

MEMORANDUM

To: Zoning Board of Appeals

From: Kariline P. Littlebear, Zoning Administrator

Date: July 17, 2024
Re: ZBA24-13

2390 Dean Dr 11-12-303-004

Applicant: Andrew Grossman

Owner: Andrew Grossman and Maureen Pichner

The subject parcel is zoned LV – Lake and Village Residential District. The total parcel size is approximately 0.659 acres or 28,706 square feet which includes approximately 0.349 acres or 15,206 square feet of wetlands.

The required setbacks for this parcel are as follows:

Front yard: 34 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 30-foot variance from the calculated 65-foot ordinary high-water mark setback to 35-feet provided for the construction of an approx. 130 square foot uncovered rear deck and stairs. This request is for a variance from Section 9.02.D. of the Zoning Ordinance.

The permit for the house was issued in 1992 after a successful variance request for the construction of the house only. The approved minutes for that request have been included for your review. A rear deck was not included with that variance request and so a variance for a deck was never granted. In 1995 a permit for a rear deck was issued without a variance. The request was only for the minimum size of 3 feet by 3 feet landing with stairs which is required by state code for safe ingress and egress from the rear door so it seems that it was deemed that a variance was not necessary at that time. The new larger deck was built this year without a permit. The enforcement has also been included for your review.

The applicant has provided a survey, site plan, photos and construction plans for the deck and stairs. Staff has supplied assessing records, a zoning map, an aerial approximation of the property, approved minutes for Case 92-20 with the original variance approval for the house, the current enforcement record, and Section 9.02. of the Zoning Ordinance.

Hearing Date 7/17/24

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS APPLICATION FOR APPEAL

APPLICANT 🕹	owner	. 8		OWNER	
NAME: Andrew Grossman		NAME:	Maure	en P	ichner
ADDRESS: 2390 Dean Dr.		ADDRESS	: 2390	Dea	n Tor.
Highland, MI 48356			,		W_49356
				1100,1	
PHONE: 248-568-4243		PHONE:	749	3.2119	. 0936
detailedimense@gma	nil.com	1			@ Comcast net
EMAIL: detailedimages@gma		EMAIL:	TYPI	Criney	a Cornicasi reci
PROPERTY ADDRESS: 2390 Dean D	r Highland, MI ∠	18356		_ZONING:	LV
PROPERTY TAX ID NO: #-1/- 12-3	303-004				
	000	0			
ORDINANCE SECTIONS BEING APPEALED:	1.02.	U.	- '		
VARIANCES REQUESTED: 30 Ft Mark Setback Deck DESCRIBE THE NATURE OF YOUR PRACTICATION	AL DIFFICULTY: —	t is impossib	le to be wi	thin 65 ft c	of the wetlands area
behind my home. the house itself is					
The new deck does not extend	past the well.	The House	e And	LOT Are	e fre-existing since
1992/					
I certify that all required information is shown or am granting the right of the Zoning Board of property. All statements are true to the best of m SIGNATURE OF OWNER:	appeals members, insp	included on this ectors and adm	form. I acknown inistrators to	DATE:	by signing this application, I te inspection of the subject 6-11-24
Subscribed and swom to before me this	e of applicant must be no	<mark>otarized.</mark>	, ppr rg.	TION FEE.	1.075
day of June ,2024			Receipt#_	TION FEE: <u>3</u>	1.1/
Notary Public	I be F F F I I me me m	2001	Received	by LGI	3
	JENNIFER I NOTARY PUBLIC - STATE COUNTY OF OAI My Commission Expires	E OF MICHIGAN KLAND	S:\Planning	sed 12/21/2015 g Department Norms\ZBA Applic	ew Folder\Zoning Board of cation form
	Acting in the County				

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?

allness, irregular shape, topography, vegetation or other similar characteristics? o, please describe here.
s. The house and well both are already existing and the deck doesn't extend past the well.
, The house and well seemed and all and a seemed a seemed and a seemed a seemed and a seemed a seemed and a seemed a seemed and a seemed a seemed a seemed and a seemed a seemed a seemed a seemed and a seemed a
the project be redesigned to meet the zoning requirements without the need for a
ance?
ne reason for a variance request of a personal nature? (for example: financial imposical and/or mental characteristics of the household members, inconvenience, etc.
0

	Has the difficulty been created by the current or previous owner? Current owner
-	
-	
	Will the proposed variance be harmful to or alter the essential character of the area is which the property is located? Not at all.
	Will the proposed variance be the minimum necessary? yes
•	

Sec. 9.02. LV—Lake and Village Residential District.

- A. Creation of new lots in the Lake and Village Residential District.
 - 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	Least Side	Total Both Sides
(feet)	(feet)	(feet)
120 or greater	10	30

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90 to119	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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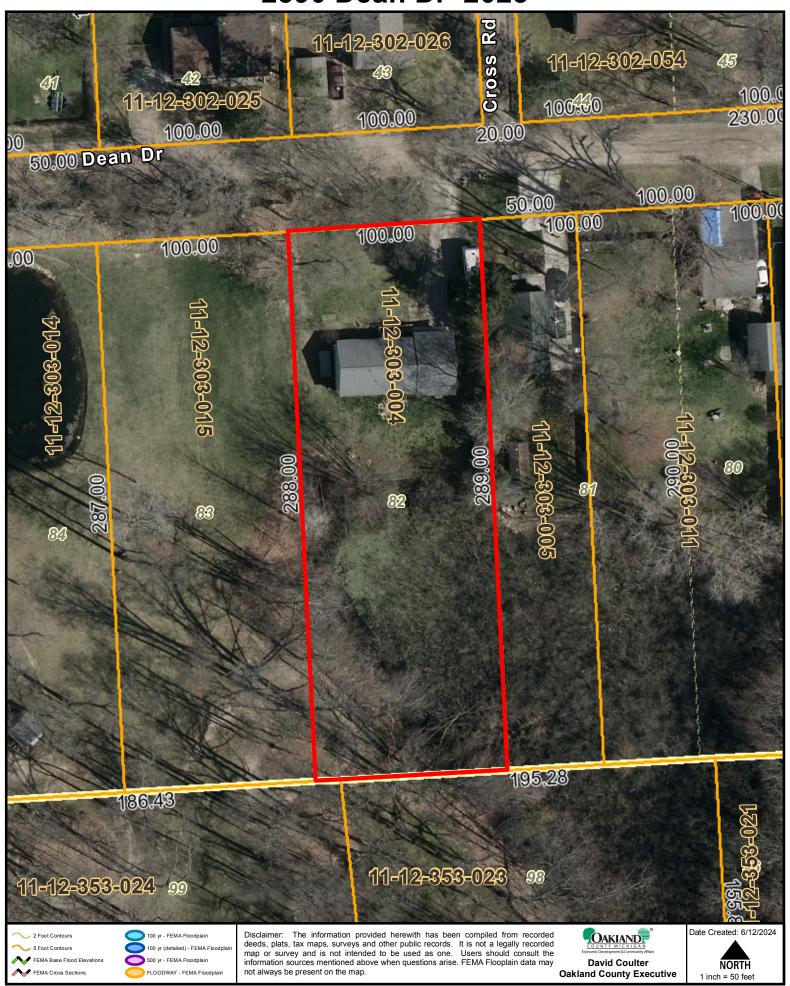
- Determine which existing primary structures or decks/uncovered porches shall be considered in the calculations. Decks and uncovered porches shall not be used in determining setback reductions for a principle structure, but principle structures may be used in determining setback reductions for decks/uncovered 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)

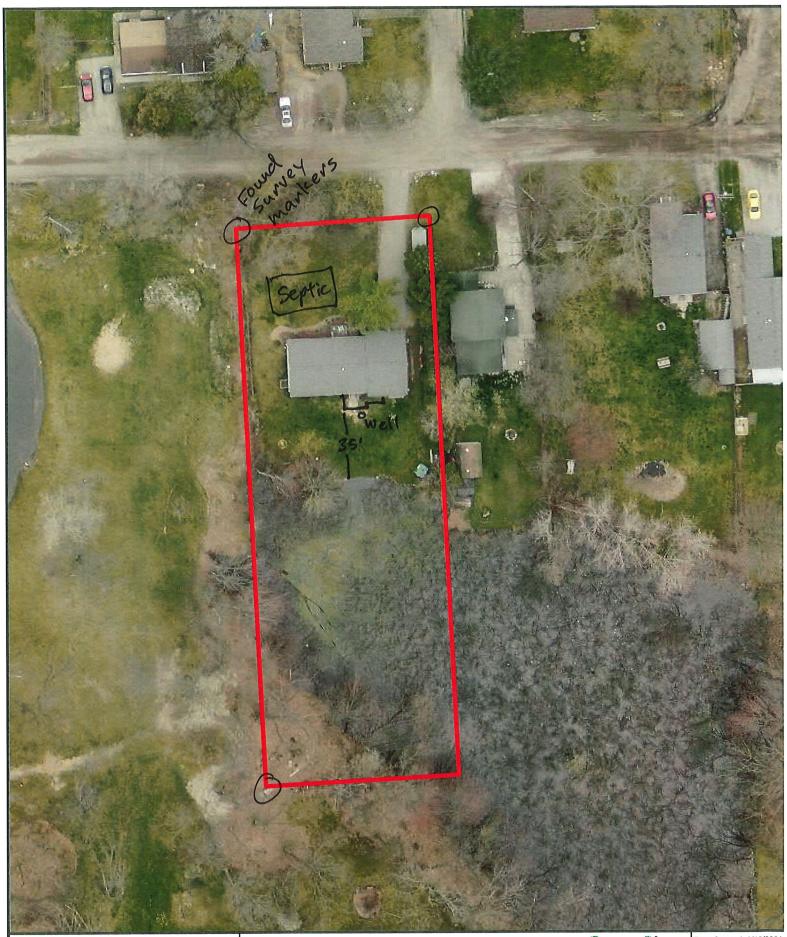
CHARTER TOWNSHIP OF HIGHLAND ZONING MAP



2390 Dean Dr 2023



2390 Dean Dr 2017







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 Flooplain data may not always be present on the map.



COUNTY MICHIGAN
Economic Development & Connection Makin

David Coulter

Oakland County Executive

1 inch



CERTIFICATE OF SURVEY KIEFT ENGINEERING, INC. REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

\$152 SOUTH MAIN STREET CLAHKSTON, MICHIGAN 48016

625-3251

Survey for Spring Valley Corporation

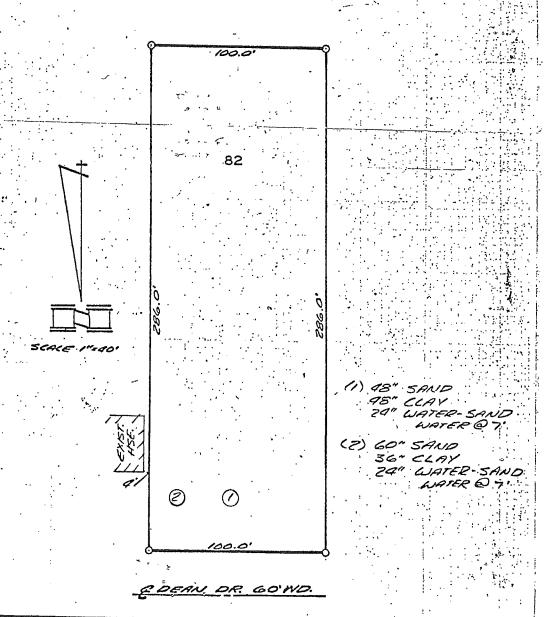
_Date: 11-24-72

Address P.O. Box 37, Drayton Plains, Michigan Job No. 725

ACCEPTABLE RATIO OF ERROR OF CLOSURE SHALL BE LESS THAN 1/5000 OR ACTUAL ERROR OF CLOSURE SHALL BE LESS THAN 0.15 FT.
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON 19 , AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/ AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970 HAVE BEEN COMPLIED WITH. BEARINGS SHOWN ON THIS SURVEY WERE DETERMINED IN THE FOLLOWING MANNER:

This is to certify that I, Allton E and Surveyor, have this date made a survey of a parcel of land described as follows:

Lot 82 of "Duck Lake Subdivision," Highland Township, Oakland County, Michigan, part of Section 11 and 12, T3N, R7E, as recorded in Liber 27, Page 32 of Plats of Oakland County Records.



100 ٢× , FÌ 66 5 SEPTIC 45 Deck hecectlic 頭 garage House 33 10 Deck Well 35 Wetcands 100

13 g and State

Original Deck

New Deck



original Deck

New Deck



Charter Township of Highland (H) 11-12-303-004 Active

Print Date: Date



harter Township of Highland Zoning Board of Appeals - Minutes of 4-15-92 - "5"



Mr. Roehling commented that even though it is in a higher classification, the garage still could be built without a variance. The lot is smaller in frontage and square footage than an R-1B lot which requires 200 feet of frontage.

The Board discussed the frontage and square footage of the lot and the location of easements and future splits.

: MOTIOM:

Mr. Roehling moved in case #92-19, information per the agenda, to grant a variance from Section 509-4 a (2) for a south side yard setback from 40° to 35° for the construction of an attached garage and home addition. Mrs. Powell supported the motion.

FACTS AND FINDINGS:

- 1. The lot is considerably smaller than its minimum standard, even smaller than the next smaller zoning district in both area and width.
- 2. The property to the south is an easement to an acreage parcel, and the possibility of a residential structure in that area is very low (There is an additional 80° that is not buildable).
- 3. The variance request is in keeping with the spirit of the ordinance.

The motion carried and the variance was granted with the following roll call vote: Gorman - yes, Guertin - no, Barancek - yes, Roehling - yes, Powell - yes, Gruber - no.

AGENDA ITEM #5.

Case:

#92-20

Sidwell #:

11-12-303-004

Zoning:

R-10

Applicant/Owner:

Brian & Kathleen Caldwell

Address:

Vacant lot on Dean Drive

Ordinance Section:

508-4 a (4)

508-4 a (2)

508-4 b (5)

Variances Requested:

Subaqueous setback from 65° to 47°

Side yard setback from 15° to 10° Setback for septic tank and field

from 125° to 72°.

This variance is for construction of

single family dwelling.

Mr. Caldwell wished to have the case heard. Mr. Gruber reviewed a letter received 4/8/92 from Patricia LaLumiere, 2402 Dean Drive, objecting to a side yard setback.

witer Township of Highland Zoning Board of Appeals - Minutes of 4-15-92 - "4"

Mr. Caldwell explained that the plans had been changed and the side yard setback is now 15%, and corrected plans had been submitted to the Township. In view of this, the second variance request was struck from the agenda. The other change on the new drawing is that the location of the power line is shown.

During discussions of the septic system, Mr. Caldwell stated that an oversized septic field designed into the site plan was required by the Dakland County Health Department. He also stated that the septic tank and field variance only needed to be from 125' to 83' instead of to 72'. The house is to be built on a crawl space. The applicant agreed to change the septic drain to the north size of the house and turn the septic tank 90 degrees.

The Board discussed the location of the proposed house and what the stakes represented.

*MOTION:

Mr. Roehling moved in case \$92-20, information per the agenda, to grant a variance from Section 508-4 a (4) for a subaqueous setback from 65° to 47° for the construction of a single family dwelling and a variance from Section 508-4 b (5) from 125° to 93° for setback for septic tank and field. Mrs. Powell supported the motion.

FACTS AND FINDINGS:

- 1. Although this lot is identified as 28,800 square feet, most of it is classified as subaqueous and unbuildable.
- 2. In so far as buildable area is concerned, it is less than what would be acceptable for the next smaller classification, R-ID.
- 3. The proposed placement of the septic tank and field is at the furthest point from the subaqueous area and there is no other area on this property to place the septic tank and field.
- 4. The oversized engineered septic field is dictating the location of the home in regard to the subaqueous.

The motion carried and the variance was granted with a unanimous roll call vote.

The applicant initialled the changes made in the septic tank location on the site plan.

AGENDA ITEM #6. Minutes of April 1, 1992

Mr. Roehling moved to accept the minutes of April $1,\ 1992$, as corrected. Mrs. Guertin supported the motion and it carried with a majority voice vote with Mr. Gorman voting no.

LOT# 82,004		ger Halling Barrer		
	JAKLAND COUN	TY HEALTH DIVISION	09,23793 30 Proof	
Subdivision Duck Lake St	D. 27725 Greenfield	ph Rd., Pontiac 48341 Rd., Southfield, 4976	CHECK *80.00	M. Tarak
1	*		2010 ASZ YVAS DEWIN	e d
Sidwell#_ <i>11-12-303-00</i>	4 APPL	ICATION	a ASLT	7 Estables
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(Township, Village, City) <u>High</u>	and Time	SPOSAL SYSTEM		
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	No. of Bedroom	s Repair of Syste	m	-
Non-Residential Building Type Owner 100 Mark	La Vallation O. Color D.		No. of B	
Owner Tropic Of Theff	Address 70400 K	Iver Glan City Far	No: of Persons Zip 40306	
Applicant <u>FAYIOON</u> (a)	14Address 30650	KIVER (Ylen For	<i>en. Hills</i> zip <u>4030.6</u> rm Hills zip 4833.6	1994) Van
SIGNED: Arthlen	Solwell	dir ou	<i>-11/1/11/10</i> zip <i>4833⊈</i>	
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one-half feet in	the area of the planned	bout twenty-five (25) feet apa	ne No. <u>477-3422</u> Int to at least a depth of seven and	
twelve (12) feet Hole #1	ueep.	main held. Soil borings for d	nt to at least a depth of seven and ry well installation must be at least	
in. Topsoil	note #2	10 F Hole #3	Hole #4	
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Spacing C. to C. Pt	OR Drainage Bod gonsi-	Tre	nch width (n.;	ISSI
Spacing C. to CFt of Gals each with	Et of state of	sq sq.	Ft. or Drywells	iii
of Gals; each with Stipulations are listed below. The loc	ation and custom tot	aling Sq. Ft.	of Absorption Area	$\mathcal{C}_{\mathcal{I}}$
permit.	7	re indicated on attached sca	led drawing which is part of this	$\widetilde{\mathcal{Q}}$
1. Locate drain field: 7 12 17 2012 19	MINT ATTACKE	χ		6
Cut Drainage Bed 50% /(100%)	5-12" EE to SAVI	2 2. Cut all trenches	Ft to	₽
3. CALL FOR A CUTDOWN INSPECTION	ON PRIOR TO BACKFILLING	3/65		-
Date of Mid-Inspection	by		TI TI	P.S.
4. Backfill with Clean, Coarse Sand to G	rade of Tile Field 255			S
5. Other Describe:	1	THE COMMENT		-
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AT CONPETIEN	27.31.00171650	MAD SUBMITY	BROWNE CETTER	(C)
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If Denied, Indicate Reasons. UES	CN 5118 PCA)			01) CC
PERMIT: Approved Denied		11/1/1	7 0 1.	00
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HIGHLAND TOWNSHIP

ORDINANCE COMPLAINT

CASE # **EE24-0112**

05/01/24

Type BUILDING/NO PERMIT

OFFICER STEVEN TINO/BLDG INSP

Complaint Address: 2390 DEAN DR

Owner of Record:

GROSSMAN, ANDREW S

2390 DEAN DR

HIGHLAND MI 48356-1910

Status

H -11-12-303-004

Complainant:

COMPLAINT

BUILDING/NO PERMIT

front and rear decks built without permits.

05-13-24 Mr. Grossman came in to get paperwork for decks. Kari is giving him his setbacks by email.

05-30-24 Mr. Grossman applied for a permit for his front porch since that meets setbacks. Will apply for variance for rear deck.

06/11/24 Mr. Grossman turned in his ZBA packet for the 07/17/24 meeting

2390 DEAN DR HIGHLAND MI 48356-1910

OAKIAND COUNTY MICHIGAN PROPERTY GATEWAY

3 beds / 1 full baths / 1 half baths / 1028 sq ft

Residential Property Profile

11-12-303-004

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.

Total community where the data originated.					
Owner Information					
Owner(s)	Owner(s) : ANDREW S GROSSMAN & MAUREEN E PICHNER				
Postal Address	Postal Address : 2390 DEAN DR HIGHLAND MI 48356-1910				
Location Information					
Site Address	Site Address : 2390 DEAN DR HIGHLAND MI 48356-1910				
PIN	: 11-12-303-004	Neighborhood Code	: RDL		
Municipality	Municipality : Charter Township of Highland				
School District	School District : 63220 HURON VALLEY SCHOOLS				
Class Code	Class Code : 401 Residential - Improved				
Property Description					

T3N, R7E, SEC 12 DUCK LAKE SUB LOT 82

Most Recent Sale Since 1994

Date : 05/31/2007

Amount : \$132,500 Liber : 39274:203

Grantee : GROSSMAN, ANDREW S

Grantor : HAROLD J LAMBERTH PICHNER, MAUREEN E

TR

Next Most Recent Sale

Date : 12/09/2004

Amount : \$1 Liber : 38284:680

Grantor : LAMBERTH, HAROLD J Grantee : HAROLD J LAMBERTH

TR

2390 DEAN DR HIGHLAND MI 48356-1910

OAKIAND COUNTY MICHIGAN PROPERTY GATEWAY

3 beds / 1 full baths / 1 half baths / 1028 sq ft

Residential Property Profile

11-12-303-004

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 Inf	ormation			
Taxable Value	: \$63,540	State Equalized Value	: \$115,040		
Current Assessed Value	: \$115,040	Capped Value	: \$63,540		
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%		
2022 Taxes		2023 Taxes			
Summer	: \$1,297.69	Summer	: \$1,362.52		
Winter	: \$814.38	Winter	: \$884.89		
Village	:	Village	:		
	Lot Info	ormation			
Description	: LOW SWAMPY	Area	: 0.659 ACRES		
	Primary	Structure			
Structure	: Ranch	Living Area	: 1028 SQ FT		
Ground Floor	: 1028 SQ FT	Year Built	: 1992		
Effective Year	: 1992	Remodel Year	: 0		
Stories	: 1 Story	Rooms	: 6		
Bedrooms	: 3	Full Baths	: 1		
Half Baths	: 1	Fireplaces	: 0		
Ext Walls	: Alum., Vinyl	Basement	: NO - CRAWL SPACE		
Garage	: ATTACHED - 2 car (531 SQ FT)	Heat	: Forced Air w/ Ducts		
Fuel Type	: Gas	Central Air	: No		
Basement Information					
Finish	: UNFINISHED	Area	: 0 SQ FT		
	Porch In	formation			
	Туре		Area		
	WPP		66 SQ FT		
	WPP		9 SQ FT		