

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
AMENDED APPROVED MINUTES
June 7, 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 - absent
Grant Charlick
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 8

Mr. Gerathy, Chair, 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.

OLD BUSINESS:

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| 1. | CASE NUMBER:
COMPLAINT:
ZONING:
PARCEL #:
PROPERTY ADDRESS:
APPLICANT:
OWNER:
VARIANCE REQUESTED: | 23-09 Tabled from May 17, 2023

LV – Lake and Village Residential District
11-12-407-016
3581 Woodland Dr
John West
John West
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. |
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Mr. Hoffman moved to remove the case from the table. Mr. Eichinger supported the motion and it carried with a unanimous voice vote. Mr. Gerathy noted that the applicant had not arrived yet. Mrs. Michaels made a motion to move the case to the last case of the evening. Mr. Borg supported the motion and it carried with a unanimous voice vote.

NEW BUSINESS:

2. CASE NUMBER: 23-13
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-11-227-009
PROPERTY ADDRESS: 1935 Oakland Dr
APPLICANT: Gayle Greene
OWNER: Gayle Greene
VARIANCE REQUESTED: A 2-foot 4-inch variance from the required 20-foot total side yard setback to 17-feet 8-inches provided.
(Sec 9.02.B.b.)
This request is for a single-story residential addition.

Mr. Gerathy introduced the case and if the applicant was present and had anything else to add.

Discussion from the Applicant:

Gayle Greene, applicant, was present. She had an additional rendering that she presented to the board. She stated that the rendering was the only additional information she had but would be happy to answer any questions.

Discussion from the Public:

Mrs. Littlebear read into record an email from Larry and Lucianna Kalis, 1969 Oakland Dr, received 06/05/23 at 9:39am in opposition to the variance request.

Karen Victorie, attorney for Gregory and Sandra Stanis of 1915 Oakland Dr, presented their opposition to this request. She then referenced case law and the Highland Township ordinance regarding the criteria for a variance. She stated that there is no practical difficulty present for this case, the owner has been using the property in the manner for which it is intended for 30 years, and the desired addition could be built without the need for a variance. She also pointed out that the applicant has redirected drainage onto Mr. and Mrs. Stanis' property and this issue is being addressed by the building official. [Sentence Added: Mrs. Greene denied that she had redirected drainage onto the neighboring property, and she has been in contact with the building official as well.] Approved minutes amended on July 19, 2023.

Discussion from the Board:

Mr. Jickling stated that the applicants answer to questions 3 and 4 were “No” when clearly this request is of a personal nature and any practical difficulty would be self-created. Question 3 is, “Are the reasons that make compliance with the dimensional requirements of a personal nature?” and Question 4 is “Has the difficulty been created by the current or previous owner?” He noted that if the addition was designed to be 2 foot 4 inches smaller than it would not need a variance and would still accomplish the goal of the applicant. Mr. Jickling stated that because of these reasons he would not support this request. Mr. Eichinger, Mr. Gerathy, Mrs. Michaels, and Mr. Hoffman each stated that they agreed with Mr. Jickling's observations. Mr. Borg asked how the variance will correct the drainage issue as the applicant stated in her application. Mrs. Greene spoke of the history of the drainage in the area. She stated that when she moved into her house 30 years ago the road was dirt and then the Road Commission for Oakland County paved the road and installed a drainage basin across the road, but the drainage instead flows to her property. Mr. Borg asked if they considered building a second story to avoid a variance request. Mrs. Greene stated that she did not consider that because she felt that a second story would be unusable as she gets older. She also noted that this addition would have space for the washer and dryer bringing them up out of the basement and avoiding the stairs. Mr. Charlick asked if the chimney affected this request in any way. Mrs. Littlebear stated that the chimney is in compliance and does not affect the side yard setbacks in anyway and therefore does not affect this request.

Motion:

Mrs. Michaels made a motion in Case 23-13, parcel # 11-11-227-009, 1935 Oakland Dr., to grant a 2-foot 4-inch variance from the required 20-foot total side yard setback to 17-feet 8-inches provided. Mr. Borg supported the motion. Mr. Hoffman-no, Mr. Charlick-no, Mrs. Michaels-no, Mr. Jickling-no, Mr. Gerathy-no, Mr. Eichinger-no, Mr. Borg-no (7 no votes). The motion failed with 7 no votes and the variance was denied.

3. CASE NUMBER: 23-14
COMPLAINT:
ZONING: IM – Industrial Manufacturing District
PARCEL #: 11-22-176-019 & 11-22-326-001
PROPERTY ADDRESS: 784 N. Milford Rd
APPLICANT: Justin VanGordon
OWNER: Justin VanGordon
VARIANCE REQUESTED: A 7-foot variance from the required 20-foot side yard setback to 13-feet provided. (Sec 4.15.)
This request is for the relocation of a commercial accessory structure.

Mr. Gerathy introduced the case and asked if the applicant had anything to add.

Discussion from the Applicant:

Justin VanGordon, applicant, was present and discussed the case as submitted.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Borg stated that this property is zoned IM and is very typical of the district. He further stated that the request is in keeping with the character of the district in which it resides. Mr. Gerathy and Mr. Hoffman agreed with Mr. Borg's assessment. Mr. Eichinger asked if there are any setback requirements regarding the overhead powerlines. Mr. VanGordon stated that there are setbacks from powerlines and Mrs. Littlebear confirmed this. Mr. VanGordon noted that the existing structure will be farther from the powerlines once it is moved to its new location. Mr. Eichinger asked whether the septic field is behind the office. Mr. VanGordon confirmed that the septic field is in the lawn area that is behind the office and that if he can move the existing accessory structure to the requested location, it will provide further protection for the septic field. He also noted that the requested location will also allow full vehicle access and keep all of the existing parking and outside storage areas clear and available. Mr. Charlick stated that Mr. VanGordon had been to the Planning Commission and had received a site plan approval pending a ZBA decision regarding the variance request. He further stated that this request will be an improvement to the property, and he is in favor of it. Mr. Jickling and Mr. Eichinger stated that there did not appear to be a practical difficulty. Mrs. Michaels stated that she agreed with Mr. Borg, Mr. Gerathy, Mr. Hoffman, and Mr. Charlick and felt that this request is the minimum necessary.

Motion:

Mr. Borg made a motion in Case 23-14, parcel # 11-22-176-019 & 11-22-326-001, 784 N. Milford Rd., to grant a 7-foot variance from the required 20-foot side yard setback to 13-feet provided for the relocation of an existing commercial accessory structure. Mrs. Michaels supported the motion. Mr. Hoffman-yes, Mr. Charlick-yes, Mrs. Michaels-yes, Mr. Jickling-no, Mr. Eichinger-no, Mr. Borg-yes, Mr. Gerathy-yes (5 yes votes, 2 no votes). The motion carried with 5 yes votes and the variance was granted.

OLD BUSINESS:

1. CASE NUMBER: 23-09 Tabled from May 17, 2023
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. Gerathy noted that the applicant still had not arrived. Mrs. Michaels stated that the board should proceed with hearing the case. Mr. Borg suggested that the case be tabled to the next meeting. Mr. Hoffman texted the applicant to ask if he was coming. The applicant replied via text that he would like to withdraw his request and he apologized for not being present as he thought the meeting was the following evening. Mr. Gerathy stated that he felt strongly that Mr. Hoffman should not have been the one to contact the applicant. Mr. Gerathy stated that in similar circumstances it would be more appropriate to ask staff to contact the applicant. Mrs. Littlebear asked Mr. Hoffman to email that text to her so that she could include it in the case file. Mr. Gerathy noted for the record that the applicant has withdrawn his request.

CALL TO THE PUBLIC: Mr. Gerathy made the call to the public and reminded the audience that each participant is limited to 3 minutes.

Joan Cooper, spoke regarding the well for Mr. West’s house as it is located on the outlot next to his parcel. Paul Soave asked Mr. Hoffman what time the text conversation with Mr. West took place. Mr. Hoffman stated that he texted the applicant at 8:03pm and received the text reply from Mr. West at 8:21pm.

MINUTES:

Mrs. Michaels made a motion to approve the minutes of May 17, 2023, as corrected. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Jickling asked that staff find information regarding the MSU planning courses for ZBA members.

ADJOURN:

At 8:37 p.m., Mr. Gerathy made a motion to adjourn the meeting. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Michael Borg
Acting as Secretary
MB/kpl