

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS-REGULAR MEETING  
**DECEMBER 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 7:03 PM and led the Pledge of Allegiance. Roll was called:

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

Also Present:             Justin Quagliata, Staff Planner  
                              Hannah Micallef, Recording Secretary

Visitors:                 0

**Approval of the Agenda:**

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

**Approval of Minutes:**

Zoning Board of Appeals Regular Meeting of October 22, 2020.

**No action was taken on the minutes of the Regular Meeting of October 22, 2020.**

**New Business:**

- a.     Applicant:     SLT Properties LLC (Robert Swierkos)  
                              2439 Fenton Road  
                              Hartland, MI 48353  
                              Location:     **10201 Joanna K Avenue**  
  White Lake, MI 48386 identified as 12-22-427-003  
                              Request:     The applicant requests to construct a second story addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

**Mr. Schillack MOVED to remove agenda item 6a from the table. Mr. Seiber SUPPORTED, and the MOTION CARRIED with a roll call vote (Schillack/yes, Seiber/yes, Powell/abstained, Dehart/yes, Spencer/yes).**

**Mr. Powell left the virtual meeting room as he was previously recused from the case.**

Ms. Spencer noted for the record that 20 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his report. The applicant had submitted a letter from a structural engineer for the ZBA to review.

Mr. Bob Swierkos was present to speak on his case. He said a structural engineer inspected the house, there were minor issues but nothing that would preclude the second story addition.

Ms. Spencer opened the public hearing at 7:21 P.M. Seeing no public comment, she closed the public hearing at 7:21 P.M.

Ms. Dehart asked staff if the Building Department would look at the house before construction. Mr. Spencer, White Lake Township Building Official, said an engineering review had to be submitted and would be taken into account.

**Mr. Seiber MOVED to approve the variances requested by SLT Properties LLC from Article 3.1.6.E and 7.28.A 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, 5 feet into the required side yard setback from both the east and west property lines, and exceed the allowed value of improvements to a nonconforming structure by 254%. 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 obtain all necessary permits from the White Lake Township Building Department.**

**Ms. Dehart SUPPORTED, and the MOTION CARRIED with a roll call vote (4 yes votes):**

**Seiber: YES.**

**Dehart: YES; based on the structural engineer’s report, the current structure would be enhanced by the addition.**

**Schillack: YES; safety mattered to the ZBA as well as keeping variances like the applicant’s within reasonable bounds.**

**Spencer: YES; the property was nonconforming, and the applicant redesigned the second floor so the roof overhangs would not encroach closer than five feet to the side lot lines. The structural engineering letter shed light on the feasibility of the second story addition, and the nonconformity of the building’s footprint was not being expanded.**

**Mr. Powell re-entered the virtual meeting room.**

- b. Applicant:** M.J. Whelan Construction  
620 N. Milford Road  
Milford, MI 48381
- Location:** **10199 Lakeside Drive**  
White Lake, MI 48386 identified as 12-27-477-011
- Request:** The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming

Structures will be required due to both the value of improvements and the increase in cubic content.

**Mr. Schillack MOVED to remove agenda item 6b from the table. Mr. Seiber supported, and the MOTION CARRIED with a roll call vote (Schillack/yes, Seiber/yes, Powell/yes, Dehart/yes, Spencer/yes).**

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

Staff Planner Quagliata gave his report.

Ms. Spencer asked the Building Official if he felt comfortable with the estimated value of improvements of the house. Mr. Spencer confirmed.

Mr. Powell asked staff whether the setback to the addition was the same as the setback to the front of garage to the right-of-way, or would the addition be pulled back from the front of the garage a certain distance. Mr. Quagliata said the front of the garage was setback 6.7' from the front lot line and the addition would be farther back than the garage at 9.5.'

Ms. Dehart asked staff what the current setback was for the front entrance of the house? Mr. Quagliata said currently the front entrance was back more than 6.7'. Based on the work proposed to the existing first floor of the house, the variance should be from the existing setback at 6.7'.

Matt Whalen was present to speak on his case. He said the overhang that was encroaching into the side yard setback was currently there. The new overhang from the addition would be pulled back, and it could be pulled back another 1' further if needed.

Mr. Powell said the plans showed the proposed roof line encroaching within 5' of the side yard setback. Mr. Whalen asked to table the case in order to provide the ZBA a new print with clear drawings of the existing and proposed overhangs. He also said in regard to the value, the homeowner was a tradesman and was planning on doing a lot of the work himself. He added the drawings submitted were not the set he intended to submit. Mr. Spencer added the print submitted for consideration tonight was similar to the one seen at the prior meeting.

**Mr. Schillack MOVED to table the variance requests of M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, in order to allow the applicant to submit revised plans. Ms. Dehart SUPPORTED, and the MOTION CARRIED with a roll call vote (5 yes votes):**

**Schillack: YES; there were issues that still needed clarification on the plans.**

**Dehart: YES.**

**Powell: YES.**

**Seiber: YES.**

**Spencer: YES; the applicant was acting in good faith to clarify the issues presented tonight.**

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- c. Applicant: Dale Schneider  
8034 Mountain View  
White Lake, MI 48386
- Location: **8018 Mountain View**  
White Lake, MI 48386 identified as 12-25-276-010
- Request: The applicant requests to construct a duplex, requiring variances from Article 3.1.8.E, RM-1 Attached Single Family Residential Front-Yard Setback, Rear-Yard Setback, Maximum Lot Coverage, and Minimum Lot Width.

Ms. Spencer noted for the record that 127 owners within 300 feet were notified. 0 letters were received in favor, 3 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his report.

Ms. Dehart asked staff if the parcel had two separate identification numbers, Mr. Quagliata said no. Ms. Dehart asked staff how many structures were allowed to be built on a parcel in the RM-1 district. Mr. Quagliata said there wasn't a set number, but instead a density requirement. Ms. Dehart asked staff if the applicant would be using a community septic system. Mr. Quagliata said the proposed units would connect to the public sanitary sewer system.

Mr. Seiber asked staff if the site plan would go to the Planning Commission. Mr. Quagliata said no, if the ZBA decided to grant the variances, staff would process the site plan administratively.

Mr. Powell asked staff how the Planning Department would evaluate the density on this parcel. Mr. Quagliata said there was a formula in the zoning ordinance. Mr. Powell asked staff if the right of way and easements were removed from said calculation. Mr. Quagliata confirmed.

Mr. Powell said the zoning ordinance required private roads to be placed on a 60' right of way. Mr. Quagliata said when he initially met with the applicant, a lot split was suggested but the idea was dropped per the applicant. The new parcel would have met the requirements for area, but would have needed a variance for lot width in that instance.

Ms. Spencer asked staff if the Building Official would be limited overseeing the construction of a modular/manufactured home. Mr. Spencer said modular/manufactured homes were inspected at state level, and his staff would not be involved with inspections aside from the foundations, the garage if it were stick built, and the final finished build.

Dale Schneider was present to speak on his case. He said sewer was currently on the corner of the property, and he had no control where the sewer was going to be when the private road was installed. He said he was limited with what he could do with the property.

Ms. Spencer opened the public hearing at 8:17 P.M.

Allyssa Oswiecimski, 8014 Wildwood Lane. She was concerned with Mr. Schneider's duplex being too close to her back-property line, as well as privacy and the effect on her property's value. Ms. Spencer read her letter of opposition into the record.

Jessica Montgomery, 8008 Wildwood Lane. She was in opposition of Mr. Schneider’s proposed variances because of potential drainage and runoff issues. Ms. Spencer read her letter of opposition into the record.

Chris Jenish, 8022 Wildwood Lane. He had the same concerns of his neighbors, and felt Mr. Schneider was asking for too big of a structure for the property. Ms. Spencer read his letter of opposition into the record.

Ms. Spencer closed the public hearing at 8:39 P.M.

Mr. Schneider said he had no problem making the front yard smaller to allow for a greater rear yard setback. He added he could build a stick built home as opposed to a manufactured home.

**Mr. Schillack MOVED to deny the variances requested by Dale Schneider for Parcel Number 12-25-276-010, identified as 8018 Mountain View, due to the following reason(s):**

- **There was a self-imposed hardship.**

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

**Schillack: YES; there was a self-imposed hardship.**

**Powell: YES; for the reason stated.**

**Dehart: YES; for the reason stated.**

**Seiber: YES; there was a self-imposed hardship and the proposed structure could damage the neighbors home due to drainage issues.**

**Spencer: YES; there was a self-imposed hardship.**

- d. Applicant: Wade Paris  
9377 Gale Road  
White Lake, MI 48386
- Location: **Kingston Road, Lot 83 English Villas Subdivision**  
White Lake, MI 48386 identified as 12-14-233-007
- Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

Ms. Spencer noted for the record that 24 owners within 300 feet were notified. 1 letter was received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Staff Planner Quagliata gave his report.

Mr. Powell asked staff about the ownership history of the parcel. Mr. Quagliata said the parcel was in the same configuration as when it was originally platted.

Ms. Dehart asked staff if the neighbor’s shed was encroaching on the applicant’s parcel. Mr. Quagliata said no, the shed was nonconforming.

Wade Paris was present to speak on his case. He said the shed was on 4’x4’s, so the neighbor moved the shed a little further back from the side lot line. He said the front yard setbacks vary along Kingston, and he wanted an

18.2' front yard setback from the road edge. He met with Planning Staff and based on their input, he left the side and rear yard setbacks in compliance and asked for the front yard variance instead.

Ms. Spencer opened the public hearing at 9:07 P.M.

Eric Avedesian, 2300 Kingston. He said he was the neighbor with the shed, and he moved it once the survey was done. He liked the setback of the proposed home to the water, and the fact the applicant was taking the neighbor's view of the lake into account with his plans. Ms. Spencer read his letter of favor into the record.

Ms. Spencer closed the public hearing at 9:12 P.M.

**Ms. Dehart MOVED to approve the variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-233-007 in order to construct a new house that would exceed the allowed lot coverage by 6.22% and encroach 13.2 feet into the required front yard setback. A 20-foot variance from the required lot width and 6,913 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.**
- **The roofline along the sides of the house shall be guttered and downspouted with a solid storm sewer system directed towards the lake.**

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

**Dehart: YES; the applicant had a nonconforming parcel and had worked diligently to minimize the variances.**

**Seiber: YES; the applicant maintained the side yard setbacks, especially when the neighbor's setbacks were so tight.**

**Powell: YES; the rear setback from the lake was appreciated and the applicant did not block the neighbor's view. The case was a not a self-imposed hardship.**

**Spencer: YES; the lot was nonconforming.**

**Schillack: YES; for all the reasons stated.**

- e. Applicant: Margaret Lepkowski  
11031 Beryl Drive  
White Lake, MI 48386
- Location: **1240 Castlewood Drive**  
White Lake, MI 48386
- Request: The applicant requests to construct a covered porch and addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Minimum Lot Area, and Minimum Lot Width. A variance is also required from Article 5.7.A due to the proposed setback from an accessory building. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Ms. Spencer noted for the record that 21 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Quagliata gave his staff report.

Ms. Dehart asked staff since the existing detached garage would be within 10' of the addition, would the ordinance consider it as an attached garage. Mr. Quagliata confirmed, and added the garage currently was 4' from the north side lot line. The applicant had offered to make the garage 5' from the lot line.

Mr. Seiber said the applicant's plans showed a dimension of 16'7" from the proposed porch roof overhang to the road right of way, but it wasn't dimensioned properly. There was not a clear front yard setback provided on the plan.

Ms. Margaret Lepkowski was present to speak on her case. She said the home was a family home, and the survey submitted was done in 1987. She said no significant changes had been made to the house since 1987, and she thought the survey would suffice. When planning the addition, she knew the lot was nonconforming in a few aspects, and she tried to come up with a plan while keeping the look of the neighborhood in mind. The proposed addition would make the home a total of approximately 900 square feet. The porch was existing since the 80s, and the only change would be the addition of the roof on it. There would be no extension of new construction past the current porch.

Mr. Powell said in order for the ZBA to consider the variance request, the dimension between the corner of the front porch and the front property line was needed because that setback was drawn at the wrong angle. The drawing showed a variance setback larger than what was needed.

Ms. Spencer opened the public hearing at 9:41 P.M. Seeing no public comment, she closed the public hearing at 9:41 P.M.

**Mr. Powell MOVED to to approve the variances requested by Margaret Lepkowski from Article 3.1.6.E and Article 5.7.A of the Zoning Ordinance for Parcel Number 12-34-129- 018, identified as 1240 Castlewood Drive, in order to construct a covered porch that would encroach 16 feet into the required front yard setback and an addition that would encroach 2 feet into the required setback from the detached garage. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 125%. A 15-foot variance from the required lot width and a 5,683.8 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.**
- **Prior to construction of the covered porch a setback dimension from the front property line shall be required.**

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

**Powell: YES; there was a practical difficulty and there wasn't a self-imposed hardship.**

**Schillack: YES; for the reasons stated.**

**Dehart: YES; for the reasons stated.**

**Spencer: YES; the lot is nonconforming.**

**Seiber: YES.**

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- f. Applicant: Michael Epley  
6075 Carroll Lake Road  
Commerce, MI 48382
- Location: **414 Lake View Drive**  
White Lake, MI 48386 identified as 12-26-334-015
- Request: The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback, Lot Coverage, and Minimum Lot Area. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures will be required due to both the value of improvements and the increase in cubic content.

Ms. Spencer noted for the record that 23 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition and 0 letters were returned undeliverable from the US Postal Service.

Mr. Quagliata gave his staff report.

Mr. Schillack asked staff if the parcel was a double lot, and would it affect the variance from Article 7.28A. Mr. Quagliata stated the lot was a double lot, and the land value was excluded for that ordinance calculation, just the value of the structure was considered.

Mr. Epley was present to speak on his case. He said the existing septic was in the front yard, and it prohibited an addition in the front. He anticipated the lot coverage to be under 20%, but he did not accommodate the existing deck and shed. The southeast side yard setback for the second story was nonconforming, and it was intentionally pulled back from the southeast lot line. The side yard setback on the northwest corner was critical for entry from the roadside into the garage. If the garage was made smaller, the approach for the garage would encroach into the setbacks needed from the septic field.

Mr. Powell asked the applicant if he needed the 5' side yard setback because the garage door would have to be pushed closer to the house, and if that would conflict with the existing septic field. Mr. Epley confirmed, he said any compaction over the septic field would prohibit the field's ability to "breathe." Mr. Powell said the well for the home was in the rear yard, and a well service company may not be able to navigate on either the west or east side of the home.

Ms. Spencer opened the public hearing at 10:05 P.M. Seeing no public comment, she closed the public hearing at 10:05 P.M. Ms. Spencer re-opened the public hearing at 10:08 P.M.

Jordan Zaleski, 414 Lakeview Drive. He was the owner of the property and said the septic field was a hurdle in being able to make improvements. He added if the variances requested were granted, he would remove the shed, and would also dig a new well for the home.

Ms. Spencer closed the public hearing at 10:13 P.M.

Mr. Seiber said the lot was 80' wide, and the applicant was proposing a 72' wide home with a 3' side yard setback on one side. The site plan showed building envelope in the back of the home. The garage could be kept as proposed and house be moved back, the applicant could make up square footage that way. The dry well could also be moved.



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Mr. Schillack asked the applicant if there was no other way to keep the garage on the property without encroaching 5' into the side yard setback. Mr. Epley said if the garage was changed to comply in that way, it would have to be reduced from a two car to a one car garage. Mr. Schillack asked the applicant what would change if the garage were pivoted and made into a side entry garage. Mr. Epley said living space square footage would be lost in that scenario. Mr. Quagliata added the zoning ordinance required a side yard setback of 25' for a side entry garage.

**Mr. Powell MOVED to approve the variances requested by Michael Epley from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-26-334-015, identified as 414 Lake View Drive, in order to construct an addition that would exceed the maximum lot coverage by 9.38%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 553.56%. A 2,809 square foot variance from the required lot size is also granted from Article 3.1.6.E. This approval will have the following conditions:**

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

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

**Powell: YES; the applicant proved a practical difficulty but the ZBA does not believe the westerly setback is a non self-imposed hardship.**

**Schillack: YES; for the reasons stated.**

**Dehart: YES; for all of the reasons stated.**

**Spencer: YES; for all of the reasons stated.**

**Seiber: YES; for all of the reasons stated.**

**Other Business:**

None.

**Adjournment:** Mr. Schillack **MOTIONED** to adjourn the meeting at 10:42 P.M. Mr. Powell **SUPPORTED**. All in favor.

**Next Meeting Date:** December 17, 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:** December 17, 2020

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**Agenda item:** 6a

**Appeal Date:** December 17, 2020

**Applicant:** Michelle Squires

**Address:** 9578 Buckingham Road  
White Lake, MI 48386

**Zoning:** R1-D Single Family Residential

**Location:** 9578 Buckingham Road  
White Lake, MI 48386

## **Property Description**

The approximately 0.301-acre (13,111.56 square feet) parcel identified as 9578 Buckingham Road is located on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,660 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

## **Applicant's Proposal**

Michelle Squires, the applicant, is proposing to construct a covered front porch on the south side of the house.

## **Planner's Report**

A building permit was issued on November 9, 2020 for a 22'-9" by 32'-8" (743 square feet) addition on the east side of the house and a 12 foot by 20 foot (240 square feet) covered porch on the rear of the house. Issuance of the permit resulted in noncompliance with the zoning ordinance. Variances should have been required for lot coverage and the value of improvement to a nonconforming structure. The rear covered porch was constructed prior to intervention by the Planning Department. In an email dated November 23, 2020 staff recommended the applicant stop work until after a decision was rendered by the Zoning Board of Appeals. Since that time footings have been poured for the addition. Staff informed the applicant of the possible ramifications of continued work, which could include removing footings and/or the covered porch if the variances are denied.

The existing house is nonconforming to setbacks; the building is located approximately 14 feet from the front lot line. The proposed covered porch is 6 feet by 16 feet (96 square feet) in size and would be added to the front of the house. The porch would be located approximately eight (8) feet from the front property line. A variance of 22 feet is requested to encroach into the front yard setback. Additionally, the proposed lot coverage is 28.52% (3,739.10 square feet), which is 8.52% (1,116.79 square feet) beyond the 20% maximum lot coverage allowed (2,622.31 square feet).

Article 7.28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any period of twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$128,630), the maximum extent of improvements cannot exceed \$64,315. The value of the proposed work is \$120,000. A variance to exceed the allowed value of improvements by 186.58% is requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	22 feet	8 feet
2	Article 3.1.6.E	Maximum lot coverage	20% (2,622.31 square feet)	8.52% (1,116.79 square feet)	28.52% (3,739.10 square feet)
3	Article 7.28.A	Nonconforming structure	50% SEV (\$64,315)	186.58%	\$55,685 over allowed improvements

**Recommended Motions:**

**Approval:** I move to approve the variances requested by Michelle Squires from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-14-201-014, identified as 9578 Buckingham Road, in order to construct a covered porch that would encroach 22 feet into the required front yard setback, and an addition that would exceed the allowed lot coverage by 8.52%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 186.58%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- An as-built survey shall be required to verify setbacks.

**Denial:** I move to deny the variances requested by Michelle Squires for Parcel Number 12-14-201-014, identified as 9578 Buckingham Road, due to the following reason(s):

**Table:** I move to table the variance requests of Michelle Squires for Parcel Number 12-14-201-014, identified as 9578 Buckingham Road, to consider comments stated during this public hearing.

**Attachments:**

1. Variance application dated November 12, 2020.
2. Applicant’s written statement.
3. SketchUp drawing.

## 7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

RECEIVED  
NOV 12 2020

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

COMMUNITY  
DEVELOPMENT

APPLICANT'S NAME: Michelle Squires PHONE: 7343681593  
ADDRESS: 9578 Buckingham, White Lake, MI 48386  
APPLICANT'S EMAIL ADDRESS: michelle.dorrinesquires@gmail.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 9578 Buckingham PARCEL # 12 - 14-201-014  
CURRENT ZONING: R1-D PARCEL SIZE: .301

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

APPLICATION FEE: 385 - (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE: Michelle Squires DATE: 11/12/20

Letter of Intent  
In Support of Request for Variance  
9578 Buckingham, White Lake, MI 48386

*Thank you for taking my request for a variance into consideration.*

This Letter of Intent is in support of my request for a variance to the front yard setback requirement for an existing non-conforming lot. The intention is to build a covered front entrance porch. The proposed new front porch is 6' deep as to infringe the minimum necessary on the front setback.

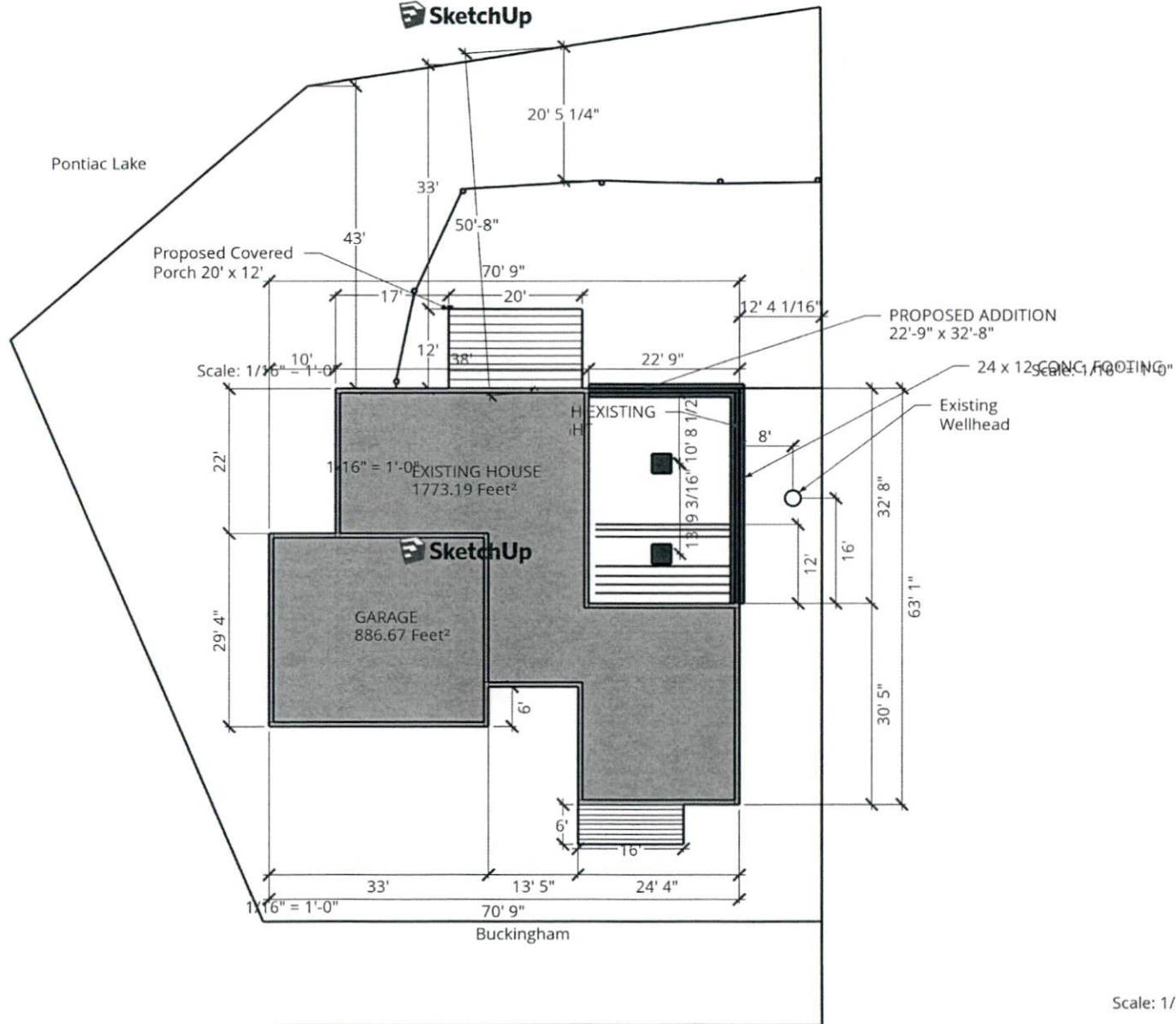
My home was built in the early 1940's and already does not conform to today's setback requirements. A covered front entry porch would greatly benefit not only myself, but my mother, who is 63 and also resides at 9578 Buckingham. As it is now, the entrance to the home is exposed to any and all weather, so we've both gotten wet in the rain/snow and frozen to the bone carrying groceries in and out of the home. Should we be so lucky as to get a variance approved, we'd be able to have cover while we're bringing groceries and other items into the home. No more getting soaked while trying to find keys with arms full of groceries!

What is perhaps most relevant here, and what I would ask the board to consider, is (1) the fact that as requested the new front entrance porch foot print would greatly benefit everyday life for me and my mom;(2) the fact that infringing 6' on the front setback creates no undue burden on any neighboring residence;(3) the proposed style and structure of the covered front entrance porch is in step with the existing neighborhood; and(4) the proposed project would be an improvement to the neighborhood aesthetic.

Thank you for your consideration.

Respectfully Submitted,

Michelle Squires



Scale: 1/16" = 1'-0"



White Lake Township  
Zoning Board of Appeals  
7527 Highland Road  
White Lake, MI 48383

December 17, 2020

RE: Zoning Board of Appeals Special Meeting on December 17th, 2020  
Property Location: 9578 Buckingham Road

To whom it may concern:

We are writing this letter to object to the variances requested by Michelle Squires for the ongoing construction at 9578 Buckingham Road. Our permanent residence borders the applicant's property immediately to the east (9568 Buckingham Road).

Our first concern is that construction commenced approximately two months ago, apparently without submitting a request for variances. Numerous properties on this street have undergone improvements and have gone through a zoning board appeals meeting, PRIOR to initiating construction, with some being denied variances. Why was construction commenced here without going through the same process required of neighbors? The applicant has been through a major renovation process that started approximately two years ago; we would expect them, and their builder, to be at least somewhat familiar with zoning requirements, permitting, and submitting an accurate plan to the Township. However, looking at the work completed during the first phase, it appears a variance should have been requested for lot coverage at that time as well.

Second, the applicant has not ceased construction since she was notified that a variance would be required. Subsequently, the addition's foundation was completed, and the floor, side walls, and roof trusses have all been installed. This gives the impression that the applicant has either received a "pre-approval" from the Township or fails to respect the ordinance requirements that the rest of us follow by building within the zoning limits or receiving a variance before starting construction.

Article 7.37 of the White Lake Zoning Ordinance sets forth certain conditions whereby the Zoning Board may grant variances:

- A. Practical Difficulty: There does not appear to be any practical difficulty as the lot is a double lot with ample space for improvements to the home without the need for variances. The applicant's desire to build a large house has no bearing on the subject site or the use thereof.
- B. Unique Situation: We cannot see any unique situations that apply to this lot. It is a double lot (larger than many in the vicinity) and not of such a shape that would cause variances to be required to make significant improvements.
- C. Not Self-Created: The need for a variance, appears to us, to be self-created by the applicant's desire to build a large house.
- D. Substantial Justice: We do not believe any substantial justice would be served by granting the variances. From the ongoing construction, the size of the applicant's planned house appears to be significantly larger than the majority of houses in the vicinity. Additionally, granting of the variances would have substantial adverse impact on neighboring properties through loss of view of Pontiac Lake (other properties, including ours, are substantially set back from the lakeshore), potential drainage issues caused by the high lot coverage percentage (close to 34% by my

calculation) and potential loss of property value by proximity to a house that is substantially larger than the surrounding houses.

While we do recognize post-construction changes are costly and feel for anyone experiencing this issue, the situation makes it appear to other homeowners here that a resident can simply begin construction as they see fit and ask for forgiveness after.

It is our understanding that it is the Township's goal is to reduce or eliminate nonconformities over time, not add to and perpetuate them for years to come, as would be done in this case. To reiterate, we are against the granting the requested variances due to the applicant's failure to meet "all of the conditions" as required per 7.37. We understand that if we are aggrieved by the Zoning Board of Appeals decision, we have the option to file an appeal with the Oakland County Circuit Court.

We thank you for your consideration of this issue and appreciate the uniform enforcement of zoning requirements in our community.

Sincerely,



Nick Oosting  
Molly Mott Oosting  
9568 Buckingham Rd.  
White Lake, MI 48386

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** December 17, 2020

---

**Agenda item:** 6c

**Appeal Date:** December 17, 2020

**Applicant:** Robert Snapp

**Address:** 3960 Woodmere Drive  
Waterford, MI 48329

**Zoning:** R1-D Single Family Residential

**Location:** 8834 Arlington Road  
White Lake, MI 48386

## **Property Description**

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

## **Applicant's Proposal**

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

## **Planner's Report**

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

The applicant is proposing to demolish the existing house to construct a 3,389 square foot two-story house with an attached two-car garage. The proposed house would be located five feet from the west property line; therefore, a five-foot variance is being requested to encroach into the side yard setback. Additionally, the proposed lot coverage is 34% (2,349 square feet), which is 14% (953 square feet) beyond the 20% maximum lot coverage allowed (1,396 square feet).

The requested variances are listed in the following table.

<b>Variance #</b>	<b>Ordinance Section</b>	<b>Subject</b>	<b>Standard</b>	<b>Requested Variance</b>	<b>Result</b>
1	Article 3.1.6.E	Side yard setback	10 feet	5 feet (west)	5 feet
2	Article 3.1.6.E	Maximum lot coverage	20% (1,396 square feet)	14% (953 square feet)	34% (2,349 square feet)
3	Article 3.1.6.E	Minimum lot size	12,000 square feet	5,020 square feet	6,980 square feet
4	Article 3.1.6.E	Minimum lot width	80 feet	30 feet	50 feet

## **Zoning Board of Appeals Options:**

**Approval:** I move to approve the variances requested by Robert Snapp from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-13-176-002, identified as 8834 Arlington Road, in order to construct a new house that would exceed the allowed lot coverage by 14% and encroach 5 feet into the required side yard setback from the west property line. A 30-foot variance from the required lot width and 5,020 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

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

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

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

## **Attachments:**

1. Variance application dated November 16, 2020.
2. Applicant's written statement dated November 23, 2020.
3. Sketch of survey dated November 14, 2020.
4. Letter of denial from the Building Department dated November 9, 2020.

## 7.37 STANDARDS

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

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

- C. Not self created: The 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.

Marianne Moran  
248-880-3535

mmoran1925@gmail.com

**CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION**

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

APPLICANT'S NAME: Robert Snapp PHONE: 248-804-2873  
ADDRESS: 3960 Woodmere Dr. Waterford, MI 48329  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 8834 Arlington PARCEL # 12-13-176-002  
CURRENT ZONING: R1-D PARCEL SIZE: 0.158

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE REASONS TO SUPPORT REQUEST: (ADDITIONAL SHEETS MAY BE ATTACHED)  
To be emailed  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICATION FEE: 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: 11/16/2020

## Justin Quagliata

---

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

Marianne,

Here is the ordinance link:

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

Justin

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



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

Thanks for getting back with me Justin.

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

Thanks

Marianne

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

Marianne,



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

Thanks,  
Justin

Sent from my iPhone

On Nov 23, 2020, at 2:38 PM, Marianne <[mmoran925@gmail.com](mailto:mmoran925@gmail.com)> wrote:

Hi Justin,

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

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

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

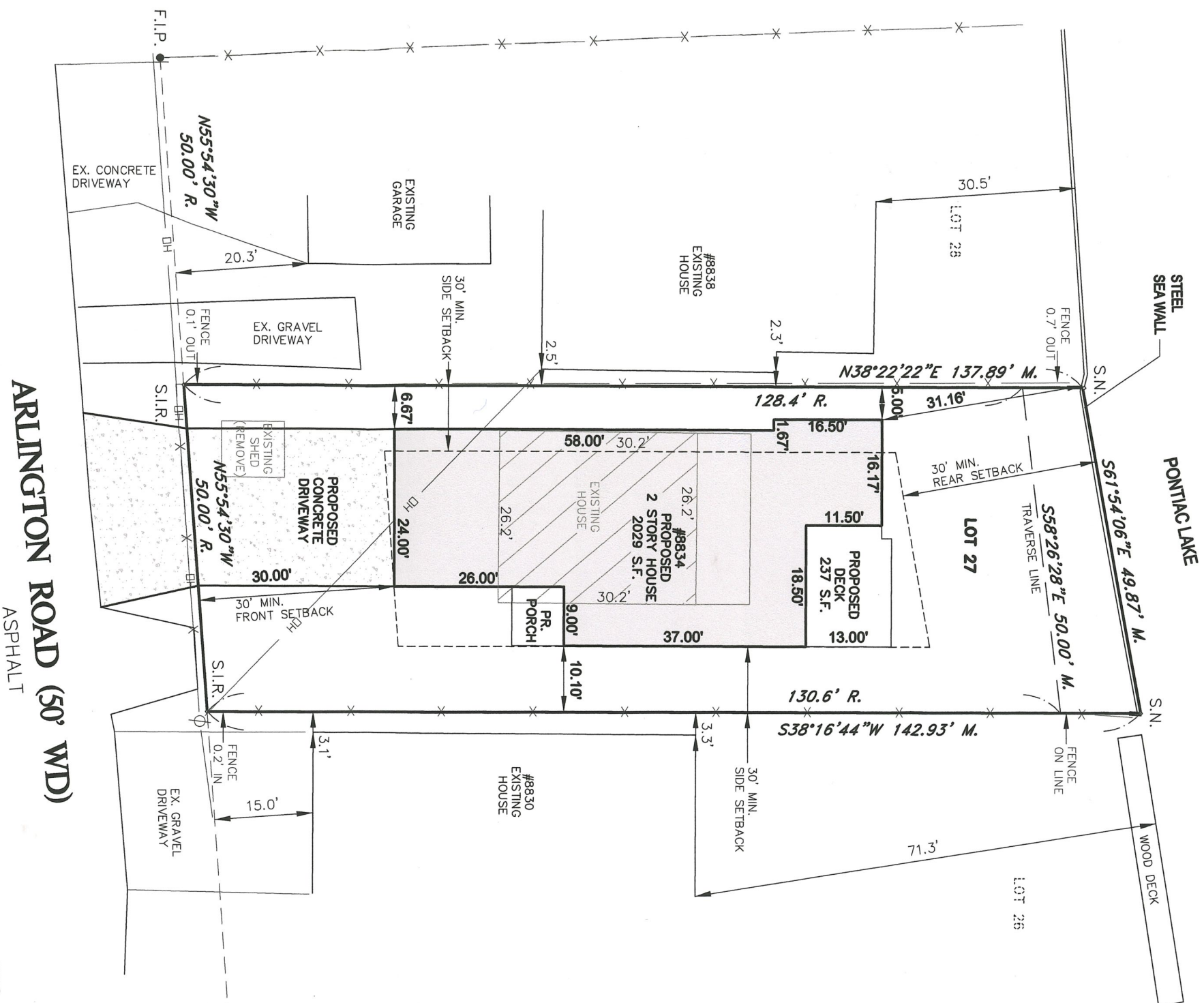
When available, please send me the agenda and call-in information for the December 17 zoning appeals meeting.

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

Sincerely,  
Marianne Moran  
(248)880-3535

# SKETCH OF SURVEY

**NOTE:**  
A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY. THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



**NOTE:**  
FENCES MEANDERING  
PROPERTY LINES AS SHOWN.

**SITE CRITERIA**

- ADDRESS: 8834 ARLINGTON RD.
- PARCEL ID NO.: 12-13-176-002
- ZONING: R1-D (SINGLE FAMILY RESIDENTIAL)
- AREA OF PARCEL: 6980 S.F.
- AREA OF HOUSE AND GARAGE = 2039 S.F. = 29%
- AREA OF PORCHES = 310 S.F.
- MAXIMUM LOT COVERAGE = 2349 S.F. = 34%
- MINIMUM SETBACKS:  
FRONT: 30.0 FEET  
REAR: 30.0 FEET  
SIDE : 10.0 FEET

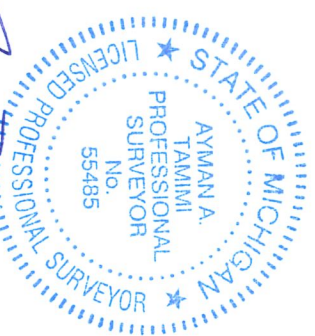
**LEGEND**

- R. — RECORD
- M. — MEASURED
- F.I.P. — SET IRON PIPE
- S.I.R. — SET IRON ROD
- S.N. — SET NOTCH
- φ — UTILITY POLE
- X — FENCE LINE
- DH — OVERHEAD LINE

**GRAPHIC SCALE**



AYMAN TAMIMI, PS NO. 55485



**PROPERTY DESCRIPTION:**

LOT 27, "ENGLISH VILLAS SUBDIVISION", as recorded in Liber 51 of plats, Pages 22 and 22A, Oakland County Records. TAX PARCEL ID NO. 12-13-176-002

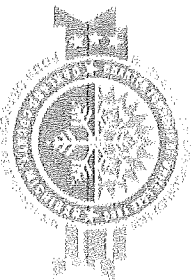
ROBERT SNAPP  
8834 ARLINGTON RD.  
WHITE LAKE, MI. 48386

SCALE: 1" = 20'  
DATE: 11/14/2020  
JOB No: 20-091  
BK/Pg 22/41

**LAND SPECIALISTS**  
LAND SURVEYORS  
21418 EWING DR.  
MACOMB, MI 48044  
PHONE # (586) 703-1794  
FAX # (586) 948-2029  
www.landspecialists.us  
DRAWN BY: A. TAMIMI

3 WORKING DAYS  
BEFORE YOU DIG  
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CALL 811

Dr. Kowall, Supervisor  
Terry Liliak, Clerk  
Mike Norman, Treasurer



Justices  
Scott Ruggies  
Michael Powell  
Andrea C. Voorheis  
Liz Fessler Sault

## WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-8500 • 12461 888-3500 • [www.white-lake-mi.com](http://www.white-lake-mi.com)

November 9, 2020

Robert Snapp  
3960 Woodmere  
Waterford, MI 48329

RE: Proposed Residential Structure at 8834 Arlington

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

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

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

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

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:** December 17, 2020

---

**Agenda item:** 6b

**Appeal Date:** December 17, 2020

**Applicant:** Timothy M. Andres

**Address:** 490 Burgess Drive  
White Lake, MI 48386

**Zoning:** R1-C Single Family Residential

**Location:** 490 Burgess Drive  
White Lake, MI 48386

## **Property Description**

The approximately 0.227-acre (9,888 square feet) parcel identified as 490 Burgess Drive is located on Cedar Island Lake and zoned R1-C (Single Family Residential). The existing house on the property (approximately 3,361 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Timothy M. Andres, the applicant, is proposing to reconstruct the attached garage by re-grading the driveway to match the existing grades at the street, raising the garage floor approximately three (3) feet, and removing the current second story over the garage. Improvements also include renovations to other portions of the house.

## **Planner's Report**

The existing house was built in 1953 and is nonconforming because it does not meet the 10-foot side yard setback or the 35-foot front yard setback. The proposed garage would be 700 square feet in size and located 9.3 feet from the front lot line and 8.4 feet from the east side lot line. The alteration would involve demolition of the existing nonconforming structure. While the existing garage is the same size and contains the same setbacks as the proposed garage, once a nonconforming structure is eliminated the zoning ordinance requires new construction to comply with the current standards.

Article 7.28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any period of twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$214,710), the maximum extent of improvements cannot exceed \$107,355. The value of the proposed work is \$300,000. A variance to exceed the allowed value of improvements by 279.45% is requested.

The parcel is also nonconforming due to a 6,112 square foot deficiency in lot area and a 30-foot deficiency in lot width (70 feet in width at the front lot line); in the R1-C zoning district the minimum lot size requirement is 16,000 square feet and the minimum lot width requirement is 100 feet. The applicant is requesting variances to address the area and width nonconformities.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.5.E	Front yard setback	35 feet	25.7 feet	9.3 feet
2	Article 3.1.5.E	Side yard setback	10 feet	1.6 feet	8.4 feet
3	Article 7.28.A	Nonconforming structure	50% SEV (\$107,355)	279.45%	\$192,645 over allowed improvements
4	Article 3.1.5.E	Minimum lot size	16,000 square feet	6,112 square feet	9,888 square feet
5	Article 3.1.5.E	Minimum lot width	100 feet	30 feet	70 feet

**Recommended Motions:**

**Approval:** I move to approve the variances requested by Timothy M. Andres from Article 3.1.5.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-27-427-016, identified as 490 Burgess Drive, in order to construct an attached garage that would encroach 25.7 feet into the required front yard setback and 1.6 feet into the required east side yard setback. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 279.45%. A 30-foot variance from the required lot width and 6,112 square foot variance from the required lot size are also granted from Article 3.1.5.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- Prior to issuance of a building permit the applicant shall obtain a permit from the Road Commission for Oakland County (RCOC) to work in the Burgess Drive right-of-way to improve the driveway.

**Denial:** I move to deny the variances requested by Timothy M. Andres for Parcel Number 12-27-427-016, identified as 490 Burgess Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Timothy M. Andres for Parcel Number 12-27-427-016, identified as 490 Burgess Drive, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated November 9, 2020.
2. Survey dated October 14, 2019.
3. Site plan dated November 9, 2020.
4. Existing and proposed floor plans dated October 19, 2020.
5. Proposed exterior elevations dated October 19, 2020.
6. Letter of denial from the Building Department dated November 6, 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: Timothy M. Andres PHONE: (734) 417-9100

ADDRESS: 490 Burgess Drive, White Lake, MI 49386

APPLICANT'S EMAIL ADDRESS: timandres69@gmail.com

APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 490 Burgess Dr., White Lake, MI 48386 PARCEL # 12 - 27-427-016

CURRENT ZONING: R1-C PARCEL SIZE: .227 Acres


STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Section 3.1.5 - R1-C Single Family Residential District  
Maintain existing and proposed side yard setback of 8.4 ft and the existing and proposed front yard setback of 9.3 ft

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

Maintaining existing footprint of garage. Raising garage floor approximately 3'-0" to eliminate steep driveway.

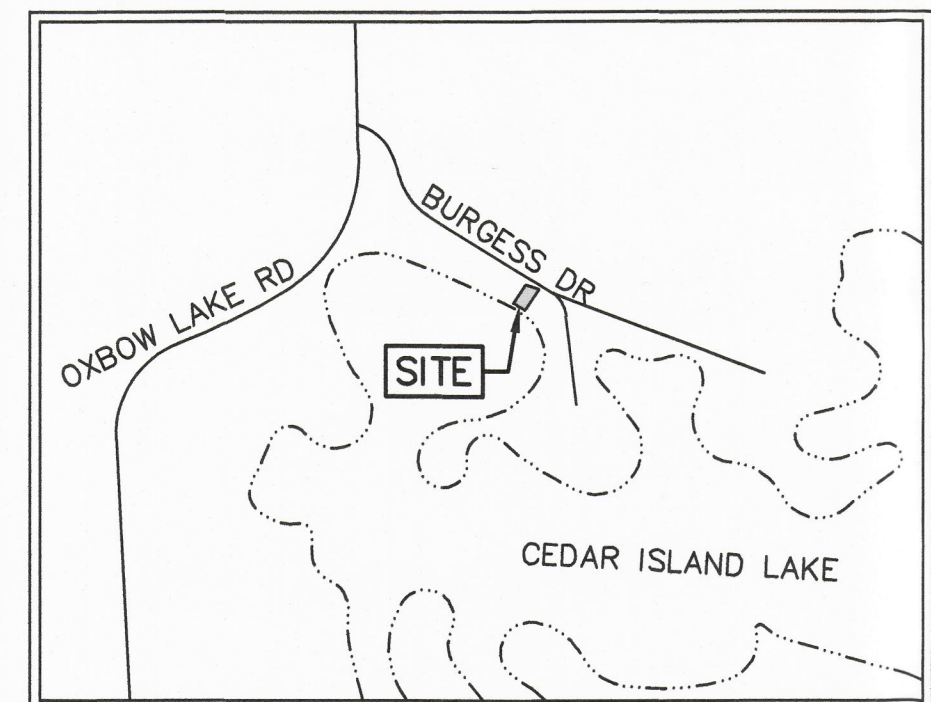
Existing house and garage remaining in same location, eliminating 2nd story over garage such that proposed height will be less than existing height.

APPLICATION FEE: \_\_\_\_\_ (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: 11/9/2020



# BOUNDARY AND TOPOGRAPHIC SURVEY



## LEGEND

⊙ F	FOUND MONUMENT
○ FCIR	FOUND CAPPED IRON ROD
⊕	EXISTING AIR CONDITIONING UNIT
⊙	EXISTING WELL
⊕	EXISTING GAS METER
⊕ T	EXISTING TELEPHONE RISER
○ U.P.	EXISTING UTILITY POLE
⊙	EXISTING TREE
FP	EXISTING FLAG POLE
—	UNDERGROUND CABLE MARKER
—	UNDERGROUND TELEPHONE MARKER
(P)	PLATTED
(M)	MEASURED
x 942.36	EXISTING GROUND ELEVATION
x 942.36EP	EXISTING PAVEMENT ELEVATION
---	BOUNDARY LINE
---	BUILDING SETBACK LINE
---	EXISTING EDGE OF WATER
---	OVERHEAD ELECTRIC LINE
---	EXISTING FENCE LINE
---	UNDERGROUND GAS LINE
---	UNDERGROUND TELEPHONE LINE
---	EXISTING GROUND CONTOUR
---	EXISTING BUILDING

## NOTES:

- BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF BURGESS DRIVE, BEING S57°30'E, PER "CEDAR ISLAND SHORES" SUBDIVISION, AS RECORDED IN L.66 OF PLATS, PG.15, OAKLAND COUNTY RECORDS. VERTICAL DATUM IS NAVD88
- WATER MAIN, STORM SEWER, SANITARY SEWER AND FRANCHISE UTILITY STRUCTURES HAVE BEEN FIELD LOCATED WHERE VISIBLE. UTILITY AND AS-BUILT MAPS HAVE BEEN REQUESTED AND SOME MAPS HAVE BEEN RECEIVED AT DATE OF THIS SURVEY. FRANCHISE UTILITY MAPS HAVE BEEN REQUESTED FROM THE APPROPRIATE FRANCHISE COMPANIES, BUT NOT ALL MAPS HAVE BEEN RECEIVED AT DATE OF SURVEY.  
NOTE: THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED.
- THE SUBJECT PROPERTY IS CURRENTLY ZONED R1-C SINGLE FAMILY RESIDENTIAL, ACCORDING TO WHITE LAKE TOWNSHIP ZONING MAP LAST UPDATED SEPTEMBER 16, 2019, AND IS SUBJECT TO THE FOLLOWING:  
FRONT SETBACK: 35 FEET  
REAR SETBACK: 35 FEET  
SIDE SETBACK: 10 FEET EACH (20 FEET TOTAL)
- PER PLAT OF "CEDAR ISLAND SHORES," ALL WATERFRONT LOTS EXTEND TO THE WATER'S EDGE.

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON OCTOBER 9, 2019, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS NOT GREATER THAN 1/5000.

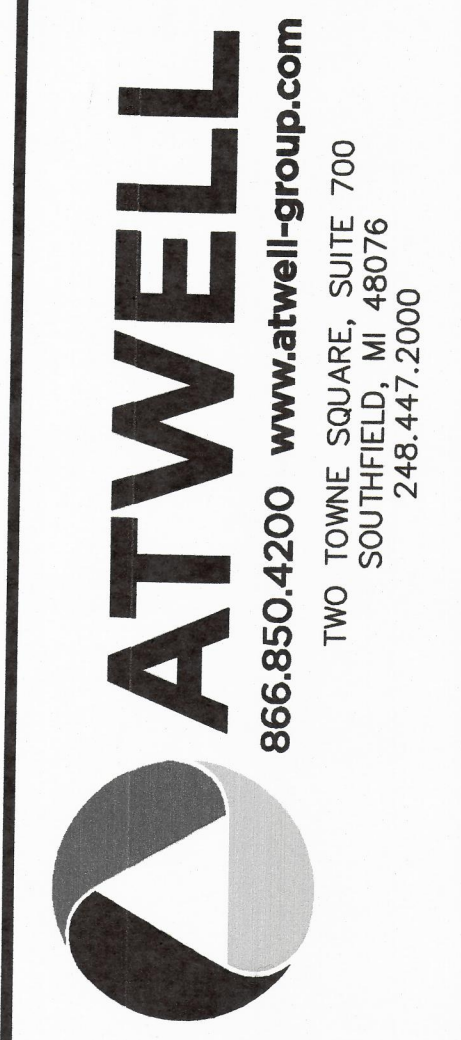
LISA M. DROUILLARD  
PROFESSIONAL SURVEYOR NO. 46723  
LDROUILLARD@ATWELL-GROUP.COM  
TWO TOWNE SQUARE, SUITE 700  
SOUTHFIELD, MICHIGAN 48076  
248.447.2000

DATE: \_\_\_\_\_

**SITE BENCHMARK:**  
BENCHMARK #1: SET MAG NAIL IN WEST FACE OF UTILITY POLE AT NORTHEAST PROPERTY CORNER  
ELEVATION: 944.92 (NAVD88)



**SCHEDULE C DESCRIPTION PER ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY, ISSUING AGENT: LIBERTY TITLE AGENCY, COMMITMENT NUMBER: LB123428, REVISION NUMBER: 0, COMMITMENT DATE: 9/13/2019:**  
THE LAND REFERRED TO IN THIS COMMITMENT IS LOCATED IN THE TOWNSHIP OF WHITE LAKE, COUNTY OF OAKLAND, STATE OF MICHIGAN, AND DESCRIBED AS FOLLOWS:  
LOT(S) 15, CEDAR ISLAND SHORES, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 66 OF PLAT(S), PAGE 15, OAKLAND COUNTY RECORDS.



SECTION 27  
TOWN 3 NORTH, RANGE 8 EAST  
WHITE LAKE TOWNSHIP  
OAKLAND COUNTY, MICHIGAN

CLIENT: TIMOTHY ANDRES  
BOUNDARY AND TOPOGRAPHIC SURVEY OF 490 BURGESS DRIVE

DATE: 10/14/2019

REVISIONS

SCALE 0 10 20  
1" = 20 FEET

DR. JR CH. LMD  
P.M. L. DROUILLARD  
BOOK NA  
CAD FILE: 19003677TP-01.DWG  
JOB 19003677  
FILE CODE: TP-01  
SHEET NO. 1 OF 1



NOTE:  
 EXISTING FOOTPRINT TO  
 REMAIN THE SAME.  
 GRADES REMAIN AS-IS  
 WITH EXCEPTION OF  
 RAISED DRIVEWAY,  
 DRAINAGE PATTERN  
 REMAINS

ZBA APPLICATION 11/9/2020  
 DATE ISSUED  
 DRAWN BY  
 CHECKED BY

PROPOSED RENOVATION TO THE  
 ANDRES RESIDENCE

SITE  
 PLAN

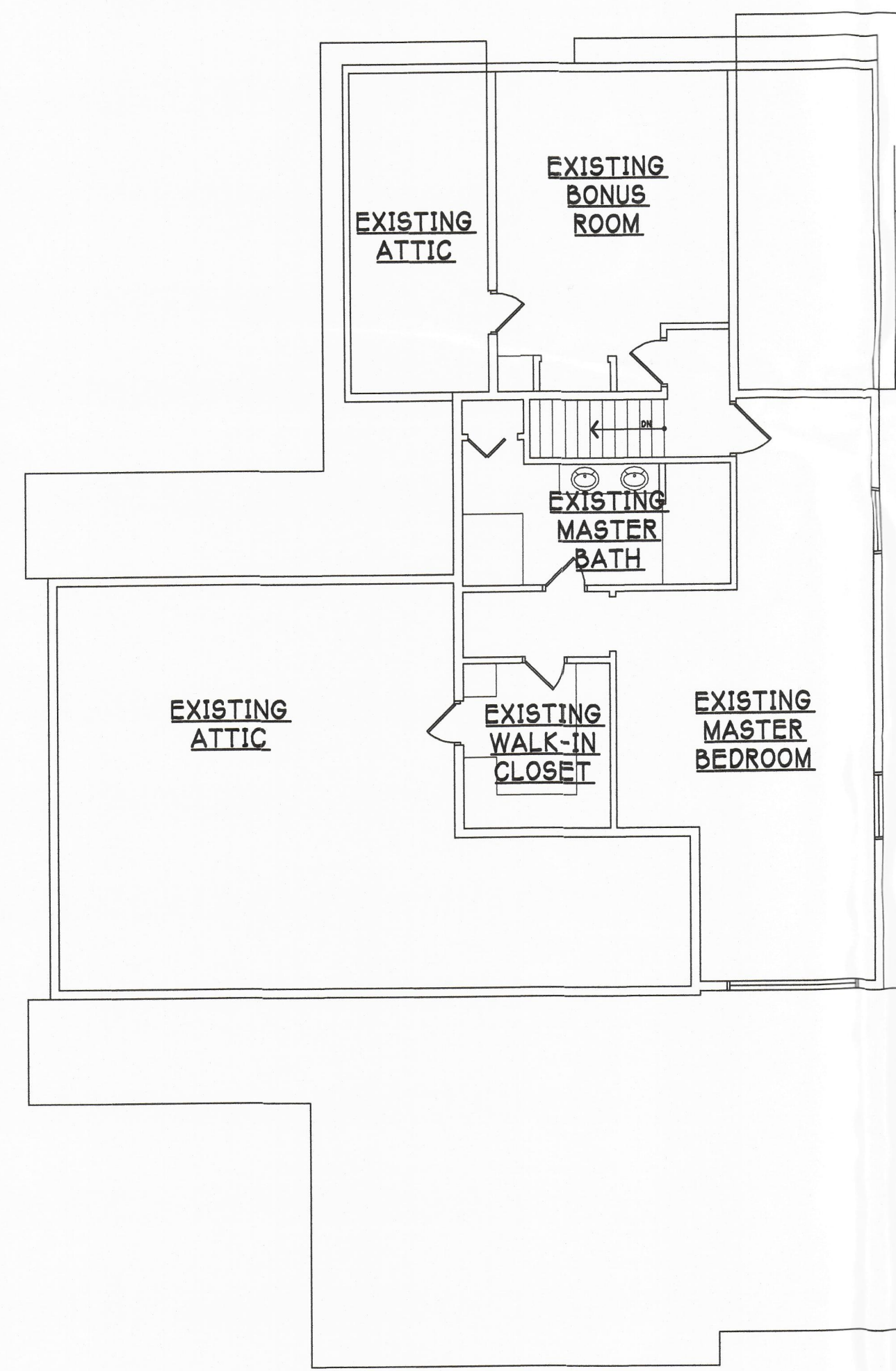
SHEET TITLE

C-1

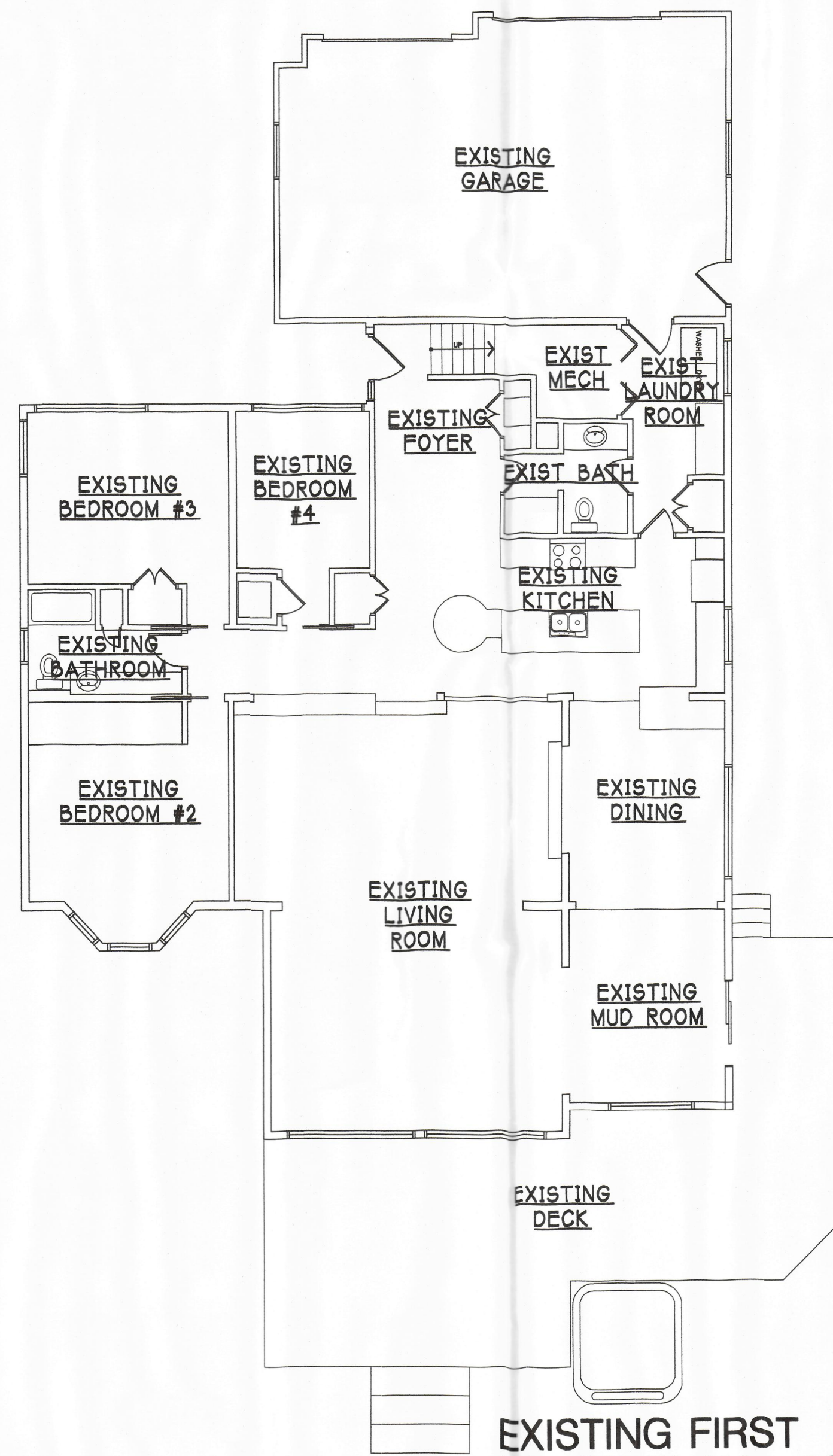
SHEET NUMBER

SITE PLAN  
 SCALE - 1" = 10'-0"  
 AR02/PT

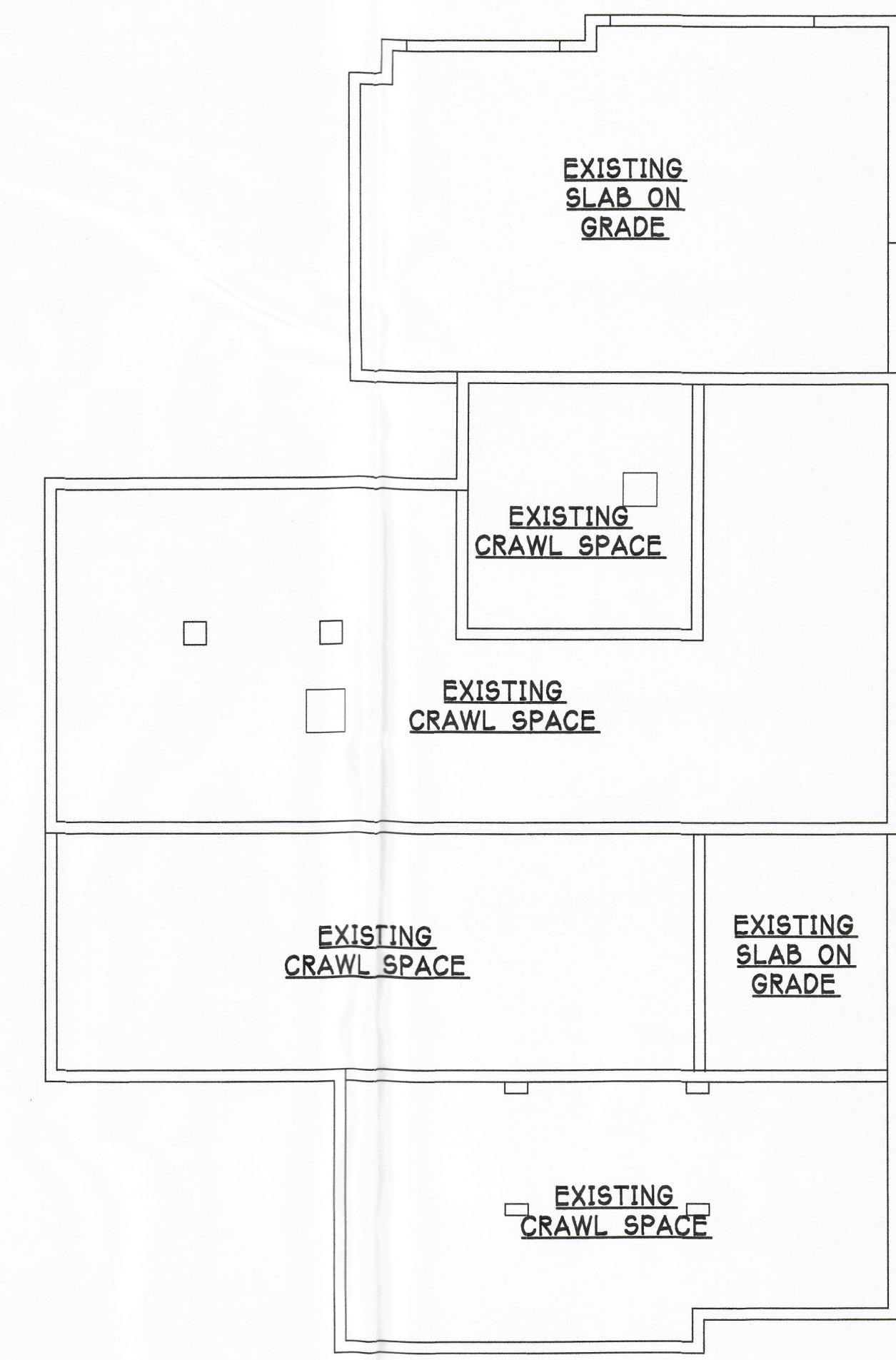
PERMIT SET 10/19/2020  
 DATE ISSUED  
 DRAWN BY  
 CHECKED BY



**EXISTING SECOND FLOOR PLAN - 996 SF**  
 SCALE - 1/8" = 1'-0"  
B.969P1



**EXISTING FIRST FLOOR PLAN - 2365 SF**  
 SCALE - 1/8" = 1'-0"  
B.969P1



**EXISTING CRAWL SPACE PLAN**  
 SCALE - 1/8" = 1'-0"  
B.969P1

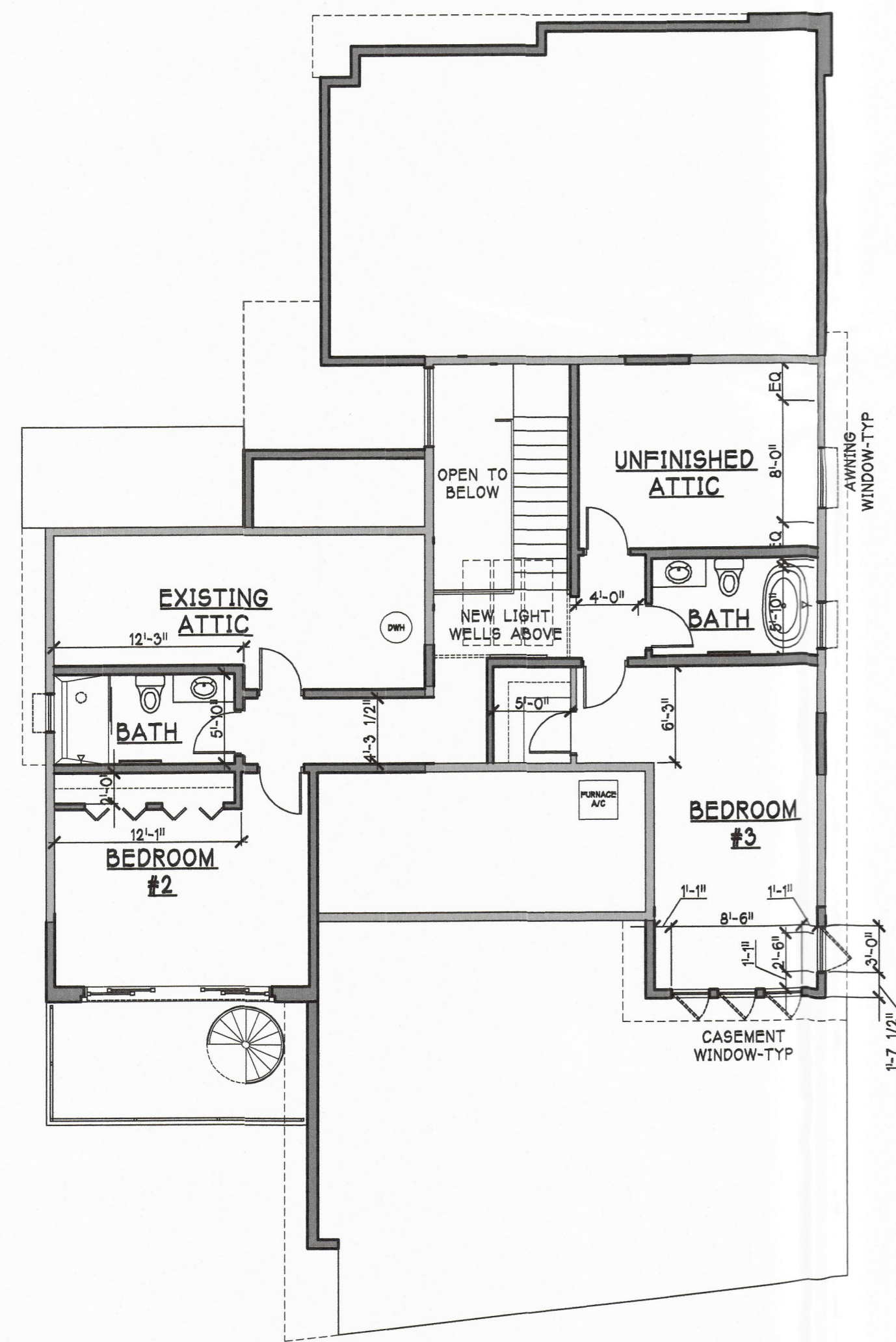
PROPOSED RENOVATION TO THE  
 ANDRES RESIDENCE

**EXISTING FLOOR PLANS**

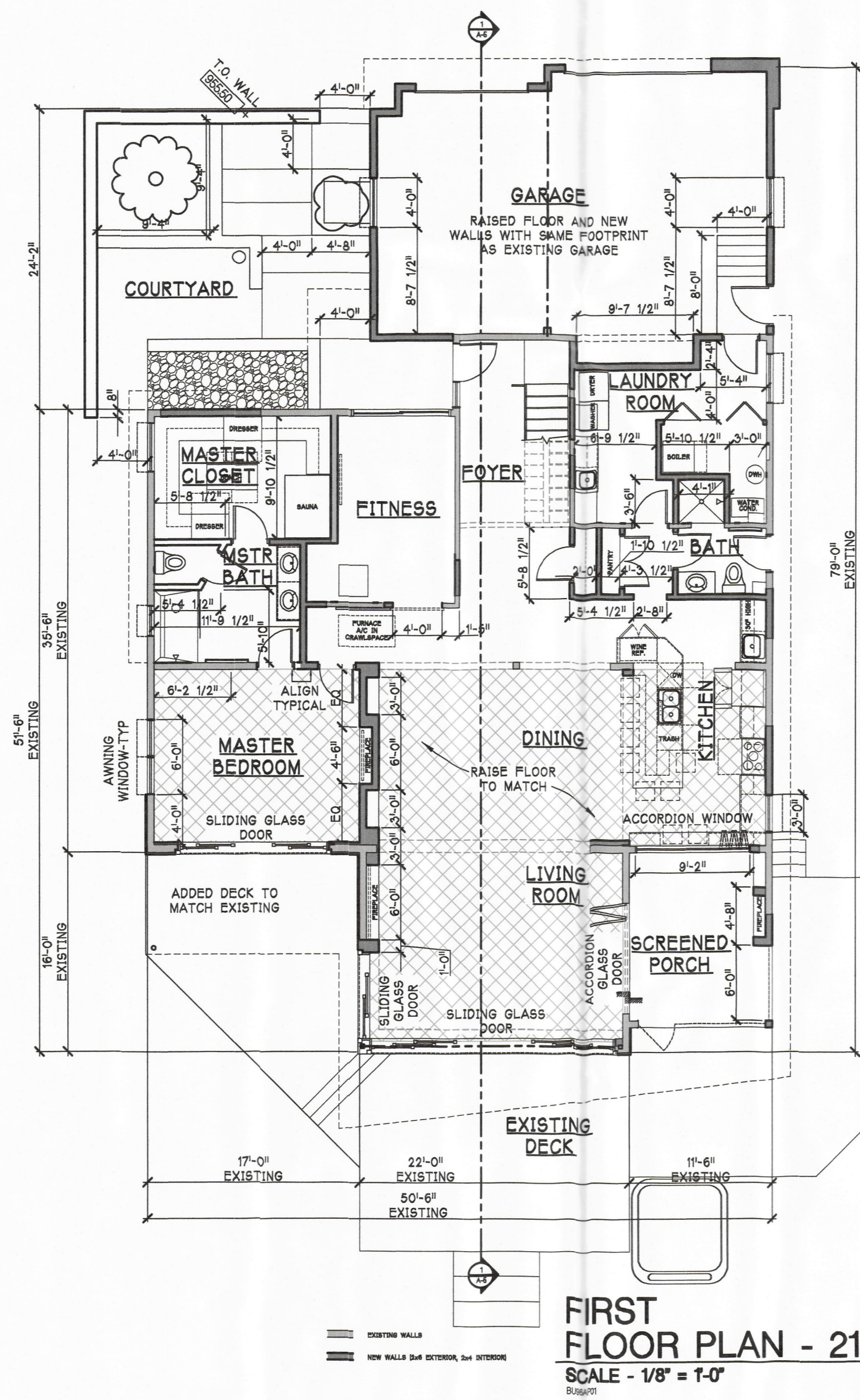
SHEET TITLE

**X-1**

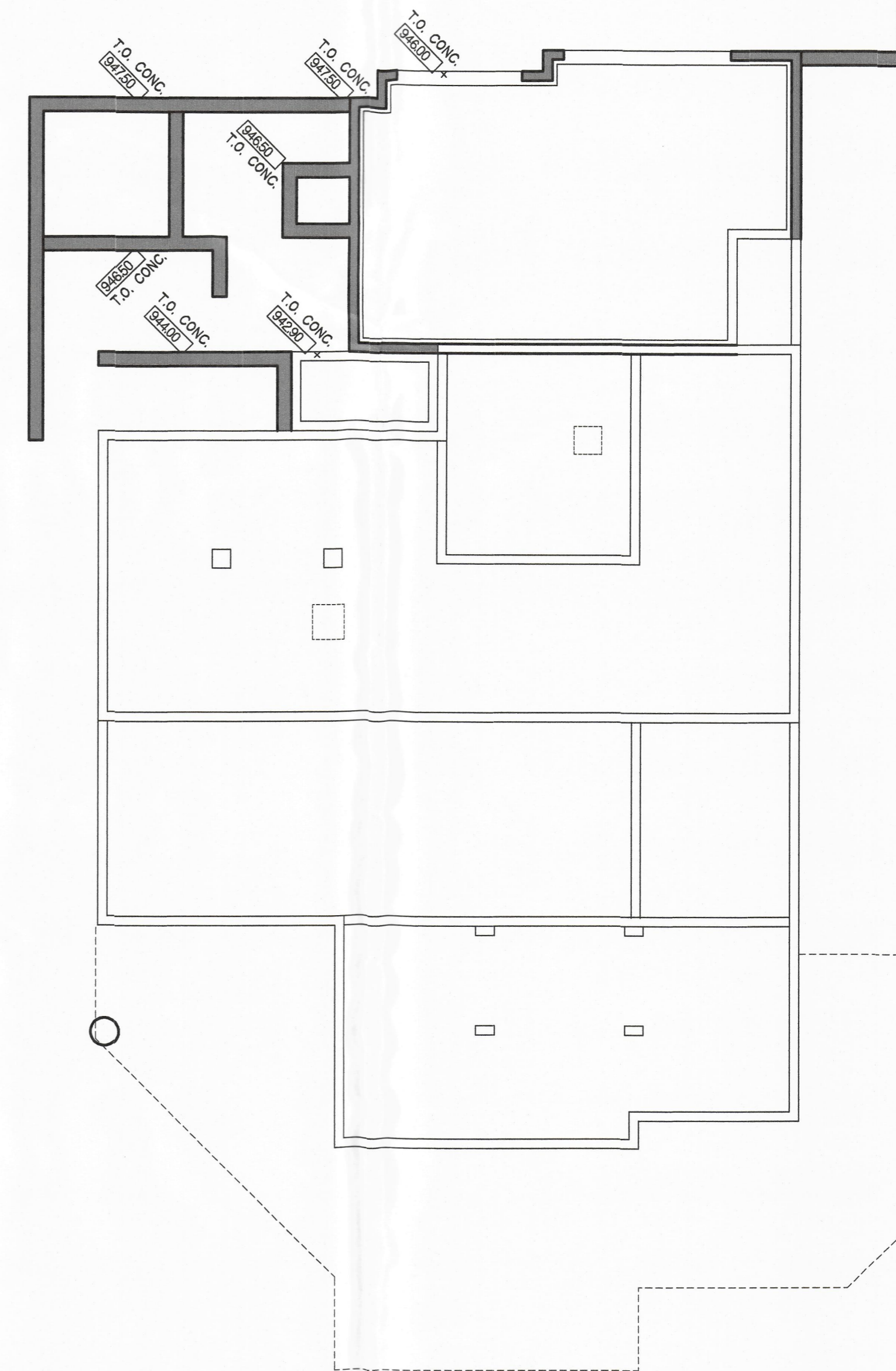
SHEET NUMBER



**SECOND FLOOR PLAN - 852 SF**  
SCALE - 1/8" = 1'-0"  
BUGAPR1



**FIRST FLOOR PLAN - 2142 SF**  
SCALE - 1/8" = 1'-0"  
BUGAPR1



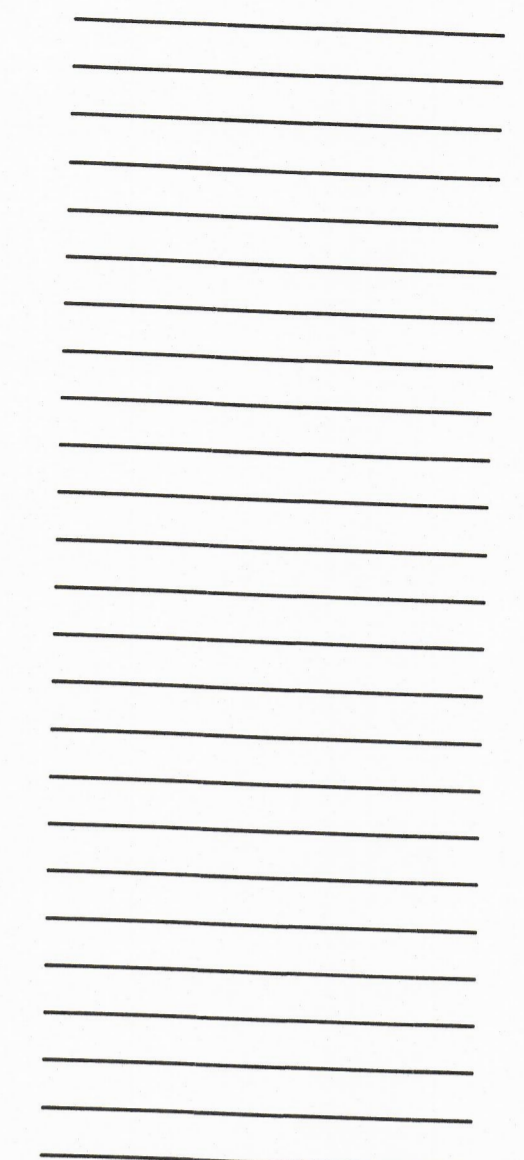
**CRAWL SPACE PLAN**  
SCALE - 1/8" = 1'-0"  
BUGAPR1

PERMIT SET 10/19/2020  
DATE ISSUED  
DRAWN BY  
CHECKED BY

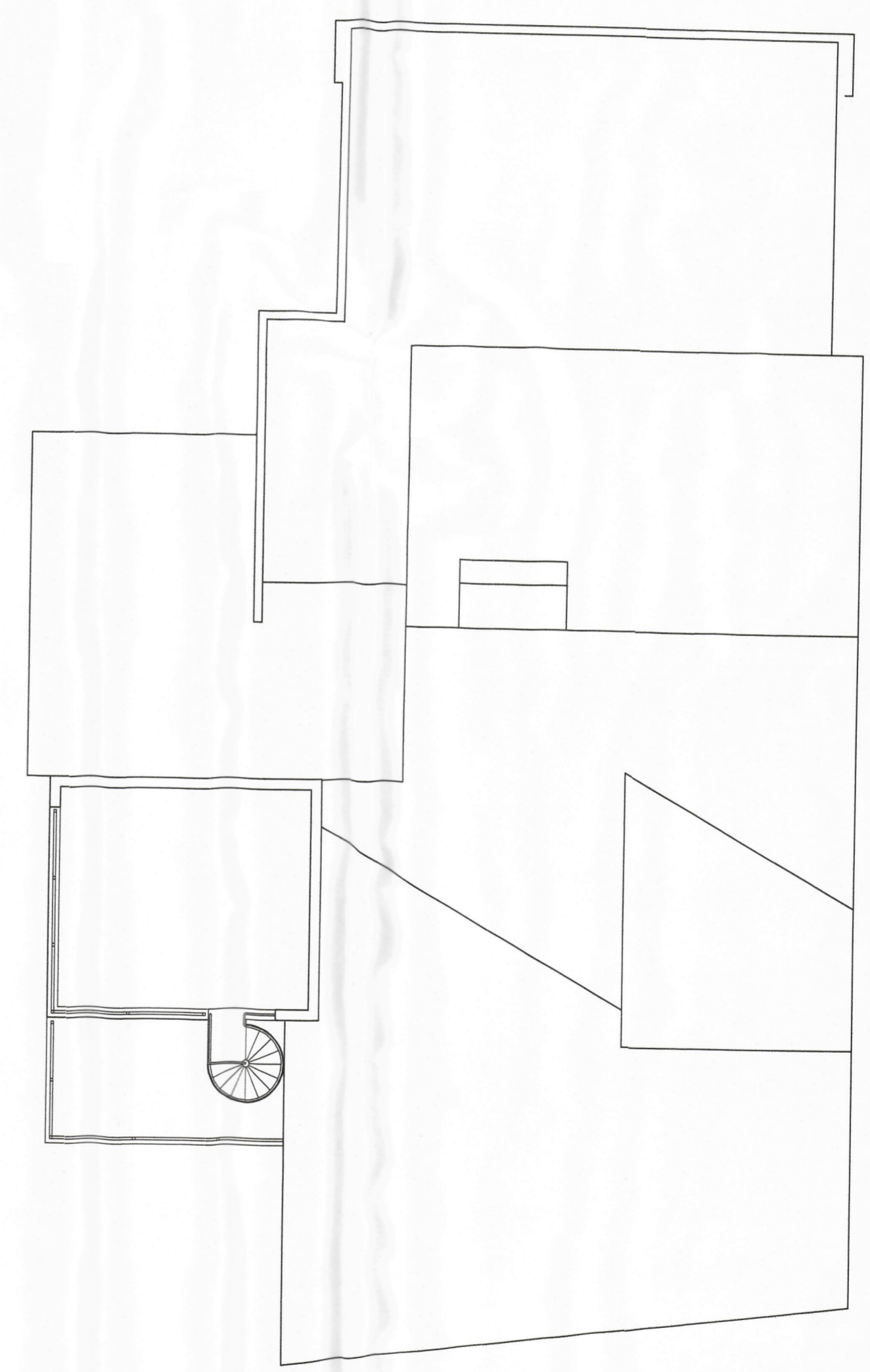
PROPOSED RENOVATION TO THE  
ANDRES RESIDENCE

PROPOSED FLOOR PLANS  
SHEET TITLE

A-1  
SHEET NUMBER



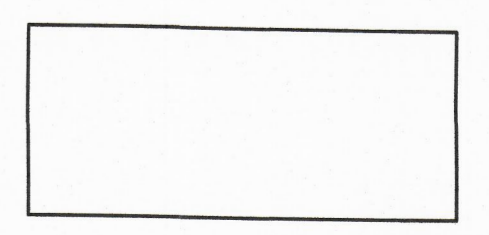
PERMIT SET 10/19/2020  
DATE ISSUED  
DRAWN BY  
CHECKED BY



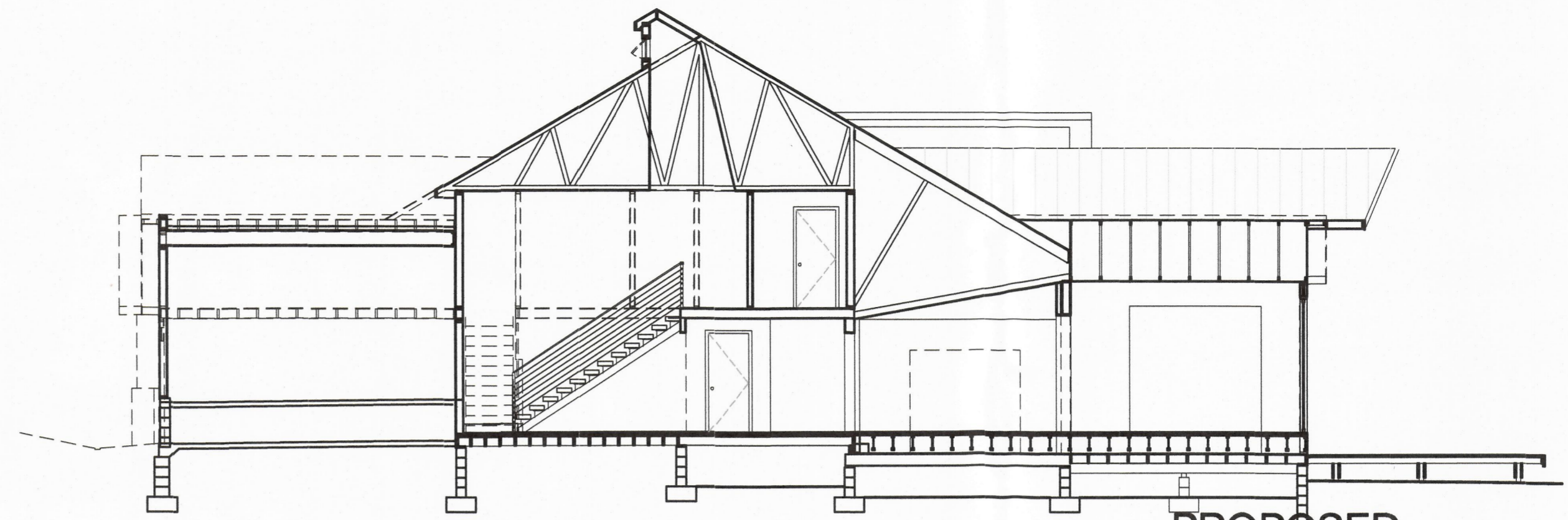
**ROOF PLAN**  
SCALE - 1/8" = 1'-0"  
8/26/20

PROPOSED RENOVATION TO THE  
ANDRES RESIDENCE

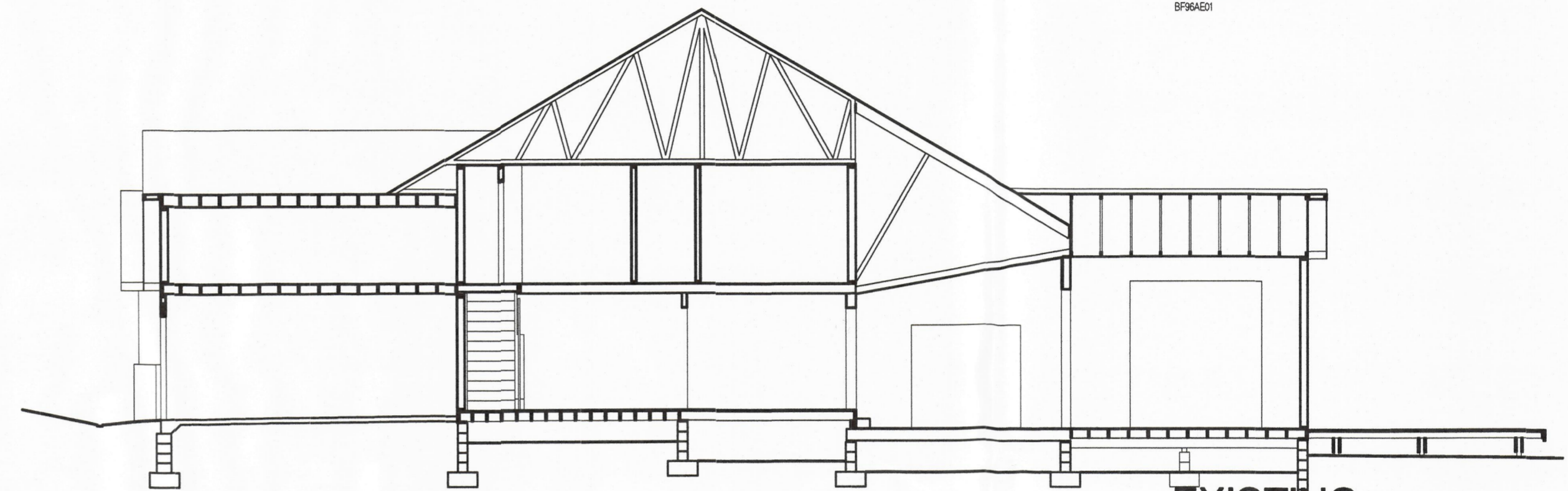
**PROPOSED  
ROOF  
PLAN**  
SHEET TITLE



**A-2**  
SHEET NUMBER



**PROPOSED  
BUILDING SECTION**  
SCALE - 1/8" = 1'-0"  
BPPH/AGM

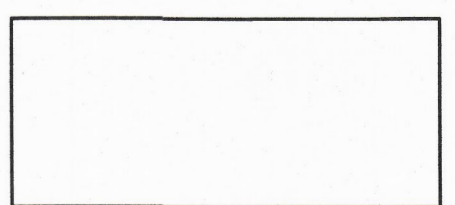


**EXISTING  
BUILDING SECTION**

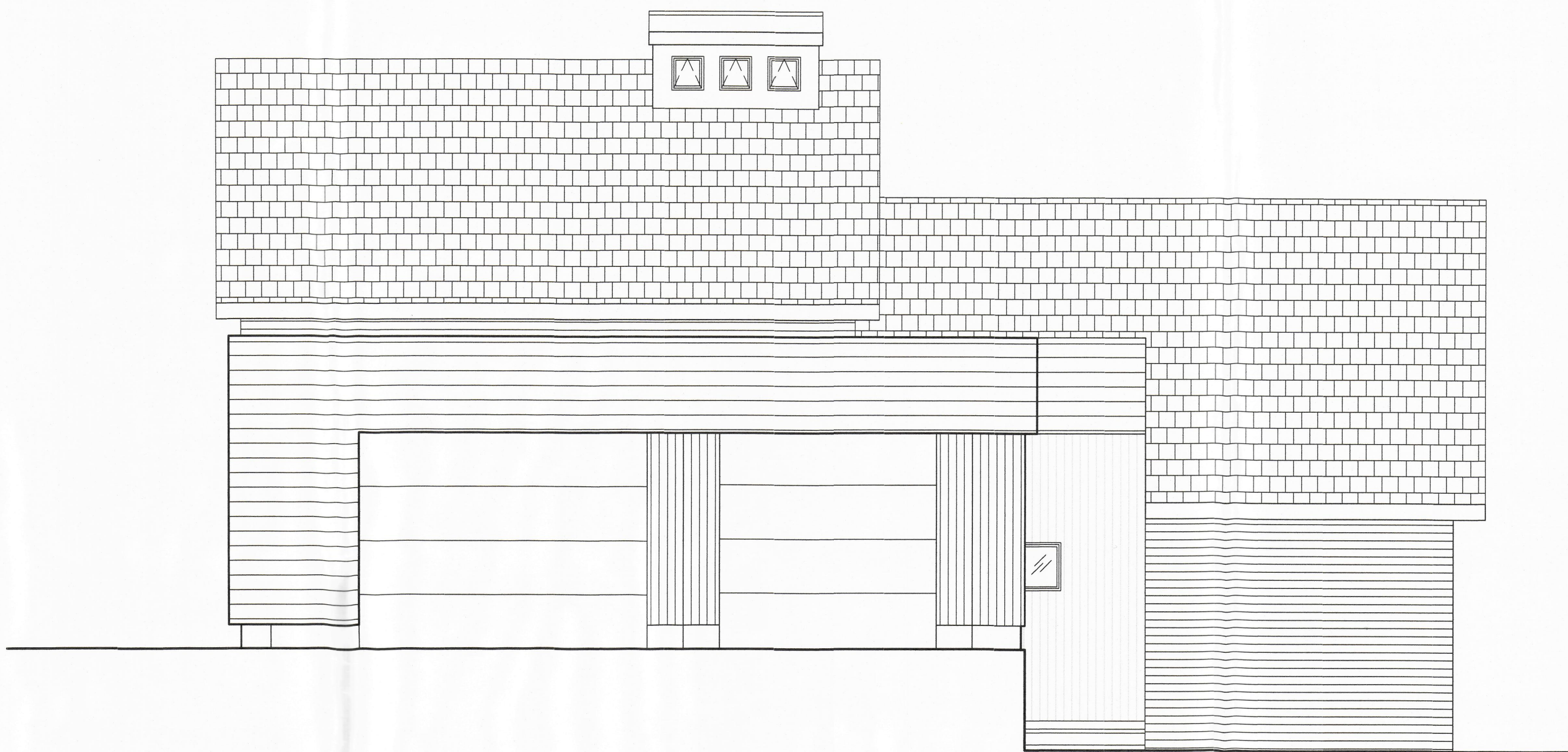
PERMIT SET 10/19/2020  
DATE ISSUED  
DRAWN BY  
CHECKED BY

PROPOSED ADDITION TO THE  
ANDRES RESIDENCE

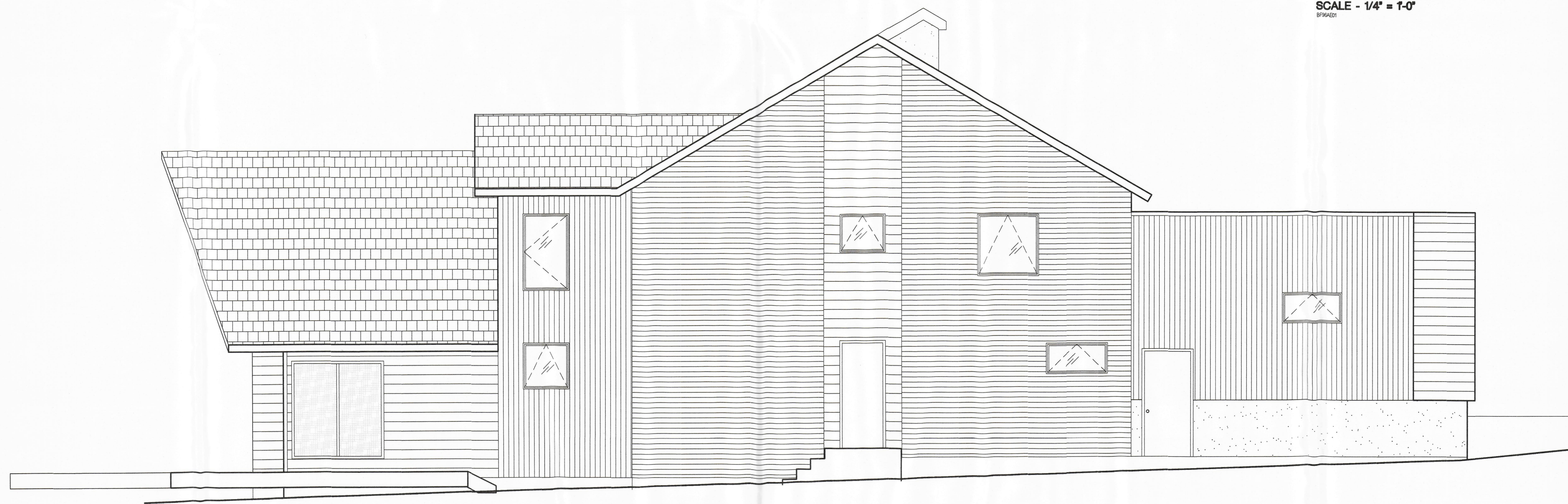
**PROPOSED  
BUILDING  
SECTIONS**  
SHEET TITLE



**A-3**  
SHEET NUMBER



**NORTH  
ELEVATION**  
SCALE - 1/4" = 1'-0"  
09/04/21

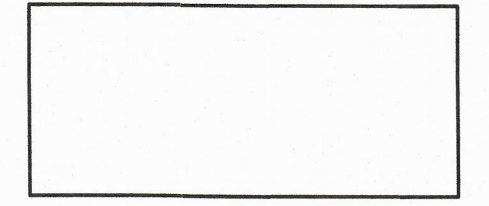


**EAST  
ELEVATION**  
SCALE - 1/4" = 1'-0"  
09/04/21

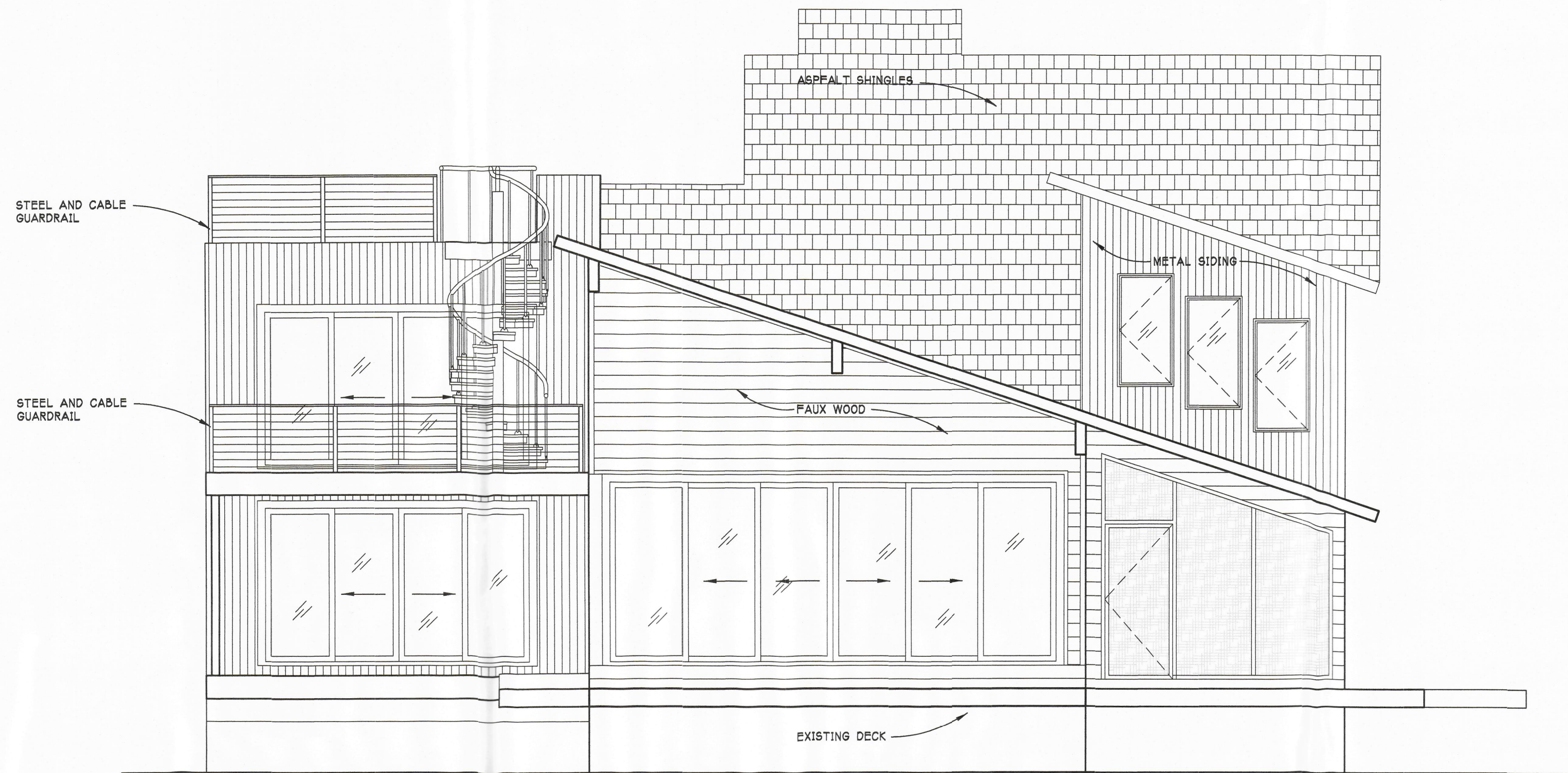
PERMIT SET 10/19/2020  
DATE ISSUED  
DRAWN BY  
CHECKED BY

PROPOSED RENOVATION TO THE  
ANDRES RESIDENCE

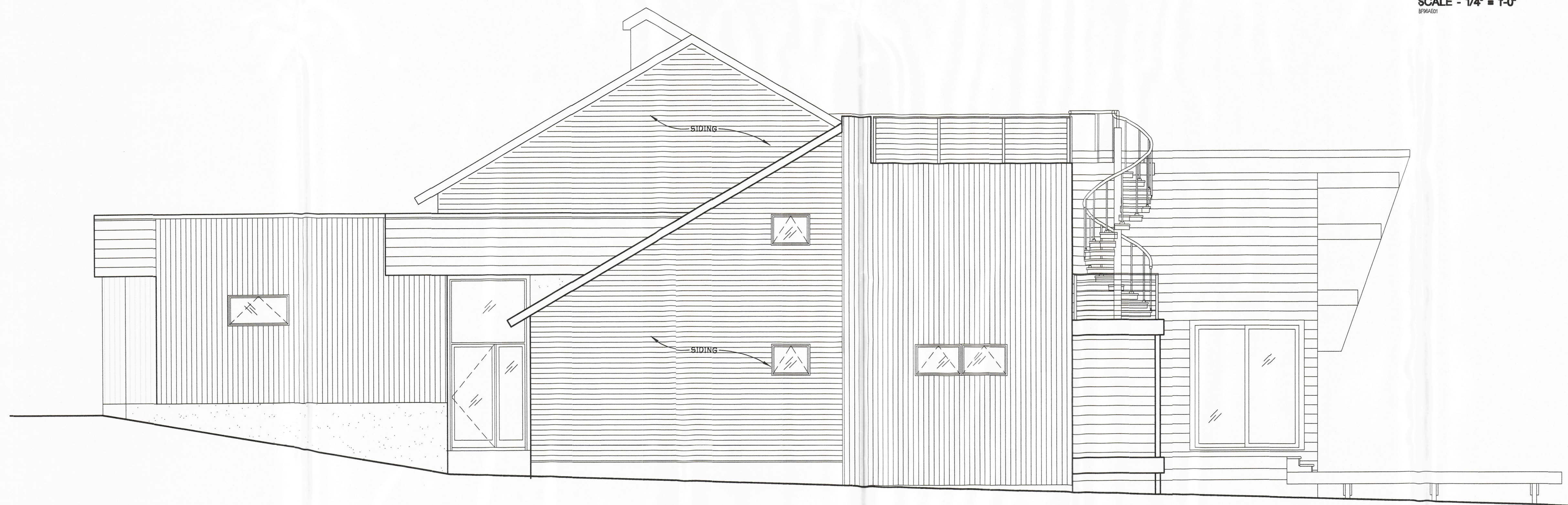
PROPOSED  
EXTERIOR  
ELEVATIONS  
SHEET TITLE



A-5



**SOUTH  
ELEVATION**  
SCALE - 1/4" = 1'-0"  
07/16/21

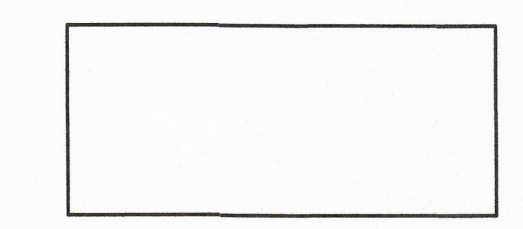


**WEST  
ELEVATION**  
SCALE - 1/4" = 1'-0"  
07/16/21

PERMIT SET 10/19/2020  
DATE ISSUED  
DRAWN BY  
CHECKED BY

PROPOSED RENOVATION TO THE  
ANDRES RESIDENCE

PROPOSED  
EXTERIOR  
ELEVATIONS  
SHEET TITLE



A-4



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



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

## WHITE LAKE TOWNSHIP

7525 Highland Road - White Lake, Michigan 48383-2900 - (248) 698-3300 - [www.whitelaketwp.com](http://www.whitelaketwp.com)

November 6, 2020

Timothy Andres  
490 Burgess Dr.  
White Lake, MI 48386

RE: Proposed Alteration

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

**Article 3.1.5 of the White Lake Township Clear Zoning Ordinance:** Requires a minimum side yard setback of 10 ft each side, and a minimum front yard setback of 35 ft

The proposed alteration would require demolition of the legal non-conforming garage. While the proposed structure maintains the same footprint; once a legal non-conforming structure is eliminated, the legal non-conforming status of the structure or portion thereof is lost. The existing and proposed side yard setback is 8.4 ft and the existing and proposed front yard setback is 9.3 ft.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. Please get in touch with the White Lake Township Planning Department if you plan to seek a variance. Cutoff for application to the December 10<sup>th</sup> Zoning Board of Appeals meeting is November 16<sup>th</sup>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Spencer', is written over a black rectangular background.

Nick Spencer, Building Official  
White Lake Township

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](http://www.whitelaketwp.com)

### ZONING BOARD OF APPEALS 2021 Meeting Schedule Fourth Thursday of Each Month 7:00 p.m.

Application Deadline		Date of Meeting	
January	4	January	28
January	28	February	25
February	25	March	25
March	25	April	22
April	22	May	27
May	27	June	24
June	24	July	22
July	22	August	26
August	26	September	23
September	23	October	28
		NO NOV. MTG*	
November	15	December Thursday)	9 (2 <sup>nd</sup> )

\* Meeting cancelled due to holiday