



# Memorandum

To: Zoning Board of Appeals  
From: Lisa G. Burkhart, AICP  
Zoning Administrator  
Date: March 4, 2022  
Re: Case 22-03  
Applicant - MJ Whelan Construction  
Owner – Paul and Timothy Sechrist

---

The referenced parcel is zoned ARR – Agricultural Rural Residential. The parcel is 5.01 acres and meets the minimum lot size requirement of the Zoning Ordinance. Assessing records indicate that the house was built in 1920, prior to any zoning regulations. The required rear yard setback is 100 feet.

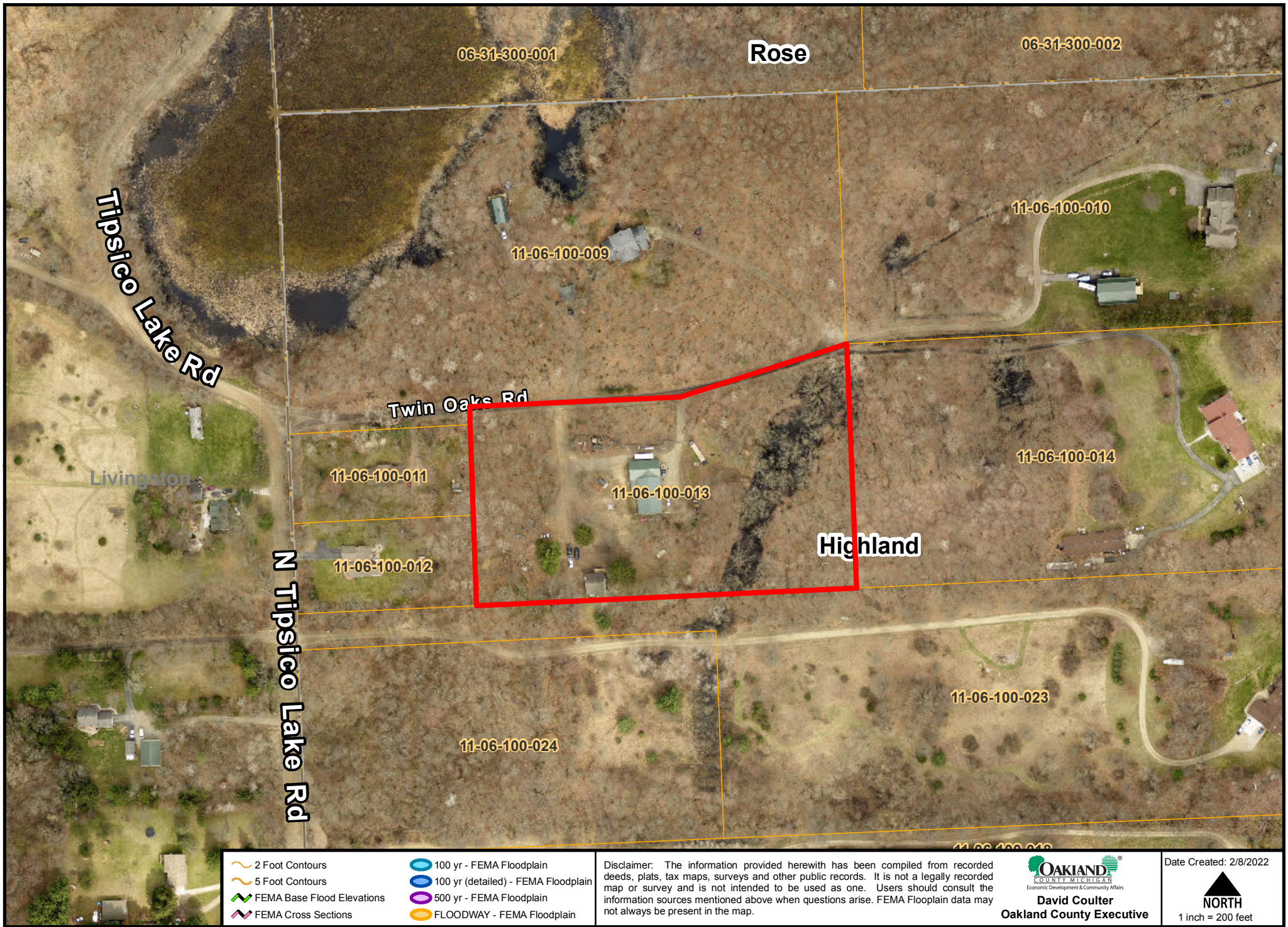
The applicant proposes garage and upper story additions to the existing house. He has provided a certified survey along with proposed building elevations and floor plans.

The applicant's stated practical difficulty is that the existing house lays entirely within the required rear yard setback.

Staff has supplied assessing records for the property and minutes from a previous variance request. Please refer to Case 19-16. That request was denied. The Zoning Board can hear a new request because the request is significantly different in design. Additionally, the certified survey clearly defines lot lines.



# 4455 Twin Oaks 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

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 in the map.

  
**David Coulter**  
 Oakland County Executive



Date Created: 2/8/2022

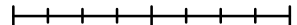
  
**NORTH**  
 1 inch = 200 feet

# CASE 22-03

**MJ Whelan  
Construction**

Twin Oaks

-  4455 Twin Oaks Rd
-  ARR

0 75 150 300 Feet  


Case # 22-03

Hearing Date 3-2-22  
~~12-03~~

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS  
APPLICATION FOR APPEAL

APPLICANT

NAME: M.J. Whelan Construction

ADDRESS: 620 N. Milford Rd.  
Milford Mi. 48381

PHONE: (248) 684-4649

EMAIL: mattw@mjwhelan.com  
Cindyg@mjwhelan.com

OWNER

NAME: Paul Sechrist

ADDRESS: 4455 Twin Oaks Rd  
Holly Mi 48442

PHONE: (248) 320-0233 Paul  
## (248) 914-1971 Stephanie

EMAIL: \_\_\_\_\_

PROPERTY ADDRESS: 4455 Twin Oaks Rd. ZONING: ARR

PROPERTY TAX ID NO: 11-06-100-013

ORDINANCE SECTIONS BEING APPEALED: Section 4.15 Table 4.1 ARR(Q) Rear Setback (100ft)

VARIANCES REQUESTED: 84' variance on rear setback

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: Entire home is in the existing 100' Rear setback. There is no other recourse ~~but~~ to tear the house down, which is not an option for this young couple

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: 1-31-22

SIGNATURE OF APPLICANT: [Signature] DATE: 2/10/22

Signature of applicant must be notarized.

Subscribed and sworn to before me this 31 day of January, 2022

Jennifer Bosh Notary Public as to Whelan  
My Commission expires 06/16/2025 Matt

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

APPLICATION FEE: 1,053.823

Receipt# \_\_\_\_\_ Date Paid \_\_\_\_\_

Received by \_\_\_\_\_

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) Does the characteristics of property include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation or other similar characteristics?

NO

- 2) What are the exceptional characteristics of the property for which the variance is sought?

Existing home does not meet today's set back requirements.

- 3) Are the reasons that make compliance with the dimensional requirements of a personal nature?

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

---

---

---

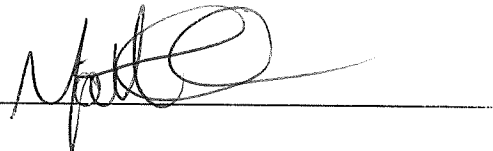
---

7) Have you included your proof of ownership with your application and worksheet?

yes

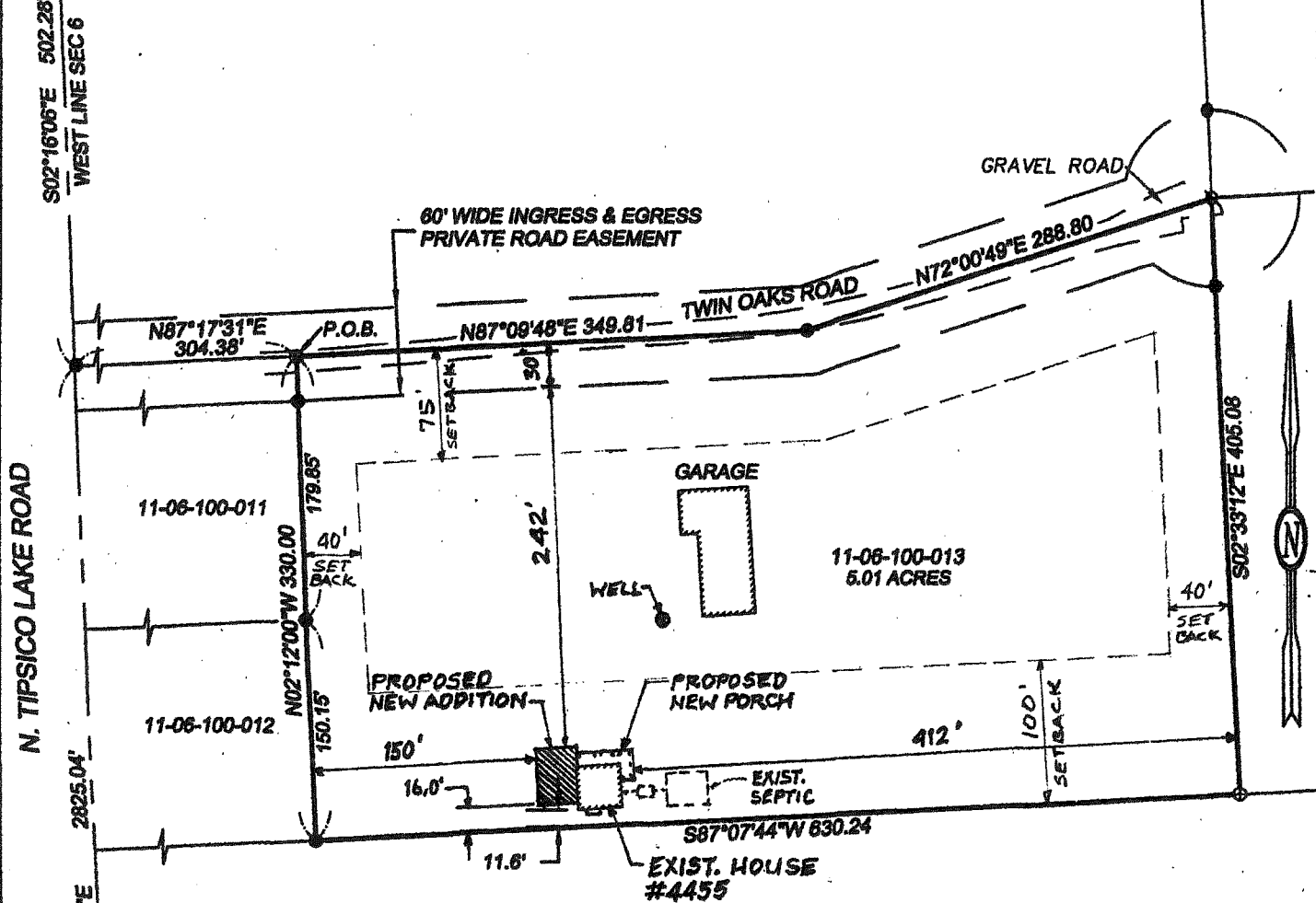
---

Signature

A handwritten signature in black ink, appearing to be 'M. J. [unclear]', written over a horizontal line.

NW COR SEC 6  
T.3N., R.7E.  
HIGHLAND TWP.  
L.22430, P.321

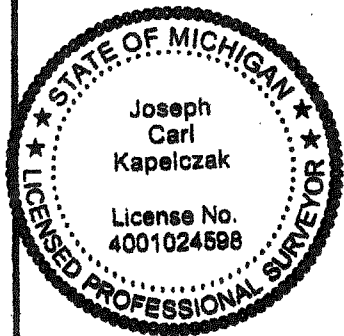
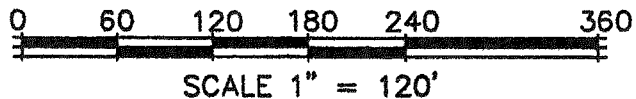
BEARINGS BASED ON NAD83 (CORS2011)  
SPC MI STATE PLANE COORDINATE SOUTH  
ZONE



DESCRIPTION OF PARCEL 11-06-100-013 ; ZONED... ARR G  
PART OF THE NORTHWEST 1/4 OF SECTION 6, T.3N., R.7E., HIGHLAND TOWNSHIP,  
OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE WEST  
LINE OF SAID SECTION 6, SAID POINT BEING S 02°16'08" E ALONG SAID WEST LINE,  
502.28 FEET AND N 87°17'31" E, 304.38 FEET FROM THE NORTHWEST CORNER OF  
SAID SECTION 6; THENCE N 87°09'48" E, 349.81 FEET; THENCE N 72°00'49" E, 288.80  
FEET; THENCE S 02°33'12" E, 405.08 FEET; THENCE S 87°07'44" W, 630.24 FEET;  
THENCE N 02°12'00" W, 330.00 FEET TO THE POINT OF BEGINNING. CONTAINING 5.01  
ACRES AND SUBJECT TO THE RIGHTS OF INGRESS AND EGRESS OVER A 60 FOOT  
PRIVATE ROAD EASEMENT.

PREVIOUSLY DESCRIBED AS: PART OF THE NORTHWEST 1/4 OF SECTION 6, T.3N.,  
R.7E., HIGHLAND TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS  
BEGINNING A POINT DISTANT S 01°26'30" W, 471.43 FEET AND S 89°17'37" E, 300.00  
FEET FROM THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S 89°17'37" E,  
350.00 FEET; THENCE N 75°37'57" E, 288.87 FEET; THENCE S 01°03'00" W, 405.08 FEET;  
THENCE N 89°17'37" W, 630.71 FEET; THENCE N 01°26'30" E, 330.00 FEET TO THE  
POINT OF BEGINNING. CONTAINING 5.01 ACRES.

Survey for: TIMOTHY SECHRIST



I HEREBY CERTIFY that I, a duly registered Professional Land  
Surveyor under the laws of the State of Michigan, have  
surveyed and mapped the land described above, and all the  
requirements of P.A. 132 as amended on September 18, 2018  
have been complied with.

