

**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

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**Agenda item:** 8c

**Appeal Date:** May 23, 2024

**Applicant:** Connie Barker

**Address:** 600 Farnsworth Road  
White Lake, MI 48386

**Zoning:** R1-D Single Family Residential

**Location:** 600 Farnsworth Road  
White Lake, MI 48386

## **Property Description**

The approximately 0.25-acre (10,890 square feet) parcel identified as 600 Farnsworth Road is a corner lot with frontage on Echo Drive to the south and zoned R1-D (Single-Family Residential). The existing single-story house and garage (approximately 1,736 square feet in size) on the property utilizes a private well for potable water and the public sanitary sewer system for sanitation.

## **Applicant's Proposal**

Connie Barker, the Applicant, is proposing to construct a single-story addition off the side and rear of the house.

## **Planner's Report**

Currently the existing house is nonconforming to setbacks; the building is located approximately 25 feet from the Echo Drive front property line (the submitted survey does not dimension the house from the closest point to the property line). A minimum 30-foot front yard setback is required in the R1-D zoning district. The parcel is also nonconforming due to a 1,110 square foot deficiency in lot area. In the R1-D zoning district the minimum lot area requirement is 12,000 square feet.

The proposed addition is 1,368 square feet in size and located 18 feet from the rear (west) lot line, thereby encroaching 12 feet into the required 30-foot rear yard setback. Additionally, the proposed lot coverage is 30% (3,237 square feet), which is 10% (1,059 square feet) beyond the 20% maximum lot coverage allowed (2,178 square feet). Currently the Zoning Ordinance allows a maximum 30% lot coverage if a lot has sanitary sewer service and all setback requirements are met, unless a variance has been approved by the Zoning Board of Appeals (ZBA). Note a pending Zoning Ordinance amendment would allow 30% lot coverage for parcels served by public sanitary sewer in the R1-D zoning district regardless of a building complying with all setback requirements.

The Zoning Ordinance states no accessory building/structure shall be located closer than 10 feet to any principal building/structure unless it conforms to all regulations of the ordinance applicable to principal buildings/structures. With the proposed addition, the existing accessory building (133 square foot shed) would be considered part of the house (approximately five feet (not dimensioned on the site plan) between buildings), and therefore subject to the 10-foot side yard setback and 30-foot rear yard setback in the R1-D zoning district. As the shed would be located five feet from the side (north) property line and five feet from the rear (west) property line, a five-foot variance is requested to encroach into the side yard setback and a 25-foot variance is requested to encroach into the rear yard setback. If the ZBA decides to approve the request, staff recommends the shed be removed from the property as a condition of approval. Note if the ZBA does not include removal of the shed as a condition of approval, the draft approval motion on the following page would need to be modified to reference the aforementioned setback variances (five-foot side yard setback variance and 25-foot rear yard setback variance).

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 (\$71,720), the maximum extent of improvements cannot exceed \$35,860. The value of the proposed work is \$120,000. A variance to exceed the allowed value of improvements by 335% 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 (\$35,860)	335%	\$84,140 over allowed improvements
3	Article 3.1.6.E	Minimum lot area	12,000 square feet	1,110 square feet	10,890 square feet

### Zoning Board of Appeals Options:

**Approval:** I move to approve the variances requested by Connie Barker from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-26-453-014, identified as 600 Farnsworth Road, in order to construct an addition that would encroach 12 feet into the required rear yard setback (west), exceed the allowed lot coverage by 10%, and exceed the allowed value of improvements to a nonconforming structure by 335%. A 1,110 square foot variance from the required lot area 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 shed shall be removed from the property prior to approval of the final inspection by the Building Official.
- 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 and lot coverage.

**Denial:** I move to deny the variances requested by Connie Barker for Parcel Number 12-26-453-014, identified as 600 Farnsworth Road, due to the following reason(s):

**Postpone:** I move to postpone the appeal of Connie Barker *to a date certain or other triggering mechanism* for Parcel Number 12-26-453-014, identified as 600 Farnsworth Road, to consider comments stated during this hearing.

