

MEMORANDUM

To: Zoning Board of Appeals

From: Kariline P. Littlebear, Zoning Administrator

Date: March 20, 2024

Re: Case 24-04

4720 Lone Tree Rd 11-30-300-034

Applicant: Nancy S. White Owner: Nancy S. White

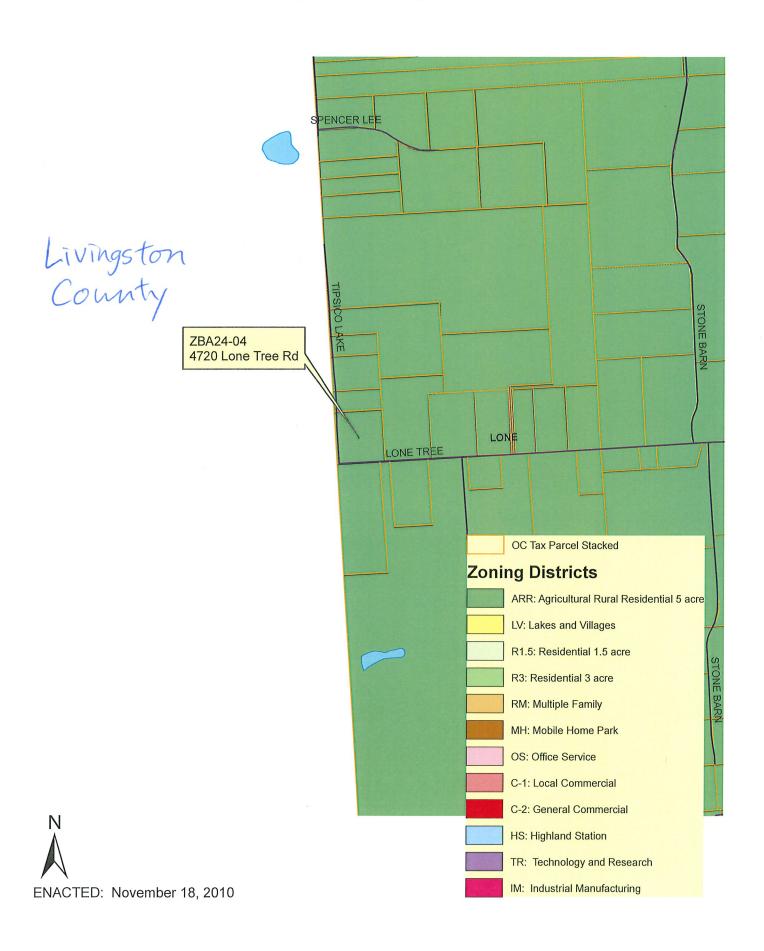
The subject parcel is zoned ARR – Agricultural and Rural Residential District. The parcel size is approximately 3.02 acres.

The required setbacks for this parcel are as follows: Front yard (from road right-of-way)(south & west): 75 ft Side yard (east & north lot lines): 40 ft

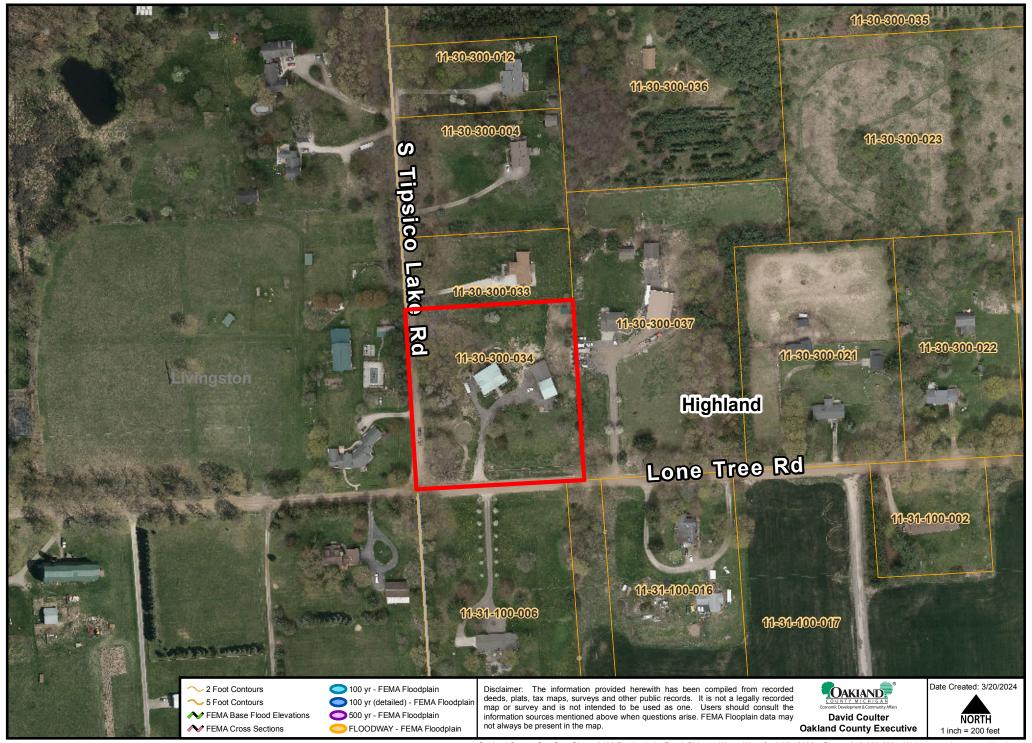
This request is for a 63.64-foot variance from the required 75-foot front yard setback to 11.36-feet provided and a 23-foot variance from the required 40-foot side yard setback to 17-feet provided for the construction of a concrete block manure surround. This request is a variance from Section 4.15 of the Zoning Ordinance.

The applicant has provided a certified survey and photos of the property and the surround along with examples of the doors and faux ivy cover for the surround. Staff has supplied assessing records, a zoning map, an aerial approximation of the property, enforcement record EE23-0249, and Section 9.02.B. of the Zoning Ordinance.

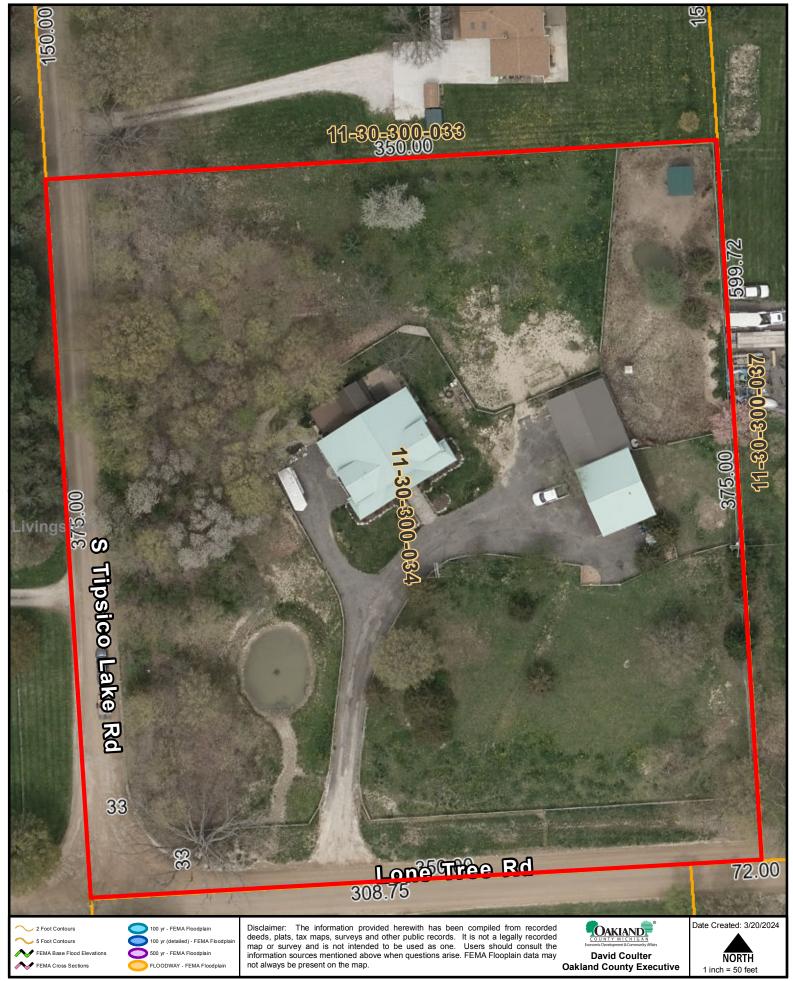
CHARTER TOWNSHIP OF HIGHLAND ZONING MAP



4720 Lone Tree Rd



4720 Lone Tree Rd



CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS APPLICATION FOR APPEAL

Case # 2404

Hearing Date 3/20/2 4

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS APPLICATION FOR APPEAL

APPLICANT	OWNER
NAME:Nancy S. White	NAME: Nancy S. White
ADDRESS: 4720 Lone Tree Road	ADDRESS:4720 Lone Tree Road
Highland Township	Highland Township
	Milford, MI 48380
PHONE: (248) 770-7755	PHONE: (248) 770-7755
EMAIL: lallybrochequestrian@gmail.com	EMAIL: lallybrochequestrian@gmail.com
PROPERTY ADDRESS: 4720 Lone Tree Road, Highlan	d Township zoning: ARR
PROPERTY TAX ID NO: 11-30-300-034	
ORDINANCE SECTIONS BEING APPEALED: Sec. 4	1.15
VARIANCES REQUESTED: For a manure management	building:
63.64 Variance from 75 fro	nt yard to 11.36' provided
23' variance from 40' si	de yard to 17 provided
For a manure sur	round made of
concrete block	

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY:

On September 22, 1980, Janet Izzi, the then Clerk of Highland Township Michigan, designated the parcel 4720 Lone Tree Road as "not entitled to a building or use permit". This is a 3.02 acre parcel which was granted ARR zoning in a minimum 5 acre horse zoning on August 13, 2014. Because of the designation for the horses and the approval of the location of the buildings there are limited areas to place a structure. The flooding from the road and any rainfall would allow for contamination of the property in the suggested (Township/Zoning Department) location.

When the road water floods the property and a retention pond cannot handle the runoff so the property is saturated any time that there is rain.

The area behind the home which has been suggested by the Township will not work for various reasons.:

- 1. There cannot be access in this area without destroying the limited pasture because of the equipment required for manure removal.
- 2. There would be no place on the property to ride horses.
- 3. That area that Highland Township has suggested is one which holds water and which would allow contamination of the rest of the property from runoff.
- 4. The manure structure cannot be near the well or the pond (minimum separation distance is 100-200 feet) because of the risk of contamination

The area which I have selected is the highest point on the property and farthest from any neighbors.

SIGNATURE OF OWNER:

SIGNATURE OF APPLICANT:

Signature of applicant must be notarized.

Subscribed and swom to before me this

13 day of Feb. 20

Notary Public

My Commission expires 06 [4-25]

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

JENNIFER BOSH NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF OAKLAND My Commission Expires June 16, 2025 Acting in the County of Oakland

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?

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

The NW corner of the property is the highest, and the rest of the land on the property slopes to the southeast. This causes a flooding issue from rain and water coming from the road, and the way the road is crowned. The property sits on the corner of Tipsico Lake and Lone Tree, and both roads are at a higher elevation than the property. Because of this, the property not only floods from the roads but also drains from the northwest corner all of the way though the property.

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

No.

3) Is the reason for a variance request of a personal nature? (for example: financial impact, physical and/or mental characteristics of the household members, inconvenience, etc.)

No.

4) Has the difficulty been created by the current or previous owner?

No.

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

No.

6) Will the proposed variance be the minimum necessary?

Yes.

Signature Many SMute

Sec. 4.15. Schedule of Regulations.

TABLE 4.1. SCHEDULE OF REGULATIONS

	Minimu Size	m Lot	Maximu Building Height (Minimum Yard Setback (C, D, E, P)			Max. Lot Coverage	Min. Floor Area per Dwelling Unit		
Zoning District	Area	Lot width	Stories	Feet	Front	Least Side	Total Side	Rear	Ordinary High Water Mark	Percent	Square Feet
ARR Q	5 acres (L)	330 ft.	2	28 (A)	75 ft. (G)	40 ft.	80 ft.	100 ft. (R)	65 ft.	10%	1,000 (750 first floor)
R-3	3 acres (L)	200 ft.	2	28 (A)	75 ft. (G)	40 ft.	80 ft.	100 ft. (R)	65 ft.	10%	1,000 (750 first floor)
R-1.5	65,000 sq. ft. (M)	150 ft.	2	28 (A)	50 ft. (G)	30 ft.	60 ft.	50 ft.	65 ft.	15%	1,000 (750 first floor)
LV (H)		— -			— -	— -		— -	65 ft.	—-	— -
RM (I)		— -			— -				65 ft.		
MH (J)									65 ft.		
OS	30,000 sq. ft. (N)	120 ft.	2	25	80 ft. (F)	20 ft.	50 ft.	50 ft.	65 ft.	30%	N/A
C-1	30,000 sq. ft. (N)	120 ft.	2	25	80 ft. (F)	20 ft.	50 ft.	50 ft.	65 ft.	30%	N/A
C-2	30,000 sq. ft. (N)	150 ft.	2	25	80 ft. (F)	20 ft.	50 ft.	50 ft.	65 ft.	30%	N/A
C-3	30,000 sq. ft ^N	150 ft	2	25	80 ft. ^F	20 ft. ^s	50 ft. ^{S,T}	50 ft. ^{S,T}	65 ft.	varies ^U	N/A
HS (K)		— -			— -	— -		— -	65 ft.		— -
TR (O)	30,000 sq. ft. (N)	150 ft.	2	30	40 ft. (F)	20 ft.	40 ft.	40 ft.	65 ft.	30%	N/A
IM (O)	30,000 sq. ft. (N)	150 ft.	2	30	75 ft. (F)	20 ft.	40 ft.	40 ft.	65 ft.	30%	N/A

Created: 2021-06-15 09:56:42 [EST]

- A. For residential principal and accessory structures, the structure shall be designed so that firefighters can access the roof at multiple locations by means of a standard fire ladder.
- B. For non-residential accessory structures, the maximum building height shall be subject to the same height requirement as a principal structure.
- C. Non-residential accessory buildings, structures and uses shall be subject to the same setback requirements as a principal building structure, or use. A non-residential accessory building, structure or use shall not occupy more than twenty-five percent (25%) of the total gross floor area of the principal building in which it serves, except that the Technology and Research District shall be limited to fifteen percent (15%).
- D. Septic systems in all districts are subject only to the setbacks established by the Oakland County Health Division.
- E. Any structure, yard, pen, or other area where farm animals are kept must be setback fifty (50) feet from any residential building or structure on the same lot and fifty (50) feet from any building or structure on an adjacent lot. Animal owners are liable for damage their animals may inflict on neighboring properties, and are advised to maintain a suitable setback from the property line, considering the behavior of their animals and the nature of the adjoining properties.
- F. For parcels fronting on M-59, a minimum setback of one hundred (100) feet shall be required.
- G. For lots fronting major thoroughfares, the front yard setback shall be increased by fifty (50) feet.
- H. Refer to Section 9.02 for Lake and Village Residential District regulation.
- I. Refer to Section 9.03 for Multiple-family Residential regulations.
- J. Refer to Section 9.04 for Manufactured Home Park District regulations.
- K. Refer to Section 9.05 for Highland Station District regulations.
- L. Minimum buildable area shall be 2 acres. The buildable area shall be of such configuration to permit construction of a house, septic system and reserve septic system.
- M. Minimum lot size and buildable area shall be 65,000 square feet. The buildable area shall be of such configuration to permit construction of a house, septic system and reserve septic system.
- N. Minimum lot size and buildable area shall be 30,000 square feet. The buildable area shall be of such configuration to permit construction of the principal structure, septic system and reserve septic system.
- O. Refer to Section 9.06 for additional regulations for the Technology and Research District and the Industrial Manufacturing District.
- P. Corner and through lots have two front yards. The two remaining yards are considered side yards. Corner lots will have a rear yard if the parcel is large enough to be divided.
- Q. Refer to Section 10.13 for Yard Setback Exceptions relative to temporary Farm Market Structures.
- R. For accessory buildings and structures in the R-3 Zoning District, the rear yard setback shall be fifty (50) feet.
- S. Side and rear setbacks shall be doubled along lot lines adjacent to residentially zoned and used properties.
- T. A minimum twenty-five (25) foot landscape buffer is required along lot lines adjacent to residentially zoned and used properties. No outdoor activities are permitted in this space.
- U. Maximum lot coverage shall not exceed thirty (30) percent except that the aggregate of greenhouses and self-storage may cover forty (40) percent of the lot, provided no single building exceeds five thousand (5,000) square feet.

(Ord. No. Z-006, § 1, 10-14-2015; Ord. No. Z-013, § 1, 10-9-2019)

Created: 2021-06-15 09:56:42 [EST]



11590 Highland Road, Hartland, MI 48353 Phone: 810-207-8050

February 12, 2024

Nancy White 4720 Lone Tree Road Milford, MI 48380

Dear Ms. White,

We have completed a survey on your property located at 4720 Lone Tree Road located in Highland Township, Michigan.

The newly constructed structure located at the northwest corner of your property is located as follows:

11.36 feet east of the easterly right-of-way line on Tipsico Lake Road 17.00 feet south of the north line of your parcel.

Please let us know if you need any additional information or have any additional questions.

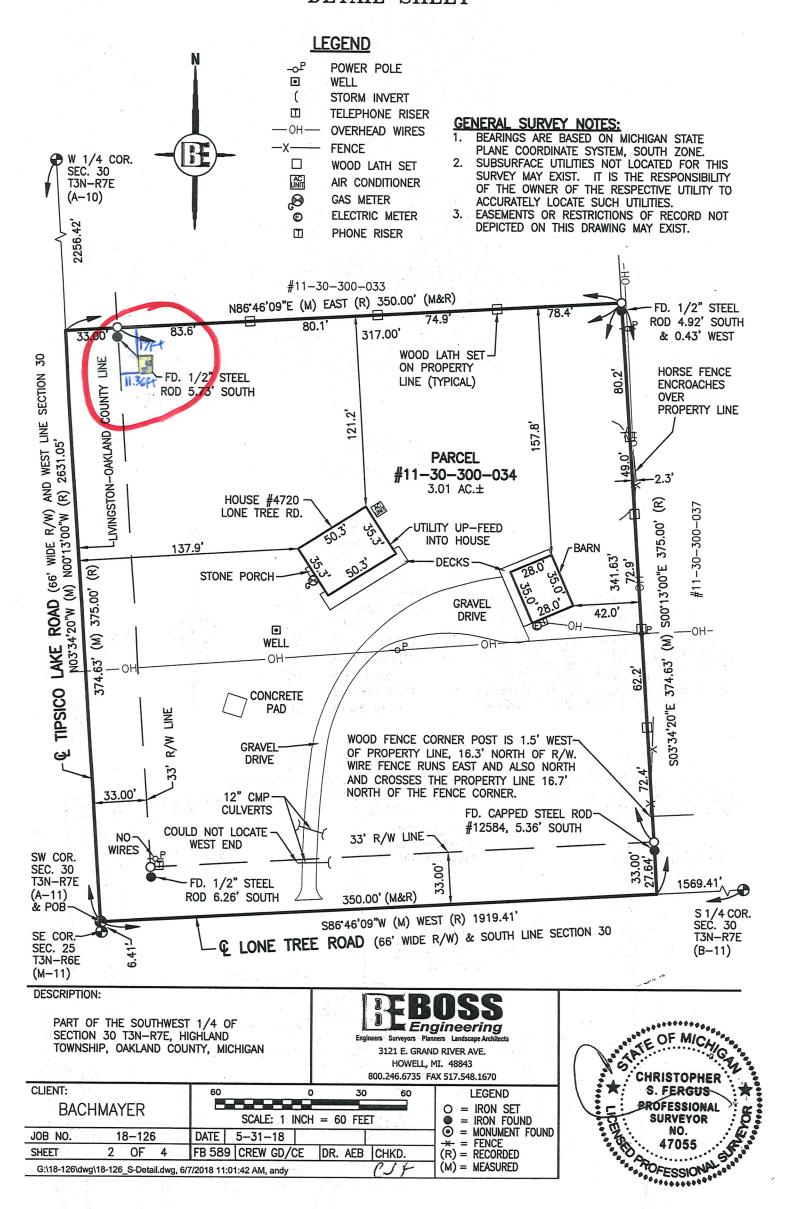
Regards,

Karol L. Grove

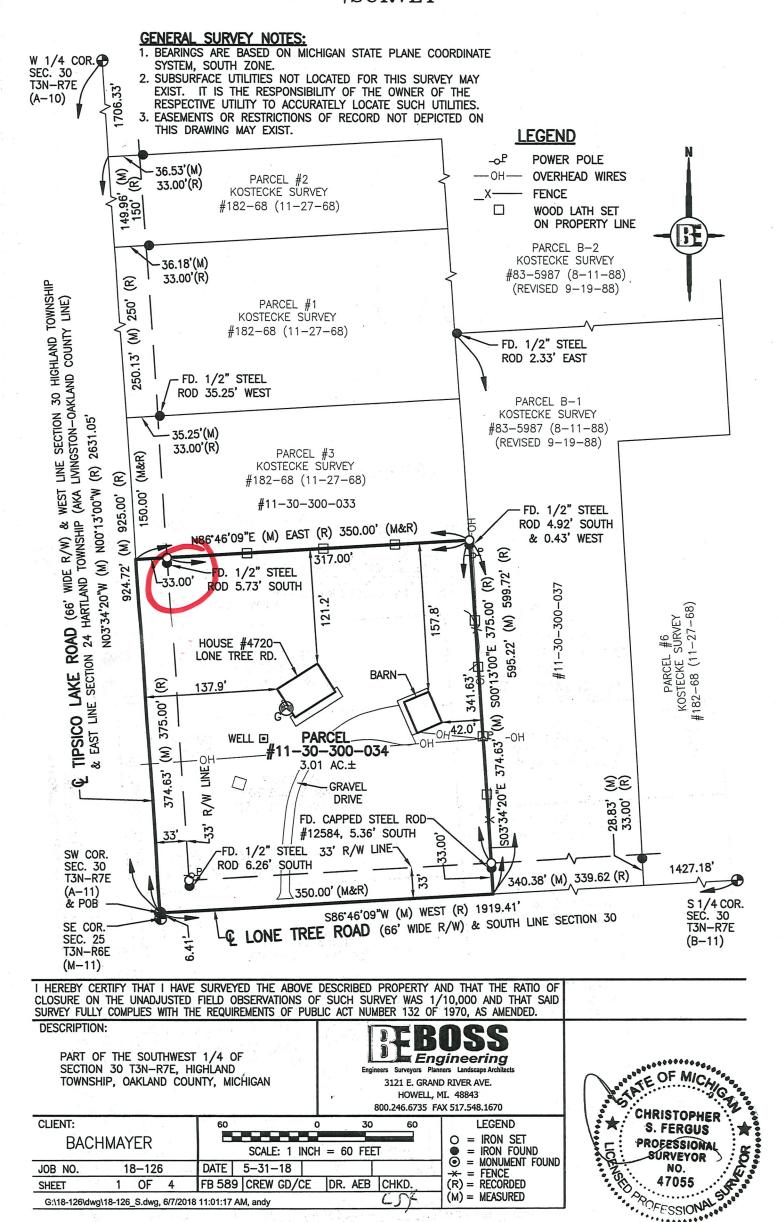
Licensed Professional Surveyor #39075

Certified Floodplain Manager

SURVEY DETAIL SHEET



SURVEY



DESCRIPTION OF PARCEL #11-30-300-034 PER WARRANTY DEED, FILE NO. cen109196-FNT, FROM JANET BURGESS TO THOMAS BACHMAYER AND SHILOH JOHNSON:

Premises situate in the Township of Highland, County of Oakland and State of Michigan:

Part of the Southwest 1/4 of Section 30, Town 3 North, Range 7 East, described as: Beginning at the Southwest Section corner; thence North 00 degrees 13 minutes 00 seconds West, 375.0 feet; thence East, 350.0 feet; thence South 00 degrees 13 minutes 00 seconds East, 375.0 feet; thence West, 350.0 feet to the point of beginning.

DESCRIPTION OF PARCEL #11-30-300-034, AS SURVEYED:

Part of the Southwest 1/4 of Section 30, T3N-R7E, Highland Township, Oakland County, Michigan, more particularly described as follows: BEGINNING at the Southwest corner of Section 30, T3N-R7E, said point being N 03°34'20" W, 6.41 feet from the Southeast corner of Section 25, T3N-R6E, Hartland Township; thence continuing from the Southwest corner of Section 30, T3N-R7E, along the Livingston-Oakland County line, also being the centerline of Tipsico Lake Road (66 foot wide Right of Way) and the West line of Section 30, T3N-R7E, Highland Township and the East line of Section 25, T3N-R6E, Hartland Township, N 03°34'20" W, 374.63 feet (recorded as N 00°13'00" W, 375.00 feet); thence N 86°46'09" E (recorded as East), 350.00 feet; thence S 03°34'20" E, 374.63 feet (recorded as S 00°13'00" E, 375.00 feet); thence along the centerline of Lone Tree Road (66 foot wide Right of Way) and the South line of Section 30, 86°46'09" W (recorded as West), 350.00 feet, to the POINT OF BEGINNING, containing 3.01 acres, more or less, and subject to the rights of the Public over the existing Tipsico Lake Road and Lone Tree Road. Also subject to any other easements or restrictions of record.

Surveyor's Narrative:

The subject property is comprised of Parcels 4 and 5 of a 1968 survey by Raymond Kostecke. The Public Land Survey Corner representing the commencing point of the parcel descriptions is called out as the Southwest Corner of Section 30, Highland Township; Oakland County. However, the corner that was actually used in the survey is the Southeast Corner of Section 25, Hartland Township, Livingston County. This corner is 6.41 feet south of the Southwest Corner of Section 30.

During the course of the fieldwork for the current survey, we located what I believe to be the survey markers set by Mr. Kostecke in 1968 at the perimeter of combined Parcels 4 and 5. These markers confirmed the incorrect use of the Hartland corner (refer to sheets 1 and 2 for dimensional ties to the Kostecke corners). Additional fieldwork to recover survey markers of the three properties to the north of the subject property (Parcels 1-3 of the 1968 Kostecke survey) confirm that a subsequent survey(s) have been performed using the correct Public Land Survey Corner, the Southwest Corner of Section 30, Highland Township.

The subsequent re-survey of the properties to the north results in a 5.73-foot north-south shortage at the northwest corner and 4.92-foot north-south shortage at the northeast corner for the subject property. Based on the position of survey markers recovered to the north, it is my professional opinion to disregard the 1968 corners set by Mr. Kostecke. New steel rods and survey caps bearing my professional license number have been placed on the subject property to correctly reflect the historical deed records. This has no adverse affect the properties north of this site.

Bearings are based on Michigan State Plane Coordinate System - South Zone.

REFERENCES:

1. Survey by Kostecke & Associates, Inc., Drawing No. 182-68, dated 11-27-68.

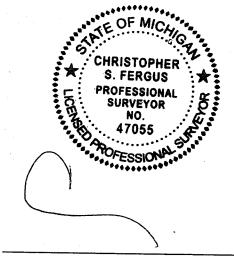
2. Survey by Kostecke & Associates, Inc., Job No. 83-5987, dated 8-11-88, last revised 9-19-88.

G:\18-126\docs\18-126_D.doc May 31, 2018

Job Number: 18-126 Sheet: 3 OF 4

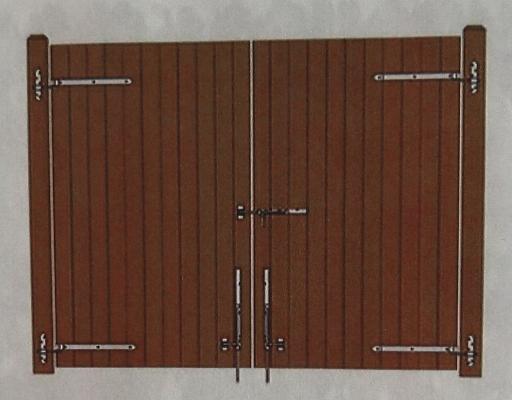


3121 E. GRAND RIVER HOWELL, MICHIGAN 517-546-4836 www.bosseng.com



CHRISTOPHER S. FERGUS, P.S.

proposed doors for structure

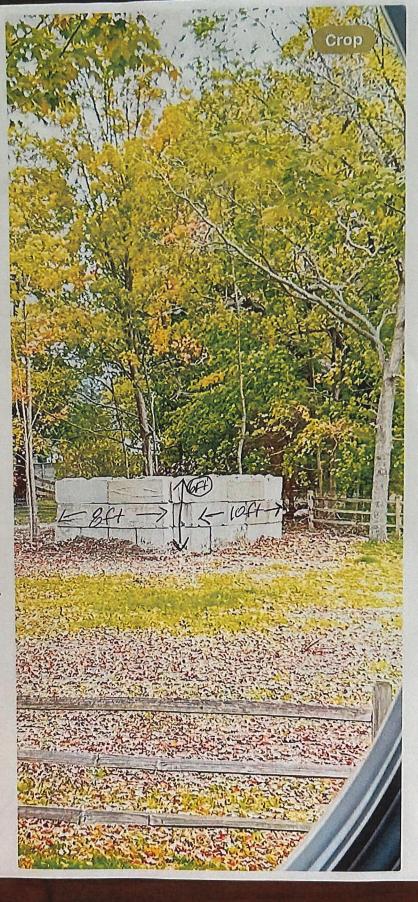


Impster Gate Pla

looking east From Tipsico Lake Rd



Looking Northwest toward Tipsico LakeRd



10ft wide 8ft deep 10ft tall Looking Southwest toward Tipsico Lake Rd



Looking South toward Lone TreeRd



proposed greenery bor around perimeter of structure

Spons

Visit the TANG Store



TANG Artificial Leaf Faux Ivy Expandable Stretchable Privacy Fer Screen for Patio Deck Backyard Balcony Privacy Screen Single Si Leaf Vine Wall Fence Decoration





Charter Township of Highland (H) 11-30-300-034 Active

4720 Lone Tree Rd
Milford MI 48380
ary Photo Date: 10/07/2019

Print Date: Date





4720 Lone Tree Rd Milford MI 48380



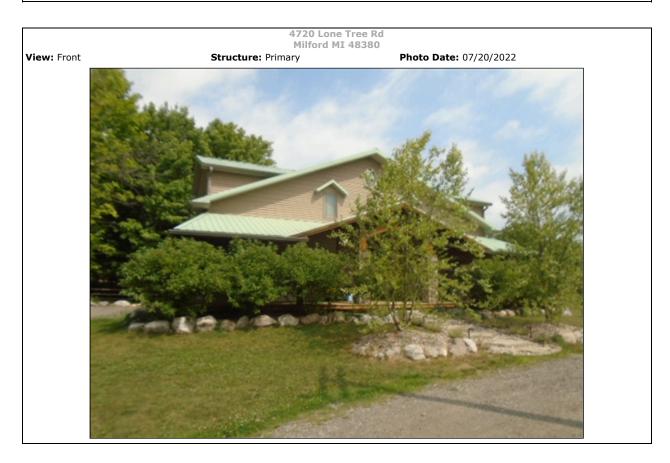




4720 Lone Tree Rd Milford MI 48380

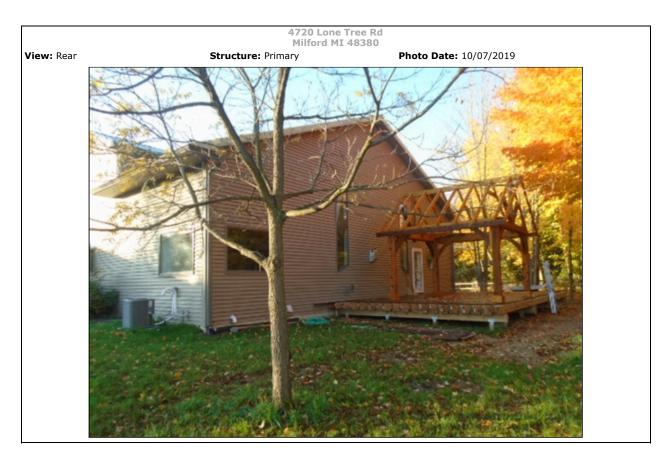














HIGHLAND TOWNSHIP

ORDINANCE COMPLAINT

CASE # **EE23-0249**

10/17/23

Type BUILDING/NO PERMIT

OFFICER KARI LITTLEBEAR/ZONINGADMIN

Status

Complaint Address: 4720 LONE TREE RD

H -11-30-300-034

Owner of Record: WHITE, NANCY S

Complainant:

WHITE, NANCY S

4720 LONE TREE RD
MILFORD MI 48380
(248) 770 7755

COMPLAINT

BUILDING/NO PERMIT

cinder block structure built near road without permit, nuisance from animal manure piled in it

10/18/23 I spoke to Lisa regarding this, she said that the HO called her to say that a neighbor had said that her structure was illegal, Lisa went over the setbacks and permit process, Ms. White told Lisa that she would take care of it within the week, i will check in with Ms. White on 10/27/23, her email and phone number are under the prop owner info in BS&A. KPL

11/27/23 Haven't heard from HO so sending a letter to remind her that the manure surround needs to be dealt with.

12/04/23 Nancy called to say that the manure will be removed on Dec 8, 2023 and then the structure can be removed. The contractor she hired to build the surround is not returning her calls but she continues to try to get ahold of him while also pursuing other options to have the surround removed. She needs to know where to put a dumpster for manure pickup. I will review the ordinance and email her ordinance information regarding the dumpster, she will let me know as soon as the manure had been removed, and we will reconvene regarding the surround by no later than Dec. 27, 2023.

12/11/23 Nancy came in to apply for a variance but didn't not have a complete application packet. She will have it turned in by Tues, Jan 2 for the Feb 7 ZBA mtg

01/24/24 still hasn't applied, sent letter & ticket

01/31/24 Nancy came in to go over the ZBA packet again. She is still missing items. She will be turning it in by no later Thursday, February 8, 2024

02/13/24 Nancy turned in the ZBA packet for the March 20, 2024

Highland Township Building Department

205 North John Street - Highland, MI 48357 - Phone: 248-887-3791, ext.#8 - Fax: 248-887-1937

THIS IS A NOTIFICATION AND NOT A SUMMONS

11/27/2023

NANCY S WHITE 4720 LONE TREE RD MILFORD, MI 48380

Re:

Complaint # EE23-0249

Parcel ID # H -11-30-300-034

NANCY S WHITE,

It has come to the attention of this Department that construction has been carried out at 4720 LONE TREE RD. A search of our records indicates that no building permit has been issued for this project. Additionally, it appears that the structure that was constructed does not meet the setback requirements for your district.

I understand that you called and spoke to my coworker, and she informed you of this but I must still put everything in writing.

You have until **Monday**, **December 4**, **2023** to remove the structure. If you wish to reconstruct this type of structure you may apply for a building permit.

If you fail to remove the structure by the date above a Civil Infraction Violation ticket will be issued to you.

You may contact me with any questions at 248-887-3791 ext. 125.

Cordially

Kariline P. Littlebear

Zoning Administrator

cc: file

Supervisor - Rick Hamill

Building a Safe Community

Highland Township Zoning Department

205 N. John St, Highland, MI 48357 - Phone: 248-887-3791, ext.#2 - Fax: 248-887-1937

01/24/2024

NANCY S WHITE 4720 LONE TREE RD MILFORD, MI 48380

RE: ORDINANCE VIOLATION: BUILDING/NO PERMIT

COMPLAINT: EE23-0249

LOCATION: 4720 LONE TREE RD

H-11-30-300-034

Dear Ms. White,

The unpermitted cinderblock dumpster surround that does not meet setback regulations next to S. Tipsico Lake Road is still present and full of manure.

On December 11, 2023 you came in to apply for a variance to keep the surround but did not have a complete application. You told me at that time that you would have the completed variance request packet turned into the Zoning office by no later than Tuesday, January 2, 2024 for the February 7, 2024 ZBA meeting. You have not turned anything in for that yet.

Therefore, a Civil Infraction ticket of \$75.00 is being served and is payable on or before Thursday, February 1, 2024.

You may pay your fine by appearing in person or by mailing your fine along with the notice to the Highland Township Zoning Department.

The payment of this fine *does not* relieve you of the responsibility to correct the violation. If the violation is not corrected a *second* ticket will be issued with a fine of \$150.00. A *third* violation of the same ordinance will result in a ticket of \$300.00. An additional violation will result in a court summons.

Cordially,

Kariline P. Littlebear Zoning Administrator

4720 LONE TREE RD MILFORD MI 48380

OAKIAND COUNTY MICHIGAN PROPERTY GATEWAY

2 beds / 3 full baths / 1 half baths / 2570 sq ft

Residential Property Profile

11-30-300-034

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) : NANCY S WHITE

Postal Address : 4720 LONE TREE RD MILFORD MI 48380

Location Information

Site Address : 4720 LONE TREE RD MILFORD MI 48380

PIN :11-30-300-034 Neighborhood Code : RS1

Municipality : Charter Township of Highland

School District : 63220 HURON VALLEY SCHOOLS

Class Code : 401 Residential - Improved

Property Description

T3N, R7E, SEC 30 PART OF SW FRC 1/4 BEG AT SW SEC COR, TH N 00-13-00 W 375 FT, TH E 350 FT, TH S 00-13-00 E 375 FT, TH W 350 FT TO BEG 3.02 A

Split/Combination Information

Added Status : Added Parcel

Added Date : 09/30/1980 Added From : FROM 014

Most Recent Sale Since 1994

Date : 06/19/2023

Amount : \$640,000 Liber : 58688:896

Grantor : JOHNSON, SHILOH

BACHMAYER, THOMAS Grantee : WHITE, NANCY S

Next Most Recent Sale

Date : 06/30/2017

Amount : \$365,000 Liber : 50842:202

Grantee : JOHNSON, SHILOH

Grantor : BURGESS, JANET BACHMAYER, THOMAS

4720 LONE TREE RD MILFORD MI 48380



2 beds / 3 full baths / 1 half baths / 2570 sq ft

Residential Property Profile

11-30-300-034

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.

where the data of				
	Tax Inf	ormation		
Taxable Value	: \$259,730	State Equalized Value	: \$315,190	
Current Assessed Value	: \$315,190	Capped Value	: \$259,730	
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	: \$4,986.81	Summer	: \$5,847.51	
Winter	: \$2,285.17	Winter	: \$2,799.35	
Village	:	Village	:	
	Lot Info	ormation		
Description	: ROLLING	Area	: 3.02 ACRES	
	Primary	Structure		
Structure	: Colonial/2Sty	Living Area	: 2570 SQ FT	
Ground Floor	: 1767 SQ FT	Year Built	: 2015	
Effective Year	: 2015	Remodel Year	: 0	
Stories	: 2 Story	Rooms	: 6	
Bedrooms	: 2	Full Baths	: 3	
Half Baths	: 1	Fireplaces	: 0	
Ext Walls	: Vinyl	Basement	: YES - FULL	
Garage	: ATTACHED - 3 car (1092 SQ FT)	Heat	: Forced Heat & Coo	
Fuel Type	: Gas	Central Air	: Yes	
	Basement	Information		
Finish	: UNFINISHED	Area	: 0 SQ FT	
	Porch In	formation		
	Туре		Area	
	Treated Wood w/Roof		180 SQ FT	
	Treated Wood w/Roof		517 SQ FT	
	Composite		185 SQ FT	
	Roof Cover Only		414 SQ FT	