

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: April 25, 2024

Agenda item: 8b

Appeal Date: April 25, 2024

Applicant: Jordan Billet

Address: 8874 Arlington Road
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 8874 Arlington Road
White Lake, MI 48386

Property Description

The approximately 0.25-acre (11,025 square feet) parcel identified as 8874 Arlington Road is located on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,475 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation.

Applicant's Proposal

Jordan Billet, the Applicant, is proposing to construct single- and second-story additions on the house.

Planner's Report

The existing house was built in 1954 and is nonconforming to setbacks; the building is located 5.2 feet from the north side lot line. A minimum 10-foot side yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 975 square foot deficiency in lot area and a 50-foot deficiency in lot width; in the R1-D zoning district the minimum lot area requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

As proposed the second story is approximately 667 square feet in size and would encroach approximately six inches into the north side yard setback. Also, the proposed building height is 26 feet-4 inches (mid-peak roof height), requiring a 1 foot-4 inch variance to exceed the 25-foot maximum building height.

The proposed first floor addition is approximately 148 square feet in size. Additionally, the proposed lot coverage is 21.41% (2,361 square feet), which is 1.41% (156 square feet) beyond the 20% maximum lot coverage allowed (2,205 square feet).

Section 5.7.A of the Zoning Ordinance states no detached garage or accessory building or structure shall be located closer than 10 feet to any principal structure or building unless it conforms to all regulations of the ordinance applicable to principal structures and buildings. Based on the submitted plot plan, the 12.5-foot by 20.7-foot (258.75 square feet) accessory building is nonconforming with a 2.8-foot setback from the south side lot line and a 10.9-foot setback from Pontiac Lake. With the addition the accessory building would be considered part of the house (7.7 feet between buildings), and therefore subject to the 10-foot side yard setback and 30-foot rear yard setback in the R1-D zoning district. Section 7.27.vii of the Zoning Ordinance prohibits the Zoning Board of Appeals from granting a variance to permit a setback of less than five feet from a side lot line for safety reasons; this would require the Applicant to reconstruct the south side wall of the aforementioned accessory building to be five feet from the side lot line, including the roof overhang. As the garage is located 10.9 feet from the rear property line, a 19.1-foot variance is requested to encroach into the 30-foot rear yard setback.

Article 7.28 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 (\$121,000), the maximum extent of improvements cannot exceed \$60,500. The value of the proposed work is \$100,000. A variance to exceed to exceed the allowed value of improvements by 165% is requested.

Following is a summary of nonconformities and proposed enlargements/alterations:

Nonconformity #	Ordinance Section	Subject	Standard	Request	Result
1	Article 3.1.6.E	Rear yard setback	30 feet	19.1 feet (accessory building)	10.9 feet
2	Article 3.1.6.E	Side yard setback	10 feet	5 feet (west accessory building; south side lot line)	5 feet (with rebuild)
3	Article 3.1.6.E	Side yard setback	10 feet	0.50 foot	9.5 feet (house – north side)
4	Article 3.1.6.E	Maximum lot coverage	20% (2,205 square feet)	1.41% (156 square feet)	21.41% (2,361 square feet)
5	Article 3.1.6.E	Maximum building height	25 feet	1 foot-4 inches	26 feet-4 inches

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Enlarge and alter nonconforming buildings	Increased nonconformities
2	Article 7.28.A	Nonconforming structure	50% SEV (\$60,500)	165%	\$39,500 over allowed improvements
3	Article 5.7.A	Accessory building setback	10 feet	2.3 feet	7.7 feet (from house)

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Jordan Billet from Article 7.23.A of the Zoning Ordinance for Parcel Number 12-13-157-006, identified as 8874 Arlington Road, in order to enlarge and alter nonconforming buildings by: allowing the second-story addition to encroach 0.5 foot into the required setback from the north side lot line and exceeding the maximum building height by 1 foot-4 inches; allowing the west accessory building to encroach 5 feet into the required setback from the south side lot and 19.1 feet into the required rear yard setback; and exceeding the allowed lot coverage by 1.41%. A variance from Article 7.28.A is also granted to exceed the allowed value of improvements to a nonconforming structure (house) by 165%. A 2.3-foot variance from Article 5.7.A is also granted to allow the house to encroach into the required setback from the west accessory building. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- The south side wall of the west accessory building shall be removed and reconstructed to establish a five-foot side yard setback, which shall be measured from the roof overhang of the accessory building.
- In no event shall the projection of any roof overhang be closer than five feet to the side lot lines.
- No mechanical units, including HVAC system or generator, shall be placed closer than five feet to any side yard lot line.
- 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 and lot coverage.

Denial: I move to deny the variances requested by Jordan Billet for Parcel Number 12-13-157-006, identified as 8874 Arlington Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Jordan Billet *to a date certain or other triggering mechanism* for Parcel Number 12-13-157-006, identified as 8874 Arlington Road, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated March 25, 2024.
2. Plot plan (revision date March 21, 2024).
3. Applicant's written statement.
4. Plans prepared by the Applicant.
5. Letter of denial from the Building Official dated March 26, 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 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

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

APPLICANT'S NAME: Jordan Billet PHONE: 845 475 5990
ADDRESS: 8874 Arlington street White Lake MI 48386
APPLICANT'S EMAIL ADDRESS: BootscatinBillet@gmail.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 8874 Arlington st. white lake MI 48386 PARCEL # 12-13-157-006
CURRENT ZONING: R1-D PARCEL SIZE: 11,025 sq feet

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____
VALUE OF IMPROVEMENT: \$ 100,000 SEV OF EXISTING STRUCTURE: \$ _____

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

APPLICATION FEE: 385 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: Jordan Billet DATE: 3/25/24

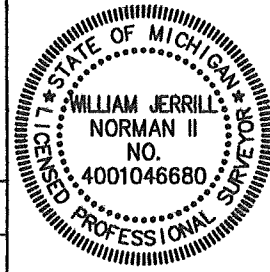
KIEFT ENGINEERING, INC.

PROFESSIONAL CIVIL ENGINEERS AND LAND SURVEYORS



5852 South Main Street, Ste #1
Clarkston, Michigan 48346
Tel: 248-625-5251
Fax: 248-625-7110
www.kiefteng.com

CERTIFICATE OF SURVEY



Survey for JORDAN BILLET Date 2-14-2024
Address 8874 ARLINGTON RD. WHITE LAKE, MI 48386 Job No. 2023.303

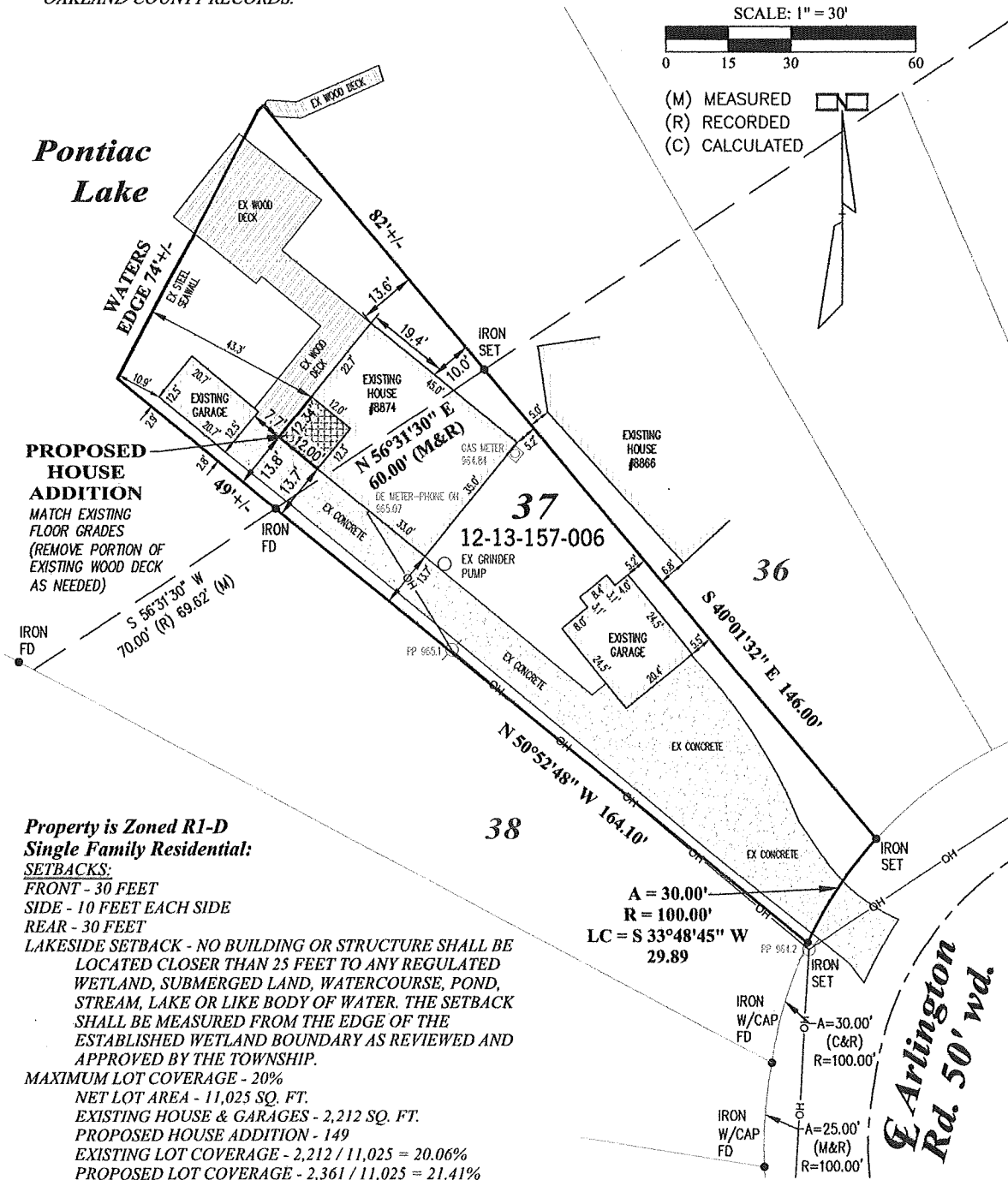
REV. 3-21-2024

PLOT PLAN FOR HOUSE ADDITION

This is to certify that I, William J. Norman II, a Professional Land Surveyor, have this date made a survey of a parcel of land described as follows:

PARCEL 12-13-157-006

LOT 37, "ENGLISH VILLAS SUBDIVISION" A SUBDIVISION OF PART OF SECTIONS 11, 13 & 14, T3N, R8E, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 51 OF PLATS, PAGES 22 & 22A, OAKLAND COUNTY RECORDS.



**Property is Zoned R1-D
Single Family Residential:**

SETBACKS:

FRONT - 30 FEET

SIDE - 10 FEET EACH SIDE

REAR - 30 FEET

LAKESIDE SETBACK - NO BUILDING OR STRUCTURE SHALL BE LOCATED CLOSER THAN 25 FEET TO ANY REGULATED WETLAND, SUBMERGED LAND, WATERCOURSE, POND, STREAM, LAKE OR LIKE BODY OF WATER. THE SETBACK SHALL BE MEASURED FROM THE EDGE OF THE ESTABLISHED WETLAND BOUNDARY AS REVIEWED AND APPROVED BY THE TOWNSHIP.

MAXIMUM LOT COVERAGE - 20%

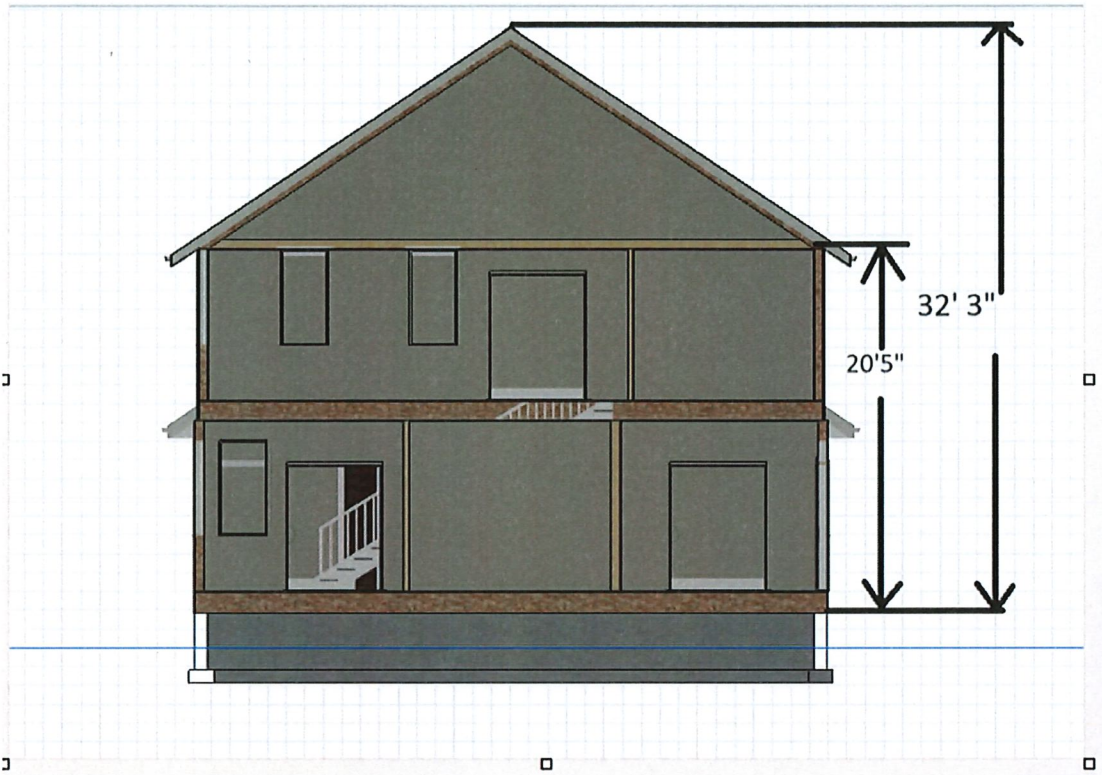
NET LOT AREA - 11,025 SQ. FT.

EXISTING HOUSE & GARAGES - 2,212 SQ. FT.

PROPOSED HOUSE ADDITION - 149

EXISTING LOT COVERAGE - 2,212 / 11,025 = 20.06%

PROPOSED LOT COVERAGE - 2,361 / 11,025 = 21.41%



Heights shown are measured from top of foundation. To account to foundation to grade assume another 1-2 foot

$$(32'3'' + 20'5'') / 2 = 26'4''$$

Truss Specifications:

Truss Specifications

Truss Span ft in /16

Truss Pitch /12

On Center Spacing ft in /16

Left Overhang in /16

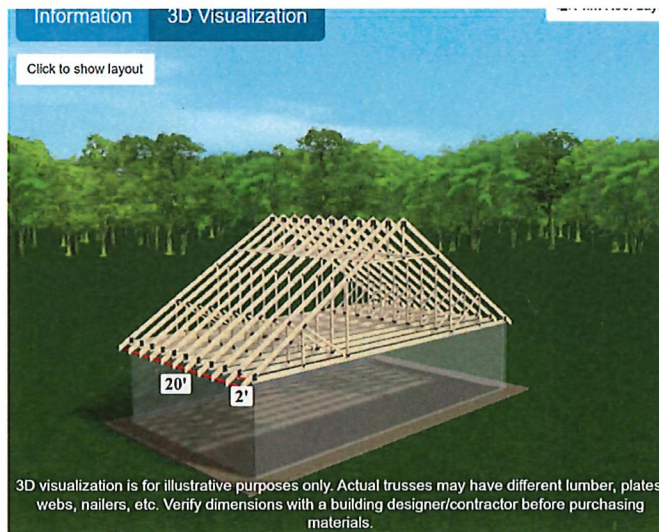
Right Overhang in /16

Inside Clear Height ft

Quantity

Engineering Requirements

Live Load Top Chord psf



The reasons for the addition and why we are requesting a variance
 1. there is nowhere else to build out.

a. on the front of the house, there is a grinder pump to work around that isnt moved easily, as well as AC and a generator. The house design is all bed rooms on that side, so building out there would mean further renovations to remove a bedroom to replace with a hallway reducing square footage to add more.

b. There is only roughly ~10 feet on ether side of the house now.

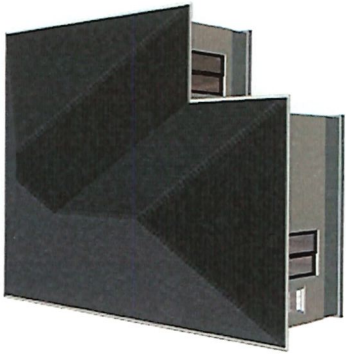
c. off the back of the house there is only ~13 feet to work with and would need to be offset from the current house making a funky shape that would not be very useful footage

2. the expansion of the foot print is due to maximizing square footage while minimizing materials and construction effort, we are bringing the house to a square from an unnatural shape it is now

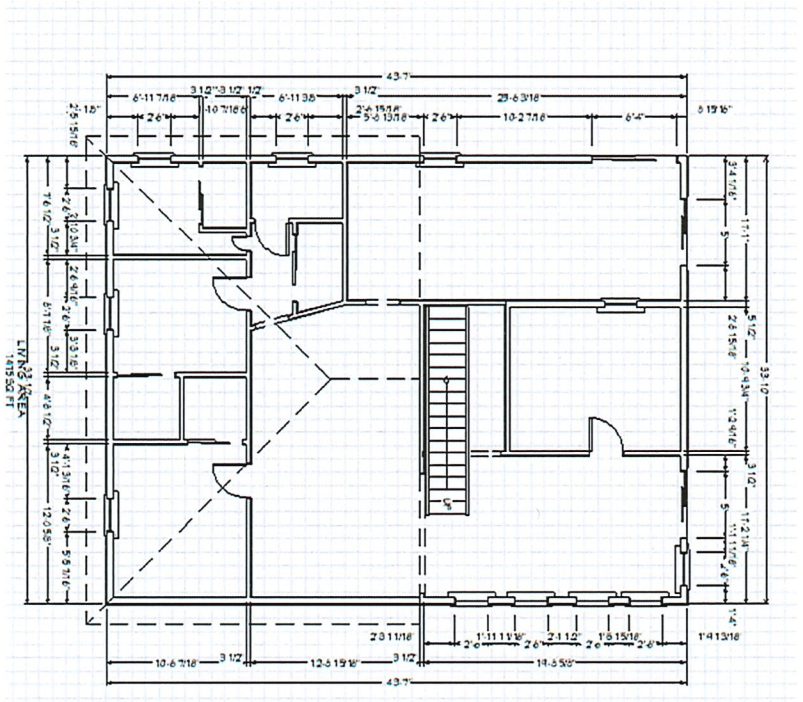
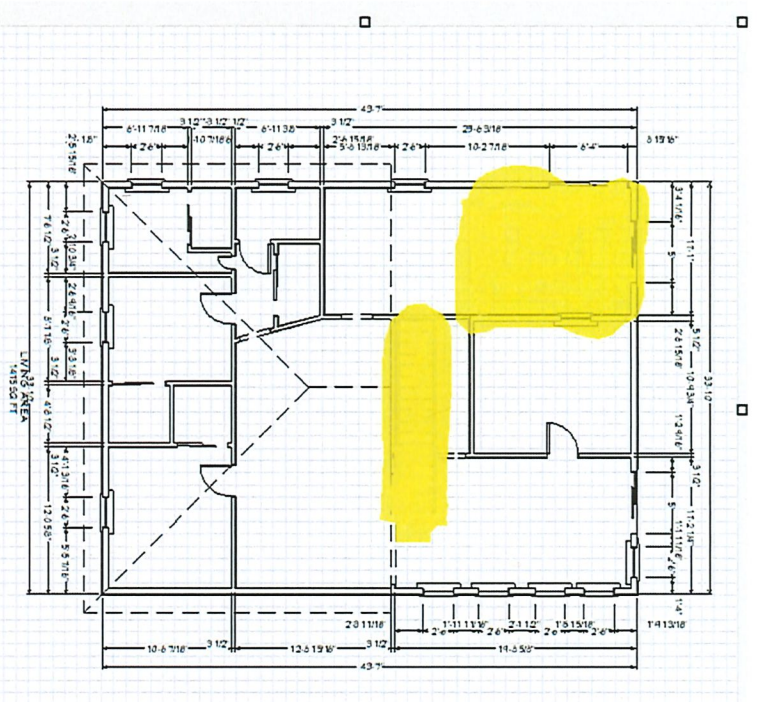
3. The upstairs is brought back far enough to need a variance because that is where existing headers and load bearing walls are. Anywhere else would require much more structural work below to support the wall.

4. the peak being higher is to accommodate an attic

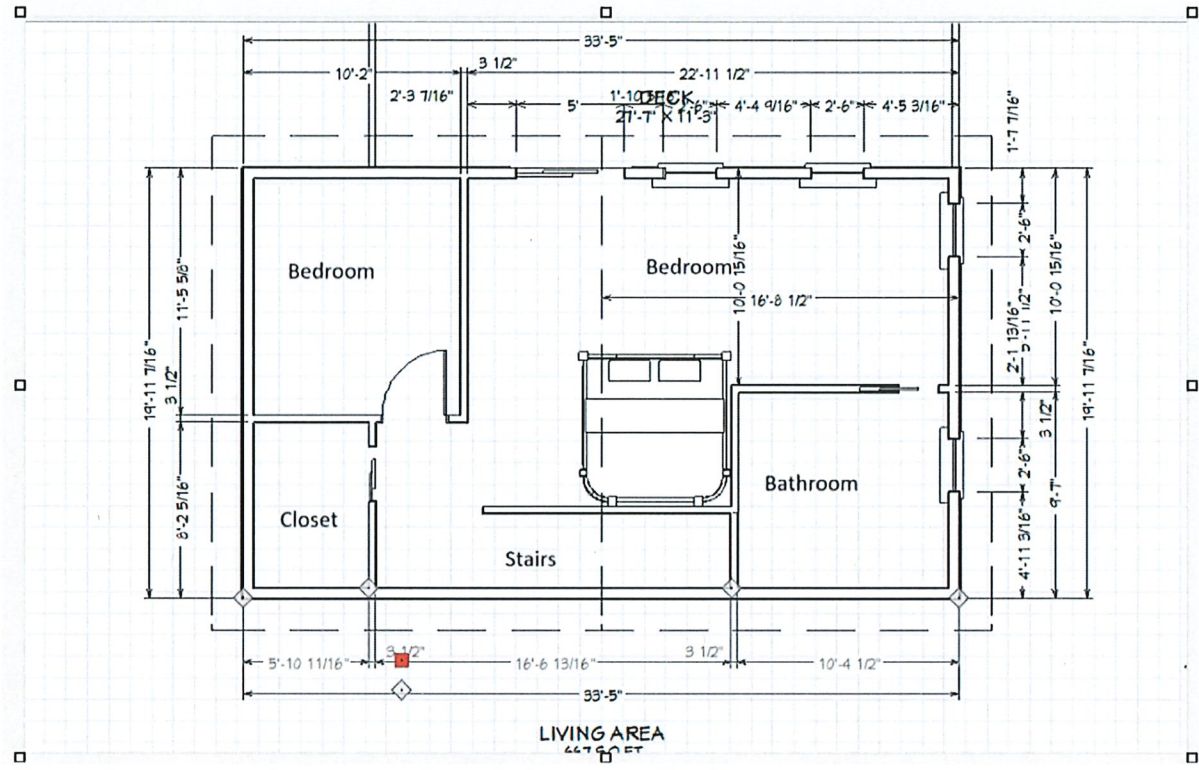
Current house views



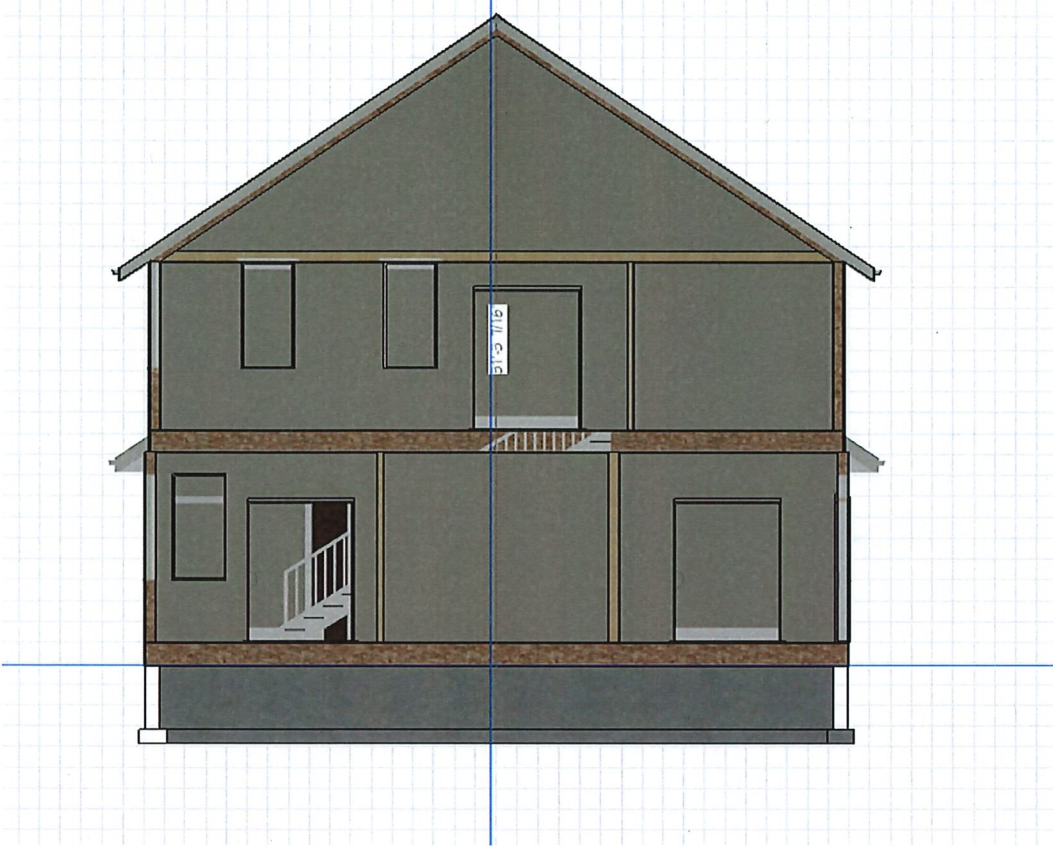
First story



Second story



lake2: elevation - Elevation 1





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 26, 2024

Jordan Billet
8874 Arlington Rd
White Lake, MI 48386

RE: 1st and 2nd story addition

Based on the submitted plans, the proposed 1st and 2nd story addition do 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 lot width of 80 ft, maximum lot coverage of 20% and maximum building height of 25 ft.

The existing lot is legal non-conforming with a lot width of 30 ft. The proposed 1st story addition would increase the lot coverage to 21.41%. The proposed 2nd story addition would encroach approximately 6 inches into the required side yard setback, and have a mid-peak roof height of 26 ft - 4 in.

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 25th Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than March 28th at 4:30 PM. ***The certified boundary and location survey must show all proposed structures.*** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official
White Lake Township