

**CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
Approved Minutes  
May 5, 2021  
Electronic Meeting via Zoom**

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  
Robert Hoffman  
John Jickling

Lisa G. Burkhart, AICP - Zoning Administrator

Visitors: 13

Mr. Gerathy, Chairperson, welcomed those present and explained the procedure for addressing the Board. Mr. Gerathy stated that four affirmative votes are required to approve a variance. There is a full board present.

**OLD BUSINESS:**

1. CASE NUMBER: 21-05      *Tabled from April 7, 2020*  
COMPLAINT #:  
ZONING: R-3 Single Family Residential (3-acre minimum lot size)  
PARCEL #: 11-02-451-002  
PROPERTY ADDRESS: 1600 White Lake Road  
APPLICANT: Terry Lemke  
OWNER: Terry Lemke  
VARIANCE REQUESTED: An 85-foot front yard setback variance from 125 feet required to 40 feet provided (Section 4.15 footnote G)  
A 25-foot side yard setback variance from 40 feet required to 15 feet provided (Section 4.15)  
This variance is for a 40 x 80 accessory structure.

Chairman Gerathy asked if the applicant had additional information not already on file. Mr. Lemke noted that he had submitted a new plot plan that included the correct location of the septic field and an improved side yard setback.

**Discussion from the Applicant:**

Mr. Lemke stated that pushing the barn into the back yard would place it in a valley where there could be drainage problems. He stated that he received an estimate on grading and filling of \$6,000.00. He also stated that he did not believe that the barn would be an eyesore near the road as a neighbor had stated. Mr. Lemke showed the Board members the views out his windows. He pointed out the property to the east with a large shed and outside storage.

**Discussion from the Public:**

Mr. Josh Lutes, 1590 White Lake Road, was present. He stated that he is speaking for himself and the neighbors who attended the April 7<sup>th</sup> meeting. Mr. Lutes restated that there are other locations to build that meets setback requirements. He also felt the barn was too big, too close to the road and would become an eyesore.

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**Discussion from the Board:**

Mr. Gerathy stated that he was not at the April 7<sup>th</sup> meeting; however, he has reviewed the minutes and visited the site. He stated that he could not support the request. Mr. Borg commented that finances are not a practical difficulty. Mr. Jickling stated that that all but 15 feet of the proposed barn is within the required front yard. Mr. Raimondo and Mr. Jickling commented about planned landscaping. Mr. Raimondo asked about the proposed use of the barn. Mr. Lemke stated that he has a large tractor, a couple of boats and trailers. Mr. Hoffman stated that he has been to the site several times and asked if Mr. Lemke could perhaps compromise by moving the barn to the south more. Mr. Lemke stated that he had changed the front yard setback to 85 feet from 40 feet. Mr. Raimondo offered the following facts and findings.

- The parcel is zoned R-3 Single Family Residential.
- The applicant has failed to identify a practical difficulty.
- The proposed structure would be harmful and would alter the essential character of the area.
- The proposed variance would not be the minimum necessary.

**Motion:**

Mr. Raimondo made a motion in Case 21-05, Parcel #11-02-451-002, 1600 White Lake Road, to deny the variance request. Mr. Jickling supported the motion. Mr. Gerathy stated that a yes vote is a vote to deny the request. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The variance request was denied.

**NEW BUSINESS:**

2. CASE NUMBER: 21-11  
COMPLAINT #: EE20-0075  
ZONING: LV - Lake and Village Residential  
PARCEL #: 11-11-426-017  
PROPERTY ADDRESS: 3905 Highland Ct.  
APPLICANT: Mark Chaveriat  
OWNER: Mark Chaveriat  
VARIANCE REQUESTED: A 52-foot ordinary high water mark setback variance from 65 feet required to 13 feet provided (Section 9.02.B.b)  
This variance is for a deck and pavilion.  
A 40-foot ordinary high water mark setback variance from 65 feet required to 25 feet provided (Section 9.02.B.b)  
This variance is for a shed.

Chairman Gerathy introduced Case 21-11 and asked the applicant if he had anything to add that was not in the application.

**Discussion from the Applicant:**

The applicant, Mr. Mark Chaveriat was present and confirmed that he would like his case to be heard. He had nothing further to add.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Jickling asked about the status of three existing structures. Ms. Burkhart explained that the existing structures were constructed without permit and that the property owner would be required to

obtain permits and bring the structures into compliance with code. Mr. Jickling noted that this could affect the valuation of the property.

Mr. Borg asked Mrs. Burkhart to confirm that the applicant has acquired the adjacent parcel and asked if the pavilion would be in compliance if the properties were combined. Mrs. Burkhart stated that the project would still be subject to variance from the setback to the ordinary highwater mark. Mr. Borg asked about improvements that were visible on the aerial photograph from 2014 that are not reflected in the plot plan. The applicant explained that those improvements had been previously removed.

Mr. Hoffman pointed out that the existing home would have required a variance due to the shallow depth of the lot. Mrs. Burkhart noted that any improvement on this site would have required a variance.

Mr. Borg noted that the existing home to the east is nearer the ordinary highwater mark than is the structure on the subject parcel. Mr. Gerathy agreed that the parcel is very shallow.

Mr. Borg asked about a complaint in 2020. The notes in the inspection stated that the applicant had agreed to seek a variance in July. He questioned why the proper process had not been followed.

Mr. Raimondo has visited the site and offers the following facts and findings:

- The property is unique in its location on the peninsula.
- The proposal is consistent with the spirit and intent of the LV, Lakes and Villages Zoning District regulations.
- The parcel is located on a dead-end street and the improvement would not interfere with sight lines of the neighbors.
- Per the packet, two civil infractions have been issued by the building department.

Mr. Raimondo asked the purpose of the shed behind the trailer. Mr. Chaveriat explain that the proposed shed is 7 by 7-foot plastic shed to house the lawnmower and lawn tools which could be placed anywhere on the site. Mr. Raimondo was concerned about its proximity to the lake.

Mr. Eichinger thought that until the civil infractions were addressed, it was improper to proceed with approvals. Mrs. Burkhart explained that under state stature a variance request stays enforcement unless there is an emergency action required to address health, safety, and welfare of the community. Tabling the measure would delay further action.

**Motion:**

Mr. Hoffman made a motion in Case 21-11, Parcel #11-11-426-017, 3905 Highland Ct. to approve a variance of 52 feet from the ordinary highwater mark of 65 feet to 13 feet provided. This variance is for a deck and a pavilion. He further moved to approve a variance of 40 feet from the ordinary highwater mark to 25 feet provided. This variance is for a shed. Mr. Jickling supported the motion. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-no, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (6 yes votes, 1 no vote). The variance request was approved.

3. CASE NUMBER: 21-12  
COMPLAINT #:  
ZONING: R1.5 - Single Family Residential  
PARCEL #: 11-12-201-007  
PROPERTY ADDRESS: 2979 Giddings  
APPLICANT: John Watkins  
OWNER: John Watkins  
VARIANCE REQUESTED: A 20-foot side yard setback variance from 30 feet required to 10 feet

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provided (Section 4.15)

This variance is for a 35 x 45 accessory structure (pole barn)

Mr. Gerathy introduced the variance request for a side yard variance to construct a pole barn. He asked the applicant if he had any further information to add.

**Discussion from the Applicant:**

Mr. John Watkins, the applicant was present and confirmed that he would like his case to be heard. He explained that he had approached the Township to inquire about the setbacks for his project a year ago and had been told that he would need a survey if he could not find his markers, but that the aerial photograph was scalable. His original plan had been for a 40 foot by 45-foot barn. He retained a surveyor but noted that he learned that previous owners had moved the lines 5 feet to the east. His yard was therefore 5 feet shorter than he had expected from the aerial photo. He reduced his project to a 35-foot-wide barn, but still wanted to avoid disturbing some large trees. He has had difficulty finding evidence of the location of his septic system but has placed the barn to allow for a driveway while protecting the septic system and the trees.

His goal is to replace the existing sheds with the barn. He has some latitude to move the barn north and south, but not east and west.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Borg saw no elevation drawings showing the height of the structure. Mr. Watkins explained that he had 12-foot walls with a ten-foot door, although he had wanted a 12-foot door to accommodate a future recreation vehicle. Mr. Borg asked for clarification of the pitch of the roof. Mr. Watkins thought it was 6/12, which Mr. Jickling noted would bring the peak of the roof to 20'-9". Mr. Jickling explained that the roof pitch could be flattened to 4/12, and that the 12-foot door could be accommodated. Mr. Watkins pointed out that there were other barns on his street with 6/12 pitches that were at least 16 feet high, although those parcels might have different zoning classifications than his parcel.

Mr. Borg was concerned that it was not appropriate to decide the variance without proper plans. Mr. Hoffman thought the building specifications such as wall height and pitch of roof could be included in any motion of approval. Mrs. Burkhart explained that the Township has only required floor plans and elevation views in the LV, Lake and Village Zoning District, so the applicant had not been advised to supply the plans. She also pointed out that the ordinance allows for a 28-foot-tall structure measured to the mid-peak.

Mr. Raimondo asked about properties to the north, that include large pole barns and whether these are commercial or residential. For instance, two parcels to the north is Zeloney's well drilling, which may not be used for residential use. Mrs. Burkhart explained that this use is non-conforming in the district that has been present for over 40 years.

Mr. Raimondo noted that he had seen the existing accessory structures and was satisfied that the applicant was willing to remove the structures when the pole barn was in place. He noted that the parcel was non-conforming in regard to lot size. He would like to see a landscape plan providing a buffer to the property to the west, perhaps evergreen trees such as pines, spruces, or arborvitaes. He appreciates and sympathizes with the goal of preserving the mature trees.

Mr. Hoffman thought that the landscape buffer was a valid condition, but that arborvitaes would provide a more appropriate buffer.

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Mr. Gerathy suggested that in the past, the Zoning Board of Appeals had conditioned approval on building materials and aesthetics to ensure compatibility with the neighborhood.

**Motion:**

Mr. Borg made a motion based on the facts and findings established in the discussion for Case 21-12, Parcel #11-12-201-007, 2979 Giddings. to approve a variance of 20 feet from the required side yard setback of 30 feet to 10 feet provided. This variance is for a 35 foot by 45-foot accessory structure upon the condition that once the pole barn is completed, the existing sheds will be removed. Mr. Jickling supported the motion. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The variance request was approved.

4. CASE NUMBER: 21-13  
COMPLAINT #: EE21-0047  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-12-176-013  
PROPERTY ADDRESS: 4309 Hunters Dr.  
APPLICANT: Gerald Cilibrise  
OWNER: Gerald and Jeanne Cilibrise  
VARIANCE REQUESTED: A 25-foot front yard setback variance from 30 feet required to 5 foot provided (Section 9.02.B.a)  
This variance is for a 20 by 20 accessory structure (garage).

Mr. Gerathy introduced the variance request for a front yard setback variance to construct a garage. He asked the applicant if he had any further information to add.

**Discussion from the Applicant:**

Mr. Gerald Cilibrise was present to address the Board’s questions. He confirmed that he would like his case to be heard. Mr. Cilibrise explained that the existing structures dated to the ‘30’s. The foundation of the garage is failing, and the garage is tilting. The existing garage is set at a zero setback from the right-of-way, which is consistent with neighborhood patterns. The house is 35 feet from the right-of-way. He would like to replace the 18 foot deep by 16-foot-wide garage with a 20 foot by 20-foot garage. The new garage would be no closer to the right-of-way than the existing garage. This leaves 10 foot to the porch, which provides some room to move from side to side on the lot.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Eichinger noted that a 20-foot garage is not large by today’s standards. He asked for additional information about the septic system as shown on the plot plan. Mr. Cilibrise believed his plot plan shows only the tank.

Mr. Borg asked if the utility pole would remain in place or is being relocated. Mr. Cilibrise explained that it would not be moved.

Mr. Jickling believes the proposal is in keeping with the neighborhood and suspects the neighbors would be pleased by the improvement.

Mr. Raimondo has also visited the property and offered the following facts and findings:

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- The garage foundation is failing and should be replaced to protect the health, safety, and welfare of the community.
  - The location of the proposed garage is in keeping with the character of the neighborhood.
  - The location of the septic field presents a constraint to moving the garage to a location beside the home.

Mr. Borg asked Mrs. Burkhart if there was an open complaint against the property. Mrs. Burkhart explained that the building official had investigated an anonymous complaint but

found no violation.

**Motion:**

Mr. Borg made a motion based on the facts and findings established in the discussion for Case 21-13, Parcel #11-12-176-013, 4309 Hunters Drive to approve a variance of 25 feet from the required front yard setback of 30 feet to 5 feet provided to build a 20 foot by 20-foot garage. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The variance request was approved.

Mrs. Burkhart explained that the applicant could file an application for building permit upon approval of the minutes, presumably after May 20, 2021.

5. CASE NUMBER:	21-14
COMPLAINT #:	
ZONING:	IM – Industrial Manufacturing
PARCEL #:	11-23-227-001
PROPERTY ADDRESS:	2000 E. Highland Road
APPLICANT:	Rick Zalewski
OWNER:	Neptech, Inc. - Michael Secord
VARIANCE REQUESTED:	A 17 -foot front yard setback variance from 100 feet required to 83 feet provided (Section 4.15, Footnote F). This variance is for an industrial building addition.

Mr. Gerathy introduced Case 21-14 for a variance from the required front yard setback for an existing industrial building at 2000 E. Highland Road.

**Discussion from the Applicant:**

The applicant, Mr. Rick Zalewski was present to address questions of the Board. He confirmed that he would like his case to be heard. His architect, John Stewart, 1645 N. Milford Road was also present. Mr. Stewart explained that the renovation would address deficiencies in hallway and barrier-free bathrooms. The business would like to segregate its engineering, office support and sales staff from the production area. Only a small portion of the expansion encroaches in the required setback.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Raimondo asked if the site plan had been presented to the Planning Commission, which Mr. Green confirmed had not. There was discussion about the process, and whether it was appropriate to act before the Planning Commission had reviewed the plans.

Mr. Raimondo pointed out that sidewalks would be a requirement of site plan approval.

Mr. Raimondo asked about the trailer mounted sign parked near the right-of-way. Mr. Zalewski stated that the trailer was used for tradeshows; he did not know whether the president, Mike

Secord had pulled a permit for it. Mr. Raimondo stated that there was clearly no permit issued for the sign, and that a permanent sign should be installed that would comply with zoning regulations.

Mr. Jickling believed that although he appreciates the need for the new space, he believed the building could be redesigned to comply with the required setback, given creative space planning.

Mr. Hoffman thought the small encroachment was insignificant and that there was sufficient space between the edge of the road and the new wall. With appropriate landscaping, the new building would have curb appeal.

Mr. Green believed that although there may be options that would comply with the ordinance, he was pleased with the maintenance of the grounds and believed the site was well kept. He thought the mobile sign was inappropriate and must be addressed before site plan approval.

Mr. Borg pointed out that Rave Construction, the nearest property to the west, was set nearly at the right-of-way line, and this building would look appropriate in context.

**Motion:**

Mr. Raimondo made a motion based on the facts and findings established in the discussion for Case 21-14, Parcel #11-23-227-001, 2000 E Highland Rd. to approve a variance of 17 feet from the required front yard setback of 100 feet to 83 feet provided, for the addition to an industrial building conditioned upon the trailer-mounted sign being removed from its location by May 12, 2021. This variance is for an industrial building expansion. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The variance request was approved.

6. CASE NUMBER:	21-15
COMPLAINT #:	
ZONING:	LV – Lake & Village Residential District
PARCEL #:	11-12-351-015
PROPERTY ADDRESS:	3235 Oakridge Dr.
APPLICANT:	Tiffany LaFontaine.
OWNER:	Daniel LaFontaine, Jr.
VARIANCE REQUESTED:	A 3 -foot rear yard setback variance from 40 feet required to 37 feet provided (9.02.B.a). This variance is for a deck.

Mr. Gerathy introduced case 21-15, which is a request for a rear yard variance to construct a deck.

**Discussion from the Applicant:**

The applicants, Tiffany and Daniel LaFontaine were present to answer questions of the Board. They confirmed that they would like their case to be heard. They had no additional information for the Board.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Gerathy had visited the site, and noted that the site was very crowded, and he was confident there was no other option for placement of the deck. Mr. Hoffman noted this was a minimal variance, smaller than most that have been heard recently.

Mr. Eichinger asked about the height of the deck. The LaFontaine's explained that the deck would match the height of the door wall. Mr. Eichinger asked for clarification of the steps. Mr. LaFontaine explained that the deck would be 10 feet from the house, and the steps would project an additional four feet, which is constrained by the septic location. Mr. Eichinger was concerned there was little space at the end of the steps.

Mr. Green asked about the history of the house, which was constructed in 2018. Mrs. Burkhart explained that this house replaced a house that had been lost to fire.

Mr. Raimondo has visited the lot. He offered the following facts and findings:

- The lot is substandard in respect to size.
- There are existing steps to the backdoor, which would be replaced with a 4.5-foot deck.
- The septic system location offers a constraint to alternative locations of the deck.

**Motion:**

Mr. Raimondo made a motion based on the facts and findings established in the discussion for Case 21-15, Parcel #11-12-351-015, 3235 Oakridge Dr. to approve a variance of 3 feet from the required rear yard setback of 40 feet to 37 feet provided. This variance is for a deck. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The variance request was approved.

Mr. Gerathy advised the applicants that they could file building permit applications after the minutes were approved in two weeks.

**Minutes:**

Mr. Eichinger made a motion to approve the minutes of April 7, 2021 as corrected. Mr. Raimondo supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Gerathy-yes. The motion was approved with 7 yes votes.

**Discussion:**

Mrs. Burkhart reviewed the agenda for the next meeting. There are five new cases and two tabled cases. She noted that one tabled case has been withdrawn by the applicant.

**Adjourn:**

At 9: 10 p.m., Mr. Raimondo made a motion to adjourn the meeting. Mr. Green supported the motion and it passed with a unanimous roll call vote.

Respectfully submitted,

Anthony Raimondo, Secretary  
AR/lgb, ejc