

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
UNAPPROVED MINUTES
APRIL 20, 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. Burkhardt, AICP – Zoning Administrator
Kariline P. Littlebear, Zoning Administrator

Visitors: 15

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.

NEW BUSINESS:

1. CASE NUMBER: 22-07
COMPLAINT #:

ZONING:	IM - Industrial Manufacturing District
PARCEL #:	11-22-127-002
PROPERTY ADDRESS:	1470 Alloy Parkway
APPLICANT:	Don Ellis
OWNER:	E5 Partners, LLC
VARIANCE REQUESTED:	a variance to allow a 6-foot privacy fence in the required front yard. A variance to allow outdoor storage in the required front yard. (Sec. 8.09.B.1 Fences in Non-residential districts) (Sec 9.06.B.1.b.i Outdoor Storage) This variance request is to allow a privacy fence and outdoor storage in the required front yard.

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. Don Ellis, the applicant, was present. He introduced Brad Thompson as the engineer on this project. Mr. Thompson reviewed the location of the property indicating that the property is surrounded by

IM-Industrial Manufacturing zoning, except for a few feet at the northeast corner of the property. All improvements are planned near the west and south boundaries of the property. To the west is the railroad right-of-way with the property further west, along Milford Road, zoned IM. Mr. Thompson stated that the property to the north, National Self Storage, has tall chain-link fencing and storage in the front yard and the applicant is proposing a privacy fence. Mr. Thompson stated that Alloy Parkway is a private road and that all traffic is either employees or customers. He further stated that two front yards creates a practical difficulty and stated that the southerly front yard was created when an adjacent property owner divided their property. He noted that until the division, the south lot line functioned as a side yard.

Mr. Thompson stated that the parking lot will be reconfigured to add a greenbelt along Alloy Parkway in accordance with the zoning ordinance and that the fencing will be behind the greenbelt. He indicated that the storage will be of larger material that should be shielded from view and in a more secure area. He stated that there is a loading dock at the south side of the building; concluding that the yard will be for parking, storage, and a loading area.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Hoffman visited the site and verified the location of the existing fence and the secluded nature of the site. Mr. Borg asked about the greenbelt locations and if the fence would extend north. Mr. Ellis stated that the privacy fence would be for the south parking lot. Mr. Eichinger asked approximately how many square feet the parking/storage area would be. Mr. Ellis believes it to be 28,000 square feet, excluding the greenbelt. Mr. Borg asked if the Planning Commission would be reviewing the site plan. Mr. Raimondo stated that he saw the presentation at the Planning Commission and Mr. Thompson verified that the plan will be further reviewed by the Planning Commission. Mrs. Michaels thought the request is fitting given the character of the area. Mrs. Michaels also asked about the fence material. Mr. Thompson indicated that the fencing along the west and south side would be wood or vinyl. He noted that there is already a cyclone fence along the east side. It was noted that the Planning Commission will be reviewing the final site plan that will include fencing details.

Motion:

Mr. Hoffman made a motion on Case 22-07, 1470 Alloy Parkway, Parcel 11-22-121-002, to grant a variance from Section 8.09.B.1 and Section 9.06.B.1.b.i to allow a 6-foot privacy fence in the required front yard and a variance to allow outdoor storage in the required front yard. Mr. Eichinger supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes). The motion carried and the variances were granted.

2. CASE NUMBER: 22-08
COMPLAINT #:
ZONING: IM – Industrial Manufacturing District
PARCEL #: 11-27-126-001
PROPERTY ADDRESS: 182 E. Livingston Rd
APPLICANT: William DeHaan
OWNER: Haan Dawg Holdings LLC
VARIANCE REQUESTED: a 49.3-foot variance from the 75-foot required front yard setback to 25.7 feet for a proposed pole building with covered porches.

(Sec. 4.15. - Schedule of Regulations)

This variance request is for an accessory structure (64 x 30 pole barn with 12-foot porches on all sides).

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. William DeHaan, applicant and owner, was present. He introduced his daughter, Taylor DeHaan, 6233 Wilson Dr, Waterford, as the general manager. Ms. DeHaan noted that though the application was for 12-foot porches on the proposed building they will only be constructing 8-foot porches. She explained that the proposed building is 30'x 64' and will be used for an indoor play space and not to increase capacity. This proposed building will instead allow them to increase safety, cleanliness, and to provide for smaller, more manageable play groups as well as providing for noise abatement and shade. Ms. DeHaan went over the construction schedule and architectural details of the proposal.

Discussion from the Public:

Denise Lynch, 2998 Summit Dr, Highland, commented that she takes her dogs to Sniffer Station and that she believes this proposal will be beneficial to the customers and the surrounding community.

Discussion from the Board:

Mr. Eichinger asked what the daily capacity of the Sniffer Station is. Ms. DeHaan explained that they average 65 dogs per day but have had up to 103 dogs at one time. She noted that having so many dogs at once is highly irregular. Mr. Borg asked if there have already been variances granted on this property and wanted to know whether the existing fencing will be changed. Mrs. Burkhart confirmed that there have been variances previously granted. Ms. DeHaan noted that the existing fencing will not be changed. Mr. Raimondo asked for clarification of the practical difficulties for this project. Ms. DeHaan stated that the lot is long and narrow and has two front yards. She also confirmed that the property backs to the railroad tracks having been the former depot station. Mr. Hoffman stated that this proposal is closer to meeting setback requirements than the existing non-conforming building. Mrs. Michaels stated that the applicant has also reduced the size of the original request from 12-foot porches to 8-foot porches bringing it closer to conformity with the zoning ordinance. Mr. Raimondo stated that this proposal is the minimum variance necessary and will not have a detrimental effect on the health, safety, or welfare of the community.

Motion:

Mr. Borg made a motion on Case 22-08, 182 E. Livingston Rd, Parcel 11-27-126-001, to grant a variance from Sec. 4.15. - Schedule of Regulations to allow a 45.3-foot variance from the 75-foot required front yard setback to 29.7 feet for a proposed pole building with covered porches. Mr. Eichinger supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes). The motion carried and the variances are approved.

3. CASE NUMBER: 22-09
COMPLAINT #:
ZONING: R1.5 – Single Family Residential District (1.5 acre)
PARCEL #: 11-14-251-008
PROPERTY ADDRESS: 2497 Windmill Ln

APPLICANT:	Tera & Thomas Deming
OWNER:	Tera & Thomas Deming
VARIANCE REQUESTED:	a 42-foot variance from the 50-foot required front yard setback to 8 feet. (Sec. 4.15. - Schedule of Regulations) This variance request is for a proposed pool and deck.

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

Discussion from the Applicant:

Tera Deming, applicant, and owner was present with her husband, Thomas Deming. Mrs. Deming explained the details of the variance request and the nature of the practical difficulties.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Jickling asked if they considered placing the pool near the shed northwest of the house. Mrs. Deming explained that there are overhead and underground powerlines in that area. Mr. Deming explained that the septic tank and field is north of the house near the shed. Mr. Borg asked if the pool could be placed north of the septic field. He expressed concerns that the pool would be too close to the road presenting a danger. Mr. Deming stated that it would be too close to the road north of the septic field as well. Mr. Eichinger stated that he went out to the property and felt that the proposed location for the request is appropriate because of the location of the overheard power lines and the septic field. He noted that this is a private road with no houses across the road. Mr. Hoffman commented that on this private road there are only 2 parcels near this property. He agreed that this request is the most appropriate location and noted that above ground pools don't last forever so at some point this pool will be removed. Mrs. Michaels stated that because of the long and narrow nature of the lot and two front yards that this request seems reasonable. She asked what would happen to the variance if the pool was ever removed. Mrs. Burkhart explained that if the pool were ever removed or destroyed by more than 50% then the variance would be gone. Mrs. Michaels asked if the parcel across Windmill Lane could be split and built upon. Mrs. Burkhart stated that it appears to be and would probably need variances to be built upon.

Motion:

Mr. Eichinger made a motion in Case 22-09, 2497 Windmill Ln, parcel 11-14-251-008, to grant a variance from Sec. 4.15. - Schedule of Regulations to allow a 42-foot variance from the 50-foot required front yard setback to 8 feet for a proposed 28-foot above-ground round pool and 34-foot by 50-foot deck. Mr. Hoffman supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Borg-no, Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Jickling-no, Mr. Gerathy-yes (5 yes votes, 2 no votes). The motion carried and the variance is approved.

4. CASE NUMBER: 22-10
COMPLAINT #:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-13-252-009
PROPERTY ADDRESS: 2999 Summit Dr
APPLICANT: Marty & Denise Lynch

OWNER: Margaret, Chloe, and Molly Lynch

VARIANCE REQUESTED: a 24-foot variance from the 33-foot calculated front yard setback to 9 feet provided.
A 2-foot variance from the 5-foot required side yard setback to 3 feet provided.
A 29-foot variance from the 49-foot calculated setback from the ordinary high-water mark to 20 feet provided.
(Sec. 9.02. LV—Lake and Village Residential District)
This variance request is for a proposed house and attached garage.

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

Discussion from the Applicant:

Mike Powell, 4700 Cornerstone Dr, White Lake, introduced himself as the civil engineer representing the Lynches. He explained that this is an old lot of record, and that the depth of the lot would preclude any structures being built on this property without variances. He stated that the existing home is 3.5 feet from the front lot line, 1.3 feet from the side lot line, and 29 feet from the ordinary high-water mark. Mr. Powell explained that this project had to go before the Oakland County Sanitary Appeals (OCSA) Board. He explained that even to use the existing home a specially designed septic system had to be developed. The newly designed system is a state-of-the-art waste-water treatment plant and explained that the proposed location for the septic system is the location that the OCSA Board approved. Mr. Powell stated that the proposed home will be farther from the side and front yard lot lines than the existing home. He also stated that all the lots on Summit Dr. would also need variance if those homes were damaged and needed to be rebuilt. He stated that there is no off-street parking available on the lot with the existing house but that the proposed home would have a garage and space in front of the garage to allow for up to 4 cars to park without encroaching upon the road-right-of-way. He stated that all the neighbors have expressed support for this project.

