

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Sean O'Neil, Community Development Director
DATE: August 19, 2025



Agenda item: 8C

Appeal Date: August 28, 2025

Applicant: Michelle Spencer

Address: 8200 Carpathian Drive
White Lake, MI 48386

Location: Vacant – Lake Jason Drive
White Lake, MI 48386

Zoning: SF – Suburban Farms

Property Description

The approximately 3.79-acre parcel, identified as Parcel Number 12-34-426-003, is zoned SF (Suburban Farms). The property is currently vacant and located at the end of Lake Jason Drive, a private road, ending in a cul-de-sac. The proposed house will be served by a private septic and well. This property has a width of 355 feet along its Lake Jason Drive frontage, and as you can see from the survey, the northerly half of the road ending easement for the cul-de-sac is located within this parcel. While the cul-de-sac (shown as an easement on the survey) is not physically completed or in place as shown, the applicant will be installing a T-turnaround to satisfy both the Zoning Ordinance and Fire Code requirements.

Applicant's Proposal

The Applicant is proposing to build a new single-family residence on this vacant parcel, that would result in a front yard setback of 28 feet. According to the survey provided, Lake Jason Drive ends in a 120-foot-wide cul-de-sac, that puts the proposed house approximately 87 feet from the front property line, but only 28 feet from the edge of the road easement. The new T-turnaround will be located approximately 40 feet from the house, from its closest point. The applicant cites the extensive wetlands, the triangular shaped building envelope caused by the wetlands, poor soils, the topography of the site, and the preservation of numerous mature trees as reasons for placing the house in the proposed location.

Planner's Report

The existing buildable area of the lot is irregular in its layout, due to the configuration that results from the extensive wetlands on this parcel, but it is still conforming in both lot size and width. Per Section 3.1.2 of the Zoning Ordinance, the minimum front yard setback is 35 feet. The applicant originally proposed a 14 foot front yard setback, and that figure was used when the July 17th denial letter was written. Recently, the applicant revised her plan and pushed the house back (to the north) an additional 14 feet, reducing the requested variance amount, which now results in a proposed setback of 28 feet.

The applicant has stated that the proposed location of this structure is being driven by the wetlands on the property, the existing soil conditions, the mature trees on the property, and the existing grades in this area of the parcel. This is consistent with what is shown on the survey and what is visible on site. The requirement to construct the proposed T-turnaround should be added as a condition (and is listed below) of the approval of this request. While the applicant did not cause this situation, fully installing the cul-de-sac now would cause the unnecessary removal of several mature trees as well as the relocation of the southerly neighbor's existing driveway.

The requested variances are listed in the following table:

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Section 3.1.2	Minimum Front Yard Setback	35 feet	7.0 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Michelle Spencer from Section 3.1.2 of the Zoning Ordinance for Parcel Number 12-34-426-003, a vacant parcel on Lake Jason Drive, in order to build a new single-family residence. A variance from Section 3.1.2 is granted to allow for construction of said structure that will encroach 7.0 feet into the required front yard setback. This approval has the following conditions:

1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division and the Oakland County Health Division.
2. No mechanical units, including a 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 lot line.
3. A foundation certificate shall be required prior to vertical construction.
4. An as-built survey shall be required to verify the approved setback variance.
5. A T-turnaround must be constructed on site, as shown in the survey provided, to a standard that is consistent with the requirements of the Zoning Ordinance and acceptable to the Fire Department, prior to granting an occupancy permit.

Denial: I move to deny the variance requested by Michelle Spencer for Parcel Number 12-34-426-003, a vacant parcel on Lake Jason Drive, due to the following reason(s):

Postpone: I move to postpone the appeal of Michelle Spencer *to a date certain or other triggering mechanism* for Parcel Number 12-34-426-003, a vacant parcel on Lake Jason Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated July 17, 2025.
2. Survey showing proposed plot plan, as well as the location of the existing wetland, the proposed turn-a-round location, and the proposed well and septic locations, dated July 15, 2025.
3. Letter of denial from the Community Development Director, dated July 17, 2025.
4. A Property Transfer Affidavit, dated June 24, 2025, proving ownership.
5. Aerial image, from Oakland County Property Gateway, showing the vacant parcel.

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

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

WHITE LAKE TOWNSHIP



RECEIVED

JUL 23 2025

BUILDING DEPARTMENT

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION

NAME: Michelle Spencer PHONE: 248-321-3707
ADDRESS: 8200 Carpathian Dr. White Lake MI 48386
EMAIL: chelleys2004@yahoo.com
INTEREST IN PROPERTY: ☒ PROPERTY OWNER ☒ BUILDER ☐ OTHER: _____

PROPERTY INFORMATION

ADDRESS: 0000 Lake Jason Dr. ZONING: Suburban farm
VALUE OF IMPROVEMENT: \$ 400K SEV OF EXISTING STRUCTURE: \$ 0

REASONS TO SUPPORT REQUEST (ADDITIONAL SHEETS MAY BE ATTACHED):

the property has a ton of wetland greatly limiting the building area and the wetland have an irregular shape building area - the private public utility easement set back of 35 ft leaves very little buildable area with the 25 ft wetland setback and the soils as you get closer to the wetland are poor. In addition the proposed home is proposed at 74' from the front property line and the other house on the road is only 7.79' from the ingress / egress easement.

APPLICATION FEE: ☒ \$440 ☐ \$550

APPLICANT'S SIGNATURE: [Signature]

DATE: 7/17/25

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



Trustees
Scott Ruggles
Steve Anderson
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

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

July 17, 2025

Michelle Spencer
8200 Carpathian Dr
White Lake, MI 48386

Re: Proposed Residential Structure Upon 12-34-426-003

Based on the submitted plans, the proposed residential structure does not satisfy the White Lake Township Clear Zoning Ordinance for Suburban Farms (SF) zoning district.

Article 3.1.2 of the White Lake Township Clear Zoning Ordinance: Requires a minimum front yard setback of 35 ft.

The proposed residential structure does not meet the required 35 ft front yard setback from the road easement right-of-way line. While the proposed structure would be 74.36 ft from the front yard property line, the front porch is proposed to be 14 ft from the road easement line.

Approval of the plot plan 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 August 28th Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than July 24th at 4:30 PM. The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Sean O'Neil, AICP
Community Development Director

Property Transfer Affidavit

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

L-4266

OFFICE USE ONLY

JUN 25 2025

WHITE LAKE TOWNSHIP
ASSESSING OFFICE

1. Street Address of Property Lake Jason Lane	2. County Oakland	3. Date of Transfer (or land contract signed) June 24, 2025
4. Location of Real Estate (Check appropriate field and enter name in the space below.) <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village White Lake	5. Purchase Price of Real Estate \$ UNCAP	6. Seller's (Transferor) Name Farmington A4 Holdings, LLC
7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is found on the property tax bill and on the assessment notice. Y-12-34-426-003	8. Buyer's (Transferee) Name and Mailing Address Nicholas Spencer and Michelle Spencer Lake Jason Lane <i>8200 Carpathian Dr</i> White Lake, MI 48386	9. Buyer's (Transferee) Telephone Number
Items 10-15 are optional. However, by completing them you may avoid further correspondence.		
10. Type of Transfer. <u>Transfers</u> include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See Page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input type="checkbox"/> Deed <input type="checkbox"/> Other (specify)		
11. Was property purchased from a financial institution? <input type="checkbox"/> Yes <input type="checkbox"/> No	12. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No	13. Amount of Down Payment
14. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No	15. Amount Financed (Borrowed)	

EXEMPTIONS

Certain transfers are exempt from uncapping. If you believe your transfer qualifies for an exemption, please indicate the type of exemption you're claiming below. Note that if an exemption is claimed, your assessor may request additional information to support your claim.

- ☐ Transfer from one spouse to the other spouse.
- ☐ Change in ownership solely to exclude or include a spouse. *60315-721*
- ☐ Transfer between certain family members *(see page 2). Describe relationship from each Transferor to each Transferee, attach additional page if necessary. Seller Name: _____ Buyer Name: _____
Relationship of Buyer to Seller: _____
- ☐ Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires).
- ☐ Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor ** (see page 2). Describe relationship from each Transferor to each Transferee, attach additional page if necessary. Seller Name: _____ Buyer Name: _____
Relationship of Buyer to Seller: _____
- ☐ Transfer to effect the foreclosure or forfeiture of real property.
- ☐ Transfer by redemption from a tax sale.
- ☐ Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust.
- ☐ Transfer resulting from a court order unless the order specifies a monetary payment.
- ☐ Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse).
- ☐ Transfer to establish or release a security interest (collateral).
- ☐ Transfer of real estate through normal public trading of stock.
- ☐ Transfer between entities under common control or among members of an affiliated group.
- ☐ Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- ☐ Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- ☐ Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- ☐ Transfer of land with qualified conservation easement (land only - not improvements).
- ☐ Other, as described in MCL 211.27a, specify: _____

CERTIFICATION: I certify that the information above is true and complete to the best of my knowledge.

Printed Name Nicholas Spencer and Michelle Spencer	Signature <i>[Signature]</i>	Date June 24, 2025
Name and title, if signer is other than the owner	Daytime Phone Number	E-mail Address

