



MEMORANDUM

To: Zoning Board of Appeals
From: Samantha George, Assistant Zoning Administrator
Date: April 15, 2026
Re: ZBA26-07
2485 Jackson Blvd
11-12-104-003
Applicant: Keith Sizemore
Owner: Keith Sizemore

The subject parcel is zoned LV – Lake and Village Residential. The total parcel size is approximately 0.275 acres.

The required setbacks for this parcel are as follows:

Front yard (from road right-of-way NOT edge of road): 40 ft (Jackson)
Front yard (from road right-of-way NOT edge of road): 33 ft (Oakland)
Side yards: 5 ft / 20 ft

This variance request is for a 10-foot variance from the calculated 20-foot total side yard setback to 10-feet provided for the construction of an attached garage. This request is for a variance from Section 9.02.B.b. of Regulations of the Zoning Ordinance.

For the variance request, the applicant has provided a scaled site plan, floor plans, and elevations. Staff have supplied assessing records, a zoning map, aerial approximations of the property, and Zoning Ordinance Sec. 9.02.

ZONING BOARD OF APPEALS

APPLICATION FOR APPEAL

Hearing Date: April 15, 2026

Case Number: 26-07

Fee: \$325.00

Date Applied: 3/6/2026



205 N. JOHN ST, HIGHLAND MI 48357
(248) 887-3791 ext. 2

APPLICANT NAME: KEITH JIZEMORE

PROPERTY OWNER NAME (if different): JAMIE

TYPE OF APPEAL

DIMENSIONAL VARIANCE? Y N ADMINISTRATIVE REVIEW? Y N Z.O. INTERPRETATION? Y N

ORDINANCE SECTION(S) BEING APPEALED: 9.02.B.b.

PROPERTY ADDRESS: 2485 JACKSON BLVD ZIP: 48356

ZONING DISTRICT: LV PARCEL ID NUMBER: 11-12-104-003

DIMENSIONAL VARIANCE(S) BEING REQUESTED: 10 FT VARIANCE FROM THE 20 FT TOTAL SIDE YARD SET BACK TO 10 FT

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY:

1. Do the characteristics of the property include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation or other similar characteristics? Lot is narrow + SEPTIC FIELD TAKES UP LARGE PORTION OF LAND.

2. Can the project be redesigned to meet zoning requirements without the need for a variance? Yes No

3. Is the reason for a variance request of a personal nature? (for example: financial impact, convenience, physical and/or mental characteristics of the household members, etc.) Yes No

4. Has the difficulty been created by the current or previous property owner? Yes No

5. Will the proposal be harmful or alter the essential character of the area/neighborhood? Yes No

6. Will the proposed variance be the minimum necessary? Yes No

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.

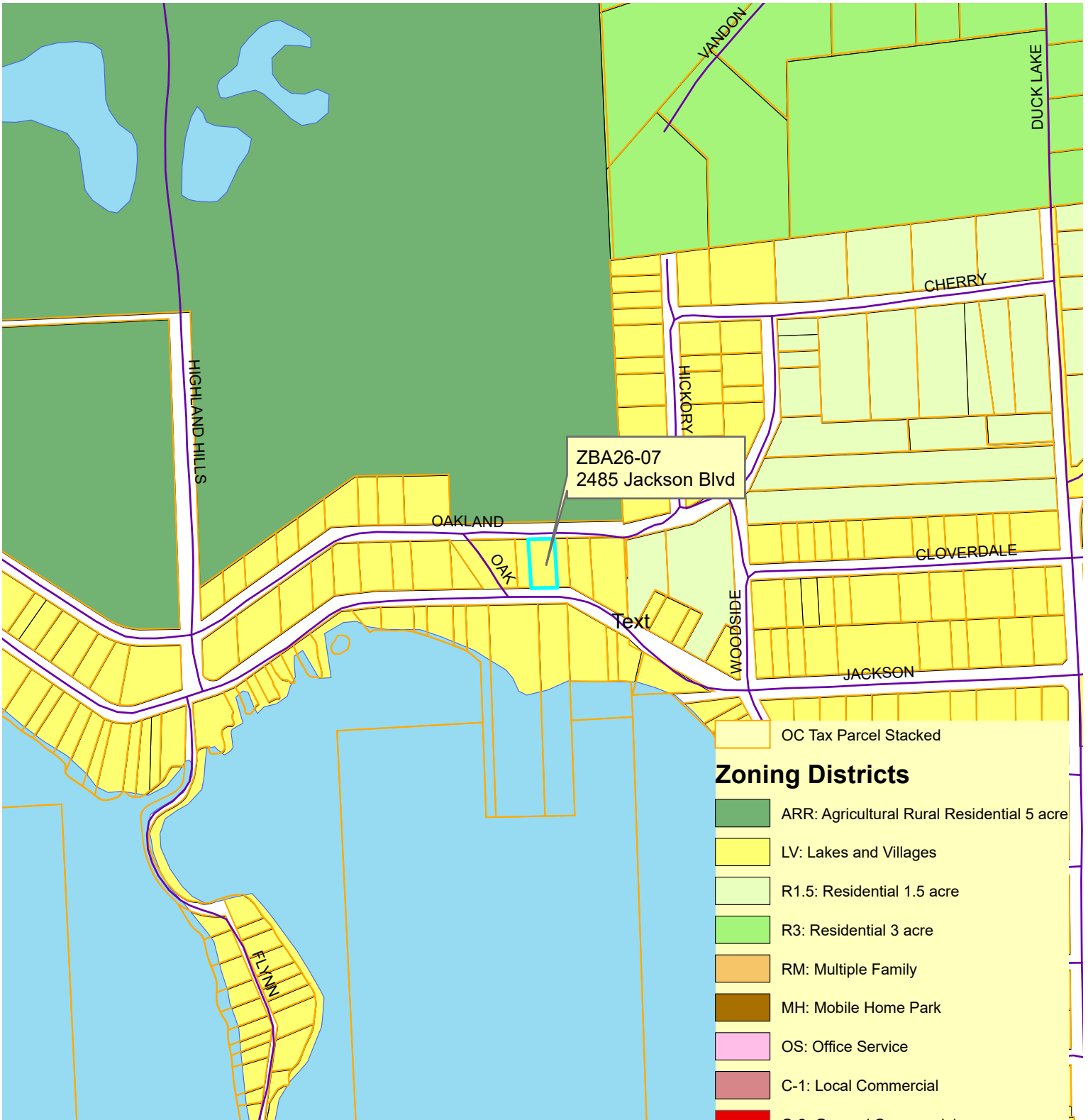
D. *Minimum Setback from the Ordinary High Water Mark.*














- 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:

-
- 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

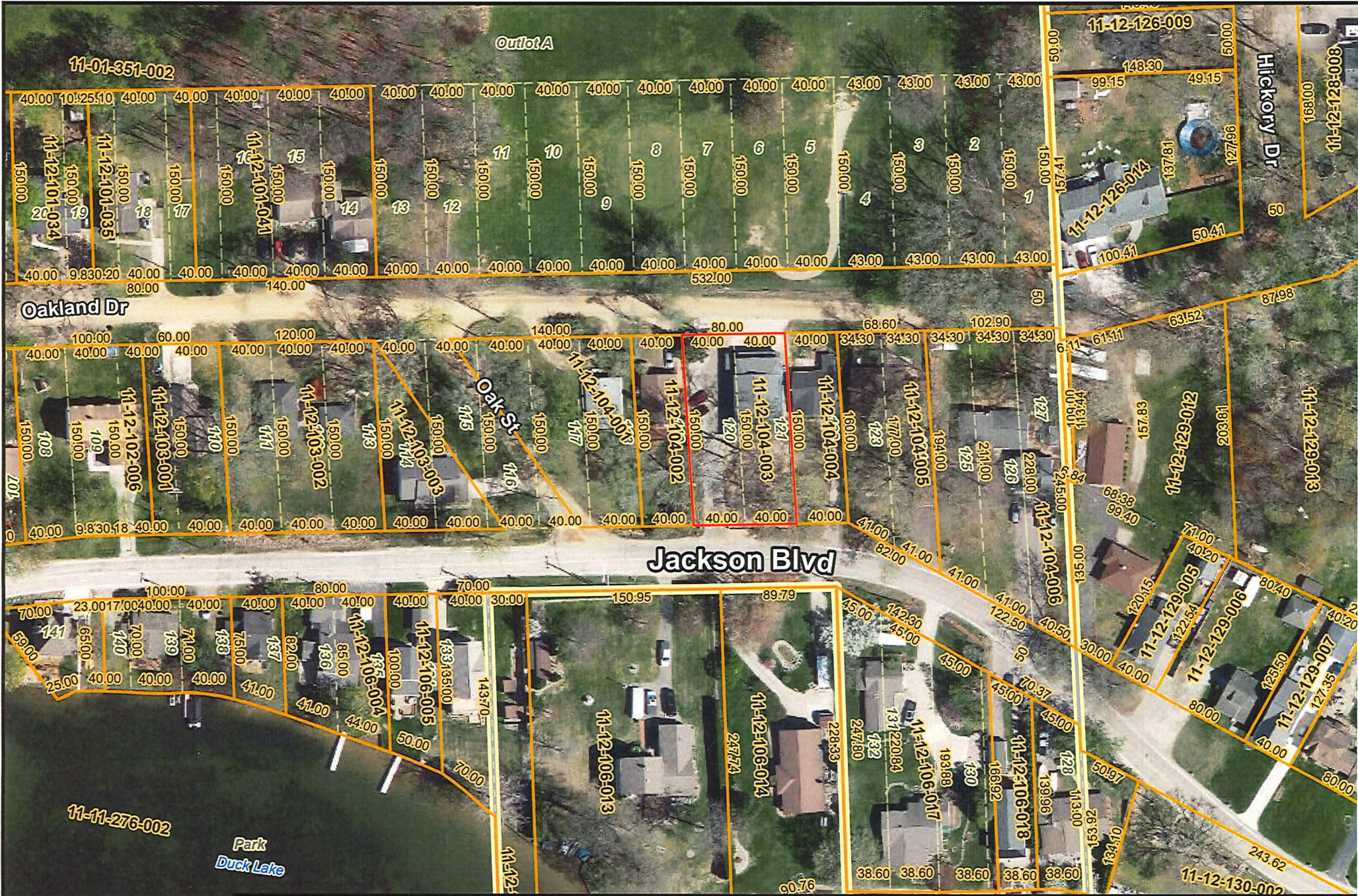


-  OC Tax Parcel Stacked
- Zoning Districts**
-  ARR: Agricultural Rural Residential 5 acre
-  LV: Lakes and Villages
-  R1.5: Residential 1.5 acre
-  R3: Residential 3 acre
-  RM: Multiple Family
-  MH: Mobile Home Park
-  OS: Office Service
-  C-1: Local Commercial
-  C-2: General Commercial
-  HS: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



ENACTED: November 18, 2010

2485 Jackson Blvd



- 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

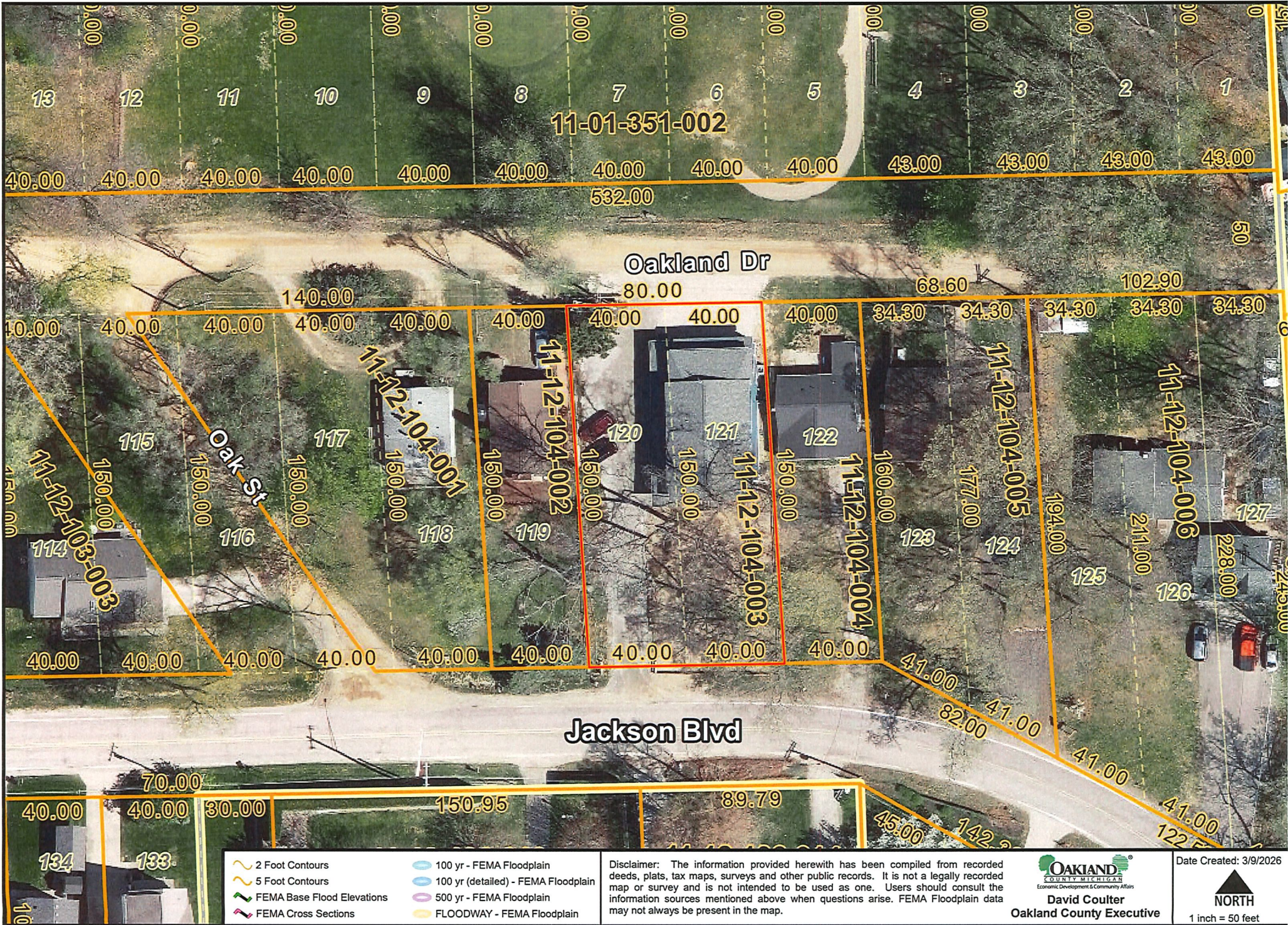
Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present in the map.

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

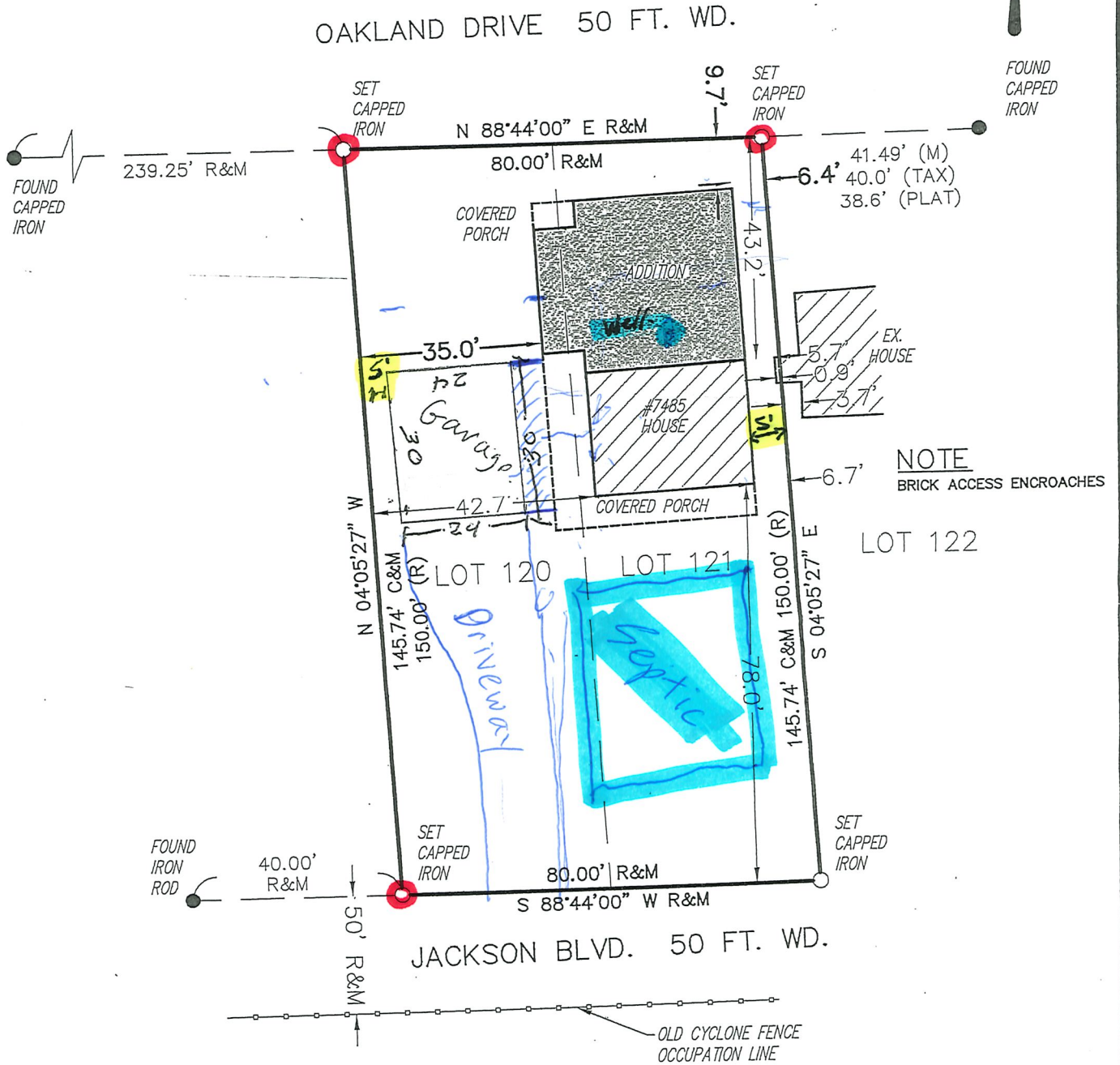
Date Created: 3/9/2026

 NORTH
 1 inch = 100 feet

2485 Jackson Blvd



CERTIFICATE OF SURVEY



LEGAL DESCRIPTION

PARCEL# 11-12-104-003
 LOTS 120 AND 121 OF "DUCK LAKE PARK SUBDIVISION" BEING PART OF LANDS LYING IN THE E. 1/2 OF THE NE. 1/4 OF SECTION 11 AND THE W. 1/2 OF THE NW. 1/4 OF SECTION 12, T. 3 N., R. 7 E., TOWNSHIP OF HIGHLAND, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 37 OF PLATS, PAGE 45, OAKLAND COUNTY RECORDS. CONTAINING 0.27 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated hereon has been surveyed under my supervision, that the plat hereon is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Section 3, Public Act 132 of 1970.

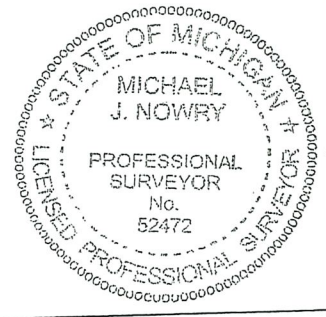
Michael J. Nowry Professional Surveyor # 52472

CLIENT:
 KEITH SIZEMORE
 2485 JACKSON BOULEVARD
 HIGHLAND, MI 48356

DATE:	08/16/24
PROJ. #	014-218
DWG BY:	GAV
SECTION:	NE. 1/4 SEC. 11
TOWN:	3 NORTH
RANGE:	7 EAST
COUNTY:	OAKLAND

LEGEND

- FOUND IRON
- SET IRON
- ⊕ SECTION CORNER
- RECORD MEAS.
- - - FIELD MEAS.
- CALCULATED



**Nowry & Hale
 Land Surveying LLC**
 192 N Main, Plymouth, MI, 48170
 ph. 734.446.5501 email: nowryhale1@yahoo.com.com

1 INCH = 30 FEET

GARAGE UNDER CONST.
W/ EXISTING PERMIT

PROP. 8x30' DECK W/ ROOF - BETWEEN
GARAGE AND HOUSE
ADDENDUM TO EXISTING
GARAGE PERMIT

2x8" ROOF JOISTS 16" O.C.
5/8" PLYWOOD SHEATHING
EDAM ROOFING
METAL DRAIN EDGE
2x8" FASCIA BO.
1/12 PITCH

EXISTING
HIP ROOF

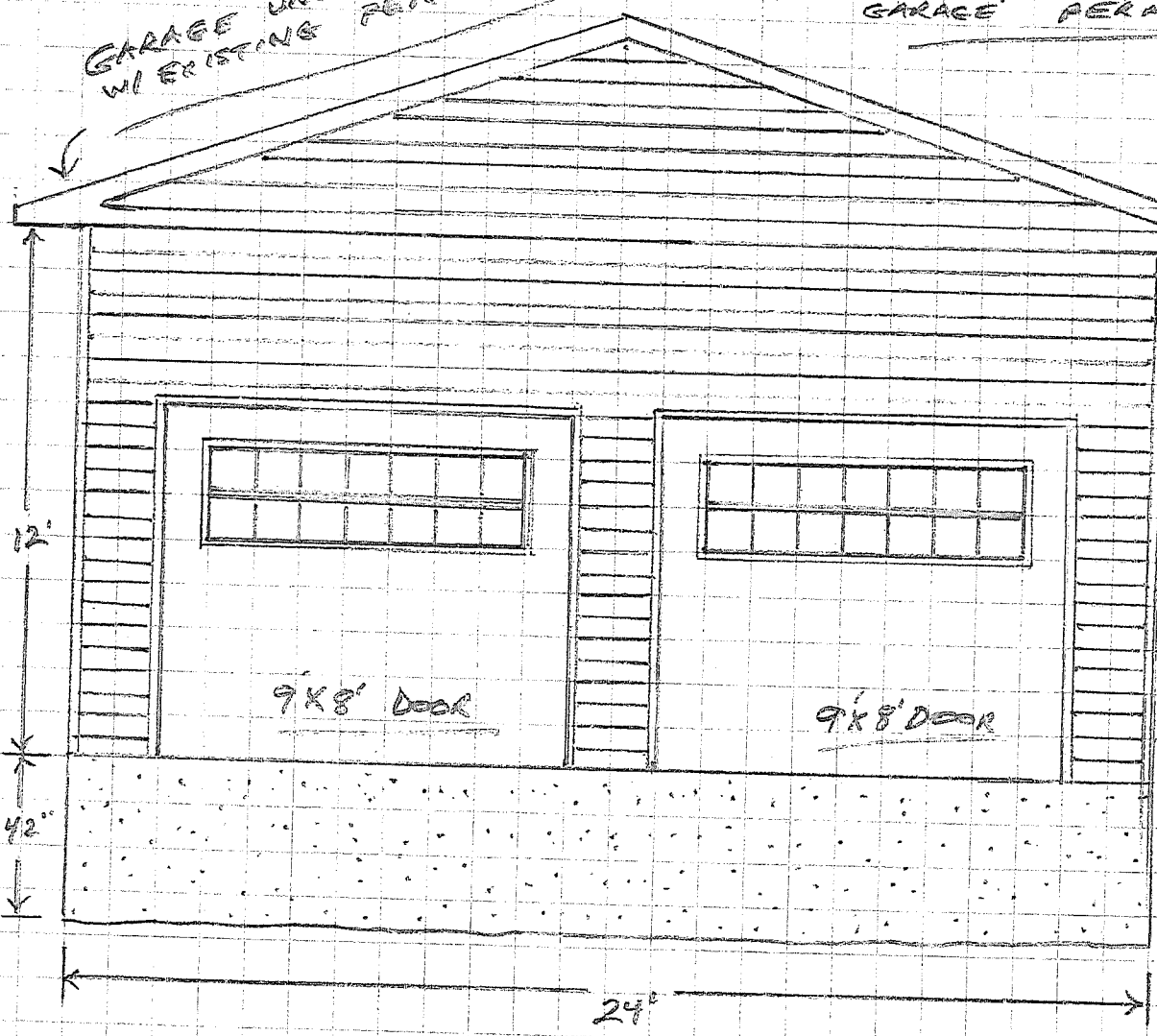
EXISTING
COVERED
PORCH

AREA
UNDER
EXIST.
DECK

2x8" TRIM JOISTS 16" O.C.
1x6" PVC
DECK BO.

2x4" TRIM LEDGER

2x4" TRIM LEDGER



SIZEMORE RES.
JACKSON
HIGHLAND, MI.

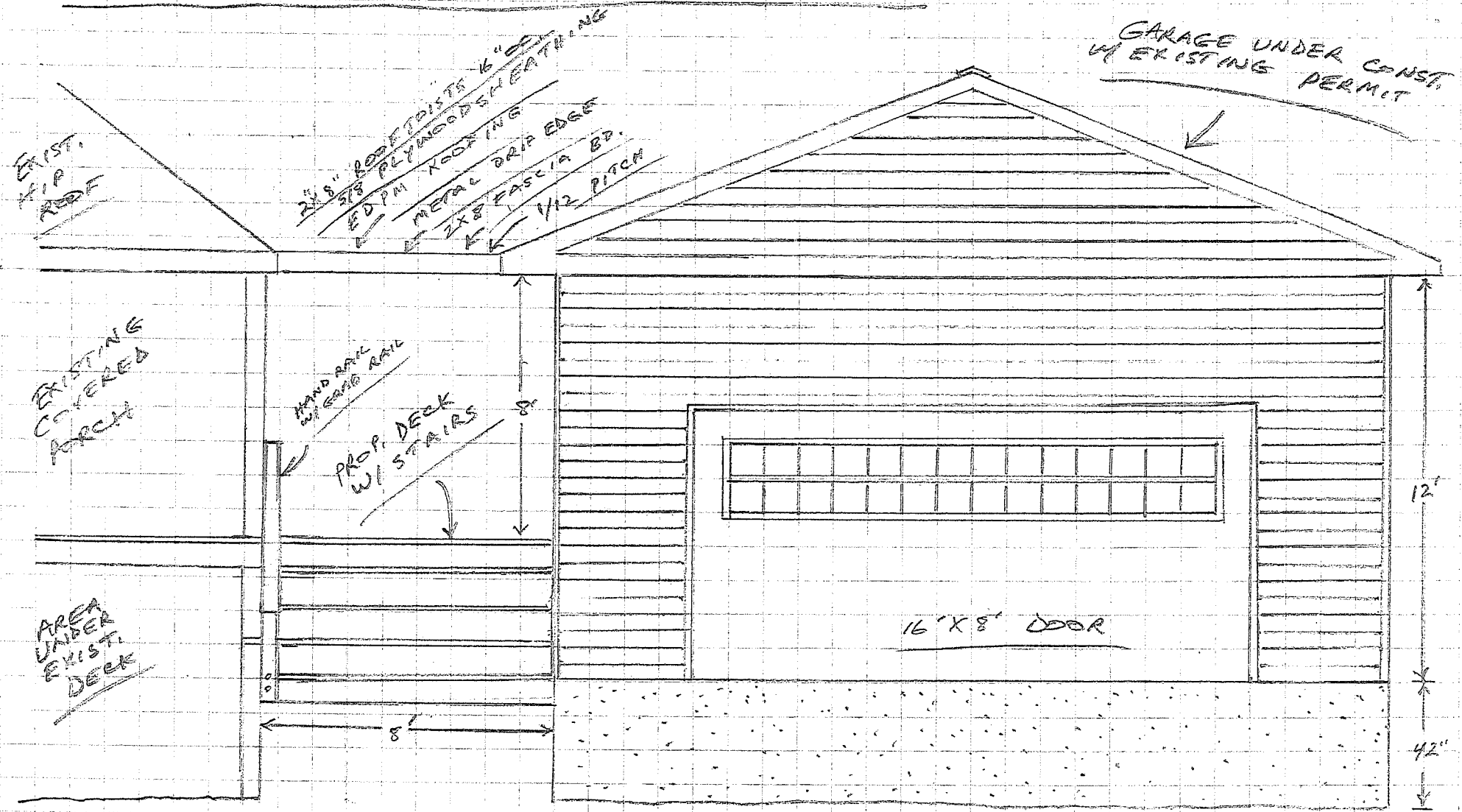
S. ELEV.

SCALE
1/4" = 1'

- Addendum to Existing Permit -

- ADDENDUM TO EXISTING GARAGE PERMIT

* PROP. - 8'X3' Deck w/ Roof 8'x11', Garage and House



GARAGE UNDER CONST. w/ EXISTING PERMIT

SIZEMORE RES.

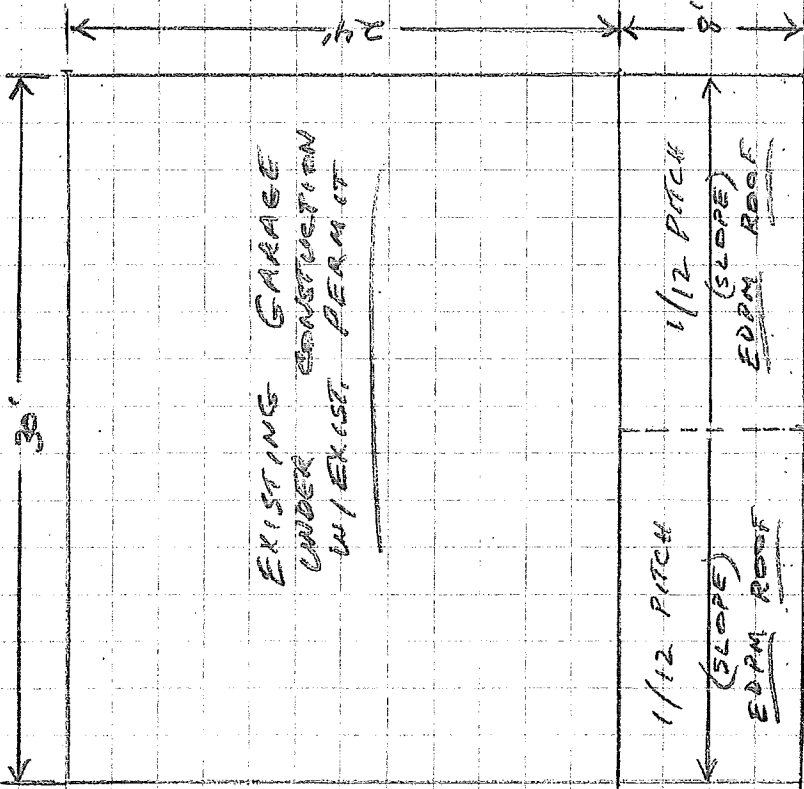
JACKSON

HIGHLAND, MI.

N. ELEV.

SCALE

1/4" = 1'

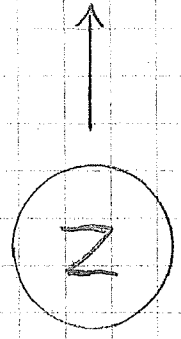


TOP VIEW

PORCH 8' x 24'
DECK W/ ROOF

EXISTING COVERED PORCH ON EXISTING HOUSE

SCALE
1/4" = 2'



SPECS

ADDENDUM TO EXISTING PERMIT

*PROP. - 8' X 30' DECK W/ ROOF BETWEEN GARAGE AND HOUSE

- ① FRAME 8' X 30' DECK USING 2X8" TRT. JOISTS 16" O.C.
- ② ATTACH TRT. 2X8" LEDGER BOS. TO EXISTING COVERED PORCH DECK ON HOUSE AND ONTO NEW GARAGE - (UNDER CONSTRUCTION)
- ③ INSTALL 1 1/2" PUL DECK BDS. ONTO NEW DECK
- ④ FRAME 3' WIDE STAIRS ONTO N. SIDE OF DECK W/ RAILING AND GRAB RAIL
- ⑤ FRAME 8' X 30' "CRICKET" ROOF BETWEEN EXISTING COVERED PORCH ROOF AND NEW GARAGE USING 2X8" JOISTS 16" O.C. 1/12 PITCH
- ⑥ INSTALL 5/8" PLYWOOD SHEATHING
- ⑦ INSTALL METAL DRIP EDGE COMPLETE
- ⑧ INSTALL EDPM ROOFING 8' X 30'
- ⑨ INSTALL 8" FASCIA BD.



HEALTH DIVISION

OAKLAND COUNTY EXECUTIVE DAVID COULTER

Kate Guzmán, Health Officer
(248) 858-1280 | health@oakgov.com

January 8, 2026

KEITH SIZEMORE
2485 JACKSON BLVD
HIGHLAND MI 48356

Record Number: EHSI-2023-00097
Parcel ID: 11-12-104-003

RE: RESIDENTIAL NEW AT 2485 JACKSON BLVD, HIGHLAND, MI 48356

Dear Keith Sizemore:

This letter shall certify that the on-site sewage disposal 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 sewage disposal 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



Charter Township of Highland (H) 11-12-104-003 Active

Print Layout: 2 per page

Print Date: Date:

2485 Jackson Blvd
Highland MI 48356-1545

View: Front

Structure: Primary

Photo Date: 04/17/2015



2485 Jackson Blvd
Highland MI 48356-1545

View: Front

Structure: Primary

Photo Date: 07/15/2021



2485 Jackson Blvd
Highland MI 48356-1545

View: Front

Structure: Primary

Photo Date: 07/15/2021



2485 Jackson Blvd
Highland MI 48356-1545

View: Rear

Structure: Primary

Photo Date: 04/17/2015





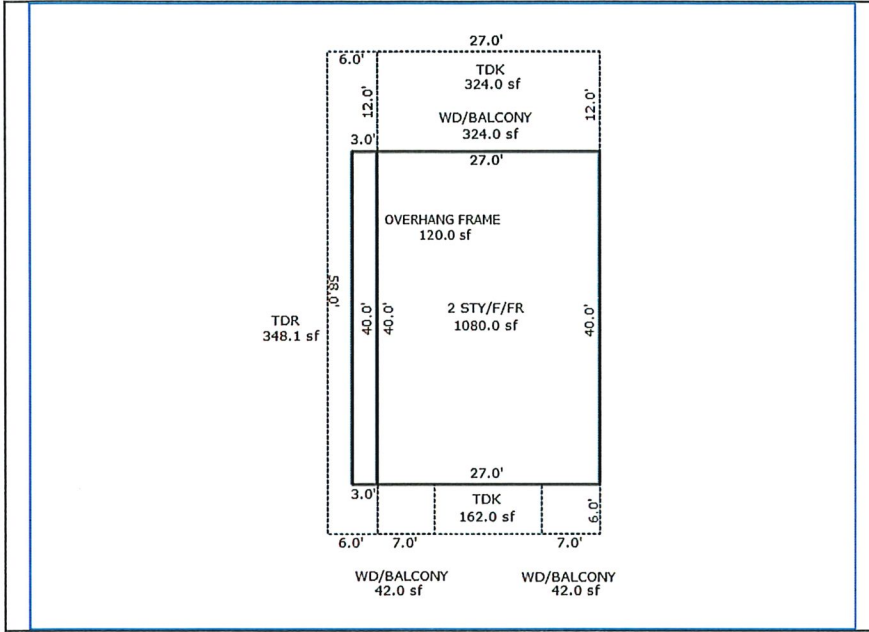
Parcel Sketch View

Charter Township of Highland (H)

Page Print Layout: 2 per page

PIN: 11-12-104-003

PRINT DATE: 3/9/2026



CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
January 15, 2025

The meeting was held at Highland Township Auditorium, 205 N. John St, Highland, MI, 48357.

The meeting was called to order at 7:30 p.m.

ROLL CALL:

David Gerathy, Chair
Michael Borg, Vice Chair
Anthony Raimondo, Secretary
Michael Zeolla, P.C. Liaison
Peter Eichinger
Robert Hoffman
Gary Childs

Kariline P. Littlebear, Zoning Administrator

Visitors: 11

Chairman Gerathy welcomed the new ZBA member, Mr. Gary Childs, to the board. He then welcomed the public to the meeting and reviewed the procedures for addressing the Board, stating that four affirmative votes are required to approve a variance. If a variance is approved, the applicant has one year to act upon the variance.

OLD BUSINESS:

1. CASE NUMBER: 24-24
ENFORCEMENT: **EE23-0280 (Tabled from 11/20/24, tabled from 12/04/24)**
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-104-003
PROPERTY ADDRESS: 2485 Jackson Blvd
APPLICANT: Keith Sizemore
OWNER: Keith Sizemore
VARIANCE REQUESTED: A 18.3-foot variance from the required 33-foot front yard setback to 14.7-feet provided,
(Sec. 9.02.B.a.)
This request is for the construction of a house with covered porches; and
A 23.3-foot variance from the required 33-foot front yard setback to 9.7-feet provided.
(Sec. 9.02.B.a.)
This request is for the construction of an addition.

Motion:

Mr. Raimondo made a motion to remove Case 24-24 from the table. Mr. Hoffman supported the motion and it was approved with a unanimous voice vote.

Chairman Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium.

Discussion from the Applicant:

Layla Sizemore, the daughter of and representative for the applicant, Keith Sizemore, went over the case. She stated that most of the neighbors along Oakland Dr are closer to the right-of-way than the regulations allow so this request is in keeping with the characteristics of the neighborhood. She noted that the road is a dead end just three doors down from this property and the only traffic on the road are the few neighbors accessing their properties.

Discussion from the Public:

None was offered.

Discussion from the Board:

Mr. Borg noted that Mr. Sizemore stated at the last meeting that he is a licensed builder. He asked the Zoning Administrator if Mr. Sizemore had worked on other construction projects in Highland and did he apply for building permits before work started. Mrs. Littlebear stated that Mr. Sizemore has worked on several projects in Highland Township and a few of those projects were started without permits.

Mr. Raimondo asked the applicant how the installation of the engineered septic system was going. Ms. Sizemore stated that the quote for the work is ready, and the septic permit does not expire until the end of February. Mr. Sizemore stated that the septic contractor, King Septic, has staked the site and will be starting the job soon.

Mr. Gerathy asked what is happening with the well. Ms. Sizemore stated that they may put an access panel in the floor above the well or move the well. Mr. Zeolla asked if a panel would be approved by OCHD. Mrs. Littlebear stated that she has spoken to OCHD Sanitarian who is reviewing the well to determine whether a new well will be required.

Mr. Hoffman stated that since the well and septic falls under the jurisdiction of OCHD, the ZBA does not need to focus on that too much. He stated that the two front yards are a practical difficulty.

Mr. Zeolla stated that if the house was built to match the originally approved site plan then variances would not be needed and thus the practical difficulty was self-created. He also noted that there were multiple stop work orders for the addition that were ignored by Mr. Sizemore over the last year.

Mrs. Littlebear went over the history of the property as described during the past two hearings and in the staff memo included with the case packet noting that the house built under a permit issued in 2020 had all of the necessary inspections but that the addition built without a permit over the last year or so had not had any safety inspections.

Mr. Childs stated that he felt that due to mistakes made during the pandemic, that the house itself should be granted the variance.

Motion:

Mr. Hoffman made a motion in Case #24-24, parcel # 11-12-104-003, commonly known as 2485 Jackson Blvd., to approve an 18.3-foot variance from the required 33-foot Oakland Dr front yard setback to 14.7-feet provided for the construction of a house with covered porches. Mr. Raimondo supported the motion.

Facts and Findings:

This is an existing lot of record.

The request will not be harmful to the community.

Mistakes in process were made during the pandemic by the applicant and the township.

The location of the engineered septic system prevents the house from moving closer to the south lot line.

Roll Call Vote: Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Zeolla-no, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Childs-yes (6 yes votes, 1 no vote). The motion carried and the variance was approved.

Motion:

Mr. Hoffman made a motion in Case #24-24, parcel # 11-12-104-003, commonly known as 2485 Jackson Blvd., to approve a 23.3-foot variance from the required 33-foot Oakland Dr front yard setback to 9.7-feet provided for the construction of an addition. Mr. Borg supported the motion.

Facts and Findings:

This is an existing lot of record.
This lot has two required front yards.
The request will not be harmful to the community.
The location of the engineered septic system prevents the house from moving closer to the south lot line.

Roll Call Vote: Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Zeolla-no, Mr. Gerathy-no, Mr. Borg-no, Mr. Childs-yes (4 yes votes, 3 no votes). The motion carried and the variance was approved.

NEW BUSINESS:

- 2. CASE NUMBER: 25-01
- ENFORCEMENT:
- ZONING: LV – Lake and Village Residential District
- PARCEL #: 11-12-432-023
- PROPERTY ADDRESS: 3165 Beaumont Dr
- APPLICANT: Jeff & Deann Craw
- OWNER: Jeff & Deann Craw
- VARIANCE REQUESTED: A 2.2-foot variance from the required 15-foot total side yard setback to 12.8-feet provided; (Sec. 9.02.B.b.) and
A 5-foot variance from the required 38-foot rear yard setback to 33-feet provided. (Sec. 9.02.B.c.)
This request is for the construction of a house, covered porch, and attached garage.

Chairman Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium.

Discussion from the Applicant:

Deann Craw, applicant, went over the case as presented stating that the original house was destroyed in a fire in September 2024. The request is to rebuild the house using the existing foundation. She stated that Mr. Tino, the Building Official, has inspected the foundation and has stated that it is in good condition and can safely be reused. She stated that rebuilding the house in the same location that it has stood for the last 70 years will not adversely affect the neighborhood. She further noted that the lot is shallow and narrow thus creating a practical difficulty for rebuilding their home.

Discussion from the Public:

Mr. Gerathy read into record an email from Felicia Beauvais, 3565 Lakeview Dr, in support of this request. He also read into record an email from Henry Patterson, 3155 Beaumont Dr, in support of this request. Haleigh Kenworthy, 3175 Beaumont Dr, spoke in opposition to the variance request stating that maintaining the side yard setbacks will help protect neighbors in the event of possible future housefires.

Discussion from the Board:

Mr. Borg asked the applicant if there would need to be steps or a landing to get into the backyard from the bedroom. Mrs. Craw stated that it would only be one step down from the door. Mr. Borg asked if that step

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
December 4, 2024

The meeting was held at Highland Township Auditorium, 205 N. John St, Highland, MI, 48357.

The meeting was called to order at 7:30 p.m.

ROLL CALL:

David Gerathy, Chairman
Michael Borg, Vice Chairman
Anthony Raimondo, Secretary
Peter Eichinger
Robert Hoffman
Michael Zeolla
(Alternate) Mary Michaels - absent
Kariline P. Littlebear, Zoning Administrator

Visitors: 5

Chairman Gerathy welcomed the public and reviewed the procedures for addressing the Board. Four affirmative votes are required to approve a variance. If a variance is approved, the applicant has one year to act upon the variance.

OLD BUSINESS:

- CASE NUMBER: 24-24
ENFORCEMENT: **EE23-0280 (Tabled from 11/20/24)**
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-104-003
PROPERTY ADDRESS: 2485 Jackson Blvd
APPLICANT: Keith Sizemore
OWNER: Keith Sizemore
VARIANCE REQUESTED: A 18.3-foot variance from the required 33-foot front yard setback to 14.7-feet provided,
(Sec. 9.02.B.a.)
This request is for the construction of a house with covered porches; and
A 23.3-foot variance from the required 33-foot front yard setback to 9.7-feet provided.
(Sec. 9.02.B.a.)
This request is for the construction of an addition.

Motion:

Mr. Hoffman made a motion to remove from the table Case #24-24, parcel # 11-12-104-003, commonly known as 2485 Jackson Blvd. Mr. Raimondo supported the motion and it carried with a unanimous voice vote.

Chairman Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium. He then noted that the board was short one member and asked if the applicant would like his case to be heard. Mr. Sizemore stated that he would like to proceed with the hearing.

Discussion from the Applicant:

Mr. Sizemore, applicant, was present and went over the case as presented

Discussion from the Public:

Carl Curtis, 3221 Lester Dr, stated he was there to support Mr. Sizemore's request. He noted that the other houses along Oakland Dr are also encroaching into the front yard setbacks, so this house is in keeping with the neighborhood. He also noted that Oakland Dr dead ends a couple of houses east of this property and on the other side of Oakland Dr is the Highland Hills Golf Course. Mr. Curtis stated that the neighbor's house at 2493 Jackson Blvd, is actually encroaching onto Mr. Sizemore's property per the certified survey provided. Mr. Curtis reminded the board that he had provided a letter from Karen Myers, 2475 Jackson Blvd, and a letter from Curt Ferris, 2493 Jackson Blvd, in support of the request at the last meeting and Mr. Gerathy had read each into record at that time.

Michael Gross, 652 Helen St, stated that he is opposed to this request and doesn't understand how this house ever received a certificate of occupancy since the new septic system was never installed, and the house has been built over the existing well.

Discussion from the Board:

Mr. Borg asked if a temporary certificate of occupancy had been issued for this residence. Mr. Sizemore and Mrs. Littlebear confirmed that there was a temporary CofO issued. Mrs. Littlebear stated that it has since expired. Mr. Borg then asked if the septic system had ever been replaced per the Oakland County Health Division permit issued in 2015. Mr. Sizemore stated that it had not been replaced yet but that he has a new permit from OCHD for the installation of an engineered septic system. Mrs. Littlebear stated that he should have provided that information before the meeting so that it could be included in the board packet. Mr. Sizemore produced the permit to show the board. Mrs. Littlebear stated that she would need to make digital and physical copies for the ZBA records and asked Mr. Sizemore if she could keep the permit until then. Mr. Sizemore agreed to pick it up the next afternoon at the township office.

Mr. Borg asked if the well was given final approval. Mrs. Littlebear stated that the well was not given final approval from OCHD nor will it get an approval because wells are not allowed to be under structures for safety reasons.

Mr. Borg asked how we can allow the home to be occupied without an approved well or approved septic system. Mrs. Littlebear stated that people are allowed to occupy a residence with a temporary certificate of occupancy but that normally one is not even issued without approval of the well and septic. She stated that it is unclear in the records as to how a temporary CofO was issued without those approvals. She stated that there were clearly mistakes made but that the focus now should be on correcting those mistakes.

Mr. Gerathy stated that Mr. Sizemore did not sign the application worksheet, nor did he answer worksheet question #4 which asks if the difficulty was created by the current or previous owner. Mr. Gerathy stated that the answer is clearly yes because there is an open enforcement on this property for construction that was done without permits.

Mr. Hoffman agreed with Mrs. Littlebear that the focus now should be on correcting any mistakes that may have been made. He stated that the responsibility of the ZBA is to look at the case as if there has not been any construction done yet and determine whether there is a practical difficulty for the request. He stated that this house is not much closer to the road than the other houses along Oakland Dr and is in keeping with the neighborhood, so he is in favor of granting the variance request. He noted that the Jackson Blvd side has a 40-foot setback and the septic system in that yard.

Mrs. Littlebear noted that there are two different variance requests here. One is for the house and one is for the addition.

Mr. Eichinger noted that this is another instance of someone asking for forgiveness instead of permission.

Mr. Raimondo read into record Section 9.02.B.a.a. and asked the zoning administrator when the calculation of the front yard setback was done. Mrs. Littlebear stated that she rechecked the setback calculations for the property in 2023 when the enforcement for construction without permits was created and then again when the variance was requested. Mr. Raimondo stated that he feels that this is a unique lot, noting that this is a

through lot with two front yards, the septic field will take up most of the front yard on the Jackson Blvd side, it is shallow, and that this request is not of a personal nature nor will it diminish the neighborhood in any way. Mr. Raimondo paraphrased Mr. Hoffmans comments from the previous meeting's minutes stating that he agrees that the board should make a decision based on the standard criteria for a variance request and not allow their decision to be colored by the fact that the construction has already been completed. He then read into record page 90 of the Michigan Township Association Zoning Essential training guide which states that a common but incorrect reason to approve a variance is that the structure has already been constructed.

Mr. Zeolla stated that he feels that this house is now notably closer to Oakland Dr than the other houses along the street. He noted that if Mr. Sizemore had simply rebuilt the home to match the house that burnt down in 2019 then it would not have needed a variance at all and therefore is a self-created difficulty.

Mr. Raimondo asked when the installation of the engineered septic system was scheduled to take place. Mr. Sizemore stated that he is waiting for confirmation from the septic company for a time.

Mr. Gerathy stated if an approval is granted it could be done with the condition that the well and septic be installed and approved per OCHD.

Mr. Eichinger asked what caused the housefire. Mr. Sizemore stated that it was the turkey fryer for Thanksgiving Day of 2019.

Mr. Borg asked Mr. Sizemore what his occupation is. Mr. Sizemore stated that he is a licensed builder. Mr. Borg stated that this request is of a personal nature and that a lot of construction was done on this parcel without permits and in violation of several stop work notices. He further noted that this LV parcel is a result of the combination of two of the original platted lots, is a through lot with two front yards, the new house that was constructed in 2020 did not match the approved site plan in 2020, this parcel does not have an OCHD approved well or septic system but does have a new permit for an engineered field.

Mr. Raimondo asked the applicant if he would like to table the case to the January meeting. Mr. Sizemore said yes. Mr. Raimondo stated that he appreciated the discussion from the board, the applicant, and the public comment.

Motion:

Mr. Raimondo moved to table Case #24-24, parcel # 11-12-104-003, commonly known as 2485 Jackson Blvd., to the ZBA meeting on January 15, 2025. Mr. Hoffman supported the motion.

Roll Call Vote: Mr. Borg-no, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Zeolla-no, Mr. Gerathy-yes, (4 yes votes, 2 no votes). The motion carried and the case was tabled.

MINUTES:

Mr. Borg made a motion to approve the minutes of November 20, 2024, as corrected. Mr. Hoffman supported the motion, and it was approved with a unanimous voice vote.

DISCUSSION:

Mr. Raimondo asked about the School Bell Daycare project. Mrs. Littlebear went over the Planning Commission's public hearing for the Special Land Use and the Site Plan approval for the construction of the new daycare building on that site.

Mrs. Littlebear noted for the board that there are two cases for the December 18, 2024 meeting.

ADJOURN:

At 8:34 p.m., Mr. Raimondo made a motion to adjourn the meeting. Mr. Hoffman supported the motion, and it carried with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo
AR/kpl

Mrs. Michaels, Mr. Hoffman, and Mr. Borg all feel that this neighborhood is very unique in that it is very wooded with many hills and ravines and with long skinny lots.

Mr. Borg noted that it would be possible to build in accordance with the setback requirements, but it would mean cutting down a lot of vegetation and excavating the property which could drastically change the character of the neighborhood.

Motion:

Mr. Hoffman moved to approve Case #24-22, parcel # 11-27-400-020, commonly known as 1672 Pettibone Lake Rd, for a 20-foot variance from the required 40-foot side yard setback to 20-feet provided for the construction of a 42-foot by 80-foot accessory structure with a 42-foot by 10-foot lean-to. Mr. Borg supported the motion.

Facts and Findings:

This request is of a personal nature.

This request is not the minimum necessary.

The property is long and narrow.

There have been several variances approved in the neighborhood due to the topography and the narrowness of the parcels.

This request will not be harmful or alter the character of the neighborhood.

Roll Call Vote: Mrs. Michaels-no, Mr. Borg-no, Mr. Eichinger-no, Mr. Hoffman-yes, Mr. Raimondo-no, Mr. Zeolla-no, Mr. Gerathy-no, (1 yes vote, 6 no votes). The motion failed and the variance was denied.

Motion:

Mr. Hoffman moved to approve Case #24-22, parcel # 11-27-400-020, commonly known as 1672 Pettibone Lake Rd, for a 12-foot variance from the required 40-foot side yard setback to 28-feet provided for the construction of a 42-foot by 80-foot accessory structure with a 42-foot by 10-foot lean-to with the condition that vegetative screening be installed between the structure and the property line in accordance with Zoning Ordinance Section 12.04.A. Mr. Eichinger supported the motion.

Facts and Findings:

This request is a lesser variance.

The property is long and narrow.

There have been several variances approved in the neighborhood due to the topography and the narrowness of the parcels.

This request will not be harmful or alter the character of the neighborhood.

Roll Call Vote: Mrs. Michaels-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Raimondo-no, Mr. Zeolla-yes, Mr. Gerathy-yes, (6 yes votes, 1 no vote). The motion carried and the variance was approved.

NEW BUSINESS:

2. CASE NUMBER: 24-24
ENFORCEMENT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-104-003
PROPERTY ADDRESS: 2485 Jackson Blvd
APPLICANT: Keith Sizemore
OWNER: Keith Sizemore
VARIANCE REQUESTED: A 18.3-foot variance from the required 33-foot front yard setback to 14.7-feet provided, (Sec. 9.02.B.a.)
This request is for the construction of a house with covered porches; and

A 23.3-foot variance from the required 33-foot front yard setback to 9.7-feet provided.

(Sec. 9.02.B.a.)

This request is for the construction of an addition.

Chairman Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium.

Discussion from the Applicant:

Carl Curtis, 3221 Lester Dr, stated that the applicant could not be present, so he was asked to come be a representative. Mr. Curtis stated that he helped the applicant with the design of the house that was permitted in 2020 and that the house was built in 2020 after the original home burnt down. He noted that Oakland Dr dead ends a couple of houses east of Mr. Sizemore's home and on the other side of Oakland Dr is the Highland Hills Golf Course. He further noted that the neighbor's house at 2493 Jackson Blvd, is actually encroaching onto Mr. Sizemore's property.

Discussion from the Public:

Mr. Curtis provided a letter from Karen Myers, 2475 Jackson Blvd, and a letter from Curt Ferris, 2493 Jackson Blvd, in support of the request. Mr. Gerathy read each into record.

Discussion from the Board:

Mr. Borg asked if the septic system had ever been replaced per the permit that was issued in 2015 by the Oakland County Health Division. Mr. Curtis stated that he did not have that information. Mrs. Littlebear stated that the new septic system was never installed and so the house is still using the original 750-gallon tank that was installed in 1983. He also asked if the well was given final approval. Mrs. Littlebear stated that the well was never given final approval from Oakland County Health Division. Mr. Borg noted that this LV parcel is a result of the combination of two of the original platted lots. He further noted that a lot of construction was accomplished on this parcel without permits and in violation of several stop work notices. Mr. Borg asked for some clarification as to how this all happened. Mrs. Littlebear went over the memo that she provided with the epacket explaining that township records are missing the details of how the home was constructed without a variance and a Certificate of Occupancy for the home was issued without final approvals for the well and septic. He asked if the house is occupied, and Mrs. Littlebear confirmed that it is. Mr. Zeolla asked for clarification regarding the currently open enforcement. Mrs. Littlebear went over the enforcement record explaining that the building official was in the neighborhood doing an inspection on another project and noticed that some construction was happening without a permit. He left a stop work notice on the property and the building department proceeded to send letters, stop work notices, tickets, and made phone calls to Mr. Sizemore to try to get him to apply for the appropriate permits. Once Mr. Sizemore finally turned in paperwork for permits it was discovered by the Zoning Administrator that there are discrepancies with the house and addition regarding setbacks. Mr. Borg noted that construction continued in violation of the stop work notices.

Mr. Eichinger noted that this is another instance of someone asking for forgiveness instead of permission. Mr. Hoffman stated that based on the surrounding neighborhood he would approve the variance requests. He feels strongly that the board should make a decision based on the standard criteria for variance and not allow their decision to be colored by the fact that the construction has already been completed.

Mr. Raimondo thanked Mr. Curtis for being Mr. Sizemore's representative. He noted that the worksheet question #4 which asks if the difficulty was created by the current or previous owner was left blank. He stated that he would like to table the case so that Mr. Sizemore can attend the meeting and answer the board's questions.

Mr. Zeolla, Mr. Gerathy, and Mrs. Michaels stated that they would like to hear from Mr. Sizemore also.

Motion:

Mr. Raimondo moved to table Case #24-24, parcel # 11-12-104-003, commonly known as 2485 Jackson Blvd., to the ZBA meeting on December 4, 2024. Mr. Borg supported the motion.

Roll Call Vote: Mrs. Michaels-yes, Mr. Borg-yes, Mr. Eichinger-no, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Zeolla-no, Mr. Gerathy-yes, (5 yes votes, 2 no votes). The motion carried and the case was tabled.

3. CASE NUMBER: 24-25
ENFORCEMENT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-176-022
PROPERTY ADDRESS: 4177 Hunters Dr
APPLICANT: Hugh & Carin Pobur
OWNER: Hugh & Carin Pobur
VARIANCE REQUESTED: A 24-foot variance from the required 38-foot front yard setback to 14-foot provided; and (Sec. 9.02.B.a.)
A 3-foot variance from the required 5-foot side yard setback to 2-foot provided. (Sec. 9.02.B.b.)
This request is for the construction of an accessory structure.

Chairman Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium.

Discussion from the Applicant:

Hugh & Carin Pobur were both present and went over the case as presented noting that the previous shed was falling apart so it was removed before they learned the setback requirements. They would like to place another shed in the same spot that the shed had always been. Mrs. Pobur noted that they could not place the shed in another location because the south yard near the road is where the septic system is located and the well is in that south yard toward the lake. Placing the shed in the location between the field and well in that south yard would block the view of the lake for the neighbors. Mr. Pobur noted that the shed had been in that location for many decades and is in line with the many garages along the road also.

Discussion from the Public:

Leslie and John Damm, 4021 Hunters Dr, stated that they live a few doors down from the Poburs and are glad that the old, dilapidated shed has been removed and are in favor of this request.

Denise Hendricks, 4011 Hunters Dr, stated that the Poburs have been doing a great job improving the property and is in favor of this request.

Discussion from the Board:

Mr. Eichinger stated that he believes that the side yard setback should be voted on separately from the front yard setback because he does not feel that the side yard variance is necessary. Mr. Eichinger asked why they are not asking for a variance for a garage instead. The Poburs, Mrs. Littlebear, and Mrs. Michaels noted that there was a variance granted for a garage in 2016. The Poburs stated that they do not want to pay for a larger accessory structure, so they are only asking for a variance for this smaller one.

Mr. Borg agreed with Mr. Eichinger that a side yard variance is not necessary and stated that this LV parcel is resulting from the combination of two of the original platted lots.

Mr. Raimondo noted that this is an existing LV lot of record, the request will not alter the character of the

2485 JACKSON BLVD HIGHLAND MI 48356-1545



0 beds / 2 full baths / 1 half baths / 2280 sq ft

Residential Property Profile

11-12-104-003

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) : KEITH SIZEMORE
Postal Address : 2485 JACKSON BLVD HIGHLAND MI 48356-1545

Location Information

Site Address : 2485 JACKSON BLVD HIGHLAND MI 48356-1545
PIN : 11-12-104-003 Neighborhood Code : RDL
Municipality : Charter Township of Highland
School District : 63220 HURON VALLEY SCHOOLS
Class Code : 401 Residential - Improved

Property Description

T3N, R7E, SEC 12 DUCK LAKE PARK SUB LOTS 120 & 121

Most Recent Sale Since 1994

Date : 12/11/2020
Amount : \$1 Liber : 55514:764
Grantor : YOUST, CHRIS
NOLD, MARK Grantee : SIZEMORE, KEITH

Next Most Recent Sale

Date : 12/21/2016
Amount : \$1 Liber : 50314:708
Grantor : SIZEMORE, KEITH
NOLD, BRENDA R Grantee : YOUST, CHRISTOPHER
KNOLD, MARK NOLD, MARK

0 beds / 2 full baths / 1 half baths / 2280 sq ft

Residential Property Profile

11-12-104-003

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	: \$218,226	State Equalized Value	: \$296,510
Current Assessed Value	: \$296,510	Capped Value	: \$218,226
Effective Date For Taxes	: 12/01/2025	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 100%	Winter Principal Residence Exemption Percent	: 100%
2024 Taxes		2025 Taxes	
Summer	: \$4,632.83	Summer	: \$4,763.52
Winter	: \$2,409.83	Winter	: \$2,462.11
Village	:	Village	:

Lot Information

Description	: LEVEL	Area	: 0.275 ACRES
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Primary Structure

Structure	: Colonial/2Sty	Living Area	: 2280 SQ FT
Ground Floor	: 1080 SQ FT	Year Built	: 2021
Effective Year	: 2021	Remodel Year	: 0
Stories	: 2 Story	Rooms	: 0
Bedrooms	: 0	Full Baths	: 2
Half Baths	: 1	Fireplaces	: 0
Ext Walls	:	Basement	: YES - FULL
Garage	: None	Heat	: Forced Heat & Cool
Fuel Type	:	Central Air	: Yes

Basement Information

Finish	: UNFINISHED	Area	: 0 SQ FT
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Porch Information

Type	Area
Treated Wood w/Roof	162 SQ FT
Treated Wood	348 SQ FT
Treated Wood	324 SQ FT
Wood	84 SQ FT
Wood	324 SQ FT