Discussion from the Public:

Mr. Gerathy referred to several letters that had been submitted to the ZBA in support of the applicant's request. Letters by Marty & Denise Lynch - 2998 Summit Dr, Kim & Victoria Sigfreid - 2989 Summit Dr, Jeff & Colleen Webster - 2937 Summit Dr, Darrin & Melissa Racine - 2965 Summit Dr, Jay & Jen Herring - 2927 Summit Dr, Andy & Jennifer Yono - 2959 Summit Dr.

Darrin Racine, 2965 Summit Dr, was present. He stated that he is in support of this request because the existing house is very decrepit and could not be renovated. He stated that it is bringing property values of the neighborhood down.

Discussion from the Board:

Mr. Eichinger asked Mr. Powell if the existing septic system is working and what will happen to the existing system if this request is approved. Mr. Powell stated that it is still functioning but is not up to modern standards. He explained that the existing tank will be abandoned per county requirements and that the existing field is allowed to remain in place unused. Mr. Eichinger stated that he visited the property and felt that the proposed project is an improvement to the area. Mrs. Michaels agreed that this project will improve the neighborhood. Mr. Hoffman asked when this project went before the Sanitary Appeals Board. Mr. Powell stated that it went before the Board in 2020. Mr. Hoffman noted that this lot would not be able to meet any setback requirements.

Motion:

Mr. Hoffman made a motion in case 22-10, 2999 Summit Dr, parcel 11-13-252-009, to grant a variance from Sec. 9.02. LV—Lake and Village Residential District to allow a 24-foot variance from the 33-foot calculated front yard setback to 9 feet provided, a 2-foot variance from the 5-foot required side yard setback to 3 feet provided, and a 29-foot variance from the 49-foot calculated setback from the ordinary high-water mark to 20 feet provided for the construction of a new house and attached garage. Mr. Eichinger supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and the variances are granted.

5. CASE NUMBER: 22-11
COMPLAINT #:
ZONING: ARR – Agricultural Rural Residential District (5 acre)
PARCEL #: 11-05-400-005
PROPERTY ADDRESS: 5105 Fish Lake Rd
APPLICANT: Jacob and Beth Ramey
OWNER: Jacob and Beth Ramey
VARIANCE REQUESTED: A 95-foot variance from the 100-foot required rear yard setback to 5 feet provided.
A 25-foot variance from the 40-foot required side yard setback to 15 feet provided.
(Sec. 4.15. - Schedule of Regulations)
This variance request is for a proposed 12x18 shed.

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

Discussion from the Applicant:

Jacob and Beth Ramey, applicants and owners, were present. Mrs. Ramey explained that the practical difficulty is that the lot is substandard being only 0.65 acres in a 5 acres minimum zoning district. She noted that anything built on this lot would require a variance and there are no residences near the area of their yard where they would like to place the shed.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Jickling asked if it could be placed closer to the house. He noted that no matter where they placed the shed on this property it would need a variance but wanted clarification that this would indeed be the minimum variance needed for this shed. Mrs. Ramey explained that there is a dip in the center of the rear yard, the well is north of the dip, and there are trees and a berm in the rest of the areas of the rear yard. Mr. Eichinger asked how far the shed would be from the back of the house. Mr. Ramey said that it was approximately 50 feet. Mr. Borg commented that the location of the Ramey's request would help to block the view of the neighbor's farm equipment. Mr. Hoffman noted because of the property features noted, the berm in the back of the property and the farm surrounding the west and north sides of this property as well as the neighbors barn to the south the requested location would be ideal location. Mr. Raimondo noted that this lot is substandard for the ARR district and believes that this is a humble request meeting the requirement for the minimum variance necessary.

Mrs. Michaels asked if the shed would have a cement floor. Mrs. Ramey explained that the Building Official said that a gravel foundation is all that is required as the shed is pre-built with a wood floor. Mrs. Michaels then stated that she felt the request is minimal and appropriate. Mr. Raimondo asked if the shed would have electricity. Mr. Ramey confirmed that they would bring electricity to the shed. Mr. Gerathy asked what kind of workshop it will be. Mr. Ramey explained that his hobby is woodworking.

Motion:

Mr. Raimondo made a motion in case 22-11, 5105 Fish Lake Rd, parcel 11-05-400-005, to grant a variance from Sec. 4.15. - Schedule of Regulations to allow a 95-foot variance from the 100-foot required rear yard setback to 5 feet provided and a 25-foot variance from the 40-foot required side yard setback to 15 feet provided for the construction of a 12-foot by 18-foot shed. Mr. Borg supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and variances are granted.

Motion:

Mr. and Mrs. Ramey asked for a final decision letter. Mr. Hoffman made a motion to approve this request. Mr. Raimondo supported the motion and it carried with a unanimous voice vote.

MINUTES:

Mrs. Michaels moved to approve the minutes of April 6, 2022, as corrected. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

ADJOURN:

Mrs. Michaels made a motion to adjourn the meeting. Mr. Raimondo supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:59pm.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl-lgb