

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Andrew Littman, Staff Planner
DATE: July 10, 2024

Agenda item: 8C

Appeal Date: June 20, 2024

Applicant: Donald King

Address: 3624 Jackson Boulevard
White Lake, MI 48383

Zoning: R1-C Single Family Residential

Location: 3624 Jackson Boulevard
White Lake, MI 48383

Property Description

The 0.172-acre (7,492 square feet) parcel identified as 3624 Jackson Boulevard is located on White Lake and zoned R1-C (Single Family Residential). The existing two-story single-family home on the property (approximately 1,674 square feet in size) utilizes a private well for potable water and a septic system for sanitation.

Applicant's Proposal

The applicant, Donald King, is proposing to add 2 feet to the height of the roof of his residence, which is a legally nonconforming structure due to having a southern side yard setback of only 2.1 feet.

Planner's Report

The existing single-family home and lot are both legally nonconforming. Article 3.1.5 of the Township's Zoning Ordinance requires a 10-foot minimum side yard setback in the R1-C zoning district, however the existing residence is only 2.1 feet from the southern property line. The parcel is nonconforming due to a 8,508 square foot deficiency in lot area. In the R1-C zoning district, the minimum lot area requirement is 16,000 square feet.

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 proposed roof expansion would violate both Ordinance provisions.

Staff also notes that there is a serious fire safety concern with enlarging a structure that is only 2.1 feet from a property line. Indeed, this fire safety hazard is the basis for the prohibition in Article 5.3 of the Ordinance against any structure projecting closer than 5 feet to a lot line.

The requested variances are listed in the following table

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Article 3.1.5	Minimum Side Yard Setback	10-foot minimum side yard setback from property line.	7.9 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	16,000 square feet	8,508 square feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Donald King from Article 3.1.5, Article 7.23.A, and Article 7.28 of the Zoning Ordinance for Parcel Number 12-07-151-028, identified as 3624 Jackson Boulevard, in order to enlarge and alter a nonconforming structure that encroaches 7.9 feet into the required side yard setback. A 8,508 square foot variance from the minimum lot area is also granted from Article 3.1.5. This approval is conditional on the applicant obtaining all necessary permits from the White Lake Township Building Division.

Denial: I move to deny the variances requested by Donald King for Parcel Number 12-07-151-028, identified as 3624 Jackson Boulevard, due to the following reason(s):

Postpone: I move to postpone the appeal of Donald King *to a date certain or other triggering mechanism* for Parcel Number 12-07-151-028, identified as 3624 Jackson Boulevard, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated June 20, 2024
2. Applicant's written statement dated June 18, 2024
3. Certified boundary survey dated June 14, 2024
4. Letter of denial from the Building Official dated May 20, 2024
5. Photos of existing roof structure
6. Building Plans received on May 10

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 the Act protects:

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: Donald J King and Denise King PHONE: 313-820-4526

ADDRESS: 3624 Jackson Blvd

APPLICANT'S EMAIL ADDRESS: donking_mi@hotmail.com

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

ADDRESS OF AFFECTED PROPERTY: 3624 Jackson Blvd PARCEL # 12 - _____

CURRENT ZONING: _____ PARCEL SIZE: _____

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: 7.23(A) 3.1.5

VALUE OF IMPROVEMENT: \$ 50,000 SEV OF EXISITING STRUCTURE: \$ _____

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

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

APPLICANT'S SIGNATURE: Donald J. King / Denise King DATE: 6/19/2024

PAID 3375
 CASH CHECK# _____

JUN 20 2024

TREASURER
CHARTER TWP. OF WHITELAKE

RECEIVED

JUN 20 2024

COMMUNITY
DEVELOPMENT
DEPARTMENT

Tuesday, June 18, 2024

Variance Board Letter for the property listed below:

Donald and Denise King

3624 Jackson Blvd

White Lake, MI 48383

To whom it may concern, we are removing the existing roof because it is unsafe and not constructed to current building codes. See attached pictures of current rafters that have been cobbled together making it an unsafe roof. We are adding approximately 2' to the height of the current ceiling so we can install proper headers over the windows and doorwall that are currently there and have no headers. We have a truss package ready to order once we receive approval to proceed with the variance board approval.

Thank you for your time and consideration!

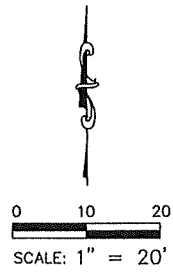
Donald J King

Denise King

SKETCH OF SURVEY

Prepared For: DON KING

Legal Description: PARCEL ID: 12-07-151-028
 Lots 15 and 16 of SMITH AND BROWN
 SUBDIVISION, a subdivision of part of the
 W 1/2 of the NW 1/4 of Section 7, T. 3
 N., R. 8 E., White Lake Township,
 Oakland County, Michigan as recorded in
 Oakland County Records.

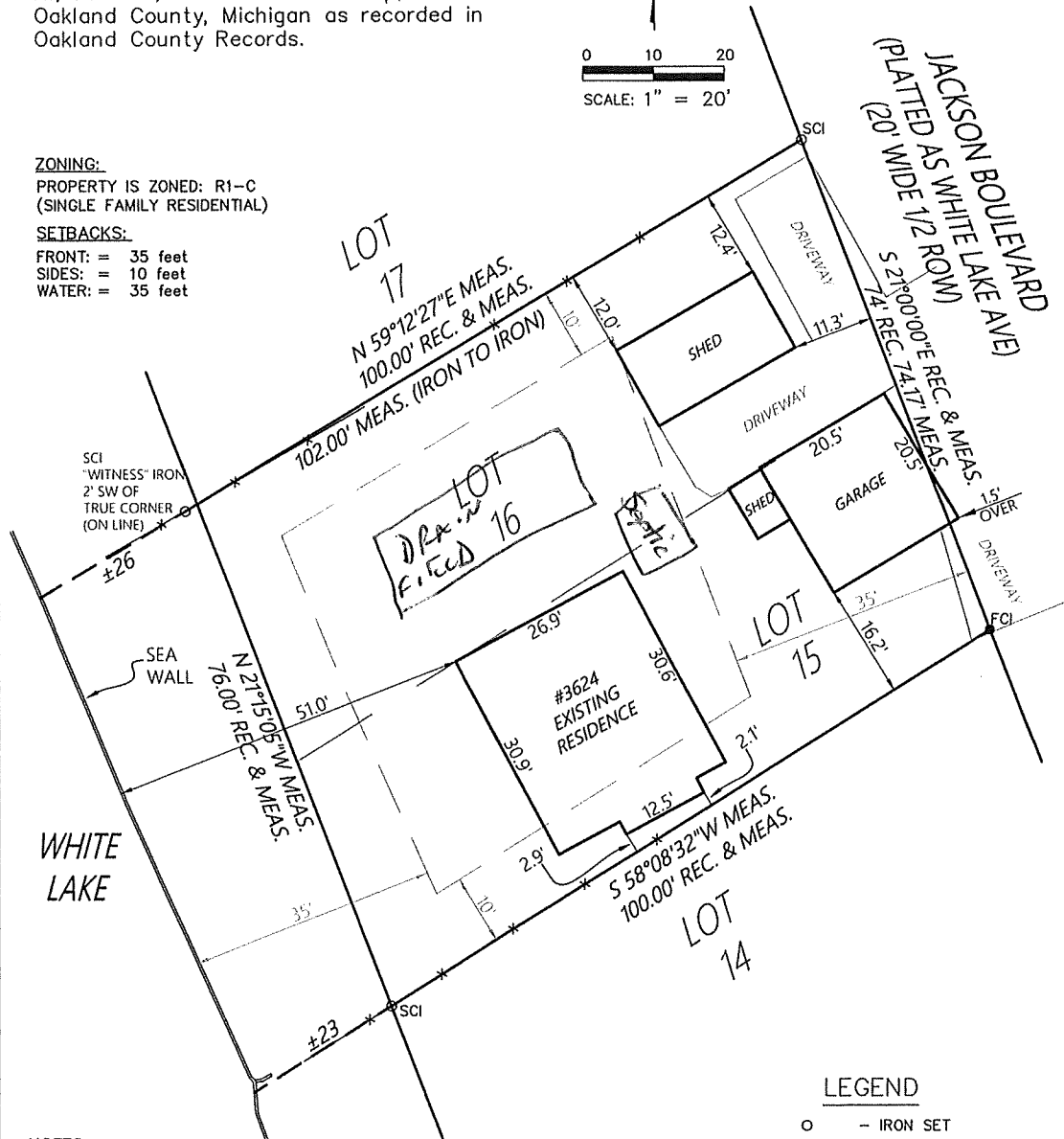


ZONING:

PROPERTY IS ZONED: R1-C
 (SINGLE FAMILY RESIDENTIAL)

SETBACKS:

FRONT: = 35 feet
 SIDES: = 10 feet
 WATER: = 35 feet



NOTES:
 NO TITLEWORK WAS SUPPLIED BY CLIENT,
 THEREFORE ALL EASEMENTS OF RECORD
 MAY NOT BE SHOWN.

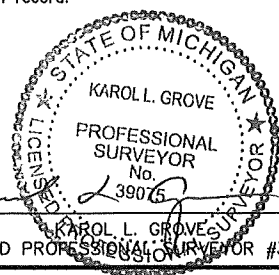
GARAGE CROSSES PLATTED LOT LINE AS
 SHOWN.

BEARING BASIS:
 HELD BEARING ALONG JACKSON BOULEVARD
 AS PER PLAT OF RECORD.

I hereby certify only to the parties hereon, that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set as noted hereon, permanent markers at the exterior corners of said lot and that all visible encroachments of a permanent nature upon said lot, are as shown on this survey. Said lot subject to all easements and restrictions of record.

LEGEND

- - IRON SET
- - IRON FOUND
- MEAS. - MEASURED
- REC. - RECORDED
- FCI - FOUND CAPPED IRON
- FIR - FOUND IRON ROD
- SCI - SET CAPPED IRON
- x— - EXISTING FENCE LINE



LICENSED PROFESSIONAL SURVEYOR #39075

ALPINE Land Surveying, Inc.		376 BEECH FARM CIRCLE SUITE # 1293 HIGHLAND, MICHIGAN, 48357 PHONE: 810-207-8050	
FIELD:	KG	DATE:	08-14-2024
DRAWN:	DJS	JOB NO:	24-6714
CHECKED:	KG	SHEET:	1 OF 1
REVISED:			

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

May 20, 2024

Donald King
3624 Jackson Blvd
White Lake, MI 48383

Re: Proposed Roof Expansion

Based on the non-conforming side yard setback, the roof expansion does not satisfy the requirements set forth by the White Lake Township Clear Zoning Ordinance.

Article 7.23(A) of the White Lake Township Clear Zoning Ordinance: No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

Article 3.1.5 of the White Lake Township Clear Zoning Ordinance: Requires a minimum side yard setback of 10 ft

The existing structure and lot are legal non-conforming. The approximate 7,495 sq ft lot contains a residential structure having an approximate 4 ft side yard setback on the south side. The proposed roof expansion would increase the cubic content within the required 10 ft setback. Additionally, Article 5.3 of the ordinance states that in no instance shall any portion of the proposed structure project closer than 5 ft to either side yard lot line.

Approval of the expansion 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 June 27th Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than May 23rd at 4:30 PM. ***Be advised, a certified boundary and location survey showing existing structures, proposed structures, setbacks, well and septic locations, and total lot coverage will be required by the ZBA.*** The Planning Department can be reached at (248)698-3300, ext. 5

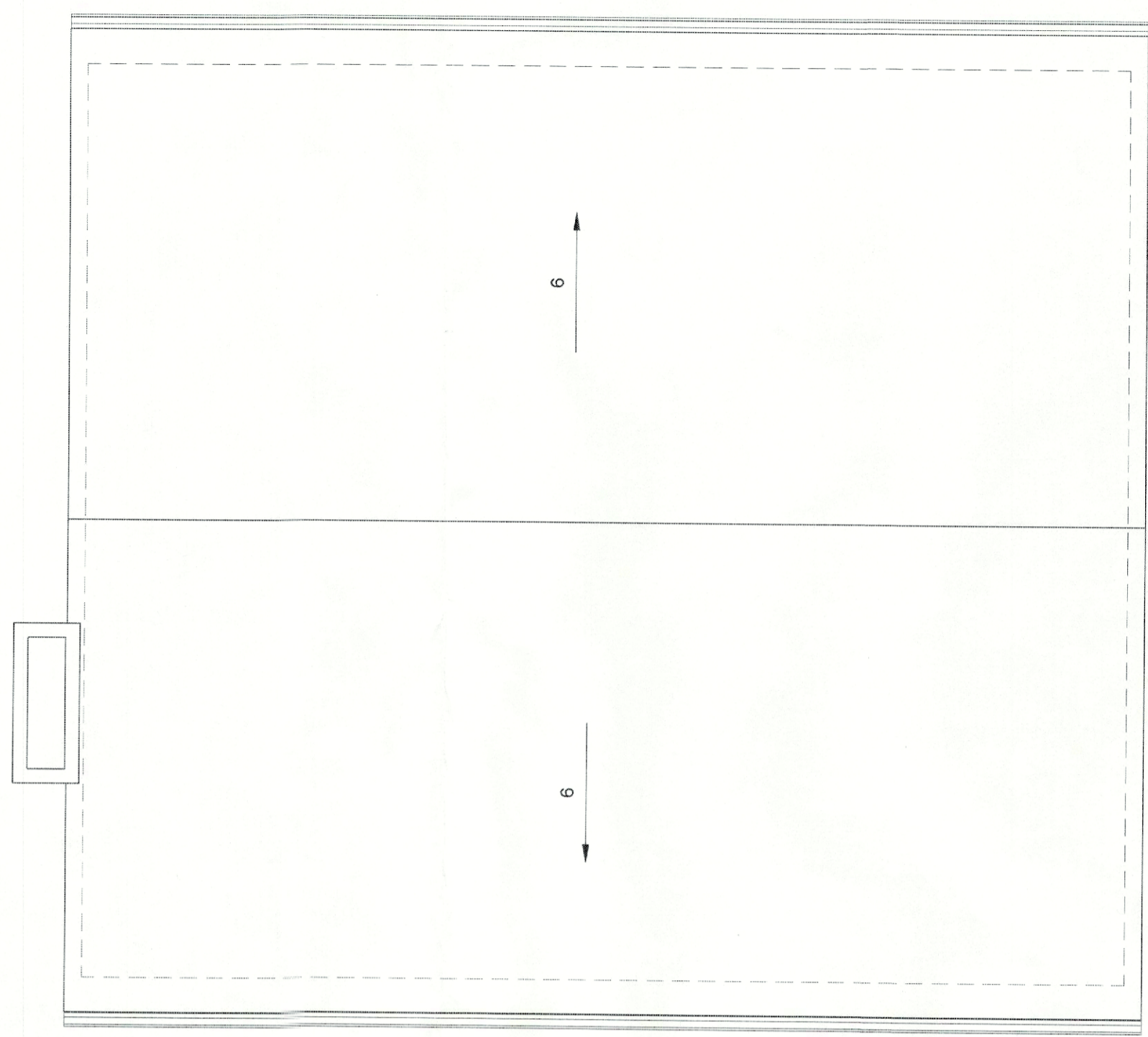
Sincerely,

Nick Spencer, Building Official
White Lake Township

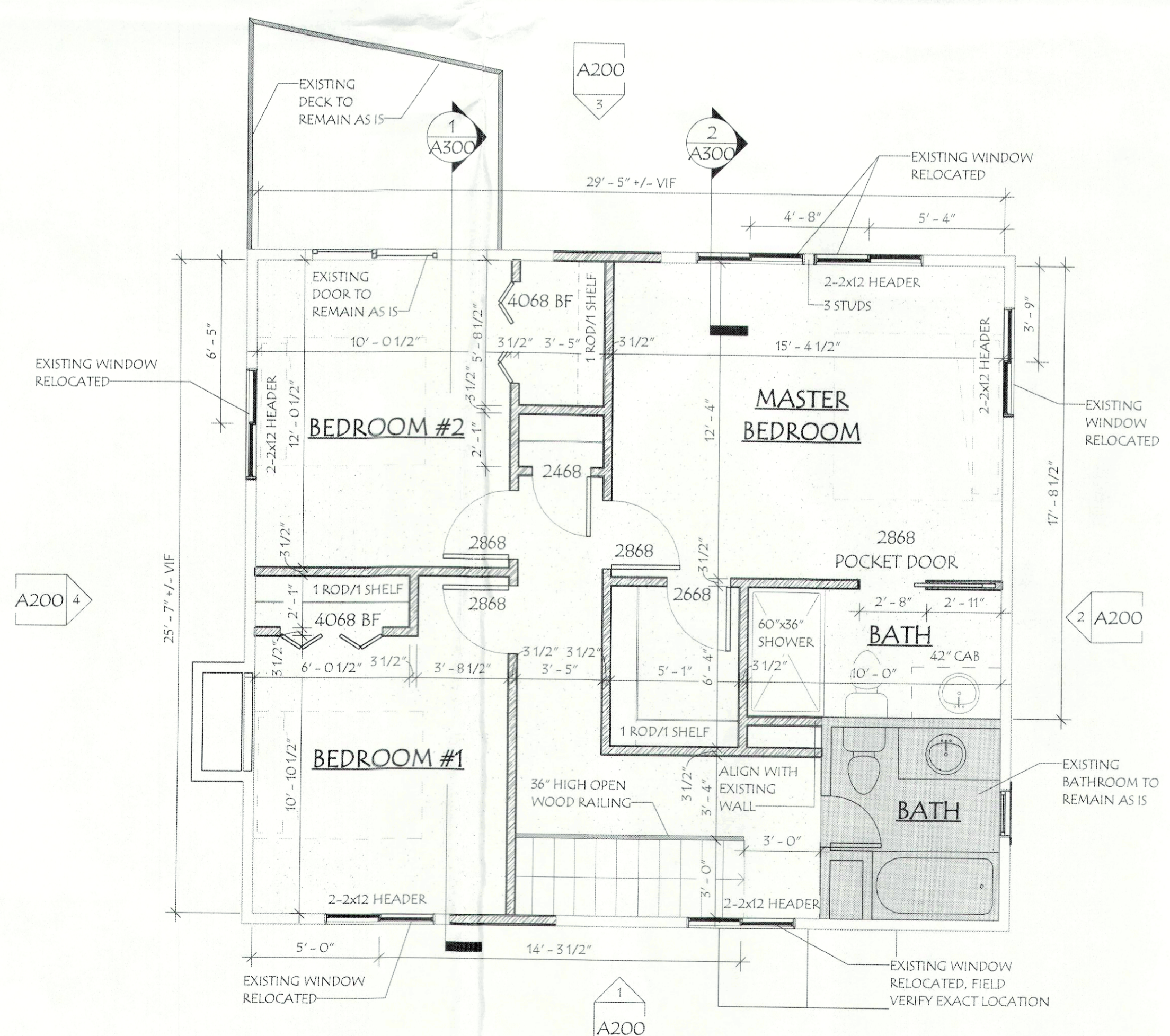




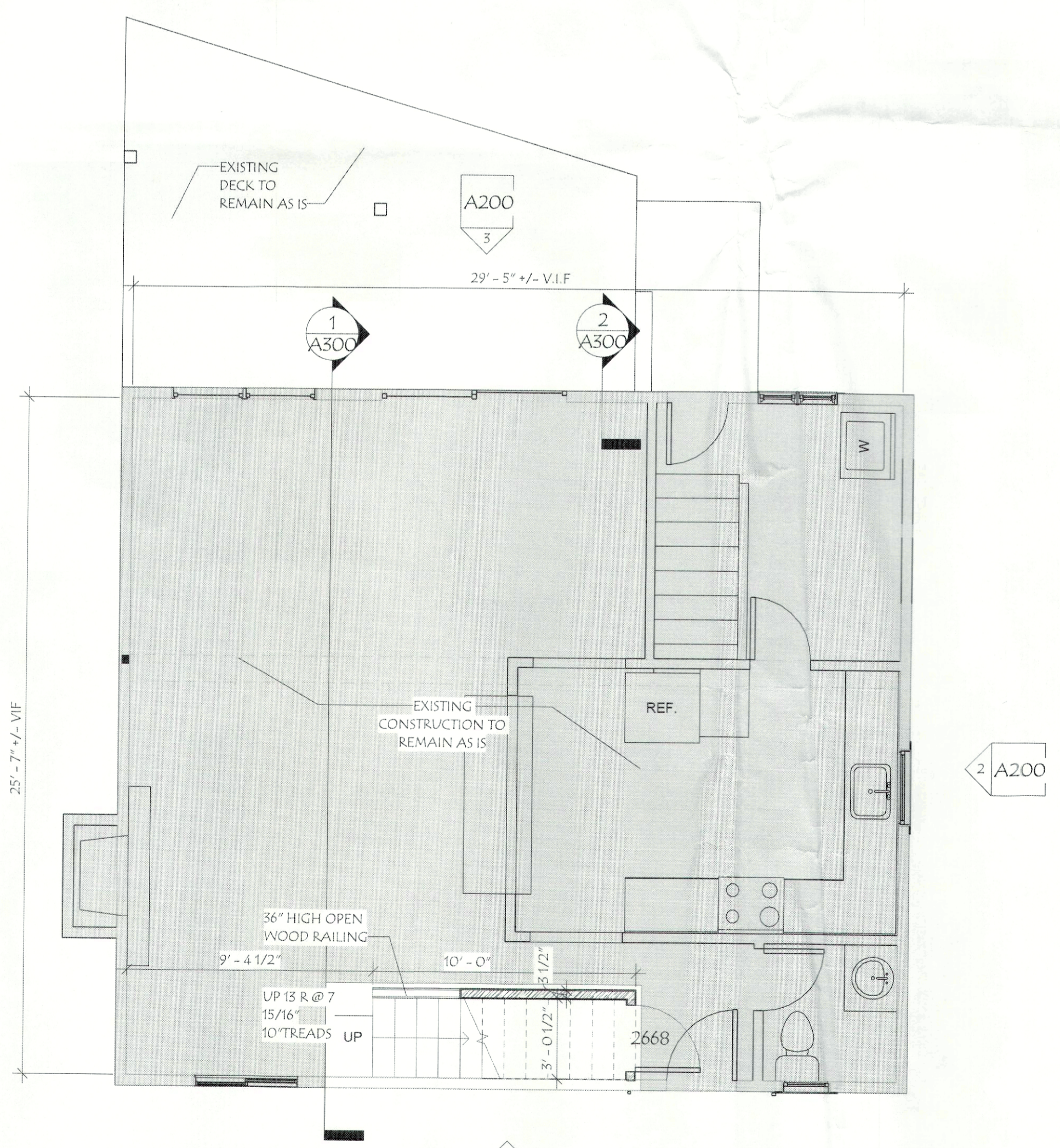




3 ROOF
A101 1/4" = 1'-0"



2 SECOND FLOOR
A101 1/4" = 1'-0"



1 FIRST FLOOR
A101 1/4" = 1'-0"

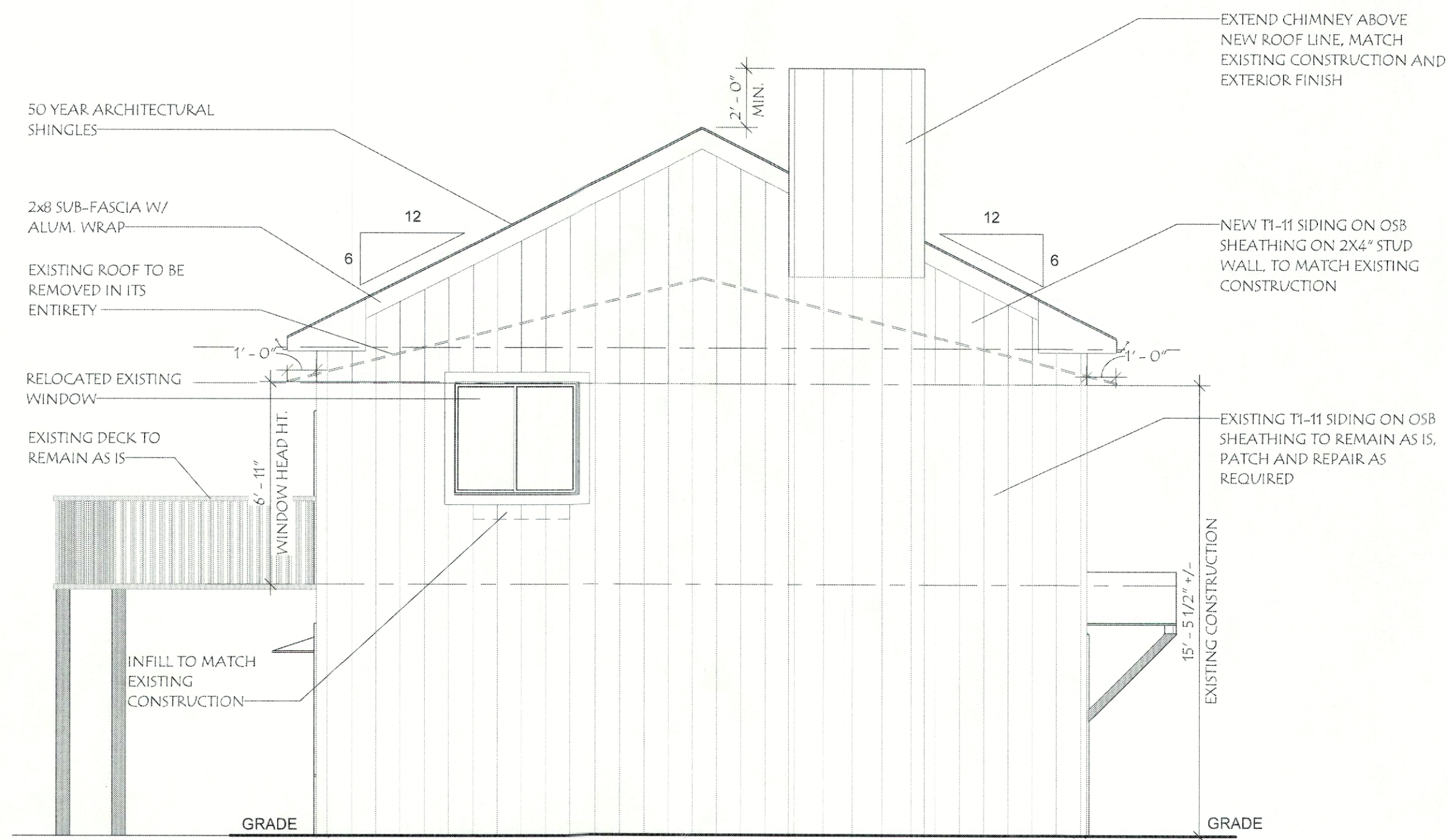
FRAMER NOTE:
DIMENSIONS ON DRAWINGS ARE TO ROUGH FRAMING
NOT TO DRY WALL. DRY WALL IS SHOWN ON THE
DRAWING AND IS NOT REFERENCED IN DIMENSIONS.

KING RESIDENCE

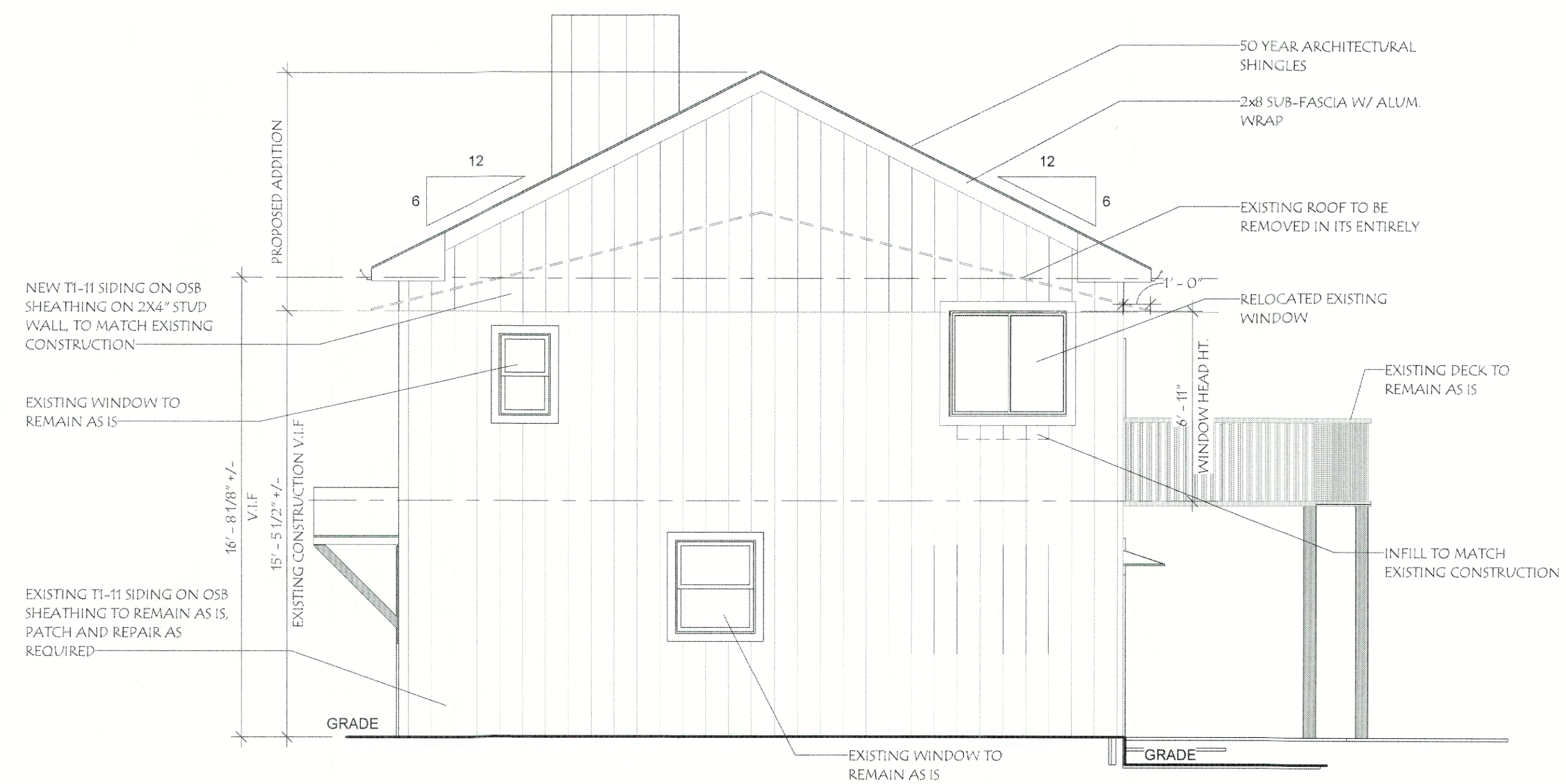
3624 JACKSON BLVD
WHITE LAKE, MI

Project #: 001
Job #: 001
Designer:
Draftsman:

copyright layout date: 04/15/24 construction drawing date: 04/15/24 revision date: 08/09/00



4 LEFT ELEVATION
A200 1/4" = 1'-0"



2 RIGHT ELEVATION
A200 1/4" = 1'-0"



3 REAR ELEVATION
A200 1/4" = 1'-0"



1 FRONT ELEVATION
A200 1/4" = 1'-0"

project #: 001
job #: 001
designer:
draftsman: Amanda Paladino

KING RESIDENCE
3624 JACKSON BLVD
WHITE LAKE, MI

construction drawing date: 04/15/24 revision date: 01/09/00

layout date:
copyright

CONSTRUCTION NOTES

-INTERIOR ROOM DIMENSIONS DO NOT INCLUDE DRY WALL
DEDUCT 1" FOR APPROX. FINISHED ROOM SIZES

-USE FINGER JOINTED STUDS IN KITCHEN, BATHROOMS, AND LAUNDRY ROOMS.

-JELDWIN WINDOW SIZES SHOWN

-UNLESS NOTED OTHERWISE, DOOR & WINDOW HEADERS SHALL BE 2-2x12'S

-SHIM ALL WINDOWS & DOORS AFTER INSTALLATION

-UNLESS NOTED OTHERWISE, STANDARD ROUGH-IN DIMENSIONS SHALL BE AS FOLLOWS.

- SWING DOOR - WIDTH +2 1/2"x6'-11" HIGH
- BIFOLD DOORS - WIDTH +1 1/4"x6'-10" HIGH
- POCKET DOORS - 2x DOOR WIDTH +2"x7'-0 1/2" HIGH (SET POCKET DOOR FRAME UP 1/2" A.F.F.)
- CASED OPENINGS - WIDTH +3"x 6'-11" FOR 8' CEILINGS & 7'-11" FOR 9' CEILINGS

-SINGLE CLOSET ROD & SHELF CLEAT - 66" TO TOP (12" DEPTH)

-DOUBLE CLOSET ROD & SHELF CLEAT 42"/84" TO TOP (12" DEPTH)

-NOTE: DOUBLE CLOSET ROD INCLUDES 1 SHELF ABOVE UPPER ROD

-PANTRY:

-1ST SHELF 20" OFF FLOOR W/ 4 SHELVES ABOVE (4 SHELVES @ 16" O.C.)

-LINEN:

- 1ST SHELF ON HARD SURFACE 20" A.F.F. W/ 3 ABOVE (3 SHELVES @ 16" O.C.)
- 1ST SHELF ON CARPET AT FLOOR W/ TOE KICK & ABOVE (4 SHELVES @ 16" O.C.)

-CHAIR RAIL (TOP OF CHAIR RAIL) - 36" A.F.F.

