

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
August 21, 2024

The meeting was held at Highland Township Auditorium, 205 N. John St, Highland, MI, 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  
(Alternate) Michael Zeolla

Kariline P. Littlebear, Zoning Administrator

Visitors: 4

Chairman Gerathy welcomed the public and reviewed the procedures for addressing the Board. Four affirmative votes are required to approve a variance. If a variance is approved, the applicant has one year to act upon the variance. The alternate members, Mary Michaels and Michael Zeolla, will participate in this meeting because the only case tonight was tabled from the previous meeting in which they both participated in the absence of two of the regular members.

**OLD BUSINESS:**

**Motion:**

Mrs. Michaels made a motion to remove Case #24-16 from the table. Mr. Hoffman supported the motion, and it carried with a unanimous voice vote.

1. CASE NUMBER: 24-16  
ENFORCEMENT: **Tabled from 08/07/24**  
ZONING: ARR – Agricultural and Rural Residential District  
PARCEL #: 11-02-300-002  
PROPERTY ADDRESS: 1131 White Lake Rd  
APPLICANT: Khaled Mheisen  
OWNER: Imagination Station Two, LLC  
VARIANCE REQUESTED: A 56-foot variance from the required 125-foot west front yard setback to 69-feet provided; and  
A 40.7-foot variance from the required 125-foot south front yard setback to 84.3-feet provided; and  
A 6.1-foot variance from the required 40-foot north side yard setback to 33.9-feet provided.  
(Sec. 4.15.)  
This request is for the construction of a 1776 square foot daycare building.

Chairman Gerathy introduced the case and asked if the applicant was present. The applicant and his representatives stepped up to the podium. Mr. Gerathy asked if the Zoning Administrator had anything to add. Mrs. Littlebear stated that she had nothing new to add.

**Discussion from the Applicant:**

Brandon Chaney with Nederveld Engineering representing the applicant, Cassandra Westfield, manager of Wiggles & Giggles, and Khaled Mheisen, applicant and owner of Wiggles & Giggles, were present and went over the revised elevations for the proposed daycare building.

**Discussion from the Public:**

Jeff Kaiser, Pettibone Lake Rd, Highland, MI, spoke in favor of this request. He noted that there is a shortage of daycare facilities in the State of Michigan and that daycare facilities have a lot of oversight from state agencies. He stated that his mother had run a daycare for many years, and he took over when she retired and ran it himself for many years. He stated that he had cared for children whose grandparents had been children at the daycare when his mother started it. He stated that Wiggles & Giggles was a part of the community for several decades now and to put unreasonable restrictions on them would be a detriment to the daycare but also to the community as a whole.

**Discussion from the Board:**

Mr. Hoffman asked for clarification regarding the modular trailer and if it would be on a slab foundation. Mr. Chaney explained that it will be on a slab foundation, and it would still be the same proposed structure from the original submission but with proposed siding and a pitched roof with an overhang to be added in order to make the structure match the existing building and fit with the neighborhood as had been requested by the Zoning Board of Appeals and the Planning Commission.

Mr. Charlick asked about the revised site plan and parking lot. Mr. Chaney explained that they redesign the parking lot to keep the existing curb cuts and added two parking spaces with a dedicated space for the daycare's shuttlebus. Mr. Charlick stated that he liked this site plan proposal much better.

Mr. Zeolla stated that this proposal is a great improvement over the last plan.

Mrs. Michaels asked the applicant if all of the work will be finished before occupancy of the new structure and the applicant stated that her assumption was correct, and they would have all of the work on the site and structure completed before the new structure is occupied.

Mr. Borg stated that question 3 on the worksheet was answered no by the applicant but he believes that this request is of a personal nature as it is related to the financial desire to expand the business. He noted that the ZBA are not supposed to take financial concerns into account when coming to a decision. Mr. Borg then stated that if an addition was constructed onto the existing building instead of constructing a new building, then the variance requests may be minimized. Mr. Mheisen stated that it would be best to build a new structure instead of building an addition to the existing building because it would better provide for separate play spaces for the different age groups and create a better foot traffic flow for parents.

Mrs. Michaels agreed with the applicant noting that as a mother she is more comfortable with the idea of the newborns being separated from the bigger kids because it would be safer for all of the children.

Mr. Zeolla asked if the floor plan of the revised structure has changed from the original proposal. Mr. Chaney stated that the floor plan will stay the same as the original proposal.

Mr. Eichinger and Mrs. Michaels asked for clarification regarding the age range of children currently enrolled. Ms. Westfield explained that the current building is 2 ½ years of age through school age for the after-school program. She further explained that if they are approved for the new building then the new building would be for newborns up to 2 ½ years old and the existing building would then be for 3 years through school age.

Mr. Charlick noted that the original site plan approval included a second building on the site and asked if there had been a variance granted in 1985 at the time of the original special use approval for the creation of

the daycare site. Mrs. Littlebear said no and explained that the zoning ordinance had been so different then that a variance had not been needed at that time.

Mr. Charlick further noted that under the 1985 site plan approval, the second structure was approved to be even closer to N. Milford Rd than this current proposal.

Mr. Jickling stated that he believes that the practical difficulty is self-created, that the lot is being overbuilt, and that the applicant could find other parcels to expand the business noting that there are many empty buildings. He stated that the renderings show the doors on the building to be at grade level. Mr. Chaney stated that the rendering does not reflect the single step that will most likely be constructed. Mr. Jickling stated that he felt that the renderings are misleading. Mr. Chaney stated that the total size of the building envelope on this site is only 700 square feet and noted that any sized expansion on this site would necessitate the approval of a variance because the lot is so undersized for its zoning district. Mr. Mheisen stated that it is important to expand on this site instead of moving because the parents in this community need to be able to have one location for their different aged children to be cared for.

Mr. Raimondo asked if the Planning Commission had discussed at the requirement for sidewalks on new projects. Mr. Charlick stated that it doesn't seem to be something that the Planning Commission is concerned with because it is a rural residential area that doesn't have sidewalks nor is likely to have sidewalks in the future. They were focused more on pedestrian traffic on the site itself connecting each parking lot and both buildings. Ms. Westfield stated that currently the parking lot from White Lake Rd is staff parking and there is a sidewalk from that lot to the existing building.

Mrs. Michaels noted that there will still be approvals needed from other agencies that have the authority over the differing aspects of a childcare facility and road access.

Mr. Borg asked if it would be possible to ask for a rezoning of the property to reduce the necessity for a variance. Mrs. Littlebear explained that because the property is not only zoned residential but is also surrounded by residential zoning and as such the property could not be rezoned to a commercial or industrial zoning. This type of rezoning is often called "spot zoning" and is not allowed.

Mr. Borg offered the following Facts and Findings for this case.

**Facts and Findings:**

The main structure could be renovated, and an addition built instead of a separate building thus minimizing the variances requested.

The Fire Marshal has requested that the existing White Lake Rd entrance remain to serve as an emergency access.

A special use approval was granted for a childcare facility in 1985 and has been running successfully as childcare facilities are a need for the community.

The subject parcel has a 5-acre minimum zoning but is approximately 0.85 acres thus making this parcel undersized for its zoning district.

The parcel is a corner lot that fronts two major thoroughfares thus having even larger setback requirements than an average front yard for this district.

The proposed structure is in keeping with the characteristics of the surrounding residential neighborhood as recommended by the Planning Commission.

This request will not have any negative impacts on the health, safety, or welfare of this community.

**Motion:**

Mr. Hoffman made a motion in Case #24-16, parcel # 11-02-300-002, commonly known as 1131 White Lake Rd, to approve a 56-foot variance from the required 125-foot west front yard setback to 69-feet provided, a 40.7-foot variance from the required 125-foot south front yard setback to 84.3-feet provided and a 6.1-foot variance from the required 40-foot north side yard setback to 33.9-feet provided for the construction of a 1776 square foot daycare building. Mr. Zeolla supported the motion.

**Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-no, Mr. Eichinger-yes, Mrs. Michaels-yes, Mr. Zeolla-yes, Mr. Charlick-yes, Mr. Gerathy-yes, (6 yes votes, 1 no vote). The motion carried and the variance was approved.

**CALL TO THE PUBLIC:**

No public comment was offered.

**MINUTES:**

Mrs. Michaels made a motion to approve the minutes of August 7, 2024, as corrected. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

**DISCUSSION:**

Mr. Borg asked if there was a meeting for September 4, 2024. Mrs. Littlebear stated that there are three cases to be heard at that meeting and two cases for the September 18, 2024 meeting.

Mrs. Littlebear announced that a company will be applying sound dampening products to the ceiling of the Township Auditorium to reduce the echo during the last week of September.

**ADJOURN:**

At 8:03 p.m., Mrs. Michaels made a motion to adjourn the meeting. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo  
AR/kpl