



# MEMORANDUM

To: Zoning Board of Appeals  
From: Kariline P. Littlebear, Zoning Administrator  
Date: July 17, 2024  
Re: ZBA24-14  
1511 Ludean Dr  
11-11-181-004  
Applicant: Paul & Mary Lynn Lipscomb  
Owner: Janet Lipscomb

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The subject parcel is zoned LV – Lake and Village Residential District. The total parcel size is approximately 0.486 acres or 21,170 square feet which includes approximately 0.119 acres or 5,225 square feet of bottomlands.

The required setbacks for this parcel are as follows:

Front yard: 39 ft

Ordinary High-water mark for uncovered decks/patios: 65 ft

Ordinary High-water mark for house and attached additions: 65 ft

Side yard: 10 ft min on the smallest side and 25 ft total when both side yards are added together.

This request is for a 0.1-foot variance from the required 10-foot east side yard setback to 9.9-feet provided, a 5-foot variance from the required 15-foot west side yard setback to 10-feet provided, and a 7.5-foot variance from the required 25-foot total side yards setback to 17.5-feet provided for the construction of an approx. 175 square foot residential addition and a 220 square foot garage addition. This request is for a variance from Section 9.02.B.b. of the Zoning Ordinance.

The existing house encroaches 5-feet into the required 15-foot west side yard setback and encroaches between 0.1-feet and 2.5-feet into the required 10-foot east side yard setback. The total encroachment of the existing house is 7.5-feet out of the required total side yard setbacks of 25-feet. The existing house was built in 1968 which predates the current setback requirements.

The applicant has provided a survey, elevations, and a floorplan. Staff has supplied assessing records, a zoning map, an aerial approximation of the property, and Section 9.02. of the Zoning Ordinance.

Case #

24-14

Hearing Date

8/7/24  
~~7/17/24~~

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS  
APPLICATION FOR APPEAL

APPLICANT

NAME: Paul & Mary Lynn Lipscomb

ADDRESS: 1511 Ludean Drive  
Highland, MI 48356

PHONE: 517-281-7120

EMAIL: lipscomb5@comcast.net

OWNER

NAME: Janet Lipscomb (Paul's mother)

ADDRESS: 935 Union Lake Road, #109  
White Lake, MI 48386

PHONE: 941-456-2576

EMAIL: jjlipscomb560@gmail.com

PROPERTY ADDRESS: 1511 Ludean Drive, Highland, MI 48356 ZONING: LV

PROPERTY TAX ID NO: H-11-11-181-004

ORDINANCE SECTIONS BEING APPEALED: Sec. 9.02. LV – Lake and Village Residential District. B. Setbacks b. Side yard setback

VARIANCES REQUESTED: 0.1ft variance from required 10ft east side yard setback to 9.9ft provided, and 5ft variance from the required 15foot west side yard setback to 10ft provided; and 7.5ft variance from the required total side yards setback of 25ft to 17.5ft provided

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: Zoning setback requirements were established with the 2010 zoning ordinances, about 42 years after the home was built.

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: Janet Lipscomb DATE: 6/10/24

SIGNATURE OF APPLICANT: Paul Lipscomb DATE: 6/10/24

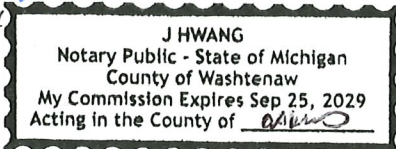
**Signature of applicant must be notarized.**

Subscribed and sworn to before me this

10 day of June, 2024

J Hwang Notary Public

My Commission expires 9/25/29



APPLICATION FEE: \$ 275.00

Receipt# 1.060145 Date Paid 6/11/24

Received by: [Signature]

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.

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The property is unusually long - about 193' on average - but only  

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about 81' wide where the current variance is needed. The two-bedroom,  

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1282 square foot home was built in 1968.  

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

No. Expanding the proposed new master bedroom toward the lake would interfere with the well,  

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the next door neighbors' view of the lake, and our own view of the lake. Extending the new  

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master bedroom toward the road is the only logical choice. Plus, the expansion would be  

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dimensionally balanced by the new garage on the east side of the house.  

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- 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.

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4) Has the difficulty been created by the current or previous owner?  
No. The difficulty was created by the establishment of the side setback requirements more than 40 years after the original home was built.

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5) Will the proposed variance be harmful to or alter the essential character of the area in which the property is located?  
No.

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6) Will the proposed variance be the minimum necessary?  
Yes. Proposed construction would mimic the same side slight setback infringement while extending the south wall 12' toward the road. The proposal will not disrupt the current symmetry of the west wall.  
The variance will not negatively impact any neighbor or alter the essential character of the land.  
The variance and other planned changes will increase curb appeal and surrounding property values.

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Signature 

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**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.

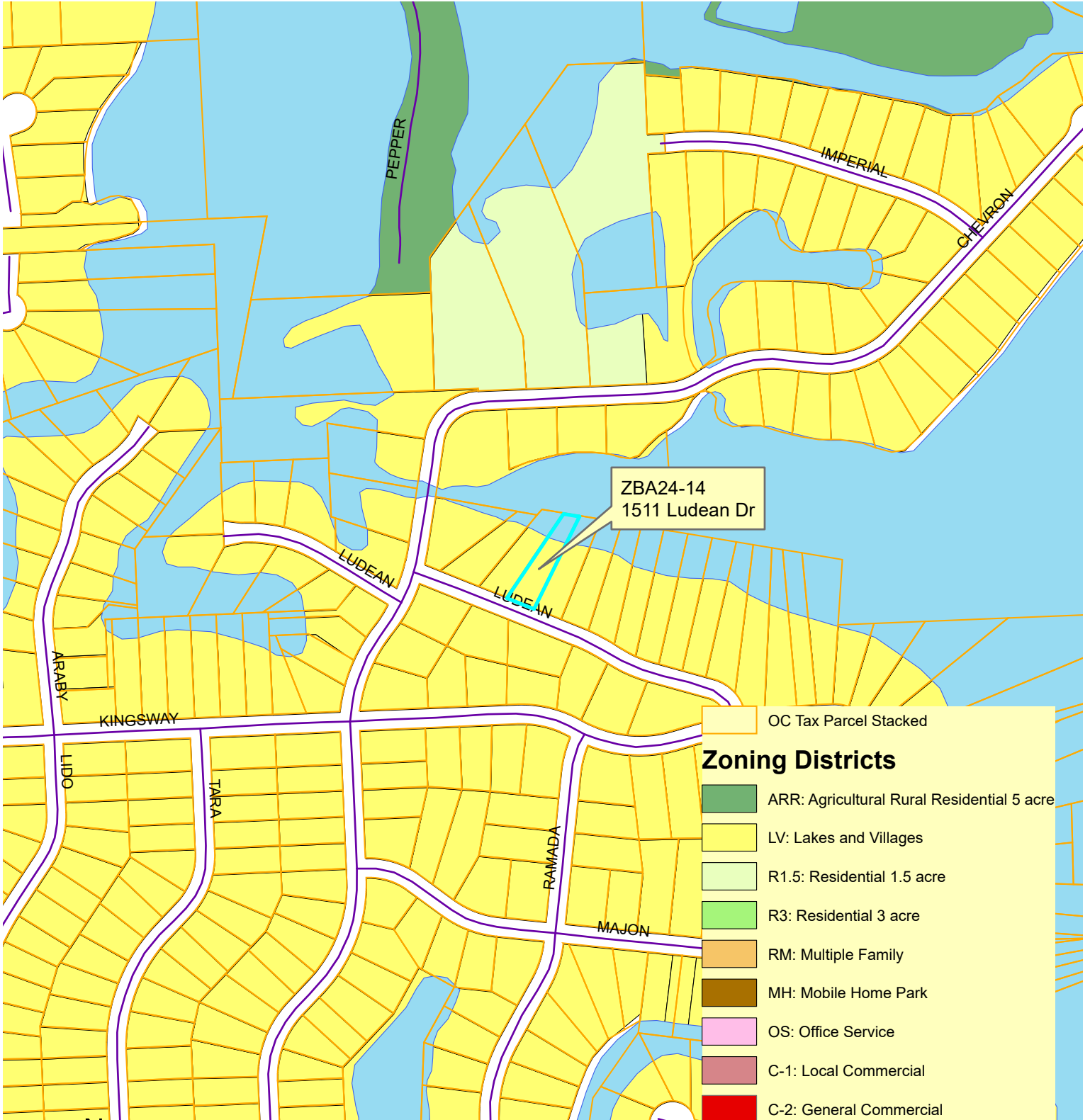
D. *Minimum Setback from the Ordinary High Water Mark.*

- 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:

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- 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



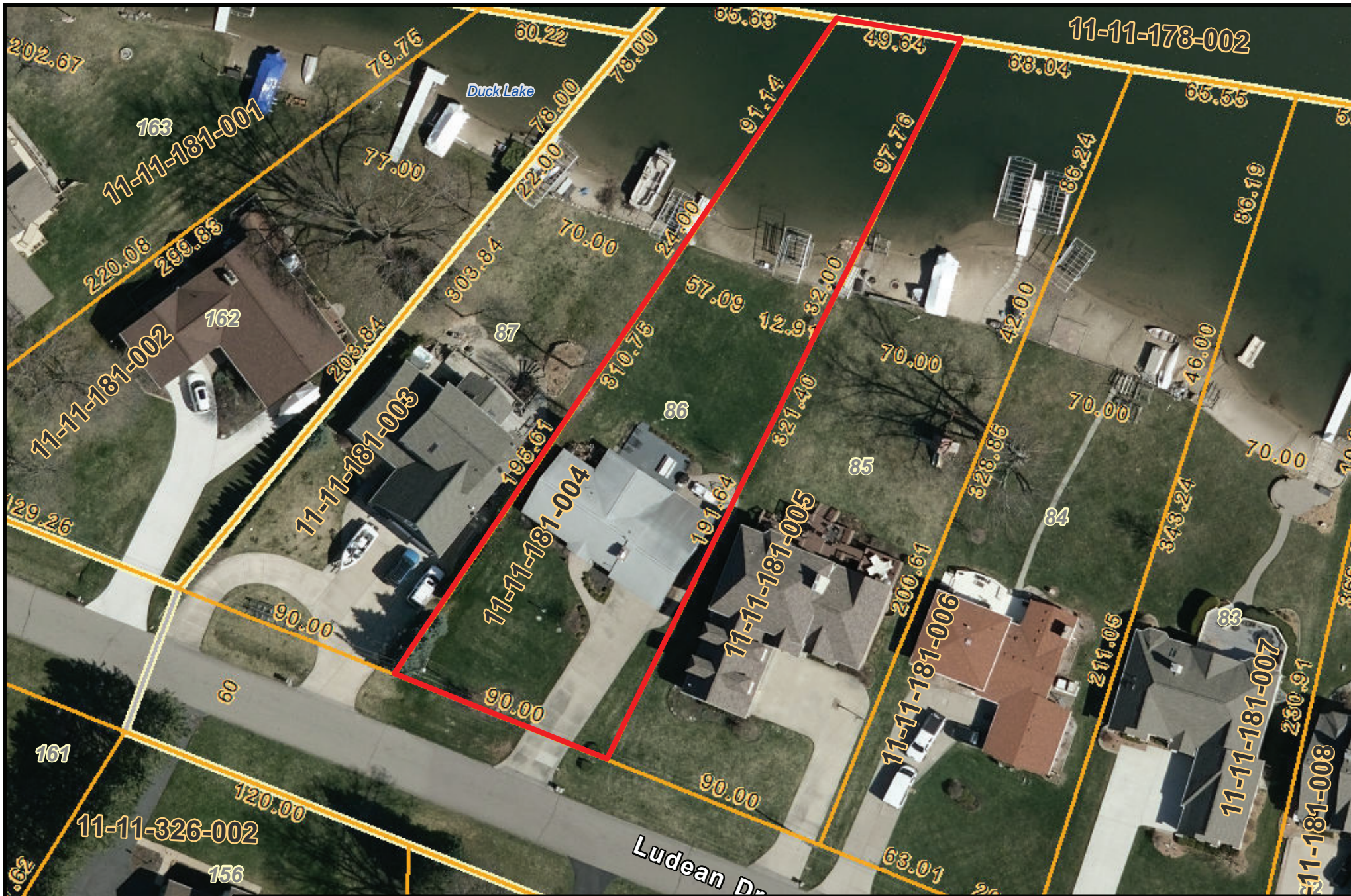
- OC Tax Parcel Stacked
- Zoning Districts**
- ARR: Agricultural Rural Residential 5 acre
- LV: Lakes and Villages
- R1.5: Residential 1.5 acre
- R3: Residential 3 acre
- RM: Multiple Family
- MH: Mobile Home Park
- OS: Office Service
- C-1: Local Commercial
- C-2: General Commercial
- HS: Highland Station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



ENACTED: November 18, 2010



# 1511 Ludean Dr

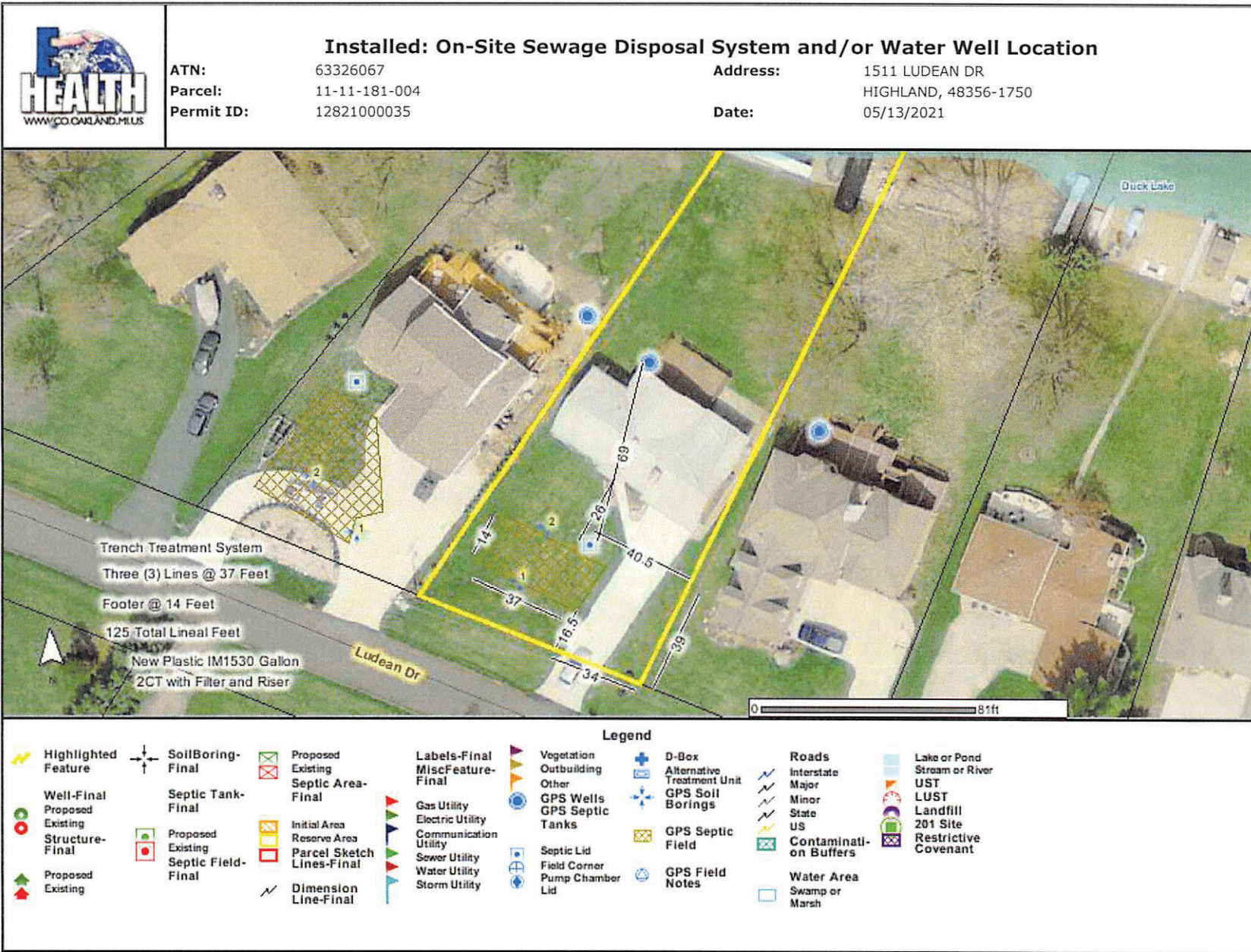


- ~ 2 Foot Contours
- ~ 5 Foot Contours
- ▲ FEMA Base Flood Elevations
- ~ FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- ~ FLOODWAY - FEMA Floodplain

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.

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

Date Created: 10/26/2023  
  
 NORTH  
 1 inch = 50 feet



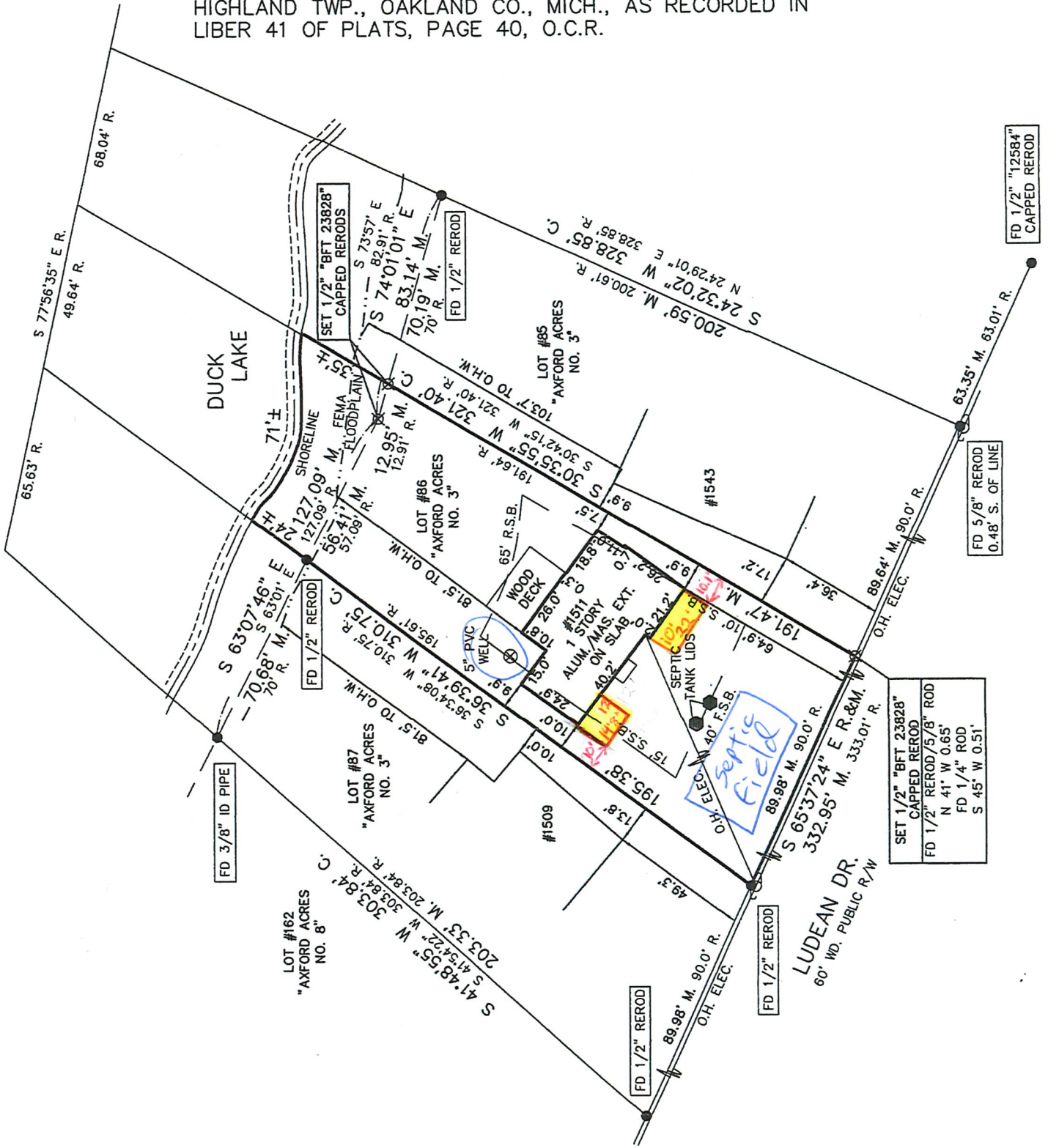
Disclaimer: The information provided in this system has been compiled from recorded deeds, plats, tax maps, surveys and other public records and data. It is not a legally recorded map or survey and is not intended to be used as

# BOUNDARY SURVEY



SCALE: 1" = 50'

LEGAL DESCRIPTION: LOT #86 OF "AXFORD ACRES NO. 3",  
A SUBDIVISION OF PART OF SEC. 11, T.3N., R.7E.,  
HIGHLAND TWP., OAKLAND CO., MICH., AS RECORDED IN  
LIBER 41 OF PLATS, PAGE 40, O.C.R.



NOTE: VERIFY SETBACKS SHOWN WITH TOWNSHIP ZONING ADMINISTRATOR

Copyright, © B.F. THOMPSON, P.C.

BASIS OF BEARING: NORTH LINE OF LUDEAN DR. = S 65°37'24" E PER PLAT

NTS= Not to Scale (R)=Recorded (M)=Measured (C)=Calculated ●=Found Iron ⊗=Set Iron \*—\* =Fence

TAX I.D. # 11-11-181-004

CERTIFIED EXCLUSIVELY TO: MR. PAUL LIPSCOMB

LOCATION: NW 1/4, SEC. 11, T.3N., R.7E., HIGHLAND TWP., OAKLAND CO.

SCALE: 1"=50' DATE: 5-7-24 BY: NDT JOB# 24-4470 SH. 1 of 1

I hereby certify that I have surveyed the above described property and that the relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying and that all the requirements for 1970 PA 132, MCL 54.213 have been met.

When recorded return to:  
B.F. Thompson, P.C.

*Brad F. Thompson*  
Brad F. Thompson, P.S.#4001023828

B.F. THOMPSON, P.C. Registered Professional Engineer & Land Surveyor  
517/ 548-3142 1520 Gully Road, Howell, Michigan 48843  
Email: bfthompsonpc@outlook.com



1511 Ludean Dr  
Highland MI 48356-1750

**View:** Front

**Structure:** Primary

**Photo Date:** 10/13/2016



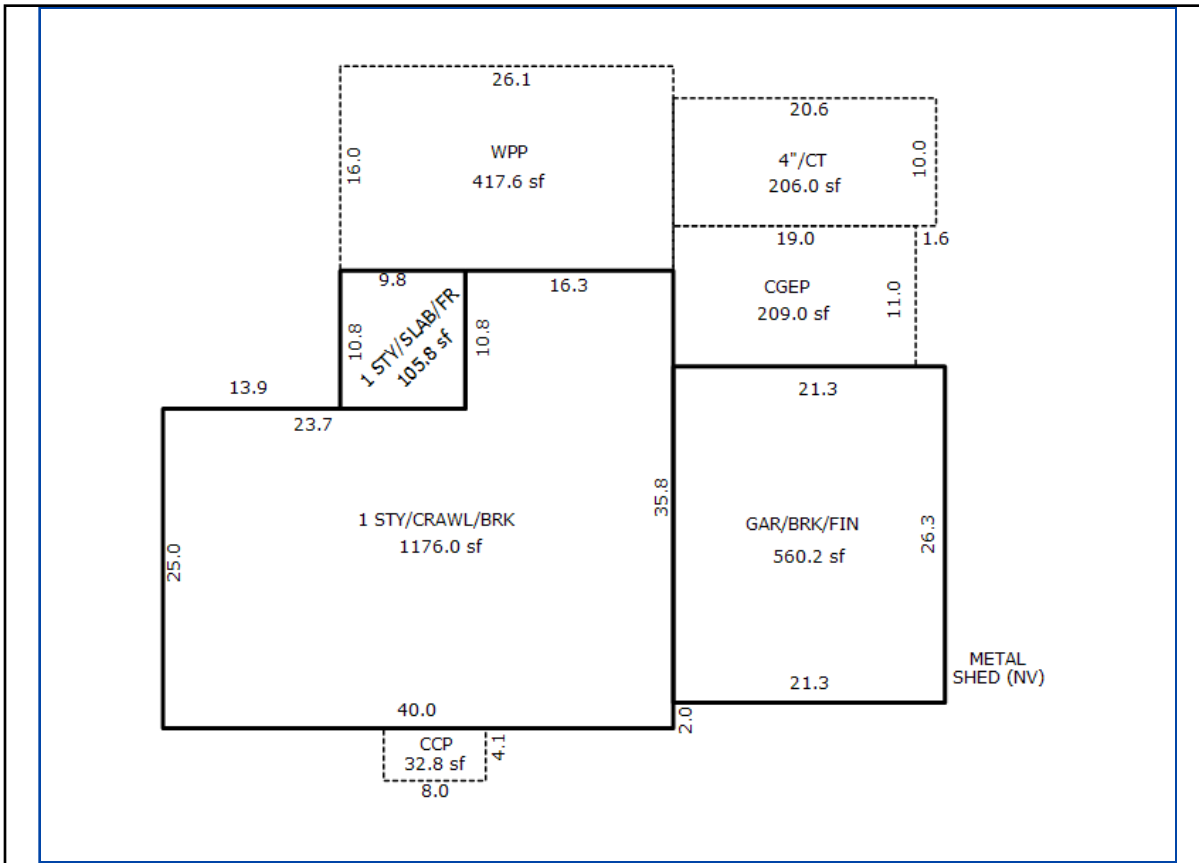
Parcel Sketch View

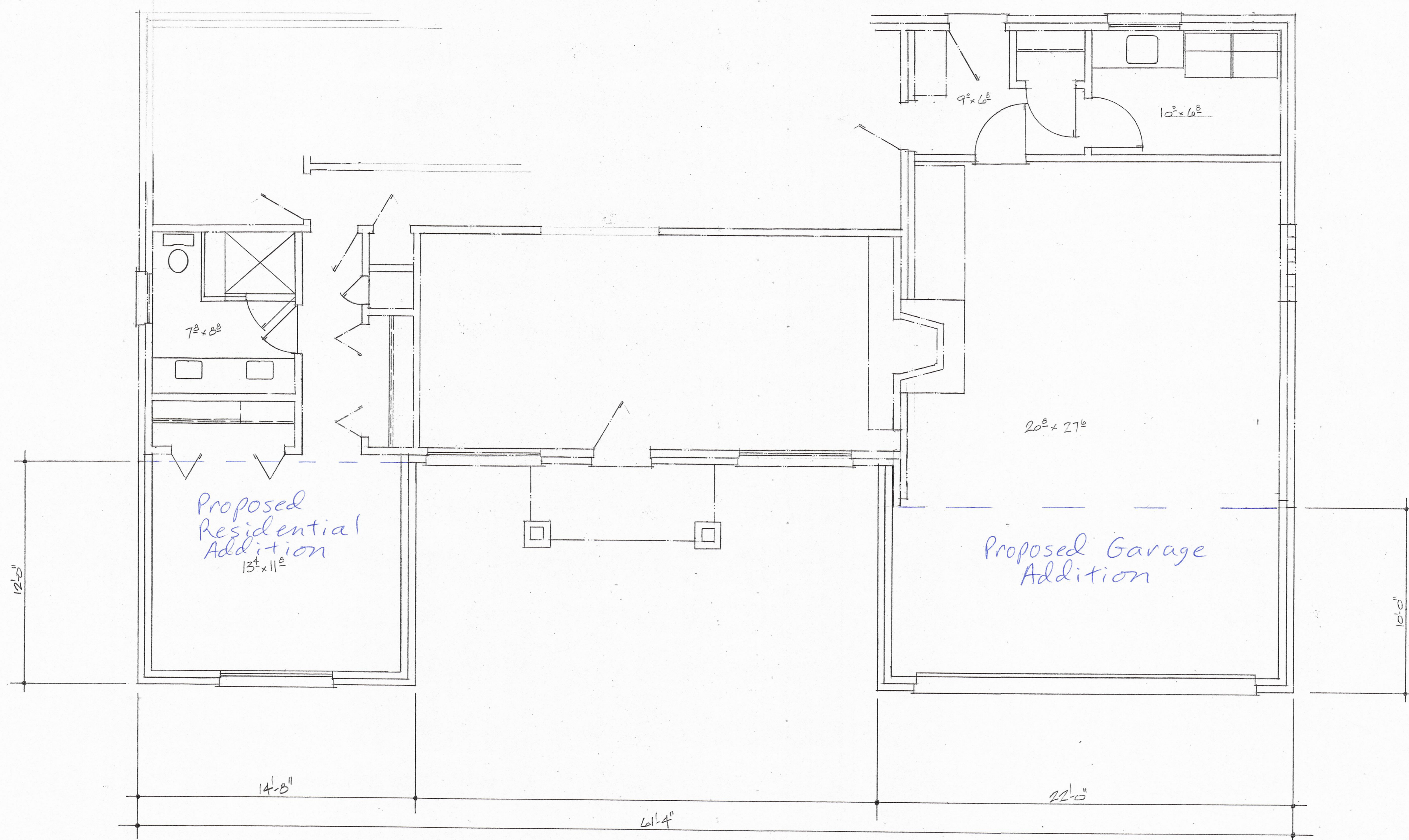
Charter Township of Highland (H)

Page Print Layout: 2 per page ▼

PIN: 11-11-181-004

PRINT DATE: 6/14/2024



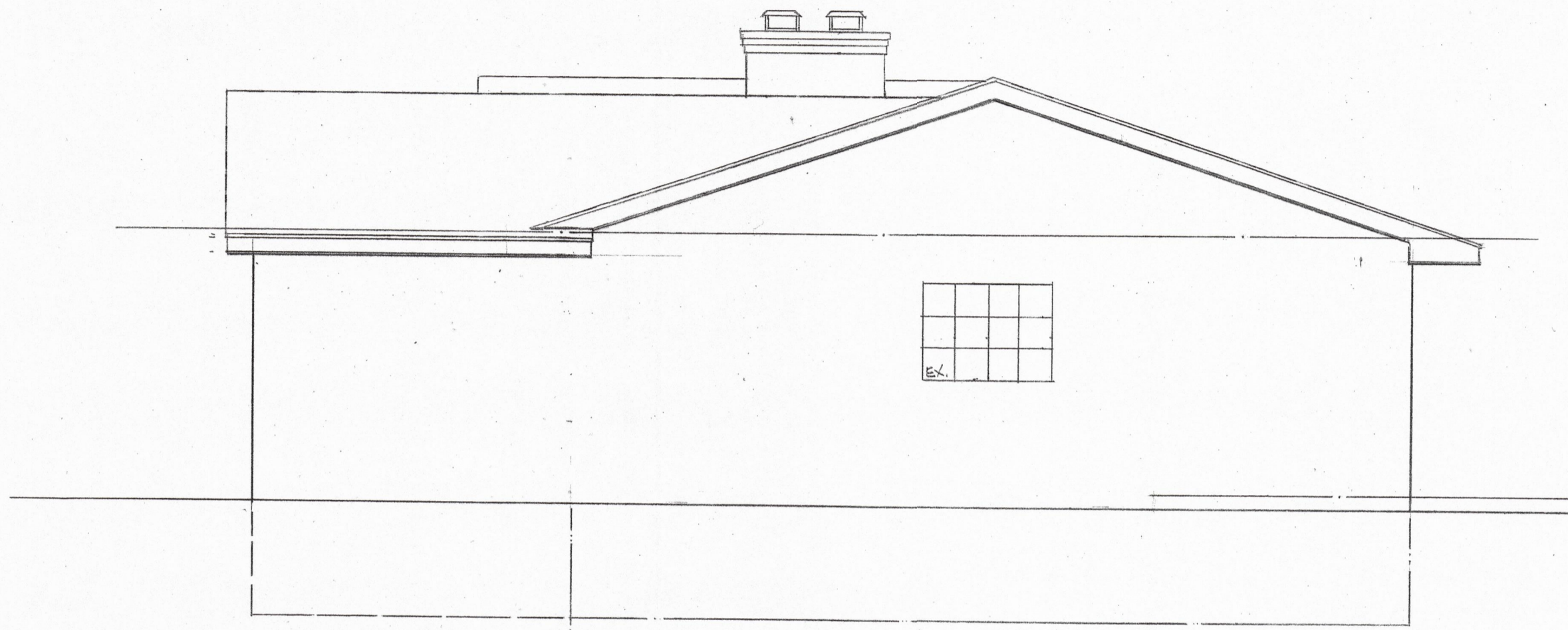


Proposed Residential Addition  
13'4" x 11'0"

Proposed Garage Addition

FIRST FLOOR PLAN  
SCALE 1/4" = 1'-0"

LIPSCOMB RESIDENCE  
1511 LUDEAH DR. 4/6

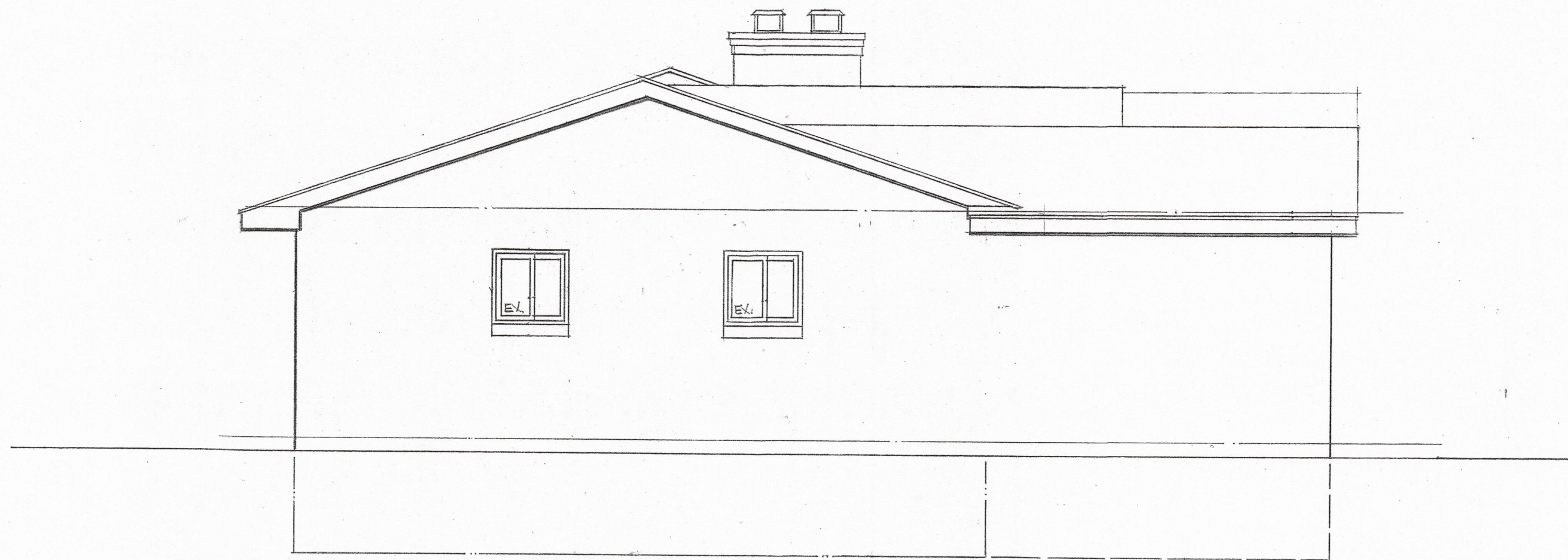


ADDITION EXISTING

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



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



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

EXISTING      ADDITIONAL



June 10, 2024

Zoning Board of Appeals  
Charter Township of Highland  
205 N. John Street  
Highland, MI 48357

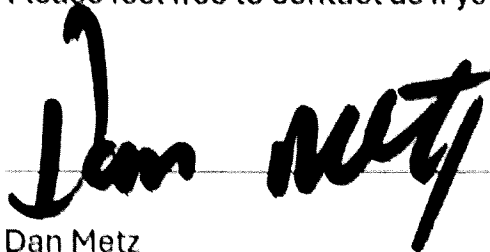
Subject: Dimensional Variance Request for Paul & Mary Lynn Lipscomb, 1511 Ludean Dr.

Zoning Board of Appeals Members:

My wife and I fully support Paul and Mary Lynn Lipscomb's request for a dimensional variance for proposed construction of a master bedroom on their home. They live next door to us on the west side. Granting the variance will not negatively impact us or alter the essential character of the property. They are not planning to encroach any further on the side setback than the west wall of the home already does, and we already have plenty of room between us. The zoning setback requirements were established decades after their home was built.

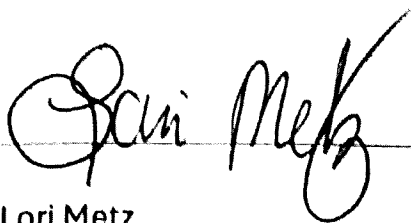
We welcome their proposed changes. They plan to modernize the exterior, which will increase the curb appeal and value of the surrounding properties. They've been in the home for about 11 months and have greatly improved the landscaping on both the roadside and lakeside of the house.

Please feel free to contact us if you have any questions.



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Dan Metz  
1509 Ludean Drive  
Highland, MI 48356  
(248) 892-3991



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Lori Metz  
1509 Ludean Drive  
Highland, MI 48356  
(248) 736-6882

June 4, 2024

Highland Township Zoning Board of Appeals  
205 N. John Street  
Highland, MI 48357

Subject: Application of Variance for Mr. and Ms. Lipscomb

To whom it may concern,

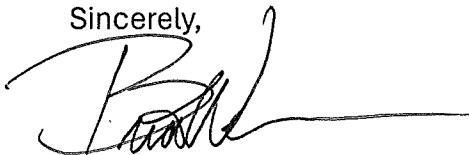
We are writing this letter to provide our support of the home renovations that Mr. and Ms. Lipscomb are proposing. We have been made aware that their property, located at 1511 Ludean Dr., is in violation of the current minimum side setback of 10 ft. We have reviewed the survey and the historical documents and are fully aware that the original structure was not in violation with any setback requirements upon its original construction. It is our understanding that their proposed renovations do not further impede on the current setback. Rather, the plans call for one wall to be extended towards the road and parallel with the adjoining property. Consequently, they are not asking or planning to encroach further on the neighboring property.

As a community we need to embrace home modifications that increase aesthetics and overall property values as long as they do not pose a significant burden on adjacent properties. This is exactly what Mr. and Ms. Lipscomb have planned. This will also provide a much more comfortable dwelling for them and their three children that visit regularly. Mr. and Ms. Lipscomb have proven to be excellent neighbors and members of the community. We wish to support them as much as possible. We are asking for the board to please approve of the Variance required for them to proceed.

As background, I have been living at 1543 Ludean Dr. (the house adjacent, but opposite to the side setback violation) since 2011. There have been two (2) other owners of the Lipscomb house in this time. The proposed renovations would be a welcome change to the house given that it has never had any type of external renovation or modification from its original construction.

If you need any further information or if you have any questions, please do not hesitate to contact us.

Sincerely,



Brian T. Weaver  
1543 Ludean Dr.  
Highland, MI 48356  
(248) 563-9775



Kristin M. Weaver



HEALTH DIVISION

Leigh-Anne Stafford, Health Officer  
(248) 858-1280 | health@oakgov.com

May 19, 2021

JOHN P LIPSCOMB TRUSTEE  
JANET D LIPSCOMB TRUSTEE  
1511 LUDEAN DR  
HIGHLAND, MI 48356

Permit Number: 128-21-000035  
Parcel ID: 11-11-181-004  
Application Tracking Number: 63326067

**RE: REPAIR ON-SITE WASTEWATER TREATMENT SYSTEM AT 1511 LUDEAN DR,  
HIGHLAND, OAKLAND COUNTY, MI.**

Dear Janet D Lipscomb Trustee & John P Lipscomb Trustee:

This letter shall certify that the on-site wastewater treatment system at the above referenced address has been evaluated by this Division. Based upon observable features it was determined that the system is in compliance with the Oakland County Health Division Sanitary Code, Article III. Attached you will find a copy of your on-site wastewater treatment system final inspection report.

Should you have any questions regarding the inspection process or require additional information regarding the maintenance of your system, please contact this office at (248) 858-1312.

Sincerely,

**OAKLAND COUNTY HEALTH DIVISION  
Department of Health and Human Services**

Frank Rhodes, REHS  
Senior Public Health Sanitarian  
Environmental Health Services

cc: Highland Township Building Department

# 1511 LUDEAN DR HIGHLAND MI 48356-1750



2 beds / 1 full baths / 1 half baths / 1282 sq ft

## Residential Property Profile

11-11-181-004

**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) : JANET D LIPSCOMB  
Postal Address : 935 UNION LAKE RD APT 109 WHITE LAKE MI 48386-4531

### Location Information

Site Address : 1511 LUDEAN DR HIGHLAND MI 48356-1750  
PIN : 11-11-181-004 Neighborhood Code : LAD  
Municipality : Charter Township of Highland  
School District : 63220 HURON VALLEY SCHOOLS  
Class Code : 401 Residential - Improved

### Property Description

T3N, R7E, SEC 11 AXFORD ACRES NO 3 LOT 86

### Most Recent Sale Since 1994

Date : 01/04/2024  
Amount : \$1 Liber : 59132:329  
Grantor : LIPSCOMB, JANET D Grantee : LIPSCOMB, JANET D

### Next Most Recent Sale

Date : 07/26/2017  
Amount : \$1 Liber : 50943:816  
Grantor : LIPSCOMB, JOHN J Grantee : LIPSCOMB, JOHN P  
LIPSCOMB, JANET D LIPSCOMB, JANET D

2 beds / 1 full baths / 1 half baths / 1282 sq ft

Residential Property Profile

11-11-181-004

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.

**Tax Information**

Taxable Value	: \$154,900	State Equalized Value	: \$200,880
Current Assessed Value	: \$200,880	Capped Value	: \$154,900
Effective Date For Taxes	: 12/01/2023	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 100%	Winter Principal Residence Exemption Percent	: 100%
<b>2022 Taxes</b>		<b>2023 Taxes</b>	
Summer	: \$3,163.40	Summer	: \$3,321.46
Winter	: \$1,924.47	Winter	: \$2,065.73
Village	:	Village	:

**Lot Information**

Description	: LEVEL	Area	: 0.486 ACRES
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**Primary Structure**

Structure	: Ranch	Living Area	: 1282 SQ FT
Ground Floor	: 1282 SQ FT	Year Built	: 1968
Effective Year	: 1984	Remodel Year	: 1992
Stories	: 1 Story	Rooms	: 5
Bedrooms	: 2	Full Baths	: 1
Half Baths	: 1	Fireplaces	: 1
Ext Walls	: Brick	Basement	: NO - CRAWL SPACE
Garage	: ATTACHED - 2 car (560 SQ FT)	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
CCP (1 Story)	33 SQ FT
WPP	418 SQ FT
CGEP (1 Story)	209 SQ FT