



MEMORANDUM

To: Zoning Board of Appeals
From: Kariline P. Littlebear, Zoning Administrator
Date: April 3, 2024
Re: Case 24-05
2812 N Duck Lake Rd
11-13-203-021
Applicant: Timothy J. Wilson
Owner: Timothy J. Wilson

The subject parcel is zoned LV – Lake and Village Residential District. The parcel size is approximately 0.097 acres.

The required setbacks for this parcel are as follows:

Front yard: 30 feet

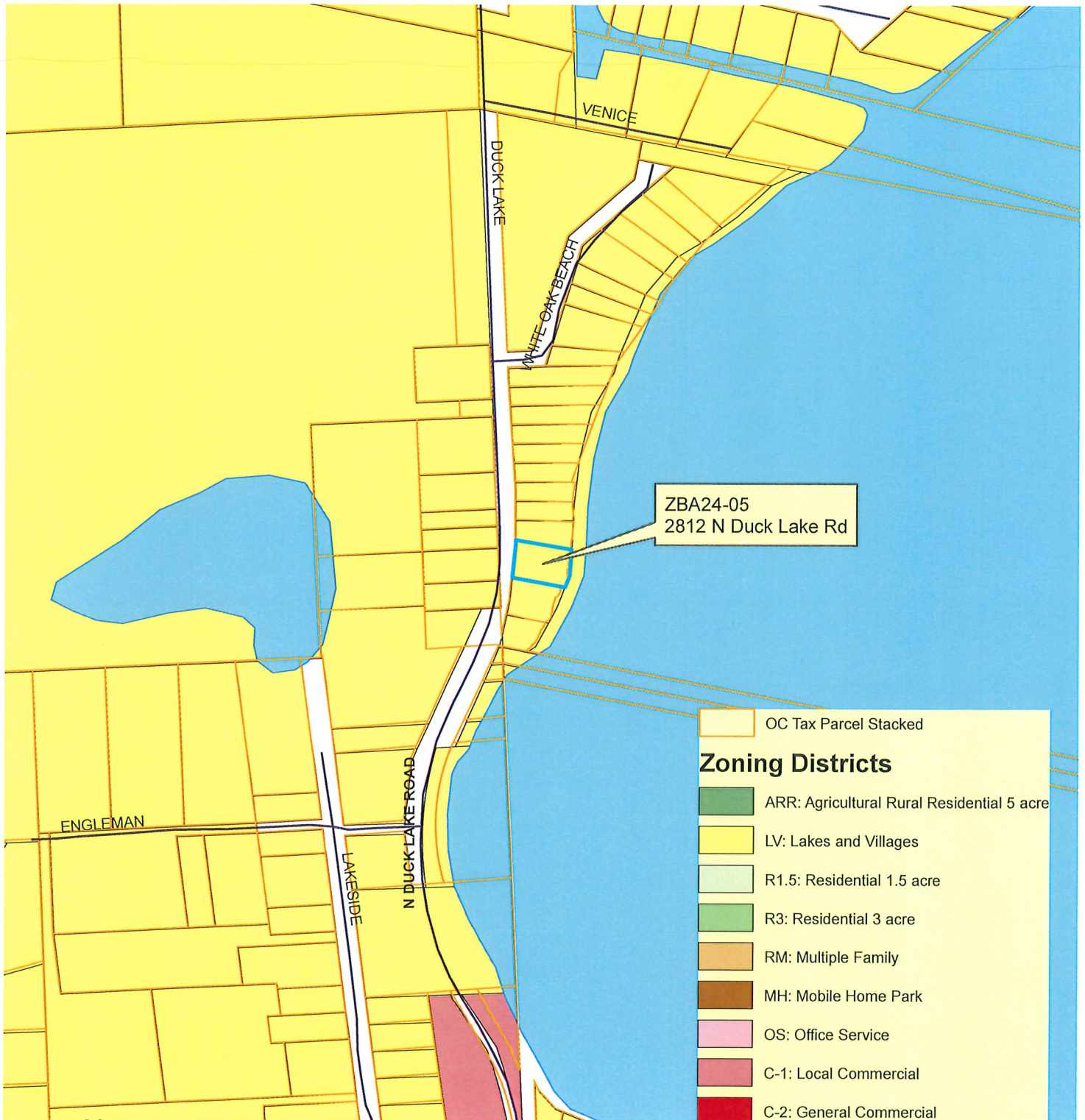
Ordinary High-water mark/Seawall: 51 ft

Side yards: 5 ft for the smallest yard and 20 ft total when both side yards are added together

This request is for a 19-foot variance from the calculated 30-foot front yard setback to 11-feet provided for the construction of a second story addition. This request is for a variance from Section 9.02.B.a. of the Zoning Ordinance.

The applicant has provided property photos, a site plan based on uncovered survey markers, floor plans, and elevations. Staff has supplied assessing records, a zoning map, an aerial approximation of the property, and Section 9.02. of the Zoning Ordinance.

CHARTER TOWNSHIP OF HIGHLAND ZONING MAP



	OC Tax Parcel Stacked
Zoning Districts	
	ARR: Agricultural Rural Residential 5 acre
	LV: Lakes and Villages
	R1.5: Residential 1.5 acre
	R3: Residential 3 acre
	RM: Multiple Family
	MH: Mobile Home Park
	OS: Office Service
	C-1: Local Commercial
	C-2: General Commercial
	HS: Highland Station
	TR: Technology and Research
	IM: Industrial Manufacturing



ENACTED: November 18, 2010

2812 N Duck Lake Rd



Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY MICHIGAN
 Economic Development & Community Affairs
David Coulter
 Oakland County Executive

Date Created: 3/19/2024

 NORTH
 1 inch = 50 feet

Case # 24-05

Hearing Date 4/3/24

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS
APPLICATION FOR APPEAL

APPLICANT

NAME: TIMOTHY J. WILSON

ADDRESS: 1039 BYRON
MILFORD, MI 48381

PHONE: (248) 496-2928

EMAIL: DFDHOCKEY@COMCAST.NET

OWNER

NAME: TIMOTHY & KATHLEEN WILSON

ADDRESS: 1039 BYRON
MILFORD MI, 48381

PHONE: (248) 496-2928

EMAIL: DFDHOCKEY@COMCAST.NET

PROPERTY ADDRESS: 2812 N. DOCK LAKE RD. ZONING: LV

PROPERTY TAX ID NO: 1113-203-021

ORDINANCE SECTIONS BEING APPEALED: Sec. 9.02.B.a.

VARIANCES REQUESTED: 19' variance from 30' front yard setback to 11' provided for a second story residential addition.

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: I'M UNABLE TO EXPAND THE FOOT PRINT OF THE HOUSE DUE TO THE HOUSE BEING BUILT TO CLOSE TO THE PROPERTY LINE ON THE SOUTH SIDE, THE WEST SIDE IS TOO CLOSE TO ROAD AND THE NORTH SIDE IS MY SEPTIC TANK AND PARKING FOR CARS. MY ONLY OPTION IS TO EXPAND STRAIGHT UP.

I certify that all required information is shown on the attached plan and included on this form. I acknowledge that by signing this application, I am granting the right of the Zoning Board of appeals members, inspectors and administrators to conduct a site inspection of the subject property. All statements are true to the best of my knowledge.

SIGNATURE OF OWNER: Timothy J. Wilson Kathleen R. Wilson DATE: 1-4-24

SIGNATURE OF APPLICANT: Timothy J. Wilson DATE: 2-23-2024

Signature of applicant must be notarized.

Subscribed and sworn to before me this
23 day of Feb, 2024
Jennifer Bosh Notary Public
My Commission expires 06-16-25

JENNIFER BOSH
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires June 16, 2025
Acting in the County of Oakland

APPLICATION FEE: \$275.00

Receipt# 1.059310 Date Paid 4/23/24

Received by [Signature]

Form revised 12/21/2015
S:\Planning Department New Folder\Zoning Board of Appeals\forms\ZBA Application form

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
WORKSHEET

The worksheet is designed to help you understand the appeal process and to help you submit a complete application for review by the Zoning Board of Appeals. If you have any questions after reading this worksheet you may contact the Planning and Zoning Department for assistance.

HAVE YOU MET ALL OF THE FOLLOWING CRITERIA?

- 1) Do the characteristics of the property include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation or other similar characteristics? If so, please describe here.

LOT IS VERY SMALL AND DUE TO THE HOUSE BEING
BUILT SO CLOSE TO PROPERTY LINE I'M UNABLE TO EXPAND
ON ANY SIDE OF STRUCTURE DUE TO SEPTIC TANK,
PROXIMITY OF ROAD & PROPERTY LINE

- 2) Can the project be redesigned to meet the zoning requirements without the need for a variance?

NO

- 3) Is the reason for a variance request of a personal nature? (for example: financial impact, physical and/or mental characteristics of the household members, inconvenience, etc.)

NO

4) Has the difficulty been created by the current or previous owner?

NO

5) Will the proposed variance be harmful to or alter the essential character of the area in which the property is located?

NO

6) Will the proposed variance be the minimum necessary?

YES

Signature Tiethy J. Wilson

Sec. 9.02. LV—Lake and Village Residential District.

A. Creation of new lots in the Lake and Village Residential District.

1. No new Lake and Village Residential Districts shall be created. New parcels within the district may be created through land division and combination, subject to the following:
 - a. Where public sewer and public water service is available the minimum buildable area shall be fourteen thousand (14,000) square feet, provided the lot fronts a street, and twenty thousand (20,000) square feet where the lot fronts a major thoroughfare, and minimum frontage shall be eighty (80) feet:
 - b. Where public sewer and/or public water is not available the minimum buildable area shall be twenty thousand (20,000) square feet, provided the lot fronts a street and twenty-five thousand (25,000) square feet where the lot fronts a major thoroughfare and minimum frontage shall be one hundred and twenty (120) feet:
2. The lot must satisfy all criteria specified in the Land Division Ordinance.
3. No lot shall be divided in such a way as to create a non-conforming lot or to increase the degree of nonconformity already in existence.

B. Setbacks.

a. Front yard setback.

- a. A front yard setback shall be determined to promote consistency with established patterns within a developed neighborhood. The required setback will range from 30 feet to 40 feet based on analysis of existing houses within 200 feet of the subject parcel, located on the same side of the road as the subject parcel. If there are no homes within 200 feet of the subject parcel, the required front yard setback shall be 40 feet.
- b. In determining the setback, the following method shall be used, utilizing aerial photography and parcel models provided in the Oakland County Geographic Information System:
 - 1) Determine which existing houses shall be considered in the calculations.
 - 2) Determine the distance from each house to the front property line and record the distance.
 - 3) Subtract 30 feet from each measurement and record the difference. For measurements 30 feet or less, enter zero feet for further calculations. For measurements greater than 40 feet, enter ten feet for further calculations.
 - 4) Determine the average difference of all measurements as recorded in step 3) (e.g. add all recorded differences and divide by the number of samples). Add this calculated average to 30 feet. This is the required setback.
- c. The Zoning Administrator may refer any plot plan to the Zoning Board of Appeals for determination of the required setback.

b. Side yard setback.

- a. For all principal and accessory buildings and structures, the side yard setbacks are established based on lot width, as follows:

Lot Width (feet)	Least Side (feet)	Total Both Sides (feet)
120 or greater	10	30

90 to 119	10	25
70 to 89	5	20
40 to 69	5	15

c. *Rear yard setback.*

- a. A rear yard setback shall be determined to promote consistency with established patterns within a developed neighborhood. The required setback will range from 30 feet to 40 feet based on analysis of existing houses within 200 feet of the subject parcel, located on the same side of the road as the subject parcel. If there are no homes within 200 feet of the subject parcel, the required rear yard setback shall be 40 feet.
- b. In determining the setback, the following method shall be used, utilizing aerial photography and parcel models provided in the Oakland County Geographic Information System:
 - 1) Determine which existing houses shall be considered in the calculations.
 - 2) Determine the distance from each house to the rear property line and record the distance.
 - 3) Subtract 30 feet from each measurement and record the difference. For measurements 30 feet or less, enter zero feet for further calculations. For measurements greater than 40 feet, enter ten feet for further calculations.
 - 4) Determine the average difference of all measurements as recorded in step 3) (e.g. add all recorded differences and divide by the number of samples). Add this calculated average to 30 feet. This is the required setback.
- c. The Zoning Administrator may refer any plot plan to the Zoning Board of Appeals for determination of the required setback.

C. *Setback exceptions and height restrictions for accessory structures.*

- a. One (1) storage shed not greater than one hundred and fifty (150) square feet in area and not greater than ten (10) feet in height may be permitted as close as five (5) feet to side lot line or rear lot line. All sheds must comply with required front yard setback.
- b. One (1) accessory structure such as a garage, swimming pool, or play structure not greater than two hundred and forty (240) square feet in area and not greater than fifteen (15) feet in height may be permitted as close as ten (10) feet to the rear lot line provided the structure complies with the required side yard setback.

D. *Minimum Setback from the Ordinary High Water Mark.*

- a. The setback from the ordinary high water mark shall be determined to promote consistency with established patterns within a developed neighborhood, while protecting viewsheds of the lake for neighboring properties.
- b. Typically, the setback from the ordinary high water mark is sixty-five (65) feet. The setback may be reduced to as little as thirty (30) feet on lakefront lots, based on an analysis of like structures on parcels within two hundred (200) feet of the subject parcel, located along the lakeshore. This setback reduction may be applied to principle primary structures or to uncovered porches and decks. This setback reduction may not be applied to accessory structures such as garages and boathouses.
- c. In determining the setback reduction, the following method shall be used, utilizing aerial photography and parcel models provided in the Oakland County Geographic Information System:

-
- 1) Determine which existing primary structures or decks/uncovered porches shall be considered in the calculations. Decks and uncovered porches shall not be used in determining setback reductions for a principle structure, but principle structures may be used in determining setback reductions for decks/uncovered porches.
 - 2) Determine the distance from each structure to the presumed ordinary high water mark and record the distance.
 - 3) For parcels with no structures are closer to the presumed high water mark than sixty-five (65) feet, enter a value of zero for further calculations. For parcels with structures closer to the presumed high water mark than thirty (30) feet, enter a value of thirty-five (35) feet for further calculations. For remaining parcels with structures falling between those two (2) limiting factors, enter the difference between sixty-five (65) feet and the measured distance.
 - 4) Determine the average difference of all measurements as recorded in Step 3 (e.g. add all recorded differences and divide by the number of samples). This result represents the allowable setback reduction.
- E. *Minimum floor area per residential unit.* One thousand (1,000) square feet.
- F. *Minimum first floor area per residential unit.* Seven hundred and fifty (750) square feet.
- G. *Maximum height for principal structures.* Two stories or twenty eight (28) feet.
- H. *Maximum height for residential accessory structures.* Twenty eight (28) feet for all accessory structures which comply with the setback requirements under Section 9.02B, Setbacks. See Section 9.02C, Setback Exceptions and Height Restrictions for Accessory Structures for height restrictions for accessory structures placed under the provisions for setback exceptions.
- I. *Maximum Lot Coverage.* The maximum lot coverage for all building (principal and accessory) is as follows:
- a. For lots with net area less than fourteen thousand (14,000) square feet, the maximum lot coverage shall be forty-five (45) percent.
 - b. For lots with net area of fourteen thousand (14,000) square feet or greater, the maximum lot coverage shall be thirty-five (35) percent.

(Ord. No. Z-006, § 3, 10-14-2015)

ALPINE SURVEY STAKED OUT
HOUSE & DISCOVERED MY NORTH &
SOUTH PROPERTY LINES FALL OUTSIDE
MY WHITE VINYL FENCE IN BOTH
NEIGHBORS YARDS

2812 N. DUCK LAKE RD.

1 SQUARE = 3'

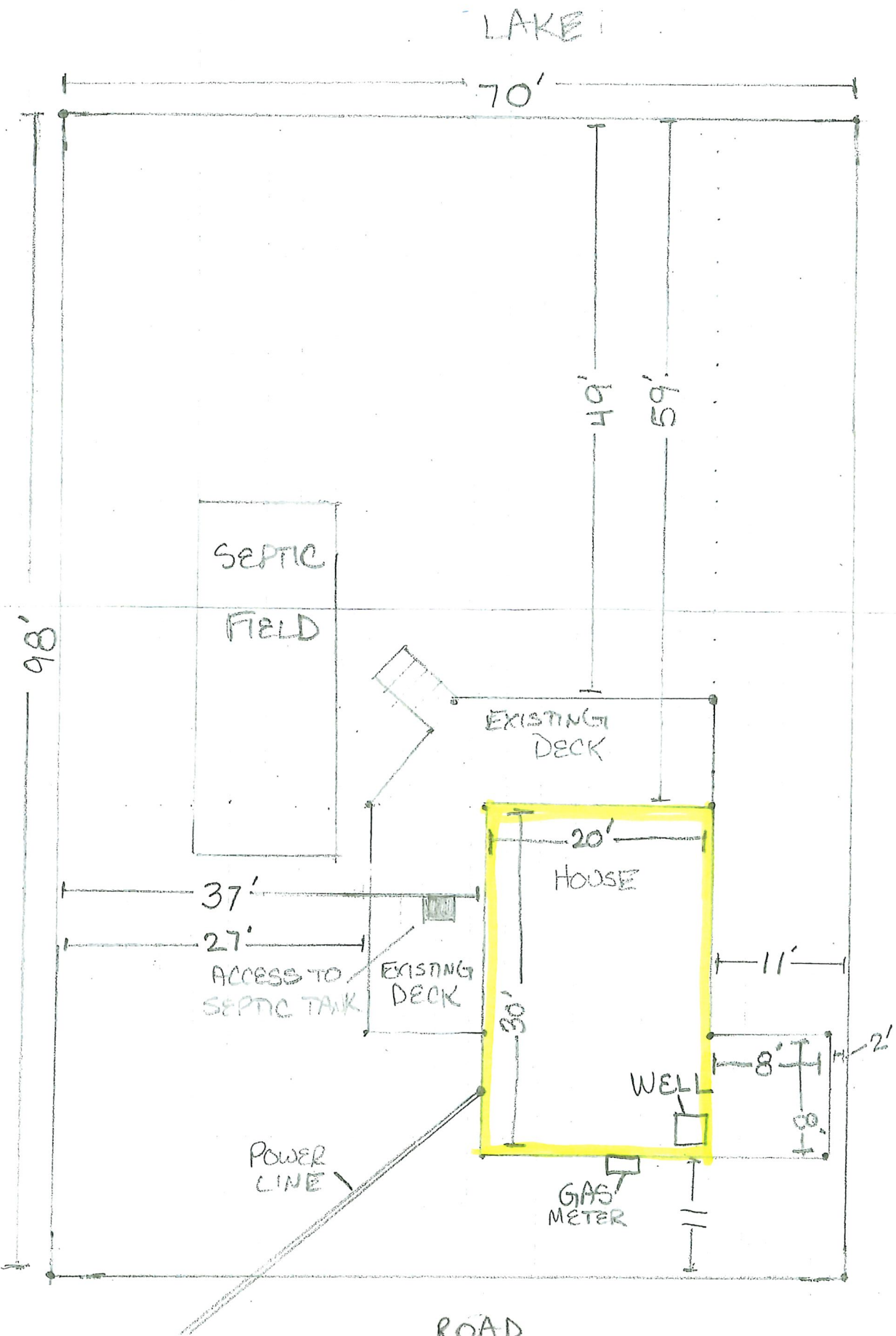


[Yellow Outline] = Proposed Second Story Addition

GENERAL HARDWOOD COMPANY GENERAL HARDWOOD COMPANY

Wholesale Lumber
WHOLESALE HARDWOOD • CUSTOM MILLWORK
7201 East McNichols Road • Detroit, MI 48212
Phone 313-365-7733 Fax 313-365-9696 www.generalhardwood.com

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ROAD

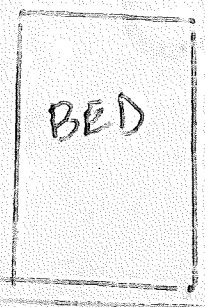


20'

2ND FLOOR
EXISTING
2812 W. DUCIK LAKE RD

KNEE WALL / CRAWL SPACE
↓

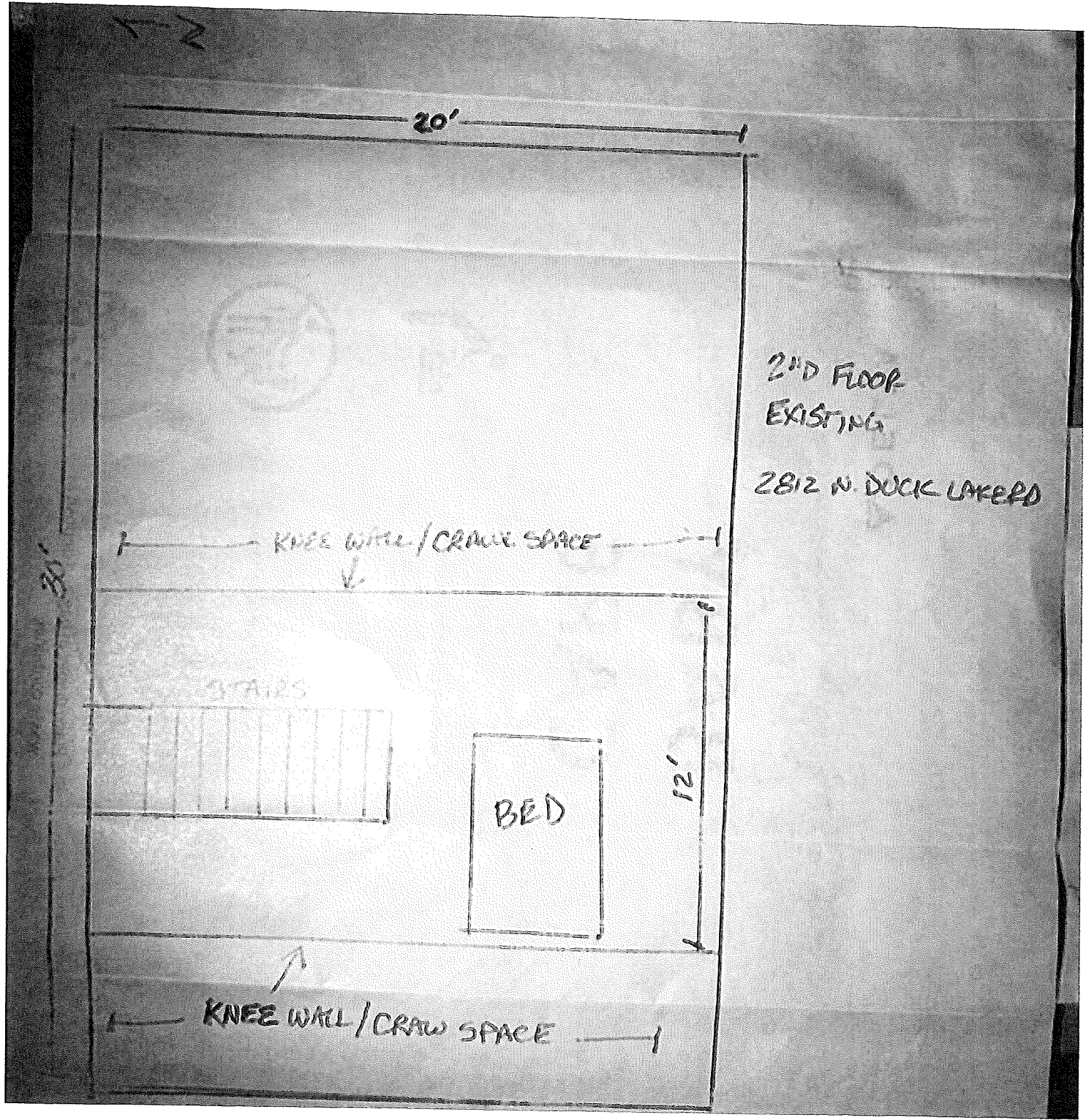
STAIRS



12'

↑
KNEE WALL / CRAWL SPACE

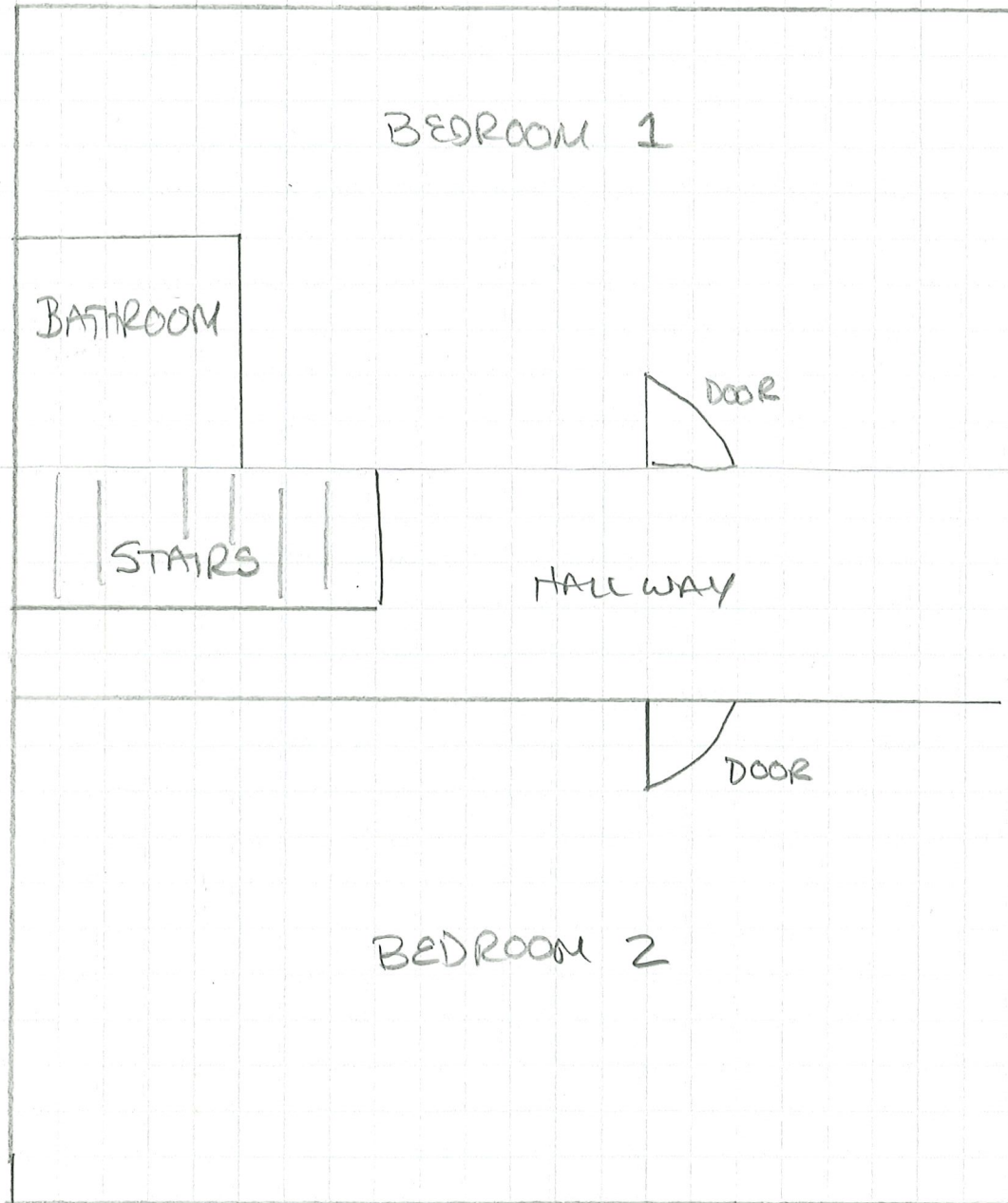
30'



2812 N. Duck Lake Rd

1 square = 3'

Proposed Second Story



GENERAL HARDWOOD COMPANY GENERAL HARDWOOD COMPANY

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ROAD SIDE
WEST VIEW

PROPOSED
ADDITION

ROOF

Existing

ROOF

ROOF

ROOF

WINDOW

EXISTING
ADDITION

WINDOW

EXISTING
ADDITION

20

8'

20'

8'

BASEMENT
WINDOW

BASEMENT
WINDOW

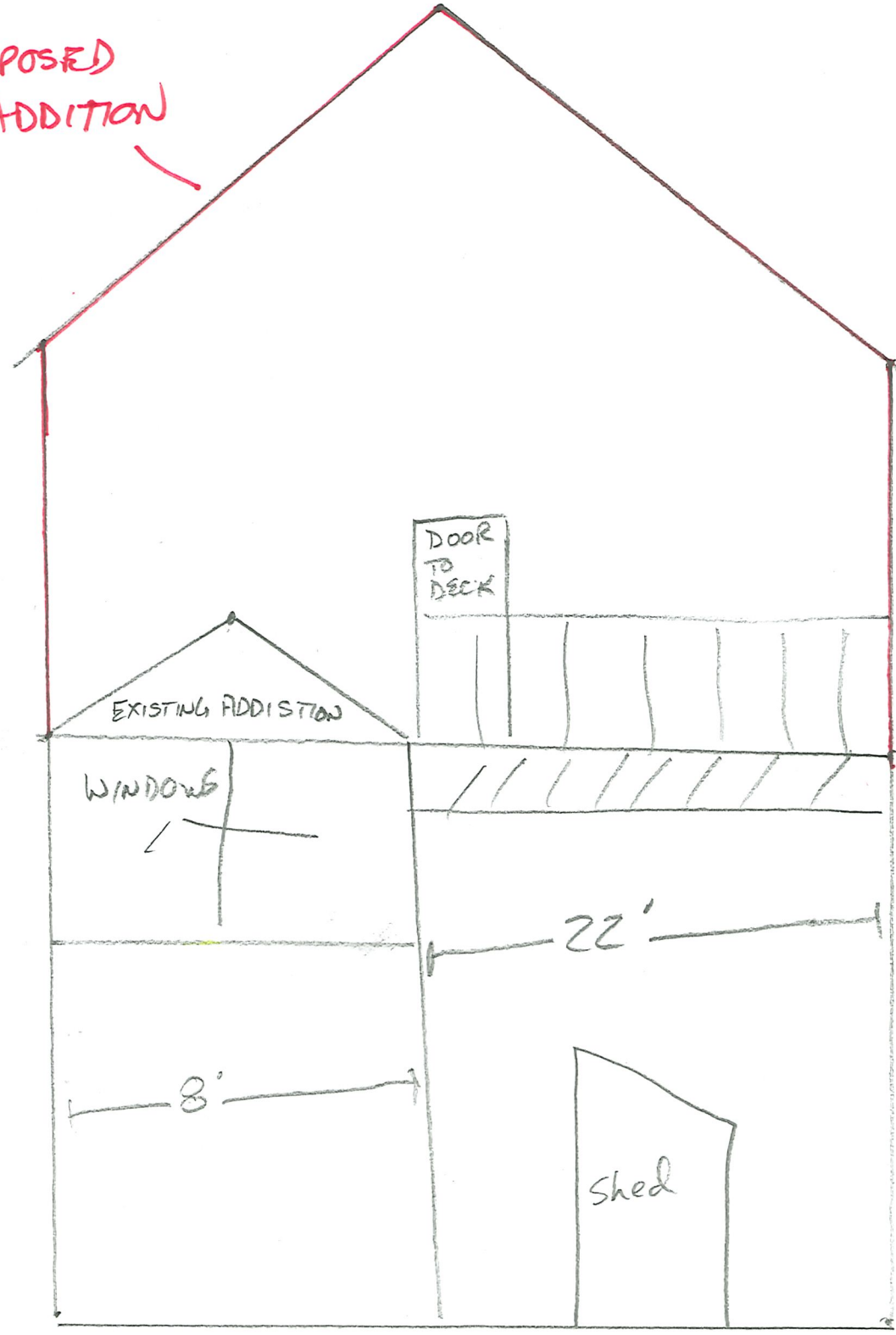
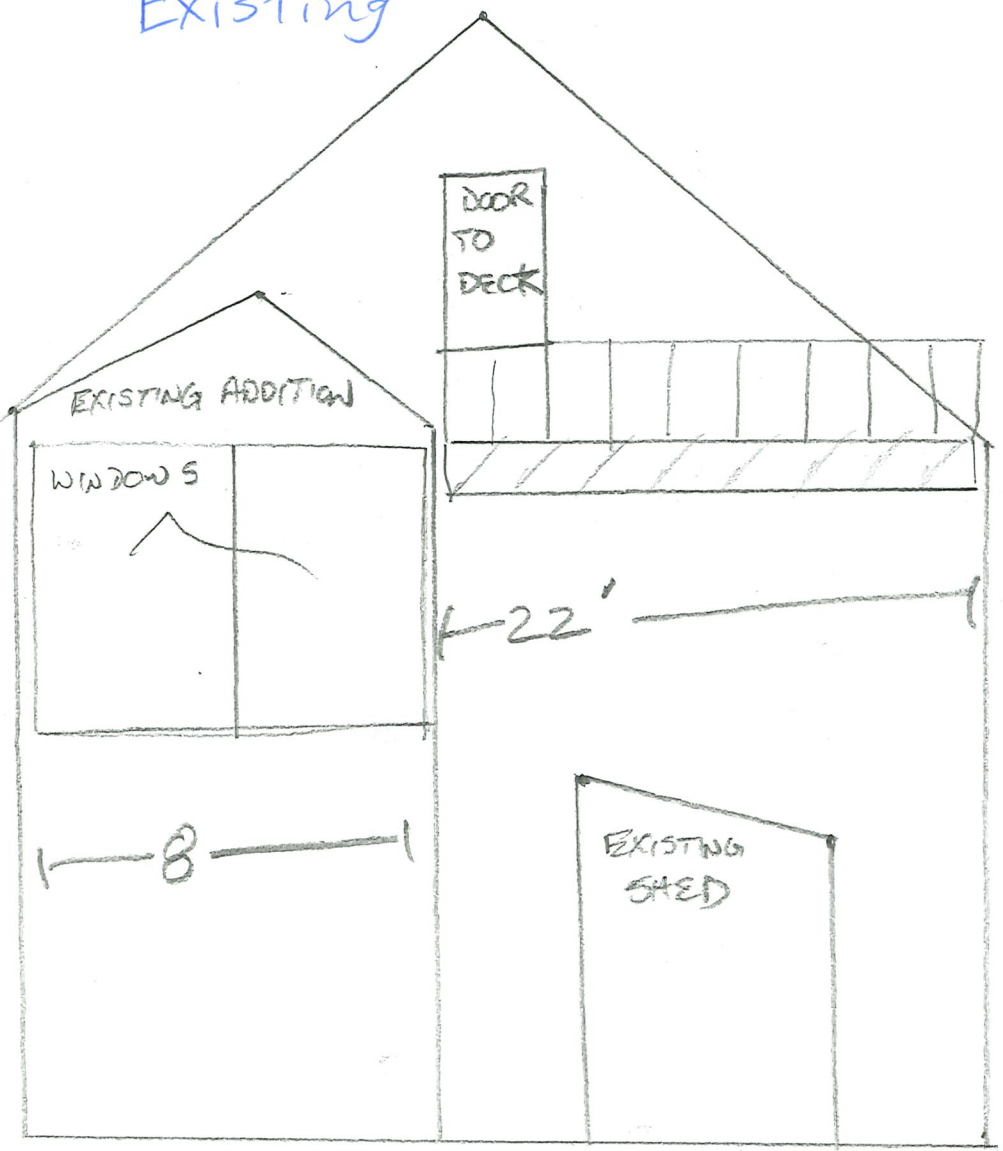
BASEMENT
WINDOW

BASEMENT
WINDOW

SOUTH SIDE HOUSE

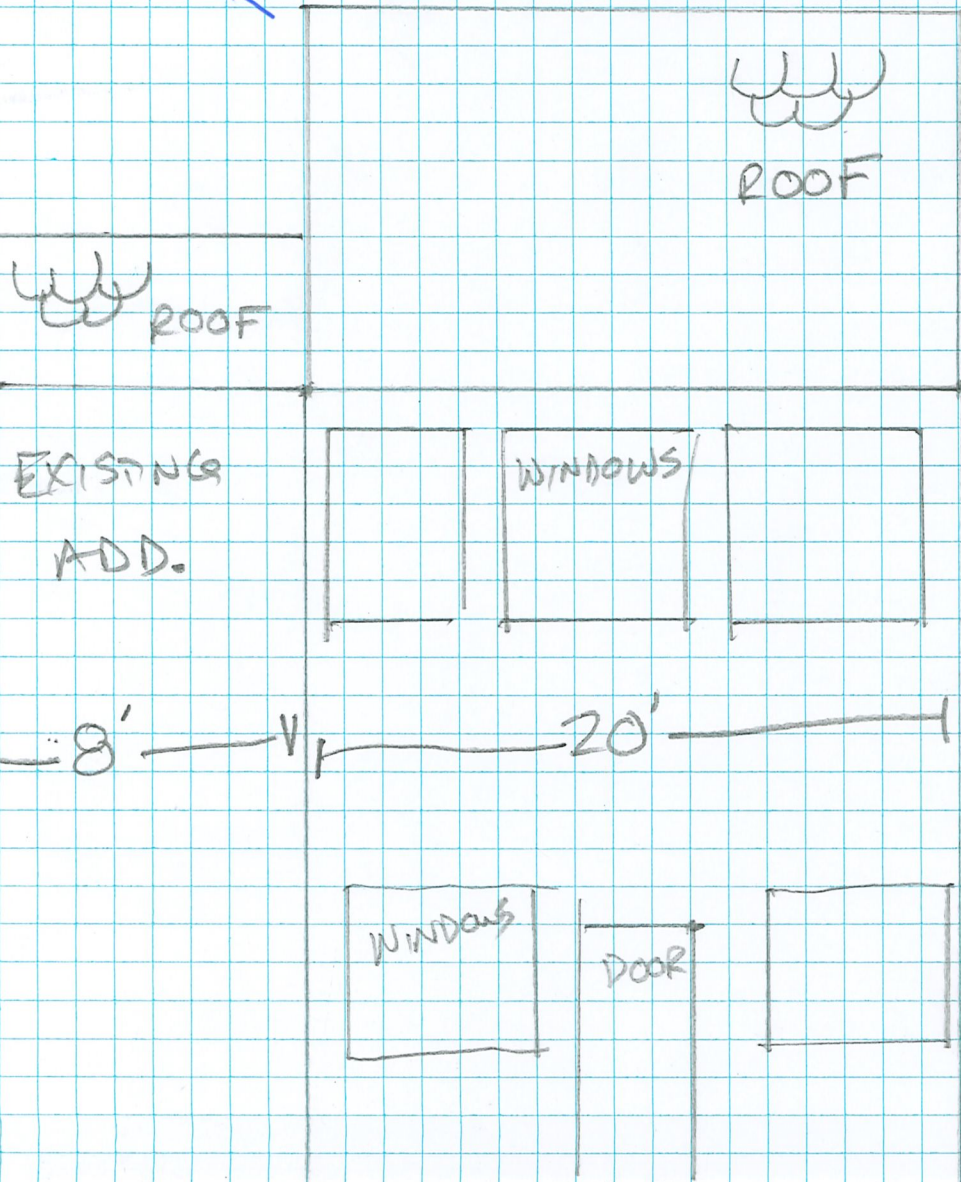
PROPOSED ADDITION

Existing



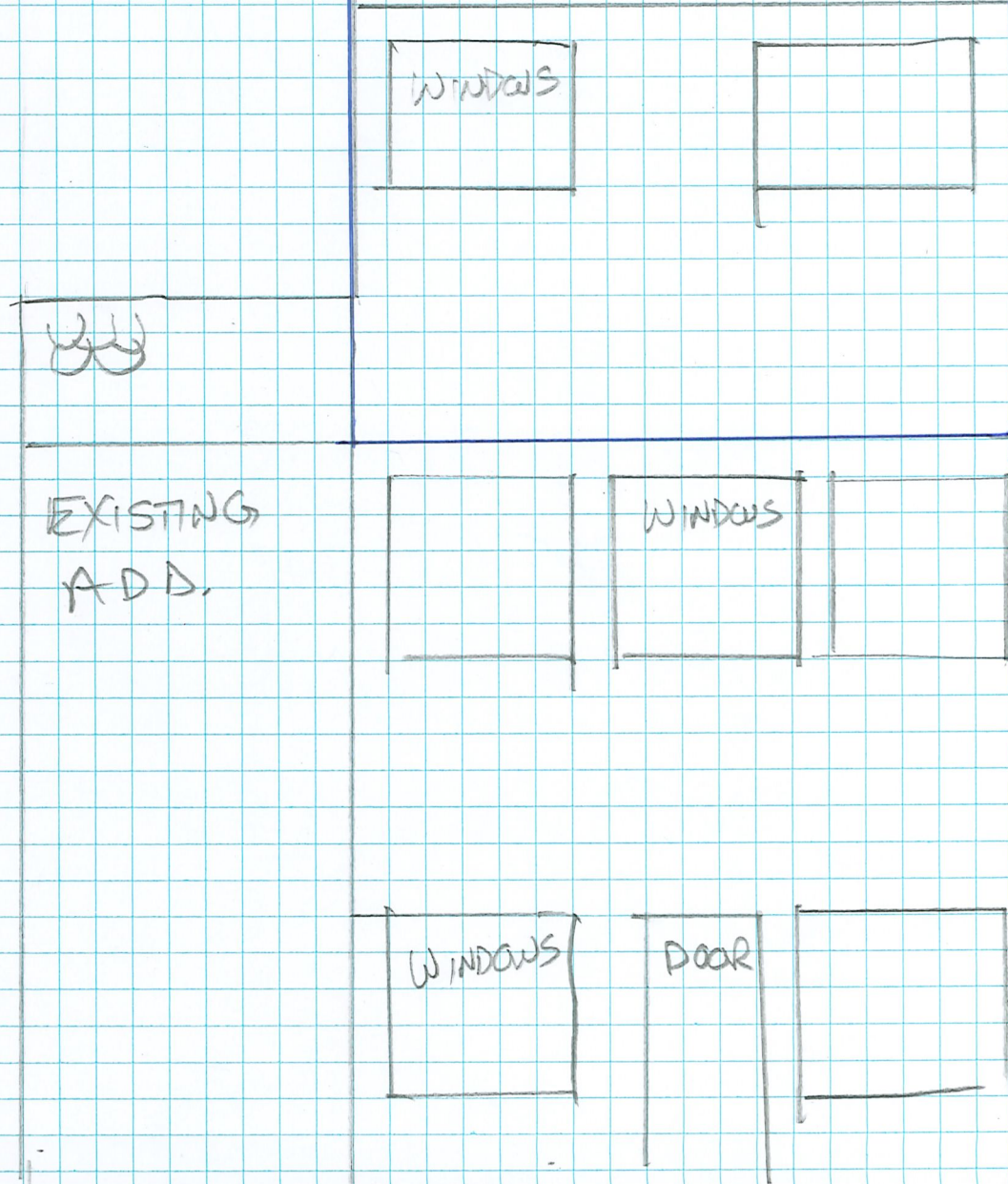
LAKE VIEW EAST SIDE

Existing



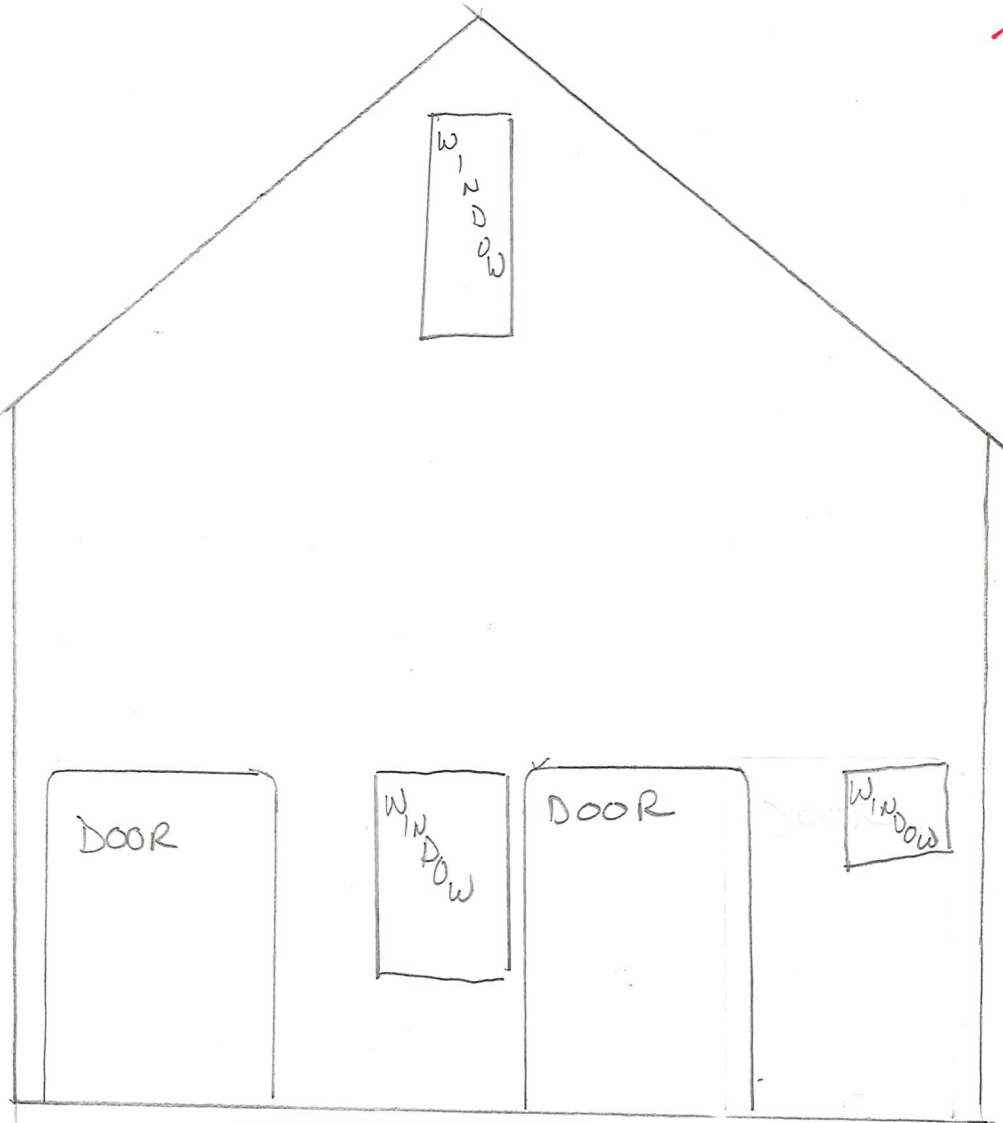
PROPOSED
ADDITION

ROOF

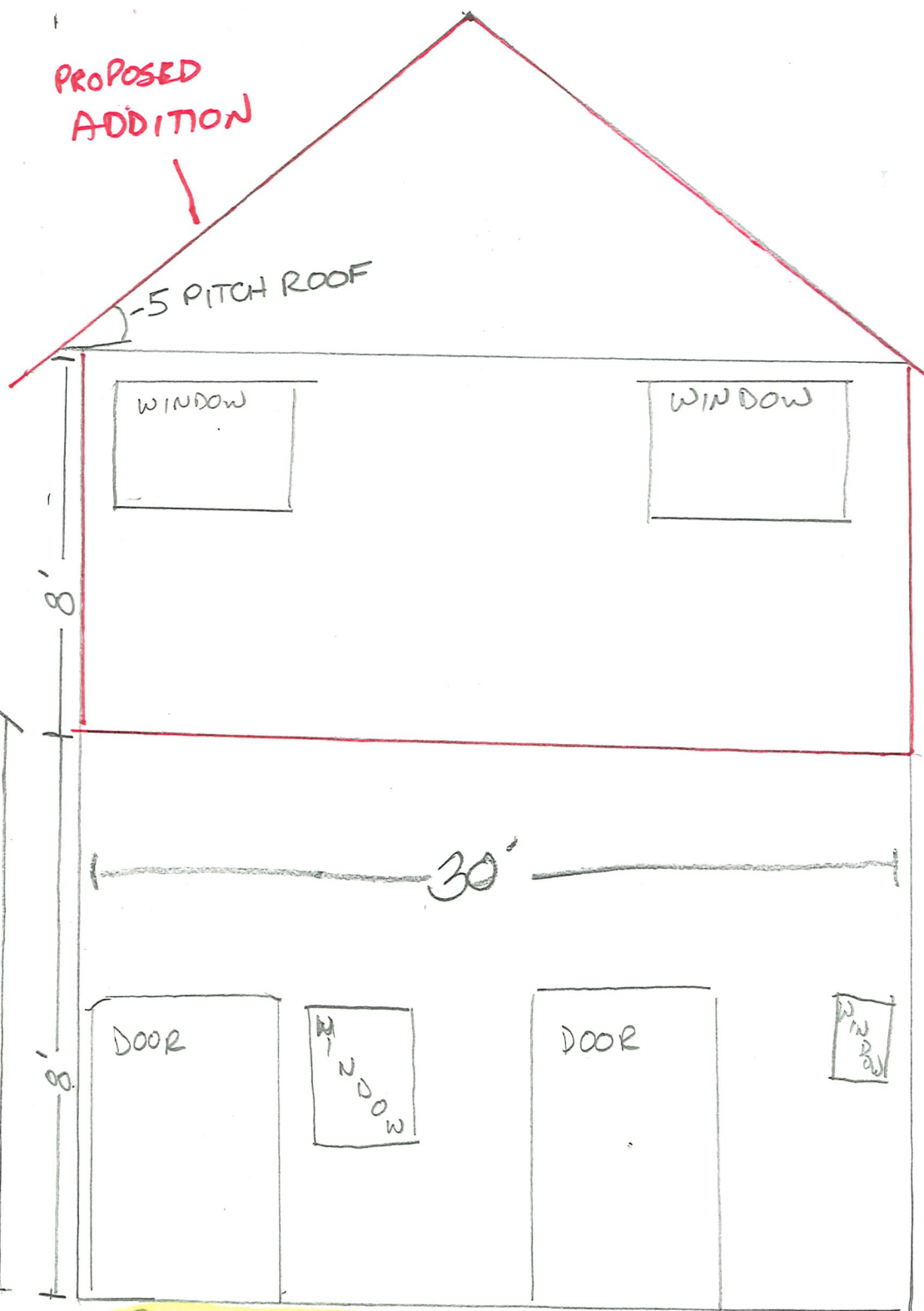


NORTH SIDE
HOUSE

VINYL OR HARDY BOARD
SIDING RUNNING HORIZONTAL



EXISTING HOUSE



PROPOSED FULL 2 STORY

Mr. Samson feels a good drawing has been presented but the decks and walkways are depicted on Mr. Scott's drawing and not on the blueprint submitted with the application. Mr. Scott noted that the requirements on the application were for a basic footprint. He doesn't have a problem sharing the information with the zoning office. Mr. Scott added that the plans were reviewed with the neighbors and no one seems opposed.

Motion

Mr. Gruber moved to table 02-05 until February 20, 2002 so applicant can review the design with the Zoning Administrator and stakes representing the footprint and property lines will be visible. Mr. Samson supported and the motion carried with a voice vote. (7 yes votes)

3.

CASE #:	02-06
COMPLAINT #:	EE01-0491
ZONING:	R-1D
SIDWELL:	11-13-203-021
PROPERTY ADDRESS:	2812 N. Duck Lake Rd.
APPLICANT:	Kathi Adamo
OWNER:	Same
ORDINANCE SECTION:	509-4a(1) 509-4a(4)
VARIANCES REQUESTED:	12 ft. Variance for the Front Yard Setback from 30 ft. to 18 ft. 15 ft. Variance for the Subaqueous Setback from 65 ft. to 50 ft. These variances are for a deck.

Summary from the Applicant

Ms. Adamo indicated that the north side of the house has two exit doors. The existing deck did not go far enough to go under the second door, leaving a 10 ft. drop. She replaced the deck and the new deck sits 4 to 5 ft. further from the road than what was originally there.

She noted that she had the deck wrap around the house to the lake side for access to the yard. The only other way out of the house is through the basement and she is currently having flooding problems. She brought an estimate from Be-Dry who informed her they could not seal the basement.

Public Comment

Mrs. Guertin opened the discussion for public comment, but none was offered.

Discussion from the Board Members

Mr. Gruber noted that Section 1805 would allow for the stairs to project up to 5 ft. into the yard and questioned if Ms. Adamo's measurement was from the deck to the water. Ms. Adamo concurred. Mr. Gruber added that it appears the stairs project more than 5 ft. due to the elevation change, possibly an 8 ft. projection.

Mr. Beach stated that Ms. Adamo would have to re-advertise her request to get a few more feet as he doesn't want to grant a blanket variance to allow the deck to go further. If the stairs were brought to the north area, they would not project from the front line.

Ms. Adamo stated that she would work out a way to meet the 5 ft. code.

Facts and Findings

1. This is a lot of record substandard for the zoning category it is in.
2. The property has an existing dwelling 9 ft. from the front property line on N. Duck Lake Road.
3. The request is to place a wood deck on north side setback from the road, 18 ft. behind the front façade of the house.
4. The proposed new deck replaces a deck and is more in compliance than the existing deck was.
5. The application seeks to wrap the deck around to the rear side of the house where the proposed setback is 50 ft. from the water line.
6. The new deck gives access from the doorway inside and outside, which was not previously accessible due to topography
7. Any existing stairwell off the deck must meet the setback requirements as specified in Ordinance Section 1805.
8. The proposed waterfront deck location and size has been submitted with the application before the zoning board this evening.
9. Topography of the lot affects the entrance into the home on the north side. This is a safe way of negotiating the topography change.

Motion

Mrs. McDonell moved in Case 02-06 to grant variances from Ordinance Sections 509-4a(1) and 509-4a(4) for a 12 ft. front yard setback variance from 30 ft. to 18 ft. and a 15 ft. subaqueous setback variance from 65 ft. to 50 ft. for the purpose of a deck. Mr. Samson supported and the motion carried with a roll call vote: McDonell – yes; Samson – yes; Gruber – yes; Brockway – yes; Olrich – yes; Beach – yes; Guertin – yes. (7 yes votes)

MINUTES:

Mrs. Brockway moved to approve the minutes of January 16, 2002 as corrected and Mr. Beach supported. The motion carried with a unanimous voice vote. (7 yes votes)

DISCUSSION:

Election of Officers:

Mr. Beach moved to nominate and re-elect the current officers for another term. Mrs. McDonell supported and the motion carried with a voice vote. (7 yes votes)

Presentation from the Zoning Administrator

Mrs. Burkhart distributed handouts from the Township Guide to Zoning and Planning. She stated that this is a handy tool with references to statutes that allow the township to operate.

She updated the board members on previous controversial cases.

Mrs. Burkhart then reviewed ZBA processes. She noted that facts and findings need to be clear. She stated that Chapter 8 of the handout provides a more detailed review of ZBA functions and responsibilities.

Mr. Beach noted a few corrections to the handout. He stated that there was a previous determination from the ZBA that allows a 21-day time period in which the applicant can appeal a decision in circuit court.

West Side



2812 N Duck Lake Rd
Highland MI 48356-2412

View: Front

Structure: Primary

Photo Date: 07/10/2000



2812 N Duck Lake Rd
Highland MI 48356-2412

View: Front

Structure: Primary

Photo Date: 04/08/2013



West Side



HOUSE
SOUTH
OF PROPOSAL



East Side



HOUSE
NORTH OF
PROPOSAL



2 beds / 1 full baths / 0 half baths / 728 sq ft

Residential Property Profile

11-13-203-021

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner InformationOwner(s) : **TIMOTHY J WILSON & KATHLEEN R WILSON**Postal Address : **1039 BYRON DR MILFORD MI 48381-2819****Location Information**Site Address : **2812 N DUCK LAKE RD HIGHLAND MI 48356-2412**PIN : **11-13-203-021** Neighborhood Code : **LWS**Municipality : **Charter Township of Highland**School District : **63220 HURON VALLEY SCHOOLS**Class Code : **401 Residential - Improved****Property Description****T3N, R7E, SEC 13 WHITE OAK BEACH SUB LOTS 23 & 24****Most Recent Sale Since 1994**Date : **08/09/2019**Amount : **\$187,000** Liber : **53389:388**Grantor : **TOMINA JR, FARAJ J** Grantee : **WILSON, TIMOTHY J**
TOMINA, CLAUDIA R **WILSON, KATHLEEN R****Next Most Recent Sale**Date : **06/03/2010**Amount : **\$1** Liber : **42121:663**Grantor : **TOMINA JR, FARAJ J** Grantee : **TOMINA JR, FARAJ J**
TOMINA, CLAUDIA R

2 beds / 1 full baths / 0 half baths / 728 sq ft

Residential Property Profile

11-13-203-021

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Tax Information

Taxable Value	: \$116,900	State Equalized Value	: \$154,980
Current Assessed Value	: \$154,980	Capped Value	: \$116,900
Effective Date For Taxes	: 12/01/2023	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 0%	Winter Principal Residence Exemption Percent	: 0%
2022 Taxes		2023 Taxes	
Summer	: \$4,296.07	Summer	: \$4,510.79
Winter	: \$1,434.05	Winter	: \$1,574.50
Village	:	Village	:

Lot Information

Description	: LEVEL	Area	: 0.097 ACRES
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Primary Structure

Structure	: Bungalow	Living Area	: 728 SQ FT
Ground Floor	: 728 SQ FT	Year Built	: 1936
Effective Year	: 1960	Remodel Year	: 0
Stories	: 1 Story	Rooms	: 4
Bedrooms	: 2	Full Baths	: 1
Half Baths	: 0	Fireplaces	: 0
Ext Walls	: Asbestos	Basement	: YES - FULL
Garage	: None	Heat	: Forced Air w/ Ducts
Fuel Type	: Gas	Central Air	: No

Basement Information

Finish	: UNFINISHED	Area	: 0 SQ FT
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Porch Information

Type	Area
Treated Wood	457 SQ FT
Treated Wood	73 SQ FT