

WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS-REGULAR MEETING  
**OCTOBER 22, 2020**  
7525 Highland Road  
White Lake, MI 48383

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

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

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

Visitors:                    0

**Approval of the Agenda:**

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

**Approval of Minutes:**

Zoning Board of Appeals Special Meeting of October 15, 2020.

**Mr. Schillack MOTIONED to approve the special meeting minutes of October 15, 2020 as presented. Ms. Dehart SUPPORTED and the MOTION CARRIED with a roll call vote (Schillack/yes Dehart/yes, Powell/yes, Walz/yes, Spencer/yes).**

**New Business:**

- a.   Applicant:   Mack Industries (Howard Mack)  
                                  8265 White Lake Road  
                                  White Lake, MI 48386
- Location:   **8275 White Lake Road**  
                                  White Lake, MI 48386 identified as 12-01-176-003
- Request:    The applicant requests to construct a building, requiring a variance from Article 3.1.20.E, LM Light Manufacturing Building Height due to the proposed height of the building.

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

**Property Description**

The approximately 77.58-acre parcel identified as 8275 White Lake Road is located on the south side of White Lake Road, west of Cross Road, and zoned LM (Light Manufacturing). The property is used by Mack Industries to manufacture precast concrete structures. The 93.25-acre Mack Industries site is comprised of two parcels, the

subject site referenced above the adjacent 15.67-acre parcel to the east (Parcel Number 12-01-201-005) addressed as 8265 White Lake Road.

### **Applicant's Proposal**

Mack Industries, the applicant, is proposing to construct a 70-foot by 200-foot (14,000 square feet) building, to increase manufacturing capabilities. No additional parking is proposed. Exterior elevations provided by the applicant show the building would be covered by pre-finished metal siding, with split-faced concrete block eight (8) feet up the base around the perimeter of the building.

### **Planner's Report**

The building would be setback 552.56 feet from White Lake Road. In the LM zoning district, the maximum building height allowed is 40 feet; the proposed average height of the building is 43'-3". A variance of 3.25 feet is requested to exceed the maximum building height.

The applicant applied for administrative site plan review to construct the building. All reviewing parties recommended approval (see attached). The Planning Department recommended approval of the site plan with conditions, including the applicant receiving a building height variance from the Zoning Board of Appeals.

Mr. Schillack asked staff why the Light Manufacturing zoning district had a 44' height restriction. Mr. Quagliata said the height standard came from

Jim Butler was present to represent the applicant. The proposed building would be set back from White Lake Road, and would include extensive landscaping. The applicant made the height request because he would be getting into a different type of "material" to sell and expanding his goods

Ms. Dehart asked Mr. Butler if the building would be 1 story? Mr. Butler confirmed.

Mr. Powell asked Mr. Butler if there would be a 60' crane inside the building? Mr. Butler confirmed. Mr. Powell asked the applicant's representative if the proposed building would be fire suppressed? Mr. Salsider it would not and there would be fire extinguishers present.

Ms. Spencer opened the public hearing at 7:14 PM. Seeing no public comment, she closed the hearing at 7:15 PM.

**Mr. Walz MOVED to approve the variance requested by Mack Industries from Article 3.1.20.E of the Zoning Ordinance for Parcel Number 12-01-176-003, identified as 8275 White Lake Road, in order to construct a building that would exceed the maximum building height allowed by 3.25 feet. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Approval of this variance is in accordance with the administrative site plan review approval by the Planning Department.**



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

**Walz: YES; there was a practical difficulty based upon the nature of the building and the constraints of the building**

**Schillack: YES; there was a practical difficulty and work had been done to**

**Spencer YES; there was a practical difficulty and**

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

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

- b.** Applicant: Brett Petrice  
4250 Oakguard Court  
White Lake, MI 48383
- Location: **4259 Oakguard Court**  
White Lake, MI 48383 identified as 12-07-176-016
- Request: The applicant requests to add a covered front porch 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. 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 24 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 0.135-acre (5,880.6 square feet) parcel identified as 4259 Oakguard Court is the northerly 40.64 feet of Lot 96 of the White Lake Grove subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 825 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

Brett Petrice, the applicant, on behalf of property owner Jon M. Savitsky, is proposing to construct a covered porch on the front of the house.

### **Planner's Report**

Currently the existing house is nonconforming to setbacks; the structure is located 2.1 feet from the south side property line, 7 feet from the north side property line, and 28 feet from the front property line. 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 6,119.4 square foot deficiency in lot area and a 39.36-foot deficiency in lot width. 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.

A covered or enclosed porch is considered part of the principal structure and therefore subject to the same setbacks as the house. The proposed covered porch would be 8' by 12'-6" (100 square feet) in size and added on

to the front of the house. The porch would be located 21 feet from the front property line. A variance of nine feet is requested to encroach into the front yard setback.

Mr. Petrice was present to speak on behalf of the homeowner. He said he wanted to build a porch with metal roof. The house was built without a porch.

Mr. Walz asked the applicant if there were any other reasons other than aesthetics for the construction of the proposed porch? Mr. Petrice said the porch would also serve for functionality, as the homeowner did not have a garage, the proposed porch would serve as a "loading" area for the homeowner's vehicle.

Mr. Powell asked if the structure would have a foundation. Mr. Petrice said the proposed porch would have two sonic tubes installed. Mr. Powell asked if the proposed project would be a roof overtop brick pavers set at grade, without any walls or additional doors. Mr. Petrice confirmed.

Mr. Quagliata said a covered porch would need a variance because in a future homeowner could enclose the porch and it would become living space.

Ms. Spencer opened the public hearing at 7:31 PM. Seeing no public comment, she closed the public hearing at 7:32 PM.

**Mr. Schillack MOVED To approve the variance requested by Brett Petrice from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-07-176-016, identified as 4259 Oakguard Court in order to construct a covered porch that would encroach nine feet into the required front yard setback. A 39.36-foot variance from the required lot width and 6,119.4 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following condition:**

- **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):**

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

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

**Walz: NO; there was no practical difficulty demonstrated.**

**Powell: YES; the applicant did not build the home, therefore it is not a self created hardship.**

**Spencer: YES; the lot was non conforming and the situation was unique and not self created.**

- c. Applicant: M.J. Whelan Construction  
620 N. Milford Road  
Milford, MI 48381
- Location: **10199 Lakeside Drive**  
White Lake, MI 48386 identified as 12-22-477-011
- 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.

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 0.223-acre (9,713.88 square feet) parcel identified as 10199 Lakeside Drive is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,830 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

M.J. Whelan Construction, the applicant, on behalf of property owner Laura Dobbs, is proposing to construct an addition to the first and second stories of the house. The applicant indicated the project includes remodeling both stories the existing house.

### **Planner's Report**

Currently the existing house is nonconforming to setbacks; the structure is located 4.1 feet from the east side property line, 4.2 feet from the west side property line, and 6.7 feet from the front property line. 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 2,286.12 square foot deficiency in lot area and a 21.93-foot deficiency in lot width. 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 proposed first floor addition is 48 square feet in size and located 9.5 feet from the east side lot line. Currently the second story is 705 square feet in size and the proposed addition on that level is 805 square feet in size. The second story addition at the front of the house would be located five feet from the east side property line and 6.7 feet from the front property line. At the rear of the house the wall of the proposed second story is five feet from the west side lot line; however, the proposed roof overhang is within five feet of the side lot line. 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. Article 7, Section 27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance of less than five feet from a side lot line for safety reasons.

The applicant did not provide the value of improvements on their building permit application. Because the current structure is non conforming, the value of improvements must be taken into account. The value of improvement for the addition was valued at \$90,000 and the SEV for the current building was \$150,000. A variance to exceed the allowed value of improvements was not requested or published.

Mr. Schillack asked staff if the proposed roof overhang projected into the side lot line. Mr. Quagliata confirmed.

Mr. Powell asked staff how far the applicant was planning to build from the garage to the home. Mr. Quagliata said the addition would go over the entire garage, and the roof overhang would be 6.7' from the front property line.

Ms. Dehart asked staff if the Building Department made applicants aware a value of work needed to be provided on their applications? Mr. Quagliata said there would be changes made to the ZBA applications so where an application would not be accepted without the value of work listed.

Matt Whalen was present to speak on behalf of his case. He said he pulled in two of the side walls 9". The overhang in the plans was existing. The covered front porch was drawn with its existing overhang as well.

Mr. Powell asked Mr. Whalen if the storage room over the garage was going to be a habitable space? Mr. Whalen confirmed. Mr. Powell asked staff if the concern was a new overhang being created, or with the current overhang? Mr. Quagliata said the concern was how the new overhang was proposed to be constructed.

Mr. Whalen said the new gables on the addition were pulled in 9".

Ms. Spencer opened the public hearing at 8:02 PM. Seeing no public comment, she closed the public hearing at 8:02 PM.

**MS. Dehart MOVED to table the variance requests of M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, to consider comments stated during this public hearing.**

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

**Dehart: YES;**

**Schillack: YES;**

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

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

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

**Other Business:**

There was discussion regarding language for resolution for stake survey requirements for future ZBA applications.

**Adjournment: Mr. Walz MOTIONED to adjourn the meeting at 8:33 P.M. Ms. Dehart SUPPORTED. All in favor.**

**Next Meeting Date:** December 10, 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:** 6a

**Appeal Date:** December 10, 2020 (Tabled from October 15, 2020)

**Applicant:** SLT Properties LLC

**Address:** 2439 Fenton Road  
Hartland, MI 48353

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

**Location:** 10201 Joanna K Avenue  
White Lake, MI 48386

## **Property Description**

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

## **Applicant's Proposal**

SLT Properties LLC, the applicant, is proposing to construct a second-story addition on 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 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 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 (\$27,870), the maximum extent of improvements cannot exceed \$13,935. The value of the proposed work is \$35,368. A variance to exceed the allowed value of improvements by 254% is requested.

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

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Side yard setback	10 feet	5 feet (east and west)	5 feet
2	Article 3.1.6.E	Front yard setback	30 feet	8.92 feet	21.08 feet
3	Article 3.1.6.E	Minimum lot size	12,000 square feet	7,034.16 square feet	4,965.84 square feet
4	Article 3.1.6.E	Minimum lot width	80 feet	55.10 feet	24.90 feet
5	Article 7.28.A	Nonconforming structure	50% SEV (\$13,935)	254%	\$21,433 over allowed improvements

**Zoning Board of Appeals Options:**

**Approval:** I move 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.

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

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

**Attachments:**

1. Variance application dated August 24, 2020.
2. Applicant's written statement.
3. Letter from Lopez Engineering, Inc. dated November 9, 2020.
4. Certificate of survey dated March 17, 2020.
5. Building elevations and floor plans dated November 11, 2020
6. Letter of denial from the Building Department dated August 24, 2020.

### 7.37 STANDARDS

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

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

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

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



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

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

APPLICANT'S NAME: SLT Properties LLC (Robert Swierkos) PHONE: 248-701-1758

ADDRESS: 2439 Fenton RD. Hartland, MI 48353

APPLICANT'S EMAIL ADDRESS: rjswierk@gmail.com

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

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

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

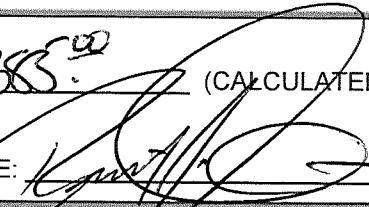
STATE REQUESTED VARIANCE AND ORDINANCE SECTION: We are requesting a variance from Article 3.1.6 of the Clear Zoning Ordinance for R1-D  
due to the existing structure having a current side yard setback of 2.56ft on the SW corner and a side yard setback of 6.22ft on the NE corner for a combined total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

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

Please see attached sheet.

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

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

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

## Supporting Information for Variance Request

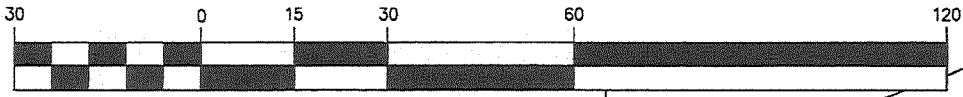
This House and Lot have been in existence for many, many decades, and is listed as being built in 1938. There have likely been few if any updates made to this house, since that time. This house is likely one of the few remaining "summer cottages", that at one time made up a significant portion of the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

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

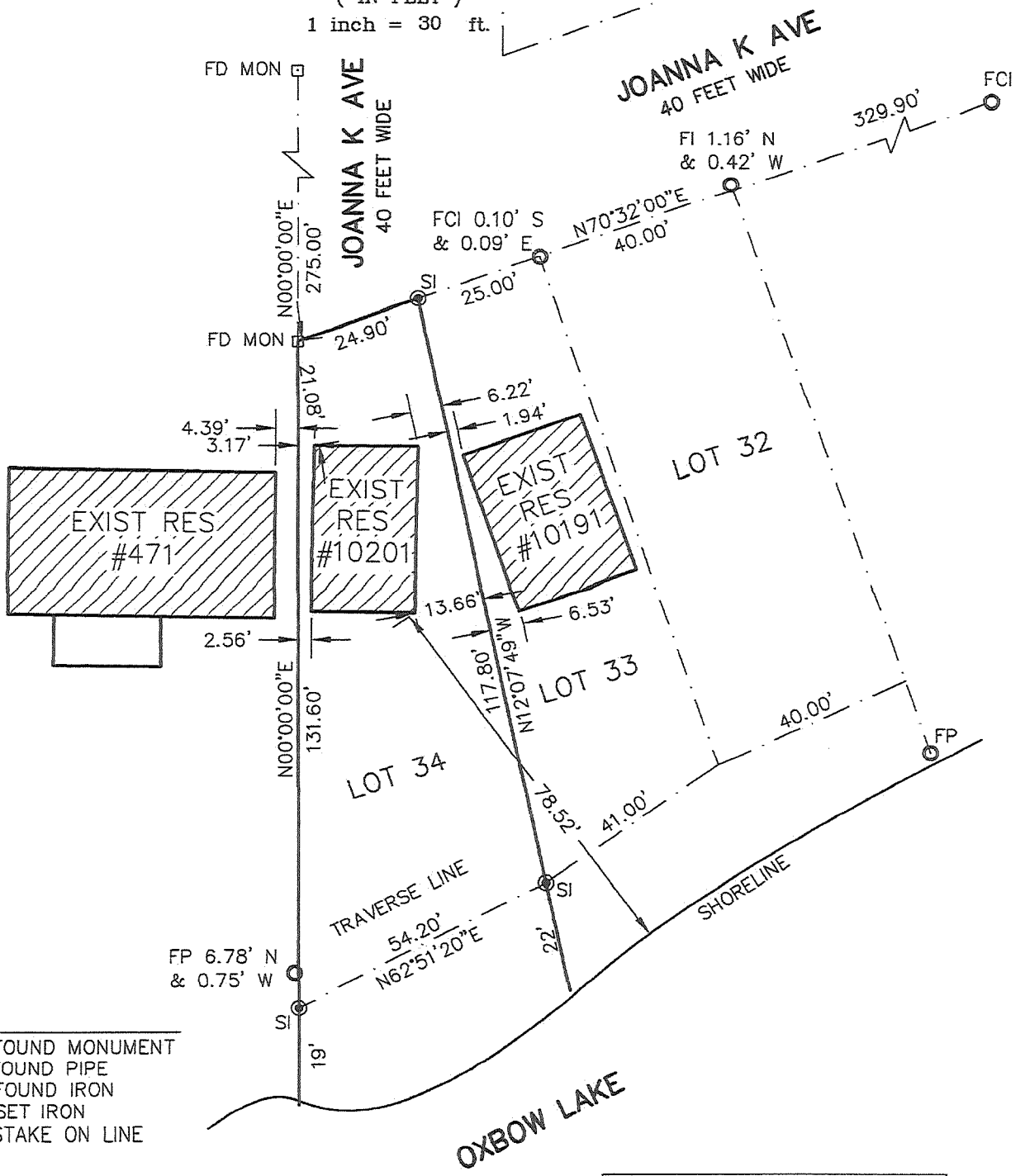
We are not asking to add bedrooms, and we are not expanding outside the original building "foot-print". We are simply asking to be allowed to add a second story, which would allow us to increase the living area (currently 672 sq. ft.) to a size that would accommodate modern, year-round occupancy rather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

# CERTIFICATE OF SURVEY

## GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



**LEGEND**

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

DESCRIPTION PARCEL #12-22-427-003:

BEARINGS BASED ON WEST LINE OF JOANNA K AVE AS PLATTED

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

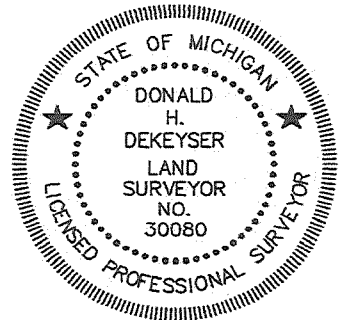
FOR: **BOB SWIERKOS**

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

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

**DEKEYSER SURVEYING**

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



JOB NO.:  
6725

SCALE:  
1"=30'

DATE:  
3-17-20

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

RECEIVED  
NOV 12 2020  
COMMUNITY  
DEVELOPMENT  
DEPARTMENT

7508 M E Cad Blvd  
Suite C  
Clarkston, MI 48348  
Phone (248) 634-0444  
Fax (248) 297-5200  
tom@lopezengineers.com

November 9, 2020

Job No. 20-376

Bob Swierkos  
10201 Joanna K  
White Lake, MI 48386

Re: Structural Inspection  
10201 Joanna K  
White Lake, MI 48386

This is a follow up report from an inspection made on October 27, 2020 among you, your architect and Thomas J. Mickus from Lopez Engineering. The structure in concern is a wood framed 1-story structure with concrete masonry foundation walls. The purpose of the inspection was to verify the structural soundness of the exterior walls and foundation walls as well as verify the feasibility of installing a second story.

## **Findings**

Upon arrival to the premises the structure was found vacant. The inside, the outside and the basement was inspected. On the inside the structure was found completely finished on the first floor, except, a small area of plaster or drywall which was removed. 2x4 exterior stud walls were found with studs spaced at 24" on center. A double 2x4 top plate was not visible.

On the outside the exterior walls were found plumb and in fair condition.

In the basement, the foundation walls were installed of 8" concrete block roughly 7' high. The north, south and east foundation walls were found plumb and in fair condition. The west wall was found slightly compromised and in need of reinforcement. Around 4 ft. from the top of the wall a horizontal crack was found to run along the mortar joint.

## **Analysis**

The following materials were referenced in writing this report: The 2015 Michigan Residential Code, Minimum Loads on Buildings and Other Structures (ASCE 7-10), The Building Code Requirements for Structural Concrete (ACI 318-11), the 2011 Building Code Requirements and Specification for Masonry Structures (by MSJC), A manual

prepared by the Department of Army Corps of Engineers "Evaluation and Repair of Concrete Structures", the 2011 National Design Specifications and 15<sup>th</sup> Edition of the Steel Construction Manual.

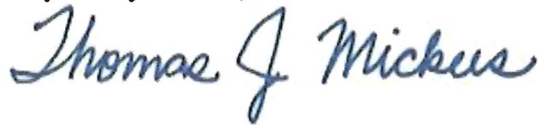
**Conclusions:**

The structure can feasibly have a second story built under the following conditions:

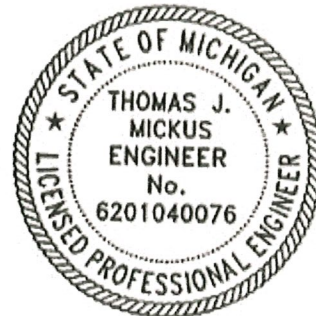
- New roof and floor trusses need to clear span the east and west direction and bear on the exterior walls
- The existing 2x4 exterior walls shall have a 2x4 sistered next to the existing. A double 2x4 top plate shall be verified at the top of the first-floor wall or one shall be added.
- The west foundation needs to be reinforced on the inside be Superior Stabilizer bars or Carbon Fir Grid Strips spaced at 4'-0" on center maximum.

Please feel free to contact our office with any further questions or concerns.

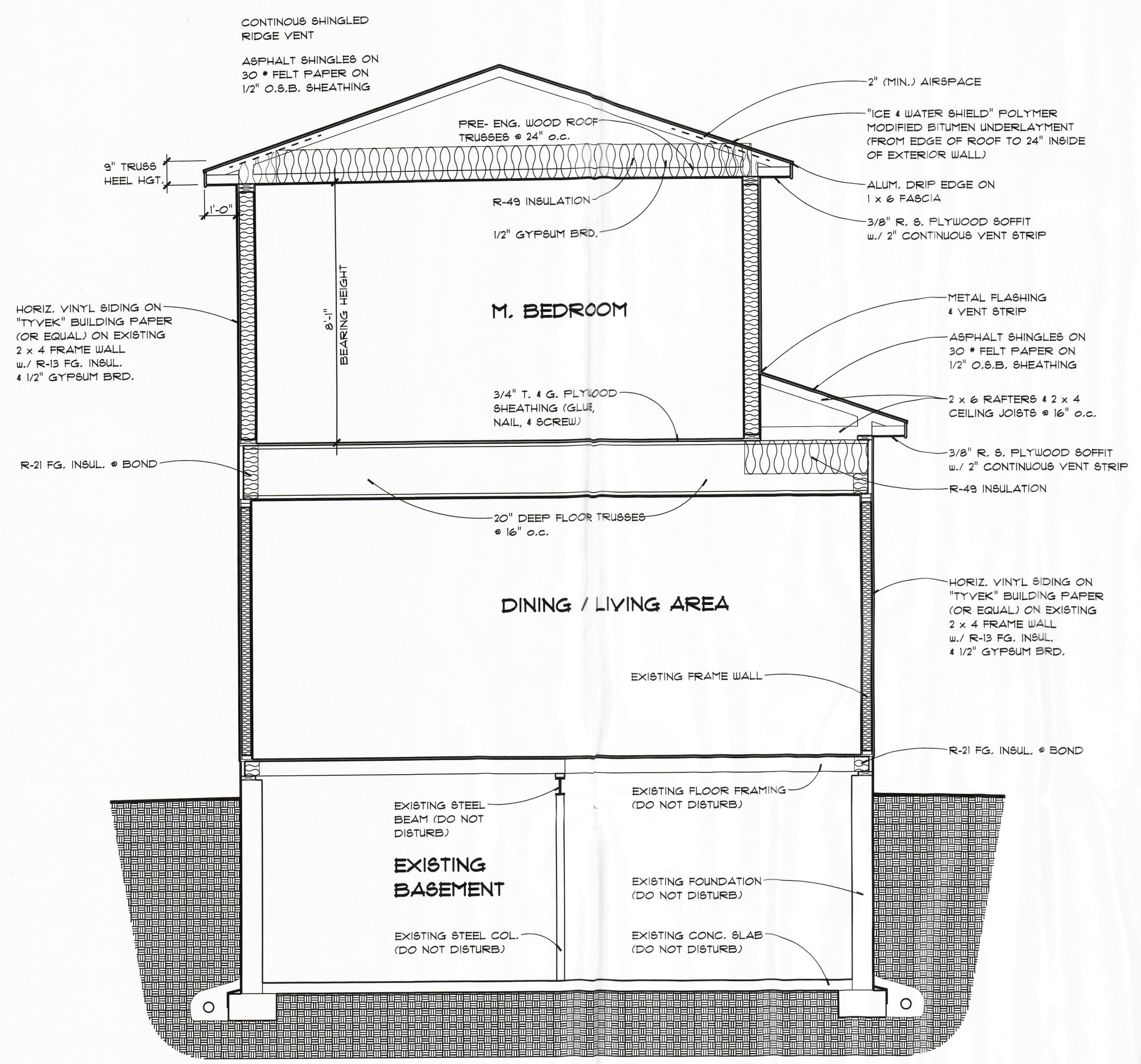
Very Truly Yours,



Thomas J. Mickus, P.E.







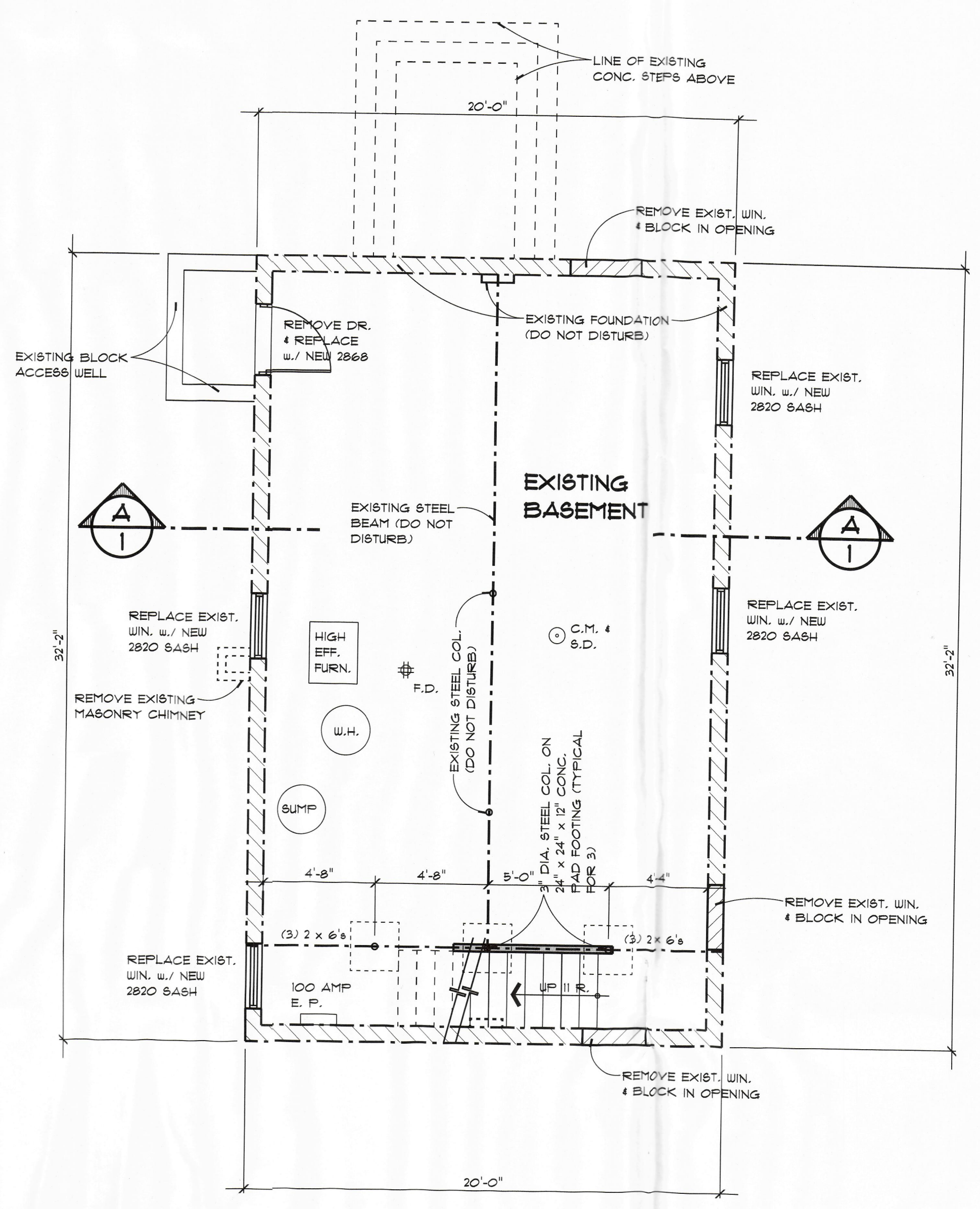
**A**  
**1**  
**BUILDING SECTION**  
 3/8" = 1'-0"

**SOIL BEARING REQUIREMENTS**

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

**CONCRETE SPECIFICATIONS**

- CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF ACI 301-4 AND ACI 318, "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS", EXCEPT AS MODIFIED AS SUPPLEMENTAL REQUIREMENTS.
- CONCRETE SHALL HAVE A MINIMUM OF 3000 PSI, 28 DAY COMPRESSIVE STRENGTH, UNLESS NOTED OTHERWISE (I.N.O.), (51T LBS. OF CEMENT PER CUBIC YARD MINIMUM (5.5 BAGS) & A WATER/CEMENT RATIO NOT TO EXCEED 6 GALLONS PER BAG). EXTERIOR CONCRETE SLABS SHALL HAVE A MINIMUM OF 4000 PSI, 28 DAY COMPRESSIVE STRENGTH, (4% AIR ENTRAINMENT).
- THE USE OF ADDITIVES SUCH AS FLY ASH OR CALCIUM CHLORIDE IS NOT ALLOWED WITHOUT PRIOR REVIEW FROM THE ARCHITECT.



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

**GENERAL NOTES:**

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

**NOTES:**

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

**DESIGN LOADS:**

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

**MICHIGAN UNIFORM ENERGY CODE: PRESCRIPTIVE METHOD**

CLIMATE ZONE: 5A

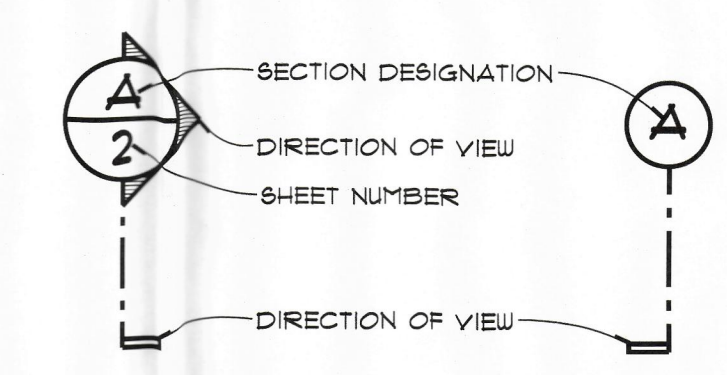
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

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

**WALL LEGEND:**

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

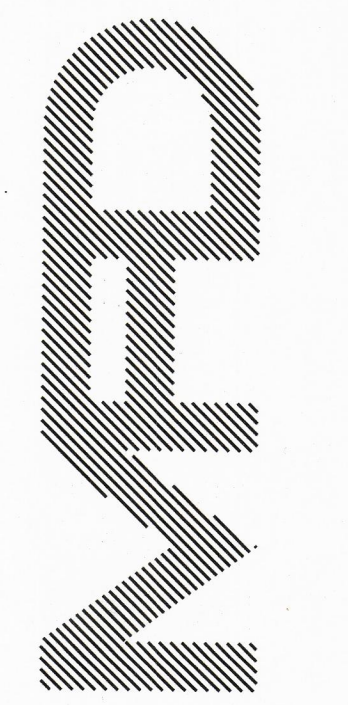
**SECTION / DETAIL CUTS:**



RECEIVED  
 NOV 12 2020  
 COMMUNITY DEVELOPMENT DEPARTMENT

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

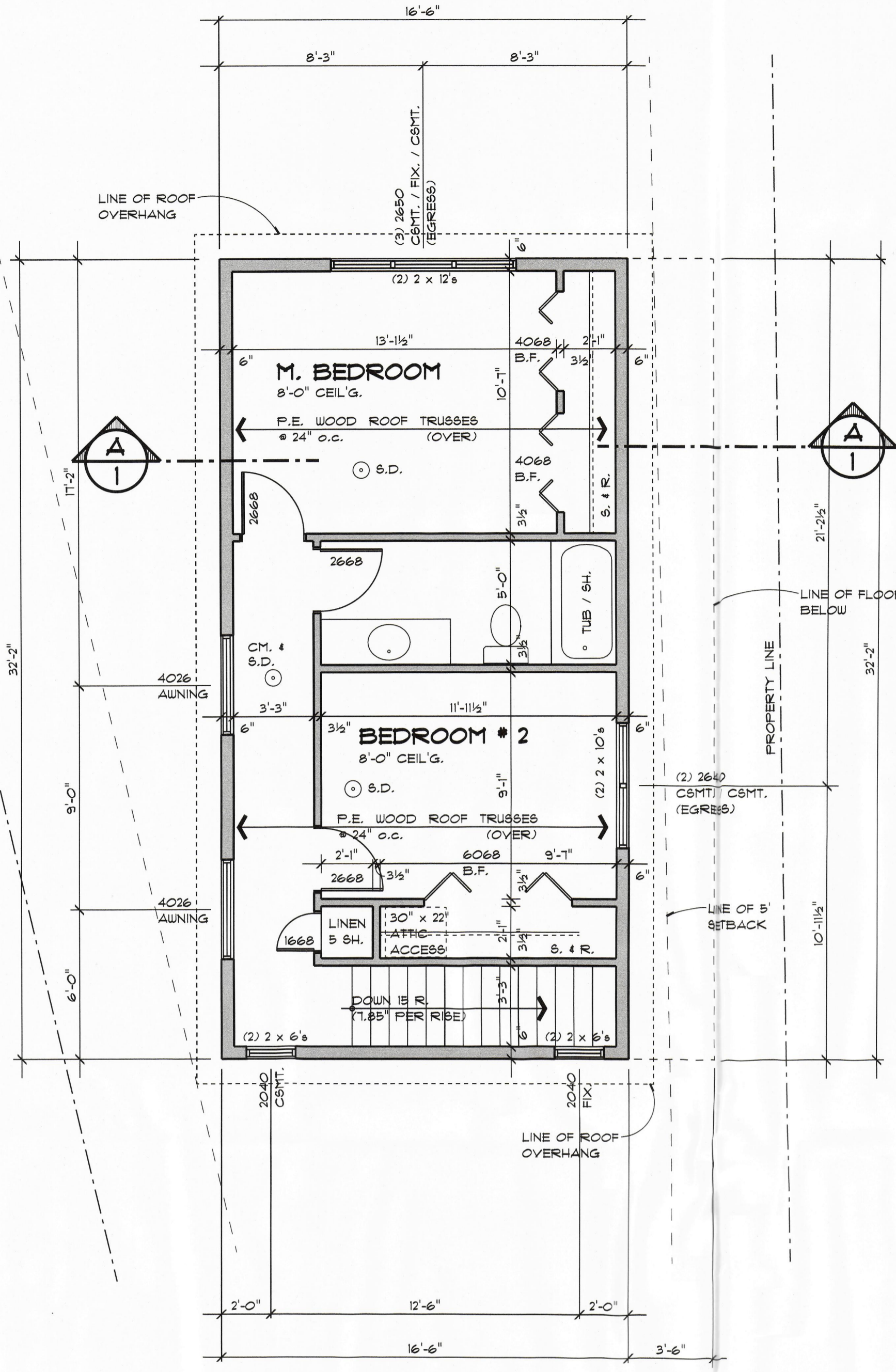
MARK FREDRICK DESIGN  
 2864 WALLSEND DR.  
 WATERFORD, MI 48323  
 (248) 935-1844  
 mfredrick66@gmail.com





**WOOD SPECIFICATIONS:**

- WOOD CONSTRUCTION SHALL BE GOVERNED BY THE LATEST EDITION OF THE "AIRC" MANUAL AND "NDS" (NATIONAL DESIGN STANDARDS AS PUBLISHED BY THE AMERICAN FOREST & PAPER ASSOCIATION, 1991 EDITION)
- LAMINATED VENEER LUMBER SHALL HAVE THE FOLLOWING STRUCTURAL PROPERTIES: F<sub>b</sub> = 2600 P.S.I., F<sub>v</sub> = 285 P.S.I., E = 1,900,000 P.S.I., F<sub>c1</sub> = 150 P.S.I. (UNLESS NOTED OTHERWISE)
- LAMINATED WOOD BEAMS (GLU-LAM) SHALL BE VISUALLY GRADED WESTERN SPECIES 24F-V8 "AIRC" DESIGNATION WITH THE FOLLOWING STRUCTURAL PROPERTIES: F<sub>b</sub> = 2400 P.S.I., F<sub>v</sub> = 165 P.S.I., E = 1,800,000 P.S.I.
- STUDS SHALL BE 8FF/STUD (WUPA) OR BETTER GRADE U.N.O. AT MOISTURE CONTENT, (MC) 19% MAXIMUM.
- STRUCTURAL DIMENSION LUMBER SUCH AS HEADERS AND JOISTS SHALL BE A MINIMUM OF # 2 HEM FIR AT MC 19% MAXIMUM.
- AT EACH WALL OPENING ADD ONE HALF THE TOTAL NUMBER OF STUDS DISPLACED TO EACH SIDE OF OPENING (FULL HGT.) AND USE ONE TRIMMER STUD BELOW THE HEADER AT EACH OPENING (U.N.O.)
- POSTS AT CONCENTRATED LOADS SHALL EXTEND TO SOLID BEARING. REPEAT POSTS ON LOWER FLOORS BELOW UPPER POSTS (U.N.O.). BLOCK SOLID BELOW ALL POSTS TO SOLID BEARING BELOW.
- NOTCHING AND DRILLING OF STRUCTURAL MEMBERS IS PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF THE ENGINEER
- CONNECTIONS NOT NOTED ON THE DRAWING SHAL BE MADE WITH PREFABRICATED STEEL HANGERS SIZED FOR THE CARRIED LOAD AND MEMBER SIZE AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. (I.e. A DOUBLE 2 x 10 MUST HAVE A SIMPSON U210-2 HANGER (OR EQUAL) ETC...)
- ALL EXTERIOR WALL AND ROOF SHEATHING SHALL BE "APA" "RATED SHEATHING", EXPOSURE 1, WITH PROPER SPAN INDEX AND INSTALLED PER "APA" INSTALLATION GUIDE REQUIREMENTS (NAILING, SPACING, BLOCKING, STORAGE HANDLING AND PROTECTION, ETC...) U.N.O.
- PRESSURE PRESERVATIVE PROTECTION:
  - ALL STRUCTURAL LUMBER IN CONTACT WITH CONCRETE OR MASONRY OR LESS THAN 8" ABOVE GRADE OR EXPOSED TO WEATHER, SHALL BE PRESURE TREATED TO A MINIMUM OF 0.40 POUNDS PER CUBIC FT. RETENTION WITH AMMONIACAL COPPER ARSENATE (ACA), OR CHROMIUM COPPER ARSENATE (CCA), OR APPROVED EQUAL TREATMENT.
  - ALL LUMBER AT OR BELOW GRADE SHALL BE PRESURE TREATED TO A MINIMUM OF 0.60 POUNDS PER CUBIC FT. RETENTION WITH AMMONIACAL COPPER ARSENATE (ACA), OR CHROMIATED COPPER ARSENATE (CCA) OR APPROVED EQUAL TREATMENT.
  - ALL TREATED LUMBER WHICH IS CUT DRILLED OR NOTCHED SHALL BE FIELD TREATED (BRUSHED ON EXPOSED SURFACES) WITH ONE OF THE PRESERVATIVES LISTED ABOVE.



**UPPER FLOOR PLAN**

1/4" = 1'-0"

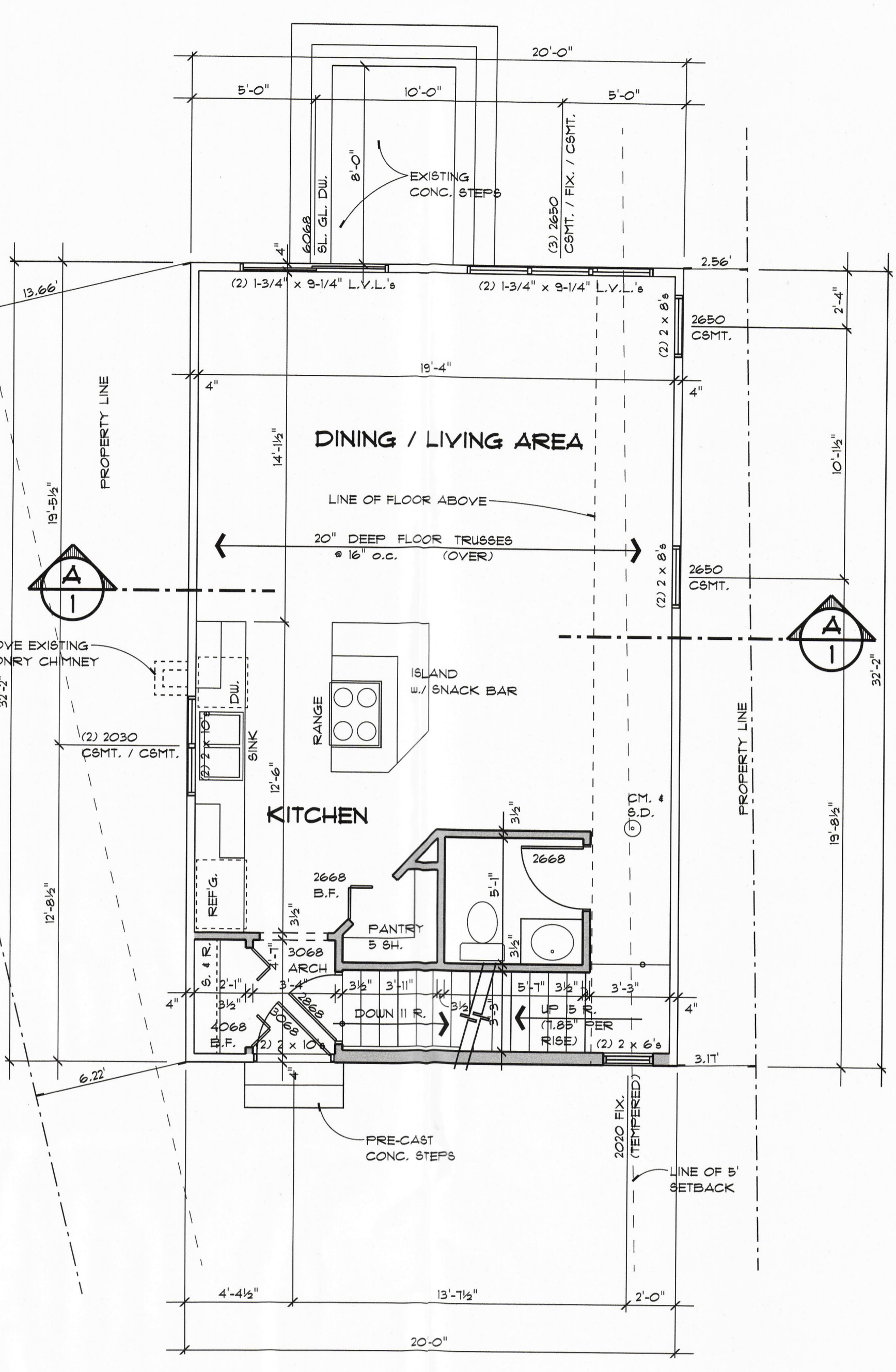
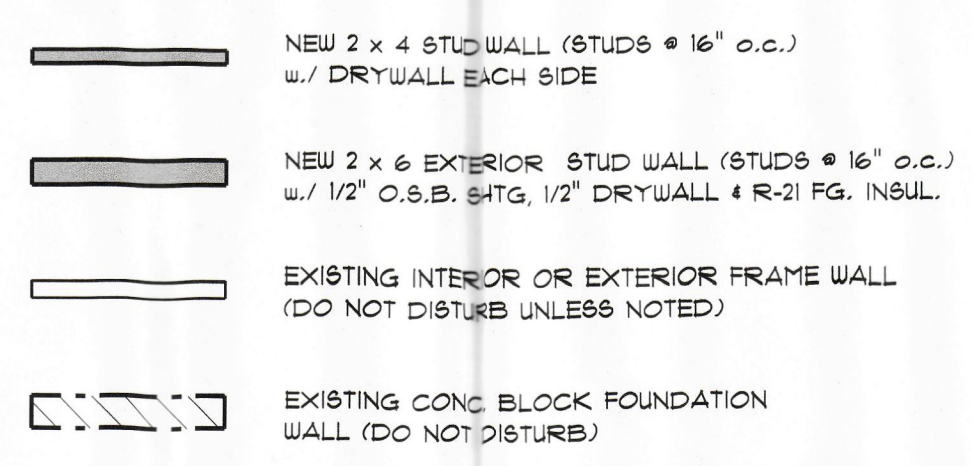
**STAIR & RAILING SPECIFICATIONS:**

- STAIR RISERS SHALL NOT EXCEED 7-3/4"
- TREAD DEPTH SHALL NOT BE LESS THAN 10". WINDER TREADS SHALL HAVE A DEPTH OF NOT LESS THAN 6" AT ANY POINT WITHIN THE CLEAR WIDTH OF THE STAIR.
- TREAD NOSINGS SHALL BE A MINIMUM OF 3/4" AND NO MORE THEN 1-1/4". RADIUS CURVATURE OF THE NOSING SHALL NOT EXCEED 9/16".
- HANDRAILS SHALL BE PROVIDED ON NOT LESS THAN ONE SIDE OF EACH CONTINUOUS RUN OF TREADS WITH (4) OR MORE RISERS.
- HANDRAILS FOR STAIRWAY SHALL BE CONTINUOUS FOR THE FULL LENGTH OF FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT.
- HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT NOT LESS THAN 1/2" BETWEEN THE WALL AND HANDRAIL.
- HANDRAILS GRIP SIZE:
  - HANDRAILS WITH A CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN 1-1/4" AND NOT GREATER THAN 2".
  - NON-CIRCULAR HANDRAILS SHALL HAVE A PERIMETER DIMENSION OF NOT LESS THAN 4 INCHES AND NOT GREATER THAN 6-1/4", WITH A CROSS SECTION DIMENSION OF NOT MORE THAN 2-1/4". EDGES SHALL HAVE A RADIUS OF NOT LESS THAN (0.1").
- HANDRAIL HEIGHT SHALL NOT BE LESS THAN 34" AND SHALL NOT EXCEED 38".
- HANDRAIL BALLUSTERS SHALL HAVE A SPACING SUCH THAT LESS THAN 4" EXIST BETWEEN BALLUSTER SURFACES.

**DEMOLITION NOTES:**

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

**WALL LEGEND:**



**MAIN FLOOR PLAN**

1/4" = 1'-0"

EXISTING MAIN LEVEL SQ. FT.: 645 SQ. FT.  
NEW UPPER LEVEL SQ. FT.: 482 SQ. FT.

TOTAL HOME SQUARE FOOTAGE: 1127 SQ. FT.

**GENERAL NOTES:**

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

**DESIGN LOADS:**

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

**NOTES:**

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

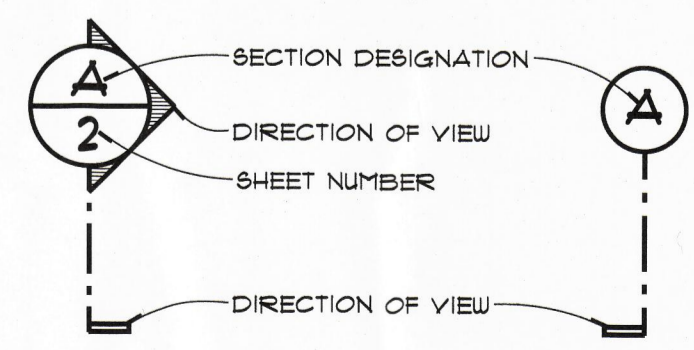
**MICHIGAN UNIFORM ENERGY CODE: PRESCRIPTIVE METHOD**

CLIMATE ZONE: 5A

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

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

**SECTION / DETAIL CUTS:**



JOB #: 19-05-01  
LOT #: N.A.  
DRAWN BY: MF  
SCALE: 1/4" = 1'-0"  
DATE: 11/1/2020  
REVISED:

PROPOSED HOME RENOVATION FOR:  
**MR. ROBERT SWIERKOS**  
FLOOR PLANS

MARK FREDRICK DESIGN  
2964 WALLBEND DR.  
WATERFORD, MI 48329  
(248) 935-1844  
mrfredrickdesign@gmail.com





**WOOD TRUSS SPECIFICATIONS**

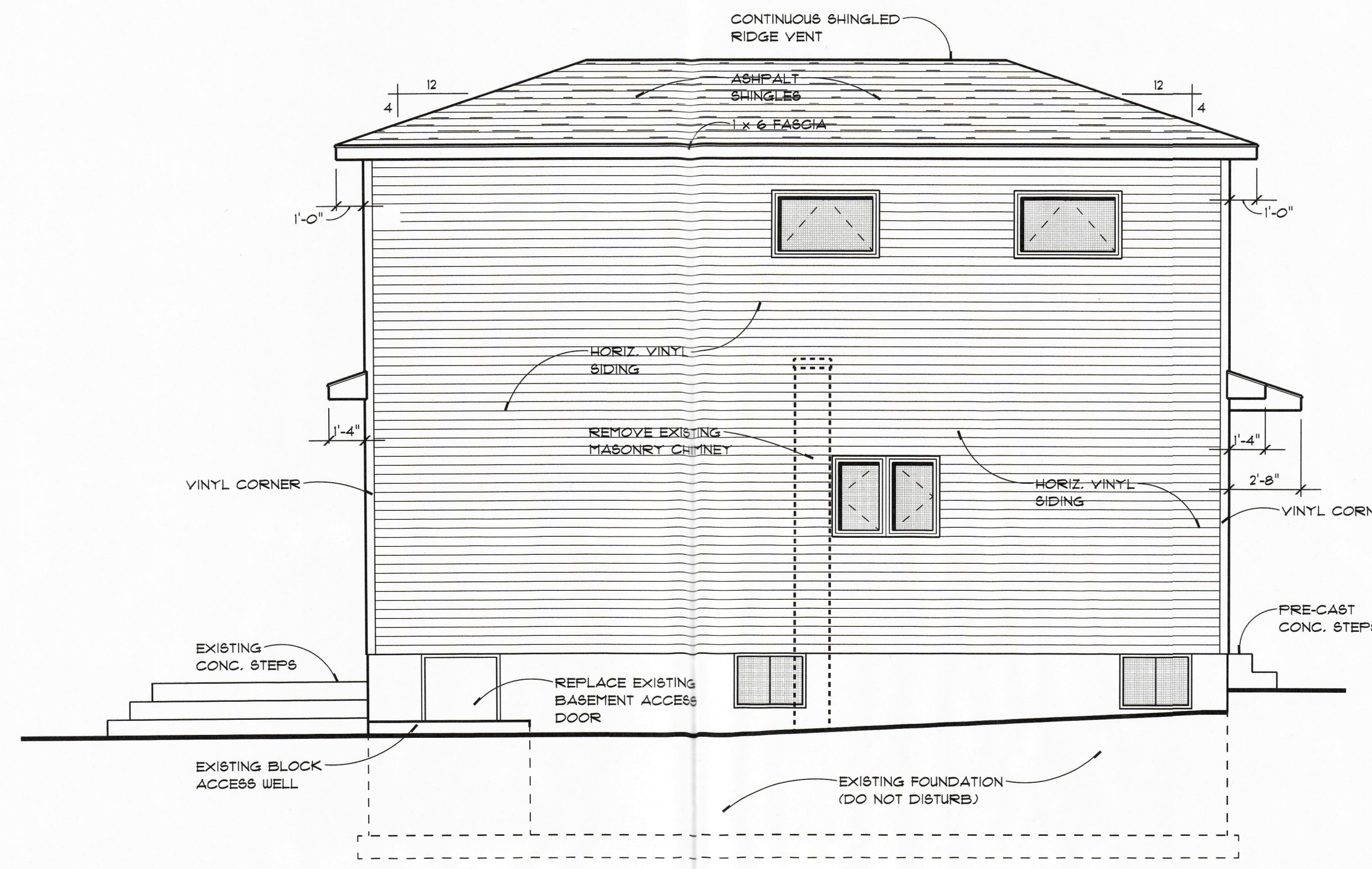
- DESIGNS SHALL CONFORM WITH THE LATEST VERSIONS OF (NDS), "NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION" BY THE AMERICAN FOREST & PAPER ASSOCIATION, AND DESIGN STANDARD FOR METAL PLATE CONNECTED WOOD TRUSS CONSTRUCTION" BY THE AMERICAN STANDARD (ANSI) AND THE TRUSS PLATE INSTITUTE (T.P.I.) AND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

**SHOP DRAWINGS**

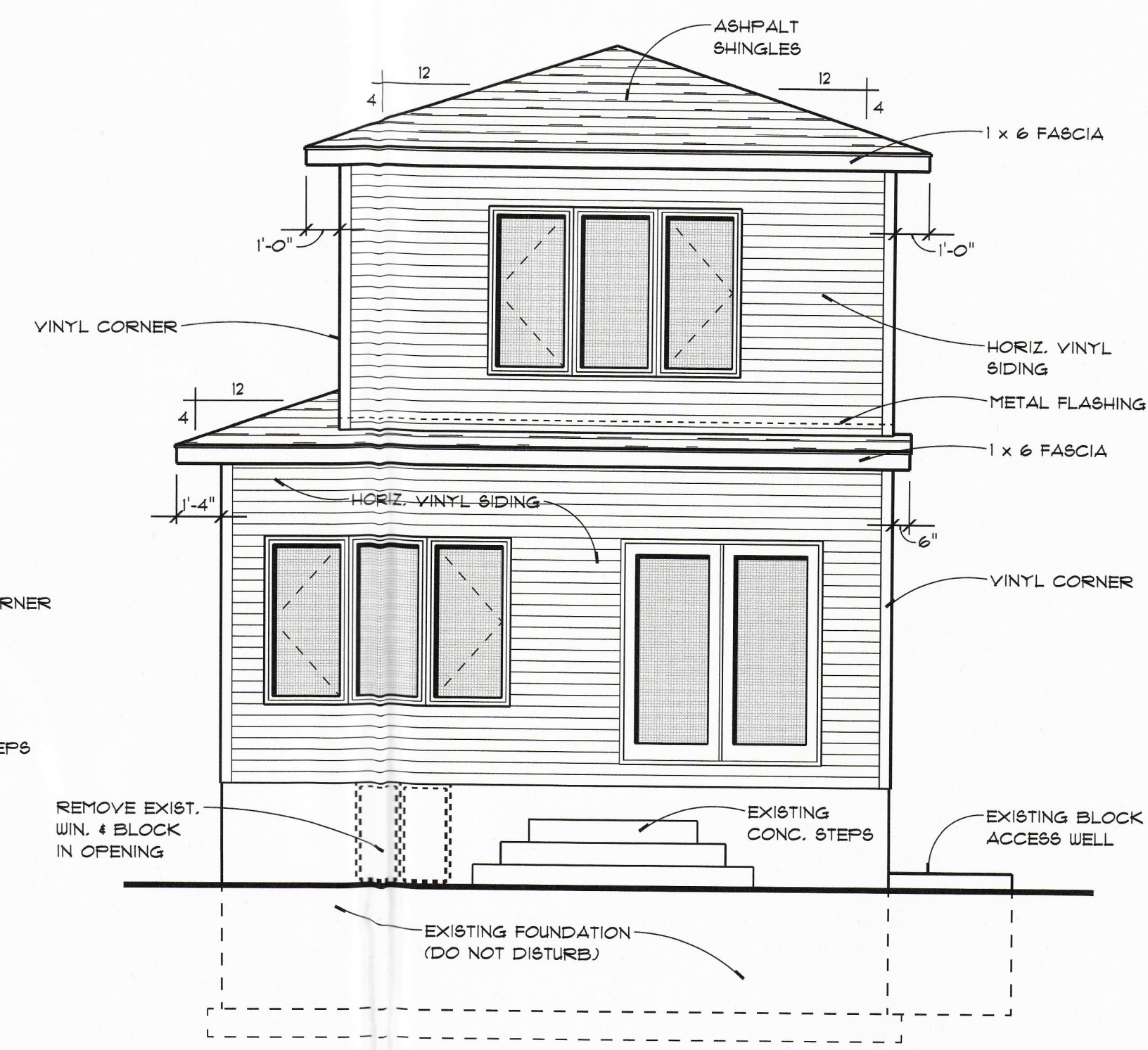
- THE FOLLOWING INFORMATION SHALL APPEAR ON ALL TRUSS SHOP DRAWINGS:  
 A. DESIGN CRITERIA INCLUDING LOAD INFORMATION ACCOUNTING FOR SNOW BUILD-UP WHERE APPLICABLE.  
 B. CONNECTOR PLATE MANUFACTURER, GAGE, SIZE AND LOCATION AT EACH TRUSS JOINT.  
 C. THE LUMBER GRADE AND SIZE OF ALL MEMBERS.  
 D. ALL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

**HANDLING AND ERECTION SPECIFICATIONS**

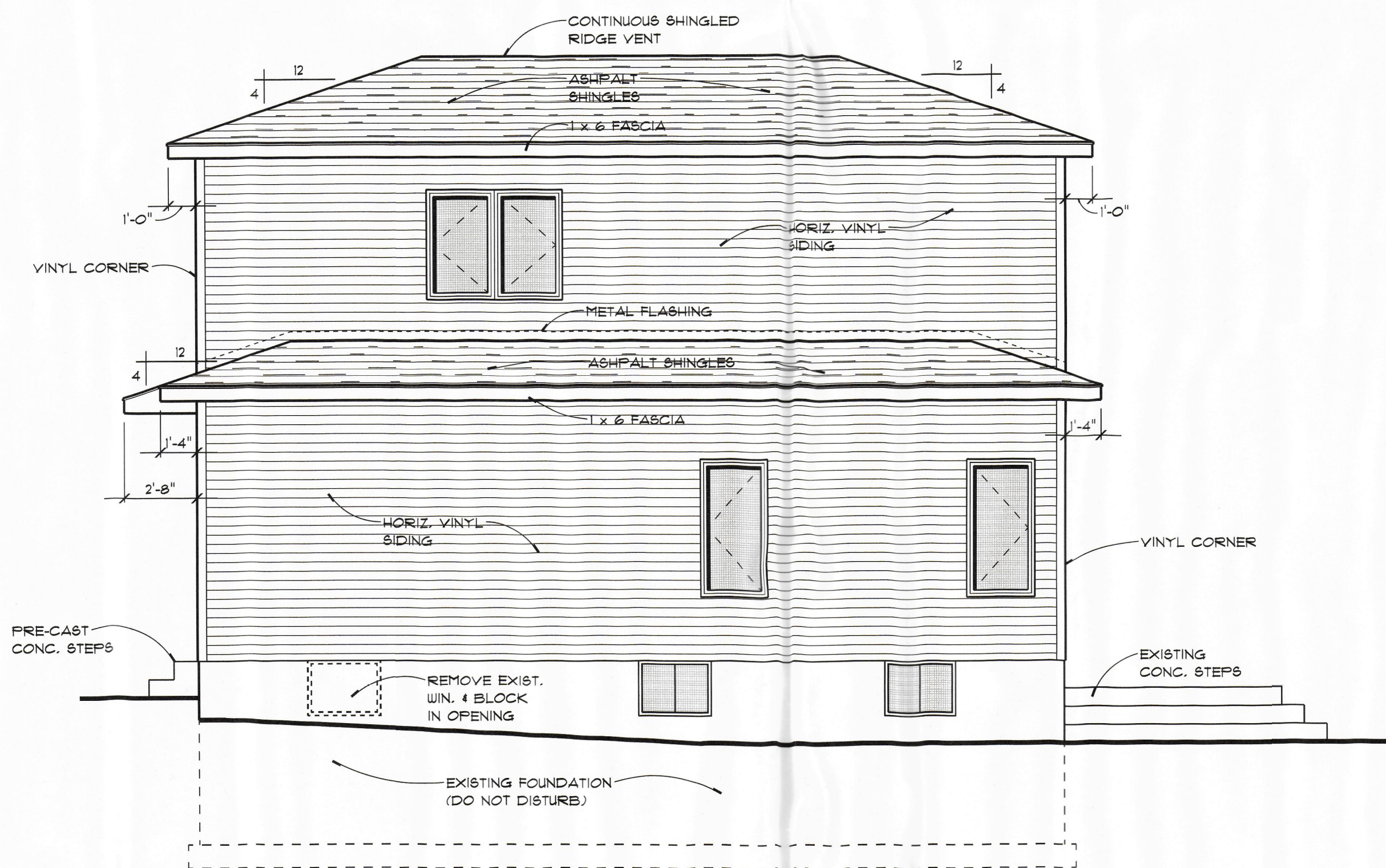
- TRUSSES ARE TO BE HANDLED WITH PARTICULAR CARE DURING FABRICATION, BUNDLING, LOADING, DELIVERY, UNLOADING AND INSTALLATION IN ORDER TO AVOID DAMAGE AND WEAKENING OF THE TRUSSES.
- TEMPORARY AND PERMANENT BRACING FOR HOLDING THE TRUSSES IN A STRAIGHT AND PLUMB POSITION IS ALWAYS REQUIRED AND SHALL BE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



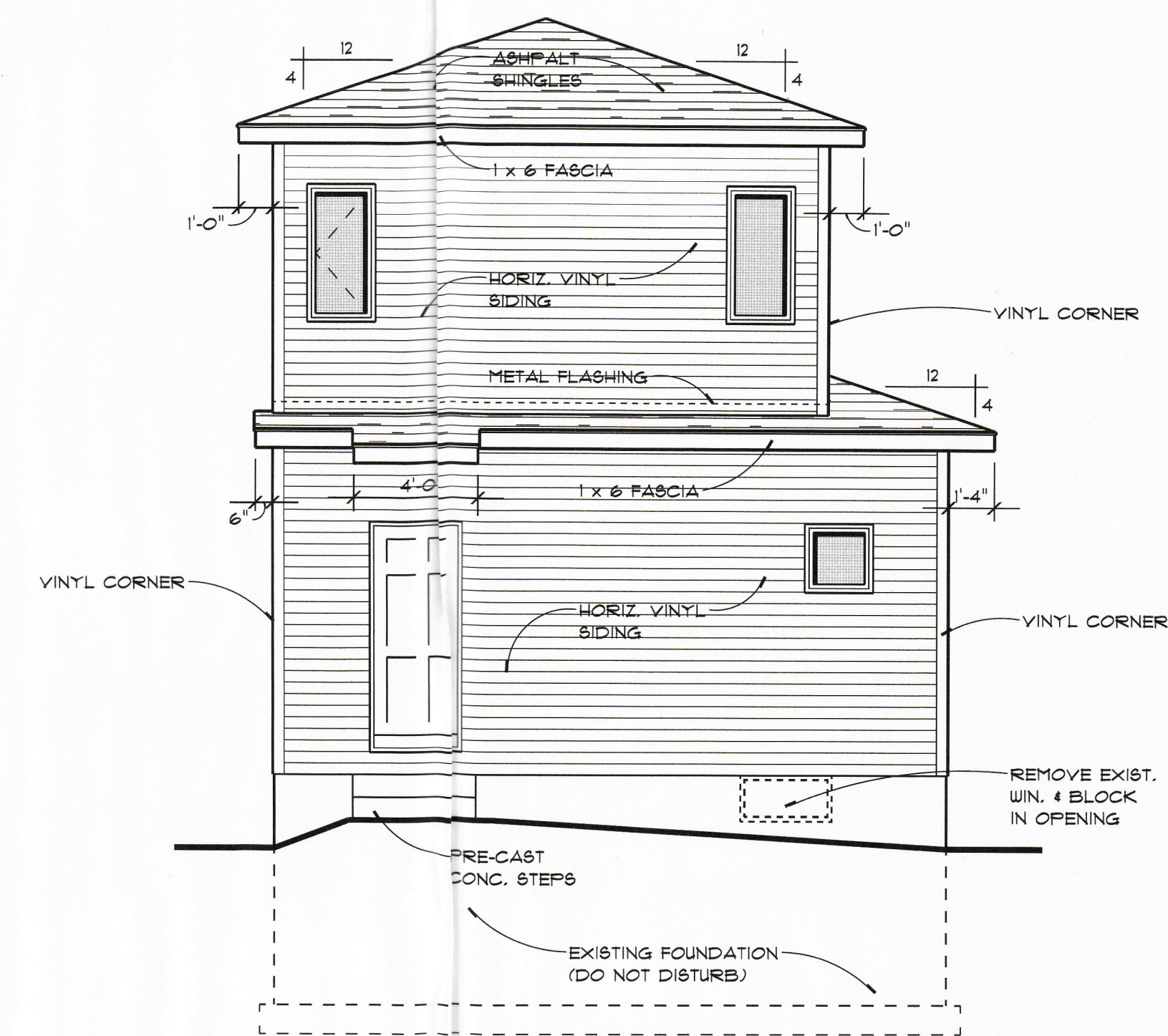
**LEFT SIDE ELEVATION** 1/4" = 1'-0"



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



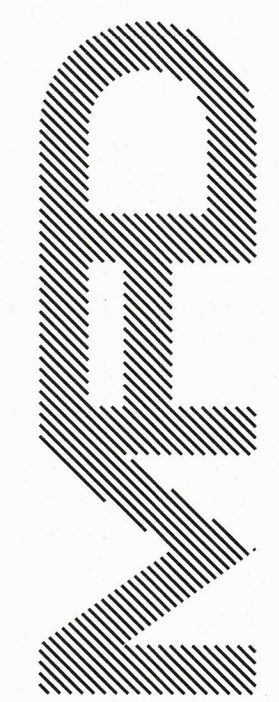
**RIGHT SIDE ELEVATION** 1/4" = 1'-0"



**FRONT ELEVATION** 1/4" = 1'-0"

PROPOSED HOME RENOVATION FOR:  
**MR. ROBERT SWIERKOS**  
 EXTERIOR ELEVATIONS

MARK FREDRICK DESIGN  
 2964 WALLSEND DR.  
 WATERSFORD, MI 48329  
 (248) 935-1844  
 mfredrick66@gmail.com





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



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

## WHITE LAKE TOWNSHIP

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

August 24, 2020

Robert Swierkos  
2439 Fenton Rd.  
Hartland, MI 48353

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

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

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

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

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

Sincerely,

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

Nick Spencer, Building Official  
Community Development

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

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

---

**Agenda item:** 6b

**Appeal Date:** December 10, 2020 (Tabled from October 22, 2020)

**Applicant:** M.J. Whelan Construction

**Address:** 620 N. Milford Road  
Milford, MI 48381

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

**Location:** 10199 Lakeside Drive  
White Lake, MI 48386

## **Property Description**

The approximately 0.223-acre (9,713.88 square feet) parcel identified as 10199 Lakeside Drive is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,830 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

M.J. Whelan Construction, the applicant, on behalf of property owner Laura Dobbs, is proposing to construct an addition to the first and second stories of the house. The applicant indicated the project includes remodeling both stories of the existing house.

## **Planner's Report**

Currently the existing house is nonconforming to setbacks; the structure is located 4.1 feet from the east side property line, 4.2 feet from the west side property line, and 6.7 feet from the front property line. 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 2,286.12 square foot deficiency in lot area and a 21.93-foot deficiency in lot width. 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 proposed first floor addition is 48 square feet in size and located 9.5 feet from the east side lot line. Currently the second story is 705 square feet in size and the proposed addition on that level is 805 square feet in size. The second story addition at the front of the house would be located five feet from the east side property line and 9.5 feet from the front property line. At the rear of the house the wall of the proposed second story is five feet from the west side lot line; however, the proposed roof overhang is within five feet of the side lot line. 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. 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.

Based on the improvements to the nonconforming portion of the house that encroaches farther than 9.5 feet towards the front property line, a variance of 23.3 feet is required to cover the existing 6.7-foot front yard setback.

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 (\$105,340), the maximum extent of improvements cannot exceed \$52,670. The value of the proposed work is \$90,000. A variance to exceed the allowed value of improvements by 170.86% is requested.

Based on the submitted plans and scope of the project staff believes the valuation of work is underestimated and would exceed \$90,000, therefore the requested variance for the value of improvements is inaccurate. For reference, the 2020 Building Valuation Data published by the International Code Council estimates cost of construction at \$122.46 per square foot for living areas. Including the alteration/renovation of the majority of the existing house and the addition, an estimate for the value of improvement could range from \$120,000 - \$140,000.

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	23.3 feet	6.7 feet
2	Article 3.1.6.E	Side yard setback	10 feet	5 feet (east and west)	5 feet (east and west)
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	2,286.12 sq. ft.	9,713.88 sq. ft.
4	Article 3.1.6.E	Minimum lot width	80 feet	21.93 feet	58.07 feet
5	Article 7.28.A	Nonconforming structure	50% SEV (\$52,670)	170.86%	\$37,330 over allowed improvements

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variances requested by M.J. Whelan Construction from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, in order to alter the existing building and construct an addition that would encroach 23.3 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 170.86%. A 21.93-foot variance from the required lot width and 2,286.12 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 projection of the roof overhang shall be no closer than five feet to the east and west side lot lines. An as-built survey shall be required to verify the side yard setbacks.

**Denial:** I move to deny the variances requested by M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, due to the following reason(s):

**Table:** I move to table the variance requests of M.J. Whelan Construction for Parcel Number 12-22-477-011, identified as 10199 Lakeside Drive, to consider comments stated during this public hearing.

### Attachments:

1. Variance application dated September 24, 2020.
2. Survey dated July 29, 2020.
3. Site plan, building elevations, and floor plans dated November 10, 2020.
4. Existing building elevations and floor plans dated November 7, 2020.
5. Letter of denial from the Building Department dated September 30, 2020.

### 7.37 STANDARDS

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

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

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

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

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

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

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

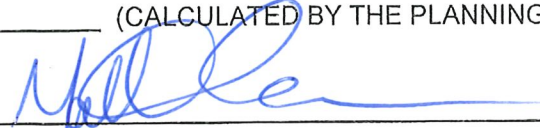
White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: M.J. Whelan Construction PHONE: (248) 684-4649  
ADDRESS: 620 N Milford Road, Milford MI, 48381  
alex@mjwhelan.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

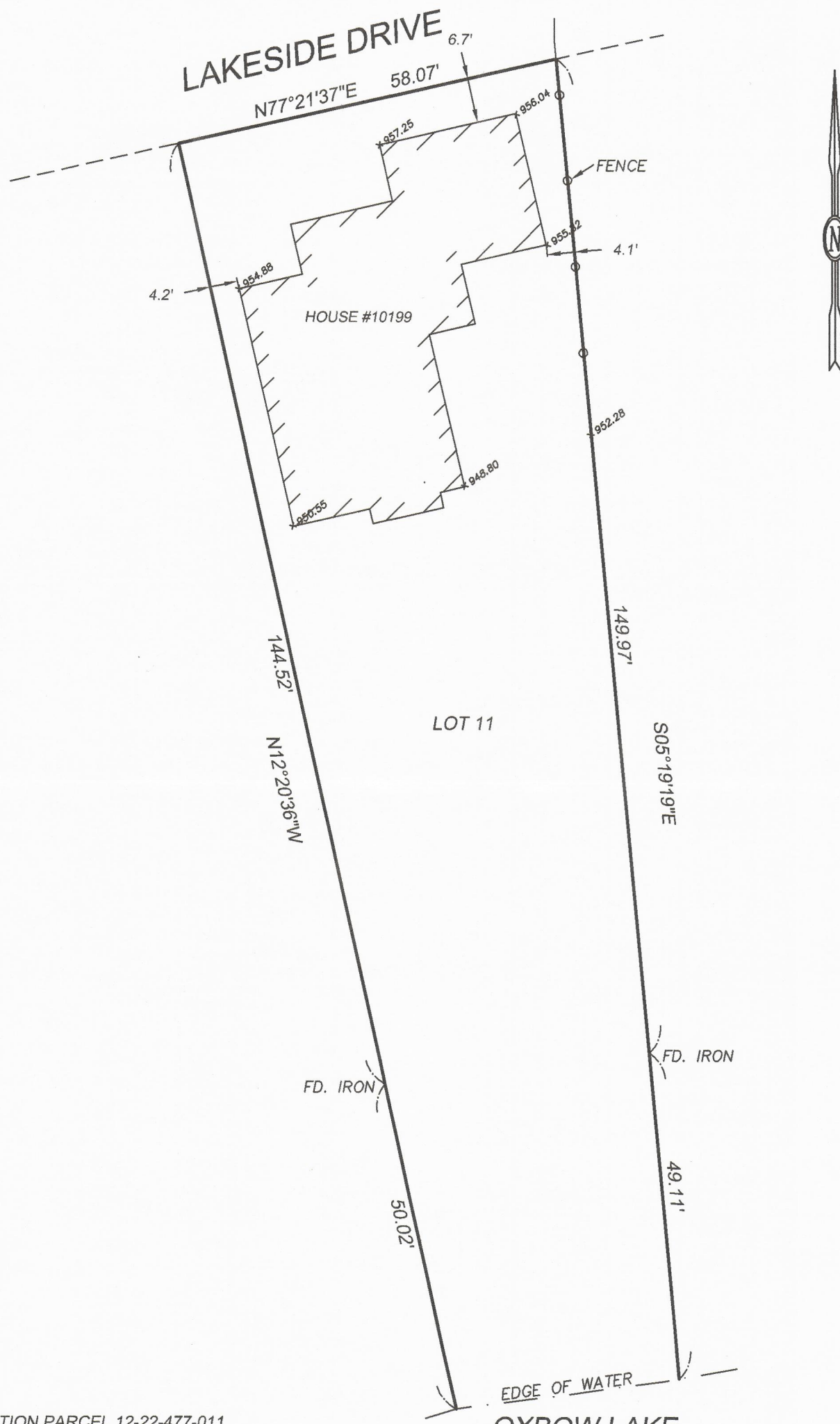
ADDRESS OF AFFECTED PROPERTY: 10199 Lakeside Drive PARCEL # 12-22-477-011  
CURRENT ZONING: R1-D PARCEL SIZE: Irregular: 58' street width.  
149.94' maximum Depth.  
40' Lakeside width.

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

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)  
Given original state of home and it's relationship  
to property lines and setbacks, the above variance is  
needed in an effort to create a second floor  
that is aesthetically pleasing and functional.

APPLICATION FEE: \_\_\_\_\_ (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE:  DATE: 9/24/2020

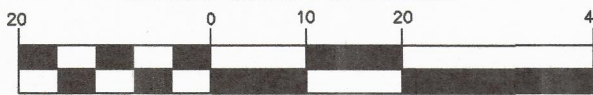




DESCRIPTION PARCEL 12-22-477-011  
 LOT 11 OF "TEGGERDINE BEACH" A SUBDIVISION OF PART  
 OF THE SOUTHEAST 1/4 OF SECTION 22 & PART OF THE  
 SOUTHWEST 1/4 OF SECTION 23, T.3N., R.8E., WHITE LAKE  
 TOWNSHIP, OAKLAND COUNTY, MICHIGAN AS RECORDED IN  
 LIBER 30 OF PLATS, PAGE 16, OAKLAND COUNTY RECORDS.

OXBOW LAKE

GRAPHIC SCALE



( IN FEET )

1 inch = 20 ft.

© 2003 JCK & ASSOCIATES, INC.

Scale:  
1"=20'  
Date:  
7/29/20  
Job No.:  
10791  
Sht. No.:  
10F1

10199 LAKESIDE DRIVE  
 WHITE LAKE TWP.  
 OAKLAND CO., MI.

BOUNDARY SURVEY

DATE ISSUED FOR



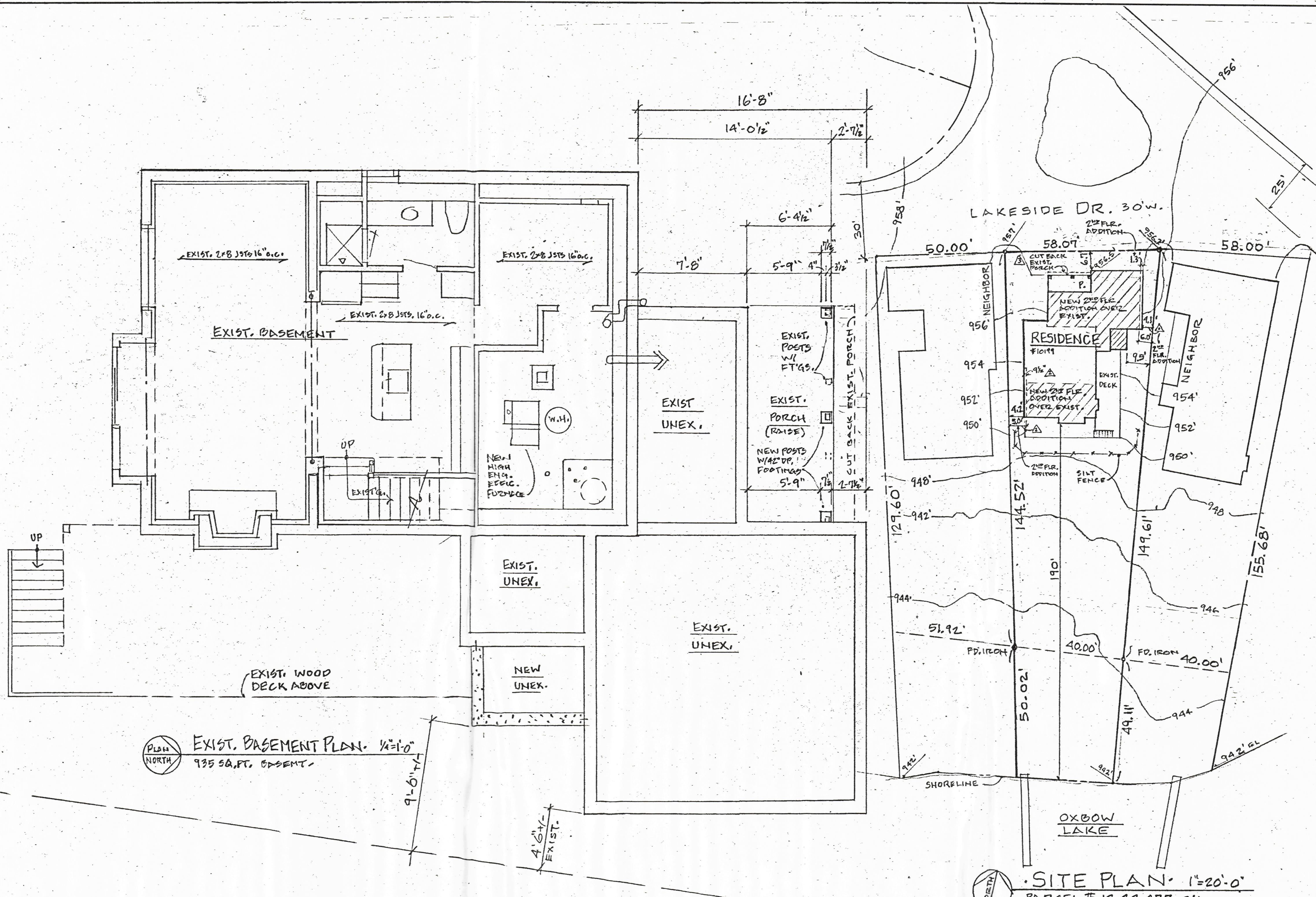
8615 RICHARDSON ROAD  
 COMMERCE TWP., MI. 48390  
 PHONE: 248-363-2550  
 FAX: 248-363-1646



ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED	9-8-20
REVISED	9-28-20
REVISED	11-16-20

620 N. Milford Rd.  
Milford, MI 48381  
248-684-4649  
www.mjwhelan.com Fax: 248-685-0179

**M.J. WHELAN**  
CONSTRUCTION



**GENERAL NOTES:**

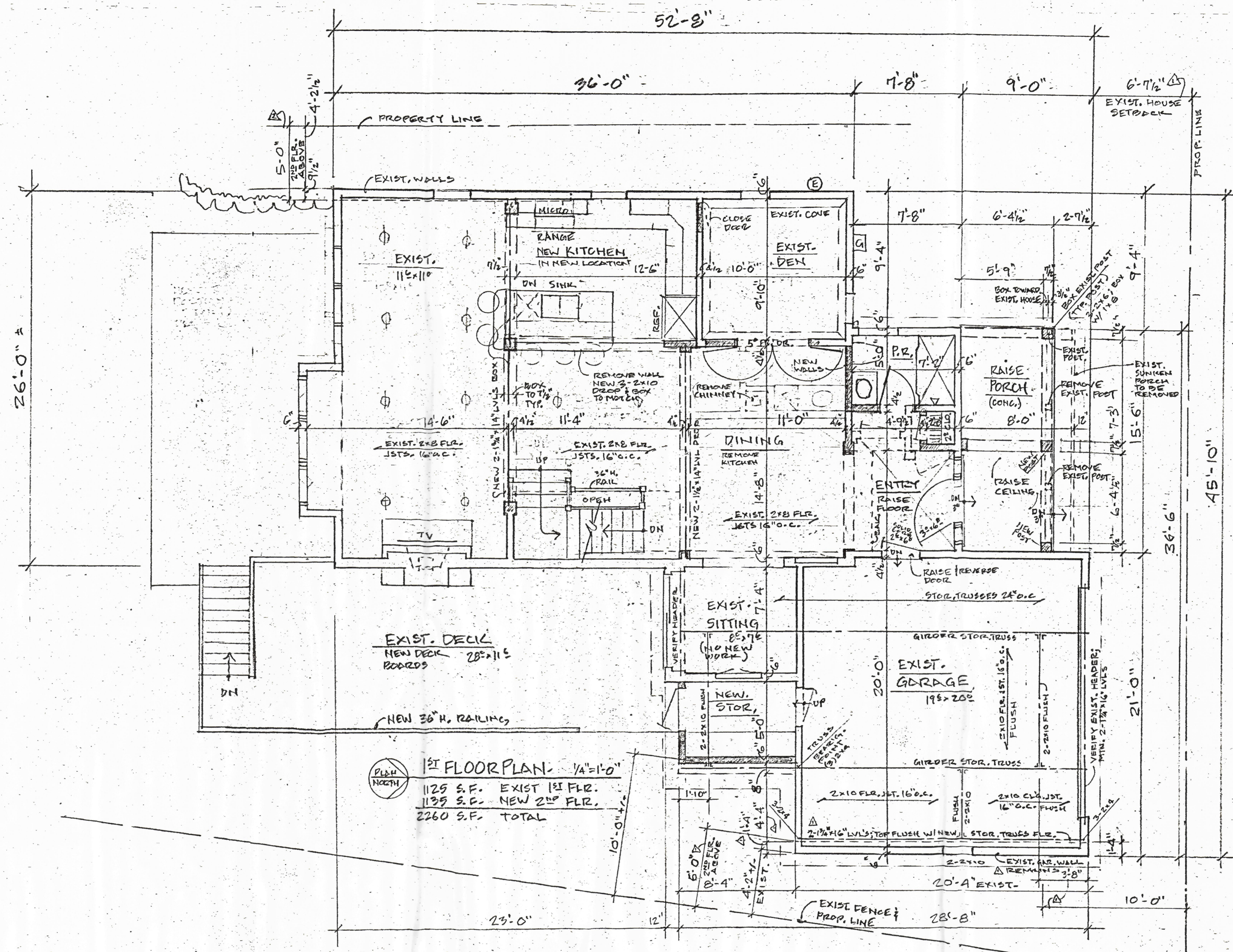
- All new work to comply with applicable building codes, local ordinances and other controlling restrictions. This set designed to comply with the 2015 edition of the Michigan Residential Code (MRC).
- Footings to be minimum 42" deep and bear on undisturbed soil regardless of elevations shown.
- Verify all dimensions, roof pitches, etc. If discrepancies arise, notify architect before continuing work.
- Finish grade all areas disturbed construction to levels compatible with adjacent topography. Grade so that water flows away from building and to established drainage course.
- Verify location of all utilities and protect during construction. Each individual sub-trade is responsible to verify size of existing utilities and upgrade if required. (Call Miss Dig). Each individual sub-trade is responsible for their own permits.
- Wood bearing points: Provide solid blocking to steel or foundation at all headers and beams. Double joist or ladder under all partitions.
- All structural steel to meet ASTM-36.
- Framing lumber: Doug. Fir / Hem. Fir / Larch / S. Pine, #2 or better; E=1,300,000 P.S.I.; Kiln-dried, maximum moisture content 19%. Wood construction shall be governed by the 5th edition of the 'ATC' Timber Construction Manual, and the latest edition of the NDS National Design Specification for Wood Construction, as published by the American Forest and Paper Association.
- Laminated Vener Lumber (LVL's): SFLVL, Micro-Lam, Para-Lam or equal; F=2,800 P.S.I.; Fv=225 P.S.I.; E=1,900,000 P.S.I.; Fc=1750 P.S.I.; Installation and all connections per manufacturer's instructions. (Do not drill any LVL's).
- Plywood: Shall bear the Engineered Wood Association (APA) trademark and conform to U.S. Product Standard, PS-208 (APA) and FRP-108 for construction and industry plywood.
- Pre-Engineered Wood Trusses: Shall be engineered and fabricated by a licensed truss fabricator. Provide shop drawings for architect and builder review prior to fabrication.
- Wood I-Joists (if utilized): T.I., G.P. or equal. Install per manufacturer's written instructions, complete with all connections. Provide shop drawings for architect and builder review. Deflection = L/480.
- Joist Hangers: "Simpson Strong Ties". All connections per manufacturer's instructions. Provide hurricane ties at all rafters and trusses.
- Aluminum flashing and drip edge. Caulk all seams. Caulk at dissimilar material with permanent elastic caulk.
- Kitchen: See owner approved kitchen layout plan for appl., plumb and elec. location before rough.
- Windows: Window designations are frame size. Refer to window order/schedule. Provide complete with all hardware and screens. Verify selections with owner.
- Doors: Interior doors are 6 panel primed. Exterior doors are 6'8" tall. Verify selections with owner.
- Insulation: All insulation to meet the Michigan Uniform Energy Code (MUC). And comply with the 2009 Michigan Residential Code (MRC).
- H.V.A.C.: Design/build by HVAC Contractor. Extend existing system at first floor. New zoned system for new second floor. Upgrade existing system as required.
- Electrical: Design/build by electrical contractor. Upgrade existing system to accommodate new addition and existing structure as required. Verify fixture selections and locations with owner. Match switch plate and outlet covers.
- Smoke Detectors: Install per section R-314 of the 2015 Michigan Residential Code (MRC). Smoke Detectors indicated on plan.
- Carbon monoxide Detectors: Install per section R-315 of the 2015 Michigan Residential Code (MRC).

△ SITE PLAN INFORMATION TAKEN FROM SURVEY # 101911 DATED 7-24-20 BY JCK GROUP, INC., 8615 RICHARDSON ROAD, COMMERCE TWP., MI 48390 PHONE #: 248-363-2550 FAX #: 248-363-1646

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:  
**BRYAN & LAURA DOBBS**  
10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

SCALE: 1/4"=1'-0"  
FILE NAME: DOBBS  
DRAWN BY: CAO  
JOB #: W-2870  
SHEET TITLE  
• BASEMENT PLAN  
• SITE PLAN  
• GENERAL NOTES  
SHEET # 1 OF 5  
W-2870





1ST FLOOR PLAN - 1/4" = 1'-0"  
 1125 S.F. EXIST. 1ST FLR.  
 1135 S.F. NEW 2ND FLR.  
 2260 S.F. TOTAL

ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED A	9-8-20
REVISED B	9-28-20
REVISED C	11-10-20

620 N. Milford Rd.  
 Milford, MI 48381  
 248-684-4649  
 www.mjwhelan.com Fax: 248-685-0179

**M.J. WHELAN**  
 CONSTRUCTION

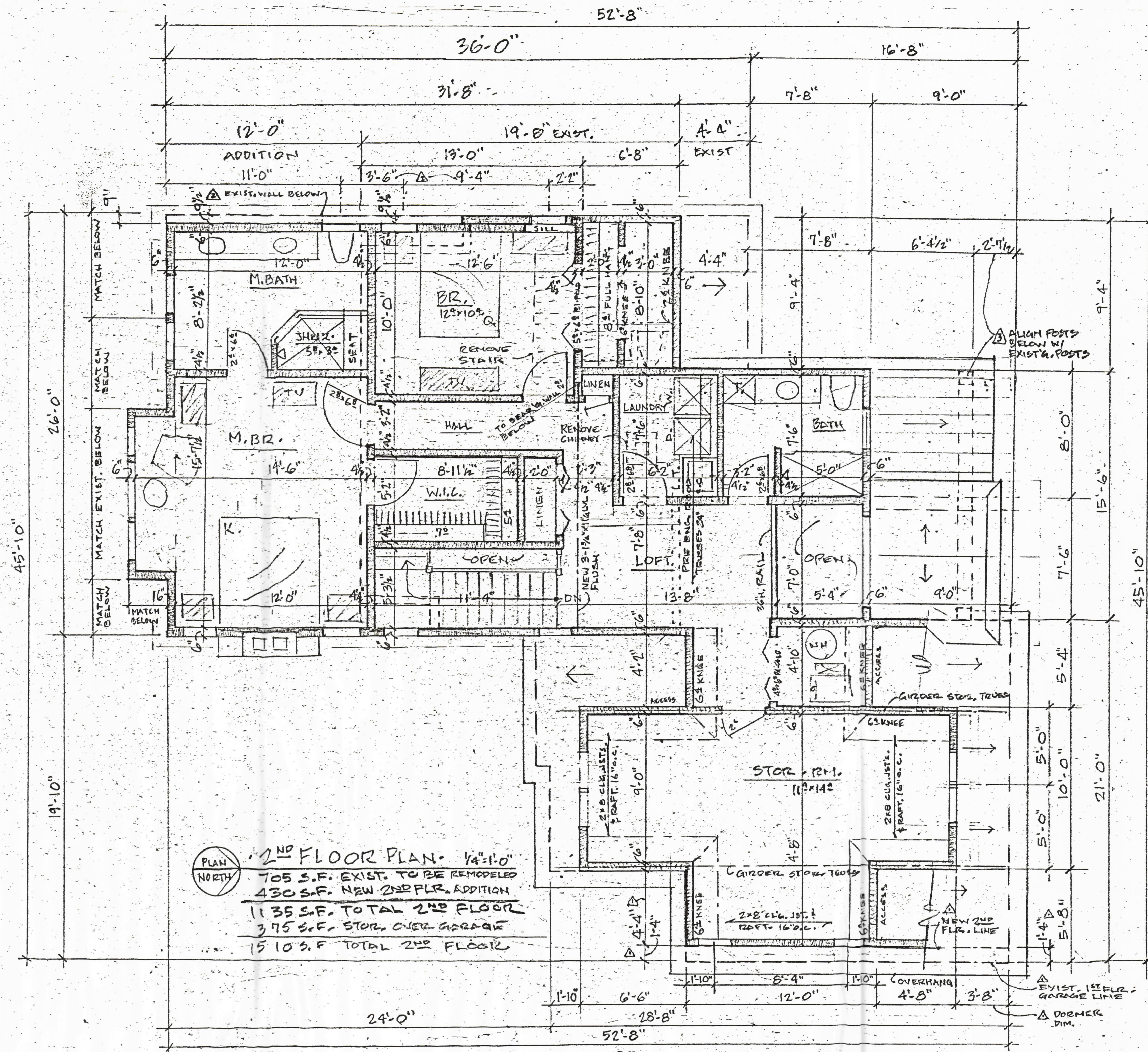
PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:  
**BRYAN & LAURA DOBBS**  
 10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

SCALE: 1/4" = 1'-0"  
 FILE NAME: DOBBS  
 DRAWN BY: CAO  
 JOB #: W-2870  
 SHEET TITLE:  
 • 1ST FLOOR PLAN  
 SHEET # 2 of 5  
**W-2870**



ISSUED FOR	DATE
OWNER REVIEW	8-21-20
REVISED A	9-8-20
REVISED B	9-28-20
REVISED C	11-10-20

**M.J. WHELAN**  
 CONSTRUCTION  
 620 N. Milford Rd.  
 Milford, MI 48381  
 248-684-4649  
 www.mjwhelan.com Fax: 248-685-0179



PLAN NORTH  
**2<sup>ND</sup> FLOOR PLAN - 1/4"=1'-0"**  
 705 S.F. EXIST. TO BE REMODELED  
 430 S.F. NEW 2<sup>ND</sup> FLR. ADDITION  
 1135 S.F. TOTAL 2<sup>ND</sup> FLOOR  
 375 S.F. STOR. OVER GARAGE  
 1510 S.F. TOTAL 2<sup>ND</sup> FLOOR

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:  
**BRYAN & LAURA DOBBS**  
 10199 LAKESIDE DRIVE, WHITE LAKE, MICHIGAN 48386

SCALE: 1/4"=1'-0"  
 FILE NAME: DOBBS  
 DRAWN BY: CAO  
 JOB #: W-2870  
 SHEET TITLE  
 2<sup>ND</sup> FLOOR PLAN

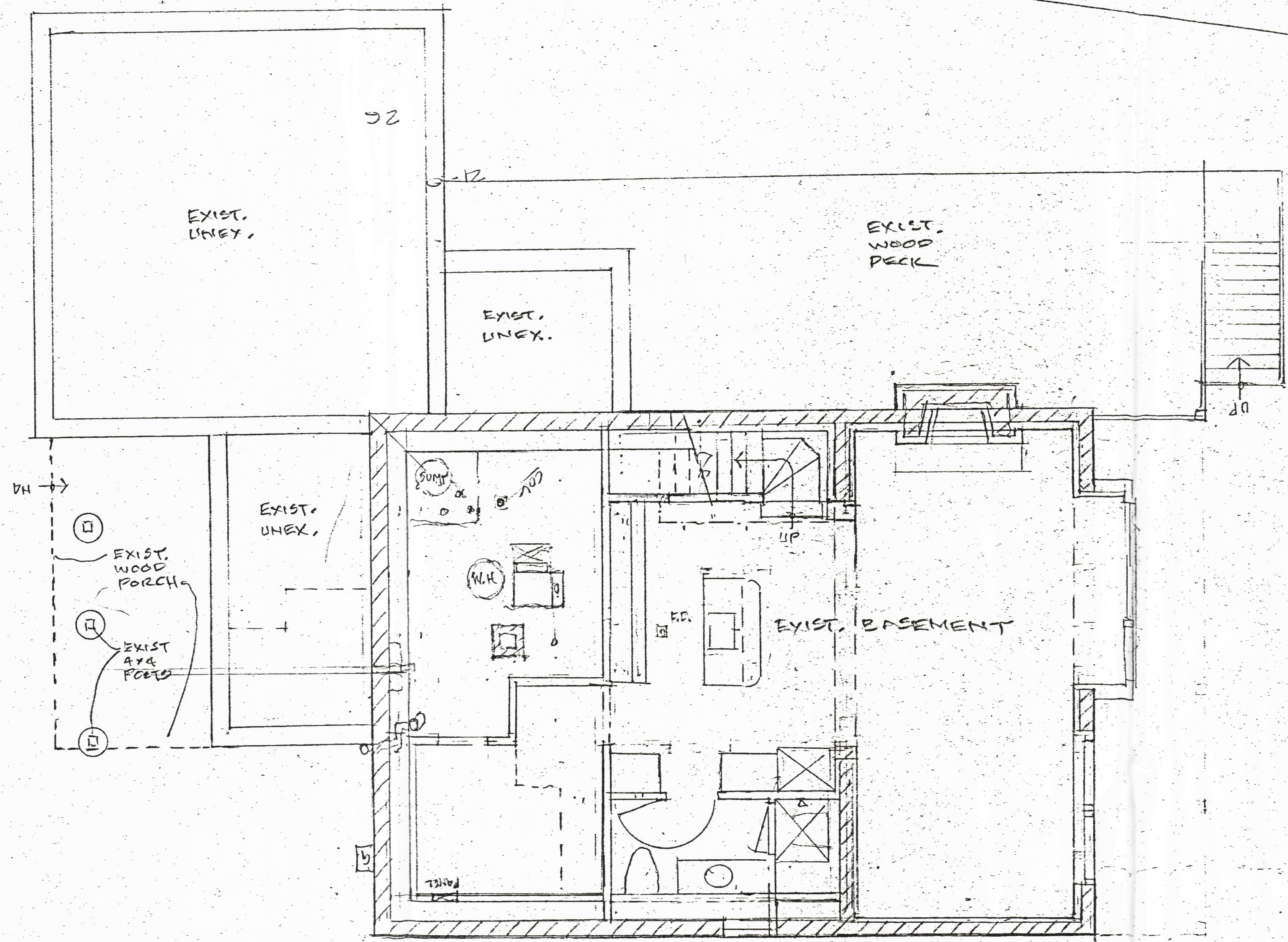












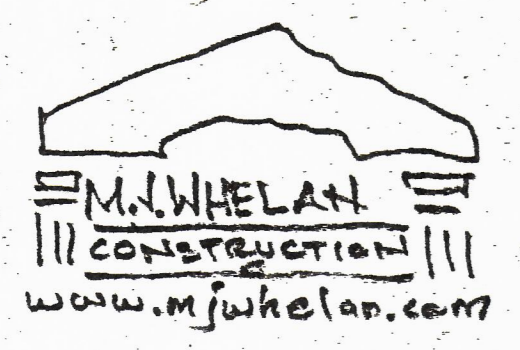
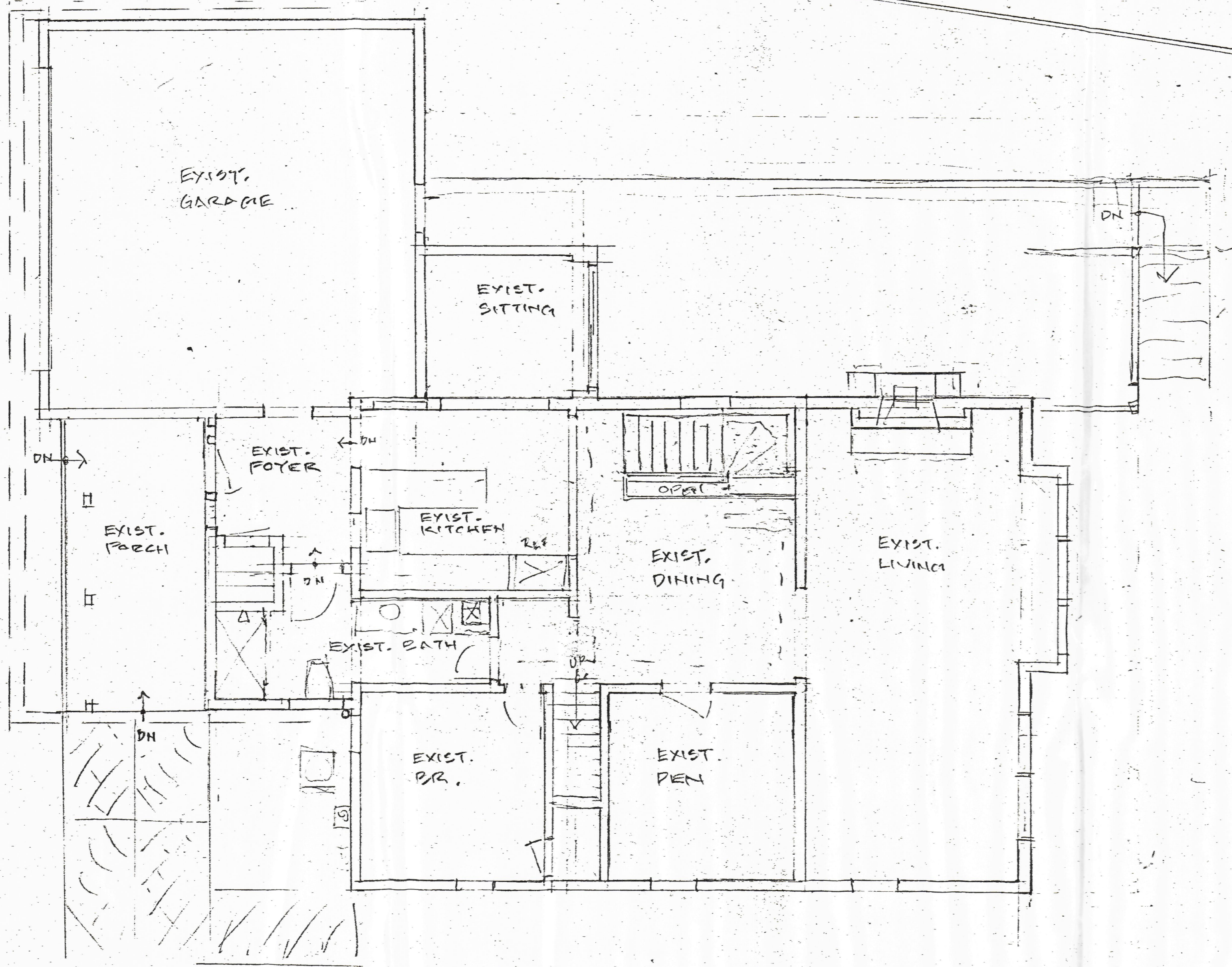
AS-BUILT BASEMENT FOR  
 BRYAN & LAURA DOBBS

1/4" = 1'-0"

DATE: 11-07-19  
 SHEET: 1 OF 6  
 DWG.#: W-2870



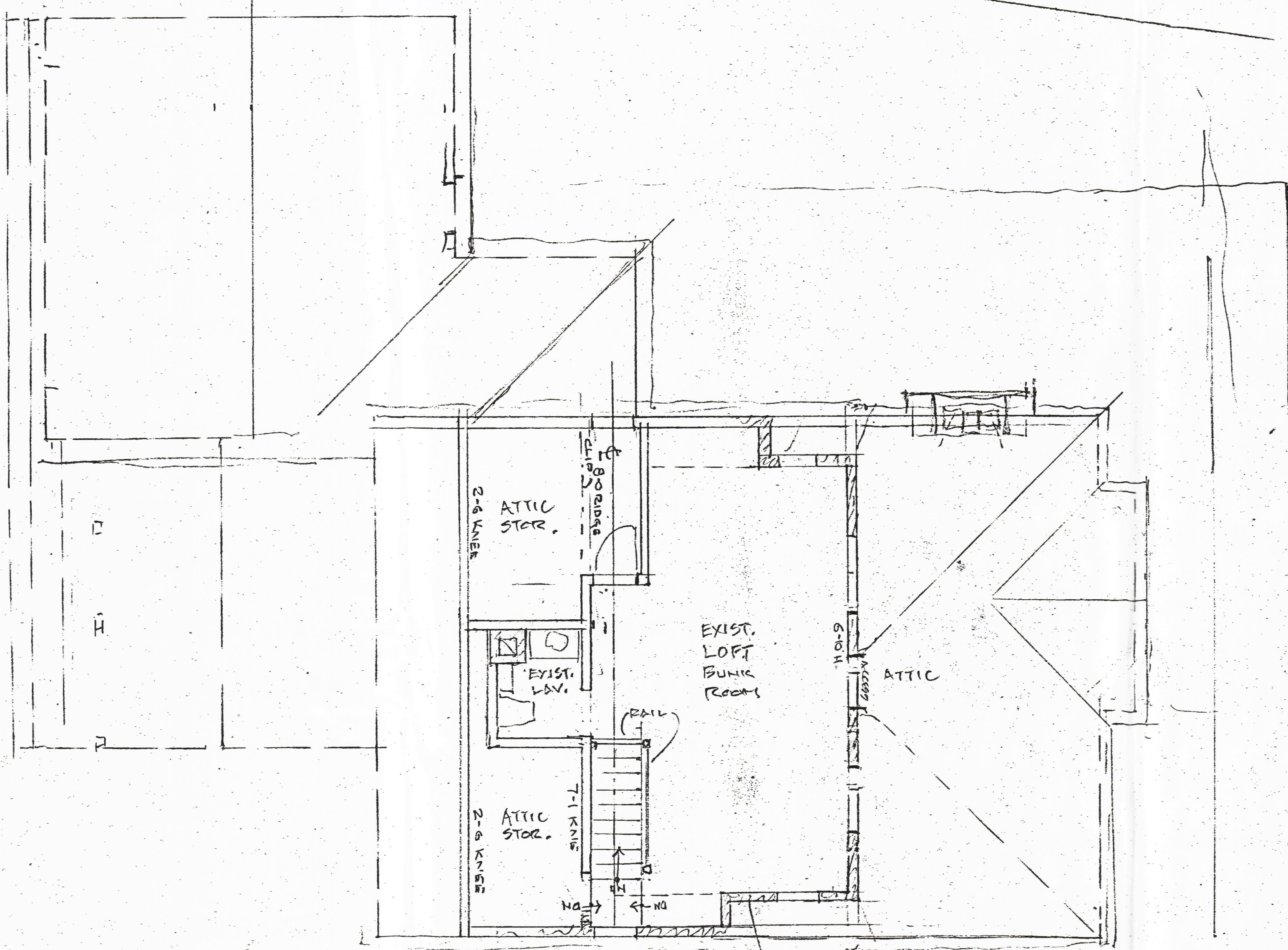




AS-BUILT 1ST FLOOR PLAN FOR 1/4"=1'-0"  
 BRYAN & LAURA DOBBS

DATE: 11-07-19  
 SHEET: 2 OF 6  
 DWG.#: W-2870



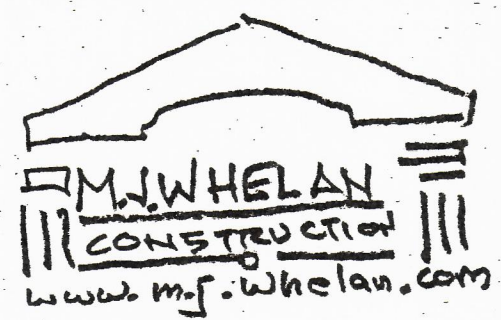


AS-BUILT 2ND FLOOR PLAN FOR 1/4"=1'-0"  
 BRYAN & LAURA DOBBS

DATE: 11-07-19  
 SHEET: 3 OF 6  
 DWG.#: W-2870



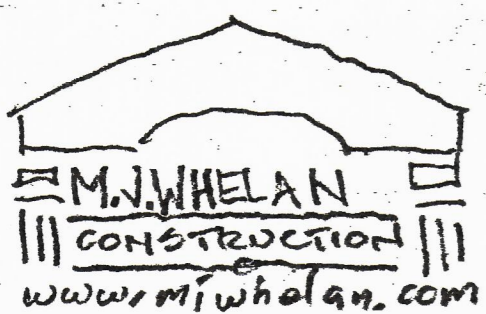
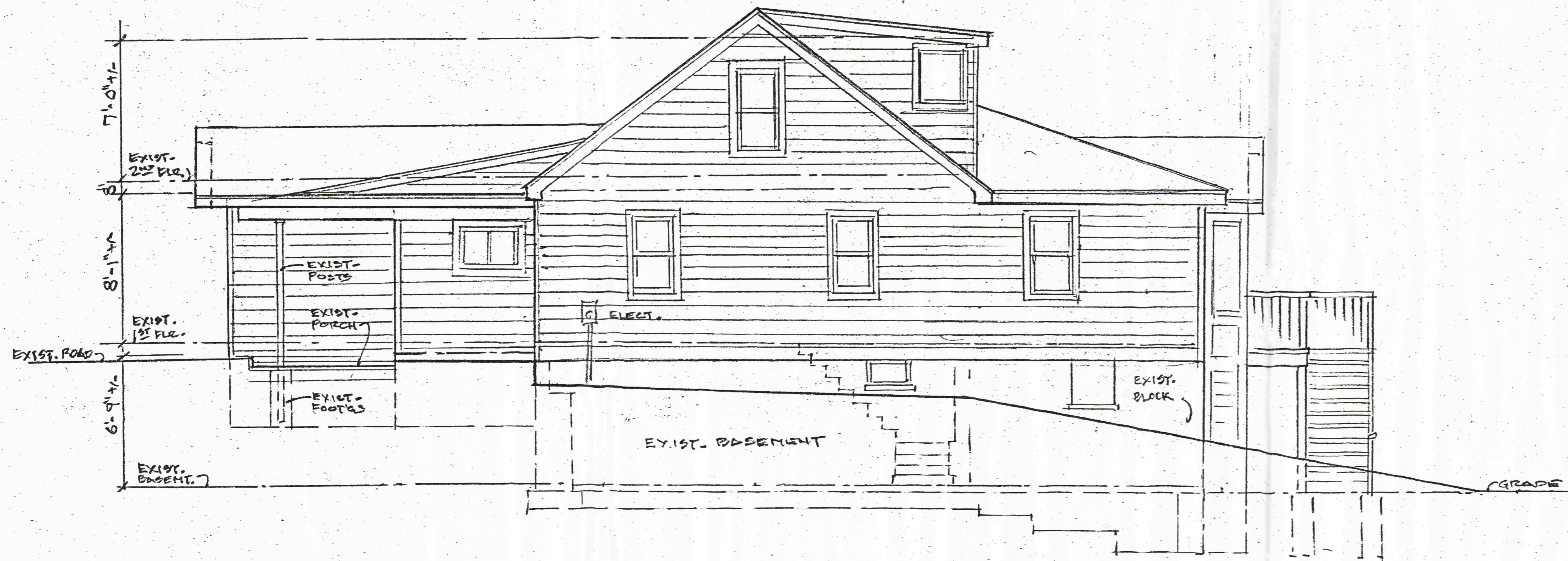




AS-BUILT LAKE ELEVATION FOR =  $\frac{1}{4}'' = 1'-0''$   
BRYAN & LAURA DOBBS

DATE: 11-07-19  
SHEET: 4 OF 6  
DWG #: W-2870

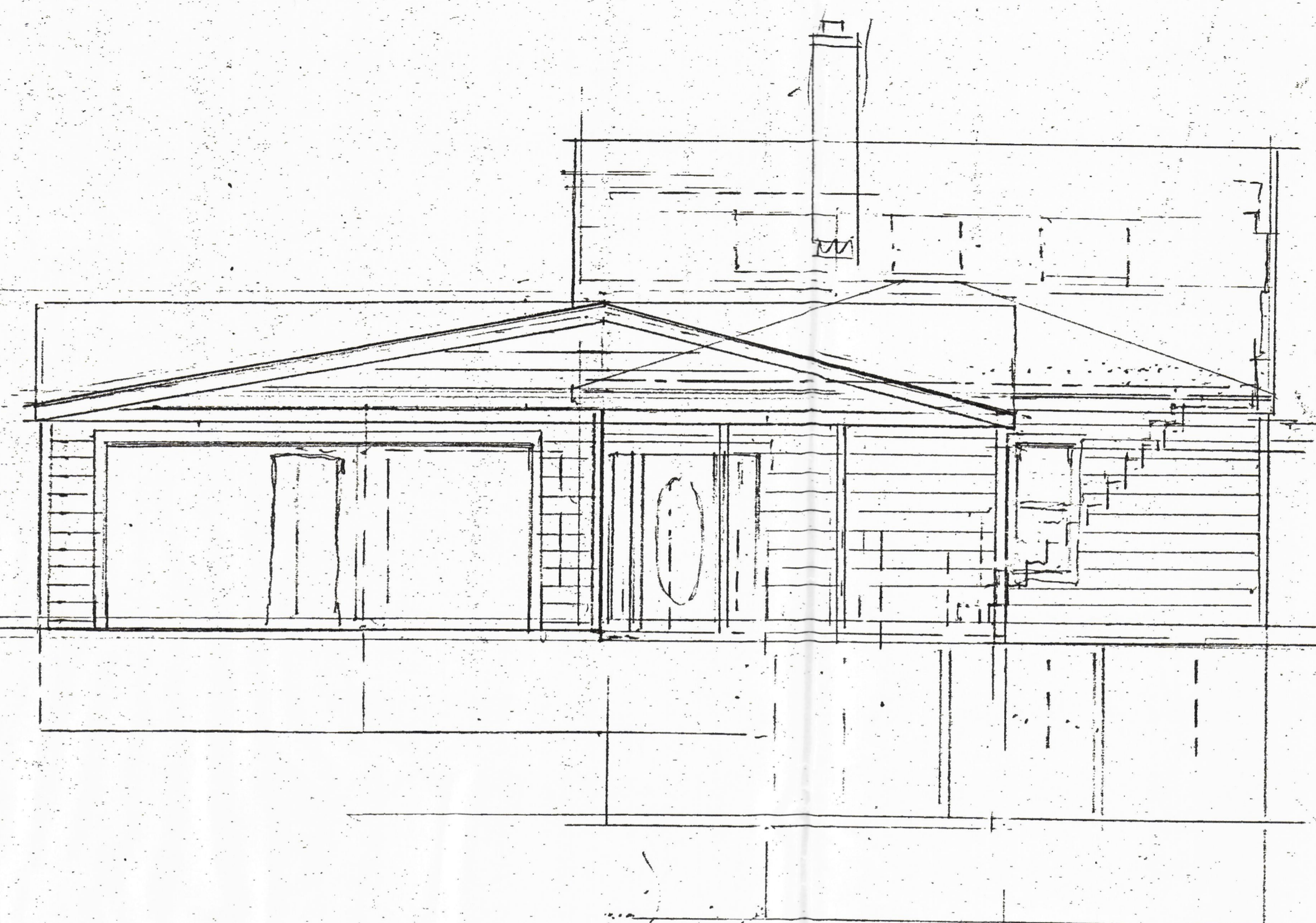
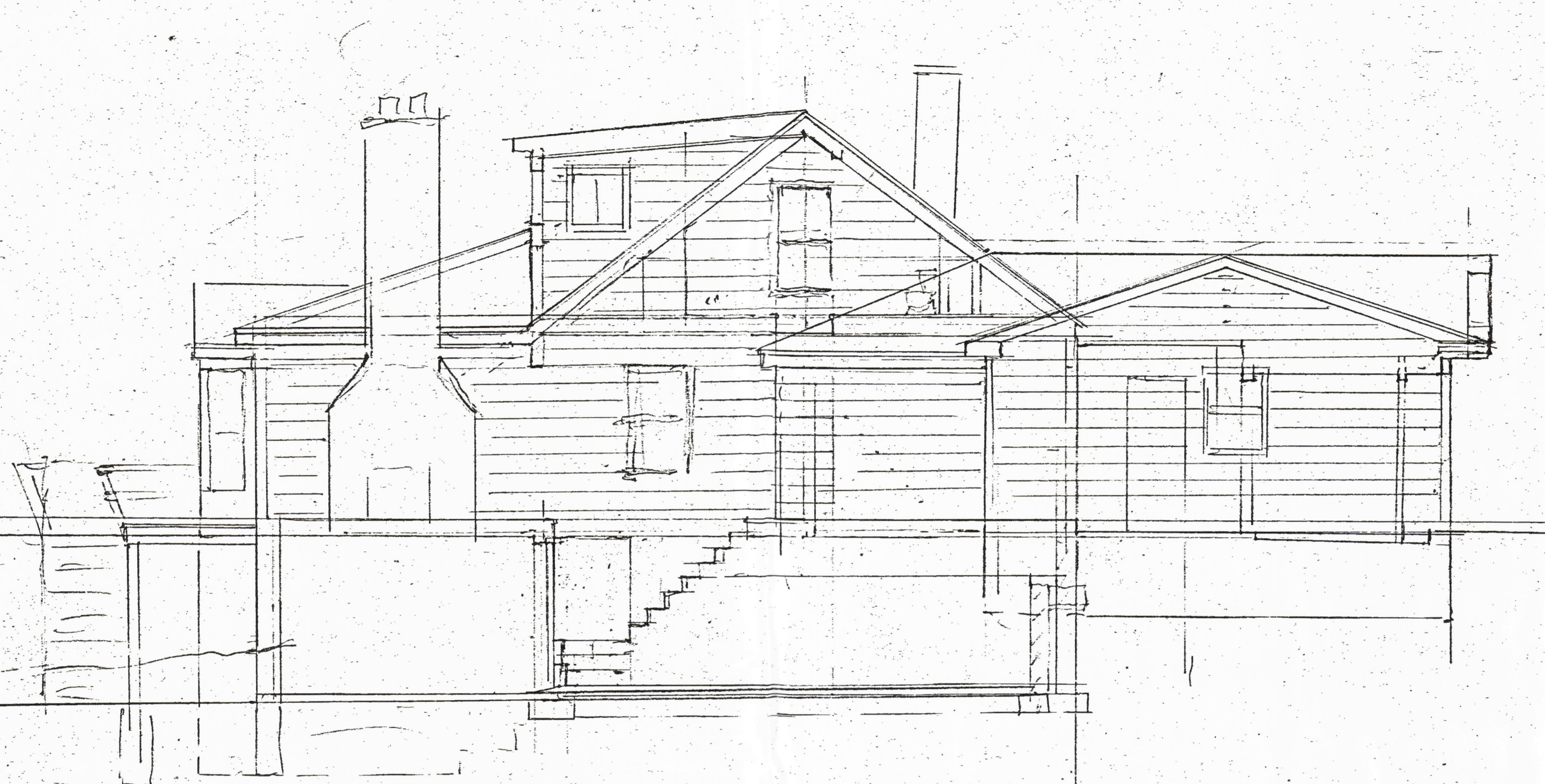




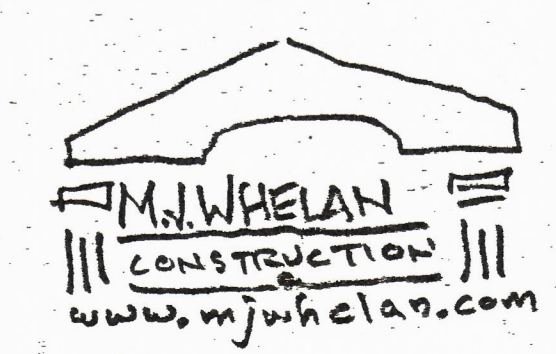
AS-BUILT WEST ELEVATION FOR 1/4"=1'-0"  
 BRYAN & LAURA DOBBS

DATE: 11-07-19  
 SHEET: 5 OF 6  
 DWG.#: W-2870





AS-BUILT SECTION/ELEVATIONS FOR 1/4"=1'-0"  
BRYAN & LAURA DOBBS



DATE: 11-02-13  
SHEET: 6 OF 6  
DWG. #: W-2870









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



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

## WHITE LAKE TOWNSHIP

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

September 30, 2020

Bryan and Laura Dobbs  
10199 Lakeside Dr.  
White Lake, MI 48386

RE: Proposed Addition

The existing structures and lot are non-conforming with a lot width of 58.07 ft. and lot area of 9,714 sq. ft. The site contains a residential structure having a 4.1 ft. side yard setback on the east side and a 4.2 ft. side yard setback on the west side. Further, the existing front yard setback is 6.7 ft. The proposed 2<sup>nd</sup> story addition would increase this non-conformity by adding living space within the required 10 ft. side yard setbacks and required 30 ft front yard setback. It should also be noted, any newly constructed projection must not extend into the 5 ft. side yard setback.

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

**Article 5.3 of the White Lake Township Clear Zoning Ordinance states:** said projection shall not extend more than five (5) feet into said required open spaces, and in no event will the projection be closer than five (5) feet to the lot line.

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

Sincerely,

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

Nick Spencer, Building Official  
White Lake Township

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

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

---

**Agenda item:** 6c

**Appeal Date:** December 10, 2020

**Applicant:** Dale Schneider

**Address:** 8034 Mountain View  
White Lake, MI 48386

**Zoning:** RM-1 Attached Single Family Residential

**Location:** 8018 Mountain View  
White Lake, MI 48386

## **Property Description**

The approximately 2.08-acre (90,604.8 square feet) parcel identified as 8018 Mountain View is located west of Williams Lake Road, north of the Bluffs of Williams Lake Crossings, and zoned RM-1 (Attached Single Family Residential). The existing building on the property utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Dale Schneider, the applicant, is proposing to construct a duplex on the south side of Mountain View. A 22-foot by 36-foot (792 square feet) three-car garage would be located between the two units. The westerly unit is 30-feet by 64-feet (1,920 square feet) in size and the easterly unit is 26-feet by 40-feet (1,040 square feet) in size.

## **Planner's Report**

Currently the property is occupied by a 5-unit apartment building. Four units were constructed sometime between 1980 and 1990 and the fifth unit, which is currently occupied by the applicant, was completed in 2004. Mountain View, a private road, runs east to west through the southern portion of the parcel. The existing building is located north of the private road.

The zoning to the north, south, and west of the property is RM-1. The zoning to the east (across Williams Lake Road) is Waterford Township R1-C (Single-Family Residential). Note while the property to the south is zoned RM-1, based on a consent judgment detached single-family (Bluffs of Williams Lake Crossings) is the adjacent land use to the south of the subject site.

As Mountain View runs through the parcel, the portions of property north and south of the road are considered separate parcels for setbacks. The subject site south of the Mountain View right-of-way is approximately 0.40 acre in size and a corner lot, with frontage on Williams Lake Road to the east. Corner lots are required to meet the width requirement on each street upon which the lot fronts. The minimum lot width requirement is 100 feet in the RM-1 zoning district, and the subject site is 270 feet in width along the Mountain View right-of-way and 65 feet in width along the Williams Lake Road right-of-way. A 35-foot variance for lot width is required.

The minimum front and rear yard setbacks are 40 feet in the RM-1 zoning district, and a minimum 25-foot side yard setback is required. The proposed duplex building is located 21.62 feet from the Mountain View right-of-way, therefore a variance of 18.38 is required to encroach into the front yard setback. The submitted site plan also shows the proposed building located 25 feet from the south property line, therefore a variance of 15 feet is required to encroach into the rear yard setback. A variance for lot coverage is not required.



Building elevations and floor plans were not provided by the applicant. However, the applicant indicated the units and garage would be manufactured single-story structures which would be connected over a basement foundation on site. If the Zoning Board of Appeals approves the request, staff recommends a condition to prohibit additional height over one story from being constructed in the future to mitigate the impact on the adjoining properties to the south from the duplex encroaching into the rear yard setback.

Additionally, if the Board approves the request, the screening requirement along the south property line should be established as a condition. 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 south:

- 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 foot
  - 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 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 3.1.8.E	Front yard setback	40 feet	18.38 feet	21.62 feet
2	Article 3.1.8.E	Rear yard setback	40 feet	15 feet	25 feet
3	Article 3.1.8.E	Minimum lot width	100 feet	35 feet	65 feet

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

**Approval:** I move to approve the variances requested by Dale Schneider from Article 3.1.8.E of the Zoning Ordinance for Parcel Number 12-25-276-010, identified as 8018 Mountain View, in order to construct a duplex that would encroach 18.38 feet into the required front yard setback and 15 feet into the required rear yard setback. A 35-foot variance from the required lot width is also granted from Article 3.1.8.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- Additional building height over one story shall be prohibited from being constructed in the future.
- The south property line shall be screened by \_\_\_\_\_ TBD \_\_\_\_\_.

**Denial:** I move 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):

**Table:** I move to table the variances requests of Dale Schneider for Parcel Number 12-25-276-010, identified as 8018 Mountain View, to consider comments stated during this public hearing.

## **Attachments:**

1. Variance application dated October 16, 2020.
2. Site plan dated October 9, 2020.
3. Letter of denial from the Building Department dated October 27, 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.

Dalemschneider@yahoo.com

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

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

APPLICANT'S NAME: Dale M. Schneider PHONE: 248-770-1470  
ADDRESS: 8034 Mountain View White Lake  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 8034 Mountain View PARCEL # 12-25-276-010  
CURRENT ZONING: MR 2 PARCEL SIZE: 2.08 ACRES.

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

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

APPLICATION FEE: \$395.00 (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE: Dale M. Schneider DATE: 10/16/20



# SITE PLAN

## GRAPHIC SCALE

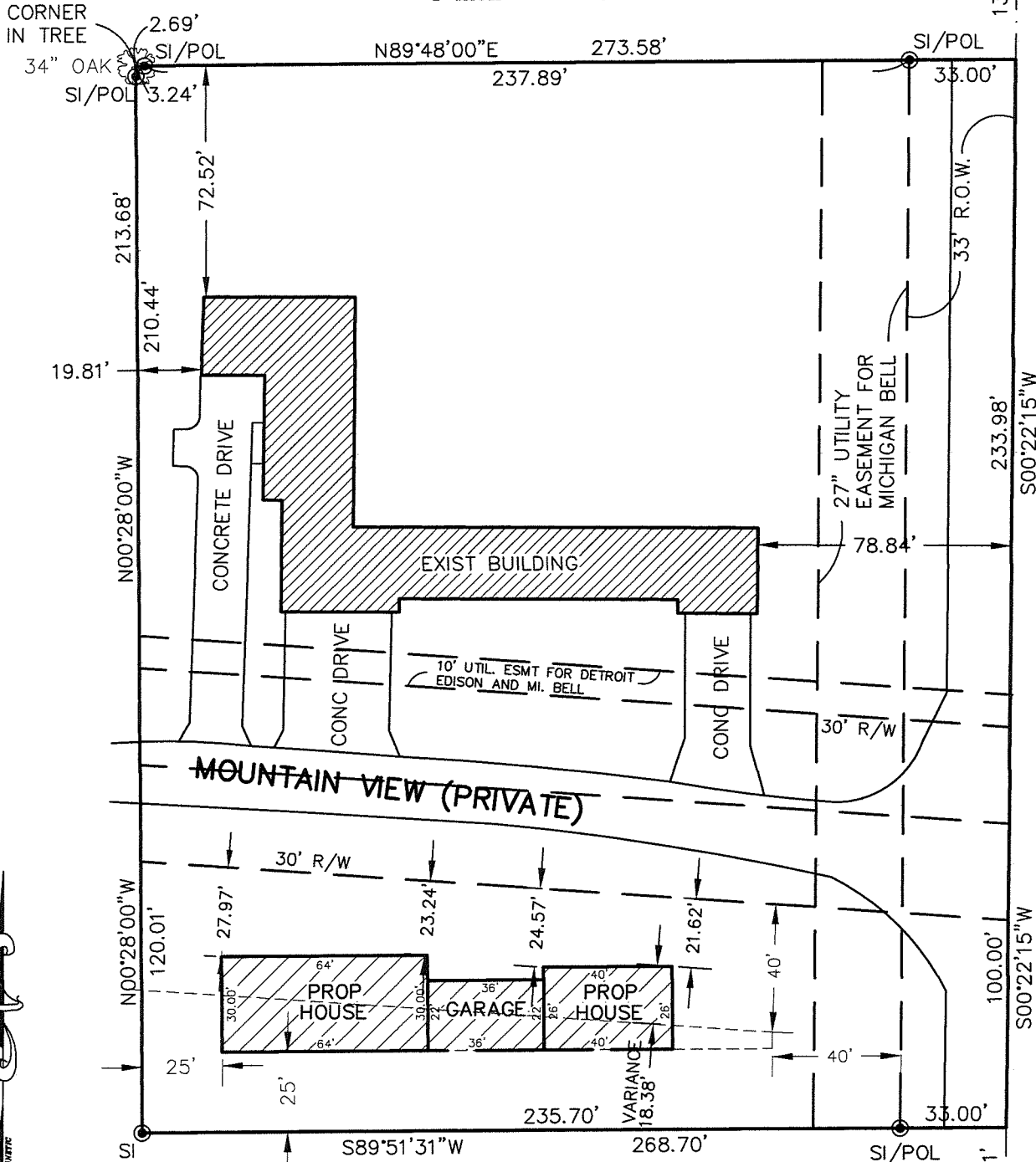


( IN FEET )  
1 inch = 50 ft.

NW COR SEC 25  
T.3N., R.8E.,  
WATERFORD TWP.  
OAKLAND CO., MI,  
L-18319 P-20247



1319.70'



**WILLIAMS LAKE ROAD**  
66 FEET WIDE

E COR SEC 25  
T.3N., R.8E.,  
WATERFORD TWP.  
OAKLAND CO., MI,  
L-19012 P-364



PG 1 OF 2

BEARINGS BASED ON  
N + S SECTION LINE

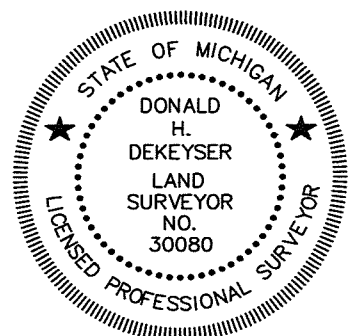
**FOR: DALE SCHNEIDER**

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

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

**DEKEYSER SURVEYING**

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



JOB NO.:	SCALE:	DATE:	
6818	1"=50'	10-9-20	

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

# SITE PLAN

DESCRIPTION PARCEL #12-25-276-010:

PART OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 25, T.3N., R.8E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT DISTANT N00°22'15"E, 1001.81' FEET FROM THE EAST  $\frac{1}{4}$  CORNER; THENCE S89°51'31"W, 268.70' FEET; THENCE N00°28'00"W, 333.69' FEET; THENCE N89°48'00"E, 273.57' FEET TO THE EAST SECTION LINE; THENCE S00°22'15"W, 333.93' FEET TO THE POINT OF BEGINNING. CONTAINING 90,513 SQUARE FEET OR 2.08 ACRES MORE OR LESS.

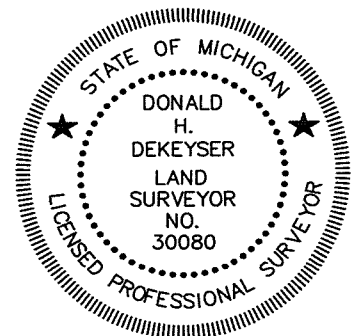
PG 2 OF 2

FOR: DALE SCHNEIDER

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

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

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



JOB NO.:

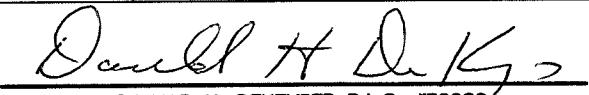
6818

SCALE:

1"=50'

DATE:

10-9-20

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



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



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

## WHITE LAKE TOWNSHIP

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

October 27, 2020

Dale Schneider  
8034 Mountain View  
White Lake, MI 48386

RE: Proposed Attached Single-Family Residential Structure

Based on the submitted plans, the proposed structure does not satisfy the White Lake Township Clear Zoning Ordinance for RM-1 zoning district.

**Article 3.1.8 of the White Lake Township Clear Zoning Ordinance:** Requires a minimum lot width of 100 ft and a minimum front and rear yard setback of 40 ft.

The proposed structure would be erected upon a non-conforming corner lot. The lot has a width of 67 ft of a minimum 100 ft at the front yard lot line. The proposed rear yard setback is 25 ft of a minimum 40 ft, as well as a proposed 21.5 ft front yard setback of the required 40 ft.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Spencer', written over a horizontal line.

Nick Spencer, Building Official  
White Lake Township

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

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

---

**Agenda item:** 6e

**Appeal Date:** December 10, 2020

**Applicant:** Margaret Lepkowski

**Address:** 11031 Beryl Drive  
White Lake, MI 48386

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

**Location:** 1240 Castlewood Drive  
White Lake, MI 48386

## **Property Description**

The approximately 0.145-acre (6,316.2 square feet) parcel identified as 1240 Castlewood Drive is located on Sugden Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 720 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

## **Applicant's Proposal**

Margaret Lepkowski, the applicant, is proposing to construct a single-story addition on the north side of the house and a covered porch on the east side of the house.

## **Planner's Report**

The existing house was built in 1932 and is nonconforming to setbacks. A certificate of survey from 1987 shows the house located 4.3 feet from the south side lot line and 17.83 feet from the front lot line. However, the survey does not show the correct location of the front lot line. The platted lot does not extend to the pavement edge of Castlewood Drive. Based on a GIS measurement the house is approximately 10 feet from the front lot line.



The proposed 8'-5.5" by 22'-8" (194 square feet) single-story addition would be located on the north side of the house and eight (8) feet from the single-car detached garage. Article 5, Section 7.A of the zoning ordinance states no detached garage may be located closer than 10 feet to any principal structure or building unless it conforms to all regulations of the ordinance applicable to principal structures or buildings.



Based on the submitted survey the garage is nonconforming with a four (4) foot setback from the north side lot line. The garage would be part of the principal structure if located within 10 feet of the addition, and therefore subject to the 10-foot side yard setback requirement in the R1-D zoning district. Article 7, Section 27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance to permit a setback of less than five feet from a side lot line for safety reasons. A five-foot variance is being requested, which would require the applicant reconstruct the north wall of the garage to be five feet from the side lot line.

The proposed covered porch is 6 feet by 11 feet (66 square feet) in size and would be added to the front of the house. As the submitted survey and site plan uses the pavement edge of Castlewood Drive for the front lot line, the actual variance request for the setback from the platted front lot line is unknown.

The parcel is also nonconforming due to a 5,683.8 square foot deficiency in lot area and a 15-foot deficiency in lot width. 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 requesting variances to address the area and width nonconformities.

Article 7.28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any period of twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$55,960), the maximum extent of improvements cannot exceed \$27,980. The value of the proposed work is \$35,000. A variance to exceed the allowed value of improvements by 125% is requested.

The requested variances are listed in the following table.

<b>Variance #</b>	<b>Ordinance Section</b>	<b>Subject</b>	<b>Standard</b>	<b>Requested Variance</b>	<b>Result</b>
1	Article 3.1.6.E	Front yard setback	30 feet	? feet	? feet
2	Article 3.1.6.E	Side yard setback	10 feet	5 feet	5 feet (with garage rebuild)
3	Article 5.7.A	Accessory building setback	10 feet	2 feet	8 feet (from house)
4	Article 7.28.A	Nonconforming structure	50% SEV (\$27,980)	125%	\$7,020 over allowed improvements
5	Article 3.1.6.E	Minimum lot size	12,000 square feet	5,683.8 square feet	6,316.2 square feet
6	Article 3.1.6.E	Minimum lot width	80 feet	15 feet	65 feet



## **Recommended Motions:**

**Approval:** I move 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 \_\_\_\_\_ feet into the required front yard setback*, an addition that would encroach 2 feet into the required setback from the detached garage and a 5-foot variance from the north side lot line. 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.
- The north side wall of the garage shall be removed and reconstructed to establish a five-foot side yard setback, which shall be measured from the roof overhang of the garage.
- Prior to construction of the covered porch a survey shall be required to verify the location of the front lot line.
- Following construction of the addition and reconstruction of the detached garage an as-built survey shall be required to verify setbacks.

**Denial:** I move to deny the variances requested by Margaret Lepkowski for Parcel Number 12-34-129-018, identified as 1240 Castlewood Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Margaret Lepkowski for Parcel Number 12-34-129-018, identified as 1240 Castlewood Drive, to consider comments stated during this public hearing.

## **Attachments:**

1. Variance application dated November 10, 2020.
2. Applicant's written statement.
3. Certificate of survey dated October 22, 1987.
4. Site plan dated August 3, 2020.
5. Foundation plan and sections, elevations, and floor plans dated August 3, 2020
6. Letter of denial from the Building Department dated September 2, 2020.



### 7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

RECEIVED

NOV 10 2020

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: Margaret Lepkowski PHONE: 248-808-8793 - cell  
248-363-2147 - home

ADDRESS: 11031 Beryl Drive White Lake

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

ADDRESS OF AFFECTED PROPERTY: 1240 Castlewood Dr. PARCEL # 12-34-329-018

CURRENT ZONING: R1-D PARCEL SIZE: 6316 sf

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

Article 3.1.6 non-conforming lot

Article 5.7.A addition closer than 10 feet to garage

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

See attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

APPLICANT'S SIGNATURE: Margaret Lepkowski DATE: 11-10-20

Lepkowski@gmail.com



STATE REASONS TO SUPPORT REQUEST:

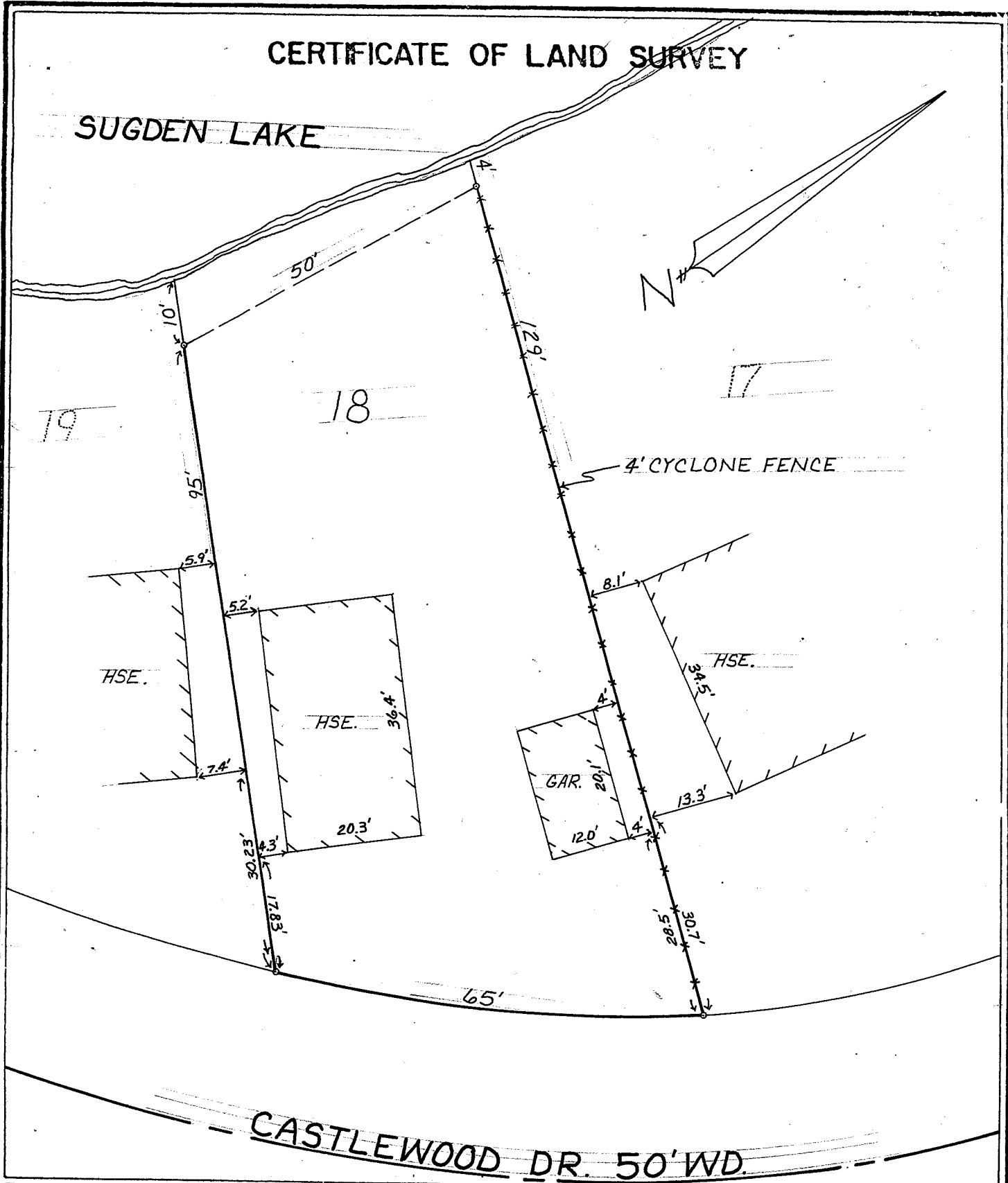
I am requesting a variance to build a small portico over the front door and a 200 square foot addition to the side of my house at 1240 Castlewood Drive, a house jointly owned by my daughter and myself. My daughter and her fiance live in the 720 square foot house which is quite cramped for two working adults. They need a designated laundry space, dining area, and study area for her fiance who is a college student. Currently, they have to use their living room for all those purposes AND for living, which makes their lives difficult. On top of all that, my daughter is a physical education teacher for Walled Lake Schools and also has to use the living area to teach her PE classes since she is at home teaching remotely.

The house at 1240 Castlewood was built in 1932 on a lot that does not conform to today's property codes. I cannot change the lot, but I have designed the addition to try and bring the property closer to today's codes while still respecting the integrity of the neighborhood and doing justice to my neighbors. Castlewood Drive is a unique lakefront neighborhood with mostly small lots and quaint cottages. My plan for 1240 Castlewood would add to the uniqueness of the neighborhood with lots of curb appeal, but without overbuilding. With that in mind, here is the reasoning to support my request.

Current code requires a lot size of 12,000 square feet with a structural footprint filling no more than 20% of the lot size. While it is impossible for me to conform to a lot size of 12,000 square feet, I can conform to a maximum lot coverage of 20%. So the proposed addition of 200 square feet will bring the total lot coverage to just under 20% of the total property size.

Current code also requires new single story structures to be a minimum of 1,000 square feet. My proposed addition would bring the home close to that size, but not quite. I found it impossible to satisfy both codes simultaneously. I also found it impossible to design a side addition (we have 27 feet to the lot line on that side) without coming within 10 feet of the detached garage, but am very willing to make modifications to the garage to try to conform to code (ie, moving the garage side wall one foot to bring it 5 feet from the lot line). These are the unusual circumstances that the property presents.

# CERTIFICATE OF LAND SURVEY



Rec. Liber <b>33</b> Page <b>38</b>	
Subdivision <u>OAK-DALE SUBDIVISION</u>	
Client <u>KAY DREYER</u>	
Lot <u>18</u>	Sec. <u>34</u> T. <u>    </u> R. <u>    </u>
Date <u>10-22-1987</u>	<u>WHITE LAKE</u> Twp.
Scale <u>1" = 20'</u> Job No. <u>87-211</u>	<u>OAKLAND</u> Co. Michigan



The error of closure is no greater than 1 in 5000, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967. This survey complies with the requirements of Sec. 3, Public Act 132 of 1970.

*Raymond J. McCoy*  
Reg. Land Surveyor

## MC COY LAND SURVEYING CO.

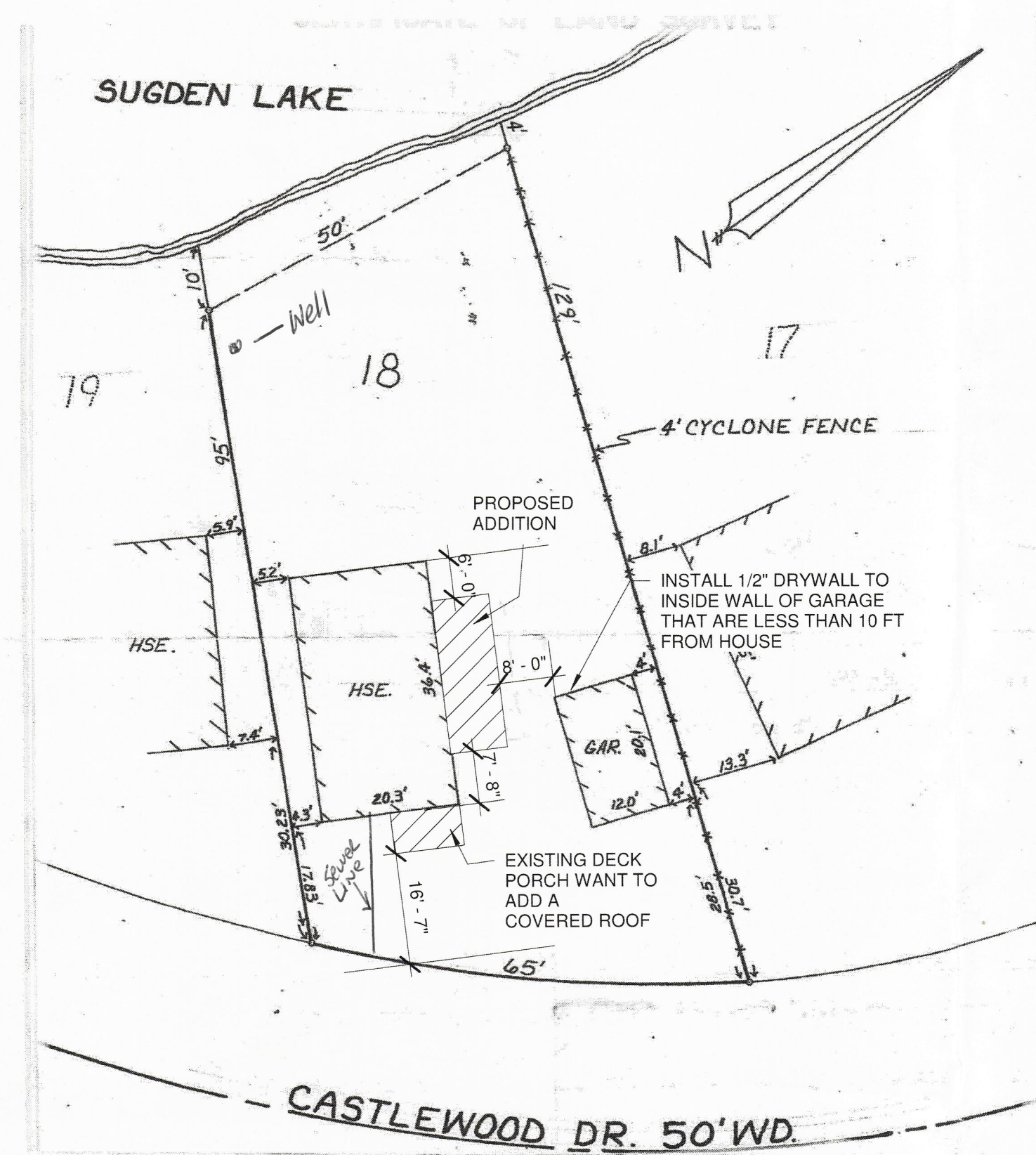
209 Florence Ave.  
Pontiac, Mich. 48053

*Surveying - Land Planning*

Ph. 313 3322210



PROJECT : ADD NEW ADDITION OFF NORTH SIDE OF HOUSE  
AND ADD COVERED ROOF OVER EXISTING FRONT PORCH

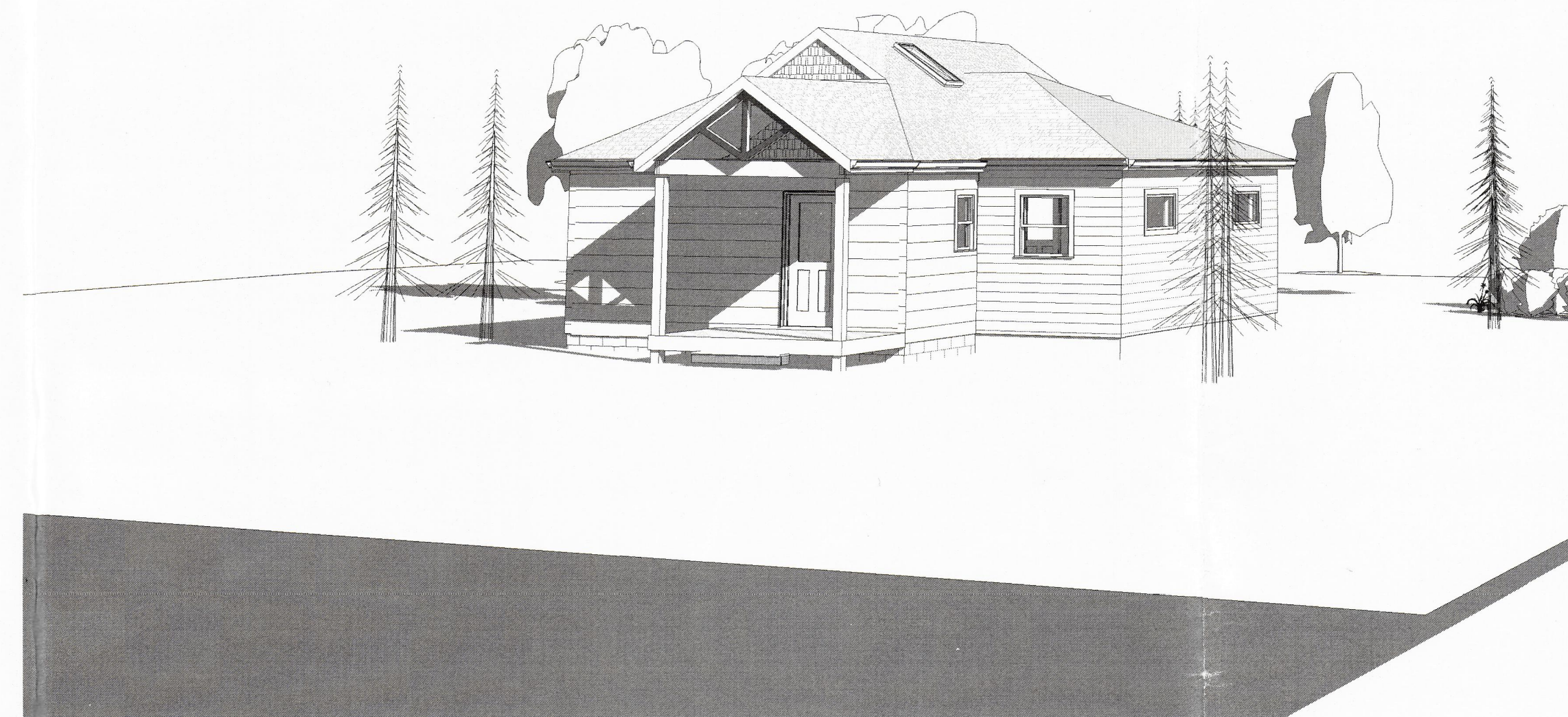


1 Site Plan  
1" = 20'-0"

Sheet List	
Sheet Name	SHEET NO.
Site Plan	A0.1
First Floor Plan	A1.1
Foundation Plan & Sections	A1.3
Elevations	A2.0

PERSCRIPTIVE ENERGY PATH	
WINDOWS	U - .30
WALLS	R - 19
CEILING	R - 38
CRAWL SPACE	R - 10

3 Perscriptive Energy Path  
1/2" = 1'-0"



2 3D View 3

General notes  
1/4" = 1'-0"

- MINIMUM UNFORMLY DISTRIBUTED LIVE LOADS SHALL COMPLY WITH MICHIGAN RESIDENCE CODE 2015
- EGRESS- EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE IN ACCORDANCE WITH MICHIGAN BUILDING CODE 2015 SEC. R-310 THE WINDOW SILL HEIGHT SHALL NOT BE MORE THAN 44 INCHES ABOVE THE FLOOR. THE WINDOW, WHEN OPEN SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQUARE FEET. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20 INCHES AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24 INCHES.
- ALL GLASS WITHIN 24" OF A DOOR SHALL BE APPROVED SAFTY GLASS
- ALL GLASS ADJACENT TO TUB AND SHOWER AREA SHALL BE SAFTY GLASS
- ALL GLAZING MORE THAN 9 SQUARE FEET ANS 18 INCHES OR LESS ABOVE ADJACENT WALKING SURFACES SHALL BE APPROVED SAFTY GLASS.
- APPROVED SMOKE DETECTORS SHALL BE INSTALLED IN ACCORDANCE WITH MICHIGAN RESIDENTIAL CODE SECTION R-313.1
- PRIVATE GARAGES LOCATED BENEATH OR ADJACENT TO HABITABLE ROOMS SHALL HAVE WALL ASSEMBLIES AND FLOOR-CEILING ASSEMBLIES SEPARATING GARAGE SPACE CONSTRUCTED OF NOT LESS THAN 1-HOUR FIRE RESISTANCE RATING DOOR PENETRATING RATED WALL CONSTRUCTION SHALL BE 1/3-HOUR RATED ASSEMBLY WITH DOOR CLOSER.
- MAINTAIN ONE-HOUR FIRE SEPARATION BETWEEN GARAGE AND LIVING SPACES.
- FRAMING COMPONENTS IN CONTACT WITH CONCRETE, MASONRY OR EXPOSED TO WEATHER SHALL BE PRESSURE TREATED
- EXTERIOR FOOTINGS AND FOUNDATIONS SHALL EXTEND 42" (MIN) BELOW FINISH GRADE AND SHALL BEAR ON UNDISTURBED SOIL OR ENGINEERED FILL.
- SILL PLATES OR FLOOR SYSTEM SHALL BE ANCHORED TO THE FOUNDATION WALL WITH 1/2" DIAMETER BOLTS EMBEDDED 8" INTO CONCRETE AND 15" INTO BLOCK AT 6'-0 O.C. AND NOT MORE THAN 12" FROM CORNERS OR METAL STRAPS AT 3'-0" ON CENTER.
- FOUNDATION DRAINAGE SHALL BE PROVIDED CONSISTING OF 4" PVC DRAIN TILE WITH FILTER FABRIC IN 12" PEA GRAVEL AROUND ALL FOUNDATIONS ENCLOSING HABITABLE SPACES BELOW GRADE IN ACCORDANCE WITH MICHIGAN RESIDENTIAL CODE SEC. 405.
- A 6-MIL POLYETHYLENE MOISTURE BARRIER SHALL BE INSTALLED UNDER ALL CONCRETE SL ABS IN HABITABLE SPACES AND IN ALL CRAWL SPACES.
- EXPOSED FOUNDATION INSULATION SHALL BE DOW "BLUE BOARD" OR APPROVED EQJAL.
- ROOF VENTILATION SHALL BE PROVIDED IN ACCORDANCE WITH MICHIGAN RESIDENTIAL CODE 2015
- MECHANICAL MEANS OF VENTILATION SHALL BE PROVIDED IN ALL BATHROOMS WITHOUT AN OPERABLE WINDOW.
- ACCESS TO CRAWL SPACES SHALL BE PROVIDED (MINIMUM 18"x24")
- ACCESS TO ATTICS HAVING A CLEAR HEIGHT OVER 30" SHALL BE PROVIDED (MINIMUM 22"x30").
- ALL STRUCTURAL FRAMING SHALL HAVE DIRECT BEARING BELOW OR USE APPROVED METAL HANGERS.
- MAINTAIN 2" CLEARANCE FROM ALL MASONRY CHIMNEYS AND FIREPLACES TO COMBUSTIBLE MATERIAL.
- FIREPLACES HEARTHES TO BE CONSTRUCTED WITH NON-COMBUSTIBLE MATERIAL. THE HEARTH SHALL EXTEND OUT 20" BEYOND OPENING AND 12" OVER EACH SIDE OF OPENING.
- DOOR LEADING INTO HOUSE FROM GARAGE SHALL HAVE DOOR SILLS MINIMUM 4" ABOVE GARAGE FLOOR.
- FIRESTOPPING SHALL BE IN SUCH PLACES AS STUD SPACES, STAIRS, FLOOR, CEILING DROPS, ETC.
- DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY.
- THESE PLANS REPRESENT A GENERAL ARRANGEMENT. DIMENSIONS MAY VARY AND SHOULD BE DETERMINED ON SITE BY BUILDER AND HOME OWNER
- SOIL BEARING CAPACITY OF 2500 P.S.F.

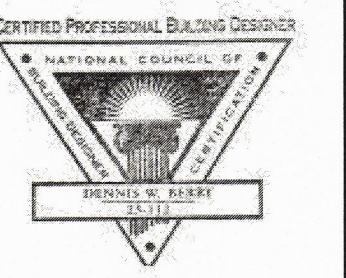
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THEIR WORK  
THIS DRAWING IS AN INSTRUMENT OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY OTHER WAY WITHOUT

CONTRACTOR

PROPOSED HOUSE FOR  
Megan Lepkowski 1240  
Castlewood  
White Lake, Mi.

A I  
B D

DENNIS BERRY AND ASSOCIATES  
RESIDENTIAL DESIGNING / PLANNING  
CERTIFIED BUILDING DESIGNER  
MEMBER AMERICAN INSTITUTE  
OF BUILDING DESIGNERS  
PH. 1 - 313 - 407 - 8027  
FAX: 1 - 720 - 4756 - 1644  
EMAIL - dberry412@yahoo.com  
WARTER FORD MI. AND  
BOULDER, CO.

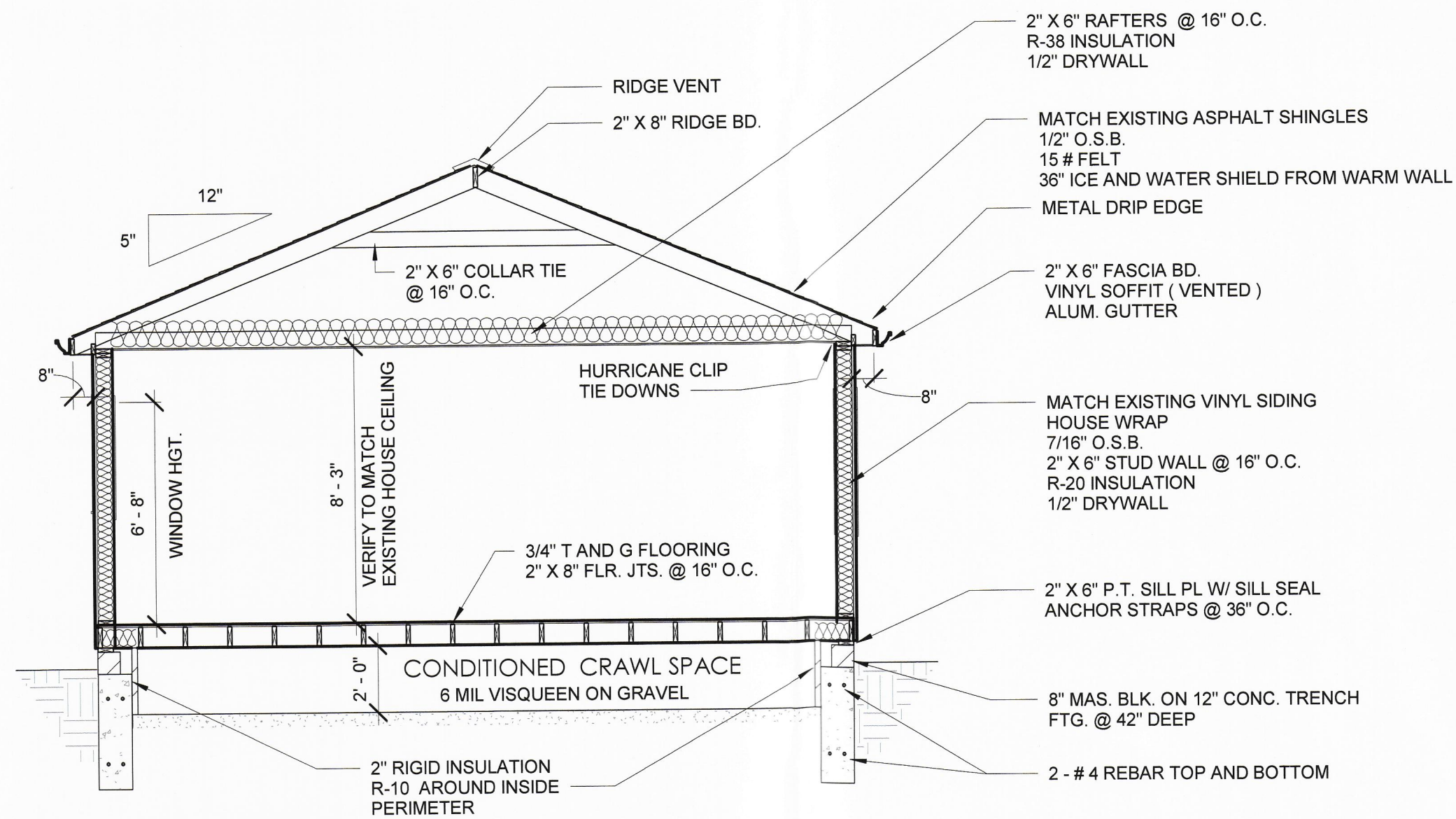


Site Plan  
Date 8 - 3 - 2020  
Sheet  
A0.1

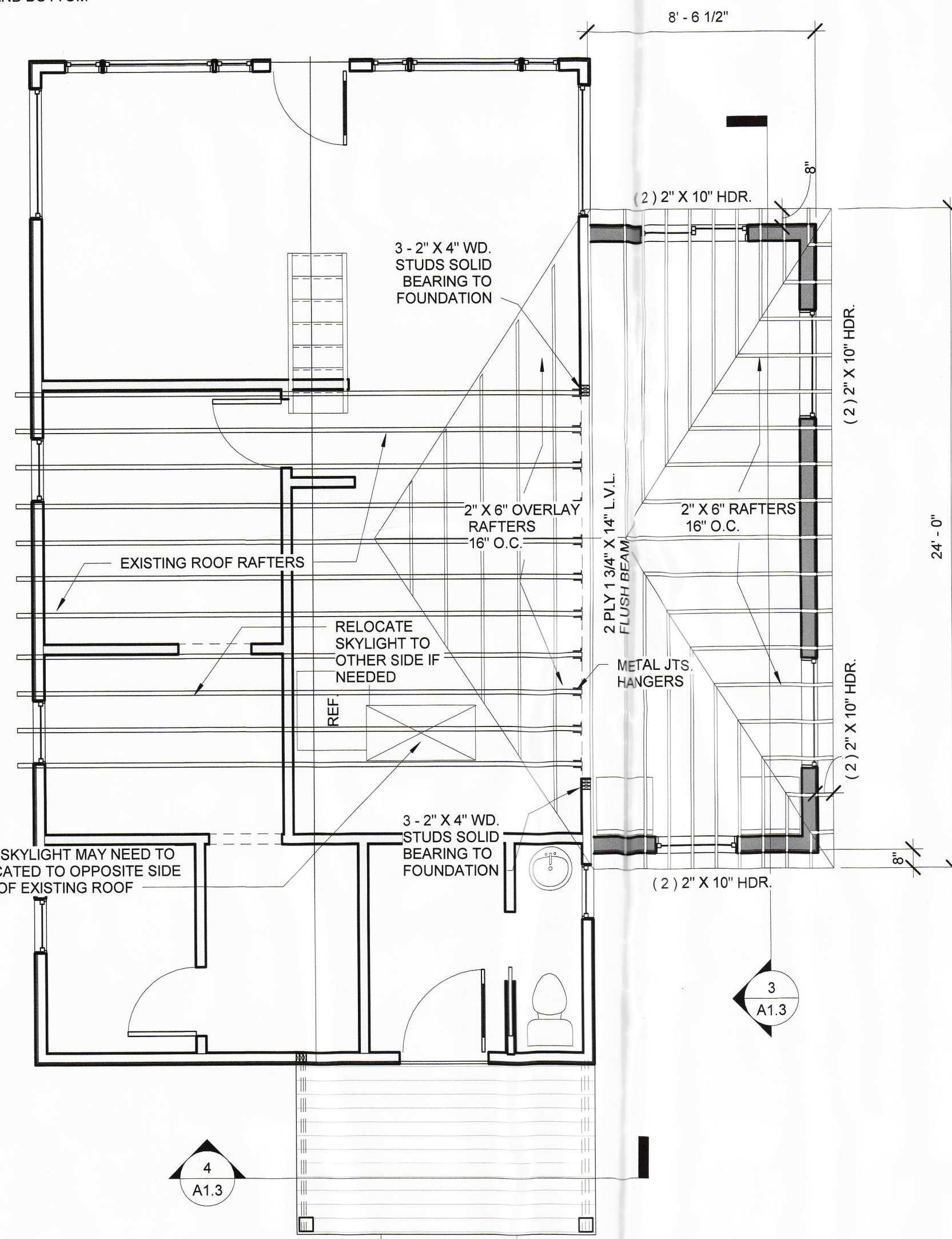




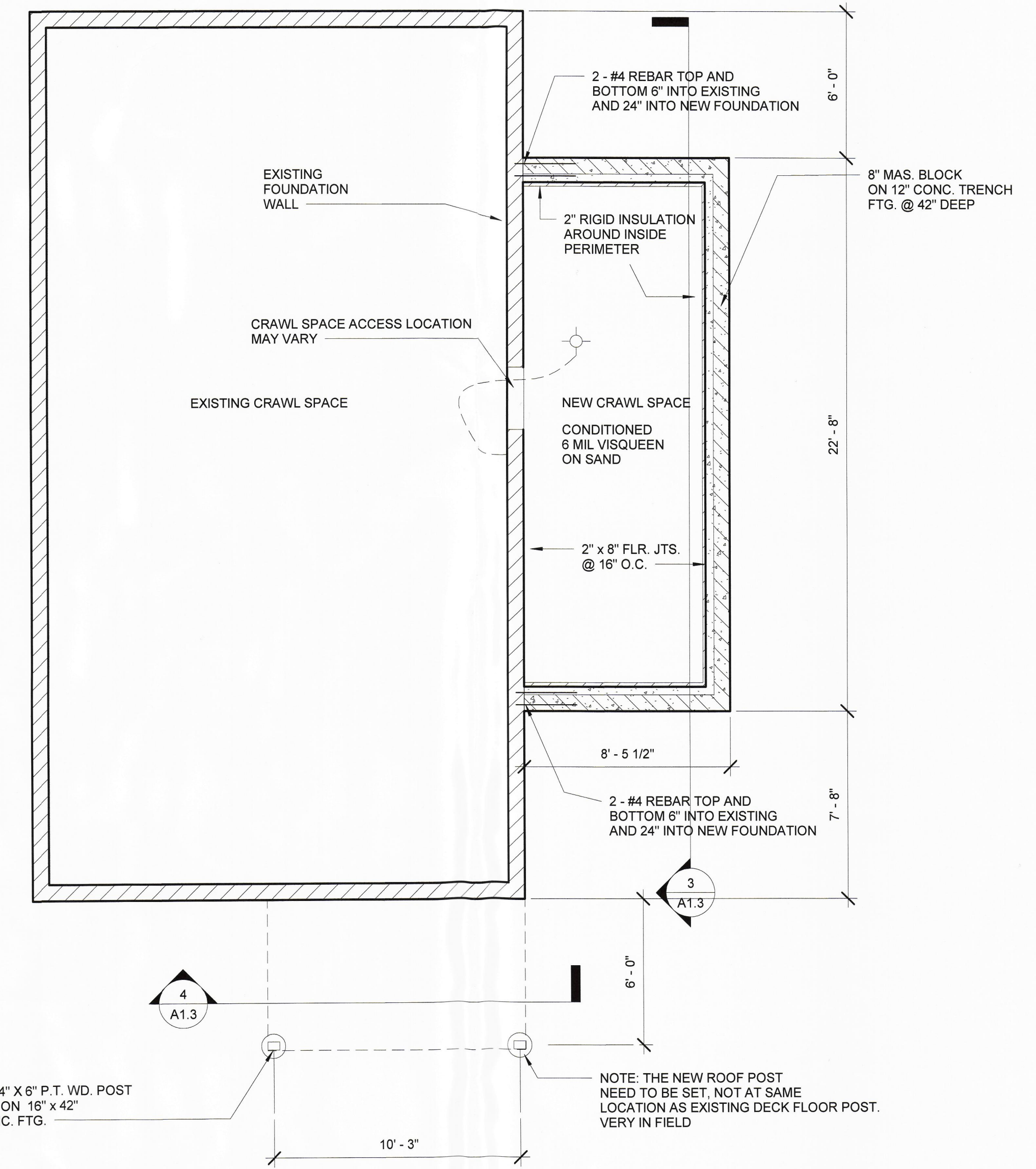




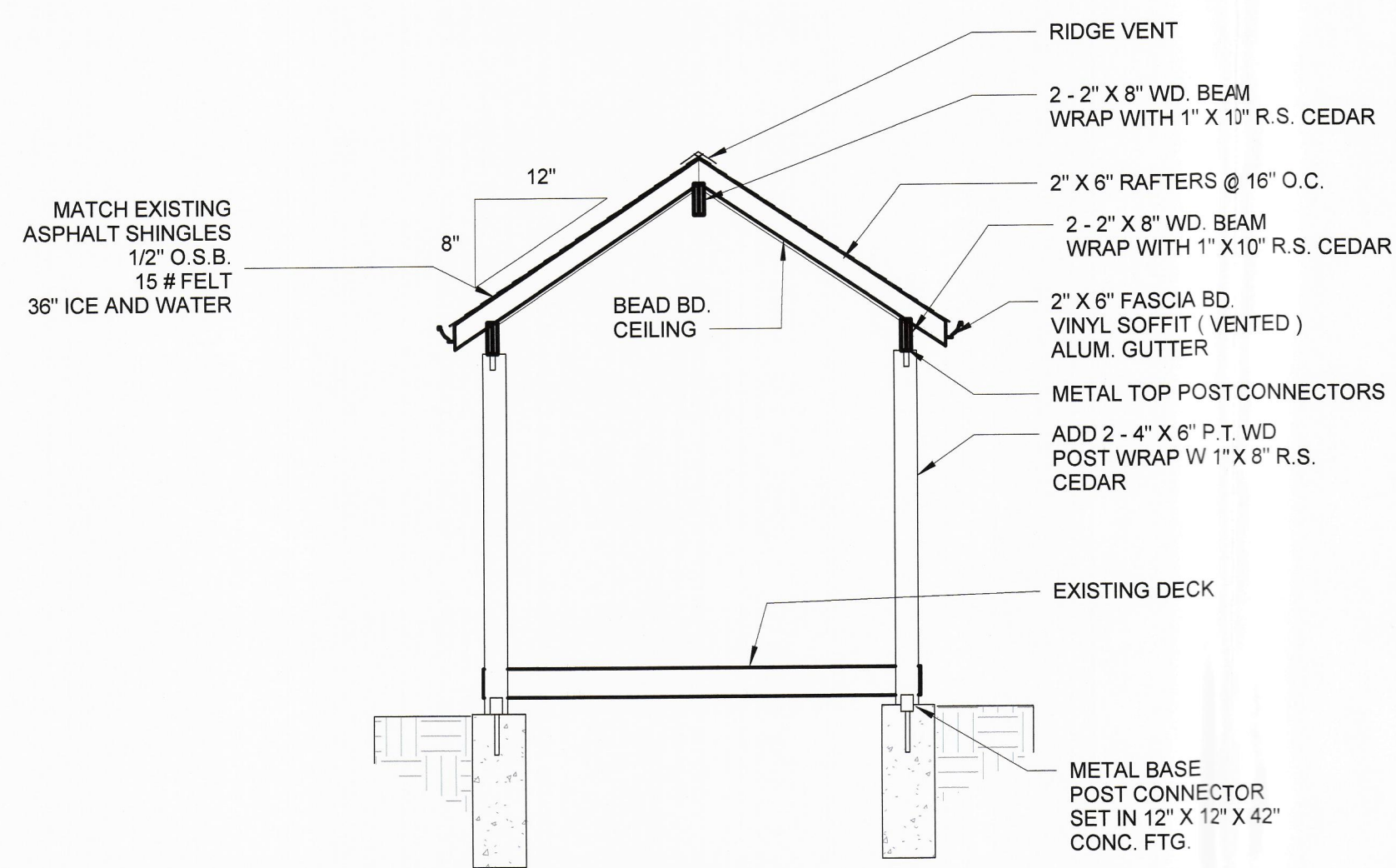
3 Section 1  
1/4" = 1'-0"



2 Roof Framing  
1/4" = 1'-0"



1 Foundation Plan  
1/4" = 1'-0"



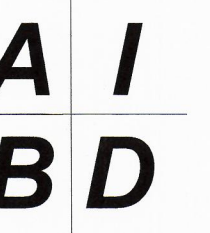
4 Section 2  
1/4" = 1'-0"

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THEIR WORK

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY OTHER WAY WITHOUT

CONTRACTOR

PROPOSED HOUSE FOR  
Megan Lepkowski 1240  
Castlewood  
White Lake, Mi.



DENNIS BERRY AND ASSOCIATES  
RESIDENTIAL DESIGNING / PLANNING  
CERTIFIED BUILDING DESIGNER  
MEMBER AMERICAN INSTITUTE  
OF BUILDING DESIGNERS  
WARREN FORD MI. AND  
BOULDER CO.  
PH. 1-919-407-8927  
FAX 1-720-4756-1644  
EMAIL - dberry412@yahoo.com

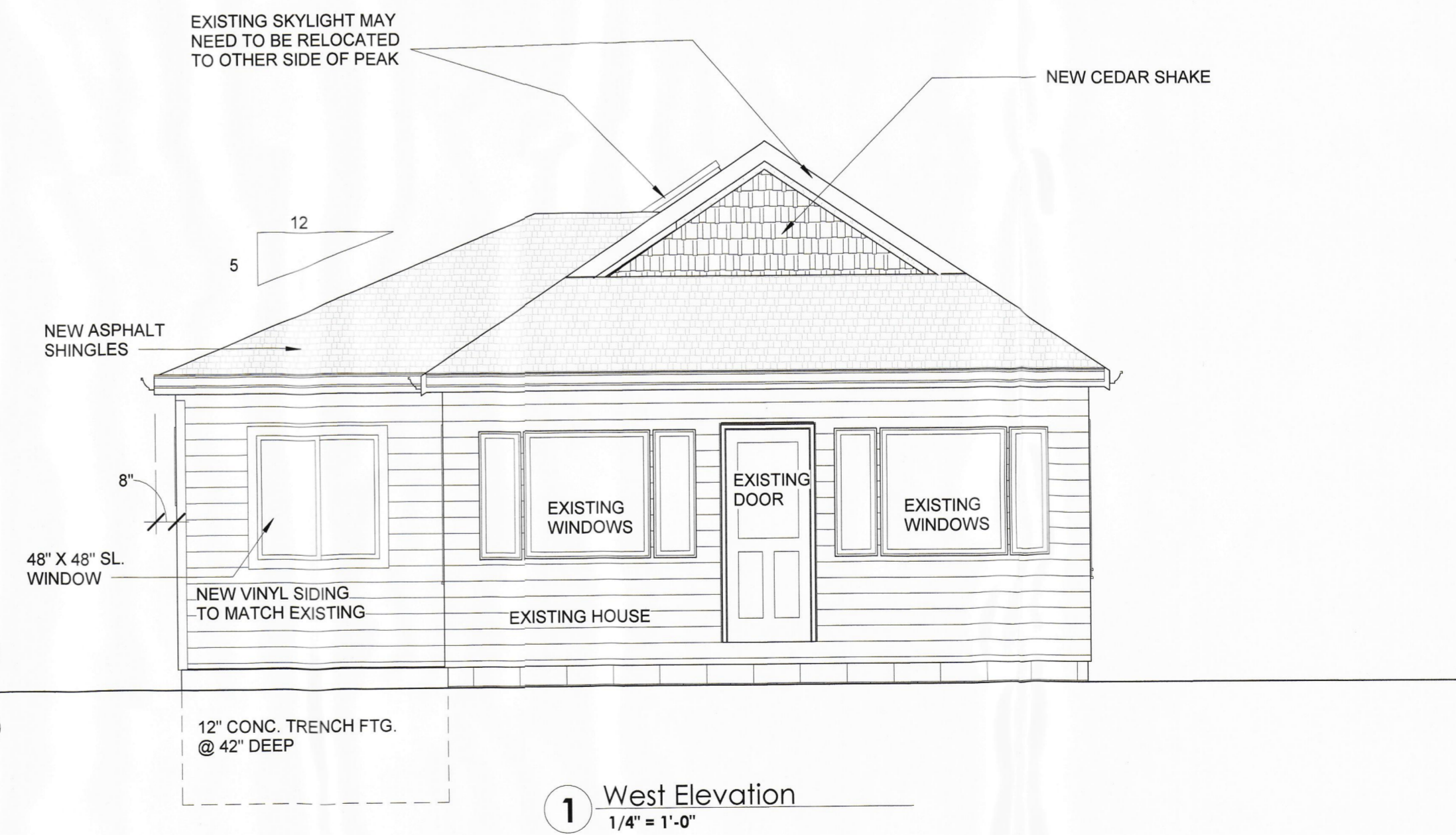
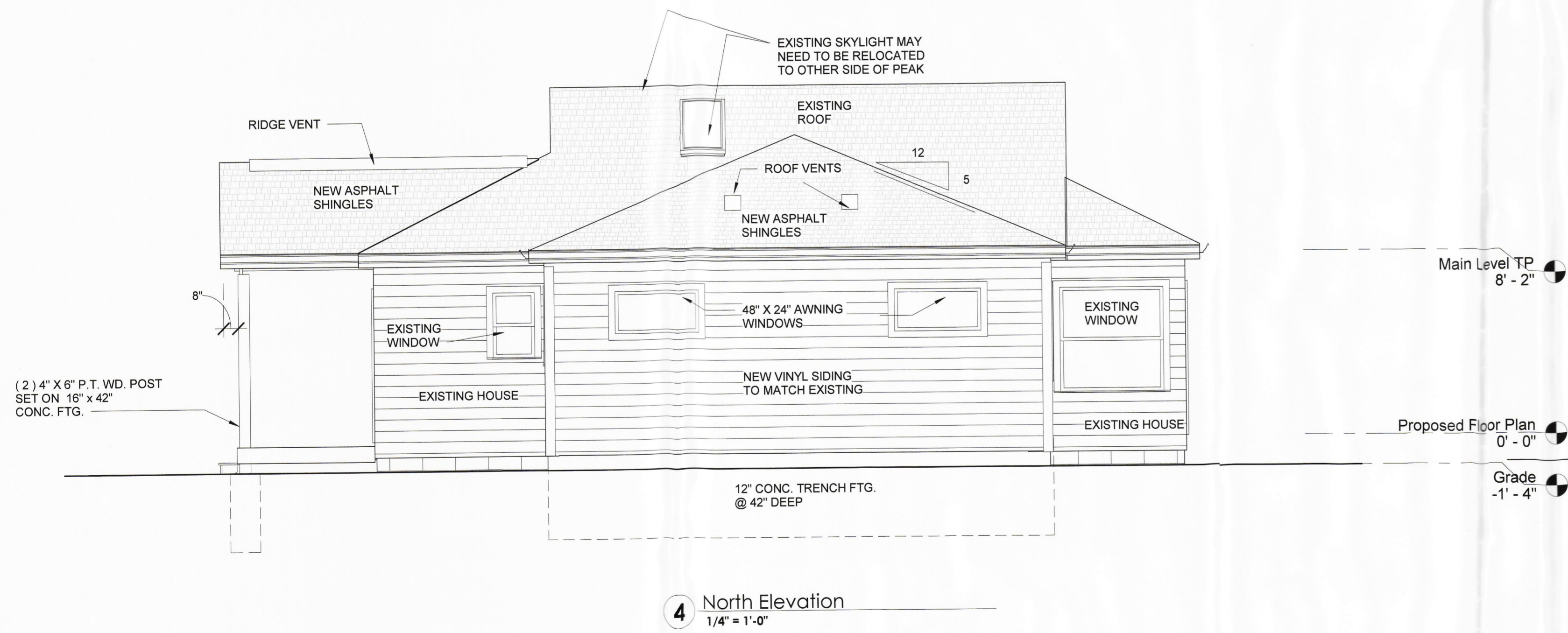
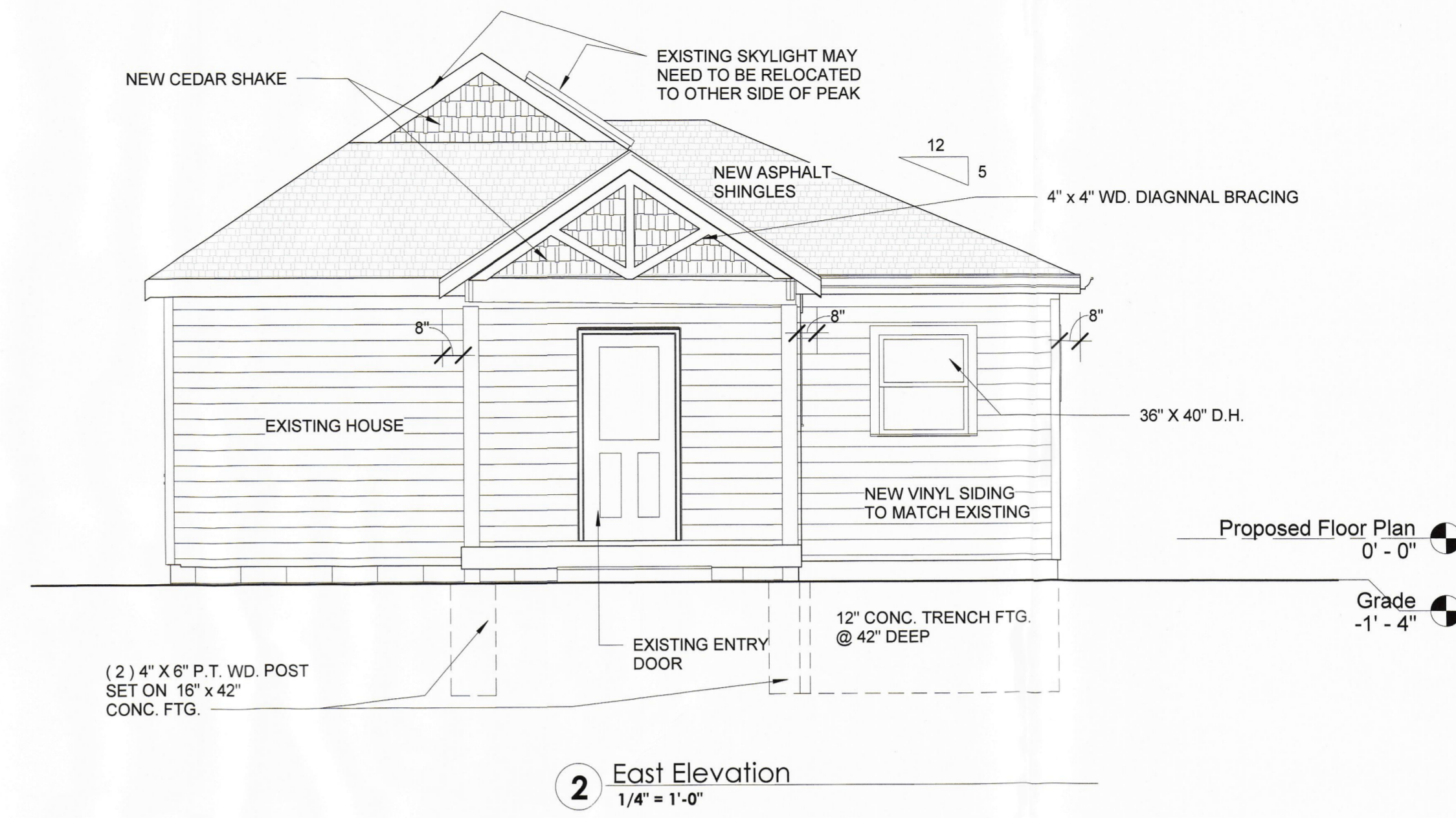
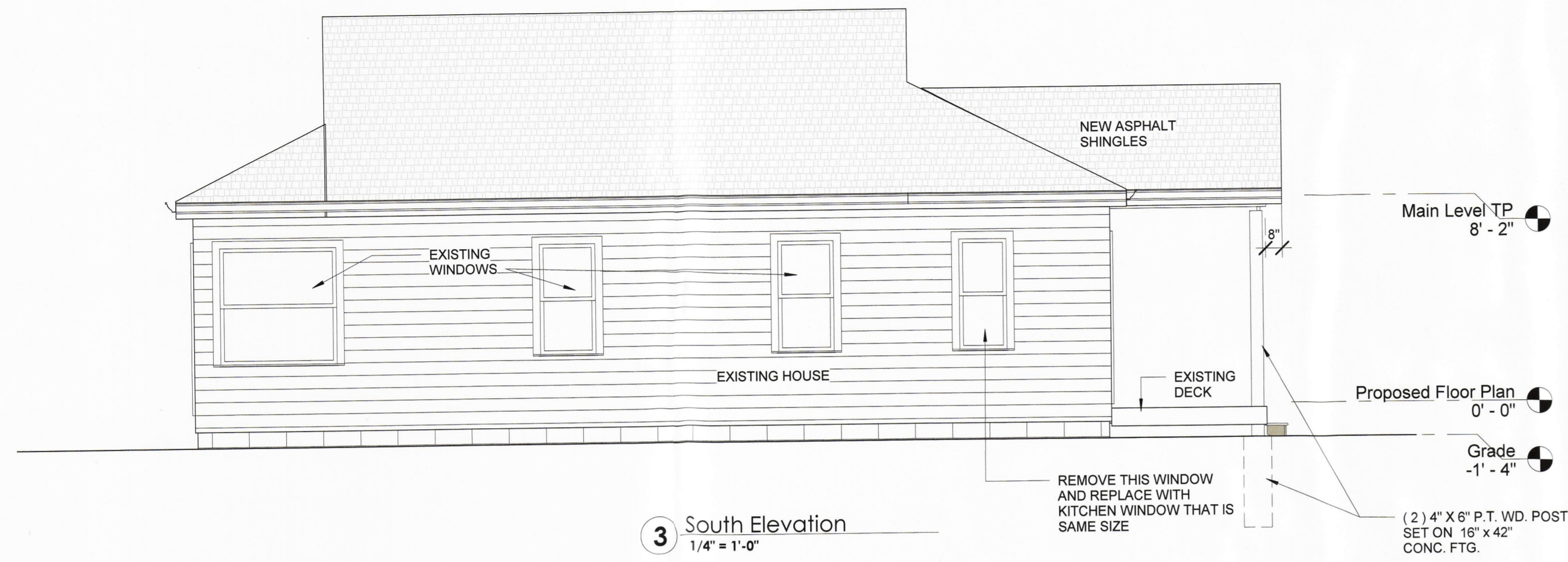
Foundation Plan & Sections

Date 8-3-2020

Sheet

A1.3





THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THEIR WORK

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY OTHER WAY WITHOUT

CONTRACTOR

PROPOSED HOUSE FOR  
Megan Lepkowski 1240  
Castlewood  
White Lake, Mi.

A / I  
B / D

DENNIS BERRY AND ASSOCIATES  
RESIDENTIAL DESIGNING / PLANNING  
CERTIFIED BUILDING DESIGNER  
OF BUILDING DESIGNERS INSTITUTE  
WARTERFORD MI AND BOULDER CO.  
PH. 1 - 313 - 407 - 8027  
FAX. 1 - 720 - 4756 - 1644  
EMAIL - dberry12@denpro.com

Elevations
Date 8 - 3 - 2020
Sheet <b>A2.0</b>



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



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

## WHITE LAKE TOWNSHIP

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

September 2, 2020

Megan Lepkowski  
1240 Castlewood Dr.  
White Lake, MI 48386

RE: Proposed Addition

Based on the submitted plans, the proposed additions on the non-conforming lot do not satisfy the White Lake Township Clear Zoning Ordinance for setbacks, lot width and lot size.

**Article 3.1.6 of the White Lake Township Clear Zoning Ordinance for R1-D requires:** Minimum front yard setback of 30 ft, minimum lot size of 12,000 sf and minimum lot width of 80 ft.

**Article 5.7.A of the White Lake Township Clear Zoning Ordinance:** No detached garage or accessory building or structure shall be located closer than ten (10) feet to any principal structure or building, unless it conforms to all regulations of this Ordinance applicable to principal structures and buildings.

The proposed covered front porch would be within the front yard setback. However, the front yard lot line is not correctly indicated on the site plan, and a boundary survey may be required to locate the lot lines. Being a non-conforming lot, the lot size is 6,316 sf of the required 12,000 sf and 65 ft wide of the required 80 ft width. The proposed addition would also be constructed 8 ft from the existing accessory structure where 10 ft is required.

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

Sincerely,

Nick Spencer  
Building Official



**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

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

---

**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  
Zoning Board of Appeals  
APPLICATION

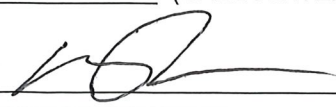
White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: Wade Paris PHONE: 248-820-9087  
ADDRESS: 9377 Gale Rd White Lake MI 48386  
APPLICANT'S EMAIL ADDRESS: \_\_\_\_\_  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

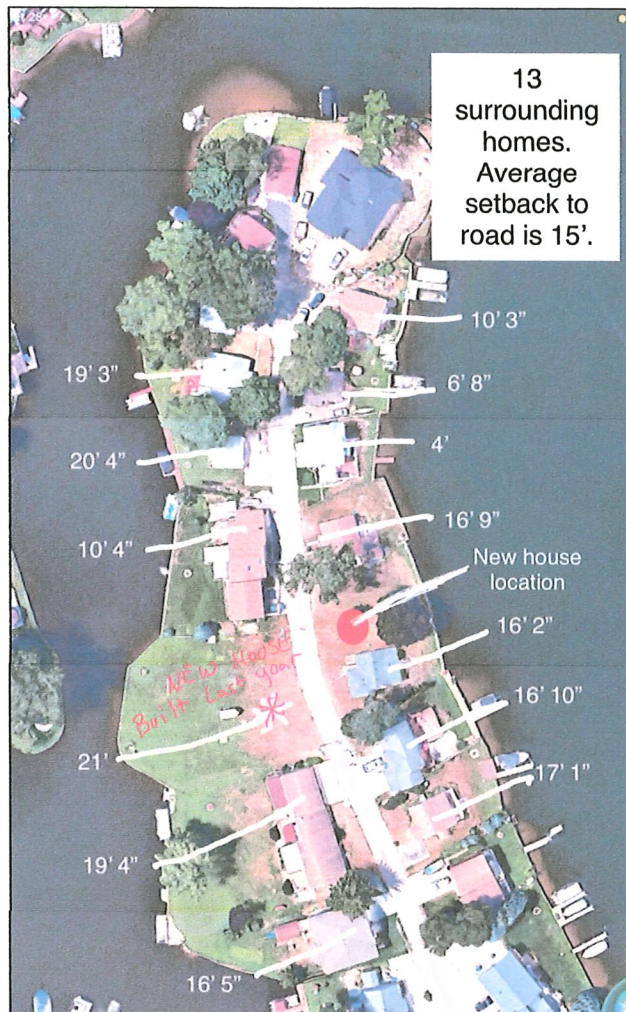
ADDRESS OF AFFECTED PROPERTY: Kingston St, Lot 83 PARCEL # 12-14-233-007  
CURRENT ZONING: R1-D PARCEL SIZE: 85' side, 95' side, 60' front, 54' Lake

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Front set back from Road  
Closest Point 18' 3" to corner of house.

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)  
This is a non conforming Lake Lot. I am maintaining all side  
set backs and Waters edge set back. Neighbors on both sides  
are within the 10' setbacks so maintaining the 10' on both sides  
of the new home is necessary for access and appearance.  
Road Set backs on this street average under 15'. See attached.

APPLICATION FEE: \$385<sup>00</sup> (CALCULATED BY THE PLANNING DEPARTMENT)  
APPLICANT'S SIGNATURE:  DATE: OCT 28<sup>th</sup>, 2020





Kingston road setback Variance request



---

# SUMMARY

## Objective

Build a 2 story single family home with walkout and garage on vacant lot #83 on Kingston st. Pontiac Lake

## Goals

As a resident of the lake and someone who has built 4 homes on the lake, my goal is to increase the property values and the appearance of our neighborhood while not JAMMING homes close to each other.

## Practical Difficulty

Both homes on each side of the non conforming building lot are closer than the 10' required setback. Pursuing a side setback of 5' on each side in order to get a reasonable footprint for the main floor would cause potential access issues along with continuing the past trend of stacking homes together to tight. The setbacks of the neighboring homes from the water appear to be conforming and I would have no desire to shift the building envelope closer to the waters edge, blocking residence views. This area of Kingston is a very narrow island with homes on both sides with very short setbacks from the edge of the road. The average a distance of the 13 surrounding homes is just under 15' from the structures to the edge of the road. The road is also on a bend and not square to the vacant lot causing the North corners of the new home to cut closer to the road edge than the majority of the structure.

I have dropped the garage plans down to a single car and the size of the main floor to under 1000 sq ft. Both of these I feel are at a minimum as a garage is needed not only for safety in the wintertime but storage so yards don't look cluttered.

## Variance Request

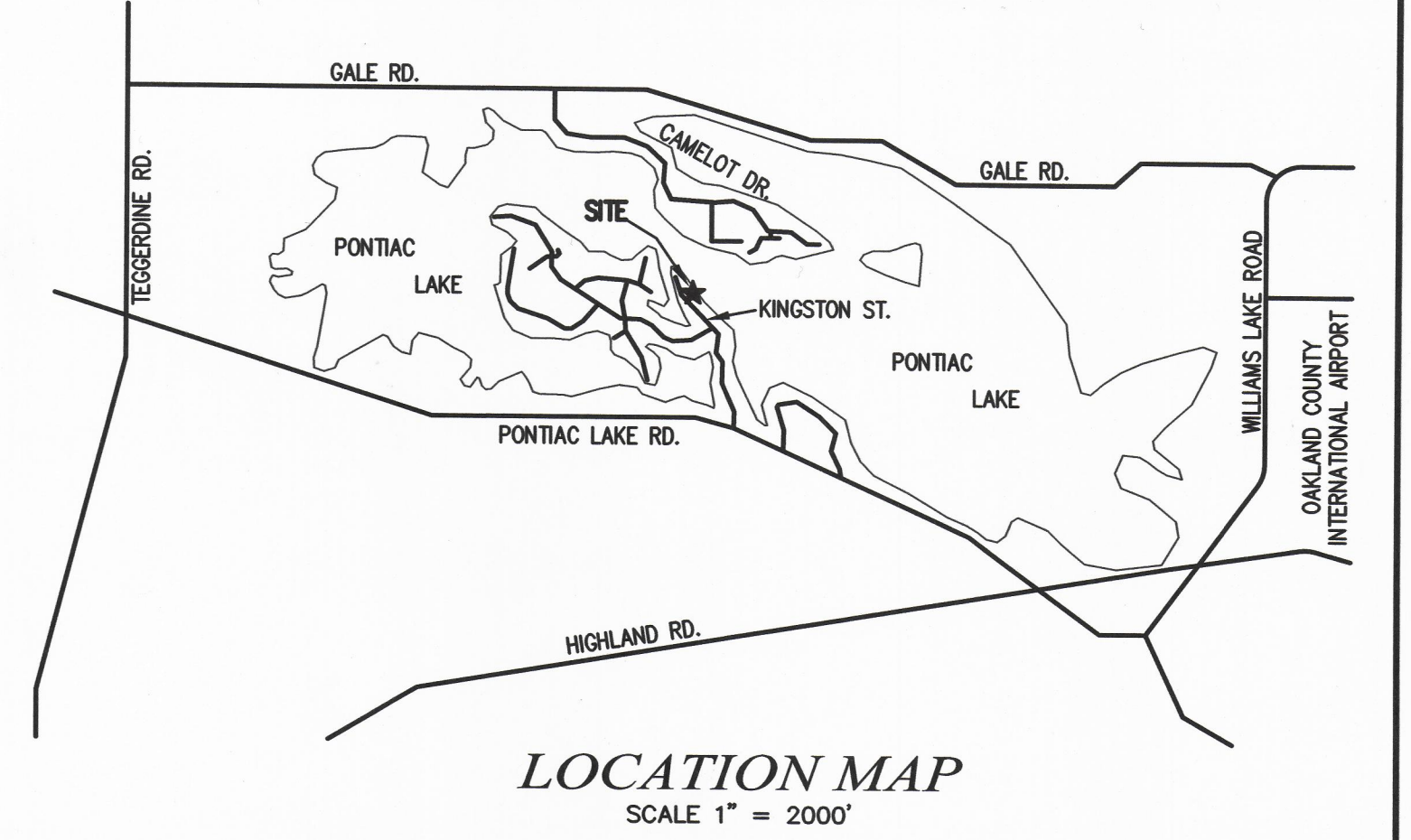
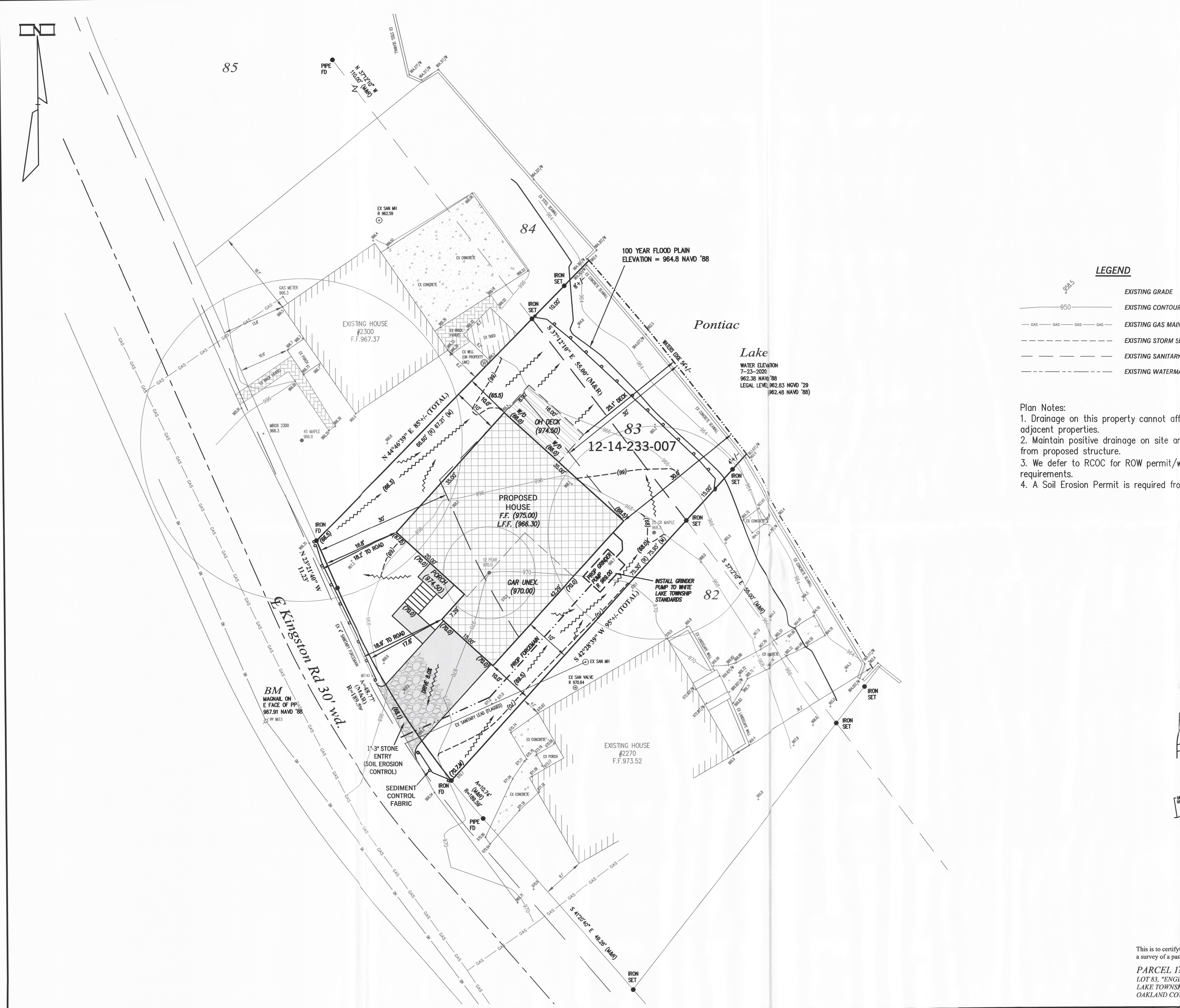
I am wanting to keep all side setbacks and lakeside setbacks at the required distances along with lot coverage.

The only variance I am requesting is the setback to the edge of the road. Because of the nature of the properties on the island I feel after talking with Planning and Justin that the best approach to this project is to get a front setback variance while trying to push the home as far back as possible to minimize the encroachment. The closest corner of the home would be 18' 3" from the roads edge. The rest of the home gets continuously farther from the edge all of the way to the garage side which would be at 24'.

From an improvement aspect of the neighborhood, I believe these setbacks will allow for the best overall outcome for the residents and property value.

---





**LEGEND**

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

**Notes:**

1. 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.
2. ARCHITECT / BUILDER IS RESPONSIBLE FOR CONFIRMING BUILDING SETBACKS.

**Plan Notes:**

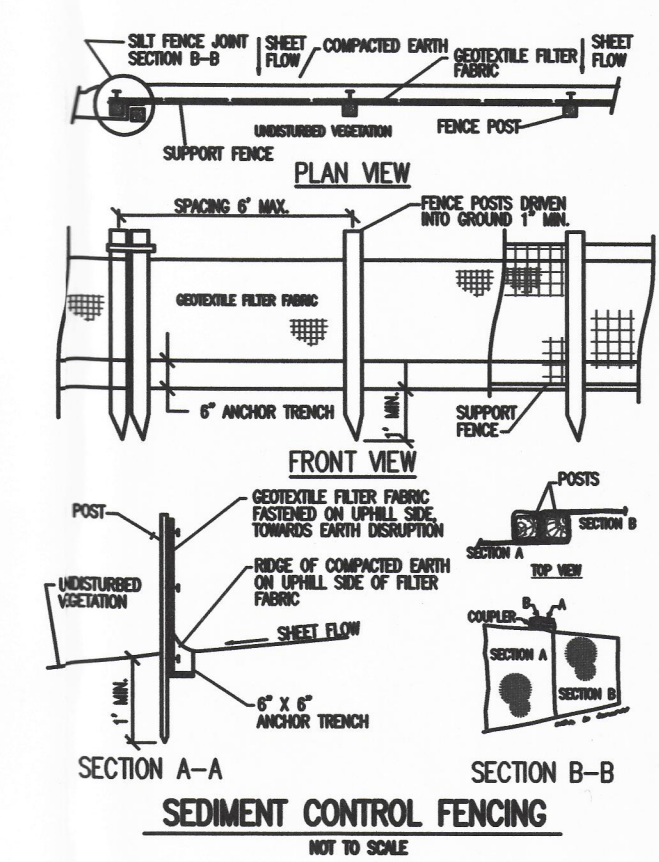
1. Drainage on this property cannot affect adjacent properties.
2. Maintain positive drainage on site and away from proposed structure.
3. We refer to RCOC for ROW permit/work requirements.
4. A Soil Erosion Permit is required from OCWRC.

**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%

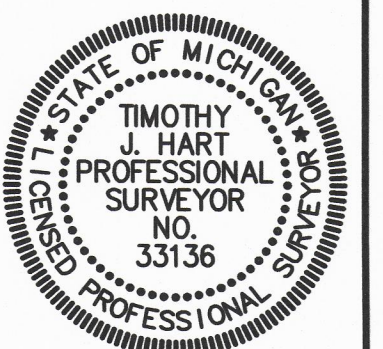
**BENCHMARK:**  
MAGNAIL ON E FACE OF PP LOCATED ACROSS THE STREET FROM LOT 83  
ELEVATION - 967.91 NAVD '88



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 SLUMP 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 SOIL. REMOVE ALL SOIL EROSION CONTROL DEVICES.

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

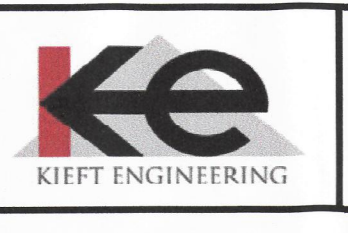
This is to certify that I, *Timothy J. Hart*, a Professional Land Surveyor, have this date made a survey of a parcel of land described as follows:  
**PARCEL 12-14-233-007**  
 LOT 83, "ENGLISH VILLAS SUBDIVISION" A SUBDIVISION OF PART OF SECTIONS 11, 13 & 14, T3N, R8E, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, 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

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**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	JM	
DESIGN TJH		



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

SCALE	SHEET	OF	TOTAL SHEETS
1" = 10'	1	1	1

KE 2020.143



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



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

## WHITE LAKE TOWNSHIP

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

November 6, 2020

Wade Paris  
9377 Gale Rd  
White Lake, MI 48386

RE: Proposed Residential Structure on Lot 83 Kingston (12-14-233-007)

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

**Article 3.1.6 of the White Lake Township Clear Zoning Ordinance:** Requires a minimum lot width of 80 ft, minimum 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 3920.4 sf of a required 12,000 sf and a 60 ft lot width of a minimum 80 ft. The proposed front yard setback is 16.8 ft of the required 30 ft. The lot coverage is 1334.35 sf which equates to 34% lot coverage of a maximum 20%.

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

Sincerely,

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

Nick Spencer, Building Official  
White Lake Township



**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

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

---

**Agenda item:** 6f

**Appeal Date:** December 10, 2020

**Applicant:** Michael Epley

**Address:** 6075 Carroll Lake Road  
Commerce, MI 48382

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

**Location:** 414 Lake View Drive  
White Lake, MI 48386



## **Property Description**

The approximately 0.211-acre (9,191 square feet) parcel identified as 414 Lake View Drive is located on Cedar Island Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,420 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Michael Epley, the applicant, on behalf of property owner Jordan Zaleski, is proposing to construct a garage and two-story addition on the existing house.

## **Planner's Report**

The existing house was built in 1922 and is nonconforming to setbacks; the structure is located three (3) feet from the east side lot line. A minimum 10-foot side yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 2,809 square foot deficiency in lot area; 12,000 square feet is the minimum lot size required for R1-D zoning.

The proposed first floor addition is 452.4 square feet in size and would be located on the west side of the house. The second-story addition would be 1,012 square feet in size. The proposed two-car attached garage would be 20' by 22'-11" (460 square feet) in size and located on the west side of the addition. The west wall of the garage would be located five feet from the side lot line; however, the roof overhang would project closer to the property line. 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 proposed lot coverage is 29.38% (2,700 square feet), which is 9.38% (873.8 square feet) beyond the allowable limit (1,826.2 square feet). The applicant is requesting a variance for lot coverage and also a variance to address the lot size nonconformity.

Article 7.28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any period of twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$108,390), the maximum extent of improvements cannot exceed \$54,195. The value of the proposed work is \$300,000. A variance to exceed the allowed value of improvements by 553.56% is requested.



The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Side yard setback	10 feet	5 feet	5 feet (west)
2	Article 3.1.6.E	Maximum lot coverage	20% (1,826.2 square feet)	9.38% (873.8 square feet)	29.38% (2,700 square feet)
3	Article 3.1.6.E	Minimum lot size	12,000 square feet	2,809 square feet	9,191 square feet
4	Article 7.28.A	Nonconforming structure	50% SEV (\$54,195)	553.56%	\$245,805 over allowed improvements

**Recommended Motions:**

**Approval:** I move 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 encroach 5 feet into the required side yard setback and 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.
- In no event shall the projection of the roof overhang be closer than five feet to the west side lot line. Revised plans shall be submitted prior to issuing a building permit to verify the west side yard setback is five feet, measured from the roof overhang of the garage.

**Denial:** I move to deny the variances requested by Michael Epley for Parcel Number 12-26-334-015, identified as 414 Lake View Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Michael Epley for Parcel Number 12-26-334-015, identified as 414 Lake View Drive, to consider comments stated during this public hearing.



## Attachments:

1. Variance application dated November 10, 2020.
2. Site plan dated September 18, 2020 (revision date November 23, 2020).
3. Elevations and floor plan dated November 2020.
4. North and south elevation renderings.
5. Letter of denial from the Building Department dated November 9, 2020.

### 7.37 STANDARDS

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

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

NOV 10 2020

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: Michael Epley PHONE: 248-787-1130

ADDRESS: 6075 Carroll Lake Road - Commerce, MI. 48382

APPLICANT'S EMAIL ADDRESS: mike@epleycustomdesign.com

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

ADDRESS OF AFFECTED PROPERTY: 414 Lakeview PARCEL # 12- 26-334-015

CURRENT ZONING: R1-D PARCEL SIZE: \_\_\_\_\_

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

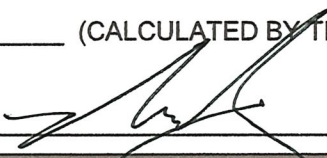
\_\_\_\_\_

\_\_\_\_\_

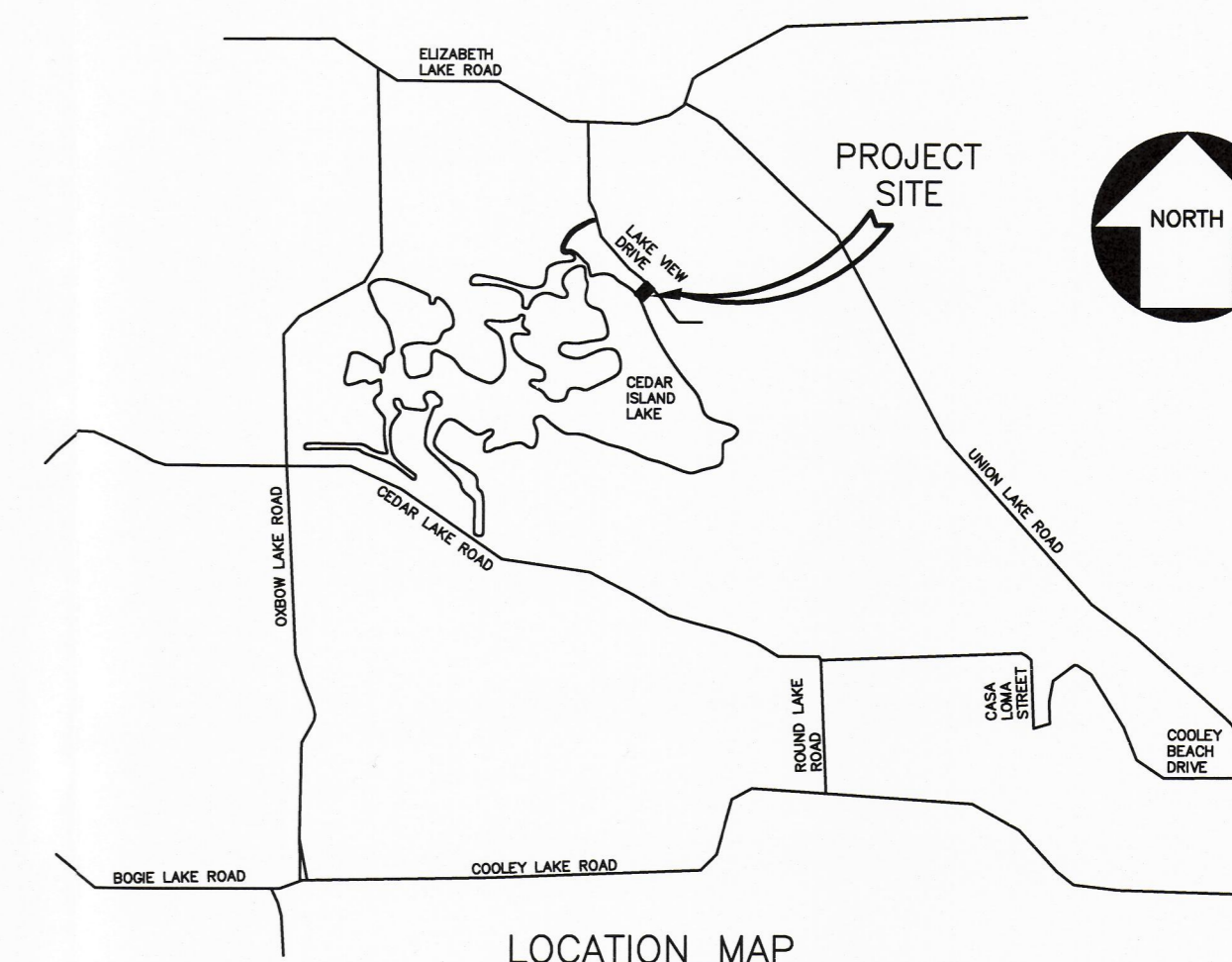
STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

The current house is unconforming  
Conformity would limit the new garage to be  
a very small unbalanced structure to the house  
Article 3.06 regarding 20' total sides, relative to the  
existing 3' uncomforming side would force the other side  
to be 17' from side - No garage would fit that limitation.  
Our attempt is to attain a very modest attached garage.  
The upper story is designed so as to not encroach.

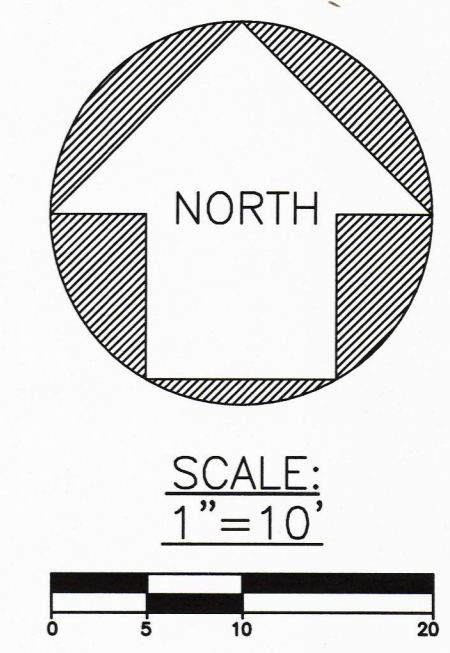
APPLICATION FEE: 385.<sup>00</sup> (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: 11-10-20





LOCATION MAP  
SCALE: 1"=2000'

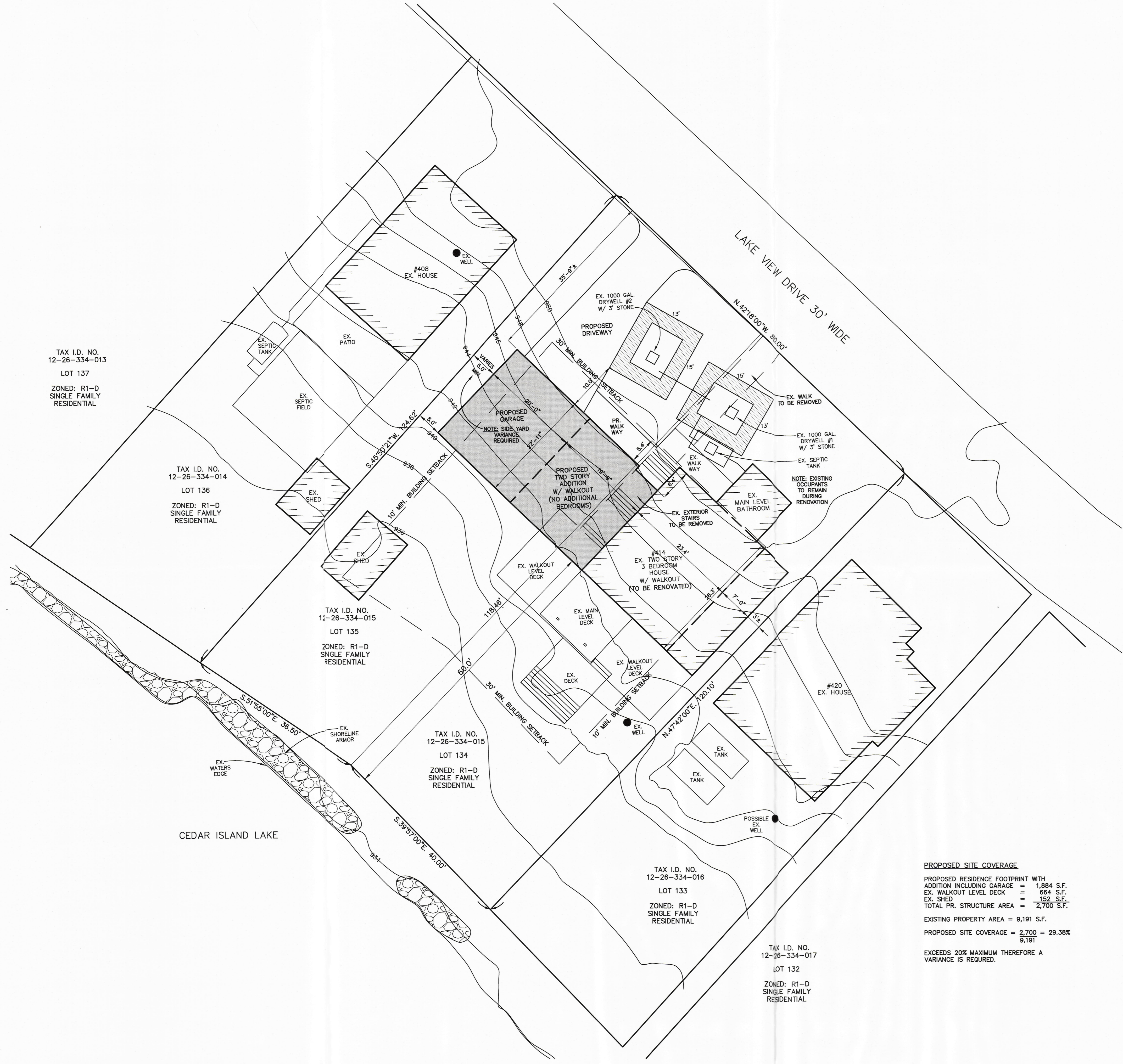


PROPERTY DESCRIPTION:

LOTS 134 AND 135 OF "CEDAR CREST SUBDIVISION NO.3" OF PART OF SECTION 26, TOWN 3 NORTH, RANGE 8 EAST, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 31 OF PLATS, PAGE 32, OAKLAND COUNTY RECORDS.  
(TAX I.D. NUMBER 12-26-334-015)



OAKLAND COUNTY  
G.I.S. AERIAL BASE  
MAP  
SCALE: 1"=50'



PROPOSED SITE COVERAGE

PROPOSED RESIDENCE FOOTPRINT WITH  
ADDITION INCLUDING GARAGE = 1,884 S.F.  
EX. WALKOUT LEVEL DECK = 664 S.F.  
EX. SHED = 152 S.F.  
TOTAL PR. STRUCTURE AREA = 2,700 S.F.  
EXISTING PROPERTY AREA = 9,191 S.F.  
PROPOSED SITE COVERAGE = 2,700 = 29.38%  
9,191  
EXCEEDS 20% MAXIMUM THEREFORE A  
VARIANCE IS REQUIRED.

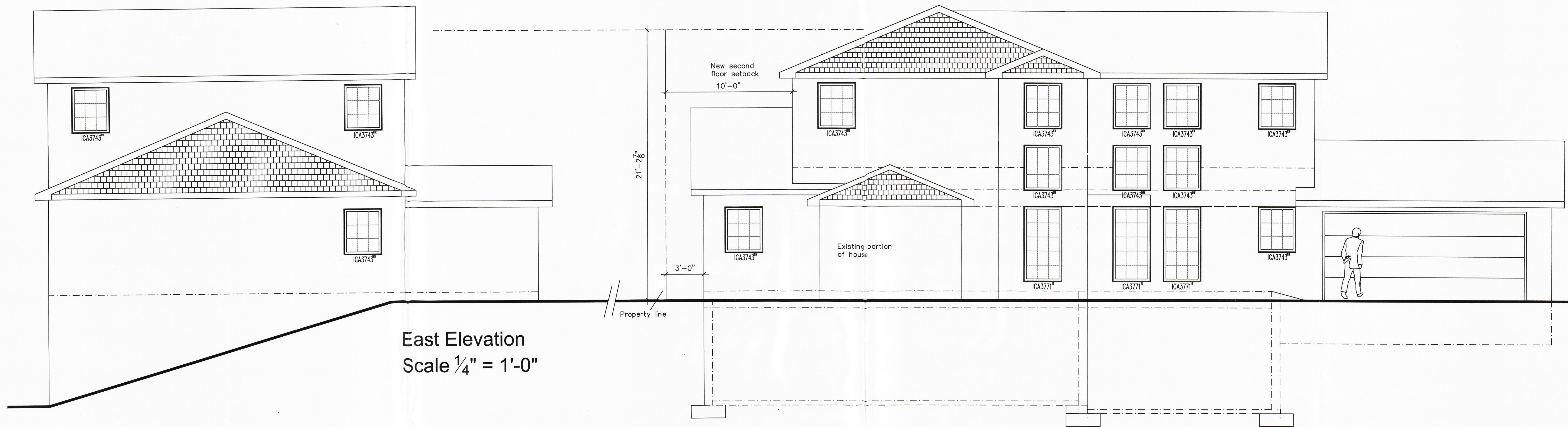
NOTE: PROPERTY LINES AND EXISTING TOPOGRAPHIC INFORMATION  
SHOWN FROM OAKLAND COUNTY G.I.S. DATABASE.



