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Marie Hauswirth, Trustee
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DEVELOPMENT SERVICES
DEPARTMENT

Dave Hills
Superintendent of Building
Division

Jeffrey Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM:

DATE: JULY 13, 2022

TO: HONORABLE BOARD OF TRUSTEES

FROM: SCOTT ALEF, COMMUNITY DEVELOPMENT GRANT COORDINATOR

RE: LOT SPLIT REQUEST 13-06-451-022 (FRERICKS)

Due to the following comments, this office cannot administratively support the split request as presented.

Per the survey provided with the application and prepared by James W Isaacs Jr., the request involves splitting the parent parcel (13-06-451-022); having frontage on Maceday Lake Road and is in the R1-A district, into two (2) resultant parcels parcel #1 and parcel #2. However, based on the survey, the resultant parcel #2 fails to meet the minimum lot size per the Township Code of Ordinances and Zoning Ordinance.

Sec. 15-054(a) - Lot areas and widths shall conform to the minimum requirements of the zoning district in which the subdivision is located.

Zoning Ordinance Sec 3-900. - Minimum lot area for R-1A zoning is 9,800 square feet (modified to 7,685 via Zoning Board of Appeals approval).

Specifically, resultant parcel #2's area is 7,222 square feet, which is 2,578 square feet less than the zoning district requirements. On November 16, 2021, a variance was granted by the Zoning Board of Appeals allowing for a 2,115 square foot reduction in required lot area. An error by the surveyor incorrectly identified the resulting lot area for parcel #2 though the boundary dimensions were correctly presented to the ZBA. As this results in a parcel that is 463 square feet less than the modified required lot area of the Zoning Ordinance the request cannot be administratively approved.

An administrative denial of a land division request can be appealed to the Township Board. Per **Section 15-006** of the ordinance, the Township Board shall have the power to fully or conditionally vary or modify one or more regulations in this Chapter upon finding practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Chapter, such as topographical and other physical characteristics of a parcel or other difficulties which are not self-created or financial in nature, and:

**With us there are no
boundaries**

- (a) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.
- (b) Such variance will not violate the provisions of the Act.
- (c) Such variance will not have the effect of nullifying the interest and purpose of this Chapter, the Master Plan, or the Zoning Ordinance.

If the Township Board agrees that there is merit in this application, it is recommended that the applicant's request for a variance per Section 15-006 be granted.

If the Board does not agree with this option, the administrative denial of the split would be upheld and the applicant's only remaining option would be to seek relief through Circuit Court action.

Therefore, the following draft motion of approval has been prepared for your consideration:

Draft Motion of Approval

To grant the request for a variance for the lot split for 13-06-451-022 (7580 Maceday Lake Road) to permit a total of two (2) resulting parcels per the application and survey prepared by James W Isaacs Jr. with the findings that:

- (a) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.***
- (b) Such variance will not violate the provisions of the Act.***
- (c) Such variance will not have the effect of nullifying the interest and purpose of this Chapter, the Master Plan, or the Zoning Ordinance.***

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2022 JUN 30 AM 10:51

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2022 JUL -5 AM 8:46

408783 Liber 57920 Page 748 UCC #
7/5/2022 8:51:26 AM Receipt #000320516
\$21.00 Misc Recording
\$4.00 Remonumentation
\$5.00 Automation
\$0.0 Transfer Tax
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

**SHARED SEWER LEAD AND/OR
EASEMENT AGREEMENT**

FOR INSTALLATION AND MAINTENANCE OF SANITARY SEWER,

~~WATERMANS OR WATERLINES~~

WHEREAS GERALD FRERICKS, a single or married person with an address at 7580 MACEDAY LK RD, WATERFORD Twp. (hereinafter referred to as "Grantor"), is the Owner of the following described parcel of land, to wit: MI 48329

Lot # 49 Subdivision SEE ATTACHED EX. "A"

Address 7580 MACEDAY LK RD, WATERFORD MI 48309 Sidwell # 13-06-951-022
Please attach any other legal description if needed.

