WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS

REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: **Zoning Board of Appeals**

FROM: **Justin Quagliata, Staff Planner**

DATE: **August 26, 2021**

Agenda item: **6c**

Appeal Date: August 26, 2021

Applicant: Yuanwei (Bill) Lin

Address: 2844 Livernois Road, #1553
Troy, MI 48084

Zoning: R1-C Single Family Residential

Location: 855 Hilltop Drive
White Lake, MI 48386

Property Description

The approximately 2.647-acre parcel identified as 855 Hilltop Drive is located on Oxbow Lake and zoned R1-C (Single Family Residential). The existing house on the property (approximately 2,716 square feet in size) utilizes a private well for potable water and a private septic system for sanitation. There is also an approximately 816 square foot barn/four-car detached garage located north of the house.

Applicant's Proposal

Yuanwei (Bill) Lin, the applicant, is proposing to construct an addition and covered porch on the rear of the house. The applicant stated the proposed addition was for an indoor swimming pool.

Planner's Report

Based on the plan submitted by the applicant, the proposed addition is 460.75 square feet in size. The dimensions and size of the proposed covered porch were not provided. The submitted floor plan is also not drawn to scale.

The applicant submitted a mortgage survey dated October 26, 1993. The mortgage survey does not show the proposed addition or covered porch. The zoning ordinance, and Zoning Board of Appeals by way of resolution, requires a certified boundary/location survey for variance applications. The purpose of a mortgage survey is to evidence permanent improvements are fully within the subject property's lot lines; it should not be used to determine placement of permanent improvements on a lot.

The applicant provided a supplemental sheet with a calculation for a proposed rear yard setback of 28 feet. Staff consulted a mathematician who stated the equation utilized the Pythagorean Theorem, which is a theorem in geometry meaning the square of the length of the hypotenuse of a right triangle equals the sum of the squares of the lengths of the other two sides. This can be stated in equation form as $a^2 + b^2 = c^2$ where c is the length of the hypotenuse, and a and b are the lengths of the remaining two sides. In geometry, a hypotenuse is the longest side of a right triangle (the side opposite the right angle). A right triangle (orthogonal triangle) is a triangle in which one angle is a right angle, i.e., a 90-degree angle. Orthogonality is the generalization of the notion of perpendicularity to the linear algebra of bilinear forms. In geometry, perpendicularity is the relationship between two lines meeting at a right angle (90 degrees). The applicant's equation assumes the two vectors (linear space) shown on the mortgage survey are orthogonal. According to the mathematician consulted by staff, the two vectors on the mortgage survey used in the submitted equation are not perpendicular and do not form a right angle. The assessment of the mathematician was while the result of the equation is correct, the vectors form an obtuse triangle, which is a triangle with one obtuse angle (greater than 90 degrees) and two acute angles (less than 90 degrees). The Pythagorean Theorem is only applicable to right triangles. Staff recommends requiring a certified boundary/location survey to determine the location of existing and proposed structures.

In the R1-C zoning district the minimum rear yard setback requirement is 35 feet. The applicant is requesting a 7-foot variance for a proposed 28-foot rear yard.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.5.E	Rear yard setback	35 feet	7 feet	28 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Yuanwei (Bill) Lin from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, in order to construct an addition that would encroach 7 feet into the required rear yard setback. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.

- A certified boundary/location survey shall be submitted to staff prior to issuance of a building permit.

Denial: I move to deny the variance requested by Yuanwei (Bill) Lin for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, due to the following reason(s):

Table: I move to table the variance request of Yuanwei (Bill) Lin for Parcel Number 12-23-151-004, identified as 855 Hilltop Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated July 28, 2021.
2. Mortgage survey dated October 26, 1993.
3. Calculation submitted by the Applicant.
4. Plans submitted by the Applicant.

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

RECEIVED

JUL 2 8 2021

COMMUNITY
DEVELOPMENT
DEPARTMENT

White Lake Township Planning Department, 7525 Highland Road, White Lake, MI 48383 248-698-3300 x163

APPLICANT'S NAME: Yuanwei (Bill) Lin   PHONE: 248 879 8922

ADDRESS: 855 Hilltop

APPLICANT'S EMAIL ADDRESS: LINS248 @ yahoo.com

APPLICANT'S INTEREST IN PROPERTY: [X] OWNER [ ] BUILDER [ ] OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 855 Hilltop   PARCEL # 12 - 23 - 151 - 004

CURRENT ZONING: R1C   PARCEL SIZE: 2.6

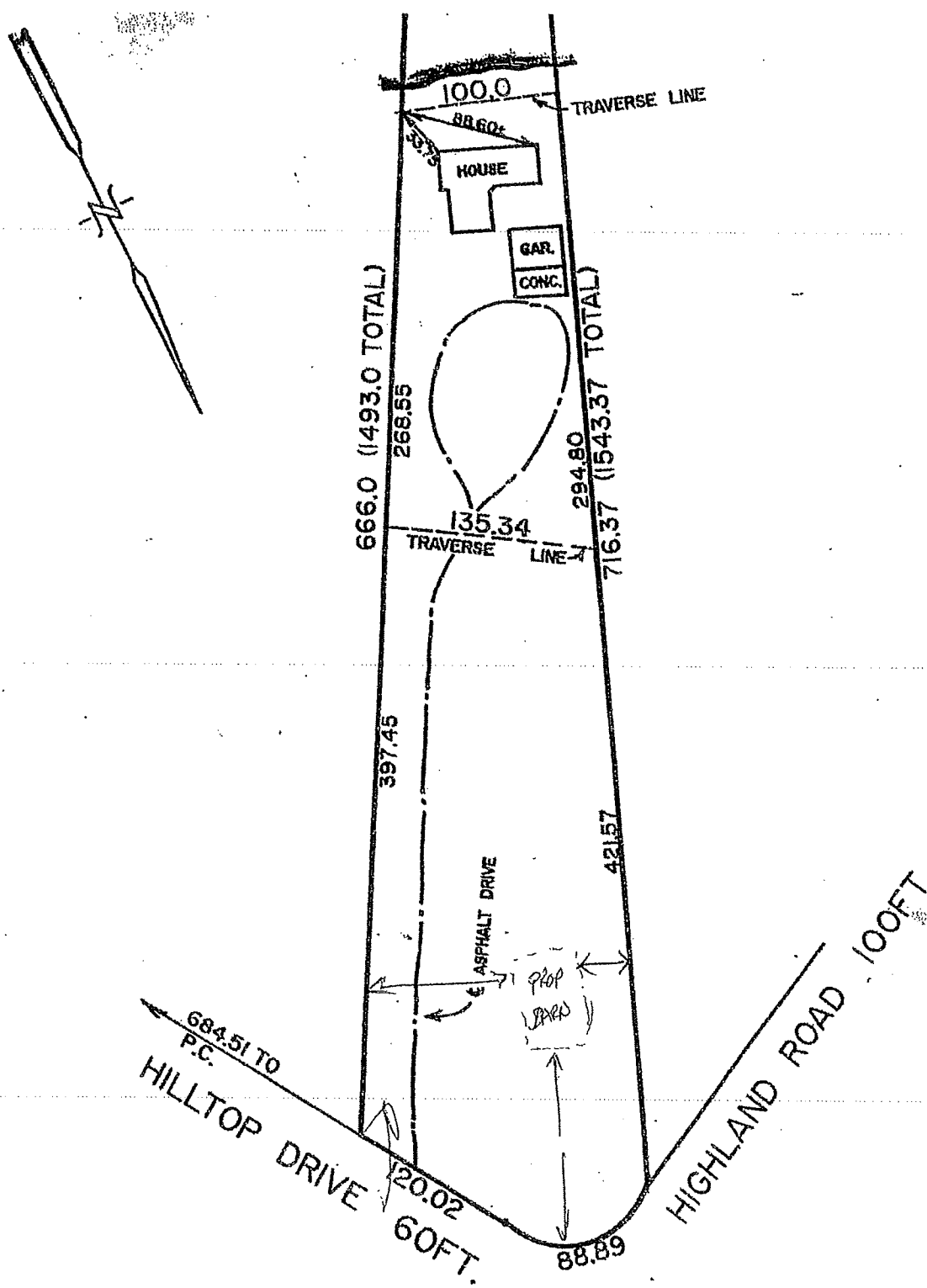STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____

_____

VALUE OF IMPROVEMENT: $ 65,000   SEV OF EXISITING STRUCTURE: $ _____

STATE REASONS TO SUPPORT REQUEST: (ADDITIONALS SHEETS MAY BE ATTACHED)

I am a retired man, and my wife is going to retire soon. both of us are suffering from leg and knee issues and the doctor is recommending hydrotherapy. For this purpose, we wish to have an indoor swimming pool. Thanks for understanding.
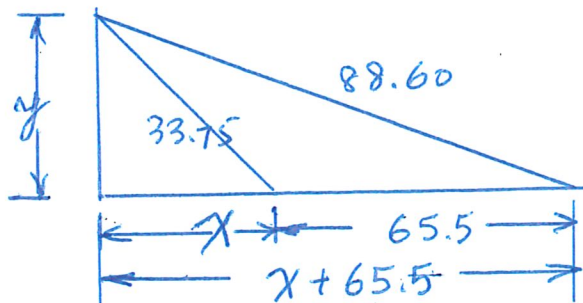
APPLICATION FEE: 385 00   (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: _____ (Bill   DATE: 07/28/21

TRAVERSE LINE

100.0

88.60±

35.15

HOUSE

GAR.

CONC.

666.0 (1493.0 TOTAL)

268.55

294.80 (1543.37 TOTAL)

135.34
TRAVERSE LINE

716.37

397.45

421.57

€ ASPHALT DRIVE

PROP
BARN

684.51 TO
P.C.

HILLTOP DRIVE 60FT.

20.02

88.89

HIGHLAND ROAD 100FT.

GLENN J. HEIL

GLENN J. HEIL
Professional Surveyor
959 Manitou Lane
Lake Orion, Michigan 48362
Phone 332-2738

SCALE: 1 inch = 100 feet	ORD: NBD Mortgage Company
DATE: October 26, 1993	FOR: Matthew J. Maquire and Diane E. Maquire
REV:	

I hereby certify that the buildings and improvements of the property described and delineated hereon are located within the property lines and

$$y^2 = 33.75^2 - x^2$$

$$y^2 = 88.6^2 - (x + 65.5)^2$$

$$= 88.6^2 - (x^2 + 2 \cdot 65.5x + 65.5^2)$$

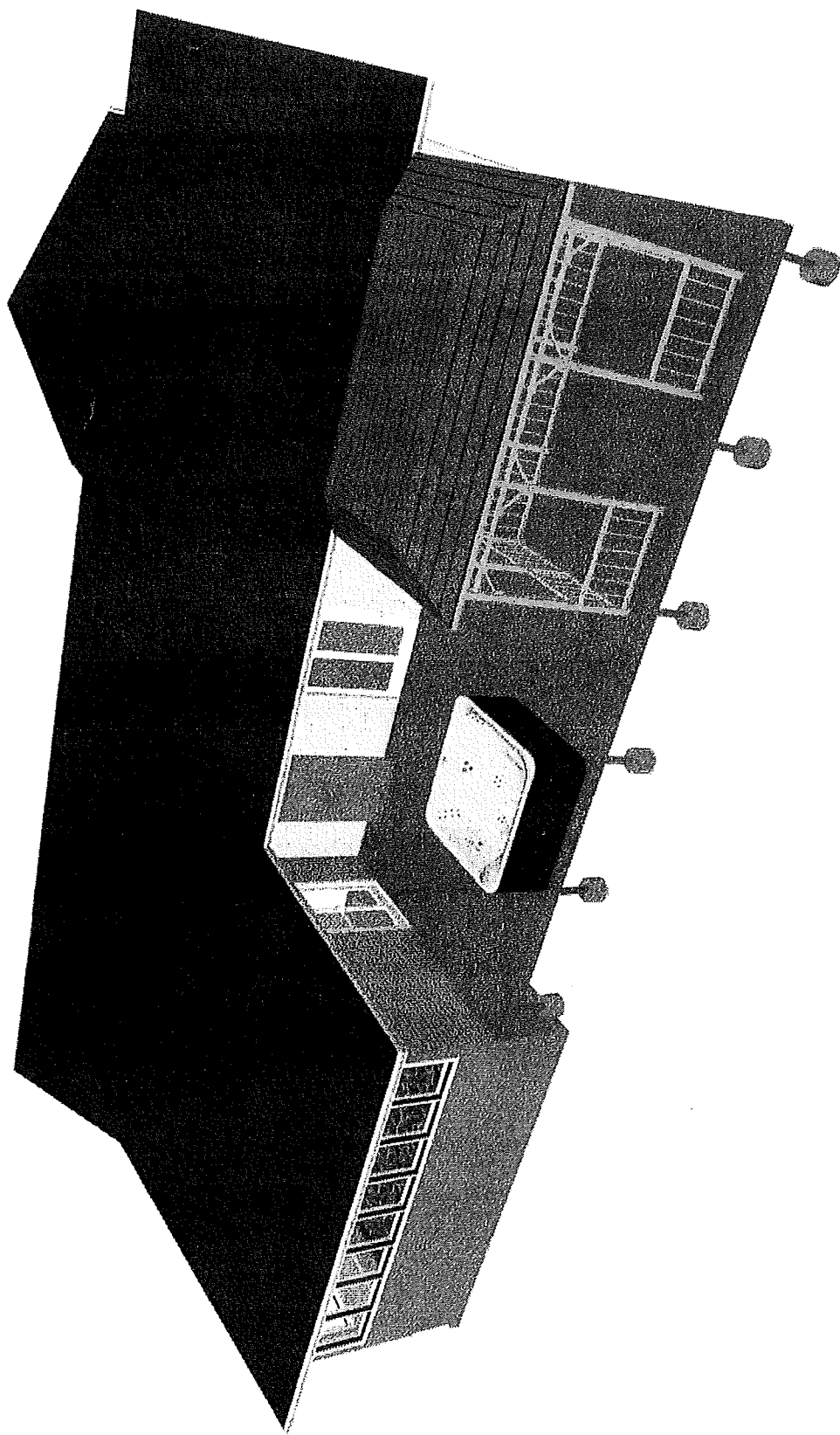$$33.75^2 - x^2 = 88.6^2 - x^2 - 2 \times 65.5x - 65.5^2$$

$$33.75^2 = 88.6^2 - 131x - 65.5^2$$

$$131x = 88.6^2 - 65.5^2 - 33.75^2$$

$$x = \frac{88.6^2 - 65.5^2 - 33.75^2}{131}$$

$$= \frac{7849.96 - 4290.25 - 1139.06}{131}$$

$$x = 18.48, \qquad y = \sqrt{33.75^2 - 18.48^2} = 28.$$

855 Hill Top

DECK
41'-4" X 19'-0"

126mm

28 ft

35mm

100 ft

100

100

100