

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
July 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
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Also Present: Kariline P. Littlebear, Zoning Administrator

Visitors: 5

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.

Mrs. Michaels asked the Board members if any of them would need to recuse themselves. They all said no. Mrs. Michaels excused herself from the meeting since her presence was not needed.

NEW BUSINESS:

1. CASE NUMBER: 22-15
COMPLAINT #:

ZONING:	LV – Lake and Village Residential District
PARCEL #:	11-11-429-019
PROPERTY ADDRESS:	3415 Highland Blvd.
APPLICANT:	Chris & Leisa Peyton
OWNER:	Chris & Leisa Peyton
VARIANCE REQUESTED:	a 5-foot variance from the required side yard setback from 5 feet required to 0 feet provided. (Sec 9.02.B.b. Side Yard Setback) The variance request is for the construction of a gable roof over an existing deck.

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. and Mrs. Peyton, the applicants, were present. Mr. Peyton stated that they did not have any additional information for the Board members.

Discussion from the Public:

Mr. Gerathy read into record an email against the variance request from Sue (Velthoven) Buckner of 3425 Highland Blvd.

Discussion from the Board:

Mr. Gerathy pointed out that some of the issues raised in the letter pertained to enforcements that are being handled by the appropriate township departments and that the only issue that the Zoning Board of Appeals will be addressing is the variance request for the side yard setback.

Mr. Hoffman asked for clarification regarding the discrepancy between the requested variance of a zero-foot setback and the survey that shows a 2.8-foot setback. Mr. Chad Coleman, 10772 Bogie Lake Rd, stated that he is the contractor for the Peyton's and that they requested a zero-foot setback because they had not received the exact measurement from the survey when they applied. He further stated that the survey shows the correct setback that they are now requesting. Mr. Green asked if there are any alternatives to extending the gable roof. Mr. Peyton said he didn't believe that there is. Mr. Borg asked for clarification regarding the elevations. The elevations provided show the gable roof extending the entire width of the roof. Mr. Coleman explained that the elevations are incorrect and that the roof will be stepped in so that the roofline will only cover the existing deck. He assured the Board that the elevations will be corrected for the building permit application.

Mr. Eichinger asked for clarification of the materials of the existing deck and of the height of the roof cover and the side overhang. Mr. Coleman said that the deck is currently composite material. He explained that the height of the new roof will be slightly shorter than the rest of the roof and there won't be an overhang as the new roof will be flush with the sides of the deck. Mr. Jickling asked if there will be a gutter along the new roof. Mr. Coleman stated that they do plan on having a gutter to control water drainage. Mr. Raimondo asked if the deck footprint will remain the same. Mr. Peyton said that they don't plan to change the footprint of the deck.

Mr. Raimondo asked for clarification regarding the answer to the worksheet question as to whether the practical difficulty was created by the property owner. He asked specifically if the deck was existing when the Peyton's purchased the home. Mr. Peyton said that the deck was existing, and the house was as it is when they bought it, so the practical difficulty was not created by them. Mr. Raimondo noted that the roof would not have a larger footprint than the existing deck.

Mr. Borg noted the narrowness of the lot and the fact that it is an older home, built at an angle very near the property line.

Motion:

Mr. Hoffman made a motion in case 22-15, 3415 Highland Blvd., parcel 11-11-429-019, to grant a variance from Section 9.02.B.b. governing Side Yard Setbacks in the LV District to allow a 2.2-foot variance from the required side yard setback from 5 feet required to 2.8 feet provided for the construction of a gable roof over an existing deck. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-no, Mr. Green-yes, Mr. Raimondo-no, Mr. Eichinger-yes, Mr. Gerathy-yes (2 no votes, 5 yes votes). Motion carried and the variance was granted.

Supplemental Discussion:

Mr. Jickling wished to elaborate on why he felt that this variance should not have been granted. He referred to the worksheet question number 6 which asks whether the variance requested is the minimum necessary. He noted that the Peyton's answered no when the answer should always be yes. He then referred to question 7 which asks whether the property owner is providing proof of ownership and he noted that the applicant said no. He felt that this addition is not necessary to allow the applicants full use of their property and contributes to non-conformity within the neighborhood.

2. CASE NUMBER: 22-16
COMPLAINT #:

ZONING: LV – Lake and Village Residential District
PARCEL #: 11-10-454-003

PROPERTY ADDRESS: 3210 Lakeview Blvd
APPLICANT: Chad Coleman

OWNER: Chad Coleman
VARIANCE REQUESTED: a 15-foot variance from the calculated 30-foot front yard setback to 15 feet provided.
(Sec 9.02.B.a. Front Yard Setback)
The variance request is for the construction of an attached one-story 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:

Mr. Chad Coleman, the applicant, was present. Mr. Coleman stated that he did not have any additional information for the Board members.

Discussion from the Public:

None

Discussion from the Board:

Mr. Gerathy said that he has been to the property and noted that the request is within similar distances of the neighborhood. Mr. Hoffman noted that he has looked at the property and feels that the plans for the house seem to be an improvement to the neighborhood. Mr. Eichinger asked Mr. Coleman if he planned to live in the house. Mr. Coleman said no and explained that he is a professional contractor and bought the property as an investment to renovate and either sell or rent.

Mr. Raimondo offered into fact that this property is in the LV district, the proposed variance would not be harmful to or alter the essential character of the surrounding community and is the minimum variance necessary.

Motion:

Mr. Raimondo made a motion in case 22-16, 3210 Lakeview Blvd, parcel 11-10-454-003, to grant a variance from Section 9.02.B.a. governing front yard setbacks in the LV District to allow a 15-foot variance from the calculated 30-foot front yard setback to 15 feet provided for the construction of a

one -story attached garage. Mr. Borg supported the motion. Roll Call Vote: Mr. Jickling-yes, Mr. Green-yes, Mr. Raimondo-yes, Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and the variance was granted.

Mr. Hoffman moved to approve a final decision for this case. Mr. Eichinger supported the motion and it carried with a unanimous voice vote

MINUTES:

Mr. Borg moved to approve the minutes of June 1, 2022, as corrected. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Sue Buckner, 3425 Highland Blvd, asked to speak. She explained that she was very hard of hearing and was feeling intimidated, so she did not address the board during Case 22-15. She asked for clarification of the variance that was granted. She further explained that the home closest to the Peyton's project is her parent's house. Mr. Hoffman explained the details of the variance that had been granted. Ms. Buckner also expressed concerns about potential water runoff onto her parent's property. Mrs. Littlebear explained that the Building Official addresses drainage during construction. Ms. Buckner also expressed concern over the construction of a deck and gazebo that Mr. Peyton built without permits. It was explained to her that the Township zoning and building departments will follow up on any violations.

Mr. Green asked why the application packet for case ZBA22-15 was not more complete and had the correct renderings. Mrs. Littlebear stated that she must take responsibility and apologize for that because she was being too accommodating of the applicant and failed to provide good information to the Board. She stated that this case was a learning experience and that she would do better for the Board in the future.

ADJOURN:

Mr. Raimondo made a motion to adjourn the meeting. Mr. Hoffman supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:20 pm.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl