

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
July 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 - Absent

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: 22-17
COMPLAINT:
ZONING: ARR – Agricultural & Rural Residential District
PARCEL #: 11-30-151-012
PROPERTY ADDRESS: 563 S. Tipsico Lake Rd
APPLICANT: Monica & Rustin Phillips
OWNER: Monica & Rustin Phillips
VARIANCE REQUESTED: A 31-foot 3-inch variance from the required rear yard setback from 100 feet required to 68-foot 9-inches provided.
(Sec. 4.15 Schedule of Regulations)
The variance request is for the construction of a patio in the rear yard.

Chairman Gerathy introduced the case and asked if the applicant would like to proceed with the hearing even though there was not a full Board present. Mr. Gerathy also asked the applicants if they had anything to add that was not in the application.

Discussion from the Applicant:

Mr. and Mrs. Phillips, the applicants, were present. Mr. and Mrs. Phillips agreed to proceed with the hearing. Mrs. Phillips then briefly reviewed the case for the Board.

Discussion from the Public:

None

Discussion from the Board:

Mr. Hoffman asked for clarification regarding the reason why a patio at grade is something that the ZBA has to address. He expressed his belief that this type of project should be treated like a driveway which does not require permission from the township. Mrs. Littlebear stated that because patios at grade are treated the same as a deck in the Zoning Ordinance that they have to meet setback requirements. Since the patio in question does not, the ZBA needs to make a determination as to whether a variance should be granted. Mr. Borg stated that this parcel is zoned ARR which has a 5-acre minimum, but this parcel is substandard at only 1.16 acres. He pointed out that if this parcel were zoned one of the townships smaller residential districts like LV or R1.5 which have rear yard setbacks of between 30' and 50' this patio would meet setbacks without requiring a variance. Mr. Raimondo stated that this request will not alter the essential character of the neighborhood, it is the minimum variance necessary, and will not impair the health, safety, or welfare of the public.

Motion:

Mr. Borg made a motion in case 22-17, 563 S. Tipsico Lake Rd., parcel 11-30-151-012, to grant a variance from Section 4.15 governing Rear Yard Setbacks in the R3 District to allow a 31-foot 3-inch variance from the required rear yard setback from 100 feet required to 68-feet 9-inches provided for the construction of a patio at grade. Mr. Jickling supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (6 yes votes). Motion carried and the variance was granted.

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

2. CASE NUMBER: 22-18
COMPLAINT:
ZONING: R3 – Single Family Residential District (3acre min)
PARCEL #: 11-09-376-013
PROPERTY ADDRESS: 1314 Middle Rd
APPLICANT: William & Jeanne DeHaan
OWNER: William & Jeanne DeHaan
VARIANCE REQUESTED: A 10-foot variance from the required side yard setback from 40 feet required to 30-feet provided. (Sec. 4.15 Schedule of Regulations)
The variance request is for the construction of a pole barn in the side yard.

Chairman Gerathy introduced the case and asked if the applicant would like to proceed with the hearing even though there was not a full Board present. Mr. Gerathy also asked the applicant if he had anything to add that was not in the application packet.

Discussion from the Applicant:

Mr. William DeHaan, the applicant, was present. Mr. DeHaan congratulated the township staff and Board members for being so helpful and supportive. He further stated that he had input from several of the board members with regards to how he might make changes to his project so that a variance would not

be necessary. Mr. DeHaan stated that after careful consideration of those suggestions, most especially Mr. Jickling's suggestions, he would request that his case be tabled for 30 days so that he can rework his idea to see if he can reduce the amount of a variance needed or to possibly make it fit entirely within the setbacks and not need a variance at all.

Discussion from the Public:

None

Discussion from the Board:

Mr. Hoffman said that he would agree to table the case. Mr. Gerathy asked Mr. DeHaan to which date he would like it tabled. Mrs. Littlebear stated that the meeting that would most closely meet the 30 days that Mr. DeHaan suggested earlier is August 17, 2022. Mr. DeHaan agreed to that date.

Motion:

Mr. Hoffman made a motion in case 22-18, 1314 Middle Rd, parcel 11-09-376-013, to table this request until the August 17, 2022, ZBA Meeting. Mr. Borg supported the motion and it carried with a unanimous voice vote.

MINUTES:

Mr. Raimondo moved to approve the minutes of July 6, 2022, as presented. Mr. Borg supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Raimondo stated that he may be absent on Wednesday, August 17, 2022, but will let Mrs. Littlebear and the alternate member, Mary Michaels, know as soon as he knows for sure.

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 7:56 pm.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl