

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
September 7, 2022

The meeting was held at Fire Station # 1, 1600 W. Highland Road, Highland, Michigan.

Chairman Gerathy called the meeting to order at 7:28 p.m.

ROLL CALL:

David Gerathy, Chairman
Michael Borg, Vice Chairman
Anthony Raimondo, Secretary
Peter Eichinger
Scott Green
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Also Present: Kariline P. Littlebear, Zoning Administrator

Visitors: 3

Mr. Gerathy welcomed those in attendance and reviewed the procedures for addressing the Board. He stated that 4 affirmative votes are needed to approve a variance. If a variance is approved the applicant has one year to act upon the variance. Mr. Gerathy asked if any of the Board members needed to recuse themselves and they all said no. He stated that the alternate member, Mrs. Michaels, could choose to leave or stay. Mrs. Michaels chose to stay as a member of the public.

NEW BUSINESS:

1. CASE NUMBER: 22-20
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-12-326-003
PROPERTY ADDRESS: 3905 Orchard Dr.
APPLICANT: Patrick Sullivan
OWNER: Patrick Sullivan
VARIANCE REQUESTED: A 33.5-foot variance from the calculated 35-foot front yard setback to 1.5-feet provided; and
A 0.9-foot variance from the 5-foot required side yard setback to 4.1-feet provided.
(Sec. 9.02.B.a. Front Yard Setback)
(Sec. 9.02.B.b. Side Yard Setback)
This variance request is for the construction of a 24 ft x 35 ft detached 1-story side-entry garage in the required front and side yards.

Chairman Gerathy introduced the case and asked the applicant if he had anything to add that was not in the application.

Discussion from the Applicant:

Mr. Sullivan, the applicant, was present. He briefly reviewed the case for the Board.

Discussion from the Public:

Mrs. Michaels noted that this request is consistent with the neighborhood. Mr. Gerathy asked the other two audience members if they had any comment. They each stated that they were just there to observe how a ZBA meeting was conducted.

Discussion from the Board:

Mr. Gerathy noted that the applicant did a great job marking the location of the request on the ground at the property. Mr. Jickling stated that he was comfortable with the variance request for the front yard as it would be in keeping with the rest of the neighborhood. He felt that that the side yard request was not necessary as the garage is so long that it could be shortened or moved over a foot and still accomplish the applicant's goal. Mr. Eichinger referenced a previous case 22-23 on the same road that was granted a similar front yard variance. Mr. Hoffman asked if there would be three garage doors and Mr. Sullivan confirmed. Mr. Borg asked if the proper notification for this case was mailed out and on time. Mrs. Littlebear stated that it was. Mr. Raimondo noted that this parcel embodies the Lake and Village District and is comfortable with the front yard variance request but does not think that the side yard setback is necessary.

Motion:

Mr. Jickling made a motion in case 22-20, 3905 Orchard Dr., parcel 11-12-326-003, to grant a variance from Section 9.02.B.a. governing Front Yard Setbacks in the LV District to allow a 33.5-foot variance from the calculated 35-foot front yard setback to 1.5-feet provided but to **deny** the 0.9-foot variance from the 5-foot required side yard setback for the construction of a 24 ft x 35 ft detached 1-story side-entry garage. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). Motion carried and the variance was granted.

Mr. Hoffman moved to grant a Final Determination for case 22-20, 3905 Orchard Dr., parcel 11-12-326-003. Mr. Borg supported the motion and it carried with a unanimous voice vote.

MINUTES:

Mr. Borg moved to approve the minutes of August 17, 2022, as presented. Mr. Hoffman supported the motion. Mr. Raimondo abstained from the vote as he was not present at the August 17, 2022, meeting. The motion carried with a unanimous voice vote of the remaining members.

DISCUSSION:

Mr. Borg asked Mrs. Littlebear to investigate a temporary use permit that should be expired in his neighborhood at the corner of Clark and McPherson. Mr. Borg also asked Mrs. Littlebear to review several temporary banner signs in the township for compliance. Mr. Hoffman asked who the enforcement officer is. Mrs. Littlebear stated that she and Lisa Burkhart are the enforcement officers for the zoning ordinance and Shawn Bell, the Fire Marshal, is the enforcement officer for the rest of the township ordinances. Mrs. Littlebear briefly reviewed the upcoming cases for September 21, 2022. Mr. Jickling asked if schools are subject to Highland Township zoning regulations and asked about the Milford High School sign on Watkins Landing. Mrs. Littlebear explained that projects on school property are not subject to local municipal regulations but that she has not been able to determine who has authority over that sign since it isn't technically on school property. She stated that she will need to consult the township lawyer.

ADJOURN:

Mr. Raimondo made a motion to adjourn the meeting. Mr. Jickling supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:05 pm.

Respectfully submitted,

Anthony Raimondo
Secretary
AR/kpl