

**CHARTER TOWNSHIP OF OXFORD
ZONING BOARD OF APPEALS MEETING**

NOTICE AND AGENDA

Date: Monday, November 13, 2023
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
 - A. Regular Meeting September 11, 2023
6. Public comment on items not on the agenda
7. New business
 - A. **Case 23 ZBA 005 – Neil Jarbo**, Applicant. Properties are 691 South Lapeer Rd (P04-26-303-006) and 697 South Lapeer Rd (P04-26-303-007). The applicant has proposed a lot line adjustment pertaining to two (2) adjacent non-conforming lots. Lot adjustment is to align property line with adjoining buildings dividing wall.
8. 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 W. Wright, Township Clerk, (248) 628-9787, as soon as possible to allow the Township sufficient time to have available the aids and services.

Korey Bailey, Chairperson
Charter Township of Oxford, Zoning Board of Appeals
300 Dunlap Road, Oxford, MI 48371
(248) 628-9787

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
SEPTEMBER 11, 2023

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, September 11, 2023 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

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

Members Absent: Butler

Also Present: Planning & Zoning Coordinator Cheryl Lotan, Recording Secretary Susan McCullough, and no guests.

The meeting was called to order by Chairman Bailey at 7:03 p.m.

APPROVAL OF THE AGENDA

Board Member Payne moved, Board Member Mageli seconded, to approve the September 11, 2023 agenda as presented.

Ayes: 4 Nays: 0 Absent: 1

Motion Carried.

APPROVAL OF MINUTES

Regular Minutes - May 8, 2023

Board Member Payne moved, Board Member Mageli seconded, to approve the May 8, 2023 regular meeting minutes, as presented.

Ayes: 4 Nays: 0 Absent: 1

Motion Carried.

Special Joint Minutes of the Board of Trustees, Planning Commission and Zoning Board of Appeals - August 24, 2023

Board Member Walters moved, Board Member Payne seconded, to approve the August 24, 2023 special joint meeting of the Oxford Township Board of Trustees, Planning Commission and Zoning Board of Appeals minutes, as presented.

Ayes: 4 Nays: 0 Absent: 1

Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

Bylaws

Board Member Payne moved, Board Member Mageli seconded, to approve the Oxford Township Zoning Board of Appeals Bylaws, dated September 11, 2023, with the following changes:

Section 1: Membership, A. Regular Members to remove the following sentence: “Members of the Planning Commission and Township Board shall not serve as Chairperson of the ZBA.”

Section 2: Officers, A. Selection and Tenure final sentence to read: “All officers shall be eligible for re-election for **no more than two (2)** consecutive terms for the same office.”

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
SEPTEMBER 11, 2023

Ayes: 4 Nays: 0 Absent: 1
Motion Carried.

These newly adopted Bylaws will be considered for approval by the Township Board at their regular meeting on October 11, 2023.

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

Board Member Walters moved, Board Member Payne seconded, to adjourn the meeting at 7:52 p.m.

Ayes: 4 Nays: 0 Absent: 1
Motion Carried.

Korey Bailey, Chairperson

James Butler, Secretary

Approved:
/smm



Case # 13 ZBA 005

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:** JARBO NEIL
Last First

ADDRESS: 2111 LONG MEADOW DR STERLING HTS 48314 586-222-6356
Street City Zip Phone

EMAIL ADDRESS: neiljarbo@icloud.com
691-
- 2. NAME OF PROPERTY OWNER:** PARTY KEG PROPERTIES 691- 691- NM PROPERTIES
Last First LLC

ADDRESS: 2111 LONG MEADOW DR STERLING HTS 48314 586-222-6356
Street City Zip Phone

EMAIL ADDRESS: neiljarbo@icloud.com
- 3. LEGAL DESCRIPTION OF PROPERTY:** 691 - 750, R10E, SEC 26 BECKER & PETERSON'S
SUB LOT 2
697- 750, R10E, SEC 26 BECKER & PETERSON'S SUB LOT 1
- 4. ZONING OF PROPERTY:** C-2 **PARCEL #:** 0426303006 &
0426303007

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
- 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 15 of the Zoning Ordinance in the case of his/her property because the following peculiar or unusual conditions are present which justify a variance:

THOUGH THIS IS A NONCONFORMING PROPERTY, IT WAS CONFORMING WHEN THE LOTS WERE DRAWN UP IN THE 1940'S. IT HAS COME TO OUR ATTENTION THE BUILDINGS ON 691 + 697 ARE ENCRACHING 1.5" ON EACH OTHER AND WE WANT TO CORRECT IT.

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

AS WE ARE NOW AWARE OF THE ENCRACHMENTS WE MUST CORRECT PROBLEM OR WE CANNOT GIVE CLEAR TITLE TO EITHER PROPERTIES. WE HAVE A PURCHASE AGREEMENT ON 691 S. LAPEER AND WOULD LIKE TO CLOSE IT.

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

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

Is this an existing condition? Yes No

SECTION C: APPEAL: The Appellant requests reversal of the following decision(s) of the _____ made on _____, 20____, regarding the following matter: _____

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.

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. NEIL JARBO HAS AN INTEREST IN BOTH 691 + 697 S. LAPEER

6. How long have you owned the property described in #3 and #6 of this application? 691 SINCE 2002
697 SINCE 2007

7. What hardships or practical difficulties are connected with your property that owners of similar lots or parcels do not possess? I CANNOT CONVEY A CLEAR TITLE.

8. Did you cause these special conditions and circumstances? Yes No
Explain your answer. NO, REGARDING FRONT 1.5" ENCRoACHING ONTO


691 WAS ALREADY THERE WHEN PURCHASED
YES, BACK 15" ENCRoACHING OF 697 BECAUSE I EXTENDED BLDG WITH PERMITS.

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?

I WILL NOT BE ABLE TO CONVEY A CLEAR TITLE TO
PURCHASER AND BUILDING WOULD BE WORTHLESS.

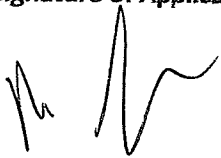
10. Would granting of the relief you have requested in this application confer a special privilege denied to others?
 Yes No If yes, explain: _____

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.



Signature of Applicant

10-8-23
Date



Signature of Owner

10-8-23
Date

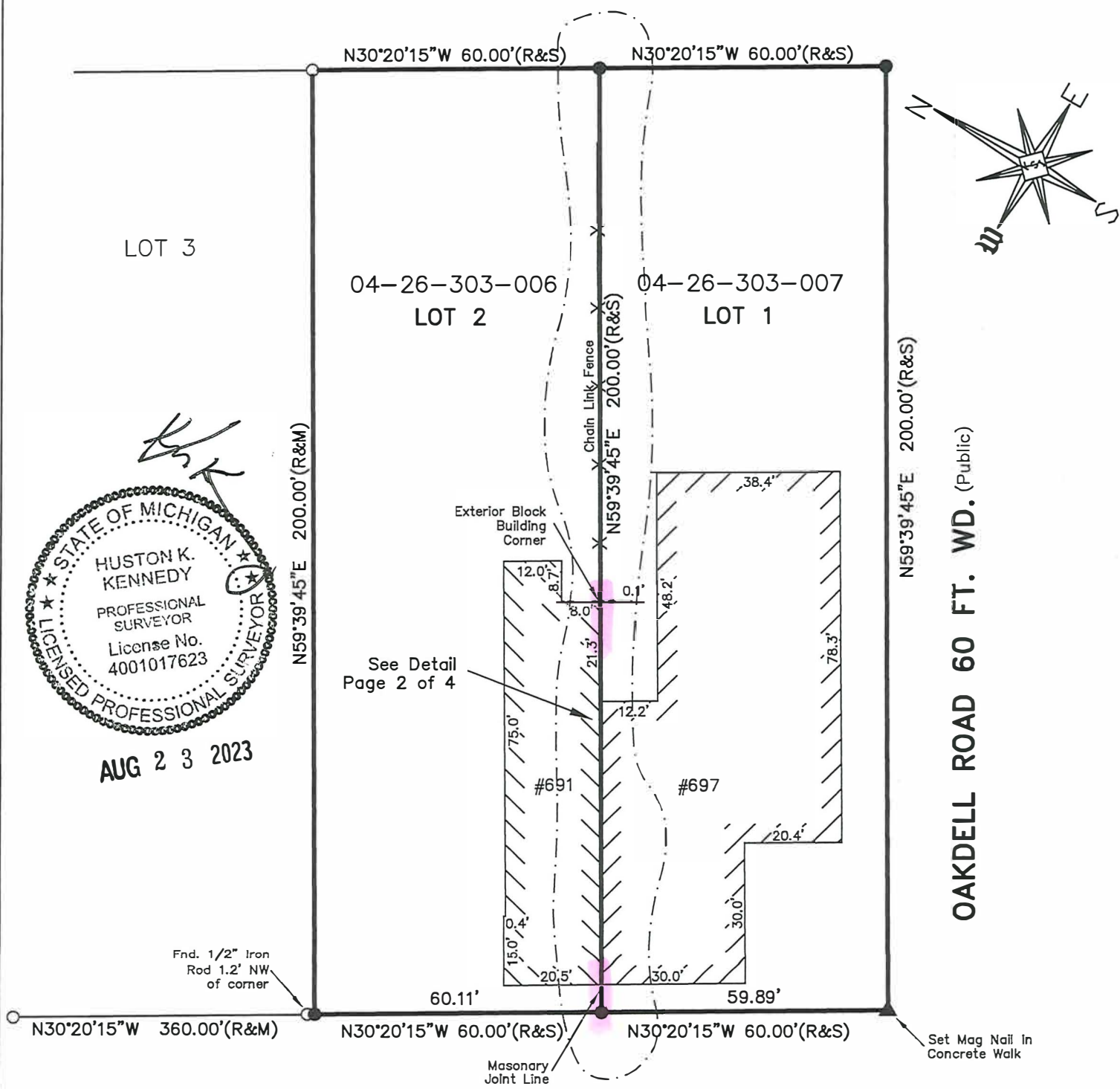
KENNEDY SURVEYING, INC.

105 N. Washington St.
Oxford, Michigan 48371
STAKED SURVEY

Phone (248) 628-4241
Fax (248) 628-7191

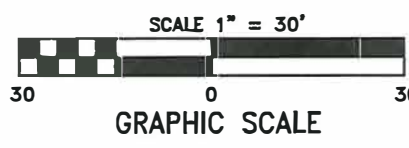
Certified Exclusively To: Neil Jarbo Date: July 31, 2023
Address: 2111 Long Meadow Drive, Sterling Heights, Michigan 48314 Job No. 23-9159, Page 1 of 4

This is to certify that I, _____, Licensed Professional Surveyor, on this date have surveyed and mapped the land described as follows:
See Page 2 of 4 for Detail of the line between the building walls.
See Pages 3 & 4 of 4 for Property Descriptions.



P.O.L = Point On Line

STATE TRUNKLINE M-24 VARIABLE WIDTH (Public)



LEGEND	
R = Recorded Distance	○ = Found 1/2" Iron Rod Unless Otherwise Noted
S = Set Distance	● = Set 1/2" Iron Rod W/Cap
P.O.B. = Point of Beginning	⊙ = Found Concrete Monument
— — — = Ex. Fence Line	M = Measured Distance
DWG No. 23-91591	
Drawn By: SST	

REVISED: 08/23/23 SST, Property Line Adjustment

This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

When Recorded Please Return Original(s) To:
Kennedy Surveying, Inc.
105 N. Washington St.
Oxford, Michigan 48371

KENNEDY SURVEYING, INC.

105 N. Washington St.
Oxford, Michigan 48371

Phone (248) 628-4241
Fax (248) 628-7191

DETAIL OF THE LINE BETWEEN THE BUILDING WALLS

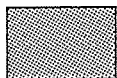
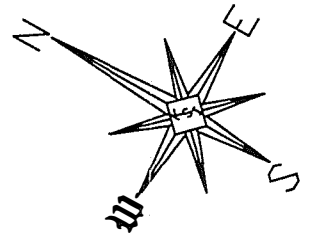
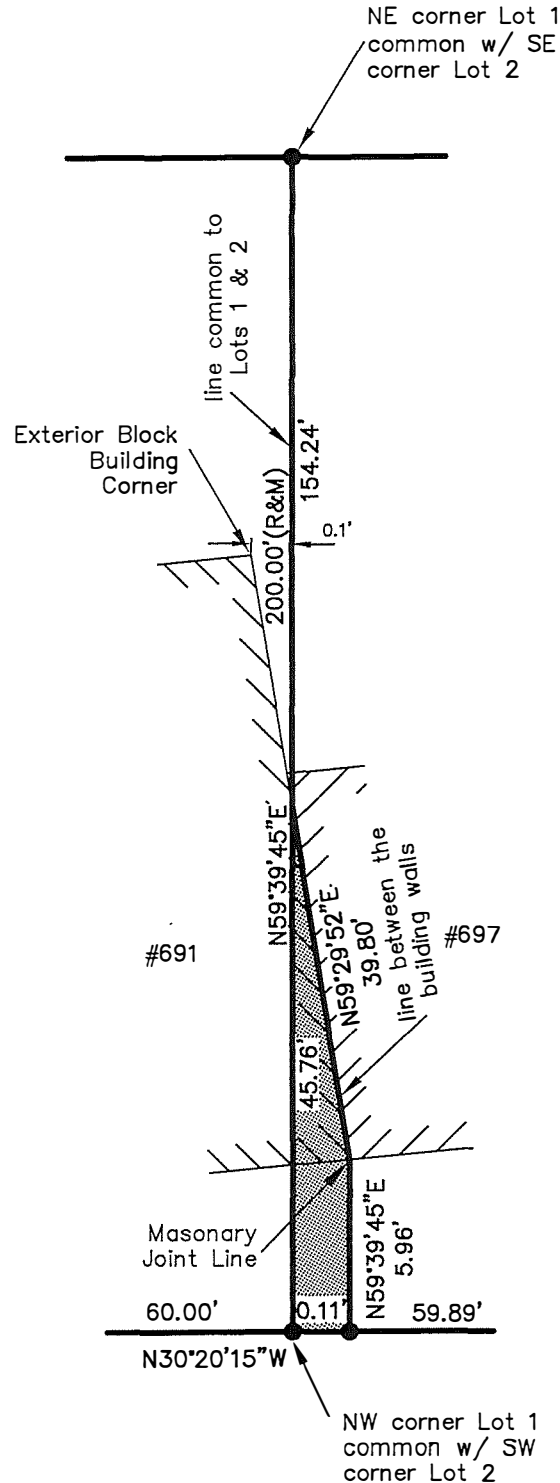
Certified Exclusively To: Neil Jarbo

Date: August 23, 2023

Address: 2111 Long Meadow Drive, Sterling Heights, Michigan 48314 Job No. 23-9159, Page 2 of 4

This is to certify that I, H. Kennedy, Licensed Professional Surveyor, on this date have surveyed and mapped the land described as follows:

See Pages 3 & 4 of 4 for Property Descriptions.



= That part of Lot 1 to be combined with Lot 2

DETAIL:
Not to Scale



AUG 23 2023

LEGEND

<p>R = Recorded Distance</p> <p>S = Set Distance</p> <p>P.O.B. = Point of Beginning</p> <p>—*— = Ex. Fence Line</p> <p>DWG No. 23-91591</p> <p>Drawn By: SST</p>	<p>○ = Found 1/2" Iron Rod Unless Otherwise Noted</p> <p>● = Set 1/2" Iron Rod W/Cap</p> <p>⊙ = Found Concrete Monument</p> <p>M = Measured Distance</p>
--	--

This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

When Recorded Please
Return Original(s) To:
Kennedy Surveying, Inc.
105 N. Washington St.
Oxford, Michigan 48371

KENNEDY SURVEYING INC.

105 NORTH WASHINGTON STREET
OXFORD, MICHIGAN 48371
(248) 628-4241 FAX (248) 628-7191

August 23, 2023

Neil Jarbo
2111 Long Meadow Drive
Sterling Heights, Michigan 48314
Job No. 23-9159, Page 3 of 4

PROPERTY DESCRIPTION FOR PARCEL ID #04-26-303-007 (Parent Parcel)

Lot 1 of "BECKER & PETERSON'S SUB'N being a subdivision of part of the Southwest ¼ of Section 26, Town 5 North, Range 10 East, Oxford Township, Oakland County, Michigan. As recorded in Liber 15 of Plats, on page 43 of Oakland County Records.

PROPERTY DESCRIPTION FOR PARCEL ID #04-26-303-006 (Parent Parcel)

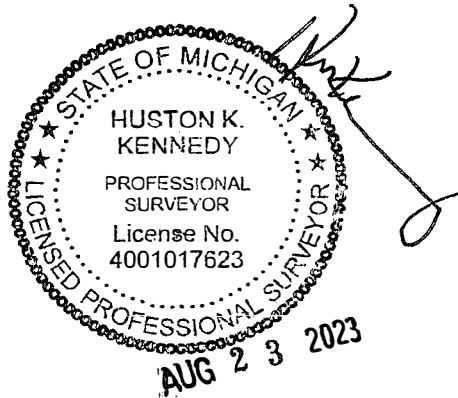
Lot 2 of "BECKER & PETERSON'S SUB'N being a subdivision of part of the Southwest ¼ of Section 26, Town 5 North, Range 10 East, Oxford Township, Oakland County, Michigan. As recorded in Liber 15 of Plats, on page 43 of Oakland County Records.

PROPERTY DESCRIPTION FOR THAT PART OF PARCEL ID #04-26-303-007 (LOT 1) BEING ADDED TO PARCEL ID #04-26-303-006 (LOT 2)

Part of Lot 1 of "BECKER & PETERSON'S SUBDIVISION" being a subdivision of part of the Southwest ¼ of Section 26, Town 5 North, Range 10 East, Oxford Township, Oakland County, Michigan. As recorded in Liber 15 of Plats, on page 43 of Oakland County Records. Being more particularly described as beginning at the northwest corner of said Lot 1 in common with the southwest corner of said Lot 2; thence proceeding North 59°39'45" East 45.76 feet along the line common to said Lots 1 and 2 to the intersection of the line between the building walls of the buildings on said Lots 1 and 2; thence South 59°29'52" West 39.80 feet along a line between the building walls of the buildings on said Lots 1 and 2 to the northwest corner of the building on said Lot 1 in common with the southwest corner of the buildings on said Lot 2; thence South 59°30'45" West 5.96 feet to a point on the southwest line of said Lot 1; thence North 30°20'15" West 0.11 feet along the southwest line of said Lot 1 to the Point of Beginning. Containing 2.958 Square Feet. Reserved therefrom all easements and right of ways of record.

REVISED PROPERTY DESCRIPTION FOR PARCEL ID #04-26-303-007 (LOT 1)

Part of Lot 1 of "BECKER & PETERSON'S SUBDIVISION" being a subdivision of part of the Southwest ¼ of Section 26, Town 5 North, Range 10 East, Oxford Township, Oakland County, Michigan. As recorded in Liber 15 of Plats, on page 43 of Oakland County Records. Being more particularly described as commencing at the northwest corner of said Lot 1 in common with the southwest corner of said Lot 2; thence South 30°20'15" East 0.11 feet along the southwest line of said Lot 1 to the Point of Beginning; thence proceeding North 59°39'45" East 5.96 feet to the northwest corner of the building on said Lot 1 in common with the southwest corner of the building on said Lot 2; thence North 59°29'52" East 39.80 feet along the line between the building walls of the buildings on said Lots 1 and 2 to the intersection of the line common to said Lots 1 and 2; thence North 59°39'45" East 154.24 feet along the line common to said Lots 1 and 2 to the northeast corner of said Lot 1 in common with the southeast corner of said Lot 2; thence South 30°20'15" East 60.00 feet along the northeast line of said Lot 1 to the southeast corner of said Lot 1; thence South 59°39'45" West 200.00 feet along the southeast line of said Lot 1 to the southwest corner of said Lot 1; thence North 30°20'15" West 59.89 feet along the southwest line of said Lots 1 and 2 to the Point of Beginning. Containing 11,998 Square Feet or 0.275 of an Acre (Gross Area). Reserved therefrom all easements and right of ways of record.



August 23, 2023

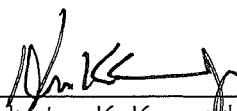
Neil Jarbo
2111 Long Meadow Drive
Sterling Heights, Michigan 48314
Job No. 23-9159, Page 4 of 4

REVISED PROPERTY DESCRIPTION FOR PARCEL ID #04-26-303-006 (LOT 2)

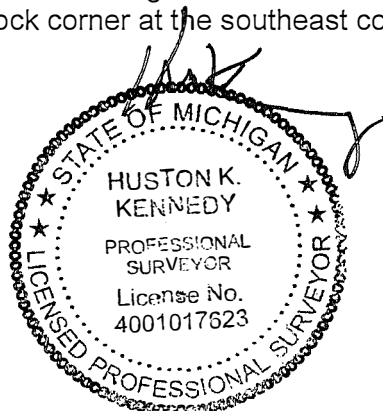
All of Lot 2 and part of Lot 1 of "BECKER & PETERSON'S SUBDIVISION" being a subdivision of part of the Southwest ¼ of Section 26, Town 5 North, Range 10 East, Oxford Township, Oakland County, Michigan. As recorded in Liber 15 of Plats, on page 43 of Oakland County Records. Being more particularly described as beginning at the northwest corner of said Lot 1 in common with the southwest corner of said Lot 2; thence proceeding North 30°20'15" West 60.00 feet along the southwest line of said Lot 2 to the northwest corner of said Lot 2; thence North 59°39'45" East 200.00 feet along the northwest line of said Lot 2 to the northeast corner of said Lot 2; thence South 30°20'15" East 60.00 feet along the northeast line of said Lot 2 to the northeast corner of said Lot 1 in common with the southeast corner of said Lot 2; thence South 59°39'45" East 154.24 feet along the line common to said Lots 1 and 2 to the intersection of a line between the building walls of the buildings on said Lots 1 and 2; thence South 59°29'52" West 39.80 feet along the line between the walls of the buildings on said Lots 1 and 2 to the northwest corner of the building on said Lot 1 and the southwest corner of the building on said Lot 2; thence South 59°39'45" West 5.96 feet to a point on the southwest line of said Lot 1; thence North 30°20'15" West 0.11 feet along the southwest line of said Lot 1 to the Point of Beginning. Containing 12,006 Square Feet or 0.276 of an Acre (Gross Area). Reserved therefrom all easements and right of ways of record.

NOTE:

The line held between the walls of the buildings on Lots 1 and 2 is based upon a masonry joint on the front side of the building and exterior block corner at the southeast corner of the building on Lot 2.



Huston K. Kennedy, PS
Kennedy Surveying, Inc.



AUG 23 2023