



ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN, 48383
(FORMER WHITE LAKE LIBRARY)
THURSDAY, JULY 28, 2022 – 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 June 23, 2022

6. OLD BUSINESS

7. NEW BUSINESS

A. Applicant: Ryan Riedel
1499 Hillway Drive
White Lake, MI 48386
Location: **1499 Hillway Drive**
White Lake, MI 48386 identified as 12-34-352-032
Request: The applicant requests to construct an accessory structure, requiring a variance from Article 3.11.Q, Natural Features Setback.

B. Applicant: Wade Paris
9377 Gale Road
White Lake, MI 48386
Location: **9604 Buckingham Road**
White Lake, MI 48386 identified as 12-14-201-015
Request: The applicant requests an extension of the approval period for variances granted on February 24, 2022, requiring a variance from Article 7.39, Approval Periods.

8. OTHER BUSINESS

A. Zoning Ordinance Discussion - Part 4

9. NEXT MEETING DATE: August 25, 2022

10. 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
JUNE 23, 2022**

CALL TO ORDER

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

ROLL CALL

Present:

Clif Seiber
Kathleen Aseltyne
Mike Powell, Township Board Liaison
Debby Dehart, Planning Commission Liaison
Jo Spencer, Chairperson

Absent:

Niklaus Schillack, Vice Chairperson

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

9 members of the public present

APPROVAL OF AGENDA

MOVED by Member Aseltyne, SUPPORTED by Member Powell, to approve the agenda as amended.

The motion CARRIED with a voice vote (5 yes votes).

APPROVAL OF MINUTES:

- a. Zoning Board of Appeals Regular Meeting of May 26th, 2022

MOVED by Member Seiber, SUPPORTED by Member Dehart to approve the Zoning Board of Appeals Regular Meeting Minutes of May 26th, 2022 as presented.

The motion CARRIED with a voice vote (5 yes votes).

CONTINUING BUSINESS:

None.

NEW BUSINESS:

A. Applicant: Matthew Follis

64 Union Lake Road
White Lake, MI 48386

Location: **9179 Kettering Avenue**

White Lake, MI 48386 identified as 12-35-276-039

Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an attached garage and second story 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 required due to both the value of improvements and the increase in cubic content.

Chairperson Spencer noted for the record that 57 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 presented his staff report.

Chairperson Spencer stated the applicant's plans had discrepancies, and she was not able to consider the request based the plan being deficient. Staff Planner Quagliata said he spoke to the Building Official regarding this matter, and said he agreed plans needed to be consistent throughout both the building permit and variance processes.

Matt Follis, 64 Union Lake, was present to speak regarding his case. He said he purchased the property in March, and the house was in a deteriorated state when purchased. He intended on improving and then moving into the house with his family.

Member Seiber asked the applicant to confirm the depth of the garage. Mr. Follis said the depth was 30 feet.

Member Seiber asked the applicant if the size of the garage was intended for storage purposes. Mr. Follis confirmed, and stated his business equipment would be stored in the garage. Mr. Follis said he was not opposed to eliminating the existing shed if it would aid in granting him his requested variances. He added he would like the shed to remain as construction began on the house, and to have it removed when construction was complete.

Member Aselyne asked the applicant what the practical difficulty regarding the site was. Mr. Follis said the lot was undersized, but this was more of a financial option.

Member Dehart asked the applicant what the bump out on the west side of the house was. Mr. Follis said it was living space, and there was a current permit issued for improvement and repairs to the existing structure, including that living space. There were trusses on the west side that were supporting the secondary roof.

Chairperson Spencer noted the ZBA was in charge of eliminating nonconformity, and the applicant was requesting to increase nonconformities.

Chairperson Spencer opened the public hearing at 7:33 P.M.

Mary Earley, 5925 Pine Ridge Court, spoke regarding garage height.

Juanita Ward, 9178 Kettering Avenue, spoke in favor of the applicant's request.

Chairperson Spencer closed the public hearing at 7:35 P.M.

Member Seiber suggested the applicant eliminate the shed to help improve the lot coverage issue.

Member Powell stated if the lot was conforming, the lot coverage would not be an issue. He added the lot was undersized.

Member Dehart said if the ZBA required an increase to the west side yard setback to 5 feet by removing a portion of the house, she would be more comfortable with the variance requested for lot coverage and value of improvement to a nonconforming structure. She stated the practical difficulty was the lot itself.

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

A. Practical Difficulty

- Chairperson Spencer said there was no practical difficulty as there was a house on the lot that could be used.
- Member Dehart said the practical difficulty was the nonconforming lot. In addition, other houses in the neighborhood were larger.
- Member Aselyne disagreed and said the majority of the neighborhood did not have houses as large as the one the applicant was proposing.
- Member Powell said the existing house did not have a garage, and the snow in Michigan made not having a garage a practical difficulty.
- Chairperson Spencer disagreed, and said a garage and basement were not a god given right, but a roof was.
- Member Seiber said the lot was two-thirds of the area required in the R1-D zoning district, which was a practical difficulty.

B. Unique Situation

- Member Powell said the lot area was smaller than required in the R1-D zoning district.

C. Not Self-Created

- Chairperson Spencer said the existing house could be lived in.
- Member Seiber said the ZBA should look at the degree of how the problem was self-created.

D. Substantial Justice

- Chairperson Spencer said substantial justice was not being denied; a house was on the lot.
- Member Powell said if the ZBA required an increase to the west side yard setback to 5 feet by removing a portion of the house, the nonconformity and safety would be improved.

E. Minimum Variance Necessary

- Member Dehart said the existing house was 6 inches from the west property line, and the Township did not correct it at that time.

Member Seiber MOVED to approve the variances requested by Matthew Follis from Articles 3.1.6.E, 7.23.A, and 7.28.A of the Zoning Ordinance for Parcel Number 12-35-276-039, identified as 9179 Kettering Avenue, in order to construct an addition. A variance from Article 7.23.A is granted to allow: the addition to exceed the allowed lot coverage by 7%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 204%. A 4,015 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.**
- **No mechanical units, including HVAC system or generator, shall be placed within any side yard setbacks or the front yard.**
- **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 lot coverage.**
- **Revised plans drawn to scale shall be submitted to the satisfaction of the Building Official.**

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

- B. Applicant: James Dainty
8560 Pontiac Lake Road
White Lake, MI 48386
Location: **8560 Pontiac Lake Road**
White Lake, MI 48386 identified as 12-13-328-004
Request: The applicant, under Article 7.36, Powers of Zoning Board of Appeals Concerning Administrative Review and Variances, is appealing an order of the Staff Planner to remove an unpermitted nonconforming structure installed on the property. The applicant also requests a variance from Article 3.1.6.E, R1-D Single Family Residential, to allow the structure to encroach into the front yard setback.

Chairperson Spencer noted for the record that 11 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 presented his staff report.

Member Seiber asked staff if the ZBA had the authority to grant a use variance. Staff Planner Quagliata said no. Member Seiber asked staff if the applicant's use of the property would be considered "grandfathered." Staff Planner Quagliata said the current use was unlawful.

Member Dehart asked staff if there were any state agency permits obtained for the use of the property. Staff Planner Quagliata said not to his knowledge, and the applicant would have needed Township approval to operate a marina.

James Dainty Jr., 22525 Benjamin, was present to speak on behalf of his case. The business was operating on his father's property, and he himself ran the property on a day-to-day basis. He said he had to increase storage on the property in order for the business to generate a profit. He admitted he did not explain himself and his plans clearly when he met with the Planning Department in 2021. He said the marina had been operating for decades.

Member Aselyne asked the applicant if he knew the zoning of the parcel when he met with staff in 2021. Mr. Dainty Jr. said he did not think the zoning was discussed.

Member Seiber asked the applicant what state agency issued the operating permit. Mr. Dainty Jr. said he believed it was MDEQ, but those permits were not issued anymore.

Member Dehart asked the applicant what year the marina established. Mr. Dainty Jr. said the property was purchased in 2002, and the previous owner was using the property for the same use as well as the owner before that owner.

Chairperson Spencer opened the public hearing at 8:24 P.M. Seeing no public comment, she closed the public hearing at 8:25 P.M.

Member Aseltyne asked staff what zoning category in the Township would the applicant's use be allowed. Staff Planner Quagliata said the current zoning of R1-D was not acceptable, a marina was considered a commercial use. Rezoning the property would create a spot zone because the surrounding properties were zoned R1-D as well.

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

- A. Practical Difficulty
 - Chairperson Spencer did not see a practical difficulty. Member Powell agreed.
- B. Unique Situation
 - Member Dehart did not see a unique situation.
- C. Not Self-Created
 - Chairperson Spencer said the problem was self-created. Member Dehart agreed.
- D. Substantial Justice
 - Member Dehart said there were no structures similar in the area.
- E. Minimum Variance Necessary
 - Chairperson Spencer said there was not a practical difficulty.

Member Powell MOVED to affirm the order of the Staff Planner to require removal of the unpermitted, nonconforming structure and deny the appeal by James Dainty for Parcel Number 12-13-328-004, identified as 8560 Pontiac Lake Road, for the reasons stated at this hearing, including:

- Failure to meet the standards of Article 7, Section 37 of the Zoning Ordinance.
- The illegal use of the property.

The Appellant shall remove the unpermitted, nonconforming structure from the property by August 22, 2022.

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

OTHER BUSINESS

None.

ADJOURNMENT

MOVED by Member Aseltyne, SUPPORTED by Member Dehart to adjourn the meeting at 8:57 P.M. The motion CARRIED with a voice vote (5 yes votes).

NEXT MEETING DATE: July 28, 2022 Regular Meeting

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: July 28, 2022

Agenda item: 7a

Appeal Date: July 28, 2022

Appellant: Ryan Riedel

Address: 1499 Hillway Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 1499 Hillway Drive
White Lake, MI 48386

Property Description

The approximately 0.555-acre parcel identified as 1499 Hillway Drive is located on Sugden Lake and zoned R1-D (Single Family Residential).

Appellant's Proposal

Ryan Riedel, the Appellant, is requesting a post-construction variance to allow an accessory structure, which is partially erected, to remain located within the Natural Features Setback. It is staff's understanding the accessory structure is a tiki bar. Currently corner posts and roof rafters are in place, but the roof covering has not been completed. If the Zoning Board of Appeals approves the request, the Appellant would proceed with finishing the work on the accessory structure.

Planner's Report

Article 3, Section 11.Q of the Zoning Ordinance prohibits buildings or structures from being located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The accessory structure has a zero-foot setback from the Sugden Lake shoreline.

Note as the structure is under 200 square feet in size, a building permit was not required. However, compliance with the Zoning Ordinance is a requirement for any structure, regardless of size.

Based on the plans submitted by the Appellant, it appears the accessory structure is within five feet of the north side lot line. However, the dimension is not labeled and the plans are not drawn to scale. 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 for safety reasons.

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	25 feet	0 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Ryan Riedel from Article 3.11.Q of the Zoning Ordinance for Parcel Number 12-34-352-032, identified as 1499 Hillway Drive, in order to allow an accessory structure to encroach 25 feet into the required Natural Features Setback. This approval will have the following conditions:

-
-
-

Denial: I move to deny the variance requested by Ryan Riedel for Parcel Number 12-34-352-032, identified as 1499 Hillway Drive, due to the following reason(s):

-
-
-

The Appellant shall remove the accessory structure from the property by September 11, 2022.

Postpone: I move to postpone the appeal of Ryan Riedel to a date certain or other triggering mechanism for Parcel Number 12-34-352-032, identified as 1499 Hillway Drive, to consider comments stated during this hearing.

Attachments:

1. Variance application dated June 27, 2022.
2. Plans submitted by Appellant.
3. Survey dated August 12, 2015.
4. Letter from the Building Official dated June 16, 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: RYAN RIEDEL PHONE: 248-558-9470
ADDRESS: 1999 HILLWAY DR, WHITE LAKE, MI 48386
APPLICANT'S EMAIL ADDRESS: RIEDEL71@HOTMAIL.COM
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: SAME AS ABOVE PARCEL # 12 - 34-352-032
CURRENT ZONING: N/A PARCEL SIZE: N/A

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: ARTICLE ^{3.11} ~~3.1~~ (Q) 25'
SET BACK FROM WETLANDS (LAKE). 25' VARIANCE REQUESTED
VALUE OF IMPROVEMENT: \$ 1500.00 SEV OF EXISTING STRUCTURE: \$ 500.00

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

APPLICATION FEE: \$ 385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: Ryan Riedel DATE: 6/27/22

RECEIVED
JUN 28 2022
BUILDING DEPARTMENT

CERTIFICATE OF SURVEY

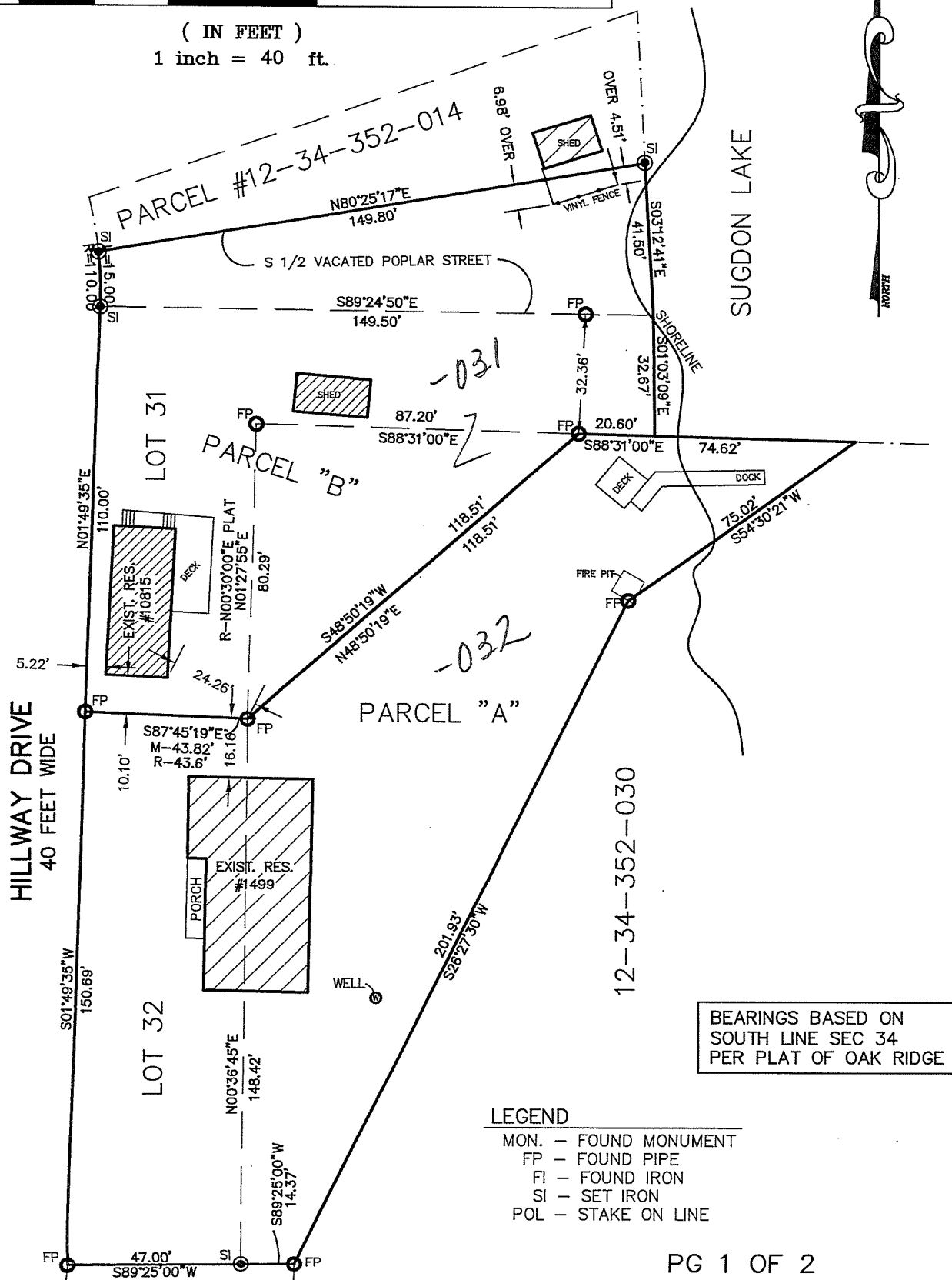
Item A.

PARCEL SPLIT

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



BEARINGS BASED ON
SOUTH LINE SEC 34
PER PLAT OF OAK RIDGE

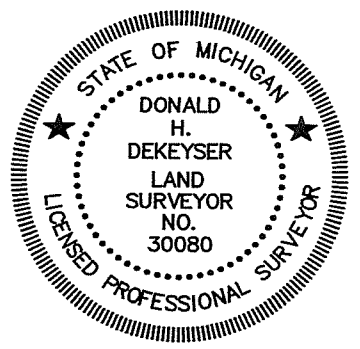
- LEGEND**
- MON. - FOUND MONUMENT
 - FP - FOUND PIPE
 - FI - FOUND IRON
 - SI - SET IRON
 - POL - STAKE ON LINE

PG 1 OF 2

FOR: **FADI AWAD**

I HEREBY CERTIFY that I have surveyed and mapped the above described land on the date stated below; that there are no encroachments except as shown; the error of closure is 1 in 5000 +, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967.

This survey complies with the requirements of Sec. 3, Public Act 132 of 1970, as amended.



DEKEYSER SURVEYING
6038 NORTHRUP ST.
WATERFORD, MICHIGAN 48329
PHONE (248)623-1518 FAX (248)623-3078

JOB NO.:	SCALE:	DATE:
5786	1"=40'	8-12-15

Donald H. DeKeyser
DONALD H. DEKEYSER P.L.S. #30080

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

June 16, 2022

Ryan Riedel
 1499 Hillway Dr
 White Lake, MI 48386

Re: Accessory Structure

Please be advised, the accessory structure that is being erected upon your property is out of compliance per Article 3.9(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.***

Further, if the structure is greater than 200 sq ft, the exemption from the requirement of a building permit would not be met per Section R105 of 2015 Michigan Residential Code. Either the structure will need to be removed or a variance sought for the structure to remain.

To be eligible for the July 28th Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than June 23rd at 4:30 PM. ***A certified boundary and location survey will be required by the ZBA.*** The Planning Department can be reached at (248)698-3300, ext. 5

Best Regards

Nick Spencer, Building Official
 White Lake Township

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: July 28, 2022

Agenda item: 7b

Appeal Date: July 28, 2022

Applicant: Wade Paris

Address: 9377 Gale Road
White Lake, MI 48386

Zoning: R1-D Single Family

Location: 9604 Buckingham Road
White Lake, MI 48386

Property Description

The approximately 0.218-acre (9,505 square feet) parcel identified as 9604 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 potable water and the public sanitary sewer system for sanitation. The double lot (Lots 187 and 188) contains 95 feet in width at the front property line.

Applicant's Proposal

Wade Paris, the Applicant, is requesting an extension of the approval period for variances granted by the Zoning Board of Appeals on February 24, 2022 associated with the construction of a single-family house.

Planner's Report

The staff report for the original approval (attached) should be referenced for a more complete overview of the project.

In accordance with Article 7, Section 39 of the zoning ordinance, no order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. Variances were granted for the project on February 24, 2022, and therefore expire on August 24, 2022. The previous property owner sold the subject site to the Applicant on June 8, 2022. While the extension request, if approved, would extend the validity of the previously approved variances, the Applicant submitted a site plan showing the proposed house would be more compliant with the Zoning Ordinance than the originally approved plan (four-foot greater front yard setback (18.5 feet to 22.5 feet) and six percent less lot coverage (27% to 21%)). If the requested extension is granted, the approval period for the previous variances will terminate on February 24, 2023.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.39	Approval Periods	6 months	6 months	12 months

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Wade Paris from Article 7.39 of the Zoning Ordinance for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, in order to extend the approval period for variances granted on February 24, 2022 by six months, until February 24, 2023. This approval will have the following conditions:

- All conditions of previous approvals shall remain in effect.

Denial: I move to deny the variance requested by Wade Paris for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Wade Paris to a date certain or other triggering mechanism for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, to consider comments stated during this hearing.

Attachments:

1. Variance application dated July 8, 2022.
2. Staff report dated February 24, 2022.
3. Minutes of the February 24, 2022 Zoning Board of Appeals meeting.
4. Site plan dated June 28, 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: Wade Paris PHONE: 248-820-9087
ADDRESS: 9377 GALE Rd White Lake MI 48386
APPLICANT'S EMAIL ADDRESS: Wadesemailaddress@yahoo.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 9604 Buckingham PARCEL # 12-14-201-015
CURRENT ZONING: RD 1 PARCEL SIZE: 9505 SQ FT

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

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

APPLICATION FEE: _____ (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: [Signature] DATE: 7-8-22

RECEIVED

JUL 08 2022

BUILDING DEPARTMENT

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: February 24, 2022

Agenda item: 7b

Appeal Date: February 24, 2022

Applicant: Robert Knisley

Address: 8780 Arlington Street
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 9604 Buckingham Road
White Lake, MI 48386

Property Description

The approximately 0.218-acre (9,505 square feet) parcel identified as 9604 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 potable water and the public sanitary sewer system for sanitation. The double lot (Lots 187 and 188) contains 95 feet in width at the front property line.

Applicant's Proposal

Robert Knisley, the applicant, is proposing to construct a two-story house with an attached two-car garage.

Planner's Report

In March 2021 the Zoning Board of Appeals (ZBA) denied variance requests from the applicant to construct a first- and second-story addition on an existing house. The ZBA determined the building was unsafe and ordered demolition of the house within 60 days of denial. On January 13, 2022 the applicant received a permit to demolish the house, and the demolition has since been completed.

The proposed house is 4,147 square feet in size (first floor: 1,880 square feet; second floor: 1,605 square feet; garage: 662 square feet). According to the submitted site plan, the proposed lot coverage is 27% (2,565 square feet), which is 7% (664 square feet) beyond the allowable limit (1,901 square feet). As proposed, the house at its closest point would be located 18.5 feet from the front lot line, requiring a variance of 11.5 feet from the required 30-foot front yard setback. A variance to address the lot area nonconformity is also requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	11.5 feet	18.5 feet
2	Article 3.1.6.E	Maximum lot coverage	20% (1,901 square feet)	7% (664 square feet)	27% (2,565 square feet)
3	Article 3.1.6.E	Minimum lot area	12,000 square feet	2,495 square feet	9,505 square feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Robert Knisley from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, in order to construct a new house that would encroach 11.5 feet into the required front yard setback and exceed the allowed lot coverage by 7%. A 2,495 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.
- No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.
- A foundation certificate shall be required prior to the backfill inspection by the Building Department.
- An as-built survey shall be required to verify the approved setbacks.

Denial: I move to deny the variances requested by Robert Knisley for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, due to the following reason(s):

Table: I move to table the variance requests of Robert Knisley for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated January 24, 2022.
2. Applicant's written statement dated January 24, 2022.
3. Site plan dated January 10, 2022.
4. Exterior elevations and floor plans dated December 21, 2021.
5. Letter of denial from the Building Official dated January 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.

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 24, 2022**

CALL TO ORDER

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

ROLL CALL

Present:

Clif Seiber
Debby Dehart, Planning Commission Liaison
Kathleen Aseltyne
Tony Madaffer
Jo Spencer, Chairperson

Absent:

Michael Powell, Township Board Liaison
Niklaus Schillack, Vice Chairperson

Others:

Justin Quagliata, Staff Planner
Hannah Micallef, Recording Secretary

15 members of the public present

APPROVAL OF AGENDA

MOVED by Member Aseltyne, SUPPORTED by Member Madaffer, 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 27, 2022.

MOVED by Member Seiber, SUPPORTED by Member Dehart to approve the Zoning Board of Appeals Regular Meeting Minutes of January 27, 2022 as presented. The motion CARRIED with a voice vote (5 yes votes).

NEW BUSINESS:

- A. Applicant: Stacy Husslein
5654 Lancaster Lane
Commerce, MI 48382
Location: **320 View Drive**

White Lake, MI 48386 identified as 12-23-406-014

Request: The applicant requests to construct a single-family house with a side-entry garage that does not meet the minimum setback, requiring a variance from Article 3.11.T, Notes to District Standards. A variance from Article 3.1.5.E, R1-C Single Family Residential is also required to exceed the maximum lot coverage.

Chairperson Spencer noted for the record that 23 owners within 300 feet were notified. 0 letters were received in favor, 10 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata presented his staff report.

Member Seiber asked staff if it was normal for the lot area to be measured from the floodplain line. Staff Planner Quagliata stated it was excluded from the lot coverage.

Member Seiber asked staff if a deck with a roof was included in lot coverage. Staff Planner Quagliata confirmed. Member Seiber said the applicant's case was different as there was a roof but the "deck" below was grass.

Member Dehart asked staff if there was a deed restriction in the subdivision regarding garage bays. Staff Planner Quagliata said he was unsure.

Stacey and Nick Husslein, 5654 Lancaster Lane, Commerce, were present to speak on her case. Mrs. Husslein said she believed the minimum house size per the homeowner's association was 1400 square feet. She said it wasn't a requirement to have a side entry garage, but everyone else on View Drive did.

Member Seiber asked the applicant if it was possible to shift the garage over 14 inches. Mr. Husslien said it was considered, but it would affect the windows in the area. Member Seiber said other garages in the area must have met the 25-foot setback.

Chairperson Spencer asked the applicant if they could downsize the proposed house. Mrs. Husslien said the house was laid out to have everything on the first floor because she had M.S. and was preparing for her future. Mr. Husslien said he did not originally intend to ask for a variance; he originally believed the plans met the ordinance.

Chairperson Spencer opened the public hearing at 7:16 P.M.

Jim Kush, 410 Berry Patch Lane, spoke in favor of the applicant's request.

John Behm, 298 Shotwell, said he had no objections to the plans, but the applicants should consider moving their driveway.

Chairperson Spencer closed the public hearing at 7:19 P.M.

Member Dehart stated the floodplain could be a hardship in making the lot coverage area smaller.

Member Aseltyne stated the house could be built to ordinance standards and did not see a practical difficulty.

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

- A. Practical Difficulty
 - Chairperson Spencer did not see a practical difficulty.
- B. Unique Situation
 - Member Dehart said older houses may have considered the floodplain in their lot coverage.
- C. Not Self-Created
- D. Substantial Justice
- E. Minimum Variance Necessary

Member Seiber MOVED to deny the variances requested by Stacy Husslein for Parcel Number 12-23-406-014, identified as 320 View, due to the following reason(s):

- **The garage could be moved over 14 inches.**
- **The house could be downsized.**
- **Failure to meet the standards of Article 7, Section 37 of the ClearZoning Ordinance.**

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

- B. Applicant: Robert Knisley
8780 Arlington Street
White Lake, MI 48386
Location: **9604 Buckingham Road**
White Lake, MI 48386 identified as 12-14-201-015
Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Maximum Lot Coverage, and Minimum Lot Area.

Chairperson Spencer noted for the record that 19 owners within 300 feet were notified. 1 letter was received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata presented his staff report.

Robert Knisley, 8780 Arlington, was present to speak on his case. He said when he was originally before the Board in March of 2020, his request for an addition was denied. He worked with his architect to design a house to better fit on the lot. He was now met the side and rear yard setbacks, and the garage was reduced in size.

Member Aseltyne asked the applicant what his practical difficulty was. Mr. Knisley said there was difficulty meeting the side yard and rear yard setbacks, and the house had to be angled to meet those setbacks. He added most houses on the street were within 5-6 feet of the road.

Chairperson Spencer opened the public hearing at 7:35 P.M. She read one letter of support of the applicant's request into the record.

John Johnson, 8882 Arlington, spoke in favor of the applicant's request.

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

Member Aseltyne stated the applicant's request was excessive in regards to the other houses in the neighborhood and a practical difficulty was not presented.

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

- A. Practical Difficulty
 - Member Seiber said he saw a practical difficulty; the building envelope on the west side of the lot was narrow. The proposed house was an improvement over the house previously there.
 - Member Dehart said she saw a difficulty as the lot was platted before the current ordinance, as well as the way the road arched in front of the lot.
- B. Unique Situation
 - Chairperson Spencer said the house could be reduced in size so she did not see a unique situation.
- C. Not Self-Created
- D. Substantial Justice
- E. Minimum Variance Necessary

Member Seiber MOVED to approve the variances requested by Robert Knisley from Articles 3.1.6.E and 7.28.A of the Zoning Ordinance for Parcel Number 12-14-201-015, identified as 9604 Buckingham Road, in order to construct a new house that would encroach 12.5 feet into the required front yard setback and exceed the allowed lot coverage by 7%. A 2,495 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.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**

Member Dehart SUPPORTED, and the motion CARRIED with a roll call vote: (3 yes votes) (Seiber/yes, Dehart/yes, Aseltyne/no, Madaffer/yes, Spencer/no).

- C. Applicant: Brad VanGorder
8890 Tackels Drive
White Lake, MI 48386
Location: **8890 Tackels Drive**
White Lake, MI 48386 identified as 12-13-104-007
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct a first and second story addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is required due to both the value of improvements and the increase in cubic content.

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

Staff Planner Quagliata presented his staff report.

Member Dehart asked staff if the former Building Official erroneously allowed the house to be built 4.2 feet into the setback. Staff Planner Quagliata confirmed.

Brad VanGorder, 8890 Tackels, spoke regarding his case. He said his intent was to fill the space between the house and garage. He would set back the walls on the second-story off the existing first floor walls.

Chairperson Spencer opened the public hearing at 7:51 P.M.

John Behm, 298 Shotwell, said he had no objections to the plans.

Chairperson Spencer closed the public hearing at 7:53 P.M.

Member Seiber stated the nonconformity of the setbacks did not appear to increase, and considering the width of the lot there was a hardship.

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

- A. Practical Difficulty
 - Member Dehart said the lot size was a practical difficulty.
- B. Unique Situation
- C. Not Self-Created
- D. Substantial Justice
- E. Minimum Variance Necessary

Staff Planner Quagliata said the current Building Official said the plans as presented could not be approved, and would have to be revised to receive his approval. The redlined plans would not be accepted.

