

**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

Agenda item: 8E

Appeal Date: December 16, 2024

Applicant: William Budday

Address: 343 Blind Trail
White Lake, MI 48386

Location: 343 Blind Trail
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Property Description

The 0.256-acre (11,145 square-foot) parcel identified as 353 Blind Trail is zoned R1-D (Single Family Residential). The existing single-family home on the property (which is 1,317 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 an attached garage and second-story addition onto his existing two-story single-family home, which is legally nonconforming due to having a front yard setback of 27.9 feet to Log Cabin Trail.

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. In this case, the existing single-family home has a front yard setback to Log Cabin Trail of 27.9 feet. Moreover, while a lot must be at least 12,000 square feet in the R1-D zoning district, the subject lot is only 11,145 square feet in area.

The proposed attached garage and second-story addition would come 24.3 feet from the front yard lot line parallel to Blind Trail, requiring a 5.7-foot front yard variance. Moreover, 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. Finally, Article 7.28 does not allow the cubic content of nonconforming structures to be increased. Obviously, the proposed attached garage and second story addition violate both of these ordinance provisions.

The requested variances are listed in the following table:

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Article 3.1.5	Minimum Front Yard Setback	30 feet	5.7 feet
2	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Enlarge and alter nonconforming structure
3	Article 7.28.A	Nonconforming structure	No increase in cubic content	Increase cubic content of nonconforming structure
4	Article 3.1.5	Minimum Lot Area	12,000 square feet	855 square feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by William Budday from Article 3.1.5, Article 7.23.A, and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-253-019, identified as 343 Blind Trail, in order to enlarge and alter a nonconforming single-family home by allowing a proposed attached garage and second-story addition to encroach 5.7 feet into the required front yard setback. This approval will be conditional on the applicant obtaining all necessary permits from the White Lake Township Building Division, and providing an as built survey to verify the approved front yard setback.:

Denial: I move to deny the variances requested by William Budday for Parcel Number 12-26-253-019, identified as 343 Blind Trail, due to the following reason(s):

Postpone: I move to postpone the appeal of William Budday *to a date certain or other triggering mechanism* for Parcel Number 12-26-253-019, identified as 343 Blind Trail, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated December 16, 2024
2. Letter of denial from the Building Official dated March 23, 2023
3. Residential 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

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

ZONING BOARD OF APPEALS APPLICATION

Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: William Buddlay PHONE: (248) 880-4137
ADDRESS: 343 Blind Trail, White Lake, MI. 48386
APPLICANT'S EMAIL ADDRESS: billbuddlay@yahoo.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 343 Blind Trail PARCEL # 12-26-253-019
CURRENT ZONING: R1-D PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 3.1.6
VALUE OF IMPROVEMENT: \$ 30,000 SEV OF EXISTING STRUCTURE: \$ 123,000

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

APPLICATION FEE: 385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: WJ Buddlay DATE: 12/16/2024

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

March 23, 2023

William Budday
343 Blind Trail
White Lake, MI 48386

RE: Proposed Garage Addition

Based on the submitted plans and data from Oakland County, the proposed garage 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 lot area of 12,000 sq ft

The existing lot is legal non-conforming with an approximate area of 11,369 sq ft. The existing home has a front yard setback of approximately 40 ft. The proposed attached garage, being 22 ft in depth, would have a front yard setback of approximately 18 ft.

Approval of the building plans is subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the April 27th Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than March 30th at 4:30 PM. ***A certified boundary and location survey, showing proposed structures; and including lot area and coverage, will be required by the ZBA.*** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official
White Lake Township

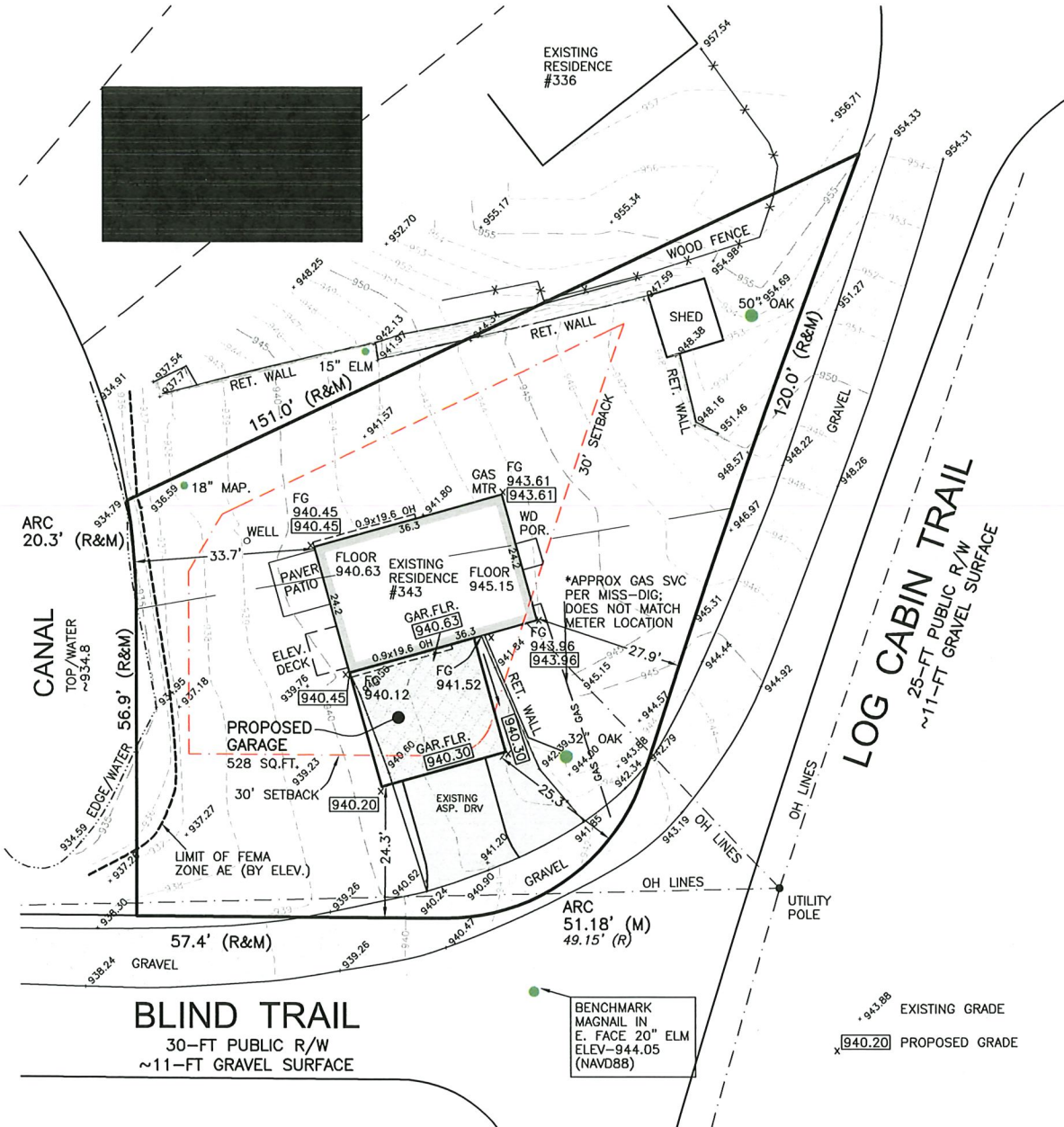
RESIDENTIAL SITE PLAN

12-26-253-019 / 343 BLIND TRAIL



PROPERTY DESCRIPTION:

LOTS 525 AND 524, "CEDAR CREST SUBDIVISION NO. 4", OF PART OF SECTION 26, TOWN 3 NORTH, RANGE 8 EAST, WHITE LAKE TOWNSHIP, TOWNSHIPS, OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 35 OF PLATS, PAGES 38, 38a-38c, OCR.



UNDERGROUND UTILITY INFORMATION AS SHOWN WAS GATHERED IN PART FROM FIELD OBSERVATION AND IN PART FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND/OR MUNICIPAL RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE ACCURACY AND/OR COMPLETENESS THEREOF.

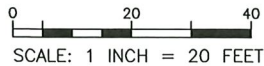
CALL MISS-DIG (800) 482-7171 OR 811 AT LEAST 72 HOURS BEFORE COMMENCING ANY EXCAVATION

ZONING INFORMATION

PROPERTY ZONED R1-D

MIN. LOT AREA 12,000 SQ.FT.
(11,145 EXIST.)
MAX. LOT COVERAGE 20% (2229 SQ.FT.)
EXIST. 1010 SQ.FT. (9%)
EXIST. 1538 SQ.FT. (14%)

SETBACKS
MIN. FRONT 30'
MIN. REAR 30'
MIN./TOTAL SIDE 10'/20'



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PREPARED FOR:
W. BUDDAY



David White Land Surveying, PLLC
Boundary · Topographic · Construction · ALTA
44 DENNISON STREET, OXFORD, MI 48371
734.353.0135 dwsurveying@gmail.com
Licensed Professional Surveyor

REVISIONS:

REV	DATE	DESCRIPTION

JOB NO. 240611
DATE 10/05/24
FIELD DATE 06/2024
SHEET 1 OF 1
SCALE 1" = 20'