



## ZONING BOARD OF APPEALS MEETING

LOCATION: TOWNSHIP ANNEX, 7527 HIGHLAND ROAD, WHITE LAKE, MICHIGAN 48383  
THURSDAY, APRIL 27, 2023 – 7:00 PM

---

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

---

### AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
  - A. [Zoning Board of Appeals Regular Meeting of March 23, 2023](#)
6. OLD BUSINESS
7. NEW BUSINESS
  - A. [Applicant: Scott Ruggles](#)  
[6385 White Lake Road](#)  
[White Lake, MI 48383](#)  
[Location: Parcel Number 12-21-426-007](#)  
[Request: The applicant requests to extend the issuance period for a temporary use permit, requiring a variance from Article 7.20, Temporary Buildings and Uses.](#)
  - B. [Applicant: Michael & Carolyn Roy](#)  
[471 Joanna K Avenue](#)  
[White Lake, MI 48386](#)  
[Location: 471 Joanna K Avenue](#)  
[White Lake, MI 48386 identified as 12-22-427-014](#)  
[Request: The applicant requests to enlarge and alter a nonconforming structure \(house\) to construct an addition, requiring a variance from Article 7.23.A, Nonconforming Structures. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.](#)
  - C. [Applicant: Father & Son Construction](#)  
[5032 Rochester Road, Suite 100](#)  
[Troy, MI 48085](#)  
[Location: 3939 Jackson Boulevard](#)  
[White Lake, MI 48383 identified as 12-07-160-024](#)  
[Request: The applicant requests to enlarge and alter a nonconforming structure \(house\) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Area and 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.](#)



- D. [Applicant: John & Gina Smerecki](#)  
[8979 Lakeview Drive](#)  
[White Lake, MI 48386](#)  
[Location: 8979 Lakeview Drive](#)  
[White Lake, MI 48386 identified as 12-36-302-005](#)  
[Request: The applicant requests to construct an accessory building, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Front Yard Setback, Maximum Lot Coverage, Minimum Lot Area, and Minimum Lot Width. A variance from Article 5.7.C, Accessory Buildings or Structures in Residential Districts is also required due to the wall height.](#)
- E. [Applicant: Patrick & Lesa Pfeiffer](#)  
[4270 Leroy Street](#)  
[White Lake, MI 48383](#)  
[Location: 4270 Leroy Street](#)  
[White Lake, MI 48383 identified as 12-07-160-016](#)  
[Request: The applicant requests to install a swimming pool, requiring variances from Article 3.1.6.E, R1-D Single Family Residential Maximum Lot Coverage, Article 3.11.Q, Natural Features Setback, and Article 5.10, Swimming Pools.](#)

## 8. OTHER BUSINESS

9. NEXT MEETING DATE: May 25, 2023

## 10. ADJOURNMENT

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

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 23, 2023**

**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  
Niklaus Schillack, Vice-Chairperson  
Jo Spencer, Chairperson  
Debby Dehart  
Michael Powell, Township Liaison

**Others:**

Justin Quagliata, Staff Planner  
Dave Hieber, Assessor  
Hannah Micallef, Recording Secretary

8 members of the public present

**APPROVAL OF AGENDA**

**MOTION by Member Schillack, seconded 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 23, 2023

Member Schillack and Member Seiber had several clerical errors they wanted clarified:

- Member Seiber wanted Page 7, Paragraph 8 to read: “sign on the easterly side.”
- Member Schillack wanted Page 6, Paragraph 8 to have the word “recessed” removed.
- Member Schillack wanted to clarify his reasoning on Page 8, paragraph 2 to read: In regards to the northern parking spots on the other side of the service drive.

**MOTION by Member Seiber, seconded by Member Powell, to approve the minutes of February 23, 2023 as amended. The motion CARRIED with a voice vote: (5 yes votes).**

**CALL TO THE PUBLIC**

No comments from the public.

**NEW BUSINESS**

- A. Applicant: Michael P. Rubino & Lori Rubino  
1066 Round Lake Road  
White Lake, MI 48386  
Location: **1066 Round Lake Road**  
White Lake, MI 48386 identified as 12-35-255-019  
Request: The applicant requests to enlarge and alter a nonconforming structure (house) to construct an addition, requiring variances from Article 7.23.A, Nonconforming Structures and Article 3.1.6.E, R1-D Single Family Residential Minimum Lot Width. A variance from Article 7.28.A, Repairs and Maintenance to Nonconforming Structures is also required due to both the value of improvements and the increase in cubic content.

Staff Planner Quagliata gave his report. He said there was a 13-foot discrepancy between the survey provided and the measurements of the lot provided by Oakland County.

Member Schillack asked staff which measurement on the survey was the recorded width. Staff Planner Quagliata said the 53.14-foot measurement was the recorded width and the measured width was 67 feet. On the rear yard, the measured width was 37.36 feet, but Oakland County showed the width was 25 feet.

Lori Rubino, 1066 Round Lake Road, was present to speak on her case. She said the current deck was 30 years old, and she wanted to extend the roof of her house to cover a portion of the deck and also screen in the deck.

Member Powell asked the applicant what made her property unique. Ms. Rubino said her property shape was unique.

David P. Smith, 8615 Richardson, was the surveyor for the property. He said the lot was irregular and nonconforming, and was surrounded by fences. The lot was platted in 1916. The fences had been there for over 50 years, and had been used as “acquiesced property lines” by the neighbors throughout the years.

Member Powell stated only a judge could change the line of plat.

Member Seiber said there may be a typo on Oakland County Property Gateway regarding with the rear lot width being presented as 25 feet, as the measurement scaled closed to 37 feet on the survey.

Member Powell asked Mr. Smith what he would view as the practical difficulty for the lot. Mr. Smith said the applicant was staying within the current footprint of the house and the deck, and there wasn’t an objection from the neighbors.

Member Schillack said his concern was that the ZBA was not allowed to approve any projection into the 5’ side yard setbacks. He wanted to know if the ZBA could legally proceed with the presented data.

Member Powell asked Mr. Smith if any part of the deck was within 5 feet of any property lines. Mr. Smith said no.



Staff Planner Quagliata said when he spoke with Mr. Smith the other day, he was told the lots on each side of the subject property were consistent with the plat. Staff Planner Quagliata asked Mr. Smith if the other two lots measured properly, how did the applicant's lot vary 13 feet. Mr. Smith did not have an answer to the question.

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 Powell said Mr. Smith assumed a smaller parcel with his measurements than what the actual lot measured at in order to not cause an uprising with the neighbors and what the neighbor's perceived was their property.

Member Dehart said the applicant was going to utilize the deck, and the deck was conforming. The deck would be considered a structure once the deck was enclosed.

Staff Planner Quagliata said an unenclosed deck could be as close as 5 feet to a side property line. Once covered or enclosed, the deck was subject to the principal building setbacks.

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

A. Practical Difficulty

- Member Seiber said the size of the lot was a practical difficulty. The lot was undersized for the width standards required in the R1-D Zoning District.
- Chairperson Spencer said adding on to the house by enclosing the deck would make the property worth more, and the ZBA could not approve a request for the reason of an applicant's economic gain.
- Member Schillack saw a practical difficulty based on the dimensions of the lot.

B. Unique Situation

- Member Schillack said the lot met the definition of a unique situation based on the data presented.
- Member Powell said the current zoning ordinance was not in affect when the lot was platted or when the house was built.

C. Not Self-Created

- Chairperson Spencer said if the proposed enclosure was moved, a variance wouldn't be needed.
- Member Dehart said the applicant didn't create the lot.
- Member Schillack said he didn't believe the property or the location of the house was self-created by the applicant.

D. Substantial Justice

- Member Schillack said the applicant's house would be similar to the house on the south, and wouldn't block lake views of the neighbors.

E. Minimum Variance Necessary

- Member Dehart said the applicant was requesting a minimum variance.
- Member Schillack said he trusted the survey, but would have liked to have the confidence the proposed enclosure was within the legal limits.

Member Seiber said the question was what measurements would the ZBA rely on. There were the platted measurements from 1917, which were over 100 years old. The County records seemed wrong as well. The survey was signed and sealed by a professional surveyor. Therefore, he believed the survey would have the most reliable measurements.

Mr. Smith asked to address the Board. Chairperson Spencer said no, per the bylaws the applicant's time to make a presentation had passed.

**MOTION by Member Powell, seconded by Member Schillack to allow Mr. Smith to make a comment.**

**The motion carried with a roll call vote: (5 yes votes)**

**(Powell/yes, Schillack/yes, Dehart/yes, Spencer/yes, Seiber/yes)**

Mr. Smith said the deck abutted a tree on the west side yard property line and wouldn't be able to relocate the deck due to the tree.

**MOTION by Member Powell, seconded by Chairperson Spencer to deny the variances requested by Michael P. Rubino and Lori Rubino for Parcel Number 12-35-255-019, identified as 1066 Round Lake Road, due to the following reason(s):**

- **The minimum variance the ZBA could provide was no variance, and the applicant could still achieve an enclosure without requesting a variance.**

**The motion FAILED with a roll call vote: (2 yes votes)**

**(Powell/yes, Spencer/yes, Seiber/no, Schillack/no, Dehart/no).**

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

- **The Applicant shall obtain all necessary permits from the White Lake Township Building Department.**
- **Prior to issuance of a building permit, a revised signed and sealed survey with precise dimensions shall be submitted to the Building Department.**
- **An as-built survey shall be required to verify the approved setbacks and lot coverage.**

**The motion CARRIED with a roll call vote: (4 yes votes)**

**(Powell/yes, Dehart/yes, Spencer/no, Schillack/yes, Seiber/yes)**

#### **OTHER BUSINESS**

- A. Applicant: Joseph A. Laflamme  
1780 Mead Lane  
White Lake, MI 48386  
Location: Parcel Number 12-15-426-026  
Request: The applicant requests a waiver of the variance application survey requirement.

Staff Planner Quagliata gave a summary of the request.

**MOTION by Member Schillack, seconded by Member Dehart to deny the request to waive the survey requirement for this non-submitted variance application for the following reasons:**

- 1. There was an application process for a reason, so that everyone had a fair and equal opportunity to request a desired variance.**
- 2. There were application requirements for a reason, so that data was available to make informed and sound judgement.**
- 3. There was an application fee for a reason, because all matters before the ZBA cost the Township residents money, and that included staff time.**
- 4. Discussing details of the matter without a completed application in front of the ZBA circumvents the Township's professionally trained staff.**
- 5. The ZBA did not provide free legal advice.**
- 6. Any discussion of the matter could imply how the ZBA would vote on a potential application, and therefore opened the Township to legal exposure if the ZBA chose to vote in a different way from anything discussed in detail at this meeting.**

The ZBA discussed the concept of the 4:1 depth to width ratio as stated in the Zoning Ordinance.

Assessor Hieber said he saw nonconforming properties apply for lot splits for various reasons. Many split applications came before him the Assessing Department wouldn't have jurisdiction to approve; those applications would be in ZBA's purview. He stated the goal to address these issues was not to waste both the taxpayer's money and Township resources.

Member Schillack stated discussing details of this matter in this public, quasi-judicial forum was bad for the following reasons:

- 1. It would undermine an established Township process designed to be fair to all residents of White Lake.**
- 2. It would show favoritism to one resident when others have not been given the same privilege.**
- 3. It would set a dangerous precedent through which people could come before the ZBA and circumvent experienced and professional Township staff to gain opinions and gauge votes.**
- 4. It could imply the ZBA would vote a certain way, and if an individual acted on those implications while the ZBA voted a different way, it could open the Township to legal exposure.**

For those reasons, Member Schillack stated he refused to discuss any details of the matter at hand, and he would vote no on any motion about a recommendation. He would vote "yes" to dismiss the matter, and to be clear, this was not a case before the ZBA, since there was not a completed application in front of them. If a completed application came before the ZBA, he would be glad to discuss the matter at hand in great depth, offer guidance, and vote on the merits of the case at a future provided date.

**The motion carried with a roll call vote: (5 yes votes)  
(Schillack/yes, Dehart/yes, Powell/yes, Spencer/yes, Seiber/yes)**

#### **ADJOURNMENT**

**MOTION by Member Dehart, seconded by Member Schillack, to adjourn at 8:31 P.M.**

**The motion carried with a voice vote: (5 yes votes)**

**NEXT MEETING DATE: April 27, 2023**

# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** April 27, 2023

---

**Agenda item:** 8a

**Appeal Date:** April 27, 2023

**Applicant:** Scott Ruggles

**Address:** 6385 White Lake Road  
White Lake, MI 48383

**Zoning:** AG Agricultural

**Location:** Parcel Number 12-21-426-007

**Property Description**

The approximately 8.6-acre parcel identified as Parcel Number 12-21-426-007 is located at the southwest corner of Elizabeth Lake Road and Highland Road (M-59), and zoned AG (Agricultural).

**Applicant’s Proposal**

Scott Ruggles, the Applicant and seasonal tenant of the property, is requesting to allow a temporary roadside stand on the site for a period longer than permitted by the Zoning Ordinance.

**Planner’s Report**

The Zoning Ordinance allows the Township to issue temporary use permits for periods of 90 days, not to exceed two (2) years. A relative of the Applicant received variances from the Zoning Board of Appeals in 1994, 1999, and 2003 for five-year permit periods. The Applicant expressed desire to continue temporary use of the site for an additional five-year period. To staff’s knowledge, the activity in this location has not caused problems in the past. Staff finds the request reasonable based on the following:

- The activity does not alter the character of the neighborhood. In fact, it helps maintain what is left of White Lake’s rural character along the M-59 corridor.
- Public health, safety, and welfare will not be compromised.
- The Applicant will be providing a welcomed service to the Township, which has been appreciated by residents for decades.

The requested variance is 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 7.20	Permit for Temporary Uses	90-day periods, not to exceed two years	Five years	Permit valid for five years from the date of variance approval

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the variance requested by Scott Ruggles from Article 7.20 of the Zoning Ordinance for Parcel Number 12-21-426-007 in order to extend the permit period for a temporary roadside stand. This approval will have the following conditions:

- Each year the Applicant shall obtain a temporary use permit from the Building Division.
- Activity associated with the temporary use shall be limited to July 1 through October 31, with site cleanup to be completed by November 6.
- Only one tent shall be permitted with the temporary use.
- Only one sign no larger than 32 square feet in size may be permitted and must meet sign setback requirements.
- The variance shall expire on April 27, 2028.

**Denial:** I move to deny the variance requested by Scott Ruggles for Parcel Number 12-21-426-007 due to the following reason(s):

**Postpone:** I move to postpone the appeal of Scott Ruggles *to a date certain or other triggering mechanism* for Parcel Number 12-21-426-007 to consider comments stated during this hearing.

**Attachment:**

1. Variance application dated March 16, 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.

ZONING BOARD OF APPEALS APPLICATION

Item A.

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

APPLICANT'S NAME: Scott Ruggles PHONE: 810-252-7143

ADDRESS: 6385 White Lake rd White Lake MI 48383

APPLICANT'S EMAIL ADDRESS: rugglesscott@gmail.com

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

ADDRESS OF AFFECTED PROPERTY: M 59 & Elizabeth 1K rd PARCEL # 12 - 21-426-007

CURRENT ZONING: AG PARCEL SIZE: 6 Acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_

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

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

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

APPLICANT'S SIGNATURE: [Signature] DATE: 3/16/23

PAID CASH CHECK# 2316

MAR 17 2023

TREASURER  
CHARTER TWP OF WHITE LAKE



# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** April 27, 2023

---

**Agenda item:** 8b

**Appeal Date:** April 27, 2023

**Applicant:** Michael and Carolyn Roy

**Address:** 471 Joanna K Avenue  
White Lake, MI 48386

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

**Location:** 471 Joanna K Avenue  
White Lake, MI 48386

## **Property Description**

The approximately 0.56-acre (24,393.60 square feet) parcel identified as 471 Joanna K Avenue is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,474 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Michael and Carolyn Roy, the Applicants, are proposing to construct an addition to the house. The Applicants indicated the first-floor would be expanded over the footprint of the existing one-car garage and a new second-floor would be constructed over the entire first-floor.

## **Planner's Report**

In 2020 the Zoning Board of Appeals approved variance requests from the Applicants 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 Applicants did not obtain a building permit within six months of approval so the variances expired and are void. The following variances were previously granted:

- 5-foot variance from the east side yard setback
- 199% variance from the allowed value of improvements to a nonconforming structure

The existing house was built in 1947 and is considered nonconforming because it is located 4.8 feet from the east property line (the site plan submitted with the 2020 variance application incorrectly showed the aforementioned setback as 3'-4"). Article 7.23 of the Zoning Ordinance states nonconforming structures may not be enlarged or altered in a way which increases its nonconformity. The proposed addition would be approximately 1,504.50 square feet in size and at its closest point would encroach five (5) feet into the required 10-foot east side yard setback.

Article 7.28 of the Zoning Ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$95,020), the maximum extent of improvements cannot exceed \$47,510. The value of the proposed work is \$180,000. A variance to exceed to exceed the allowed value of improvements by 379% is requested. Note the 2020 building permit application denial letter utilized the incorrect SEV, which is why the currently requested variance for the value of improvements to a nonconforming structure is larger than previously granted.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Enlarge and alter nonconforming structure	Increased nonconformities
2	Article 7.28.A	Nonconforming structure	50% SEV (\$47,510)	379%	\$132,490 over allowed improvements

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variances requested by Michael and Carolyn Roy from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-22-427-014, identified as 471 Joanna K Avenue, in order to construct an addition that would encroach 5 feet into the required east side yard setback and exceed the allowed value of improvements to a nonconforming structure by 379%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- Prior to issuance of a building permit, the Applicants shall resubmit the architectural plans to remove the roof overhang from being within five feet of the east side 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.

**Denial:** I move to deny the variances requested by Michael and Carolyn Roy for Parcel Number 12-22-427-014, identified as 471 Joanna K Avenue, due to the following reason(s):

**Postpone:** I move to postpone the appeal of Michael and Carolyn Roy *to a date certain or other triggering mechanism* for Parcel Number 12-22-427-014, identified as 471 Joanna K Avenue, to consider comments stated during this hearing.

## Attachments:

1. Variance application dated January 11, 2023.
2. Survey prepared by Alpine Land Surveying, Inc. dated March 16, 2023.
3. Architectural plans dated January 2020.
4. Letter of denial from the Building Official dated March 2, 2020.

### 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 difficulty results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

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

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

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

APPLICANT'S NAME: Michael + Carolyn Roy PHONE: 248.698.9312  
ADDRESS: 471 Joanna K. Ave.  
APPLICANT'S EMAIL ADDRESS: \_\_\_\_\_  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 471 Joanna K. PARCEL # 12 - 22-427-014  
CURRENT ZONING: R1-D PARCEL SIZE: \_\_\_\_\_

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_  
VALUE OF IMPROVEMENT: \$ 180,000 SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

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

APPLICATION FEE: \$385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)  
APPLICANT'S SIGNATURE: Carolyn S. Roy DATE: 1-11-23

RECEIVED

JAN 11 2023

BUILDING DEPARTMENT



# SKETCH OF SURVEY

Prepared For: CAROLYN ROY

Legal Description: PARCEL: 12-22-427-014

A portion of Section 22, Town 3 North, Range 8 East, White Lake Township, Oakland County, Michigan, being more particularly described as: the East 83 feet of the following description: Part of the NE 1/4 corner of the SE 1/4 bounded North by the East-West 1/4 Line, East by "Oxbow Lake Grove Subdivision", Southeasterly by Oxbow Lake, Southerly by "Teggerdine Beach Subdivision"; also the S 15 feet of the W 334.50 feet of the SE 1/4 of the NE 1/4, excluding the N 100 feet; as per Oakland County records.

ZONING:

PROPERTY IS ZONED: R1-D (SINGLE FAMILY RESIDENTIAL)

SETBACKS:

WATER: = 30 feet  
SIDES: = 10 feet  
REAR: = 30 feet

LEGEND

- - IRON SET
- - IRON FOUND
- ⊙ - FOUND CONC MONUMENT
- MEAS. - MEASURED
- REC. - RECORDED
- FCI - FOUND CAPPED IRON
- FIR - FOUND IRON ROD
- SCI - SET CAPPED IRON
- FCM - FOUND CONC MONUMENT
- FSI - FOUND SQUARE IRON
- ⊗ - EXISTING WELL
- x— - EXISTING FENCE

**RECEIVED**

**MAR 31 2023**

**BUILDING DEPARTMENT**

NOTES:

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

NEIGHBOR'S FENCE AND NEIGHBOR'S ROCK WALL CROSS PLATTED LOT LINES AS SHOWN.

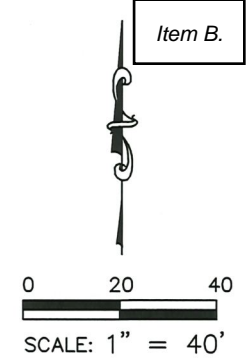
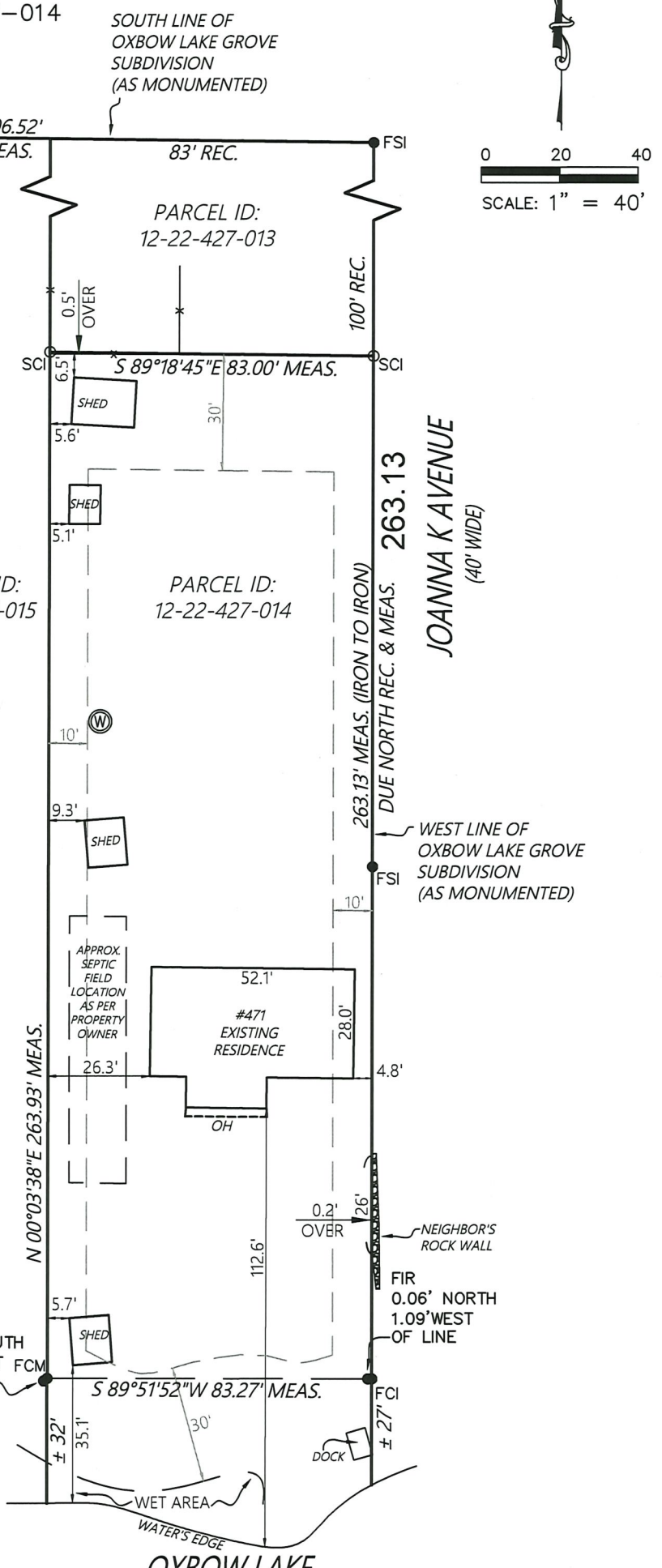
BEARING BASIS:

HELD DUE NORTH BEARING ALONG WEST SIDE OF JOANNA K AVENUE (PLATTED AS WALNUT AVENUE) AS PER OXBOW LAKE GROVE PLAT OF RECORD.

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.



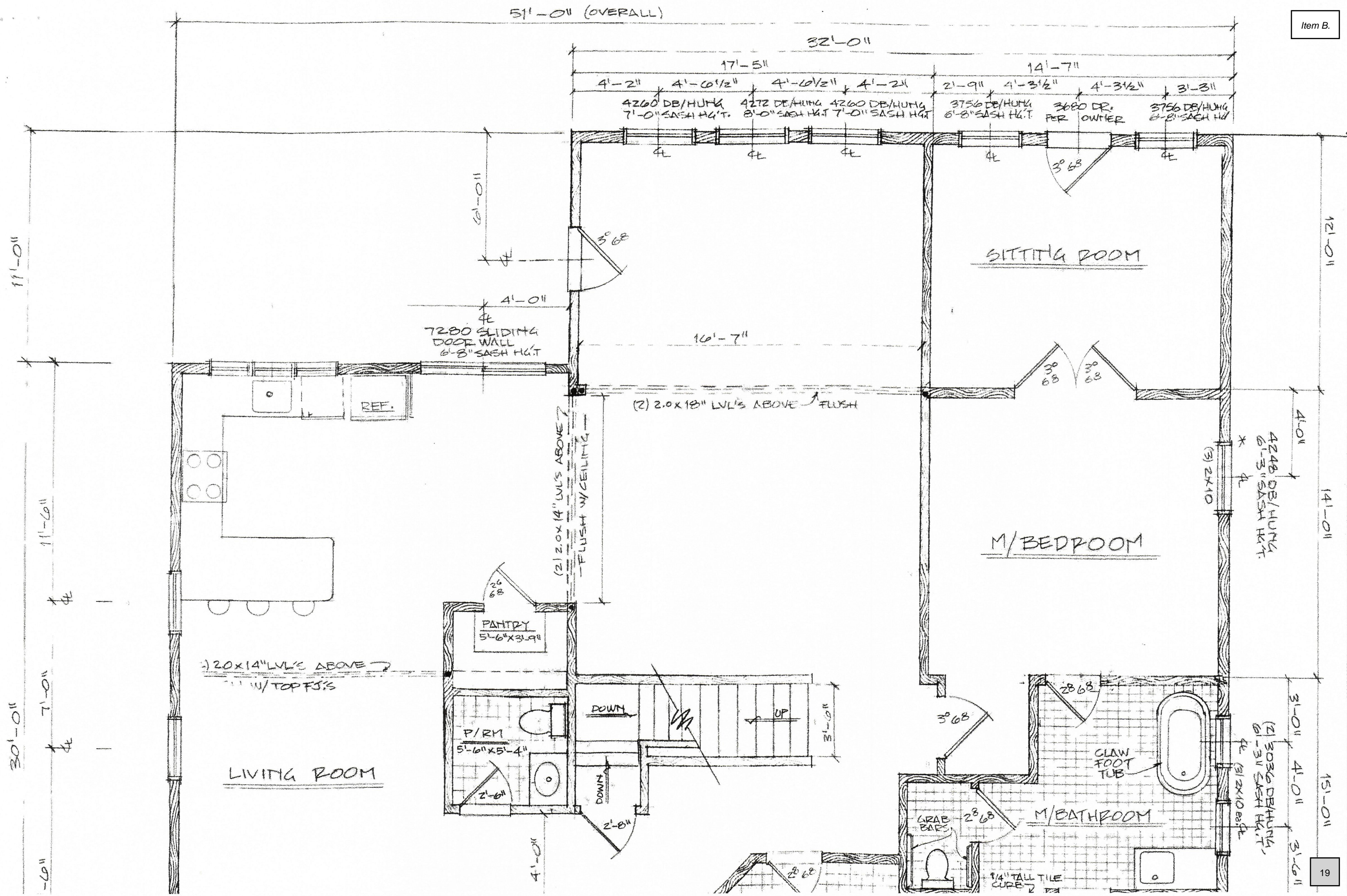
LICENSED PROFESSIONAL SURVEYOR #39075



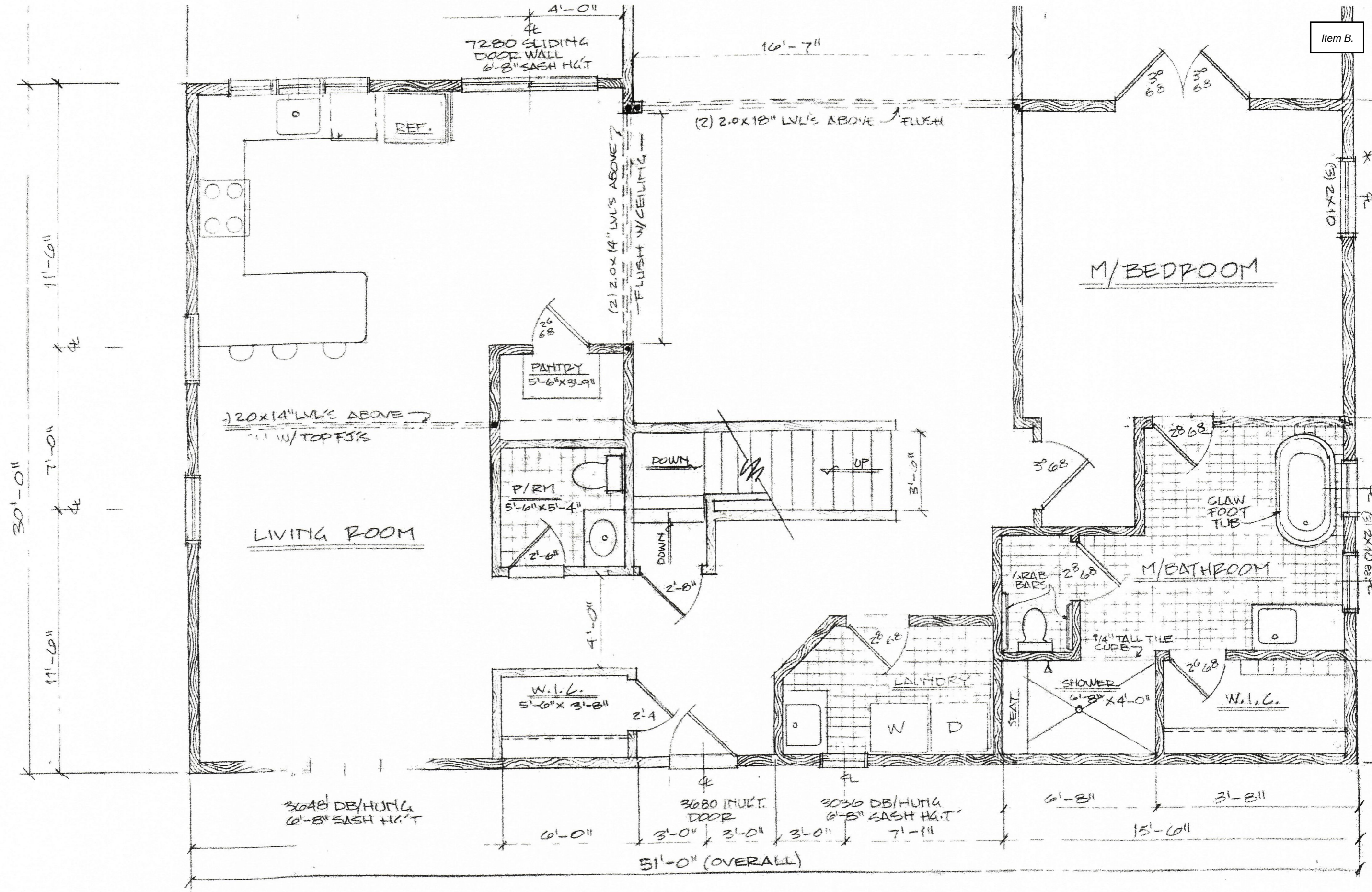
**ALPINE** Land Surveying, Inc.  
376 BEECH FARM CIRCLE SUITE # 1293  
HIGHLAND, MICHIGAN, 48357  
PHONE: 810-207-8050

FIELD:	KG	DATE:	03-16-2023
DRAWN:	DJS	JOB NO:	23-6235
CHECKED:	KG	SHEET:	1 OF 1
REVISED:			



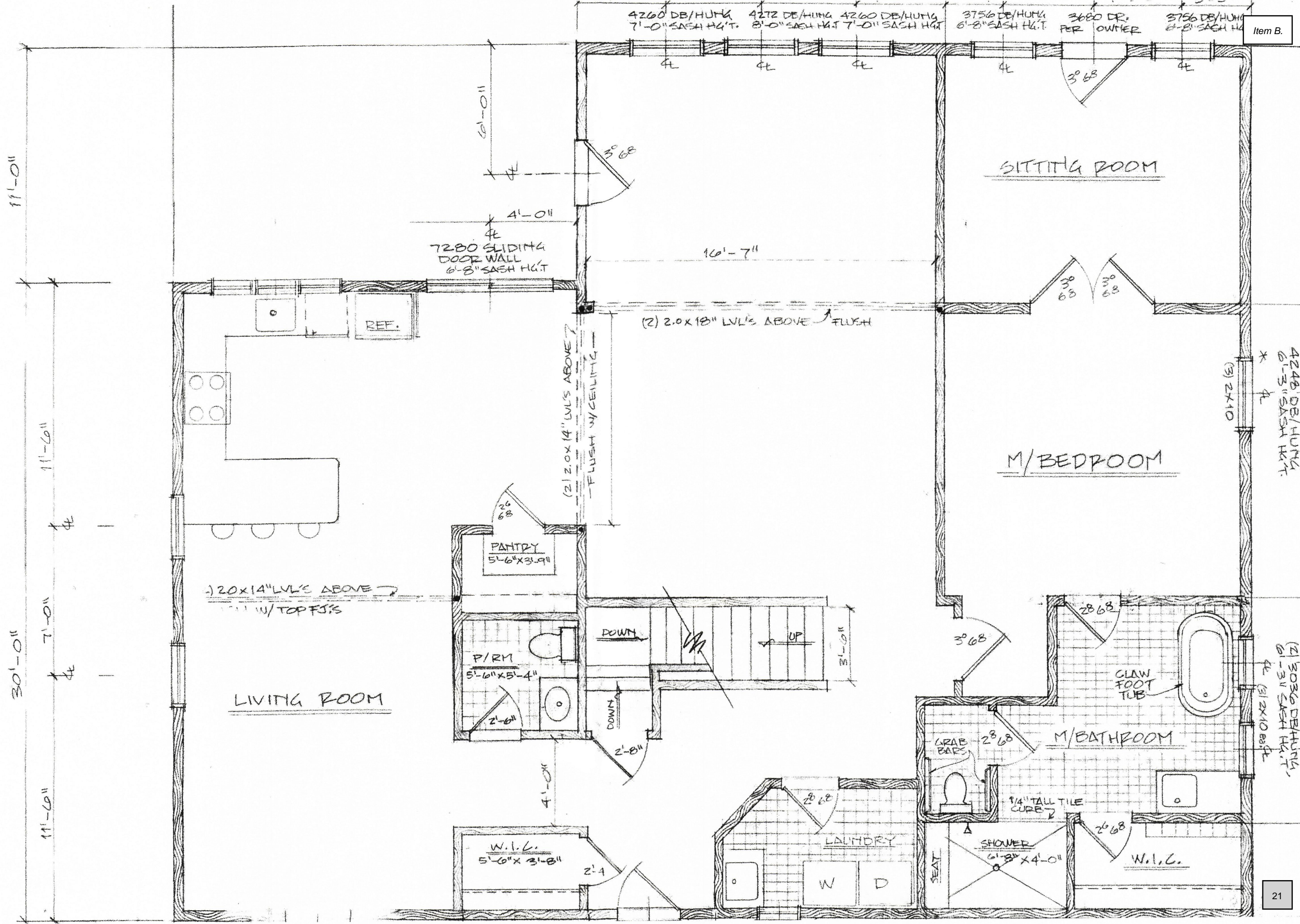






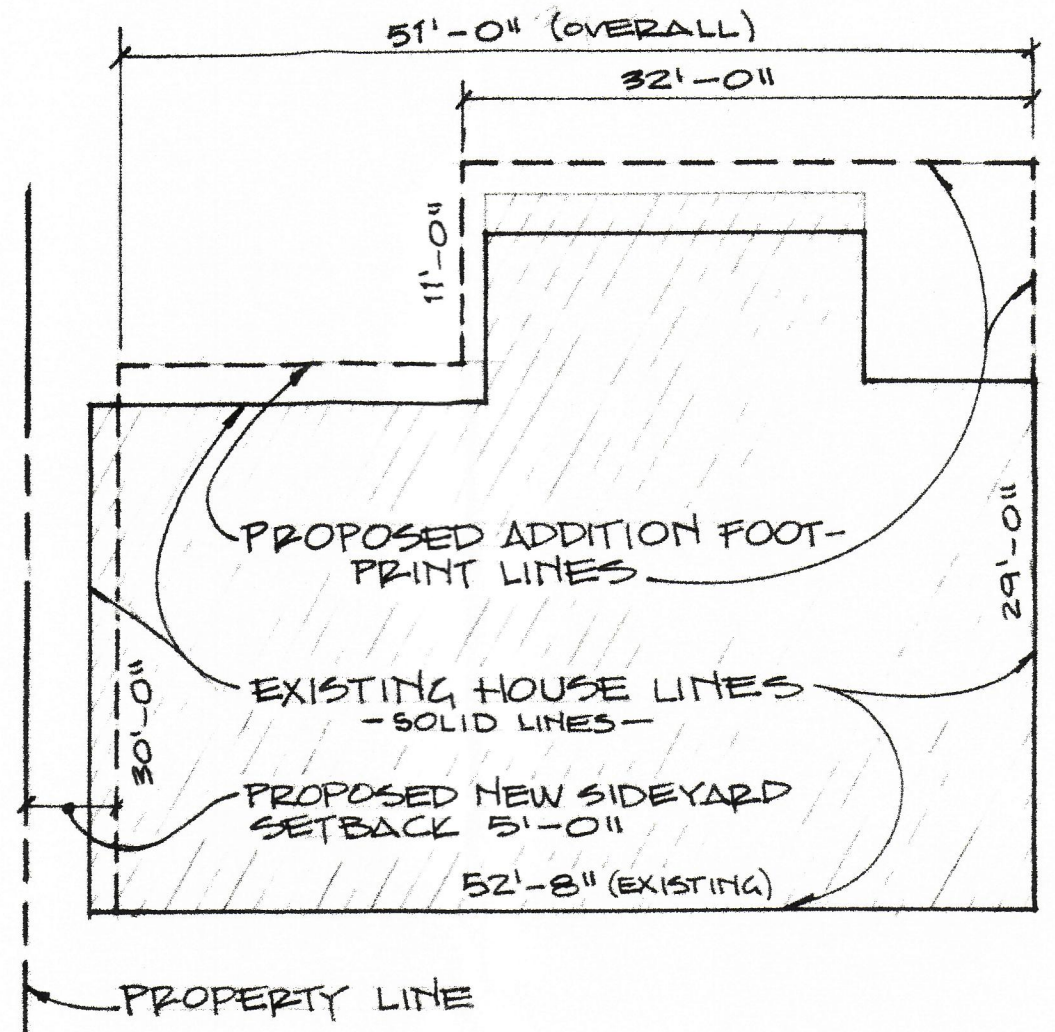
MAIN FLOOR PLAN





Item B.

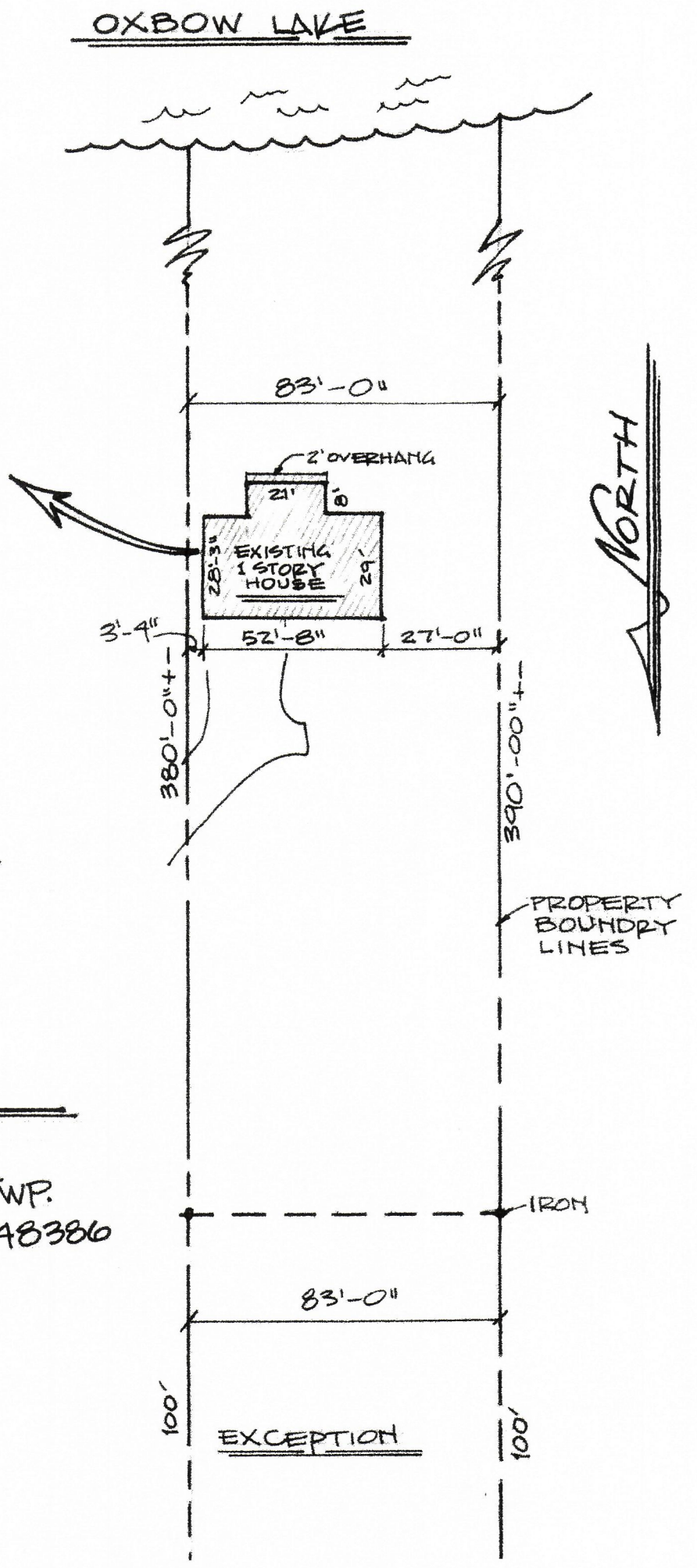




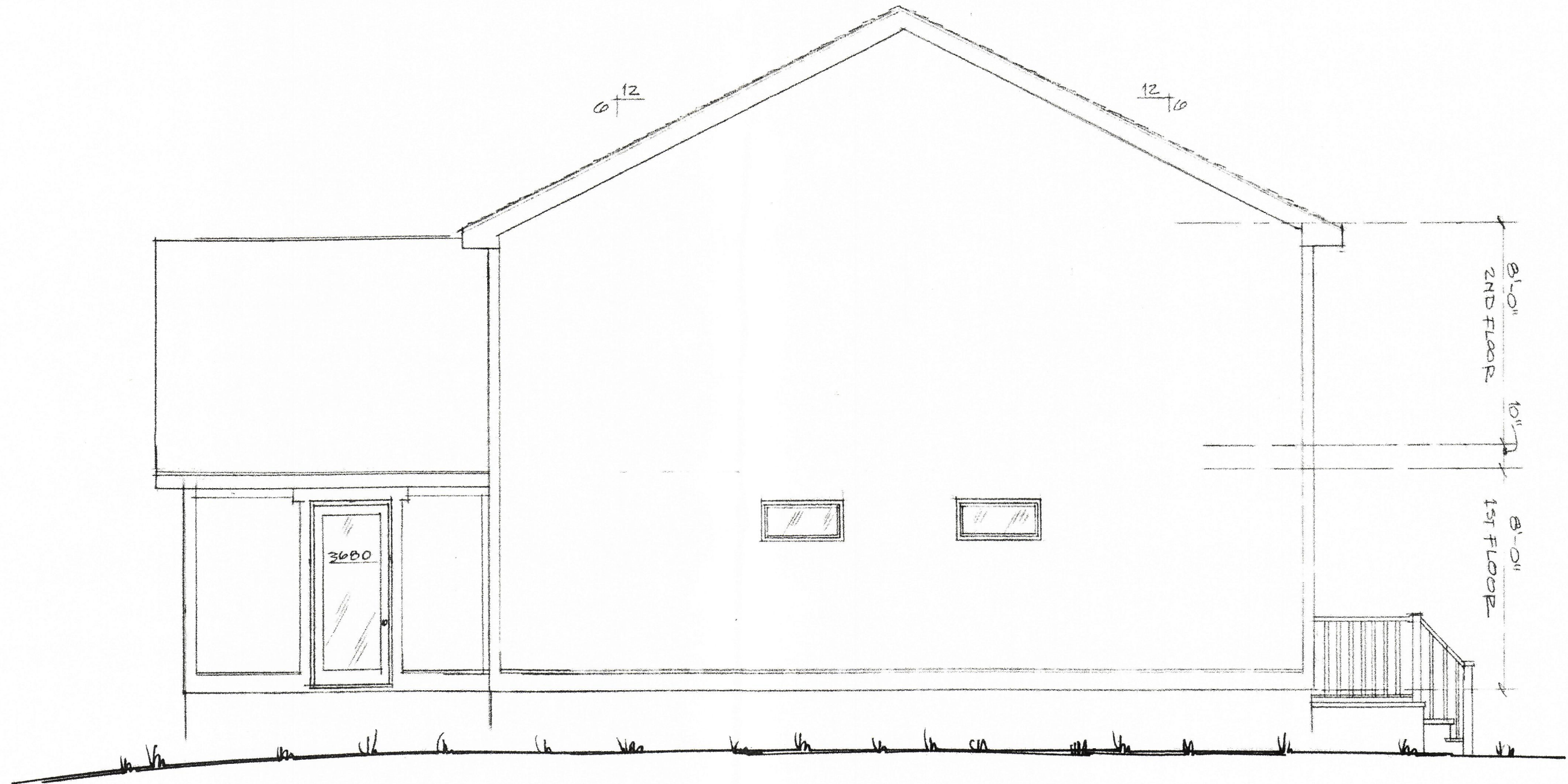
ENLARGED HOUSE PLAN  
 SCALE: 3/32" = 1'-0"

ARCHITECTURAL SITE PLAN  
 SCALE: 0'-1" = 40'-0"

471 JOANNA V ST. WHITE LAKE, TWP.  
 OAKLAND COUNTY, MICHIGAN, 48386

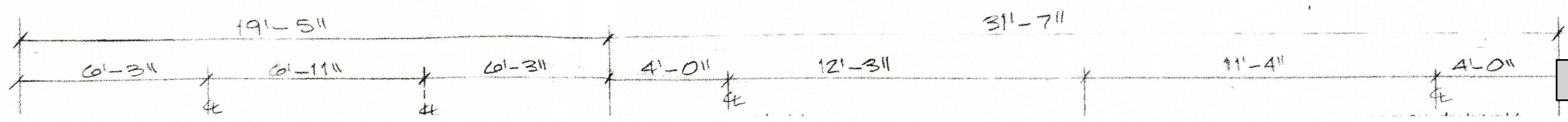




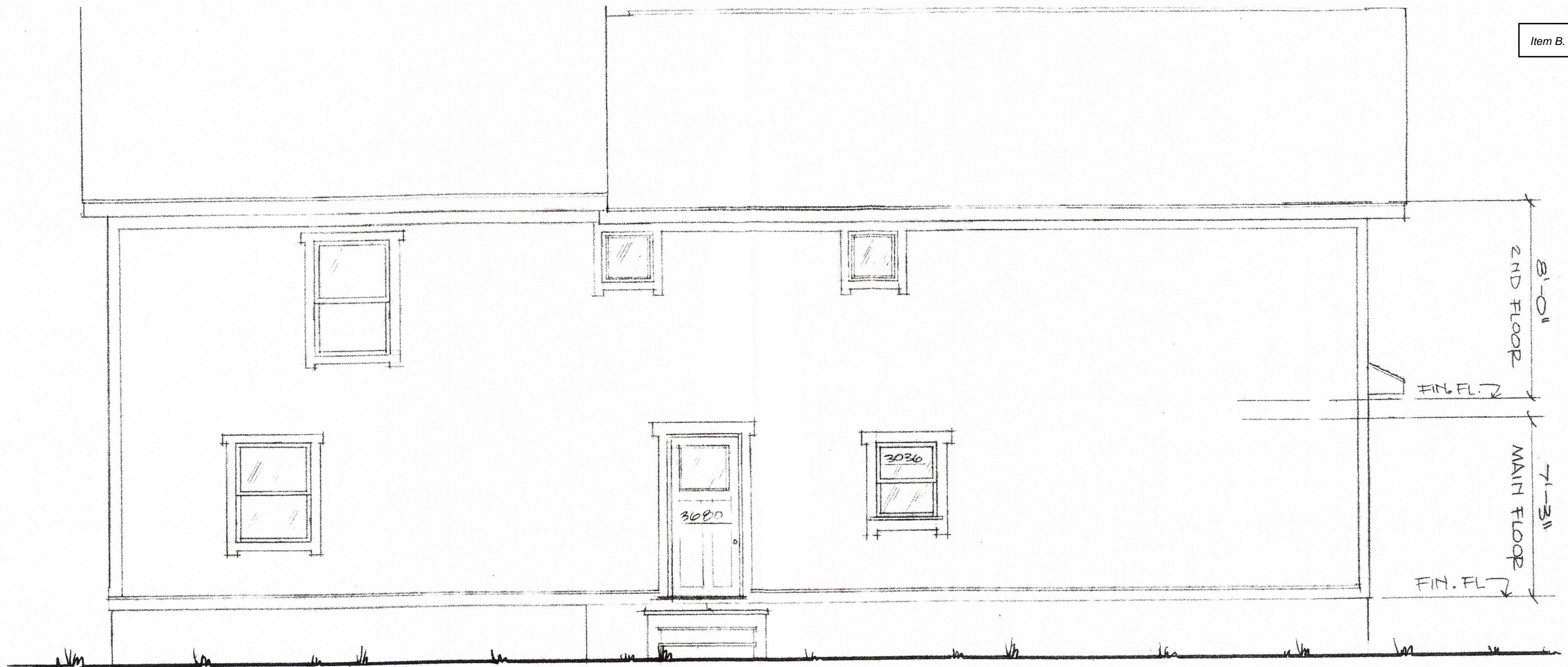


LEFT SIDE ELEVATION (EAST)

SCALE: 1/4" = 1'-0"



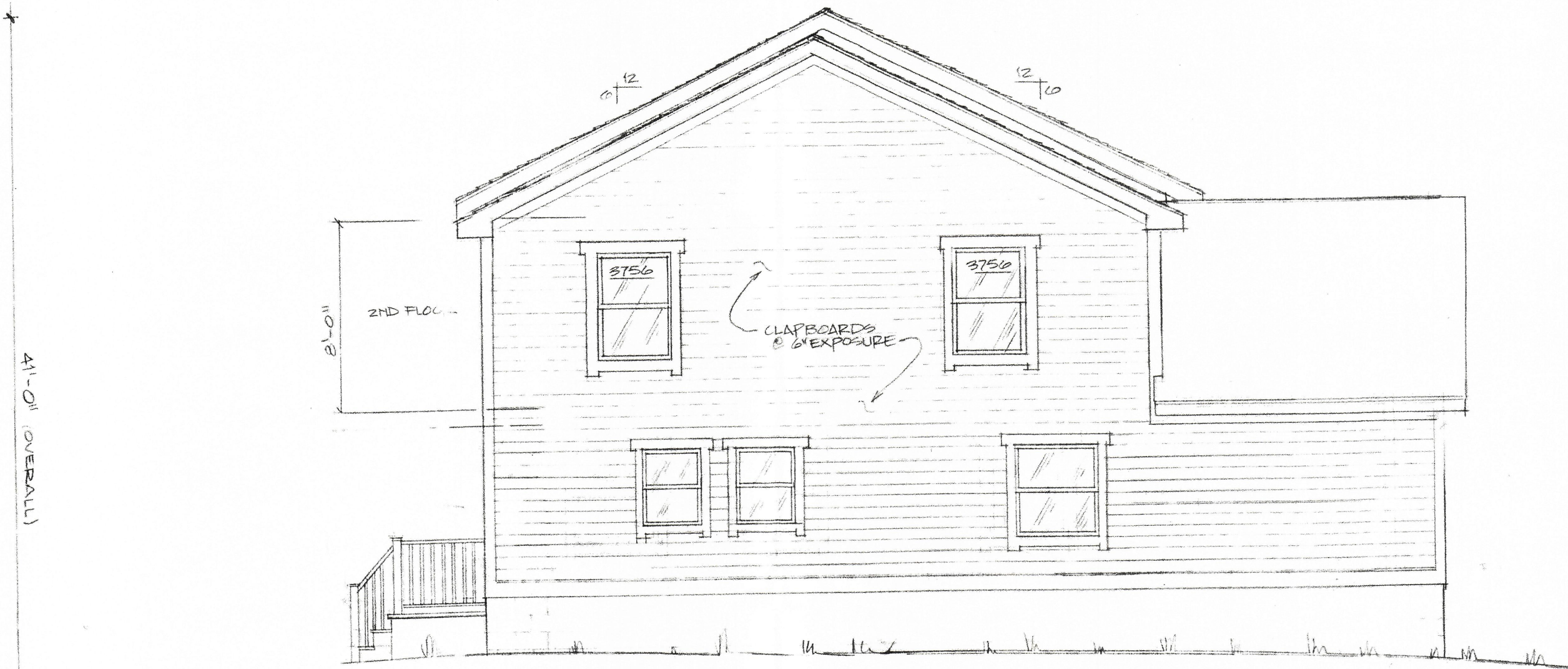




FRONT ELEVATION (NORTH)  
SCALE: 1/4" = 1'-0"

ROOF LINE  
BELOW





RIGHT SIDE ELEVATION (WEST)

SCALE: 1/4" = 1'-0"





REAR ELEVATION (SOUTH)  
SCALE: 1/4" = 1'-0"

PROJECT:  
EXISTING HOME -  
2ND FLOOR  
OWNERS:  
MICHAEL and CAROLYN ROY  
471 JOANNA K STREET  
WHITE LAKE TWP, OAKLAND CTY.  
DATE: JAN. 2020 REVISIONS:  
SCALE: AS SHOWN DRAWN BY: J.C.

**J.R. LACROIX** ARCHITECTS  
PAGE 2  
734  
323-7874  
3



Rik Kowall, Supervisor  
Terry Lilley, Clerk  
Mike Roman, Treasurer



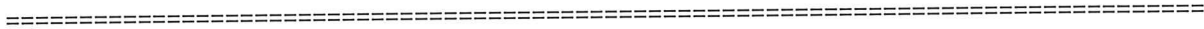
Trustees  
Scott Ruggles  
Michael Powell  
Andrea C. Voorheis  
Liz Fessler Smith

# WHITE LAKE TOWNSHIP

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

## MEMORANDUM

To: White Lake Township Planning Department  
From: Nick Spencer, White Lake Township Building Official  
Subject: Denial of building permit application for 471 Joanna K.  
Date: March 2, 2020



I have denied the building permit application for an addition at 471 Joanna K. based on the following:

1. The proposed work will exceed 50% of SEV.  
SEV is \$176,000 based on 2020 Est TCV of \$352,000.  
50% of SEV is \$88,000 and proposed work is \$175,000.
2. While the proposed work will move the structure further from the property line, it would still require a variance of 5 ft. from the minimum side yard setback of 10 ft.
3. The proposed structure will also be changing from a single story to a 2 story structure.

*Nick Spencer*  
3/2/2020

# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** April 27, 2023

---

**Agenda item:** 8d

**Appeal Date:** April 27, 2023

**Applicant:** Father and Son Construction

**Address:** 5032 Rochester Road, Suite 100  
Troy, MI 48085

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

**Location:** 3939 Jackson Boulevard  
White Lake, MI 48383



### **Property Description**

The approximately 0.142-acre (6,192 square feet) parcel identified as 3939 Jackson Boulevard is located on the north side of Jackson Boulevard, west of Lake Grove Drive, and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,352 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

Father and Son Construction, the Applicant, is proposing to construct a covered front porch and a second-story addition on the house.

### **Planner's Report**

Currently the existing house is nonconforming; the building is located six feet from the east and west side property lines and 17 feet from the front property line, as well as within the 25-foot natural features setback (Oakvale Lagoon (per plat) to the east). A minimum 10-foot side yard setback and 30-foot front yard setback are required in the R1-D zoning district.

The second-story addition is approximately 407 square feet in size and per the house plan would be a new media room. Contrary to the submitted building permit application, the addition would not increase the number of bedrooms in the house from two to three. As proposed, the second-story addition would maintain the existing east side yard setback nonconformity, encroaching four feet into the side yard setback. The addition would also encroach into the front yard setback by approximately nine feet. The proposed covered front porch is 88 square feet in size and would encroach 11.7 feet into the front yard setback. Additionally, the proposed lot coverage is 25.5% (1,580 square feet), which is 5.5% (342 square feet) beyond the allowable limit (1,238 square feet).

Article 7.28 of the Zoning Ordinance states repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) in any twelve (12) consecutive months. Further, the ordinance does not allow the cubic content of nonconforming structures to be increased. Based on the SEV of the structure (\$110,980), the maximum extent of improvements cannot exceed \$55,490. The value of the proposed work is \$67,000. A variance to exceed the allowed value of improvements by 121% is requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Enlarge and alter nonconforming house	Increased nonconformities
2	Article 7.28.A	Nonconforming structure	50% SEV (\$55,490)	121%	\$11,510 over allowed improvements
3	Article 3.1.6.E	Minimum lot area	12,000 square feet	5,808 square feet	6,192 square feet
4	Article 3.1.6.E	Minimum lot width	80 feet	18.4 feet	61.6 feet

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variances requested by Father and Son Construction from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-07-160-024, identified as 3939 Jackson Boulevard, in order to construct a covered front porch and second-story addition. Variances from Article 7.23.A are granted to allow: a covered front porch to encroach 11.7 feet into the required front yard setback and exceed the allowed lot coverage by 5.5%, and a second-story addition to encroach 4 feet into the required setback from the east side lot line and 9 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 121%. An 18.4-foot variance from the required lot width and a 5,808 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 Division.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.
- In no event shall the projection of any roof overhang be closer than five feet to the side lot lines.
- A revised building permit application shall be submitted.

**Denial:** I move to deny the variances requested by Father and Son Construction for Parcel Number 12-07-160-024, identified as 3939 Jackson Boulevard, due to the following reason(s):

**Postpone:** I move to postpone the appeal of Father and Son Construction *to a date certain or other triggering mechanism* for Parcel Number 12-07-160-024, identified as 3939 Jackson Boulevard, to consider comments stated during this hearing.

**Attachments:**

1. Variance application received March 21, 2023.
2. Survey dated April 18, 2023.
3. Elevations and floor plan dated February 14, 2023.
4. Letter of denial from the Building Official dated March 22, 2023.

7.37 STANDARDS

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

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

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

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

CHARTER TOWNSHIP OF WHITE LAKE  
**ZONING BOARD OF APPEALS APPLICATION**

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

APPLICANT'S NAME: FATHERSON CONSTRUCTION PHONE: 248-528-1940

ADDRESS: 5032 ROCHESTER RD TROY, MI 48065

APPLICANT'S EMAIL ADDRESS: MIKE.CORRADO@COMCAST.NET

APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 3939 JACKSON BLVD PARCEL # 12 - 07-160-024

CURRENT ZONING: \_\_\_\_\_ PARCEL SIZE: \_\_\_\_\_

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_

VALUE OF IMPROVEMENT: \$ 67,000 SEV OF EXISTING STRUCTURE: \$ \_\_\_\_\_

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

APPLICATION FEE: 395 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)

APPLICANT'S SIGNATURE: [Signature] DATE: 3/21/23

RECEIVED  
MAR 21 2023  
COMMUNITY DEVELOPMENT DEPARTMENT

# EXHIBIT: PROPOSAL "B"

## SURVEYOR NOTES:

1. DATE OF LAST FIELD WORK 07.08.2021
2. THE PROPERTY DESCRIPTION WAS PROVIDED BY THE CLIENT.

## DESCRIPTIONS:

DESCRIPTION, AS PROVIDED (PARCEL 12-07-160-024):

WARRANTY DEED, AS RECORDED IN LIBER 52834, PAGE 110, OAKLAND COUNTY RECORDS THE FOLLOWING PREMISES SITUATED IN THE TOWNSHIP OF WHITE LAKE, COUNTY OF OAKLAND, STATE OF MICHIGAN, TO WIT: PART OF LOT(S) 38 OF WHITE LAKE GROVE SUB.N. ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 47 OF PLATS, PAGE 41 OF OAKLAND COUNTY RECORDS LYING SOUTH OF THE MAIN SOUTH LOT LINE EXTENDING TO THE EAST LOT LINE, ALSO THAT PART OF THE NORTHWEST FRACTIONAL 1/4 DESCRIBED AS BEGINNING AT A POINT DISTANT NORTH 69 DEGREES 31 MINUTES 30 SECONDS EAST 80 FEET FROM THE NORTHEAST CORNER OF JACKSON BOULEVARD AND LEROY STREET; THENCE NORTH 14 DEGREES 08 MINUTES 30 SECONDS WEST 120 FEET; THENCE NORTH 69 DEGREES 31 MINUTES 30 SECONDS EAST 40 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 30 SECONDS EAST 120 FEET TO THE NORTH LINE OF JACKSON BOULEVARD; THENCE SOUTH 69 DEGREES 31 MINUTES 30 SECONDS WEST 40 FEET TO THE POINT OF BEGINNING, TOWN 3 NORTH, RANGE 8 EAST, SECTION 7.

GRAPHIC SCALE  
0 10 20  
( IN FEET )  
1 inch = 20 ft.

### LEGEND

- SET IRON #55012
- FOUND IRON
- (M) MEASURED
- (R) RECORDED
- O.A. OVERALL DISTANCE
- R/W RIGHT OF WAY
- E-W EAST-WEST
- ////// EX OVERHEAD POWERLINES

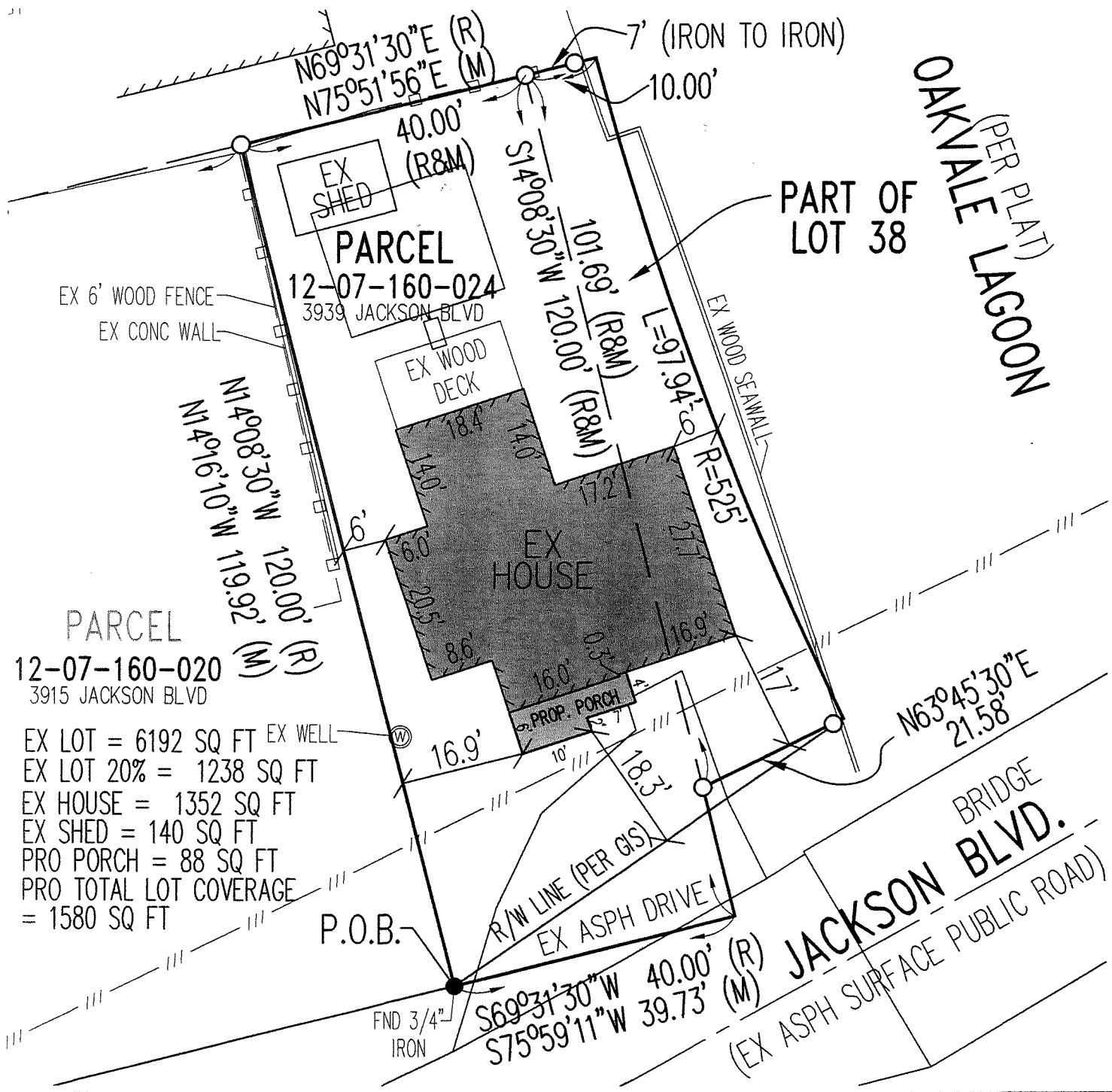


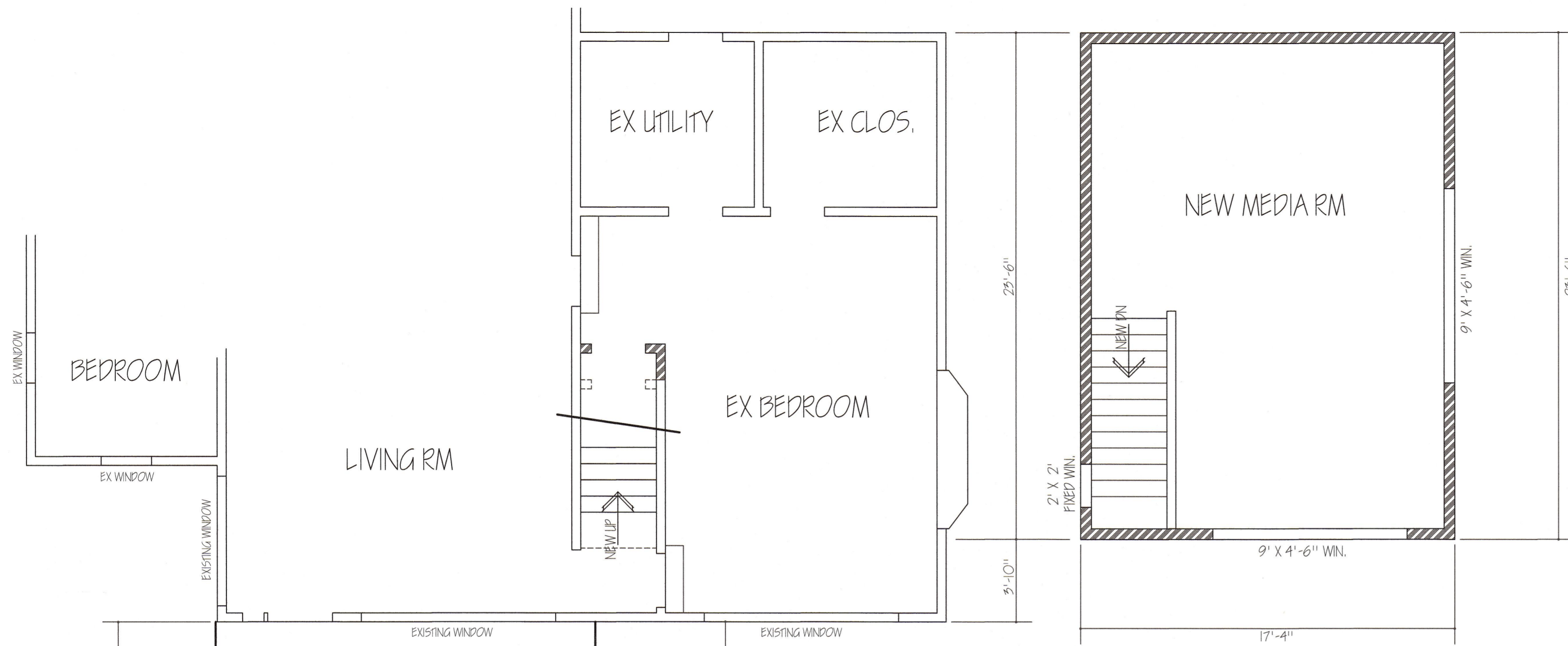
EXHIBIT: PROPOSAL "B" FOR:  
**MICHAEL DELPROPOSTO**  
 3939 JACKSON BLVD.  
 WHITE LAKE, MI 48383

SCALE: 1"=20'	JOB NO. 21-240	DATE: 04.18.2023	FLD BY: J.P.W.
DRN. BY: D.S.S.		APPR BY: J.P.W.	PAGE: 1 of 1

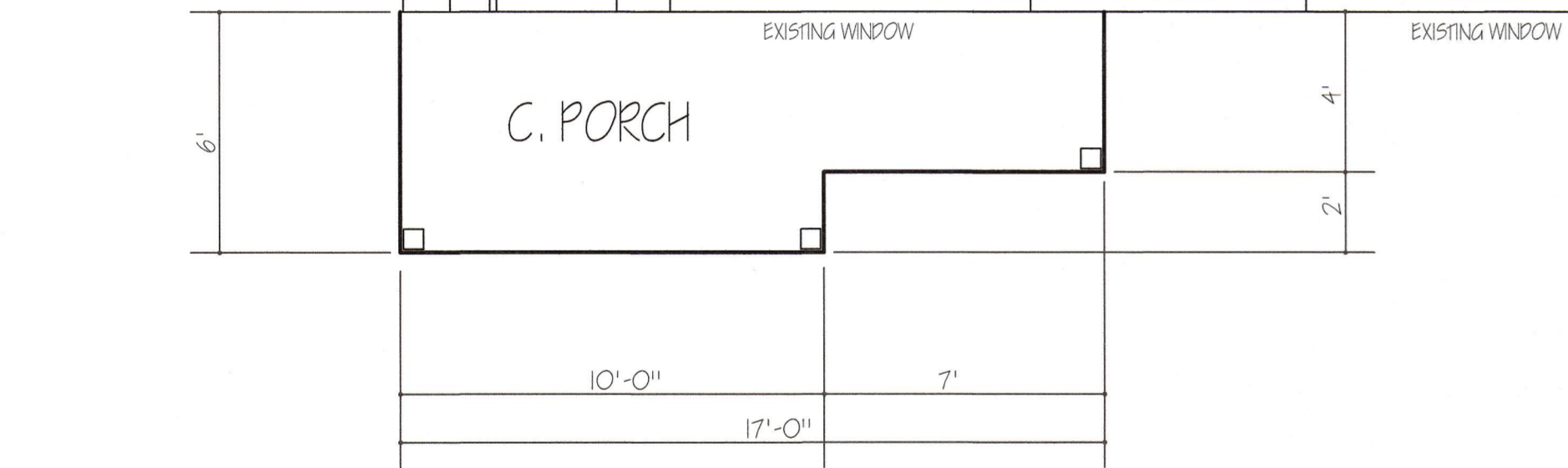
**FLS & E** Fenton Land Surveying & Engineering, Inc  
 14165 N. FENTON ROAD, SUITE 101A, FENTON, MI 48430  
 PHONE: 810.354.8115 EMAIL: INFO@FENTONLSE.COM



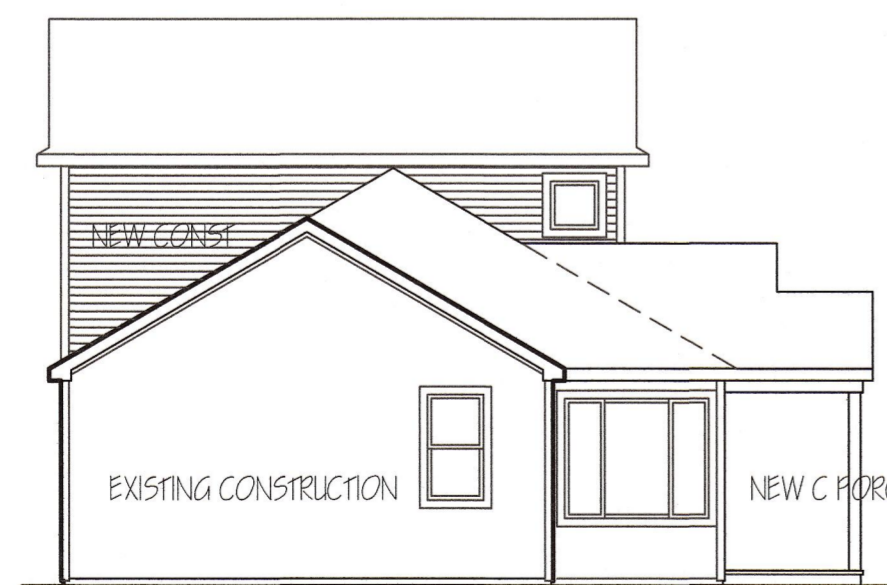




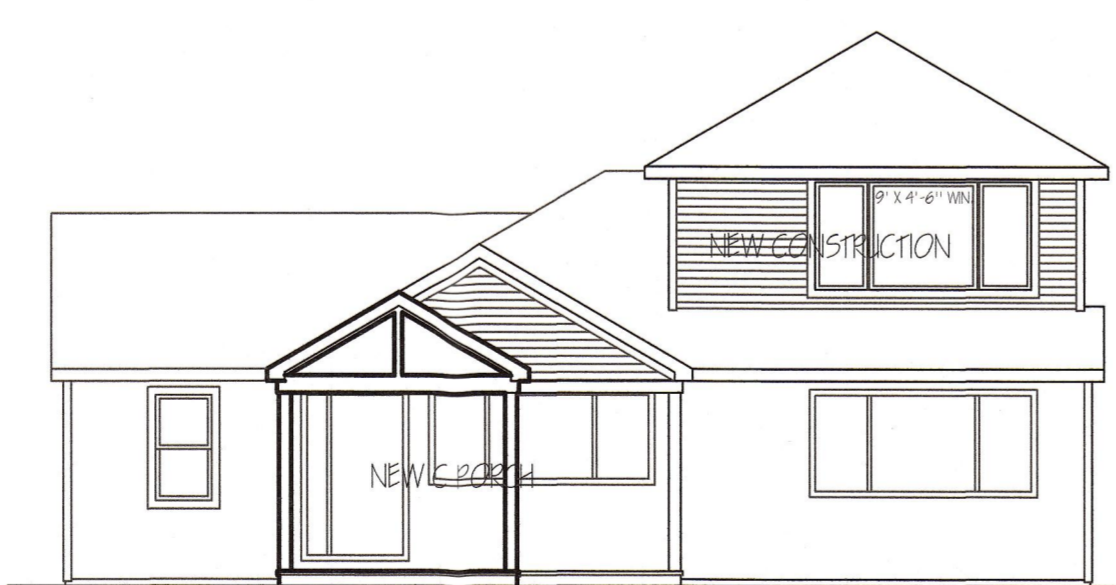
PROPOSED B 2nd FLR. PLAN



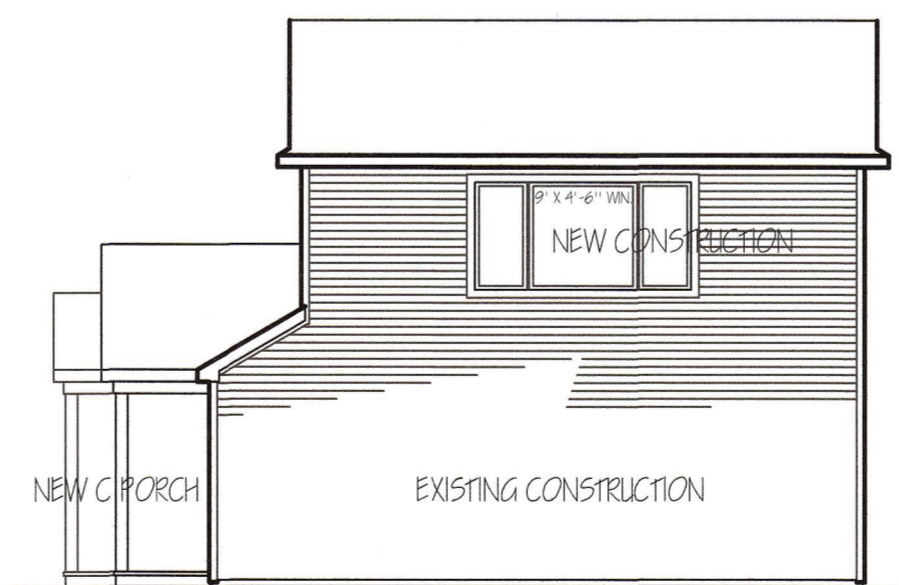
PROPOSAL B 1st. FLR. PLAN



SIDE ELEV.



FRONT ELEV.



SIDE ELEV.

230010
DATE 2-14-23
SHEET 1 OF 2

NAME MICHAEL DELPROPOSTO
ADDRESS 3939 JACKSON WHITE LAKE TWP.
PHONE 313-805-9878
OWNER'S SIGNATURE



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

March 22, 2023

Michael Delproposto  
 3939 Jackson Blvd  
 White Lake, MI 48383

RE: Proposed Carport and Covered Porch Addition

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

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

The existing lot and structure are legal non-conforming. The approximate 7,405 sq ft, 61.6 ft wide lot contains a residential structure and shed. The proposed carport and covered porch addition would have a 16.2 ft front yard setback, 5.1 ft side yard setback on the west side and 6 ft side yard setback on the east side, for a total side yard setback of 11.1 ft. Based on the submitted plans and data from the county; the proposed lot coverage, which includes the existing shed, proposed carport and covered porch, would be approximately 21.8%. The appropriate information should be identified on the survey.

Furthermore, **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. The plot plan should clearly define whether the setback measurement is to the overhang or side wall. 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 permit would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. **A certified boundary and location survey, including lot coverage will be required by the ZBA.** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
 White Lake Township

# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** April 27, 2023

---

**Agenda item:** 8e

**Appeal Date:** April 27, 2023

**Applicant:** John and Gina Smerecki

**Address:** 8979 Lakeview Drive  
White Lake, MI 48386

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

**Location:** 8979 Lakeview Drive  
White Lake, MI 48386



### **Property Description**

The approximately 0.166-acre (7,255.2 square feet) parcel identified as 8979 Lakeview Drive is located on the south side of Lakeview Drive, west of Fairview Drive, and zoned R1-D (Single-Family Residential). The single-family house on the property utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

John and Gina Smerecki, the Applicants, are proposing to demolish an existing accessory building to construct a two-story accessory building (detached garage). Including the 19.5-foot by 32-foot (624 square feet) first-floor and the approximately 464 square foot second-story, the overall size of the accessory building is approximately 1,088 square feet.

### **Planner's Report**

The Zoning Ordinance allows walls in an accessory building to be 14 feet in height; the submitted front elevation indicates the proposed height of the second-story wall is approximately 16 feet from grade.

The proposed accessory building would encroach 23.5 feet into the required 30-foot front yard setback. Additionally, the proposed lot coverage is 23.1% (1,676.5 square feet), which is 3.1% (225.5 square feet) beyond the allowable limit (1,451 square feet).

The parcel is also nonconforming due to a 4,744.8 square foot deficiency in lot area and a 50-foot deficiency in lot width (30 feet in width at the front lot line); in the R1-D zoning district the minimum lot area requirement is 12,000 square feet and the minimum lot width requirement is 80 feet. The Applicants are requesting variances to address the area and width nonconformities.

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 5.7.C	Wall height	14 feet	2.2 feet	16.2 feet
2	Article 3.1.6.E	Front yard setback	30 feet	23.5 feet	6.5 feet
3	Article 3.1.6.E	Maximum lot coverage	20%	3.1%	23.1%
4	Article 3.1.6.E	Minimum lot area	12,000 square feet	4,744.8	7,255.2
5	Article 3.1.6.E	Minimum lot width	80 feet	50 feet	30 feet

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variance requested by John and Gina Smerecki from Article 5.7.C of the Zoning Ordinance for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, in order to construct an accessory building (detached garage) that would exceed the allowed wall height by 2.2 feet. Variances from Article 3.1.6.E are granted to allow the accessory building to encroach 23.5 feet into the required front yard setback and exceed the allowed lot coverage by 3.1%. A 50-foot variance from the required lot width and a 4,744.8 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 Division.
- 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.
- In no event shall the projection of any roof overhang be closer than five feet to the side lot lines.
- The second-story of the garage shall not be used as living space.
- No sanitary sewer/septic service shall be extended to the garage.

**Denial:** I move to deny the variances requested by John and Gina Smerecki for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, due to the following reason(s):

**Postpone:** I move to postpone the appeal of John and Gina Smerecki *to a date certain or other triggering mechanism* for Parcel Number 12-36-302-005, identified as 8979 Lakeview Drive, to consider comments stated during this hearing.

### Attachments:

1. Variance application dated March 30, 2023.
2. Applicant's written statement dated March 30, 2023.
3. Site plan prepared by Tri-County Surveying, Inc. dated March 29, 2023.
4. Architectural plans.
5. Letter of denial from the Building Official dated March 8, 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 D.

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

APPLICANT'S NAME: John + Gina Smerecki PHONE: 248-787-4420

ADDRESS: 8979 Lakeview Dr., White Lake, MI 48386

APPLICANT'S EMAIL ADDRESS: ginasmerecki@gmail.com

APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 8979 Lakeview Dr. PARCEL # 12 - 36-302-005

CURRENT ZONING: Residential PARCEL SIZE: 7,100 sq. ft

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 5.7 (c), Article 3.1.6

VALUE OF IMPROVEMENT: \$ unknown SEV OF EXISITING STRUCTURE: \$ N/A

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

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

APPLICANT'S SIGNATURE: John Smerecki DATE: 3-30-23  
Gina Smerecki

March 30, 2023

John and Gina Smerecki  
8979 Lakeview Dr  
White Lake, MI 48386

White Lake Township  
Zoning Board of Appeals

Re: Proposed Accessory Structure

Our plans do not satisfy the White Lake Township Clear Zoning Ordinances for Accessory Structures with respect to Article 5.7 (maximum building wall height of 14 ft) and Article 3.1.6 (minimum front yard setback of 30 ft, minimum lot width of 80 ft, and minimum lot area of 12,000 sq ft.)

When we purchased this home, the original garage was in complete disrepair. It looks bad, the door doesn't work, and animals are getting in through the rotted siding. We are unable to use it as we should. We assumed we would be able to expand it to create a 2-car garage like most of our neighbors have. Also, we are in need of additional storage, thus the addition of a second story attic.

We didn't realize the existing structures and lot are non-conforming. The original drawing we submitted was to keep the location of the west wall and expand from there to give us a 22' wide 2-car garage. We had hoped the location of the west wall would be grandfathered in. This would have allowed us to keep a larger walkway on the east side. We learned we have to completely demolish the existing structure and move it to the center of the lot to comply with the side yard setback requirements. Therefore, we resubmitted plans for a 19.5' wide garage, centered in the width of the lot.

We are asking for variances on the wall height and front yard setbacks.

This will be a huge improvement to the condition, appearance and usability of our garage. Our neighbors are aware of our plans and support us making this upgrade. Some of them were able to achieve wider garages than us on the same width lot. And, our next door neighbor only has about a 1 foot front yard setback to their existing garage.

These old lakefront "cabin" lots require updating and care, thus we intend to increase the value of our property with your support in granting us these variances. The family we bought this house from used it as a second/lake home. We live here year round, and plan to stay here for the rest of our lives and we love living in White Lake.

Sincerely,  
John and Gina Smerecki

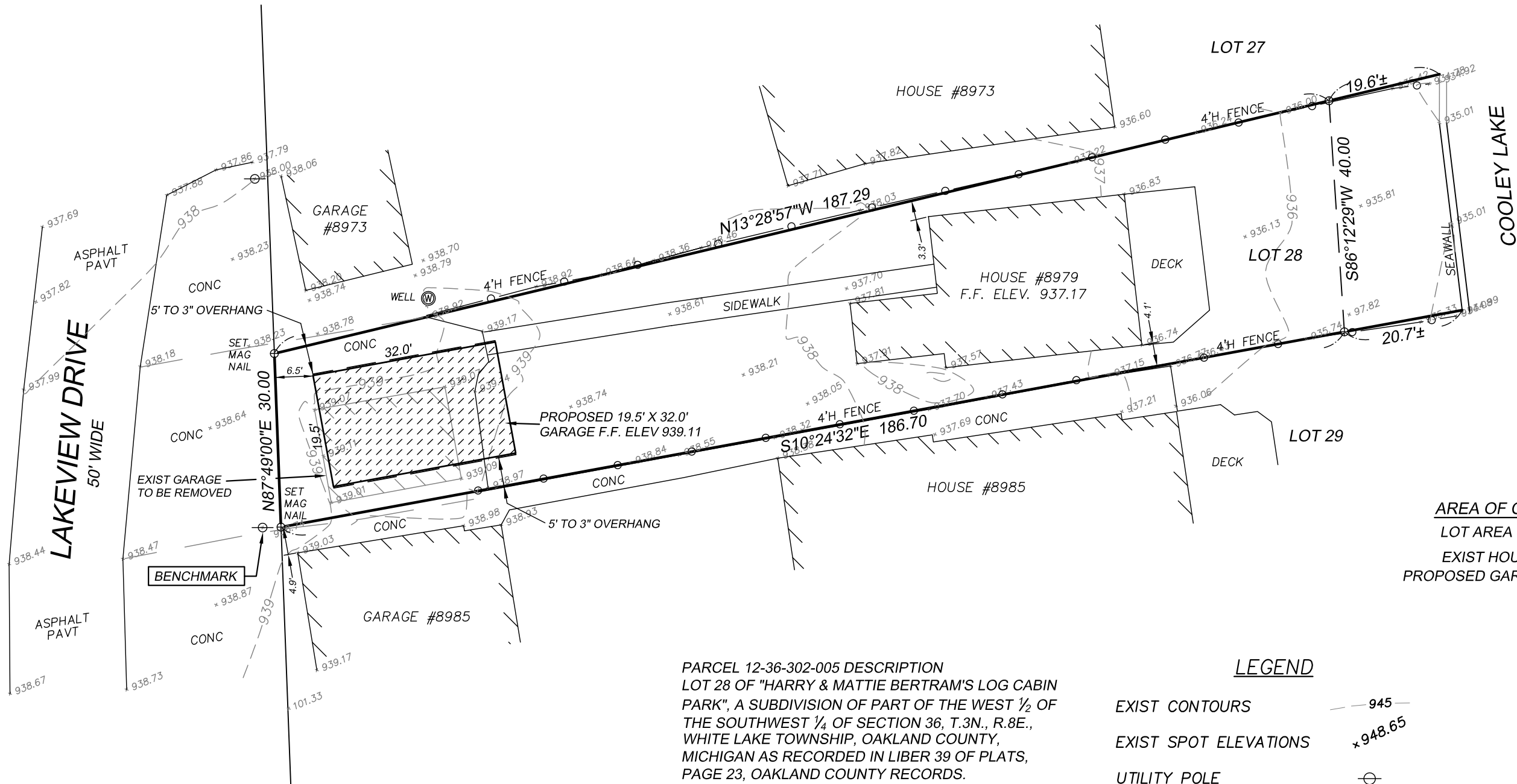
GRAPHIC SCALE



( IN FEET )  
 1 inch = 20 ft.



**BENCH MARK**  
 NAIL IN UTILITY POLE AT NORTHWEST  
 CORNER OF LOT 28  
 ELEV. 939.21 NAVD 88 DATUM

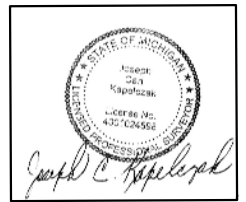


**AREA OF COVERAGE**  
 LOT AREA - 7,255.2 S.F.  
 EXIST HOUSE - 1,052.5 S.F.  
 PROPOSED GARAGE - 624.0 S.F.  
 1,676.5 S.F. = 23.1%

**PARCEL 12-36-302-005 DESCRIPTION**  
 LOT 28 OF "HARRY & MATTIE BERTRAM'S LOG CABIN  
 PARK", A SUBDIVISION OF PART OF THE WEST 1/2 OF  
 THE SOUTHWEST 1/4 OF SECTION 36, T.3N., R.8E.,  
 WHITE LAKE TOWNSHIP, OAKLAND COUNTY,  
 MICHIGAN AS RECORDED IN LIBER 39 OF PLATS,  
 PAGE 23, OAKLAND COUNTY RECORDS.

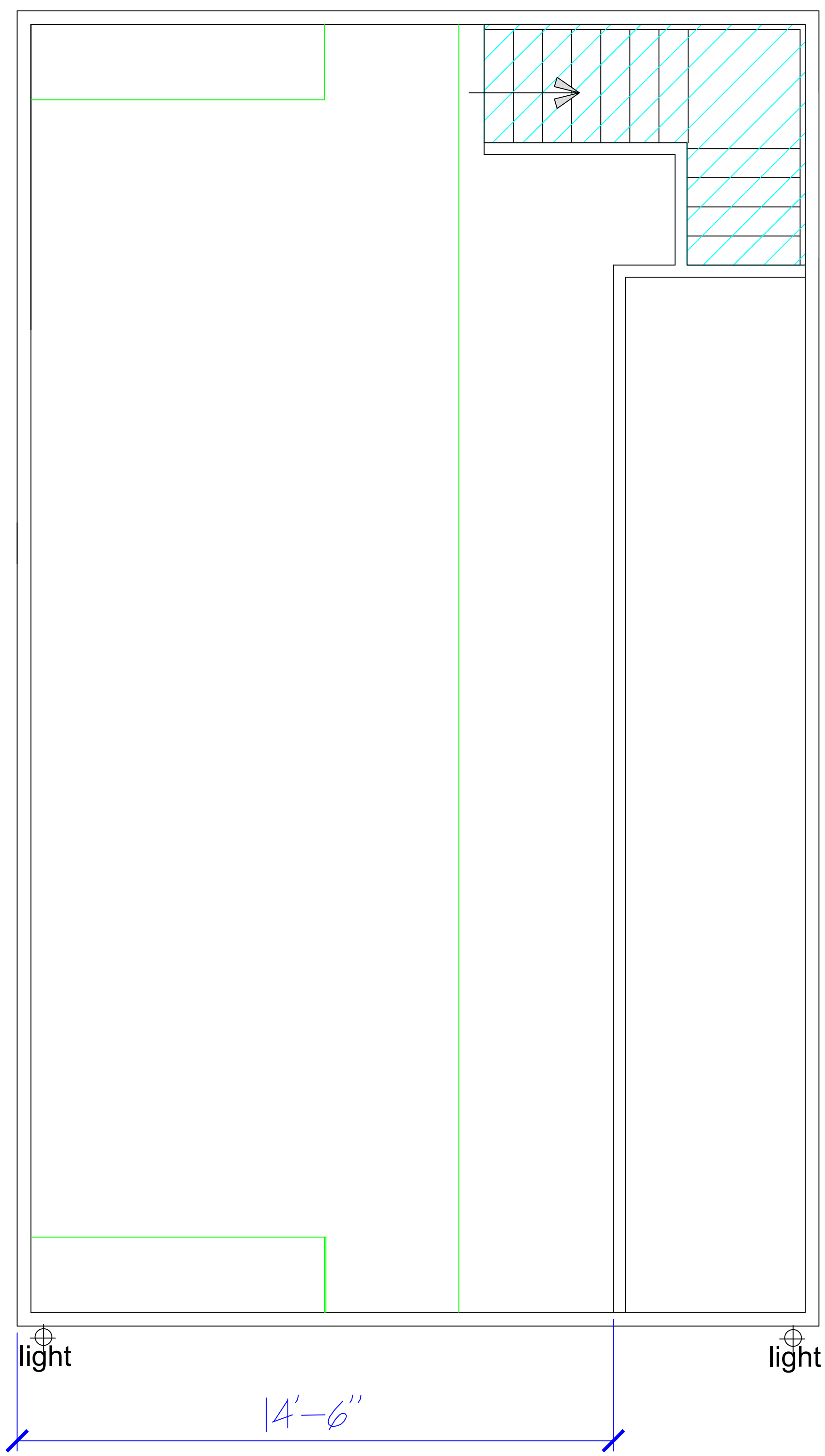
**LEGEND**

- EXIST CONTOURS ——— 945 ———
- EXIST SPOT ELEVATIONS \*948.65
- UTILITY POLE ⊕
- SET IRON/MAG NAIL ⊕
- PROPOSED GARAGE [Hatched Box]

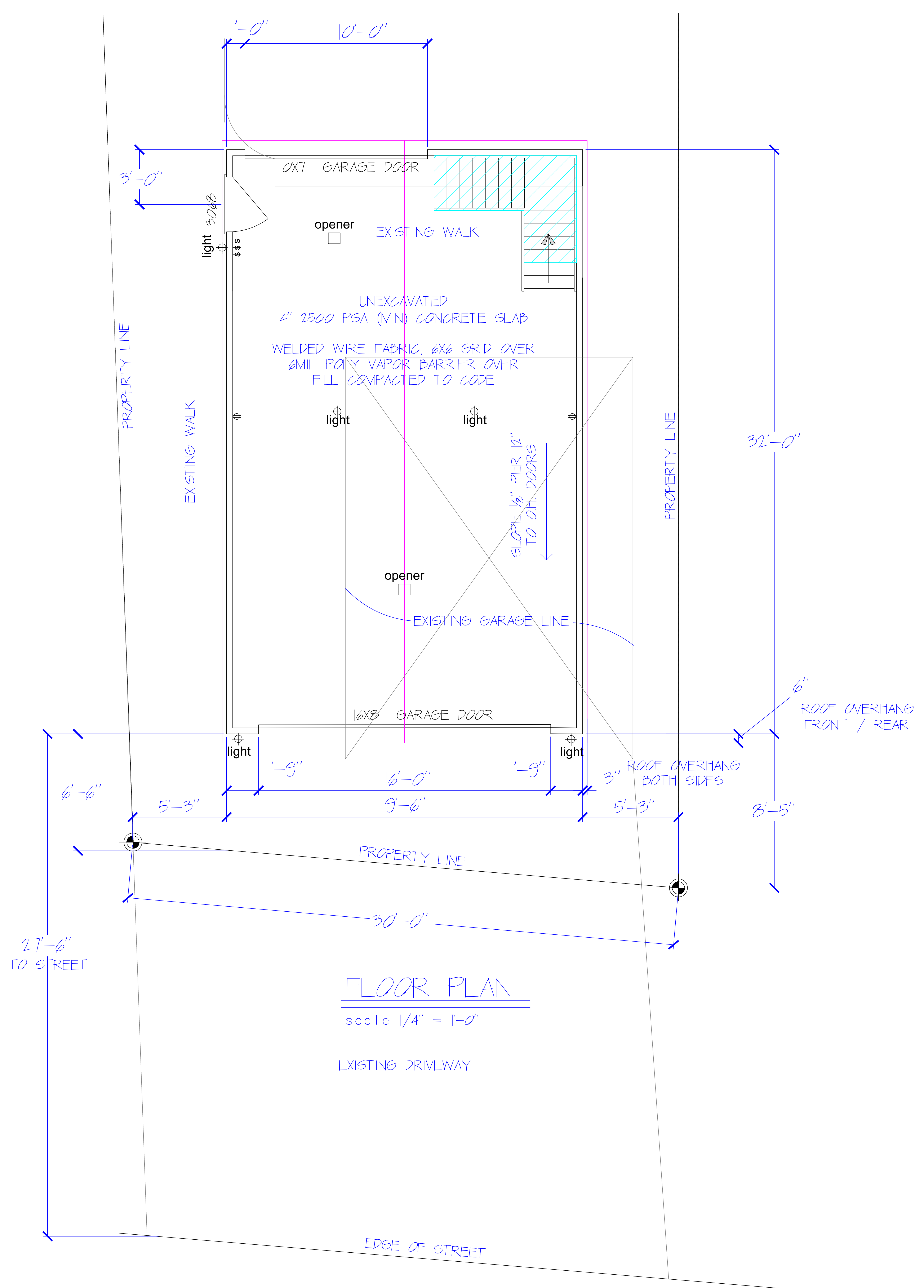


Drawn: _____	DATE: _____	ISSUED FOR: _____
Designed: _____		
Checked: _____		
<b>PROPOSED GARAGE CONSTRUCTION</b>		
8979 LAKEVIEW DRIVE WHITE LAKE TOWNSHIP OAKLAND COUNTY, MI.		
Scale: 1"=20'	Date: 3/29/23	Job No.: 11061
Sht. No. 1 OF		

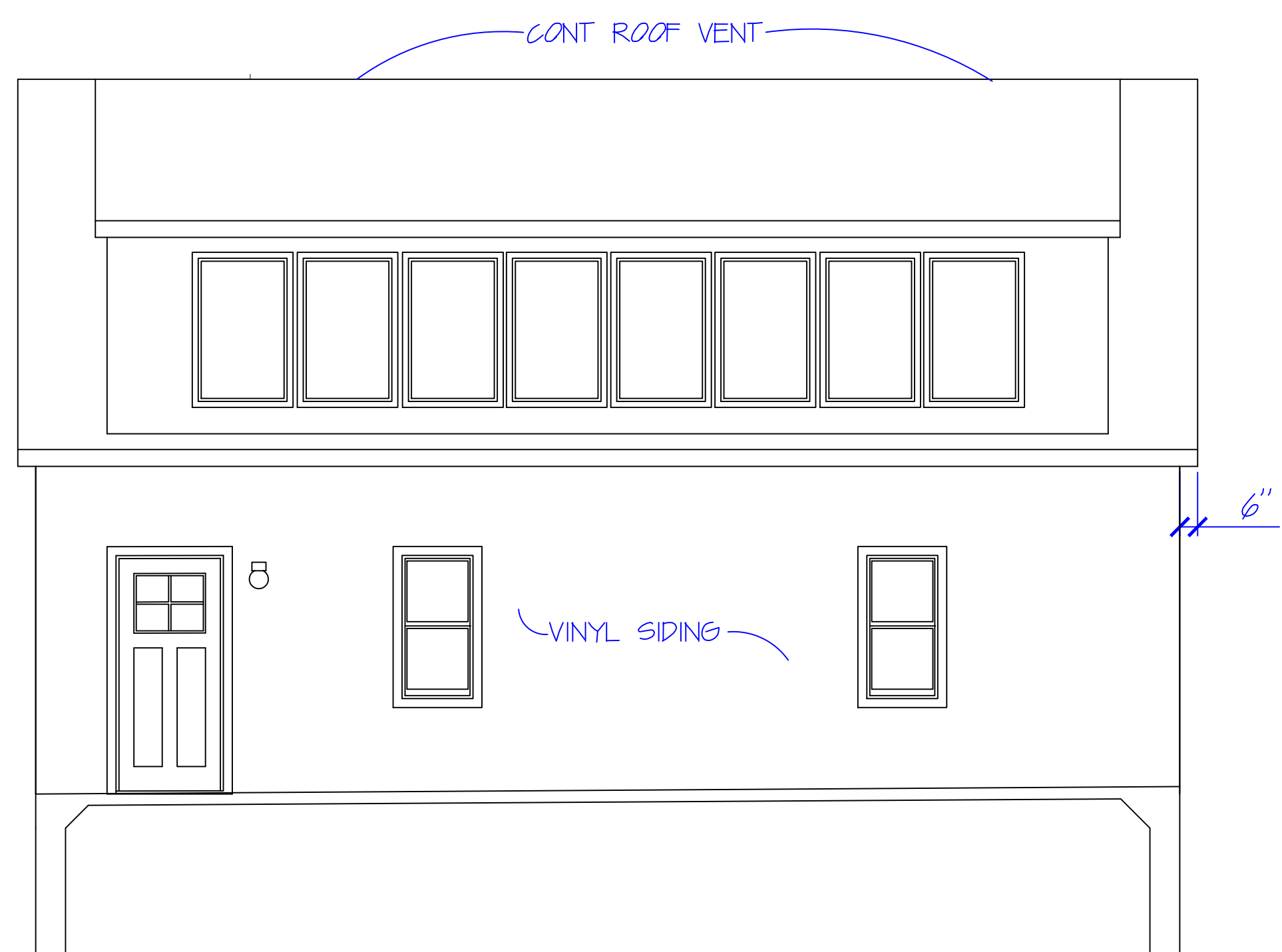




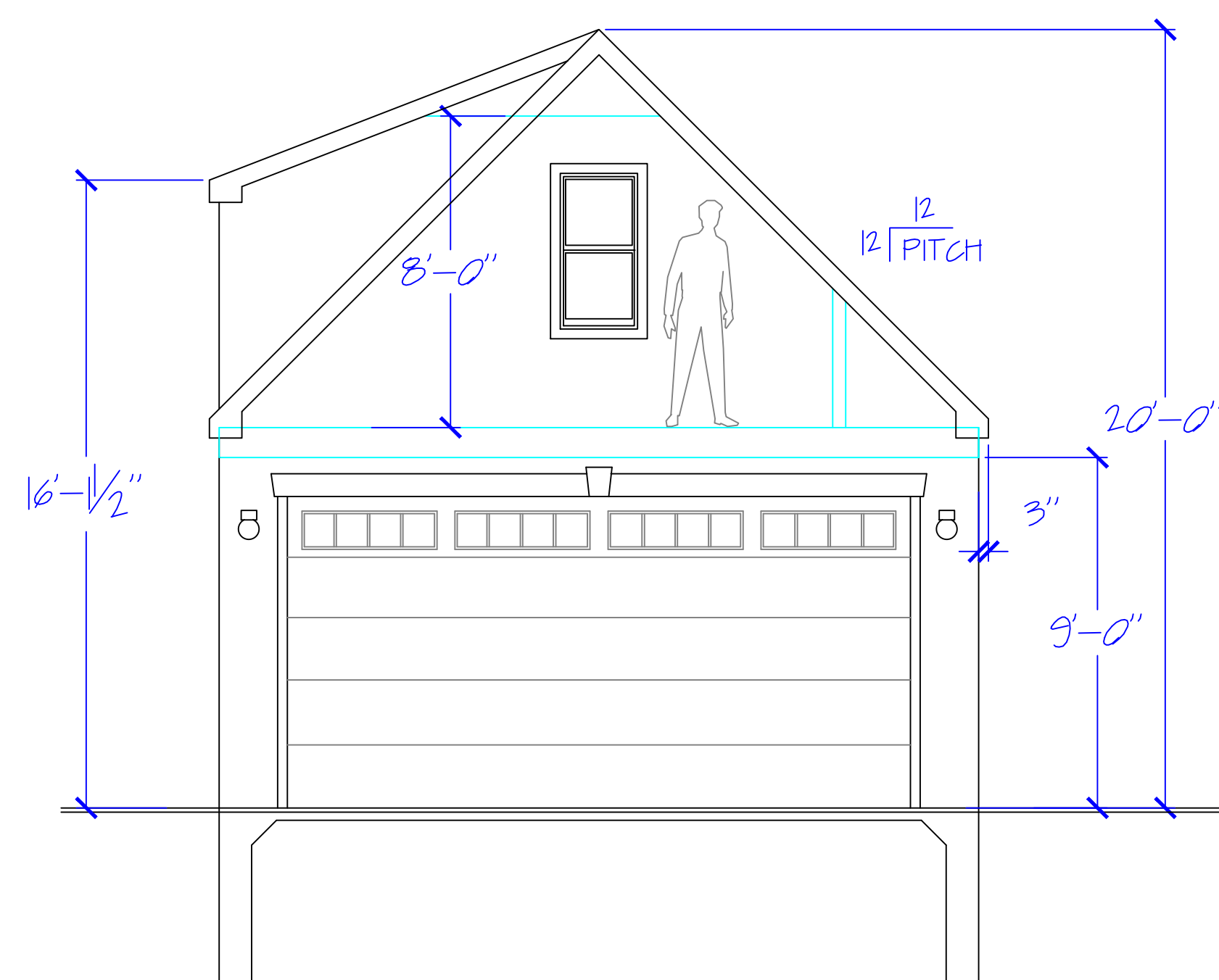
2ND LEVEL PLAN  
scale 1/4" = 1'-0"



FLOOR PLAN  
scale 1/4" = 1'-0"

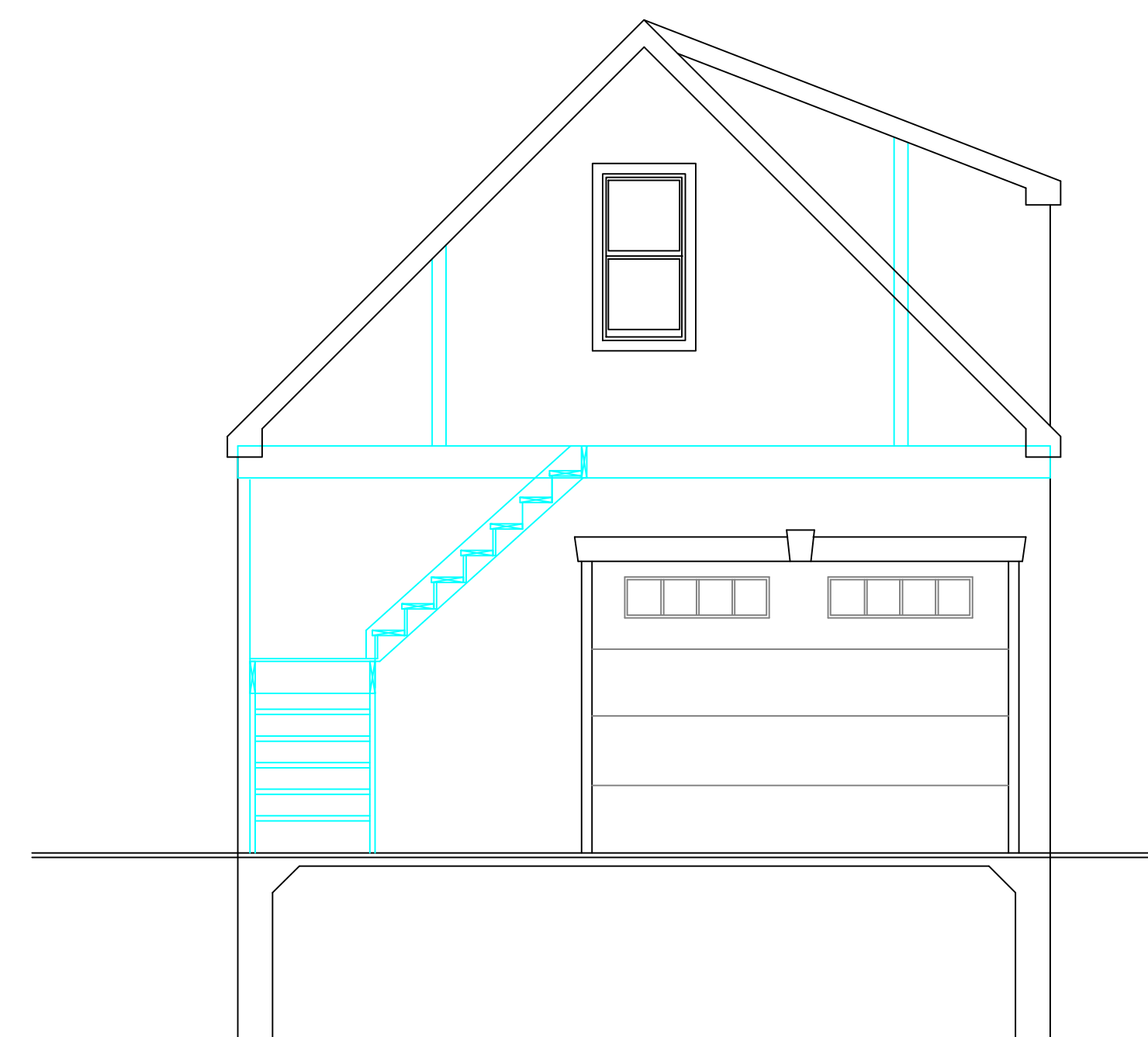


EAST ELEVATION



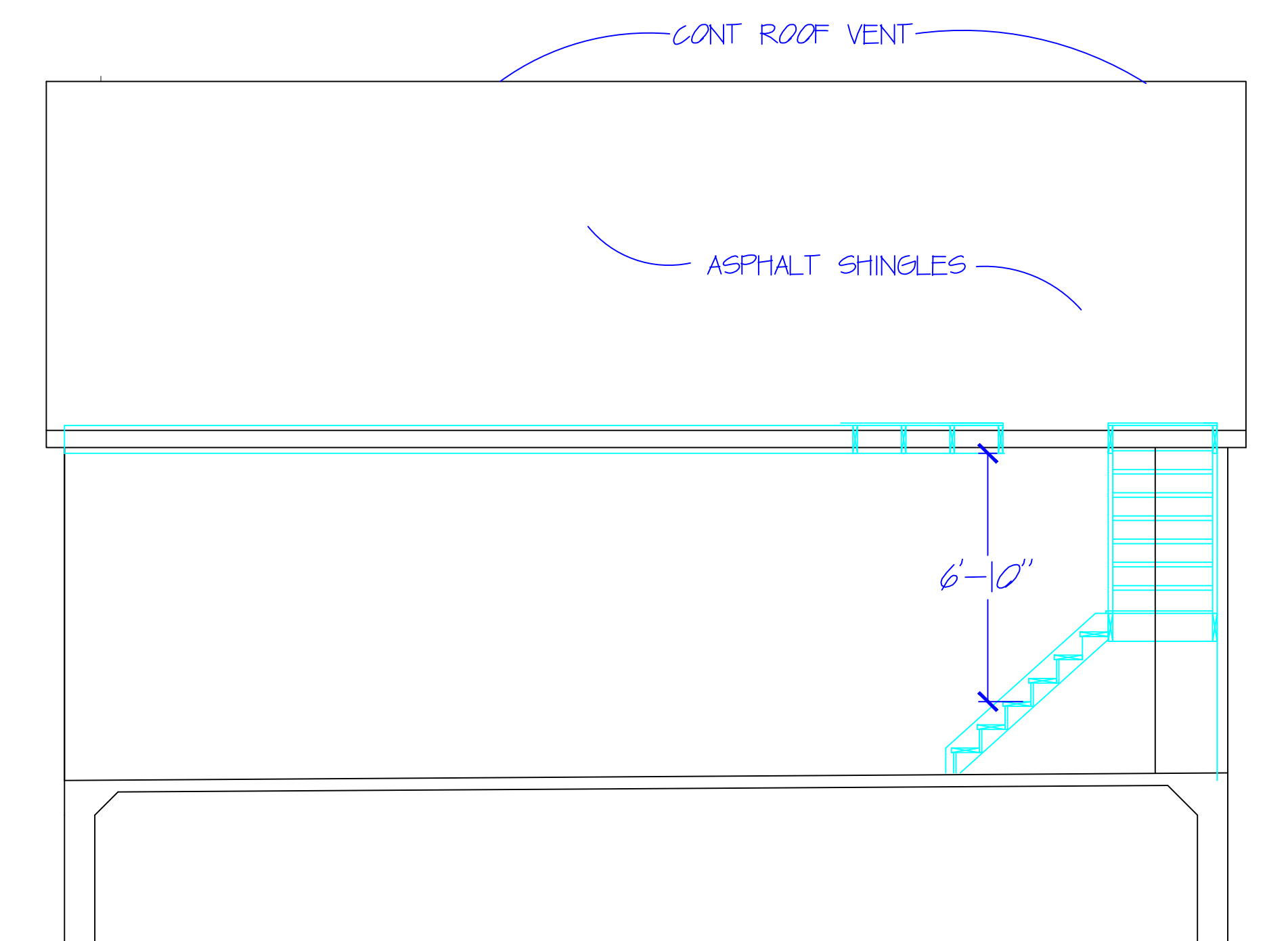
NORTH ELEVATION (FROM STREET)

scale 1/4" = 1'-0"



SOUTH ELEVATION (FROM HOUSE)

scale 1/4" = 1'-0"



WEST ELEVATION



Trustees

Scott Ruggles  
Liz Fessler Smith  
Andrea C. Voorheis  
Michael Powell

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



# WHITE LAKE TOWNSHIP

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

March 8, 2023

John and Gina Smerecki  
8979 Lakeview Dr  
White Lake, MI 48386

RE: Proposed Accessory Structure

Based on the submitted plans, the proposed building height and front yard setback do not satisfy the White Lake Township Clear Zoning Ordinance for Accessory Structures.

**Article 5.7 (C) of the White Lake Township Clear Zoning Ordinance:** Maximum building wall height of 14 ft. The Front Elevation indicates the proposed height of the second story wall to be approximately to be 16 ft from grade.

**Article 3.1.6 of the White Lake Township Clear Zoning Ordinance:** Requires a minimum front yard setback of 30 ft, minimum lot width of 80 ft, and minimum lot area of 12,000 sq ft

The existing lot and structures are legal non-conforming. The approximate 7,100 sq ft, 30 ft wide lot, contains a non-conforming accessory structure which is proposed to be demolished. The existing structure has an approximate 2.5 ft side yard setback on the west side, and an approximate 13 ft front yard setback. The proposed new structure would have an approximate 5.3 ft side yard setback on each side and an approximate front yard setback of 8 ft.

Article 5.3 states, that 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 permit would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the April 27<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than March 23<sup>rd</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

# WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

## REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Zoning Board of Appeals  
**FROM:** Justin Quagliata, Staff Planner  
**DATE:** April 27, 2023

---

**Agenda item:** 8f

**Appeal Date:** April 27, 2023

**Applicant:** Patrick and Lesa Pfeiffer

**Address:** 4270 Leroy Street  
White Lake, MI 48383

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

**Location:** 4270 Leroy Street  
White Lake, MI 48383



## **Property Description**

The approximately 0.119-acre (5,201 square feet) parcel identified as 4270 Leroy Street is located on the canals near White Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 2,540 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Patrick and Lesa Pfeiffer, the Applicants, are proposing to install a swimming pool.

## **Planner's Report**

In January 1996 a house on the property was destroyed by fire (the house to the west was also destroyed in the same fire and rebuilt after being granted variances by the Zoning Board of Appeals (ZBA)). On November 21, 1997 the ZBA considered variance requests to rebuild on this nonconforming lot. This parcel is not a lot of record; it was created by splitting a lot of record (a 2012 ZBA report by prior staff incorrectly indicated this parcel was a lot of record). At the November 1997 ZBA meeting the request was tabled, then reconsidered on January 22, 1998. The following variances were granted:

- 6,740 square foot variance from the required lot area
- 45-foot variance from the required lot width

The 1998 variances were conditioned on the footprint of the new house not exceeding 1,052 square feet in size (20% lot coverage). On December 27, 2012 the ZBA granted the following variances for an addition:

- 3.3-foot variance from the east side yard setback
- 5-foot variance from the west side yard setback
- 5.2% variance allowing 1,327 square feet of lot coverage (25.2%)

The current request is to install a 448 square foot swimming pool. Article 5.10 of the Zoning Ordinance states residential swimming pools shall be located only behind the rear line of the home, no closer than 10 feet to any lot line, and fenced on all sides with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching. The submitted site plan shows the proposed pool 7.5 feet from each side lot line (encroaching 2.5 feet into the setback on each side). Furthermore, the proposed pool is encroaching 0.8 feet into the required 25-foot natural features setback. According to the submitted site plan, the proposed lot coverage is 41.7% (2,169 square feet). However, the calculation excludes some amount of area covered by a cantilevered portion of the house. The Board should also note the accessory building and attached overhangs, which do not comply with the front and side yard setback requirements and violate the previous ZBA approval related to lot coverage, were constructed without a building permit and are considered unlawful.

Per the Zoning Ordinance the accessory building/overhangs shall not be permitted to continue, and should be ordered removed by the ZBA. The Applicant should be advised enforcement may commence regarding the accessory building/overhangs with or without action by the ZBA.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 5.10	Swimming Pools	10 feet from any lot line	2.5 feet	7.5 feet (east and west)
2	Article 3.11.Q	Natural Features Setback	25 feet	0.8 feet	24.2 feet
3	Article 3.1.6.E	Maximum Lot Coverage	25.2% (per 2012 variance)	16.5%	41.7%

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variance requested by Patrick and Lesa Pfeiffer from Article 5.10 of the Zoning Ordinance for Parcel Number 12-07-160-016, identified as 4270 Leroy Street, in order to install a swimming pool that would 2.5 feet into each side yard setback. A variance from Article 3.11.Q is granted to allow the swimming pool to encroach 0.8 feet into the natural features setback. Also, a variance is granted from Article 3.1.6.E to exceed the maximum lot coverage by 16.5%. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- 

**Denial:** I move to deny the variance requested by Patrick and Lesa Pfeiffer for Parcel Number 12-07-160-016, identified as 4270 Leroy Street, due to the following reason(s):

- 
- 

The Applicant shall remove the unpermitted, unlawful accessory building and attached overhangs from the property by June 26, 2023.

**Postpone:** I move to postpone the appeal of Patrick and Lesa Pfeiffer *to a date certain or other triggering mechanism* for Parcel Number 12-07-160-016, identified as 4270 Leroy Street, to consider comments stated during this hearing.

## Attachments:

1. Variance application dated April 30, 2022.
2. Site plan dated October 26, 2022 (revision date April 5, 2023).
3. Letter of denial from the Building Official dated August 5, 2021.
4. Letter of denial from the Building Official dated September 1, 2021.
5. Minutes of the December 27, 2012 Zoning Board of Appeals Special Meeting.

### 7.37 STANDARDS

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

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

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



CHARTER TOWNSHIP OF WHITE LAKE  
ZONING BOARD OF APPEALS APPLICATION

Item E.

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

APPLICANT'S NAME: Patrick & Lesa Pfeiffer PHONE: 248.472.9674

ADDRESS: 4270 Leroy Street

APPLICANT'S EMAIL ADDRESS: patrickp2016@icloud.com

APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: Same as above PARCEL # 12 -07-160-016

CURRENT ZONING: R1-D PARCEL SIZE: 5,260 sq ft

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: variance for pool of side lot set backs  
and accessory structure side lot variance

VALUE OF IMPROVEMENT: \$ \$60,000 SEV OF EXISITING STRUCTURE: \$ 60,000

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

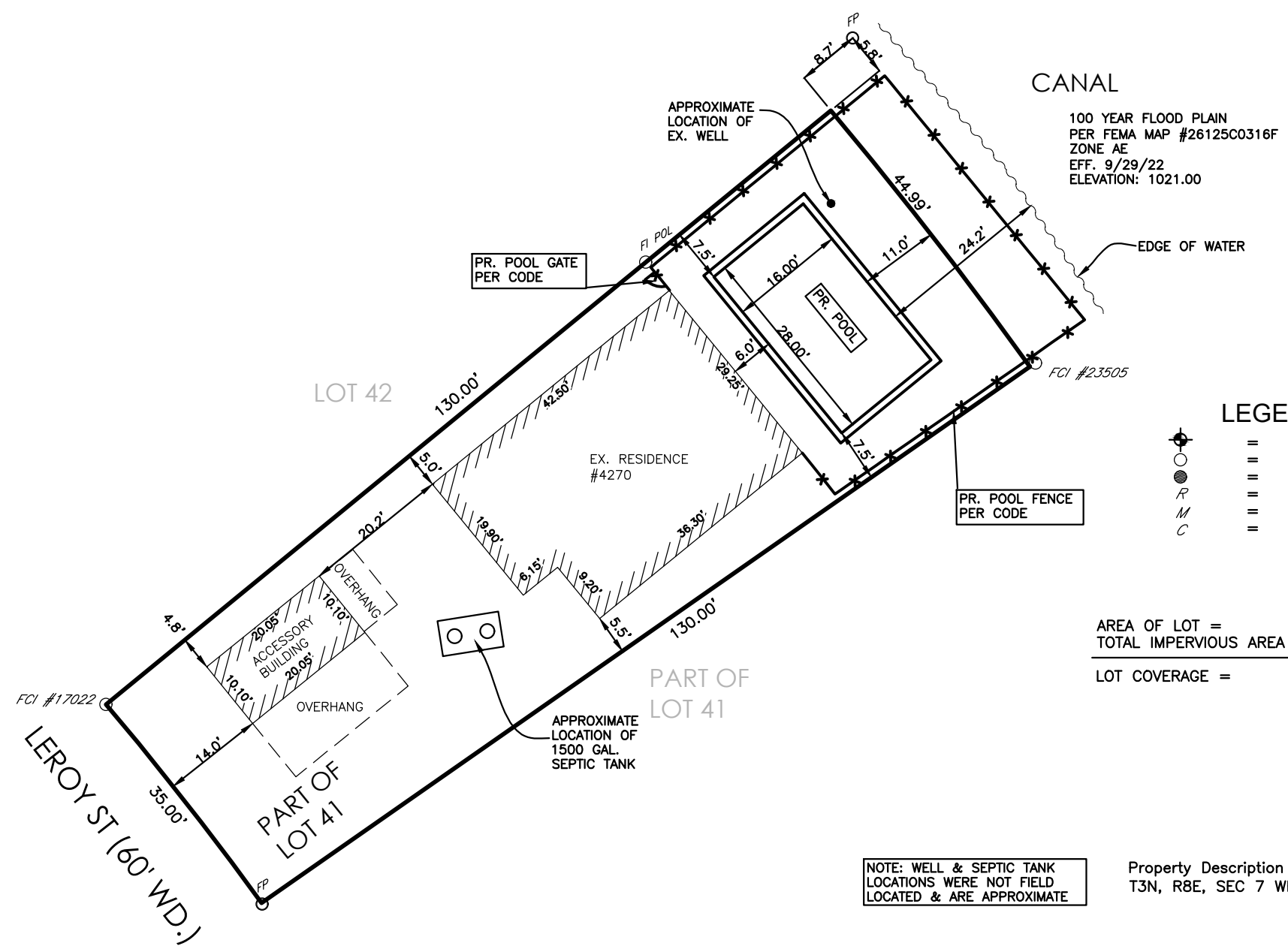
APPLICATION FEE: \$ 385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)

APPLICANT'S SIGNATURE:  DATE: 4-30-22

RECEIVED

MAR 27 2023

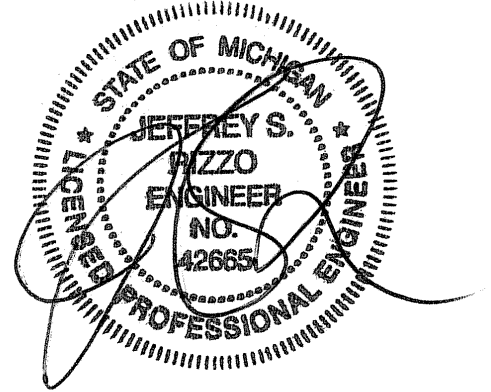
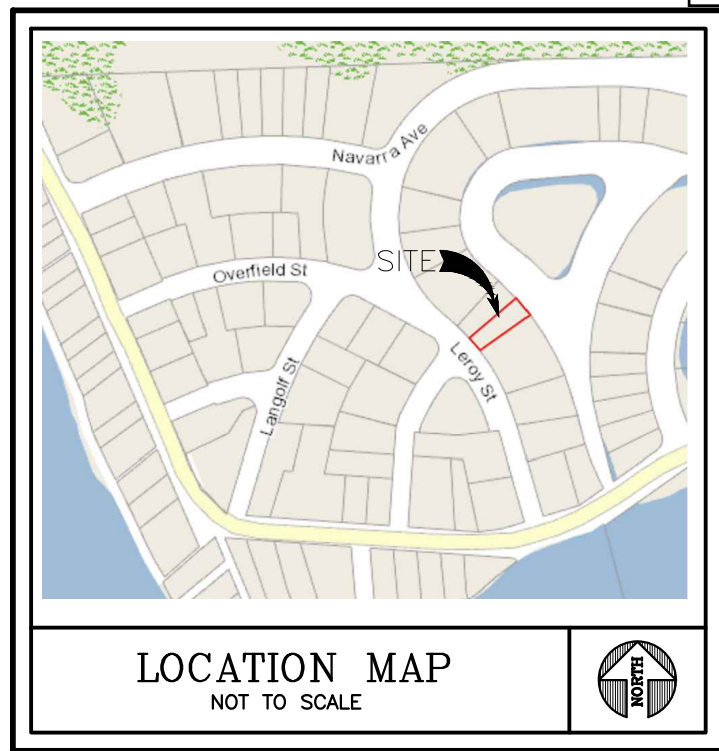
COMMUNITY  
DEVELOPMENT  
DEPARTMENT



AREA OF LOT = 5,201 SF  
 TOTAL IMPERVIOUS AREA = 2,169 SF  
 LOT COVERAGE = 41.7%

- LEGEND**
- ⊕ = SECTION CORNER
  - = FOUND IRON, PIPE, MON, NAIL
  - = SET IRON
  - R = RECORDED
  - M = MEASURED
  - C = CALCULATED

Property Description  
 T3N, R8E, SEC 7 WHITE LAKE GROVE SUB NLY 1/2 OF LOT 41



NOTE: WELL & SEPTIC TANK LOCATIONS WERE NOT FIELD LOCATED & ARE APPROXIMATE

Utility information, as shown, indicates the approximate locations and types of utilities as disclosed to this firm by various utility company's marking(s) and/or plans provided. No guarantee is provided or implied as to the existence, accuracy, or completeness of any utilities. All locations and depths of any utilities that may exist shall be verified in the field by others prior to the start of construction. Extreme caution shall be utilized during construction when operating near overhead and/or buried utilities.

CALL MISS DIG 72 HOURS (3 WORKING DAYS - EXCLUDING SAT., SUN. & HOLIDAYS)

CALL MISS DIG 1-800-482-7171

OR 811

(TOLL FREE) FOR THE LOCATION OF UNDER GROUND FACILITIES



ADDRESS: 4270 LEROY ST.		PARCEL I.D. #12-07-160-016	
This drawing is the sole property of Fenn & Associates, Inc. and shall not be reproduced or replicated in any way without prior written permission from Fenn & Associates, Inc. Any unauthorized use and/or reproduction of this document is subject to legal action.			
<b>REVISIONS</b>		<b>Fenn &amp; Associates, Inc.</b> Land Surveying and Civil Engineering 14933 Commercial Drive, Shelby Township, MI 48315 Phone: 586-254-9577 Fax: 586-254-9020 www.fennsurveying.com	
4/5/23 PER CLIENT		SCALE: 1" = 20'	FIELD: BH SHEET SIZE: 11 X 17 DRAWN: R.PERRI
		DATE: 10/26/22	CHECKED: JSR, PE
POOL SKETCH UPON 4270 LEROY ST PART OF SECTION 7, T3N, R8E WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN			
CLIENT: PATRICK PFEIFFER		DRAWING NUMBER: 22-00319.01	



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

August 5, 2021

Patrick Pfeiffer  
4270 Leroy St  
White Lake, MI 48383

RE: Proposed Pool

Based on measurements from the submitted plans, the proposed pool does not satisfy the White Lake Township Clear Zoning Ordinance for pool setbacks and natural features setbacks.

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

**Article 5.10 of the White Lake Township Clear Zoning Ordinance:** Residential swimming pools shall be located only behind the rear line of the home, no closer than 10 feet to any lot line, and fenced on all sides with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching.

The width of the property is 44.22 feet wide while the proposed pool is 26 ft wide. The net result would be deficient in setback on either one side or both. Also, the existing rear yard setback from the water's edge is 30 ft or less. This would leave only 5 ft or less for a structure.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the September 23<sup>rd</sup> zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than August 26<sup>th</sup> at 4:30 PM. **A certified boundary and location survey will be required by the ZBA.** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

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

September 1, 2021

Patrick Pfeiffer  
4270 Leroy St  
White Lake, MI 48383

RE: Proposed Swimming Pool

The proposed swimming pool does not satisfy the White Lake Township Clear Zoning Ordinance based on the definition of *Swimming Pool* found in the ordinance.

**SWIMMING POOL.** Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Further, this property has a recorded Consent Judgment which states, new structures shall not exceed 1,052 sq ft without an approval for variance.

Approval of the building plans would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the October 28<sup>th</sup> zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than September 23<sup>rd</sup> at 4:30 PM. ***A certified boundary and location survey with existing and proposed structures, and lot coverage will be required by the ZBA.*** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
White Lake Township

Location:	4270 Leroy, identified as 12-07-160-016
Request:	Variance to Article 3.1.6 R1-D single family residential, for front yard setback, side yard setback, distance to neighbors and lot coverage.

Ms. Spencer noted that the applicant was not present this evening. There were 42 property owners within 300 ft. were notified of the request. There were no letters received in favor or opposition, and 4 letters were returned undeliverable by the US postal service.

Mr. Iacoangeli reviewed his report dated November 19, 2012. This is a single-family residential home located in the White Lake Grove neighborhood on the canals near White Lake. This home IS NOT served by the sanitary sewer system and uses a private well.

The applicant seeks to build a 10.5' x 19.3', 203 sq. ft. <sup>open air</sup> home addition cantilevered over the existing garage, with a 7.7' x 13.3', 102 sq. ft. home addition to the front of the home.

This is a non-conforming lot of record located on White lake. The lot has received variances in the past for lot size and lot width. The lot is deficient in size by 6,740 sq. ft. and is also deficient with regard to lot width with 35 ft. frontage along Leroy Street. In 1998 the ZBA made a condition of their approval to limit the home not to exceed 1,052 sq. ft. Twenty (20%) percent lot coverage for this lot is 1,052 sq. ft. and the existing home is just below this total at 1,022 sq. ft. The applicant's request would exceed the lot coverage by 5% for a total of 1,327 sq. ft. The ZBA does have the ability to change this condition if it so chooses. The setbacks that are being requested are typical for lots in this neighborhood. The existing home is non-conforming, as the west side of the home is already 5 ft. from the property line.

Mr. Ruggles noted the neighbor has done the exact same thing that the applicant is requesting so the request is not out of character with the neighborhood.

Ms. Novak-Phelps moved in File 12-020 to grant (1) a 5.2% variance to maximum lot coverage for an end result of 25.2%; (2) a 5 ft. west side yard setback for an end result of 5 ft.; (3) a 1 ft. variance to the west distance to the neighbors for an end result of 19 ft.; (4) a 3.3 ft. east side yard setback for an end result of 6.7 ft.; (5) a 5 ft. variance to east distance to the neighbors for an end result of 15 ft. Mr. Ruggles supported and the MOTION CARRIED with a roll call vote: Novak-Phelps – yes (she commends them for being a good neighbor); Spencer – yes (this is non-conforming lot of record and variances requested are minimal in size; Artinian – yes; for reasons stated; Novak-Phelps – yes; it is consistent with the neighborhood. (4 yes votes)

**Other Business:**

- a. 2013 Meeting Dates

Mr. Artinian moved to approve the 2013 meeting dates as presented. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (4 yes votes)

- b. Capstone Presentation

Ms. Spencer reported that she is attending classes through the Michigan State University Extension on becoming a Master Citizen Planner. Part of her requirements is to present a planning related topic to a public board or committee. Her presentation focused on making effective decisions as a Zoning Board of Appeals member and she also discussed situations of conflicts of interest and ethics.

Next Meeting Date:

*packed Building Confys*

*W*