**Attachments:**

1. Variance application dated April 23, 2024.
2. Survey dated March 11, 2024.
3. Site plan dated March 11, 2024 (revision date April 22, 2024).
4. Floor plan prepared by the Applicant.
5. Letter of denial from the Building Official dated April 19, 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: Connie Barker PHONE: 248-672-0697  
ADDRESS: 600 Farnsworth  
APPLICANT'S EMAIL ADDRESS: hrcmb@comcast.net  
APPLICANT'S INTEREST IN PROPERTY:  OWNER  BUILDER  OTHER: \_\_\_\_\_

ADDRESS OF AFFECTED PROPERTY: 600 Farnsworth PARCEL # 12 - 26-453-014  
CURRENT ZONING: Residential PARCEL SIZE: 

	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Side</u>
	<u>80</u>	<u>X 136.13</u>	<u>80</u>	<u>X 136.13</u>

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: Article 3.1.6 of the White Lake Township Clear Zone Ordinance / <sup>Article 5.7</sup> Accessory Structure Variance / Requesting lot coverage of 30% vs. 20%  
VALUE OF IMPROVEMENT: \$ 120,000 SEV OF EXISTING STRUCTURE: \$ 101,740

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

APPLICATION FEE: 385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)  
APPLICANT'S SIGNATURE: Connie M. Barker DATE: 4-23-24

# BOUNDARY & LOCATION SURVEY

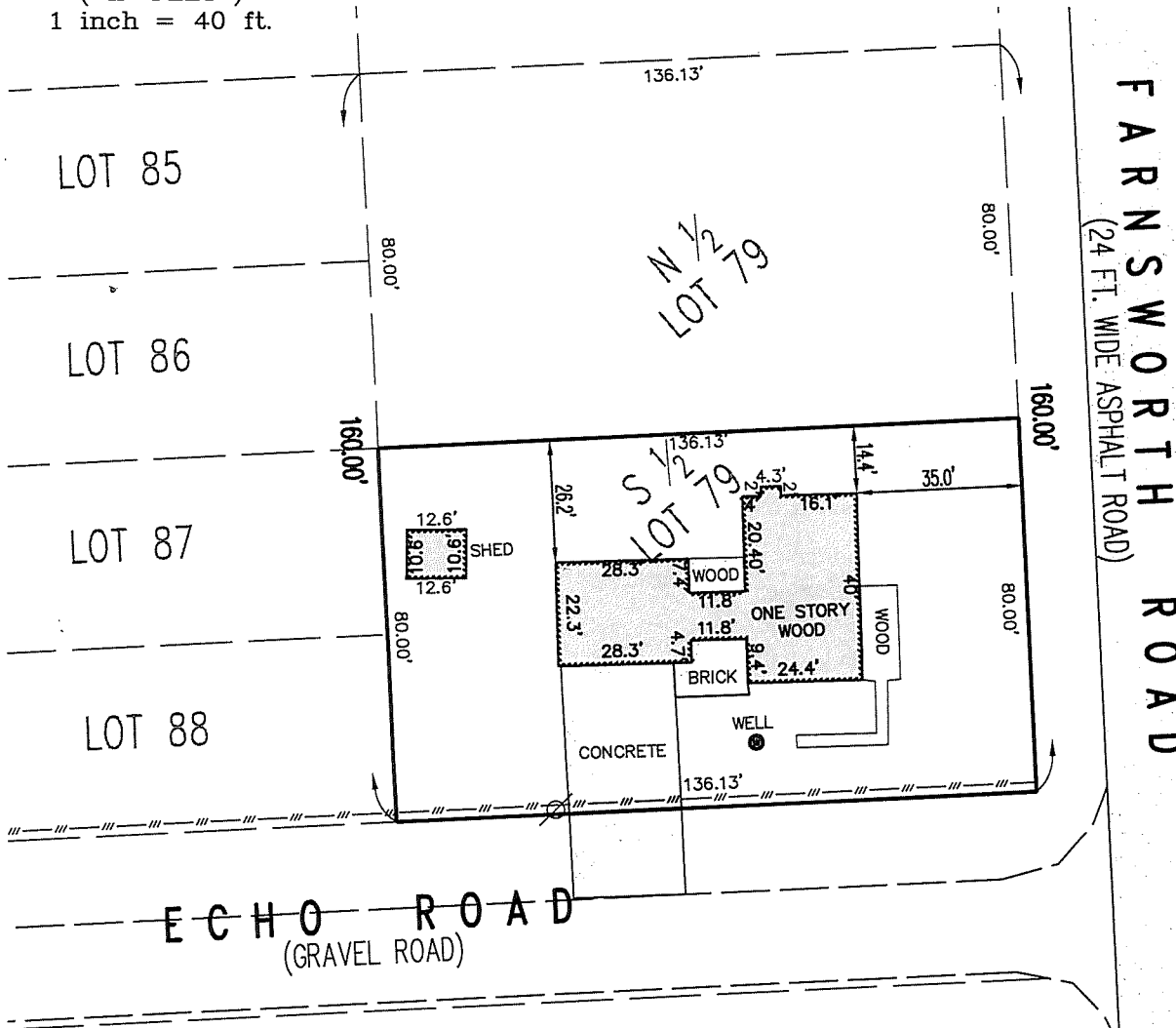
**LEGAL DESCRIPTION (AS PROVIDED):**

THE SOUTH 1/2 OF LOT 79 OF "CEDAR CREST SUB #2", LIBER 31 ON PAGES 30-31, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN.

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 40 ft.



**LEGEND**

- SET IRON #21585
- FOUND IRON
- ▲ SET WOOD STAKE
- ⊕ SECTION CORNER
- (M) MEASURED
- (R) RECORDED
- O.A. OVERALL DISTANCE
- R/W RIGHT OF WAY
- E-W EAST-WEST

**NOTES:**

1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
2. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.

JOSEPH A WIZYNAJTYS, P.S. NO 21585

BOUNDARY & LOCATION SURVEY FOR:  
**CONNIE BARKER**  
600 FARNSWORTH  
WHITE LAKE, MI 48386

SCALE:	1"=40'	JOB NO.	DATE:	REV:
		WHITE LAKE 26 BARKER	03.11.2024	
DRN BY:	MCS		APPR BY:	PAGE:
			J.A.W.	1 of 1



**DPS SURVEYING & ENGINEERING**  
**Delta Professional Services, Inc.**  
3189 MANN ROAD WATERFORD, MI 48329  
PHONE: 810.701.9418  
EMAIL: DPSINC14@MSN.COM



# BOUNDARY & VARIANCE REQUEST

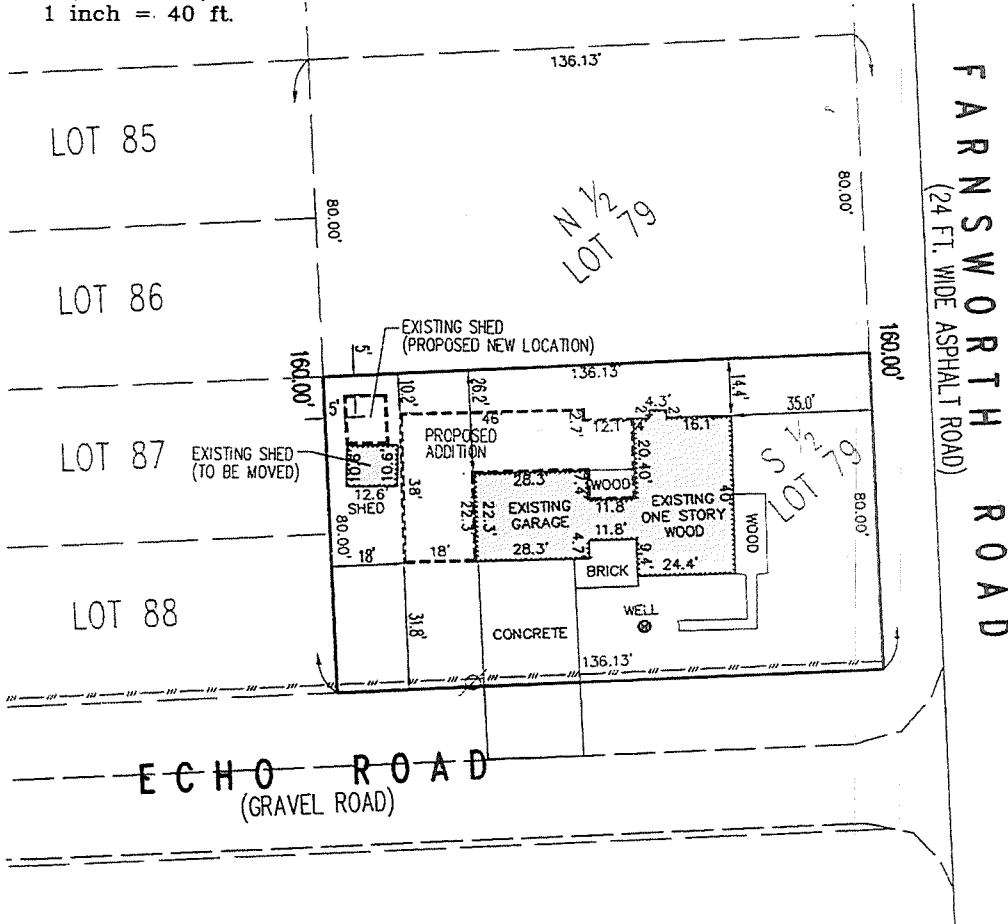
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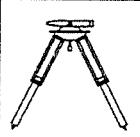
**NOTES:**

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2. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
3. EXISTING LOT AREA = 10890.39 SQ. FT.  
EXISTING DWELLING/GARAGE AREA = 1736.05 SQ. FT.  
EXISTING SHED AREA = 132.73 SQ. FT.  
EXISTING LOT BLDG COVERAGE = 17%  
PROPOSED ADDITION = 1368.22 SQ. FT.  
PROPOSED LOT BLDG. COVERAGE = 30%
4. ABOVE CALCULATED AREAS ARE APPROXIMATE, AND BASED UPON INFORMATION SUPPLIED BY CLIENT

JOSEPH A WIZYNAJTYS, P.S. NO 21585

BOUNDARY & VARIANCE REQUEST FOR:  
**CONNIE BARKER**  
600 FARNSWORTH  
WHITE LAKE, MI 48386

SCALE: 1"=40'	JOB NO. WHITE LAKE 26 BARKER	DATE: 03.11.2024	REV: 04.22.2024
DRN BY: MCS		APPR BY: J.A.W.	PAGE: 1 of 1



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PHONE: 810.701.9418  
EMAIL: DPSINC14@MSN.COM





HOUSE

EXISTING

FLOOR

PATIO

EXISTING

12'

28'

