## 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.

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS APPLICATION FOR APPEAL

APPLICANT of Owner
nAME: Andrew Grossman
ADDRESS: 2390 Dean Dr.
Highland, MI 48356

PHONE: 248-568-4243
EMALL: detailedimages@gmail.com


NAME: Maureen Pichnev
ADDRESS: 2390 Dean Tor. Highland, rm 4835 e

PHONE: 248.249 .0936
email: mpichnen@comcastinet
property address: 2390 Dean Dr Highland, MI 48356 ZONING: $\qquad$ monera x ruxnowe:t-11-12-303-004

ORDINANCE SECTIONS BEING APPEALED: $\qquad$ 9.02.0.
vanamerss seuvisse: 30 ft variance from 65 ft high-water mark setback to 35ft for an uncovered deck
$\qquad$
DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: It is impossible to be within 65 ft of the wetlands area behind my home. the house itself is only 45 ft and the well is only about 30 ft away from the wetlands. The new deck does not extend past the well. The House And lot are pre-exising since 1992.

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.
 DATE: $\qquad$ Signature of applicant must be notarized.


APplication fee: \# 275
Receipt $4,10601444_{\text {Dat Paid }} 6 / 11 / 24$


Form revised 12/21/2015
S: Planning Department New Folder Zoning Board of Appeals forms $\backslash Z B A$ Application form

## CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS <br> WORKSHEET

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

## HAVE YOU MET ALL OF THE FOLLOWING CRITERIA?

1) Do the characteristics of the property include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation or other similar characteristics? If so, please describe here.
Yes. The house and well both are already existing and the deck doesn't extend past the well.
$\qquad$
$\qquad$
$\qquad$
2) Can the project be redesigned to meet the zoning requirements without the need for a variance?
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No
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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
4) Has the difficulty been created by the current or previous owner?

## Current owner

$\qquad$
$\qquad$
$\qquad$
5) Will the proposed variance be harmful to or alter the essential character of the area in which the property is located?

## Not at all.

6) Will the proposed variance be the minimum necessary? yes
$\qquad$
$\qquad$
$\qquad$

Signature


## 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 <br> (feet) | Least Side <br> (feet) | Total Both Sides <br> (feet) |
| :--- | :--- | :--- |
| 120 or greater | 10 | 30 |


| 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:
5) 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.
6) Determine the distance from each structure to the presumed ordinary high water mark and record the distance.
7) 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.
8) 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






Original Deck



New Deck

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


Mr.











FACHEAD FTNTMES:

 anct widen.











Mr"
 objectatroto a mide yord setwacta

Fr" Celdweld welaned that the plans had been whanged and the side yard setback is now is" and corrected plams had bemen Gutaitwed to the Township. In view of this the second variamoe requet was struct from the agenda. The other whange on the new arawing it that the location of the power line is shown

Duming dismussionce of the septice systems Mm Caldwell steted that an overmaxed semtic field degignecimto the gite plan was required by the Datiand Comby Heath Department. He also stated that the

 The applicant ameed to change the emptio drain to the nombin size of the house anci tum the sepetic. tant 90 degmees.
"The Board discusem the lowation of the proposed house and what. the states rempresented.

## MOTCON:

Mr. Foenlimg moved in wase mowzoy information per the agencay to
 from os $^{*}$ to $47^{*}$ for the construction of a single family dwellimg
 setbact: for septice cank and field. Mrs. Fowell wuported the motion.

Facte and Fandnes:


2. $\quad$ In so far as builable area is concermecis it is less than what woun be acmeptable for the next mander alasmificationg R-mbn

3n The proposed phamement of the septic tank and field is at the
 on this property to place the semtut tant and field.
4. The oversiamengimemea meptic field js dictating tine xacetion of the home in regaro two the whamurous.

The motion cerried and the variance was granted with a unamous r"cil call voten

The applican indtiaded the ehanges made in whe sentic: tank locetion on the wite fiam"

AEENDA TTEM WG。 Minutee of April 1. 1992
 correwted. Mrgn Euemtin mupported the motion and jt comried with a majority voice vote with fir* Gorman voting noin

Lory $\qquad$
$\qquad$
$\qquad$
Subdivision $D+1 L L G D e X U b$
Savelif $11-12-303-004$

OAKLAND COUNTY HEALTH DIVISION
 27725 Greenfield Rid., Southfield, 43976

APPLICATION
FOR PERMIT TO INSTAL OR REPAIR A SEWAGE DISPOSAL SYSTEM 27725 Greenfield Rd, Southtield; 4596
$406^{x+2}=$



signed:
SUBSOL DATA: Make lat least two boring info the soil about twenty -five (25) feet apart to at least a depth of seven and one-half feet in the area of the planned drain field. Sol boring for dry wellinstallaton mustbesatleast
Hole \#1
$\qquad$ In Topsoil
Ft of. $\qquad$
Ft of
$\qquad$
Grid. Water at $\qquad$ 6 Ft


Hole 花2


Hole \#3
In. Topsoil
Ft. of $C, 1]$
Ft: of Lushes
Grid Water at of

Hole $\# 4$
$\qquad$ In. Topsoil $\qquad$
$\qquad$ Pto $\qquad$
$\qquad$ Ft, of $\qquad$
$\qquad$ Ft. of $\qquad$

CONFIRMED?, YES Z, NO D: Environmentalist
GL K Compartment Tank recommended
PERMIT

$\qquad$ Gals; Lineal feet Drain Tile $\qquad$ 7006 Trench width $\qquad$ n.: Ft.; OR Drainage Bed consisiting of $\operatorname{tec} \mathrm{C}$ Sq. Ft. or $\qquad$ Drywells:
$\qquad$ Sq. Ft. of Absorption, Area $\qquad$
Stipulations are listed belowithe location and system design are indicated on attached scaled drawing which is part, of this permit.

1. Locate drain field.

2. Cut'all trenches $\qquad$ FRo $\qquad$
3. CALL FOR A CUTDOWN INSPECTIONPRIORTO BACKFILLING

Date of Mid-Inspection $\qquad$ by $\qquad$
4. Backfill with Clean Coarse Sand to Grade of Tile Field 18

$\qquad$

If

PERMIT: Approved $]$

Denied $\square$

$\qquad$ Stun $\qquad$

ACT $53-P$ A. 1974 Requires the applicant to notify the public utilities prior fo excavation.
THIS PERIMTTIS YOID TNO (2) YEARS FROM DATE OFISSUE
EHS-T42 Rev G/87


POST ON JOB

## FINAL INSPECTION

## INDIC TE WHEN APPLICABLE THE FOLLOWING

(a) Received engineer's signed, affidavit regat ding inspection and approval
(b) Surveyor ls level used to check inches of fall in the lines ( List fall on sketch or plan)
(1) Septic tank size
gals.
(2) Outlet To or Ll, checked

4+,
(3) Tank level $\qquad$
(4) Tank/ cover tree of cracks $\qquad$ (5) , Outlet sealed. $360^{\circ}$
(6) Isolation distances:
(a) Yell
$\qquad$ (b) Foundation $\qquad$ Remarks:

(1) Header level
(2) Header installed on compaetsand $\qquad$ (3) Number of oraintines $\qquad$
(4) Drainlline length $\qquad$ ft., (5): Footer $\qquad$ ft, (6) Total Lineal $\qquad$ It.
(7). Trench width.
$\qquad$ in.,
(8) $2^{\prime}$ stone oyer and 6 under tile $\qquad$ (9) Stone clean (10) Stone installed atuleast 4 ft. above water table. $\qquad$ (LI) Grade of tie lines not greater than 31/100 It. $\qquad$ (12) Cutdowns to required depth $\qquad$ Remarks: $\qquad$
(1) Dimensions $\qquad$ It. X 36 Lt. (2) Total $\qquad$ sq, ft, (3) Header level;
(4) THe lines, $6^{\prime}$ on center $2-3$ ti, from edge of bed $\qquad$ (5) z es stane over te 6 under
$\square$
(6) Stone clean
$\qquad$ (7) - Putdown, depth approved $\qquad$ (8) $2 t t$ sard over shelf for cutdown installations $\qquad$ (9) Proper sand full $\qquad$ $(10)$, stone installed $4, f$. above water table $\qquad$



## 

(1) To, calculate the, effective absorption area of one rectangulatury, well, measure the two sides and the two ends of the excavated area and multiply the sum of these four sides by the water depth outhe well + ghehes, Side $\qquad$ It., end $\qquad$ It., depth $\qquad$ It, absorption area $\qquad$ sq. ft. No. of wells $\qquad$ - Total absorphonarea. $\qquad$ 5 g. fit, (2) 61 stone uncét $\qquad$ S
(3) Drainage slots open $\qquad$ (4) S tone 4 ft. above water table
$\qquad$ Remarks: $\qquad$

Sketch plan of installation showing house, street, North, water, well by, any lake, stream, and $A$, $B$, $\mathbb{C}$, Babove, Indicate isolationdistances where applicable, y elinstalied: yesorNo $A C O$
$\qquad$


## CASE \#EE24-0112 <br> 05/01/24 <br> 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

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

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.

|  | Owner Information |  |
| :--- | :--- | :--- | :--- |
| Owner(s) | $:$ ANDREW S GROSSMAN \& MAUREEN E PICHNER |  |
| Postal Address | $: 2390$ DEAN DR HIGHLAND MI 48356-1910 |  |
|  | Location Information |  |
| Site Address | $:$ 2390 DEAN DR HIGHLAND MI 48356-1910 |  |
| PIN | $:$ 11-12-303-004 Reighborhood Code |  |
| Municipality | $:$ Charter Township of Highland |  |
| School District | $: 63220$ HURON VALLEY SCHOOLS |  |
| Class Code | $: 401$ Residential - Improved |  |

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 |  |  |
|  | TR PICHNER, MAUREEN E |  |  |

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 Information |  |  |  |
| :---: | :---: | :---: | :---: |
| 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 Information |  |  |  |
| 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) |  | : Forced Air w/ Ducts |
| Fuel Type | : Gas | Central Air | : No |
| Basement Information |  |  |  |
| Finish | : UNFINISHED | Area | : 0 SQ FT |
| Porch Information |  |  |  |
| Type Area |  |  |  |
| WPP 66 SQ FT |  |  |  |
| WPP 9 SQ FT |  |  |  |

