

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
October 19, 2022

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

The meeting was called 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

Lisa G. Burkhardt, AICP Zoning Administrator

Visitors:

Mr. Gerathy welcomed those in attendance and reviewed the procedures for addressing the Board. He stated that 4 affirmative votes are required to approve a variance. If a variance is approved the applicant has one year to act upon the variance. The alternate will be voting this evening due to the absence of a regular member.

NEW BUSINESS:

1. CASE NUMBER: 22-26
COMPLAINT:
ZONING: ARR – Agricultural and Rural Residential District
PARCEL #: 11-32-200-015
PROPERTY ADDRESS: 1885 Lone Tree Rd
APPLICANT: Justin VanGordon
OWNER: Justin VanGordon
VARIANCE REQUESTED: A 69.3-foot variance from the required 75-foot front yard setback to 5.7-feet provided. (Sec. 4.15 Schedule of Regulations)
This request is for the reduction of the required front yard setback from an existing accessory structure (28' x 52' pole barn) to a proposed private road easement. This variance is requested to complete a land division and combination request.

Chairman Gerathy stated that correspondence was received from the applicant requesting that the case be tabled to the December 7, 2022, meeting. Mr. VanGordon was present and stated that he needed to gather more information prior to the hearing.

Motion:

Ms. Michaels made a motion to table case 22-26 to the December 7, 2022, meeting.
Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

2. CASE NUMBER: 22-27

COMPLAINT:

ZONING: LV – Lake and Village Residential District
PARCEL #: 11-13-402-030
PROPERTY ADDRESS: 1900 N. Duck Lake Rd.
APPLICANT: Eric Gingras
OWNER: Eric and Mandy Gingras
VARIANCE REQUESTED: A 28-foot variance from the calculated 40-foot front yard setback to 12-feet provided; and
A 32-foot variance from the calculated 65-foot high-water mark setback to 33-feet provided.
(Sec. 9.02.B.a. Front Yard Setback)
(Sec. 9.02.D. High Water Mark Setback)
This request is for the reduction of the calculated front yard and high-water mark setbacks for the construction of a second story addition and uncovered deck.

Chairman Gerathy introduced Case 22-27 and asked if the applicant had any additional information not included in the application.

Discussion from the Applicant:

Mr. Gingras wanted to clarify that he has two separate projects in mind. One is the addition above the garage and the second is the deck around the back. He also wanted to make it clear that it is an upper story addition over the existing structure and deck.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Jickling asked if both variances were needed for each project. Mr. Gingras stated that both variances are needed; however, the deck would be completed this fall and the addition would be completed in the spring. Mr. Hoffman and Mr. Borg commented that the parcel is unusually shaped. Mr. Eichinger visited the site and observed the existing setbacks. He noted that all construction would be over existing structures.

Mr. Eichinger and Mr. Borg offered the following facts:

- The lot is irregularly shaped.
- The house was built about 1940, pre-dating the Ordinance.
- The footprint of the existing house is not expanding.

Motion:

Mr. Hoffman made a motion in Case 22-27, Parcel Number 11-13-402-030, 1900 N. Duck Lake Rd., to grant a 28-foot variance from the calculated 40-foot front yard setback to 12-feet provided; and 32-foot variance from the calculated 65-foot high- water mark setback to 33-feet provided from Sections 9.02.B.a. and 9.02.D. for construction of a deck and second-story addition per plans submitted. Mr. Eichinger supported the motion. Ms. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes) The motion was approved, and the variance granted.

Motion:

Mr. Hoffman made a motion to authorize a final determination form for Case 22-27. Mr. Borg supported the motion and it passed with a unanimous voice vote.

MINUTES:

Mr. Jickling made a motion to approve the minutes of October 5, 2022, as presented. Mr. Borg supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Borg asked about access in Case 22-26. Mrs. Burkhart explained the land division ordinance and the land division act as it relates to access and further discussed the land division process.

Mr. Jickling asked for copies of the by-laws from adjoining Townships as he would like to see other examples. Mr. Jickling commented that the alternate and members have the same responsibilities and should be reflected in the by-laws and referenced Article 10. Mr. Raimondo thought it should be clear that the alternate has the choice to leave if not needed. Mr. Gerathy felt they should stay until the meeting is over. Most members did not feel that the alternate needed to stay through the whole meeting. Mr. Jickling and Ms. Michaels written suggestions will be drafted into a revised document for consideration at the November 16, 2022, meeting.

ADJOURN:

Mr. Hoffman made a motion to adjourn the meeting. Mr. Raimondo supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:04 p.m.

Respectfully submitted,

Anthony
Raimondo
Secretary
AR/lgb