

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: September 23, 2021

Agenda item: 6e

Appeal Date: September 23, 2021

Applicant: Mark Johnson

Address: 150 Danforth Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 150 Danforth Drive
White Lake, MI 48386

Property Description

The approximately 0.359-acre (15,650 square feet) parcel identified as 150 Danforth Drive is located on Oxbow Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,008 square feet in size) utilizes a private well for potable water and private septic system for sanitation. The double lot contains 100 feet in width at the front property line.

Applicant's Proposal

Mark Johnson, the applicant, intends to connect the garage to the house and construct an addition on the garage towards the road (south) and west side lot line. An addition to the rear side of the house is also proposed.

Planner's Report

The existing house was built in 1976 and is nonconforming because it does not meet the 10-foot side yard setback on the east side. The existing detached garage is 480 square feet in size. As proposed, the three-car attached garage would be 1,200 square feet and located 9.9 feet from the west side property line and 12.4 feet from the front (south) lot line. Therefore, the applicant is requesting a 0.1-foot variance to encroach into the side yard and a 17.6-foot variance to encroach into the front yard setback. The proposed first floor living space addition is 1,464 square feet in size and the proposed second story is 996 square feet. Including the garage, the house would be 4,668 square feet with the addition. As proposed, a portion of the rear addition would be located 8.6 feet from the east side lot line. A 1.4-foot variance to encroach on the east side yard is being requested.

Additionally, the proposed lot coverage was not submitted. Based on a calculation by staff, the proposed lot coverage is approximately 23.46% (3,672 square feet), which is 3.46% (542 square feet) beyond the 20% maximum lot coverage allowed (3,130 square feet). A variance from the lot coverage standard was not requested or published.

Article 7, Section 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 (\$97,870), the maximum extent of improvements cannot exceed \$48,935. The value of the proposed work is \$215,000, with the garage portion approximately \$50,000. A variance to exceed the allowed value of improvements by 102% is requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Side yard setback	10 feet	1.4 feet (east) 0.1 feet (west)	8.6 feet (east) 9.9 feet (west)
2	Article 3.1.6.E	Front yard setback	30 feet	17.6 feet	12.4 feet
3	Article 7.28.A	Nonconforming structure	50% SEV (\$48,935)	102%	\$1,065 over allowed improvements

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Mark Johnson from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-23-376-004, identified as 150 Danforth Drive, in order to construct a three-car attached garage addition that would encroach 0.1 feet into the required west side yard setback and 17.6 feet into the required front yard setback, and exceed the allowed value of improvements to a nonconforming structure by 102%. A 1.4-foot variance is also granted from Article 3.1.6.E to allow the house addition to encroach 1.4 feet into the required east side yard setback. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The Applicant shall reduce the size of the garage or house addition to comply with the lot coverage standard, or request a variance from the Zoning Board of Appeals.
- A foundation certificate shall be required prior to the backfill inspection by the Building Department.
- An as-built survey shall be required to verify the approved setbacks.

Denial: I move to deny the variances requested by Mark Johnson for Parcel Number 12-23-376-004, identified as 150 Danforth Drive, due to the following reason(s):

Table: I move to table the variance requests of Mark Johnson for Parcel Number 12-23-376-004, identified as 150 Danforth Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated August 25, 2021.
2. Survey dated August 25, 2021.
3. Architectural plans.
4. Letter of denial from the Building Department dated July 21, 2021.

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

PAID
CASH CHECK#

AUG 27 2021

TREASURER
CHARTER TWP. OF WHITE LAKE

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: MARK JOHNSON PHONE: 262 685 7160
ADDRESS: 150 DANFORTH ST.
APPLICANT'S EMAIL ADDRESS: Mj.consultations@gmail.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 150 DANFORTH ST. PARCEL # 12 - 23376004
CURRENT ZONING: R1-D PARCEL SIZE: .816 acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: ARTICLE 3.1.6
VALUE OF IMPROVEMENT: \$ 100,000 SEV OF EXISTING STRUCTURE: \$ _____

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

(SEE VIDEO)

Other residences have garages built right on the road. In order to utilize the parcel to its full potential, allowing this variance will create a garage space appropriate for this property.

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

APPLICANT'S SIGNATURE: [Signature] DATE: 8/25/2021

SKETCH OF SURVEY

Prepared For: MARK JOHNSON

Legal Description:

Lots 21 and 22 of OX BOW HIGHLANDS, a subdivision of part of the South East 1/4 of Section 23, and part of the North East 1/4 of the North West 1/4 of Section 26, T. 3 N., R. 8 E., Township of White Lake, Oakland County, Michigan as recorded in Oakland County Records.

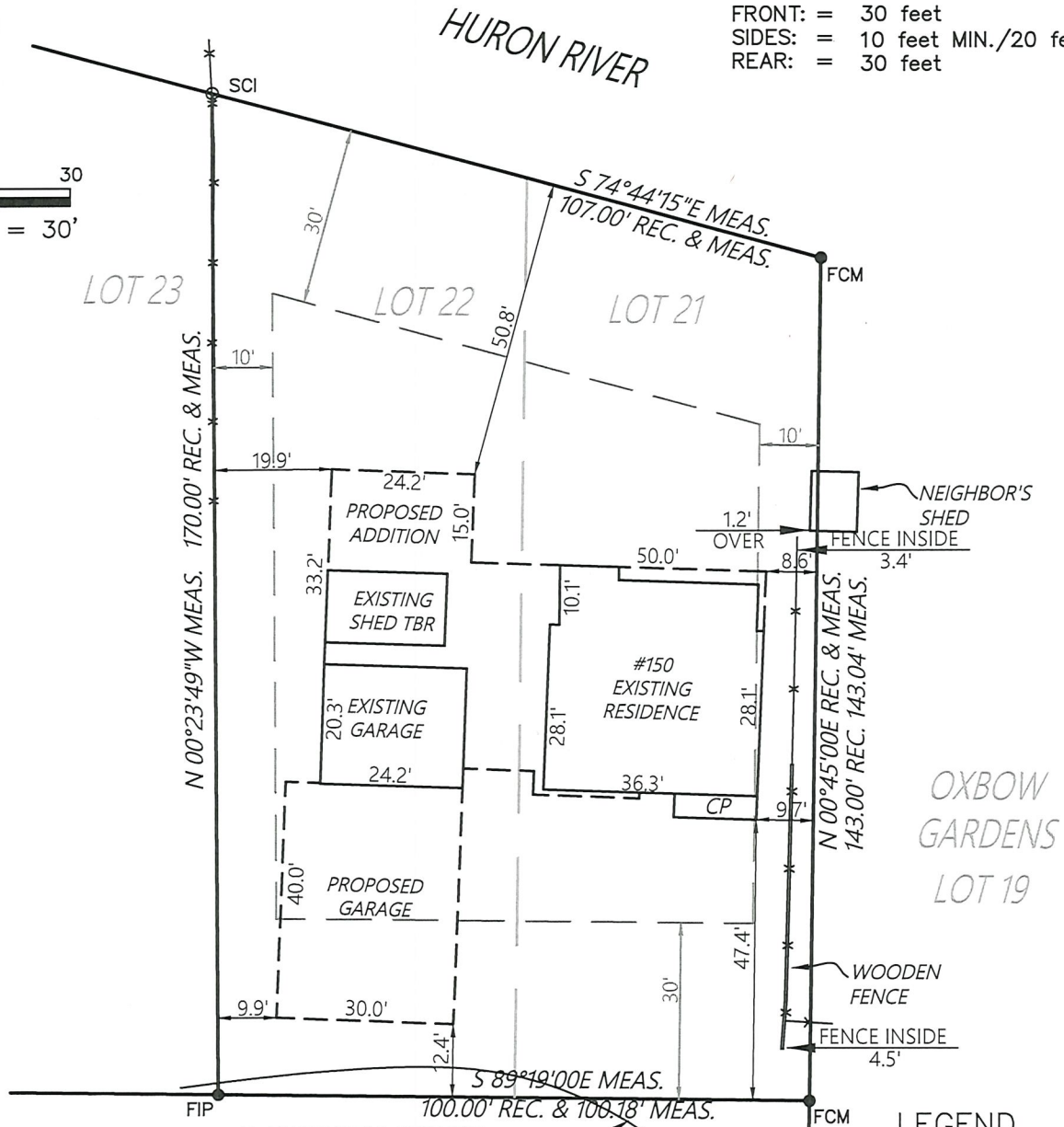
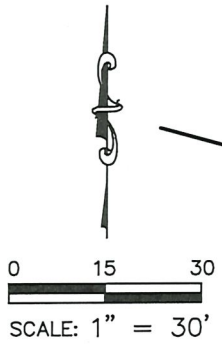
PARCEL ID: 12-23-376-004

ZONING:

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

SETBACKS:

FRONT: = 30 feet
SIDES: = 10 feet MIN./20 feet TOTAL
REAR: = 30 feet



NOTE:
NEIGHBOR'S SHED CROSSES
PLATTED LOT LINE AS SHOWN.

GRAVEL ROAD CROSSES PLATTED LOT
LINE AS SHOWN.

FENCE CROSSES PLATTED LOT LINE
AS SHOWN.

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

BEARING BASIS:
HELD BEARING BASIS ALONG EAST
LINE OF PLAT AS PER 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.

LEGEND

- - IRON SET
- - IRON FOUND
- ⊙ - FOUND CONC MONUMENT
- MEAS. - MEASURED
- REC. - RECORDED
- TBR - TO BE REMOVED
- FIP - FOUND IRON PIPE
- SCI - SET CAPPED IRON
- FCM - FOUND CONC MONUMENT
- X - EXISTING FENCE



KAROL L. GROVE
LICENSED PROFESSIONAL SURVEYOR #39075

ALPINE
Land Surveying, Inc.

11590 HIGHLAND ROAD, SUITE #100
HARTLAND, MICHIGAN, 48353
PHONE: 810-207-8050

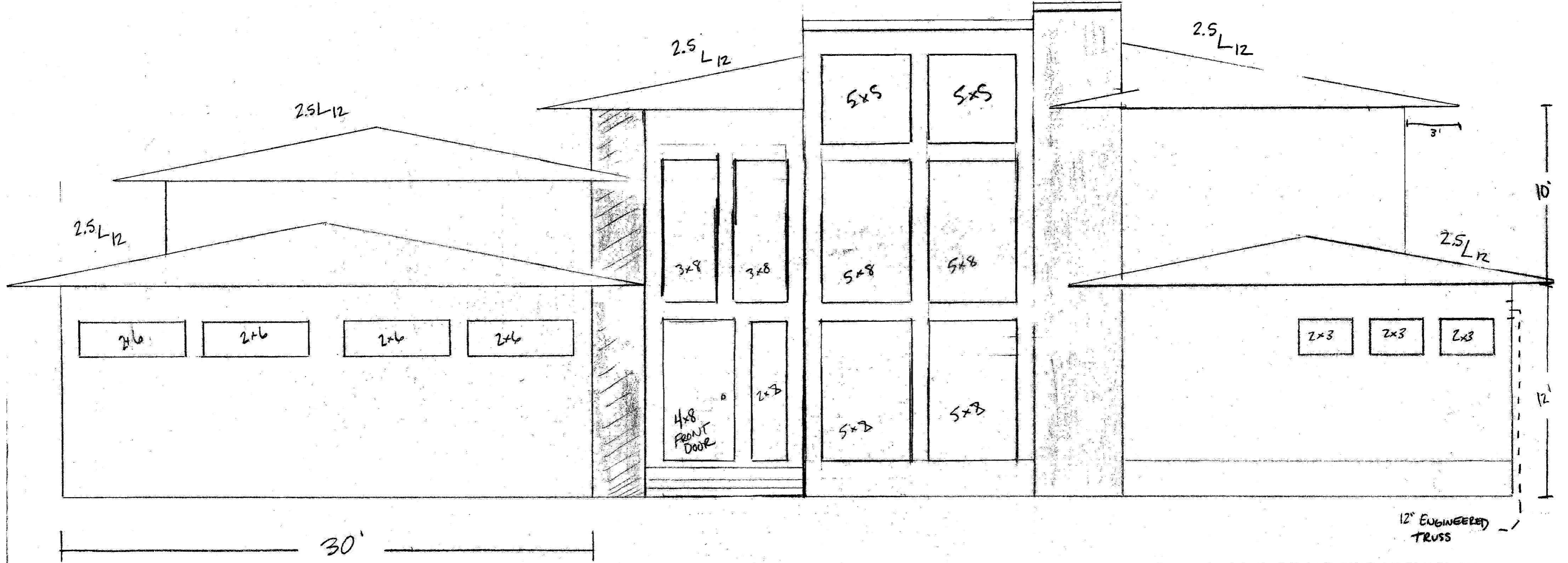
FIELD: KG	DATE: 08-25-2021
DRAWN: DJS	JOB NO: 21-5615
CHECKED: KG	SHEET: 1 OF 1
REVISED:	

2.5 L/12 Roof Pitch Metal Roofing System

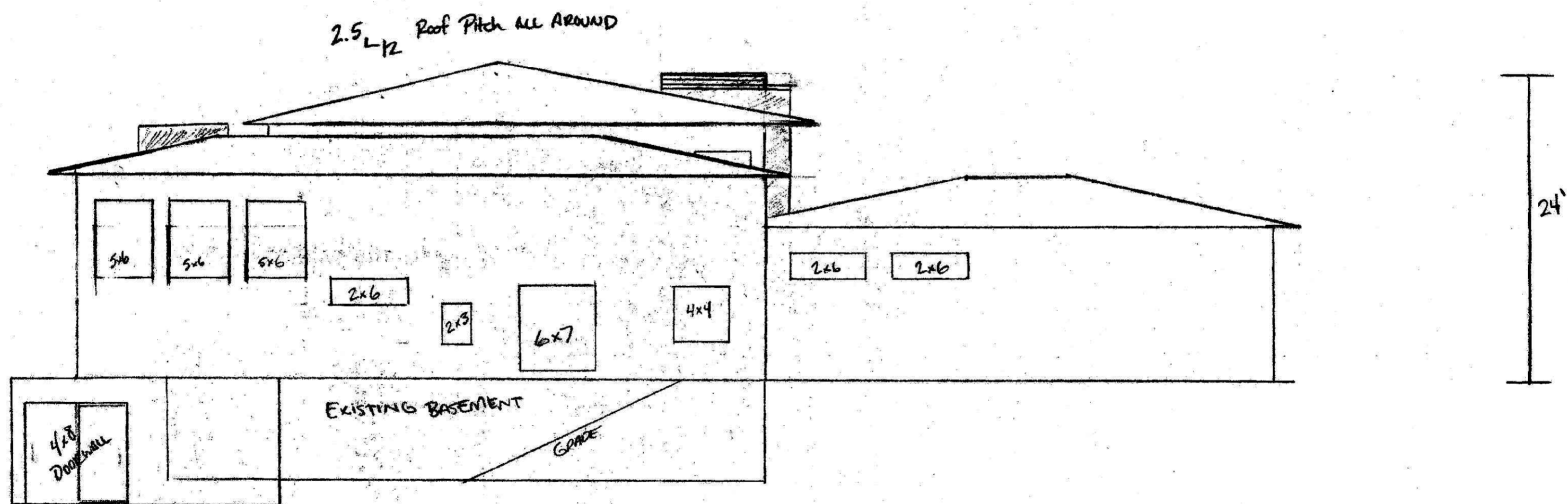
BUILDER'S NOTES:

- Roof
- Continuous Ridge Vents Used
 - Trusses & Beams Pre-Engineered
 - Metal Roofing System - Lifetime
 - 1x6 Wood Facia Board (not shown)
 - 7/16" OSB Under Metal

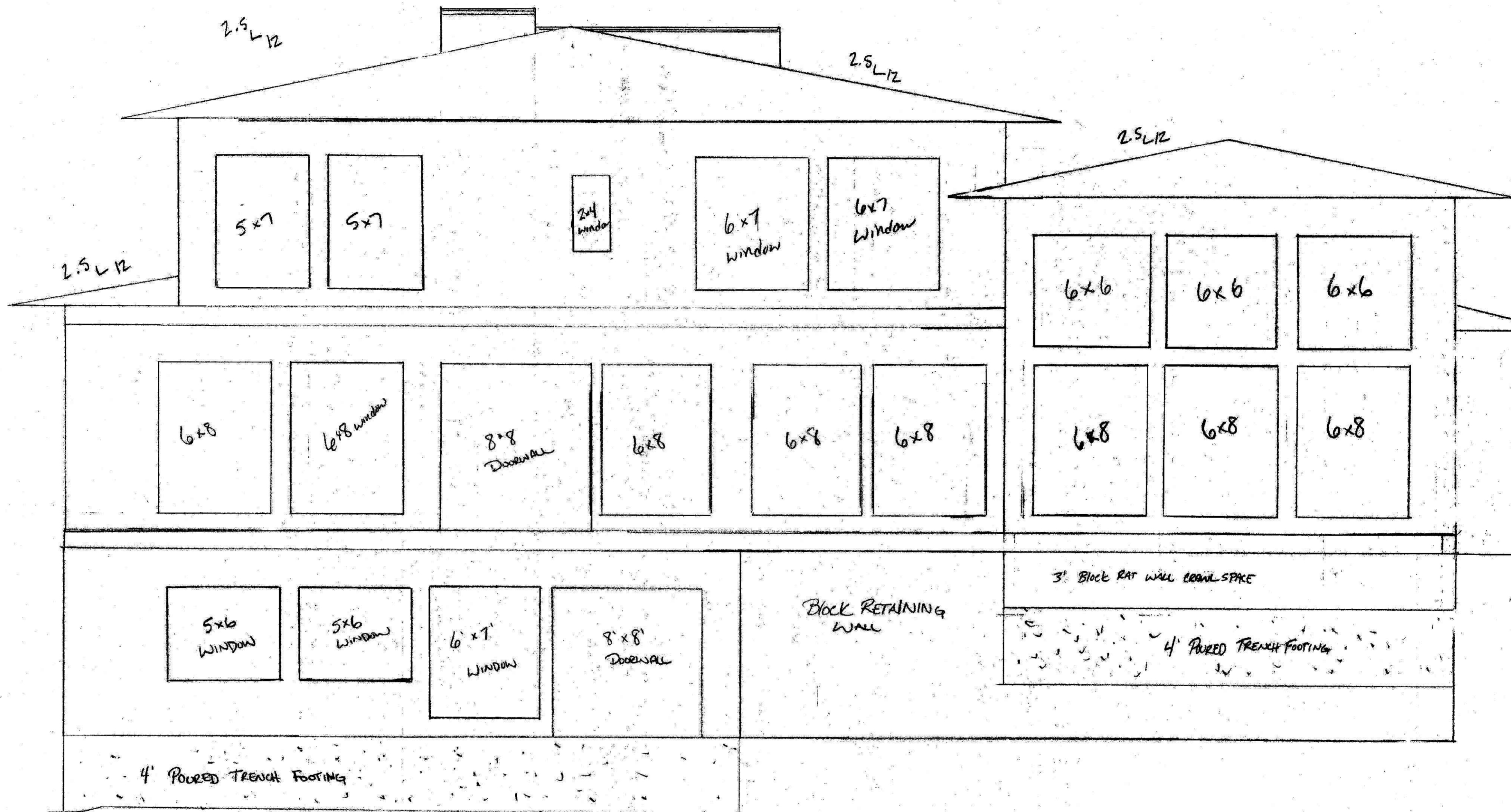
- Siding
- Stone & Wood Siding
 - House Wrap
 - 7/16" OSB Sheathing
 - 2x6 Exterior Studs @ 16" O.C.
 - Spray Foam Insulation Closed Cell @ ± 50% Wall Capacity (2.5")
 - 1/2" Drywall



JOHNSON HOUSE: FRONT Elevation
 150 DANFORTH ST.
 WHITE LAKE, MI 48386
 SCALE: 1/4" = 1'
 DRAWING #
 2 of 9



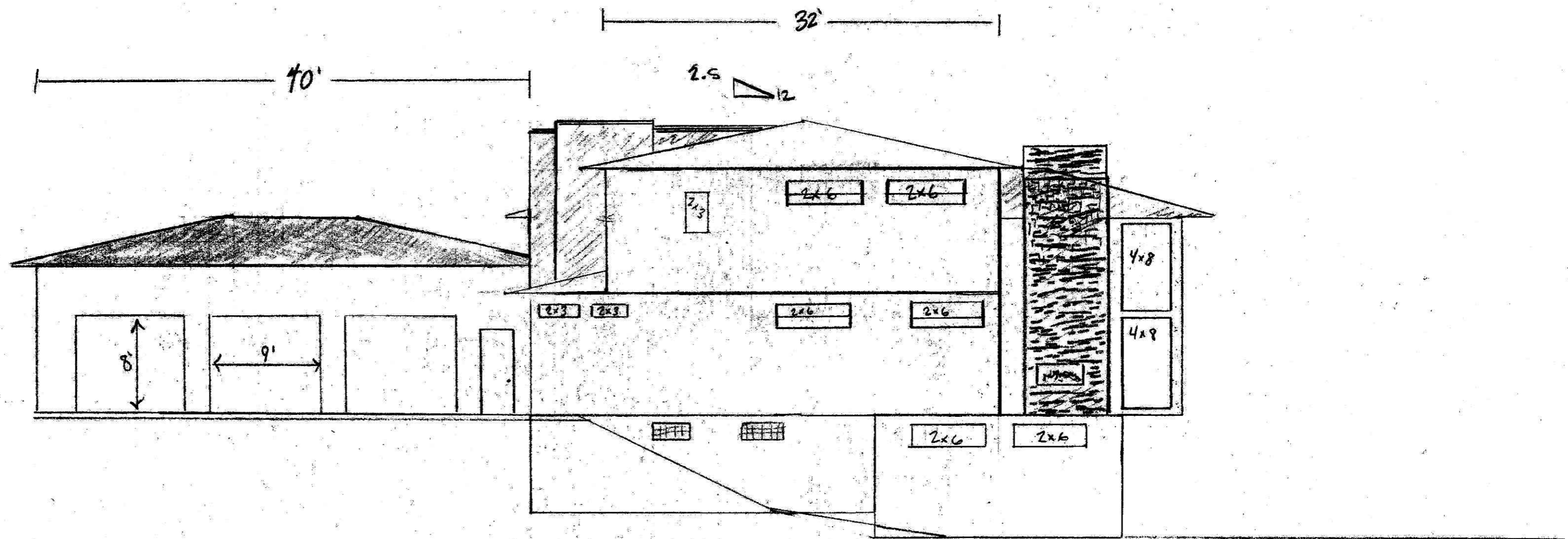
JOHNSON HOUSE : WEST ELEVATION
 150 DANFORTH ST.
 WHITE LAKE, MI 48386
 SCALE: 1/8" = 1'
 DRAWING #
 3 of 9



BUILDER'S NOTES:

- ALL FOUNDATIONS AT MINIMUM will have
- 1 course 8x8x16 SOLID BLOCK
 - 12" wide x 42" Deep Poured Concrete Trench
 - Footing w/ #4 dowel & #5 rebar (top & bottom)

JOHNSON HOUSE: REAR Elevation View	
150 DANFORTH ST. WHITE LAKE, MI 48386	
SCALE: 1/4" = 1'	DRAWING # <u>4</u> of <u>9</u>



JOHNSON HOUSE: EAST ELEVATION
 150 DANFORTH ST.
 WHITE LAKE, MI 48386
 DRAWING #
5 of 9
 1/8" = 1" SCALE

MAIN LEVEL: FLOOR PLAN

74'

24'

50'

15'

53'

38'

Well Head

MASTER BEDROOM

WIC #1

WIC #2

LIVING ROOM

DINING AREA

KITCHEN

M. BATH
Greenboard in entire bathroom

STEAM SHOWER SAUNA

LAUNDRY

BATHROOM

Shower

25' LAM BEAM TO CARRY UPSTAIRS WALLS AND TRUSSES

BEAM TO CARRY UPSTAIRS WALLS & TRUSS

EXISTING HOME

LAM BEAM TO CARRY UPSTAIRS WALLS & TRUSSES

PANTRY

Office

UTILITY ROOM
DECLINING STORAGE

GARAGE

48"

48"

32"

32"

30"

32"

48"

D

W

36"

32"

36"

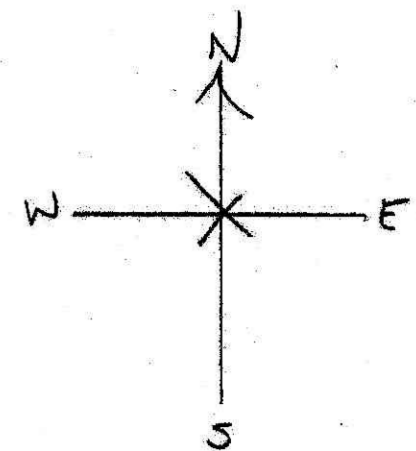
32"

48"

12'

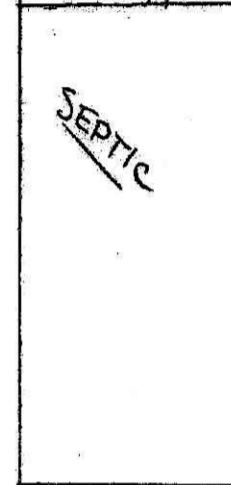
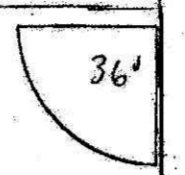
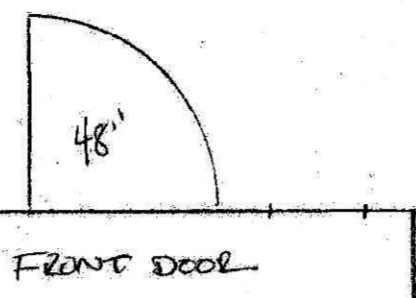
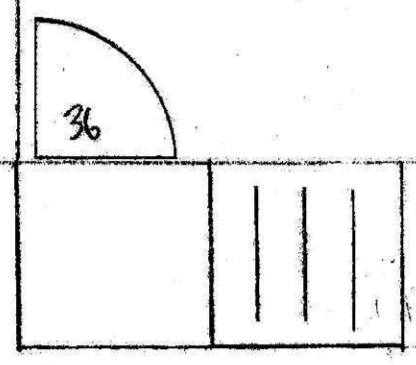
13'

Johnson House: Main Level Floor Plan
150 DANFORTH ST.
White Lake, MI 48386
1/4" = 1' SCALE
DRAWING #
6 of 9



EXISTING STRUCTURE

EXISTING STRUCTURE



GARAGE
30x40
1200 sq ft.

DRIVEWAY

40'

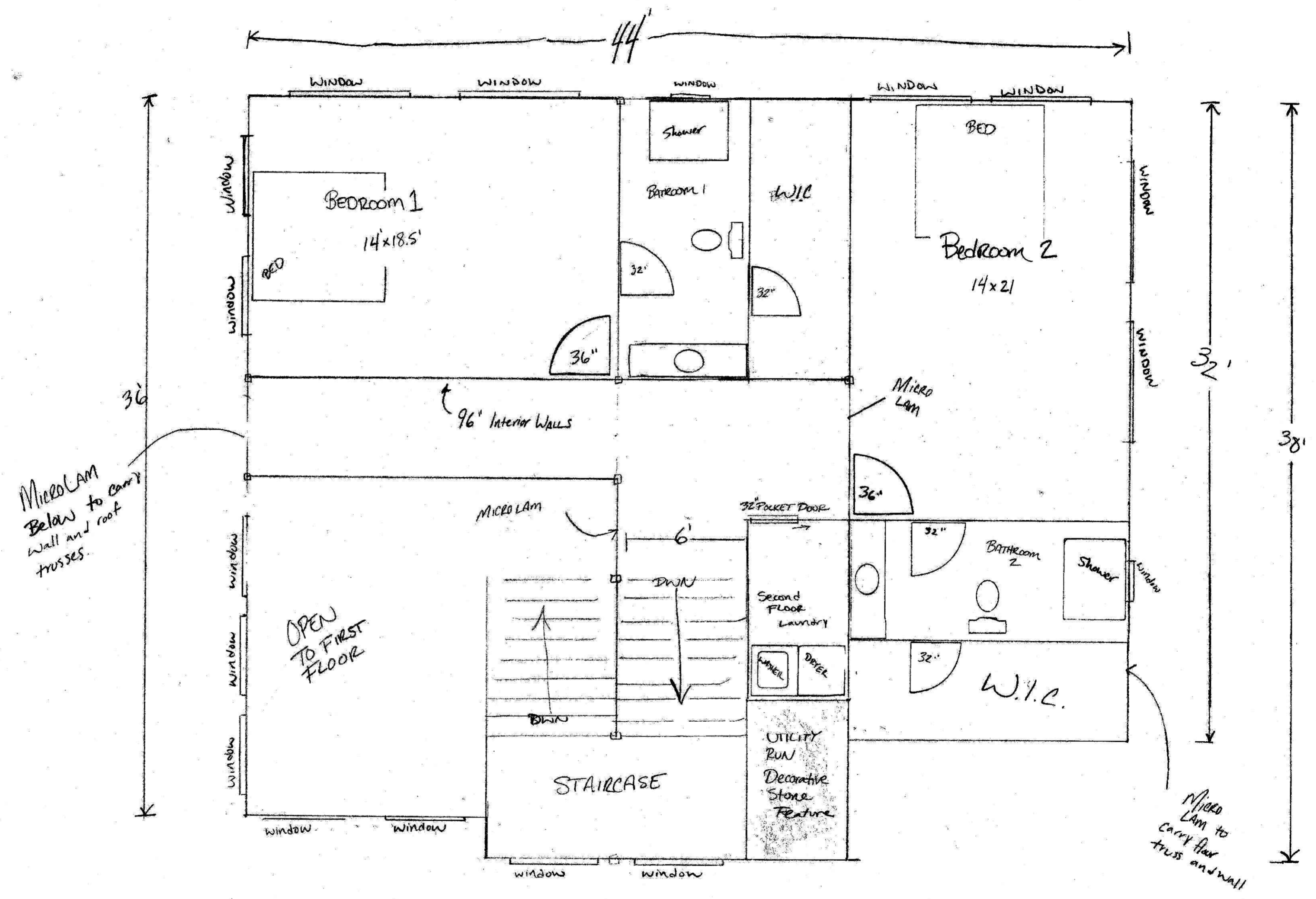
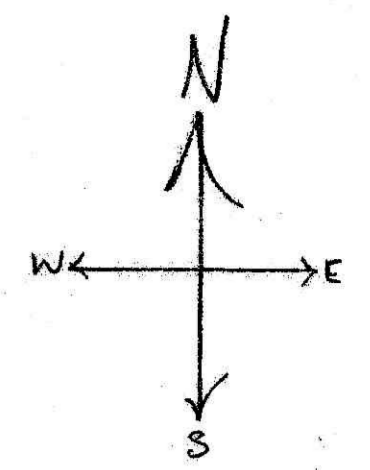
30'

DANFORTH ST.

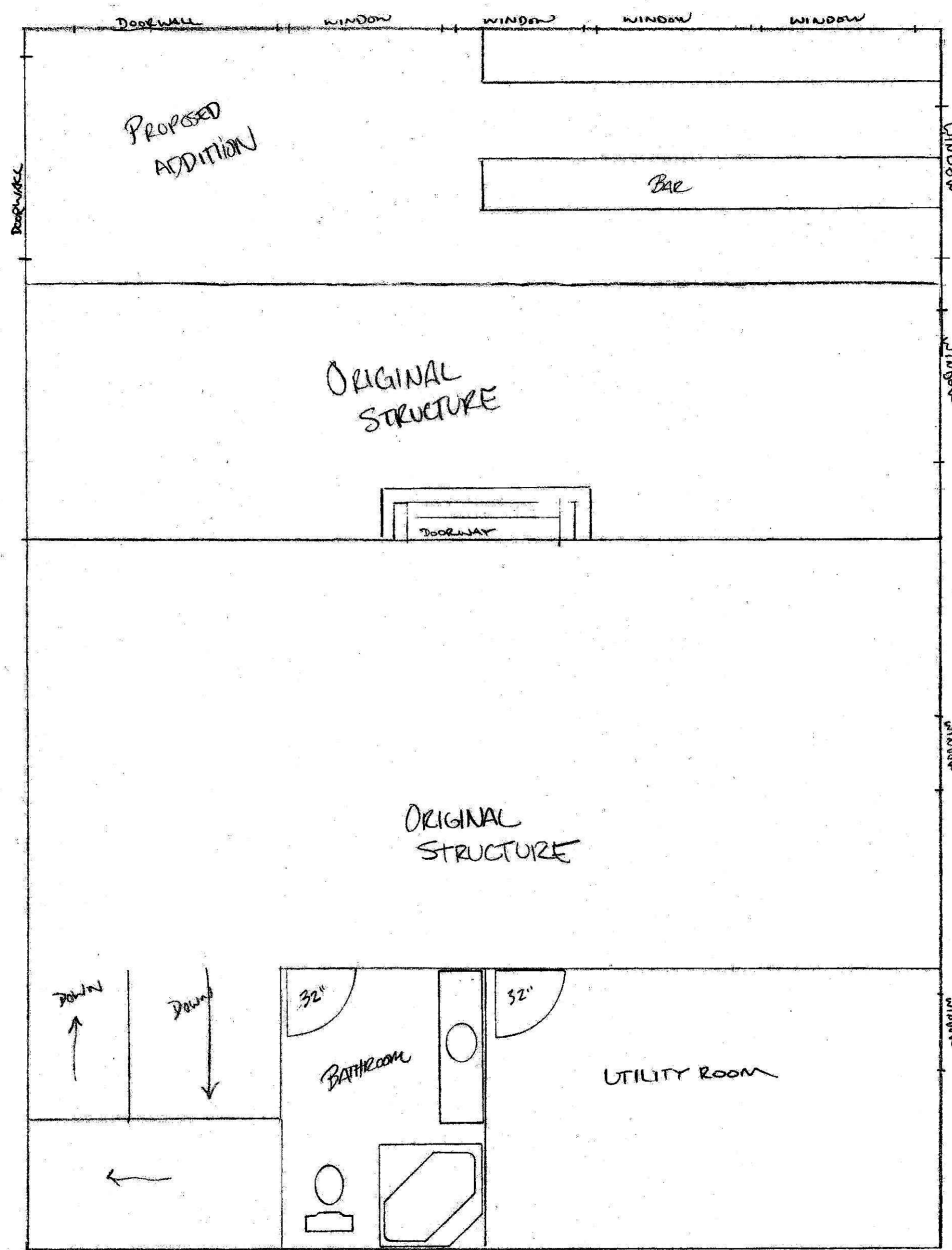
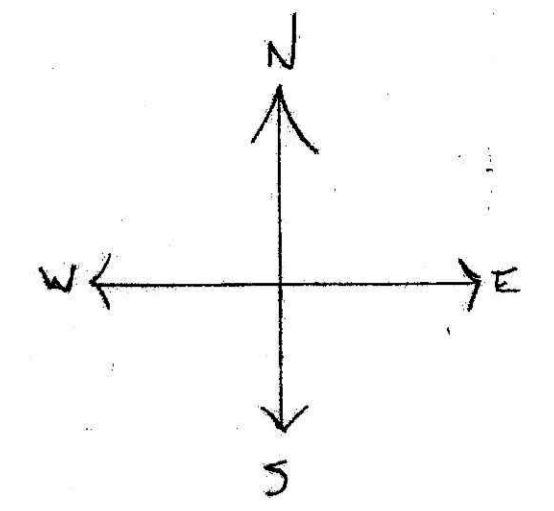
MAIN LEVEL FLOOR PLAN DRAWING #2
- FOCUS ON GARAGE
- FOR MORE DETAILED HOME, SEE PAGE 6

Johnson House
150 DANFORTH ST.
White Lake, MI 48386
1/4" = 1'
DRAWING #
7 of 9

SECOND STORY FLOOR PLAN



Johnson House ; Second Story Floor Plan
 150 DANFORTH ST.
 WHITE LAKE, MI 48386
 Scale = 1/4" = 1'
 □ = 1 sq. ft.
 DRAWING #
 8 of 9



36'

BASEMENT FLOOR PLAN
JOHNSON HOUSE
150 DANFORTH ST.
WHITE LAKE, MI 48386
1/4" = 1" DRAWING #
9 of 9

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

July 21, 2021

Mark Johnson
150 Danforth St.
White Lake, MI 48386

RE: Proposed Addition

Based on the submitted plans, the proposed residential 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.

The existing residential structure is legal non-conforming, having approximately a 5 ft side yard setback on the east side. The proposed addition would further increase this non-conformity on the south side of the property with an approximate 10 ft front yard setback. The submitted plans do not accurately reflect the setbacks of the existing and proposed structures.

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 August 26th Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than July 29th 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,

A handwritten signature in black ink, appearing to read "Nick Spencer", written over a horizontal line.

Nick Spencer, Building Official
White Lake Township