



ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN 48383
THURSDAY, JANUARY 22, 2026 – 6:30 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. CALL TO THE PUBLIC

6. APPROVAL OF MINUTES

A. December 11, 2025

7. OLD BUSINESS

A. Applicant: Ozysia Tkachuk

3320 Fox Blvd.

Commerce, MI 48382

Location: 9731 Portage Trail

White Lake, MI 48386, identified as 12-26-177-017

Request: The applicant seeks to construct a single-family home, requiring a variance from Section 3.11.J – Notes to District Standards.

8. NEW BUSINESS

A. Applicant: Alfa Construction Guys, LLC

23460 Industrial Park Dr.

Farmington Hills, MI 48335

Location: 10164 Elizabeth Lk Rd

White Lake, MI 48386, identified as 12-27-226-012

Request: The applicant seeks to enlarge a single-family home, requiring variances

Section 3.1.6 – Development Standards for front and side setbacks and Section 7.23(A) – Nonconforming Structures

9. OTHER BUSINESS

A. Substandard Lot Memo

10. NEXT MEETING DATE: February 26, 2026

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-7 at least five days in advance of the meeting.** An attempt will be made to provide reasonable accommodations.

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 11, 2025**

CALL TO ORDER

Chairperson Spencer called the meeting to order at 6:30 P.M. He led the Pledge of Allegiance.

Roll was called:

ROLL CALL

Present:

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

Also Present:

Sean O'Neil, Community Development Director
David Waligora, Senior Planner
Nick Spencer, Building Official
Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

Anderson wanted to swap case 7A with case 7B.

It was MOVED by Member Anderson, seconded by Member Seiber to approve the agenda as amended. The motion carried with a voice vote: (5 yes votes).

APPROVAL OF MINUTES

A. August 28, 2025

Member Schillack noted a clerical error on Page 6.

It was MOVED by Member Anderson, seconded by Member Dehart, to approve the minutes as corrected. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

None.

NEW BUSINESS

A. Applicant: Gregg Matthews
2103 Hampton Street
White Lake, MI 48386
Location: **2103 Hampton Street**
White Lake, MI 48386 identified as 12-14-279-003

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 11, 2025

Request: The applicant seeks to construct a single-family home, requiring variances from Section 3.1.6 – Minimum Lot Area, Section 3.1.6 – Minimum Front Yard Setback, and Section 3.1.6 – Minimum Side Yard Setback.

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

Director O’Neil reviewed his report.

Member Schillack asked staff if the shed on the south side was on the neighbor’s property. Director O’Neil said it was either on or over the property line, based on the survey.

Gregg Matthews, applicant, and Wade Paris, 9377 Gale, were present. Mr. Paris said the plans originally called for a rebuild. He said rebuilding the existing home would cause issues with the existing setbacks. The new plans improve on the existing setback deficiencies.

Chairperson Spencer opened the public hearing at 6:55 P.M. Seeing none, she closed the public hearing.

Member Seiber said the lot depth and size made for a practical difficulty. He added reducing the front yard setback would push the rear of the house further and potentially encroach on the rear and natural features setbacks.

Member Anderson agreed with Member Seiber and stated that the applicant’s plan is the best use of the lot.

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

- A. Practical Difficulty
 - Member Seiber said the lot’s irregular shape and it being undersized made for a practical difficulty
- B. Unique Situation
 - Member Dehart reiterated that the lot shape and the houses along the street all are close to the road.
- C. Not Self-Created
 - The applicant did not construct the original house or plat the lot.
- D. Substantial Justice
 - Member Dehart said the applicant is proposing a house that is not the closest to the road compared to the other houses on the street.
- E. Minimum Variance Necessary
 - Member Dehart said the applicant’s proposal improves upon the non-conformities the current house has.

Member Seiber MOVED to approve the variances requested by Gregg Matthews from Section 3.1.6 of the Zoning Ordinance for Parcel Number 12-14-279-003, identified as 2103 Hampton Street, to build a new house. Variances from Section 3.1.6 are granted to allow for construction of said structure that

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 11, 2025

will encroach 12.8 feet into the required front yard setback, 1.5 feet into the required (north) side yard setback, and on a parcel that is 1,588 sq ft deficient in lot area. This approval has the following conditions:

1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
2. No mechanical units, including an HV AC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear lot line.
3. A foundation certificate shall be required prior to vertical construction.
4. An as-built survey shall be required to verify the approved setbacks.
5. All necessary permits from RCOC and the Oakland County Health Division will be obtained prior to the issuance of building permits
6. The shed adjacent to the south property line shall be removed.

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

B. Applicant: Ozysia Tkachuk
3320 Fox Blvd.
Commerce, MI 48382
Location: **9731 Portage Trail**
White Lake, MI 48386 identified as 12-26-177-017
Request: The applicant seeks to construct a single-family home, requiring a variance from Section 3.11.J – Notes to District Standards.

Chairperson Spencer noted for the record that 43 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 2 letters were returned undeliverable from the U.S. Postal Service.

Director O'Neil reviewed his report.

Member Seiber stated that it looks like there may be someone occupying the sheds on the property. Building Official Spencer said he will investigate it.

Building Official Spencer gave the ZBA a brief history of the property.

The applicant was not present.

Chairperson Spencer opened the public hearing at 7:20 P.M. Seeing none, she closed the public hearing.

Member Schillack MOVED to postpone the variance requests of Ozysia Tkachuk for Parcel Number 12-26-177-017, identified as 9731 Portage Trail, to consider comments stated during this public hearing, until the applicants are present to speak on their case and no later than the March 2026 ZBA meeting. Member Dehart supported, and the motion carried with a roll call vote: (5 yes votes). (Schillack/yes, Dehart/yes, Anderson/yes, Seiber/yes, Spencer/yes).

OLD BUSINESS

None.

OTHER BUSINESS

A. Approval of 2026 Meeting Dates

It was MOVED by Member Schillack, seconded by Member Dehart to approve the ZBA 2026 meeting dates. The motion carried with a voice vote: (5 yes votes).

NEXT MEETING DATE: January 22, 2026

ADJOURNMENT

It was MOVED by Member Anderson, seconded by Member Schillack to adjourn at 7:28 P.M. The motion carried with a voice vote: (5 yes votes).

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals

FROM: Sean O'Neil, Community Development Director 

DATE: December 3, 2025

Agenda item: 8A

Appeal Date: December 11, 2025

Applicant: Ozysia Tkachuk

Address: 3320 Fox Blvd.
Commerce, MI 48382

Location: 9731 Portage Trail
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Property Description

The approximately 0.51-acre (22,162 square-foot) parcel identified as Parcel Number 12-26-177-017 is located on Portage Trail, in the Cedar Crest Sub No. 4, just south of Elizabeth Lake Road and west of Union Lake Road. The parcel is zoned R1-D (Single-Family Residential). The property, which is currently occupied by two sheds, will be served by a private septic and well.

Applicant's Proposal

Ozysia Tkachuk, the applicant, is proposing to construct a house with floor area less than the minimum living space requirement, as well as a 20'x 25' detached garage in place of one of the existing sheds on site.

Planner's Report

Article 3, Section 11.J of the zoning ordinance states the minimum floor area for a two-story single-family house is 1,500 square feet, with 900 square feet minimum on the ground floor. The proposed house is 699.65 square feet on the first floor, 699.65 square feet on the second floor, with total floor area of 1,399.3 square feet. A variance of 200.35 square feet is requested for the ground floor area, and a variance of 100.7 square feet is requested for the overall floor area. It should be noted that the property is currently non-conforming due to the fact that two accessory structures exist on the lot without a primary structure. The construction of a house will resolve that deficiency. Also, though smaller than allowed by ordinance, this proposed house will not be out of character with the existing houses in the area.

The applicant has not provided a statement outlining their proposal. They have not yet presented a practical difficulty associated with their request, or that any unique circumstances exist on the property. This should be discussed during the applicant's presentation at the meeting.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.11.J	Minimum floor area	1,500 square feet, with 900 square feet min. on ground floor	200.35 square feet ground floor, 100.7 square feet overall	699.65 square feet ground floor, 1,399.3 square feet overall

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Ozysia Tkachuk from Article 3.11.J of the Zoning Ordinance for Parcel Number 12-26-177-017, identified as 9731 Portage Trail, in order to construct a single-family house with 699.65 square feet on the first floor and total floor area of 1,399.3 square feet. This approval will have the following conditions:

1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
2. No mechanical units, including an HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear lot line.
3. An as-built survey shall be required to verify the approved building footprint.
4. All necessary permits from RCOC and the Oakland County Health Division will be obtained prior to the issuance of building permits.

Denial: I move to deny the variances requested by Ozysia Tkachuk for Parcel Number 12-26-177-017, identified as 9731 Portage Trail, due to the following reason(s):

Table: I move to table the variance requests of Ozysia Tkachuk for Parcel Number 12-26-177-017, identified as 9731 Portage Trail, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated November 3, 2025.
2. Plot plan dated June 28, 2024 (Revised November 4, 2025).
3. Letter of denial from the Building Official dated September 25, 2025.
4. Residential Property Profile (Property Gateway) confirming ownership.

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.

RECEIVED

Community Development Department, 7525 Highland Road,
NOV 03 2025

White Lake, Michigan, 48383

BUILDING DEPARTMENT

(248) 698-3300 x5

APPLICANT'S NAME:

Orysia Tkachuk PHONE: 3136552189

ADDRESS: 3320 FOX BLVD, COMMERCE TWP, MI 48382

APPLICANT'S EMAIL ADDRESS: LESAKOCH @ GMAIL.COM

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

9731 Portage Trl

ADDRESS OF AFFECTED PROPERTY: White Lake, MI 48388 PARCEL # 12-26-177-017

CURRENT ZONING: R1-D

PARCEL SIZE: 0.51

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: \$440 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)

APPLICANT'S SIGNATURE: Orysia Tkachuk

DATE: 11/03/25



Charter Township of White Lake
APPLICATION INSTRUCTIONS
ZONING BOARD OF APPEALS

1. Please read these instructions carefully before submitting the attached application. Fill out the entire application in detail. If a portion is not applicable in your case, please mark "Not Applicable" or "N/A" on the application.
2. In addition to the attached application, you must submit the following:
 - a. **Proof of Ownership**
If you are not the property owner of record, a copy of the land contract, option to purchase, purchase agreement, lease agreement, or letter of authorization from the property owner must be presented with the application to indicate the applicant's interest in the subject property. In addition, a letter of no objection from the property owner may be required by Township staff.
 - b. **Plan or drawing – one copy**
Attach one copy of the plot plan of the subject property drawn to scale. The plan must depict the shape and dimension of the property, all existing and proposed structures and building-to-building and building to property line relationships.
 - c. **Certified Survey – one copy**
 - d. **Letter of denial from the Building Department**
The Building Department must have reviewed and formally denied your application for a building permit before a Z.B.A. application can be considered for processing.
3. The required filing fee is **\$440.00 for residential land uses and \$550.00 for non-residential land uses** and must be submitted with the application.
4. **All proposed additions must be stated and flagged.**
5. The attached application must be completely filled out and all documents, plans, other necessary information, and the application fee, as required, must be submitted before the application will be considered complete and accepted for processing. The application will then be placed on the next available Zoning Board of Appeals agenda.
6. You will be notified of the date and time that your request will be considered by the Zoning Board of Appeals (Z.B.A.). Please attend or have a representative attend if you cannot attend the scheduled meeting. All Z.B.A. meetings are held at the Township Annex, 7527 Highland Road, White Lake, Michigan.
7. Notification is given by mail to all property owners of record within 300 feet of the subject property at least 15 days prior to the meeting.
8. Information relative to the powers and duties of the Z.B.A. can be found in Article 7.36 of the White Lake Township Zoning Ordinance. To be granted a variance, an applicant must provide proof that a **practical difficulty** exists and the practical difficulty must relate to a unique circumstance of the property which prevents the applicant from reasonably using the property for a permitted use. Furthermore, no variance shall be granted unless all of the criteria found in Article 7.37 of the Zoning Ordinance have been met.

APPLICATION CHECKLIST:

- COMPLETED, SIGNED APPLICATION**
- LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER**
- ONE COPY OF THE PLAN OR DRAWING (SEE ABOVE)**
- ONE COPY OF THE CERTIFIED SURVEY (SEE ABOVE)**
- LETTER OF DENIAL FROM BUILDING DEPARTMENT**
- COPY OF BUILDING PERMIT APPLICATION**
- APPLICATION FEE (see #3 above)**

Please direct any questions to the White Lake Township Community Development Department at 248.698.3300 extension 5.

NOTE: ZONING BOARD OF APPEALS MEMBERS AND TOWNSHIP STAFF WILL LIKELY VISIT THE SITE PRIOR TO THE MEETING AS PART OF THEIR PREPARATION FOR EACH CASE.

1. THIS PROJECT IS TO BE CONSTRUCTED IN COMPLIANCE WITH PART 91 OF ACT 450 OF 1994, AS AMENDED. THE SOIL EROSION AND SEDIMENTATION CONTROL ACT AND THE OAKLAND COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE. THE OAKLAND COUNTY PUBLIC WORKS OFFICE IS THE APPROVING AUTHORITY FOR THIS PROJECT. 2. EROSION AND ANY SEDIMENTATION FROM WORK ON THIS SITE SHALL BE PREVENTED AND MITIGATED AS SHOWN ON THE PLANS AND SPECIFICATIONS. 3. EROSION AND ANY SEDIMENTATION FROM WORK ON THIS SITE SHALL BE PREVENTED AND MITIGATED AS SHOWN ON THE PLANS AND SPECIFICATIONS. 4. STABILIZATION OF EXISTING EARTH BANKS AND DITCHES SHALL BE PROVIDED. 5. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND SPECIFICATIONS ARE IN PLACE. 6. THE WORK ON THIS SITE SHALL NOT CAUSE EROSION OR SEDIMENTATION. 7. PLANS, SPECIFICATIONS AND ALL TIMES DURING CONSTRUCTION ON THIS PROJECT, ANY MODIFICATIONS TO SOIL EROSION CONTROL MEASURES SHALL BE APPROVED BY THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 8. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 9. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 10. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 11. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 12. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 13. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 14. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 15. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 16. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 17. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 18. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 19. THE LANDOWNER AGREES THAT NO EROSION CONTROL MEASURES ON THE SITE DEMAND IMMEDIATE OR INSTITUTE THE OAKLAND COUNTY PUBLIC WORKS OFFICE. 20. APPROXIMATE COMPLETION DATE = 6/30/2004

I UNDERSTAND MY RESPONSIBILITY OUTLINED UNDER THESE GUIDELINES

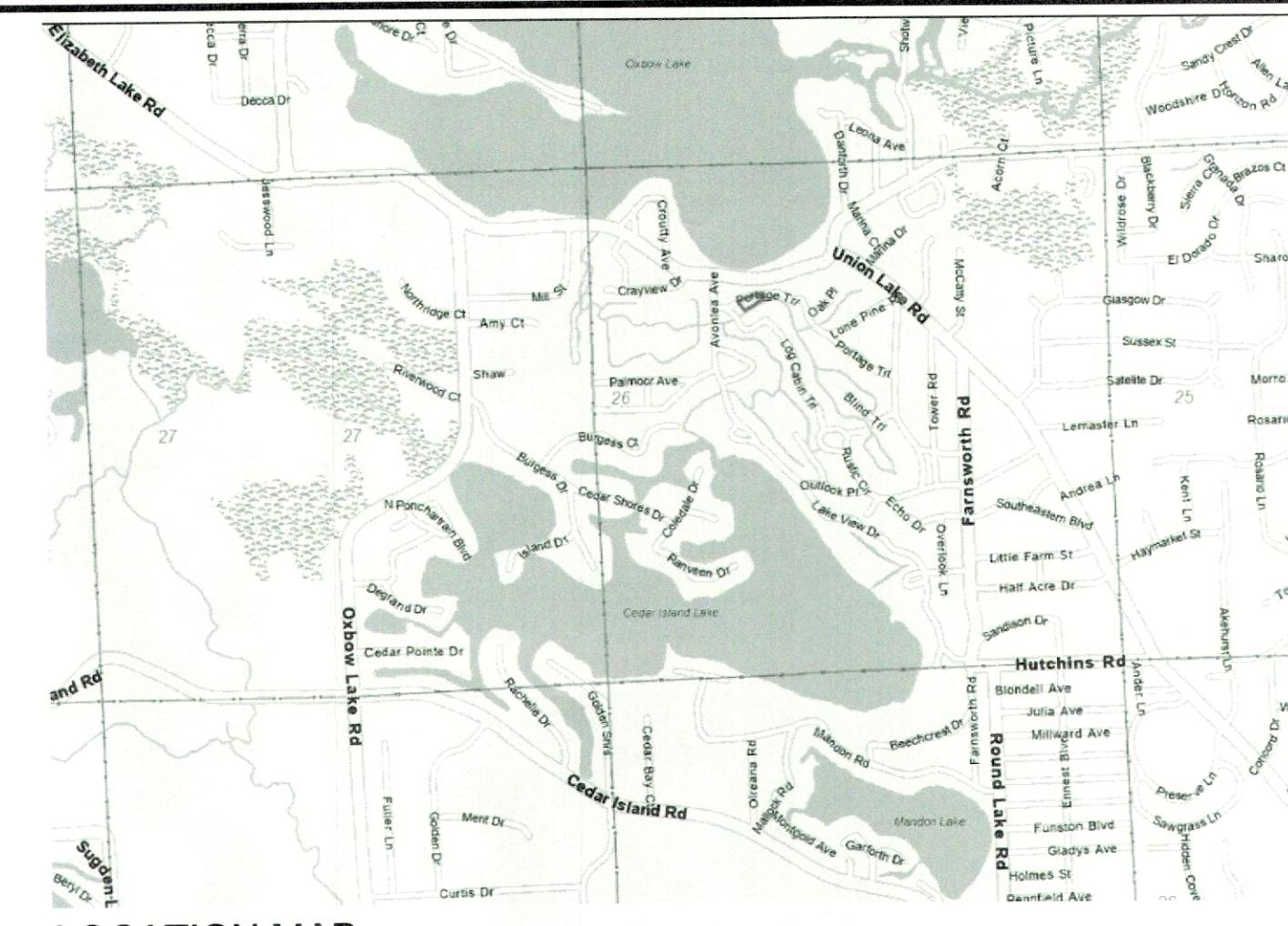
LANDOWNER'S SIGNATURE DATE

SITE INFORMATION

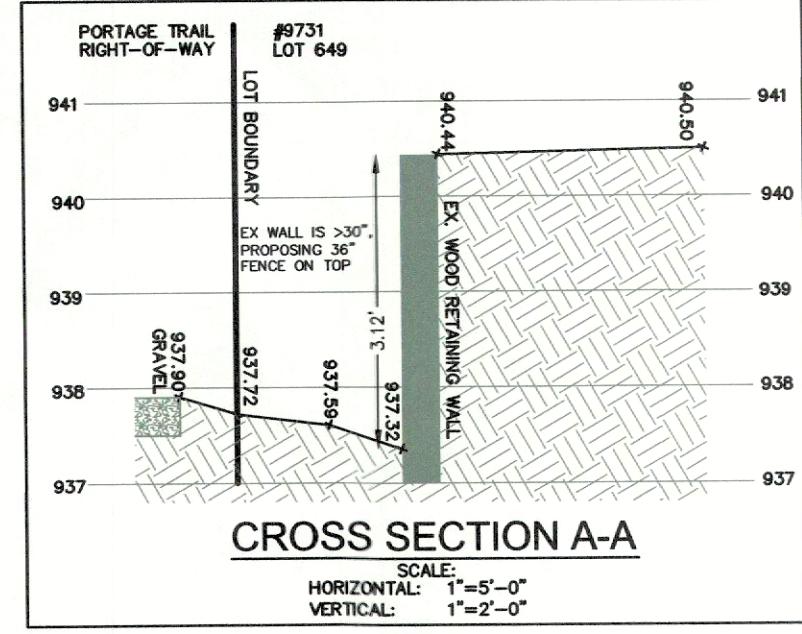
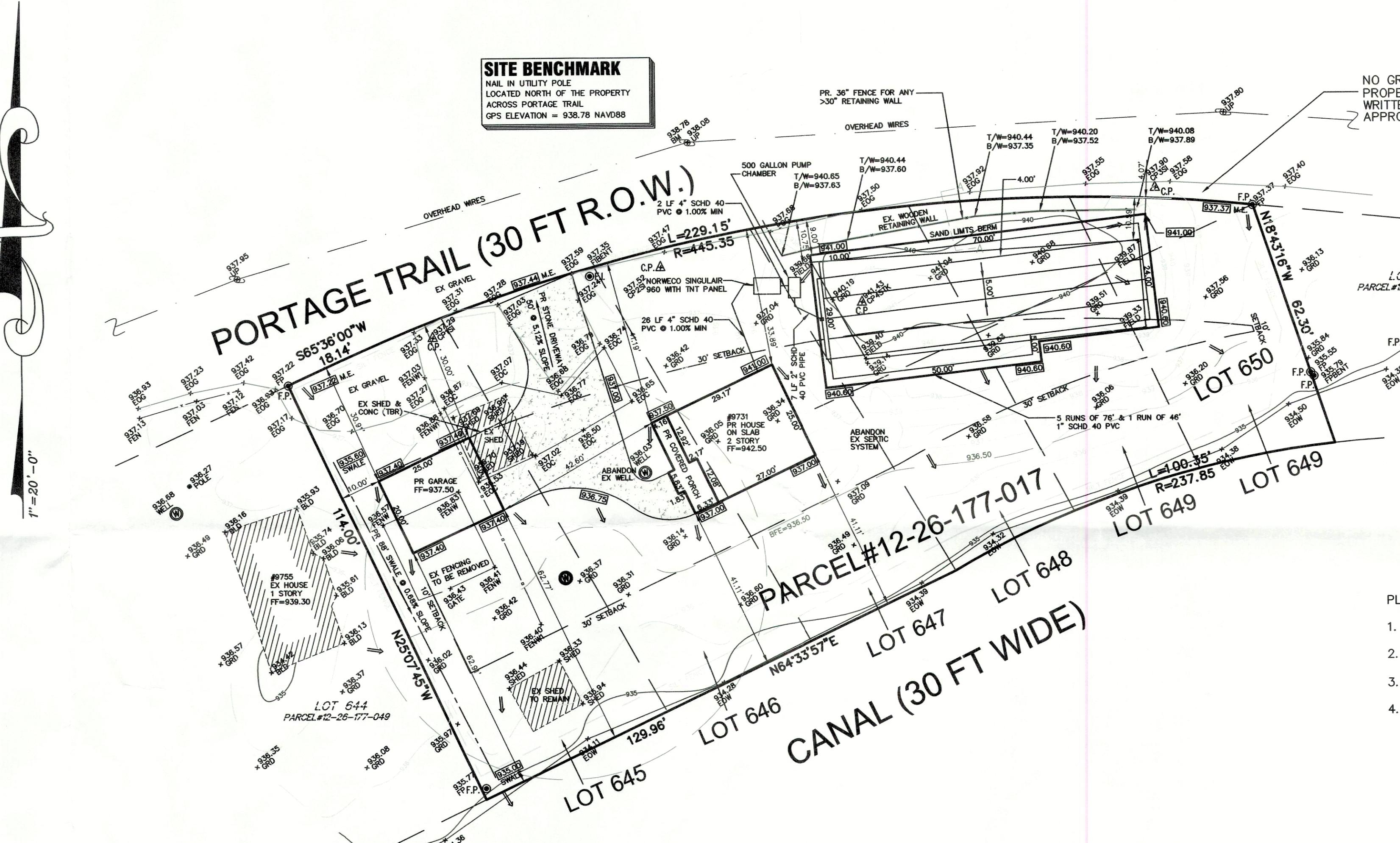
AREA:	0.51 ACRES (22,162.77 SQFT)
ZONING:	R1-D (SINGLE FAMILY RESIDENTIAL)
LOT COVERAGE:	MAXIMUM: 20.00% (4,432.55 SQFT) EXISTING: 1.83% (405.23 SQFT) PROPOSED: 6.84% (1,516.55 SQFT)
FRONT SETBACK:	30' MINIMUM
REAR SETBACK:	30' MINIMUM
SIDE SETBACKS:	10' MINIMUM (ONE SIDE) 20' MINIMUM (TOTAL BOTH SIDES)

PLOT PLAN 9731 PORTAGE TRAIL

PART OF SECTION 26,
T3N, R8E, WHITE LAKE,
OAKLAND COUNTY, MICHIGAN
PARCEL #12-26-177-017



LOCATION MAP



NOTE: THE PROPOSED SEPTIC FIELD WILL REPLACE THE EXISTING ABANDONED SEPTIC FIELD

NOTE: SEE POWELL ENGINEERING SEPTIC PLANS FOR SEPTIC NOTES AND DETAILS

BASE FLOOD ELEVATION = 936.50
FLOOD MAP # 26125C0338F, EFFECTIVE
ON 9/29/2006

PLAN NOTES:

1. DRAINAGE ON THIS PROPERTY CANNOT AFFECT ADJACENT PROPERTIES
2. MAINTAIN POSITIVE DRAINAGE ON SITE AND AWAY FROM PROPOSED STRUCTURES
3. WE DEFER TO TOC FOR ROW PERMIT/WORK REQUIREMENTS
4. A SE PERMIT WILL BE REQUIRED FROM OCWRC

LEGAL DESCRIPTION OF RECORD

A PARCEL OF LAND LOCATED IN AND BEING PART OF A SUBDIVISION OF PART OF SECTION 26, TOWN 3 NORTH, RANGE 8 EAST, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND DESCRIBED AS FOLLOWS: LOTS 645 THROUGH 650 OF "CEDAR CREST SUBDIVISION NO. 4" (L35 PLATS P38 O.C.R.) CONTAINING 0.51 ACRES OF LAND RESERVING ALL RIGHTS, EASEMENTS AND RESTRICTIONS

USER AGREES THAT PLAN IS SUBJECT TO STANDARD ASCE CONTRACT AND LIABILITY AND IS LIMITED TO FEE

BENCHMARK

NAIL IN UTILITY POLE
LOCATED NORTH OF THE PROPERTY
ACROSS PORTAGE TRAIL
GPS ELEVATION = 938.78 NAVD88

NOTE: IN NO WAY SHALL SURFACE RUNOFF BE DIRECTED SO AS TO ADVERSELY IMPACT ADJACENT PROPERTIES. IN THE EVENT OF A FLOODING CONDITION, THE GRADING PLAN SHOULD CONTINUE AS FAR AS A STORM SEWER OUTLET OR OTHER NATURAL OUTLET POINT OF DISCHARGE TO ASSURE PROPER CONTROL OF SURFACE RUNOFF. SURFACE RUNOFF SHOULD BE DIVERTED TO AN APPROVED POINT OF COLLECTION SO AS NOT TO CREATE A FLOODING CONDITION.

NOTE: ALL CONSTRUCTION SITES ARE REQUIRED TO BE MAINTAINED IN A SAFE CONDITION AND TO BE PROTECTED FROM UNAUTHORIZED ENTRY. ALL EXCAVATIONS EXCEEDING 24 INCHES IN DEPTH, SUCH AS FOR BASEMENTS, CRAWL SPACES, POOLS, AND SPAS, MUST BE SECURED THUS THE USE OF A 4' HIGH FENCE. CONSTRUCTION SITES MUST NOT BE LEFT UNSECURED FOR LONG PERIODS OF TIME. AT SUCH TIME, SHOULD THE PERMITTED WORK STILL PHYSICALLY UNABLE TO BE PROTECTED AND SECURED, A GATE OR FENCE MUST BE PROVIDED TO PROTECT THE SITE UNTIL ITS WORK HAS BEEN AUTHORIZED BY THE BUILDING OFFICIAL. 2009 MRC-R 104.1 & 2009 MBC-CHAPTER 33

SOIL EROSION NOTES
1. INSTALL EROSION CONTROL
2. ALL SOIL EROSION MEASURES MUST BE IN PLACE PRIOR TO ANY EARTH MOVEMENT
3. COMPLETE ALL EARTH MOVEMENTS
4. RIGHT OF WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION
5. ALL SOIL AREAS, ALL SLOPES GREATER THAN 1:5 AND ALL EXISTING STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION
6. AFTER FINAL EARTH STABILIZATION IS COMPLETE REMOVE EROSION CONTROL MEASURES
TOTAL DISTRIBUTED AREA 0.51 ACRES OF LAND
SOIL TYPE PER COUNTY SOIL MAP IS: 27 - HOUGHTON AND ADRIAN MUCKS
SOIL EROSION CONTROL MEASURES MUST BE MAINTAINED UNTIL PERMANENT STABILIZATION AND AFTER EACH STORM EVENT
TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE SEED & MULCH OR SOO

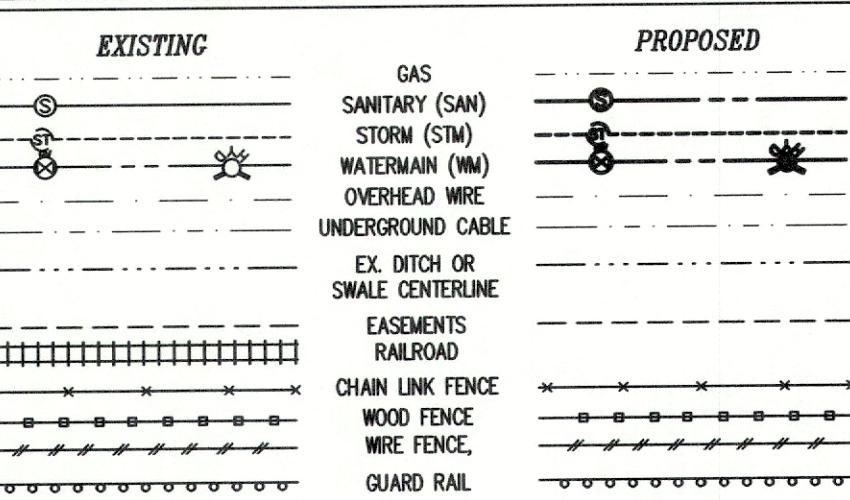
NOTE: SILT FENCE LOCATION, INSTALLATION DETAILS AND TIMING SEQUENCE OF RE-ESTABLISHMENT OF PERMANENT VEGETATION REQUIRED PRIOR TO FINAL BUILDING INSPECTION

NOT FOR CONSTRUCTION UNLESS APPROVED BY MUNICIPALITY.
HOUSE DIMENSIONS TO BE VERIFIED BY OWNER AND/OR BUILDER BEFORE CONSTRUCTION.
THE PROPERTY DIMENSIONS AND UTILITY LOCATIONS SHOWN ARE ONLY APPROXIMATE AND GATHERED FROM EXISTING RECORDS AVAILABLE, THERE IS NO GUARANTEE THEREOF.
CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND UTILITIES PRIOR TO START OF CONSTRUCTION AND REPORT ANY DISCREPANCIES TO OWNER AND/OR ENGINEER

NOTE: ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF ALL GOVERNING AGENCIES.

USER AGREES THAT PLAN IS SUBJECT TO STANDARD ASCE CONTRACT AND LIABILITY AND IS LIMITED TO FEE

LEGEND



CONSTRUCTION SEQUENCE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
A SOIL EROSION CONTROL MEASURES												
B EXISTING HOUSE DEMO												
C HOUSE CONSTRUCTION												
D DRIVEWAY & SIDEWALK CONSTRUCTION												
E FINAL GRADING												

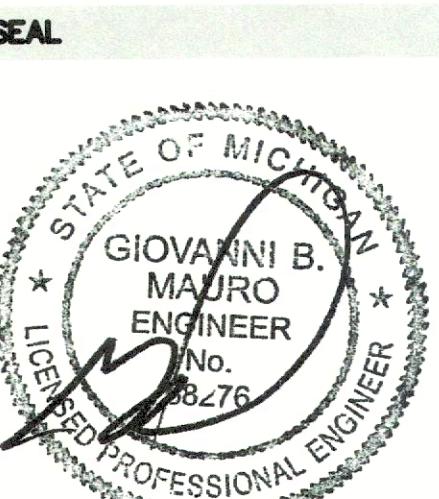
LAND
DEVELOPMENT
SERVICES
of Michigan L.L.C.

Civil Construction Management
& Surveying Services

Land Development Services
of Michigan L.L.C.
57200 Silver Maple
Washington, MI 48094
P: 248.854.7510
E: David@LDSofMichigan.com

PROJECT
9731 Portage Trl
White Lake, Michigan

CLIENT
Orsuya Tkachuk
9731 Portage Trl
White Lake, Michigan
224-833-7550



SHEET
BOUNDARY/
TOPOGRAPHICAL
SURVEY,
PLOT PLAN

PROJECT LOCATION
PARCEL #12-26-177-017



Know what's below
Call before you dig.

REVISIONS

11/04/2025 NEW SEPTIC FIELD

Date Description

Designed by: Drawn by:

A.M.B.

Approved by: Date:
D.S.W. 06-28-2024

Scale:

1" = 20'-0"

Job No.: Sheet:

24184 1

1. THIS PROJECT TO BE CONSTRUCTED IN COMPLIANCE WITH PART 91 OF ACT 451 OF 1984, AS AMENDED, THE CO. EROSION AND SEDIMENTATION CONTROL ACT, AND THE OAKLAND COUNTY SOIL EROSION AND SEDIMENTATION ORDINANCE. THE OAKLAND COUNTY PUBLIC OFFICE OF EROSION AND SEDIMENTATION CONTROL IS REQUIRED TO CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE OAKLAND COUNTY PUBLIC OFFICE OF EROSION AND SEDIMENTATION CONTROL. THE OAKLAND COUNTY PUBLIC OFFICE OF EROSION AND SEDIMENTATION CONTROL IS REQUIRED TO COLLECT ON ANY FEE AS PROVIDED FOR IN THE SOIL EROSION AND SEDIMENTATION ORDINANCE.

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4. STABILIZATION OF EXISTING SOIL EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE OAKLAND COUNTY PUBLIC OFFICE OF EROSION AND SEDIMENTATION CONTROL. THE OAKLAND COUNTY PUBLIC OFFICE OF EROSION AND SEDIMENTATION CONTROL IS REQUIRED TO COLLECT ON ANY FEE AS PROVIDED FOR IN THE SOIL EROSION AND SEDIMENTATION ORDINANCE.

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20. APPROXIMATE COMPLETION DATE: 03/01/2024

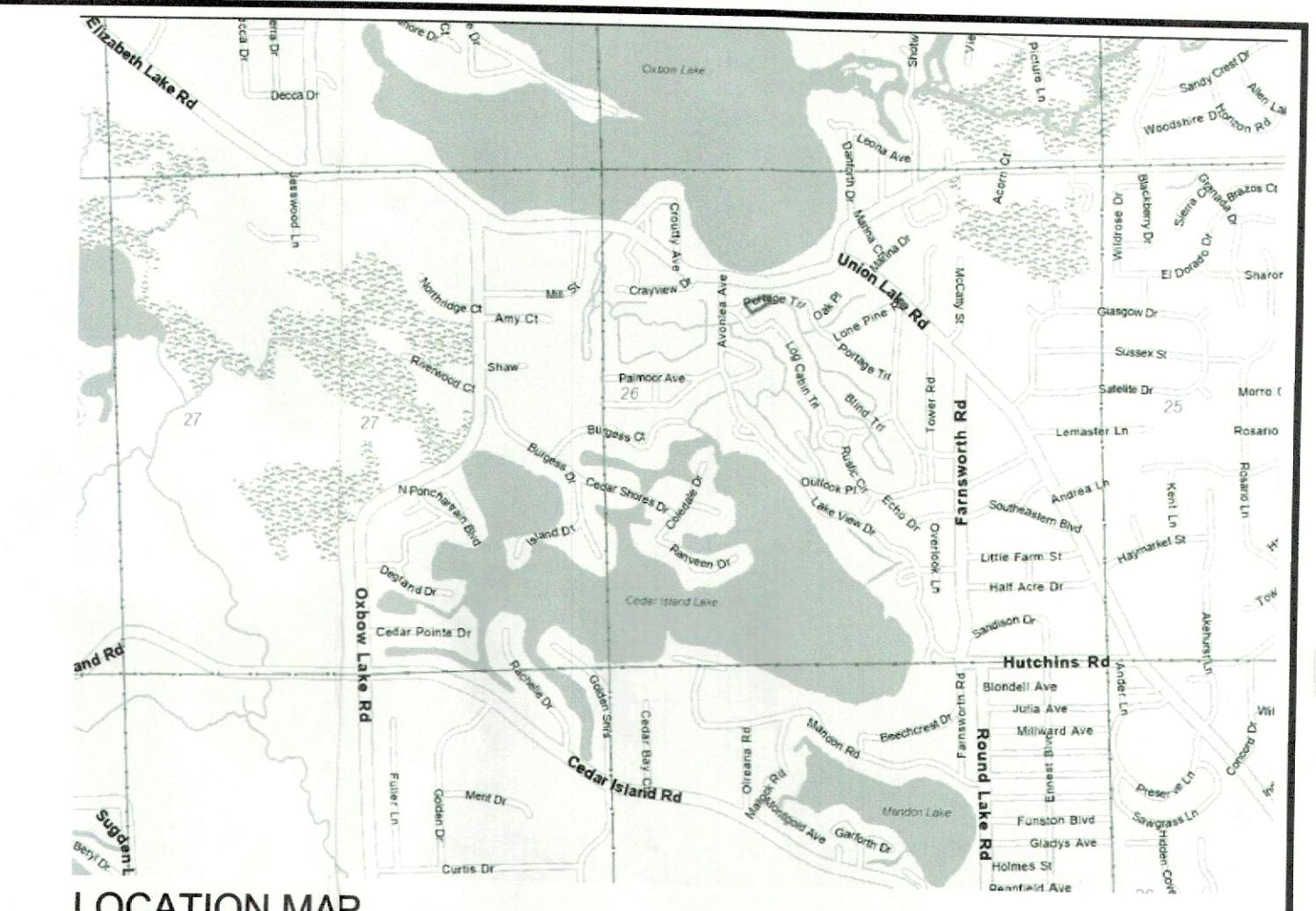
21. TOTAL GROSS ACRES SURVEYED: 0.51 ACRES

SITE INFORMATION

AREA:	0.51 ACRES (22,162.77 SQFT)
ZONING:	R1-D (SINGLE FAMILY RESIDENTIAL)
LOT COVERAGE:	MAXIMUM: 20.00% (4,432.55 SQFT) EXISTING: 1.83% (405.23 SQFT) PROPOSED: 6.84% (1,516.55 SQFT)
FRONT SETBACK:	30' MINIMUM
REAR SETBACK:	30' MINIMUM
SIDE SETBACKS:	10' MINIMUM (ONE SIDE) 20' MINIMUM (TOTAL BOTH SIDES)

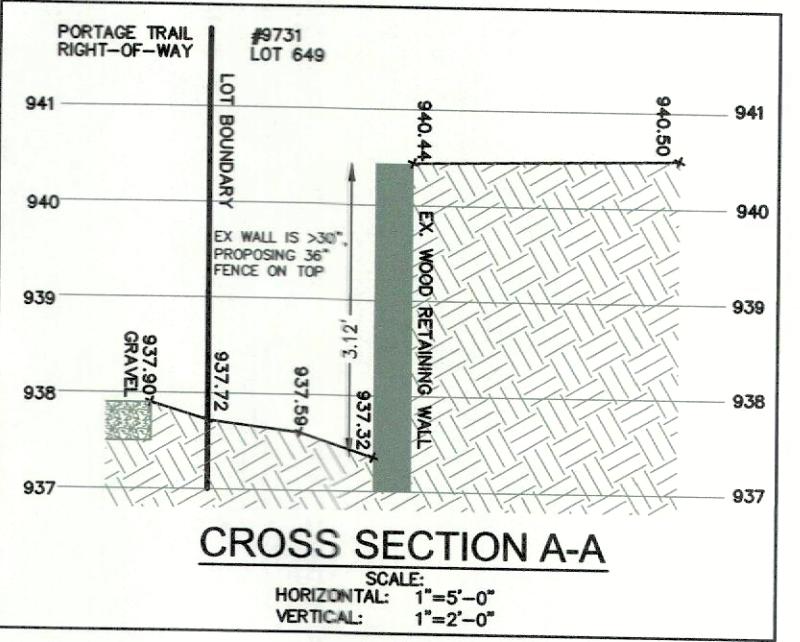
PLOT PLAN 9731 PORTAGE TRAIL

PART OF SECTION 26,
T3N, R8E, WHITE LAKE,
OAKLAND COUNTY, MICHIGAN
PARCEL #12-26-177-017



LOCATION MAP

NTS



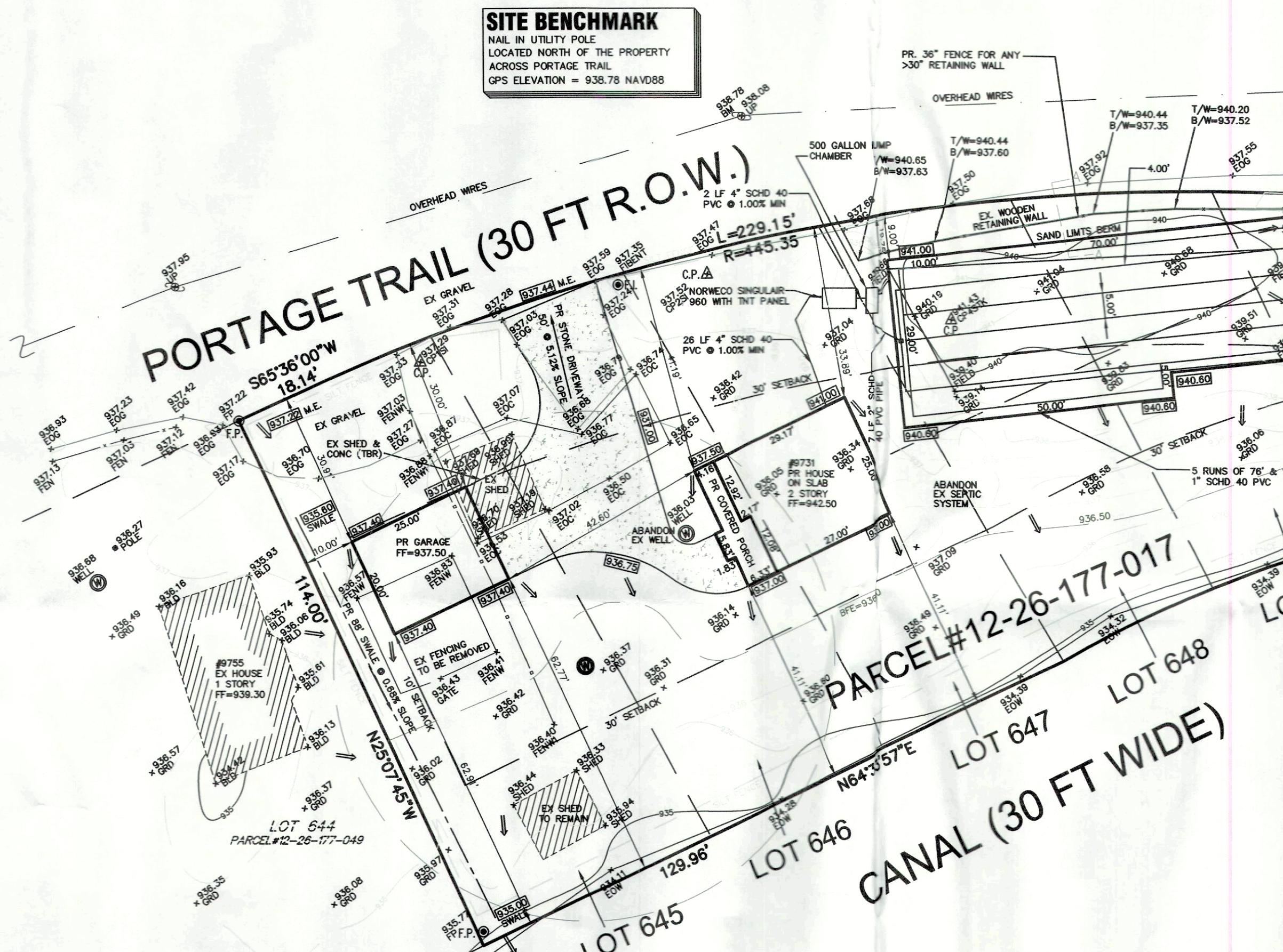
NOTE: THE PROPOSED SEPTIC FIELD WILL REPLACE THE EXISTING ABANDONED SEPTIC FIELD

NOTE: SEE POWELL ENGINEERING SEPTIC PLANS FOR SEPTIC NOTES AND DETAILS

BASE FLOOD ELEVATION = 936.50
FLOOD MAP # 2125C0338F, EFFECTIVE
ON 9/29/2006

PLAN NOTES:

1. DRAINAGE ON THIS PROPERTY CANNOT AFFECT ADJACENT PROPERTIES
2. MAINTAIN POSITIVE DRAINAGE ON SITE AND AWAY FROM PROPOSED STRUCTURES
3. WE DEFER TO TCOC FOR ROW PERMIT/WORK REQUIREMENTS
4. A SE PERMIT WILL BE REQUIRED FROM OCWRC

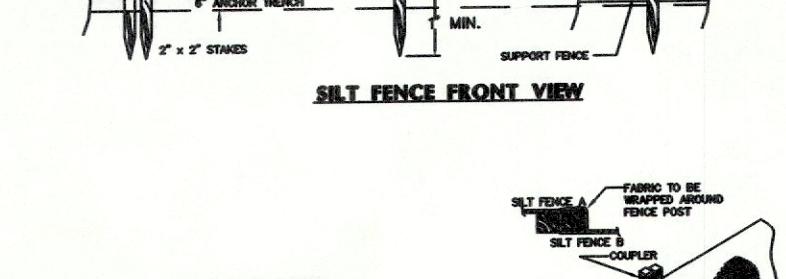
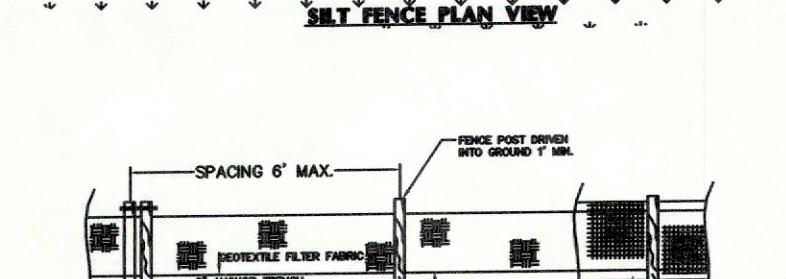
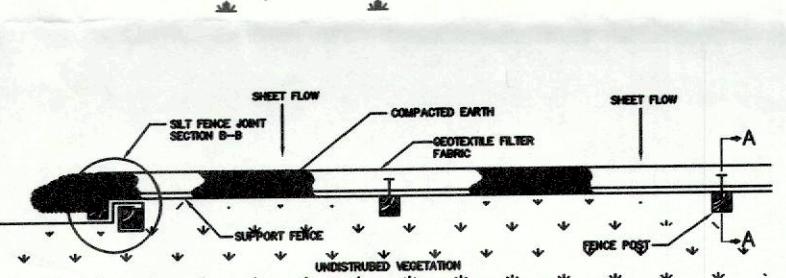
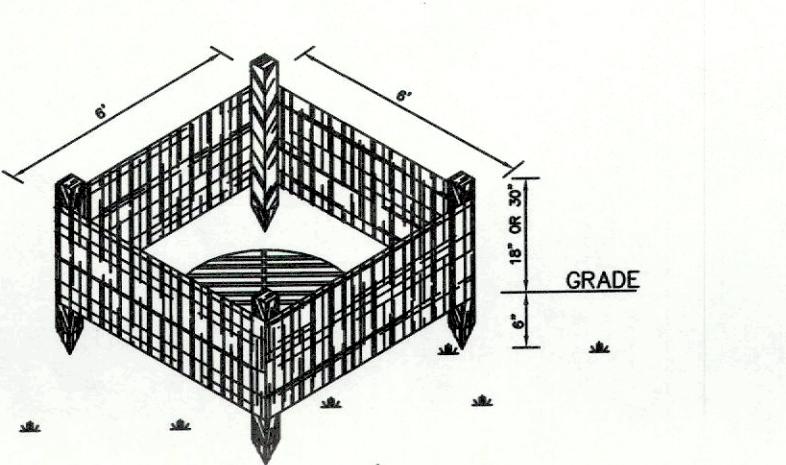


PARCEL #12-26-177-017

CANAL (30 FT WIDE)

EROSION CONTROL MEASURES & SEQUENCE OF CONSTRUCTION

1. INSTALL TEMPORARY SOIL EROSION CONTROL GEOTEXTILE FILTER CLOTH FENCE AS INDICATED ON PLAN AND AT ADDITIONAL AREAS AS NECESSARY
2. MAINTAIN A 15 FT. BUFFER OF VEGETATION WHERE POSSIBLE AROUND PERIMETER OF SITE.
3. INSTALL UTILITIES AND EXCAVATE BASEMENT. STOCKPILE DIRT AWAY FROM DRAINAGE AREAS.
4. BACKFILL BASEMENT, GRADE SITE AND REMOVE EXCESS DIRT FROM SITE IF NECESSARY.
5. CONSTRUCT HOUSE.
6. INSTALL PAVEMENT AND FINAL GRADE THE LOT.
7. ESTABLISH VEGETATION AND LANDSCAPE ALL DISTRIBUTED AREAS NOT BUILT OR PAVED UPON.
8. CLEAN PAVEMENT AND REMOVE ALL TEMPORARY EROSION CONTROL MEASURES. RE-ESTABLISH VEGETATION AS NECESSARY.
9. ALL DIRT AND MUD TRACKED ONTO PUBLIC ROADS SHALL BE REMOVED DAILY.
10. ALL EROSION CONTROL SHALL CONFORM TO STANDARDS AND SPECIFICATIONS OF THE TOWNSHIP



NOT FOR CONSTRUCTION UNLESS APPROVED BY MUNICIPALITY

HOUSE DIMENSIONS TO BE VERIFIED BY OWNER AND/OR BUILDER BEFORE CONSTRUCTION.

THE PROPERTY DIMENSIONS AND UTILITY LOCATIONS SHOWN ARE ONLY APPROXIMATE AND GAINED FROM EXISTING RECORDS. THIS DRAWING IS NOT GUARANTEED.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND UTILITIES PRIOR TO START OF CONSTRUCTION AND REPORT ANY DISCREPANCIES TO OWNER AND/OR ENGINEER

NOTE: ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF ALL GOVERNING AGENCIES.

USER AGREES THAT PLAN IS SUBJECT TO STANDARD ASCE CONTRACT AND LIABILITY AND IS LIMITED TO FEE

NOTE: SILT FENCE LOCATION, INSTALLATION DETAILS AND TIMING SEQUENCE OF RE-ESTABLISHMENT OF PERMANENT VEGETATION REQUIRED PRIOR TO FINAL BUILDING INSPECTION

✓

PROPOSED

EXISTING

EX. DITCH OR
SHEET DRAINLINE

EASEMENTS

RAILROAD

CHAIN LINK FENCE

WIRE FENCE

GUARD RAIL

GAS

SANITARY (SAN)

STORM (STA)

WATERMAIN (WM)

OVERHEAD WIRE

UNDERGROUND CABLE

EX. DITCH OR
SHEET DRAINLINE

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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

September 25, 2025

Ozysia Tkachuk
 3328 Jay St
 Wixom, MI 48393

Re: Proposed Residential Construction at 9731 Portage Trail

Based on the submitted plans, the proposed reconstruction of the residential structure does not satisfy the White Lake Township Clear Zoning Ordinance.

Article 3.11 (J)(iii) of the White Lake Township Clear Zoning Ordinance requires: Minimum floor area of a single-family two-story home to be a minimum of 1,500 sq ft total and 900 sq ft on the ground floor.

Based on the submitted building plans the proposed two-story residential structure will have an area of 699.65 sq ft on the ground floor and 699.65 sq ft on the second floor for a total of 1,399.3 sq ft. The ground floor is deficient by 200.35 sq ft and total area of the structure is deficient by 100.7 sq ft.

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 November 13th Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than October 16th at 4:30 PM. The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

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

Nick Spencer, Building Official
 White Lake Township

beds / full baths / half baths / sq ft

Residential Property Profile

12-26-177-017

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s)	: ORYSIA TKACHUK		
Postal Address	: 9731 PORTAGE TRL WHITE LAKE MI 48386-2771		

Location Information

Site Address	: 9731 PORTAGE TRL WHITE LAKE MI 48386-2771		
PIN	: 12-26-177-017	Neighborhood Code	: 26E
Municipality	: Charter Township of White Lake		
School District	: 63290 WALLED LAKE CONS SCH DIST		
Class Code	: 402 Residential - Vacant		

Property Description

T3N, R8E, SEC 26 CEDAR CREST SUB NO 4 LOTS 645 TO 650 INCL 4-5-91 FR 005, 014 & 015

Split/Combination Information

Added Status	: Added Parcel		
Added Date	: 04/22/1991	Added From	: FR 005, 014 & 015

Most Recent Sale Since 1994

Date	: 08/25/2022		
Amount	: \$51,000	Liber	: 58126:588
Grantor	: JOHN GRAHAM INC	Grantee	: TKACHUK, ORYSIA

Next Most Recent Sale

Date	: 07/21/2022		
Amount	: \$20,000	Liber	: 58032:373
Grantor	: J T GENTRY INC	Grantee	: JOHN GRAHAM INC

beds / full baths / half baths / sq ft

Residential Property Profile

12-26-177-017

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Tax Information

Taxable Value	: \$17,970	State Equalized Value	: \$17,970
Current Assessed Value	: \$17,970	Capped Value	: \$18,550
Effective Date For Taxes	: 12/01/2025	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 100%	Winter Principal Residence Exemption Percent	: 100%
2023 Taxes		2024 Taxes	
Summer	: \$376.57	Summer	: \$350.05
Winter	: \$451.47	Winter	: \$250.30
Village	:	Village	:

Lot Information

Description	: LEVEL	Area	: 0.516 ACRES
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TO: Zoning Board of Appeals

FROM: David J. Waligora, AICP, Senior Planner

DATE: January 15, 2025

RE: 10164 Elizabeth Lake Rd Variance Request to Permit a Home Remodel

Agenda item: 8A

Appeal Date: January 22, 2026

Applicant: Alfa Construction Guys, LLC
23460 Industrial Park Dr.
Farmington, MI 48335

Owners: Sandro & Beatriz Siminovich
4998 Parkgate Dr
Commerce Township, MI 48382

Address: 10164 Elizabeth Lake Road
White Lake, MI 48386

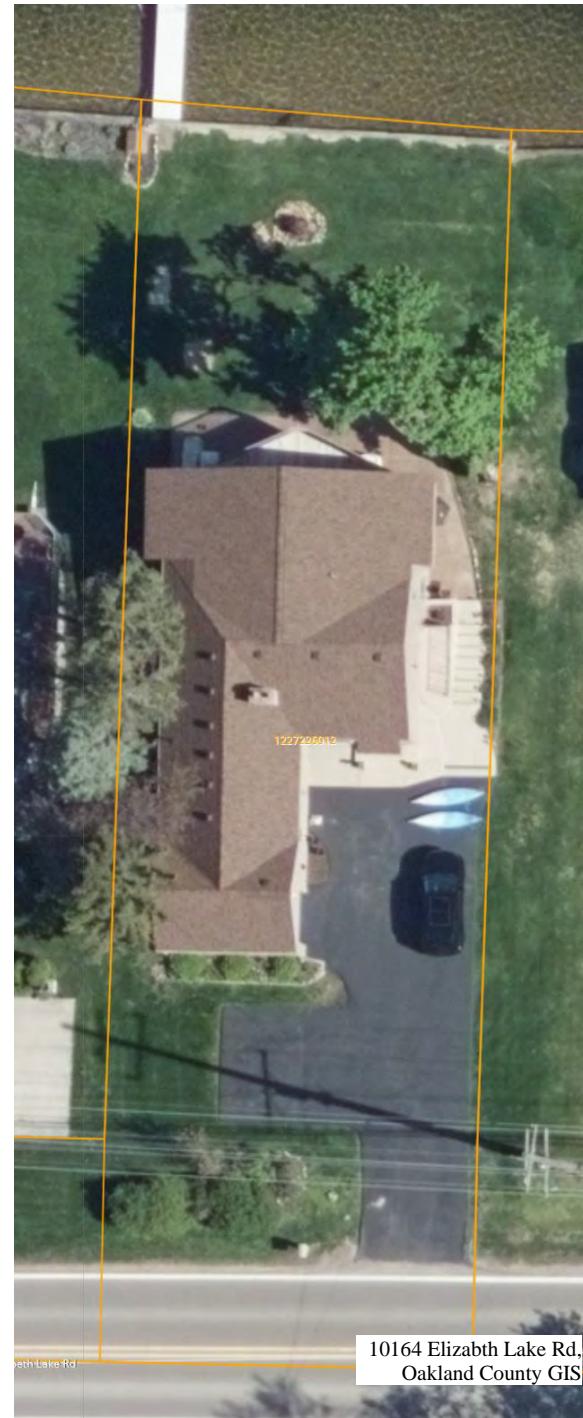
Parcel #: 12-27-226-012

Location: North side of Elizabeth Lake Road
between Oxbow Lake Rd and Mill Road

Zoning: R1-C, Single Family Residential

Attachments

1. Variance application dated November 25, 2025.
2. Survey showing existing property, dated 1/5/26
3. Letter of denial from the Building Official dated November 19, 2025.
4. Copy of Deed verifying ownership
5. Building elevations and a floor plan.
6. Pertinent Zoning Ordinance pages



Property Description

The 0.231 acre or 10,062.36 ft² (55' x ±183') unplatted parcel, 12-27-226-012, is located on the north side of Elizaeth Lake Rd between Oxbow Lake Rd and Mill Rd. The property is zoned R1-C (Single-Family Residential). The home is surrounded by R1-C single family homes to the east, west, and south. To the north of the property is Oxbow Lake.



10164 Elizabeth Lake Rd
Google Maps

Applicant's Proposal

The applicant proposes to remodel the existing home from a one-story, 2,084 ft² residence (3 bedrooms, 2 bathrooms, and a 1.5-stall garage) into a two-story home with 5 bedrooms, 5.5 bathrooms, and a 3.25-stall garage, equaling 3,784 ft².

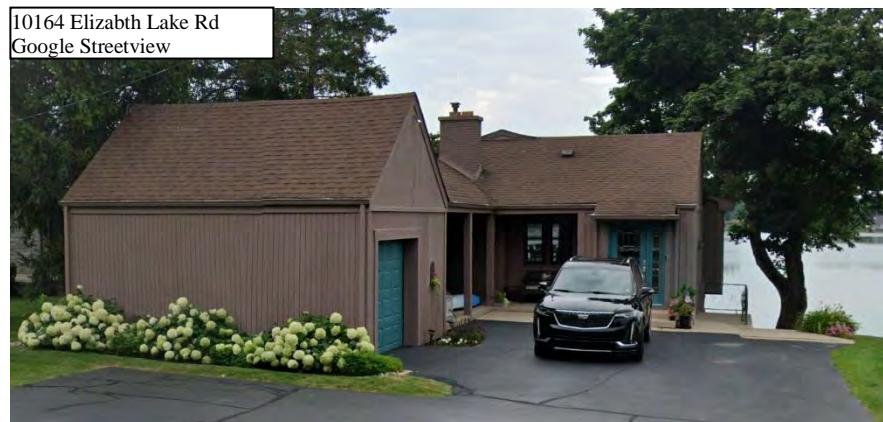
Existing Condition Dimensional Review

The property is currently occupied by a ranch style, single-family home, constructed in 1950, and includes an attached 1.5 stall garage. It is served by a private well and municipal sewer. Below is a comparison chart with the minimum R1-C standards, Section 3.1.5.E, listed next to the existing conditions of the property.

	Min Required	Current	Nonconforming Deficiency
Lot Area	16,000 ft ²	10,062.36 ft ²	-5,937.64 ft ²
Lot Width	100 ft	55 ft	-45 ft
Lot Length	160 ft	183 ft	-
Lot Coverage	30%	16.8%	-
Front Yard Setback	35 ft	25.96 ft	-9.04 ft
Side Yard Setback	10 ft	5.41ft & 8.87ft	4.59ft & 1.13 ft,
Rear Yard Setback	35 ft	54.55 ft	-
Building Height	30 ft	15.58 ft	-

After reviewing the existing conditions, a legal nonconforming deficiency exists in both lot area and lot width. Because of this, staff finds that the subject property is considered a **"Substandard Lot"**, per Section 5.4 of the Zoning Ordinance.

Any lot which was of record at the time of the adoption of this Ordinance, that does not meet the requirements of Article 6 for lot area and width, may be utilized for single-family residences in zones permitting this use, provided that the setback and open space provisions of the Ordinance are met. (Also see Article 7.27 regarding non-conforming lots).



Proposed Dimensional Review

The applicant wishes to construct an addition comprised of the addition of a second story and expansion of the building footprint into the rear yard composed and an enlarged garage footprint into the front yard setback of the property. Once complete, the total proposed home would offer around 3,784 ft² of living space.

The proposed design requires 4 variances. The first 3 are (dimensional) setback variances (Section 3.1.6) and the 4th is a nondimensional variance from Section 7.23-Nonconforming Structures. The proposed design increases only the front yard setback by 4.92 feet.

Specifically, the proposed design increases side yard nonconformity by 3 inches on the westside, where the distance between the two existing structures is presently only by about 16 ft. Further, the request proposes the garage will be closer to the Elizabeth Lake Road ROW, a 2-lane paved road with gravel shoulders.



Proposed Remodel

	Min Required	Current	Proposed	Difference	Necessary Variance
Lot Coverage	30%	14.37%	16.91%	+2.54%	-
Front Yard Setback	35 ft	25.96 ft	20.04 ft	-5 ft	14.96 ft, nonconforming increase of 4.92 ft
West Side Yard Setback	10 ft	8.87 ft	8.87 ft	0 ft	1.13 ft, proposed setback is equal to existing setback
East Side Yard Setback	10 ft	5.41 ft	7.3 ft	+1.89 ft	2.7 ft, proposed setback is greater than existing setback
Rear Yard Setback	35 ft	54.55 ft	43.22 ft	-11.33 ft	-
Building Height	30 ft	15.58 ft	24.08 ft	+8.5 ft	-

Conclusion

Staff finds that the subject property is a legally established substandard lot containing a lawful nonconforming structure, that does not meet current front and side yard setback requirements.

The proposed addition would increase the front yard nonconformity, encroaching 5 ft further into the existing 35 ft required setback distance. Staff notes on contrast; the proposed addition does reduce the amount of side yard nonconformity (west side) by 1.89 ft. Staff notes that this side of the home is closest to a neighboring residential structure.

The applicant has provided one narrative response to encompass all four variance requests which I have included in your packet. The ZBA should analyze their arguments to determine if the request can meet the standards of approval.

Section 7.37 – Standards (of Review)

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".

- 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.*

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 Options:

Though the example below has all variances included in one motion, they can be broken up into separate motions at the discretion of the ZBA members.

Approval: I move to approve the 4variances requested by Alfa Construction Guys, LLC, for parcel number 12-27-226-012, identified as 10164 Elizabeth Lake Road, for the purpose of remodeling the existing structure. Specifically approving 3 variances from Section 3.1.6 and 1 from Section 7.23, to allow a 20.04- ft front yard setback where the ordinance requires a minimum of 35 ft; a 7.3 ft west side yard setback where the ordinance requires a minimum of 10 ft; a side yard setback of 8.87 ft where the ordinance requires a minimum of 10 ft; and the ability to increase the nonconforming setback.

1. The applicant has shown their ability to meet the standards of Section 7.37 A – E for each of the variance requests.
2. The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
3. No mechanical units, including an HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear lot line.
4. A foundation certificate shall be required prior to vertical construction.
5. An as-built survey shall be required to verify the approved setbacks.
6. All necessary permits from RCOC and the Oakland County Health Division will be obtained prior to the issuance of building permits.

Denial: I move to deny the variances requested by Alfa Construction Guys, LLC for Parcel Number 12-27-226-012, 10164 Elizabeth Lake Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Alfa Construction Guys, LLC, *to a date certain or other triggering mechanism*, for parcel number 12-27-226-012, 10164 Elizabeth Lake Road, to consider comments stated during this public hearing.

WHITE LAKE TOWNSHIP



ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION

NAME: Alfa Construction Guys, LLC PHONE: (248) 230-8787

ADDRESS: 23460 Industrial Park Dr. Farmington Hills, MI 48335

EMAIL: Jason@alfaconstructionguys.com

INTEREST IN PROPERTY: PROPERTY OWNER BUILDER OTHER: _____

PROPERTY INFORMATION

ADDRESS: 10164 Elizabeth Lake Rd ZONING: R1-D

VALUE OF IMPROVEMENT: \$ 375,760.00 SEV OF EXISTING STRUCTURE: \$ 254,580.00

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

See attached Exhibit A - Variance Justification Letter.

APPLICATION FEE: \$440 \$550

APPLICANT'S SIGNATURE: John J. Guay

DATE: 11/25/25

REVISED 5/2025

WHITE LAKE TOWNSHIP COMMUNITY DEVELOPMENT
248-698-3330 X 5

10164 Elizabeth Lake Rd, White Lake, MI 48386

Item A.

Exhibit A – Variance Justification

Submitted by: Alfa Construction Guys, Authorized Agent for Property Owners

1. Unique Physical Circumstances of the Property

The subject property has an unusually narrow lot width of approximately 55 feet, which is significantly less than the required minimum 100-foot width for the R1-C zoning district. This narrower-than-standard lot width is a physical condition unique to this parcel and is not typical of conforming lots in the township.

Additionally, the existing home was constructed many years ago with legal nonconforming side yard setbacks of approximately 5.41 feet on the west side and 8.87 feet on the east side, for a combined total of 14.28 feet where 20 feet is required. These constraints severely limit the ability to improve or expand the home without requesting a variance.

These site characteristics are not typical, not self-created, and cannot be corrected by any reasonable means.

2. Practical Difficulty Preventing Reasonable Use

Due to the narrowness of the lot and the existing placement of the home, it is practically impossible to modernize, improve, or create functional living space that meets current building standards while also meeting today's side yard setback requirements.

Without a variance, the owners cannot:

- Add a second story safely and structurally over the existing footprint
- Improve the living space for their family's needs
- Upgrade the home to modern standards comparable to surrounding homes

The strict application of the ordinance would result in a loss of reasonable and feasible use of the property, creating a practical difficulty as defined by Michigan zoning law.

3. Variance Request is the Minimum Necessary

The proposed second-floor addition and rear first-floor expansion follow the existing footprint and do not extend closer to the property lines than the existing home.

The new construction will:

- Maintain a minimum of 7 feet from side yards (including roof overhangs, gutters, and architectural elements)
- Use the least amount of deviation necessary to allow safe, modern construction

This satisfies the requirement that a variance must be the minimum needed to achieve a reasonable use.

4. Condition Is Not Self-Created

The hardship results from:

- The original lot width established long before current zoning
- The existing home's historical placement
- Community zoning standards that have changed since the structure was originally built

The owners did not create the narrow lot, the home's placement, or the nonconforming setbacks. They are simply attempting to renovate and modernize an existing structure without expanding the footprint into new setback areas.

This satisfies the zoning requirement that the request cannot be self-created.

5. No Negative Impact on Neighborhood or Public Welfare

The proposed addition will:

- Maintain all required safety codes
- Improve the structural integrity of the home
- Enhance the visual appearance and property value
- Remain consistent in size and character with other homes in the neighborhood
- Not negatively impact neighboring properties' access to light, air, or privacy
- Not interfere with drainage, utilities, or emergency access

All improvements will be built in compliance with Michigan Residential Code and township review.

The variance will therefore not alter the essential character of the neighborhood, nor will it be detrimental to public welfare.

6. Substantial Justice and Fair Use of Property

Granting this variance provides substantial justice to the property owners by allowing them a fair and reasonable use of their property — consistent with what other similarly sized or updated homes enjoy in the township.

Strict enforcement, in this case, would:

- Prevent meaningful updates
- Restrict reasonable and typical residential improvements
- Penalize the owners for conditions they did not cause

Granting the variance supports the spirit and intent of the ordinance while avoiding unnecessary hardship.

Approval is respectfully requested.

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



Trustees
Scott Ruggles
Steve Anderson
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

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

November 19, 2025

Beatriz Siminovich
10164 Elizabeth Lk Rd
White Lake, MI 48386

Based on the submitted plans, the proposed 1st floor and 2nd floor additions do not satisfy the White Lake Township Clear Zoning Ordinance.

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance for R1-D requires: Minimum side yard setback of 10 feet each side and 20 feet total of two sides, minimum front yard setback of 30 ft, and minimum lot width of 80 feet.

Article 7.23(A) of the White Lake Township Clear Zoning Ordinance: No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

Article 5.3 of the White Lake Township Clear Zoning Ordinance states: In no event will the projection be closer than five (5) feet to the lot line.

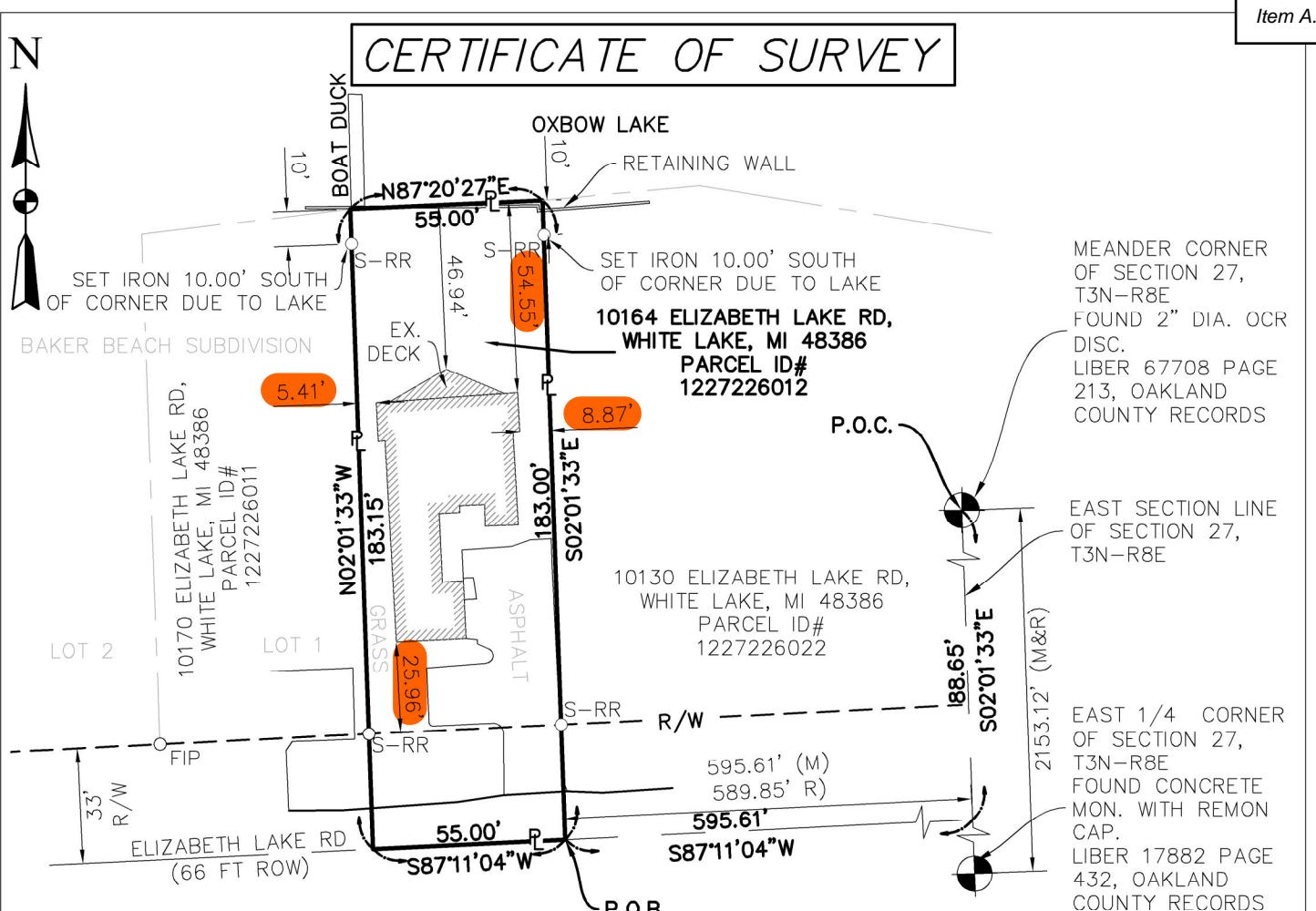
Based on the submitted plans, the existing structures and lot are non-conforming where the lot width is 55 ft. which contains a residential structure having an approximate 5.4 ft side yard setback on the west side and a 9.4 ft side yard setback on the east side for a total of 14.8 ft.

The proposed 2nd story addition would increase these non-conformities by adding living space and roof structures measuring approximately 7.2 ft from the west side yard lot line where a 10 ft side yard setback is required. The proposed 1st story addition in the rear would also expand the approximate 5.4 ft side yard setback. It should further be noted; no newly constructed portion including overhangs and gutters shall extend closer to 5 ft from any side yard lot line

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 January 22nd Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than December 22nd at 4:30 PM. **Be advised, the ZBA will require a certified and dimensioned boundary and location survey showing existing and proposed conditions.** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official
White Lake Township

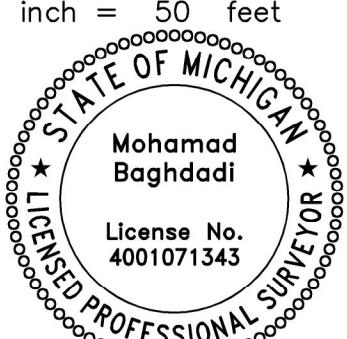
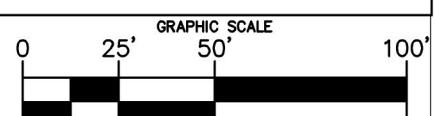


* This boundary survey was conducted without the benefit of a title policy. Therefore, no guarantee can be made that any or all easements or encumbrances are shown.*

* BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, MICHIGAN SOUTH ZONE, NAD83, INTERNATIONAL FEET.*

LEGEND

	PROPERTY LINE
	RIGHT OF WAY LINE
	SECTION LINE
	PLAT LINE
	SECTION CORNER
	FOUND IRON PIPE
	FOUND IRON ROD
	SET IRON ROD
	SET CUT CROSS
	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	MEASURED
	RECORDED



MOHAMAD BAGHDADI
PS NO. 4001071343



835 MASON ST, DEARBORN,
MI 48124 SUITE# C140
CONTACT NO- (313) 633-4941
E-MAIL : MBAGHDADI@ESAXIS.COM

Project	10164 ELIZABETH LAKE RD		
Client	MRS. BIA SIMINOVICH		
County	OAKLAND		
Township	Range	Section	State
T03N	R08E	27	MICHIGAN
Project Number	Checked by Drawn by Crew/Book		
2025_0019	MMB	MMB	

Title		CERTIFICATE OF SURVEY	
Date	Rev 1	9/29/25	1/5/26
Drawing Scale	Sheet Number	1"=50'	
		01 OF 01	

WARRANTY DEED

The Grantor(s): Gary J. Pipkin and Karen G. Pipkin, Husband and Wife
whose address is 10164 Elizabeth Lake Road, White Lake, MI 48386

Convey and Warrant to: Sandro Siminovich and Beatriz Mermelstein Siminovich, Husband and Wife
whose address is 4998 Parkgate Drive, Commerce, MI 48382

the following described premises situated in the Township of White Lake, County of Oakland and State of Michigan,
to-wit:

SEE ATTACHED EXHIBIT "A"

Commonly known as: 10164 Elizabeth Lake Road, White Lake, Michigan 48386
Tax parcel number(s): 12-27-226-012

For the sum of: Five Hundred Seventy Five Thousand Five Hundred and 00/100 Dollars (\$575,500.00)
Subject to: The existing building and use restrictions, easements, and zoning ordinances, if any

The grantor grants to the grantee the right to make _____ permissible division(s) under Section 108 of the Land Division Act, Act No 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or farm operations. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Dated: July 22, 2025

Page 1 of 3

(Attached to and becoming a part of the Warranty Deed dated July 22, 2025, Capital Title Insurance Agency, Inc. File Number 664956-35 between Gary J. Pipkin and Karen G. Pipkin, Husband and Wife as Grantor(s) and Sandro Siminovich and Beatriz Mermelstein Siminovich as Grantee(s))

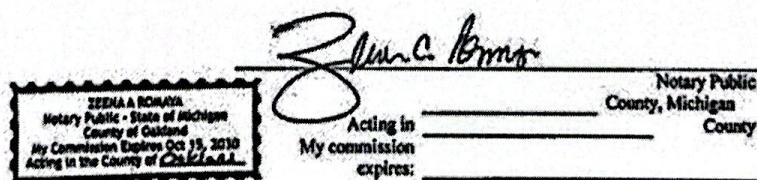
Seller(s):

Gary J. Pupke

Karen G. Pipkin

STATE OF MICHIGAN)
COUNTY OF Oakland)
XSS.

Acknowledged by Gary J. Pipkin and Karen G. Pipkin, before me on the 22nd day of July, 2025.



Drafted by: Gary J. Pipkin, 10164 Elizabeth Lake Road, White Lake, MI 48386

When recorded return to: Sandro Siminovich, 10164 Elizabeth Lake Road, White Lake, MI 48386

Page 2 of 3

File Number: 664956-35

EXHIBIT A - LEGAL DESCRIPTION

The land referred to in this document is situated in the Township of White Lake, County of Oakland, State of Michigan and described as follows:

Town 3 North, Range 8 East, Section 27, Part of the Northeast 1/4, Beginning at a point in center of Elizabeth Lake Road distance West 389.85 feet from East section line; thence North 89 degrees 36 minutes 30 seconds West 55 feet to Southeast corner Baker Beach; thence North 00 degrees 23 minutes 30 seconds East 183.15 feet to shore of lake; thence Easterly along shore 55 feet; thence South 00 degrees 23 minutes 30 seconds West 183 feet to beginning.

Commonly known as: 10164 Elizabeth Lake Road, White Lake, Michigan 48386
Tax parcel number(s): 12-27-226-012

Page 3 of 3

11/25/2025

White Lake Township
Community Development – Planning & Zoning Department
7525 Highland Road
White Lake, MI 48383

Subject: Owner Authorization for Zoning Board of Appeals Application
Property Address: 10164 Elizabeth Lake Dr. White Lake, MI 48386
Parcel ID: 12-27-226-012

Dear Planning & Zoning Staff,

We, the undersigned legal property owners, hereby authorize:

Authorized Representative: Jason Floarea
Company: Alfa Construction Guys, LLC
Address: 23460 Industrial Park Dr. Farmington Hills, MI 48335
Phone: 248-230-8787
Email: jason@alfaconstructionguys.com

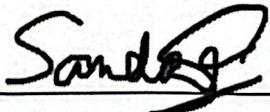
to file a Zoning Board of Appeals (ZBA) variance application on our behalf for the property listed above. This authorization includes the ability to:

- Submit applications, drawings, plot plans, surveys, and supporting documents
- Communicate with township officials and departments
- Respond to administrative requests
- Attend and represent us at ZBA hearings
- Receive notices and correspondence related to the variance request

We confirm that we are the legal owners of the property and provide this authorization voluntarily.

Owner 1:

Printed Name: Sandro Siminovich

Signature: 

Date: 11/25/25

Owner 2:

Printed Name: Beatriz Mermelstein Siminovich

Signature: 

Date: 11/25/25

OVERVIEW

PROJECT DESCRIPTION:

PROPOSED SECOND STORY ADDITION FOR THE SINGLE FAMILY RESIDENCE LOCATED AT: 10164 ELIZABETH LAKE RD, WHITE LAKE, MI 48386. THE ADDITION INCLUDES EXPANDING THE BASEMENT AT THE FRONT OF THE HOME BY 76 FT² AND EXPANDING THE DECK OUT PER THE PROPOSED SITE PLAN.

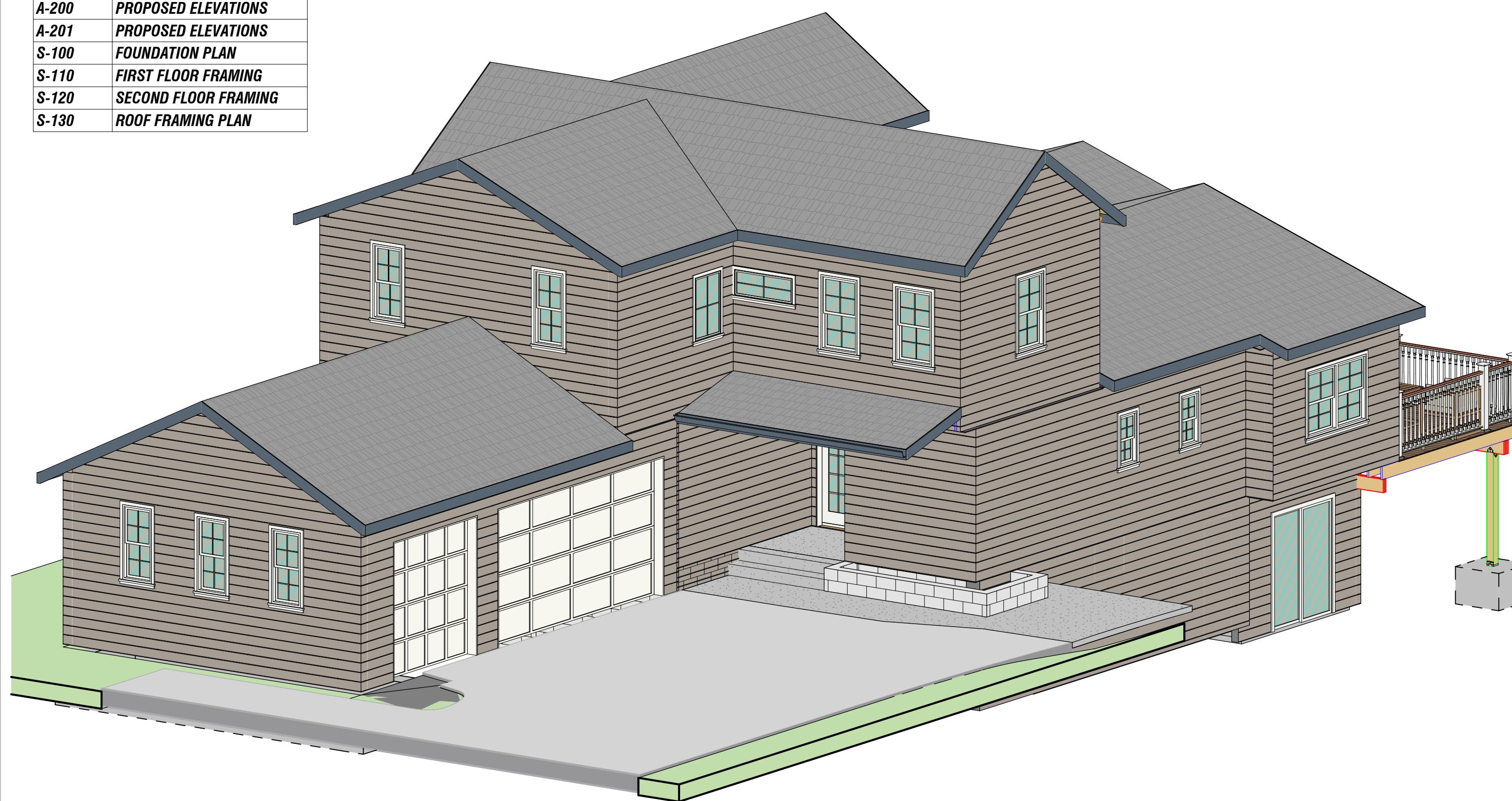
APPLICABLE CODES:

2021 MICHIGAN REHABILITATION CODE
2021 MICHIGAN PLUMBING CODE (MPC)
2021 MICHIGAN MECHANICAL CODE (MMC)
2023 MICHIGAN ELECTRICAL CODE (NEC) W/ PART 8 STATE
2015 INTERNATIONAL FIRE CODE
2015 INTERNATIONAL FIRE CODE (IFC)
2021 MICHIGAN UNIFORM ENERGY CODE

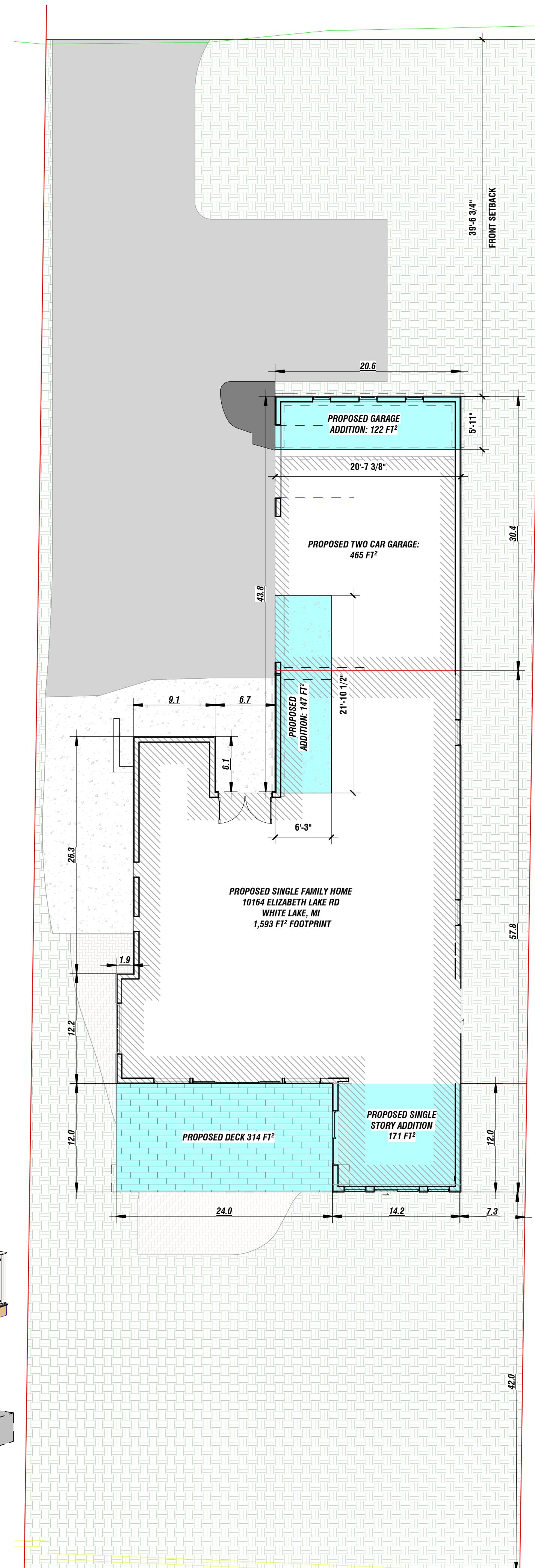
ASHRAE 90.1 - 2019
NFPA 13
NFPA 72
2015 INTERNATIONAL FIRE CODE (IFC)

CHARACTERISTICS	EXISTING	PROPOSED
BUILDING AREA	<p>STORY: AREA (FT²): BASEMENT: 1,195 FIRST FLOOR: 1,446 SECOND FLOOR: N/A TOTAL: 2,084 FT²</p>	<p>STORY: AREA (FT²): BASEMENT: 1,271 (+76) FIRST FLOOR: 1,702 (+256) SECOND FLOOR: 811 (+811) TOTAL: 3,784 FT² (+1,143)</p>
BUILDING HEIGHT	15'-7" FROM FINISHED FLOOR TO RIDGE	24'-1" FROM FINISHED FLOOR TO RIDGE
BEDROOMS	1 BEDROOM IN BASEMENT 2 BEDROOMS ON FIRST FLOOR 3 TOTAL	1 BEDROOM IN BASEMENT 1 BEDROOMS ON FIRST FLOOR 3 BEDROOMS ON SECOND FLOOR 5 TOTAL
BATHROOMS	1 BATH IN BASEMENT 1 BATH ON FIRST FLOOR 2 TOTAL	1 BATH IN BASEMENT 1½ BATH ON FIRST FLOOR 3 BATH ON SECOND FLOOR 5.5 TOTAL

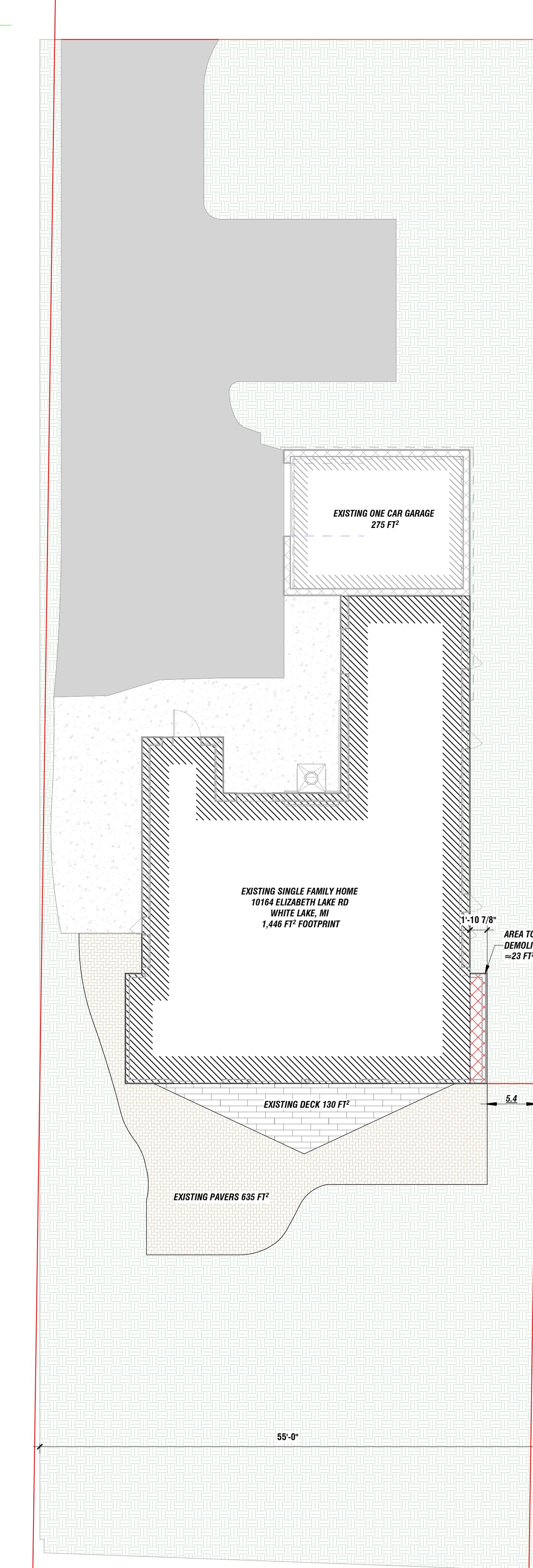
SHEET LIST	
SHEET NO.	SHEET NAME
A-000	OVERVIEW
A-100	BASEMENT FLOOR PLAN
A-110	FIRST FLOOR PLAN
A-120	SECOND FLOOR PLAN
A-130	ROOF PLAN
A-200	PROPOSED ELEVATIONS
A-201	PROPOSED ELEVATIONS
S-100	FOUNDATION PLAN
S-110	FIRST FLOOR FRAMING
S-120	SECOND FLOOR FRAMING
S-130	ROOF FRAMING PLAN



3 PROPOSED 3D VIEW



2 PROPOSED SITE PLAN
A-000 1/8" = 1'-0"



1 EXISTING SITE PLAN
A-000 1/8" = 1'-0"

Item A.

BEAM

BEAM ENGINEERING LLC
5752 N TELEGRAPH RD
DEARBORN HEIGHTS, MI 48127
www.beamengineeringllc.com
+1 (313) 461-4173
ali@beamengineeringllc.com

REVISIONS

REVISION DATE
PERMITS 12.2.2025
REV 1 01.09.2026

CUSTOMER DATA

BEATRIZ SIMINOVICH
10164 ELIZABETH LAKE RD
WHITE LAKE, MI 48386

PROJECT NO:
25129

DRAWN
A. BAZZI PE

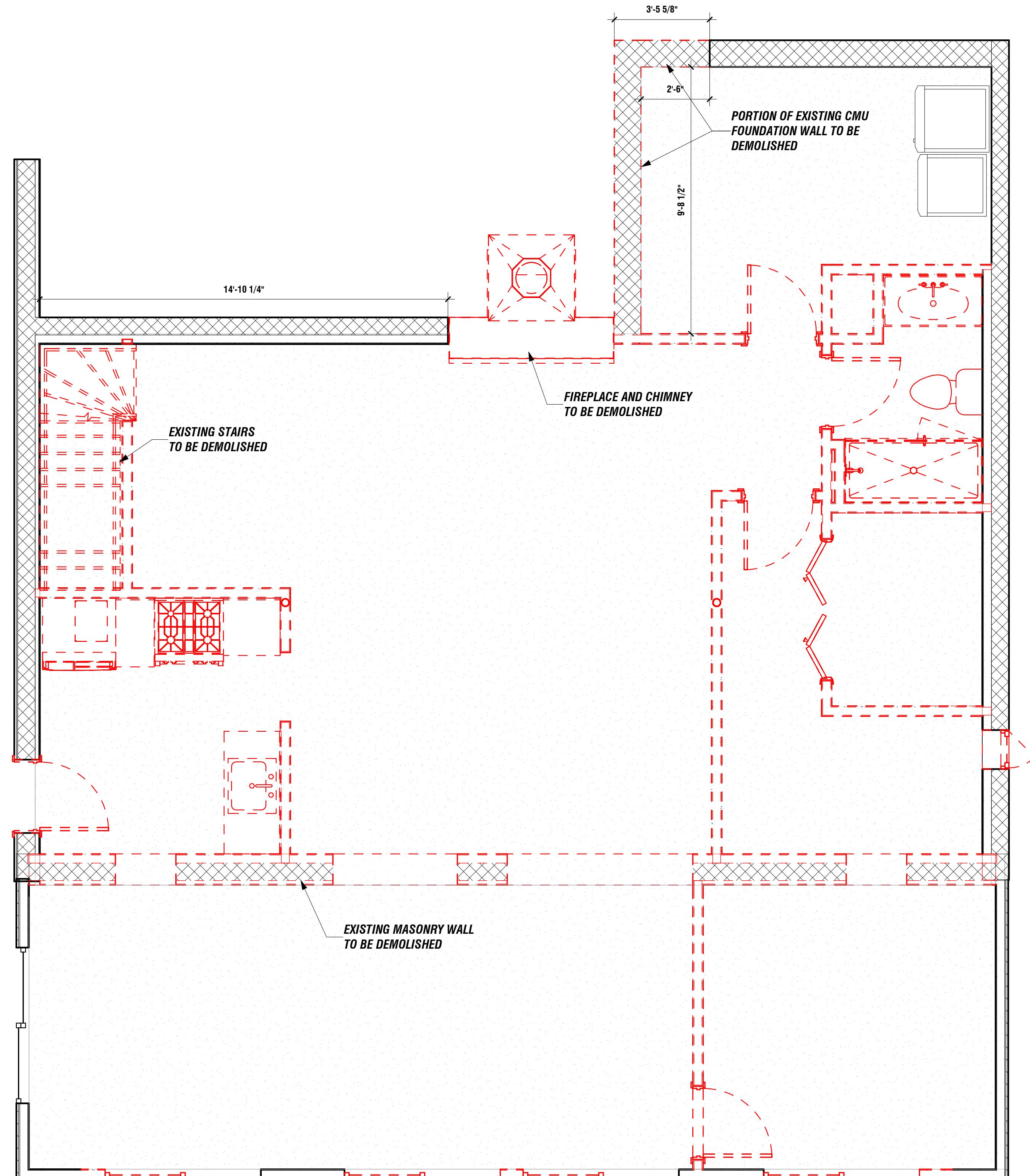
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01/13/2026

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AS INDICATED

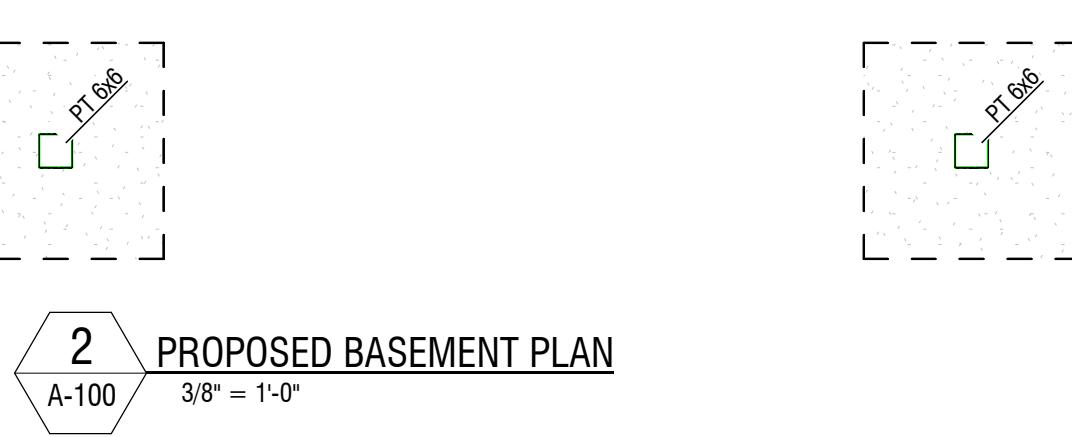
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A-000

OVERVIEW

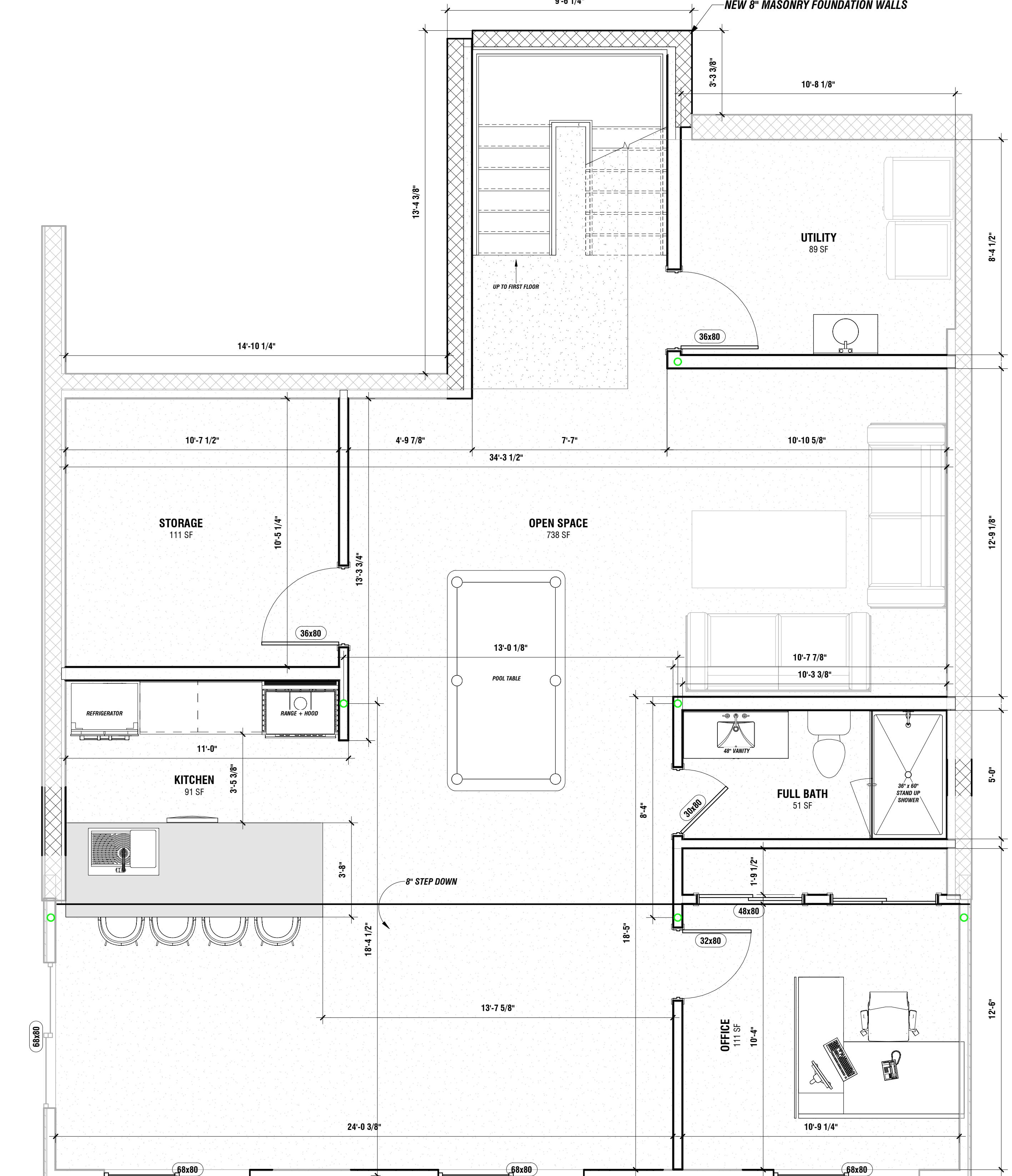
STATE OF MICHIGAN
ALI HUSSEIN BAZZI
License No. 6201312128
PROFESSIONAL ENGINEER
113202672917 PM



1 EXISTING BASEMENT PLAN
A-100 3/8" = 1'-0"



2 PROPOSED BASEMENT PLAN
A-100 3/8" = 1'-0"



Item A.

BEAM

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5752 N TELEGRAPH RD
DEARBORN HEIGHTS, MI 48127
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+1 (313) 461-4173
ali@beamengineeringllc.com

REVISIONS

REVISION	DATE
PERMITS	12.2.2025
REV 1	01.09.2026

CUSTOMER DATA

BEATRIZ SIMINOVICH
10164 ELIZABETH LAKE RD
WHITE LAKE, MI 48396

PROJECT NO:

25129

DRAWN

A. BAZZI PE

DATE

01/09/2026

SCALE

AS INDICATED

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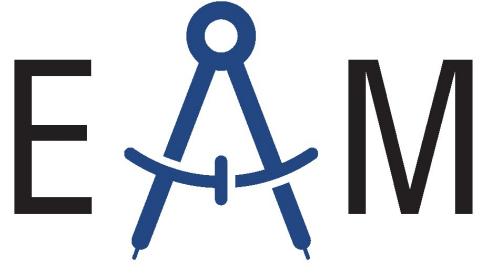
A-100

BASEMENT FLOOR PLAN

STATE OF MICHIGAN
ALI HUSSEIN BAZZI
License No. 6201312128
PROFESSIONAL ENGINEER
173202672920 PM

11/13/2026

32



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REVISIONS

VISION
PERMITS
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CUSTOMER DATA

ATRIZ SIMINOVICH
164 ELIZABETH LAKE RD
WHITE LAKE, MI 48396

PROJECT NO:

25129

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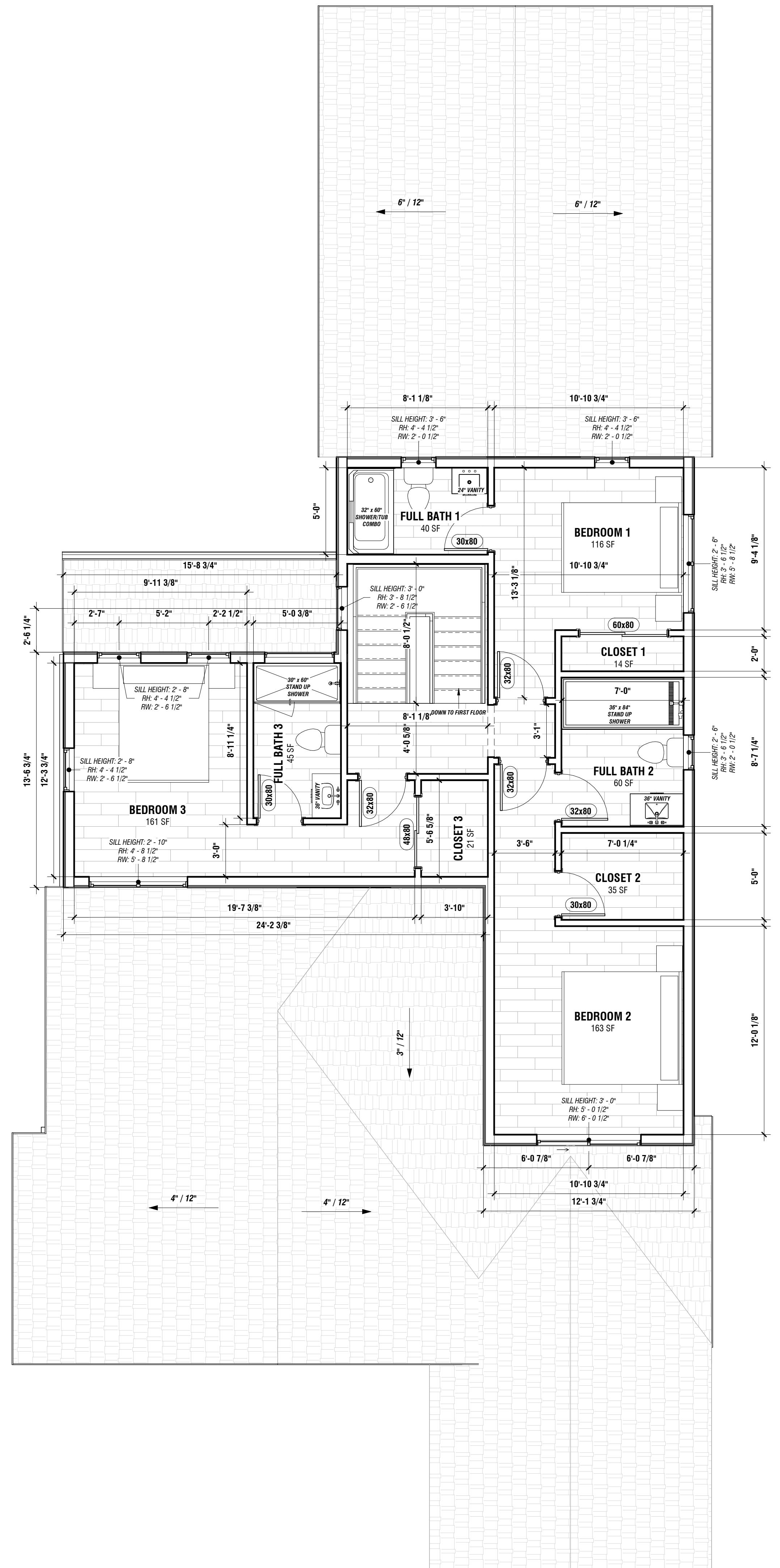
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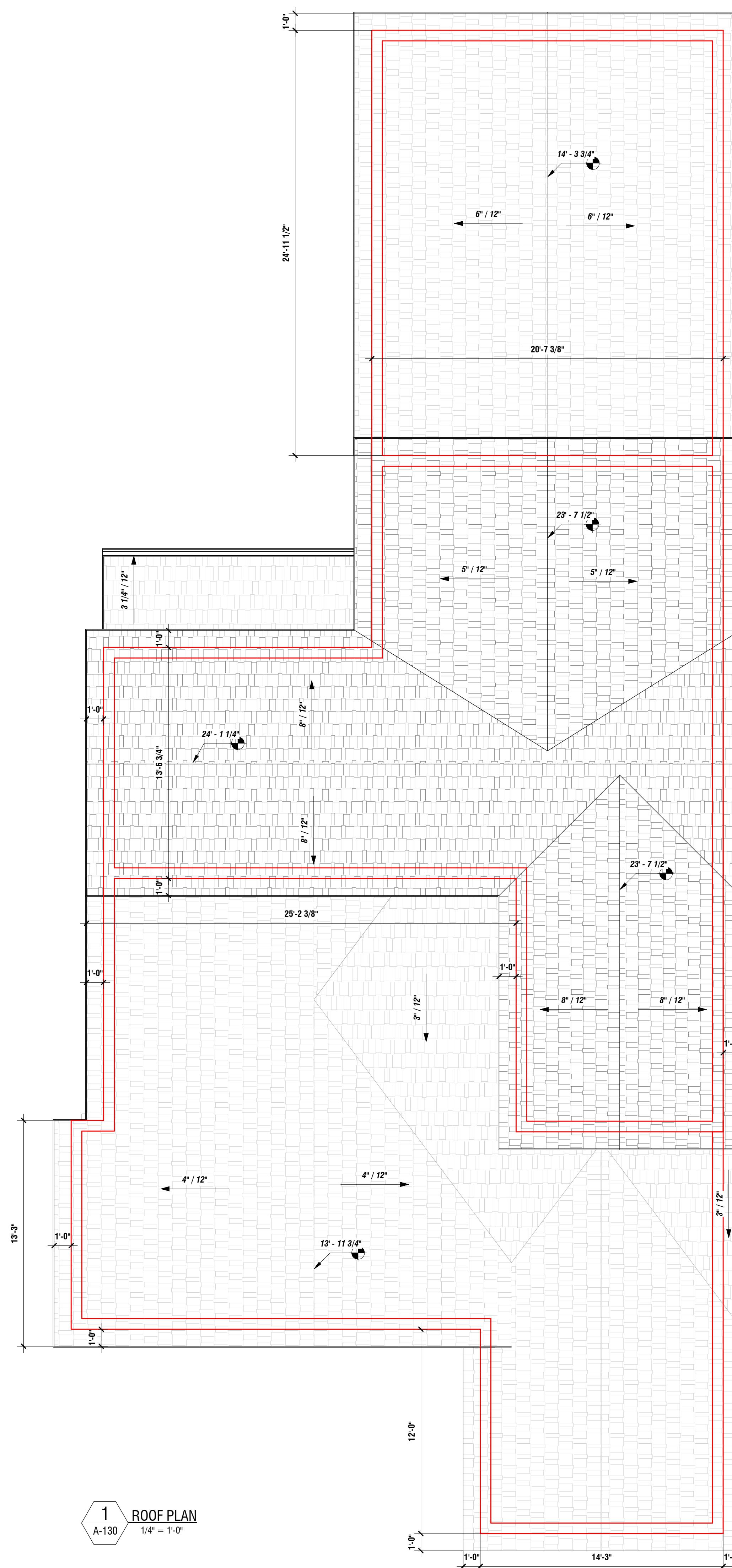
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01/05/2020

STREET NO.

SECOND FLOOR PLAN





TOTAL AREA OF NEW ROOFING: 3,435 FT²



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CUSTOMER DATA

PROJECT NO:

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DATE

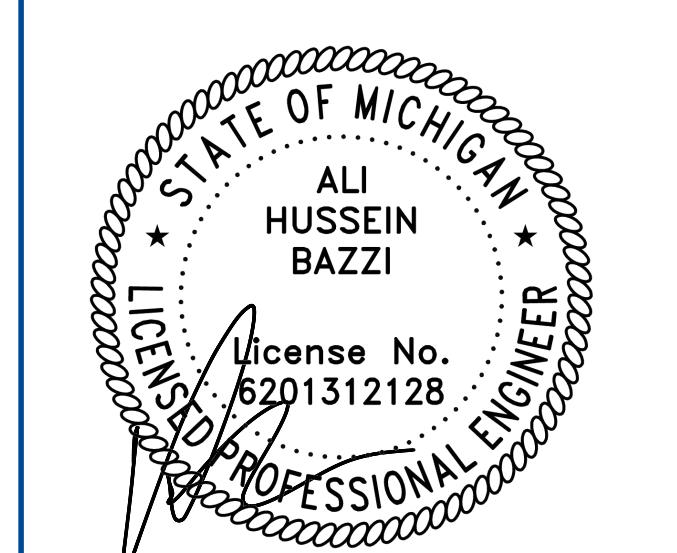
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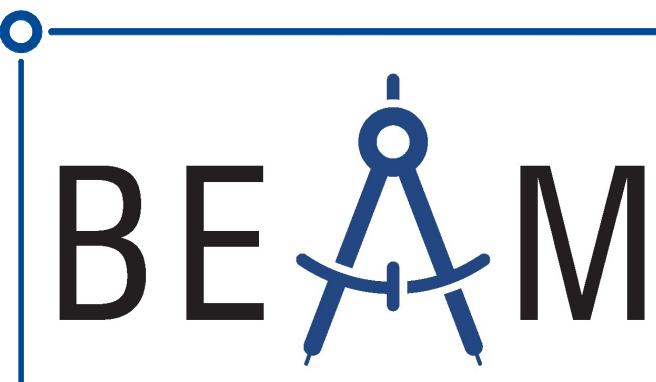
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SHEET NO.

A-130

ROOF PLAN





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REVISION PERMITS DATE
REV 1 12.2.2025
01.09.2026

CUSTOMER DATA

BEATRIZ SIMINOVICH
10164 ELIZABETH LAKE RD
WHITE LAKE, MI 48396

PROJECT NO:

25129

DRAWN

A. BAZZI PE

DATE

01/09/2026

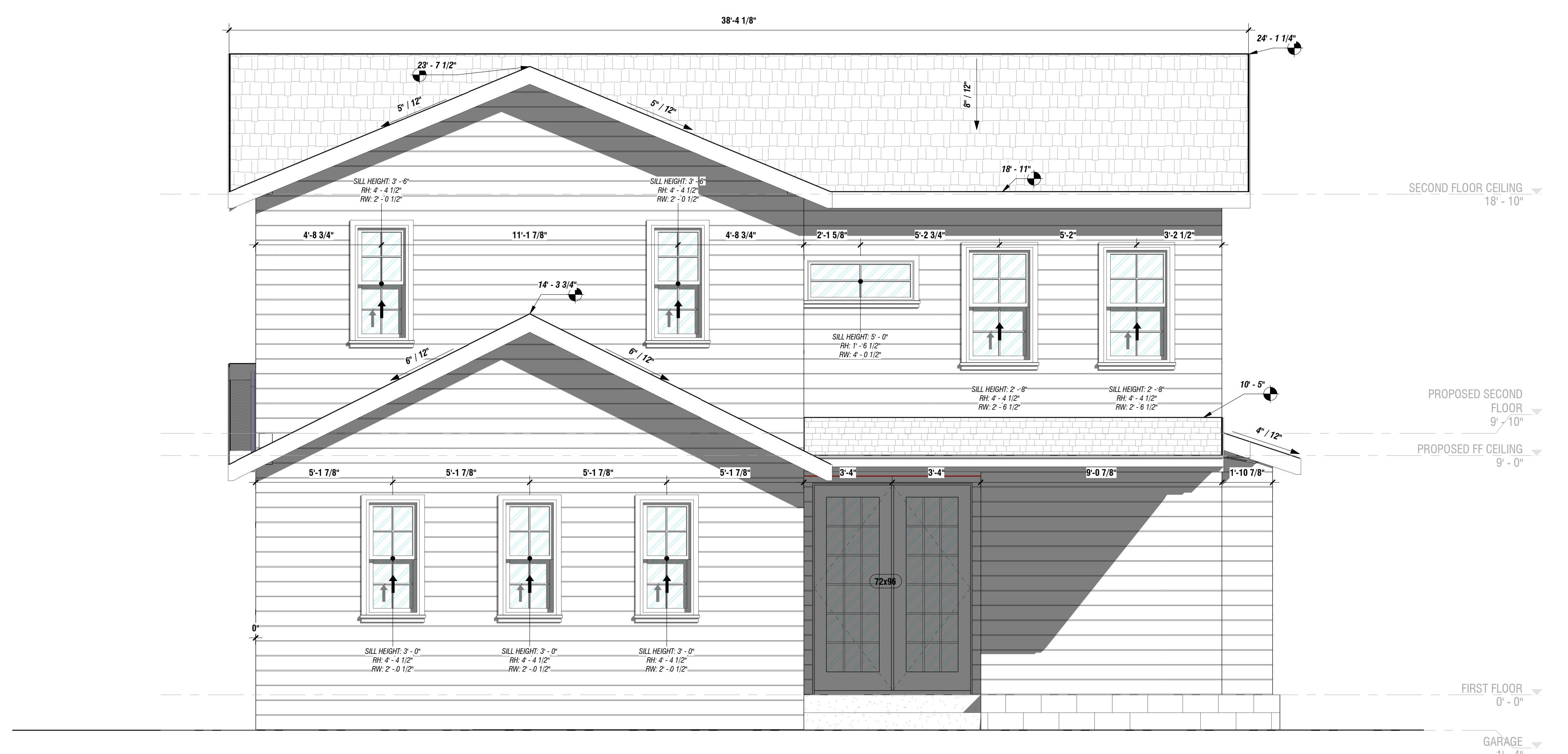
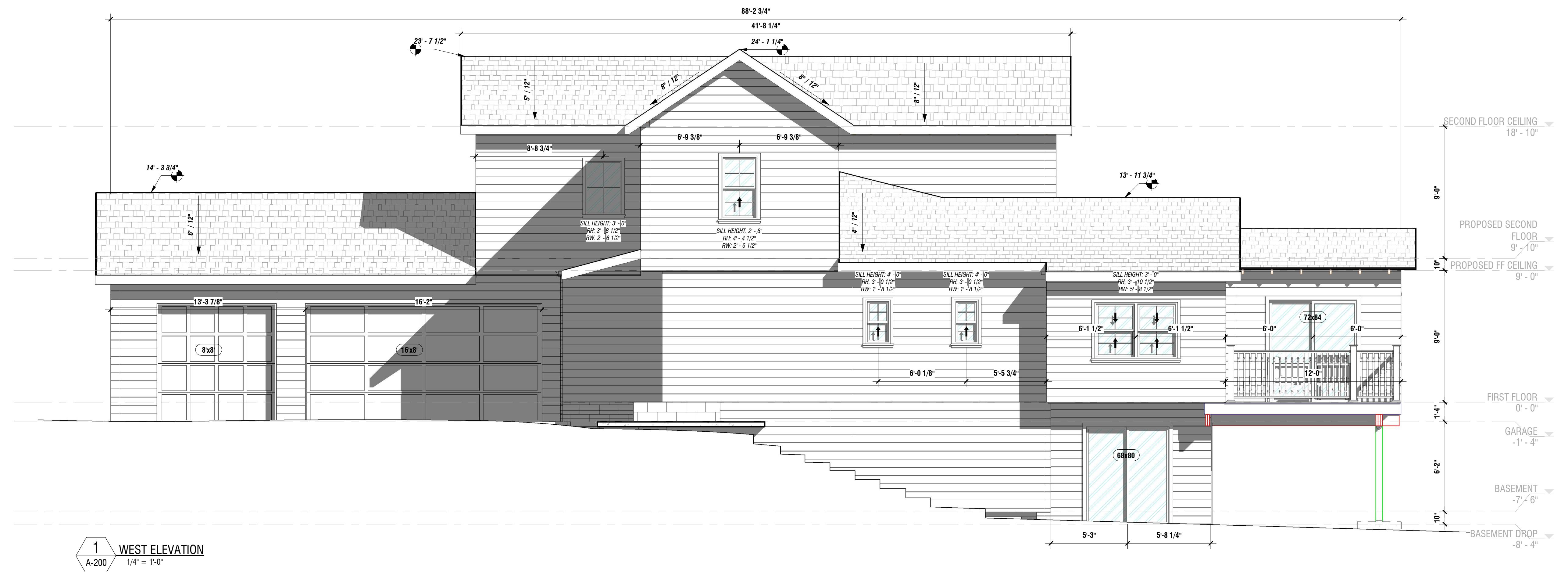
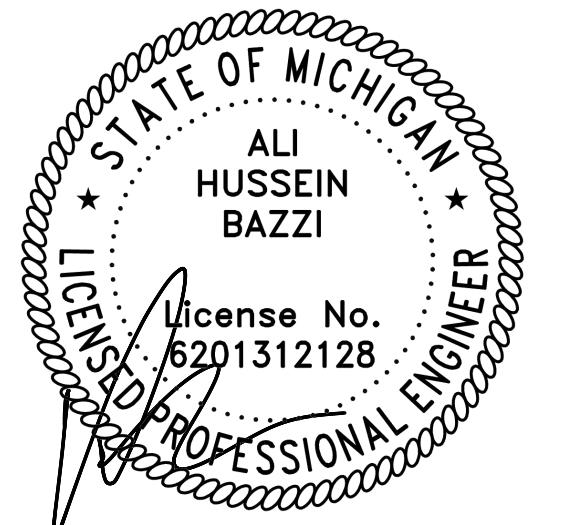
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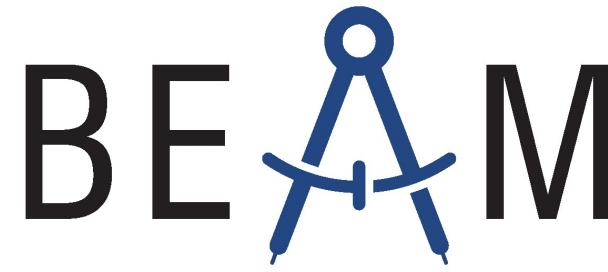
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SHEET NO.

A-200

PROPOSED ELEVATIONS





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REVISIONS

REVISION PERMITS DATE
REV 1 12.2.2025
01.09.2026

CUSTOMER DATA

BEATRIZ SIMINOVICH
10164 ELIZABETH LAKE RD
WHITE LAKE, MI 48396

PROJECT NO:

25129

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A. BAZZI PE

DATE

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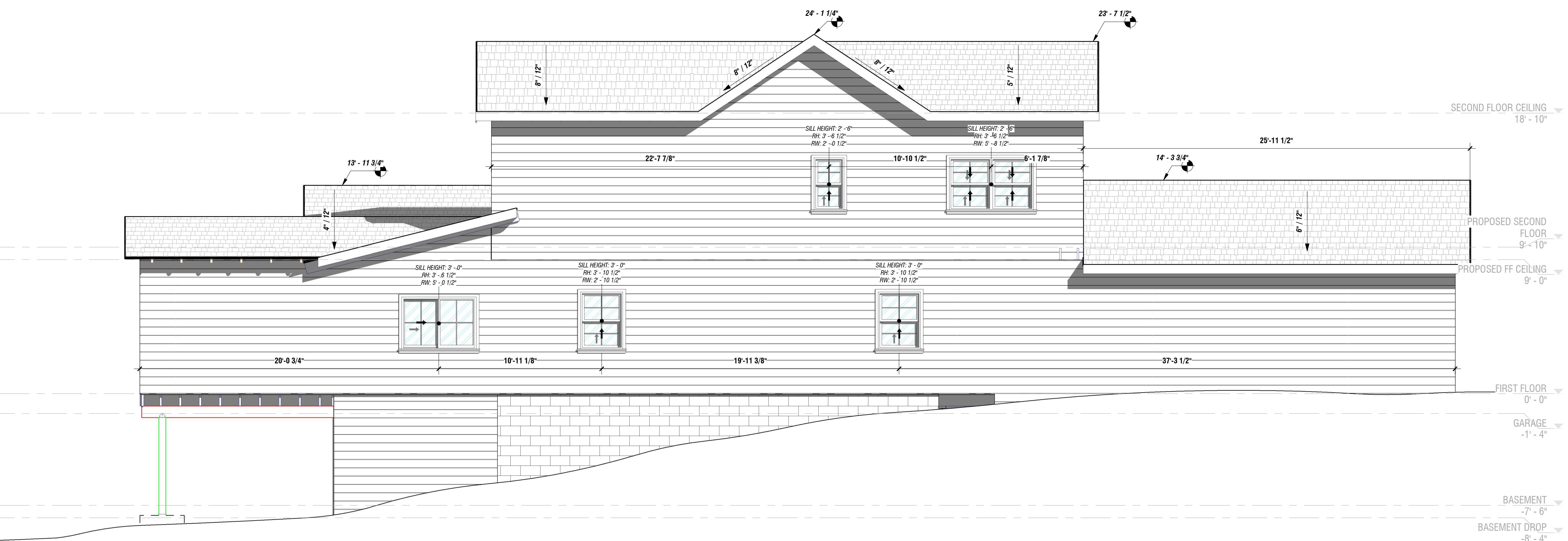
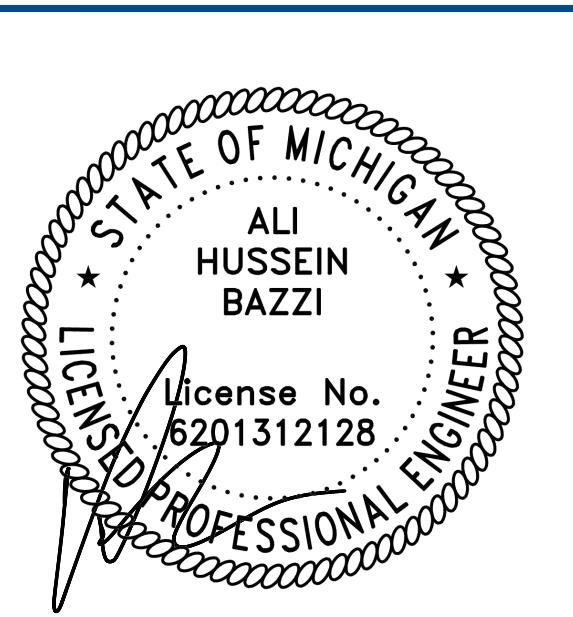
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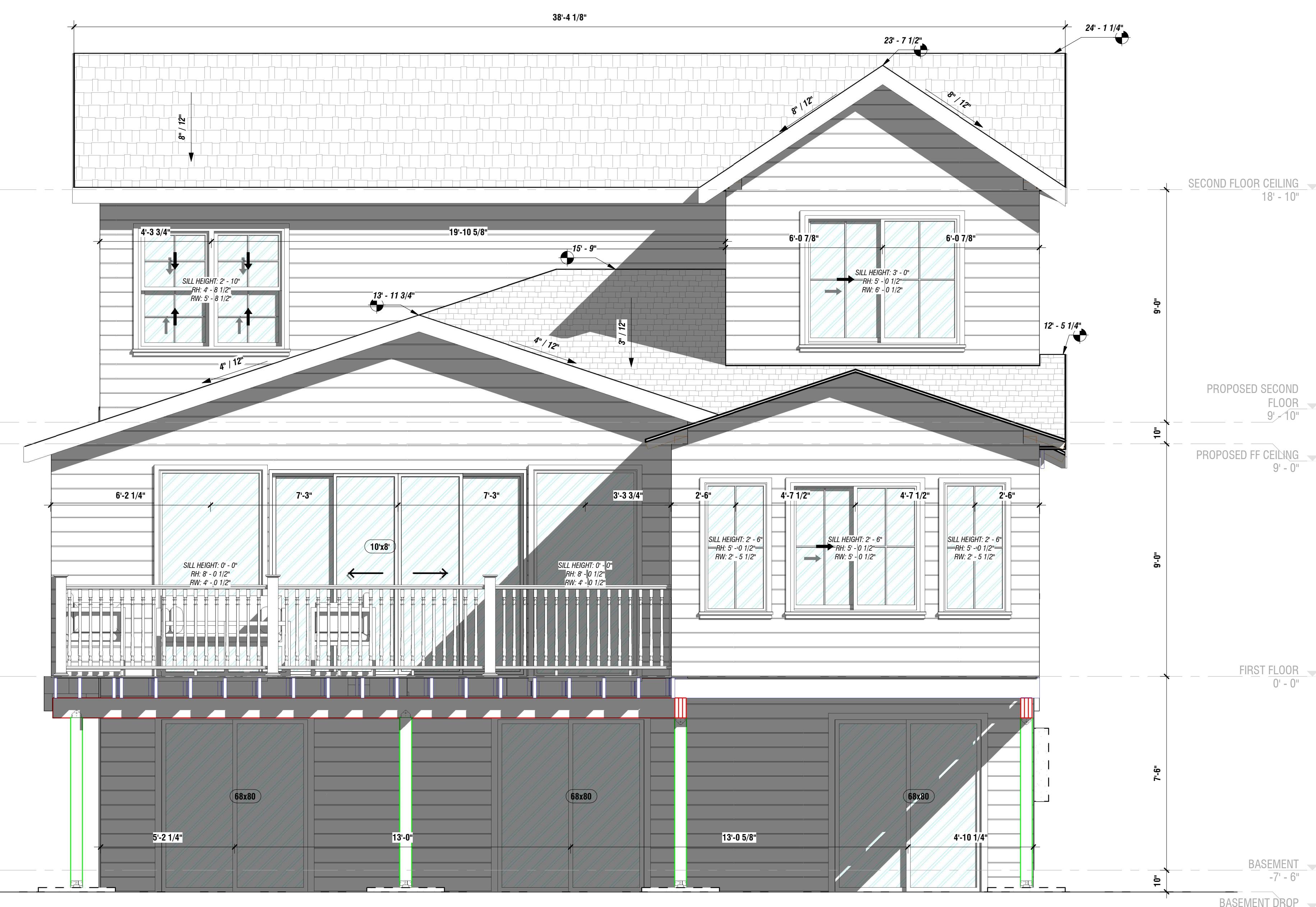
SHEET NO.

A-201

PROPOSED ELEVATIONS



1 EAST (SIDE) ELEVATION
A-201 1/4" = 1'-0"



2 NORTH (REAR) ELEVATION
A-201 3/8" = 1'-0"



BEAM ENGINEERING LLC
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REVISIONS

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CUSTOMER DATA

EATRIZ SIMINOVICH
0164 ELIZABETH LAKE RD
WHITE LAKE MI 48396

PROJECT NO:

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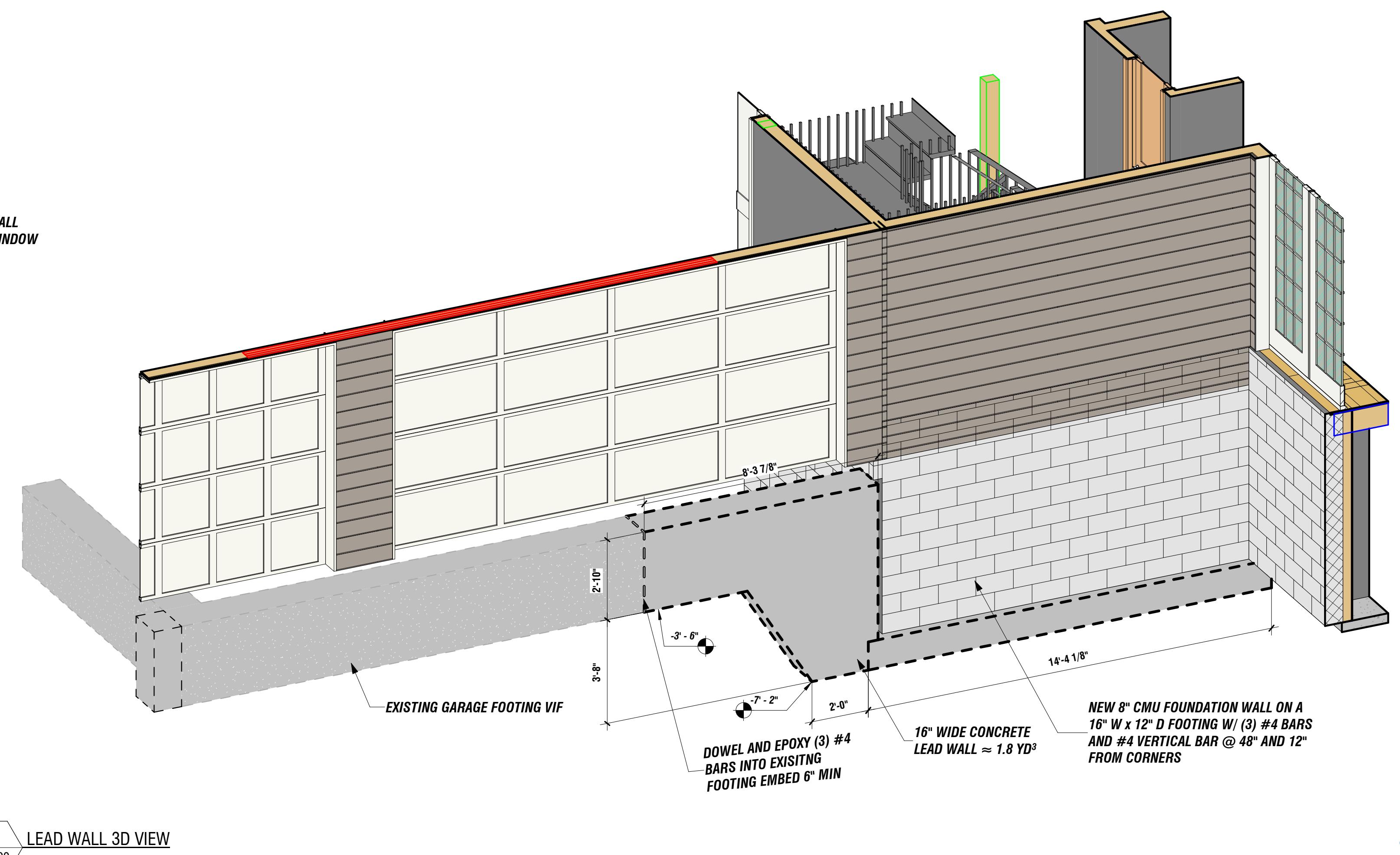
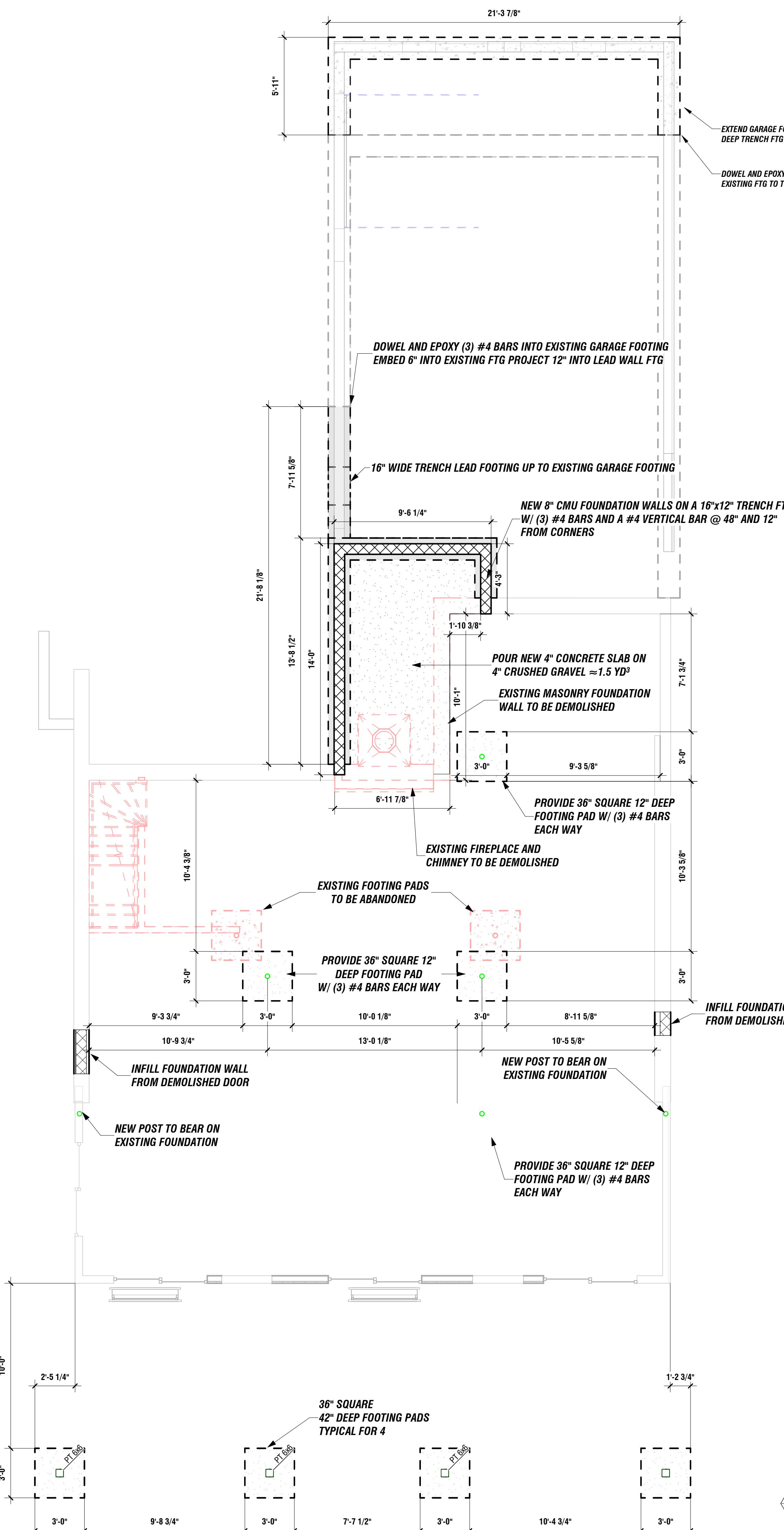
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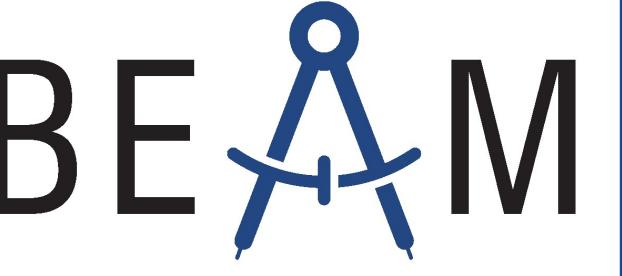
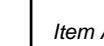
AS INDICATED

HEET NO.

S-100

FOUNDATION PLAN





BEAM ENGINEERING LLC
5752 N TELEGRAPH RD
EARBORN HEIGHTS, MI 48127
www.beamengineeringllc.com
+1 (313) 461-4173
ali@beamengineeringllc.com

REVIEWS

PERMITS
EV 1

CUSTOMER DATA

EATRIZ SIMINOVICH
0164 ELIZABETH LAKE RD
WHITE LAKE, MI 48396

PROJECT NO:

129

A. BAZZI PE

Page 10

Page 1 of 1

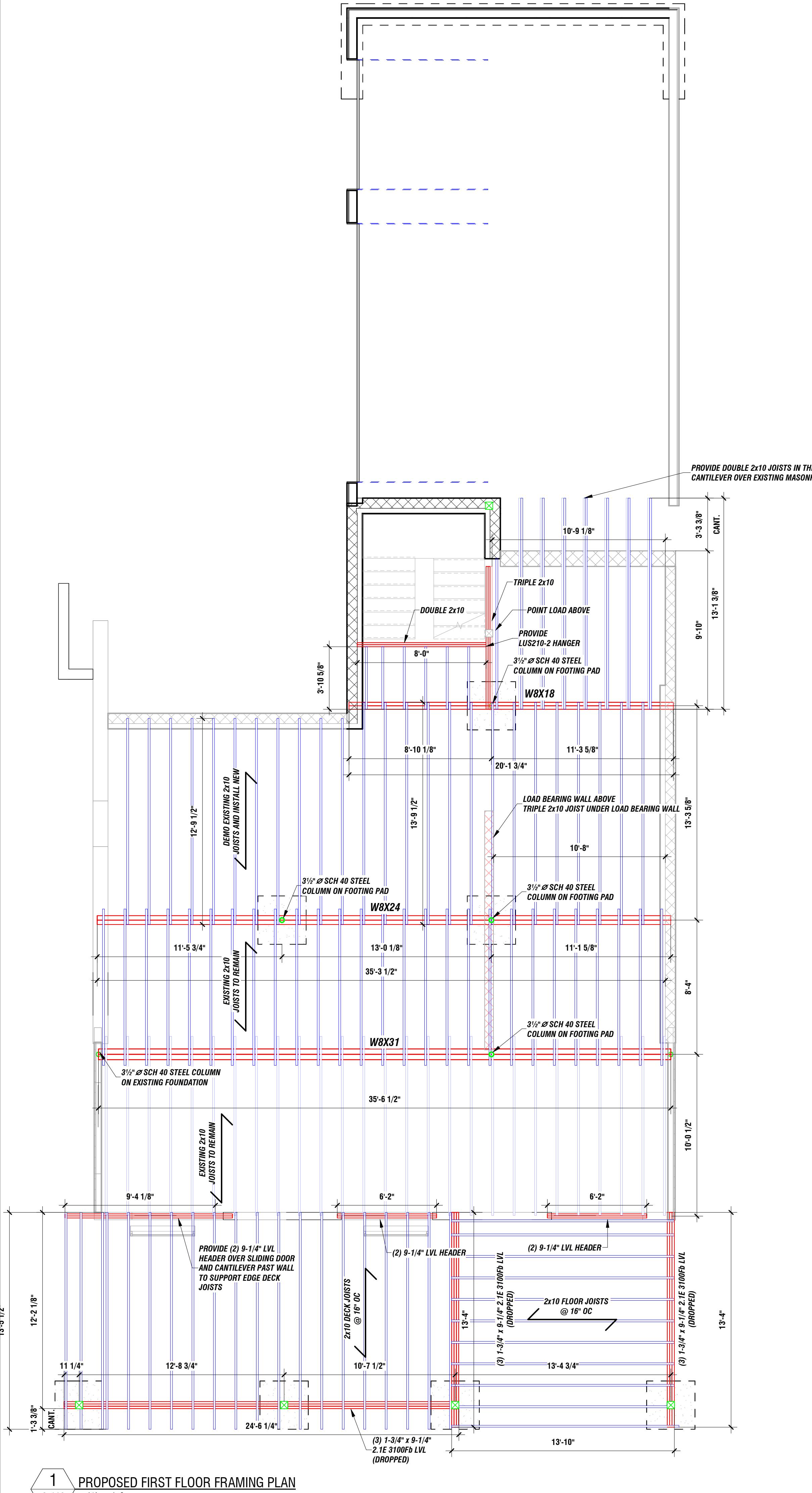
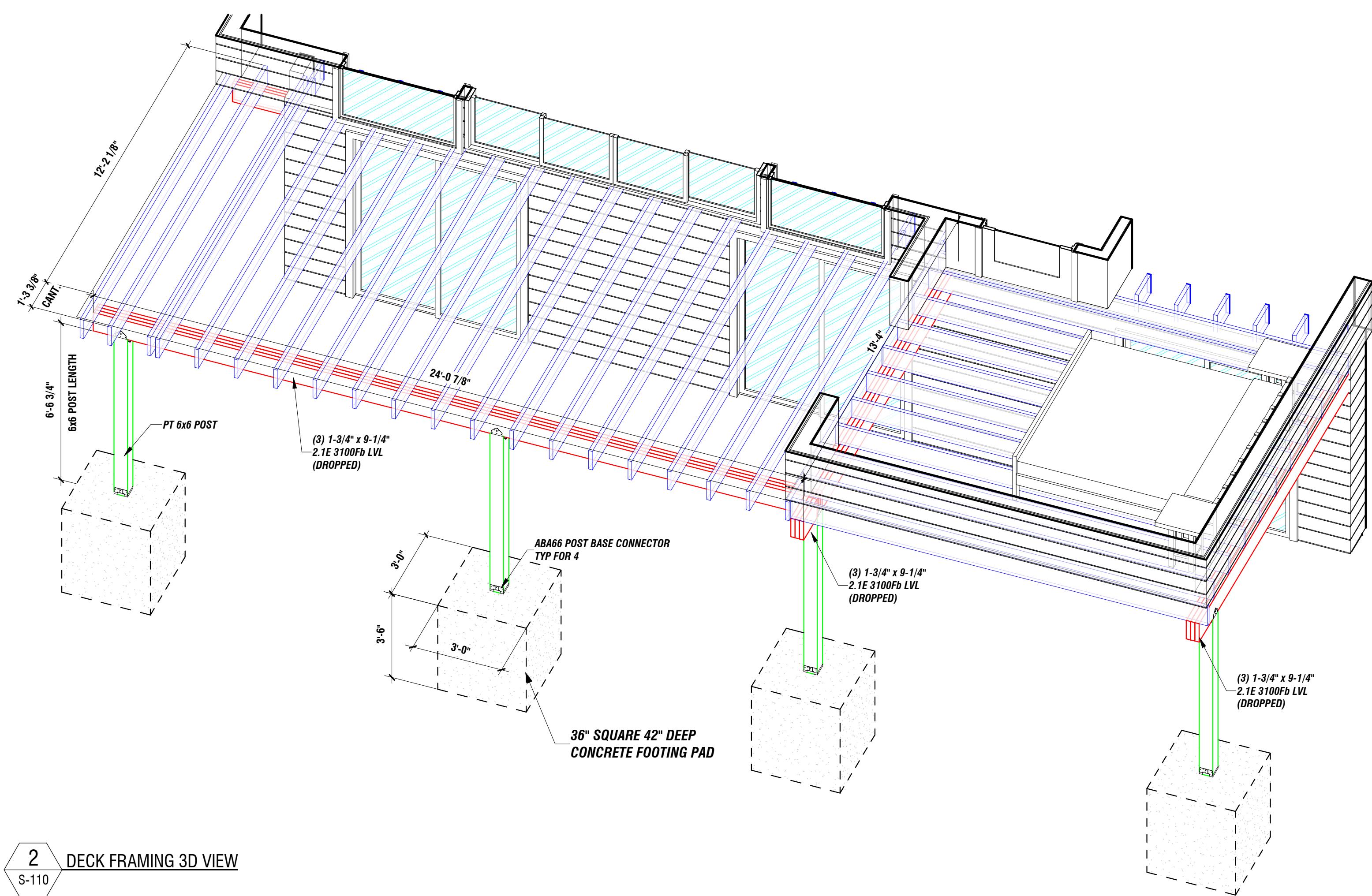
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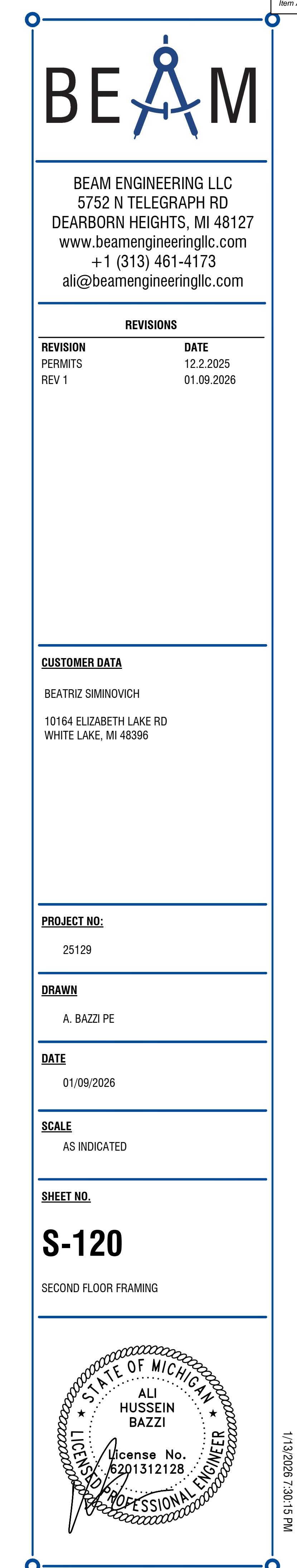
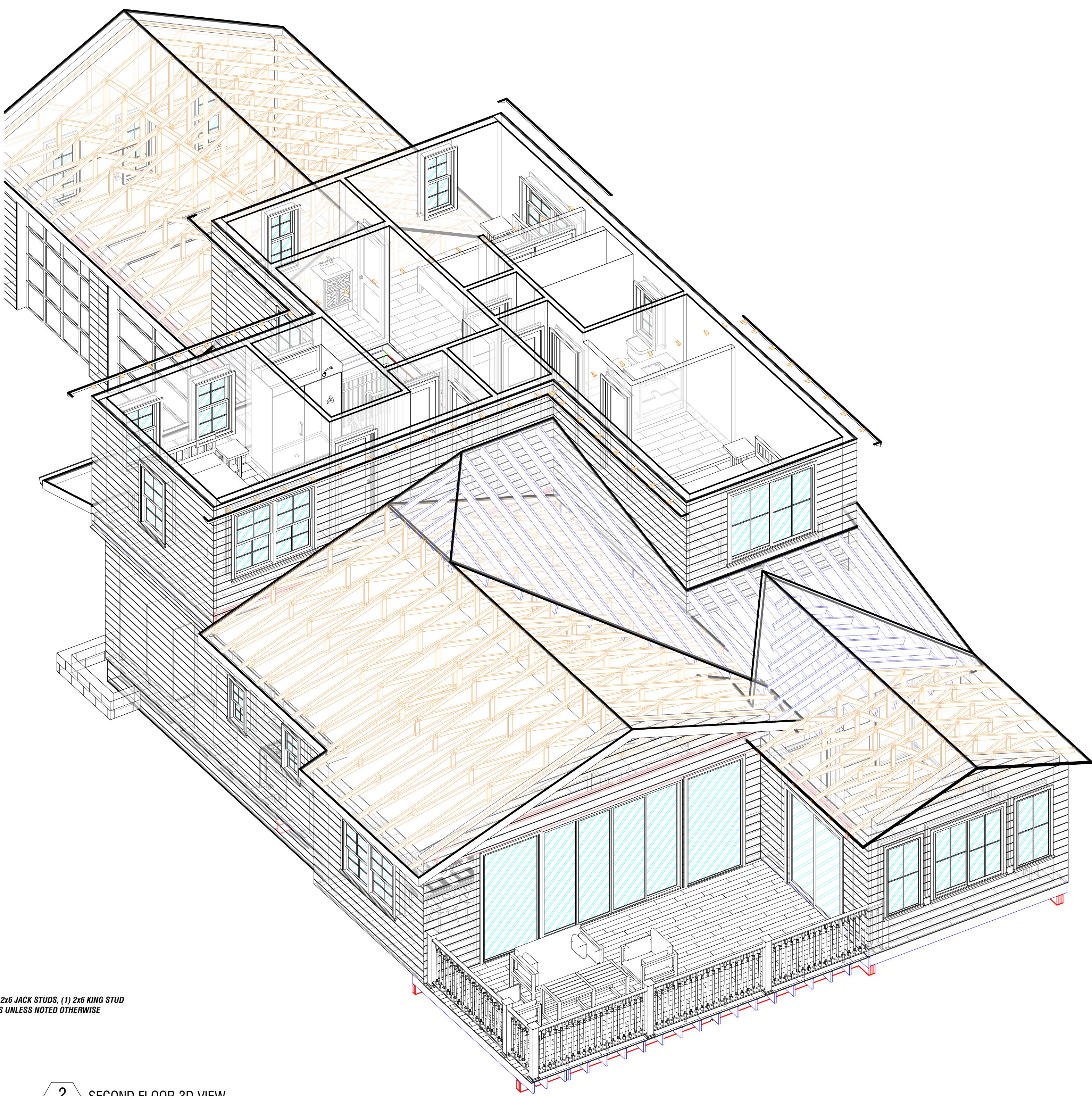
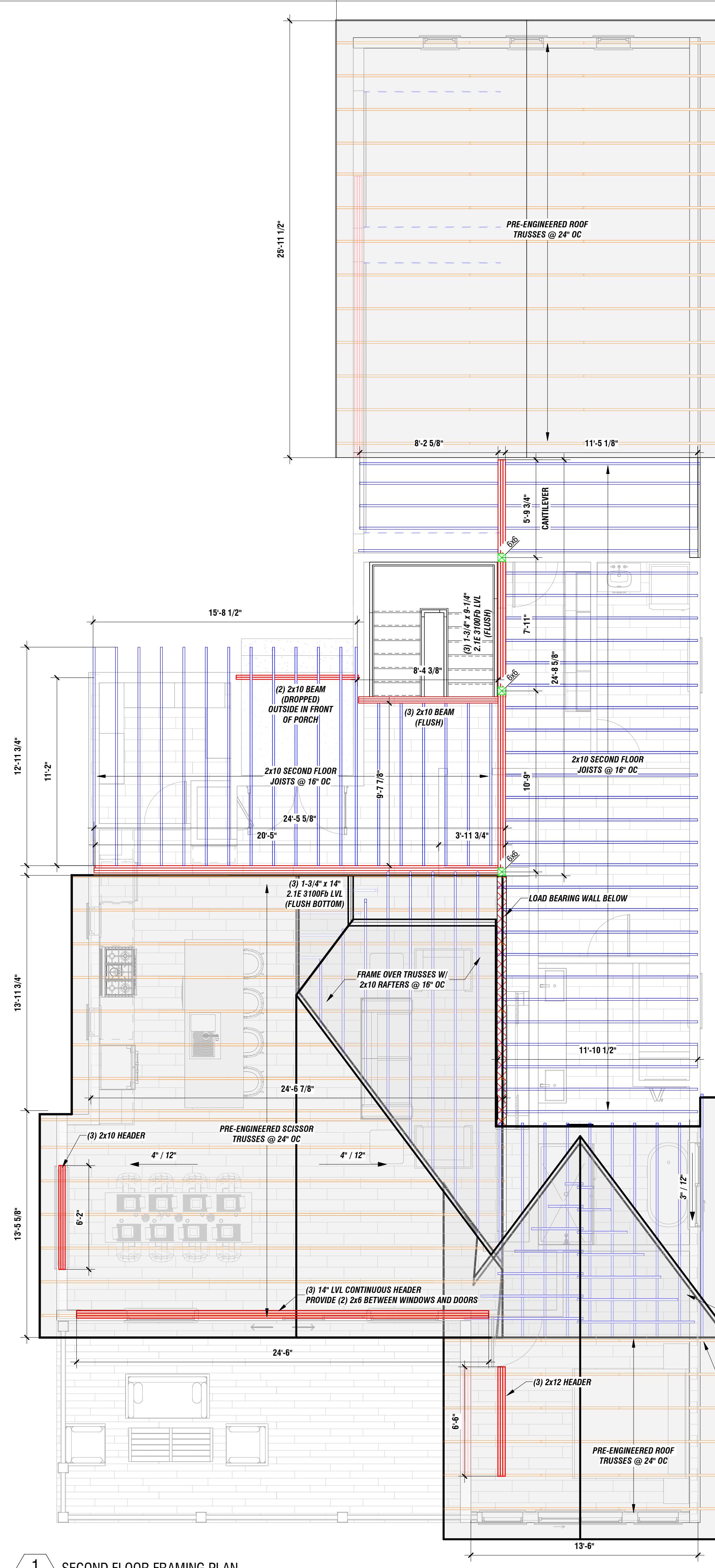
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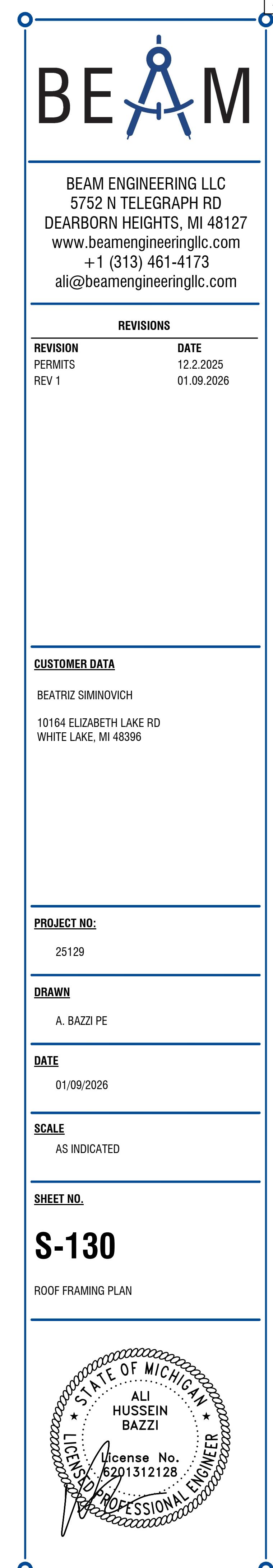
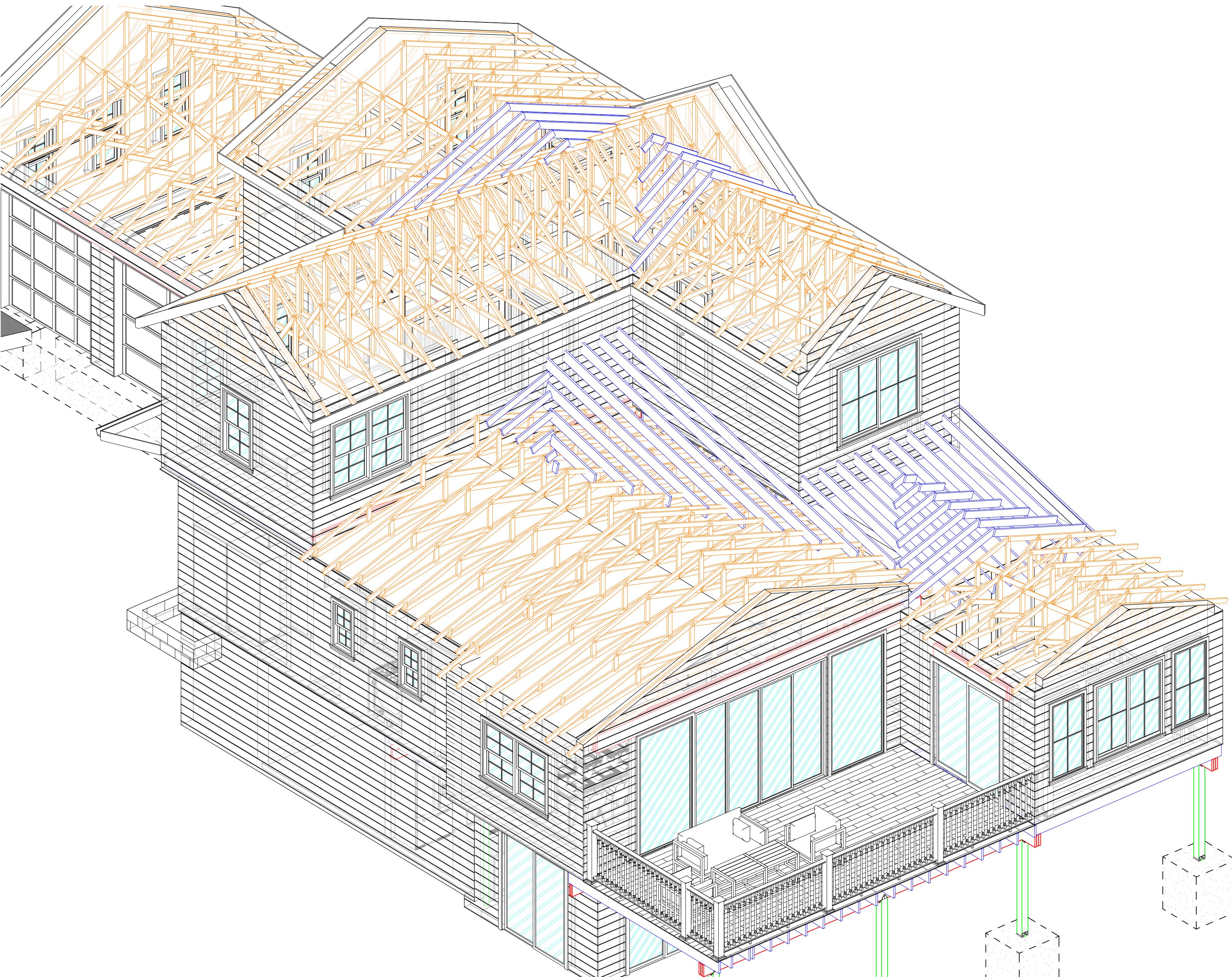
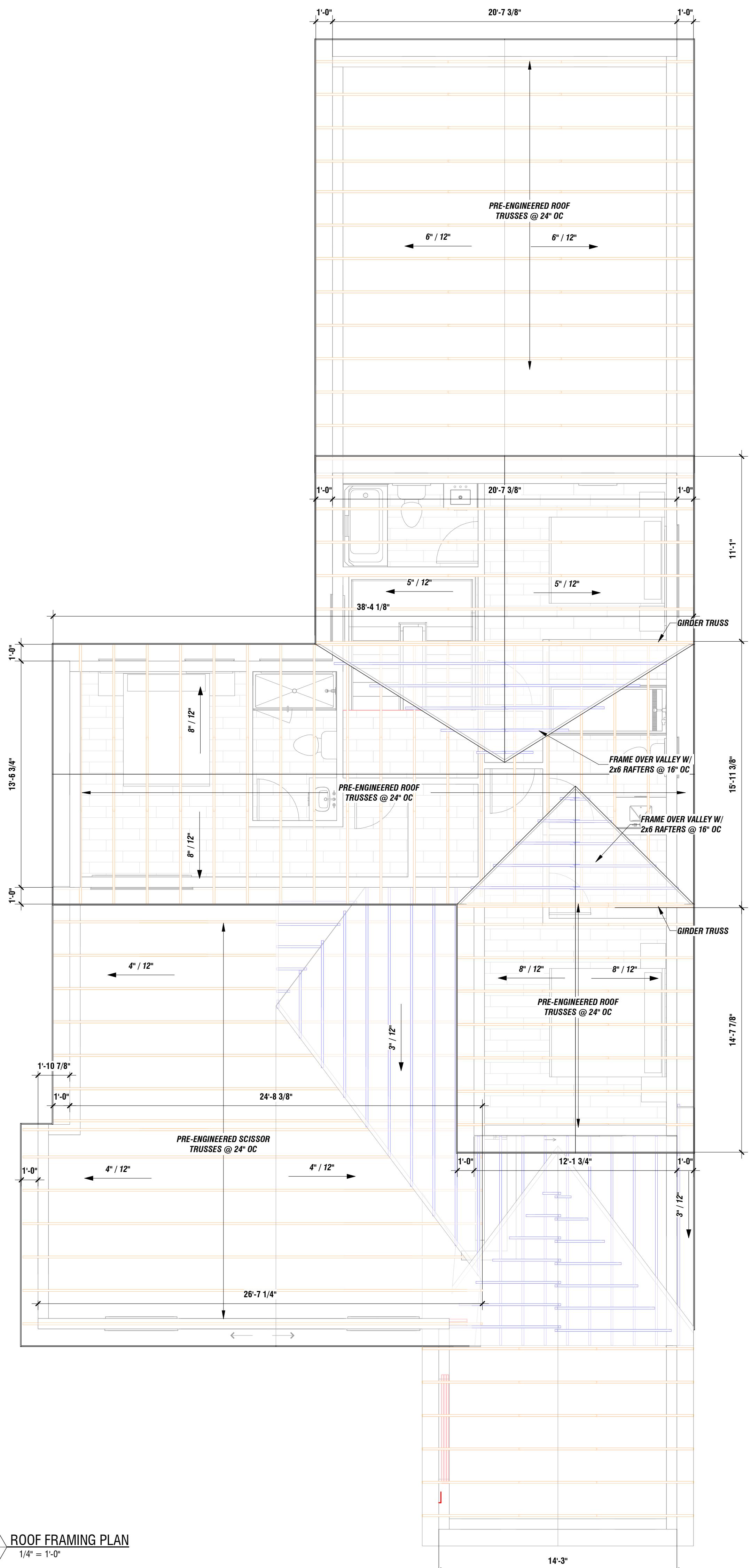
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3.1.5

R1-C Single Family Residential District

Item A.

A. INTENT

The Single-Family Residential Districts are established as districts in which the principal use of land is for single family dwellings, located in neighborhoods that include open space and that preserve sensitive natural environmental features.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED PRINCIPAL USES

- i. Adult foster care family home
- ii. **Single-family detached dwellings**
- iii. Outdoor recreation uses, other public and private parks and similar outdoor recreation uses not listed in §4.38
- iv. Home occupation
- v. Family day care homes

C. SPECIAL LAND USES

- i. **Cluster housing option** §4.13
- ii. **Government (Township only) offices, buildings and uses without service or storage yards** §4.21
- iii. **Local utility structures, stations and substations** §4.29
- iv. **Places of worship** §4.15
- v. **Public and private schools** §4.43
- vi. **Utility transmission systems** §4.47
- vii. **Wireless communication antennas** §4.51

D. ACCESSORY USES

- i. **Accessory buildings, structures and uses, customarily incidental to any of the above principal uses** §5.7
- ii. **Off-street parking** §5.11
- iii. **Private swimming pools** §5.10
- iv. **Signs** §5.9
- v. **Temporary buildings** §7.20

R1-C Single Family Residential District

3.1.5

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 16,000 square feet
Minimum lot width: 100 feet

Maximum Lot Coverage

25% for lots served by a private septic system
30% for lots served by public sanitary sewer

Setbacks

Minimum front yard setback: 35 feet
Minimum rear yard setback: 35 feet
Minimum side yard setback: 10 feet one side
20 feet total of two sides

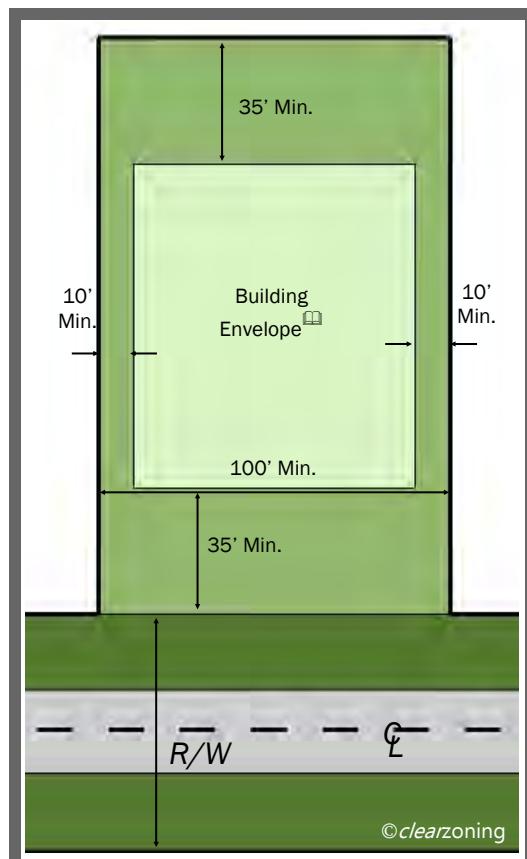
Building Height

Maximum building height: 30 feet or 2 stories, whichever is less

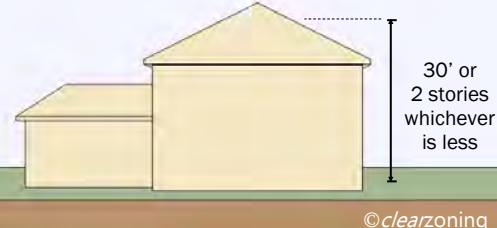
NOTES

- For additions to the above requirements, please refer to §3.11 Notes to District Standards: [A](#), [D](#), [F](#), [J](#), [K](#), [L](#), [P](#), [Q](#), [R](#), [S](#), [T](#), [V](#), [W](#)

(Amended by Ord. 58-24A, 6-18-2024)



How do I calculate height?



The above drawings are not to scale.

SELECTED REFERENCES

[3. Zoning Districts](#)

- [Open Space Option](#) §3.9

[6. Development Procedures](#)

- [Condominium](#) §6.1
- [Special Land Uses](#) §6.10 §6.11
- [Traffic Impact](#) §6.3
- [Access Management](#) §6.4
- [Site Plan Review](#) §6.8
- [Sewer/Water](#) §6.9
- [Community Impact](#) §6.6

[Other Ordinances](#)

Subdivision Regulations
Land Division Ordinance
Engineering Design Stnds. Ordinance

[4. Use Standards](#)

- [Visibility](#) §5.6
- [Fences](#) §5.12
- [Private Access Drive](#) §5.16
- [Pathway Standards](#) §5.20
- [Sidewalk Standards](#) §5.21
- [Pathway and Sidewalk Maintenance](#) §5.22

[5. Site Standards](#)

- [Landscape and Screening](#) §5.19
- [Off-Street Parking](#) §5.11
- [Performance Standards](#) §5.18

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Updated Through
3/10/21

White Lake Township Zoning Ordinance
clearzoning®

3 43

5.0 Site Standards

5.1 ZONING LOT

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than one such building on one lot unless otherwise provided in this Ordinance.

5.2 LOT LIMITATIONS

In all residential districts, only one (1) principal building shall be placed on a lot of record (platted lot) with the exception of parcels of record described and designated as outlets or excepted parcels which may be so arranged or subdivided as to provide for one (1) or more principal buildings when the land area allocated to each building is equal to, or greater than, the lot area required for the district and the building and land complies with all the other requirements of the district in which it is located.

5.3 LOTS, YARDS AND OPEN SPACES

No space which for the purpose of a building or dwelling group has been counted or calculated as a part of the minimum requirements of a side yard, rear yard, front yard, court or other open space required by this Ordinance, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard, court or other space requirement of, or for any other building. All setbacks as indicated in the Schedule of Regulations, Article 6, shall be measured from the outer edge of the footing and/or basement wall of any principal building. Roofs, gutters, windows and open balconies may project into the required open spaces provided that an eight (8) foot height clearance is provided and maintained above all adjacent ground level and provided further that said projection shall not extend more than five (5) feet into said required open spaces, and in no event will the projection be closer than five (5) feet to the lot line. The minimum yards of other open spaces, including lot area per dwelling unit required by this Ordinance for each and every building existing at the time of the passage of this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.

5.4 SUBSTANDARD LOTS

Any lot which was of record at the time of the adoption of this Ordinance, that does not meet the requirements of Article 6 for lot area and width, may be utilized for single-family residences in zones permitting this use, provided that the setback and open space provisions of the Ordinance are met. (Also see Article 7.27 regarding non-conforming lots).

5.5 FRONTAGE

Every principal building shall front upon a public or private street for the minimum width required in that district, as noted in Article 6. This requirement shall not prevent the construction and use of a single-family dwelling, in zones allowing single-family development, on any lot or parcel of land existing and of public record prior to the adoption of this Ordinance, subject to the regulations of Article 6 and Section 7.27. In the case of lake front property, for the purposes of this Ordinance, that part of the house facing upon the street shall be deemed the front of the house.

5.6 VISIBILITY

No wall, structure, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight (8) feet above the street level. In the case of corner lots, there shall be provided an unobstructed triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded corner, from the intersection of the street right-of-way lines extended.

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issued by the Building Official after approval by the Township Board of an official site plan, as defined in Section 6.8, or subdivision or condominium development plan, as defined in this Ordinance, showing finished grades and estimated cubic yards of materials to be balanced or extracted. A temporary extractive permit shall be issued in accordance with the provisions of Section 3.1.22; or provisions defined within the official site or development plan and Section 7.8 (Performance Guarantee); whichever the Township Board may deem most applicable. Such permits shall be issued for periods of 90 days not to exceed two (2) years.

A fee, established by resolution of the Township Board to defray the cost of engineering services, investigation, publication charges and other administration expenses occasioned by processing, shall accompany the application for permit. An inspection fee, established by resolution of the Township Board, shall be required for renewal of such permits.

7.21 PERMIT FOR TEMPORARY USE OF MOTOR HOME, MANUFACTURED HOME OR TRAVEL TRAILER

- A. No occupied motor home or travel trailer shall be parked on any site, lot, field or tract of land within the Township of White Lake not specifically licensed for that purpose or without a Building Permit issued in accordance with this Ordinance.
- B. One (1) occupied motor home or travel trailer may be parked on the premises of any occupied dwelling. The property owner shall make application to the Building Official. The permit shall be valid for a period not to exceed four (4) weeks from the date of application, and it may be used consecutively, or in non-consecutive two (2) week increments. The Building Official shall grant said permit in all cases except where adequate sanitary facilities and/or potable water facilities are unavailable to service the occupants of said motor home or travel trailer. No more than one (1) permit shall be issued to an occupied residential home in one calendar year.
- C. In special instances, permission may be obtained from the Zoning Board of Appeals for the issuance of a permit by the Building Official for the temporary use of a mobile or manufactured home by a watchman,

caretaker, manager or sales office in a commercial, industrial, or extractive district. This permit is not to exceed one (1) year from the date of issuance.

7.22 LOTS, STRUCTURES, USE OF LAND, CHARACTERISTICS OF USE

Within the districts established by this Ordinance there exist:

- A. Lots
- B. Structures
- C. Uses of land and structures, and
- D. Characteristics of use

which were lawful prior to the adoption of this Ordinance or any applicable amendment thereto. For purposes of this Section, "Applicable Amendment" shall mean any amendment that would make unlawful any lot, structure, uses of land and structures, or characteristics of use which were lawful prior to adoption of such amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. In addition to the above, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

7.23 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this Ordinance, or any applicable amendment thereto, that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than one hundred (100) percent of the State Equalized Valuation at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

7.24 NONCONFORMING USES OF LAND, OR LAND WITH MINOR STRUCTURES

Where at the time of passage of this Ordinance or applicable amendments thereto lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance or applicable amendment, and where the use involves no individual structure with a State Equalized Valuation exceeding \$500, the use may be continued so long as it remains otherwise lawful provided:

- A. The nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. The nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If the nonconforming use of land ceases for any reason for a period of more than one (1) year, thereafter such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Only structures conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- E. The Township shall provide for classes of nonconforming uses.

7.25 CLASS A AND CLASS B NONCONFORMING USES

- A. Class A nonconforming uses and structures are those which have been designated by the Zoning Board of Appeals after application by any interested person or the Building Official upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, (2) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (3) that the use or structure was lawful at the time of its inception, and (4) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
- B. All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.
- C. Procedures for Obtaining Class A Designation, Conditions
 - i. A written application shall be filed with the Township Clerk including the name and address of the applicant, a legal description of the property to which the application pertains and any other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.
 - ii. Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.
 - iii. No vested interest or right shall arise out of a Class A designation.
- D. Revocation of Class A Designation. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result



- D. Whenever a nonconforming use has been changed to a conforming use or to a permitted use in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
- E. Where a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Section is defined as damage to an extent of more than one hundred (100) percent of the State Equalized Valuation at time of destruction.

7.27 NONCONFORMING LOTS OF RECORD

This Section applies to those districts in which single-family residential is a principal permitted use and is intended to provide relief for the owners of non-conforming lots where said lot or lots do not meet the minimum standards of the Ordinance.

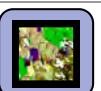
- A. Where the owner of a nonconforming lot cannot reasonably acquire sufficient land to enable him to conform to the requirements of this Ordinance relating to lot area, lot width, or both, such nonconforming lot may be used by such owner as a building site, provided that all front, side, and rear setback and open space requirements are met.
- B. If all front, side, rear, and open space requirements cannot be met, no building permit shall be issued for a nonconforming lot, except with approval of the Board of Appeals after public hearing in accordance with the Section 7.35 of this ordinance. The application to the Board of Appeals shall simply state, "Nonconforming Lot." The application shall be on forms established by the Township and shall include at a minimum, a drawing showing all proposed structures on the lot, all applicable setbacks, and areas

designated for parking of automobiles. The Board of Appeals shall permit the use of such nonconforming lot or lots if it finds that the following standards have been met:

- i. The lot was legally established pursuant to all applicable provisions of Michigan law or White Lake Township ordinance.
- ii. The construction that will result from the issuance of said permits will be in keeping with the general character of the neighborhood in which the construction will take place.
- iii. The proposed use will not have a significant effect on adjoining and nearby property owners.
- iv. The design of the proposed structure is appropriate for the area, width, and shape of the lot, and is designed in such a fashion as to provide adequate access for fire and other emergency vehicles.
- v. The proposed design is consistent with the extent to which other developed lots in the subdivision have maintained the setbacks and other required provisions of this Ordinance.
- vi. The nonconforming lot shall meet all other requirements of this Ordinance, which requirements for the purpose of this Section shall be deemed to include reasonable provisions for automobile parking.
- vii. In no event shall the side yards be less than five (5) feet to permit fire equipment and other emergency vehicles reasonable access and further to prevent the spreading of fire; the Board of Appeals shall not have the right to vary this provision.

7.28 REPAIRS AND MAINTENANCE

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the State Equalized Valuation of the nonconforming structure or nonconforming portion of the



Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be public record.

7.34 APPEALS AND SPECIAL APPROVALS

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Building Official. Such appeals shall be taken within such time as shall be prescribed by the Township Board by resolution by filing with the Building Official and with the Zoning Board of Appeals, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the Township Board. The Building Official shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action appealed from, unless the Building Official certifies to the Zoning Board of Appeals after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by restraining order which may be granted by the Circuit Court, on application, on notice to the Building Official and on due cause shown.

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

7.35 NOTICE OF HEARING

Public Hearing: Upon a written request seeking an interpretation of the Zoning Ordinance, an appeal of an administrative decision, or a variance, the Zoning Board of Appeals shall

select a reasonable time and place for a hearing of the request. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). For requests for a variance or an interpretation or appeal of an administrative decision which involves a specific parcel, written notice shall also be given by mail or personal delivery to the applicant and owners of the subject property, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within White Lake Charter Township. The notice shall describe the nature of the proposed request, state the time and place of the public hearing, indicate when and where written comments will be received, and indicate the property that is subject of the request including a listing of all existing street addresses within the subject property.

7.36 POWERS OF ZONING BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES

The Zoning Board of Appeals as herein created, is a body of limited powers. The Zoning Board of Appeals shall have the following specific powers and duties:

- Purpose. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.
- Authorization. In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that the spirit of the zoning ordinance is observed, public safety secured, and

substantial justice done, including the following:

- i. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map, fixing the use districts accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning Map after recommendation from the Township Planning Commission.
- ii. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or, for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Zoning Board of Appeals shall find use, height, area, building, or structure reasonably necessary for the public convenience and service.
- iii. Permit the modification of the off-street motor vehicle parking space and loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
- iv. **Permit such modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modifications, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided).**

Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a Registered Engineer or Land Surveyor.

- v. **Permit utilization of substandard lots as regulated by Section 5.4.**

- C. Conditions. The Zoning Board of Appeals, by a majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as they may deem necessary for the good of the Township. The Board of Appeals may impose conditions upon an affirmative decision so long as the conditions conform to the requirements of Section 7.37 of this Ordinance.

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.

7.38 ZONING BOARD OF APPEALS APPROVAL, AUTHORITY TO REQUIRE DOCUMENTATION

The Zoning Board of Appeals may compel testimony, requiring the appellant to prepare and submit all necessary surveys, plans or other information necessary for the Zoning Board of Appeals to investigate thoroughly the matter before it. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this

ordinance. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. The decision of the Zoning Board of appeals shall be final.

7.39 APPROVAL PERIODS

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than twelve (12) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(Amended by Ord. 58-24A, 6-18-2024)

7.40 APPEALS

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the requirements of P.A. 110 of 2006, as amended, known as the Michigan Zoning Enabling Act. An appeal under this section shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

7.41 INTERPRETATION AND APPLICATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul, any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be

LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The straight-line distance from the midpoint of the front street line, determined to be the edge of the street right-of-way or easement, to the midpoint of the rear lot line. If any part of this line lies outside the boundaries of the lot, then lot depth shall be the length of the shortest line from the midpoint of the front street line to the rear lot line.

LOT, INTERIOR. A lot other than a corner lot. Any portion of a corner lot more than one hundred twenty (120) feet from the "corner" measured along a front street lot line, shall be considered an interior lot. ↗

LOT LINES. The property lines bounding the lot

1. **Front Lot Line.** A Front Lot Line, in the case of a lot abutting upon one public or private street means the line separating such lot from such street right-of-way. In the case of any other lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line, the front lot line, providing that such choice, in the opinion of the Director of the Community Development Department, will not be injurious to the existing, or the desirable future development of adjacent properties. In the case of a lake front property, for purpose of this Ordinance, that part of the lot adjoining the street shall be deemed the front lot line.
2. **Rear Lot Line.** A Rear Lot Line is ordinarily that lot line which is opposite and most distant from the front lot line of the lot (or the street lot line that the owner has elected to designate as the front lot line, in the case of a corner lot). In the case of an irregular, triangular, or gore-shaped lot for the purpose of determining depth of rear yard, a rear lot line shall be considered to be a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from, the front lot line of the lot. In cases where none of these definitions are applicable, the Director of the Community Development Department shall designate the rear lot line.
3. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line
4. **Street Lot Line.** A lot line separating the lot from the right-of-way of a street.

LOT OF RECORD. A lot which actually exists in a subdivision plat as shown on the records of the Register of Deeds.

LOT, THROUGH. An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street in the plan and in the request for a building permit. (See sketch)

LOT WIDTH. The straight-line distance between parallel side lot lines, measured at the front setback line. Where side lot lines are not parallel, the width shall be measured at the front setback line parallel to the street or tangent to the curve of the street. ↗

MALFEASANCE. Official misconduct; the commission of an unlawful act, done in an official capacity; an act for which there is no statutory authority. Malfeasance in office requires an affirmative act or omission, for example: failure of a member to disclose a conflict of interest when voting on a matter before the board or commission.

MANUFACTURED BUILDING. A Manufactured Building includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.



YARD. An open space of uniform width or depth on the same land with a building or group of buildings which open space lies between the building and group of buildings and the nearest lot line, and is unoccupied and unobstructed from the ground upward except otherwise provided herein. This regulation shall not exclude eaves unless an eight (8) foot height clearance is provided above the adjacent ground level. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the building or the point of a group of buildings nearest to such lot line.



YARD, FRONT. A yard extending across the full width of the lot and lying between the front line of the lot or a side yard with road frontage, and the nearest line of the building.

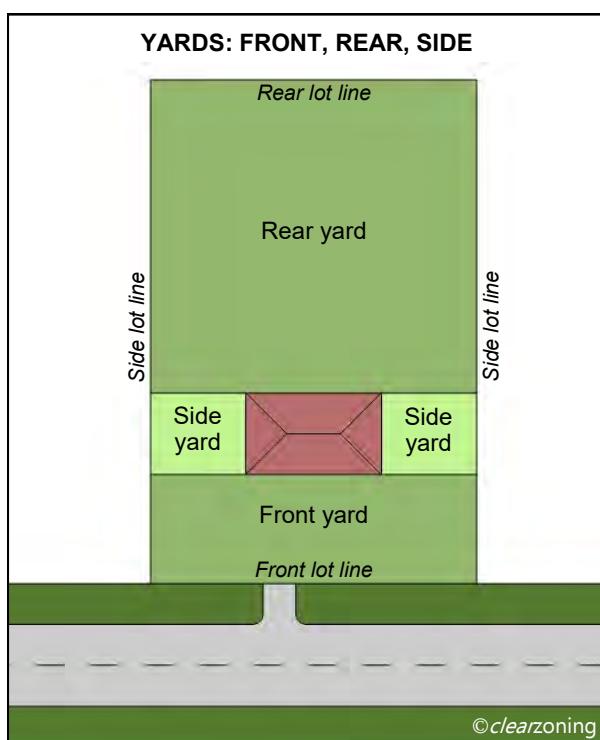
YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

YARD, SIDE. A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

ZONING BOARD OF APPEALS. The White Lake Charter Township Zoning Board of Appeals.

ZONING JURISDICTION. Area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning by a township that has adopted a zoning ordinance under this act.

ZONING LOT. A place or parcel of land occupied or to be occupied by a building or structure and its accessory buildings, or by any other activity permitted thereon and including the open spaces required under this ordinance and having its frontage upon a public thoroughfare or any private way used for thoroughfare purposes. A zoning lot may or may not be specifically designated as such on public records provided, that the owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as a single lot or record for the purpose of this ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.



White Lake Township
Community Development Dept

Item A.

Memo

To: Zoning Board of Appeals

From: David J. Waligora, AICP

Date: January 15, 2026

Re: **For Review/Discussion: Vacant Single Family Residential Substandard Lot Prescribed Procedure**

I would like to propose an alternative process for how the Community Development Department reviews dimensional variance requests when the subject parcel is classified as a substandard residential lot.

First, let's review what constitutes a substandard residential lot. Article 5.4 of the Ordinance defines substandard lots as follows:

Any lot which was of record at the time of the adoption of this Ordinance, that does not meet the requirements of Article 6 for lot area and width, may be utilized for single-family residences in zones permitting this use, provided that the setback and open space provisions of the Ordinance are met. (Also see Article 7.27 regarding non-conforming lots).

In reviewing Article 7.27, staff finds subsection B establishes criteria which are less stringent than standard variance criteria. Notably, it does not require the applicant to demonstrate a "practical difficulty," which is often a point of contention in many zoning cases. Staff interprets this omission to mean that the Zoning Ordinance recognizes the substandard lot as constituting a practical difficulty, which is a sensible accommodation for a single-family use/lot.

In discussions with Director O'Neil and Nick Spencer, it appears that the ZBA has frequently reviewed lakeshore properties that do not meet width and/or area standards. Historically, these cases have been evaluated using the standard variance criteria in Article 7.37. While that standard is generally appropriate for variance requests, which is very typically for all municipalities to do, but because the Ordinance allows for another mechanism to review these types of requests, I am proposing we utilize it.

The following is a comparison of the two standards for your review.

Article 7.27 - B	Article 7.37
<p>B. If all front, side, rear, and open space requirements cannot be met, no building permit shall be issued for a nonconforming lot, except with approval of the Board of Appeals after public hearing in accordance with Section 7.35 of this ordinance. The application to the Board of Appeals shall simply state, "Nonconforming Lot." The application shall be on forms established by the Township and shall include at a minimum, a drawing showing all proposed structures on the lot, all applicable setbacks, and areas designated for parking automobiles. The Board of Appeals shall permit the use of such nonconforming lot or lots if it finds that the following standards have been met:</p>	<p><i>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".</i></p>
<p>i. The lot was legally established pursuant to all applicable provisions of Michigan law or White Lake Township ordinance.</p>	<p>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 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.</p>
<p>ii. The construction that will result from the issuance of said permits will be in keeping with the general character of the neighborhood in which the construction will take place.</p>	<p>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.</p>
<p>iii. The proposed use will not have a significant effect on adjoining and nearby property owners.</p>	<p>C. Not self-created: The applicant's problem is not self-created.</p>

iv. The design of the proposed structure is appropriate for the area, width, and shape of the lot, and is designed in such a fashion as to provide adequate access for fire and other emergency vehicles.	D. Substantial justice: The variance would provide substantial justice by granting 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).	Item A.
v. The proposed design is consistent with the extent to which other developed lots in the subdivision have maintained the setbacks and other required provisions of this Ordinance.	E. Minimum variance necessary: The variance shall be the minimum necessary to grant relief created by the practical difficulty.	
vi. The nonconforming lot shall meet all other requirements of this Ordinance, which requirements for the purpose of this Section shall be deemed to include reasonable provisions for automobile parking.		
vii. In no event shall the side yards be less than five (5) feet to permit fire equipment and other emergency vehicles reasonable access and further to prevent the spreading of fire; the Board of Appeals shall not have the right to vary this provision.		

The following table is not necessarily set up as a one-for-one comparison, but I felt presenting the standards in this way is appropriate for our conversation.

If you have doubts on if the ZBA has the authority to act in this manner, it is further supported by Article 7.36 – Powers of Zoning Board of Appeals Concerning Administrative Review and Variances. This is the Article which dictates exactly what the ZBA has the authority to do, such as interpret the ordinance, provide dimensional variances, etc.

B. Authorization. In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done, including the following:

v. Permit utilization of substandard lots as regulated by Section 5.4.

In conclusion, I am not implying that the Township or the ZBA has acted improperly by not applying this provision of the Ordinance in past years. The process defined by Article 7.37 is established, vetted, and consistent with how most ZBAs throughout the state operate. However, Article 7.27 provides a unique treatment for residential properties. Director O'Neil and I have also conferred with the Township Attorney, who supported this approach. I am therefore presenting this information to the Board so that, the next time an application fits the substandard lot classification, the ZBA will be aware of the intended process. Ultimately, I believe a strong argument exists that Article 7.27 provides substantial justice to our citizenry and will make application review more streamlined for vacant substandard residential lots.

No action is required at this time other than to review this memo and consider its implications. We can continue this discussion at a future meeting, or you may contact me directly with any additional questions—my office is always open.

Respectfully submitted,

David J. Waligora, AICP