

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
MARCH 16, 2022

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
(Alternate) Mary Michaels

Visitors: 11

Mr. Gerathy welcomed those in attendance and reviewed the procedures for addressing the Board. He stated that 4 affirmative votes are needed to approve a variance. He asked if any board members would be recusing themselves from voting. They indicated that they all could vote. Mr. Gerathy stated that the alternate would not be voting this evening.

OLD BUSINESS:

Mr. Hoffman made a motion to remove Case 22-03 from the table for consideration. Mr. Borg supported the motion and it carried with a unanimous voice vote (7 yes votes).

1. CASE NUMBER: 22-03 ***Tabled from March 2, 2022***
COMPLAINT #:
ZONING: ARR – Agricultural Rural Residential – minimum lot size 5 acres
PARCEL #: 11-06-100-013
PROPERTY ADDRESS: 4455 Twin Oaks
APPLICANT: MJ Whelan Construction
OWNER: Paul E. Sechrist and Timothy J. Sechrist
VARIANCE REQUESTED: An 84-foot rear yard setback variance from required 100 feet to 16 feet provided.
(Table 4.15 – Schedule of Regulations)
The request is for a porch, garage, and second story addition to an existing single-family dwelling.

Chairman Gerathy introduced the case and asked if the applicant had anything to add that was not in the application.

Discussion from the Applicant:

Mr. Matt Whelan, MJ Whelan Construction, 620 N. Milford Rd., Milford, MI 48380, was present. He stated that what the Board has is a culmination of the owners trying to figure out what to do with the house. The entire house sits within the setbacks. He stated that the young family needs the garage to

keep garbage cans and to access car seats undercover. Mr. Whelan reported that they originally wanted a master bedroom suite but thought it better to ask for a garage while carving out more living space with an addition over the garage. He stated that the property owners felt the request was the minimum necessary to add storage and living space. Mr. Whelan concluded that there is no other place for the addition as any request would require a variance.

Discussion from the Public:

Mr. Andrew Blevins, 6224 Tipsico Lake Road, directly south of the subject parcel. He stated that he looked at the request purely in legal and practical terms. Mr. Blevins stated that his comments are not personal and that he gets along with and likes his neighbors. He stated that he is all for property improvements, but the request is the wrong way to go.

Mr. Blevins did not believe the criteria was met for practical difficulty and referenced the applicant worksheet. He stated that the property does not have any exceptional characteristics, such as too shallow, too narrow, etc., as indicted by the applicants answer on the worksheet. He stated that another criterion is that there is no other option. Mr. Blevins pointed out that tearing down the house is an option as is a suggestion from a previous meeting on this parcel where a Board member suggested moving the house. Mr. Blevins pointed out that the application stated that tearing down the house is not an option for the young couple, which he felt implies a financial difficulty that can not be considered by the Board. Mr. Blevins referenced the ownership documentation with the application stating that it appears the request is for a tenant and not for the property owner; concluding that the request is a want and not a need.

Mr. Blevins also noted that the criterion for a variance is that the minimum necessary to use the property for its intended purpose. There is a house being used on the property for its intended purpose along with a large garage in another portion of the property. Mr. Blevins felt that adding on to the house would double the size of the house and make the existing problem worse.

Mr. Whelan stated that there may be an agreement between the property owner and the relative was not asked for or requested and questioned if it is relevant.

Mr. Whelan stated that the practical difficulty is the pre-existing structure and its location.

Discussion from the Board:

Mr. Borg asked if any consideration was given to moving the house. Mr. Whelan stated that the house is built of cinder blocks on a slab, which would be impossible to move.

Mr. Eichinger asked if there is a land contract agreement or is the house a rental. Mr. Whelan stated that there is a private agreement between the parties, and it is not a rental.

Mr. Jickling asked about the age of the house and the history of the road to the south. Mr. Graham Sechrist, 4455 Twin Oaks, was present and stated the house has been there forever and was part of an old orchard. It was noted that it is a driveway along the south lot line, not a road.

Mr. Hoffman stated that the house has been there a long time. He felt that granting the variance would be an improvement to the area.

Mr. Raimondo asked if the house is occupied. Mr. Whelan stated that it is. Mr. Raimondo commented that it appears that the property is being used commercially and thought that it should be cleaned up prior to consideration of the request. It did not appear to him that the property was being used for its intended

purpose. Mr. Whelan stated that the equipment is being moved to a site on Milford Road north of M-59.

Mr. Borg asked if there were previous variances. Mrs. Burkhart stated that she did not discover any previous variances. Mrs. Burkhart stated that the house shows up in the 1940 aerial photos.

Mr. Eichinger asked how long Mr. Blevins has lived next door. Mr. Blevins indicated that he has lived there about 10 years. Mr. Green questioned the configuration of the lot, whether there is a road easement and if there was an opportunity to purchase a portion of the adjacent parcel. It did not appear so.

Mr. Whelan stated that the house is exiting and that in the design the additions were places further away from the lot line than the existing house.

Motion:

Mr. Hoffman made a motion in Case 22-03, Parcel #11-06-100-013, 4455 Twin Oaks Dr. to grant an 84-foot rear yard setback variance from required 100 feet to 16 feet provided per Table 4.15 for a garage and second story addition to an existing house per plans submitted.

Mr. Hoffman offered the following facts and findings:

- The addition will enhance the value of the property.
- The curb appeal will be improved.
- The house is existing at that location since at least 1940.
- The existing structure is non-compliant.

Mr. Eichinger supported the motion. Roll Call Vote: Mr. Raimondo-no, Mr. Gerathy-yes, Mr. Borg-no, Mr. Hoffman-yes, Mr. Green-no, Mr. Jickling-no, Mr. Eichinger-yes (4 no votes and 3 yes votes) The motion failed, and the variance was denied.

NEW BUSINESS:

2. CASE NUMBER: 22-04
COMPLAINT #:

ZONING:	LV - Lake and Village Residential
PARCEL #:	11-09-330-003
PROPERTY ADDRESS:	Vacant Parcel Lot 167 Highland Hills #3 on Woodruff Lake Dr
APPLICANT:	Michael Krecek
OWNER:	Grant Charlick
VARIANCE REQUESTED:	a 15-foot front yard setback variance from 30 feet required to 15 feet, a 22-foot variance from the ordinary high-water mark from 52 feet required to 30 feet, and a 90-foot reduction in the required first floor square footage from 750 sq feet to 660 sq feet (Table 4.15 – Schedule of Regulations) These variances are for the construction of a new home.

Chairman Gerathy introduced the case and asked the applicant if he had any new information not included in the application.

Discussion from the Applicant:

Mr. Grant Charlick, 349 McPherson, Highland, MI, the property owner was present. He stated that he purchased the property from the original owner approximately 5 years ago. At that time, he reported that he obtained variances to build but could not get a permit for a septic system based on those plans. Mr. Charlick stated that the applicant's plan is more conservative than the original plan and a septic permit has been issued.

Mr. Michael Krecek, the applicant, was present. He reported that the proposed house was down sized from the original plans with an engineered system for the septic approved by Oakland County Health Division. Mr. Krecek thought the shape of the parcel proved a practical difficulty. He concluded that it would not be possible to meet both the Township zoning requirements and the Health Department regulations. Mr. Krecek stated that the parcel was platted in 1971 and is a pre-existing lot of record. He stated that the proposed house is modest, the soils appear to meet the requirements of the Health Department and that the lot is not in the flood plain.

Discussion from the Public:

Ms. Miriam Walsh, 1089 Woodruff Lake Dr., was present. She asked about the number of variances requested. She asked what is the guarantee that the house would stay two bedrooms. She questioned the required setback requirements from the side lot line. Ms. Walsh felt that a two-bedroom home would not fit into the neighborhood. Mr. Gerathy felt that character more particularly goes to the design and size of the house.

Chairman Gerathy noted that a letter was received from Susan Zajac, 1039 Woodruff Lake Drive, expressing concern about flooding in the area. Mr. Hoffman reminded the members that grading plans, etc. are required when obtaining a building permit. Mr. Green felt that poorly maintained road drainage seems to be a problem.

The Chairman closed the public hearing.

Discussion from the Board:

Mr. Borg asked about whether undersized lots are addressed in the Master Plan. Mrs. Burkhart stated that Zoning Ordinance talks about undersized LV lots very specifically. The Ordinance does not allow the creation of new lots under 20,000 sq. ft.; however, does permit undersized lots to be built on if septic approval is obtained.

Mr. Eichinger asked about the proposed reduction in living area. Mr. Krecek did not realize he needed a variance for the area until Township staff notified him. Mr. Charlick stated that changing the size of the garage to accommodate living space would not change the character of the house.

Motion:

Mr. Raimondo made a motion in Case 22-04, Parcel #11-09-330-003, to grant a variance from Table 4.15 for a 15-foot front yard setback variance from 30 feet required to 15 feet, a 22-foot variance from the ordinary high-water mark from 52 feet required to 30 feet, and a 90-square foot reduction in the required first floor square footage from 750 sq feet to 660 sq feet. These variances are for the construction of a new home.

Mr. Raimondo offered the following facts and findings:

- The proposed variance is the minimum necessary for a modest sized 2-bedroom house.
- The proposed variance will not impair the public health, safety, comfort or welfare of the neighborhood.
- The Zoning Board of Appeals approved a similar variance on October 18, 2017.

- There are exceptional characteristics such as smallness, irregular shape and topography that would make it difficult to build any structure.
- Construction will be subject to architectural drawing approved by the Township.

Mr. Hoffman supported the motion. Roll Call Vote: Mr. Jickling yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Green-yes, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Jickling-yes, (7 yes votes). The motion carried and the variance was approved.

MINUTES:

Mr. Eichinger made a motion to approve the minutes of March 2, 2022, as corrected. Mr. Borg supported the motion and it carried with a voice vote; Mr. Jickling abstained.

ADJOURN:

Mr. Raimondo made a motion to adjourn the meeting. Mr. Gerathy supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:39 p.m.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/lgb