WHEREAS, the Grantor desires to grant and convey certain easements, right-of-ways and/or a shared sewer lead in, under, through and across the above described parcel to PARCEL 2 of ATTACHED SURVEY. GERALD FRERICKS (hereinafter referred to as the "Grantee"), whose address is 7580 MACEDAY LK RD., WATERFORD, MI. 48329

44
E

AND WHEREAS, said easements, right-of-ways and/or shared sewer lead are being granted and conveyed to Grantee for ingress, egress and to install, repair, replace and maintain sanitary sewer lines ~~and watermains~~, pipes, service connections and all necessary appurtenances thereto:

AND WHEREAS, the attached Exhibit "A" is an "As-Built" sketch indicating locations of the "As-Built" utilities from physical improvements (such as buildings or pavement) by dimensions sufficient to establish their location for the purpose of this easement.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) (and other good and valuable consideration) to the Grantor hereby grants and conveys to the Grantee, its successors and assigns, ~~an easement 12 feet wide, being 6 feet on either side of all watermains, and~~ an easement 20 feet wide being 10 feet either side of all sanitary sewers, right-of-ways and/or a shared sewer lead in, under, through and across the above described parcel of land to install, repair replace and maintain sanitary sewer lines, watermains, pipes, service connections and all necessary appurtenances thereto, as the same are constructed in accordance with plans approved by the Grantee.

CK-AB

The said grantee has the absolute right, privilege and authority to locate, construct, place operate, maintain, inspect, repair, replace, located and remove at will such sanitary sewer mains, watermains, pipe lines and any and all service connections therewith of appurtenances thereto that may be constructed in, under, through and across the above described land. That said sewer lines, watermains, pipelines, service connections and appurtenances thereto shall remain at all times the property or the Grantee, its successors and assigns.

Grantor covenants and agrees that during the existence of the aforementioned easements and right-of-way no building or other permanent structure will be erected upon or over any portion of the aforementioned easement areas.

The Grantor recognizes that this instrument creates an easement encroached over the entire property, subject to the limitations as set forth in the above provisions of this easement agreement.

Grantor further covenants that he is the Owner of this property and has the entire legal right to grant this easement. (Contract Purchasers and Mortgage, as well as Deedholders must sign this easement and show marital status).

IN WITNESS WHEREOF, the undersigned GERALD FRERLICKS hereunto affixed his signature this 20th day of JUNE A.D. 2022.

In the presence of:

Deedholder GERALD FRERLICKS

[Signature] (LS)

_____ (LS)

STATE OF MICHIGAN)

COUNTY OF OAKLAND

On this 20th day of June, 2022, A.D. _____ before me a Notary Public in and for said County, personally appeared Gerald Frericks to me known as to be the same person(s) described in and who executed the within instrument, who then acknowledged the same to be his free act and deed.

Drafted by & upon recording return to:
Justin Westlake, DPW Director
Waterford Township Water & Sewer Dept.
5240 Civic Center Drive
Waterford, MI 48329

[Signature]
Notary Public, _____
County Michigan.
Commission Expires _____

JOYCE E. MYROLD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires: March 16, 2023
Acting in the County of OAKLAND

CERTIFICATE OF LAND SURVEY

JAMES W. ISAACS JR.
PROFESSIONAL LAND SURVEYOR NO. 25848

4884 Lore Dr.
Waterford Michigan 48329

Phone
248-877-6999

Client
Gerald Frericks
7580 Maceday Lake Rd.
Waterford Michigan 48329-2626

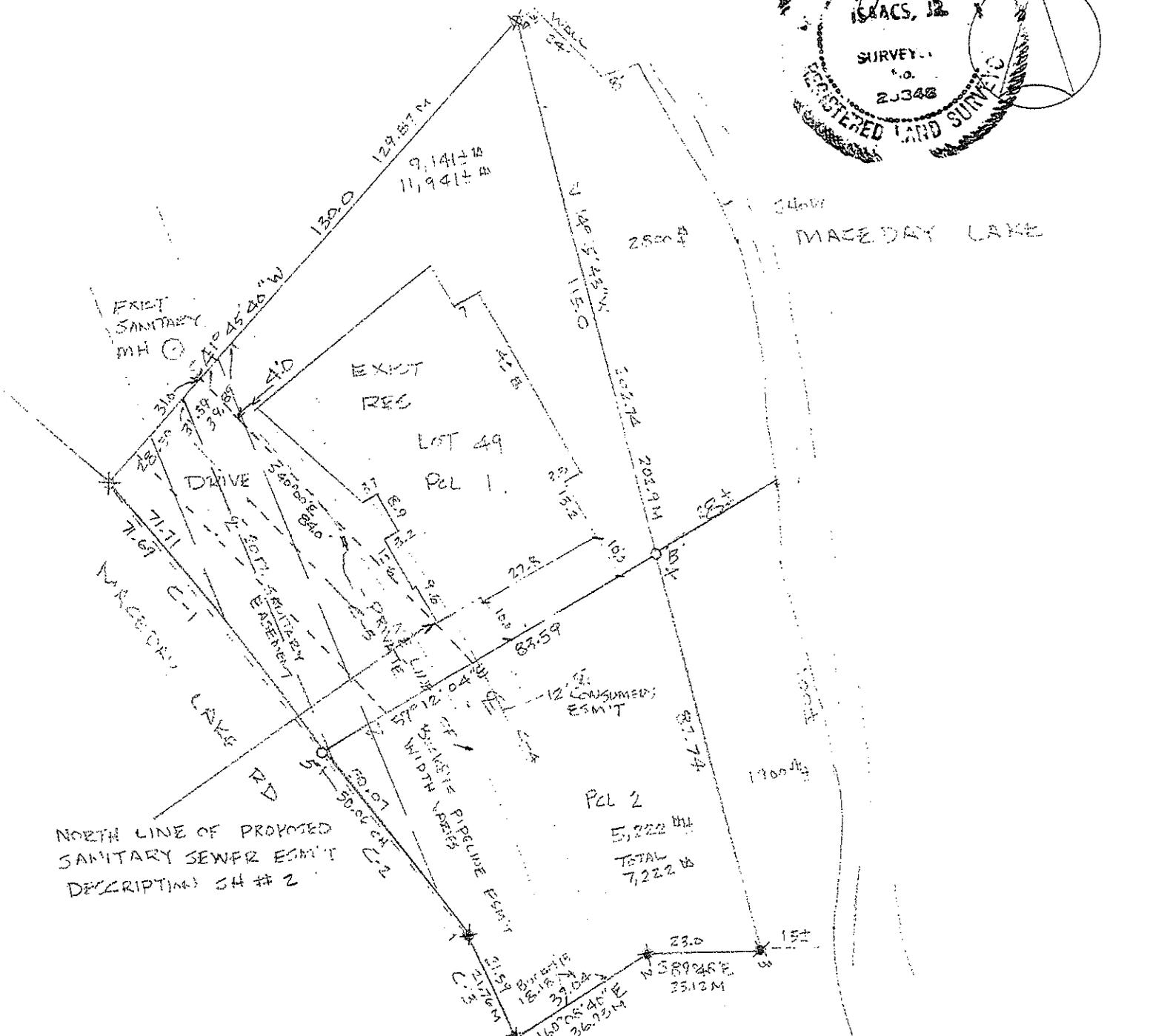
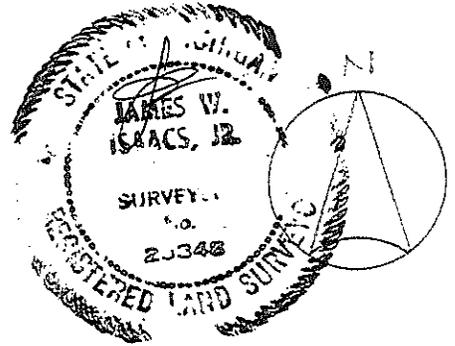
Date August 19, 2021
Scale 1" = 30'
Job 82-21
Sheet 1 of 2
REV 4-8-21
6-15-22 - SAN ESM'T

LEGEND
X Iron Found
O Iron Set
X Monument
R Recorded
M Measured

I hereby certify that I have Surveyed the description shown. "lot 49" of ' Amended Plat of lots 40, 41, 42, and 43 and vacated portion of Maceday Lake Rd. of Supervisors Plat No. 63," A subdivision of part of the SE ¼ of Section 6, T. 3 N., R. 9 E., Waterford Township Oakland County Michigan and a replat of Outlot 'D' and Outlot 'E' of "Mountain View Country Club" a subdivision of part of Section 6, T. 3 N., R. 9 E., Waterford Township Oakland County Michigan.

13-DL-451-022

James W. Isaacs Jr.
James W. Isaacs Jr.
P.S. # 25848



Curve number	Radius	Arc	Delta	L.C. Bearing	L.C. Dist
C-1	861.51	71.71	4°45'16"	S 36°57'59"E	71.69
C-2	861.51	50.07	3°20'53"	S 32°12'44"E	50.06
C-3	861.51	21.59	1°26'09"	S 30°34'27"E	21.59
C-4	273.5	226.33	47°24'53"	S 37°28'07"E	219.93
C-5	265	269.3	58°13'31"	S 42°25'10"E	257.86

survey contains some non-tangent curves

Legal Descriptions

Parcel 1

That part of "lot 49" of 'Amended Plat of lots 40, 41, 42, and 43 and vacated portion of Maceday Lake Rd. of Supervisors Plat No. 63,' A subdivision of part of the SE. ¼ of Section 6, T., 3 N., R. 9 E., Waterford Township Oakland County Michigan and a replat of Outlot 'D' and Outlot 'E' of "Mountain View Country Club" a subdivision of part of Section 6, T. 3 N., R. 9 E., Waterford Township Oakland County Michigan Subject to any and all easements of record. Containing 11,941 Sq. Ft. more or less, EXCEPT that part described as follows:

Commencing at the most Western corner of said lot 49, adjacent to Maceday Lake rd.; thence along the Easterly Right of Way of Maceday Lake rd. along a curve to the right, (C-1) Radius equals 861.51 ft, chord bears S 36°57'59"E 71.69 ft., a distance of 71.71 ft. to the point of beginning: Thence continuing along the Easterly Right of Way of Maceday Lake Rd. along a curve to the right, (C-2) Radius equals 861.51 ft, chord bears., S 32°12'44 E 50.06 ft. a distance of 50.07 ft; thence continuing along a curve to the right, (C-3) Radius equals 861.51 ft, chord bears recorded S 30°34'27"E 21.59 ft., a distance of 21.59 ft., thence N 60°08'40"E 36.93 Ft., Thence S 89°48'00"E 23.12 ft. to a point of traverse located along the shore of Maceday Lake, thence N 14° 15'43"W 87.74 ft. along a traverse line adjacent to the shore of the lake, to a point of traverse, point 'B', Thence continuing from the first mentioned traverse point, S 89°48'00"E approximately 15 ft. more or less to the shore of said Maceday Lake thence along the shore of the lake 100 ft more or less to a point, said point located N 59°12'04" E approximately 28 ft. more or less from traverse point 'B', thence continuing from said traverse point 'B'; S 59°12'04"E 83.59 ft to the point of beginning. Containing 7,222 Sq. Ft. more or less.

Parcel 2

pt. 13-06451-022

Part of "lot 49" of 'Amended Plat of lots 40, 41, 42, and 43 and vacated portion of Maceday Lake Rd. of Supervisors Plat No. 63,' A subdivision of part of the SE. ¼ of Section 6, T., 3 N., R. 9 E., Waterford Township Oakland County Michigan and a replat of Outlot 'D' and Outlot 'E' of "Mountain View Country Club" a subdivision of part of Section 6, T. 3 N., R. 9 E., Waterford Township Oakland County Michigan described as follows:

Commencing at the most Western corner of said lot 49, adjacent to Maceday Lake rd.; thence along the Easterly Right of Way of Maceday Lake rd. along a curve to the right, (C-1) Radius equals 861.51 ft, chord bears S 36°57'59"E 71.69 ft., a distance of 71.71 ft. to the point of beginning: Thence continuing along the Easterly Right of Way of Maceday Lake Rd. along a curve to the right, (C-2) Radius equals 861.51 ft, chord bears., S 32°12'44 E 50.06 ft. a distance of 50.07 ft; thence continuing along a curve to the right, (C-3) Radius equals 861.51 ft, chord bears recorded S 30°34'27"E 21.59 ft., a distance of 21.59 ft., thence N 60°08'40"E 36.93 Ft., Thence S 89°48'00"E 23.12 ft. to a point of traverse located along the shore of Maceday Lake, thence N 14° 15'43"W 87.74 ft. along a traverse line adjacent to the shore of the lake, to a point of traverse, point 'B', Thence continuing from the first mentioned traverse point, S 89°48'00"E approximately 15 ft. more or less to the shore of said Maceday Lake thence along the shore of the lake 100 ft more or less to a point, said point located N 59°12'04" E approximately 28 ft. more or less from traverse point 'B', thence continuing from said traverse point 'B'; S 59°12'04"E 83.59 ft to the point of beginning. Containing 7,222 Sq. Ft. more or less.

pt. 13-06451-022

Description of Proposed Sanitary Sewer easement across Parcel 1

The North line of the 20 ft. wide sanitary Sewer easement is described as: Beginning at a point on the Northwesterly line of said parcel 1, 31.0 ft from the most Westerly lot corner. Thence S 40° 00' E 84.0 ft. to a point of ending on the most southerly line of said parcel 1. The North line of the easement is meant to be 4.0 ft from the corner of the Garage and coincident with most Southerly corner of the house. The pipe location appears to be within the north 1.0 ft of the North line of the easement.

pt. 13-06451-022
part of lot 49
AP of lots 40, 42 & vac
portion of Maceday Lake Rd
of SP # 63