

WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Andrew Littman, Staff Planner
DATE: May 9, 2025

Agenda item: 8B

Appeal Date: April 30, 2025

Applicant: Chase Middler

Address: 951 West Clarkston Road
Lake Orion, MI 48362

Location: 950 Lake Lane Drive
White Lake, MI 48386

Zoning: R1-C Single Family Residential

Property Description

The approximately 0.39-acre (16,988 square-foot) parcel identified as Parcel Number 12-21-278-010 is located within the Brooksvale subdivision and zoned R1-C (Single Family Residential). The property, which is currently vacant, is intended to be served by municipal water and sewer. This corner lot has a width of 84.81 feet along its Highland Road front property line and a width of 199.8 feet along its Lake Lane Drive front property line.

Applicant's Proposal

The Applicant is proposing to build a new single-family home that would have a front yard setback (from Lake Lane Drive) of 25 feet and rear yard setback of 15.4 feet.

ZBA History (Past Approval)

On December 14, 2023, the ZBA considered this plan and granted the exact same variances that the Applicant requests. The past approval has simply expired. Minutes from the December 14, 2023 ZBA meeting are included as an attachment.

Planner's Report

The existing lot is legally nonconforming. Per Section 3.1.5.E of the Zoning Ordinance, the minimum lot size and minimum lot width in the R1-C zoning district are 16,000 square feet and 100 feet, respectively. In this case, although the minimum lot size requirement of 16,000 square feet is met, the lot width is deficient by 15 feet.

To avoid having to back out onto Highland Road from its driveway, the Applicant has decided to orient the proposed house and attached garage to face Lake Lane Drive. The proposed plan shows the front yard setback as 25 feet and rear yard setback as 15.4 feet. Since the minimum front yard setback and rear yard setback in the R1-C zoning district are both 35 feet, the Applicant would need a 10-foot front yard setback variance and 19.6-foot rear yard setback variance.

The requested variances are listed in the following table:

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Section 3.1.5.E	Minimum Front Yard Setback	35 feet	10 feet
2	Section 3.1.5.E	Minimum Rear Yard Setback	35 feet	19.6 feet
3	Section 3.1.5.E	Minimum Lot Width	100 feet	15.19 feet
4	Section 7.27	Nonconforming Lots of Record	Only developable if setbacks are met	Developable even if setback requirements are not met

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Chase Middler from Section 3.1.5 and Section 7.27 of the Zoning Ordinance for Parcel Number 12-21-278-010, identified as 950 Lake Lane Drive, in order to build a new single-family home. A variance from Section 3.1.5 is granted to allow for construction on a lot that is 15.19 feet less than the minimum lot width required in the R1-C zoning district. Additionally, variances from Section 3.1.5 are granted to allow for the home to encroach 10 feet into the required front yard setback (from Lake Lane Drive) and 19.6 feet into the required rear yard setback. Lastly, a variance from Section 7.27 of the Zoning Ordinance is also granted to allow for development on a lot that does not meet the minimum Ordinance requirements for lot area and width. This approval has the following conditions:

1. The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
2. No mechanical units, including a HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear lot line.
3. The proposed deck shall be setback at least five (5) feet from the east property line.
4. A foundation certificate shall be required prior to the backfill inspection by the Building Division
5. An as-built survey shall be required to verify the approved setbacks.

Denial: I move to deny the variances requested by Chase Middler for Parcel Number 12-21-278-010, identified as 950 Lake Lane Drive, due to the following reason(s):

Postpone: I move to postpone the appeal of Chase Middler *to a date certain or other triggering mechanism* for Parcel Number 12-21-278-010, identified as 950 Lake Lane Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated April 30, 2025
2. Minutes from December 14, 2023 ZBA meeting
3. Applicant's explanatory letter
4. Certified survey showing proposed plan dated November 10, 2023
5. First page of purchase agreement proving ownership
6. Letter of denial from building department dated November 30, 2023

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.

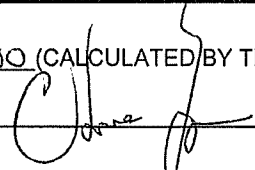
CHARTER TOWNSHIP OF WHITE LAKE
ZONING BOARD OF APPEALS APPLICATION
Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: Chase Middler PHONE: (248) 736-4768
ADDRESS: 951 W. Clarkston Rd. Lake Orion, MI 48362
APPLICANT'S EMAIL ADDRESS: Chase.Midler@gmail.com
APPLICANT'S INTEREST IN PROPERTY: ☒ OWNER ☐ BUILDER ☐ OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 950 Lake Lane Dr. PARCEL # 12-21-278-010
CURRENT ZONING: R1-C PARCEL SIZE: 16,936

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 3.1.5
VALUE OF IMPROVEMENT: \$ 250,000 SEV OF EXISTING STRUCTURE: \$ 8

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

APPLICATION FEE: \$440.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE:  DATE: 4/30/25

C. Not Self-Created

- The applicant did not build the house or create the lot width.
- Member Schillack said technically the previous property owner's actions created a self-created problem.

D. Substantial Justice

- Member Schillack said the proposed house would be in line with the surrounding neighbors.

E. Minimum Variance Necessary

- Member Dehart said by removing the proposed side covered porch from their plans, the applicants were staying within the footprint of the existing house.
- Member Schillack said the building height the applicant requested was compliant with the Zoning Ordinance.

Member Seiber MOVED to approve the variances requested by Sadeer Jamil from Articles 7.23.A and 7.28.A of the Zoning Ordinance for Parcel Number 12-34-352-003, identified as 10890 Hillway Drive, in order to complete additions that would encroach 3 feet into the required west side yard setback and exceed the allowed value of improvements to a nonconforming structure by 248%. A 29.75-foot variance from the required lot width 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 Division.**
- **The Applicant shall modify architectural plans showing elimination of the proposed covered porch from the west side of the house and dimension the roof overhangs.**
- **No mechanical units, including HVAC system or generator, shall be placed in the front yard or closer than five (5) feet to any side yard lot line or rear yard lot line.**
- **A foundation certificate shall be required prior to the backfill inspection by the Building Division.**
- **An as-built survey shall be required to verify the approved setbacks**
- **In no event shall the projection of any roof overhang be closer than five feet to the side property lines.**
- **The Board recommends the Building Official require an engineer certify the foundation under the existing rear covered porch.**

**Member Dehart supported, and the motion carried with a roll call vote: (5 yes votes)
(Seiber/yes, Dehart/yes, Aseltyn/yes, Spencer/yes, Schillack/yes).**

D. Applicant: Chase Middler
951 W. Clarkston Rd.
Lake Orion, MI 48362

Location: **Parcel Number 12-21-278-010**

Request: The applicant requests to construct a single-family house, requiring variances from Article 3.1.5.E, R1-C Single Family Residential Front-Yard Setback, Rear-Yard Setback, and Minimum Lot Width.

Chairperson Spencer noted for the record 14 owners within 300 feet were notified. 0 letters were received in favor, 0 letters were received in opposition, and 0 letters were returned undeliverable from the U.S. Postal Service.

Staff Planner Quagliata gave a brief report.

Member Seiber asked staff if there were two front yard setbacks, would the lot have two rear yard setbacks. Staff Planner Quagliata said no. He stated when the lot was platted, the proposed house orientation would not have been allowed. He added while there was not an access management ordinance at the time the lot was platted, a permit for a driveway on Highland Road would not have been obtained. If someone had built on the lot back in the day, the east property line would have been a side yard, and the house orientation would have been adjusted.

Member Schillack asked staff if the property was on municipal water. Staff Planner Quagliata said the proposed house would be connected to municipal water and sewer.

Member Seiber asked the applicant if the covered deck was intended to be built. Dave Smith, on behalf of the applicant, said no. Member Seiber said the architectural plans and site plan showed a front covered porch, and the architectural plans showed a rear covered porch that was not shown on the site plan. Member Seiber said the site plan showed a rear deck. Mr. Smith said the porch would be open. A future deck would be put on the north side of the house.

Chairperson Spencer opened the public hearing at 8:52 P.M. Seeing no public comment, she closed the public hearing at 8:52 P.M.

The ZBA discussed the standards from Article 7, Section 37 from the ClearZoning Ordinance:

- A. Practical Difficulty
 - Member Seiber said the lot being on a corner created a practical difficulty, as well as the applicant's efforts to configure the proposed house to not exceed the front line on the house on Lake Lane and the house on Highland Road.
- B. Unique Situation
 - Member Schillack said the corner lot provided a unique situation.
- C. Not Self-Created
 - The applicant did not plat the lot.
- D. Substantial Justice
 - Member Schillack said the proposed house lined up with the surrounding houses, and the applicant would have what the neighbor's had.
- E. Minimum Variance Necessary
 - Member Schillack said he made the motion for the property receiving variances in 2019, and he felt this plan was better than the previous expired plan.

Member Schillack move to approve the variances requested by Chase Middler from Article 3.1.5.E of the Zoning Ordinance for Parcel Number 12-21-278-010 in order to construct a new house that would encroach 10 feet into the required front yard setback and 19.6 feet into the required rear yard setback. A 15.19-foot variance from the required lot width is also granted from Article 3.1.5.E. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- No mechanical units, including HVAC system or generator, shall be placed in the front yards or closer than five (5) feet to any side yard lot line or rear yard lot line.
- The proposed deck shall be setback at least five feet from the east property line.
- A foundation certificate shall be required prior to the backfill inspection by the Building Division.
- An as-built survey shall be required to verify the approved setbacks and lot coverage.
- When submitting the building permit application, the plot plan and architectural plan shall be consistent.

Member Aseltyne supported, and the motion carried with a roll call vote: (5 yes votes)
(Schillack/yes, Aseltyne/yes, Dehart/yes, Seiber/yes, Spencer/yes).

OTHER BUSINESS

Staff Planner Quagliata stated beginning in January 2024, the ZBA will meet at 6:30 P.M. instead of 7:00 P.M. for regular meetings.

NEXT MEETING DATE: January 25, 2024.

ADJOURNMENT

MOTION by Member Aseltyne, seconded by Member Schillack, to adjourn at 9:04 P.M. The motion carried with a voice vote: (5 yes votes).

Zoning Board of Appeals for:

950 Lake Lane Dr.

White Lake, MI 48386

Property Description:

Vacant property at 950 Lake Lane Dr. or lot# 12-21-278-010 is located at the corner of Lake Lane Dr. and M-59. The property is zoned R1-C single family residential and is located in the Brooksville subdivision. The home will be connected to city water and sewer.

Proposal:

To build a single-family new construction 1 story home on the parcel, conforming with code R1-C.

Requests:

For the new construction home to be facing Lake Lane Dr. rather than Highland Rd (M-59) and the driveway being off of the Lake Lane side of the home.

A front yard setback from the Lake Lane Dr. (West) in the amount of 35 feet as well as a rear setback of 35 feet.

Side yards 10 feet

Supportive Reasoning:

These requests were previously submitted and approved primarily for safety concerns pulling out onto M-59. The driveway has also already been approved by the road commission.

Owner also trying to align with other homes on the street to be more aesthetically pleasing as well as working around power lines.



BUY AND SELL AGREEMENT
VACANT LAND

Office of Remax Eclipse REALTOR®, Troy, Michigan,
Date: July 11th, 2023

1. BUYER'S OFFER. The undersigned Chase Middler
and N/A, hereinafter called the Buyer, hereby offers to buy
approximately 0.39 acres of land located near the intersection of Huron
and Lake Lane Drive in the City/Township of White Lake, County of
Oakland, Michigan, legally described on attached Exhibit A, subject to any existing
building and use restrictions, zoning ordinances and easements, if any for the sum of Twenty Two -
Thousand Five Hundred and 00/100 Dollars (\$ 22,500.00).

2. The terms of the purchase shall be as indicated by "x" below: (other unmarked
terms of purchase do not apply). Payment of such money shall be made in cash, certified check or
bank money order.

CASH _____

The full purchase price upon execution and
delivery of Warranty Deed.

NEW MORTGAGE x

The full purchase price upon the execution
and delivery of Warranty Deed, contingent
upon Buyer's ability to obtain a land
_____ Mortgage for no less than
_____ years, for no less than _____

Buyer agrees to
apply for within 5 days

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

November 30, 2023

Chase Middler
951 Clarkston Rd
Lake Orion, MI 48362

RE: Proposed Residential Structure at Vacant Lake Lane Dr Parcel ID: 12-21-278-010

Based on the submitted plans, the proposed residential structure does not satisfy the White Lake Township Clear Zoning Ordinance for R1-C zoning district.

Article 3.1.5 of the White Lake Township Clear Zoning Ordinance: Requires a minimum lot width of 100 ft, a minimum front yard setback of 35 ft, and a minimum rear yard setback of 35 ft.

The existing corner lot is legal non-conforming with one road frontage measuring 84.81 ft. The proposed new structure would have a 25 ft front yard setback; and based on the orientation of the proposed structure, the rear yard setback would be 15.4 ft.

Approval of the building permit would be subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. ***Be advised, a certified boundary and location survey showing the proposed structure 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