

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
August 2, 2023

The meeting was held at Highland Township Auditorium, 205 N. John St., Highland, Michigan, 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 - absent

Kariline P. Littlebear, Zoning Administrator

Visitors: 5

Mr. Gerathy, Chair, welcomed those in attendance and reviewed the procedures for addressing the Board. He stated that 4 affirmative votes are required to approve a variance. If a variance is approved the applicant has one year to act upon the variance.

**NEW BUSINESS:**

- |    |                     |                                                                                                                                                                                                                                                                                                     |
|----|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | CASE NUMBER:        | 23-17                                                                                                                                                                                                                                                                                               |
|    | COMPLAINT:          |                                                                                                                                                                                                                                                                                                     |
|    | ZONING:             | LV – Lake and Village Residential District                                                                                                                                                                                                                                                          |
|    | PARCEL #:           | 11-12-407-016                                                                                                                                                                                                                                                                                       |
|    | PROPERTY ADDRESS:   | 3581 Woodland Dr                                                                                                                                                                                                                                                                                    |
|    | APPLICANT:          | John West                                                                                                                                                                                                                                                                                           |
|    | OWNER:              | John and Kim West                                                                                                                                                                                                                                                                                   |
|    | VARIANCE REQUESTED: | A 29-foot variance from the calculated 50-foot high-water mark setback to 21-feet provided.<br>(Sec 9.02.D.)<br>A 30-foot 6-inch variance from the calculated 53-foot high-water mark setback to 22-feet 6-inches provided.<br>(Sec. 9.02.D.)<br>This request is for a patio at grade and a gazebo. |

Mr. Gerathy introduced the case and asked if the applicant was present and to step forward if they had anything to add. Mr. Gerathy then asked the Zoning Administrator if she had anything to add. Mrs. Littlebear stated that the only new information were the 3 letters submitted for public comment.

**Discussion from the Applicant:**

Mr. West, applicant, was present. He stated that the house itself is already encroaching into the setbacks.

**Discussion from the Public:**

Mr. Gerathy read into record a letter in support of this request from Michael Michela, a letter in support of this request from Lillian Walker, and a letter in support of this request from Chris McAuliffe.

**Discussion from the Board:**

Mr. Jickling stated that this project has already been constructed without permits and urged the Board to consider how they might have felt about the request if it had been brought to the Board before construction. Mr. West stated that he had been unaware that patios or gazebos required permits. Mr. Hoffman stated that the patio is well constructed, the gazebo does not block the lake view of any of the neighbors, the project compliments the character of the neighborhood, and that he believes he would have approved of this request even if it had come before the ZBA prior to construction. Mr. Borg noted that this patio is built on top of the existing septic field and asked if the Oakland County Health Division (OCHD) had any concerns. Mrs. Littlebear stated that she spoke with the OCHD Sanitarian who works with Highland Township regarding this project and was told that the existing field will fail much sooner because of the patio and an engineered field will be required at the time of replacement. She further stated that Mr. West has provided information from Powell Engineering regarding an engineered field. Mr. Raimondo noted that the property is very shallow, any improvements to the property would necessitate a variance, the applicant has bought and combined the vacant adjacent parcel to the parcel with the house on it, this request is the minimum necessary, and not harmful to the neighborhood.

**Motion:**

Mr. Borg made a motion in Case 23-17, parcel # 11-12-407-016, 3581 Woodland Dr., to grant a 29-foot variance from the calculated 50-foot high-water mark setback to 21-feet provided for an uncovered patio at grade and a 30-foot 6-inch variance from the calculated 53-foot high-water mark setback to 22-feet 6-inches provided for a gazebo with the conditions that the patio and gazebo remain open and unenclosed. Mr. Hoffman supported the motion with conditions. Mr. Jickling-yes, Mr. Charlick-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Eichinger-yes, Mr. Borg-yes (7 yes votes). The motion carried and the variance was granted.

**CALL TO THE PUBLIC:** Mr. Gerathy noted that there were no audience members present and so moved onto the next agenda item.

Tim Faull, 3300 N. Duck Lake Rd, Highland, MI, introduced himself stating that he was present to learn about the ZBA as he may be applying for a variance in the near future. He further stated that he was asking for clarification regarding the definition of Single-Family home, the use of a house in the C-1 district, and interpretation of short-term rentals. Mr. Jickling asked if a house is allowed in the C-1 district. Mrs. Littlebear stated that there are existing houses in the C-1 district and they are considered a legal non-conforming structure and use. Mr. Raimondo stated that the Planning Commission is currently discussing short term rentals and that the Zoning Board of Appeals is not the body that makes ordinances and so would not be able to address Mr. Faull's concerns.

**MINUTES:**

Mr. Jickling made a motion to approve the minutes of June 07, 2023, as amended. Mr. Raimondo supported the motion, and it carried with a unanimous voice vote.

Mr. Eichinger made a motion to approve the minutes of July 19, 2023, as corrected. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

**DISCUSSION:**

Mr. Jickling stated that Mrs. Littlebear sent him some suggested changes to the ZBA worksheet and after reviewing them he believes that they are a good improvement. Mr. Jickling stated that he will forward the information to rest of the board members so that they are aware of the new paperwork. He also stated that the MSU article explaining variances that she provided is excellent. Mrs. Littlebear stated that she has begun to provide that article to applicants as well.

Mrs. Littlebear stated that Mr. Raimondo reminded her earlier that MSU Extension has an online ZBA course that is self-paced so if any of the members would like to attend then let her know so she can get them signed up.

**ADJOURN:**

At 8:02 p.m., Mr. Raimondo made a motion to adjourn the meeting. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo  
Secretary  
AR/kpl