



## ZONING BOARD OF APPEALS MEETING

LOCATION: ELECTRONIC MEETING  
THURSDAY, AUGUST 26, 2021 – 7:00 PM

---

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

---

### AGENDA

PLEASE SEE ATTACHED ON-LINE MEETING INSTRUCTIONS

RESIDENTS MAY CALL IN VIA:

1 312 626 6799 US (Chicago)

1 888 788 0099 US Toll-free

MEETING ID: 882 4972 5354

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES

A. Zoning Board of Appeals Special Meeting of August 12, 2021

6. OLD BUSINESS

7. NEW BUSINESS

A. Applicant: Michael Epley  
6075 Carroll Lake Road  
Commerce, MI 48382  
Location: **9386 Bonnie Briar**

White Lake, MI 48386 identified as 12-14-276-014

Request: The applicant requests to construct an enclosed porch and attached garage, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Rear-Yard Setback, and Minimum Lot Area. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is required due to both the value of improvements and the increase in cubic content.

B.

Applicant: Raymond Roberts  
10016 White Lake Road  
Linden, MI 48451

Location: **4590 Braidwood Drive**

White Lake, MI 48381 identified as 12-06-454-054

Request: The applicant requests to construct a covered porch, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Minimum Lot Area, Minimum Lot Width, and Maximum Lot Coverage. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is required due to both the value of improvements and the increase in cubic content.



C.

Applicant: Yuanwei (Bill) Lin  
2844 Livernois Road, #1553  
Troy, MI 48084

Location: **855 Hilltop Drive**

White Lake, MI 48386 identified as 12-23-151-004

Request: The applicant requests to construct an addition, requiring a variance from Article 3.1.5.E, R1-C Single Family Residential Rear-Yard Setback.

D.

Applicant: Derek & Kaitlyn Byerle  
12201 William Randy Court  
White Lake, MI 48386

Location: **12201 William Randy Court**

White Lake, MI 48386 identified as 12-15-276-031

Request: The applicant requests to extend the permit period for the temporary use of a motor home or trailer (camper or travel), requiring a variance from Article 7.21.B, Permit for Temporary Use of Motor Home, Manufactured Home or Travel Trailer.

**8. OTHER BUSINESS**

A. Next Meeting Date: September 23, 2021 Regular Meeting

**9. ADJOURNMENT**



### **ELECTRONIC MEETING INSTRUCTIONS**

**NOTE: THIS MEETING WILL BE HELD ELECTRONICALLY AS AUTHORIZED UNDER THE OPEN MEETINGS ACT, PUBLIC ACT 267 OF 1976, AS AMENDED. MEMBERS OF THE PUBLIC BODY AND MEMBERS OF THE PUBLIC MAY PARTICIPATE ELECTRONICALLY, AS DESCRIBED BELOW.**

#### **Reason for allowing participation by electronic means:**

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable citizens, in-person contact should be limited. Critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings. This includes public meetings.

Members of the public may access the agenda materials via the Township website – <https://www.whitelaketwp.com/meetings> by end of day, **Thursday, August 19th, 2021**, but possibly sooner.

#### **Members of the public wishing to participate in the electronic meeting may do so by:**

Dialing the phone number below and enter the meeting ID when prompted. A password is no longer required for dial in participation.

**Telephone Access:** 1 312 626 6799 US (Chicago) or  
**US Toll-free:** 1 888 788 0099

**Meeting ID:** 882 4972 5354

#### **Where to watch the meeting:**

The meeting will be available to view live on our YouTube Channel which can be easily reached from the live meeting link located on the White Lake Township website home page [www.whitelaketwp.com](http://www.whitelaketwp.com) or by visiting:

[https://www.youtube.com/channel/UCYPorjfGrhCNd368R\\_Cyg\\_w/featured](https://www.youtube.com/channel/UCYPorjfGrhCNd368R_Cyg_w/featured). Closed captioning will be available after YouTube fully renders meeting video.

#### **Procedure for public participation by electronic means:**

In order for the Township to allow electronic participation in the meeting, there must be full opportunity for both the general public and the members of the public body to hear, and be heard at appropriate times during the meeting, except during any closed session portions of the meeting. Public participants will be muted upon entry to the meeting, but will have a chance to speak during public comment or at public hearings if one is involved.

**Once connected to the meeting, members of the public wishing to participate in the virtual public comment or virtual public hearing must alert us that they wish to speak by pressing \*9 on their telephone keypad.** Pressing \*9 will activate the “**raise your hand**” feature signaling to us that you wish to comment. Because of limitations with muting and unmuting members of the public, there will only be one public comment period which will be announced by the meeting moderator at the appropriate time. Participants who have “**raised their hand**” to **speak during public comment or public hearings** will be called on one at a time, as would happen during an in-person meeting. When you are unmuted, please introduce yourself by stating your name and address for the record. You will then have (3) minutes to share your comments with the Township board. At the conclusion of your comments or your (3) minutes, you will be muted and removed from the public comment queue.

Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson of the Zoning Board of Appeals. Submit any written comments via e-mail to [Hmicallef@whitelaketwp.com](mailto:Hmicallef@whitelaketwp.com) by **Noon, August 26th, 2021**, the day before the meeting.

**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-113 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  
SPECIAL VIRTUAL MEETING  
August 12, 2021**

**CALL TO ORDER**

Chairperson Spencer called the meeting to order at 6:00 P.M. She then led the Pledge of Allegiance.

**ROLL CALL**

**Present:**

Dave Walz, present in Pontiac, MI

Michael Powell, Township Board Liaison, present in White Lake, MI

Clif Seiber, present in White Lake, MI

Nik Schillack, present in White Lake, MI

Jo Spencer, Chairperson, present in White Lake, MI

**Absent:**

Debby Dehart, Planning Commission Liaison

**Others:**

Justin Quagliata, Staff Planner

Nick Spencer, Building Official

Hannah Micallef, Recording Secretary

**APPROVAL OF AGENDA**

**MOVED** by Member Schillack, **SUPPORTED** by Member Powell, 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 22<sup>nd</sup>, 2021

Staff Planner Quagliata said there was two clerical errors in the minutes.

**MOVED** by Member Walz, **SUPPORTED** by Member Schillack to approve the Zoning Board of Appeals Regular Meeting Minutes of July 22<sup>nd</sup>, 2021 as amended.  
The motion **CARRIED** with a voice vote (5 yes votes).

**CONTINUING BUSINESS:**

There was no continuing business.



**NEW BUSINESS:**

- a) Applicant: Wade Paris  
9377 Gale Road  
White Lake, MI 48386
- Location: 2290 Kingston Road, Lot 83 English Villas Subdivision  
White Lake, MI 48386 identified as 12-14-233-007
- Request: The applicant requests to allow a single family house to encroach into setbacks, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback and Side-Yard Setback.

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

Staff Planner Quagliata gave his staff report.

Member Powell asked staff for clarification regarding the rear yard setback. Staff Planner Quagliata said the rear yard would need a variance, but it was not requested or published.

Member Schillack asked staff if the SEV of the house would be affected. Staff Planner Quagliata said no, the house was new construction. Member Schillack asked staff where the a/c unit was. Staff Planner Quagliata said it was on the west side of the house.

Wade Paris, applicant, was present to speak on his case. He apologized for bringing the ZBA together for this issue, and said it was the fifth house he had built on Pontiac Lake needing variances. He said there were no red flags initially, and when the plans were drawn, the 4-inch brick ledges were not taken into account. The as-built showed the miscalculation of the brick, and Mr. Paris made Building Official Spencer aware of this during the final inspection. Mr. Paris took full responsibility for the mistake.

Member Seiber asked Mr. Paris if Kieft Engineering had a copy of the architectural plans when the plot plan was prepared. Mr. Paris confirmed.

Member Powell asked Mr. Paris for clarification regarding the brick ledge. Mr. Paris said the plans were drawn to have a brick ledge on the sides of the house. Mr. Powell said he only saw the brick on the elevations, but the brick wasn't included on the other plans.

Member Schillack asked Mr. Paris if he had an opportunity to examine the construction while it was ongoing. Mr. Paris said yes and he was at the site every day. Member Schillack asked Mr. Paris if the condition from his previous meeting in December 2020 was taken into account regarding downspouts. Mr. Paris confirmed.

Chairperson Spencer opened the public hearing at 6:32 P.M. She read one letter of opposition into the record.

Larry Oaks, 9380 Buckingham. He wanted to know what would happen to the house going forward and how would White Lake Township prevent something like this from happening in the future.

Richard Horton, 2247 Kingston. He said he was struggling to understand how variances were being requested for an already constructed house.

Building Official Spencer said an as-built survey was required near the end of a build. It was the builder's obligation to build within the variances, setbacks, and building code. As-built surveys were something new he was implementing as a part of the building process.

Bella Oaks, 9380 Buckingham. She said the aesthetics of the house didn't match the neighborhood.

Member Schillack asked staff if the house would be a part of a homeowner's association. Staff Planner Quagliata said no.

Sarah Scott, 9627 Buckingham. She said what kind of message would approving the requested variances say to other builders.

Chairperson Spencer closed the public hearing at 6:45 P.M.

Member Walz asked staff if the neighbors on either side of the house had expressed opposition. Staff Planner Quagliata said the Township had not received any communication from the property owners adjacent to the house.

Member Powell asked staff when the plans were submitted for the variances requested in December 2020. Staff Planner Quagliata said the application was initially submitted on October 28, 2020, and architectural plans were not submitted to the Township until after the variances were granted.

Member Powell asked Mr. Paris what changed on the plans since the December 10, 2020 ZBA meeting. Mr. Paris said the overhang and the back deck.

Mr. Powell asked staff for clarification regarding the dates on the plan submitted for the December 10, 2020 ZBA meeting. Staff Planner Quagliata said when Mr. Paris submitted the variance application, he submitted a plot plan dated October 16, 2020 with a revision date of November 9, 2020. Member Powell asked staff if that was the plan the Building Department denied due to variances needed. Staff Planner Quagliata said yes, and added at that time, architectural plans were not submitted to the Township.

Member Schillack asked staff when the architectural plans were submitted. Staff Planner Quagliata said sometime after December 10, 2020.

Building Official Spencer said a third-party engineer reviewed plot plans, and he reviewed the building construction plans. The engineer analyzed the site plan, but it was the responsibility of the builder to be within the allowed setbacks and codes.

Member Seiber asked Mr. Paris if the lot had a house on it before he bought it. Mr. Paris said no.

Member Schillack asked Mr. Paris which houses he went before the ZBA with in the past. Mr. Paris said 2000 Kingston, 2267 Kingston, 2270 Kingston, and 9377 Gale Road.

Member Powell stated the jog between the house wall and the garage wall looked to be changed by about one foot on the as-built plan, and the architectural plans did not show the dimension of the jog. There was a 4.5-inch discrepancy from the approved plans and the as-built, and Mr. Paris said that was due to the brick ledge.

Member Schillack asked staff when the as-built plan was received. Staff Planner Quagliata said the as-built was dated July 12, 2021 and Building Official Spencer said the as-built was required before the final inspection.

Member Seiber stated the architectural plan looked like the brick on the back and front corners of the house wrapped around the outside of the framing. Mr. Paris said yes, and added he would have asked for appropriate setback variances in December 2020 if he had realized the corner wrap would have encroached into the setbacks.

Building Official Spencer said going forward, the Building Department would require foundation certifications. At the time a foundation was being placed, an engineer would certify it. He was considering it for the builds granted variances, or tight lots.

Member Schillack asked staff if more variances would be needed for the house after this evening. Staff Planner Quagliata said the ZBA could correct the violation in the rear yard.

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

- A. Practical Difficulty
  - Chairperson Spencer said she could not find a practical difficulty under Article 7, Section 37. The house was already erected. Member Schillack agreed.
  - Member Powell said results of ZBA decisions could end up in a lawsuit.
- B. Unique Situation
  - Chairperson Spencer said she couldn't find a practical difficulty; therefore, she didn't feel it was a unique situation.
- C. Not Self-Created
  - Member Schillack said it was an unfortunate situation, but by self-admission of the applicant, it was self-created.
- D. Substantial Justice
  - Chairperson Spencer said there were different options for siding, and removing the brick would not make the home less aesthetically pleasing. Not every house on the lake was a brick structure.
  - Member Schillack said neighbors had called in to give their opinions. The ZBA did not have to agree with the neighbors, but the neighbor's opinions should be weighed.
  - Member Powell said many of the houses around the property would need variances to be rebuilt.
- E. Minimum Variance Necessary
  - Member Powell said it wouldn't make sense to remove brick from the west side of the house. If the brick were taken off of the easterly side, the variance would be the minimum necessary.

Member Seiber asked Member Powell how many inches would be saved by removing the brick and replacing it with cultured stone. Member Powell said about 2.5-3 inches.

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

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

#### **OTHER BUSINESS**

Staff Planner Quagliata said the major storm event that came through the Township damaged about a thousand houses, and Supervisor Kowall declared a State of Emergency, which was then approved by the Township Board. There would potentially be some storm related variance requests in the future, and additional meetings/longer meetings may be required.

He also added Township meetings would most likely be on Zoom until the end of the year.

#### **ADJOURNMENT**

**MOVED by Member Walz, SUPPORTED by Member Schillack to adjourn the meeting at 8:08 P.M. The motion CARRIED with a voice vote (5 yes votes).**

**NEXT MEETING DATE:** August 26, 2021- Regular Meeting

## WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

### REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** August 26, 2021

---

**Agenda item:** 6a

**Appeal Date:** August 26, 2021

**Applicant:** Michael Epley

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

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

**Location:** 9386 Bonnie Briar Drive  
White Lake, MI 48386

## **Property Description**

The approximately 0.269-acre (11,718 square feet) parcel identified as 9386 Bonnie Briar Drive is located within the English Villas subdivision on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,992 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation. The triple lot (Lots 241, 242, and 243) contains over 180 feet in width at the front property line.

## **Applicant's Proposal**

Michael Epley, the applicant, on behalf of property owners Ron and Stacy Little, intends to complete the following work:

- Enclose existing 4' x 8' (32 square feet) porch slab and make foyer area
- Construct 24' x 24' (576 square feet) two-car attached garage addition

## **Planner's Report**

The existing house was built in 1981 and is nonconforming because it does not meet the 30-foot rear yard setback. The submitted survey does not scale so staff was unable to ascertain the nonconforming rear yard setback or the extent of the requested variance to allow the garage to encroach into the rear yard. As dimensioned on the drawing, the garage would be located 8.5 feet from the east side property line. Therefore, the applicant is requesting a 1.5-foot variance to encroach into the side yard.

A shed is located on the west side of the property (not shown on the survey) which is nonconforming because it does not meet the Natural Features Setback. The canal west of the property is also not shown on the survey. Article 3, Section 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.

Article 7, Section 28 of the zoning ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$75,040), the maximum extent of improvements cannot exceed \$37,520. The value of the proposed work is \$45,000. A variance to exceed the allowed value of improvements by 120% is requested.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Side yard setback	10 feet	1.5 feet (east)	8.5 feet (east)
2	Article 3.1.6.E	Rear yard setback	30 feet	?	?
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	282 sq. ft.	11,718 sq. ft.
4	Article 7.28.A	Nonconforming structure	50% SEV (\$37,520)	120%	\$7,480 over allowed improvements

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variances requested by Michael Epley from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, in order to construct a two-car attached garage addition that would encroach 1.5 feet into the required east side yard setback and \_\_\_\_ feet into the required rear yard setback, and exceed the allowed value of improvements to a nonconforming structure by 120%. A 282 square foot variance from the required lot size is also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The Applicant shall submit a scaled copy of the survey prior to issuance of a building permit.
- An as-built survey shall be required to verify the approved setbacks.

**Denial:** I move to deny the variances requested by Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated July 20, 2021.
2. Survey dated June 8, 2021 (revision date August 6, 2021).
3. Letter of denial from the Building Department dated July 21, 2021.

### 7.37 STANDARDS

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

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

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

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



RECEIVED

Item A.

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

JUL 20 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

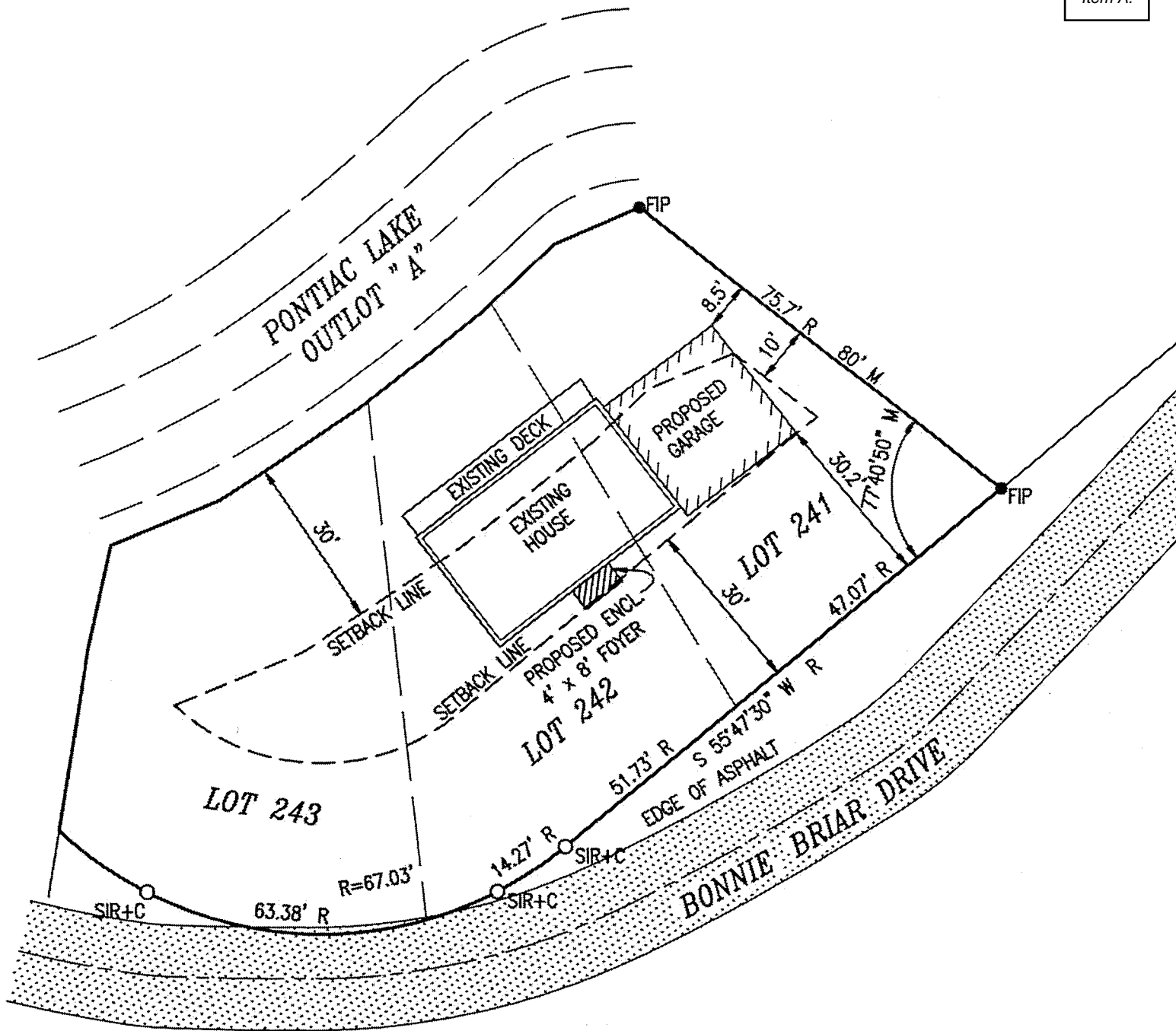
White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: MICHAEL EPLEY PHONE: 248-787-1130ADDRESS: 6075 CARROLL LK. RD., COMMERCE, MI. 48382APPLICANT'S EMAIL ADDRESS: MIKE@EPLEYCUSTOMDESIGN.COMAPPLICANT'S INTEREST IN PROPERTY: ☐ OWNER ☒ BUILDER ☐ OTHER: \_\_\_\_\_ADDRESS OF AFFECTED PROPERTY: 9386 BONNIE BRIAR PARCEL # 12 - 14-276-014CURRENT ZONING: R1-D PARCEL SIZE: 11,475STATE REQUESTED VARIANCE AND ORDINANCE SECTION: 3' FRONT  
2' SIDE 3' REARVALUE OF IMPROVEMENT: \$ 45,000 SEV OF EXISTING STRUCTURE: \$ 0

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

PORCH - EXISTING FRONT FOYER IS TOO SMALL  
THE FRONT DOOR TENDS TO PUSH YOU  
DOWN/UP THE STAIRS (SPLIT LEVEL)  
GARAGE - CURRENTLY, THERE IS NO GARAGE. IF  
WE STAY CONFORMING AND PROPOSE SINGLE  
CAR GARAGE, IT IS AESTHETICALLY IMBALANCED  
THE 3' REAR VARIANCE REQUEST IS DUE  
TO THE FACT THAT IT IS CURRENTLY UNCONFORMING

APPLICATION FEE: \$385.00 (CALCULATED BY THE PLANNING DEPARTMENT)APPLICANT'S SIGNATURE: [Signature] DATE: 7-20-21



NING R1-D  
GLE FAMILY  
SIDENTIAL

ETBACKS)  
ONT - 30'  
IES - 10'  
AR - 30'

#### LAND DESCRIPTION:

LOT SURVEY OF LOTS 241, 242 AND 243 OF  
"ENGLISH VILLAS SUBDIVISION" AS RECORDED  
IN LIBER 51, PAGES 22 AND 22A OF THE  
OAKLAND COUNTY PLATS.

VEY OF PARCEL NUMBER 12-14-276-009.

S FOR THIS SURVEY ARE BASED ON THE RECORD.

This survey is valuable and should be filed with the deed and abstract for this property.



REGISTERED LAND SURVEYORS  
655 Broadway  
P.O. Box 440  
Davisburg, Michigan 48350  
Phone: (248) 634-0700  
Email: GWS@TIR.COM

#### SURVEYORS CERTIFICATE:

I, Grant J. Ward, Registered Land Surveyor, hereby  
certify that this survey was made for  
to RONALD W. & STACY C. LITTLE;  
on JUNE 8, 2021, I, surveyed and  
delineated the land herein described.

#### LEGEND:

- C — Calculated
- M — Measured
- R — Recorded
- S — Set
- FIP — Found Iron Pipe
- FIR — Found Iron Rod
- ◇ FM — Found Monument
- FPP — Found Pinch Pipe
- SIRC — Set Iron Rod and Cap No. 22445

Date: JUNE 8, 2021 Rev.: AUGUST 6, 2021

Job No.: 21-0403 Desc. File: 210403

Dwg File: 210403.dwg Data File: 210403P

Field Book: \* Sheet: 1 of 1

Surveying MICHIGAN With Pride

Grant J. Ward,  
License No. 224

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



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

## WHITE LAKE TOWNSHIP

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

July 21, 2021

Ron Little  
9386 Bonnie Briar  
White Lake, MI 48386

RE: Proposed Addition

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

**Article 3.1.6 of the White Lake Township Clear Zoning Ordinance:** Requires a minimum side yard setback of 10 ft, minimum rear yard setback of 30 ft, and minimum lot size of 12,000 sq ft.

The existing structure is legal non-conforming with the 11,718 sq ft lot containing a residential structure; having approximately a 24 ft rear yard setback. The proposed addition would further increase this non-conformity on the east side of the property with an 8 ft side yard setback and approximate 22 ft rear yard setback. The rear yard setback is not dimensioned on the survey and will need to be added by the surveyor.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the August 26<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than July 29<sup>th</sup> at 4:30 PM. **A certified boundary and location survey 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

## WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

### REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** August 26, 2021

---

**Agenda item:** 6b

**Appeal Date:** August 26, 2021

**Applicant:** Raymond Roberts

**Address:** 10016 White Road  
Linden, MI 48451

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

**Location:** 4590 Braidwood Drive  
White Lake, MI 48383

## **Property Description**

The approximately 0.171-acre (7,484.4 square feet) parcel identified as 4590 Braidwood Drive is the east ½ of Lots 701, 702 and 703 of the White Lake Grove No.1 subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,536 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Raymond Roberts, the applicant, on behalf of property owner Michele Jamieson, is proposing to construct a covered porch on the front of the house.

## **Planner's Report**

Based on the plan submitted by the applicant, the existing house is nonconforming to setbacks; the structure is located 6.25 feet from the west side property line, 19 feet from the front (east) property line, and 28.5 feet from the front (north) property line. A minimum 10-foot side yard setback and 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 4,515.6 square foot deficiency in lot area and a 17.63-foot deficiency in lot width. In the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

A 1,056 square foot one-story modular was placed on the property in 1971. In 1998 a 480 square foot addition was constructed on the east side of the modular. The entire structure is over a crawl space (no basement). There is also an approximately 120 square foot shed located in the southeast corner of the property. As the parcel is a corner lot with frontage on Endicott Drive, the shed is nonconforming to the front yard setback. The fence on the east side of the property is also nonconforming; it does not meet the front yard setback. Also, the eastern edge of the fence appears to be in the Endicott Drive right-of-way, and a portion of the fence appears to encroach on the property to the south.

The applicant submitted a mortgage survey with the variance application. The zoning ordinance, and Zoning Board of Appeals by way of resolution, requires a certified boundary/location survey for variance applications. The purpose of a mortgage survey is to evidence permanent improvements are fully within the subject property's lot lines. A mortgage survey should not be used to determine placement of permanent improvements on a lot. The submitted mortgage specifically notes, "This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners."

A covered or enclosed porch is considered part of the principal structure and therefore subject to the same setbacks as the house. The proposed covered porch would be 5' by 10' (50 square feet) in size and added on to the front (north) of the house. The submitted plan shows the porch would be located 23.5 feet from the front property line. A variance of 6.5 feet is requested to encroach into the front yard setback. Additionally, the proposed lot coverage is 22.79% (1,706 square feet), which is 2.79% (209.12 square feet) beyond the 20% maximum lot coverage allowed (1,496.88 square feet).

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	6.5 feet	23.5 feet
2	Article 3.1.6.E	Maximum lot coverage	20% (1,496.88 sq. ft.)	2.79% (209.12 sq. ft.)	22.79% (1,706 sq. ft.)
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	4,515.6 sq. ft.	7,484.4 sq. ft.
4	Article 3.1.6.E	Minimum lot width	80 feet	17.63 feet	62.37 feet

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

**Approval:** I move to approve the variances requested by Raymond Roberts from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-06-454-054, identified as 4590 Braidwood Drive, in order to construct a covered porch that would encroach 6.5 feet into the required front yard setback from the north lot line and exceed the allowed lot coverage by 2.79 percent. A 17.63-foot variance from the required lot width and 4,515.6 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following condition:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- A certified boundary/location survey shall be submitted to staff prior to issuance of a building permit.

**Denial:** I move to deny the variances requested by Raymond Roberts for Parcel Number 12-06-454-054, identified as 4590 Braidwood Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Raymond Roberts for Parcel Number 12-06-454-054, identified as 4590 Braidwood Drive, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated July 20, 2021.
2. Mortgage survey dated June 25, 2021.
3. Floor plans, elevations, cross section dated June 7, 2021.
4. Letter of denial from the Building Department dated July 12, 2021.

### 7.37 STANDARDS

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

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

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

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



# CHARTER TOWNSHIP OF WHITE LAKE

## Zoning Board of Appeals

### APPLICATION

RECEIVED

JUL 20 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: Raymond Roberts PHONE: 248-850-0680

ADDRESS: 10016 White rd Linden MI 48451

APPLICANT'S EMAIL ADDRESS: Contact@RHi.works

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

ADDRESS OF AFFECTED PROPERTY: 4590 braidwood Dr PARCEL # 12 - 06-454-054

CURRENT ZONING: R1D PARCEL SIZE: \_\_\_\_\_

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

VALUE OF IMPROVEMENT: \$ \_\_\_\_\_ SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

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

Existing Slab porch on property. Homeowner  
wants to put small roof over area for watershed  
and daytime sun and to help with winter snow and ice.  
Area of roof will be over existing porch area so  
the area cannot be staked.

APPLICATION FEE: 385<sup>00</sup> (CALCULATED BY THE PLANNING DEPARTMENT)APPLICANT'S SIGNATURE: Raymond Roberts DATE: 7-20-21

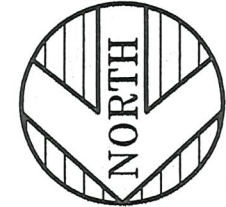
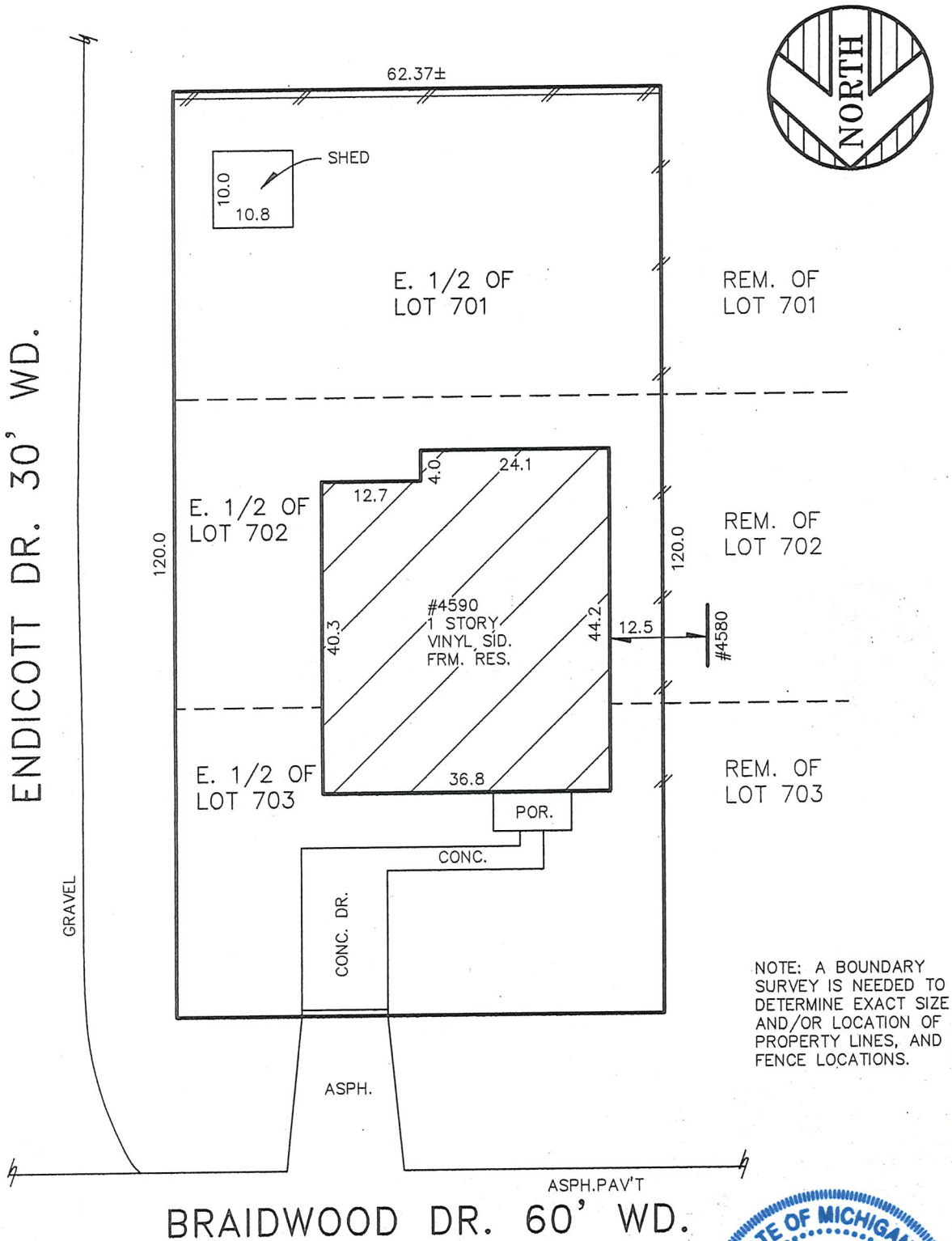


Certified to: RAYMOND ROBERTS

Applicant: RAYMOND ROBERTS

Property Description:

The East 1/2 of Lots 701, 702 and 703; WHITE LAKE GROVE SUBN. NO. 1, of part of the N.W. 1/4 of Sec. 7, and part of the S. 1/2 of Sec. 6, T.3 N., R.8 E., White Lake Township, Oakland County, Michigan, as recorded in Liber 47 of Plats, Page 44 of Oakland County Records.



NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND FENCE LOCATIONS.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

*[Signature]*

JOB NO: 21-02090 SCALE: 1"=20'  
DATE: 06/25/21 DR BY: CS

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.



**KEM-TEC** PROFESSIONAL ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES  
A GROUP OF COMPANIES  
Eastpointe (800) 295.7222 Detroit (313) 758.0677 Ann Arbor (734) 994.0888 Grand Blanc (888) 694.0001  
FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0667 FAX: (810) 694.9955  
[www.kemtecagroupofcompanies.com](http://www.kemtecagroupofcompanies.com)

