

# **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

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**Agenda item:** 6b

**Appeal Date:** August 26, 2021

**Applicant:** Raymond Roberts

**Address:** 10016 White Road  
Linden, MI 48451

**Zoning:** R1-D Single Family Residential

**Location:** 4590 Braidwood Drive  
White Lake, MI 48383

## **Property Description**

The approximately 0.171-acre (7,484.4 square feet) parcel identified as 4590 Braidwood Drive is the east ½ of Lots 701, 702 and 703 of the White Lake Grove No.1 subdivision and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,536 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

## **Applicant's Proposal**

Raymond Roberts, the applicant, on behalf of property owner Michele Jamieson, is proposing to construct a covered porch on the front of the house.

## **Planner's Report**

Based on the plan submitted by the applicant, the existing house is nonconforming to setbacks; the structure is located 6.25 feet from the west side property line, 19 feet from the front (east) property line, and 28.5 feet from the front (north) property line. A minimum 10-foot side yard setback and 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 4,515.6 square foot deficiency in lot area and a 17.63-foot deficiency in lot width. In the R1-D zoning district the minimum lot size requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

A 1,056 square foot one-story modular was placed on the property in 1971. In 1998 a 480 square foot addition was constructed on the east side of the modular. The entire structure is over a crawl space (no basement). There is also an approximately 120 square foot shed located in the southeast corner of the property. As the parcel is a corner lot with frontage on Endicott Drive, the shed is nonconforming to the front yard setback. The fence on the east side of the property is also nonconforming; it does not meet the front yard setback. Also, the eastern edge of the fence appears to be in the Endicott Drive right-of-way, and a portion of the fence appears to encroach on the property to the south.

The applicant submitted a mortgage survey with the variance application. 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. A mortgage survey should not be used to determine placement of permanent improvements on a lot. The submitted mortgage specifically notes, "This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners."

A covered or enclosed porch is considered part of the principal structure and therefore subject to the same setbacks as the house. The proposed covered porch would be 5' by 10' (50 square feet) in size and added on to the front (north) of the house. The submitted plan shows the porch would be located 23.5 feet from the front property line. A variance of 6.5 feet is requested to encroach into the front yard setback. Additionally, the proposed lot coverage is 22.79% (1,706 square feet), which is 2.79% (209.12 square feet) beyond the 20% maximum lot coverage allowed (1,496.88 square feet).

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	6.5 feet	23.5 feet
2	Article 3.1.6.E	Maximum lot coverage	20% (1,496.88 sq. ft.)	2.79% (209.12 sq. ft.)	22.79% (1,706 sq. ft.)
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	4,515.6 sq. ft.	7,484.4 sq. ft.
4	Article 3.1.6.E	Minimum lot width	80 feet	17.63 feet	62.37 feet

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

**Approval:** I move to approve the variances requested by Raymond Roberts from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-06-454-054, identified as 4590 Braidwood Drive, in order to construct a covered porch that would encroach 6.5 feet into the required front yard setback from the north lot line and exceed the allowed lot coverage by 2.79 percent. A 17.63-foot variance from the required lot width and 4,515.6 square foot variance from the required lot size are also granted from Article 3.1.6.E. This approval will have the following condition:

- 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 variances requested by Raymond Roberts for Parcel Number 12-06-454-054, identified as 4590 Braidwood Drive, due to the following reason(s):

**Table:** I move to table the variance requests of Raymond Roberts for Parcel Number 12-06-454-054, identified as 4590 Braidwood Drive, to consider comments stated during this public hearing.

## Attachments:

1. Variance application dated July 20, 2021.
2. Mortgage survey dated June 25, 2021.
3. Floor plans, elevations, cross section dated June 7, 2021.
4. Letter of denial from the Building Department dated July 12, 2021.

### 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 20 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: Raymond Roberts PHONE: 248-850-0680  
ADDRESS: 10016 White rd Linden MI 48451  
APPLICANT'S EMAIL ADDRESS: Contact@RHi.works  
APPLICANT'S INTEREST IN PROPERTY: ☐ OWNER ☒ BUILDER ☐ OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 4590 braidwood Dr PARCEL # 12 - 06-454-054  
CURRENT ZONING: R1D PARCEL SIZE: \_\_\_\_\_

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: \_\_\_\_\_

VALUE OF IMPROVEMENT: \$ \_\_\_\_\_ SEV OF EXISITING STRUCTURE: \$ \_\_\_\_\_

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

Existing Slab porch on property. Homeowner  
wants to put small roof over area for watershed  
and daytime sun and to help with winter snow and ice.  
Area of roof will be over existing porch area so  
the area cannot be staked.

APPLICATION FEE: 385<sup>00</sup> (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Raymond Roberts DATE: 7-20-21



**www.kemtecagroupofcompanies.com**

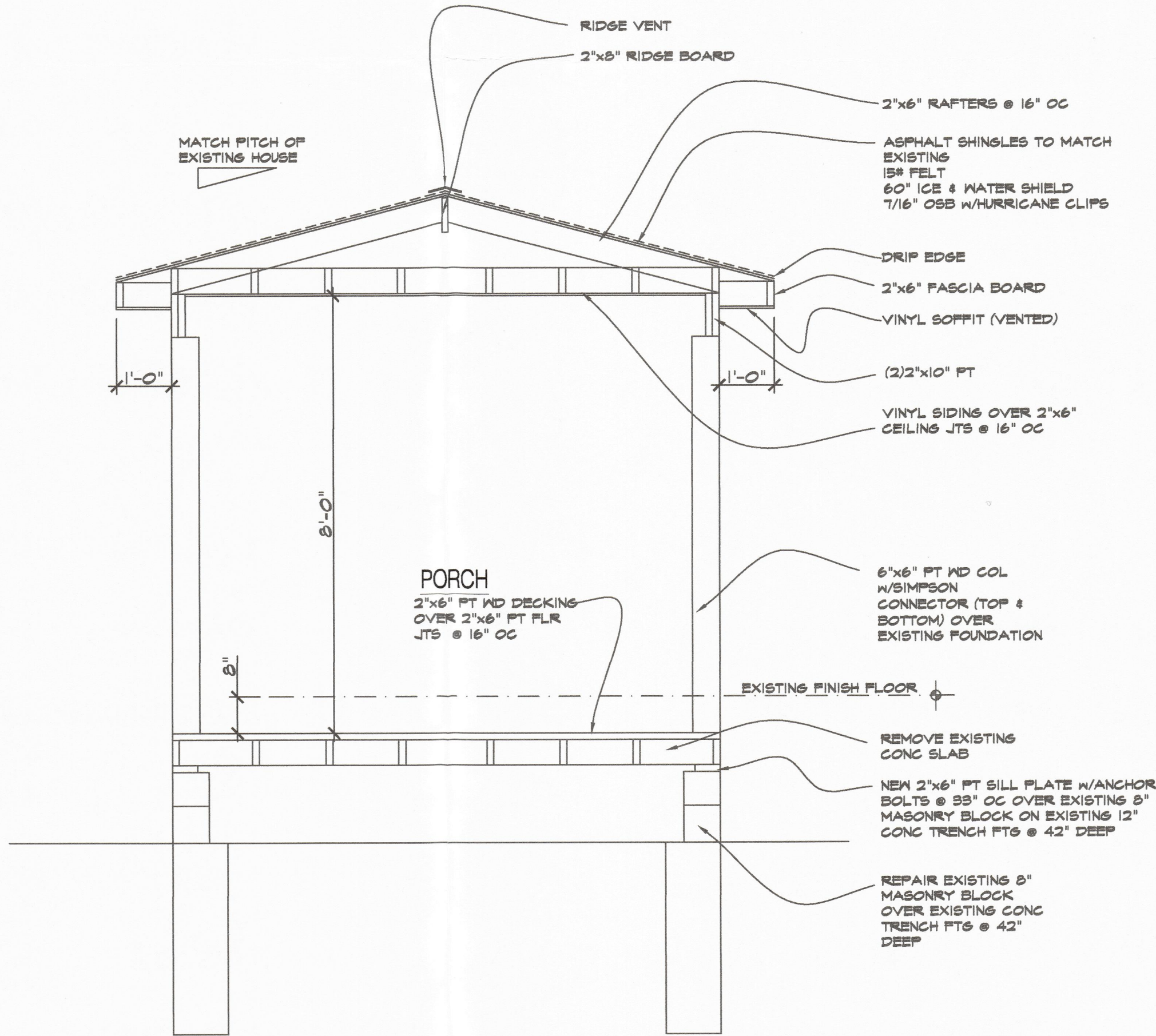


WALL LEGEND	
EXISTING WALL	=====
DEMOLITION WALL	-----
NEW WALL	=====
BRICK	=====
MASONRY BLOCK	=====

REVIEWED UNDER:  
2015 MICHIGAN RESIDENTIAL CODE

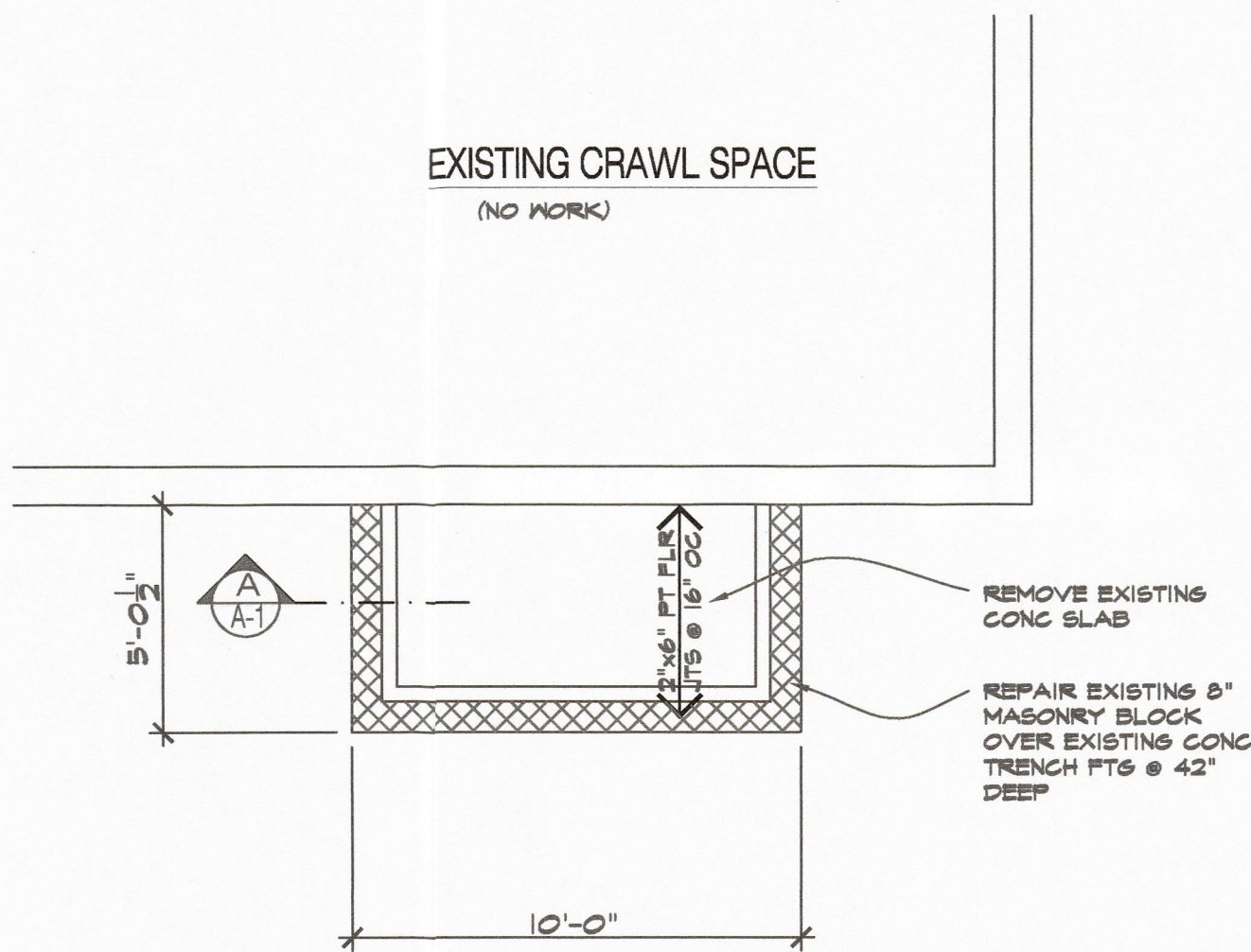
NOTES:

- ELECTRICAL TO CODE

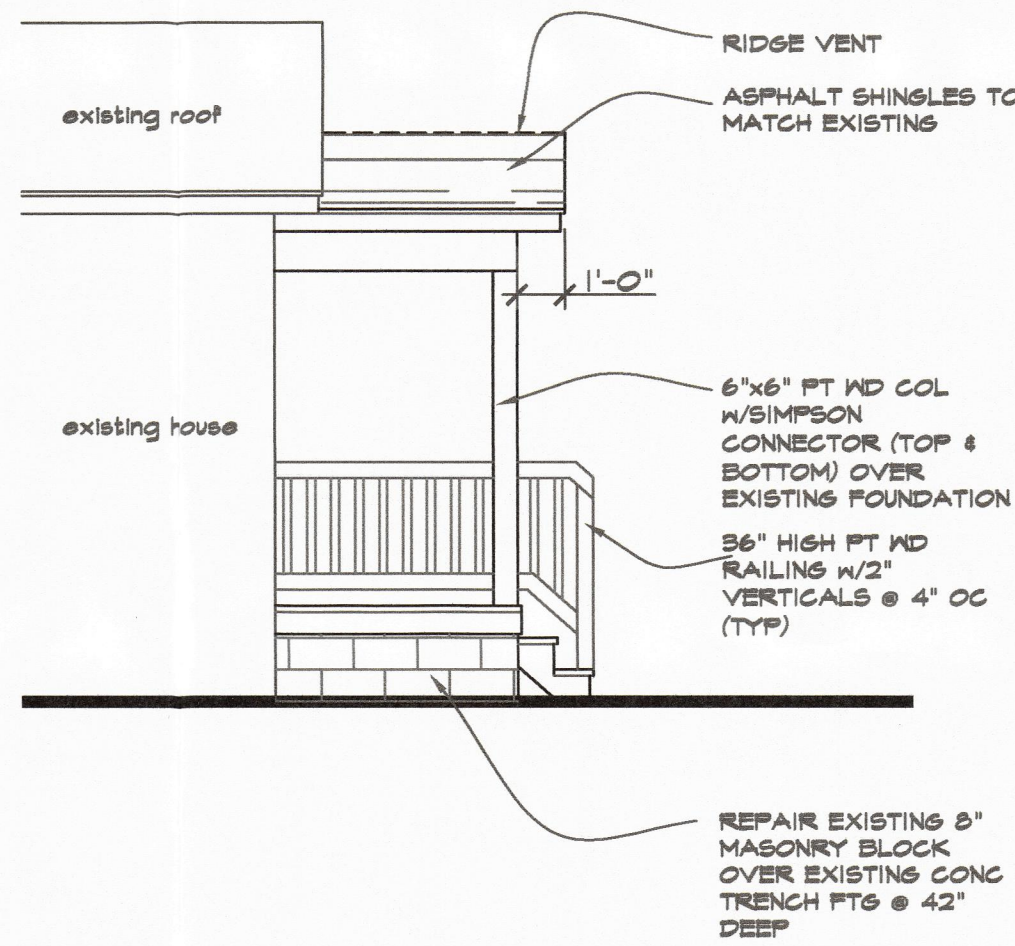


**CROSS SECTION**  
SCALE: 1/2"=1'-0"

NOTE: RAILING NOT SHOWN ON CROSS SECTION

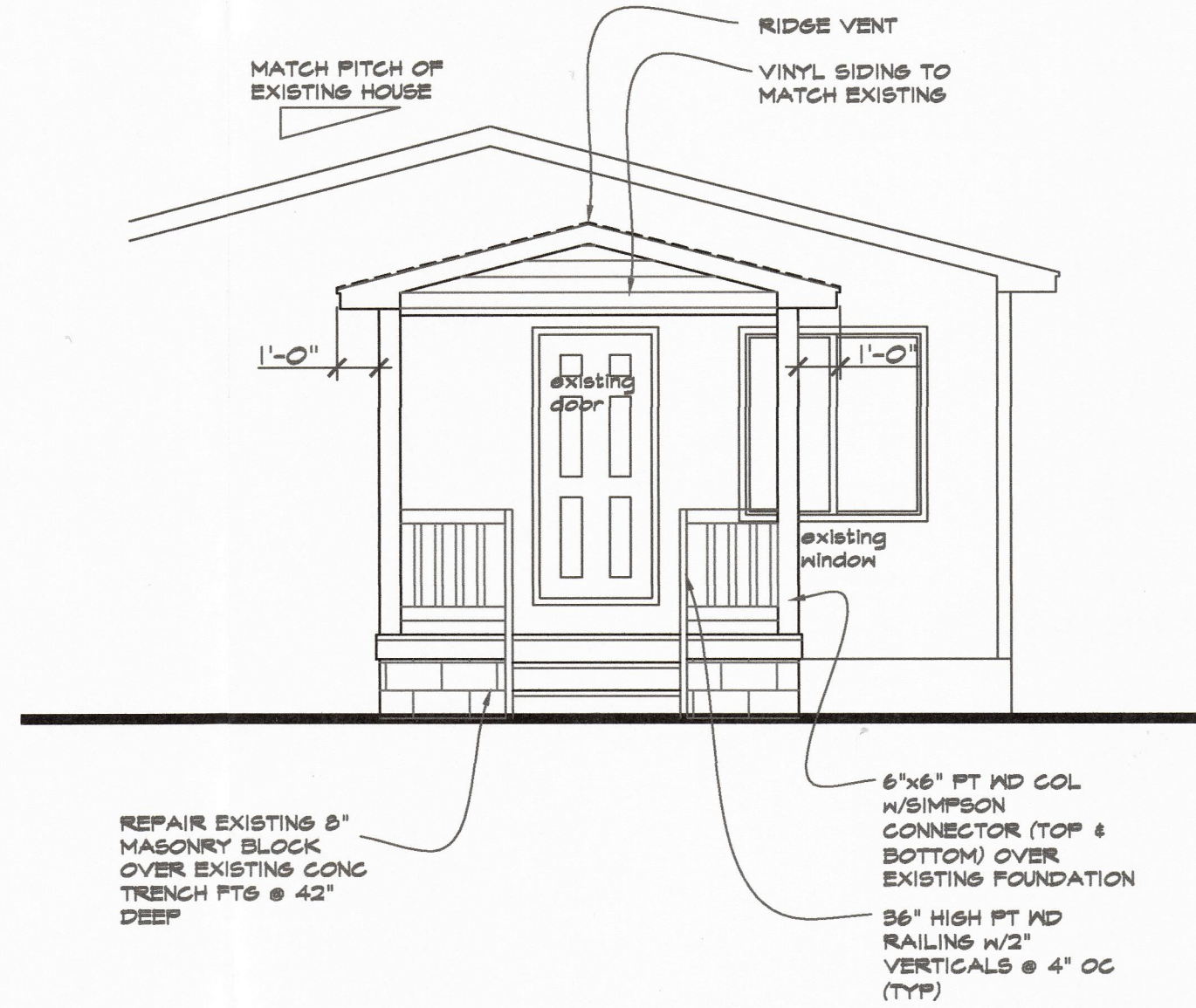


**FOUNDATION PLAN**  
SCALE: 1/4"=1'-0"

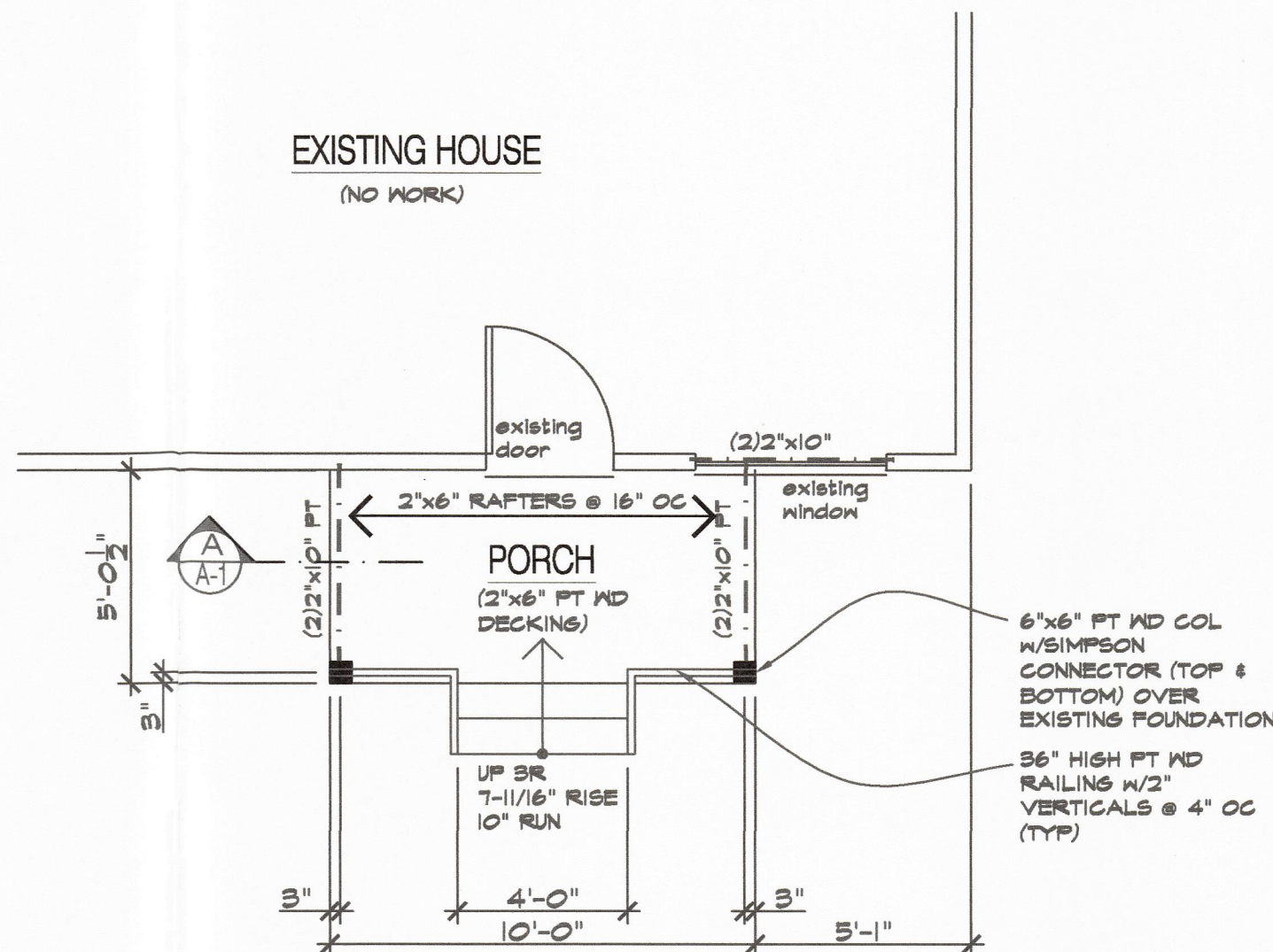


**EAST ELEVATION**  
SCALE: 1/4"=1'-0"

NOTE: WEST SIDE IS OPPOSITE



**SOUTH (FRONT) ELEVATION**  
SCALE: 1/4"=1'-0"



**PROPOSED FLOOR PLAN**  
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED COVERED PORCH FOR:  
**JAMIESON RESIDENCE**  
4590 BRAIDWOOD DRIVE  
WHITE LAKE, MICHIGAN 48383

**ZACK M OSTROFF & ASSOCIATES**  
RESIDENTIAL COMMERCIAL DESIGNER/PLANNER  
MEMBER  
**AIA**  
**BID**  
web: www.zoarchitecture.com  
email: zack@zoarchitecture.com  
PH: 248.425.4190

THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.  
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE  
**FLOOR PLANS  
ELEVATIONS  
CROSS SECTION**

SHEET SCALE  
**AS NOTED**

PROJECT NO.  
**21-081**

DATE  
**06.07.21**

SHEET NUMBER  
**A-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](http://www.whitelaketwp.com)

July 12, 2021

Michelle Jamieson  
4590 Braidwood  
White Lake, MI 48383

RE: Proposed Porch Roof Addition

Based on the submitted plans, the proposed residential addition 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 lot width of 80 ft, minimum lot size of 12,000 sq ft, and maximum lot coverage of 20%.

The existing structure is legal non-conforming with the 7,536 sq ft lot containing a residential structure; having approximately a 9 ft side yard setback on the west side, and approximately a 27 ft front yard setback. The proposed covered porch roof addition would further increase this non-conformity on the north side of the property with an approximate 22 ft front yard setback. The lot dimensions will also be taken into consideration, as the proposed addition would more than likely result in a lot coverage that exceeds 20%.

Approval of the building plans 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 August 26<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than July 22<sup>nd</sup> at 4:30 PM. ***A certified boundary and location survey 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