



MEMORANDUM

To: Zoning Board of Appeals
From: Kariline P. Littlebear, Zoning Administrator
Date: August 20, 2025
Re: ZBA25-16
4253 Hunters Dr
11-12-176-017
Applicant: Jacquelyn Spohr
Owner: Daniel Spohr

The subject parcel is zoned LV – Lake and Village Single-Family Residential District. The total parcel size is approximately 0.115 acres (~5,009 sq ft).

The required setbacks for this parcel are as follows:

Front yard (from property line not road edge): 30 ft

Ordinary High-water mark: 30 ft

Side yards: 5 ft minimum for the smallest side yard with a total of 15 ft minimum when both side yards are added together.

This variance request is for a 3-foot variance from the calculated 30-foot ordinary high-water mark setback to 27-feet provided and a 2.5-foot variance from the required 10-foot side yard setback to 7.5-feet provided for the construction of a covered rear porch. This request is for a variance from Section 9.02. of the Zoning Ordinance.

There is an open violation enforcement on this parcel for construction of the covered deck without permits.

For the variance request, the applicant has provided a certified survey and photos. Staff has supplied assessing records, a zoning map, aerial approximations of the property, and Section 9.02. of the Zoning Ordinance.

Case # 25-16

Hearing Date ~~25-16~~
8-20-25

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS
APPLICATION FOR APPEAL

APPLICANT	
NAME:	<u>Jacquelyn Spohr</u>
ADDRESS:	<u>1184 Craven Dr</u> <u>Highland, MI 48356</u>
PHONE:	<u>248-798-1419</u>
EMAIL:	<u>jackee.spohr@aol.com</u>

OWNER	
NAME:	<u>Daniel Spohr</u>
ADDRESS:	<u>1184 Craven Dr</u> <u>Highland, MI 48356</u>
PHONE:	<u>248-356-2166</u>
EMAIL:	<u>dspohrmi@aol.com</u>

PROPERTY ADDRESS: 4253 Hunters Drive

ZONING: LV PROPERTY TAX ID NO: 11-12-176-017

ORDINANCE SECTIONS BEING APPEALED: Sec 9.02.D. and Sec. 9.02.B.b.

VARIANCES REQUESTED: 3ft variance from 30ft ordinary high water mark to 27ft provided and 2.5ft variance from 10ft side yard to 7.5ft provided

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY:

~~Unaware~~ Please see attachments: #1-4
Unaware ^{permit} zoning was required to install an overhang over a portion of existing deck. Ordinance requires 30' to Ordinary high water mark, and like ^{consistency} of neighboring properties

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: [Signature]

DATE: 7-8-25 only a 27' setback is available due to smaller cottage sized lots

SIGNATURE OF APPLICANT: [Signature]

DATE: 7-8-25

Signature of applicant must be notarized.

Subscribed and sworn to before me this 8th day of July, 2025

Wendy Maertens Notary Public
My Commission expires 11/30/2029

Wendy Maertens
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF GENESEE
My Commission Expires 11/30/2029
Acting in the County of Oakland

APPLICATION FEE:	<u>\$275</u>
Receipt#	<u>1.063048</u>
Date Paid	<u>7/8/25</u>
Received by	<u>ejc</u>

Form revised 5/21/2024
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.

Yes, the ~~the~~ lots down hunters drive are shallow and narrow as they were originally developed for cottages in the 40', 50', 60's. Very narrow and shallow cottage sized lots.

- 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



4253 Hunters Drive – Attachment #1 (Description)

Requesting a zoning variance to allow a 27' setback from Ordinary High Water Mark, and 7.5' from south facing property line, for pre-constructed overhang, covering a portion of existing deck, which aligns with community's development goals and addresses unique site circumstances.

Property boundaries include neighboring homes, which were originally developed in the 1940's, 50's and 60' as Beaumont's 7 Harbor Duck Lake recreation cottages. The primary structure at 4253 Hunters Drive was built in 1949, on a 40' x 125' lot.

Neighboring lots are also 40' x 125' with similar outdoor spaces and/or improvements. The 7.5' requested setback from south facing side yard is greater than the setback from existing primary structure, which is surveyed at 6.9'.

The requested variance is consistent with established patterns within the developed neighborhood while protecting the lake's viewshed for neighboring properties as it does not obstruct any neighboring views. Without variance approval, we would be denied privileges enjoyed by neighboring properties as many neighboring properties have like-kind outdoor spaces to enjoy lake living/viewshed. Please see neighboring property Ordinary High Water Mark descriptions below.

Neighboring Properties to the North:

4295 Hunters – enclosed porch sitting approx. same distance (27') from Ordinary High Water Mark (built 1953)

4275 Hunters – enclosed porch is positioned farthest from Ordinary High Water Mark (built 1968)

4265 Hunters – raised brick paver patio extends beyond said overhang at 4253, in which variance has been requested, less than 30' from High Water Mark (built 1954)

Neighboring Properties to the South:

4235 Hunters – overhang covering porch extends beyond said overhang at 4253, in which variance has been requested, less than 30' from High Water Mark (built 1968)

4217 Hunters – primary structure and raised paver porch extends beyond said overhang at 4253, in which variance has been requested, less than 30' from High Water Mark (built 2018)

4211 Hunters – deck, unable to observe conditions from 4253

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.

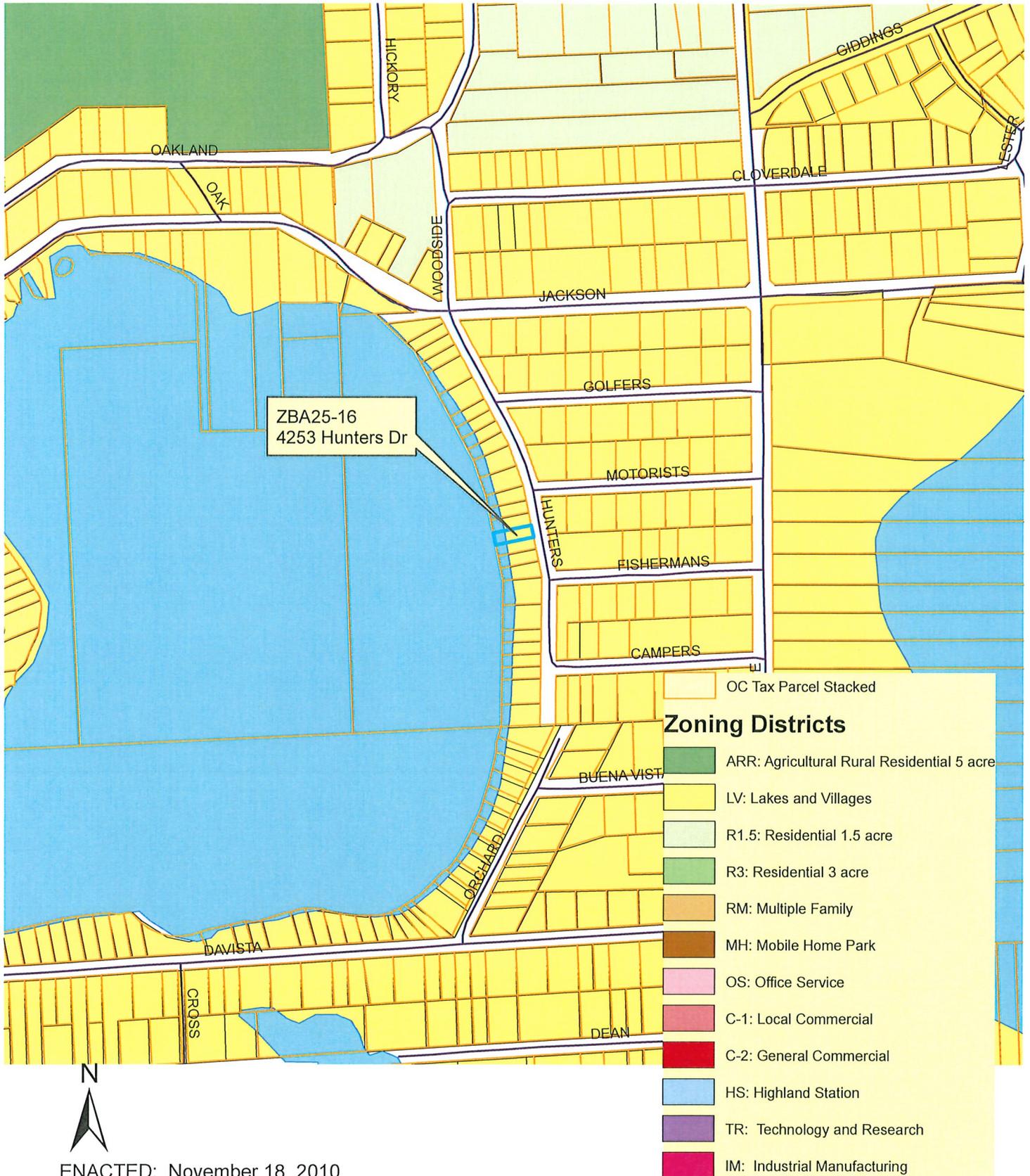
D. *Minimum Setback from the Ordinary High Water Mark.*

- 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.

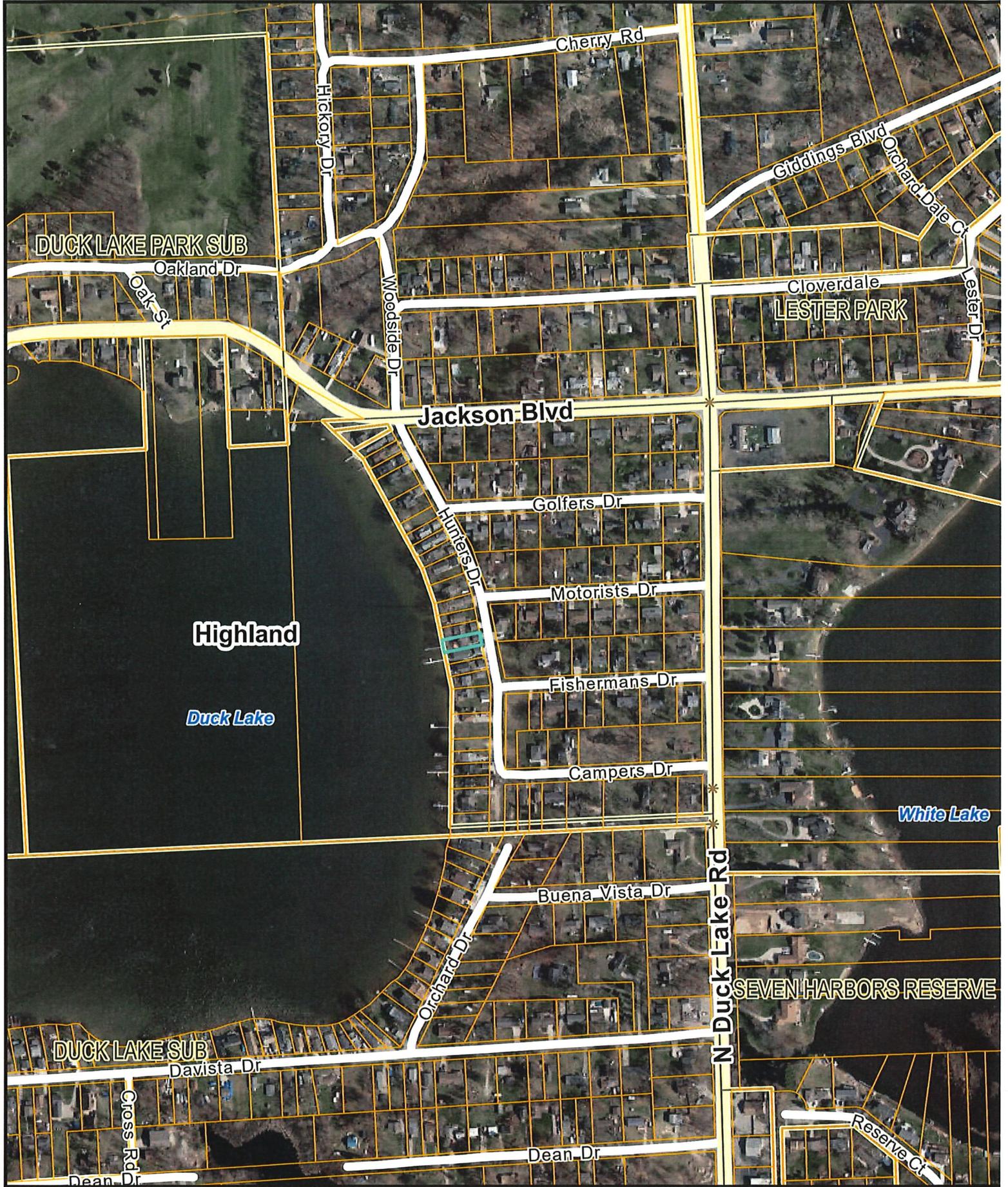
(Ord. No. Z-006, § 3, 10-14-2015)

CHARTER TOWNSHIP OF HIGHLAND ZONING MAP



ENACTED: November 18, 2010

4253 Hunters Dr 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.

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

Date Created: 7/11/2025

 NORTH
 1 inch = 400 feet

4253 Hunters Dr



- ~ 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

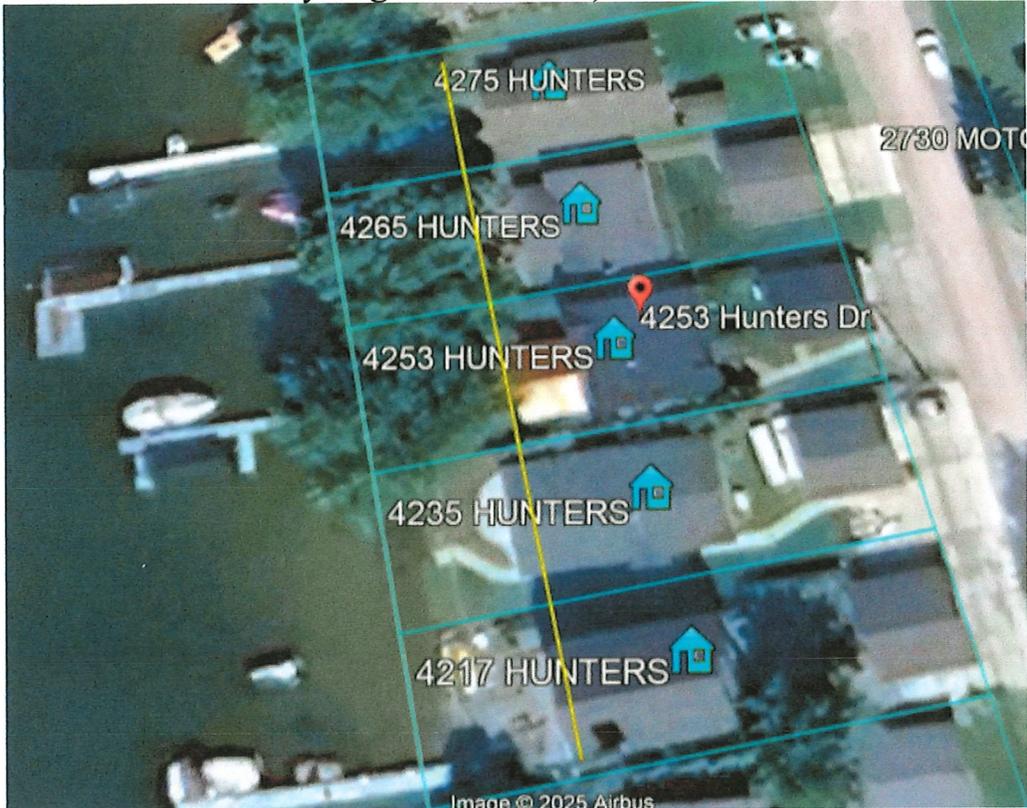
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OAKLAND COUNTY MICHIGAN
 Economic Development & Community Affairs
David Coulter
 Oakland County Executive

Date Created: 7/11/2025

 NORTH
 1 inch = 50 feet

4253 Hunters Drive – Attachment #2 (Consistent Neighboring Patterns to Ordinary Highwater Mark)

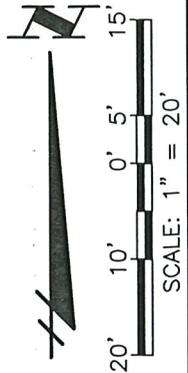
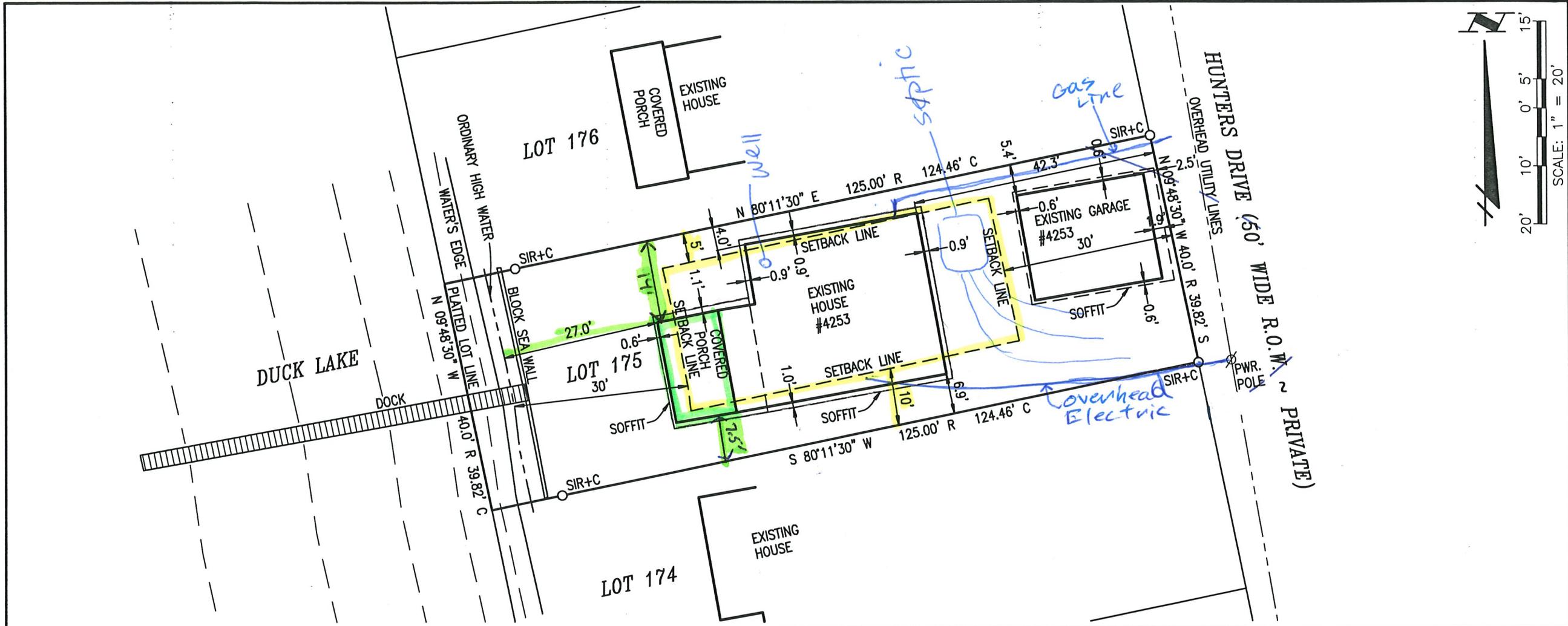


2025



Keller Williams Advantage

Realcomp



LAND DESCRIPTION:

TOWNSHIP OF HIGHLAND, COUNTY OF OAKLAND, STATE OF MICHIGAN: LOT 175, SUPERVISOR'S PLAT NO. 1, AS RECORDED IN LIBER 28, PAGE 57 OF PLATS, OAKLAND COUNTY RECORDS.

LOT SURVEY OF PARCEL NUMBER 11-12-176-017.

BEARINGS FOR THIS SURVEY ARE BASED ON THE PLAT.

This survey is valuable and should be filed with the deed and abstract for this property.



REGISTERED LAND SURVEYORS
 655 Broadway
 P.O. Box 440
 Davisburg, Michigan 48350
 Phone: (248) 634-0700
 Email: GWS@TIR.COM

SURVEYORS CERTIFICATE:

I, Grant J. Ward, Registered Land Surveyor, hereby certify to JACKUELYN L. & DANIEL D. SPOHR; that on JULY 1, 2025 I, surveyed and mapped the land herein described.

LEGEND:

- C - Calculated
- M - Measured
- R - Recorded
- S - Set
- FIP - Found Iron Pipe
- FIR - Found Iron Rod
- ◇ FM - Found Monument
- FPP - Found Pinch Pipe
- SIRC - Set Iron Rod and Cap No. 22445

Date: JULY 3, 2025 Rev.: _____
 Job No.: 25-0603 Desc. File: 250603
 Dwg. File: 250603.dwg Data File: 250603P
 Field Book: * _____ Sheet: 1 of 1



[Signature]
 Grant J. Ward, R.L.S.
 License No. 22445

Surveying MICHIGAN With Pride



Charter Township of Highland (H) 11-12-176-017 Active

Print Date: Date

4253 Hunters Dr
Highland MI 48356-1933

View: Front

Structure: Primary

Photo Date: 04/08/2013



2025



4253 Hunters Dnve - Attachment #3 (location)



4253 Hunters Drive - Attachment #4 (consistent Neighboring Patterns)



SOUTH

↑ 4253 *

↑ 4235

↑ 4217



NORTH

↑ 4275

↑ 4265

↑ 4253 *

2025



Keller Williams Advantage

Realcomp

2025



Keller Williams Advantage

Realcomp

2025



Keller Williams Advantage

Realcomp

2025



Keller Williams Advantage

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HIGHLAND TOWNSHIP

ORDINANCE COMPLAINT

CASE # **EE25-0174**

06/26/25

Type **BUILDING/NO PERMIT**

OFFICER STEVEN TINO/BLDG. INSP

Status

Complaint Address: **4253 HUNTERS DR**

H -11-12-176-017

Owner of Record:
SPOHR, DANIEL

Complainant:

4253 HUNTERS DR
HIGHLAND MI 48356-1933

COMPLAINT

BUILDING/NO PERMIT

Covered back porch built without permits sometime between 2020 and 2023 per OC aerial photos

BUILDING/NO PERMIT Enforcement | EE25-0174**Property Information**

H -11-12-176-017	4253 HUNTERS DR	Subdivision:	SUPERVISORS PLAT N
	HIGHLAND MI, 48356-1933	Lot:	175 Block:

Name Information

Owner:	SPOHR, DANIEL	Phone:
Occupant:		Phone:
Filer:		Phone:

Enforcement Information

Date Filed:	06/26/2025	Date Closed:	Status:
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Complaint:

Covered back porch built without permits sometime between 2020 and 2023 per OC aerial photos

Last Action Date:	Last Inspection:	06/30/2025
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Last Action:

re-inspection Inspection | Jennifer Bosh

Status:	Scheduled	Result:
Scheduled:	08/21/2025	Completed:

Comments:

sch note they applied for a variance, check to see if it was approved.

ini Inspection | Steven Tino/Bldg Insp

Status:	Completed	Result:	Violation(s)
Scheduled:	06/27/2025	Completed:	06/30/2025

Comments:

sch note left red tag

4253 HUNTERS DR HIGHLAND MI 48356-1933



2 beds / 2 full baths / 0 half baths / 1522 sq ft

Residential Property Profile

11-12-176-017

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) : DANIEL SPOHR
Postal Address : 4253 HUNTERS DR HIGHLAND MI 48356-1933

Location Information

Site Address : 4253 HUNTERS DR HIGHLAND MI 48356-1933
PIN : 11-12-176-017 Neighborhood Code : LDL
Municipality : Charter Township of Highland
School District : 63220 HURON VALLEY SCHOOLS
Class Code : 401 Residential - Improved

Property Description

T3N, R7E, SEC 12 SUPERVISORS PLAT NO 1 LOT 175

Most Recent Sale Since 1994

Date : 08/25/2015
Amount : \$1 Liber : 48613:670
Grantor : SPOHR, GERALD
SPOHR, DANIEL
SPOHR, CAROL Grantee : SPOHR, DANIEL

Next Most Recent Sale

Date : 06/02/2011
Amount : \$1 Liber : 43104:022
Grantor : SPOHR, GERALD
SPOHR, DANIEL
SPOHR, CAROL Grantee : SPOHR, GERALD
SPOHR, DANIEL
SPOHR, CAROL