-CROWN MOLDING SPACING (2-PIECE CROWN) - 1" HEIGHT

-2x6 TOWEL BAR - 48" TO CENTER

-2x6 TOWEL BAR ABOVE TUB DECK - 36" TO CENTER

-2x6 TOWEL BAR ABOVE STOOL - 30" TO CENTER

-2x6 TOWEL BAR ABOVE VANITY - 20" TO CENTER

-2x6 TOWEL RING ABOVE VANITY - 20" TO CENTER

-LIGHT FIXTURE IN BATHROOM ABOVE MIRROR - 80" A.F.F.

-2x6 TOILET PAPER HOLDER - 26" TO CENTER

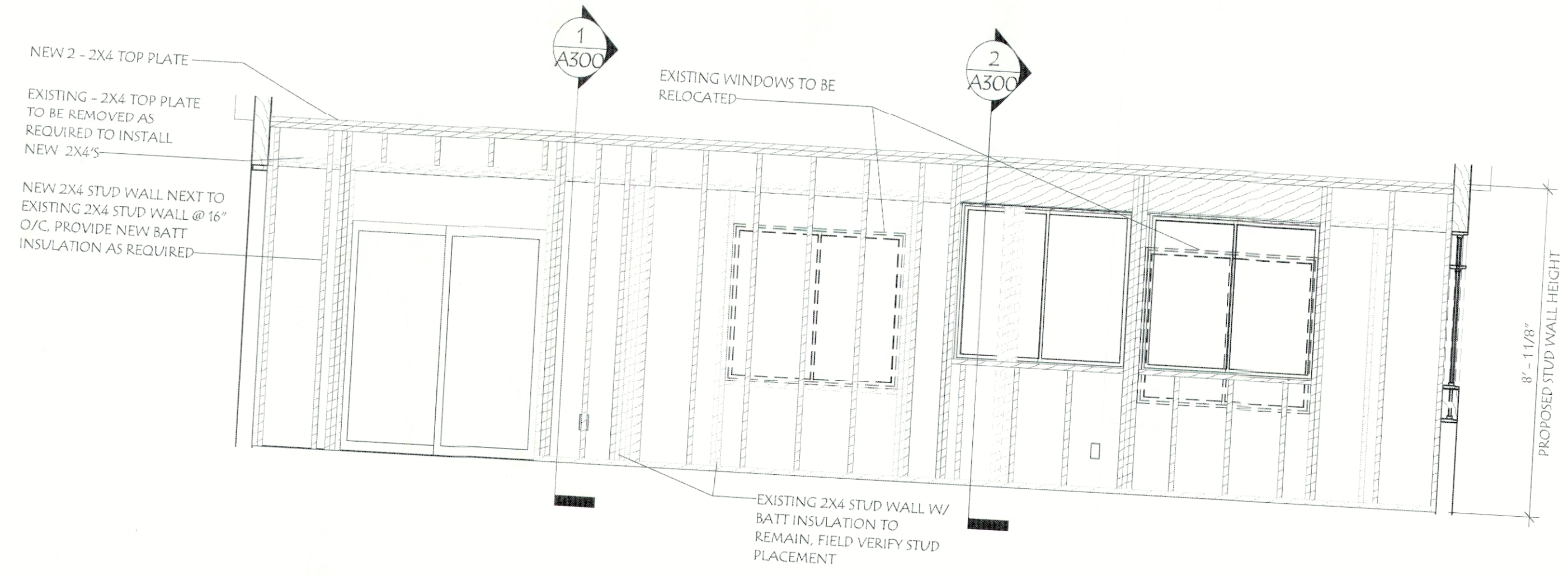
-FINISHED STAIR DIMENSIONS SHALL BE AS FOLLOWS:

-HANDRAILS - 34" TO 38" ABOVE TREAD NOSING W/ 1-1/2" MIN. HAND GRIP WIDTH.

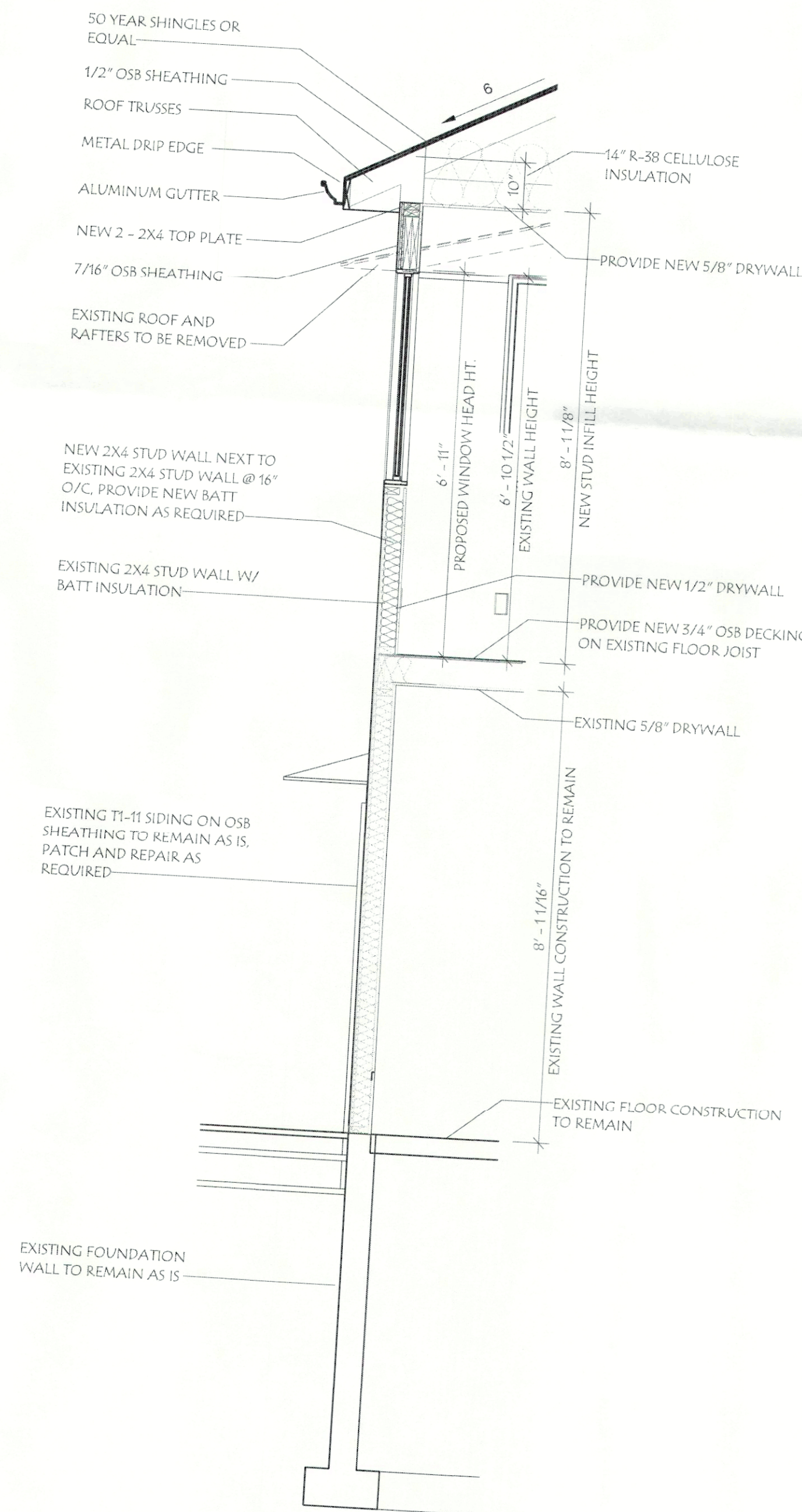
-BALUSTER SPACING - 4" MAX. CLEARANCE BETWEEN BALUSTERS

-HEADROOM - 6'-8" MIN. ABOVE TREAD NOSING

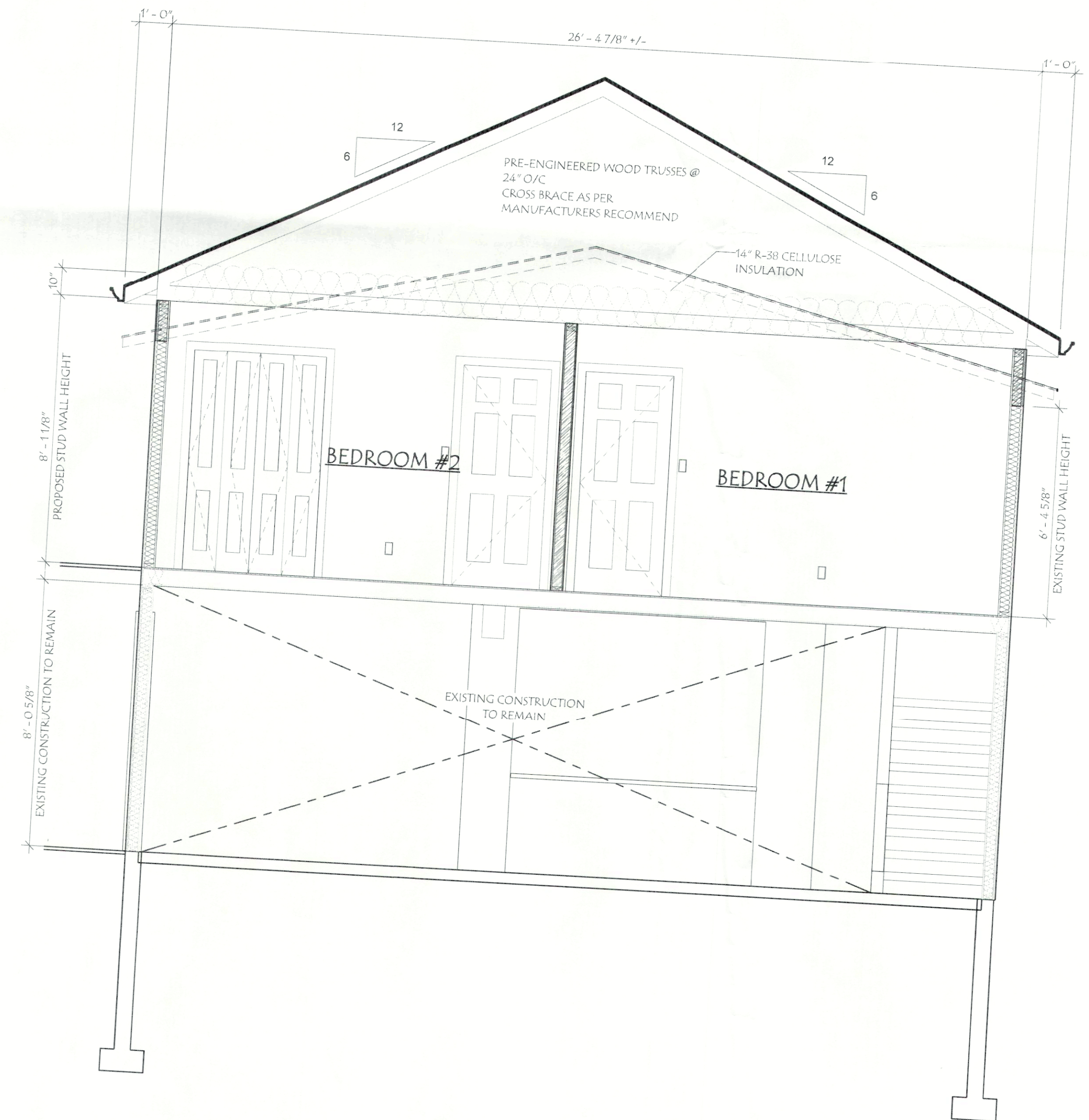
-ALL DECKS TO BE FRAMED -3" FROM SPECIFIED SIZE. EXAMPLE 12x12' DECK = 11'-9"x11'-9" FRAMED BOX.



3 A300 3/8" = 1'-0" TYPICAL WALL FRAMING



2 A300 1/2" = 1'-0" WALL SECTION



1 A300 3/8" = 1'-0" LIVING ROOM SECTION

KING RESIDENCE

3624 JACKSON BLVD
WHITE LAKE, MI

Project #: 001
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Designer: Designer
Draftsman: Amanda Paladino

construction drawing date: 04/15/24
revision date: 00/00/00

layout date:

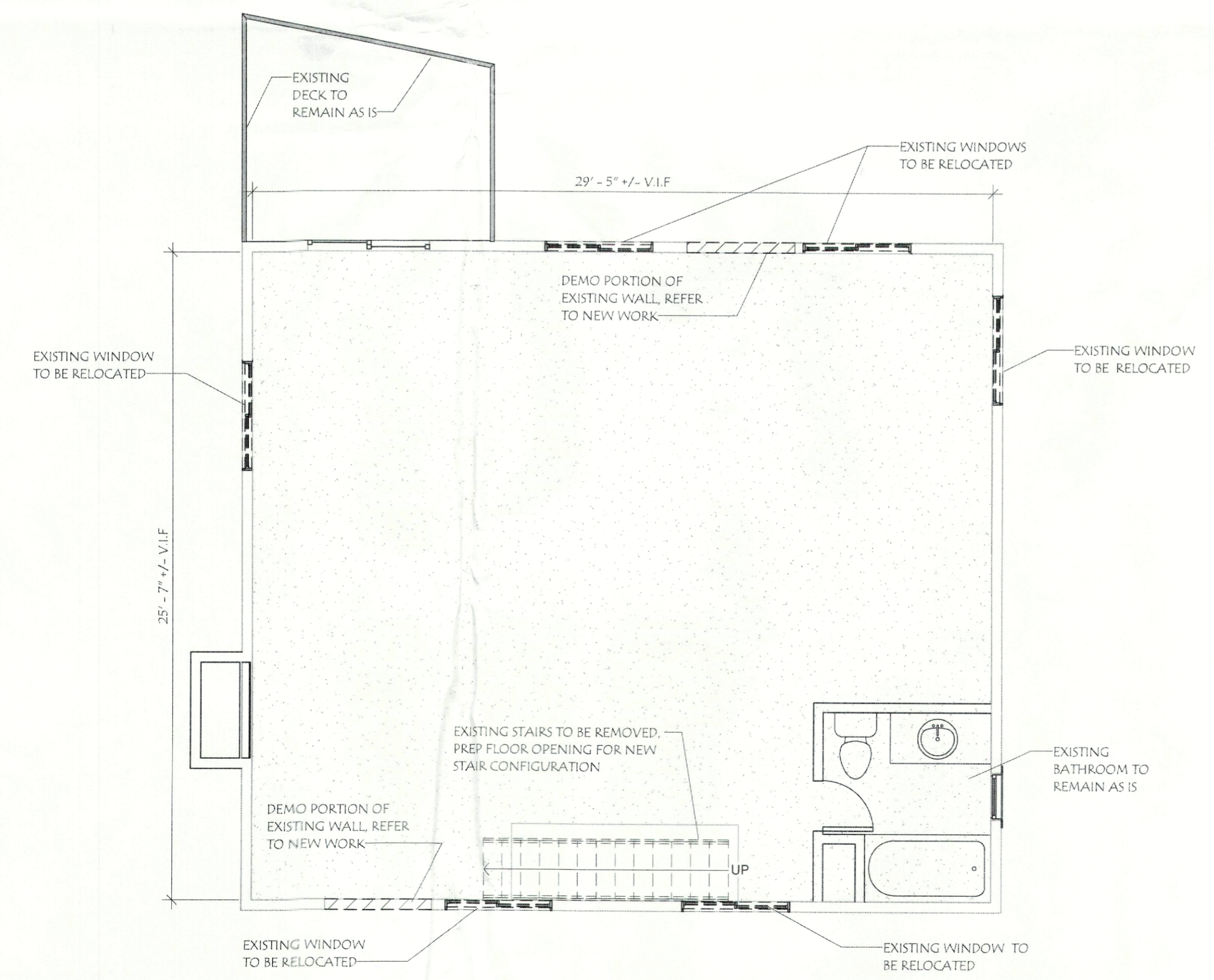
copyright

RECEIVED
MAY 10 2024
BUILDING
DEPARTMENT

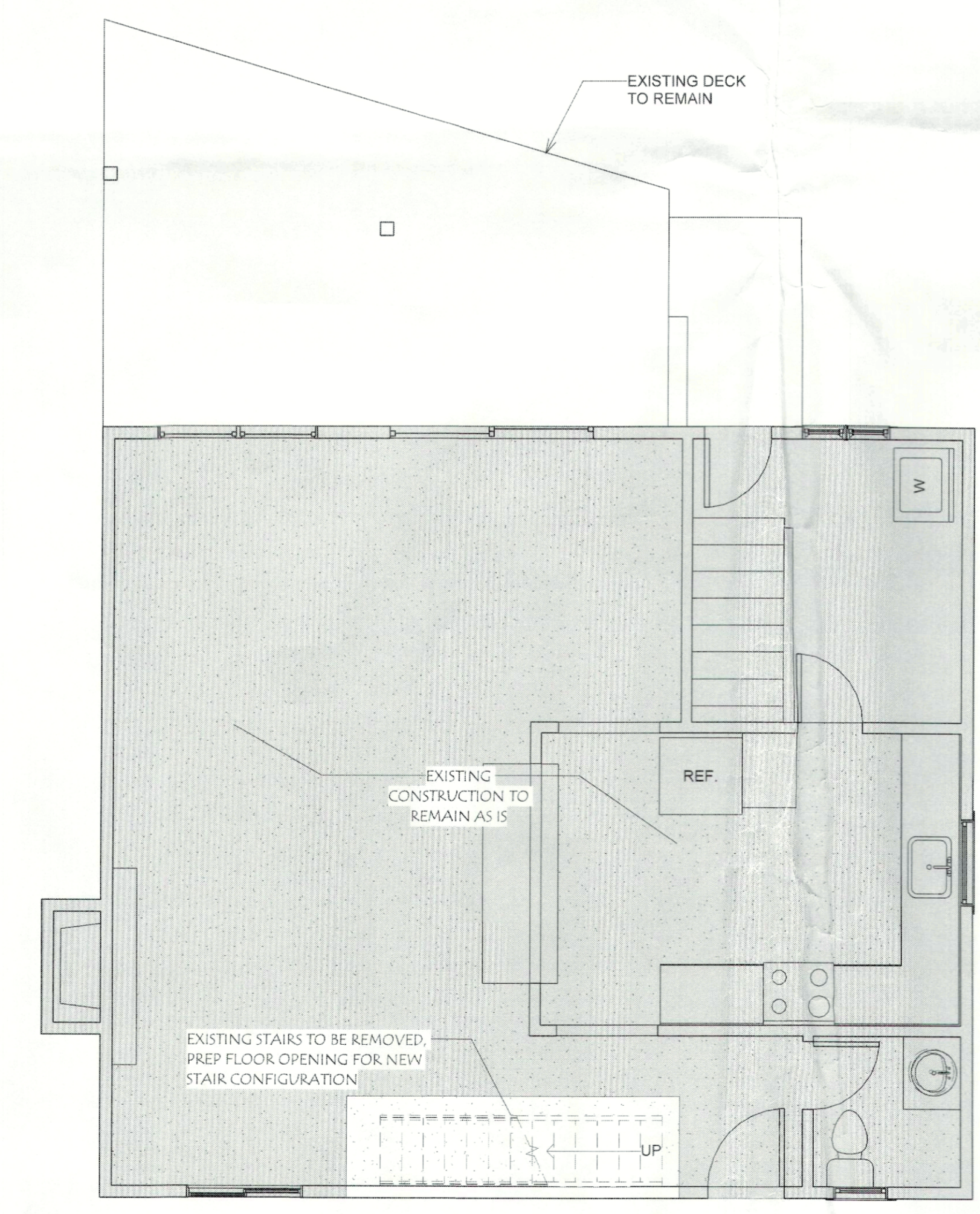
Project #: 001
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Designer: Designer
Craftsman:

KING RESIDENCE

3624 JACKSON BLVD
WHITE LAKE, MI



DEMOLITION - SECOND FLOOR
2
D100 1/4" = 1'-0"



DEMOLITION - FIRST FLOOR
1
D100 1/4" = 1'-0"

copyright layout date: 04/15/24 revision date: 00/00/00 construction drawing date: 04/15/24