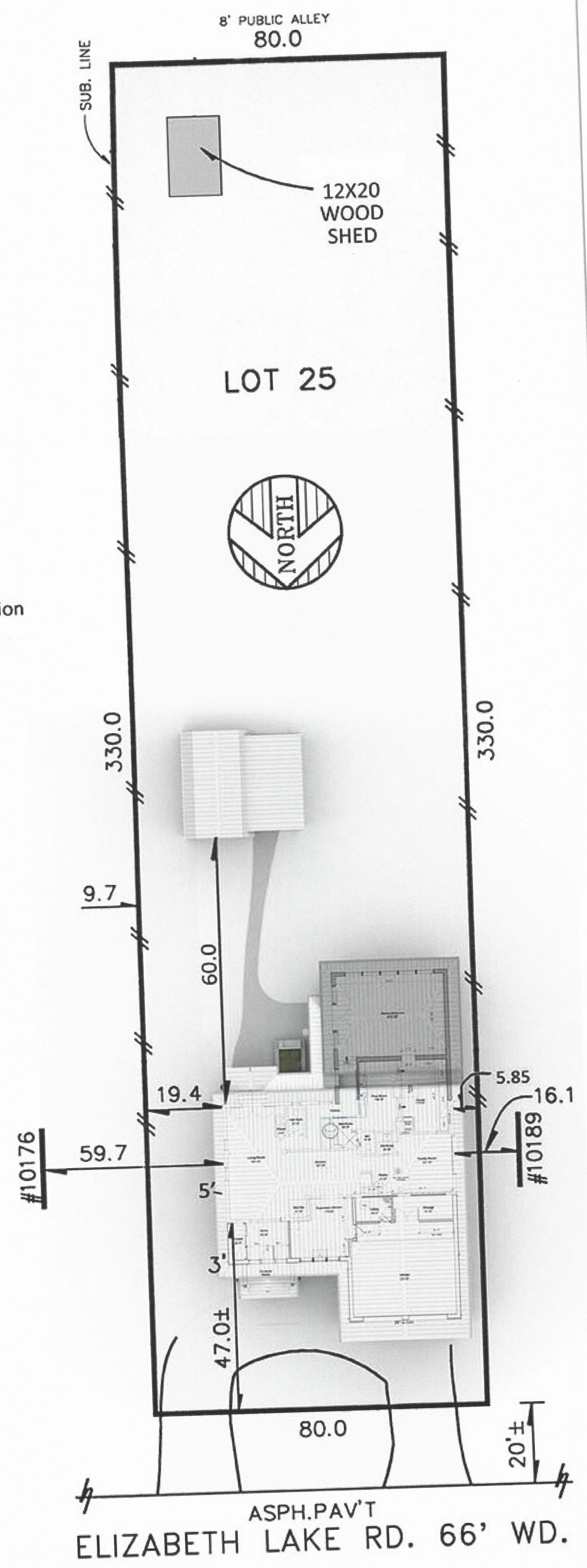
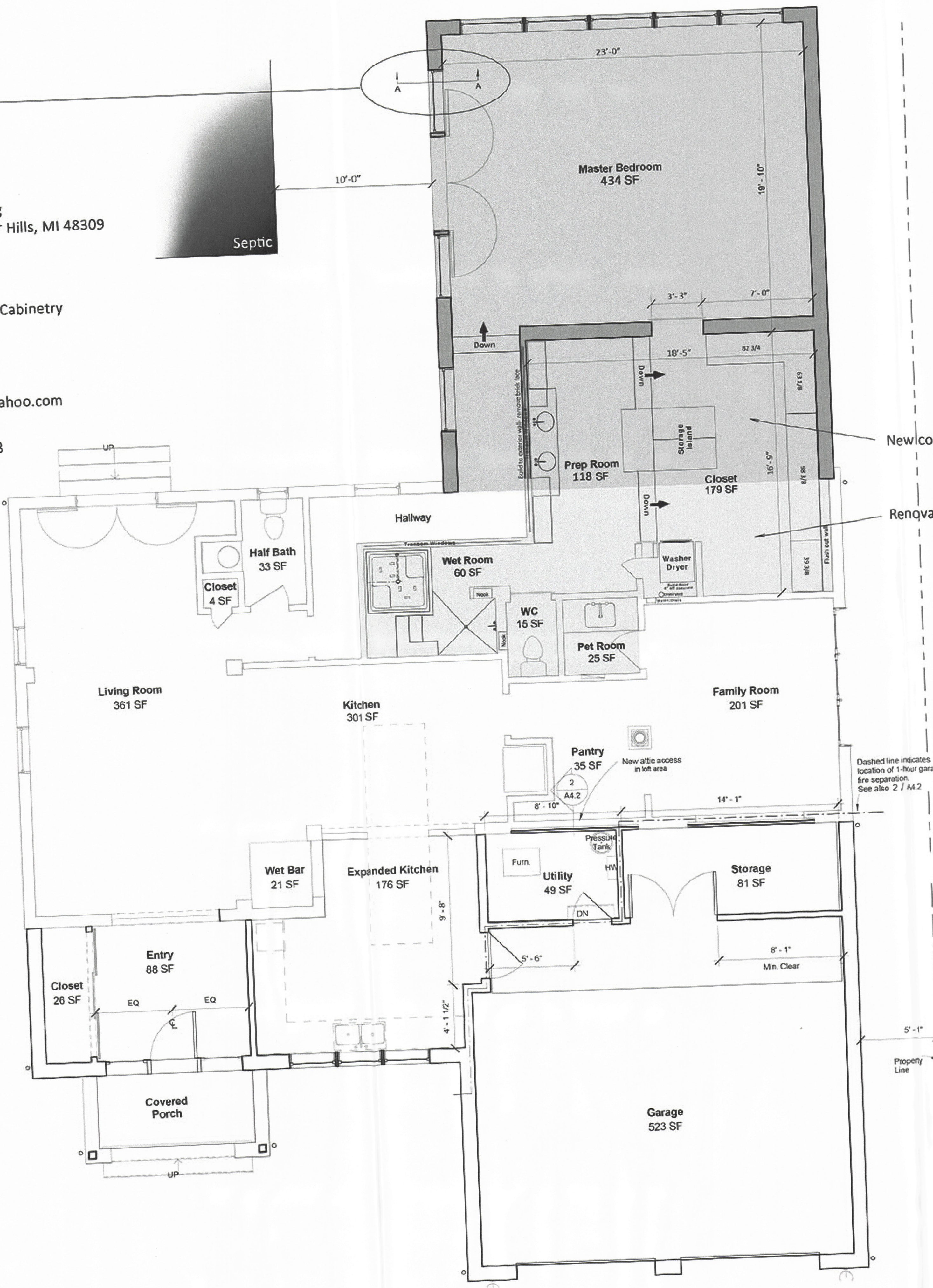
Drop-In Bathtub
 Underscore® Cube K-1968
 \$2,778.40
 48" x 48" x 34"
 drop-in, center drain
 Soaking Depth 27-1/2"
 Weight 110 lb

Windows/Doors

Marvin
 Laurence Smith Window and Door
 3605 S. Huron Road, Bay City, MI 48706
 989-684-9811 Fax 989-684-5288

4" Split Face Solid Block
 (Actual Size 3-5/8" x 7-5/8" x 15-5/8")

Limestone Sills
 Taylor Building Supply
 24459 Van Born Rd
 Taylor, MI 48180
 sales@taylorbuildingsupplyco.com
 313-292-5990



Gary and Sharon Fulkerson
 Ensuite Addition

10185 Elizabeth Lake Road, White Lake MI 48386

Scale 1/4" = 1'-0"

This sheet is 24" x 36". If it is any other size, then the scale has been altered.

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



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

WHITE LAKE TOWNSHIP

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

MEMORANDUM

To: White Lake Township Planning Department
From: Nick Spencer, White Lake Township Building Official
Subject: Denial of building permit application for 10185 Elizabeth Lake Road
Date: May 14, 2020

=====

I have denied the building permit application for an addition at 10185 Elizabeth Lake Road based on the following:

The applicant is expanding a non-conformity for side yard setback. He is seeking a side yard setback of 5 ft. for Zoning District R1C, which requires a minimum of 10 ft.

Mr. and Mrs. Fulkerson were granted a side yard variance of 5 ft to construct an addition which was completed in 2016. Their request is to maintain the same side yard variance of 5 ft along the west side of the property toward the rear of the property for the addition of a master bedroom.

Gregory R. Baroni, Supervisor
Terry Lilley, Clerk
Forrest Jay Brendel, Treasurer



Trustees
Carol J. Burkard
Michael Powell
Todd T. Birkle
David Lewsley

WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

March 22, 2012 at 7:00 p.m.

7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Artinian was absent.

ROLL CALL: Robert Artinian – Vice Chairperson - **Absent**
Wayne Gilbert - Alternate
Rik Kowall
Mike Lanthier
Gail Novak-Phelps
Linda Pearson - Secretary
Josephine Spencer - Chairperson

Also Present: Jason Iacoangeli, Staff Planner
Lynn Lindon, Recording Secretary

Visitors: 4

Approval of Agenda:

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

Approval of Minutes:

- a. Minutes of January 26, 2012

Ms. Novak-Phelps moved to approve the minutes of January 26, 2012 as presented. Ms. Pearson supported and the MOTION CARRIED with a voice vote. (5 yes votes)

Old Business:

File 12-001
Applicant: Mark Heyniger
10211 Cedar Island Rd.
White Lake, MI 48386
Location: 10211 Cedar Island Rd., identified as 12-34-230-005
Request: Variance to Article 6 for front and side yard setbacks, lot width,
and distance to neighbors

Ms. Spencer noted for the record that 22 property owners within 300 ft. were notified of the request. There were no letters received in favor, 2 letters received in opposition, and none were returned undeliverable by the US postal service.

Mr. Iacoangeli reviewed his report dated March 22, 2012. This is a single-family residential home located in the Golden Estates Neighborhood. This home is NOT served by the sanitary sewer system and uses a private well.

The applicant wishes to build a garage addition to the existing garage that is 24' x 20' or 480 sq. ft. The applicant is proposing a 24' x 20' garage addition to an existing 2-car garage. The new garage will encroach further into a non-conforming side yard that already exists. The need for an 18' front yard setback will be created by the garage addition and this will also create the need for a distance to neighbor's variance in the amount of 1.5 ft. It should be noted that the front lot line is 48.5 ft. from the road right of way on Cedar Island Road, and from the road to the front of the proposed garage would be 65 ft. from the traveled portion of the road.

Mr. Heyniger addressed the board. He stated that he has 2 classic cars and would like to build another garage to house his other cars.

Ms. Spencer noted for the record that 2 letters of opposition were received, one from Peter and Beverly Lusic, 10275 Cedar Island, who feel the housing market is an issue; and the other from Ray and Susan Vanderwill, 10259 Cedar Island, who want to see the same boundaries for all the neighbors.

Ms. Spencer opened the discussion for public comment, but none was offered.

Mr. Kowall asked where the septic was located to make sure maintenance vehicles would be able to service it if needed. Mr. Heyniger responded that the septic is in the rear yard and the well location is at the corner of the garage. He added that due to the location of the septic, he was unable to add the garage to the rear.

Mr. Lanthier noted that the applicant has to prove a practical difficulty or hardship and it can't be financial. Mr. Heyniger stated there is no other place to put the addition.

Ms. Novak-Phelps addressed the letters of opposition from the neighbors and doesn't see the housing market being an issue. Also, she noted there are other houses on the street with different configurations. This board has given these types of approvals in the past. Mr. Heyniger added that he would not be obstructing anyone's view and was conscious not to face the door towards the road, which would eliminate parking cars in a way that would block views.

Mr. Kowall moved in File 12-001 to grant the following variances: (1) a 20 ft. variance to lot width for an end result of 80 ft.; (2) an 18.1 ft. variance to the front yard setback for an end result of 16.9 ft.; (3) a 1.3 ft. east side yard setback for an end result of 8.7 ft.; (4) a 1.5 ft. variance from the distance to the neighbors for an end result of 18.5 ft. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is a non-conforming lot and the 65 ft. distance to the road is not causing any health, safety or welfare issues; the area to the east is already non-conforming and the variance requested for the distance to the neighbors is very small); Lanthier – no; Pearson – no; Novak-Phelps – yes (based on Ms. Spencer's comments); Kowall – yes (based on Ms. Spencer's remarks). (3 yes, 2 no votes)

Applicant: **File 12-002**
Gary Ratzlaff Fulkerson
10185 Elizabeth Lake
White Lake, MI 48386

Location: 10185 Elizabeth Lake., identified as 12-27-227-013
Request: Variance to Article 6 for front and side yard setbacks, lot width,
and distance to neighbors

Ms. Spencer noted for the record that 27 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition, and none were returned undeliverable by the US postal service.

Mr. Iacoangeli reviewed his report dated March 15, 2012. This is a single-family residential home located in the Baker Beach Neighborhood. This home is NOT served by the sanitary sewer system and uses a private well.

The applicant wishes to construct a new 2-car garage and a new home addition. The new garage would use the existing 5.85 ft. setback of the current home. The distance to neighbor's variance is also an existing condition. However, the garage would encroach further into the front yard and a variance of 13 ft. This setback is based on the property line. An addition 20 ft. remains between the property line and the traveled portion of Elizabeth Lake Road. The lot is non-conforming with regard to lot width.

The garage would use the same existing setback, but the new front yard setback would be at 22 ft. The applicant's property line, there is 42 ft. from the traveled portion of the road.

Ms. Spencer asked there were significant lot coverage with the sheds on the property. Mr. Iacoangeli responded that the lot is 330 ft. deep and the new addition and sheds are well within the 20% lot coverage.

Mr. Fulkerson noted that he considered putting the garage in the rear yard, but found the septic field would have to be re-piped to the very rear of the yard with a supplemental pump.

Mr. Kowall asked if he would keep the circle drive. Mr. Fulkerson stated the circle drive would be removed and there will be a back-out area for the garage.

Ms. Spencer opened the discussion for public comment, but none was offered.

Ms. Spencer moved in File 12-001 to grant the following variances: (1) a 20 ft. variance to lot width for an end result of 80 ft.; (2) a 13 ft. variance to the front yard setback for an end result of 22 ft.; (3) a 4.15 ft. west side yard setback variance for an end result of 5.85 ft.; (4) a 3.9 ft. variance from the distance to the neighbors for an end result of 16.1 ft. Ms. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Spencer – yes (this is already non-conforming and even though we are increasing the non-conformity, there is 20 ft. from the road after the building is constructed and this doesn't pose any health, safety or welfare issues; the other 2 variances are existing); Novak-Phelps – yes (for the reasons stated); Lanthier - yes (for reasons stated); Pearson – yes (for reasons stated); Kowall – yes (for reasons stated). (5 yes votes)

Next Meeting Date:

- a. April 26, 2012

Adjournment:

Ms. Novak-Phelps moved to adjourn the meeting at 7:33 pm. Ms. Pearson supported and the MOTION CARRIED with a unanimous voice vote. (5 yes votes)

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: July 23, 2020

Agenda item: 6d

Appeal Date: July 23, 2020

Applicant: John Rossi

Address: 10974 Hillway Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 10974 Hillway Drive
White Lake, MI 48386

Property Description

The approximately 0.463-acre (20,168.28 square feet) parcel identified as 10974 Hillway Drive is located on Sugden Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,055 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

John Rossi, the applicant, is proposing to construct an addition to the existing house. An existing garage and breezeway were removed to construct the addition.

Planner's Report

The existing house was built in 1920 and is considered nonconforming because it is located 1.63 feet from the east property line. Article 7.23 of the zoning ordinance states nonconforming structures may not be enlarged or altered in a way which increases its nonconformity. The proposed two-story addition (including the 800 square foot attached garage) would be 3,087 square feet in size and at its closest point would encroach 1.24 feet into the required 10-foot side yard setback.

Article 7.28 of the zoning ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs 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 (\$141,370), the maximum extent of improvements cannot exceed \$70,685. The value of the proposed work is \$200,000. A variance to exceed to exceed the allowed value of improvements by 283% 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	Side yard setback	10 feet	1.24 feet	8.76 feet
2	Article 7.28.A	Nonconforming structure	50% SEV (\$70,685)	283%	\$129,315 over allowed improvements

Recommended Motions:

Approval: I move to approve the variances requested by John Rossi from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-34-351-009, identified as 10974 Hillway Drive, in order to construct an addition that would encroach 1.24 feet into the required side yard setback and exceed the allowed value of improvements to a nonconforming structure by 283%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.

Denial: I move to deny the variances requested by John Rossi for Parcel Number 12-34-351-009, identified as 10974 Hillway Drive, due to the following reason(s):

Table: I move to table the variance requests of John Rossi for Parcel Number 12-34-351-009, identified as 10974 Hillway Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated June 22, 2020.
2. Plot plan dated June 16, 2020.
3. Floor plans and building elevations dated June 4, 2020.
4. Letter of denial from the Building Department dated June 16, 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: John Rossi PHONE: 248-866-4732

ADDRESS: 10974 Hillway White Lake MI 48386

APPLICANT'S EMAIL ADDRESS: jdrroster@aol.com

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

ADDRESS OF AFFECTED PROPERTY: 10974 Hillway PARCEL # 12 - 34-351-009

CURRENT ZONING: R1D PARCEL SIZE: 0.463

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

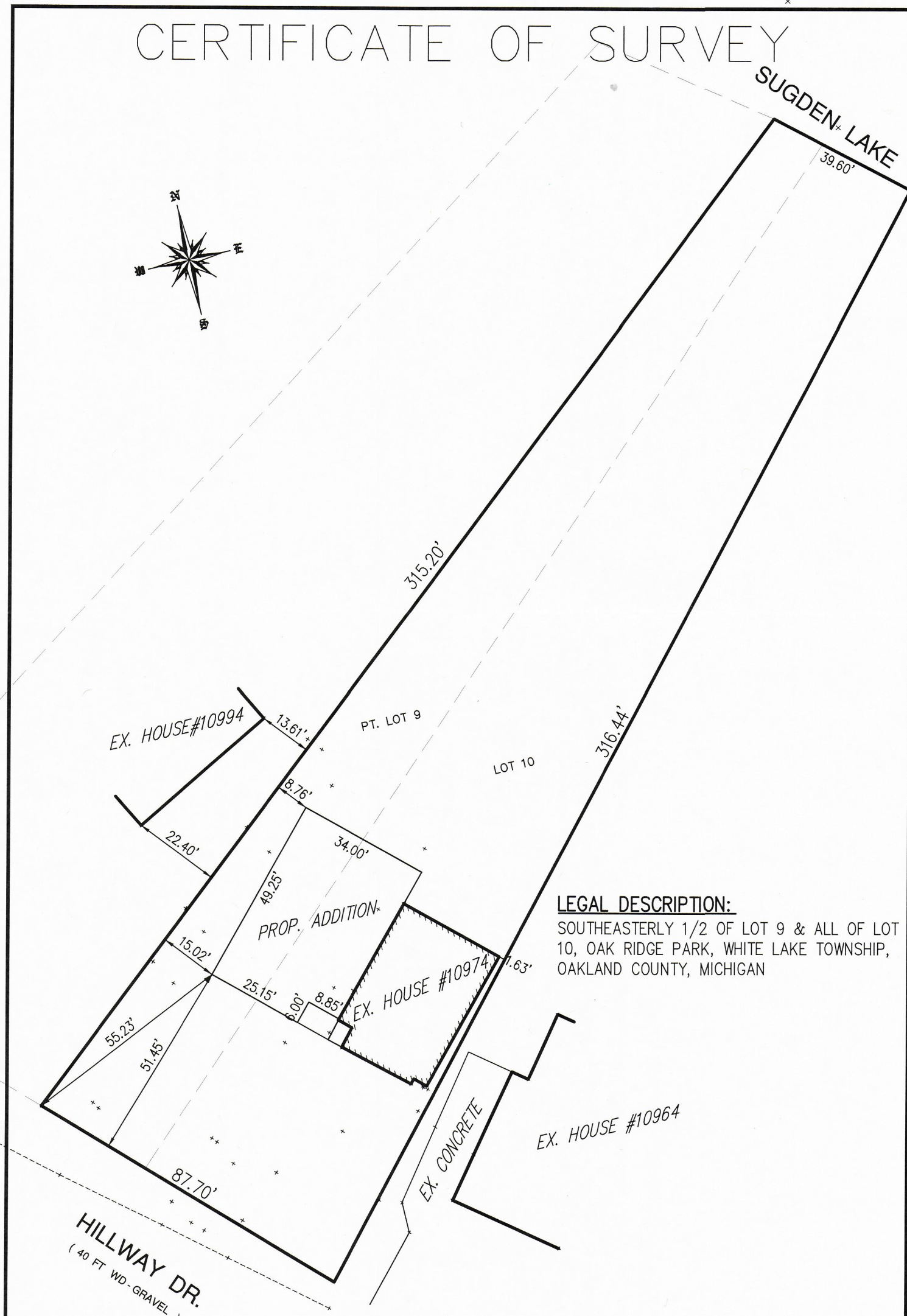
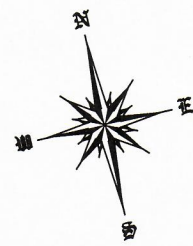
STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

Not able to meet R1-D zoning requirement of 20', existing structure has a sideyard setback of 16.3', proposed addition has a setback of 8.76' overall setback of 10.49'. Requesting to reduce setback requirement to match. Septic is located on the south side of existing structure, not able to move addition closer to road on south side.

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

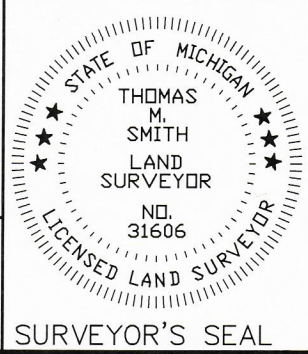
APPLICANT'S SIGNATURE: John D. Rossi DATE: 06/22/2020

CERTIFICATE OF SURVEY



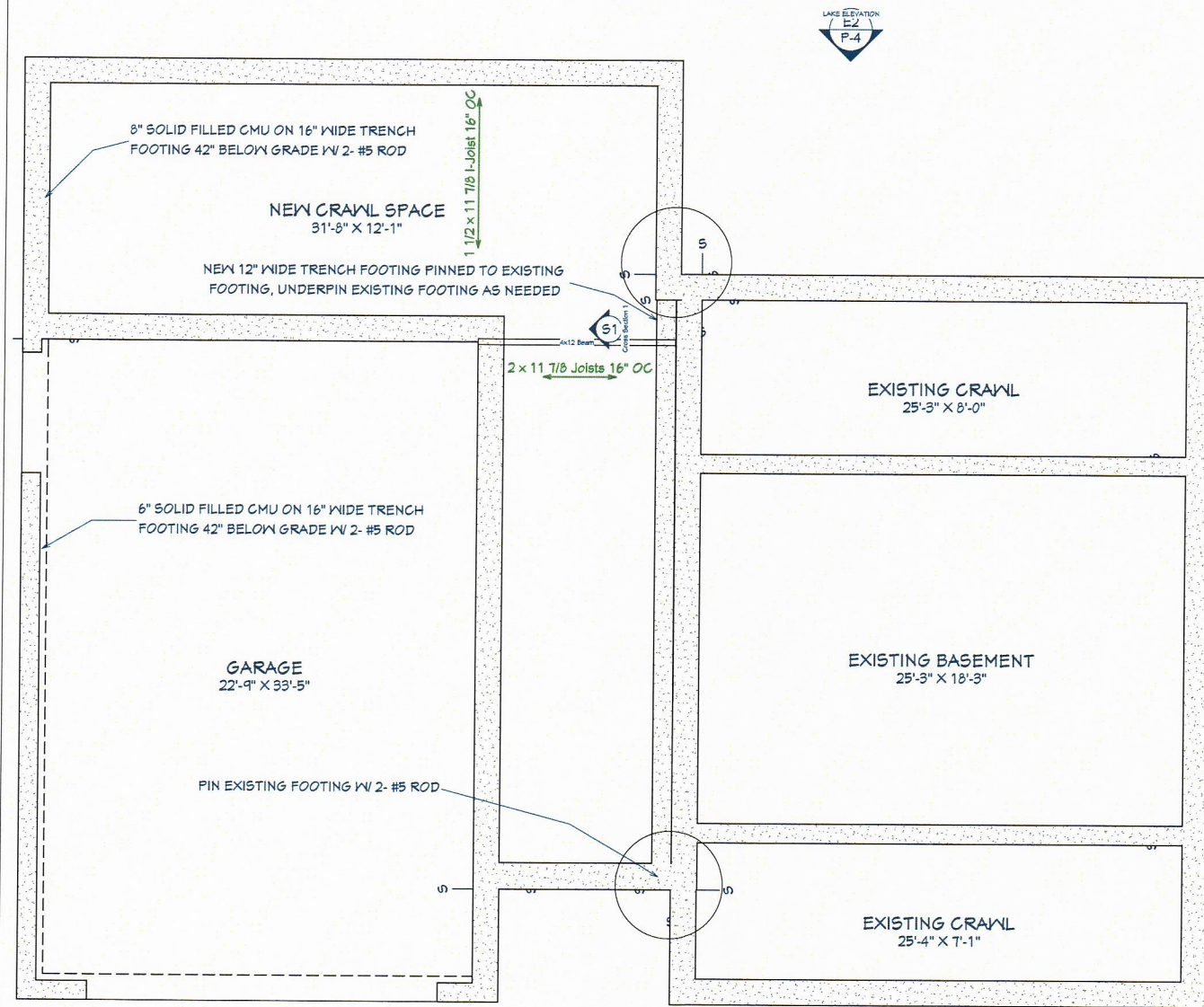
LEGAL DESCRIPTION:
 SOUTHEASTERLY 1/2 OF LOT 9 & ALL OF LOT 10, OAK RIDGE PARK, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
THOMAS M. SMITH P.S. PROFESSIONAL LAND SURVEYOR			
7559 OLDE STURBRIDGE TRAIL tsmith7559@yahoo.com CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276			
DRAWN BY TMS	JOB No. 20-158	DESCRIPTION	
DATE 06-16-20 SHEET No. 1 OF 1 SCALE 1"=30'		10974 HILLWAY	
		PT. LOT 9 & ALL OF LOT 10	



SURVEYOR'S SEAL

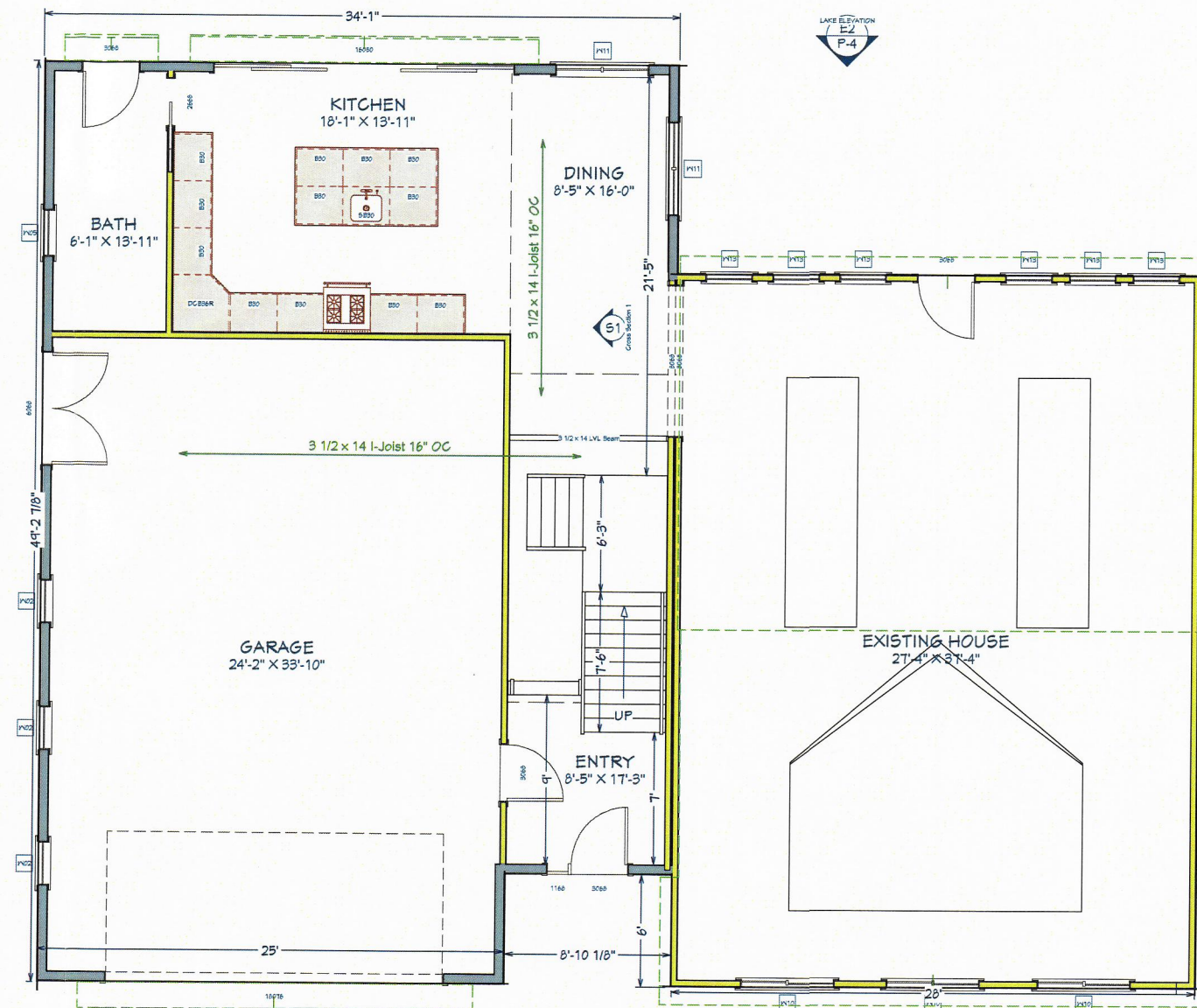
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	DOOR SCHEDULE	HEADER	THICKNESS	COMMENTS
D01	1168	1	1	1168 EX	13 1/16	80"	EXT. FIXED-DOOR SL04	2X8X16 1/16" (2)	1 3/4"	
D02	18076	1	1	18076	216"	80"	GARAGE-GARAGE DOOR CHD05	1 3/4"X16"X24" (2)	1 3/4"	
D03	2468	1	2	2468 L IN	28"	80"	HINGED-DOOR F04	2X8X33" (2)	1 3/8"	
D04	2468	1	2	2468 R IN	27 1/2"	80"	HINGED-DOOR F04	2X8X32 1/2" (2)	1 3/8"	
D05	2668	1	1	2668 R	30"	80"	POCKET-DOOR F04	2X8X85" (2)	1 3/8"	
D06	2668	2	2	2668 L	30"	80"	POCKET-DOOR F04	2X8X85" (2)	1 3/8"	
D07	2668	1	2	2668 L IN	30"	80"	HINGED-DOOR F04	2X8X35" (2)	1 3/8"	
D08	2668	1	2	2668 R	30"	80"	2 DR. BIFOLD-LOUVERED	2X8X35" (2)	1 3/8"	
D09	2668	1	2	2668 R	30"	80"	POCKET-DOOR F04	2X8X85" (2)	1 3/8"	
D10	2668	2	2	2668 R IN	30"	80"	HINGED-DOOR F04	2X8X35" (2)	1 3/8"	
D11	3068	1	1	3068 L EX	36"	80"	EXT. HINGED-DOOR E21	2X8X41" (2)	1 3/4"	
D12	3068	1	1	3068 R EX	36"	80"	EXT. HINGED-DOOR E21	2X8X41" (2)	1 3/4"	
D13	3068	2	1	3068 R EX	36"	80"	EXT. HINGED-DOOR E21	2X8X41" (2)	1 3/4"	
D14	6068	1	1	6068 L/R EX	12"	80"	EXT. DOUBLE HINGED-DOOR E21	2X12X11" (2)	1 3/4"	
D15	6068	2	2	6068 L/R	12"	80"	4 DR. BIFOLD-LOUVERED	2X12X11" (2)	1 3/8"	
D16	16080	1	1	16080 L/R EX	142"	36"	EXT. QUAD SLIDER-GLASS PANEL	1 3/4"X16"X191" (2)	1 3/4"	



LIVING AREA
1859 SQ FT

E1
P-4

Foundation



LIVING AREA
1825 SQ FT

E1
P-4

1st Floor



REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

ROSSI ADDITION
10974 HILLWAY
WHITE LAKE, MI 48386

FOUNDATION &
FIRST FLOOR

DRAWINGS PROVIDED BY:
CMC CONSTRUCTION

DATE:

6/4/2020

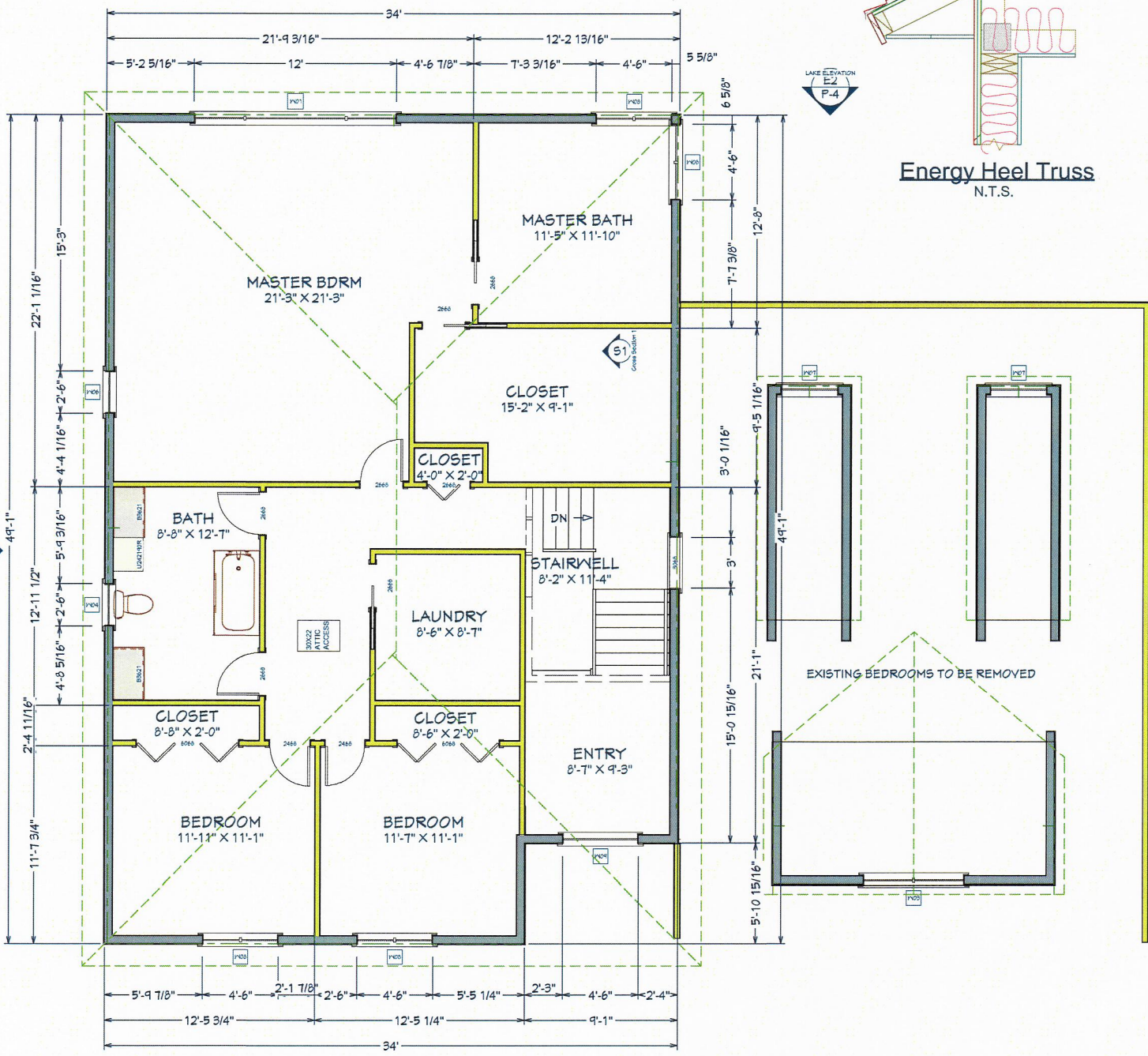
SCALE:

1/4"=1'

SHEET:

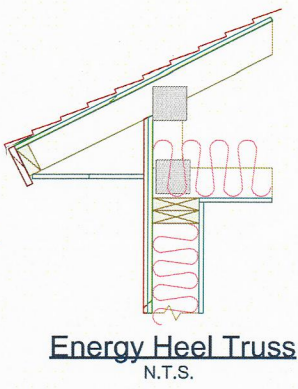
P-2

WINDOW SCHEDULE								
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	DESCRIPTION	HEADER
W01	12056TC	1	2	12056TC	144"	66"	TRIPLE CASEMENT-LHL/RHR	2X12X148" (2)
W02	2439DH	3	1	2439DH	28"	45"	DOUBLE HUNG	2X8X32" (2)
W03	6040DC	1	2	6040DC	12"	48"	DOUBLE CASEMENT-LHL/RHR	2X12X16" (2)
W04	2640SC	1	2	2640SC	30"	48"	SINGLE CASEMENT-HR	2X8X34" (2)
W05	2650SC	1	1	2650SC	30"	60"	SINGLE CASEMENT-HR	2X8X34" (2)
W06	2656SC	1	2	2656SC	30"	66"	SINGLE CASEMENT-HR	2X8X34" (2)
W07	3541FX	2	2	3541FX	40 7/8"	48 1/2"	FIXED GLASS	2X8X44 7/8" (2)
W08	4650DC	4	2	4650DC	54"	60"	DOUBLE CASEMENT-LHL/RHR	2X10X58" (2)
W09	4660FX	1	2	4660FX	54"	72"	FIXED GLASS	2X10X58" (2)
W10	5040RS	3	1	5040RS	60"	48"	RIGHT SLIDING	2X10X64" (2)
W11	5050DC	2	1	5050DC	60"	60"	DOUBLE CASEMENT-LHL/RHR	2X10X64" (2)
W13	2640DH	6	1	2640DH	30"	48"	DOUBLE HUNG	2X8X34" (2)



LIVING AREA
1517 SQ FT

2nd Floor



RAILING NOTES:

STAIRWAYS SHALL HAVE A MIN. WIDTH OF 36". HAND RAILS MAY ENCROACH A MAX. OF 3 1/2" INTO THE REQUIRED WIDTH.

TREADS SHALL HAVE A MIN. WIDTH OF 9". STAIR TREADS MUST BE UNIFORM AND CAN NOT VARY FROM THE LARGEST TO THE SMALLEST BY MORE THAN 3/8".

STAIRWAYS SHALL HAVE MIN. 6'-8" OF HEADROOM AT THE NOSE OF THE STAIR.

ENCLOSED USABLE SPACE UNDER INTERIOR STAIRS SHALL BE PROTECTED ON THE ENCLOSED FACE WITH 5/8" TYPE "X" GYPSUM WALL BOARD.

STAIRWAYS SHALL HAVE AT LEAST ONE HANDRAIL LOCATED 34" TO 38" ABOVE THE NOSING OF TREADS AND LANDINGS. THE HAND GRIP PORTION OF HANDRAILS SHALL NOT BE LESS THAN 1-1/2" OR GREATER THAN 2" IN CROSS-SECTIONAL DIMENSION.

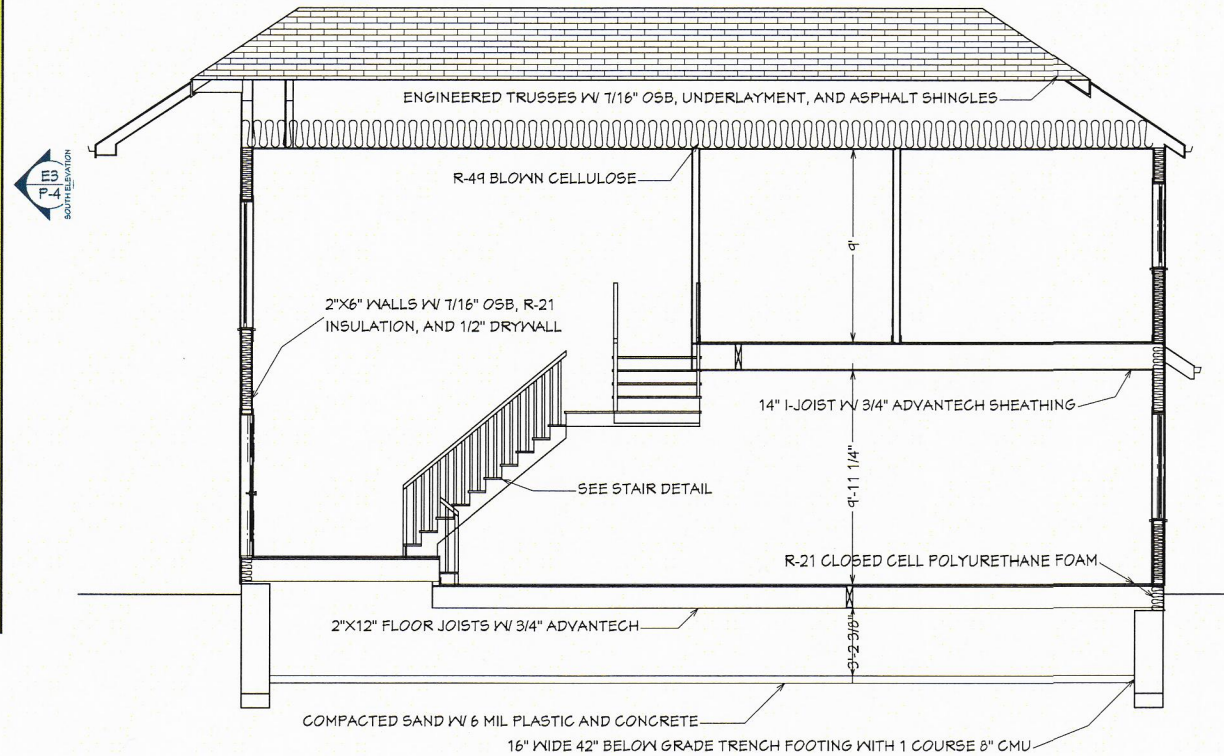
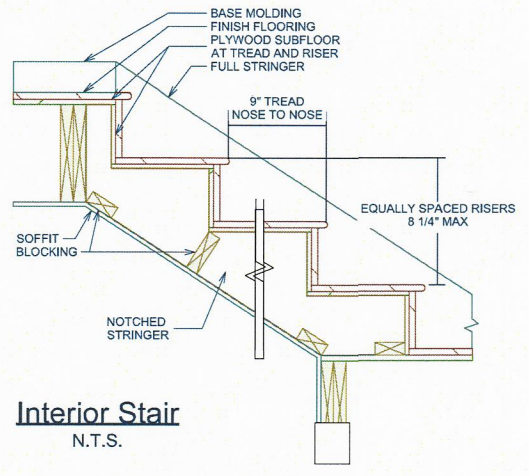
HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. THE ENDS OF HANDRAILS SHALL RETURN TO WALL OR TERMINATE INTO A NEWEL POST OR SAFETY TERMINAL.

STAIRWAYS HAVING LESS THAN 4 RISERS DO NOT REQUIRE A HAND RAIL.

36" MIN. HEIGHT GUARDRAILS SHALL BE PROVIDED FOR AT PORCHES, DECKS, BALCONIES, STAIRWAYS AND LANDINGS WHERE THE ADJACENT SURFACE IS GREATER THAN 30" BELOW.

RAILING AND GUARDRAIL BALUSTER SPACING SHALL BE NO GREATER THAN 4".

THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD, AND BOTTOM OF GUARDRAIL SHALL NOT ALLOW A 6" DIAMETER SPHERE TO PASS THROUGH.



REVISION	DATE	DESCRIPTION

ROSSI ADDITION
10974 HILLWAY
WHITE LAKE, MI 48386

2ND FLOOR &
CROSS SECTION

DRAWINGS PROVIDED BY:
CMC CONSTRUCTION

DATE:
6/4/2020

SCALE:
1/4"=1'

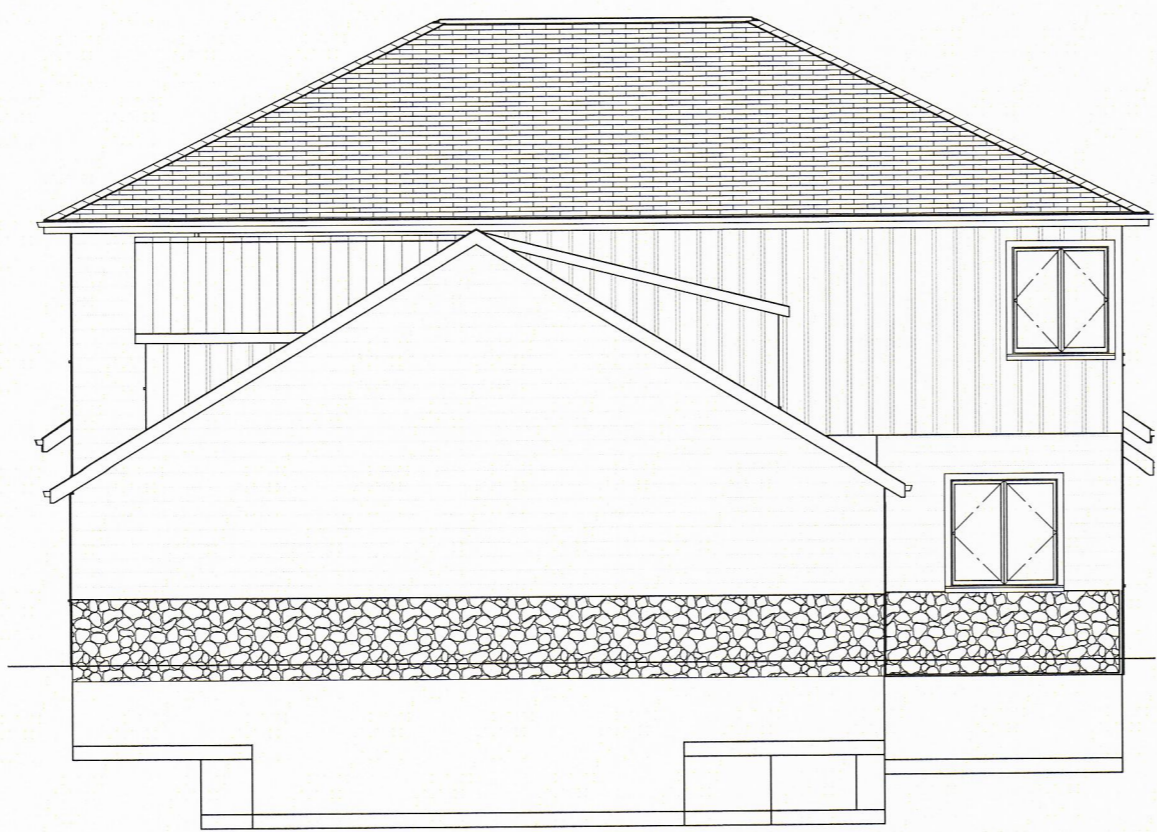
SHEET:
P-3



STREET ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



LAKE ELEVATION



REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

ROSSI ADDITION
 10974 HILLWAY
 WHITE LAKE, MI 48386

ELEVATIONS

DRAWINGS PROVIDED BY:
CMC CONSTRUCTION

DATE:

6/4/2020

SCALE:

1/4"=1'

SHEET:

P-4

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

June 16, 2020

Chad Coleman
CMC Construction
10772 Bogie Lake Rd
White Lake, MI 48386

RE: 10974 Hillway, 12-34-351-009

Based on the submitted plans, the proposed addition does not satisfy the White Lake Township Clear Zoning Ordinance for setback and maximum project value for nonconforming structures.

Article 3.1.5 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

Article 7.28 of the White Lake Township Clear Zoning Ordinance: On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the State Equalized Valuation of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it becomes nonconforming shall not be increased.

The existing structure has a side yard setback of 0 ft. on the northeast corner. The proposed addition will have a setback of 12 ft.-10 in. on the west side of the property for a total side yard setback of 12 ft.-10 in. R1-D zoning requires a total of 20 ft. for side yard setbacks. Furthermore, the current structure has a State Equalized Value (SEV) of \$141,370. Fifty percent of the SEV is \$70,685. The proposed addition has a project value of \$200,000, exceeding fifty percent of SEV.

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

Sincerely,

Nick Spencer
Building Department