



ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN 48383
THURSDAY, SEPTEMBER 28, 2023 – 7:00 PM

White Lake Township | 7525 Highland Rd | White Lake, MI 48383 | Phone: (248) 698-3300 | www.whitelaketwp.com

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - A. [Zoning Board of Appeals Regular Meeting of August 24, 2023](#)
6. CALL TO THE PUBLIC
7. OLD BUSINESS
 - A. [Applicant: John & Gina Smerecki](#)
[8979 Lakeview Drive](#)
[White Lake, MI 48386](#)
[Location: 8979 Lakeview Drive](#)
[White Lake, MI 48386 identified as 12-36-302-005](#)
[Request: The applicant requests to construct an accessory building, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.](#)
 - B. [Applicant: Mykhailo Novoselskyi](#)
[7843 Turrillium Lane](#)
[Waterford, MI 48327](#)
[Location: 9755 Portage Trail](#)
[White Lake, MI 48386 identified as 12-26-177-019](#)
[Request: The applicant requests to exceed the allowed value of improvements to a nonconforming structure, requiring a variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures.](#)
 - C. [Applicant: Lorena Hawkins](#)
[1190 Sugden Lake Road](#)
[White Lake, MI 48386](#)
[Location: 1190 Sugden Lake Road](#)
[White Lake, MI 48386 identified as 12-33-477-003](#)
[Request: The applicant requests to construct an elevated deck within the natural features setback, requiring a variance from Article 3.11.Q, Natural Features Setback.](#)
8. NEW BUSINESS
 - A. [Applicant: Robert Freels](#)
[204 Laura Lane](#)
[Linden, MI 48451](#)
[Location: 8468 Cascade Street](#)



[Commerce, MI 48382 identified as 12-36-453-022](#)

[Request: The applicant requests to construct an accessory building \(shed\), requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front Yard Setback and Maximum Lot Coverage.](#)

9. OTHER BUSINESS

10. NEXT MEETING DATE: October 26, 2023

11. ADJOURNMENT

Procedures for accommodations for persons with disabilities: The Township will follow its normal procedures for individuals with disabilities needing accommodations for effective participation in this meeting. **Please contact the Township Clerk's office at (248) 698-3300 X-164 at least two days in advance of the meeting.** An attempt will be made to make reasonable accommodations.

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 24, 2023**

CALL TO ORDER

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

Roll was called:

ROLL CALL

Present:

Jo Spencer, Chairperson

Mike Powell, Board Liaison

Debby Dehart, Planning Commission Liaison

Clif Seiber

Niklaus Schillack, Vice Chairperson

Others:

Justin Quagliata, Staff Planner

Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

MOTION by Member Powell, seconded by Member Schillack to approve the agenda as presented. The motion carried with a voice vote: (5 yes votes).

APPROVAL OF MINUTES

A. Zoning Board of Appeals Regular Meeting of July 27, 2023

MOTION by Member Seiber, seconded by Member Schillack to approve the minutes of July 27, 2023 as presented. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

OLD BUSINESS

None.

NEW BUSINESS

- A. Applicant: Mykhailo Novoselskyi
7843 Turrillium Lane
Waterford, MI 48327
Location: **9755 Portage Trail**
White Lake, MI 48386 identified as 12-26-177-019
Request: The applicant requests to exceed the allowed value of improvements to a nonconforming structure, requiring a variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures.

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

Staff Planner Quagliata gave a brief report.

The applicant's representative, Aleksander Kudryavstev, 7843 Turrillium Lane, was looking to renovate the building so his father-in-law could have a house in which to retire.

Member Powell asked the applicant if he was a licensed builder. Mr. Kudryavstev said no, but he would be using licensed builders. Member Powell asked the applicant who designed the plans that were submitted to the Building Department. Mr. Kudryavstev said he did a basic drawing, and once approved, he would submit more detailed drawings. Member Powell asked the applicant what type of foundation the home had. Mr. Kudryavstev said the foundation was cinderblock, and he would be reinforcing the foundation as well. The roof would be redone as well.

Member Powell said he was concerned with approving variances this evening when there could be other structural issues with the house that might require the whole building to be demolished.

Member Dehart asked the applicant where the septic was located. Mr. Kudryavstev said the septic was behind the house, and it was operational. Member Dehart asked the applicant if the field was probed. Mr. Kudryavstev said there was an issue with the lack of a sump pump in the house, and did not think there was a septic issue. When the sump pump was installed, the standing water issue outside was rectified.

Member Dehart asked staff if the Building Department would be involved with the septic field. Staff Planner Quagliata said the Building Division did contact the County Sanitarian, and it was indicated the septic field could be utilized without the need for an engineered field only if the existing building remained.

Chairperson Spencer opened the public at 7:17 P.M. Seeing no public comment, she closed the public hearing at 7:17 P.M.

Member Schillack asked staff if the applicant would need a plot plan for a new construction build. Staff Planner Quagliata confirmed.

Mr. Kudryavstev said his father-in-law wanted to live on the property, but as a retired person, the proposed option was the feasible option. Staff Planner Quagliata said the ZBA could not consider financial hardships.

Member Powell said it could potentially cost less to construct a new house than to renovate the existing one.

Tatianna, 7843 Turrillium Lane, Waterford, asked about grandfathering the house. The ZBA came to the consensus of postponing the applicant's request to give the applicant time to come up with more detailed drawings proving the structural integrity of the building.

Member Powell moved to POSTPONE the appeal of Mykhailo Novoselskyi to a date certain or other triggering mechanism for Parcel Number 12-26-177-019, identified as 9755 Portage Trail, to consider comments stated during this hearing after drawings are submitted to the Building Division to show the structure is salvageable.

Member Schillack seconded, and the motion carried with a roll call vote: (5 yes votes) (Powell/yes, Schillack/yes, Dehart/yes, Seiber/yes, Spencer/yes).

- B. Applicant: John Strine
140 Forest Crest Drive
Commerce, MI 48390
Location: **Parcel Number 12-26-408-025**
Request: The applicant requests to construct a single-family house and an accessory building (detached garage), requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width. A variance from Article 3.11.J, Minimum Floor Area is also required.

Chairperson Spencer noted for the record 13 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Powell asked staff what additional variances would be required if the garage were attached to the house. Staff Planner Quagliata said there would be no additional variances needed, and by attaching the garage to the house, one variance would be eliminated.

Member Seiber asked staff about the definition of lot width. Staff Planner Quagliata said the lot width was measured at the front setback line. The lot had two front yard setbacks due to it being a corner lot, and per the Zoning Ordinance, both of the front yards need to meet the minimum lot width requirement.

John Strine, 140 Forestcrest Drive, said he wanted to construct a two-story house on the property. He said he tried to keep the size of the house as small as he could. He was unaware of the variance needed for the garage.

Member Schillack asked the applicant why he chose a detached garage. Mr. Strine said he could attach the garage, he had it drawn detached to save space on the lot.

Member Seiber said the separation between the house and the garage scaled to about 16 feet. The house as drawn was extended 7 feet past the house next door. Mr. Strine said he wanted to keep room on the lot for potential kids to play. He added if the garage was attached to the house, the play area would be behind the garage.

Mr. Strine offered to give up a variance request on the south side to shift the house north. There were large setbacks from the edge of the road due to the extent of the right-of-way.

Member Seiber asked staff if the garage was attached to the house, would it have to meet the rear yard setback of 30 feet. Staff Planner Quagliata confirmed.

Member Dehart asked the applicant if the square footage could be increased to eliminate the variance for square footage minimum. Mr. Strine said he would have to make the house bigger. Member Powell said by doing that, the lot coverage would be increased as well.

Chairperson Spencer opened the public hearing at 7:51 P.M. Seeing no public comment, she closed the public hearing at 7:51 P.M.

The ZBA discussed eliminating the side yard variance request and granting a greater variance for the front yard variance request on Northeastern.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Dehart said there was a practical difficulty with the lot. Member Schillack agreed, and added the narrowness of the lot was a practical difficulty.
- B. Unique Situation
 - Member Powell said the Zoning Ordinance made the lot nonconforming.
- C. Not Self-Created
 - Member Seiber said the applicant did not plat the lot himself; there was not a self-created problem.

D. Substantial Justice

- Member Schillack said a lot of the houses in the area were able to have homes on similarly nonconforming lots. The applicant would be able to do what the neighbors had already had done.

E. Minimum Variance Necessary

- Member Schillack said increasing the side setback from 7 feet to 10 feet helped.

Member Powell moved to APPROVE the variances requested by John Strine from Articles 3.11.J and 3.1.6.E of the Zoning Ordinance for Parcel Number 12-26-408-025 in order to construct a single-family house with 832 square feet on the first floor and total floor area of 1,490 square feet, encroach 12.8 feet into the required north front yard setback and 6.5 feet into the required east front yard setback, and exceed the allowed lot coverage by 4.9%. A 27-foot variance from the required lot width and a 6,355 square foot variance from the required lot area are also granted from Article 3.1.6.E. A 7.4-foot variance to allow an accessory building (detached garage) to encroach into the required north front yard setback 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 Division.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **In no event shall the projection of a roof overhang be closer than five feet to a lot line.**

Member Schillack seconded, and the motion carried with a roll call vote: (5 yes votes) (Powell/yes, Schillack/yes, Seiber/yes, Spencer/yes, Dehart/yes).

- C. Applicant: Lorena Hawkins
1190 Sugden Lake Road
White Lake, MI 48386
Location: **1190 Sugden Lake Road**
White Lake, MI 48386 identified as 12-33-477-003
Request: The applicant requests to construct an elevated deck within the natural features setback, requiring a variance from Article 3.11.Q, Natural Features Setback.

Chairperson Spencer noted for the record 17 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Schillack asked staff if a certified survey was required for this application. Staff Planner Quagliata said not for the application since the house and lot were compliant, but if the deck was approved and constructed, a survey would be required for the area in question.

Member Schillack asked staff if a site plan needed to be certified. Staff Planner Quagliata said if there was a question in regards to a setback dimension, a site plan/plot plan was required to verify compliance.

Lorena Hawkins, 1190 Sugden Lake Road, was present to speak on her case. She just received her survey today. She presented the survey to the ZBA. Her husband, Michael Hawkins, was present as well. She also presented two letters from her neighbors on each side in favor of her request. Mr. Hawkins said the variance requested would be a 15-foot variance, not an 8-foot variance. He said the property was difficult to utilize.

Member Powell asked the applicant if the proposed deck would have the same elevation as the existing deck. Mr. Hawkins said no, there would be two steps and a top deck.

Member Powell asked the applicants their reasoning for encroaching into the natural features setback. Mr. Hawkins said he could not wrap the deck around the north side of the house due to impeding on the well. If he wrapped the deck around the south side, the deck would encroach on the neighboring lot.

Member Powell informed the applicants if the deck were extended to the north, the deck could be elongated from the north and pulled from the west to reduce the variance requested. Mr. Hawkins said his idea was not to get closer to the lake; it was to have a larger area to put out his furniture. He was not trying to be on top of the lake, and the proposed deck was smaller than the surrounding neighbors. Mr. Hawkins said the reason for the deck's location was he did not utilize any of the property north of his dock. The south was where his children played. There was a bay window on the south part of the house a deck would impede. Staff Planner Quagliata stated the Township did not have a view ordinance.

Chairperson Spencer opened the public hearing at 8:25 P.M. She read two letters in favor of the applicant's request into the record. Chairperson Spencer closed the public hearing at 8:27 P.M.

Member Seiber said the lot was huge, as well as the width of the lot being double the required size for the R1-D zoning classification. There was room on the lot to construct a deck without encroaching into the natural features setback.

Member Dehart said the drop-off and topography of the lot presented a practical difficulty.

Mr. Hawkins said the top part of the deck would be attached to the house and covered, and the 20 by 20 area would be open.

Member Powell asked staff if the natural features setback was to protect the natural feature, i.e., the water. Staff Planner Quagliata confirmed. Member Powell said due to the height of the proposed deck, it would be less of an impact to the natural features than if the deck were flat and closer to the ground.

Member Dehart asked staff if the applicants would need a variance if a slab was being poured in the proposed area. Staff Planner Quagliata said no, but the grade could not be artificially altered.

Member Seiber said the drop-off presented a problem for the applicant, and he said the applicant could redesign the deck to reduce the variance requested.

Member Dehart asked the applicant if they could reduce the size of the deck. Mr. Hawkins said he would be hard-pressed to throw out a number that would be comfortable for him.

Member Powell move to POSTPONE the appeal of Lorena Hawkins to a date certain or other triggering mechanism for Parcel Number 12-33-477-003, identified as 1190 Sugden Lake Road, to consider comments stated during this hearing.

Member Schillack seconded, and the motion carried with a roll call vote: (5 yes votes) (Powell/yes, Schillack/yes, Spencer/yes, Seiber/yes, Dehart/yes).

The ZBA recessed at 8:49 P.M. The ZBA returned to session at 8:51 P.M.

- D. Applicant: Kim McFadden
9693 Bonnie Briar Drive
White Lake, MI 48386
Location: **9120 Buckingham Road**
White Lake, MI 48386 identified as 12-14-280-014
Request: The applicant requests to alter a nonconforming structure, requiring a variance from Article 7.23.A, Nonconforming Structures. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to the increase in cubic content.

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

Staff Planner Quagliata gave a brief report.

Member Powell asked staff if a letter was previously provided from a structural engineer. Staff Planner Quagliata confirmed, but said a concern during the 2020 request was the report did not indicate if the structure could support a second story.

Chairperson Spencer asked staff if the Fire Marshal reviewed the case in 2020. Staff Planner Quagliata confirmed, and said the then Fire Marshal, current Fire Chief, recommended denial of the side yard variance request due to safety concerns.

Kim McFadden, 9693 Bonnie Briar, was present to speak on behalf of her case. She said she only wanted to change the pitch of the roof. She would not be adding square footage to the house. She said an engineer did come out to the house and said the house could support a second story.

Member Schillack asked the applicant why the SEV was greater now than in 2020. Ms. McFadden said in 2020, the water was turned off, and she was trying to help the individual who lived there at the time, so she had the previous Assessor reduce the value. Then she had the previous Assessor raise the SEV.

Member Seiber asked the applicant if any more living space would be created on the second floor. Ms. McFadden said no.

Member Powell asked the applicant why they were not going with a more traditional house in the center of the lot. Ms. McFadden said she could not lose the basement. Her builder Andrew Polosky, 2059 Kingston, said the foundation would have to be removed to destroy the house, and the neighbor's driveway would fall in due to the soil quality in the area.

Chairperson Spencer opened the public hearing at 9:04 P.M. Seeing no public comment, she closed the public hearing at 9:05 P.M.

Member Dehart asked the applicant if the basement wall could be left and backfilled. Mr. Polosky said according to building code no.

Member Powell stated the builder was incorrect and the wall could be backfilled without issue, and a brand-new house could be built in the center of the parcel.

Mr. Polosky said interest rates had gone up over the year, and it was not a good time to build.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Powell said the only reason the applicant was not putting an ordinance compliant house on the lot was due to finances, and the lot could support an ordinance compliant house.
 - Member Schillack said he did not see a practical difficulty due to the lot providing a large building envelope.
- B. Unique Situation
 - Member Powell said the parcel had more area than most in the surrounding area.
- C. Not Self-Created
 - Member Powell said there was a self-created problem.
- D. Substantial Justice
 - Member Schillack said he would be concerned about safety.
 - Member Powell said the reason the ZBA could not allow less than a 5-foot side yard setback was due to public health, safety, and welfare.
- E. Minimum Variance Necessary
 - Chairperson Spencer did not see a practical difficulty.
 - Member Dehart said the ZBA was prohibited from granting the variance due to Section 7.27.vii of the Zoning Ordinance.

Member Schillack moved to DENY the variances requested by Kim McFadden for Parcel Number 12-14-280-014, identified as 9120 Buckingham Road, due to the following reason(s):

- **The ZBA was not legally allowed to grant the variance based on Section 7.27.vii and Section 5.3 of the Zoning Ordinance.**
- **Failure to meet the standards of Article 7, Section 37 of the ClearZoning Ordinance.**

Member Powell seconded, and the motion carried with a roll call vote: (5 yes votes) Schillack/yes, Powell/yes, Dehart/yes, Seiber/yes, Spencer/yes).

OTHER BUSINESS

None.

NEXT MEETING DATE: September 28, 2023

ADJOURNMENT

MOTION by Member Dehart, seconded by Member Powell to adjourn at 9:22 P.M. The motion carried with a voice vote: (5 yes votes).

DRAFT

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: September 28, 2023

Agenda item: 7a

Appeal Date: September 28, 2023 (Postponed from April 27, 2023)

Applicant: John and Gina Smerecki

Address: 8979 Lakeview Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 8979 Lakeview Drive
White Lake, MI 48386

Property Description

The 0.166-acre (7,255.2 square feet) parcel identified as 8979 Lakeview Drive is located on the south side of Lakeview Drive, west of Fairview Drive, and zoned R1-D (Single-Family Residential). The single-family house on the property utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

John and Gina Smerecki, the Applicants, are proposing to demolish an existing accessory building to construct a two-story accessory building (detached garage). Including the 19.5-foot by 32-foot (624 square feet) first-floor and the approximately 464 square foot second-story, the overall size of the garage is approximately 1,088 square feet.

Planner's Report

The following changes were made to the plan since the last meeting:

- Eliminated wall height variance request. Previously requested a two-foot variance to allow 16-foot wall height. Now 14 feet is proposed.
- Shifted accessory building 0.3 foot north. Applicants stated this is to achieve a 10-foot separation from the dry well tank.

The proposed accessory building would encroach 23.8 feet (previously 23.5 feet) into the required 30-foot front yard setback. Additionally, the proposed lot coverage is 23.1% (1,676.5 square feet), which is 3.1% (225.5 square feet) beyond the allowable limit (1,451 square feet).

The parcel is also nonconforming due to a 4,744.8 square foot deficiency in lot area and a 50-foot deficiency in lot width (30 feet in width at the front lot line); in the R1-D zoning district the minimum lot area requirement is 12,000 square feet and the minimum lot width requirement is 80 feet. The Applicants are requesting variances to address the area and width nonconformities.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	23.8 feet	6.2 feet
2	Article 3.1.6.E	Maximum lot coverage	20%	3.1%	23.1%
3	Article 3.1.6.E	Minimum lot area	12,000 square feet	4,744.8	7,255.2
4	Article 3.1.6.E	Minimum lot width	80 feet	50 feet	30 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by John and Gina Smerecki from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, in order to construct an accessory building (detached garage) that would encroach 23.8 feet into the required front yard setback and exceed the allowed lot coverage by 3.1%. A 50-foot variance from the required lot width and a 4,744.8 square foot variance from the required lot area 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 Division.
- A foundation certificate shall be required prior to the backfill inspection by the Building Division.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.
- In no event shall the projection of any roof overhang be closer than five feet to the side lot lines.
- The second-story of the garage shall not be used as living space.
- No sanitary sewer/septic service shall be extended to the garage.

Denial: I move to deny the variances requested by John and Gina Smerecki for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, due to the following reason(s):

Postpone: I move to postpone the appeal of John and Gina Smerecki *to a date certain or other triggering mechanism* for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, to consider comments stated during this hearing.

Attachments:

1. Variance application dated March 30, 2023.
2. Applicant's written statement dated March 30, 2023.
3. Site plan prepared by Tri-County Surveying, Inc. dated August 1, 2023.
4. Architectural plan.
5. Letter of denial from the Building Official dated March 8, 2023.
6. Minutes of the April 27, 2023 Zoning Board of Appeals meeting.

7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION

Item A.

Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: John + Gina Smerecki PHONE: 248-787-4420

ADDRESS: 8979 Lakeview Dr., White Lake, MI 48386

APPLICANT'S EMAIL ADDRESS: ginasmerecki@gmail.com

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

ADDRESS OF AFFECTED PROPERTY: 8979 Lakeview Dr. PARCEL # 12 - 36-302-005

CURRENT ZONING: Residential PARCEL SIZE: 7,100 sq. ft

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 5.7 (C), Article 3.1.6

VALUE OF IMPROVEMENT: \$ unknown SEV OF EXISITING STRUCTURE: \$ N/A

STATE REASONS TO SUPPORT REQUEST: (ATTACH WRITTEN STATEMENT TO APPLICATION)

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

APPLICANT'S SIGNATURE: John Smerecki DATE: 3-30-23
Gina Smerecki

March 30, 2023

John and Gina Smerecki
8979 Lakeview Dr
White Lake, MI 48386

White Lake Township
Zoning Board of Appeals

Re: Proposed Accessory Structure

Our plans do not satisfy the White Lake Township Clear Zoning Ordinances for Accessory Structures with respect to Article 5.7 (maximum building wall height of 14 ft) and Article 3.1.6 (minimum front yard setback of 30 ft, minimum lot width of 80 ft, and minimum lot area of 12,000 sq ft.)

When we purchased this home, the original garage was in complete disrepair. It looks bad, the door doesn't work, and animals are getting in through the rotted siding. We are unable to use it as we should. We assumed we would be able to expand it to create a 2-car garage like most of our neighbors have. Also, we are in need of additional storage, thus the addition of a second story attic.

We didn't realize the existing structures and lot are non-conforming. The original drawing we submitted was to keep the location of the west wall and expand from there to give us a 22' wide 2-car garage. We had hoped the location of the west wall would be grandfathered in. This would have allowed us to keep a larger walkway on the east side. We learned we have to completely demolish the existing structure and move it to the center of the lot to comply with the side yard setback requirements. Therefore, we resubmitted plans for a 19.5' wide garage, centered in the width of the lot.

We are asking for variances on the wall height and front yard setbacks.

This will be a huge improvement to the condition, appearance and usability of our garage. Our neighbors are aware of our plans and support us making this upgrade. Some of them were able to achieve wider garages than us on the same width lot. And, our next door neighbor only has about a 1 foot front yard setback to their existing garage.

These old lakefront "cabin" lots require updating and care, thus we intend to increase the value of our property with your support in granting us these variances. The family we bought this house from used it as a second/lake home. We live here year round, and plan to stay here for the rest of our lives and we love living in White Lake.

Sincerely,
John and Gina Smerecki

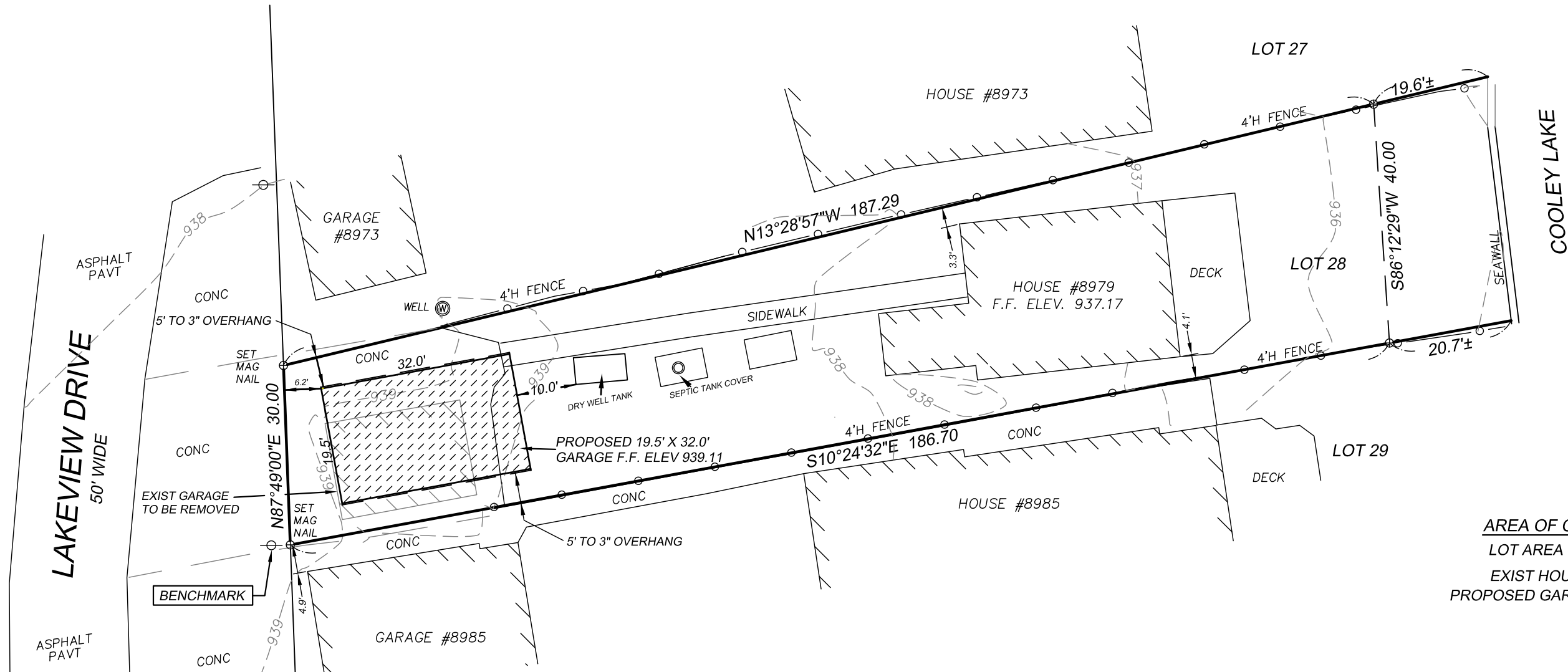
GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.



BENCH MARK
 NAIL IN UTILITY POLE AT NORTHWEST
 CORNER OF LOT 28
 ELEV. 939.21 NAVD 88 DATUM

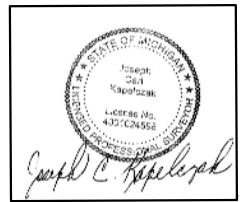


AREA OF COVERAGE
 LOT AREA - 7,255.2 S.F.
 EXIST HOUSE - 1,052.5 S.F.
 PROPOSED GARAGE - 624.0 S.F.
 1,676.5 S.F. = 23.1%

PARCEL 12-36-302-005 DESCRIPTION
 LOT 28 OF "HARRY & MATTIE BERTRAM'S LOG CABIN
 PARK", A SUBDIVISION OF PART OF THE WEST 1/2 OF
 THE SOUTHWEST 1/4 OF SECTION 36, T.3N., R.8E.,
 WHITE LAKE TOWNSHIP, OAKLAND COUNTY,
 MICHIGAN AS RECORDED IN LIBER 39 OF PLATS,
 PAGE 23, OAKLAND COUNTY RECORDS.

LEGEND

- EXIST CONTOURS ——— 945 ———
- EXIST SPOT ELEVATIONS × 948.65
- UTILITY POLE ⊕
- SET IRON/MAG NAIL ⊕
- PROPOSED GARAGE [Hatched Box]

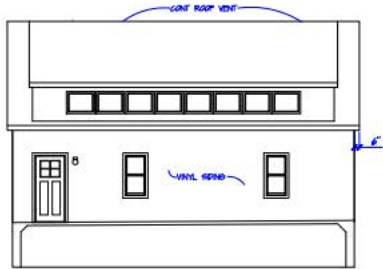


REVISED 8/01/23
 SEPTIC TANK AND FIELD LOCATION
 DRY WELL TANK FIELD LOCATED

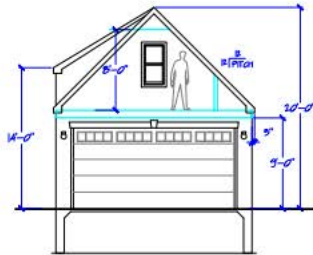
Drawn: _____	LAS _____
Designed: _____	DATE _____
Checked: _____	ISSUED FOR _____
PROPOSED GARAGE CONSTRUCTION	

8979 LAKEVIEW DRIVE
 WHITE LAKE TOWNSHIP
 OAKLAND COUNTY, MI.

Scale:
 1"=20'
 Date:
 8/01/23
 Job No.:
 11061
 Sht. No.
 1 OF

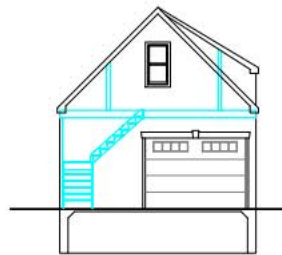


EAST ELEVATION



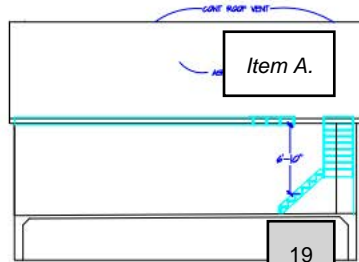
NORTH ELEVATION (FROM STREET)

scale 1/4" = 1'-0"



SOUTH ELEVATION (FROM HOUSE)

scale 1/4" = 1'-0"



WEST ELEVATION

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS MEETING
APRIL 27, 2023**

Item A.

CALL TO ORDER

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

ROLL CALL

PRESENT:

Jo Spencer, Chairperson
Niklaus Schillack, Vice Chairperson
Debby Dehart, Planning Commission Liaison
Clif Seiber
Tony Madaffer

OTHERS:

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

12 members of the public present.

APPROVAL OF AGENDA

MOTION by Schillack, seconded by Dehart to approve the agenda as presented. The motion carried with a voice vote (5 yes votes).

APPROVAL OF MINUTES

A. Zoning Board of Appeals Regular Meeting of March 23, 2023

MOTION by Schillack, seconded by Seiber to approve the minutes of March 23, 2023 as presented. The motion carried with a voice vote (5 yes votes).

CALL TO THE PUBLIC

None.

NEW BUSINESS

A. Applicant: Scott Ruggles
6385 White Lake Road

White Lake, MI 48383

Location: **Parcel Number 12-21-426-007**

Request: The applicant requests to extend the issuance period for a temporary use permit, requiring a variance from Article 7.20, Temporary Buildings and Uses.

Chairperson Spencer noted for the record 15 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 1 letter was returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave his report.

Member Schillack asked staff if there was an address associated with the parcel number. Staff Planner Quagliata said no. Member Schillack asked staff why the applicant was before the ZBA tonight. Staff Planner Quagliata said the variance allowing temporary use permits expired years ago, and there needed to be a renewal of the variance for the use to continue.

Member Dehart asked staff if the variance ran with the property or with the applicant. Staff Planner Quagliata said the variance ran with the permit.

Scott Ruggles, 6385 White Lake Road, was present to speak on his case. His family had been farming in the Township and setting up the stand on this property for 35 years. He said it was recently brought to his attention the previous variance allowing temporary use permits had expired.

Member Seiber asked Mr. Ruggles why the extra 30 days on his permit was needed. Mr. Ruggles said it was for fall related produce such as hay, corn stalks, pumpkins and mums.

Chairperson Spencer opened the public hearing at 7:11 P.M. Seeing no public comment, she closed the public hearing at 7:11 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Member Seiber said the selling season was really four months, and he could see the need for a four-month period. He was uncertain about the need for a five-year approval.
- Member Schillack said he saw a practical difficulty with the selling season being four months.

B. Unique Situation

- Chairperson Spencer said it was a unique situation as the parcel was undeveloped and being utilized.

C. Not Self-Created

- Chairperson Spencer said there was not a self-created problem.

D. Substantial Justice

- Member Schillack said there was substantial justice in regard to the applicant’s use of the property, since the property was zoned Agricultural.
- E. Minimum Variance Necessary
- Chairperson Spencer said she did not see a problem with the applicant’s request for five years.

MOTION by Member Schillack to approve the variance requested by Scott Ruggles from Article 7.20 of the Zoning Ordinance for Parcel Number 12-21-426-007 in order to extend the permit period for a temporary roadside stand. This approval will have the following conditions:

- Each year the Applicant shall obtain a temporary use permit from the Building Division.
- Activity associated with the temporary use shall be limited to July 1 through October 31, with site cleanup to be completed by November 6.
- Only one tent shall be permitted with the temporary use.
- Only one sign no larger than 32 square feet in size may be permitted and must meet sign setback requirements.
- The variance shall expire on April 27, 2028.

**Member Dehart supported, and the motion CARRIED with a roll call vote (5 yes votes):
(Schillack/yes, Dehart/yes, Madaffer/yes, Spencer/yes, Seiber/yes)**

- B. Applicant: Michael & Carolyn Roy
471 Joanna K Avenue
White Lake, MI 48386
Location: **471 Joanna K Avenue**
White Lake, MI 48386 identified as 12-22-427-014
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring a variance from Article 7.23.A, Nonconforming Structures. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 29 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave his report.

Member Schillack asked staff if the application in 2020 was incorrect in regard to the east side-yard setback. Staff Planner Quagliata said yes, there was not a certified survey provided for the property at the time of the hearing in 2020. There was a survey provided with the new application.

Member Schillack stated this case was an example of how a survey made the application process easier for all parties involved.

Sarah Roy, 471 Joanna K, was present to speak on behalf of her case. She said her parents were looking to make the house more multi-generational. They wanted everything on one level.

Member Seiber asked the applicant if the garage on the east side of the lot was being demolished. Ms. Roy confirmed. Member Seiber asked Ms. Roy if the garage could be reconstructed so the side-yard setback would be in conformance. Ms. Roy said that would encroach on the proposed first floor laundry, and would be shrinking functional living space.

Chairperson Spencer asked Ms. Roy if the functional living space could be reconfigured to the front of the house. Ms. Roy said it was an idea to consider, and it had not been brought up prior.

The applicant's redesigned floor plans were not included with this evening's documents. Ms. Roy stated she was unaware she did not submit them.

Member Seiber said he did not see a practical difficulty because the nonconforming garage would be torn down, and the lot was big enough to build a conforming house without variances.

Chairperson Spencer opened the public hearing at 7:41 P.M. Seeing no public comment, she closed the public hearing at 7:41 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Seiber said he did not see a practical difficulty as there was plenty room on the site and alternatives were available.
 - Member Dehart said she saw a practical difficulty for the allowed improvements for a nonconforming structure, but did not see a practical difficulty for the variance on the side yard.
- B. Unique Situation
 - Member Dehart said if there was not a practical difficulty based on the parcel; there was no unique situation.
- C. Not Self-Created
 - Member Schillack said the applicant did not build the house, but there were alternatives to construct an addition within the building envelope.
- D. Substantial Justice
 - Member Schillack said in contrary, other property owners did not have the same access to a large building envelope like this property.
- E. Minimum Variance Necessary
 - Member Schillack said because the building envelope was so large, an addition could be built with reduced variances, or none at all.

Member Seiber MOVED to deny the variances requested by Michael and Carolyn Roy for Parcel Number 12-22-427-014, identified as 471 Joanna K Avenue, due to the following reason(s):

- **The lot had sufficient area and width to accommodate additions to the house without needing variances.**
- **Failure to meet the standards from Article 7, Section 37 from the ClearZoning Ordinance.**

Member Dehart supported, and the motion CARRIED with a roll call vote (5 yes votes): (Seiber/yes, Dehart/yes, Spencer/yes, Madaffer/yes, Schillack/yes).

- C. Applicant: Father & Son Construction
5032 Rochester Road, Suite 100
Troy, MI 48085
Location: **3939 Jackson Boulevard**
White Lake, MI 48383 identified as 12-07-160-024
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

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

Staff Planner Quagliata gave his report.

Member Seiber asked staff if the applicant put an awning on the porch, would a variance still be required. Staff Planner Quagliata said no, depending on the type of awning proposed.

Mike Vivona, 5032 Rochester Road, was present to speak on behalf of the applicant. He said he was looking to enhance the property for his client, and wanted to use a similar footprint for the covered porch as the existing uncovered deck.

Michael Del Proposto, 3939 Jackson Boulevard, also spoke. He said the house was his lake house in which to retire. He was aware the house needed renovations, and he wanted to bring the house up to code and to retire in it.

Member Seiber asked the property owner about the overhead wires on the property. Mr. Del Proposto said he spoke with DTE about moving the lines, but the discussion never went anywhere.

Chairperson Spencer opened the public hearing at 8:09 P.M.

Kimberley Del Proposto, 3939 Jackson Boulevard, said they had tried to work with DTE but there was also opposition from a neighbor.

Lisa Pfeiffer, 4270 Leroy, spoke in favor of the applicant's request.

Chairperson Spencer closed the public hearing at 8:11 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Schillack said he saw a practical difficulty based on the land and lot configuration.
- B. Unique Situation
 - Member Dehart said there was a unique situation with the canal along the lot.
- C. Not Self-Created
 - Chairperson Spencer said there was not a self-created problem. Member Dehart agreed.
- D. Substantial Justice
 - Chairperson Spencer said by granting the variances, the applicant would receive substantial justice. Member Schillack agreed.
- E. Minimum Variance Necessary
 - Member Schillack said the footprint was not being increased, but being reduced in some places.

Member Schillack MOVED to approve the variances requested by Father and Son Construction from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-07-160- 024, identified as 3939 Jackson Boulevard, in order to construct a covered front porch and second-story addition. Variances from Article 7.23.A are granted to allow: a covered front porch to encroach 11.7 feet into the required front yard setback and exceed the allowed lot coverage by 5.5%, and a second-story addition to encroach 4 feet into the required setback from the east side lot line and 9 feet into the required front yard setback. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 121%. An 18.4-foot variance from the required lot width and a 5,808 square foot variance from the required lot area 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 Division.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **In no event shall the projection of any roof overhang be closer than five feet to the side lot lines.**
- **A revised building permit application shall be submitted.**

Member Madaffer supported, and the motion CARRIED with a roll call vote (5 yes votes): (Schillack/yes, Madaffer/yes, Seiber/yes, Dehart/yes, Spencer/yes).

- D. Applicant: John & Gina Smerecki
8979 Lakeview Drive

White Lake, MI 48386

Location: **8979 Lakeview Drive**

White Lake, MI 48386 identified as 12-36-302-005

Request: The applicant requests to construct an accessory building, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width. A variance from Article 5.7.C, Accessory Buildings or Structures in Residential Districts is also required due to the wall height.

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

Staff Planner Quagliata gave his report.

John Smerecki, 8979 Lakeview Drive, was present to speak on his case. He said he wanted a garage to keep his vehicles secure, and would use the upstairs shop for woodworking and storage.

Member Seiber asked the applicant about the purpose of the second floor of the garage. Mr. Smerecki said it would be used for woodworking, hobby work, and exercising. He wanted to leave his options open. Member Seiber asked if the slope could be reduced to meet the required wall height of 14 feet. Mr. Smerecki said he could, but it would restrict usability. The location of the septic field was not shown on the survey. The well was located in the house.

Member Dehart was concerned if the current well failed, would there be enough room on the lakeside to install a new one. Mr. Smerecki said he spoke to his neighbors and there would not be an issue with moving fences to install a new well.

Chairperson Spencer was concerned with the proposed second story of the garage being used as an office.

Chairperson Spencer opened the public hearing at 8:29 P.M. Seeing no public comment, she closed the public hearing at 8:29 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

Regarding all standards from Article 7, Section 37 of the ClearZoning Ordinance, Member Schillack stated it was difficult to make a decision without all of the data, and was concerned with the septic field not being identified on the survey. Staff Planner Quagliata stated that he shared that requirement with the applicants. Member Seiber said the location of the septic field had an impact on the placement of the proposed garage.

A. Practical Difficulty

- Member Dehart said the applicant needed room between the house and the garage in case of a future septic failure.
- B. Unique Situation
- Member Dehart said the garages on the properties near the house were closer the road.
- C. Not Self-Created
- Member Seiber said in regard to the variance for the height of the garage, the problem was self-created.
- D. Substantial Justice
- Member Seiber said in regard to the variance for the height of the garage, the problem was self-created.
- E. Minimum Variance Necessary
- Member Seiber said without a septic field location, the minimum variance necessary was unknown.

Member Dehart MOVED to postpone the appeal of John and Gina Smerecki to a date certain or other triggering mechanism for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, to consider comments stated during this hearing, most importantly being the location of the septic field and tank on a site plan prepared by a surveyor.

Member Seiber supported, and the motion CARRIED with a roll call vote (5 yes votes): (Dehart/yes, Seiber/yes, Schillack/yes, Spencer/yes, Madaffer/yes).

- E. Applicant: Patrick & Lesa Pfeiffer
4270 Leroy Street
White Lake, MI 48383
Location: **4270 Leroy Street**
White Lake, MI 48383 identified as 12-07-160-016
Request: The applicant requests to install a swimming pool, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Maximum Lot Coverage, Article 3.11.Q, Natural Features Setback, and Article 5.10, Swimming Pools.

Chairperson Spencer noted for the record 17 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave his report. He also noted the site plan showed the septic tank but not the septic field.

Member Seiber asked staff if when variances were granted in 2012 was language regarding the required 5-foot overhang setback in the Zoning Ordinance. Staff Planner Quagliata said yes. He also said the current lot coverage violated the previous variance for lot coverage, and the house did not comply with the side yard setback variance previously granted.

Patrick and Lesa Pfeiffer, 4270 Leroy, were present to speak on their case. Mr. Pfeiffer said he bought the house from his aunt when the original house burned down and he built the current house. There was a consent judgement to approve the current footprint and then to request a variance. He said he was granted variances in 2012, and started construction in 2013. He was told at that time he did not need a permit for the accessory building due to it being under 200 square feet. He said he did obtain permits from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for the seawall.

Staff Planner Quagliata said the consent judgement was denied by the Township Board in 1999. The variances were the only building related restrictions in place.

Member Schillack asked the applicant where the septic field was. Mr. Pfeiffer said the field was running down the east side yard lot line.

Building Official Spencer said the seawall was actually a retaining wall, and would have needed a permit through the Building Department due to the required engineering of a retaining wall. He stated the retaining wall was not on the applicant's property.

Member Schillack said he did not have the data in front of him showing the septic field and did not presently feel comfortable making a decision without all of the information.

Member Seiber asked the applicant if the pool could be moved to eliminate the natural features setback variance. Mr. Pfeiffer said he was here to listen and to compromise. Member Seiber said if the pool could be shifted 10 inches, the only issue remaining was the side yard setback on each side and the lot coverage.

Chairperson Spencer opened the public hearing at 9:26 P.M. Seeing no public comment, she closed the public hearing at 9:27 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Member Schillack said he did not have the minimum data necessary to make a decision which was part of the application process.
- Member Dehart said the site was nonconforming.
- Chairperson Spencer said she did not see a practical difficulty.

B. Unique Situation

- Member Schillack said he did not have the minimum data necessary to make a decision which was part of the application process.
- Chairperson Spencer did not see a unique situation.

C. Not Self-Created

- Member Schillack said he did not have the minimum data necessary to make a decision which was part of the application process.

D. Substantial Justice

- Member Schillack said he did not have the minimum data necessary to make a decision which was part of the application process.

E. Minimum Variance Necessary

- Member Schillack said he did not have the minimum data necessary to make a decision which was part of the application process.

Member Seiber said the property had a variety of issues needing to be resolved, and it may be beneficial to postpone the case in order to allow the applicants to meet with the Building Department to address the outstanding issues.

Staff Planner Quagliata stated there was nothing the Building Department could discuss with the applicants.

Member Seiber MOVED to deny the variance requested by Patrick and Lesa Pfeiffer for Parcel Number 12-07-160-016, identified as 4270 Leroy Street, due to the following reason(s):

Violations of the previously granted variances for side yard setbacks and lot coverage; the garage violation of the front yard setback; construction of an accessory building and attached overhangs without a building permit, which is considered unlawful; and failure to meet the standards from Article 7, Section 37 from the ClearZoning Ordinance.

The applicant is advised the accessory building overhangs closer than 5 feet to a property line is not permitted and hereby ordered to be removed. Enforcement may commence regarding the accessory building overhangs with or without action by the ZBA.

Member Madaffer supported, and the motion CARRIED with a roll call vote: (Seiber/yes, Madaffer/yes, Schillack/yes, Spencer/yes, Dehart/no).

OTHER BUSINESS

None.

NEXT MEETING DATE: May 25, 2023

ADJOURNMENT

MOTION by Member Schillack, seconded by Member Seiber to adjourn at 9:41 P.M.

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: September 28, 2023

Agenda item: 7b

Appeal Date: September 28, 2023 (Postponed from August 24, 2023)

Applicant: Mykhailo Novoselskyi

Address: 7843 Turrillium Lane
Waterford, MI 48327

Zoning: R1-D Single Family Residential

Location: 9755 Portage Trail
White Lake, MI 48386

Property Description

The approximately 0.256-acre (11,151 square feet) parcel identified as 9755 Portage Trail is located at the intersection of Log Cabin Trail and Portage Trail and zoned R1-D (Single Family Residential). The existing house on the property (approximately 740 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Mykhailo Novoselskyi, the Applicant, is proposing to renovate the existing building.

Planner's Report

The following information was submitted since the last meeting:

- Building renovation plans prepared by Sark & Associates.
- Letter/report from Greg Sarkisian, P.E. stating the existing foundation is sound and the building can be renovated without need for reinforcement of the foundation.

Currently the existing house is nonconforming; the building is located approximately 24 feet (at the closest point) from the front lot line. A minimum 30-foot front yard setback is required in the R1-D zoning district.

On May 18, 2022 a Stop Work Order was issued due to renovation and structural repairs being completed without a building permit. On December 5, 2022 it was determined the building was in violation of the International Property Maintenance Code and the Dangerous Buildings Ordinance; the building is not suitable for habitation. To avoid proceedings being initiated before the Dangerous Buildings Hearing Officer, the property owner submitted plans to repair the building.

Section 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 twelve (12) consecutive months. Based on the SEV of the structure (\$2,500), the maximum extent of improvements cannot exceed \$1,250. As indicated by the Applicant, the value of the proposed work is \$27,665.63. A variance to exceed the allowed value of improvements by 2,213% is requested. Based on the submitted plans and scope of the project, staff believes the valuation of work is underestimated. For reference, the February 2023 Building Valuation Data published by the International Code Council estimates cost of single-family residential construction at \$167.37 per square foot for living areas. A staff estimate for the value of improvement is approximately \$60,000.

If the Board decides to approve the request, it may consider establishing a timeline to complete the improvements as a condition of the variance.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.28.A	Nonconforming structure	50% SEV (\$1,250)	4,800%	\$58,750 over allowed improvements

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Mykhailo Novoselskyi from Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-177-019, identified as 9755 Portage Trail, in order to repair a nonconforming building and exceed the allowed value of improvements to a nonconforming structure by 4,800%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- The building permit fee shall be based on a value of improvement of \$60,000.

Denial: I move to deny the variance requested by Mykhailo Novoselskyi for Parcel Number 12-26-177-019, identified as 9755 Portage Trail, due to the following reason(s):

Postpone: I move to postpone the appeal of Mykhailo Novoselskyi *to a date certain or other triggering mechanism* for Parcel Number 12-26-177-019, identified as 9755 Portage Trail, to consider comments stated during this hearing.

Attachments:

1. Variance application dated July 20, 2023.
2. Building renovation plans prepared by Sark & Associates dated September 9, 2023.
3. Letter/report from Greg Sarkisian, P.E. dated September 14, 2023.
4. Cost of construction prepared by the Applicant.
5. Building permit application dated July 20, 2023.
6. Letter from the Building Official dated May 18, 2022.
7. Letter from the Building Official dated December 5, 2022.

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.

ZONING BOARD OF APPEALS APPLICATION

Item B.

Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: Mykhailo Novoselsky; PHONE: 248-861-8587
 ADDRESS: 9755 Postage Trl White Lake MI
 APPLICANT'S EMAIL ADDRESS: 7843 Turillium Ln Waterford MI
 APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 9755 Postage Trl PARCEL # 12 - 26-177-01
 CURRENT ZONING: Residential PARCEL SIZE: _____

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

STATE REASONS TO SUPPORT REQUEST: (ATTACH WRITTEN STATEMENT TO APPLICATION)

APPLICATION FEE: 4385 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
 APPLICANT'S SIGNATURE: [Signature] DATE: 7/20/23

Thursday, August 24th
Redapples1984@gmail.com

RECEIVED
JUL 20 2023
COMMUNITY DEVELOPMENT DEPARTMENT

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Revision Table	Number	Date	Revised By	Description

ENERGY NOTES:

1. MEET OR EXCEED PRESCRIPTIVE REQUIREMENTS OF THE 2015 MICHIGAN UNIFORM ENERGY CODE FOR HOUSING, TABLE 402.1.1 FOR CLIMATE ZONE 5A
2. FENESTRATION U-FACTOR: 0.32
3. EXTERIOR WALL INSULATION: R-20
4. FLOOR OVER CRAWLSPACE INSULATION: R-19 MINIMUM
5. ATTIC INSULATION: MINIMUM R-38
6. ATTIC WALL INSULATION: R-20

GENERAL NOTES:

CONTRACTOR/OWNER IS RESPONSIBLE FOR ALL REQUIRED PERMITS AND INSPECTIONS AS NECESSARY.

CONTRACTOR/OWNER SHALL VERIFY THE SIZES, LOCATIONS, ELEVATIONS, AND DETAILS OF EXISTING CONDITIONS THAT AFFECT THE WORK AND SHALL INFORM THE ENGINEER OF ANY DISCREPANCIES IN DIMENSIONS, SIZES, LOCATIONS, AND CONDITIONS BEFORE PROCEEDING WITH ANY WORK OR PROCURING MATERIALS.

CONTRACTOR/OWNER IS RESPONSIBLE FOR ALL SHORING, BRACING, AND UNDERPINNING AND ALL OTHER MEANS REQUIRED TO MAINTAIN THE SAFETY, INTEGRITY, AND STABILITY OF ALL EXISTING AND NEW CONSTRUCTION.

CONTRACTOR/OWNER SHALL FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS OF THE BUILDING INCLUDING UTILITIES, SERVICES, ETC., AND SHALL BE FULLY RESPONSIBLE FOR ANY UNAUTHORIZED DISRUPTION TO THE OWNER'S NORMAL USE OF UTILITIES AND SERVICES.

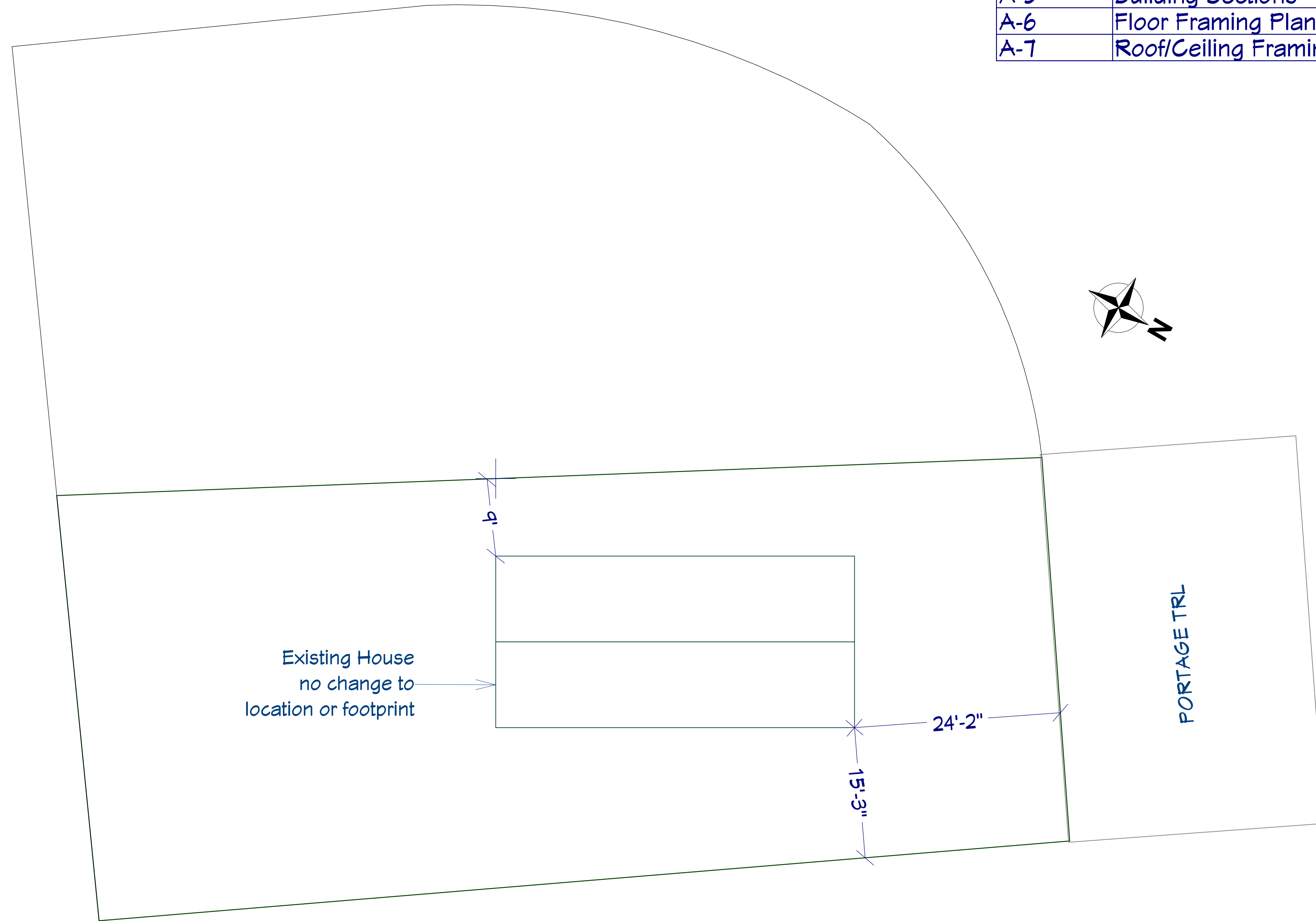
CONTRACTOR/OWNER SHALL FAMILIARIZE THEMSELVES WITH THE CONSTRUCTION DOCUMENTS AND SHALL INFORM THE ENGINEER OF ANY DISCREPANCIES IN DIMENSIONS, SIZES, AND LOCATIONS PRIOR TO BEGINNING WORK AND PROCURING MATERIALS.

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE OWNER, ENGINEER AND/OR THEIR SUBCONSULTANTS SHALL NOT BE EXPECTED TO ASSUME RESPONSIBILITY FOR ANY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

CONTACT MISS DIG, 1-800-482-7171 TO HAVE EXISTING UTILITIES LOCATED PRIOR TO PERFORMING ANY DEMO AND/OR EXCAVATION ON THE SITE.

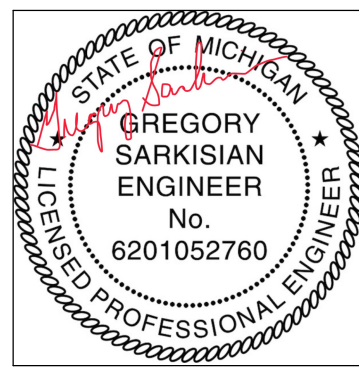
CONTRACTOR/OWNER SHALL INDEMNIFY THE ENGINEER FROM ERRORS AND OMISSIONS WHICH CAN OR MAY OCCUR DURING THE PREPARATION OF THIS DOCUMENT.

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Site Plan
1/8 in = 1 ft

Cover Sheet



Project Information
9755 Portage Trl
White Lake, Michigan

SARK & ASSOCIATES
ENGINEERS • CONSULTANTS
47448 Pontiac Trl, Ste 147
Livonia, Michigan 48150-9493
greg@sarkassoc.com

9/9/23

Cover

Stamped electronically 9-9-2023

Design in accordance with Michigan Residential Code 2015

CODE REQUIREMENTS:

R311.7 STAIRWAYS
R311.7.1 WIDTH. STAIRWAYS SHALL NOT BE LESS THAN 36" IN CLEAR WIDTH. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5" ON EITHER SIDE OF THE STAIRWAY AND THE MINIMUM CLEAR WIDTH OF THE STAIRWAY AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL NOT BE LESS THAN 31.5".
R311.7.4.1 RISER HEIGHT. THE MAXIMUM RISER HEIGHT SHALL BE 8-1/4".
R311.7.4.2 TREAD DEPTH. THE MINIMUM TREAD DEPTH SHALL BE 9".

R311.7.8 HANDRAILS
 HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS. R311.7.8.1 HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, SHALL NOT BE LESS THAN 34" AND NOT MORE THAN 38".

R213 GUARDRAILS
 GUARDS SHALL BE A MINIMUM OF 36" HIGH ALONG OPEN-SIDED FLOOR AREAS 30" ABOVE ADJACENT FINISHED FLOORS OR 34" HIGH ALONG STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE ADJACENT FINISHED FLOORS OR GRADE. HANDRAIL AND BALUSTRADE SHALL BE CONSTRUCTED ACCORDING TO MRC-312.2. SPACING SHALL BE SUCH THAT A 4" SPHERE CANNOT PASS THROUGH.

R314 SMOKE ALARMS
 SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS:
 1. IN EACH SLEEPING ROOM.
 2. OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF BEDROOMS.
 3. ON EACH ADDITIONAL STORY OF THE DWELLING, NOT INCLUDING CRAWLSPACES AND UNINHABITABLE ATTICS. WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AN INDIVIDUAL DWELLING UNIT THE ALARM DEVICES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. THE ALARM SHALL BE CLEARLY AUDIBLE IN ALL BEDROOMS OVER BACKGROUND NOISE LEVELS WITH ALL INTERVENING DOORS CLOSED.

R315 CARBON MONOXIDE ALARMS
 CARBON MONOXIDE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS:
 1. OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF BEDROOMS (FOR DWELLING UNITS WITH FUEL-FIRED APPLIANCES)

R316 FOAM PLASTIC
 ALL FOAM PLASTIC SHALL HAVE A FLAME SPREAD INDEX NOT EXCEED 75 WITH AN ACCOMPANYING SMOKE DEVELOPED INDEX NOT TO EXCEED 450 WHEN TESTED IN ACCORDANCE WITH ASTM E 84 OR UL T23.

R317 PROTECTION AGAINST DECAY SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS BY USE OF NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE TREATED IN ACCORDANCE WITH ANFA U1 FOR THE SPECIES, PRODUCT, PRESERVATIVE AND END USE. PRESERVATIVES SHALL BE LISTED IN SECTION 4 OF ANFA U1.
 1. WOOD JOISTS OR THE BOTTOM OF A WOOD STRUCTURAL FLOOR WHEN CLOSER THAN 18" OR WOOD GIRDERS WHEN CLOSER THAN 12" TO THE EXPOSED GROUND IN CRAWLSPACES OR UN-EXCAVATED AREA LOCATED WITHIN THE PERIPHERY OF THE BUILDING FOUNDATION.
 2. ALL WOOD FRAMING MEMBERS THAT REST ON CONCRETE OR MASONRY EXTERIOR FOUNDATION WALLS AND ARE LESS THAN 8" FROM THE EXPOSED GROUND.
 3. SILLS AND SLEEPERS ON A CONCRETE OR MASONRY SLAB THAT IS IN DIRECT CONTACT WITH THE GROUND UNLESS SEPARATED FROM SUCH SLAB BY AN IMPERVIOUS MOISTURE BARRIER.
 4. THE ENDS OF WOOD GIRDERS ENTERING EXTERIOR MASONRY OR CONCRETE WALLS HAVING CLEARANCES OF LESS THAN 1/2" ON TOPS, SIDES, AND ENDS.
 5. WOOD SIDING, SHEATHING AND WALL FRAMING ON THE EXTERIOR OF A BUILDING HAVING A CLEARANCE OF LESS THAN 6" FROM THE GROUND.
 6. WOOD STRUCTURAL MEMBERS SUPPORTING MOISTURE-PERMEABLE FLOORS OR ROOFS THAT ARE EXPOSED TO THE WEATHER, SUCH AS CONCRETE OR MASONRY SLABS, UNLESS SEPARATED FROM SUCH FLOORS OR ROOFS BY AN IMPERVIOUS MOISTURE BARRIER.
 7. WOOD FURRING STRIPS OR OTHER WOOD FRAMING MEMBERS ATTACHED DIRECTLY TO THE INTERIOR OF EXTERIOR MASONRY WALLS OR CONCRETE WALLS BELOW GRADE EXCEPT WHERE AN APPROVED VAPOR RETARDER IS APPLIED BETWEEN THE WALL AND THE FURRING STRIPS OR FRAMING MEMBERS.

R403.1.6 FRAMING ANCHOR TO FOUNDATION
 PROVIDE TREATED SILL PLATE WITH SILL SEALER & MIN 1/2" DIAMETER ANCHOR BOLTS MINIMUM T" INTO FOUNDATION, AT 6' O.C., MIN 12" FROM END - OR APPROVED ANCHORS OR ANCHOR STRAPS SPACED AS REQUIRED TO PROVIDE EQUIVALENT ANCHORAGE.
 (SIMPSON MAB STRAP ANCHORS AT 42" O.C. MAX)

R502.6 JOIST BEARING
 FLOOR JOISTS SHALL HAVE A MIN BEARING OF 1-1/2" ON WOOD, 3" MIN ON CONCRETE - OR AS OTHERWISE SPECIFIED IN MRC-502.6. JOIST HANGERS AND CONNECTORS TO MEET BEARING REQUIREMENTS OF MRC 502.6.

R502.8 CUTTING AND NOTCHING OF FLOOR JOISTS SHALL NOT EXCEED THE LIMITATIONS OF MRC 502.8. LATERAL SUPPORT OF JOISTS SHALL BE PROVIDED PER MRC 502.7.

R502.12 DRAFTSTOPPING AND FIREBLOCKING
 DRAFT STOPPING SHALL MEET REQUIREMENTS FOR SINGLE FAMILY RESIDENCES IN ACCORDANCE WITH MRC 302.12
 FIREBLOCKING SHALL MEET REQUIREMENTS FOR SINGLE FAMILY RESIDENCES IN ACCORDANCE WITH MRC-302.11

R602
 ALL WALL LUMBER USED WILL MEET REQUIREMENTS OF MRC-602. CUTTING AND NOTCHING OF EXTERIOR WALLS STUDS OR INTERIOR BEARING WALLS STUDS SHALL NOT EXCEED 25% OF THE COMPONENT WIDTH PER MRC-602.6. DRILLING OR BORING OF STUDS WILL MEET THE REQUIREMENTS OF MRC-602.6.
 FRAME OPENING - AT EACH WALL OPENING ADD 1/2 THE TOTAL OF STUDS DISPLACED TO EACH SIDE OF THE OPENING (FULL HEIGHT) AND USE ONE TRIMMER STUD BELOW THE HEADER AT EACH END UNLESS NOTED OTHERWISE ON THE PLANS.

R602.8 FIRESTOPPING
 FIRE STOPPING SHALL MEET THE REQUIREMENTS FOR SINGLE FAMILY RESIDENCES IN ACCORDANCE WITH MRC-302.11. FIREBLOCKING SHALL BE PROVIDED TO CUT OFF ALL CONCEALED DRAFT OPENINGS, BOTH VERTICAL AND HORIZONTAL, AND TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES, AND BETWEEN A TOP STORY AND THE ROOF SPACE. FIREBLOCKING SHALL BE PROVIDED IN WOOD-FRAME CONSTRUCTION IN THE FOLLOWING LOCATIONS:
 1. IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FURRED SPACES VERTICALLY AT THE CEILING AND FLOOR LEVELS AND HORIZONTALLY AT INTERVALS NOT EXCEEDING 10'.
 2. AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROP CEILINGS AND COVE CEILINGS.
 3. IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN.
 4. AT OPENINGS AROUND VENTS, PIPES, AND DUCTS AT CEILING AND FLOOR LEVEL, WITH AN APPROVED MATERIAL TO RESIST THE FREE PASSAGE OF FLAME AND PRODUCTS OF COMBUSTION.
 5. CHIMNEYS AND FIREPLACES ACCORDING TO MRC-1001.16.

R602.10
 ALL WALLS TO MEET BRACED WALL PANEL REQUIREMENTS PER R602.10 OR R602.12
 ALT STRUCTURAL DESIGN CRITERIA TO BE IN ACCORDANCE WITH R301.1

R703.4 WALL FLASHING
 APPROVED CORROSIVE-RESISTIVE FLASHING SHALL BE INSTALLED AT ALL OF THE FOLLOWING LOCATIONS:
 1. AT TOP OF ALL EXTERIOR WINDOWS AND DOOR OPENINGS.
 2. AT THE INTERSECTION OF CHIMNEYS OR OTHER MASONRY CONSTRUCTION
 3. UNDER AND AT THE ENDS OF MASONRY, WOOD, OR METAL COPINGS AND SILLS.
 4. CONTINUOUSLY ABOVE ALL PROJECTING WOOD TRIM.
 5. WHERE EXTERIOR PORCHES, DECKS, OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OF WOOD-FRAME CONSTRUCTION.
 6. AT WALL AND ROOF INTERSECTIONS.
 7. AT BUILT-IN GUTTERS.

R806.1 ROOF VENTILATION REQUIRED
 ENCLOSED ATTICS AND ENCLOSED RAFTER SPACES FORMED WHERE CEILINGS ARE APPLIED DIRECTLY TO THE UNDERSIDE OF ROOF RAFTERS SHALL HAVE CROSS VENTILATION FOR EACH SEPARATE SPACE BY VENTILATING OPENINGS PROTECTED AGAINST THE ENTRANCE OF RAIN OR SNOW. VENTILATING OPENINGS SHALL BE PROVIDED WITH CORROSION-RESISTANT WIRE MESH, WITH 1/16" MINIMUM TO 1/4" MAXIMUM OPENINGS.

R806.2 ATTIC VENTILATION MINIMUM AREA
 THE TOTAL NET FREE VENTILATING AREA SHALL NOT BE LESS THAN 1 TO 150 OF THE AREA OF THE SPACE VENTILATED EXCEPT THAT THE TOTAL AREA IS PERMITTED TO BE REDUCED TO 1 TO 300, PROVIDED AT LEAST 40% AND NOT MORE THAN 50% OF THE REQUIRED VENTILATING AREA IS PROVIDED BY VENTILATORS LOCATED IN THE UPPER PORTION OF THE SPACE TO BE VENTILATED AT LEAST 3' ABOVE EAVE OR CORNICE VENTS WITH THE BALANCE OF THE REQUIRED VENTILATION PROVIDED BY EAVE OR CORNICE VENTS.

R806.3 VENT CLEARANCE
 WHERE EAVE OR CORNICE VENTS ARE INSTALLED, INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF A 1" SPACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AT THE LOCATION OF THE VENT.

R807.1 ATTIC ACCESS
 IN BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION, AN ATTIC ACCESS OPENING SHALL BE PROVIDED TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND A VERTICAL HEIGHT OF 30" OR GREATER. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22"x30" AND SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A 30" MINIMUM UNOBSTRUCTED HEADROOM IN THE ATTIC SPACE SHALL BE PROVIDED AT SOME POINT ABOVE THE OPENING.

R903.2 ROOF FLASHING
 FLASHINGS SHALL BE INSTALLED IN SUCH A MANNER SO AS TO PREVENT MOISTURE ENTERING THE WALL AND ROOF THROUGH JOINTS IN COPINGS, THROUGH MOISTURE PERMEABLE MATERIALS, AND AT INTERSECTIONS WITH PARAPET WALLS AND OTHER PENETRATIONS THROUGH THE ROOF PLANE.

R903.2.1 FLASHING LOCATIONS
 FLASHINGS SHALL BE INSTALLED AT WALL AND ROOF INTERSECTIONS WHEREVER A CHANGE IN ROOF SLOPE OR DIRECTION, AND AROUND ROOF OPENINGS. FLASHING SHALL BE INSTALLED TO DIVERT WATER AWAY FROM WHERE THE EAVE OF A SLOPED ROOF INTERSECTS A VERTICAL SIDEWALL, WHERE FLASHING IS OF METAL, THE METAL SHALL BE CORROSIVE RESISTANT WITH A THICKNESS OF NOT LESS THAN 0.019" (NO. 26 GALVANIZED STEEL).

R905.2.1
 ICE AND WATER SHIELD SHALL BE INSTALLED FROM THE EAVE EDGE TO 24" INSIDE THE EXTERIOR WALL LINE OF THE BUILDING. ON ROOFS WITH SLOPES EQUAL TO OR GREATER THAN 8/12 PITCH, THE ICE BARRIER SHALL ALSO BE APPLIED NOT LESS THAN 36" MEASURED ALONG THE ROOF SLOPE FROM THE EAVE EDGE OF THE BUILDING.

R905.2.8
 BASE AND CAP FLASHING, VALLEY FLASHING, SIDEWALL FLASHING, AND DRIP EDGES, AND OTHER FLASHINGS FOR ASPHALT SHINGLES SHALL COMPLY WITH THE REQUIREMENTS OF MRC 905.2.8.

FIELD CONDITIONS:

- GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE FULLY RESPONSIBLE FOR FIELD CHECKING ALL EXISTING CONDITIONS AND FOR COORDINATING THEIR WORK TO NEW AND EXISTING WORK.
- NOTIFY THE OWNER IMMEDIATELY WHERE THERE ARE INCONSISTENT OR CONFLICTING DIMENSIONS ON THE DRAWINGS AND OR WHERE THERE IS CONFLICT BETWEEN WORK SHOWN ON THE DRAWINGS AND FIELD CONDITIONS.
- EACH CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR HIS WORK WHERE HE FAILS TO CHECK SUCH CONDITIONS AND/OR GIVE NOTICE TO THE OWNER FOR SIAD DISCREPANCIES.
- ERRORS AND OMISSIONS WHICH MAY OCCUR IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND OWNER, IN WRITING, AND WRITTEN INSTRUCTION SHALL BE OBTAINED PRIOR TO PROCEEDING WITH CONSTRUCTION. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY ERRORS, DISCREPANCIES, OR OMISSIONS FOR WHICH THE CONTRACTOR FAILED TO NOTIFY THE OWNER PRIOR TO CONSTRUCTION AND/OR FABRICATION OF THE WORK.

DAMAGE:

- EACH CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE OR INJURY TO THE OWNER THROUGH IMPROPER WORKMANSHIP AND SHALL REPAIR OR PAY FOR THE REPAIRS NECESSARY TO CORRECT THE WORK OF OTHER TRADES OR MATERIALMEN.
- WHERE SAID DAMAGE IS NOT PROPERLY CORRECTED WHEN ORDERED, THE OWNER MAY DIRECT OTHERS TO PERFORM AND HAVE THE COST FOR SAID WORK "BACK CHARGED" AGAINST THE CONTRACTOR OR OFFENDING PARTY.

MANUFACTURERS SPECIFICATIONS:

- ALL MATERIAL WHICH ARE TO BE DELIVERED, STORED, MOVED, APPLIED OR ATTACHED, AND FINISHED PER THE MANUFACTURER'S REQUIREMENTS AND RECOMMENDATION, SHALL COMPLY WITH LOCAL, STATE, FEDERAL CODES AND UTILITY COMPANY REGULATIONS.
- WHERE THESE DRAWINGS AND SPECIFICATIONS CONFLICT WITH SAID REQUIREMENTS, IMMEDIATE NOTICE SHALL BE GIVEN TO THE OWNER.

R905.2.2 ROOF SLOPE AND UNDERLAYMENT
 ASPHALT SHINGLES SHALL ONLY BE USED ON ROOF SLOPES OF 2/12 OR GREATER. FOR ROOF SLOPES OF 2/12 TO 4/12, DOUBLE UNDERLAYMENT APPLICATION IS REQUIRED PARALLEL TO AND STARTING AT THE EAVES WITH A 19" OVERLAP. ROOF SLOPES OF 4/12 OR GREATER UNDERLAYMENT SHALL BE APPLIED SHINGLE FASHION, PARALLEL TO AND STARTING FROM THE EAV AND LAPPED 2" FASTENED SUFFICIENTLY TO HOLD IN PLACE. END LAPS SHALL BE 4" AND OFFSET BY 6".

APPLIED LOADS

FLOOR LIVE LOADS:

NON-SLEEPING AREAS: 40 PSF
 SLEEPING AREAS 30 PSF
 ATTIC W/STORAGE 20 PSF
 ATTIC W/O STORAGE 10 PSF

DEAD LOADS:

FLOOR 10 Psf Laminate
 20 Psf Ceramic Tile
 10 Psf Carpet + Pad
 ROOF 10 Psf
 WALL 8 Psf (Interior Walls)
 13 Psf (Exterior Walls no brick)
 48 Psf (Brick Walls)

ENVIRONMENTAL LOADS:

GROUND SNOW 25 PSF

BEAM DEFLECTION CRITERIA

L/360 FOR LIVE LOAD
 L/240 FOR TOTAL LOAD

WOOD SPECIFICATIONS:

LAMINATED VENEER LUMBER (LVL) SHALL HAVE THE FOLLOWING PROPERTIES:
 Fb = 3,100 psi, E = 2,100,000 psi UNLESS NOTED OTHERWISE

ALL DIMENSIONAL LUMBER SHALL BE MINIMUM DOUG-FIR #2 OR BETTER, INCLUDING HEADERS, JOISTS, AND STUDS - UNLESS NOTED OTHERWISE

POSTS AND CONCENTRATED LOADS SHALL EXTEND TO SOLID BEARING. SOLID BLOCKING IS REQUIRED BELOW POSTS AND CONCENTRATED LOADS TO SOLID BEARING BELOW.

ALL STRUCTURAL CONNECTIONS SHOULD BE MADE WITH APPROVED CONNECTORS - FOLLOW MANUFACTURERS RECOMMENDED FASTENING AND PROCESSES.

NOTCHING AND DRILLING OF STRUCTURAL MEMBERS IS PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF THE ENGINEER. FOR ENGINEERED LUMBER CONSULT WITH MANUFACTURERS RECOMMENDED PRACTICES.

STEEL SPECIFICATIONS:

ALL STEEL BEAMS ARE MINIMUM GRADE A-36 UNLESS NOTED OTHERWISE

ALL STEEL COLUMNS ARE MINIMUM GRADE C-42 UNLESS NOTED OTHERWISE

CONCRETE SPECIFICATIONS:

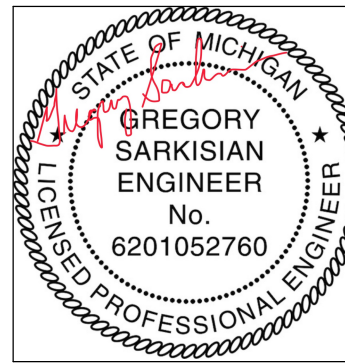
ALL CONCRETE TO BE MINIMUM 3000 psi (28 day strength).

SOIL BEARING PRESSURE ASSUMED TO BE 3000 psf. IF ADVERSE CONDITIONS ARE FOUND PLEASE NOTIFY THE ENGINEER.

ALL FABRICATIONS AND PLACING OF REINFORCING BARS SHALL FOLLOW THE A.C.I. MANUAL STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES (A.C.I. 315 LATEST A318)

Number	Date	Revised By	Description

General Notes



Project Information
 9755 Portage Trl
 White Lake, Michigan



9/9/23

N-1

Notes:

Footings shown to support center beam are approximate

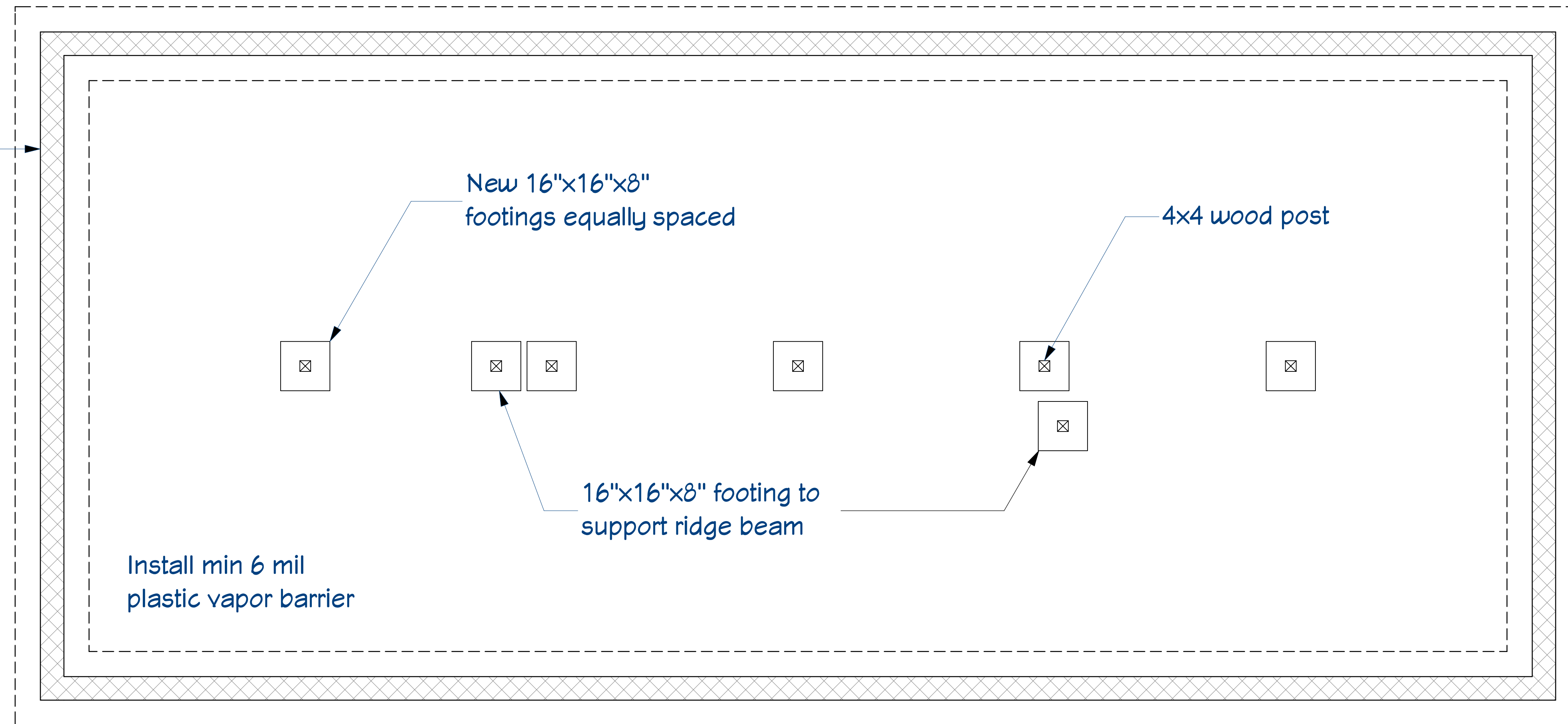
Existing foundation can support the structure minimum required is 12" thick concrete footing

Footings are equally spaced max spacing 8'-0"

Replace or repair missing or loose block ass needed

Minimum 6 mil plastic vapor barrier is required over the compacted gravel base

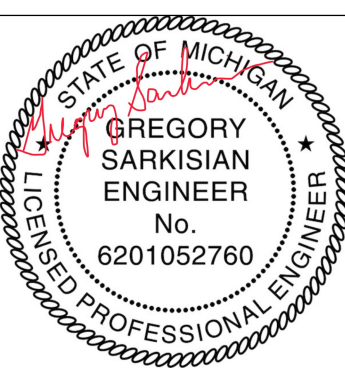
Existing foundation approximately 24" thick x 42" below grade concrete footing w/2 rows 8" block above



Foundation Plan
1/2 in = 1 ft

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Foundation Plan



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SARK & ASSOCIATES
ENGINEERS • CONSULTANTS
47448 Pontiac Trl, Ste 147
Livonia, Michigan 48150
greg@sarkassoc.com

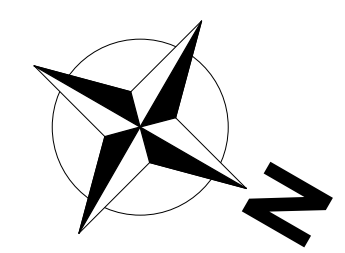
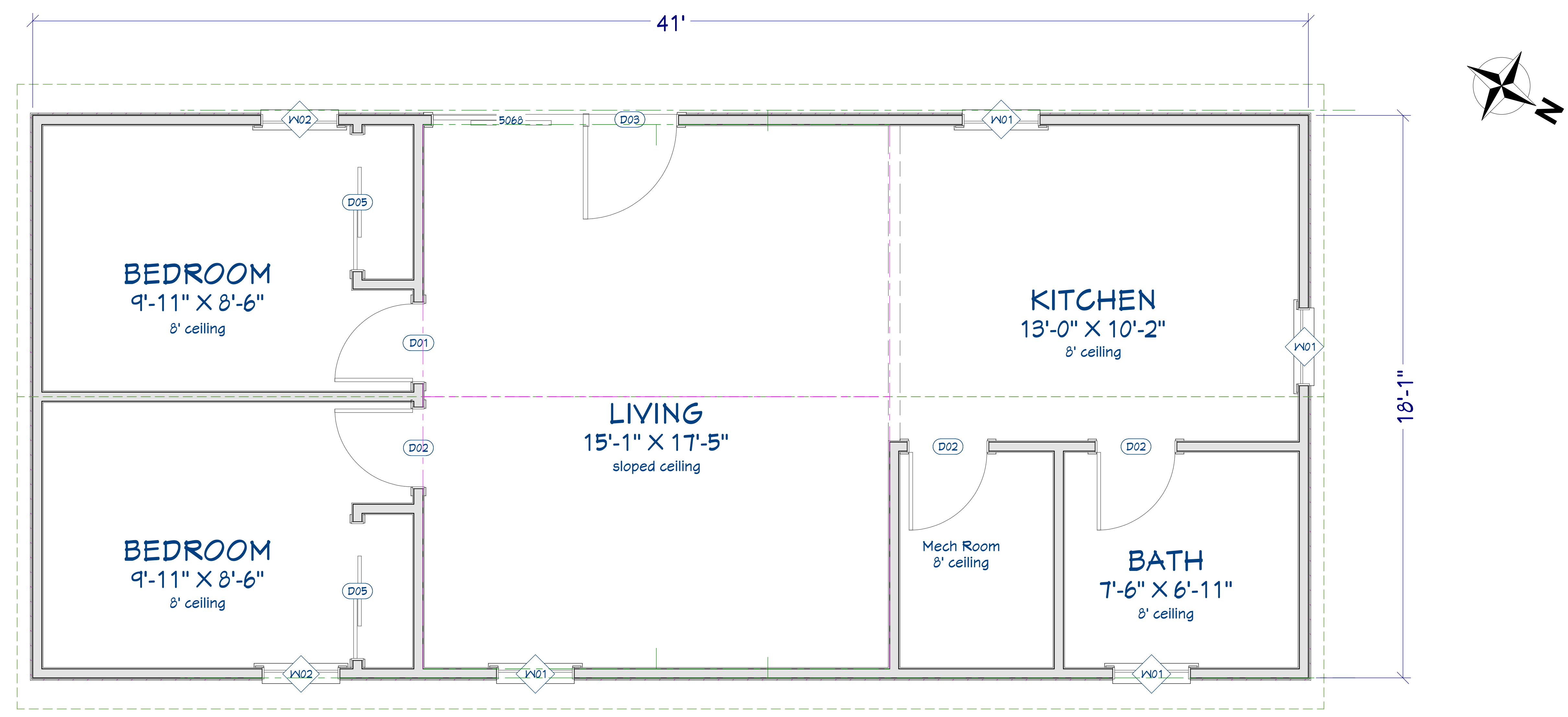
9/9/23

A-1

Notes:

Partition walls parallel to the floor and roof framing can be moved as necessary - not load-bearing

Exterior walls to be straightened as necessary or reconstruct sections of walls where studs, top/bottom plates, or sill plates may be damaged

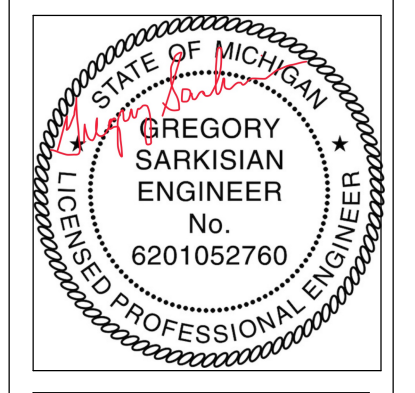


First Floor Plan
1/2 in = 1 ft

LIVING AREA
741 SQ FT

Revision Table	Number	Date	Revised By	Description

1st & 2nd Floor
Plans

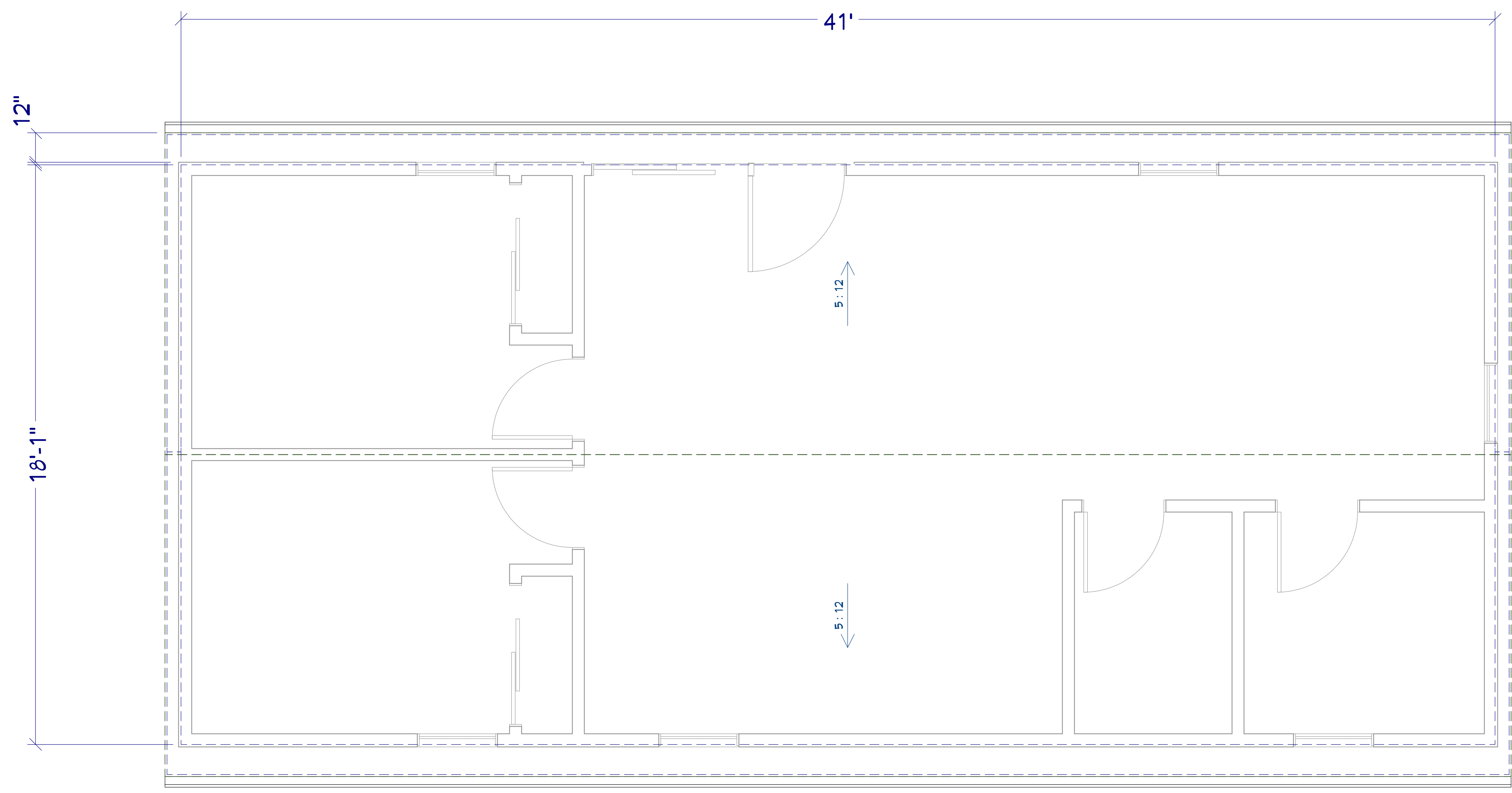


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9755 Portage Trl
White Lake, Michigan

SARK & ASSOCIATES
ENGINEERS • CONSULTANTS
47448 Pontiac Trl, Ste 147
Livonia, Michigan 48150
greg@sarkassoc.com

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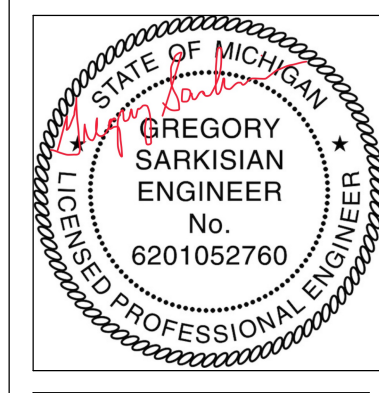
A-2



Roof Plan
1/2 in = 1 ft

Revision Table		
Number	Date	Revised By / Description

Roof Plan



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 9755 Portage Trl
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SARK & ASSOCIATES
 ENGINEERS • CONSULTANTS
 47448 Pontiac Trl, Ste 147
 Livonia, Michigan 48150
 greg@sarkassoc.com

9/9/23

A-3



Front Elevation
1/2 in = 1 ft

Notes:
Material style and color of roofing and siding at discretion of owner



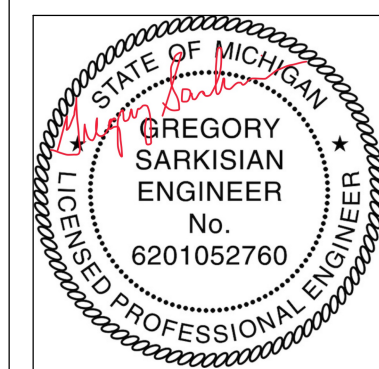
Side Elevation
1/2 in = 1 ft

NO.	SYMBOL	QTY	SIZE	TYPE	FINISH	REMARKS	SCALE
101		4	24x24	37x47	DOUBLE HUNG	27x10x12	
102		2	24x24	37x47	DOUBLE HUNG	27x10x12	

NO.	SYMBOL	QTY	SIZE	TYPE	FINISH	REMARKS	SCALE
001		1	36x6	37x67	HINGED DOOR FKH	27x10x12	
002		3	36x6	37x67	HINGED DOOR FKH	27x10x12	
003		1	36x6	37x67	EXT. HINGED PANEL	27x10x12	
004		2	48x12	54x102	SLIDER DOOR FKH	27x10x12	

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Elevations & Schedules

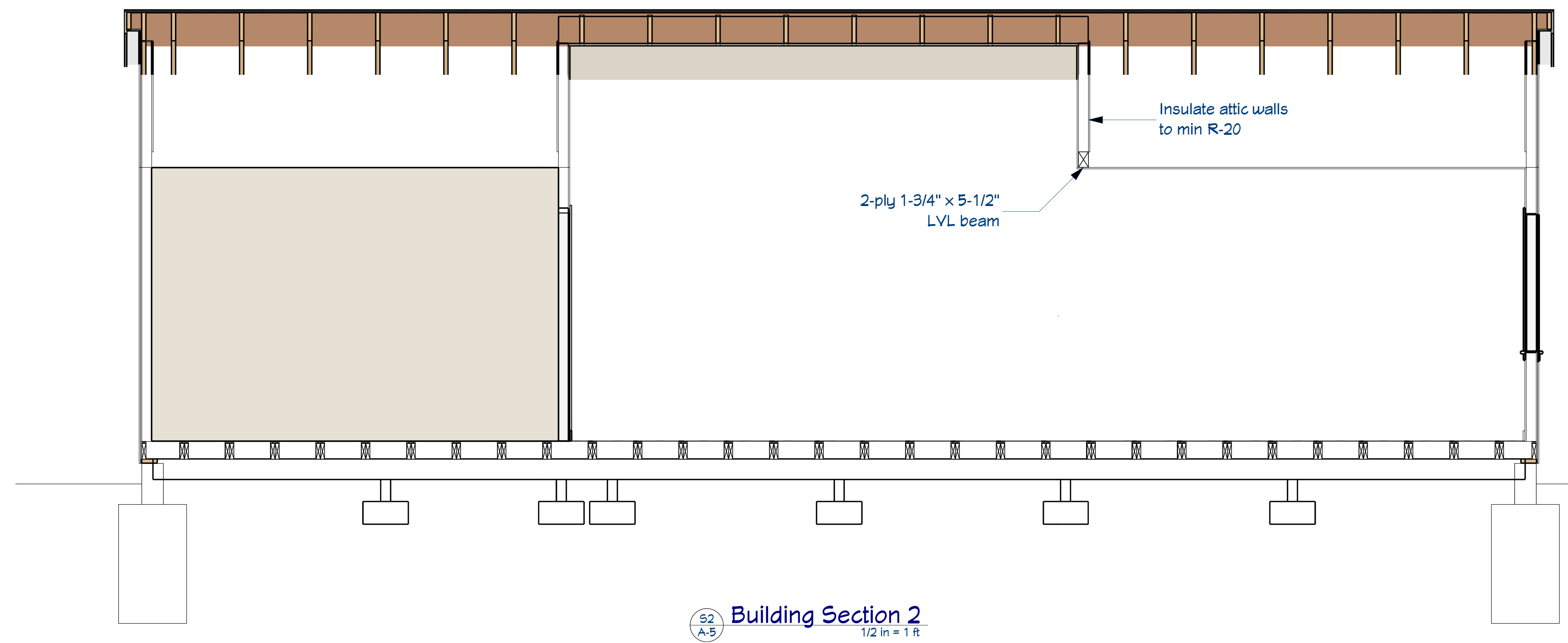
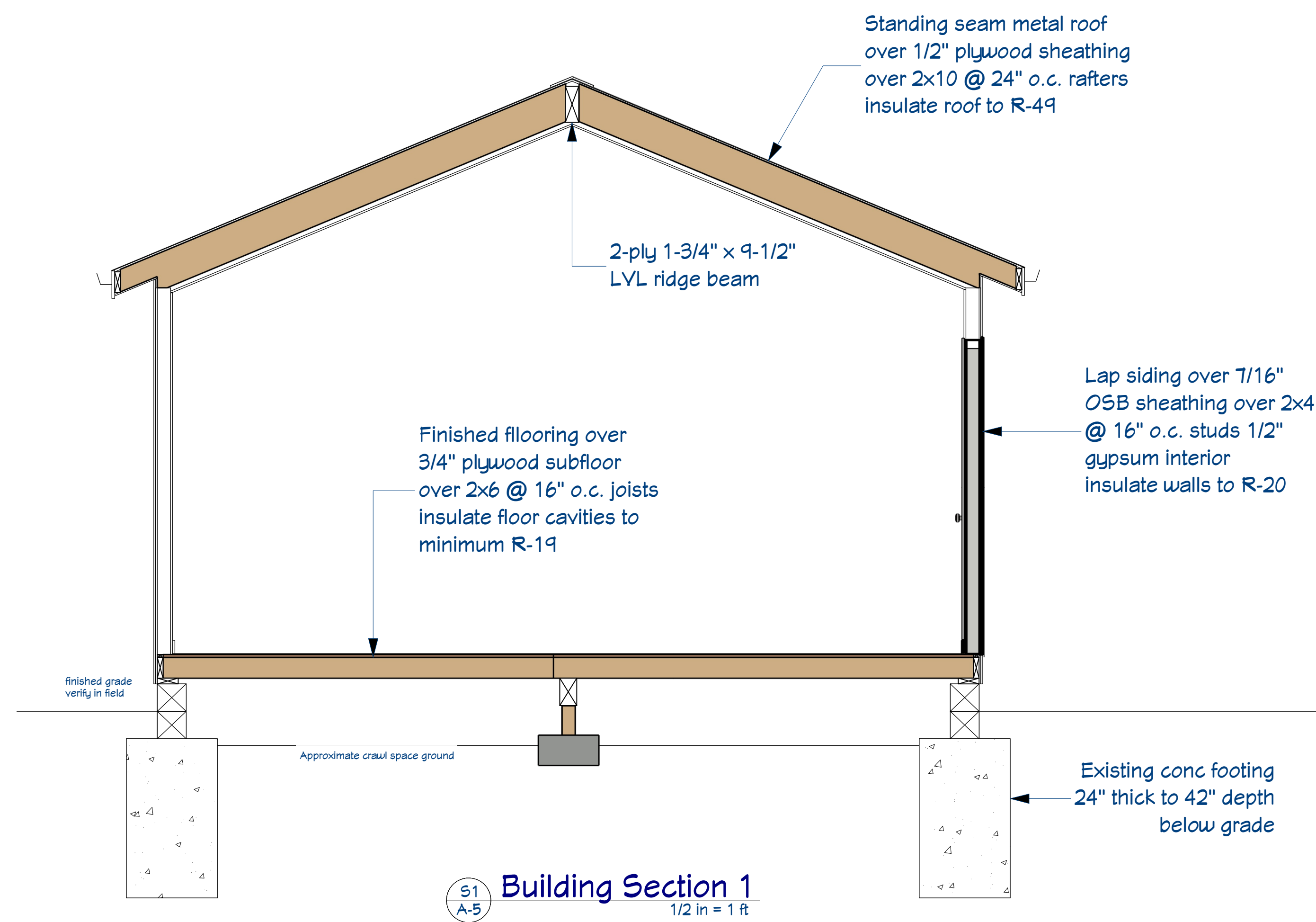


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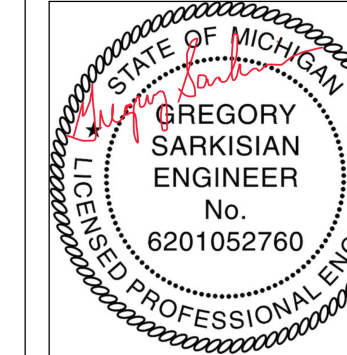
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A-4



Revision Table	
Number	Date

Building Sections



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 9755 Portage Trl
 White Lake, Michigan

SARK & ASSOCIATES
 ENGINEERS • CONSULTANTS
 47448 Pontiac Trl, Ste 147
 Livonia, Michigan 48150
 greg@sarkassoc.com

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A-5

Framing Notes:

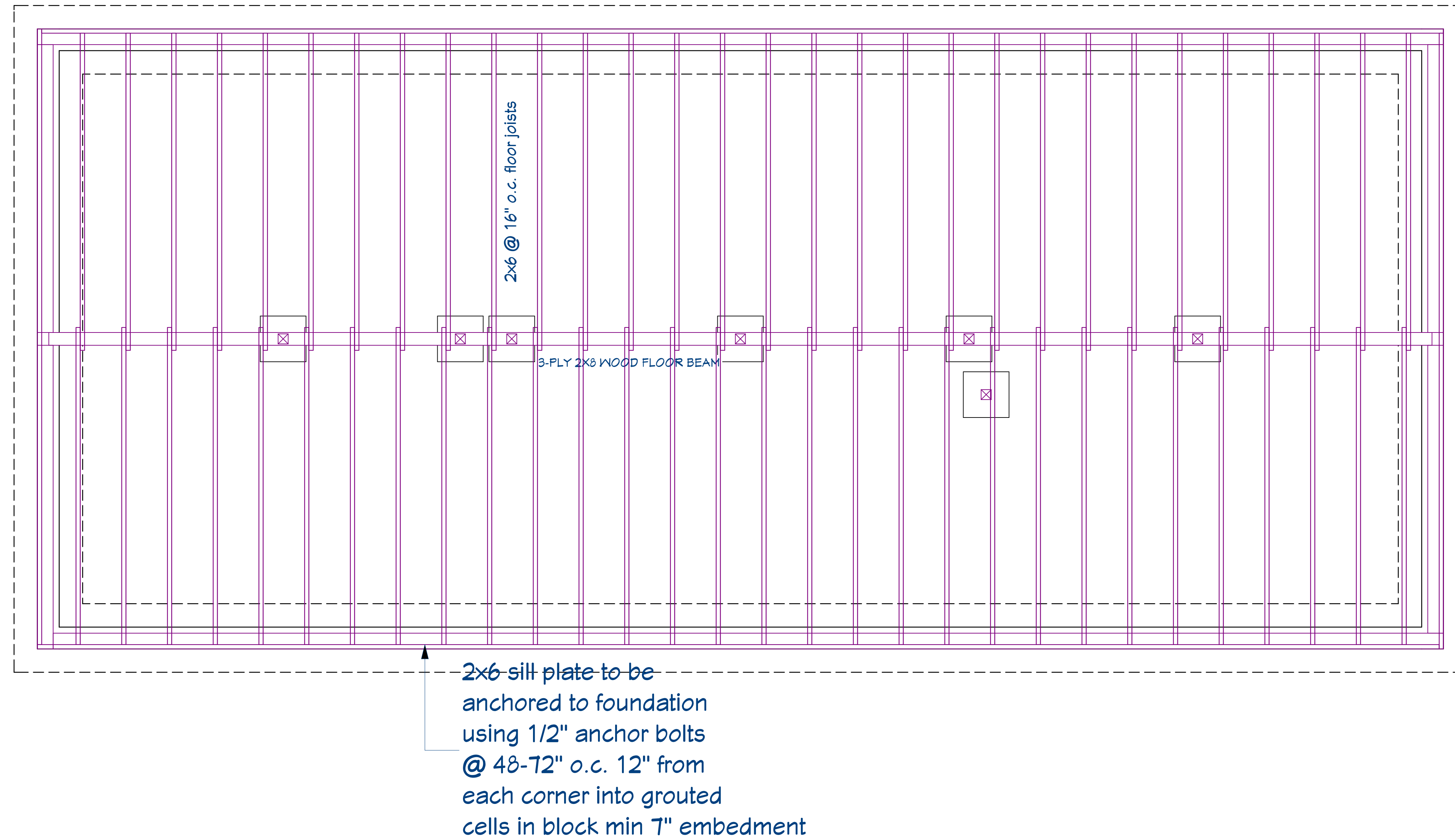
Reference Michigan Residential Code 2015
for wood species and grade allowable for
floor joists - TABLE R502.3.1(2)

Double joists under partition walls

For wood floor beam use douglas fir #2
or equivalent

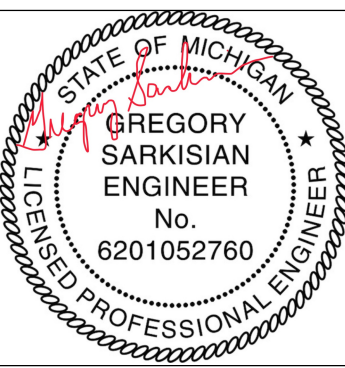
Use 4x4 post or wood blocking to support
floor beam on footing pads

Use Simpson base bracket ABA44 or equal
to anchor post to footing pad



Revision Table	Number	Date	Revised By	Description

Floor Framing Plan

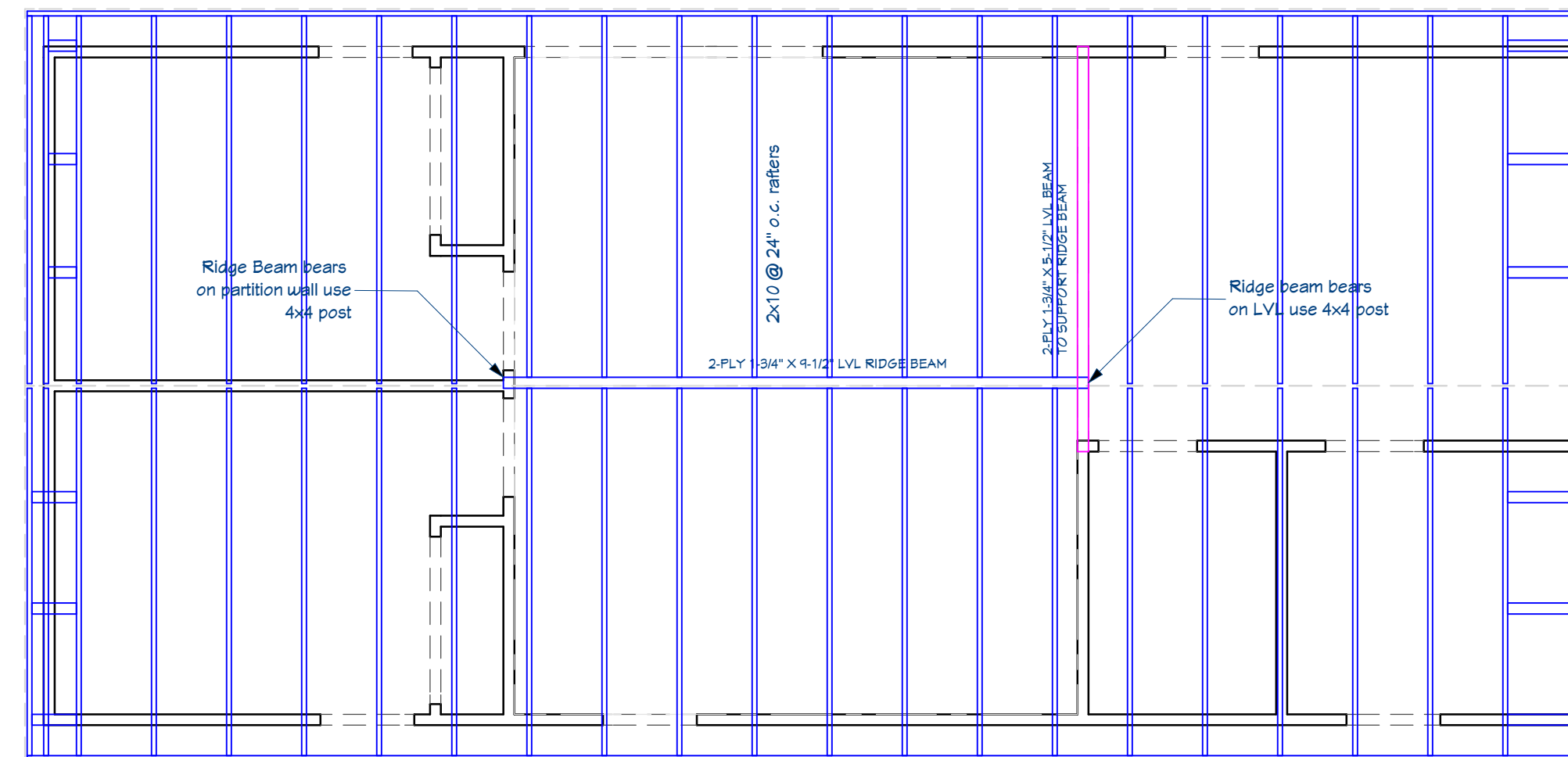


Project Information
9755 Portage Trl
White Lake, Michigan

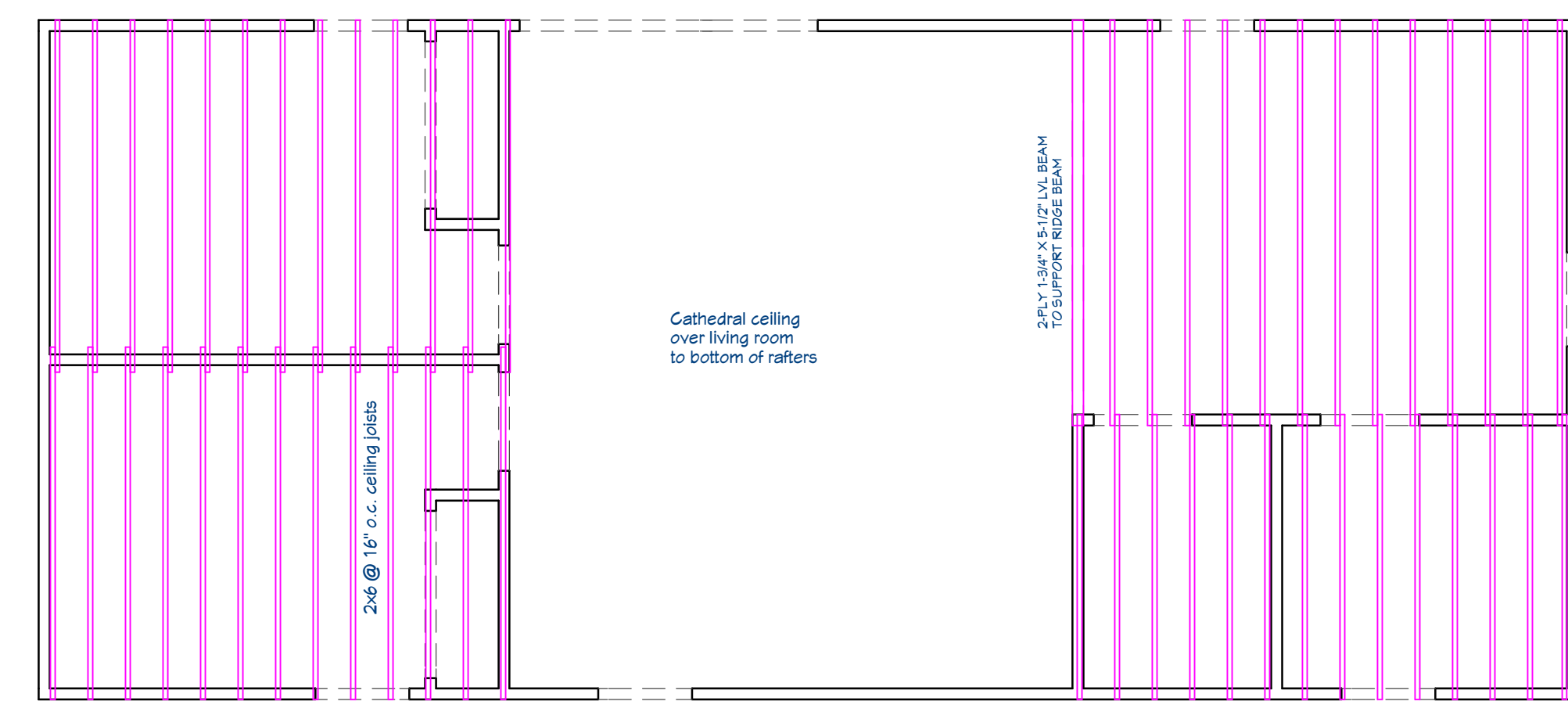
SARK & ASSOCIATES
ENGINEERS • CONSULTANTS
47448 Pontiac Trl, Ste 147
White Lake, Michigan 48894
greg@sarkassoc.com

9/9/23

A-6



Roof Framing Plan
1/4 in = 1 ft



Ceiling Framing Plan
1/4 in = 1 ft

Framing Notes:

rafters shown are existing which are sistered to original 2x4 @ 24" o.c.

rafters connect to ridge beam using Simpson hangers

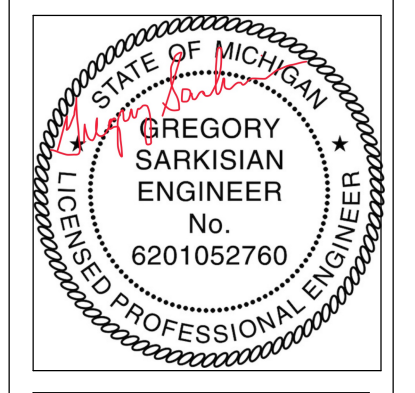
ridge beam bears on LVL and partition wall - use 4x4 posts from ridge beam down to LVL and wall

LVL beam supporting ridge beam bears on partition wall

ceiling joists and LVL support beam may require chamfer at ends to fit on exterior wall top plate

Revision Table	Number	Date	Revised By	Description

Roof/Ceiling Framing

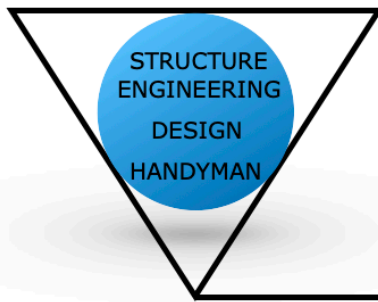


Project Information
9755 Portage Trl
White Lake, Michigan

SARK & ASSOCIATES
ENGINEERS • CONSULTANTS
47448 Pontiac Trl, Ste 147
Livonia, Michigan 48150
greg@sarkassoc.com

9/9/23

A-7



SARK & ASSOCIATES

Item B.

ENGINEER ♦ DESIGN ♦ BUILD

greg@sarkassoc.com

September 14, 2023

Mr. Alex Kudryavtsev
c/o 9755 Portage Trl
White Lake, Michigan 48386

Dear Mr. Kudryavtsev:

RE: Structure report for 9755 Portage Trl, White Lake, Michigan 48386

Description & Scope of Work

The residence is a one story wood-framed structure over a shallow crawlspace. The construction details are as follows:

- ♦ The main perimeter foundation is approximately 24" thick x 42" deep of poured concrete.
- ♦ There are 2 rows of 8" concrete masonry block on the concrete foundation.
- ♦ The floor is framed with 2x6 @ 16" o.c. joists, bearing on a center beam.
- ♦ The exterior walls are 2x4 @ 24" o.c. with single base plate and double top plate.
- ♦ The roof is originally constructed with 2x4 @ 16" o.c. rafters, recently reinforced with 2x10 sistered.

The scope of this report is to provide an evaluation of the existing structure of the residence, which is planned for renovation, with building plans completed.

Summary of Existing Conditions

- The exterior walls are not properly anchored to the foundation, causing the walls to shift and displace in multiple locations.
- There are wall studs and bottom and top plates damaged by rot due to exposure to water.
- There are missing blocks in a few locations.
- Several of the floor joists were damaged by rot due to long-term exposure to moisture.
- There is a slight sagging of the ridge line of the roof.

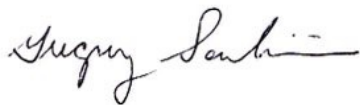
Overall Conclusions

1. The foundation of this residence is sound and the existing house can be renovated without need for reinforcement of the foundation. The size of house and overall loads will not be changed.
2. The defects in the floor, wall, and roof framing will be remedied during the renovation process, including proper anchorage of the floor/walls to the foundation, straightening the walls, and removing the roof sag.
3. Water management has already been addressed at the property, with additional measures to be taken during renovation, including installing gutters and downspouts.

4. The soil type is not known, as a soil test/report has not been completed to my knowledge. However, the existing house has been on this property for several decades and the defects noted appear to be caused by issues above ground and not due to poor soil or foundation issues.
5. The size of the foundation was determined by a small excavation on the west side of the house. The full condition of the foundation is not known, but evidence from above grade suggests the foundation is acceptable. The size that was measured during the excavation is sufficient for construction of a single story residence.
6. The building plans I have prepared are for a single story residence over the existing foundation, restoring the structural integrity of the floor, walls, and roof. Additional measures can be considered during construction to address any defects not known at this time.
7. Based on all the information available to me, it is my professional opinion that this current residence can be safely renovated, and the overall result will be a more structurally sound and stable building, consistent with modern construction standards and codes.

Thank you for the opportunity to be of service and if you have any questions with regards to this letter report please email me.

Sincerely,



Gregory Sarkisian, P.E.



9755 Portage Renovation Price Break Down

Roof 18FT x 40FT = 1260SF = Total \$1,968.78

- Replace shingles
 - \$1.09 per foot x 1260 = \$1373.40
- Plywood 4 x 8 1/2inc
 - \$14.04 each (32sqft) x 35 = \$491.40
- Roofing Underlayment
 - \$17.33 (216sqft) x 6 = \$103.98

Foundation Fix = Total \$5,000.00

- Fix spots around the house to make sure the foundation belt is in good shape.
 - Rough estimate of \$5,000.00

Floor = Total \$1,004.00

- Joist 2x8x10
 - \$11.90 x 60 = \$714
- G90 Steel Slant Nail Joist Hanger
 - \$1.50 x 60 = \$90
- 16D x 3-1/2" Gold-Coated Joist Hanger Nail
 - \$200

Walls = Total \$1,214.95

- 2x4 Framing Wood
 - \$3.82 x 150 = \$573
- Drywall 1000sqft
 - \$9.77 (32sqft) x 35 = \$341.95
- Mud and screws
 - \$300

Plumbing = Total \$4,000.00

- Rough estimate of \$4000
 - Include with pipes and services installed.

HVAC = Total \$7,000.00

- Rough estimate of Heating and Boiler \$ 7,000
 - Include with New system / Tankless Boiler / Dockless AC Unit.

Floor Laminate 1000sqft = Total \$1,990.00

- \$1.99sqft x 1000 = \$1,990.00

Electricity = Total \$2,134.44

- Repair old Electrical Panel with New One
 - \$600
- New wire for a whole house
 - $\$229.62 (250\text{ft}) \times 4 = \918.48
- Electric Boxes and Junctions and Outlets
 - \$400
- Recess lights
 - Bedroom 1 & 2 = 4 Lights
 - Living Room = 4 Lights
 - Hallway = 2 Lights
 - Kitchen = 4 Lights
 - Total = 14
 - Recess Lights Cans and Bulbs
 - $\$53.99(6 \text{ Pack}) \times 4 = \215.96

Windows = Total \$1,416.12

- 7 Windows and 1 Door Wall
 - $\$142.39 \times 7 = \996.73
 - \$419.39 (Door Wall)

Interior Doors = Total \$497.45

- $5 \text{ Interior Doors} \times \$99.49 = \$497.45$

Outdoor Door = Total \$339.89

- \$339.89

Kitchen = Total \$1,100.00

- Cabinets Used \$500
- Countertop Used \$600

Grand Total = \$27,665.63

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION

Charter Township of White Lake
7525 Highland Road • White Lake, MI 4838
(248) 698-3300 • Fax (248) 666-7451



Authority: P.A. 230 OF 1972, as amended
Completion: Mandatory to obtain permit
Penalty: Permit will not be issued

This department will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.

APPLICANT TO COMPLETE ALL ITEMS

NOTE: SEPARATE APPLICATIONS MUST BE COMPLETED FOR PLUMBING, MECHANICAL, AND ELECTRICAL PERMITS

APPLICATION DATE: <u>07 / 20 / 2023</u>	IS OWNER APPLICANT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
--	--

PROPERTY INFORMATION

STREET ADDRESS OF PROJECT <u>9755 Postage Trl</u>	APT. #	PARCEL I.D. NUMBER <u>12-26-177-01</u>	ZONING <u>Residential</u>
--	--------	---	------------------------------

OWNER INFORMATION

LAST NAME OR BUSINESS NAME <u>Novoselskyi</u>	FIRST NAME <u>Mykhailo</u>	PHONE NUMBER <u>248-861-8587</u>
STREET ADDRESS <u>7843 Tullidium Ln</u>	CITY <u>Waterford</u>	STATE <u>MI</u>
		ZIP CODE <u>48327</u>

APPLICANT INFORMATION

	OWNER OR LESSEE	CONTRACTOR
OWNER OR COMPANY NAME	<u>Owner</u>	
CONTACT NAME		
LICENSE NUMBER	<u>-(License # is N/A for homeowner)-</u>	
STREET ADDRESS		
CITY/STATE/ZIP		
PHONE		
EMAIL		
ARCHITECT/ENGINEER NAME: _____		
LICENSE NUMBER: _____		CONTACT #: _____


FEDERAL EMPLOYER ID NUMBER	
WORKERS COMP. INSURANCE CARRIER	
MESC NUMBER	

BUILDING AND PROPERTY CHARACTERISTICS

DESCRIBE IN DETAIL WORK TO BE DONE: <i>* Renovate the house</i> - Roof - Floor - Walls - Electric - Plumbing - HVAC - Floor Joist		TYPE OF IMPROVEMENT: <input type="checkbox"/> FENCE <input type="checkbox"/> DECK <input type="checkbox"/> ROOF <input type="checkbox"/> NEW SINGLE FAMILY HOME <input checked="" type="checkbox"/> ALTERATION/REPAIR <input type="checkbox"/> ADDITION <input type="checkbox"/> MOVE STRUCTURE <input type="checkbox"/> DEMOLITION <input type="checkbox"/> NEW COMMERCIAL BUILDING <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> GARAGE <input type="checkbox"/> ACCESSORY STRUCTURE <input type="checkbox"/> WINDOWS/DOORS	
USE GROUP: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER: _____ CONSTRUCTION TYPE: _____		*VALUE OF IMPROVEMENT: \$ _____	
LOT SIZE -- FRONT: _____	REAR: _____	SIDE: _____	SIDE: _____
TOTAL SQ. FT. OF LOT: _____			
PROPOSED SETBACKS -- FRONT: _____	REAR: _____	SIDE: _____	SIDE: _____
SQ. FT. OF PROPOSED CONST.-- GARAGE: _____	1 ST FLOOR: _____	2 ND FLOOR: _____	TOTAL: _____
SQ. FT. OF EXISTING STRUCTURES -- GARAGE: _____	1 ST FLOOR: _____	2 ND FLOOR: _____	TOTAL: _____
TOTAL HEIGHT & # OF STORIES: _____	NO. OF EXISTING BEDROOMS: _____	NO. OF PROPOSED BEDROOMS: <i>2</i>	TOTAL NO. OF BEDROOMS: <i>2</i>

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent; and we agree to conform to all applicable laws of this jurisdiction. The applicant signing this application is aware that (s)he assumes full responsibility for insuring that all work done complies with all applicable codes and ordinances.

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subject to civil fines.

SIGNATURE OF APPLICANT 	PHONE <i>248-861-8587</i>
PRINT APPLICANTS NAME <i>Mykhailo Novoselkyi</i>	
ADDRESS, CITY, STATE, ZIP <i>7843 Turrellium Ln Waterford MI 48327</i>	

BUILDING AND ZONING PERMIT REGULATIONS

- A Certificate of Occupancy must be obtained before occupying the building.
- The Builder and property owner are responsible for drainage and grade on the construction site.
- The Builder and property owner are responsible for lot line and proper setbacks as approved by White Lake Township.
- The lot is properly marked (properly marked is a visible address with the lot number and permit number that can be clearly seen from the road)
- The job site must be clean with a safe access for the inspectors. The road must be cleaned and maintained properly (this includes snow removal).

HOMEOWNER AFFIDAVIT

As the bona fide owner of the above mentioned property which is a single residence, and which is, or will be on completion, my place of residence and no part of which is used for rental or commercial purposes nor is now contemplated for such purpose, I hereby make application for an owner's permit to install:

_____ as listed on this permit application.

I certify that I am familiar with the provisions of the applicable Ordinance and the rules governing the type of installation which is contemplated at the above mentioned location and hereby agree to make the installation in conformance with the Ordinance. In making the application, I realize I am assuming the responsibility of a licensed contractor for the installation of the work mentioned in the permit application and for putting the equipment in operation. I further agree that I shall neither hire any other person for the purpose of installing any portion of the _____ or related equipment at the above premises, nor sub-contract to any other person, firm or corporation the installation of any portion of the above equipment.

HOMEOWNER NAME/SIGNATURE: _____



LOCAL GOVERNMENTAL AGENCY TO COMPLETE THIS SECTION

	REQUIRED?
A. ZONING	<input type="checkbox"/> YES <input type="checkbox"/> NO
B. SOIL EROSION	<input type="checkbox"/> YES <input type="checkbox"/> NO
C. FLOOD ZONE	<input type="checkbox"/> YES <input type="checkbox"/> NO
D. WATER SUPPLY	<input type="checkbox"/> YES <input type="checkbox"/> NO
E. SEPTIC SYSTEM	<input type="checkbox"/> YES <input type="checkbox"/> NO
F. VARIANCE GRANTED	<input type="checkbox"/> YES <input type="checkbox"/> NO
G. DRIVEWAY PERMIT	<input type="checkbox"/> YES <input type="checkbox"/> NO
USE GROUP: _____	PLAN REVIEW FEES: _____
TYPE OF CONSTRUCTION: _____	BUILDING PERMIT FEES: _____
SQUARE FEET: _____	FEE TOTAL: _____
APPROVAL SIGNATURE: _____	NUMBER OF INSPECTIONS: _____
TITLE: _____	DATE: _____

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



Item B.
T
Scott Ruggles
Liz Fessler Smith
Andrea C. Voorheis
Michael Powell

WHITE LAKE TOWNSHIP

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

May 18, 2022

Aleksandr Kudryavtsev
7843 Turrillium Ln
Waterford MI 48327

RE: Work Without Permit at 9755 Portage Trail

Please be advised that the work being completed on your property requires permits and inspections. As of this date we have not received the necessary paperwork, and no permits have been approved for the following work:

- Complete Interior renovation
- Structural Repairs

Submit applicable plans and/or a permit application to the Building Department within the next 30 days. A STOP WORK ORDER has been issued on this property until the proper permits are in place. Applications can be found online at www.whitelaketwp.com or at the township office.

If you have any questions call the White Lake Township Building Department at (248)698-3300, ext. 2.

Best Regards,

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

Nick Spencer, Building Official
White Lake Township

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



Scott Ruggles
Liz Fessler Smith
Andrea C. Voorheis
Michael Powell

WHITE LAKE TOWNSHIP

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

December 5, 2022

Aleksandr Kudryavtsev
7843 Turrillium Ln
Waterford MI 48327

RE: Dangerous Structure at 9755 Portage Trl

To Whom It May Concern:

The Township continues to receive complaints about the structure and unkempt nature of this property. As such, the White Lake Township Building Department has conducted another field inspection, and has determined that the residential structure and property is in violation of the International Property Maintenance Code, and The Dangerous Buildings Ordinance as prescribed by the Ordinance. The structure has a failing roof system, and the interior has been extensively dismantled, even to the point that the entire floor structure and interior walls have been removed.

Please contact the White Lake Township Building Department within 14 days to let us know your intentions in regards to this issue. Property owner participation is highly recommended in an effort to avoid your structure being placed into the Dangerous Buildings process, which could result in the demolition of the structure.

The White Lake Township Building Department can be reached at (248)698-3300, ext. 2.

Best Regards,

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: September 28, 2023

Agenda item: 7c

Appeal Date: September 28, 2023 (Postponed from August 24, 2023)

Appellant: Lorena Hawkins

Address: 1190 Sugden Lake Road
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 1190 Sugden Lake Road
White Lake, MI 48386

Property Description

The approximately 0.6-acre parcel identified as 1190 Sugden Lake Road is located on Bogie Lake and zoned R1-D (Single Family Residential). The parcel contains 188 feet in width at the front property line.

Applicant's Proposal

Lorena Hawkins, the Applicant, is requesting a variance to construct an elevated deck within the Natural Features Setback.

Planner's Report

The following information was submitted since the last meeting:

- Revised site plan showing deck 16.4 feet (at its closest point) from the water's edge.
- Photos taken by the Applicant.

The Zoning Ordinance allows decks less than 12 inches in height to extend up to the water's edge on lakefront lots. Due to the topography of the property, the proposed deck would be more than 12 inches above grade and ineligible for projection into the Natural Features Setback. Section 3.11.Q of the Zoning Ordinance prohibits buildings or structures from being located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. Based on the plan submitted by the Applicant, the deck would be located 16.4 feet (previously 17 feet) from the water's edge of Bogie Lake.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.11.Q	Natural Features Setback	25 feet	8.6 feet	16.4 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Lorena Hawkins from Article 3.11.Q of the Zoning Ordinance for Parcel Number 12-33-477-003, identified as 1190 Sugden Lake Road, in order to allow an elevated deck to encroach 8.6 feet into the required Natural Features Setback. This approval will have the following conditions:

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

Denial: I move to deny the variance requested by Lorena Hawkins for Parcel Number 12-33-477-003, identified as 1190 Sugden Lake Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Lorena Hawkins *to a date certain or other triggering mechanism* for Parcel Number 12-33-477-003, identified as 1190 Sugden Lake Road, to consider comments stated during this hearing.

Attachments:

1. Variance application dated July 27, 2023.
2. Site plan prepared by Alpine Land Surveying dated August 24, 2023.
3. Letter of denial from the Building Official dated May 22, 2023.
4. Photos taken by the Applicant.

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

Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: Lorena Hawkins PHONE: 734-261-9882

ADDRESS: 1190 Sugden Lake Rd.

APPLICANT'S EMAIL ADDRESS: Hawkinsclampingcalendar@gmail.com

APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: Build a deck

ADDRESS OF AFFECTED PROPERTY: 1190 Sugden lake Rd. PARCEL # 12-33-477-003

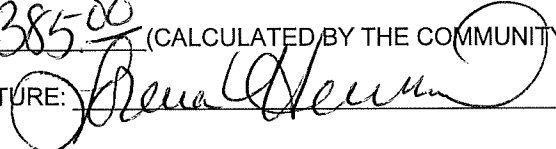
CURRENT ZONING: _____ PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Deck

VALUE OF IMPROVEMENT: \$ 10,000 SEV OF EXISITING STRUCTURE: \$ _____

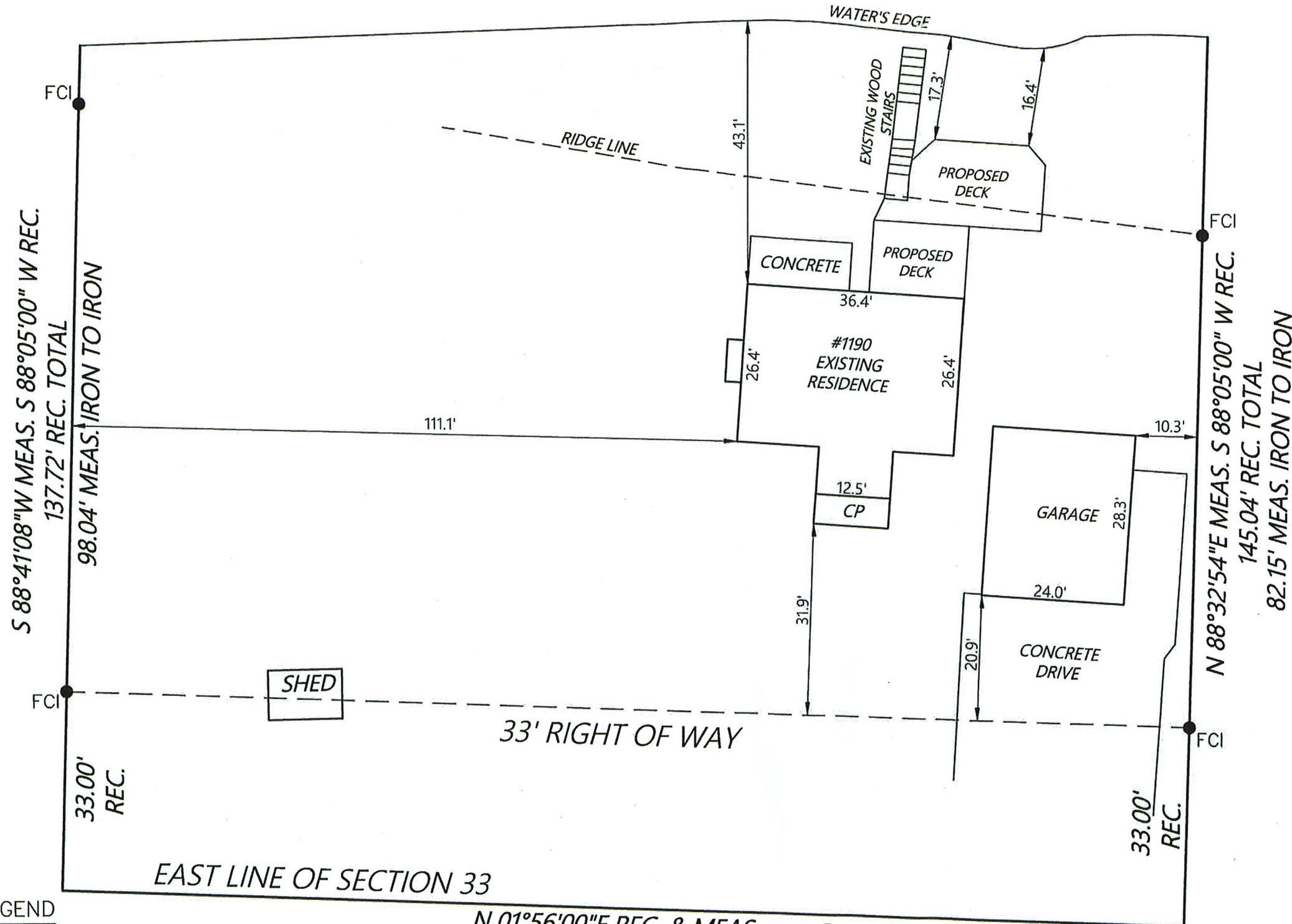
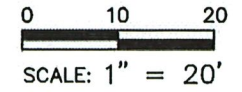
STATE REASONS TO SUPPORT REQUEST: (ATTACH WRITTEN STATEMENT TO APPLICATION)

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

APPLICANT'S SIGNATURE:  DATE: 7/27/23

SKETCH OF SURVEY

BOGIE LAKE



Legal Description:

PARCEL ID: 12-33-477-003

A part of the South East 1/4 of Section 33, T. 3 N., R. 8 E., White Lake Township, Oakland County, Michigan, being more particularly described as: Beginning at a point S 01°56'00"W, 191 feet from the East 1/4 Corner of Section 33; thence S 01°56'00"W, 188 feet; thence S 88°50'00"W, 137.72 feet to Traverse Point "B"; thence S 88°50'00"W, 3 feet to the shoreline of Bogie Lake; thence Northerly 191 feet along the shoreline of said Lake; thence N 88°50'00"E, 3 feet to Traverse Point "A"; thence N 88°50'00"E, 145.04 feet to the Point of Beginning as per Oakland County Records.



KAROLL L. GROVE
LICENSED PROFESSIONAL SURVEYOR #39075

LEGEND

- - IRON SET
- - IRON FOUND
- ⊙ - FOUND CONC MONUMENT
- MEAS. - MEASURED
- REC. - RECORDED
- FCI - FOUND CAPPED IRON

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

N 01°56'00"E REC. & MEAS.
188.00' REC. 187.90' MEAS.

⊕ SUGDEN LAKE ROAD
(66' WIDE)

ALPINE Land Surveying, Inc.
376 BEECH FARM CIRCLE SUITE # 1293
HIGHLAND, MICHIGAN, 48357
PHONE: 810-207-8050

FIELD: KG	DATE: AUGUST 24, 2023
DRAWN: DJS	JOB NO: 23-6436
CHECKED: KG	SHEET: 1 OF 1
REVISION:	

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



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

WHITE LAKE TOWNSHIP

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

May 22, 2023

Michael Hawkins
1190 Sugden Lake Rd
White Lake, MI 48386

RE: Proposed Deck

Based on the submitted plans, the proposed deck does not satisfy the White Lake Township Clear Zoning Ordinance per Article 3.11 (Q)

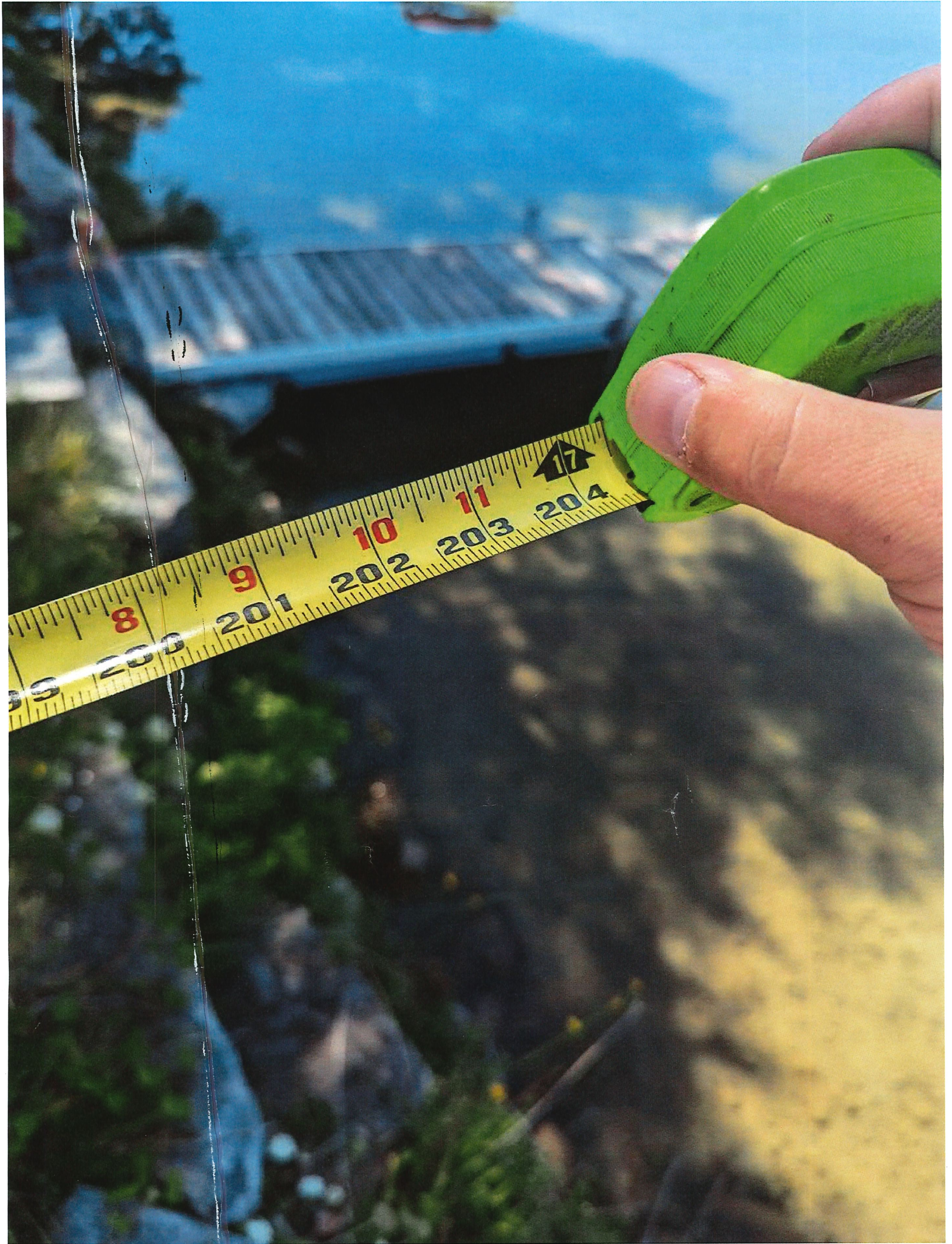
Article 3.11 (Q) of the White Lake Township Clear Zoning Ordinance: No building or structure shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The setback shall be measured from the edge of the established wetland boundary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

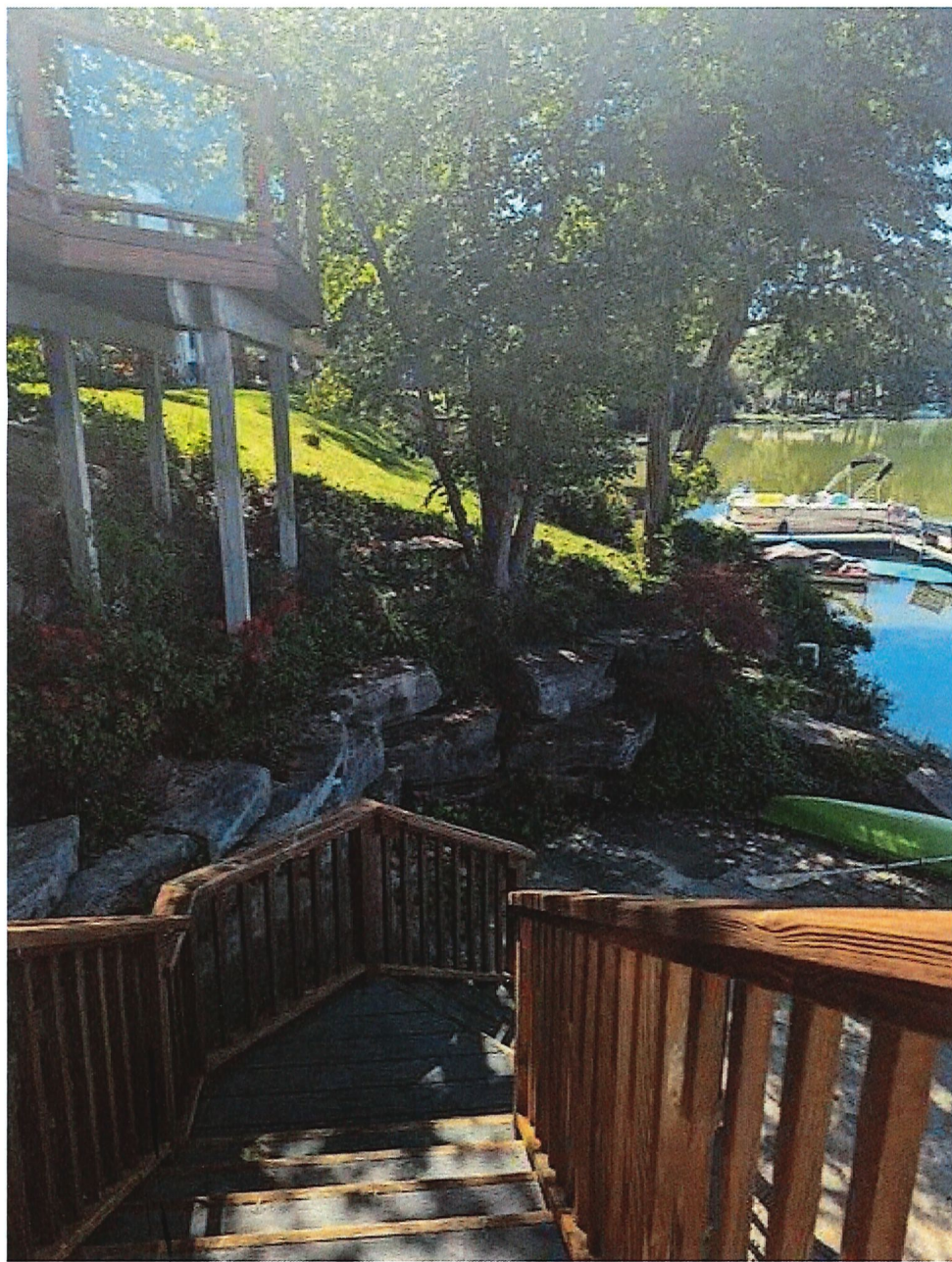
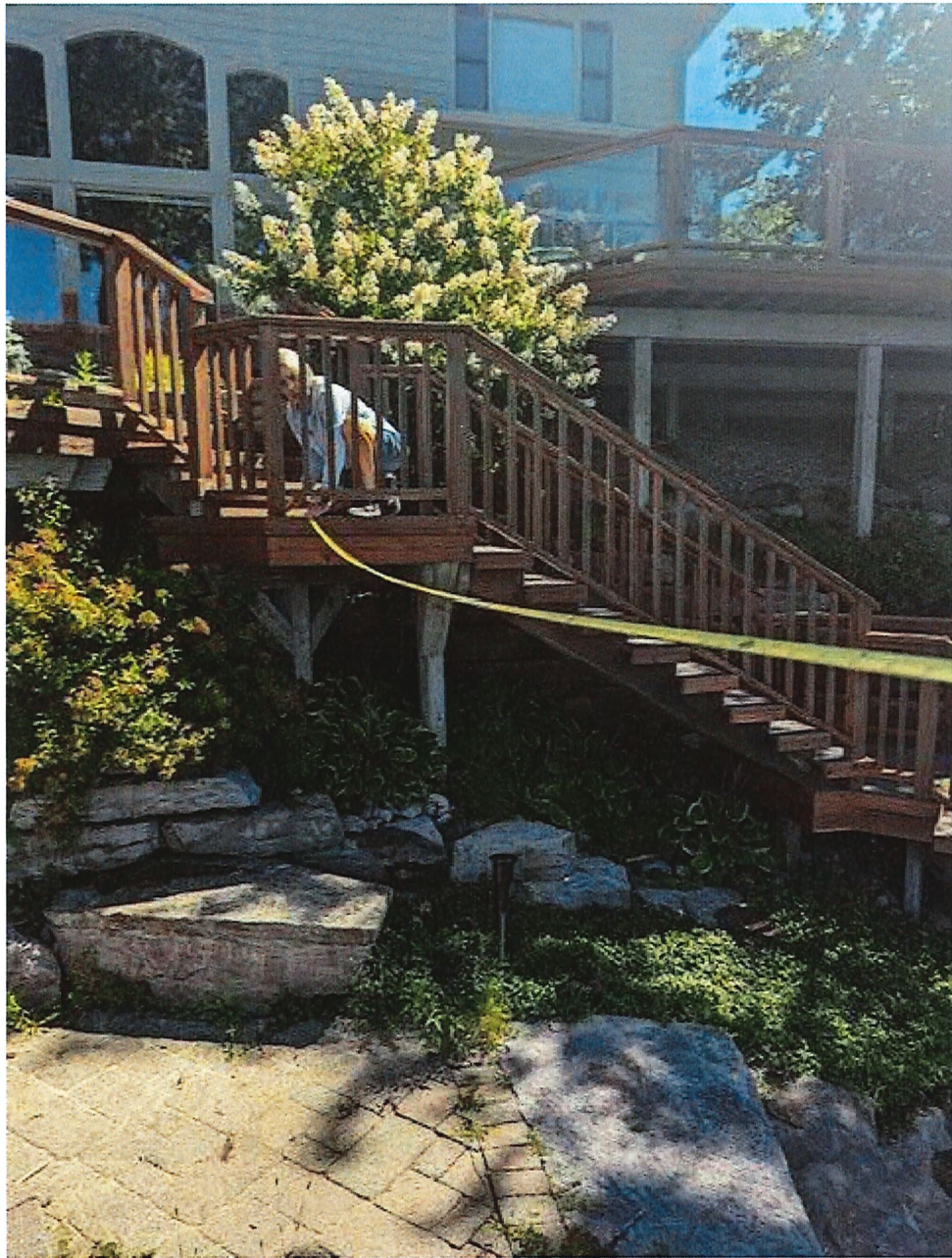
The proposed structure has a 10 ft setback from the water's edge where a minimum 25 ft setback is required.

Approval of the building plans is subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the June 22nd Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than May 25th at 4:30 PM. **A certified boundary and location survey; including well and septic location, and lot coverage, will be required by the ZBA.** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official
White Lake Township





Sent from my iPhone

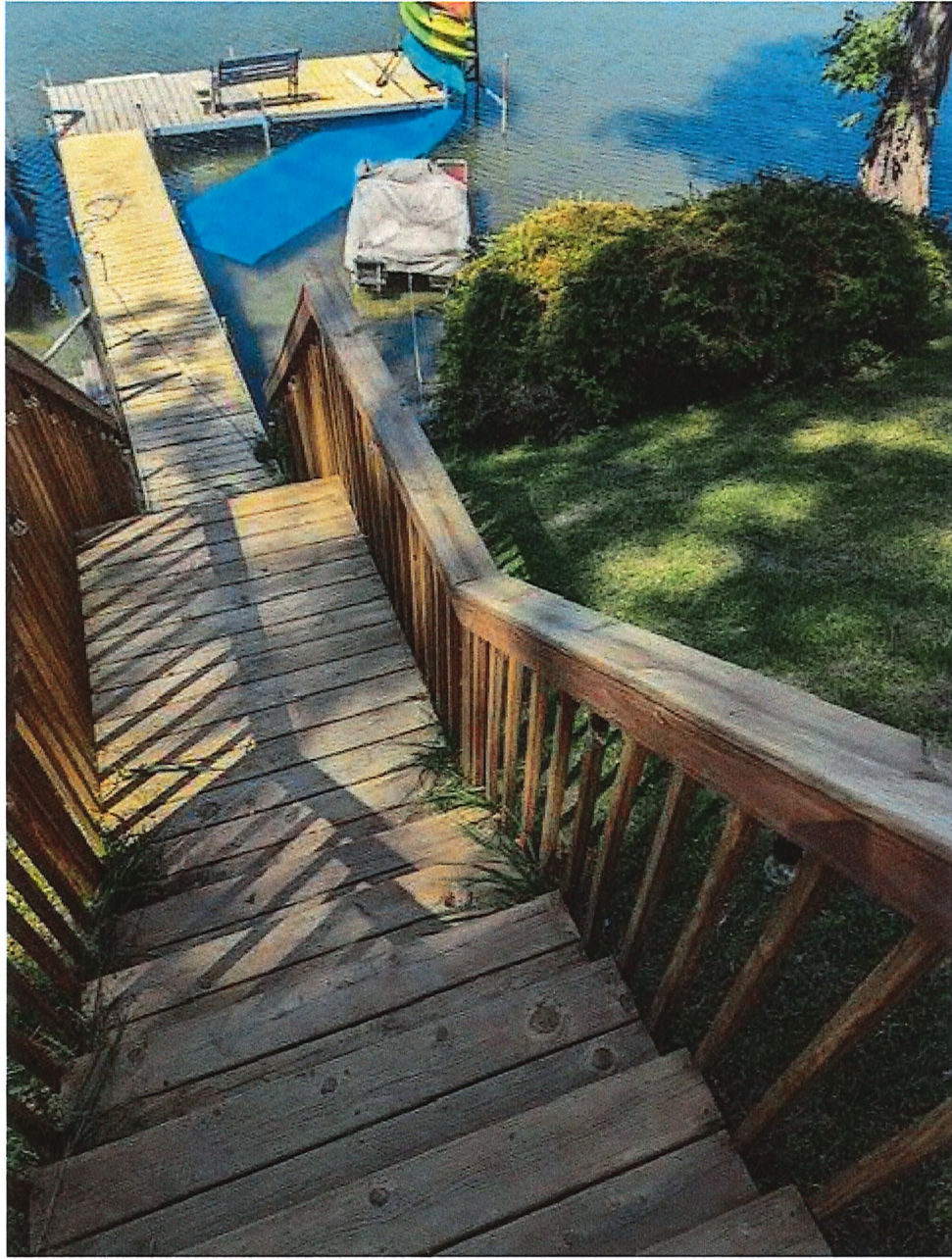
Pic

Hawkins Fam <hawkinscampingcalendar@gmail.com>

Tue 9/12/2023 2:05 PM

To:Hawkins, Lorena <LorenaBernd@wlcsd.org>

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Pic

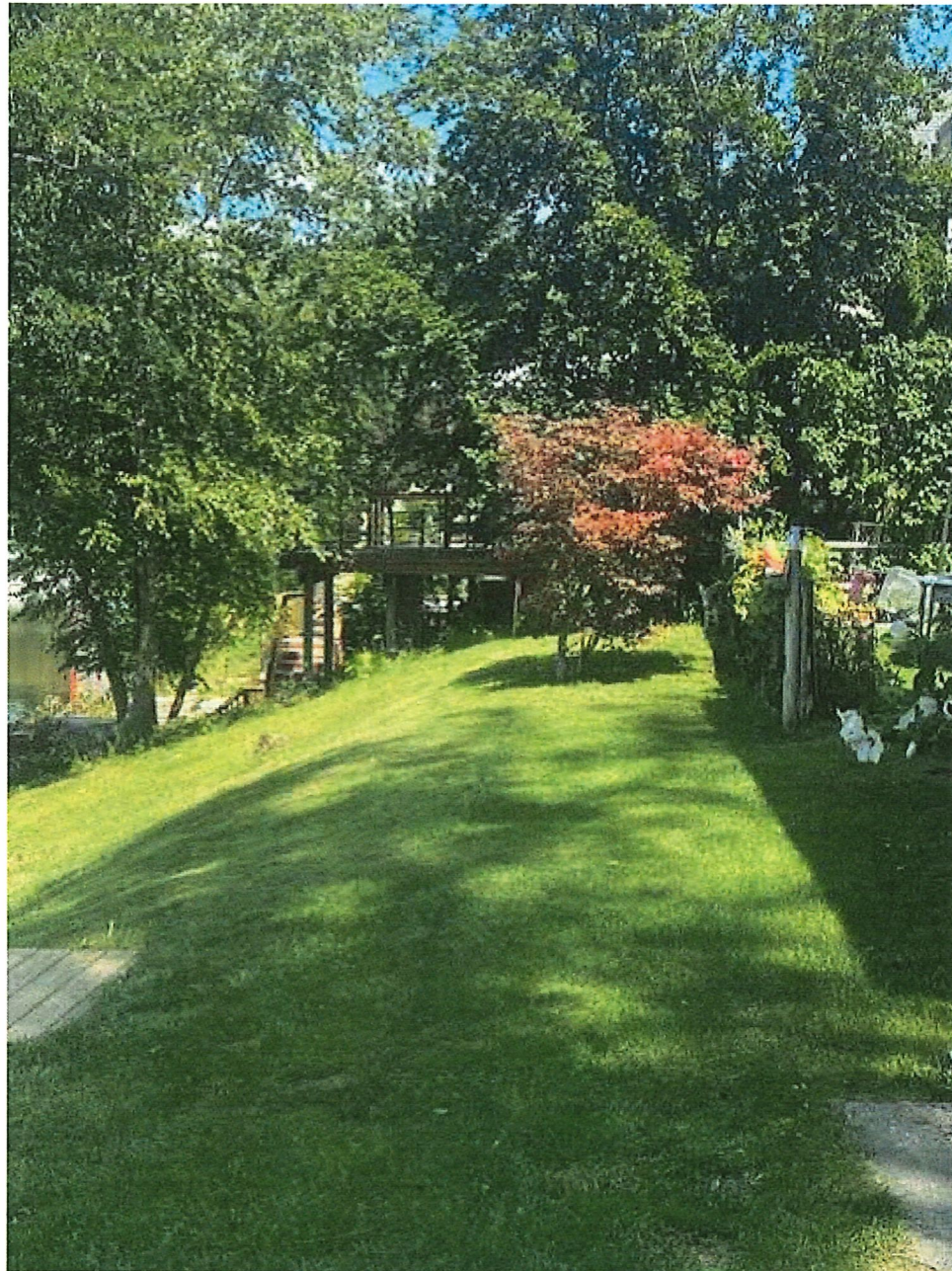
Hawkins Fam <hawkinscampingcalendar@gmail.com>

