

WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS

REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Zoning Board of Appeals
FROM: Andrew Littman, Staff Planner
DATE: November 4, 2024

Agenda item: 8A

Appeal Date: October 25, 2024

Applicant: Jim Wolfenbarger

Address: 2335 Ridge Road
White Lake, MI 48383

Zoning: R1-D Single Family Residential & R1-C Single Family Residential

Location: Parcel # 12-18-151-016 & 12-18-152-016 (collectively identified as 2455 Ridge Road, White Lake, MI 48383)

Property Description

This case involves the following two parcels:

- Parcel # 12-18-151-016, which is 0.9-acres and zoned R1-D. Currently, a 1,155 square-foot single-family home is on this parcel.
- Parcel #12-18-152-016, which is 0.66-acres and zoned R1-C. Currently, an 800 square-foot garage is on this parcel.

These two parcels are both owned by Irene McDonald and Kathryn Theodorou.

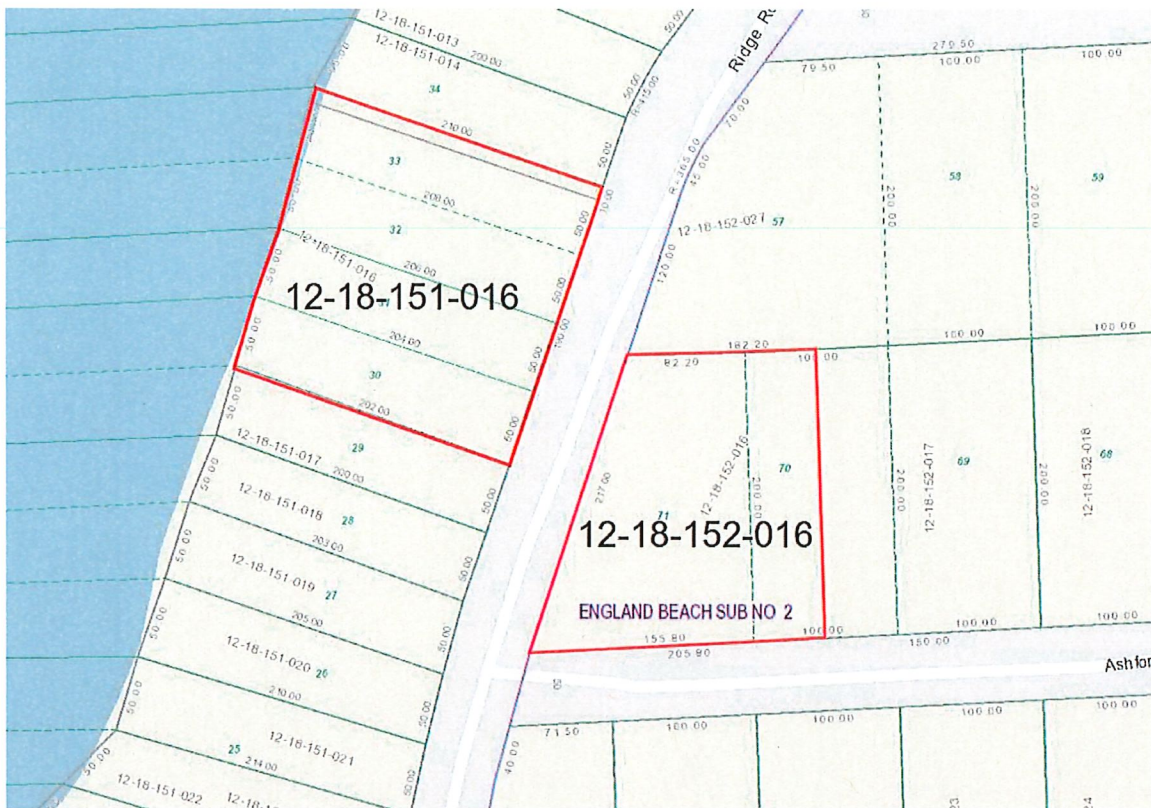


Figure 1: The two parcels at issue are located on opposite sides of Ridge Road.

Applicant's Proposal

The Applicant, Jim Wolfenbarger (on behalf of owners Irene McDonald and Kathryn Theodorou), proposes two lot splits: one splitting Parcel #12-18-151-016 and the other splitting Parcel #12-18-152-016. The purpose of the first lot split is to create two developable lots, each of which would be utilized to build a single-family home. The second lot split is being proposed to create two lots for the sole purpose of providing separate septic systems for each home.

Planner's Report

Parcel #12-18-151-016 encompasses 0.9 acres (39,200 square feet) and is zoned R1-D. Per Section 3.1.6 of the Zoning Ordinance, the minimum lot area in the R1-D zoning district is 12,000 square feet and minimum lot width is 80 feet. Therefore, this parcel is large enough to accomplish a lot split without a variance.

On the other hand, Parcel #12-18-152-016 encompasses 0.66 acres (28,750 square feet) and is zoned R1-C. Per Section 3.1.5 of the Zoning Ordinance, the minimum lot area in the R1-C zoning district is 16,000 square feet and minimum lot width is 100 feet. Due to the size of this parcel, a variance for lot size (and perhaps one for lot width) is necessary to accomplish this second lot split.

Although the first lot split is allowed under the Township's Zoning Ordinance, the utilization of septic systems for each of the two resulting lots would not comply with Article 2 of the Oakland County Health Division Sanitary Code which states that a land division will not be approved for an on-site sewage disposal system unless a residential building site contains at least one acre of land. To help resolve this situation, the applicant is proposing the second lot split. Under the applicant's proposal, homes would be built on the resulting child parcels from the first lot split (of parent parcel #12-18-151-016), while the septic systems for those homes would be on the resulting child parcels from the second lot split (of parent parcel #12-18-152-016). Therefore, although a total of four new parcels would actually be created, as a practical matter there would only be two new parcels because each "house parcel" could not be separated from its respective "septic parcel". The Township Assessor believes this is the cleanest way to achieve the desired lot split.

Actually combining each "house parcel" with its corresponding "septic parcel" is not possible because each set is bisected by Ridge Road. Instead, the applicant seeks to achieve the effect of lot combinations by utilizing deed restrictions.

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Jim Wolfenbarger from Section 3.1.5 of the Zoning Ordinance for Parcel Number 12-18-152-016 in order to effectuate a lot split that would create child parcels that do not meet the minimum lot area and lot width standards for the R1-C zoning district. This approval has the following conditions:

1. The Applicant shall apply for and receive land division approval from the Township Assessor
2. The Applicant shall obtain approval and permits for each on-site sewage disposal system from the Oakland County Health Division.
3. The deeds shall contain restrictions as follows:

- a. Each of the four resulting deeds from the lot splits shall provide that no sale, mortgage or other transaction or event that may result in a change of ownership can be made unless the “house parcel” and its corresponding “septic parcel’ are treated together.
- b. The septic parcel deeds shall provide that there shall be no structure of any kind or activity inconsistent with its utilization for septic purposes.

Denial: I move to deny the variances requested by Jim Wolfenbarger for Parcel Number 12-18-152-016 due to the following reason(s):

Postpone: I move to postpone the appeal of Jim Wolfenbarger *to a date certain or other triggering mechanism* for Parcel Number 12-18-152-016 to consider comments stated during this public hearing.

Attachments:

1. Zoning Board of Appeals application dated October 25, 2024.
2. Authorization Letter from Owners

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: Jim Wolfenbarger PHONE: 248 330-4775
ADDRESS: 2335 Ridge rd White Lake MI 48383
APPLICANT'S EMAIL ADDRESS: Jim Wolf 721@gmail.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: Rep.

ADDRESS OF AFFECTED PROPERTY: _____ PARCEL # 12-18-152-016
CURRENT ZONING: RIC PARCEL SIZE: 14000 sq ft

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

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

APPLICATION FEE: \$ 385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: Jim Wolfenbarger DATE: 10-25-24

PAID CASH CHECK# 8142
OCT 29 2024
TREASURER
CHARTER TWP. OF WHITELAKE

October 18, 2024

Irene M. McDonald, 17592 Glenwood Blvd., Lathrup Village, MI 48076
and Kathryn Theodorou, 3992 Cumberland, Berkley, MI 48072
are owners of the property at 2455 Ridge Rd., White Lake, MI 48383.

2455 Ridge Rd consists of 2 parcels:
Y-12-18-151-016 and Y-12-18-152-016.

We authorize Jim Wolfenbarger to represent us in the split and
development of the property.

Irene M. McDonald

Irene M. McDonald

Kathryn Theodorou

Kathryn Theodorou

12 18 152 016

