

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
September 21, 2022

The meeting was held at Fire Station # 1, 1600 W. Highland Road, Highland, Michigan.

Chairman Gerathy called the meeting to order at 7:27 p.m.

ROLL CALL:

David Gerathy, Chairman
Michael Borg, Vice Chairman
Anthony Raimondo, Secretary
Peter Eichinger
Scott Green
Robert Hoffman (arrived at 7:33pm)
John Jickling
(Alternate) Mary Michaels

Also Present: Kariline P. Littlebear, Zoning Administrator

Visitors: 3

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. Mr. Gerathy asked if any of the Board members needed to recuse themselves and they all said no.

NEW BUSINESS:

1. CASE NUMBER: 22-24
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-11-233-020
PROPERTY ADDRESS: 2141 Jackson Blvd
APPLICANT: David Thomson
OWNER: David Thomson
VARIANCE REQUESTED: A 13-foot 6-inch variance from the calculated 32-foot front yard setback to 18-feet 6 inches provided; and
A 1-foot variance from the 10-foot required side yard setback to 9-feet provided.
(Sec. 9.02.B.a. Front Yard Setback)
(Sec. 9.02.B.b. Side Yard Setback)
This request is for the reduction of the required front and side yard setbacks for the construction of first and second story additions.

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

Discussion from the Applicant:

Mr. Thomson, the applicant, was present. He briefly reviewed the case for the Board and provided a new set of photographs of the neighborhood.

Discussion from the Public:

None

Discussion from the Board:

Mr. Borg asked the applicant about the lines currently running above the house. Mr. Thomson explained that those are Frontier phone lines and that they have agreed to relocate them. Mr. Borg asked about electric lines coming to the house. Mr. Thomson explained that DTE requires that new electric lines be underground so there will be no issue with any above ground utilities running too close to the second story addition. Mr. Jickling asked if the applicant had considered a complete home demolition. Mr. Thomson explained that the existing house is structurally sound and the new septic system takes up most of the rear yard. Mr. Borg noted that the house is non-conforming because it was built many years before the current zoning ordinance. He felt that this request will not negatively impact the safety or welfare of the community, is in keeping with the character of the neighborhood, and is the minimum necessary.

Motion:

Mr. Borg made a motion in case 22-24, 2141 Jackson Blvd., parcel 11-11-233-020, to grant a variance from Section 9.02.B.a. governing Front Yard Setbacks in the LV District to allow a 13-foot 6-inch variance from the calculated 32-foot front yard setback to 18-feet 6-inches provided and a variance from Section 9.02.B.b. governing Side Yard Setbacks in the LV District to allow a 1-foot variance from the 10-foot required side yard setback to 9-feet provided for the construction of first and second story additions. Mrs. Michaels supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and the variance was granted.

2. CASE NUMBER: 22-25
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-301-018
PROPERTY ADDRESS: 2525 Davista Dr
APPLICANT: Images Landscaping
OWNER: Chris & Christina Becin
VARIANCE REQUESTED: A 19-foot variance from the calculated 30-foot high water mark setback to 11-feet provided; and
An 8-foot variance from the 10-foot required side yard setback to 2-feet provided; and
A 2-foot 10-inch variance from the 5-foot required side yard setback to 2-foot 2-inches provided.
(Sec. 9.02.D. High Water Mark Setback)
(Sec. 9.02.B.b. Side Yard Setback)
This request is for the reduction of the required side yard and high-water mark setbacks for the construction of two uncovered patios, an uncovered deck, and a hot tub.

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

Discussion from the Applicant:

Mr. Rob Neiryneck with Images Landscaping was present. He was presenting the case for property owners Chris & Christina Becin. He briefly reviewed the case for the Board. Mr. Chris Becin, property owner, was also present.

Discussion from the Public:

None

Discussion from the Board:

Mr. Jickling stated that he felt the east side yard setback variance request of 2-feet 10-inches was not the minimum necessary. He noted that if the proposed hot tub were rotated that it would line up with the edge of the existing house and the edge of the proposed uncovered deck. The applicant would then only require a 10-inch variance for the hot tub and uncovered deck. Mr. Neiryneck explained the aesthetic reasons why they designed the hot tub to sit at an angle to the proposed deck but clarified that the property owners are willing to compromise. Mr. Becin agreed that rotating the deck to align with the proposed deck and existing house would be an acceptable compromise. Mr. Borg noted that the house and the existing patio near the seawall were built many years before the current zoning ordinance. He noted that the small footprint of this property limits the placement of any potential structures. He further noted that the proposed patio near the seawall is smaller than the existing patio and so would bring that closer to conforming with the ordinance. Mr. Eichinger inquired of the Board as to whether a motion should be made separately for each of the variances in this request. The Board members all agreed that they would likely make separate motions for each variance. Mr. Green asked Mrs. Littlebear whether a paver patio is considered a structure. She explained that under the current ordinance it is regulated the same as a deck. He further asked which ordinance relates to the placement of the hot tub. She explained that under the zoning ordinance a hot tub is regulated the same as a swimming pool. Mr. Green noted that the Board should be specific in its motions regarding this case. Mr. Raimondo noted that he is not sure that there is a practical difficulty. Mr. Hoffman noted that this request is in keeping with the neighborhood character.

Motion:

Mr. Jickling made a motion in case 22-25, 2525 Davista Dr., parcel 11-12-301-018, to grant a variance from Section 9.02.B.b. governing Side Yard Setbacks in the LV District to allow a 10-inch variance from the required 5-foot side yard setback from the east lot line to 4-feet 2-inches provided for the construction of an uncovered deck and hot tub. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Borg-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and the variance was granted.

Mr. Hoffman made a motion in case 22-25, 2525 Davista Dr., parcel 11-12-301-018, to grant a variance from Section 9.02.B.b. governing Side Yard Setbacks in the LV District to allow an 8-foot variance from the required 10-foot side yard setback from the west lot line to 2-feet provided for the construction of a paver patio on grade as presented and a variance from Section 9.02.D. governing High-Water Mark Setbacks in the LV District to allow an 19-foot variance from the calculated 30-foot high-water mark setback to 11-feet provided for the construction of a paver patio with fire pit and seating wall as presented. Mr. Green supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Green-yes, Mr. Jickling-yes, Mr. Borg-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and the variance was granted.

Mr. Hoffman moved to grant a Final Determination for case 22-25, 2525 Davista Dr., parcel 11-12-301-018. Mr. Raimondo supported the motion and it carried with a unanimous voice vote.

MINUTES:

Mr. Jickling moved to approve the minutes of September 7, 2022, as presented. Mr. Borg supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Mrs. Littlebear noted that the next meeting on October 5, 2022 will be a minutes only meeting. Mr. Gerathy requested that the ZBA bylaws be reviewed and possibly amended at the next meeting as well. Mr. Raimondo stated that the Planning Director may have a file for the bylaws. Mrs. Littlebear stated that there will be two cases for the October 19, 2022 meeting.

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 8:34 pm.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl