



MEMORANDUM

To: Zoning Board of Appeals
From: Samantha George, Assistant Zoning Administrator
Date: March 4, 2026
Re: ZBA26-03
1405 Middle Rd
11-16-100-004
Applicant: Nicholas Mermuys
Owner: Nicholas Mermuys

The subject parcel is zoned ARR – Agricultural & Rural Residential. The total parcel size is approximately .55 acres.

The required setbacks for this parcel are as follows:
Front yard (from road right-of-way NOT edge of road: 75 ft
Rear yard for Primary Structures: 100 ft
Rear yard for Detached Accessory Structures: 50 ft
Side yards: 40 ft / 40ft

This variance request is for a 9-foot 10-inch variance from the calculated 75-foot front yard setback to 65-feet 2-inch provided and a 3-foot 3-inch variance from the calculated 40-foot east side yard setback to 36-feet 9-inch provided for the construction of an uncovered deck. This request is for a variance from Section 4.15 Table 4.1 Schedule of Regulations of the Zoning Ordinance.

December 22, 2025, an enforcement record, EE25-0330, was created for an uncovered deck that was recently built without permits. The Building Official spoke to the homeowner stating that he will need to talk with the Zoning Administrator regarding setbacks.

January 20, 2026, the homeowner turned in a completed application packet to request a variance.

For the variance request, the applicant has provided a scaled site plan, elevations, and photos. Staff have supplied assessing records, a zoning map, aerial approximations of the property, and Zoning Ordinance Sec. 4.15 Table 4.1.

Case # 26-03

Hearing Date 3/4/26

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS
APPLICATION FOR APPEAL

APPLICANT

NAME: Nicholas Mermuys

ADDRESS: 1405 Middle Rd.
Highland MI 48357

PHONE: 810-241-8756

EMAIL: Nick.Mermuys@gmail.com

OWNER

NAME: Nicholas Mermuys

ADDRESS: 1405 Middle Rd.
Highland MI 48357

PHONE: 810-241-8756

EMAIL: Nick.Mermuys@gmail.com

PROPERTY ADDRESS: 1405 middle rd. Highland MI 48357

ZONING: ARR PROPERTY TAX ID NO: H-11-16-100-004

ORDINANCE SECTIONS BEING APPEALED: Set. 4.15 table 2.1

VARIANCES REQUESTED: A 9'10" variance from the calculated 75' front yard setback to 65' 2" provided + a 3'3" variance from the calculated 40' east side yard setback to 36'9" provided, for the construction of an uncovered deck.

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: Please see Attached

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: Nicholas Mermuys DATE: 1-20-2026

SIGNATURE OF APPLICANT: Nicholas Mermuys DATE: 1-20-2026

Signature of applicant must be notarized.

Subscribed and sworn to before me this
20 day of January, 2026
Jennifer Bosh Notary Public
My Commission expires 06-16-2032

APPLICATION FEE: \$ 325

Receipt# 1.064793 Date Paid 1/20/26

Received by [Signature]

JENNIFER BOSH
 NOTARY PUBLIC, STATE OF MICHIGAN
 COUNTY OF OAKLAND
 My Commission Expires June 16, 2032
 Acting in the County of Oakland

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. .5 acres and zoning was changed to
ARR which make it very narrow for 5 acre
minimum splits.

- 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.)

Yes

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

A handwritten signature in black ink, appearing to read "M. D. Payne", written over a horizontal line.

Variance Request Explanation & Proof of Practical Difficulty

Property: 1405 Middle Rd, Highland Township
Zoning: ARR – Agricultural & Rural Residential

Description of the Request

I am requesting approval of a variance to allow an attached, low-profile, open deck to encroach into the required front and side yard setbacks in the ARR zoning district. The deck is approximately 24 inches above grade, is open and non-habitable, and is accessory to the existing residence. It is not intended for enclosure or expansion of living space.

Main Entrance Function

This deck serves as the main and primary entrance to the home and provides the safest means of entry and egress for occupants and visitors. Its location is functionally tied to the existing front door and cannot be reasonably relocated without significant alteration to the structure.

Existing Deck Condition

The existing deck was found to be structurally rotted beyond repair, including deterioration of critical framing members. Due to safety concerns, repair was not feasible and full replacement became necessary. The proposed deck represents the minimum reasonable solution to correct an unsafe condition while maintaining safe access to the home.

Practical Difficulty

The property is narrow in width relative to its depth, and the house and detached garage are permanently fixed and were constructed prior to current zoning standards. Their placement significantly limits the buildable envelope. Because the deck serves the main entrance to the home, there is no reasonable alternative location that would comply with both front and side setbacks without requiring major structural modification or removal of existing improvements.

Conclusion

Granting this variance will not alter the character of the property or surrounding neighborhood. The deck is low-profile, open, accessory in nature, and will have minimal visual or physical impact. The request is consistent with the intent of the zoning ordinance. For these reasons, I respectfully request approval of the requested front and side yard setback variances.

Sec. 4.15. Schedule of Regulations.

TABLE 4.1. SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Size		Maximum Building Height (B)		Minimum Yard Setback (C, D, E, P, R, S)					Max. Lot Coverage	Min. Floor Area per Dwelling Unit
	Area	Lot width	Stories	Feet	Front	Least Side	Total Side	Rear	Ordinary High Water Mark	Percent	Square Feet
ARR Q	5 acres (L)	330 ft.	2	28 (A)	75 ft. (G)	40 ft.	80 ft.	100 ft. (R)	65 ft.	10%	1,000 (750 first floor)
R-3	3 acres (L)	200 ft.	2	28 (A)	75 ft. (G)	40 ft.	80 ft.	100 ft. (R)	65 ft.	10%	1,000 (750 first floor)
R-1.5	65,000 sq. ft. (M)	150 ft.	2	28 (A)	50 ft. (G)	30 ft.	60 ft.	50 ft.	65 ft.	15%	1,000 (750 first floor)
LV (H)	---	---	---	---	---	---	---	---	65 ft.	---	---
RM (I)	---	---	---	---	---	---	---	---	65 ft.	---	---
MH (J)	---	---	---	---	---	---	---	---	65 ft.	---	---
OS	30,000 sq. ft. (N)	120 ft.	2	25	80 ft. (F)	20 ft.	50 ft.	50 ft.	65 ft.	30%	N/A
C-1	30,000 sq. ft. (N)	120 ft.	2	25	80 ft. (F)	20 ft.	50 ft.	50 ft.	65 ft.	30%	N/A
C-2	30,000 sq. ft. (N)	150 ft.	2	25	80 ft. (F)	20 ft.	50 ft.	50 ft.	65 ft.	30%	N/A
C-3	30,000 sq. ft. ^N	150 ft.	2	25	80 ft. ^F	20 ft. ^S	50 ft. ^{S,T}	50 ft. ^{S,T}	65 ft.	varies ^U	N/A
HS (K)	---	---	---	---	---	---	---	---	65 ft.	---	---
TR (O)	30,000 sq. ft. (N)	150 ft.	2	30	40 ft. (F)	20 ft.	40 ft.	40 ft.	65 ft.	30%	N/A

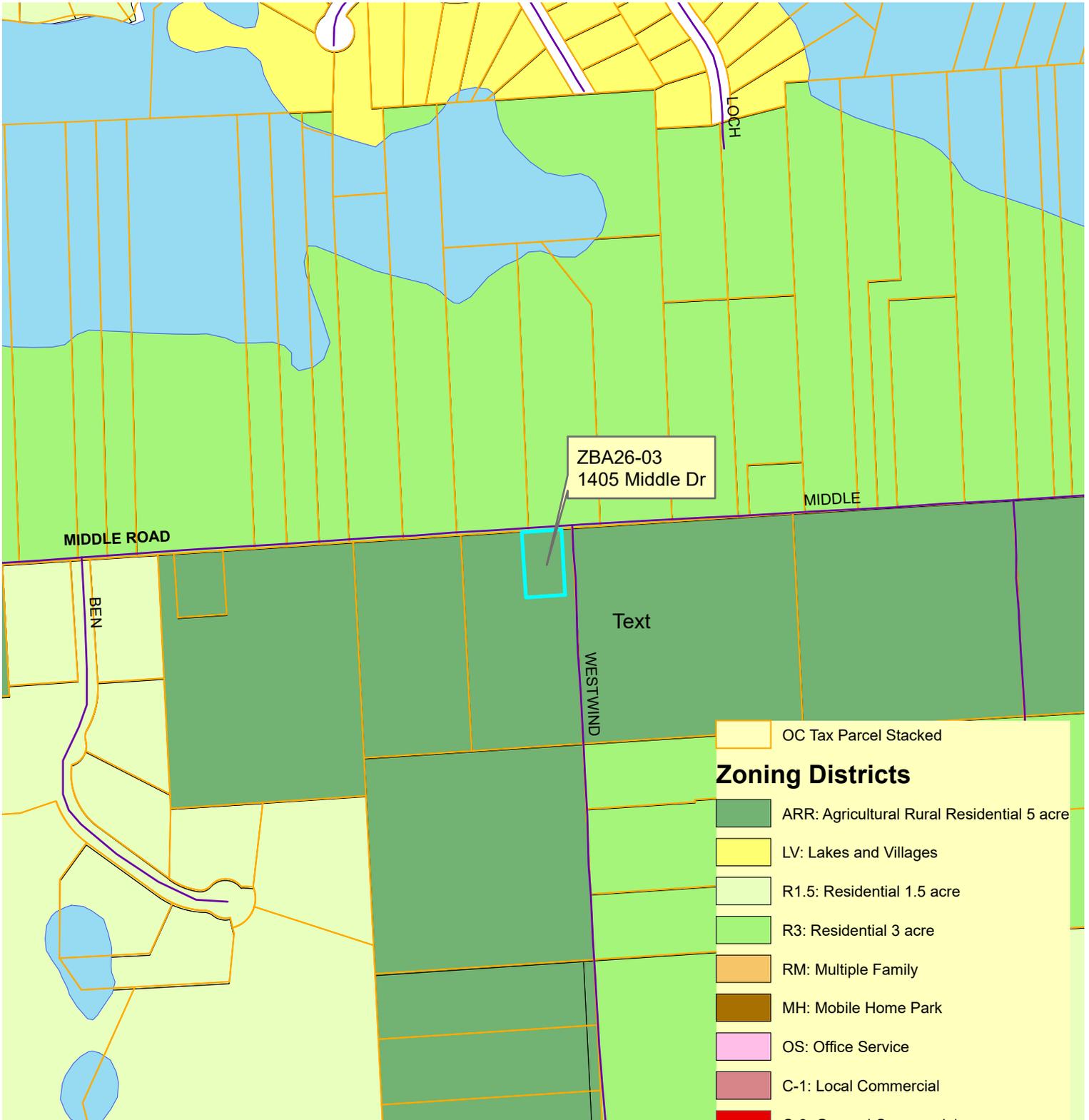
IM (O)	30,000 sq. ft. (N)	150 ft.	2	30	75 ft. (F)	20 ft.	40 ft.	40 ft.	65 ft.	30%	N/A
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- A. For residential principal and accessory structures, the structure shall be designed so that firefighters can access the roof at multiple locations by means of a standard fire ladder.
- B. For non-residential accessory structures, the maximum building height shall be subject to the same height requirement as a principal structure.
- C. Non-residential accessory buildings, structures and uses shall be subject to the same setback requirements as a principal building structure, or use. A non-residential accessory building, structure or use shall not occupy more than twenty-five percent (25%) of the total gross floor area of the principal building in which it serves, except that the Technology and Research District shall be limited to fifteen percent (15%).
- D. Septic systems in all districts are subject only to the setbacks established by the Oakland County Health Division.
- E. Any structure, yard, pen, or other area where farm animals are kept must be setback fifty (50) feet from any residential building or structure on the same lot and fifty (50) feet from any building or structure on an adjacent lot. Animal owners are liable for damage their animals may inflict on neighboring properties, and are advised to maintain a suitable setback from the property line, considering the behavior of their animals and the nature of the adjoining properties.
- F. For parcels fronting on M-59, a minimum setback of one hundred (100) feet shall be required.
- G. For lots fronting major thoroughfares, the front yard setback shall be increased by fifty (50) feet.
- H. Refer to Section 9.02 for Lake and Village Residential District regulation.
- I. Refer to Section 9.03 for Multiple-family Residential regulations.
- J. Refer to Section 9.04 for Manufactured Home Park District regulations.
- K. Refer to Section 9.05 for Highland Station District regulations.
- L. Minimum buildable area shall be 2 acres. The buildable area shall be of such configuration to permit construction of a house, septic system and reserve septic system.
- M. Minimum lot size and buildable area shall be 65,000 square feet. The buildable area shall be of such configuration to permit construction of a house, septic system and reserve septic system.
- N. Minimum lot size and buildable area shall be 30,000 square feet. The buildable area shall be of such configuration to permit construction of the principal structure, septic system and reserve septic system.
- O. Refer to Section 9.06 for additional regulations for the Technology and Research District and the Industrial Manufacturing District.

-
- P. Corner and through lots have two front yards. The two remaining yards are considered side yards. Corner lots will have a rear yard if the parcel is large enough to be divided.
 - Q. Refer to Section 10.13 for Yard Setback Exceptions relative to temporary Farm Market Structures.
 - R. For accessory buildings and structures in the ARR and R-3 Zoning District, the rear yard setback shall be fifty (50) feet.
 - S. Side and rear setbacks shall be doubled along lot lines adjacent to residentially zoned and used properties.
 - T. A minimum twenty-five (25) foot landscape buffer is required along lot lines adjacent to residentially zoned and used properties. No outdoor activities are permitted in this space.
 - U. Maximum lot coverage shall not exceed thirty (30) percent except that the aggregate of greenhouses and self-storage may cover forty (40) percent of the lot, provided no single building exceeds five thousand (5,000) square feet.

(Ord. No. Z-006, § 1, 10-14-2015; Ord. No. Z-013, § 1, 10-9-2019; Ord. No. Z-029, § 1, 9-11-2023)

CHARTER TOWNSHIP OF HIGHLAND ZONING MAP



ZBA26-03
1405 Middle Dr

- 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

1405 Middle Rd



- 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: 1/20/2026

NORTH
 1 inch = 200 feet

1405 Middle Rd



-  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: 1/20/2026


NORTH
 1 inch = 50 feet

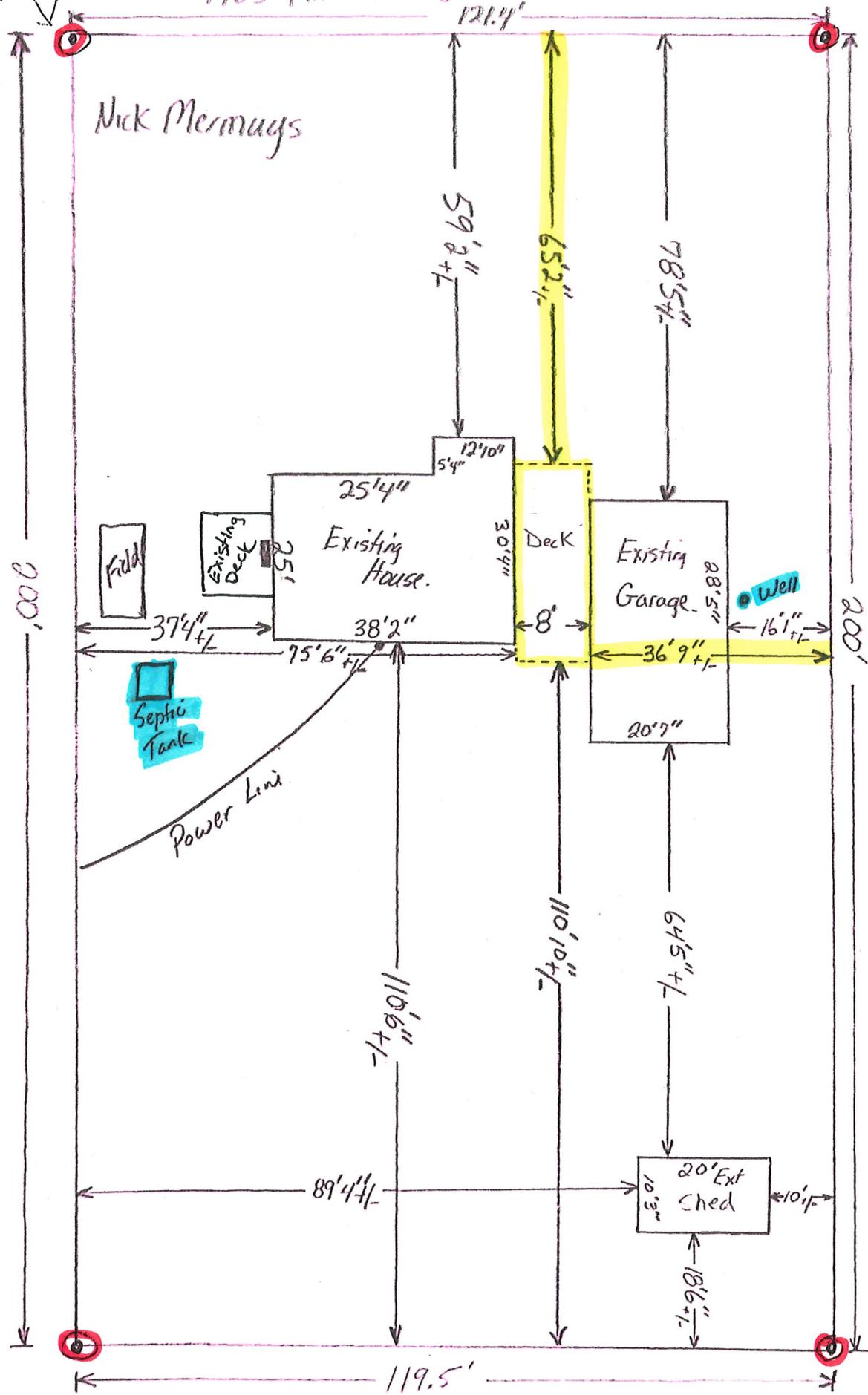
IRON PIN

1405 Middle Rd Highland.
121.4'

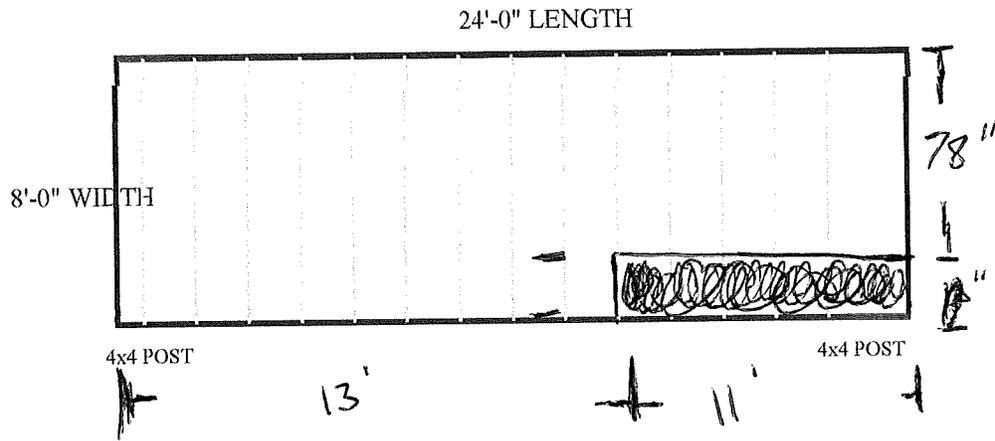
N ↑
1" = 20'

Nick Mermuys

- Variance Request
- well + septic
- Survey Markers



SIMPLE PLAN VIEW SKETCH (NO FOOTINGS)



- Rectangle indicates deck perimeter (8' x 24')
- Interior lines represent typical 2x8 joists @ 16" O.C.
- Posts shown diagrammatically only
- *No footings included in this plan*
- Sketch is not to scale – for reference only

FINAL INSPECTION

NOTE WHEN APPLICABLE THE FOLLOWING

Received engineer's signed affidavit regarding inspection and approval ()
 Surveyor's level used to check inches of fall in tile lines (List fall on sketch or plan) ()

(B) TILE FIELD

Septic tank size existing/1000 gals. (2) Outlet "T: or "L: checked T (3) Tank level ✓
 (4) Tank/cover free of cracks ✓ (5) Outlet sealed 365° ✓ (6) Isolation distances:
 (a) Well 750" (b) Foundation 3' Remarks: _____
 (1) Header level ✓ (2) Header installed on compact sand _____ (3) Number of drain lines 3
 (4) Drain line length 43 ft. (5) Footer 14' ft. (6) Total lineal 143 ft.
 (7) Trench width 36 in. (8) 2" stone over and 6" under tile ✓ (9) Stone clean ✓
 (10) Stone installed at least 4 ft. above water table ✓ (11) Grade of tile lines not greater than 3"/100 ft. ✓
 (12) Cutdowns to required depth — Remarks: _____

(C) DRAINAGE BED

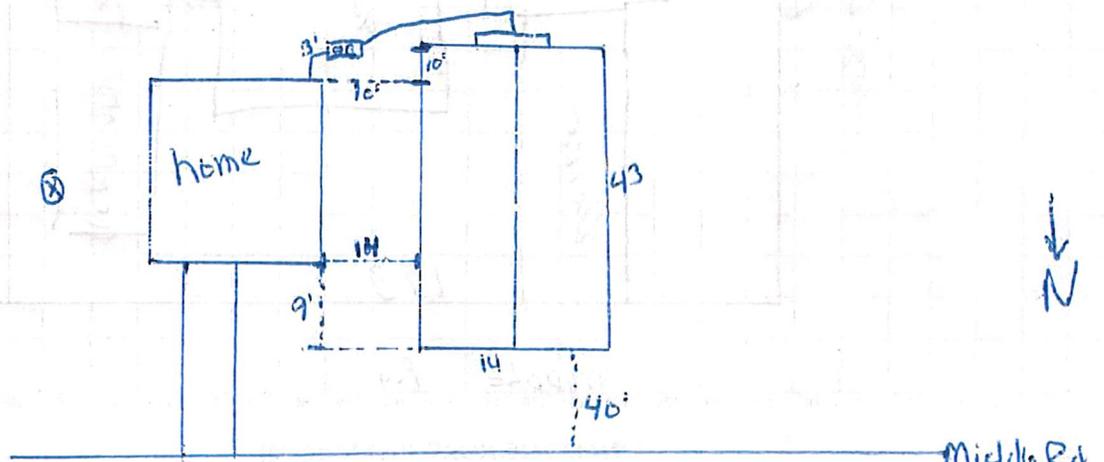
(1) Dimensions _____ ft. X _____ ft. (2) Total _____ sq. ft. (3) Header level _____
 (4) tile lines 5' on center 2-3 ft. from edge of bed _____ (5) 2" stone over & 6" under tile _____
 (6) Stone clean _____ (7) Cutdown depth approved _____ (8) 2 ft. sand over shelf for cutdown
 installations _____ (9) Proper sand fill _____ (10) Stone installed 4 ft. above water
 table _____ Remarks: _____

(D) DRYWELLS

(1) To calculate the effective absorption area of one rectangular dry well, measure the two sides and the two ends of the excavated area and multiply the sum of these four sides by the water depth of the well + 6 inches.
 Side _____ ft., end _____ ft., depth _____ ft. Absorption area _____ sq.ft.
 No. of wells _____. Total absorption area _____ sq. ft. (2) 6" stone under _____
 (3) Drainage slots open _____ (4) Stone 4 ft. above water table _____
 Remarks: _____

Sketch plan of Installation showing house, street, North, water well by X, any lake, stream and A, B, C, D above.
 Indicate isolation distances where applicable. Well installed: Yes or No _____
 Follow-up required yes/no. If yes, reason: _____

Handwritten signature in red ink.



Approved ✓ Disapproved _____ Permit # _____ Date: Middle Rd 5-9-02
 Installer Thornton Environmentalist J. Wentz

INSTRUCTIONS

SCALED PLOT PLAN FOR PERMIT NO.

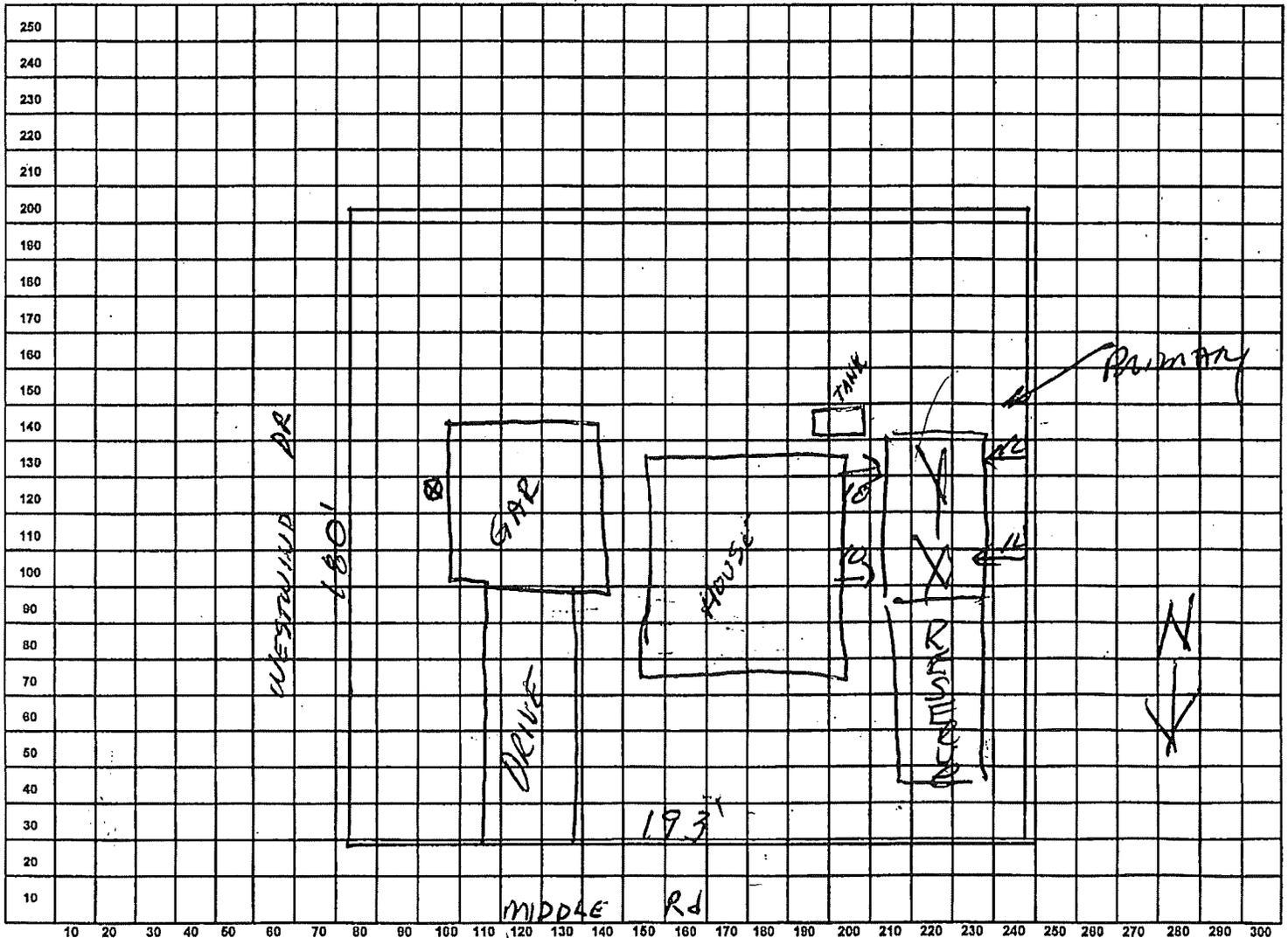
0009808

Sec. 3.2, Article III "Sanitary Code", Oakland County Health Division requires scaled plot plan providing the following applicable information. A professional scaled plot plan may be required at any time, particularly for small parcels (less than 12,000 square feet) or if an adequate replacement area is not indicated or available.

- | | | |
|---------------------------|--|-----------------------------|
| 1. Lot size | 6. Any Easements | 11. Fronting Lake or Stream |
| 2. Direction North | 7. Building Location and Size | 12. Driveway |
| 3. Fronting Roads | 8. Water Well Location | 13. Utility Lines |
| 4. Grades Exceeding 12% | 9. Septic Tank, Drainfield and Replacement Area | |
| 5. Proposed Grade Changes | 10. Water and Septic Systems on Adjoining Properties | |

Please Note: Subject property will be identified by boundary markers.

Recommended Scale 1/4" = 10' - If otherwise, please indicate.



NAME OF ROAD (not to scale)

Sidwell 11-16-100-004 Address 1405 MIDDLE RD Lot # _____

Subdivision Name _____ City, Village, Township HIGHLAND

Signed [Signature] Date 30 APR 02



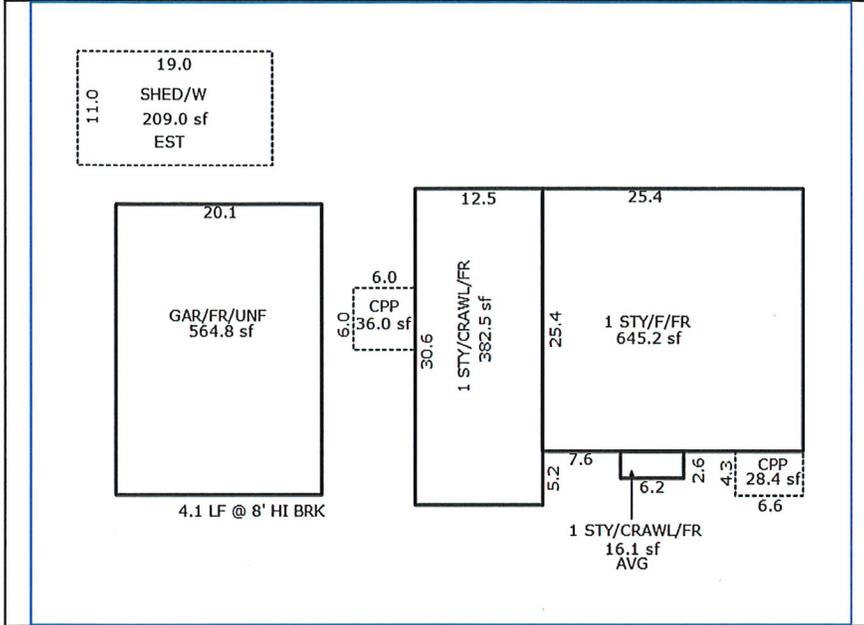
Parcel Sketch View

Charter Township of Highland (H)

Page Print Layout: 2 per page

PIN: 11-16-100-004

PRINT DATE: 1/20/2026





Charter Township of Highland (H) 11-16-100-004 Active

Print Layout: 2 per page ▼

Print Date: Date:

1405 Middle Rd
Highland MI 48357-3407

View: Front

Structure: Primary

Photo Date: 04/10/2013



New Deck



New Deck



New Deck



OLD DECK



OLD DECK



HIGHLAND TOWNSHIP

ORDINANCE COMPLAINT

CASE # **EE25-0330**

12/22/25

Type **BUILDING/NO PERMIT**

OFFICER STEVEN TINO/BLDG INSP

Status

Complaint Address: **1405 MIDDLE RD**

H -11-16-100-004

Owner of Record:

Complainant:

MERMUYS, NICHOLAS M

1405 MIDDLE RD

HIGHLAND

MI 48357-3407

COMPLAINT

BUILDING/NO PERMIT

ST went by, doing deck

Came in 1/12/26, will need a variance.

1405 MIDDLE RD HIGHLAND MI 48357-3407



3 beds / 1 full baths / 0 half baths / 1044 sq ft

Residential Property Profile

11-16-100-004

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) : NICHOLAS M MERMUYTS & KENDALL NIESTROY
Postal Address : 1405 MIDDLE RD HIGHLAND MI 48357-3407

Location Information

Site Address : 1405 MIDDLE RD HIGHLAND MI 48357-3407
PIN : 11-16-100-004 Neighborhood Code : RC1
Municipality : Charter Township of Highland
School District : 63220 HURON VALLEY SCHOOLS
Class Code : 401 Residential - Improved

Property Description

T3N, R7E, SEC 16 PART OF E 1/2 OF NW 1/4 BEG AT PT DIST W 710.00 FT FROM N 1/4 COR, TH W 121.40 FT, TH S 200.00 FT, TH E 119.50 FT, TH N 00-33-00 E 200.00 FT TO BEG 0.55 A

No Sales Since 1994

Tax Information

Taxable Value : \$81,933 State Equalized Value : \$90,150
Current Assessed Value : \$90,150 Capped Value : \$81,933
Effective Date For Taxes : 12/01/2025 Principal Residence : N/A
Exemption Type
Summer Principal Residence Exemption Percent : 100% Winter Principal Residence Exemption Percent : 100%
2024 Taxes **2025 Taxes**
Summer : \$1,786.36 Summer : \$1,836.73
Winter : \$1,004.53 Winter : \$1,024.42
Village : Village :

Lot Information

Description : LEVEL Area : 0.55 ACRES

1405 MIDDLE RD HIGHLAND MI 48357-3407



3 beds / 1 full baths / 0 half baths / 1044 sq ft

Residential Property Profile

11-16-100-004

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.

Primary Structure

Structure	: Ranch	Living Area	: 1044 SQ FT
Ground Floor	: 1044 SQ FT	Year Built	: 1933
Effective Year	: 1964	Remodel Year	: 0
Stories	: 1 Story	Rooms	: 5
Bedrooms	: 3	Full Baths	: 1
Half Baths	: 0	Fireplaces	: 0
Ext Walls	: Alum., Vinyl	Basement	: YES - FULL
Garage	: SEPARATE - 2 car (565 SQ FT)	Heat	: Forced Air w/ Ducts
Fuel Type	: Gas	Central Air	: No

Basement Information

Finish	: RECREATION ROOM FINISH	Area	: 253 SQ FT
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Porch Information

Type	Area
CPP	36 SQ FT
CPP	28 SQ FT