

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR VIRTUAL MEETING  
July 22, 2021**

**CALL TO ORDER**

Chairperson Spencer called the meeting to order at 7:00 P.M. She then led the Pledge of Allegiance.

**ROLL CALL**

**Present:**

Michael Powell, Township Board Liaison, present in Monument, CO  
Kathleen Aseltyne, present in White Lake Township, MI  
Nik Schillack, present in White Lake Township, MI  
Debby Dehart- Planning Commission Liaison, present in White Lake Township, MI  
Jo Spencer- Chairperson, present in White Lake Township, MI

**Absent:**

Dave Walz, Vice Chairperson

**Others:**

Justin Quagliata, Staff Planner  
Nick Spencer, Building Official  
Hannah Micallef, Recording Secretary

**APPROVAL OF AGENDA**

**MOVED** by Member Schillack, **SUPPORTED** Member Aseltyne, to approve the agenda as presented.  
The motion **CARRIED** with a voice vote (5 yes votes).

**APPROVAL OF MINUTES:**

- a. Zoning Board of Appeals Regular Meeting of June 24<sup>th</sup>, 2021

**MOVED** by Member Schillack, **SUPPORTED** by Member Dehart to approve the Zoning Board of Appeals Regular Meeting Minutes of June 24<sup>th</sup>, 2021 as presented.  
The motion **CARRIED** with a voice vote (5 yes votes).

**CONTINUING BUSINESS:**

There was no continuing business.

**NEW BUSINESS:**

- a)           Applicant:     Stone Hollow Properties & Development LLC  
                                  1100 Corporate Drive  
                                  Milford, MI 48381
- Location:     4355 Jackson Boulevard  
                                  White Lake, MI 48383 identified as 12-07-181-004
- Request:     The applicant requests to construct a single-family house, requiring  
                                  variances from Article 3.1.6.E, R1-D Single Family Residential Maximum  
                                  Building Height, Minimum Lot Area, and Minimum Lot Width.

Chairperson Spencer noted for the record that 13 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 U.S. Postal Service.

Staff Planner Quagliata gave his staff report.

Chairperson Spencer asked staff if the proposed front yard setback could not be considered since it was not published. Staff Planner Quagliata confirmed.

Member Powell asked staff if the builder met the requirements of a basement versus a third story, how would the height of the backfill be calculated with the garage utilizing the basement area. Staff Planner Quagliata said plans would have to be presented for a calculation to be made.

Chairperson Spencer asked staff if a person were to walk into the proposed front door, would they be walking into the basement. Staff Planner Quagliata said the plans showed the first floor with a foyer and stairs leading up to the second level. The ground level was labeled as basement on the plans, but it would finished space and considered a story.

Member Schillack asked staff if the roof on top of the proposed second story porch was structurally sound to be walked on to from the third floor. Staff Planner Quagliata said no.

Member Dehart asked staff where the grade was measured from. Staff Planner Quagliata said the average grade at the front of the building. Member Dehart asked if the basement was counted towards the total square footage. Staff Planner Quagliata said the zoning ordinance considered what the applicant was calling a basement as the first floor.

Staff Planner Quagliata read the ClearZoning Ordinance definition of “story” and “height of building.”

Mario Giannandrea, 510 Highland Avenue, Milford, was present to speak on the case. He stated the back of the middle story went out to grade. He said the rendering presented did not show the roof as being inaccessible from the proposed third floor, but the building plans did.

Member Powell stated the Board was confused because the site plan did not show proposed grades and the architectural elevations of the house showed the grade substantially below the level of the French doors on the second floor, and it was confusing as to whether that was a deck or grade level patio.

Mr. Giannandrea said he tried to position the house on grade, and the lot sloped from the back to the front, creating a reverse walkout. The house was designed to nestle tightly into the lot.

Member Dehart asked the applicant what was on the land behind the lot. Mr. Giannandrea said the area behind the lot was heavily wooded.

Member Schillack asked staff what the zoning was for the land behind the subject parcel. Staff Planner Quagliata said the parcels directly behind the subject parcel were zoned R1-D Single Family Residential.

Member Dehart asked staff if the lot was platted or metes and bounds. Staff Planner Quagliata said the lot was a metes and bounds parcel.

Member Aselyne asked the applicant the reasoning for the square footage of the proposed house being so large. Mr. Giannandrea said the footage included the basement walkout, and without including the basement it would be a smaller square footage.

Chairperson Spencer opened the public hearing at 7:32 P.M. Seeing no public comment, she closed the public comment at 7:33 P.M.

Member Powell asked staff how the variance requests were calculated. Building Official Spencer said the 8.5-foot variance was requested because the proposed basement was considered a first floor per the ClearZoning Ordinance. Staff Planner Quagliata stated the maximum building height was 25 feet or two stories, and the proposed house was 33.5 feet in height.

Mr. Giannandrea said the proposed house was 2,700 square feet. Staff Planner Quagliata said since the basement was considered a story, the proposed square footage increased to 4,098 square feet.

Member Powell said if the backfill was higher around the back and sides of the house, the average height would be less than maximum building height. Staff Planner Quagliata stated an artificial grade could not be established on the site for the purpose of building a structure.

Chairperson Spencer asked staff if the parcel directly behind the subject parcel was metes and bounds. Staff Planner Quagliata confirmed.

Staff Planner Quagliata went through the standards from Article 7, Section 37 of the ClearZoning Ordinance:

A. Practical Difficulty

- Chairperson Spencer said the ZBA would not unreasonably prevent the owner from using the site if the variance was denied. A house could be built in compliance with the zoning ordinance. She did not find a practical difficulty.
- Member Dehart stated she saw a practical difficulty due to the lot.
- Member Powell said the topography of the lot was a practical difficulty.

B. Unique Situation

- Member Powell stated the lot was unique to the area.

- C. Not Self-Created
  - Member Powell and Chairperson Spencer said the applicant's plans were a self-created problem.
- D. Substantial Justice
  - Chairperson Spencer said substantial justice was not being denied as the applicant's right to build was not being taken.
- E. Minimum Variance Necessary
  - Member Schillack said if the house were moved back, a house could meet the setbacks.

**Member Schillack MOVED** to deny the variances requested by Stone Hollow Properties & Development LLC for Parcel Number 12-07-181-004, identified as 4355 Jackson Boulevard, due to the following reason(s):

- **Failure to meet requirements from ClearZoning Ordinance Article 7, Section 37, items A, B, C, D, E.**

**SUPPORTED by Member Aseltyne, and the motion CARRIED with a roll call vote (4 yes votes): (Schillack/yes, Aseltyne/yes, Powell/yes, Dehart/no, Spencer/yes).**

- B. Applicant: Valerie Thompson  
9417 Cedar Island Road  
White Lake, MI 48386
- Location: **9417 Cedar Island Road**  
White Lake, MI 48386 identified as 12-35-254-015
- Request: The applicant requests to construct an addition to a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Maximum Lot Coverage.

Chairperson Spencer noted for the record that 27 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 U.S. Postal Service.

Staff Planner Quagliata gave his staff report.

Member Schillack asked staff since the garage was proposed to be attached to the house, would the nonconformity be increased. Staff Planner Quagliata said if the variance were granted, the garage would become part of the house, and the increase in nonconformity was in reference to the addition connecting the garage and house.

Valerie Thomson, 9417 Cedar Island Road, was present to speak on the case. She said she was trying to expand her kitchen 5 feet, would like to put in a laundry room and mudroom in the 10-foot gap that would connect the house to the garage. Five steps would have to be added.

Member Powell asked the applicant what her practical difficulty was. Ms. Thompson said going up and down steps to get to her laundry room, shoveling snow on the outside walkway, and taking out trash was becoming harder as she aged.

Member Aselyne asked the applicant if there was another place for the addition. Ms. Thompson said her main reason for the proposed location of the addition was to attach the house to the garage, and the only part of the house needing a variance was where the house attached to the garage. There was no way to attach the house to the garage without a variance.

Chairperson Spencer stated the Zoning Board of Appeals could not grant variances for personal circumstances. Member Aselyne added age was not a practical difficulty.

Chairperson Spencer opened the public hearing at 8:20 P.M. Seeing no public comment, she closed the public hearing at 8:21 P.M.

Member Dehart asked staff if the house and garage were conforming. Staff Planner Quagliata said the house was conforming and the garage was nonconforming.

Staff Planner Quagliata went through the standards from Article 7, Section 37 of the ClearZoning Ordinance:

A. Practical Difficulty

In regards to the house:

- Member Powell said the applicant could modify their plans for the addition.
- Member Schillack said there were other options for the addition.

In regards to the garage:

- Member Schillack said he saw the practical difficulty as the garage was already there.

B. Unique Situation

In regards to the house:

- Member Powell said ordinances and building codes had changed since the house was built, but there was another option to resolve the applicant's issue.

In regards to the garage:

- Member Schillack said the garage was already there.

C. Not Self-Created

In regards to the house:

- No comments.

In regards to the garage:

- Member Dehart said the garage was existing.

D. Substantial Justice

In regards to the house:

- No comments.

In regards to the garage:

- Member Powell said the garage was existing, and a number of houses in the area had access to their garages without having to go outside.

E. Minimum Variances Necessary

In regards to the house:

- No comments.

In regards to the garage:

- Member Schillack said the garage was existing.

**Member Powell MOVED** to approve the variance requested by Valerie Thompson from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-254-015, identified as 9417 Cedar Island Road, in order to allow the existing garage to encroach 20 feet into the required front yard. This approval shall have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- If the house is ever damaged or destroyed, the existing garage must be built per the zoning ordinance standards at that time.

**Member Schillack SECONDED, and the motion carried with a roll call vote (3 yes votes):**  
**(Powell/yes, Schillack/yes, Aselyne/no, Dehart/yes, Spencer/no)**

**OTHER BUSINESS**  
No other business.

**ADJOURNMENT**  
**MOVED** by Member Aselyne, **SUPPORTED** by Member Dehart to adjourn the meeting at 8:44 P.M.  
**The motion CARRIED with a voice vote (5 yes votes).**

**NEXT MEETING DATE:** August 26, 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:** August 12, 2021

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**Agenda item:** 6a

**Appeal Date:** August 12, 2021

**Applicant:** Wade Paris

**Address:** 9377 Gale Road  
White Lake, MI 48386

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

**Location:** 2290 Kingston Road  
White Lake, MI 48386

## **Property Description**

The 0.116-acre (5,087 square feet) parcel identified as Parcel Number 12-14-233-007 is located on Pontiac Lake and zoned R1-D (Single Family Residential). The public sanitary sewer system serves the site.

## **Applicant's Proposal**

Wade Paris, the applicant, is requesting post-construction variances to allow a house to encroach into setbacks.

## **Planner's Report**

On December 10, 2020 the Zoning Board of Appeals (ZBA) approved variance requests from the applicant to construct the house. The following variances were previously granted:

- 13.2-foot variance from the front yard setback
- 6.22% variance from the maximum lot coverage
- 20-foot variance from the required lot width
- 6,913 square foot variance from the required lot size

A building permit was issued January 7, 2021 for construction of the house. The permit included a number of stipulations, with relevant stipulations in regard to zoning including:

- Final building subject to as-builts and grade certification
- Setbacks, zoning variances and Zoning Board notes per ZBA meeting on 12/10/2020

The final as-built plan dated July 12, 2021 shows inconsistencies with the variance site plan approved by the Zoning Board of Appeals last December. The following table lists the differences between the plans.

	<b>Variance Site Plan</b>	<b>Final As-Built</b>	<b>Difference (violation)</b>
Front yard setback*	16.8 feet	16.3 feet	0.5 feet
Front yard (garage) setback	17.6 feet	16.6 feet	1 foot
Side yard setback (east)	10 feet	9.1 feet	0.9 feet
Rear yard setback	30 feet	29.8 feet	0.2 feet
House width	35 feet	35.8 feet	0.8 feet
Garage width	15 feet	16.1 feet	0.9 feet
Garage offset from house	7.29 feet	7.7 feet	0.41 feet
Side wall length (east)	42.29 feet	43.3 feet	1.01 feet
Side wall length (west)	35 feet	35.6 feet	0.6 feet

\* Only requested setback variance in December 2020.



The architectural plans submitted after the December 10, 2020 ZBA meeting show the house width at 35'-8", the garage width at 15'-8", the east side wall length at 42'-11½", and the west side wall length at 35'-8". The width of the brick (4 inches) was not presented in the application materials to the Zoning Board of Appeals last December and not accounted for on the site plan reviewed by the Township Engineering Consultant. The Building Official approved the construction documents on December 29, 2020. Note: the issuance of a building permit does not relieve the applicant or builder from strict compliance with the Michigan Building Codes and/or the White Lake Township Zoning Ordinance.

A post-construction variance is requested to allow a 16.3 front yard setback. The previously approved variance allowed a 16.8-foot front yard; therefore, a 0.5-foot variance is being requested to encroach further into the front yard setback. Additionally, a 0.9-foot post-construction variance is requested to allow the house to be located 9.1 feet from the east side lot line. A variance (0.2 feet) from the rear yard requirement was not requested or published.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet (16.8 feet with prior variance)	0.5 feet	16.3 feet
2	Article 3.1.6.E	Side yard setback	10 feet	0.9 feet	9.1 feet

Similar to pre-construction variance requests, for post-construction variance requests the Zoning Board of Appeals may approve, approve with conditions, or deny the variances. In this case, if the variances are approved the house as constructed would be considered conforming. If the variances are approved with conditions, the ZBA may require corrective measures by imposing conditions to accomplish the purposes and intent of the zoning ordinance, and prevent or minimize adverse impacts on properties in the vicinity. If the variances are denied, the violations would be required to be eliminated in order for the house to comply with the previous variances granted on December 10, 2020.

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the post-construction variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-233-007, identified as 2290 Kingston Road, in order to allow the house to encroach 0.9 feet into the required east side yard setback and 0.5 feet into the front yard beyond the 13.2-foot variance granted December 10, 2020. This approval will have the following conditions:

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**Denial:** I move to deny the post-construction variances requested by Wade Paris for Parcel Number 12-14-233-007, identified as 2290 Kingston Road, due to the following reason(s):

**Table:** I move to table the post-construction variance requests of Wade Paris for Parcel Number 12-14-233-007, identified as 2290 Kingston Road, to consider comments stated during this public hearing.

**Attachments:**

1. Variance application dated July 20, 2021.
2. Applicant's written statement dated August 5, 2021.
3. Variance site plan dated October 16, 2020 (revision date November 9, 2020).
4. Architectural plans dated December 12, 2020.
5. Final as-built dated July 12, 2021.
6. Minutes of the December 10, 2020 Zoning Board of Appeals Regular Meeting.
7. Staff report dated December 10, 2020.

### 7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

RECEIVED

JUL 20 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: Wade Paris PHONE: 248-820-9087  
ADDRESS: 9377 Gale Rd White Lake  
~~2290 Kingston White Lake~~  
APPLICANT'S EMAIL ADDRESS: Wadesemailaddress@yahoo.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 2290 Kingston PARCEL # 12 -14-233-007  
CURRENT ZONING: RMD PARCEL SIZE: \_\_\_\_\_

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_  
VALUE OF IMPROVEMENT: \$ 0 SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

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

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

APPLICATION FEE: \$885.00 SQ (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE: [Signature] DATE: 7-20-21

## Justin Quagliata

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**From:** Wade Paris <wadesemailaddress@yahoo.com>  
**Sent:** Thursday, August 5, 2021 10:24 AM  
**To:** Justin Quagliata  
**Subject:** 2290 Kingston print  
**Attachments:** Paris Site Plan (11-9-2020).pdf; Wade final\_updates\_2021\_sht1.pdf; Wade final\_updates\_2021\_sht2.pdf; Wade final\_updates\_2021\_sht3.pdf; Wade final\_updates\_2021\_sht4.pdf

Justin,

I wanted to fire you over an email prior to the variance meeting on the 12th. This is obviously a bit embarrassing being in this position as I have always had a good relationship and outcome with the board when needing variances building on Pontiac Lake.

2290 Kingston is the 5th house I have done on the lake and all have had non conforming lots needing variances. I have always tried my hardest when designing these to NOT take advantage of side setback or lakeside variances that are allowed (up to 5' for sides) Being a resident of the lake, I have taken pride in building nicer, larger homes on the lake with open space around them and increasing our values here.

Here are the events that got us here.

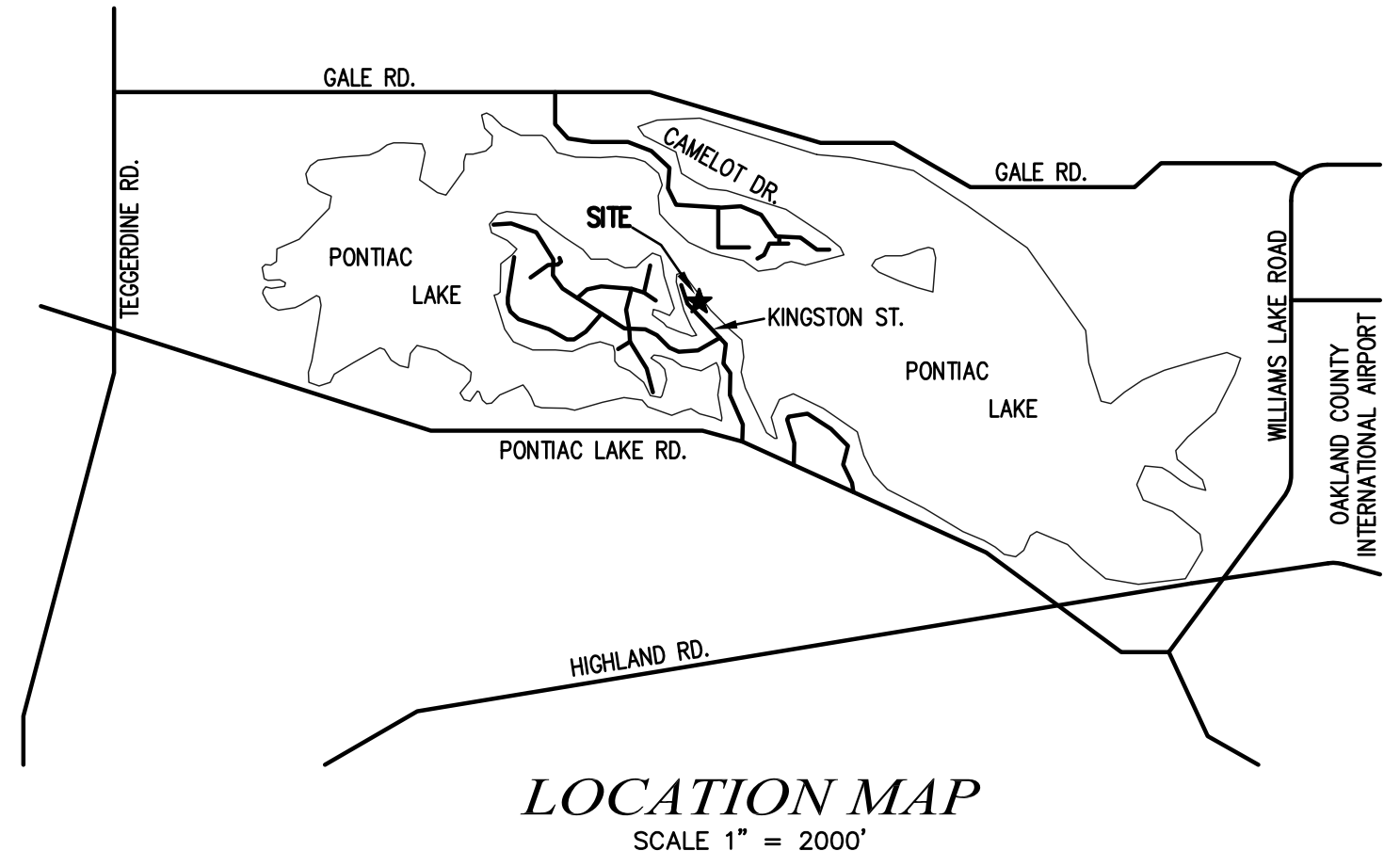
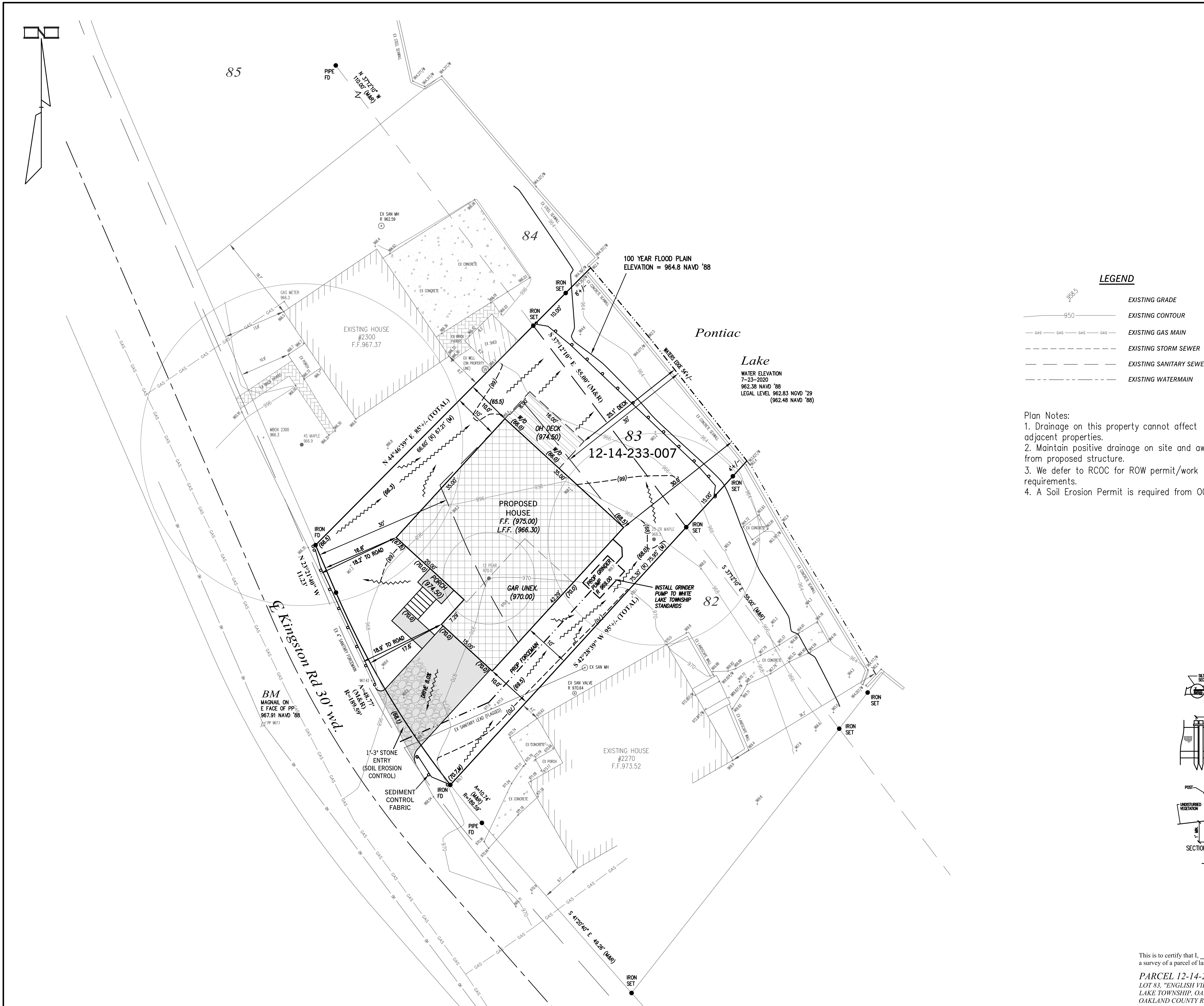
- variance granted for distance to the road. No variances were requested for side (10') or lakeside (30')
- The site plan and blueprint were submitted for approval. Building /Engineering had Kieft engineering add notes to the site plan on downspouts and well. Plans were stamped, approved and permit issued.
- Kieft engineering staked the dig for Brendle excavation and Dynamic poured walls. Basement was poured and construction proceeded.
- When Kieft Engineering came out to do the As Built 5 days prior to my final. Tim informed me that we had a problem with encroachment on 2 sides. The house was right on the 10" and 30" setbacks of the north and west side and over by 8" on the other 2 sides.
- This was a complete blindside as there were no red flags anytime during the build from the staking, the dig, basement, FRAMING, FLOOR JOIST, TRUSSES. There were no variances from the print.
- THE PROBLEM... Per the approved, stamped plans, the framing width of the house is 35' but shows overall width at 35' 8" with the brick ledge.

I immediately brought this to Nicks attention when he came out for the final inspection. This is an embarrassing and costly mistake that nobody's eyes caught, from Kieft Engineering, Basement guys, the Building department or most importantly me. No matter how or where the home was placed, we would be in the same or worse position. I guess at least we're not off 4 1/2" on all sides.

Again, this was an honest but unfortunate mistake that wasn't caught until the very end. I am extremely happy that side variances were not requested originally creating a double jeopardy.

Thanks again for all your help when working on these non conforming lots. I am going to be building another this fall on Buckingham and it will be my 1st on the lake asking for NO side, lakeside or roadside setback variances. Think I'll aim for 11" sides and 31" from the lake to be safe, lol.

Sending as built separately



**LEGEND**

- EXISTING GRADE
- EXISTING CONTOUR
- EXISTING GAS MAIN
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN

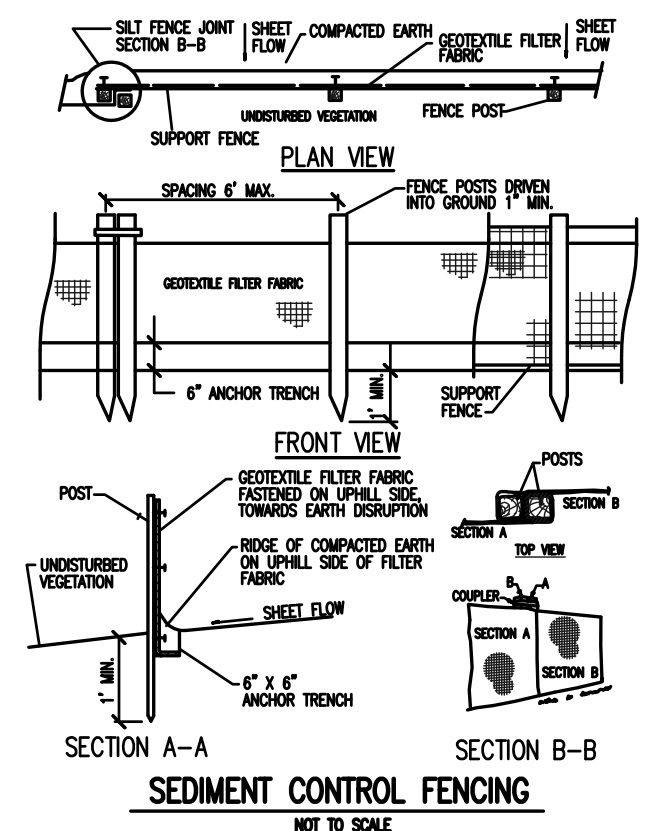
- Notes:**
- ALL EXISTING UTILITIES SHOWN ON THIS TOPOGRAPHIC SURVEY HAVE BEEN TAKEN FROM VISUAL OBSERVATION, AND RECORD MAPPING, WHERE AVAILABLE. NO GUARANTEE IS MADE, OR SHOULD BE ASSUMED, AS TO THE COMPLETENESS OR ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING. PARTIES UTILIZING THIS INFORMATION SHALL VERIFY THE ACCURACY AND COMPLETENESS OF OVERHEAD AND UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION ACTIVITIES.
  - ARCHITECT / BUILDER IS RESPONSIBLE FOR CONFIRMING BUILDING SETBACKS.

- Plan Notes:**
- Drainage on this property cannot affect adjacent properties.
  - Maintain positive drainage on site and away from proposed structure.
  - We defer to RCOC for ROW permit/work requirements.
  - A Soil Erosion Permit is required from OCWRC.

**PROPERTY IS ZONED R1-D SINGLE FAMILY RESIDENTIAL:**  
**SETBACKS:**  
 FRONT - 30 FEET  
 SIDE - 10 FEET ONE SIDE, TOTAL OF TWO - 20 FEET  
 REAR - 30 FEET

**LOT COVERAGE:**  
 LOT AREA - 5,087 SQ. FT.  
 PROPOSED HOUSE & GARAGE - 1,334 SQ. FT.  
 LOT COVERAGE - 1,334 / 5,087 x 100 = 26.22%

**BENCHMARK:**  
 MAGNAIL ON E FACE OF PP LOCATED ACROSS THE STREET FROM LOT 83 ELEVATION - 967.91 NAVD '88



START DAY	END DAY	SOIL EROSION CONTROL SEQUENCE OF CONSTRUCTION
1	2	INSTALL SILT FENCE AS SHOWN ON THIS PLAN.
3	10	CLEAR AND ROUGH GRADE SITE.
10	25	EXCAVATE FOR BASEMENT, INSTALL FOOTINGS AND INSTALL BASEMENT WALLS.
25	45	INSTALL SANITARY SEWER LEAD SUMP DISCHARGE LEAD, STORM SEWER AND WATER SERVICE. BACKFILL BASEMENT.
46	180	INSTALL ALL PUBLIC UTILITIES (GAS, ELECTRIC, TELEPHONE, AND CABLE TV).
180	180	COMPLETE BUILDING CONSTRUCTION.
130	135	FINISH GRADE AND PAVE DRIVE.
135	180	ESTABLISH VEGETATION ON ALL DISTURBED GROUND AREAS WITH TOPSOIL AND SEED OR SOO. REMOVE ALL SOIL EROSION CONTROL DEVICES.

- NOTES:**
- THE SOIL EROSION CONTROLS WILL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT, BY THE BUILDER.
  - SITE WILL BE RESTORED WITH SEED AND MULCH.

This is to certify that I, *Timothy J. Hart*, a Professional Land Surveyor, have this date made a survey of a parcel of land described as follows:  
**PARCEL 12-14-233-007**  
 LOT 83, "ENGLISH VILLAS SUBDIVISION" A SUBDIVISION OF PART OF SECTIONS 11, 13 & 14, T3N, R9E, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 51 OF PLATS, PAGES 22 & 22A. OAKLAND COUNTY RECORDS.



DATE	ISSUE
11-9-2020	ADDED LOT COVERAGE PER CLIENT

**PROPRIETOR:**  
 WADE PARIS  
 9377 GALE RD.  
 WHITE LAKE, MI 48386  
 (248) 820-9087

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.



**KIEFT ENGINEERING, INC.**  
 PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS  
 5852 SOUTH MAIN STREET, SUITE 1, CLARKSTON, MICHIGAN 48346  
 PHONE (248) 625-5251 www.kiefteng.com FAX (248) 625-7110

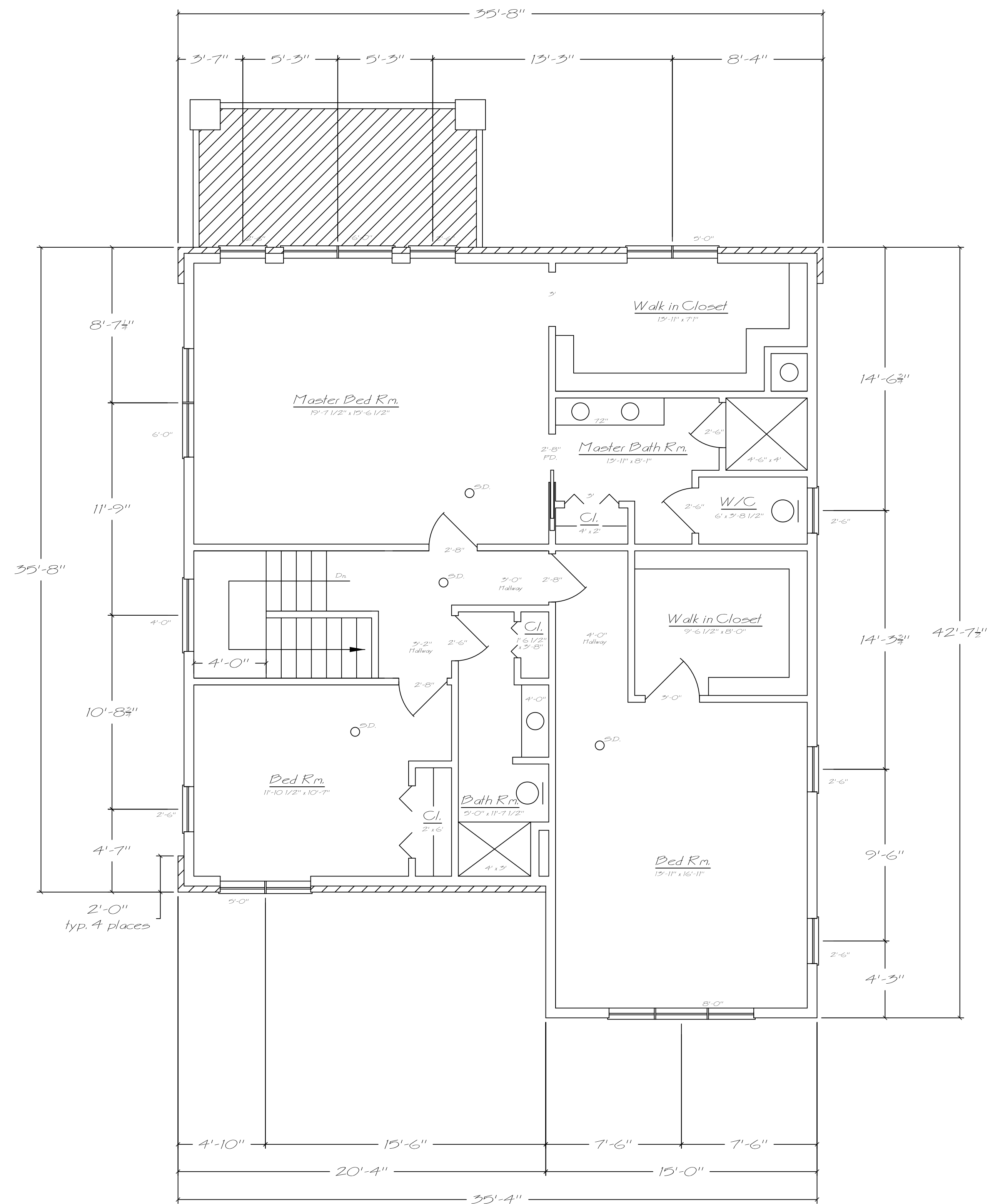
DATE	CKD. BY	DATE
10-16-2020		



**VARIANCE SITE PLAN**  
 PARCEL NO. 12-14-233-007  
 WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN

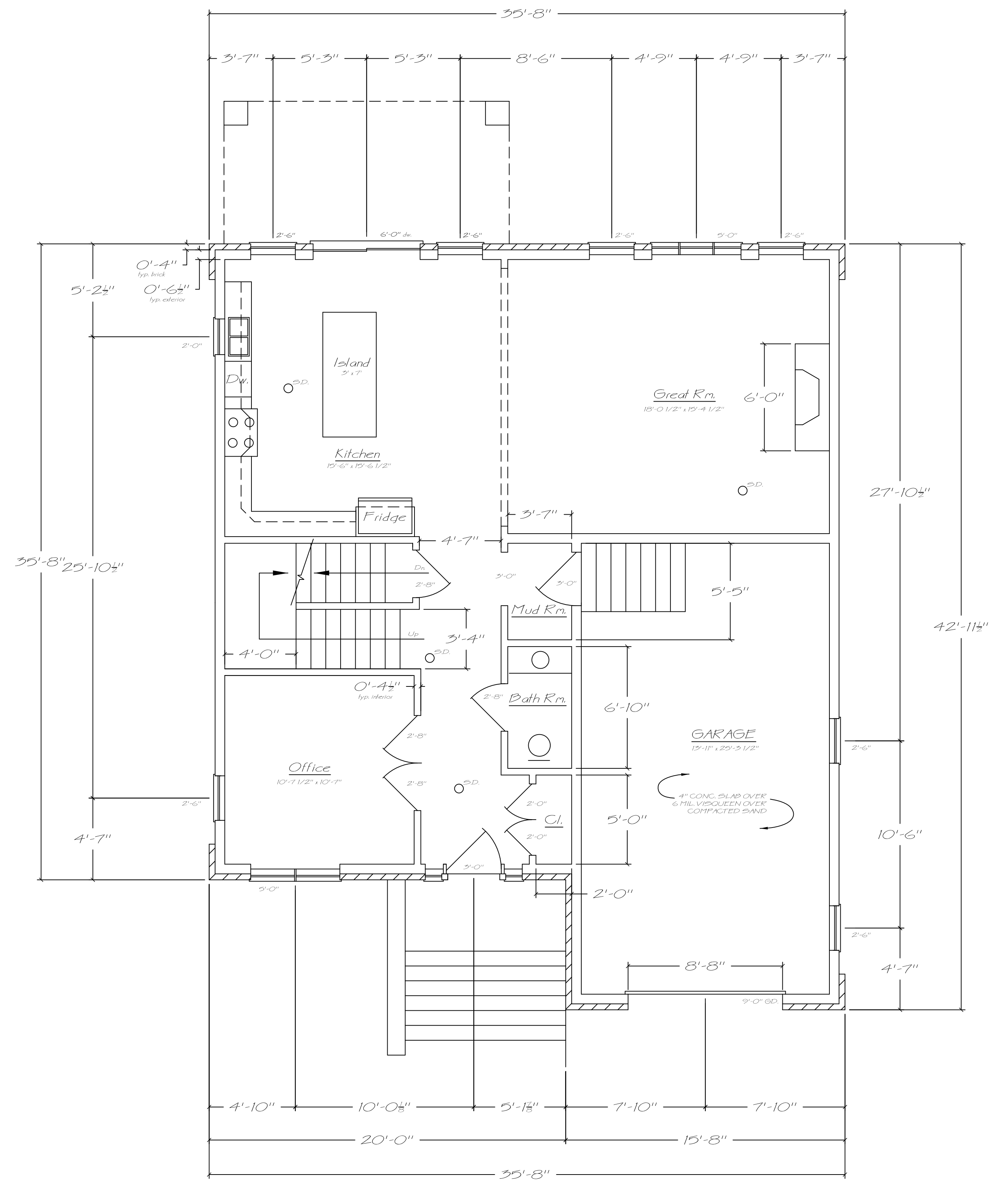
SCALE	1" = 10'
SHEET	1 OF 1
KE	2020.143

PARIS TOPO



UPPER LEVEL FLOOR PLAN

SCALE 1/4"=1'

