



# MEMORANDUM

To: Zoning Board of Appeals  
From: Kariline P. Littlebear, Zoning Administrator  
Date: July 16, 2025  
Re: ZBA25-13  
2992 Venice  
11-13-201-002  
Applicant: A-Better Exterior LLC  
Owner: John & Gaye Burton

---

The subject parcel is zoned LV – Lake and Village Single-Family Residential District. The total parcel size is approximately 0.119 acres (~5,183 sq ft).

The required setbacks for this parcel are as follows:

Front yard (from property line not road edge): 36 ft

Ordinary High-water mark: 51 ft

Side yards: 5 ft minimum for the smallest side yard with a total of 20 ft minimum when both side yards are added together.

This variance request is for a 12-foot variance from the calculated 51-foot ordinary high-water mark setback to 39-feet provided for the construction of second story covered deck and gable. This request is for a variance from Section 9.02. of the Zoning Ordinance.

There are no violation enforcements on this parcel.

For the variance request, the applicant has provided a certified boundary survey of the existing, a scaled site plan of the proposed, floorplans, and elevations. Staff has supplied assessing records, a zoning map, aerial approximations of the property, and Section 9.02. of the Zoning Ordinance.

Case # 25-13

Hearing Date 7/16/25

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS  
APPLICATION FOR APPEAL

APPLICANT

NAME: A-BETTER EXTERIOR LLC

ADDRESS: 101 E LINDSEYTON RD  
HIGHLAND MI 48357

PHONE: 248-660 3292

EMAIL: ABETTEREXTERIOR@GMAIL.COM

OWNER

NAME: JOHN & GAYE BURTON

ADDRESS: 60527 Town Square  
New Hudson, MI 48165

PHONE: 248-240-6809

EMAIL: CSDAY CARE@  
Hotmail.com

PROPERTY ADDRESS: 2992 VENICE

ZONING: LU PROPERTY TAX ID NO: 11-13-201-002

ORDINANCE SECTIONS BEING APPEALED: 9.02.D.

VARIANCES REQUESTED: HIGHWATER SETBACK FROM 51' TO 39'  
12 Ft Variance

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: CURRENT HIGHWATER MARK  
SETBACKS HAS THE CURRENT HOUSE LOCATION UNABLE TO  
ERECT A SECOND FLOOR 5X14 DECK. THIS VARIANCE WOULD  
ALLOW FOR LAKESIDE APPEARANCE OF HOME TO BE ELEVATED OVER  
EXISTING APPEARANCE. AND ADD BALANCE TO THE HOME.

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: Gaye A. Burton DATE: 6-3-25

SIGNATURE OF APPLICANT: M. Marie Lubel DATE: 6-3-25

Signature of applicant must be notarized.

Subscribed and sworn to before me this  
3 day of June, 2025  
Jennifer Bosh Notary Public  
My Commission expires 06/16/25

APPLICATION FEE: \$275.00

Receipt# 1062778 Date Paid 6/3/25

Received by [Signature]

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

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.

THE HOME AS CURRENTLY CONSTRUCTED ALLOWED FOR AMPLE  
SPACE TO ACCOMMODATE A SEPTIC SYSTEM ROADSIDE NOT LAKESIDE  
THE CURRENT LOCATION OF THE HOME DOES NOT MET THE SETBACKS  
AS CURRENTLY SET FORTH.

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

NO. ANY CONSTRUCTION NO MATTER HOW  
MINIMAL WILL REQUIRE A VARIANCE TO  
THE HIGHWATER SETBACK. THE ITEMS THAT ARE  
BEING ASK FOR ARE OF A MINIMUM NATURE

- 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 \_\_\_\_\_

---

**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.

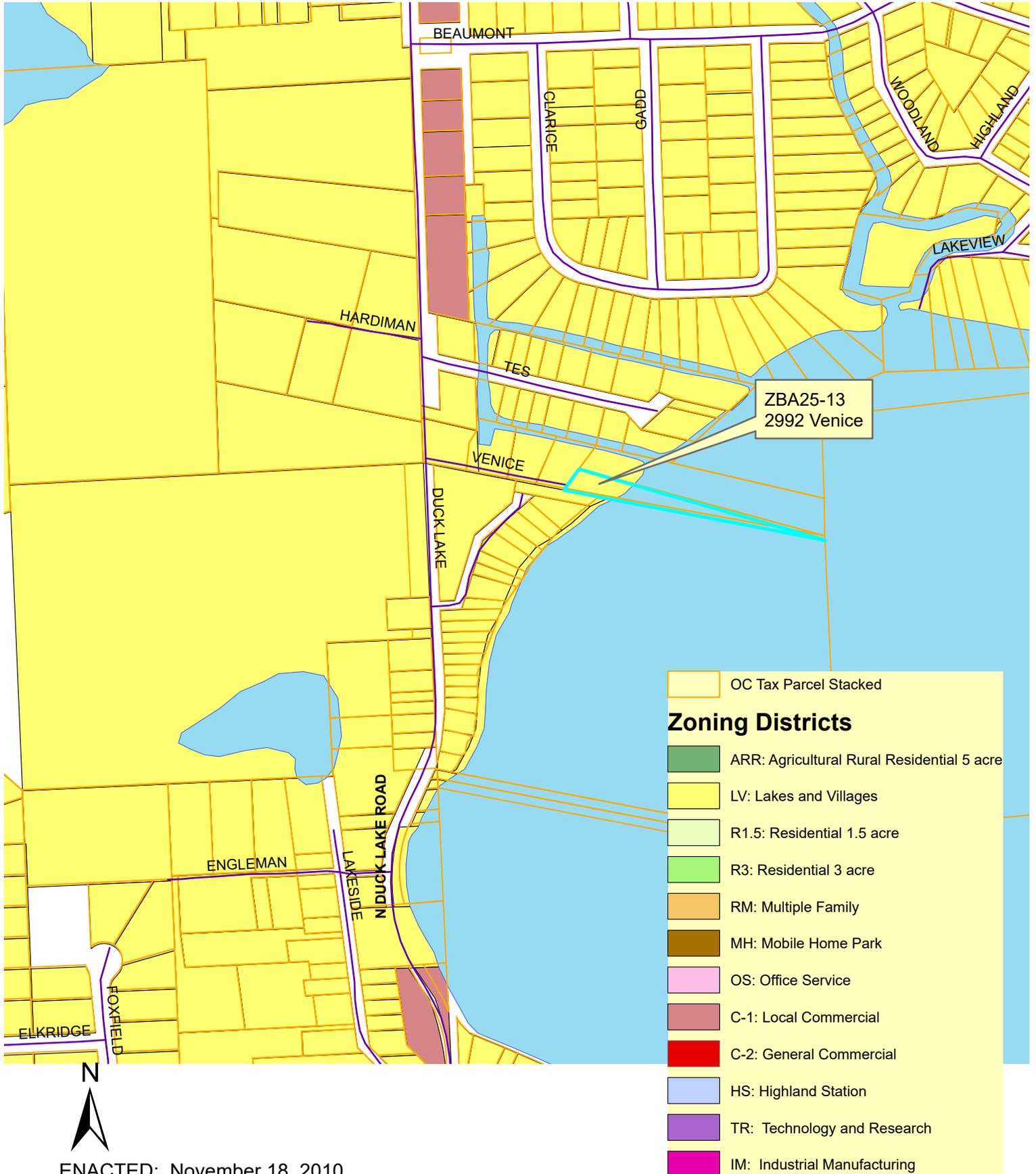
D. *Minimum Setback from the Ordinary High Water Mark.*

- 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:

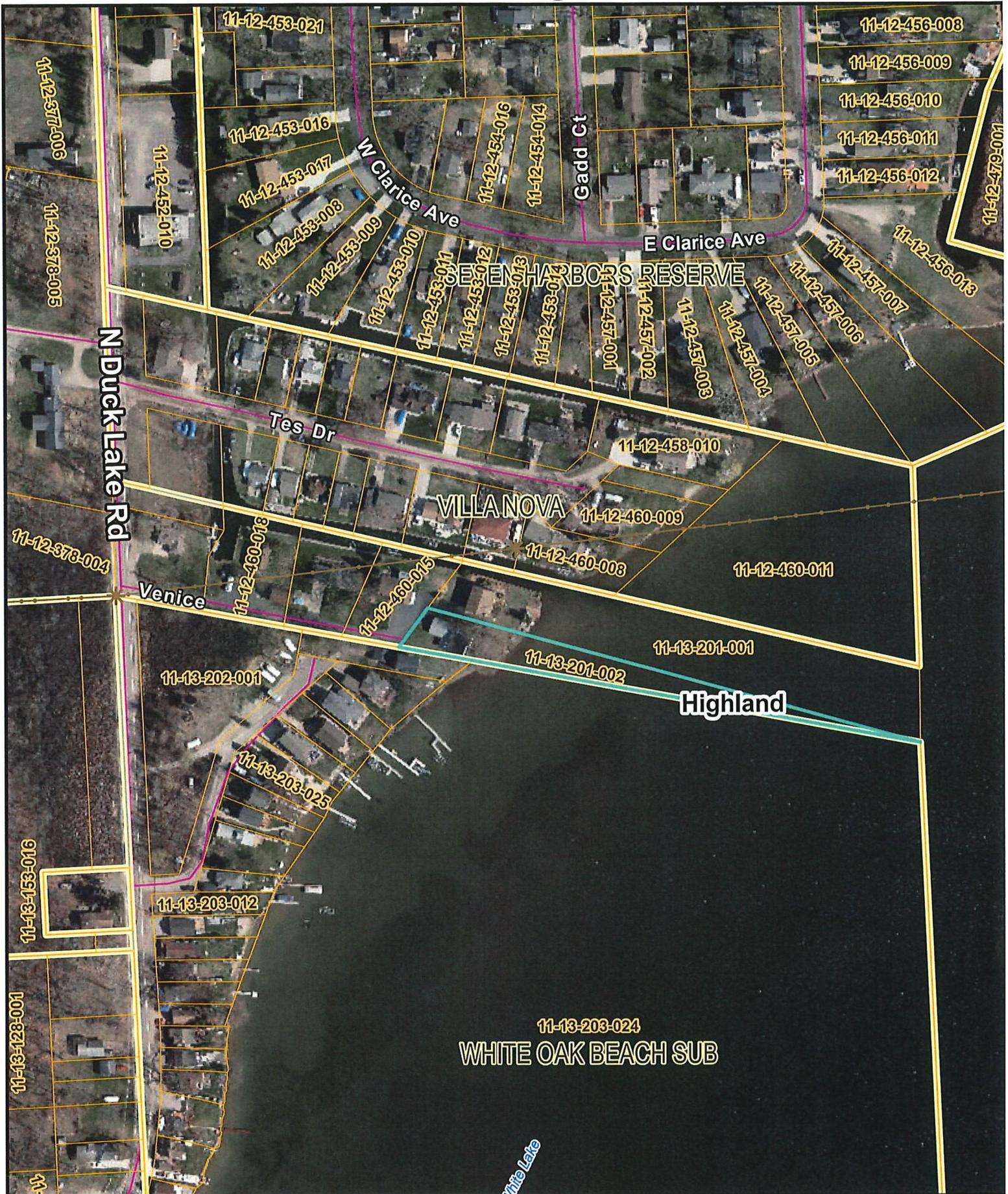
- 
- 1) Determine which existing primary structures or decks/uncovered porches shall be considered in the calculations. Decks and uncovered porches shall not be used in determining setback reductions for a principle structure, but principle structures may be used in determining setback reductions for 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 )

# CHARTER TOWNSHIP OF HIGHLAND ZONING MAP



# 2992 Venice neighborhood



-  2 Foot Contours
-  5 Foot Contours
-  FEMA Base Flood Elevations
-  FEMA Cross Sections
-  100 yr - FEMA Floodplain
-  100 yr (detailed) - FEMA Floodplain
-  500 yr - FEMA Floodplain
-  FLOODWAY - FEMA Floodplain

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.



David Coulter  
Oakland County Executive

Date Created: 6/24/2025



1 inch = 200 feet

# 2992 Venice



-  2 Foot Contours
-  5 Foot Contours
-  FEMA Base Flood Elevations
-  FEMA Cross Sections
-  100 yr - FEMA Floodplain
-  100 yr (detailed) - FEMA Floodplain
-  500 yr - FEMA Floodplain
-  FLOODWAY - FEMA Floodplain

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.

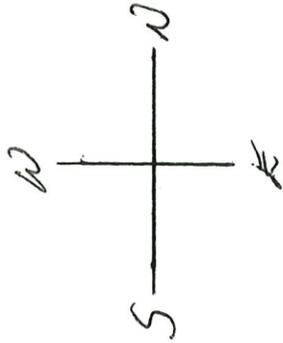
  
 Economic Development & Community Affairs  
**David Coulter**  
 Oakland County Executive

Date Created: 6/24/2025  
  
 NORTH  
 1 inch = 50 feet

JOHN & GAYE BURTON

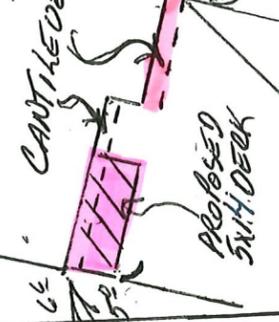
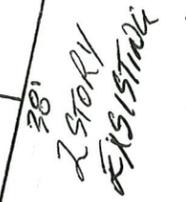
2992 VENICE

HIGHLAND MI 48356



VENICE DR 30' WID

82.0'  
2992 VENICE



SEPTIC SYSTEM

10' HOUTIE  
WELL

160'

WHITE LK

APPROX 70'



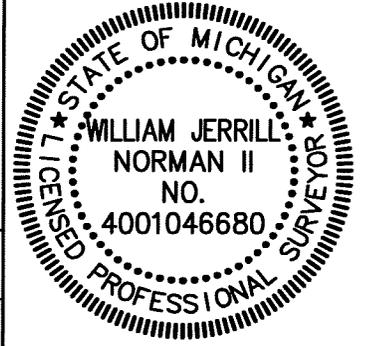
# KIEFT ENGINEERING, INC.

PROFESSIONAL CIVIL ENGINEERS AND LAND SURVEYORS



5852 South Main Street, Ste #1  
 Clarkston, Michigan 48346  
 Tel: 248-625-5251  
 Fax: 248-625-7110  
 www.kiefteng.com

## CERTIFICATE OF SURVEY



Survey for A-BETTER EXTERIOR - HEATHER McDONALD Date 3-25-2025

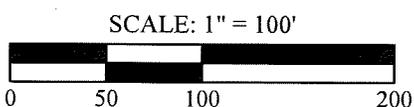
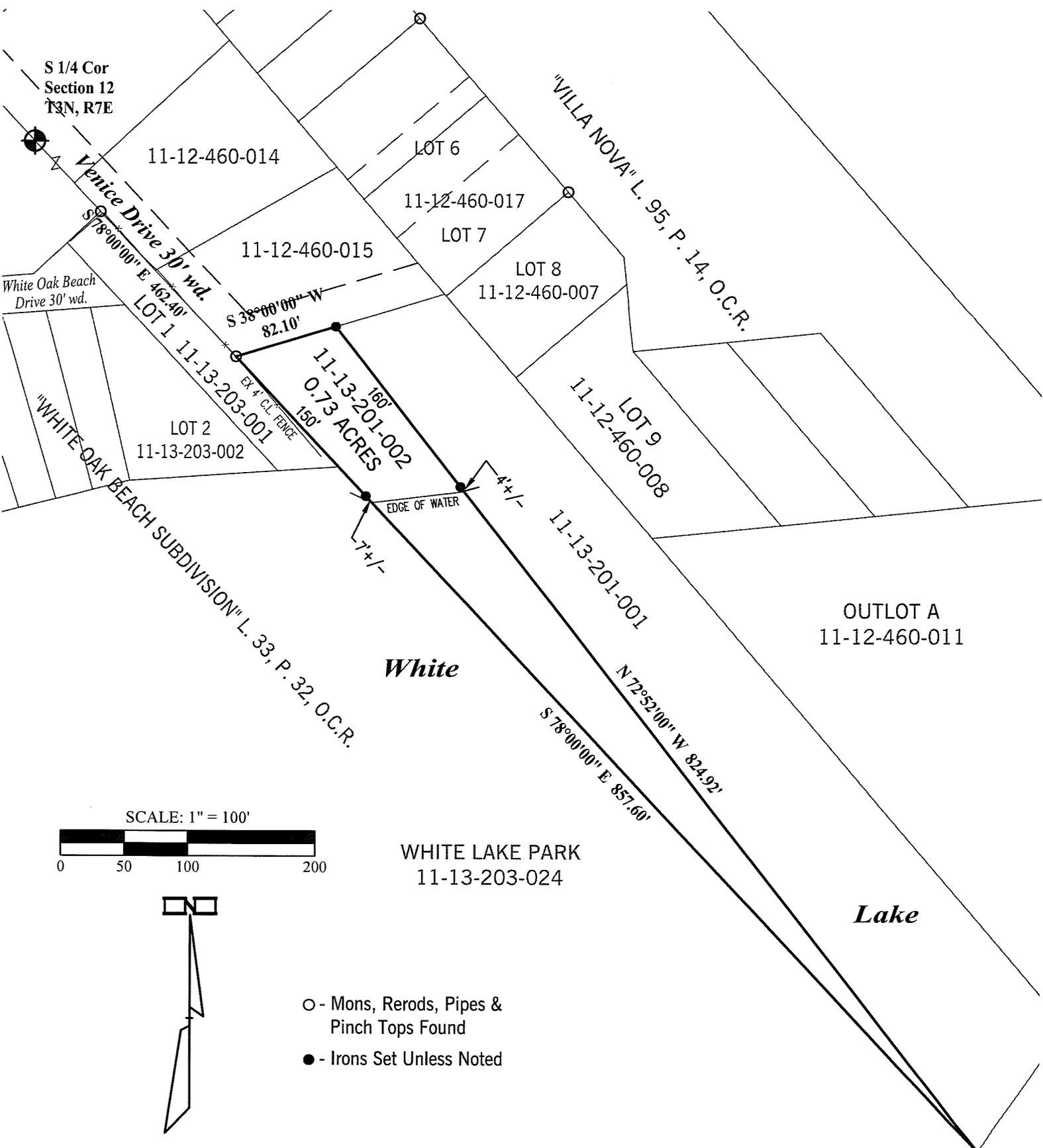
Address 101 E. LIVINGSTON ROAD, SUITE 5, HIGHLAND, MICHIGAN 48357 Job No. 2025.014

Sheet 1 of 1

This is to certify that I, William J. Norman II, a Professional Land Surveyor, have this date made a survey of a parcel of land described as follows:

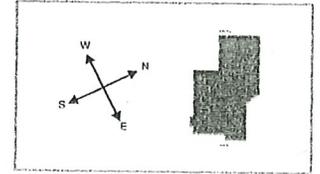
### **Parcel 11-13-201-002:**

*PART OF THE NE 1/4 OF SECTION 13, T3N, R7E, HIGHLAND TOWNSHIP, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT POINT LOCATED S 78°00'00" E 462.40 FT FROM THE S 1/4 CORNER OF SECTION 12, T3N, R7E; TH S 78°00'00" E 857.60 FT; TH N 72°52'00" W 824.92 FT; TH S 38°00'00" E 82.10 FT TO BEGINNING. CONTAINING 0.73 ACRES. SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD.*

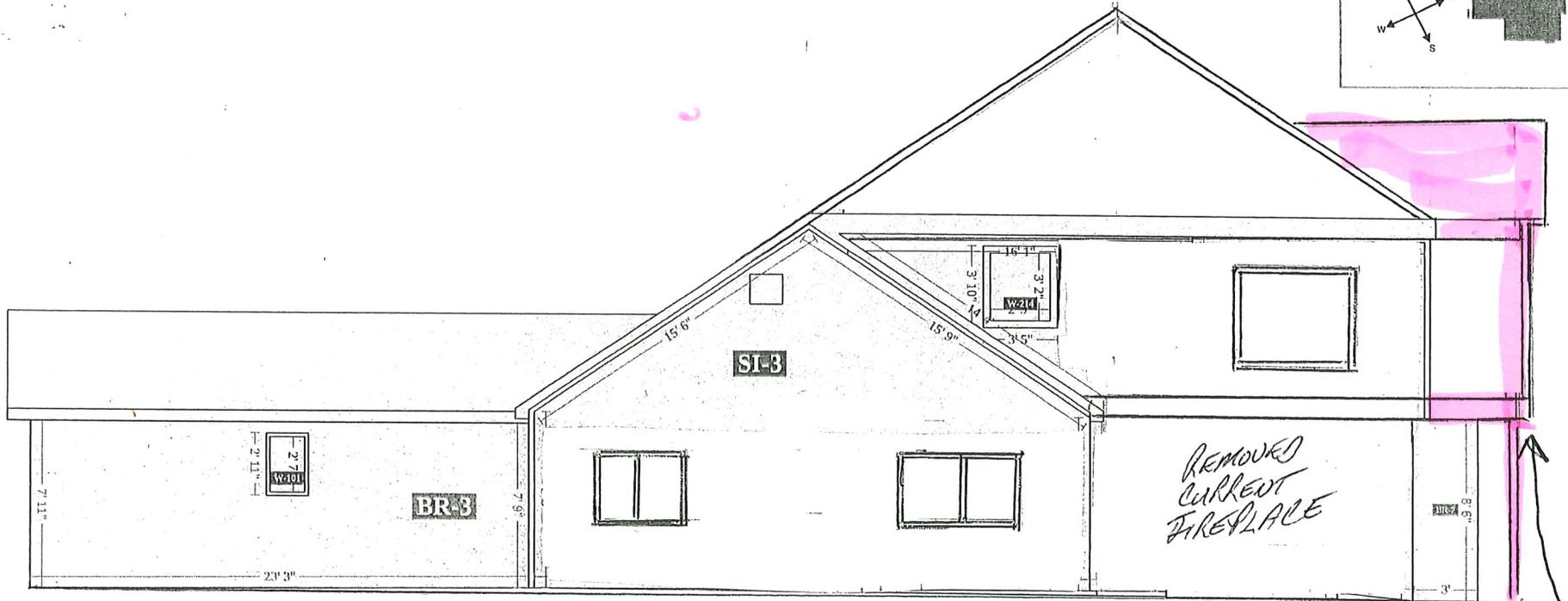
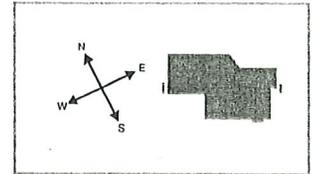


- - Mons, Rerods, Pipes & Pinch Tops Found
- - Irons Set Unless Noted

2992 Venice, MI  
BACK

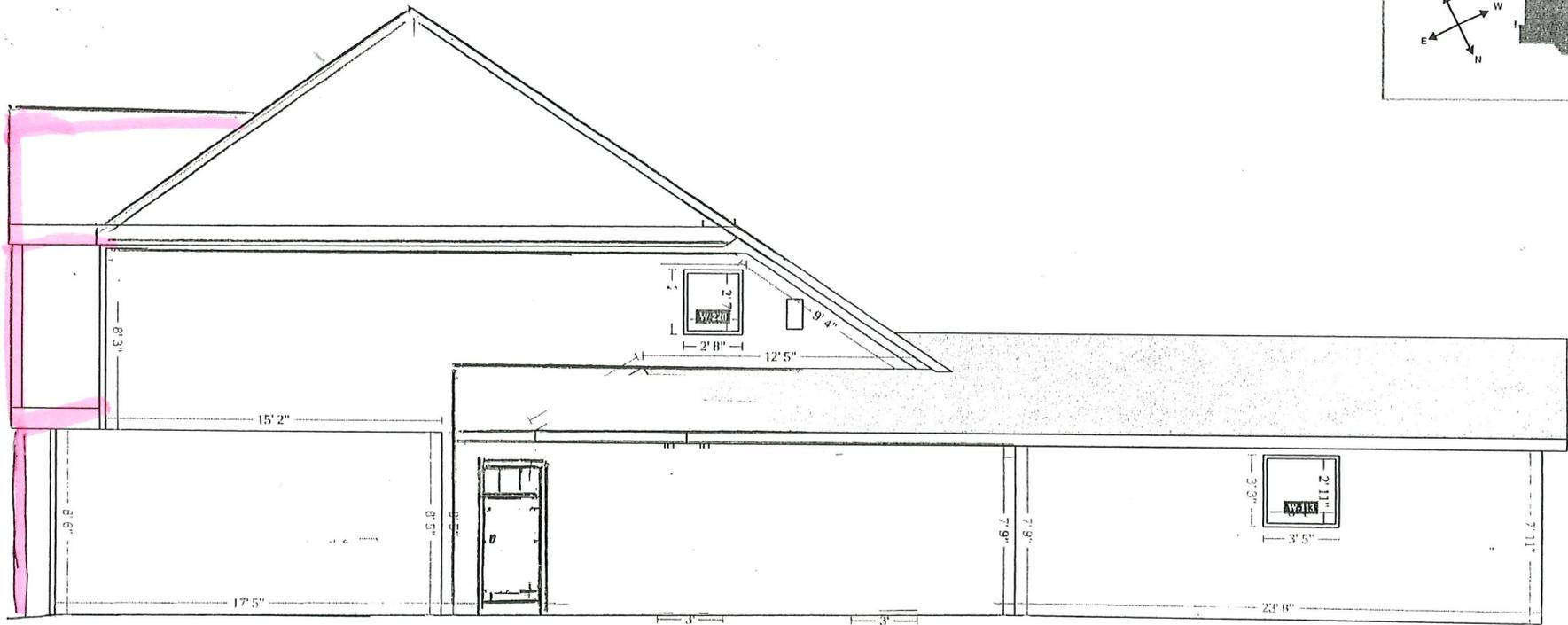
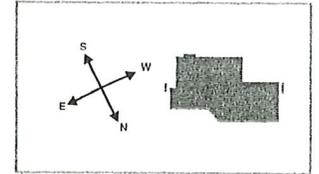


EAST ELEVATION

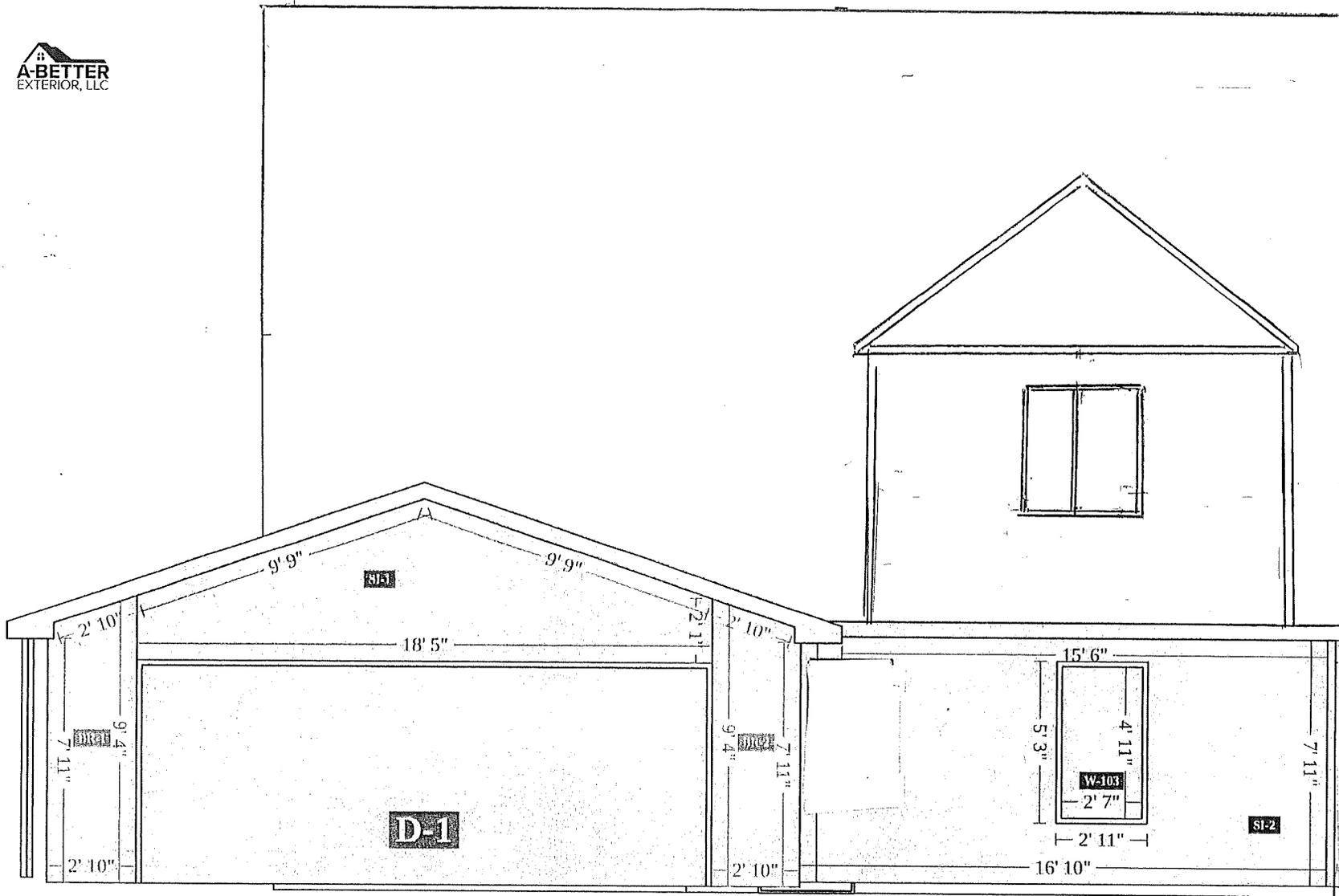


PROPOSED  
DECK

SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION  
ROADSIDE



Charter Township of Highland (H) 11-13-201-002 Active

Print Date: Date

2992 Venice  
Highland MI 48356-2438

View: Front

Structure: Primary

Photo Date: 04/08/2013



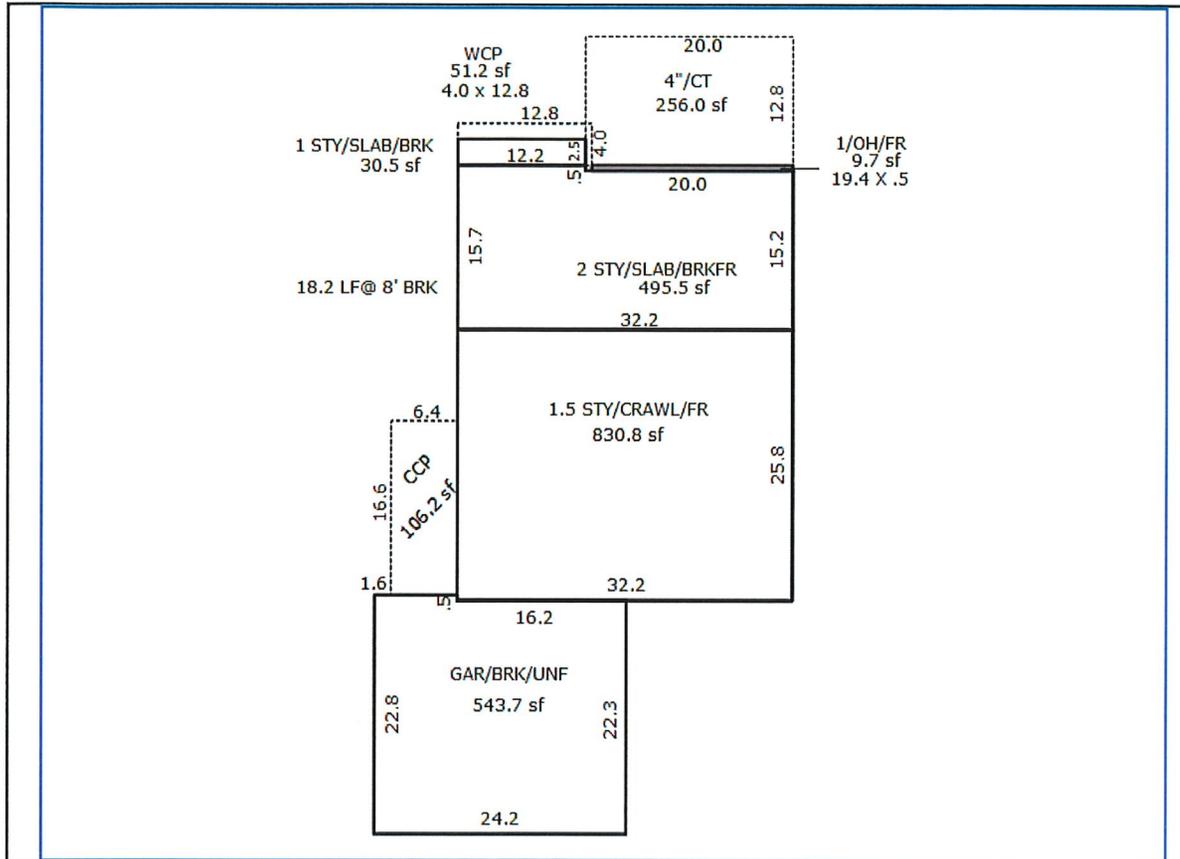
Parcel Sketch View

Charter Township of Highland (H)

Page Print Layout: 2 per page ▼

PIN: 11-13-201-002

PRINT DATE: 6/24/2025



## 2992 VENICE HIGHLAND MI 48356-2438



4 beds / 1 full baths / 1 half baths / 2280 sq ft

### Residential Property Profile

11-13-201-002

**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 Information

Owner(s) : JOHN H BURTON TRUSTEE  
Postal Address : 60527 TOWN SQUARE ST NEW HUDSON MI 48165-9651

#### Location Information

Site Address : 2992 VENICE HIGHLAND MI 48356-2438  
PIN : 11-13-201-002 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 PART OF NE 1/4 BEG AT PT DIST S 78-00-00 E 462.40 FT FROM S 1/4 COR OF SEC 12, TH S 78-00-00 E 857.60 FT, TH N 72-52-00 W 824.92 FT, TH S 38-00-00 E 82.10 FT TO BEG 0.73 A

#### Most Recent Sale Since 1994

Date : 04/20/2023  
Amount : \$1 Liber : 58599:093  
Grantor : BURTON, JOHN  
BURTON, GAYE Grantee : BURTON TRUST

#### Next Most Recent Sale

Date : 04/20/2023  
Amount : \$500,000 Liber : 58594:764  
Grantor : WADDINGTON, SCOTT  
Grantor : WADDINGTON, SCOTT Grantee : BURTON, JOHN  
BURTON, GAYE

4 beds / 1 full baths / 1 half baths / 2280 sq ft

Residential Property Profile

11-13-201-002

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	: \$265,699	State Equalized Value	: \$266,010
Current Assessed Value	: \$266,010	Capped Value	: \$265,699
Effective Date For Taxes	: 12/01/2024	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 0%	Winter Principal Residence Exemption Percent	: 0%
<b>2024 Taxes</b>		<b>2025 Taxes</b>	
Summer	: \$10,431.73	Summer	: \$10,664.80
Winter	: \$3,040.13	Winter	:
Village	:	Village	:

**Lot Information**

Description	: LEVEL	Area	: 0.682 ACRES
-------------	---------	------	---------------

**Primary Structure**

Structure	: CapeCod	Living Area	: 2280 SQ FT
Ground Floor	: 1358 SQ FT	Year Built	: 1948
Effective Year	: 1969	Remodel Year	: 1964
Stories	: 2 Story	Rooms	: 9
Bedrooms	: 4	Full Baths	: 1
Half Baths	: 1	Fireplaces	: 1
Ext Walls	: Block	Basement	: NO - CRAWL SPACE
Garage	: ATTACHED - 2 car (544 SQ FT)	Heat	: Forced Air w/ Ducts
Fuel Type	: Gas	Central Air	: No

**Basement Information**

Finish	: UNFINISHED	Area	: 0 SQ FT
--------	--------------	------	-----------

**Porch Information**

Type	Area
CCP (1 Story)	106 SQ FT
WCP (1 Story)	51 SQ FT