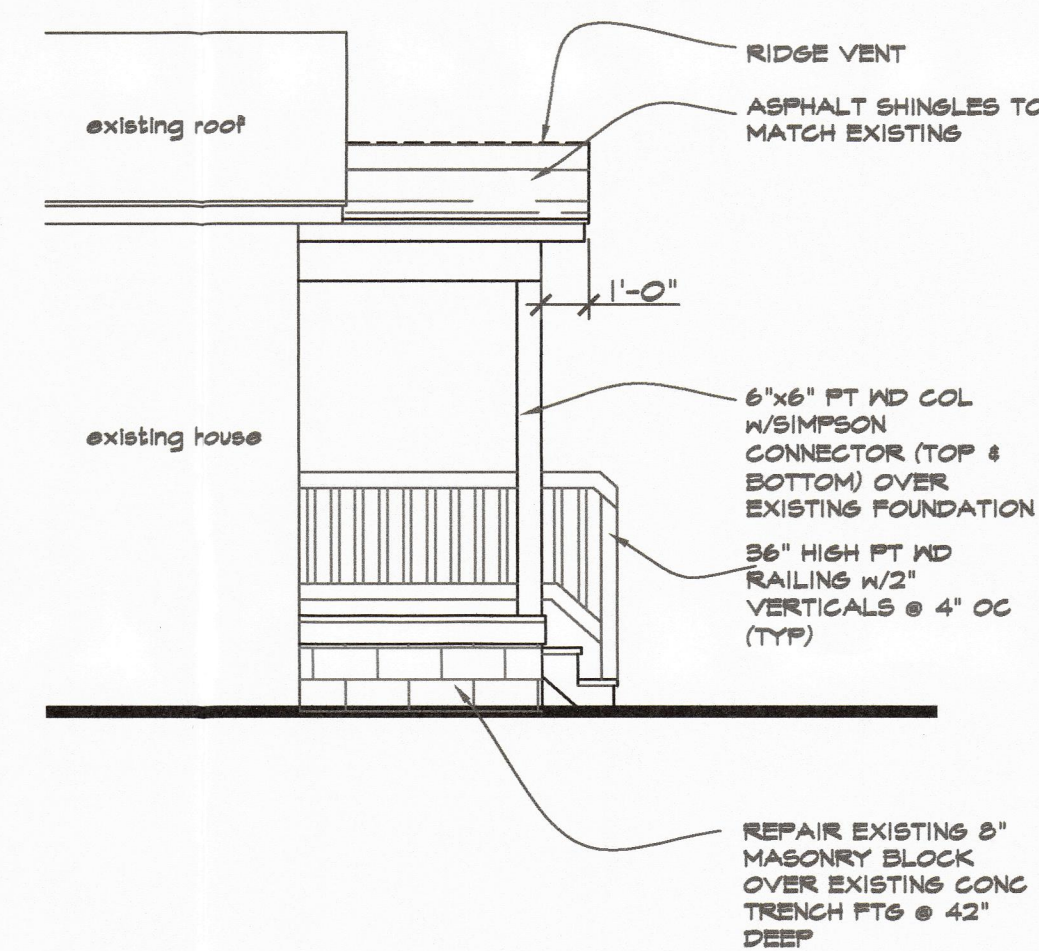
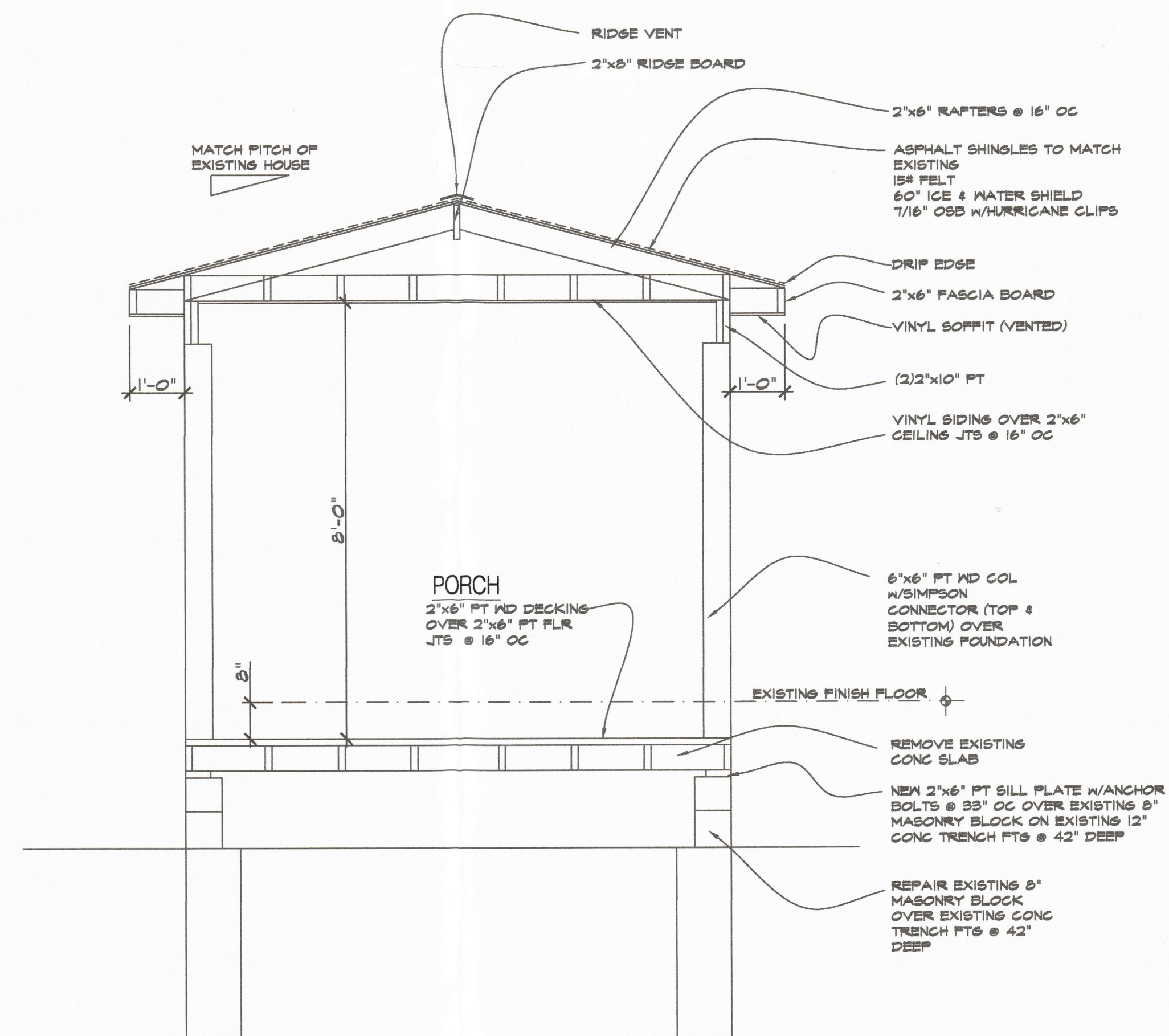


WALL LEGEND	
EXISTING WALL	=====
DEMOLITION WALL	-----
NEW WALL	=====
BRICK	=====
MASONRY BLOCK	=====

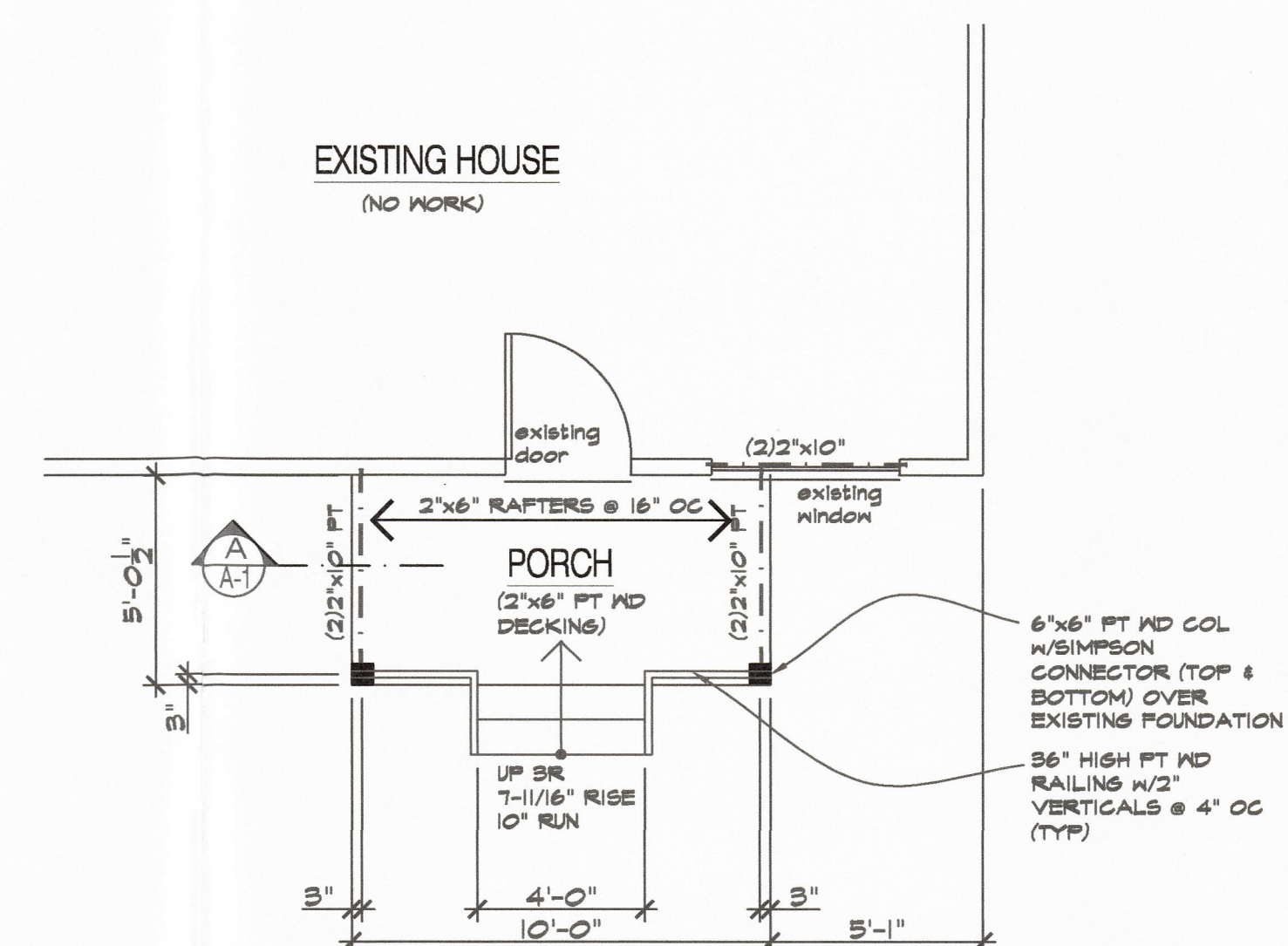
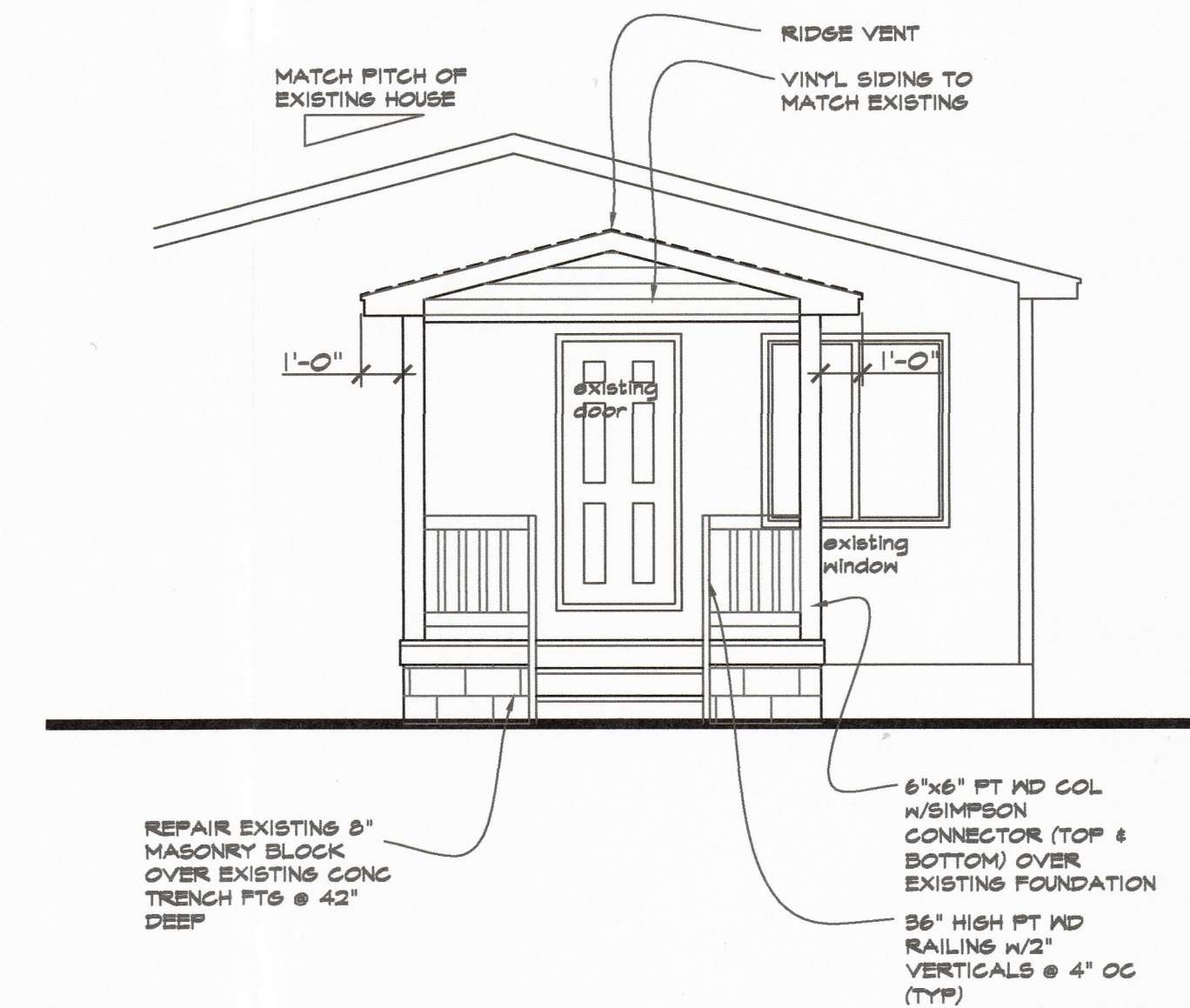
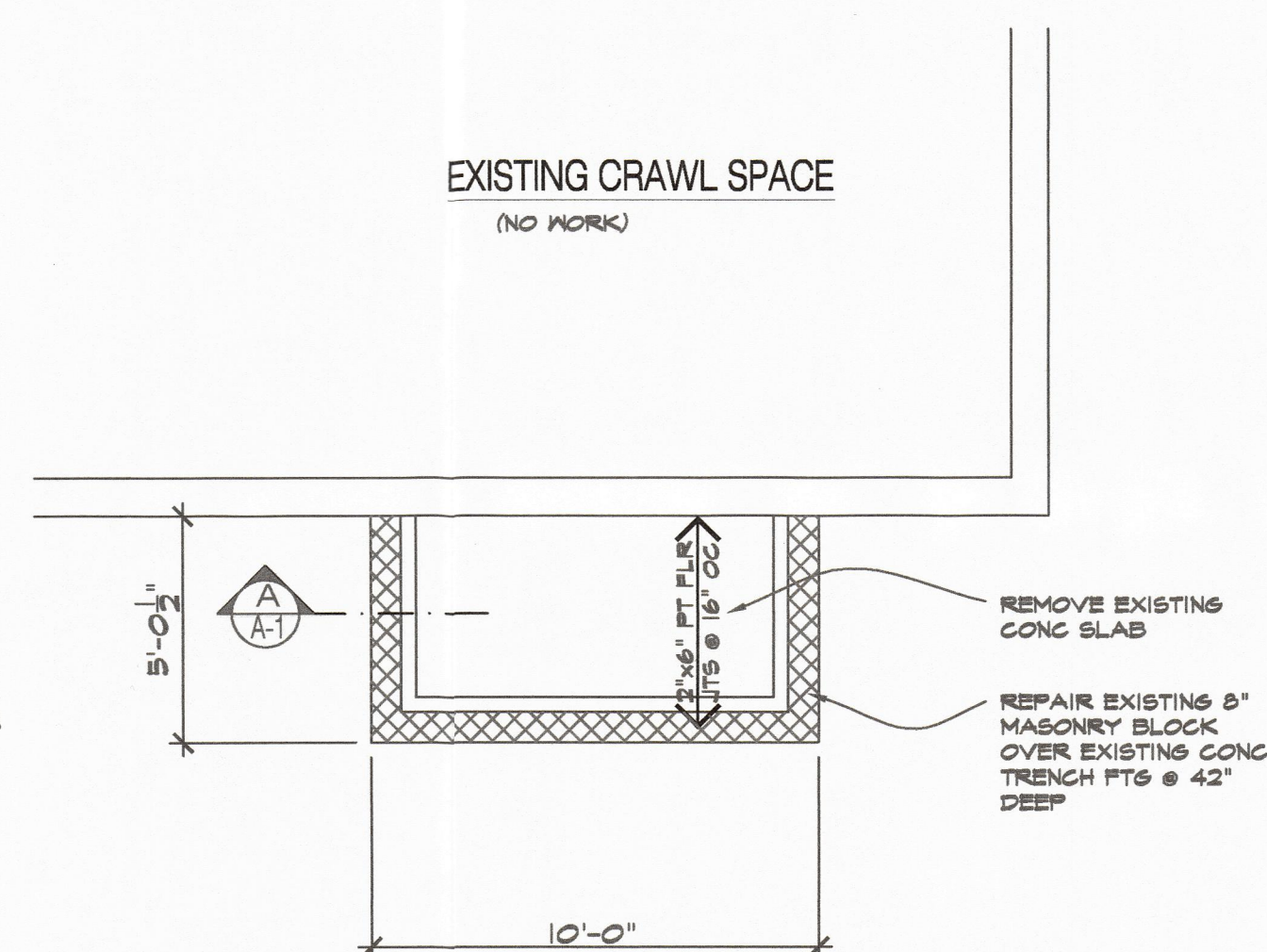
REVIEWED UNDER:  
2015 MICHIGAN RESIDENTIAL CODE

## NOTES:

1. ELECTRICAL TO CODE



NOTE: WEST SIDE IS OPPOSITE



## REVISIONS

NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED COVERED PORCH FOR:  
**JAMIESON RESIDENCE**  
4590 BRAIDWOOD DRIVE  
WHITE LAKE, MICHIGAN 48383

ZACK M OSTROFF & ASSOCIATES  
RESIDENTIAL COMMERCIAL DESIGNER/PLANNER  
MEMBER  
**AIA**  
**BID**  
web: www.zoarchitecture.com  
email: zack@zoarchitecture.com  
PH: 248.425.4190

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

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

SHEET TITLE  
**FLOOR PLANS  
ELEVATIONS  
CROSS SECTION**

SHEET SCALE  
**AS NOTED**

PROJECT NO.  
**21-081**

DATE  
**06.07.21**

SHEET NUMBER  
**A-1**



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



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

## WHITE LAKE TOWNSHIP

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

July 12, 2021

Michelle Jamieson  
4590 Braidwood  
White Lake, MI 48383

RE: Proposed Porch Roof Addition

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

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

The existing structure is legal non-conforming with the 7,536 sq ft lot containing a residential structure; having approximately a 9 ft side yard setback on the west side, and approximately a 27 ft front yard setback. The proposed covered porch roof addition would further increase this non-conformity on the north side of the property with an approximate 22 ft front yard setback. The lot dimensions will also be taken into consideration, as the proposed addition would more than likely result in a lot coverage that exceeds 20%.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the August 26<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than July 22<sup>nd</sup> at 4:30 PM. ***A certified boundary and location survey 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

## WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

### REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** August 26, 2021

---

**Agenda item:** 6c

**Appeal Date:** August 26, 2021

**Applicant:** Yuanwei (Bill) Lin

**Address:** 2844 Livernois Road, #1553  
Troy, MI 48084

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

**Location:** 855 Hilltop Drive  
White Lake, MI 48386

## **Property Description**

The approximately 2.647-acre parcel identified as 855 Hilltop Drive is located on Oxbow Lake and zoned R1-C (Single Family Residential). The existing house on the property (approximately 2,716 square feet in size) utilizes a private well for potable water and a private septic system for sanitation. There is also an approximately 816 square foot barn/four-car detached garage located north of the house.

## **Applicant's Proposal**

Yuanwei (Bill) Lin, the applicant, is proposing to construct an addition and covered porch on the rear of the house. The applicant stated the proposed addition was for an indoor swimming pool.

## **Planner's Report**

Based on the plan submitted by the applicant, the proposed addition is 460.75 square feet in size. The dimensions and size of the proposed covered porch were not provided. The submitted floor plan is also not drawn to scale.

The applicant submitted a mortgage survey dated October 26, 1993. The mortgage survey does not show the proposed addition or covered porch. The zoning ordinance, and Zoning Board of Appeals by way of resolution, requires a certified boundary/location survey for variance applications. The purpose of a mortgage survey is to evidence permanent improvements are fully within the subject property's lot lines; it should not be used to determine placement of permanent improvements on a lot.

The applicant provided a supplemental sheet with a calculation for a proposed rear yard setback of 28 feet. Staff consulted a mathematician who stated the equation utilized the Pythagorean Theorem, which is a theorem in geometry meaning the square of the length of the hypotenuse of a right triangle equals the sum of the squares of the lengths of the other two sides. This can be stated in equation form as  $a^2 + b^2 = c^2$  where  $c$  is the length of the hypotenuse, and  $a$  and  $b$  are the lengths of the remaining two sides. In geometry, a hypotenuse is the longest side of a right triangle (the side opposite the right angle). A right triangle (orthogonal triangle) is a triangle in which one angle is a right angle, i.e., a 90-degree angle. Orthogonality is the generalization of the notion of perpendicularity to the linear algebra of bilinear forms. In geometry, perpendicularity is the relationship between two lines meeting at a right angle (90 degrees). The applicant's equation assumes the two vectors (linear space) shown on the mortgage survey are orthogonal. According to the mathematician consulted by staff, the two vectors on the mortgage survey used in the submitted equation are not perpendicular and do not form a right angle. The assessment of the mathematician was while the result of the equation is correct, the vectors form an obtuse triangle, which is a triangle with one obtuse angle (greater than 90 degrees) and two acute angles (less than 90 degrees). The Pythagorean Theorem is only applicable to right triangles. Staff recommends requiring a certified boundary/location survey to determine the location of existing and proposed structures.

In the R1-C zoning district the minimum rear yard setback requirement is 35 feet. The applicant is requesting a 7-foot variance for a proposed 28-foot rear yard.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.5.E	Rear yard setback	35 feet	7 feet	28 feet

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

**Approval:** I move to approve the variance requested by Yuanwei (Bill) Lin from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, in order to construct an addition that would encroach 7 feet into the required rear yard setback. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- A certified boundary/location survey shall be submitted to staff prior to issuance of a building permit.

**Denial:** I move to deny the variance requested by Yuanwei (Bill) Lin for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, due to the following reason(s):

**Table:** I move to table the variance request of Yuanwei (Bill) Lin for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, to consider comments stated during this public hearing.

### **Attachments:**

1. Variance application dated July 28, 2021.
2. Mortgage survey dated October 26, 1993.
3. Calculation submitted by the Applicant.
4. Plans submitted 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

RECEIVED

JUL 28 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

Item C.

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

APPLICANT'S NAME: Yuanwei (Bill) Lin PHONE: 248 879 8922

ADDRESS: 855 Hilltop

APPLICANT'S EMAIL ADDRESS: LINS248@yahoo.com

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

ADDRESS OF AFFECTED PROPERTY: 855 Hilltop PARCEL # 12 - 23-151-004

CURRENT ZONING: RLC PARCEL SIZE: 2.6

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

VALUE OF IMPROVEMENT: \$ 65,000 SEV OF EXISTING STRUCTURE: \$ \_\_\_\_\_

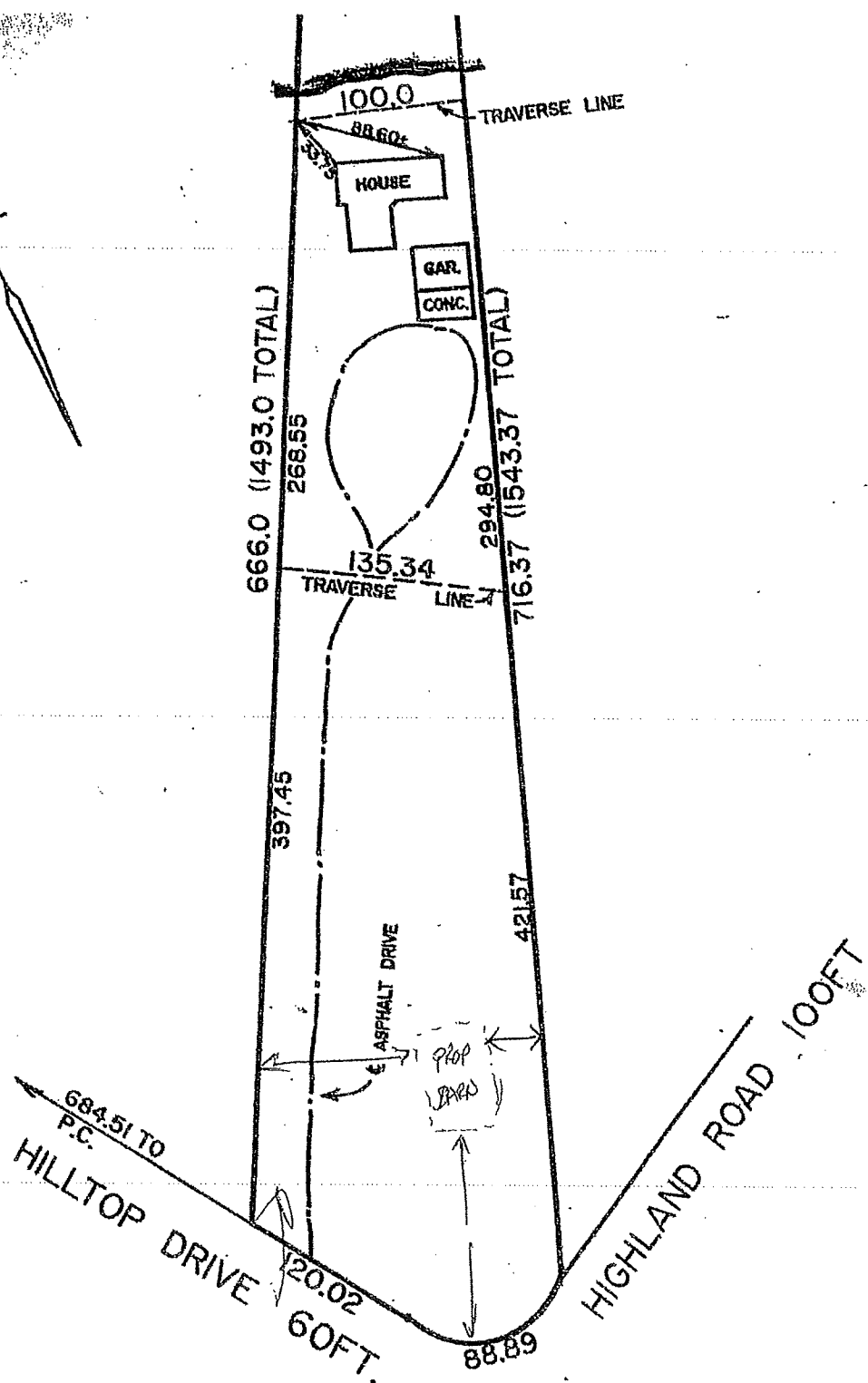
STATE REASONS TO SUPPORT REQUEST: (ADDITIONAL SHEETS MAY BE ATTACHED)

I am a retired man, and my wife is going to retire soon. both  
of us are suffering from leg and knee issues and the doctor  
is recommending hydrotherapy. For this purpose, we wish  
to have an indoor swimming pool. Thanks for understanding.

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

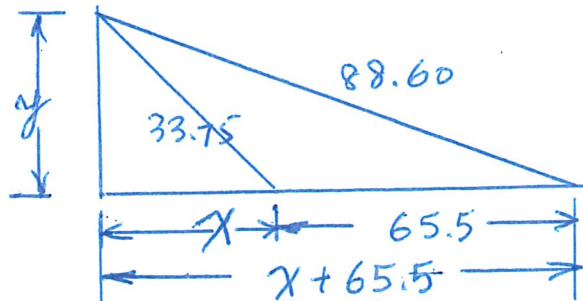
APPLICANT'S SIGNATURE: [Signature] (Bill) DATE: 07/28/21





I hereby certify that the buildings and improvements of the property described and delineated hereon are located within the property lines and

<b>GLENN J. HEIL</b>	<b>GLENN J. HEIL</b> Professional Surveyor 959 Manitou Lane Lake Orion, Michigan 48362 Phone 332-2738
	SCALE: 1 inch = 100 feet
	DATE: October 26, 1993
	ORD: NBD Mortgage Company FOR: Matthew J. Maquire and Diane E. Maquire



$$y^2 = 33.75^2 - x^2$$

$$\begin{aligned} y^2 &= 88.6^2 - (x + 65.5)^2 \\ &= 88.6^2 - (x^2 + 2 \cdot 65.5x + 65.5^2) \end{aligned}$$

$$33.75^2 - x^2 = 88.6^2 - x^2 - 2 \times 65.5x - 65.5^2$$

$$33.75^2 = 88.6^2 - 131x - 65.5^2$$

$$131x = 88.6^2 - 65.5^2 - 33.75^2$$

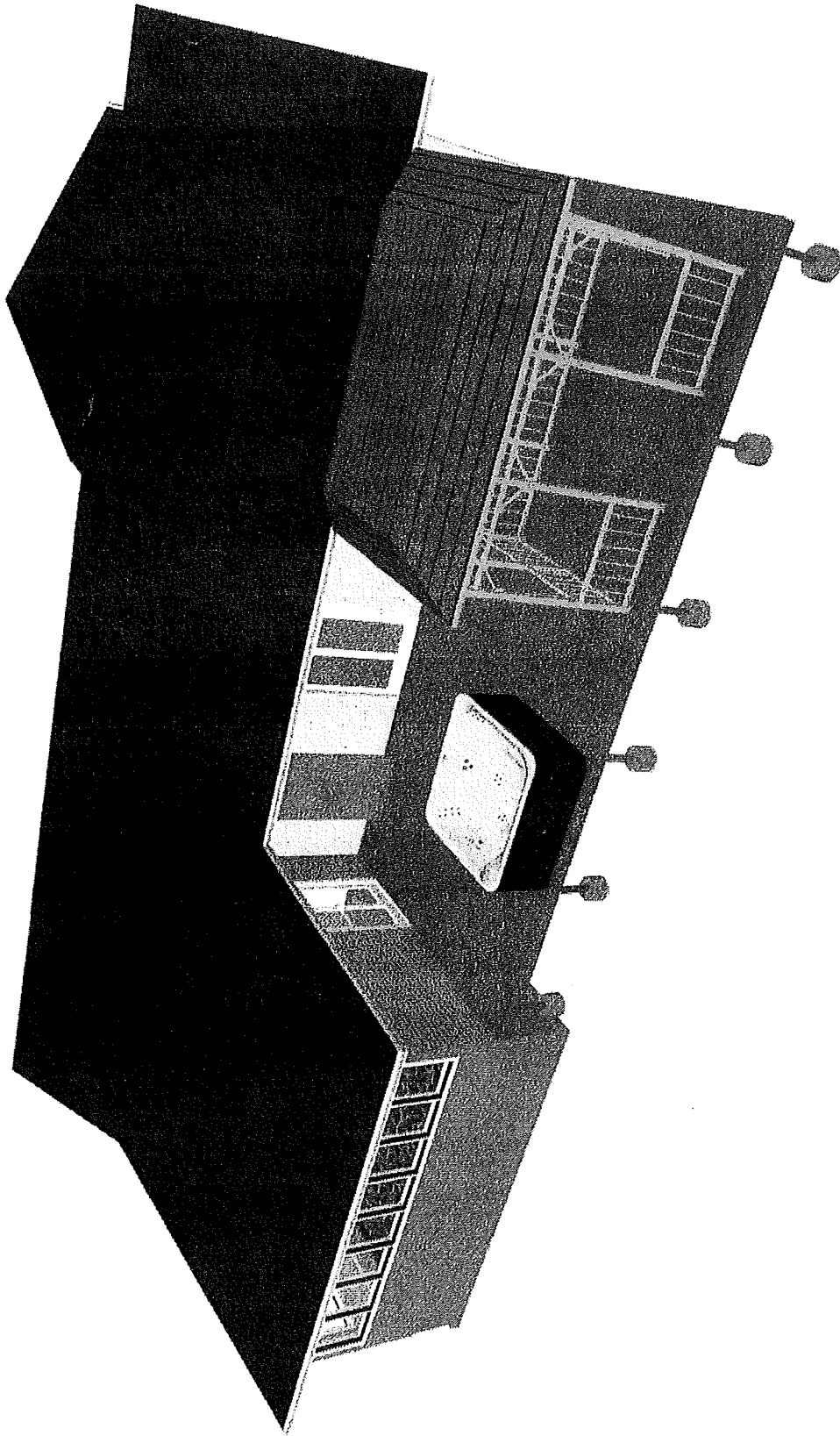
$$x = \frac{88.6^2 - 65.5^2 - 33.75^2}{131}$$

$$= \frac{7849.96 - 4290.25 - 1139.06}{131}$$

$$x = 18.48, \quad y = \sqrt{33.75^2 - 18.48^2} = 30.2$$









ADMINISTRATIVE  
RECORDS  
DIVISION

RECEIVED

126 mm

35 mm  
28 ft

100 ft 100



## WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

### REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** August 26, 2021

---

**Agenda item:** 6d

**Appeal Date:** August 26, 2021

**Applicant:** Derek & Kaitlyn Byerle

**Address:** 12201 William Randy Court  
White Lake, MI 48386

**Zoning:** SF Suburban Farms

**Location:** 12201 William Randy Court  
White Lake, MI 48386

### **Property Description**

The approximately 3.51-acre parcel identified as 12201 William Randy Court is located on the east side of Teggerdine Road, south of Pontiac Lake Road, and zoned SF (Suburban Farms). The existing house on the property (approximately 1,908 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

Derek & Kaitlyn Byerle, the applicants, are requesting to reside in a trailer on the property for a period longer than four (4) weeks.

### **Planner's Report**

The zoning ordinance allows the Township to issue a permit for the occupancy of one (1) motor home or travel trailer (including camper trailer) on a residential property for a period not to exceed four (4) weeks from the date of application. Adequate sanitary facilities and/or potable water facilities must be available to service the occupants of the motor home or travel trailer. No more than one (1) permit can be issued to a residential property in one calendar year.

The applicant's house sustained major damage from the July 24, 2021 tornado event. After assessing the damage, staff determined the house was uninhabitable. The applicants expressed desire to reside on the property while the house is repaired, and stated at least six (6) months would be needed.

The requested variance is listed in the following table.

<b>Variance #</b>	<b>Ordinance Section</b>	<b>Subject</b>	<b>Standard</b>	<b>Requested Variance</b>	<b>Result</b>
1	Article 7.21.B	Permit for Temporary Use of Motor Home or Travel Trailer	4 weeks from the date of application	48 weeks or until the house becomes habitable, whichever occurs first	Permit valid for one year from the date of variance approval

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

**Approval:** I move to approve the variance requested by Derek & Kaitlyn Byerle from Article 7.21.B of the Zoning Ordinance for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, in order to extend the permit period for the temporary use of a motor home or travel trailer by 48 weeks. This approval will have the following conditions:

- The Applicants shall obtain all necessary permits from the White Lake Township Building Department.
- The motor home or travel trailer shall be parked in a location that meets the minimum front, side, and rear yard setbacks of the SF (Suburban Farms) zoning district.
- The permit shall expire either on August 26, 2022 or when the house becomes habitable, whichever occurs first. Habitability of the house shall be determined by the Building Official.
- The Applicants shall provide the Township a status report on the progress of the house repairs no later than February 28, 2022. At that time the property and dwelling shall be available for inspection upon request by the Planning Department, Building Official, or other authorized official. It shall be evident work on the house has occurred to occupy the dwelling.
- Upon expiration of the permit, the motor home or travel trailer shall not be occupied. The unoccupied motor home or travel trailer shall be removed from the property, or stored on the property in compliance with the zoning ordinance and Township Code of Ordinances.
- The Applicants shall not utilize the motor home or travel trailer for operation of a home occupation.

**Denial:** I move to deny the variance requested by Derek & Kaitlyn Byerle for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, due to the following reason(s):

**Table:** I move to table the variance request of Derek & Kaitlyn Byerle for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, to consider comments stated during this public hearing.

## **Attachment:**

1. Variance application dated August 6, 2021.



### 7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
Zoning Board of Appeals  
APPLICATION

RECEIVED

AUG 06 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

Item D.

APPLICANT'S NAME: Derek & Kartlyn Byerle PHONE: 734-660-8263  
ADDRESS: 12201 William Randy ct. White Lake, MI 48386  
APPLICANT'S EMAIL ADDRESS: Kartlyn.Byerle@gmail.com  
APPLICANT'S INTEREST IN PROPERTY: ☒ OWNER ☐ BUILDER ☐ OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 12201 William Randy ct  
White Lake, MI 48386 PARCEL # 12 - 15-276-031  
CURRENT ZONING: \_\_\_\_\_ PARCEL SIZE: \_\_\_\_\_

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

VALUE OF IMPROVEMENT: \$ \_\_\_\_\_ SEV OF EXISTING STRUCTURE: \$ \_\_\_\_\_

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

Tornado damage - Can not live in home until  
it is repaired.

APPLICATION FEE: 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Kartlyn Byerle DATE: 8-6-2021