

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
May 4, 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: Kariline P. Littlebear, Zoning Administrator

Visitors: 4

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: 22-12
COMPLAINT #: ***EE21-0224***

ZONING: R1.5 (RCD) – Single-Family Residential Cluster Development
PARCEL #: 11-01-227-055
PROPERTY ADDRESS: 5991 Zander Lane
APPLICANT: Thomas & Janene Sesti
OWNER: Thomas & Janene Sesti
VARIANCE REQUESTED: A variance to allow a 6-foot-tall privacy fence in a required front yard setback where only a 4-foot-tall decorative fence is permitted. (Section 8.09).
This request is for a six-foot tall privacy fence in a required front yard along Jada Dr.

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

Discussion from the Applicant:

Thomas Sesti, property owner, was present. He stated that the house was built in August 2021 and during construction the HOA was still under the control of the builder, Better Built Homes. Mr. Sesti said that during the construction he asked Better Built Homes if he could have a fence placed on his property and

was given approval. He further stated that his fence contractor was supposed to pull a permit for the fence but failed to do so and it was then built without a permit.

Discussion from the Public:

Robert Alarie, 6118 Jada Dr, stated that he is the vice-president of the HOA. He stated that he is in support of the variance because he feels that the fence would look odd as a 4-foot fence in that area, and it would look crooked if it was moved to accommodate the height requirements. Jim Carney, 5616 Jada Dr, stated that he is president of the HOA and explained the HOA's stance on the variance request. He also stated his support for Mr. Sesti's variance request.

Mr. Gerathy read into record a letter against the variance request from Susan Boutorwick, 6052 Jada Dr. He also read into record a letter of support of the variance request from Charles and Stacey Burt of Better Built Homes at 156 E. Meadow Circle, White Lake, MI 48383.

Discussion from the Board:

Mr. Hoffman stated that this property has 2 front yards and only a very small section of the fence, approximately 15 sq ft, is in violation of the ordinance. He commented that for these reasons he is in favor of granting the variance. Mr. Borg felt that the fence does not obstruct the view on the corner. He expressed concern that a permit was not requested before construction as well the fact that the fence was built on the easement. Mr. Jickling commented that he cannot find anything that justifies granting a variance. He stated that there is no practical difficulty based on the topography of the lot, that the request is of a personal nature, the hardship was created by the homeowner by building the fence in the wrong location and building without a permit, that granting this variance could set a precedent with which other homeowners in the neighborhood could justify asking for a 6-foot privacy fence in their front yards, and that this request is not the minimum variance necessary because moving the fence would preclude the need for a variance. Mr. Eichinger asked Mr. Sesti why he built the fence and Mr. Sesti responded that he was concerned about coyotes getting into his yard. Mr. Eichinger asked Ms. Littlebear if the ZBA is required to approve the variance just because the fence has already been built. Ms. Littlebear explained that the ZBA members are not required to approve a variance request even if the structure has already been built. She further stated that if the variance is not approved the applicant would be required to either move the 6-foot panels of the fence or replace them with 4-foot decorative fence panels. Mrs. Michaels stated that a good fence contractor could make the fence look good while following the regulations and pointed out that if a permit had been pulled before the fence was built there would be no need for a variance because he would have been made aware of the zoning regulations at that time. She also expressed concern about the fence having been built over the utility easement. Mr. Eichinger asked if other fences in the neighborhood had permits. Ms. Littlebear stated that some of the fences do have permits, but the others are in violation and are being pursued as enforcement actions. Mr. Raimondo asked if the applicant received a municipal civil infraction and Ms. Littlebear stated that the applicant had not. Mr. Raimondo stated that he does not support this variance request as it is inconsistent with the zoning district and the zoning requirements.

Motion:

Mr. Hoffman made a motion on Case 22-12, 5991 Zander Lane, Parcel 11-01-227-055, to grant a variance from Section 8.09 to allow a 6-foot privacy fence in the required front yard. Mr. Borg supported the motion. Roll Call Vote: Mrs. Michaels-no, Mr. Jickling-no, Mr. Raimondo-no, Mr. Eichinger-no, Mr. Gerathy-no, Mr. Borg-no, Mr. Hoffman-yes, (1 yes votes, 6 no votes). The motion failed and the variance was denied.

MINUTES:

Mr. Borg moved to approve the minutes of April 20, 2022, as corrected. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Borg asked about what was on the agenda for the next meeting. Ms. Littlebear stated that it will be a minute only meeting along with some information on the history of the Highland Township zoning ordinance. Mr. Eichinger asked if they would be getting identification cards. Ms. Littlebear asked everyone to email her a photo and she would make sure to get the identification cards made. Mr. Raimondo stated that the bylaws have been updated and need to be signed. Ms. Littlebear stated that she would check with the Planning Director regarding the bylaws.

ADJOURN:

Mr. Raimondo made a motion to adjourn the meeting. Mr. Eichinger supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:22pm.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl