

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
November 16, 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
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 6

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. He asked if any member needed to recuse themselves for any of the agenda items and every member said no. He then stated that the alternate member may leave or stay as she so chooses. Mrs. Michaels chose to stay.

NEW BUSINESS:

1. CASE NUMBER: 22-28
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-15-278-034
PROPERTY ADDRESS: 1062 Dunleavy Dr
APPLICANT: John Wiegand
OWNER: Angela Ransdell
VARIANCE REQUESTED: A 22-foot variance from the calculated 34-foot front yard setback to 12-feet provided.
(Sec. 9.02.B.a.)
A 1-foot variance from the required 5-foot side yard setback to 4-feet provided.
(Sec. 9.02.B.b.)
This request is for a reduction in the front and side yard setbacks to rebuild a house and deck on an existing foundation after a fire.

Chairman Gerathy introduced Case 22-28 and asked if the applicant had any additional information not included in the application.

Discussion from the Applicant:

John Wiegand, applicant, said that he didn't have anything new to add.

Discussion from the Public:

Donna Cole, 2600 Dunleavy Dr., stated that she is the closest neighbor to this property, and she is in support of the variance request.

Discussion from the Board:

Mr. Hoffman stated that granting this variance would be in keeping with the character of the neighborhood. Mr. Borg referenced answer 3 on the worksheet and made clear that finances cannot be a factor in granting a variance. He stated that he walked the property and noted that some work has already begun without a variance or building permit. Mr. Wiegand stated that the work was simply some block work to shore up the exposed foundation and he stated that the building department allowed him to do that. Mr. Borg also asked if the existing septic field will be used for the new home. Mr. Eichinger asked for clarification of the location of the septic field. He also stated that he saw the wellhead on the north side of the proposed house. Mr. Wiegand stated that the county has given them permission to reuse the existing septic system and that it is south of the proposed house and north of the existing barn. Mr. Borg asked if the survey markers were located on the site. Mr. Wiegand stated that he was unable to locate any survey markers. Mrs. Littlebear noted that with the help of the older surveys from the 1970's she was able to confirm that the existing fence is indeed on the property line and so was used to establish the correct measurements for the variance request. Mr. Raimondo asked if the fence and current parcel shape was created based on the 8ft encroachment noted on the original surveys from 1972. Mrs. Littlebear confirmed that is the case. Mr. Raimondo asked for confirmation that the previous house had been built before modern zoning and Mrs. Littlebear confirmed that also. Mr. Raimondo then asked if that means that any new house would be required to meet the current zoning ordinance. Mrs. Littlebear confirmed that is correct. Mr. Raimondo asked for clarification of the practical difficulty. Mr. Wiegand stated that the lot is odd-shaped, on a hill, and the ground is very wet so that moving the house anywhere else on the lot would not work. Mr. Jickling noted that the existing house had been legally non-conforming as it was built before modern zoning and so sees no problem with them rebuilding to match the setbacks that had been established prior.

Motion:

Mr. Hoffman made a motion in Case 22-28, Parcel Number 11-15-278-034, 1062 Dunleavy Dr., to grant a 22-foot variance from the calculated 34-foot front yard setback to 12-feet provided.; and 1-foot variance from the required 5-foot side yard setback to 4-feet provided from Sections 9.02.B.a. and 9.02.B.b. for the reconstruction of a house and deck on an existing foundation after a fire per plans submitted. Mr. Eichinger supported the motion. Mr. Green-yes, Mr. Jickling-yes, Mr. Raimondo-no, Mr. Borg-yes, Mr. Hoffman-yes,

Mr. Eichinger-yes, Mr. Gerathy-yes (6 yes votes, 1 no vote). The motion carries and the variance granted.

Motion:

Mr. Hoffman made a motion to authorize a final determination for Case 22-28. Mr. Eichinger supported the motion and it passed with a unanimous voice vote.

2. CASE NUMBER: 22-29
COMPLAINT:
ZONING: HS – Highland Station District
PARCEL #: 11-22-353-025
PROPERTY ADDRESS: 290 N. John Street
APPLICANT: Thompson-Phelan Group
OWNER: Michigan Legacy Credit Union
VARIANCE REQUESTED: A variance to allow a freestanding sign in a 16-foot 4-inch front yard where a minimum 30-foot front yard is required.
(Sec. 9.05.H.7.h.)
A 5-foot variance from the road right-of-way setback from 10-feet required to 5-feet provided for both freestanding signs.
(Sec. 9.05.H.7.h.ii.)
A variance to allow for two (2) freestanding signs where only one (1) freestanding sign per parcel is allowed.
(Sec. 9.05.H.7.h.i.)
A 2-foot variance from the 4-foot maximum height requirement to 6-feet provided for both freestanding signs.
(Sec. 9.05.H.7.h.i.)
A variance to allow all three (3) signs to be made of black aluminum, polycarbonate, vinyl, and acrylic where only natural materials are allowed.
(Sec. 9.05.H.4.)
(Sec. 9.05.H.7.h.iii.)
A variance to allow for internally illuminated signs where only exterior illumination of signs is allowed in HS District.
(Sec. 9.05.H.5.)
This request is for reductions in the front yard setbacks, number, height, materials, and illumination requirements to allow an internally illuminated wall mounted sign and two internally illuminated freestanding signs.

Chairman Gerathy introduced Case 22-29 and asked if the applicant had any additional information not included in the application.

Discussion from the Applicant:

Brian Van Peteghem, representative for the applicant, explained that the credit union is going through a rebranding. He explained that he has already met with the Planning Commission for the site plan review and understands that most of the rebranding elements do not meet the criteria for Highland Station District. He stated that the applicant understands and would like to keep with the history of the structure and the zoning district but would like for at least the signs to reflect the new branding. He spoke about the history of the credit union and the credit union industry. Mr. Van Peteghem explained that the credit union was originally for Huron Valley School employees only but now that they are open to the public, they need better signage to be more visible. He explained that they are requesting the electronic reader sign so that the township can use it to advertise events in the township. He explained that the internal illumination of the sign would be a very subtle glow through the white lettering and around the edge and felt that the illumination would be less obtrusive than external lights shining up on the signs. Gary Leech, Chief Operating Officer for the credit union, stated that he is present to answer any questions that the board may have.

Discussion from the Public:

Mr. Gerathy read into record an email from Timothy Kozub, 2481 Harvey Lake Rd, in opposition to the variance requests.

Discussion from the Board:

Mr. Borg asked for clarification as to whether the wall mounted sign would also be illuminated. Mr. Van Peteghem confirmed that it will be illuminated in the same way as the freestanding signs. Mr. Borg stated that he felt that the proposed freestanding signs would not be visible from M-59 or Milford Road. He noted that both Ruggles St. and N. John St. have a speed limit of 25 mph. Mr. Borg stated that these two factors made larger than allowed signs unnecessary. Mrs. Michaels stated that she does not see a practical difficulty for three signs on this parcel nor for internal illumination of the signs. She also referred to the application question number five and said that she feels that the variance would alter the essential character of the area. She stated that the ZBA is required to approve only the minimum variance necessary, and she doesn't believe that their requests meet that standard. She further stated that she felt that the electronic reader should be eliminated from their request. Mr. Eichinger asked if the applicant had additional information. Mr. Leech stated that the credit union is willing to remove the electronic reader. Mr. Van Peteghem stated that if the electronic reader is eliminated then the credit union would want to lower the height of both freestanding signs to 4 feet which would meet the ordinance and eliminate the height variance portion of their request. Mr. Leech stated that he feels that the signs will not be out of place in this district. He further stated that, though the signs are internally illuminated, they have a soft glow that is less bright than external spotlights shining on signs would be. Mr. Borg stated that he doesn't feel that the sign would interfere with visibility for drivers at the 5-foot setback. Mr. Eichinger stated that he felt that it was an odd location for a credit union. Mr. Leech agreed that it is not a great location. He said that the location is a result of originally

being a credit union only for school employees and this location is across the street from the now demolished middle school as well as the current elementary school. He stated that it could be a better business decision to close this location and open in a busier and more visible location, but he stated that when they took over this credit union, they made a commitment to stay in Highland. Mr. Jickling stated that he doesn't have a problem with the setback variance request of 5 feet, but he doesn't feel that 2 freestanding signs on this small lot is necessary. He stated that he is pleased that the applicant is willing to reduce the sign height to meet the ordinance. He stated that he would like to see if there are some options for bringing natural materials into the signs and he is unsure as to whether internal illumination is necessary but may be a better option than spotlights that would shine up onto the signs. Mr. Van Peteghem and Mr. Leech both agreed that just one freestanding sign would be acceptable so they can eliminate that portion of the variance request. Mr. Eichinger suggested that perhaps turning the freestanding sign near the corner of Ruggles and N. John or making a triangular sign with 3 faces to be more visible driving west on Ruggles as well as north and south on N. John. There was some discussion as to what a triangular sign would look like and whether that type of sign would be better located a little farther back thus eliminating the need for a setback variance. Mr. Raimondo asked if perhaps tabling the case to allow the applicant to make some of the suggested changes would be advisable. Mrs. Littlebear explained that based upon the changes that the applicant makes the case may need to be readvertised. She further explained that the advertising deadlines for both of the December 2022 meetings have already passed so it would need to be tabled to the first ZBA meeting in January 2023. Mr. Leech and Mr. Van Peteghem both agreed that it would be fine to table the case because the signs would not be installed until the spring anyway so there is plenty of time to get everything right. Mr. Van Peteghem stated that he would create some new renderings and get them to Mrs. Littlebear as soon as possible. Mr. Raimondo noted that the site plan for the rest of the project had been approved at the October 6, 2022 Planning Commission meeting and only the signs need to be approved of by the ZBA.

Motion:

Mr. Raimondo made a motion to table Case 22-29, Parcel Number 11-22-353-025, 290 N. John St., to the first ZBA meeting in January 2023. Mr. Green supported the motion. Mr. Hoffman-yes, Mr. Green-yes, Mr. Jickling-yes, Mr. Borg-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (7 yes votes).

MINUTES:

Mr. Raimondo made a motion to approve the minutes of October 19, 2022, as corrected. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Green wanted to clarify that a financial burden cannot be a consideration for a variance. Mrs. Littlebear gave each ZBA member a copy of the by-laws with the previously requested corrections and additions highlighted in red for the members to review. Mr. Green asked that the words "or otherwise excused" be removed from the second sentence of Section 5.1. The other ZBA members agreed. Mr. Raimondo, with the support of the rest of the board, asked that Mrs. Littlebear submit these corrected by-laws with that one change noted above to the

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township lawyer for review so that the board can approve the updated by-laws at the December 7, 2022 ZBA meeting.

ADJOURN:

Mr. Green made a motion to adjourn the meeting. Mr. Hoffman supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Anthony
Raimondo
Secretary
AR/lgb