

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
June 19, 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
Peter Eichinger
Robert Hoffman
John Jickling – absent
(Alternate) Mary Michaels
(Alternate) Michael Zeolla

Kariline P. Littlebear, Zoning Administrator

Visitors: 4

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. After the roll was called and a full board was confirmed the alternate member, Michael Zeolla, excused himself to rejoin the HDDA meeting.

OLD BUSINESS:

1. CASE NUMBER: 24-09
COMPLAINT: **Tabled from May 1, 2024**
ZONING: R1.5 (RPUD) –Residential Planned Unit Development
PARCEL #: 11-22-280-000
PROPERTY ADDRESS: RCOC Road Right-of-Way of Joshua Dr & Harvey Lake Rd
APPLICANT: Pamela McCormick
OWNER: Highland Valley Subdivision HOA
VARIANCE REQUESTED: A 10-foot variance from the required 10-foot road right-of-way setback to 0-feet provided; and
(Table 14.2)
A 2-foot variance from the required 4-foot maximum height of sign to 6-feet provided; and
(Table 14.2)
A 2-foot 2-inch variance from the required 6-foot maximum height of decorative elements of a sign to 8-feet 2-inches provided.
(Section 14.07.I.8.)
This request is for the construction of a new subdivision freestanding sign.

Mr. Raimondo made a motion to remove case ZBA24-09 from the table. Mrs. Michaels supported the motion and it carried with a unanimous voice vote.

Chairman Gerathy introduced the case and asked if the applicant was present. Ms. McCormick stated that she was present and stepped up to the podium. Mr. Gerathy then asked if the Zoning Administrator had anything to add to the case. Mrs. Littlebear stated that Ms. McCormick called on Monday, June 17, 2024 to state that the survey markers were uncovered and the Harvey Lake Rd right-of-way had been marked in front of the Joshua Dr. boulevard island. Mrs. Littlebear stated that she had then gone out to the site and took photos of the markings which she emailed to the board members before the meeting.

Discussion from the Applicant:

Pam McCormick, applicant, was present and discussed the photos taken by Mrs. Littlebear noting that the distance from the Harvey Lake Rd right-of-way is 25ft 2 ½ inches to the proposed sign location. She noted that this means that a variance from the Harvey Lake Rd right-of-way is not necessary. She stated that the variance request from Joshua Dr setback and the two height variance requests have not changed from the original presentation in May. She also noted that the light post near the eastern most part of the Joshua Dr boulevard island was installed when the subdivision was established in 1998 and has never been hit by a car or created a safety concern. She asked if Mrs. Littlebear had received the email with a photo of the Whispering Pines Subdivision sign. Mrs. Littlebear stated that she had not received an email with that photo. Ms. McCormick then explained to the Board that the Whispering Pines sign is almost the same size and shape as the sign they are proposing for Highland Valley subdivision.

Discussion from the Public:

Jay Pistana, 928 Joshua Dr, HOA president, explained to the board that Pam McCormick has been head of the sign committee and that the committee has been working hard to create a proposal that would be acceptable to the Road Commission and be in keeping with the other subdivision signs in the township and nearby townships. He stated that the current sign has aged significantly and needs to be replaced.

Discussion from the Board:

Mr. Borg asked the applicant if the sign proposal had changed at all from the original proposal. Ms. McCormick stated that it had not.

Mr. Hoffman stated that he appreciated the clarification of the setback from Harvey Lake Rd right-of-way. He stated that the sign is a reasonable request, it will enhance the subdivision, and will not cause a safety concern. Mr. Eichinger asked for clarification of how much closer to Harvey Lake Rd the proposed sign will be from the existing sign. Ms. McCormick stated that the proposed sign would be 15 ft closer to Harvey Lake Rd than the existing sign.

Mr. Charlick noted that the setback from Harvey Lake Rd is not an issue as the proposed sign will be more than the minimum required 10 ft set back from that road right-of-way. He stated that the right-of-way setback for Joshua Dr is necessary because the boulevard island is in the middle of the road right-of-way. If they are not granted a variance for the Joshua Dr road right-of-way setback, they will not ever be allowed a new sign.

Mr. Borg asked Mrs. Littlebear if the advertisement for this case was correct as far as the road right-of-way. Mrs. Littlebear stated that the advertisement was correct and there is no need to readvertise the case.

Mr. Eichinger asked the Chair if each request should be voted on individually. Mr. Gerathy stated that he thought that was a good idea and then asked the rest of the Board how they felt about it. Mr. Hoffman stated that he didn't have a problem with that but that the setback request would need to be voted on before the height variance requests. The rest of the Board agreed.

Mr. Borg stated that per the variance request packet supplied by the applicant, the Road Commission for Oakland County has already approved this request. He then asked if they trump the ZBA or if the ZBA trumps the RCOC approval. Mrs. Littlebear stated that neither organization trumps the other but rather each is an equal collaborator. In order for the project to move forward an approval from both must be granted.

Mrs. Littlebear stated that since the Road Commission has the expertise as far as safety of signs in road rights-of-way, the ZBA can be confident in that aspect when they make their considerations. Mr. Borg stated that he would like that included in the Facts and Findings for the case.

Ms. McCormick noted that the Road Commission gave an approval for the proposed sign to be no closer than six (6) feet to the curb of the boulevard island and she is proposing the closest edge of the sign be just over eighteen (18) feet from the curb of the island.

Mr. Raimondo stated that he felt that this request is reasonable per the Facts and Findings.

Facts and Findings

This property is zoned Residential Planned Unit Development (RPUD)

This request is directly across from State recreation area that is also overgrown.

The vegetation in the Harvey Lake Rd right-of-way is overgrown and not being maintained by the Road Commission for Oakland County the way that it used to be.

The request will allow for increased visibility and a safer transition from the high-speed road, Harvey Lake Rd. The request meets the Road Commission for Oakland County minimum safety requirements for a sign within a road right-of-way.

The request is not self created.

The request will enhance the character of the neighborhood and make it more visible.

Motion:

Mr. Hoffman made a motion in Case #24-09, 11-22-280-000, RCOC right-of-way of Joshua Dr at Harvey Lake Rd, parcel # 11-22-280-000, to approve a 10-foot variance from the required 10-foot road right-of-way setback to 0-feet provided for the construction of a sign within the Joshua Dr. road right-of-way boulevard island.

Mr. Charlick supported the motion.

Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mrs. Michaels-yes, Mr. Raimondo-yes, Mr. Charlick-yes, Mr. Gerathy-yes, (7 yes votes). The motion carried and the variance was approved.

Mr. Hoffman made a motion in Case #24-09, 11-22-280-000, RCOC right-of-way of Joshua Dr at Harvey Lake Rd, parcel # 11-22-280-000, to approve a 2-foot variance from the required 4-foot maximum height of a sign to 6-feet provided for the construction of a sign within the Joshua Dr. road right-of-way boulevard island.

Mr. Borg supported the motion.

Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-no, Mrs. Michaels-no, Mr. Raimondo-yes, Mr. Charlick-yes, Mr. Gerathy-yes, (5 yes votes, 2 no votes). The motion carried and the variance was approved.

Mr. Hoffman made a motion in Case #24-09, 11-22-280-000, RCOC right-of-way of Joshua Dr at Harvey Lake Rd, parcel # 11-22-280-000, to approve a 2-foot 2-inch variance from the required 6-foot maximum height of decorative elements of a sign to 8-feet 2-inches provided for the construction of a sign within the Joshua Dr. road right-of-way boulevard island. Mr. Borg supported the motion.

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

CALL TO THE PUBLIC:

No public comment offered.

MINUTES:

Mr. Raimondo made a motion to approve the minutes of June 5, 2024, as presented. Mr. Borg supported the motion which carried by unanimous voice vote.

DISCUSSION:

Mrs. Littlebear reminded the Board that there is not a meeting scheduled for the week of July 4, 2024 so the next meeting will be July 17, 2024.

ADJOURN:

At 7:55 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

AR/kpl