

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: 6a

Appeal Date: August 26, 2021

Applicant: Michael Epley

Address: 6075 Carroll Lake Road
Commerce, MI 48382

Zoning: R1-D Single Family Residential

Location: 9386 Bonnie Briar Drive
White Lake, MI 48386

Property Description

The approximately 0.269-acre (11,718 square feet) parcel identified as 9386 Bonnie Briar Drive is located within the English Villas subdivision on Pontiac Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,992 square feet in size) utilizes a private well for potable water and the public sanitary sewer system for sanitation. The triple lot (Lots 241, 242, and 243) contains over 180 feet in width at the front property line.

Applicant's Proposal

Michael Epley, the applicant, on behalf of property owners Ron and Stacy Little, intends to complete the following work:

- Enclose existing 4' x 8' (32 square feet) porch slab and make foyer area
- Construct 24' x 24' (576 square feet) two-car attached garage addition

Planner's Report

The existing house was built in 1981 and is nonconforming because it does not meet the 30-foot rear yard setback. The submitted survey does not scale so staff was unable to ascertain the nonconforming rear yard setback or the extent of the requested variance to allow the garage to encroach into the rear yard. As dimensioned on the drawing, the garage would be located 8.5 feet from the east side property line. Therefore, the applicant is requesting a 1.5-foot variance to encroach into the side yard.

A shed is located on the west side of the property (not shown on the survey) which is nonconforming because it does not meet the Natural Features Setback. The canal west of the property is also not shown on the survey. Article 3, Section 11.Q of the zoning ordinance prohibits buildings or structures from being located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water.

Article 7, Section 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 (\$75,040), the maximum extent of improvements cannot exceed \$37,520. The value of the proposed work is \$45,000. A variance to exceed the allowed value of improvements by 120% is requested.

The requested variance is listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Side yard setback	10 feet	1.5 feet (east)	8.5 feet (east)
2	Article 3.1.6.E	Rear yard setback	30 feet	?	?
3	Article 3.1.6.E	Minimum lot size	12,000 sq. ft.	282 sq. ft.	11,718 sq. ft.
4	Article 7.28.A	Nonconforming structure	50% SEV (\$37,520)	120%	\$7,480 over allowed improvements

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Michael Epley from Article 3.1.6.E and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, in order to construct a two-car attached garage addition that would encroach 1.5 feet into the required east side yard setback and ____ feet into the required rear yard setback, and exceed the allowed value of improvements to a nonconforming structure by 120%. A 282 square foot variance from the required lot size is also granted from Article 3.1.6.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Department.
- The Applicant shall submit a scaled copy of the survey prior to issuance of a building permit.
- An as-built survey shall be required to verify the approved setbacks.

Denial: I move to deny the variances requested by Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, due to the following reason(s):

Table: I move to table the variance requests of Michael Epley for Parcel Number 12-14-276-014, identified as 9386 Bonnie Briar Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated July 20, 2021.
2. Survey dated June 8, 2021 (revision date August 6, 2021).
3. Letter of denial from the Building Department dated July 21, 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: MICHAEL EPLEY PHONE: 248-787-1130

ADDRESS: 6075 CARROLL LK. RD., COMMERCE, MI. 48382

APPLICANT'S EMAIL ADDRESS: MIKE@EPLEYCUSTOMDESIGN.COM

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

ADDRESS OF AFFECTED PROPERTY: 9386 BONNIE BRIAR PARCEL # 12 - 14-276-014

CURRENT ZONING: R1-D PARCEL SIZE: 11,475

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: 3' FRONT
2' SIDE 3' REAR

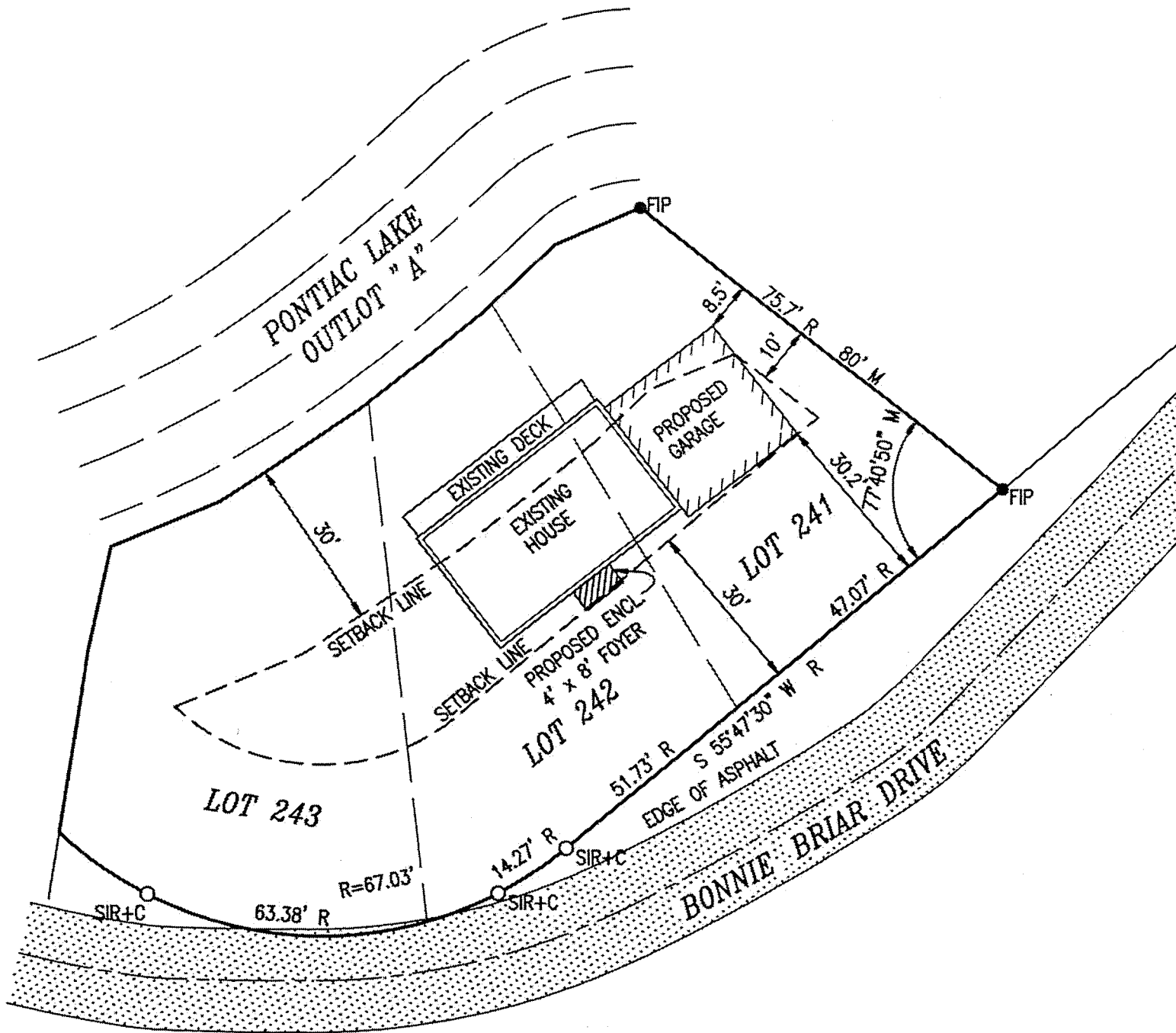
VALUE OF IMPROVEMENT: \$ 45,000 SEV OF EXISTING STRUCTURE: \$

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

PORCH - EXISTING FRONT FOYER IS TOO SMALL
THE FRONT DOOR TENDS TO PUSH YOU
DOWN/UP THE STAIRS (SPLIT LEVEL)
GARAGE - CURRENTLY, THERE IS NO GARAGE. IF
WE STAY CONFORMING AND PROPOSE SINGLE
CAR GARAGE, IT IS AESTHETICALLY IMBALANCED
THE 3' REAR VARIANCE REQUEST IS DUE
TO THE FACT THAT IT IS CURRENTLY UNCONFORMING

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

APPLICANT'S SIGNATURE: [Signature] DATE: 7-20-21



zoning R1-D
 single family
 residential

setbacks)
 front - 30'
 sides - 10'
 rear - 30'


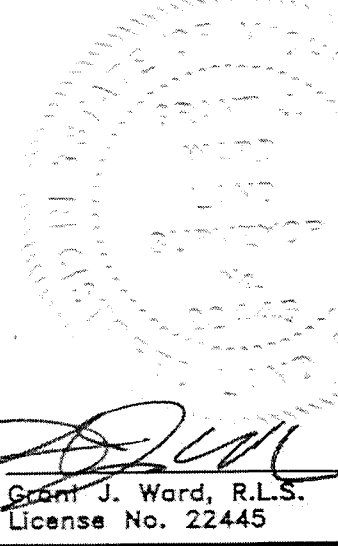
survey of parcel number 12-14-276-009.

all data for this survey are based on the record.

This survey is valuable and should be filed with the deed and abstract for this property.

LAND DESCRIPTION:

LOT SURVEY OF LOTS 241, 242 AND 243 OF
 "ENGLISH VILLAS SUBDIVISION" AS RECORDED
 IN LIBER 51, PAGES 22 AND 22A OF THE
 OAKLAND COUNTY PLATS.

 <p>REGISTERED LAND SURVEYORS 655 Broadway P.O. Box 440 Davisburg, Michigan 48350 Phone: (248) 634-0700 Email: GWS@TIR.COM</p>	<p>LEGEND:</p> <ul style="list-style-type: none">C — CalculatedM — MeasuredR — RecordedS — SetFIP — Found Iron Pipe● FIR — Found Iron Rod◇ FM — Found MonumentFPP — Found Pinch Pipe○ SIR+C — Set Iron Rod and Cap No. 22445 <p>Date: JUNE 8, 2021 Rev.: AUGUST 6, 2021 Job No.: 21-0403 Desc. File: 210403 Dwg File: 210403.dwg Data File: 210403P Field Book: * Sheet: 1 of 1</p>	 <p>Grant J. Ward, R.L.S. License No. 22445</p>
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SURVEYORS CERTIFICATE:
 I, Grant J. Ward, Registered Land Surveyor, hereby
 certify that the above is a true and correct
 survey of the land herein described.
 Dated: JUNE 8, 2021

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

July 21, 2021

Ron Little
9386 Bonnie Briar
White Lake, MI 48386

RE: Proposed 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 side yard setback of 10 ft, minimum rear yard setback of 30 ft, and minimum lot size of 12,000 sq ft.

The existing structure is legal non-conforming with the 11,718 sq ft lot containing a residential structure; having approximately a 24 ft rear yard setback. The proposed addition would further increase this non-conformity on the east side of the property with an 8 ft side yard setback and approximate 22 ft rear yard setback. The rear yard setback is not dimensioned on the survey and will need to be added by the surveyor.

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 26th Zoning Board of Appeals (ZBA) meeting, application must be submitted to the White Lake Township Planning Department no later than July 29th 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