

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
March 20, 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
Grant Charlick
Peter Eichinger
Robert Hoffman
John Jickling
(Alternate) Mary Michaels
(Alternate) Michael Zeolla

Kariline P. Littlebear, Zoning Administrator

Visitors: 14

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. Mr. Zeolla stated that he would be leaving to attend the HDDA meeting since he was not needed for this meeting.

NEW BUSINESS:

1. CASE NUMBER: 24-04
COMPLAINT: EE23-0249
ZONING: ARR – Agricultural and Rural Residential District
PARCEL #: 11-30-300-034
PROPERTY ADDRESS: 4720 Lone Tree Rd
APPLICANT: Nancy S. White
OWNER: Nancy S. White
VARIANCE REQUESTED: A 63.64-foot variance from the required 75-foot front yard setback to 11.36-foot provided; and
A 23-foot variance from the required 40-foot side yard setback to 17-foot provided.
(Section 4.15)
This request is for a reduction of the front and side yard setbacks for the construction of a concrete block manure surround.

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. Mr. Gerathy also asked if the Zoning Administrator had any information to add. Mrs. Littlebear stated that she had received several emails pertaining to the case which she forwarded to the Board before the meeting. She stated that she had also received two phone calls regarding the case both of which were not in favor of the request and their concerns were the same as those reflected in the emails received.

Discussion from the Applicant:

Nancy White, applicant, was present and reviewed the information provided for her request. She noted that her property is zoned ARR which is a 5-acre minimum, but her parcel is only 3 acres. She noted that her property floods and provided photos of the flooding. She stated that the structure is in the only high and dry part of the property. She stated that she was trying to follow Right To Farm Act guidelines for manure management protocols by building the concrete structure. She noted that she plans to put doors on the structure and either plantings around it or paint it so that it would blend into the background.

Discussion from the Public:

Lisa Kelley, 1060 Stone Barn Rd, stated that she has been a resident for the past 20 years and is opposed to this request. She stated that she works for the Michigan State University College of Veterinarian Medicine and previously College of Agriculture and Natural Resources and is also a member of the Michigan Farm Bureau. She provided a booklet, Manure Management for Small and Hobby Farms, from the USDA. She stated that Ms. White is not following good manure management practices and there are no other structures in the area like this because it is not an accepted practice among equestrians and farmers. She also stated that the chloride from the road would contaminate the manure in the structure making it useless for compost.

Evan Hulscher, 1661 S Tipsico Lake Rd, stated that his property is just north of Ms. White's property, and he is in favor of her request.

Kirk Eaton, 4500 Lone Tree Rd, stated that his property is just east of Ms. White's property, and he is in favor of her request. He stated that the previous owners would pile their manure up next to his property line instead of disposing of it. He also stated that he did not believe chloride from the road would be able to get into the structure.

Duane Vasky, 13985 Lone Tree Rd, Hartland Twp, stated that he lives across Tipsico Lake Rd from Ms. White and is opposed to this request. He stated that last October Ms. White told him that she would be removing the structure. He stated that the structure is the size of a large dump truck and that it is almost always full of manure. He is concerned about what the warmer weather will bring as far as odor and insects stating that the structure is right across the road from his backyard and swimming pool. He also noted that there is another surround next to the barn that is also being used to store manure. He believes that there is no reason to approve a variance when there is another location for this use that meets the setback requirements. He stated that the property does not flood more than any of the neighboring properties and that the Road Commission for Oakland County had recently put a culvert in to help alleviate any drainage issue that may be happening in the neighborhood. He further stated that there is a concern of possible traffic accidents caused by having the surround next to and facing Tipsico Lake Rd such that tractors or other vehicles will necessarily be in the road to place or remove manure in that structure.

Joe Roland, 13988 Lone Tree Rd, Hartland Twp, stated that he is southwest across the street from Ms. White, and he is opposed to this request. He stated that he is concerned about the odor and insects that so much manure will produce. He stated that it takes a long time for 2 horses to produce enough manure to fill that structure and he feels that it would be better for her to dispose of the manure more often thus making that structure unnecessary.

Mary Michaels, Lone Tree Rd, stated that she is opposed to this request. She addressed Ms. White's answers to the worksheet questions from the application packet. Ms. Michaels stated that this request can be redesigned to meet the zoning requirements and so is not the minimum variance necessary. Ms. Michaels noted that there is already a surround next to the barn that is being used to store manure and it does meet the setback requirements. She stated that the variance request is of a personal nature because, according to the worksheet, it is based on Ms. White's preference not to have to drive equipment through the pasture for manure removal. Ms. Michaels

stated that Ms. White stated on the worksheet that this request will not be harmful to the neighborhood, but she believes that it is because it is an eyesore right next to the road that will continuously produce odors and insects.

Mr. Gerathy read into record an email from Kimberly Jarvis, 1497 S. Tipsico Lake Rd, in support of this request as she believes this request is the best location due to flooding on the property and will look nice when it's completed.

Mr. Gerathy read into record an email from Wayne and MaryAnn Mueller, Stone Barn Rd, in opposition to this request as they believe that the request is of a personal nature and not in the best interest of the neighborhood.

Discussion from the Board:

Mr. Eichinger asked how many horses the applicant has. Ms. White stated that she has a horse and a pony.

Mr. Charlick asked the Zoning Administrator for clarification on the description Ms. White provided on her application stating that in 1980 the Clerk of Highland Township designated the parcel as "not entitled to a building or use permit." Mrs. Littlebear explained that from her research there was a restriction placed on the property because the parcel did not meet the minimum bulk and size requirements of the zoning district at that time. In 2010 the property was rezoned to a 5-acre minimum district and the restriction was lifted after that.

Mr. Borg asked if there were any variances previously approved for this property and Mrs. Littlebear stated that there were not. She noted that the house, barn, and barn addition were all built to meet the setback requirements.

Mr. Eichinger noted that there was an enforcement in the variance packet and asked the Zoning Administrator for clarification. Mrs. Littlebear explained that the structure was built without a permit, the Planning Department received a complaint about it, and an investigation found that enforcement was necessary. The homeowner was then notified of the violation.

Mr. Raimondo asked if the Zoning Administrator was aware of any plans by either Oakland County or Livingston County to pave Lone Tree Rd or Tipsico Lake Rd. Mrs. Littlebear stated that from what she has heard from the Road Commission for Oakland County that there are no plans to pave either street at this time. She has not heard anything from the Road Commission for Livingston County.

Mr. Hoffman stated that Ms. White's property is beautiful and asked the applicant when the flooding photos were taken. Ms. White stated that some of the photos were from this year and some were from several years ago. Mr. Hoffman stated that a few years ago when he worked for the Road Commission, he had believed that the flooding issue had been alleviated. Ms. White stated that the road is crowned improperly so that the water floods onto her property. She further stated that the culvert was installed a foot too high so that the water cannot easily reach it.

Mr. Jickling stated that he used to own horses and does not believe that the request is reasonable.

Mr. Borg asked when the structure with manure in it next to the barn was built. Ms. White stated that it was built in August. Mr. Borg noted that the survey the applicant provided notes that the northeast portion of the fence encroaches onto the neighbor's property. Ms. White stated that she had not been aware of that because she obtained the survey from the previous owners and the fence was in place when she bought the property.

Mr. Raimondo stated that he is pro-equestrian but also supports Highland's ordinances and master plan. He noted that though this parcel is substandard in size for the zoning district he is not in favor of this request per the facts and findings.

Mr. Charlick stated that regardless of what the structure is being used for it does not meet the requirements and so he does not support the request.

Facts and Findings:

- The request will negatively impact the health, safety, or welfare of the neighborhood and Township.
- The request is not in keeping with the character of the neighborhood.
- The request is of a personal nature.
- The need for the variance was self-created.
- The request is not the minimum necessary.

Motion:

Mr. Borg made a motion in Case #24-04, 4720 Lone Tree Rd, parcel # 11-30-300-034, to approve a 63.64-foot variance from the required 75-foot front yard setback to 11.36-feet provided and a 23-foot variance from the required 40-foot side yard setback to 17-feet provided for the construction of a concrete block manure surround. Mr. Hoffman supported the motion.

Roll Call Vote: Mr. Hoffman-no, Mr. Borg-no, Mr. Eichinger-no, Mr. Raimondo-no, Mr. Charlick-no, Mr. Jickling-no, Mr. Gerathy-no, (7 no votes). The motion was denied and the variance was denied.

OLD BUSINESS:

2. ELECTION OF OFFICERS **Tabled from 03/06/24**

Motion:

Mr. Raimondo made a motion to re-elect Mr. Gerathy to Chair. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

Mr. Gerathy made a motion to re-elect Mr. Borg to Vice-Chair. Mr. Eichinger supported the motion and it carried with a unanimous voice vote.

Mr. Gerathy made a motion to re-elect Mr. Raimondo to Secretary. Mr. Hoffman supported the motion and it carried with a unanimous voice vote.

CALL TO THE PUBLIC:

There was no public comment offered.

MINUTES:

Mr. Borg made a motion to approve the minutes of March 6, 2024, as corrected. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

DISCUSSION:

Mr. Raimondo stated that he will be absent for the next ZBA meeting on April 4, 2024. Mrs. Michaels stated that she will attend in his stead. Mr. Borg stated that he will also be absent for the next ZBA meeting on April 4, 2024. Mr. Charlick stated that he had some conversations with Mrs. Littlebear about the ordinance regarding patios at grade. He stated that he believed that the ordinance needs to be reworked so that there will be less variance requests for them and that any changes would be brought to the ZBA for input before the Planning Commission makes a recommendation. Mr. Jickling felt that perhaps terraces need to be looked at separately. Mr. Charlick noted that his concern has more to do with the building material and the drainage and permanence of some materials over others. Mr. Raimondo noted that this issue had been brought before the ZBA last year and then nothing came of it. Mrs. Littlebear stated that there were changes brought to the Planning Commission for consideration, but they could not reach a consensus. Mr. Charlick stated that he and Mrs. Littlebear would work on it and have something for the ZBA to review soon.

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ADJOURN:

At 8:29 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/kpl