

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
May 17, 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 - absent
Michael Borg, Vice Chairman
Anthony Raimondo, Secretary
Grant Charlick
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 8

Mr. Borg, Vice Chairman, welcomed the new ZBA member, Grant Charlick. He then 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: | 23-09 |
| | COMPLAINT: | |
| | ZONING: | LV – Lake and Village Residential District |
| | PARCEL #: | 11-12-407-016 |
| | PROPERTY ADDRESS: | 3581 Woodland Dr |
| | APPLICANT: | John West |
| | OWNER: | John West |
| | VARIANCE REQUESTED: | A 27-foot 10-inch variance from the calculated 34-foot front yard setback to 6-feet 2-inches provided. (Sec 9.02.B.a.) A 11-foot variance from the calculated 53-foot high-water mark setback to 42-feet provided. (Sec. 9.02.D.) This request is for a single-story residential addition. |

Mr. Borg reviewed the application. He asked Mrs. Littlebear if the mailings had gone out on time, and she affirmed that they had.

Discussion from the Applicant:

Mr. Borg asked the applicant if he had anything new to add. Mr. West explained his case as submitted. He explained that the house does not currently have a front door so the addition would have a foyer with a front door, a laundry room, and expand one of the bedrooms into a master suite with a bathroom and walk-in-closet.

Discussion from the Public:

Mr. Borg read into record a letter from Paul Soave, 3580 Woodland Dr, Highland, and an email from Joan Cooper, a 7 Harbors Association board member. Mr. Soave was present and read the definition of practical difficulty and the criteria for approving a variance into the record.

Discussion from the Board:

Mr. Hoffman and Mr. Raimondo stated that the existing structure is non-conforming and the lot is shallow. Mrs. Michaels, Mr. Eichinger, Mr. Raimondo, Mr. Borg, and Mr. Jickling expressed concerns about the lack of on-street parking space in the neighborhood and that an addition to the house will reduce the amount of off-street parking as well. They also expressed concerns about the lack of space for a septic system when the old one fails. Mrs. Littlebear spoke about the Oakland County Health Division septic approval and how that is integrated into the building permit process for the township. Mr. Charlick spoke about his experience as a licensed builder with the Oakland County septic approval process. Mr. Eichinger asked the applicant if he had considered a second story instead of an expansion. Mr. West stated that he didn't think the foundation was strong enough to support a second story.

Motion:

Mr. Raimondo made a motion to table Case 23-09, parcel # 11-12-407-016, 3581 Woodland Dr., to the June 7, 2023 ZBA meeting in order for the applicant and zoning staff to receive input from Oakland County Health Division regarding the septic system and for the applicant to address the parking constraint. Mr. Jickling supported the motion. Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Charlick-yes (7 yes votes). The motion carried with 7 yes votes and the case was tabled.

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| 2. | CASE NUMBER: | 23-10 |
| | COMPLAINT: | |
| | ZONING: | LV – Lake and Village Residential District |
| | PARCEL #: | 11-09-330-017 |
| | PROPERTY ADDRESS: | 3614 Loch Dr |
| | APPLICANT: | Mike Stout |
| | OWNER: | Mike Stout |
| | VARIANCE REQUESTED: | A 29.18-foot variance from the calculated 40-foot front yard setback to 10.82-feet provided. (Sec 9.02.B.a.) This request is for 12 ft x 24 ft shed. |

Mr. Borg reviewed the application. He asked Mrs. Littlebear if the mailings had gone out on time, and she affirmed that they had.

Discussion from the Applicant:

Mr. Borg asked the applicant if he had anything new to add. Mr. and Mrs. Stout explained the case as submitted.

Discussion from the Public:

Mr. Borg read into record a letter from Randal J. Cizek, 3846 Loch Dr, in opposition to the variance request. Julie Karnes, 3600 Loch Dr, Highland, was present and stated that she is the neighbor to the south, that her zoning is ARR, and that she feels that this request should be approved because it is a nice looking shed and it does not interfere with sightlines for drivers.

Discussion from the Board:

Mr. Jickling noted that there are no other houses in the neighborhood with a shed in the front yard and that granting this request would alter the essential character of the neighborhood. Mr. Hoffman and Mr. Eichinger both noted that there appeared to be room on the side or the rear of the garage for the shed to be placed and meet setback requirements. Mrs. Michaels stated that the request is of a personal nature and not the minimum necessary. Mr. Charlick stated that he agreed with the previous board member's statements and was not in favor of granting this variance. Mr. Raimondo stated that there is not a practical difficulty for this request despite its unusual shape and at the end of the public road. Mr. Hoffman asked what the front and side yard setback is for this property. Mrs. Littlebear stated that the calculated required front yard setback is 40 feet and the required side yard setback is 10 feet.

Motion:

Mr. Raimondo made a motion in Case 23-10, parcel # 11-09-330-017, 3614 Loch Dr., to grant a 29.18-foot variance from the calculated 40-foot front yard setback to 10.82-feet provided. Mr. Hoffman supported the motion. Mrs. Michaels-no, Mr. Jickling-no, Mr. Raimondo-no, Mr. Eichinger-no, Mr. Borg-no, Mr. Hoffman-no, Mr. Charlick-no (7 no votes). The motion failed with 7 no votes and the variance was denied.

3. CASE NUMBER: 23-11
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-10-126-002
PROPERTY ADDRESS: 4942 N. Milford Rd
APPLICANT: Timothy Claus
OWNER: Timothy Claus
VARIANCE REQUESTED: A 10,600-square foot variance from the required 25,000-square foot minimum lot size to 14,400-square feet provided.
(Sections 9.02.A.1. b. and 9.02.A.3.)
This request is for the completion of a land division/combination application.

Mr. Borg reviewed the application. He asked Mrs. Littlebear if the mailings had gone out on time, and she affirmed that they had. Mr. Borg asked the Zoning Administrator if there was additional information regarding this request. Mrs. Littlebear explained the details of the request.

Discussion from the Applicant:

Mr. Borg asked the applicant if he had anything new to add. Mr. Claus explained his case as submitted.

Discussion from the Public:

There was no public comment offered.

Discussion from the Board:

Mr. Borg asked if the house on the corner is being torn down. Mr. Claus said no. This request will simply provide the smaller lot on the corner will be slightly larger. Mr. Jickling noted that both lots are vastly undersized for the district but that this adjustment will provide for two more equal parcels. Mr. Raimondo asked if this request will create further hardships for these parcels. Mr. Hoffman, Mr. Jickling, and Mrs. Littlebear noted that since both lots are so undersized that any construction on either parcel would have to come to the ZBA regardless. Mrs. Littlebear noted that this request will bring

the smaller lot significantly closer to conformance while not significantly affecting the conformance of the other lot.

Motion:

Mrs. Michaels made a motion in Case 23-11, parcel # 11-10-126-002, 4942 N. Milford Rd., to grant a 10,600-square foot variance from the required 25,000-square foot minimum lot size to 14,400-square feet provided to complete a land division/combination application. Mr. Eichinger supported the motion. Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Charlick-yes (7 yes votes). The motion carried with 7 yes votes and the variance was granted.

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| 4. | CASE NUMBER: | 23-12 | WITHDRAWN |
| | COMPLAINT: | | |
| | ZONING: | | R-3 – Single Family Residential District (3-acre min) |
| | PARCEL #: | | 11-09-276-003 |
| | PROPERTY ADDRESS: | | 649 Intervale Ct |
| | APPLICANT: | | Douglas Larsen |
| | OWNER: | | Douglas Larsen |
| | VARIANCE REQUESTED: | | This request is for two (2) 8-foot by 20-foot shipping containers. |

Mr. Borg stated that Case 23-12 had been withdrawn and asked Mrs. Littlebear why. She stated that after further review of the case information it was determined that the request meets the ordinance requirements, so the applicant has moved forward with applying for a building application.

PUBLIC COMMENT:

There was no public comment.

MINUTES:

Mrs. Michaels made a motion to approve the minutes of May 3, 2023, as corrected. Mr. Hoffman supported the motion, and it carried with a 6 yes votes and 1 abstention by Mr. Charlick.

DISCUSSION:

Mr. Charlick reminded those in attendance that the Master Plan Visioning Session will be held Thursday, May 18, 2023 starting at 6:00pm in the Highland Township Auditorium.

ADJOURN:

At 9:15 p.m., Mr. Raimondo made a motion to adjourn the meeting. Mrs. Michaels supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl