

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
November 15, 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 - absent
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 5

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 will participate in the meeting in place of the absent regular member.

OLD BUSINESS:

1. CASE NUMBER: 23-21 **Tabled from September 20, 2023**
COMPLAINT:
ZONING: R1.5 (RPUD) –Residential Planned Unit Development
PARCEL #: 11-28-251-010
PROPERTY ADDRESS: 349 Nairn Circle
APPLICANT: Phillip Maggee
OWNER: Karl Murphy & Lisa Carter
VARIANCE REQUESTED: An 18-foot 2-inch variance from the required 40-foot rear yard setback to 21-feet 10-inches provided.
(Sec 7.02.C.5.)
This request is for a reduction of the rear yard setback for the construction of a 24-foot 2 ½-inch by 27-foot 2-inch three-season room.

Mr. Raimondo made a motion in Case #23-21, 349 Nairn Circle, parcel # 11-28-251-010, to remove the case from the table. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

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.

Discussion from the Applicant:

Karl Murphy, property owner, stated that he had Boss Engineering come out to the property to verify the property lines. He stated that they found that the site plan that this request is based on is accurate and that is why his request has not changed. He noted that both the HOA and the golf club have given written approval for this structure.

Discussion from the Public:

There was no public comment offered.

Discussion from the Board:

Mr. Jickling stated that when this request was first presented he felt that having a sunny backyard is not a practical difficulty. Mr. Eichinger agreed.

Mr. Borg asked the Zoning Administrator if the patio had a permit or even needed one. Mrs. Littlebear stated that patios do require permits and that neither the current patio nor the smaller patio that was there originally had been permitted. He also asked her to explain how an RPUD is developed. Mrs. Littlebear explained that that process and how the allowed density of the development is calculated.

Mr. Hoffman noted that there is so much open common area behind this property that an encroachment from this request would not negatively impact the neighborhood.

Mr. Borg agreed with Mr. Hoffman and noted that this parcel is irregularly shaped.

Mr. Raimondo stated that he visited the property. He noted that the applicant stated on the worksheet that the practical difficulty seems to be a discrepancy between the aerial photos and the plot plan with regards to the lot lines. Mr. Murphy stated that he did believe that to be the case and had Boss Engineering confirm that the lot lines on the plot plan are correct.

Facts and Findings:

- Compliance with current requirements does not prevent the applicant from using the property for the permitted uses of the zoning district.
- This parcel is irregularly shaped.
- This parcel is adjacent to common open space.
- This request would not negatively impact the neighborhood.
- This request is of a personal nature.
- This request is more than the minimum necessary.

Motion:

Mr. Hoffman made a motion in Case #23-21, 349 Nairn Circle, parcel # 11-28-251-010, to approve an 18-foot 2-inch variance from the required 40-foot rear yard setback to 21-feet 10-inches provided for the construction of a 24-foot 2 ½-inch by 27-foot 2-inch three-season room. Mrs. Michaels supported the motion.

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

NEW BUSINESS:

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| 2. CASE NUMBER: | 23-29 |
| COMPLAINT: | |
| ZONING: | R3 – Single Family Residential District (3-acre min.) |
| PARCEL #: | 11-09-451-006 |
| PROPERTY ADDRESS: | 1010 Middle Rd |
| APPLICANT: | Cost Plus Construction LLC |
| OWNER: | Michael & Denise Schniers |

VARIANCE REQUESTED: A 30-foot variance from the required 40-foot west side yard setback to 10-feet provided and
An 11-foot variance from the required 40-foot east side yard setback to 29-feet provided for an approx. 173sqft First-Floor Addition and an approx. 173sqft Uncovered Deck off that addition.
(Sec 4.15) AND
A 30-foot variance from the required 40-foot west side yard setback to 10-feet provided and
An 18-foot variance from the 40-foot east side yard setback to 22-feet provided for an approx. 400sqft Second-Floor Addition over the attached garage.
(Sec. 4.15).

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.

Discussion from the Applicant:

Denise Schniers, property owner, stated that this is her childhood home and she is trying to update it a little and make it more livable.

John Przystup, contractor, noted that the lot is so skinny that anything constructed would need a variance.

Discussion from the Public:

Mr. Gerathy read into record a letter of support from Foster J. Eid of 964 Middle Rd and a letter of support from Brent W. Linkous of 1028 Middle Rd.

Discussion from the Board:

Mrs. Michaels noted that because of the extreme narrowness of the lot and that it is smaller in size than is required by the zoning district that any improvements would necessitate a variance request.

Mr. Jickling agreed with Mrs. Michaels. He commended the applicant and contractor for designing in a way that does not encroach on the side yards any further than the existing structure.

Mr. Borg stated that he agrees with both Mrs. Michaels and Mr. Jickling.

Mr. Eichinger stated that he agrees with the other board members and noted that the house is quite far from Middle Rd.

Mr. Raimondo noted that this lot is zoned R3 and would support this request per the facts and findings.

Facts and Findings:

- The request will not negatively impact the health, safety, or welfare of the Township.
- The request is in keeping with the character of the neighborhood.
- The parcel is substandard in size for the zoning district.
- The parcel is exceptionally narrow for the zoning district.
- The request is the minimum necessary.

Motion:

Mr. Borg made a motion in Case #23-29, 1010 Middle Rd, parcel # 11-09-451-006, to approve a 30-foot variance from the required 40-foot west side yard setback to 10-feet provided and an 11-foot variance from the required 40-foot east side yard setback to 29-feet provided for an approx. 173sqft First-Floor Addition and an approx. 173sqft Uncovered Deck off that addition and a 30-foot variance from the required 40-foot west side yard setback to 10-feet provided and an 18-foot variance from the 40-foot east side yard setback to 22-feet provided for an approx. 400sqft Second-Floor Addition over the attached garage per the facts and findings. Mr. Raimondo supported the motion.

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

Mr. Borg made a motion to provide a Final Determination Letter for Case #23-29. Mr. Hoffman supported the motion and it was approved with a unanimous voice vote.

CALL TO THE PUBLIC:

Mr. Gerathy noted that there were no audience members and so moved on to the next agenda item.

MINUTES:

Mr. Borg made a motion to approve the minutes of November 1, 2023, as corrected. Mr. Eichinger supported the motion and it was approved with a unanimous voice vote.

DISCUSSION:

Mrs. Littlebear stated that the December 6, 2023 ZBA meeting will be a minutes only meeting and that the December 20, 2023 ZBA meeting will be cancelled as there are no new requests for either.

Mr. Raimondo stated that he had attended the Township Board meeting on November 6, 2023 and felt that it would be a good idea for the ZBA to have a joint meeting with the Township Board of Trustees and the Planning Commission to discuss items of interest in the township. Mr. Borg stated that when he lived in the Village of Milford and was on that ZBA they did that fairly regularly and it was really helpful. He noted that they would also include the DDA and the Beautification Committee in the joint meetings.

ADJOURN:

At 8:03 p.m., Mrs. Michaels 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/kpl