

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
APRIL 6, 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 - Absent
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Also Present: Lisa G. Burkhart, AICP – Zoning Administrator
Kariline P. Littlebear, Zoning Administrator

Visitors: 6

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. If a variance is approved the applicant has one year to act upon the variance.

OLD BUSINESS:

Chairman Gerathy stated that the applicant in Case 21-36 has asked to be postponed to the end of the meeting. All members were in favor by a voice vote (7 yes votes).

NEW BUSINESS:

2. CASE NUMBER: 22-05 **WITHDRAWN 03/25/22**
COMPLAINT #:
- ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-404-004
PROPERTY ADDRESS: 3566 Reserve Ct.
APPLICANT: Ventures Design – Jake Lubig
OWNER: Garret Knappe
VARIANCE REQUESTED: A 6-foot 8-inch side yard variance from the 10 feet required to 3 foot 2 inches.
A 28-foot 9-inch variance from the ordinary high-water mark from 38 feet required to 9 feet 3 inches.
A 26-foot 6-inch variance from the ordinary high water mark requirement of 38 feet to 11 foot 6 inches.
(Sec. 9.02. - LV—Lake and Village Residential District)
This variance request is for a patio and deck.

3. CASE NUMBER: 22-06
COMPLAINT #:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-13-401-007
PROPERTY ADDRESS: 2142 N. Duck Lake Rd.
APPLICANT: Ventures Design – Jake Lubig
OWNER: Michael and Jennifer Genter
VARIANCE REQUESTED: A 5-foot variance from the 5-foot required side yard setback to 0 feet for a proposed cement stair landing.
A 65-foot variance from the ordinary high-water mark of 65 foot required to 0 feet.
(Sec. 9.02. – LV-Lake and Village Residential District)
This variance request is for a patio, steps, outdoor kitchen, retaining walls, and synthetic putting green near the sea wall.

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. Jacob Lubig, the applicant, was present. He stated that a house was torn down and a new house is under construction. The owner is trying to create a space down by the water which will require retaining walls that will be below grade to hold existing topography. Mr. Lubig submitted photographs of other similar patios in the surrounding area.

Mr. Lubig stated that the first request is for the stair landing for a staircase already approved for construction. He stated that the landing is simply a walkway to the patio from the upper story deck to the patio. Mr. Lubig stated that the second request is a patio adjacent to an existing shed and patio by the water. The proposed patio would create usable outdoor space by the existing structure. The patio would be below grade so as not to affect site lines and the design eliminates the need for guard rails. He stated that there is a large septic area that reduces the availability to create other outdoor spaces closer to the house create a practical difficulty. He stated that the property has steep slope down to the water and the patio, retaining walls, and steps would be at or below grade creating a flat space. Mr. Lubig noted that some of the other decks and patios in the area impact site line of which this plan does not.

The property owners, Michael and Jennifer Genter, were present and had nothing further to add.

Discussion from the Public:

An e-mail correspondence was received from Maureen Finch, 2154 N. Duck Lake Road, she expressed concern about the proposed zero side yard setback. She suggested that the stairs could be turned towards the lake or leave at least 1 foot between the lot line and the stair landing. Ms. Finch stated that she had no objection to the variance for the patio and outdoor kitchen.

Discussion from the Board:

Mr. Borg asked if the plans had changed from the original submission. Mr. Lubig explained that the deck and stairs complied with the ordinance, and he is a landscape contractor called in afterwards. The approved steps would have people stepping off onto grass and he proposed the landing to tie into the deck to eliminate any slipping or trip hazards. Mr. Borg questioned if the stairs could be turned toward the lake. Mr. Genter stated that the lower deck will have screens and a door. He indicated that the stairs

would interfere with the door. Mr. Genter also indicated that he became concerned that people would slip and fall if there was no hardscape. Mr. Eichinger also questioned the size of the landing. Mr. Lubig indicated that the landing would act as a sidewalk. Mr. Eichinger visited the site; the house is setback so there are no visual deterrents to the neighbors. Mrs. Michaels agreed with the neighbor that there should be some setback from the lot line and that she believes that the landing is necessary for safety reasons. Mr. Lubig stated that he could pull the landing away from the lot line.

Mr. Raimondo pointed out that it is the job of the ZBA to look at each property on an individual basis. This case must be judged on its own. Mr. Raimondo asked about the putting green and shifting away from the south lot line. Mr. Lubig stated that the retaining wall is proposed at 7 feet from the lot line which exceeds the setback requirement for a patio.

Motion:

Mr. Eichinger made a motion in Case 22-06, 2142 N. Duck Lake Road to grant a variance from Section 9.02 from 65 feet to 0 feet for a patio, steps, outdoor kitchen, retaining walls, and synthetic putting green near the sea wall. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mrs. Michaels-yes, Mr. Gerathy-yes (7 yes votes). The motion carried and the variance was approved.

