

**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 17, 2024

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**Agenda item:** 8B

**Appeal Date:** May 31, 2024

**Applicant:** Michael and Quinn Falzon Trust

**Address:** 7551 Haley Road  
White Lake, MI 48383

**Zoning:** AG Agricultural

**Location:** 7551 Haley Road  
White Lake, MI 48383

## **Property Description**

The approximately 10.11-acre parcel identified as 7551 Haley Road is zoned AG (Agricultural). The existing house on the property (approximately 1,780 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

The applicant, the Michael and Quinn Falzon Trust, seeks to utilize a safety cover on its swimming pool in lieu of enclosing the pool with a fence.

## **Planner's Report**

Article 5.10 of the Zoning Ordinance states that residential swimming pools must be fenced on all sides with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching. This Ordinance provision was designed primarily for the safety of children who could readily wander onto the property and fall into a swimming pool. Indeed, this is a prime example where the legal doctrine of "attractive nuisance" applies. The self-closing and latching language is particularly important since the enclosure is automatic, and not dependent upon whether or not an individual remembers to close the gate.

On the other hand, a safety cover is dependent upon an individual closing it every time he or she is not present at the pool, which is simply not realistic. A safety cover is clearly not a safe alternative to the requirements of the Ordinance.

## **Zoning Board of Appeals Options:**

**Approval:** I move to approve the variance requested by the Michael and Quinn Falzon Trust from Article 5.10 of the Zoning Ordinance for Parcel Number 12-16-401-007, identified as 7551 Haley Road, to utilize a safety cover on its swimming pool in lieu of enclosing the pool with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching.

**Denial:** I move to deny the variance requested by the Michael and Quinn Falzon Trust for Parcel Number 12-16-401-007, identified as 7551 Haley Road, due to the following reason(s):

**Postpone:** I move to postpone the appeal of the Michael and Quinn Falzon Trust *to a date certain or other triggering mechanism* for Parcel Number 12-16-401-007, identified as 7551 Haley Road, to consider comments stated during this public hearing.

**Attachments:**

1. Variance application dated May 31, 2024.
2. Applicant's written statement.
3. Letter of denial from the Building Official dated May 16, 2024.
4. Sketch Survey

## 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: Michael & Quinn Falzon Trust PHONE: 970-819-5966 Quinn cell #  
970-846-8930 Mike cell #  
ADDRESS: 7551 Haley Rd. White Lake, MI. 48383  
APPLICANT'S EMAIL ADDRESS: qfmichigan@gmail.com  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_  
Fully owned (no mortgage)

Pin# 12-16-401-007 7551 Haley Rd. 48383 Y  
ADDRESS OF AFFECTED PROPERTY: White Lake, MI. 48383 PARCEL # 12-16-401-007  
CURRENT ZONING: AG - Agricultural PARCEL SIZE: 10.11 Acres

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 5.10 of the  
White Lake Township Clear Zoning Ordinance (Swimming pool)  
VALUE OF IMPROVEMENT: \$ N/A SEV OF EXISTING STRUCTURE: \$ N/A  
unknown Barrier  
unknown

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

APPLICATION FEE: \$385 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)  
APPLICANT'S SIGNATURE: Quinn Johanna Falzon DATE: 5/31/2024

[REDACTED]

## Supporting Document for Application

From:  
Michael & Quinn Falzon Trust  
7551 Haley Rd.  
White Lake, MI. 48383  
(970) 819-5966

To:  
White Lake Twp. Community Development Dpt.  
Zoning Board of Appeals (ZBA)  
7527 Highland Rd.  
White Lake, MI. 48383

Dear Zoning Board of Appeals (Z.B.A.),

We, Michael & Quinn Falzon, would kindly request to be exempt from the *Article 5.10 of the White Lake Township Clear Zoning Ordinance: swimming pools shall be fenced on all sides with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching* at our residence 7551 Haley Rd. in White Lake, Michigan.

1. We believe that we have a unique circumstance as an AG (Agricultural) Zoning with 10.11 acres.
2. Nearest neighbors are at least 1,000 feet away with wetlands in-between.
3. Our property is heavily wooded in every angle.
4. We do not live in a Subdivision nor have an HOA.
5. Most importantly, we have a CoverStar Automatic Pool Cover. CoverStar automatic cover systems have been tested and meet the safety standards outlined in ASTM F1346-91, which calls for the use of safety devices for pools that meet national regulations. A few ASTM Pool Cover safety specifications are Weight Support (can hold a minimum weight of 485lbs, Perimeter Deflection Test, Surface Drainage Test, Control-Switch Requirements (any device used to control the automatic pool cover has to be permanently mounted in full view of the entire pool). CoverStar automatic pool covers are also UL Listed and Certified to meet industry-wide standards.

Thank you for your consideration and time in this matter.

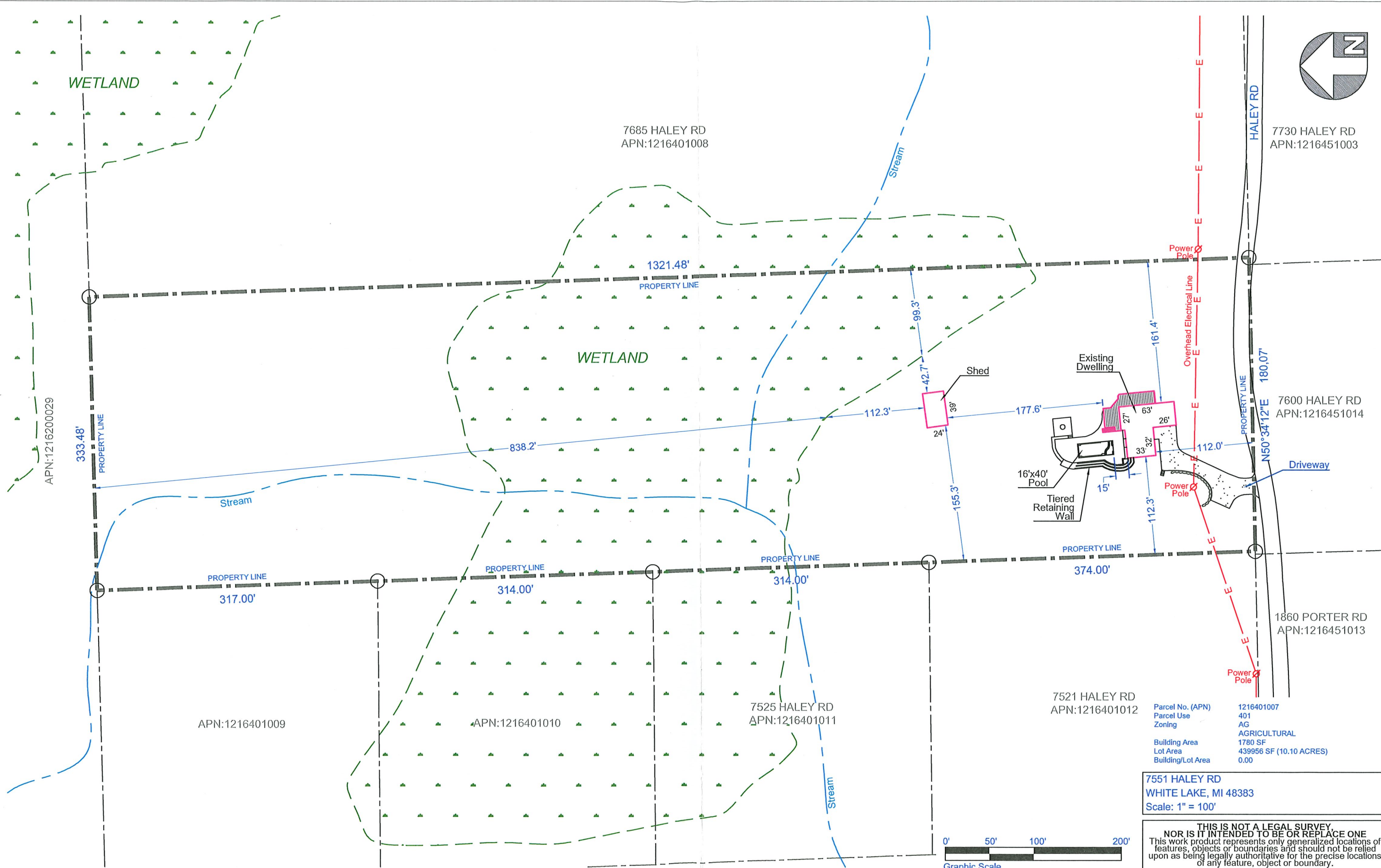
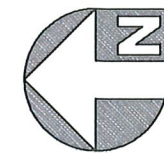
Sincerely,

  
Michael & Quinn Falzon Trust

5/31/2024

[REDACTED]





7685 HALEY RD  
APN:1216401008

7730 HALEY RD  
APN:1216451003

1321.48'  
PROPERTY LINE

WETLAND

7600 HALEY RD  
APN:1216451014

APN:1216200029

333.48'  
PROPERTY LINE

317.00'  
PROPERTY LINE

314.00'  
PROPERTY LINE

314.00'  
PROPERTY LINE

374.00'  
PROPERTY LINE

180.07'  
PROPERTY LINE

1860 PORTER RD  
APN:1216451013

APN:1216401009

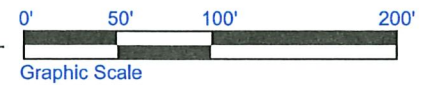
APN:1216401010

7525 HALEY RD  
APN:1216401011

7521 HALEY RD  
APN:1216401012

Parcel No. (APN)	1216401007
Parcel Use	401
Zoning	AG
	AGRICULTURAL
Building Area	1780 SF
Lot Area	439956 SF (10.10 ACRES)
Building/Lot Area	0.00

7551 HALEY RD  
WHITE LAKE, MI 48383  
Scale: 1" = 100'



**THIS IS NOT A LEGAL SURVEY.  
NOR IS IT INTENDED TO BE OR REPLACE ONE**  
This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise locations of any feature, object or boundary.

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)

May 16, 2024

Michael and Quinn Falzon  
7551 Haley Rd  
White Lake, MI 48383

Re: Swimming Pool Barrier Requirements

Based on the submitted application, the proposed swimming pool does not satisfy the White Lake Township Clear Zoning Ordinance for swimming pool barriers.

**Article 5.10 of the White Lake Township Clear Zoning Ordinance:** swimming pools shall be fenced on all sides with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching.

While the swimming pool is proposed to include a code-compliant safety cover as permitted by Section 305 of 2021 International Swimming Pool and Spa Code, it lacks the barrier requirements required by the ordinance.

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 June 27<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than May 23<sup>rd</sup> at 4:30 PM. The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
White Lake Township