

**TO:** Zoning Board of Appeals  
**FROM:** David J. Waligora, AICP, Senior Planner  
**DATE:** May 21, 2026  
**RE:** 9278 Pontiac Lake Rd: Variance request for rear deck

---

**Agenda item:** 8E  
**Appeal Date:** May 28, 2026  
**Applicant:** Michael Seling  
9278 Pontiac Lake Rd  
White Lake, MI 48383  
**Owner:** Michael Seling  
9278 Pontiac Lake Rd  
White Lake, MI 48383  
**Address:** 9278 Pontiac Lake Rd  
**Parcel #:** 12-14-253-006  
**Location:** North side of Pontiac Lake Rd, East of Fisk Rd  
**Zoning:** R1-D, Single Family Residential

**Attachments**

- 1. Application
- 2. Land Survey and Construction Documents



### Property Description

The subject property is a 1.033-acre parcel (Parcel No. Y-12-14-253-006) located at 9278 Pontiac Lake Road within the R1-D (Single-Family Residential) zoning district. The property contains an existing approximately 3,198 square-foot single-family dwelling constructed in 2016 with a daylight basement and existing elevated rear porch area. Although the parcel contains approximately 1.033 gross acres, the effective buildable area is reduced by the Pontiac Lake Road right-of-way, shoreline conditions associated with Pontiac Lake, and the irregular narrowing lot geometry of the parcel to about .56 acres.

The lot depth is approximately ±116 feet at its widest point but narrows to approximately 48 feet in portions of the waterfront setback area. The property is generally surrounded by similarly zoned single-family residential lakefront properties to the east and west, and larger single family properties to the south.

### Applicant’s Proposal

The applicant is proposing to construct an elevated rear deck on the lakeside of the existing home oriented toward Pontiac Lake. The proposed deck would be located approximately five (5) feet from the shoreline and approximately four (4) feet above the sloping grade per the applicant’s statement to staff. The proposed deck also includes structural accommodation for a future recessed hot tub area. The applicant indicated the proposal is intended to improve accessibility and functional (nostep) outdoor access to the deck.



### Existing Condition Dimensional Review

The property is currently developed with a one-story home with a daylight basement and detached accessory building. It should be noted because of the orientation of the lot, the buildable area is extremely small.

	Min Required	Current	Nonconforming Deficiency
Lot Area	12,000 ft <sup>2</sup>	24, 407 ft <sup>2</sup> net (estimated) / 43,690 ft <sup>2</sup> gross	None
Lot Width	80 ft (min required)	323 ft	None
Lot Depth	150 ft (min required for min lot width)	116 ft	34 ft
Lot Coverage	25%	18.15% net (estimated)	None
Rear Yard Setback	30 ft	21.97 ft	-8.03 ft

## Site History

The existing home appears to maintain nonconforming setback relationships relative to current shoreline and front yard setback standards, and potentially relative to side yard standards applicable to the detached accessory building. While the structures do not appear to fully comply with the applicable setback standards of the Zoning Ordinance, the applicant appears to have constructed the home in good faith reliance upon previously issued Township approvals and permits. As such, staff has considered the existing structures as an established nonconforming condition in its review of the proposed request.

It should also be noted that the front yard setback relationship is anticipated to become further nonconforming soon, as the property owner is expected to convey additional right-of-way to the Road Commission of Oakland County associated with the future paving and improvement of Pontiac Lake Road.

## Zoning Analysis

Section 3.10 of the Zoning Ordinance permits certain unenclosed decks, porches, patios, and paved terraces to project into required rear yard setbacks and further states that, in the case of lakefront lots, such structures may extend up to the water's edge. However, Section 3.11.Q separately states that no building or structure shall be located closer than twenty-five (25) feet to any regulated wetland, submerged land, watercourse, pond, stream, lake, or similar body of water. As written, **staff recognizes that there appears to be a conflict between these two provisions, specifically regarding whether lakefront decks are intended to be permitted up to the water's edge or remain subject to the twenty-five (25) foot waterfront setback requirement.**

Based upon the overall structure of the Ordinance, staff interprets Section 3.10 as establishing a limited exception for qualifying unenclosed lakefront decks, while Section 3.11.Q continues to apply to nonqualifying deck structures and other buildings or structures near the shoreline., while Section 3.10 was intended to provide limited flexibility for unenclosed accessory deck and patio structures on lakefront lots. Staff further interprets the proposal as primarily requiring variance relief due to the deck height exceeding the limitations established under Section 3.10.B, which limits qualifying decks within setback areas to a maximum height of three (3) feet above grade.

Based upon the submitted plans and site conditions, the proposed deck is anticipated to be approximately four (4) feet above grade at its highest exposed shoreline point, representing an approximate one (1) foot deviation from the Ordinance standard. Staff notes that the existing home sits elevated above surrounding grade, likely due to both the sloping topography of the parcel and groundwater/high water table considerations commonly associated with lakefront properties, in order to accommodate a full basement, which is a common feature in residential construction throughout Michigan.

Ultimately, staff recognizes that the Zoning Board of Appeals retains the authority to establish formal interpretations of the Zoning Ordinance and determine the applicability of Section 3.11.Q relative to lakefront deck structures. Out of an abundance of caution and to ensure full public notice of all potentially applicable standards, the request was noticed as requiring variance relief from both the twenty-five (25) foot waterfront setback requirement under Section 3.11.Q and the deck height limitation contained within Section 3.10.B. However, if the Board agrees with staff's interpretation regarding the applicability of Section 3.11.Q to qualifying lakefront deck structures, only one variance is required.

## Conclusion

Overall, the request involves an existing developed lakefront property containing an established nonconforming residential structure located on a parcel with sloping topography, irregular lot geometry, and a limited effective buildable area between Pontiac Lake and Pontiac Lake Road. The proposed deck would continue an existing pattern of lakeside outdoor living space associated with the home and would remain accessory to the principal residential use of the property.

As discussed above, staff notes that the review of this request is complicated somewhat by the interaction between Sections 3.10 and 3.11.Q of the Zoning Ordinance, specifically regarding the extent to which unenclosed lakefront deck structures are intended to be permitted within shoreline setback areas. Staff further notes that the proposed deck exceeds the maximum three (3) foot height limitation established under Section 3.10.B and therefore requires consideration by the Zoning Board of Appeals.

In reviewing the request, the Zoning Board of Appeals should consider the existing nonconforming placement of the home and porch, the physical characteristics and topography of the parcel, the degree of the proposed encroachment, the stated accessibility considerations presented by the applicant, and whether the proposal is consistent with the overall intent of the Ordinance and the surrounding pattern of lakefront development.

## Zoning Board of Appeals Options:

### Motion for Approval

I move to approve the variance request for Parcel No. Y-12-14-253-006, 9278 Pontiac Lake Road, to permit the construction of a rear deck which exceeds the maximum deck height permitted under Section 3.10.B of the Zoning Ordinance by approximately one (1) foot, allowing a deck height of approximately four (4) feet above grade where a maximum of approximately three (3) feet is permitted.

This motion is based upon the following finding:

1. The Zoning Board of Appeals finds that the applicant has demonstrated compliance with the variance standards contained in Section 7.37 of the White Lake Township Zoning Ordinance, including practical difficulty, unique circumstances, lack of self-created hardship, substantial justice, and the minimum variance necessary to grant relief.

Approval is further conditioned upon the following:

1. The deck shall remain uncovered and unenclosed and shall not be converted into habitable living area without additional Township approvals.
2. Approval is limited to the plans submitted with the application and reviewed by the Zoning Board of Appeals.
3. Approval is limited solely to the requested variance from Section 3.10.B and shall not be interpreted as granting relief from any other applicable ordinance requirements.

## Motion for Denial

I move to deny the variance request for Parcel No. Y-12-14-253-006, 9278 Pontiac Lake Road, to permit the construction of a rear deck which exceeds the maximum deck height permitted under Section 3.10.B of the Zoning Ordinance by approximately one (1) foot, allowing a deck height of approximately four (4) feet above grade where a maximum of approximately three (3) feet is permitted.

This motion is based upon the following finding:

1. The Zoning Board of Appeals finds that the applicant has not sufficiently demonstrated compliance with one or more of the variance standards contained in Section 7.37 of the White Lake Township Zoning Ordinance necessary to justify granting the requested variance.

## Additional Photos from the Assessing Department's Files



Rik Kowall, Supervisor  
Anthony L. Noble, Clerk  
Mike Roman, Treasurer



Trustees  
Scott Ruggles  
Steve Anderson  
Andrea C. Voorheis  
Liz Fessler Smith

## WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

April 23, 2026

Michael Seling  
9278 Pontiac Lake Rd  
White Lake, MI 48386

Re: Proposed Deck

Based on the submitted plans, the proposed deck does not satisfy the White Lake Township Clear Zoning Ordinance per Article 3.11 (Q)

**Article 3.11 (Q) of the White Lake Township Clear Zoning Ordinance:** No building or structure shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake, or like body of water. The setback shall be measured from the edge of the established wetland boundary as reviewed and approved by the Township.

The proposed structure would have a 6 ft setback from the water's edge where a minimum 25 ft setback is required. A grade level deck or deck no greater than 12 inches in height without railings is permitted to extend up to the water's edge. Being that the deck is proposed to be a maximum of 6 ft from grade, it would not meet this provision.

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 28<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 23<sup>rd</sup> at 4:30 PM The Planning Department can be reached at (248)698-3300, ext. 5

Sincerely,

Nick Spencer, Building Official  
White Lake Township

WHITE LAKE TOWNSHIP



ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION

NAME: MICHAEL SELING PHONE: [REDACTED]

ADDRESS: 9278 PONTIAC LAKE RD

[REDACTED]

INTEREST IN PROPERTY:  PROPERTY OWNER  BUILDER  OTHER: \_\_\_\_\_

PROPERTY INFORMATION

ADDRESS: 9278 PONTIAC LAKE RD ZONING: R1D

VALUE OF IMPROVEMENT: \$ 20,000 SEV OF EXISTING STRUCTURE: \$ 481,830

REASONS TO SUPPORT REQUEST (ADDITIONAL SHEETS MAY BE ATTACHED):

LAKE FRONT DECK TO ACCOMMODATE ELDERLY RESIDENT. DECK  
LEVEL SET TO MAIN FLOOR LEVEL. WILL BE ABOVE 3' HEIGHT.  
VARIANCE NEEDED FOR REAR LOT SET BACK.

APPLICATION FEE:  \$440  \$550

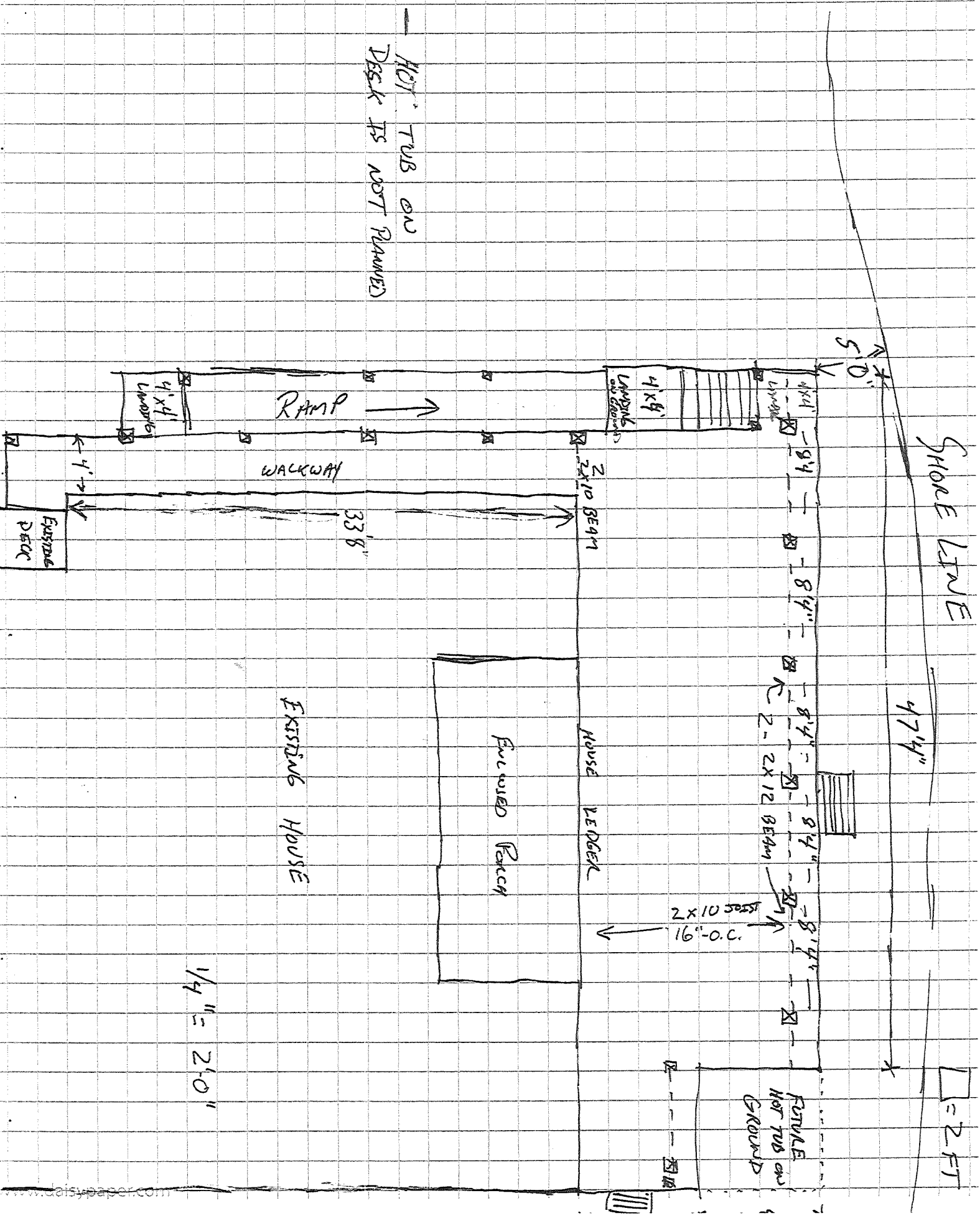
APPLICANT'S SIGNATURE: [Signature] DATE: 3-24-26

WHITE LAKE TOWNSHIP  
7525 HIGHLAND RD  
WHITE LAKE, MI 48383-2938  
United States  
Phone : (248) 698-3300

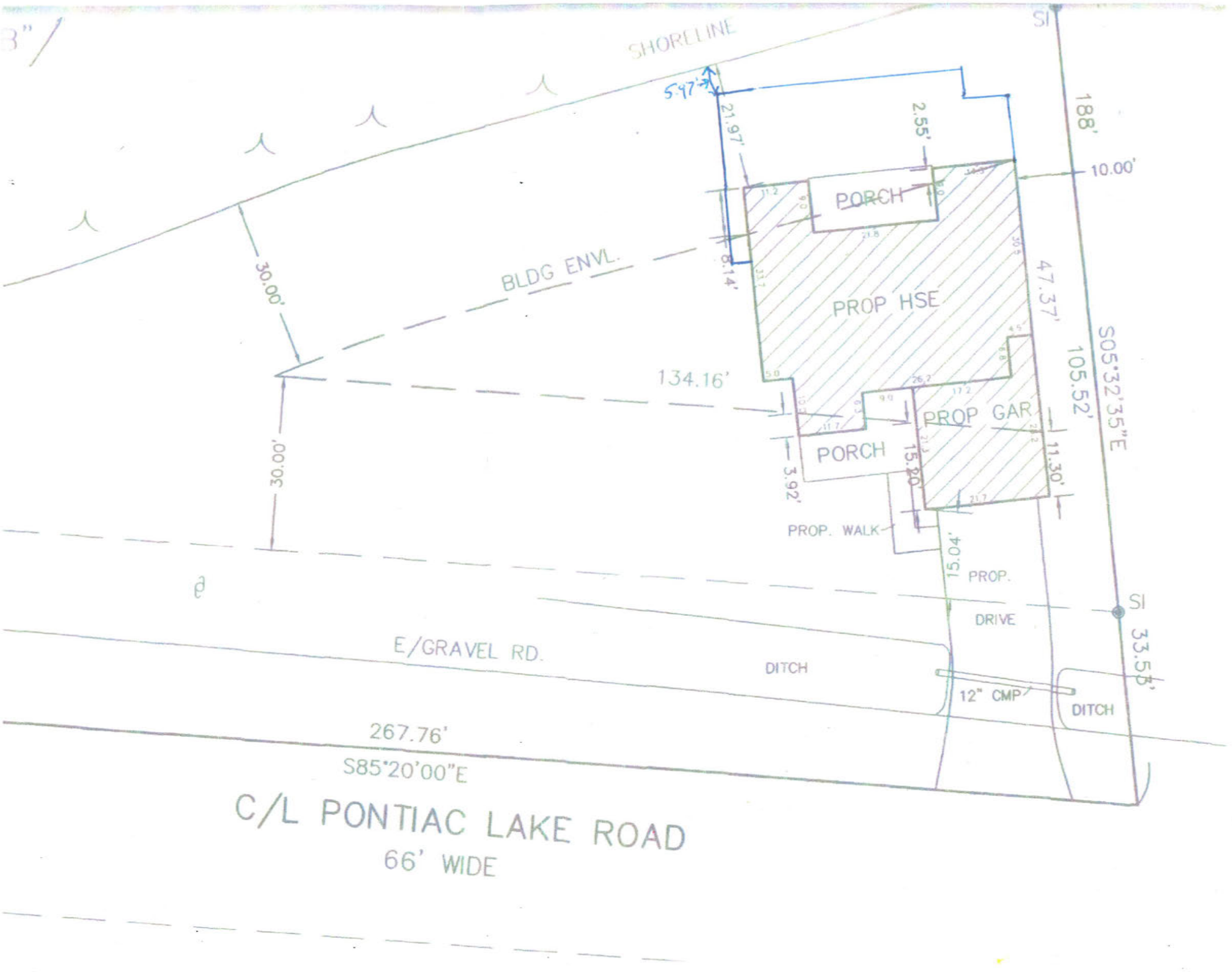
Received From: MICHAEL SELING  
Date: 04/24/2026 Time: 9:41:53 AM  
Receipt: 0000231278  
Cashier: CTRSAM

ZBA

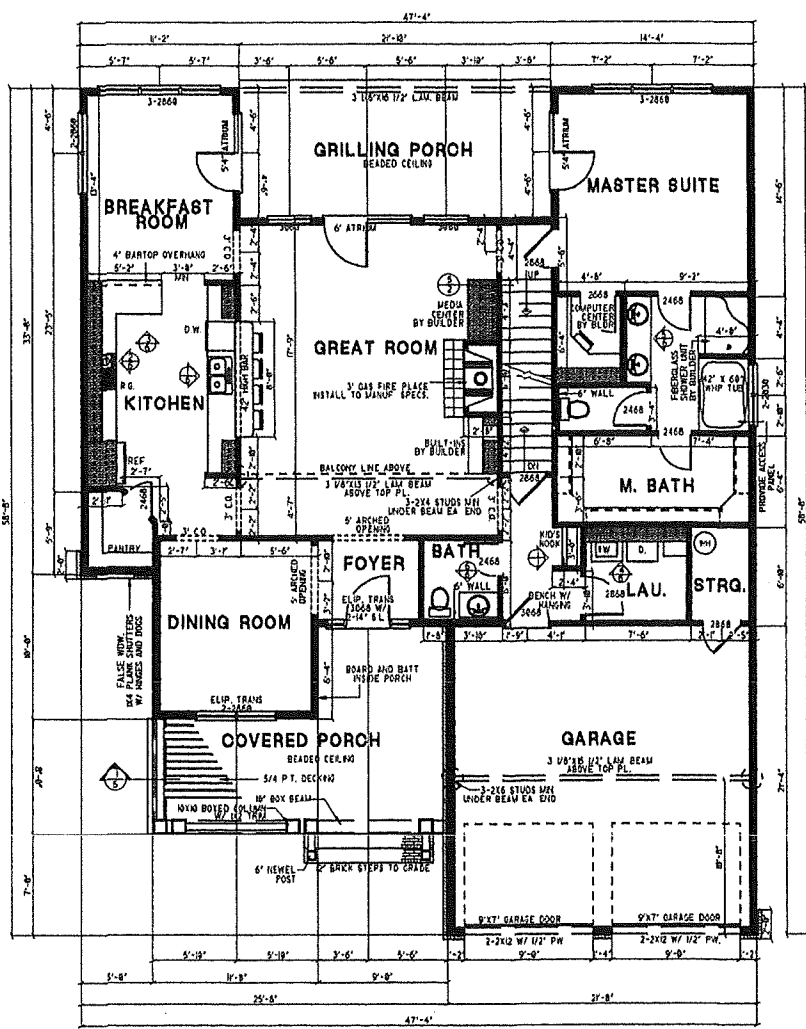
ITEM REFERENCE	AMOUNT
FEEZBA ZBA/ ZONING BOARD OF APPEALS	
ZBA/ ZONING BOARD OF APPEALS	\$440.00
-----	
SUB-TOTAL	\$440.00
Total Tendered:	\$440.00
ORDER #: pi_3TPjzSGbuBoZkdHi0VUc5PVb	
CC Processing Fee	\$13.48
Credit Cards	
Grand Total:	\$453.48
Change:	\$0.00



B" /

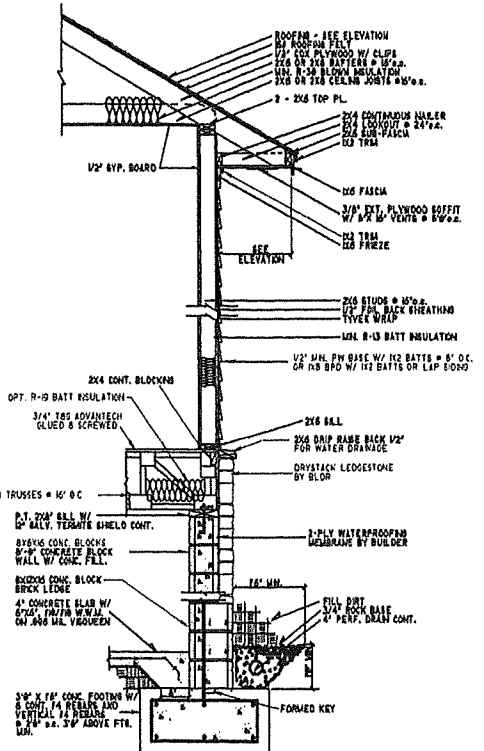


C/L PONTIAC LAKE ROAD  
66' WIDE

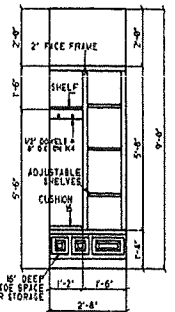


**FLOOR PLAN NOTES:**

1. ALL STRUCTURAL INFORMATION SHOWN FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE LICENSED STRUCTURAL ENGINEER REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS SUCH AS ALL FRAMING WALLS, BEAMS, CONNECTIONS, HEADERS, JOISTS AND DECKERS.
2. ALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED OTHERWISE.
3. WINDOW SIZES INDICATED ON PLANS ARE NOTED BY APPROXIMATE ROUGH OPENING SIZE. REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES.
4. COORDINATE LOCATION OF UTILITY METERS WITH SITE PLAN AND LOCATE AWAY FROM PUBLIC VIEW. VISUAL IMPACT SHALL BE MINIMIZED, IE MOUNT AS LOW AS POSSIBLE.
5. PREFABRICATED FIREPLACE CONSTRUCTION SHALL MEET OR EXCEED ALL APPLICABLE CODES REGARDING USE OF FIRE SEPARATIONS, CLEARANCES, ETC. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL ITEMS AND CONSTRUCTION MEET OR EXCEED CODE. OVERALL FLUE HEIGHT SHALL BE COORDINATED TO MATCH HEIGHT SHOWN ON PLANS AND SHALL NOT EXCEED THE TOP OF CHIMNEY CHASE AS CONSTRUCTED.
6. CONTRACTOR SHALL COORDINATE ALL CLOSET SHELVING REQUIREMENTS.
7. DO NOT SCALE DRAWINGS. FOLLOW DIMENSIONS ONLY.
8. CONTRACTOR SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.
9. BEDROOM WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5'7" HIGH, A MINIMUM NET CLEAR OPENABLE WIDTH OF 28" AND HAVE A MAXIMUM FINISH GILL HEIGHT OF 42" FROM FLOOR.
10. ALL GLASS LOCATED WITHIN 10' OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATHROOMS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOMS OR HOT TUBS SHALL BE TEMPERED.
11. ALL EXPOSED INSULATION SHALL HAVE A FLAME SPREAD RATING OF LESS THAN 25 AND A SMOKE DENSITY RATING OF LESS THAN 450.
12. PROVIDE COMBUSTION AIR VENTS, WITH SCREEN AND BACK DAMPER FOR FIREPLACES, WOOD STOVES AND ANY APPLIANCE WITH AN OPEN FLAME.
13. BATHROOMS AND UTILITY ROOMS SHALL BE VENTED TO THE OUTSIDE WITH A MINIMUM OF A 99 CFM FAN RANGE HOODS SHALL ALSO BE VENTED TO OUTSIDE.
14. ATTIC HVAC UNITS SHALL BE LOCATED WITHIN 20' OF ITS SERVICE OPENING. RETURN AIR GRILLES SHALL NOT BE LOCATED WITHIN 8 FEET OF A GAS FIRED APPLIANCE.
15. ALL WALLS AND CEILING IN GARAGE AND GARAGE STORAGE AREAS TO HAVE 5/8" TYPE-X GYP. BOARD W/ 1-HOUR FIRE RATING. ALL EXT. DOORS IN GARAGE TO BE METAL OR SOLID CORE DOORS INCLUDING DOORS INTERNET HEAT/COOLED PORTION OF RESIDENCE.
16. ALL FIREPLACE CHASE WALLS SHALL BE INSULATED INSIDE AND OUTSIDE. PROVIDE HORIZONTAL DRAIN STOPS AT EACH FLOOR LEVEL, BY PACKING 6" 1/2" INSULATION BETWEEN 2X4 JOISTS.
17. ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD WITH METAL CORNER REINFORCEMENT. LATH AND SAND, IT COULD USE 5/8" GYPSUM BOARD ON CEILING WHEN SUPPORTED MEMBERS ARE 24" O.C. OR GREATER AND 1/2" GYPSUM BOARD ON CEILING MEMBERS LESS THAN 24" O.C.
18. ALL BATH AND TOILET AREA WALLS AND CEILING SHALL HAVE WATER RESISTANT GYPSUM BOARD.



**CONCRETE BLOCK WALL DETAIL**



**KID'S NOOK**

**FLOOR PLAN SPECIFICATIONS**

HEAT/COOLED MAIN FLOOR:	895 SQ. FT.
HEAT/COOLED UPPER FLOOR:	815 SQ. FT.
HEAT/COOLED TOTAL:	1710 SQ. FT.
GARAGE STORAGE:	410 SQ. FT.
POSSIBLE:	300 SQ. FT.
BOILER ROOM:	300 SQ. FT.

**NOTE:**

- 1- MAIN FLOOR CEILING TO BE 9' UNLESS NOTED
- 2- UPPER FLOOR CEILING TO BE 8' UNLESS NOTED
- 3- BUILDER TO APPROVE & VERIFY ALL PLANS BEFORE CONSTRUCTION
- 4- VERIFY ALL PLANS W/ LOCAL BUILDING CODES
- 5- HVAC & WH TO BE IN ATTIC UNLESS OTHERWISE NOTED.
- 6- PROVIDE SHUT-OFF VALVE FOR ALL GAS APPLIANCES. REFERENCE IRC SECTION U248
- 7- ALL GLASS LOCATED WITHIN 10' OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATHROOMS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOMS OR HOT TUBS SHALL BE TEMPERED TO COMPLY WITH IRC SECTION R308.4.8

**REVISIONS**

4-27-05	
9-27-05	
1-12-07	
5-2-08	

**Nelson NDG Group, LLC**  
RESIDENTIAL PLANNING & DESIGN



MIKHAEL E. HEI  
P.E. Cert. No. 7

DATE: 01/24/04  
SCALE: 1/4" = 1'-0"  
DRAWN BY: NDQB4

**NOTICE DUTY OF COOPERATION**  
NELSON DESIGN GROUP, LLC or Michael E. Nelson assumes no liability for any harm, compensation, from this plan. Release of these plans constitutes further cooperation among the owner, his contractor, the designer, builder and manufacturer. Although the designer and his associates performed their services with due care and diligence, they cannot guarantee perfection. Compensation is provided and responsibility is transferred to the builder. Failure to verify the design or construction of the job at these times may result in claims against the designer. Failure to verify the design or construction of the job at these times may result in claims against the designer. Changes from the plans without the consent of the designer are prohibited and shall release the designer of responsibility for all consequences arising out of such changes. Only written changes to these drawings shall have precedence over verbal instructions. Contractors shall verify and be responsible for all clearances and conditions of the job. This office shall be notified if any violation from the Contract and schedule occur by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.

**MAIN FLOOR PLAN / NOTES**  
**NDG844-1R**  
"Where Traditional Values and Family Come Together"