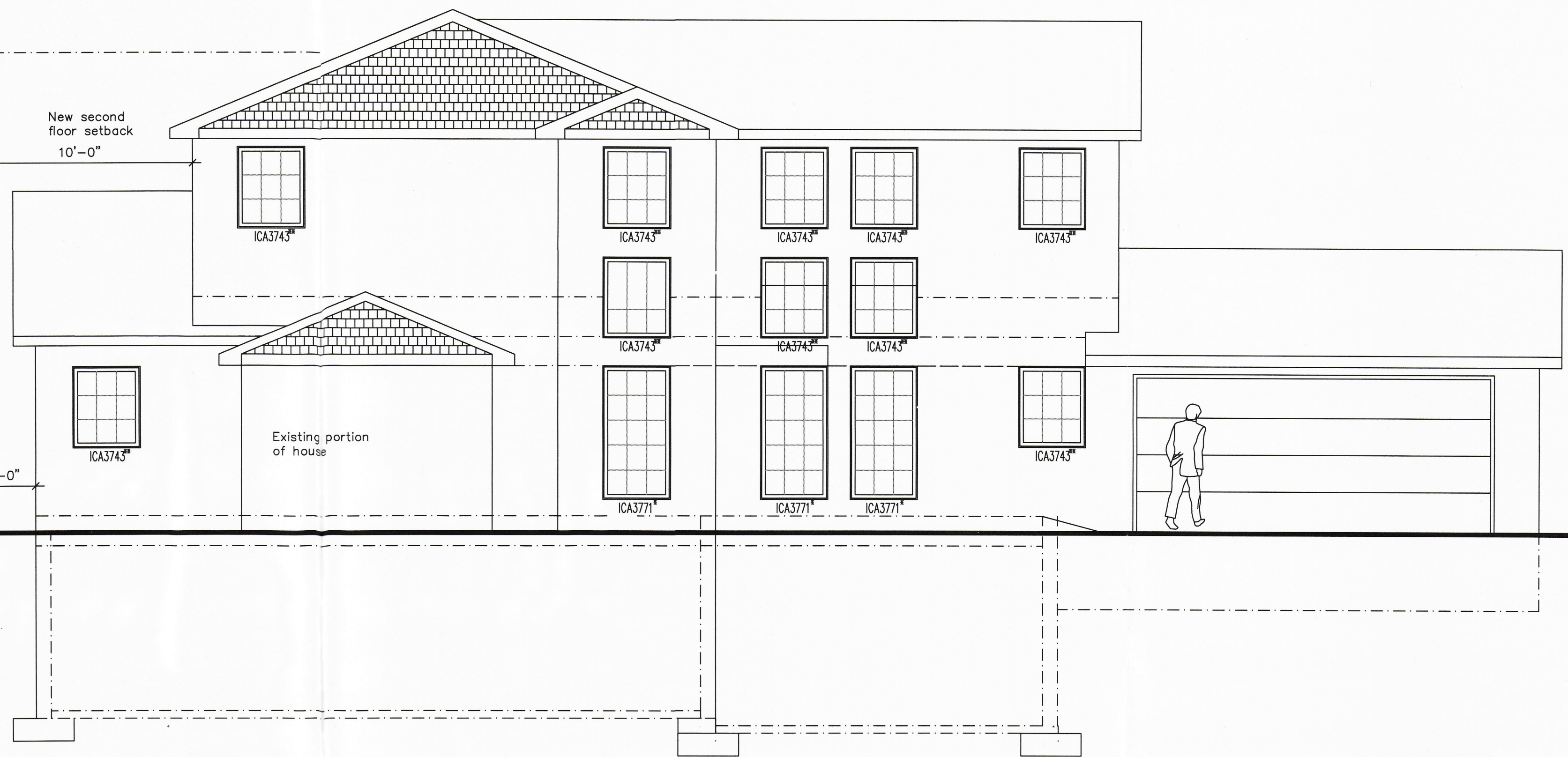
Know what's below.  
Call before you dig.

CLIENT: JORDAN ZALESKI 414 LAKE VIEW DRIVE WHITE LAKE, MICHIGAN 48386 PHONE: 248/514-6832	REVISIONS REVISED 10/06/20 - PER CLIENT	PROPOSED RESIDENCE ADDITION AT <b>414 LAKE VIEW DRIVE</b> WHITE LAKE TOWNSHIP OAKLAND COUNTY MICHIGAN	CLIENT PROJECT No. PROJECT No. 18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075 PHONE: 248/424-9510 FAX: 248/424-2954 <b>Environmental engineers, Inc.</b>	DATE ISSUED SHEET No. 09-18-20 SP-1
	REVISED 11/23/20 - PER TOWNSHIP REVIEW			PROJECT No. 2029 SHEET No. SP-1

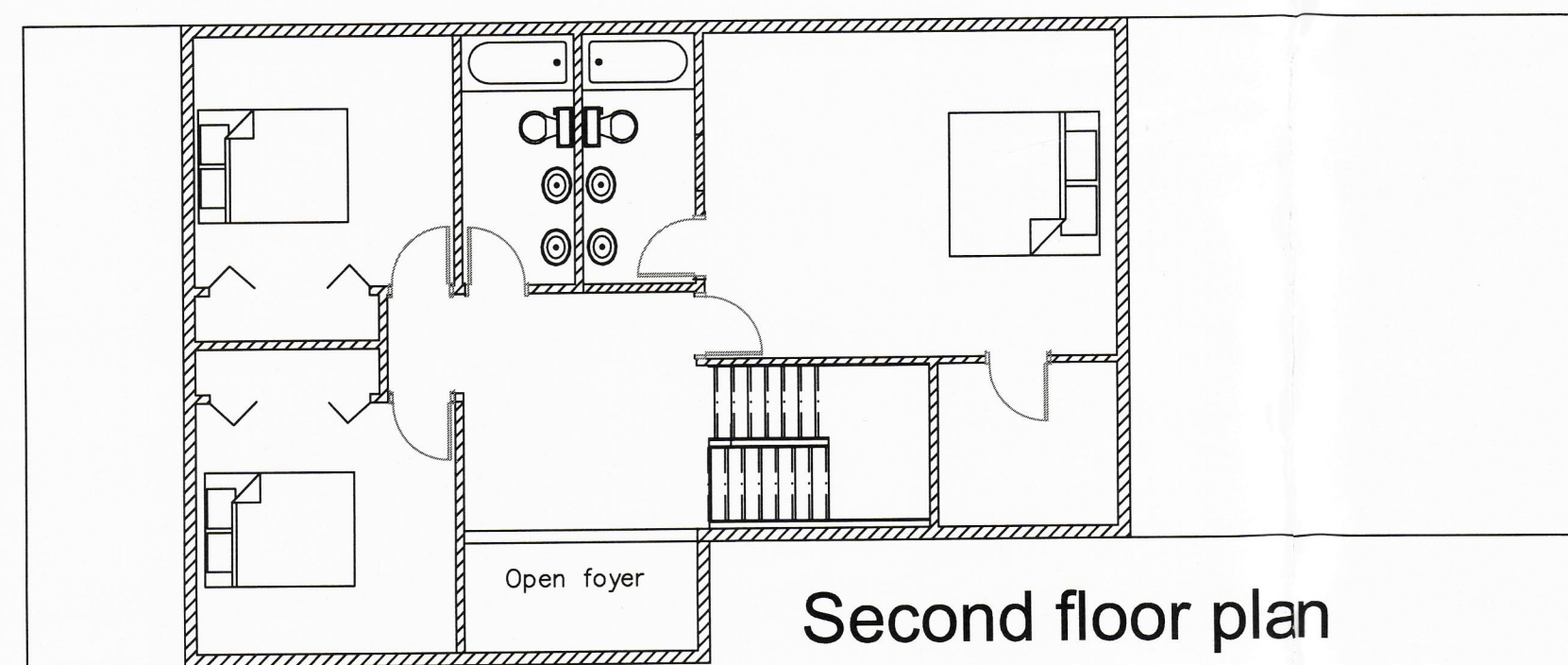




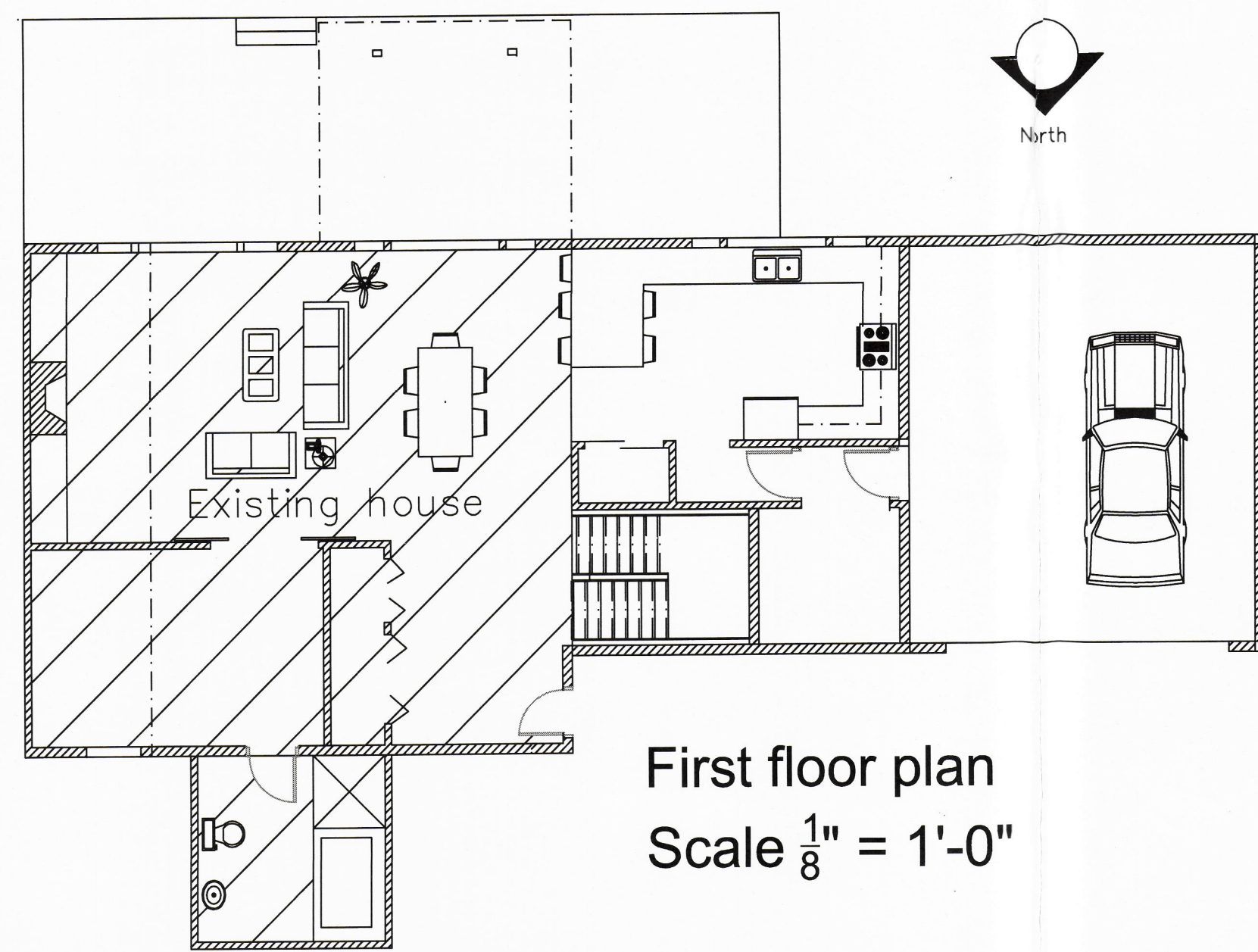
East Elevation  
Scale 1/4" = 1'-0"



North Elevation - Street view  
Scale 1/4" = 1'-0"



Second floor plan  
Scale 1/8" = 1'-0"



First floor plan  
Scale 1/8" = 1'-0"



South Elevation - Water view  
Scale 1/4" = 1'-0"

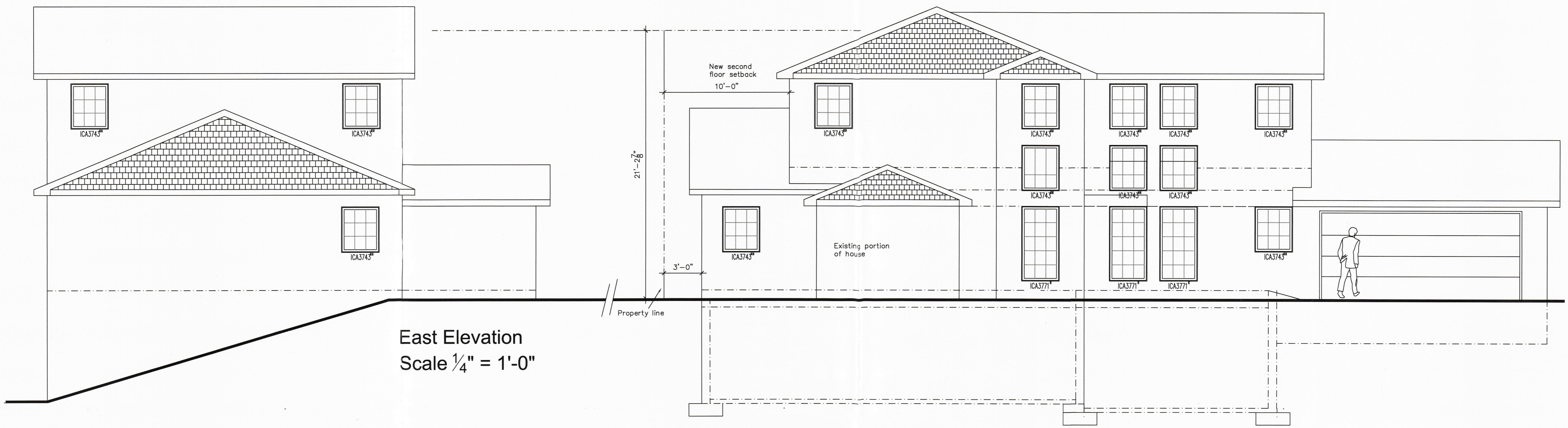
Elevations	
ISSUE	DATE

PROJECT TITLE  
PROJECT  
Proposed addition for  
414 Lakeview Dr.  
Charter Twp. of White Lake Mi.

CHECKED  
PROJECT No.  
SHEET No.

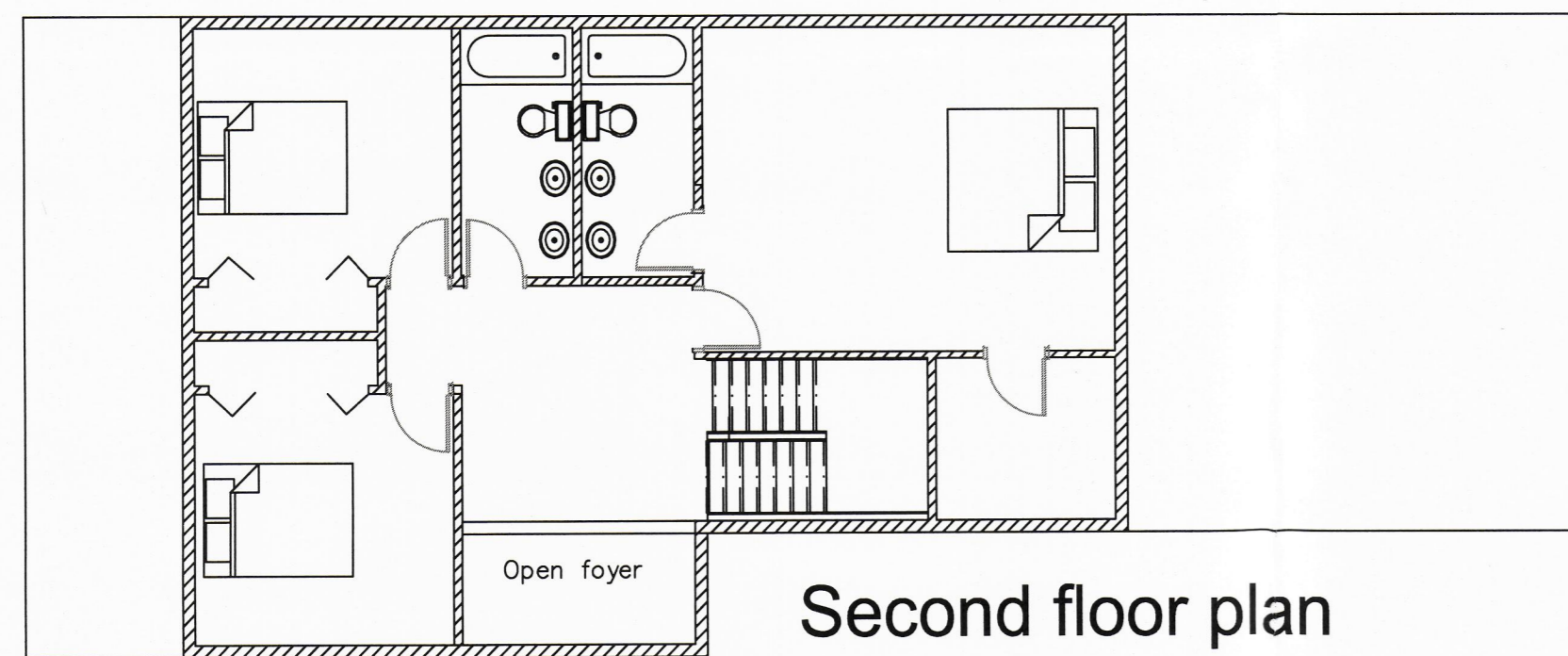
Nov. 2020  
A-1



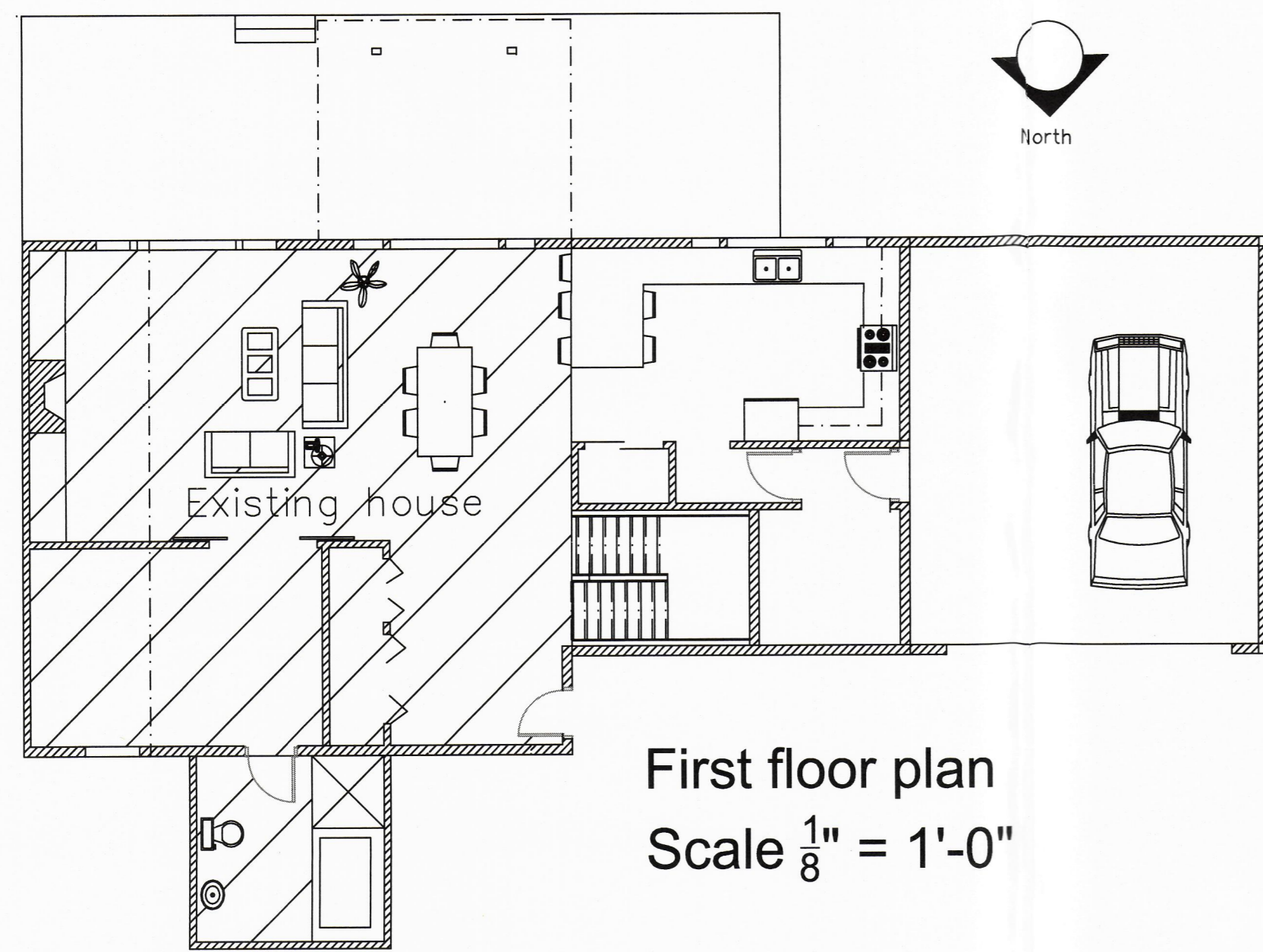


East Elevation  
 Scale 1/4" = 1'-0"

North Elevation - Street view  
 Scale 1/4" = 1'-0"



Second floor plan  
 Scale 1/8" = 1'-0"



First floor plan  
 Scale 1/8" = 1'-0"



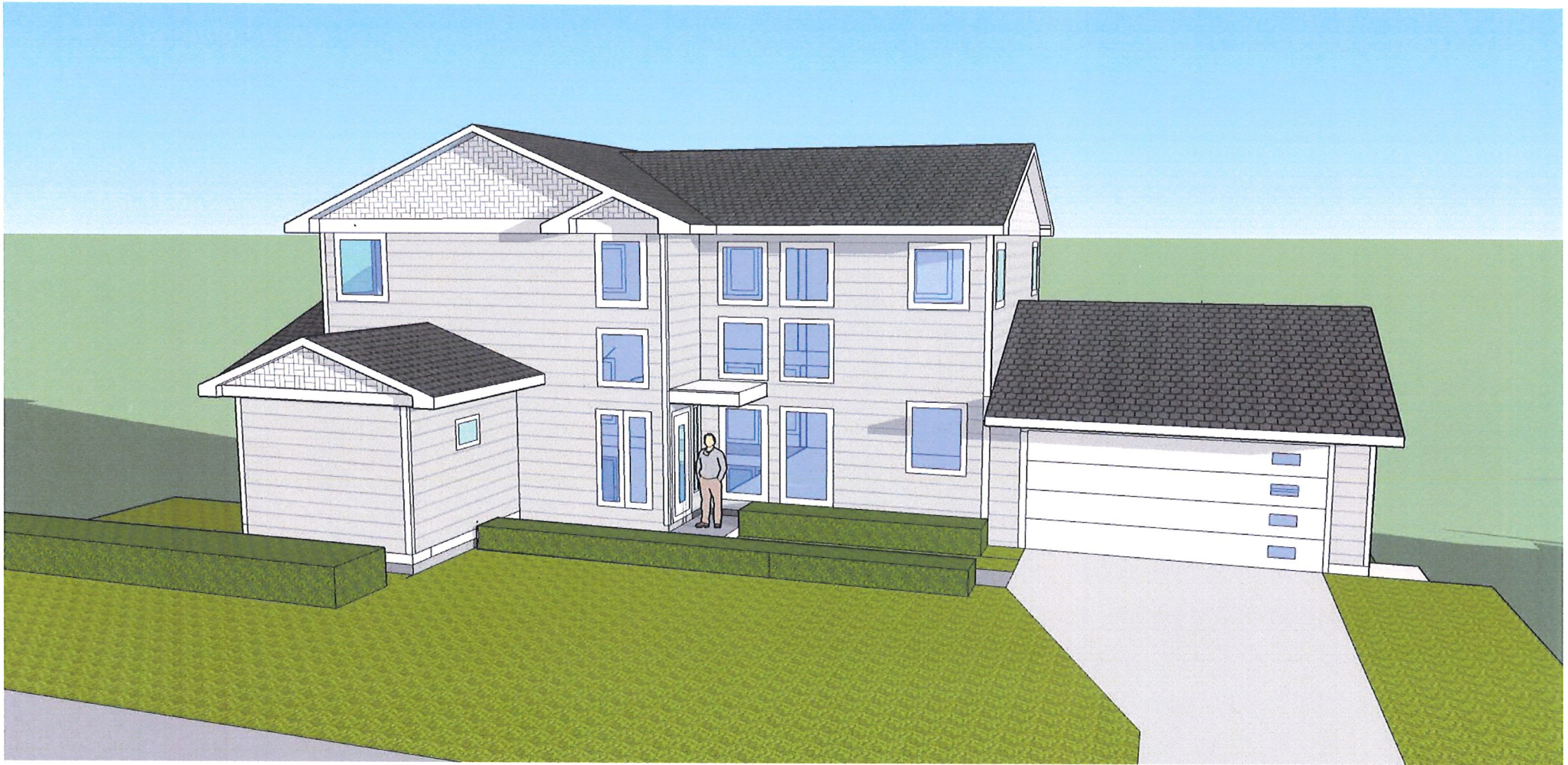
South Elevation - Water view  
 Scale 1/4" = 1'-0"

Elevations	
SHEET TITLE	ISSUE
	ISSUE
	DATE
	ISSUE
	DATE
	ISSUE
	DATE

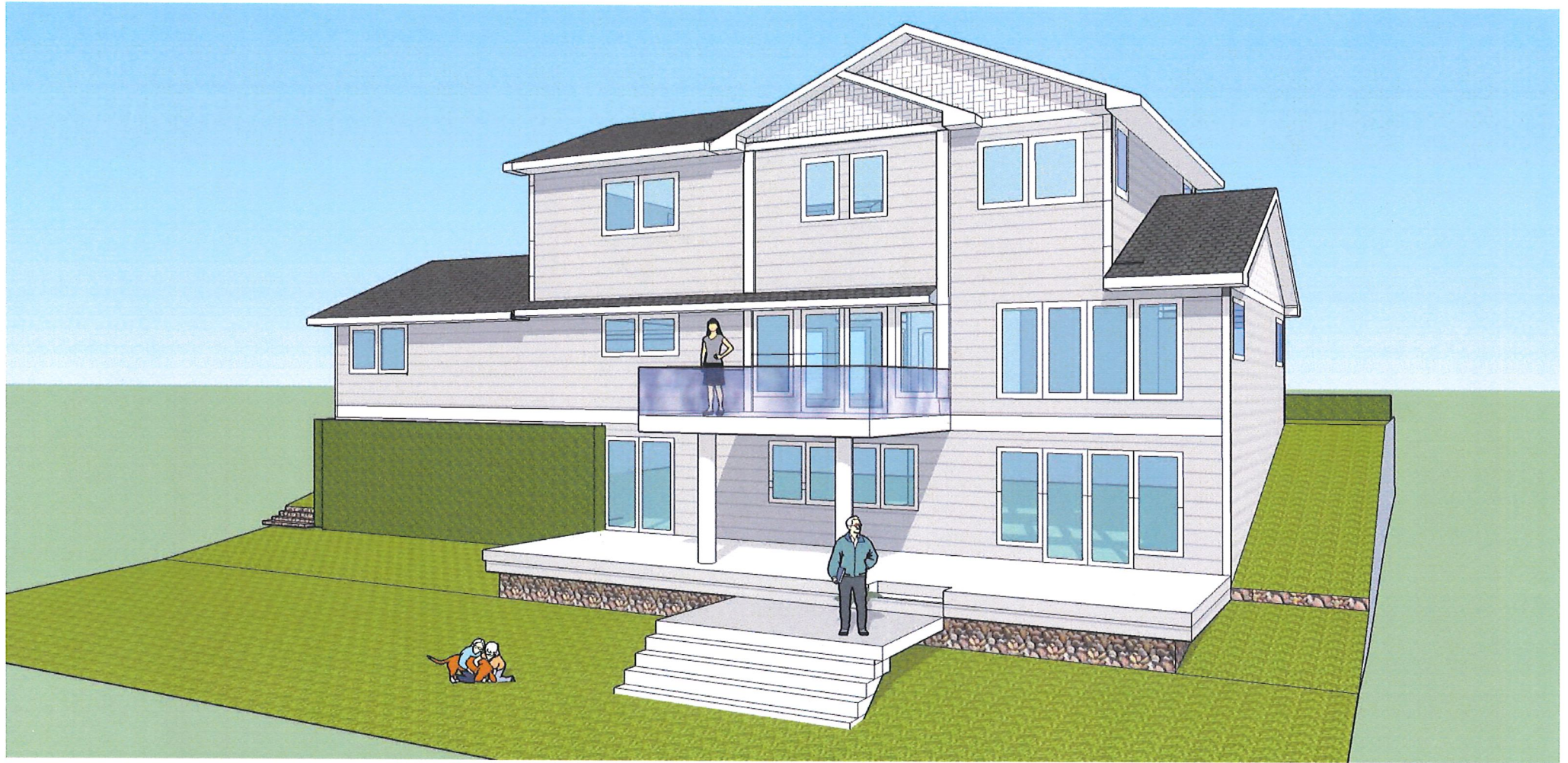
PROJECT  
 Proposed addition for  
 414 Lakeview Dr.  
 Charter Twp. of White Lake Mi.

CHECKED  
 PROJECT No.  
 SHEET No.











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



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

## WHITE LAKE TOWNSHIP

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

November 9, 2020

Jordan Zaleski  
414 Lakeview Dr  
White Lake, MI 48386

RE: Proposed Alteration

Based on the submitted plans, the proposed residential structure does not satisfy the White Lake Township Clear Zoning Ordinance for R1-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 and 20 ft total of two sides.

The existing structure is legal non-conforming with a side yard setback of 3 ft on one side. The proposed alteration would have a side yard setback of 5 ft which will give a combined total of 8 ft for both sides.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Spencer', written over a horizontal line.

Nick Spencer, Building Official  
White Lake Township