



INTER OFFICE MEMO

DATE: October 12, 2021

TO: Board Members

FROM: Rik Kowall

SUBJECT: 10115 Joanna K

The property owner of 10115 Joanna K constructed a gate in a public road right of way in violation of the Township's Zoning Ordinance. Specifically, Article 5, Section 14 (Gated Vehicular Access), which provides:

5.14 Gated Vehicle Access.

The intent of this section of the Zoning Ordinance is to regulate the location and construction of gated vehicular access within White Lake Township, to promote safe and efficient ingress and egress of vehicles as well as to promote the health, safety, and welfare of Township residents.

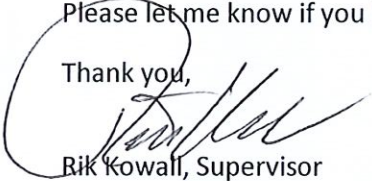
- A. All permitted means of gated vehicular access shall meet the applicable standards of the current International Fire Code as enforced by the White Lake Township Fire Department.
- B. Gated vehicular access shall be permitted on a private residential driveway serving no more than two (2) single family residences so long as it is not otherwise prohibited by deed restrictions or the like. Gates on private residential driveways shall require issuance of a building permit from the Building Official. The permit shall be approved by the Building Official once it has been determined by the Fire Department and the Director of the Community Development Department that the following requirements have been met:
 - i. Gates shall be set back a minimum of 35 feet from the edge of the traveled lane of the adjacent roadway.
 - ii. Gates shall maintain a minimum horizontal clearance of 14 feet in width.
 - iii. Gates shall maintain a minimum vertical clearance of 13 ½ feet in height.

- iv. Applicant shall provide information regarding the operation of the gate including – but not necessarily limited to – distance between the gate and the primary structure, activation time, opening time, closing time, and emergency services access.
 - v. The Director of the Community Development Department has determined that the gate will in no way impact traffic on the adjacent roadway or compromise safe and efficient traffic flow.
- C. No road, street, private access drive, or emergency vehicle access road within White Lake Township, either public or private, shall have its vehicular access restricted and/or prohibited by a gate or similar measure, with the exception of secondary gated emergency-services access connections included as part of an approved site plan. So-called “gated communities” shall be prohibited in all zoning districts.

The property owner and his attorney maintain that the gate was erected at the end of his driveway and not in a road right of way. Township staff has made a number of unsuccessful attempts to secure voluntary compliance with the gate removal. Therefore, I am requesting that the Township Board authorize litigation against the property owner for the violation of the Township’s Zoning Ordinance and to seek an order for removal of the gate.

Please let me know if you have any questions or would like to discuss this matter further.

Thank you,



Rik Kowall, Supervisor