



ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN 48383
THURSDAY, AUGUST 24, 2023 – 7:00 PM

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

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - A. [Zoning Board of Appeals Regular Meeting of July 27, 2023](#)
6. CALL TO THE PUBLIC
7. OLD BUSINESS
8. NEW BUSINESS
 - A. [Applicant: Mykhailo Novoselskyi](#)
[7843 Turrillium Lane](#)
[Waterford, MI 48327](#)
[Location: 9755 Portage Trail](#)
[White Lake, MI 48386 identified as 12-26-177-019](#)
[Request: The applicant requests to exceed the allowed value of improvements to a nonconforming structure, requiring a variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures.](#)
 - B. [Applicant: John Strine](#)
[140 Forest Crest Drive](#)
[Commerce, MI 48390](#)
[Location: Parcel Number 12-26-408-025](#)
[Request: The applicant requests to construct a single-family house and an accessory building \(detached garage\), requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Side-Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width. A variance from Article 3.11.J, Minimum Floor Area is also required.](#)
 - C. [Applicant: Lorena Hawkins](#)
[1190 Sugden Lake Road](#)
[White Lake, MI 48386](#)
[Location: 1190 Sugden Lake Road](#)
[White Lake, MI 48386 identified as 12-33-477-003](#)
[Request: The applicant requests to construct an elevated deck within the natural features setback, requiring a variance from Article 3.11.Q, Natural Features Setback.](#)



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

9. OTHER BUSINESS

10. NEXT MEETING DATE: September 28, 2023

11. ADJOURNMENT

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

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
JULY 27, 2023**

Item A.

CALL TO ORDER

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

Roll was called:

ROLL CALL

Present:

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

Absent:

Mike Powell, Township Board Liaison

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A. Zoning Board of Appeals Meeting of June 22, 2023

MOTION by Member Seiber, seconded by Member Dehart to approve the minutes of June 22, 2023 as presented. The motion carried with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

No public comment.

NEW BUSINESS

A. Applicant: Thomas & Ginger Tubbs
9474 Bonnie Briar Drive
White Lake, MI 48386
Location: **9474 Bonnie Briar Drive**
White Lake, MI 48386 identified as 12-14-205-020
Request: The applicants request a post-construction variance to allow an accessory structure within the natural features setback, requiring a variance from Article 3.11.Q, Natural Features Setback.

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

Staff Planner Quagliata gave a brief report.

Member Dehart asked staff if the gazebo was on the building permit that was pulled. Staff Planner Quagliata said no, because the gazebo was under 200 square feet in size and did not require a permit. The Building Official brought the gazebo to the Planning Division's attention. The gazebo was not included in the building permit that was pulled for the house/garage repairs and deck.

Member Schillack asked staff if there was any movement on the building permit. Staff Planner Quagliata said no inspections had been done since the discovery of the gazebo in the Spring.

Tom and Ginger Tubbs, 9474 Bonnie Briar, were present to speak on their case. He said the deficiencies noted on the building permit inspection report had been taken care of and were ready for re-inspection. Mrs. Tubbs said they replaced the gazebo that was damaged in the 2021 tornado; the previous gazebo stood in the same location for 22 years prior. They were not aware of the 25-foot natural features setback when the gazebo was rebuilt.

Member Seiber asked the applicant if there was room on the lot to move the gazebo out of the 25-foot setback. Mr. Tubbs said if the gazebo was moved it would block the stairs. The new gazebo was also cemented into the ground.

Member Seiber asked the applicants if they could move the gazebo to the easterly side of their lot. Mrs. Tubbs restated the gazebo was cemented in and it would require a lot of work to move it at this point.

Member Seiber said the lot met the R1-D zoning district standards for lot area and lot width and did not see the lot presenting a practical difficulty.

Member Schillack stated it was unfortunate the builder did not carefully read the building permit stipulations.

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

- A. Practical Difficulty
 - Chairperson Spencer agreed with Member Seiber's previous statement and did not see a practical difficulty.
- B. Unique Situation
 - Member Seiber said there was nothing apparent that made the lot unique.
 - Member Schillack said if there was anything unique about the lot, it was that the lot had more space than others to build.
- C. Not Self-Created
 - Member Schillack said the applicant's builder let them down, and it was a self-created problem.
- D. Substantial Justice
 - Chairperson Spencer said the gazebo could be moved elsewhere on the lot and meet the required setback. Member Schillack agreed.
- E. Minimum Variance Necessary

- Member Seiber said there were areas on the property the gazebo could be moved to in order to achieve compliance.

Member Seiber MOVED to deny the variance requested by Thomas and Ginger Tubbs for Parcel Number 12-14-205-020, identified as 9474 Bonnie Briar Drive, due to the following reason(s):

- The lot meets the area and width requirements for the R1-D zoning classification, the lot is not of unusual shape, and does not present a practical difficulty.
- There was sufficient available area on the lot to place the gazebo without encroaching into the required natural features setback.
- The building permit that was issued for the lot on September 21, 2021 advised that “any rebuilding of accessory structures must meet current Zoning Ordinance requirements, including setbacks.”
- For failure to meet the standards of Article 7, Section 37 of the ClearZoning Ordinance.

The Appellant shall remove the accessory structure from the property no later than September 25, 2023. Alternatively, the gazebo can be relocated to an area that would meet the Zoning Ordinance requirements no later than September 25, 2023, subject to Township approval.

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

OTHER BUSINESS

None.

NEXT MEETING DATE: August 24, 2023

ADJOURMENT

Member Schillack MOVED to adjourn at 7:28 P.M. Member Dehart supported, and 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: Justin Quagliata, Staff Planner
DATE: August 24, 2023

Agenda item: 8a

Appeal Date: August 24, 2023

Applicant: Mykhailo Novoselskyi

Address: 7843 Turrillium Lane
Waterford, MI 48327

Zoning: R1-D Single Family Residential

Location: 9755 Portage Trail
White Lake, MI 48386

Property Description

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

Applicant’s Proposal

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

Planner’s Report

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

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

Section 7.28 of the Zoning Ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Based on the SEV of the structure (\$2,500), the maximum extent of improvements cannot exceed \$1,250. As indicated by the Applicant, the value of the proposed work is \$27,665.63. A variance to exceed the allowed value of improvements by 2,213% is requested. Based on the submitted plans and scope of the project, staff believes the valuation of work is underestimated. For reference, the February 2023 Building Valuation Data published by the International Code Council estimates cost of single-family residential construction at \$167.37 per square foot for living areas. A staff estimate for the value of improvement is approximately \$60,000.

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

The requested variances are listed in the following table.

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

Zoning Board of Appeals Options:

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

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

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

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

Attachments:

1. Variance application dated July 20, 2023.
2. Plans prepared by the Applicant.
3. Cost of construction prepared by the Applicant.
4. Building permit application dated July 20, 2023.
5. Letter from the Building Official dated May 18, 2022.
6. Letter from the Building Official dated December 5, 2022.

7.37 STANDARDS

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

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

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

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

ZONING BOARD OF APPEALS APPLICATION

Item A.

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

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

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

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

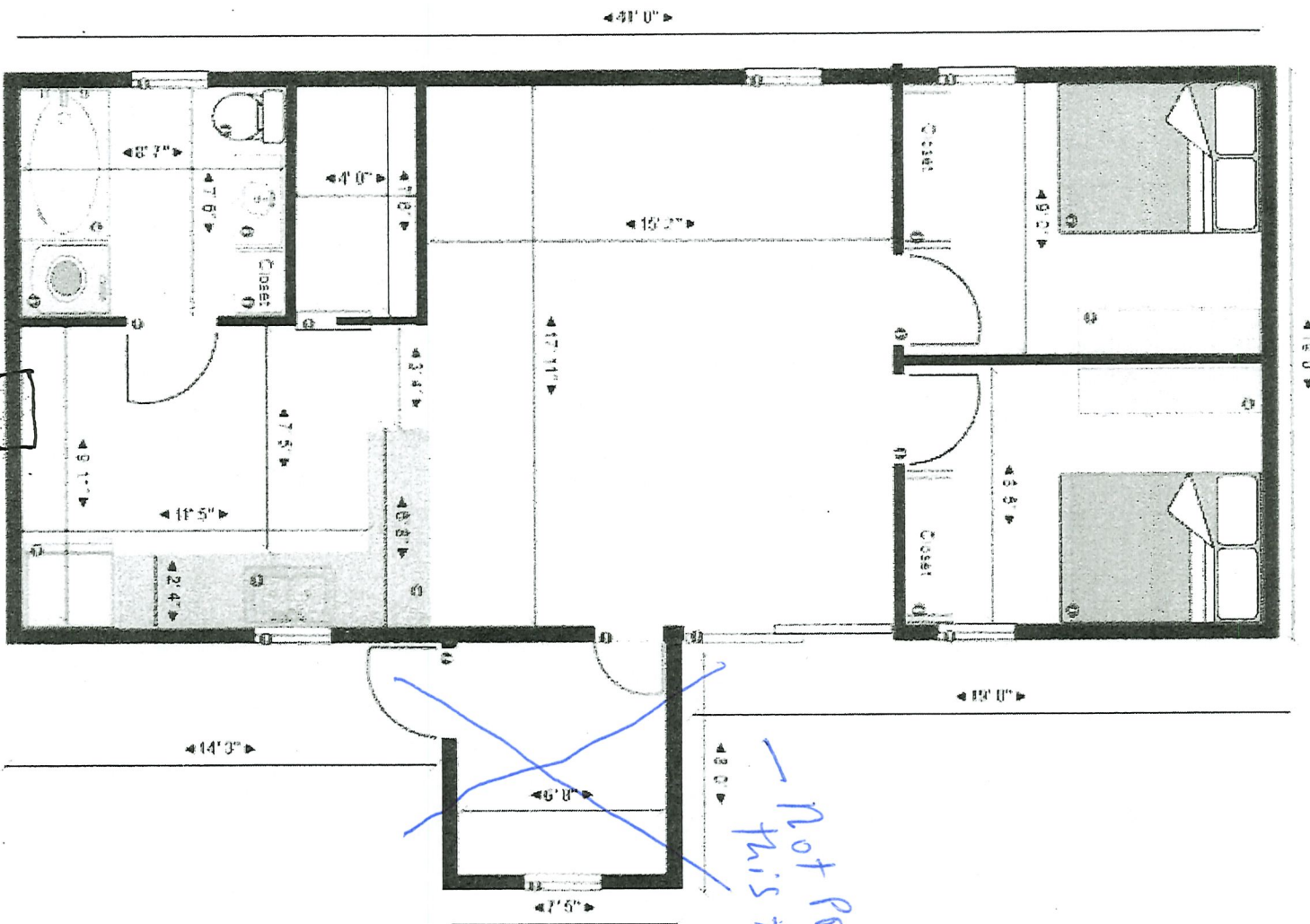
STATE REASONS TO SUPPORT REQUEST: (ATTACH WRITTEN STATEMENT TO APPLICATION)

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

Thursday, August 24th
Redapples1984@gmail.com

RECEIVED
JUL 20 2023
COMMUNITY DEVELOPMENT DEPARTMENT

APPROXIMATE
KITCHEN
(3)



Window

Not Proposed at
this time
MN

7/20/23

9755 Portage Renovation Price Break Down

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

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

Foundation Fix = Total \$5,000.00

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

Floor = Total \$1,004.00

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

Walls = Total \$1,214.95

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

Plumbing = Total \$4,000.00

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

HVAC = Total \$7,000.00

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

Floor Laminate 1000sqft = Total \$1,990.00

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

Electricity = Total \$2,134.44

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

Windows = Total \$1,416.12

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

Interior Doors = Total \$497.45

- 5 Interior Doors $\times \$99.49 = \497.45

Outdoor Door = Total \$339.89

- \$339.89

Kitchen = Total \$1,100.00

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

Grand Total = \$27,665.63

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION

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



Authority: P.A. 230 OF 1972, as amended	This department will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.
Completion: Mandatory to obtain permit	
Penalty: Permit will not be issued	

APPLICANT TO COMPLETE ALL ITEMS

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

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

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

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

APPLICANT INFORMATION

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

FEDERAL EMPLOYER ID NUMBER	
WORKERS COMP. INSURANCE CARRIER	
MESC NUMBER	

BUILDING AND PROPERTY CHARACTERISTICS

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

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

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

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

BUILDING AND ZONING PERMIT REGULATIONS

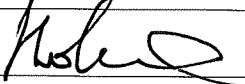
- A Certificate of Occupancy must be obtained before occupying the building.
- The Builder and property owner are responsible for drainage and grade on the construction site.
- The Builder and property owner are responsible for lot line and proper setbacks as approved by White Lake Township.
- The lot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

HOMEOWNER AFFIDAVIT

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

_____ as listed on this permit application.

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

HOMEOWNER NAME/SIGNATURE: 

LOCAL GOVERNMENTAL AGENCY TO COMPLETE THIS SECTION

	REQUIRED?
A. ZONING	<input type="checkbox"/> YES <input type="checkbox"/> NO
B. SOIL EROSION	<input type="checkbox"/> YES <input type="checkbox"/> NO
C. FLOOD ZONE	<input type="checkbox"/> YES <input type="checkbox"/> NO
D. WATER SUPPLY	<input type="checkbox"/> YES <input type="checkbox"/> NO
E. SEPTIC SYSTEM	<input type="checkbox"/> YES <input type="checkbox"/> NO
F. VARIANCE GRANTED	<input type="checkbox"/> YES <input type="checkbox"/> NO
G. DRIVEWAY PERMIT	<input type="checkbox"/> YES <input type="checkbox"/> NO

USE GROUP: _____
 TYPE OF CONSTRUCTION: _____
 SQUARE FEET: _____

PLAN REVIEW FEES: _____
 BUILDING PERMIT FEES: _____
 FEE TOTAL: _____

APPROVAL SIGNATURE: _____

NUMBER OF INSPECTIONS: _____

TITLE: _____

DATE: _____

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



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

WHITE LAKE TOWNSHIP

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

May 18, 2022

Aleksandr Kudryavtsev
7843 Turrillium Ln
Waterford MI 48327

RE: Work Without Permit at 9755 Portage Trail

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

- Complete Interior renovation
- Structural Repairs

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

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

Best Regards,

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

Nick Spencer, Building Official
White Lake Township

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



Item A.

Scott Ruggles
Liz Fessler Smith
Andrea C. Voorheis
Michael Powell

WHITE LAKE TOWNSHIP

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

December 5, 2022

Aleksandr Kudryavtsev
7843 Turrillium Ln
Waterford MI 48327

RE: Dangerous Structure at 9755 Portage Trl

To Whom It May Concern:

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

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

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

Best Regards,

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

Nick Spencer, Building Official
White Lake Township

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: August 24, 2023

Agenda item: 8b

Appeal Date: August 24, 2023

Applicant: John Strine

Address: 140 Forest Crest Drive
Commerce, MI 48390

Zoning: R1-D Single Family Residential

Location: Parcel Number 12-26-408-025

Property Description

The approximately 0.129-acre (5,645 square feet) parcel identified as Parcel Number 12-26-408-025 is located on the southwest corner of Farnsworth Road and Northeastern Boulevard within the Cedar Crest No. 4 subdivision, and zoned R1-D (Single Family Residential). The proposed house on the property would be served by a private well for potable water and the public sanitary sewer system for sanitation. The triple lot (Lots 331, 332, and 333) contains 110.13 feet in width along the Northeastern Boulevard right-of-way and 57.85 feet in width along the Farnsworth Road right-of-way.

Applicant's Proposal

John Strine, the Applicant, with permission from the property owners, is proposing to construct a two-story house with a detached garage. The existing nonconforming buildings/structures on the property would be removed.

Planner's Report

The proposed house is 1,490 square feet in size with 832 square feet on the ground floor. The Zoning Ordinance requires minimum floor area for a two-story single-family house to be 1,500 square feet, with 900 square feet minimum on the ground floor. Minimum floor area per dwelling unit does not include area of basements, open unheated breezeways, open unheated porches, attached garages, or utility rooms. Therefore, a 68 square foot variance is required for the ground floor area and a 10 square foot variance is required for the overall size of the house.

According to the submitted plot plan, the proposed lot coverage is 24.9% (1,405 square feet), which is 4.9% (276 square feet) beyond the allowable limit (1,129 square feet). As proposed, the house at its closest point would be located 20.2 feet from the Northeastern Boulevard front lot line and 23.5 feet from the Farnsworth Road front lot line, requiring variances of 9.8 feet and 6.5 feet, respectively, from the required 30-foot front yard setback. Additionally, the 360 square foot accessory building (detached garage) is proposed to be located 22.6 feet from the Northeastern Boulevard front lot line, requiring a 7.4-foot variance. Note accessory buildings are allowed to have a setback of five feet from side and rear lot lines. However, the Zoning Ordinance prohibits roof overhangs (including gutters) closer than five feet to any lot line. As proposed, the accessory building would not be allowed any overhang on the west and south sides of the building. Also, the house would be located seven feet from the south side property line, encroaching three feet into the required 10-foot side yard setback. Variances to address the lot area and lot width nonconformities are also requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1 & 2	Article 3.11.J	Minimum floor area	1,500 square feet, with 900 square feet min. on ground floor	68 square feet ground floor, 10 square feet overall	832 square feet ground floor, 1,490 square feet overall
3, 4, & 5	Article 3.1.6.E	Front yard setback	30 feet	7.4 feet (garage) 9.8 feet (house – north) 6.5 feet (house – east)	22.6 feet (garage) 20.2 feet (house – north) 23.5 feet (house – east)
6	Article 3.1.6.E	Side yard setback	10 feet	3 feet (south)	7 feet (south)
7	Article 3.1.6.E	Maximum lot coverage	20% (1,129 square feet)	4.9% (276 square feet)	24.9% (1,405 square feet)
8	Article 3.1.6.E	Minimum lot area	12,000 square feet	6,355 square feet	5,645 square feet
9	Article 3.1.6.E	Minimum lot width	80 feet	22.15 feet (Farnsworth Road)	57.85 feet (Farnsworth Road)

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by John Strine from Articles 3.11.J and 3.1.6.E of the Zoning Ordinance for Parcel Number 12-26-408-025 in order to construct a single-family house with 832 square feet on the first floor and total floor area of 1,490 square feet, encroach 9.8 feet into the required north front yard setback and 6.5 feet into the required east front yard setback, encroach 3 feet into the required south side yard setback, and exceed the allowed lot coverage by 4.9%. A 22.15-foot variance from the required lot width and a 6,355 square foot variance from the required lot area are also granted from Article 3.1.6.E. A 7.4-foot variance to allow an accessory building (detached garage) to encroach into the required north front yard setback is also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- A foundation certificate shall be required prior to the backfill inspection by the Building Department.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.
- In no event shall the projection of a roof overhang be closer than five feet to a lot line.

Denial: I move to deny the variances requested by John Strine for Parcel Number 12-26-408-025 due to the following reason(s):

Table: I move to table the variance requests of John Strine for Parcel Number 12-26-408-025 to consider comments stated during this public hearing.

Attachments:

1. Variance application dated July 26, 2023.
2. Topographic survey dated June 26, 2023.
3. Plot plan dated July 25, 2023.
4. House size information provided by the Applicant.
5. Letter of denial from the Building Official dated July 31, 2023.

7.37 STANDARDS

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION

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

APPLICANT'S NAME: John Strine PHONE: 248.505-2272

ADDRESS: 140 Forest Crest Dr Commerce Twp MI 48390

APPLICANT'S EMAIL ADDRESS: JStrine062@gmail.com

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

ADDRESS OF AFFECTED PROPERTY: FARNSWORTH PARCEL # 12-26-408-025

CURRENT ZONING: R1D PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

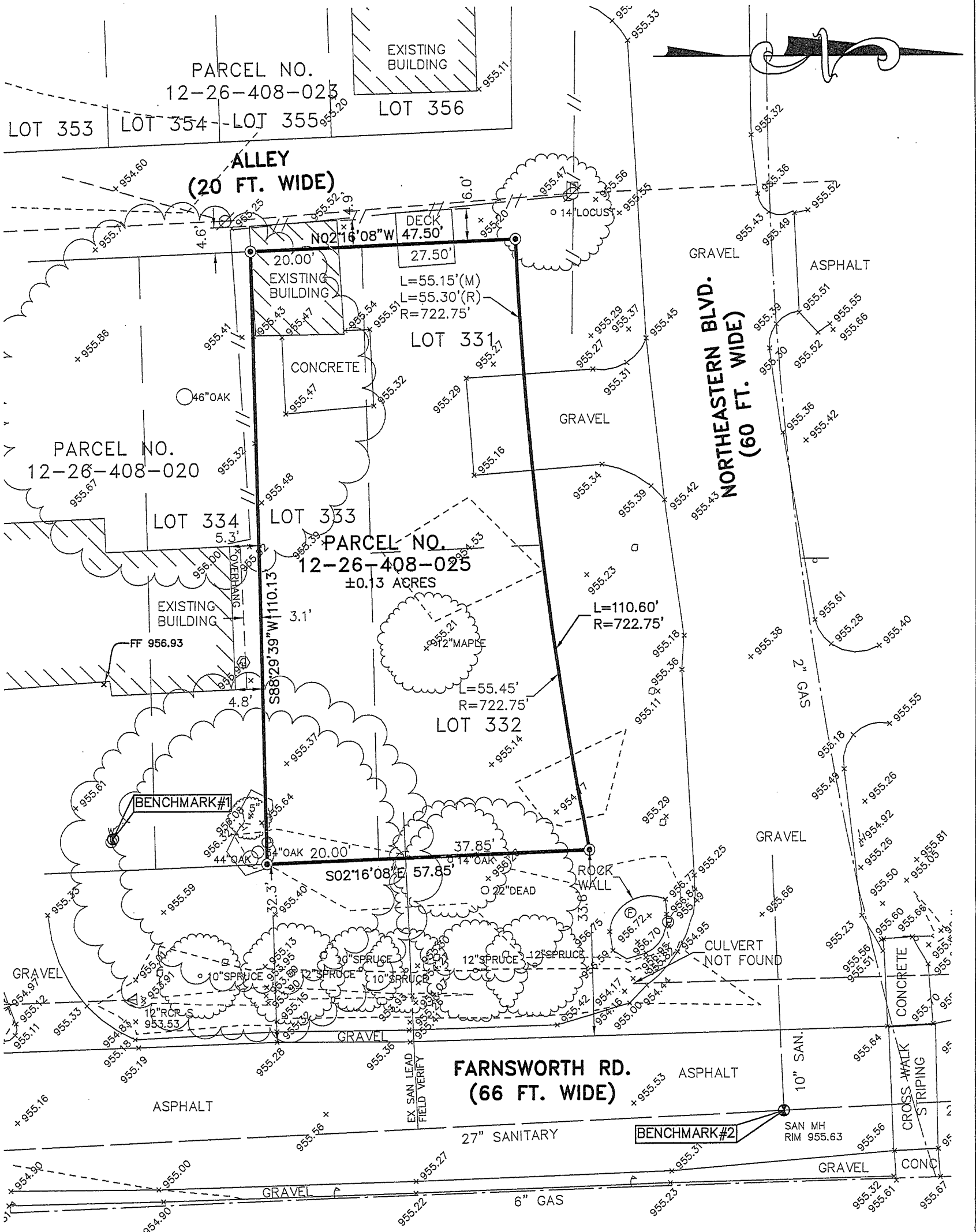
VALUE OF IMPROVEMENT: \$ _____ SEV OF EXISITING STRUCTURE: \$ _____

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

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

APPLICANT'S SIGNATURE: John Strine DATE: 7/26/23

RECEIVED
JUL 26 2023
COMMUNITY DEVELOPMENT DEPARTMENT



ZONING:

R1-D, SINGLE FAMILY RESIDENTIAL

SETBACKS:

FRONT: 30'
SIDES: 10', TOTAL 20'
REAR: 30'

LEGEND

- EX. CATCH BASIN
- EX. MANHOLE
- EX. END SECTION
- EX. WATER WELL
- EX. HYDRANT
- EX. WATER SHUTOFF
- EX. LIGHTPOLE
- EX. UTILITY POLE
- EX. GUY ANCHOR
- EX. PEDESTAL
- EX. TRANSFORMER
- EX. GAS METER
- EX. ELECTRIC METER
- EX. UTILITY MARKER
- EX. HVAC
- EX. SIGN
- EX. POST/BOLLARD
- EX. FLAGPOLE
- EX. MAILBOX
- FOUND IRON
- SET IRON
- EX. BOULDER
- EX. TREE
- EX. TREE LINE
- EX. FENCE
- EX. SANITARY SEWER
- EX. STORM SEWER
- EX. WATER MAIN
- EX. ELECTRIC CABLE
- EX. COMMUNICATION
- EX. GAS LINE
- EX. OVERHEAD LINE

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

DESCRIPTION:

T3N, R8E, SEC 26 CEDAR CREST SUB NO 4
LOTS 331, 332 & 333 5-13-22 FR 003, 004
& 008

BENCHMARKS:

BM#1 - TOP OF WELL ON ADJACENT PROPERTY TO THE SOUTH.
ELEVATION - 956.96 NAVD88

BM#2 - RIM OF SANITARY MANHOLE AT INTERSECTION OF FARNSWORTH RD. AND NORTHEASTERN BLVD.
ELEVATION - 955.63 NAVD88



Ginger Michalski-Wallace

NOTE:

BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83, MICHIGAN SOUTH ZONE

REVISED

ALPINE ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

RESIDENTIAL
SUBDIVISIONS
SITE CONDOMINIUM
MULTI-FAMILY
PLOT PLANS
CONSTRUCTION LAYOUT

SURVEYING
ALTA SURVEYS
BOUNDARY SURVEYS
TOPOGRAPHIC SURVEYS
PARCEL SPLITS

COMMERCIAL
SITE PLANNING
SITE ENGINEERING
INDUSTRIAL & MULTI-UNIT
LAND SURVEYING
CONSTRUCTION LAYOUT

46892 WEST ROAD SUITE 109 NOVI, MICHIGAN 48377 (248) 926-3701 (BUS) (248) 926-3765 (FAX) WWW.ALPINE-INC.NET

CLIENT: **JOHN H. STRINE BUILDING CO., LLC**

TOPOGRAPHIC SURVEY

PARCEL NO. 12-26-408-025

SECTION: 26 TOWNSHIP: 3N RANGE: 8E
WHITE LAKE TOWNSHIP OAKLAND COUNTY MICHIGAN

DATE: 6/26/2023

DRAWN BY: TTP

CHECKED BY: GLM

0 10 20

FBK: 411

CHF: SB/WD

SCALE: HOR 1"=20 FT. VER 1"= FT.

1

23-257

COVERAGE:

LOT: 5645 SQ.FT.

PRO. HOUSE: 1045 S.F. (18.5%)
 PRO. GARAGE: 360 S.F. (6.4%)
 COMBINED COV: 1,405 S.F. (24.9%)

ELEVATION DATA TABLE:

HOUSE	
FINISHED FLOOR=	957.98
TOP/WALL=	957.00
FINISHED GRADE=	956.0
TOP/FOOTING=	948.00
BASEMENT FLOOR=	948.33
GARAGE	
TOP/SLAB @ DOOR=	956.33

ZONING:

R1-D, SINGLE FAMILY RESIDENTIAL

SETBACKS:

FRONT: 30'
 SIDES: 10', TOTAL 20'
 REAR: 30'

NOTE:

BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83, MICHIGAN SOUTH ZONE

JOHN H. STRINE BUILDING CO. LLC
CONTACT INFO.

PHONE: (248) 505-2272
 ADDRESS: 140 FOREST CREST, COMMERCE TWP, MI 48382

LEGEND

- EX. CATCH BASIN
- EX. MANHOLE
- △ EX. END SECTION
- EX. WATER WELL
- EX. HYDRANT
- EX. WATER SHUTOFF
- EX. LIGHTPOLE
- EX. UTILITY POLE
- EX. GUY ANCHOR
- EX. PEDESTAL
- EX. TRANSFORMER
- EX. GAS METER
- EX. ELECTRIC METER
- EX. UTILITY MARKER
- EX. HVAC
- EX. SIGN
- EX. POST/BOLLARD
- EX. FLAGPOLE
- EX. MAILBOX
- EX. FOUND IRON
- EX. SET IRON
- EX. BOULDER
- EX. TREE

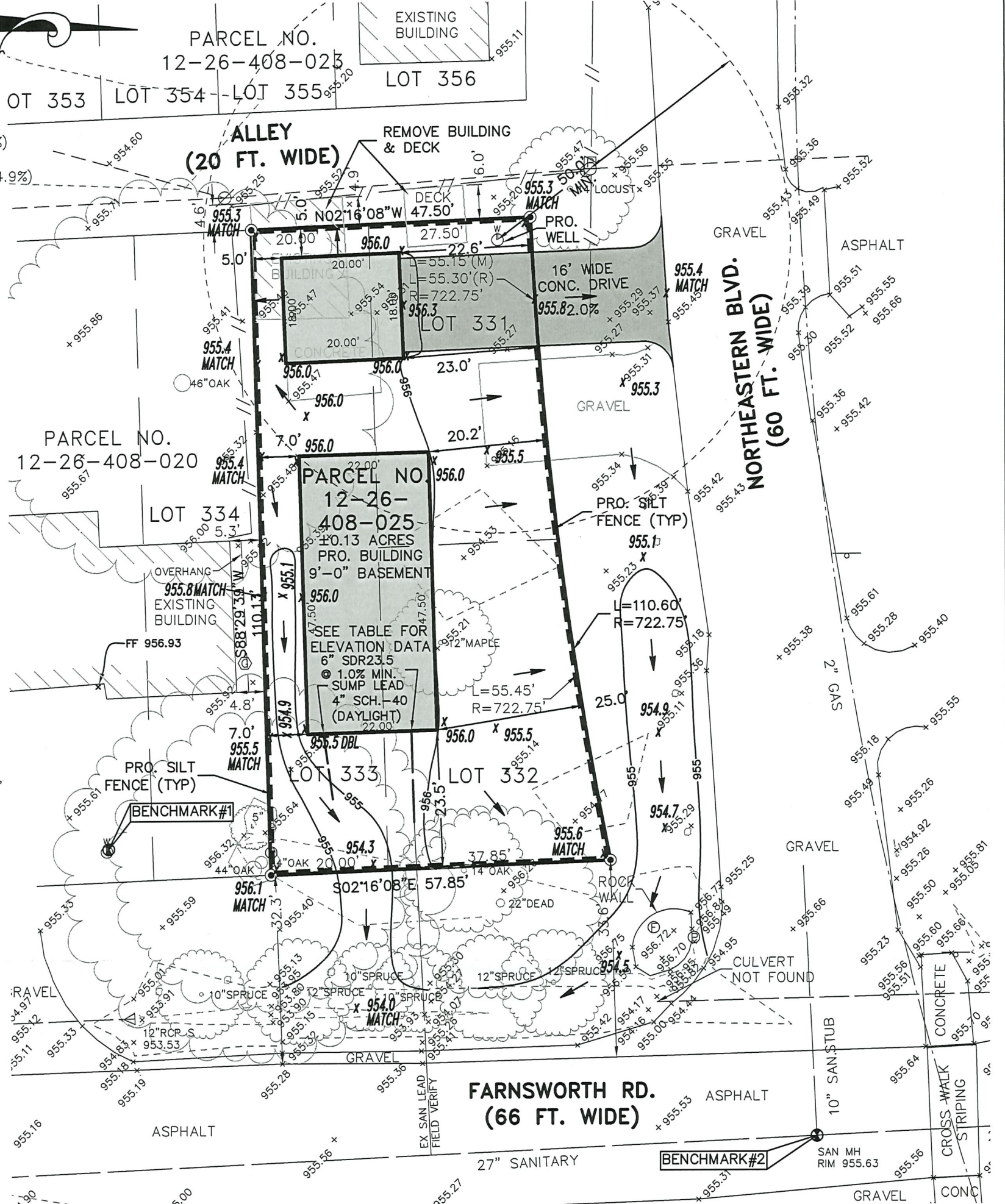
- EX. TREE LINE
- EX. FENCE
- EX. SANITARY SEWER
- EX. STORM SEWER
- EX. WATER MAIN
- EX. ELECTRIC CABLE
- EX. COMMUNICATION
- EX. GAS LINE
- EX. OVERHEAD LINE
- PRO. SANITARY
- PRO. STORM SEWER
- PRO. WATER MAIN
- PRO. SILT FENCE
- PRO. DRAINAGE ARROW
- PRO. SPOT ELEVATION
- PRO. DROP-BRICK LEDGE
- PRO. VIEW-OUT ELEVATION
- PRO. WALK-OUT ELEVATION
- PRO. WELL

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

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DESCRIPTION:

T3N, R8E, SEC 26 CEDAR CREST SUB NO 4 LOTS 331, 332 & 333 5-13-22 FR 003, 004 & 008

BENCHMARKS:

BM#1 - TOP OF WELL ON ADJACENT PROPERTY TO THE SOUTH. ELEVATION - 956.96 NAVD88
 BM#2 - RIM OF SANITARY MANHOLE AT INTERSECTION OF FARNSWORTH RD. AND NORTHEASTERN BLVD. ELEVATION - 955.63 NAVD88



NOTES:

- 1.) LOCATION OF HOUSE IS PER BUILDERS REQUEST.
- 2.) BUILDER SHOULD VERIFY DEPTH & LOCATION OF SANITARY LEAD PRIOR TO START OF CONSTRUCTION. SANITARY LEAD SHALL BE 6" PVC SDR 23.5 AT 1% MINIMUM SLOPE.
- 3.) LOCATION OF WELL IS APPROXIMATE. BUILDER SHALL DETERMINE FINAL LOCATION.
- 4.) SUMP DISCHARGE LINE SHALL BE MINIMUM 4" PVC SCH.40.
- 5.) SILT FENCE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.
- 6.) TITLE WORK NOT PROVIDED.
- 7.) TOPOGRAPHIC SURVEY PERFORMED UNDER WINTER CONDITIONS.
- 8.) DRAINAGE ON THIS PROPERTY CANNOT AFFECT ADJACENT PROPERTIES.
- 9.) MAINTAIN POSITIVE DRAINAGE ON SITE AND AWAY FROM PROPOSED STRUCTURES.
- 10.) WE DEFER TO RCOC FOR ROW PERMIT/WORK REQUIREMENTS.
- 11.) A SE PERMIT WILL BE REQUIRED FROM OCWRC.

RECEIVED
 JUL 27 2023
 BUILDING DEPARTMENT

REVISED	
DATE:	7/25/2023
DRAWN BY:	TTP
CHECKED BY:	KEH
SCALE	HOR 1"=20 FT. VER 1"=
FBK:	411
CHF:	SB/WD
	1
	23-257

RESIDENTIAL
 SUBDIVISIONS
 SITE CONDOMINIUM
 MULTI-FAMILY
 PLOT PLANS
 CONSTRUCTION LAYOUT

SURVEYING
 ALTA SURVEYS
 BOUNDARY SURVEYS
 TOPOGRAPHIC SURVEYS
 PARCEL SPLITS

COMMERCIAL
 SITE PLANNING
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 INDUSTRIAL & MULTI-UNIT
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 CONSTRUCTION LAYOUT

46892 WEST ROAD SUITE 109 NOVI, MICHIGAN 48377 (248) 926-3701 (BUS) (248) 926-3765 (FAX) WWW.ALPINE-INC.NET

CLIENT: **JOHN H. STRINE BUILDING CO., LLC**

PLOT PLAN

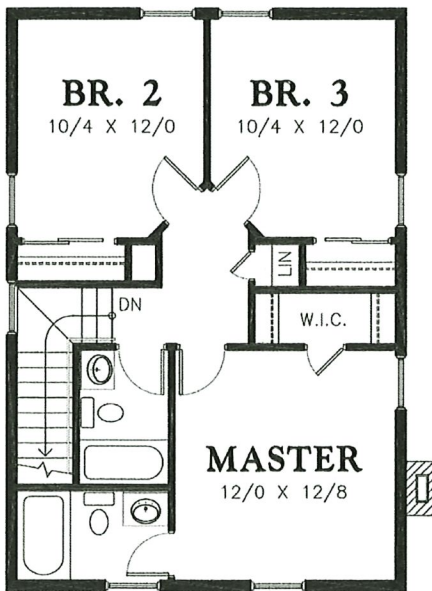
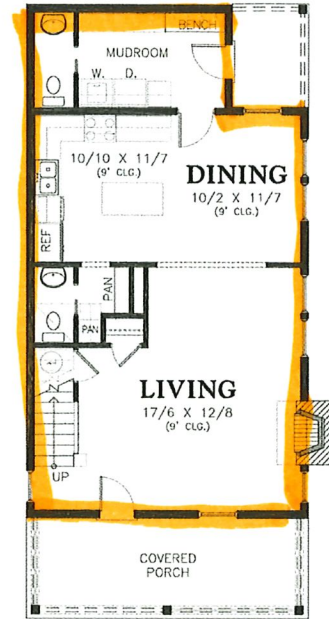
PARCEL NO. 12-26-408-025

SECTION: 26 TOWNSHIP: 3N RANGE: 8E
 WHITE LAKE TOWNSHIP OAKLAND COUNTY MICHIGAN



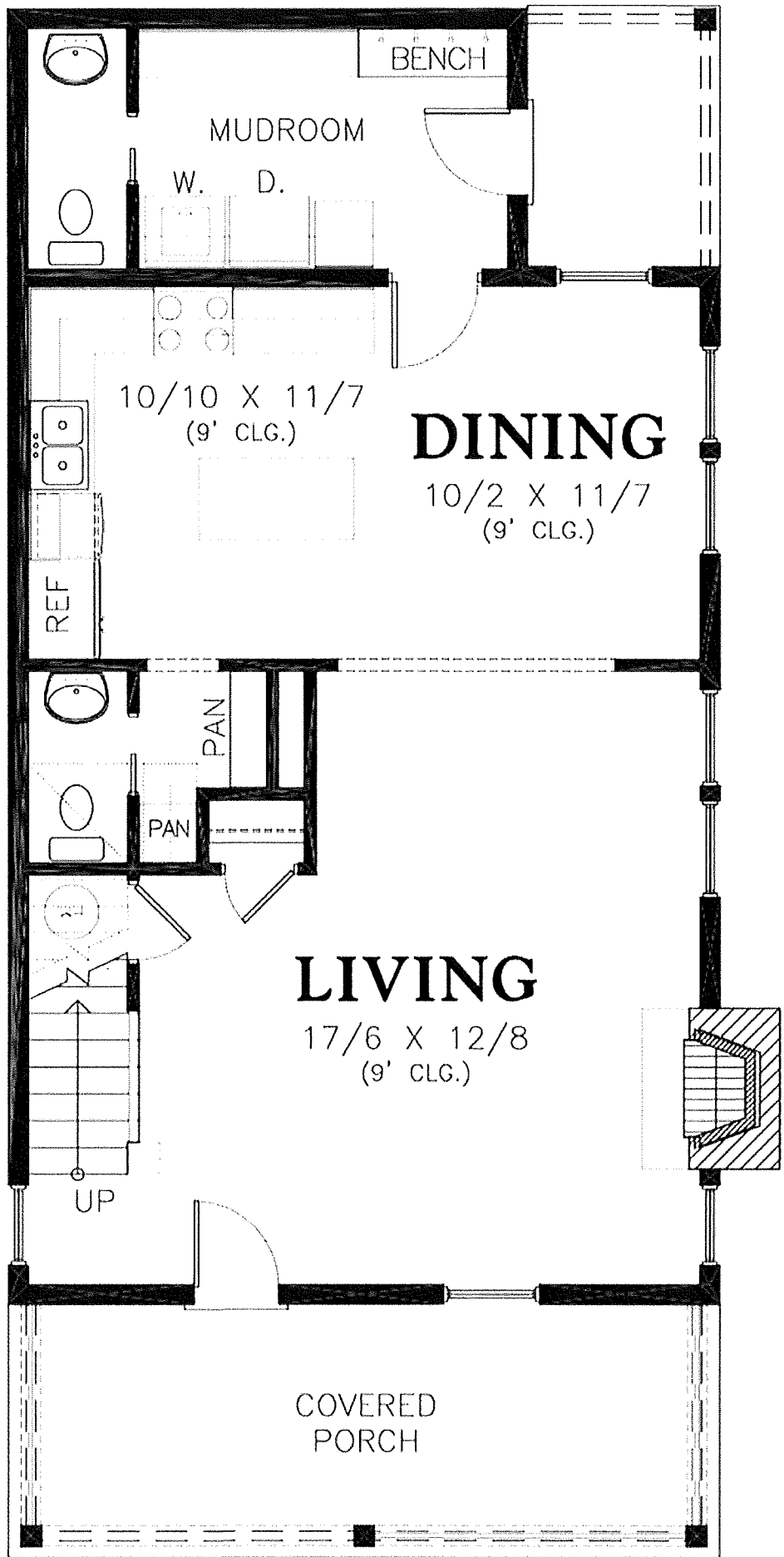
COLONIAL HOUSE PLAN 2559-00771

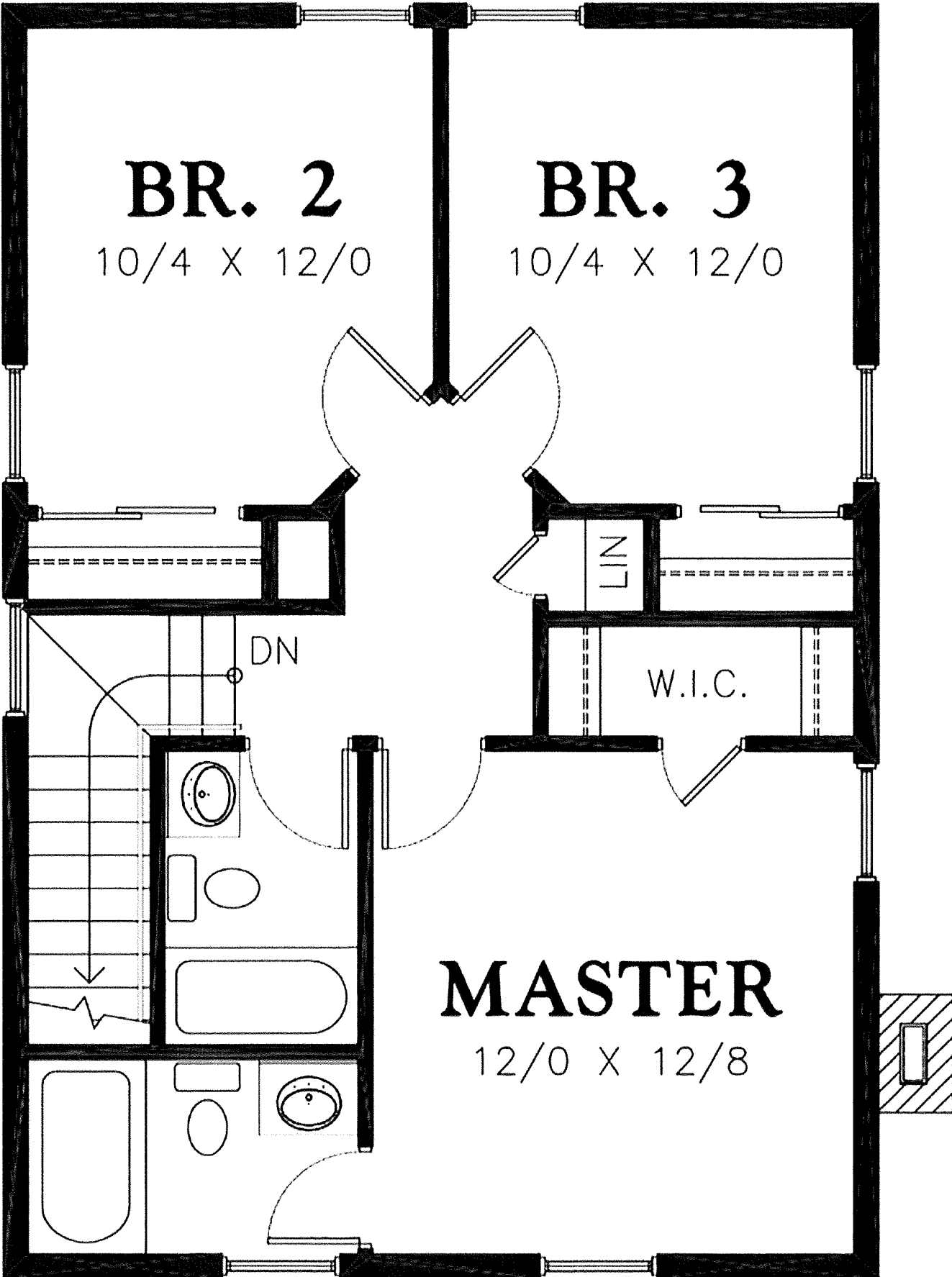
SQ FT	BEDS	BATHS	1/2 BATHS	STORIES	CARS	WIDTH	DEPTH
1,490	3	2	1	2	0	22' 0"	47' 6"



Exterior Floor Plans

Images copyrighted by the designer. Photographs may reflect a homeowner modification.





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

July 31, 2023

John Strine
140 Forest Crest Dr
Commerce, MI 48390

RE: Proposed Residential Structure on Parcel # 12-26-408-025 Farnsworth

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

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum front yard setback of 30 ft, minimum side yard setback of 10 ft, minimum lot area of 12,000 sq ft, minimum lot width of 80 ft, and maximum lot coverage of 20%.

The existing lot is legal non-conforming with an area of 5,645 sq ft. It is a corner lot with 2 front yards, where the east side front yard measures 57.85 ft. The proposed residential structure would have a side yard setback of 7 ft on the south side. The front yard setbacks are proposed to be 20.2 ft on the north side and 23.5 ft on the east side. While the proposed accessory structure maintains the required 5 ft side and rear yard setbacks, the structure would have a front yard setback of 22.6 ft. The lot is served by municipal sewer; however, it is non-conforming and has a lot coverage of 24.9%. Furthermore, the proposed residential structure is also deficient in minimum livable floor area, measuring 832 sq ft where 900 sq ft is required.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official
White Lake Township

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: August 24, 2023

Agenda item: 8c

Appeal Date: August 24, 2023

Appellant: Lorena Hawkins

Address: 1190 Sugden Lake Road
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 1190 Sugden Lake Road
White Lake, MI 48386

Property Description

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

Applicant's Proposal

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

Planner's Report

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

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.11.Q	Natural Features Setback	25 feet	8 feet	17 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Lorena Hawkins from Article 3.11.Q of the Zoning Ordinance for Parcel Number 12-33-477-003, identified as 1190 Sugden Lake Road, in order to allow an elevated deck to encroach 8 feet into the required Natural Features Setback. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- Prior to issuance of a permit by the Building Division, the Applicant shall provide the Township a site plan prepared by a surveyor to verify the proposed deck would comply with the variance.

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

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

Attachments:

1. Variance application dated July 27, 2023.
2. Plan prepared by the Applicant.
3. Letter of denial from the Building Official dated May 22, 2023.

7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION

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

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

ADDRESS: 1190 Sugden Lake Rd.

APPLICANT'S EMAIL ADDRESS: Hawkinsclampingcalendar@gmail.com

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

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

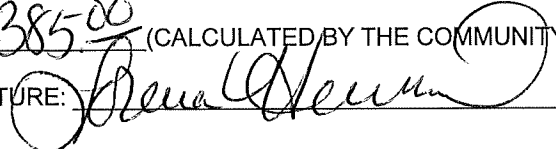
CURRENT ZONING: _____ PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Deck

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

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

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

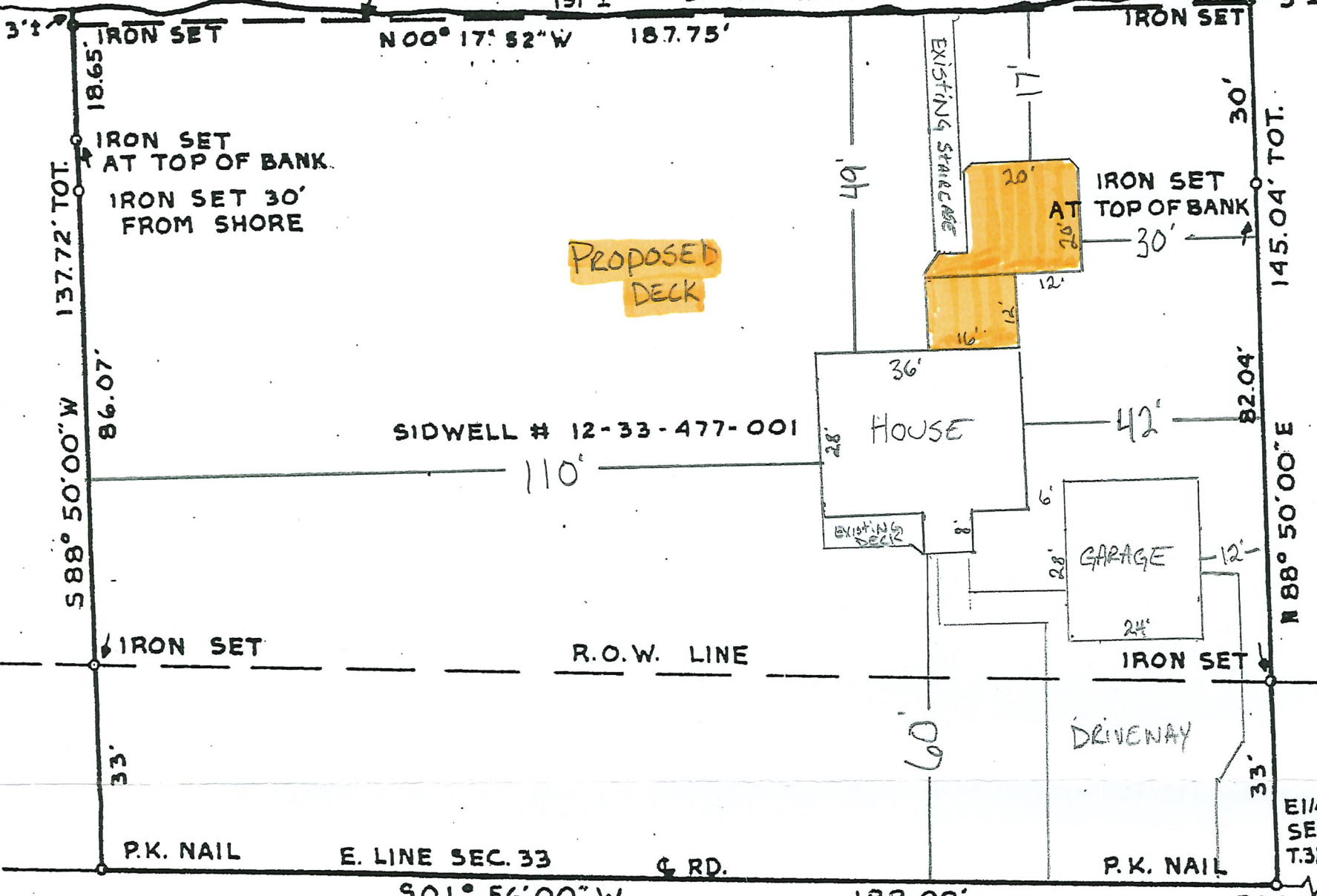
APPLICANT'S SIGNATURE:  DATE: 7/27/23



BOGIE LAKE

TRAVERSE LINE

191'± SHORE LINE



SIDWELL # 12-33-477-001

R.O.W. LINE

SUGDEN RD.

66' WD.

LAND DESCRIPTION

E1/4 COR
 SEC. 33
 T. 3N. R. 8E
 R.O.B.
 S 01° 56' 00" W
 191.00'

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



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

WHITE LAKE TOWNSHIP

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

May 22, 2023

Michael Hawkins
1190 Sugden Lake Rd
White Lake, MI 48386

RE: Proposed Deck

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

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

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

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

Sincerely,

Nick Spencer, Building Official
White Lake Township

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: August 24, 2023

Agenda item: 8d

Appeal Date: August 24, 2023

Applicant: Kim McFadden

Address: 9693 Bonnie Briar Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 9120 Buckingham Road
White Lake, MI 48386

Property Description

The 0.235-acre (10,250 square feet) parcel identified as 9120 Buckingham Road is located within the English Villas subdivision on Pontiac Lake and zoned R1-D (Single Family Residential). The property is served by a private well for water and the public sanitary sewer system for sanitation. The double lot is 95 feet wide at the front lot line.

Applicant's Proposal

Kim McFadden, the Applicant, is proposing to alter a nonconforming building and increase the cubic content of a nonconforming building by replacing the roof structure.

Planner's Report

Currently the existing house is nonconforming to setbacks; based on a site plan submitted with denied 2020 variance requests (attached for reference), the building is located 1.2 feet from the west side lot line and 15.8 feet from the front lot line. A minimum 10-foot side yard setback and 30-foot front yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 1,750 square foot deficiency in lot area; the minimum lot size requirement is 12,000 square feet in the R1-D zoning district.

Section 7.28 of the Zoning Ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months; this is in order to retain legal nonconforming status. Based on the SEV of the structure (\$36,400), the maximum extent of improvements cannot exceed \$18,200. While the Applicant has indicated the proposed project would not exceed the allowed value of improvements (\$10,000 value of improvement is listed on the variance application), Section 7.28.A of the Zoning Ordinance also does not allow the cubic content of nonconforming structures to be increased when completing repairs and maintenance up to 50% of the SEV. By increasing the roof pitch, the cubic content of the attic would be increased.

Section 7.23 of the Zoning Ordinance states nonconforming structures may not be enlarged or altered in a way which increases the nonconformity. As defined by the Zoning Ordinance, structural alteration is any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof, or any additional floor space added to the building through an addition. As previously stated, the northwest corner of the existing building is located 1.2 feet from the side lot line, with no roof overhang. The submitted plan shows a proposed 12-inch roof overhang; therefore, at the closest point the new roof overhang would be located 2.4 inches from the side lot line. Section 5.3 of the Zoning Ordinance prohibits roofs, gutters, windows, and open balconies from projecting closer than five feet to a lot line. Section 7.27.vii of the Zoning Ordinance prohibits the Zoning Board of Appeals from granting a variance to permit a setback of less than five feet from a side lot line to ensure access for fire equipment and other emergency vehicles.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Alter nonconforming roof	Increased nonconformities
2	Article 7.28.A	Nonconforming structure	No increase in cubic content	Increase cubic content	Increased nonconformities

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Kim McFadden from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-14-280-014, identified as 9120 Buckingham Road, in order to replace the roof structure on the existing building. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- The Applicant shall submit revised plans for the improvements without encroachment within five feet of the side lot line as the Zoning Board of Appeals is without authority to grant a variance with regard to the side yard setback.
- The variance shall expire at the time the structure is no longer considered legal nonconforming.

Denial: I move to deny the variances requested by Kim McFadden for Parcel Number 12-14-280-014, identified as 9120 Buckingham Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Kim McFadden *to a date certain or other triggering mechanism* for Parcel Number 12-14-280-014, identified as 9120 Buckingham Road, to consider comments stated during this hearing.

Attachments:

1. Variance application dated June 29, 2023.
2. Roof plan dated July 7, 2023.
3. Site plan submitted with 2020 variance application dated February 17, 2020.
4. Minutes of the September 10, 2020 Zoning Board of Appeals Special Meeting.

7.37 STANDARDS

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION

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

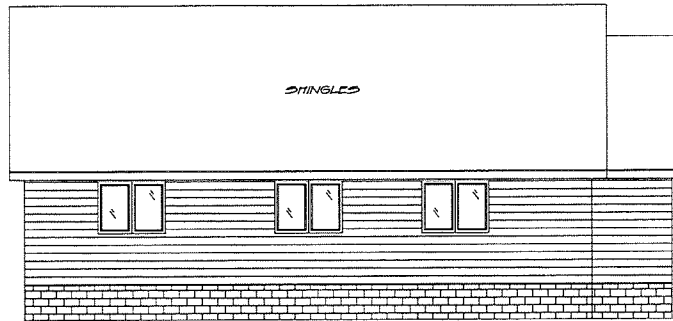
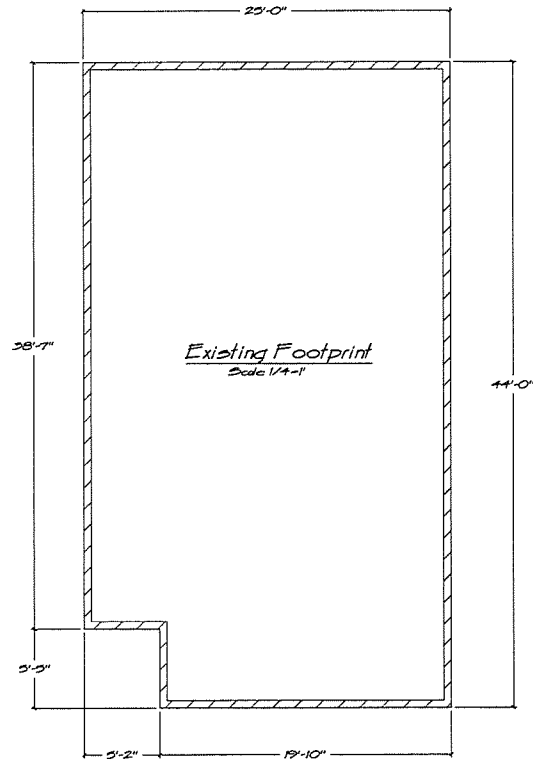
APPLICANT'S NAME: Kim McFadden PHONE: 248.666.3368
 ADDRESS: 9120 Buckingham, 48386
 APPLICANT'S EMAIL ADDRESS: jshuell7@comcast.net
 APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 9120 Buckingham PARCEL # 12 - 14-200-014⁸
 CURRENT ZONING: R-1-D PARCEL SIZE: 0.2642 / 10715A (0.14)

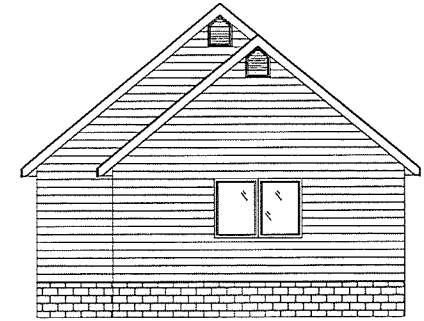
STATE REQUESTED VARIANCE AND ORDINANCE SECTION: pitch of roof
 VALUE OF IMPROVEMENT: \$ 10,000 SEV OF EXISITING STRUCTURE: \$ 32060

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

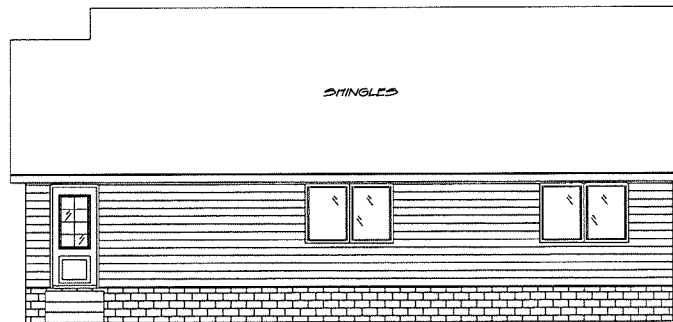
APPLICATION FEE: \$385 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
 APPLICANT'S SIGNATURE: [Signature] DATE: 6/29/2023



Left Elevation
Scale: 1/4"=1'



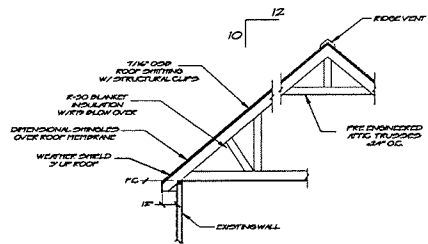
Front Elevation
Scale: 1/4"=1'



Right Elevation
Scale: 1/4"=1'



Rear Elevation
Scale: 1/4"=1'



Proposed Roof / Truss Detail
Scale: 1/4"=1'

NOTES:
TRUSS PLAN TO BE PRESENT AT FINAL INSPECTION.
ALL DED RT. WINDOWS MEET EGRESS REQ.

Proposed Home Remodel Plan			
9120 Duckington St. White Lake, MI, 48386		Kim McFadden	
DATE	UPDATES	SCALE	DRAWING NO.
7-7-23	-	NOTED	1001

CHARTER TOWNSHIP OF WHITE LAKE Zoning Board of Appeals APPLICATION

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

APPLICANT'S NAME: Kim McFadden PHONE: 248.666.3368

ADDRESS: 9693 Bonnie Dr, Whit Lk

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

ADDRESS OF AFFECTED PROPERTY: 9120 Buckingham PARCEL # 12 - 14-280-014

CURRENT ZONING: R1-D PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

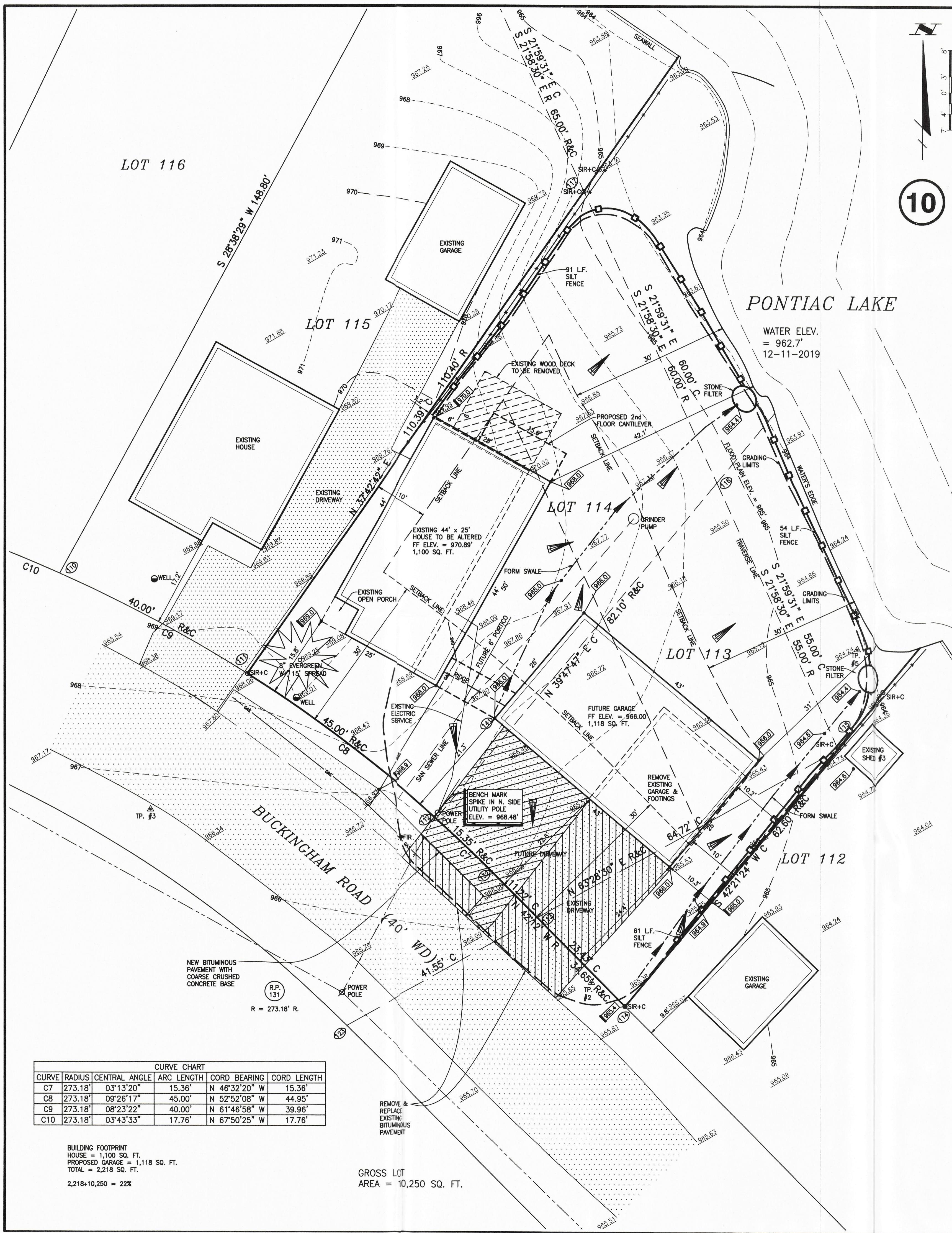
STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

Due to the prior owner's health conditions (living in house for over a year without water or lavatory facilities), the structures on the property have deteriorated to the point of them being unusable and/or livable. To bring the property and structures to the current building standards of the neighborhood, surrounding area and values.

APPLICATION FEE: 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: [Signature] DATE: 12/18/19

Kimcfadden1@comcast.net



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SOIL EROSION CONTROL AND MAINTENANCE NOTES:

1. ALL EROSION AND SEDIMENT CONTROL PROCEDURES SHALL CONFORM TO OAKLAND COUNTY'S DESIGN CRITERIA AND IMPLEMENTATION PROCEDURES FOR EROSION AND SEDIMENTATION CONTROL.
2. DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENTATION CONTROL MEASURES AND ANY NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
3. EROSION AND SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON ANY OFF-SITE AREAS, WETLANDS OR WATERWAYS. WATERWAYS INCLUDE BOTH NATURAL AND MANMADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND PONDS.
4. EROSION AND SEDIMENTATION CONTROL MEASURES ARE TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENT CONTROL PRACTICES SHALL BE APPLIED AS A PERIMETER DEFENSE AGAINST ANY TRANSPORTATION OF SILT OFF THE SITE.
5. CONTRACTOR SHALL APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL AS FOLLOWS: SILT FENCE DIVERSION BARRIER WITH STONE OUTLET FILTERS AS HEREON SHOWN AND INSTALL CATCH BASIN/INLET FILTERS.
6. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PERMANENTLY STABILIZED IMMEDIATELY (WITHIN 5 DAYS) FOLLOWING THE COMMENCEMENT OF THE NEXT PLANTING SEASON. DORMANT SEEDING IS ALSO RECOMMENDED FOR EARLY SPRING GROWTH.
7. STABILIZE ALL DISTURBED AREAS THAT EXCEED A SLOPE OF 1 ON 4 WITH EXCELSIOR BLANKET OR APPROVED SOIL EROSION CONTROL MATS.
8. BEGIN BUILDING CONSTRUCTION, PROPOSED FOR WINTER OF 2020.
9. INSTALL DRY WELLS, PERFORATED TILE AND RIP-RAP. WRAP RIMS WITH GEOTEXTILE FABRIC AND COVER WITH PEA STONE FILTERS.
10. INSTALL ALL PUBLIC UTILITIES: GAS, ELECTRIC, TELEPHONE ETC.
11. INSTALL PAVEMENT, REPAIR AND/OR REPLACE STONE INLET AND OUTLET FILTERS AS REQUIRED.
12. FINISH GRADE, REDISTRIBUTE TOPSOIL AND ESTABLISH VEGETATION AND/OR LANDSCAPE ALL DISTURBED AREAS NOT BUILT UPON OR PAVED. ALL DISTURBED AREAS WITHIN THE RIGHT OF WAY SHALL BE SEED WITHIN 5 DAYS OF FINAL GRADING.
13. CLEAN PAVEMENTS, WALKS, SWALES, DITCHES, CULVERTS, WATERCOURSES, STORM SEWERS, RETENTION AND/OR DETENTION BASINS, LAKES, STREAMS AND WETLANDS OF ALL ACCUMULATED SEDIMENT IN CONJUNCTION WITH THE REMOVAL OF ALL TEMPORARY SOIL EROSION CONTROL MEASURES. RE-ESTABLISH VEGETATION AS NECESSARY IN DISTURBED AREAS.
14. COMPLETE BUILDING CONSTRUCTION. COMPLETION PROPOSED FOR SUMMER OF 2020.

SEQUENCE OF OPERATIONS FOR SOIL EROSION CONTROL:

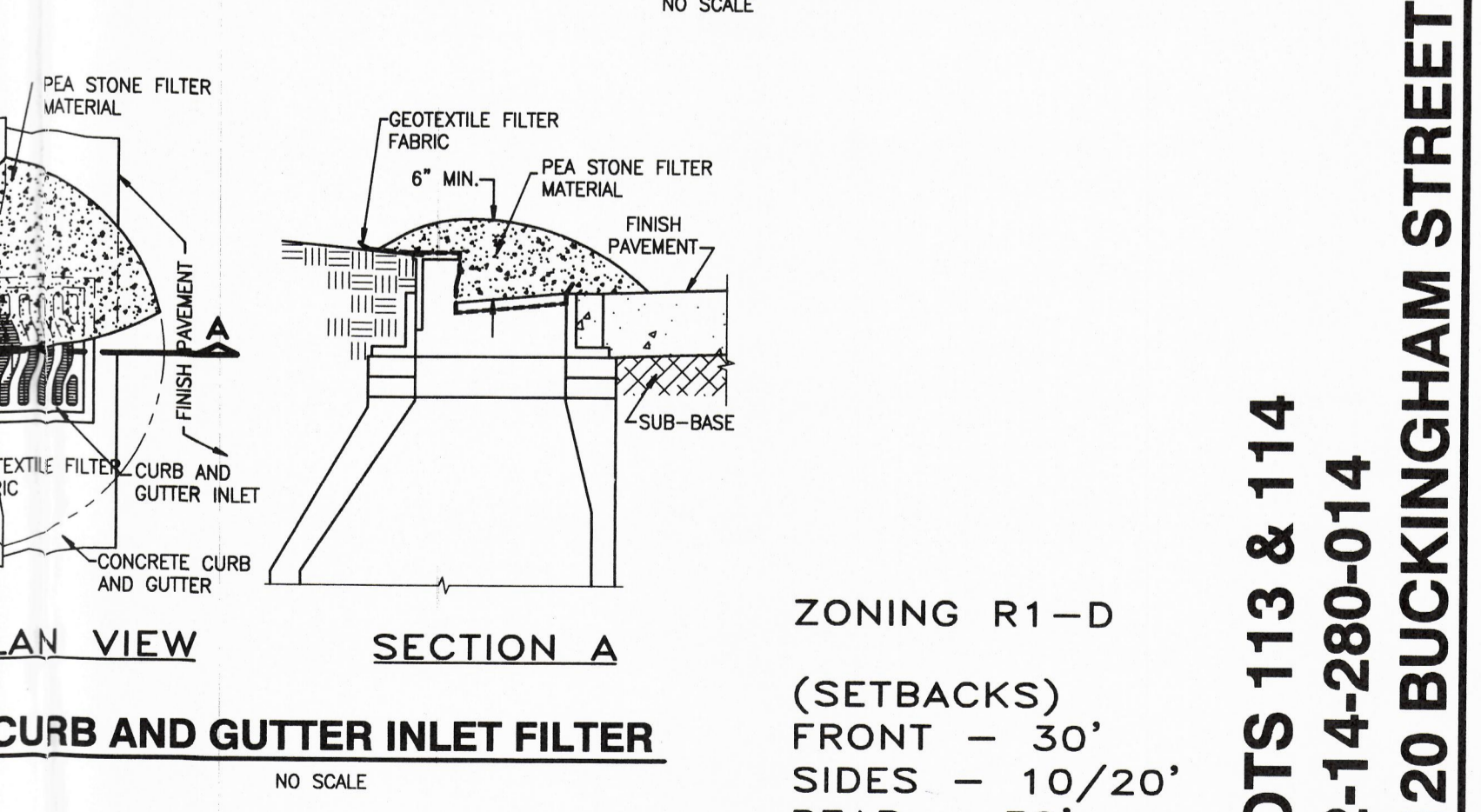
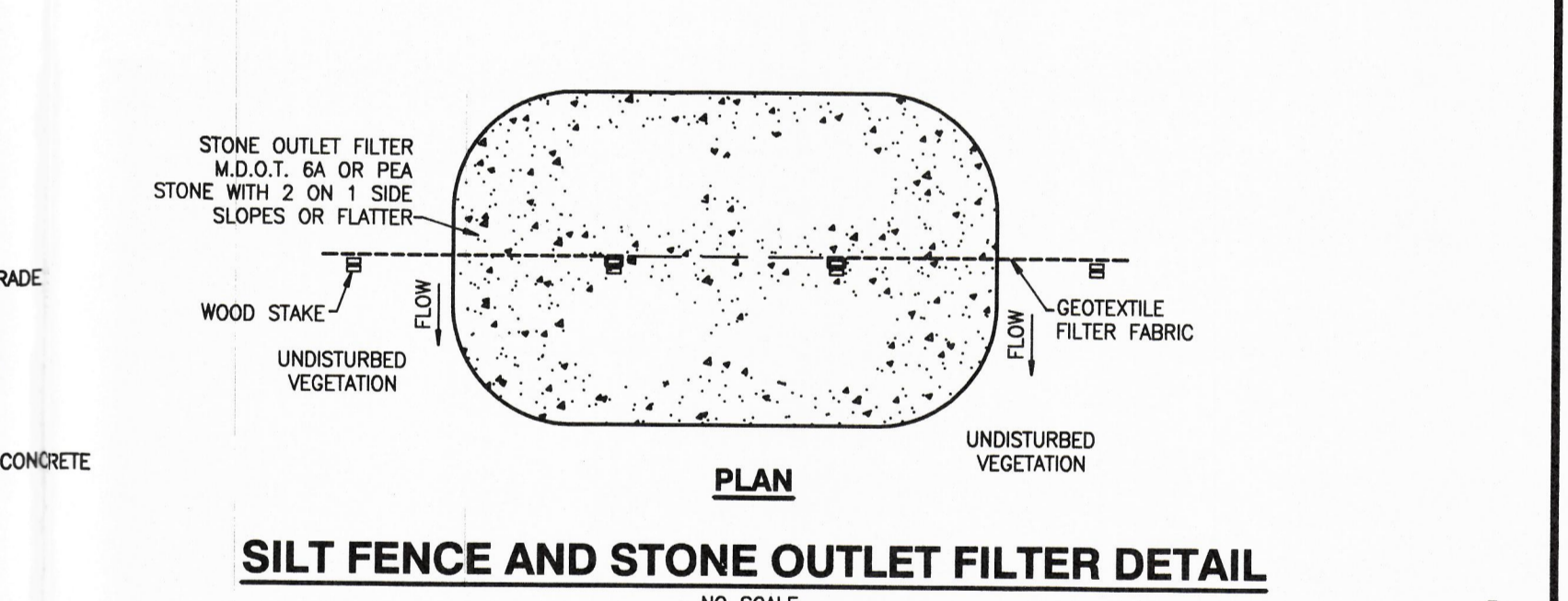
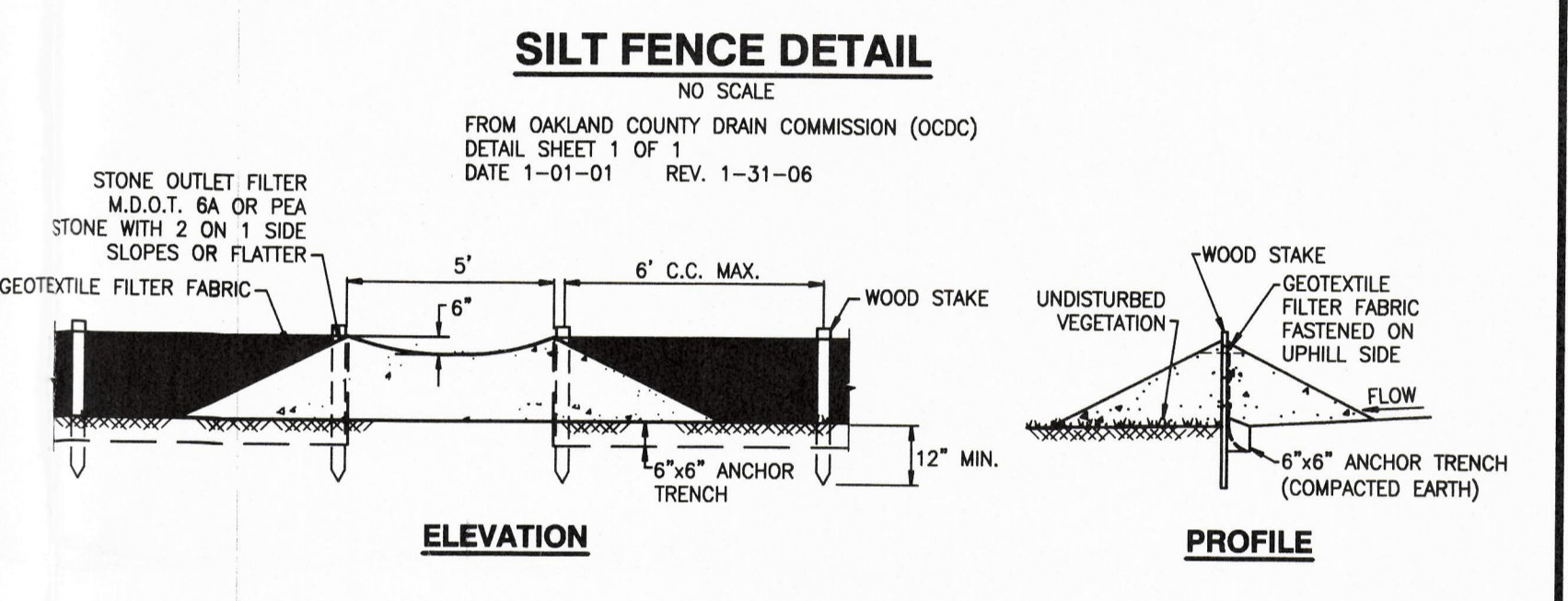
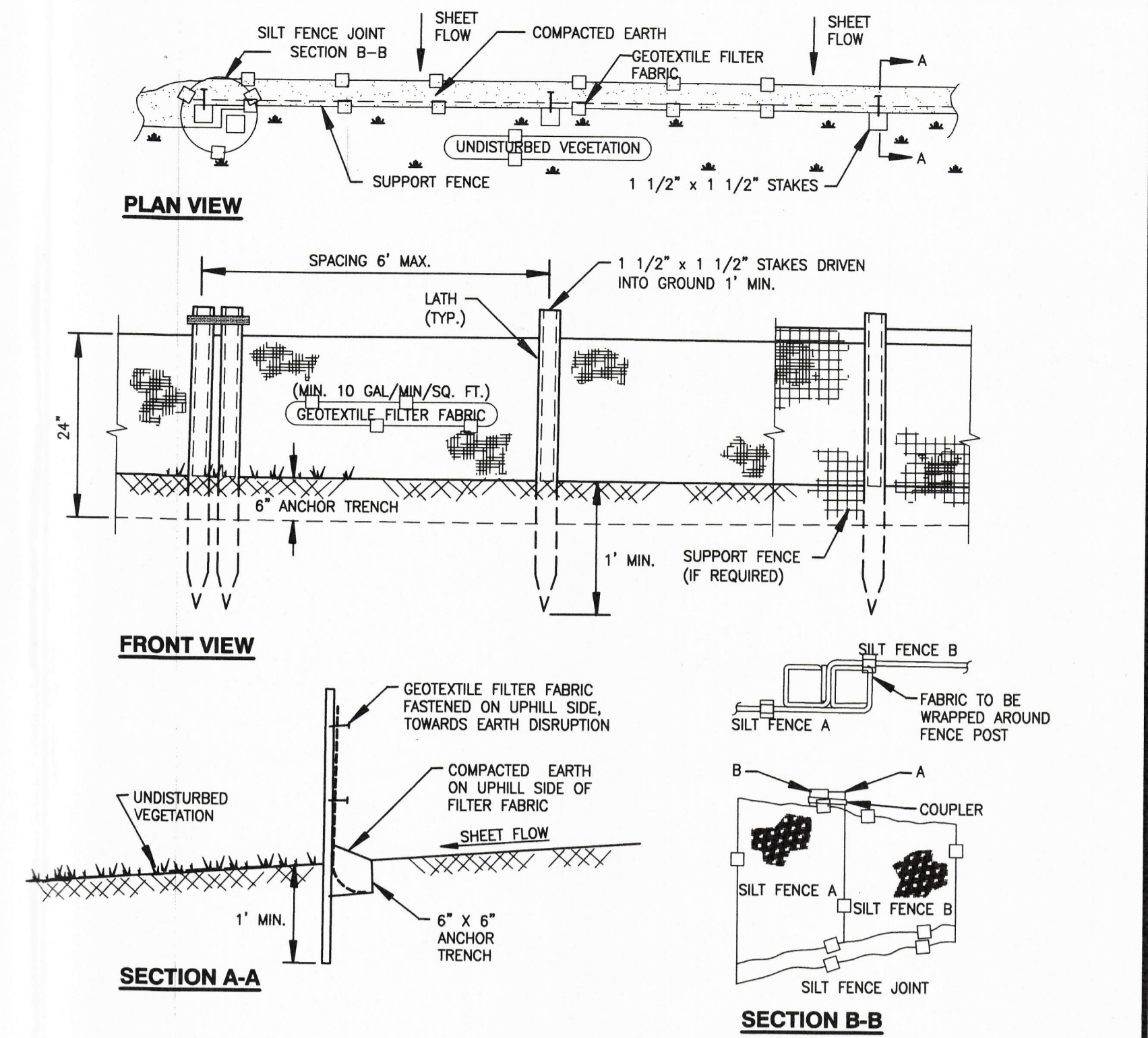
1. PROVIDE PERIMETER SEDIMENTATION CONTROLS, AS SPECIFIED IN THE SEQUENCE OF OPERATIONS, AT LOCATIONS AS ILLUSTRATED ON THESE DRAWINGS.
2. INSTALL GEOTEXTILE SEDIMENT CONTROL FENCE WITH THE TAIL ANCHORED IN A 6" DEEP TRENCH. INSTALL ACCESS DRIVE CONSISTING OF 6" DEEP COARSE CRUSHED CONCRETE ON GEOTEXTILE FABRIC AS ILLUSTRATED.
3. IF THE PROPOSED PERIMETER PROTECTION CANNOT BE PROPERLY MAINTAINED, OR PROVES TO BE INSUFFICIENT, THEN ADDITIONAL PERIMETER SEDIMENTATION CONTROLS SUCH AS GEOTEXTILE SILT FENCE AND BERMS SHALL BE REQUIRED.
4. CLEAR, GRUB, STRIP AND STOCKPILE TOPSOIL.
5. GRADE THE SITE, IMMEDIATELY ESTABLISH VEGETATION ON ALL DITCHES AND SWALES. OR, INSTALL TEMPORARY STABILIZATION DURING THE NON-GROWING SEASON FOR ALL AREAS TO BE SEED OR SOODED. NOTE: ALL AREAS TEMPORARILY STABILIZED DURING THE NON-GROWING SEASON SHALL BE PERMANENTLY STABILIZED IMMEDIATELY (WITHIN 5 DAYS) FOLLOWING THE COMMENCEMENT OF THE NEXT PLANTING SEASON. DORMANT SEEDING IS ALSO RECOMMENDED FOR EARLY SPRING GROWTH.
6. STABILIZE ALL DISTURBED AREAS THAT EXCEED A SLOPE OF 1 ON 4 WITH EXCELSIOR BLANKET OR APPROVED SOIL EROSION CONTROL MATS.
7. BEGIN BUILDING CONSTRUCTION, PROPOSED FOR WINTER OF 2020.
8. INSTALL DRY WELLS, PERFORATED TILE AND RIP-RAP. WRAP RIMS WITH GEOTEXTILE FABRIC AND COVER WITH PEA STONE FILTERS.
9. INSTALL ALL PUBLIC UTILITIES: GAS, ELECTRIC, TELEPHONE ETC.
10. INSTALL PAVEMENT, REPAIR AND/OR REPLACE STONE INLET AND OUTLET FILTERS AS REQUIRED.
11. FINISH GRADE, REDISTRIBUTE TOPSOIL AND ESTABLISH VEGETATION AND/OR LANDSCAPE ALL DISTURBED AREAS NOT BUILT UPON OR PAVED. ALL DISTURBED AREAS WITHIN THE RIGHT OF WAY SHALL BE SEED WITHIN 5 DAYS OF FINAL GRADING.
12. CLEAN PAVEMENTS, WALKS, SWALES, DITCHES, CULVERTS, WATERCOURSES, STORM SEWERS, RETENTION AND/OR DETENTION BASINS, LAKES, STREAMS AND WETLANDS OF ALL ACCUMULATED SEDIMENT IN CONJUNCTION WITH THE REMOVAL OF ALL TEMPORARY SOIL EROSION CONTROL MEASURES. RE-ESTABLISH VEGETATION AS NECESSARY IN DISTURBED AREAS.
13. COMPLETE BUILDING CONSTRUCTION. COMPLETION PROPOSED FOR SUMMER OF 2020.

EROSION CONTROL MAINTENANCE MEASURES

THE CONTRACTOR SHALL INSTALL AND MAINTAIN IN PROPER WORKING ORDER ALL OF THE SOIL EROSION CONTROL STRUCTURES AND MATERIALS AS DETAILED ON THESE PLANS. INSPECTION AND EVALUATION OF SOIL EROSION CONTROL MEASURES SHALL BE PERFORMED AT LEAST DAILY AS WELL AS DURING AND IMMEDIATELY FOLLOWING RAIN OR THAWING. MAINTENANCE SHALL BE PERFORMED AND MODIFICATIONS IN MATERIALS AND METHODS MADE AS REQUIRED TO PREVENT ANY EROSION OF SOILS OR MIGRATION OF SILTS FROM THIS SITE.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (N.P.D.E.S.) PERMIT REQUIREMENTS REQUIRE WEEKLY INSPECTIONS BY A CERTIFIED STORM WATER MANAGEMENT OPERATOR AS WELL AS INSPECTIONS WITHIN 24 HOURS OF ANY RAINFALL. THESE INSPECTIONS MAY RESULT IN RECOMMENDATIONS FOR MODIFICATIONS AND MAINTENANCE WHICH SHALL BE CARRIED OUT BY THE CONTRACTOR WITHOUT DELAY.

1. THE CONTRACTOR SHALL MAINTAIN, ENLARGE AND REPAIR THE COARSE CRUSHED CONCRETE CONSTRUCTION ACCESS DRIVE AS NECESSARY. COARSE CRUSHED CONCRETE IS TO BE ADDED OR REPLACED WHEN FILLED WITH SEDIMENT, IT PONDS WATER OR IS RUPTURED. DRIVERS SHALL BE INSTRUCTED TO CLEAN TIRES, TAILGATES AND HITCHES TO PREVENT MUD, DIRT AND GRAVEL FROM BEING TRANSPORTED OFF SITE.
2. THE CONTRACTOR SHALL IMMEDIATELY REMOVE ALL DIRT TRACKED ONTO OFFSITE PAVEMENT AND ROADWAYS.
3. THE CONTRACTOR SHALL CLEAN THE SILT FROM THE PEA STONE OUTLET FILTERS AND INLET FILTERS AS NECESSARY.
4. THE CONTRACTOR SHALL REPAIR, REPLACE, RETRENCH, REBACKFILL OR ERECT FALLEN DOWN, UNDERMINED OR OVERRUN SILT FENCE AS REQUIRED TO MAINTAIN ITS EFFECTIVENESS TO CONTAIN OR DIRECT STORM WATER TO THE PEA STONE FILTERS.
5. THE CONTRACTOR SHALL CLEAN AND REPLACE THE STONE IN THE INLET FILTERS AND REPLACE TORN OR DAMAGED FILTER FABRIC AS REQUIRED.
6. THE CONTRACTOR SHALL REPAIR ERODED OR DAMAGED SLOPES. THE DAMAGED AREA OF THE SLOPES SHALL BE STABILIZED WITH STONE AND/OR TOPSOIL, SEED AND MULCH OR EROSION CONTROL BLANKETS WITH A THIN COVER OF MULCH.
7. THE CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL STRUCTURES AND MATERIALS WHEN THEY ARE NO LONGER NEEDED AND/OR VEGETATION IS VIGOROUSLY ESTABLISHED OVER UNPAVED AREAS. TOPSOIL, SEED, MULCH AND EROSION CONTROL BLANKETS SHALL BE PLACED OR INSTALLED AS REQUIRED IN AREAS EXPOSED BY THE REMOVAL OF SILT FENCE AND STONE OUTLET FILTERS WHEN THEY ARE NO LONGER NEEDED.



LEGEND

- FLOW ARROW
- PROPOSED GRADE
- MATCH EXISTING GRADE
- SETBACK LINE
- EXIST. SAN. SEWER
- COARSE CRUSHED CONCRETE
- EXIST. ASPH.

CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CORD BEARING	CORD LENGTH
C7	273.18'	03°13'20"	15.36'	N 46°32'20" W	15.36'
C8	273.18'	09°26'17"	45.00'	N 52°52'08" W	44.95'
C9	273.18'	08°23'22"	40.00'	N 61°46'58" W	39.96'
C10	273.18'	03°43'33"	17.76'	N 67°50'25" W	17.76'

BUILDING FOOTPRINT
HOUSE = 1,100 SQ. FT.
PROPOSED GARAGE = 1,118 SQ. FT.
TOTAL = 2,218 SQ. FT.
2,218/10,250 = 22%

GROSS LOT
AREA = 10,250 SQ. FT.

Surveying Michigan with pride

72 HOURS
(3 WORKING DAYS)
**BEFORE YOU DIG
CALL MISS DIG
DIAL 811
(TOLL FREE)**

FIELD BOOK: _____ PAGE: _____
FIELD BOOK: _____ PAGE: _____
DRAWING FILE: 191201.dwg
DATA FILE: 191201P
DESC. FILE: 191201

GRANT J. WARD
REGISTERED LAND SURVEYOR
LICENSE NO. 2445

LOTS 113 & 114 SITE PLAN
ENGLISH VILLAS SUBDIVISION, L. 51, P. 22, LOTS 113 & 114, T.3N., R.8E., OAKLAND COUNTY, SECTION 14, P.L. #12-14-280-014
9120 BUCKINGHAM STREET, WHITE LAKE, MICHIGAN 48386

For **KIMBERLY E. McFADDEN & JOHN SHUELL**
91693 BONNIE BRIAR
WHITE LAKE, MICHIGAN 48386
jshuell7@comcast.net (248) 672-9420

DATE: FEBRUARY 17, 2020
DECEMBER 26, 2019

SHEET 1 OF 1
SCALE: 1" = 10'
JOB NO.: 19-1201

REGISTERED LAND SURVEYORS
655 BROADWAY - P.O. BOX 440
DAVISBURG, MICHIGAN 48350
PHONE: (248) 634-0700
EMAIL: GWS@TR.COM

**LOTS 113 & 114
12-14-280-014
9120 BUCKINGHAM STREET**

ZONING R1-D
(SETBACKS)
FRONT - 30'
SIDES - 10/20'
REAR - 30'

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS-SPECIAL MEETING
SEPTEMBER 10, 2020
7525 Highland Road
White Lake, MI 48383

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

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

Also Present: Justin Quagliata, Staff Planner
Sean O’Neil, Planning Director
Lisa Hamameh, Township Attorney
Hannah Micallef, Recording Secretary

Visitors: 0

Approval of the Agenda:

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

Approval of Minutes:

Zoning Board of Appeals Regular Meeting July 23, 2020.

Mr. Schillack pointed out errors to the spelling of his name on page 5 and page 9. MOTIONED to approve the regular meeting minutes of July 23, 2020 as amended. supported and the MOTION CARRIED with a roll call vote (Dehart/yes, Powell/yes, Schillack/yes, Spencer/yes, Walz/yes).

New Business

- a. Applicant: Donna Marie and James Bauer
2039 Ridge Road
White Lake, MI 48383
- Location: **2039 Ridge Road**
White Lake, MI 48383 identified as 12-18-351-056
- Request: The applicant requests to construct an accessory building, requiring variances from Article 3.11.Q, Water Features Setback and Article 5.7.B, Accessory Buildings or Structures in Residential Districts due to the proposed accessory building setbacks from the lake and side lot line.

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

Property Description

The approximately 0.49-acre (21,344.4 square feet) parcel identified as 2039 Ridge Road is located on White Lake within the Stison Lake subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,599 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Donna Marie & James Bauer, the applicants, are proposing to construct an accessory structure (pergola) in the rear yard. The proposed structure would be located on an existing patio.

Planner's Report

The proposed pergola is 12 feet by 16 feet (192 square feet) in size. The applicants intend to locate the pergola west of the existing house, in the rear yard along the frontage of White Lake. Section 3.11.Q of the zoning ordinance states no building shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The pergola would be located 16 feet from the water's edge, which follows the seawall. A variance of nine (9) feet is requested for the setback from the lake.

The zoning ordinance prohibits accessory buildings from encroaching within five (5) feet of a side lot line. The outer edge of the pergola posts are located four (4) feet from the north side lot line. Roofs and gutters also cannot project closer than five (5) feet to the lot line. The roof overhang on the proposed pergola is located three (3) feet from the north side lot line. Section 7.27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from granting a variance of less than five feet from a side lot line for safety reasons.

Mr. Powell asked staff what the definition of a pergola. Mr. Quagliata said the proposed pergola was an accessory structure, and said pergola contained four posts with an open slatted roof. The pergola would be a fully covered structure and permanently grounded. Anything permanently attached to the ground was considered a structure. Mr. Quagliata added the 25' setback from the lake was needed for visibility purposes. Mr. Quagliata also added the site plan submitted with the variance application did not show the whole property, and the house was not labeled in relation to the pergola, and there was no measurement shown from the house to the pergola. The pergola had to be 10' from the house to be considered an accessory structure; anything closer than 10' would be considered part of the house.

Mr. O'Neil added the zoning ordinance defined structure as anything constructed or erected which required permanent location on the ground, or attachment to something having such location.

Ms. Dehart asked staff how far the pergola encroached into the side yard setback. Mr. Quagliata said the post of the proposed pergola would be 4' from the north side lot line, and the overhang would be 3' from the side lot line. A structure setback is measured to the outside edging of a footing; and eaves, roofs or gutters cannot be within 5' of the lot line.

Mr. Bauer was in attendance to represent his case. He said he can adjust the border of the pergola so it's at least 5' away from the northern property line. He also added the reason for the pergola is to provide shade from the sun and rain. The sun beats down on the home's paver deck as it is now. A concrete patio comes out from the house about 20' ft, and past that is where the paver stones are. The pergola would be constructed where the pavers are now.

Mr. Powell said he met the applicant, and he was able to see the irons for the north property line, and the applicant shared he could move the pergola further away from the northern property line. He asked Mr. Bauer if the pergola can be constructed 10' from the house, and asked what would the applicant do if the dimensions on the plan were incorrect and the structure was closer to the lake?

Mr. Bauer said the pergola will be 10' from the house. He also said the shoreline in front of the home is concave, and at the northern part of the property line, there's 16', but as it curves towards the middle of the property, it is shorter than 16'.

Mr. Powell asked if the eave on the pergola will be an architectural feature for the distance between the house and the structure? Mr. Quagliata said no, the pergola will be measured from it's post to the home.

Ms. Dehart asked how many feet the proposed structure would be from the house? Mr. Quagliata said it's not shown on the plan, but the applicant said it would be 10' from the home. It could be moved closer to the home, but then the pergola would be considered part of the principal structure, and would have to meet the side yard setback for a principal structure.

Ms. Spencer opened the public hearing at 7: 21 P.M. Seeing none, she closed the public hearing at 7:21 P.M.

Mr. Powell said his issue is the impact of the pergola on the neighbors. He said there's a difference between an open, slatted roof, and the roof that was proposed. The roof proposed was very high, and would overshadow the size of the pergola. This would impact the view of the neighbors to the north.

Mr. Bauer said the pitch of the roof could be adjusted, and it didn't have to be as high as originally planned.

Mr. Powell asked the applicant if his in-laws were bound to the walkout level of the house or can the main floor be utilized? Mr. Bauer said his mother cannot navigate stairs well. Mr. Powell added he noticed the covered porch on the walk out level as well as the second-floor porch during his visit, and this pergola would make a third covered area.

Mr. Walz said a practical difficulty doesn't exist with this case in his opinion. Ms. Spencer agreed and said there are other alternatives that can be used, such as umbrellas or large trees.

Ms. Dehart asked would a freestanding pergola be an accessory structure? Mr. Quagliata said no, as long as it can be relocated and moved around. Ms. Dehart added that without a survey, it's unsure how far the proposed structure would be from the water line.

Mr. Walz asked if the size of the pergola was reduced, would a permit be needed? Mr. Quagliata confirmed, if a reduced pergola was relocated out of the 25' setback from the water and out of the setback from the north lot line, the pergola could be constructed without variance.

Mr. Walz asked the applicant if any consideration was given to a size reduction of the pergola? Mr. Bauer said he wouldn't be able to set the pergola back because the shoreline is concave, and the back of the house has the concrete slab that extends out. He added that they do have an umbrella, but it is not sufficient.

Mr. Walz MOVED to deny the variance requested by Donna Marie & James Bauer for Parcel Number 12-18-351-056, identified as 2039 Ridge Road, due to the following reason(s):

- **The request is a self created hardship and a practical difficulty does not exist. Denial of this request does not unreasonably prevent the owner from using the site for it's permitted use.**

Ms. Dehart SUPPORTED, and the MOTION CARRIED with a roll call vote (5 yes votes):

Dehart: YES; there are alternatives and it is a self-imposed hardship.

Powell: YES; the applicant has other means of providing shade, and there is usable area and the owner is not being prevented from using his property.

Schillack: YES; for the reasons stated.

Walz: YES; for the reasons stated.

Spencer: YES; this is a self created hardship and by denying this request, the applicant is not being denied use of his property, and there are other alternatives.

- b. Applicant: Kim McFadden
9693 Bonnie Briar
White Lake MI,48386
Location: **9120 Buckingham**
White Lake, MI 48386 identified as 12-14-280-014
Request: The applicant wishes to construct a second-story addition on an existing one-story home, and add an attached garage, that will require variances to Article 3.1.6.E, R1-D Single Family Residential Front-Yard setback, Side-Yard setback, Lot Coverage, and Lot Size. A variance to Article 7.28.A, Repairs and Maintenance to Non-Conforming Structures, will be required due to both the value of improvements and the increase in cubic content.

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

Property Description

The approximately 0.235-acre (10,250 square feet) parcel identified as 9120 Buckingham is located within the English Villas subdivision on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property utilizes a private well for water and the public sanitary sewer system for sanitation. The double lot (Lots 113 and 114) contains 95 feet in width at the front property line.

Applicant's Proposal

Kim McFadden, the applicant, is proposing to construct a two-story addition to the existing 878 square foot house. The project involves adding 450.5 square feet to the first floor and constructing a 1,262.5 square foot

second story on the existing dwelling; the total size of the house with the addition would be 2,591 square feet. A four-car, two-story garage addition is also proposed to replace the existing 440 square foot single-story detached garage. Including the second story the new garage would be 2,184 square feet in size. The 66 square foot covered area identified as “portico” on the plans would connect the two structures. The garage would be part of the principal structure if connected to the house. Therefore, the total size of the proposed structure is 4,775 square feet, an increase in 3,897 square feet.

Planner’s Report

Currently the existing house is nonconforming to setbacks; the structure is located 1.2 feet from the west side lot line and 15.8 feet from the front lot line. A minimum 10-foot side yard setback and 30-foot front yard setback are required in the R1-D zoning district. The parcel is also nonconforming due to a 1,750 square foot deficiency in lot area; the minimum lot size requirement is 12,000 square feet in the R1-D zoning district.

Article 7, Section 28 of the Zoning Ordinance states maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in repairs in any period of twelve (12) consecutive months in order to retain its legal nonconforming status. Based on the SEV of the structure (\$3,680), the maximum extent of improvements cannot exceed \$1,840. The value of the proposed work is \$165,000, which far exceeds the allowed value of improvements by 8,967%. Further, Article 7, Section 28 of the Zoning Ordinance does not allow the cubic content of nonconforming structures to be increased. Additionally, Article 7, Section 23 of the Zoning Ordinance states nonconforming structures may not be enlarged or altered in a way which increases the nonconformity.

According to the Building Department, the current garage cannot support the proposed addition. The applicant would demolish the existing garage and attach the new garage to the house with a roofed structure. The proposed lot coverage is 23.61% (2,420.5 square feet), which is 3.61% (370.5 square feet) beyond the allowable limit (2,050 square feet). As proposed, the addition at its closest point would be located 18 feet from the road right-of-way, requiring a variance of 12 feet from the required 30-foot front yard setback.

The northwest corner of the existing structure and proposed second story addition is located 1.2 feet from the side lot line. Article 7, Section 27.vii of the Zoning Ordinance prohibits the Zoning Board of Appeals from granting a variance to permit a setback of less than five feet from a side lot line to ensure access for fire equipment and other emergency vehicles.

Ms. McFadden was in attendance to represent her case. The side lot line is 1.4 feet from the house. She said the land will not hold a basement, and it will be lost in new construction. She also said she would put in a fire wall as a fire retardant, for safety purposes. The property next door has a driveway where the Fire Department could get vehicles into in case of emergency. This neighbor also signed the petition in favor of the new home.

Mr. Dennis Strelchuck was also in attendance to represent the applicant. He said that the lot coverage of 20% is not well founded in the ordinance. He said the new modifications will be an improvement to the area, and he didn’t think the ordinance was meant to apply to structures like this one. In regards to variance for Article 7, Section 28.A, Mr. Strelchuk said that there is an extenuating circumstance there. The previous owner was infirm, and The Assessor lowered the parcel at request of the previous owner, so it wouldn’t be a financial burden. The applicant inherited the assessment. A petition with 71 neighbors in approval of the new construction was submitted to the ZBA, and that should be taken into account.

Ms. McFadden added that when she came before the ZBA in January 2020, she was asked to prove the structure was sound by a structural engineer, and a letter from Lopez Engineering was submitted to the Planning Department, stating the current home was structurally sound.

Mr. Quagliata said the intent of Article 7, Section 28 of the zoning ordinance applies to structures like this. When the value of the building is so low, expanding the nonconformity perpetuates it for years to come. The intent is over time, nonconformities will be reduced or eliminated. In regards to the lot coverage standard, if a new house were built on the property in a different location and all zoning requirements were met, the Planning Department can administratively approve up to 30% lot coverage. This is because the lot has sanitary sewer connection. There is nothing stopping the neighboring property owner to the west from building 5' from the lot line, it's in their rights. With the 1.2' setback as shown on the applicant's survey, there would be only 6.2' between a structure. The Fire Department would need 10' for access to lay hose in event of a fire to get around structures. The current neighboring property may have more than that right now, there would be nothing stopping a future owner from building an accessory structure five feet from the side lot line.

Mr. Strelchuk said his client did not contribute to any nonconformities that weren't already present at the property.

Mr. O'Neil said the current structure is legal non conforming, and the applicant was proposing changes that are going to further non conformities. He also said the Assessor did not lower the assessment for the home arbitrarily, or based on the former's owner financial situation, and Mr. Strelchuk's previous comment regarding that was incorrect. The value is what the Township Assessor felt the structure was worth.

Mr. Strelchuck said the assessment isn't close to the value of the property. Mr. Quagliata said there's two different portions of the assessment; the building value and the land value. The land value is not included in the value of the building that is calculated for the 50% for the repairs and maintenance to a nonconforming structure. There is also nothing in the zoning ordinance that requires a single-family home to have a basement.

Ms. Spencer opened the public hearing at 8:08 P.M. She read a petition of approval of the new construction from 71 homeowners. She also read one letter of opposition from Tom Johnson, 9136 Buckingham.

Michelle Wise, 9481 Bonnie Briar. She signed the petition in favor of the new home. She lived in the neighborhood for 30+ years, and said the applicant is trying to approve the property she bought.

Ms. Spencer closed the public hearing at 8:16 P.M.

Mr. Walz said that the letter on file from the Fire Marshal and Chief recommending denial of the variance of the side lot line is very significant. Part of the ZBA's responsibility is the health, life and safety for not only the occupant of the home, but for those other houses around the home.

Mr. Powell said it was his impression that each of the 71 people who signed the petition were in favor of it, and he would have taken them at their word if they each spoke that evening to speak for the case. He also clarified that the letter from the Fire Department wasn't a denial of all the variances proposed, it was only in regards to the side yard lot line variance.

Ms. Spencer said that Article 7 strictly prohibits the ZBA from granting a variance that would allow a setback of less than 5' from the side lot line. Mr. Quagliata said while the 1.2' side yard setback was existing, the addition would also be 1.2' from the side lot line, so the new construction was a problem.

Mr. Powell said he had been out to the site, and the front yard setback appeared to match the other's in the neighborhood, he could see a need for a variance there. With Article 7, Section 28.A, what was proposed exceeded what was reasonable. When he reviewed the case, he looked at whether the home was worth saving. He reviewed the letter from Lopez Engineering, and noticed the letter did not address the structure, it only addressed the foundation. From his engineering opinion structure that supports the roof was not sufficient to support a second-floor load and a new roof. The exterior walls cannot support the loads proposed. The foundation was the only part of the home that could be saved, and it would not be proper of the ZBA to grant variances to save the foundation only. The entire structure could be rebuilt to not need any variances, if the new structure was relocated on the lot. The value was in the property, not in the current structure on it.

Mr. Walz MOTIONED to deny the variances requested by Kim McFadden for Parcel Number 12-14-280-014, identified as 9120 Buckingham Road, due to the following reason(s):

- Since the subject property is a double lot there are legal alternatives available to the Applicant to make improvements to the existing structure or build a new house in accordance with the Zoning Ordinance.
- The Applicant has not demonstrated a hardship or practical difficulty that justify the variances being requested.
- The Applicant's alleged need for the requested variances is self-created.
- The proposed project would result in substantial adverse impacts on properties in the vicinity.
- The Applicant has failed to demonstrate the requested variances are the minimum necessary.
- The public safety concerns identified by the Township Fire Department.
- The requested variances would increase the cubic content of the nonconforming structure by 3,897 square feet and increase the extent of the nonconformities.
- The value of the proposed improvements exceeds the allowed value of repairs and maintenance to a nonconforming structure by 8,967%.

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

Powell: YES; for the reasons stated in the denial motion

Schillack: YES; for the reasons stated, and for the safety aspect with regards to proximity to the side yard lot line.

Walz: YES; for the reasons stated.

Spencer: YES; there are legal alternatives available and there was no existing hardship or practical difficulty stated. This was a self created hardship, and because of the public safety concerns of the Fire Marshal and Chief.

Dehart: YES; for the reasons stated.

Other Business:

None.

Adjournment: Mr. Walz **MOTIONED** to adjourn the meeting at 8:45 P.M. Ms. Dehart **SUPPORTED**. All in favor.

Next Meeting Date: September 24, 2020