

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: December 14, 2023

Agenda item: 8b

Appeal Date: December 14, 2023

Applicant: Jade Robb

Address: 10280 Lakeside Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 10280 Lakeside Drive
White Lake, MI 48386

Property Description

The approximately 0.227-acre (9,888 square feet) parcel identified as 10280 Lakeside Drive is located on Oxbow Lake and zoned R1-D (Single-Family Residential). The single-family house on the property utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Jade Robb, the Applicant, is proposing to demolish an existing accessory building to construct a new accessory building (detached garage) with upper-level storage (proposed pull-down stairs to access upper storage space). The footprint of the proposed accessory building is 20-feet by 22-feet (440 square feet).

Planner's Report

At its closest point, the proposed accessory building would encroach 16.2 feet into the required 30-foot front yard setback. Note the existing accessory building at its closest point is located 15.8 feet from the front property line; the proposed building would encroach an additional two feet into the front yard setback.

Per the submitted architectural plans, the roof overhang on the accessory building is proposed to extend one foot beyond the side walls (located 4.5 feet from the south side property line). Section 5.3 of the Zoning Ordinance prohibits roofs, gutters, windows, and open balconies from projecting closer than five feet to a lot line. The proposed roof overhang would not be permissible if the requested variance is granted; the architectural plans would need to be revised to reduce the overhang on the south side.

The Zoning Ordinance allows walls of an accessory building to be 14 feet in height and limits building height to 18 feet. The submitted front elevation indicates the proposed height of the dormer wall is 18 feet and building height of 18.25 feet. Neither a four-foot wall height variance nor a quarter-foot building height variance were requested or published.

The parcel is also nonconforming due to a 2,112 square foot deficiency in lot area and a 22-foot deficiency in lot width (approximately 58 feet in width at the front setback line); 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 Applicant is requesting variances to address the area and width nonconformities.

The requested variances are listed in the following table.

Variance #	Ordinance Section	Subject	Standard	Requested Variance	Result
1	Article 3.1.6.E	Front yard setback	30 feet	16.2 feet	13.8 feet
2	Article 3.1.6.E	Minimum lot area	12,000 square feet	2,112 square feet	9,888 square feet
3	Article 3.1.6.E	Minimum lot width	80 feet	22 feet	58 feet

Zoning Board of Appeals Options:

Approval: I move to approve the variance requested by Jade Robb from Article 3.1.6.E of the Zoning Ordinance for Parcel Number 12-22-428-013, identified as 10280 Lakeside Drive, in order to construct an accessory building (detached garage) that would encroach 16.2 feet into the required front yard setback. A 22-foot variance from the required lot width and a 2,112 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.
- 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 lot lines. Revise the architectural plans to reduce the overhang on the south side.
- The architectural plans shall be revised to show removal of the proposed dormer and reduction in building height to comply with the Zoning Ordinance.

Denial: I move to deny the variances requested by Jade Robb for Parcel Number 12-22-428-013, identified as 10280 Lakeside Drive, due to the following reason(s):

Postpone: I move to postpone the appeal of Jade Robb *to a date certain or other triggering mechanism* for Parcel Number 12-22-428-013, identified as 10280 Lakeside Drive, to consider comments stated during this hearing.

Attachments:

1. Variance application dated March 22, 2023.
2. Survey prepared by Alpine Land Surveying, Inc. dated January 12, 2023).
3. Site plan prepared by Alpine Land Surveying, Inc. dated January 12, 2023 (revision date November 27, 2023).
4. Architectural plans.
5. Letter of denial from the Building Official dated November 29, 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.

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: Jade Robb Lanny Jackson PHONE: 248.892.2943
2487557260
ADDRESS: 10280 Lakeside Dr
APPLICANT'S EMAIL ADDRESS: Juice Jackson 49 @ aol.com
APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: 10280 Lakeside Dr PARCEL # 12-2-2428013
CURRENT ZONING: Res PARCEL SIZE: Front 61.60 - Back 42.96

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: _____
VALUE OF IMPROVEMENT: \$ 25,000 SEV OF EXISTING STRUCTURE: \$ 126,480

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

APPLICATION FEE: \$385.00 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)
APPLICANT'S SIGNATURE: Jade M Jackson DATE: 3-22-23

Jade M Jackson @ email.com

RECEIVED

NOV 09 2023

COMMUNITY
DEVELOPMENT
DEPARTMENT

SKETCH OF SURVEY

Prepared For: LANNY JACKSON

Legal Description:

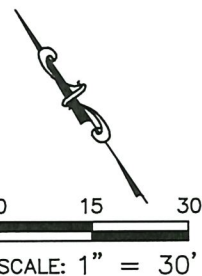
Lot 60 of TEGGERDINE BEACH, a subdivision of part of the South East 1/4 of Section 22, and part of the South West 1/4 of Section 23, T. 3 N., R. 8 E., White Lake Township, Oakland County, Michigan as recorded in Oakland County Records.
 PARCEL ID: 122-242-8013

ZONING:

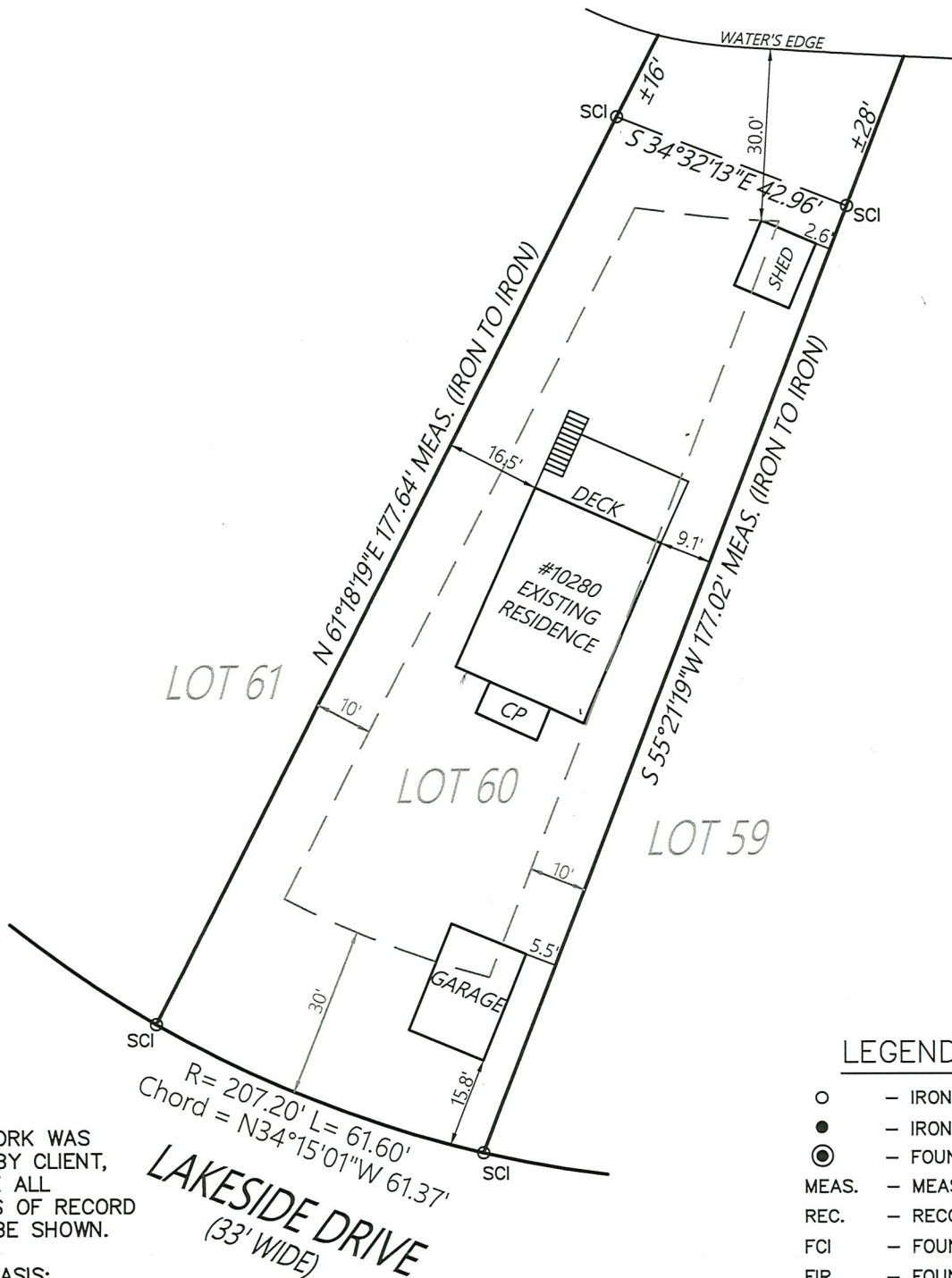
PROPERTY IS ZONED: R1-D
 (SINGLE FAMILY RESIDENTIAL)

SETBACKS:

FRONT: = 30 feet
 SIDES: = 10 feet MIN./20 feet TOTAL
 REAR: = 30 feet



**OXBOW
LAKE**



NOTES:

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

BEARING BASIS:
 HELD BEARING BASIS
 AS PER PLAT OF RECORD.

LEGEND

- - IRON SET
- - IRON FOUND
- ⊙ - FOUND CONC MONUMENT
- MEAS. - MEASURED
- REC. - RECORDED
- FCI - FOUND CAPPED IRON
- FIR - FOUND IRON ROD
- SCI - SET CAPPED IRON
- FCM - FOUND CONC MONUMENT

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.

P.O. BOX 1293
 HIGHLAND, MICHIGAN, 48357
 PHONE: 810-207-8050

FIELD: KG	DATE: 01-12-2023
DRAWN: DJS	JOB NO: 22-6124
CHECKED: KG	SHEET: 1 OF 1
REVISED:	

SKETCH OF SURVEY

Prepared For: LANNY JACKSON

Legal Description:

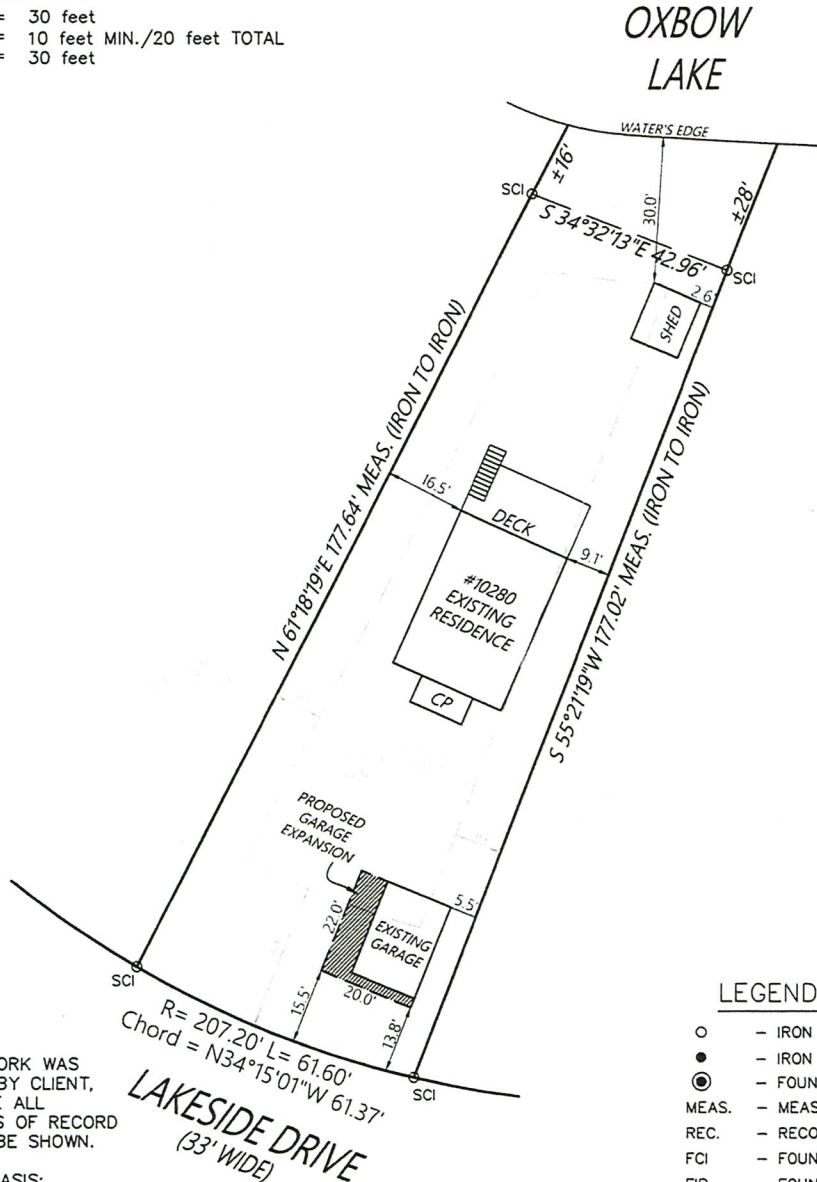
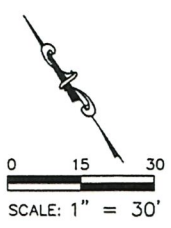
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 PARCEL ID: 122-242-8013

ZONING:

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

SETBACKS:

FRONT: = 30 feet
 SIDES: = 10 feet MIN./20 feet TOTAL
 REAR: = 30 feet



NOTES:

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BEARING BASIS:
 HELD BEARING BASIS
 AS PER PLAT OF RECORD.

LAKESIDE DRIVE
 (33' WIDE)

LEGEND

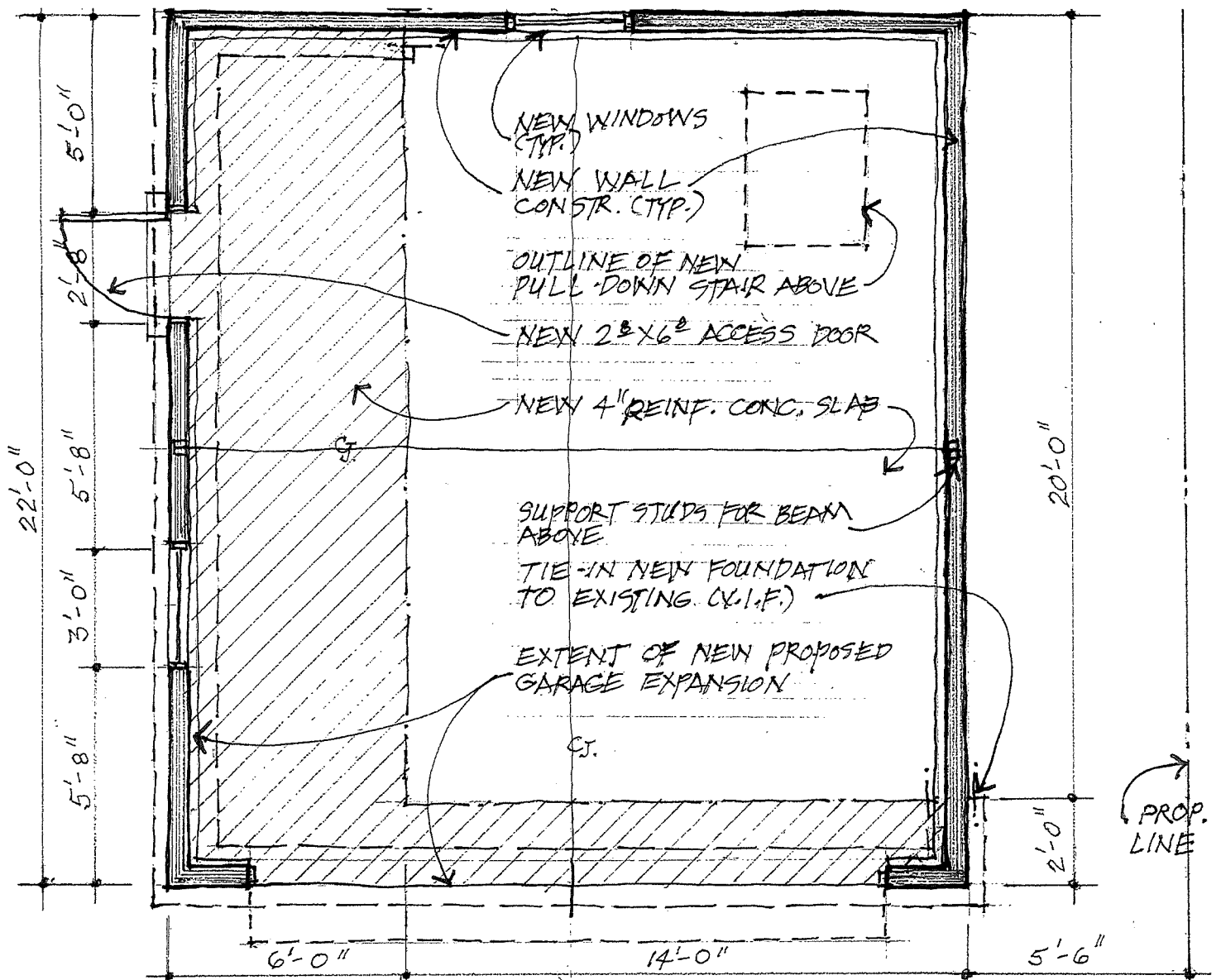
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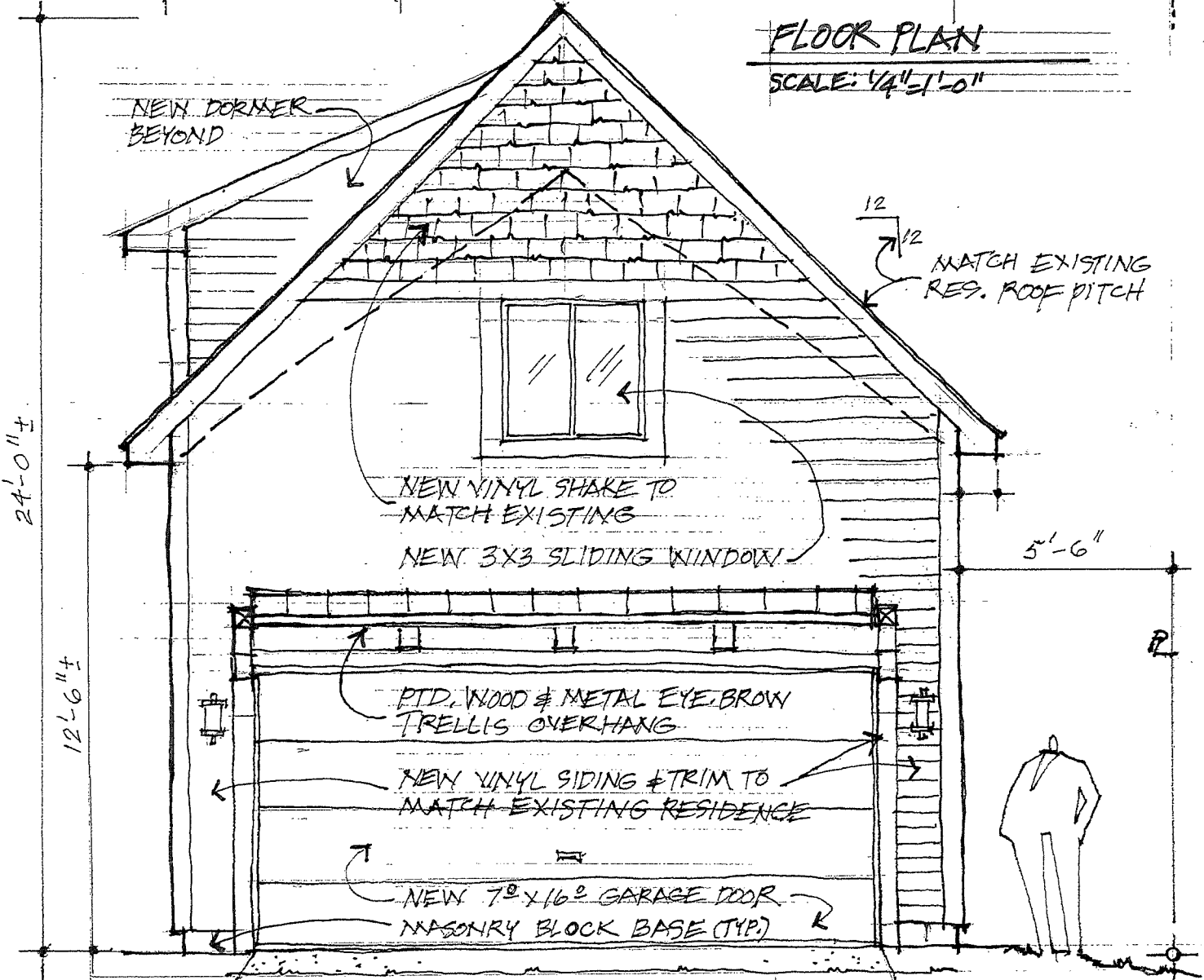
KAROL L. GROVE
 LICENSED PROFESSIONAL SURVEYOR #39075

<h1 style="margin: 0;">ALPINE</h1> <p style="margin: 0;">Land Surveying, Inc.</p>		P.O. BOX 1293 HIGHLAND, MICHIGAN, 48357 PHONE: 810-207-8050
FIELD: KG	DATE: 01-12-2023	
DRAWN: DJS	JOB NO: 22-6124	
CHECKED: KG	SHEET: 1 OF 1	
REVISED: 11-27-23 to add proposed garage		



FLOOR PLAN

SCALE: 1/4" = 1'-0"



FRONT ELEVATION (STREET SIDE)

SCALE: 1/4" = 1'-0"

GARAGE RENOVATION

FOR LANNY JACKSON / JADE ROBB

10280 LAKESIDE DR.

WHITE LAKE, MI. 48386

email:



EXISTING RESIDENCE
#10280 LAKESIDE DRIVE

LOT 61

LOT 60

LOT 59

NEWLY PROPOSED GARAGE EXPANSION.

PARTIAL SITE PLAN

SCALE: 1" = 30'-0"

42'-0" ±

VARIES 22'-0"

20'-0"

5'-6"

EXISTING GARAGE PAD

13'-8"

LAKESIDE BRINE (33' WIDE)

ROOF & TRIM TO MATCH EXISTING RESIDENCE

VINYL SHAKE SIDING TO MATCH EXISTING

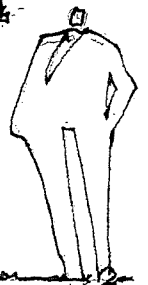
VINYL SIDING TO MATCH EXISTING RESIDENCE

NEW 3x3 SLIDING WINDOW & TRIM

PTD. MASONRY BLOCK BASE (TYP.)

DORMER BEYOND

WALL MTD. LIGHTING



24'-0" ±

12'-6" ±

REAR ELEVATION

SCALE: 1/4" = 1'-0"

PROVIDE CONT. RIDGE VENT - AS REQ'D.

MATCH EXISTING RES. ROOF PITCH

PRE-ENG. SCISSOR ROOF TRUSSES AS REQ'D.

1/2" THK. CDX PLY W/D. ROOF DECKING

ASPHALT COMP. SHINGLES TO MATCH EXISTING ON 15# ROOF FELT

METAL DRIP EDGE

1x WOOD TRIM BRGS. TO MATCH EXISTING

VENTING AS REQ'D.

MATCH EXISTING GOFFITS

2x4 WOOD STUDS - 16" O.C. W/ TYVEK OR SIM. WRAP OVER 1/2" THK. EXT. SHEATHING

3/4" THK. PLYWOOD T & G DECKING - GLUED & NAILED AS REQ'D.

2x10's - 16" O.C. OR ENG. FLR. TRUSS AS REQ'D.

DOUBLE WALL BEARING PLATE

EXTERIOR SHEATHING BOARD W/ TYVEK WRAP

VINYL SIDING TO MATCH EXISTING (TYP.)

CONT. DRIP EDGE

ENG. COMPACTED FILL

WATERPROOF MEMBRAN AS REQ'D.

8" CMU FOUNDATION WALL W/ VERT. REBAR

CONCRETE FOOTING W/ CONT. REBAR MIN. 42" BELOW FIN. GRADE

12

12

12"

4'-6" ±

8'-0" ±

UPPER STORAGE SPACE ABOVE

GARAGE SPACE

PRE-ENG. SUPPORT BEAM BEYOND

2x6 STUDS @ 16" O.C.

ANCHOR BOLTS @ 60" O.C.

2x6 TREATED EXT. GRADE PLATE

4" REINF. CONCRETE SLAB W/ 6x6 #10 MAXIM

4" COMPACTED ENG. SAND FILL - AS REQ'D

WALL SECTION

SCALE: 3/4" = 1'-0"

CONT. RIDGE VENT (TYP.)

ASPHALT COMP. SHINGLES TO MATCH EXIST'G. RESIDENCE

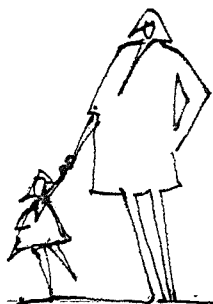
DORMER LIGHT TO MATCH EXIST'G. RES.

TRIM TO MATCH EXISTING RES.

3X3 SLIDER WINDOW

WALL MTD. LIGHT

2' X 6' DOOR



WEST SIDE ELEVATION SCALE: 1/4" = 1'-0"

CONT. RIDGE VENT (TYP.)

ROOFING TO MATCH EXISTING RESIDENCE

24'-0" ±

12'-6" ±

8'-6" ±

6"

1'-6"

8"

PTD. WOOD & METAL CAP EYE-BROW TRELLIS

WALL LIGHT (TYP.)

TRIM & VINYL SIDING TO MATCH EXISTING RESIDENCE

PTD. MASONRY BLOCK BASE (TYP.)

EAST SIDE ELEVATION SCALE: 1/4" = 1'-0"

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 29, 2023

Jade Robb
6024 Cedar Bend
Clarkston, MI 48346

RE: Proposed Accessory Structure at 10280 Lakeside

Based on the submitted plans, the proposed front yard setback does not satisfy the White Lake Township Clear Zoning Ordinance for Accessory Structures.

Article 3.1.6 of the White Lake Township Clear Zoning Ordinance: Requires a minimum front yard setback of 30 ft, minimum lot width of 80 ft, and minimum lot area of 12,000 sq ft

The existing lot is legal non-conforming. The approximate 9,888 sq ft, 61.6 ft wide lot, contains a non-conforming accessory structure which is proposed to be demolished. The existing structure has a 5.5 ft side yard setback on the east side, and an approximate 16 ft front yard setback. The proposed new accessory structure would maintain the 5.5 ft side yard setback on the west side and have a front yard setback of 13.8 ft.

It should be noted that the overhangs on the accessory structure are proposed to extend 1 ft beyond the side wall. Article 5.3 states, that 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. 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 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,

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

Nick Spencer, Building Official
White Lake Township