

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
October 18, 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
Grant Charlick
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels - absent

Kariline P. Littlebear, Zoning Administrator

Visitors: 7

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.

NEW BUSINESS:

1. CASE NUMBER: 23-25
COMPLAINT:
ZONING: LV – Lake and Village Residential District
PARCEL #: 11-09-152-001
PROPERTY ADDRESS: 4354 David Dr
APPLICANT: Patrycja Krzok
OWNER: John P. Krzok
VARIANCE REQUESTED: A 30-foot variance from the 40-foot calculated rear yard setback to 10-feet provided.
(Sec 9.02.C. and Figure 2.13)
This request is for a 36 ft by 48 ft pole barn with covered porch.

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. He then asked if the Zoning Administrator had any additional information. Mrs. Littlebear stated that she did not.

Discussion from the Applicant:

Ms. Krzok, applicant, was present and went through the facts of the case as presented. She stated that she had contacted Mrs. Littlebear roughly a year ago to get setback information and at that time was informed that this property has two front yards and two side yards. She stated that Lisa Burkhart noticed the mistake made by Mrs. Littlebear a couple of months ago, noting that this property has two front yards, one side yard, and one rear yard as stipulation by Figure 2.13 of the Zoning Ordinance. Ms. Krzok stated that the neighbor across David Dr is also a

corner lot with roughly the same dimensions and yet because they do not abut another corner lot they are required two front yards and two side yards.

Discussion from the Public:

Aaron Sedlock, 3994 Taggett Lake Dr, was present. He stated that his family has been neighbors to Mr. Krzok for many years and they support the variance request.

Discussion from the Board:

Mr. Jickling stated that on the worksheet question 2 asks, "Can the project be redesigned to meet setbacks?" and the applicant answered "no" and question 4 asks, "Is this request the minimum necessary?" and the applicant answered "yes." He stated that he felt that these answers were not correct and provided a sketch to the board, applicant, and zoning administrator of how he felt that it could meet the ordinance and not need a variance at all. He stated that he believed the applicant can meet the setback requirements and still have the pole barn that is desired. Mr. Raimondo referenced ZBA case 23-10 in which the Board voted unanimously to deny the variance request, and this is a similar request. He stated that there does not appear to be a practical difficulty. He further stated that he believed that having the pole barn closer to the house may actually be advantageous because it is proposed to be a hobby/workshop for the property owner in his retirement and the shop being closer may be easier for him to get to and use. Mr. Borg stated that he agreed with both Mr. Jickling and Mr. Raimondo. Ms. Krzok reiterated that the neighbor is similarly situated and yet has two side yards instead of a side. Mr. Borg pointed out that the neighboring property is dimensionally similar but in a different zoning district and so has different setbacks. Mr. Jickling stated that the ZBA does not make the ordinance regulations. Rather, the Board is simply required to understand and apply the ordinance regulations. Mr. Gerathy noted that any change to the ordinance would need to be made by the Planning Commission and the applicant was welcome to bring her concerns to them at any of the public meetings. Ms. Krzok stated that moving the proposed pole barn to the location that Mr. Jickling suggested in his sketch would create a situation in which that 40-foot rear yard would be rendered unusable because the pole barn would block access to that space from the house. Mr. Eichinger stated that he feels that this request falls under the definition of "a personal nature." Ms. Krzok further stated that she did not believe that Mr. Jickling's sketch accurately reflected the dimensions of the lot and buildings on the ground. She stated that when she measured from the house then she found a much smaller space between the house and the proposed pole barn which is the dimension that was written on the site plan. Mr. Jickling pointed out that he used the scale that she marked on the site plan to do his measurements. Mr. Charlick stated that it appears that the hand drawn site plan is not to scale in reference to the scaled aerial view provided by zoning staff. Mr. Eichinger asked if a driveway was planned to be added to the property to access the proposed pole barn. Mr. Hoffman stated that the proposed structure is in keeping with the character of the neighborhood. He asked for clarification on why this request is necessary. Mrs. Littlebear stated that because they are a corner lot that abuts another corner lot, Figure 2.13 requires that the lot line that does not abut the neighboring corner lot must be considered a rear yard. If this corner lot did not abut another corner lot then there would not be a rear yard required. Mr. Gerathy and Mr. Hoffman stated that the applicant could table the case to reconsider and possibly change the request. Ms. Krzok decided to table the case so that she can get a more accurate site plan drawn up.

Motion:

Mr. Hoffman made a motion in Case #23-25, 4354 David Dr., parcel # 11-09-152-001, to table the case to the November 1, 2023 meeting. Mr. Eichinger supported the motion. **Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Charlick-yes, Mr. Gerathy-yes, (7 yes votes). The motion carried and the case was tabled.

CALL TO THE PUBLIC:

Mr. Gerathy noted that there were two students in attendance. Mr. Gerathy asked if they had any questions for the Board members to which they said no. Mr. Borg asked if they wanted to take a photo like the previous students and they said yes.

MINUTES:

Mr. Borg made a motion to approve the minutes of October 4, 2023, as presented. Mr. Eichinger supported the motion and it was approved with a unanimous voice vote.

DISCUSSION:

Mr. Borg asked how many cases are on for the next meeting. Mrs. Littlebear stated that there will be 5 cases in total including the one that was tabled during this meeting. She reminded the board that after the tabled case they will hear the request that was supposed to be on the October 4, 2023 meeting but had to be moved to the next meeting due to a publication error by the newspaper. Mr. Charlick asked who will be leading the Planning Commission meeting tomorrow. Mrs. Littlebear stated that the Planning Director and the Planning Consultant will be leading. Mr. Raimondo asked the Zoning Administrator if 3614 Loch will be moving the shed soon that was denied a variance. Mrs. Littlebear stated that Mr. Stout did come in and apply for his permit, so we have been waiting for him to call for his inspection. She stated that because it was on an enforcement, he should have done that already and she will follow up with the building department to see what the status is and try to move it forward. Mr. Jickling wanted to make sure that his suggestion and sketch was appropriate to have been brought to the board. Mrs. Littlebear stated that it was and Mr. Raimondo stated that he appreciated that Mr. Jickling did that. Mr. Jickling asked if he could come into the office and meet with applicants beforehand to make suggestions so that people could perhaps avoid having to come before the Board with a variance request at all. Mrs. Littlebear explained that it was not allowed per the regulations. Mr. Charlick stated that he felt that staff probably already does that and Mrs. Littlebear confirmed that she does always try to make suggestions to reduce or eliminate the need for a variance.

ADJOURN:

At 8:14 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/lgb