

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
April 5, 2023

The meeting was held at Highland Township Auditorium, 205 N. John St., Highland, Michigan, 48357.

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

Kariline P. Littlebear, Zoning Administrator

Visitors: 8

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 participate in the meeting in place of the absent regular member.

NEW BUSINESS:

- | | | |
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| 1. | CASE NUMBER: | 23-04 |
| | COMPLAINT: | |
| | ZONING: | LV – Lake and Village Residential District |
| | PARCEL #: | 11-13-203-010 |
| | PROPERTY ADDRESS: | 2956 White Oak Beach Dr |
| | APPLICANT: | Marc Weiler & John Burton |
| | OWNER: | Marc Weiler & John Burton |
| | VARIANCE REQUESTED: | A 3.3-foot variance from the required 5-foot side yard setback to 1.7-foot provided for a 2 nd story addition. (Sec. 9.02.B.b)
A 1-foot variance from the required setback of 20 inches to inches to 8 inches for 2 nd story roof overhang. (Section 8.02.D)
A 5-foot variance from the calculated 57-foot high-water mark setback to 52-feet provided for a 2 nd story addition (Sec. 9.02.D.)
A 3-foot variance from the calculated 51-foot high-water mark setback to 48-feet provided for 1 st and 2 nd story decks. (Sec. 9.02.D.)
A 28.9-foot variance from the calculated 33-foot front yard setback to 4.1-foot provided for a 1 st floor addition. (Sec. 9.02.B.a.) |

This request is for remodeling and additions to an existing house.

Chairman Gerathy reviewed the application and asked if the applicant had anything to add to his statement. Chairman Gerathy asked if Mrs. Littlebear had anything else to add. She clarified that the variance request from Sec. 8.02.D. to 8 inches provided is only for the roof overhang.

Discussion from the Applicant:

The applicant, Marc Weiler, was present.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Eichinger made a motion to address and vote on each section of the request individually. Mr. Hoffman supported the motion and it carried with a unanimous voice vote. Mr. Jickling asked the applicant if this is 2 separate parcels. Mr. Weiler stated that it was just one parcel. Mrs. Littlebear stated that it was originally platted as two 40-foot lots, but it has been one parcel for a number of years now. Mr. Jickling asked Mrs. Littlebear if this parcel could be divided, and another house built on what was the original 40-foot lot. Mrs. Littlebear stated that this lot could not be divided without a variance because the minimum lot size required in the LV district is much larger than the current parcel. Mr. Eichinger asked the applicant if this is investment property. Mr. Weiler stated that the plan is that it will be their retirement home. Mr. Eichinger asked if it is currently occupied. Mr. Weiler stated that it is currently unoccupied as he feels that it is not structurally sound. Mrs. Michaels stated that she feels that this request is of a personal nature. Mr. Hoffman stated that the existing house is nonconforming and improving the house will not increase the nonconformity. Mr. Raimondo asked the applicant to state what he felt was the practical difficulty. Mr. Weiler stated that the difficulty is that the house is existing and to do any modifications would require a variance. Additionally, the septic system is to the south of the house so they would not be able to do an addition in that direction. Mr. Borg asked if a detached garage would be an option instead of adding to the existing garage. Mr. Weiler stated that there isn't anywhere on the property that wouldn't interfere with the septic system and the well or encroach on any other setbacks. Mr. Eichinger asked about the first-floor deck. Mr. Weiler stated that the existing first floor deck is not structurally sound, so it needs a variance in order to be fixed. Additionally, Mr. Weiler will be entirely removing the existing ramp on the north side of the deck. Mr. Eichinger asked how many bedrooms are currently in the house. Mr. Weiler stated that there were 3 rooms being used as bedrooms, but they only want to have 2 bedrooms in the remodeled home. Mrs. Littlebear stated that the house is currently assessed as a 2-bedroom house. Mr. Raimondo stated that this property does have some unusual characteristics that create a practical difficulty, this request would not alter the characteristics of the neighborhood and is consistent with the spirit of the ordinance. Mr. Eichinger retracted his motion to approve each section of this request separately.

Motion:

Mr. Raimondo made a motion in Case 23-04, parcel # 11-13-203-010, 2956 White Oak Beach

Dr., to grant a 3.3-foot variance from the required 5-foot side yard setback to 1.7-foot provided for a 2nd story addition, a 1-foot variance from the required setback of 20 inches to 8 inches for 2nd story roof overhang, a 5-foot variance from the calculated 57-foot high-water mark setback to 52-feet provided for a 2nd story addition, a 3-foot variance from the calculated 51-foot high-water mark setback to 48-feet provided for 1st and 2nd story decks, and a 28.9-foot variance from the calculated 33-foot front yard setback to 4.1-foot provided for a 1st floor addition. Mr. Hoffman supported the motion. Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The motion carried with 7 yes votes and the variances were approved.

2. CASE NUMBER: 23-06
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-11-234-006
PROPERTY ADDRESS: 2052 Jackson Blvd.
APPLICANT: Lisa Shindorf
OWNER: Lisa and Ronald Shindorf
VARIANCE REQUESTED: A 7-foot variance from the calculated 58-foot high-water mark setback to 51-feet provided for a 20-foot by 25-foot addition. (Sec. 9.02.D.)

Chairman Gerathy reviewed the application and asked if the applicant had anything to add to his statement. Mr. Gerathy asked if Mrs. Littlebear had anything to add. She said no.

Discussion from the Applicant:

Applicants, Lisa and Ronald Shindorf, were present.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Hoffman stated that this request is a lesser encroachment than the existing house. Mr. Hoffman asked why this couldn't have been approved administratively. Mrs. Littlebear stated that as the ordinance is currently written there is no authority provided to staff for administrative approval of anything. She stated that this is something that the Planning Commission is reconsidering as they review the master plan. Mr. Eichinger stated that he visited the property and noted that the addition would be in keeping with the neighborhood, not interfere with the neighbor's sightlines, and will be farther from the high-water mark than the existing structure. Mrs. Michaels stated that she feels this request is the minimum necessary. Mr. Raimondo asked the applicant if this structure is going to be a sunroom and Mrs. Shindorf confirmed that.

Motion:

Mr. Eichinger made a motion in Case 23-06, parcel # 11-11-234-006, 2052 Jackson Blvd., to grant a 7-foot variance from the calculated 58-foot high-water mark setback to 51-feet provided for a 20-foot by 25-foot addition. Mr. Raimondo supported the motion. Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr.

Gerathy-yes (7 yes votes). The motion carried with 7 yes votes and the case was tabled.

PUBLIC COMMENT:

Mrs. Shindorf stated that she felt that perhaps requiring an expensive survey for construction when it is not near the neighbors may not be appropriate. Mrs. Michaels stated that this requirement is to the property owners' benefit that it is a consistent requirement for every case, and that the cost is not something the ZBA is allowed to consider.

MINUTES:

Mrs. Michaels made a motion to approve the minutes of March 15, 2023, as corrected. Mr. Eichinger supported the motion and it carried with a unanimous voice vote.

DISCUSSION:

Mrs. Littlebear stated that she had been working on changing the language for some of the ordinances based on comments made by the ZBA members during previous meetings. If the ZBA members agree she can present those text amendments to the Planning Commission for consideration. Mr. Hoffman asked why a fully certified survey is necessary for many of the variance requests. Mrs. Littlebear stated that she explains to every applicant that a survey is not necessary if they can locate and uncover their corner survey markers. If, however, they cannot locate those markers then a surveyor is required. She stated that she tries to explain to each applicant what the minimum requirement is and that applicants are often surprised by the cost of even the minimum requirement. Mr. Eichinger asked about the shed on Woodland Ave that was supposed to be moved. Mr. Borg asked about the storage container on Clark St. Mrs. Littlebear will check the status of the shed on Woodland. Mrs. Littlebear stated that the temporary container permit on Clark expires this month, and she will not be renewing that permit. She will check the exact date so that the permit is closed and the letter to the contractor stating that the container be removed is sent immediately. Mr. Jickling stated that he really felt that the case on White Oak Beach should not have been approved because he felt that they didn't prove a practical difficulty, but he didn't say anything because he felt that he was the only one. Mrs. Michaels and Mr. Borg stated that they agreed and that they would have been open to discussion along those lines.

ADJOURN:

At 8:30 p.m., Mr. Hoffman made a motion to adjourn the meeting. Mr. Michaels supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl