

**CHARTER TOWNSHIP OF HIGHLAND**  
**ZONING BOARD OF APPEALS**  
**Approved Minutes**  
**May 19, 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 - Absent  
Anthony Raimondo, Secretary  
Peter Eichinger  
Scott Green  
Robert Hoffman  
John Jickling

Lisa G. Burkhart, AICP - Zoning Administrator

Visitors: 15

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. Six of the seven board members are present.

**OLD BUSINESS:**

1. CASE NUMBER: 21-07 *Tabled from April 21, 2021*  
COMPLAINT #:  
ZONING: LV - Lake and Village Residential  
PARCEL #: 11-12-129-007  
PROPERTY ADDRESS: 2559 Jackson  
APPLICANT: Roger L Althouse  
OWNER: Roger and Debra Althouse  
VARIANCE REQUESTED: A 3-foot side yard setback variance from 5 feet required to 2 feet provided (Section 9.02.B.b)  
This variance is for a deck.

Chairman Gerathy introduced the application. The application was tabled from April 21, 2021. Mr. Hoffman made a motion to remove case 21-07 from the table for further consideration. Mr. Green supported the motion. Roll Call Vote: Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green- yes, Mr. Hoffman-yes, Mr. Gerathy-yes, (6 yes votes).

Mr. Gerathy stated that Mr. Hoffman wished to start the discussion. Mr. Hoffman stated that he has visited the site several times and spoke to both the applicant and neighbor. He pointed out that the deck is already there, and they are applying because the deck is non-conforming and was built without a permit by a previous owner. The neighbor has erected a six-foot-tall fence. Mr. Hoffman stated that the Althouse's and Mr. Harutunian mutually agree to support the variance request, with the Althouse's agreeing to and paying for a height variance and

construction for the new fence to be extended in height. Mr. Harutunian stated that Mr. Hoffman's statement was accurate. Mr. Althouse stated that the statement was accurate, except he wanted to clarify that he would only pay for the fence to be increased in height along his lot line.

**Discussion from the Applicant:**

Mr. Althouse submitted photos that showed the view from his deck edge and from a five-foot setback. He stated that the view is virtually identical. Mr. Althouse indicated that he wants to keep the deck at the existing elevation so elderly parents do not have fall hazards entering and exiting the house.

**Discussion from the Public:**

Mr. Harutunian still felt that the setback would diminish his property value but would agree to the additional height on his fence and remove any objection to the setback. There was no other public comment.

**Discussion from the Board:**

Mr. Hoffman stated that he agrees about the view from the deck is the same at 5 feet or 2 feet. Mr. Eichinger asked why the deck cannot be setback at five feet. Mr. Althouse responded that the extra setback allows him to see through to view the lake and to watch his grandchildren cross to the beach area. Mr. Eichinger pointed out that you can cross at the driveway and enjoy the view of the lake from the front deck area. Mr. Green stated that while neighbors working together is admirable, he was looking for the deck to be lowered. He also thought that a 9-foot fence is extremely tall and would not support such a request. Additionally, Mr. Green stated that dropping the height of the deck would solve the privacy issues and prevent two variances. Mr. Raimondo felt that "we should not be handing out variances for variances; two wrongs don't make a right." He stated that the Board should only address the present case on its own merit. The members briefly discussed previous variances.

Mr. Gerathy asked what the procedure would be to grant a variance for the fence. Mrs. Burkhart stated that the process dictated to us by State law would require public notice and a public hearing and then be judged on practical difficulty. He felt like we were getting into an area that has not been properly advertised.

The Board members further discussed the height of the deck. Mr. Jickling commented that he is not generally in favor of 2-foot side yard setbacks but, as Mr. Green commented height may make a difference. After further discussion, Mr. Raimondo offered the following facts and findings.

- The lot is substandard in size and width in the LV District.
- Granting a variance to the east would cause additional nuisance to the adjoining property.
- The practical difficulty has not been identified by the applicant.

**Motion:**

Mr. Hoffman made a motion in Case 21-07, Applicant Roger L Althouse, parcel number 11-12-129-007, 2559 Jackson Blvd., to approve a 3-foot side yard setback variance from 5 feet

required to 2 feet provided in Section 9.02.B.b, based on the substandard lot size and width of the parcel. This variance is for a deck. Mr. Green supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Eichinger-no, Mr. Raimondo-no, Mr. Green-yes, Mr. Jickling-no, Mr. Gerathy-no, (4 no, 2 yes votes). The motion failed. The variance request was denied.

2. CASE NUMBER: 21-09 *Tabled from April 21, 2021* **WITHDRAWN**  
COMPLAINT #:  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-22-230-008  
PROPERTY ADDRESS: 745 Tierney  
APPLICANT: Diane Broekhuizen  
OWNER: Leo and Diane Broekhuizen  
VARIANCE REQUESTED: A 5-foot rear yard setback variance from 10 feet required to 5 feet provided (Section 9.02.C.b)  
A 9-foot side yard setback variance from 10 feet required to 1 foot provided (Section 9.02.C.b)  
This variance is for a 11.5 foot tall, 12 x 20 accessory structure.

Mr. Gerathy stated that Mrs. Broekhuizen submitted a letter dated February 21, 2021 stating that she is withdrawing the application. Mr. Green made a motion to close Case #21-09 because the applicant has withdrawn the application. Mr. Raimondo supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Gerathy-yes, (6 yes votes). The motion passed.

**NEW BUSINESS:**

3. CASE NUMBER: 21-16  
COMPLAINT #:  
ZONING: LV - Single Family Residential  
PARCEL #: 11-11-427-013  
PROPERTY ADDRESS: 3818 Highland Ct. (off Davista Dr.)  
APPLICANT: Dennis Grayson  
OWNER: Dennis Grayson  
VARIANCE REQUESTED: A 3-foot side yard setback variance from 5 feet required to 2 feet provided (Section 9.02. B.b)  
A 12-foot total side yard setback variance from 15 feet required to 3 feet provided (Section 9.02.B.b)  
A 3.25-foot front yard setback variance from 30 feet required to 26.75 feet provided (Section 9.02.B.a)  
This variance is for a 20 x 28 accessory structure (unattached garage)

Chairman Gerathy introduced Case 21-16 and asked the applicant if he had anything to add that was not in the application package. He also asked if the applicant wished to have his case heard despite only 6 members being present.

**Discussion from the Applicant:**

Mr. Grayson was present and wished to have his case heard. He stated that his home was on a 25-foot-wide parcel, that he purchased the 25-foot lot next door and combined the parcels into one. Mr. Grayson stated that the other lot had a cottage on it that was only 1 foot from the lot line, and he tore that down. He is now asking to construct a small unattached garage two feet from the lot line. He stated that he wanted to maintain 6 feet between his house and the garage to maintain privacy when accessing the lake side of the house. He felt that it would be disruptive to the neighbors to walk along the lot line between the garage and their windows.

**Discussion from the Public:**

Mr. Fred Lemke, 1600 White Lake Road was present and stated that he has worked with the applicant in the past and believes he will do a good job.

**Discussion from the Board:**

Mr. Hoffman stated that he visited the site and felt the request was reasonable because two parcels were combined, and the setbacks were larger and the proposed garage smaller than the old building. Mr. Eichinger asked what would happen to the four sheds and doghouse if the garage were built. Mr. Grayson stated that he was planning on removing the sheds. Mr. Eichinger and Mr. Green questioned whether the garage could be moved closer to his house. Grayson explained that that is the area where the foot traffic would be and would be wide enough to carry things to the lake side. Mr. Hoffman pointed out that the gas meter is mounted to the side of the house further impacting the width. Mr. Jickling and Mr. Green questioned the size of the proposed garage and asked if it could not be 18 foot wide and perhaps not needing a variance. The members further discussed the size and shape of the garage and whether it should be attached. It was determined that the garage could be attached to the house if a fire wall were constructed between the living space and garage. Mr. Jickling felt that if the proposed garage were narrower a variance would not be needed. Mr. Grayson pointed out storage needs and the ability to move around the space. Mr. Raimondo visited the site and offered the following facts and findings.

- The original home was built as a cottage in 1930.
- The applicant demolished the previous cottage.
- The proposed garage would have less of a footprint than the old cottage.
- The parcel is unique because it was split into two 25- foot parcels.

Mr. Raimondo suggested that the Board consider two motions in this instance. He noted that the garage on the parcel to the south is pushed back and he is not in favor of the front set back as any drop off towards the lake is minimal.

**Motion:**

Mr. Raimondo made a motion in Case 21-16, 3818 Highland Ct., Parcel #11-11-427-013 to grant a variance from Section 9.02.B.b for a 3-foot side yard setback variance from 5 feet required to 2 feet provided and a 12-foot total side yard setback variance from 15 feet required to 3 feet provided for a 20 x 28 unattached garage on the condition of removal of all four accessory structures, except the doghouse upon completion. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Jickling-no, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (5 yes votes, 1 no vote) The motion passed, and the

variance was granted.

**Motion:**

Mr. Raimondo made a motion in Case 21-16, 3818 Highland Ct., Parcel #11-11-427-013 to deny a 3.25-foot variance from Section 9.0.B.a for a front yard setback from the required 30 feet to 26.75 feet provided for a 20 x 28 accessory structure. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-no, Mr. Gerathy-yes. (5 yes votes, 1 no vote). The motion passed and the variance request was denied.

4. CASE NUMBER: 21-17  
COMPLAINT #:  
ZONING: R-3 – Single Family Residential (3-acre minimum lot size)  
PARCEL #: 11-09-351-005  
PROPERTY ADDRESS: 1700 Middle Road  
APPLICANT: Keith Kilroy  
OWNER: Keith Kilroy  
VARIANCE REQUESTED: A 28-foot side yard setback variance from 40 feet required to 12 foot provided (Section 4.15 Schedule of Regulations)  
This variance is for a 41 by 38 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. Mr. Gerathy asked if the applicant wished to proceed.

**Discussion from the Applicant:**

Mr. Kilroy was present and wished to proceed. Mr. Kilroy stated that he initially wanted to build a wood garage; but given current lumber prices he has picked a steel structure. He stated that he will include a 4-foot tall, cultured stone wall and has picked paint colors to match the house. He further stated that they will raise the existing barn once the new barn is completed, and storage moved to the new barn.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Gerathy commented that it appeared that several trees will be removed. Mr. Kilroy affirmed. Mr. Jickling and Mr. Hoffman observed that there is practical difficulty as the lot is so narrow and only leaves a 10-foot-wide building envelope. Mr. Hoffman noted that the location of the septic area. Mr. Eichinger asked about the orientation and number of doors. Mr. Kilroy stated that there will be 3 doors facing east. Mr. Raimondo and Mr. Green expressed that they are not generally in favor of pole barns in the front yard, but it appears there is practical difficulty. Mr. Hoffman commented that it would not make sense to place the building between the house and the lake.

**Motion:**

Mr. Green made a motion in Case 21-17, Parcel Number 11-09-351-005, 1700 Middle Road, to approve a 28-foot side yard setback variance from 40 feet required to 12 feet provided (Section 4.15 Schedule of Regulations) on the condition landscaping is placed between the proposed structure and the road. This variance is for a 41 by 38 accessory structure (pole barn). Mr. Eichinger supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (6 yes votes). The motion passed and the variance was granted.

5. CASE NUMBER: 21-18  
COMPLAINT #:  
ZONING: ARR – Single Family Residential (5-acre minimum lot size)  
PARCEL #: 11-02-451-003  
PROPERTY ADDRESS: 1650 White Lake Road  
APPLICANT: Bill Boettger  
OWNER: Cherie & William Boettger  
VARIANCE REQUESTED: A 50-foot front yard setback variance from 125 feet required to 75 feet provided (Section 4.15, Footnote G).  
This variance is for a 32 by 48 accessory structure (pole barn).

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

**Discussion from the Applicant:**

Mr. Boettger was present and wished to proceed. He noted that the parcel is nice sized it has substantial wetlands behind the house. He further stated that there was a misunderstanding when applying for building permits about the front yard setback. So, thinking he had the correct setback he began working on the pad. Mr. Boettger stated that once he completed his survey, he brought the plan to the Township and found out about the 125-foot setback. His application included the plot map with elevation. Moving the barn back moves into the reserve septic field area and his septic field is to the east. He is in the process of building the house and the pole barn will be the same type of siding as the house and be the same color. Mr. Boettger stated that he tried to preserve trees to the north and east to shield the view of the barn. He is also willing to provide landscaping in front of the barn.

**Discussion from the Public:**

Mr. Fred Lemke, 1600 White Lake Road, neighbor to the west was present and had no objection to the variance request.

**Discussion from Board:**

Mr. Jickling observed that the request is very similar to a request several weeks ago and is not in favor of the request as the barn sits entirely within the front yard setback. Mr. Raimondo felt that this parcel is unique, the proposed barn is significantly smaller than the barn proposed next door and the applicant is willing to provide a greenbelt buffer between the barn and road. Mr. Green thought there were water issues, but this is a blank parcel. Mr. Boettger noted that the

foundation for the home has been installed and wall up. He further stated that he has a very restricted building envelope given the rectangular shape and wetland. Mr. Hoffman commented that he visited the site and felt there was practical difficulty. He also felt that if the barn were pushed to the east side of the property; a variance would still be needed. After further discussion, the following facts and findings were offered.

- The variance would not be detrimental to the adjacent properties.
- The request is the minimum necessary for the applicant to have reasonable use of the property.

**Motion:**

Mr. Raimondo made a motion in Case 21-18, Applicant Bill Boettger, 1650 White Lake Road, Parcel Number 11-02-451-003 to grant a 50-foot variance from Section 4.15, Footnote G for a front yard setback from 125 feet required to 75 feet provided for a 32 x 48-foot accessory structure (pole barn) Mr. Hoffman supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Jickling-no, Mr. Raimondo-yes, Mr. Eichinger-no, Mr. Hoffman-yes, Mr. Gerathy-yes (4 yes votes, 2 no vote). The motion passed and the variance was approved.

6. CASE NUMBER: 21-19  
COMPLAINT #:  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-12-476-012  
PROPERTY ADDRESS: 3349 Highland Ct. (in 7-Harbors).  
APPLICANT: Emily Quigley  
OWNER: Emily Quigley  
VARIANCE REQUESTED: A variance to allow a 6 ft. tall privacy fence in a front yard setback where only a 4 ft. tall decorate fence is permitted (Section 8.09).  
This request is for a six-foot-tall privacy fence.

Mr. Gerathy introduced Case 21-19 and asked the applicant if she wished to proceed and if she had any other information not included in the application package. Ms. Emily Quigley was present and wished to proceed.

**Discussion from the Applicant:**

Ms. Quigley stated that the plan is for a 6-foot white vinyl fence so it would look nice. She has a dog as well and it is a busy corner lot.

**Discussion from the Public:**

A letter was received from Rob and Dawn Mio raising 2 issues as the intersection is a bus stop and stated that it is difficult to see approaching traffic. They did not support the variance. A letter was received from Kim Leonard with the same objections to a fence in the front yard. She stated that a fence would block views and create more traffic hazards. She did not support the request. A third letter was received from Denice LeVasseur president of the homeowner's association. She objected to the request as the fence is proposed in the road right-of-way that the applicant does not own. Ms. LeVasseur stated that the right-of-way area

is important for snow removal and larger fire equipment.

Ms. Dean Craw, 3165 Beaumont Dr. stated her home is across the street and down just a little bit. She stated that a fence along Beaumont Drive would give the applicant some privacy for the back yard. Sherry Galanty, 3197 Beaumont Drive, supports the variance. Len Galanty 3197 Beaumont pointed out other fences in the area that a similar and supported the request. Mr. Gerathy closed public comment.

**Discussion from the Board:**

Mr. Hoffman pointed out that a corner lot has two front yards. He was not opposed to a 6-foot-tall fence on the property line but that the ZBA could not approve a fence in the road right-of-way. Mr. Gerathy stated that he felt the same way. Mr. Raimondo asked the applicant if she were planning on removing the two large trees and how a 6-foot fence would prevent her dog from barking. Ms. Quigley stated that she did not plan on removing the trees. She noted that the dog is a young rescue and gets very excited when she sees people and animals; with a 6-foot fence the dog would not be able to see or jump over. Mr. Jickling noted that the existing deck encroaches into the right-of-way. He wondered if a four fence would comply, if it were on the lot line. Mrs. Burkhart noted that the Ordinance only allows a 4-foot decorative fence such as split rail, picket; a solid privacy fence is not considered decorative. Mr. Green asked if the applicant would even consider other options.

**Motion:**

Mr. Green made a motion to table Case 21-19, so the applicant take the comments and revise the plan. (Mr. Lado, the ZOOM host notified the members that Ms. Quigley was having trouble with her connection and was trying to call in.) Mr. Green added that the connection problem is reason to table the request. Mr. Raimondo supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Gerathy-yes. (6 yes votes) The motion passed.

Mr. Gerathy stated that the new date will be June 2, 2021 giving the applicant time to reflect on the comments and come up with other options as placement in the right-of-way is not an option.

7. CASE NUMBER: 21-20  
COMPLAINT #:  
ZONING: OS – Office Service District  
PARCEL #: 11-13-480-001  
PROPERTY ADDRESS: 3501 E. Highland Road (M-59)  
APPLICANT: Steve Tino  
OWNER: Faith Lutheran Church  
VARIANCE REQUESTED: A 31-foot front yard setback variance from 80 feet required to 49 feet provided (Section 4.15).  
This variance is for a 40 by 60 accessory structure (pavilion).



Mr. Gerathy introduced the application for 40 by 60 pavilion. He asked if the applicant wished to proceed given only 6 members were present.

**Discussion from the Applicant:**

Mr. Steve Tino was present representing the Church and wished to have the case heard. Mr. Tino explained the location for the pavilion was chosen because of the location of the parking lot and baseball field. It was the only place it would fit given the pre-existing conditions.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Raimondo visited the site and offered the following facts and findings.

- The proposed variance is the minimum necessary.
- The request is consistent with the Land Use Master Plan.
- The parcel provides a landscape green belt and other open spaces areas that buffer the lot from traffic, noise and help maintain the rural atmosphere from the perspective the community at large.
- The visual impact of the pavilion is minimal and is not visible from other adjoining properties.

**Motion:**

Mr. Hoffman made a motion in Case 21-20, Parcel Number 11-13-480-001, 3501 E. Highland Road, applicant Steve Tino for Faith Lutheran Church to approve a 31-foot front yard setback variance from 80 feet required to 49 feet provided (Section 4.15) for a 40 by 60 accessory structure (pavilion). Mr. Eichinger supported the motion. Roll Call vote: Mr. Hoffman-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Gerathy-yes, (6 yes votes).

**Minutes:**

Mr. Eichinger made a motion to approve the minutes of May 5, 2021 as corrected. Mr. Jickling supported the motion and it carried with a unanimous roll call vote. Mr. Hoffman - yes, Mr. Eichinger -yes, Mr. Raimondo -yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Gerathy-yes,

**Adjourn**

At 9: 35 p.m., Mr. Green made a motion to adjourn the meeting. Mr. Eichinger supported the motion and it passed with a unanimous roll call vote.

Respectfully submitted,

Anthony Raimondo, Secretary  
AR/lgb