

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: May 16, 2024

Agenda item: 8a

Appeal Date: May 23, 2024

Applicant: Vinyl Sash of Flint, Inc.

Address: 5433 Fenton Road
Grand Blanc, MI 48507

Zoning: R1-D Single Family Residential

Location: 9471 Cedar Island Road
White Lake, MI 48386

Property Description

The approximately 0.12-acre (5,184 square feet) parcel identified as 9471 Cedar Island Road is located on Round Lake and zoned R1-D (Single Family Residential). The existing house on the property (approximately 1,450 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Vinyl Sash of Flint, Inc., the Applicant, on behalf of property owners Sara and Greg Leshok, is proposing to construct an addition (sunroom) off the rear of the house.

Planner's Report

Currently the existing house is nonconforming to setbacks; the building is located 1.4 feet from the east side property line, approximately 1.7 feet from the west side property line (the submitted survey does not dimension the house from the closest point to the property line), and approximately 17 feet from the front property line (the submitted survey does not dimension the house from the closest point to the 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 6,816 square foot deficiency in lot area and a 32-foot deficiency in lot width. In the R1-D zoning district the minimum lot area requirement is 12,000 square feet and the minimum lot width requirement is 80 feet.

The proposed addition is 225 square feet in size and located 6.1 feet from the west side lot line, thereby encroaching 3.9 feet into the required side yard setback. Note the building plans submitted by the Applicant provide different dimensions for the addition than indicated on the surveyor's site plan. Also, information on lot coverage was not provided. It appears the existing and/or proposed lot coverage may exceed the maximum allowable 20%. Prior to issuance of a building permit, the survey must be updated to provide existing and proposed lot coverage calculations. A separate variance application for lot coverage may be required, as information on lot coverage was not provided and a lot coverage variance was not requested/published. Note a pending Zoning Ordinance amendment would allow 25% lot coverage for parcels served by septic systems in the R1-D zoning district.

Article 7.28 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 building (\$85,620), the maximum extent of improvements cannot exceed \$42,810. The value of the proposed work is \$59,602. A variance to exceed the allowed value of improvements by 140% is requested.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 7.23.A	Nonconforming structure	No enlargement or alteration	Enlarge and alter nonconforming house	Increased nonconformities
2	Article 7.28.A	Nonconforming structure	50% SEV (\$42,810)	140%	\$16,792 over allowed improvements
3	Article 3.1.6.E	Minimum lot area	12,000 square feet	6,816 square feet	5,184 square feet
4	Article 3.1.6.E	Minimum lot width	80 feet	32 feet	48 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Vinyl Sash of Flint, Inc. from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-35-254-007, identified as 9471 Cedar Island Road, in order to construct an addition that would encroach 3.9 feet into the required west side yard setback and exceed the allowed value of improvements to a nonconforming structure by 140%. A 32-foot variance from the required lot width and a 6,816 square foot variance from the required lot area are 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.
- Prior to issuance of a building permit, the survey shall be updated to provide existing and proposed lot coverage calculations. A separate variance application for lot coverage may be required, as information on lot coverage was not provided and a lot coverage variance was not requested/published.
- The addition plans shall be revised for consistency with the surveyor’s site plan to the satisfaction of the Building Official.
- The addition’s roof overhang shall be no closer than five feet to the west side 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.

Denial: I move to deny the variances requested by Vinyl Sash of Flint, Inc. for Parcel Number 12-35-254-007, identified as 9471 Cedar Island Road, due to the following reason(s):

Postpone: I move to postpone the appeal of Vinyl Sash of Flint, Inc. *to a date certain or other triggering mechanism* for Parcel Number 12-35-254-007, identified as 9471 Cedar Island Road, to consider comments stated during this hearing.

Attachments:

1. Variance application dated February 26, 2024.
2. Sketch of survey dated April 11, 2024 (revision date April 15, 2024).
3. Addition plans prepared by the Applicant.
4. Letter of denial from the Building Official dated January 26, 2024.

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: Vinyl Sash of Flint, Inc PHONE: 810-234-4831
ADDRESS: 5433 Jenton Road, Grand Blanc, MI 48507
APPLICANT'S EMAIL ADDRESS: hello@vinylsash.co (not.com)
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 9471 Cedar Island PARCEL # 12-35-254-007
CURRENT ZONING: _____ PARCEL SIZE: 5,184 sq. ft.

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 3.1.6. of the
White Lake Township Clear Zoning Ordinance.
VALUE OF IMPROVEMENT: \$ 59,600⁰⁰ SEV OF EXISITING STRUCTURE: \$ 254,918⁰⁰

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

APPLICATION FEE: \$ 385⁰⁰ (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: _____ DATE: 2-26-24

RECEIVED

FEB 26 2024

BUILDING
DEPARTMENT

SKETCH OF SURVEY

Prepared For: SARA LESHOK

Legal Description: PARCEL ID: 12-35-254-007

Lot 7, Block 4, ROUND LAKE OVERLOOK, a subdivision of part of the W 1/4, S 1/2; NE 1/4 of Section 35, T. 3 N., R. 8 E., White Lake Township, Oakland County, Michigan as recorded in Oakland County Records.

ZONING:

PROPERTY IS ZONED: R1-D
(SINGLE FAMILY RESIDENTIAL)

SETBACKS:

FRONT: = 30 feet
SIDES: = 10 feet MIN.
REAR: = 30 feet

NOTES:

NO TITLEWORK WAS SUPPLIED BY CLIENT, THEREFORE ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

NEIGHBOR'S SHED AND SHED ROOF OVERHANG CROSS LOT LINE (AS SHOWN).

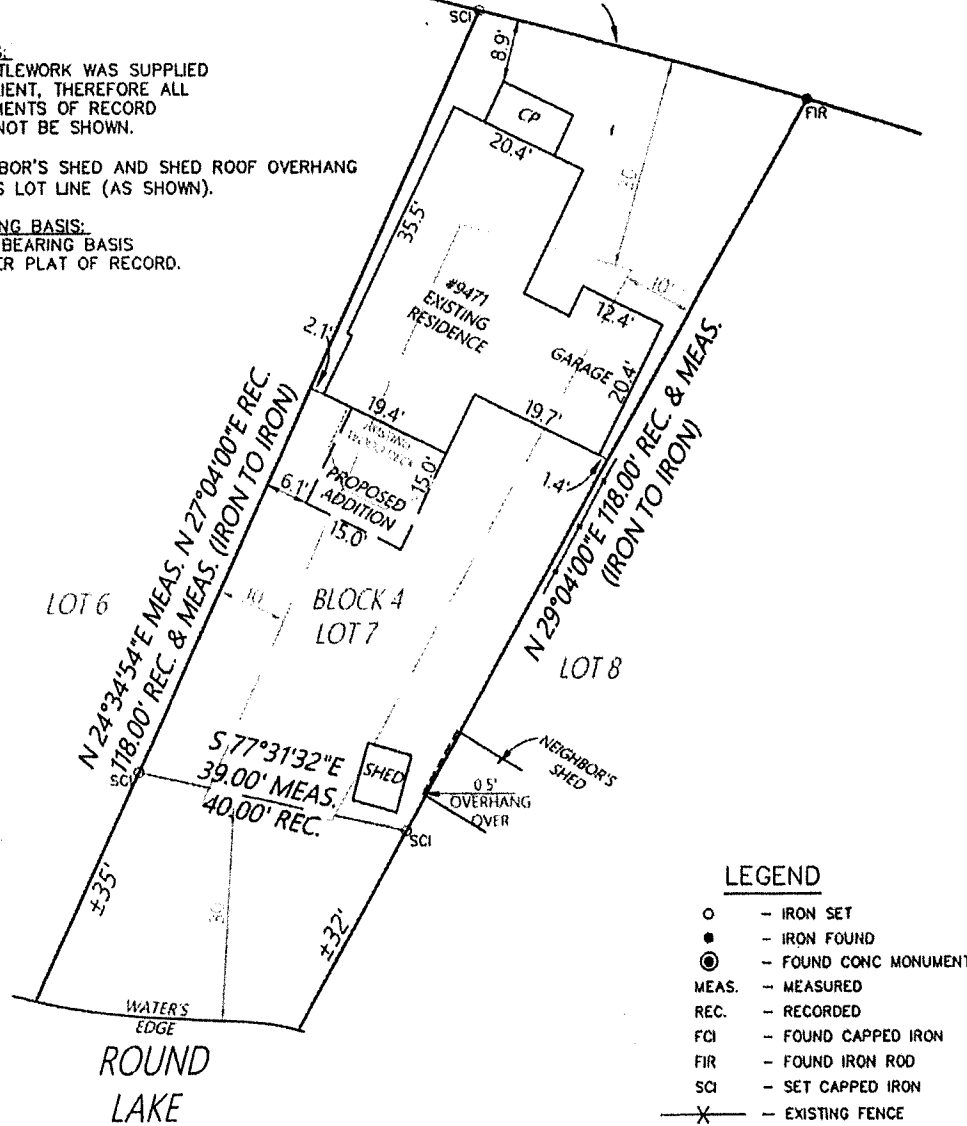
BEARING BASIS:

HELD BEARING BASIS AS PER PLAT OF RECORD.

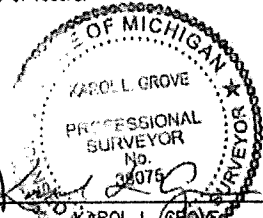
CEDAR ISLAND DRIVE
(66' WIDE)

0 10 20
SCALE: 1" = 20'

CURVE DATA:
R = 1060.65' L = 48.00'
Chord = S74°14'35"E 48.00'



I hereby certify only to the parties hereon, that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set as noted hereon, permanent markers at the exterior corners of said lot and that all visible encroachments of a permanent nature upon said lot, are as shown on this survey. Said lot subject to all easements and restrictions of record.



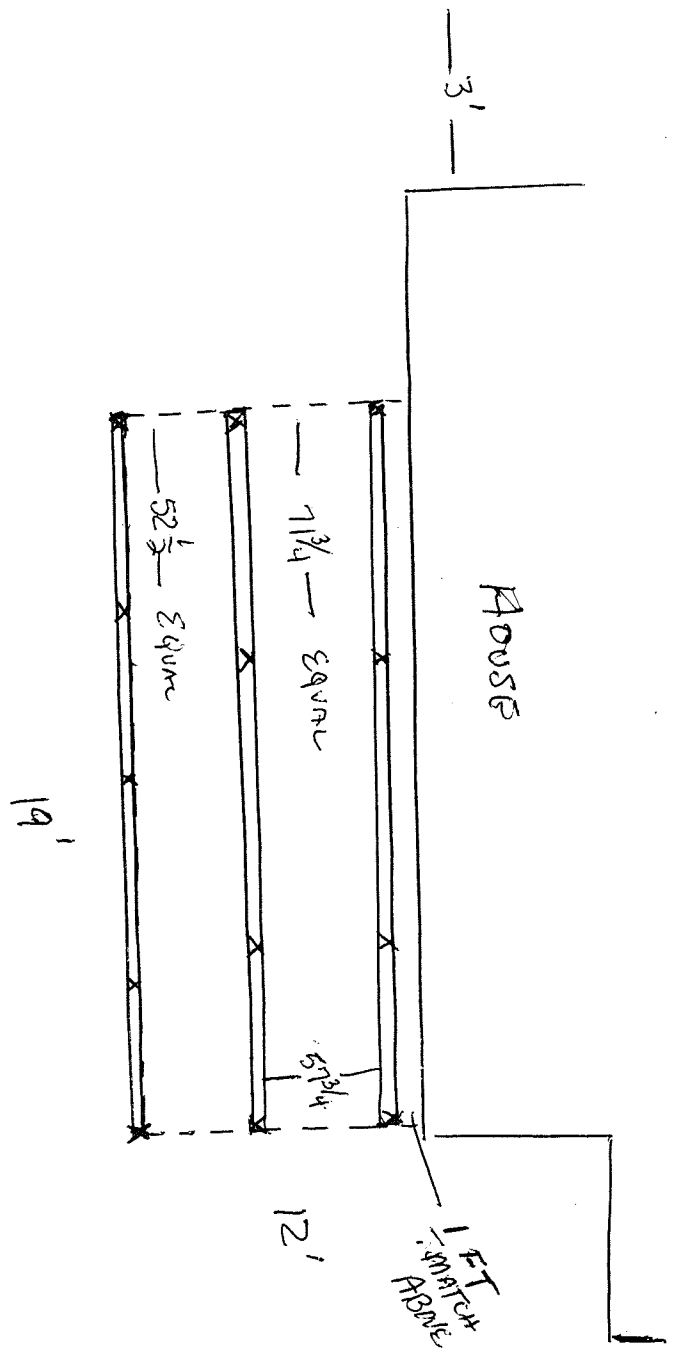
LICENSED PROFESSIONAL SURVEYOR #39075

ALPINE
Land Surveying, Inc.

