

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
May 3, 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
Peter Eichinger
Scott Green - absent
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 2

Mr. Gerathy 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. The alternate will participate in the meeting in place of the absent regular member.

NEW BUSINESS:

- | | | | |
|----|---------------------|-------|--|
| 1. | CASE NUMBER: | 23-07 | Tabled from April 19, 2023 |
| | COMPLAINT: | | |
| | ZONING: | | LV – Lake and Village Residential District |
| | PARCEL #: | | 11-32-426-025 |
| | PROPERTY ADDRESS: | | 2120 North St |
| | APPLICANT: | | Timothy Sheridan |
| | OWNER: | | Timothy Sheridan |
| | VARIANCE REQUESTED: | | A 22-foot variance from the required 65-foot high-water mark setback to 43-feet provided. (Sec. 9.02.D.)
This request is for an uncovered deck. |

Chairman Gerathy reviewed the revised request.

Motion:

Mr. Hoffman made a motion to remove case 23-07 from the table. Mr. Borg supported the motion, and it was approved with a unanimous voice vote.

Discussion from the Applicant:

Mr. Gerathy asked the applicant if he had anything new to add. Mr. Sheridan, the applicant, was

present and stated that he didn't have anything to add to his revised request.

Discussion from the Public:

Mr. Gerathy asked the audience member if she had any statements regarding this case. Gayle Green of Highland, MI stated that she was just there to observe before her case was heard at the first June ZBA meeting.

Discussion from the Board:

Mr. Hoffman stated that the revised request will not be harmful to the safety or welfare of the neighborhood. Mrs. Michaels stated that though the practical difficulty for this case was self-created she felt that the septic tank and field placement required by the county in the front of the property necessitated that the house be built closer to the high-water mark setback and a variance would have been needed regardless. Mr. Borg referenced the information presented at the prior meeting regarding the creation of this larger lot and the demolition of the little lake cottage to start at square one with a then larger vacant lot. He stated that he does recognize that this smaller revised request is reasonable and will not negatively impact the neighborhood. Mrs. Michaels stated that the applicant had clearly listened to the ZBA members' concerns at the last meeting and reduced his request to address those concerns. Mr. Eichinger stated to the applicant that perhaps the footings on the construction drawings submitted with his variance application may need to be addressed. Mr. Sheridan stated that he has spoken to the Building Official, Steve Tino, to verify the depth of the footings and that he may put in helical piers instead of standard deck footings for extra safety.

Motion:

Mr. Hoffman made a motion in Case 23-07, parcel # 11-32-426-025, 2120 North St., to grant a 14-foot variance from the calculated 65-foot high-water mark setback to 51-feet provided. Mr. Eichinger supported the motion. Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Raimondo-no, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (6 yes votes, 1 no vote). The motion carried with 6 yes votes and the variance was granted.

PUBLIC COMMENT:

There was no public comment.

MINUTES:

Mrs. Michaels made a motion to approve the minutes of April 19, 2023, as corrected. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

DISCUSSION:

Mr. Gerathy asked that the first issue discussed be the text amendment language for Sec 8.03. Mrs. Littlebear clarified that the section regarding uncovered porches was staying the same but that there would be a new section regarding uncovered patios at grade. Mr. Jickling felt that this new section should have a height threshold of a maximum of 7 inches instead of less than 2 inches because the grade may vary by several inches along the length of a level patio. Mr. Hoffman agreed. Mrs. Littlebear then asked how everyone felt about the 1-foot maximum setback for a patio at grade. Mrs. Michaels expressed concern about a 1-foot setback and asked for clarification as to why that had been suggested in the amendment. Mrs. Littlebear referred to the fact that the current ordinance regarding driveways and pathways allows for a 0-foot setback. She explained that because pathways are usually built in such a way that when they connect to a patio, the patio is enlarged by the width of the pathway. It is usually the pathway width that causes the need for a variance request as opposed to the rest of the width of the patio itself. Mr. Hoffman stated that he felt that the proposed language makes

sense with the change of the height threshold suggested by Mr. Jickling and pointed out that if they find that in the future there are other changes that they didn't think of they can go through this same process again.

Mr. Gerathy asked if Mr. Green would be returning to service soon and if not then who would be the new liaison member. Mrs. Littlebear stated that Mr. Green has requested to be removed from the ZBA and the Planning Commission for the time being. She stated that Planning Commission member Grant Charlick had just been appointed to the ZBA as of the Monday, May 1, 2023 Township Board meeting and will be sworn in and ready to begin attending ZBA meetings before May 17, 2023.

Mr. Jickling stated that he will be attending the upcoming May 2023 MTA workshop on zoning regulations. Mr. Raimondo stated that he is also attending, and Mr. Borg stated that he will be attending the online version. Mrs. Michaels stated that she had not receive the email regarding this and asked that Mrs. Littlebear send this to her.

Mr. Hoffman asked about text amendments for Sec 8.06. Mrs. Littlebear reviewed the proposed language. Mr. Jickling asked about the sign section of the section. Mrs. Littlebear stated that the current ordinance for home occupations doesn't allow for signs at all, so she looked to the sign ordinance allowed in the Highland Station District to create this language.

Mr. Raimondo thanked Mrs. Littlebear and the Zoning department staff for listening to the board and the citizens to make changes that make the township better.

ADJOURN:

At 8:08 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
Secretary
AR/kpl