By: *Joseph C. Kapelczak*  
JOSEPH C. KAPELCZAK RLS #24598

**JCK GROUP, INC.**  
8615 RICHARDSON RD  
COMMERCE TWP., MICHIGAN 48390  
248-363-2550

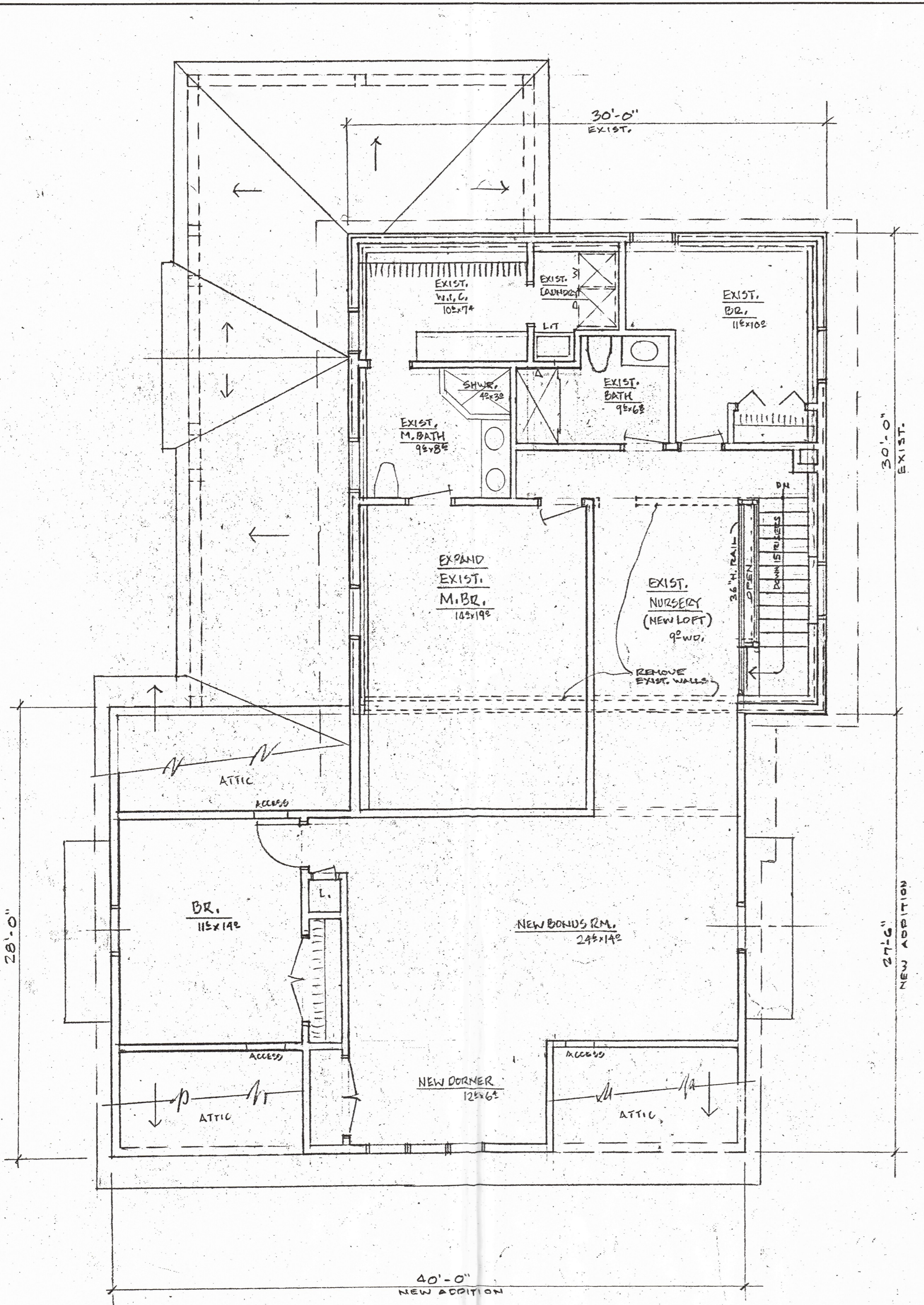
- LEGEND**
- R. = RECORDED
  - M. = MEASURED
  - D. = DEEDED
  - C. = CALCULATED
  - ⊕ = SET 1/2" IRON BAR
  - = FOUND IRON
  - ⊙ = FOUND "T" IRON
  - ⊗ = CONC. MONUMENT
  - = FOUND IRON PIPE
  - ⊠ = LATH ON LINE
  - X = CHISELED "X"
  - = SET NAIL / SPIKE

Drawn By: LAS      Date: 11/4/20      Job Number: 10766      Scale: 1:120'

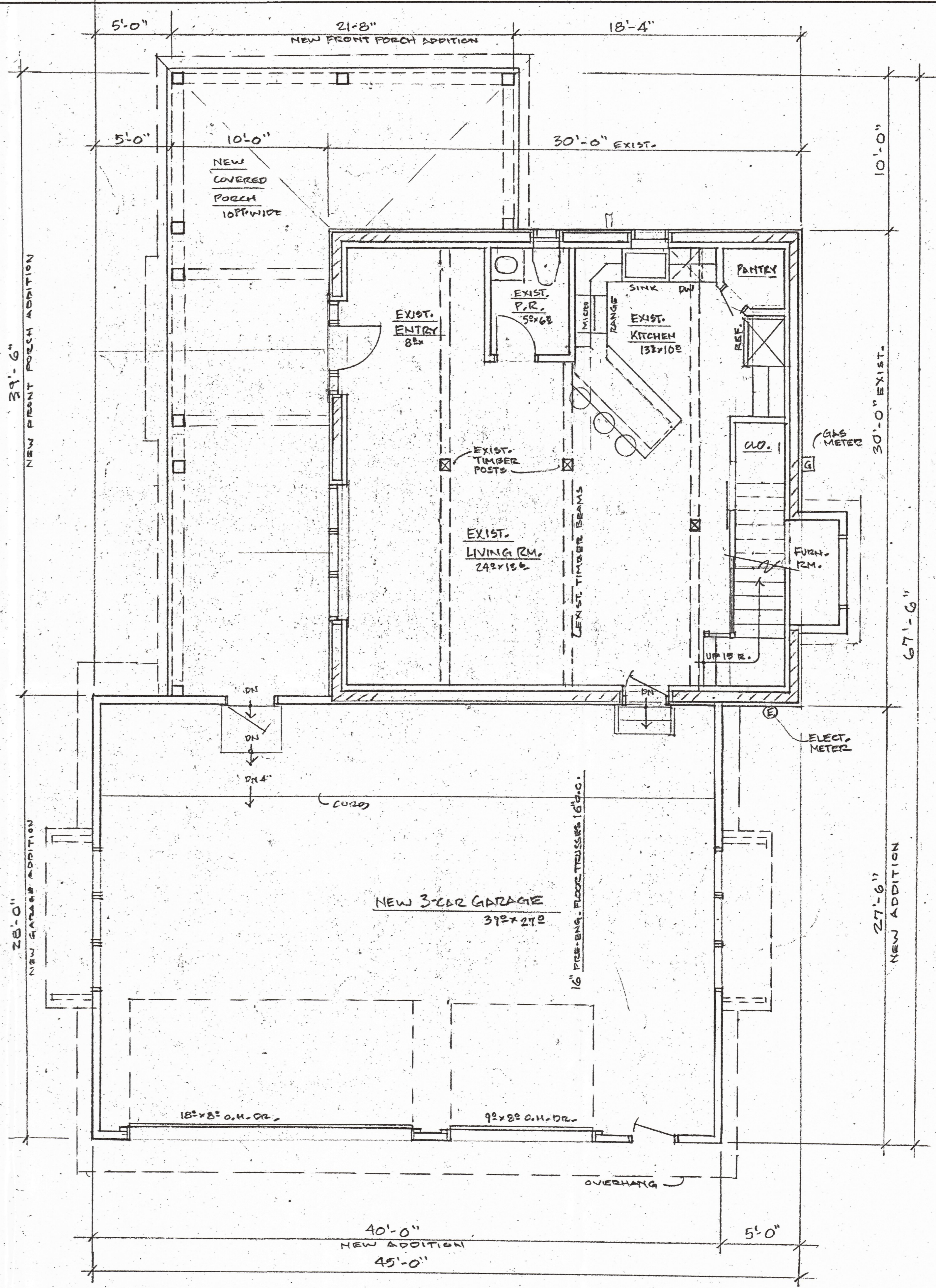
| ISSUED FOR   | DATE    |
|--------------|---------|
| OWNER REVIEW | 1-21-21 |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |

620 N. Milford Rd.  
 Milford, MI 48381  
 248-684-4649  
 www.mjwhelan.com Fax: 248-685-0179

**M.J. WHELAN**  
 CONSTRUCTION



**SECOND FLOOR PLAN**  
 1/4" = 1'-0"  
 900 S.F. EXISTING 2ND FLOOR (150 S.F. REMODELED)  
 740 S.F. NEW 2ND FLR. ADDITION  
 1640 S.F. TOTAL 2ND FLOOR



**FIRST FLOOR PLAN**  
 1/4" = 1'-0"  
 900 S.F. EXISTING 1ST FLOOR  
 1640 S.F. TOTAL 2ND FLOOR  
 2590 S.F. TOTAL LIVABLE AREA  
 1100 S.F. NEW GARAGE ADDITION

PROPOSED ADDITIONS & ALTERATIONS FOR:  
**THE SECHRIST RESIDENCE**  
 4455 TWIN OAKS ROAD, HOLLY, MICHIGAN 48442

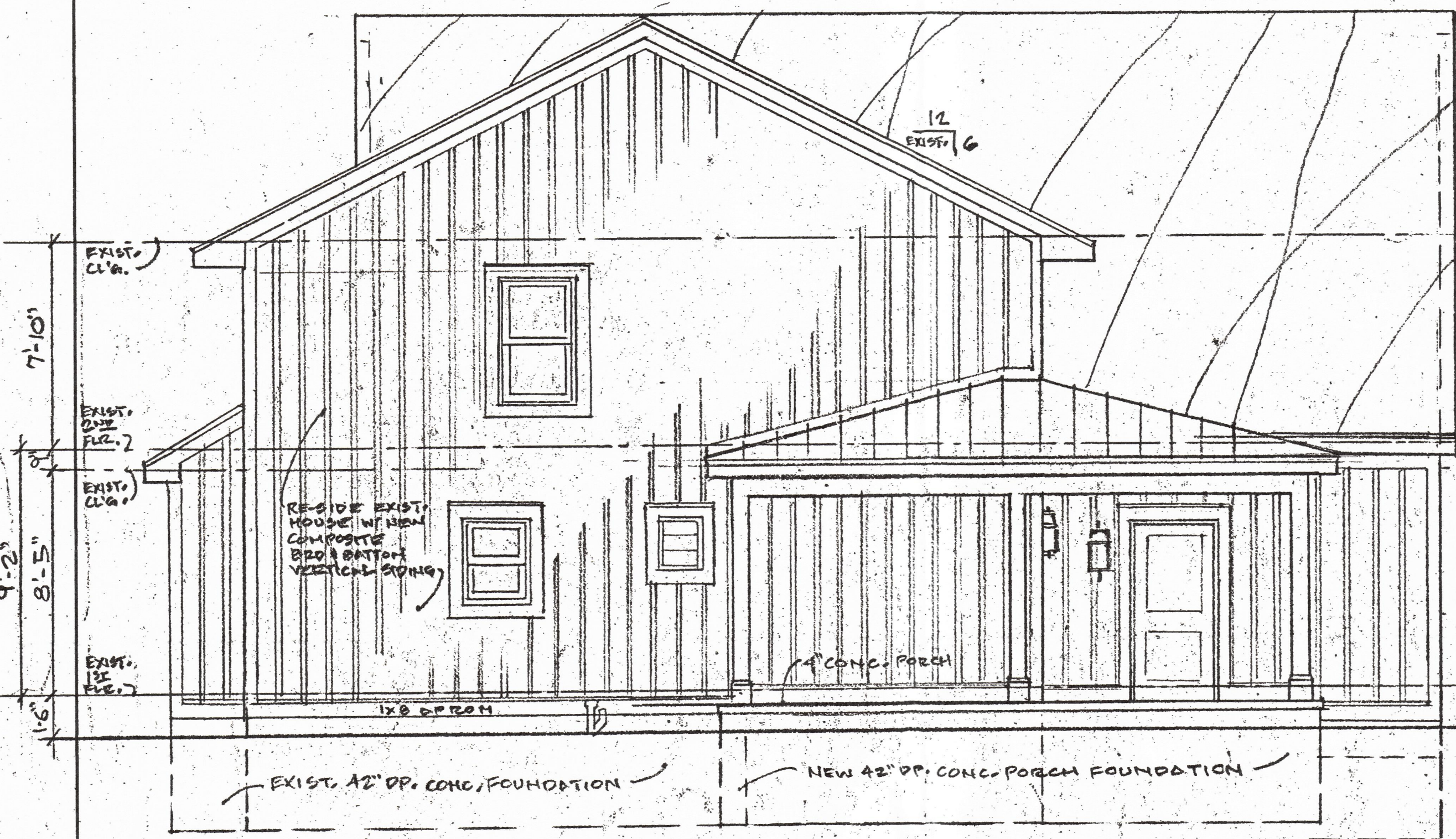
SCALE: 1/4" = 1'-0"  
 FILE NAME: SECHRIST  
 DRAWN BY: CAO  
 JOB #: W-2966  
 SHEET TITLE  
 1ST FLOOR PLAN  
 2ND FLOOR PLAN  
 SHEET # 1 OF 2  
 W-2966



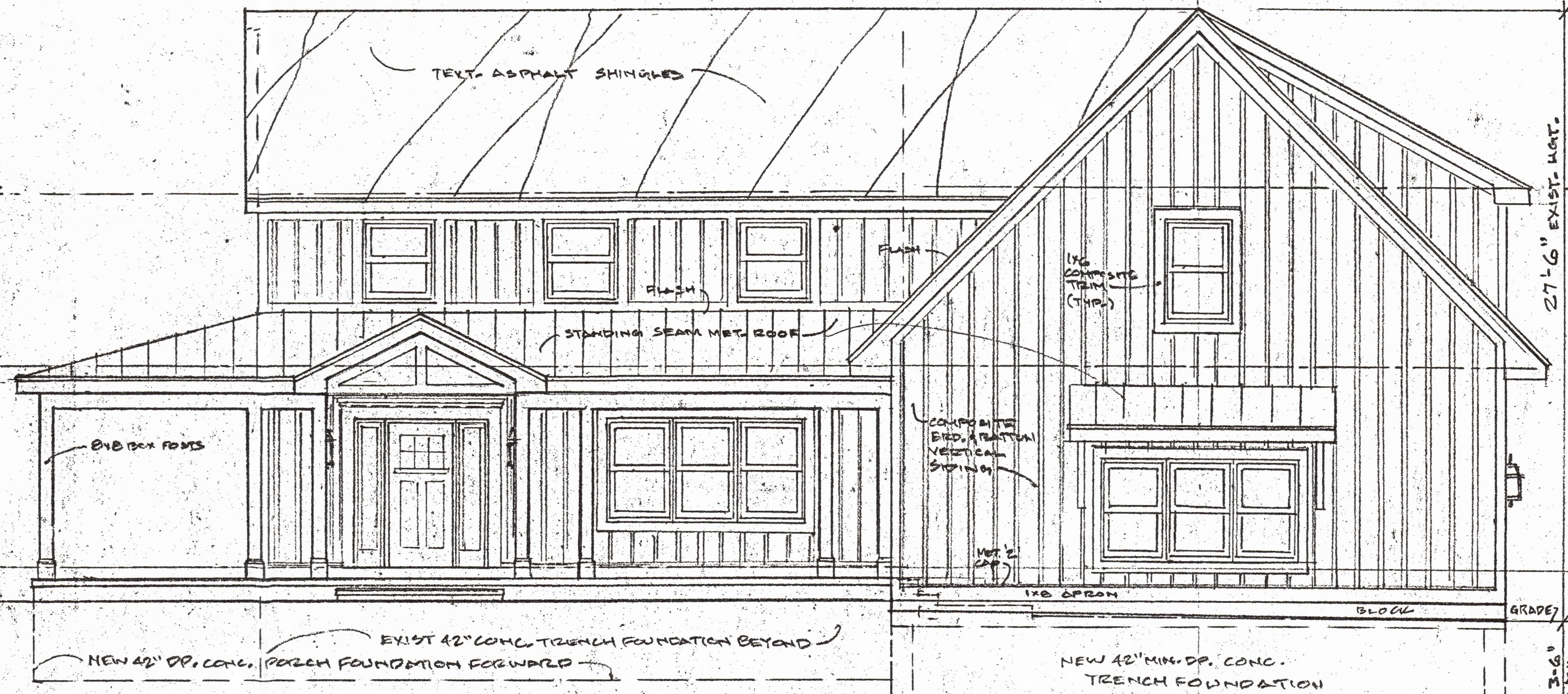
| ISSUED FOR   | DATE    |
|--------------|---------|
| OWNER REVIEW | 1-31-12 |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |
|              |         |

620 N. Milford Rd.  
Milford, MI 48381  
248-684-4649  
www.rjwhelan.com Fax: 248-685-0179

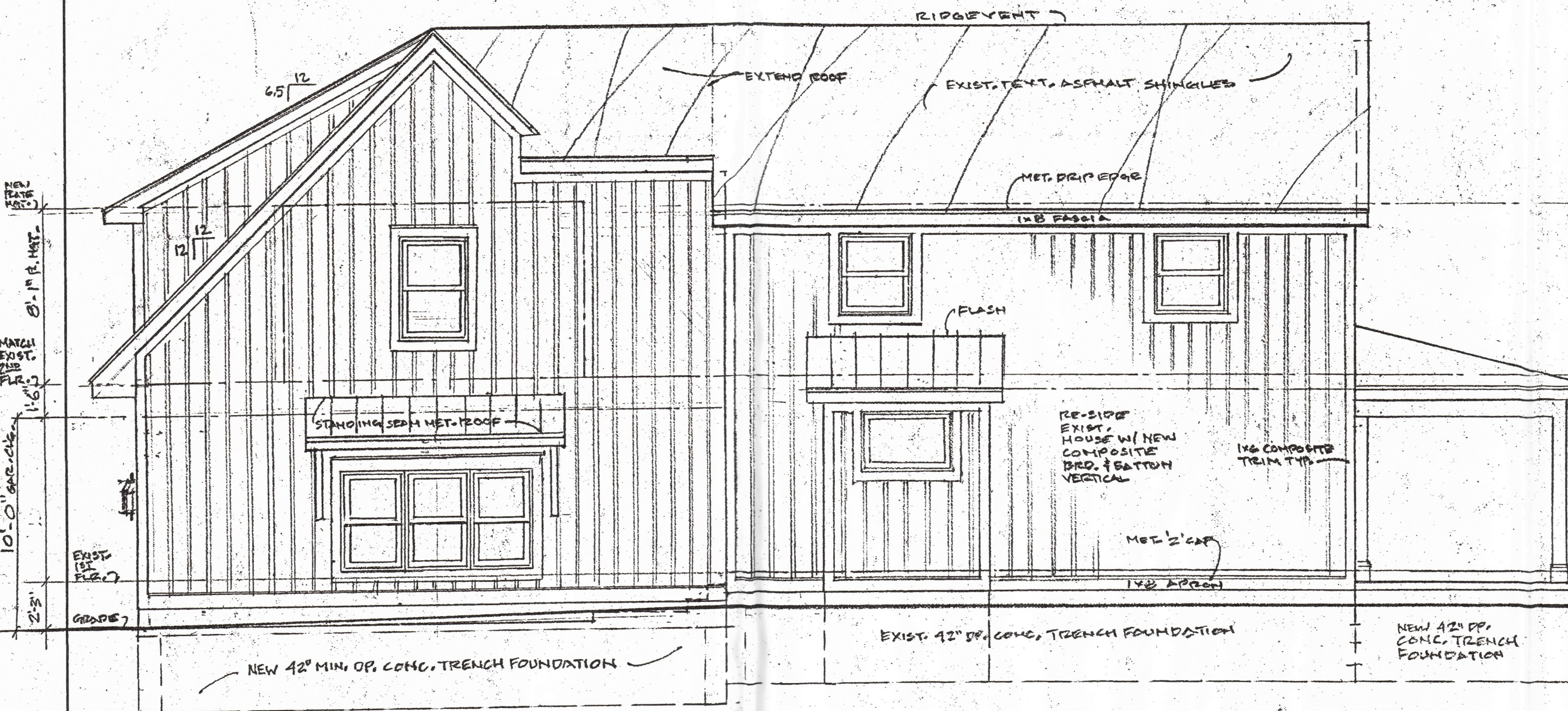
**M.J. WHELAN**  
CONSTRUCTION



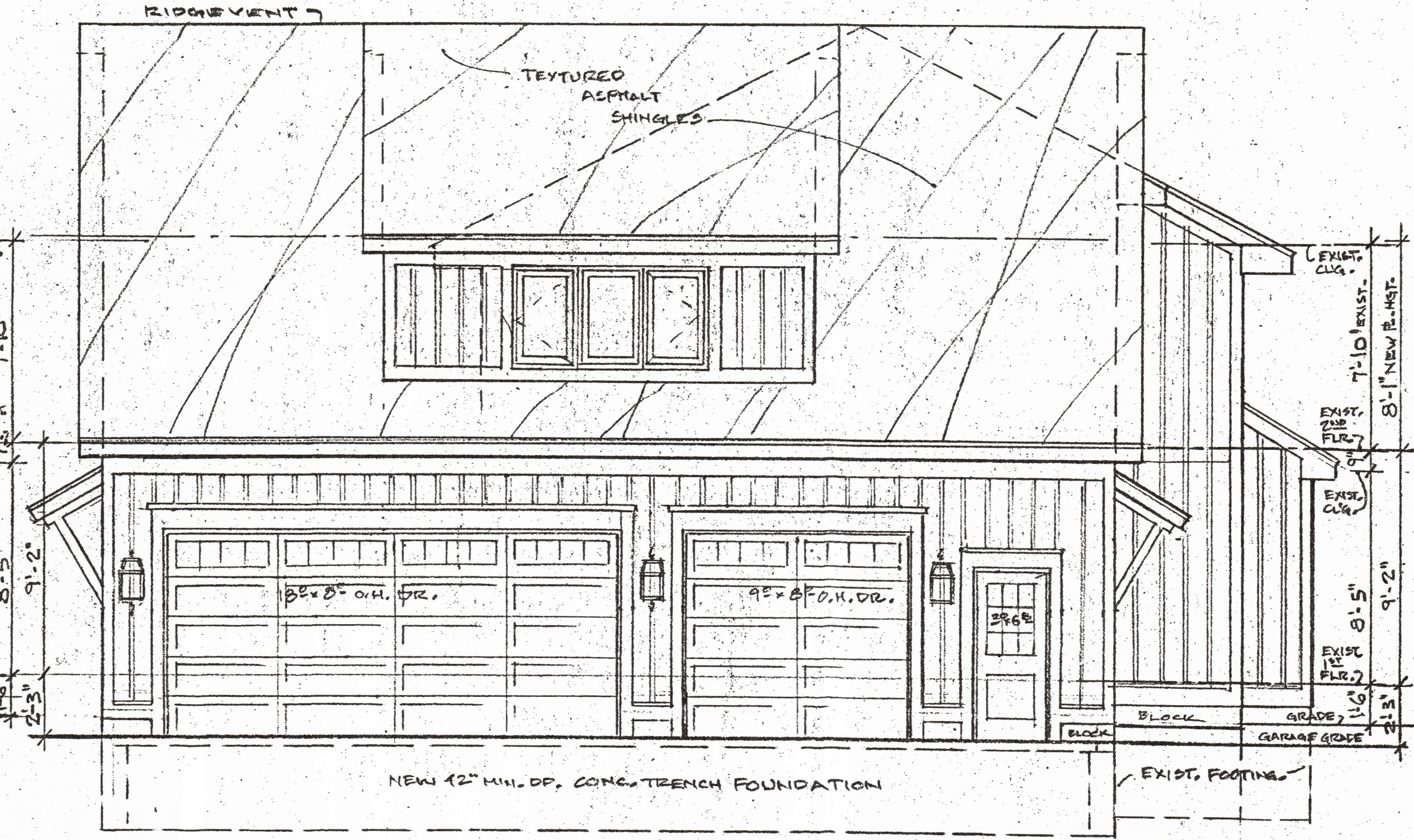
**EAST ELEVATION** 1/4"=1'-0"



**NORTH ELEVATION** 1/4"=1'-0"



**SOUTH ELEVATION** 1/4"=1'-0"



**WEST ELEVATION** 1/4"=1'-0"

PROPOSED ADDITIONS & ALTERATIONS FOR:  
**THE SECHRIST RESIDENCE**  
4455 TWIN OAKS ROAD, HOLLY, MICHIGAN 48442

SCALE: 1/4"=1'-0"  
FILE NAME: SECHRIST  
DRAWN BY: CAO  
JOB # W-2966  
SHEET TITLE: ELEVATIONS

SHEET # 2 OF 2  
W-2966

3 beds / 1 full baths / 0 half baths / 1810 sq ft

**Residential Property Profile**

11-06-100-013

**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) : PAUL E SECHRIST & TIMOTHY J SECHRIST  
 Postal Address : 4290 TWIN OAKS RD HOLLY MI 48442-9127

**Location Information**

Site Address : 4455 TWIN OAKS RD HOLLY MI 48442-9127  
 PIN : 11-06-100-013 Neighborhood Code : RN1  
 Municipality : Charter Township of Highland  
 School District : 63220 HURON VALLEY SCHOOLS  
 Class Code : 401 Residential - Improved

**Property Description**

**T3N, R7E, SEC 6 PART OF NW 1/4 BEG AT PT DIST S 01-26-30 W 471.43 FT & S 89-17-37 E 300 FT FROM NW SEC COR, TH S 89-17-37 E 350 FT, TH N 75-37-57 E 288.87 FT, TH S 01-03-00 W 405.08 FT, TH N 89-17-37 W 630.71 FT, TH N 01-26-30 E 330 FT TO BEG 5.01 A**

**Most Recent Sale Since 1994**

Date : 11/29/2000  
 Amount : \$169,500 Liber : 22286:651  
 Grantor : LUTZ, GREGORY M Grantee : SECHRIST, PAUL E  
 LUTZ, CRYSTAL SECHRIST, TIMOTHY J

**Tax Information**

|  |              |  |              |
|--|--------------|--|--------------|
| Taxable Value                                | : \$84,570   | State Equalized Value                        | : \$112,790  |
| Current Assessed Value                       | : \$112,790  | Capped Value                                 | : \$84,570   |
| Effective Date For Taxes                     | : 12/01/2021 | Principal Residence Exemption Type           | : N/A        |
| Summer Principal Residence Exemption Percent | : 0%         | Winter Principal Residence Exemption Percent | : 0%         |
| <b>2020 Taxes</b>                            |              | <b>2021 Taxes</b>                            |              |
| Summer                                       | : \$3,346.43 | Summer                                       | : \$3,383.30 |
| Winter                                       | : \$894.87   | Winter                                       | : \$899.47   |
| Village                                      | :            | Village                                      | :            |

**Lot Information**

Description : ROLLING Area : 5.01 ACRES

3 beds / 1 full baths / 0 half baths / 1810 sq ft

**Residential Property Profile**

11-06-100-013

**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      | : Colonial/2Sty | Living Area  | : 1810 SQ FT       |
| Ground Floor   | : 916 SQ FT     | Year Built   | : 1920             |
| Effective Year | : 1969          | Remodel Year | : 0                |
| Stories        | : 2 Story       | Rooms        | : 6                |
| Bedrooms       | : 3             | Full Baths   | : 1                |
| Half Baths     | : 0             | Fireplaces   | : 1                |
| Ext Walls      | : Alum., Vinyl  | Basement     | : NO - SLAB        |
| Garage         | : None          | Heat         | : Forced Hot Water |
| Fuel Type      | : Gas           | Central Air  | : No               |

**Basement Information**

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

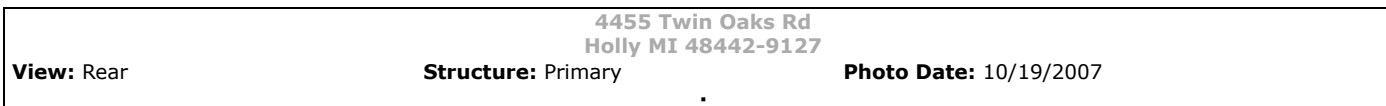
**Porch Information**

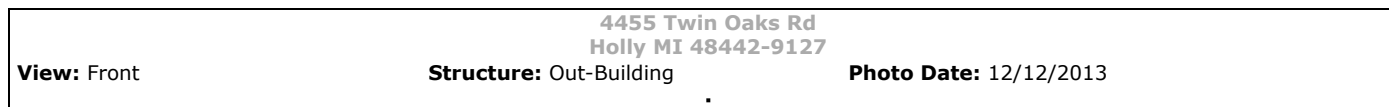
|                 |           |
|-----------------|-----------|
| Type            | Area      |
| Roof Cover Only | 163 SQ FT |
| Treated Wood    | 300 SQ FT |

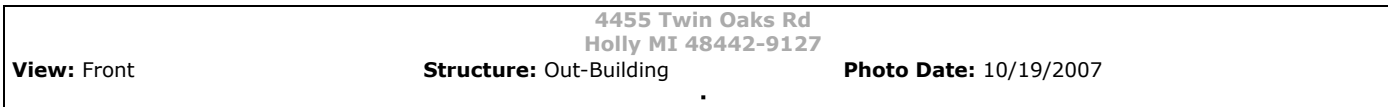


**Charter Township of Highland (H) 11-06-100-013 Active**

**Print Date:** Date









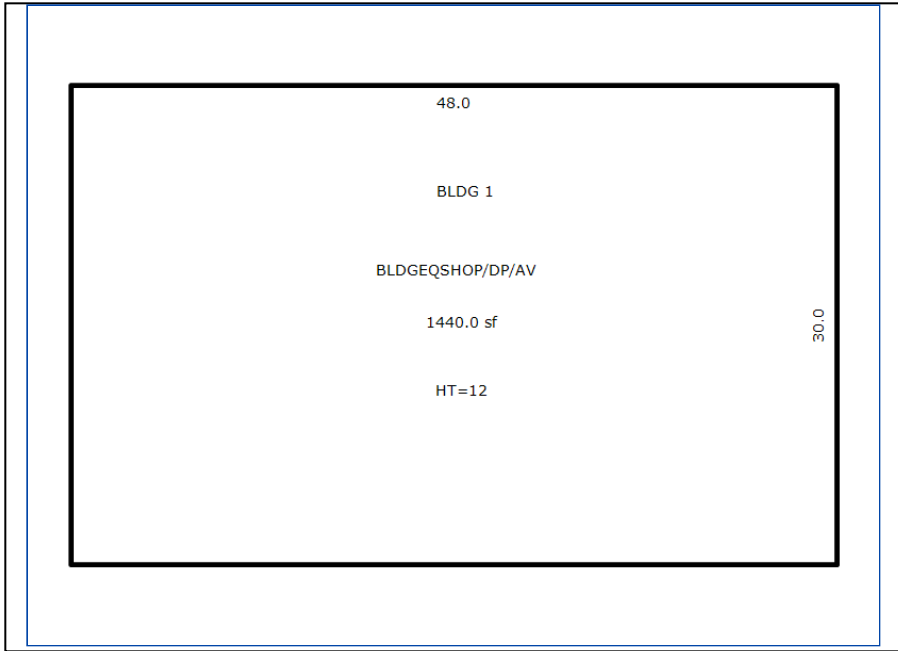
Parcel Sketch View

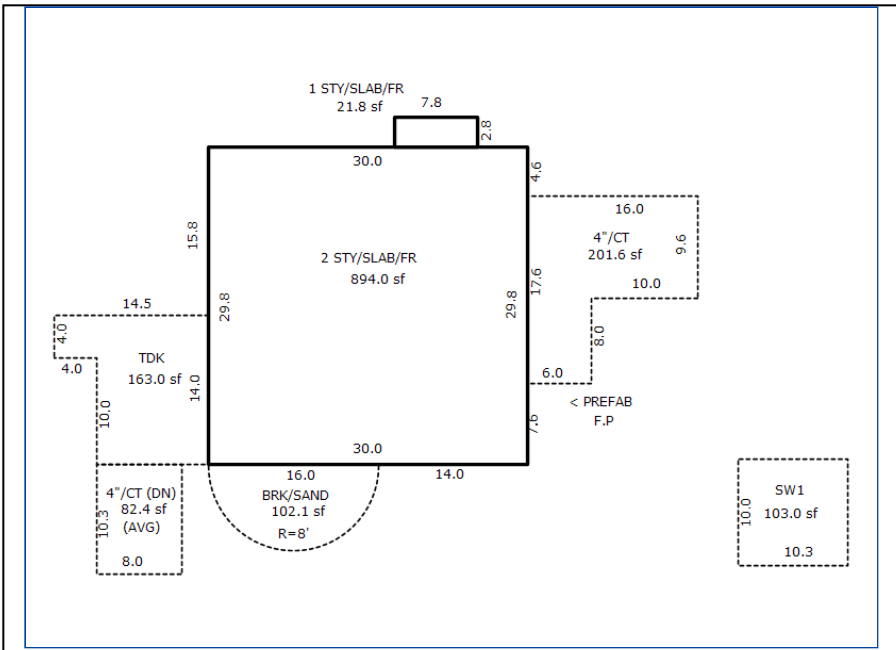
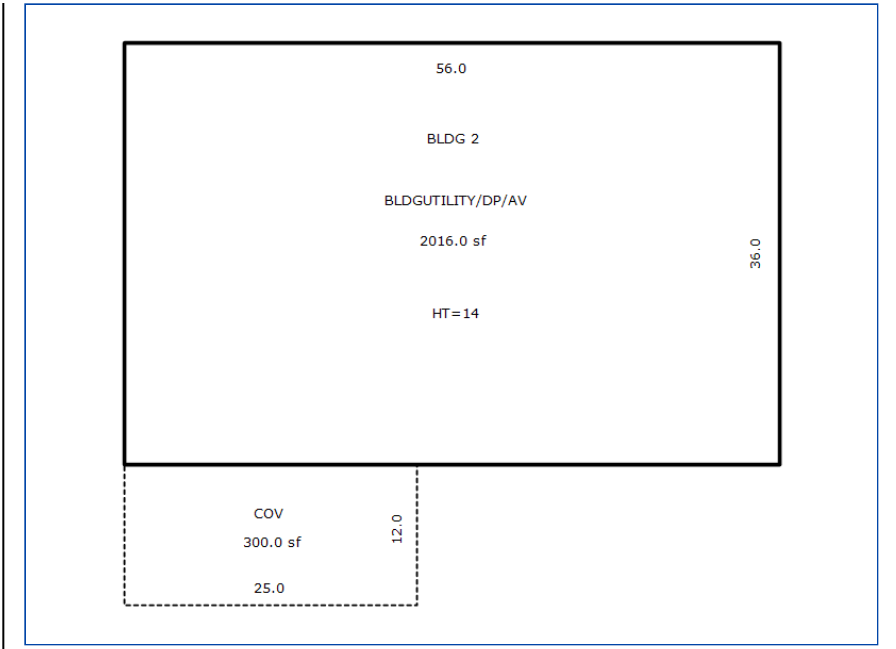
Charter Township of Highland (H )

Page Print Layout: 2 per page ▼

PIN: 11-06-100-013

PRINT DATE: 2/8/2022







**Discussion from the Board:**

Mr. Hoffman stated this is the best location to put a pole barn if the applicants do not want to construction into the front yard setback.

