



## ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN 48383  
THURSDAY, JANUARY 25, 2024 – 6:30 PM

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

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## AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
  - A. [December 14, 2023](#)
6. CALL TO THE PUBLIC
7. OLD BUSINESS
8. NEW BUSINESS
  - A. [Applicant: Lee & Pat Brithinee](#)  
[568 Burgess Drive](#)  
[White Lake, MI 48386](#)  
[Location: 547 Burgess Drive](#)  
[White Lake, MI 48386 identified as 12-27-429-004](#)  
[Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.5.E, R1-C Single Family Residential Maximum Building Height and Minimum Lot Area.](#)
  - B. [Applicant: Timbercraft Homes, Inc.](#)  
[2281 Elkridge Circle](#)  
[Highland, MI 48356](#)  
[Location: 3811 Ormond Road](#)  
[White Lake, MI 48383 identified as 12-07-329-037](#)  
[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 and Maximum Lot Coverage.](#)
  - C. [Applicant: Brian D. Pendley](#)  
[5335 Wayne Road](#)  
[White Lake, MI 48383](#)  
[Location: 5335 Wayne Road](#)  
[White Lake, MI 48383 identified as 12-17-103-011](#)  
[Request: The applicant requests post-construction variances to allow an accessory building \(shed\) within the natural features setback, requiring a variance from Article 3.11.Q, Natural Features Setback. A variance from Article 5.7.C, Accessory Buildings or Structures in Residential Districts is also required due to the wall height. A variance from Article 3.1.6.E, R1-D Single Family Residential Maximum Lot Coverage is also required.](#)



**9. OTHER BUSINESS**

A. [Election of Officers](#)

**10. NEXT MEETING DATE:** February 22, 2024

**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  
DECEMBER 14, 2023**

**CALL TO ORDER**

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

Roll was called:

**ROLL CALL**

**Present:**

Jo Spencer, Chairperson  
Clif Seiber  
Kathleen Aseltyne  
Debby Dehart, Planning Commission Liaison  
Niklaus Schillack, Vice Chairperson

**Absent:**

Mike Powell, Board Liaison

**Others:**

Justin Quagliata, Staff Planner  
Hannah Kennedy-Galley, Recording Secretary

**APPROVAL OF AGENDA**

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

**CALL TO THE PUBLIC**

None.

**APPROVAL OF MINUTES**

A. September 28, 2023

Member Schillack wanted to make an edit on Page 2, Paragraph 2 to add to "the benefit of the applicant."

**MOTION by Member Schillack, supported by Member Seiber to approve the minutes of September 28, 2023 as amended. The motion carried with a voice vote: (5 yes votes).**

**OLD BUSINESS**

None.

## NEW BUSINESS

- A. Applicant: Leonard Mydini  
 4780 Dixie Hwy.  
 Waterford, MI 48329  
 Location: **8317 Highland Road**  
 White Lake, MI 48386 identified as 12-13-455-021  
 Request: The applicant requests to install a wall sign on the side elevation of the building, requiring a variance from Article 5.9.J.ii.b, Wall Signs.

Chairperson Spencer noted for the record 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 gave a brief report.

Member Dehart asked staff if there was a current sign on the north side of the building. Staff Planner Quagliata said no.

Scott David, 2331 Oakdale, was present to speak on behalf of the applicant. The building was existing and had received fascia improvements. The owner wanted signage at the entrance of the building. Only one wall sign was being requested.

Member Schillack asked the applicant why the sign was proposed to be in this location. Mr. David said the proposed sign had proximity to the road.

Chairperson Spencer opened the public hearing at 7:11 P.M. Seeing no public comment, she closed the public hearing at 7:11 P.M.

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

- A. Practical Difficulty
- Member Seiber said the location of the building presented a practical difficulty, in addition to the fact the building was located close to Highland Road.
- B. Unique Situation
- Member Dehart said there was a unique situation because the entrance to the building and the parking was to the west.
  - Member Schillack added there was a unique situation because the building was nonconforming.
- C. Not Self-Created
- The applicant did not build the building.

D. Substantial Justice

- Chairperson Spencer said the sign being on the Highland Road side would help traveler's see the building and the parking lot.
- Member Schillack said if an individual attempted to make a turn to see the building, it could be dangerous.

E. Minimum Variance Necessary

- Chairperson Spencer said she saw the minimum variance necessary.
- Member Schillack added conditioning approval on no additional signage further ensured the minimum variance necessary.

**Member Seiber MOVED approve the variance requested by Leonard Mydini from Article 5.9.J.ii.b of the Zoning Ordinance for Parcel Number 12-13-455-021, identified as 8317 Highland Road, in order to install a 55.4 square foot wall sign on the west side elevation of the building. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **No additional signage shall be permitted on the building.**
- **Any future modification to signage on the building, except for eliminating signage, shall require approval of the Zoning Board of Appeals**

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

B. Applicant: Jade Robb  
 10280 Lakeside Drive  
 White Lake, MI 48386

Location: **Parcel Number 12-22-428-013**

Request: The applicant requests to construct an accessory building (garage), requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front-Yard Setback, Minimum Lot Area, and Minimum Lot Width.

Chairperson Spencer noted for the record 27 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Schillack asked staff if the property was serviced by well and septic. Staff Planner Quagliata confirmed. The well and septic locations were not labeled on the survey.

Jade Robb, 10280 Lakeside Drive, was present to speak on her case. The property was her late fathers, and she was finishing the project. The intention was to finish the garage to match the house. The existing garage which had been recently demolished was small, and the existing footings would be used. The septic was to the left of the garage. The lot was tricky and small, and most of the garages on the street sat close to the road. She was aimable to adjusting the overhang on the garage, and the dormer could be adjusted as well. The upstairs would be used for storage.

Member Schillack commented he did not know where the septic and well were located. He asked the applicant why the garage was moved toward the road. Ms. Robb said the choice was made due to a large elevation change in the property. She added the well was behind the house, between the house and the shed.

Member Seiber asked the applicant if the concrete slab would be removed. Ms. Robb said the slab was in poor shape and most likely needed to be removed.

Member Seiber asked the applicant if the garage could be moved over six inches to keep the overhang on the garage outside of the five-foot side yard setback. Ms. Robb said the goal was to save some money by saving the existing footing. She said she wanted to keep the existing wall and create a six-inch overhang.

Member Seiber asked the applicant if the garage were moved to meet the front yard setback, would it suffice as an alternate location. Ms. Robb said the issue was the elevation change. She said it was not a favorable option, but it was a possible option.

Member Seiber said if the location of the septic field was properly identified on the survey, it would give a more accurate idea of the property limitations.

Member Aseltyne asked the applicant if she knew where the septic tank and field were located. Ms. Robb said the tank was on the west side of the property.

Member Aseltyne asked the applicant if she was willing to reduce the wall height. Ms. Robb said she was fine with adjusting the height.

Chairperson Spencer opened the public hearing at 7:35 P.M. Seeing no public comment, she closed the public hearing at 7:35 P.M.

Member Aseltyne asked staff if the survey was valid without the septic and well identified. Staff Planner Quagliata said if the Board was comfortable making a decision with the information provided, it could do so.

Member Schillack said the ZBA being provided a complete survey was a clear part of the application process. He struggled to make a decision without a complete survey.

The ZBA discussed what it would like for the applicant to address at a future meeting.

**Member Seiber MOVED to postpone the appeal of Jade Robb to the next available meeting date after a revised plan is submitted for Parcel Number 12-22-428-013, identified as 10280 Lakeside Drive, to consider comments stated by staff, the Zoning Board of Appeals members, and the public during this hearing and to revise the plans.**

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

- C. Applicant: Sadeer “Sid” Jamil  
1767 Carriage Hill  
Commerce, MI 48382  
Location: **10890 Hillway Drive**  
White Lake, MI 48386 identified as 12-34-352-003  
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct first and second-story additions, 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.

Chairperson Spencer noted for the record 28 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 a brief report.

Member Schillack asked staff if the property was serviced by a well and the public sanitary sewer. Staff Planner Quagliata confirmed.

Member Dehart asked staff who would determine if there were footings that could support the additions. Staff Planner Quagliata said it would be something the Building Official would do during plan review, and the Building Official may require a structural engineer’s report on the foundation.

Sid Jamil, 1767 Carriage Hill, was present to speak on his case. The west side entry/porch had been eliminated, and he would have it corrected on the plans. He bought the house from an estate, and the house needed to be gutted due to the previous property owner passing in the house and being unfound for months. There was mold in the house, and a new roof was needed. The house was too small for his family, and he was open to working with the Board. He said the majority of the properties on the street were deficient in lot width.

Member Seiber asked the applicant what was the depth of the covered porch overhang, as it was not dimensioned on the plan. Mr. Jamil said he was not sure, and would have the architect dimension it on revised plans.

Chairperson Spencer opened the public hearing at 8:02 P.M.

Nancy Geer, 10891 Hillway, spoke against the applicant's request due to the proposed construction impacting her views.

Staff Planner Quagliata said the Township did not have a view ordinance.

Craig Matthie, 10882 Hillway, spoke in favor of the improvements being made to the property.

Chairperson Spencer closed the public hearing at 8:09 P.M.

Mrs. Jamil, applicant, said trees were removed on the west side of the property. A total of four trees were removed to improve the neighbor's views. She added the second story would not be excessively tall and should not impact the neighbor's views.

Member Aseltyne said having a large family and wanting more space was a self-created problem.

Member Schillack added the decisions made by the Board had to be based on the property itself.

Staff Planner Quagliata said he assumed the door on the side of the house would remain, and the overhang would be removed. He clarified the Zoning Ordinance contained maximum building height standards, and the maximum building height allowed in the R1-D zoning district was 25 feet. The only case an aggrieved party may have relative to building height would be in regard to the portion of the proposed second story encroaching three feet into the side yard setback.

The ZBA discussed the variance requests being of post-construction nature due to previous owner's unpermitted second story and rear covered porch.

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

A. Practical Difficulty

- Member Seiber said the width of the lot was well under the 80 feet required for the zoning classification, and the existing house width was minimal.

B. Unique Situation

- Member Dehart said the lots were platted years ago and did not meet today's width standards for the zoning district.



C. Not Self-Created

- The applicant did not build the house or create the lot width.
- Member Schillack said technically the previous property owner's actions created a self-created problem.

D. Substantial Justice

- Member Schillack said the proposed house would be in line with the surrounding neighbors.

E. Minimum Variance Necessary

- Member Dehart said by removing the proposed side covered porch from their plans, the applicants were staying within the footprint of the existing house.
- Member Schillack said the building height the applicant requested was compliant with the Zoning Ordinance.

**Member Seiber MOVED to approve the variances requested by Sadeer Jamil from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-34-352-003, identified as 10890 Hillway Drive, in order to complete additions that would encroach 3 feet into the required west side yard setback and exceed the allowed value of improvements to a nonconforming structure by 248%. A 29.75-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 Division.**
- **The Applicant shall modify architectural plans showing elimination of the proposed covered porch from the west side of the house and dimension the roof overhangs.**
- **No mechanical units, including HVAC system or generator, shall be placed in the front yard or closer than five (5) feet to any side yard lot line or rear yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks**
- **In no event shall the projection of any roof overhang be closer than five feet to the side property lines.**
- **The Board recommends the Building Official require an engineer certify the foundation under the existing rear covered porch.**

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

D. Applicant: Chase Middler

951 W. Clarkston Rd.

Lake Orion, MI 48362

Location: **Parcel Number 12-21-278-010**

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, and Minimum Lot Width.

Chairperson Spencer noted for the record 14 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Seiber asked staff if there were two front yard setbacks, would the lot have two rear yard setbacks. Staff Planner Quagliata said no. He stated when the lot was platted, the proposed house orientation would not have been allowed. He added while there was not an access management ordinance at the time the lot was platted, a permit for a driveway on Highland Road would not have been obtained. If someone had built on the lot back in the day, the east property line would have been a side yard, and the house orientation would have been adjusted.

Member Schillack asked staff if the property was on municipal water. Staff Planner Quagliata said the proposed house would be connected to municipal water and sewer.

Member Seiber asked the applicant if the covered deck was intended to be built. Dave Smith, on behalf of the applicant, said no. Member Seiber said the architectural plans and site plan showed a front covered porch, and the architectural plans showed a rear covered porch that was not shown on the site plan. Member Seiber said the site plan showed a rear deck. Mr. Smith said the porch would be open. A future deck would be put on the north side of the house.

Chairperson Spencer opened the public hearing at 8:52 P.M. Seeing no public comment, she closed the public hearing at 8:52 P.M.

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

A. Practical Difficulty

- Member Seiber said the lot being on a corner created a practical difficulty, as well as the applicant's efforts to configure the proposed house to not exceed the front line on the house on Lake Lane and the house on Highland Road.

B. Unique Situation

- Member Schillack said the corner lot provided a unique situation.

C. Not Self-Created

- The applicant did not plat the lot.

D. Substantial Justice

- Member Schillack said the proposed house lined up with the surrounding houses, and the applicant would have what the neighbor's had.

E. Minimum Variance Necessary

- Member Schillack said he made the motion for the property receiving variances in 2019, and he felt this plan was better than the previous expired plan.

**Member Schillack move to approve the variances requested by Chase Middler from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-21-278-010 in order to construct a new house that would encroach 10 feet into the required front yard setback and 19.6 feet into the required rear yard setback. A 15.19-foot variance from the required lot width is also granted from Article 3.1.5.E. This approval will have the following conditions:**

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Division.**
- **No mechanical units, including HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear yard lot line.**
- **The proposed deck shall be setback at least five feet from the east property line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**
- **When submitting the building permit application, the plot plan and architectural plan shall be consistent.**

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

#### **OTHER BUSINESS**

Staff Planner Quagliata stated beginning in January 2024, the ZBA will meet at 6:30 P.M. instead of 7:00 P.M. for regular meetings.

**NEXT MEETING DATE: January 25, 2024.**

#### **ADJOURNMENT**

**MOTION by Member Aseltyne, seconded by Member Schillack, to adjourn at 9:04 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:** January 25, 2024

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**Agenda item:** 8a

**Appeal Date:** January 25, 2024

**Applicant:** Lee & Pat Brithinee

**Address:** 568 Burgess Drive  
White Lake, MI 48386

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

**Location:** 547 Burgess Drive  
White Lake, MI 48386

**Property Description**

The approximately 0.31-acre (13,635 square feet) parcel identified as 547 Burgess Drive is located in the Cedar Shores subdivision (Lot 33 and the southerly portion of Lot 34) on Cedar Island Lake and zoned R1-C (Single Family Residential). The proposed house would utilize a private well for potable water and a private septic system for sanitation.

**Applicant’s Proposal**

Lee and Pat Brithinee, the Applicants, are proposing to construct a new three-story house.

**Planner’s Report**

The parcel is nonconforming due to a 2,365 square foot deficiency in lot area; in the R1-C zoning district the minimum lot size requirement is 16,000 square feet. The Applicants are proposing to construct an approximately 5,411 square foot three-story house including an attached three-car garage (25 feet by 30 feet; 750 square feet). The ground floor and middle floor living spaces are each 1,932 square feet in size, and the upper floor is 797 square feet in size.

The maximum building height allowed in the R1-C zoning district is 30 feet or two stories, whichever is less. While the submitted architectural plans show a building height of approximately 25 feet (west/roadside elevation) from established grade (the coversheet of the architectural plans incorrectly notes the building height as 20’-9”), the proposed house is considered three stories. A basement or cellar is counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured. A basement is defined by the Zoning Ordinance as a portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. The submitted plans propose to alter the grade in order to create a “basement.” However, the vertical distance from the established grade (937.5 feet) to the basement floor (936.5 feet) nets one (1) foot; therefore, the proposed basement is a story. In 2020 the Zoning Board of Appeals made an interpretation affirming an artificial grade cannot be established on a site for the purpose of building a structure and basements are determined using existing/natural grade on a site. A variance of one story is requested to exceed the allowed building height.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.5.E	Maximum building height	30 feet or 2 stories, whichever is less	1 story	3 stories
2	Article 3.1.5.E	Minimum lot area	16,000 feet	2,365 square feet	13,635 square feet

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the variance requested by Lee and Pat Brithinee from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-27-429-004, identified as 547 Burgess Drive, in order to construct a new house that would exceed the allowed building height by one (1) story. A 2,365 square foot variance from the required lot area are also granted from Article 3.1.5.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary approvals from the Oakland County Health Division prior to issuance of a building permit.
- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- The plot plan shall be updated to show the proposed lot coverage.
- 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 Division.
- An as-built survey shall be required to verify setbacks and lot coverage.

**Denial:** I move to deny the variances requested by Lee and Pat Brithinee for Parcel Number 12-27-429-004, identified as 547 Burgess Drive, due to the following reason(s):

**Postpone:** I move to postpone the appeal of Lee and Pat Brithinee *to a date certain or other triggering mechanism* for Parcel Number 12-27-429-004, identified as 547 Burgess Drive, to consider comments stated during this hearing.

**Attachments:**

1. Variance application dated December 14, 2023.
2. Applicants' written statement dated December 14, 2023.
3. Plot plan dated July 13, 2022.
4. House plans (revision date September 7, 2023).
5. Letter of denial from the Building Official dated October 18, 2023.

### 7.37 STANDARDS

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
ZONING BOARD OF APPEALS APPLICATION

Item A.

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

APPLICANT'S NAME: Lee & Pat Brithinee PHONE: 248-535-0191  
ADDRESS: 568 Burgess Dr.  
APPLICANT'S EMAIL ADDRESS: brithinee@comcast.net  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 547 Burgess Dr. PARCEL # 12-27-429-004  
CURRENT ZONING: RIC PARCEL SIZE: .31 Ac or 13,635 SQ. FT.

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: variance to build a  
walk-out basement or the loft. section 2 grade & basement  
VALUE OF IMPROVEMENT: \$ \_\_\_\_\_ SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

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

APPLICATION FEE: \$385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)  
APPLICANT'S SIGNATURE: [Signature] DATE: 12-14-2023

RECEIVED

DEC 15 2023

COMMUNITY  
DEVELOPMENT  
DEPARTMENT



There are two houses within 300 feet of this lot that have walk-out basements. Their addresses are 575 Island Dr., and 560 Burgess Dr. I have included the Oakland County Residential Property Profiles for both of these. The home directly across the street from our property (560 Burgess Dr.) has existing home elevations within inches of our proposed build which include a basement, garage, first floor and loft. We are providing both our proposed elevations and those of 560 Burgess Dr.

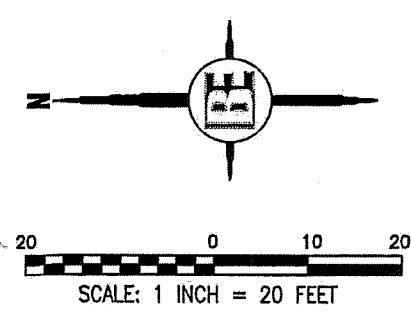
Both homes; 575 Island Dr. and 560 Burgess Dr.; were built under the same ordinances and restrictions that are in effect today, and neither property owner had to request a variance to build a basement by creating an "artificial grade". White Lake approved them.

The house at 575 Island Dr. was built eleven years ago. The house at 560 Burgess Dr. was built seventeen years ago. Neither of these homes have created any adverse impact to any surrounding or nearby property.

We are not asking to do something that's never been done. We are asking to do something that has been done and done successfully; not once but twice within close proximity to our property.

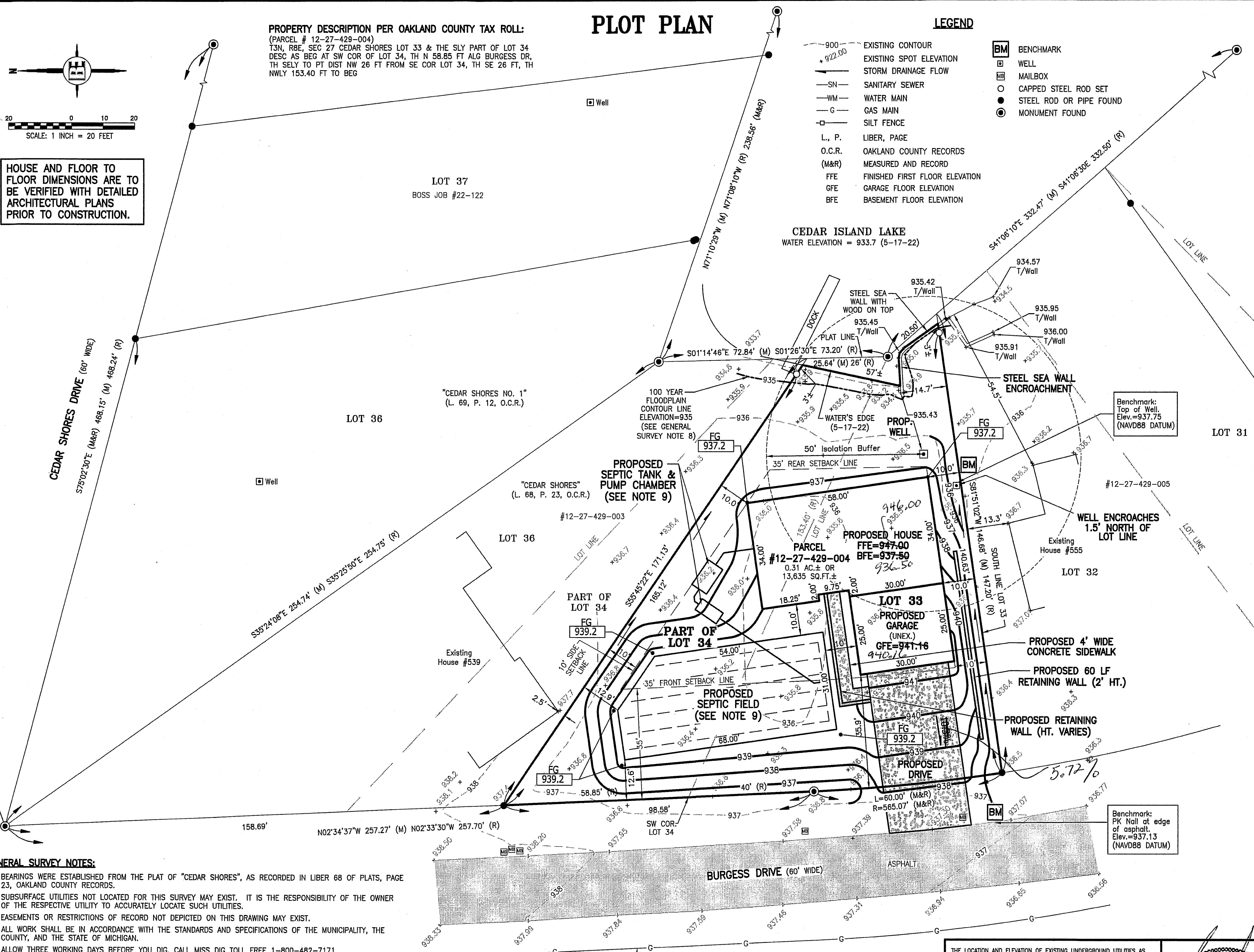
# PLOT PLAN

**PROPERTY DESCRIPTION PER OAKLAND COUNTY TAX ROLL:**  
 (PARCEL # 12-27-429-004)  
 T3N, R8E, SEC 27 CEDAR SHORES LOT 33 & THE SLY PART OF LOT 34  
 DESC AS BEG AT SW COR OF LOT 34, TH N 58.85 FT ALG BURGESS DR,  
 TH SELY TO PT DIST NW 26 FT FROM SE COR LOT 34, TH SE 26 FT, TH  
 NWLY 153.40 FT TO BEG



HOUSE AND FLOOR TO FLOOR DIMENSIONS ARE TO BE VERIFIED WITH DETAILED ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.

- LEGEND**
- 900- EXISTING CONTOUR
  - +922.00 EXISTING SPOT ELEVATION
  - STORM DRAINAGE FLOW
  - SN- SANITARY SEWER
  - WM- WATER MAIN
  - G- GAS MAIN
  - SILT FENCE
  - L, P. LIBER, PAGE
  - O.C.R. OAKLAND COUNTY RECORDS
  - (M&R) MEASURED AND RECORD
  - FFE FINISHED FIRST FLOOR ELEVATION
  - GFE GARAGE FLOOR ELEVATION
  - BFE BASEMENT FLOOR ELEVATION
  - BM BENCHMARK
  - W WELL
  - M MAILBOX
  - CAPPED STEEL ROD SET
  - STEEL ROD OR PIPE FOUND
  - MONUMENT FOUND



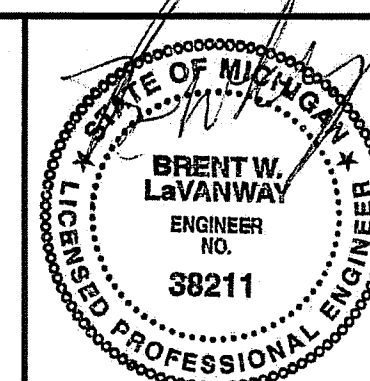
### GENERAL SURVEY NOTES:

1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "CEDAR SHORES", AS RECORDED IN LIBER 68 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS.
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
5. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.
6. ELEVATIONS WERE ESTABLISHED WITH GPS USING OPUS GPS POST-PROCESSING. (NAVD88 DATUM)
7. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
8. MAJORITY OF SUBJECT PROPERTY IS DESIGNATED AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAN (ZONE X) AND PART OF SUBJECT PROPERTY IS LOCATED WITH IN THE 1% ANNUAL CHANCE FLOOD PLAN (ZONE AE) WITH A BASE FLOOD ELEVATION OF 935 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), FOR THE TOWNSHIP OF WHITE LAKE, OAKLAND COUNTY, MICHIGAN, MAP NUMBER 26125C0338F, WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006 ALONG WITH THE FLOOD INSURANCE STUDY FOR OAKLAND COUNTY.
9. PROPOSED SEPTIC FIELD AND TANKS AS SHOWN ON THIS DRAWING WERE DEPICTED FROM A SEPTIC DESIGN DRAWING PREPARED BY POWELL ENGINEERING & ASSOCIATES, LLC, JOB NO. 21-428, DATED 12-2-21.

Approximate location of 2" S-MP Gas Main as shown on sketch obtained from Consumers Energy website: [www.consumersenergy.com/sims](http://www.consumersenergy.com/sims)

CURRENT ZONING: R1-C (SINGLE FAMILY RESIDENTIAL)  
 MINIMUM SETBACK REQUIREMENTS:  
 FRONT = 35 FEET  
 SIDES = 10 FEET  
 REAR = 35 FEET  
 ORDINARY HIGH WATER MARK = 25 FEET  
 MINIMUM LOT AREA = 16,000 SQ.FT.  
 MINIMUM LOT WIDTH = 100 FEET  
 MAXIMUM LOT COVERAGE = 20%  
 MAXIMUM BUILDING HT. = 30 FEET OR (2) STORIES

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.



**PARCEL #12-27-429-004**

**BRITHINEE**  
 568 BURGESS DRIVE  
 WHITE LAKE, MI 48386  
 248-535-0191

**PLOT PLAN**

PROJECT: [ ]  
 PREPARED FOR: [ ]  
 TITLE: [ ]

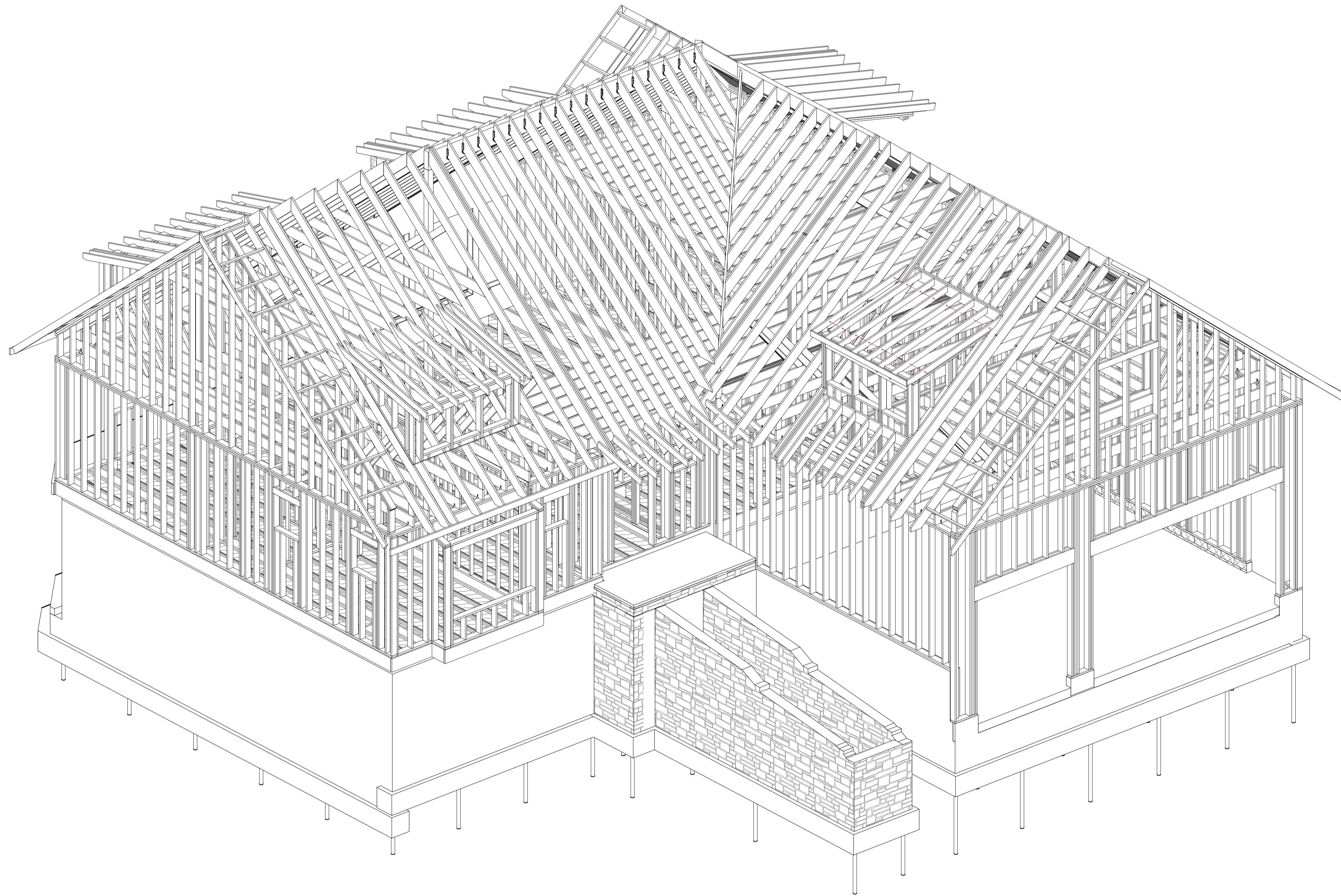
NO.	BY	REVISION PER	DATE

DRAWN BY: AEB  
 FIELD CREW: TG/CZ  
 CHECKED BY:  
 SCALE 1" = 20'  
 JOB NO. 22-146  
 DATE 7-13-22  
 SHEET NO. **1 OF 1**

**BE BOSS Engineering**  
 Engineers Surveyors Planners Landscape Architects  
 3121 E. GRAND RIVER AVE.  
 HOWELL, MI. 48843  
 517.546.4836 FAX 517.548.1670



REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST  
DORMER OVER GARAGE CHANGED FROM LAY-ON TO FUNCTIONAL DORMER



1  
S.O 3-D FRAMING  
SCALE: \_\_\_\_\_

PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**

SITE ADDRESS:  
**568 BURGESS DR,  
WHITE LAKE**

PREPARED FOR:  
**LEE & PAT**

ADDRESS:  
**568 BURGESS DR,  
WHITE LAKE**

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023

DATE	DESCRIPTION

NOTES:  
1.

PROFESSIONAL IN RESPONSIBLE CHARGE:

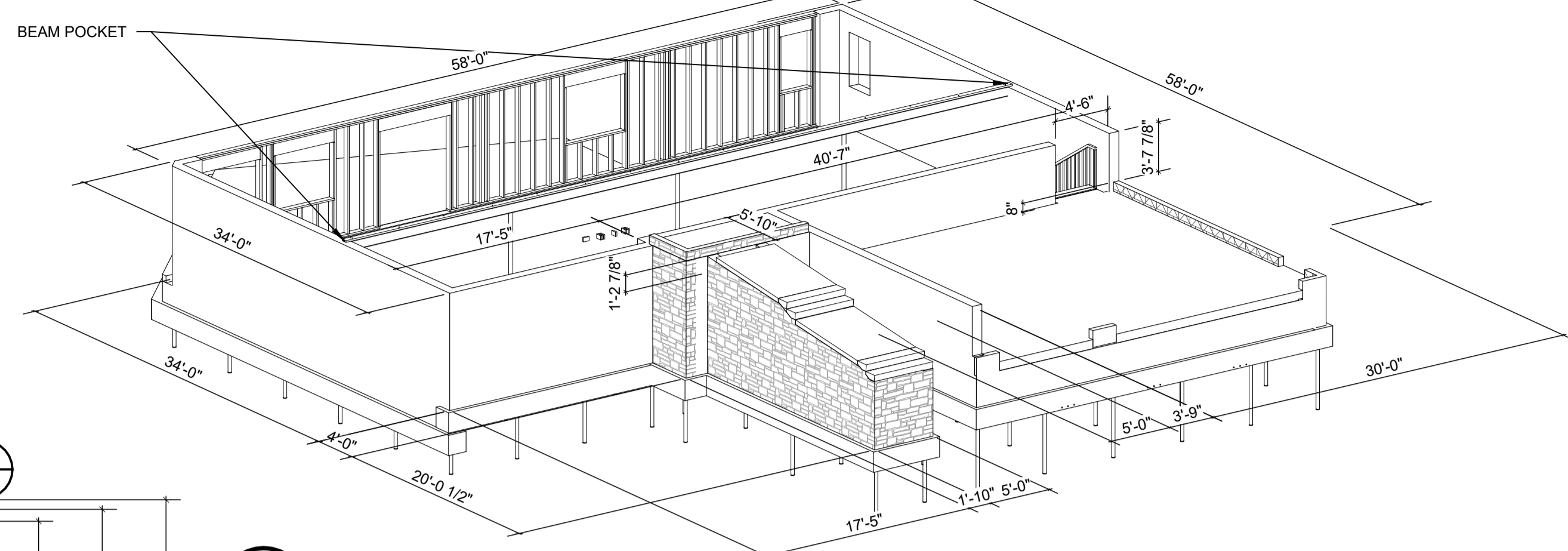
DATE:	05-08-2023
DRAWN:	SW
CHECKED:	SW
PROJECT NO:	23-110

SHEET TITLE:  
**OVERVIEW**

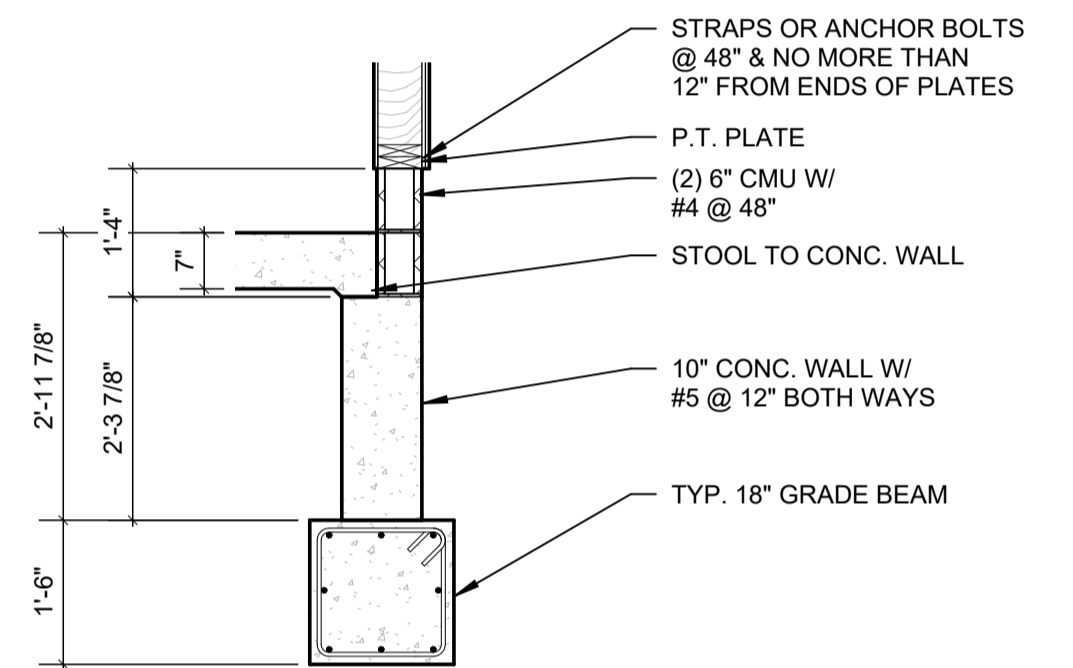
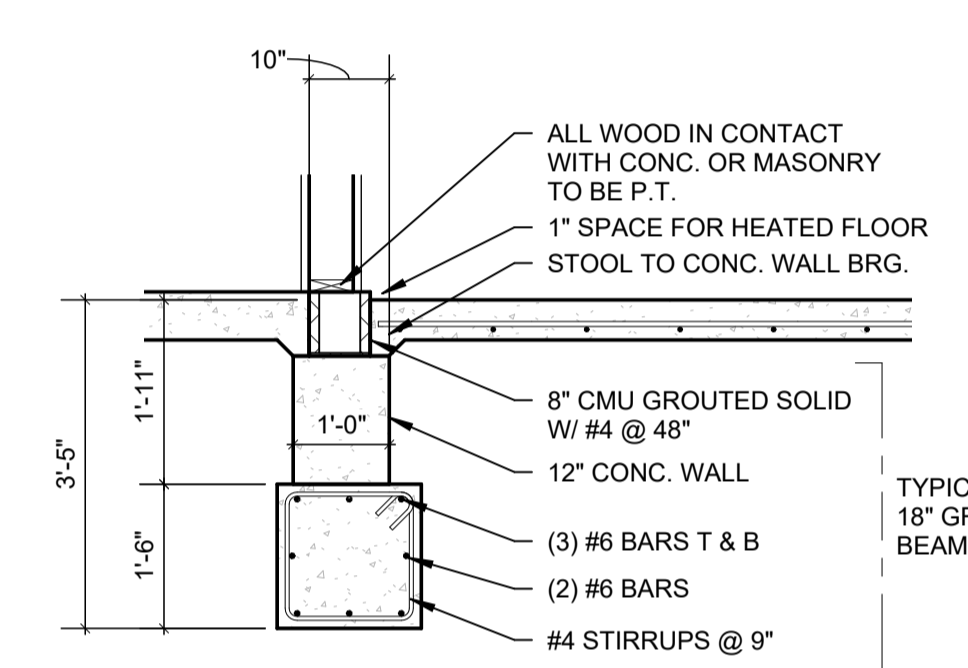
SHEET NUMBER:  
**S.O**

SCALE: SEE VIEW

REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST  
DORMER OVER GARGE CHANGED FROM LAY-ON TO FUNCTIONAL DORMER

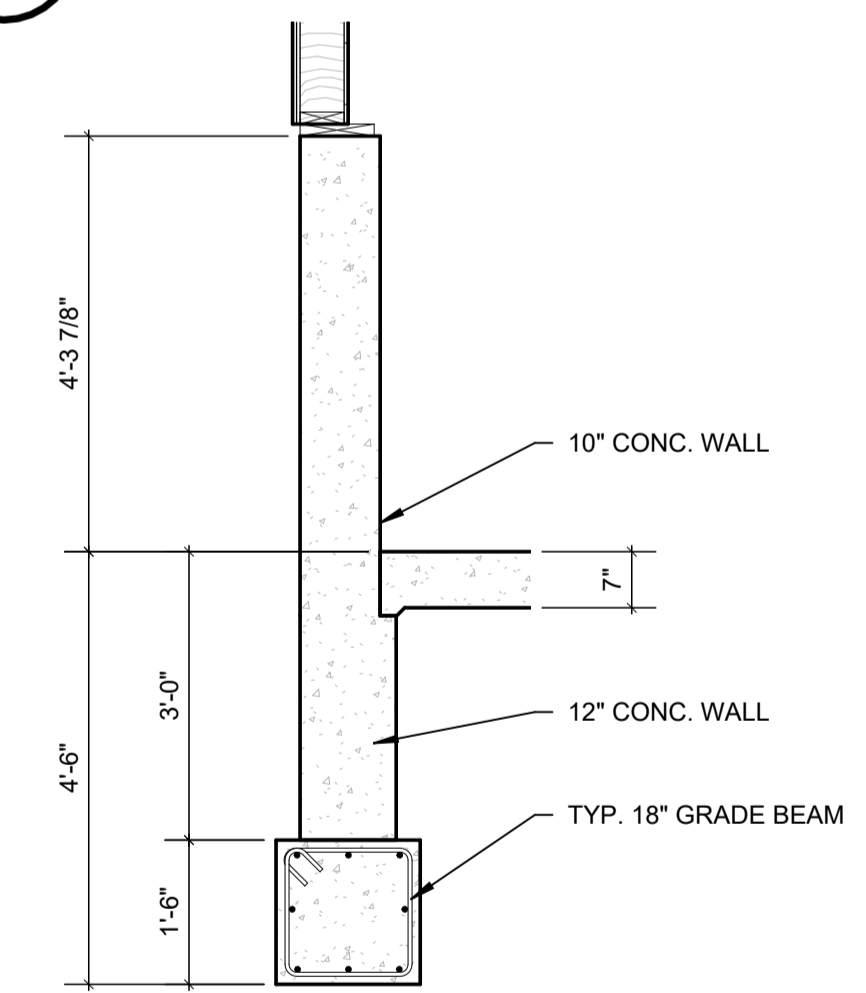


**2 3-D FOUNDATION**  
SCALE: 1/4" = 1'-0"



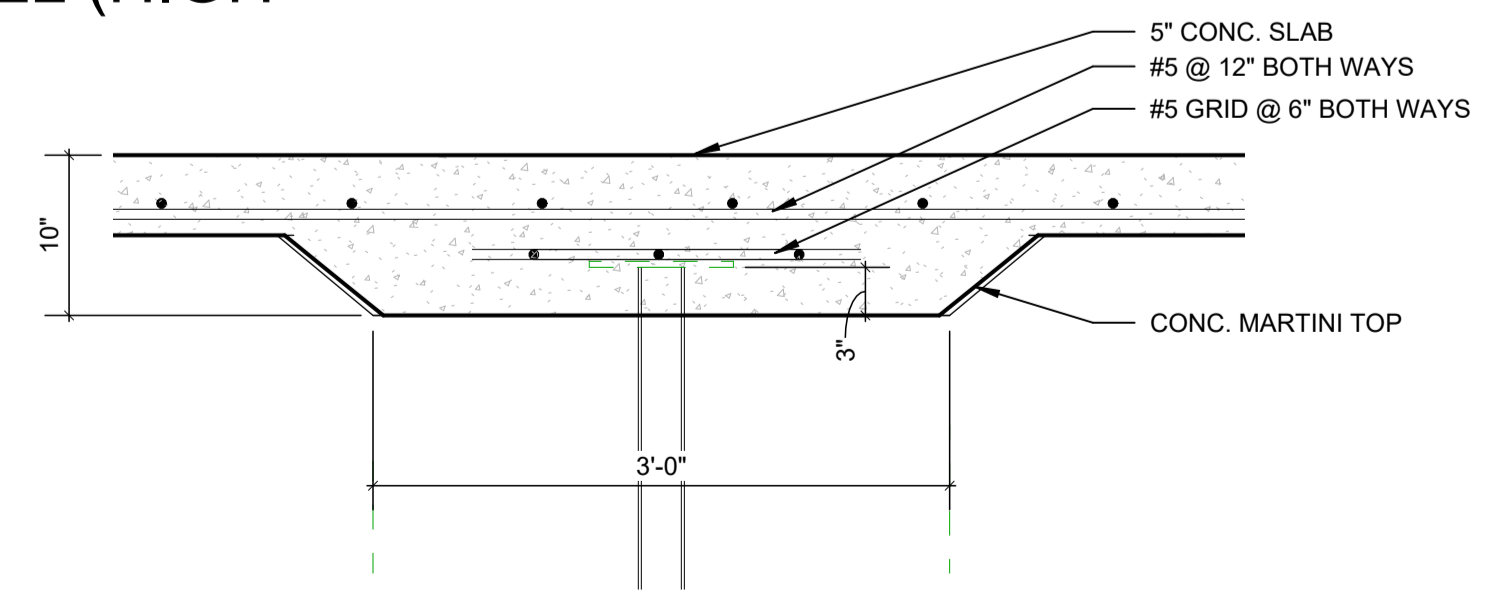
**4 GARAGE WALL**  
SCALE: 1/2" = 1'-0"

**3 BACK WALKOUT**  
SCALE: 1/2" = 1'-0"



**7 BACK PORCH BM.**  
SCALE: 1/2" = 1'-0"

**5 GARAGE WALL (HIGH SIDE)**  
SCALE: 1/2" = 1'-0"

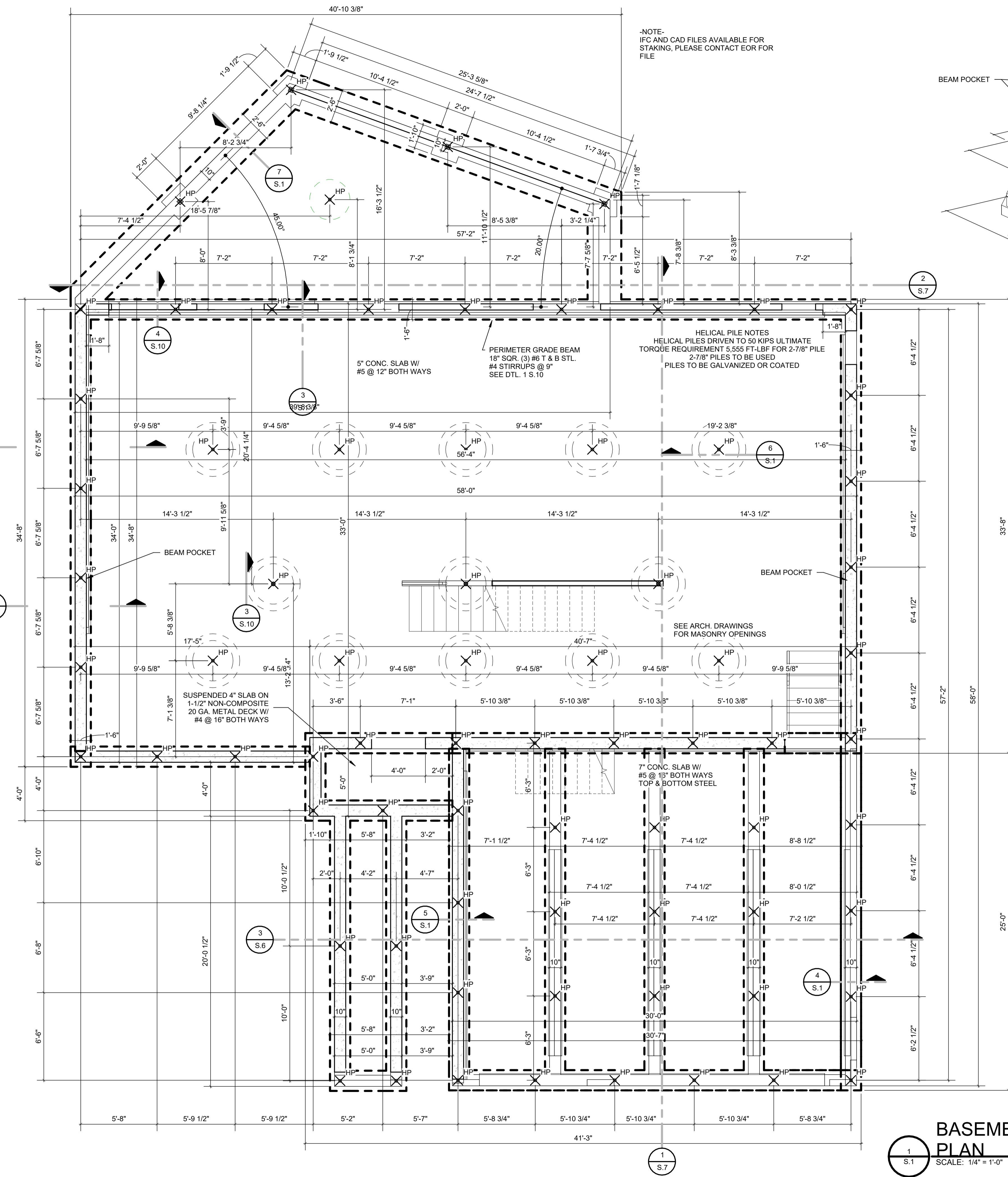


**6 MARTINI TOP DETAIL**  
SCALE: 1" = 1'-0"

-NOTE-  
IFC AND CAD FILES AVAILABLE FOR  
STAKING, PLEASE CONTACT EOR FOR  
FILE

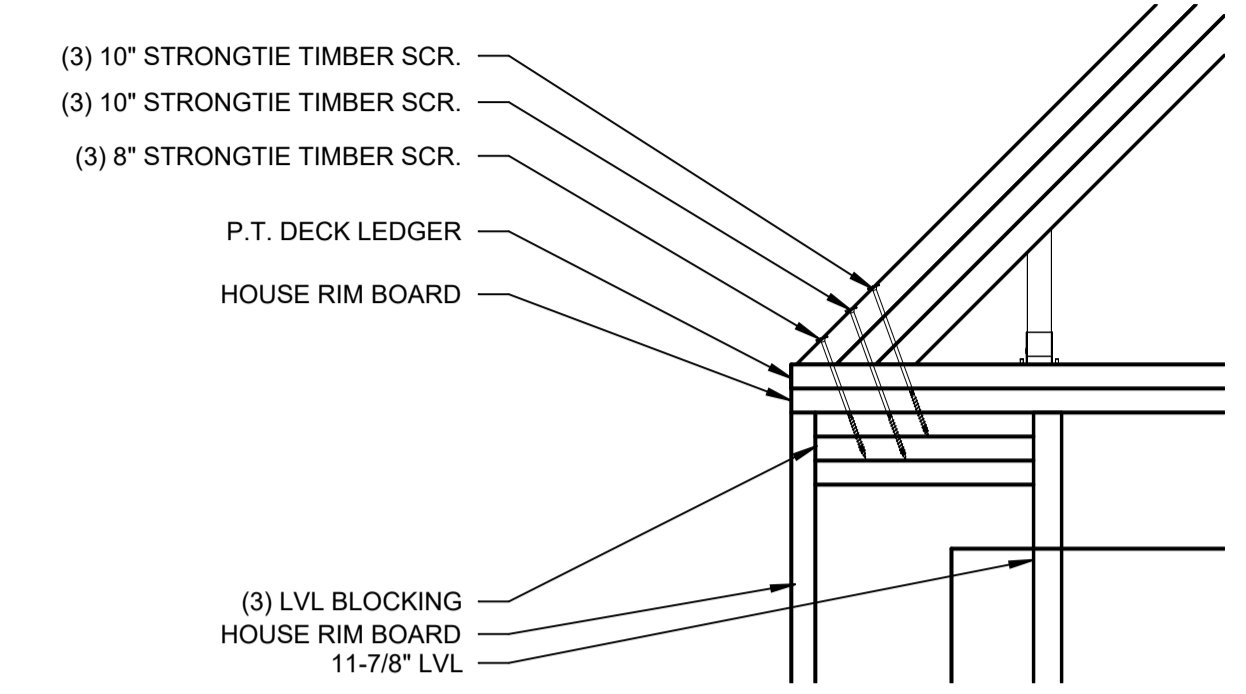
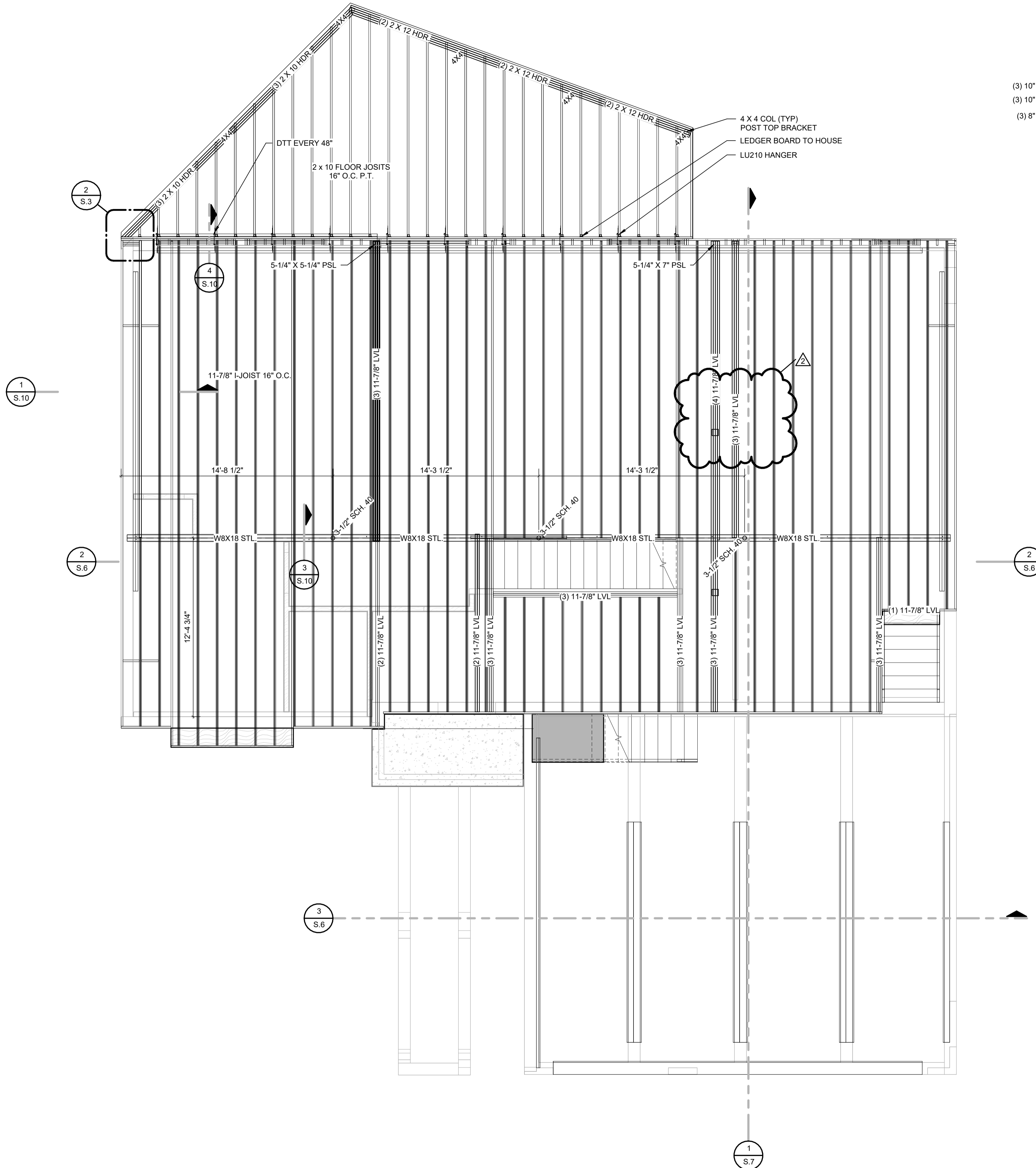
HELICAL PILE NOTES  
HELICAL PILES DRIVEN TO 50 KIPS ULTIMATE  
TORQUE REQUIREMENT 5.555 FT-LBF FOR 2-7/8\"/>

SEE ARCH. DRAWINGS  
FOR MASONRY OPENINGS



**1 BASEMENT FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST  
DORMER OVER GARGE CHANGED FROM LAY-ON TO FUNCTIONAL DORMER



**DECK CONNECTION  
DETAIL**  
SCALE: 1" = 1'-0"

**FRAMING PLAN**  
SCALE: 1/4" = 1'-0"

**J&A ARCHITECTURAL ENGINEERING**  
3250 WEST BIG BEAVER RD.  
SUITE 510  
TROY, MI 48064  
P. 248.282.6475  
F. 248.590.0257

General Conditions  
The client agrees, through this contract, to hold the architect harmless for all professional services, design, construction, and other services, and to hold the architect harmless for all other services, which the architect is not licensed to provide. This document is prepared in accordance with the Michigan Uniform Construction Code.

PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**  
SITE ADDRESS:  
**568 BURGESS DR,  
WHITE LAKE**

PREPARED FOR:  
**LEE & PAT**  
ADDRESS:  
**568 BURGESS DR,  
WHITE LAKE**

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023

NOTES:  
1.

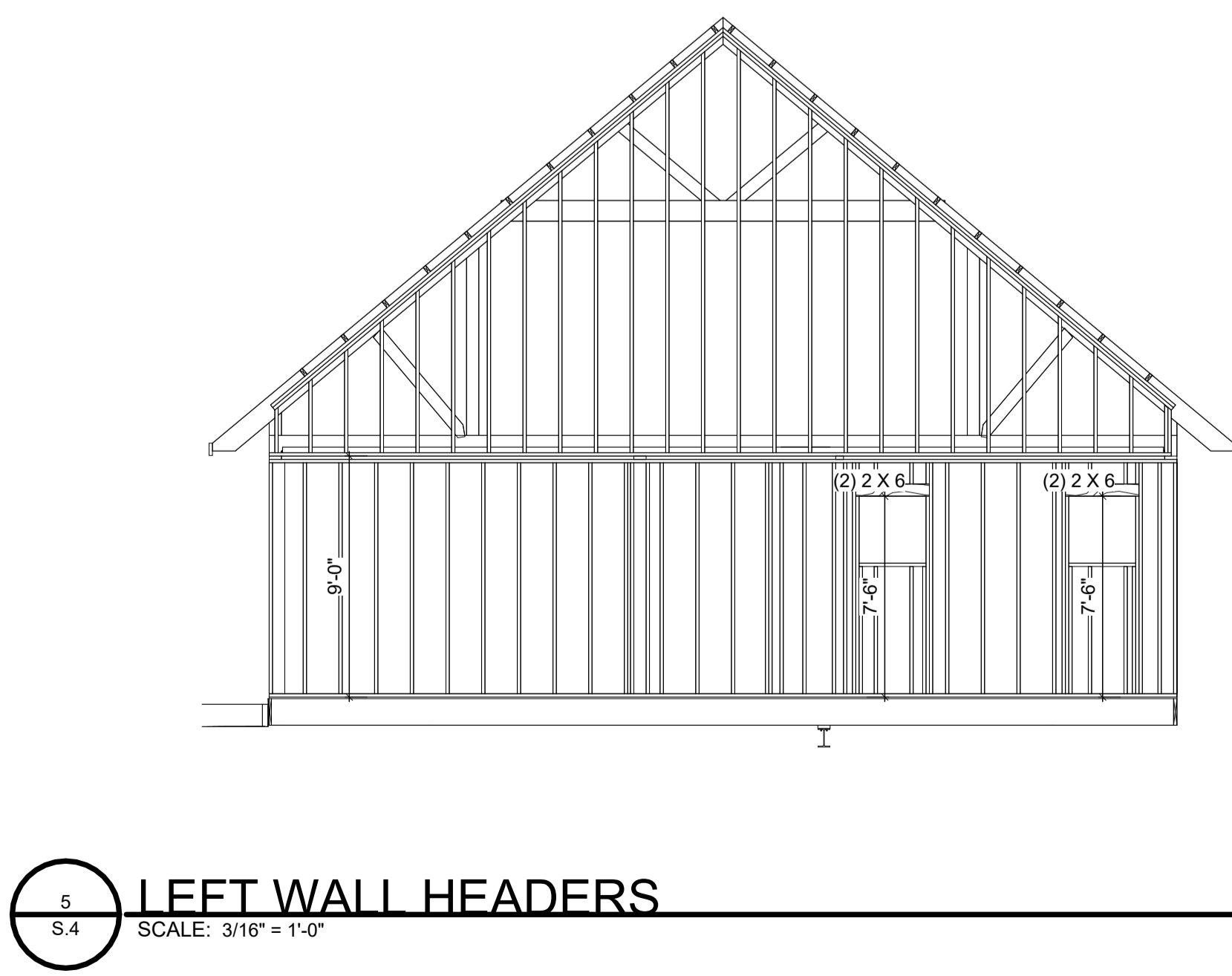
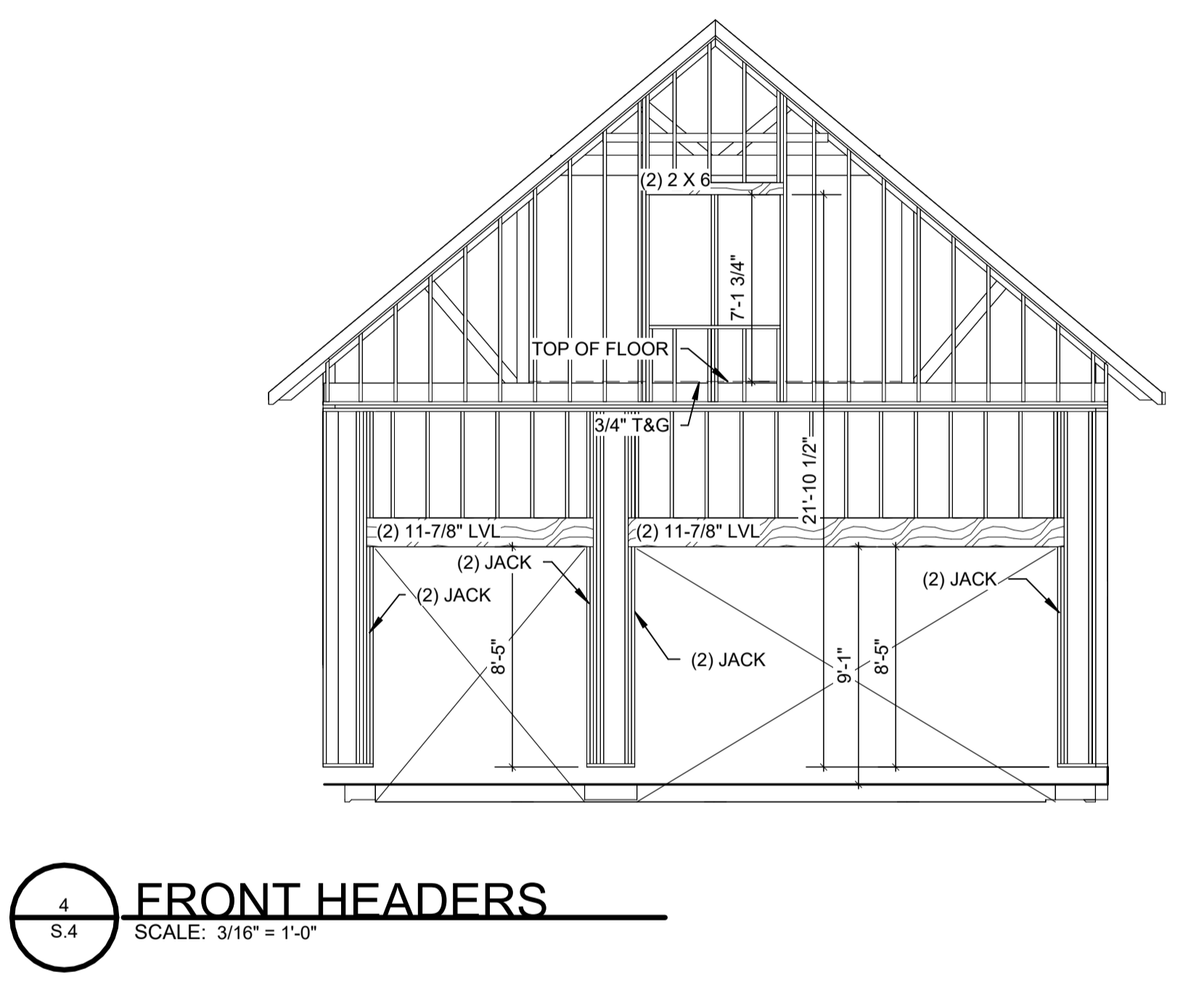
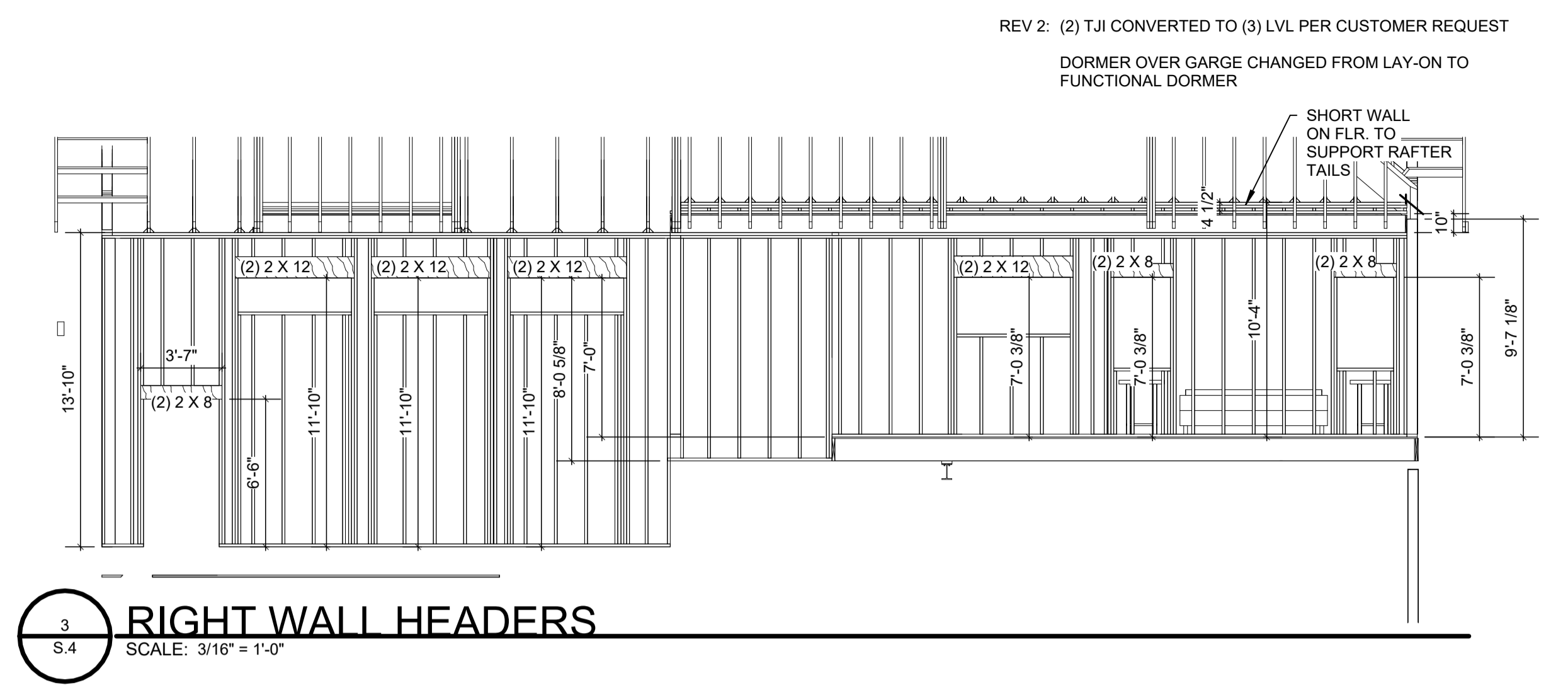
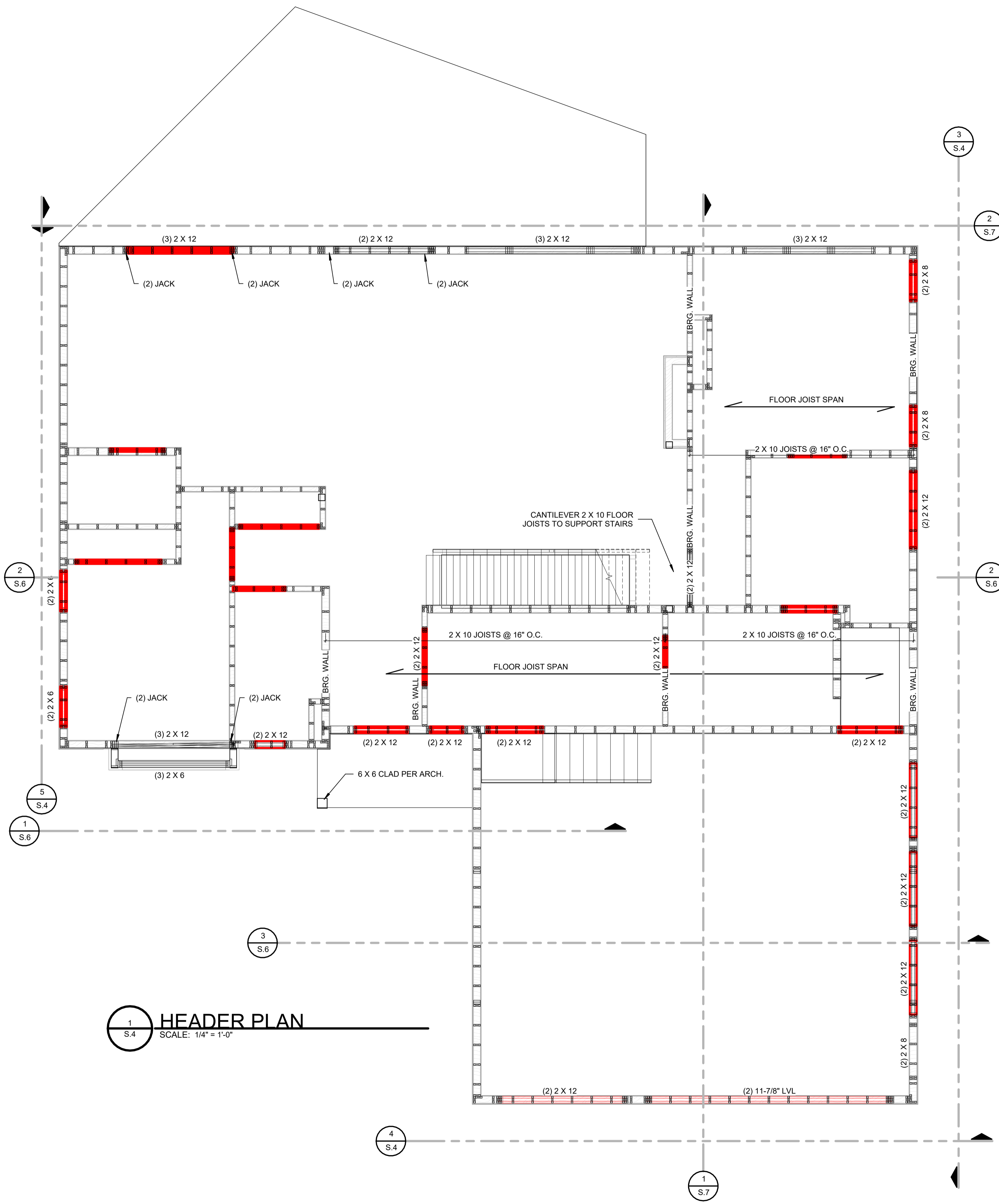
PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 05-08-2023  
DRAWN: SW  
CHECKED: SW  
PROJECT NO: 23-110

SHEET TITLE:  
**FLOOR FRAMING PLAN**

SHEET NUMBER:  
**S.3**

SCALE: SEE VIEW



PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**  
SITE ADDRESS:  
**568 BURGESS DR,  
WHITE LAKE**

PREPARED FOR:  
**LEE & PAT**  
ADDRESS:  
**568 BURGESS DR,  
WHITE LAKE**

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023

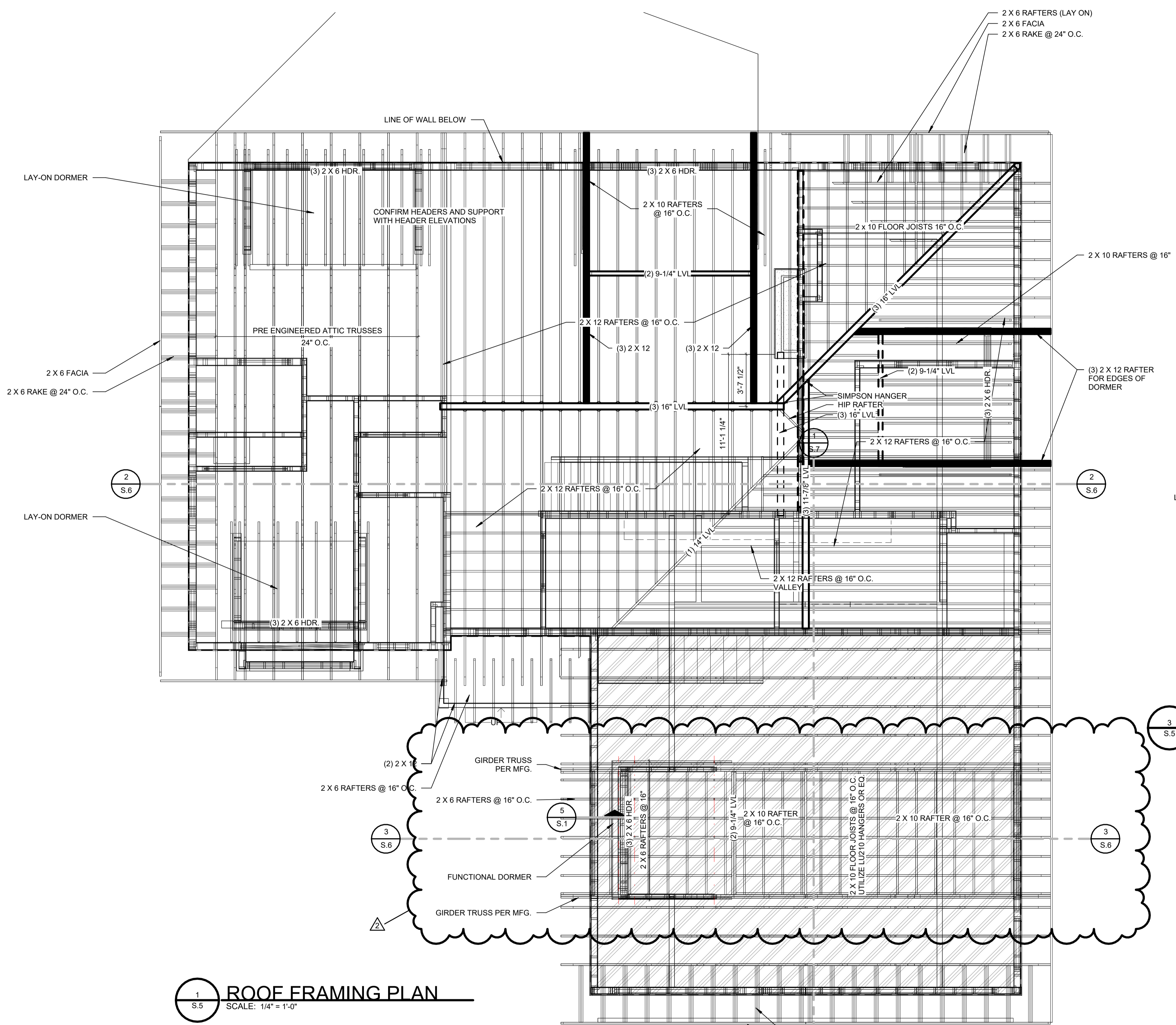
NOTES:  
1.

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 05-08-2023  
 DRAWN: SW  
 CHECKED: SW  
 PROJECT NO: 23-110

SHEET TITLE:  
**HEADER PLAN**

SHEET NUMBER:  
**S.4**

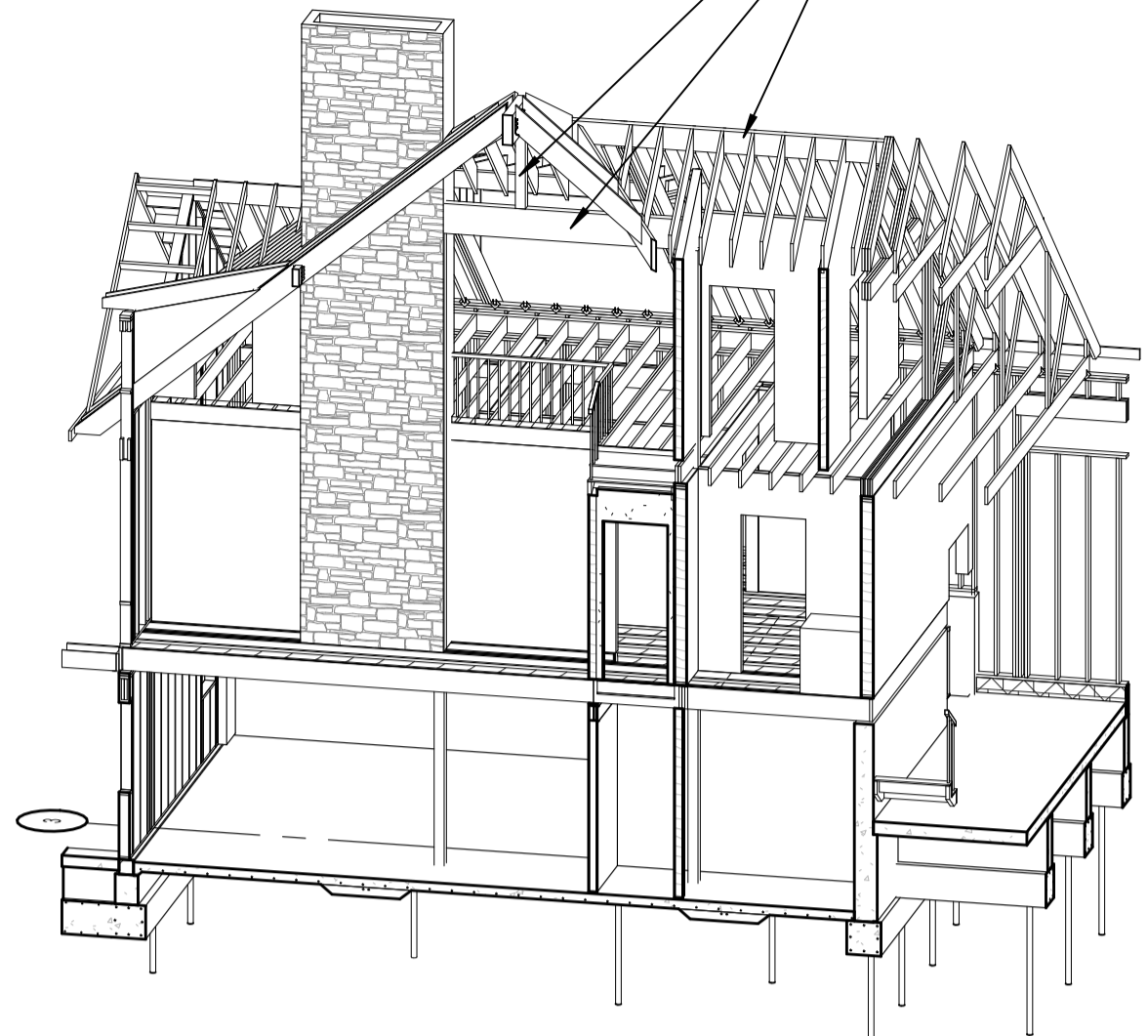


1 ROOF FRAMING PLAN SCALE: 1/4" = 1'-0"

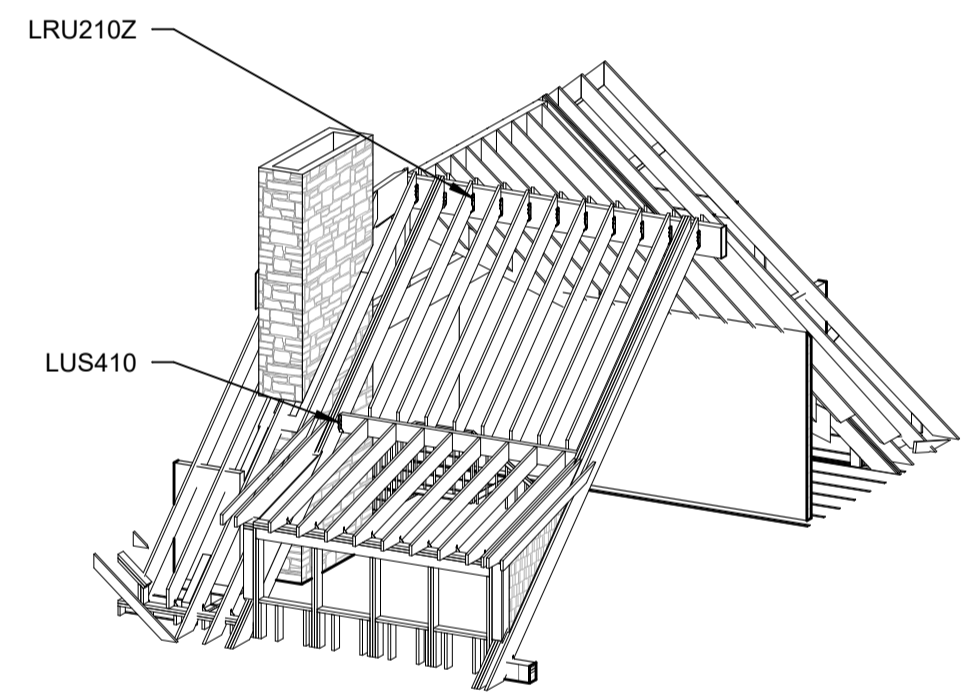
REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST

DORMER OVER GARAGE CHANGED FROM LAY-ON TO FUNCTIONAL DORMER

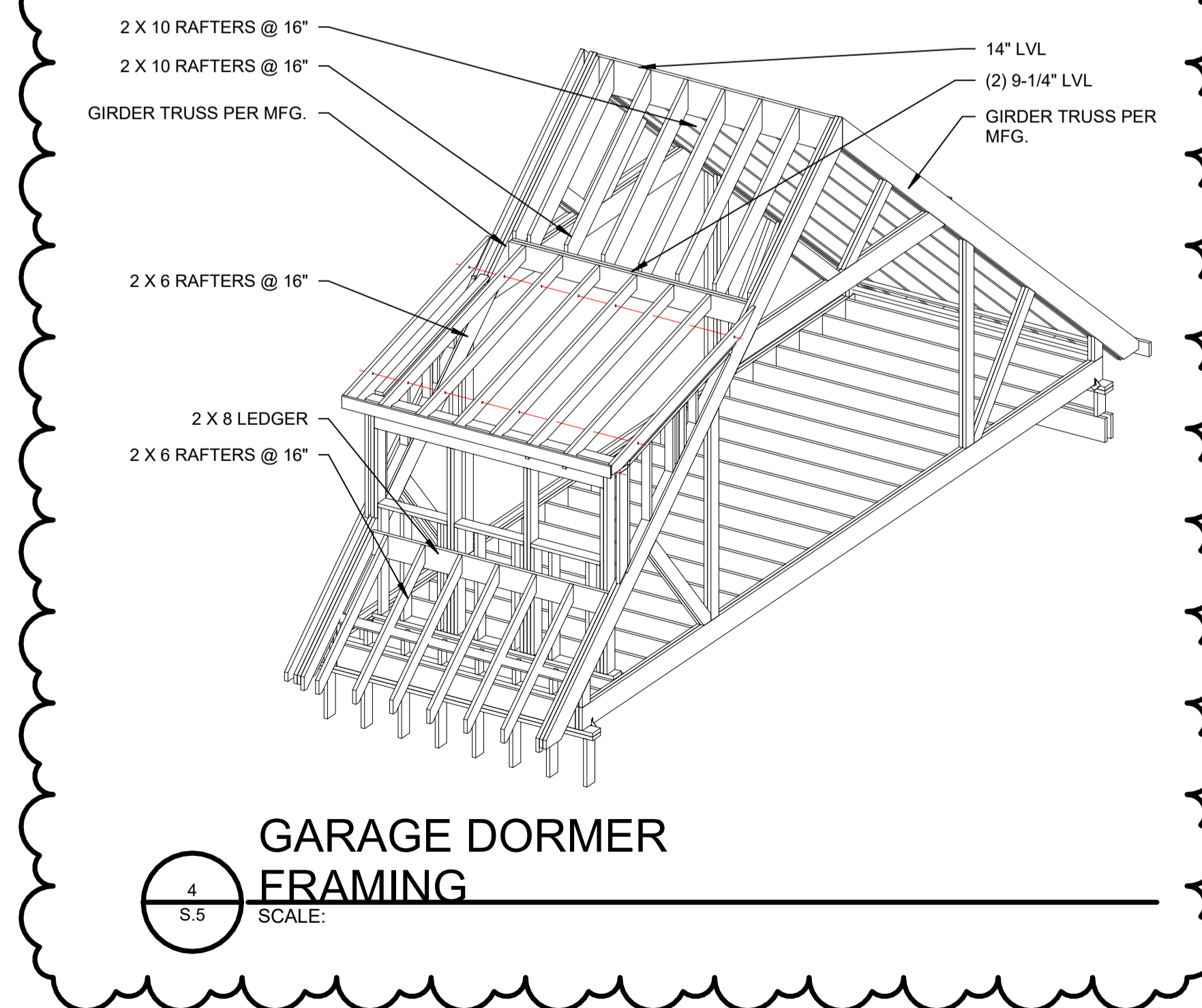
(3) 16" LVL  
(3) 11-7/8" LVL



2 ROOF FRAMING 3-d SCALE: 1/8" = 1'-0"



3 GARAGE DORMER FRAMING SCALE: 1/8" = 1'-0"



PROJECT TITLE: LEE & PAT BRITHINEE RESIDENCE SITE ADDRESS: 568 BURGESS DR, WHITE LAKE

PREPARED FOR: LEE & PAT ADDRESS: 568 BURGESS DR, WHITE LAKE

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023

NOTES: 1.

PROFESSIONAL IN RESPONSIBLE CHARGE:

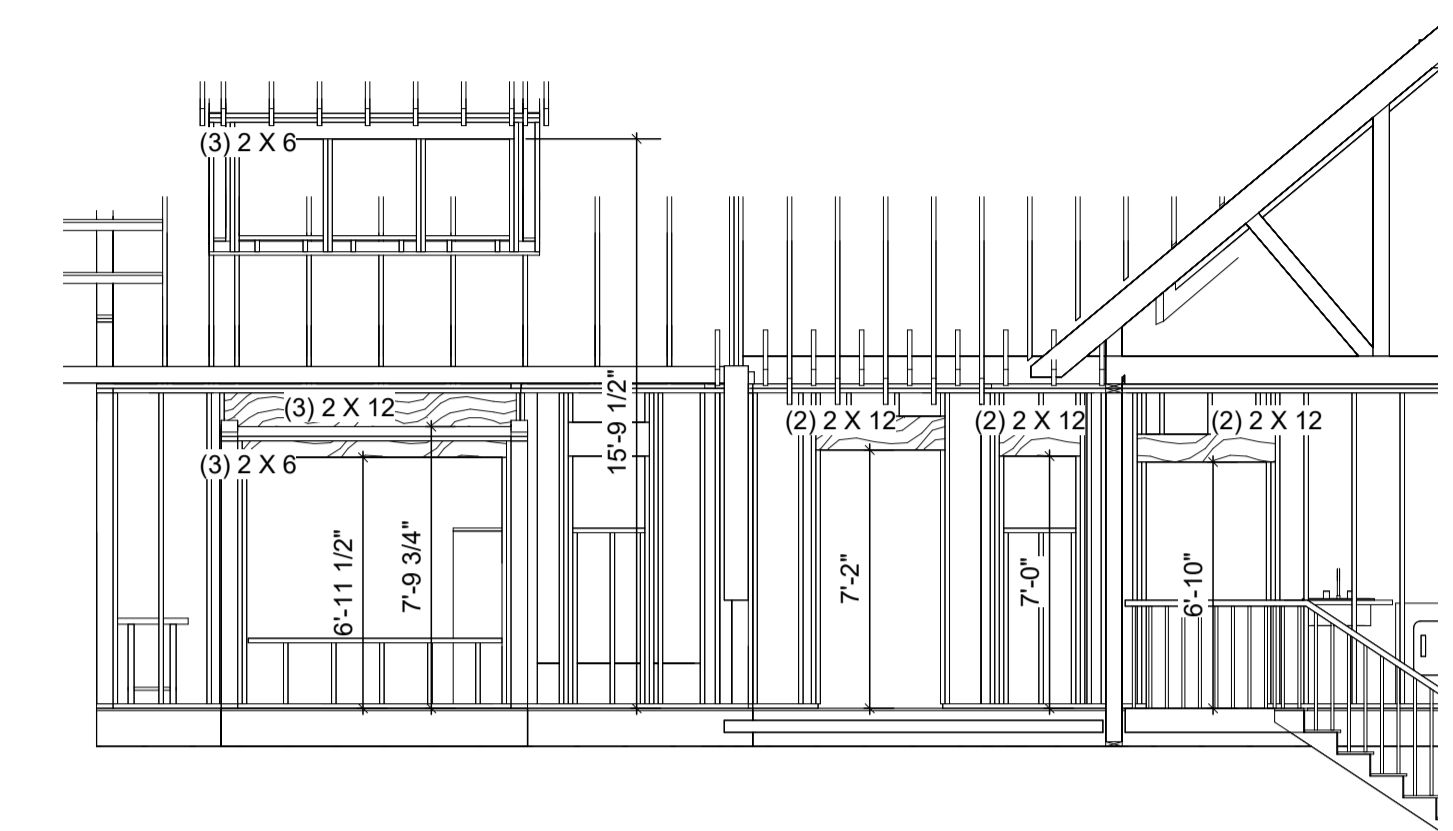
DATE: 05-08-2023  
DRAWN: SW  
CHECKED: SW  
PROJECT NO: 23-110

SHEET TITLE: ROOF FRAMING PLAN

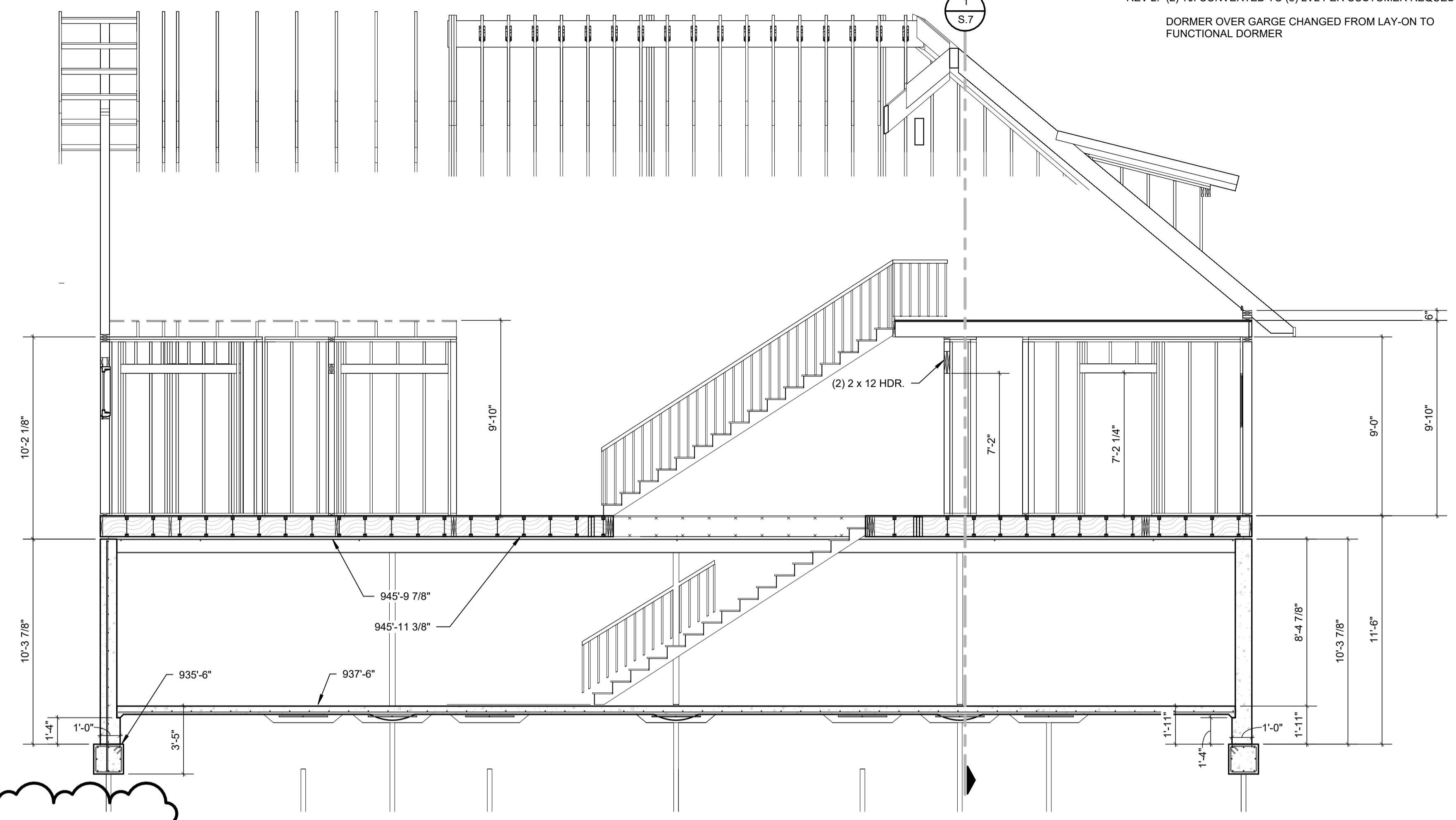
SHEET NUMBER: S.5



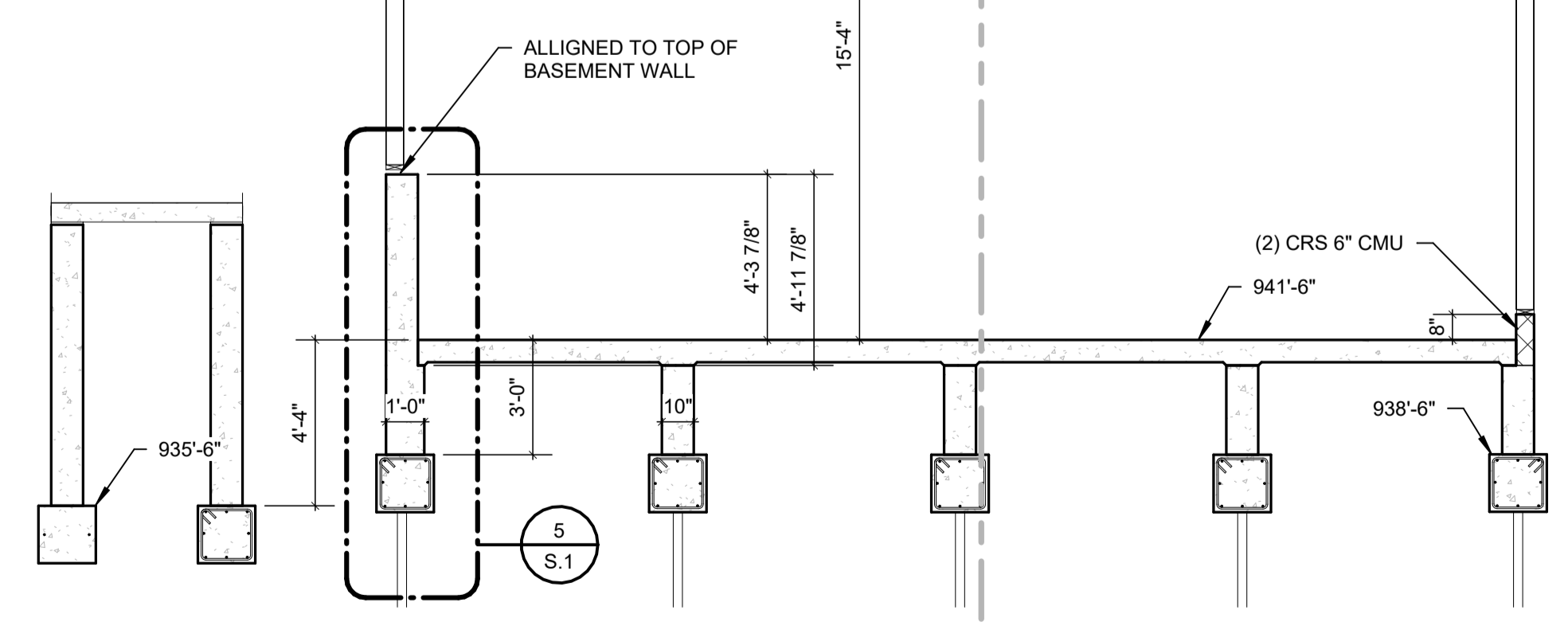
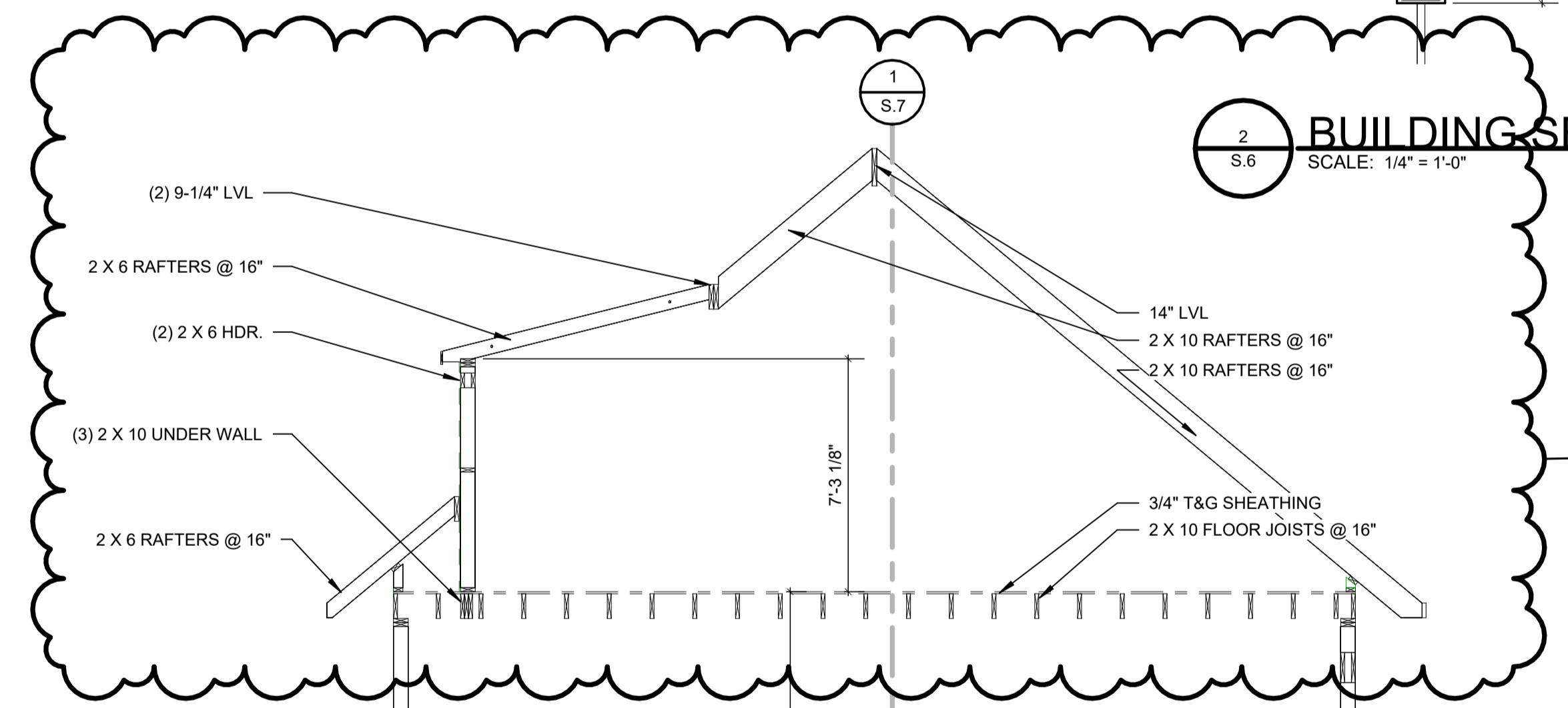
REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST  
DORMER OVER GARGE CHANGED FROM LAY-ON TO  
FUNCTIONAL DORMER



**FRONT DOOR WALL  
HEADERS**  
SCALE: 3/16" = 1'-0"

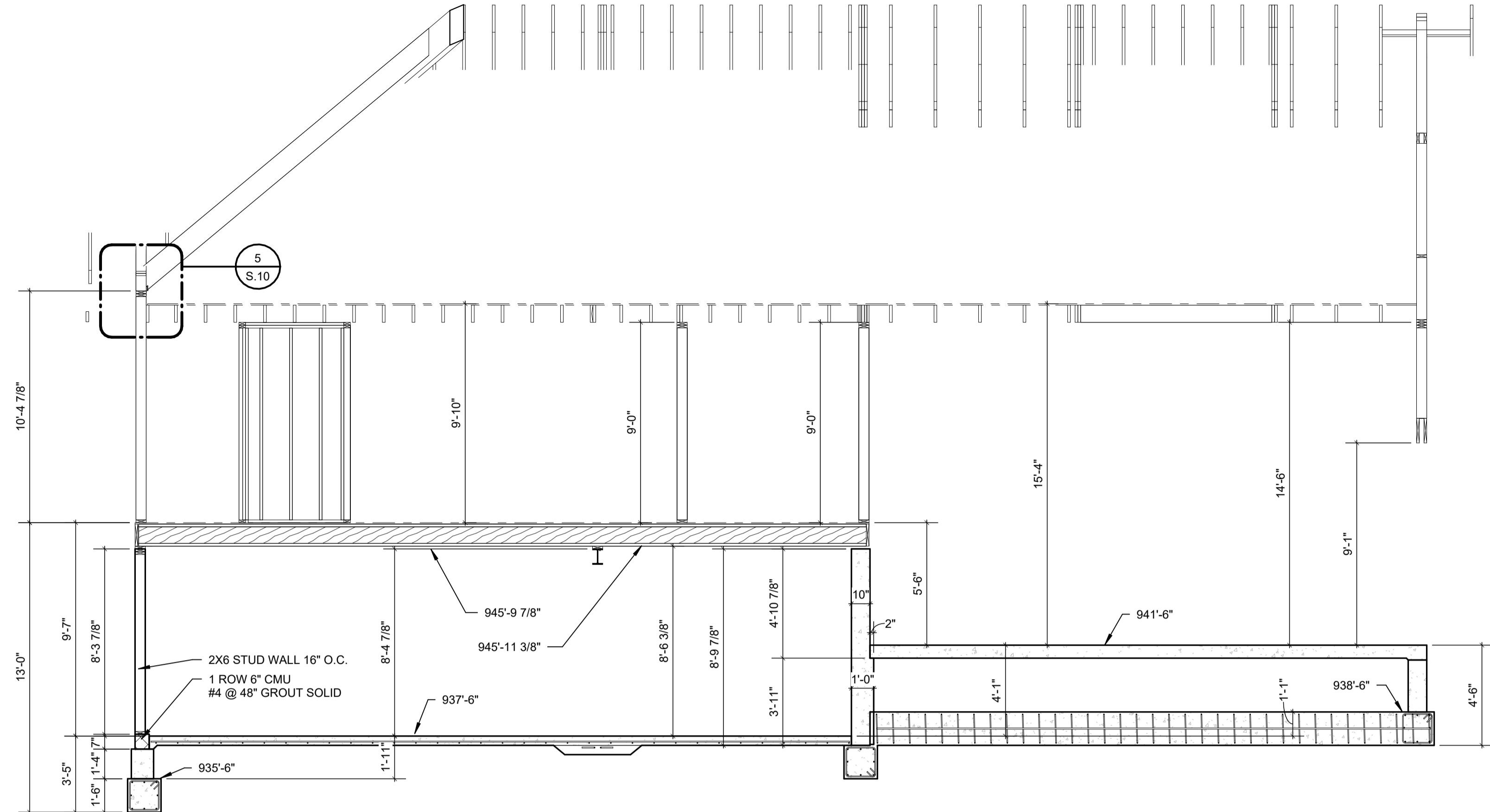


**BUILDING SECTION**  
SCALE: 1/4" = 1'-0"

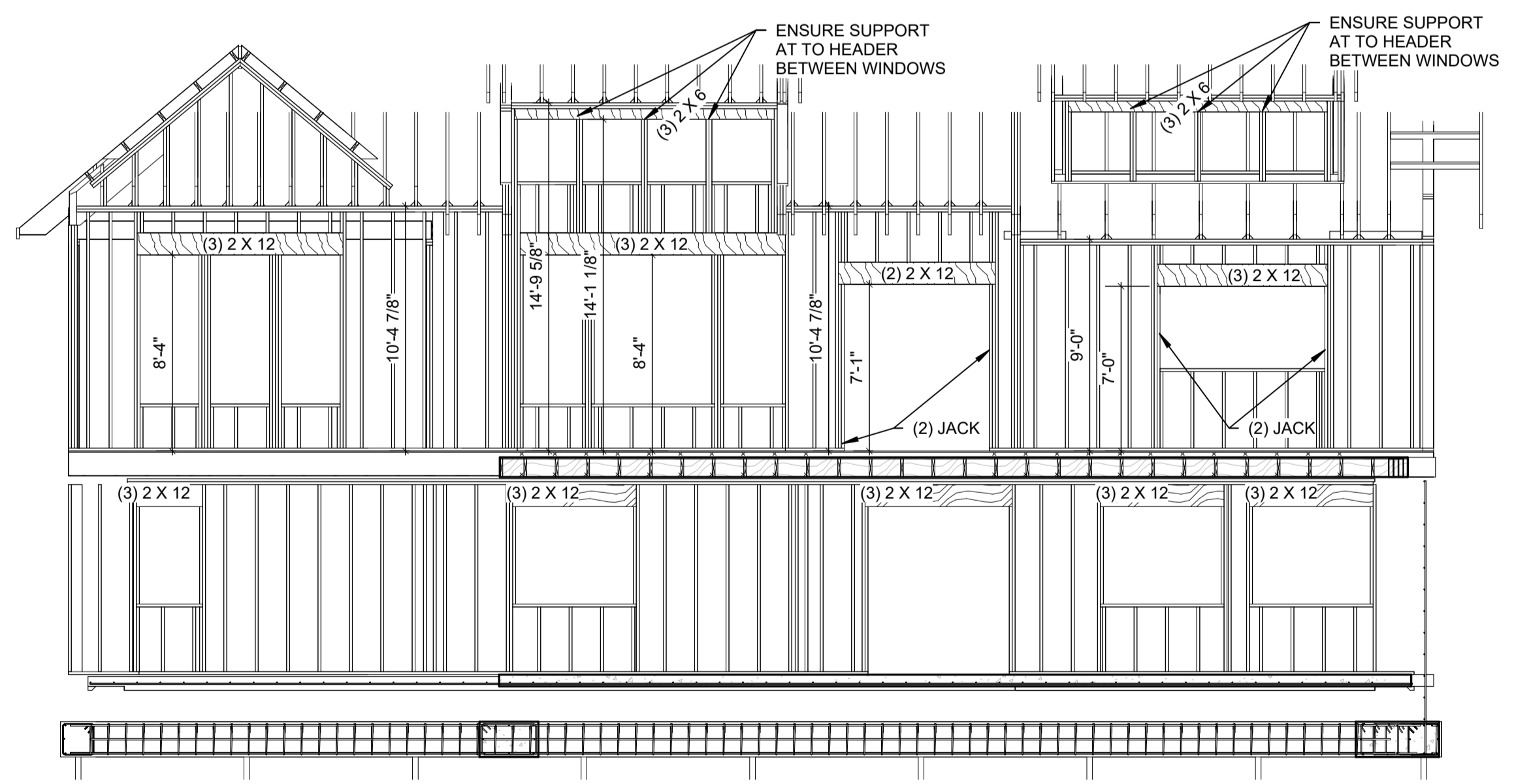


**GARAGE SECTION**  
SCALE: 1/4" = 1'-0"

REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST  
DORMER OVER GARGE CHANGED FROM LAY-ON TO  
FUNCTIONAL DORMER



1 BUILDING SECTION (2)  
SCALE: 1/4" = 1'-0"



2 REAR WALL HEADERS  
SCALE: 3/16" = 1'-0"

PROJECT TITLE:  
LEE & PAT BRITHINEE  
RESIDENCE  
SITE ADDRESS:  
568 BURGESS DR,  
WHITE LAKE

PREPARED FOR:  
LEE & PAT  
ADDRESS:  
568 BURGESS DR,  
WHITE LAKE

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023

NOTES:  
1.

PROFESSIONAL IN RESPONSIBLE  
CHARGE:

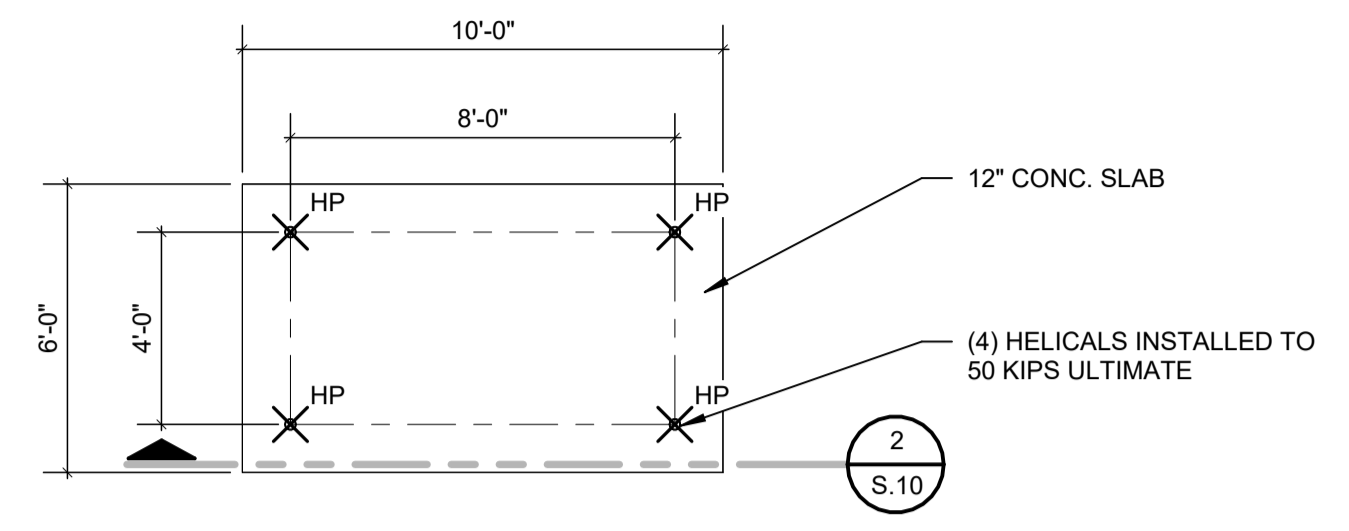
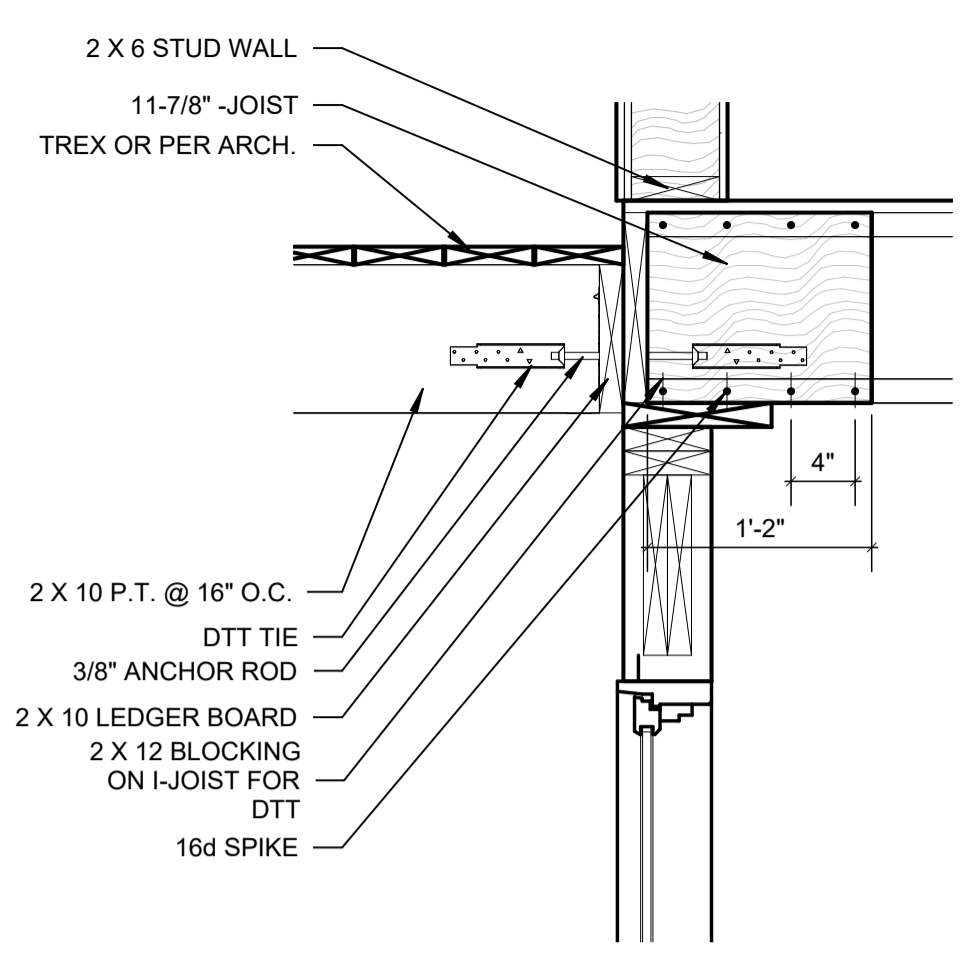
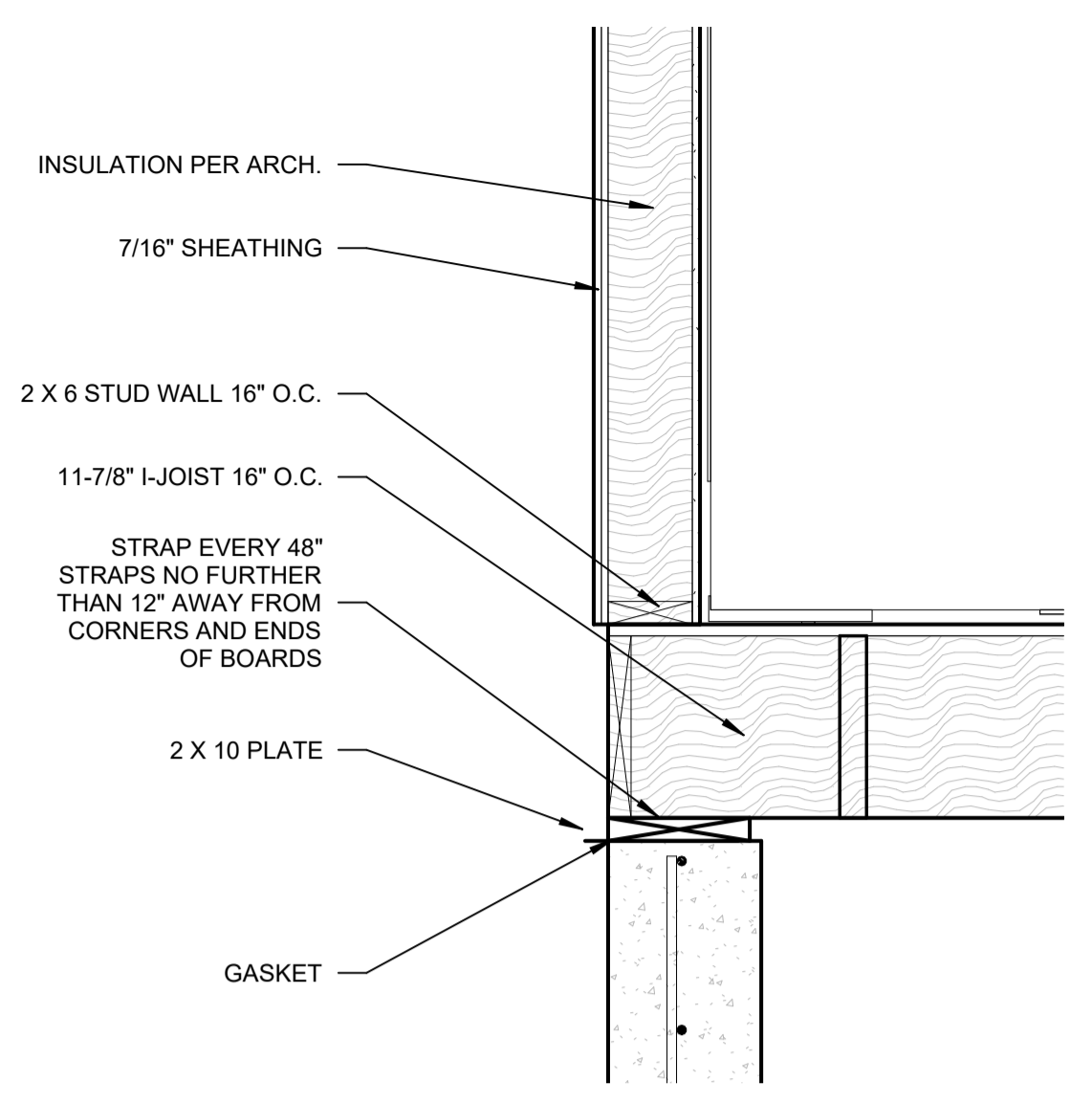
DATE: 05-08-2023  
DRAWN: SW  
CHECKED: SW  
PROJECT NO: 23-110

SHEET TITLE:  
SECTIONS

SHEET NUMBER:  
**S.7**

SCALE: SEE VIEW

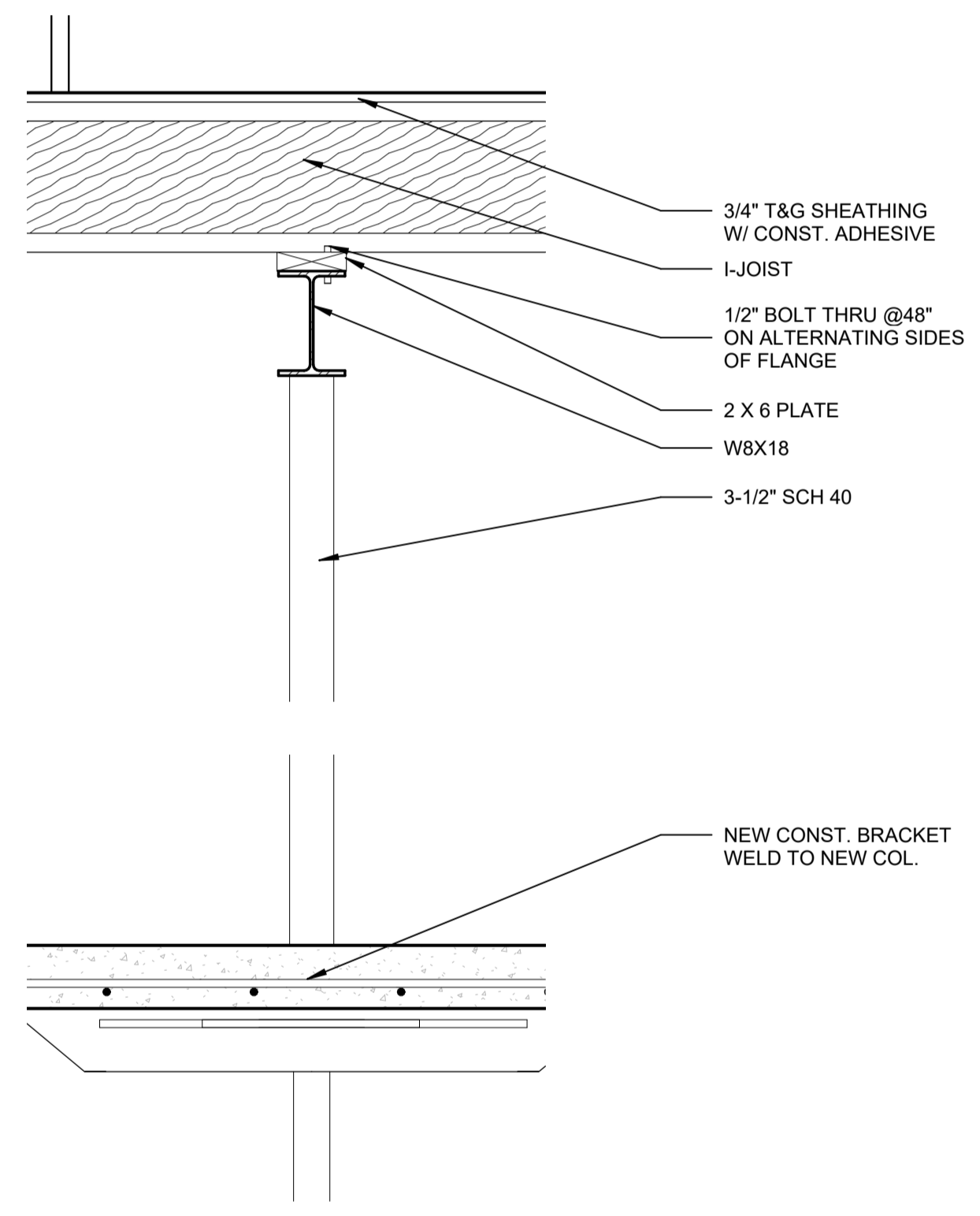
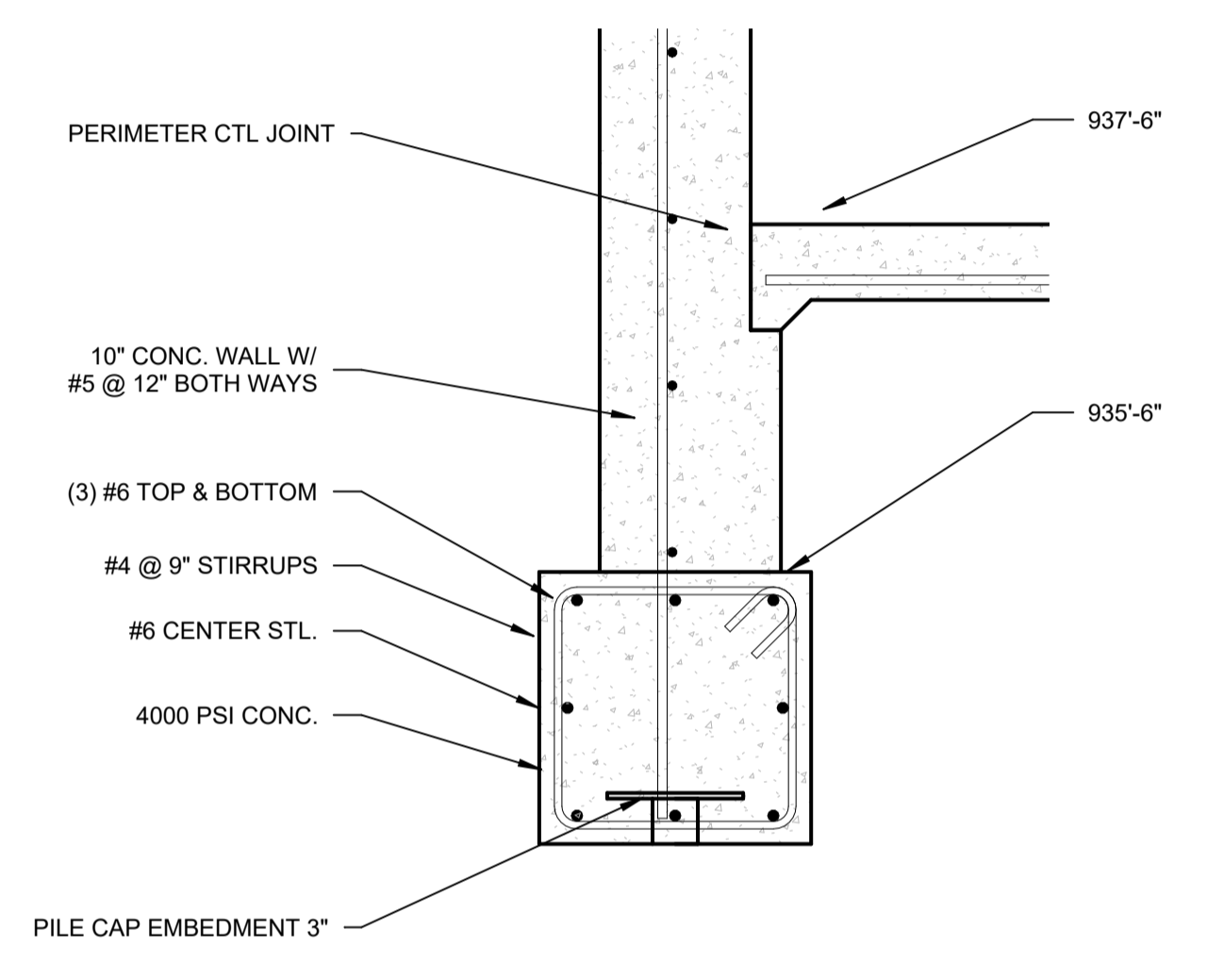
REV 2: (2) TJI CONVERTED TO (3) LVL PER CUSTOMER REQUEST  
DORMER OVER GARAGE CHANGED FROM LAY-ON TO  
FUNCTIONAL DORMER



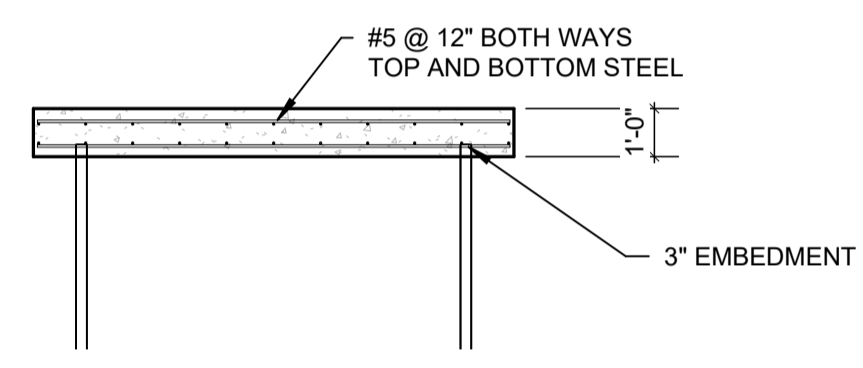
**6**  
S.10  
**UNDERGROUND  
EQUIPMENT PAD**  
SCALE: 1/4" = 1'-0"

-NOTE-  
USE THIS DETAIL IN (2) LOCATIONS  
UNDER THE TANK AND UNDER  
THE PUMP CHAMBER. REF. SEPTIC  
DESIGN FROM POWELL ENGINEERING  
AND CIVIL DOCS.

**4**  
S.10  
**DECK BRACE TIE**  
SCALE: 1" = 1'-0"

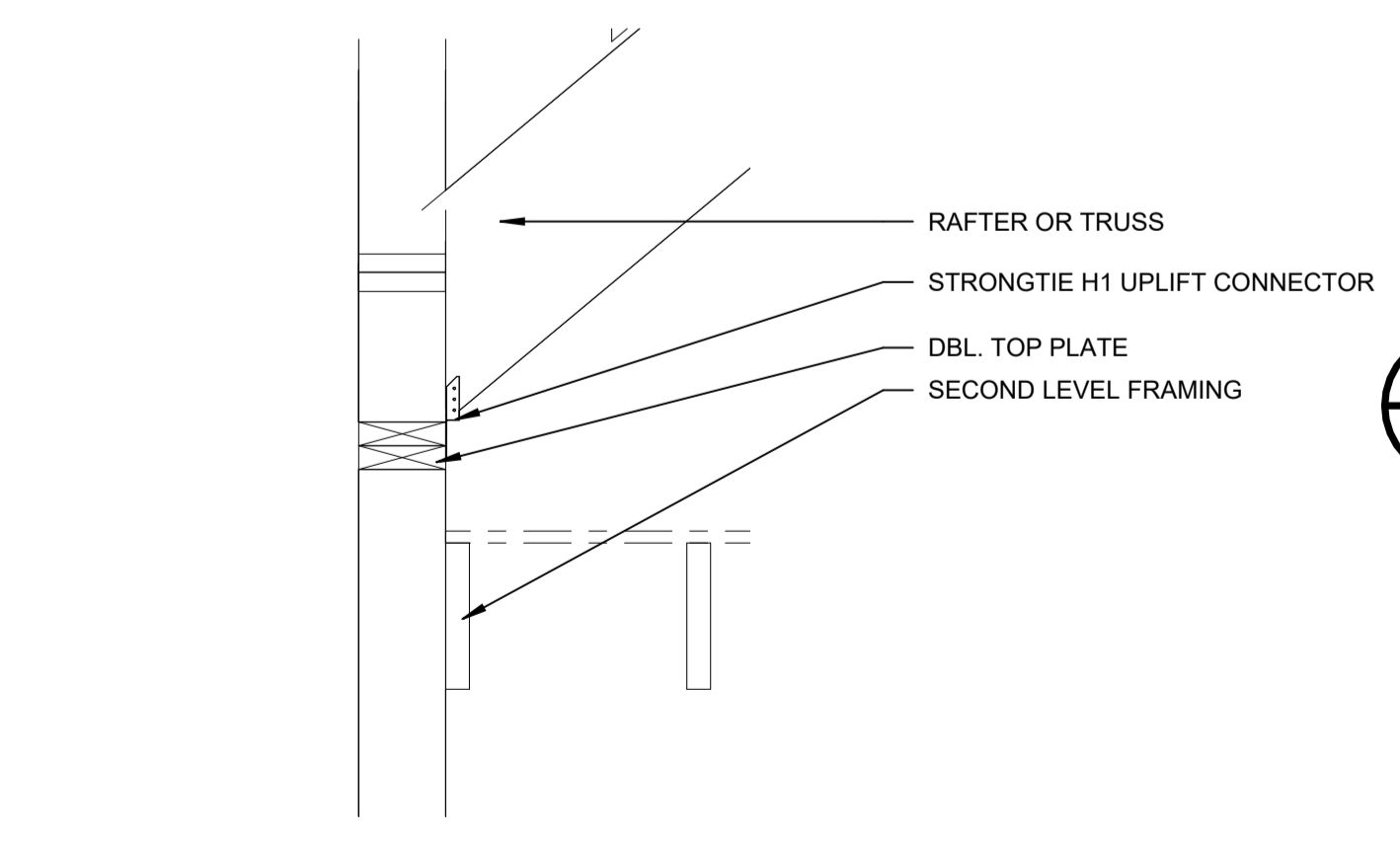


**2**  
S.10  
**SECTION THROUGH  
UNDERGROUND  
EQUIPMENT PAD**  
SCALE: 1/4" = 1'-0"



**1**  
S.10  
**TYPICAL GRADE BEAM  
DETAIL**  
SCALE: 1" = 1'-0"

**3**  
S.10  
**BASEMENT BEAM  
SECTION**  
SCALE: 1" = 1'-0"



**5**  
S.10  
**ROOF UPLIFT  
CONNECTION**  
SCALE: 1" = 1'-0"

PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**  
SITE ADDRESS:  
**NO ADDRESS CURRENTLY  
PARCEL NO. 12-27-429-004**

PREPARED FOR:  
**LEE & PAT**  
ADDRESS:  
**568 BURGESS DR.  
WHITE LAKE TWP.  
48386**

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 04-03-2023  
DRAWN: JZ  
CHECKED: AM  
PROJECT NO: 23-110  
SHEET TITLE:

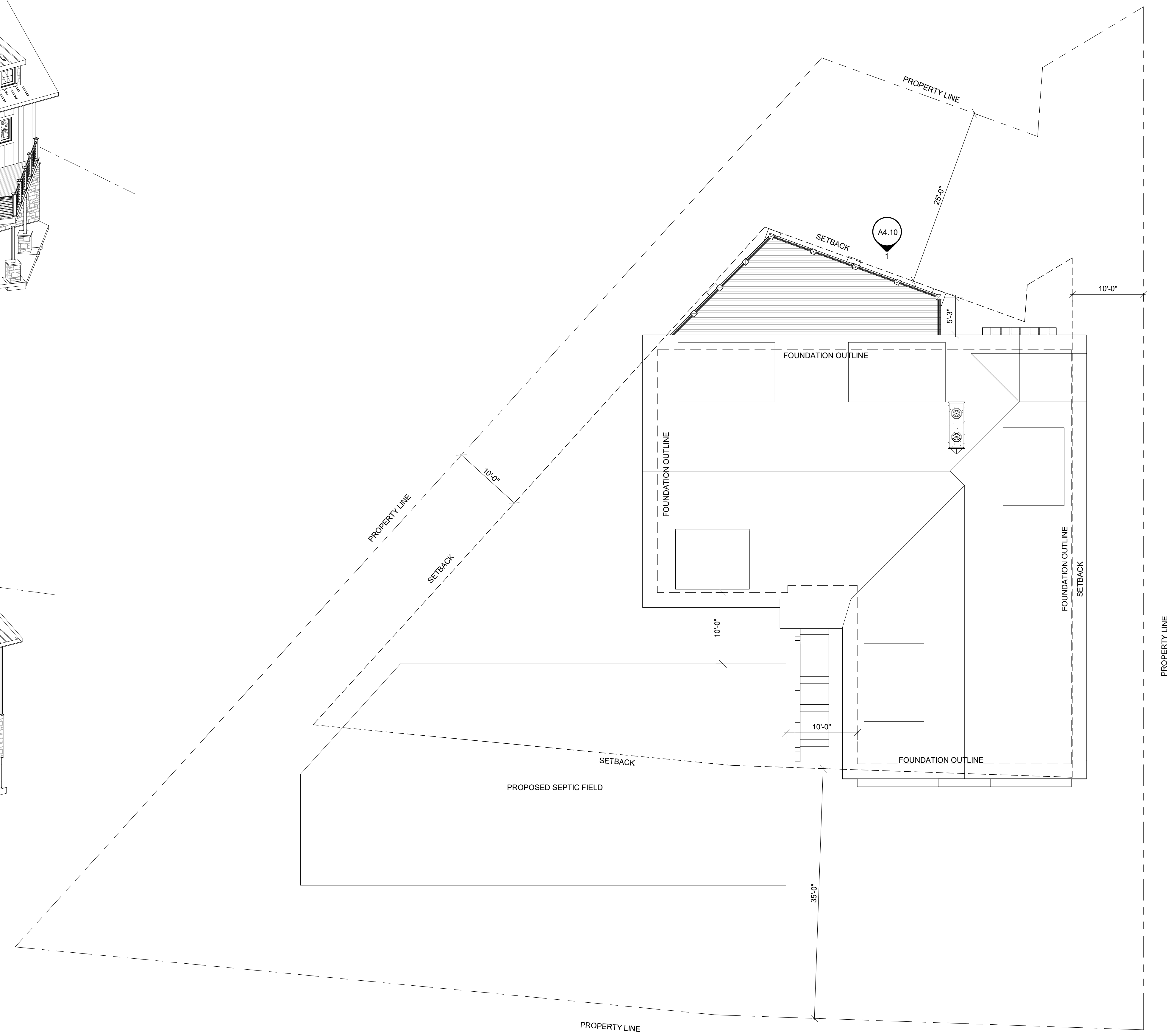
SHEET NUMBER:

**A1.0**

SCALE: 1/8" = 1'-0"



TOP OF  
BASEMENT WALL  
15'-10"



N 1 SITE PLAN  
A1.0 1/8" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE:	04-03-2023
DRAWN:	JZ
CHECKED:	AM
PROJECT NO.:	23-110
SHEET TITLE:	

SHEET NUMBER: **A2.0**

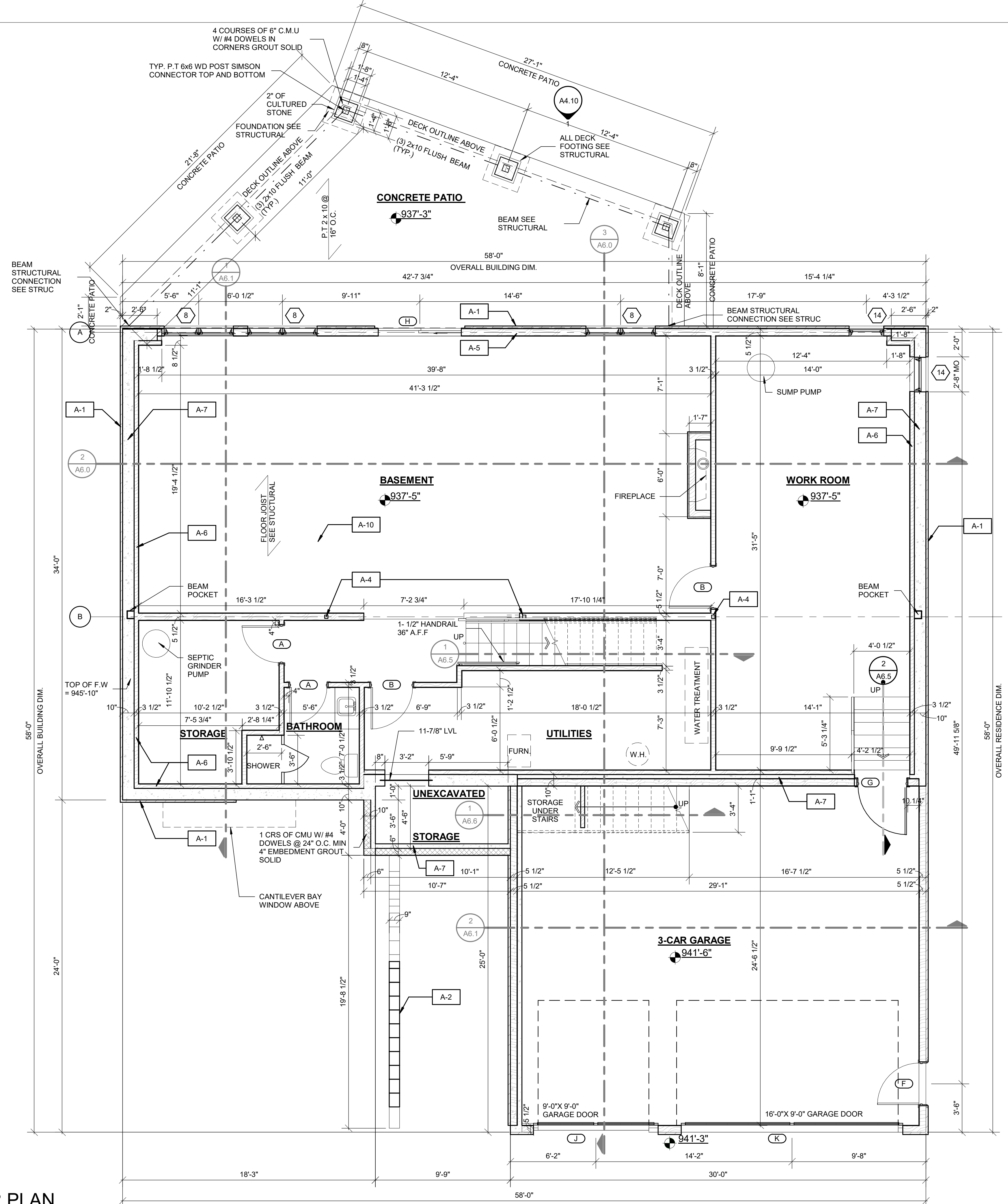
SCALE: As Indicated

**GENERAL FOUNDATION NOTES:**

- ANCHOR RODS TO BE ACCURATELY POSITIONED AND HELD SECURELY IN PLACE DURING CONCRETING. ANY ANCHOR ROD OUT OF LOCATION MORE THAN 3/16" INCH WILL BE REJECTED. CONTRACTOR SHALL PROTECT ANCHOR RODS FROM DAMAGE AND SHALL REMOVE ANY CONCRETE OR DEBRIS FROM THE BEARING SURFACE TO ALLOW ERECTION.
- PROTECT SOIL BEARING SURFACES FROM FREEZING PRIOR TO CONCRETE PLACEMENT. PROTECT CONCRETE FROM FREEZING DURING AND AFTER PLACEMENT (MINIMUM 7 DAYS)
- CONTRACTOR SHALL PROTECT EXISTING FOUNDATIONS AND UTILITIES FROM DAMAGE RESULTING FROM EXCAVATION OR BACKFILLING DURING THE CONSTRUCTION PERIOD AS REQUIRED.
- CONTRACTOR SHALL PROTECT SIDES OF EXCAVATIONS AS REQUIRED AND EXCAVATION SLOPES SHALL MEET APPLICABLE OSHA, STATE AND LOCAL REGULATIONS.

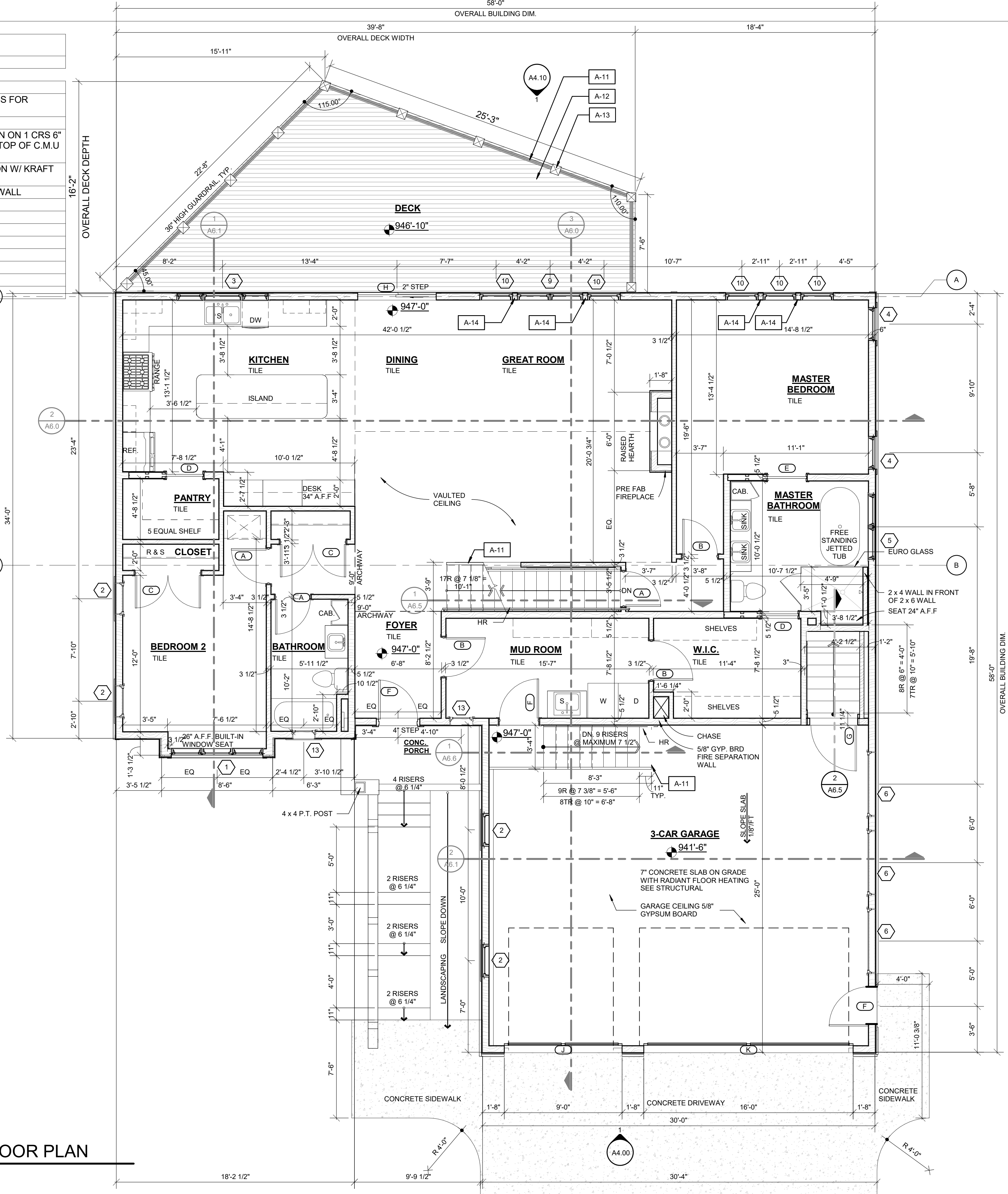
**FLOOR PLAN KEYNOTES**

Key Value	Keynote Text
A-1	2" CULTURED STONE.
A-2	RETAINING WALL SEE STRUCTURAL DRAWINGS FOR FOOTING HELICAL PIERS.
A-4	STEEL COLUMN SEE STRUCTURAL.
A-5	2 x 6 TYPICAL EXTERIOR WALL CONSTRUCTION ON 1 CRS 6" C.M.U W/#4 DOWEL @ 48" O.C. GROUT SOLID. TOP OF C.M.U 937.5".
A-6	2 x 4 STUDS @ 24 O.C W/ R-19 BATT INSULATION W/ KRAFT FACE WARM SIDE ON 1/2" GYPSUM BOARD.
A-7	TYPICAL 10" POURED CONCRETE BASEMENT WALL
A-8	JAMES HARDIE BOARD AND BATTEN
A-9	SHINGLE SIDING
A-10	5" CONC. SLAB SEE STRUCTURAL DRAWINGS
A-11	36" HIGH GUARDRAIL
A-12	5/4" X 6" COMPOSITE DECK
A-13	STAINLESS STEEL CABLE PER 2015 MRC
A-14	2-2 x 4 3" STUD POCKET
A-15	8" DIAMETER DOUBLE WALL ALUMINUM FLUE



**BASEMENT FLOOR PLAN**  
1/4" = 1'-0"

FLOOR PLAN KEYNOTES	
Key Value	Keynote Text
A-1	2" CULTURED STONE.
A-2	RETAINING WALL SEE STRUCTURAL DRAWINGS FOR FOOTING HELICAL PIERS.
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A-10	5" CONC. SLAB SEE STRUCTURAL DRAWINGS
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A-12	5/4" X 6" COMPOSITE DECK
A-13	STAINLESS STEEL CABLE PER 2015 MRC
A-14	2-2 x 4 3" STUD POCKET
A-15	8" DIAMETER DOUBLE WALL ALUMINUM FLOOR



**GENERAL PLAN NOTES:**

- ALL DIMENSIONS ARE TO FACE OF STUDS, CENTERLINE OF OPENINGS FOR DOORS AND WINDOWS.
- ALL FINISHES PER OWNER; INSTALLED BY TRADES - COORDINATE PRIOR TO CONSTRUCTION.
- PLUMBING & ELECTRICAL FIXTURES PER OWNER; INSTALLED BY TRADES.
- SHOWER HEADS SHALL BE ROUGHED AT 7'-0" ABOVE THE FINISHED FLOOR SURFACE OF THE SHOWER.
- PLUMBING, MECHANICAL, & ELECTRICAL SYSTEMS ARE THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND THE OWNER.
- ASSUMED SOIL CAPACITY IS 3,000#/SQ FT. THE CONTRACTOR SHALL DETERMINE THE BEARING CAPACITY THROUGH FIELD TESTING.
- PROVIDE SMOKE ALARMS IN EACH BEDROOM & OUTSIDE EACH BEDROOM IN THE IMMEDIATE VICINITY PER 2015 MICHIGAN RESIDENTIAL CODE SEC R313.
- CARBON MONOXIDE DETECTORS SHALL BE PROVIDED ON EACH FLOOR IN ACCORDANCE WITH 2015 MICHIGAN RESIDENTIAL CODE.
- PROVIDE MOLD RESISTANT GYP. BD. IN BATHROOMS.
- PROVIDE CEMENT BACKERBOARD BEHIND ALL CERAMIC TILE.
- COORDINATE BUILT-IN FURNITURE, FINISHES, FIXTURES, TRIM & OTHER SIMILAR DETAILS W/ OWNER.
- PROVIDE ACOUSTICAL BATT INSULATION & CAULK AT ALL BATH WALLS.
- PROVIDE 1 1/2" DROP IN FLOOR AT ALL TILE FLOOR AREA. PROVIDE DOUBLE SILL PLATE AT AREAS OR RAISED FLOOR AND SINGLE SILL PLATE AT AREAS OF DROPPED FLOOR TO ALLOW FOR STONE / TILE AREAS TO ALIGN FLUSH WITH HARD WOOD AREAS.
- PROVIDE EXTERIOR FROST FREE HOSE BIBS AT LOCATIONS DIRECTED BY HOME OWNER.
- PROVIDE SOLID BLOCKING IN WALLS OF ALL WALL MOUNTED ITEMS (CONFIRM ALL WITH HOME OWNER) NOT LIMITED TO THE FOLLOWING:
  - RANGE HOOD
  - CLOSET RODS
  - DOOR STOPS
  - TOWEL BARS
  - TOILET TISSUE HOLDER
  - MIRRORS
- ALL WOOD AND WOOD BASED PRODUCTS WITHIN 8" OF GRADE MUST BE PRESSURE TREATED AS REQUIRED PER SECTION R317 OF 2015 M.B.C.
- PROVIDE INTERIOR AND/OR EXTERIOR JAMB EXTENSIONS AS REQ'D FOR ALL WINDOWS
- CONFIRM DOOR CASING SIZE W/ HOME OWNER AND LOCATE ALL DOORS, PROVIDING SUFFICIENT SPACE FROM ADJACENT WALLS ON HINGE SIDE. IF DOORS ARE NOT LOCATED NEXT TO ADJACENT WALL, CENTER ON SPACE THEY ENTER INTO.
- ATTIC ACCESS OPENING - 22" x 30" CLEAR MIN.

**GENERAL FRAMING NOTES:**

- HEADERS FOR OPENINGS UP TO 6'-0" LONG SHALL BE MIN. (2) 2X8 AND BEAR ON (2) BUILT-UP COLUMN AT EACH END.
- HEADERS FOR OPENING FROM 6'-0" TO 10'-0" SHALL BE MIN. (2) 2X12 AND SHALL BEAR ON (3) 2X4 BUILT-UP COLUMNS AT EACH END.
- ALL ENGINEERED HEADERS, JOISTS, AND TRUSSES TO BE DESIGNED AND PROVIDED BY MANUFACTURER. CONTRACTOR IS TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

**FIRST FLOOR PLAN**  
1/4" = 1'-0"

ARCHITECTURAL  
ENGINEERING

3250 WEST BIG BEAVER RD.  
SUITE 233  
TROY, MI 48064  
P. 248.282.6475  
F. 248.590.0257

PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**  
SITE ADDRESS:  
**NO ADDRESS CURRENTLY  
PARCEL NO. 12-27-429-004**

PREPARED FOR:  
**LEE & PAT**  
ADDRESS:  
**568 BURGESS DR.  
WHITE LAKE TWP.  
48386**

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE:	04-03-2023
DRAWN:	JZ
CHECKED:	AM
PROJECT NO.:	23-110
SHEET TITLE:	

SHEET NUMBER:  
**A2.1**

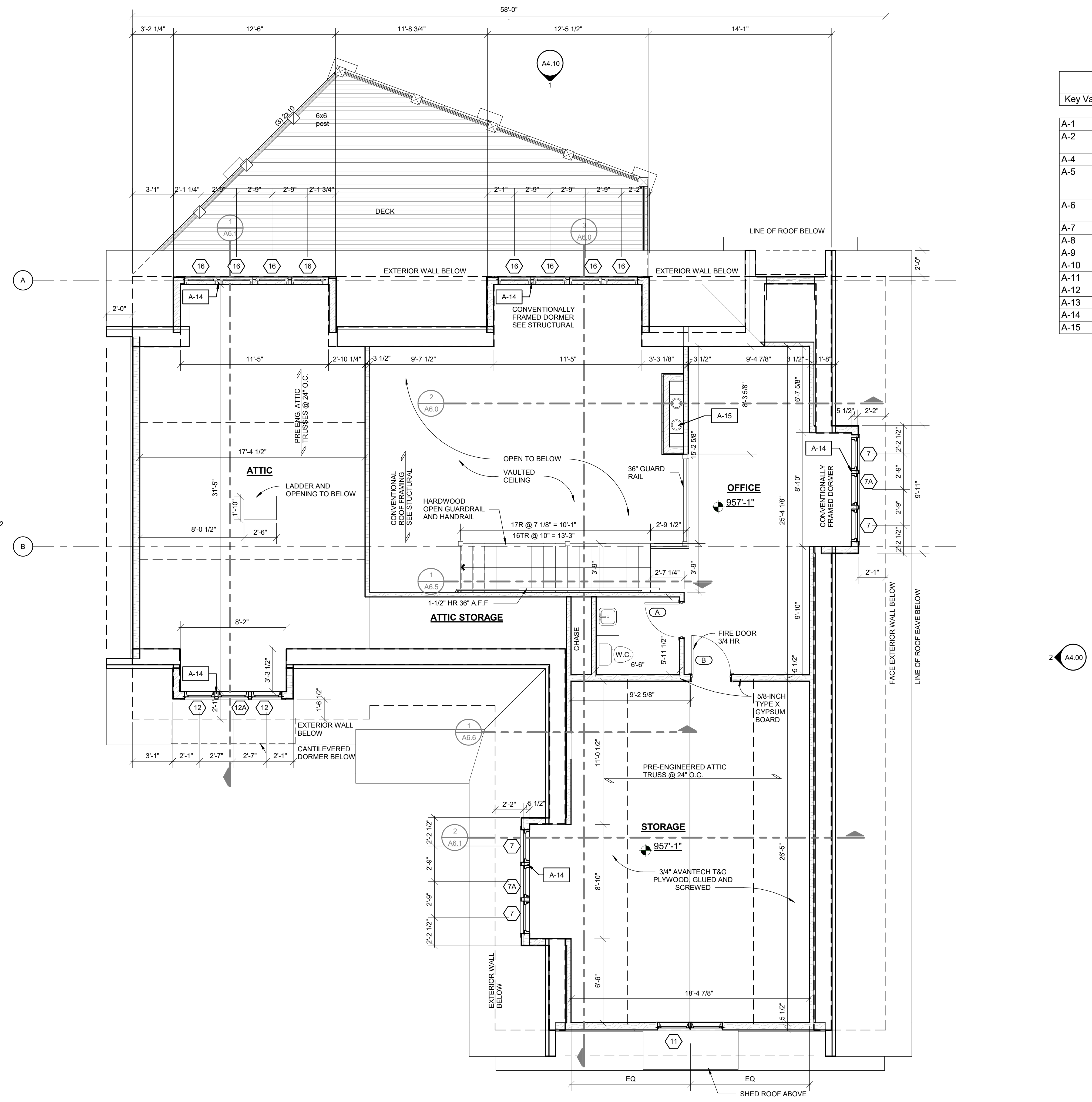
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ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE:	04-03-2023
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CHECKED:	AM
PROJECT NO.:	23-110
SHEET TITLE:	

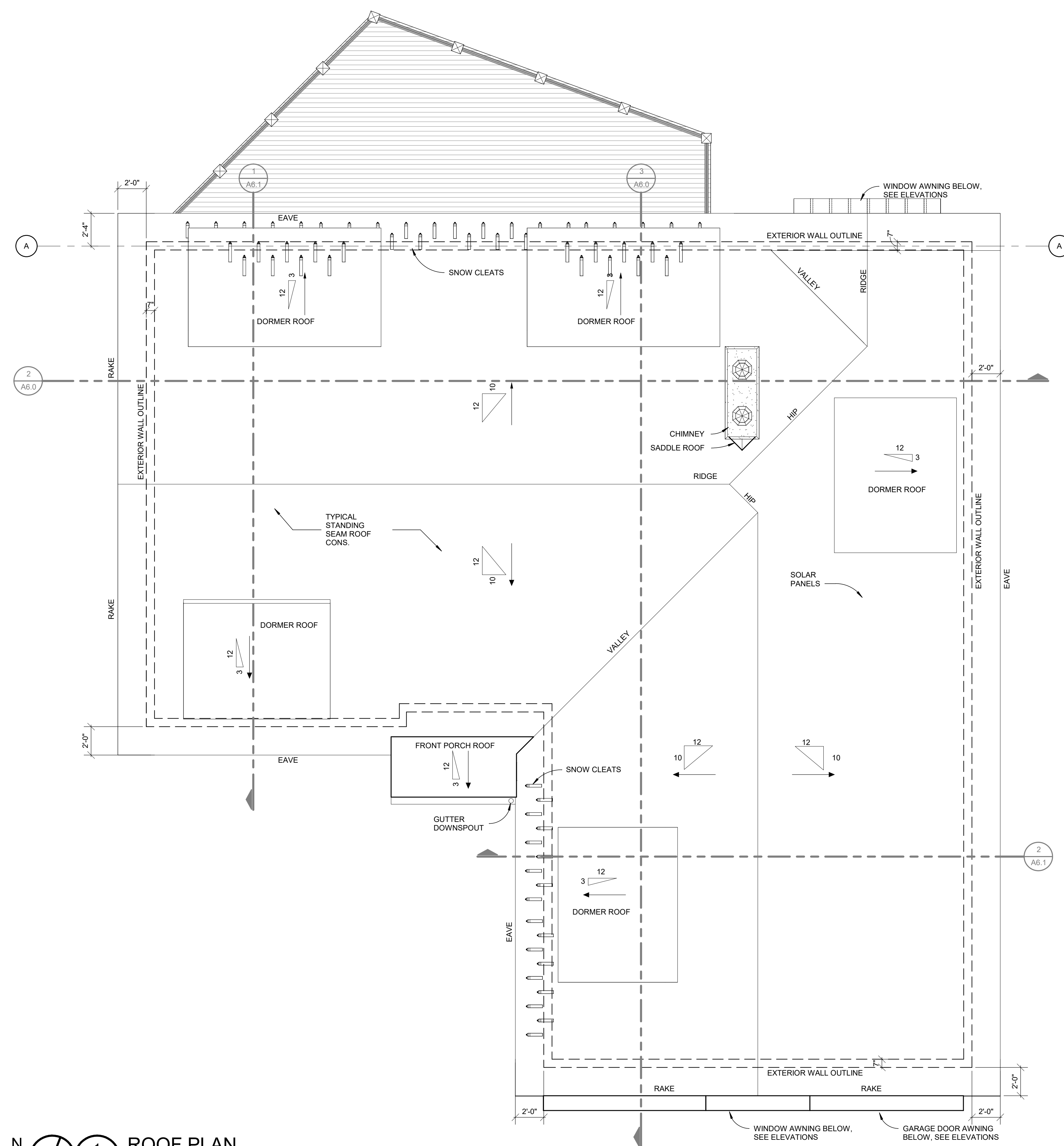
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**A2.2**  
SCALE: 1/4" = 1'-0"

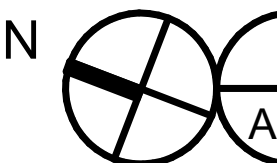


FLOOR PLAN KEYNOTES	
Key Value	Keynote Text
A-1	2" CULTURED STONE.
A-2	RETAINING WALL SEE STRUCTURAL DRAWINGS FOR FOOTING HELICAL PIERS.
A-4	STEEL COLUMN SEE STRUCTURAL.
A-5	2 x 6 TYPICAL EXTERIOR WALL CONSTRUCTION ON 1 CRS 6" C.M.U W/#4 DOWEL @ 48" O.C. GROUT SOLID. TOP OF C.M.U 937.5".
A-6	2 x 4 STUDS @ 24 O.C W/ R-19 BATT INSULATION W/ KRAFT FACE WARM SIDE ON 1/2" GYPSUM BOARD.
A-7	TYPICAL 10" POURED CONCRETE BASEMENT WALL
A-8	JAMES HARDIE BOARD AND BATTEN
A-9	SHINGLE SIDING
A-10	5" CONC. SLAB SEE STRUCTURAL DRAWINGS
A-11	36" HIGH GUARDRAIL
A-12	5/4" X 6" COMPOSITE DECK
A-13	STAINLESS STEEL CABLE PER 2015 MRC
A-14	2-2 x 4 3" STUD POCKET
A-15	8" DIAMETER DOUBLE WALL ALUMINUM FLUE

**1 SECOND FLOOR PLAN**  
A2.2  
1/4" = 1'-0"

(2)



N  **1** **ROOF PLAN**  
 A2.3 1/4" = 1'-0"

**GENERAL ROOF NOTES:**

1. FLASH ALL ROOF PENETRATIONS AS REQ'D PER CODE.
2. LOCATE ALL PLUMBING STACKS AT REAR ROOF PLANE. VERIFY THAT NO VENTS ARE VISIBLE FROM STREET.

Standard Professional Engineer Seal  
 The State of Michigan requires that all professional engineers and architects registered in this state must obtain and maintain a license to practice in this state. The licensee must obtain and maintain a license to practice in this state. The licensee must obtain and maintain a license to practice in this state. The licensee must obtain and maintain a license to practice in this state.

PROJECT TITLE:  
**LEE & PAT BRITHINEE RESIDENCE**  
 SITE ADDRESS:  
**NO ADDRESS CURRENTLY  
 PARCEL NO. 12-27-429-004**

PREPARED FOR:  
**LEE & PAT**  
 ADDRESS:  
**568 BURGESS DR.  
 WHITE LAKE TWP.  
 48386**

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
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ADDENDUM 1	09/07/2023

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 PROJECT NO: 23-110  
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SHEET NUMBER:  
**A2.3**

SCALE: As indicated



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PROJECT TITLE:  
**LEE & PAT BRITHINEE  
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PREPARED FOR:  
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ADDRESS:  
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DATE: 04-03-2023  
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CHECKED: AM  
PROJECT NO: 23-110  
SHEET TITLE:

SHEET NUMBER:

**A2.4**

SCALE: 1/2" = 1'-0"

## WINDOW SCHEDULE

MARK	SIZE	SILL	TYPE	GLAZING	NOTES
1	7'-0" x 5'-0"	2'-0"	CASEMENT/FIXED/CASEMENT	INSULATED - DOUBLE PANE / LOW-E	MULLED, ALL WINDOWS 2'-4" EQUAL WIDTH
2	2'-6" x 2'-6"	4'-8"	AWNING	INSULATED - DOUBLE PANE / LOW-E	
3	7'-0" x 3'-6"	3'-3"	CASEMENT/FIXED/CASEMENT	INSULATED - DOUBLE PANE / LOW-E	2 CASEMENTS 2'-0" W W/ FIXED MIDDLE 3'-0" W
4	2'-6" x 4'-0"	2'-10"	CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
5	5'-0" x 2'-6"	4'-4"	DOUBLE CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
6	5'-0" X 1'-6"	10'-11"	AWNING	INSULATED - DOUBLE PANE / LOW-E	
7	2'-6" X 2'-6"	3'-6"	CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
7A	2'-6" X 2'-6"	3'-6"	FIXED	INSULATED - DOUBLE PANE / LOW-E	
8	5'-0" x 4'-0"	2'-8"	DOUBLE CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
9	5'-0" x 6'-4"	1'-9"	FIXED W/ TRANSOM	INSULATED - DOUBLE PANE / LOW-E	MULLED, 2 EQ. WIDTH TRANSOMS, 16" HEIGHT
10	2'-6" x 6'-4"	1'-9"	CASEMENT W/ TRANSOM	INSULATED - DOUBLE PANE / LOW-E	MULLED, TRANSOM 16" HEIGHT
11	5'-0" x 5'-0"	1'-9"	DOUBLE CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
12	2'-4" x 2'-6"	3'-6"	CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
12A	2'-4" x 2'-6"	3'-6"	FIXED	INSULATED - DOUBLE PANE / LOW-E	
13	2'-0" x 1'-10"	5'-0"	AWNING	INSULATED - DOUBLE PANE / LOW-E	
14	2'-6" x 4'-0"	2'-8"	CASEMENT	INSULATED - DOUBLE PANE / LOW-E	
15	NOT USED				
15A	NOT USED				
16	2'-6" X 2'-6"	1'-8"	FIXED	INSULATED - DOUBLE PANE / LOW-E	

## DOOR SCHEDULE

MARK	SIZE	TYPE	NOTES
A	2'-8" x 7'-0"	SOLID WOOD	
B	3'-0" x 7'-0"	SOLID WOOD	
C	(2)2'-6" x 7'-0"	SOLID WOOD	
D	2'-10" x 7'-0"	POCKET	
E	3'-0" x 7'-0"	POCKET	
F	3'-0" x 7'-0"	EXTERIOR INSULATED	PROVIDE MINIMUM 20MIN. FIRE RATING FOR DOORS LOCATED BETWEEN GARAGE AND INTERIOR LIVING SPACE
G	3'-6" x 7'-0"	EXTERIOR INSULATED	PROVIDE MINIMUM 20MIN. FIRE RATING FOR DOORS LOCATED BETWEEN GARAGE AND INTERIOR LIVING SPACE
H	6'-0" x 7'-0"	SLIDING	
I	NOT USED		
J	9'-0" x 9'-0"	INSULATED OVERHEAD DOOR	
K	16'-0" x 9'-0"	INSULATED OVERHEAD DOOR	

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
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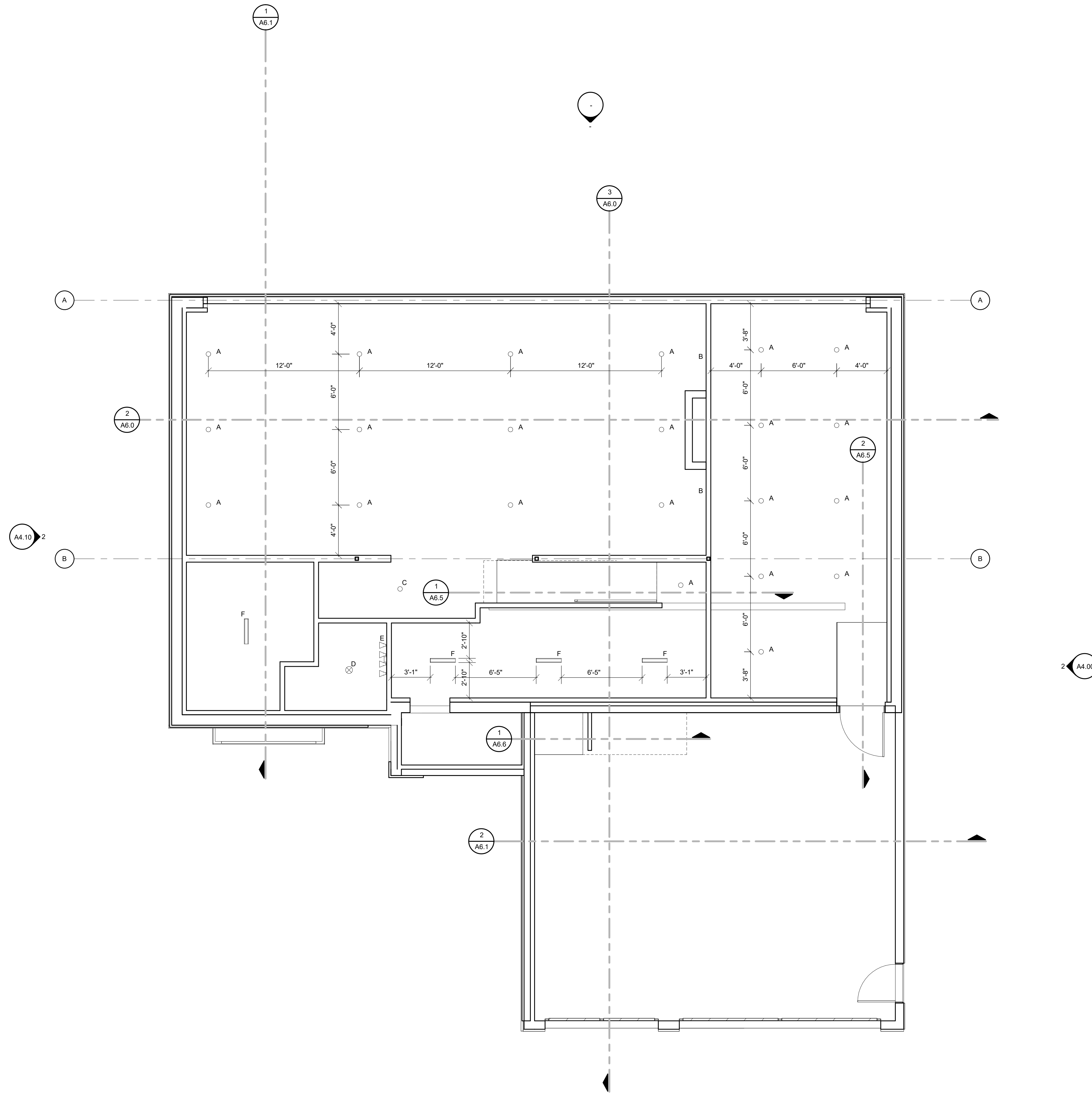
PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 04-03-2023  
DRAWN: JZ  
CHECKED: AM  
PROJECT NO: 23-110