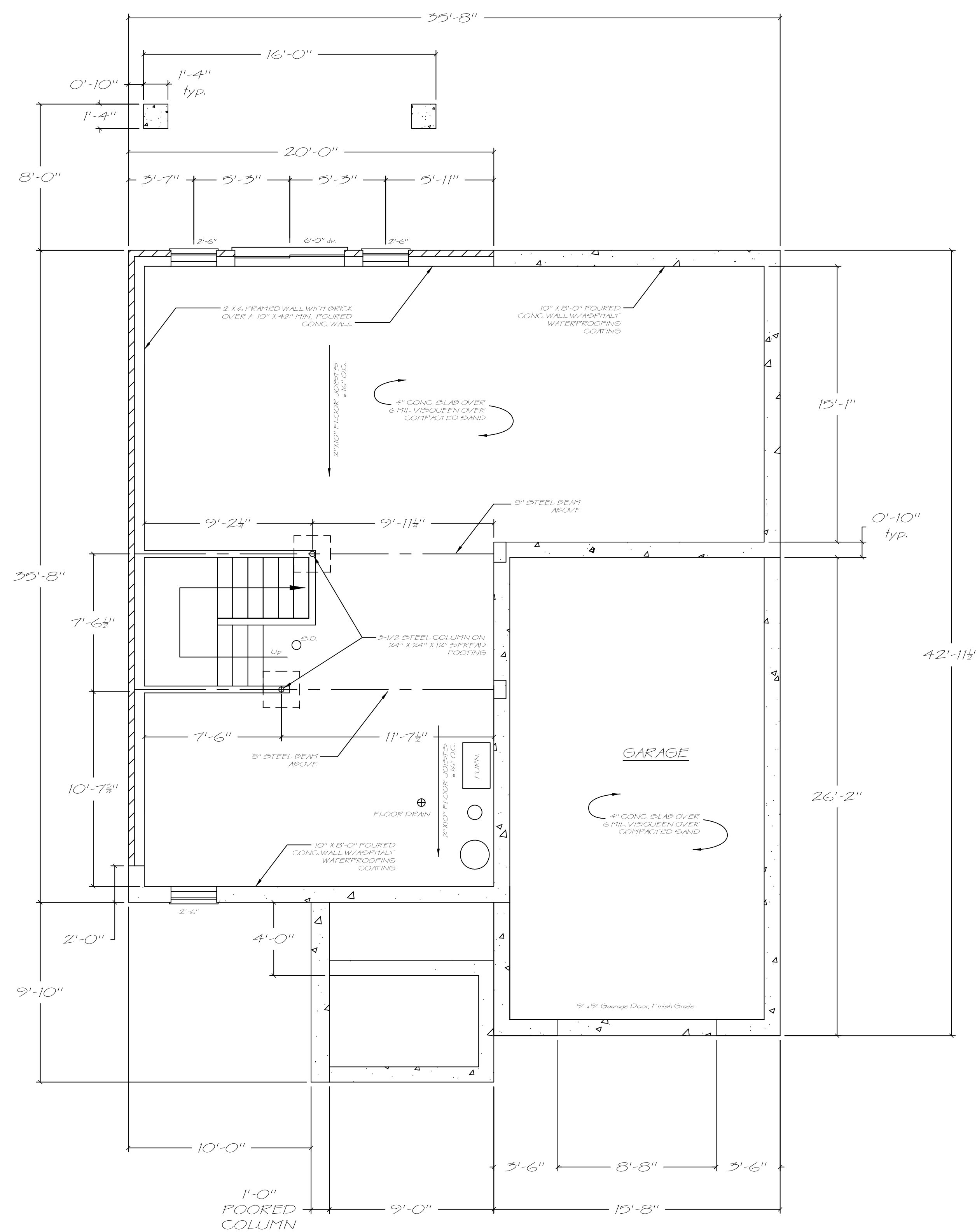


LOWER LEVEL FLOOR PLAN

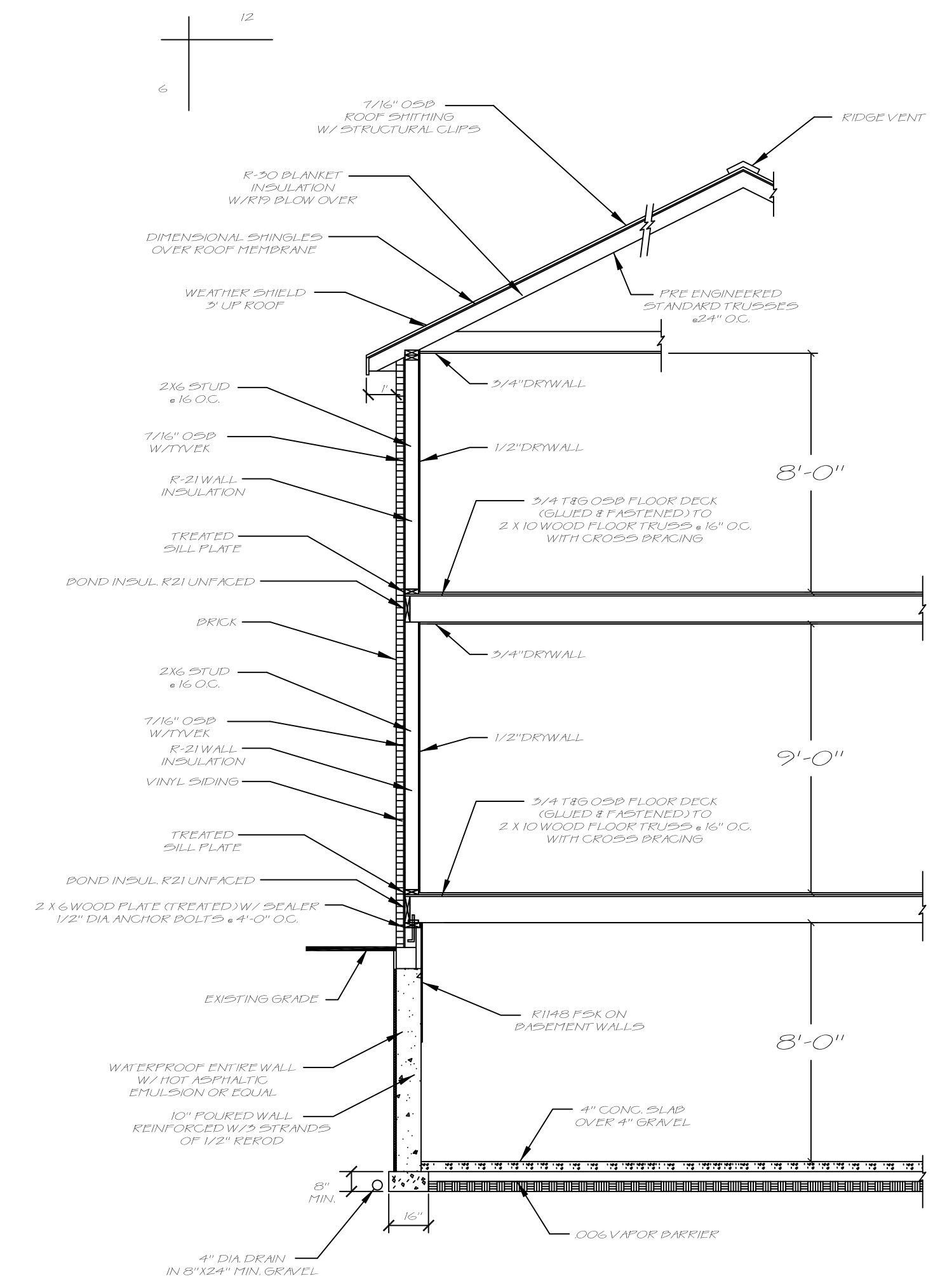
SCALE 1/4"=1'

NOTE: ALL WORK TO MEET ALL STATE AND LOCAL CODES.  
TRUSS PLAN TO BE PRESENT AT FINAL INSPECTION.  
ALL BED RM. WINDOWS MEET EGRESS REQ.

HOME PLAN			
Lot 83 Kingston Rd. WHITE LAKE, MI. 48386		Wade Paris	
ORG. DATE	UPDATE	SCALE	DWG. NO.
12-12-20	01-04-21	NOTED	1 OF 4



**FOUNDATION PLAN**  
SCALE 1/4"=1'



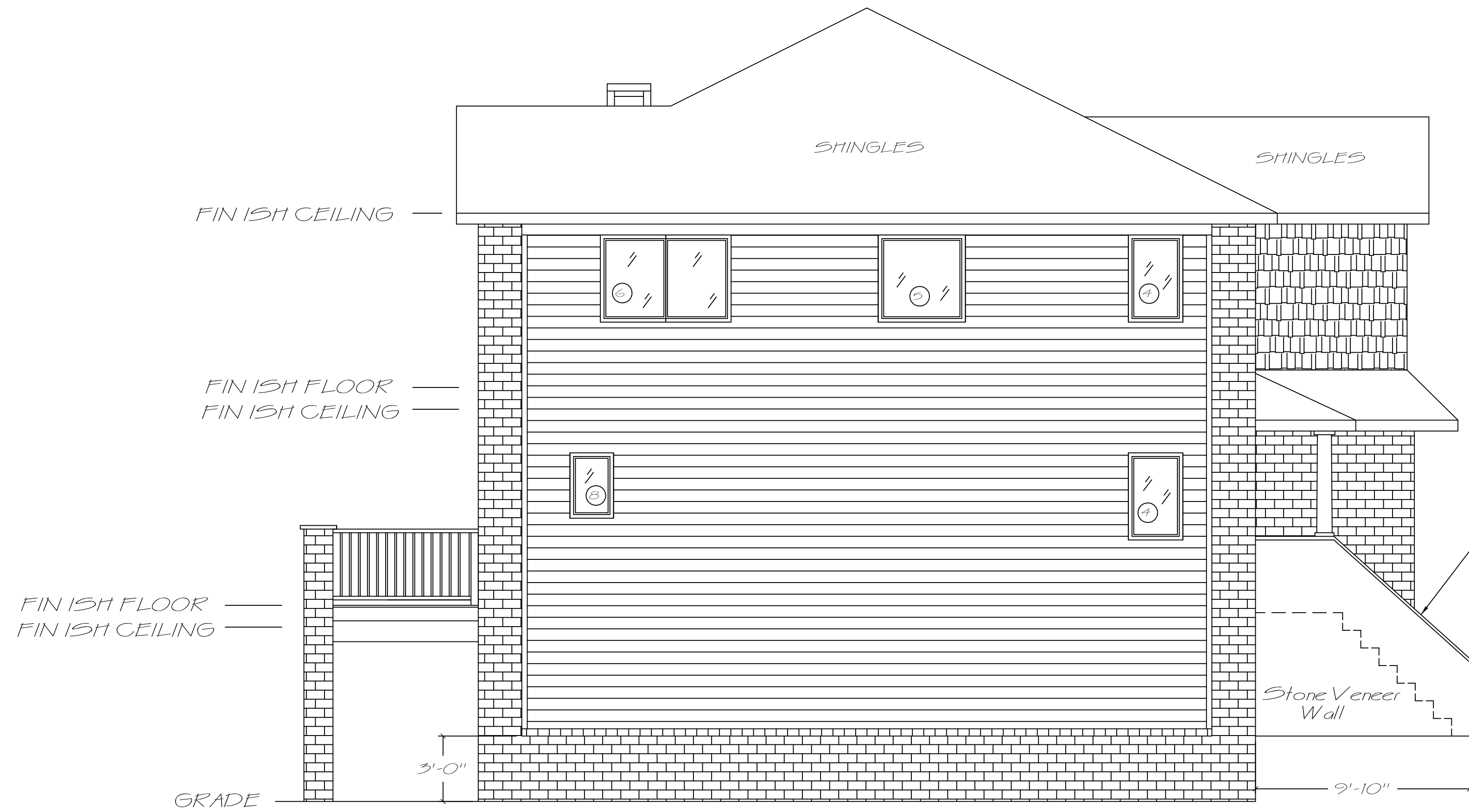
**WALL SECTION**  
SCALE 1/4"=1'

NOTE: ALL WORK TO MEET ALL STATE AND LOCAL CODES.  
TRUSS PLAN TO BE PRESENT AT FINAL INSPECTION.  
ALL BED RM. WINDOWS MEET EGRESS REQ.

