

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

Kariline P. Littlebear, Zoning Administrator

Visitors: 8

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 members, Mary Michaels and Michael Zeolla, will participate in the meeting in place of the absent regular members.

OLD BUSINESS:

Motion:

Mr. Borg made a motion to remove Case #24-14 from the table. Mrs. Michaels supported the motion and it carried with a unanimous voice vote.

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| 1. CASE NUMBER: | 24-14 |
| ENFORCEMENT: | Tabled from July 17, 2024 |
| ZONING: | LV – Lake and Village Residential District |
| PARCEL #: | 11-11-181-004 |
| PROPERTY ADDRESS: | 1511 Ludean Dr |
| APPLICANT: | Paul & Mary Lynn Lipscomb |
| OWNER: | Janet Lipscomb |
| VARIANCE REQUESTED: | A 0.1-foot variance from the required 10-foot east side yard setback to 9.9-feet provided; and
A 5-foot variance from the required 15-foot west side yard setback to 10-feet provided; and
A 7.5-foot variance from the required 25-foot total side yards setback to 17.5-feet provided.
(Sec. 9.02.B.b.)
This request is for the construction of an approx. 175 square foot residential addition and a 220 square foot garage addition. |

Chairman Gerathy introduced the case and asked if the applicant was present. The applicants stepped up to the podium. Mr. Gerathy asked if the Zoning Administrator had anything to add. Mrs. Littlebear reminded the Board that the reason that this case had been table was due to an error in the original advertisement and that it has since been correctly advertised and is ready for review.

Discussion from the Applicant:

Paul and Mary Lynn Lipscomb, applicants and owners, were present and went over the case as presented.

Discussion from the Public:

Mr. Gerathy read into the record a letter of support from Dan and Laurie Metz, 1509 Ludean Dr, and a letter of support from Brian and Kristin Weaver, 1543 Ludean Dr.

Discussion from the Board:

Mr. Borg stated that he felt that this request is pretty cut and dry. The applicant is maintaining the same side yard setbacks that were established when the home was built as the additions are projecting forward without encroaching into the required 40-foot front yard setback, the septic system is compliant with Oakland County Health Division (OCHD), the new additions will not interfere with anyone's view of the lake, and the new additions will fit in with the neighborhood.

Mr. Hoffman stated that he agreed with Mr. Borg noting that each house on either side of this request actually extend further toward the road than the new additions.

Mr. Eichinger stated that he agreed with the other Board members and asked about the 0.1-foot variance. Mr. Lipscomb stated that the 0.1-foot variance request is on the garage side. Mr. Eichinger asked why they are only adding 10 feet to the garage. Mr. Lipscomb stated that the extra 10 feet inside the garage would provide for storage.

Mr. Gerathy and Mr. Zeolla noted that the two additions will add some architectural interest to a nice looking but fairly flat façade.

Facts and Findings

This request is the minimum necessary.

The need for the variance is not self-created.

The house itself encroaches on the side yard setbacks.

This request will not increase the existing encroachments.

This request will not obstruct the view of the lake for the neighbors.

This request is in keeping with the character of the neighborhood.

Motion:

Mr. Borg made a motion in Case #24-14, parcel # 11-11-181-004, commonly known as 1511 Ludean Dr, to approve a 0.1-foot variance from the required 10-foot east side yard setback to 9.9-feet provided and a 5-foot variance from the required 15-foot west side yard setback to 10-feet provided and a 7.5-foot variance from the required 25-foot total side yards setbacks to 17.5-feet provided for the construction of an approx. 175 square foot residential addition and a 220 square foot garage addition

Mr. Eichinger supported the motion.

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

Mr. Gerathy and Mr. Borg asked the applicants if they need a Final Determination form signed to pull permits right away. Mr. Lipscomb stated that it was not necessary since they wanted to wait for a decision on the variance request before commissioning the final construction drawings for a building permit.

NEW BUSINESS:

2. CASE NUMBER: 24-15
ENFORCEMENT: EE23-0254
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-15-276-019
PROPERTY ADDRESS: 881 Dunleavy Dr
APPLICANT: Kyle Teagan
OWNER: Allan M. Teagan
VARIANCE REQUESTED: A 25-foot variance from the calculated 37-foot front yard setback to 12-feet provided; and
A 26-foot 4-inch variance from the calculated 61-foot 4-inch ordinary high-water mark setback to 35-feet provided.
(Sec. 9.02.B.a. & Sec. 9.02.D.)
This request is for the construction of a 160 square foot covered front porch and a 602 square foot uncovered rear deck.

Chairman Gerathy introduced the case and asked if the applicant was present. The applicants stepped up to the podium. Mr. Gerathy asked if the Zoning Administrator had anything to add. Mrs. Littlebear stated that she did not have anything to add.

Discussion from the Applicant:

Kyle Teagan, applicant, was present. He went over the case as presented and stated that his desire is to enhance the neighborhood by updating this house.

Discussion from the Public:

No public comment was offered.

Discussion from the Board:

Mr. Hoffman stated that this request seems reasonable since the property line/road right-of-way is so close to the house but there is another 40 feet or so between the house and the road itself. He stated that he did not believe that the road would ever be expanded in this neighborhood. He also felt that this request will enhance the house as well as the neighborhood. Further, he noted that the request will not block the view of the canal for any of the neighbors.

Mr. Borg noted that the previous front porch was not as appealing as this proposed one. He confirmed with the Zoning Administrator that the original porch was a legal non-conformity. Mr. Borg asked how long the applicant has owned the property and Mr. Teagan stated that it was in 2012.

Mr. Eichinger asked for clarification on the enforcement. Mrs. Littlebear stated that there are active permits for interior work at the home and when the building official came out to do an inspection for one of those permits, he found that they had started working on the front porch. He let Mr. Teagan know that the front porch would need a separate permit so Mr. Teagan came into the office and found that a variance would be necessary to obtain a building permit for the front porch.

Facts and Findings

This parcel is shallow and irregularly shaped.

The existing structure already encroaches into the front and high-water mark setbacks.

This request is the minimum necessary.

The need for the variance is not self-created.

This request is in keeping with the character of the neighborhood.

This request will not obstruct the view of the lake for the neighbors.

The house itself encroaches into the front yard and ordinary high-water mark setbacks.

Motion:

Mrs. Michaels made a motion in Case #24-15, parcel # 11-15-276-019, commonly known as 881 Dunleavy Dr, to approve a 25-foot variance from the calculated 37-foot front yard setback to 12-feet provided and a 26-foot 4-inch variance from the calculated 61-foot 4-inch ordinary high-water mark setback to 35-feet provided for the construction of a 160 square foot covered front porch and a 602 square foot uncovered rear deck.

Mr. Hoffman supported the motion.

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

Motion:

Mrs. Michaels made a motion in Case #24-15, parcel # 11-15-276-019, commonly known as 881 Dunleavy Dr, to approve a Final Decision. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

3. CASE NUMBER: 24-16
ENFORCEMENT:
ZONING: ARR – Agricultural and Rural Residential District
PARCEL #: 11-02-300-002
PROPERTY ADDRESS: 1131 White Lake Rd
APPLICANT: Khaled Mheisen
OWNER: Imagination Station Two, LLC
VARIANCE REQUESTED: A 56-foot variance from the required 125-foot west front yard setback to 69-feet provided; and
A 40.7-foot variance from the required 125-foot south front yard setback to 84.3-feet provided; and
A 6.1-foot variance from the required 40-foot north side yard setback to 33.9-feet provided.
(Sec. 4.15.)
This request is for the construction of a 1776 square foot daycare building.
And
A 27-foot variance from the required 40-foot east side yard setback to 13-feet provided; and
A 3-foot variance from the required north side yard setback to 37-feet provided.
(Sec. 4.15)
This request is for the construction of a 254 square foot accessory structure.

Chairman Gerathy introduced the case and asked if the applicant was present. The applicant and his representatives stepped up to the podium. Mr. Gerathy asked if the Zoning Administrator had anything to add. Mrs. Littlebear noted that the advertisement and thus the agenda for this case included a variance request for an existing accessory structure. She explained that it has been included because at the time of the advertisement deadline she had still not found evidence of the structure having been issued a permit or a variance. She further explained that she was finally able to locate the original approved site plan for the daycare facility from 1985 that shows that not only was the schoolhouse already existing but the accessory structure was already existing at that time as well. That means that both existing structures are considered legally non-conforming and thus do not require variances or permits at this time.

Discussion from the Applicant:

Brandon Chaney, representative for the applicant, and Khaled Mheisen, applicant, were present and went over the case as presented. They noted that the state requires certain safety standards for portable school buildings and they searched among multiple states before they found one that met those standards and was in good shape.

Discussion from the Public:

Mr. Borg read into the record a letter of support from Courtney LaMirand, a letter of support from Erika Roberts, a letter of support from Amanda Boatright, a letter of support from Chelsea Ferguson, and a letter of support from Julia Sage.

Discussion from the Board:

Mr. Borg asked how many employees and how many children are on site at one time. The applicant stated that there are either 5 or 6 employees and no more than 30 children on site at a time. Mr. Borg stated that it seemed that there is not enough proposed parking provided and was concerned about how emergency vehicles would access the site if necessary.

Mr. Chaney stated that the Fire Marshal has asked that they keep the existing entrance on White Lake Rd for emergency access to the site from both roads.

Mr. Borg asked the Zoning Administrator if she was aware of any traffic concerns or issues created by the daycare at this busy intersection. Mrs. Littlebear stated that she has not been made aware of any traffic issues created by the daycare. She stated that she believes that this is because the daycare has staggered drop off and pick up times unlike a school.

Mr. Borg asked how many more students the new building would add to the site. Mr. Chaney stated that they would increase the number of children to 60 at a time.

Mr. Charlick relayed to the Board, the August 1, 2024, Planning Commission meeting discussion with regards to this project. He explained that the Commission members agreed that expansion of the use was a good idea but that the Special Use had been recommended for approval with conditions. The primary condition is that the proposed structure be made to look more like a residential building so as to fit in with the character of the rural residential neighborhood but also that other issues like vehicle circulation, site lighting, and landscaping be addressed as well.

Mr. Charlick stated that the Planning Commission did not have a look at the original approved site plan from 1985 and noted that the second building that was approved at that time was actually going to be closer to the roads than the currently proposed structure. He asked the Zoning Administrator for any insight. Mrs. Littlebear stated that there was indeed a second structure approved in 1985 but that the property owner never followed through with the construction and approved site plans expire after two years if the approved construction has not had significant progress completed and approved.

The applicant stated that after the Planning Commission meeting, he directed his architect to come up with a new concept for the proposed structure that would reflect what the Planning Commission wanted, and he's directed his engineers to address the other issues for site plan approval. That new information will be presented at the next Planning Commission meeting.

Mr. Borg, Mrs. Michaels, Mr. Eichinger, Mr. Gerathy, and Mr. Hoffman all stated that they believed that the expansion of the use is appropriate and that they are not necessarily opposed to granting variances for a new building but none of them were comfortable granting variances without seeing renderings of the revised proposed structure that will be presented to the Planning Commission at the beginning of September.

Mr. Zeolla and Mr. Borg suggested that the case be tabled until the new renderings were ready for review.

Mrs. Michaels stated that she feels that the proposed structure is very unattractive and that she would vote no to this request because it does not fit the character of the neighborhood. She stated that she feels that there are two options before the ZBA. She felt that they could either table the case so as to wait for new renderings or approve the setbacks with conditions that the proposed structure be made to look like it would fit the aesthetic

of the neighborhood. Mrs. Michaels asked when the next Planning Commission meeting was. Mrs. Littlebear stated that the next Planning Commission meeting was Thursday, September 5, 2024, then they would go before the Board of Trustees on Monday, September 9, 2024, and then next ZBA meeting after that was not until Wednesday, September 18, 2024.

The applicant stated that the renderings should be ready by next week, so Mrs. Michaels suggested that the case be tabled to the August 21, 2024 ZBA meeting.

The other Board members stated that they felt comfortable with that suggestion.

Motion:

Mrs. Michaels made a motion in Case #24-16, parcel # 11-02-300-002, commonly known as 1131 White Lake Rd, to table the case to the August 21, 2024 meeting. Mr. Hoffman supported the motion, and it carried with a unanimous voice vote.

CALL TO THE PUBLIC:

No public comment was offered.

MINUTES:

Mr. Borg made a motion to approve the minutes of July 17, 2024, as presented. Mr. Hoffman supported the motion, and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Hoffman congratulated Mr. Charlick on winning a Board of Trustee seat during the primary election last night. Mr. Charlick and Mr. Gerathy congratulated Mr. Hoffman on winning a County Commissioner seat during the primary election last night.

ADJOURN:

At 8:39 p.m., Mrs. Michaels made a motion to adjourn the meeting. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

Respectfully submitted,

Michael Zeolla
MZ/kpl