

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
December 1, 2021

The meeting was held at Fire Station #1, 1600 W. Highland Road, Highland, Michigan.

Chairman Gerathy called the meeting to order at 7:30 p.m.

ROLL CALL:

David Gerathy, Chairman
Michael Borg, Vice Chairman
Anthony Raimondo, Secretary
Peter Eichinger
Scott Green
Robert Hoffman
John Jickling

Lisa G. Burkhart, Zoning Administrator

Visitors: 1 6

Chairman Gerathy welcomed those present and explained the procedures for addressing the Board. He further stated that a full board is present and reminded those in attendance that four affirmative votes are required to grant a variance.

Mr. Hoffman made a motion to remove Case Number 21-29, Parcel Number 11-12-406-007, 3677 Woodland Drive from the table to begin discussion. Mr. Raimondo supported the motion and it carried with a unanimous voice vote (7 yes votes).

NEW BUSINESS:

1. CASE NUMBER:	21-29	<i>Tabled from October 20, 2021, and November 3, 2021</i>
COMPLAINT #:		EE21-0151
ZONING:		LV - Lake and Village Residential
PARCEL #:		11-12-406-007
PROPERTY ADDRESS:		3677 Woodland Drive
APPLICANT:		Jay T Kessler
OWNER:		Jay T Kessler
VARIANCE REQUESTED:		A 50-foot variance from the Ordinary High-Water Mark (Section 9.02.D.b)

Chairperson Gerathy introduced the case and asked the applicant if he had anything new.

Discussion from the Applicant:

Mr. Kessler stated that he came to an agreement with his neighbor to move the shed to 56 feet from the ordinary highwater mark and one foot from the side lot line. He stated that it improves the view for the neighbor and leaves enough room for both he and his neighbor to move between the houses. Mr. Kessler stated that the shed would be just over 13 feet from the neighbor's house. Mr. Borg stated that a new

variance would be needed for the side yard setback. Mr. Hoffman questioned the necessity of readvertising. After further discussion, it was determined that a new hearing would be necessary to consider the reduced side yard setback. Normally, a shed of 160 square feet would require a side yard setback of 10 feet. Mr. Hoffman commended the applicant for working with the neighbor to find a different location. Mr. Kessler stated that he will be leaving soon and will not be back until April. It was noted that he could appoint a representative to speak on his behalf while he is gone. Mr. Jickling commented that if the shed were 10 feet from the lot line a vote could be taken this evening. Mr. Kessler stated that the sprinkler system junction box is in that location preventing a shift to 10 feet.

Discussion from the Public:

Ms. Joan Cooper, 4060 Hillcrest, stated that as a long-time resident of Seven Harbors and former homeowners' association member she appreciates that the Zoning Board of Appeals has this forum to bring people together. She commented on the homeowner association's goal to preserve lake quality by trying to hold to the larger waterfront setbacks by attending these meetings to object to reductions in the setback to the high-water mark. She wanted to express to the Board that the homeowner's association concerns are not just for this applicant but for all properties that are on the lake. Ms. Cooper also stated that she thought, in this instance, a 56-foot setback was reasonable.

Mr. Winny Schoeb, 3490 E. Clarice, president of the homeowner's association, affirmed that they understand that the shed would not be relocated until spring when a foundation could be put in.

Mr. Christopher McCauliffe, 3669 Woodland Dr., wanted to make sure that the shed gets moved as soon as possible in the spring as he did not want to spend another summer with a blocked view. It was noted by staff that the Zoning Board of Appeals can attach conditions to a motion such as time limitations.

Discussion from the Board:

Several members offered comments for the applicant to think about with regarding to a one-foot setback such as how would the shed be maintained if a fence were constructed and is there room to move the shed further from the side lot line. Mr. Green commented that the Zoning Board of Appeals should also consider future neighbors; not just who are currently negotiating. Mr. Jickling stated that at this point he cannot say if they would approve a one-foot side yard setback until he hears public comment at a new hearing.

Motion

Mr. Hoffman made a motion to table Case 21-29, Applicant Mr. Jay T. Kessler, parcel number 11-12-406-007, 3677 Woodland Drive, to the meeting of January 5, 2022, to allow for a new public hearing. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Hoffman-yes, Mr. Eichinger-yes. The motion passed with a unanimous roll call vote (7 yes votes).

NEW BUSINESS:

2. CASE NUMBER: 21-32
COMPLAINT #:
ZONING: R-3 Residential 3 Acre
PARCEL #: 11-18-451-027
PROPERTY ADDRESS: 1753 Addaleen Rd.
APPLICANT: Alan Asp
OWNER: Alan Asp
VARIANCE REQUESTED: A 20 ft side yard setback variance from 40 ft required to 20 ft

provided. (4.15)

This request is for a reduction in the side yard setback for a garage addition.

Mr. Gerathy introduced the case and asked the applicant if he had any information not included in the application that he wished to present.

Discussion from the Applicant:

Mr. Asp was present and added that he needs the garage for storage.

Discussion from the Public:

Mr. Michael Hickox, 1775 Addaleen Rd., was present and stated he did not have a position on the variance but had great concerns over drainage and potential flooding. He wanted to make sure that was addressed.

Two letters were received November 17, 2021, from Marty and Claudia Gross, 1721 Addaleen Rd., and Ed and Wanda Giroux, 1815 Addaleen Rd. were reviewed. The letter from the Mr. and Mrs. Gross detailed drainage, erosion and flooding issues created by the applicant during previous construction activities. They are also concerned about the appearance of the proposed garage and the septic system. Likewise, the Giroux's were concerned about erosion, drainage, and flooding as it related to the condition of Dunham Lake.

Mr. Michael Slay, 7145 Eagle Road, the general contractor for Mr. Asp was present. He commented that he now has the proper permits and has addressed the drainage issues. Mr. Slay stated that the applicant currently has a permit for a garage, but the location would require removing part of the driveway. He explained the design of the new garage and how the trusses would tie into the existing roof line.

Discussion from the Board:

Mr. Hoffman stated that he has no issue with extending the garage along the existing wall. He felt structurally, the garage addition would follow the lines of the existing house. He also noted that the proposed garage sets two feet from the outside edge of the existing house. Mr. Jickling commented that drainage problems during construction activities is a concern for others like the building official or engineers. Mr. Borg commented that the garage can be built without a variance in a different location. Mr. Borg asked several questions about the construction. Mr. Raimondo asked the applicant to address practical difficulty. Mr. Asp commented that storage is an issue, and this location fits the existing house better. The members discussed the possibility of a free-standing garage.

Motion:

Mr. Hoffman made a motion in Case 21-32, Applicant Alan Asp, 1753 Addaleen Rd., parcel # 11-18-451-027, to grant a 20-foot side yard setback variance from 40 feet required to 20 feet provided per Section 4.15 for a garage addition per plans submitted. Mr. Green supported the motion. Roll Call Vote:

Mr. Raimondo-no, Mr. Gerathy-yes, Mr. Borg-no, Mr. Jickling-yes, Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Green-yes. The motion carried and the variance was approved. (5 yes votes, 2 no votes)

3. CASE NUMBER: 21-33

COMPLAINT #:

ZONING:

LV Lakes and Villages

PARCEL #:

11- 12-176-027

PROPERTY ADDRESS:

4021 Hunters Dr

APPLICANT:

Michael Epley

OWNER:

Scott Thurlow

VARIANCE REQUESTED:

A 5 ft 6-inch ordinary high water mark setback variance from

38 ft required to 32 ft 6 inches provided. (9.02.D.b)
This request is for a reduction in the ordinary highwater mark setback for a covered porch.

Chairman Gerathy introduced the case and asked the applicant if he wished to proceed and if there was anything he wished to add.

Discussion from the Applicant:

Michael Epley, 6071 Carrol Lake Road, Commerce, MI, general contractor for the property owner was present. He explained the covered porch addition mostly meets required setback requirements except at one point. He referenced the drawing and elevations supplied with the application. Additionally, Mr. Epley explained that the porch will not impact any views of the lake and will provide shade on the lake side of the house. He explained that moving the load bearing beam towards the house would result in a wall so tall that the porch would not provide shade.

Ms. Rene Thurlow, property owner, was present and stated that the sun is so hot in the summer that she can not sit outside and really needed the porch to allow her to enjoy the outdoors.

Discussion from Public:

There was no public comment.

Discussion from the Board:

Mr. Hoffman commented that he has no problem with the request, and it will be a nice enhancement to the house. Mr. Jickling stated that the roofs essentially cover existing construction. Mr. Raimondo reviewed the drawings and is in favor of the request as it is minimal.

Motion:

Mr. Borg made a motion in Case 21-33, Applicant Michael Epley, Property Owner Scott Thurlow, 4021 Hunters Drive, Parcel #11-12-176-027 to grant a variance from Section 9.02.D.b for a 5-foot 6-inch ordinary high-water mark setback from 38 feet required to 32 feet 6 inches provided per plans submitted for a covered porch addition. Mr. Jickling supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Jickling-yes. The motion passed and the variance was granted. (7 yes votes)

4. CASE NUMBER: 21-34

COMPLAINT #:

ZONING: LV Lakes and Villages

PARCEL #: 11-12-301-009

PROPERTY ADDRESS: 2327 Davista Dr

APPLICANT: Wayne Craft Inc

OWNER: Barbara South

VARIANCE REQUESTED: A 33 ft 3-inch ordinary high water mark setback variance from 65 ft required to 31 ft 9 inches provided. (9.02.D.b)
This request is for a reduction in the ordinary highwater mark setback for an awning over an existing deck.

Chairman Gerathy introduced the case and asked the applicant if they wished to proceed.

Discussion from the Applicant:

Mr. Jason McFall, 13525 Wayne Road, Livonia, a representative of Wayne Craft was present. He stated this will be an awning over an existing deck. The location will provide shade and will not interfere with the view from neighboring homes.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Hoffman made the observation that this house and deck sets further from the lake than the neighbor's house. Mr. Eichinger noted that the house doesn't even meet the required setback. Mr. Raimondo offered the following facts and findings:

- The request is for the minimum necessary.
- The awning will not have a greater footprint than the existing deck.
- The variance will not harm the health, safety, or welfare of surrounding houses.

Motion:

Mr. Hoffman made a motion in Case 21-34, Applicant Wayne Craft, Inc., Property Owner Barbara South, 2327 Davista Dr., Parcel #11-12-301-009 to grant a variance from Section 9.02.D.b for the ordinary high-water mark from 65 feet to 31 feet 9 inches for an awning over an existing deck. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Hoffman-yes, Mr. Eichinger-yes (7 yes votes). The motion carried and the variance was granted.

5. CASE NUMBER: 21-35
COMPLAINT #:
ZONING: LV Lakes and Villages
PARCEL #: 11-13-179-004
PROPERTY ADDRESS: 2545 N Duck Lake Rd
APPLICANT: David Chapman
OWNER: David Chapman
VARIANCE REQUESTED: A 12 ft rear yard setback variance from 30 ft required to 18 ft provided. (9.02.B.c)
This request is for a reduction in the rear yard setback for an uncovered deck.

Mr. Gerathy introduced the case and asked the applicant if he had any further comments not included in the application.

Discussion from the Applicant:

Mr. David Chapman was present and stated that he has been remodeling the existing house and wanted a small deck in the rear to take advantage of the view to the lake. He stated that the rear yard is very shallow. Mr. Chapman speculated that the neighbors probably wouldn't even see the deck because of the fence between the houses.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Borg asked about the headers over the deck. Mr. Chapman stated the headers are over the front porch and he didn't need a variance for that. Mr. Raimondo offered the following facts and findings:

- The request is the minimum necessary.
- The property is non-conforming
- The proposed variance will not alter the character of the community

Motion:

Mr. Eichinger made a motion in Case 21-35 Applicant David Chapman, 2545 N. Duck Lake Road, Parcel #11-13-179-004 to grant a 12-foot variance from Section 9.02.B.c from 30 foot required rear yard setback to 18 feet provided for an uncovered deck. Mr. Raimondo supported the motion. Roll Call Vote: Mr. Gerathy-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Raimondo-yes (7 yes votes). The motion carried and the variance was granted.

Mr. Raimondo made a motion to issue a written final decision for Case 21-35, David Chapman, 2545 N. Duck Lake Road, Parcel #11-13-179-004. Mr. Green supported the motion and it carried with a unanimous roll call vote. Mr. Gerathy-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Raimondo-yes

MINUTES:

November 3, 2021

Mr. Borg made a motion to approve the minutes of November 3, 2021, as corrected. Mr. Eichinger supported the motion and it carried with a unanimous voice vote.

Adjourn:

Mr. Raimondo made a motion to adjourn the meeting. Mr. Borg supported the motion. The motion carried with a unanimous voice vote. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Anthony Raimondo
Secretary

AR/lgb