

**WHITE LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**

**REPORT OF THE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Zoning Board of Appeals  
**FROM:** Andrew Littman, Staff Planner  
**DATE:** January 15, 2025

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**Agenda item:** 8A

**Appeal Date:** November 21, 2024

**Applicant:** Michael Epley

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

**Location:** 450 Lakeview Drive  
White Lake, MI 48386

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

## **Property Description**

The 0.268-acre (11,680 square-foot) parcel identified as 450 Lakeview Drive is located on Cedar Island Lake and zoned R1-D (Single Family Residential). The existing two-story single-family home on the property (which is 1,210 square feet in size) utilizes a private well for potable water and a septic system for sanitation.

## **Applicant's Proposal**

The Applicant is proposing to construct a porch and second-story addition onto a single-family home, which is a legally nonconforming structure due to having a front yard setback of 10.3 feet and east side yard setback of 9 feet.

## **Planner's Report**

The existing single-family home and lot are both legally nonconforming. Per Article 3.1.6.E of the Zoning Ordinance, in the R-1D zoning district, the minimum front yard setback is 30 feet and minimum side yard setback is 10 feet on each side (and 20 feet for the total of both sides). In this case, the existing single-family home has a front yard setback of only 10.3 feet and east side yard setback of 9 feet. Moreover, while a lot must be at least 12,000 square feet in the R1-D zoning district, the subject lot is only 11,680 square feet in area.

The Applicant's proposed second-story addition would come 7 feet from the eastern side yard lot line and 15.3 feet from the front yard lot line, requiring a 3-foot side yard setback variance and a 14.7-foot front yard variance. Additionally, the proposed porch would come 23.9 feet from the front yard lot line, requiring a 6.1-foot front yard variance.

Article 7.23.A of the Zoning Ordinance states that a nonconforming structure may not be enlarged or altered in a way that increases its nonconformity. Moreover, Article 7.28 does not allow the cubic content of nonconforming structures to be increased. Obviously, the second-story addition and proposed porch violate both of these ordinance provisions.

Lastly, Article 7.28 also states that repairs and maintenance to nonconforming structures cannot exceed fifty percent (50%) of the State Equalized Valuation (SEV) I any twelve (12) consecutive months. Based on the SEV of the structure (\$208,000), the maximum extent of improvements cannot exceed \$104,000. Since the value of the proposed work is \$400,000, a variance to exceed the allowed value of the improvements by 385 percent is requested.

The requested variances are listed in the following table:

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Article 3.1.6	Minimum Side Yard Setback	10 feet per side	3 feet
2	Article 3.1.5	Minimum Front Yard Setback	30 feet	14.7 feet for second-floor addition 6.1 feet for porch
3	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Enlarge and alter nonconforming structure
4	Article 7.28.A	Nonconforming structure	No increase in cubic content	Increase cubic content of nonconforming structure
5	Article 7.28.A	Nonconforming Structure	Improvements cannot exceed 50% SEV (\$104,000)	To exceed allowed value of improvements by 385%
6	Article 3.1.5	Minimum Lot Area	12,000 square feet	320 square feet

**Zoning Board of Appeals Options:**

**Approval:** I move to approve the variances requested by Michael Epley from Article 3.1.5, Article 3.1.6, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-334-033, identified as 450 Lakeview Drive, in order to enlarge and alter a nonconforming single-family home by allowing the second-story addition to encroach 3 feet into the required eastern side yard setback and 14.7 feet into the required front yard setback. Additionally, variances from Article 3.1.5, Article 7.23.A, and Article 7.28.A are granted to allow for the construction of a porch that would encroach 6.1 feet into the required front yard setback. This approval will have the following conditions:

1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division
2. In no event shall the projection of any roof overhang be closer than five feet to the side lot lines
3. No mechanical units, including HVAC system or generator, shall be placed closer than five feet to any side yard lot line

4. 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 12-26-334-033, identified as 450 Lakeview Drive, due to the following reason(s):

**Postpone:** I move to postpone the appeal of Michael Epley *to a date certain or other triggering mechanism* for Parcel Number 12-26-334-033, identified as 450 Lakeview Drive, to consider comments stated during this public hearing.

**Attachments:**

1. Variance application dated November 21, 2024
2. Letter of denial from the Building Official dated November 5, 2024
3. Letter of authorization from Michael Tolman
4. Site Plan

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



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 Epley  
Epley Custom Design LLC PHONE: 248-787-1130  
ADDRESS: 6075 Carroll Lk. Rd. - Commerce, MI. 48382  
APPLICANT'S EMAIL ADDRESS: mike@epleycustomdesign.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 450 Lakeview Dr. PARCEL # 12-26-384-033  
CURRENT ZONING: R1D PARCEL SIZE: 11,680 SF

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

VALUE OF IMPROVEMENT: \$ 400,000 SEV OF EXISTING STRUCTURE: \$ \_\_\_\_\_

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

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

APPLICANT'S SIGNATURE: [Signature] DATE: 11/21/24

RECEIVED  
NOV 21 2024  
COMMUNITY DEVELOPMENT DEPARTMENT

PAID [Signature]  
 CASH CHECK# \_\_\_\_\_  
NOV 21 2024  
TREASURER  
CHARTER TWP. OF WHITE LAKE

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](http://www.whitelaketwp.com)

November 5, 2024

Mike Tolman  
450 Lake View Dr.  
White Lake, MI 48386

Re: Proposed 2<sup>nd</sup> story 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 and minimum side yard setback of 10 ft each side and total of 20 ft

The existing structure and lot are legal non-conforming. The 11,680 sq ft lot contains a residential structure, having a 10.3 ft front yard setback and 9 ft side yard setback on the east side. The proposed second story addition would maintain the non-conformity of 19.7 ft into the required front yard setback and increase the non-conformity to 3 ft into the required east side yard setback, for a total of 18.2 ft combined side yard setback. The building plans also indicate a new 2 story entrance and covered porch are proposed which will have a front yard setback of 23.5 ft.

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 December 12<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than November 21<sup>st</sup> at 4:30 PM. The Planning Dept. can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
White Lake Township

Michael Tolman  
450 Lakeview Drive  
White Lake, MI 48386

To Whom It May Concern,

I, Michael Tolman, authorize Mike Epley of Epley Custom Designs, to represent me in the permitting process for the renovation of our house - at 450 Lakeview Drive, White Lake, MI 48386.

This authorization ends January 1, 2026.

Thank you,

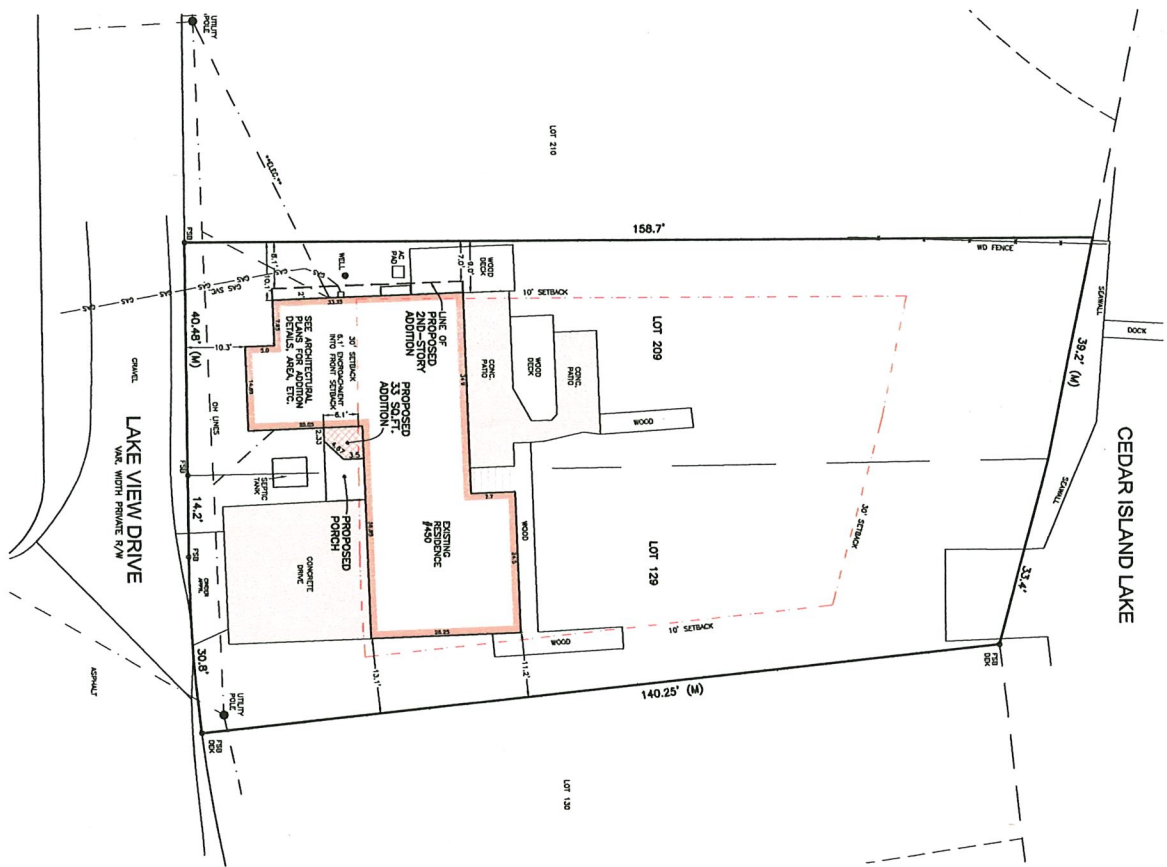
A handwritten signature in black ink, appearing to read "Michael Tolman". The signature is fluid and cursive, with a prominent horizontal stroke at the top.

Michael Tolman

11/25/2024



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**PROPERTY DESCRIPTION:**  
 LOT 129, CEDAR CREST SUBDIVISION NO. 3, PART OF SECTION 26, TOWN 3 NORTH, RANGE 12 WEST, SECTION 26, TOWNSHIP 3 NORTH, RANGE 12 WEST, OAKLAND COUNTY, MICHIGAN, RECORDED IN BOOK 8 OF PLATS, PAGES 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

**LINE TYPE LEGEND**

- METERS
- SURVEY BENCH
- STORM SEWER
- GAS
- OIL LINE
- WATER
- 150" WATER CONDUIT
- 30" WATER CONDUIT
- FINISH LINE

**ZONING INFORMATION**  
 PROPERTY ZONED R-2 (1500 SQ. FT.)  
 MIN. LOT AREA (17600 SQ. FT.)  
 MAX. LOT COVERAGE (33%)  
 MIN. FRONT SETBACK (10 FT.)  
 MIN. SIDE SETBACK (5 FT.)  
 MIN. REAR SETBACK (5 FT.)

UNDERGROUND UTILITY INFORMATION AS SHOWN WAS OBTAINED FROM FIELD OBSERVATION AND IN COMPLIANCE WITH MICHIGAN REGULATIONS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE ACCURACY AND/OR COMPLETENESS THEREOF.  
 CALL 800-892-4827 OR 517-477-1111 FOR BILL AT LOT 209 AND 129.



**REVISION A**

REV	DATE	DESCRIPTION
A	1/12/25	FRONT ADDITION ENCROACHMENT DW / AREA

**RESIDENTIAL SITE PLAN**  
 OAKLAND CO. TAX PARCEL 12-26-334-033  
 450 LAKE VIEW, WHITE LAKE, MI

JOB NO.	240903
DATE	10/21/24
FIELD DATE	02/20/24
FIELD BK	108
SHEET	1 OF 1
SCALE	1" = 10'
CHECKED	KCW

PREPARED FOR  
**EPLEY**  
 CUSTOMER  
 DESIGN



**David White Land Surveying, PLLC**  
 Boundary • Topographic • Construction • ALTA  
 44 DENNISON STREET, OXFORD, MICHIGAN 48371  
 Professional Land Surveyor  
 734.353.0135 dwsurveying@gmail.com

HORIZONTAL DATUM  
 NAD83  
 VERTICAL DATUM  
 NAVD83(GEOD18)  
 SOURCE  
 MDT CORS

SHEET 1 OF 1