SHEET NUMBER: **A3.00**

SCALE: As indicated

LIGHTING SCHEDULE			
MARK	SIZE	TYPE	QUANTITY
A	3.5" DIAMETER	DOWNLIGHT	22
B	8" H x 7" W x 4" D	WALL MOUNTED SCONCE	2
C	5" DIAMETER	PENDANT	1
D	6" DIAMETER	CEILING MOUNTED	1
E	9" H x 33" W x 7" D	4 LIGHT VANITY FIXTURE	1
F	24" L x 4" W	RECTANGULAR RECESSED	4



**1** BASEMENT REFLECTED CEILING PLAN  
A3.00 SCALE 1/4" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

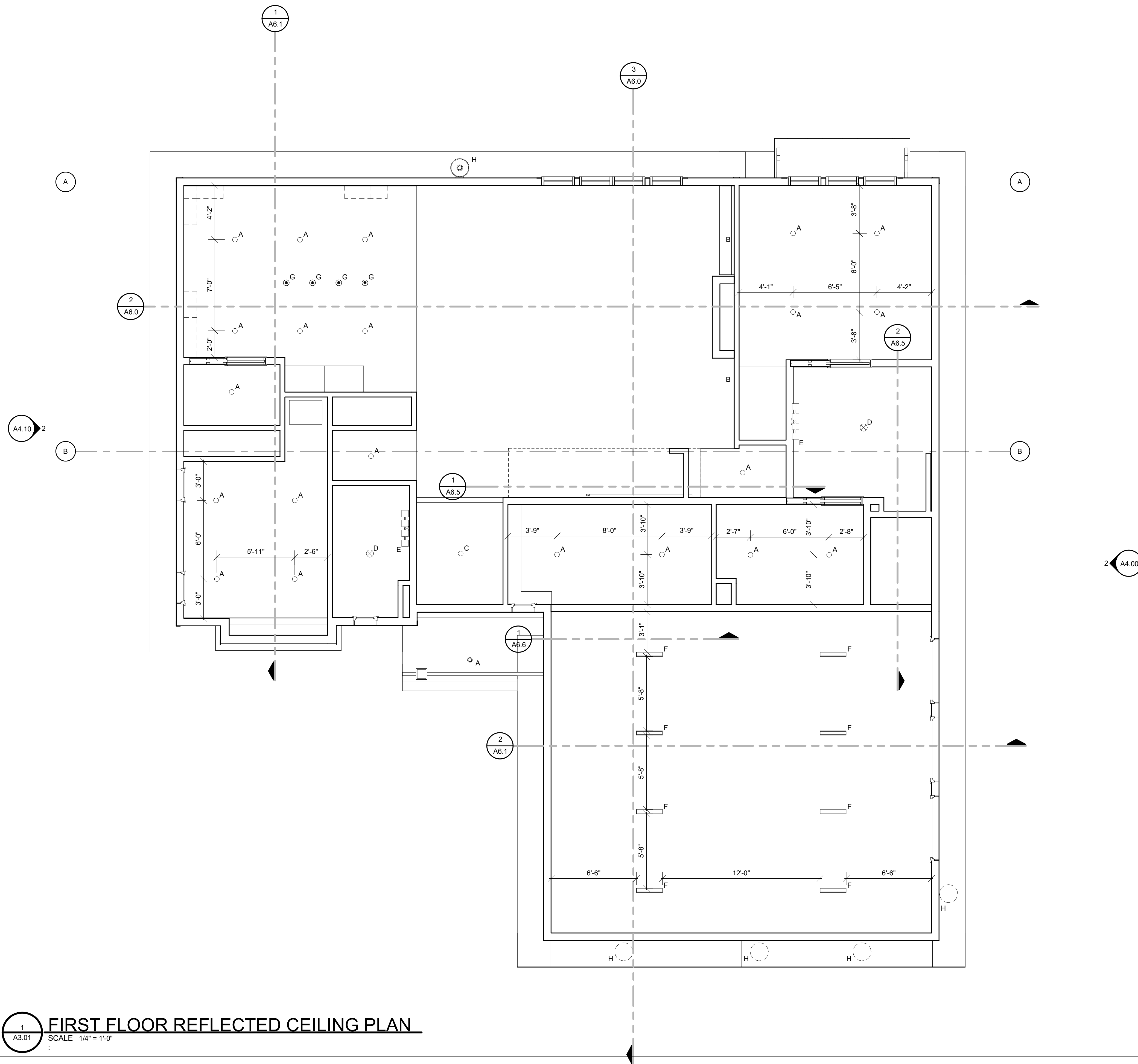
PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 04-03-2023  
 DRAWN: JZ  
 CHECKED: AM  
 PROJECT NO: 23-110  
 SHEET TITLE:

SHEET NUMBER: **A3.01**

SCALE: As indicated

LIGHTING SCHEDULE			
MARK	SIZE	TYPE	QUANTITY
A	3.5" DIAMETER	DOWNLIGHT	22
B	8" H x 7" W x 4" D	WALL MOUNTED SCONCE	2
C	5" DIAMETER	PENDANT	1
D	6" DIAMETER	CEILING MOUNTED	2
E	9" H x 33" W x 7" D	4 LIGHT VANITY FIXTURE	2
F	24" L x 4" W	RECTANGULAR RECESSED	8
G	5" DIAMETER	TRANSPARENT PENDANT LAMP	4
H	5" DIAMETER	EXTERIOR SCONCE	5



**FIRST FLOOR REFLECTED CEILING PLAN**  
SCALE 1/4" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

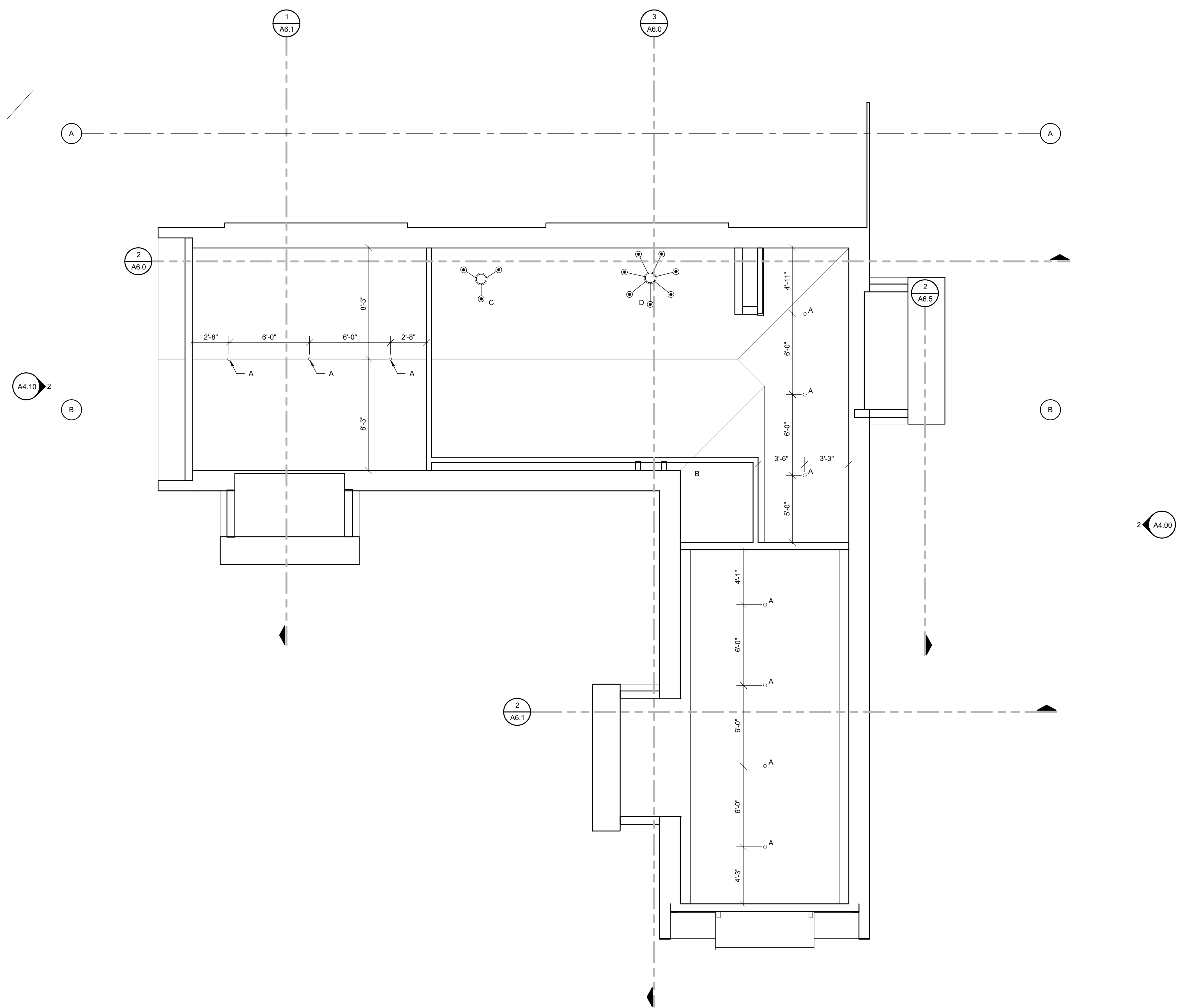
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DATE: 04-03-2023  
 DRAWN: JZ  
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 PROJECT NO: 23-110  
 SHEET TITLE:

SHEET NUMBER: **A3.02**

SCALE: As indicated

LIGHTING SCHEDULE			
MARK	SIZE	TYPE	QUANTITY
A	3.5" DIAMETER	INCANDESCENT LIGHT BULB	10
B	9" H x 33" W x 7" D	4 LIGHT VANITY FIXTURE	1
C	5" DIAMETER	3 LIGHT TRANSPARENT PENDANT FIXTURE	1
D	5" DIAMETER	7 LIGHT TRANSPARENT PENDANT FIXTURE	1



1 SECOND FLOOR REFLECTED CEILING PLAN  
A3.02 SCALE 1/4" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
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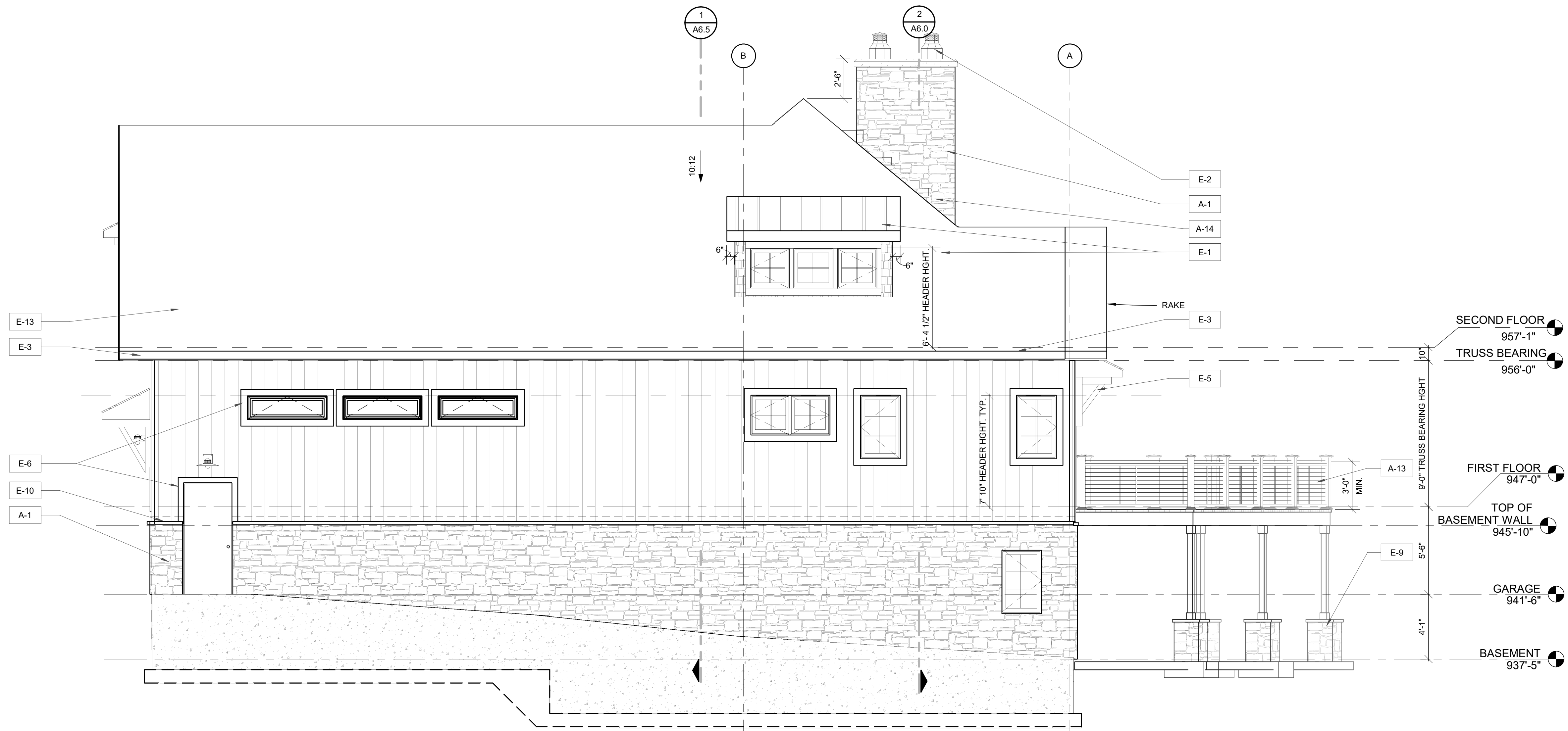
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DRAWN:	JZ
CHECKED:	AM
PROJECT NO.:	23-110
SHEET TITLE:	

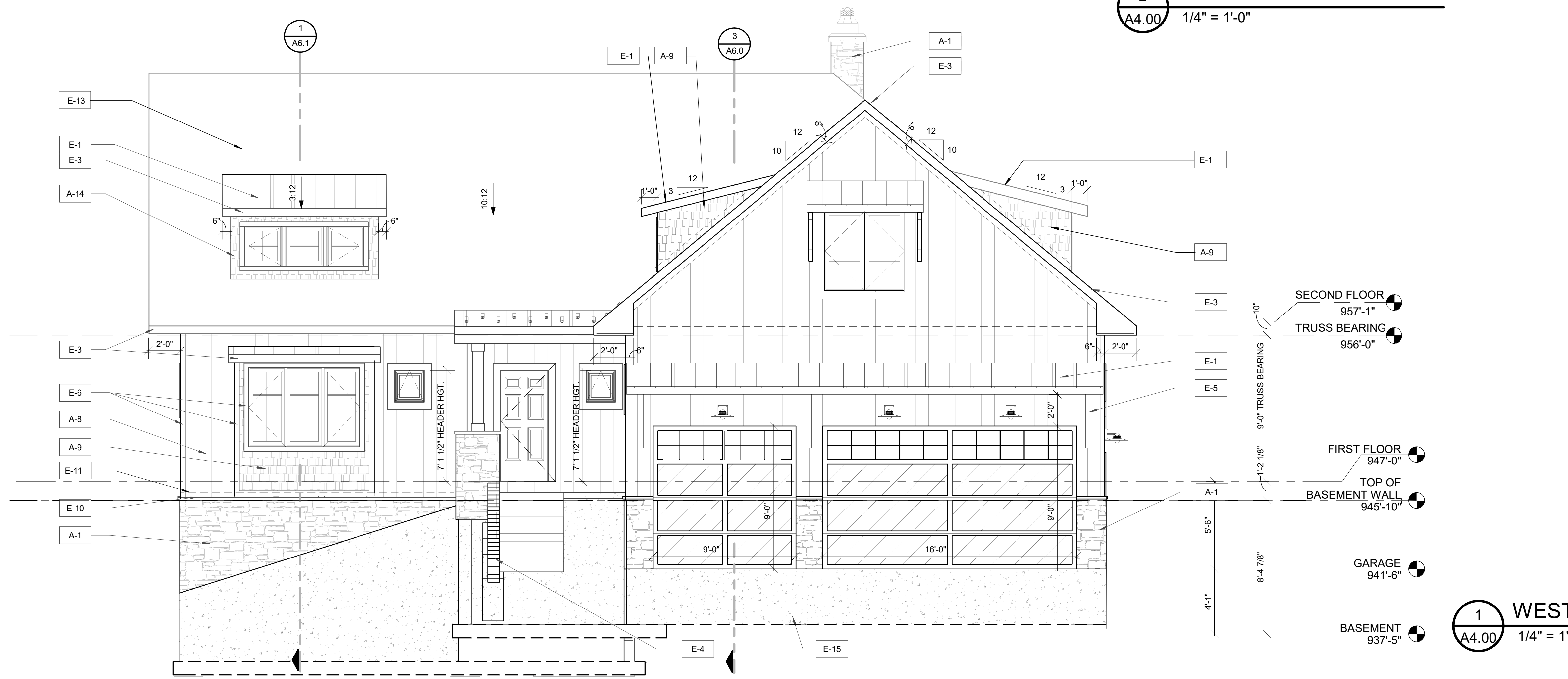
SHEET NUMBER: **A4.00** SCALE: 1/4" = 1'-0"

ELEVATION LEGENDS	
Key Value	Keynote Text
E-1	STANDING SEAM METAL ROOF
E-2	STAINLESS CHIMNEY CAPS
E-3	6" JAMES HARDIE FASCIA AND RAKE BOARD
E-4	12" STANDARD UNILOCK PISA STANDARD RETAINING WALL AND CAP STONE ON TOP, SEE MANUFACTURER FOR SPECIFICATIONS
E-5	WOOD BRACKET
E-6	4" WIDE JAMES HARDIE TRIM BOARD
E-9	6"X6" P.T. POST, 2" THICK CAST CONCRETE CAP ON 4 COURSES OF 6" CMU ON ENGINEER FOOTING, SEE STRUCTURAL PLANS
E-10	CULTURED SILL CAP STONE 2" TALL
E-13	ASPHALT SHINGLES
E-15	CONCRETE FOOTING SEE STRUCTURAL DRAWINGS

EXTERIOR FINISH KEYNOTES	
Key Value	Keynote Text
A-1	2" CULTURED STONE.
A-8	JAMES HARDIE BOARD AND BATTEN
A-9	SHINGLE SIDING
A-13	STAINLESS STEEL CABLE PER 2015 MRC
A-14	2-2 x 4 3" STUD POCKET



2 SOUTH ELEVATION 1/4" = 1'-0"



1 WEST ELEVATION 1/4" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
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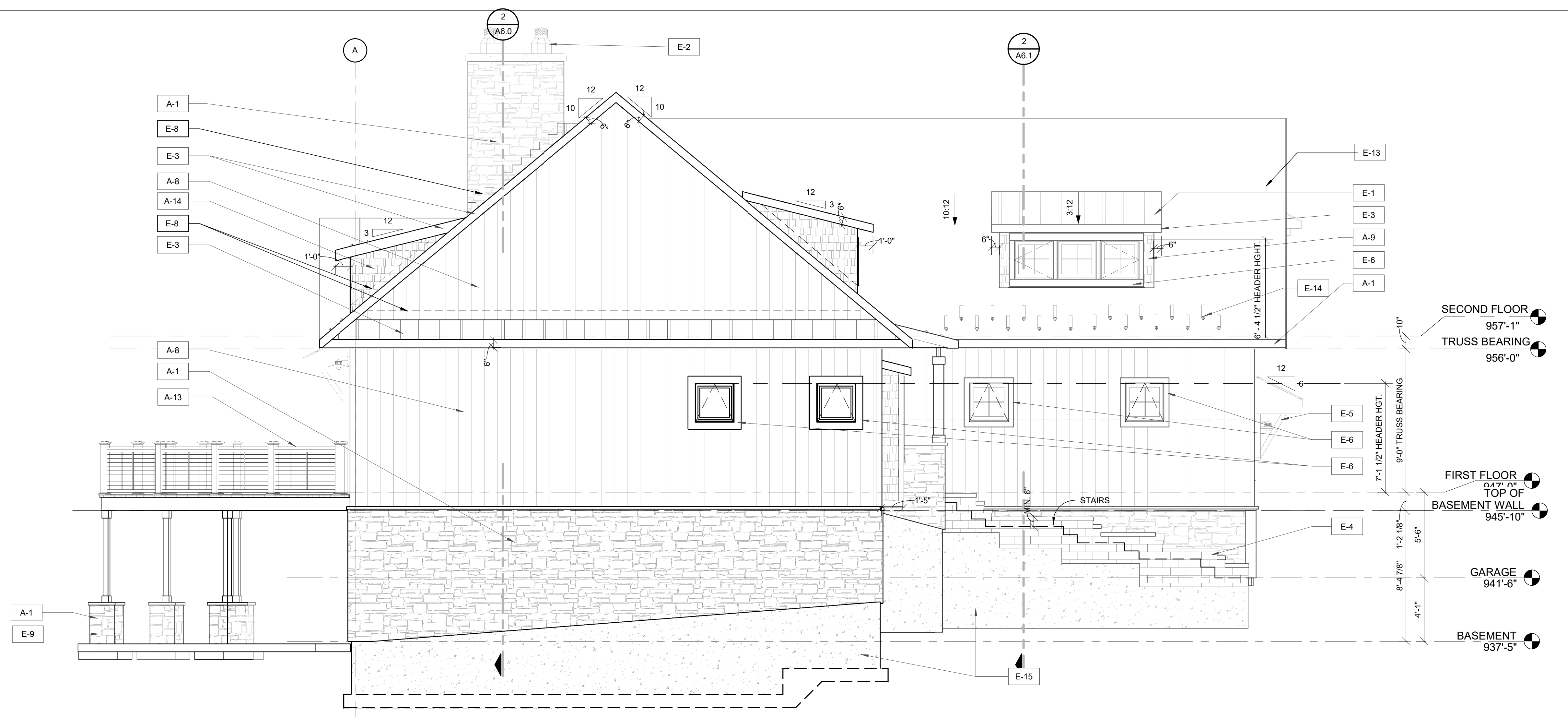
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DATE:	04-03-2023
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PROJECT NO:	23-110
SHEET TITLE:	

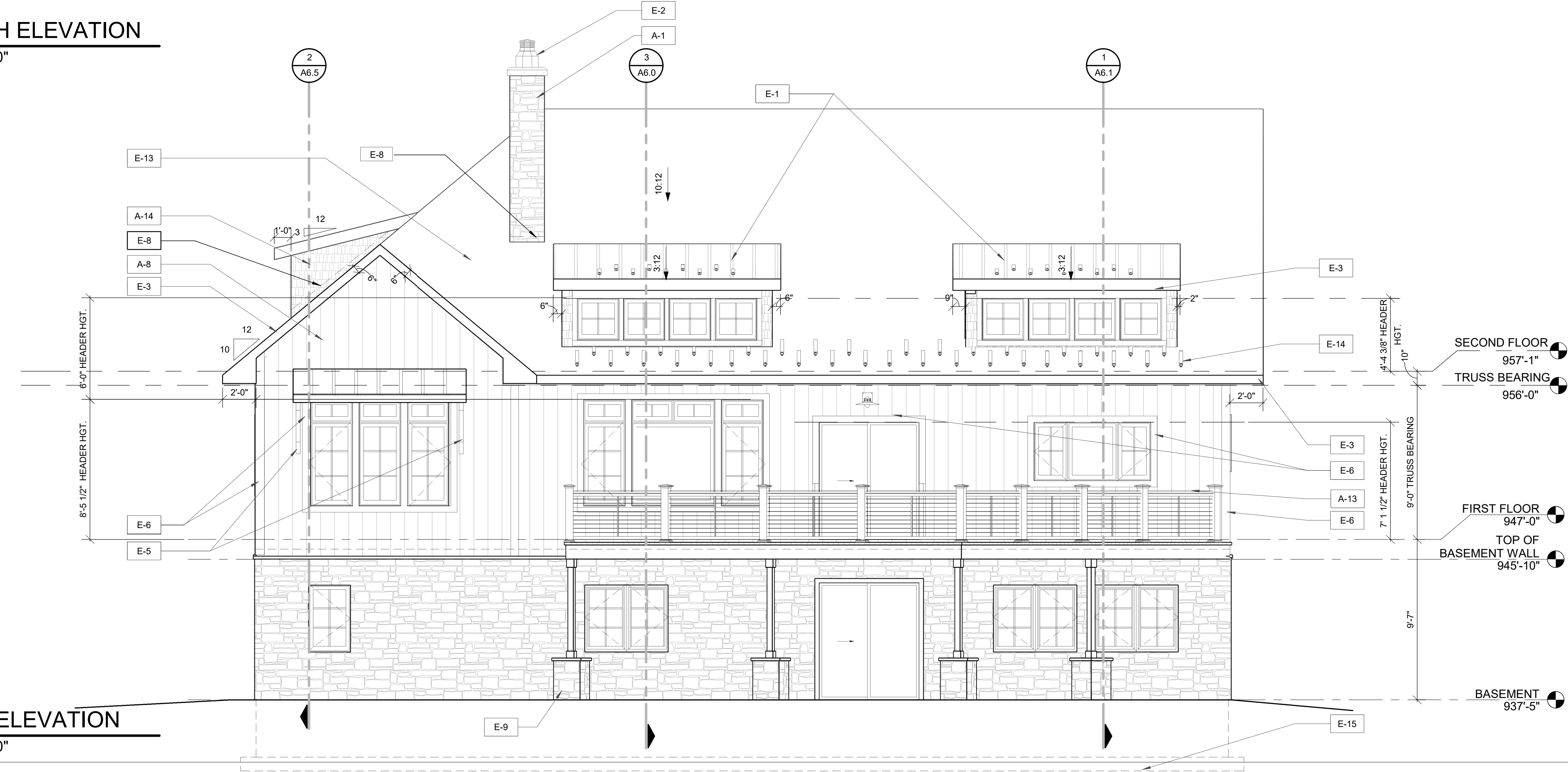
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**A4.10**  
SCALE: 1/4" = 1'-0"

ELEVATION LEGENDS	
Key Value	Keynote Text
E-1	STANDING SEAM METAL ROOF
E-2	STAINLESS CHIMNEY CAPS
E-3	6" JAMES HARDIE FASCIA AND RAKE BOARD
E-4	12" STANDARD UNILOCK PISA STANDARD RETAINING WALL AND CAP STONE ON TOP, SEE MANUFACTURER FOR SPECIFICATIONS
E-5	WOOD BRACKET
E-6	4" WIDE JAMES HARDIE TRIM BOARD
E-9	6"X6" P.T. POST 2" THICK CAST CONCRETE CAP ON 4 COURSES OF 6" CMU ON ENGINEER FOOTING, SEE STRUCTURAL PLANS
E-13	ASPHALT SHINGLES
E-14	2 ROWS OF SNOW CLEATS, ROWS ALTERNATING
E-15	CONCRETE FOOTING SEE STRUCTURAL DRAWINGS

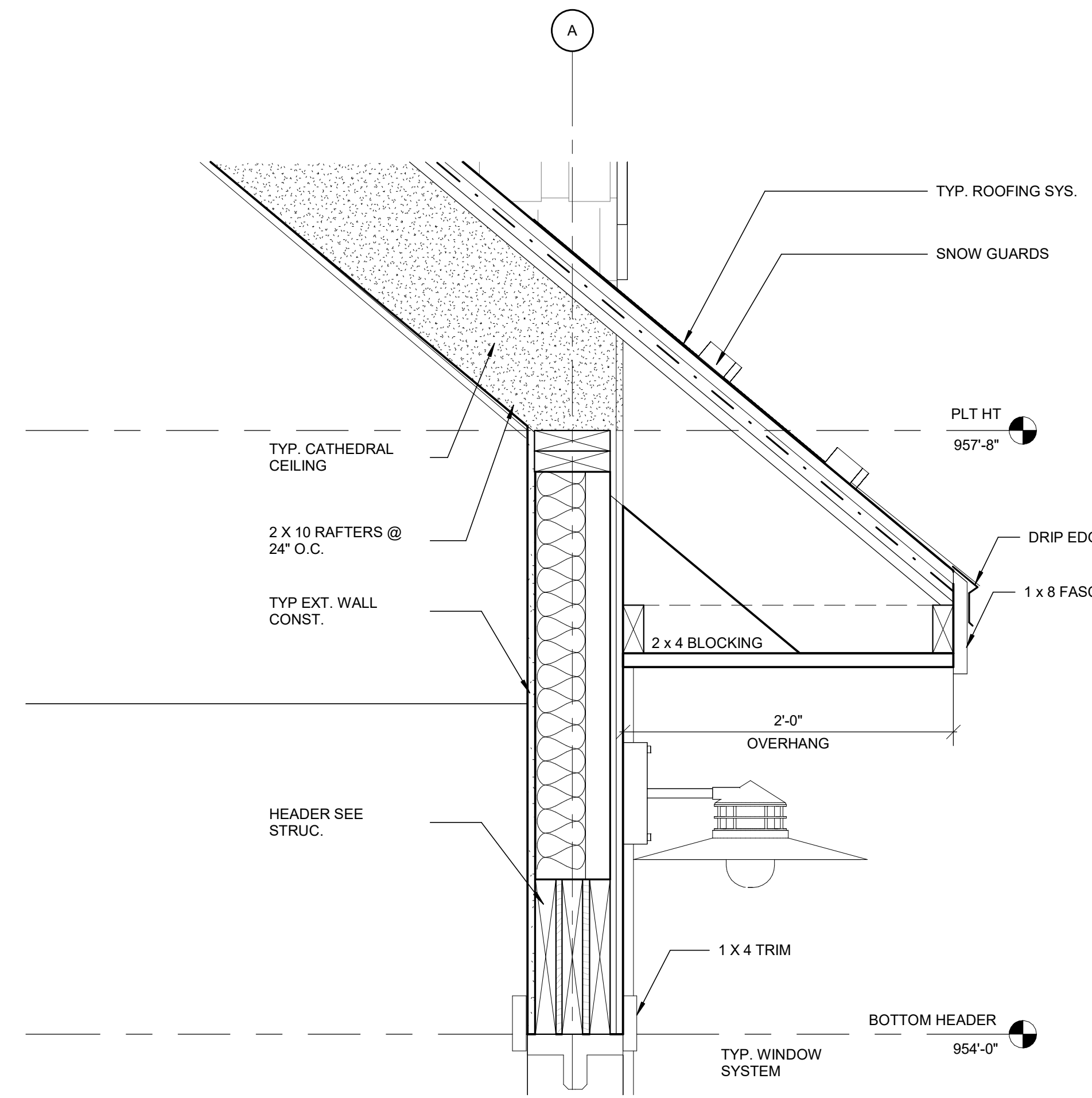
EXTERIOR FINISH KEYNOTES	
Key Value	Keynote Text
A-1	2" CULTURED STONE.
A-8	JAMES HARDIE BOARD AND BATTEN
A-9	SHINGLE SIDING
A-13	STAINLESS STEEL CABLE PER 2015 MRC
A-14	2-2 x 4 3" STUD POCKET



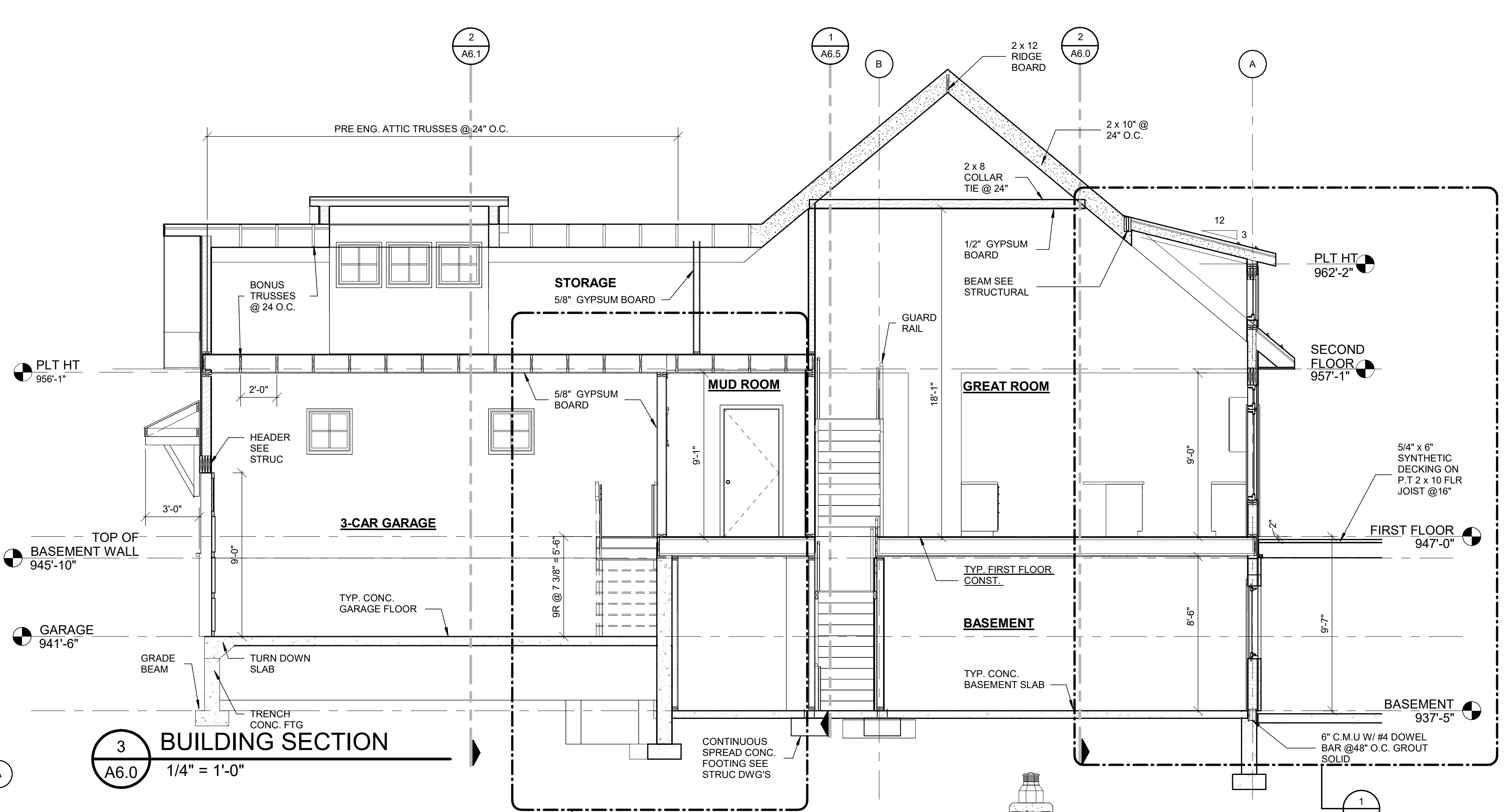
**2 NORTH ELEVATION**  
A4.10 1/4" = 1'-0"



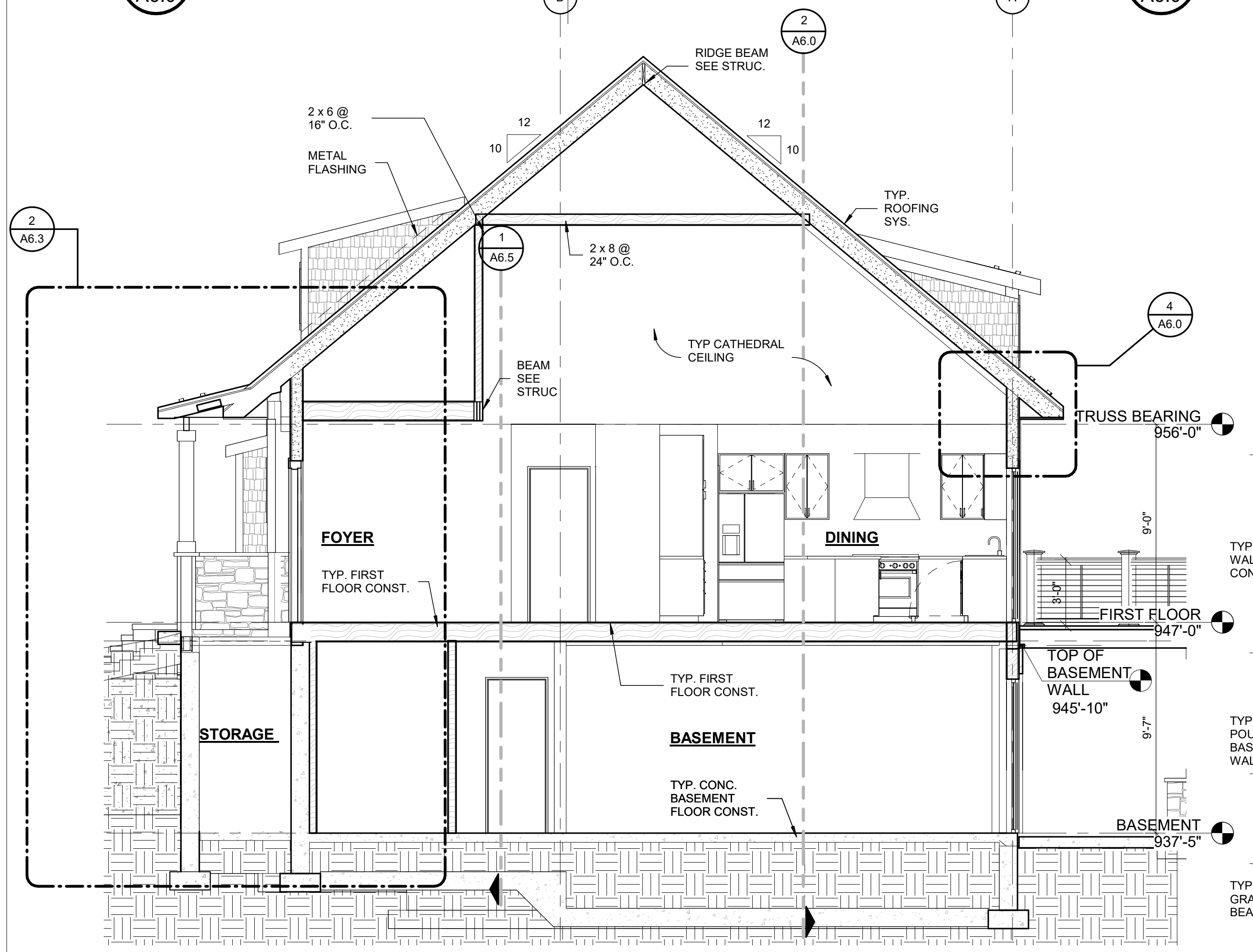
**1 EAST ELEVATION**  
A4.10 1/4" = 1'-0"



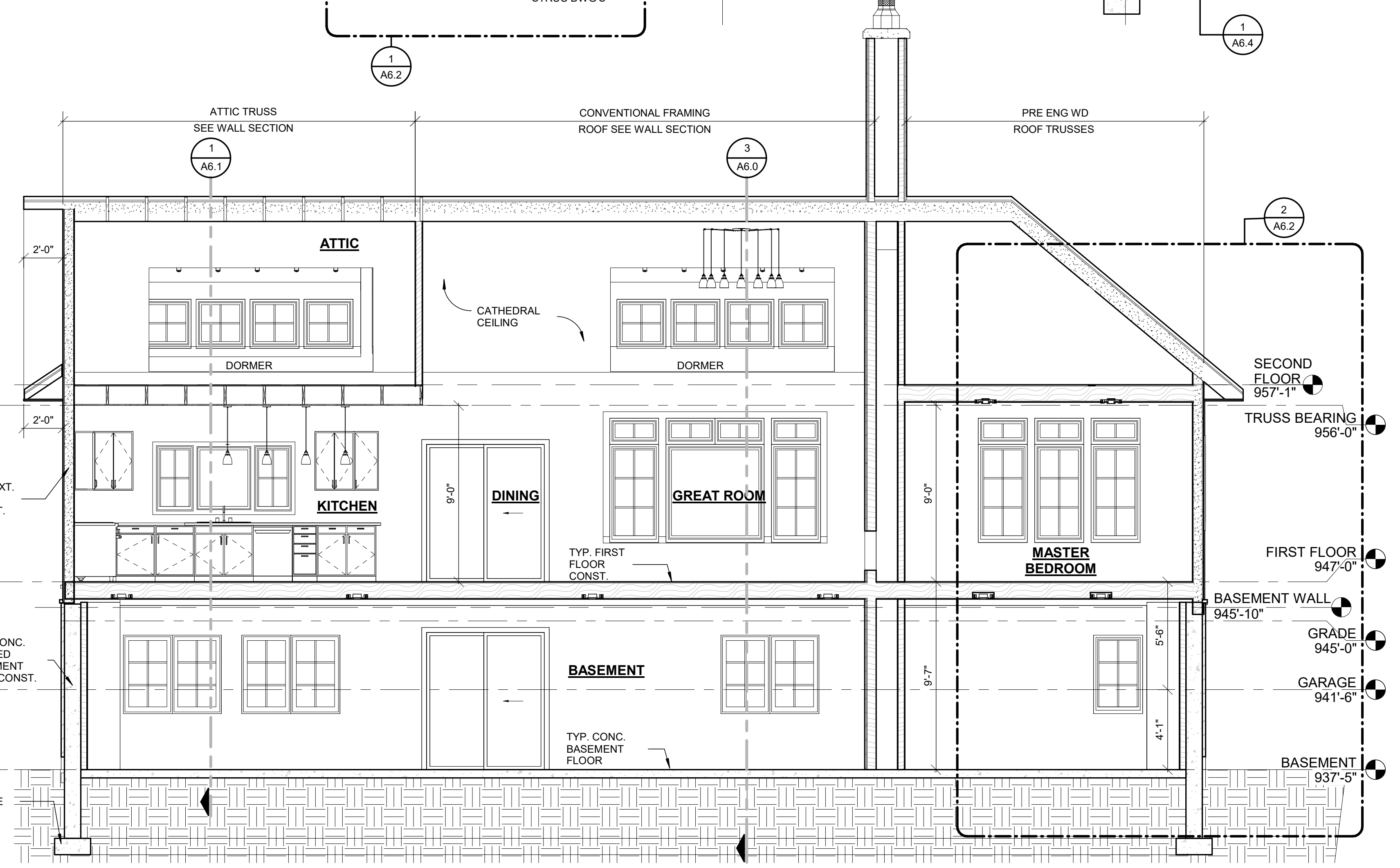
**4 EAVE DETAIL**  
A6.0 1 1/2" = 1'-0"



**3 BUILDING SECTION**  
A6.0 1/4" = 1'-0"



**1 BUILDING SECTION**  
A6.0 1/4" = 1'-0"



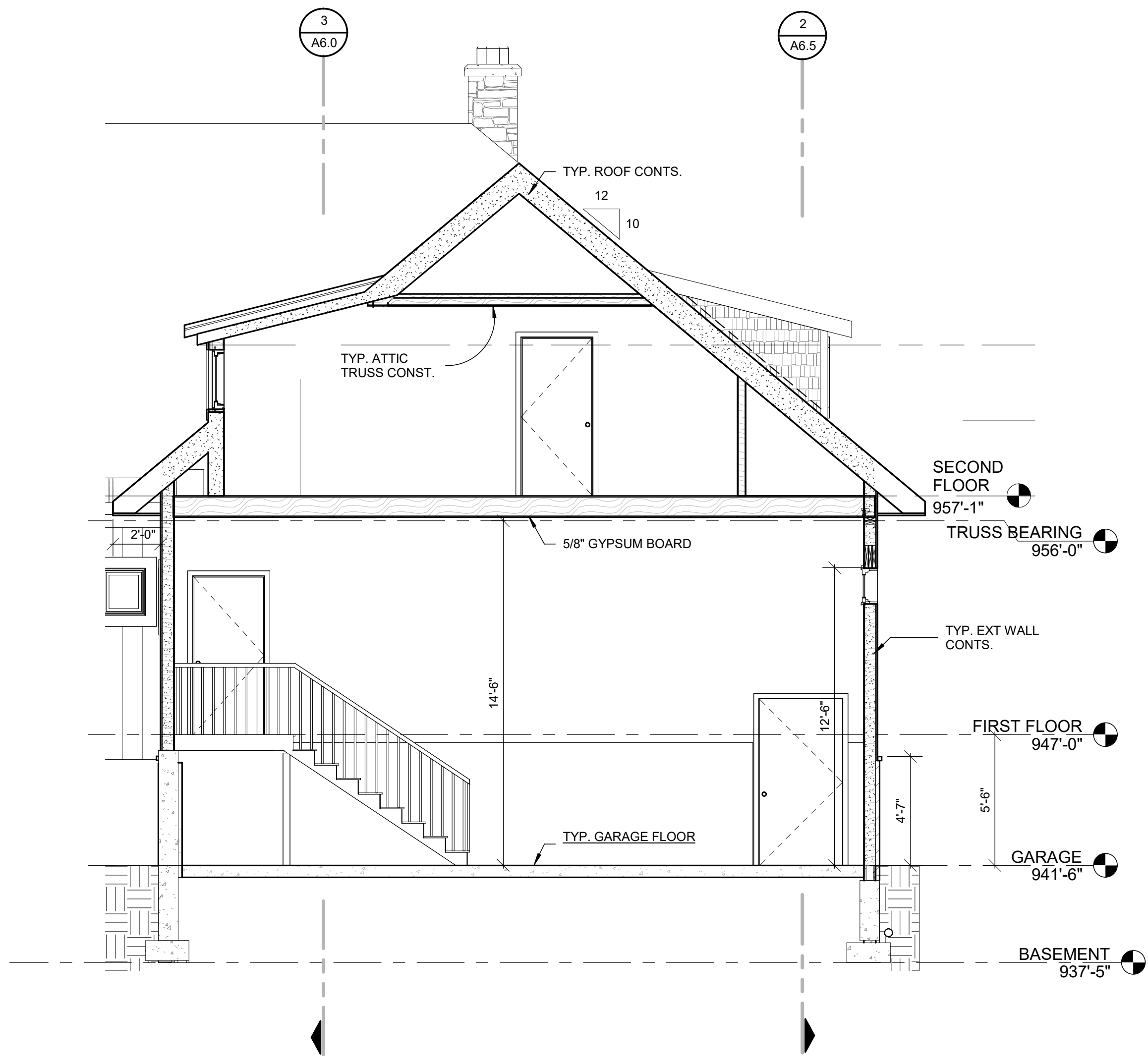
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A6.0 1/4" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
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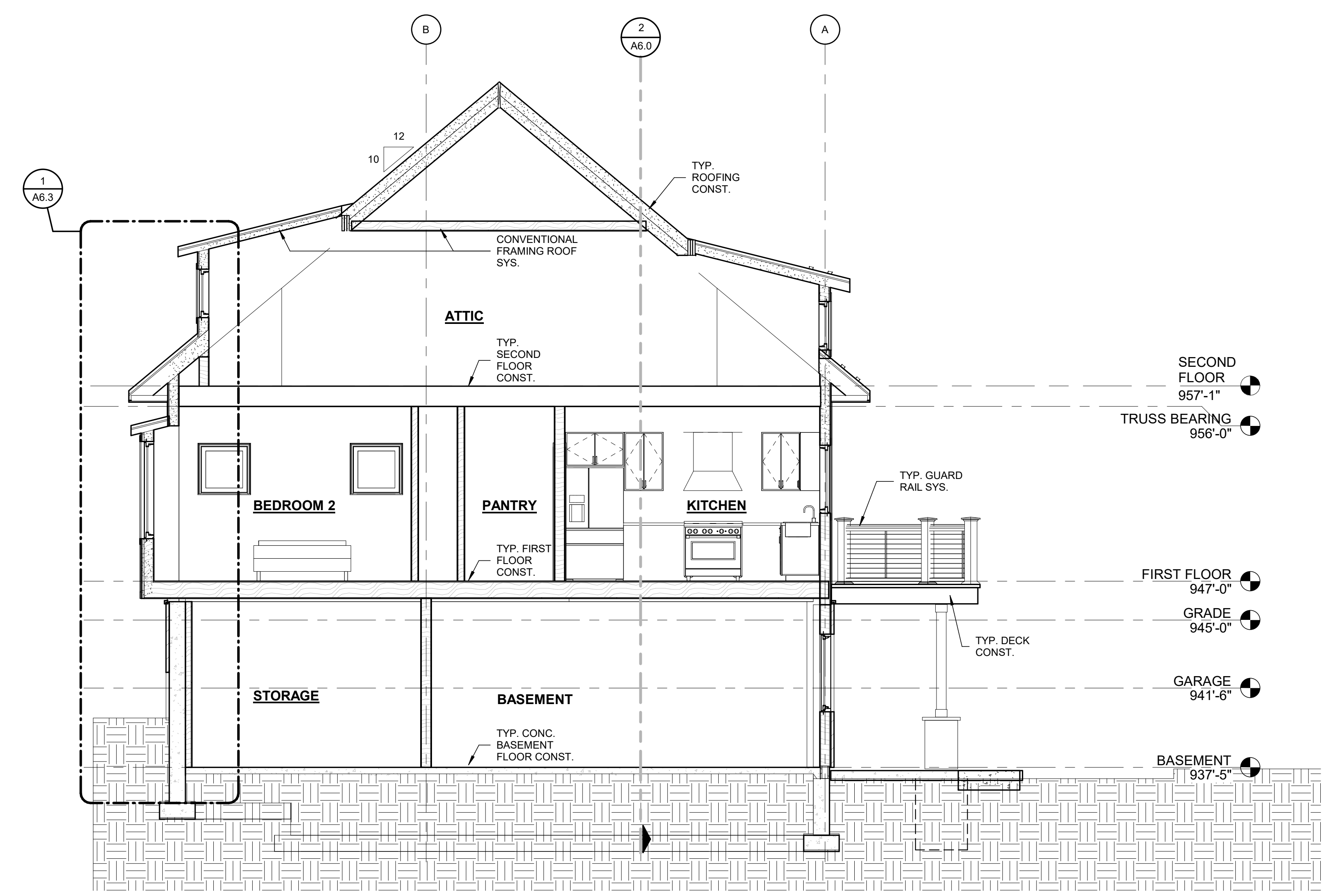
PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 04-03-2023  
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 PROJECT NO: 23-110  
 SHEET TITLE:

SHEET NUMBER:  
**A6.1**  
 SCALE: 1/4" = 1'-0"

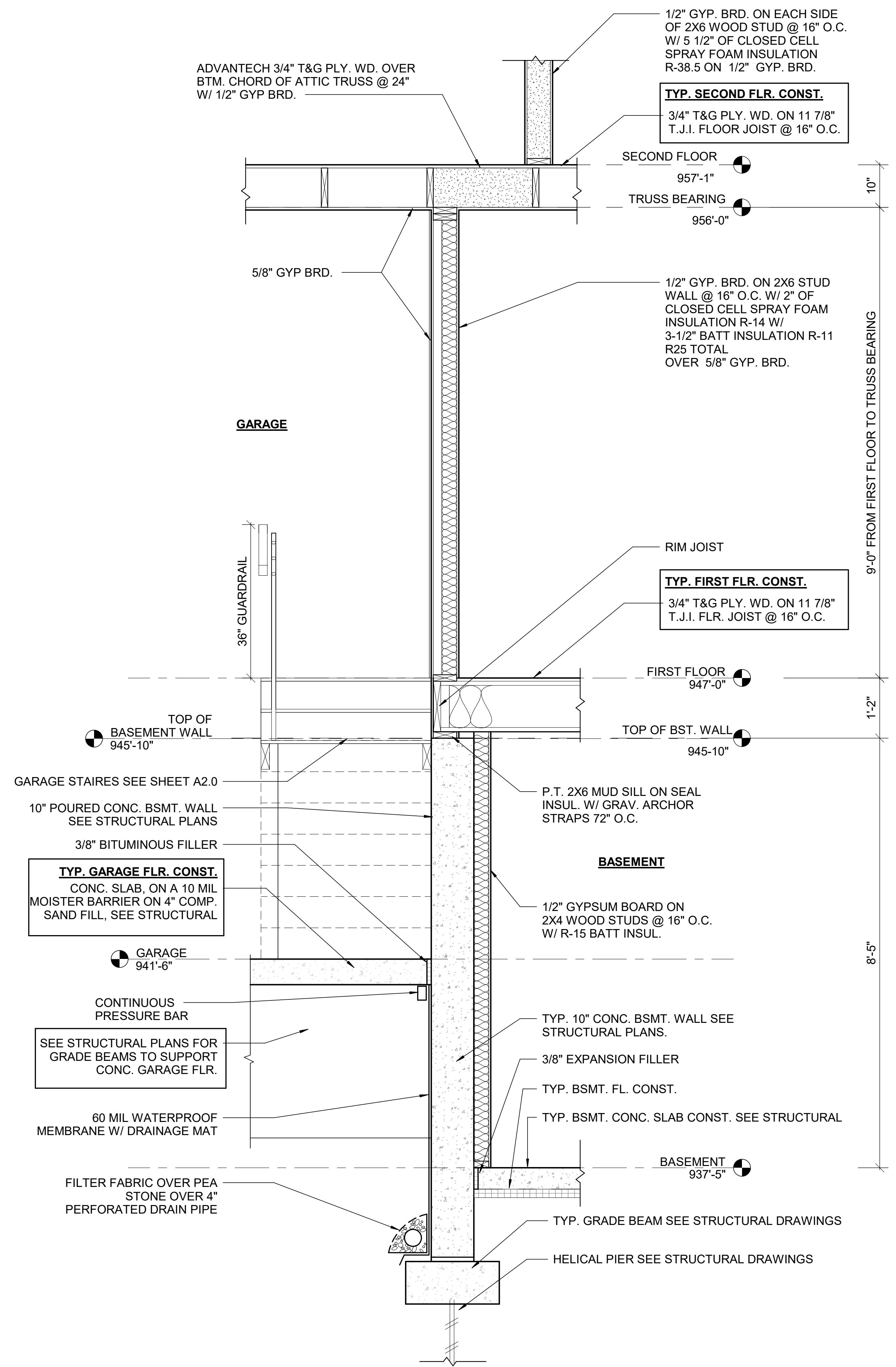


**2** BUILDING SECTION  
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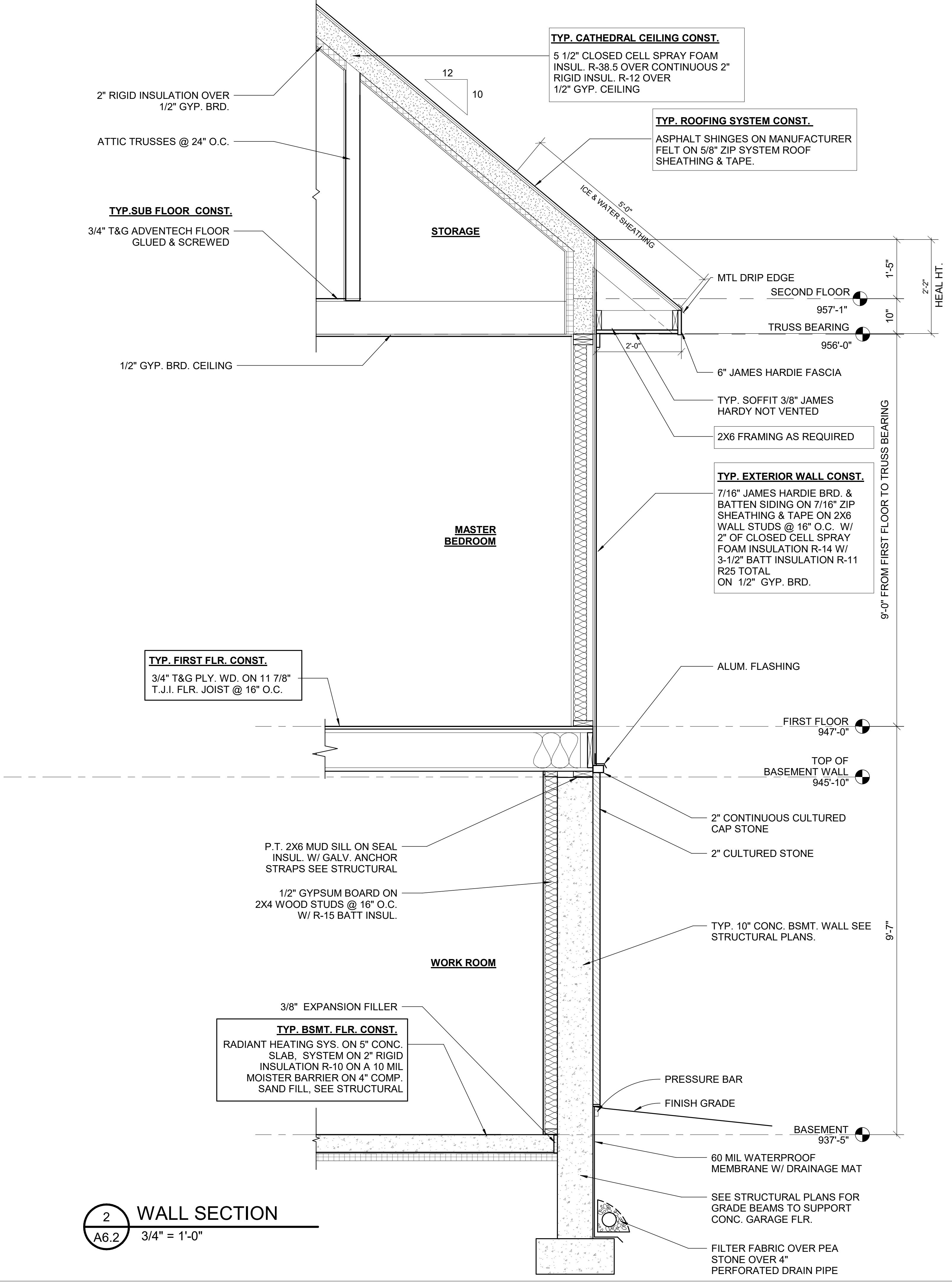


**1** BUILDING SECTION  
 A6.1 1/4" = 1'-0"

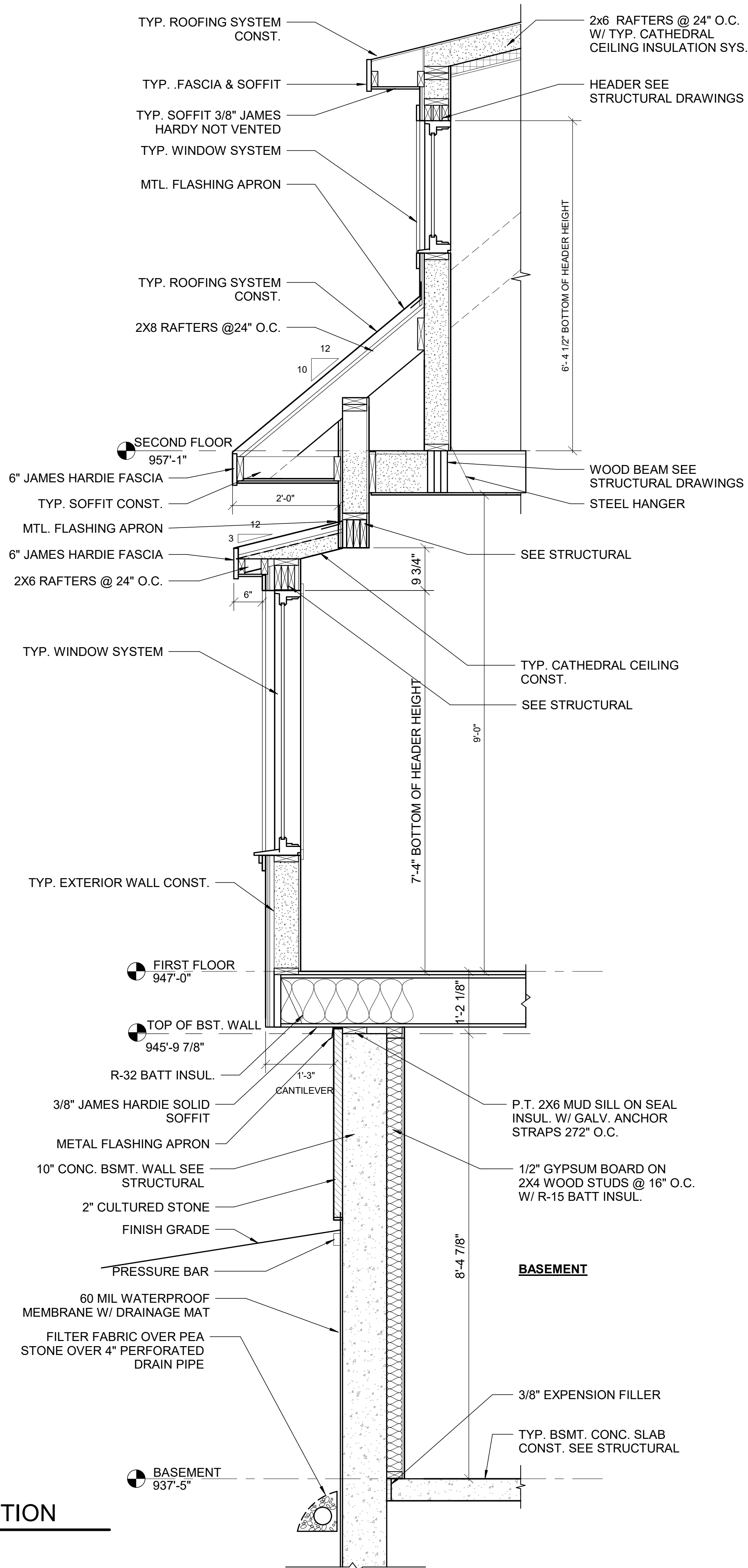




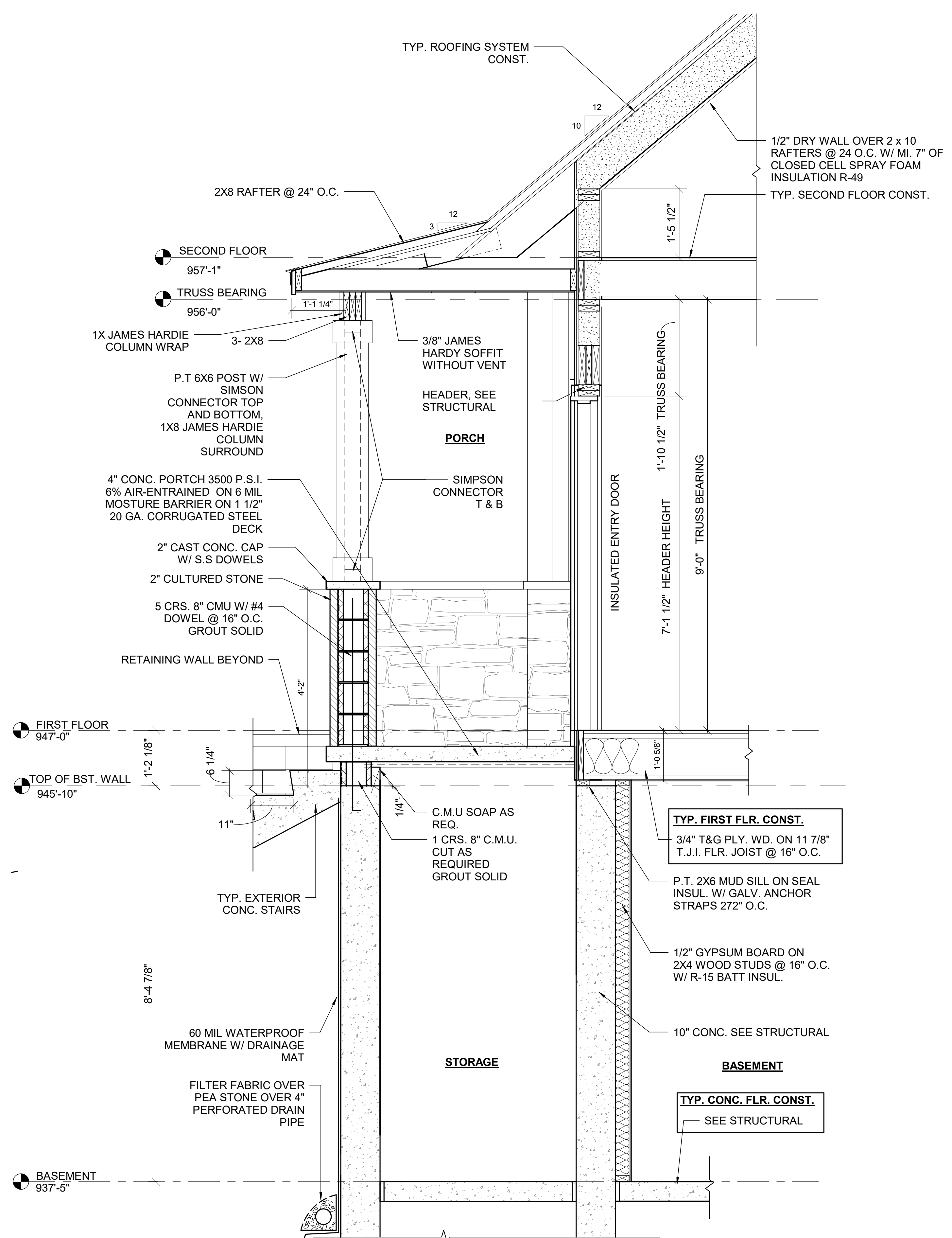
1 WALL SECTION 3/4" = 1'-0"



2 WALL SECTION 3/4" = 1'-0"



**1 WALL SECTION**  
 A6.3 3/4" = 1'-0"

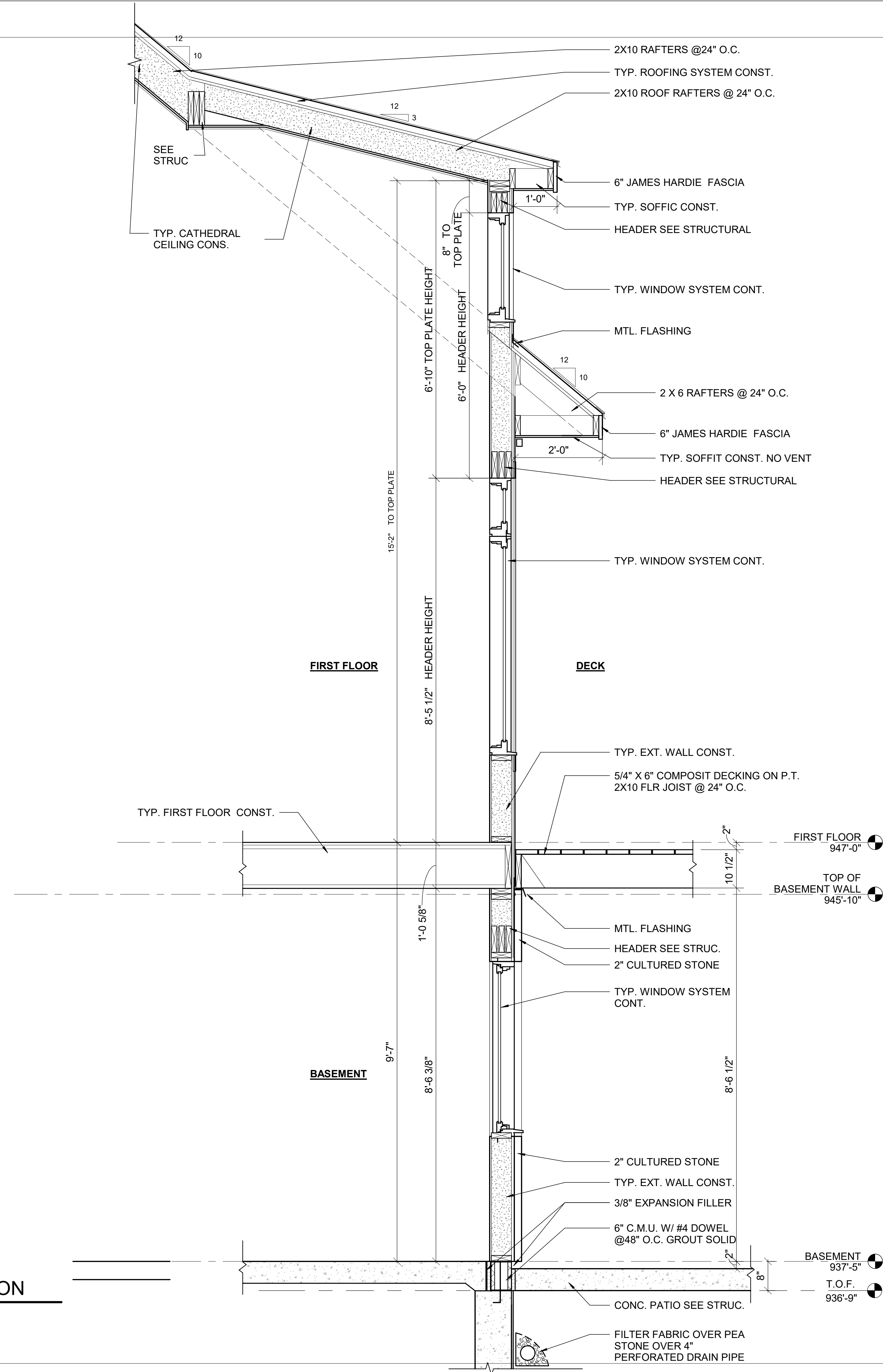


**2 WALL SECTION**  
 A6.3 3/4" = 1'-0"

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OWNER REVIEW	03/27/2023
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1 WALL SECTION  
A6.4 3/4" = 1'-0"

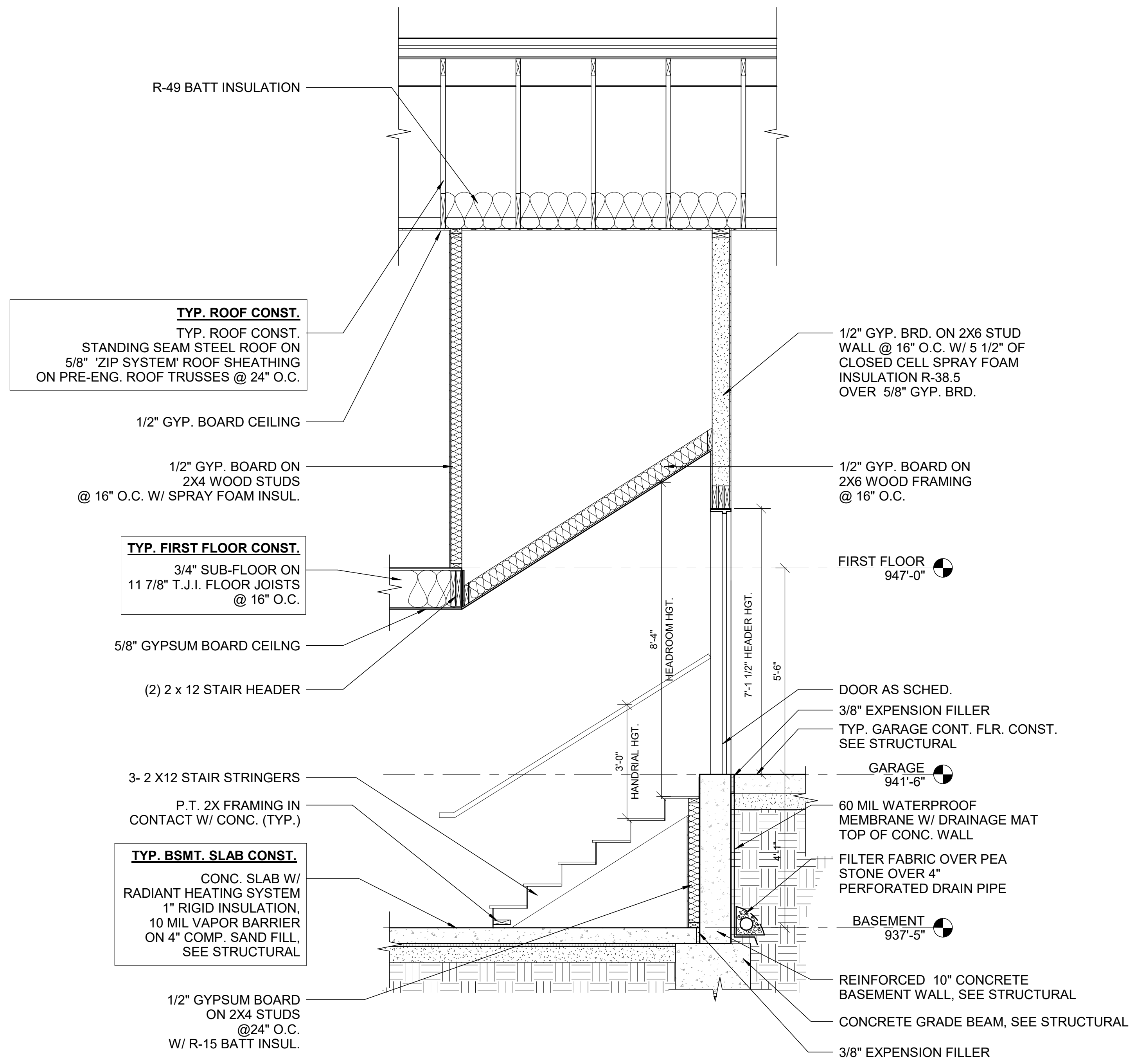
ISSUES/REVISIONS	DATE
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PROFESSIONAL IN RESPONSIBLE CHARGE:

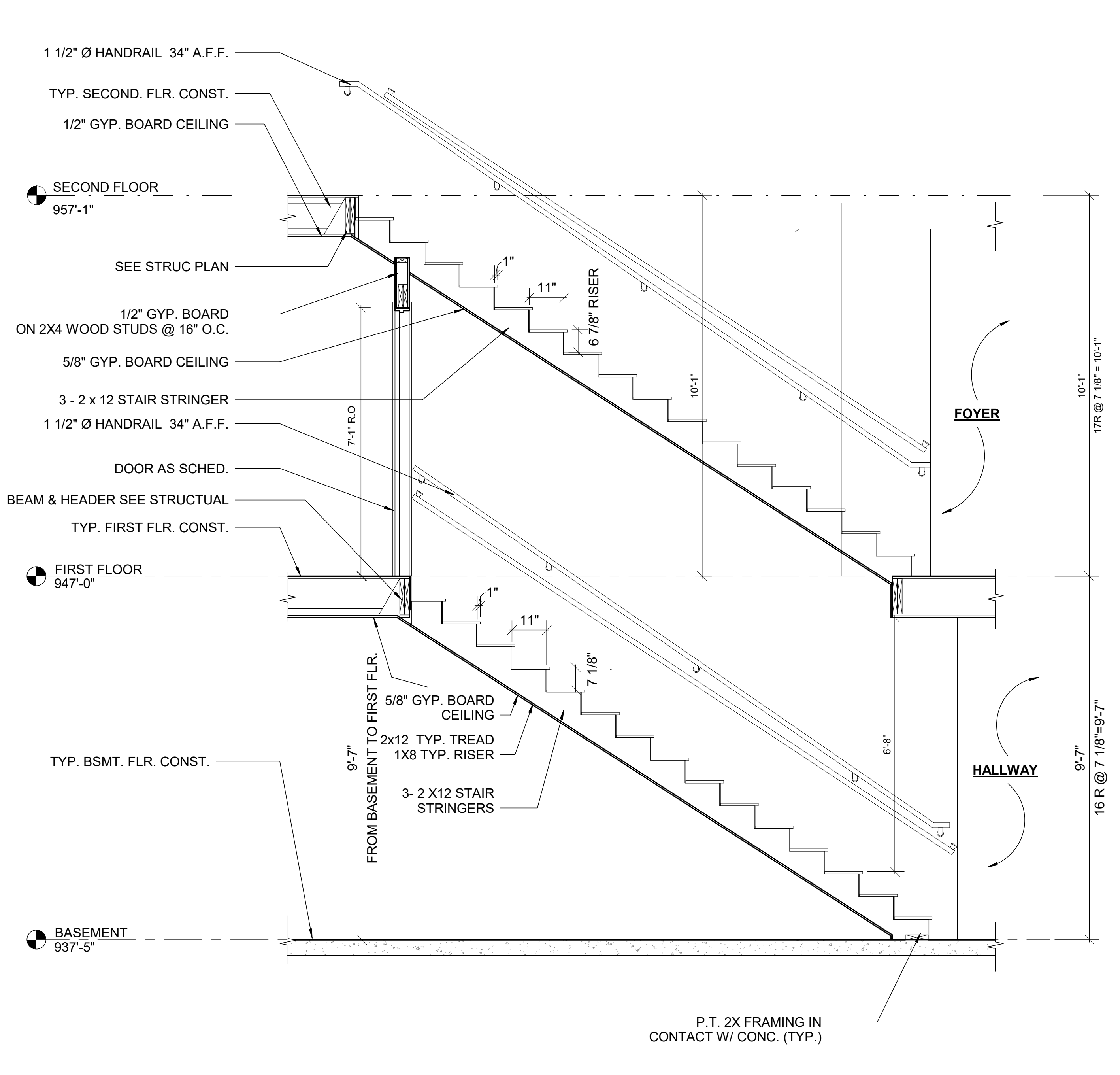
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 CHECKED: AM  
 PROJECT NO: 23-110  
 SHEET TITLE:

SHEET NUMBER: A6.5

SCALE: 1/2" = 1'-0"



2 STAIR SECTION 1/2" = 1'-0"



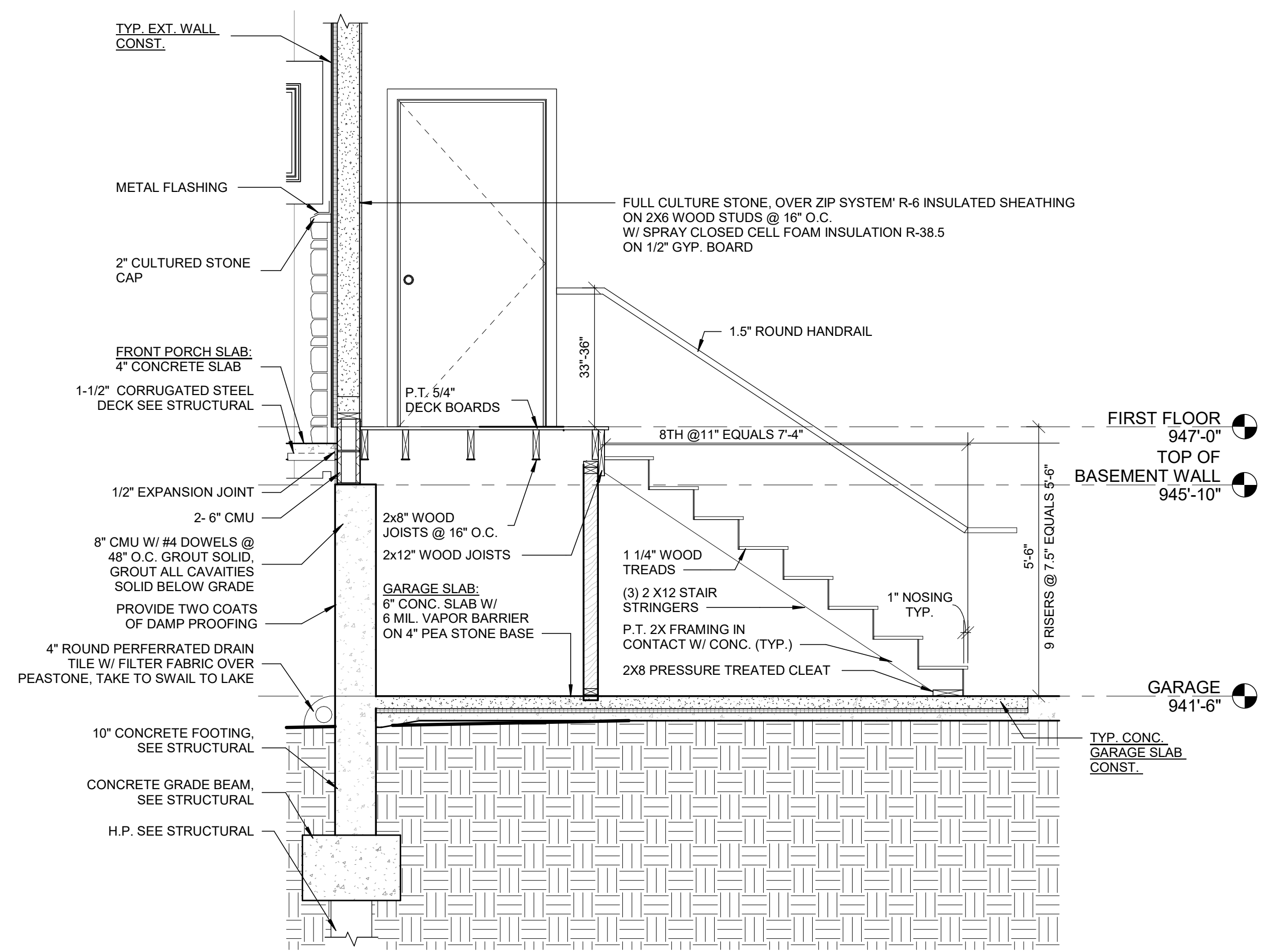
1 STAIR SECTION 1/2" = 1'-0"

ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 04-03-2023  
DRAWN: JZ  
CHECKED: AM  
PROJECT NO: 23-110  
SHEET TITLE:

SHEET NUMBER: **A6.6**  
SCALE: 1/2" = 1'-0"



1 STAIR SECTION  
A6.6 1/2" = 1'-0"

PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**  
SITE ADDRESS:  
**NO ADDRESS CURRENTLY  
PARCEL NO. 12-27-429-004**

PREPARED FOR:  
**LEE & PAT**  
ADDRESS:  
**568 BURGESS DR.  
WHITE LAKE TWP.  
48386**

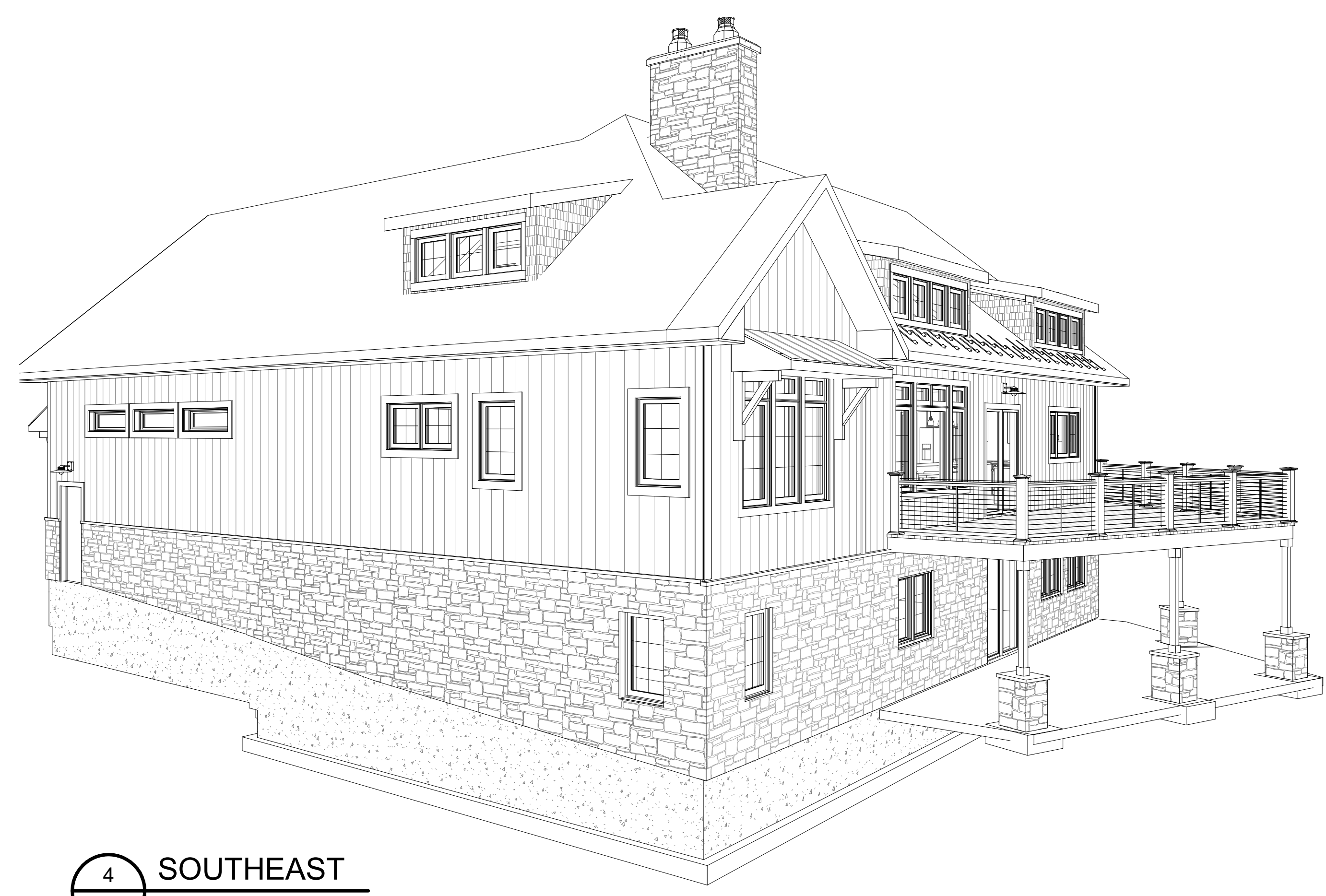
ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE  
CHARGE:

DATE: 04-03-2023  
DRAWN: JZ  
CHECKED: AM  
PROJECT NO: 23-110  
SHEET TITLE:

SHEET NUMBER:  
**A7.0**

SCALE:



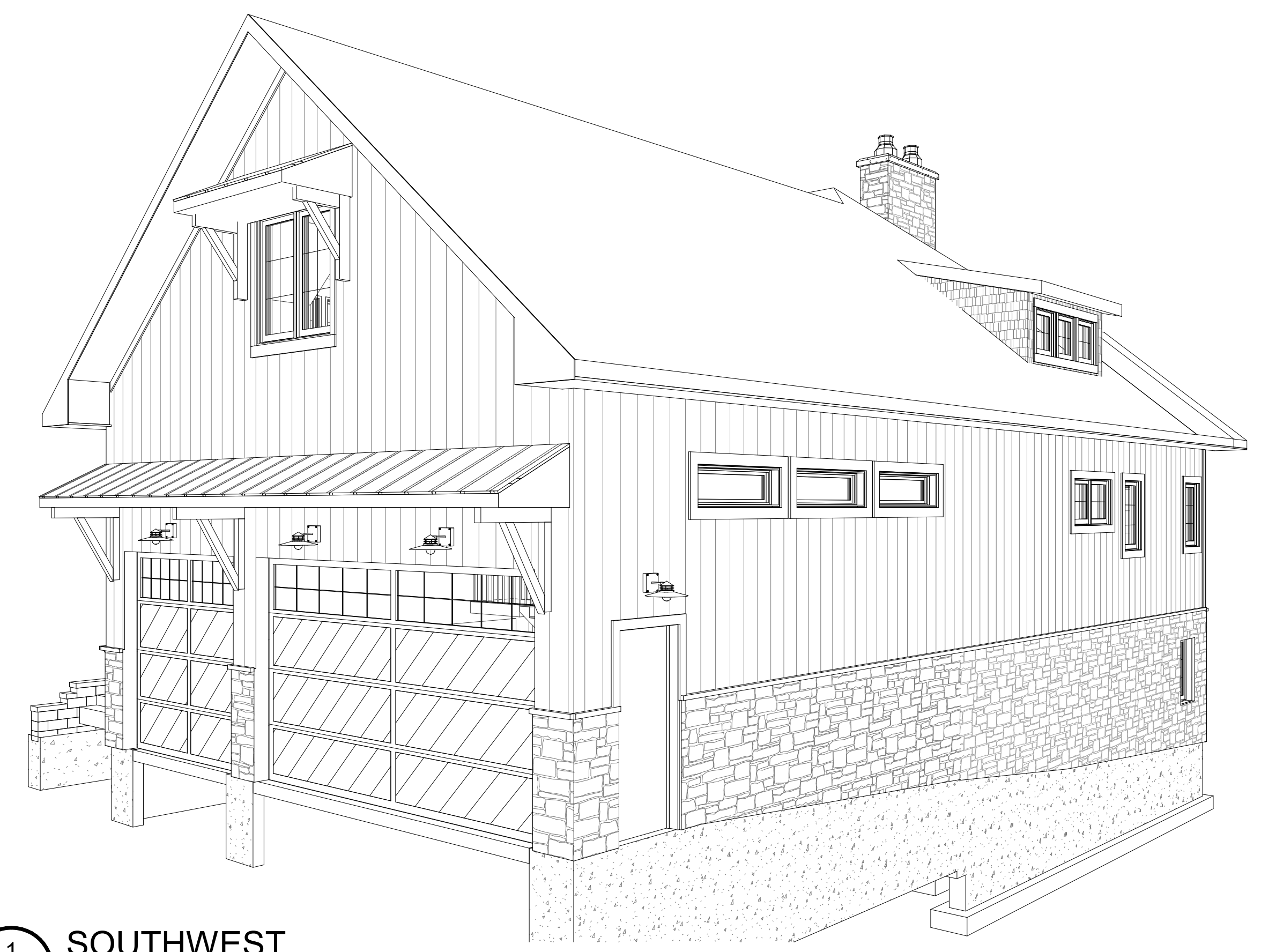
**4** SOUTHEAST  
A7.0



**3** NORTHEAST  
A7.0



**2** NORTHWEST  
A7.0



**1** SOUTHWEST  
A7.0

PROJECT TITLE:  
**LEE & PAT BRITHINEE  
RESIDENCE**  
SITE ADDRESS:

**NO ADDRESS CURRENTLY  
PARCEL NO. 12-27-429-004**

PREPARED FOR:  
**LEE & PAT**  
ADDRESS:

**568 BURGESS DR.  
WHITE LAKE TWP.  
48386**

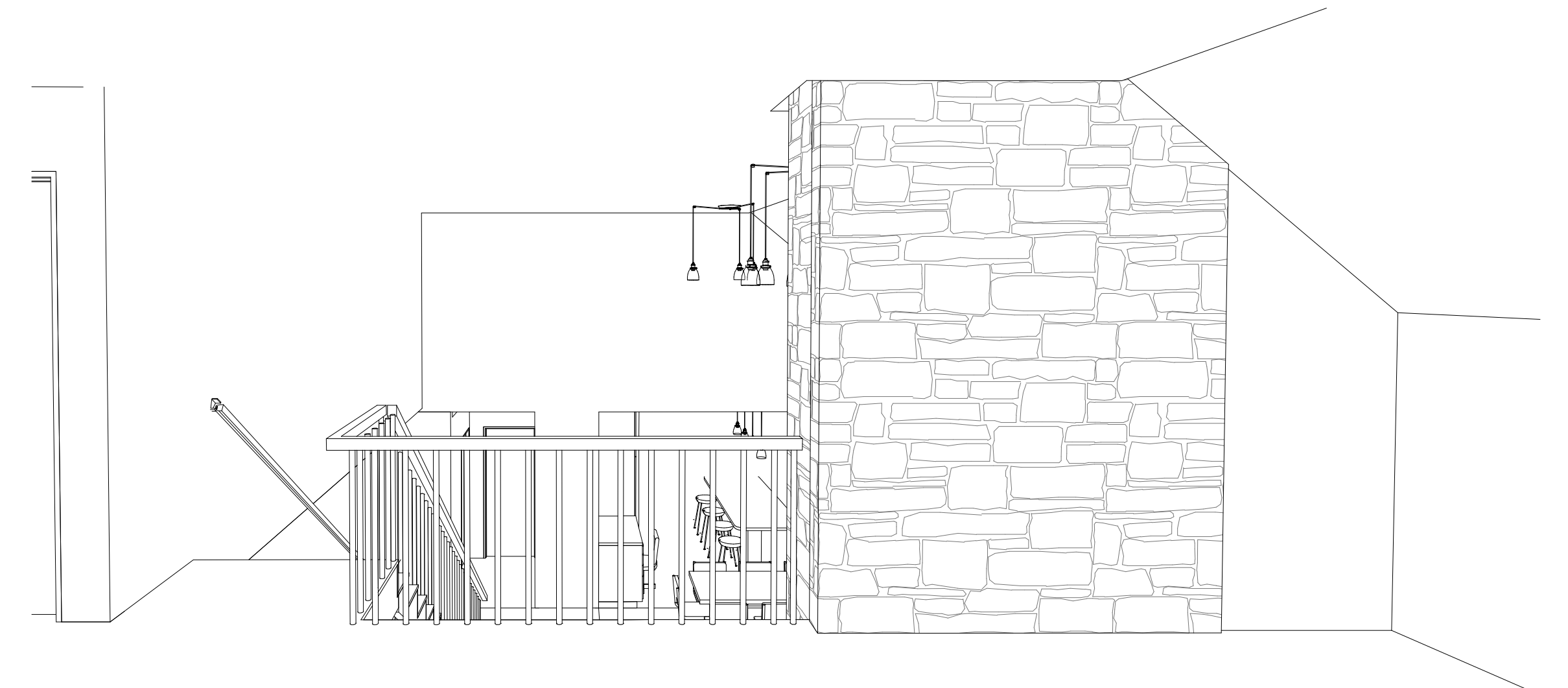
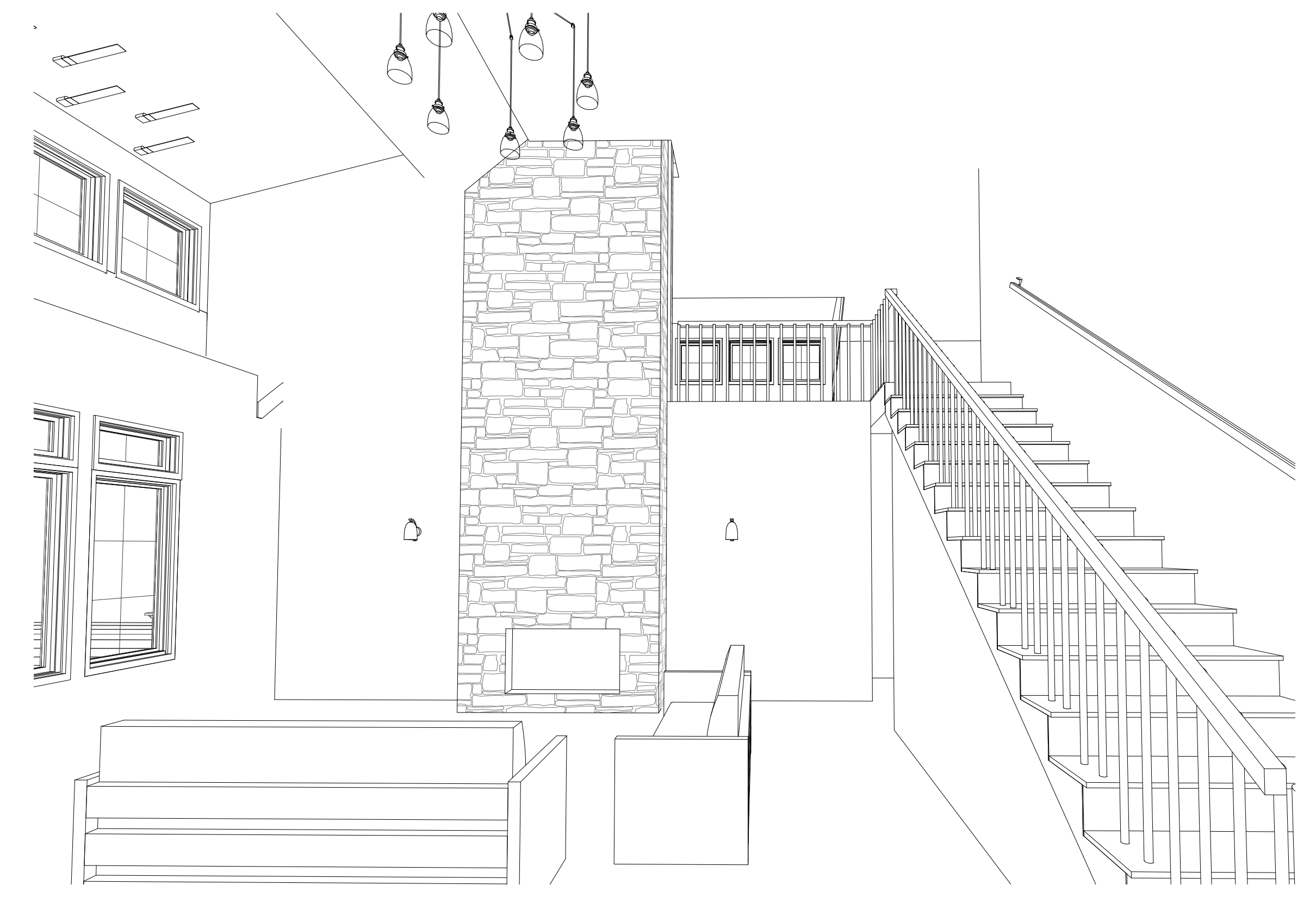
ISSUES/REVISIONS	DATE
OWNER REVIEW	03/27/2023
PERMIT APPLICATION	05/30/2023
ADDENDUM 1	09/07/2023

PROFESSIONAL IN RESPONSIBLE CHARGE:

DATE: 04-03-2023  
DRAWN: JZ  
CHECKED: AM  
PROJECT NO: 23-110  
SHEET TITLE:

SHEET NUMBER:  
**A7.1**

SCALE:



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 18, 2023

Mintzer Building Co  
Sterling Mintzer  
4683 Ravinewood Dr  
Commerce Twp, MI 48382

Re: 547 Burgess Dr

Based on the submitted plans, the basement wall system would be considered a third story and does not satisfy the White Lake Township Clear Zoning Ordinance.

**Article 2 of the White Lake Township Clear Zoning Ordinance states:**

**GRADE.** *The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot.*

**BASEMENT.** *A portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling.*

An artificial grade cannot be established on the site for the purpose of building a structure. Since no curb is present, and according to the engineer's plot plan, "Grade" would be measured as 937.5 ft. The proposed basement finished floor is also 937.5 ft. That being the case, the vertical distance from established grade to the basement floor nets 0 ft, and in turn would make the proposed basement a 3<sup>rd</sup> story. R1-C zoning limits the stories above grade to 2 stories.

A variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance would be required to consider this application.

Sincerely,

Nick Spencer, Building Official  
White Lake Township



# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** January 25, 2024

---

**Agenda item:** 8b

**Appeal Date:** January 25, 2024

**Applicant:** Timbercraft Homes, Inc.

**Address:** 2281 Elkridge Circle  
Highland, MI 48356

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

**Location:** 3811 Ormond Road  
White Lake, MI 48383

## **Property Description**

The approximately 0.34-acre (14,923 square feet) parcel identified as 3811 Ormond Road is a triple lot (Lots 7, 8 and 9) within the Pleasant View subdivision plat located on White Lake and zoned R1-C (Single Family Residential). The property is to be served by a private well for potable water and a private septic system for sanitation. The triple lot contains 121.74 feet in width at the front property line.

## **Applicant's Proposal**

Timbercraft Homes, Inc., the Applicant, on behalf of property owner Thomas Minielly, is proposing to construct a new single-story house with an attached two-car garage.

## **Planner's Report**

In March 2022 the Zoning Board of Appeals approved variance requests from a representative of the previous property owner's power of attorney for the project. Variances are valid for a period of six months from the date of approval, unless a building permit is obtained within such period and the work associated with the variance is started and proceeds to completion in accordance with the terms of the building permit. The previous Applicant did not obtain a building permit within six months of approval so the variances expired and are void. The following variances were previously granted:

- 21.9-foot variance from the front yard setback
- 1,077 square foot variance from the required lot area

In December 2023 the Applicant submitted a site plan showing the proposed house would be more compliant with the Zoning Ordinance than the originally approved plan (1.9-foot greater front yard setback (13.1 feet to 15 feet). As indicated on the new site plan, the proposed house and garage footprint is 2,905 square feet in size. With the proposed front covered porch (182 square feet) and partially covered lakeside deck (189 square feet covered, 335 square feet uncovered), the proposed lot coverage is 22% (3,276 square feet), which is 2% (291 square feet) beyond the allowable limit (2,985 square feet).

The requested variances are listed in the following table.

<b>Variance #</b>	<b>Ordinance Section</b>	<b>Subject</b>	<b>Standard</b>	<b>Requested Variance</b>	<b>Result</b>
1	Article 3.1.5.E	Front yard setback	35 feet	20 feet	15 feet
2	Article 3.1.5.E	Maximum lot coverage	20% (2,985 square feet)	2% (291 square feet)	22% (3,276 square feet)

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

**Approval:** I move to approve the variances requested by Timbercraft Homes, Inc. from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-07-329-037, identified as 3811 Ormond Road, in order to construct a new house that would encroach 20 feet into the required front yard setback and exceed the allowed lot coverage by 2%. This approval will have the following conditions:

- The Applicant shall obtain all necessary approvals from the Oakland County Health Division prior to issuance of a building permit.
- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- The title block on the site plan shall be revised to provide the correct street number (address) of the property.
- 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 Division.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.

**Denial:** I move to deny the variances requested by Timbercraft Homes, Inc. for Parcel Number 12-07-329-037, identified as 3811 Ormond Road, due to the following reason(s):

**Postpone:** I move to postpone the appeal of Timbercraft Homes, Inc. *to a date certain or other triggering mechanism* for Parcel Number 12-07-329-037, identified as 3811 Ormond Road, to consider comments stated during this hearing.

### **Attachments:**

1. Variance application dated December 27, 2023.
2. Applicant's written statement dated December 27, 2023.
3. Site plan dated December 15, 2023.
4. Floor plan dated December 26, 2023.
5. Letter of denial from the Building Official dated December 21, 2023.
6. Minutes of the March 24, 2022 Zoning Board of Appeals meeting.

### 7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
ZONING BOARD OF APPEALS APPLICATION  
Community Development Department, 7525 Highland Road,  
White Lake, Michigan, 48383  
(248) 698-3300 x5

APPLICANT'S NAME: Timbercraft Homes Inc PHONE: 248-561-6896  
ADDRESS: 2281 Elkridge Circle Highland MI, 48356  
APPLICANT'S EMAIL ADDRESS: Timbercrafthomes@comcast.net  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 3811 Ormond Rd PARCEL # 12 - 07-329-037  
CURRENT ZONING: R1-C PARCEL SIZE: 120\*102\*120\*93 .34 Acres (14,810 sq. ft.)

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: We are requesting a variance to  
Article 3.1.5 Min front <sup>Rear</sup> and rear setbacks / Min lot size / and Maximum Lot Coverage  
VALUE OF IMPROVEMENT: \$ 650,000.00 SEV OF EXISTING STRUCTURE: \$ N/A (Vacant)

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: 12/27/2023

RECEIVED  
DEC 28 2023  
BUILDING DEPARTMENT

Timbercraft Homes Inc.  
2281 Elkridge Circle  
Highland, MI 48356  
[timbercrafthomes@comcast.net](mailto:timbercrafthomes@comcast.net)  
248.561.6896

Charter Township of White Lake  
7525 Highland Rd.  
White Lake, MI 48383



12/27/2023

White Lake Zoning Board of Appeals,

My Client, Thomas Minielly, Purchased the property located at 3811 Ormond Rd with the intention of building his and his wife's retirement home on their hillside property overlooking White Lake. We are aware that the variance granted to the previous owner has expired, and it is our desire to have a new variance granted that will allow us to achieve this goal.

The previous owner of the property has done the lion's share of the prep work, the old home, septic, and well have been removed or abandoned, now it is our intention to move forward with a design that is suited toward our needs.

It is our intention to build a walkout ranch style home with a 2-car attached garage, with 2-bedrooms. Our design comes out to around 2350 sq. ft. on the main level. We would also like to build a covered deck as well as an open deck and balcony on the home.

We are asking for the ZBA to grant a variance in 3 areas, The first would be minimum setbacks, we would like to place the home 15' from the East property line (roadside), the previous owner was granted a variance to 13.5' from lot line. The second would be minimum lot size requirement, our lot is around 1000 sq. ft. under the minimum conforming lot requirement, since a variance was previously granted for a house on this property, we are hopeful that this portion is easily addressed. Our third item identified from the building official is a lot coverage variance, with our front porch and a 189 sq. ft. of the lakeside deck being covered we have 21.9% of lot coverage exceeding the 20% maximum by a couple hundred sq. ft.

The home that we would like to build is a modest sized ranch, that tastefully compliments the style and value of homes on the lake, we intend to build a home with character and charm, a property that is an asset to the community, without being a burden to the property that we are working with.

Our requests leave our home further from the lake than the neighbor to the south, and further from the road than our neighbors to the north, this allows for a nice flow as the properties are viewed in order.

I appreciate the Board taking the time to consider our situation, I believe that our request is a modest request, we intend to encroach beyond the conforming rules as lightly as realistically feasible.

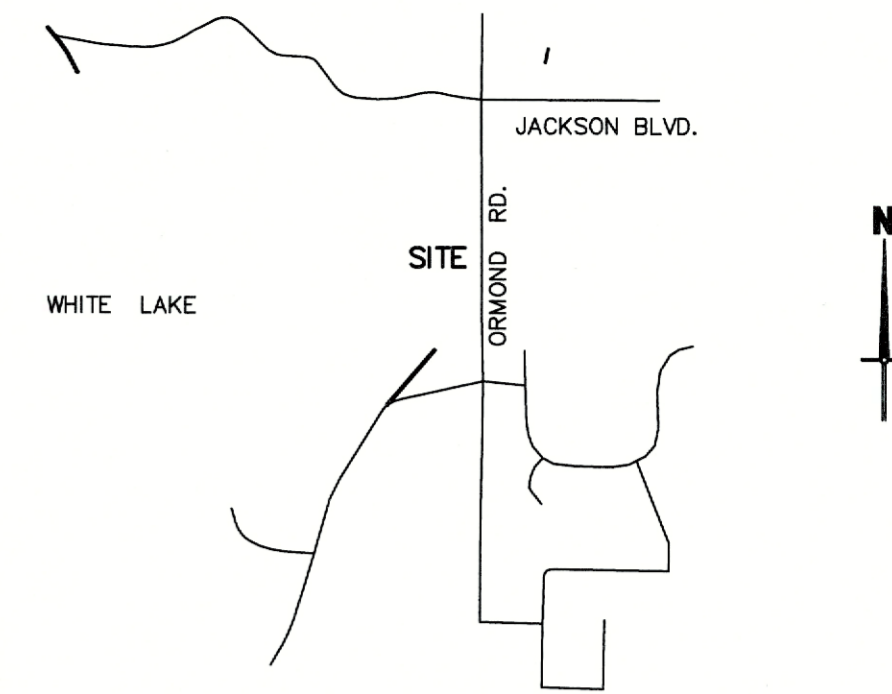
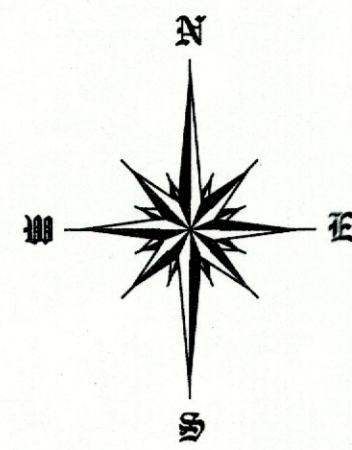
Please don't hesitate to reach out with questions or concerns.

Sincerely,

Handwritten signature of Robert T Lowe II.

Robert T Lowe II

President Timbercraft Homes Inc.



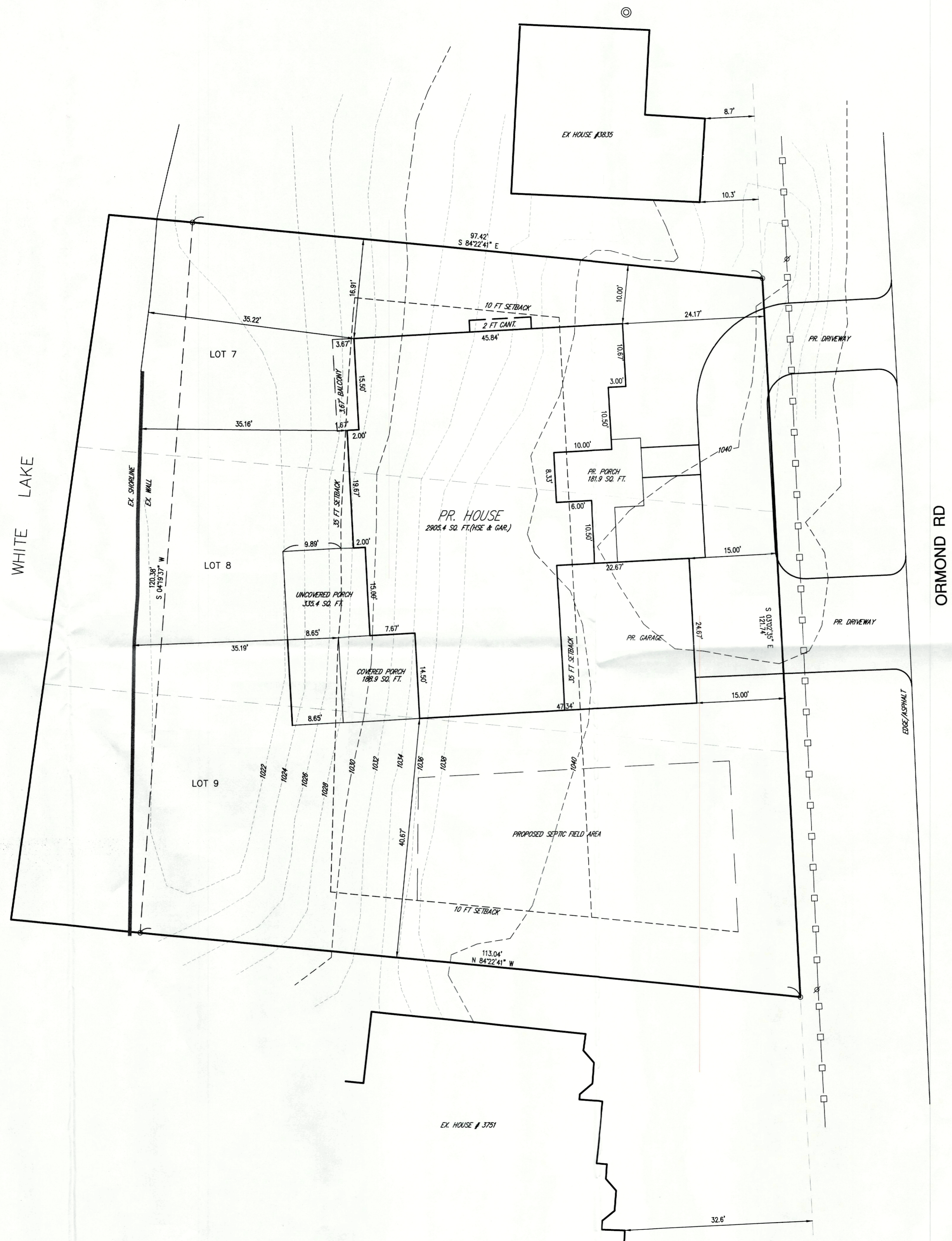
LOCATION MAP  
NO SCALE



SCALE: 1" = 10'

LEGEND

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- EX. GAS
- EX. UNDERGROUND
- EX. FENCE
- EX. RAILROAD
- EX. WALL
- EX. Q. OF DITCH
- EX. WETLAND
- HYDRANT
- CATCH BASIN
- MANHOLE
- SIGN
- GATE VALVE
- LIGHT POLE
- UTILITY POLE
- METAL LIGHT POLE
- TOP OF BERM
- TOE OF BERM
- TREE TAG
- TOP OF CURB
- GUTTER
- TOP OF ASPHALT
- TOP OF WALK
- FOUND IRON ROD
- SET IRON ROD
- FOUND IRON PIPE
- ASPHALT
- CONCRETE



ORMOND RD  
( 33 FT. WD 1/2 ROW )

CALCULATIONS:

ZONING:	R1-C
LOT SIZE:	14,923.5 SQ FT
HOUSE & GARAGE:	2,905 SQ FT
FRONT PORCH:	182 SQ FT
REAR COV. PORCH:	189 SQ FT
REAR UNCOV. PORCH:	335 SQ FT

LEGAL DESCRIPTION:

LOT 7, 8, 9, AND PART OF VACATED ADAMS AVENUE, PLEASANT VIEW SUBDIVISION, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT RECORDED IN LIBER 22 OF PLATS, PAGE 9, OAKLAND COUNTY RECORDS

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

*Thomas M. Smith*  
THOMAS M. SMITH  
R.L.S. No. 31606



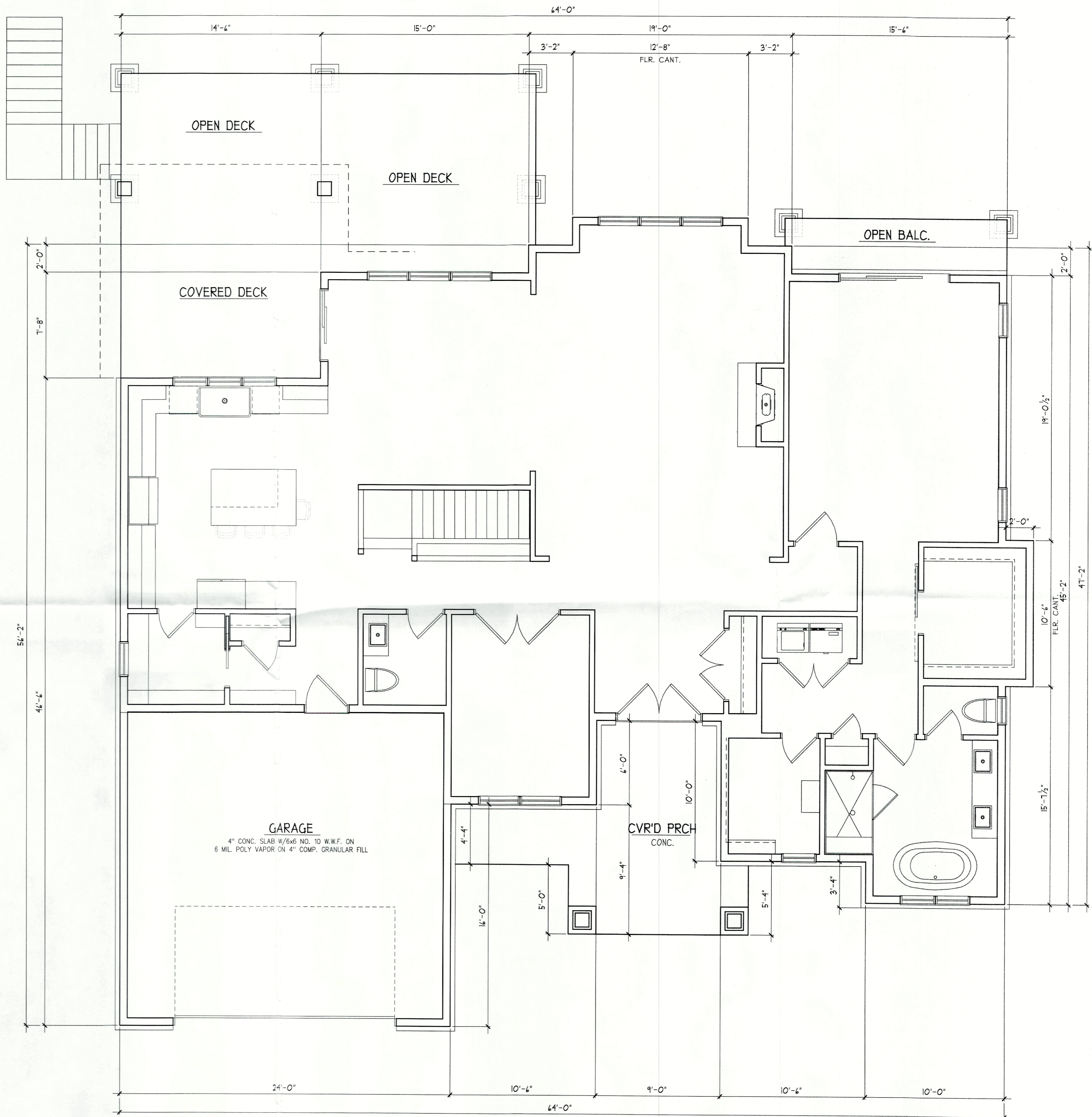
THOMAS M. SMITH P.S.  
PROFESSIONAL LAND SURVEYOR

7559 OLDE STURBRIDGE TRAIL CLARKSTON, MICHIGAN 48348 tsmith7559@yahoo.com PHONE: (248) 625-3276

PROJECT	3911 ORMOND ROAD WHITE LAKE TWP., MI	DRAWN BY:	TMS
ISSUED FOR:	SITE-ZBA	CHECKED BY:	TMS
ISSUED FOR:		APPROVED BY:	TMS
ISSUED FOR:		SCALE HORIZ.	1"=10'
ISSUED FOR:		SCALE VERT.	N/A
ISSUED FOR:		DATE	12-15-23
ISSUED FOR:		PROJECT No.	23-238
ISSUED FOR:		SHEET No.	1 of 1
ISSUED FOR:	CLIENT		
ISSUED FOR:	TIMBERCRAFT		



C:\Users\john\OneDrive\2023 drawings\Couture\Ormond Rd\_Timbercraft\_Homes\12/26/2023



**FIRST FLOOR PLAN**  
 2321 SQ.FT. SC: 1/4" = 1'-0"

REVISIONS	Item B.

CUSTOM HOME & ADDITION PLANS  
**COUTURE DESIGN GROUP**  
 1280 Petibone Lake Rd.  
 Highland, MI 48356  
 248-408-5549

**FIRST FLOOR PLAN**  
 SITE: Ormond Road  
 BUILDER: Timbercraft Homes Inc.

ISSUED FOR:	CONSTRUCTION/PERMITS
DATE:	12/26/2023
SCALE:	AS NOTED
JOB NO.:	
SHEET	<b>2</b>
OF	5 SHEET 56



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

December 21, 2023

Bob Lowe  
 2281 Elkridge Circle  
 Highland, MI 48356

RE: Proposed Residential Structure at 3811 Ormond

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

**Article 3.1.5 of the White Lake Township Clear Zoning Ordinance:** Requires a minimum front yard setback of 35 ft, minimum rear yard setback of 35 ft, minimum lot area of 16,000 sq ft, and maximum lot coverage of 20%.

The recently combined lot is non-conforming with an area of 14,923 sq ft. The proposed residential structure would have a front yard setback of 15 ft. The lot coverage is not provided, but appears it may exceed the maximum 20%.

Approval of the building plans is subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the January 25<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than December 28<sup>th</sup> at 4:30 PM. **A certified survey including setbacks and lot coverage of all covered structures, will be required by the ZBA.** The Planning Dept. can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
 White Lake Township

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MARCH 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  
Michael Powell, Township Board Liaison  
Debby Dehart, Planning Commission Liaison  
Niklaus Schillack, Vice Chairperson  
Jo Spencer, Chairperson

**Others:**

Justin Quagliata, Staff Planner  
Hannah Micallef, Recording Secretary

6 members of the public present

**APPROVAL OF AGENDA**

**MOVED by Member Schillack, SUPPORTED by Member Powell, to approve the agenda as presented. The motion CARRIED with a voice vote (5 yes votes).**

**APPROVAL OF MINUTES:**

- a. Zoning Board of Appeals Regular Meeting of February 24, 2022

Member Powell said on page 9, the fourth paragraph down should read “increased” and not increases.

**MOVED by Member Seiber, SUPPORTED by Member Dehart to approve the Zoning Board of Appeals Regular Meeting Minutes of February 24<sup>th</sup>, 2022 as amended.  
The motion CARRIED with a voice vote (5 yes votes).**

**CONTINUING BUSINESS:**

- A. 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 what was the square footage of the proposed house. Staff Planner Quagliata said the house details sheet and the plans were inconsistent and two different sizes were provided.

Member Schillack asked staff if lots 8 & 9 were combined. Staff Planner Quagliata confirmed, and said the plan showed all three lots as combined, but lot 7 was not yet combined.

Member Seiber asked staff if the unenclosed porch was not counted toward the front yard setback. Staff Planner Quagliata said a covered porch was counted towards the setback.

Robert Higgs, 15486 Surrey, Livonia, was present to speak on his case. He staked the property, as well as had a perc test done. He also received a notarized letter from the property owner's power of attorney.

Member Powell asked the applicant if he had acquired a septic field permit. Mr. Higgs said no. Member Powell suggested the applicant reduce their four bedrooms to three bedrooms and a den to better meet the requirements from the Oakland County Health Division.

Member Seiber stated the proposed location for the septic field was probably the best place for it due to lot configuration.

Member Powell said a front yard setback variance would allow the applicant to extend the roofline. The submitted plan measured the front setback from a step and not the roofline.

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

- A. Practical Difficulty
  - Chairperson Spencer said the size of the house could be reduced to come into compliance with the zoning ordinance.
- B. Unique Situation
  - Member Dehart said the lot was nonconforming and steep.
- C. Not Self-Created
  - Member Powell said the lots had been in existence since they were platted.
- D. Substantial Justice
  - Member Schillack said it would be ridiculous for the house to be built narrower and it would not fit in with the surrounding neighbor's houses.
- E. Minimum Variance Necessary
  - Member Seiber said based on where the applicant's plan had the house positioned, it was the best location in regard to least impact on the surrounding neighbor's lake view.

**Member Dehart MOVED to approve the variances requested by Rob Higgs from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-07-329-013, identified as 3811 Ormond Road, and Parcel Number 12-07-329-035 in order to construct a new house that would encroach 21.9 feet into the required front yard setback. A 1,077 square foot variance from the required lot area is also granted from Article 3.1.5.E. This approval will have the following conditions:**

- **A copy of the Power of Attorney shall be submitted to the Building Department.**
- **The Applicant shall obtain all necessary approvals from the Oakland County Health Division prior to issuance of a building permit.**
- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Prior to issuance of a building permit, a demolition permit shall be obtained from the Township to remove the existing buildings and structures from the subject parcels.**
- **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.**
- **The subject parcels shall be combined prior to issuance of a building permit.**
- **Revised plans shall be submitted to meet requirements of the Building Official.**

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

Member Powell stated the applicant did not request or need a rear yard setback variance, and the front yard setback variance was necessary to prevent obstruction of the lake view for the surrounding neighbors.

**NEW BUSINESS**

- A. Applicant: Ken & Tyler Strom  
6040 Turnberry Drive  
Commerce, MI 48382  
Location: 1152 Clearwater Boulevard  
White Lake, MI 48386 identified as 12-35-401-010  
Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Side-Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width.

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

Staff Planner Quagliata presented his staff report.

Member Seiber asked staff if 30 percent lot coverage was ever granted by the Community Development Department. Staff Planner Quagliata said yes, if a building was able to meet all setback requirements and a lot was served by sanitary sewer.

Member Powell stated the survey showed the lot width as being narrower than what was presented on the staff report.

Member Dehart said there was standing water on the lot, and the lot to the south did as well. She wanted to know where water runoff would go if the house was built.

David Smith, 8615 Richardson, was present to speak on the case on behalf of the applicant. He said the lot was platted in the early 1900s and was hard to survey. The lot width was about 46 feet at a perpendicular angle. He tried to refrain from requesting front and rear yard setbacks, and a storm system would be proposed to drain water into the lake and away from the neighbor's properties.

Chairperson Spencer asked if the lots were combined and separated at one point. Mr. Smith said no, and the lots were purchased separately by the applicant. He added the lot was a typical lake lot, with mushy soils, and the house foundation on the subject lot would require helical piers.

Chairperson Spencer opened the public hearing at 7:48 P.M. Seeing no public comment, she closed the public hearing at 7:48 P.M.

Member Seiber said the applicant demonstrated a good effort by trying to get as compliant with the side yard setbacks as possible, since the width of the lot was narrow.

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

- A. Practical Difficulty
  - Member Dehart said the lot was platted years ago and was nonconforming.
- B. Unique Situation
  - Member Powell said the plat predated the zoning ordinance.
- C. Not Self-Created
  - Member Dehart said the applicant did not plat the lot.
- D. Substantial Justice
  - Member Powell said the lot was typical for the plat.
- E. Minimum Variance Necessary
  - Chairperson Spencer said the side yard setback variances were minimal.

**Member Powell MOVED to approve the variances requested by Ken & Tyler Strom from Articles 3.1.6.E of the Zoning Ordinance for Parcel Number 12-35-401-010, identified as 1152 Clearwater Boulevard, in order to construct a new house that would encroach 1.6 feet into the north side lot line and 1.4 feet from the south side lot line and exceed the allowed lot coverage by 2.2%. A 34-foot variance from the required lot width and a 2,538 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.**
- **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.**
- **A storm sewer line shall be installed and downspouts attached on the house to carry storm water to the lake.**

**SUPPORT by Member Dehart and the motion CARRIED with a roll call vote (5 yes votes): (Powell/yes, Dehart/yes, Spencer/yes, Schillack/yes, Seiber/yes).**

- B. Applicant: Angela and Michael Runyan  
661 Oxhill Court  
White Lake, MI 48386  
Location: 661 Oxhill Court  
White Lake, MI 48386 identified as 12-23-177-008  
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct a second story addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.5.E, R1-C 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 21 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.

Angela and Michael Runyan were present to speak on their case. They said they had outgrown the house, and instead of moving, they had chosen to add on to the existing house.

Chairperson Spencer asked the applicant if they considered moving the second story to meet setbacks. The applicant said they considered it, but it would eliminate living space and the proposed plan would be more aesthetically pleasing.

Member Powell said the applicant's design was practical and to shift the second story would cause for poles to be installed in the middle of the garage.

Member Seiber asked if a firewall was required between the garage and the living space. Member Powell said yes, but that would be a Building Department requirement.

Chairperson Spencer opened the public hearing at 8:10 P.M. Seeing no public comment, she closed the public hearing at 8:10 P.M.

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

- A. Practical Difficulty
- Member Dehart said the cul- de-sac caused the parcel to be nonconforming.
  - Member Powell said the placement of the house by the original builder was inappropriate.
- B. Unique Situation
- Member Schillack said the way the road was cut and the house was placed on the lot made for a unique situation.

- C. Not Self-Created
  - Member Schillack said the way the road was cut and the house was placed on the lot were not self-created by the applicant.
- D. Substantial Justice
  - Member Powell said none of the other surrounding houses would have an issue with a similar addition the existing house did due to its placement.
- E. Minimum Variance Necessary
  - The structural walls in the garage were needed to support the addition.

**Member Schillack MOVED** move to approve the variances requested by Angela and Michael Runyan from Article 3.1.5.E, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 12- 23-177-008, identified as 661 Oxhill Court, in order to construct a second-story addition. Variances from Article 7.23.A are granted to allow: the addition to encroach 0.2 feet into the required setback from the west side lot line and 5.7 feet into the required front yard setback. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure by 156%. A 7.96-foot variance from the required lot width and a 3,367.6 square foot variance from the required lot area are also granted from Article 3.1.5.E. This approval will have the following conditions:

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department**

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

#### **OTHER BUSINESS**

- A. Zoning Ordinance Discussion – Part 3  
Staff Planner Quagliata said there would be a future special meeting for further conversation on the zoning ordinance.

#### **ADJOURNMENT**

**MOVED** by Member Seiber, **SUPPORTED** by Member Dehart to adjourn the meeting at 8:24 P.M. The motion **CARRIED** with a voice vote (5 yes votes).

**NEXT MEETING DATE:** April 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:** January 25, 2024

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**Agenda item:** 8c

**Appeal Date:** January 25, 2024

**Appellant:** Brian D. Pendley

**Address:** 5335 Wayne Road  
White Lake, MI 48383

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

**Location:** 5335 Wayne Road  
White Lake, MI 48383

## **Property Description**

The approximately 0.16-acre (7,055 square feet) parcel identified as 5335 Wayne Road is located on Grass Lake and zoned R1-D (Single Family Residential). The property is not zoned Neighborhood Mixed Use as is indicated on the submitted variance application. The existing house on the property utilizes a private well for potable water and a private septic system for sanitation.

## **Appellant's Proposal**

Brian D. Pendley, the Appellant, is requesting post-construction variances to allow an accessory building (shed) to remain located within the Natural Features Setback.

## **Planner's Report**

The Township was made aware of unpermitted construction activity on the property. On November 17, 2023 the Building Official, after a site visit, sent the Appellant a letter stating application for a building permit in pursuance of erecting the building in question had not been made and received by the Township. The letter advised the Appellant the ongoing work required permits and inspections, and referenced Zoning Ordinance standards applicable to accessory buildings. A Stop Work Order was issued.

### *Variance #1*

Section 3.11.Q of the Zoning Ordinance prohibits buildings or structures from being located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. At its closet point, the accessory structure is located 23.2 feet from the water's edge of Grass Lake.

### *Variance #2*

The Zoning Ordinance allows walls in an accessory building to be 14 feet in height; the submitted north elevation indicates the total wall height is 17 feet from grade.

### *Variance #3*

With the accessory building, the lot coverage is 23.5% (1,660 square feet), which is 3.5% (249 square feet) beyond the allowable limit (1,411 square feet).

Note the site plan prepared by the Appellant is inconsistent with the submitted survey. Based on the survey, the house is nonconforming to setbacks (front and sides) and the accessory building is located 3.2 feet from the east side lot line. The required accessory building setback (including roof overhangs) from side lots lines is five feet. Section 7.27.vii of the Zoning Ordinance prohibits the Zoning Board of Appeals from granting a variance to permit a setback of less than five feet from a side lot line for safety reasons.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.11.Q	Natural Features Setback	25 feet	1.8 feet	23.2 feet
2	Article 5.7.C	Wall Height	14 feet	3 feet	17 feet
3	Article 3.1.6.E	Maximum Lot Coverage	20%	3.5%	23.5%

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variance requested by Brian Pendley from Article 3.11.Q of the Zoning Ordinance for Parcel Number 12-17-103-011, identified as 5335 Wayne Road, in order to allow an accessory building (shed) to encroach 1.8 feet into the required Natural Features Setback. A variance from Article 5.7.C is granted to allow the accessory building to exceed the allowed wall height by 3 feet. A variance from Article 3.1.6.E is also granted to allow the accessory building to exceed the allowed lot coverage by 3.5%. This approval will have the following conditions:

- The Appellant shall obtain all necessary permits from the White Lake Township Building Division.
- By March 25, 2024 the Appellant shall move the accessory building to eliminate encroachment within five feet of the side lot line as the Zoning Board of Appeals is without authority to grant a variance with regard to the side yard setback. Once moved, an as-built survey shall be required to verify the setbacks and lot coverage.

**Denial:** I move to deny the variances requested by Brian Pendley for Parcel Number 12-17-103-011, identified as 5335 Wayne Road, due to the following reason(s):

- 
- 
- 

The Appellant shall remove the accessory building from the property by March 25, 2023.

**Postpone:** I move to postpone the appeal of Brian Pendley *to a date certain or other triggering mechanism* for Parcel Number 12-17-103-011, identified as 5335 Wayne Road, to consider comments stated during this hearing.

**Attachments:**

1. Variance application dated December 28, 2023.
2. Applicant’s written statement dated December 28, 2023.
3. Survey dated December 20, 2023.
4. Building elevations and floor plan dated December 3, 2023.
5. Stop Work Order from the Building Official dated November 17, 2023.
6. Letter of denial from the Building Official dated November 29, 2023.
7. Photo of shed before remodel.

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: Brian D Pendley PHONE: 248 860 7908  
ADDRESS: 5335 Wayne Road, White Lake, MI 48383  
APPLICANT'S EMAIL ADDRESS: bwardp1995@gmail.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 5335 Wayne Road PARCEL # 12-17-103-011  
CURRENT ZONING: NMU PARCEL SIZE: 7055

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 3.1.6  
Article 5.7(C) Article 3.1.13(D) Article 5.3  
VALUE OF IMPROVEMENT: \$ 5,000.00 SEV OF EXISITING 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: [Signature] DATE: 12/28/2023

RECEIVED

DEC 28 2023

BUILDING DEPARTMENT

## REASONS TO SUPPORT REQUEST

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WRITTEN STATEMENT BY:  
 GIANNA ROSE PENPLEY

- 1) CONFLICTING STATE BUILDING CODE
- 2) EXISTING NON-CONFORMING LOT+STRUCTURE
- 3) RIGHT TO REASONABLE RETURN
- 4) SUBSTANTIVE JUSTICE
- 5) PUBLIC ENDANGERMENT

EVIDENCE TO BE PRESENTED  
 TO BOARD

SIGNED:



12/28/23

# CERTIFICATE OF SURVEY

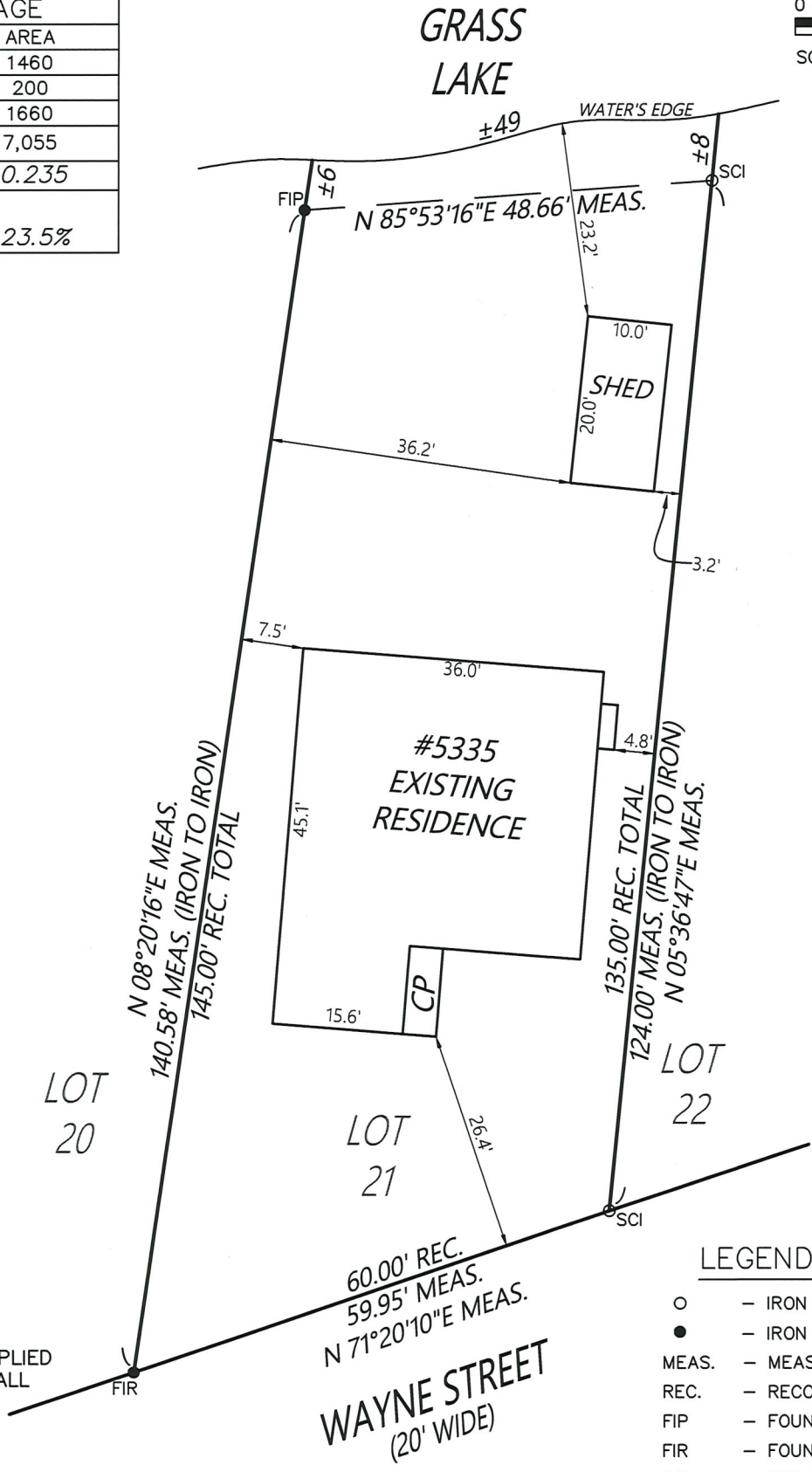
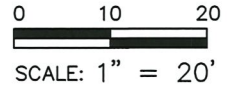
Item C.

Prepared For: BRIAN PENDLEY

Legal Description: PARCEL ID: 12-17-103-011

Lot 21 of RAYWOOD PARK, a subdivision of part of the NW 1/4 of Section 17, T. 3 N., R. 8 E., White Lake Township, Oakland County, Michigan as recorded in Oakland County Records.

LOT COVERAGE	
	AREA
HOUSE	1460
SHED	200
TOTAL	1660
ENTIRE LOT	7,055
1660/7055	=0.235
TOTAL LOT COVERAGE = 23.5%	



**NOTES:**  
NO TITLEWORK WAS SUPPLIED BY CLIENT, THEREFORE ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

BEARING BASIS:  
HELD BEARING ALONG AS PER PLAT OF RECORD.

- LEGEND**
- - IRON SET
  - - IRON FOUND
  - MEAS. - MEASURED
  - REC. - RECORDED
  - FIP - FOUND IRON PIPE
  - FIR - FOUND IRON ROD
  - SCI - SET CAPPED IRON
  - \*— - EXISTING FENCE LINE

I hereby certify only to the parties hereon, that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set as noted hereon, permanent markers at the exterior corners of said lot and that all visible encroachments of a permanent nature upon said lot, are as shown on this survey. Said lot subject to all easements and restrictions of record.



KAROL L. GROVE  
LICENSED PROFESSIONAL SURVEYOR #39975

**ALPINE**  
Land Surveying, Inc.

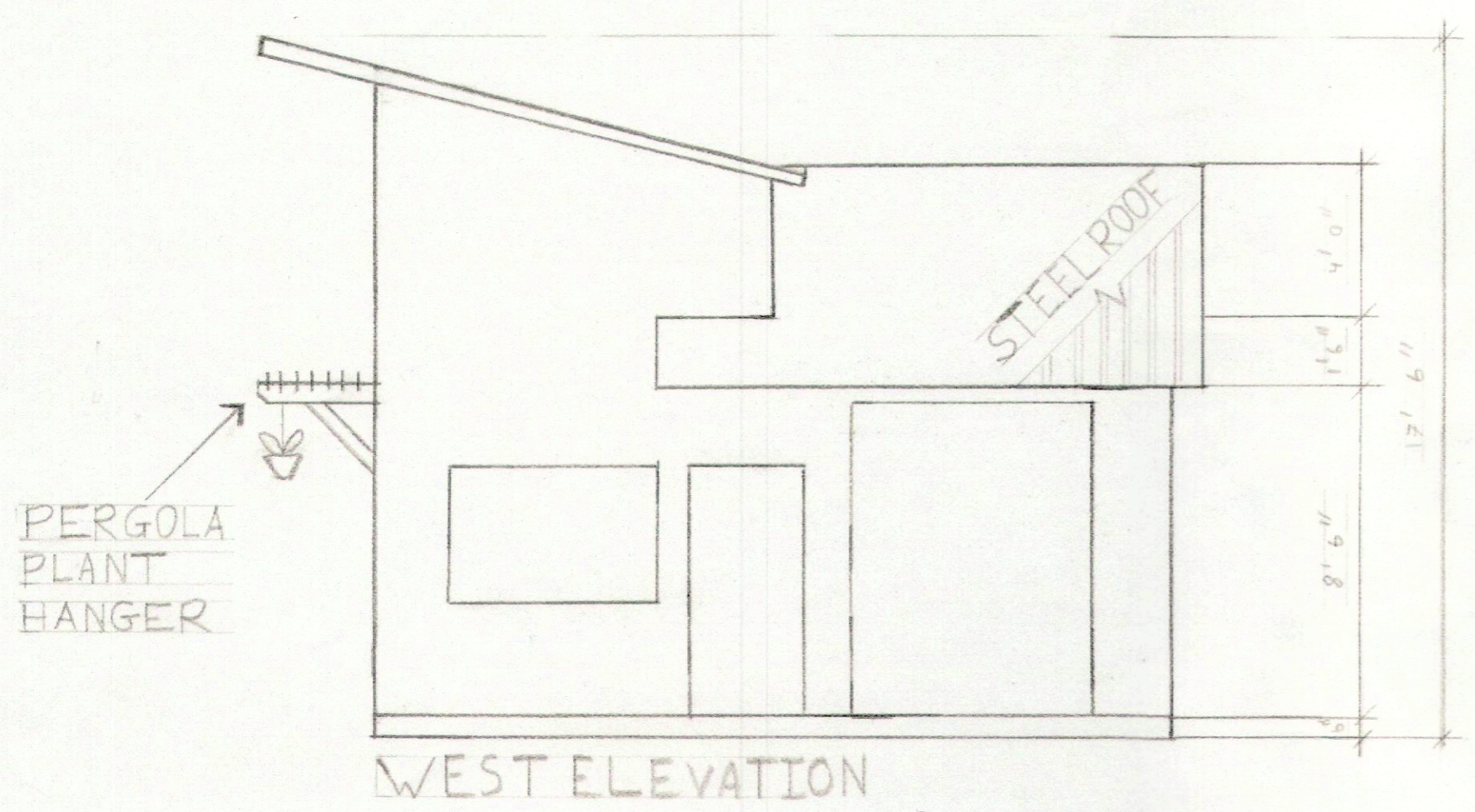
376 BEECH FARM CIRCLE SUITE # 1293  
HIGHLAND, MICHIGAN, 48357  
PHONE: 810-207-8050

FIELD: KG	DATE: 12-20-2023
DRAWN: DJS	JOB NO: 23-6313
CHECKED: KG	SHEET: 1 OF 1
REVISED:	

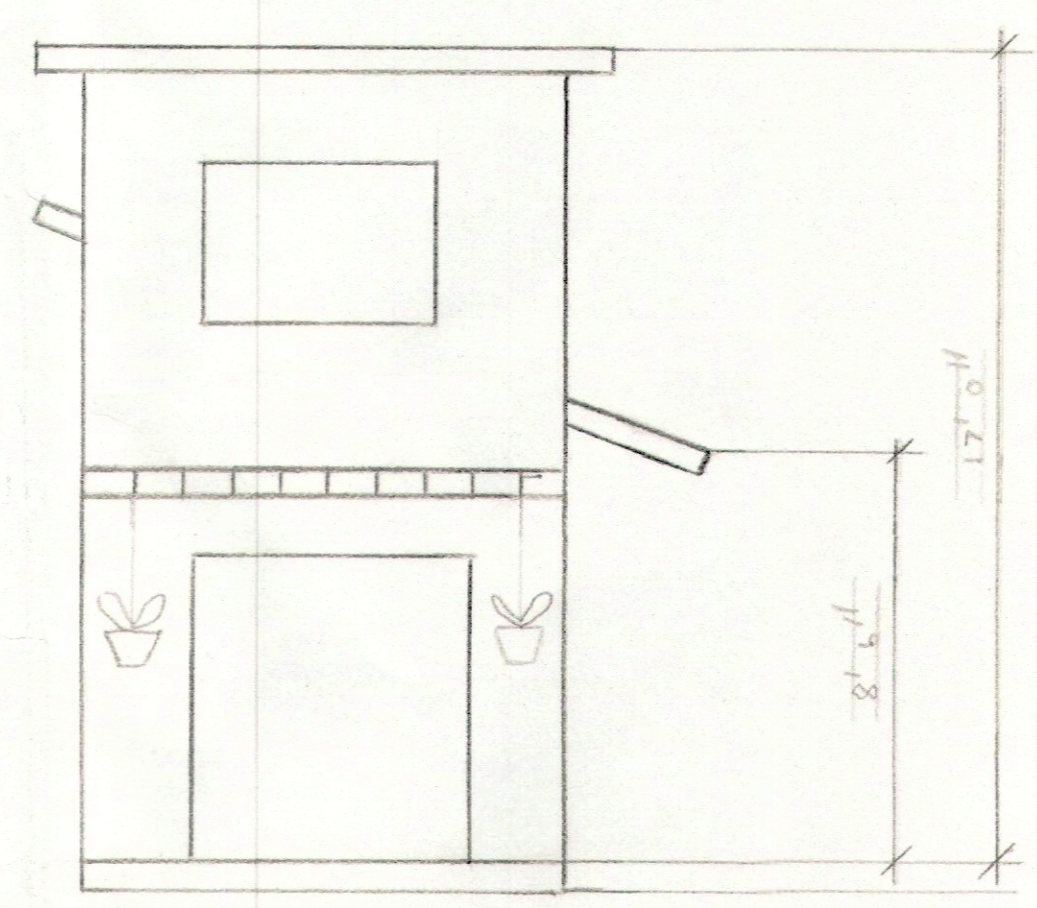
RECEIVED

DEC 04 2023

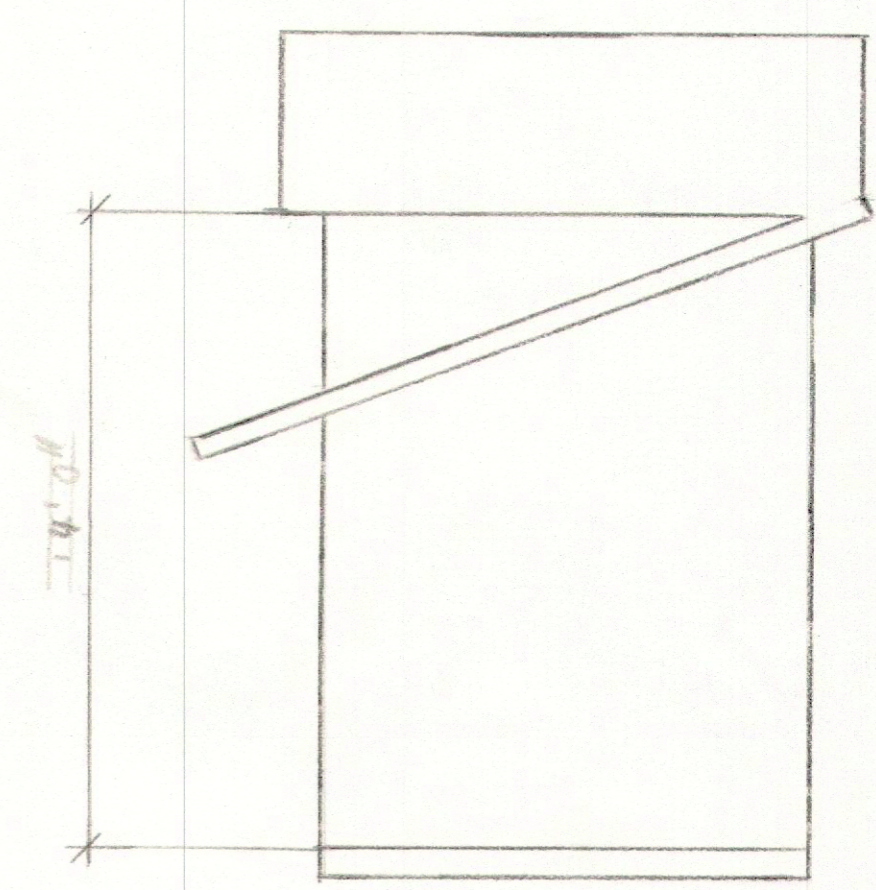
BUILDING DEPARTMENT



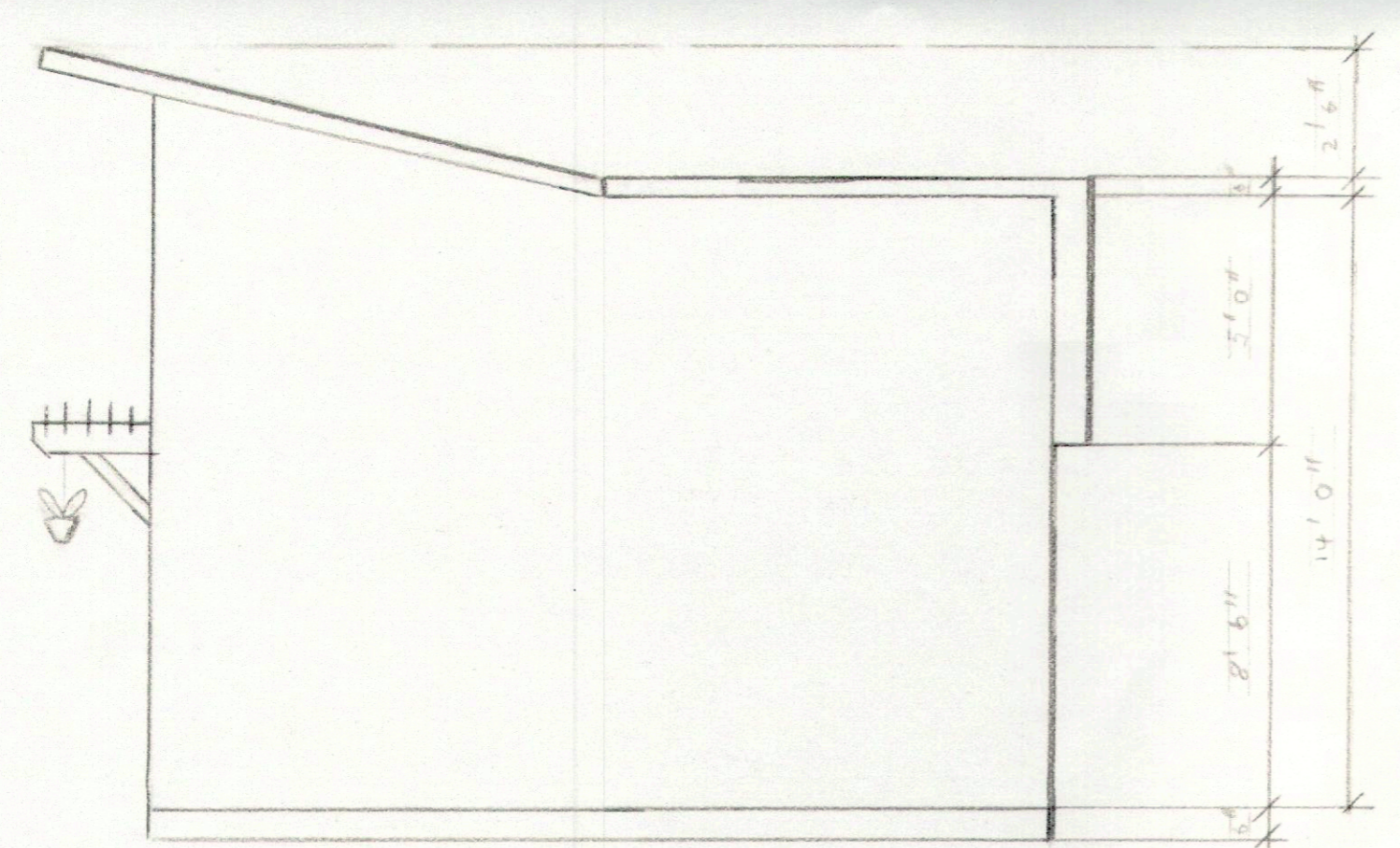
WEST ELEVATION



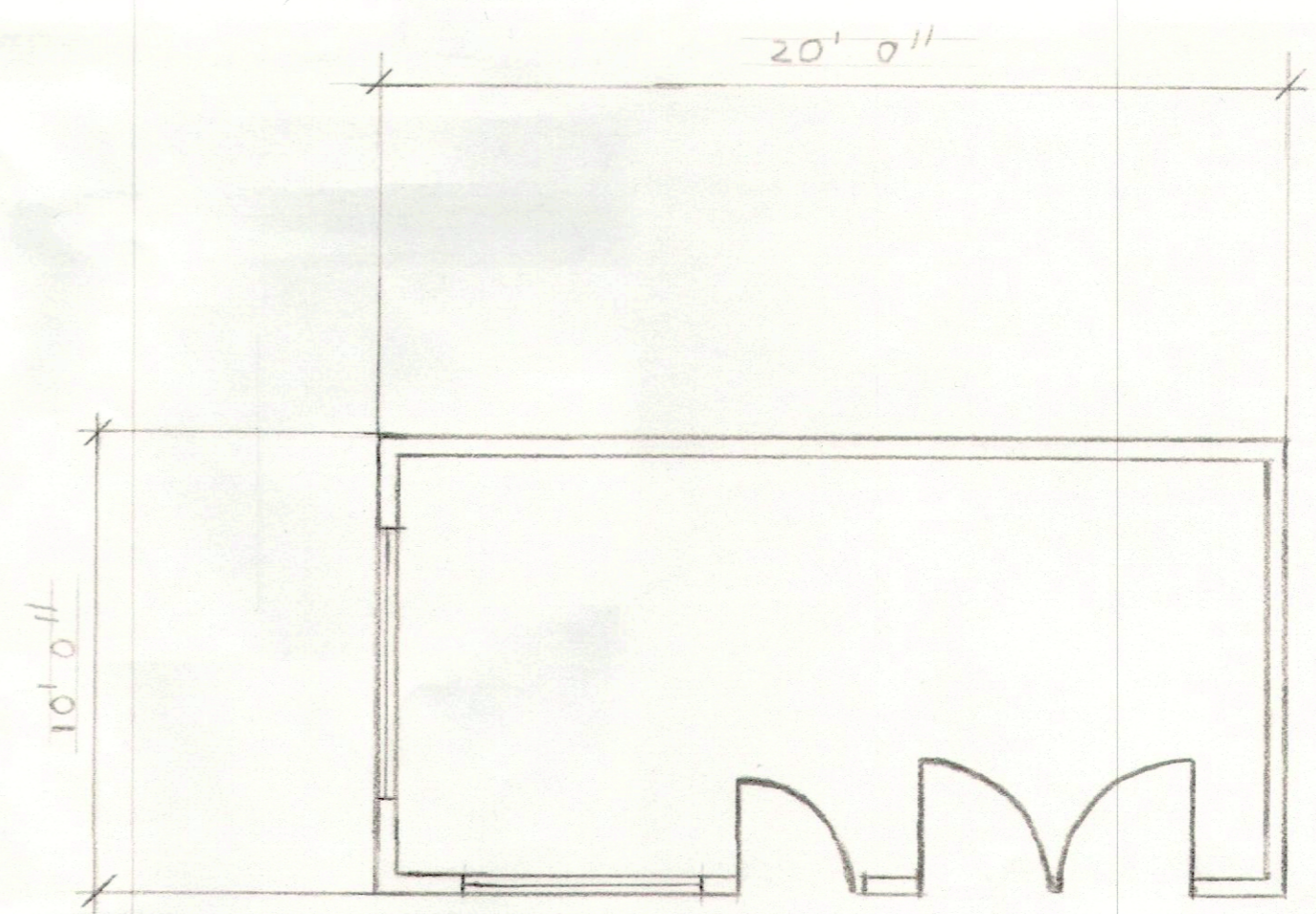
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



FLOOR PLAN

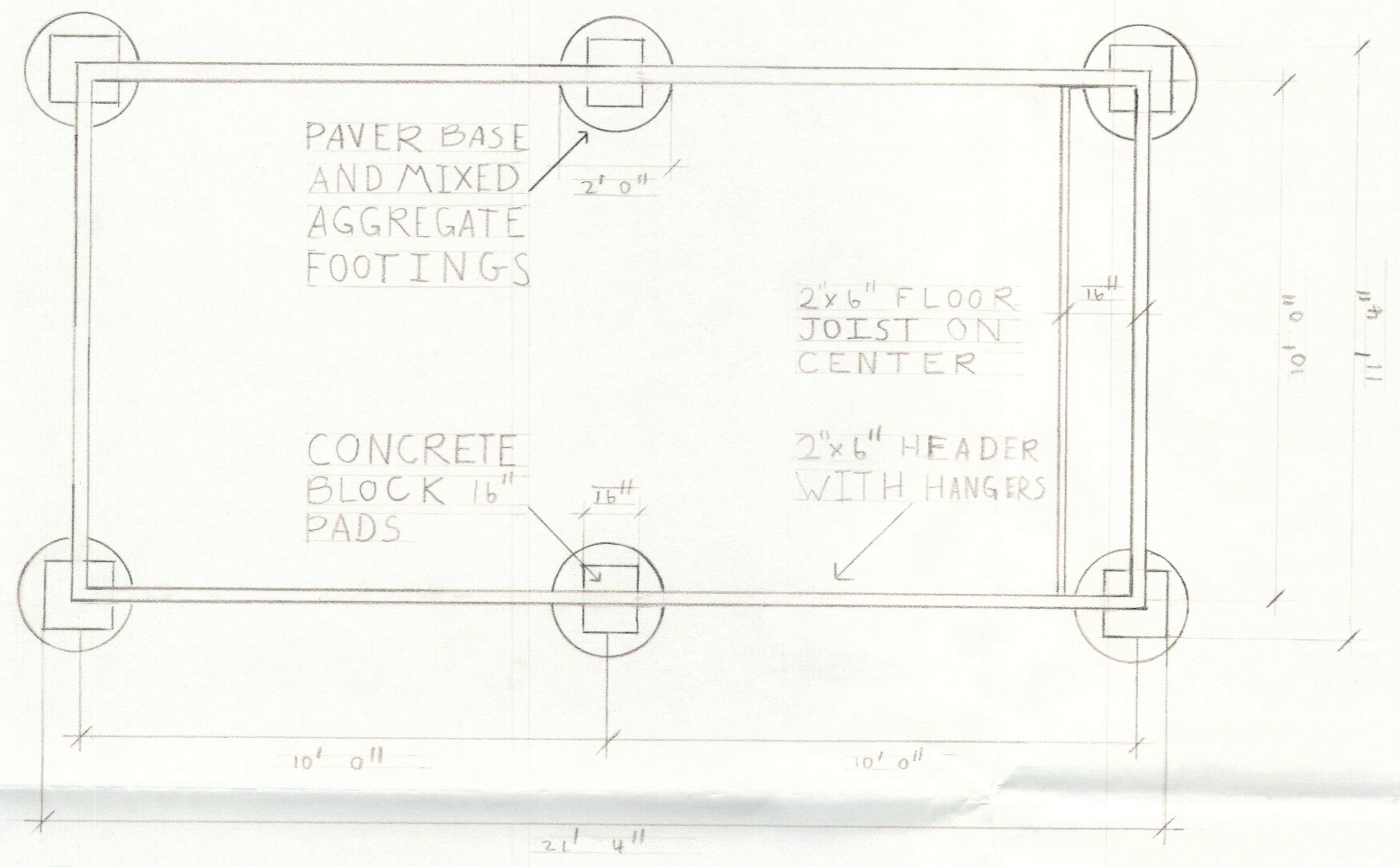
PROJECT  
 STORAGE SHED

BRIAN PENDLEY  
 5335 WAYNE ROAD, WHITE LAKE  
 MICHIGAN 48383  
 U.S.M.C. ENGINEER SGT. VETERAN  
 SHED PLANS  
 DATE: 2023 12 03

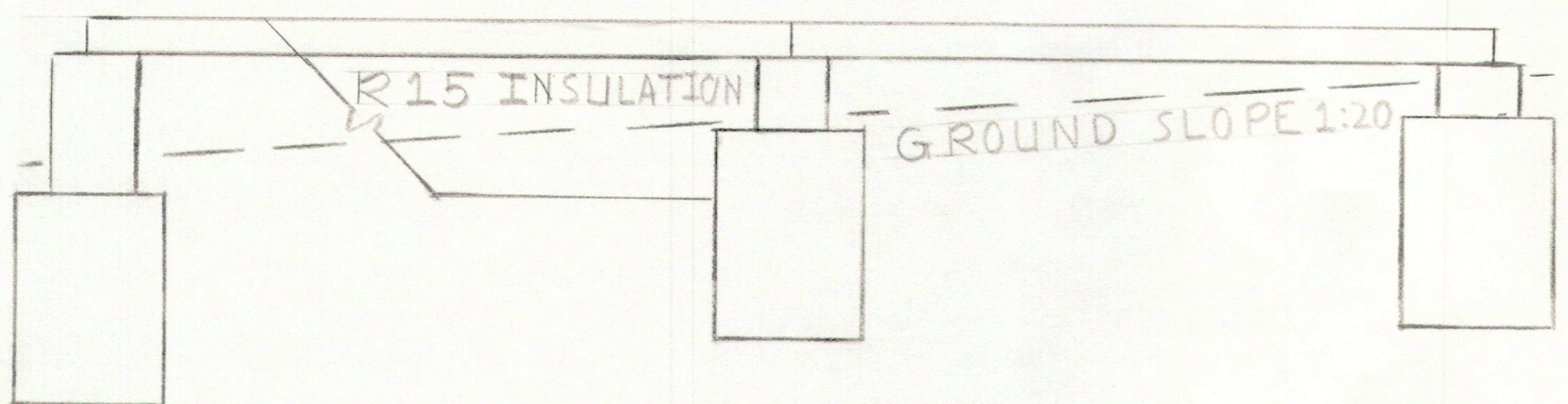
SCALE  
 1/4" = 1' 0"

SHEET NO:  
 10E3



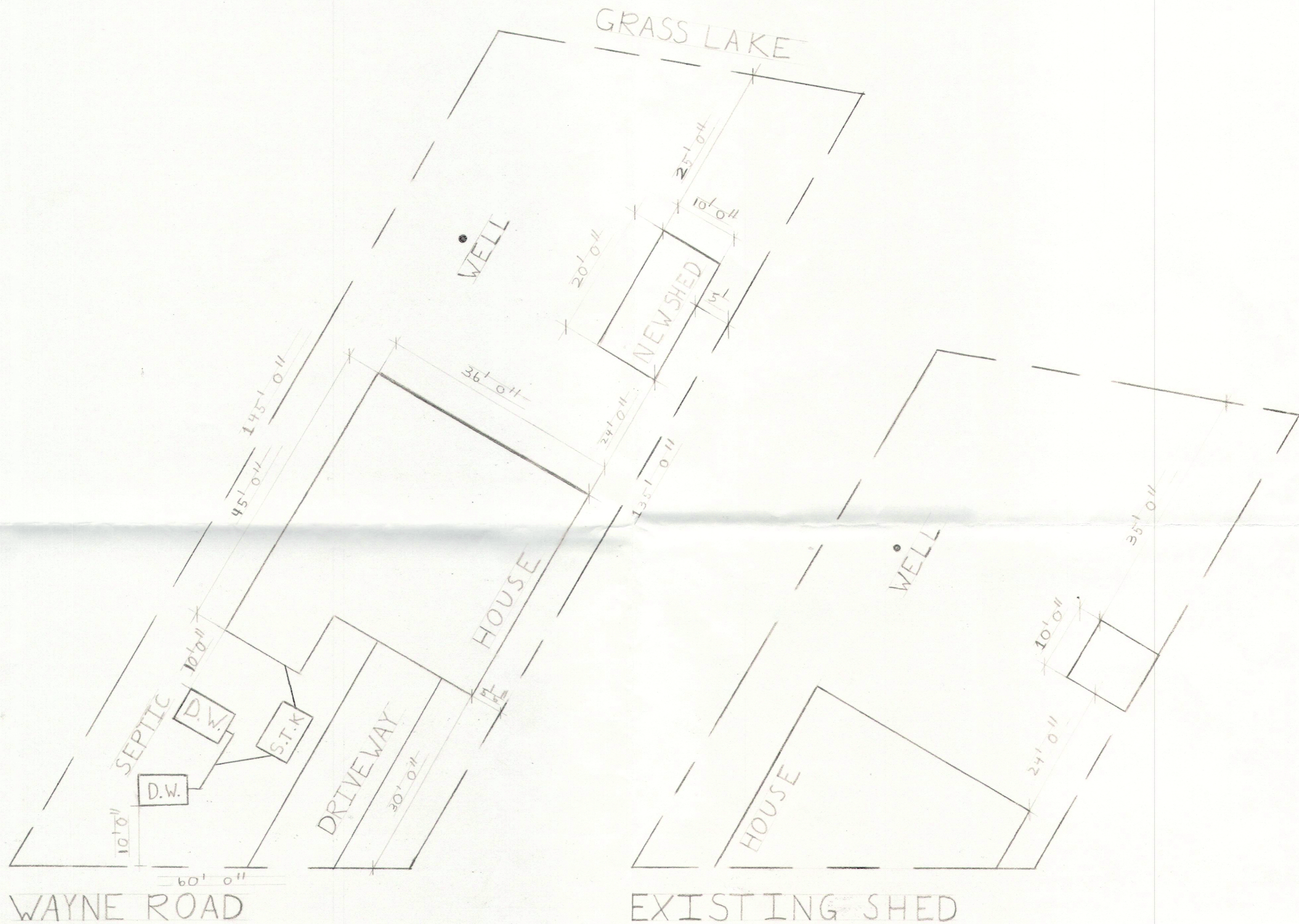


FOOTING PLAN



WEST ELEVATION

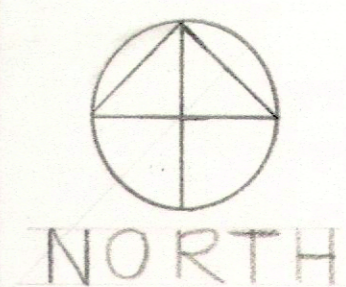
<p>PROJECT</p> <p>STORAGE SHED</p>	<p>BRIAN PENDLEY          5335 WAYNE ROAD, WHITE LAKE          MICHIGAN 48383          U.S.M.C. ENGINEER SGT. VETERAN          FOOTING PLAN          DATE: 2023 12 03</p>	<p>SCALE</p> <p>1/2" = 1'</p>	<p>SHEET NO:</p> <p>20F3</p>
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PROJECT:

STORAGE SHED

BRIAN PENDLEY  
 5335 WAYNE ROAD, WHITE LAKE  
 MICHIGAN 48383  
 SURVEY: ALPINE LAND SURVEYING  
 PLOT PLAN NEW AND EXISTING  
 DATE: 2023 12 03



SCALE

1" = 10'

SHEET NO:

3 OF 3

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



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

## WHITE LAKE TOWNSHIP

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

November 17, 2023

Brian Pendley  
5335 Wayne Rd  
White Lake, MI 48383

RE: Work Without Permit

Please be advised that the Building Department has observed work being completed on your property which requires permits and inspections. A **STOP WORK ORDER** is being issued on this property as of 11/17/23. The Building Department has not received the necessary paperwork, and no permits have been issued for any work; including, but not limited to:

- Accessory Structure or Addition

By State Code, accessory structures over 200 sq ft and/or accessory structures with more than one story require permits. Likewise, all accessory structures are required to meet the zoning standards for the district in which they are being constructed, as well as the accessory structure standards. These standards can be found in The White Lake Township Clear Zoning Ordinance.

Submit applicable plans and a permit application to the Building Department within the next 10 days. A **STOP WORK ORDER** will remain in effect on this property until the proper permits are in place. Applications can be found online at [www.whitelaketwp.com](http://www.whitelaketwp.com) or at the township office. If work continues without permit, a civil infraction will be issued.

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

Best Regards,

Nick Spencer, Building Official  
White Lake Township

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

November 29, 2023

Brian Pendley  
 5335 Wayne Rd  
 White Lake, MI 48383

RE: Proposed Accessory Structure

Based on the submitted plans, the proposed structure does not satisfy the White Lake Township Clear Zoning Ordinance for Accessory Structures.

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

**Article 5.7 (C) of the White Lake Township Clear Zoning Ordinance:** Maximum building wall height of 14 ft.

The existing lot is legal non-conforming. The approximate 6,752 sq ft, 60 ft wide lot, contains a non-conforming residential structure. The proposed accessory structure would have a 5 ft side yard setback on the east side. The total lot coverage of all structures would be approximately 23.2%. Further, the North Elevation indicates the proposed total wall height to be 17 ft from grade.

It should also be noted that the overhangs on the accessory structure are proposed to extend approximately 1 ft beyond the side wall. Article 5.3 states, in no instance shall any portion of the proposed structure, including overhangs and gutters, project closer than 5 ft to either side yard lot line. No board, commission or department can grant approval to any structure, or portion of structure within the 5 ft side yard setback.

Approval of the building plans is subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the January 25<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than December 28<sup>th</sup> at 4:30 PM. ***Be advised, a certified boundary and location survey showing the proposed structure 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



*Item C.*

# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals

**FROM:** Justin Quagliata, Staff Planner

**DATE:** January 25, 2024

**RE:** Election of Chair and Vice-Chair

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The Zoning Board of Appeals bylaws require at the first regular meeting each calendar year the Board must select from its members a Chair and Vice-Chair. In accordance with Article 7, Section 32.B of the Zoning Ordinance, an elected official of the Township cannot serve as Chair or Vice-Chair of the Zoning Board of Appeals. The general duties of each position are as follows:

**Chair:** The chair shall preside at all meetings, authorize calls for special meetings, and perform such other duties as may be specified by the Zoning Board of Appeals.

**Vice-Chair:** The vice-chair shall act in the capacity of the chair in the chair's absence. In the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term.

At the meeting on January 25, 2024 the current Chair will request nominations for the officer positions listed above. Once nominations are made the Zoning Board of Appeals will vote on each office. The Board member receiving the most votes will serve in that position. The elected officer will begin serving immediately after being selected and will remain in office for the remainder of the year. Current officers may be re-elected.