

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
September 4, 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 - absent  
John Jickling - absent  
(Alternate) Mary Michaels  
(Alternate) Michael Zeolla

Kariline P. Littlebear, Zoning Administrator

Visitors: 8

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 the meeting in place of the absent regular members.

**NEW BUSINESS:**

1. CASE NUMBER: 24-17  
ENFORCEMENT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-13-402-020  
PROPERTY ADDRESS: 1745 La Salle Blvd  
APPLICANT: Matthew Wells  
OWNER: Rennie Wooster  
VARIANCE REQUESTED: A 14-foot variance from the required 35-foot front yard setback to 21-foot provided; and  
A 4-foot variance from the required 10-foot side yard setback to 6-foot provided.  
(Sec. 9.02.B.a. and Sec. 9.02.B.b.)  
This request is for the construction of a 96 square foot front porch.

Chairman Gerathy introduced the case and asked if the applicant was present. The applicant stepped up to the podium. Mr. Gerathy asked if the Zoning Administrator had anything to add. Mrs. Littlebear stated that she did confirm that all four survey markers had been located and should have been staked for the board member site visits.

**Discussion from the Applicant:**

Matthew Wells, applicant, was present and went over the case as presented. He stated that this is his grandmother's house noting that the existing porch is deteriorating badly and that because the house is already encroaching into the setbacks any replacement of the porch will require variances. He believes that the proposed porch is modest and enhances the safety of the home's entry as well as being visually appealing.

**Discussion from the Public:**

No public comment was offered.

**Discussion from the Board:**

Mr. Borg stated that he noticed a similar porch at a neighboring house and noted that the proposed porch would not encroach into the side yard setback more than the existing house. He further stated that the house itself is non-conforming as it also encroaches into the front yard setback. Mr. Borg stated that he appreciated that the applicant was planning for a future wheelchair ramp so that an additional variance request would not be needed. He noted that request is in keeping with the character of the neighborhood, that it will not have an adverse effect on the neighbors or the community.

Mrs. Michaels asked the applicant to confirm who lives in the house and the applicant stated that it is his grandmother's home. She said that she agreed with Mr. Borg's assessment and stated that this request is the minimum necessary so she did not see any problem with granting this request.

Mr. Raimondo stated that he also agreed with Mr. Borg that the property is non-conforming, the request is the minimum necessary, is consistent with the neighborhood and not harmful to the community.

Mr. Zeolla asked how quickly the applicant would be ready to start construction. The applicant stated that he is ready to start construction immediately.

Mr. Eichinger stated that he agreed with the other board member's assessments. He noted that a railing is not necessary to meet building code but that it is a good idea.

**Facts and Findings**

This request is the minimum necessary.

The need for the variance is not self-created.

The house itself encroaches on the side and front yard setbacks.

This request is in keeping with the character of the neighborhood.

**Motion:**

Mr. Borg made a motion in Case #24-17, parcel # 11-13-402-020, commonly known as 1745 La Salle Blvd, to approve a 14-foot variance from the required 35-foot front yard setback to 21-feet provided and a 4-foot variance from the required 10-foot side yard setback to 6-feet provided for the construction of a 96 square foot front porch. Mr. Raimondo supported the motion.

**Roll Call Vote:** Mr. Raimondo-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mrs. Michaels-yes, Mr. Zeolla-yes, Mr. Charlick-yes, Mr. Gerathy-yes, (7 yes votes). The motion carried and the variance was approved.

Mr. Zeolla made a motion in Case #24-17, parcel # 11-13-402-020, commonly known as 1745 La Salle Blvd, to approve a Final Determination. Mr. Borg supported the motion, and it was approved with a unanimous voice vote.

- |                   |  |
|-------------------|--|
| 2. CASE NUMBER:   | 24-18                                      |
| ENFORCEMENT:      | EE24-0114                                  |
| ZONING:           | LV – Lake and Village Residential District |
| PARCEL #:         | 11-12-427-015                              |
| PROPERTY ADDRESS: | 4001 Hillcrest Dr                          |
| APPLICANT:        | Pamela Sexton                              |

OWNER: Pamela Sexton  
VARIANCE REQUESTED: A 11.5-foot variance from the required 20-foot total side yard setback to 8.5-feet provided.  
(Sec. 9.02.B.b.)  
This request is for the construction of a 12-foot by 20-foot shed.

Chairman Gerathy introduced the case and asked if the applicant was present. The applicants 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:**

Pamela Sexton, applicant, was present, thanked the board, and went over the case. She stated that she had gone to Florida for a 3-week vacation last year and her mother had the accessory structure installed while she was gone.

**Discussion from the Public:**

Mr. Gerathy read into record a letter of support from Erin McCann-Sabo on Hillcrest Dr, Highland, and an email in support from Sharon Crary on Beaumont Dr, Highland. He also read into record a letter of opposition from Joan Cooper on Hillcrest Dr, Highland.

**Discussion from the Board:**

Mr. Borg stated that he noticed that the garage is temperature controlled and asked if an addition to the garage would require variances. Mrs. LittleBear stated that most likely variances would be needed for a garage addition. He also stated that he noticed that the deck is also encroaching into the side yard and asked if that structure had a variance before or if that deck even had a permit. Mrs. Littlebear stated that there are no previous variances granted on this property. She stated that she would have to do some research to see if the deck had a permit and when that may have been.

Mr. Eichinger noted that this case has come before the ZBA because of an enforcement case regarding construction without permits. Ms. Sexton stated that she is sure that her mother didn't know that a permit was needed. Mr. Eichinger asked why the applicant's mother had the shed built. Ms. Sexton stated that her mother was selling her house in Commerce and wanted the shed for her extra belongings and that she has been going slowly disposing of her mother's things.

Mrs. Michaels asked why the accessory structure is still needed if the applicant's mother has passed and Ms. Sexton has disposed of her possessions. Ms. Sexton stated that she lives in the house and would like to be able to use it for storing her patio furniture and lawn care equipment. Mrs. Micheals stated that she feels that this lot is so small that it shouldn't be overbuilt.

Mr. Eichinger asked when the applicant moved into this home. Ms. Sexton stated that she moved in with her mother a few years before she passed.

Mr. Zeolla asked what type of foundation is under the accessory structure. Ms. Sexton stated that it is a cement slab foundation.

Mr. Raimondo stated that he believes that this parcel has exceptional characteristics due to its triangular shape but that this request is of a personal nature and was a self-created difficulty. Mr. Raimondo stated that the shed could be moved so that it meets the setbacks which means that the request is not the minimum necessary.

Mr. Borg stated that he agreed with Mr. Raimondo noting that there are storage units for rent that many people use when they don't have room on their property to store their extra things.

Mr. Eichinger noted that there does appear to be room in the rear yard to move the shed and meet the setbacks.

Mr. Charlick read the LV ordinance section 9.02.C. for setback exceptions for small accessory structures stating that if the shed was deconstructed and made smaller, then it would not need a variance.

Mr. Gerathy asked the applicant if she would like to table the case to reevaluate whether she could either move the shed to meet the setbacks to reduce the variance request or reduce the size of the shed thus not needing a variance at all.

Ms. Sexton stated that she would like to table the case until October 2, 2024 to figure out what she will do.

**Motion:**

Mrs. Michaels made a motion to table Case #24-18, parcel # 11-12-427-015, commonly known as 4001 Hillcrest Dr, to the October 2, 2024 ZBA meeting. Mr. Borg supported the motion, and it was approved with a unanimous voice vote.

3. CASE NUMBER: 24-19  
ENFORCEMENT:  
ZONING: RPUD – Residential Planned Unit Development  
PARCEL #: 11-17-101-020  
PROPERTY ADDRESS: 2810 Allison Lane  
APPLICANT: Elizabeth Neville  
OWNER: Elizabeth Neville  
VARIANCE REQUESTED: A 12-foot variance from the required 40-foot ordinary high-water mark setback to 28-feet provided.  
(Sec. 7.02.C.5.)  
This request is for the construction of an approximately 650 square foot uncovered deck.