Mon 8/28/2023 1:44 PM

To:Hawkins, Lorena <LorenaBernd@wlcsd.org>

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Sent from my iPhone

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: September 28, 2023

Agenda item: 8a

Appeal Date: September 28, 2023

Applicant: Robert Freels

Address: 204 Laura Lane
Linden, MI 48451

Zoning: R1-D Single Family Residential

Location: 8468 Cascade Street
Commerce, MI 48382
(Commerce mailing address, located in White Lake)

Property Description

The 0.299-acre/13,055 square feet (net lot area) parcel identified as 8468 Cascade Street is located on Cooley Lake and zoned R1-D (Single Family Residential). The legal description on the site plan incorrectly indicates the property description as the west 200 feet of Lot 18 and all of Lot 19 of the Russell Beach plat; the property description is the west 20 feet of Lot 18 and all of Lot 19. The existing house on the property (approximately 2,253 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

Applicant's Proposal

Robert Freels, the Applicant, on behalf of the property owner, is proposing to construct a 12 foot by 14 foot (168 square feet) shed.

Planner's Report

On May 25, 2023 the Zoning Board of Appeals (ZBA) approved variance requests (meeting minutes attached for reference) to construct a first-floor addition on the front and rear of the house. The following variances were previously granted:

- 4.5-foot variance from the side yard setback (west)
- 2% variance to exceed the maximum lot coverage
- 20-foot variance from the required lot width
- 172% variance from the allowed value of improvements to a nonconforming structure

The proposed shed would encroach 27.5 feet into the required 30-foot front yard setback. Section 5.3 of the Zoning Ordinance prohibits roofs, gutters, windows, and open balconies from projecting closer than five feet to a lot line. The proposed roof overhang would not be permissible if the requested variance is granted. Additionally, the proposed lot coverage is 23.25% (3,035 square feet), which is 1.25% (168 square feet) beyond the limit allowed by the prior variance (2,867 square feet). Note lot coverage calculations were not updated on the site plan since the previous request. Staff calculated the proposed lot coverage based on the size of the shed.

The ZBA should note the submitted architectural plan is inconsistent with the site plan. According to the site plan, the shed would be located 2.5 feet from the front lot line (not including the roof overhang); the architectural plan appears to show the proposed shed 12 feet from the front lot line.

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	27.5 feet	2.5 feet
2	Article 3.1.6.E	Maximum lot coverage	22% (with variance)	1.25%	23.25%

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Robert Freels from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-36-453-022, identified as 8468 Cascade Street, in order to construct an addition. Variances from Article 7.23.A are granted to allow the addition to encroach 4.5 feet into the required west side yard setback and exceed the allowed lot coverage by an additional 1.25%. This approval will have the following conditions:

- In no event shall the projection of any roof overhang be closer than five feet to a property line. The architectural plan shall be revised accordingly.
- The architectural plan shall be revised to be consistent with the site plan.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.

Denial: I move to deny the variances requested by Robert Freels for Parcel Number 12-36-453-022, identified as 8468 Cascade Street, due to the following reason(s):

Postpone: I move to postpone the appeal of Robert Freels *to a date certain or other triggering mechanism* for Parcel Number 12-36-453-022, identified as 8468 Cascade Street, to consider comments stated during this hearing.

Attachments:

1. Variance application dated August 22, 2023.
2. Site plan dated August 11, 2023.
3. Architectural plan received by the Township on August 22, 2023.
4. Minutes of the May 25, 2023 Zoning Board of Appeals meeting.

7.37 STANDARDS

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION

Item A.

Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: ~~Robert Freels~~ ~~Mike Beals~~ Robert Freels PHONE: 248-514-8140

ADDRESS: 8468 Cascade

APPLICANT'S EMAIL ADDRESS: advancedbuildingmi@gmail.com

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

ADDRESS OF AFFECTED PROPERTY: 8468 Cascade PARCEL # 12 - 36-453-022

CURRENT ZONING: R PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Front yard setback and lot coverage for shed.

VALUE OF IMPROVEMENT: \$ 1,500 SEV OF EXISTING STRUCTURE: \$ _____

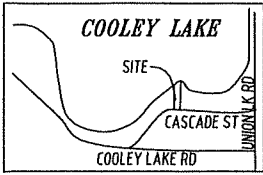
STATE REASONS TO SUPPORT REQUEST: (ATTACH WRITTEN STATEMENT TO APPLICATION)

APPLICATION FEE: 385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)

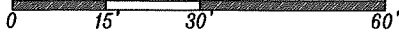
APPLICANT'S SIGNATURE: Jessica Freels DATE: 8-22-23

Building of shed per drawings

LOCATION MAP



SCALE 1"=30'



Item A.



LEGAL DESCRIPTION

T3N, R8E, SECTION 36 RUSSELL BEACH. THE WEST 200 FEET OF LOT 18 AND ALL OF LOT 19.

PROPOSED ADDITIONS TO MATCH FIRST FLOOR ELEVATION = 942.50

LAKESIDE ADDITION DOES NOT EXTEND BEYOND EXISTING DECK

COOLEY LAKE

LEGEND

- 880 --- Existing Contour
- 880 — Proposed Contour
- (W) Proposed Well
- 100.00Ft. Property Lines
- N90°00'00"E
- Drainage Direction
- ~~~~~ Clearing Line

MAINTAIN SWALE ALONG PROPERTY LINES AND AWAY FROM PROPOSED HOME.

NO NEW GRADING REQUIRED. PROPOSED CONTOURS TO MATCH EXISTING CONTOURS.

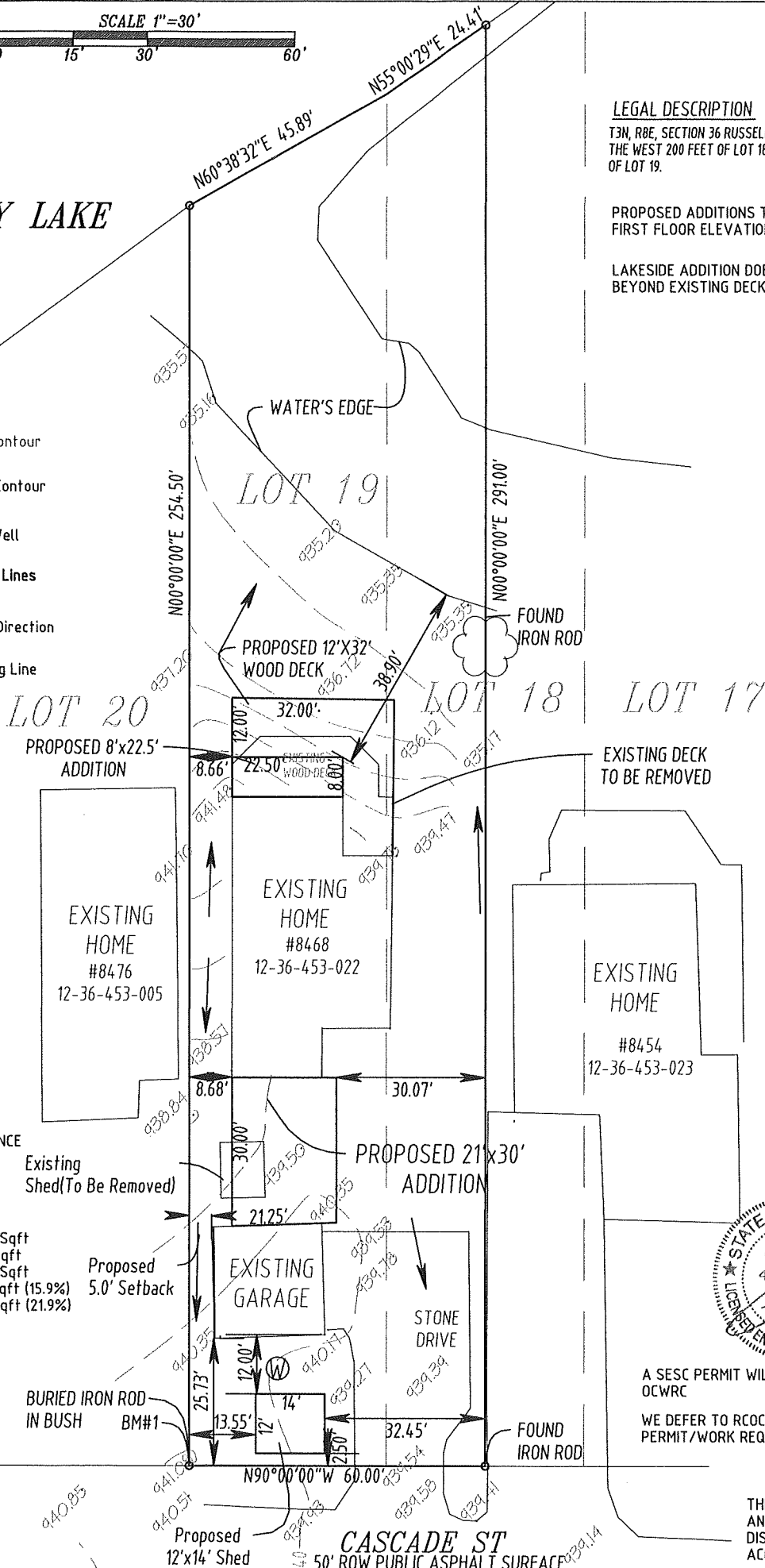
PROPERTY SHALL CONFORM WITH TOWNSHIP ORDINANCE, STORM WATER MANAGEMENT

NO ADDITIONAL WATER RUN OFF WILL BE CREATED, DUE TO THE PROPOSED PROJECT.

ALL PROPOSED ROOF DRAINS TO BE TIED TO EXISTING DOWN SPOUTS.

SET NAVD88 BM#1 AT BASE OF FENCE POST. ELEVATION = 941.08

Gross Lot Area	=16,310 Sqft
Water Coverage	=3,255 Sqft
Net Lot Area	=13,055 Sqft
Existing Lot Coverage	=2,078 Sqft (15.9%)
Proposed Lot Coverage	=2,867 Sqft (21.9%)

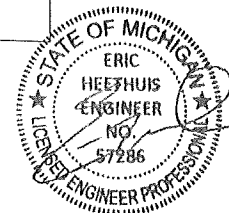


EXISTING DECK TO BE REMOVED

Existing Shed (To Be Removed)

BURIED IRON ROD IN BUSH BM#1

FOUND IRON ROD



A SESC PERMIT WILL BE REQUIRED FROM OCWRC

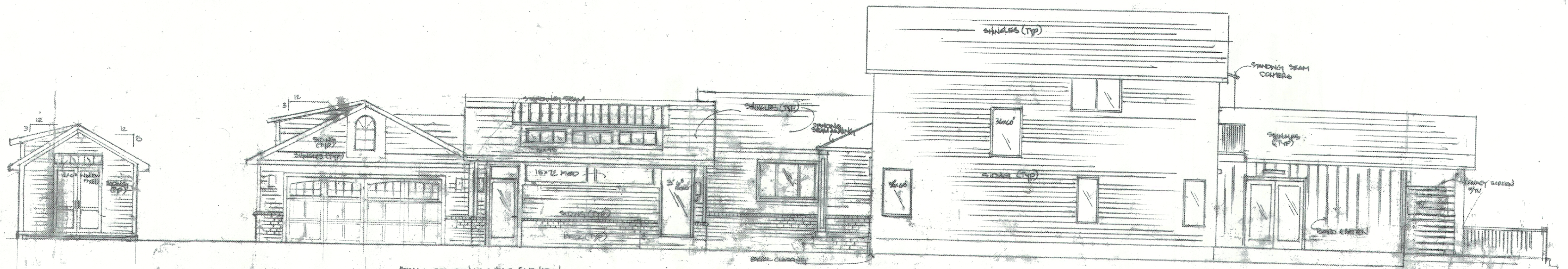
WE DEFER TO RCOC FOR ROW PERMIT/WORK REQUIREMENTS

Site Plan

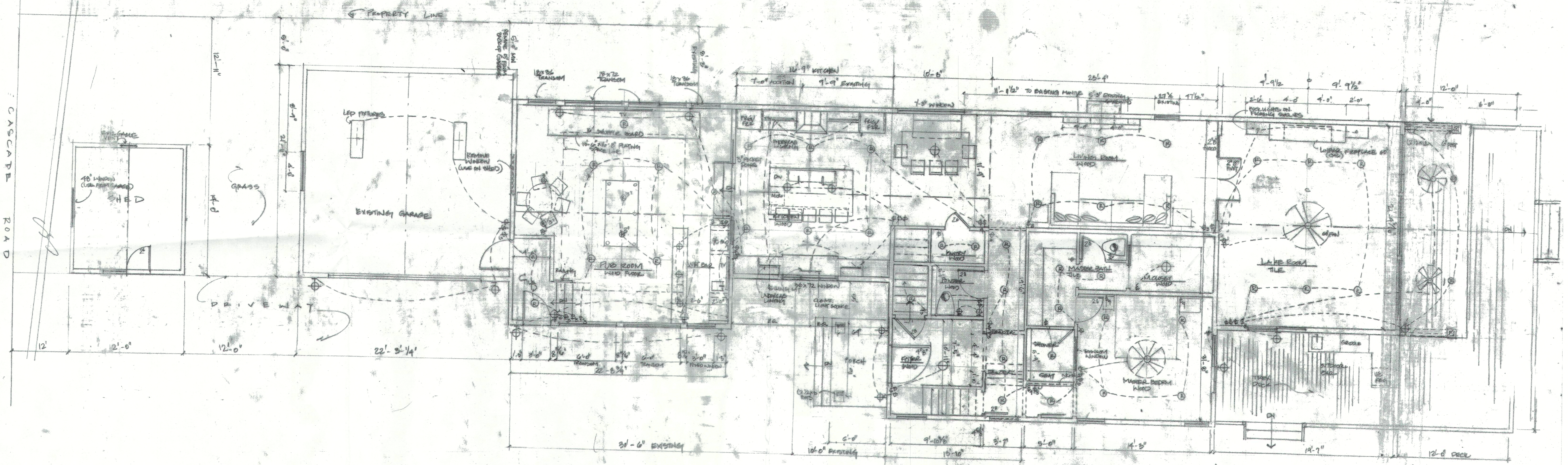
Owner: Michael & Julie Beals
 (810) 936-3065
 8468 Cascade St Commerce Township
 PN: 12-36-453-022
 Engineer: Eric S. Heethuis, P.E., P.S.
 14305 Wright Dr Linden, MI 48451
 (517) 202-4806
 8/11/23

CASCADE ST
50' ROW PUBLIC ASPHALT SURFACE

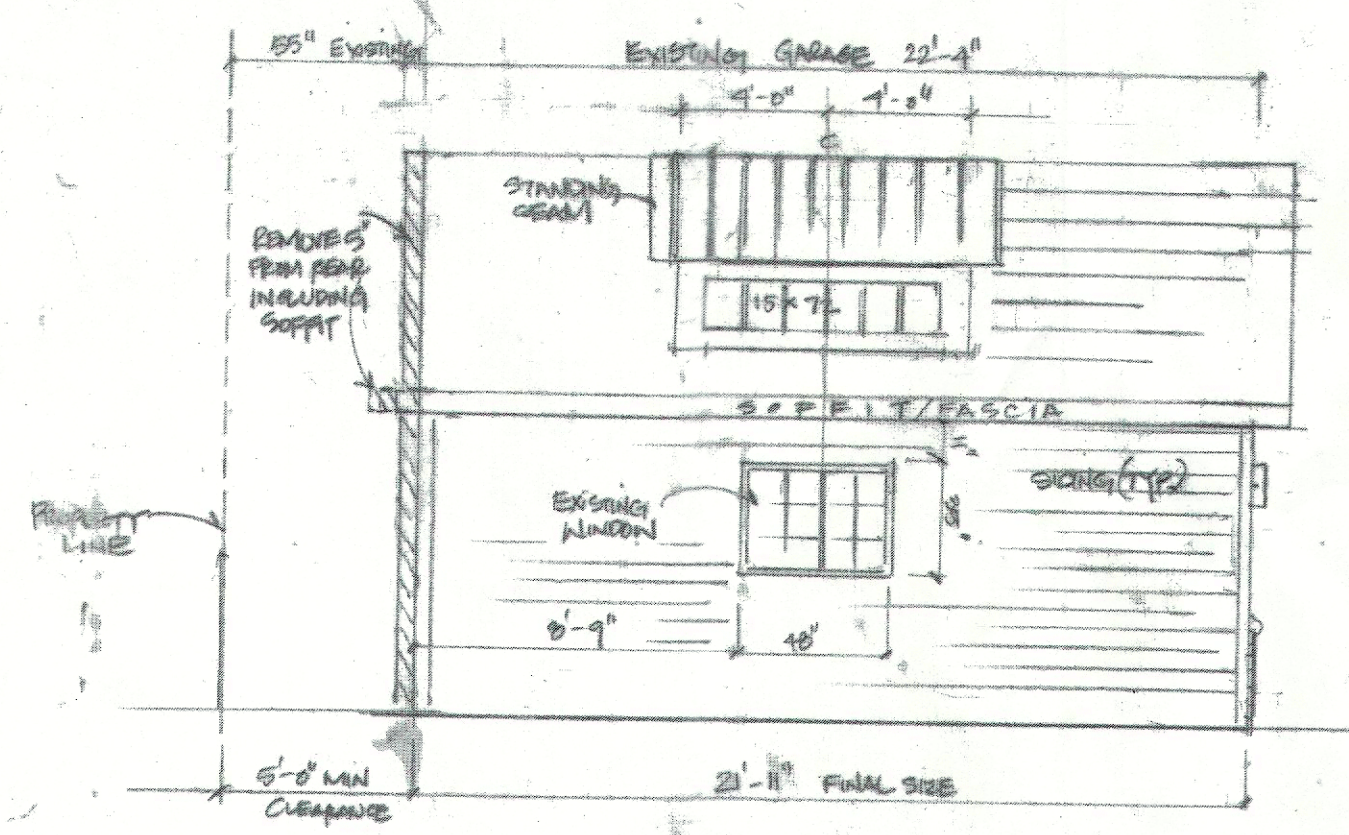
THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULLY ACCURATE TITLE SEARCH



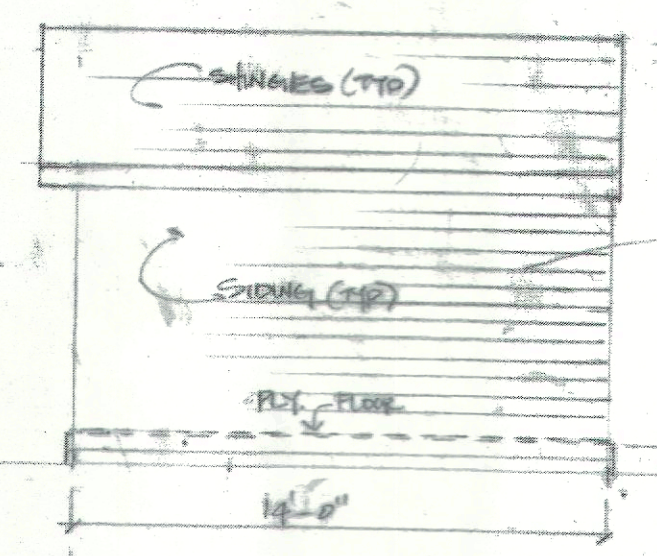
BEALO RESIDENCE - WEST ELEVATION
SCALE: 1/4" = 1'-0"



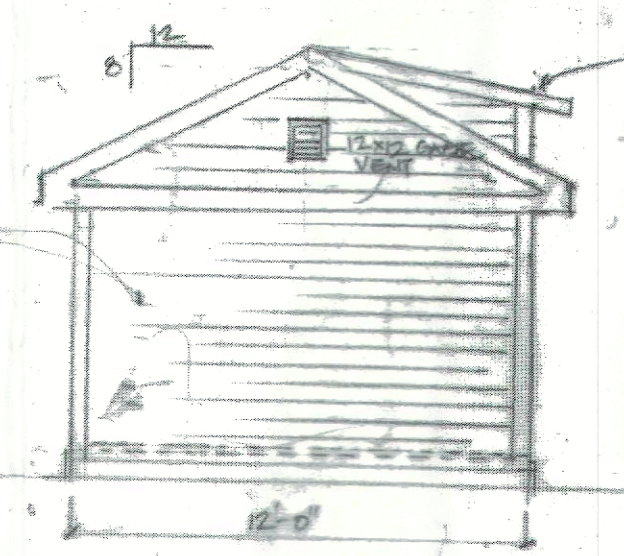
BEALO RESIDENCE - MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0" (DO NOT SCALE DRAWING)



GARAGE NORTH ELEVATION
SCALE: 1/4" = 1'-0" DO NOT SCALE DRAWING



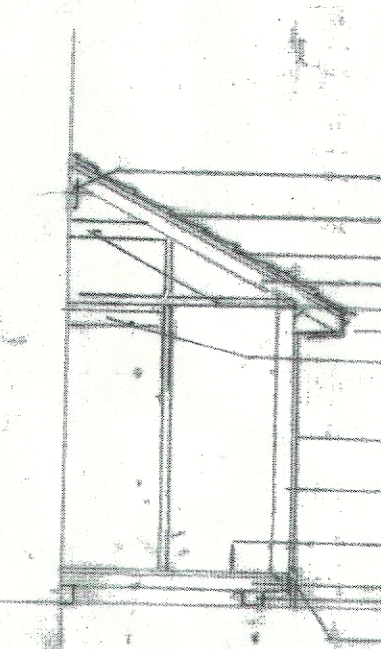
SHED SOUTH ELEVATION
SCALE: 1/4" = 1'-0" DO NOT SCALE DRAWING



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



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



SHED DETAIL

- 2x6 RAFTER
- ASPH/FLT SHINGLES
- 1/2" PLYWOOD
- 2x4 RAFTER
- BLOCKING FOR WINDOW
- FASCIA 2x4
- 2x4 COLLAR FOR DOOR
- SHINGLES (TYP)
- 2x4 FURRING 1" WALLS
- 3/4" RUMBLE FLOOR
- PRESSURE TREATED 2x4 FLOOR JOIST
- PRESSURE TREATED 4x4 STUD
- ASPH EXPOSE

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS SPECIAL MEETING
MAY 25, 2023**

CALL TO ORDER

Chairperson Spencer called the meeting to order at 5:00 P.M. She then led the Pledge of Allegiance.

ROLL CALL**PRESENT:**

Jo Spencer, Chairperson
Debby Dehart, Planning Commission Liaison
Clif Seiber
Niklaus Schillack, Vice Chairperson
Mike Powell, Township Board Liaison

OTHERS:

Justin Quagliata, Staff Planner
Sean O'Neil, Community Development Director
Hannah Micallef, Recording Secretary

15+ members of the public present.

APPROVAL OF AGENDA

MOTION by Member Schillack, seconded by Member Powell to approve the agenda as presented. The motion CARRIED with a voice vote: (5 yes votes).

APPROVAL OF MINUTES

A. April 27, 2023

MOTION by Member Seiber, seconded by Member Schillack to approve the minutes of April 27, 2023 as presented. The motion CARRIED with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

Chairperson Spencer stated the White Lake Presbyterian Church was holding a fun fair on June 3rd.

7. NEW BUSINESS

- A. Applicant: Mike Beals
8468 Cascade Street
Commerce, MI 48382
Location: **8468 Cascade Street**
Commerce, MI 48382 identified as 12-36-453-022
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 34 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Seiber stated the garage was noncompliant, but the applicant was not looking to expand the garage. Staff Planner Quagliata said the proposed expansion of the house to connect the house to the garage necessitated a variance for the garage side yard setback. A variance regarding the setback between the house and garage was not published as the request involved connecting the buildings.

Member Powell asked staff what would happen if no action was taken on the garage. Staff Planner Quagliata said the ZBA could not legally approve a side yard setback of less than five feet.

Member Powell asked staff if the architectural plans were inconsistent with the survey. Staff Planner Qualified confirmed and said the architectural plans needed to be consistent with the site plan.

Robert Freels, 357 Eauclair, was the applicant's builder and present to speak on behalf of the applicant. He said the homeowner agreed with the variance conditions listed in the staff planner's report.

Member Seiber asked Mr. Freels if the addition between the house and the garage could be carried straight south to the garage instead of jogged west. Mr. Freels said he would prefer not to, as the applicant wanted the space. He was willing to consider it, but wanted to keep the plans as drawn.

Member Powell stated he would prefer to see the garage wall moved west. Mr. Freels said if the garage was moved more than one foot, there would be costs incurred in regards to the foundation.

Chairperson Spencer opened the public hearing at 5:19 P.M. Seeing no public comment, she closed the public hearing at 5:20 P.M.

Member Schillack stated as the Chairperson explained at the beginning of the meeting, there were five standards established by law through which we reviewed each case. Since applicants asked this Board to allow them to legally break the law, it was essential all five standards were met when granting permission. We named the standards, explained them in the process, during individual case deliberation. This process of going through the standards during each case matched transparency with diligence in helping make the best determination possible for all residents of our Township, including the applicant.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Member Seiber said the lot width was undersized for the current standards in the R1-D zoning district. Members Powell and Dehart agreed.

B. Unique Situation

- Member Powell said surrounding houses in the neighborhood did not meet the current requirements of the zoning ordinance.
- Member Schillack said the existing house next to the lot was closer than the proposed house was to be.

C. Not Self-Created

- Chairperson Spencer did not see a self-created problem.

D. Substantial Justice

- Member Dehart said based on the surrounding houses in the area, the proposed house would not be bestowed any special rights.
- Member Powell said by moving the garage wall, there would be an improvement for health, safety and welfare.

E. Minimum Variance Necessary

- Chairperson Spencer said the minimum necessary variances would be granted.
- Member Schillack said a nonconformity would be reduced by moving the garage wall.

Member Seiber MOVED to approve the variances requested by Mike Beals from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-36-453-022, identified as 8468 Cascade Street, in order to construct an addition. Variances from Article 7.23.A are granted to allow the addition to encroach 1.5 feet into the required west side yard setback and exceed the allowed lot coverage by 2%. A variance from Article 7.28.A is granted to exceed the allowed value of improvements to a nonconforming structure by 172%. A 20-foot variance from the required lot width is also granted from Article 3.1.6.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **The west 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.**
- **In no event shall the projection of any roof overhang be closer than five feet to the west side lot line.**
- **A revised building permit application shall be submitted and the building permit fee shall be based on a value of improvement of \$130,548.60.**
- **The architectural plans shall be revised to be consistent with the site plan prepared by the surveyor.**

Member Powell SUPPORTED and said an affirmative vote would require a change in architectural plans since the west side yard setback would be approved at 1.5 feet. The request for the west side yard setback was reduced to the minimum necessary.

**The motion carried with a roll call vote (5 yes votes):
(Seiber/yes, Powell/yes, Dehart/yes, Spencer/yes, Schillack/yes).**

- B. Applicant: Wade Paris
9377 Gale Road
White Lake, MI 48386
Location: **9604 Buckingham Road**
White Lake, MI 48386 identified as 12-14-201-015
Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Maximum Lot Coverage.

Chairperson Spencer noted for the record 19 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Wade Paris, 9377 Gale, applicant, was present to speak on his case. He said the changes he made to the plans last time greatly improved the setbacks, and he was not looking to change those plans.

Chairperson Spencer opened the public hearing at 6:36 P.M. Seeing no public comment, she closed the public hearing at 6:36 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Based on the comments from the July 28, 2022 ZBA hearing and discussion.
- B. Unique Situation
 - Based on the comments from the July 28, 2022 ZBA hearing and discussion.
- C. Not Self-Created
 - Based on the comments from the July 28, 2022 ZBA hearing and discussion.
- D. Substantial Justice
 - Based on the comments from the July 28, 2022 ZBA hearing and discussion.
- E. Minimum Variance Necessary
 - Based on the comments from the July 28, 2022 ZBA hearing and discussion.

Member Dehart MOVED approve the variances requested by Wade Paris from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, in order to construct a new house that would encroach 7.5 feet into the required front yard setback and exceed the allowed lot coverage by 1.5%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.**

- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**

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

- C. Applicant: Sydney Irving
4965 Lake Grove Drive
White Lake, MI 48383
Location: **4965 Lake Grove Drive**
White Lake, MI 48383 identified as 12-07-126-001
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring a variance from Article 7.23.A, Nonconforming Structures. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 29 owners within 300 feet were notified. 1 letter was received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Shaun Irving, 4965 Lake Grove Drive, was present to speak on his case. He said the configuration of the lot and the location of the septic field made the proposed addition plan ideal.

Member Seiber stated there was room to expand on the northerly side of the house. He asked the applicant if it was possible to reduce the back of the house by 2.5 feet. Mr. Irving said he would like to keep the size of the bedroom as proposed, but could reduce the bedroom size if needed.

Member Powell asked the applicant the reason the expansion was not taken to the north. Mr. Irving said he wanted the proposed addition to house to maintain the same lines as the existing house.

Chairperson Spencer opened the public hearing at 5:46 P.M. She read one letter in favor of the applicant's request into the record. Seeing no more comments, she closed the public hearing at 5:47 P.M.

Members Schillack and Dehart thanked the applicant for their survey submittal having all of the requirements per the ZBA application.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Dehart said the practical difficulty was the house was nonconforming. Member Schillack agreed.
 - Member Schillack added he saw a building envelope that could lessen the variances required.
- B. Unique Situation
 - Member Powell said the existing house was what it was, but he took issue granting the rear yard setback variance.
- C. Not Self-Created
 - Member Seiber said the applicant did not build the house; therefore, there was not a self-created problem.
- D. Substantial Justice
 - Member Dehart said the house was built where it was built, and there would not be adverse impacts to neighbors in the vicinity.
- E. Minimum Variance Necessary
 - Chairperson Spencer said she thought the minimum variance was requested.
 - Member Powell said architecturally or structurally, there was no reason to extend the structure to the north.

Member Seiber MOVED to approve the variances requested by Sydney Irving from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-07-126-001, identified as 4965 Lake Grove Drive, in order to construct a first-story addition. A variance from Article 7.23.A is granted to allow the addition to encroach 2.71 feet into the required setback from the south side lot line. A variance from Article 7.28.A is granted to exceed the allowed value of improvements to a nonconforming structure by 245%. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks.**
- **The architectural plans shall be revised to be consistent with the site plan prepared by the surveyor.**
- **The building permit fee shall be based on a value of improvement of \$94,798.37.**
- **In no event shall the projection of any roof overhang be closer than five feet to any side yard property line.**
- **No new HVAC or generator units be placed along within the south side yard setback.**

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

- D. Applicant: Brian Nelson
513 N. Ponchartrain Boulevard
White Lake, MI 48386
Location: **513 N. Ponchartrain Boulevard**
White Lake, MI 48386 identified as 12-27-405-025
Request: The applicant requests to construct an accessory building, requiring a variance from Article 3.1.5.E, R1-C Single Family Residential Front Yard Setback.

Chairperson Spencer noted for the record 19 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Brian Nelson, 513 N. Ponchartrain, was present to speak on his case. He said he could not afford to connect the new garage to his house at this time. The layout was designed to give connection from the new garage to the house.

Member Seiber asked the applicant where the septic field was located. Mr. Nelson said it was on the left side of the house.

Member Powell asked the applicant if the garage was pushed back, why the house could not connect to it. Mr. Nelson said if the garage was pushed back too far, he would have to reduce living space within the house. He wanted to keep the current footprint of the house as he was planning on a future addition.

Member Seiber stated if the applicant got approval for the garage, but did not receive it for the future addition, there could be a risk. Mr. Nelson said he tried to keep the layout as proposed to maintain lake views for his neighbors.

Chairperson Spencer opened the public hearing at 6:08 P.M. Seeing no public comment, she closed the public hearing at 6:08 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Dehart said the garage could be shortened, and was not sure if she saw a practical difficulty.
 - Member Powell said he did not see a practical difficulty due to the large size of the lot and alternatives available.
- B. Unique Situation
 - Chairperson Spencer said there was no practical difficulty, so there was not a unique situation.
 - Member Powell said the lot was large enough for other alternatives.

- C. Not Self-Created
 - Member Seiber said there was a self-created problem. The issue with the connection could be solved with architectural design.
- D. Substantial Justice
 - Member Schillack said in contrast, the applicant had a bigger building envelope than the surrounding properties.
- E. Minimum Variance Necessary
 - Chairperson Spencer said she did not see a minimum variance necessary.

Member Powell MOVED to deny the variance requested by Brian Nelson for Parcel Number 12-27-405-025, identified as 513 N. Ponchartrain Boulevard, due to the following reason(s)

- **Failure to meet the standards from Article 7, Section 37 from the ClearZoning Ordinance.**

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

- E. Applicant: Kieft Engineering – Casey Leach, P.E.
5852 S. Main Street, Suite 1
Clarkston, MI 48346
Location: **Parcel Number 12-01-127-001**
Request: The applicant requests to waive the installation of landscape irrigation, requiring a variance from Article 5.19.B.iii.a, Irrigation Requirements.

Chairperson Spencer noted for the record 6 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Schillack asked staff if the applicant could ask for a waiver from the Planning Commission for the irrigation along the sides and rear of the property. Staff Planner Quagliata said no, not without a site plan amendment as the plan already received preliminary site plan approval from the Township Board and final site plan approval from the Planning Commission.

Member Powell asked staff if the landscaping proposed on the plan was the required amount. Staff Planner Quagliata confirmed, and said without irrigation the plantings in the side and rear yards would likely die.

Casey Leach, 5852 S. Main Street, was present to speak on the case. He said the landscape plan proposed was not the same plan the Planning Commission approved. He said his firm redid the original landscape plan, and came up with a plan per the zoning ordinance. He said the ordinance encouraged water conservation, and an irrigation waiver could be requested from the Planning Commission.

Staff Planner Quagliata noted an irrigation waiver could only be requested from the Planning Commission if a landscape plan was prepared by a certified/registered landscape architect, and the proposed landscape plan was not prepared by a certified/registered landscape architect.

Mr. Leach said the plantings provided were drought resistant, and the applicant would replace any dead plants. He stated the practical difficulty was due to the applicant not being a landscape professional. There was a swale on the east side of the property to provide natural irrigation.

Member Schillack complimented the applicant's site plan for having the appropriate call outs for well and septic. He asked the applicant what about the property made it unique to the requested variances.

Ty Nuottila, 840 Sherbrooke, owner, said the landscaping on the sides and rear yard property would not be visible from the road.

Member Powell asked the applicant why the previous landscape professionals design was not used. Mr. Nuottila said he put the plantings in the best possible area, and there was a professional conflict with the previous landscape professional.

Chairperson Spencer opened the public hearing at 6:33 P.M. Seeing no public comment, she closed the public hearing at 6:33 P.M.

Member Powell asked staff what part of the property was visible to adjacent properties. Staff Planner Quagliata said the landscaping could be viewed from the west and east. Mr. Leach said he was working with the owners of the adjacent properties, and would be ensuring the landscaping among the three properties would be harmonious.

Member Dehart said this matter should be sent back to the Planning Commission. Staff Planner Quagliata said the landscape design would have to be certified by a registered landscape architect, and that type of waiver had not been historically granted by the Township.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Seiber said he did not see anything about the property that would demonstrate a practical difficulty.
- B. Unique Situation
 - Member Dehart said there was not a practical difficulty demonstrated.
- C. Not Self-Created
 - Member Dehart said there was a self-created problem.
- D. Substantial Justice
 - Member Schillack said in contrast, approval would grant rights to the applicant that others would not have.

E. Minimum Variance Necessary

- Chairperson Spencer said she did not see a minimum variance necessary.

Member Powell said White Lake Township was pleased to have the business within the Township, but needed the owner to adhere to the same rules other businesses did.

Member Powell MOVED to deny the variance requested by Kieft Engineering – Casey Leach, P.E. for Parcel Number 12-01-127-001, due to the following reason(s):

- **Failure to meet the standards from Article 7, Section 37 from the ClearZoning Ordinance.**

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

- F. Applicant: Kieft Engineering – Casey Leach, P.E.
5852 S. Main Street, Suite 1
Clarkston, MI 48346
Location: **10431 Highland Road**
White Lake, MI 48386 identified as 12-22-252-022
Request: The applicant requests to complete site improvements, requiring variances from Article 5.11.A.iv, Off-Street Parking for Non-Residential Uses in a Required Front Yard Setback, Article 5.11.Q.xi, Off-Street Parking Space Surface Standards, Article 5.19.B.iii.a, Irrigation Requirements, Article 5.19.G, Parking Lot Landscaping, and Article 5.12, Fences, Walls and Other Protective Barriers.

Chairperson Spencer noted for the record 16 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Seiber asked staff if the site plan was considered by the Planning Commission. Staff Planner Quagliata said no, the site plan was administrative due to the non-building related site matters requested from the applicant.

Member Schillack asked staff about the drive access. Staff Planner Quagliata said the cross access to the east would be maintained and a reciprocal access easement would be established. There was no requirement for the easement to the west since the parking lot was not being extended to the west.

Member Dehart asked staff if there was curb between the subject property and the property to the west. Staff Planner Quagliata said no.

Casey Leach, 5852 S. Main Street, was present to speak on the case. He said in this instance, he was asking for irrigation to be removed on the east and rear yard lot line due to the contamination. A hazard specific safety plan would be developed as the construction would carry on. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) requested the site have gravel surface to avoid digging the contaminated soil. The fence in the rear of the property encroached over the property line, and he proposed the fence to encroach over the property line due to nearby power poles. He said the building was too close to M-59, like similar surrounding buildings in the area. The property owner wanted to provide parking outside the proposed front yard privacy fence in the unlikely event it was needed by customers. The Michigan Department of Transportation (MDOT) said parking in the right-of-way (ROW) would not be permitted, but the parallel spaces, associated access aisle, sidewalk, and greenbelt would be permissible if the Township agreed and the applicant would enter into an agreement with MDOT.

Member Seiber thanked Mr. Leach for his response letter.

Member Schillack asked Mr. Leach if the plume was contained. Mr. Leach believed it was, and there were no more monitoring wells as the site.

Member Powell asked staff where the proposed handicap parking spaces would be located. Staff Planner Quagliata said a handicap space would be in front of the building with ADA accessible landing pavement.

Member Powell stated the ZBA could not grant a variance for something located in the ROW. Staff Planner Quagliata said requiring a license agreement from MDOT would be a condition of approval.

Member Dehart asked staff if gravel surfacing was a requirement of EGLE. Staff Planner Quagliata said all surfacing would be consistent with what EGLE required of the site. If the plan received administrative site plan approval, EGLE would then review the plan for concurrence.

Chairperson Spencer opened the public hearing at 7:10 P.M. Seeing no public comment, she closed the public hearing at 7:10 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

A. Practical Difficulty

- Member Seiber said contamination of the site and the location of the existing buildings demonstrated a practical difficulty.
- Member Powell added the stormwater would be increased in the chance the site was paved, which was what EGLE wanted to avoid due to the contamination.

B. Unique Situation

- Chairperson Spencer said the site was uncommon due to the contamination.

C. Not Self-Created

- Chairperson Spencer said there was no contamination caused from the current owners of the building; therefore, it was not a self-created problem.

D. Substantial Justice

- Member Schillack said the variances would allow the applicant to use the site without disrupting the existing plume.

E. Minimum Variance Necessary

- Chairperson Spencer said she saw the minimum variance necessary.
- Member Seiber said all of the applicant’s requested variances, with the exception of the irrigation variance, made sense to him.

F. Compliance with other Laws

- Member Powell said compliance with EGLE laws and the restrictive covenant placed on the site.

Member Powell MOVED to approve the variances requested by Kieft Engineering – Casey Leach, P.E. from Article 5.11.A.iv, Article 5.11.Q.xi, Article 5.19.B.iii.a, and Article 5.12 of the Zoning Ordinance for Parcel Number 12-22-252-022, identified as 10431 Highland Road, in order to allow parking 13 feet within the required setback from the front property line, gravel surfacing along the west and south property lines, no irrigation in all lawn along the east property line, and fence encroachment in the Glynn Road right-of- way. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **The Applicant shall receive administrative site plan approval from the Township.**
- **The site plan must comply with the Declaration of Restrictive Covenant for a Restricted Non-Residential Corrective Action relating to the property.**
- **Prior to the provision of parking within the required setback from the front property line, the Applicant shall receive a license agreement from the Michigan Department of Transportation (MDOT) and provide a copy of said license agreement and/or permit to the Community Development Department.**
- **Prior to the installation of fencing in the Glynn Road right-of-way, the Applicant shall obtain the required Road Commission for Oakland County (RCOC) permit and provide a copy of said permit to the Community Development Department.**
- **The Glynn Road access point/driveway shall be removed and converted to lawn and landscaped in accordance with the site plan.**
- **Any future modification to site access, except for modification in compliance with the Zoning Ordinance, shall require approval of the Zoning Board of Appeals and/or Planning Commission.**

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

- G. Applicant: Black Rock White Lake, LLC
30553 S. Wixom Road, Suite 300
Wixom, MI 48393
Location: **9531 Highland Road**
White Lake, MI 48386 identified as 12-23-129-018
Request: The applicant requests to construct a restaurant with alcoholic beverages, requiring variances from Article 6.4.C.i, Minimum Driveway Spacing – Same Side of Road, Article 6.4.C.ii, Minimum Driveway Spacing – Opposite Side of Road, Article 6.4.C.iii, Minimum Driveway Spacing – Relative to Intersections, and Article 5.19.D.i, Required Minimum Screening and Landscaping.

Chairperson Spencer noted for the record 24 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Chairperson Spencer asked staff if landscaping was allowed within a utility easement. Staff Planner Quagliata said smaller trees and shrubs were allowed.

Member Seiber asked staff if the Township Engineering Consultant commented on the inbound left turns. Staff Planner Quagliata said the Engineer did not have an issue with the driveway.

Bruce Calhoun, 1111 Creekwood, was present to speak on the case. He said the driveway had been changed to prohibit left out as suggested. He said while not shown on the revised submitted landscape plan, they would like to propose arborvitaes on the rear property line instead of a privacy fence. He said the drive needed to be on the main road to eliminate truck traffic on Whitebanks Boulevard. The setbacks to the other drives and roads were problematic due to the location of the site.

Member Schillack thanked the applicant for the work on the southern end of the property to provide a safer solution.

Member Powell stated he was concerned with arborvitaes in the sense they could thin out or die.

Chairperson Spencer opened the public hearing at 7:38 P.M.

John Hunt, 871 Oxhill, spoke in opposition of the applicant's request for the arborvitaes in lieu of the masonry screen wall.

Ed Liker, 847 Oxhill, spoke in opposition of the applicant's request for the arborvitaes in lieu of the masonry screen wall.

Mr. Calhoun stated when the wall was proposed, it was 20 feet away from the utility easement.

Chairperson Spencer closed the public hearing at 7:44 P.M.

Member Powell said he agreed with the homeowners about the need for a concrete, brick-faced screen wall. A wall like that would also serve as a sound-dampening device. He was in favor of the wall being put on the property line, and up against the existing fence. The landscaping in that area would need to be placed to serve the neighbors. He added a right in, right out entrance would serve the site well. If the inbound left-hand turn was eliminated, it might increase stacking of vehicles turning on Whitebanks from the east.

Member Schillack stated right in, right out made the most sense. He stated there needed to be an entrance/exit on M-59.

Member Dehart asked staff if the screen wall could be higher than six feet. Staff Planner Quagliata said it could with a variance. Member Dehart said the wall should be on the property line to avoid creating an alley. She stated it would look nice to have the arborvitaes and the wall. She would like to see the wall constructed at eight feet in height.

The ZBA continued to discuss the issue of site driveways.

The ZBA discussed the variance regarding the fence.

Chairperson Spencer asked the homeowners what they would prefer in fence height. The residents present said they would prefer a masonry screen wall six feet in height.

Lonnie Morgenroth, owner of Black Rock, said he tried hard to be compliant with the Township. He wanted to be compliant as he had been in the community since the 1970s and was a graduate of Lakeland High School class of 1983. He said he wanted a fence to be built on the property line.

Member Powell said the three variances regarding the driveway were dependent on each other.

Member Seiber said he would have liked more guidance from the Township Engineering Consultant.

Staff Planner Quagliata said the Engineer would not specifically comment on the Zoning Ordinance in regard to safety of driveways; they only reviewed traffic studies for traffic functionality.

Director O'Neil said MDOT would have the final say on a driveway permit, and MDOT would be able to tighten up an approval made by the Township, but most likely would not loosen it.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance in regards to variance #4:

- A. Practical Difficulty
 - Member Powell said the utility easement provided a practical difficulty.
- B. Unique Situation
 - Member Powell said there was a unique situation.
- C. Not Self-Created
 - Member Dehart said the utility easement was not created by the applicant.
- D. Substantial Justice
 - Member Powell said justice would be given to the homeowners behind the property, and the property owner as well. Member Schillack agreed.
- E. Minimum Variance Necessary
 - Member Schillack said it had to be the minimum variance to give everyone a safe situation.

Member Powell MOVED to approve the variances requested by Black Rock White Lake, LLC from Article 5.19.D.i of the Zoning Ordinance for Parcel Number 12-23-129-018, identified as 9531 Highland Road, in order to allow deviations from the applicable landscape and screening requirements and to allow for a reinforced concrete screen wall at a six foot minimum height with masonry panels structurally supported to allow for a drainage gap between the bottom of the wall and grade (to allow for drainage patterns to be maintained) no more than two inches from grade to be placed on or as practically close to the property line in concurrence with the plan dated April 14, 2023, exception for the south end to be placed at the edge of the currently proposed snow storage area per the plan. This approval will have the following conditions:

- All conditions of previous approvals shall remain in effect.
- The landscape plan shall be revised to comply with the tree and shrub requirements conditioned by the previous landscape and screening variance approval.
- The landscape plan shall be revised to provide an additional four evergreen trees approximately every 70 feet north of the fence along the westerly segment of the rear property line. The tree species shall be subject to Planning Division approval.

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

Member Powell stated the facade design of the wall should be submitted to the Planning Division for consideration and final approval from the Planning Commission.

Member Seiber MOVED to approve the variances requested by Black Rock White Lake, LLC from Articles 6.4.C.i, 6.4.C.ii, 6.4.C.iii of the Zoning Ordinance for Parcel Number 12-23-129-018, identified as 9531 Highland Road, in order to allow construction of a driveway on Highland Road with a right in, right out configuration. No inbound/outbound left turn will be allowed.

Chairperson Spencer SUPPORTED and the motion CARRIED with a roll call vote: (3 yes votes). (Seiber/yes, Spencer/yes, Dehart/no, Schillack/yes, Powell/no).

OTHER BUSINESS

None.

NEXT MEETING DATE: June 22, 2023

ADJOURNMENT

MOTION by Member Schillack, supported by Dehart to adjourn at 9:26 PM. The motion CARRIED with a voice vote: (5 yes votes).