

**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: 8C

Appeal Date: December 18, 2024

Applicant: Michael Epley

Address: 6075 Carroll Lake Road
Commerce, MI 48382

Location: 51 Danforth Street
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Property Description

The 0.155-acre (6,761 square-foot) parcel identified as 51 Danford Street is situated on Oxbow Lake and zoned R1-D (Single Family Residential). The existing single-family home on the property (which is 2,200 square feet in size) utilizes a private well for potable water and a septic system for sanitation.

Applicant's Proposal

The Applicant proposes to build an addition onto a 2,200 square-foot single family home that would connect it with an existing detached garage. Currently, the detached garage is a legally nonconforming structure due to having a north side yard setback of 3 feet and front yard setback of 10.5 feet.

Planner's Report

Per Article 3.1.6 of the Zoning Ordinance, which governs development standards in the R1-D zoning district, the minimum front yard setback is 30 feet and minimum side yard setback is 10 feet per side. After the proposed addition combines the single-family home and garage, the entire structure would have a north side yard setback of only 3 feet and front yard setback of only 10.5 feet. Therefore, the applicant is seeking a 19.5-foot front yard variance and 7-foot variance for the north side yard setback. *ZBA members should note that Article 5.3 of the Zoning Ordinance prohibits any projection into the 5-foot side yard setback.*

Finally, Article 3.1.6 also maintains that the minimum lot size in the R1-D zoning district is 12,000 square feet. Since the subject lot is only 6,761 square feet, a 5,233 square-foot variance for lot size is being requested.

The requested variances are listed in the following table:

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Article 3.1.6	Minimum Front Yard Setback	30 feet	19.5 feet
2	Article 3.1.6	Minimum Side Yard Setback	10 feet per side	7 feet (north side yard setback)
3	Article 3.1.6	Minimum Lot Area	12,000 square feet	5,233 square feet
4	Article 5.3	Required Distance Between Projection and Lot Line	No projection within 5 feet of lot line	2 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Mike Epley from Article 3.1.6 and Article 5.3 of the Zoning Ordinance for Parcel Number 12-26-126-028, identified as 51 Danforth Street, in order to build an addition onto a single-family home that combines the home with a detached garage, resulting in a new structure that encroaches 19.5 feet into the required front yard setback and 7 feet into the required north side 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 Mike Epley for Parcel Number 12-26-126-028, identified as 51 Danforth Street due to the following reason(s):

Postpone: I move to postpone the appeal of Mike Epley *to a date certain or other triggering mechanism* for Parcel Number 12-26-126-028, identified as 51 Danforth Street, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated December 18, 2024
2. Letter of denial from the Building Official dated December 18, 2024
3. Topographic Survey dated August 11, 2024

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

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

CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION

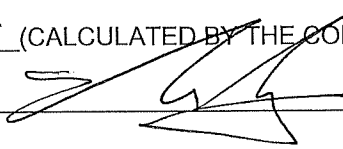
Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: Epley Custom Design PHONE: 248-787-1130
ADDRESS: 6075 Carroll Lk. Rd. Commerce, MI. 48382
APPLICANT'S EMAIL ADDRESS: mike @ epley custom design .com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 51 Danforth PARCEL # 12-26-126-028
CURRENT ZONING: R1-D PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: 3-1-6
VALUE OF IMPROVEMENT: \$ 200,000 SEV OF EXISTING STRUCTURE: \$ _____

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

APPLICATION FEE: 385.⁰⁰ (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE:  DATE: 12/18/24

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Steve Anderson
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelakelwp.com

December 18, 2024

Brian O'Keefe
51 Danforth
White Lake, MI 48386

Re: Proposed Addition

Based on the submitted plans, the proposed residential structure does not satisfy the White Lake Township Clear Zoning Ordinance for R1-D zoning district.

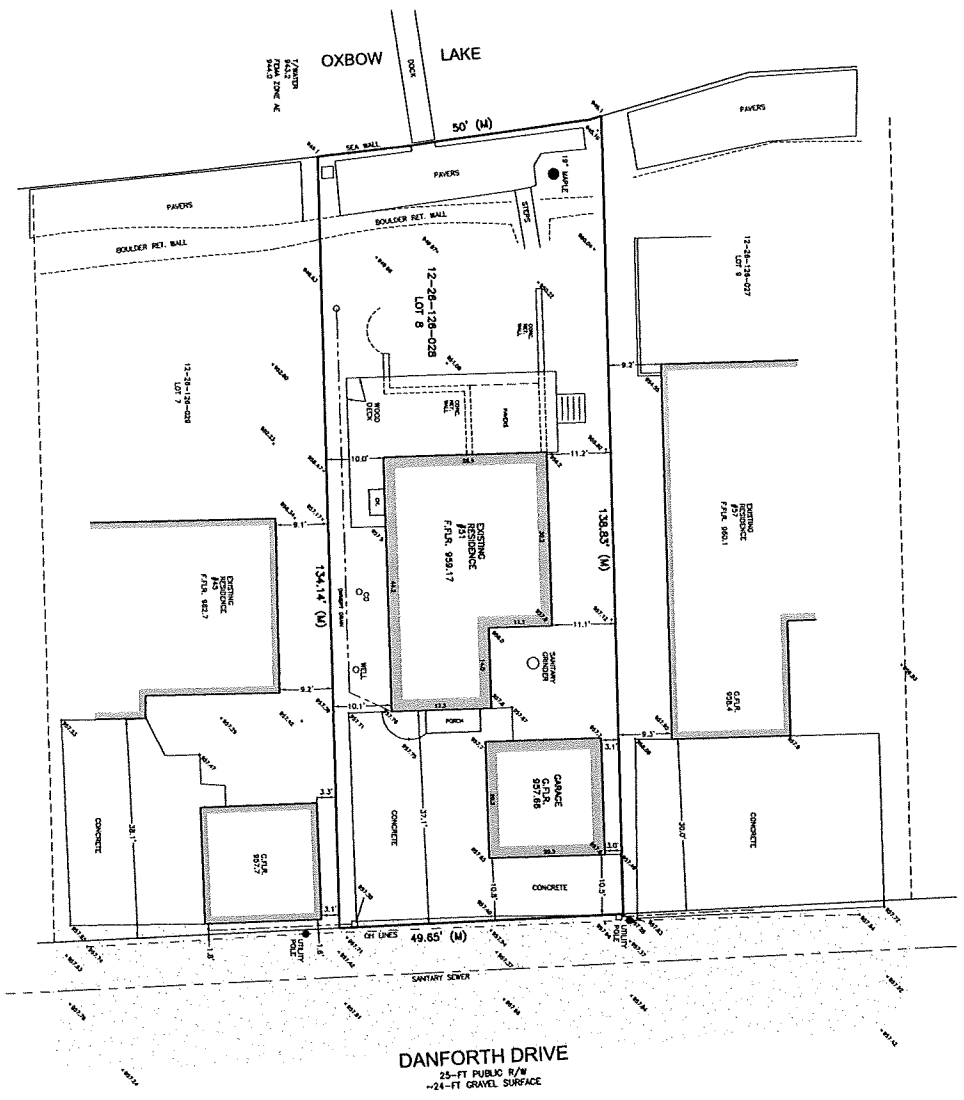
Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum front yard setback of 30 ft, minimum side yard setback 10 ft each side and total of 20 ft, minimum lot size of 12,000 sq ft, and minimum lot width of 80 ft.

The existing lot and structure are legal non-conforming. The 6,761 sq ft lot contains a residential structure meeting the required setbacks. However, the accessory structure has a front yard setback of 10.5 ft and side yard setback of 3 ft to the north side wall. The proposed addition would have a 6 ft side yard setback to the north side wall, connecting the primary structure and garage, effectively making the north side yard setback to the wall of the primary structure 3 ft, and front yard setback 10.5 ft. This would be a total side yard setback of 13.1 ft. Be aware; **Article 5.3 of the White Lake Township Clear Zoning Ordinance** indicates that no projection shall extend into the 5 ft side yard setback.

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 January 23rd Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than December 19th at 4:30 PM. ***Be advised, the ZBA will require the certified boundary and location survey be updated to show the proposed addition with dimensions.*** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official
White Lake Township



DANFORTH DRIVE
 25'-FT PUBLIC R/W
 -24'-FT GRAVEL SURFACE

PROPERTY DESCRIPTION:
 LOT 8, 1/4 OF THE SW 1/4 OF SECTION 23 AND PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 8 EAST, LIBERTY OF PLATS PAGE 27, OAKLAND COUNTY RECORDS.

UNENRYE LEGEND

- MEDIUM
- SUTURE STONE
- STONE STONE
- DOG MARK
- OR TELEPHONE
- OR TELEPHONE
- OR LINES
- WAGON CONDUIT
- WAGON CONDUIT
- FENCE LINE

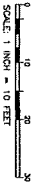
ZONING INFORMATION

Platted Lot R-2 (1260 SQ.FT.)
 Platted Lot R-2 (1260 SQ.FT.)
 LAK LOT CONDUIT (1260 SQ.FT.)
 DIST. 1118 SQ.FT. (200)
 DIST. 1118 SQ.FT. (200)
 DIST. 1118 SQ.FT. (200)
 DIST. 1118 SQ.FT. (200)
 DIST. 1118 SQ.FT. (200)
 DIST. 1118 SQ.FT. (200)

FEPA NOTE:

SUBJECT PARCEL LIES IN ZONE 1 -
 AREA OF SPECIAL FLOOD HAZARD
 FROM FEMA, 2/23/2000, EFFECTIVE DATE 08/28/2005

UNDERGROUND UTILITY INFORMATION AS SHOWN WAS
 OBTAINED IN PART FROM THE OAKLAND COUNTY AND IN
 PART FROM THE OAKLAND COUNTY RECORDS. NO
 COMPANIES AND/OR MUNICIPAL RECORDS, NO
 ACCURACY AND/OR COMPLETENESS THEREOF
 CALL 482-7171 OR 482-7171 OR 482-7171 AT LEAST
 72 HOURS BEFORE COMMENCING ANY DREDGING



TOPOGRAPHIC SURVEY
 OAKLAND CO. TAX PARCEL 12-26-126-028
 51 DANFORTH, WHITE LAKE, MI

JOB NO.	240712
DATE	08/11/24
FIELD BK	108
SHEET	1 OF 1
SCALE	1" = 20'
CHECKED	KCW

PREPARED FOR
 DANA
 OKEEFE



David White Land Surveying, PLLC
 Boundary - Topographic - Construction - ALTA
 44 DENNISON STREET, OXFORD, MICHIGAN 48311
 Professional Land Surveyor
 734.353.0135 dwsurveying@gmail.com

HORIZONTAL DATUM
 NAD83
VERTICAL DATUM
 NAVD83 (GEOID18)
SOURCE
 MDT CORS

REVISIONS	
REV.	DATE