

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
May 7, 2025

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, Chair  
Michael Borg, Vice Chair  
Anthony Raimondo, Secretary - absent  
Michael Zeolla, P.C. Liaison  
Peter Eichinger  
Robert Hoffman  
Gary Childs  
Chuck Benke – Alternate  
Jacob Probe – Alternate  
  
Kariline P. Littlebear, Zoning Administrator  
Lisa G. Burkhart, Zoning Administrator

Visitors: 7

Chair Gerathy welcomed the public to the meeting and reviewed the procedures for addressing the Board, stating that four affirmative votes are required to approve a variance. If a variance is approved, the applicant has one year to act upon the variance. Mr. Gerathy noted that Mr. Raimondo is absent and so Mr. Probe, alternate member, will step in for this evening's deliberations.

**OLD BUSINESS:**

- |                        |  |
|------------------------|--|
| 1. CASE NUMBER:        | 25-06  |
| ENFORCEMENT:           | Tabled from 04/16/25   |
| ZONING:                | LV – Lake and Village Single Family Residential District   |
| PARCEL #:              | 11-13-179-005  |
| PROPERTY ADDRESS:      | 2510, 2512, and 2514 Lakeside Dr   |
| APPLICANT:             | Giacomo D'Abate  |
| OWNER:                 | Giacomo D'Abate  |
| ADMINISTRATIVE REVIEW: | This request is for an administrative review of the Zoning Administrator's decision regarding a non-conforming use.<br>(Reference: Article 16, Sec. 16.01. and 16.03.) |

**Motion:**

Mr. Probe made a motion to remove from the table Case #25-06, parcel # 11-13-179-005, commonly known as 2510, 2512, and 2514 Lakeside Dr. Mr. Borg supported the motion and it was approved with a unanimous voice vote.

Chair Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium. Mrs. Burkhart noted that Mr. D'Abate had provided additional documentation to support his contention that the project had not been intentionally abandoned.

**Discussion from the Applicant:**

Giacomo D'Abate, applicant, 533 John R St, Milford, MI, stated that he has not intentionally abandoned this project and so feels that the property should not lose its legal non-conforming status. He stated that he compiled additional data, provided to the Zoning Dept the previous day, to illustrate the work done on the property that he feels shows that he had no intention to abandon the project, such as paid utility bills, paid tax bills, etc. He stated that he has been working diligently to move forward with this project but has been stalled because of the failed septic system and the consequent process of working with the Oakland County Health Division (OCHD) and Powell Engineering to have a new system installed to code.

**Discussion from the Public:**

None

**Discussion from the Board:**

Mr. Gerathy stated that this request is for an Administrative Review and not the standard dimensional variance that most cases before the ZBA are. He then read into record the Michigan Association of Planning's educational material which states that regarding administrative appeals "it is the ZBA's responsibility to determine whether the administrative official or body acted properly within the scope of their authority. If so, the ZBA should uphold the administrative action taken." He further read that the ZBA may reverse or modify an administrative decision if it is determined that the decision was "arbitrary or capricious," based on erroneous findings or an erroneous interpretation of the regulations or was an "abuse of discretion." Mr. Gerathy also read into record an email dated 11-01-2021 from Karen Provo, former township employee, informing Mr. D'Abate that this parcel has a legal non-conforming use that can only be continued if he applies for permits by no later than January 1, 2022. He also read an email from Lisa Burkhart dated 08-17-2022 stating that she needed Mr. D'Abate to contact her immediately regarding this parcel. He then asked Mr. D'Abate if there was any additional information. Mr. D'Abate stated that he does have more documentation showing work, invoices, etc. on this property that he can present to the board now. Mr. Borg asked when the building permit was issued, and Mrs. Littlebear stated that the only building permit issued was from April 2023. Mr. Borg noted that this was after the deadline of January 1, 2022. Mrs. Burkhart asked Mr. D'Abate to address the timeline for the new septic system. Mr. Probe asked why the septic system is taking so long. Mr. D'Abate stated that the soils are bad and so he had to hire an engineer to create an engineered septic system that is acceptable to the county. They are a year into the process and still waiting for approval from the county. Mr. D'Abate stated that due to the size of the parcel and the size of the system required for the three dwellings that the timeline is extended. After the initial perk test failed, then he had to find an engineer to hire, and then the engineer had to create a plan and submit it to the county for review. That review then takes a minimum of 30 days before it is either approved or denied. Revisions may be required so then it will take additional time to submit those to the county. Mr. D'Abate also noted that the county told him that he will also need to replace the well. This will add to the timeline also. Mr. Hoffman stated that considering the amount of work done and money that has already been spent on this property, that it is clear that there was no intentional abandonment of the project by Mr. D'Abate. Mr. Childs stated that because the township issued permits after the initial deadline to maintain the non-conforming use that the deadline must then change. Mr. Hoffman agreed with this conclusion. Mrs. Burkhart noted that if Mr. D'Abate had stayed in contact with the township and had provided all of this new information throughout the process then she may have made a different conclusion regarding the loss of the non-conforming use.

**Motion:**

Mr. Borg made a motion in Case #25-06, parcel # 11-13-179-005, commonly known as 2510, 2512, and 2514 Lakeside Dr, to modify the Zoning Administrator's decision to allow the non-conforming use to continue with the condition that new Building Department permits be applied for within six (6) month from the date that the septic permit is issued and with the additional condition that Mr. D'Abate communicate his progress with the township every two weeks. Mr. Childs supported the motion.

**Roll Call Vote:** Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Probe-yes, Mr. Zeolla-no, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Childs-yes (6 yes votes, 1 no vote). The motion passed and the Zoning Administrator's decision was modified with conditions.

**MINUTES:**

Mr. Borg made a motion to approve the minutes of April 16, 2025, as corrected. Mr. Probe supported the motion, and it was approved with a unanimous voice vote.

**DISCUSSION:**

Mrs. Burkhart announced her retirement date of August 21, 2025. She expressed her love for the township and the career she has had as well as her appreciation for her coworkers and the ZBA. Mr. Hoffman and the other board members thanked her for her excellent guidance over the years, congratulated her on retirement, and wished her well.

**ADJOURN:**

At 8:37 p.m., Mr. Probe made a motion to adjourn the meeting. Mr. Childs supported the motion, and it carried with a unanimous voice vote.

Respectfully submitted,

Jacob Probe  
JP/kpl