

**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

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**Agenda item:** 5a

**Appeal Date:** September 23, 2021 (Tabled from August 26, 2021)

**Applicant:** Michael Epley

**Address:** 6075 Carroll Lake Road  
Commerce, MI 48382

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

**Location:** 9386 Bonnie Briar Drive  
White Lake, MI 48386

## **Property Description**

The approximately 0.269-acre (11,718 square feet) parcel identified as 9386 Bonnie Briar Drive is located within the English Villas subdivision on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,992 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation. The triple lot (Lots 241, 242, and 243) contains over 180 feet in width at the front property line.

## **Applicant's Proposal**

Michael Epley, the applicant, on behalf of property owners Ron and Stacy Little, intends to complete the following work:

- Enclose existing 4' x 8' (32 square feet) porch slab and make foyer area
- Construct 24' x 24' (576 square feet) two-car attached garage addition

## **Planner's Report**

The existing house was built in 1981 and is nonconforming because it does not meet the 30-foot rear yard setback. As dimensioned on the plan, the garage would be located 8'-9½" from the east side property line. Therefore, the applicant is requesting a 1'-2½" variance to encroach into the side yard. The proposed rear yard setback is 23'-11<sup>7/8</sup>", so a 6'-1/8" variance is requested. It is not clear on the submitted survey if the "water's edge" is the ordinary high-water mark for Pontiac Lake. An accurate representation of the legally established lake level should be required by the Zoning Board of Appeals.

A shed is located two feet from the west property line, and is nonconforming because it does not meet the Natural Features Setback. The canal west of the property is not shown on the survey. Article 3, Section 11.Q of the zoning ordinance prohibits buildings or structures from being located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The Zoning Board of Appeals may require the shed to become compliant with the ordinance.

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 (\$75,040), the maximum extent of improvements cannot exceed \$37,520. The value of the proposed work is \$45,000. A variance to exceed the allowed value of improvements by 120% is requested.

The requested variance is 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'-2½" (east)	8'-9½"
2	Article 3.1.6.E	Rear yard setback	30 feet	6'-1/8"	23'-11 <sup>7/8</sup> "
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	282 sq. ft.	11,718 sq. ft.
4	Article 7.28.A	Nonconforming structure	50% SEV (\$37,520)	120%	\$7,480 over allowed improvements

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the variances requested by Michael Epley from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, in order to construct a two-car attached garage addition that would encroach 1'-2½" into the required east side yard setback and 6'-1/8" into the required rear yard setback, and exceed the allowed value of improvements to a nonconforming structure by 120%. A 282 square foot variance from the required lot size 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.
- 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 Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated July 20, 2021.
2. Survey dated June 8, 2021 (revision date September 1, 2021).
3. Addition plan dated July 2021 (revision date September 7, 2021).
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

RECEIVED

JUL 20 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: MICHAEL EPLEY PHONE: 248-787-1130

ADDRESS: 6075 CARROLL LV. RD., COMMERCE, MI. 48382

APPLICANT'S EMAIL ADDRESS: MIKE@EPLEYCUSTOMDESIGN.COM

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

ADDRESS OF AFFECTED PROPERTY: 9386 BONNIE BRIAR PARCEL # 12-14-276-014 ~~009~~

CURRENT ZONING: R1-D PARCEL SIZE: 11,475

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: 3' FRONT

2' SIDE 3' REAR

VALUE OF IMPROVEMENT: \$ 45,000 SEV OF EXISTING STRUCTURE: \$                     

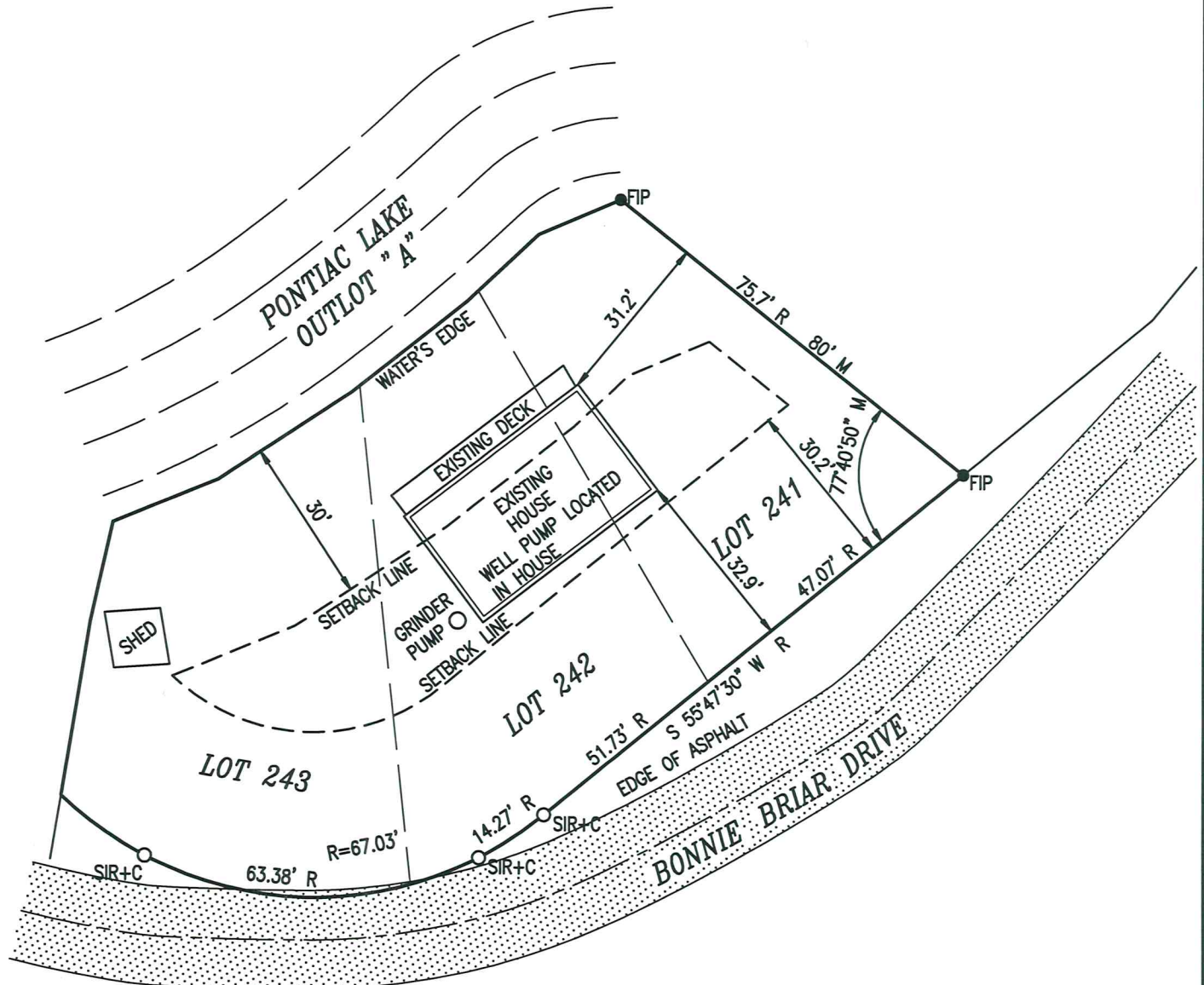
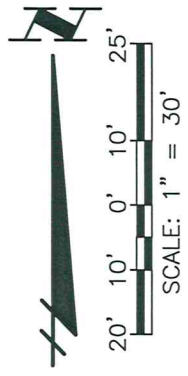
STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

PORCH - EXISTING FRONT FOYER IS TOO SMALL  
THE FRONT DOOR TENDS TO PUSH YOU  
DOWN/UP THE STAIRS (SPLIT LEVEL)  
GARAGE - CURRENTLY, THERE IS NO GARAGE. IF  
WE STAY CONFORMING AND PROPOSE SINGLE  
CAR GARAGE, IT IS AESTHETICALLY IMBALANCED  
THE 3' REAR VARIANCE REQUEST IS DUE  
TO THE FACT THAT IT IS CURRENTLY UNCONFORMING

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

APPLICANT'S SIGNATURE: [Signature] DATE: 7-20-21





ZONING R1-D  
SINGLE FAMILY  
RESIDENTIAL

(SETBACKS)  
FRONT - 30'  
SIDES - 10'  
REAR - 30'

LAND DESCRIPTION:

LOT SURVEY OF LOTS 241, 242 AND 243 OF  
"ENGLISH VILLAS SUBDIVISION" AS RECORDED  
IN LIBER 51, PAGES 22 AND 22A OF THE  
OAKLAND COUNTY PLATS.

LOT SURVEY OF PARCEL NUMBER 12-14-276-009.

BEARINGS FOR THIS SURVEY ARE BASED ON THE RECORD.

This survey is valuable and should be filed with the deed and abstract for this property.



REGISTERED LAND SURVEYORS  
655 Broadway  
P.O. Box 440  
Davisburg, Michigan 48350  
Phone: (248) 634-0700  
Email: GWS@TIR.COM

**LEGEND:**

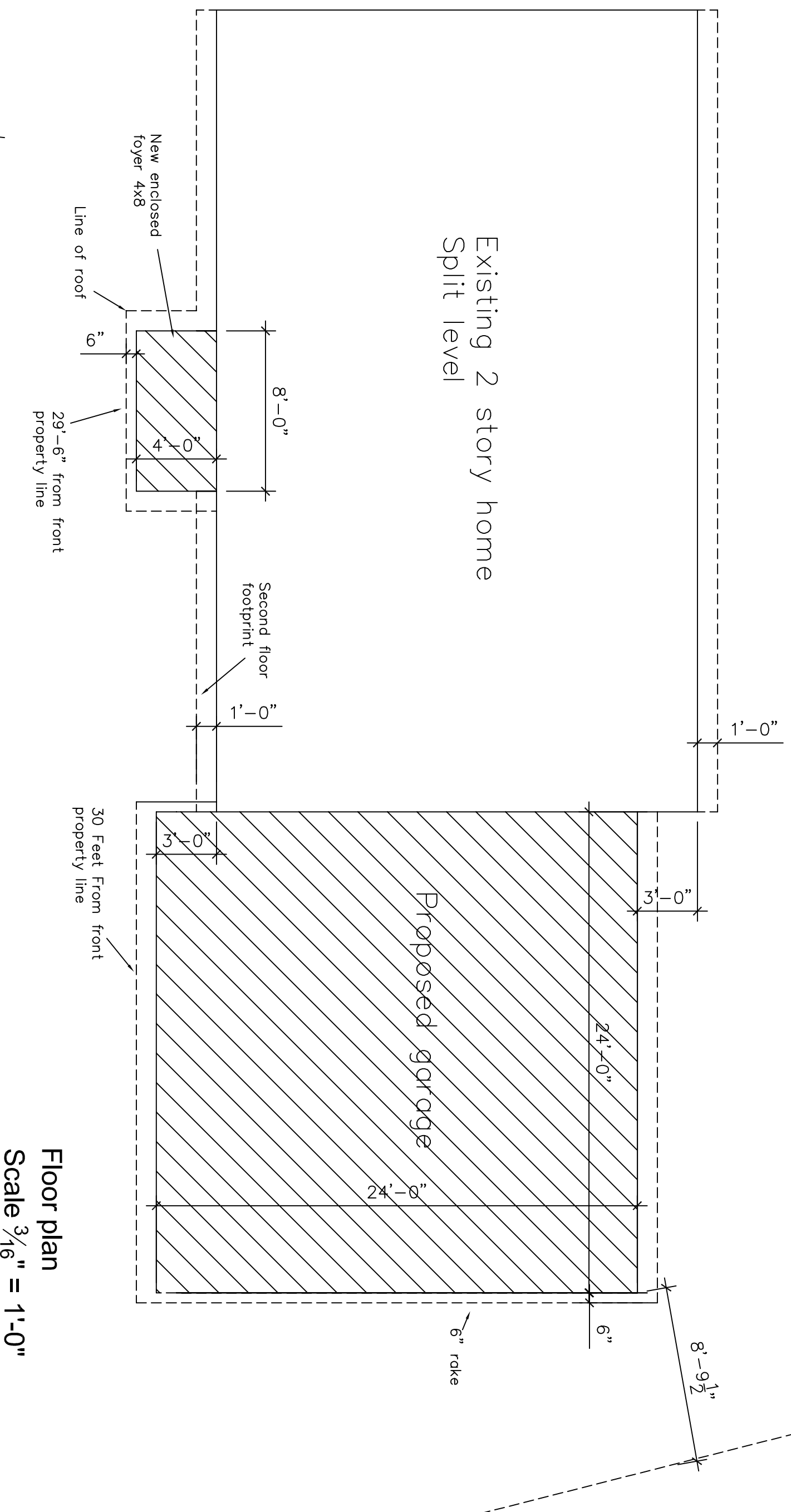
- C - Calculated
  - M - Measured
  - R - Recorded
  - S - Set
  - FIP - Found Iron Pipe
  - FIR - Found Iron Rod
  - ◇ FM - Found Monument
  - FPP - Found Pinch Pipe
  - SIRC - Set Iron Rod and Cap No. 22445
- Date: JUNE 8, 2021 Rev.: SEPTEMBER 1, 2021  
 Job No.: 21-0403 Desc. File: 210403  
 Dwg File: 210403.dwg Data File: 210403P  
 Field Book:            \* Sheet: 1 of 1

**SURVEYORS CERTIFICATE:**

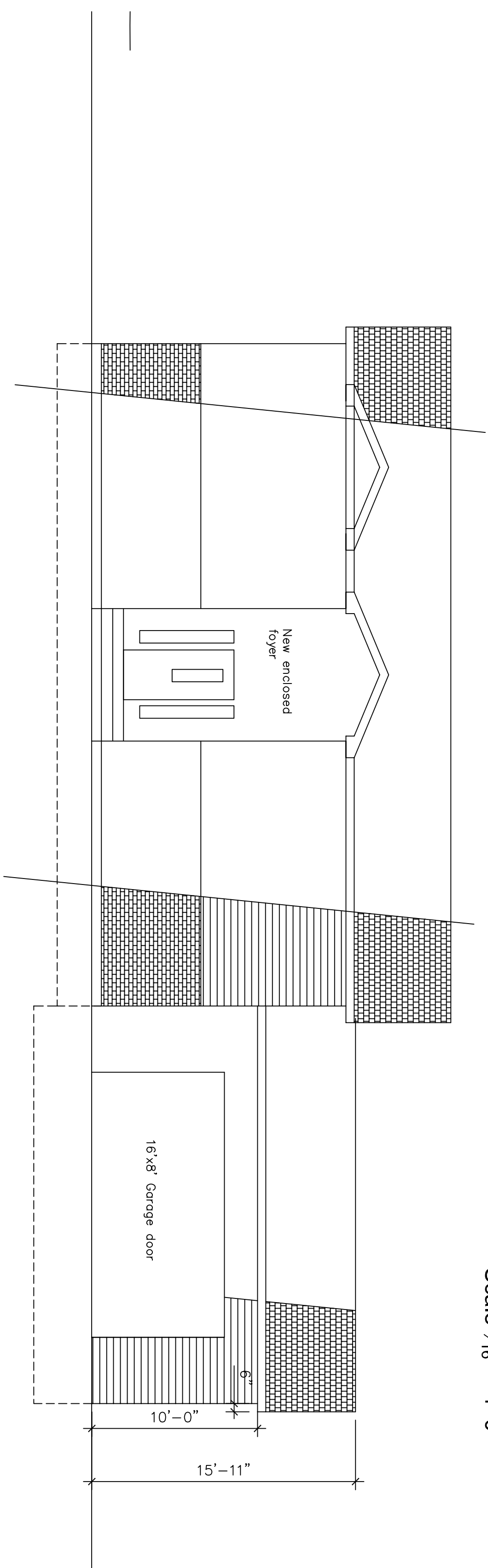
I, Grant J. Ward, Registered Land Surveyor, hereby certify to RONALD W. & STACY C. LITTLE; that on JUNE 8, 2021 I, surveyed and mapped the land herein described.



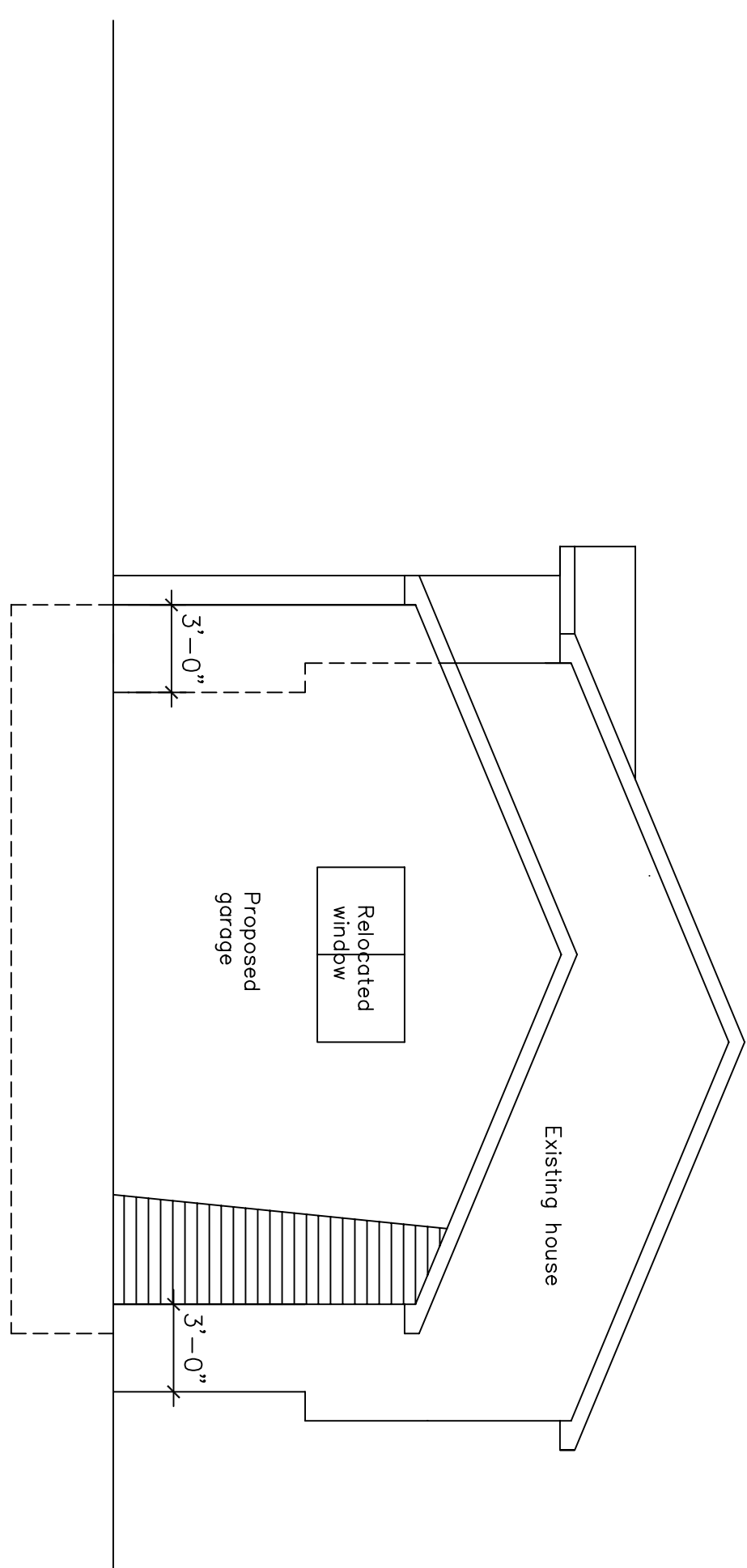
*[Signature]*  
Grant J. Ward, R.L.S.  
License No. 22445



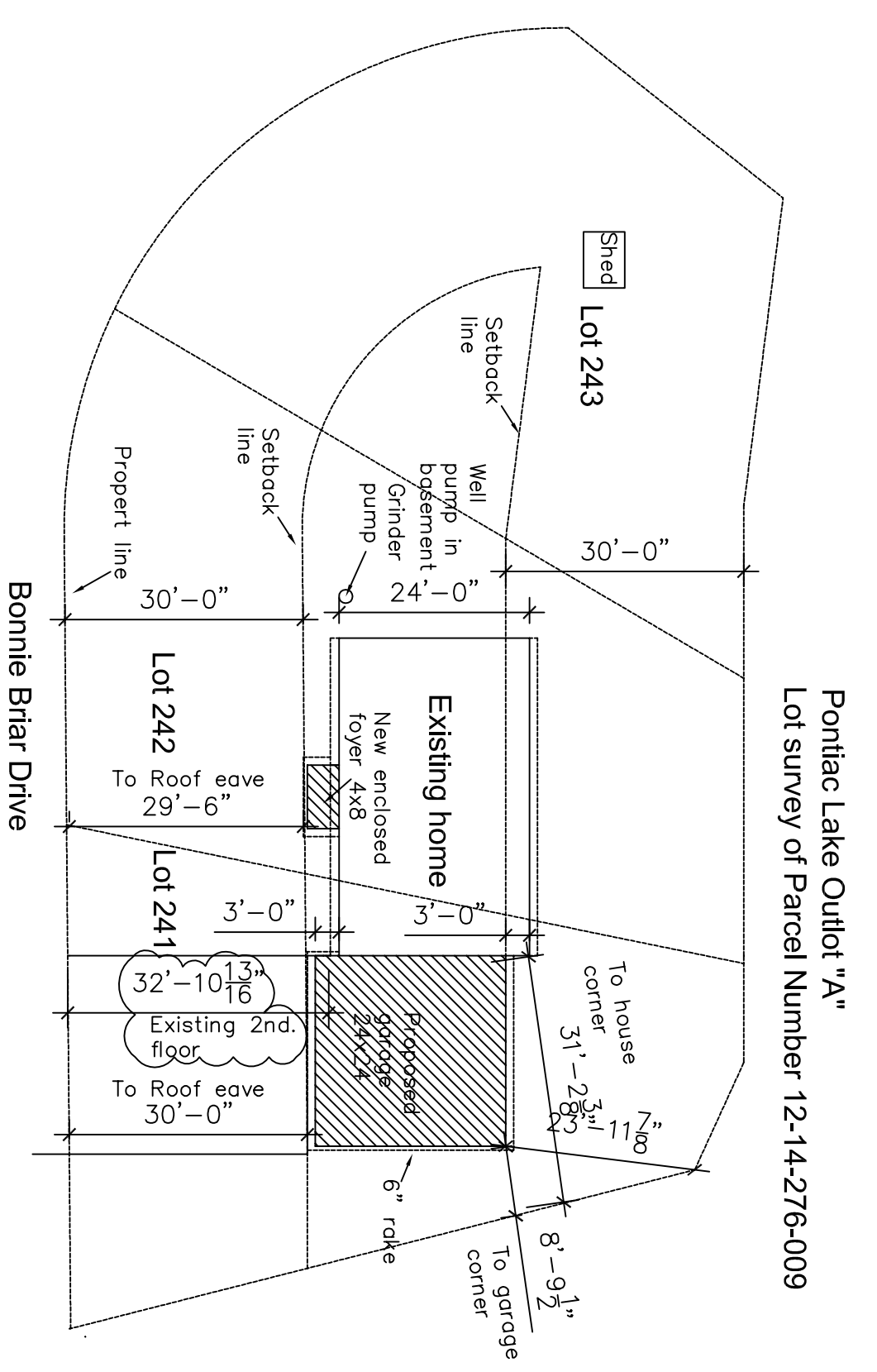
Floor plan  
Scale 3/16" = 1'-0"



South elevation  
Scale 3/16" = 1'-0"



East elevation  
Scale 3/16" = 1'-0"



Site Plan  
Scale 1" = 20'

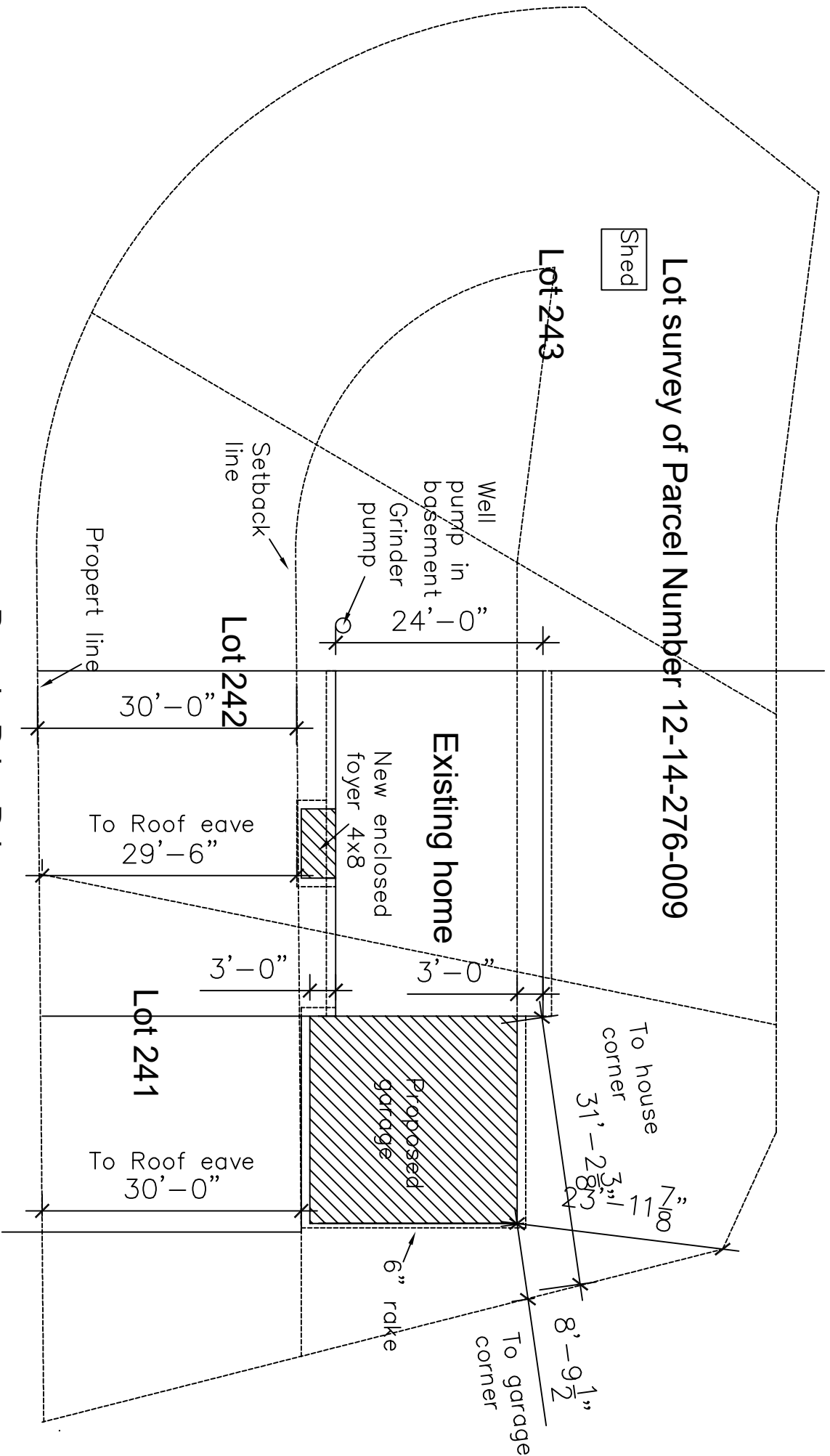
Land description  
 Lot survey of lots 241, 242, and 243 of " ENGLISH VILLA SUBDIVISION " as recorded in liber 51, pages 22 and 22A of the Oakland County Plats  
 Zoning - R1-D Single family residential  
 Front - 30'  
 Sides - 10'  
 Back - 30'

Site plan - Floor plan - Elevations

ISSUE	DATE	ISSUE
		Revised ZBA Document Sept. 7 2021

Proposed Garage addition  
 & Enclosed foyer for  
 9386 Bonnie Briar Dr.  
 Charter Twp. of White Lake ml.

PONTIAC LAKE UNIT 1 "A"



Lot survey of Parcel Number 12-14-276-009

Shed

Lot 243

Well pump in basement  
Grinder pump

Setback line

Propert line

Lot 242

30'-0"

To Roof eave  
29'-6"

Existing home

New enclosed foyer 4x8

3'-0"

3'-0"

Lot 241

To Roof eave  
30'-0"

Proposed garage

6" rake

To house corner  
31'-2 8/9"

8'-9 1/2"

To garage corner

Bonnie Briar Drive

North



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

Ron Little  
9386 Bonnie Briar  
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 side yard setback of 10 ft, minimum rear yard setback of 30 ft, and minimum lot size of 12,000 sq ft.

The existing structure is legal non-conforming with the 11,718 sq ft lot containing a residential structure; having approximately a 24 ft rear yard setback. The proposed addition would further increase this non-conformity on the east side of the property with an 8 ft side yard setback and approximate 22 ft rear yard setback. The rear yard setback is not dimensioned on the survey and will need to be added by the surveyor.

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

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

Nick Spencer, Building Official  
White Lake Township