

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
JULY 7, 2021

This meeting was held at 209 N. John St., Highland, Michigan.

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 - absent  
Robert Hoffman  
John Jickling

Lisa G. Burkhart, AICP – Zoning Administrator

Visitors: 8

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.

**NEW BUSINESS:**

1. CASE NUMBER: 21-24  
COMPLAINT #:  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-02-451-002  
PROPERTY ADDRESS: 1600 White Lake Rd  
APPLICANT: Terry Lemke  
OWNER: Terry Lemke  
VARIANCE REQUESTED: A variance to allow a 6 ft. tall privacy fence between the principal building and the ordinary high-water mark where only an open-air type (with no more than 20% opacity) fence is permitted (Section 8.09.3).  
This request is for a six-foot-tall privacy fence.

Mr. Gerathy introduced the case. He asked if Mr. Lemke wished to add any new information not included in the application.

**Discussion from the Applicant:**

Mr. Lemke was present and wished to be heard by the members present. He stated that he has a permit for fencing along the lot line for a privacy fence and a chain link fence. He noted that he is required to have chain link between the house and the water.

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**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Hoffman felt that the request was reasonable. The fence will not obstruct any neighboring views. He further stated that the fence will still be a significant distance from the lake. Mr. Jickling asked about the requirements of the Zoning Ordinance. Mrs. Burkhart explained that the Ordinance only allows fencing that you can see through between the principal building and the ordinary highwater mark regardless of the distance. Mr. Hoffman stated that he understands the Ordinance, if you live on smaller lots with home closer together, a solid six-foot fence will have a larger impact on neighboring properties. He further stated that, in this situation, where it is a large parcel, the homes are separated by quite a distance from each other and there is quite a bit of vegetation that the request is appropriate. Mr. Eichinger expressed concerns about practical difficulty. Mr. Borg commented that the applicant is allowed a six-foot fence and that it would be more aesthetically appealing to keep the same type of fence. He also pointed out that it will still be a significant distance from the water.

**Motion:**

Mr. Hoffman made a motion in Case 21-24. Applicant Terry Lemke, Parcel #11-02-451-002, 1600 White Lake Road, to grant a variance from Zoning Ordinance Section 8.09.3 to allow a 6 ft. tall privacy fence between the principal building and the ordinary high-water mark per plans submitted permitted. Mr. Borg supported the motion. Roll Call Vote: Mr. Eichinger- yes, Mr. Raimondo-no, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Gerathy-yes (5 yes votes) The motion passed, and the variance was granted.

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2. CASE NUMBER: 21-25  
COMPLAINT #:  
ZONING: LV – Lake and Village Single Family Residential  
PARCEL #: 11-13-428-015  
PROPERTY ADDRESS: 1633 Ridge Rd.  
APPLICANT: James Pleiman  
OWNER: James Pleiman  
VARIANCE REQUESTED: A 9-foot side yard setback variance from 13 feet required to 4 feet provided (Section 9.02.B.a)  
A 6-foot side yard setback from 8 feet required to 2 feet provided. (Section 9.02.B.b.a)  
A 9-foot side yard setback variance from total 20 feet required to 11 feet provided (Section 9.02.B.b.a)  
A 6-foot side yard setback variance from total 20 feet required to 14 feet provided (Section 9.02.B.b.a)  
A 24-foot ordinary highwater mark setback variance from 61 feet required to 37 feet provided (Section 9.02.B.c.b)  
This variance is for a detached deck.

Chairman Gerathy introduced the case and asked if the applicant wished to add any information that was not already submitted.

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**Discussion from the Applicant:**

Mr. Pleiman was present and wished to have his case heard. Mr. Pleiman stated that the deck has been there over 30 years, has become an eyesore and needs replacement. He stated that there is a steep slope to the deck then it is like a walkout with steps to the water.

**Discussion from the Public:**

Ralph and Patricia Meloche, 1665 Ridge Road were present. Their lot is to the east of the subject parcel. Ms. Meloche reported that the front of the deck is 20 inches to the fence which is within their own lot. The furthest point of the deck is at 42 inches from the fence; at that point, the fence is on the lot line. She stated that the deck was built prior to Mr. Pleiman's purchase, and that the previous owner had built it over the lot line and had to remove a portion of the deck. Ms. Meloche asked for clarification of the two-foot setback. Mrs. Burkhart stated that the request is for the deck to be two-foot from the east lot line and angle off to four-foot from the lot line. Mr. Meloche asked about erosion control. Mr. Pleiman indicated that he plans to use stone under the new deck.

**Discussion from the Board:**

Mr. Gerathy confirmed that the applicant did not build the existing deck. Mr. Eichinger stated that he visited the site and affirmed the condition of the deck and the steep slope of the lot. Mr. Jickling asked if the entire structure will be removed or just the top. Mr. Pleiman stated the entire structure including posts will be replaced. Mr. Jickling questioned whether the proposed deck could be relocated to meet the setbacks. Mrs. Burkhart stated that the deck could be relocated to improve the setback, but the total side yard setback could not be overcome without a variance. Mr. Borg commented that a deck meeting the setbacks would be very narrow. Mr. Borg felt the proposed location would not disturb the neighbors to the east and would allow access to carry things to the water. He further stated that the topography is quite steep, and the deck would allow a platform where the property owner can enjoy the lake and entertain. Mr. Hoffman stated that he could support the request as the proposed deck is replacing an existing deck, it is like other structures around the lake and will not block anyone's view.

**Motion:**

Mr. Eichinger made a motion in Case 21-25, Applicant James Pleiman, 11-13-428-015, 1633 Ridge Rd., to approve a variance for a 9-foot side yard setback variance from 13 feet required to 4 feet provided (Section 9.02.B.a), a 6-foot side yard setback from 8 feet required to 2 feet provided. (Section 9.02.B.b.a). a 9-foot side yard setback variance from total 20 feet required to 11 feet provided (Section 9.02.B.b.a), a 6-foot side yard setback variance from total 20 feet required to 14 feet provided (Section 9.02.B.b.a), a 24-foot ordinary highwater mark setback variance from 61 feet required to 37 feet provided (Section 9.02.B.c.b) per plan submitted. This variance is for an unattached deck. Mr. Raimondo supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Gerathy-yes (6 yes votes). The motion passed and the variance was granted.

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3. CASE NUMBER: 21-26  
COMPLAINT #:  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-12-431-006  
PROPERTY ADDRESS: 3470 Lakeview Drive  
APPLICANT: Ventures Design (Jacob Lubig)  
OWNER: Shelly Kirchner  
VARIANCE REQUESTED: A 16-foot ordinary high water mark variance from 43 feet required to 27 feet provided (Section 9.02.B.c.b). This variance is for a hot tub.

Chairman Gerathy introduced the case and asked if the applicant wished to add any information that was not already submitted.

**Discussion from the Applicant:**

Mr. Loch Durrant, Venture Design, was present representing the homeowners. He wished to proceed. He stated that a variance was granted on this same property in 2020 for retaining walls, a patio, and an outdoor kitchen. Mr. Durant noted that the hot tub will be closer to the home than other features on the site and will not negatively impact neighbor's views. He stated that, as in the previous case, the unusual topography of the site and the pre-existing home impact the location of the proposed hot tub. He also stated the required setback from the house and the location of the septic field further restrict the location of the proposed hot tub.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Hoffman questioned why a variance was needed for the hot tub. Mrs. Burkhart indicated that hot tubs are treated the same as pools. Those setbacks are different than other structures and because it was not requested previously; a variance is needed.

**Motion:**

Mr. Hoffman made a motion in Case 21-26, Applicant Jacob Lubig, Property owner Shelly Kirchner, 3470 Lakeview Dr., Parcel 11-12-431-006 to grant a 16-foot ordinary high water mark variance from 43 feet required to 27 feet provided (Section 9.02.B.c.b). This variance is for a hot tub. Mr. Eichinger supported the motion and it carried with a roll call vote. Roll Call Vote: Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Gerathy-yes. (6 yes votes). The variance was granted.

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4. CASE NUMBER: 21-27  
COMPLAINT #:  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-11-176-002  
PROPERTY ADDRESS: 4095 Chevron  
APPLICANT: Marshall Mandell  
OWNER: Marshall Mandell  
VARIANCE REQUESTED: A 15-foot variance from the ordinary high-water mark, from 65 feet required to 50 feet provided (Section (9.02.B.c)). This variance is for an addition to the house.

Chairman Gerathy introduced Case 21-27. He asked if the applicants wished to proceed and add any new information not included in the application.

**Discussion from the Applicant:**

Mr. and Mrs. Mandell were present and wished to proceed. Mr. Mandell stated that the current building is a small A-frame structure. He stated that they currently use it as a cottage but intend to make it their permanent home. He stated that the current house is at the top of a hill and the design maintains the current line of sight. Mr. Mandell further stated that because of the distances to the neighboring homes and the vegetation on the site, the additions would barely be visible. He also stated that the location of the existing well and septic field impact the location of the additions.

**Discussion from the Public:**

There was no public comment.

**Discussion from the Board:**

Mr. Eichinger and Mr. Hoffman commented on the topography of the site. The members also commented on the condition of the driveway. Mr. Hoffman stated that the slope down to the lake is beautifully landscaped.

**Motion:**

Mr. Eichinger make a motion in Case 21-27, Applicant Marshall Mandell, 4095 Chevron, Parcel 11-11-176-002 to grant a 15-foot variance from the ordinary high-water mark, from 65 feet required to 50 feet provided (Section (9.02.B.c)), per plans submitted. This variance is for house additions. Mr. Borg supported the motion. Roll Call Vote: Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Gerathy-yes (6 yes votes). The motion carried and the variance was granted.

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**Minutes:**

Mr. Raimondo made a motion to approve the minutes as corrected. Mr. Borg supported the motion and it carried with a unanimous roll call vote.

**Discussion:**

Chairman Gerathy stated that prior to the covid shutdown, the Board began review of the by-laws. He asked the members to look at the by-laws so they can be discussed at the next meeting.

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**Adjourn:**

Mr. Eichinger made a motion to adjourn the meeting. Mr. Jickling supported the motion and the meeting adjourned at 8:15 p.m.

**Minutes:**

**Adjourn**

Respectfully submitted,

Anthony Raimondo,  
Secretary AR/lgb