

**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: 6a

Appeal Date: September 23, 2021

Applicant: Ryan Heil

Address: 11600 Hazel Avenue
Grand Blanc, MI 48439

Zoning: R1-D Single Family Residential

Location: Parcel Number 12-14-282-002
English Villas Sub Lot 345

Property Description

The approximately 0.12-acre (5,348 square feet) parcel identified as Parcel Number 12-14-282-002 is located on Pontiac Lake and zoned R1-D (Single Family Residential). The public sanitary sewer system is available to serve the site.

Applicant's Proposal

Ryan Heil, the applicant, is proposing to construct a new house on an undeveloped lot.

Planner's Report

The parcel is nonconforming due to a 6,652 square foot deficiency in lot area and a 38-foot deficiency in lot width (42 feet in width at the front lot line); in the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The applicant is proposing to construct a 1,702 square foot one-story house, including a 260 square foot one-car attached garage. The proposed house would be located 15.59 feet from the north (front) lot line, 6.55 feet from the east (side) lot line, and 7.58 feet from the west (side) lot line. In the R1-D zoning district the minimum front yard setback is 30 feet and the minimum side yard setback is 10-feet. A 14.41-foot variance to encroach into the front setback, a 3.45-foot variance to encroach into the east side setback, and a 2.42-foot variance to encroach into the west side setback are being requested. Note the proposed eave overhang is 16 inches, which only leaves 2.6 inches from the required minimum 5-foot setback from the east side property line.

Additionally, the proposed lot coverage is 31.82% (1,702 square feet), which is 11.82% (632.4 square feet) beyond the 20% maximum lot coverage allowed (1,069.6 square feet).

Please also note there was a different site plan prepared by a different surveyor in November 2020. The revised site plan utilized the topographic information from the initial survey, which did not represent the shoreline at the ordinary high-water mark for Pontiac Lake.

Furthermore, the architectural plans show a covered porch on the east side of the house. This porch is not represented on the site plan. The roofed structure is not dimensioned on the elevations, but the projection scales at three feet. When reviewing the architectural plans, note the orientation is reversed from the site plan. A covered or enclosed porch is considered part of the principal structure and therefore subject to the same setbacks as the house. Based on the plans, the covered porch would be located 3.55 feet from the east side property line. Article 7, Section 27.vii of the zoning ordinance prohibits the Zoning Board of Appeals from permitting side yards of less than five feet for safety reasons.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	14.41 feet	15.59 feet
2	Article 3.1.6.E	Side yard setback	10 feet	3.45 feet (east) 2.42 feet (west)	6.55 feet (east) 7.58 feet (west)
3	Article 3.1.6.E	Maximum lot coverage	20% (1,069.6 square feet)	11.82% (632.4 square feet)	31.82% (1,702 square feet)
4	Article 3.1.6.E	Minimum lot size	12,000 square feet	6,652 square feet	5,348 square feet
5	Article 3.1.6.E	Minimum lot width	80 feet	38 feet	42 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Ryan Heil from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-14-282-002 in order to construct a new house that would exceed the allowed lot coverage by 11.82%, encroach 14.41 feet into the required front yard setback, and encroach 3.45 feet into the required east side yard setback and 2.42 feet into the required west side yard setback. A 38-foot variance from the required lot width and 6,652 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The site plan shall be revised by a registered land surveyor to accurately reflect the location the rear yard setback is measured.
- The covered porch on the east side of the house is not permitted and shall be removed from all plans.
- 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 Ryan Heil for Parcel Number 12-14-282-002 due to the following reason(s):

Table: I move to table the variance requests of Ryan Heil for Parcel Number 12-14-282-002 to consider comments stated during this public hearing.

Attachments:

1. Variance application dated August 23, 2021.
2. Site plan dated August 18, 2021.
3. Site plan dated November 20, 2020 (revision date February 20, 2021).
4. Elevations and floor plans dated January 2021.
5. Letter of denial from the Building Department dated September 1, 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.

RECEIVED

AUG 23 2021

CHARTER TOWNSHIP OF WHITE LAKE
Zoning Board of Appeals
APPLICATION

BUILDING
DEPARTMENT

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

APPLICANT'S NAME: Ryan Heil PHONE: 248-214-1563

ADDRESS: 11600 Hazel Ave, Grand Blanc 48439

APPLICANT'S EMAIL ADDRESS: Ryan_Heil@yahoo.com

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

ADDRESS OF AFFECTED PROPERTY: _____ PARCEL # 12-14-282-002

CURRENT ZONING: R1D PARCEL SIZE: _____

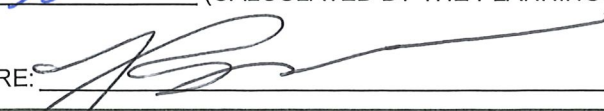
STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

VALUE OF IMPROVEMENT: \$ _____ SEV OF EXISTING STRUCTURE: \$ _____

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

Unusable need house.

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

APPLICANT'S SIGNATURE:  DATE: 8/23/21

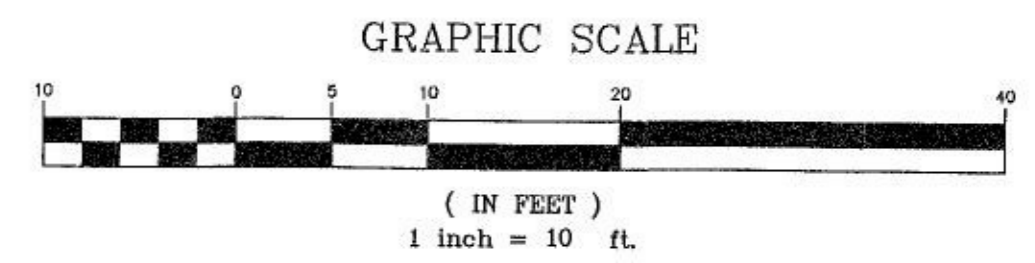
SITE PLAN

PREPARED FOR:

RYAN HEIL

DESCRIPTION PARCEL #12-14-282-002:

LOT 345 OF "ENGLISH VILLAS SUBDIVISION", A SUBDIVISION OF PART OF SECTION 14, T.3N., R.8E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 51 OF PLATS ON PAGE 22, OAKLAND COUNTY RECORDS.



LEGEND

- EXISTING ELEV.
- PROPOSED ELEV.
- AS BUILT
- FLOW DIRECTION
- CONTOURS
- SANITARY
- WATER MAIN
- STM SEWER
- GAS LINE
- OH WIRE LINE
- CHAIN FENCE
- WOOD FENCE
- SILT FENCE
- CMP
- TREE TO BE REMOVED
- FOUND IRON OR PIPE
- SET IRON
- FOUND MONUMENT
- SECTION CORNER
- POWER POLE
- CATCH BASIN
- CENTERLINE OF ROAD
- GATE VALVE WATER
- GAS MARKER
- DOWNSPOUT
- WATER SHUT OFF

MIN. SETBACK REQUIREMENTS R-1D

DESCRIPTION	REQ.	PROP.
SIDE YARD (EAST)	10'	6.55'
SIDE YARD (WEST)	10'	7.80'
FRONT YARD (ROAD)	30'	15.59'
REAR YARD (LAKE)	25'	33.78'

(7.58 O.H.)

BUILD. AREA CALCULATIONS

	SQ. FT.
HOUSE W/O.H.	1,442
ATTACHED GARAGE	260
TOTAL	1,702
LOT	5,348
COVERAGE	31.82%
MAX COVERAGE ALLOWED	30.00%

IMPERVIOUS AREA CALC'S

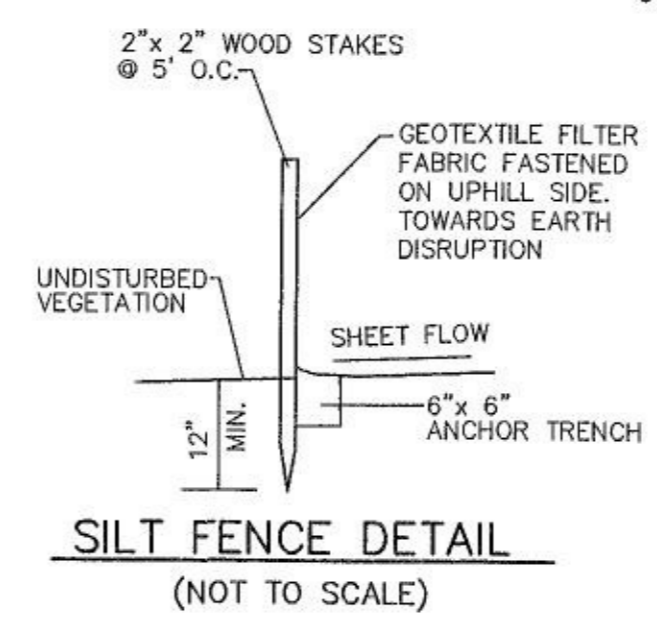
	SQ. FT.
DRIVE CONC.	216
WALLS	143
CONC. WALK	182
TOTAL	541
LOT	5,348
COVERAGE	10.11%
MAX COVERAGE ALLOWED	30.00%

TOTAL SURFACE COVERAGE

	SQ. FT.
BUILD. AREA	1,702
IMPERVIOUS AREA	541
TOTAL COMBINED AREA	2,243
LOT	5,348
COVERAGE	41.94%
MAX COVERAGE ALLOWED	60.00%

SOIL EROSION SEQUENCE

1. INSTALL SILT FENCE AROUND ENTIRE LOT OR AS SHOWN ON DWG., LEAVING AN OPENING FOR THE DRIVE WHICH SHALL HAVE A BASE OF GRAVEL OR CRUSHED CONCRETE INSTALLED PRIOR TO BEGINNING CONSTRUCTION AND CALL TWP. OR CITY FOR INSPECTION.
2. CLEAR AND ROUGH GRADE SITE.
3. EXCAVATE BASEMENT AND INSTALL SANITARY, SUMP, AND WATER LEADS AS NECESSARY AND BACK FILL BASEMENT.
4. INSTALL ALL PUBLIC UTILITIES.
5. COMPLETE BUILDING CONSTRUCTION.
6. FINISH GRADE SITE AND PAVE DRIVE.
7. HOMEOWNERS TO ESTABLISH VEGETATION ON ALL DISTURBED AREAS WITH TOPSOIL AND SEED OR SOD.
8. REMOVE ALL SOIL EROSION CONTROL DEVICES AFTER VEGETATION IS ESTABLISHED.
9. SOIL EROSION CONTROLS SHALL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT.



NOTE: THIS SITE PLAN DRAWING WAS ORIGINALLY COMPLETED BY DON DEKEYSER, PS (RETIRED). WE HAVE REVISED THE FOOTPRINT OF THE PROPOSED HOUSE PER THE PROPERTY OWNER'S REQUEST. WE HAVE NOT COMPLETED A BOUNDARY SURVEY OF THIS PROPERTY.

KAROL L. GROVE
 PROFESSIONAL SURVEYOR
 No. 39075
 8-19-2021
 LICENSED PROFESSIONAL SURVEYOR #39075

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

ALPINE
 Land Surveying, Inc.

FIELD: KG DATE: 08-18-2021
 DRAWN: DJS JOB NO: 21-5586
 CHECKED: KG SHEET: 1 OF 1
 REVISED:

3 WORKING DAYS | BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE) for the location of underground facilities

DESCRIPTION PARCEL #12-14-282-002:

LOT 345 OF "ENGLISH VILLAS SUBDIVISION", A SUBDIVISION OF PART OF SECTION 14, T.3N., R.8E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 51 OF PLATS ON PAGE 22, OAKLAND COUNTY RECORDS.

MIN. SETBACK REQUIREMENTS R-1D

DESCRIPTION	REQ.	PROP.
SIDE YARD (EAST)	10'	6.66'
SIDE YARD (WEST)	10'	8.56'
FRONT YARD (ROAD)	30'	15.96'
REAR YARD (LAKE)	25'	33.78'

(7.58 O.H.)

BUILD. AREA CALCULATIONS

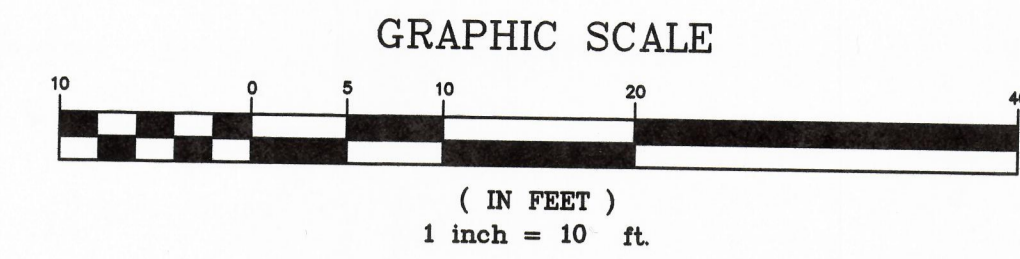
	SQ. FT.
HOUSE W/O.H.	1,163
ATTACHED GARAGE	440
TOTAL	1,603
LOT	5,348
COVERAGE	29.97%
MAX COVERAGE ALLOWED	30.00%

IMPERVIOUS AREA CALC'S

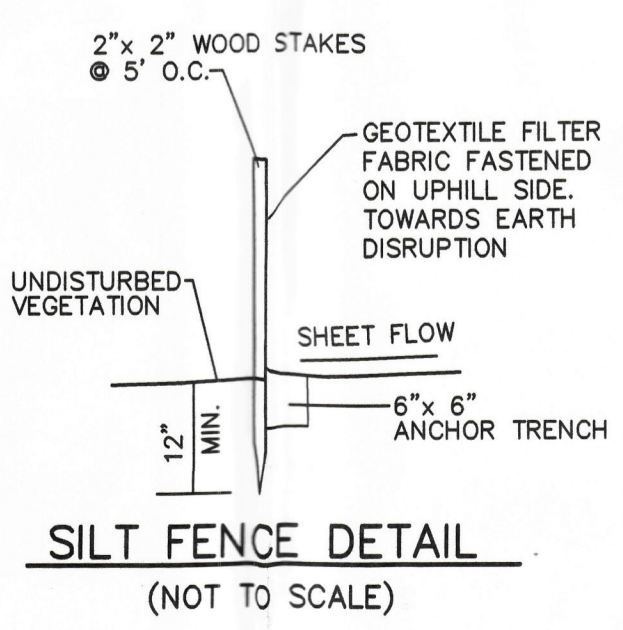
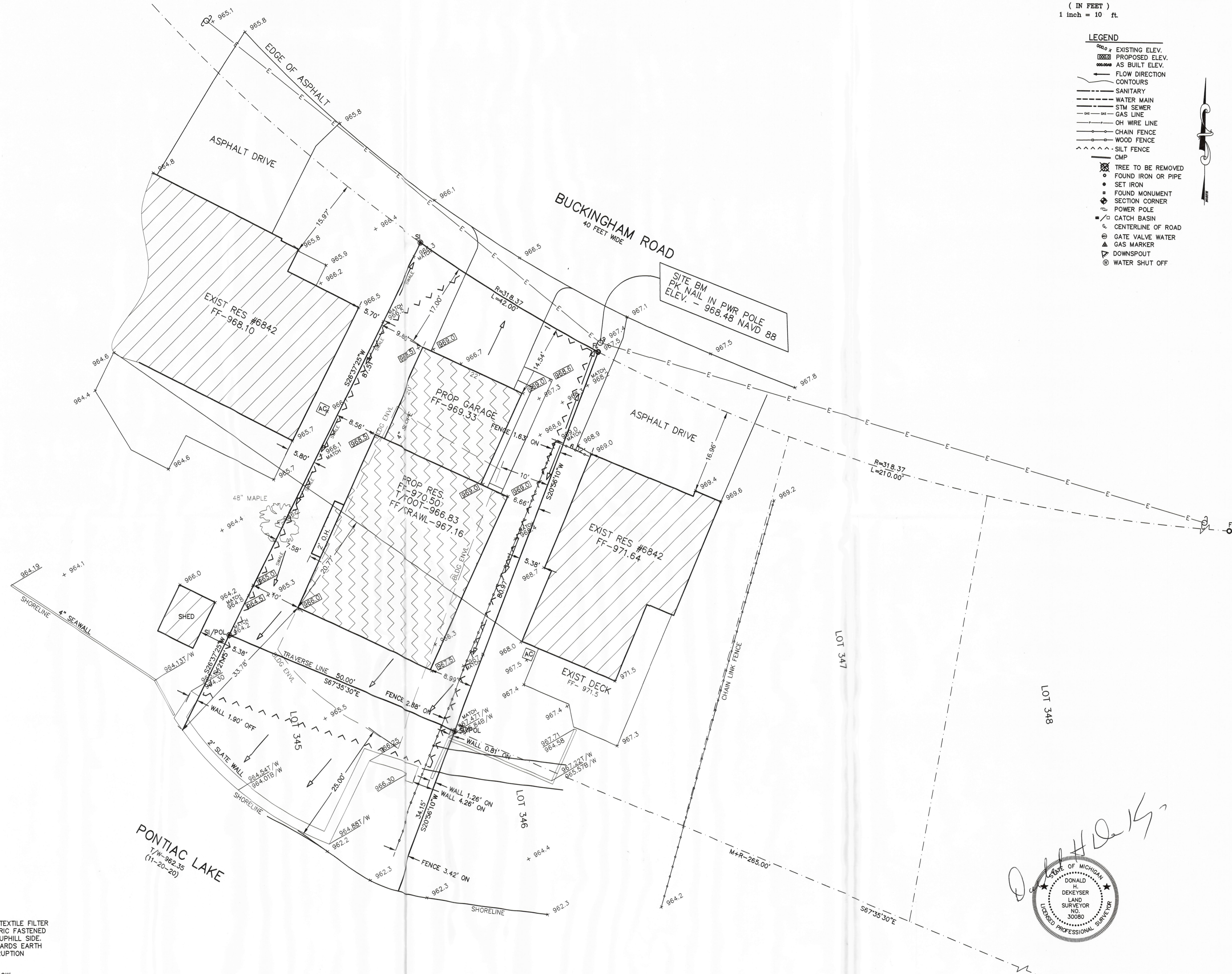
	SQ. FT.
DRIVE CONC.	290
WALLS	143
CONC. WALK	85
TOTAL	518
LOT	5,348
COVERAGE	9.53%
MAX COVERAGE ALLOWED	30.00%

TOTAL SURFACE COVERAGE

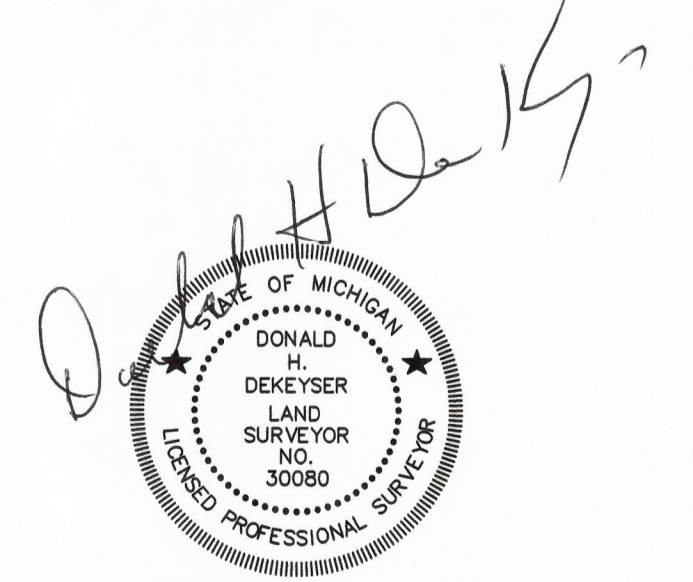
	SQ. FT.
BUILD. AREA	1,603
IMPERVIOUS AREA	518
TOTAL COMBINED AREA	2,121
LOT	5,348
COVERAGE	39.66%
MAX COVERAGE ALLOWED	60.00%



- LEGEND**
- ○ ○ ○ ○ EXISTING ELEV.
 - □ □ □ □ PROPOSED ELEV.
 - ▨ ▨ ▨ ▨ ▨ AS BUILT ELEV.
 - FLOW DIRECTION
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 - CMP
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 - FOUND IRON OR PIPE
 - SET IRON
 - FOUND MONUMENT
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 - ⊙ DOWNSPOUT
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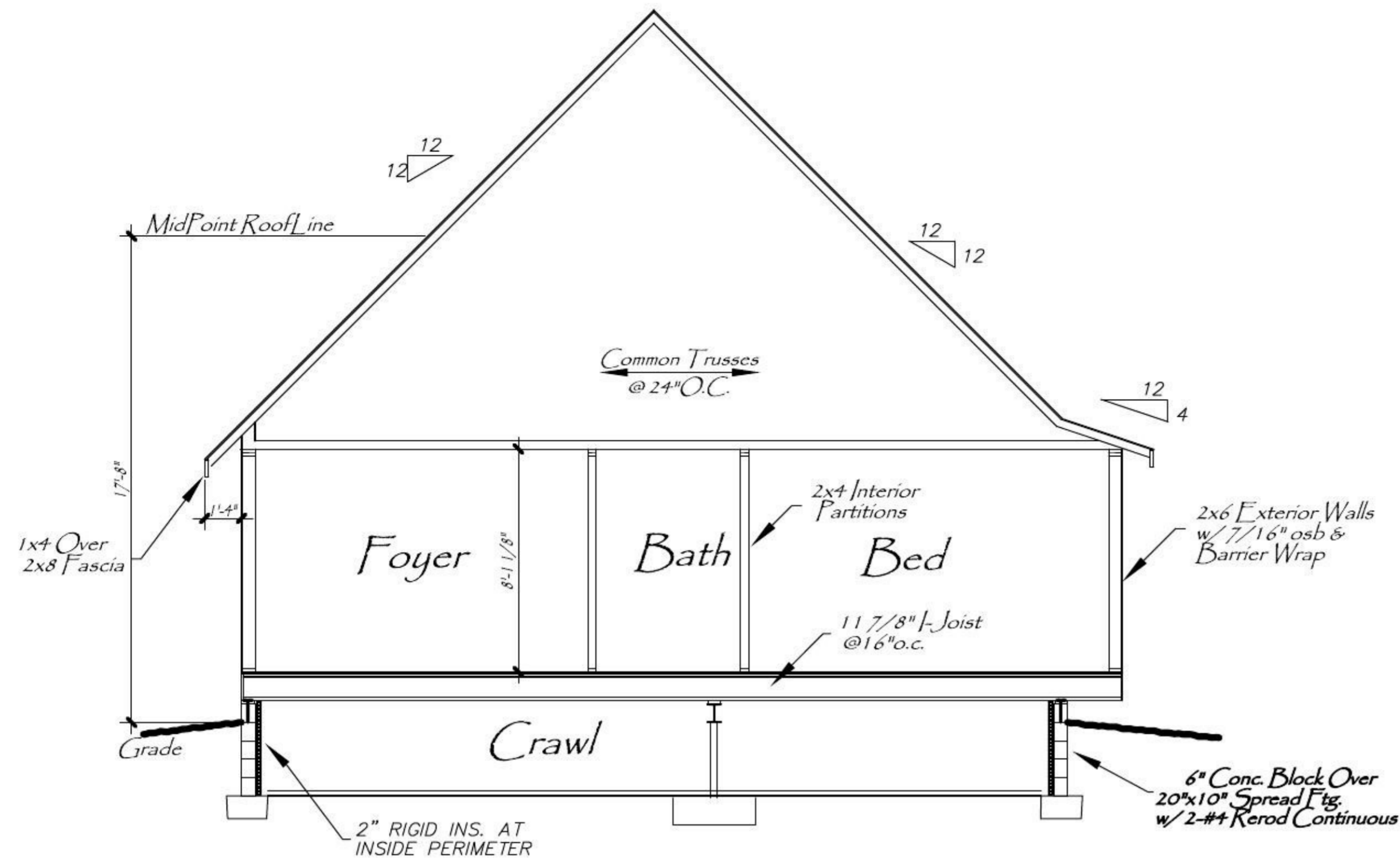
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 - CLEAR AND ROUGH GRADE SITE.
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 - SOIL EROSION CONTROLS SHALL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT.



DEKEYSER SURVEYING 6038 NORTHROP, WATERFORD MI. 48329 PH. 248-623-1518		
SCALE: 1"=10'	REV. 2-20-21	DRAWN BY: AB
DATE: 11-20-20	REV.	REV.
JOB DESCRIPTION: SITE PLAN		
CLIENT RYAN HEIL PH. 248-214-1563	DRAWING NUMBER 6842	

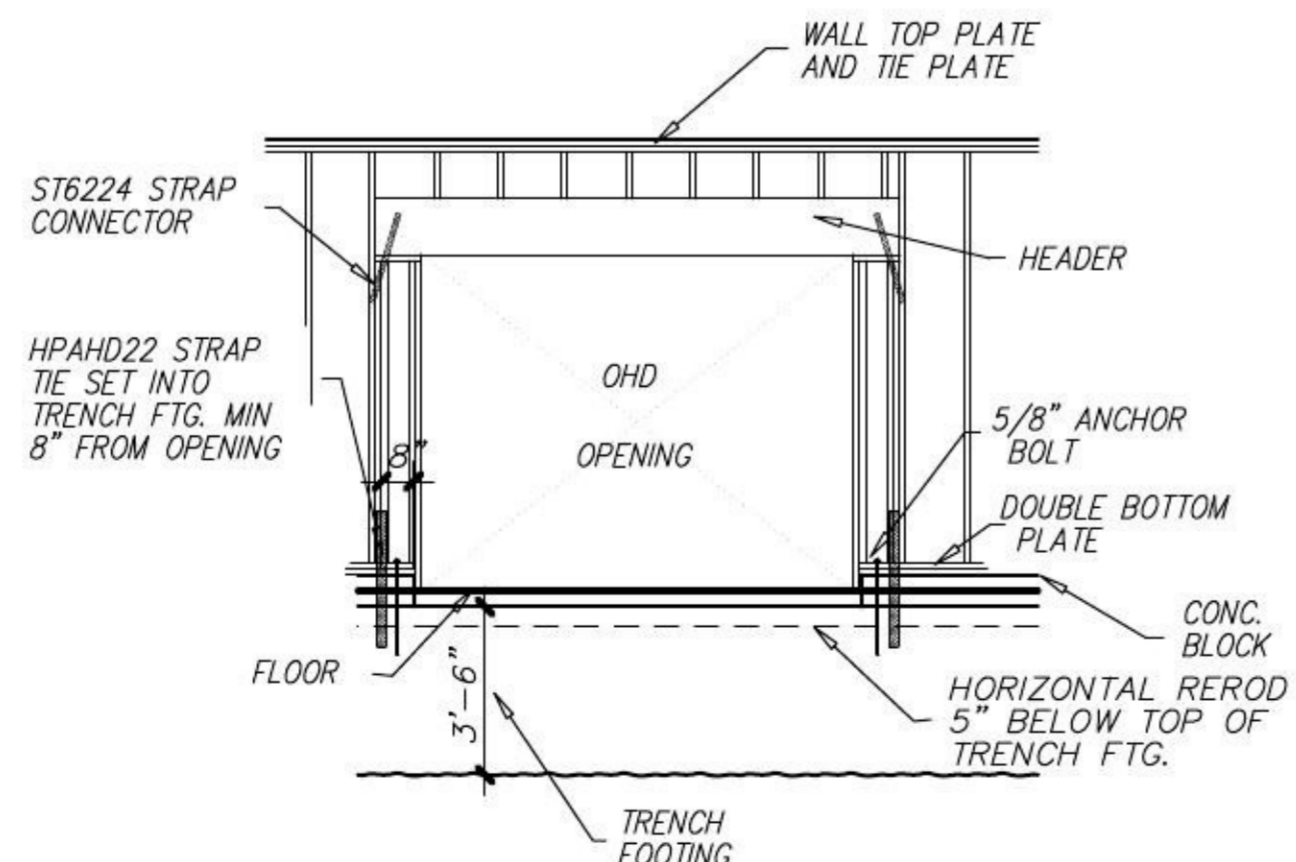
ROOF VENTILATION
ONE SQ. FT. OF VENTILATION IS REQUIRED FOR EVERY 150 SQ. FT. OF ROOF.
BALANCE VENTILATION FROM EAVE AND UPPER VENTILATED AREA
CONSULT VENTILATION CAPACITIES OF PRODUCTS CHOSEN FOR THIS PROJECT
PERIODIC MAINTENANCE AND CLEANING OF VENTS IS RECOMMENDED

ATTIC ACCESS
ATTIC ACCESS TO BE MIN. 22"x30" TO EACH ATTIC SPACE, LOCATION PER BUILDER/OWNER



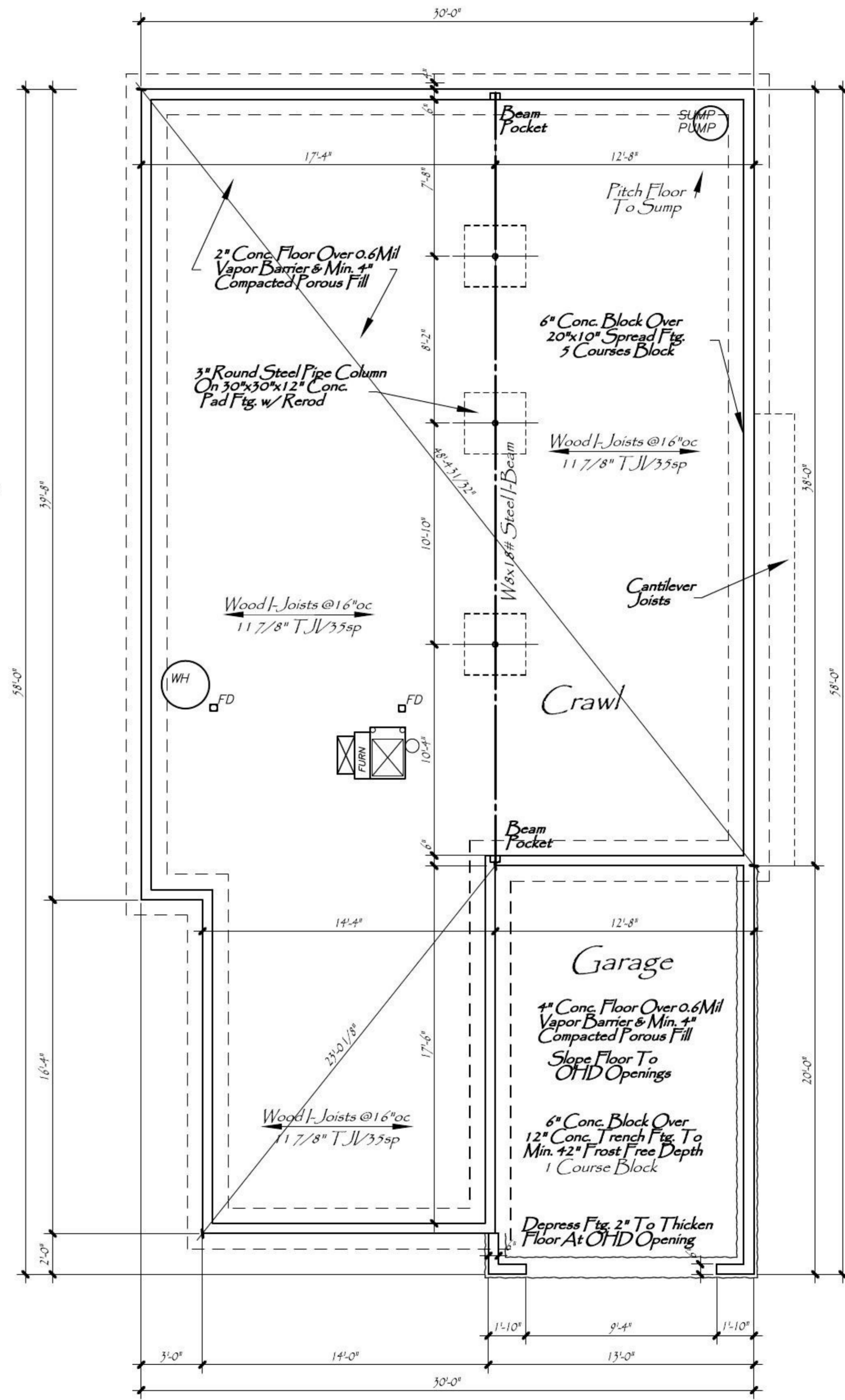
CONDITIONED CRAWL SPACE REQUIRES NO EXTERIOR VENTING MECHANICAL VENTING REQUIRED AT RATE OF ONE CFM PER 50 SQ. FT. AREA, DO NOT INSULATE FLOOR JOISTS

Section



DETAIL

WALL BRACING WALLS SHORTER THAN 4' GARAGE OHD OPENINGS TYPICAL



Note: All Dimensions And Materials Are To Be Checked By The Builder Before Construction Begins

6" Conc. Block Over 12" Conc. Trench Fig. To Min. 42" Frost Free Depth

Vertical Expansion Joints Are Req. in All Concrete Walls 30' Or More In A Single Span Length

Place Sill Ties 6' o.c. Max And 1' Max From Corners / Ends Follow Mfr. Depth Setting

Apply Mastic Dampproof Coating To Exterior Conc. Wall To Grade Line

Perimeter Drain Tile To Be Connected To Footing Bleeders & Covered w/ Min. 12" Peastone Fill

Perimeter Foundation Drain Tile Must Connect To Sump Crock, Even When Exterior Gravity Conditions Exist

Backfill Foundation w/ Clean Loose Fill And Grade Surface To Slope Away From Foundation. Maintain Min. 8" From Top Of Wall

Apply Foam Sill Sealer Tape Between Top Of Conc. Wall & Sill Plate

Wood In Direct Contact w/ Concrete Masonry, And / Or Soils Must Be Pressure Treated

Install Proper Expansion Material At Perimeter Of Interior Conc. Floors

All Work Performed Shall Comply w/ The 2015 Michigan Residential Code, Local Ordinances, And Shall Be Performed To Industry Standards Or Better

Foundation Plan

Scale 1/4" = 1'-0"

Revisions	
Date	

Builder: A

Site Location: Buckingham Road

Residence For: Ryan Heil

A2
1/2021

This drawing is the intellectual property of Home Innovation Design. Authorization is valid only to the named client after final payment is received, and for only one individual site location. Any other use, for whatever purpose is forbidden and in violation of U.S. Copyright Law.

Home INNOVATION
 Design | Construction
 2020-2021-2022-2023-2024-2025
 10171 W. VICTORIAN RD. #200
 5177-202-2118

Note:
 All Dimensions And Materials Are To Be Checked By The Builder Before Construction Begins

All Dimensions Are "Wood To Wood"
 Exterior Sheathing Included

2x6 Treated Sill Plate To Be Applied Over Sill Sealer Tape At Concrete Walls

All Joist Material To Be Wood Joists Per Mfr. Layout

Subfloor Decking To Be 3/4" T&G OSB Material, Glued And Nailed @ 16" O.C. Along Joist Length

Stairs Are Calculated w/ 10" Tread (Nose to Nose), 1 1/4" Nosing, All Risers Equal w/ 7 3/4" Maximum Rise. Knotched 2x12 Stringers w/ 2x4 Applied. Use 2x12 Tread Stock & 1x8 Riser Stock Fasten w/ 16d Nails Typical, Glue All Joints

Exterior Wall Framing To Be 2x6 Studs @ 16" O.C., Fasten Members w/ 16d Nails Typical

Exterior Vertical Wall Sheathing To Be 7/16" OSB Material, Fasten w/ 8d Ringshank Nails 16" O.C.

Exterior Vertical Walls To Have Water Resistant Barriers Applied Per Code R703.2 And Manufacturer Specification

All Headers To Be 2-2x12 Unless Otherwise Noted

Install All Metal Hangers And Connectors Per Manufacturer Specification

Roof Sheathing To Be 1/2" Plywood Fasten w/ 8d Ringshank Nails 16" O.C.

Cover Roof Sheathing w/ 15# Felt Paper Apply Ice Shield At All Valleys And Eave Lines To 24" Inside Exterior Wall Line. Shingle Over w/ Selected Asphalt Shingles

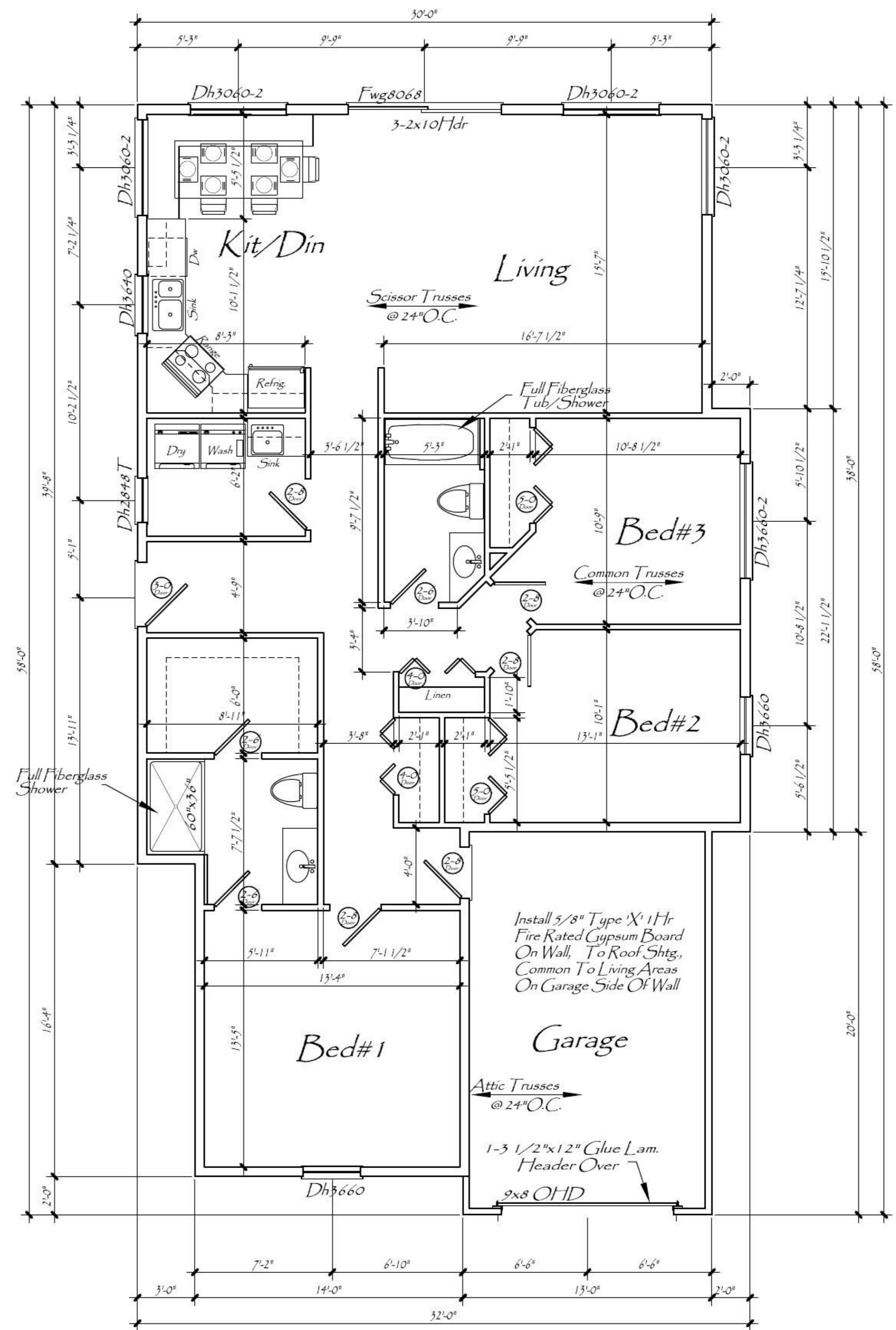
Engineered Building Systems Such As Roof Trusses I-Joist Floor Systems Prefabricated Wall Systems Structural Insulated Panels Precast Foundations Must Have Manufacturer Engineering Specification And Layouts Attached

Insulation Manufacturer Specifications And Installation To Be Made Available For Inspection And Left With The Owner

Interior Wallboard Installation And Finish Per Code R702, And Manufacturer Specifications

Interior Finish Products Per Owner Selection To Be Installed To All Applicable Codes, Including Sizes And Clearances, As Well As Manufacturer Recommendations

All Work Performed Shall Comply w/ The 2015 Michigan Residential Code, Local Ordinances, And Shall Be Performed To Industry Standards Or Better



First Floor

1448 Sq. Ft. Living Scale 1/4" = 1'-0"

Date	Revisions

Builder: X

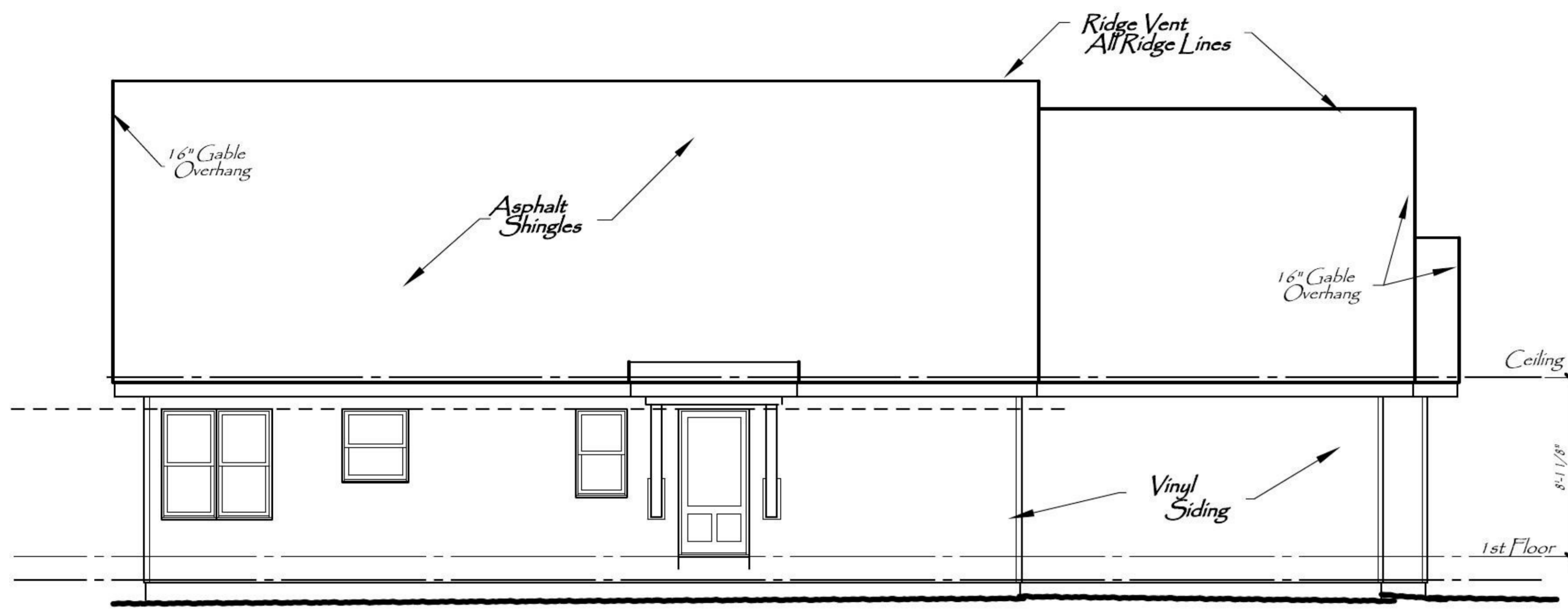
Site Location: Buckingham Road

Residence For:
 Ryan Heil

AM
 1/2021

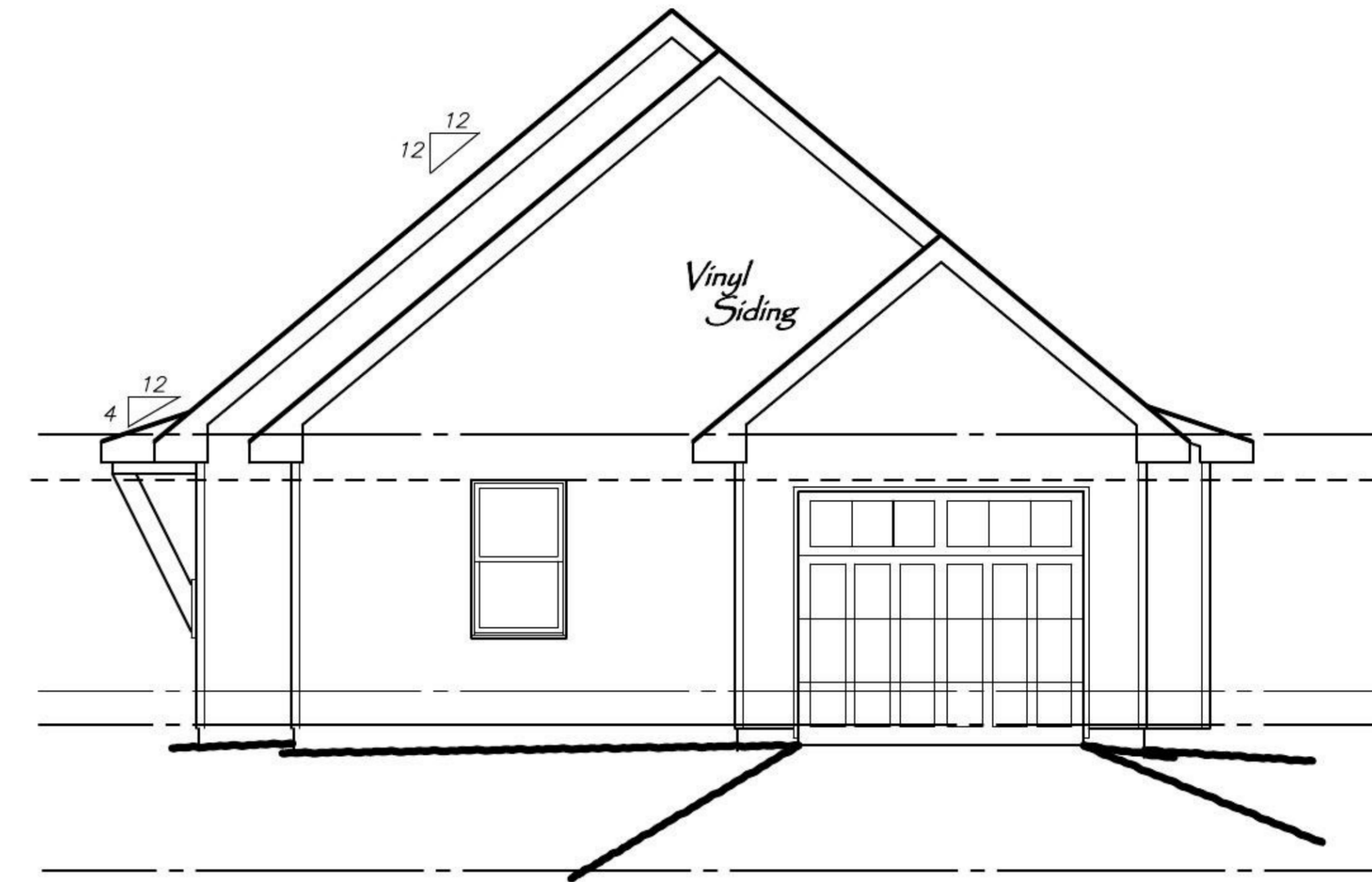
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Home INNOVATION
 Design | Construction
 10750 SHIRLEY ROAD, SUITE 100
 FORT WORTH, TEXAS 76133
 517-292-2118

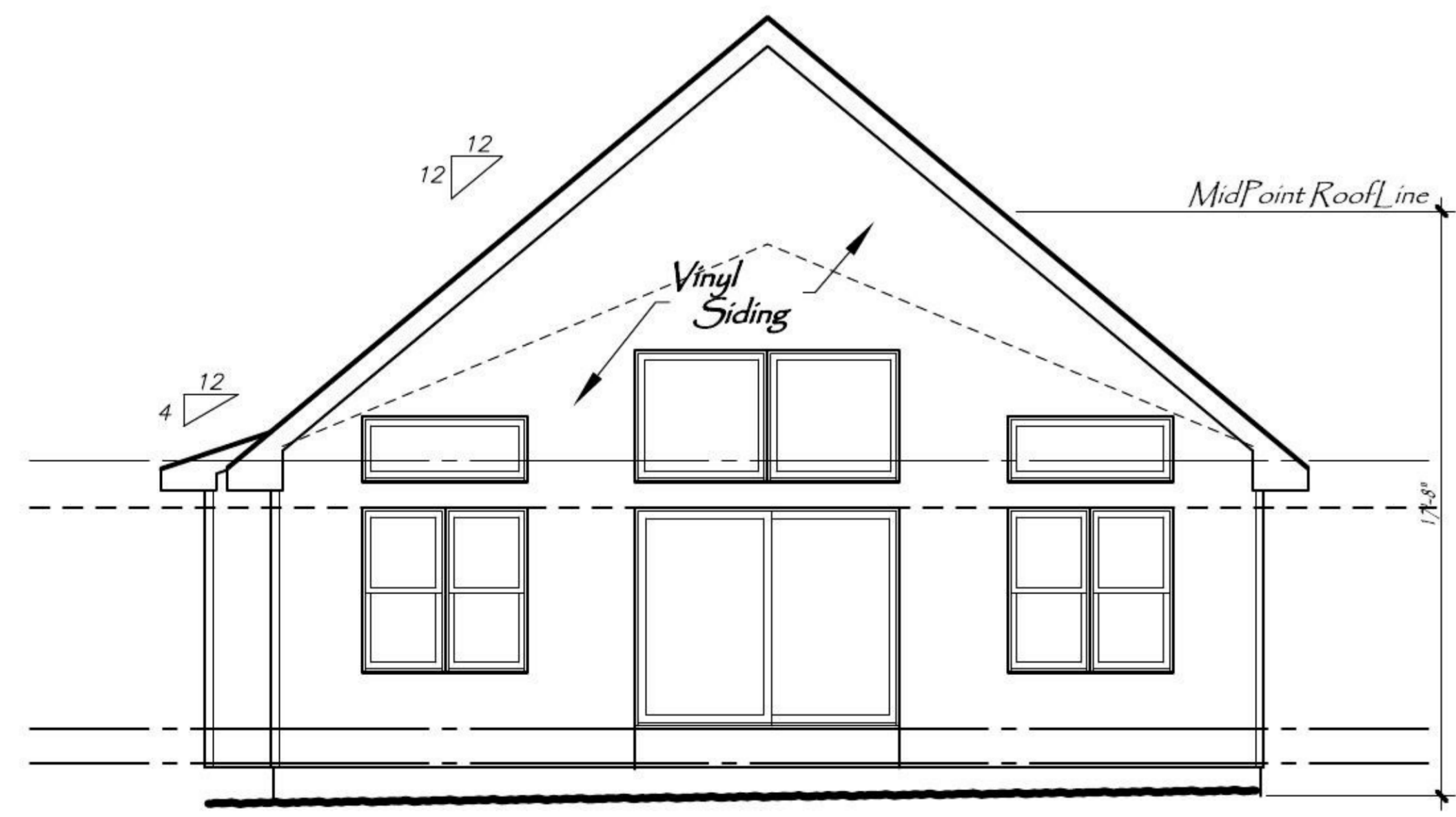


East Elev.

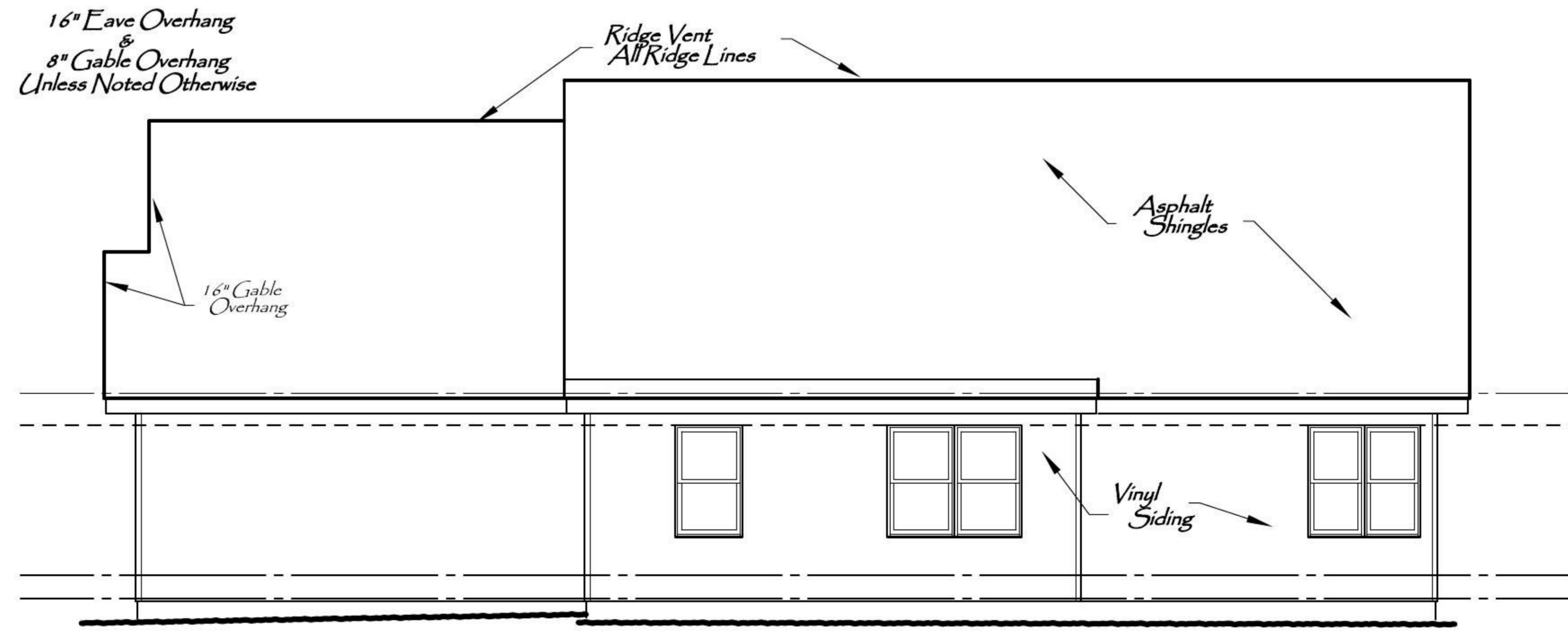
Scale 1/4" = 1'-0"



Street Elev.



Lake Elev.



West Elev.

Scale 1/4" = 1'-0"

Revisions
Date

Builder: X

Site Location: Buckingham Road

Residence For:
 Ryan Heil

A3
 1/2024

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

Ryan Heil
11600 Hazel Ave
Grand Blanc, MI 48439

RE: Proposed Residential Structure on Parcel # 12-14-282-002 Buckingham

Based on the submitted plans, the proposed residential structure 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 is legal non-conforming with an area of 5,348 sq ft and lot width of 42 ft. The proposed residential structure would have a side yard setback of 7.58 ft on the west side and 6.55 ft on the east side, for a combined total of 14.24 ft. The front yard setback is proposed as 15.59 ft. Furthermore, the lot coverage would be 31.82%.

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. **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".

Nick Spencer, Building Official
White Lake Township