

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Andrew Littman, Staff Planner
DATE: March 19, 2025

Agenda item: 8B

Appeal Date: February 27, 2025

Applicant: Dale Leighton

Address: 809 Worchester Drive
Fenton, MI 48430

Location: 448 Burgess Drive
White Lake, MI 48386

Zoning: R1-C Single Family Residential

Property Description

The 0.274-acre (11,934 square-foot) parcel identified as 448 Burgess Drive is located on Cedar Island Lake and zoned R1-C (Single Family Residential). The existing two-story single-family home on the property (which is 2,334 square feet in size) utilizes a private well for potable water and a septic system for sanitation.

Applicant's Proposal

The Applicant is proposing to construct a 350 square-foot second-story addition onto a single-family home, which is a legally nonconforming structure due to having a northwest side yard setback of 3.7 feet and southeast side yard setback of 5.8 feet. The addition is proposed above the attached garage.

Planner's Report

The existing single-family home and lot are both legally nonconforming. Per Article 3.1.5.E of the Zoning Ordinance, the minimum side yard setback in the R1-C zoning district is 10 feet on each side (and 20 feet for the total of both sides). In this case, the existing single-family home has a northwest side yard setback of 3.7 feet and southeast side yard setback of 5.8 feet. Moreover, the lot size (11,934 square feet) is deficient by 4,066 square feet and the lot width (60 feet) is deficient by 40 feet.

The Applicant's proposed second-story addition would be above the existing attached garage and come 6 feet from the southeast side yard lot line, which would require a 4-foot variance for the southeast side yard setback and a 10.3-foot variance for the total of both side yard setbacks. Moreover, the Applicant would need to receive a variance from Article 7.28, which does not allow the cubic content of nonconforming structures to be increased.

The requested variances are listed in the following table:

Variance #	Ordinance Section	Subject	Standard	Requested Variance
1	Article 3.1.5	Minimum Side Yard Setback	10 feet per side	4 feet for southeast side yard setback
2	Article 3.1.5	Minimum Lot Area	16,000 square feet	4,066 square feet
	Article 3.1.5	Minimum Lot Width	100 feet	40 feet
3	Article 7.28.A	Nonconforming structure	No increase in cubic content	Increase cubic content of nonconforming structure

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Dale Leighton from Article 3.1.5 and Article 7.28 of the Zoning Ordinance for Parcel Number 12-27-427-009, identified as 448 Burgess Drive, in order to construct a second-story addition onto a single-family home. Variances from Article 3.1.5 are granted to allow for construction on a lot that is 4,066 square feet less than the minimum lot area, and 40 feet less than the minimum lot width, required in the R1-C zoning district. In addition, a variance from Article 3.1.5 is granted to allow the second-story addition to encroach 4 feet into the required southeast side yard setback. Lastly, a variance from Article 7.28 of the Zoning Ordinance is granted to allow for the increase in cubic content of a nonconforming structure. This approval is conditional on the applicant obtaining all necessary permits from the White Lake Township Building Division.

Denial: I move to deny the variances requested by Dale Leighton for Parcel Number 12-27-427-009, identified as 448 Burgess Drive, due to the following reason(s):

Postpone: I move to postpone the appeal of Dale Leighton *to a date certain or other triggering mechanism* for Parcel Number 12-27-427-009, identified as 448 Burgess Drive, to consider comments stated during this public hearing.

Attachments:

1. Variance application dated February 27, 2025
2. Letter of authorization signed by the homeowners
3. Letter of denial from the building department
4. Certified boundary survey dated February 20, 2025

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
Community Development Department, 7525 Highland Road,
White Lake, Michigan, 48383
(248) 698-3300 x5

APPLICANT'S NAME: DALE LEIGHTON PHONE: 810-691-7617
ADDRESS: 809 WORCHESTER DR Fenton MI 48430
APPLICANT'S EMAIL ADDRESS: Dale@HusbandToday.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 448 BURGESS DR PARCEL # 12-27-427-009
CURRENT ZONING: R-1C PARCEL SIZE: 16,000 Sq. Ft.

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____
VALUE OF IMPROVEMENT: \$ 100,000.00 SEV OF EXISTING STRUCTURE: \$ _____

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

APPLICATION FEE: _____ (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: [Signature] DATE: 2-27-25

OWNER would like to add a 350 sq. ft. room above existing garage. No change in the foot print of existing home.

PAID 5848
CASH CHECK# _____
FEB 27 2025
TREASURER
CHARTER TWP. OF WHITE LAKE

March 3, 2025

To: Northville Township Zoning Board C/O Andrew

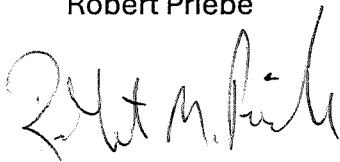
RE: Authorizing Dale Leighton of Husband for a Day to Act on our Behalf

Please accept this letter as authorization for Dale Leighton of Husband for a Day to act on our behalf for property address: 448 Burgess Drive, White Lake Township, MI 48386

For questions our cell phone number is 248-867-6845.

Thank You,

Robert Priebe

Handwritten signature of Robert Priebe in black ink.

Jennifer Priebe

Handwritten signature of Jennifer Priebe in black ink.

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Steve Anderson
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

Robert Priebe
448 Burgess Dr
White Lake, MI 48386

Re: Proposed 2nd Story Addition

Based on the submitted plans, the proposed 2nd story 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 side yard setback of 10 ft each side and total of 20 ft, minimum lot width of 100 ft, and minimum lot area of 16,000 sq ft.

Article 7.23(A) of the White Lake Township Clear Zoning Ordinance: No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

The existing lot and structure are legal non-conforming. The 11,935 sq ft, 60 ft wide lot contains a residential structure that does not meet the required side yard and front yard setbacks. The proposed 2nd story addition increases the cubic content of the non-conforming structure over the existing garage which has an approximate 5 ft side yard setback on the east side; combined with the west side yard setback of approximately 5ft, the total side yard setback is approximately 10 ft.

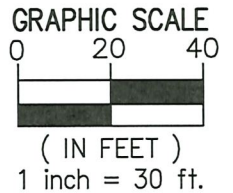
Furthermore, **Article 5.3** states; in no instance shall any portion of the proposed structure, including overhangs and gutters, project closer than 5 ft to either side yard lot line. **The plot plan should clearly define whether the setback measurement is to the overhang or side wall.** No board, commission or department can grant approval to any structure, or portion of structure within the 5 ft side yard setback.

Approval of the building plans is subject to a variance to the schedule of regulations, Article 7 of the White Lake Township Clear Zoning Ordinance. To be eligible for the January 23rd Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than December 19th at 4:30 PM. ***Be advised, a certified boundary and location survey showing existing structures, proposed structures, setbacks, well and septic locations, and total lot coverage 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

CERTIFICATE OF SURVEY



LEGEND



- SET IRON #55012
- FOUND IRON
- FOUND CONC MONUMENT
- (M) MEASURED
- (R) RECORDED
- R/W RIGHT OF WAY
- ⊙ EX WELL
- ⊕ EX POWER POLE
- /// EX OVERHEAD LINES

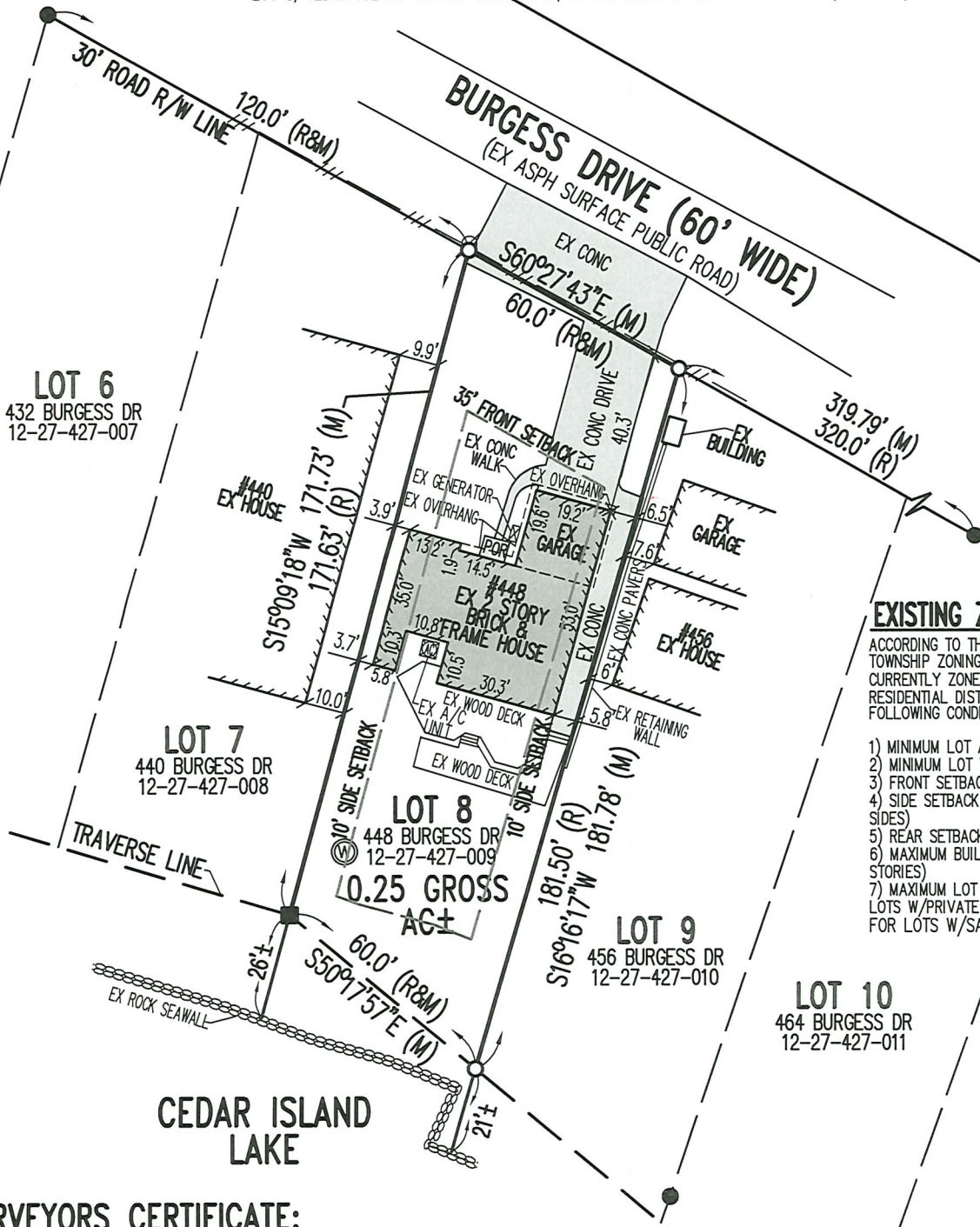
SURVEYOR NOTES:

1. DATE OF LAST FIELD WORK 02.19.2025
2. DUE TO EXISTING SNOW COVER ON THE GROUND, SOME PHYSICAL STRUCTURES/UTILITIES MAY HAVE BEEN MISSED..
3. THE BEARINGS ARE RELATIVE TO THE MICHIGAN COORDINATE SYSTEM, SOUTH ZONE (2113) AS DEFINED BY MICHIGAN P.A. 9 OF 1964 AND AMENDED BY P.A. 154 OF 1988 (NAD 83 [2011]).
4. LOT LINES EXTEND TO WATERS EDGE.

DESCRIPTION:

448 BURGESS ROAD (TAX ID 12-27-427-009):
WARRANTY DEED: LIBER 58793, PAGE 170 THRU 172

LAND SITUATED IN THE TOWNSHIP OF WHITE LAKE, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS:
 LOT 8, CEDAR ISLAND SHORES SUBDIVISION, AS RECORDED IN LIBER 66 OF PLATS, PAGE 15, OAKLAND COUNTY RECORDS.



EXISTING ZONING INFORMATION:

ACCORDING TO THE CURRENT WHITE LAKE TOWNSHIP ZONING ORDINANCE THIS PROPERTY IS CURRENTLY ZONED R1-C (SINGLE FAMILY RESIDENTIAL DISTRICT), AND IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) MINIMUM LOT AREA = 16,000 SQ FT
- 2) MINIMUM LOT WIDTH = 100 FEET
- 3) FRONT SETBACK = 35 FEET
- 4) SIDE SETBACK = 10 FEET (1 SIDE), 20 FEET (2 SIDES)
- 5) REAR SETBACK = 35 FEET
- 6) MAXIMUM BUILDING HEIGHT = 30 FEET (2 STORIES)
- 7) MAXIMUM LOT COVERAGE = 25 PERCENT FOR LOTS W/PRIVATE SEPTIC SYSTEM, 30 PERCENT FOR LOTS W/SANITARY SYSTEM

SURVEYORS CERTIFICATE:

I, JASON P. WHITE, HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION, AND EACH CORNER SHOWN ON THE SURVEY HAS A RELATIVE POSTIONAL PRECISION OF LESS THAN (0.07 FEET PLUS 50 PARTS PER MILLION), AND THAT ALL REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

CERTIFICATE OF SURVEY FOR:
ROBERT PRIEBE C/O DALE LEIGHTON
 448 BURGESS DRIVE
 WHITE LAKE, MI 48386

SCALE:	1" = 40'	JOB NO.	25-133	DATE:	02.20.2025	FLD BY:	J.P.W.
DRN. BY:	D.S.S.			APPR BY:	J.P.W.	PAGE:	1 of 1

Fenton Land Surveying & Engineering, Inc
 14165 N. FENTON ROAD, SUITE 101A, FENTON, MI 48430
 PHONE: 810.354.8115 EMAIL: INFO@FENTONLSE.COM