Chairman Gerathy introduced the case and asked if the applicant was present. The applicant 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:**

Tom Carmody, representative of Custom Deck Creations for the applicant, and Elizabeth Neville, applicant, were present and went over the case as presented.

**Discussion from the Public:**

Mr. Gerathy read into record a letter of support from the Hickory Shores Subdivision Board and a letter of support from Ben and Brenda Lewis.

**Discussion from the Board:**

Mr. Raimondo asked if there is anything wrong structurally with the deck. Mrs. Neville stated that the deck is 19 years old and is showing wear. Mr. Raimondo stated that the applicant noted on the worksheet #3 that the request is not of a personal nature but is due to the topography of the lot. Mrs. Neville stated that is correct because to either side of the deck the lot slopes upward so that any increase of the deck would need to go straight out toward the lake. Mr. Raimondo noted that this parcel is tucked away at the end of the subdivision and stated that the request would not adversely affect the neighboring properties.

Mr. Eichinger stated that the packet was well put together noting that the request will be hidden from the neighborhood by the topography of the area.

Mr. Zeolla asked if building the deck along the house instead would eliminate the need for a variance. Mr. Carmody shared some additional elevations of the proposed structure showing that the existing deck is 12 feet wide overall but that about 4 feet of that width is encroached by the bay window on one side and the house on the other side so that the 4 feet in front of the doorwall is more of a walkway as opposed to useable space. He further showed that the bay window would also interfere with extending the deck along the house.

Mr. Borg asked if the proposed deck could be reduced at all and still be functional. Mrs. Neville stated that she didn't believe so.

Mr. Charlick noted that this property is part of an RPUD and asked how they obtained the density. Mrs. Littlebear pointed to the various open spaces in the subdivision that allowed the developer to increase the density while decreasing the size of each lot. Mr. Charlick stated that the circumstances of the RPUD created a practical difficulty on this lot in the form of a very shallow building envelope.

Mrs. Michaels stated that she doesn't see a problem with this request.

Mr. Raimondo asked if there are plans to eventually enclose the deck or the walkout patio below the deck.

Mrs. Neville stated that there are no plans to ever do that.

#### Facts and Findings

This building envelope is shallow.

The need for the variance is not self-created.

This request is in keeping with the character of the neighborhood.

This request will not obstruct the view of the lake for the neighbors.

#### Motion:

Mr. Raimondo made a motion in Case #24-19, parcel # 11-17-101-020, commonly known as 2810 Allison Lane, to approve a 12-foot variance from the required 40-foot ordinary high-water mark setback to 28-feet provided for the construction of an approximately 650 square foot uncovered deck with the condition that the deck is to remain uncovered and unenclosed and the walkout patio below the deck is to remain unenclosed.

Mr. Eichinger supported the motion.

**Roll Call Vote:** Mr. Raimondo-no, Mr. Borg-yes, Mr. Eichinger-yes, Mrs. Michaels-yes, Mr. Zeolla-no, Mr. Charlick-yes, Mr. Gerathy-yes, (5 yes votes, 2 no votes). The motion carried and the variance was approved.

#### CALL TO THE PUBLIC:

Two students from Lakeland High School AP Government class were present and asked for a picture with the board members for their class.

#### MINUTES:

Mr. Borg made a motion to approve the minutes of August 21, 2024, as corrected. Mrs. Michaels supported the motion, and it carried with a unanimous voice vote.

#### DISCUSSION:

Mrs. Michaels asked to discuss the ZBA bylaws regarding alternates and voting board members. Mrs.

Littlebear went over the ZBA bylaws particularly Section 4.1. noting that there should not be more than seven members at the board table during the meetings at any one time.

Mr. Raimondo discussed the image of the township and citizen's perceptions of working with it.

Mr. Charlick and Mr. Eichinger discussed the sign ordinance with the board.

#### ADJOURN:

At 8:59 p.m., Mr. Raimondo 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