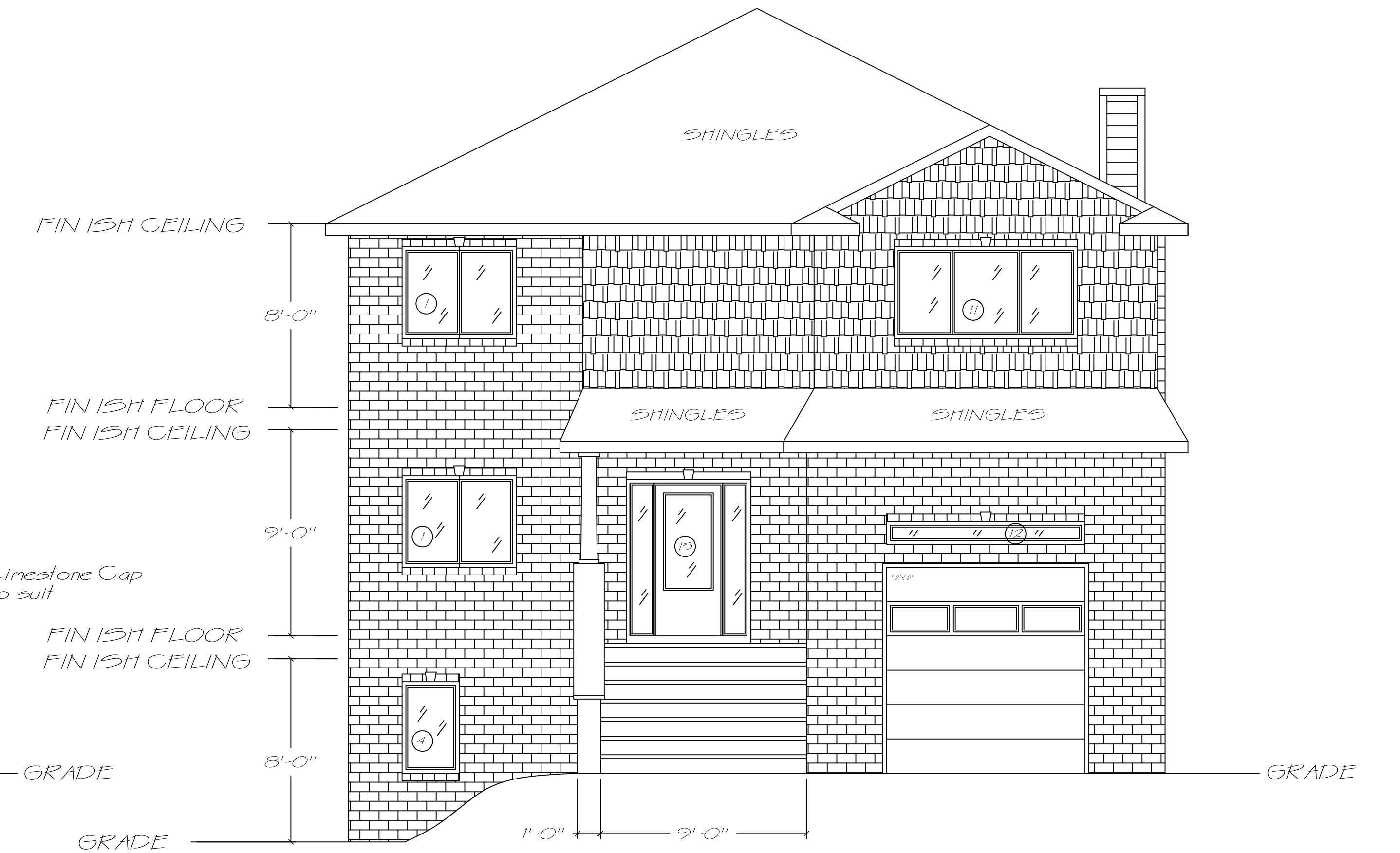
HOME PLAN			
Lot 83 Kingston Rd. White Lake, MI. 48386		Wade Paris	
ORG. DATE	UPDATE	SCALE	DWG. NO.
12-12-20	01-04-21	NOTED	2 OF 4



DOOR & WINDOW		
SYM.	ITEM RO.	QTY.
①	60"x48"	3
②	60"x62 1/2" rulled	1
③	50"x62 1/2" rulled	2
④	50"x48"	9
⑤	48"x48" fixed temp	1
⑥	72"x48"	2
⑦	50"x56" temp bath	1
⑧	24"x36"	1
⑨	50"x60" temp	2
⑩	50"x74 1/2" fixed, temp, rulled	2
⑪	96"x48"	1
⑫	108"x48"	1
⑬	72"x94 1/2" doorwall, transom	1
⑭	72"x80" doorwall	1
⑮	65 1/4"x82" front door	1



LEFT SIDE ELEVATION  
SCALE 1/4"=1'

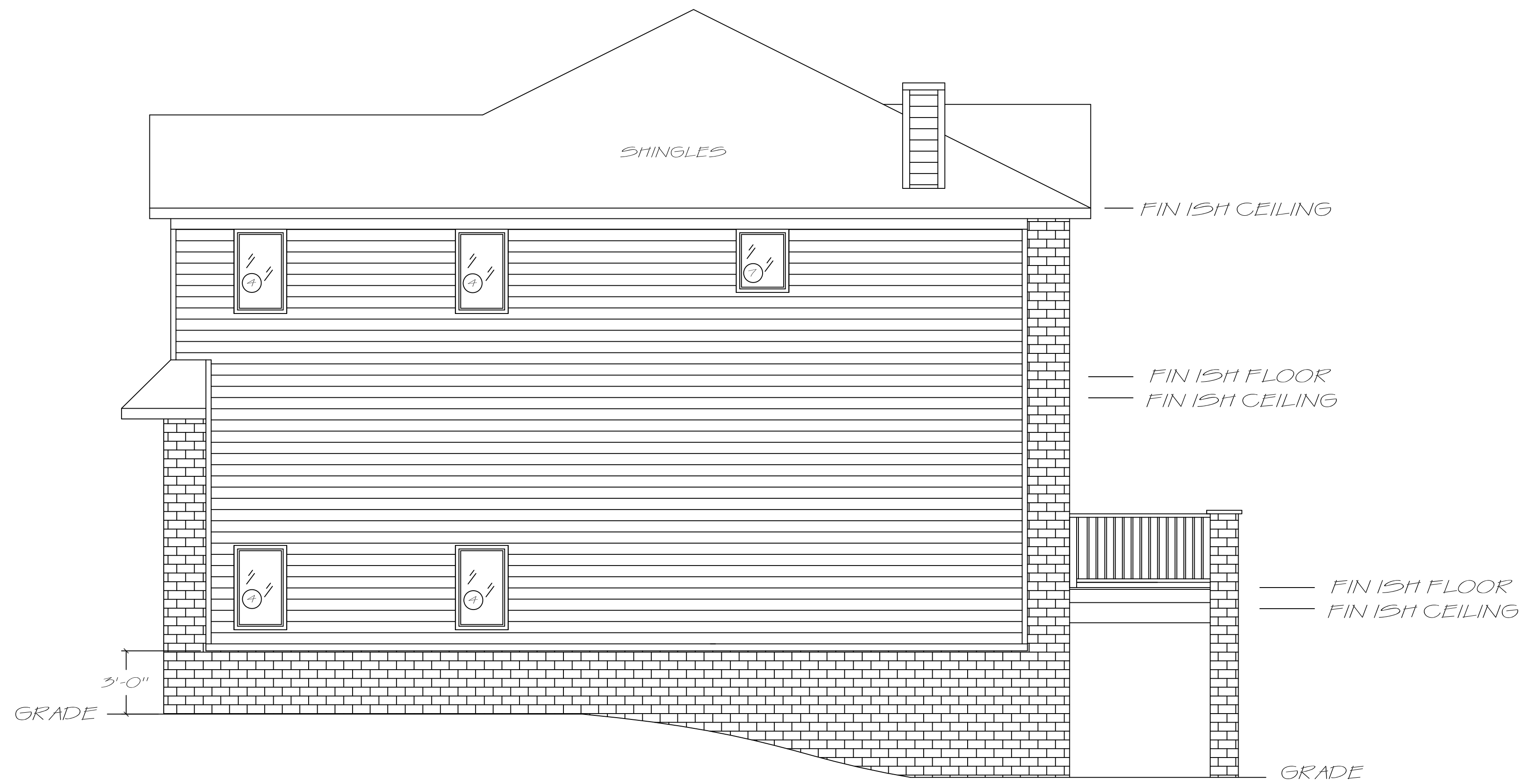


FRONT ELEVATION  
SCALE 1/4"=1'

NOTE: ALL WORK TO MEET ALL STATE AND LOCAL CODES.  
TRUSS PLAN TO BE PRESENT AT FINAL INSPECTION.  
ALL BED RM. WINDOWS MEET EGRESS REQ.

