



MEMORANDUM

To: Zoning Board of Appeals
From: Kariline P. Littlebear, Zoning Administrator
Date: September 4, 2024
Re: ZBA24-18
4001 Hillcrest Dr
11-12-427-015
Applicant: Pamela Sexton
Owner: Pamela & Donald Sexton

The subject parcel is zoned LV – Lake and Village Residential District. The total parcel size is approximately 0.183 acres (or approx. 7,971 square feet).

The required setbacks for this parcel are as follows:

Front yard: 34 ft

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

This request is for a 11.5-foot variance from the required 20-foot total side yard setbacks to 8.5-feet provided for the construction of a 240 square foot shed.

This request is for a variance from Section 9.02.B.b. of the Zoning Ordinance.

The shed was placed on the property without a permit and the subsequent violation enforcement led to the applicant's decision to apply for a variance.

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

Case # 24-18

Hearing Date 9/4/24

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS
APPLICATION FOR APPEAL

| APPLICANT | |
|-----------|---|
| NAME: | <u>Pam & Donald Sexton</u> |
| ADDRESS: | <u>4001 Hillcrest Highland mi 48356</u> |
| PHONE: | <u>734-720-2088</u> |
| EMAIL: | <u>pamrose60@yahoo.com</u> |

| OWNER | |
|----------|---|
| NAME: | <u>Pam & Donald Sexton</u> |
| ADDRESS: | <u>4001 Hillcrest Highland mi 48356</u> |
| PHONE: | <u>734-720-2088</u> |
| EMAIL: | <u>pamrose60@yahoo.com</u> |

PROPERTY ADDRESS: 4001 Hillcrest ZONING: LV

PROPERTY TAX ID NO: H-11-12-427-015

ORDINANCE SECTIONS BEING APPEALED: 9.02.B.b.

VARIANCES REQUESTED: Total set back ^{side yard} from 20ft to 8.5
11.5ft variance

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: The property is a pie
shape lot. The lot lines inform with ~~no~~ necessitate
variance

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: *Pamela D Sexton* DATE: 7/30/24
SIGNATURE OF APPLICANT: *Pamela D Sexton* DATE: 7/30/24
Signature of applicant must be notarized.

Subscribed and sworn to before me this
30 day of JULY, 2024

TAMARA FLOWERS Notary Public
My Commission expires 7/4/29

TAMARA FLOWERS
Dawn Meeklenborg
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires 05/25/2030

| | |
|------------------|---------------------------|
| APPLICATION FEE: | <u>\$275.00</u> |
| Receipt# | <u>1.060507</u> |
| Date Paid | <u>7/30/24</u> |
| Received by: | <u><i>[Signature]</i></u> |

Form revised 12/21/2015
S:\Planning Department New Folder\Zoning Board of Appeals\forms\ZBA Application form

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
WORKSHEET

The worksheet is designed to help you understand the appeal process and to help you submit a complete application for review by the Zoning Board of Appeals. If you have any questions after reading this worksheet you may contact the Planning and Zoning Department for assistance.

HAVE YOU MET ALL OF THE FOLLOWING CRITERIA?

- 1) Do the characteristics of the property include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation or other similar characteristics? If so, please describe here.

The property is a Pie shape

The Shed is 12x20

- 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?

Yes, My Mother owned the home.
She had this Shed installed approx June, 2023
She has passed away 11/8/23

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 Sam Sexton

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.

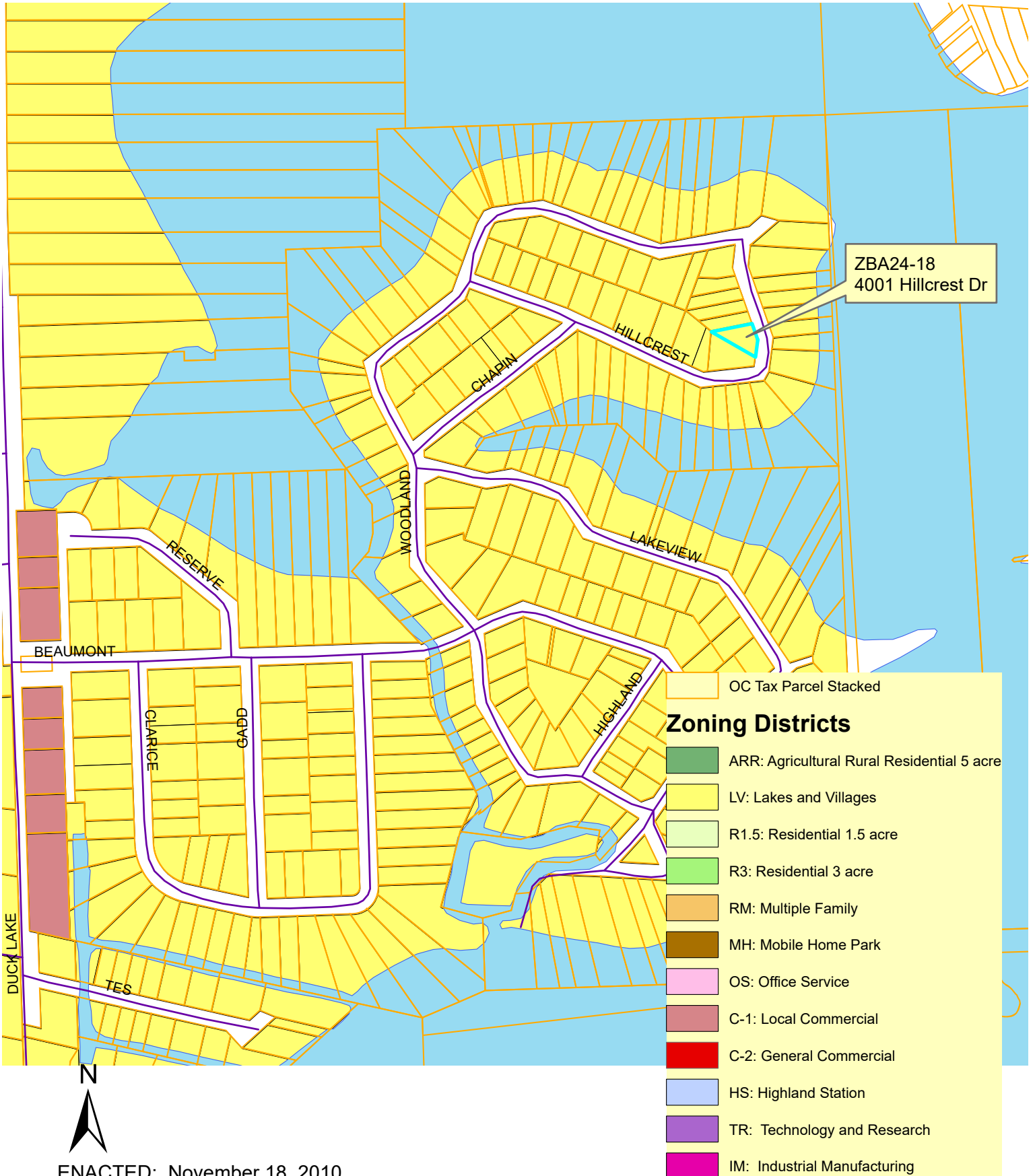
D. *Minimum Setback from the Ordinary High Water Mark.*

- 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:

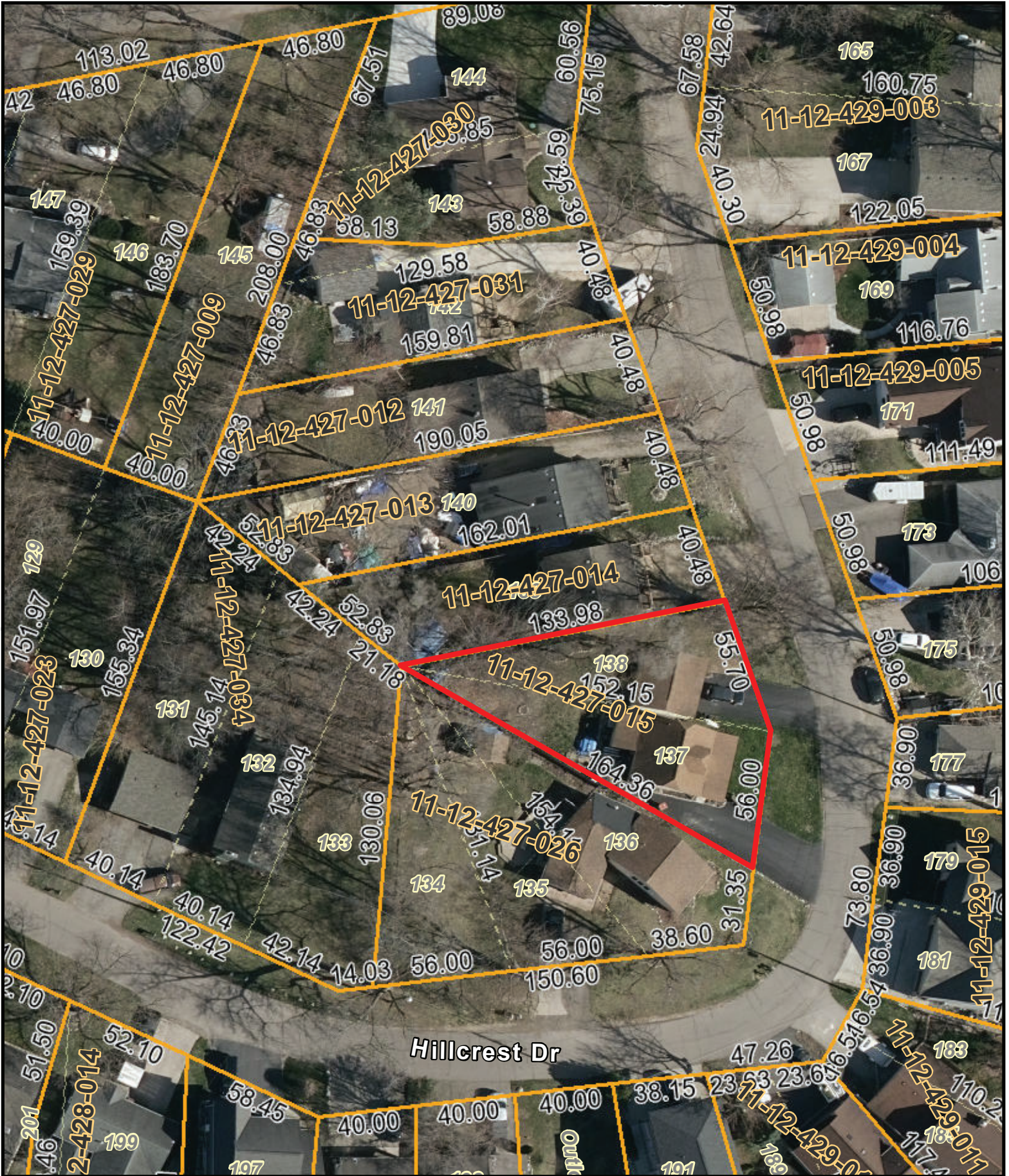
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- 1) Determine which existing primary structures or decks/uncovered porches shall be considered in the calculations. Decks and uncovered porches shall not be used in determining setback reductions for a principle structure, but principle structures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



4001 Hillcrest 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 on the map.


David Coulter
 Oakland County Executive

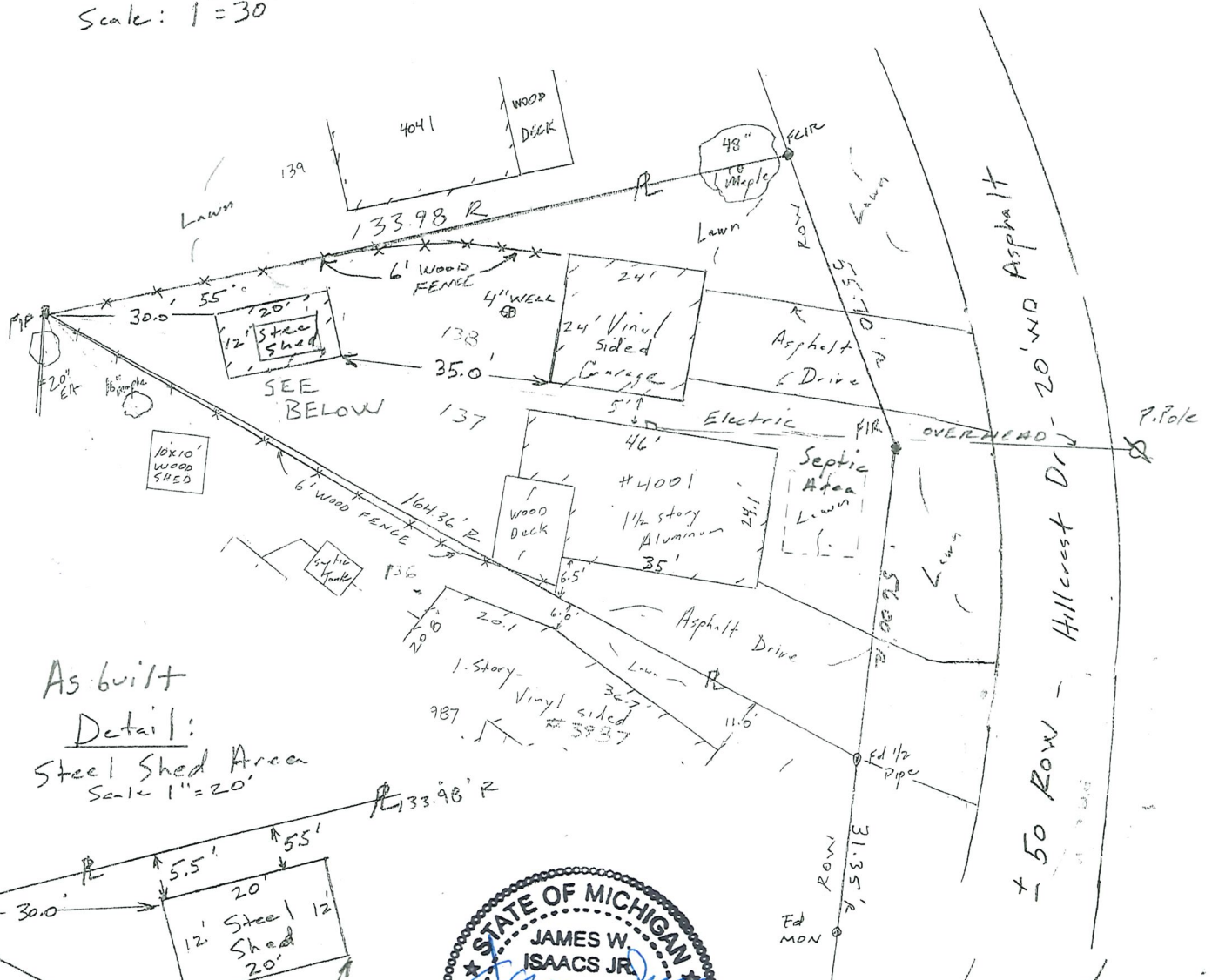
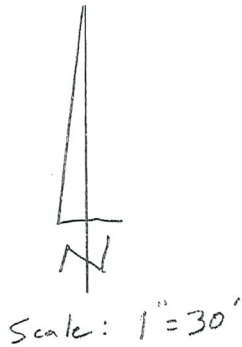
Date Created: 5/16/2024


 1 inch = 50 feet

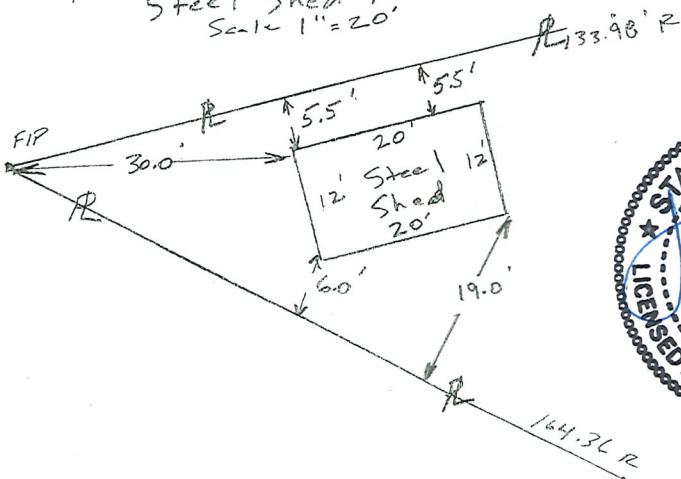
SITE PLAN

Legal Description:

Lots 137 and 138 of "Supervisor's Plat of Seven Harbors"
 Being part of the E 1/2 of section 12, T. 3 N., R. 7 E., Highland
 Township, Oakland County Michigan as recorded in Liber 44
 F Plats, pages 58,58A, 58B, Oakland County records. Tax ID
 11-12-427-015 Zoned LV- Lakes and Villages



As built
 Detail:
 Steel Shed Area
 Scale 1"=20'



Legend

- FIR - Found Iron
- FIP - Found Pipe
- o - Found capped Iron
- R - Property Line
- ⊗ - Power Pole
- ⊙ - Found Monument

Owners:
 Pamela & Donald Sexton
 4001 Hillcrest Dr.
 Highland, MI 48356-2349
 734 720 2088

| | | | |
|--|---|--------------|--|
| | James Isaacs Jr. Professional Land Surveyor 4884 Lore Dr. #25848 Waterford Michigan 48329 PH-248-877-6999 | | |
| | DATE: 7-17-24 | JOB #: 24717 | |
| | SCALE: 1"=30' | | |
| | DRW. BY: FMB | | |









Charter Township of Highland (H) 11-12-427-015 Active

Print Date:

4001 Hillcrest Dr
Highland MI 48356-2349

View: Front

Structure: Primary

Photo Date: 12/14/2011



4001 Hillcrest Dr
Highland MI 48356-2349

View: Front

Structure: Primary

Photo Date: 04/15/2013



4001 Hillcrest Dr
Highland MI 48356-2349

View: Rear

Structure: Primary

Photo Date: 12/14/2011



July 17, 2024

To Whom It May Concern
Highland Township Board

Hello All,

I am Pam Sexton's neighbor
at 4023 Hillcrest in Seven Harbors Subdivision.
I don't have an issue with the
proximity of Pam and Don's shed
to our fence line nor that it
exists. I hope my letter helps
aid a swift resolution.

Best Regards,

Erin McCann-Jabo

313-303-1050

emccann@gmail.com

4060 Hillcrest Dr.
Highland, Me. 48356
August 29, 2024

Highland Township
Zoning Board of Appeals
Case Number 24-15
Enforcement: EE 24-011F
Zoning: LV - Lakes & Village
Parcel # 11-13-427-015
Property Address: 4001 Hillcrest Dr.
Applicant: Pamela Sutor

RECEIVED

AUG 30 2024

HIGHLAND TWP
PLANNING DEPT

I am going on record as being opposed to allowing this structure to continue to exist. It is the size of a room addition. This small property already has a garage. To allow reduction of lot size

from 20-foot total side yard setback to 8.5 feet is to impinge on rights of adjacent property owners.

Adjacent property owners would most likely have objected to this variance before it was built.

Overcrowding of lots is unnecessary
Sincerely,
Bob Conner

CASE # **EE24-0114**

05/01/24

Type

BUILDING/NO PERMIT

OFFICER STEVEN TINO/BLDG INSP

Status

OPEN

Complaint Address: **4001 HILLCREST DR**

H -11-12-427-015

Owner of Record:

SEXTON, PAMELA A

Complainant:

4001 HILLCREST DR

HIGHLAND

MI 48356-2349

COMPLAINT

BUILDING/NO PERMIT

Shed going in, no permit. We also think they are using the garage as a living space

05/02/24 Building Official left note to call us, shed is up

05-14 HO came in to ask about note, will be back to pull permit

05-16 Home owner came in to apply for building permit, discovered that a variance would be needed, we gave her the paperwork, she has until June 11 to turn in the ZBA application.

07-09 still no ZBA application, send ticket

07-16 Home owner came in to ask about ticket, she said she thought she was on the list to go in front of the ZBA on the 17th. She is paying the app fee and we are giving her until 07-23-24 to turn in the ZBA paperwork.

08-01 HO finally turned in ZBA application, enforcement on hold until ZBA decision.

4001 HILLCREST DR HIGHLAND MI 48356-2349



3 beds / 1 full baths / 0 half baths / 1177 sq ft

Residential Property Profile

11-12-427-015

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) : PAMELA A SEXTON & DONALD W SEXTON
Postal Address : 4001 HILLCREST DR HIGHLAND MI 48356-2349

Location Information

Site Address : 4001 HILLCREST DR HIGHLAND MI 48356-2349
PIN : 11-12-427-015 Neighborhood Code : R12
Municipality : Charter Township of Highland
School District : 63220 HURON VALLEY SCHOOLS
Class Code : 401 Residential - Improved

Property Description

T3N, R7E, SEC 12 SUPERVISOR'S PLAT OF SEVEN HARBORS LOTS 137 & 138

Most Recent Sale Since 1994

Date : 09/07/2023
Amount : \$1 Liber : 58869:265
Grantor : SEXTON, PAMELA A SEXTON, DONALD W
MORRIS, HELEN MORRIS, HELEN

Next Most Recent Sale

Date : 06/24/2020
Amount : \$1 Liber : 54472:321
Grantor : MORRIS, HELEN Grantee : SEXTON, PAMELA A
MORRIS, HELEN

3 beds / 1 full baths / 0 half baths / 1177 sq ft

Residential Property Profile

11-12-427-015

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 | : \$81,390 | State Equalized Value | : \$95,240 |
| Current Assessed Value | : \$95,240 | Capped Value | : \$81,390 |
| Effective Date For Taxes | : 07/01/2024 | Principal Residence Exemption Type | : N/A |
| Summer Principal Residence Exemption Percent | : 100% | Winter Principal Residence Exemption Percent | : 100% |
| 2023 Taxes | | 2024 Taxes | |
| Summer | : \$1,745.26 | Summer | : \$1,829.52 |
| Winter | : \$992.63 | Winter | : |
| Village | : | Village | : |

Lot Information

| | | | |
|-------------|---------------|------|----------------------|
| Description | : HIGH | Area | : 0.183 ACRES |
|-------------|---------------|------|----------------------|

Primary Structure

| | | | |
|----------------|---------------------------------------|--------------|------------------------------|
| Structure | : Bungalow | Living Area | : 1177 SQ FT |
| Ground Floor | : 1007 SQ FT | Year Built | : 1934 |
| Effective Year | : 1978 | Remodel Year | : 2013 |
| Stories | : 1.25 Story | Rooms | : 6 |
| Bedrooms | : 3 | Full Baths | : 1 |
| Half Baths | : 0 | Fireplaces | : 0 |
| Ext Walls | : Vinyl | Basement | : NO - CRAWL SPACE |
| Garage | : SEPARATE - 2 car (600 SQ FT) | Heat | : Forced Air w/ Ducts |
| Fuel Type | : Gas | Central Air | : No |

Basement Information

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

Porch Information

| | |
|------|------|
| Type | Area |
|------|------|