

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR VIRTURAL MEETING  
May 27, 2021 at 7:00 PM**

**CALL TO ORDER**

Chairperson Spencer called the meeting to order at 7:00 P.M.

**ROLL CALL**

**Present:**

Jo Spencer, Chairperson  
Kathleen Aseltyne  
Debby Dehart, Planning Commission Liaison  
Michael Powell, Township Board Liaison  
Clif Seiber

All present in White Lake Township, MI

**Absent:**

Dave Walz, Vice Chairperson  
Nik Schillack

**Others:**

Justin Quagliata, Staff Planner  
Hannah Micallef, Recording Secretary

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**MOTION by Member Aseltyne, SUPPORT by Member Seiber, to approve the agenda as presented. The motion CARRIED with a voice vote (all in favor).**

**APPROVAL OF MINUTES:**

- a. Zoning Board of Appeals Regular Meeting of April 22, 2021
- b. Zoning Board of Appeals Special Meeting of April 29, 2021

**MOTION by Member Powell, SUPPORT by Member Dehart, to approve the regular meeting minutes of April 22, 2021 as presented. The motion CARRIED with a voice vote (All in favor).**

**MOTION by Member Dehart, SUPPORT by Member Powell, to approve the special meeting minutes of April 29, 2021 as presented. The motion CARRIED with a voice vote (All in favor).**

**CONTINUING BUSINESS**

No continuing business.

**NEW BUSINESS:**

- a. Applicant: McComb Construction  
1871 Austin Street  
Troy, MI 48083
- Location: **9562 Mandon Road**  
White Lake, MI 48386 identified as 12-35-126-023
- Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback, Maximum Building Height, and Minimum Lot Width.

Chairperson Spencer noted for the record that 24 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 staff report.

Chairperson Spencer asked staff if the applicant would be creating additional variances by demolishing the old house and building the new one. Staff Planner Quagliata confirmed.

Member Powell asked staff if the side yard setback on the west side was measured from the bump-out on the plans. Staff Planner Quagliata confirmed, and stated the bump-out was labeled as a cantilever but not shown as such on the plans. Member Powell asked staff if the ordinance allowed a cantilevered fireplace. Staff Planner Quagliata said if the fireplace was cantilevered, it would be considered an architectural feature.

Member Powell asked staff if measurements were calculated regarding compliance of the roof pitch. Staff Planner Quagliata said no. Member Powell asked staff if the roof were lower, would it need the variance. Staff Planner Quagliata said no.

Member Seiber asked staff if the existing garage was to remain. Staff Planner Quagliata confirmed.

Bob McComb was present to speak on the case. He said the fireplace could be cantilevered, or eliminated if needed. He added the roofline showed four consecutive gables, which would help maintain the same pitch for all of the gables.

Member Powell asked Mr. McComb if there was a fireplace proposed in the basement as well. Mr. McComb said there was a direct vent fireplace in the basement, and there was flexibility on how the fireplace could be vented.

Member Powell stated all the gables could be dropped down but still have the same pitches, and the roof would be lower. Mr. McComb said the proposed pitch lent itself to the house and the other houses around it. The roof was designed as it was for architectural purposes.

Member Seiber asked Mr. McComb if the first-floor ceiling could be reduced to 8'. Mr. McComb said it could, but it would be an outdated look and the trusses would have to be revisited.

Member Aseltyne asked Mr. McComb what the practical difficulty was in this case. Mr. McComb said the property was narrow, and hard to get a new house on it. He said houses around this one had received variances as well. He said he had to get 3 bedrooms, an office, and other amenities on the lot.

Member Dehart asked staff what the side yard setback would be on the west side if the fireplace was cantilevered. Staff Planner Quagliata said the variance would be 1.01' for an 8.99' setback. He added the current house was approximately 6.5' from the east side lot line and 13' from the west side lot line.

Member Dehart asked Mr. McComb if the existing septic field would remain. Mr. McComb said no, the septic would be removed and replaced with a modern field. The well would be relocated as well.

Chairperson Spencer opened the public hearing at 7:27 P.M. Seeing no public comment, she closed the public hearing at 7:27 P.M.

Mr. Mike Mack, the property owner, said the house was in need of a lot of work. He had children and pets with only one bathroom, and the bedrooms were spread out in the house. He added it would be more feasible to start with new construction and bring everything up to code in the process.

Member Powell asked Mr. Mack how the ZBA could grant relief for the situation without incurring additional variances. Mr. Mack said he tried to keep the house as it could, but the lot was platted and subdivided long ago.

Mr. Mack said the existing garage was storage for jet skis, boats, and a riding mower. He said since it was already there, he would like to keep it.

Staff Planner Quagliata went through the standards from Article 7.37 of the ClearZoning Ordinance:

A. Practical Difficulty

- Chairperson Spencer did not see a practical difficulty. A structure could be built on the property once the current house was demolished.
- Member Aseltyne agreed, and said the ZBA could not increase a nonconformity, and this situation was a personal choice.
- Member Powell said if the lot was created today, it would have a minimum width of 80'. The lot wasn't created by the homeowners.
- Member Dehart agreed with Member Powell. The lot did not meet the current standards, and it was sloped. A septic field and well also had to be accommodated for.
- Member Seiber said the current zoning standard was for an 80' wide lot, with 10' side yard setbacks. Applying that same standard to the current lot drove the percentage of side yard setback usage to 40% or more. The westerly existing side yard setback was currently in compliance, but the proposed variance would make the setback out of compliance. The building height could be reduced with changes to the roof slope.

B. Unique Situation

- Member Powell said the lot was unique as it was 57' wide and not 80' wide as the current minimum standard required.
- Chairperson Spencer said there were houses in the area that made the lot width work.
- Member Aseltyne agreed with Chairperson Spencer.

C. Not a Self-Created Problem

- Member Dehart said the lot was a hardship.

D. Substantial Justice

- Member Powell said the lot was unique as several lots surrounding met the current width requirements, but several others did not.

E. Minimum Variance Necessary

- Member Powell said the variance on the side yard could be reduced by pulling the wall in on the west side. The building height was a desire, and could be reduced.

**Member Powell MOVED approve certain variances requested by McComb Construction from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-126-023, identified as 9562 Mandon Road, in order to construct a new house that would encroach 4 feet into the required east side yard setback. A 27-foot variance from the required lot width 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.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than 5' to any side yard property line.**

**Member Dehart SUPPORTED, and the motion CARRIED with a roll call vote (3 yes votes):  
(Powell/yes, Dehart/yes, Seiber/yes, Aseltyne/no, Spencer/no)**

- b.** Applicant: Metro Detroit Signs  
11444 Kaltz Avenue  
Warren, MI 48089
- Location: **6491 Highland Road**  
White Lake, MI 48383 identified as 12-20-276-020
- Request: The applicant requests to install an electronic message board monument sign within the setback from the road right-of-way and exceeding the allowed size, requiring variances from Article 5.9.J.i.a and Article 5.9.J.i.b. The applicant is also requesting to install a second wall sign, requiring a variance from Article 5.9.J.ii.b.

Chairperson Spencer noted for the record that 11 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 staff report.

Member Dehart asked staff if window signs would still be allowed. Staff Planner Quagliata said window signs were allowed, but temporary banners were not allowed.

Member Aseltyne asked staff if the setback was measured from the base of the sign or the extent of the cabinet. Staff Planner Quagliata said the measurement was from the maximum extent the sign would encroach into the setback from the right-of-way.

Member Powell asked staff if the sign could be moved further north. Staff Planner Quagliata said the watermain was to the north. Member Powell stated since Highland Road was a divided highway in the vicinity of the property, the clear vision triangle would not be an issue. Staff Planner Quagliata confirmed.

Mark Pfau, owner, was present to speak on the case. He said reducing the sign height would impact the business because McDonald's was an "impulse" business. He said the current sign height of 20' feet helped bring business due to its size and travelers down M-59. He said he would like more height than the proposed 7' for better visibility.

Member Powell asked Mr. Pfau if it would be possible to cantilever the message board 2' to the north and still maintain the 2' setback from the right-of-way line. He also asked if the proposed wall sign on the east side was necessary.

Mr. Pfau said the signs were to alert people driving east the McDonald's was there. Mr. Paul Deters, the applicant, was also present to speak on behalf of the owner. He said there was a possibility the cantilever of the sign could be reduced or eliminated on the south side. The sign would look better centered on the existing pedestal. The sign would be out of the clear vision triangle, and wouldn't pose an issue for pedestrians. The current sign was over 20' high and over 50 square feet in area, and the proposed sign would be less than 40 square feet in area. Mr. Deters added the arches on the south elevation was hidden by mature trees, so the east side wall sign was needed as a marker to identify the site.

Chairperson Spencer opened the public hearing at 8:15 P.M. Seeing no public comment, she closed the public hearing at 8:15 P.M.

Staff Planner Quagliata went through the standards from Article 7.37 of the ClearZoning Ordinance:

A. Practical Difficulty

- Member Powell said the sign on the front of the building was impractical, and the new architectural building designs lent themselves to needing signage on the side.

B. Unique Situation

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- C. Not a Self-Created Problem
  - Member Dehart said the location of the watermain was an issue.
- D. Substantial Justice
- E. Minimum Variance Necessary

**Member Dehart MOVED to approve the variances requested by Metro Detroit Signs from Article 5.9.J.i.a and 5.9.J.i.b of the Zoning Ordinance for Parcel Number 12-20-276-020, identified as 6491 Highland Road, in order to install a 38.3 square foot monument sign that would be located 2 feet from the road right-of-way line and a second wall sign. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **No additional signage shall be permitted on the building.**
- **Any future modification to signage on the building, except for eliminating signage, shall require approval of the Zoning Board of Appeals**

**Member Seiber SUPPORTED, and the motion CARRIED with a roll call vote (5 yes votes):  
(Dehart/yes, Seiber/yes, Powell/yes, Aseltyne/yes, Spencer/yes)**

**Other Business**

No other business.

**Adjournment**

**Member Aseltyne MOVED to adjourn at 8:43 P.M. Member Dehart SUPPORTED and the motion CARRIED with a voice vote (All in favor).**

**Next Meeting Date:** June 24, 2021 Regular Meeting

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** June 24, 2021

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**Agenda item:** 6a

**Appeal Date:** June 24, 2021

**Applicant:** John Rozanski

**Address:** 2704 Wabum Road  
White Lake, MI 48386

**Zoning:** RM-2 Multiple Family and R1-D Single Family

**Location:** 8565 Pontiac Lake Road  
White Lake, MI 48386

## **Property Description**

The 3.19-acre parcel identified as 8565 Pontiac Lake Road is located on Pontiac Lake and zoned RM-2 (Multiple Family) and R1-D (Single Family Residential). The centerline of the Pontiac Lake Road right-of-way serves as the boundary for the split zoning of this property; the land north of the centerline is zoned R1-D and the land south of the centerline is zoned RM-2. There are two existing one-story buildings on the south side of the Pontiac Lake Road right-of-way (east building: 1,905 square feet; west building: 1,915 square feet). The site is served by a private well for potable water and an existing sanitary sewer grinder pump station, which with upgrades would service the proposed building.

## **Applicant's Proposal**

John Rozanski, the applicant, is proposing to demolish the existing buildings and construct a 12-unit apartment building on the south side of Pontiac Lake Road.

## **Planner's Report**

At its February 18, 2021 meeting the Planning Commission recommended approval of the preliminary site plan to the Township Board. Variances were required, and at its February 25, 2021 meeting the Zoning Board of Appeals (ZBA) denied all of the requested variances. A revised site plan was submitted to address some of the comments from the February ZBA meeting. At its June 17, 2021 meeting the Planning Commission recommended approval of the revised preliminary site plan, subject to the applicant receiving approval from the ZBA.

Some changes between the prior proposal and current request include:

- Reduction of two units, from 14 to 12.
- Overall reduction in building size of 1,096 square feet.
  - 368 square foot reduction on both the first floor and garden level.
  - 360 square foot reduction on the second floor.
- The building, including balconies and patios, was moved out of the 25-foot Natural Features setback from the wetland.
- The proposed sidewalk was relocated within the Pontiac Lake Road right-of-way.

The project consists of one two-story building with a garden level (basement) totaling 11,871 square feet in size with six, two-bedroom units and six, one-bedroom units. The garden (basement) and first levels are each 3,997 square feet in size and contain two, one-bedroom units and two, two-bedroom units; the second level is 3,877 square feet in size and contains two, one-bedroom units and two, two-bedroom units. All of the one-bedroom units are 680 square feet in size and all of the two-bedroom units are 1,005 square feet in size. The floor plans show all of the two-bedroom units include an area labeled "bedroom/study." All of these rooms contain a closet and window and could be converted to a third bedroom with a wall extension and door.



The units would still meet the minimum floor area required per dwelling unit if the two-bedroom units were converted to three-bedroom units in the future. For multiple-family residential, one-bedroom/efficiency units must be a minimum of 400 square feet in area, two-bedroom units must be a minimum of 700 square feet in area, and three-bedroom units must be a minimum of 850 square feet in area. Additionally, the lot size would still be sufficient if the two-bedroom units became three-bedroom units in the future. For a 12-unit building consisting of six, one-bedroom units and six, two-bedroom units, the minimum lot size required is 51,000 square feet (1.17 acres). An additional 2,500 square feet of lot area is required (and available) to accommodate the conversion of the two-bedroom units to three-bedroom units. For reference, the minimum lot area method of calculation is: 10,000 square feet for the first unit, plus 3,500 square feet for each additional one-bedroom unit, 4,000 square feet for each additional two-bedroom unit, and 4,500 square feet for each additional three-bedroom unit.

The minimum side yard setback in the RM-2 zoning district is 70 feet on one side, 100 feet total of two sides. The proposed side yard west of the building is 40 feet; therefore, a 30-foot variance is being requested. To the east of the building the proposed side yard is 30 feet. For reference, the property to the east is zoned R1-C (Single Family Residential) and the property to the west is zoned RM-2. On the previous plan, the east side yard was 27.7-feet and the west side yard was 30-feet. A 42.3-foot variance was previously requested for the east side yard. Overall, the side yard variance request was reduced by 12.3-feet, from 42.3-feet to 30-feet.

Parking setback variances are also being requested. The zoning ordinance requires parking for non-single family residential and non-residential uses to meet the front yard setback requirement of the underlying zoning district; however, parking in a required front yard may be permitted, except for the first 20 feet which must be a greenbelt and landscaped in conformance with the standards of the ordinance. The minimum front yard setback in the RM-2 zoning district is 40 feet. At its closest point (the northwest corner) the parking lot is located 10 feet from the south right-of-way line of Pontiac Lake Road. A 20-foot greenbelt is not proposed, so the applicant is requesting a 30-foot variance for the front parking setback.

Parking for non-single family residential and non-residential uses may be permitted in a side yard setback, if all greenbelt and/or screening requirements of the ordinance have been met. The zoning ordinance offers options to provide an appropriate amount of screening between properties based on the zoning of an adjacent parcel. Following are the screening options outlined in the zoning ordinance based on the zoning of the subject site and adjacent properties to the east and west:

- Land Form Buffer
  - Height: 3-foot berm with a 2-foot crown and maximum 3:1 slope; 20 feet in width
  - Planting Requirements: 1 large deciduous, 1 evergreen tree and 8 shrubs for every 30 linear feet

- Buffer Strip and Obscuring Fence
  - 1 large deciduous or evergreen tree and 4 shrubs for every 15 linear feet; 20 feet in width
  - 6-foot-tall fence
  
- Screen Wall
  - Height: 6 feet
  - Width: 8 inches of brick, or decorative concrete
  - Planting Requirements: 5-foot greenbelt (1 large deciduous or evergreen tree and 8 shrubs for every 30 linear feet) adjacent to screen wall for its entire length

The parking lot is located five feet from the west side lot line and 13.5 feet from the east side lot line, with no screening as previously described proposed; therefore, the applicant is requesting a 65-foot variance for the west side parking setback and a 16.5-foot variance for the east side parking setback. On the previous plan, the east and west sides of the parking lot were both located five feet from the side lot lines, and the requested variances were 25-feet on the west side 65-feet on the east side.

Article 5, Section 19.N.i.C states trash enclosures are not permitted within a required front yard setback, nor closer to the front lot line than the principal building. The proposed dumpster enclosure is located closer to Pontiac Lake Road than the apartment building, and does not meet the front yard setback. A 38-foot variance is required to encroach into the front yard, and a 2.5-foot variance is required to encroach into the front yard setback. Since the previous plan, the projection in front of the building was reduced eight feet (from 46 feet).

The zoning ordinance requires curbing for the construction of a parking area in order to control stormwater flow from the parking area and in order to protect landscape areas, such as landscape islands and other plantings. Stormwater is proposed to be detained by installation of underground detention with a pre-treatment structure. A permit is required from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for discharge into the Huron River/wetland. Article 5, Section 19.B.v states all required landscape areas and screen walls which abut vehicular drives, parking or other use areas shall be separated from the vehicular use area with a six (6) inch minimum curb of concrete construction. Additionally, Article 5, Section 11.Q.xviii states concrete curbing shall be provided at the end of all parking areas and stalls. The submitted site plan does not show the required curbing. Therefore, the applicant is requesting a variance to waive the installation of curbing.

In the RM-2 zoning district the minimum lot width is 200 feet. At 170-feet wide, the applicant is requesting a 30-foot variance to address the width deficiency.

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 3.1.9.E          | Side yard setback  | 70 feet on one side,<br>100 feet total      | 30 feet (west)                                | 40 feet  |
| 2                 | Article 3.1.9.E          | Minimum lot width  | 200 feet                                    | 30 feet                                       | 170 feet                                       |
| 3                 | Article 5.11.Q.xviii     | Off-Street Parking Space Layout, Standards, Construction and Maintenance | Concrete Curbing                            | Waive the installation of concrete curbing    | No concrete curbing                            |
| 4                 | Article 5.11.A.iii       | Parking setback – side yard  | 30 feet – east<br>70 feet – west            | 16.5 feet – east<br>65 feet – west            | 13.5 feet (east)<br>5 feet (west)              |
| 5                 | Article 5.11.A.iv        | Parking setback – front yard   | 40 feet                                     | 30 feet                                       | 10 feet  |
| 6                 | Article 5.19.N.i.C       | Dumpsters & trash storage enclosures                                     | 40 feet – front yard<br>0 feet – projection | 2.5 feet – front yard<br>38 feet – projection | 37.5 feet – front yard<br>38 feet – projection |

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

**Approval:** I move to approve the variances requested by John Rozanski from Articles 3.1.9.E, 5.11.Q.xviii, 5.11.A.iii, 5.11.A.iv, and 5.19.N.i.C of the Zoning Ordinance for Parcel Number 12-13-328-003, identified as 8565 Pontiac Lake Road, in order to construct an apartment building that would encroach 30 feet into the required west side yard setback. Parking setback variances are granted to encroach 30 feet into the required front yard setback, 65 feet into the required west side yard setback, and 16.5 feet into the required east side yard setback. A 2.5-foot variance and 38-foot variance are granted to allow the dumpster enclosure to encroach into the required front yard setback and project in front of the principal building. A variance is granted to waive the installation of curbing. A 30-foot variance from the required lot width is also granted. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The Applicant shall receive preliminary site plan approval from the Township Board and final site plan approval from the Planning Commission.
- A permit from the Road Commission for Oakland County (RCOC) shall be required for all work within the Pontiac Lake Road right-of-way.
- A permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall be required for stormwater discharge into the Huron River/wetland.

**Denial:** I move to deny the variances requested by John Rozanski for Parcel Number 12-13-328-003, identified as 8565 Pontiac Lake Road, due to the following reason(s):

**Table:** I move to table the variance requests of John Rozanski for Parcel Number 12-13-328-003, identified as 8565 Pontiac Lake Road, to consider comments stated during this public hearing.

## **Attachments:**

1. Variance application dated May 20, 2021.
2. Existing conditions plan dated April 26, 2019 (revision date May 12, 2021).
3. Preliminary site plan dated January 30, 2020 (revision date May 12, 2021).
4. Architectural site plan, floor plans, and elevations dated May 20, 2021.

### 7.37 STANDARDS

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

A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.

B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

C. Not self created: The applicants problem is not self created.

D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).

E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.

F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:

i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;

ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

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

RECEIVED

MAY 20 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

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

APPLICANT'S NAME: John Rozanski PHONE: 248 231-8529  
ADDRESS: 2704 Wabun Rd  
APPLICANT'S EMAIL ADDRESS: nemventures1@gmail.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

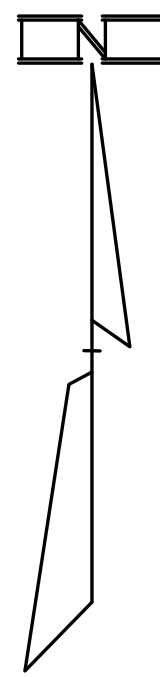
ADDRESS OF AFFECTED PROPERTY: 8565 Pontiac Lk Rd PARCEL # 12-13-323-003  
CURRENT ZONING: RM2 PARCEL SIZE: \_\_\_\_\_

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_  
VALUE OF IMPROVEMENT: \$ \_\_\_\_\_ SEV OF EXISTING STRUCTURE: \$ \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICATION FEE: 440.00 (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE: John Rozanski DATE: 5-20-21



W 1/4 COR SECTION 13, T.3N., R.8E., WHITE LAKE TOWNSHIP OAKLAND CO., MICH. L. 18319, P. 454

POINT OF COMMENCEMENT - S.E. COR. OF "ENGLISH VILLAS SUBDIVISION" L. 51, P. 22

CALC. CENTER POST SEC. 13, T.3N., R.8E., WHITE LAKE TOWNSHIP OAKLAND CO., MICH. S 100° 00' 00" W 100.00' C&M 159.70' C&M

**Benchmark Notes**

- #1) NGS REFERENCE MARK DESIGNATION 63649, PID D16195 ELEVATION: 957.24 NAVD88
- #2) (SITE BM) SET NAIL IN NORTH FACE OF UTILITY POLE LOCATED NEAR THE SOUTHWESTERLY RIGHT OF WAY LINE OF PONTIAC LAKE ROAD @ ADDRESS # 8565. ELEVATION: 968.36 NAVD88

**Zoning Requirements**

**RM-2 MULTIPLE FAMILY RESIDENTIAL**

- LOT - MIN. AREA: FT.<sup>2</sup>
- MIN. WIDTH: 200 FT.
- COVERAGE - MAX. BUILDING: 20%
- SETBACKS - FRONT YARD: 40 FT.
- REAR YARD: 45 FT.
- SIDE YARD: 70 FT.
- SIDE TOTAL: 100 FT.
- HEIGHT - MAX. BUILDING: 35 FT./ 2 STY.

**R1-D SINGLE FAMILY RESIDENTIAL**

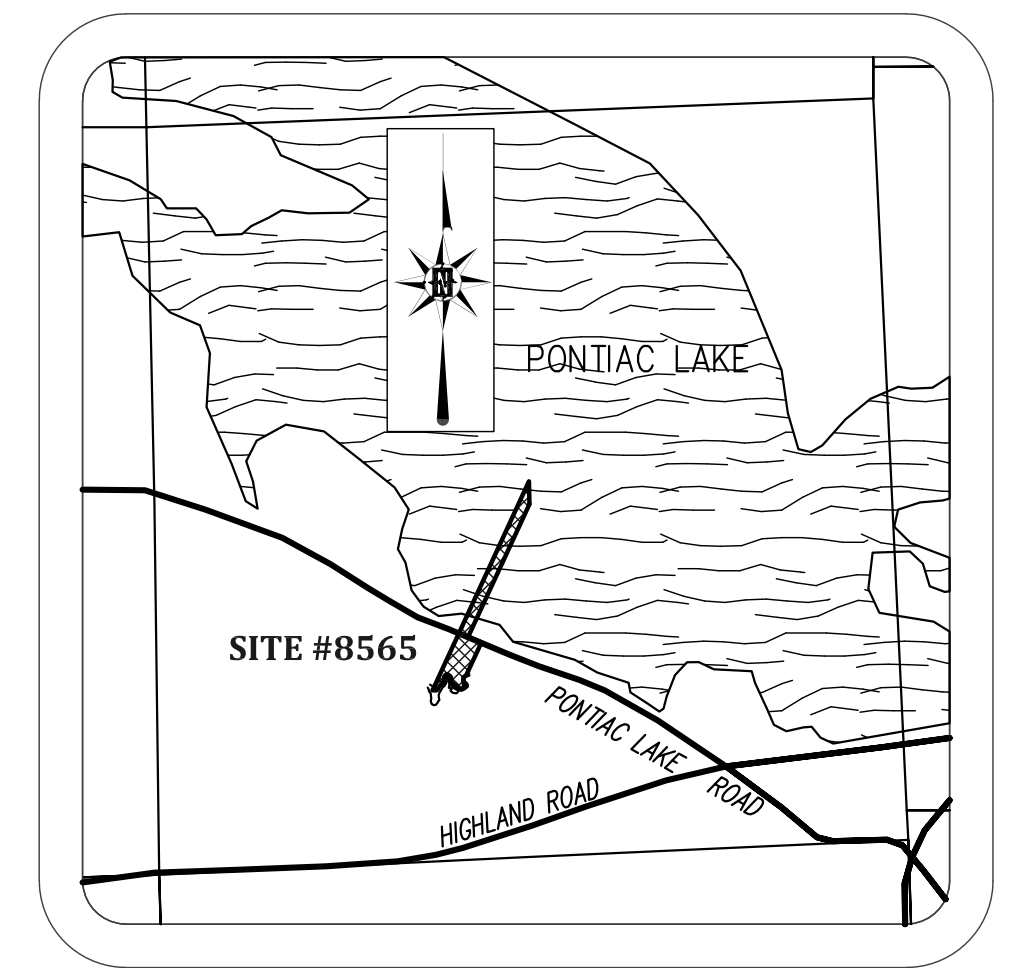
- LOT - MIN. AREA: 12,000 FT.<sup>2</sup>
- MIN. WIDTH: 80 FT.
- COVERAGE - MAX. BUILDING: 20%
- SETBACKS - FRONT YARD: 30 FT.
- REAR YARD: 30 FT.
- SIDE YARD: 10 FT.
- SIDE TOTAL: 20 FT.
- HEIGHT - MAX. BUILDING: 25 FT./ 2 STY.

**EXISTING CONDITIONS**

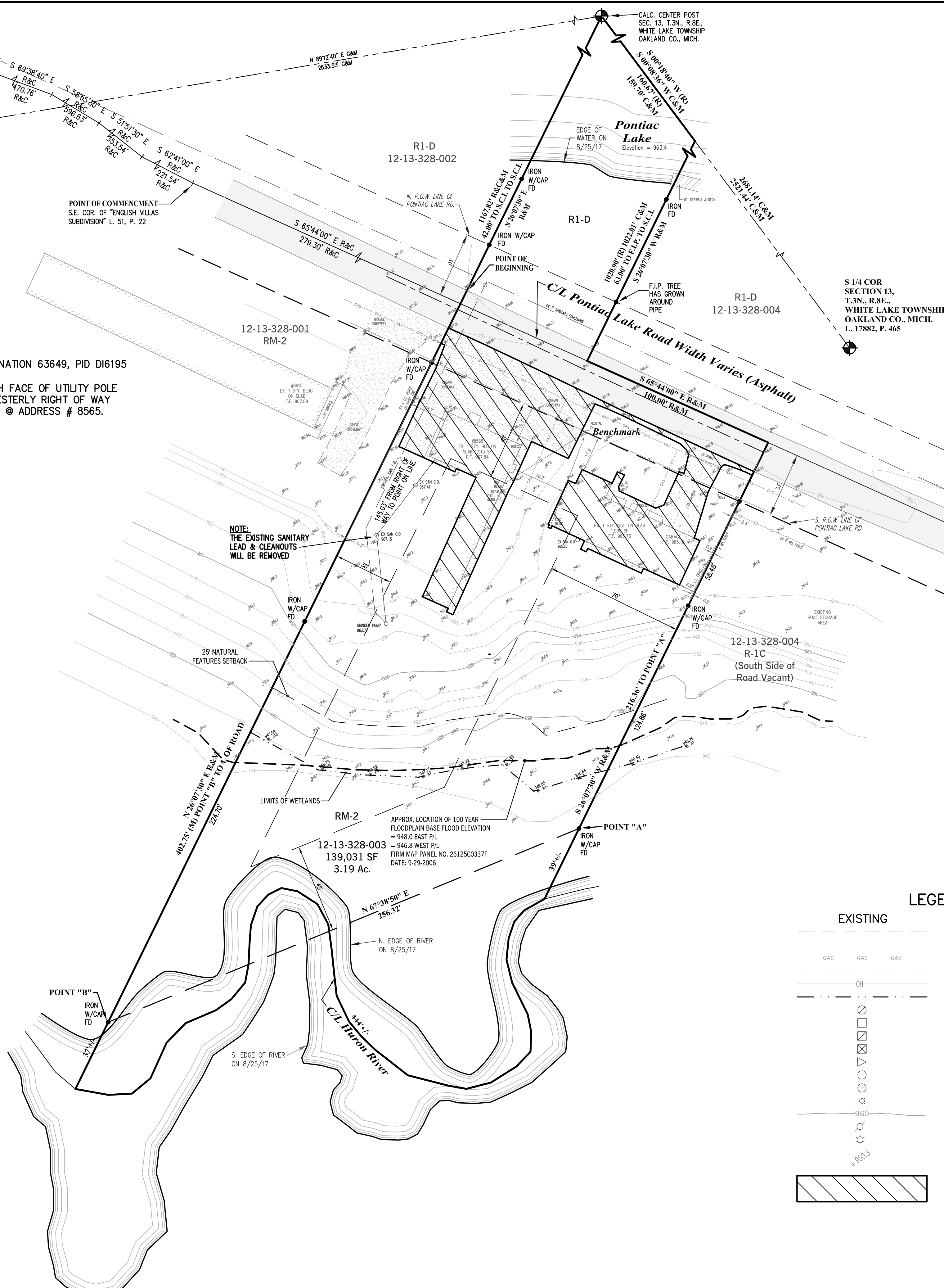
- LOT AREA: 139,031 FT.<sup>2</sup>
- WIDTH: ≈ 170 FT.
- COVERAGE - 3,820 FT.<sup>2</sup> - 2.7%

**PROPOSED CONDITIONS - SEE NOTES SHEET 2**

- COVERAGE - ADDITION: XXX.X FT.<sup>2</sup>
- TOTAL BLD.: X,XXX.X FT.<sup>2</sup> XX.X%
- TOTAL IMP.: X,XXX.X FT.<sup>2</sup> XX.X%



**SITE LOCATION MAP**  
(NO SCALE)



NOTE: THE EXISTING SANITARY LEAD & CLEANOUTS WILL BE REMOVED

25' NATURAL FEATURES SETBACK

APPROX. LOCATION OF 100 YEAR FLOODPLAIN BASE FLOOD ELEVATION = 948.0 EAST P.I. = 946.8 WEST P.I. FIRM MAP PANEL NO. 26125C0337F DATE: 9-29-2005

**LEGEND**

- EXISTING
- GAS
- STORM SEWER
- SANITARY SEWER
- GAS MAIN
- ELEC. TELE. CABLE
- EXISTING OVERHEAD
- WETLAND LIMITS
- STORM MANHOLE
- CATCH BASIN
- INLET
- REARYARD CATCH BASIN
- END SECTION
- SANITARY MANHOLE
- GATE VALVE AND WELL
- HYDRANT
- CONTOURS
- POWER POLE
- LIGHT POLE
- GRADE
- DEMOLITION LIMITS

**Parcel 12-13-328-003:**

LEGAL DESCRIPTION AS RECORDED L. 50535, P. 481

PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 3 NORTH, RANGE 8 EAST, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTERLINE OF PONTIAC TRAIL ROAD, SAID POINT BEING DISTANT SOUTH 65 DEGREES 44 MINUTES EAST 279.3 FEET; THENCE NORTH 26 DEGREES 07 MINUTES 30 SECONDS EAST 1167.82 FEET TO A POINT IN PONTIAC LAKE; THENCE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS WEST ALONG THE NORTH-SOUTH 1/4 LINE 166.67 FEET TO A POINT IN PONTIAC LAKE; THENCE SOUTH 26 DEGREES 07 MINUTES 30 SECONDS WEST 1020.9 FEET TO A POINT IN THE CENTERLINE OF PONTIAC LAKE ROAD; THENCE SOUTH 65 DEGREES 44 MINUTES 00 SECONDS EAST ALONG SAID CENTERLINE OF PONTIAC LAKE ROAD 100.00 FEET; THENCE SOUTH 26 DEGREES 07 MINUTES 30 SECONDS WEST 265 FEET, MORE OR LESS, TO THE CENTERLINE OF HURON RIVER; THENCE SOUTHWESTERLY ALONG CENTERLINE OF HURON RIVER 230 FEET, MORE OR LESS; THENCE NORTH 26 DEGREES 07 MINUTES 30 SECONDS EAST 400 FEET, MORE OR LESS, TO TO THE POINT OF BEGINNING;

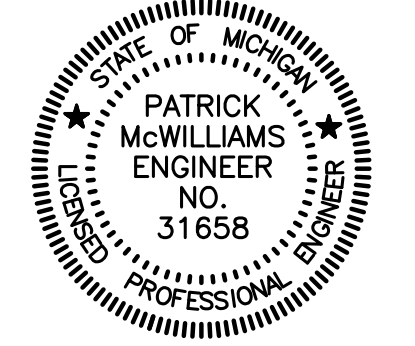
LEGAL DESCRIPTION AS SURVEYED  
PARCEL ID# 12-13-328-003  
COMMONLY KNOWN AS: 8565 PONTIAC LAKE ROAD

PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 3 NORTH, RANGE 8 EAST, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTERLINE OF PONTIAC TRAIL ROAD, SAID POINT BEING DISTANT SOUTH 65 DEGREES 44 MINUTES 00 SECONDS EAST 279.30 FEET FROM THE SOUTHEAST CORNER OF "ENGLISH VILLAS SUBDIVISION" BEING PART OF SECTIONS 11, 13 & 14, TOWN 3 NORTH, RANGE 8 EAST, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 51 OF PLATS ON PAGES 22 & 23 OF OAKLAND COUNTY RECORDS, SAID SOUTHEAST CORNER BEING DISTANT THE FOLLOWING SIX (6) COURSES FROM THE WEST 1/4 CORNER OF SAID SECTION 13: (1) NORTH 00 DEGREES 14 MINUTES 10 SECONDS EAST 35.16 FEET TO A POINT ON THE CENTERLINE OF PONTIAC LAKE ROAD, (2) SOUTH 72 DEGREES 07 MINUTES 40 SECONDS EAST 459.17 FEET ALONG SAID CENTERLINE, (3) SOUTH 69 DEGREES 38 MINUTES 40 SECONDS EAST 470.76 FEET ALONG SAID CENTERLINE, (4) SOUTH 58 DEGREES 35 MINUTES 30 SECONDS EAST 596.63 FEET ALONG SAID CENTERLINE, (5) SOUTH 51 DEGREES 51 MINUTES 30 SECONDS EAST 353.54 FEET ALONG SAID CENTERLINE AND (6) SOUTH 62 DEGREES 41 MINUTES 00 SECONDS EAST 221.54 FEET ALONG SAID CENTERLINE; THENCE NORTH 26 DEGREES 07 MINUTES 30 SECONDS EAST 1167.82 FEET TO THE CENTER OF SAID SECTION 13 AS CALCULATED, SAID CENTER OF SECTION AS CALCULATED FALLS IN PONTIAC LAKE; THENCE SOUTH 00 DEGREES 08 MINUTES 36 SECONDS WEST ALONG THE NORTH-SOUTH 1/4 LINE 159.70 FEET TO A POINT IN PONTIAC LAKE, SAID POINT BEING DISTANT NORTH 00 DEGREES 08 MINUTES 36 SECONDS EAST 2521.44 FEET FROM THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE SOUTH 26 DEGREES 07 MINUTES 30 SECONDS WEST 1022.01 FEET TO A POINT IN THE CENTERLINE OF PONTIAC LAKE ROAD; THENCE SOUTH 65 DEGREES 44 MINUTES 00 SECONDS EAST ALONG SAID CENTERLINE OF PONTIAC LAKE ROAD 100.00 FEET; THENCE SOUTH 26 DEGREES 07 MINUTES 30 SECONDS WEST 235.77 FEET TO A POINT CALLED POINT "A"; THENCE CONTINUING SOUTH 26 DEGREES 07 MINUTES 30 SECONDS WEST 20 FEET, MORE OR LESS, TO THE CENTERLINE OF HURON RIVER; THENCE SOUTHWESTERLY ALONG CENTERLINE OF HURON RIVER 444 FEET, MORE OR LESS; THENCE NORTH 26 DEGREES 07 MINUTES 30 SECONDS EAST 44 FEET, MORE OR LESS TO POINT "B"; SAID POINT "B" BEING DISTANT SOUTH 71 DEGREES 46 MINUTES 07 SECONDS WEST 237.64 FEET FROM SAID POINT "A"; THENCE CONTINUING NORTH 26 DEGREES 07 MINUTES 30 SECONDS EAST 396.40 FEET TO THE POINT OF BEGINNING;

CONTAINING 3.19 ACRES OF LAND MORE OR LESS, SUBJECT TO THE RIGHTS OF THE PUBLIC FOR PONTIAC LAKE ROAD OVER THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LOCATED 33 FEET ON BOTH SIDES AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID PONTIAC LAKE ROAD. ALSO SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF USE OR RECORD.

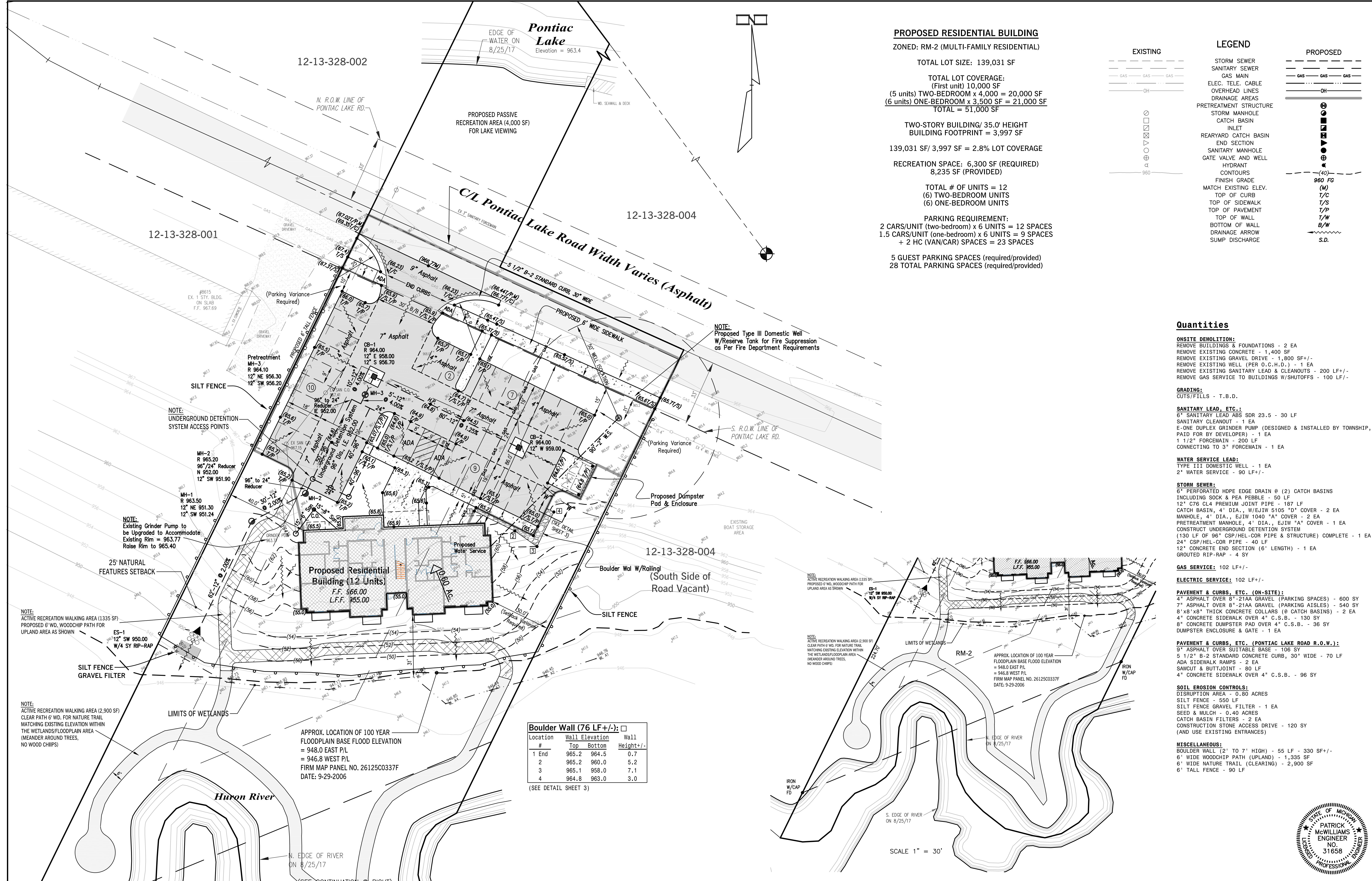
**Sheet Index:**

- 1. Existing Conditions Plan
- 2. Preliminary Site Plan
- 3. Notes, Calculations & Details



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|           |   |   |   |   |         |         |                  |       |   |  |        |          |
|-----------|---|---|---|---|---------|---------|------------------|-------|---|--|--------|----------|
| DATE      | ISSUE   | <b>PROPRIETOR:</b><br>JOHN ROZANSKI<br>2704 WABUM<br>WHITE LAKE, MICHIGAN 48386<br>(248) 231-8529 | <b>THIS DRAWING IS THE PROPERTY OF KIEFT ENGINEERING, INC. AND MAY NOT BE USED, REPRODUCED OR PUBLISHED, IN PART OR IN WHOLE, WITHOUT EXPRESSED WRITTEN PERMISSION FROM KIEFT ENGINEERING, INC.</b> | <b>KIEFT ENGINEERING, INC.</b><br>PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS<br>5852 SOUTH MAIN STREET, SUITE 1, CLARKSTON, MICHIGAN 48346<br>PHONE (248) 625-5251 www.kiefteng.com FAX (248) 625-7110 | DATE    | 4-26-19 | CKD. BY          |       | 72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE) | <b>Existing Conditions Plan</b><br><b>"Pontiac Lake Overlook"</b><br>PART OF THE SW 1/4 OF SECTION 13, T.3N., R.8E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN | SCALE  | 1" = 30' |
| 1-8-2020  | ADDED WETLANDS                                |   |   |   | DRAWN   | GF      |                  | SHEET |   |  | 1 OF 3 |          |
| 6-1-2020  | REVISED BUILDING & PARKING LAYOUT             |   |   |   | DESIGN  | PCM     |                  |       |   |  |        |          |
| 9-15-2020 | REVISED BUILDING & PARKING LAYOUT             |   |   |   | SECTION | 13      | T- 3 -N, R- 8 -E |       |   |  |        |          |
| 11-4-2020 | REVISED FOR SUBMITTAL                         |   |   |   |         |         |                  |       |   |  |        |          |
| 1-21-2021 | REVISED PER DLZ (1-21-21) & MCKENNA (1-23-21) |   |   |   |         |         |                  |       |   |  |        |          |
| 5-12-2021 | REVISED PER CLIENT/ARCHITECT (5-3-2021)       |   |   |   |         |         |                  |       |   |  |        |          |



**PROPOSED RESIDENTIAL BUILDING**  
 ZONED: RM-2 (MULTI-FAMILY RESIDENTIAL)

TOTAL LOT SIZE: 139,031 SF

TOTAL LOT COVERAGE:  
 (First unit) 10,000 SF  
 (5 units) TWO-BEDROOM x 4,000 = 20,000 SF  
 (6 units) ONE-BEDROOM x 3,500 SF = 21,000 SF  
 TOTAL = 51,000 SF

TWO-STORY BUILDING/ 35.0' HEIGHT  
 BUILDING FOOTPRINT = 3,997 SF

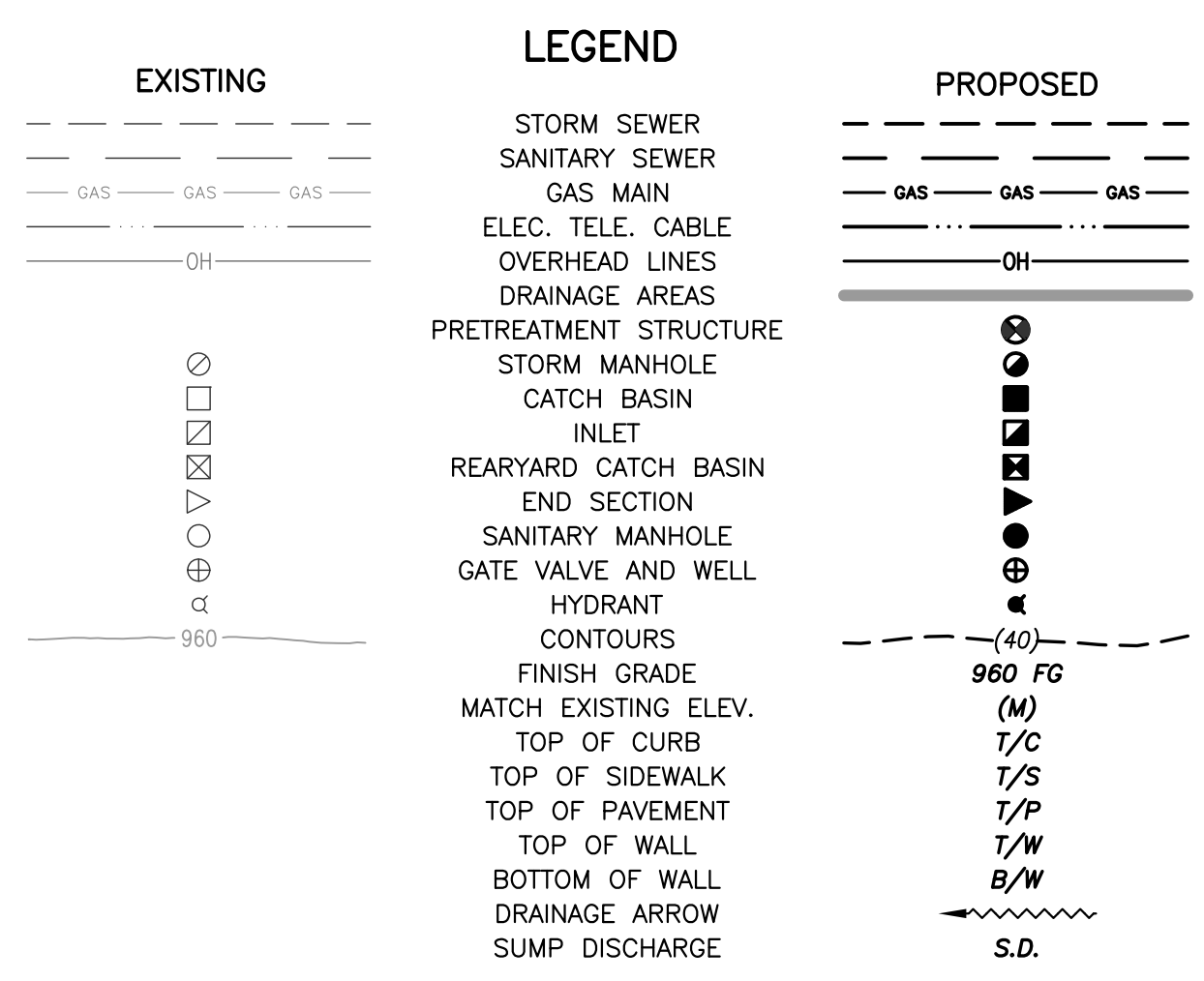
139,031 SF / 3,997 SF = 2.8% LOT COVERAGE

RECREATION SPACE: 6,300 SF (REQUIRED)  
 8,235 SF (PROVIDED)

TOTAL # OF UNITS = 12  
 (6) TWO-BEDROOM UNITS  
 (6) ONE-BEDROOM UNITS

PARKING REQUIREMENT:  
 2 CARS/UNIT (two-bedroom) x 6 UNITS = 12 SPACES  
 1.5 CARS/UNIT (one-bedroom) x 6 UNITS = 9 SPACES  
 + 2 HC (VAN/CAR) SPACES = 23 SPACES

5 GUEST PARKING SPACES (required/provided)  
 28 TOTAL PARKING SPACES (required/provided)



**Quantities**

**ONSITE DEMOLITION:**  
 REMOVE BUILDINGS & FOUNDATIONS - 2 EA  
 REMOVE EXISTING CONCRETE - 1,400 SF  
 REMOVE EXISTING GRAVEL DRIVE - 1,800 SF +/-  
 REMOVE EXISTING WELL (PER O.C.H.D.) - 1 EA  
 REMOVE EXISTING SANITARY LEAD & CLEANOUTS - 200 LF +/-  
 REMOVE GAS SERVICE TO BUILDINGS W/SHUTOFFS - 100 LF +/-

**GRADING:**  
 CUTS/FILLS - T.B.D.

**SANITARY LEAD, ETC.:**  
 6" SANITARY LEAD ABS SDR 23.5 - 30 LF  
 SANITARY CLEANOUT - 1 EA  
 E-ONE DUPLEX GRINDER PUMP (DESIGNED & INSTALLED BY TOWNSHIP, PAID FOR BY DEVELOPER) - 1 EA  
 1 1/2" FORCEMAIN - 200 LF  
 CONNECTING TO 3" FORCEMAIN - 1 EA

**WATER SERVICE LEAD:**  
 TYPE III DOMESTIC WELL - 1 EA  
 2" WATER SERVICE - 90 LF +/-

**STORM SEWER:**  
 6" PERFORATED HDPE EDGE DRAIN @ (2) CATCH BASINS INCLUDING SOCK & PEA PEBBLE - 50 LF  
 12" C76 CL4 PREMIUM JOINT PIPE - 187 LF  
 CATCH BASIN, 4' DIA., W/EJTW 5105 "D" COVER - 2 EA  
 MANHOLE, 4' DIA., EJIW 1040 "A" COVER - 2 EA  
 PRETREATMENT MANHOLE, 4' DIA., EJIW "A" COVER - 1 EA  
 CONSTRUCT UNDERGROUND DETENTION SYSTEM (130 LF OF 96" CSP/HEL-COR PIPE & STRUCTURE) COMPLETE - 1 EA  
 24" CSP/HEL-COR PIPE - 40 LF  
 12" CONCRETE END SECTION (6' LENGTH) - 1 EA  
 GROUTED RIP-RAP - 4 SY

**GAS SERVICE:** 102 LF +/-

**ELECTRIC SERVICE:** 102 LF +/-

**PAVEMENT & CURBS, ETC. (ON-SITE):**  
 4" ASPHALT OVER 8"-21AA GRAVEL (PARKING SPACES) - 600 SY  
 7" ASPHALT OVER 8"-21AA GRAVEL (PARKING AISLES) - 540 SY  
 8"x8"x8" THICK CONCRETE COLLARS (@ CATCH BASINS) - 2 EA  
 4" CONCRETE SIDEWALK OVER 4" C.S.B. - 130 SY  
 8" CONCRETE DUMPSTER PAD OVER 4" C.S.B. - 36 SY  
 DUMPSTER ENCLOSURE & GATE - 1 EA

**PAVEMENT & CURBS, ETC. (PONTIAC LAKE ROAD R.O.W.):**  
 9" ASPHALT OVER SUITABLE BASE - 106 SY  
 5 1/2" B-2 STANDARD CONCRETE CURB, 30" WIDE - 70 LF  
 ADA SIDEWALK RAMPS - 2 EA  
 SAWCUT & BUTTJOINT - 80 LF  
 4" CONCRETE SIDEWALK OVER 4" C.S.B. - 96 SY

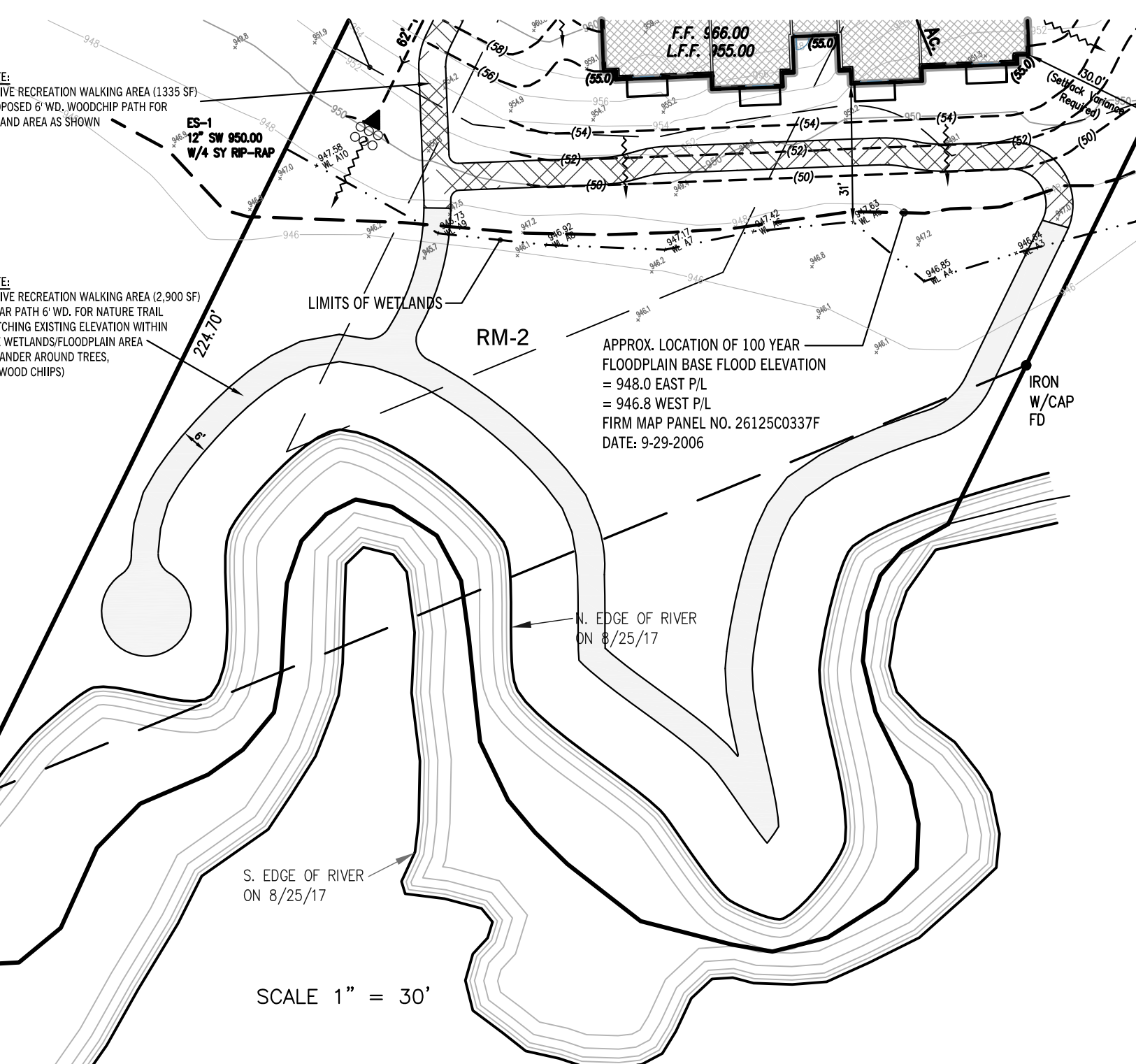
**SOIL EROSION CONTROLS:**  
 DISRUPTION AREA - 0.80 ACRES  
 SILT FENCE - 550 LF  
 SILT FENCE GRAVEL FILTER - 1 EA  
 SEED & MULCH - 0.40 ACRES  
 CATCH BASIN FILTERS - 2 EA  
 CONSTRUCTION STONE ACCESS DRIVE - 120 SY  
 (AND USE EXISTING ENTRANCES)

**MISCELLANEOUS:**  
 BOULDER WALL (2' TO 7' HIGH) - 55 LF - 330 SF +/-  
 6" WIDE WOODCHIP PATH (UPLAND) - 1,335 SF  
 6" WIDE NATURE TRAIL (CLEARING) - 2,900 SF  
 6' TALL FENCE - 90 LF

**Boulder Wall (76 LF +/-):**

| Location | Wall Elevation | Wall   |            |
|----------|----------------|--------|------------|
| #        | Top            | Bottom | Height +/- |
| 1 End    | 965.2          | 964.5  | 0.7        |
| 2        | 965.2          | 960.0  | 5.2        |
| 3        | 965.1          | 958.0  | 7.1        |
| 4        | 964.8          | 963.0  | 3.0        |

(SEE DETAIL SHEET 3)



| DATE      | ISSUE   |
|-----------|---|
| 6-1-2020  | REVISED BUILDING & PARKING LAYOUT             |
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| 5-12-2021 | REVISED PER CLIENT/ARCHITECT (5-3-2021)       |

**PROPRIETOR:**  
 JOHN ROZANSKI  
 2704 WABUM  
 WHITE LAKE, MICHIGAN 48386  
 (248) 231-8529

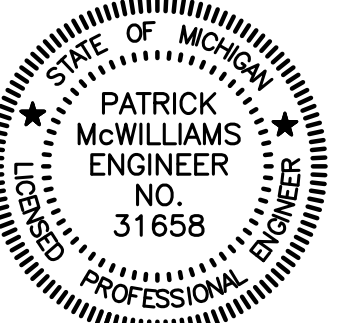
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 5852 SOUTH MAIN STREET, SUITE 1, CLARKSTON, MICHIGAN 48346  
 PHONE (248) 625-5251 www.kiefteng.com FAX (248) 625-7110

| DATE    | 1-30-2020 | CKD. BY         | DATE |
|---------|-----------|-----------------|------|
| DRAWN   | GF        |                 |      |
| DESIGN  | PCM       |                 |      |
| SECTION | 13        | T-3 -N- R-8 -E- |      |

**Preliminary Site Plan**  
 "Pontiac Lake Overlook"  
 PART OF THE SW 1/4 OF SECTION 13, T.3N., R.8E.,  
 WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN



SCALE 1" = 20'  
 SHEET 2 OF 3  
 KE 2019.071



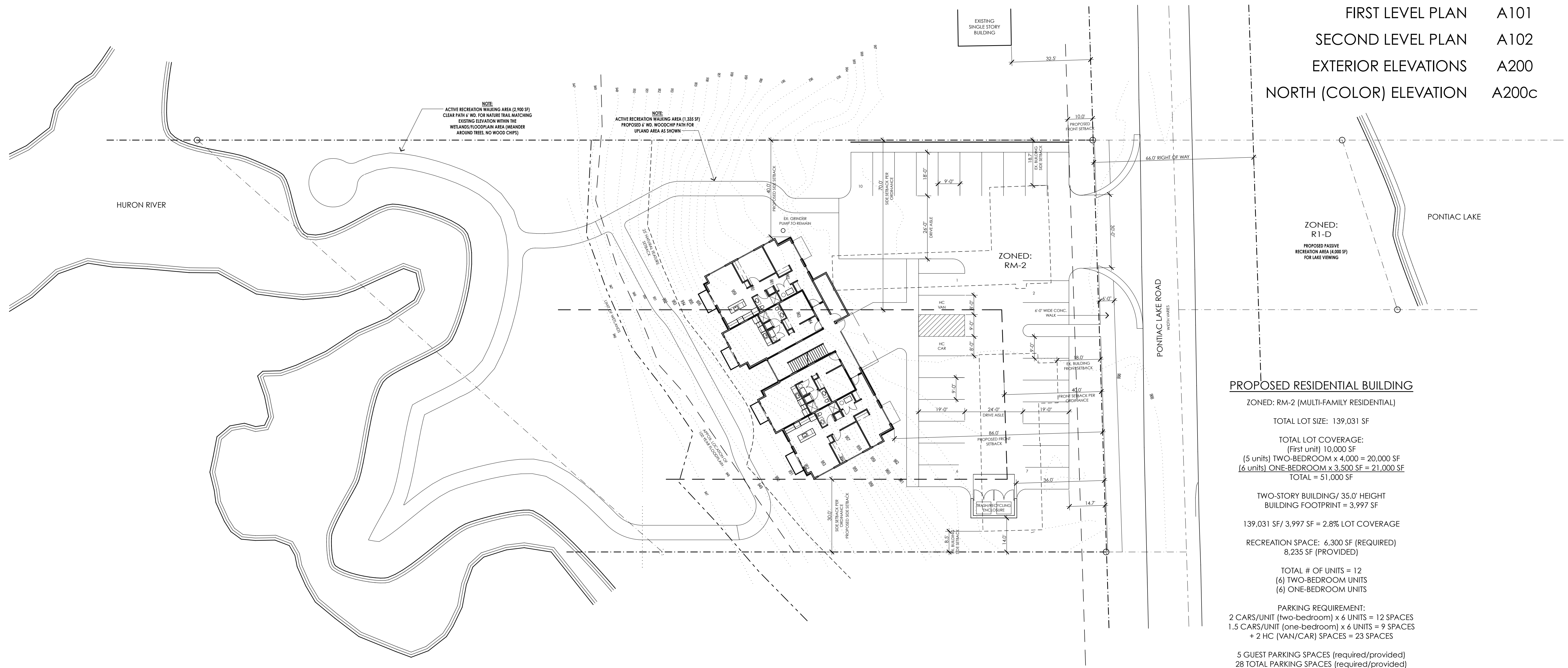


# 12-UNIT RESIDENTIAL BUILDING

8565 PONTIAC LAKE ROAD  
WHITE LAKE TOWNSHIP, MICHIGAN

## ARCHITECTURAL SHEET INDEX:

|                         |        |
|-------------------------|--------|
| ARCHITECTURAL SITE PLAN | AS00   |
| PRELIMINARY SITE PLAN   | 3 of 3 |
| GARDEN LEVEL PLAN       | A100   |
| FIRST LEVEL PLAN        | A101   |
| SECOND LEVEL PLAN       | A102   |
| EXTERIOR ELEVATIONS     | A200   |
| NORTH (COLOR) ELEVATION | A200c  |



### PROPOSED RESIDENTIAL BUILDING

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TOTAL LOT SIZE: 139,031 SF

TOTAL LOT COVERAGE:

(First unit) 10,000 SF  
(5 units) TWO-BEDROOM x 4,000 SF = 20,000 SF  
(6 units) ONE-BEDROOM x 3,500 SF = 21,000 SF  
TOTAL = 51,000 SF

TWO-STORY BUILDING/ 35.0' HEIGHT

BUILDING FOOTPRINT = 3,997 SF

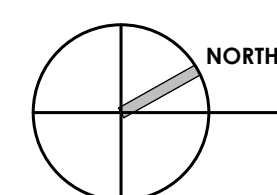
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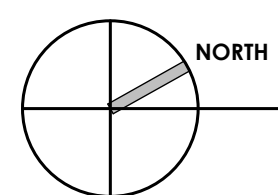
PARKING REQUIREMENT:  
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+ 2 HC (VAN/CAR) SPACES = 23 SPACES

5 GUEST PARKING SPACES (required/provided)  
28 TOTAL PARKING SPACES (required/provided)



## ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

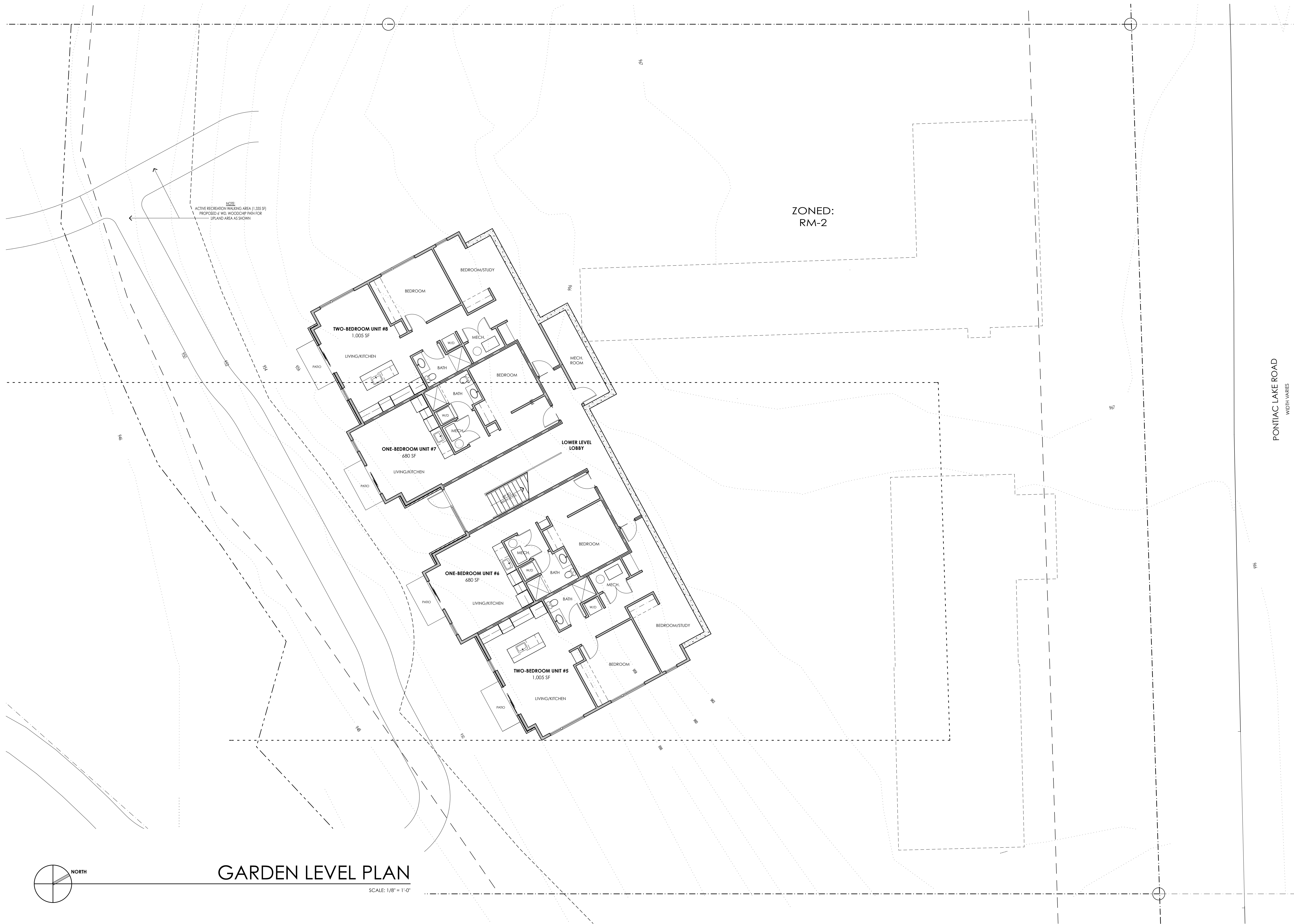


# GARDEN LEVEL PLAN

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

NOTE:  
ACTIVE RECREATION WALKING AREA (1,335 SF)  
PROPOSED & W/D WOODCHIP PATH FOR  
UPLAND AREA AS SHOWN

ZONED:  
RM-2



PONTIAC LAKE ROAD  
WIDTH VARIES

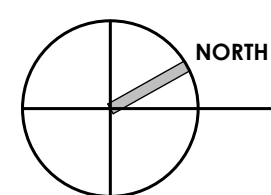
# A100

**PROJECT**  
**12 UNIT-RESIDENTIAL BUILDING**  
8565 PONTIAC TRAIL ROAD  
WHITE LAKE, MICHIGAN

**ISSUE FOR**  
PLANNING COMMISSION SUBMITTAL

**ISSUE DATE**  
05.20.21

**HF:architecture**<sup>®</sup>  
HARMONY | FORM  
512 NORTH MAIN STREET | SUITE 100  
ROYAL OAK | MICHIGAN 48067  
248 | 388 | 8563 | www.hfarchitecture.com



NORTH

# MAIN LEVEL PLAN

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

NOTE:  
ACTIVE RECREATION WADING AREA (1,335 SF)  
PROPOSED W/ WOODCHIP PATH FOR  
UPLAND AREA AS SHOWN

EX. GRINDER  
PUMP

ZONED:  
RM-2

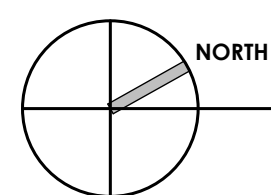
6'-0" TALL FENCE

NEW 6'-0" WIDE  
CONCRETE WALK

PONTIAC LAKE ROAD  
WIDTH VARIES

NEW 6'-0" WIDE  
CONCRETE WALK

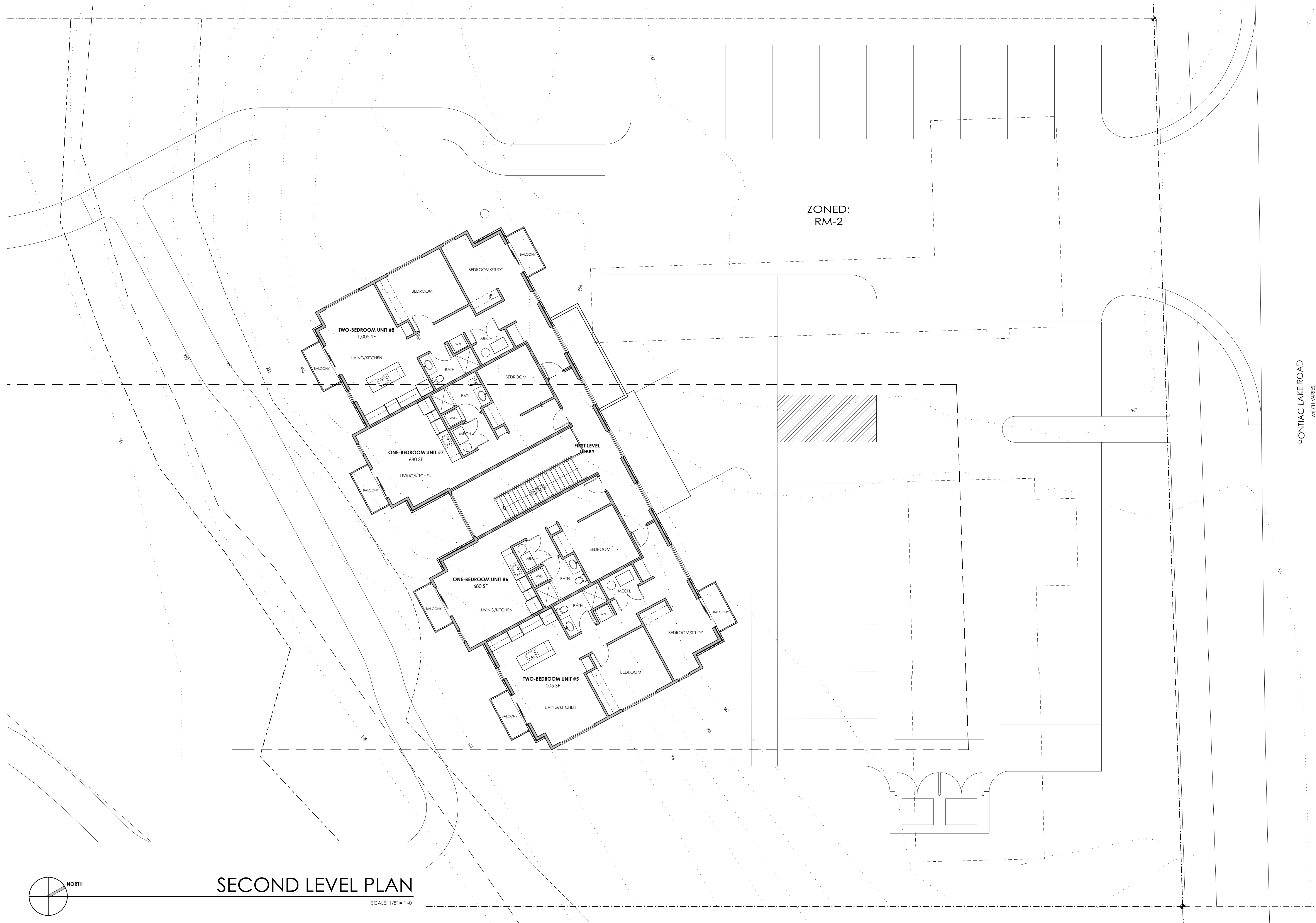




NORTH

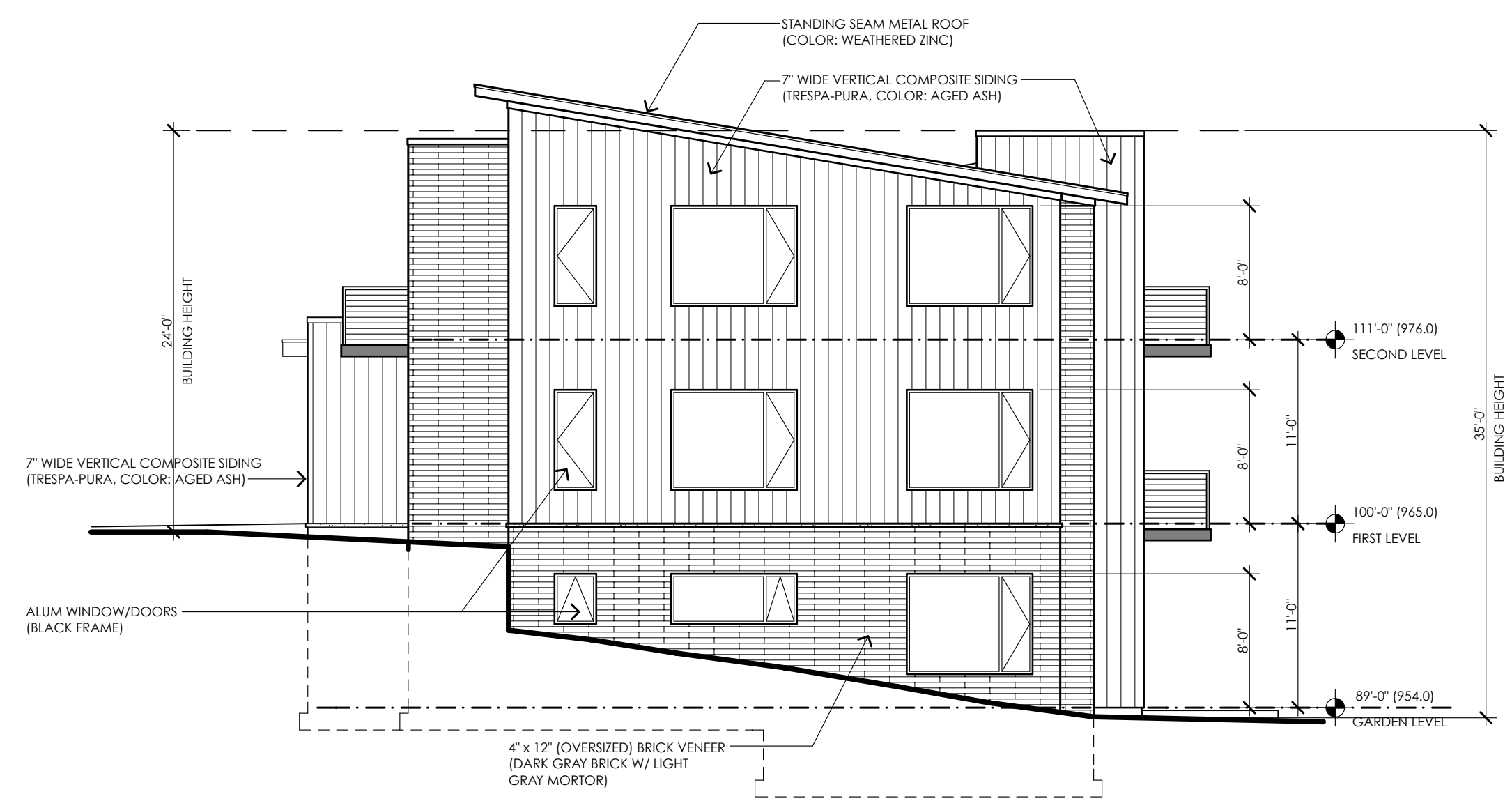
# SECOND LEVEL PLAN

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



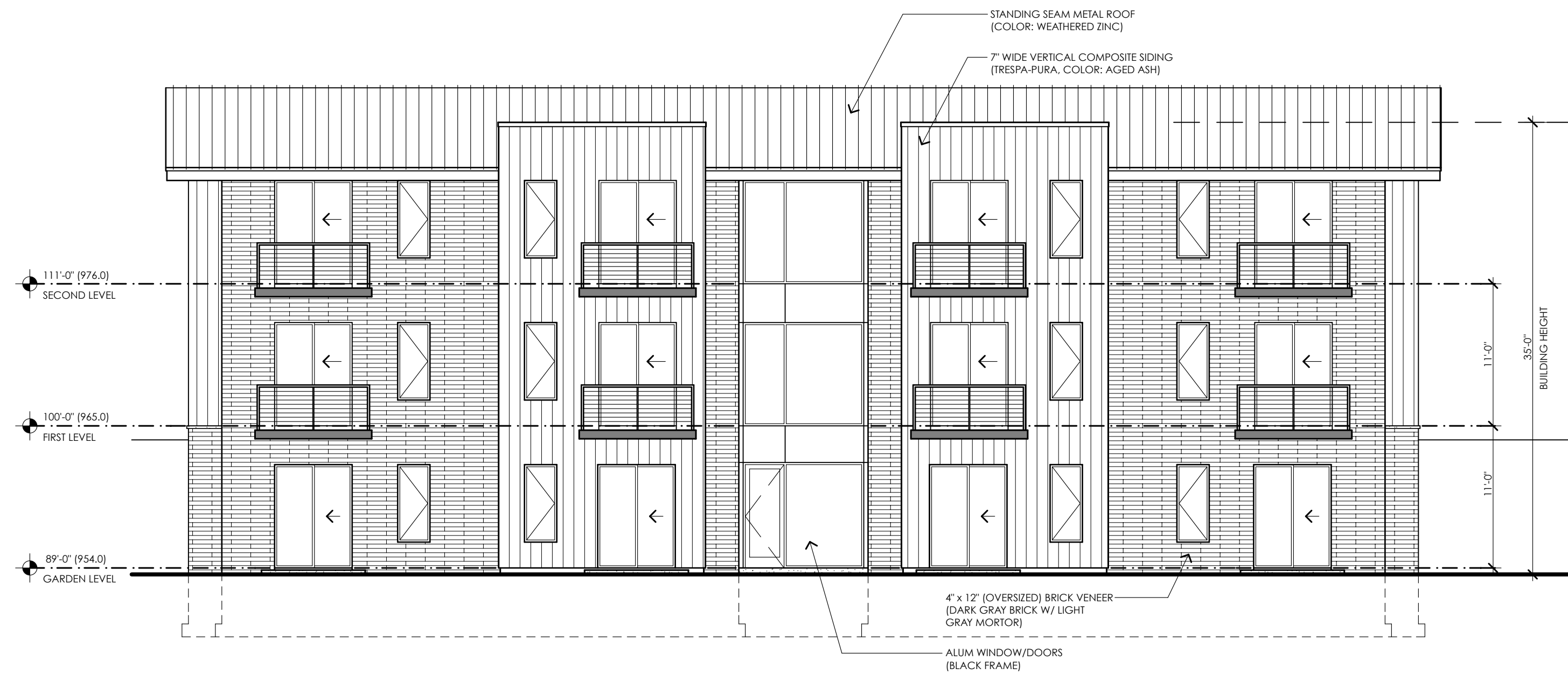
ZONED:  
RM-2

PONTIAC LAKE ROAD  
WIDTH VARIES



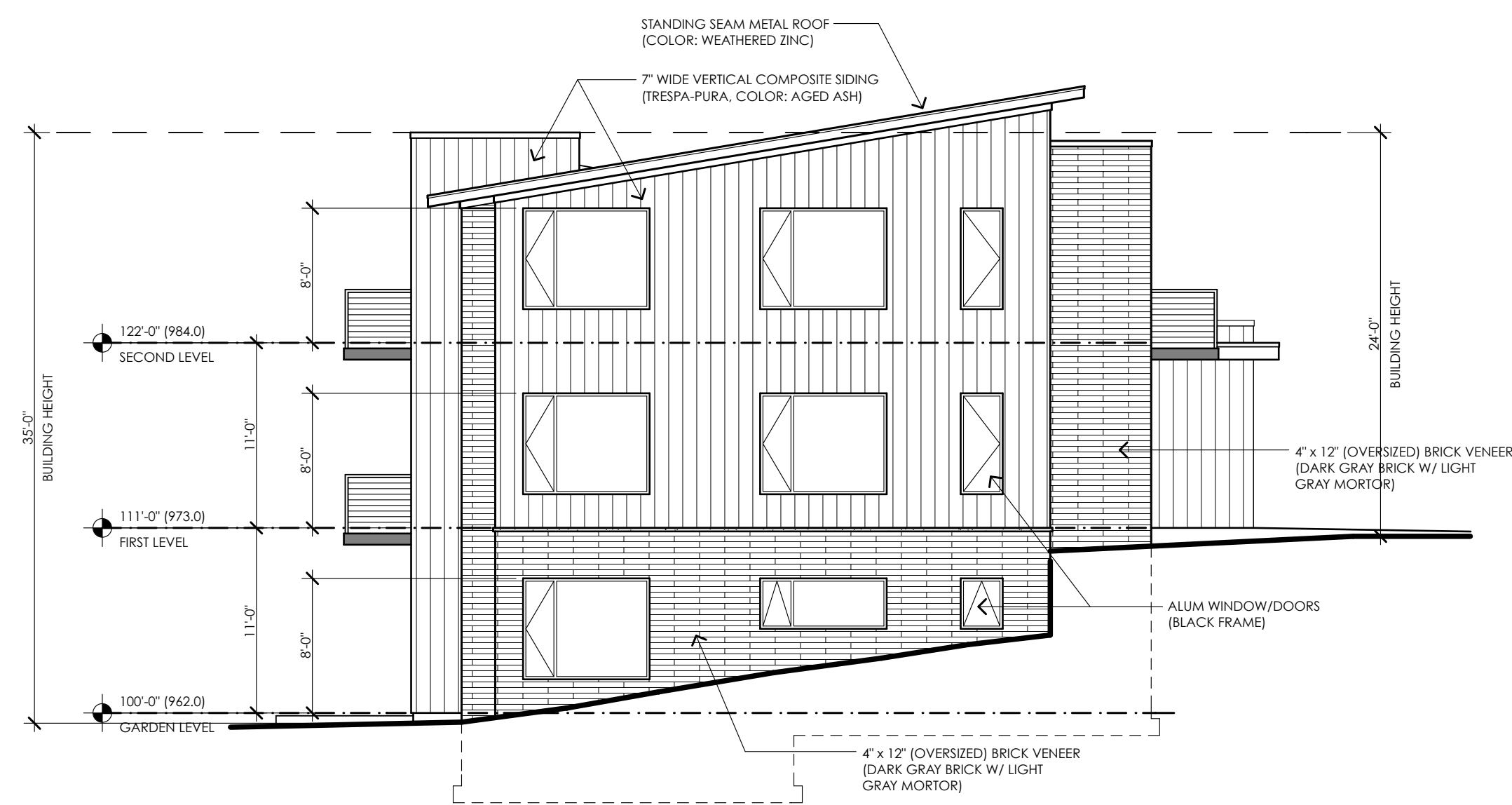
**WEST ELEVATION**

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



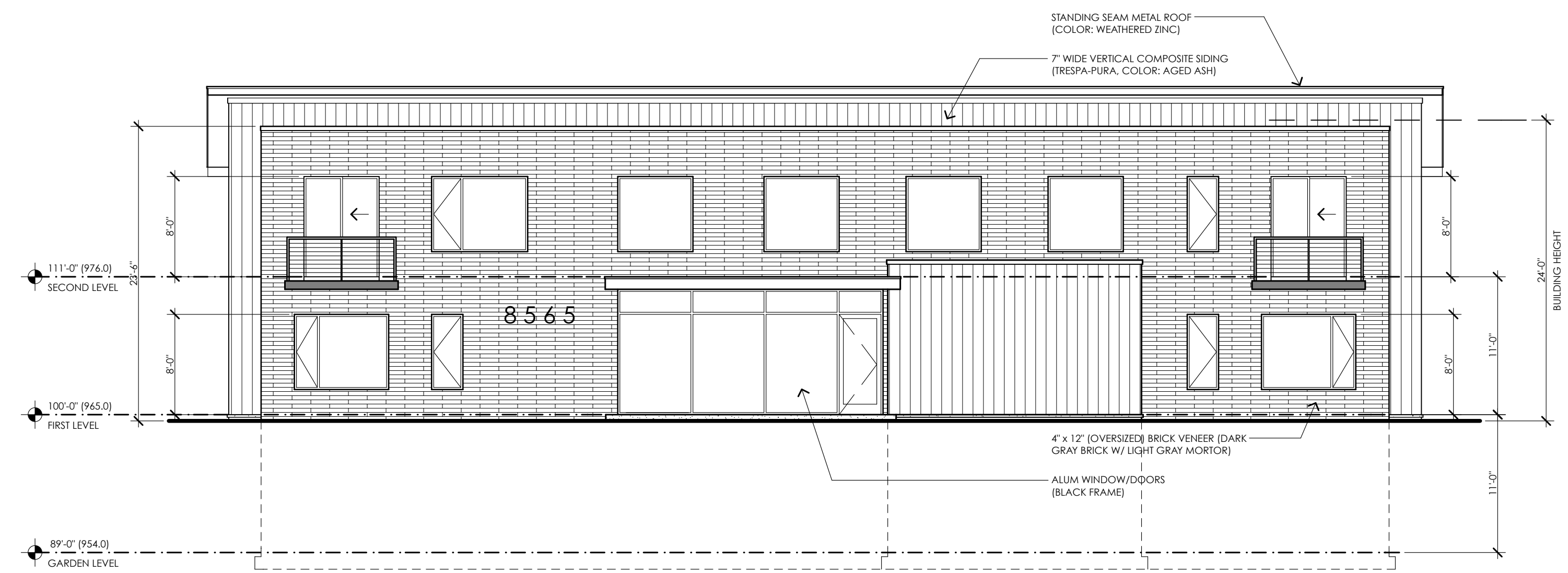
**SOUTH (HURON RIVER) ELEVATION**

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



**EAST ELEVATION**

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



**NORTH (PONTIAC LAKE ROAD) ELEVATION**

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

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** June 24, 2021

---

**Agenda item:** 6b

**Appeal Date:** June 24, 2021

**Applicant:** Scott A. Summers

**Address:** 7032 Biscayne Avenue  
White Lake, MI 48383

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

**Location:** 7032 Biscayne Avenue  
White Lake, MI 48383

## **Property Description**

The approximately 0.622-acre (27,094.32 square feet) parcel identified as 7032 Biscayne Avenue is located on Lake Neva and zoned R1-C (Single Family Residential). The existing house on the property (approximately 1,920 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Scott Summers, the applicant, is proposing to construct an addition to the house. The applicant indicated the project includes adding a deck off the rear addition.

## **Planner's Report**

Currently the existing house is nonconforming; the structure is located 5.3 feet from the east side property line. A minimum 10-foot side yard setback is required in the R1-C zoning district. The parcel is also nonconforming due to an 18.3-foot deficiency in lot width. In the R1-C zoning district the minimum lot width requirement is 100 feet.

The proposed addition is 444 square feet in size and located six 6.6 feet from the east side lot line. The proposed deck is 148 square feet in size. The architectural plans note added area would be 535 square feet. The addition and deck total 592 square feet in size. Additionally, the architectural plans show the roof overhang of the addition located 5.25 feet from the east side property line. With the proposed side setback and 1.5-foot overhang for the addition, the roof would be 5.1 feet from the east side property line. If the Board approves the request, the plans need to be revised for consistency.

Article 7, Section 28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$99,600), the maximum extent of improvements cannot exceed \$49,800. The value of the proposed work is \$96,000. A variance to exceed the allowed value of improvements by 193% is requested.



The requested variances are listed in the following table.

| Variance # | Ordinance Section | Subject                 | Standard           | Requested Variance | Result                             |
|------------|-------------------|-------------------------|--------------------|--------------------|------------------------------------|
| 1          | Article 3.1.5.E   | Side yard setback       | 10 feet            | 3.4 feet (east)    | 6.6 feet (east)                    |
| 2          | Article 3.1.5.E   | Minimum lot width       | 100 feet           | 18.3 feet          | 81.7 feet                          |
| 3          | Article 7.28.A    | Nonconforming structure | 50% SEV (\$49,800) | 193%               | \$46,200 over allowed improvements |

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the variances requested by Scott Summers from Article 3.1.5.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-28-102-003, identified as 7032 Biscayne Avenue, in order to construct an addition that would encroach 3.4 feet into the required east side yard setback and exceed the allowed value of improvements to a nonconforming structure by 193%. An 18.3-foot variance from the required lot width is also granted from Article 3.1.5.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- An as-built survey shall be required to verify the roof overhang setback from the east side lot line.
- The plans shall be revised for consistency to clarify the roof overhang setback.

**Denial:** I move to deny the variances requested by Scott Summers for Parcel Number 12-28-102-003, identified as 7032 Biscayne Avenue, due to the following reason(s):

**Table:** I move to table the variance requests of Scott Summers for Parcel Number 12-28-102-003, identified as 7032 Biscayne Avenue, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated May 26, 2021.
2. Sketch of survey dated May 25, 2021.
3. Addition plans (revision date May 27, 2021).
4. Letter of denial from the Building Department dated May 26, 2021.

### 7.37 STANDARDS

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

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

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

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

RECEIVED

MAY 26 2021 CHARTER TOWNSHIP OF WHITE LAKE

Zoning Board of Appeals

APPLICATION

BUILDING DEPARTMENT

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

APPLICANT'S NAME: SCOTT A. SUMMERS PHONE: 248-961-9177

ADDRESS: 7032 BISCAYNE AVE, WHITE LAKE MI 48383

APPLICANT'S EMAIL ADDRESS: sparty5ummers@yahoo.com

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

ADDRESS OF AFFECTED PROPERTY: 7032 BISCAYNE AVE PARCEL # 12 - 12-28-102-003

CURRENT ZONING: RLC PARCEL SIZE: \_\_\_\_\_

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

VALUE OF IMPROVEMENT: \$ 96,000 + SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

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

REQUESTING A REVIEW OF THE LAKE ROOM ADDITION.  
WE ARE ADDING ONTO THE EXISTING PROPERTY ON THE  
REAR OF THE HOME. WE ARE ADDING A LAKE ROOM ON THE  
REAR OF THE HOME DIRECTLY OFF EXISTING BUILDING  
AS IT STANDS NOW. THE PROPERTY LINE IS 68" FROM THE  
HOME, OR 5' 8", LAKEWOOD VILLAGE REQUIRES IT TO BE 5' FOOT.  
ASKING FOR VALLIENCE TO EXTEND NEW ADDITION OFF THE EXISTING BUILDING.

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

APPLICANT'S SIGNATURE: [Signature] DATE: 5/26/21

# SKETCH OF SURVEY

Prepared For: SCOTT SUMMERS

LEGAL DESCRIPTION:

Lot 126, LAKEWOOD VILLAGE NO. 2, a subdivision of part of the North 1/2 of Section 28 and 29, T 3 N, R 8 E, White Lake Township, Oakland County, Michigan  
 PARCEL ID: 12-28-102-003

ZONING CHART:

PROPERTY IS ZONED: R1-C  
 (SINGLE FAMILY RESIDENTIAL DISTRICT)

SETBACKS:

FRONT: = 35 feet  
 SIDES: = 10 feet  
 REAR: = 35 feet

CURVE DATA:

$\Delta=70^{\circ}18'40''$   
 R= 466'97 L= 81.70'

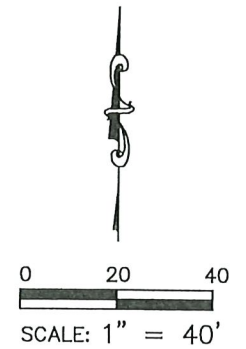
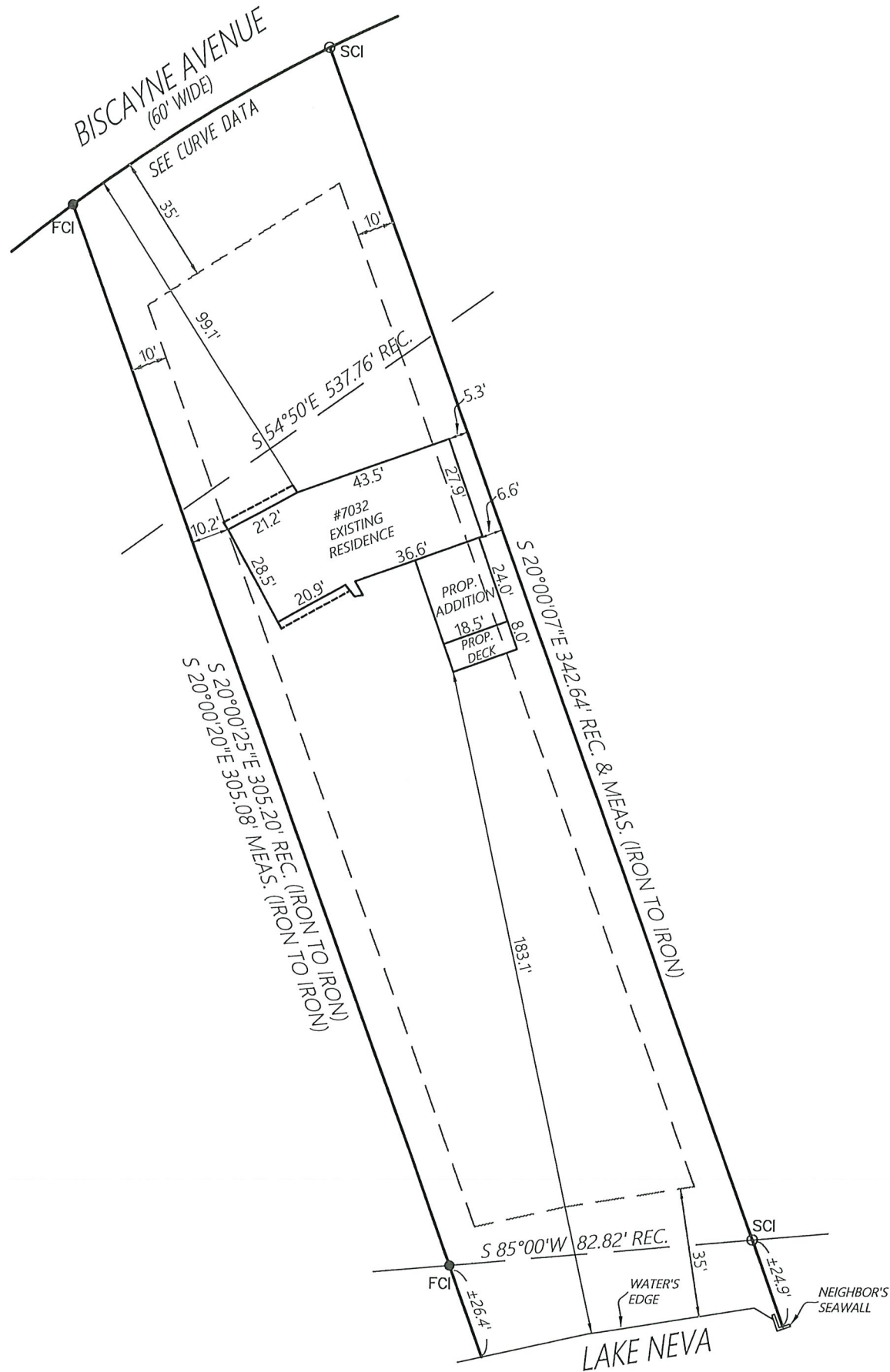
NOTE:

NO TITLEWORK WAS SUPPLIED BY CLIENT  
 THEREFORE ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

HELD BEARING BASIS AS PER RECORDED PLAT.

LEGEND

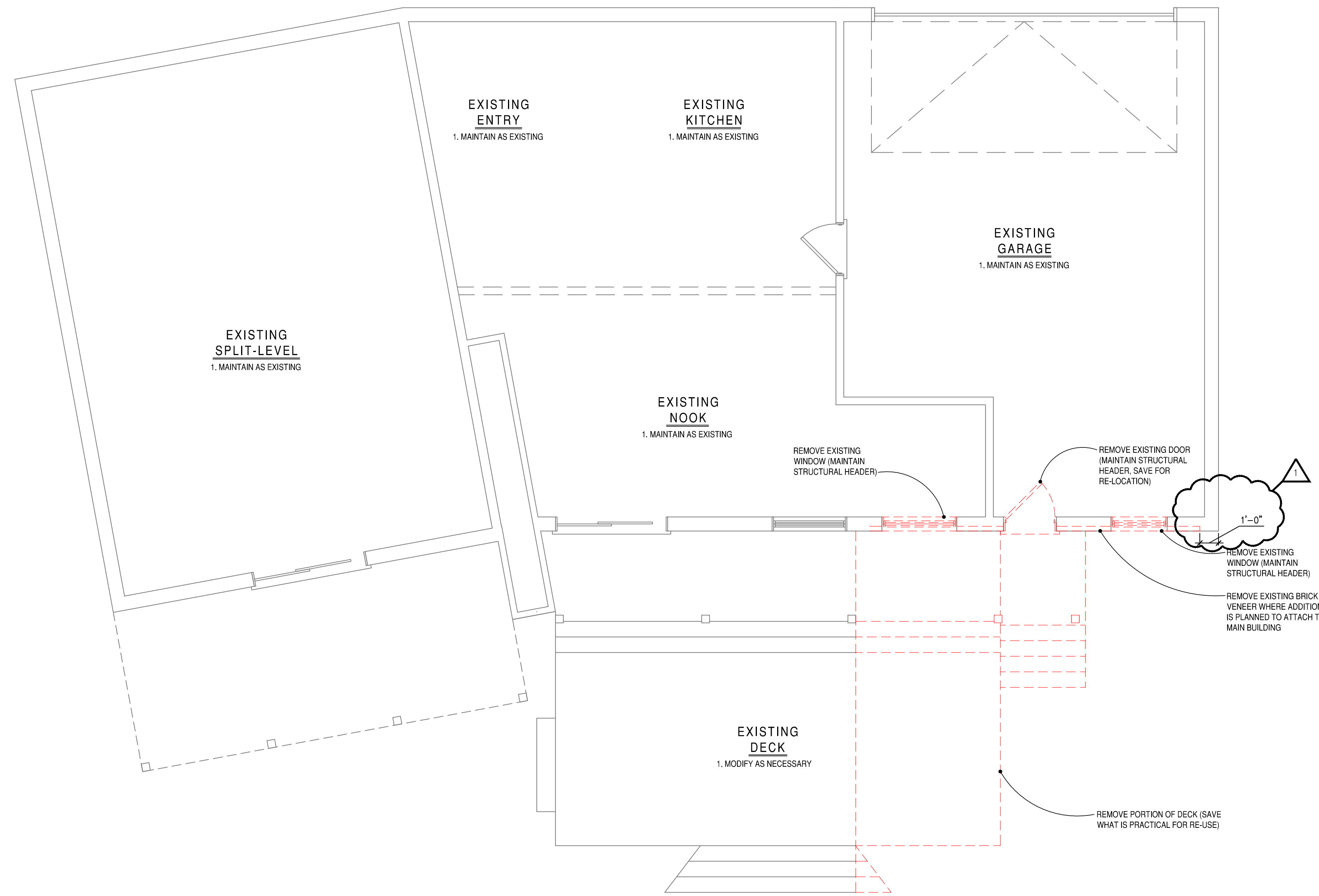
- - IRON SET
- - IRON FOUND
- ⊙ - FOUND CONC MONUMENT
- MEAS. - MEASURED
- REC. - RECORDED
- FCI - FOUND CAPPED IRON
- FIR - FOUND IRON ROD
- SCI - SET CAPPED IRON
- FCM - FOUND CONC MONUMENT
- POB - POINT OF BEGINNING



KAROLL L. GROVE  
 LICENSED PROFESSIONAL SURVEYOR #39075

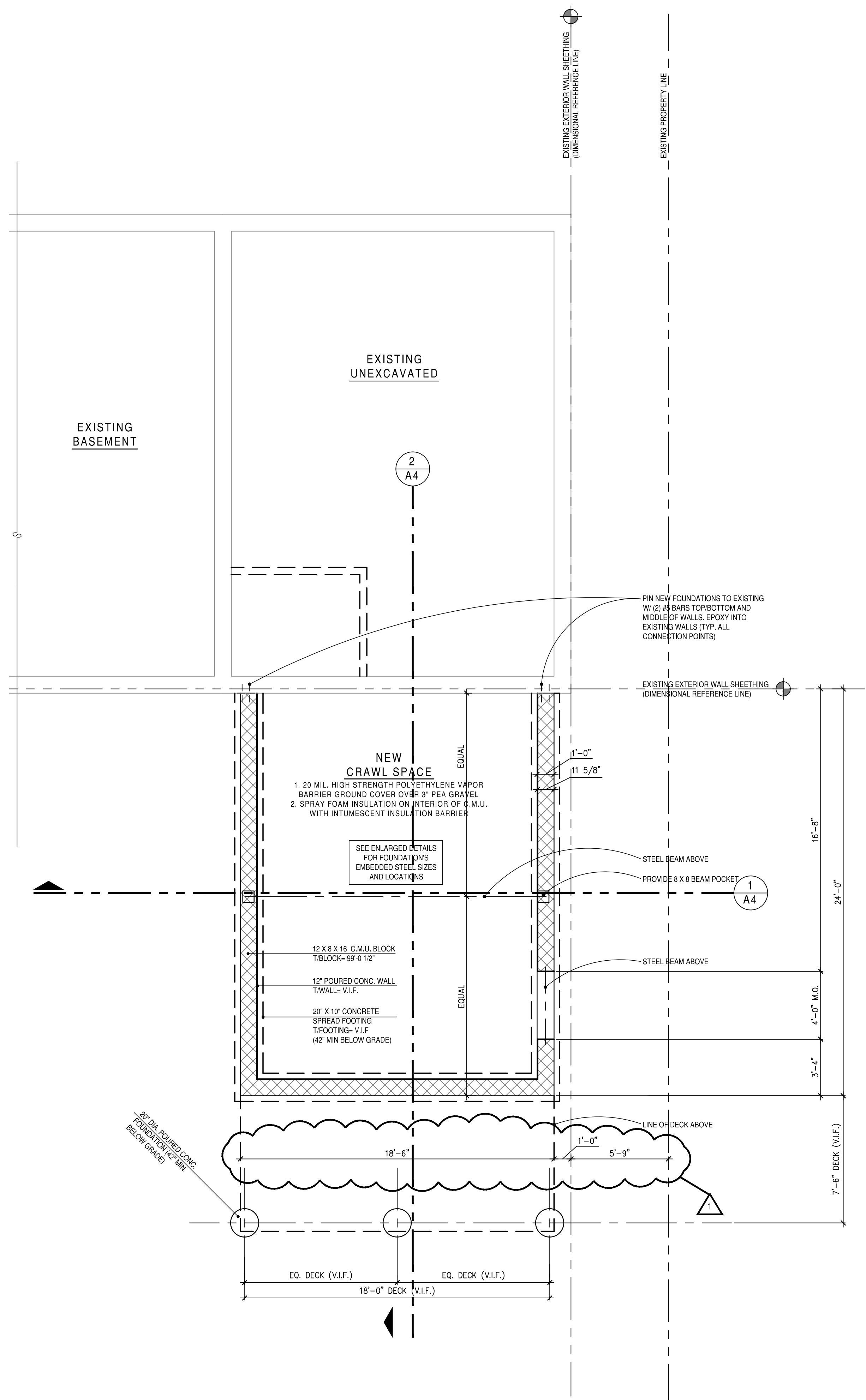
|   |  |  |
|---|--|--|
| <h2 style="margin: 0;">ALPINE</h2> <p style="margin: 0;">Land Surveying, Inc.</p> |  | 11590 HIGHLAND ROAD, SUITE #100<br>HARTLAND, MI 48353<br>PHONE: 810-207-8050 |
| FIELD: KG<br>DRAWN: DJS<br>CHECKED: KG<br>REVISION:                               | DATE: MAY 25, 2021<br>JOB NO: 21-5330<br>SHEET: 1 OF 1 |  |





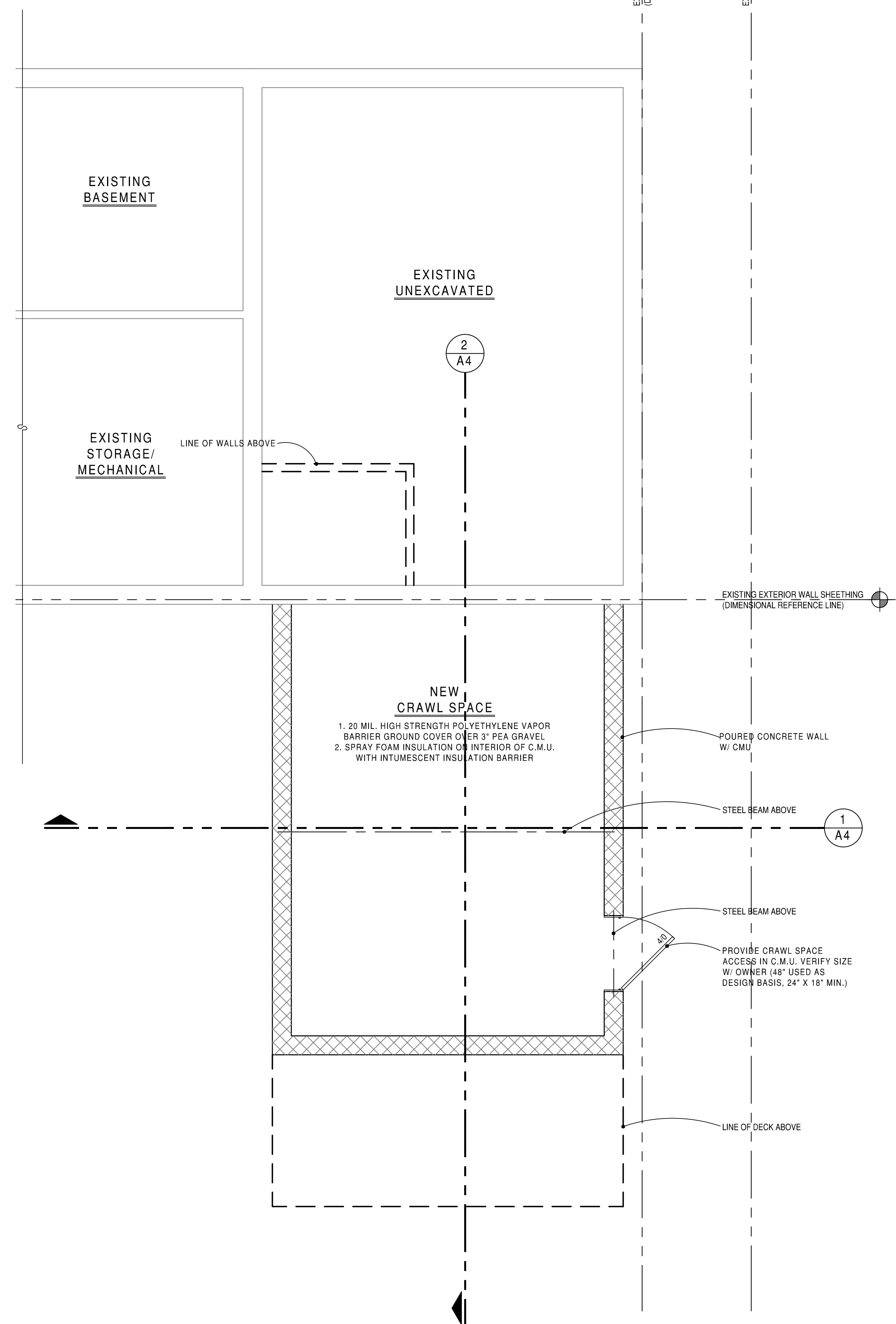
DEMOLITION PLAN

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



FOUNDATION PLAN

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

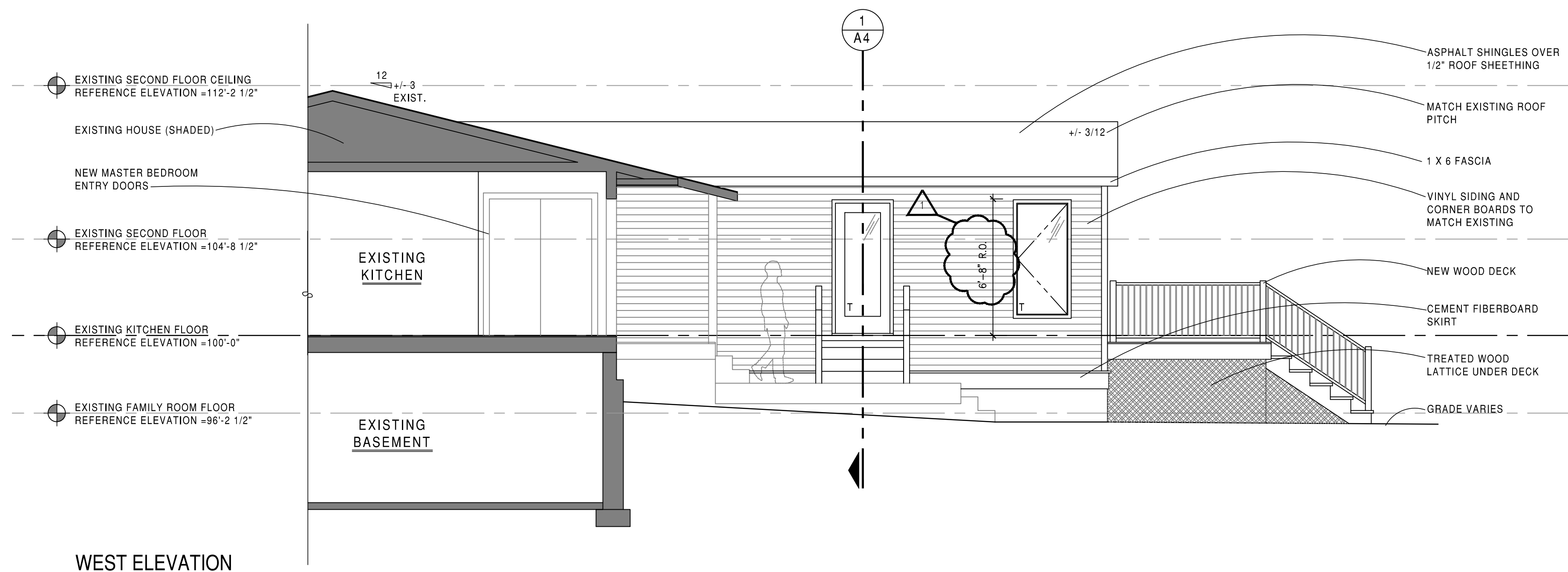


LOWER LEVEL PLAN

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

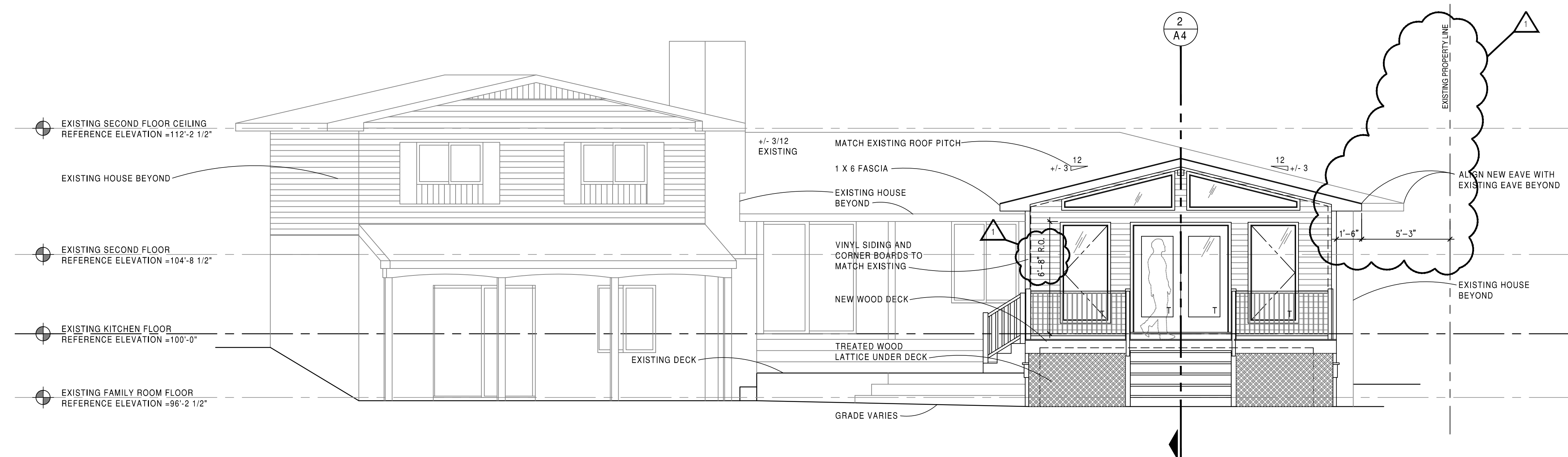






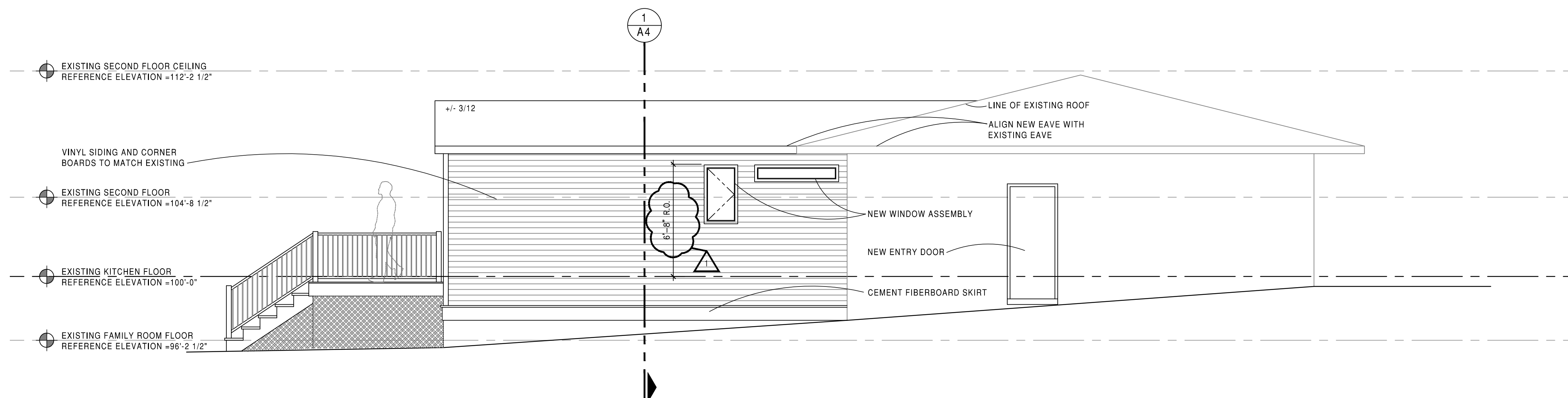
**WEST ELEVATION**

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



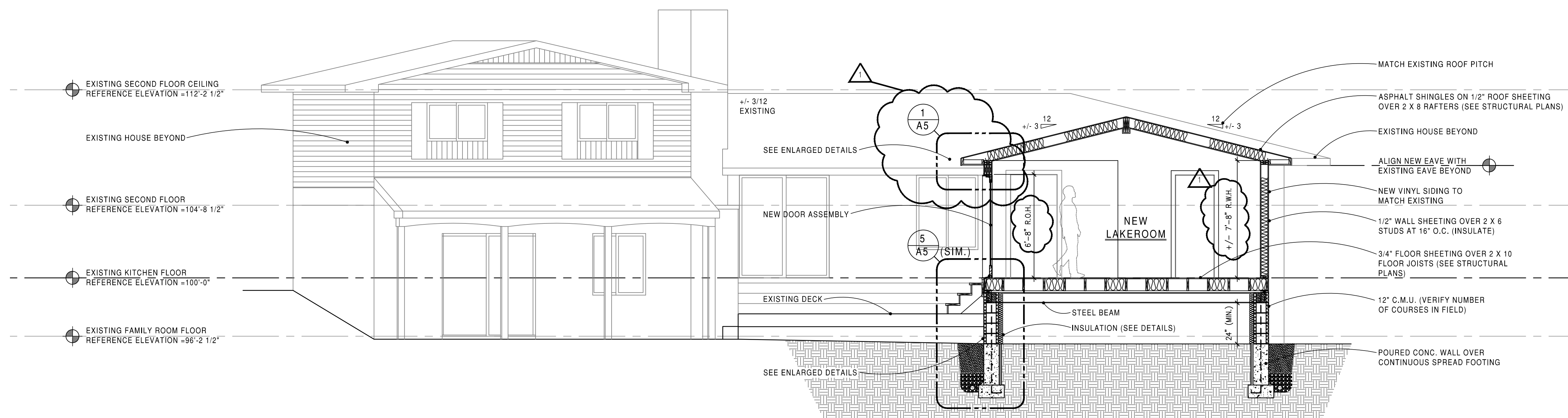
**SOUTH (LAKE SIDE) ELEVATION**

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

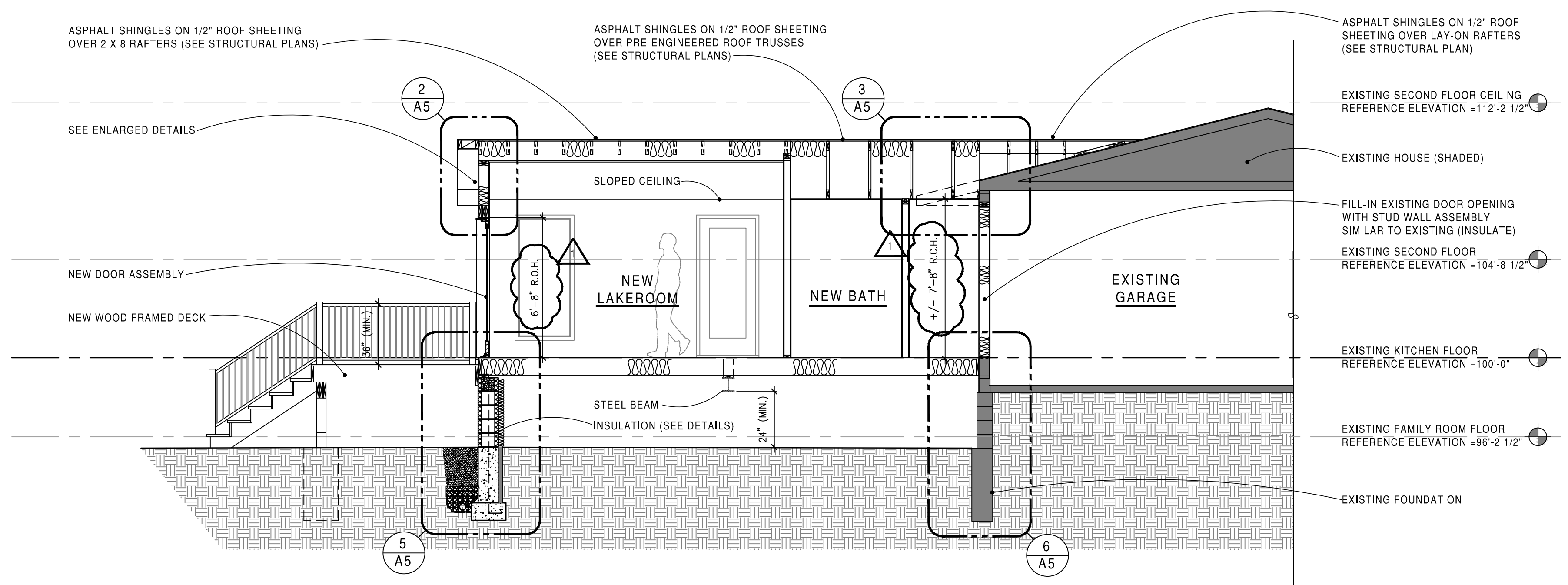


**EAST ELEVATION**

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



**1** BUILDING SECTIONS  
A4 SCALE: 1/4" = 1'-0"



**2** BUILDING SECTIONS  
A4 SCALE: 1/4" = 1'-0"

RELEASE:  
DESIGN DEVELOPMENT  
3.17.2021  
DESIGN DEVELOPMENT  
3.22.2021  
BID SET  
4.6.2021  
PERMIT  
5.10.2021

REVISIONS:  
1. PERMIT 5.27.2021

EXISTING SECOND FLOOR CEILING  
REFERENCE ELEVATION =112'-2 1/2"

ASPHALT SHINGLES TO MATCH EXISTING OVER 1/2" ROOF SHEETING OVER 2 X 10 RAFTERS OR PRE-ENGINEERED ROOF TRUSSES (SEE STRUCTURAL PLANS)

SPRAY FOAM INSULATION TO UNDERSIDE OF ROOF SHEETING

TAIL CUT FROM RAFTERS

METAL DRIP EDGE

ALUMINUM GUTTERS (SELECTION BY OWNER)

1 X 6 FASCIA ON 2X SUB-FASCIA

1 X SOFFIT BOARD

1/2" WALL SHEETING OVER 2 X 6 STUDS AT 16" O.C. (INSULATE)

SELF ADHERED STRIP FLASHING OVER WINDOWS AND DOORS

+/- 3/4"

5/8" GYP. BOARD ON CEILINGS

1/2" GYP. BOARD ON WALLS

STRUCTURAL HEADER (SEE STRUCTURAL PLANS)

WINDOW/DOOR TRIM T.B.D.

NEW DOOR ASSEMBLY

EXISTING SECOND FLOOR  
REFERENCE ELEVATION =104'-8 1/2"

1 TYPICAL EAVE ENLARGED DETAIL

A5 SCALE: 1" = 1'-0"

EXISTING SECOND FLOOR CEILING  
REFERENCE ELEVATION =112'-2 1/2"

ASPHALT SHINGLES TO MATCH EXISTING OVER 1/2" ROOF SHEETING OVER 2 X 10 RAFTERS (SEE STRUCTURAL PLANS)

METAL DRIP EDGE

1 X 6 FASCIA ON 2X SUB-FASCIA W/ BLOCKING AS NECESSARY

1 X SOFFIT BOARD

VINYL SIDING TO MATCH EXISTING

1/2" WALL SHEETING OVER 2 X 6 STUDS AT 16" O.C. (INSULATE)

STRUCTURAL HEADER (SEE STRUCTURAL PLANS)

SELF ADHERED STRIP FLASHING OVER WINDOWS AND DOORS

SPRAY FOAM INSULATION TO UNDERSIDE OF ROOF SHEETING

2 X 12 RIDGE (SEE STRUCTURAL PLANS)

5/8" GYP. BOARD ON CEILINGS

1/2" GYP. BOARD ON WALLS

LINE OF SLOPED CEILING

WINDOW/DOOR TRIM T.B.D.

DOOR ASSEMBLY

1'-0"

EXISTING SECOND FLOOR  
REFERENCE ELEVATION =104'-8 1/2"

2 TYPICAL RAKE ENLARGED DETAIL

A5 SCALE: 1" = 1'-0"

EXISTING SECOND FLOOR CEILING  
REFERENCE ELEVATION =112'-2 1/2"

ASPHALT SHINGLES TO MATCH EXISTING OVER 1/2" ROOF SHEETING OVER PRE-ENGINEERED ROOF TRUSSES (SEE STRUCTURAL PLANS)

REMOVE EXISTING EAVE WHERE ADDITION IS CONNECTING TO EXISTING

5/8" GYP. BOARD ON CEILINGS

1/2" GYP. BOARD ON WALLS

2 X 4 INTERIOR STUD WALLS

SPRAY FOAM INSULATION TO UNDERSIDE OF ROOF SHEETING

LAY-ON RAFTERS

EXISTING HOUSE (SHADED)

FILL-IN EXISTING DOOR OPENING WITH STUD WALL ASSEMBLY SIMILAR TO EXISTING (INSULATE)

EXISTING SECOND FLOOR  
REFERENCE ELEVATION =104'-8 1/2"

3 NEW ROOF TO EXISTING ROOF CONNECTION ENLARGED DETAIL

A5 SCALE: 1" = 1'-0"

36" A.F.F. GUARD RAIL BEYOND

SELF ADHERED STRIP FLASHING EXTEND UNDER DOOR SILL

EXISTING KITCHEN FLOOR REFERENCE ELEVATION =100'-0"

5/4 X 2 + 5/4 X 4 SILL

P.T. 2 X 12 LEDGER

P.T. 2 X 10 FLOOR JOISTS FOR DECK

12 X 8 X 16 C.M.U.

5/8" CEMENT PARING OVER EXPOSED C.M.U.

EXISTING FAMILY ROOM FLOOR REFERENCE ELEVATION =96'-2 1/2"

CEMENT COVE AT BASE

12" PEA GRAVEL COVER OVER 1/4" SLOTTED DRAIN TILE W/FILTER FABRIC SOCK

20" X 10" CONC PAD FOOTING WITH 2X4 KEY AND (3) #5 BARS (MIN 42" BELOW GRADE)

DOOR ASSEMBLY

3/4" FLOOR SHEETING OVER 2 X 10 FLOOR JOISTS (SEE STRUCTURAL PLANS) (INSULATE)

2 X 6 P.T. MUD SILL PLATE WITH SEAL SEAL INSULATION AND WALL STRAPS AT 32" O.C. (12" MAX. FROM CORNERS, 7" MIN. EMBEDMENT)

LINE OF STEEL BEAM (NOT IN VIEW)

SPRAY FOAM INSULATION WITH INTUMESCENT INSULATION BARRIER

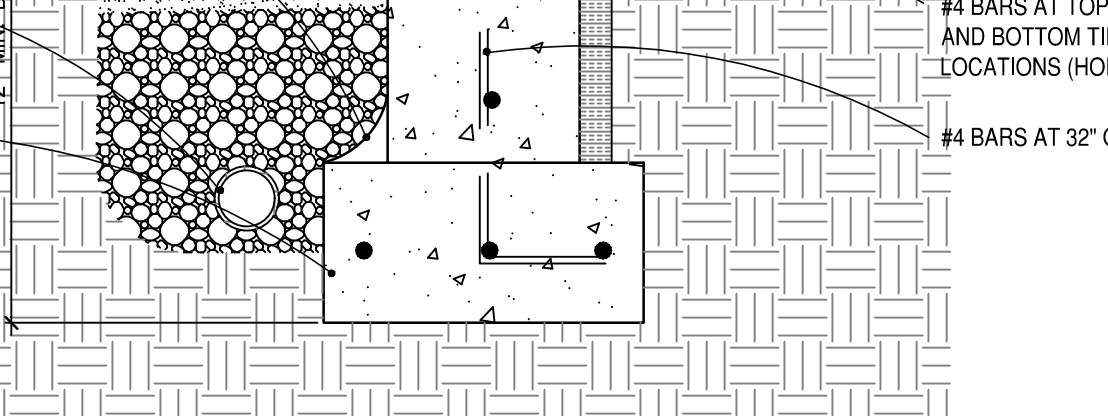
20 MIL HIGH STRENGTH POLYETHYLENE VAPOR BARRIER OVER 3" PEA GRAVEL

2" RIGID INSULATION BOARD

12" POURED CONCRETE FOUNDATION WALL

#4 BARS AT TOP, MIDDLE, AND BOTTOM TIE-ROD LOCATIONS (HORIZONTAL)

#4 BARS AT 32" O.C. (VERTICAL)



5 TYPICAL FOUNDATION ENLARGED DETAIL

A5 SCALE: 1" = 1'-0"

3/4" FLOOR SHEETING OVER 2 X 10 FLOOR JOISTS (SEE STRUCTURAL PLANS) (INSULATE)

2 X 12 LEDGER (LAG TO EXISTING AND NEW STUDS)

EXISTING KITCHEN FLOOR REFERENCE ELEVATION =100'-0"

LINE OF STEEL BEAM (NOT IN VIEW)

ASSUMED EXISTING FOUNDATION

EXISTING FAMILY ROOM FLOOR REFERENCE ELEVATION =96'-2 1/2"

FILL-IN EXISTING DOOR OPENING WITH STUD WALL ASSEMBLY SIMILAR TO EXISTING (INSULATE)

EXISTING HOUSE (SHADED)

24" MIN.

6 NEW FLOOR TO EXISTING HOUSE CONNECTION DETAIL

A5 SCALE: 1" = 1'-0"

4 RESERVED

A5 SCALE: 1" = 1'-0"



DESIGNERS:  
ANTHONY MAFROCCO  
(586) 850-8080

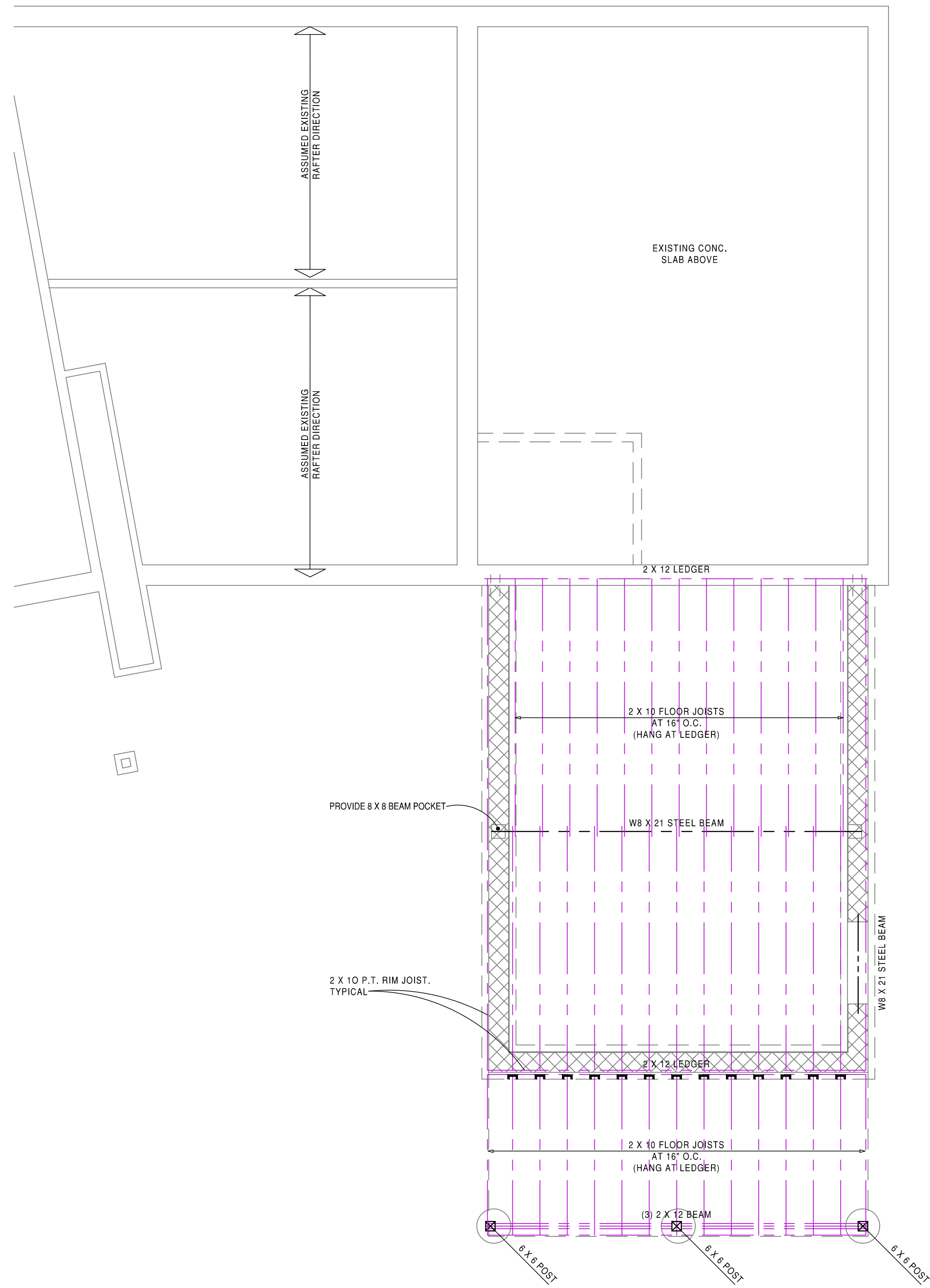
PROPOSED ADDITION FOR  
THE SUMMERS RESIDENCE  
7032 BISCAWAYNE AVE., WHITE LAKE, MI 48383

RELEASE:  
DESIGN DEVELOPMENT  
3.17.2021  
DESIGN DEVELOPMENT  
3.22.2021  
BID SET  
4.6.2021  
PERMIT  
5.5.2021

REVISIONS:  
1. PERMIT 5.27.2021

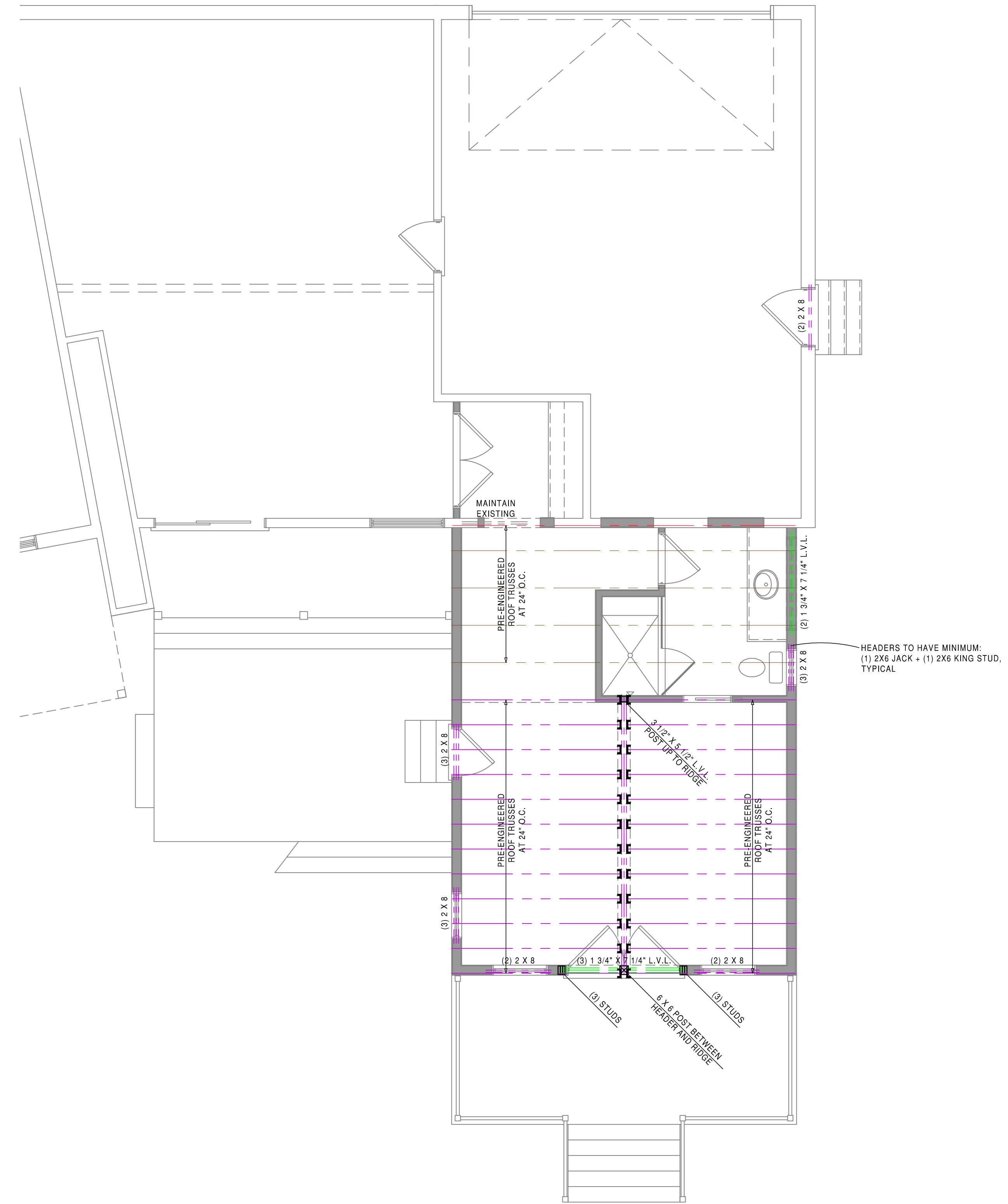
A5

ENLARGED DETAILS



FIRST FLOOR DECK FRAMING PLAN

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



FIRST FLOOR CEILING FRAMING PLAN

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

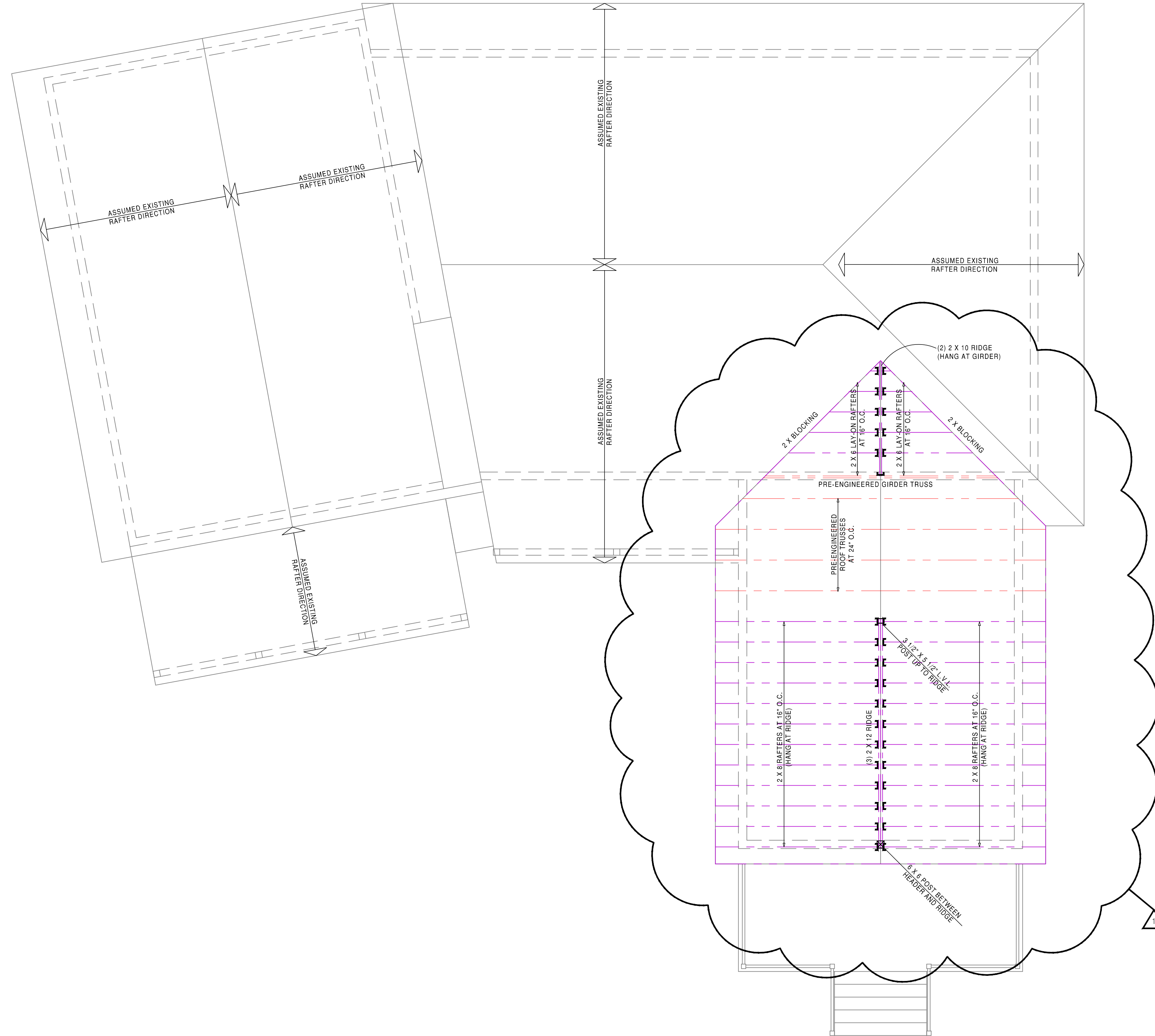
WOOD JOISTS, RAFTERS, AND TRUSSES

1. TRUSS DESIGN, INSTALLATION, AND BRACING IN ACCORDANCE WITH TPI, NFOPA, AND TRUSS MANUFACTURER'S SHOP DRAWINGS AND INSTRUCTIONS. TRUSS SUPPLIER RESPONSIBLE FOR PROVIDING DOCUMENTATION OF DESIGN AND LAYOUT OF TRUSSES TO CONTRACTOR. DOCUMENTATION SHALL BE SEALED BY A LICENSED ENGINEER IN THE STATE WHERE THE PROJECT IS TO BE ERRECTED.

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| DESIGN LOADS:             | Spruce-Pine-Fir #2, or Hem-fir #2, or better      |                                    |
| FIRST FLOOR               | 40 psf LIVE + 20 psf DEAD = 60 psf                | L/360 deflection limit             |
| SECOND FLOOR              | 40 psf LIVE + 20 psf DEAD = 60 psf                | L/360 deflection limit             |
| CERAMIC TILE/STONE FLOORS | 40 psf LIVE + 25 psf DEAD = 65 psf                | L/480 deflection limit (1/3" min.) |
| BALCONIES                 | 60 psf LIVE                                       |                                    |
| DECKS                     | 40 psf LIVE                                       |                                    |
| ROOF TRUSS                | Top Chord 30 psf LIVE<br>Bottom Chord 20 psf LIVE |                                    |
| ATTIC TRUSS               | Limited Storage 20 psf LIVE                       |                                    |
| HABITABLE ATTICS          | 30 psf LIVE + 10 DEAD = 40 psf                    | L/360 deflection limit             |
| ATTICS W/ STAIRS          |   |                                    |



DESIGNERS:  
ANTHONY MARRUCCO  
(586) 850-8080



STEEL

- STL1. SHOP DETAILS, FABRICATION AND ERECTION OF STRUCTURAL STEEL SHALL CONFORM TO THE REQUIREMENTS OF AISC SPECIFICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS, AISC CODE OF STANDARD PRACTICE FOR STEEL BUILDINGS AND BRIDGES, AND AISC DETAILING FOR STEEL CONSTRUCTION.
- STL2. SUBSTITUTION: SIZES MAY BE SUBSTITUTED. SUBMIT REQUEST(S) REQUEST FOR SUBSTITUTION AND STRUCTURAL ENGINEER OF RECORD WILL CONSIDER AND DETERMINE IF SUBSTITUTION CAN BE TOLERATED.
- STL3. STRUCTURAL STEEL SHALL CONFORM TO THE YIELD STRENGTH (FY) LISTED BELOW:
  - STL3.1. WIDE FLANGE SHAPES, ASTM A992, 50 KSI
  - STL3.2. BASE PLATES WHERE SPECIFIED AS SUCH, ASTM A572, 50 KSI
  - STL3.3. ALL OTHER PLATES AND SHAPES, ASTM A36, 36 KSI
- STL4. ANCHOR RODS SHALL CONFORM TO ASTM F1554, U0N.
- STL5. BOLTS SHALL CONFORM TO ASTM F3125A305, U0N, HEAVY HEX NUTS TO ASTM A563C, AND WASHERS TO ASTM F436 WASHERS, ROUND, TYPE 1.
- STL6. ANCHOR RODS, BASE PLATES OR BEARING PLATES SHALL BE LOCATED AND BUILT INTO CONNECTING WORK, PRE-SET BY TEMPLATES OR SIMILAR METHOD. PLATES SHALL BE SET IN FULL BEDS OF NON-SHRINK GROUT ASTM C1107.
- STL7. ALL WELDING SHALL BE DONE WITH APPROPRIATE E70 SERIES ELECTRODES COMPATIBLE WITH THE NEW AND EXISTING STEEL, AND SHALL CONFORM TO THE REQUIREMENTS OF THE "CODE FOR WELDING IN BUILDING CONSTRUCTION" OF THE AMERICAN WELDING SOCIETY.
- STL8. REFER TO ARCHITECTURAL CONTRACT DOCUMENTS, AND CONTRACT DOCUMENTS FROM OTHER DISCIPLINES, FOR STEEL PLATES, ANGLES, ETC., ATTACHED TO BEAMS, FRAMES, ETC., FOR SUPPORT OF FASCIA AND OTHER CONSTRUCTION.
- STL9. NO FIELD MODIFICATION TO THE FABRICATED MEMBER OR CONNECTION IS ALLOWED WITHOUT SIGNED AND SEALED, TO SCALE SKETCHES PREPARED UNDER THE DIRECT SUPERVISION OF THE CONTRACTOR'S LICENSED STRUCTURAL ENGINEER.
- STL10. THE CONTRACTOR IS RESPONSIBLE FOR THE ERECTION SAFETY OF ALL STEEL CONNECTIONS, INCLUDING BUT NOT LIMITED TO: CONFIGURATION, SEQUENCE, USE OF: BLOCKING, EXTENDED CLIP ANGLES, CLAMPS, ETC.
- STL11. STEEL AND CONNECTIONS SHALL BE CLEANED PER SSPC-SP8 BE HOT DIP GALVANIZED PER ASTM A123, GRADE 100. (CLEANING REQUIREMENTS OF HOT DIP GALVANIZING FACILITY MAY BE GREATER THE INDICATED HERE. THE CLEANING PROCEDURES HERE SHALL BE ASSUMED A MINIMUM.)

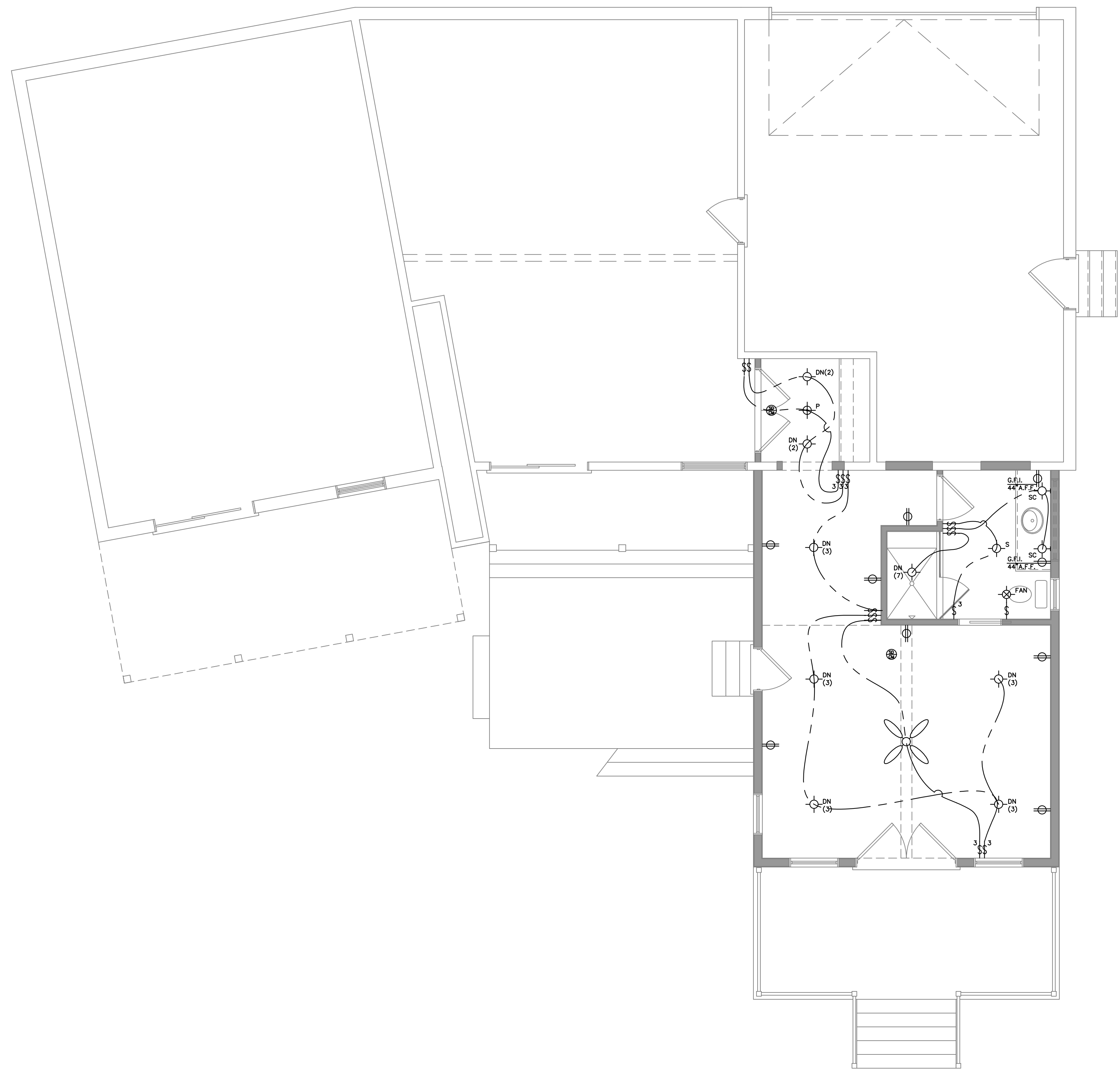
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PERMIT  
5.10.2021

REVISIONS:  
1. PERMIT 5.27.2021

ROOF FRAMING PLAN

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



**ELECTRICAL SYMBOL KEY**

| RECEPTACLES    |   |
|----------------|---|
|                | RECEPTACLE - GENERAL (VERIFY HEIGHT AND ORIENTATION WITH OWNER)   |
|                | RECEPTACLE - WATERPROOF/GROUND FAULT INTERRUPTER  |
|                | RECEPTACLE - GROUND FAULT INTERRUPTER   |
|                | RECEPTACLE - EXISTING   |
| SWITCHES       |   |
|                | SWITCH (NUMBER OF POLES ON PLAN)  |
|                | GARAGE DOOR SWITCH  |
|                | GARAGE DOOR SENSORS   |
| LIGHT FIXTURES |   |
|                | KEYLESS OR BARE BULB FIXTURE BY ELECTRICIAN   |
|                | SURFACE MOUNTED LIGHT FIXTURE   |
|                | WALL MOUNTED SCONCE LIGHT FIXTURE; LOCATE AT 6"-0" A.F.F.   |
|                | PENDANT LIGHT FIXTURE (VERIFY WEIGHT FOR POTENTIAL ADDED BLOCKING)  |
|                | ROUND RECESSED DOWN LIGHT FIXTURE (LED BULBS UNLESS LOW VOLTAGE)<br>DN1 - PIN SPOT 1" DIAMETER (LOW VOLTAGE)<br>DN2 - SMALL APERTURE - 2" DIAMETER (LOW VOLTAGE)<br>DN3 - SMALL APERTURE - 4" DIAMETER<br>DN4 - LARGE APERTURE - 6" DIAMETER<br>DN5 - SMALL APERTURE (SLOPED CEILING)<br>DN6 - LARGE APERTURE (SLOPED CEILING)<br>DN7 - SMALL APERTURE (NET LOCATION)<br>DN8 - CABINET SPOT (LOW VOLTAGE) |
|                | EXHAUST FAN (LIGHT COMBO OPTION)  |
|                | FLUORESCENT LIGHT FIXTURE   |
|                | DUAL HEAD FLOOD LIGHT   |
|                | WATERPROOF LIGHT FIXTURE  |
|                | SMOKE DETECTOR/CARBON MONOXIDE COMBINATION UNIT   |
|                | CEILING FAN/LIGHT   |



DESIGNERS:  
 ANTHONY MARROCCO  
 (586) 850-8080

PROPOSED ADDITION FOR  
 THE SUMMERS RESIDENCE  
 7032 BISCAVAYNE AVE, WHITE LAKE, MI 48383

RELEASE:  
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REVISIONS:  
 1. PERMIT 5.27.2021

FIRST FLOOR ELECTRICAL PLAN  
 SCALE: 1/4" = 1'-0"

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



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

## WHITE LAKE TOWNSHIP

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

May 26, 2021

Scott Summers  
7032 Biscayne Ave  
White Lake, MI 48386

RE: Proposed Addition

Based on the submitted plans, the proposed residential addition 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 minimum lot width of 100 ft

The existing structure and lot are legal non-conforming with the 81.7 ft wide lot containing a residential structure with a 5.3 ft side yard setback on the east side. The proposed addition would further expand the non-conformity to the south with a side yard setback of 6.6 ft on the east side.

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. To be eligible for the June 24<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than May 27<sup>th</sup> at 4:30 PM. The Planning Department can be reached at (248)698-3300, ext. 5

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:** June 24, 2021

---

**Agenda item:** 6c

**Appeal Date:** June 24, 2021

**Applicant:** David Nemshick

**Address:** 9323 Gale Road  
White Lake, MI 48386

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

**Location:** 9323 Gale Road  
White Lake, MI 48386



## **Property Description**

The approximately 0.437-acre (19,035.72 square feet) parcel identified as 9323 Gale Road is located on Pontiac Lake and zoned R1-D (Single Family Residential). The existing single-story house on the property (approximately 990 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

## **Applicant's Proposal**

David Nemshick, the applicant, is proposing to demolish the existing 280 square foot one-car detached garage and construct a two-story garage addition to the house.

## **Planner's Report**

Currently the existing structures are nonconforming. The detached garage is considered part of the principal building because it is located within 10 feet of the house (six feet). The two structures comprising the principal building are located 4.7 feet from the west side property line (house) and 26 feet from the front property line (garage). A minimum 10-foot side yard setback and 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 10-foot deficiency in lot width. In the R1-D zoning district the minimum lot width requirement is 80 feet.

The proposed addition is 1,708 square feet in size. The first-floor would consist of a 676 square foot two-car garage and 200 square feet of living space, including a new laundry/utility room. The second floor would contain 832 square feet of living space, including two bedrooms and 1.5 bathrooms. The plans show a 5 foot by 5 foot (25 square feet) covered porch providing an exterior entrance to the addition; this secondary access would be independent from the house. The plans show another proposed porch on the east side of the house, which appears to serve as separate access to the existing house. Additionally, plans provided by the applicant note the current porch would tie-in to the addition. The porch does not have footings and cannot structurally accommodate the connection from the house to the addition.

Staff believes the proposed addition has the potential to be used as a secondary dwelling unit. 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.

Article 7, Section 28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$39,400), the maximum extent of improvements cannot exceed \$19,700. The value of the proposed work is \$80,000. A variance to exceed the allowed value of improvements by 406% is requested.

Based on the submitted plans and scope of the project, staff believes the valuation of work is underestimated and would exceed \$80,000, therefore the requested variance for the value of improvements is inaccurate. For reference, the 2021 Building Valuation Data published by the International Code Council estimates cost of construction at \$130.58 per square foot for living areas (\$8.12 increase from 2020) and \$51.28 for garage area (\$2.98 increase from 2020). Based on the size of the addition and square foot construction costs from the International Code Council, an estimate for the value of the proposed improvement is \$169,424.

The requested variances are listed in the following table.

| Variance # | Ordinance Section | Subject                 | Standard           | Requested Variance | Result                             |
|------------|-------------------|-------------------------|--------------------|--------------------|------------------------------------|
| 1          | Article 3.1.6.E   | Side yard setback       | 10 feet            | 3 feet (west)      | 7 feet (west)                      |
| 2          | Article 3.1.6.E   | Front yard setback      | 30 feet            | 12.6 feet          | 17.4 feet                          |
| 3          | Article 3.1.6.E   | Minimum lot width       | 80 feet            | 10 feet            | 70 feet                            |
| 4          | Article 7.28.A    | Nonconforming structure | 50% SEV (\$19,700) | 406%               | \$60,300 over allowed improvements |

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the variances requested by David Nemshick from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-11-451-019, identified as 9323 Gale Road, in order to construct an addition that would encroach 3 feet into the required west side yard setback and 12.6 feet into the required front yard setback, and exceed the allowed value of improvements to a nonconforming structure by 406%. A 10-foot variance from the required lot width is also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Oakland County Health Division shall certify the on-site water system is properly designed to handle the anticipated additional load prior to issuance of a building permit.
- The addition plans shall be reviewed by the Township’s Department of Public Services prior to issuance of a building permit.
- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The principal dwelling unit shall be owner-occupied and the addition shall not be rented separately from the principal dwelling unit.

- This approval 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 second-story addition shall not exceed 550 square feet in size.
- The second-story addition shall not include more than one (1) bedroom.
- The addition shall not exceed the maximum building height of the R1-D zoning district. Architectural plans, drawn to scale, shall be submitted at the time of reapplication for a building permit.
- Access to the addition shall be provided from the enclosed connection on the north side of the house. Any other exterior entrance to the addition shall be prohibited.
- Exterior alteration/renovation shall not change the overall single-family character of the dwelling unit or the surrounding neighborhood, as determined by the Planning Department.
- 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.
- The addition shall not have its own cooking facilities.
- 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 variances requested by David Nemshick for Parcel Number 12-11-451-019, identified as 9323 Gale Road, due to the following reason(s):

**Table:** I move to table the variance requests of David Nemshick for Parcel Number 12-11-451-019, identified as 9323 Gale Road, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated May 27, 2021.
2. Applicant's written statement.
3. Lot survey dated May 21, 2021.
4. Addition renderings.
5. Letter of denial from the Building Department dated May 26, 2021.

### 7.37 STANDARDS

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

- A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.
- B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.
- C. Not self created: The applicants problem is not self created.
- D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).
- E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.
- F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:
  - i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;
  - ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

RECEIVED

MAY 27 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: David Nemshick PHONE: 248-703-9102

ADDRESS: 9323 Gale Rd. White Lake, 48386

APPLICANT'S EMAIL ADDRESS: DJN486@gmail.com

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

ADDRESS OF AFFECTED PROPERTY: 9323 Gale Rd PARCEL # 12 - 11-451-019

CURRENT ZONING: R1-D PARCEL SIZE: 0.44 Acres

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

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires

VALUE OF IMPROVEMENT: \$ 80,000 SEV OF EXISITING STRUCTURE: \$ 98,160

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

See attached

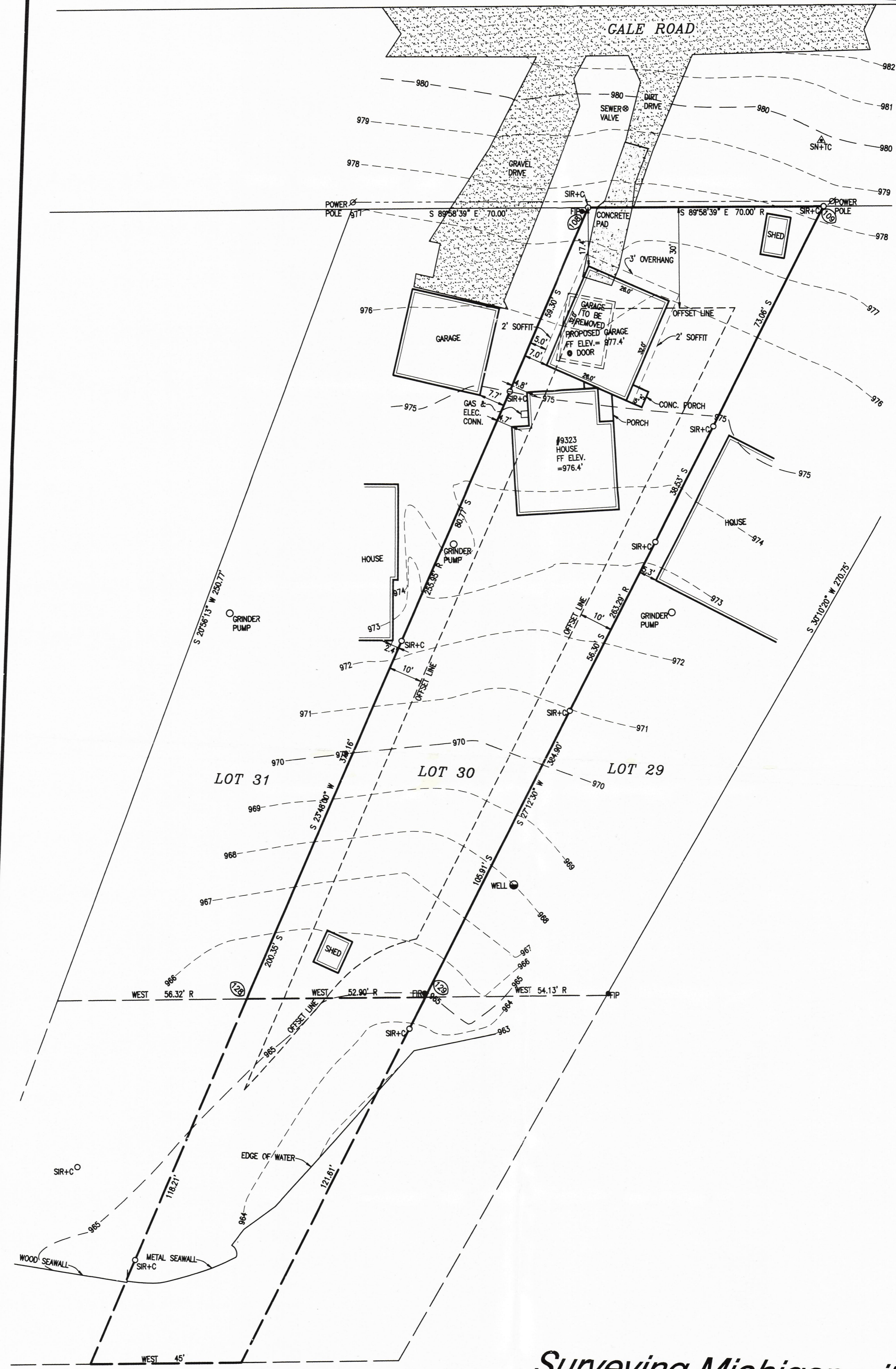
APPLICATION FEE: \$385 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: 

DATE: 5-27-21

# Reason to support request:

- The east side of my house has always been wide enough to pass with all equipment needed for wells, seawalls, landscaping, ...
  - I also have allowed both neighbors to pass with such equipment on a regular basis.
- My current(non-conforming) setback on my west side is 4.7' was that way long before I moved in 16 years ago.
- The addition will be further than that at 7'. This will help ensure I will always be able to pass to the back of my house on the east side, even if I must add a 3rd bay on the east side of my garage when my family grows.
  - A new well may be drilled as part of this addition, but definitely will at some point. I located my and all my neighbor's grinder pumps (50' from well required) on my site plan showing that the east side of the addition is the best placement for a new well as it will be out of the way and adjacent to where the water is going.
- The reason I need the north setback is to fit the proposed addition. It is not feasible for many reasons to demo the whole house and build a new one.
  - This will not cause any obstruction to traffic visibility.
  - This will setup my house to be setback further from the lake then my neighbors house even if a phase 2 project of 26x40 takes the place of the existing house.
    - NOTE: Phase 2 is not planned anytime in the immediate future, but it would NOT continue the 7' setback. It would be shifted 3' from the addition referenced in this proposal.



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FIELD BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FIELD BOOK: \* \_\_\_\_\_ PAGE: \* \_\_\_\_\_  
DRAWING FILE: 210301.dwg  
DATA FILE: 210301P  
DESC. FILE: 210301

GRANT J. WARD  
REGISTERED LAND SURVEYOR  
LICENSE NO. 22445

**LOT SURVEY**  
"CALLAHAN'S SUBDIVISION" SUBDIVISION, L. 67, P. 30,  
LOT 30, T.3, R.8E., OAKLAND COUNTY, SECTION 11,  
P.I. #12-11-451-019,  
9323 GALE ROAD, WHITE LAKE, MICHIGAN 48386

**For DAVID J. NEMSHICK**  
9323 GALE ROAD  
WHITE LAKE, MICHIGAN 48386  
djn486@gmail.com (248) 703-9102

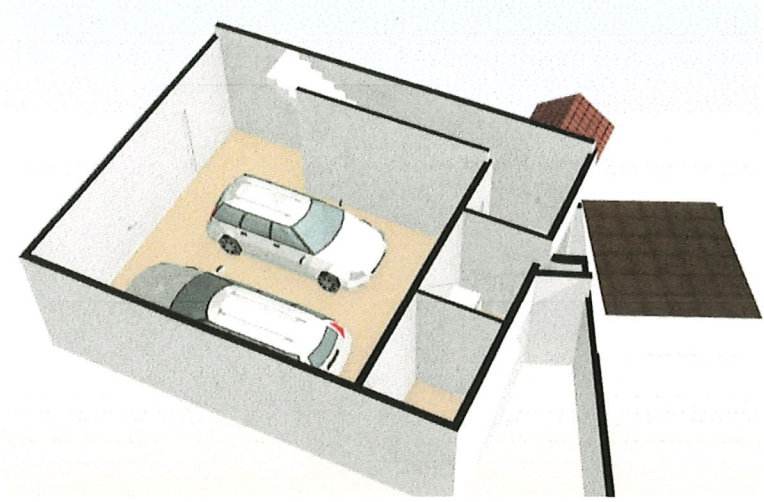
DATE \_\_\_\_\_  
MAY 21, 2021  
APRIL 17, 2021  
MARCH 29, 2021

SHEET 1 OF 1  
SCALE: 1" = 20'  
JOB NO.: 21-0301

**GRANT WARD SURVEYORS**

REGISTERED LAND SURVEYORS  
655 BROADWAY - P.O. BOX 440  
DAVISBURG, MICHIGAN 48350  
PHONE: (248) 634-0700  
EMAIL: GWS@TR.COM

# Proposed Addition for 9323 Gale Rd

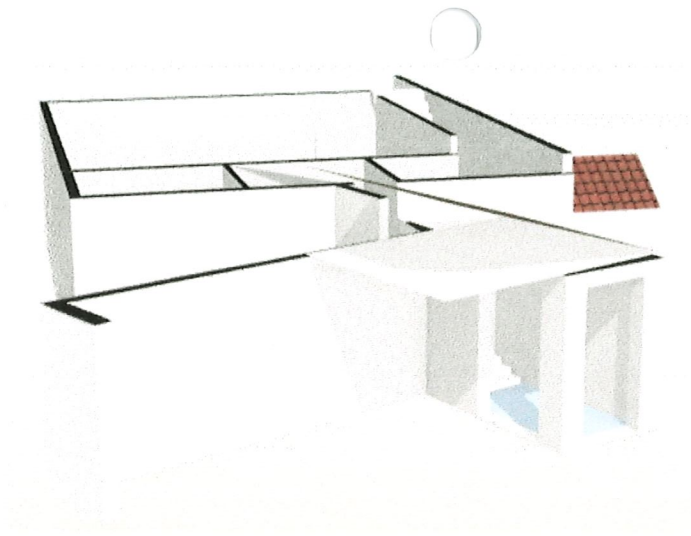


1<sup>st</sup> floor 3D



1<sup>st</sup> Floor overlaid over current house

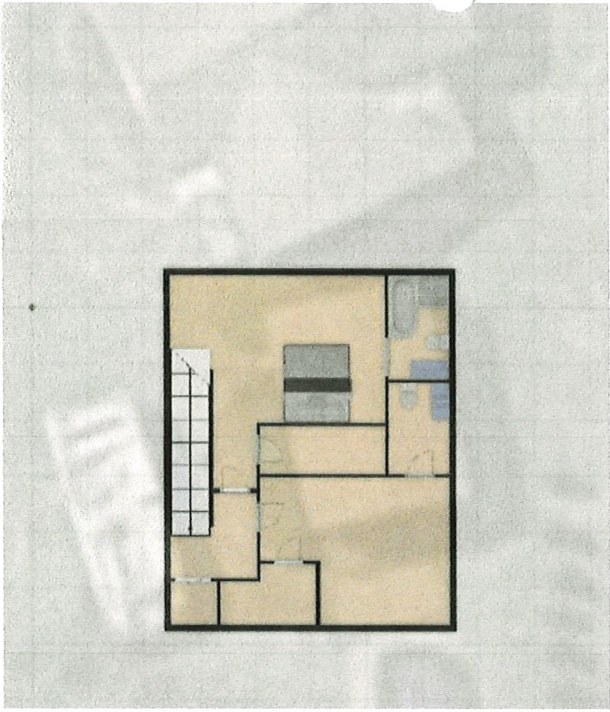




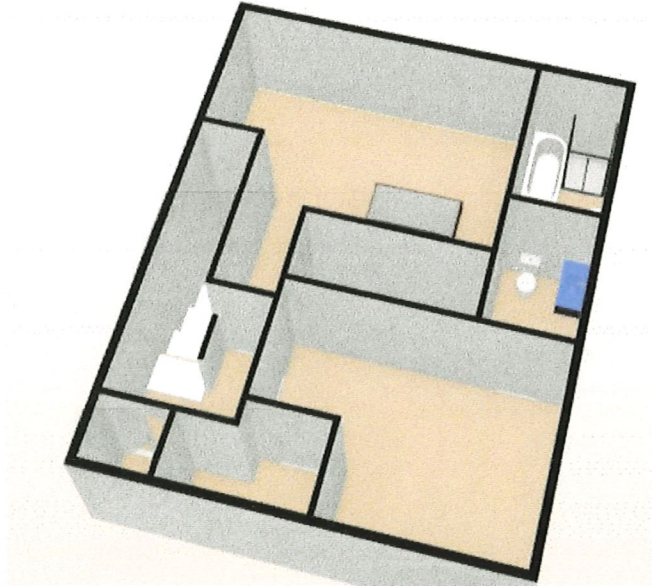
Blue floor shows current porch that will be tie-in to addition.



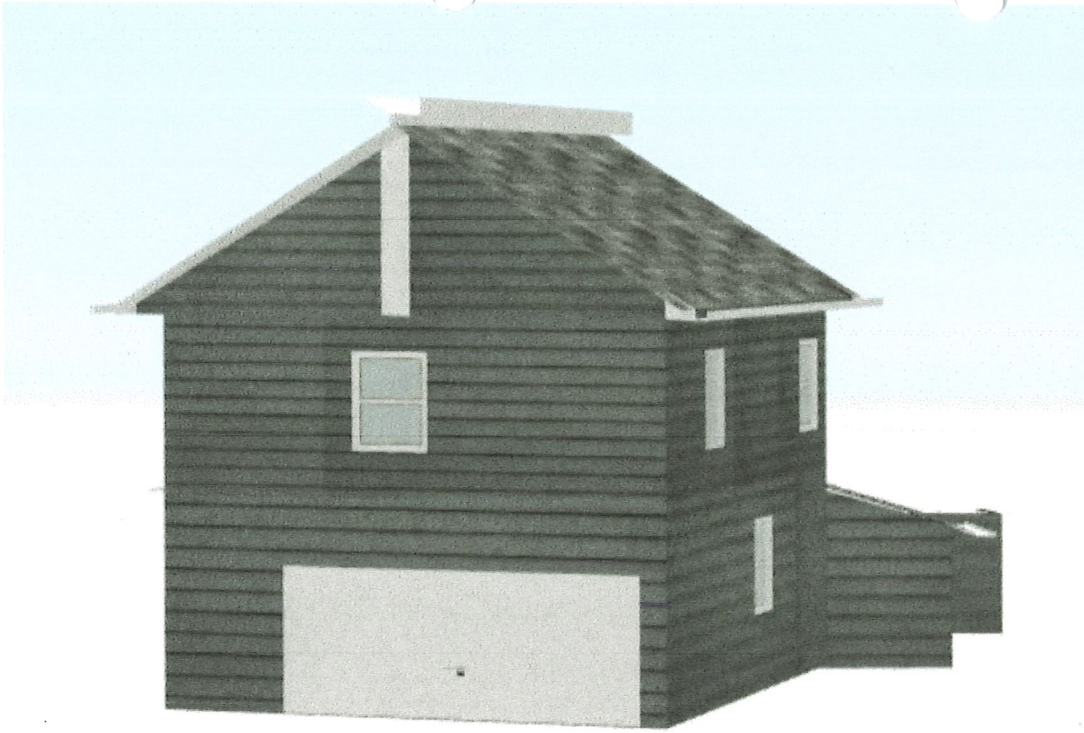
The window and door here are the openings to the tie-in



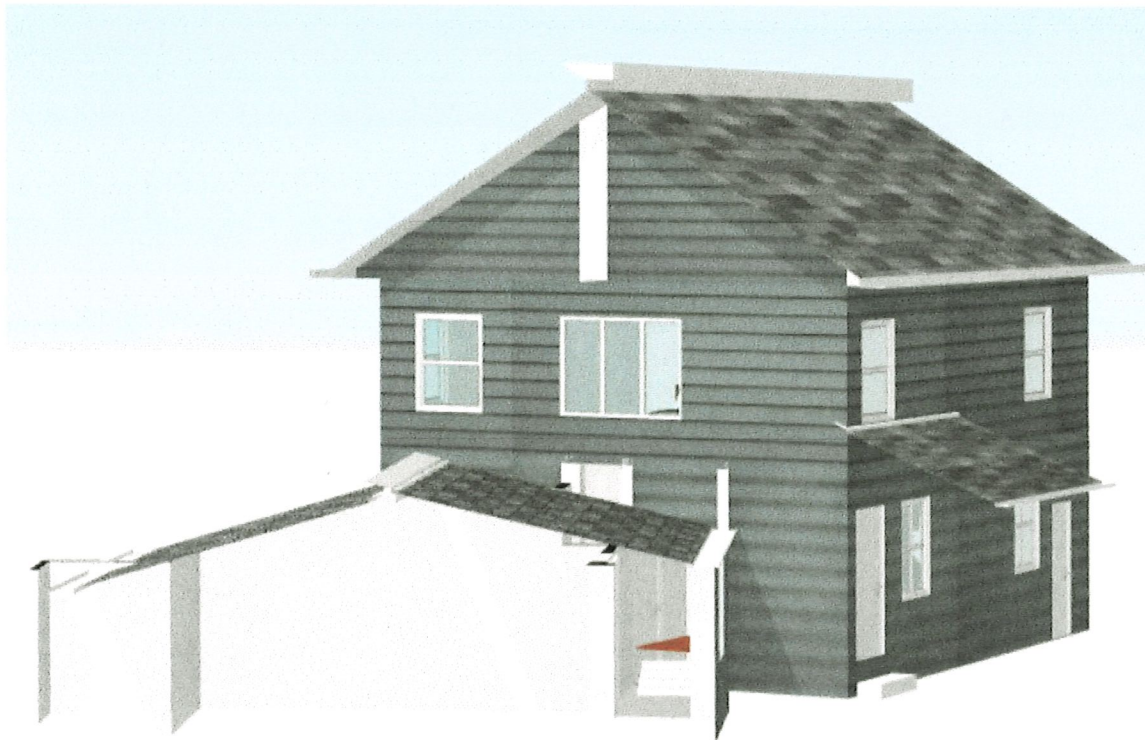
2<sup>nd</sup> Floor overlaid over current house



2<sup>nd</sup> Floor 3d



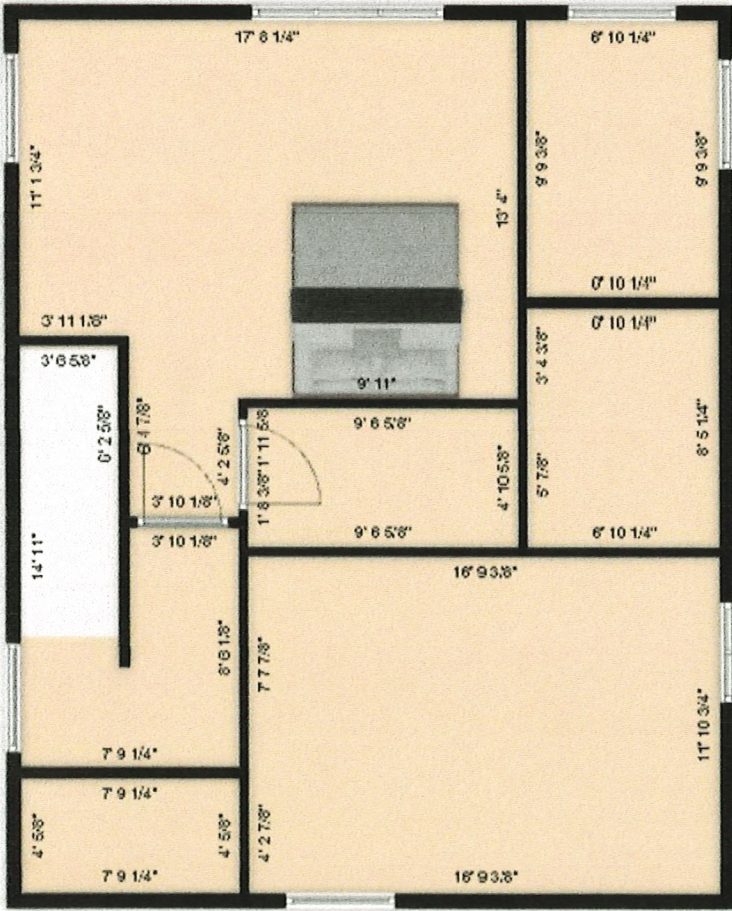
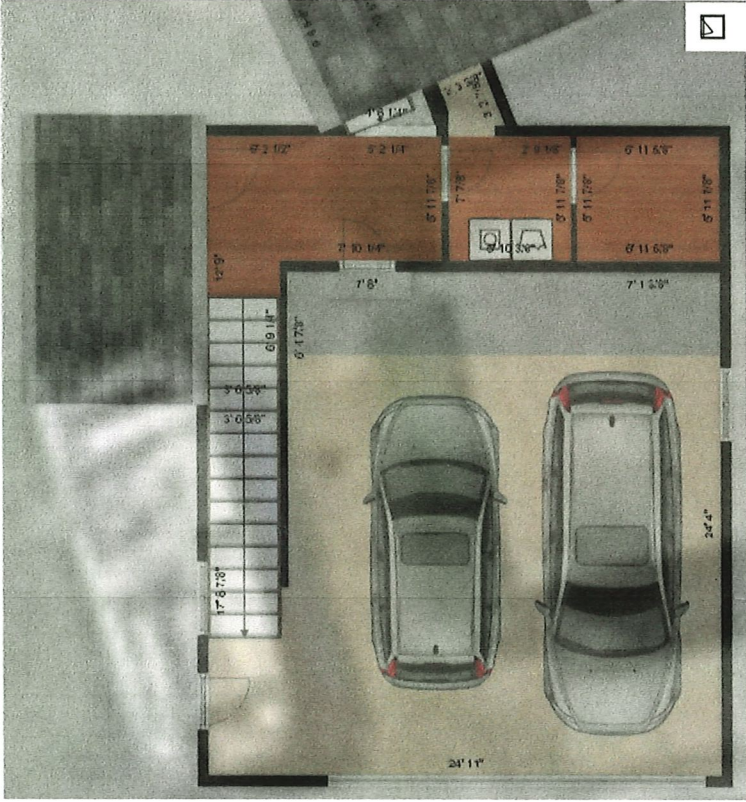
View of addition from road showing back of existing house.



View of addition from south shown with attaching roofline of existing house

NOTE: 2'8" steps into back room of addition from existing house. There will then be a 1'8" step down to the garage floor

Rough dimensions



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



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

## WHITE LAKE TOWNSHIP

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

May 26, 2021

David Nemshick  
9323 Gale Rd  
White Lake, MI 48386

RE: Proposed Addition

Based on the submitted plans, the proposed residential addition 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 side yard setback of 10 ft each side, minimum front yard setback of 30 ft and minimum lot width of 80 ft.

The existing structure and lot are legal non-conforming with the 70 ft wide lot containing a residential structure; having a 4.7 ft side yard setback on the west side, and approximately a 25 ft front yard setback on the north side. The proposed attached garage would take place of the current non-conforming detached garage; with a side yard setback on the west side of 7 ft, and further expanding the non-conformity of the front yard setback to 17.4 ft on the north side.

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. To be eligible for the June 24<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than May 27<sup>th</sup> at 4:30 PM. The Planning Department can be reached at (248)698-3300, ext. 5

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:** June 24, 2021

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**Agenda item:** 6d

**Appeal Date:** June 24, 2021

**Applicant:** Todd Hammerick

**Address:** 26204 Barrington Circle  
Commerce, MI 48390

**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. The public sanitary sewer system is available to serve the site.

## **Applicant's Proposal**

Todd Hammerick, the applicant, is proposing to construct a new house.

## **Planner's Report**

On October 15, 2020 the Zoning Board of Appeals approved variance requests from the applicant to construct the house. Variances are valid for a period of six months from the date of approval, unless a building permit is obtained within such period and the work associated with the variance is started and proceeds to completion in accordance with the terms of the building permit. The applicant did not obtain a building permit within six months of approval so the variances expired and are void. The following variances were previously granted:

- 5-foot variance from the east and west side yard setbacks
- 10-foot variance from the front yard setback
- 26.86% variance to exceed the maximum lot coverage
- 40-foot variance from the required lot width
- 7,120 square foot variance from the required lot size

In May 2021 a permit was issued to demolish the former 1,097 square foot house, which was nonconforming because it did not meet the front and side yard setbacks. The former house was located 4.1-feet from the east side lot line, 5.9-feet from the west side lot line, and 12.4-feet from the front (south) 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 7,120 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.

There were some changes to the floorplan from the prior project to the current request. A 578 square foot two-car garage is now shown as a 731 square foot three-car garage. On the second story, a dormer was added on the west side of the bonus room (44.58 square feet) and a 16.65 square foot balcony was removed. Overall, the plans note the second story increased 72 square feet.

The applicant is proposing to construct a 3,310 square foot two-story house with an attached three-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 setbacks. 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).

Please note, with the foundation and roof overhang located five (5) feet from the side lot lines, gutters could not be accommodated. The Zoning Board of Appeals should consider requiring gutters based on the proposed proximity to the lot lines.

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<br>(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%<br>(1,311 square feet) | 46.86% (2,287 square feet) |

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variances requested by Todd Hammerick 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%, 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. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- A foundation certificate shall be required prior to the backfill inspection by the Building Department.
- In no event shall the projection of the roof overhang be closer than five (5) feet to the east and west side lot lines.
- No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard property line.



**Denial:** I move to deny the variances requested by Todd Hammerick 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 Todd Hammerick 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 May 26, 2021.
2. Survey dated July 6, 2020 (revision date May 26, 2021).
3. Site plan dated September 1, 2020.
4. Building elevations and floor plans dated May 26, 2021.
5. Letter of denial from the Building Department dated September 3, 2020.
6. Minutes from the October 15, 2020 Zoning Board of Appeals Special meeting.

### 7.37 STANDARDS

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

A. Practical difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.

B. Unique situation: The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

C. Not self created: The applicants problem is not self created.

D. Substantial justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).

E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.

F. Compliance with other laws: The variance is the minimum necessary to comply with state or federal laws, including but not necessarily limited to:

i. The Michigan Right to Farm Act (P.A. 93 of 1981) and the farming activities the Act protects;

ii. The Americans with Disabilities Act of 1990 (as amended), and the needs of handicapped individuals the Act protects, including accessory facilities, building additions, building alterations, and site improvements which may not otherwise meet a strict application of the standards of this Ordinance.

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

MAY 27 2021

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x168

BUILDING  
DEPARTMENT

APPLICANT'S NAME: Todd Hammerick PHONE: (248) 974-6263  
ADDRESS: 8414 Cascade St, White Lake, 48382 / 26204 Barrington Circle  
Commerce Twp, MI 48390  
APPLICANT'S EMAIL ADDRESS: todd.hammerick@yahoo.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 8414 Cascade St PARCEL # 12 - 36-453-012  
CURRENT ZONING: R1-D PARCEL SIZE: 4,900 sf

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Previously approved Front yard  
set back, Side yard setback Lot coverage minimum lot area and minimum lot width  
from article 3.1.6. E, R1-D Single family residential.  
VALUE OF IMPROVEMENT: \$ 450,000 SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)  
Our family purchased 8414 Cascade on April 30, 2021. The previous owners  
had architectural plans and variances approved for the construction of a  
new home during the ZBA meeting on October 15, 2020 (minutes attached).  
Our family purchased those architectural drawings from the previous owners  
however the approved variances expired two weeks before we closed on  
the property because a building permit was not applied for due to covid  
concerns. We are looking to continue where the previous owners left off by  
moving forward with the construction of the proposed home approved at the

cont.

APPLICATION FEE: \$385 (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE: Todd Hammerick DATE: 5/26/21

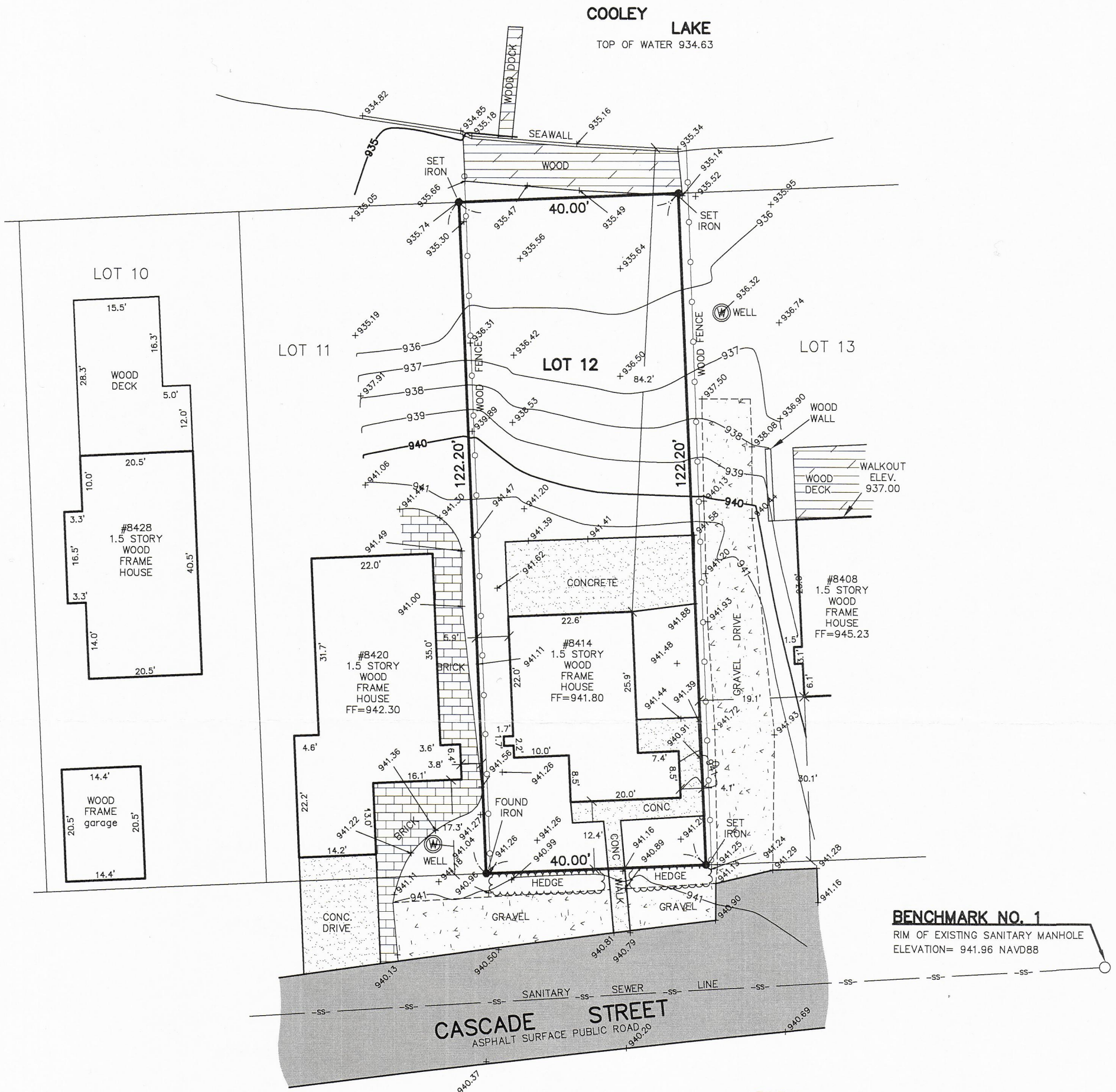
## **Reasons to support request (cont.)**

October 15, 2020 ZBA meeting. We are very excited to be a part of the White Lake community and already moved forward with the demolition of the existing home on May 26, 2021. Our family respectfully asks that the previously approved request to construct a single-family house requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Lot Coverage, Minimum Lot Area, and Minimum Lot Width be reinstated.

We are proposing to to construct a two-story house on the property where the previously house stood before it was demolished on May 26. 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. 8414 Cascade has a non-conforming lot and we are asking for the 20' front yard setback to be in more conformity with the rest of the homes in the area. Finally, because the overall size of the lot is small, the lot coverage variance is also be requested.

**LEGAL DESCRIPTIONS AS PROVIDED AND SURVEYED:**

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



**BENCHMARK NO. 1**  
RIM OF EXISTING SANITARY MANHOLE  
ELEVATION= 941.96 NAVD88

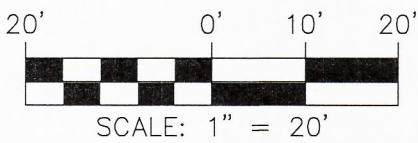
**LEGEND**

- x 875.00 = EXISTING ELEVATION
- ⊙ = POWERPOLE
- ⊠ = BENCHMARK

**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

NORTH



SCALE: 1" = 20'

**BOUNDARY & TOPOGRAPHICAL SURVEY FOR:**  
**TODD & MONICA HAMMERICK**  
8414 CASCADE STREET  
WHITE LAKE, MI

|               |                 |                  |                 |
|---------------|-----------------|------------------|-----------------|
| SCALE: 1"=20' | JOB NO. CASCADE | DATE: 07.06.2020 | REV: 05.26.2021 |
| 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       |
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| VARIANCE   | 05.26.2021 |
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**ARCHITECTURAL DESIGN**  
RESIDENTIAL  
COMMERCIAL  
INDUSTRIAL



**PROPOSED RESIDENCE FOR:**  
MR. & MRS HAMMERICK  
WHITE LAKE, MICHIGAN  
248-974-6263

|                          |           |          |
|--------------------------|-----------|----------|
| DRAWN:                   | DESIGNED: | CHECKED: |
|                          |           |          |
| SCALE : 1/8" = 1'-0"     |           |          |
| FILE NAME : 21056_SP.101 |           |          |
| JOB # : 21056            |           |          |
| SHEET TITLE              |           |          |
| SITE PLAN                |           |          |
| SHEET #                  |           |          |
| SP.101                   |           |          |

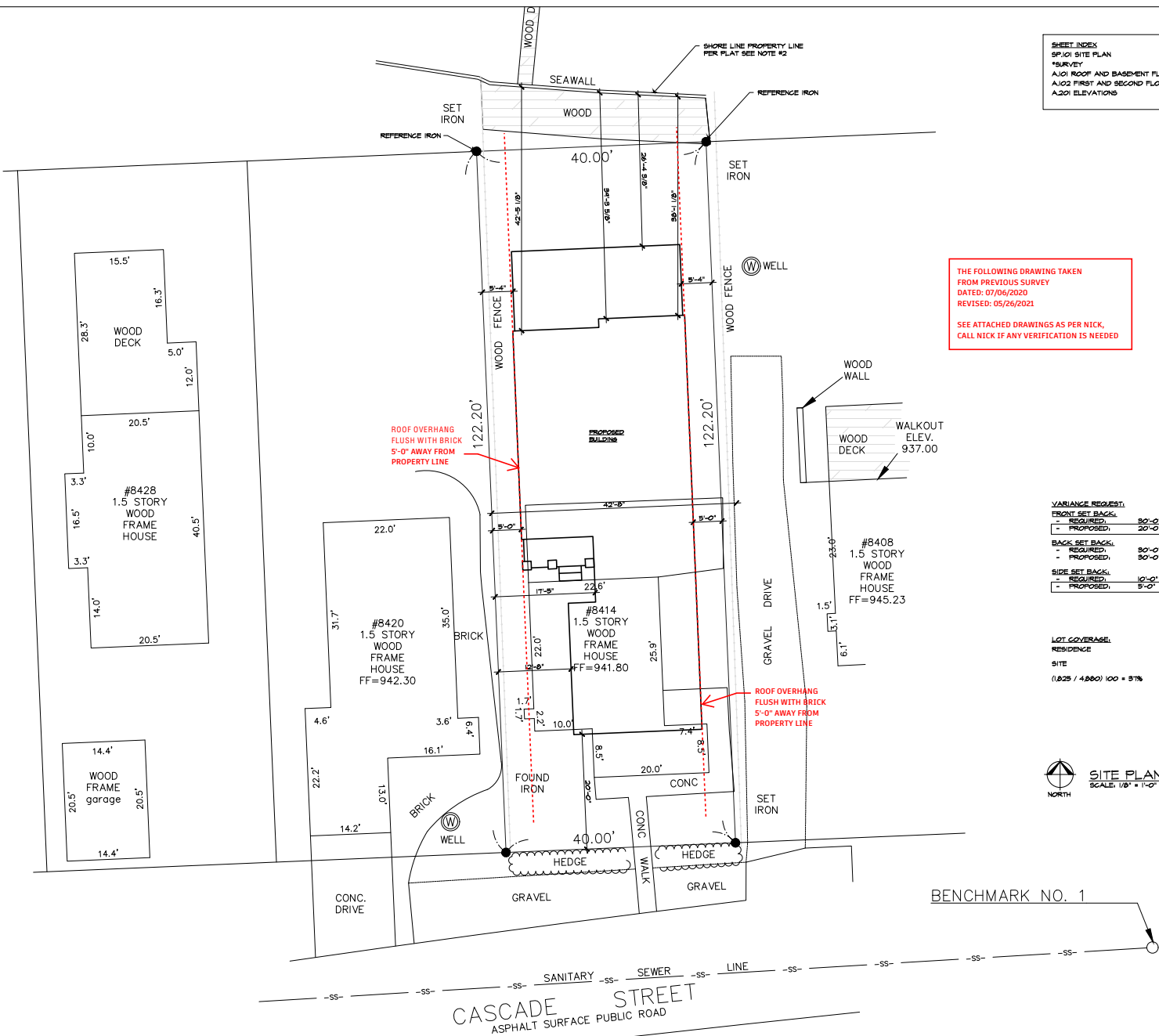
**SHEET INDEX**  
SP.101 SITE PLAN  
SURVEY  
A.101 ROOF AND BASEMENT FLOOR PLAN  
A.102 FIRST AND SECOND FLOOR PLAN  
A.201 ELEVATIONS

THE FOLLOWING DRAWING TAKEN FROM PREVIOUS SURVEY DATED: 07/06/2020 REVISED: 05/26/2021  
SEE ATTACHED DRAWINGS AS PER NICK. CALL NICK IF ANY VERIFICATION IS NEEDED

**VARIANCE REQUEST:**

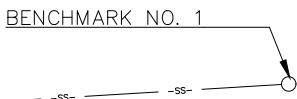
|                 |                  |
|-----------------|------------------|
| FRONT SET BACK: | REQUIRED: 30'-0" |
| - PROPOSED:     | 20'-0"           |
| BACK SET BACK:  | REQUIRED: 30'-0" |
| - PROPOSED:     | 30'-0"           |
| SIDE SET BACK:  | REQUIRED: 10'-0" |
| - PROPOSED:     | 5'-0"            |

**LOT COVERAGE:**  
RESIDENCE 1,825 SF  
SITE 4,880 SF  
(1,825 / 4,880) 100 = 37%



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

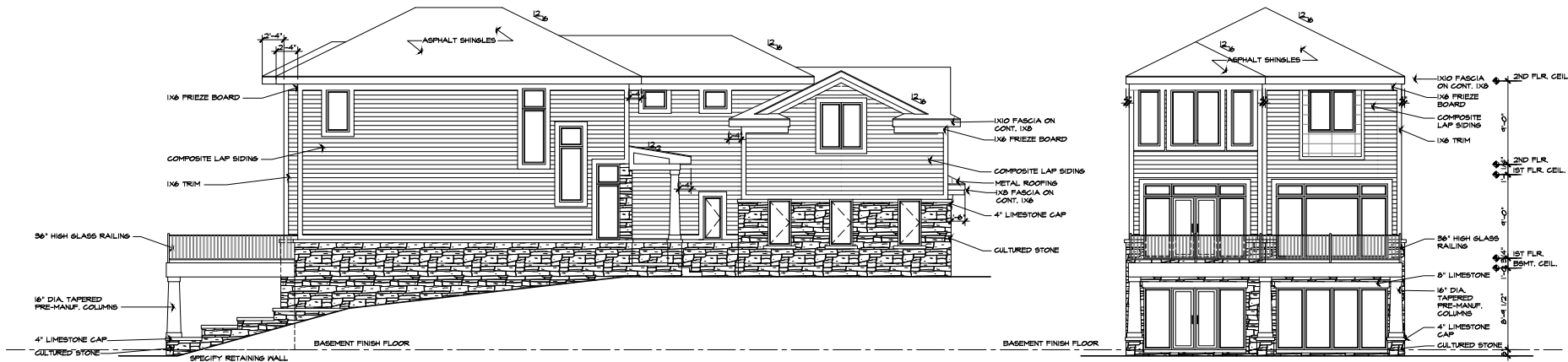
CASCADE STREET  
ASPHALT SURFACE PUBLIC ROAD



| ISSUED FOR | DATE       |
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| VARIANCE   | 05/26/2022 |
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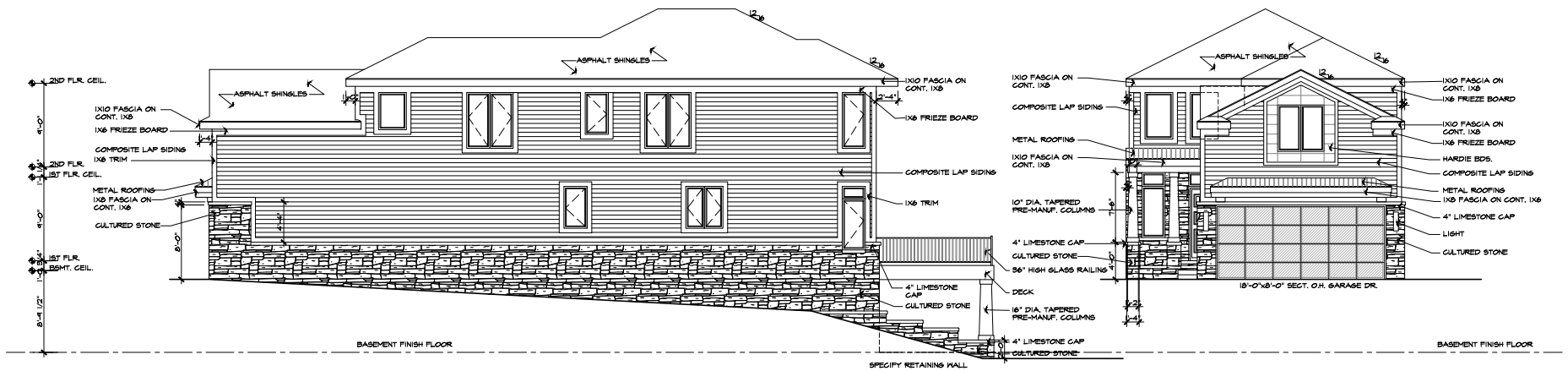
**ARCHITECTURAL DESIGN**  
RESIDENTIAL  
COMMERCIAL  
INDUSTRIAL

**S.A.V. ASSOCIATES, INC.**  
3000 WOODLAND DRIVE, SUITE 100  
ANN ARBOR, MI 48106  
734.769.8800  
www.savassociates.com



**WEST ELEVATION**  
SCALE: 3/8" = 1'-0"

**NORTH ELEVATION**  
SCALE: 3/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 3/8" = 1'-0"

**SOUTH ELEVATION**  
SCALE: 3/8" = 1'-0"

**PROPOSED RESIDENCE FOR:**  
**MR. & MRS. HAMMERICK**  
**WHITE LAKE, MICHIGAN**  
248-974-6263

DRAWN: BA DESIGNED: SA CHECKED: .

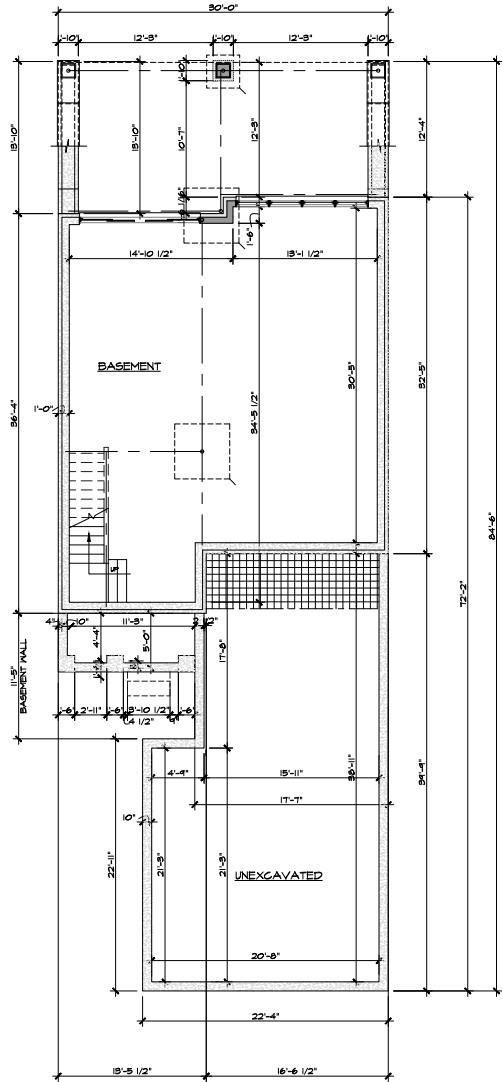
SCALE: 3/8" = 1'-0"

FILE NAME: 21056-200

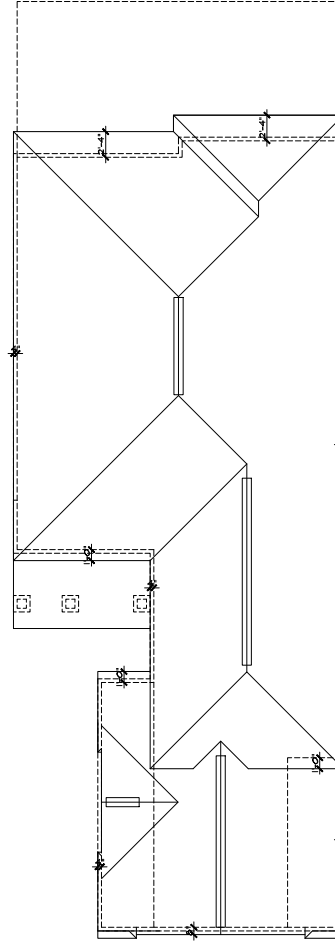
JOB #: 21056

SHEET TITLE  
ELEVATIONS

SHEET #  
**A.201**



**BASEMENT/ FOUNDATION PLAN**  
SCALE: 3/16" = 1'-0"



**ROOF PLAN**  
SCALE: 3/16" = 1'-0"

| ISSUED FOR | DATE       |
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| VARIANCE   | 05/26/2022 |
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**ARCHITECTURAL DESIGN**  
RESIDENTIAL  
COMMERCIAL  
INDUSTRIAL

**S.A.V. ASSOCIATES, INC.**  
20000 Woodward Road, Suite 100  
Farmington Hills, Michigan 48334  
248-850-0000  
www.savassociates.com



**PROPOSED RESIDENCE FOR:**  
**MR. & MRS. HAMMERICK**  
**WHITE LAKE, MICHIGAN**  
**248-974-6263**

| DRAWN: | DESIGNED: | CHECKED: |
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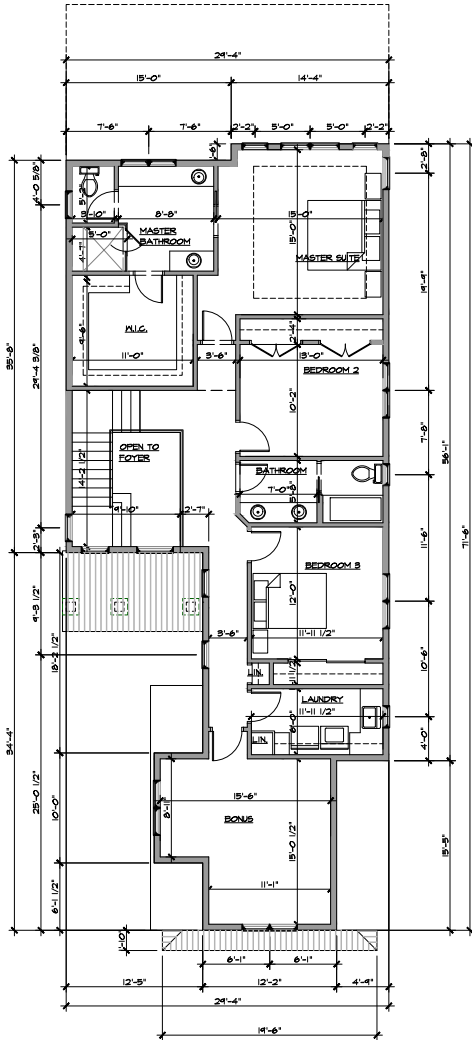
SCALE : 3/16" = 1'-0"  
FILE NAME : 21056-A101

JOB # : 21056

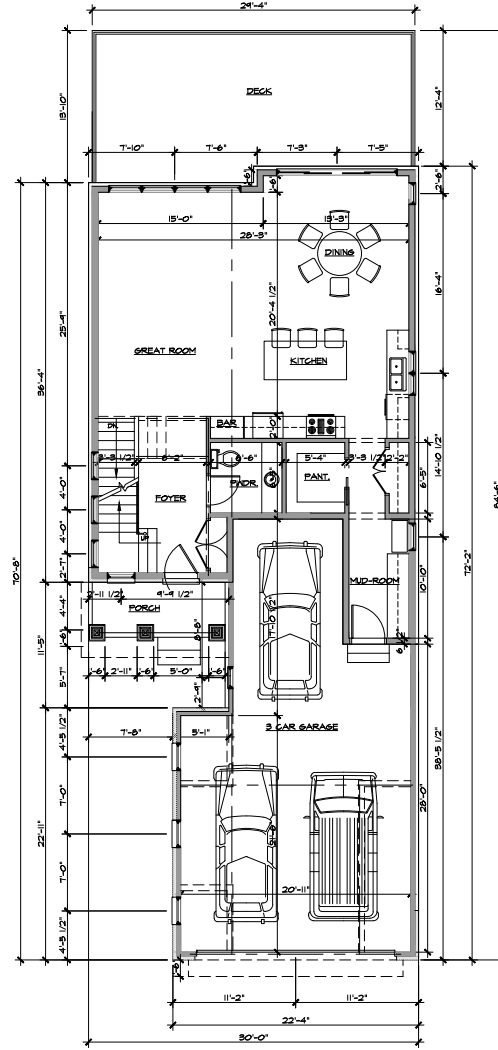
SHEET TITLE  
**ROOF AND BASEMENT FLOOR PLAN**  
SHEET #

**A.101**





**SECOND FLOOR PLAN**  
SCALE: 3/16" = 1'-0" 1,485 SF.



**FIRST FLOOR PLAN**  
SCALE: 3/16" = 1'-0" 1,044 SF.

| AREA               | AREA         | AREA          |
|--------------------|--------------|---------------|
| SECOND FLOOR       | 1,485        | 50 FT.        |
| FIRST FLOOR        | 1,044        | 50 FT.        |
| BASEMENT           |              | 50 FT.        |
| GARAGE             | 791          | 50 FT.        |
| DECK               | 504          | 50 FT.        |
| PORCH              | 79           | 50 FT.        |
| <b>TOTAL GROSS</b> | <b>4,866</b> | <b>50 FT.</b> |

| ISSUED FOR | DATE       |
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| VARIANCE   | 05/26/2022 |
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**ARCHITECTURAL DESIGN**  
RESIDENTIAL  
COMMERCIAL  
INDUSTRIAL

**S.A.V. ASSOCIATES, INC.**  
3000 W. BROADWAY, SUITE 100  
ANN ARBOR, MI 48106  
734.769.8800  
www.savassociates.com



**PROPOSED RESIDENCE FOR:**  
**MR. & MRS. HAMMERICK**  
**WHITE LAKE, MICHIGAN**  
**248-974-6263**

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

SCALE: 3/16" = 1'-0"  
FILE NAME: 21056-A.102  
JOB #: 21056

SHEET TITLE  
**FIRST AND SECOND FLOOR PLAN**  
SHEET #  
**A.102**

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS SPECIAL VIRTUAL MEETING  
**OCTOBER 15, 2020**  
7525 Highland Road  
White Lake, MI 48383

Ms. Spencer called the special meeting of the White Lake Township Zoning Board of Appeals to order at 6:03 p.m. and led the Pledge of Allegiance. Roll was called:

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

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

Visitors: 0

**Approval of the Agenda:**

**Mr. Powell MOTIONED to approve the agenda with an amendment to moved item 6c ahead of agenda item 6b. Ms. Dehart 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 Special Meeting Minutes September 10, 2020.

**Mr. Schillack said his name was misspelled on page one. Mr. Walz wanted to add that he would like to add “in his opinion” after the first sentence on page three, paragraph ten. Ms. Dehart MOTIONED to approve the special meeting minutes of September 10, 2020 as amended. Mr. Schillack supported and the MOTION CARRIED with a roll call vote (Powell/yes, Schillack/yes, Spencer/yes, Walz/yes, Dehart/yes).**

**New Business**

- a. Applicant: Chuck Essian  
9534 Mandon Road  
White Lake, MI 48386
- Location: **9534 Mandon Road**  
White Lake, MI 48386 identified as 12-35-126-034
- Request: The applicant requests to construct an addition to a single-family house that would attach to an accessory building, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback due to the setback from the side lot line.

**Ms. Dehart asked the Zoning Board of Appeals to be recused from agenda item 6a due to a conflict of interest. Mr. Powell MOTIONED to recuse Ms. Dehart from agenda item 6a. Mr. Schillack SUPPORTED, and the MOTION CARRIED with a voice vote (Walz/yes, Schillack/yes, Powell/yes, Spencer/yes, Dehart/abstained).**

Ms. Dehart was removed from the virtual meeting room.

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 was returned undeliverable from the US Postal Service.

### **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.

Mr. Powell asked staff how the applicant's request differed from a mother in law suite, which the Zoning Ordinance allowed for. Mr. Quagliata said there was a restriction on the size of a secondary dwelling unit in the ordinance, and the applicant's request exceeded the allowed square footage. The applicant did not request a variance for the size of the building. He added the proposed structure was only attached to the house by a breezeway.

Mr. Walz asked staff if a survey of the property was submitted. Mr. Quagliata said there wasn't. Mr. Walz said when he visited the site, the building area was not staked. Mr. Quagliata added the variance application required staking, and failure to do so could cause the case to be tabled.

Mr. Essian was present to speak on his case. He said he had to redraw his plot plan to scale to show an accurate picture of what would be built. He said he didn't stake out his addition, but he would be moving the new structure 3.5' east of the existing garage, with a 45' covered walkway connection the addition to the house.

Mr. Powell asked Mr. Essian about the placement of the entrance to the addition. He said the site plan shows the walkway 10.5' off the west property line and into the northwest corner of the structure. The floorplan doesn't reflect the same., it shows the entry way leading into the utility room, without a door. Mr. Essian said the walkway would enter the structure from the utility room, but he wanted to change it to have entry from the kitchen to the walkway.

Ms. Spencer opened public hearing at 6:46 PM. Seeing no public comment, she closed the public hearing at 6:46 PM.

Mr. Walz said it would be difficult to make a decision regarding the case because of the lack of information that was put forth before the ZBA. Mr. Powell said tweaking to the plan and additional information would need to be provided to the ZBA. He asked if the applicant were to come request an addition, would the Township allow it. Mr. Quagliata said a secondary dwelling unit is different than an addition, as a secondary dwelling unit had its own independent access. He added Township staff has concerns with the proposed structure being used by a future owner as a potential rental unit.

Mr. Schillack wanted clarification regarding construction of the walkway. Mr. Essian said the walkway will be roofed, and enclosed on one side.

**Mr. Powell MOVED 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):**

- **Self-imposed hardship**

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

**Powell: YES; it was not shown that there was any practical difficulty and the addition was a proposed self-imposed hardship.**

**Walz: YES; For the reasons stated.**

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

**Spencer: YES; it was a self-imposed hardship and practical difficulty was not evident.**

Ms. Dehart reentered the virtual meeting room

- b.
- |            |   |
|------------|---|
| Applicant: | SLT Properties LLC (Robert Swierkos)<br>2439 Fenton Road<br>Hartland, MI 48353  |
| Location:  | <b>10201 Joanna K Avenue</b><br>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 and Side-Yard Setback due to the proposed building setbacks. Variances from Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width are also required. |

Mr. Powell asked the ZBA to be recused as he had been hired by the applicant for the septic engineering, and it would be a conflict of interest for him to be involved. Mr. Schillack MOVED for Mr. Powell's recusal. SUPPORTED BY Ms. Dehart, the MOTION CARRIED with a voice vote. (Spencer/yes, Walz/yes, Powell/yes, Dehart/yes, Schillack/yes)

Mr. Powell was removed from the virtual meeting room.

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 was returned undeliverable from the US Postal Service.

### **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.

Mr. Swierkos, 2439 Fenton Road, Hartland, was present to speak on his case. The request was to add a second story. The issue was the size of the lot. The house is in rough shape, and he is proposing to fix it and increase the living space to around 1,000 square feet. He would not add any bedrooms. He said when the project was priced out, he thought he could save money by doing the work himself, however, these were pre-COVID prices, and the addition would cost more than originally assumed.

Mr. Walz asked the applicant if the plans had been reviewed by a structural engineer? Mr. Swierkos said no, plans were prepared by an architect. He said he would not have a problem with a structural engineer reviewing the plans.

Ms. Spencer opened the public hearing at 7:42 PM. Seeing no public comment, she closed the public hearing at 7:43 PM.

Mr. Schillack said he was concerned about the roof overhang. Mr. Quagliata confirmed the roof overhang was within the side lot line, and said a condition should be added to the variance to not allow the roof overhang to project within 5' of the side yard lot lines.

Ms. Dehart asked staff if the 5' roof overhang was on the first floor or second? Mr. Quagliata said the first-floor roof overhang on the west was legal non-conforming. The proposed second story roof would have to meet the ordinance requirements.

Mr. Walz said he was concerned the applicant may take a different route with the way he wanted to approach the design after meeting with a structural engineer. He could meet with the engineer and work on a better design that may end up better for the applicant and the Township.

**Mr. Walz MOVED 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 specific to the SEV, structural engineer review, and the overhang of the roof.**

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

**Dehart: YES; there were issues to figure out before moving forward.**

**Walz YES; for the reasons stated.**

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

**Spencer; YES, for the same reasons.**

Mr. Powell reentered the virtual meeting room.

c.                  Applicant:        Richard Vincent  
                                572 Washington Boulevard  
                                White Lake MI,48386  
                                Location:        **572 Washington Boulevard**  
                                White Lake, MI 48386 identified as 12-27-403-009  
                                Request:        The applicant requests to construct an attached garage to a single-family house, requiring a variance from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback due to the proposed front yard setback.

Ms. Spencer noted for the record that 26 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 0.401-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.

Mr. Vincent was present to speak on his case. He said he was looking to replace garage, and to construct it in the same area the current one was at. He said his septic tank was 22' to the north of his garage, and he didn't want to interfere with the oak tree behind the garage.

Mr. Powell said it would be ideal to move the garage back 9' so the applicant wouldn't need a variance. Mr. Vincent said he could move the garage north 4'-6'. He would like to offset roofline of the new garage with the roofline of the house.

Ms. Dehart asked the applicant where the north wall of the new garage would be. Mr. Vincent said the wall would be 25' from the septic tank.

Ms. Spencer opened the public hearing at 8:14 PM. Seeing no public comment, she closed the public hearing at 8:14 PM.

Ms. Dehart asked staff since the property was a corner lot, were there two front yard setbacks. Mr. Quagliata confirmed, the west yard was the rear yard.

Mr. Quagliata said if the ZBA was inclined to modify the front yard setback, they could grant 30' to be consistent with R1-D standards.

Mr. Powell said if a variance of 5' was granted instead of 9', it would give the applicant what he was looking for, maintain a bigger setback than what was existing, and enhance the architecture of the garage and breezeway to the house.

**Mr. Powell MOVED 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 five (5) feet into the required front yard setback resulting in a thirty (30) foot setback along De Grand, due to the hardship of a corner lot and to maintain a pleasing architectural façade. 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.**

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

**Powell: YES; there was a practical difficulty.**

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

**Walz: YES; a hardship existed with the lot due to challenging conditions.**

**Spencer: YES; for all the same reasons.**

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

- d.      Applicant:      David Nellist  
                                 301 South Silvery Lane  
                                 Dearborn, MI 48124
- Location:      **10697 Castlewood Drive**  
                                 White Lake, MI 48386 identified as 12-34-151-004
- Request:        The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback and Article 3.11.Q, Water Features Setback due to the proposed buildings setbacks from the water's edge. Variances from Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width are also required.

Ms. Spencer noted for the record that 11 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 0.23-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.

Mr. Powell asked staff why setbacks were measured from the water's edge of the lake. Mr. Quagliata stated water was excluded from lot area calculations because it wasn't useable. He added rear setbacks on a lakefront lot are measured from the water's edge for the same reason.



Mr. Quagliata said there was not a sea wall, and the survey dated 1997 showed the water's edge in one place, but over time, it may have shifted. Mr. Walz asked staff if the water features setback could be more or less than 5'. Mr. Quagliata responded in the affirmative.

Ms. Dehart asked staff if soil borings were done to the parcel. Mr. Quagliata said not to his knowledge.

Mr. David Nellist, 301 S Silvery Lane, Dearborn, was present to represent his case. He said there was a permit in to the state for a seawall down the side and back of the property. He intends to have a new survey done of the property, as well as soil boring tests.

Mr. Powell said the area had recently been granted access to sanitary sewers. He asked if the lot was included in the Special Assessment District (SAD).

Ms. Spencer open the public hearing at 8:49 PM.

Donald McCuean, 10687 Castlewood Drive. He was the homeowner east of the property in question. The previous owner of the lot told him he did pay to tie into the sewers. He had no problems with the applicant's variance request.

Ms. Spencer closed the public hearing at 8:53 PM

Mr. Powell asked the applicant what the smaller building on the north was. Mr. James Nellist said it would be a small work room, and north of that would be a carport. Mr. Quagliata asked the applicant why the accessory building couldn't be moved to the east to meet the 25' setback? Mr. James Nellist said he wanted room to have a turning radius to maneuver a vehicle into the carport. Mr. Quagliata also said the side deck could be reduced in size to get a greater setback from the water's edge to the west.

Mr. Powell asked if there was a flood plain on Sugden Lake? Mr. James Nellist said no, not as far as this property was concerned, and the plans proposed a finished first floor grade of 4', with the crawl space included.

**Mr. Schillack MOVED to approve the variances requested from David Nellist from Article 3.1.6.E for parcel number 12-34-151-004, identified as 10697 Castlewood Drive in order to construct a new house that would encroach twenty (20) feet into the required water feature setback and five (5) feet into the required side yard setback, a fourteen (14) foot variance from the required lot width and two thousand (2,000) square foot variance to the lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:**

- **The applicant will 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 (5) feet to the east side lot line or five (5) feet to the water's edge to the west.**
- **A current survey shall be submitted at the time of reapplication for a building permit.**
- **A floodplain certificate be submitted to ensure the finished floor elevation is at least one (1) foot above the floodplain.**

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

**Schillack: YES; the house would make a nice addition to the neighborhood and there would be a seawall next to the inlet.**

**Dehart; YES, the applicant was working hard to make sure the home is constructed properly and it will be a nice addition to the neighborhood.**

**Walz: YES; a hardship existed due to the configuration and challenges of the existing lot size.**

**Spencer: YES; a hardship existed and land that wasn't developed can be developed beautifully now in White Lake.**  
**Powell: YES; the applicant demonstrated a non-self-imposed hardship and practical difficulty due to the existing conditions of the parcel.**

- e. Applicant: Lakewood Village Improvement Association  
971 Schuyler Drive  
White Lake, MI 48383
- 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**  
White Lake, MI 48383
- Request: The applicant requests to construct three monument signs within the road right-of-way, requiring variances from Article 5.9.I, Residential District Signs due to the proposed zero-foot setback from the road right-of-way and installation of a third monument sign.

Ms. Spencer noted for the record that 57 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.

**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.

Mr. Powell asked staff if the ZBA had any right to deny this variance if the applicant already had a permit from the Road Commission? Mr. Quagliata said the ordinance required a setback; if there is none, a variance is required.

Mr. Marvin Miller, 995 Artdale, was present to represent his case. The three locations are right at the boundaries of where the respective roads connect to Bogie Lake Road. The current signs were worn and out of date, and the new signs would update the look of the neighborhood. They would be placed in a way so the signs will be parallel, not perpendicular to the road to eliminate blind spots.

Mr. Powell asked the applicant about the lighting for the signs. Mr. Miller said they are working with a vendor that can provide solar power lighting as they had no way to drive power to them. Mr. Powell had concerns with the sign lighting being too bright and shining upward Mr. Quagliata said a condition of approval could be to shield the lighting and have it pointed downward. There could also be a condition that the lights on it be turned off from midnight to 6 am.

Ms. Spencer opened the public hearing at 9:27 PM. Seeing no public comment, she closed the public hearing at 9:27 PM.

**Mr. Walz MOVED** 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, to include pre approval from the Planning Department of the lighting, inclusive of shielded and directed downward lighting. Furthermore, lights shall be turned off between midnight and 6 AM.**
- **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.**

**Mr. Powell SUPPORTED**, and the **MOTION CARRIED** with a roll call vote:

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

**Powell: YES; it would be a substantial improvement to the intersections and assist in traffic control as the signs would be easily identifiable.**

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

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

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

- f. Applicant: 8414 Cascade, LLC (Michael J. Beals)  
3644 Burning Tree Drive  
Bloomfield Hills, MI 48302  
Location: **8414 Cascade Street**  
White Lake, MI 48386 identified as 12-36-453-012

**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, Side-Yard Setback, Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

Ms. Spencer noted for the record that 30 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 0.112-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).

Mr. Powell asked staff if the rear yard setback was to the deck or the house? Mr. Quagliata said the setback 30' setback was from the house to the water's edge, and the deck was subject to the water's feature setback, which was 25'.

Mr. Gahasan Abdelnour, GAV Associates, was present to represent the applicant. He is asking for variances of 5' from the side yard setbacks, and 10' from the front yard setback. He said the lot was non-conforming, and he was asking for the 20' front yard setback to be in more conformity with the rest of the homes in the area. He asked for the lot coverage because the lot was small.

Mr. Powell asked staff to confirm the applicant is not requesting lakeside variances. Mr. Quagliata confirmed. Mr. Powell said he was concerned for the neighbors on both sides of the property, and their view, but the applicant was meeting the setbacks from the rear lot lines.

Mr. Beals, the homeowner, was also in attendance and said it was important to be considerate of his neighbors on both sides. The house was in line with the neighbors to the east and west, in regards to his sightlines. He said this new home would be his primary residence.

Ms. Spencer opened the public hearing at 9:47 PM. Seeing none, she closed the public hearing at 9:47 PM.

**Mr. Walz MOVED 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.**
- **In no event shall the projection of the roof overhang be closer than five (5) feet to the east or west side lot lines.**

**Ms. Dehart SUPPORTED and the MOTION CARRIED with a roll call vote:**

**Walz: YES; the house would be an improvement to the area and a hardship existed due to the lot configuration.**

**Dehart: YES; there was a hardship with this lot size.**

**Schillack YES; the house would be an improvement to the neighborhood.**

**Powell: YES; the lot was substandard and legal non-conforming and the owner presented a case for practical difficulty to provide a modern home on this lot.**

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

**Other Business:**

Ms. Spencer wanted to add she was concerned applicants were not staking out their additions. Mr. Quagliata said the application required additions to be staked, and there may be a need to be more stringent with it. He suggested the Zoning Board of Appeals require stake surveys with future application package submittals. He also suggested holding a ZBA training session in the near future.

**Adjournment:**

**Ms. Dehart MOTIONED to adjourn the meeting at 10: 18 PM, Mr. Schillack SUPPORTED. All in favor.**

**Next Meeting Date:** October 22, 2020

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



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

## WHITE LAKE TOWNSHIP

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

May 26, 2021

Todd Hammerick  
26204 Barrington Circle  
Commerce Twp, MI 48390

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%.

It should also be noted that the proposed rooflines and foundation walls are at the side yard setback limit on both sides. If the variance is approved, a foundation certification will be required prior to backfill inspection. Please be aware, per White Lake Township Clear Zoning Ordinance Article 5.3; no projections including gutters can project closer than 5 ft to the property lot line. Gutters may be a requirement of the Zoning Board based on the proposed proximity to the lot lines.

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. To be eligible for the June 24<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than May 27<sup>th</sup> at 4:30 PM. The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
White Lake Township