

**CHARTER TOWNSHIP OF OXFORD  
ZONING BOARD OF APPEALS MEETING  
NOTICE AND AGENDA**

**Date:** Monday, May 12, 2025

**Time:** 7:00 p.m.

**Place:** 300 Dunlap Road, Oxford, MI 48371

1. Call to Order
2. Respects to the flag
3. Noting of roll
4. Approval of the agenda
5. Approval of minutes of Regular Meeting October 14, 2024
6. Public comment on items not on the agenda
7. Unfinished Business
8. New Business

**A. Case 25 ZBA 001, Cody Collier, Applicant**

The property is at 798 Hillberg Ave, Oxford, MI 48371. Parcel No. 04-29-477-014. The applicant is seeking the following variance:

1. Applicant is seeking a variance from Section 6.2D.1.b of the Oxford Township Zoning Ordinance to allow for an accessory structure to be 6.5 feet from the north side property line instead of the required 10 feet.

9. Board Member Comments

9. Adjournment.

The Charter Township of Oxford will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing. Individuals with disabilities requiring auxiliary aids or services shall contact the Charter Township of Oxford, by writing or calling Curtis Wright, Township Clerk, (248) 628-9787, as soon as possible to allow the Township sufficient time to have available the aids and services.

Jim Butler, Chair  
Zoning Board of Appeals  
Charter Township of Oxford  
300 Dunlap Road, Oxford, MI 48371  
(248) 628-9787

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,  
OCTOBER 14, 2024

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, October 14, 2024 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

**RESPECTS TO THE FLAG**

**NOTING OF ROLL**

Members Present: **Mageli, Payne, Walters, Bailey, Butler**

Members Absent: None.

Also Present: Recording Secretary McCullough, one OCTV cameraperson, the applicant and applicant's representatives.

The meeting was called to order by Chairman Butler at 7:00 p.m.

**APPROVAL OF THE AGENDA**

Board Member Walters moved, Board Member Payne seconded, to approve the October 14, 2024 agenda as presented.

Ayes: 5      Nays: 0      Absent: 0

Motion Carried.

**APPROVAL OF MINUTES**

**Regular Minutes – September 9, 2024**

Board Member Mageli moved, Board Member Walters seconded, to approve the September 9, 2024 regular meeting minutes, as presented.

Ayes: 5      Nays: 0      Absent: 0

Motion Carried.

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

No residents spoke during public comment.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**Case 24-ZBA-005 – Tom Siwek, Applicant**

The subject property is located at 3020 Adventure Lane, Oxford, MI 48371, Parcel No. 04-04-376-006.

The applicant is seeking the following variances:

1. A variance from Section 3.7 of the Oxford Township Zoning Ordinance to allow for a front yard building setback of 28 feet instead of the required 50 feet along Adventure Lane (private road).
2. A variance from Section 8.7.C.1 of the Oxford Township Zoning Ordinance to allow for a front yard parking setback of 38 feet instead of the required 50 feet along Oakwood Road (public road).

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,  
OCTOBER 14, 2024

Board Member Bailey recused himself from the discussion as he acted on the applicant's preliminary site plan at the Planning Commission level.

Chairman Butler explained the meeting procedure.

**Tom Siwek, President, H&S United Construction, 5388 S. Saginaw Road, Flint, MI 48507, Greg Barron, Barron Industries, 215 Plexus Drive, Oxford, MI 48371, and Rade Beslac, Fenton Land Surveying & Engineering, 14165 S. Fenton Road, Fenton, MI 48430** presented the request and were available to answer any questions of the Board.

The Board referenced the review dated 09/30/2024 from Carlisle|Wortman Associates, Inc.

Chairman Butler opened the public hearing at 7:14 p.m.

No items of correspondence were received from the public.

Hearing no public comments, Chairman Butler closed the public hearing at 7:14 p.m.

FINDINGS OF FACT

The Board of Appeals shall make a Finding of Fact based upon competent evidence that the requirements of *Section 17.8, subsection C.(1) through (5) have been met. [Article XXVII, Section 17.8 C.)]*

Neither the nonconforming use of neighboring lands, structures, or buildings in the same district, nor either the permitted or nonconforming use of lands, structures, or buildings in any other district(s) shall be considered grounds for the issuance of a variance.

SECTION 17.8 – SUBSECTION C(1):

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
  - The Board finds that this standard does not apply.
2. The variance will do substantial justice to the applicant, as well as to other property owners.
  - The Board finds that the requested variance would do justice to the applicant. Additionally, the variance would be fair to adjacent properties, as the variance requests are along the road and not abutting other properties.
3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.
  - The Board finds that this standard does apply given that the applicant has demonstrated that they did attempt other configurations of the proposed addition, which would not work on the property given that the original building was placed in the middle of the property.

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OCTOBER 14, 2024

4. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
  - The Board finds that this standard does apply. The applicant has demonstrated that there are topography issues, as well as two front yard setback requirements due to the bisecting roads which create unique circumstances.
  
5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
  - The Board finds that the need for the variance has not been self-created because there are natural topography issues. The bisecting private road (Adventure Lane) and public road (Oakwood Road) creating dual front yards was not created by the applicant.

Board Member Walters moved, Board Member Payne seconded, regarding 24-ZBA-005 (Tom Siwek), 3020 Adventure Lane (Parcel No. 04-04-376-006), to approve the following variance to:

1. Section 3.7 of the Oxford Township Zoning Ordinance to allow for a front yard building setback of 28 feet instead of the required 50 feet along Adventure Lane (private road).
  
2. Section 8.7.C.1 of the Oxford Township Zoning Ordinance to allow for a front yard parking setback of 38 feet instead of the required 50 feet along Oakwood Road (public road).

This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Mageli, Payne, Walters, Butler

Nays: None

Abstention: Bailey (Board Member Bailey cannot act on this request as he previously acted on the petition as a member of the Oxford Township Planning Commission).

Absent: None

Motion Carried.

**BOARD MEMBER COMMENTS**

The Board thanked Member Margie Payne for her work on the Zoning Board of Appeals. Ms. Payne did not seek reelection to the Township Board.

**ADJOURNMENT**

Board Member Payne moved, Board Member Walters seconded, to adjourn the meeting at 7:22 p.m.

Ayes: 5            Nays: 0            Absent: 0

Motion Carried.

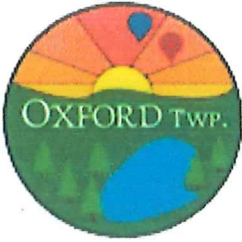
CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,  
OCTOBER 14, 2024

\_\_\_\_\_  
James Butler, Chairperson

\_\_\_\_\_  
Norris Mageli, Secretary

Approved:  
/smm

Unofficial



Case # 15 ZBA 001

### Zoning Board of Appeals Application

I (We) the undersigned, do hereby make application to the Zoning Board of Appeals of Oxford Township for a hearing on the following described matter:

1. NAME OF APPLICANT: Collier Coody  
 ADDRESS: 798 Hilberg Ave Oxford 48371 248 534 5741  
Street City Zip Phone  
 EMAIL ADDRESS: CoodyCollier32@aol.com

2. NAME OF PROPERTY OWNER: Collier Coody  
 ADDRESS: 798 Hilberg Ave Oxford 48371 248 534 5741  
Street City Zip Phone  
 EMAIL ADDRESS: CoodyCollier32@aol.com

3. LEGAL DESCRIPTION OF PROPERTY: Personal Residence

4. ZONING OF PROPERTY: R-1 PARCEL #: R-01-29-477-04

**INSTRUCTION TO APPELLANT: Fill in #1-10 and the appropriate Section A, B, C or D, on the application. Do not fill in more than ONE of these sections unless you are seeking more than one type of relief from the Zoning Board of Appeals. This application is not acceptable unless all required statements have been made in each Section that you choose to fill-out. Additional information may be supplied on separate sheets if the space provided on this form is inadequate. You must provide the specific code sections or ordinance provisions that support the relief being requested.**

**SECTION A: INTERPRETATION:** Check the appropriate box below:

- The Appellant requests that an interpretation be made by the Zoning Board of Appeals of Article \_\_\_\_\_, Section \_\_\_\_\_ of the Township Zoning Ordinance or \_\_\_\_\_ Sec.85.A.001 of Oxford Township's Ordinances (if variance requested is related to a Sign).
- An appeal is made for an interpretation of the Zoning Map

The above interpretation is requested for the following reason(s): \_\_\_\_\_

**SECTION B: DIMENSIONAL VARIANCE:** The Appellant requests a variance to be granted from the terms of Article 10.0, Section D of the Zoning Ordinance or Sec 85.A.001 of Oxford Township's Ordinances, in the case of his/her property because the following peculiar or unusual conditions are present which justify a variance:

X Add on to an existing shed, maintaining  
an existing wall therefor I have an existing  
conforming condition.

The following describes the unnecessary hardship or practical difficulty that will result if the variance is not granted:

X time and effort to deconstruct the shed  
along with losing the enhancement to the property

X Has a Building Permit been refused for this request:  Yes  No

X Is this appeal the result of an Ordinance Violation Notice:  Yes  No

X Is this an existing condition?  Yes  No

**SECTION C: APPEAL:** The Appellant requests reversal of the following decision(s) of the N/A

made on \_\_\_\_\_, 20\_\_\_\_, regarding the following matters: \_\_\_\_\_

Article \_\_\_\_\_, Section \_\_\_\_\_ of the Zoning Ordinance authorizes the Zoning Board of Appeals to address the appeal.

**SECTION D: OTHER RELIEF REQUESTED OR SPECIAL EXCEPTION:** The Appellant requests that the following request be approved: \_\_\_\_\_

Authorization for the above is found in Chapter \_\_\_\_\_, Article \_\_\_\_\_, Section \_\_\_\_\_ of the Township Code of Ordinances.

X 5. Do you have control over any of the properties adjoining the site you have described in #3 of this application?  
 Yes  No If yes, describe the properties involved: \_\_\_\_\_

X 6. How long have you owned the property described in #3 and #6 of this application? 9 years

7. What hardships or practical difficulties are connected with your property that owners of similar lots or parcels do not possess? Originally there was a tree in that location to move towards center. I used the existing

8. Did you cause these special conditions and circumstances?  Yes  No

Explain your answer: Condition of the other shed to save material

9. How would the literal interpretation of the provisions of the Township's Zoning Ordinance deprive you of rights commonly enjoyed by other properties having the same zoning?

Side yard setbacks are approved throughout the township to correct existing nonconforming conditions

10. Would granting of the relief you have requested in this application confer a special privilege denied to others?  Yes  No If yes, explain: \_\_\_\_\_

**AFFIDAVIT: I agree that the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further I agree, any Zoning Board of Appeals ruling is with the understanding that applicable sections of the Oxford Township Zoning Ordinance will be complied with as well as, if applicable, any conditions imposed by the Zoning Board of Appeals. Further, I agree to give permission for officials of the Charter Township of Oxford, including Zoning Board of Appeals members, to enter the property subject to this application for the purposes of inspection. Also, I understand any action by the Zoning Board of Appeals only gives land use rights and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.**

X Corey Cohn 4/6/2025  
Signature of Applicant Date

X Corey Cohn 4/6/2025  
Signature of Owner Date

N ↑

G.S.

198' to Hilboes

220'

75'

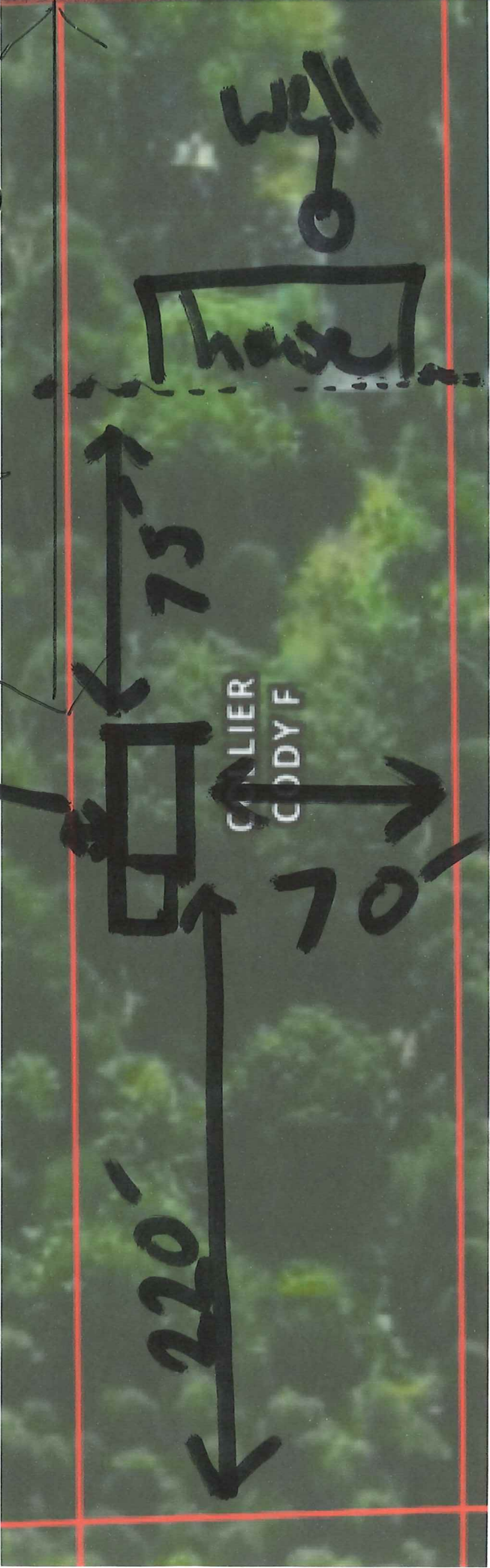
CALLIER  
CODY F

70'

house

well

Hilboes  
Ave



Section B : Dimensional variance

Originally when I purchased the home I had two Sheds in the back yard at 798 Hilberg I removed 1 of the Sheds that was closest to the street. The shed that was removed was falling apart and unsafe to store anything in.

Those 2 Sheds shared a wall and when I removed the existing metal shed I built the new one in the same location

The new shed grew larger towards the center of my yard

The new shed was built in 2020 just to have a roof over small items

As the Years went by I slowly improved the shed as I could afford , I added windows every couple months and eventually a man door.

The structure had tyvek when the walls were stood up but didn't have siding until 2023

I know it became an eye sore but I put this building together with all I could afford at the moment periodically

This shed is now fully functioning and I was u aware of the zoning because I built it in the same place as the one that was removed

I would like to make any violation correct with the city with grace of not completely removing what I have spent so much time and money on

I would like to come to an agreement on any outcome financially reasonable. I have been saving up just to afford the variance fee

I am willing to do whatever is necessary to meet codes and standards with Oxford Township

**CHARTER TOWNSHIP OF OXFORD  
ZONING BOARD OF APPEALS  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that, under the provisions of §17.8 and §16.9 of Oxford Township Zoning Ordinance 67A, the Oxford Township Zoning Board of Appeals will hold a PUBLIC HEARING at the Oxford Township Office at 300 Dunlap Rd, Oxford, MI 48371.

**DATE:** Monday, May 12<sup>th</sup>, 2025

**TIME:** 7:00 PM

**PURPOSE OF THE PUBLIC HEARING**

<b>Petition Number</b>	25 ZBA 001
<b>Applicant(s)</b>	Cody Collier
<b>Project Description</b>	The applicant built a non-conforming accessory structure in their rear yard and has submitted a variance request to allow for a reduced side yard setback.
<b>Variance Description</b>	The petitioner is requesting the following variance approvals:  1. Applicant is seeking a variance from Section 6.2.D.1.b of the Oxford Township Zoning Ordinance to allow for an accessory structure to be 6.5 feet from the north side property line instead of the required 10 feet.
<b>Property Location(s)</b>	798 Hilberg, Oxford Twp MI Parcel ID # 04-29-477-014

A copy of the application and submitted materials may be viewed at Oxford Township Office, Building Department, during normal business hours (9:00 am - 4:00 pm weekdays, excluding holidays).

Members of the public are welcome to attend the public hearing in person or by counsel to express views on the application. Written comments should be addressed to Jim Butler, Zoning Board of Appeals Chair, 300 Dunlap Rd., Oxford, MI 48731-0003, or may be sent by email to Cheryl Lotan, [clotan@oxfordtownship.org](mailto:clotan@oxfordtownship.org). All correspondence must be received by 12:00 noon on Wednesday, May 7, 2025.

*The Charter Township of Oxford will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing. Individuals with disabilities requiring auxiliary aids or services shall contact the Charter Township of Oxford, by writing or calling, Curtis W. Wright, Township Clerk, (248-628-9787 Ext 108), as soon as possible to allow the Township sufficient time to have available the aids and services.*



# Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

## ZONING BOARD OF APPEALS REPORT FOR OXFORD TOWNSHIP

**TO:** Oxford Township Zoning Board of Appeals  
**FROM:** Matteo Passalacqua, Associate Planner  
**DATE:** April 29, 2025  
**RE:** Accessory Structure in Residential District Setback Variance  
**CASE:** 25 ZBA 001

## PETITION INFORMATION

<b>Applicant(s):</b>	Cody Collier
<b>Owner(s):</b>	Cody Collier
<b>Project Description:</b>	The applicant expanded a non-conforming accessory structure in their rear yard and has submitted a variance request to allow for a reduced side yard setback.
<b>Petition Description:</b>	<p>The petitioner is requesting the following variance approval:</p> <ol style="list-style-type: none"><li>1. Applicant is seeking a variance from Section 6.2.D.1.b of the Oxford Township Zoning Ordinance to allow for an accessory structure to be 6.5 feet from the north side property line instead of the required 10 feet.</li></ol>
<b>Property Location:</b>	798 Hilberg Ave, Oxford Township, MI 48731; Parcel ID 04-29-477-014

Benjamin R. Carlisle, *President* John L. Enos, *Vice President* Douglas J. Lewan, *Principal*  
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal* Craig Strong, *Principal*  
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal*  
Richard K. Carlisle, *Past President/Senior Principal*

**FIGURE 1. AERIAL IMAGE OF PROPERTY**



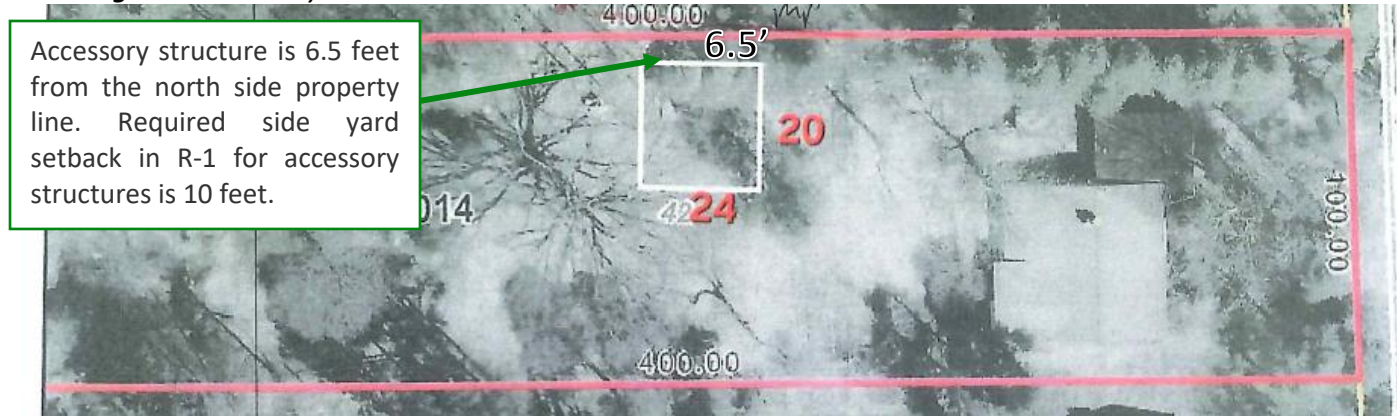
Source: Nearmap October 2024

**PROPERTY INFORMATION**

<b>Existing Zoning</b>	R-1, Single-Family Residential.  <i>The intent of the Single-Family Residential districts is to provide districts in which the principal land use is single-family residential, along with those uses which are compatible with a single-family residential environment and are customarily accessory to or supportive of such uses. A reasonable range of lot sizes is envisioned which will provide a variety of desirable and economically feasible housing opportunities for all members of the general public. Certain other private and public uses are also intended for these districts, subject to conditions which will insure their compatibility with the main use and character of these districts.</i>
<b>Existing Land Use</b>	Single Family Home

<b>Future Land Use Map</b>	Village Residential – 12,000 sq. ft.  <i>The Village Residential designation is intended to provide residential settings of a greater density, focused on creating high-quality neighborhood settings of a more traditional character. Three distinct minimum lot sizes are anticipated for these areas – 25,000, 12,000 and 9,000 sq. ft. – which correlate to densities of approximately 1.5, 3, and 4 units per acre, respectively. To achieve the traditional neighborhood character intended for these areas, emphasis should be placed on streetscaping and architecture (street trees, prominent front porches, sidewalks, smaller setbacks, de-emphasized garages, architectural variety, etc.). Provision of pedestrian and recreational amenities is also critical to the quality of these residential areas. Developments of this density should be located within water/sewer service districts and limited to the urban service areas.</i>
<b>Area</b>	.91 acres

**Figure 2. Accessory Structure Location**



Accessory structure is 6.5 feet from the north side property line. Required side yard setback in R-1 for accessory structures is 10 feet.

Source: Applicant Drawings

**ZONING INFORMATION**

	North	East	South	West
<b>Surrounding Zoning</b>	R-1, Single Family Residential	R-1, Single Family Residential	R-1, Single Family Residential	R-1, Single Family Residential
<b>Surrounding Land Uses</b>	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence
<b>Future Land-Use Map</b>	Village Residential – 12,000 sq. ft.	Village Residential – 12,000 sq. ft.	Village Residential – 12,000 sq. ft.	Village Residential – 12,000 sq. ft.

**PROJECT NARRATIVE**

The applicant expanded their non-conforming accessory structure (shed) by constructing a twenty (20) foot by twenty four (24) foot addition. The work was done without a permit. After receiving an anonymous complaint, the Township investigated and informed the applicant a permit was necessary for the review and approval/denial of the structure. The applicant applied February 18<sup>th</sup>, 2025. The application was denied February 20<sup>th</sup>, 2025 for insufficient information and March 4<sup>th</sup>, 2025 for violation of side yard setback encroachment in the R-1 Single Family Residential district.

The applicant was advised to either move the entire structure to conform to the (10) foot side setback requirement, remove the shed completely, or to apply to the Zoning Board of Appeals for a variance.

Subsequently, the applicant submitted a Zoning Board of Appeals (ZBA) application requesting a variance to allow a six-point five (6.5) foot side yard setback, where a minimum of ten (10) feet is required.

The applicant states that a pre-existing shed located closest to the street was removed due to safety concerns. A new accessory structure was subsequently constructed in approximately the same location. The applicant notes that the placement of the new structure was influenced by the prior presence of a tree in that location. The applicant asserts that denial of the requested variance would result in an unnecessary hardship, citing the substantial time and effort spent constructing the shed, as well as the loss of functional and aesthetic improvements made to the property.

The application states that the addition to an existing shed, which maintains one of the original walls, results in a legally nonconforming condition. The maintenance of legal non-conformities is permitted, however once removed or destroyed, any structure proposed afterwards must conform to standards. Furthermore, while permitted to remain as is, legal non-conformities may not be expanded or enlarged.

**APPLICABLE LAND USE STANDARDS**

The table below lists the requested variances and corresponding zoning and dimensional requirements for accessory structure setbacks in the R-1 Single Family Residential Zoning District:

<b>R-1, Single Family Residential</b>				
<b>Variance Request</b>	<b>Ordinance Section</b>	<b>Required</b>	<b>Requested</b>	<b>Notes</b>
Accessory Structure Side Setback	Section 6.2.D.1.b	Accessory buildings and structures shall comply with the side yard setback requirements established under Section 3.7. 10-foot side yard setback	Detached accessory structure 6.5-foot side yard setback	<i>The existing shed was a nonconforming structure but was expanded which is not permitted.</i>

We recommend that the Zoning Board of Appeals consider the following:

- Existing nonconforming structures shall not be enlarged or altered in a way which increases its nonconformity.

April 29, 2025

- Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions in the Township Zoning Ordinance
- Should a structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.


**DECISION REVIEW CRITERIA**

The Zoning Board of Appeals shall have the power to authorize specific variances from the standards of the Zoning Ordinance provided that the spirit of that Ordinance is observed, the public safety secured, and substantial justice done. In reviewing a request for variance, the following standards for determining practical difficulty shall be considered, with no single factor being determinative as outlined in Section 17.8 Variances of the Zoning Ordinance:

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
2. The variance will do substantial justice to the applicant, as well as to other property owners.
3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.
4. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

Please contact us if you should have any questions regarding this case.

Respectfully submitted,



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**CARLISLE/WORTMAN ASSOC., INC.**  
Matteo Passalacqua  
Community Planner