

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
August 17, 2022

The meeting was held at Fire Station # 1, 1600 W. Highland Road, Highland, Michigan.

Chairman Gerathy called the meeting to order at 7:29 p.m.

ROLL CALL:

David Gerathy, Chairman (absent)  
Michael Borg, Vice Chairman  
Anthony Raimondo, Secretary (absent)  
Peter Eichinger  
Scott Green  
Robert Hoffman  
John Jickling  
(Alternate) Mary Michaels

Also Present: Kariline P. Littlebear, Zoning Administrator

Visitors: 4

Vice Chairman Borg welcomed those in attendance and reviewed the procedures for addressing the Board. He stated that there was not a full board present so if any applicant wished to table their case to the next meeting, they would be welcome to do so. He further stated that 4 affirmative votes are needed to approve a variance. If a variance is approved the applicant has one year to act upon the variance.

**NEW BUSINESS:**

1. CASE NUMBER: 22-21  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-12-405-007  
PROPERTY ADDRESS: 3701 Woodland Dr  
APPLICANT: Creative Custom Builders  
OWNER: Timothy Flynn & Stacy Rovin  
VARIANCE REQUESTED: a 6-foot variance from the calculated 46-foot setback from the highwater mark to 40-feet provided.  
(Sec. 9.02.D. Highwater Mark Setback)  
This variance request is for the construction of a 15' x 22' shed roof over an existing deck.

Vice Chairman Borg introduced the case and asked Mrs. Littlebear if all of the mailings for this case had been sent on time. She said yes. Mr. Borg then asked the applicant if they wished to proceed despite the Board being short a member. The applicant said yes. Mr. Borg asked if the applicant had anything to add that was not in the application packet.

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**Discussion from the Applicant:**

Jim Veilleux, 10130 Elizabeth Lake Rd, White Lake, MI 48386, representative of the applicant, Creative Custom Builders, was present. He briefly reviewed the case for the Board.

**Discussion from the Public:**

None

**Discussion from the Board:**

Mr. Borg asked whether the lot to the south of this parcel is private property. Mrs. Littlebear stated that it is an outlot and common element for the neighborhood. Mr. Hoffman stated that this project will be in keeping with character of the neighborhood. Mr. Eichinger stated that he felt that this project will enhance the look of the property and the neighborhood and that it is the minimum variance necessary. Mrs. Michaels stipulated that this deck must remain open and unenclosed and will not impede the neighboring view of the lake.

**Motion:**

Mr. Eichinger made a motion in case 22-21, 3701 Woodland Dr., parcel 11-12-405-007, to grant a variance from Section 9.02.D. governing the Highwater Mark Setback in the LV District to allow a 6-foot variance from the calculated 46-foot setback from the highwater mark to 40-feet provided for the construction of an open and unenclosed 15' x 22' shed roof over an existing deck. Mr. Hoffman supported the motion. Roll Call Vote: Mr. Jickling-yes, Mr. Green-yes, Mrs. Michaels-yes, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Borg-yes (6 yes votes). Motion carried and the variance was granted.

2. CASE NUMBER:	22-22
COMPLAINT:	
ZONING:	R3 – Single Family Residential District (3acre min)
PARCEL #:	11-16-400-032
PROPERTY ADDRESS:	1942 Percy Lane
APPLICANT:	Brandon VanPoppelen
OWNER:	Brandon VanPoppelen
VARIANCE REQUESTED:	A 26-foot variance from the required 40-foot side yard setback to 11-feet provided. A 54-foot variance from the required 100-foot rear yard setback to 46-feet provided. (Sec. 4.15 Schedule of Regulations) The variance request is for the construction of a 25' x 40' greenhouse and a 25' x 40' storage building.

Vice Chairman Borg introduced the case and asked Mrs. Littlebear if all of the mailings for this case had been sent on time. She said yes. Mr. Borg then asked the applicant if they wished to proceed despite the Board being short a member. The applicant said yes. Mr. Borg asked if the applicant had anything to add that was not in the application packet.

**Discussion from the Applicant:**

Brandon VanPoppelen, the applicant, was present. He briefly reviewed the case for the Board. He noted that he was changing his request regarding the rear yard setback from a 54-foot variance to a 24-foot variance because he decided to remove the storage building and just leave the greenhouse. This would leave him with a 76-foot rear yard. He also noted that when he received approval for these farm buildings

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from the Farm Bureau, he didn't realize that he also need approval from the township.

**Discussion from the Public:**

None

**Discussion from the Board:**

Mr. Borg noted that because Mr. VanPoppelen is asking for a lesser variance than was originally requested that they do not need to table the case and can proceed. Mr. Hoffman asked for clarification regarding the updated variance request. Mr. VanPoppelen stated that he is now requesting a 24-foot variance from the 100-foot rear yard setback to 76-feet and a 26-foot variance from the 40-foot side yard setback to 11-feet. Mr. Jickling referenced the enforcement on this property and stated that the aerial view shows multiple sheds along with the greenhouse and storage building. Mr. VanPoppelen stated that the additional sheds have been removed along with the storage building. He decided that he wanted to make sure that his property was more in keeping with the character of the neighborhood and felt that having all those buildings didn't accomplish that. Mr. Jickling also asked for clarification as to whether the greenhouse must meet building code standards and what type of permit would Mr. VanPoppelen be getting if the variance is approved. Mrs. Littlebear explained that because of the Right To Farm Act any structure that is used exclusively for the farm does not have to meet standard building code requirements but does still need to meet the zoning requirements. She stated that the permit that Mr. VanPoppelen would apply for would be a land use permit that will simply verify that the setbacks have been met on the ground. Mr. Green asked for clarification regarding farming in residential districts. Mrs. Littlebear explained that as long as a property is the minimum acreage required to meet the federal regulations to be a working farm then it does not matter which zoning district that farm is in. Mrs. Michaels stated that she appreciates the reduction in the request and the improvements that have been made. She noted that this is the minimum variance necessary for this request. She further noted that a document was provided with signatures from the neighbors supporting this request. Mr. Borg noted that granting this variance will not adversely affect the health, safety, or welfare of the public.

**Motion:**

Mrs. Michaels made a motion in case 22-22, 1942 Percy Lane, parcel 11-16-400-032, to grant a variance from Section 4.15 governing the Rear and Side Yard Setbacks in the R3 District to allow a 26-foot variance from the required 40-foot side yard setback to 11-feet provided and a 24-foot variance from the required 100-foot rear yard setback to 76-feet provided for the construction of a 25-foot x 40-foot greenhouse. Mr. Green supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Jickling-yes, Mr. Eichinger-yes, Mr. Green-yes, Mrs. Michaels-yes, Mr. Borg-yes (6 yes votes). Motion carried and the variance was granted.

3. CASE NUMBER: 22-23  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-12-326-011  
PROPERTY ADDRESS: 3733 Orchard Dr  
APPLICANT: Michael Presley  
OWNER: Michael Presley  
VARIANCE REQUESTED: A 20.7-foot variance from the calculated 31.3-foot front yard setback to 10.6-feet provided.  
(Sec. 9.02.B.a. Front Yard Setback)  
The variance request is for the construction of a 12' x 7' 2-story addition and a 24' x 13' 2-story attached garage/addition in the required front yard.

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Vice Chairman Borg introduced the case and asked Mrs. Littlebear if all of the mailings for this case had been sent on time. She said yes. Mr. Borg then asked the applicant if they wished to proceed despite the Board being short a member. The applicant said yes. Mr. Borg asked if the applicant had anything to add that was not in the application packet.

**Discussion from the Applicant:**

Michael Presley, the applicant, was present. He briefly reviewed the case for the Board.

**Discussion from the Public:**

None

**Discussion from the Board:**

Mr. Borg read into record an email in support of this request from Joe and Jill Koterba, 3717 Orchard Dr, Highland, MI 48356. Mr. Jickling asked for clarification regarding the aerial view. He noted that it looks like the garage is actually in the road-right-of-way. Mrs. Littlebear explained that the county GIS mapping system is actually incorrect. Mr. Presley provided a certified survey as his plot plan for this case which shows that correct boundary lines. Mrs. Littlebear further stated that she is working with the county GIS department to have this corrected. Mr. Hoffman noted that every house on this street had garages in the front yard, so this request is in keeping with the character of the neighborhood. Mr. Borg noted that the applicant is limited to this location requested by the location of the septic tank and field. He further noted that this request will not adversely affect the health, safety, and welfare of the public.

**Motion:**

Mr. Hoffman made a motion in case 22-23, 3733 Orchard Dr, parcel 11-12-326-011, to grant a variance from Section 9.02.B.a. governing the Front Yard Setback in the LV District to allow a 20.7-foot variance from the calculated 31.3-foot front yard setback to 10.6-feet provided for the construction of a 12' x 7' 2-story addition and a 24' x 13' 2-story attached garage/addition. Mr. Eichinger supported the motion. Roll Call Vote: Mrs. Michaels-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Borg-yes, (6 yes votes). Motion carried and the variance was granted.

**MINUTES:**

Mrs. Michaels moved to approve the minutes of August 3, 2022, as presented. Mr. Jickling supported the motion and it carried with a unanimous voice vote.

**DISCUSSION:**

Mr. Jickling asked why applicants have to wait for minutes to be approved before applying for building permits. Mrs. Littlebear stated that she was unsure but would look into it. Mr. Borg noted that there was a ZBA case on Woodland Dr regarding a shed being built without a permit and was within the setback. He noted that it looks like the shed has still not been relocated to the approved location. Mrs. Littlebear stated that she would pull the file and follow up with the applicant.

**ADJOURN:**

Mrs. Michaels made a motion to adjourn the meeting. Mr. Jickling supported the motion and it carried with a unanimous voice vote. The meeting adjourned at 8:14 pm.

Respectfully submitted,

Anthony Raimondo  
Secretary  
AR/kpl