

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
July 19, 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
Grant Charlick
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 2

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.

NEW BUSINESS:

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| 1. | CASE NUMBER: | 23-15 |
| | COMPLAINT: | |
| | ZONING: | R1.5 – Single Family Residential (1.5 acre minimum) |
| | PARCEL #: | 11-27-328-014 |
| | PROPERTY ADDRESS: | 1285 N. Lakeview Ln |
| | APPLICANT: | Brian & Christina Rand |
| | OWNER: | Brian & Christina Rand |
| | VARIANCE REQUESTED: | A 15-foot 5-inch variance from the required 30-foot side yard setback to 14-feet 7-inches provided.
(Sec 4.15.)
This request is for an uncovered deck. |

Mr. Gerathy introduced the case and asked if the applicant was present and to step forward if they had anything to add. Mr. Gerathy asked the Zoning Administrator if she had anything to add. Mrs. Littlebear stated that she was aware that Mr. Jickling needed to address the board regarding this case. Mr. Jickling disclosed to the board that he is a close neighbor of the applicant, his lot is of a similar size and configuration in the same zoning district, and asked if he should recuse himself. He stated that he felt that he could still be impartial. Mr. Gerathy took a voice vote to allow Mr. Jickling to continue with the case. There were 6 yes votes with Mr. Raimondo voting no. Mrs. Littlebear stated that she believed the vote had to be unanimous but decided to make a call to the Planning Director to get clarification. Mrs. Michaels stated that she was available to step in if need be. While Mrs. Littlebear was on the phone

speaking to the Planning Director, Mr. Jickling decided to step aside and let Mrs. Michaels take his seat for this case. Mrs. Littlebear concluded her phone call and stated that the Planning Director confirmed that the vote does not have to be unanimous but if the alternate is available then it would be better to have them take the case. The meeting continued with Mrs. Michaels sitting in on this case.

Discussion from the Applicant:

Mrs. Rand, applicant, was present. She stated that she was unsure if it had been made clear in the application packet but the two sheds that are currently below the deck will be removed when the deck is rebuilt.

Discussion from the Public:

There was no public comment offered.

Discussion from the Board:

Mrs. Michaels stated that this request will not be increasing the non-conformity as the new deck will be the same size and configuration as the existing. Mr. Borg stated that this property was in its present configuration when the zoning district was changed thus making the lot non-conforming. Mr. Eichinger noted that all of the structures on the property do not meet the current zoning requirements. Mr. Raimondo stated that the request will not alter or harm the character of the neighborhood, that the lot is extremely narrow for the district, and that the request is the minimum necessary.

Motion:

Mr. Borg made a motion in Case 23-15, parcel # 11-27-328-014, 1285 N. Lakeview Ln., to grant a 15-foot 5-inch variance from the required 30-foot side yard setback to 14-feet 7-inches provided for the construction of an uncovered deck. Mr. Eichinger supported the motion. Mr. Hoffman-yes, Mr. Charlick-yes, Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Eichinger-yes, Mr. Borg-yes (7 yes votes). The motion carried and the variance was granted.

Mr. Hoffman made a motion to grant a Final Determination for case 23-15. Mr. Eichinger supported the motion and it carried with a unanimous voice vote.

Mr. Gerathy thanked Mrs. Michaels for her participation in the case. Mrs. Michaels left the board table and Mr. Jickling returned to his seat.

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| 2. | CASE NUMBER: | 23-16 |
| | COMPLAINT: | |
| | ZONING: | TR – Technology & Research District |
| | PARCEL #: | 11-23-227-001 |
| | PROPERTY ADDRESS: | 2000 E. Highland Rd |
| | APPLICANT: | Rick Zalewski |
| | OWNER: | Neptech Inc. – Michael Secord |
| | VARIANCE REQUESTED: | A 17-foot variance from the required 100-foot front yard setback to 83-feet provided.
(Sec 4.15.)
This request is for a one-story commercial addition. |

Mr. Gerathy introduced the case and asked if the applicant was present and to step forward if they had anything to add.

Discussion from the Applicant:

Rick Zalewski, applicant, stated that this request is the same request in scope and configuration as the request that was presented to and approved by the ZBA in May 2021 for case 21-14. He stated that the covid pandemic had created financial issues that prevented them from moving forward after the original approval.

Discussion from the Public:

There was no public comment offered.

Discussion from the Board:

Mr. Borg stated that the applicants had been in violation of the sign ordinance due to a movable billboard on the property in question. He asked if the applicant is planning to come to the ZBA again in the future for a sign variance. Mr. Zalewski stated that they will be trying to stay within ordinance requirements for any signs in the future, but they don't have a set plan yet. Mr. Eichinger stated that the circumstances for this request had not changed since the first approval and is in favor of granting this request again.

Motion:

Mr. Eichinger made a motion in Case 23-16, parcel # 11-23-227-001, 2000 E. Highland Rd., to grant a 17-foot variance from the required 100-foot front yard setback to 83-feet provided for the construction of a one-story commercial addition. Mr. Borg supported the motion. Mr. Hoffman-yes, Mr. Charlick-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Gerathy-yes (7 yes votes). The motion carried and the variance was granted.

CALL TO THE PUBLIC: Mr. Gerathy noted that there were no audience members present and so moved onto the next agenda item.

MINUTES:

Mr. Borg made a motion to approve the minutes of June 21, 2023, as corrected. Mr. Eichinger supported the motion, and it carried with a unanimous voice vote.

DISCUSSION:

Mrs. Littlebear passed out flyers to the board members regarding the ZBA Online Certificate Course offered by Michigan State University Extension and stated that if any of the members are interested in taking it then they should let her know so she can get them signed up.

Mr. Borg asked if staff had gotten any clarification regarding possible ex parte communication during the June 7, 2023 meeting in which Mr. Hoffman texted the applicant for case 23-09 to ask if he was going to be coming to the meeting. Mrs. Littlebear stated that her research found that because Mr. Hoffman used the application provided in the case file to contact Mr. West during the meeting and reported such and Mr. West's response on the record that it does not qualify as ex parte communication. However, it could give the impression to the public of ex parte communication and so it would be a better policy to have board members direct staff to contact an applicant if necessary. Mr. Hoffman stated that he would be in favor of such a policy. Mr. Gerathy and the other board members agreed that moving forward it will be the policy that staff will contact applicants when necessary.

Mrs. Littlebear stated that Mrs. Gayle Greene of case 23-13 had contacted her requesting that an amendment be made to the approved minutes. Mrs. Greene wanted to add a rebuttal to the end of the Discussion from the Public the statement, "Mrs. Greene denied that she had redirected drainage onto the

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neighboring property, and she has been in contact with the building official as well.” Mr. Jickling and Mr. Charlick felt that it seems correct that we allow her rebuttal to be included in the approved minutes. The rest of the board agreed to move forward with amended the approved minutes.

ADJOURN:

At 8:00 p.m., Mr. Borg made a motion to adjourn the meeting. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl