



# MEMORANDUM

To: Zoning Board of Appeals  
From: Kariline P. Littlebear, Zoning Administrator  
Date: May 1, 2024  
Re: Case 24-07  
Vacant Parcel at Meribah St & Johnson St  
11-10-128-008  
Applicant: Nicola D'Abate  
Owner: Nicola & Silvia D'Abate

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The subject parcel is zoned LV – Lake and Village Residential District. The parcel size is approximately 0.331 acres.

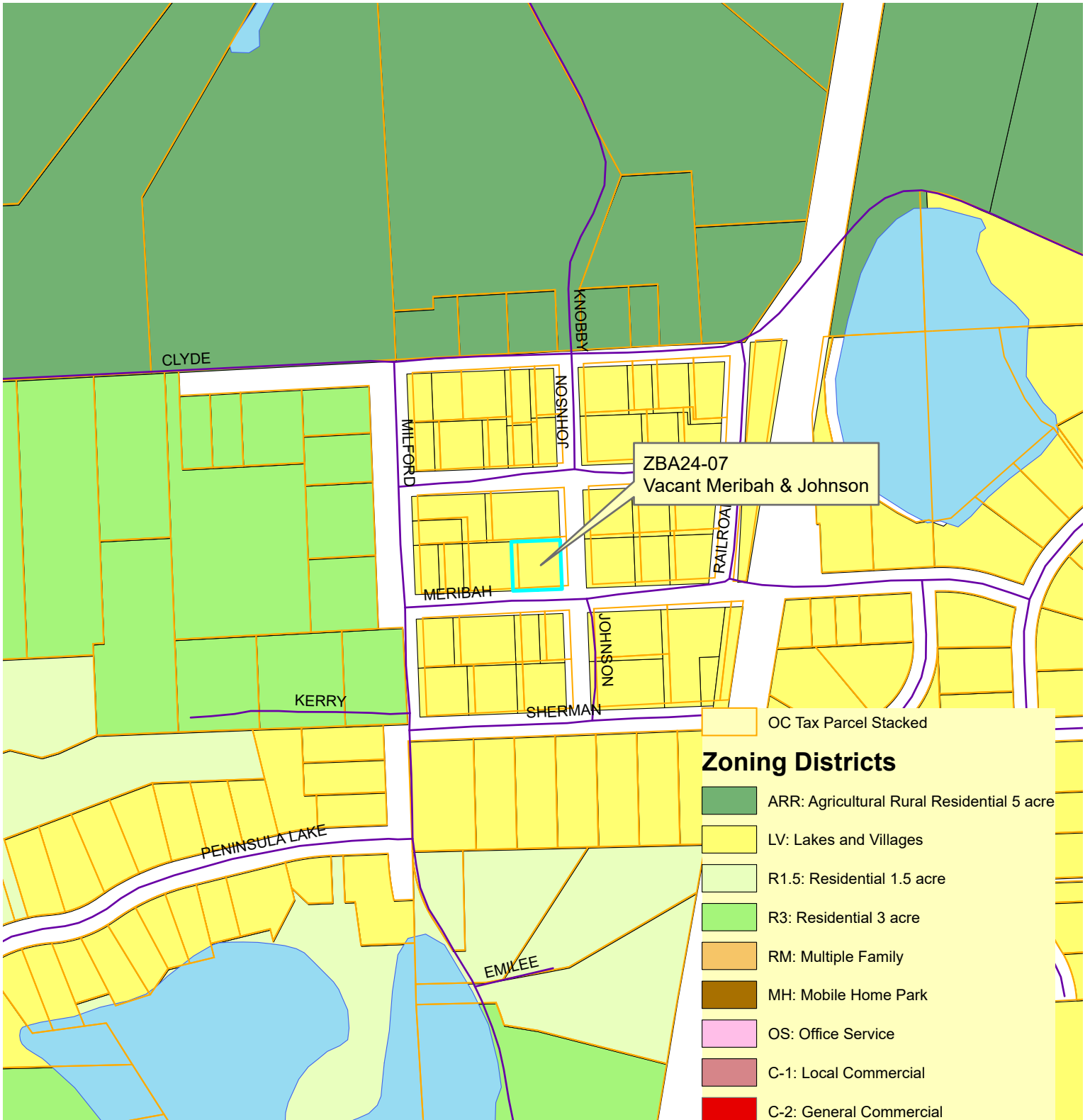
The required setbacks for this parcel are as follows:

Front yard (Meribah): 30 feet  
Front yard (Johnson): 40 feet  
Ordinary High-water mark: 65 feet  
Side yard (west lot line): 10 feet

This request is for a 5-foot variance from the calculated 30-foot front yard setback to 25-feet provided for a covered front porch, a 38.8-foot variance from the calculated 65-foot ordinary high water mark setback to 26.2-feet provided for a new house and attached garage, and a 48.8-foot variance from the calculated 65-foot ordinary high-water mark setback to 16.2-feet provided for an uncovered second story rear deck. This request is for a variance from Section 9.02.D. of the Zoning Ordinance.

The applicant has provided a certified survey, a floor plan, and elevations. Staff has supplied assessing records, a zoning map, an aerial approximation of the property, and Section 9.02. of the Zoning Ordinance.

# CHARTER TOWNSHIP OF HIGHLAND ZONING MAP

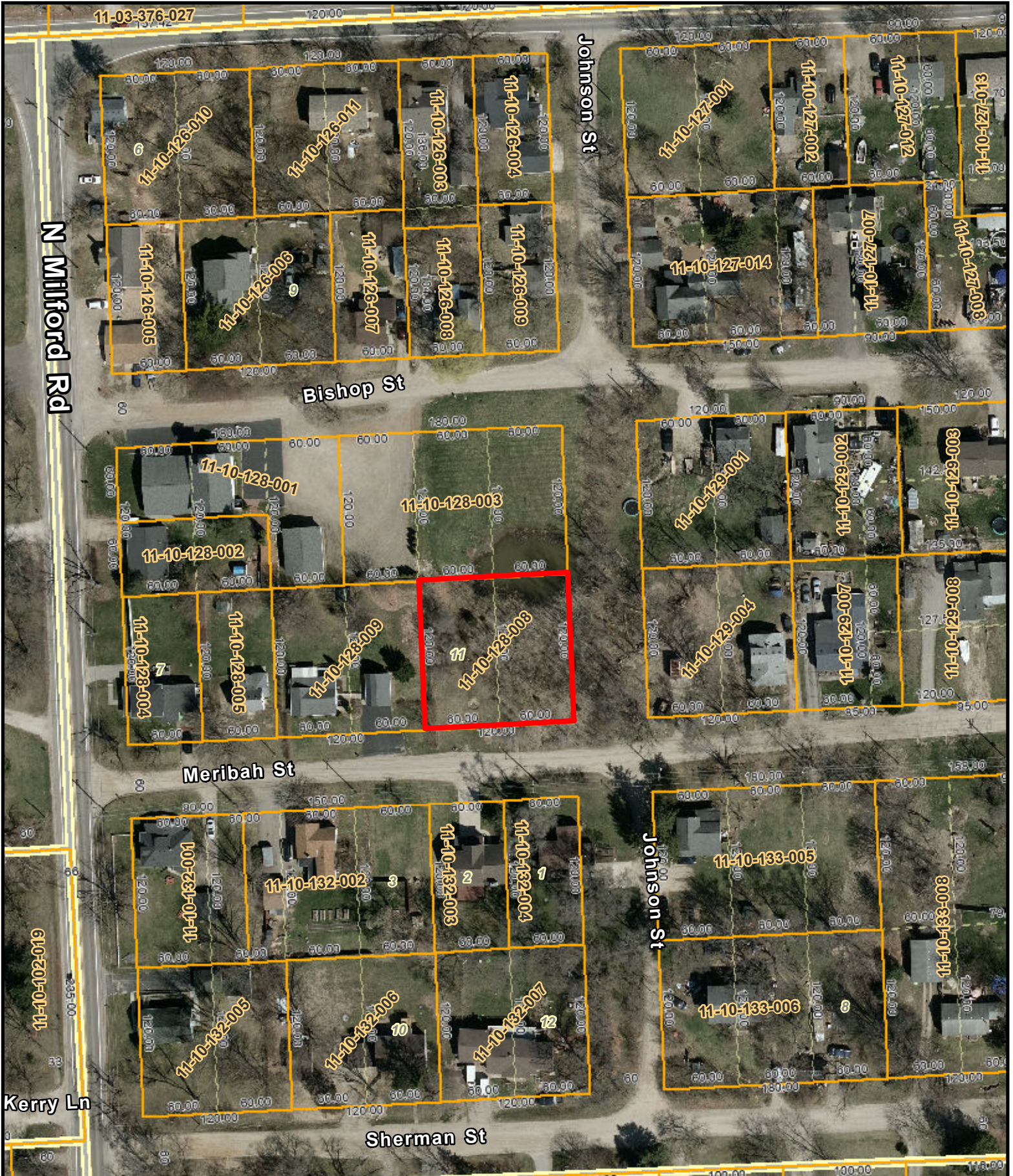


- OC Tax Parcel Stacked
- Zoning Districts**
- ARR: Agricultural Rural Residential 5 acre
  - LV: Lakes and Villages
  - R1.5: Residential 1.5 acre
  - R3: Residential 3 acre
  - RM: Multiple Family
  - MH: Mobile Home Park
  - OS: Office Service
  - C-1: Local Commercial
  - C-2: General Commercial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



ENACTED: November 18, 2010

# Vacant Meribah and Johnson



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

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

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

Date Created: 3/20/2024  
  
 NORTH  
 1 inch = 100 feet

# Vacant Meribah and Johnson closeup



	2 Foot Contours		100 yr - FEMA Floodplain
	5 Foot Contours		100 yr (detailed) - FEMA Floodplain
	FEMA Base Flood Elevations		500 yr - FEMA Floodplain
	FEMA Cross Sections		FLOODWAY - FEMA Floodplain

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

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

Date Created: 3/20/2024

**NORTH**  
 1 inch = 50 feet

Case # 24-07

Hearing Date 5/1/24

CHARTER TOWNSHIP OF HIGHLAND ZONING BOARD OF APPEALS  
APPLICATION FOR APPEAL

APPLICANT

NAME: Nicola D Abate

ADDRESS: 1559 Hickory Valley Rd  
Milford, Mi 48380

PHONE: 248 640 1259 / 248 240 1269

EMAIL: \_\_\_\_\_

OWNER

NAME: Nicola D Abate

ADDRESS: 1559 Hickory Valley Rd  
Milford Mi. 48380

PHONE: 248 640 1259 / 248 240 1269

EMAIL: \_\_\_\_\_

PROPERTY ADDRESS: Meribah Lot # 11/12 ZONING: LV

PROPERTY TAX ID NO: H-11-10-128-008

ORDINANCE SECTIONS BEING APPEALED: ~~Setback from ordinary high water~~  
Section 9.02.

VARIANCES REQUESTED: \_\_\_\_\_  
5ft variance from 30ft front yard setback to 25ft  
38.8 ft variance from 65 ft ordinary highwater to 26.2ft  
48.8 ft variance from 65ft ordinary highwater to 16.2ft

DESCRIBE THE NATURE OF YOUR PRACTICAL DIFFICULTY: Trying to get the home &  
septic field to sit on the lot and keeping it far enough  
away to meet the required setbacks

I certify that all required information is shown on the attached plan and included on this form. I acknowledge that by signing this application, I am granting the right of the Zoning Board of appeals members, inspectors and administrators to conduct a site inspection of the subject property. All statements are true to the best of my knowledge.

SIGNATURE OF OWNER: \_\_\_\_\_ DATE: 3-18-24

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: 3-18-24

Signature of applicant must be notarized.

Subscribed and sworn to before me this  
18 day of March, 2024  
Jennifer Bosh Notary Public  
My Commission expires 8-6-16-2025

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

APPLICATION FEE: \$ 275.00  
Receipt# 1.059462 Date Paid 3/18/24  
Received by LGB

## Lisa Burkhart

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**From:** Silvia Dabate <sdabate@comcast.net>  
**Sent:** Thursday, March 21, 2024 4:42 PM  
**To:** Lisa Burkhart  
**Subject:** Parcel No. 11-10-128-008

To Lisa Burkhart,

I Silvia D'Abate give permission for a building permit for the lot on Meribah Rd. Parcel No. 11-10-128-008

Thank you  
Silvia D'Abate  
248-640-9604

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
WORKSHEET

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

**HAVE YOU MET ALL OF THE FOLLOWING CRITERIA?**

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

Yes, the narrowness of the property to  
the pond is the issue.

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

No, we are building a narrow house  
with the smallest footprint we could.

- 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, we are trying to build a home that  
will best fit the lot.

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

No difficulties have been created by either the previous or current owners. It's the natural setting

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

No, the home will enhance the area

6) Will the proposed variance be the minimum necessary?

Yes, we have located the home & septic in the best location on the lot.

Signature \_\_\_\_\_



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**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.*

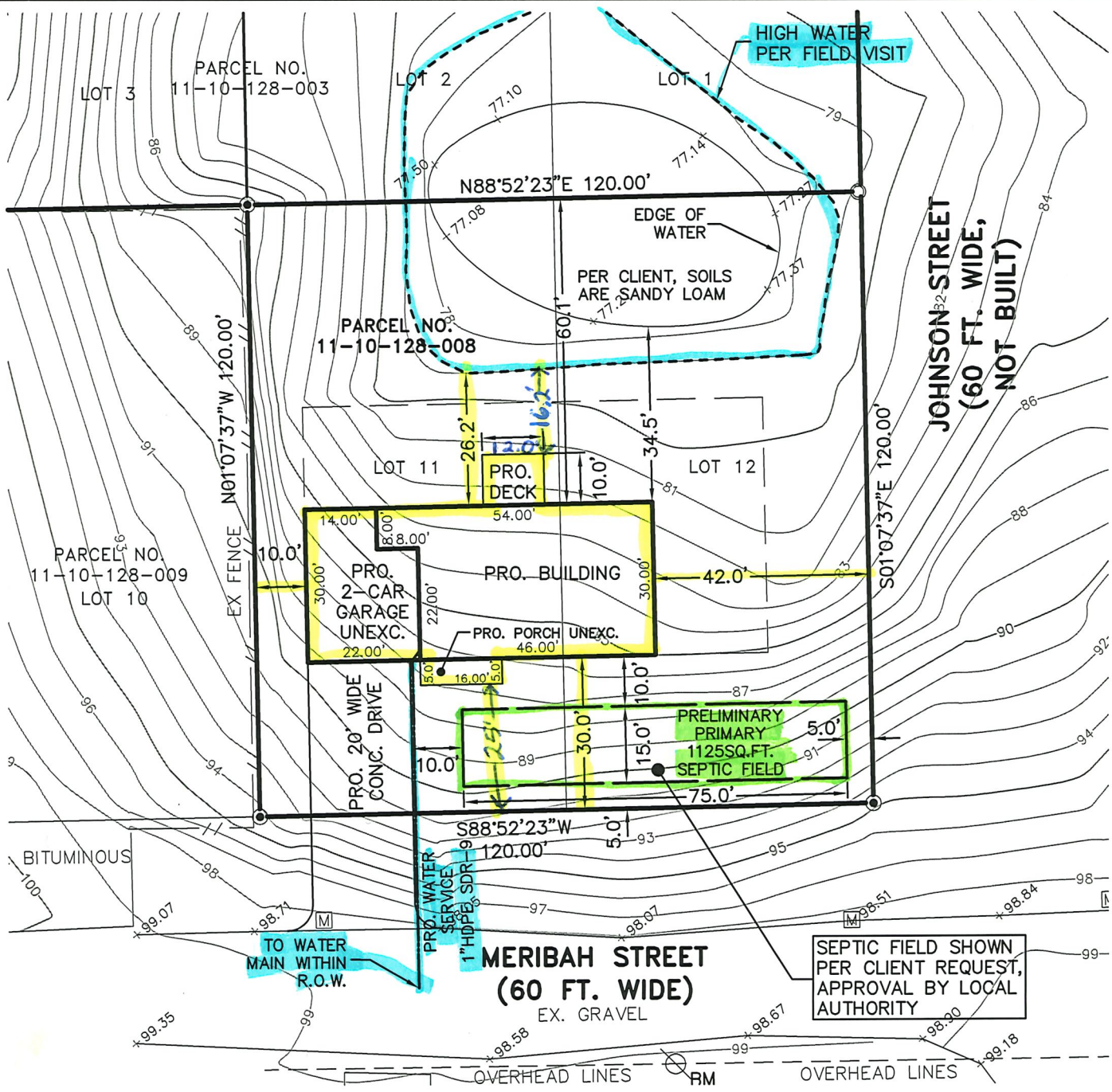
- a. One (1) storage shed not greater than one hundred and fifty (150) square feet in area and not greater than ten (10) feet in height may be permitted as close as five (5) feet to side lot line or rear lot line. All sheds must comply with required front yard setback.
- b. One (1) accessory structure 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 )



*Dwight Michalski-Wallace*



**DESCRIPTION:**

TOWN 3 NORTH, RANGE 7 EAST, SECTION 10  
JOHNSON'S MAP OF THE VILLAGE OF CLYDE LOTS 11 & 12 BLOCK 3

**BENCHMARK:**

NAIL IN NORTH SIDE OF POWER POLE AT SOUTH SIDE OF MERIBAH STREET AT NORTH LINE OF LOT 2, BLOCK 6, VILLAGE OF CLYDE.  
ASSUMED ELEVATION - 100.00

**LEGEND**

- EX. CATCH BASIN
- EX. MANHOLE
- ▽ EX. END SECTION
- ⊕ EX. HYDRANT
- ⊗ EX. WATER SHUTOFF
- ⊙ EX. WATER WELL
- ⊕ EX. UTILITY POLE
- ⊕ EX. GUY ANCHOR
- ⊕ EX. PEDESTAL
- ⊕ EX. TRANSFORMER
- ⊕ EX. UTILITY MARKER
- ⊕ EX. AIR CONDITIONER
- ⊕ EX. SIGN
- ⊕ EX. POST/BOLLARD
- ⊕ EX. MAILBOX
- ⊕ FOUND IRON
- ⊕ SET IRON
- ⊕ EX. TREE
- //— EX. FENCE
- — — — EX. SANITARY SEWER
- — — — EX. STORM SEWER
- — — — EX. WATER MAIN
- — — — EX. GAS LINE
- — — — EX. OVERHEAD LINE
- — — — PRO. SANITARY
- — — — PRO. STORM SEWER
- — — — PRO. WATER MAIN
- — — — PRO. SILT FENCE
- ⊕ BENCHMARK
- PRO. DRAINAGE ARROW
- ⊕ PRO. SPOT ELEVATION
- PRO. DROP-BRICK LEDGE
- PRO. VIEW-OUT ELEVATION
- PRO. WALK-OUT ELEVATION
- ⊕ PERC TEST PIT LOCATION

**NOTICE:**

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

**NOTE:**

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

**ALPINE ENGINEERING, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
46892 WEST ROAD  
SUITE 109  
NOVI, MICHIGAN 48377  
(248) 926-3701 (BUS)  
(248) 926-3765 (FAX)

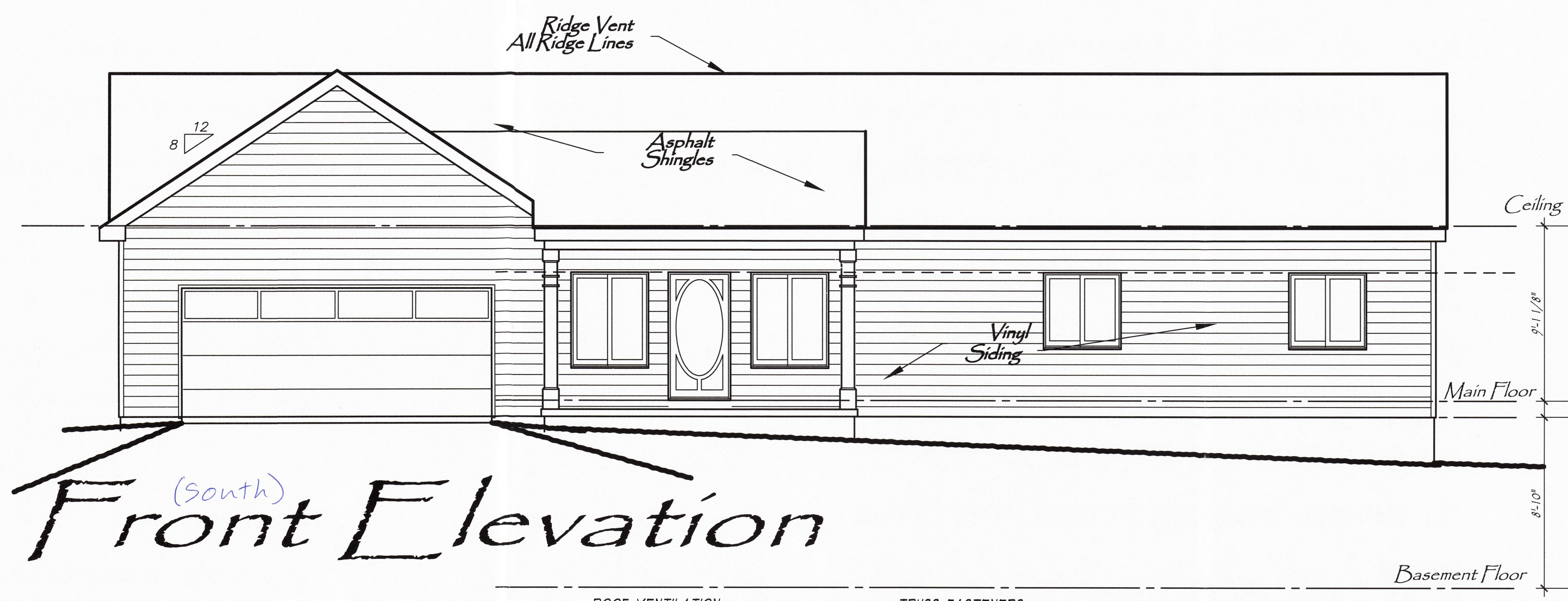
CLIENT:	NICOLA D'ABATE		DATE:	3/21/2024
<b>LOT FIT</b>			DRAWN BY:	TTP
			CHECKED BY:	GLM
<b>PARCEL NO. 11-10-128-008</b> SECTION: 10 TOWNSHIP: 3N RANGE: 7E HIGHLAND TOWNSHIP OAKLAND COUNTY MICHIGAN				
FBK: 1 CHF:			SCALE HOR 1" = 30 FT. VER 1" = 10 FT.	

05-289

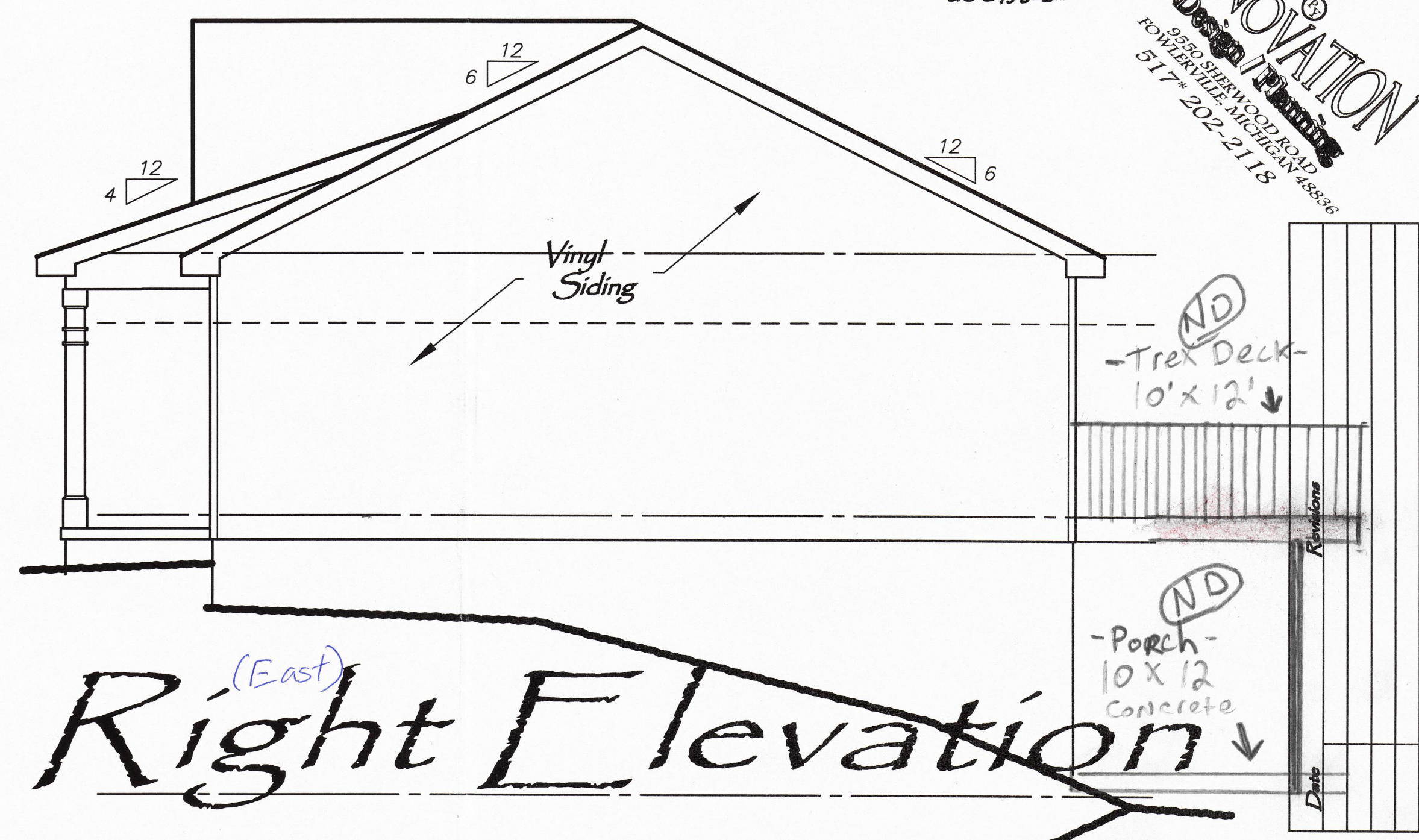


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**Home INNOVATION**  
 Design & Build  
 10555 SUPER HIGHWAY 230302  
 FORT WORTH, TEXAS 76162-2118  
 517-202-2118



*(South)*  
**Front Elevation**

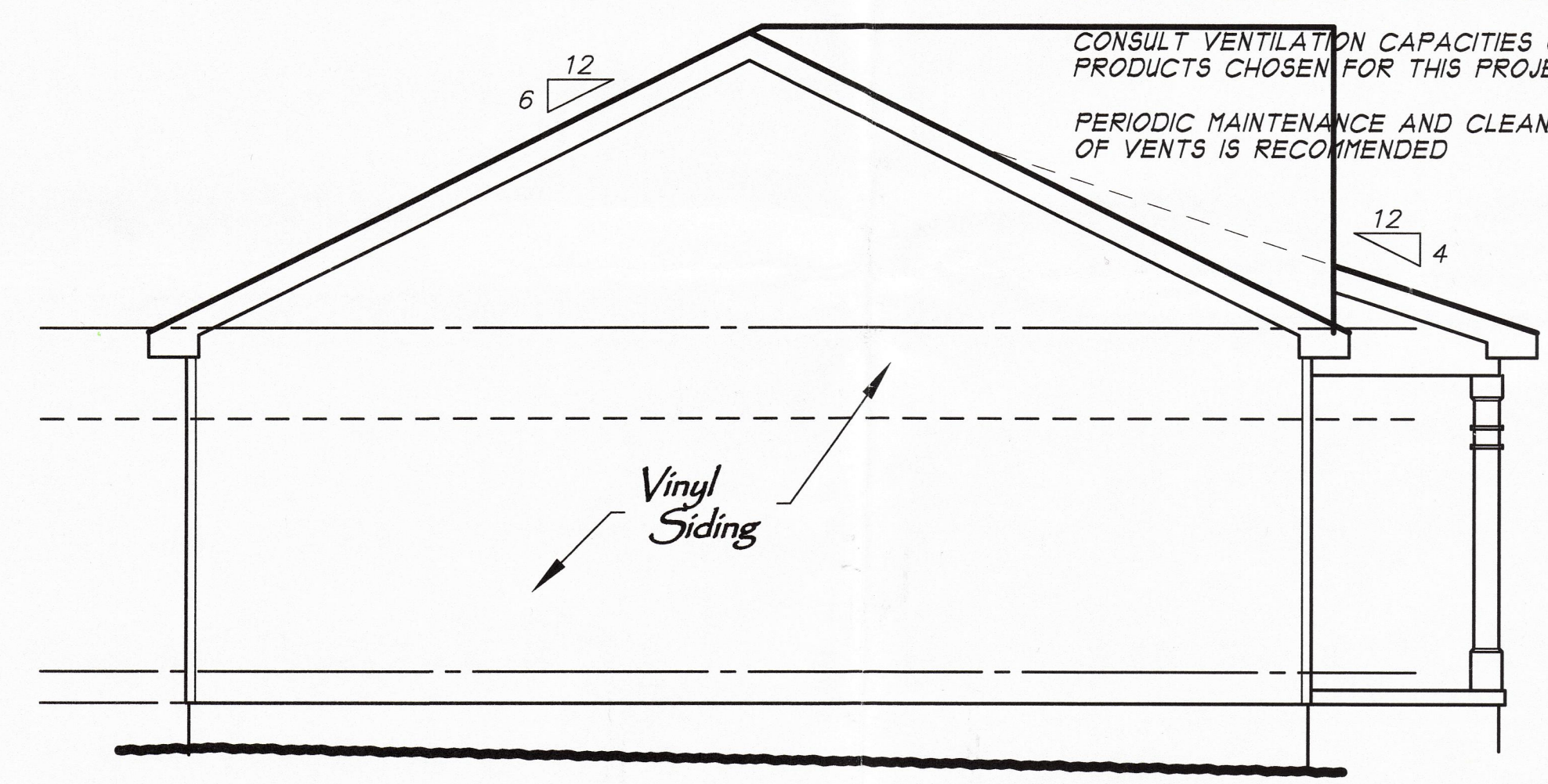


*(East)*  
**Right Elevation**

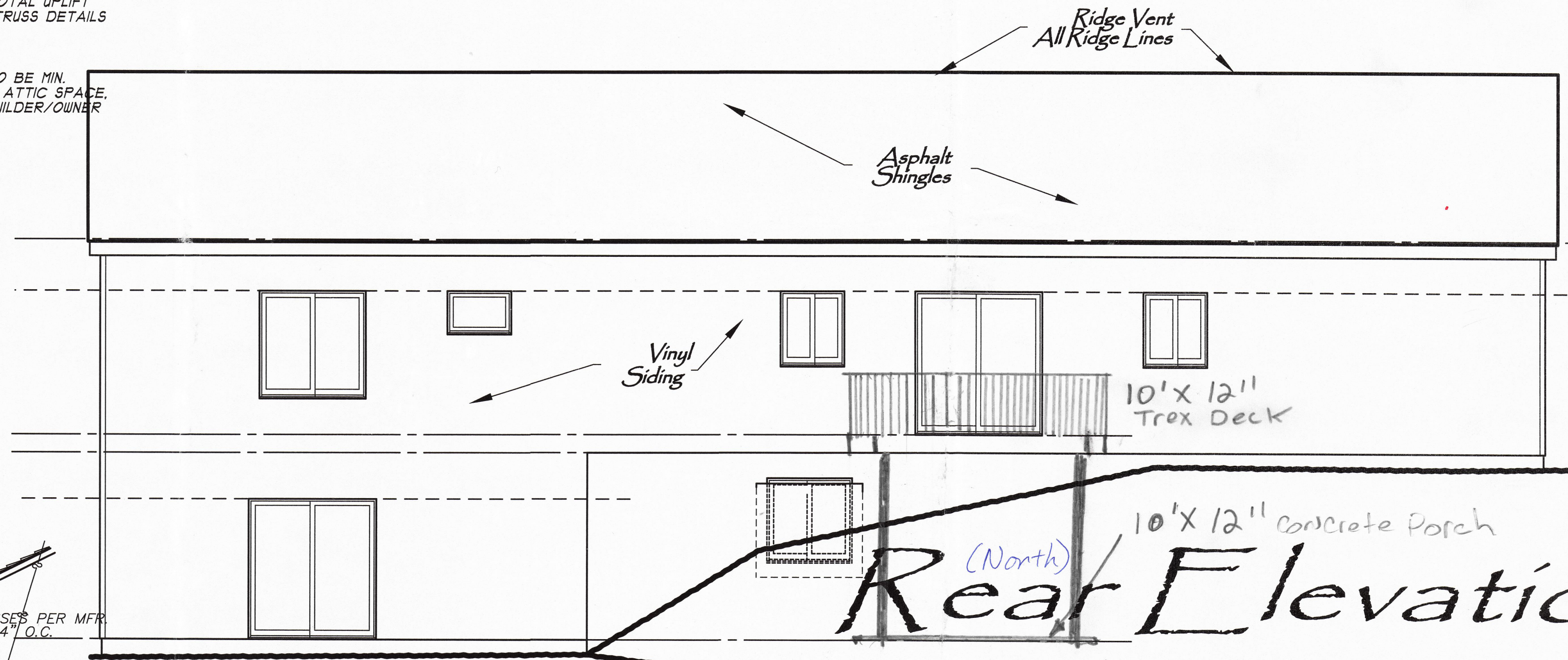
**ROOF VENTILATION**  
 ONE SQ. FT. OF VENTILATION IS REQUIRED FOR EVERY 150 SQ. FT. OF ROOF.  
 BALANCE VENTILATION FROM EAVE AND UPPER VENTILATED AREA  
 CONSULT VENTILATION CAPACITIES OF PRODUCTS CHOSEN FOR THIS PROJECT  
 PERIODIC MAINTENANCE AND CLEANING OF VENTS IS RECOMMENDED

**TRUSS FASTENERS**  
 CAPACITY OF FASTENERS FROM TRUSS TO TIE PLATE MUST EXCEED TOTAL UPLIFT OF TRUSS, SEE TRUSS DETAILS  
**ATTIC ACCESS**  
 ATTIC ACCESS TO BE MIN. 22"x30" TO EACH ATTIC SPACE, LOCATION PER BUILDER/OWNER

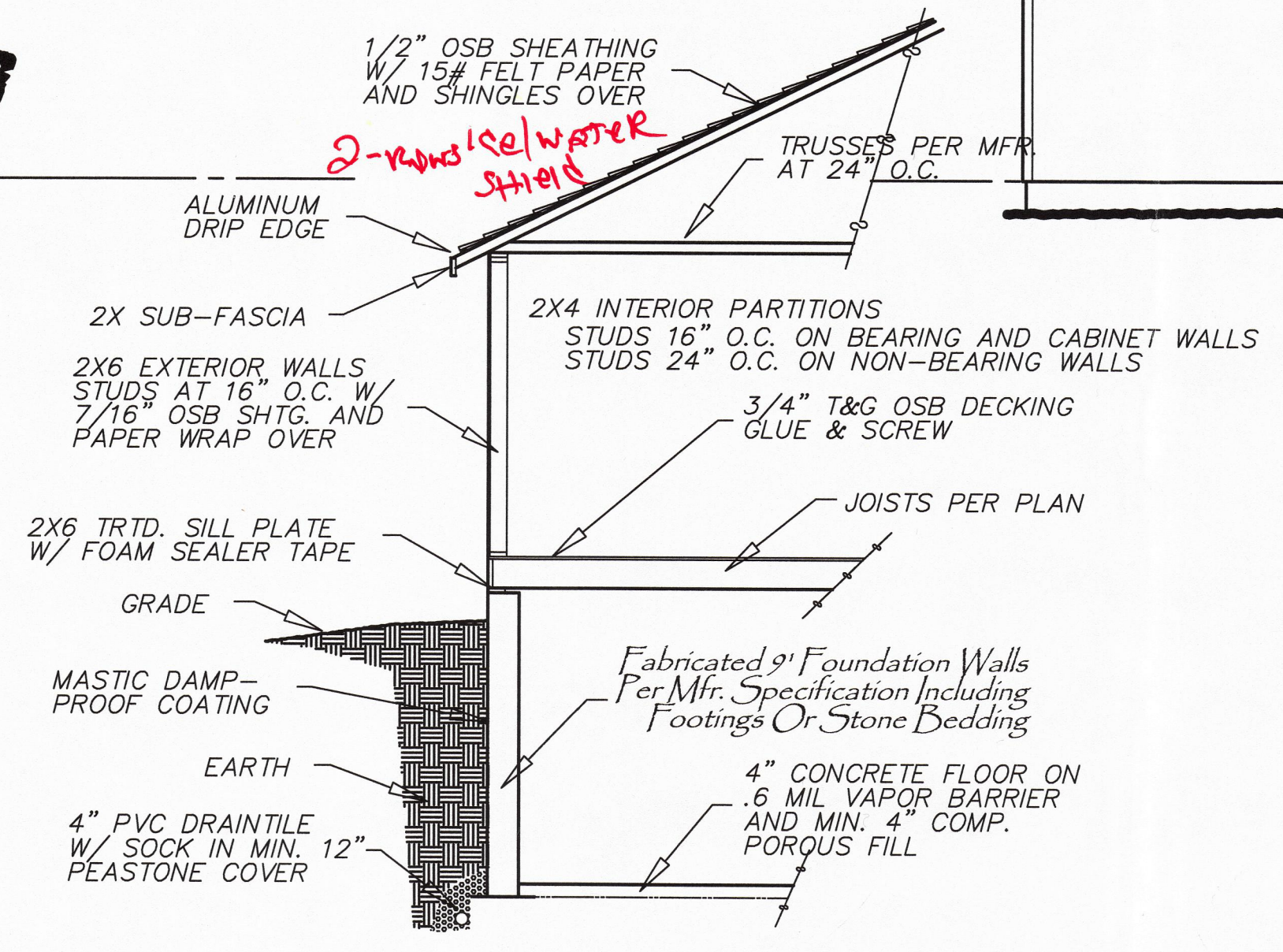
12" Eave Overhang & 6" Gable Overhang



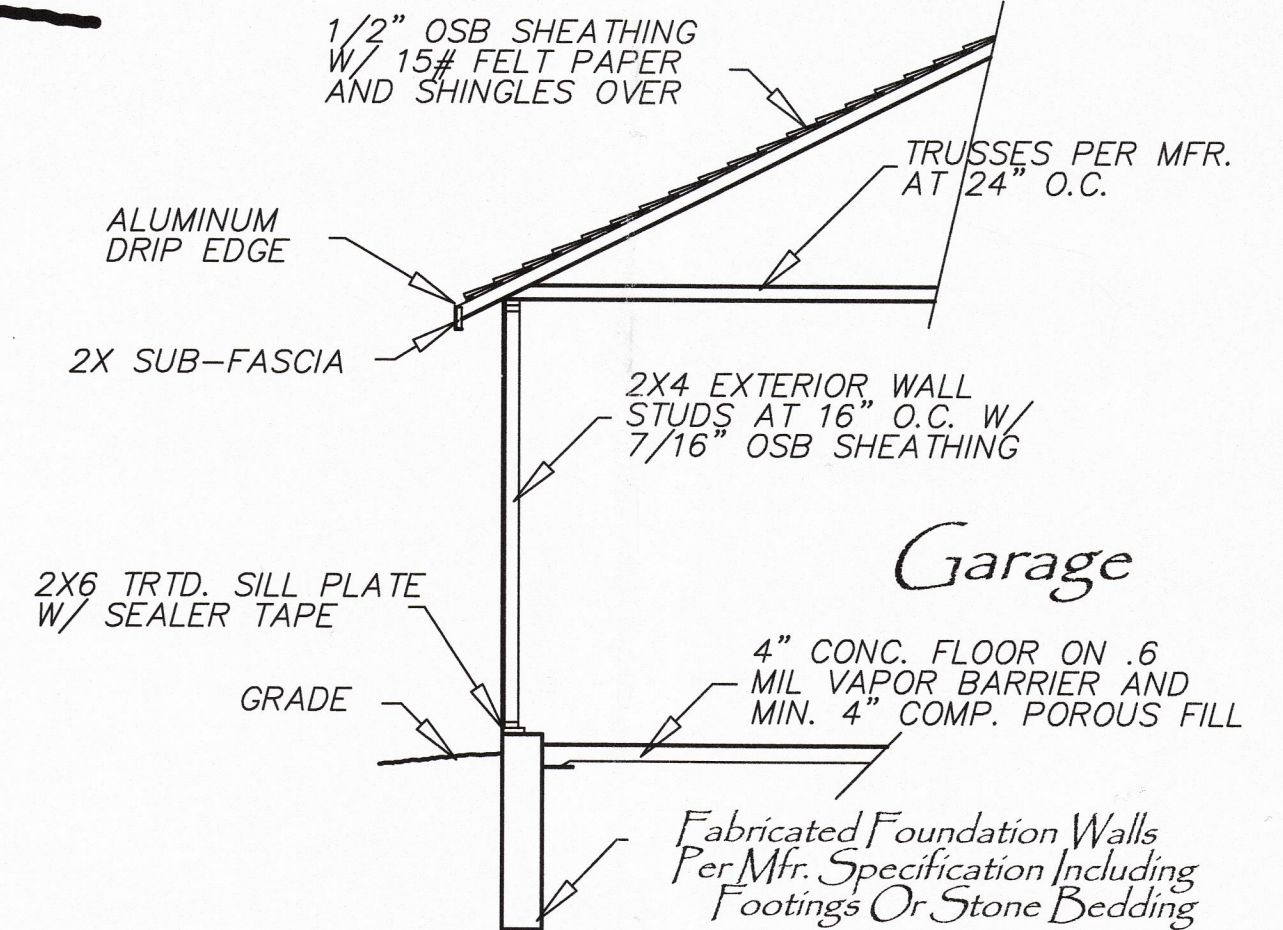
*(West)*  
**Left Elevation**



*(North)*  
**Rear Elevation**



**SECTION**



**SECTION**

Builder: X

Site Location: X

Residence For:

**A2**  
 11/2023

**View:** Front

**Structure:** Vacant

**Photo Date:** 03/27/2013



## No property address available

beds / full baths / half baths / sq ft



## Residential Property Profile

11-10-128-008

**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) : NICOLA D'ABATE & SILVIA D'ABATE  
Postal Address : 1559 HICKORY VALLEY RD MILFORD MI 48380-4270

### Location Information

Site Address : No property address available  
PIN : 11-10-128-008 Neighborhood Code : R10  
Municipality : Charter Township of Highland  
School District : 63220 HURON VALLEY SCHOOLS  
Class Code : 402 Residential - Vacant

### Property Description

**T3N, R7E, SEC 10 JOHNSON'S MAP OF THE VILLAGE OF CLYDE LOTS 11 & 12 BLK 3**

### Most Recent Sale Since 1994

Date : 08/01/2005  
Amount : \$10,000 Liber : 36170:434  
Grantor : TOUBY, AYAD Grantee : DABATE, NICOLA  
TOUBY, ALHAM DABATE, SILVIA

### Next Most Recent Sale

Date : 06/21/2004  
Amount : \$0 Liber : 33677:693  
Grantor : MICHIGAN Grantee : TOUBY, AYAD  
DEPARTMENT OF  
NATURAL



## No property address available

beds / full baths / half baths / sq ft



## Residential Property Profile

11-10-128-008

**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	: <b>\$2,500</b>	State Equalized Value	: <b>\$5,000</b>
Current Assessed Value	: <b>\$5,000</b>	Capped Value	: <b>\$2,500</b>
Effective Date For Taxes	: <b>12/01/2023</b>	Principal Residence Exemption Type	: <b>N/A</b>
Summer Principal Residence Exemption Percent	: <b>0%</b>	Winter Principal Residence Exemption Percent	: <b>0%</b>
<b>2022 Taxes</b>		<b>2023 Taxes</b>	
Summer	: <b>\$92.34</b>	Summer	: <b>\$96.79</b>
Winter	: <b>\$21.76</b>	Winter	: <b>\$24.04</b>
Village	:	Village	:

### Lot Information

Description : **LEVEL** Area : **0.331 ACRES**