HOME PLAN			
Lot 83 Kingston Rd. WHITE LAKE, MI. 48386		Wade Paris	
ORG. DATE	UPDATE	SCALE	DWG. NO.
12-12-20	01-04-21	NOTED	3 OF 4

DOOR & WINDOW		
SYM.	ITEM RO.	QTY.
①	60" x 48"	3
②	60" x 62 1/2" rulled	1
③	50" x 62 1/2" rulled	2
④	50" x 48"	9
⑤	48" x 48" fixed temp	1
⑥	72" x 48"	2
⑦	50" x 56" temp bath	1
⑧	24" x 36"	1
⑨	50" x 60" temp	2
⑩	50" x 74 1/2" fixed, temp, rulled	2
⑪	96" x 48"	1
⑫	108" x 48"	1
⑬	72" x 94 1/2" doorwall, transom	1
⑭	72" x 80" doorwall	1
⑮	65 1/4" x 82" front door	1



RIGHT SIDE ELEVATION  
SCALE 1/4"=1'



REAR ELEVATION  
SCALE 1/4"=1'

NOTE: ALL WORK TO MEET ALL STATE AND LOCAL CODES.  
TRUSS PLAN TO BE PRESENT AT FINAL INSPECTION.  
ALL BED RM. WINDOWS MEET EGRESS REQ.

HOME PLAN			
Lot 83 Kingston Rd. WHITE LAKE, MI. 48386		Wade Paris	
ORG. DATE	UPDATE	SCALE	DWG. NO.
12-12-20	01-04-21	NOTED	4 OF 4



**LEGEND**

— 95.0 —	EXISTING GRADE
— 95.0 —	EXISTING CONTOUR
— GAS — GAS — GAS — GAS —	EXISTING GAS MAIN
---	EXISTING STORM SEWER
---	EXISTING SANITARY SEWER
---	EXISTING WATERMAIN
(82.5)	PROPOSED GRADE
DS ○	DOWNSPOUT W / DIRECTION OF FLOW
~>	PROPOSED DRAINAGE FLOW
---	PROPOSED CONTOUR
○	SEDIMENT CONTROL FENCE
↑ 101.4	AS-BUILT GRADE
~>	AS-BUILT FLOW
AB	AS-BUILT

**Notes:**

- ALL EXISTING UTILITIES SHOWN ON THIS TOPOGRAPHIC SURVEY HAVE BEEN TAKEN FROM VISUAL OBSERVATION, AND RECORD MAPPING, WHERE AVAILABLE. NO GUARANTEE IS MADE, OR SHOULD BE ASSUMED, AS TO THE COMPLETENESS OR ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING. PARTIES UTILIZING THIS INFORMATION SHALL FIELD VERIFY THE ACCURACY AND COMPLETENESS OF OVERHEAD AND UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION ACTIVITIES.
- ARCHITECT / BUILDER IS RESPONSIBLE FOR CONFIRMING BUILDING SETBACKS.

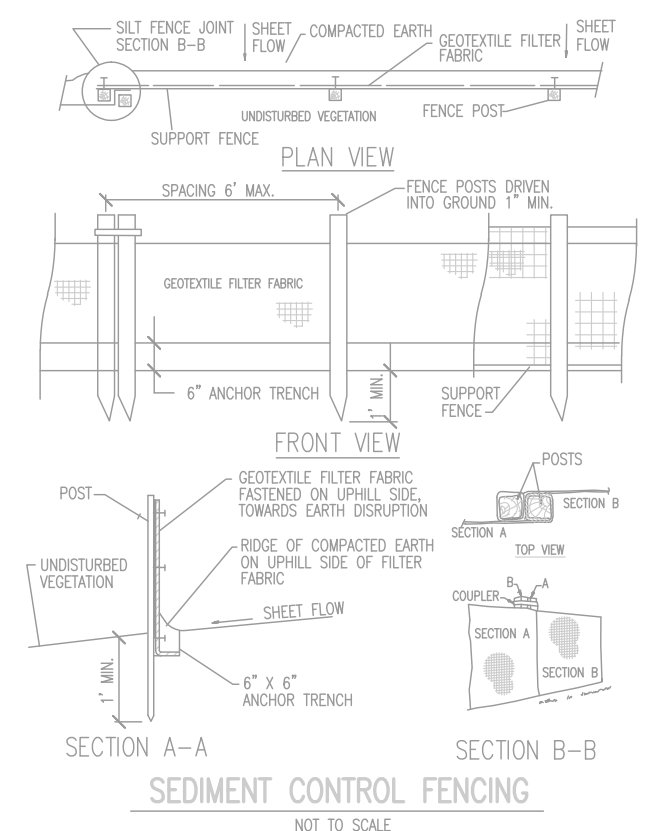
**PROPERTY IS ZONED R1-D SINGLE FAMILY RESIDENTIAL:**  
**SETBACKS:**  
 FRONT - 30 FEET  
 SIDE - 10 FEET ONE SIDE, TOTAL OF TWO - 20 FEET  
 REAR - 30 FEET

**LOT COVERAGE:**  
 LOT AREA - 5,087 SQ. FT.  
 PROPOSED HOUSE & GARAGE - 1,334 SQ. FT.  
 LOT COVERAGE - 1,334 / 5,087 x 100 = 26.22%

**BENCHMARK:**  
 MAGNAIL ON E FACE OF PP LOCATED ACROSS THE STREET FROM LOT 83 ELEVATION - 967.91 NAVD '88

**Plan Notes:**

- Drainage on this property cannot affect adjacent properties.
- Maintain positive drainage on site and away from proposed structure.
- We defer to RCOC for ROW permit/work requirements.
- A Soil Erosion Permit is required from OCWRC.
- Driveway is at maximum allowable slope of 8%
- Walkout elevation of house can't be lower than 966.00



START DAY	END DAY	SOIL EROSION CONTROL SEQUENCE OF CONSTRUCTION
1	2	INSTALL SILT FENCE AS SHOWN ON THIS PLAN.
3	10	CLEAR AND ROUGH GRADE SITE.
10	25	EXCAVATE FOR BASEMENT, INSTALL FOOTINGS AND INSTALL BASEMENT WALLS.
25	45	INSTALL SANITARY SEWER LEAD SUMP DISCHARGE LEAD, STORM SEWER AND WATER SERVICE. BACKFILL BASEMENT.
46	180	INSTALL ALL PUBLIC UTILITIES (GAS, ELECTRIC, TELEPHONE, AND CABLE TV).
180	180	COMPLETE BUILDING CONSTRUCTION.
130	135	FINISH GRADE AND PAVE DRIVE.
135	180	ESTABLISH VEGETATION ON ALL DISTURBED GROUND AREAS WITH TOPSOIL AND SEED OR SOO. REMOVE ALL SOIL EROSION CONTROL DEVICES.

**NOTES:**

- THE SOIL EROSION CONTROLS WILL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT, BY THE BUILDER.
- SITE WILL BE RESTORED WITH SEED AND MULCH.

This is to certify that I, *Timothy J. Hart*, a Professional Land Surveyor, have this date made a survey of a parcel of land described as follows:  
**PARCEL 12-14-233-007**  
 LOT 83, "ENGLISH VILLAS SUBDIVISION" A SUBDIVISION OF PART OF SECTIONS 11, 13 & 14, T3N, R5E, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 51 OF PLATS, PAGES 22 & 22A. OAKLAND COUNTY RECORDS.



**FINAL "AS-BUILT" 7-12-2021**

DATE	ISSUE
11-9-2020	ADDED LOT COVERAGE PER CLIENT
1-11-2021	REV. PER ENGINEERING REVIEW

**PROPRIETOR:**  
 WADE PARIS  
 9377 GALE RD.  
 WHITE LAKE, MI 48386  
 (248) 820-9087

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.



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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	CKD. BY	DATE
10-16-2020		
DRAWN JM		
DESIGN TJH		



**SITE PLAN**  
**PARCEL NO. 12-14-233-007**  
 WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN

SCALE	1" = 10'
SHEET	1 OF 1
KE 2020.143	

PARIS TOPO

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS-REGULAR MEETING  
**DECEMBER 10, 2020**  
7525 Highland Road  
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:03 PM and led the Pledge of Allegiance. Roll was called:

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

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

Visitors:                   0

**Approval of the Agenda:**

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

**Approval of Minutes:**

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

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

**New Business:**

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

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

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

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

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

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

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

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

**Mr. Seiber MOVED to approve the variances requested by SLT Properties LLC from Article 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-22-427-003, identified as 10201 Joanna K Avenue, in order to construct a second-story addition that would encroach 8.92 feet into the required front yard setback, 5 feet into the required side yard setback from both the east and west property lines, and exceed the allowed value of improvements to a nonconforming structure by 254%. A 55.10-foot variance from the required lot width and 7,034.16 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:**

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

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

**Seiber: YES.**

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

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

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

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

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

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

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

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

Staff Planner Quagliata gave his report.

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

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

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

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

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

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

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

**Dehart: YES.**

**Powell: YES.**

**Seiber: YES.**

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

CHARTER TOWNSHIP OF WHITE LAKE  
ZONING BOARD OF APPEALS REGULAR MEETING  
DECEMBER 10, 2020

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

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

Staff Planner Quagliata gave his report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Planner Quagliata gave his report.

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

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

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



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

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

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

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

**Ms. Dehart MOVED to approve the variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-233-007 in order to construct a new house that would exceed the allowed lot coverage by 6.22% and encroach 13.2 feet into the required front yard setback. A 20-foot variance from the required lot width and 6,913 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The roofline along the sides of the house shall be guttered and downspouted with a solid storm sewer system directed towards the lake.**

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

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

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

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

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

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

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

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

Mr. Quagliata gave his staff report.

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

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

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

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

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

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

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Prior to construction of the covered porch a setback dimension from the front property line shall be required.**

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

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

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

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

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

**Seiber: YES.**

CHARTER TOWNSHIP OF WHITE LAKE  
ZONING BOARD OF APPEALS REGULAR MEETING  
DECEMBER 10, 2020

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

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

Mr. Quagliata gave his staff report.

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

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

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

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
ZONING BOARD OF APPEALS REGULAR MEETING  
DECEMBER 10, 2020

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

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

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

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

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

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

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

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

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

**Other Business:**

None.

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

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

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** December 10, 2020

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**Agenda item:** 6d

**Appeal Date:** December 10, 2020

**Applicant:** Wade Paris

**Address:** 9377 Gale Road  
White Lake, MI 48386

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

**Location:** Kingston Road, Lot 83 English Villas Subdivision  
White Lake, MI 48386 identified as Parcel 12-14-233-007

## **Property Description**

The approximately 0.116-acre (5,087 square feet) parcel identified as Parcel Number 12-14-233-007 is located on Pontiac Lake and zoned R1-D (Single Family Residential). The public sanitary sewer system is available to serve the site.

## **Applicant's Proposal**

Wade Paris, the applicant, is proposing to construct a new house on an undeveloped lot.

## **Planner's Report**

The parcel is nonconforming due to a 6,913 square foot deficiency in lot area and a 20-foot deficiency in lot width (60 feet in width at the front lot line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to construct a 2,668 square foot two-story house, including a one-car attached garage. The proposed house would be located 16.8 feet from the west property line. The minimum front yard setback is 30 feet in the R1-D zoning district; therefore, a 13.2-foot variance is being requested to encroach into the front yard setback. Additionally, the proposed lot coverage is 26.22% (1,334 square feet), which is 6.22% (316.6 square feet) beyond the 20% maximum lot coverage allowed (1,017.4 square feet).

The requested variances are listed in the following table.

<b>Variance #</b>	<b>Ordinance Section</b>	<b>Subject</b>	<b>Standard</b>	<b>Requested Variance</b>	<b>Result</b>
2	Article 3.1.6.E	Front yard setback	30 feet	13.2 feet	16.8 feet
3	Article 3.1.6.E	Maximum lot coverage	20% (1,017.4 square feet)	6.22% (316.6 square feet)	26.22% (1,334 square feet)
4	Article 3.1.6.E	Minimum lot size	12,000 square feet	6,913 square feet	5,087 square feet
5	Article 3.1.6.E	Minimum lot width	80 feet	20 feet	60 feet

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

**Approval:** I move to approve the variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-233-007 in order to construct a new house that would exceed the allowed lot coverage by 6.22% and encroach 13.2 feet into the required front yard setback. A 20-foot variance from the required lot width and 6,913 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The roofline along the north and south sides of the house shall be guttered and down-spouted with a solid storm sewer system directed towards the lake.

**Denial:** I move to deny the variances requested by Wade Paris for Parcel Number 12-14-233-007 due to the following reason(s):

**Table:** I move to table the variance requests of Wade Paris for Parcel Number 12-14-233-007 to consider comments stated during this public hearing.

## **Attachments:**

1. Variance application dated October 28, 2020.
2. Applicant's written statement.
3. Site plan dated October 16, 2020 (revision date November 9, 2020).
4. Letter of denial from the Building Department dated November 6, 2020.

## 7.37 STANDARDS

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

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

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

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



**CHARTER TOWNSHIP OF WHITE LAKE**

**TOWNSHIP SUPERVISOR DECLARATION OF  
LOCAL STATE OF EMERGENCY  
(WEATHER EVENT – JULY 24, 2021)  
RESOLUTION NO. 21-025**

**RECITALS:**

- A. The Township of White Lake experienced a severe weather event (tornado) impacting portions of the Township, with damage up to EF-1 intensity and winds up to 100 MPH. The weather event has caused catastrophic damages to countless trees, some buildings, and other property throughout the Township.
- B. The storm event is unparalleled in recent memory, and the Township of White Lake as well as other public and private entities and individuals are expected to incur great costs in connection with the damage and the resulting clean-up, including but not limited to removal of fallen trees and tree limbs, making residents and businesses safe from downed power lines, debris removal and other property maintenance activities. The Township has already incurred costs for contractors and for overtime of its own personnel, and such costs are expected to continue and expand.
- C. The Township's resources have been and will continue to be overwhelmed by the severity and magnitude of the storm event, and the Township believes that County, State and Federal assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of this emergency.
- D. Under Section 10 of the Charter Township Act, MCL 42.10, the Township Supervisor has responsibility to the Township Board regarding necessary and expedient measures and the efficient administration of all Township Departments, for personnel, and other duties required by Ordinance.
- E. Under the Emergency Management Act, MCL 30.410(b) the Township Supervisor has the authority to declare a local state of emergency if circumstances within the Township indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists.
- F. I have determined that, in order to provide for the health and safety of Township personnel and the general public, it is appropriate to declare a Local State of Emergency.

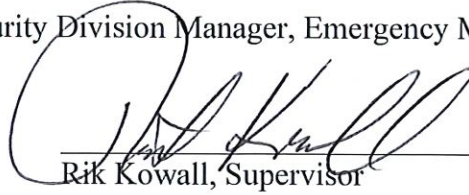
**IT IS THEREFORE DECLARED** that there is a Local State of Emergency in the Township due to the facts, circumstances, and considerations above; that the response and recovery elements of the Township's emergency operations plan have been activated; and that local resources are to be used to the fullest extent possible and for all purposes permitted under the Emergency Management Act, as and when necessary.

**IT IS FURTHER DECLARED** that the emergency area covered by this state of emergency shall be the entire Township of White Lake.

**IT IS FURTHER DECLARED** that this declaration shall take effect on July 26, 2021 at 12:00 pm and shall remain in effect until modified or rescinded or as otherwise provided by law.

**NOTICE OF THIS DECLARATION SHALL BE PROVIDED TO:**

- Emergency Management and Homeland Security Division, Michigan State Police
- Oakland County Executive
- Oakland County Homeland Security Division Manager, Emergency Management Coordinator



A handwritten signature in black ink, appearing to read 'Rik Kowall', is written over a horizontal line. The signature is stylized and cursive.

Rik Kowall, Supervisor

July 26, 2021

**CHARTER TOWNSHIP OF WHITE LAKE  
OAKLAND COUNTY, MICHIGAN  
RESOLUTION NO. 21-026**

**RESOLUTION DECLARING LOCAL STATE OF EMERGENCY  
(WEATHER EVENT – JULY 24, 2021)**

At a special meeting of the Township Board of White Lake Charter Township (the “Township”), Oakland County, Michigan, held via Zoom in accordance with the Open Meetings Act, as amended, on the 29<sup>th</sup> day of July 2021 at 5:15 p.m.

PRESENT: Rik Kowall, Anthony L. Noble, Mike Roman, Scott Ruggles, Liz Smith,  
Andrea C. Voorheis and Michael Powell

ABSENT: None

The following Resolution was offered by Clerk Noble and seconded by Trustee Smith.

WHEREAS, the Township of White Lake experienced a severe weather event (tornado) impacting portions of the Township, with damage up to EF-1 intensity and winds up to 100 MPH. The weather event has caused catastrophic damages to countless trees, some buildings, and other property throughout the Township; and

WHEREAS, the weather event is unparalleled in recent memory, and the Township of White Lake as well as other public and private entities and individuals are expected to incur great costs in connection with the damage and the resulting clean-up, including but not limited to removal of fallen trees and tree limbs, making residents and businesses safe from downed power lines, debris removal and other property maintenance activities. The Township has already incurred costs for contractors and for overtime of its own personnel, and such costs are expected to continue and expand; and

WHEREAS, The Township’s resources have been and will continue to be overwhelmed by the severity and magnitude of the weather event, and the Township believes that County, State and Federal assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of this emergency; and

WHEREAS, under the authority and responsibilities provided in the Charter Township Act, MCL 42.10, the Emergency Management Act, MCL 30.410, the Township Supervisor has declared a local state of emergency due to the weather event of July 24, 2021, provided notice to the State Emergency Management and Homeland Security Division of the Michigan State Police that local resources are being utilized to the fullest extent possible and that the response and recovery elements of the Township’s emergency operations plan have been activated; and

WHEREAS, under the Emergency Management Act, the Supervisor's Declaration of Emergency is limited to seven (7) days without Township Board consent; and

WHEREAS, the Township Board agrees with the Supervisor's Declaration of Emergency, and believes the Supervisor should be authorized to make all determinations required of the Township

and to take any additional emergency measures and actions necessary in order to provide for the health and safety of Township personnel and the general public.

**IT IS THEREFORE DECLARED** by the Board of Trustees of the Charter Township of White Lake, Oakland County, Michigan, that there is a Local State of Emergency in the Township due to the facts, circumstances, and considerations above; that the response and recovery elements of the Township’s emergency operations plan have been activated; and that local resources are to be used to the fullest extent possible and for all purposes permitted under the Emergency Management Act, as and when necessary.

**IT IS FURTHER DECLARED** that the emergency area covered by this state of emergency shall be the entire Township of White Lake.

**IT IS FURTHER DECLARED** that this declaration shall take effect on July 30, 2021 at 12:00 pm and shall remain in effect until modified or rescinded or as otherwise provided by law.

**NOTICE OF THIS DECLARATION SHALL BE PROVIDED TO:**

- Emergency Management and Homeland Security Division, Michigan State Police
- Oakland County Executive
- Oakland County Homeland Security Division Manager, Emergency Management Coordinator

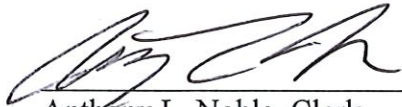
YEAS: 7

NAYS: 0

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN )  
 ) ss.  
 COUNTY OF OAKLAND )

I, the undersigned, the duly qualified and acting Clerk of White Lake Charter Township, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a meeting held on the 29<sup>th</sup> day of July, 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required under the Open Meetings Act.

  
 \_\_\_\_\_  
 Anthony L. Noble, Clerk  
 White Lake Charter Township