Motion:

Mr. Eichinger made a motion in Case 22-06, 2142 N. Duck Lake Road to grant a variance from Section 9.02 from 5 feet to 0 feet from the north side lot line for a landing. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Jickling-no, Mr. Raimondo-no, Mr. Eichinger-yes, Mr. Hoffman-yes, Mrs. Michaels-yes, Mr. Gerathy-no, Mr. Borg-no (3 yes and 4 no votes). The motion failed and the variance was denied.

Motion:

Mr. Borg made a motion in Case 22-06, 2142 N. Duck Lake Road to grant a variance from Section 9.02 from 5 feet to 1 foot from the north side lot line for a 4 foot by 4-foot stair landing. Mr. Hoffman supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The motion passed and the variance was granted.

OLD BUSINESS:

- | | | |
|---------------------|-------|---|
| 1. CASE NUMBER: | 21-36 | <i>Tabled from January 5, 2022, February 16, 2022, and March 2, 2022</i> |
| COMPLAINT #: | | |
| ZONING: | | R-1.5 – Single Family Residential (RCD) |
| PARCEL #: | | 11-28-100-006 |
| PROPERTY ADDRESS: | | 136 Inverness at the intersection of Prestwick Trail and West Highland Road (M-59) |
| APPLICANT: | | Danielle Cadaret |
| OWNER: | | Prestwick Village Country Club |
| VARIANCE REQUESTED: | | A variance to allow 2 signs where only one sign is allowed (Section 14.07.I.3.a)
A height variance of 2 feet 11 inches to the top of the sign face from four feet required to 6' 11" provided (Sections 14.07.I.1 & 14.07.I.5 & Table 14.2)
A height variance of 7' 2" to the top of the sign structure for |

decorative elements from 6 feet permitted to 13' 2" (Section 14.07.I.5, & 14.07.I.8)

An area variance of 97.5 square feet from 100 square feet permitted to 197.5 square feet provided for total theoretical area of decorative elements (Section 14.07.I.8)

This request is for permission to erect two signs where only one is allowed and to exceed the height and decorative area requirements for residential signs.

Mr. Hoffman made a motion to remove Case 21-36 from the table. Mrs. Michaels supported the motion. The motion was approved with a unanimous voice vote.

Discussion from the Board:

Chairman Gerathy stated that the request was advertised and there have been no changes to the application.

Discussion from the Applicant:

Mr. Sean Pringle, Golf Club manager, was present representing the applicant and club members. He stated that the original request was for two new signs where the old ones were located. Mr. Pringle stated that he read all the minutes and took the request back to the club members who overwhelmingly supported moving the proposed sign to the center of the boulevard median. The new sign would be the same height but be double sided. Mr. Pringle shared that numerous people have complained that they have passed up the entrance having not seen the signs. He stated that their goal is for a more visible sign allowing for a smooth transition from the high-speed road into the entrance. Mr. Pringle stated that several contractors working on the club house have passed the entrance without seeing the signs. Mr. Pringle stated that by the time you see the existing signs you are already pass where it is safe to make quick stops.

Discussion from the Board:

Mrs. Michaels questioned which variances are needed for this revised request. Mrs. Burkhart explained that two variances would be needed for the new location: one for the height to the top of the sign face and the other for the height of the sign structure or decorative components. Mr. Borg asked if new request would have to be advertised. It was explained that the request is less than the original request and would not have to be advertised.

Mrs. Michaels complimented the reduction in the request. Mr. Hoffman appreciated that the applicant listened to the concerns of the ZBA members from previous meeting.

Mr. Raimondo asked what the practical difficulties may be. Mr. Pringle indicated that the sign would tie into the design standards of the Township. Mr. Jickling asked if the decorative tower could be reduced in height and if the sign would be lit. Mr. Pringle stated that keeping the sign up off the ground is designed for landscape and maintenance purposes and considering the depth of snow in the winter. Mr. Pringle indicated that the sign would be lit in accordance with zoning regulations.

Mr. Raimondo asked what would be happening to the existing wrought iron fence. Mr. Pringle stated that at this point, there is no plan to remove the fence. He indicated that the existing signs and walls would be removed.

Motion:

Mr. Hoffman made a motion in Case 21-36, Parcel Number 11-28-100-006, 136 Inverness at the intersection of Prestwick Trail and West Highland Road to approve a variance for one sign with a height variance of 7' 2" to the top of the sign structure for decorative elements from 6 feet permitted to 13' 2".

This request is for permission to erect one sign in the boulevard and to exceed the height and decorative area requirements for residential signs. Mr. Borg supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, (7 yes votes). The motion passed and the variance was granted.

MINUTES:

Mr. Eichinger made a motion to approve the minutes of March 16, 2022, as corrected. Mr. Borg supported the motion and it carried with a unanimous voice vote.

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 8:53 p.m.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/lgb