Mr. Miller thought it was an inappropriate request, as any request needs to be the minimum necessary, there cannot be any other viable options on the property, and there are exceptional characteristics that make it impossible to build on versus other lots. This is a flat lot and if the Board allows structures to be built closer to the lot line in these cases, then lots get overbuilt. There are multiple other potential sites on this lot for construction, and overall the property only has 4 ft. of elevation change.

Ms. Michaels agreed with Mr. Miller, adding that excavation is a necessary part of construction.

Mr. Hoffman added that the applicants could move the barn site 25 ft closer and place it in the corner of the property.

**Motion:**

Miller move regarding Case #19-15 to deny a 25 ft. variance from the required 100 ft. rear yard variance to the 75 ft. provided. (Section 4.15, Schedule of Regulations). This variance is for an accessory structure.

The facts and findings in support of the motion are as follows:

- There are no exceptional characteristics of the property for which the variance being sought would make compliance with the dimensional requirements more difficult than for most other properties in this zoning district
- This is a 600 ft x 350 ft lot that is almost entirely open
- The topographical map from Oakland County shows moderate 2-4 ft elevation changes; which is small for Highland Township
- The structure could be built with no variance necessary on numerous other sites on the property

Mr. Gerathy supported the motion and it carried with a roll call vote. Mr. Hoffman-yes, Mr. Miller-yes, Mr. Gerathy-yes, Mr. Probe-yes, Ms. Michaels-yes. The variance was denied

|    |                     |   |
|----|---------------------|---|
| 5. | CASE NUMBER:        | 19-16   |
|    | COMPLAINT #:        | N/A   |
|    | ZONING:             | ARR   |
|    | PARCEL #:           | 11-06-100-013   |
|    | PROPERTY ADDRESS:   | 4455 Twin Oaks  |
|    | APPLICANT:          | Sechrist, Graham  |
|    | OWNER:              | Sechrist, Paul E. and Timothy J.  |
|    | VARIANCE REQUESTED: | 92-foot variance from required 100-foot rear yard variance to 8 foot provided (Section 4.15, Schedule of Regulations). This variance is for an attached accessory structure |

**Discussion from the Applicant:**

Mr. Sechrist indicated that he wants his case heard despite the absent board members. He added that the aerial supplied with the application is not indicative of the current state of the property, he and his wife have cleaned up a lot. There is no basement, the house is on a slab so they would like a garage.

**Discussion from the Public:**

Lisa Kelley commented that she does not understand why some properties have inconsistent setbacks, such as 25 ft. vs. 0 ft. vs. 92 ft in the evening's cases. She believes Highland Township is setting precedents for too much change and she moved here to enjoy the rural community of the area.

Mr. Miller responded that the houses Ms. Kelley referenced are non-conforming pre-existing uses that have a right to be maintained. Just because a house does not comply with modern ordinances does not mean that the Township can order someone to tear their house down and bring it into compliance. No brand-new construction is on lot lines, the cases presented were for existing homes.

Mr. Sechrist answered that he moved to Highland to enjoy the rural area as well.

John Riviano of 4601 Twin Oaks asked why the applicant needs an additional barn when he has two on the property, and what are his intentions for the 2 existing barns and the 2<sup>nd</sup> story of the addition.

Mr. Sechrist answered that he needs the space for storage and parking as the pine tree sap damages his vehicles. He would like to store his camper in one of the barns, and the 2<sup>nd</sup> story will be for additional storage.

Andrew Blevins of 6224 Tipsico Lake Rd. stated he has a good relationship with the owner of the property and the other neighbors. He has not had anything to do with placement of property lines or ordinances or the ZBA. He referenced the list of conditions that must be met from the work sheet in the variance application. Mr. Blevins stated this is a large lot with the house pushed back in the corner of the property. He does not think the lot is long and narrow, the lot is not small as it is 5 acres, the lot is not an irregular shape but is a rectangle, and the topography is flat. He further stated that requests are not supposed to be of a personal nature, this is a want versus a need. The difficulty is not supposed to have been created by the current or previous owner, in this case it was created by the previous owner.

Mr. Blevins stated that requests are supposed to be the minimum necessary versus if no variance granted. There are plenty of other places to put a pole barn. The existing structure is 8 ft. from the property line, Mr. Blevins owns property to the south. There is no south elevation in the submitted application, but elevations are required. Mr. Blevins does not think this should become a worse situation for the neighbor to the south, and more than half of the requirements are not met.

**Discussion from the Board:**

Mr. Miller explained that the Board typically allows extension of non-conforming homes

without greater encroachment, but these tend to be on Lake & Village Residential lots with challenging topography. This is attaching an accessory structure, not living quarters. There are no unusual water issues or topography. He is sympathetic to the applicant because this is a 100-year-old farm house built before zoning ordinances. Typically, the Board would allow, but in this case, there are so many other sites available on the property to build a garage.

Mr. Probe noted the home is 8 ft from property line and added there are numerous spots to build requiring no variance at all.

Mr. Hoffman observed it is an unusual case and discussed withdrawing or tabling.

**Motion:**

Miller moved regarding Case #19-16 to deny a 92 ft. variance from the required 100 ft. rear yard setback to the 8 ft. provided (Section 4.15, Schedule of Regulations). This variance is for an attached accessory structure.

The facts and findings in support of the motion are as follows:

- This is a typical ARR parcel
- There are no exceptional characteristics to this property creating practical difficulty such as depth, narrowness, bulk, unusual water issues or topography
- There are numerous other viable building sites for an accessory structure on this parcel
- There are already substantial outbuildings on the parcel which are essentially pole barns or garages and serve the same purpose.

Mr. Probe supported the motion and it carried with a roll call vote. Mr. Hoffman-yes, Mr. Miller-yes, Mr. Gerathy-yes, Mr. Probe-yes, Ms. Michaels-yes. The variance was denied.

**Minutes:**

Mr. Gerathy moved to approve the minutes from the June 19<sup>th</sup>, 2019 meeting. Mr. Miller supported the motion and it carried with a unanimous voice vote.

**Adjournment:**

At 8:56 pm. Mr. Probe moved to adjourn the meeting. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

Respectfully submitted,

Mr. Jacob Probe  
JP/pd