

# **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:** 6d

**Appeal Date:** August 26, 2021

**Applicant:** Derek & Kaitlyn Byerle

**Address:** 12201 William Randy Court  
White Lake, MI 48386

**Zoning:** SF Suburban Farms

**Location:** 12201 William Randy Court  
White Lake, MI 48386

### **Property Description**

The approximately 3.51-acre parcel identified as 12201 William Randy Court is located on the east side of Teggerdine Road, south of Pontiac Lake Road, and zoned SF (Suburban Farms). The existing house on the property (approximately 1,908 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

### **Applicant's Proposal**

Derek & Kaitlyn Byerle, the applicants, are requesting to reside in a trailer on the property for a period longer than four (4) weeks.

### **Planner's Report**

The zoning ordinance allows the Township to issue a permit for the occupancy of one (1) motor home or travel trailer (including camper trailer) on a residential property for a period not to exceed four (4) weeks from the date of application. Adequate sanitary facilities and/or potable water facilities must be available to service the occupants of the motor home or travel trailer. No more than one (1) permit can be issued to a residential property in one calendar year.

The applicant's house sustained major damage from the July 24, 2021 tornado event. After assessing the damage, staff determined the house was uninhabitable. The applicants expressed desire to reside on the property while the house is repaired, and stated at least six (6) months would be needed.

The requested variance is listed in the following table.

<b>Variance #</b>	<b>Ordinance Section</b>	<b>Subject</b>	<b>Standard</b>	<b>Requested Variance</b>	<b>Result</b>
1	Article 7.21.B	Permit for Temporary Use of Motor Home or Travel Trailer	4 weeks from the date of application	48 weeks or until the house becomes habitable, whichever occurs first	Permit valid for one year from the date of variance approval

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

**Approval:** I move to approve the variance requested by Derek & Kaitlyn Byerle from Article 7.21.B of the Zoning Ordinance for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, in order to extend the permit period for the temporary use of a motor home or travel trailer by 48 weeks. This approval will have the following conditions:

- The Applicants shall obtain all necessary permits from the White Lake Township Building Department.
- The motor home or travel trailer shall be parked in a location that meets the minimum front, side, and rear yard setbacks of the SF (Suburban Farms) zoning district.
- The permit shall expire either on August 26, 2022 or when the house becomes habitable, whichever occurs first. Habitability of the house shall be determined by the Building Official.
- The Applicants shall provide the Township a status report on the progress of the house repairs no later than February 28, 2022. At that time the property and dwelling shall be available for inspection upon request by the Planning Department, Building Official, or other authorized official. It shall be evident work on the house has occurred to occupy the dwelling.
- Upon expiration of the permit, the motor home or travel trailer shall not be occupied. The unoccupied motor home or travel trailer shall be removed from the property, or stored on the property in compliance with the zoning ordinance and Township Code of Ordinances.
- The Applicants shall not utilize the motor home or travel trailer for operation of a home occupation.

**Denial:** I move to deny the variance requested by Derek & Kaitlyn Byerle for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, due to the following reason(s):

**Table:** I move to table the variance request of Derek & Kaitlyn Byerle for Parcel Number 12-15-276-031, identified as 12201 William Randy Court, to consider comments stated during this public hearing.

## **Attachment:**

1. Variance application dated August 6, 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

AUG 06 2021

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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

APPLICANT'S NAME: Derek & Kartlyn Byerle PHONE: 734-660-8263  
ADDRESS: 12201 William Randy Ct. White Lake, MI 48386  
APPLICANT'S EMAIL ADDRESS: Kartlyn.Byerle@gmail.com  
APPLICANT'S INTEREST IN PROPERTY: ☒ OWNER ☐ BUILDER ☐ OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 12201 William Randy Ct  
White Lake, MI 48386 PARCEL # 12 - 15-276-031  
CURRENT ZONING: \_\_\_\_\_ PARCEL SIZE: \_\_\_\_\_

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

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

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

Tornado damage - Can not live in home until  
it is repaired.

APPLICATION FEE: 385.00 (CALCULATED BY THE PLANNING DEPARTMENT)

APPLICANT'S SIGNATURE: Kartlyn Byerle DATE: 8-6-2021