Member Seiber MOVED to approve the variances requested by Brad VanGorder from Articles 3.1.6.E, 7.23.A, and 7.28.A of the Zoning Ordinance for Parcel Number 12-13-104-007, identified as 8890 Tackels Drive, in order to construct an addition. Variances from Article 7.23.A are granted to allow: the addition to encroach 5 feet into the required setback from the west side lot line; to allow structural work to encroach 2.2 feet into the required setback from the front lot line; and to exceed the allowed lot coverage by 11.1%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 321%. A 40-foot variance from the required lot width and a 5,421.7 square foot variance from the required lot area are also granted from Article 3.1.6.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **The west side wall of the second-story addition shall be relocated east to provide a five-foot side yard setback, which shall be measured from the roof overhang of the addition.**
- **In no event shall the projection of any roof overhang be closer than five (5) feet to the west side lot line.**
- **No mechanical units, including HVAC system or generator, shall be placed closer than five (5) feet to any side yard lot line.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **The gutter system shall direct stormwater away from neighboring properties.**
- **Revised plans shall be submitted to meet the requirements of the Building Official**

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

D. Applicant: Rob Higgs
15486 Surrey
Livonia, MI 48154
Location: **(1) 3811 Ormond Road**
White Lake, MI 48383 identified as 12-07-329-013
(2) 12-07-329-035
Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.5.E, R1-C Single Family Residential Front-Yard Setback, Rear-Yard Setback, Maximum Lot Coverage, and Minimum Lot Area.

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

Staff Planner Quagliata presented his staff report.

Member Dehart asked staff if the ordinary high-water mark was identified on the site plan. Staff Planner Quagliata said no.

Member Aseltyne asked staff if the applicant's request could be denied based on incomplete information. Staff Planner Quagliata said the ZBA had the authority to do so.

Chairperson Spencer said the letter of authorization from the property owner's daughter was not notarized and therefore unacceptable. She added the plans were incomplete and she did not accept the plans.

Rob Higgs, 15486 Surrey, Livonia, was present to speak on his case. He brought his builder, Andy Giles. He said he was given a lot of information during the process and that was where the confusion was. He said the lot was steep and therefore posed a practical difficulty. Mr. Giles said due to the grade drop-off in the back, the surveyor drew the plans where the back of the house would be on the rear setback. The surveyor also included a primary septic field and reserve septic field which took a good portion of the side yard on the left. The current accessory building was 10 feet from the road and would be removed along with the existing house.

Member Seiber stated the widest part of the building envelope was at the south side of the lot, but the widest part of the house was at the north side of the lot. If the house was flipped, there would be an increased front yard setback. Mr. Giles said the issue with that arrangement would be the retaining wall.

Member Dehart asked the applicant if the perc test had been done. Mr. Giles said no.

Chairperson Spencer opened the public hearing at 8:17 P.M. Seeing no public comment, she closed the public hearing at 8:18 P.M.

Member Aseltyne MOVED to table the variance requests of Rob Higgs for Parcel Number 12-07-329-013, identified as 3811 Ormond Road, and Parcel Number 12-07-329-035 to consider comments stated during this public hearing

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

OTHER BUSINESS

Chairperson Spencer said she would like to hold a work session prior to the March 24th meeting to discuss some of the zoning ordinance amendments.

Staff Planner Quagliata said the Township Board had tasked the ZBA with reviewing the ordinance and to provide feedback to the Planning Commission.

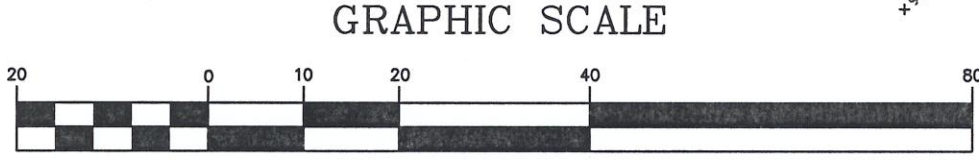
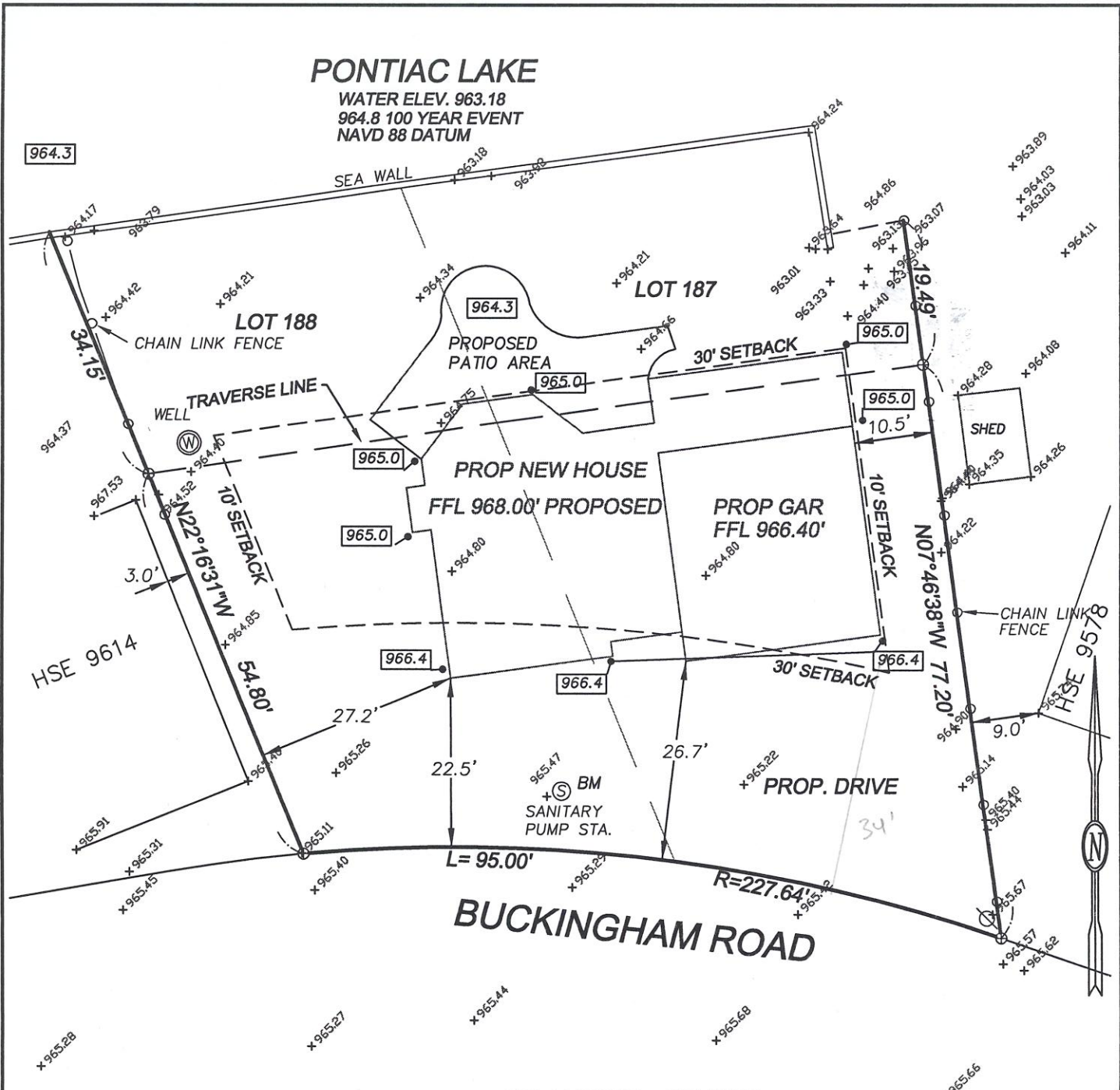
Member Dehart said signs were discussed at the last Planning Commission meeting. The ZBA did not have to review signage if the property in question was zoned Planned Development or Planned Business, as it became a waiver in that specific instance. It felt as though there were two different standards in regards to signage.

Staff Planner Quagliata stated he was in favor of tightening up the sign ordinance.

ADJOURNMENT

MOVED by Member Aseltyne, **SUPPORTED** by Member Seiber to adjourn the meeting at 8:45 P.M.
The motion CARRIED with a voice vote (5 yes votes).

NEXT MEETING DATE: March 24, 2022 Regular Meeting



(IN FEET)
 1 inch = 20 ft.

LOT COVERAGE
 LOT AREA = 9,505 S.F.
 PROP NEW HOUSE & GARAGE=2040 S. F. 21 % (30% MAX)

DESCRIPTION PARCEL 12-14-201-015
 LOTS 187 & 188 OF "ENGLISH VILLAS SUBDIVISION", A SUBDIVISION OF PART OF SECTIONS 11, 13, & 14, T.3N., R.8E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 51 OF PLATS, PAGES 22 & 22A, OAKLAND COUNTY RECORDS.

BEARINGS BASED ON NAD83 (CORS2011) SPC MI. SOUTH ZONE
ELEVATION DATUM NAVD 88
BENCH MARK SANITARY PUMP STATION NORTH RIM 965.62

Drawing for:
WADE PARK
9377 GAIL RD.
WHITE LAKE, MI. 48386

Drawn By: **LAS**
 Date: **6/28/22**
 Scale: **1"= 20'**
 Job Number: **11009**

LEGEND

R. = RECORDED
 M. = MEASURED
 D. = DEEDED
 C. = CALCULATED
 ⊕ = SET 1/2" IRON BAR
 ● = FOUND IRON

⊙ = FOUND "T" IRON
 ⊗ = CONCRETE MONUMENT
 ○ = FOUND IRON PIPE
 ⊠ = LATH ON LINE
 × = CHISELED "X"
 ○ = SET NAIL / SPIKE

TRI-COUNTY SURVEYING, INC.
 8615 RICHARDSON RD.
 COMMERCE TWP., MICHIGAN 48390
 248-363-2550

STATE OF MICHIGAN
 Joseph Carl Kapelczak
 LICENSED PROFESSIONAL SURVEYOR
 License No. 4001024598

Joseph Carl Kapelczak