EXISTING GARAGE

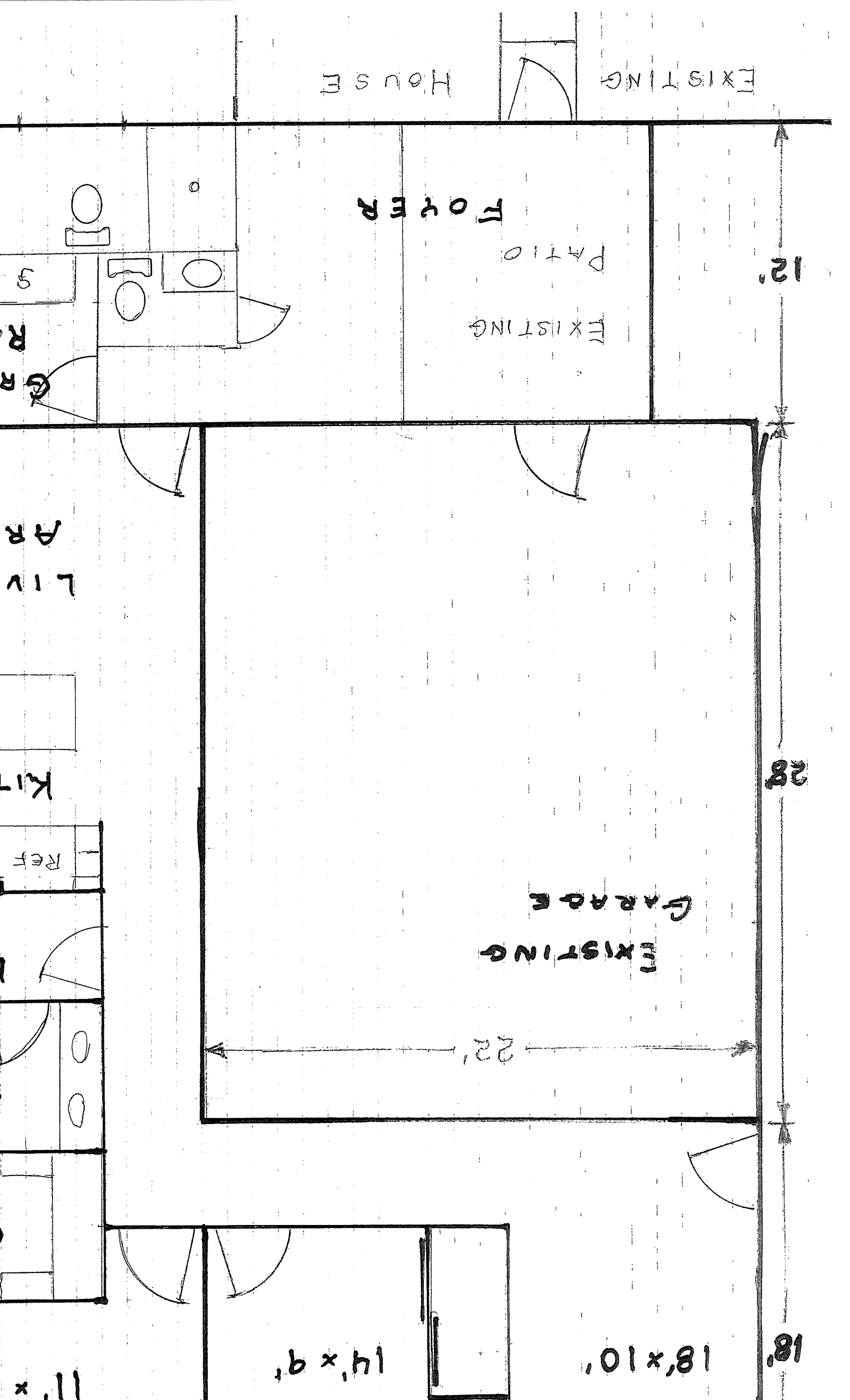
22'

18'

18' x 10'

14' x 9'

11' x



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](http://www.whitelaketwp.com)

April 19, 2024

Connie Barker  
600 Farnsworth Rd  
White Lake, MI 48386

RE: Proposed Residential Addition

Based on the submitted plans, the proposed residential structure 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 rear yard setback of 30 ft, minimum lot area of 12,000 sq ft, and maximum lot coverage of 20%.

The existing lot and structure are legal non-conforming with a total lot area of 10,890 sq ft. The submitted plot overview (drawing #3) indicates a proposed rear yard setback of 19 ft. The lot will be served by municipal sewer; however, it is non-conforming and will have a lot coverage of approximately 28.5%. Additionally, the existing shed does not have the required 10 ft setback off of the principal structure to allow the 5 ft rear yard setback as required by Article 5.7 of the White Lake Township Clear Zoning Ordinance.

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 May 24<sup>th</sup> Zoning Board of Appeals (ZBA) meeting, complete application must be submitted to the White Lake Township Planning Department no later than April 25<sup>th</sup> at 4:30 PM. ***The certified boundary and location survey must show all proposed structures, proposed setbacks, and total lot coverage.*** The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Spencer', written over a horizontal line.

Nick Spencer, Building Official  
White Lake Township