

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
April 17, 2024

The meeting was held at Highland Township Auditorium, 205 N. John St., Highland, MI, 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 - absent
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels
(Alternate) Michael Zeolla

Kariline P. Littlebear, Zoning Administrator

Visitors: 3

Chairman Gerathy welcomed the public and reviewed the procedures for addressing the Board. Four 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 member, Mary Michaels, will participate in the meeting in place of the absent regular member.

NEW BUSINESS:

1. CASE NUMBER: 24-06
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-101-042
PROPERTY ADDRESS: 2345 Oakland Dr
APPLICANT: Stacy Drouillard
OWNER: Stacy Drouillard
VARIANCE REQUESTED: A 5-foot variance from the required 10-foot side yard setback to 5-feet provided.
(Section 9.02.B.b.)
This request is for a reduction of the side yard setback for the construction of an attached garage and loft storage.

Chairman Gerathy introduced the case and asked if the applicant was present and had anything else to add that was not included with the application.

Discussion from the Applicant:

Stacy Drouillard, applicant, was present and reviewed the information provided for her request. She discussed the practical difficulty of the topography and odd shape of her property.

Discussion from the Public:

Mr. Gerathy asked if the Zoning Administrator had received any public comment on this case and she replied that she had not. There was no other public comment offered.

Discussion from the Board:

Mr. Hoffman stated that when he visited the site, he found several golf balls scattered around the yard and does not see any reason to deny this request. He then stated that the request will fit with the neighborhood, and it will help protect not only the applicants house and vehicles but also the neighbor's house from errant golf balls.

Mr. Jickling, referencing the worksheet questions #2, 3, and 6, stated that the project could be redesigned to meet the zoning requirements as indicated on the original blueprints created for the project that was submitted with the packet, that this request is of a personal nature as a garage can be placed on the property and still meet the requirements, and that this request is not the minimum necessary as indicated on the original blueprints. He notes that there are a few other ways to address her concerns and still meet the requirements.

Mr. Borg thanked the applicant for a well-prepared presentation but agreed with Mr. Jickling and also stated that this parcel is larger than many other LV district parcels. He stated that if the stairs in the rear were redesigned then she would not need a variance. Ms. Drouillard stated that the original design would limit the space inside the garage for opening the vehicle doors. She further stated that if she redesigned the garage and stairs that it would probably require a rear yard variance.

Mr. Eichinger stated that when he visited the property, he almost got hit by a golf ball. He noted that houses backing to a golf course should expect that golf balls will end up on the property. He also stated that the request seemed reasonable, that it is in keeping with the neighborhood, and that the slope of the parcel is a hardship. Mr. Eichinger asked if the applicant would still build a garage if the variance was denied. Mrs. Drouillard stated that she would but that it would be a hinderance due to the size of modern vehicles.

Mrs. Michaels stated that she visited the site and found that the request is reasonable due to the topography and irregular shape of the parcel.

Mr. Raimondo asked how long the applicant has lived in the house and Mrs. Drouillard stated that she has been there for over 21 years. He noted that Highland Hills Golf Course has been present for longer than that. He asked if she had ever spoken to the management of the golf course to see if they would do something to help prevent the golf balls from going into the neighborhood properties. She stated that she had not but a few of her neighbors over the years have and that she believes the golf course had addressed it about 25 years ago making that hole a dog-leg left. She stated that the reason that she hadn't attempted to build this garage before was because she was not in a financial situation to do so. Mr. Raimondo also asked her why she doesn't feel that redesigning the project to meet setbacks would be possible. Mrs. Drouillard stated that it seemed that no matter how they designed it the way they wanted it, it would have ended up needing a variance, either from the front, rear, or side, and that the side yard variance was the smallest of the three.

Mr. Gerathy stated that he has no problem getting his two vehicles plus a work bench and stacks of firewood into his 23 ft garage which is the width of the garage in the original blueprints that she included with her variance packet.

Facts and Findings:

- The request will not negatively impact the health, safety, or welfare of the neighborhood.
- The request is in keeping with the character of the neighborhood.
- The request resolves the concern of safety and property damage from the adjacent golf course.
- The parcel is irregularly shaped with difficult topography.
- This request is the minimum necessary.
- This is not a typical Lake and Village parcel.
- This property backs to the open space of the golf course.

Motion:

Mr. Hoffman made a motion in Case #24-06, 2345 Oakland Dr, parcel # 11-12-101-042, to approve a 5-foot variance from the required 10-foot side yard setback to 5-feet provided for the construction of an attached garage and loft storage. Mr. Eichinger supported the motion.

Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-no, Mr. Eichinger-yes, Mrs. Michaels-yes, Mr. Raimondo-no, Mr. Jickling-no, Mr. Gerathy-yes, (4 yes votes, 3 no votes). The motion carried and the variance was approved.

CALL TO THE PUBLIC:

There was no public comment offered.

MINUTES:

Mrs. Michaels made a motion to approve the minutes of April 3, 2024, as presented. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

DISCUSSION:

Mrs. Michaels asked for an update on the proposed special use for a gas station that the Planning Commission heard at their last meeting. Mrs. Littlebear stated that the Planning Commission recommended approval for the special use and that it will be on the Board of Trustees agenda twice for final approval. After that, the applicant will still have to present a site plan to the Planning Commission and get approvals from the Road Commission for driveway approaches and Oakland County Health Division for well and septic information as well as other state and federal agencies that oversee gas station construction. Mr. Eichinger asked what the public comment was like for this project. Mrs. Littlebear stated that most of the citizen in the area are not in favor.

Mr. Borg asked about the lumber yard on M-59. Mrs. Littlebear stated that the property is in the Highland Station District and currently gas stations are not an allowed use; even though it was traditionally a use in our downtown. For an example, look to the historic gas station turned residence at the corner of Milford Rd and Livingston Rd. The HDDA and the Planning Commission are meeting tonight and tomorrow night to discuss the Highland Station ordinance and whether any changes should be made.

Mrs. Michaels asked if there are any plans for the southeast corner of Milford Rd and M-59. Mrs. Littlebear stated that it was recently sold, and the new owner stated that he would want to build a gas station there. Mrs. Littlebear stated that because the lot is so small and there are no city sewer and water services in Highland that it is very unlikely that it could ever be developed into a gas station again.

Mr. Raimondo asked for clarification about who enforces ordinances in the township. Mrs. Littlebear explained that there are 25 chapters of ordinances. Chapter 25 is the Zoning Ordinance and so she is responsible for enforcement of that. The other 24 chapters of ordinances are enforced by Shawn Bell, the Fire Marshal and Ordinance Enforcement Officer. She stated that sometimes she and Mr. Bell will work together on enforcement as a particular parcel may have more than one type of ordinance violation. Mrs. Michaels asked who the public would talk to when they don't feel that ordinance enforcement is being addressed properly. Mrs. Littlebear stated that anyone is welcome to speak to the Township Supervisor as Mr. Hamill is the direct supervisor for the Zoning Administrator and the Ordinance Enforcement Officer.

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ADJOURN:

At 8:19 p.m., Mr. Raimondo made a motion to adjourn the meeting. Mr. Hoffman supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl