

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS-SPECIAL MEETING
SEPTEMBER 10, 2020
7525 Highland Road
White Lake, MI 48383

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

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

Also Present: Justin Quagliata, Staff Planner
Sean O’Neil, Planning Director
Lisa Hamameh, Township Attorney
Hannah Micallef, Recording Secretary

Visitors: 0

Approval of the Agenda:

Mr. Powell MOTIONED to approve the agenda as presented. Mr. Shillack supported and the MOTION CARRIED with a roll call vote (Dehart/yes, Powell/yes, Schillack/yes, Spencer/yes, Walz/yes.).

Approval of Minutes:

Zoning Board of Appeals Regular Meeting July 23, 2020.

Mr. Schillack pointed out errors to the spelling of his name on page 5 and page 9. MOTIONED to approve the regular meeting minutes of July 23, 2020 as amended. supported and the MOTION CARRIED with a roll call vote (Dehart/yes, Powell/yes, Schillack/yes, Spencer/yes, Walz/yes).

New Business

- a. Applicant: Donna Marie and James Bauer
2039 Ridge Road
White Lake, MI 48383
- Location: **2039 Ridge Road**
White Lake, MI 48383 identified as 12-18-351-056
- Request: The applicant requests to construct an accessory building, requiring variances from Article 3.11.Q, Water Features Setback and Article 5.7.B, Accessory Buildings or Structures in Residential Districts due to the proposed accessory building setbacks from the lake and side lot line.

Ms. Spencer noted for the record that 16 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

Property Description

The approximately 0.49-acre (21,344.4 square feet) parcel identified as 2039 Ridge Road is located on White Lake within the Stison Lake subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,599 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Donna Marie & James Bauer, the applicants, are proposing to construct an accessory structure (pergola) in the rear yard. The proposed structure would be located on an existing patio.

Planner's Report

The proposed pergola is 12 feet by 16 feet (192 square feet) in size. The applicants intend to locate the pergola west of the existing house, in the rear yard along the frontage of White Lake. Section 3.11.Q of the zoning ordinance states no building shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The pergola would be located 16 feet from the water's edge, which follows the seawall. A variance of nine (9) feet is requested for the setback from the lake.

The zoning ordinance prohibits accessory buildings from encroaching within five (5) feet of a side lot line. The outer edge of the pergola posts are located four (4) feet from the north side lot line. Roofs and gutters also cannot project closer than five (5) feet to the lot line. The roof overhang on the proposed pergola is located three (3) feet from the north side lot line. Section 7.27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance of less than five feet from a side lot line for safety reasons.

Mr. Powell asked staff what the definition of a pergola. Mr. Quagliata said the proposed pergola was an accessory structure, and said pergola contained four posts with an open slatted roof. The pergola would be a fully covered structure and permanently grounded. Anything permanently attached to the ground was considered a structure. Mr. Quagliata added the 25' setback from the lake was needed for visibility purposes. Mr. Quagliata also added the site plan submitted with the variance application did not show the whole property, and the house was not labeled in relation to the pergola, and there was no measurement shown from the house to the pergola. The pergola had to be 10' from the house to be considered an accessory structure; anything closer than 10' would be considered part of the house.

Mr. O'Neil added the zoning ordinance defined structure as anything constructed or erected which required permanent location on the ground, or attachment to something having such location.

Ms. Dehart asked staff how far the pergola encroached into the side yard setback. Mr. Quagliata said the post of the proposed pergola would be 4' from the north side lot line, and the overhang would be 3' from the side lot line. A structure setback is measured to the outside edging of a footing; and eaves, roofs or gutters cannot be within 5' of the lot line.

Mr. Bauer was in attendance to represent his case. He said he can adjust the border of the pergola so it's at least 5' away from the northern property line. He also added the reason for the pergola is to provide shade from the sun and rain. The sun beats down on the home's paver deck as it is now. A concrete patio comes out from the house about 20' ft, and past that is where the paver stones are. The pergola would be constructed where the pavers are now.

Mr. Powell said he met the applicant, and he was able to see the irons for the north property line, and the applicant shared he could move the pergola further away from the northern property line. He asked Mr. Bauer if the pergola can be constructed 10' from the house, and asked what would the applicant do if the dimensions on the plan were incorrect and the structure was closer to the lake?

Mr. Bauer said the pergola will be 10' from the house. He also said the shoreline in front of the home is concave, and at the northern part of the property line, there's 16', but as it curves towards the middle of the property, it is shorter than 16'.

Mr. Powell asked if the eave on the pergola will be an architectural feature for the distance between the house and the structure? Mr. Quagliata said no, the pergola will be measured from it's post to the home.

Ms. Dehart asked how many feet the proposed structure would be from the house? Mr. Quagliata said it's not shown on the plan, but the applicant said it would be 10' from the home. It could be moved closer to the home, but then the pergola would be considered part of the principal structure, and would have to meet the side yard setback for a principal structure.

Ms. Spencer opened the public hearing at 7: 21 P.M. Seeing none, she closed the public hearing at 7:21 P.M.

Mr. Powell said his issue is the impact of the pergola on the neighbors. He said there's a difference between an open, slatted roof, and the roof that was proposed. The roof proposed was very high, and would overshadow the size of the pergola. This would impact the view of the neighbors to the north.

Mr. Bauer said the pitch of the roof could be adjusted, and it didn't have to be as high as originally planned.

Mr. Powell asked the applicant if his in-laws were bound to the walkout level of the house or can the main floor be utilized? Mr. Bauer said his mother cannot navigate stairs well. Mr. Powell added he noticed the covered porch on the walk out level as well as the second-floor porch during his visit, and this pergola would make a third covered area.

Mr. Walz said a practical difficulty doesn't exist with this case in his opinion. Ms. Spencer agreed and said there are other alternatives that can be used, such as umbrellas or large trees.

Ms. Dehart asked would a freestanding pergola be an accessory structure? Mr. Quagliata said no, as long as it can be relocated and moved around. Ms. Dehart added that without a survey, it's unsure how far the proposed structure would be from the water line.

Mr. Walz asked if the size of the pergola was reduced, would a permit be needed? Mr. Quagliata confirmed, if a reduced pergola was relocated out of the 25' setback from the water and out of the setback from the north lot line, the pergola could be constructed without variance.

Mr. Walz asked the applicant if any consideration was given to a size reduction of the pergola? Mr. Bauer said he wouldn't be able to set the pergola back because the shoreline is concave, and the back of the house has the concrete slab that extends out. He added that they do have an umbrella, but it is not sufficient.

Mr. Walz MOVED to deny the variance requested by Donna Marie & James Bauer for Parcel Number 12-18-351-056, identified as 2039 Ridge Road, due to the following reason(s):

- **The request is a self created hardship and a practical difficulty does not exist. Denial of this request does not unreasonably prevent the owner from using the site for it's permitted use.**

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

Dehart: YES; there are alternatives and it is a self-imposed hardship.

Powell: YES; the applicant has other means of providing shade, and there is usable area and the owner is not being prevented from using his property.

Schillack: YES; for the reasons stated.

Walz: YES; for the reasons stated.

Spencer: YES; this is a self created hardship and by denying this request, the applicant is not being denied use of his property, and there are other alternatives.

- b. Applicant: Kim McFadden
9693 Bonnie Briar
White Lake MI, 48386
- Location: **9120 Buckingham**
White Lake, MI 48386 identified as 12-14-280-014
- Request: The applicant wishes to construct a second-story addition on an existing one-story home, and add an attached garage, that will require variances to Article 3.1.6.E, R1-D Single Family Residential Front-Yard setback, Side-Yard setback, Lot Coverage, and Lot Size. A variance to Article 7.28.A, Repairs and Maintenance to Non-Conforming Structures, will be required due to both the value of improvements and the increase in cubic content.

Ms. Spencer noted for the record that 31 owners within 300 feet were notified. 1 letter was received in favor, 1 letter were received in opposition and 0 letters was returned undeliverable from the US Postal Service.

Property Description

The approximately 0.235-acre (10,250 square feet) parcel identified as 9120 Buckingham is located within the English Villas subdivision on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property utilizes a private well for water and the public sanitary sewer system for sanitation. The double lot (Lots 113 and 114) contains 95 feet in width at the front property line.

Applicant's Proposal

Kim McFadden, the applicant, is proposing to construct a two-story addition to the existing 878 square foot house. The project involves adding 450.5 square feet to the first floor and constructing a 1,262.5 square foot

second story on the existing dwelling; the total size of the house with the addition would be 2,591 square feet. A four-car, two-story garage addition is also proposed to replace the existing 440 square foot single-story detached garage. Including the second story the new garage would be 2,184 square feet in size. The 66 square foot covered area identified as “portico” on the plans would connect the two structures. The garage would be part of the principal structure if connected to the house. Therefore, the total size of the proposed structure is 4,775 square feet, an increase in 3,897 square feet.

Planner’s Report

Currently the existing house is nonconforming to setbacks; the structure is located 1.2 feet from the west side lot line and 15.8 feet from the front lot line. A minimum 10-foot side yard setback and 30-foot front yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 1,750 square foot deficiency in lot area; the minimum lot size requirement is 12,000 square feet in the R1-D zoning district.

Article 7, Section 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 in order to retain its legal nonconforming status. Based on the SEV of the structure (\$3,680), the maximum extent of improvements cannot exceed \$1,840. The value of the proposed work is \$165,000, which far exceeds the allowed value of improvements by 8,967%. Further, Article 7, Section 28 of the Zoning Ordinance does not allow the cubic content of nonconforming structures to be increased. Additionally, Article 7, Section 23 of the Zoning Ordinance states nonconforming structures may not be enlarged or altered in a way which increases the nonconformity.

According to the Building Department, the current garage cannot support the proposed addition. The applicant would demolish the existing garage and attach the new garage to the house with a roofed structure. The proposed lot coverage is 23.61% (2,420.5 square feet), which is 3.61% (370.5 square feet) beyond the allowable limit (2,050 square feet). As proposed, the addition at its closest point would be located 18 feet from the road right-of-way, requiring a variance of 12 feet from the required 30-foot front yard setback.

The northwest corner of the existing structure and proposed second story addition is located 1.2 feet from the side lot line. Article 7, Section 27.vii of the Zoning Ordinance prohibits the Zoning Board of Appeals from granting a variance to permit a setback of less than five feet from a side lot line to ensure access for fire equipment and other emergency vehicles.

Ms. McFadden was in attendance to represent her case. The side lot line is 1.4 feet from the house. She said the land will not hold a basement, and it will be lost in new construction. She also said she would put in a fire wall as a fire retardant, for safety purposes. The property next door has a driveway where the Fire Department could get vehicles into in case of emergency. This neighbor also signed the petition in favor of the new home.

Mr. Dennis Strelchuck was also in attendance to represent the applicant. He said that the lot coverage of 20% is not well founded in the ordinance. He said the new modifications will be an improvement to the area, and he didn’t think the ordinance was meant to apply to structures like this one. In regards to variance for Article 7, Section 28.A, Mr. Strelchuk said that there is an extenuating circumstance there. The previous owner was infirm, and The Assessor lowered the parcel at request of the previous owner, so it wouldn’t be a financial burden. The applicant inherited the assessment. A petition with 71 neighbors in approval of the new construction was submitted to the ZBA, and that should be taken into account.

Ms. McFadden added that when she came before the ZBA in January 2020, she was asked to prove the structure was sound by a structural engineer, and a letter from Lopez Engineering was submitted to the Planning Department, stating the current home was structurally sound.

Mr. Quagliata said the intent of Article 7, Section 28 of the zoning ordinance applies to structures like this. When the value of the building is so low, expanding the nonconformity perpetuates it for years to come. The intent is over time, nonconformities will be reduced or eliminated. In regards to the lot coverage standard, if a new house were built on the property in a different location and all zoning requirements were met, the Planning Department can administratively approve up to 30% lot coverage. This is because the lot has sanitary sewer connection. There is nothing stopping the neighboring property owner to the west from building 5' from the lot line, it's in their rights. With the 1.2' setback as shown on the applicant's survey, there would be only 6.2' between a structure. The Fire Department would need 10' for access to lay hose in event of a fire to get around structures. The current neighboring property may have more than that right now, there would be nothing stopping a future owner from building an accessory structure five feet from the side lot line.

Mr. Strelchuk said his client did not contribute to any nonconformities that weren't already present at the property.

Mr. O'Neil said the current structure is legal non conforming, and the applicant was proposing changes that are going to further non conformities. He also said the Assessor did not lower the assessment for the home arbitrarily, or based on the former's owner financial situation, and Mr. Strelchuk's previous comment regarding that was incorrect. The value is what the Township Assessor felt the structure was worth.

Mr. Strelchuck said the assessment isn't close to the value of the property. Mr. Quagliata said there's two different portions of the assessment; the building value and the land value. The land value is not included in the value of the building that is calculated for the 50% for the repairs and maintenance to a nonconforming structure. There is also nothing in the zoning ordinance that requires a single-family home to have a basement.

Ms. Spencer opened the public hearing at 8:08 P.M. She read a petition of approval of the new construction from 71 homeowners. She also read one letter of opposition from Tom Johnson, 9136 Buckingham.

Michelle Wise, 9481 Bonnie Briar. She signed the petition in favor of the new home. She lived in the neighborhood for 30+ years, and said the applicant is trying to approve the property she bought.

Ms. Spencer closed the public hearing at 8:16 P.M.

Mr. Walz said that the letter on file from the Fire Marshal and Chief recommending denial of the variance of the side lot line is very significant. Part of the ZBA's responsibility is the health, life and safety for not only the occupant of the home, but for those other houses around the home.

Mr. Powell said it was his impression that each of the 71 people who signed the petition were in favor of it, and he would have taken them at their word if they each spoke that evening to speak for the case. He also clarified that the letter from the Fire Department wasn't a denial of all the variances proposed, it was only in regards to the side yard lot line variance.

Ms. Spencer said that Article 7 strictly prohibits the ZBA from granting a variance that would allow a setback of less than 5' from the side lot line. Mr. Quagliata said while the 1.2' side yard setback was existing, the addition would also be 1.2' from the side lot line, so the new construction was a problem.

Mr. Powell said he had been out to the site, and the front yard setback appeared to match the other's in the neighborhood, he could see a need for a variance there. With Article 7, Section 28.A, what was proposed exceeded what was reasonable. When he reviewed the case, he looked at whether the home was worth saving. He reviewed the letter from Lopez Engineering, and noticed the letter did not address the structure, it only addressed the foundation. From his engineering opinion structure that supports the roof was not sufficient to support a second-floor load and a new roof. The exterior walls cannot support the loads proposed. The foundation was the only part of the home that could be saved, and it would not be proper of the ZBA to grant variances to save the foundation only. The entire structure could be rebuilt to not need any variances, if the new structure was relocated on the lot. The value was in the property, not in the current structure on it.

Mr. Walz MOTIONED to deny the variances requested by Kim McFadden for Parcel Number 12-14-280-014, identified as 9120 Buckingham Road, due to the following reason(s):

- Since the subject property is a double lot there are legal alternatives available to the Applicant to make improvements to the existing structure or build a new house in accordance with the Zoning Ordinance.
- The Applicant has not demonstrated a hardship or practical difficulty that justify the variances being requested.
- The Applicant's alleged need for the requested variances is self-created.
- The proposed project would result in substantial adverse impacts on properties in the vicinity.
- The Applicant has failed to demonstrate the requested variances are the minimum necessary.
- The public safety concerns identified by the Township Fire Department.
- The requested variances would increase the cubic content of the nonconforming structure by 3,897 square feet and increase the extent of the nonconformities.
- The value of the proposed improvements exceeds the allowed value of repairs and maintenance to a nonconforming structure by 8,967%.

Mr. Powell SUPPORTED, and the MOTION CARRIED with a roll call vote (5 votes):

Powell: YES; for the reasons stated in the denial motion

Schillack: YES; for the reasons stated, and for the safety aspect with regards to proximity to the side yard lot line.

Walz: YES; for the reasons stated.

Spencer: YES; there are legal alternatives available and there was no existing hardship or practical difficulty stated. This was a self created hardship, and because of the public safety concerns of the Fire Marshal and Chief.

Dehart: YES; for the reasons stated.

Other Business:

None.

Adjournment: Mr. Walz **MOTIONED** to adjourn the meeting at 8:45 P.M. Ms. Dehart **SUPPORTED**. All in favor.

Next Meeting Date: September 24, 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: October 15, 2020

Agenda item: 6a

Appeal Date: October 15, 2020

Applicant: Chuck Essian

Address: 9534 Mandon Road
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 9534 Mandon Road
White Lake, MI 48386

Property Description

The approximately 1.597-acre (69,565.32 square feet) parcel identified as 9534 Mandon Road is located on Cedar Island Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,896 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Chuck Essian, the applicant, is proposing to construct an addition to the existing house, which would connect with a detached garage on the south side of the property. The submitted plan shows a 45-foot-long, five-foot-wide covered walkway that would provide access from the existing house to the north with the proposed addition to the south.

Planner's Report

The proposed addition is 20 feet by 40 feet (800 square feet) in size, and the proposed covered walkway is approximately 425 square feet in size. The roofed walkway would extend southward from the house to the addition, and the south side of the addition would connect with the north side of the existing three-car detached garage (approximately 960 square feet in size). The garage is located 6.6 feet from the west side property line.

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 10-foot side yard setback. Additionally, the submitted site plan shows the existing house located 14 feet from the east side property line. Based on Oakland County parcel information, the house appears to be built over the east side property line, and therefore is considered nonconforming.

Staff believes the proposed addition has the potential to be used as a secondary dwelling unit. While the applicant has indicated they have no intention of using the addition for those purposes, a future owner could convert the addition to be living quarters independent of the main house. A floor plan provided by the applicant shows the addition would contain one bedroom, one and one-half bathrooms, a laundry/utility room, and kitchen with full cooking facilities.

If the Zoning Board of Appeals approves the request, staff recommends conditions be placed on the approval to prohibit the proposed addition from being used as a secondary dwelling unit. The motion for approval provided on the following page includes the aforementioned conditions for the Board's consideration.

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 | 3.4 feet | 6.6 feet |

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Chuck Essian from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-126-034, identified as 9534 Mandon Road, in order to allow a garage to encroach 3.4 feet into the required side yard setback. This approval will have the following conditions:

- The Oakland County Health Department shall certify the on-site septic and water systems are properly designed to handle the anticipated load prior to issuance of a building permit.
- The Applicant shall obtain all necessary permits from the White Lake Township Building Department. A survey shall be submitted at the time of reapplication for a building permit.
- The principal dwelling unit shall be owner-occupied and the addition shall not be rented separately from the principal dwelling unit.
- The approval of this variance shall not be interpreted to permit creation of a for-rent apartment, or the conversion of the existing single-family unit into a duplex or the like.
- The addition shall not include more than one (1) bedroom.
- Access to the addition shall be provided from the covered walkway on the north side of the addition. Any other exterior entrance to the addition shall be prohibited.
- Prior to issuance of a building permit, the Applicant shall submit a revised floor plan for the addition, which shall be subject to the approval of the Planning Department.
- No new street address shall be assigned to the addition.
- All utility connections and services shall be shared between the principal dwelling unit and addition. No new meters (electric, gas, or otherwise) shall be installed to serve the addition.
- Prior to issuance of a building permit, an agreement shall be prepared by the Township Attorney, to be signed by the Applicant and recorded with the Oakland County Register of Deeds, stating the addition shall not be used as a secondary dwelling unit. The agreement shall be binding on the Applicant and all future owners of the property. The Applicant shall be billed the cost of the Township Attorney's fees to draft the agreement.
- Any future enlargement or alteration of the addition shall require approval of the Zoning Board of Appeals.

Denial: I move to deny the variance requested by Chuck Essian for Parcel Number 12-35-126-034, identified as 9534 Mandon Road, due to the following reason(s):

Table: I move to table the variance request of Chuck Essian for Parcel Number 12-35-126-034, identified as 9534 Mandon Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated August 20, 2020.
2. Site plan.
3. Floor plan.
4. Letter of denial from the Building Department dated August 24, 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: Chude Essian PHONE: 248-318-7464

ADDRESS: 9534 MADDON white lk

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

ADDRESS OF AFFECTED PROPERTY: 9534 Maddon PARCEL # 12-35-126-034

CURRENT ZONING: Res. R1-D PARCEL SIZE: 1.6 Acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

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

I would like to Attach a 20x40 New build to the
Existing 24x40 GARAGE. The Existing GARAGE is 6.6' FROM
PROPERTY LINE. The New Build will be 10' FROM PROPERTY
LINE to conform to CODE.

THANK You

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Chude Essian DATE: 8/20/20

LOT 31

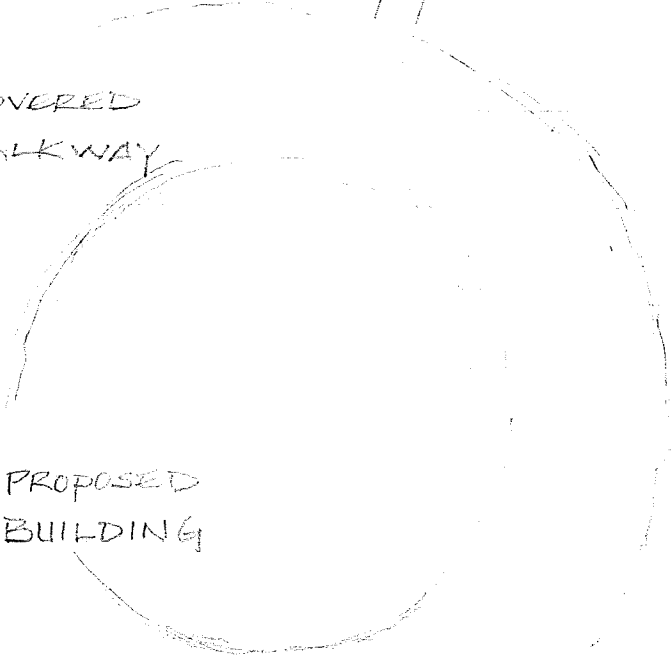


178'
TO WATER

DECK



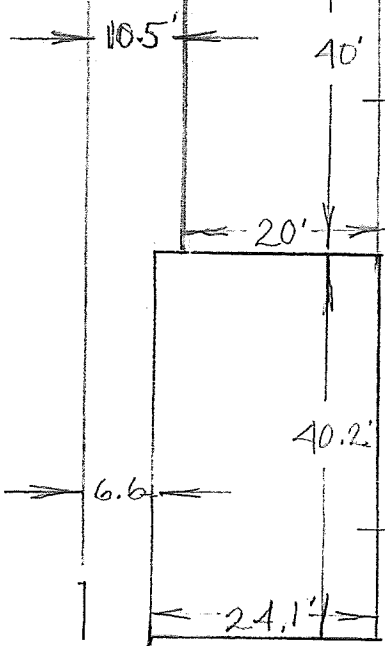
5' W COVERED
WALKWAY



PROPOSED
BUILDING

EX. GRAVEL DRIVE

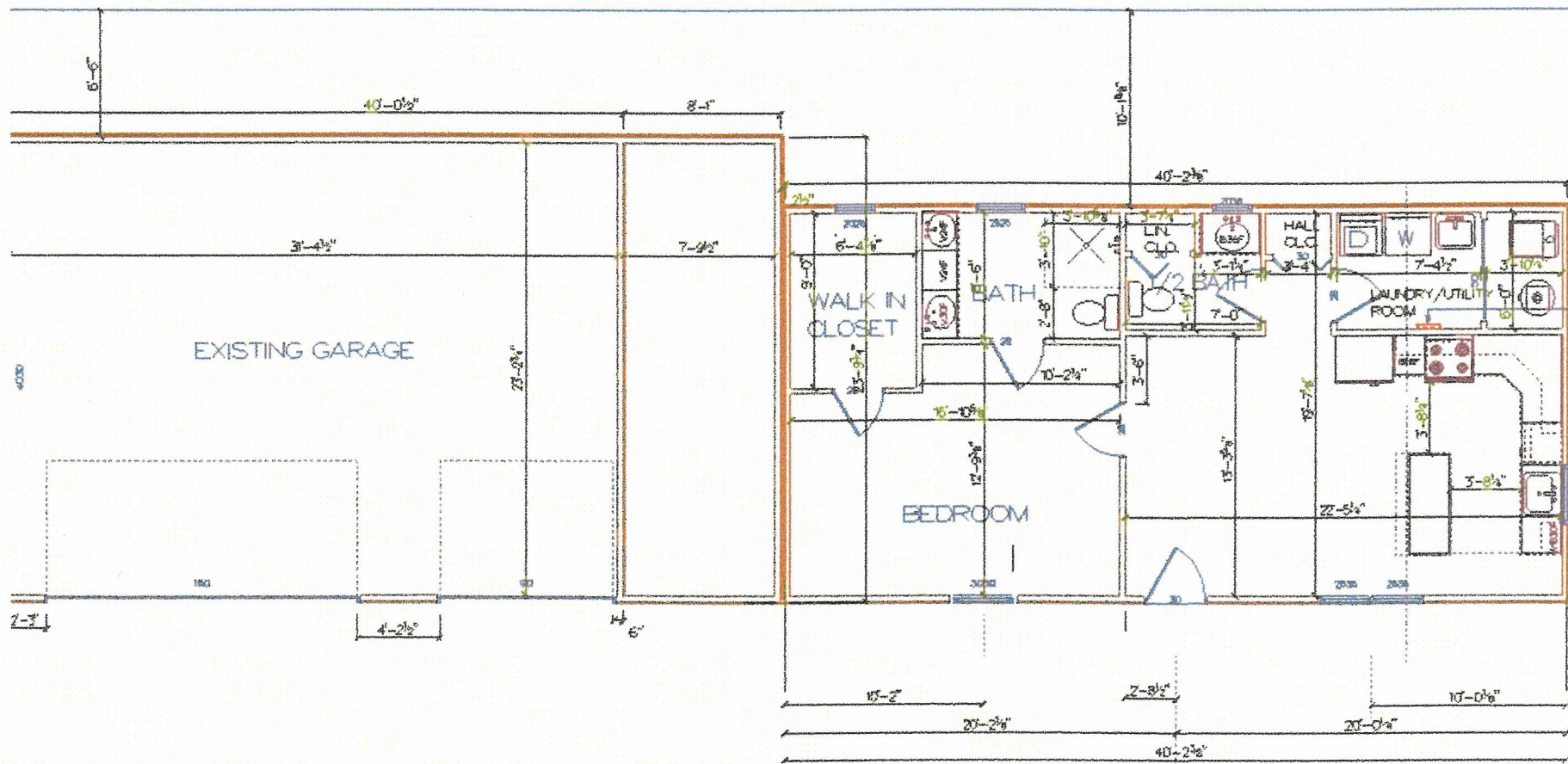
EX GARAGE



MR & MRS CHUCKESSIAN
9534 MANDON RD.
WHITE LK.

SCALE: 1" = 20'

LOT 32



DRIVE WAY
SIDE

Charlie & Debbie
9534 Mandon
White Lake Mi. 48

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



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

WHITE LAKE TOWNSHIP

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

August 24, 2020

Chuck Essian
9534 Mandon Rd
White Lake, MI

RE: 9534 Mandon Rd, Proposed Addition

The current structures and lot are conforming. The site contains an accessory structure having a 6.5 ft. side yard setback. The proposed addition would maintain the required 10 ft. side yard setback, however the existing structure when attached would become non-conforming with a side yard setback of 6.5 ft.

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance for R1-D requires: Minimum side yard setback of 10 feet

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

Sincerely,

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

Nick Spencer, Building Official
Community Development



1235126030

1235126034

1235126024

04/19/2017

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**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: October 15, 2020

Agenda item: 6b

Appeal Date: September 24, 2020

Applicant: Richard Vincent

Address: 572 Washington Boulevard
White Lake, MI 48386

Zoning: R1-C Single Family Residential

Location: 572 Washington Boulevard
White Lake, MI 48386

Property Description

The approximately 0.401-acre (17,467.56 square feet) parcel identified as 572 Washington Boulevard is located within the Cedar View subdivision and zoned R1-C (Single Family Residential). The corner lot also contains frontage on Degrand Drive. The existing house on the property (approximately 1,632 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Richard Vincent, the applicant, is proposing to demolish an existing detached garage and construct a new garage which would be connected to the house with a breezeway.

Planner's Report

The existing 616 square foot two-car detached garage would be demolished prior to constructing the proposed four-car garage, which would be 30 feet by 40 feet (1,200 square feet) in size. The applicant intends to locate the garage west of the existing house, and the garage would be connected to the house by a breezeway which would be 10'-8" by 15'-6" (165.34 square feet) in size. The garage would be located 26 feet from the front property line. A variance of nine (9) feet is requested to encroach into the front yard setback.

The submitted plan showing the shape and dimension of the property, and the existing structures is not drawn to scale. The location of the front property line should be verified to confirm the proposed setback of 26 feet is met.

If the Zoning Board of Appeals approves the request, staff recommends the following condition:

- A survey shall be required to verify the location of the front property line.

The requested variance is listed in the following table.

| Variance # | Ordinance Section | Subject | Standard | Requested Variance | Result |
|-------------------|--------------------------|--------------------|-----------------|---------------------------|---------------|
| 1 | Article 3.1.5.E | Front yard setback | 35 feet | 9 feet | 26 feet |

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Richard Vincent from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-27-403-009, identified as 572 Washington Boulevard, in order to construct an attached garage addition that would encroach nine feet into the required front yard setback. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- A survey shall be required to verify the location of the front property line.

Denial: I move to deny the variance requested by Richard Vincent for Parcel Number 12-27-403-009, identified as 572 Washington Boulevard, due to the following reason(s):

Table: I move to table the variance request of Richard Vincent for Parcel Number 12-27-403-009, identified as 572 Washington Boulevard, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated August 24, 2020.
2. Existing plan.
3. Proposed plan.
4. Letter of denial from the Building Department dated August 13, 2020.

7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

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

APPLICANT'S NAME: Richard Vincent PHONE: 248-961-4000
ADDRESS: 572 Washington Blvd.
APPLICANT'S EMAIL ADDRESS: Richvincent2@comcast.net
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: Same as above PARCEL # 12-27-403-009
CURRENT ZONING: R1-C PARCEL SIZE: 0.401

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

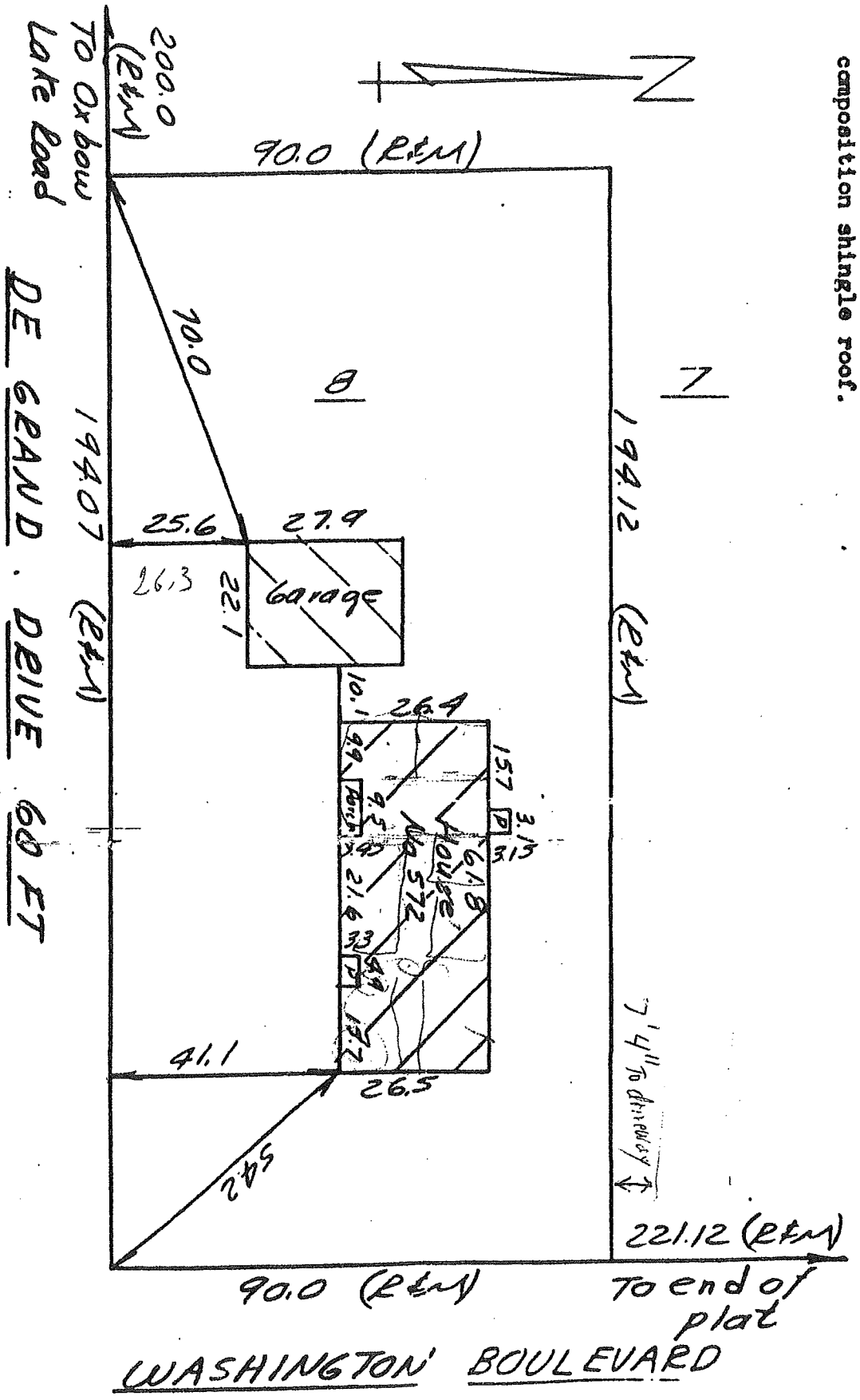
STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)
Garage roof sagging and walls bowing out. Would like to replace it with a larger one with breezeway connected to house. Would like to keep the front in the same place as the old one because of circle drive and landscaping, would also like to stay as far away from oak tree and septic system even though I have the room. Would also like to leave room for a 10'x10' porch in corner of breezeway and house. If necessary could move project back 6'

Thank you

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)
APPLICANT'S SIGNATURE: Richard Vincent DATE: 8-24-20

Utility lines along the westerly (rear) side. House and garage are 1-story brick and frame with composition shingle roof.

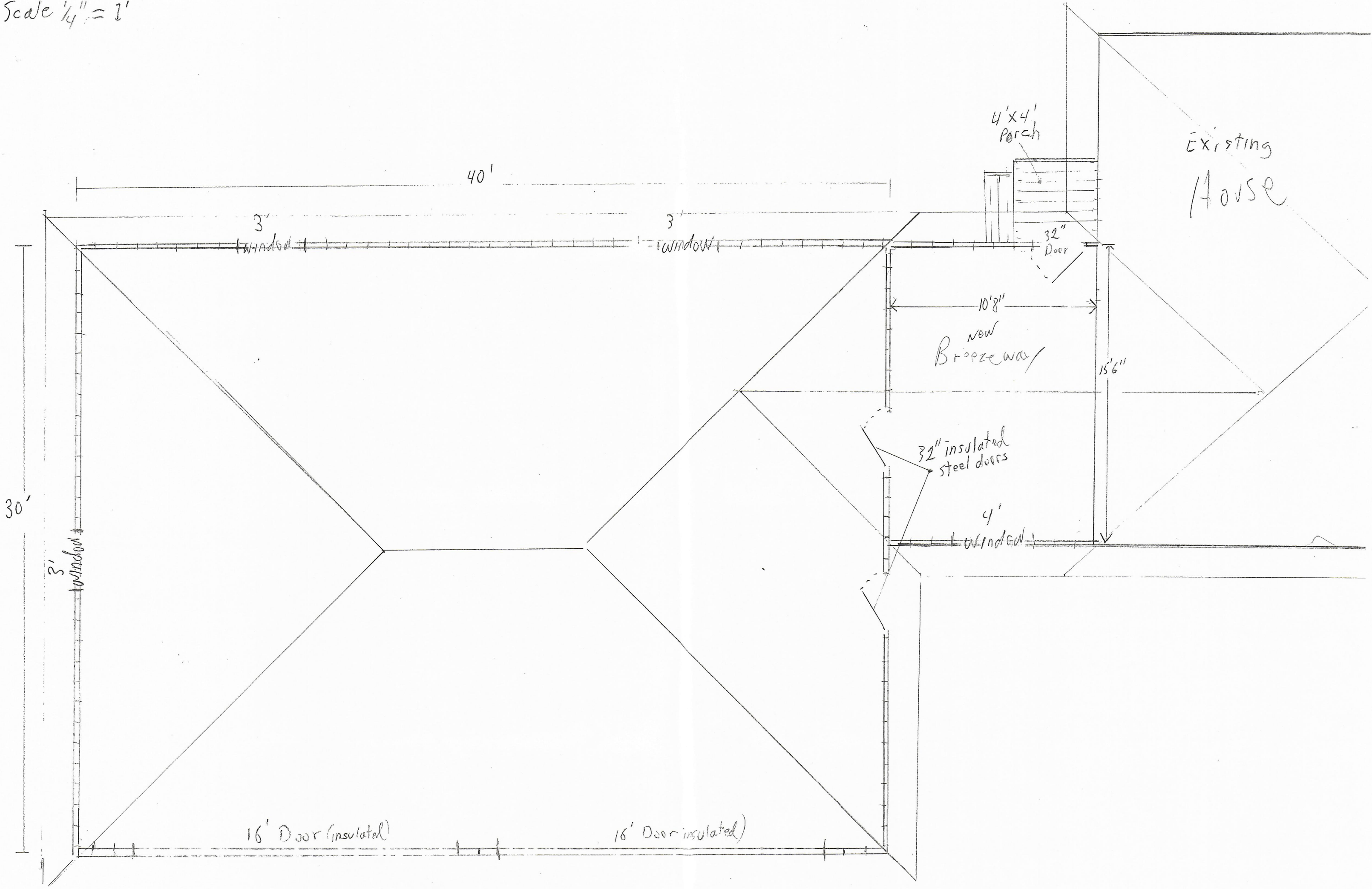
Registered Land Survey No. 3019



This Copy May Be Photostated
 This Certificate Is Valuable, File It With Your Deed or Abstract on This Property.

Scale
 1 inch = 30 feet

Scale 1/4" = 1'



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



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

WHITE LAKE TOWNSHIP

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

August 13, 2020

Richard Vincent
572 Washington Blvd
White Lake, MI 48386

RE: Proposed Attached Garage

Based on the submitted plans, the proposed structure would not satisfy the White Lake Township Clear Zoning Ordinance for setbacks.

Article 3.1.5 of the White Lake Township Clear Zoning Ordinance states: Requires a minimum front yard setback of 35 ft.

The proposed residential structure is located on a corner lot with two front yards. The lot currently contains a detached garage to be demolished, and the applicant would like to maintain the existing front yard setback with the proposed attached garage. The proposed front yard setback would be approximately 26 feet.

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

Sincerely,

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

Nick Spencer, Building Official
White Lake Township

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: October 15, 2020

Agenda item: 6c

Appeal Date: September 24, 2020

Applicant: SLT Properties LLC

Address: 2439 Fenton Road
Hartland, MI 48353

Zoning: R1-D Single Family Residential

Location: 10201 Joanna K Avenue
White Lake, MI 48386

Property Description

The approximately 0.114-acre (4,965.84 square feet) parcel identified as 10201 Joanna K Avenue is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 645 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

SLT Properties LLC, the applicant, is proposing to construct a second-story addition to the existing single-story house.

Planner's Report

The existing house was built in 1938 and is considered nonconforming because the southwest corner of the house is located 2.56 feet from the side lot line, the northwest corner of the house is located 3.17 feet from the side lot line, the northeast corner of the house is located 6.22 feet from the side lot line, and the house is located 21.08 feet from the front lot line. A minimum 10-foot side yard setback and 30-foot front yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 7,034.16 square foot deficiency in lot area and a 55.1-foot deficiency in lot width (24.90 feet in width at the road right-of-way line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

Article 7, Section 23 of the zoning ordinance states nonconforming structures may not be enlarged or altered in a way which increases its nonconformity. The proposed second-story addition would be 482.50 square feet in size and at its closest point would encroach five (5) feet into the required 10-foot side yard setback from both the east and west property lines.

Article 7, Section 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. Based on the SEV of the structure (\$27,870), the maximum extent of improvements cannot exceed \$13,935. The applicant indicated the value of the proposed second-story addition is \$12,000. Based on the submitted plans and scope of the project staff believes the value of work would exceed 50% of the SEV, therefore a variance for the value of improvements is required. A variance from Article 7, Section 28 of the zoning ordinance was not requested or published.

The requested variances are listed in the table on the following page.

| Variance # | Ordinance Section | Subject | Standard | Requested Variance | Result |
|------------|-------------------|--------------------|--------------------|------------------------|----------------------|
| 1 | Article 3.1.6.E | Side yard setback | 10 feet | 5 feet (east and west) | 5 feet |
| 2 | Article 3.1.6.E | Front yard setback | 30 feet | 8.92 feet | 21.08 feet |
| 3 | Article 3.1.6.E | Minimum lot size | 12,000 square feet | 7,034.16 square feet | 4,965.84 square feet |
| 4 | Article 3.1.6.E | Minimum lot width | 80 feet | 55.10 feet | 24.90 feet |

Recommended Motions:

Approval: I move to approve the variances requested by SLT Properties LLC from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-22-427-003, identified as 10201 Joanna K Avenue, in order to construct a second-story addition that would encroach 8.92 feet into the required front yard setback and 5 feet into the required side yard setback from both the east and west property lines. A 55.10-foot variance from the required lot width and 7,034.16 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall apply for and receive a variance from Article 7, Section 28 of the zoning ordinance to exceed the allowed value of improvements to a nonconforming structure.
- The Applicant shall obtain all necessary permits from the White Lake Township Building Department, and such permits shall only be issued if the Zoning Board of Appeals grants a variance as described in the previous condition.

Denial: I move to deny the variances requested by SLT Properties LLC for Parcel Number 12-22-427-003, identified as 10201 Joanna K Avenue, due to the following reason(s):

Table: I move to table the variance requests of SLT Properties LLC for Parcel Number 12-22-427-003, identified as 10201 Joanna K Avenue, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated August 24, 2020.
2. Applicant's written statement.
3. Certificate of survey dated March 17, 2020.
4. Building plans dated August 16, 2020
5. Letter of denial from the Building Department dated August 24, 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: SLT Properties LLC (Robert Swierkos) PHONE: 248-701-1758

ADDRESS: 2439 Fenton RD. Hartland, MI 48353

APPLICANT'S EMAIL ADDRESS: rjswierk@gmail.com

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

ADDRESS OF AFFECTED PROPERTY: 10201 Joanna K PARCEL # 12 - 22-427-003

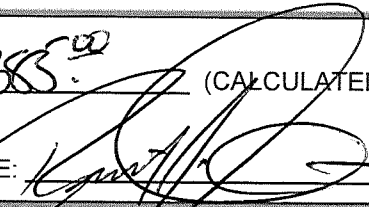
CURRENT ZONING: R1-D PARCEL SIZE: 4756.8 sq.ft. (0.114 ac)

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: We are requesting a variance from Article 3.1.6 of the Clear Zoning Ordinance for R1-D
due to the existing structure having a current side yard setback of 2.56ft on the SW corner and a side yard setback of 6.22ft on the NE corner for a combined total of 8.78ft, and a front yard setback of 21.08ft.
the lot area is 4756.8 sq. ft. and the Lot width is 24.9ft at the road. These existing dimensions, which have been in existence for decades do not meet the current R1-D Zoning requirements for the Township.

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

Please see attached sheet.

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

APPLICANT'S SIGNATURE:  DATE: 8-24-2020

Supporting Information for Variance Request

This House and Lot have been in existence for many, many decades, and is listed as being built in 1938. There have likely been few if any updates made to this house, since that time. This house is likely one of the few remaining "summer cottages", that at one time made up a significant portion of the houses on Oxbow Lake in the past, but have now been almost completely renovated and updated, to make them into year-round residences.

The reason for this variance request, as noted by the White Lake Township Building and Planning Departments, was setback issues and Lot Square footage issues. However, if one were to look at the surrounding houses, you would note, that almost all of the houses in the vicinity also face similar setback issues. Most likely, this is due to the fact that most of the Lots in this neighborhood were created a long time ago, when the building and setback standards were different, and changing building and setback standards, that were implemented after these structures were originally built, have created the current situation. In fact, the adjacent house to the East sits on an even smaller Lot, than ours, with even less setback from the Lot line, and yet has a larger, 2 story house on it, which is the result of similar renovations (to those that we are proposing). Further, these renovations appear to have been performed in the somewhat recent past, after the current building and Zoning Ordinance was in effect. I would be happy to elaborate on the details of what I discovered about this during the ZBA meeting. In addition, many of the other surrounding houses have already built additions or done renovations, that are, similar to, or greater in scope than those that we are proposing for this property at this time.

We are not asking to add bedrooms, and we are not expanding outside the original building "foot-print". We are simply asking to be allowed to add a second story, which would allow us to increase the living area (currently 672 sq. ft.) to a size that would accommodate modern, year-round occupancy rather than use as a ***very small*** "summer cottage". The size of the rooms currently, is extremely small, especially the Kitchen and bathroom, the latter of which is so small, that it would be difficult for a "tall adult" to comfortably utilize. Further, we have adjusted the size and dimensions of the proposed addition, in an attempt to comply with current Zoning considerations. I would also ask the ZBA members to please consider the fact that the current minimum size of a "New Build" structure in the Township, is 1000 sq. ft.. What we are asking for, would simply bring our house to a size that better fits with the current Township square footage requirements, along with giving it a reasonable amount of living space.

Finally, by performing the requested renovations, we would be taking a very “rough” and “run-down” looking structure and improving it, to make it not only better fit with the surrounding houses, but also to improve the overall look of the neighborhood. In addition, these improvements would also serve to increase the Township’s Tax base on this house.

Long term, it is our intent, to hopefully be able to move into this house, once it is completed and live there in our retirement.

With the above mentioned considerations in mind, we respectfully request that you consider the above listed information, and grant our request for Variance to the Zoning, as it is truly something that is a “win-win” for all parties involved.

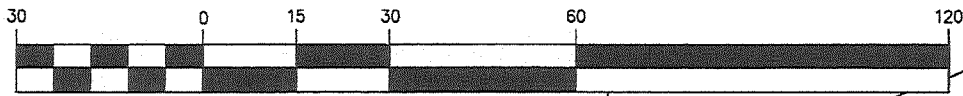
Thank you for your time and consideration.

Sincerely,

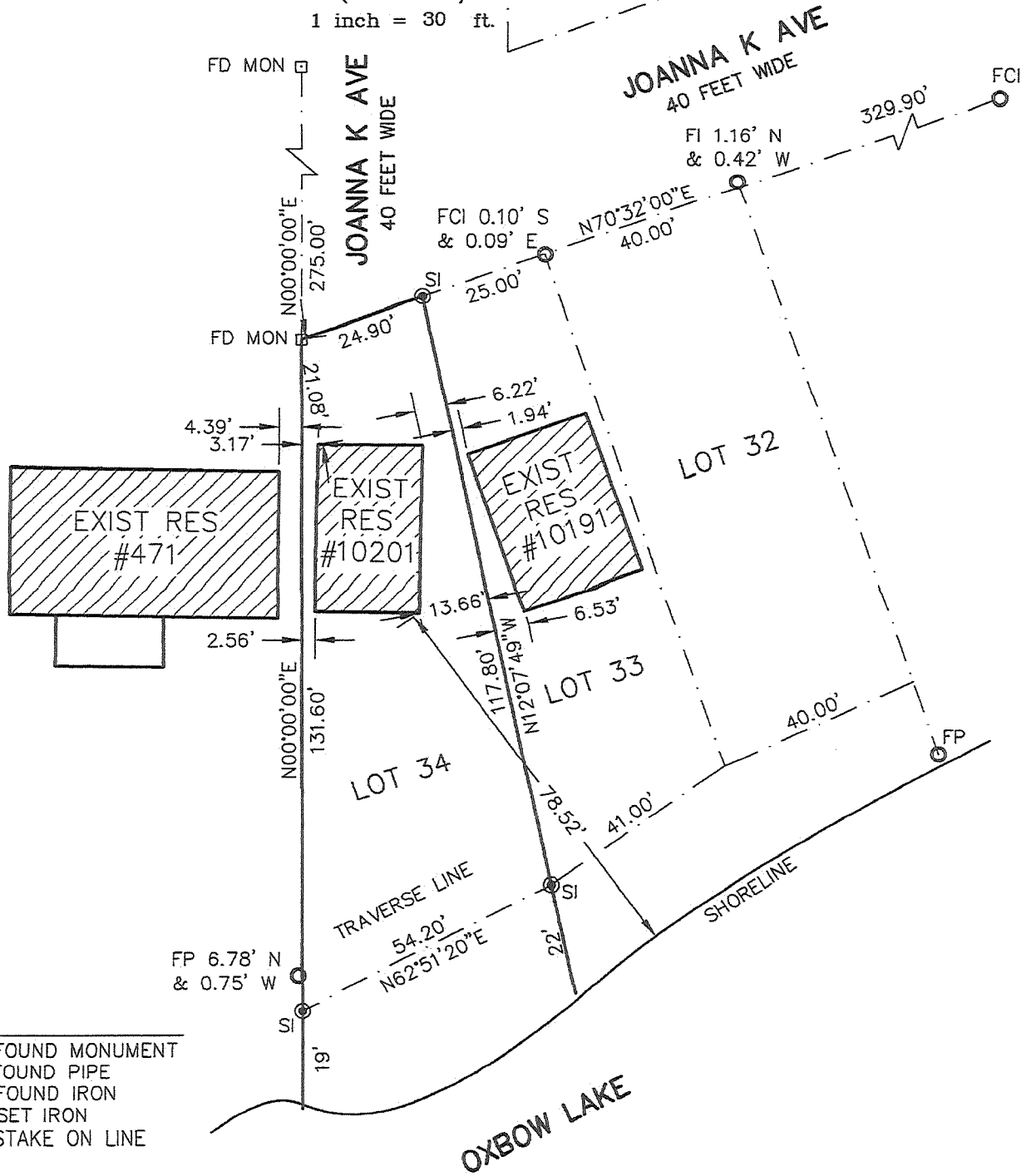
Robert Swierkos
SLT Properties LLC

CERTIFICATE OF SURVEY

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



LEGEND

- FM - FOUND MONUMENT
- FP - FOUND PIPE
- FI - FOUND IRON
- SI - SET IRON
- POL - STAKE ON LINE

DESCRIPTION PARCEL #12-22-427-003:

BEARINGS BASED ON WEST LINE OF JOANNA K AVE AS PLATTED

LOT 34 OF "OXBOW LAKE GROVE", A SUBDIVISION OF PART OF SECTION 22, T.3N., R.8E., WHITE LAKE, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 39 OF PLATS ON PAGE 4, OAKLAND COUNTY RECORDS.

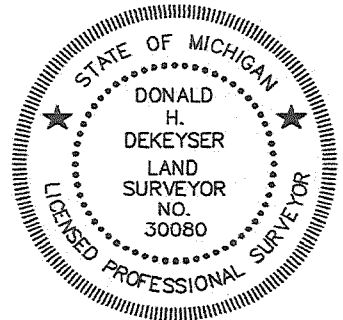
FOR: BOB SWIERKOS

I HEREBY CERTIFY that I have surveyed and mapped the above described land on the date stated below; that there are no encroachments except as shown; the error of closure is 1 in 5000 +, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967.

This survey complies with the requirements of Sec. 3, Public Act 132 of 1970, as amended.

DEKEYSER SURVEYING

6038 NORTHRUP ST.
WATERFORD, MICHIGAN 48329
PHONE (248)623-1518 FAX (248)623-3078

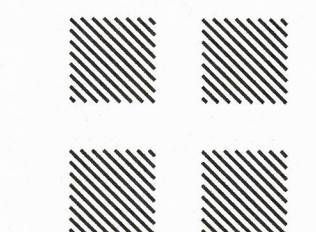


JOB NO.:
6725

SCALE:
1"=30'

DATE:
3-17-20

Donald H. Dekeyser
DONALD H. DEKEYSER P.L.S. #30080



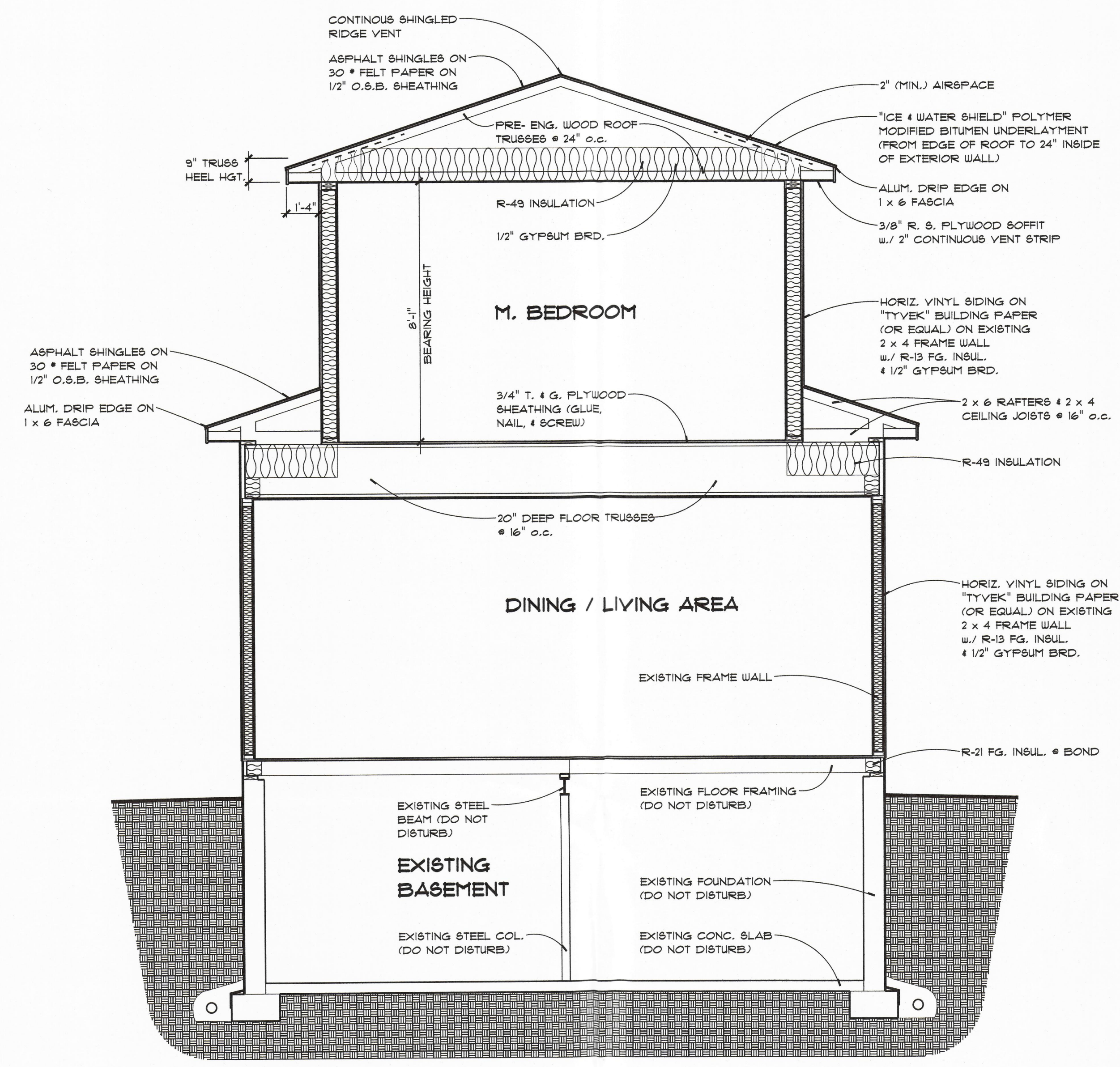
JOB #: 18-05-01
 LOT #: N.A.
 DRAWN BY: MF
 SCALE: 1/4" = 1'-0"
 DATE: 8/16/2020
 REVISED:

PROPOSED HOME RENOVATION FOR:
MR. ROBERT SWIERKOS
 FOUNDATION PLAN / FLOOR PLANS

MARK FREDRICK DESIGN
 2964 WALLBEND DR.
 WATERFORD, MI 48323
 (248) 935-1844
 mfredrick66@gmail.com



SHEET #
A-1



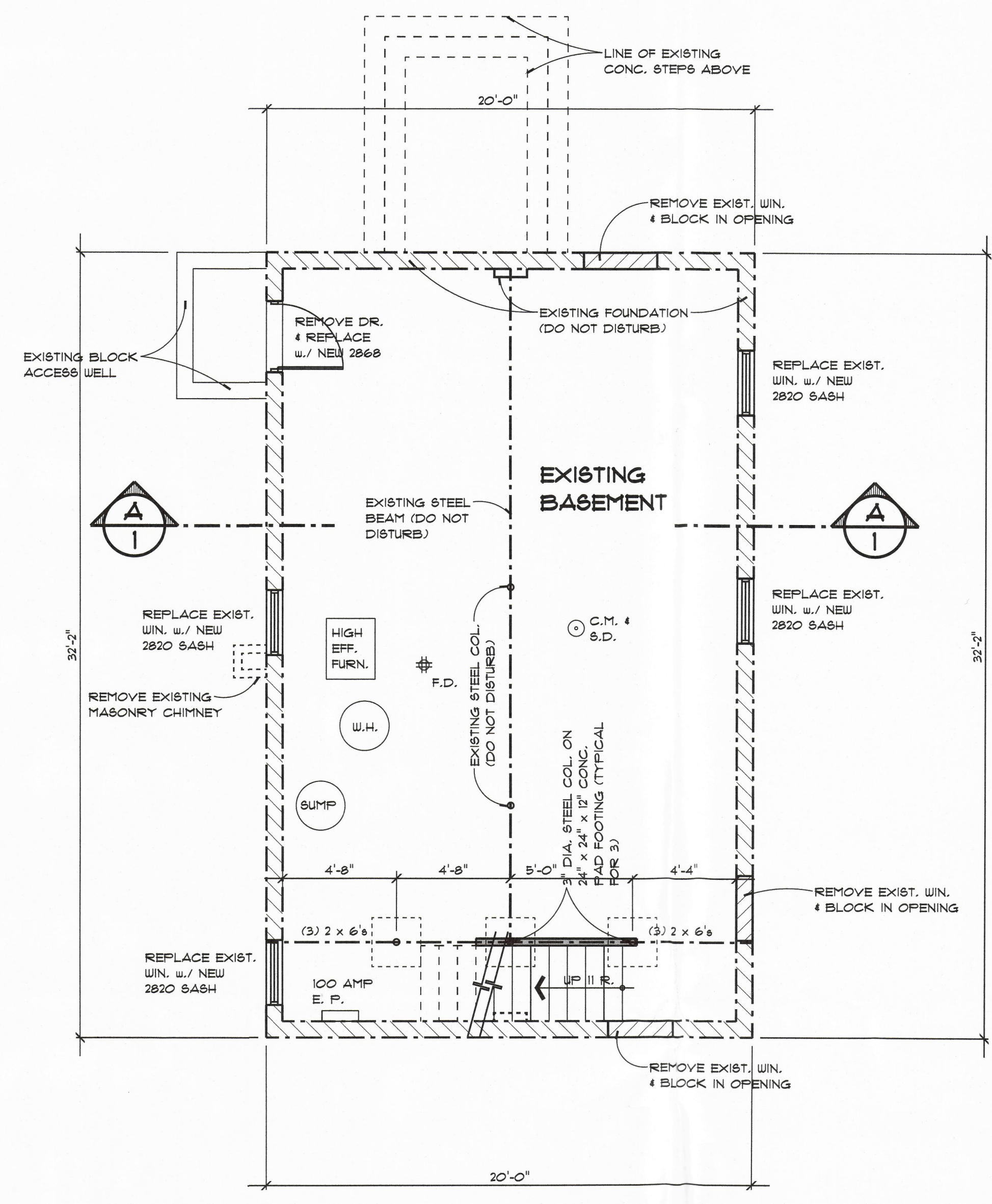
A
1
BUILDING SECTION
 3/8" = 1'-0"

SOIL BEARING REQUIREMENTS

- ALL TOP SOIL, ORGANIC AND VEGETATIVE MATERIAL SHOULD BE REMOVED PRIOR TO CONSTRUCTION. ANY REQUIRED FILL SHALL BE CLEAN, GRANULAR MATERIAL COMPACTED TO AT LEAST 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557.
- FOUNDATIONS BEARING ON EXISTING SOILS ARE DESIGNED FOR A MINIMUM ALLOWABLE SOIL BEARING CAPACITY OF 3000 PSF, U.N.C. NOTIFY THE DESIGNER IF THE ALLOWABLE SOIL BEARING CAPACITY IS LESS THAN 3000 PSF SO THAT THE FOUNDATIONS CAN BE REDESIGNED FOR THE NEW ALLOWABLE BEARING CAPACITY.

CONCRETE SPECIFICATIONS

- CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF ACI 301-14 AND ACI 318, "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS", EXCEPT AS MODIFIED AS SUPPLEMENTAL REQUIREMENTS.
- CONCRETE SHALL HAVE A MINIMUM OF 3000 PSI, 28 DAY COMPRESSIVE STRENGTH, UNLESS NOTED OTHERWISE (U.N.C.), (571 LBS. OF CEMENT PER CUBIC YARD MINIMUM (5.5 SACKS) & A WATER/CEMENT RATIO NOT TO EXCEED 6 GALLONS PER SACK). EXTERIOR CONCRETE SLABS SHALL HAVE A MINIMUM OF 4000 PSI, 28 DAY COMPRESSIVE STRENGTH, & 4% AIR ENTRAINMENT.
- THE USE OF ADDITIVES SUCH AS FLY ASH OR CALCIUM CHLORIDE IS NOT ALLOWED WITHOUT PRIOR REVIEW FROM THE ARCHITECT.



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

GENERAL NOTES:

- ALL CONSTRUCTION SHALL BE COMPLIANT WITH THE FOLLOWING BUILDING CODES.
 - A. 2015 MICHIGAN RESIDENTIAL CODE.
 - B. 2015 MICHIGAN MECHANICAL CODE.
 - C. 2015 MICHIGAN PLUMBING CODE.
 - D. MICHIGAN ELECTRICAL CODE, 2011 NEC w/ PART B STATE AMENDMENTS.

DESIGN LOADS:

- A. SOIL BEARING CAPACITY: 3000 P.S.F.
- B. FLOOR LOADING:
 - 1. LIVE LOAD: 40 P.S.F.
 - 2. DEAD LOAD: 10 P.S.F.
 - 3. TOTAL FLOOR LOAD: 50 P.S.F.
- C. ROOF LOADING:
 - 1. LIVE (SNOW) LOAD: 30 P.S.F.
 - 2. DEAD LOAD - ROOF: 10 P.S.F.
 - 3. DEAD LOAD - CEILING: 2 P.S.F.
 - 4. TOTAL ROOF LOAD: 42 P.S.F.

NOTES:

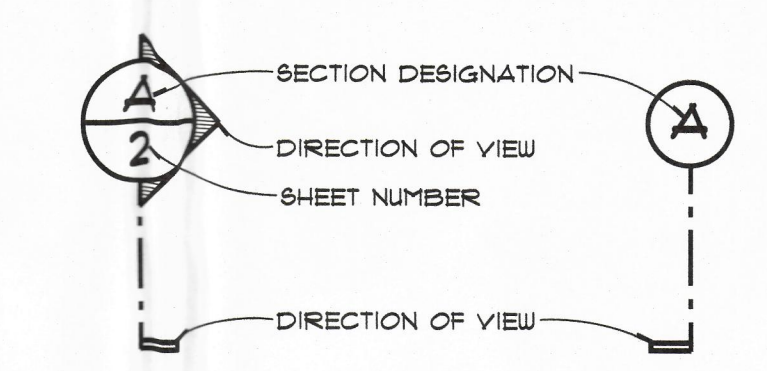
- ALL DOOR & WINDOW OPENING SIZES ARE INDICATED IN FEET & INCHES. I.e. 3068 INDICATES A 3'-0" x 6'-8" DOOR & 2650 CSMT. INDICATES A 2'-6" x 5'-0" CASEMENT WINDOW.

MICHIGAN UNIFORM ENERGY CODE: PRESCRIPTIVE METHOD

CLIMATE ZONE: 5A
 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

| COMPONENT | VALUE REQUIRED: | VALUE PROVIDED: |
|-----------------|-----------------|-----------------|
| FENESTRATION | U-FACTOR: 0.35 | U-FACTOR: 0.35 |
| CEILING | R-VALUE: 49 | R-VALUE: 49 |
| WOOD FRAME WALL | R-VALUE: 21 | R-VALUE: 21 |
| FLOOR | R-VALUE: 30 | R-VALUE: 30 |
| FOOTING | R-VALUE: 10 | R-VALUE: 10 |
| BASEMENT WALL | R-VALUE: 13 | R-VALUE: 13 |
| SLAB | R-VALUE: 10 | R-VALUE: 10 |

SECTION / DETAIL CUTS:

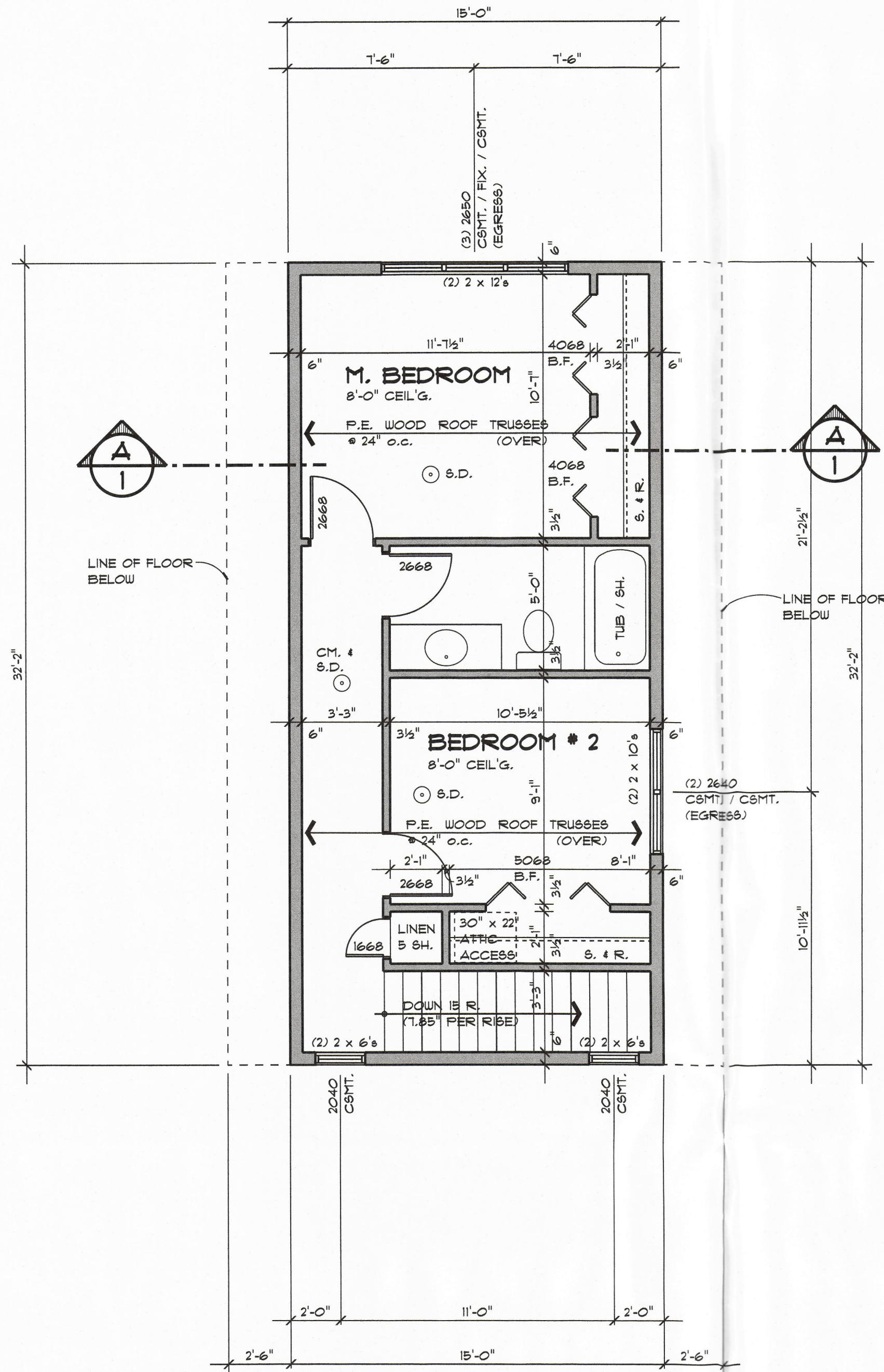


WALL LEGEND:

- NEW 2 x 4 STUD WALL (STUDS @ 16" O.C.) w/ DRYWALL EACH SIDE
- NEW 2 x 6 EXTERIOR STUD WALL (STUDS @ 16" O.C.) w/ 1/2" O.S.B. SHTG, 1/2" DRYWALL & R-21 FG. INSUL.
- EXISTING INTERIOR OR EXTERIOR FRAME WALL (DO NOT DISTURB UNLESS NOTED)
- EXISTING CONC. BLOCK FOUNDATION WALL (DO NOT DISTURB)

WOOD SPECIFICATIONS:

- WOOD CONSTRUCTION SHALL BE GOVERNED BY THE LATEST EDITION OF THE "AIRC" MANUAL AND "NDS" (NATIONAL DESIGN STANDARDS AS PUBLISHED BY THE AMERICAN FOREST & PAPER ASSOCIATION, 1997 EDITION)
- LAMINATED VENEER LUMBER SHALL HAVE THE FOLLOWING STRUCTURAL PROPERTIES: Fb = 2600 P.S.I., Fv = 285 P.S.I., E = 1,900,000 P.S.I., Fc1 = 150 P.S.I. (UNLESS NOTED OTHERWISE)
- LAMINATED WOOD BEAMS (GLU-LAM®) SHALL BE VISUALLY GRADED WESTERN SPECIES 24F-V8 "AIRC" DESIGNATION WITH THE FOLLOWING STRUCTURAL PROPERTIES: Fb = 2400 P.S.I., Fv = 165 P.S.I., E = 1,800,000 P.S.I.
- STUDS SHALL BE SPF/STUD (WUPA) OR BETTER GRADE U.N.O. AT MOISTURE CONTENT, (MC) 19% MAXIMUM.
- STRUCTURAL DIMENSION LUMBER SUCH AS HEADERS AND JOISTS SHALL BE A MINIMUM OF # 2 HEM FIR AT MC 19% MAXIMUM.
- AT EACH WALL OPENING ADD ONE HALF THE TOTAL NUMBER OF STUDS DISPLACED TO EACH SIDE OF OPENING (FULL HGT.) AND USE ONE TRIMMER STUD BELOW THE HEADER AT EACH OPENING (U.N.O.)
- POSTS AT CONCENTRATED LOADS SHALL EXTEND TO SOLID BEARING. REPEAT POSTS ON LOWER FLOORS BELOW UPPER POSTS (U.N.O.). BLOCK SOLID BELOW ALL POSTS TO SOLID BEARING BELOW.
- NOTCHING AND DRILLING OF STRUCTURAL MEMBERS IS PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF THE ENGINEER
- CONNECTIONS NOT NOTED ON THE DRAWING SHAL BE MADE WITH PREFABRICATED STEEL HANGERS SIZED FOR THE CARRIED LOAD AND MEMBER SIZE AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. (1.9. A DOUBLE 2 x 10 MUST HAVE A SIMPSON U210-2 HANGER (OR EQUAL) ETC...)
- ALL EXTERIOR WALL AND ROOF SHEATHING SHALL BE "APA" "RATED SHEATHING", EXPOSURE 1, WITH PROPER SPAN INDEX AND INSTALLED PER "APA" INSTALLATION GUIDE REQUIREMENTS (NAILING, SPACING, BLOCKING, STORAGE HANDLING AND PROTECTION, ETC...) U.N.O.
- PRESSURE PRESERVATIVE PROTECTION:
 - ALL STRUCTURAL LUMBER IN CONTACT WITH CONCRETE OR MASONRY OR LESS THAN 8" ABOVE GRADE OR EXPOSED TO WEATHER, SHALL BE PRESSURE TREATED TO A MINIMUM OF 0.40 POUNDS PER CUBIC FT. RETENTION WITH AMMONIACAL COPPER ARSENATE (ACA), OR CHROMIUM COPPER ARSENATE (CCA), OR APPROVED EQUAL TREATMENT.
 - ALL LUMBER AT OR BELOW GRADE SHALL BE PRESSURE TREATED TO A MINIMUM OF 0.60 POUNDS PER CUBIC FT. RETENTION WITH AMMONIACAL COPPER ARSENATE (ACA), OR CHROMIUM COPPER ARSENATE (CCA) OR APPROVED EQUAL TREATMENT.
 - ALL TREATED LUMBER WHICH IS CUT DRILLED OR NOTCHED SHALL BE FIELD TREATED (BRUSHED ON EXPOSED SURFACES) WITH ONE OF THE PRESERVATIVES LISTED ABOVE.



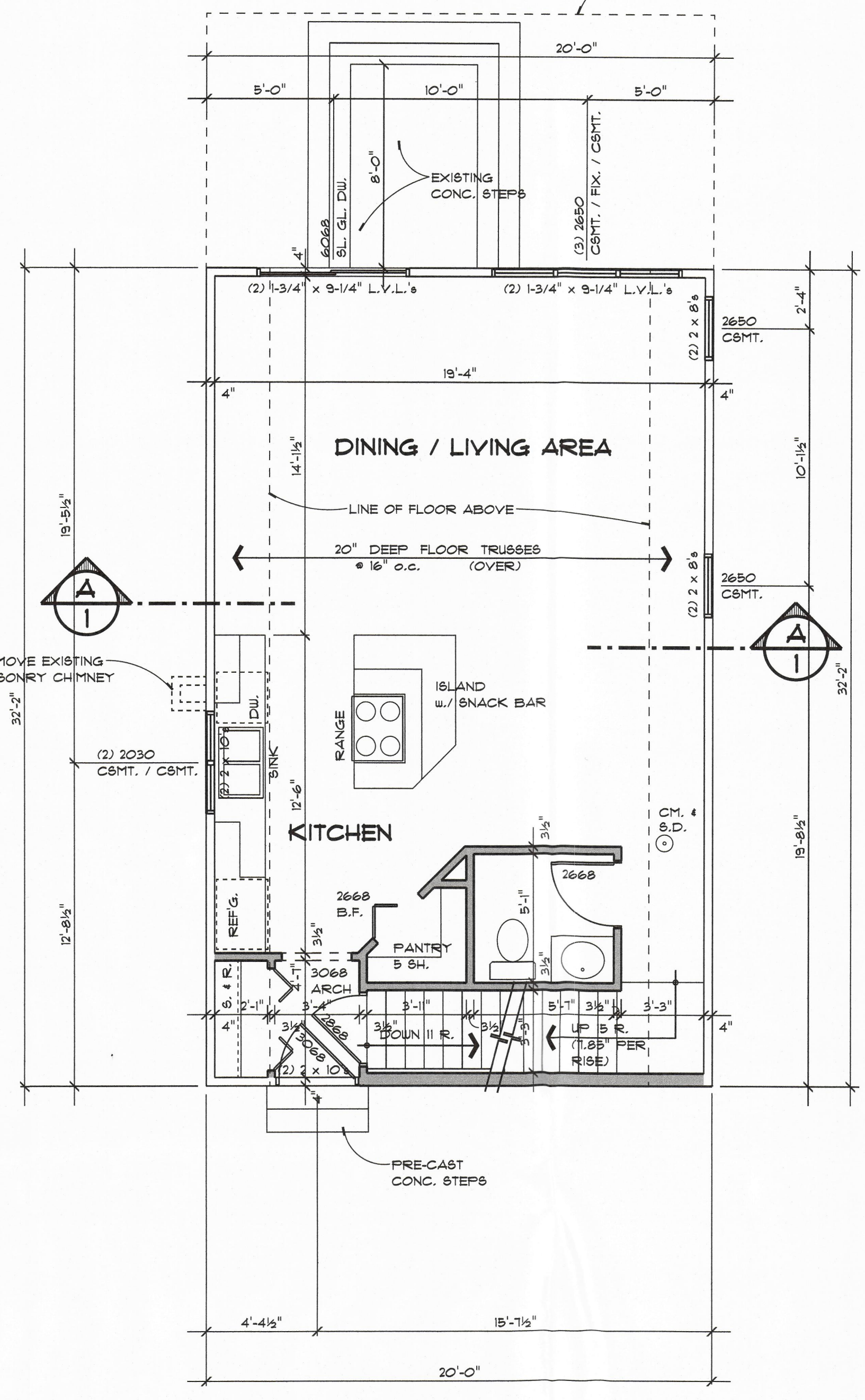
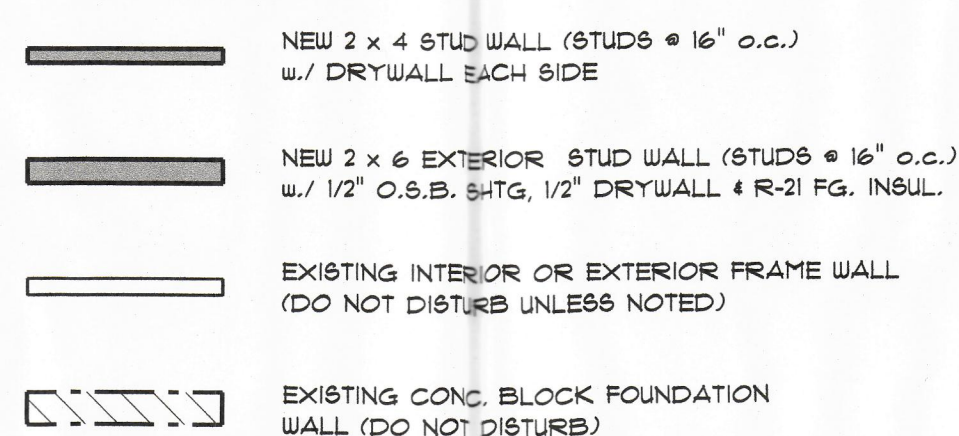
STAIR & RAILING SPECIFICATIONS:

- STAIR RISERS SHALL NOT EXCEED 7-3/4"
- TREAD DEPTH SHALL NOT BE LESS THAN 10", WINDER TREADS SHALL HAVE A DEPTH OF NOT LESS THAN 6" AT ANY POINT WITHIN THE CLEAR WIDTH OF THE STAIR.
- TREAD NOSINGS SHALL BE A MINIMUM OF 3/4" AND NO MORE THEN 1/4", RADIUS CURVATUR OF THE NOSING SHALL NOT EXCEED 9/16"
- HANDRAILS SHALL BE PROVIDED ON NOT LESS THAN ONE SIDE OF EACH CONTINUOUS RUN OF TREADS WITH (4) OR MORE RISERS.
- HANDRAILS FOR STAIRWAY SHALL BE CONTINUOUS FOR THE FULL LENGTH OF FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT.
- HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1-1/2" BETWEEN THE WALL AND HANDRAIL.
- HANDRAILS GRIP SIZE:
 - HANDRAILS WITH A CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN 1-1/4" AND NOT GREATER THAN 2".
 - NON-CIRCULAR HANDRAILS SHALL HAVE A PERIMETER DIMENSION OF NOT LESS THAN 4 INCHES AND NOT GREATER THAN 6-1/4", WITH A CROSS SECTION DIMENSION OF NOT MORE THAN 2-1/4". EDGES SHALL HAVE A RADIUS OF NOT LESS THAN (0,1").
- HANDRAIL HEIGHT SHALL NOT BE LESS THAN 34" AND SHALL NOT EXCEED 38".
- HANDRAIL BALLUSTERS SHALL HAVE A SPACING SUCH THAT LESS THAN 4" EXIST BETWEEN BALLUSTER SURFACES.

DEMOLITION NOTES:

- THE STATE OF MICHIGAN - MICHIGAN REGULATIONS: LEAD ABATEMENT ACT REQUIRES THAT ALL DEMOLITION, RENOVATIONS, REMODELING, ADDITIONS TO BUILDINGS CONSTRUCTED PRIOR TO 1978 BE PERFORMED BY A BUILDER/CONTRACTOR CERTIFIED AS A "LEAD SAFE RENOVATOR" BY EPA BEFORE THE WORK BEGINS.
- VERIFY ALL EXISTING AND PROPOSED CONDITIONS, CONSTRUCTION PLANS AND DIMENSIONS PRIOR TO ANY DEMOLITION.
- BUILDER/CONTRACTOR SHALL BE RESPONSIBLE FOR INSPECTING THE SITE AND BUILDING WITH RESPECT TO THE REMOVAL OR RELOCATION OF ALL MECHANICAL, ELECTRICAL, STRUCTURAL, UTILITY OR ARCHITECTURAL ITEMS (NOT SPECIFICALLY INDICATED ON THE DRAWINGS) WHICH WOULD INTERFERE WITH THE INTENT AND COMPLETION OF THE DEMOLITION.
- THE BUILDER/CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD LOCATING ALL EXISTING CONCEALED ELEMENTS INCLUDING PLUMBING LINES, MECHANICAL RUNS AND LINES, STRUCTURAL FRAMING, ELECTRICAL SERVICES AND PROVIDING PROTECTION FROM DAMAGE.
- PROVIDE APPROPRIATE BARRICADES, SIGNAGE, DUST CONTROL, SECURITY AND OTHER SAFETY PRECAUTIONS SO AS TO PROTECT TENANTS, VISITORS, TRADESMAN, AND ALL EXISTING REMAINING CONDITIONS.
- BUILDER/CONTRACTOR SHALL PROVIDE TEMPORARY OR PERMANENT SHORING, BRACING, AND SUPPORT UNTIL PERMANENT CONSTRUCTION IS IN PLACE.
- BUILDER/CONTRACTOR IS TO COORDINATE WITH MECHANICAL AND ELECTRICAL TRADES FOR THE REMOVAL OF CEILINGS, WALLS, FLOORS, ETC. AS TO THE EXTENT OF STRUCTURE TO BE SAVED AND PROTECTED.
- REMOVE EXISTING FINISHES AS NECESSARY TO EXPOSE STRUCTURE. VERIFY CONDITIONS WITH OWNER BEFORE CONTINUING WORK. RESTORE EXISTING AREAS WHICH ARE DAMAGED DURING CONSTRUCTION. MATCH EXISTING MATERIALS AND FINISHES.
- NEW OPENINGS SHALL BE CUT IN EXISTING WALLS, CEILINGS, AND FLOORS AS REQUIRED FOR THE INSTALLATION OF NEW WORK. OPENINGS SHALL BE CUT CLEAN AND ACCURATELY SO AS NOT TO DISTURB EXISTING WALLS, FLOORS, PARTITIONS, CEILINGS, ETC. WHICH ARE TO REMAIN. MAINTAIN STRUCTURAL SOUNDNESS OF REMAINING WALLS. EXTRA CAUTION IS TO BE USED WITH REGARD TO FOUNDATION/BASEMENT WORK TO MAINTAIN EXISTING OR PROPOSED WATERPROOFING.
- VERIFY WITH OWNER ALL EQUIPMENT AND FIXTURES TO BE REMOVED AND REUSED OR DISCARDED.

WALL LEGEND:



EXISTING MAIN LEVEL SQ. FT.: 645 SQ. FT.
NEW UPPER LEVEL SQ. FT.: 482 SQ. FT.
TOTAL HOME SQUARE FOOTAGE: 1127 SQ. FT.

GENERAL NOTES:

- ALL CONSTRUCTION SHALL BE COMPLIANT WITH THE FOLLOWING BUILDING CODES.
 - 2015 MICHIGAN RESIDENTIAL CODE.
 - 2015 MICHIGAN MECHANICAL CODE.
 - 2015 MICHIGAN PLUMBING CODE.
 - MICHIGAN ELECTRICAL CODE, 2011 NEC w/ PART 8 STATE AMENDMENTS.

DESIGN LOADS:

- SOIL BEARING CAPACITY: 3000 P.S.F.
- FLOOR LOADING:
 - LIVE LOAD: 40 P.S.F.
 - DEAD LOAD: 10 P.S.F.
 - TOTAL FLOOR LOAD: 50 P.S.F.
- ROOF LOADING:
 - LIVE (SNOW) LOAD: 30 P.S.F.
 - DEAD LOAD - ROOF: 10 P.S.F.
 - DEAD LOAD - CEILING: 2 P.S.F.
 - TOTAL ROOF LOAD: 42 P.S.F.

NOTES:

- ALL DOOR & WINDOW OPENING SIZES ARE INDICATED IN FEET & INCHES. I.e. 3068 INDICATES A 3'-0" x 6'-8" DOOR & 2650 CBMT. INDICATES A 2'-6" x 5'-0" CASEMENT WINDOW.

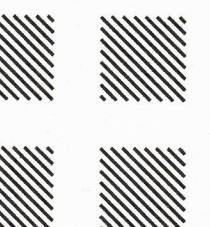
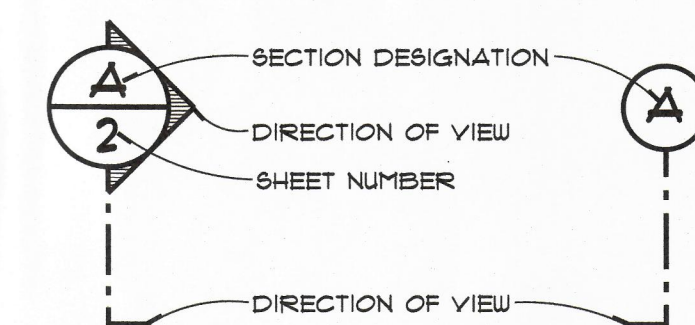
MICHIGAN UNIFORM ENERGY CODE: PRESCRIPTIVE METHOD

CLIMATE ZONE: 5A

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

| COMPONENT | VALUE REQUIRED: | VALUE PROVIDED: |
|-----------------|-----------------|-----------------|
| FENESTRATION | U-FACTOR: 0.35 | U-FACTOR: 0.35 |
| CEILING | R-VALUE: 49 | R-VALUE: 49 |
| WOOD FRAME WALL | R-VALUE: 21 | R-VALUE: 21 |
| FLOOR | R-VALUE: 30 | R-VALUE: 30 |
| FOOTING | R-VALUE: 10 | R-VALUE: 10 |
| BASEMENT WALL | R-VALUE: 13 | R-VALUE: 13 |
| SLAB | R-VALUE: 10 | R-VALUE: 10 |

SECTION / DETAIL CUTS:



JOB #: 19-05-01
LOT #: N.A.
DRAWN BY: MF
SCALE: 1/4" = 1'-0"
DATE: 8/16/2020
REVISED:

PROPOSED HOME RENOVATION FOR:
MR. ROBERT SWIERKOS
FLOOR PLANS

MARK FREDRICK DESIGN
2964 WALLBEND DR.
WATERFORD, MI 48329
(248) 938-7844
mfredrick66@gmail.com



WOOD TRUSS SPECIFICATIONS

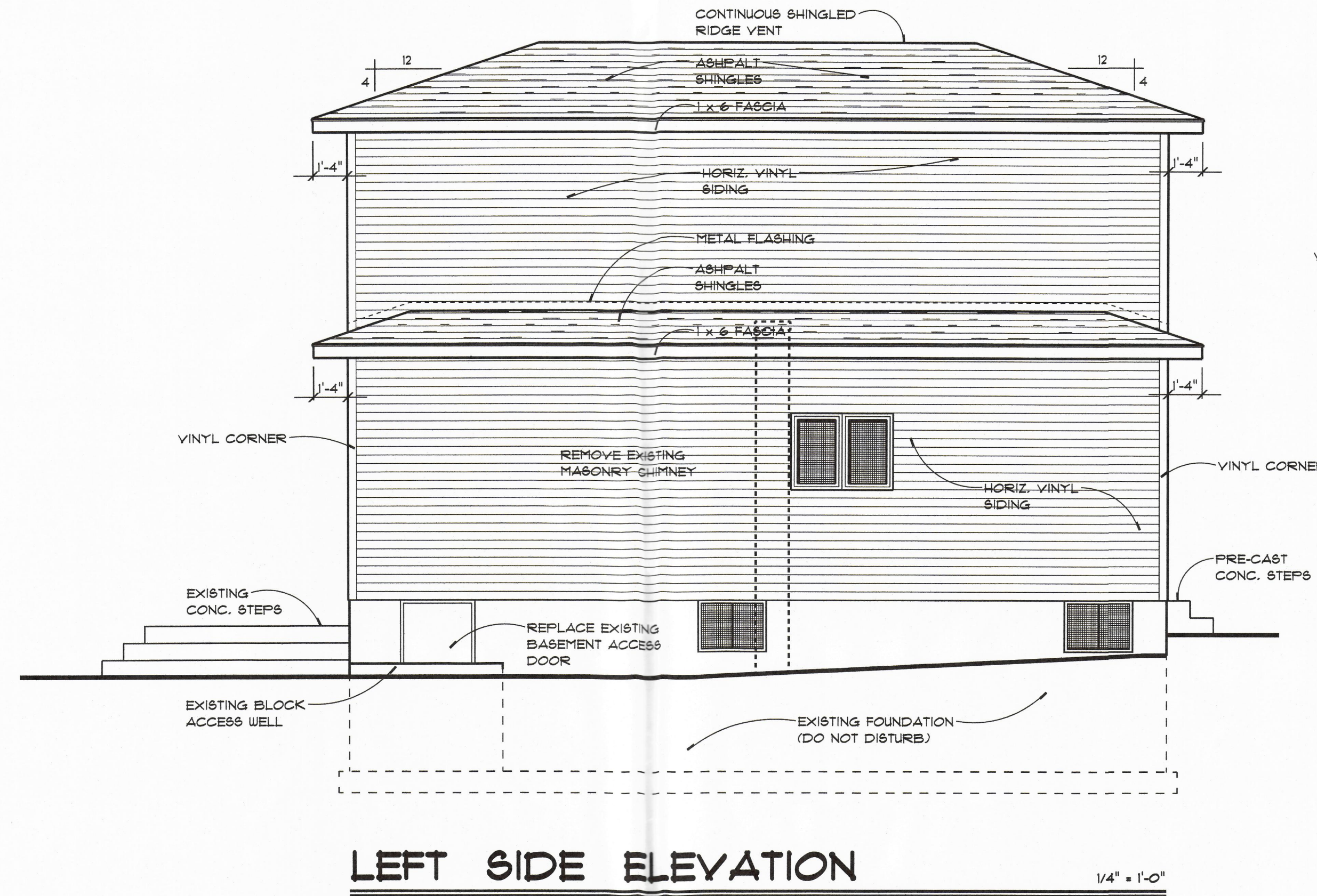
- DESIGNS SHALL CONFORM WITH THE LATEST VERSIONS OF (NDS), "NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION" BY THE AMERICAN FOREST & PAPER ASSOCIATION, AND DESIGN STANDARD FOR METAL PLATE CONNECTED WOOD TRUSS CONSTRUCTION" BY THE AMERICAN STANDARD (ANSI) AND THE TRUSS PLATE INSTITUTE (T.P.I.) AND THE LOCAL CODE JURISDICTION.
- TRUSSES SHALL BE SPACED AS INDICATED ON THE PLANS UNLESS THE DESIGNER DETERMINES THAT DIFFERENT SPACING IS REQUIRED TO MEET DEFLECTION REQUIREMENTS.
- MAXIMUM DEFLECTION OF FLOOR TRUSSES SHALL BE LIMITED TO L/360 FOR TOTAL LOAD AND L/480 FOR LIVE LOAD. MAXIMUM DEFLECTION OF ROOF TRUSSES SHALL BE LIMITED TO L/240 FOR TOTAL LOADS AND L/360 FOR LIVE LOAD U.N.O.
- ADEQUATE CAMBER SHALL BE BUILT INTO FLOOR AND PARALLEL CHORD ROOF TRUSSES TO COMPENSATE FOR NORMAL DEAD LOAD DEFLECTION.
- DESIGN LOADS:
 - ROOF: 30 P.S.F. TOP CHORD LIVE LOAD * (OR PER "UNIFORM BUILDING CODE" SNOW LOAD)
 - 10 P.S.F. TOP CHORD DEAD LOAD
 - 2 P.S.F. BOTTOM CHORD DEAD LOAD **
 - FLOOR: 40 P.S.F. LIVE LOAD (PER "UNIFORM BUILDING CODE")
 - 10 P.S.F. TOP CHORD DEAD LOAD ***
 - 5 P.S.F. BOTTOM CHORD DEAD LOAD
- * A 15% INCREASE ON ALLOWABLE STRESSES FOR SHORT TERM LOADING AS ALLOWED. DRIFT LOADING SHALL BE ACCOUNTED FOR PER THE CURRENT "UNIFORM BUILDING CODE" REQUIREMENTS.
- ** ADD ADDITIONAL ATTIC STORAGE LIVE LOADS PER THE CURRENT "UNIFORM BUILDING CODE" REQUIREMENTS.
- *** TILE, MARBLE, OR OTHER SPECIAL FEATURES SHALL BE DESIGNED USING THE APPROPRIATE DEAD LOADS AND DEFLECTION LIMITATIONS. PARTITION LOADS SHALL ALSO BE CONSIDERED WHERE APPROPRIATE.

SHOP DRAWINGS

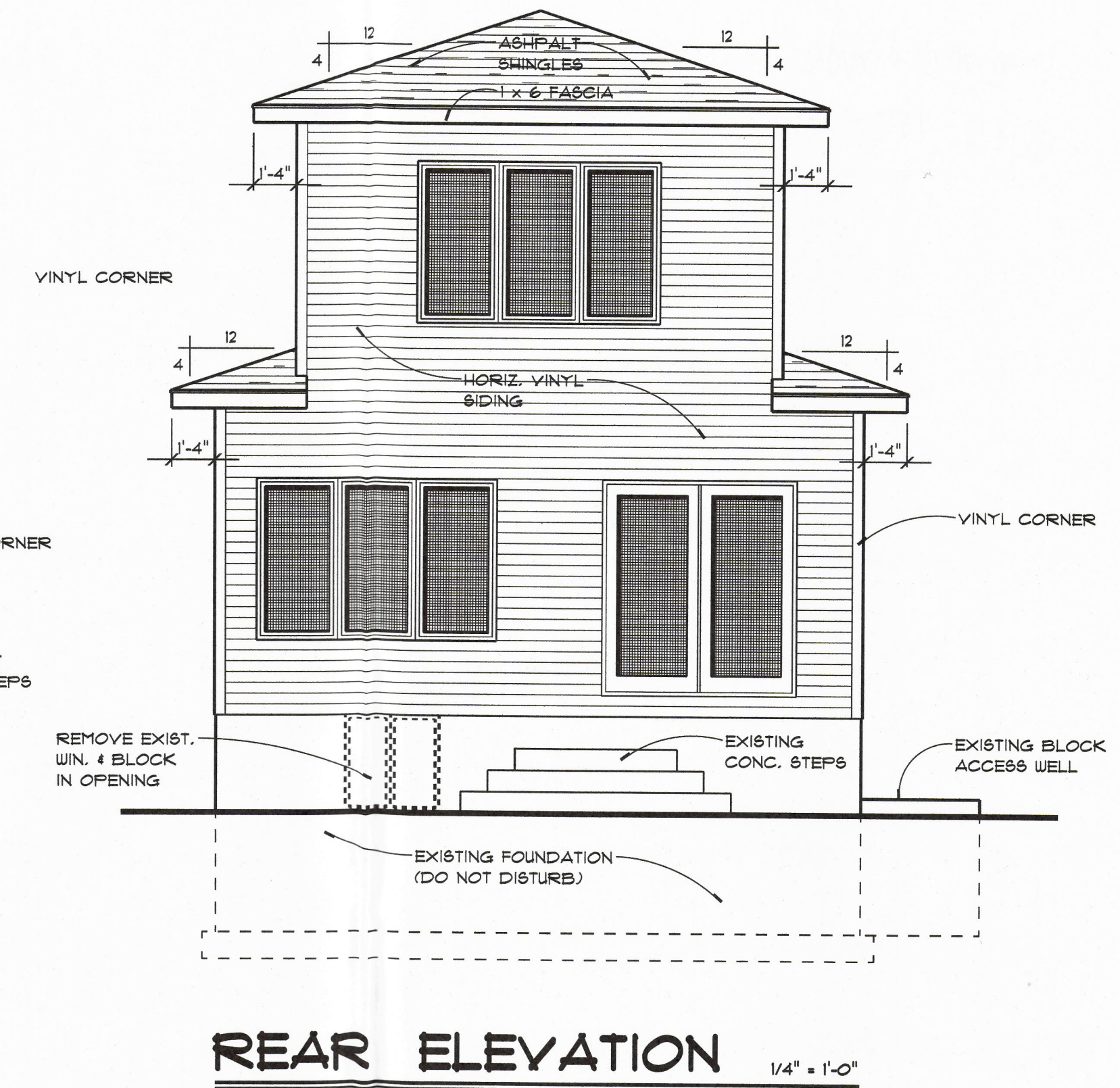
- THE FOLLOWING INFORMATION SHALL APPEAR ON ALL TRUSS SHOP DRAWINGS.
 - A. DESIGN CRITERIA INCLUDING LOAD INFORMATION ACCOUNTING FOR SNOW BUILD-UP WHERE APPLICABLE.
 - B. CONNECTOR PLATE MANUFACTURER, GAGE, SIZE AND LOCATION AT EACH TRUSS JOINT.
 - C. THE LUMBER GRADE AND SIZE OF ALL MEMBERS.
 - D. ALL REQUIRED STRUCTURAL LATERAL BRACING. (SIZE, CONNECTION, AND LOCATION)
- COMPLETE TRUSS LAY-OUTS (FRAMING PLANS) SHALL BE PREPARED BY TRUSS FABRICATOR. LAY-OUTS SHALL INDICATE TRUSS TYPE AND SPACING. REQUIRED TRUSS HANGER CONNECTIONS SHALL BE INDICATED ON THE LAY-OUTS. HANGERS AND HOLD DOWN FOR ALL TRUSS/GIRDER, TRUSS/WALL AND TRUSS/BEAM CONNECTIONS MUST BE SPECIFIED AS WELL AS OTHER PERTINENT CONNECTIONS AND DETAILS. THE TRUSS LAY-OUTS SHALL BE SUBMITTED TO MARK FREDRICK DESIGN FOR REVIEW PRIOR TO FABRICATION.
- THE TRUSS FABRICATOR SHALL SUBMIT FINAL TRUSS SHOP DRAWINGS TO MARK FREDRICK DESIGN FOR REVIEW PRIOR TO FABRICATION. THE SHOP DRAWINGS SHALL BE SEALED BY A REGISTERED PROFESSIONAL ENGINEER LICENSED IN THE STATE IN WHICH THE TRUSSES WILL BE USED.

HANDLING AND ERECTION SPECIFICATIONS

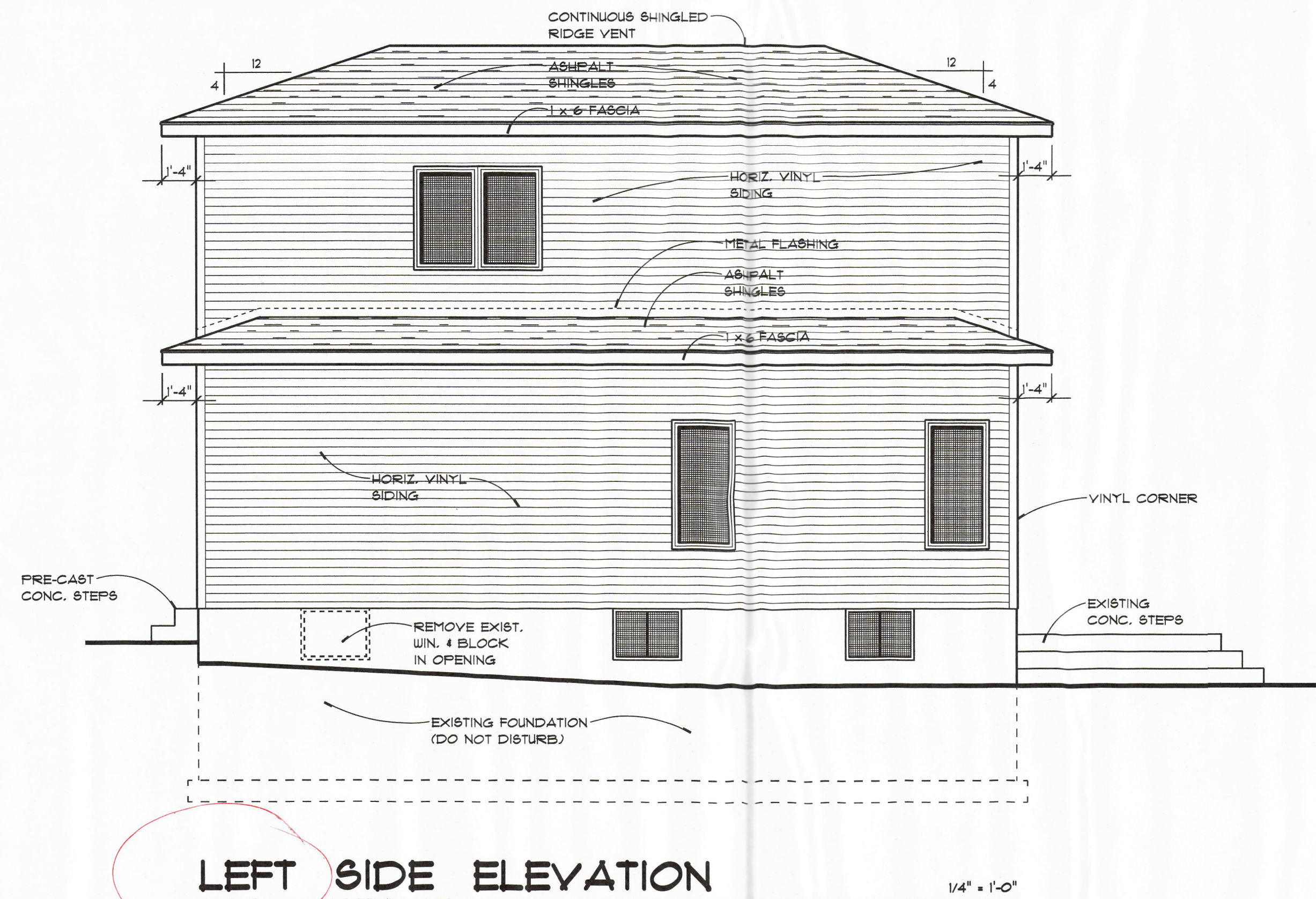
- TRUSSES ARE TO BE HANDLED WITH PARTICULAR CARE DURING FABRICATION, BUNDLING, LOADING, DELIVERY, UNLOADING AND INSTALLATION IN ORDER TO AVOID DAMAGE AND WEAKENING OF THE TRUSSES.
- TEMPORARY AND PERMANENT BRACING FOR HOLDING THE TRUSSES IN A STRAIGHT AND PLUMB POSITION IS ALWAYS REQUIRED AND SHALL BE DESIGNED AND INSTALLED BY THE ERECTING CONTRACTOR. TEMPORARY BRACING DURING INSTALLATION, INCLUDES CROSS BRACING BETWEEN THE TRUSSES TO PREVENT TOPPLING OR "DOMINING" OF THE TRUSSES.
- PERMANENT BRACING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST OF THE "NATIONAL DESIGN STANDARD", AS PUBLISHED BY THE AMERICAN FOREST & PAPER ASSOCIATION AND H.I.B.-91 AND D.S.B.-85 AS PUBLISHED BY THE TRUSS PLATE INSTITUTE. PERMANENT BRACING CONSISTS OF LATERAL AND DIAGONAL BRACING NOT TO EXCEED SPACING REQUIREMENTS OF THE TRUSS FABRICATOR. TOP CHORDS OF TRUSSES MUST BE CONTINUOUSLY BRACED BY ROOF SHEATHING UNLESS OTHERWISE NOTE ON THE TRUSS SHOP DRAWINGS. BOTTOM CHORDS MUST BE BRACED AT INTERVALS NOT TO EXCEED 10' O.C. OR AS NOTED ON THE TRUSS FABRICATOR'S DRAWINGS.
- CONSTRUCTION LOADS GREATER THAN THE DESIGN LOADS OF THE TRUSSES SHALL NOT BE APPLIED TO THE TRUSSES AT ANY TIME.
- NO LOADS SHALL BE APPLIED TO THE TRUSS UNTIL ALL FASTENING AND REQUIRED BRACING IS INSTALLED.
- THE SUPERVISION OF THE TRUSS ERECTING SHALL BE UNDER THE DIRECT CONTROL OF PERSONS(S) EXPERIENCED IN THE INSTALLATION AND PROPER BRACING OF WOOD TRUSSES.
- FIELD MODIFICATION OR CUTTING OF PRE-ENGINEERED ROOF TRUSSES IS STRICTLY PROHIBITED WITHOUT EXPRESSED PRIOR WRITTEN CONSENT AND DETAILS FROM A LICENSED PROFESSIONAL STRUCTURAL ENGINEER EXPERIENCED IN WOOD TRUSS DESIGN AND MODIFICATIONS.



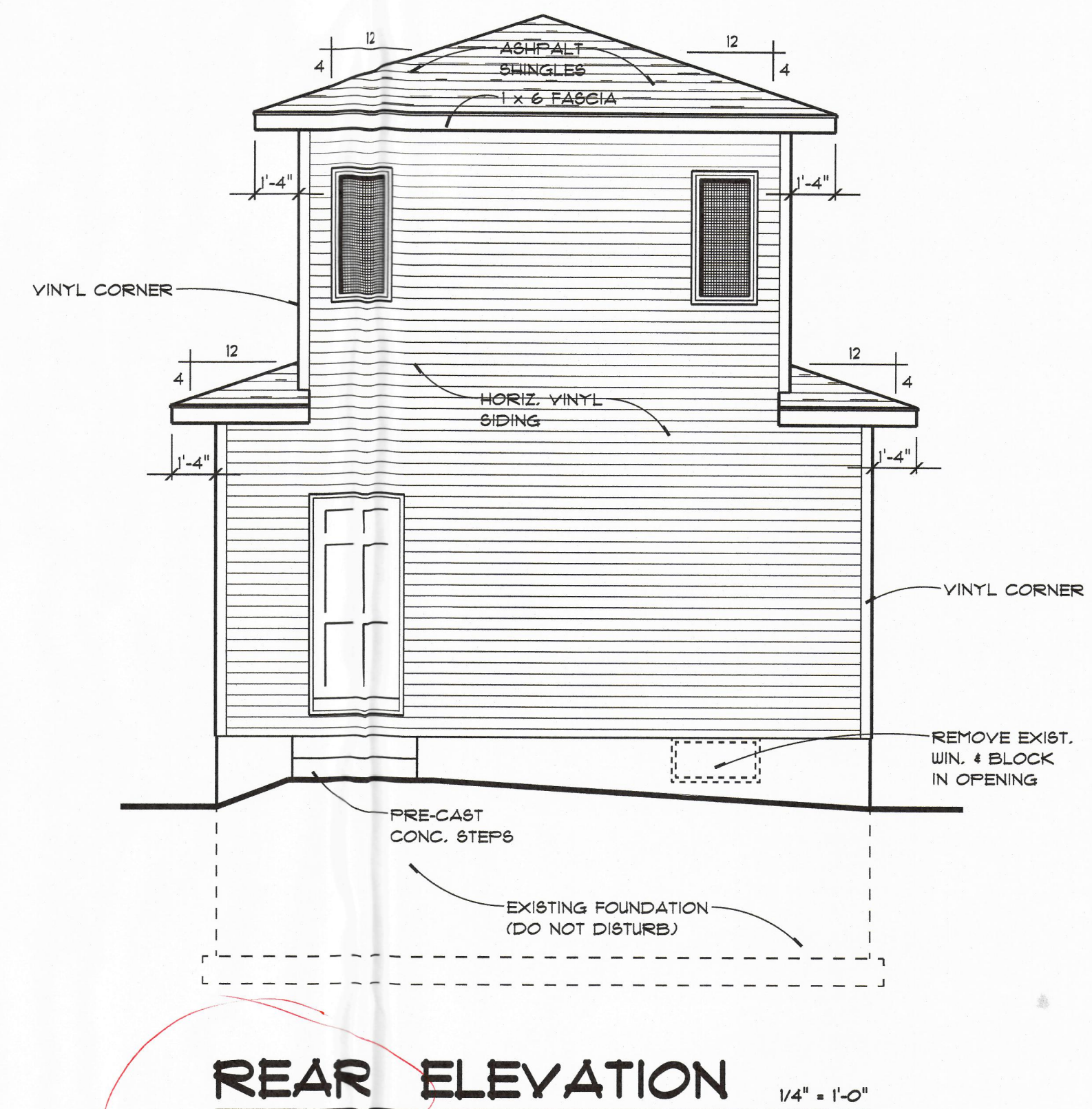
LEFT SIDE ELEVATION 1/4" = 1'-0"



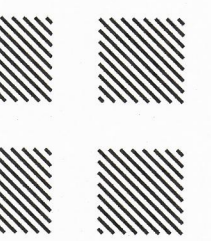
REAR ELEVATION 1/4" = 1'-0"



LEFT SIDE ELEVATION 1/4" = 1'-0"



REAR ELEVATION 1/4" = 1'-0"



JOB #: 18-08-01
 LOT #: N.A.
 DRAWN BY: MF
 SCALE: 1/4" = 1'-0"
 DATE: 8/16/2020
 REVISED:

PROPOSED HOME RENOVATION FOR:
MR. ROBERT SWIERKOS
 EXTERIOR ELEVATIONS

MARK FREDRICK DESIGN
 2964 WALLBEND DR.
 WATERFORD, MI 48323
 (248) 935-1844
 mfredrick66@gmail.com



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



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

WHITE LAKE TOWNSHIP

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

August 24, 2020

Robert Swierkos
2439 Fenton Rd.
Hartland, MI 48353

RE: 10201 Joanna K, 12-22-427-003

The current structure and lot are non-conforming. Based on the submitted plans, the proposed 2nd story addition does not satisfy the White Lake Township Clear Zoning Ordinance for setbacks, minimum lot area, and minimum lot width.

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

The 2nd story addition will have a side yard setback of 5 feet on the southwest corner, side yard setback of 8.7 feet on the northeast corner for a combined total of 13.7 feet, and a front yard setback of 21.08 feet. The lot area is 4756.8 square feet and the lot width is 24.9 feet.

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

Sincerely,

A handwritten signature in black ink that reads "Nick Spencer".

Nick Spencer, Building Official
Community Development

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: October 15, 2020

Agenda item: 6d

Appeal Date: September 24, 2020

Applicant: David Nellist

Address: 301 South Silvery Lane
Dearborn, MI 48124

Zoning: R1-D Single Family Residential

Location: 10697 Castlewood Drive
White Lake, MI 48386

Property Description

The approximately 0.23-acre (10,000 square feet) parcel identified as 10697 Castlewood Drive is located on Sugden Lake and zoned R1-D (Single Family Residential).

Applicant's Proposal

David Nellist, the applicant, is proposing to construct a new house on an undeveloped parcel.

Planner's Report

The parcel is nonconforming due to a 2,000 square foot deficiency in lot area and a 14-foot deficiency in lot width (66 feet in width at the road right-of-way line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to construct a 1,760 square foot single-story house and a 220 square foot accessory structure. The proposed house would be located 5.5 feet from the east property line. The minimum side yard setback is 10 feet in the R1-D zoning district; therefore, a five-foot variance is being requested to encroach into the east side yard setback.

Article 3, Section 11.Q of the zoning ordinance states no building shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The proposed house would be located 10.96 feet from the edge of the Sugden Lake canal to the west, and the proposed rear deck would be located 5 feet from the water's edge; therefore, a 20-foot variance is being requested to encroach into the water features setback. Additionally, the proposed accessory structure is also located 11.79 feet from the canal to the west.

Article 5, Section 3 of the zoning ordinance prohibits roofs, gutters, windows, and open balconies from projecting closer than five feet to a lot line. The roof overhang on the proposed house is located three (3) feet from the east side lot line. Article 7, Section 27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance of less than five feet from a side lot line for safety reasons.

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 | 4.5 feet (east) | 5.5 feet |
| 2 | Article 3.11.Q | Water features setback | 25 feet | 20 feet (west) | 5 feet |
| 3 | Article 3.1.6.E | Minimum lot size | 12,000 square feet | 2,000 square feet | 10,000 square feet |
| 4 | Article 3.1.6.E | Minimum lot width | 80 feet | 14 feet | 66 feet |

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by David Nellist from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-34-151-004, identified as 10697 Castlewood Drive, in order to construct a new house that would encroach 20 feet into the required water features setback and 5 feet into the required side yard setback. A 14-foot variance from the required lot width and 2,000 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- In no event shall the projection of the roof overhang be closer than five feet to the east side lot line or five feet to the water’s edge to the west.
- A current survey shall be submitted at the time of reapplication for a building permit.

Denial: I move to deny the variances requested by David Nellist for Parcel Number 12-34-151-004, identified as 10697 Castlewood Drive, due to the following reason(s):

Table: I move to table the variance requests of David Nellist for Parcel Number 12-34-151-004, identified as 10697 Castlewood Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated September 10, 2020 and received by the Township on September 17, 2020.
2. Site plan dated August 6, 2020 and received by the Township on September 17, 2020.
3. Building elevations and floor plans dated August 6, 2020 and received by the Township on August 26, 2020.
4. Letter of denial from the Building Department dated August 11, 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: DAVID NELLIST PHONE: 269 903 8560

ADDRESS: 301 SOUTH SILVERY LANE, DEARBORN, MI 48124

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

ADDRESS OF AFFECTED PROPERTY: 10697 CASTLEWOOD DR PARCEL # 12 - 34-151-004

CURRENT ZONING: R1-D PARCEL SIZE: 15,838 SF

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

ARTICLE 3.11.Q - REQUESTING VARIANCE TO BUILD WITHIN 25' OF WATER'S EDGE

ARTICLE 3.1.6 - REQUESTING VARIANCE TO BUILD ON A LOT LESS THAN 80' WIDE

ARTICLE 3.1.6 - REQUESTING VARIANCE IN SIDE YARD SETBACK ON EAST SIDE

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

SEE ATTACHED SHEETS

RECEIVED

SEP 17 2020

COMMUNITY
DEVELOPMENT
DEPARTMENT

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: 9/10/2020

Article 3.11.Q

No building shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The setback shall be measured from the edge of the established wetland boundary as reviewed and approved by the Township

The property, 10697 Castlewood Drive, is adjacent to water on 2 sides: Sugden Lake to the south, and a shallow dead-end channel from Sugden Lake to the West. The channel borders almost the entire length of what is an already narrow lot which is a unique circumstance of this property (fig.3). Once the 25-foot natural features setback is applied from the water's edge on the West side of the lot, the remaining buildable area width varies between approximately 12 feet and 23 feet (fig. 1). This extremely narrow width presents a practical difficulty for building a single-family home on the lot, preventing it from reasonably being used for its designated R1-D zoning (fig. 2).

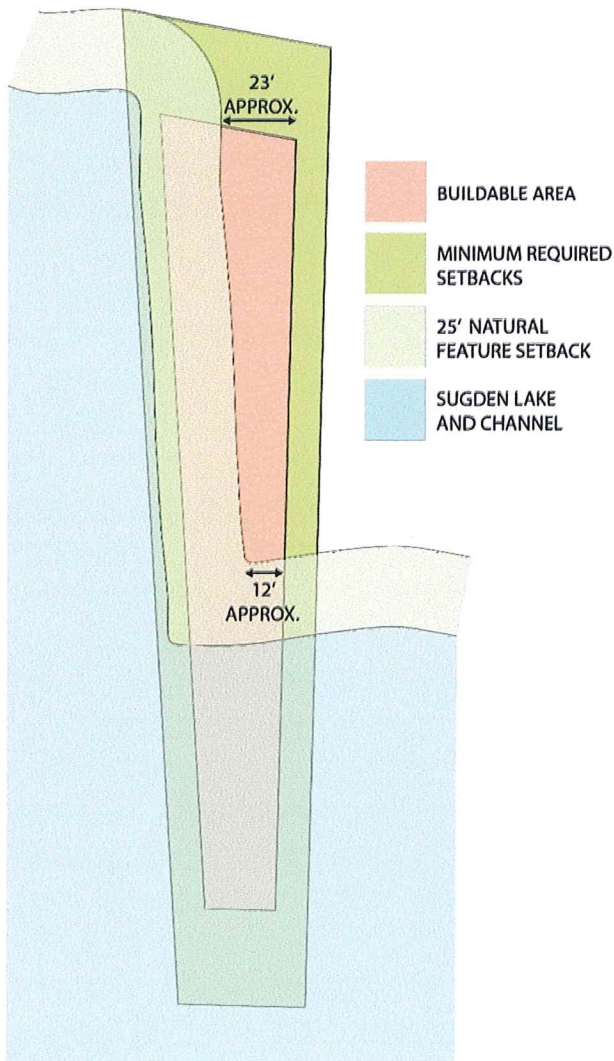


Fig. 1: Remaining buildable area is too narrow, presenting a practical difficulty that prevents the lot from being reasonably used for designated R1-D uses

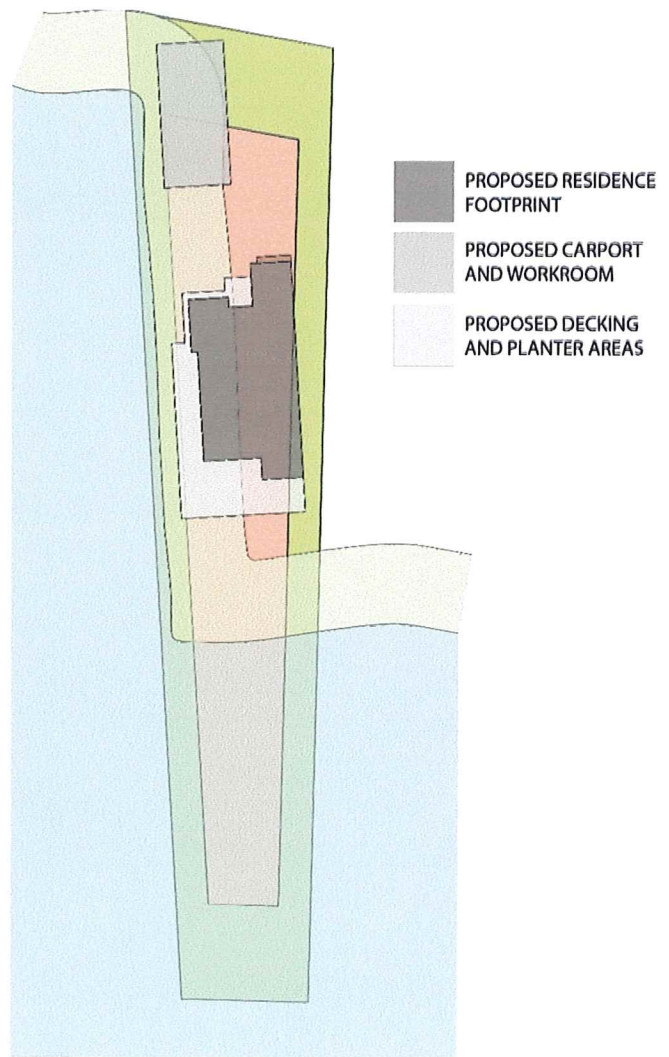


Fig. 2: Proposed single family residence and site improvement footprints.

RECEIVED
SEP 17 2020

COMMUNITY
DEVELOPMENT
DEPARTMENT

The channel is not a public part of Sugden lake, but is located on vacant property zoned AG, with part of the channel crossing over into the lot of 10697 Castlewood (fig. 4).

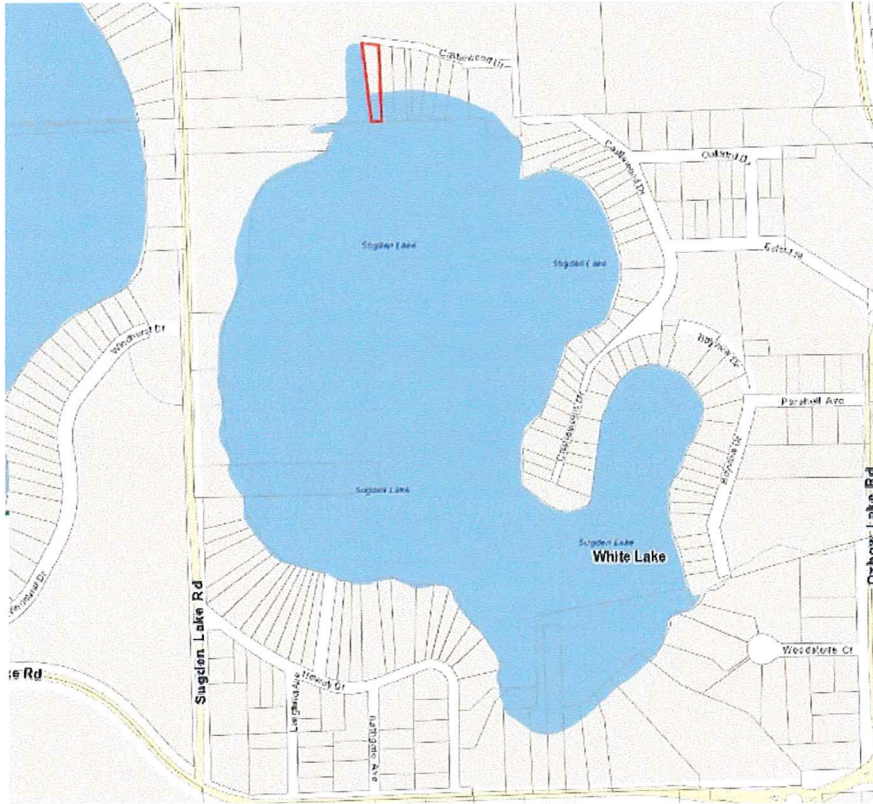


Fig. 3: The lot at 10697 Castlewood Drive is narrow and bordered by water on 2 sides: unique circumstances of the property

Established and already developed lots around the north, east, and south of Sugden lake are similarly narrow in their width to the subject property

Article 3.1.6

Requires a minimum lot width of 80 feet.

The property at 10697 Castlewood has a lot width varying between 66 feet at the north end and 39.5 feet at the south end. The established lot widths of adjacent properties around the north, east, and south of Sugden Lake are similarly narrow in their width and are also zoned R1-D (fig.3 and 4). A variance for this lot would be consistent with justice to similar adjacent lots.

Article 3.1.6

Requires a minimum side yard setback of 10 feet.

By reducing the setback to the property line on the east, the proposed residence balances the concerns of the sideyard setback on this side with a reasonable setback from the water's edge to the west. The established properties around the north, east, and south of Sugden Lake appear to have similar variances in their side and rear yard setbacks and are also zoned R1-D (fig. 4). A variance for this lot would be consistent with justice to similar adjacent lots.

10697 Castlewood Drive
White Lake, MI
PIN: 12-34-151-004

David Nellist
301 S. Silvery Lane
Dearborn, MI

RECEIVED pastordavidnellist@gmail.com
269.903.8560

SEP 17 2020

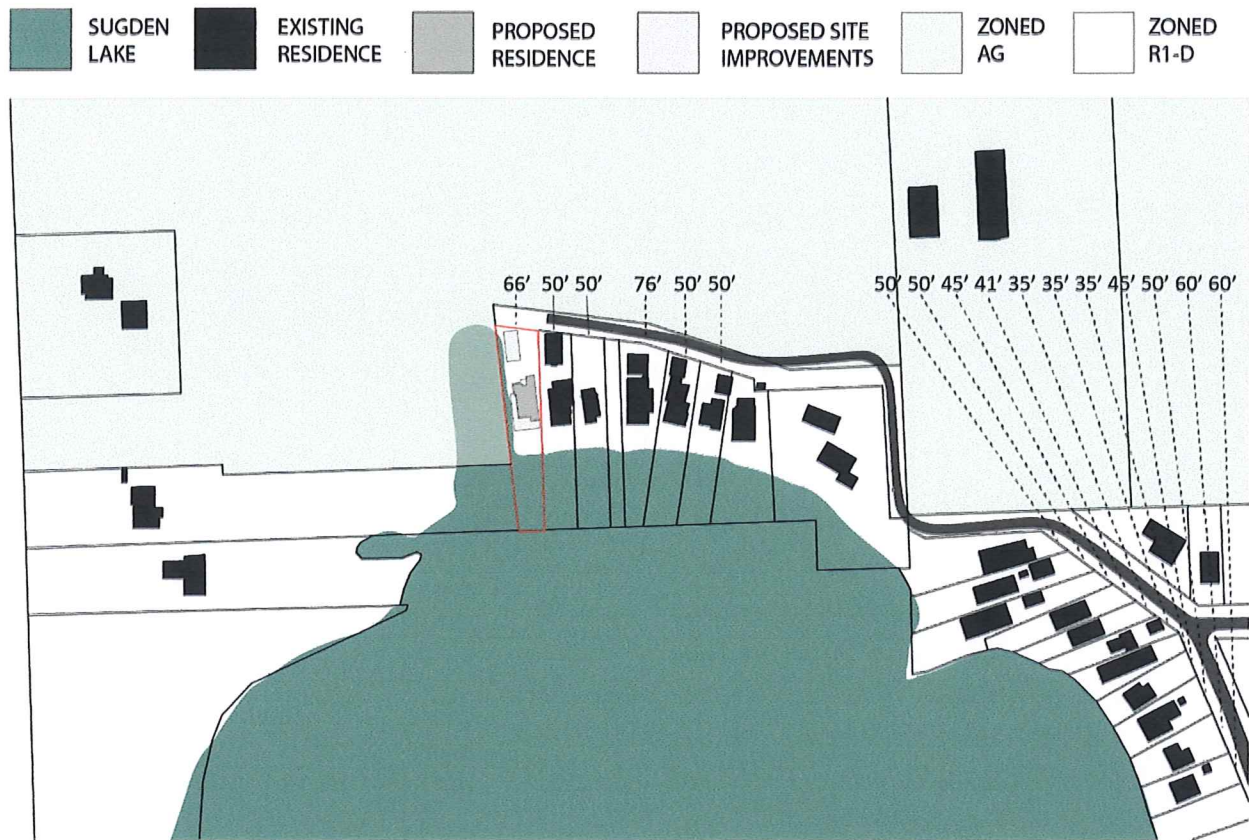
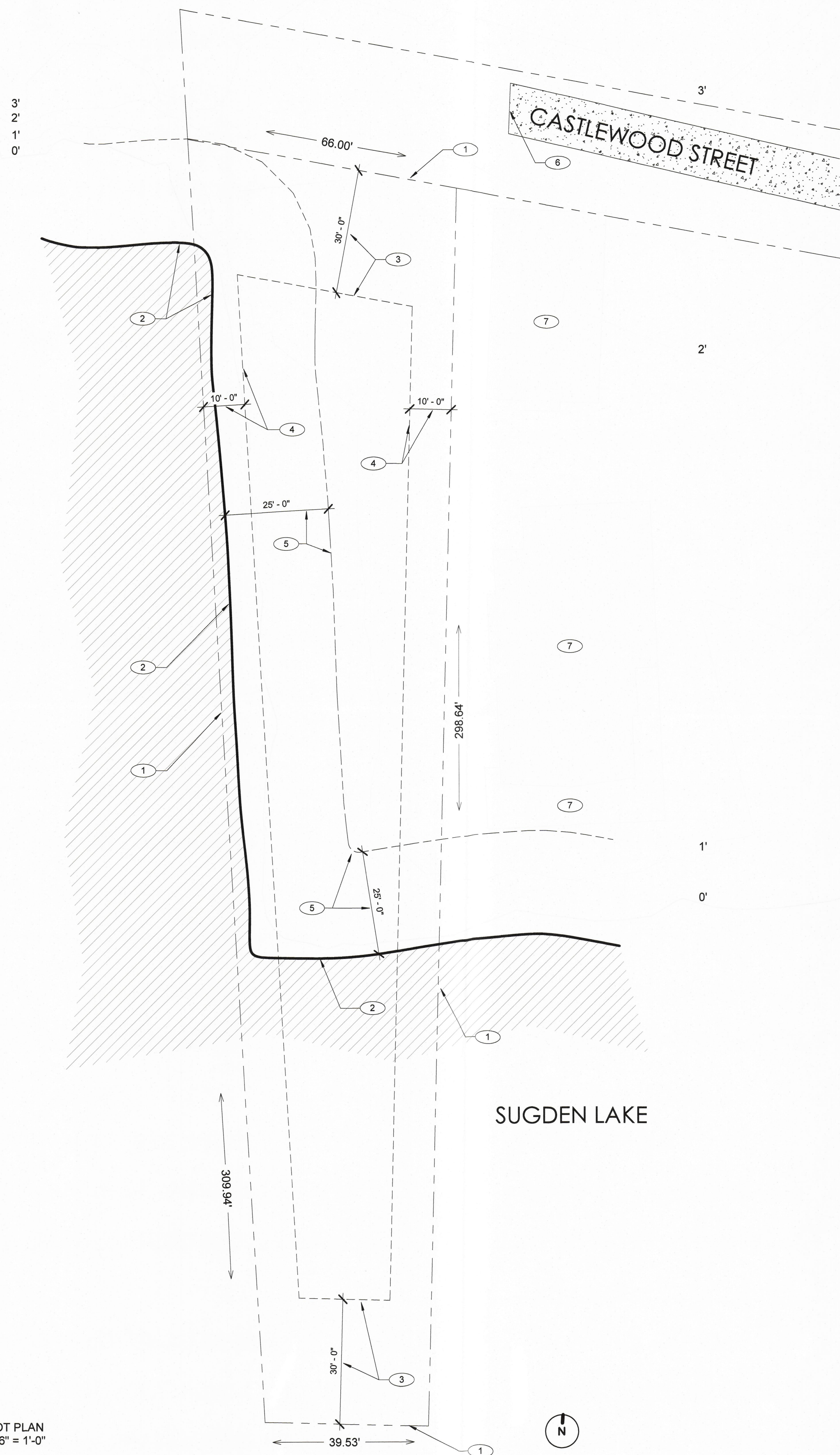


Fig. 4: Lot widths at ROW of adjacent R1-D properties on the north and east side of Sugden lake with existing residences. Many are less than 80 feet and appear to setback variances.

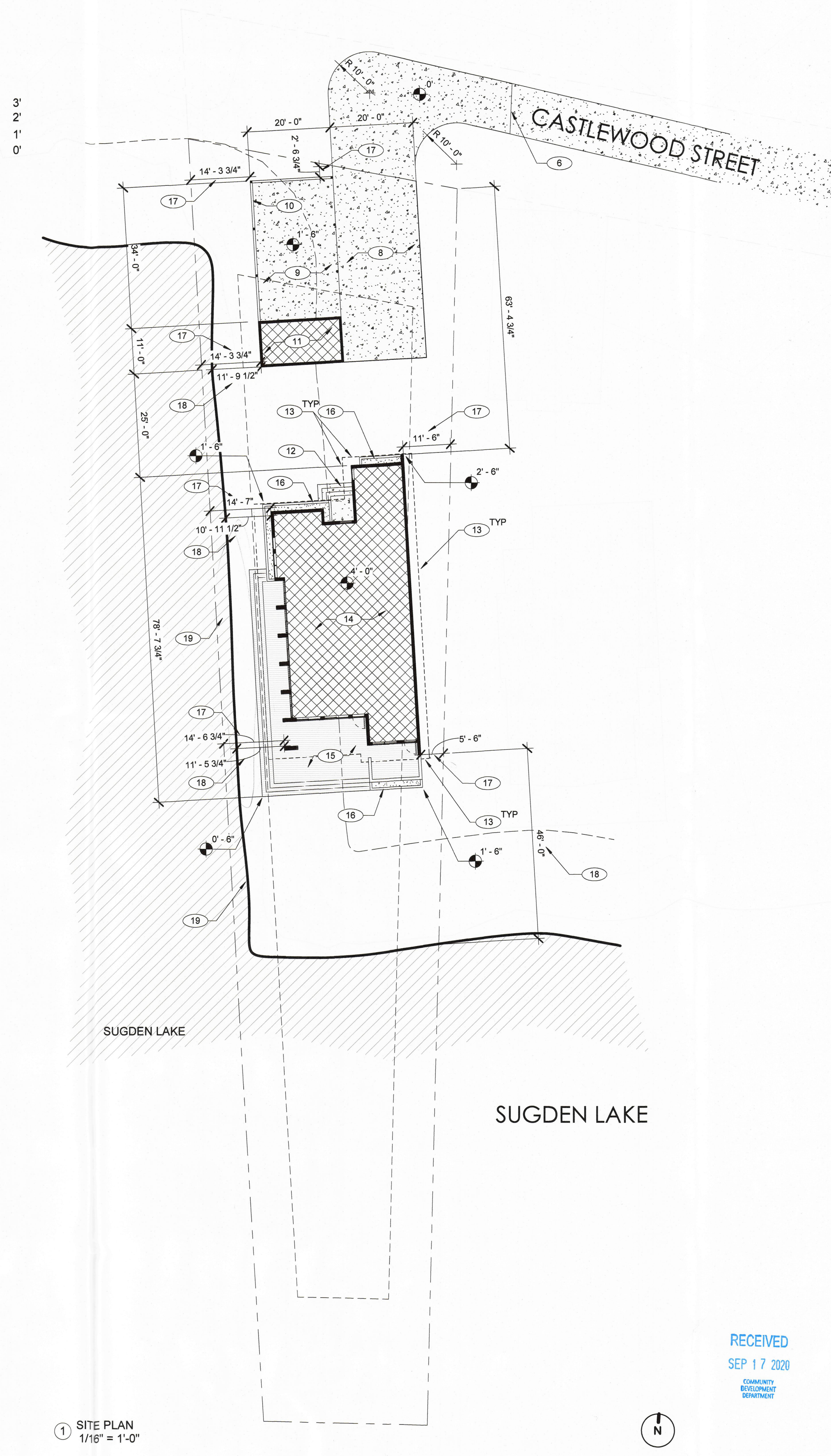
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SEP 17 2020

COMMUNITY
DEVELOPMENT
DEPARTMENT



2 PLOT PLAN
1/16" = 1'-0"



1 SITE PLAN
1/16" = 1'-0"

GENERAL NOTES:

- 1 PROPERTY LINES AND WATER'S EDGE BASED ON EXISTING SURVEY. ALL EXISTING INFORMATION SHOWN IS FOR INTENT ONLY
- 2 CONTOUR LINES SHOWN ARE EXISTING ONLY AS DERIVED FROM OAKLAND COUNTY GIS DATA
- 3 NEW SURVEY TO BE CONDUCTED PRIOR TO COMMENCING WORK. SURVEY TO SHOW EXISTING GRADE AND LOCATE PRECISE BUILDING ORIENTATION AND PLACEMENT
- 4 ALL PLOT AND SITE PLAN DIMENSIONS TAKEN FROM FACE OF EXTERIOR WALL TO THE NEAREST 1/4" U.N.O.
- 5 CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND CONFIRM EXISTING CONDITIONS PRIOR TO COMMENCING WORK
- 6 SITE TO BE GRADED AWAY FROM HOUSE AND GARAGE ON ALL SIDES AT A MINIMUM OF 6" FALL IN THE FIRST 10'
- 7 SITE GRADE TO FALL IN GENERAL WEST AND SOUTH DIRECTION TOWARDS SUGDEN LAKE FOR STORMWATER RUNOFF
- 8 FINISHED GRADE SPOT ELEVATIONS FOR INTENT ONLY. PROPOSED CONTOURS / ELEVATIONS TO BE DETERMINED FOLLOWING SURVEY
- 9 USGS DATUM AND SEAL OF PLOT PLAN PENDING PER ZBA APPROVAL OF BUILD
- 10 NO WATER CURRENTLY AT SITE. NEW WELL AND CITY SEWER HOOKUP REQ'D

SHEET NOTES:

- 1 PROPERTY LINE
- 2 WATER'S EDGE
- 3 FRONT YARD EASEMENT 30'-0"
- 4 SIDE YARD EASEMENT 10'-0"
- 5 25'-0" NATURAL FEATURES EASEMENT FROM WATER'S EDGE. APPROX. LINE
- 6 END OF EXISTING ROAD
- 7 NEIGHBORING HOUSE AND GARAGE. LOCATION IS APPROXIMATE
- 8 CONCRETE SLAB DRIVEWAY
- 9 CONCRETE SLAB FOR CARPORT
- 10 CARPORT WALL, 3'-0" A.F.F. WITH COLUMNS
- 11 WORK ROOM WITH GARAGE DOOR
- 12 CONCRETE STEPS. 6" RISE / 12" RUN
- 13 ROOF LINE ABV.
- 14 PROPOSED RESIDENCE. FF @ +4'-0". ON CRAWLSPACE.
- 15 WOOD DECKING AND STEPS
- 16 PLANTER WALL 2'-0" A.F.F.
- 17 PROPOSED SETBACK AT BUILDING CORNER TO PROPERTY LINE
- 18 PROPOSED SETBACK AT BUILDING CORNER TO WATER'S EDGE
- 19 VINYL SEAWALL WITH WOOD CAP, THIS EDGE

SHEET LEGEND:

| | |
|-----|-------------------|
| --- | PROPERTY BOUNDARY |
| --- | PROPERTY EASEMENT |
| --- | OVERHEAD |
| /// | WATER |
| --- | EXISTING BLDGS |
| ● | EXISTING CONCRETE |
| ■ | NEW CONCRETE |
| ▨ | PROPOSED BUILDING |
| ▨ | WOOD DECKING |

AS 101 PLOT AND SITE PLAN

08/06/2020

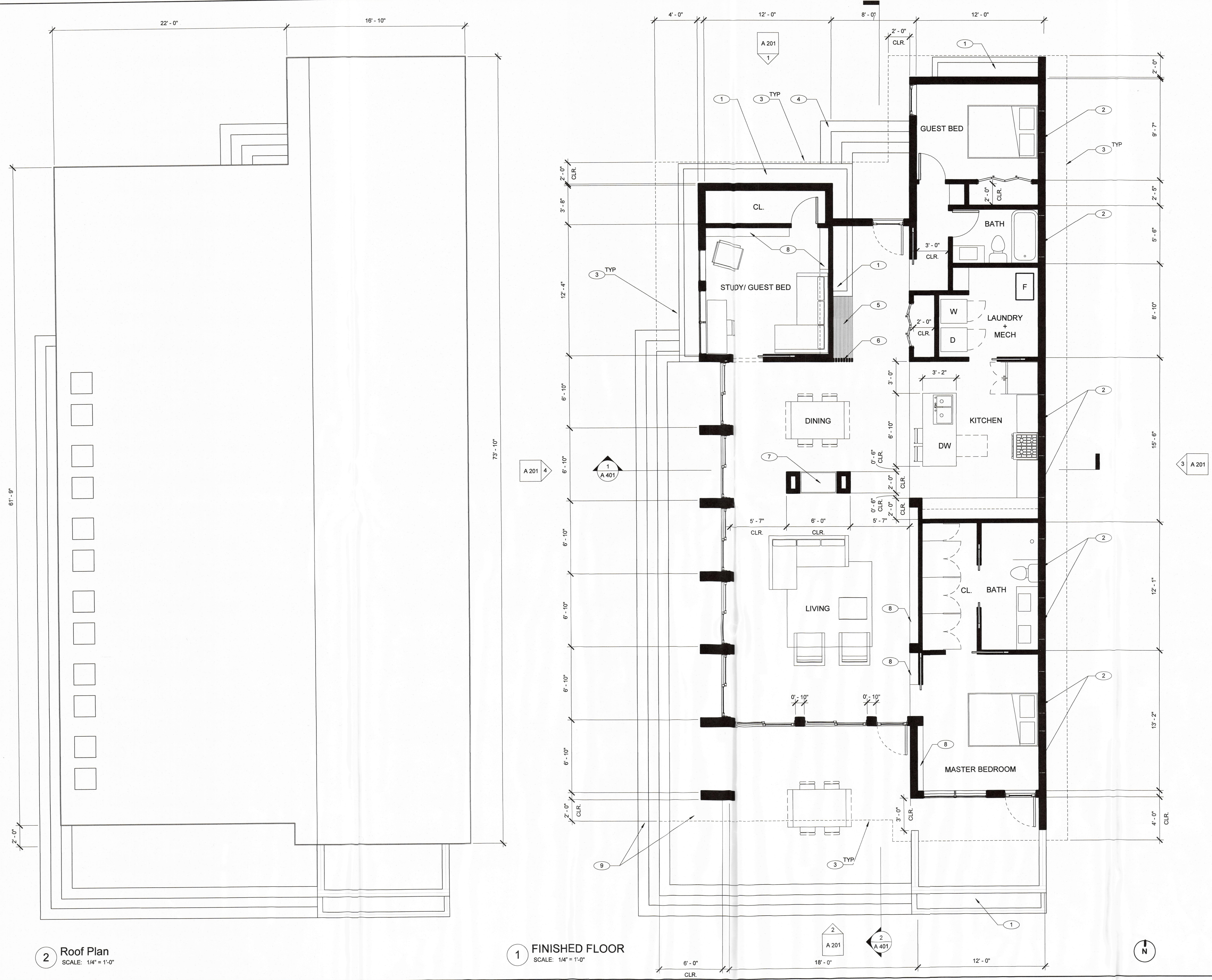
PREPARED BY:
JAMES NELLIST
1331 CORNELL DR. SE. GRAND RAPIDS, MI
JAMES.W.NELLIST@GMAIL.COM | 269.598.4947

APPLICANT:
DAVID NELLIST
301 S. SILVERY LN. DEARBORN, MI
PASTORDAVIDNELLIST@GMAIL.COM | 269.903.8560

PROPERTY ADDRESS:
10697 CASTLEWOOD STREET
WHITE LAKE, MI
PIN: 12-34-151-004

RECEIVED
SEP 17 2020
COMMUNITY DEVELOPMENT DEPARTMENT

**NELLIST
RESIDENCE**



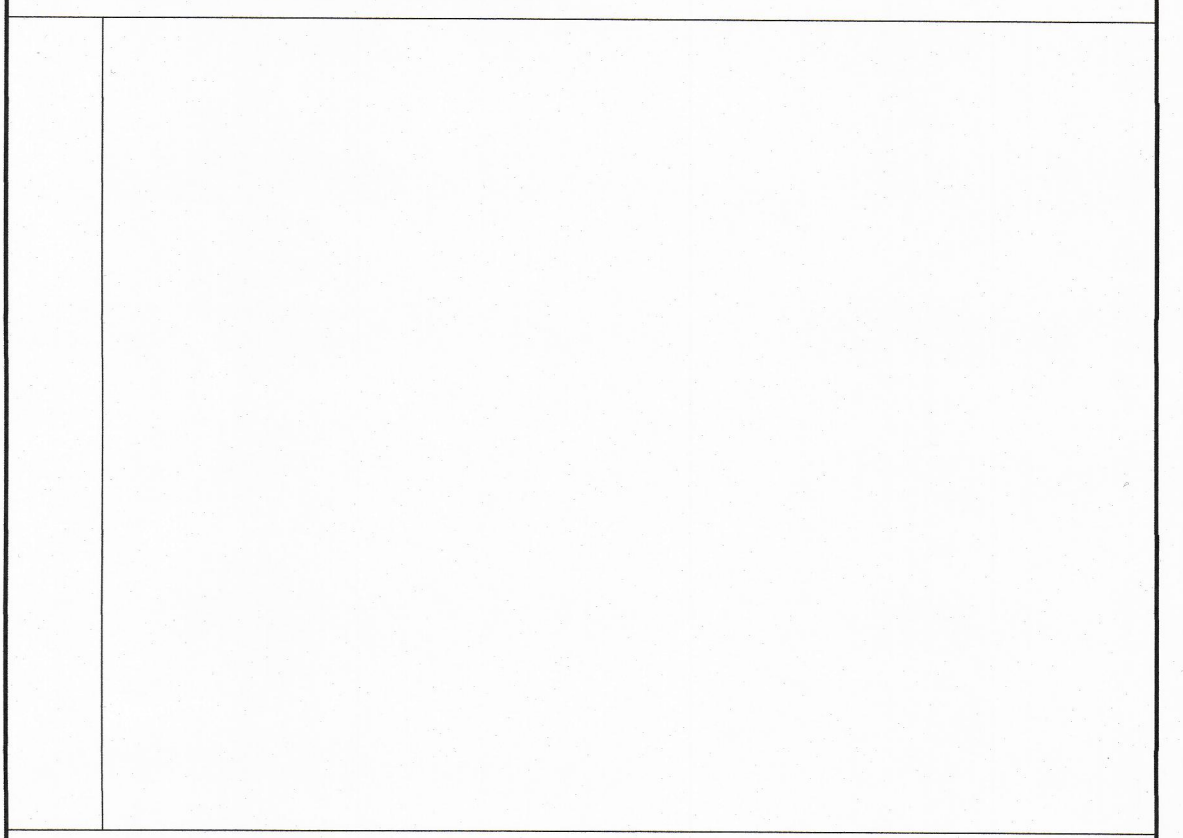
GENERAL NOTES:

1. ALL DIMENSIONS TO FACE OF STUD U.N.O.

SHEET NOTES:

- 1 PLANTER
- 2 CLERESTORY ABV. SEE ELEVATIONS
- 3 ROOF LINE ABV.
- 4 CONCRETE STAIRS
- 5 BUILT-IN WOOD SLAT BENCH
- 6 VERTICAL WOOD SLAT SCREEN
- 7 DOUBLE-SIDED GAS FIREPLACE WITH SHELVING ABV.
- 8 BUILT-IN SHELVING
- 9 WOOD DECKING

SHEET LEGEND:



A 101 FLOOR PLAN

08/06/2020
PREPARED BY:
 JAMES NELLIST
 1331 CORNELL DR. SE. GRAND RAPIDS, MI
 JAMES.W.NELLIST@GMAIL.COM | 269.598.4947

APPLICANT:
 DAVID NELLIST
 301 S. SILVERY LN. DEARBORN, MI
 PASTORDAVIDNELLIST@GMAIL.COM | 269.903.8560

PROPERTY ADDRESS:
 10697 CASTLEWOOD STREET
 WHITE LAKE, MI
 PIN: 12-34-151-004

**NELLIST
 RESIDENCE**

2 Roof Plan
 SCALE: 1/4" = 1'-0"

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

GENERAL NOTES:

1. ALL DIMENSIONS TO EXTERIOR FINISHED FACE OF WALL, ROOF ETC. U.N.O.

SHEET NOTES:

- 1 METAL ROOF AND TRIM SYSTEM
- 2 FASCIA AND SOFFIT TO BE DONE IN WOOD AND SEALED
- 3 PLANTER WALLS TO BE CONSTRUCTED OF PRESSURE TREATED GROUND CONTACT LUMBER WHEREVER GROUND CONTACT OCCURS BASE, FINISHED TO MATCH SIDING
- 4 WOOD SIDING OVER RAIN SCREEN SYSTEM, WOOD TYPE TBD BY OWNER. SEE A- 401/3
- 5 ENTRY CONCRETE STEPS TO BE 6" RISE / 12" RUN. FINAL NUMBER OF STEPS TO BE DETERMINED AFTER COMPLETION OF GRADING PLAN

SHEET LEGEND:

A 201 EXTERIOR ELEVATIONS

08/06/2020

PREPARED BY:

JAMES NELLIST
1331 CORNELL DR. SE. GRAND RAPIDS, MI
JAMES.W.NELLIST@GMAIL.COM | 269.598.4947

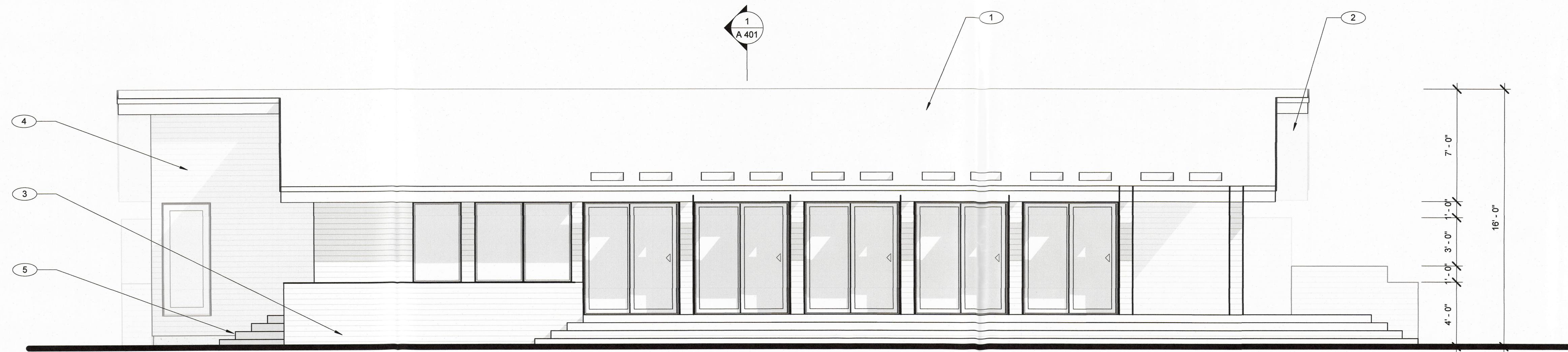
APPLICANT:

DAVID NELLIST
301 S. SILVERY LN. DEARBORN, MI
PASTORDAVIDNELLIST@GMAIL.COM | 269.903.8560

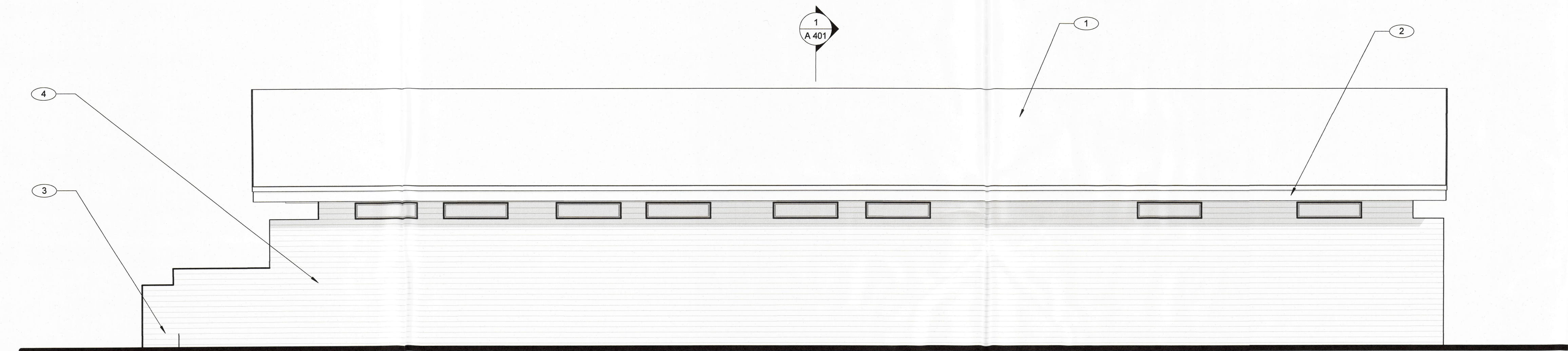
PROPERTY ADDRESS:

10697 CASTLEWOOD STREET
WHITE LAKE, MI
PIN: 12-34-151-004

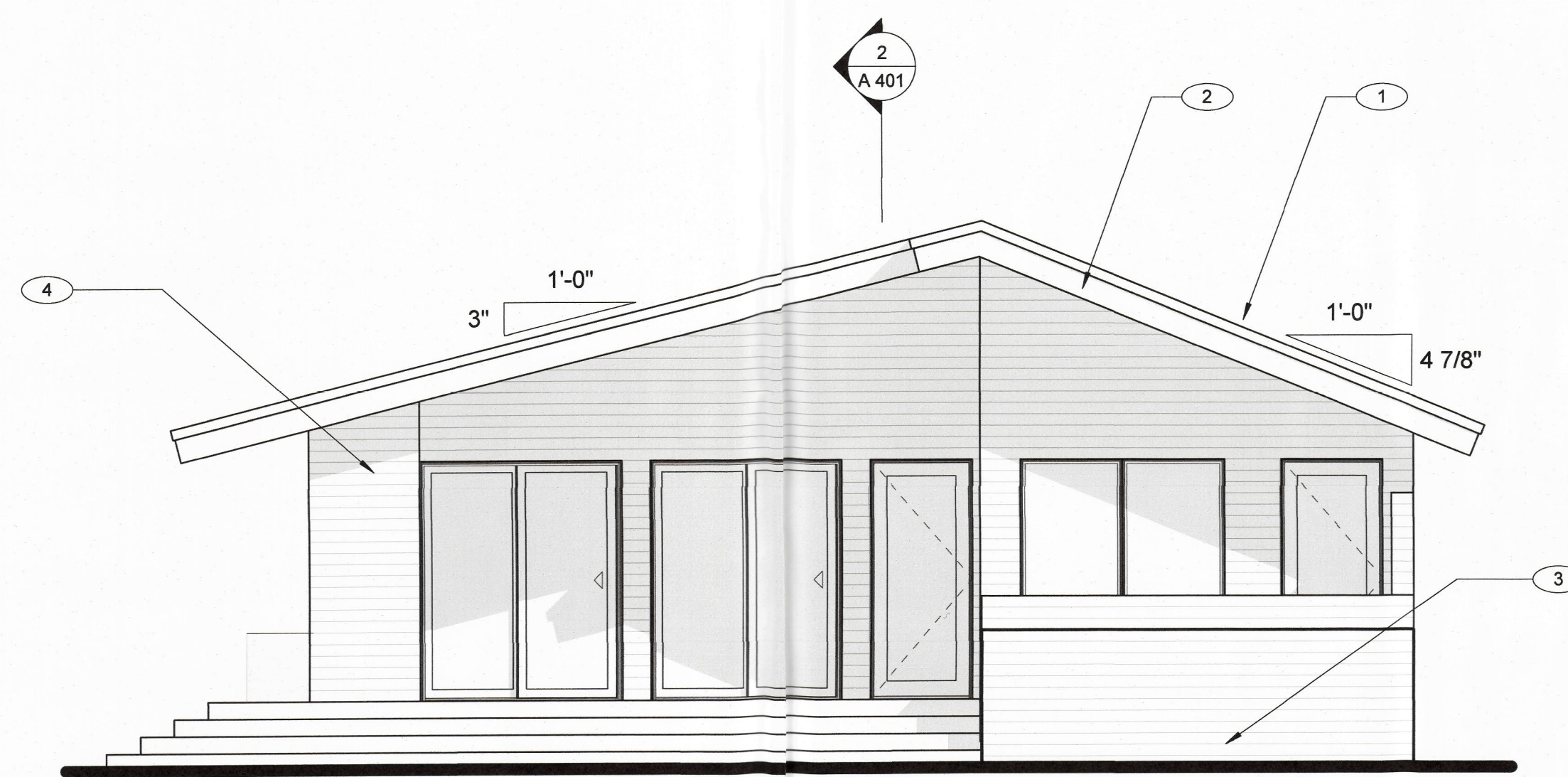
NELLIST
RESIDENCE



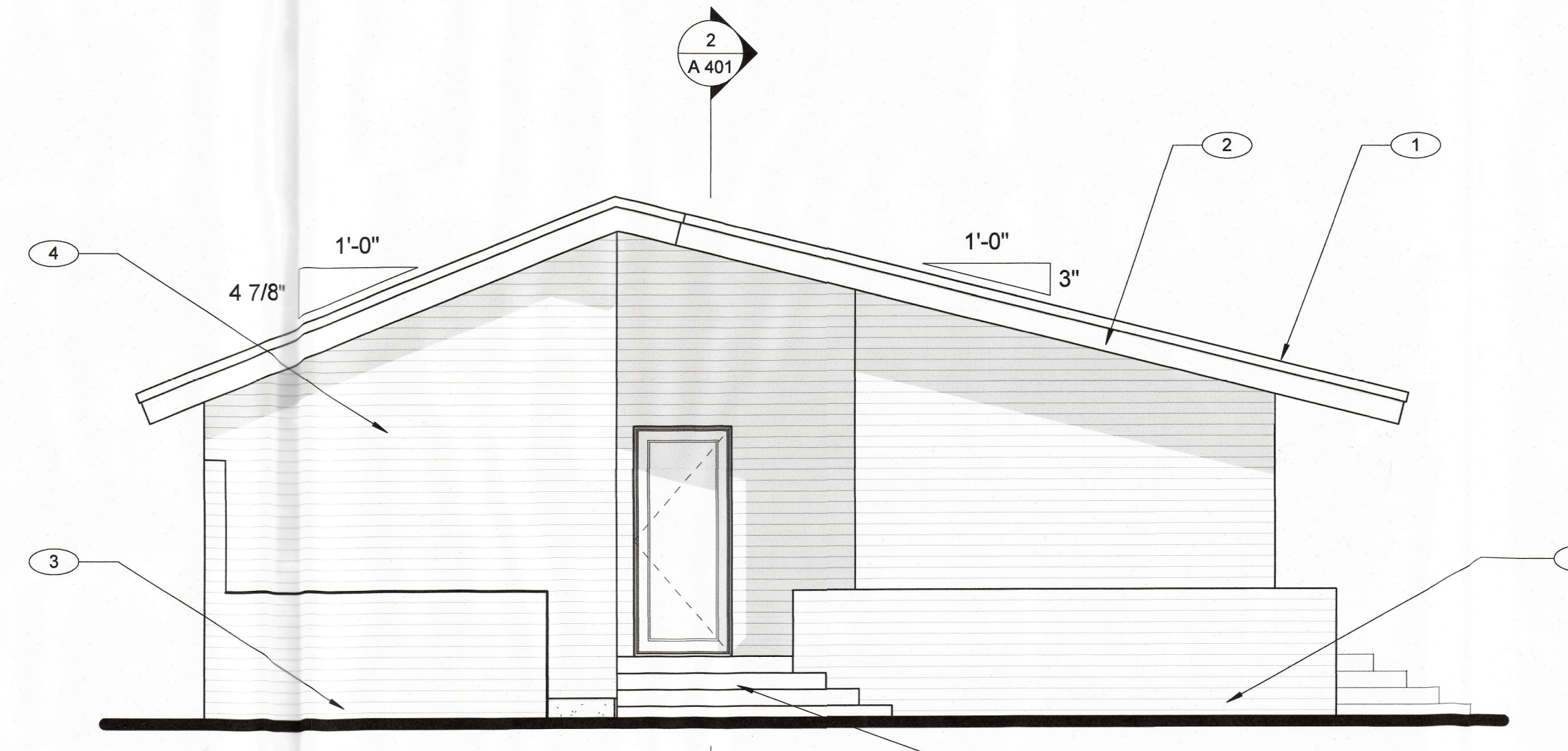
4 WEST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

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



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

WHITE LAKE TOWNSHIP

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

August 11, 2020

David Nellist
301 S. Silvery Ln.
Dearborn, MI 48124

RE: Proposed Residential Structure and Accessory Structure at 10697 Castlewood St.

Based on the submitted plans, the proposed residential structure and accessory structure do not satisfy the White Lake Township Clear Zoning Ordinance for setbacks and lot width.

Article 3.11.Q of the White Lake Township Clear Zoning Ordinance states: No building shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The setback shall be measured from the edge of the established wetland boundary as reviewed and approved by the Township.

The proposed residential structure would have a side yard setback of approximately 10 feet and the proposed accessory structure would have a side yard setback of approximately 8 feet from the nearest water's edge.

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum lot width of 80 ft.

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

Sincerely,

Nick Spencer, Building Official
White Lake Township

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: October 15, 2020

Agenda item: 6e

Appeal Date: September 24, 2020

Applicant: Lakewood Village Improvement Association

Address: 971 Schuyler Drive
White Lake, MI 48383

Zoning: R1-C Single Family Residential

Location: The following three locations, all within Road Commission for Oakland County (RCOC) right-of-way: northeast corner of Biscayne Avenue and Bogie Lake Road, northeast corner of Ellinwood Drive and Bogie Lake Road, and northeast corner of Thompson Lane and Bogie Lake Road

Applicant's Proposal

The Lakewood Village Improvement Association, the applicant, is proposing to remove and replace three freestanding (monument) signs at the following entrances to the subdivision: the northeast corner of Biscayne Avenue and Bogie Lake Road, the northeast corner of Ellinwood Drive and Bogie Lake Road, and the northeast corner of Thompson Lane and Bogie Lake Road. All of the proposed signs are located within Road Commission for Oakland County (RCOC) right-of-way, and said locations contain R1-C (Single Family Residential) zoning.

Planner's Report

All of the proposed signs are 1.92 feet by 6.375 feet (12.22 square feet) in size. The single-sided monument structures are four feet in height and eight feet in length, including the sign area. In accordance with Article 5, Section I (Residential District Signs) of the zoning ordinance, one monument sign, not more than 30 square feet in area, may be maintained at or adjacent to the principal entrance to the subdivision. One additional sign may be permitted if the subdivision has access to two thoroughfares or the subdivision has more than one boulevard street entrance from an existing arterial or it has at least 250 homes. The signs may not exceed six feet in height.

The Lakewood Village subdivision has more than 250 homes, so a second development entry sign is permitted by right. A variance is requested to install the third sign. Additionally, subdivision signs not placed within a public boulevard entrance must be setback at least 10 feet from the road right-of-way. As all of the proposed signs would be located within the right-of-way, the applicant is requesting a 10-foot variance for the placement of each sign. The RCOC approved the applicant's permit application to allow the removal and replacement of the three signs within the Bogie Lake Road right-of-way.

If the Zoning Board of Appeals approves the request, staff recommends the following condition:

- The Applicant shall obtain the required Road Commission for Oakland County (RCOC) permit and provide a copy of said permit to the Building Department at the time of application for a Township sign permit.

The requested variances are listed in the following table.

| Variance # | Ordinance Section | Subject | Standard | Requested Variance | Result |
|-------------------|--------------------------|--------------------------------------|---------------------|---------------------------|----------------------|
| 1 | Article 5.I.i | Residential District Signs (number) | 2 subdivision signs | 1 subdivision sign | 3 subdivision signs |
| 2 | Article 5.I.i | Residential District Signs (setback) | 10 feet | 10 feet (all 3 signs) | 0 feet (all 3 signs) |

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Lakewood Village Improvement Association from Article 5.I.i of the Zoning Ordinance in order to install three subdivision signs that would encroach into the road right-of-way (0 foot setback) at the northeast corner of Biscayne Avenue and Bogie Lake Road, the northeast corner of Ellinwood Drive and Bogie Lake Road, and the northeast corner of Thompson Lane and Bogie Lake Road. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The Applicant shall obtain the required Road Commission for Oakland County (RCOC) permit and provide a copy of said permit to the Building Department at the time of application for a Township sign permit.

Denial: I move to deny the variances requested by Lakewood Village Improvement Association due to the following reason(s):

Table: I move to table the variance requests of Lakewood Village Improvement Association to consider comments stated during this public hearing.

Attachments:

1. Variance application dated August 27, 2020.
2. Sign drawing dated August 11, 2020.
3. Sign location plans.
4. Road Commission for Oakland County (RCOC) permit application approval dated March 30, 2020.

7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

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

APPLICANT'S NAME: Lakewood Village Improvement Assn. PHONE: 248-705-0902

ADDRESS: 971 Skyler, White Lake, MI 48383

APPLICANT'S EMAIL ADDRESS: millemarv@comcast.net

APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: VP, Board of Directors

ADDRESS OF AFFECTED PROPERTY: See below PARCEL # 12 - _____

CURRENT ZONING: _____ PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: See below

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

Remove and replace (3) existing entrance signs and foundation within Bogie Lake Rd

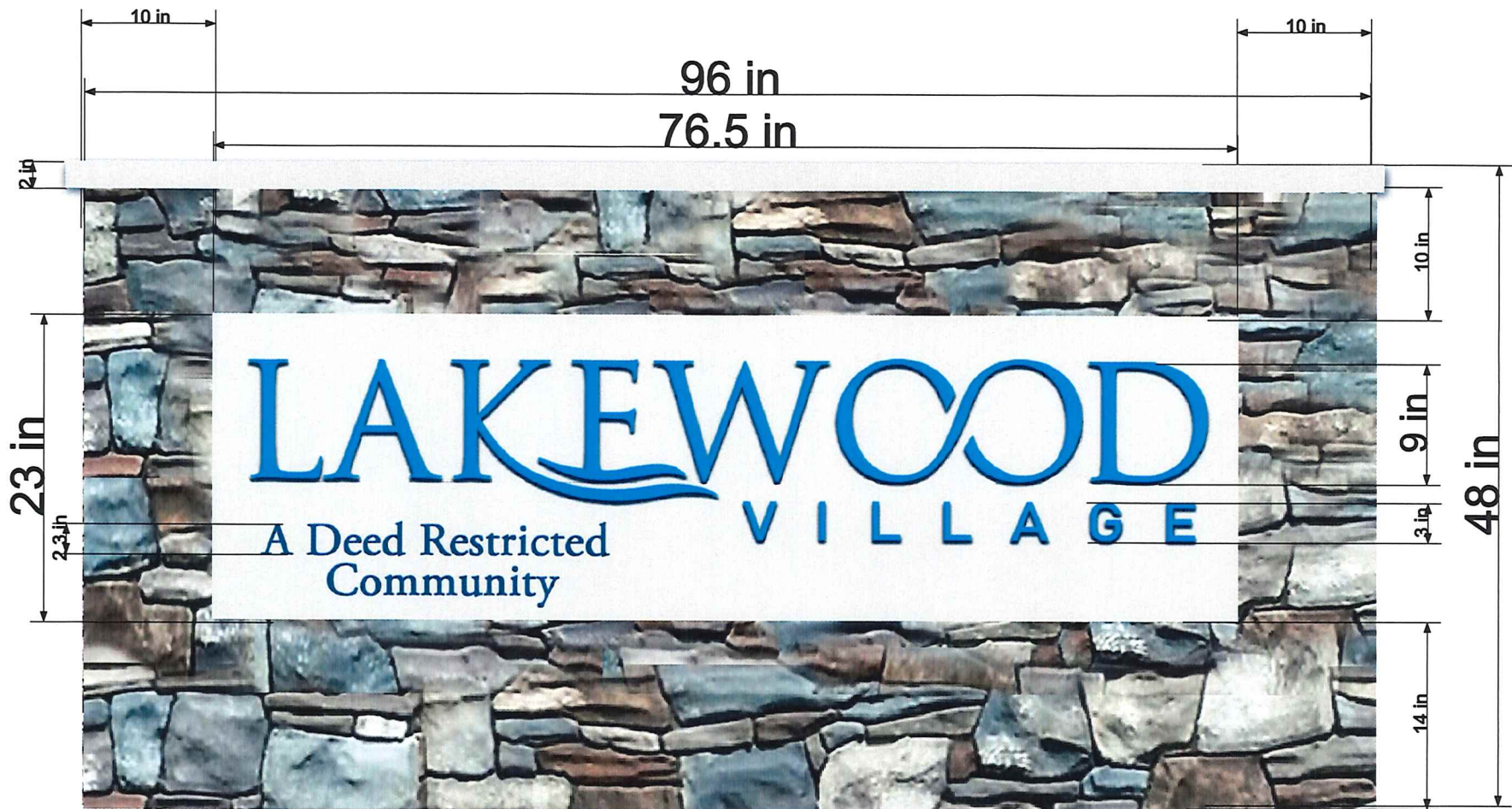
South of M-59 at Biscayne Ave, Ellinwood Dr, and Thompson Lane for Lakewood Village.

Provide adequate sight distance and restore all disturbed areas within the right of way, as

approved by O.C.R.C. application 20-0362 (attached).

APPLICATION FEE: \$440.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: *Maurice Miller* DATE: 8/27/20



4' x 8' One sided sign. Logo area recessed with raised logo.
 Logo area 76.5" x 23" = 12.22 square foot

This is a PROOF of your project!

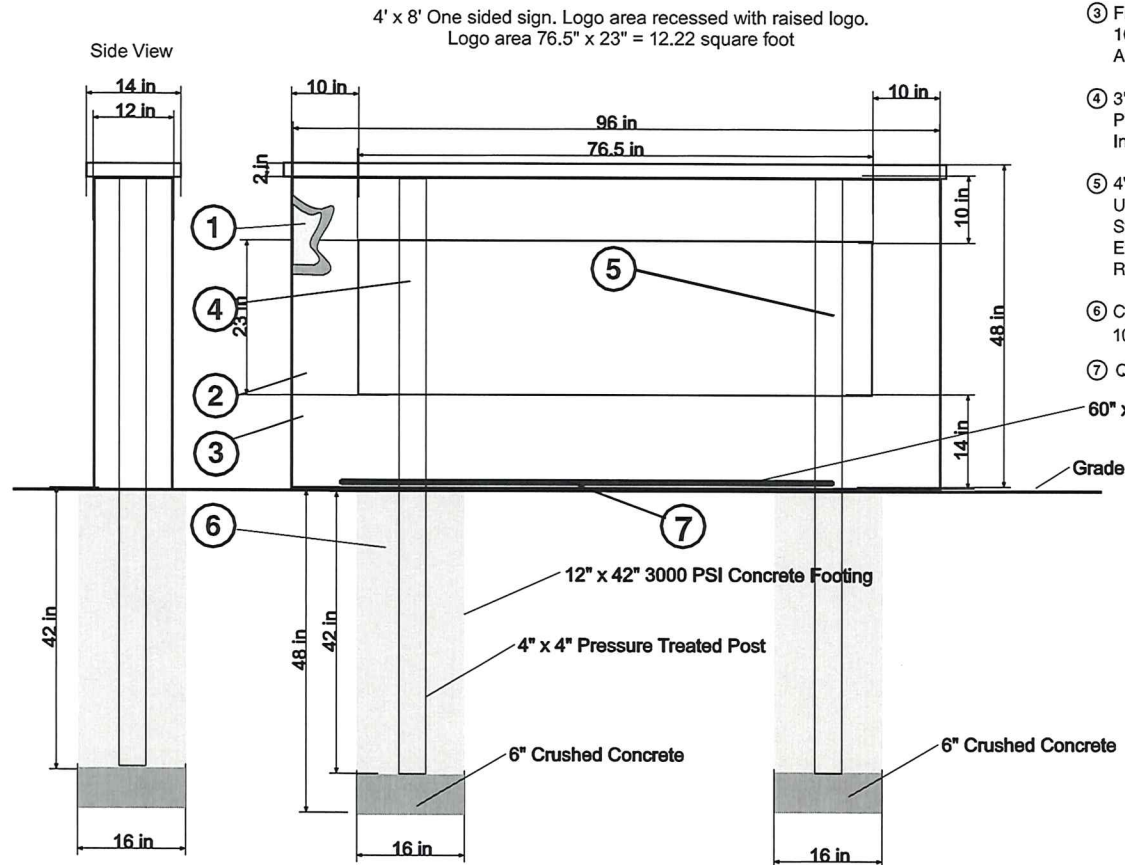
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OK to produce _____
 Make changes where noted and reproof _____



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 2150 Pless Rd. Ste. 3A Brighton, Michigan 48114
 810-225-7446
 image360.com/brightonMI

| | |
|--|--------------------|
| Scale 0.029 | Date: 8/11/2020 |
| Folder Location T:\JOBS BY CUSTOMER\Lakewood Village Subdivision | |
| File Name: Lakewood 4x8 Bid Final.fs | |
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- ① Core of Structure is Molded Expanded Polystyrene.1# C. F.
 - ② Aromatic Fast Cure Poly-Armor Impact Resistant Hard Coat Finish.
 - ③ Finished Surface is 100% Aggregated Acrylic.
 - ④ 3" or 4" Schedule 40 PVC Pipe is Bonded Into Center of Structure.
 - ⑤ 4" x 90" Pressure Treated Wood Post Inserted Upon Installation of Structure on Site with Expanding Polymeric Resin Foam
 - ⑥ Concrete Footing as 10" x 42" Deep - 3000PSI Concrete
 - ⑦ Qty 2 - 1.5" x 60" x 1/4" Angle iron Welded to Outside of Post
- 60" x 1.5" x 1/4" Steel Angle Welded To Posts on Two Sides

This is a PROOF of your project!

Please review this document carefully to insure that all spelling, numbers, layout and design are accurate. Once this is approved it will go directly into production. Image 360-Brighton will not be held responsible for customer errors or omissions!

OK to produce _____
Make changes where noted and reproof _____



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2150 Pless Rd. Ste. 3A Brighton, Michigan 48114
810-225-7446
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| | |
|--|--------------------|
| Scale 0.026 | Date: 8/25/2020 |
| Folder Location T:\JOBS BY CUSTOMER\Lakewood Village Subdivision | |
| File Name: Lakewood 4x8 Bid Final With People.fs | |
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Biscayne Entrance Sign Placement



Scale: 1 inch = 30 feet

Ellinwood Entrance Sign Placement



Scale: 1 inch = 30 feet

Thompson Lane Entrance Sign Placement



Scale: 1 inch = 30 feet



QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE."

Board of Road Commissioners

Ronald J. Fowkes
Commissioner

Gregory C. Jamian
Commissioner

Andrea LaLonde
Commissioner

Dennis G. Kolar, P.E.
Managing Director

Gary Piotrowicz, P.E., P.T.O.E.
Deputy Managing Director
County Highway Engineer

Department of
Customer Services
Permits

2420 Pontiac Lake Road
Waterford, MI
48328

248-858-4835

FAX
248-858-4773

TDD
248-858-8005

www.rcocweb.org

March 30, 2020

Lakewood Village Improvement Assoc
995 ARTDALE
White Lake, MI 48383

RE: Application Number 20-0362

Dear Applicant:

Your application for a permit has been approved. Prior to issuing a permit, the attached requirements must be met by you or your contractor. If the proposed work will be conducted by a contractor you hire, please provide them with the attached requirement sheet and bond form. The permit will be issued in the contractor's name.

The items required prior to permit issuance must be delivered **IN PERSON** by someone authorized to sign the permit on you or your contractor's behalf. Failure to satisfy these requests will delay permit issuance.

Thank you for your cooperation regarding this matter. If you have any questions, please feel free to the Department of Customer Services - Permits at (248) 858-4835.

Sincerely,

Scott Sintkowski, PE
Permit Engineer

Enclosures

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: October 15, 2020

Agenda item: 6f

Appeal Date: September 24, 2020

Applicant: 8414 Cascade LLC

Address: 3644 Burning Tree Drive
Bloomfield Hills, MI 48302

Zoning: R1-D Single Family Residential

Location: 8414 Cascade Street
White Lake, MI 48386

Property Description

The approximately 0.112-acre (4,880 square feet) parcel identified as 8414 Cascade Street is located on Cooley Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,097 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

Applicant's Proposal

8414 Cascade LLC, the applicant, is proposing to demolish the existing house and construct a new house.

Planner's Report

The existing house was built in 1928 and is considered nonconforming because it does not meet the front and side yard setbacks. A minimum 30-foot front yard setback and 10-foot side yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 7,120 square foot deficiency in lot area and a 40-foot deficiency in lot width (40 feet in width at the road right-of-way line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to demolish the existing house to construct a 3,238 square foot two-story house with an attached two-car garage. The proposed house would be located five feet from the east and west property lines; therefore, a five-foot variance is being requested to encroach into the side yard setback. Additionally, the new house would be located 20 feet from the front property line; therefore, a 10-foot variance is being requested to encroach into the front yard setback. The proposed lot coverage is 46.86% (2,287 square feet), which is 26.86% (1,311 square feet) beyond the 20% maximum lot coverage allowed (976 square feet).

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 | 5 feet (east and west) | 5 feet |
| 2 | Article 3.1.6.E | Front yard setback | 30 feet | 10 feet | 20 feet |
| 3 | Article 3.1.6.E | Maximum lot coverage | 20% (976 square feet) | 26.86% (1,311 square feet) | 46.86% (2,287 square feet) |
| 4 | Article 3.1.6.E | Minimum lot size | 12,000 square feet | 7,120 square feet | 4,880 square feet |
| 5 | Article 3.1.6.E | Minimum lot width | 80 feet | 40 feet | 40 feet |

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by 8414 Cascade LLC from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-36-453-012, identified as 8414 Cascade Street, in order to construct a new house that would exceed the allowed lot coverage by 26.86% and encroach 10 feet into the required front yard setback and 5 feet into the required side yard setback from both the east and west property lines. A 40-foot variance from the required lot width and 7,120 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

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

Denial: I move to deny the variances requested by 8414 Cascade LLC for Parcel Number 12-36-453-012, identified as 8414 Cascade Street, due to the following reason(s):

Table: I move to table the variance requests of Cascade Street LLC for Parcel Number 12-36-453-012, identified as 8414 Cascade Street, to consider comments stated during this public hearing.

Attachments:

1. Variance application received August 26, 2020.
2. Existing survey dated July 6, 2020.
3. Site plan dated September 1, 2020.
4. Building elevations and floor plans dated August 25, 2020
5. Letter of denial from the Building Department dated September 3, 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

MTR@H2LAW.COM

APPLICANT'S NAME: 8414 CASCADE, h.l.c. PHONE: 248-417-1505
Michael J. Beals

ADDRESS: ~~450 W. 4th Street Royal Oak 48067~~
3644 Burning Tree Dr. Bloomfield Hills 48302

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

ADDRESS OF AFFECTED PROPERTY: 8414 Cascade Street PARCEL # 12-36-453-012

CURRENT ZONING: R1-D PARCEL SIZE: 0.112

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: WE ARE ASKING FOR 10'-0" VARIANCE FOR THE FRONT SETBACK AND 5'-0" SETBACK ON EACH SIDE OF THE PROPOSED RESIDENCE.

STATE REASONS TO SUPPORT REQUEST: (ADDITIONAL SHEETS MAY BE ATTACHED)
BECAUSE OF THE SIZE OF THE EXISTING PROPERTY 40'-0" x 120'-0" IT IS CREATING A HARDSHIP TO DESIGN A NEW HOUSE ON THE PROPERTY THAT WILL BE ADEQUATE FOR THE NEW OWNER. WE ARE ASKING FOR 5'-0" ON EACH SIDE (LEFT AND RIGHT SIDEBACK) AND ASKING FOR 10'-0" VARIANCE ON THE STREET SIDE. WE WILL NOT BE CREATING ANY HARDSHIP TO ANY OF OUR NEIGHBORS.

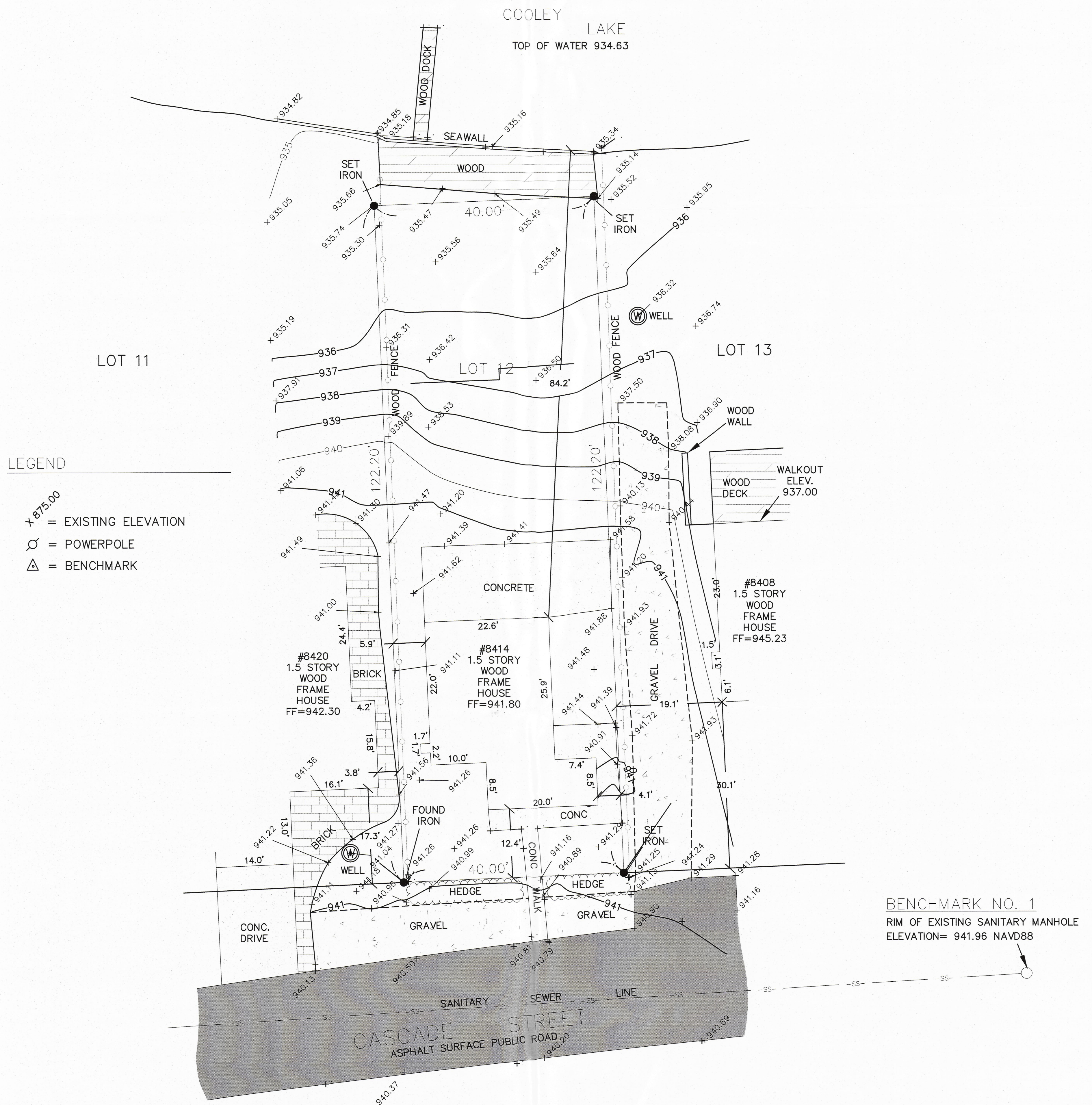
- Set Backs are consistent with character of neighborhood
- Existing Home unsafe and tear down. New Home Code compliant

APPLICATION FEE: _____ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: _____

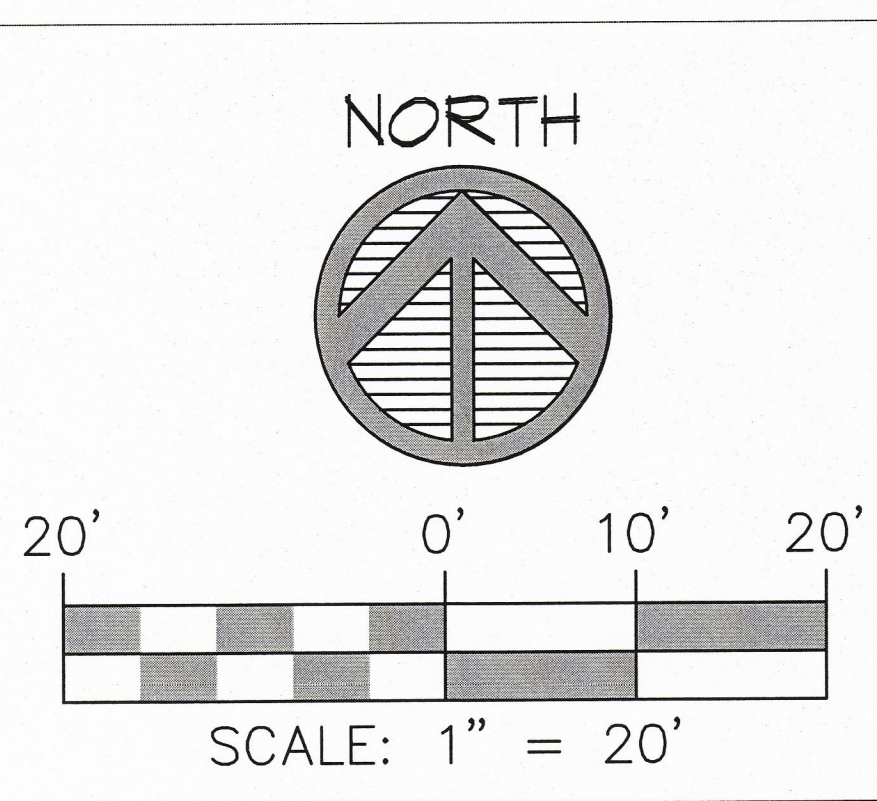
Michael Beals, individually and on behalf of 8414 CASCADE, h.l.c.

LOT 12, RUSSELL'S BEACH, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 16 OF PLATS, PAGE 16, OAKLAND COUNTY RECORDS.



SURVEYOR'S NOTES:

1. DATE OF LAST FIELD WORK: JUNE, 2020.
2. THERE ARE NO APPARENT PHYSICAL USES OTHER THAN THOSE SHOWN.
3. THIS DRAWING IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. THIS DRAWING DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
5. THIS DRAWING WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
6. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SUBJECT PARCEL BY THIS FIRM.
7. ALL FEATURES SHOWN ON THIS DRAWING ARE EXISTING UNLESS OTHERWISE NOTED.
8. UNABLE TO VISIBLY LOCATE THE WELL ON LOT 12



BOUNDARY & TOPOGRAPHICAL SURVEY FOR:
BLUE WATER HOMES
 8414 CASCADE STREET
 WHITE LAKE, MI

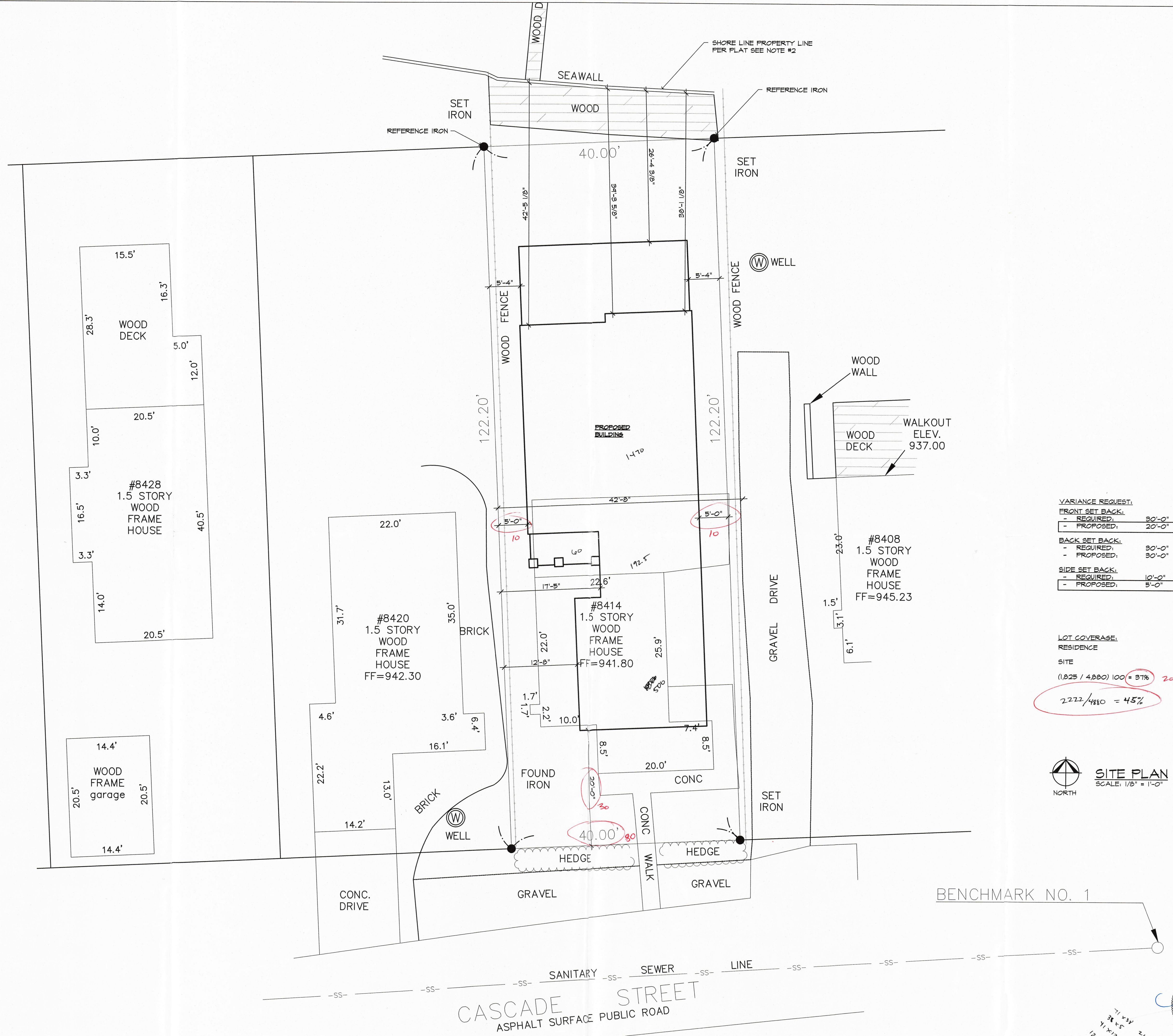
| | | | |
|---------------|-----------------|------------------|-----------------|
| SCALE: 1"=10' | JOB NO. CASCADE | DATE: 07.06.2020 | REV: |
| DRN. BY: MJW | | APPR BY: JAW | FIELD: BRENT S. |

DPS SURVEYING & ENGINEERING
 Delta Professional Services, Inc.
 3189 MANN ROAD WATERFORD, MI 48329
 PHONE: 810.701.9418
 EMAIL: DPSINC14@MSN.COM



| | |
|------------|------------|
| ISSUED FOR | DATE |
| VARIANCE | 09.01.2020 |
| | |
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| | |
| | |

ARCHITECTURAL DESIGN
 RESIDENTIAL
 COMMERCIAL
 INDUSTRIAL
 G.A.V. ASSOCIATES, INC
 24001 ORCHARD LAKE RD., STE. 100A
 FARMINGTON, MICHIGAN 48335
 PH: (248) 985-9101
 WEB: WWW.GAVASSOCIATES.COM



VARIANCE REQUEST:

| | |
|-----------------|--------|
| FRONT SET BACK: | 30'-0" |
| - REQUIRED: | 30'-0" |
| - PROPOSED: | 20'-0" |

| | |
|----------------|--------|
| BACK SET BACK: | 30'-0" |
| - REQUIRED: | 30'-0" |
| - PROPOSED: | 30'-0" |

| | |
|----------------|--------|
| SIDE SET BACK: | 10'-0" |
| - REQUIRED: | 10'-0" |
| - PROPOSED: | 5'-0" |

LOT COVERAGE:

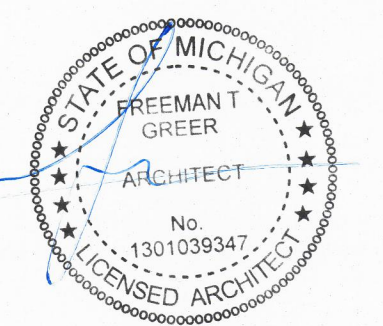
| | |
|---------------------------|----------|
| RESIDENCE | 1,825 SF |
| SITE | 4,880 SF |
| (1,825 / 4,880) 100 = 37% | 20% |
| 2,222 / 4,880 = 45% | |

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

- NOTES:**
- SURVEY TAKEN FROM BOUNDARY PERFORMED BY D.P.S. SURVEY ENGINEER DATED 07-02-2020 JOB # WHITE LIL-12 FENTON, MI 48430
 - PROPERTY EXTENDS TO SHORE OF COOLEY LAKE AS PER PLAT OF RUSSELL BEACH LIBER 16 PAGE 16 OAKLAND COUNTY RECORDS

PROPOSED RESIDENCE FOR:
 MR. & MRS. BEALS
 WHITE LAKE, MICHIGAN
 248-417-1505

| | | |
|-------------------------|-----------|----------|
| DRAWN: | DESIGNED: | CHECKED: |
| | | |
| SCALE : 1/8"=1'-0" | | |
| FILE NAME : 20042_SP.10 | | |
| JOB # 20042 | | |
| SHEET TITLE | | |
| SITE PLAN | | |
| SHEET # | | |
| SP.101 | | |

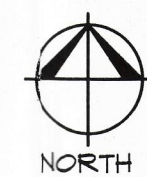
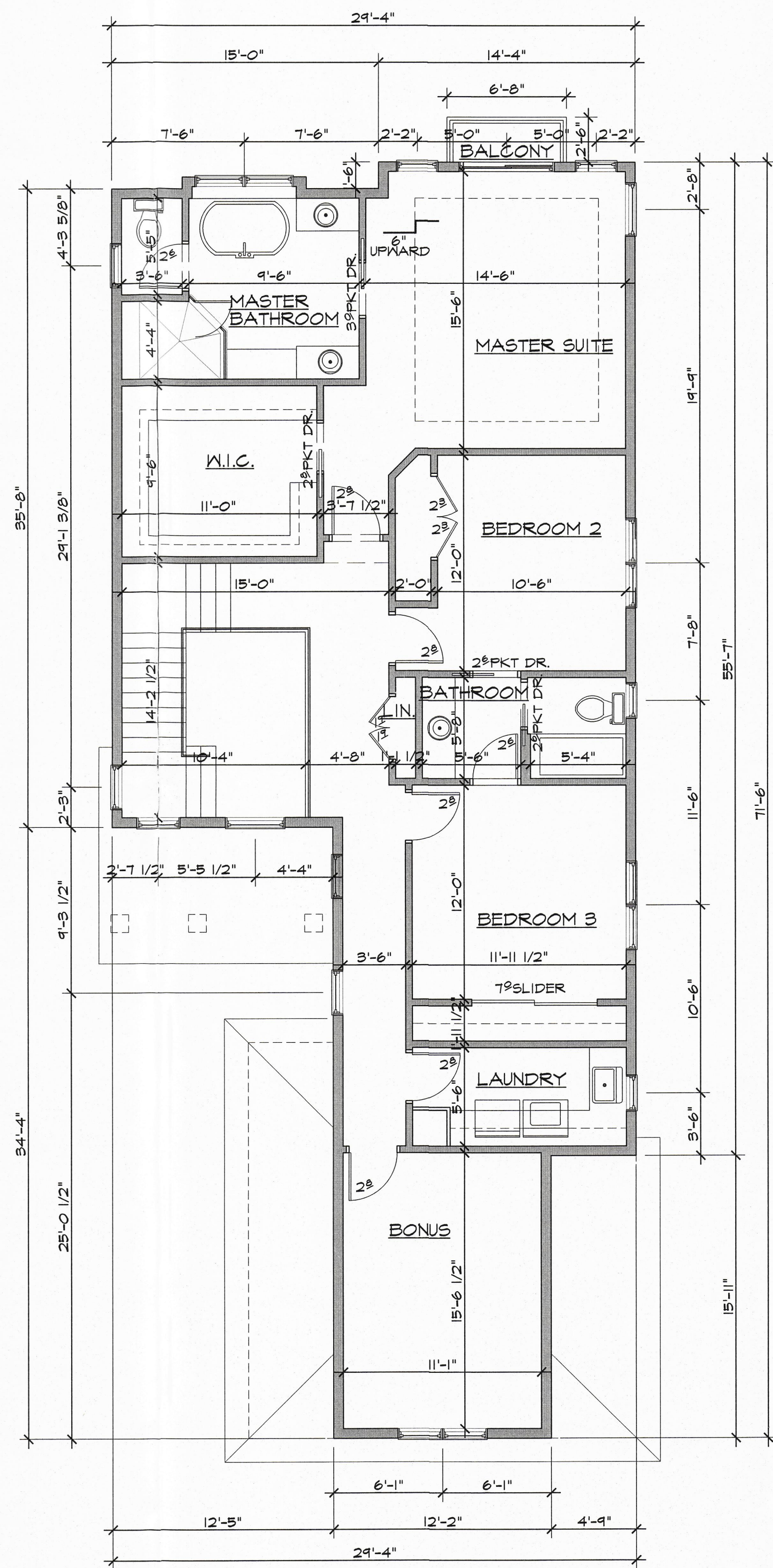


71.1.231 2.024
 38.15 1.60
 41.1.12 412
 12.22 351
 3764

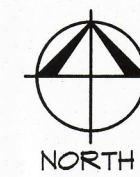
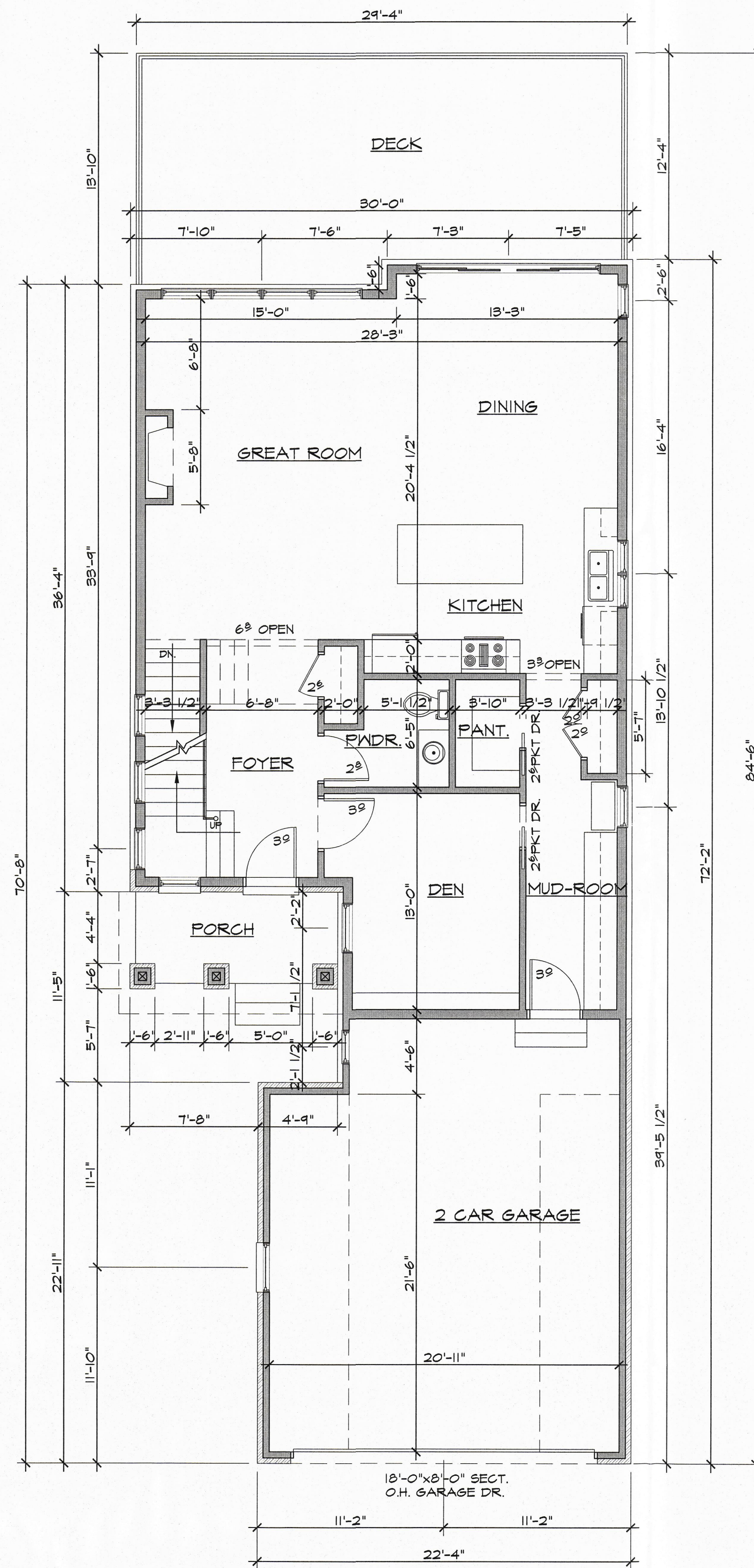
CASCADE STREET
 ASPHALT SURFACE PUBLIC ROAD

SANITARY SEWER LINE

BENCHMARK NO. 1



SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"

| AREA | | |
|--------------------|--------------|----------------|
| SECOND FLOOR | 1,415 | SQ. FT. |
| FIRST FLOOR | 1,247 | SQ. FT. |
| BASEMENT | 1,247 | SQ. FT. |
| | | |
| GARAGE | 578 | SQ. FT. |
| DECK | 384 | SQ. FT. |
| PORCH | 78 | SQ. FT. |
| TOTAL GROSS | 4,485 | SQ. FT. |

| ISSUED FOR | DATE |
|------------|------------|
| VARIANCE | 08.25.2020 |
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ARCHITECTURAL DESIGN

RESIDENTIAL
COMMERCIAL
INDUSTRIAL

G.A.V. ASSOCIATES, INC.
2401 ORCHARD LAKE RD., STE. 180A
FARMINGTON, MICHIGAN 48336
PH: (248) 985-9101
WEB: WWW.GAVASSOCIATES.COM



PROPOSED RESIDENCE FOR:
MR. & MRS. BEALS
WHITE LAKE, MICHIGAN
248-417-1505

| | | |
|--------|-----------|----------|
| DRAWN: | DESIGNED: | CHECKED: |
| BA | GA | |

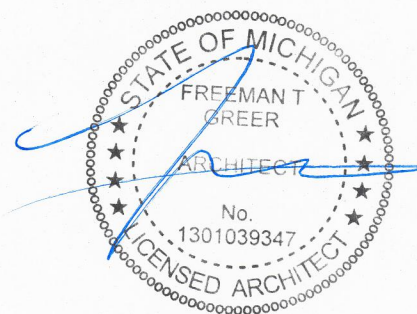
SCALE : 3/16" = 1'-0"

FILE NAME : 20042_A.101

JOB # : 20042

SHEET TITLE
ELEVATIONS

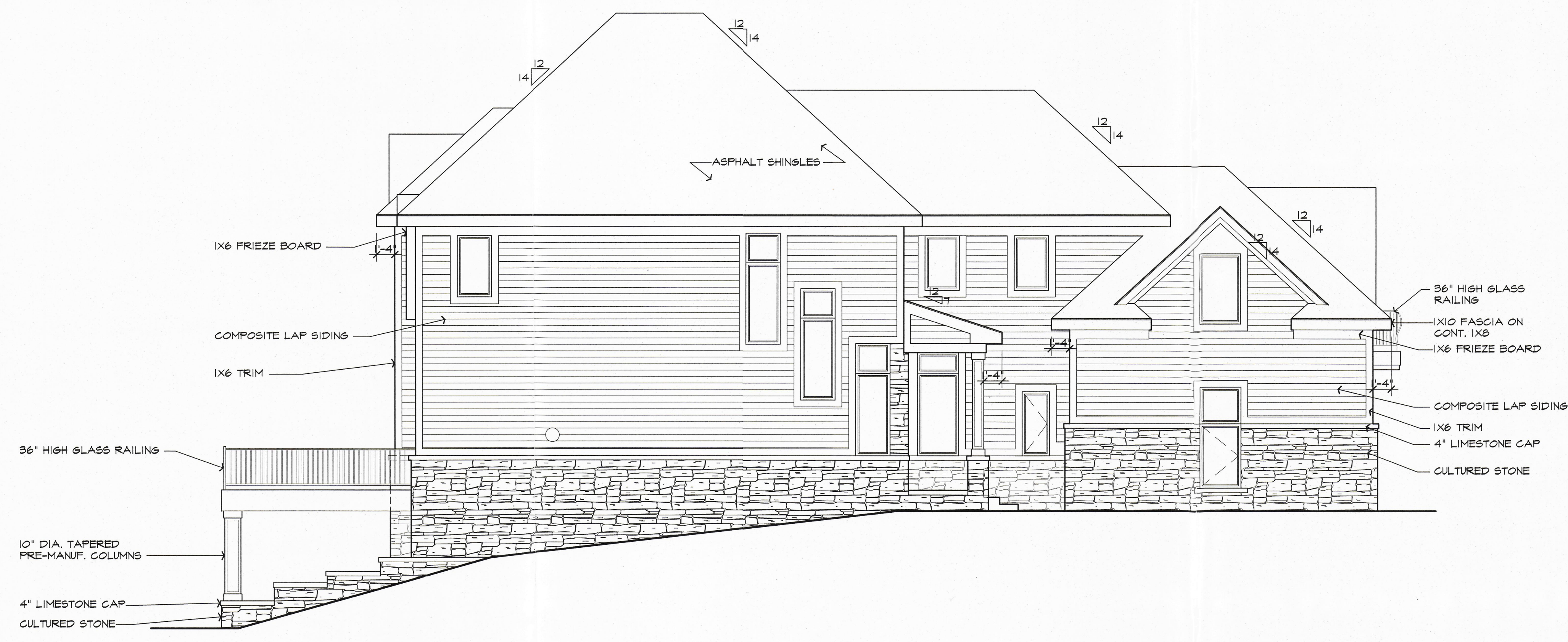
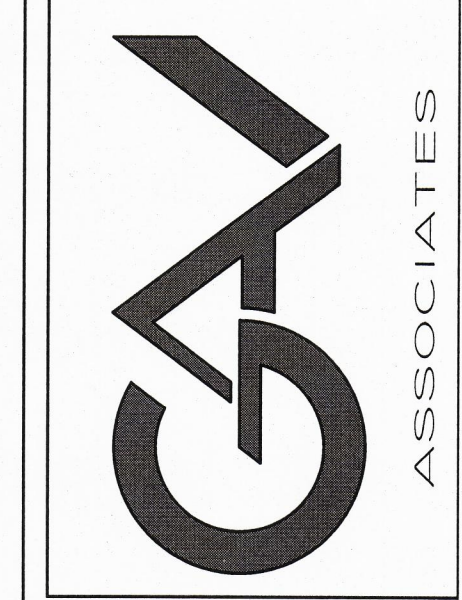
SHEET #
A.101



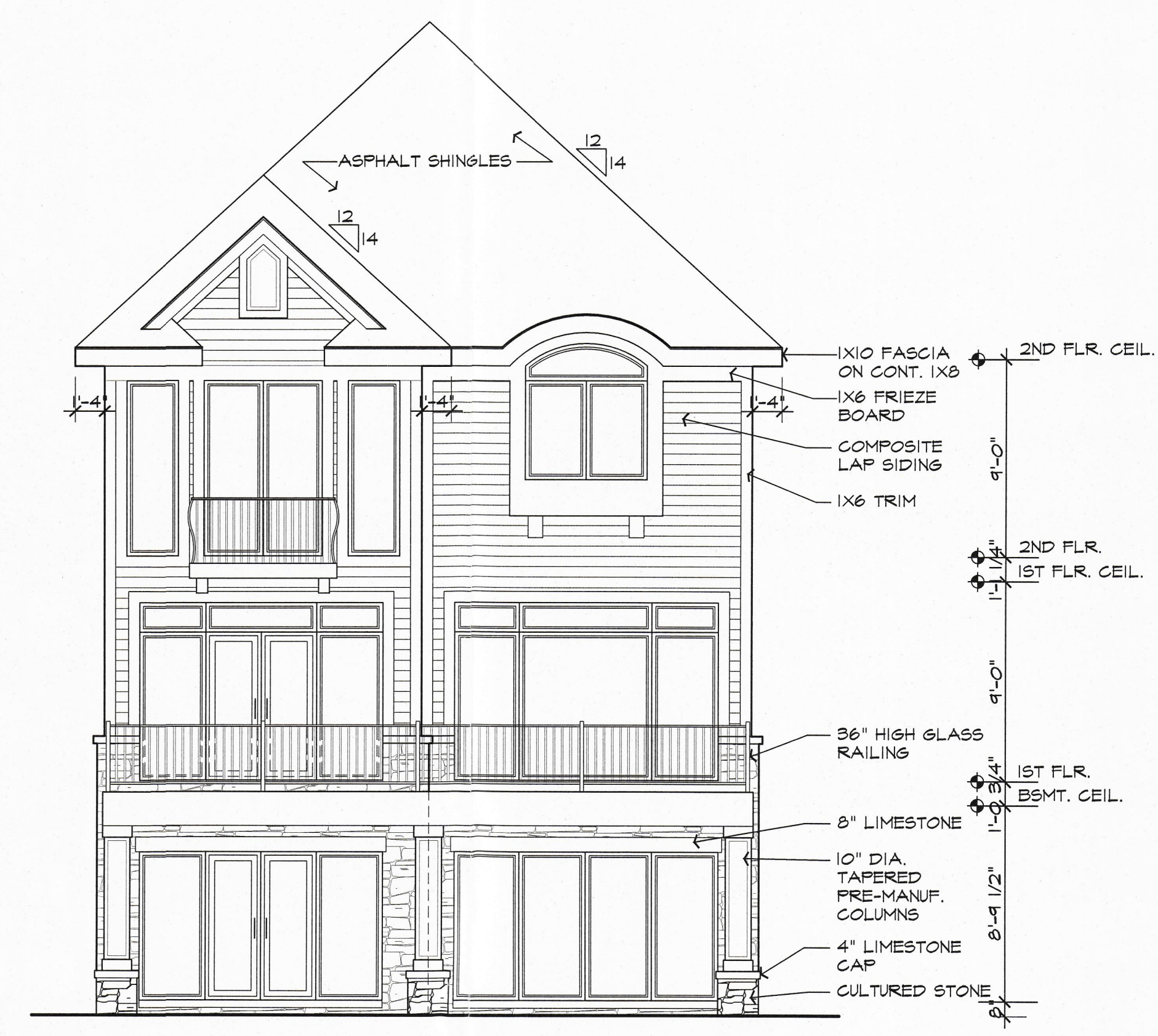
| ISSUED FOR | DATE |
|------------|------------|
| VARIANCE | 08.25.2020 |
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ARCHITECTURAL DESIGN
 RESIDENTIAL
 COMMERCIAL
 INDUSTRIAL

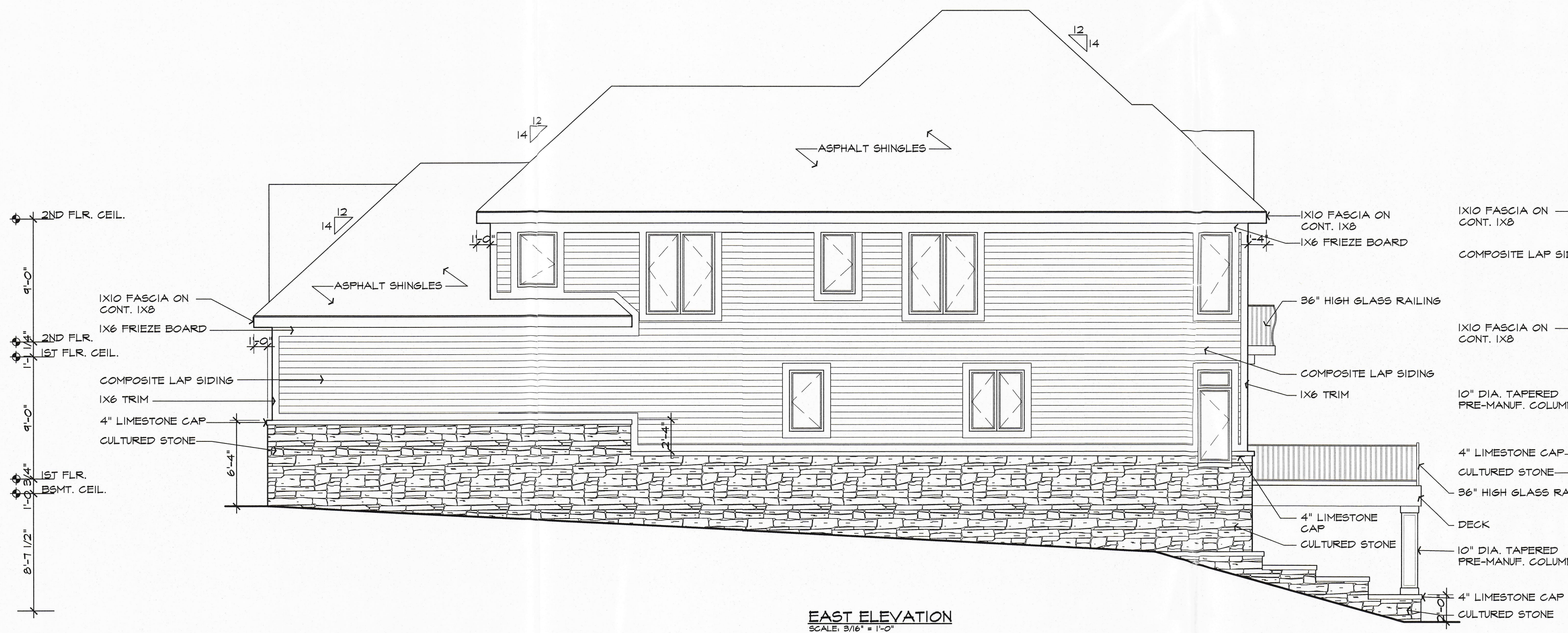
G.A.V. ASSOCIATES, INC.
 24001 ORCHARD LAKE RD., STE. 180A
 FARMINGTON, MICHIGAN 48336
 PH: (248) 985-9101
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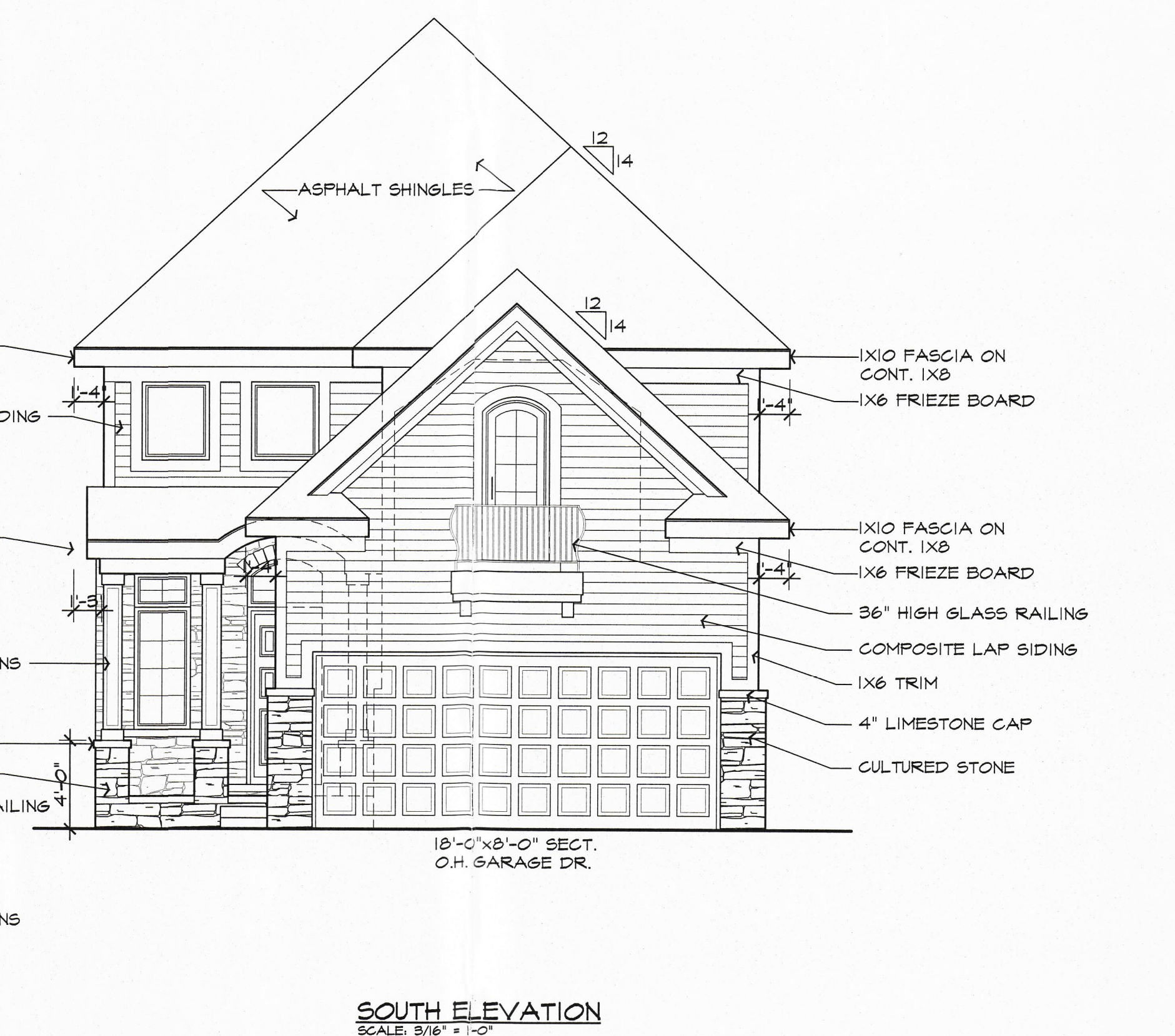
WEST ELEVATION
 SCALE: 3/16" = 1'-0"



NORTH ELEVATION
 SCALE: 3/16" = 1'-0"



EAST ELEVATION
 SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
 SCALE: 3/16" = 1'-0"

PROPOSED RESIDENCE FOR:
 MR. & MRS. BEALS
 WHITE LAKE, MICHIGAN
 248-417-1505

| DRAWN: | DESIGNED: | CHECKED: |
|--------|-----------|----------|
| BA | GA | |

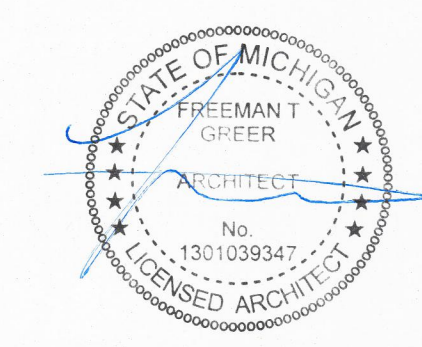
SCALE : 3/16" = 1'-0"

FILE NAME : 20042_A.201

JOB # 20042

SHEET TITLE
 ELEVATIONS

SHEET #
A.201



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



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

WHITE LAKE TOWNSHIP

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

September 3, 2020

Michael Beals
3644 Burning Tree Dr.
Bloomfield Hills, MI 48302

RE: Proposed Residential Structure at 8414 Cascade St

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

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

The proposed structure would be erected upon a non-conforming lot. The lot has a square footage of 4,880 of a required 12,000 sf and a 40 ft lot width of minimum 80 ft. Furthermore, the proposed side yard setback is 5 ft each side of a minimum 10 ft each side, and a proposed 20 ft front yard setback of the required 30 ft. Furthermore, the lot coverage including the residence, rear deck and covered front porch totals 2222 sf which equates to 45% lot coverage of a maximum 20%.

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

Sincerely,

Nick Spencer, Building Official
White Lake Township