

**WHITE LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

**REPORT OF THE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals
FROM: Justin Quagliata, Staff Planner
DATE: March 28, 2024

Agenda item: 8c

Appeal Date: March 28, 2024

Applicant: Dave Sheill

Address: 11112 Windhurst Drive
White Lake, MI 48386

Zoning: R1-D Single Family Residential

Location: 11112 Windhurst Drive
White Lake, MI 48386

Property Description

The approximately 0.26-acre (11,325.6 square feet) parcel identified as 11112 Windhurst Drive is located on Bogie Lake and zoned R1-D (Single Family Residential). The existing two-story house on the property (approximately 3,631 square feet in size) utilizes a private well for potable water and a private septic system for sanitation.

Applicant's Proposal

Dave Sheill, the Applicant, is proposing to enlarge and alter a nonconforming structure (detached garage).

Planner's Report

In March 2021 the Zoning Board of Appeals approved variance requests from the Applicant to remove the existing garage and slab, pour new footings and slab, and build a new garage. Variances are valid for a period of six months from the date of approval, unless a building permit is obtained within such period and the work associated with the variance is started and proceeds to completion in accordance with the terms of the building permit. The Applicant did not obtain a building permit within six months of approval so the variances expired and are void. The following variances were previously granted:

- 25-foot variance from the front yard setback
- 7% or 772 square foot variance to exceed the maximum lot coverage
- 674.4 square foot variance from the required lot area
- 30.97-foot variance from the required lot width

The Applicant is no longer proposing to demolish the existing detached garage, but rather enlarge and alter the existing building, which is currently a single-story and 22.25-feet by 26.25-feet (584 square feet) in size. The existing garage is nonconforming to setbacks; based on the submitted survey, the building is located 2.03 feet from the east (front) lot line and 4.62 feet from the west (side) lot line. As proposed, the Applicant would like to change the garage roof from a gable to a gambrel. A gambrel roof is a gabled roof with two slopes on each side, the lower steeper than the upper. With this roof style, the Applicant could construct a second level storage area (no floor per the submitted floor plan). Note the floor plan labels the south property line as the west property line; if the variances are approved, the label shall be revised accordingly.

The Applicant would also like to construct a six-foot-wide lean-to addition on the north side of garage. The submitted floor plan shows the lean-to addition would be located three feet from the front property line, encroaching 27 feet into the required 30-foot front yard setback. Note the lean-to addition would increase the lot coverage. Currently the house and existing garage cover 25% of the lot. The 2021 variance for lot coverage (7% variance granted) would need to be re-approved to allow the addition. Granting these variances from Section 7.23.A of the Zoning Ordinance would allow the project to proceed without providing conforming status upon the garage.

Section 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. Based on the SEV of the structure (\$8,303), the maximum extent of improvements cannot exceed \$4,151.50. As indicated by the Applicant during a discussion with staff on March 21, 2024, the value of the proposed work is approximately \$25,000 (the cost estimate is more than the value listed on the variance application). A variance to exceed the allowed value of improvements by 602% 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 structure	Increased nonconformities
2	Article 7.28.A	Nonconforming structure	50% SEV (\$4,151.50)	602%	\$20,848.50 over allowed improvements

Zoning Board of Appeals Options:

Approval: I move to approve the variances requested by Dave Sheill from Article 7.23.A and Article 7.28.A of the Zoning Ordinance for Parcel Number 12-33-476-010, identified as 11112 Windhurst Drive, in order to replace the roof on the existing detached garage and construct a lean-to addition that would exceed the allowed lot coverage by 7% and encroach 27 feet into the required front yard setback. A variance to exceed the allowed value of improvements to a nonconforming structure by 602% is also granted from Article 7.28.A. This approval will have the following conditions:

- The Applicant shall obtain all necessary permits from the White Lake Township Building Division.
- The second-story of the garage shall not be used as living space.
- No septic or future sanitary sewer services shall be extended to the garage.

Denial: I move to deny the variances requested by Dave Sheill for Parcel Number 12-33-476-010, identified as 11112 Windhurst Drive, due to the following reason(s):

Postpone: I move to postpone the appeal of Dave Sheill *to a date certain or other triggering mechanism* for Parcel Number 12-33-476-010, identified as 11112 Windhurst Drive, to consider comments stated during this hearing.

Attachments:

1. Variance application dated March 3, 2024.
2. Applicant's written statement.
3. Applicant's cubic content calculations dated March 7, 2024.
4. Certificate of survey dated September 8, 2020.
5. Structural & height compliance plan prepared by the Applicant dated March 21, 2024.
6. Garage roadside elevation prepared by the Applicant.
7. Garage side elevation without lean-to addition dated March 3, 2024.
8. Garage rendering provided by the Applicant.
9. Garage floor plan provided by the Applicant dated March 21, 2024.
10. Photos of existing garage provided by the Applicant.

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: Dave Sheill PHONE: 248-494-3868

ADDRESS: 11112 Windhurst, WL, 48386

APPLICANT'S EMAIL ADDRESS: davesheill@comcast.net

APPLICANT'S INTEREST IN PROPERTY: OWNER BUILDER OTHER: _____

ADDRESS OF AFFECTED PROPERTY: same as above PARCEL # 12-23-33-476-010

CURRENT ZONING: R1-D PARCEL SIZE: approx 49x179 survey included for detail

STATE REQUESTED VARIANCE AND ORDINANCE SECTION: New: Garage roof change from gable to gambrel increases cubic volume of bldg under roof. Old: variances previously identified per attached

VALUE OF IMPROVEMENT: \$ 8000 SEV OF EXISITING STRUCTURE: \$ 8308

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

APPLICATION FEE: \$385 (CALCULATED BY THE COMMUNITY DEVELOPMENT DEPARTMENT)

APPLICANT'S SIGNATURE: Dave D. Sheill DATE: 3/3/2024

State reasons to support request:

- 1) Existing garage roof is approaching end of life (55+yrs old). It has several leaks that have rotted roof deck boards and a few rafters. A steeper roof would be better and provide more storage.
- 2) Building will obviously be on the exact footprint of existing garage.
- 3) The existing walls and all concrete are in excellent condition (zero cracks in floor!) and should be re-used.
- 4) The original cottage on the property was destroyed by fire in 1995. Unfortunately, the previous owners did not upgrade the old garage when building a significantly larger home. So, additional storage space provided by the “gambrel” roof would be more appropriate and in concert with the size of our house. Lake lots also seem to demand more accessory storage due to small or non-existent basements. In our case, an outside storage yard next to the garage would be eliminated and our cars and trash cans will finally be stored out of sight as they have never been garaged.
- 5) The roadside of most lake lots seem more like the back of a city lot and vice versa. Ordinance setbacks seem to be mostly derived for newer city type lots.
- 6) Lake lots seem to demand more storage Boats, docks, patio stuff, etc. We really need the additional storage.
- 7) If approved, this change will be a significant upgrade to the aesthetics of our neighborhood and will help reduce the “alley like” appearance of our street.

Justin Quagliata

From: davesheill@comcast.net
Sent: Thursday, March 7, 2024 9:13 AM
To: Justin Quagliata
Subject: Sheill Garage Volumes under Roof

Hi Justin,

When I delivered my ZBA package the other day I offered to calculate the Existing/proposed garage volumes for you. Please find below if you have not already calculated:

<u>volume under roof</u>	
existing gable	
gable attic	2667.28
wall box cube	4416.72
	7084 F ³
new w/ gambrel	
gambrel attic	4792
wall box cube	4928
	9720 F ³

Please advise if anything else is reqd.

Regards,

Dave S

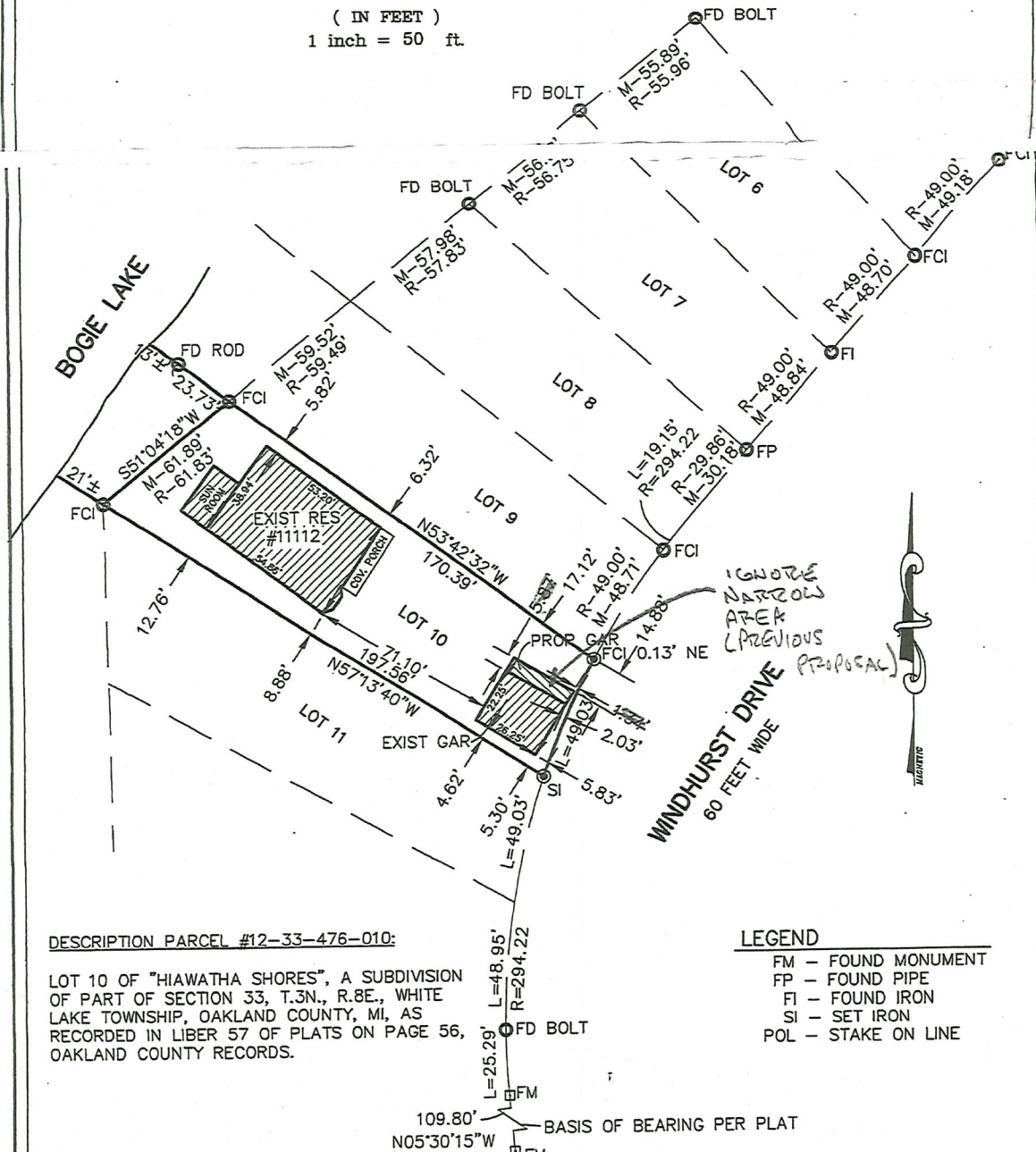
CERTIFICATE OF SURVEY

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

BEARINGS BASED ON
EAST LINES OF LOTS 13
THROUGH 15 AS PLATTED



DESCRIPTION PARCEL #12-33-476-010:

LOT 10 OF "HIAWATHA SHORES", A SUBDIVISION OF PART OF SECTION 33, T.3N., R.8E., WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 57 OF PLATS ON PAGE 56, OAKLAND COUNTY RECORDS.

LEGEND

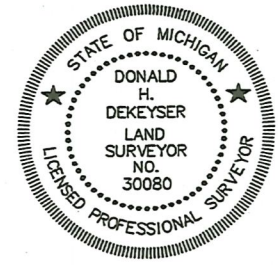
- FM - FOUND MONUMENT
- FP - FOUND PIPE
- FI - FOUND IRON
- SI - SET IRON
- POL - STAKE ON LINE

FOR: DAVID AND DIANE SHEILL

I HEREBY CERTIFY that I have surveyed and mapped the above described land on the date stated below; that there are no encroachments except as shown; the error of closure is 1 in 5000 +, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967.

This survey complies with the requirements of Sec. 3, Public Act 132 of 1970, as amended.

DEKEYSER SURVEYING
6038 NORTHRUP ST.
WATERFORD, MICHIGAN 48329
PHONE (248)623-1518 FAX (248)623-3078

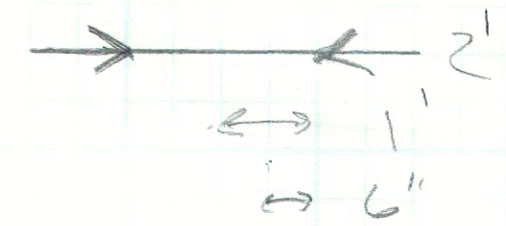


JOB NO.:	SCALE:	DATE:	
6797	1" = 50'	9-8-20	

Donald H. DeKeyser
DONALD H. DEKEYSER P.L.S. #30080

UPDATED SURVEY

SCALE



MAX AESTHETICALLY
PLEASING GAMBREL
CONST. CIRCLE

(SEE LOWES TECH SHIT)
PURCHASED
TRUSS
24" OC

11-9 1/2

19.79

ROOF HT PER
CLEAR VIEW
 $\left[\frac{11-9\frac{1}{2} + 8-0}{2} + 8-0 \right] = 13.9'$
CV MAX IS 18'-0"

13.90
KNEE WALL

13.9

ROOF HT. PER C.V.

HURRICANE
TIES

NOTES!

- GARAGE FR WALLS SHEATHED/NAILED PER HI POTENTIAL STD WITH SIMPSON HI-STRENGTH ANCHORS
- PERIMETER ANCHORS TO BE SIMPSON BOLTS @ 6' INT.

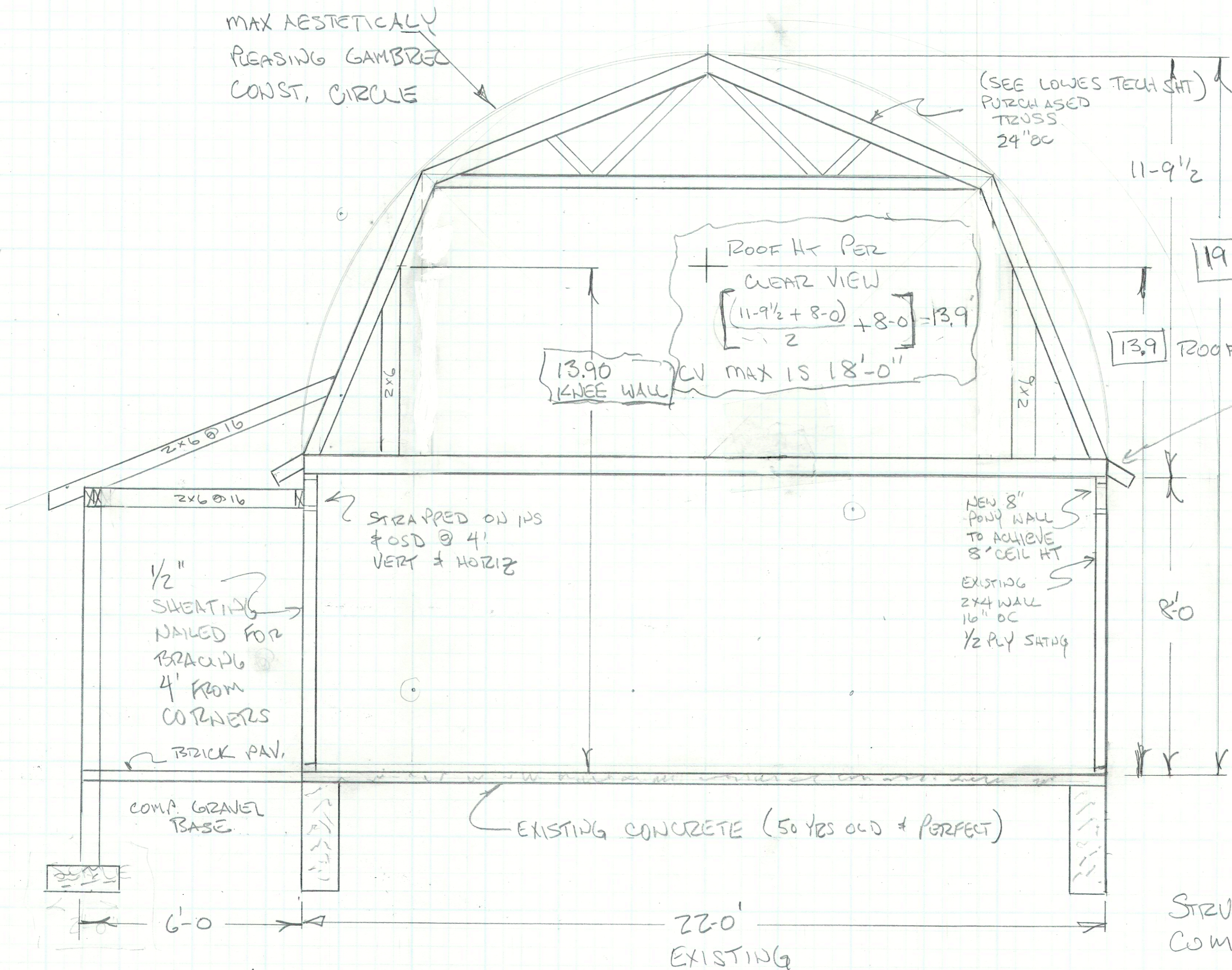
8'-0"

APPROX GRADE

STRUCTURAL & HEIGHT COMPLIANCE

5/2

D. Skell
3/21/24



1/2" SHEATHING
NAILED FOR BRACING
4' FROM CORNERS
BRICK PAV.

STRAPPED ON IPS
#0SD @ 4'
VERT & HORIZ

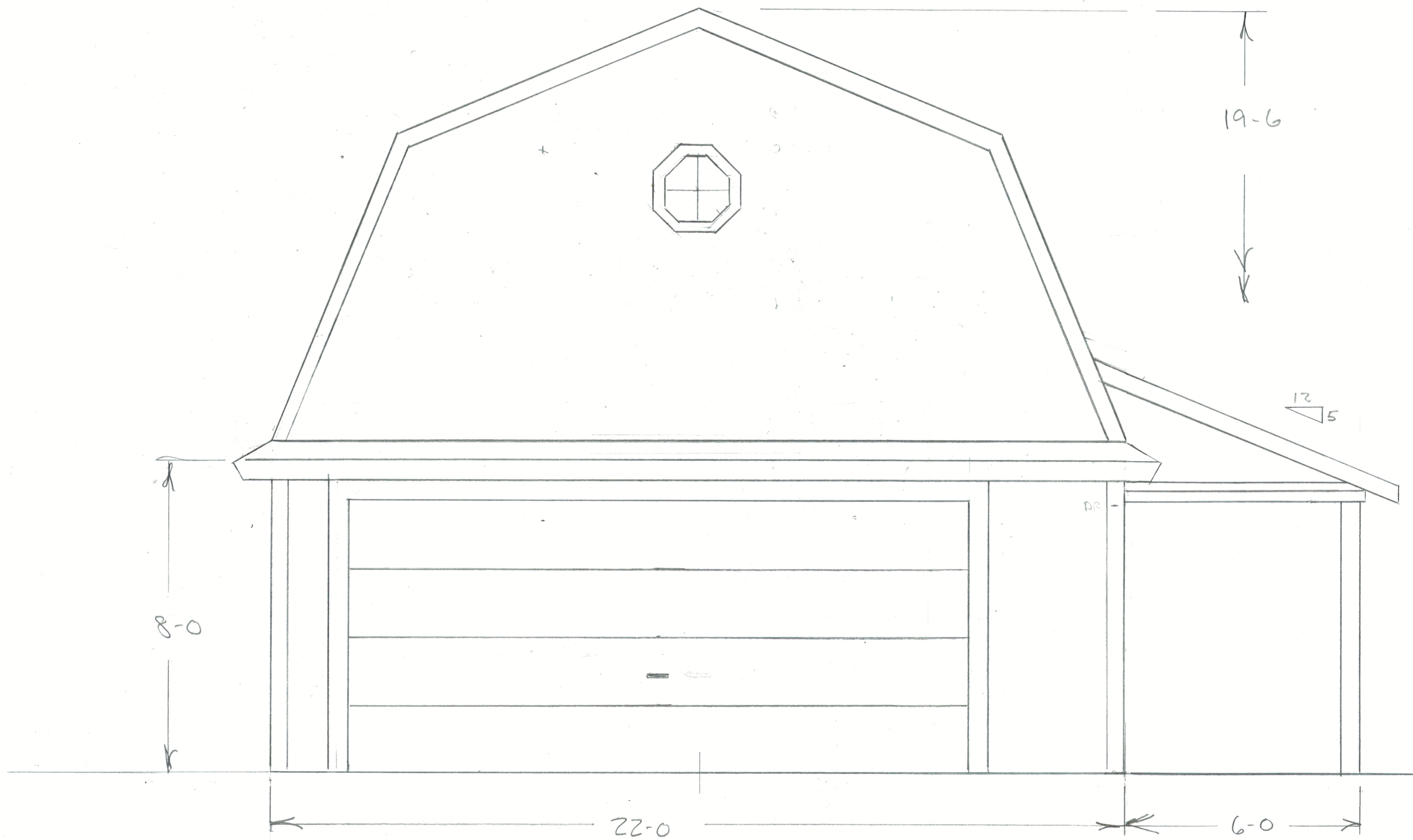
NEW 8" PLY WALL
TO ACHIEVE
8' CEIL HT
EXISTING
2x4 WALL
16" OC
1/2 PLY SHEATHING

COMP. GRAVEL
BASE

EXISTING CONCRETE (50 YRS OLD & PERFECT)

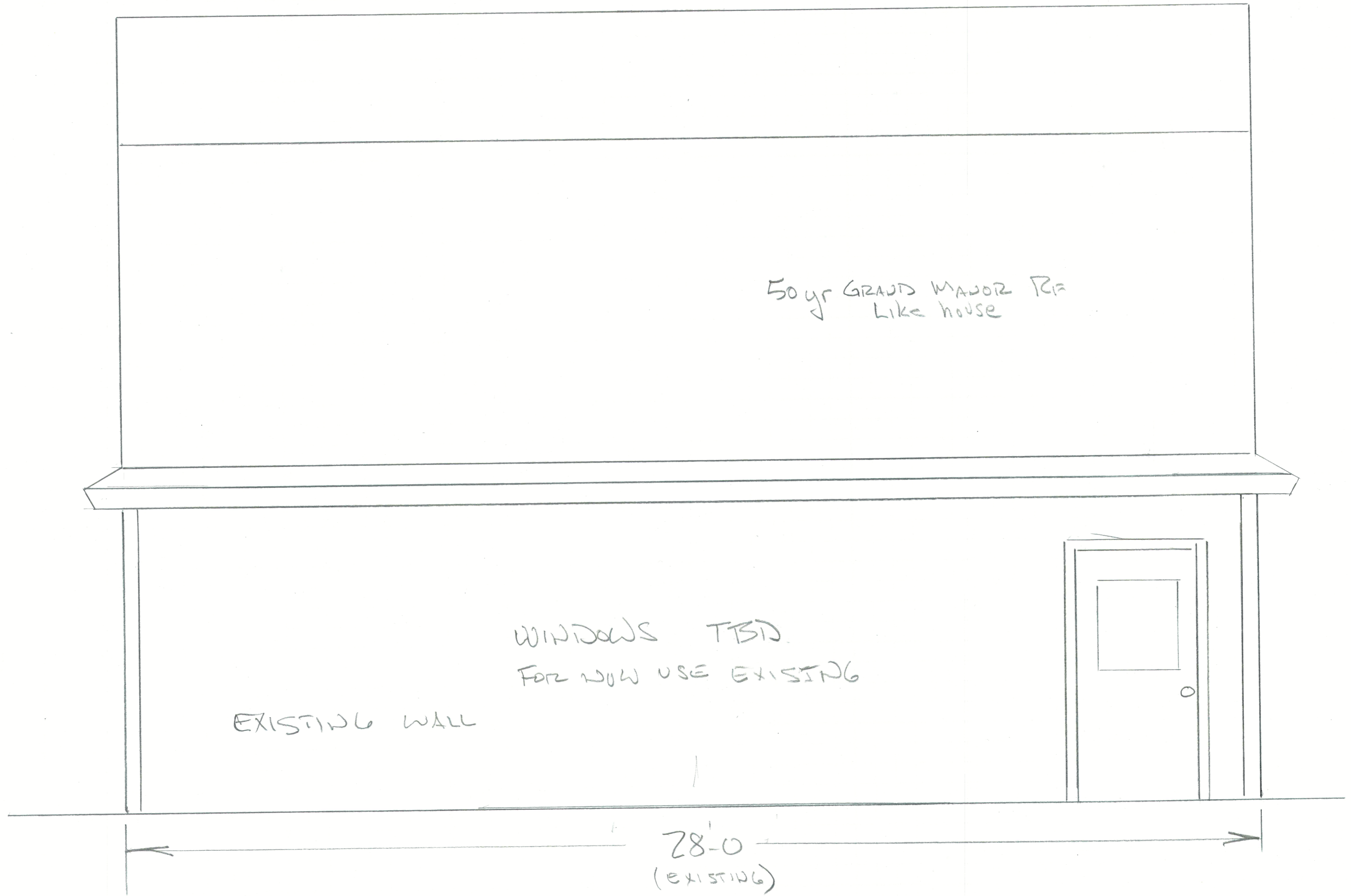
22-0'
EXISTING

2'-0"
SCALE



DELETE DOOR (CAR) FOR REAR VIEW
WINDOWS TRIP

WALKTHRU



50 yr GRAND MAJOR R/R
Like house

WINDOWS TSD
FOR NOW USE EXISTING

EXISTING WALL

28'-0
(EXISTING)

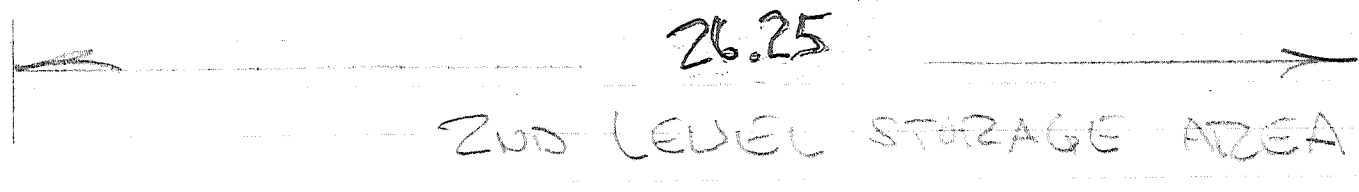
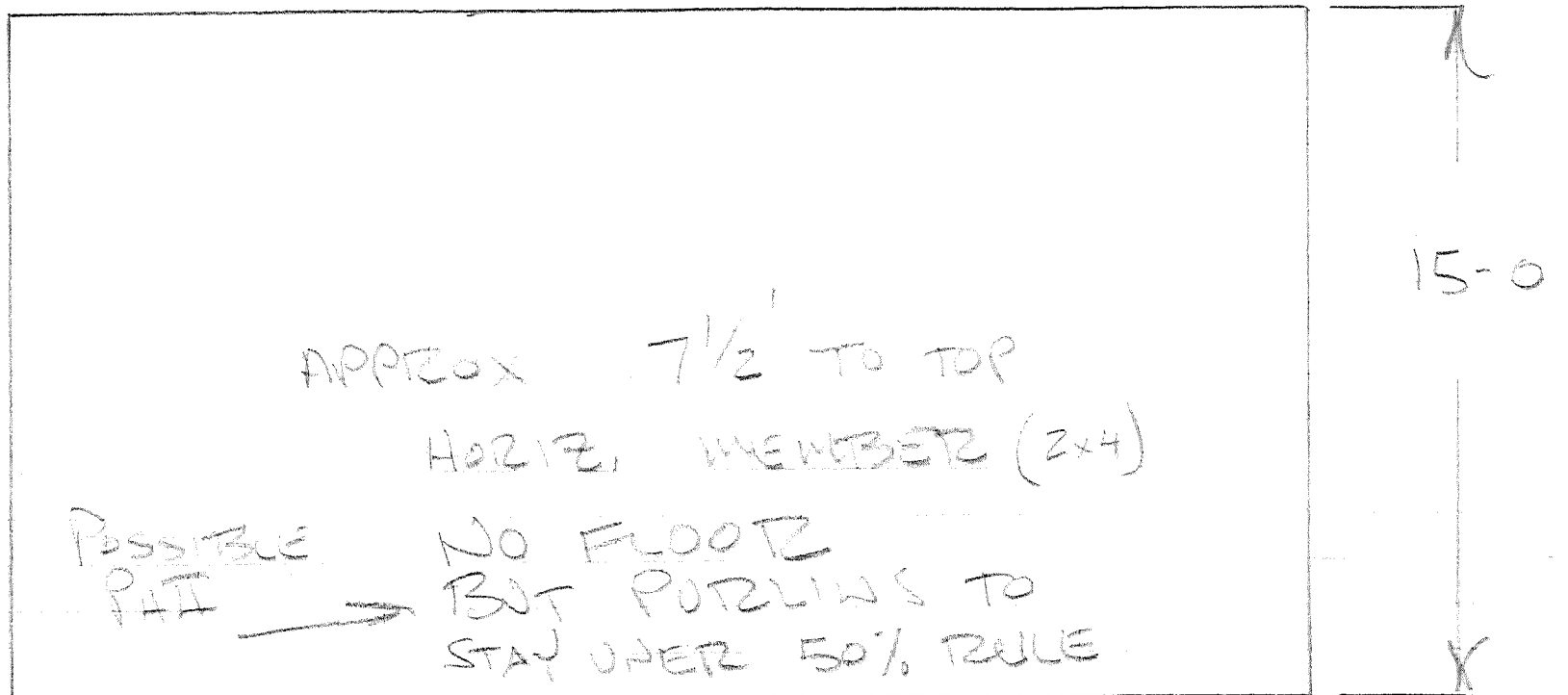
GAMBREL ROOF
GARAGE

D. Shell
3/3/24

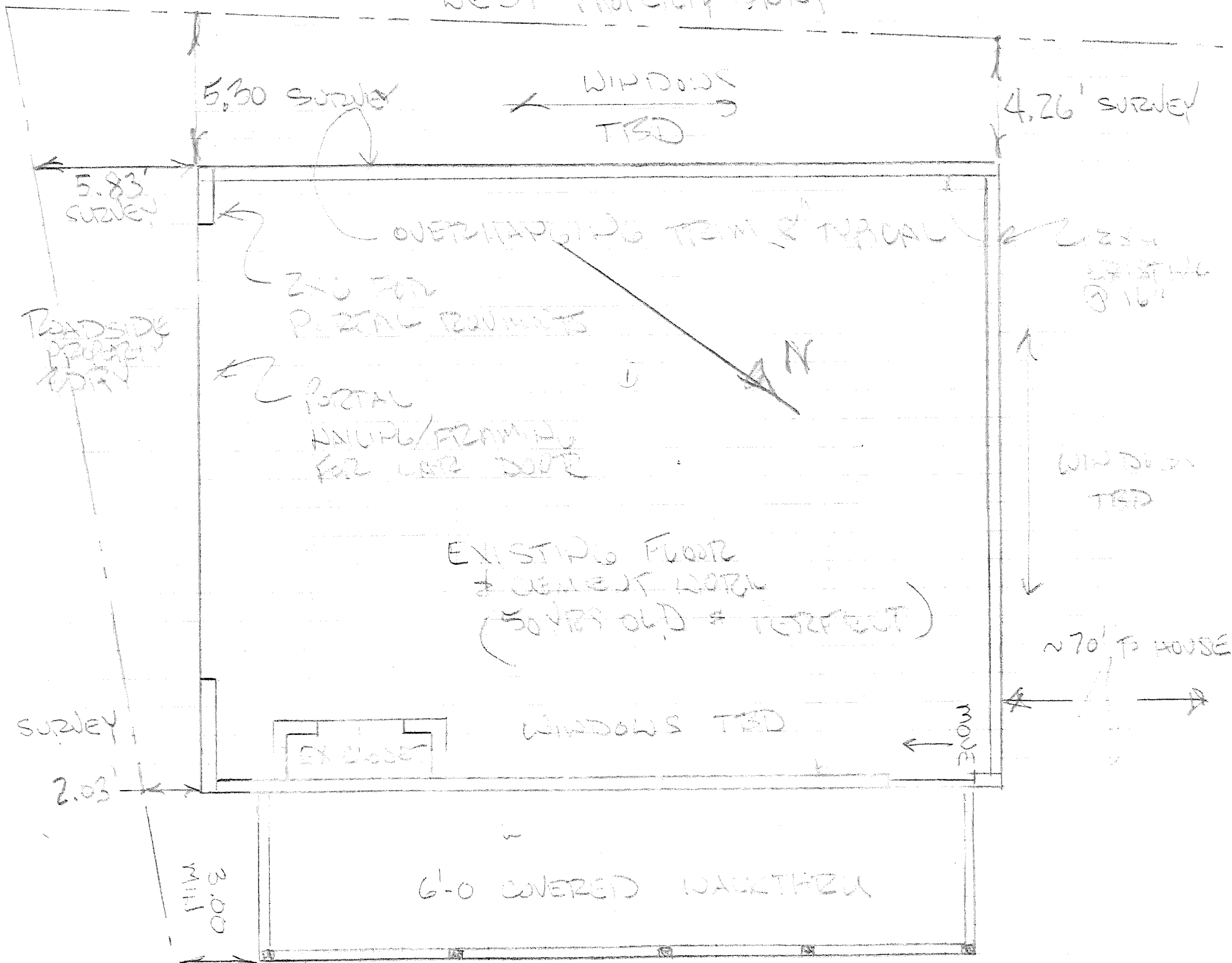
c



SCALE



WEST PROPERTY BDRY



GROUND FLOOR

GARAGE FLOOR PLAN

2/21/21

