



ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN 48383
THURSDAY, MARCH 23, 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 February 23, 2023](#)
6. CALL TO THE PUBLIC
7. OLD BUSINESS
8. NEW BUSINESS
 - A. [Applicant: Michael P. Rubino & Lori Rubino](#)
[1066 Round Lake Road](#)
[White Lake, MI 48386](#)
[Location: 1066 Round Lake Road](#)
[White Lake, MI 48386 identified as 12-35-255-019](#)
[Request: The applicant requests to enlarge and alter a nonconforming structure \(house\) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.](#)
9. OTHER BUSINESS
 - A. [Applicant: Joseph A. Laflamme](#)
[1780 Mead Lane](#)
[White Lake, MI 48386](#)
[Location: Parcel Number 12-15-426-026](#)
[Request: The applicant requests a waiver of the variance application survey requirement.](#)
10. NEXT MEETING DATE: April 27, 2023
11. ADJOURNMENT

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

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 23, 2023**

CALL TO ORDER

Chairperson Spencer called the meeting to order at 7:01 P.M. She then led the Pledge of Allegiance.

ROLL CALL

Present:

Clif Seiber
Niklaus Schillack, Vice-Chairperson
Jo Spencer, Chairperson
Kathleen Aseltyne
Anthony Madaffer

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

8 members of the public present

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

a. Zoning Board of Appeals Regular Meeting of January 26, 2023.

MOTION by Member Schillack, support by Member Seiber to approve the regular meeting minutes of January 26, 2023 as presented. The motion CARRIED with a voice vote: (5 yes votes).

CALL TO THE PUBLIC

No public comment.

NEW BUSINESS

- A. Applicant: Michael Epley
6075 Carroll Lake Road
Commerce, MI 48382
Location: **9599 Portage Trail**
White Lake, MI 48386 identified as 12-26-185-005
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record 38 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave his report.

Member Aseltyn asked staff what percentage of a house needed to remain to allow the house to be “grandfathered” in conformity. Staff Planner Quagliata said the Township ordinance did not recognize “grandfathering” and once a legal nonconforming house underwent a structural change, it lost legal nonconforming status.

Michael Epley, 6075 Carroll Lake Road, was present to speak on behalf of his case. He said there was a discrepancy between his plans and the survey regarding the front yard setback measurement. The front of the house was not built on foundation, and his intention was to remove the front to rebuild it over a foundation.

Member Schillack asked the applicant if the existing foundation would remain. Mr. Epley said it would.

Member Schillack asked the applicant if the septic tank was in good order. Mr. Epley confirmed and said he had a septic inspection done prior to purchasing the house.

Member Schillack asked the applicant what the practical difficulty was in regards to the lot. Mr. Epley said the existing house was a hardship, and the proposed plans would make the house more conforming than the previous house due to the increase of the front yard setback.

Chairperson Spencer opened the public hearing at 7:19 P.M. Seeing no public comment, she closed the public hearing at 7:19 P.M.

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

- A. Practical Difficulty
 - Chairperson Spencer said the lot was undersized and the existing buildings were nonconforming. Member Schillack agreed.
- B. Unique Situation
 - Chairperson Spencer said she saw a unique situation. Member Schillack and Member Madaffer agreed.
- C. Not Self-Created
 - The ZBA concurred there was not a self-created problem.
- D. Substantial Justice
 - Member Schillack said by granting the variance, neighbors would not be affected negatively. Chairperson Spencer agreed.
- E. Minimum Variance Necessary
 - Chairperson Spencer said she appreciated the applicant eliminating several nonconformities.

Member Schillack MOVED to approve the variances requested by Michael Epley from Article 3.1.6.E, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-185-005, identified as 9599 Portage Trail, in order to construct an addition. A variance from Article 7.23.A is granted to allow the addition to encroach 11.10 feet into the required setback from the east (front) lot line. A variance from Article 7.28.A is granted to exceed the allowed value of improvements to a nonconforming structure by 401%. A 1,338 square foot variance from the required lot area is also granted from Article 3.1.6.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **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.**
- **The plot plan prepared by the Applicant (builder) shall be revised to be consistent with the plan prepared by the surveyor.**
- **The building permit fee shall be based on a value of improvement of \$145,000.**
- **The plans shall be revised to provide 10 feet between the house and garage.**

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

- B. Applicant: Andre LaRouche
493 Hillwood Drive
White Lake, MI 48383
Location: **493 Hillwood Drive**
White Lake, MI 48383 identified as 12-21-452-014
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Width.

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

Staff Planner Quagliata gave his report.

Kelly LaRouche, 493 Hillwood, was present to speak on behalf of the applicant. She said her husband was looking to build a small living room area over the deck.

Member Seiber said if the addition was flipped, variances would not be necessary. Mrs. LaRouche said flipping the addition would cut off access to the front door.

Chairperson Spencer opened the public hearing at 7:29 P.M. Seeing no public comment, she closed the public hearing at 7:29 P.M.

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

- A. Practical Difficulty
 - Member Seiber said the narrowness of the lot presented a practical difficulty. Member Schillack said the location of the door did as well.
- B. Unique Situation
 - Member Seiber said the narrowness of the lot was a unique situation.
- C. Not Self-Created
 - The ZBA concurred there was not a self-created problem.
- D. Substantial Justice
 - Member Schillack said the addition was very small in proportion to the house and would be similar to the surrounding houses.
- E. Minimum Variance Necessary
 - Member Schillack said the applicant's plan was done to make the addition as small as possible.

Member Aseltyne MOVED to approve the variances requested by Andre LaRouche from Article 3.1.6.E and Article 7.23.A of the Zoning Ordinance for Parcel Number 12-21- 452-014, identified as 493 Hillwood Drive, in order to construct a first-story addition. A variance from Article 7.23.A is granted to allow the addition to encroach 1.65 feet into the required setback from the east side lot line. A 40-foot variance from the required lot width is also granted from Article 3.1.6.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The Applicant shall submit a new building permit application.**

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

- C. Applicant: Black Rock White Lake, LLC
30553 S. Wixom Road, Suite 300
Wixom, MI 48393
Location: 9531 Highland Road
White Lake, MI 48386 identified as 12-23-129-018
Request: The applicant requests to construct a restaurant with alcoholic beverages, requiring variances from Article 6.4.C.i, Minimum Driveway Spacing – Same Side of Road, Article 6.4.C.ii, Minimum Driveway Spacing – Opposite Side of Road, Article 6.4.C.iii, Minimum Driveway Spacing – Relative to Intersections, Article 5.11.A.iii, Off-Street Parking For Non-Residential Uses in a Required Rear Yard Setback, Article 5.11.A.iv, Off-Street Parking For Non-Residential Uses in a Required Front Yard Setback, Article 5.11.M.iii, Off-Street Parking Adjacent To A Parking Lot Entrance, Article 5.19.D.i, Required Minimum Screening and Landscaping, Article 5.9.J.vii.g, Electronic Message Board Signs, Article 5.9.J.ii.b, Maximum Number of Wall Signs, Article 5.9.F.iv, Prohibited Signs, Article 5.18.G, Outdoor Lighting.

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

Staff Planner Quagliata gave his report.

Member Schillack asked staff if the former Brendel’s Septic driveway entrance was useable. Staff Planner Quagliata said the future owners of the property would need to ensure the driveway was compliant or they would need to seek a variance for future use when the property was redeveloped.

Member Schillack asked staff if two of the four former Speedway driveways were removed. Staff Planner Quagliata confirmed.

Member Seiber asked staff what the parking setback was from the Whitebanks Boulevard right-of-way. Staff Planner Quagliata said a 20-foot landscaped greenbelt was required.

Member Schillack asked staff if the electronic sign had breakaway ability. Staff Planner Quagliata was uncertain, but said in the past, the ZBA had required similar signs to be of breakaway construction.

Member Seiber asked staff about the variance the applicant listed for the doorhandles. Staff Planner Quagliata said the doorhandles were allowed incidental signs since they were under two square feet, and were able to be approved administratively.

Wayne Perry and Bruce Calhoun, 2180 Plus Drive, were present to speak on behalf of the applicant. Mr. Perry said in regards to the access issues on Highland Road, the property previously had two curb cuts off of Highland Road, and one off of Whitebanks Boulevard. He was proposing to eliminate the previous Highland Road curb cuts to construct a driveway that would be aligned with the easterly Famous Market driveway. He said the proposed driveway was what the Michigan Department of Transportation (MDOT) would approve. In regards to landscaping, the landscape architect showed all of the shrubs on the landscape plan, but they were located on the plan on the wrong side of the screen wall. He said the trees would also be provided, but would need to be moved due to utility purposes.

Mr. Calhoun said in regard to signage, the ordinance would be met size wise, but would like a sign facing the parking lot. He said the lighting on the building would be changed, and would like vertical recessed lights within the stone of the building.

Member Seiber asked Mr. Perry if trash retrieval hours were off hours to eliminate traffic issues. Mr. Perry confirmed, all refuse pickup and deliveries would be done off hours.

Member Seiber asked Mr. Perry about the easterly landscape island, and what its purpose was. Mr. Perry said it was provided to meet parking lot landscape requirements.

Member Schillack asked Mr. Calhoun what the lumens were on the vertical recessed lighting. Mr. Calhoun said he believed it would be around 20 lumens, and the lights would glow, and not produce a lot of bright light.

Member Schillack asked Mr. Perry if there was a landscape alternative instead of the trees on the south side of the screen wall. Mr. Perry said shrubs could be placed there in addition to the trees.

Mr. Perry said the project was making its way through the permitting process with MDOT. MDOT was waiting for Township final site plan approval before issuance of the MDOT permit.

Member Seiber asked Mr. Perry what the driving need was behind the driveway on Highland Road. Mr. Perry said the delivery trucks came off Highland Road, and it would be ideal for trucks to enter through Highland Road and exit through Whitebanks Boulevard. Member Seiber said he reviewed the spacing between the islands within Whitebanks Boulevard and turning radi and determined truck traffic could be accommodated by the Whitebanks Boulevard driveway.

Member Schillack asked Mr. Perry what about the property created a practical difficulty. Mr. Perry said in regards to the south wall, the location of the landscaping would be difficult due to the utility easement. The easement was platted. Mr. Perry added that an access off of Highland Road was needed because if not, all traffic would be funneled through Whitebanks Boulevard, which was a residential street and would impact the neighborhood. Mr. Calhoun said at night, the restaurant would disappear because there was not lighting on the corner, and the requested lighting would signify a restaurant. The parapets were high in order to screen the rooftops so the building would look unique. The signs were high to offset the windows as well. Extra ventilation would cover the roof to avoid customers having "meat smells" in their hair. The entire sign on the north side of the property would be above the roofline.

Chairperson Spencer opened the public hearing at 8:18 P.M.

John Hunt, 871 W. Oxhill Drive, spoke in opposition to the applicant's request.

Chairperson Spencer closed the public hearing at 8:22 P.M.

Member Seiber said there was an estimated eight feet of planting area around the south property line, but there was a six-foot fence along the property line and there did not seem to be a purpose for planting in that area. He added there needed to be planting around the southmost leg of the parking lot to soften the area. Staff Planner Quagliata suggested more shrubs in that area. Member Seiber said he had concern with the left-bound turns into/out of the proposed Highland Road driveway. Staff Planner Quagliata said a traffic study was done, and the Township's traffic engineer did not make a comment in regard to safety with one versus two driveways.

Member Madaffer stated many of the driveways on Highland Road were a mess.

Member Seiber stated the sign on the easterly sign of the building made sense based on the configuration of the parking lot.

Member Schillack asked Mr. Perry if the electronic sign would have a breakaway feature. Mr. Perry said it was possible, the internal structure could be breakaway.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance in regards to the driveway variances (Variances 1, 2, and 3):

- A. Practical Difficulty
 - Member Seiber said alternatives were available. Chairperson Spencer agreed.
 - Member Schillack said he would vote for the Highland Road driveway if the driveway was channelized to prohibit entering and exiting left turns.
- B. Unique Situation
 - Member Schillack said the driveway on Whitebanks Boulevard made for a unique situation in that a Highland Road driveway may not be necessary.
- C. Not Self-Created
 - Chairperson Spencer said there was a self-created problem.
- D. Substantial Justice
 - Member Schillack said the Speedway on the corner had two entrances. There were other commercial properties on corner lots that had two entrances.
- E. Minimum Variance Necessary
 - Member Schillack said the minimum variance would be one entrance.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance in regards to the setback variances (Variances 4 and 5):

- A. Practical Difficulty
 - Chairperson Spencer did not see a practical difficulty.
- B. Unique Situation
 - Member Aseltyne did not see a unique situation.
- C. Not Self-Created
 - Chairperson Spencer said there was a self-created problem.
- D. Substantial Justice
 - Member Schillack was concerned about the safety of customers.
- E. Minimum Variance Necessary
 - Chairperson Spencer said the variances were not the minimum necessary.

Member Seiber MOVED to deny the variances from Articles 6.4.C.i, 6.4.C.ii, 6.4.C.iii, 5.11.A.iii, Article 5.11.M.iii requested by Black Rock White Lake, LLC for Parcel Number 12-23-129-018, identified as 9531 Highland Road, due to the following reason(s):

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

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

Member Schillack said he voted no because he felt the ZBA could have modified variances 1, 2, and 3 without a re-design and was more concerned about variances 4 and 5. It was hard for him to group both clusters together.

The ZBA recessed at 9:03 P.M. The ZBA returned from recess at 9:07 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance in regards to the landscape variance (Variance 6):

- A. Practical Difficulty
 - Member Seiber said the situation was unusual due to the existing six-foot fence and the proposed masonry wall. He said the required materials could be relocated and installed elsewhere on the site to comply with the ordinance.
 - Chairperson Spencer said the landscaping materials could be planted elsewhere on the site.
- B. Unique Situation
 - Member Seiber said the situation was unique.
- C. Not Self-Created
 - Member Seiber said there was not a self-created problem.
- D. Substantial Justice
- E. Minimum Variance Necessary

Member Seiber MOVED to approve the variance requested by Black Rock White Lake, LLC from Article 5.19.D.i of the Zoning Ordinance for Parcel Number 12-23-129-018, identified as 9531 Highland Road. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The Applicant shall receive final site plan approval from the Planning Commission.**
- **The proposed screen wall parallel to the westerly segment of the rear lot line shall be extended 17 feet to the west towards Whitebanks Boulevard.**
- **The proposed screen wall parallel to the west side lot line shall be reduced 17 feet in length by removing the southerly portion of the wall projecting beyond the front line of the house at 871 W. Oxhill Drive.**
- **Three parking spaces at the southeast corner of the property shall be removed.**
- **The six parking spaces adjacent to the sidewalk along the north property frontage shall be removed. This area shall be a greenbelt with landscaping.**
- **13 evergreen trees and 9 shrubs shall be planted north of the easterly segment of the rear lot line. The tree and shrub species shall be subject to Community Development Department approval.**
- **8 trees and 64 shrubs shall be relocated elsewhere on the site.**
- **Curb and gutter shall not be installed at the east end of the frontage road stub.**
- **The monument sign shall be reoriented to be perpendicular to Highland Road.**

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

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance in regards to the sign variances (Variances 7 and 8):

- A. Practical Difficulty
 - Chairperson Spencer said she did not see a practical difficulty.
 - Member Seiber said the easterly sign was reasonable as it was adjacent to the parking lot.
- B. Unique Situation
- C. Not Self-Created
- D. Substantial Justice
 - Member Schillack said he understood the challenge the lighting presented to the neighborhood.
- E. Minimum Variance Necessary

Member Seiber MOVED to approve the variances requested by Black Rock White Lake, LLC from Article 5.9.J.vii.g and Article 5.9.J.ii.b of the Zoning Ordinance for Parcel Number 12-23-129-018, identified as 9531 Highland Road. This approval will have the following conditions:

- The “Black Rock” wall sign on the west elevation of the building shall not exceed 31.50 square feet in size.
- Any future modification to signage on the building or site, except for eliminating signage, shall require approval of the Zoning Board of Appeals.
- The proposed Camman Lighting architectural wall sconces shall be allowed on the brick columns of the building only if the 20-watt, 1,400 lumen lamp is utilized.
- Upon completion of the installation of all outdoor light fixtures and prior to the issuance of a Certificate of Occupancy, a registered engineer or architect shall verify in writing to the Community Development Department the outdoor lighting was installed in accordance with the approved lighting (photometric) plan and in accordance with the GB (General Business) outdoor lighting standards found in Section 5.18.G of the zoning ordinance.
- All nonessential outdoor lighting shall be turned off after business hours and/or when not in use. Essential outdoor lighting includes lighting associated with safety, security, and U.S. flag display. Parking lot luminaries are nonessential lighting.
- The electronic message board sign shall be collapsible upon impact and subject to review by the Community Development Department prior to

issuance of a sign permit. The sign must comply with height and size requirements of the zoning ordinance.

- **No wall signage shall be permitted on the north side of the building.**

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

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance in regards to the sign variances (Variances 9, 10, 11, 12 and 13):

- A. Practical Difficulty
 - Chairperson Spencer said she did not see a practical difficulty.
- B. Unique Situation
 - Member Schillack did not see a unique situation based on the land.
- C. Not Self-Created
 - Chairperson Spencer said there was a self-created problem.
- D. Substantial Justice
 - Member Aseltyne said other establishments were denied the similar lighting/signage.
- E. Minimum Variance Necessary

Member Seiber MOVED to deny the variances from Articles 5.9.J.ii.b and Article 5.9.F.iv requested by Black Rock White Lake, LLC for Parcel Number 12-23-129-018, identified as 9531 Highland Road, due to the following reason(s):

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

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

OTHER BUSINESS

None.

ADJOURNMENT

MOTION by Member Aseltyne, supported Member Madaffer by to adjourn at 9:36 P.M. The motion CARRIED with a voice vote: (5 yes votes)

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: March 23, 2022

Agenda item: 8a

Appeal Date: March 23, 2022

Applicant: Michael P. Rubino & Lori Rubino

Address: 1066 Round Lake Road
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 1066 Round Lake Road
White Lake, MI 48386

Property Description

The approximately 0.38-acre (16,392 square feet) parcel identified as 1066 Round Lake Road is located within the Hambly & Bowles Oak Park subdivision on Mandon Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,468 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

Applicant's Proposal

Michael P. Rubino and Lori Rubino, the Applicants, are proposing to construct a 241 square foot enclosed porch.

Planner's Report

Currently the existing house is nonconforming; the building is located approximately three feet (at the closest point) from the south side lot line. A minimum 10-foot side yard setback is required in the R1-D zoning district. The plot plan indicates the proposed enclosed porch addition is 241 square feet in size and would encroach 3.2 feet into the north side yard setback.

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	Enlarge and alter nonconforming house	Increased nonconformities
2	Article 3.1.6.E	Minimum lot width	80 feet	26.86 feet	53.14 feet

Staff attempted to contact the surveyor who prepared the plot plan as the measured lot width varied approximately 13 feet from the recorded lot width, which could affect the extent of the requested encroachment in relation to the location of the side lot line and lot coverage calculations. If clarification is not provided prior to the public hearing, staff recommends the Zoning Board of Appeals hold the public hearing and postpone action on the request until such time more information is provided and verified for accuracy.

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Michael P. Rubino and Lori Rubino from Article 3.1.6.E and Article 7.23.A of the Zoning Ordinance for Parcel Number 12-35-255-019, identified as 1066 Round Lake Road, in order to construct an enclosed porch. A variance from Article 7.23.A is granted to allow the addition to encroach 3.2 feet into the required setback from the north side lot line. A 26.86-foot variance from the required lot width is also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.

Denial: I move to deny the variances requested by Michael P. Rubino and Lori Rubino for Parcel Number 12-35-255-019, identified as 1066 Round Lake Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Michael P. Rubino and Lori Rubino *to a date certain or other triggering mechanism* for Parcel Number 12-35-255-019, identified as 1066 Round Lake Road, to consider comments stated during this hearing.

Attachments:

1. Variance application dated February 22, 2023.
2. Applicant's written statement dated February 21, 2023.
3. Plot Plan dated January 30, 2023.
4. Miles Bradley plans dated August 10, 2022.
5. Letter of denial from the Building Official dated October 25, 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.

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: Michael P. Rubino & Lori Rubino PHONE: 248-703-3993
248 318 0949

ADDRESS: 1066 Round Lake Road

APPLICANT'S EMAIL ADDRESS: mikerubino@aol.com / Lori's mcr1396111@aol.com

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

ADDRESS OF AFFECTED PROPERTY: 1066 Round Lake Road PARCEL # 12-35-255-019

CURRENT ZONING: R1-D PARCEL SIZE: 53.14 x 430, 53.14 x 394

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____
Article 3.1.6 of the White Lake Clear Zoning Ordinance

VALUE OF IMPROVEMENT: \$ 66,000.00 SEV OF EXISTING STRUCTURE: \$ 165330

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

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

APPLICANT'S SIGNATURE: [Signature] DATE: 2/22/2023

RECEIVED
FEB 22 2023
COMMUNITY DEVELOPMENT DEPARTMENT

~~RECEIVED
FEB 25 2023
COMMUNITY DEVELOPMENT DEPARTMENT~~

February 21, 2023

Michael and Lori Rubino
1066 Round Lake Rd
White Lake, Mi 48386

White Lake Township
Zoning Board of Appeals

Re: Proposed Gable Roof Addition

Based on the submitted plans, the proposed structure does not satisfy the white Lake Township Clear Zoning Ordinance for R1-D zoning district. Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum side yard setback of 10 ft each side and a total of 20 ft, and minimum lot width of 80 ft.

We are asking for a variance for a 3-season room to replace an existing deck of 31 years. It is the addition of the roof that requires the variance. Our lot is legal non-conforming and won't allow another option due to pre-existing conditions of our side yard setbacks.

The roof will cause no hardship to our neighbors since it will not block their view of the lake and will be just past the edge of their homes and include gutters for runoff.

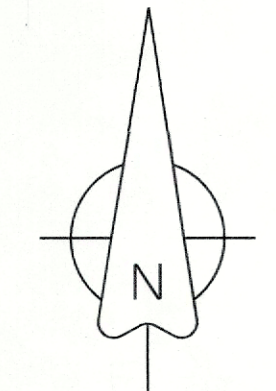
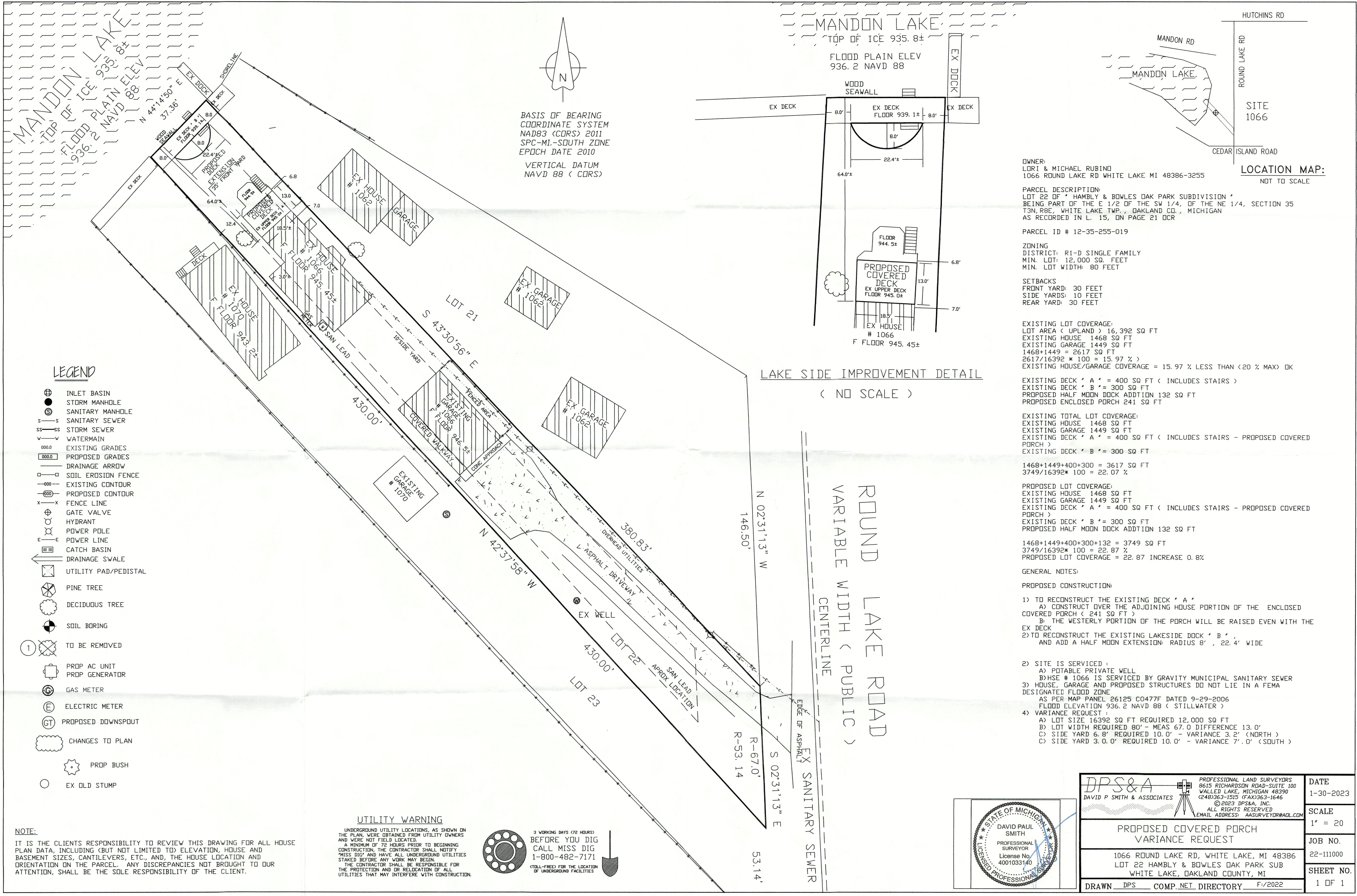
It will be an improvement to the condition, appearance and usability of or aging deck and our lakefront home.

For years we have put up and down a gazebo seasonally to make this area a nice additional living space to enjoy the lake. But as we get older, and my husband goes through his 3rd hip replacement, it has become a difficult and dangerous task for us to do. The roofline of the current gazebo also directs rain water back towards the house and foundation. A screened in porch over our existing deck will look beautiful and increase the enjoyment and value of our lakeside home.

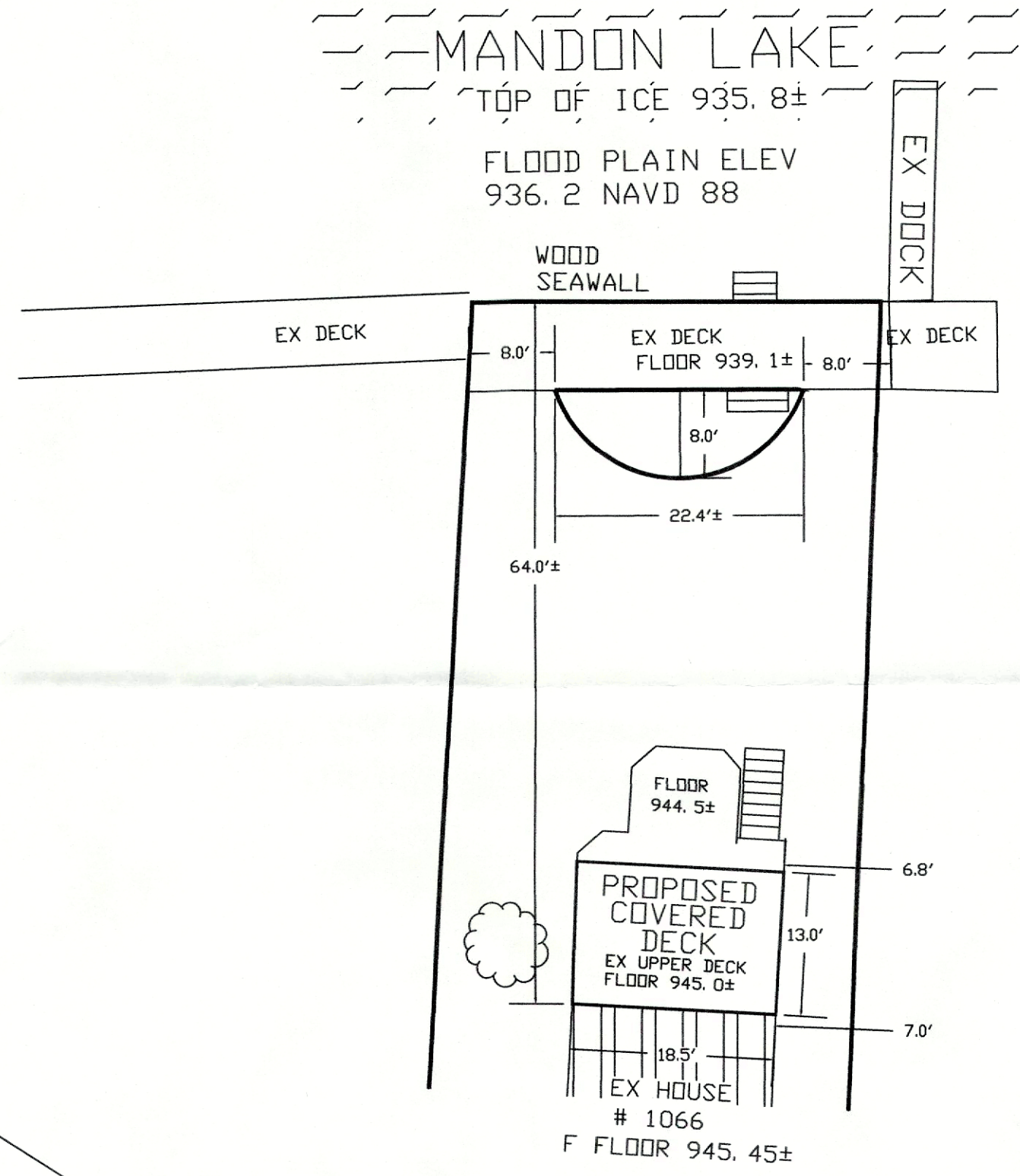
Please consider giving us this variance, these older lakefront cottages require updating and care and our lot doesn't conform to current Township Ordinances. We have lived here 33 years and love our home and yard and hope to spend the rest of our lives in White Lake.

Sincerely,

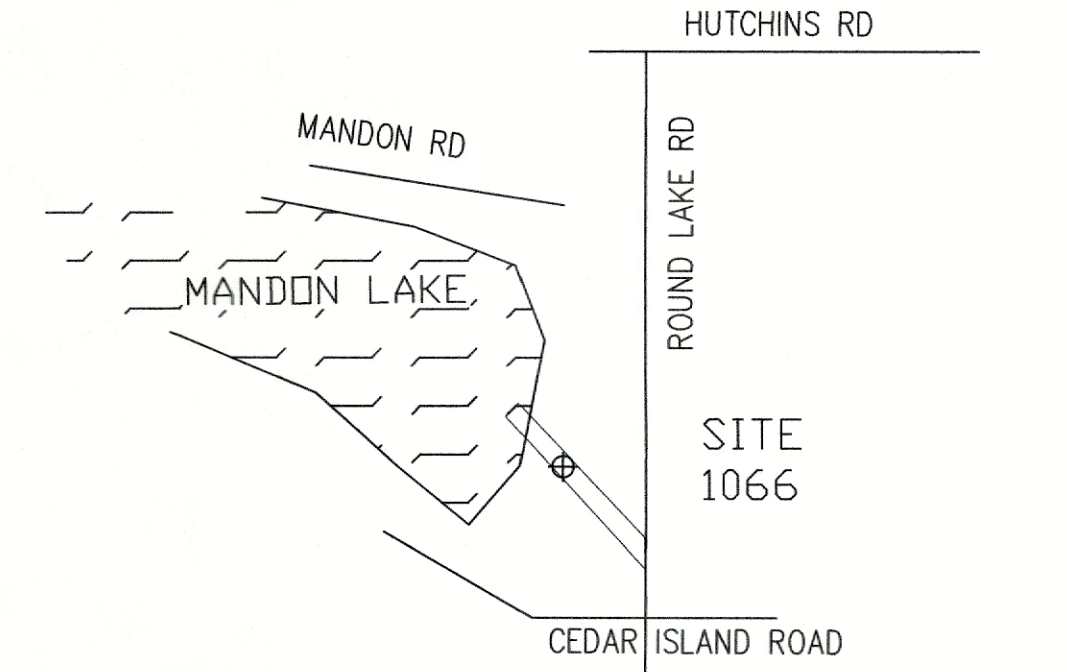
Lori and Mike Rubino



BASIS OF BEARING
 COORDINATE SYSTEM
 NAD83 (CORS) 2011
 SPC-MI.-SOUTH ZONE
 EPOCH DATE 2010
 VERTICAL DATUM
 NAVD 88 (CORS)



LAKE SIDE IMPROVEMENT DETAIL
 (NO SCALE)



OWNER:
 LORI & MICHAEL RUBIND
 1066 ROUND LAKE RD WHITE LAKE MI 48386-3255

LOCATION MAP:
 NOT TO SCALE

PARCEL DESCRIPTION:
 LOT 22 OF ' HAMBLY & BOWLES OAK PARK SUBDIVISION ' BEING PART OF THE E 1/2 OF THE SW 1/4, OF THE NE 1/4, SECTION 35 T3N,R8E, WHITE LAKE TWP., OAKLAND CO., MICHIGAN AS RECORDED IN L. 15, ON PAGE 21 OCR

PARCEL ID # 12-35-255-019

ZONING
 DISTRICT: R1-D SINGLE FAMILY
 MIN. LOT: 12,000 SQ. FEET
 MIN. LOT WIDTH: 80 FEET

SETBACKS
 FRONT YARD: 30 FEET
 SIDE YARDS: 10 FEET
 REAR YARD: 30 FEET

EXISTING LOT COVERAGE:
 LOT AREA (UPLAND) 16,392 SQ FT
 EXISTING HOUSE 1468 SQ FT
 EXISTING GARAGE 1449 SQ FT
 1468+1449 = 2617 SQ FT
 2617/16392 * 100 = 15.97 %
 EXISTING HOUSE/GARAGE COVERAGE = 15.97 % LESS THAN (20 % MAX) OK

EXISTING DECK ' A ' = 400 SQ FT (INCLUDES STAIRS)
 EXISTING DECK ' B ' = 300 SQ FT
 PROPOSED HALF MOON DOCK ADDITION 132 SQ FT
 PROPOSED ENCLOSED PORCH 241 SQ FT

EXISTING TOTAL LOT COVERAGE:
 EXISTING HOUSE 1468 SQ FT
 EXISTING GARAGE 1449 SQ FT
 EXISTING DECK ' A ' = 400 SQ FT (INCLUDES STAIRS - PROPOSED COVERED PORCH)
 EXISTING DECK ' B ' = 300 SQ FT
 1468+1449+400+300 = 3617 SQ FT
 3749/16392* 100 = 22.07 %

PROPOSED LOT COVERAGE:
 EXISTING HOUSE 1468 SQ FT
 EXISTING GARAGE 1449 SQ FT
 EXISTING DECK ' A ' = 400 SQ FT (INCLUDES STAIRS - PROPOSED COVERED PORCH)
 EXISTING DECK ' B ' = 300 SQ FT
 PROPOSED HALF MOON DOCK ADDITION 132 SQ FT
 1468+1449+400+300+132 = 3749 SQ FT
 3749/16392* 100 = 22.87 %
 PROPOSED LOT COVERAGE = 22.87 INCREASE 0.8%

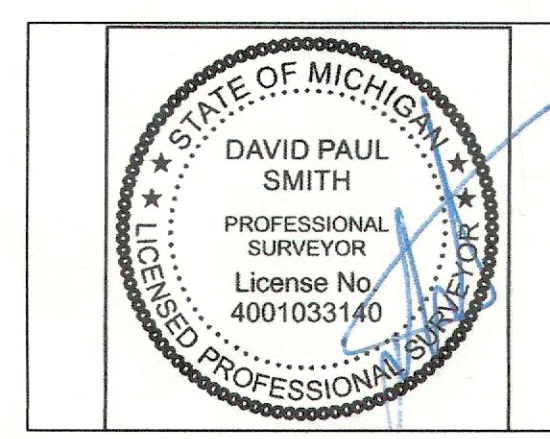
GENERAL NOTES:
 PROPOSED CONSTRUCTION:
 1) TO RECONSTRUCT THE EXISTING DECK ' A ' A) CONSTRUCT OVER THE ADJOINING HOUSE PORTION OF THE ENCLOSED COVERED PORCH (241 SQ FT) B) THE WESTERLY PORTION OF THE PORCH WILL BE RAISED EVEN WITH THE EX DECK
 2) TO RECONSTRUCT THE EXISTING LAKESIDE DOCK ' B ' AND ADD A HALF MOON EXTENSION: RADIUS 8' , 22.4' WIDE
 2) SITE IS SERVICED : A) POTABLE PRIVATE WELL B) HSE # 1066 IS SERVICED BY GRAVITY MUNICIPAL SANITARY SEWER
 3) HOUSE, GARAGE AND PROPOSED STRUCTURES DO NOT LIE IN A FEMA DESIGNATED FLOOD ZONE AS PER MAP PANEL 26125 C0477F DATED 9-29-2006 FLOOD ELEVATION 936.2 NAVD 88 (STILLWATER)
 4) VARIANCE REQUEST : A) LOT SIZE 16392 SQ FT REQUIRED 12,000 SQ FT B) LOT WIDTH REQUIRED 80' - MEAS 67.0 DIFFERENCE 13.0' C) SIDE YARD 6.8' REQUIRED 10.0' - VARIANCE 3.2' (NORTH) C) SIDE YARD 3.0.0' REQUIRED 10.0' - VARIANCE 7.0' (SOUTH)

LEGEND

- INLET BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- SANITARY SEWER
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- EXISTING GRADES
- PROPOSED GRADES
- DRAINAGE ARROW
- SOIL EROSION FENCE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- FENCE LINE
- GATE VALVE
- HYDRANT
- POWER POLE
- POWER LINE
- CATCH BASIN
- DRAINAGE SWALE
- UTILITY PAD/PEDISTAL
- PINE TREE
- DECIDUOUS TREE
- SOIL BORING
- ① TO BE REMOVED
- PROP AC UNIT
- PROP GENERATOR
- GAS METER
- ELECTRIC METER
- PROPOSED DOWNSPOUT
- CHANGES TO PLAN
- PROP BUSH
- EX OLD STUMP

NOTE:
 IT IS THE CLIENTS RESPONSIBILITY TO REVIEW THIS DRAWING FOR ALL HOUSE PLAN DATA, INCLUDING (BUT NOT LIMITED TO) ELEVATION, HOUSE AND BASEMENT SIZES, CANTILEVERS, ETC., AND, THE HOUSE LOCATION AND ORIENTATION ON THE PARCEL. ANY DISCREPANCIES NOT BROUGHT TO OUR ATTENTION, SHALL BE THE SOLE RESPONSIBILITY OF THE CLIENT.

UTILITY WARNING
 UNDERGROUND UTILITY LOCATIONS, AS SHOWN ON THE PLAN, WERE OBTAINED FROM UTILITY OWNERS AND WERE NOT FIELD LOCATED.
 A MINIMUM OF 72 HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY "MISS DIG" AND HAVE ALL UNDERGROUND UTILITIES STAKED BEFORE ANY WORK MAY BEGIN.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION.



DPS&A
 DAVID P SMITH & ASSOCIATES
 PROFESSIONAL LAND SURVEYORS
 8615 RICHARDSON ROAD-SUITE 100
 WALLED LAKE, MICHIGAN 48390
 (248)363-1515 (FAX)363-1646
 ©2023 DPS&A, INC.
 ALL RIGHTS RESERVED
 EMAIL ADDRESS: AASURVEYOR@DPSA.COM

DATE
 1-30-2023

SCALE
 1" = 20'

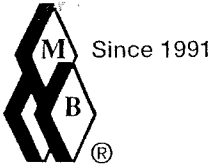
JOB NO.
 22-111000

SHEET NO.
 1 OF 1

PROPOSED COVERED PORCH
 VARIANCE REQUEST

1066 ROUND LAKE RD, WHITE LAKE MI 48386
 LOT 22 HAMBLY & BOWLES OAK PARK SUB
 WHITE LAKE, OAKLAND COUNTY, MI

DRAWN DPS COMP.NET DIRECTORY F1/2022

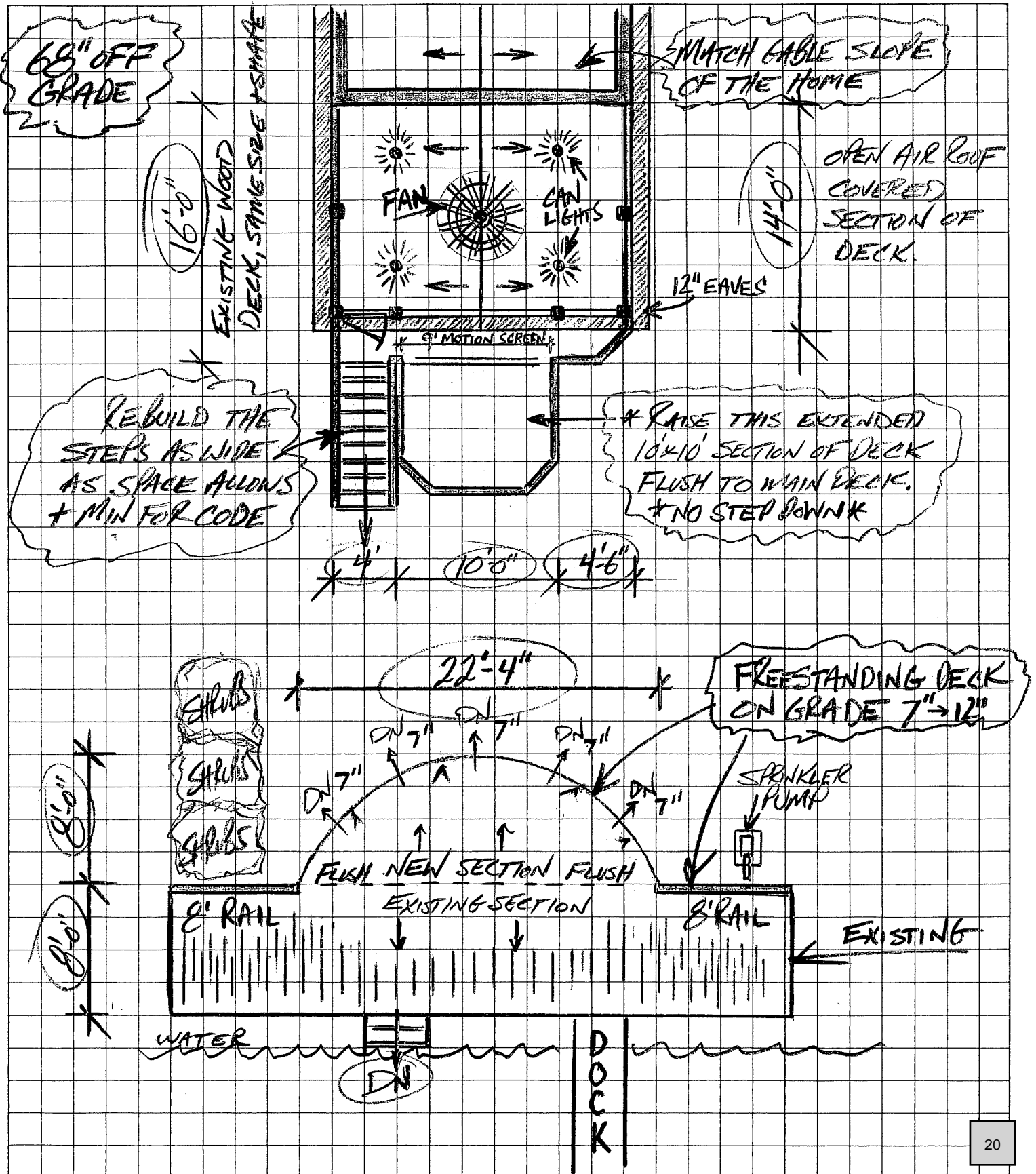


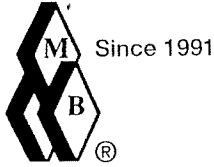
Miles Bradley

Building and Remodeling Inc.

WWW.MILESBRADLEY.COM
Office 248.478.8660

Project LUBINO Item A.
Plan Number 5940 Date 8-10-22
Prepared By BRIAN KOLODY
Scale 1/8" = 1'-0"



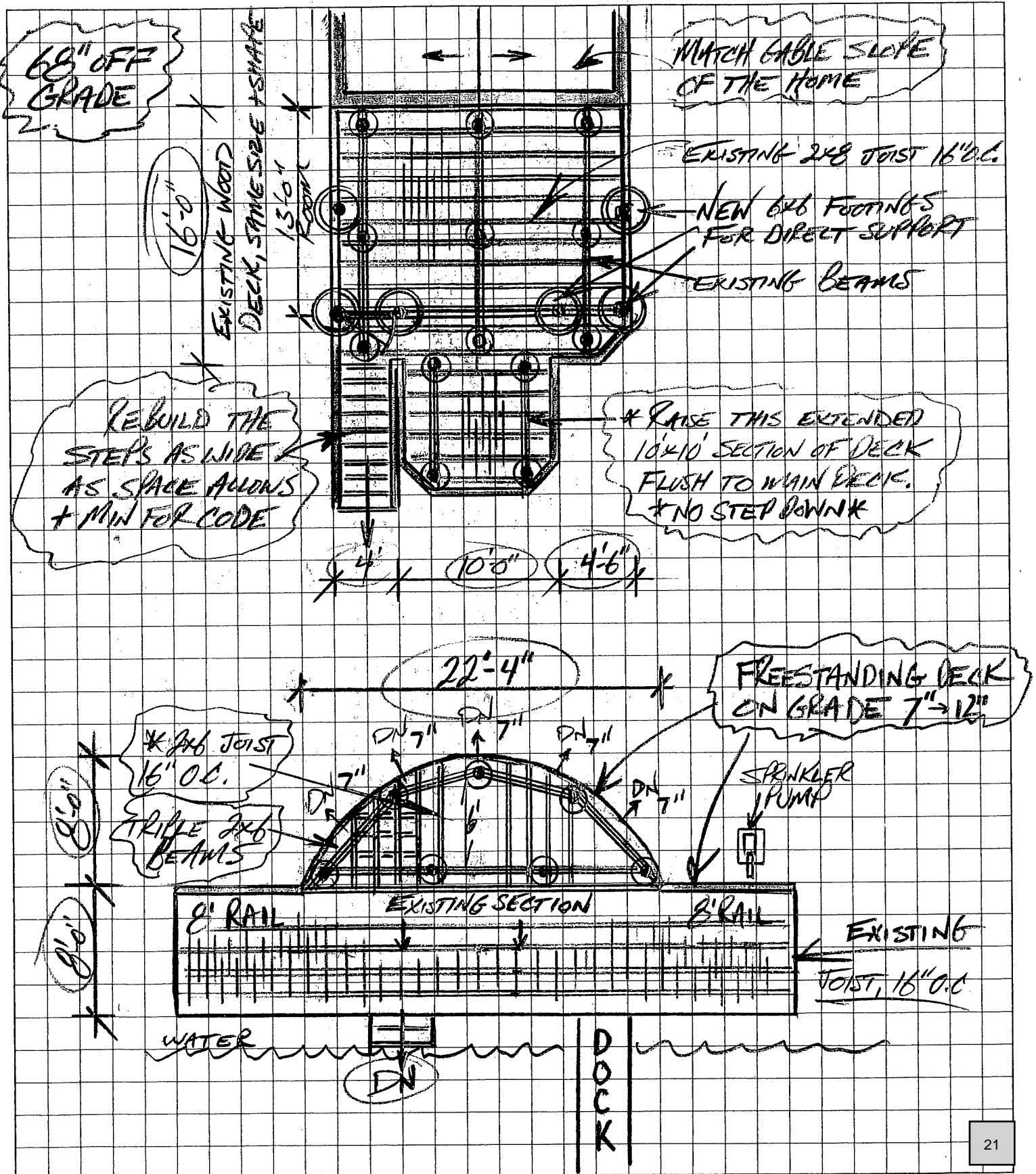


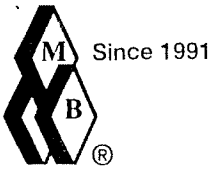
Miles Bradley

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Project RUBINO Item A.
Plan Number 5940 Date 8-10-22
Prepared By BRIAN KOLODY
Scale 1/8" = 1'-0"





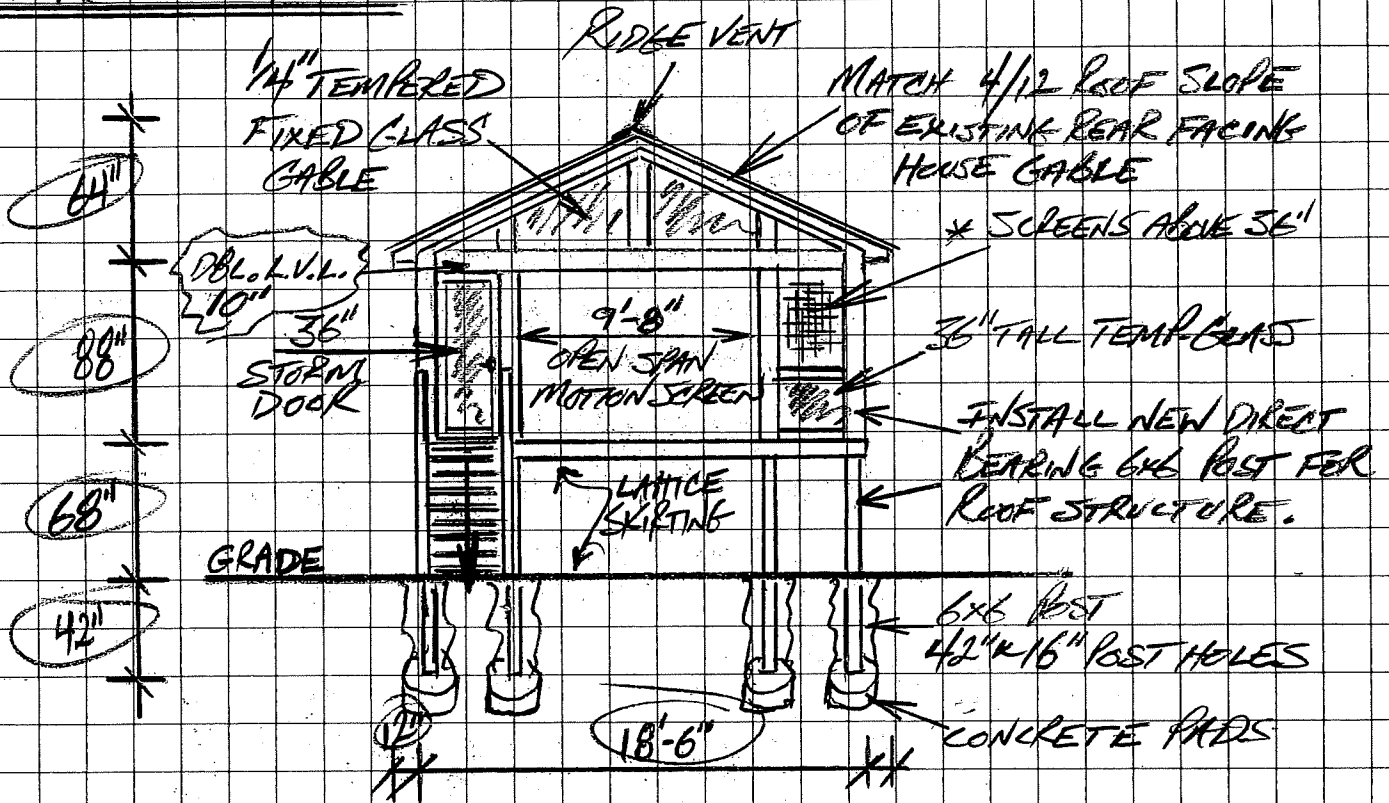
Miles Bradley

Building and Remodeling Inc.

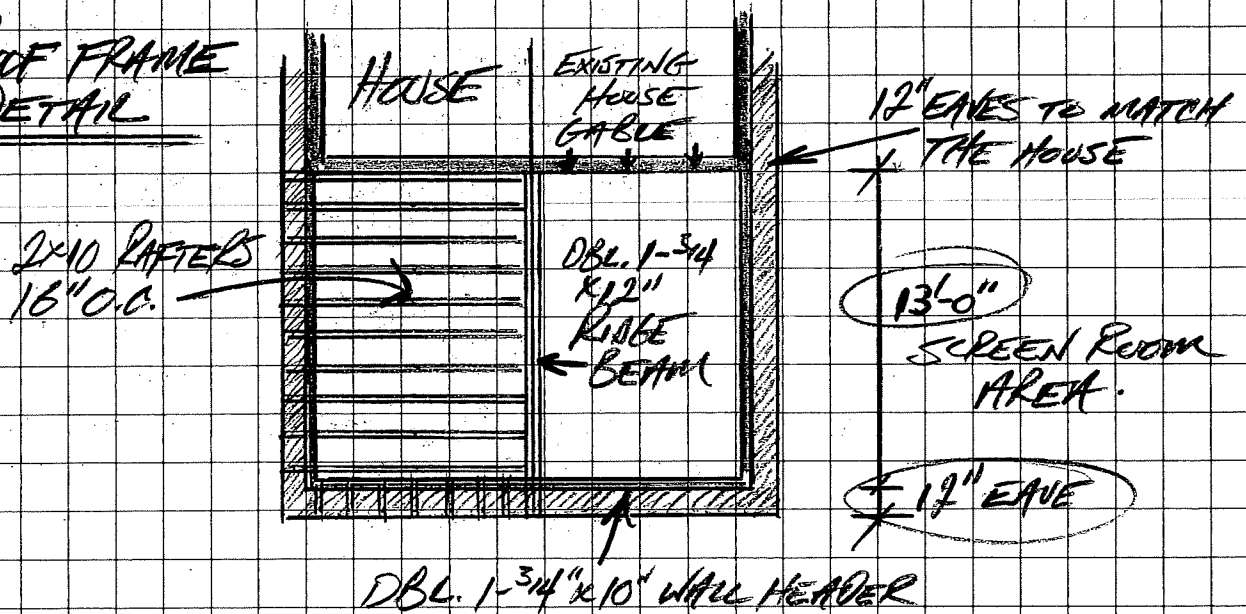
WWW.MILESBRADLEY.COM
Office 248.478.8660

Project RUBINO Item A.
Plan Number 5940 Date 8-10-22
Prepared By BRIAN KOLODY
Scale 1/8" = 1'-0"

REAR ELEVATION



ROOF FRAME DETAIL



* 7/16" O.S.B. SHEETING OVER 2x10 RAFTERS 16" O.C.



Since 1991

Miles Bradley Building and Remodeling Inc.

WWW.MILESBRADLEY.COM

Office 248.478.8660

Project KUBINO

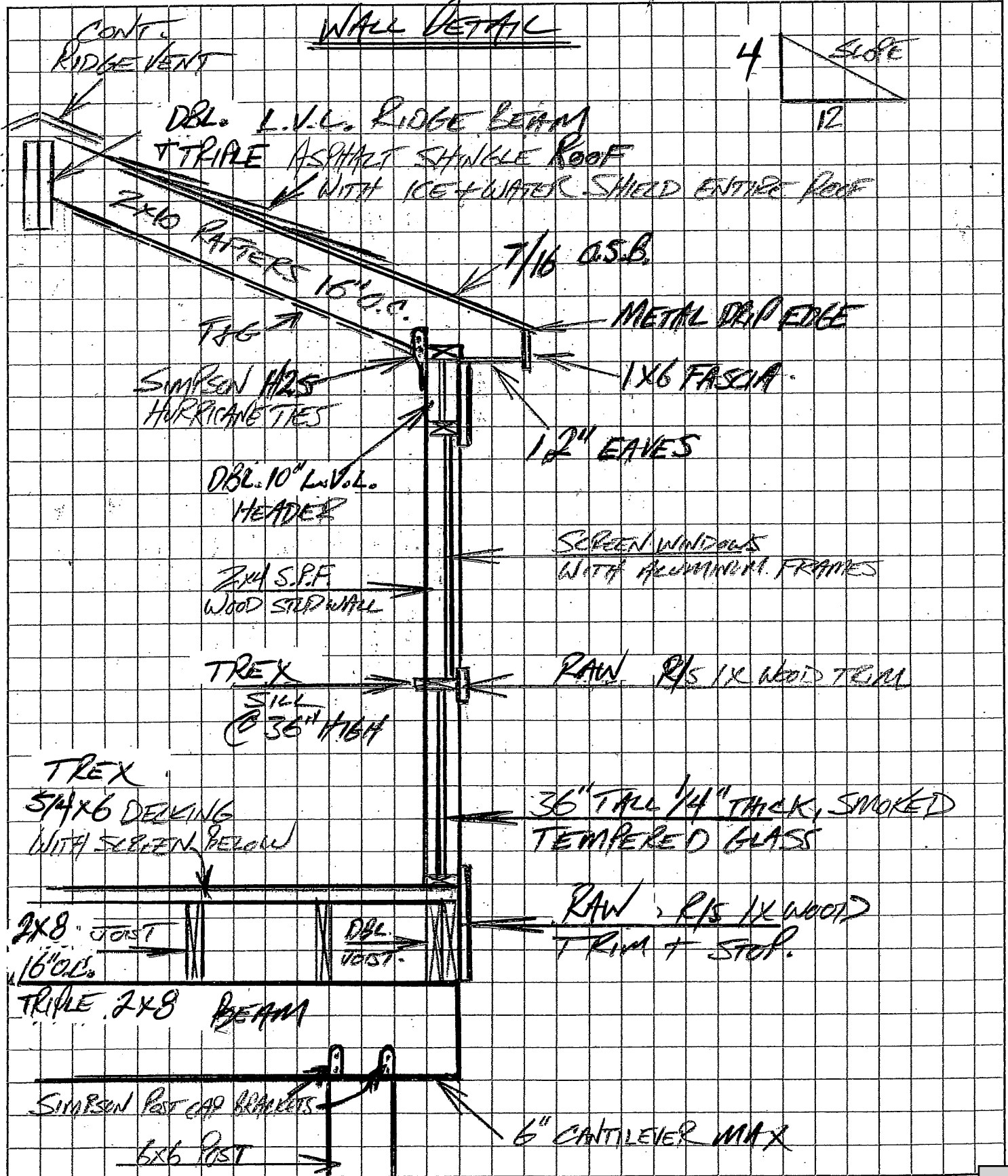
Plan Number 5940 Date 8-10-

Item A.

Prepared By BRIAN KOLODY

Scale NOT TO SCALE

WALL DETAIL



JOB NAME: RUBINO PLAN # 5940 DATE 8-16-22

HOUSE

ATTACHMENT FOR LANDINGS, STAIRS, ETC. R311.5.1

Decking Material: **TREX 5/4x6**

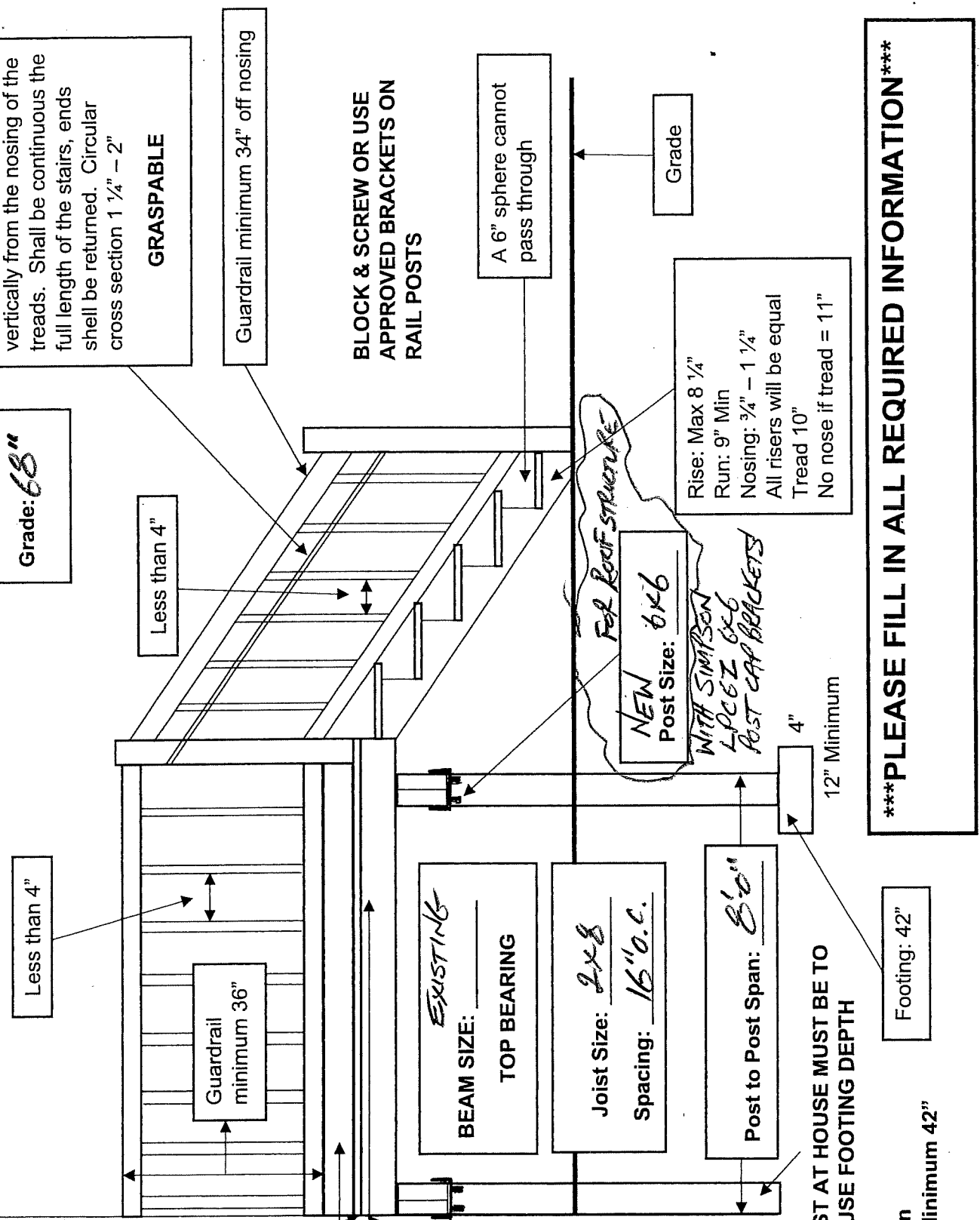
A 4" sphere cannot pass through

WHEN ATTACHING BOND TO BOND, FOLLOW SECTION R507

DO NOT PENETRATE BRICK

PROVIDE LATERAL BRACING

All Post Must Bear on Undisturbed Soil - Minimum 42" below Finish Grade



Beam/Post Connection Method and Hardware to be Used: SIMPSON LPECZ 6x6 POST CAP BRACKET

Item A.

Miles Bradley Building and Remodeling Inc.

Contract Specification Sheet Page #2 for Rubino Plan #5940

Job Address:

Rubino Residence
1066 Round Lake Rd.
White Lake, MI 48386
248-318-0949

This includes the following:

- Building permit with White Lake.
- Upper deck with screen room and lower lake side deck with radius modification included.
- Remove and dispose of existing wood decking, wood railings and wood fascia throughout.
- Reusing the existing deck structures where possible, ie, joist, beams and footings.
- Install new 6x6 direct bearing post and footings for roof and room.
- Install screen below the decking for the room section.
- Trex Transcend Spiced Rum color decking and fascia for the upper deck and screen room floor.
- Trex Transcend Tiki Torch color decking for the lower deck decking and fascia.
- Modify existing deck, raise front 10'x10' lower projection flush to main deck area.
- Build new steps, 48" or as wide as deck shape will allow while conforming to stair and rail codes.
- Erect 12'x18' gable roof screen room, gable to match the home.
- Cedar wood interior trim, **smooth** side exposed, no primer.
- Cedar wood T&G interior ceiling left natural wood, no primer.
- Trex Signature black aluminum railings with Transcend black composite 4x4 rail post sleeves.
- Cedar wood clad the back wall of house inside the room, replacing the vinyl/aluminum siding.
- Asphalt roofing to closely match the home with ice and water shield.
- Seven ¼" thick, smoked, tempered glass knee-wall lower fixed windows, 36" tall.
- Two ¼" gable glass windows, fixed. Smoked or Clear (Circle preference)
- Seven screen uppers, NO glass.
- One high quality 36"x80" aluminum storm door with screen and glass.
- One ~80" tall x 108" wide 110 Volt motorized motion screen with remote control.
- Trex 1x6 window sill above the glass at 36".
- Exterior of room trimmed in LP "Smartside" rough sawn, factory primed engineered wood.
- Basic Electrical work, one fan location, door light, 4 outlets, 2 switches
- Upgrade electrical with four slope recessed lights and one dimmer switch.
- Eaves with aluminum gutters and downspouts to match the home.
- LP "Smartside" 1x12 (x 5 rows) r/s solid skirting on both sides (15'x 55") of upper deck.
- Walnut color diamond privacy vinyl lattice skirting around front of the upper deck.
- Trex Tiki Torch stacked horizontal skirting used on lake deck facing water.
- Clean up.

*Does not include: Paint, stain or finish work including finish caulking, sanding, etc.

** Homeowner to provide exterior door light fixture and exterior grade ceiling fan, we will install fixtures.

Please sign to accept these terms:

Buyer _____

Date

8-3-22

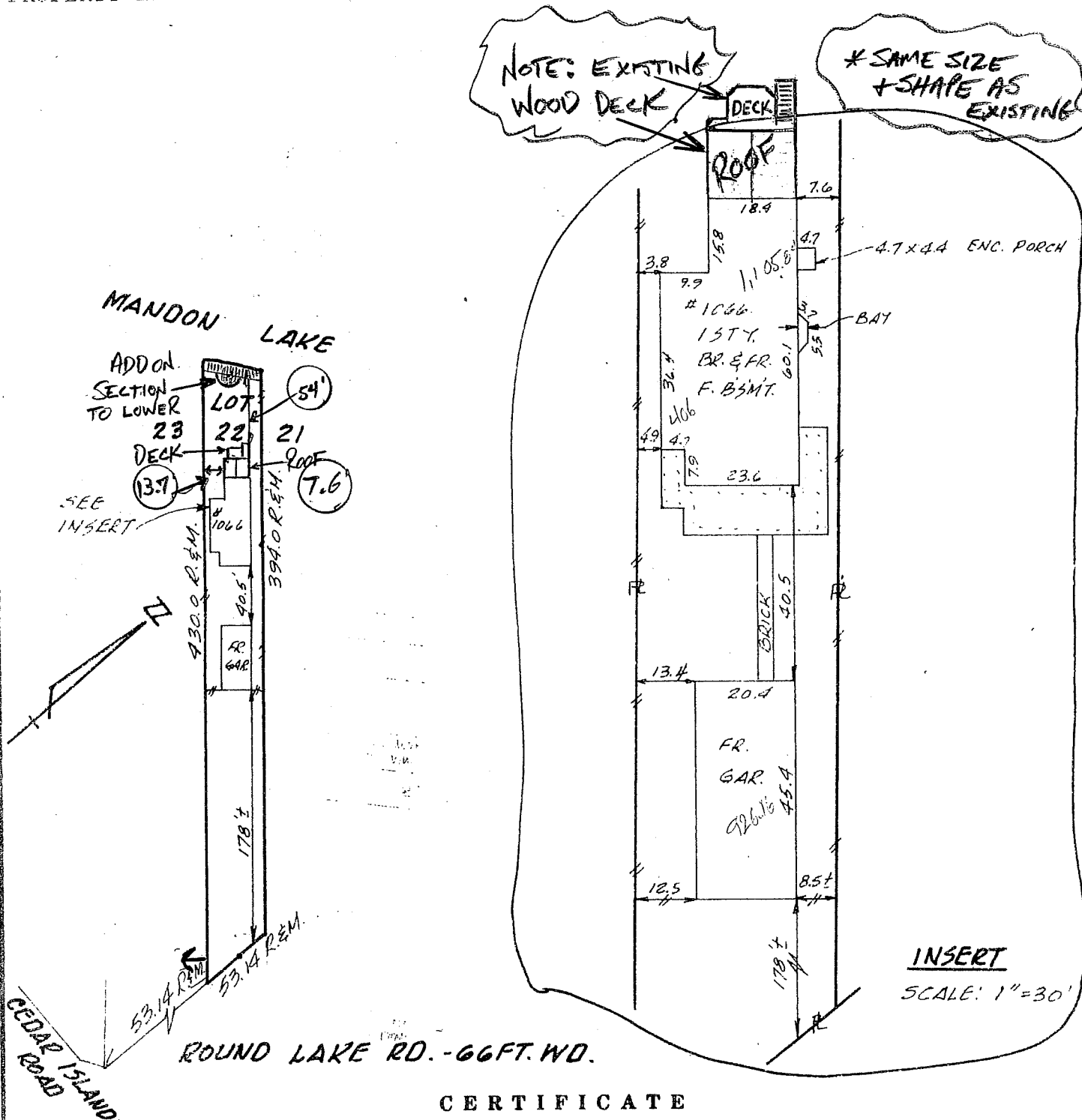
Miles Bradley Authorized signature _____

[Signature] 9/6/22

Description:

Lot 22, County & Boulevard Park subdivision of the E. 1/4, S.W. 1/4 N.L. 104 sec. 35, T. 27N., R. 3E., Oakland County, Michigan. Record L. 13, P. 11 Place, D.C.P.

NOTE: ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ALL BUILDINGS ARE IN ZONE "C" FLOOD PLAIN. HOWEVER, PORTIONS OF THE REAR OF THE PROPERTY LIE IN ZONE "A1"



CERTIFICATE

We hereby certify to First Nationwide Bank
Dearborn, Michigan

for the purpose of a mortgage made or to be made by the said Companies
to Michael P. and Laurie L. Rubino 0045804990

that we have inspected the property herein described; that there are located entirely thereon a shown, buildings and improvements, and that said building and improvements are within the property lines and that there are no existing encroachments upon the land and property described whatsoever,

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

October 25, 2022

Michael and Lori Rubino
 1066 Round Lake Rd
 White Lake, MI 48386

RE: Proposed Gable Roof Addition

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

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum side yard setback of 10 ft each side and total of 20 ft, and minimum lot width of 80 ft.

The existing lot is legal non-conforming with a lot width of 53.14 ft at the road frontage. While the proposed new structure would maintain the approximate 7.6 ft side yard setback on the north side, the addition of the roof structure would not be permitted per ordinance. The approximate 7.6 ft side yard setback on the north side and approximate 3.8 ft side yard setback on the south side would be an approximate combined side yard setback of 11.4 ft.

Approval of the building plans is subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the December 8th Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than November 10th at 4:30 PM. **A certified boundary and location survey, which should include lot area and 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

March 1, 2023

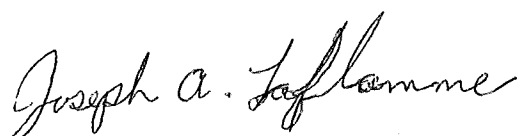
White Lake Township Board of Appeals

This is a request that you review the proposal for the following land/property splits per the attached property boundary document.

The main objective for the proposal is for two homeowners to have personal access to Mead Lake.

If this proposal is approved, I will have a surveyor relocate the property boundaries per the approved, proposed reallocation of property.

Thank you for your time and consideration,



Mr. Joseph A. Laflamme

248-343-0310

Mead Lane

Item A.



Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.



David Coulter
Oakland County Executive

Date Created: 3/2/2023

30
NO
1 inch = 200 feet