376 BEECH FARM CIRCLE, SUITE 1293
HIGHLAND, MICHIGAN, 48357
PHONE: 810-207-8050

FIELD: KG DATE: 04-11-2024
DRAWN: DJS JOB NO: 24-6645
CHECKED: KG SHEET: 1 OF 1
REVISED: 4-16-24 REVISE #2 SIZE OF PROPOSED ADDITION

Coree + Shaan Leslie
9477 Cedar Grove Rd



TEAR OUT EXISTING DECK BALCONY PATIO DOOR

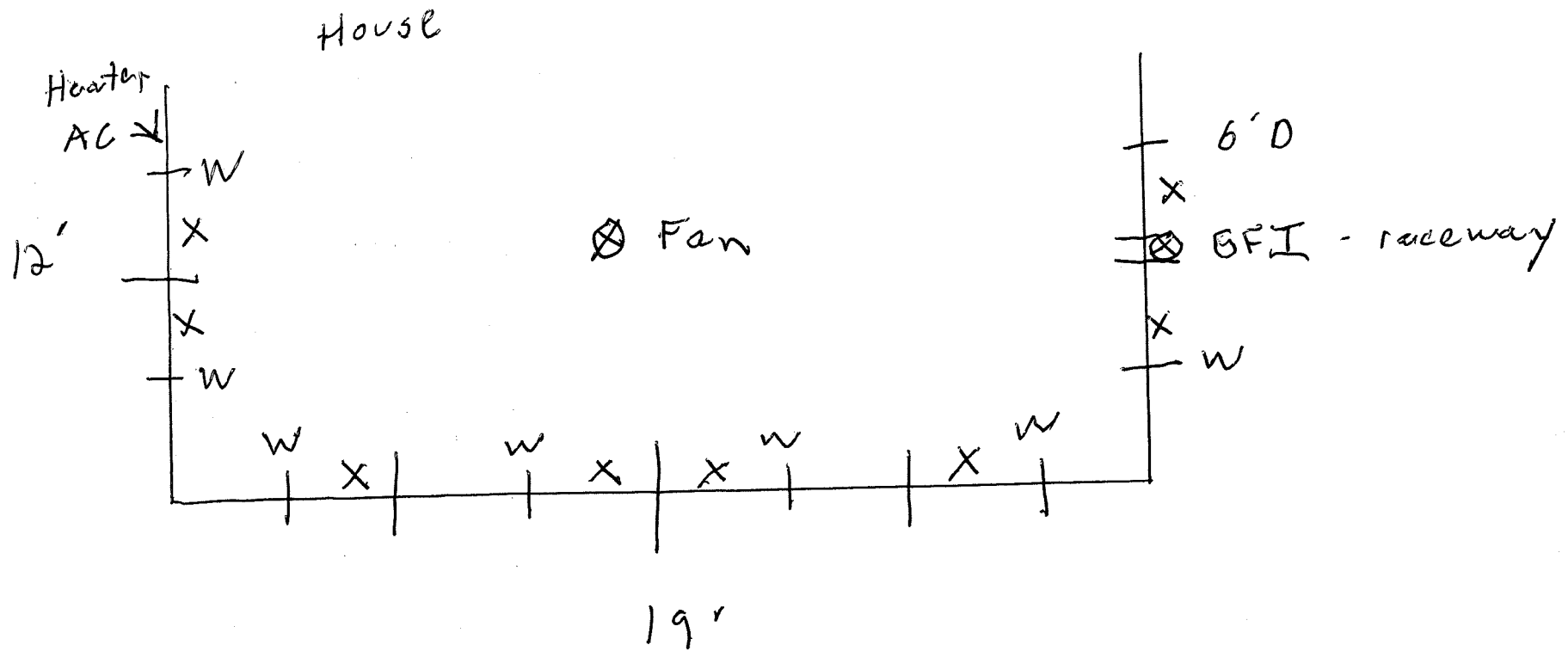
19' X 12' 6 1/2" R-CENTRAL FLOOR SYSTEM (SEE DRAWINGS)

X 4" X 6" POSTS 42" DEEP 12" HOLES ON CONCRETE

2" X 8" BEAMS

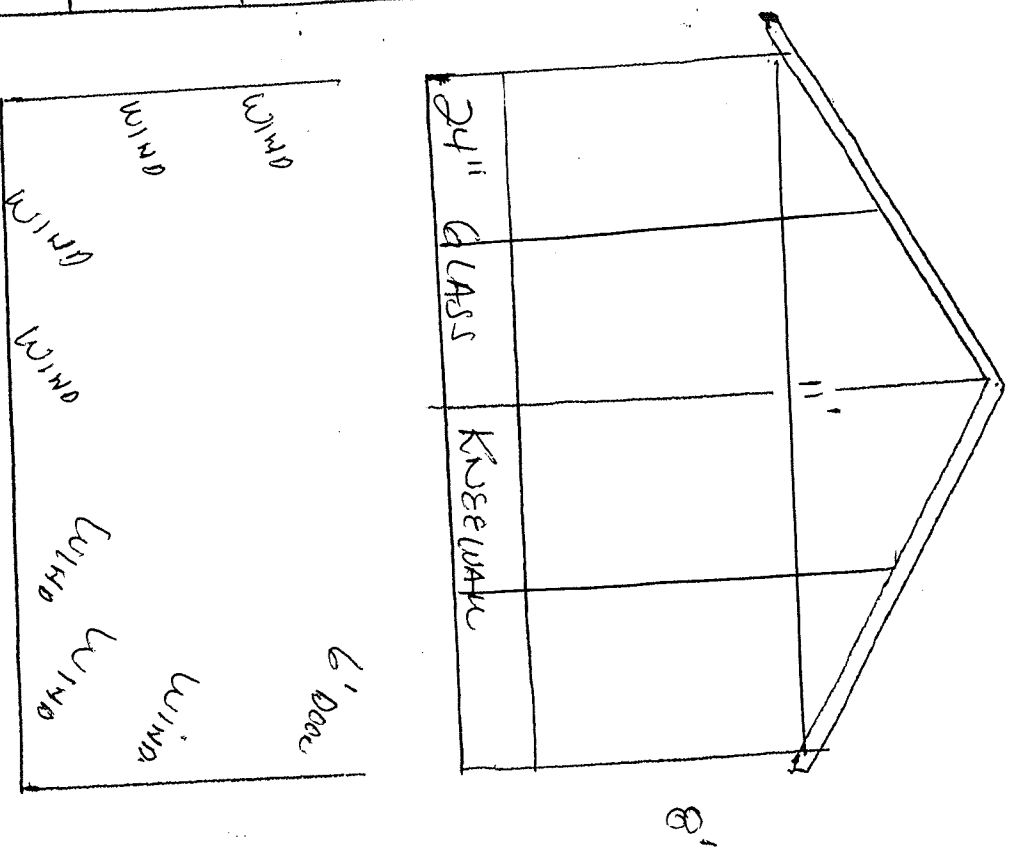
12' X 4' 6 1/2" R-CENTRAL FLOOR RAVERS

57" X 36" WINDOWS IN PLACE OF 5' DOOR (SAME HEIGHT)



GREG + SARAH LESLICK
9477 CEDAR ISLAND RD.

19' x 12' SEASIDE GABLE
 PARTI ROOM
 A WALL 2 WINDOWS
 B WALL 4 WINDOWS
 C WALL 6' PARTI DOOR 1 WINDOW
 24" GLASS KNEEWALL B/WALL
 TRANSON GLASS ALL
 ROOF SYSTEM
 11' x 12' x 2
 3 1/8" x 12" LAM BEAM
 DOE + WATER ENTIRE ROOF
 WITH MATCHING SHINGLES
 JAN WENT SLEQUITE TO DO
 SLEQUITE PACKAGE



SEEK + SEARCH LESS HOE
 9471 CEDAR ISLAND

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

January 26, 2024

Vinyl Sash of Flint
5433 Fenton Rd
Grand Blanc, MI 48507

RE: Addition at 9471 Cedar Island

Based on the submitted plans, the proposed sunroom 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, and minimum lot width of 80 ft.

Based on aerial imagery the existing lot and residential structure are legal non-conforming with a lot width of 48 ft, and a side yard setback of approximately 3 ft. The proposed structure would further expand this nonconformity as it does not meet the required 10 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 February 22nd Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than January 31st at 4:30 PM. **A certified survey showing setbacks and lot coverage of all structures, will be required by the ZBA.** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Spencer".

Nick Spencer, Building Official
White Lake Township