

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
May 21, 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
Michael Zeolla, P.C. Liaison
Peter Eichinger
Robert Hoffman
Gary Childs - **absent**
Chuck Benke, Alternate
Jacob Probe, Alternate

Kariline P. Littlebear, Zoning Administrator

Visitors: 8

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. He noted that alternate member, Chuck Benke, will be sitting in at this meeting in Mr. Childs absence.

NEW BUSINESS:

1. CASE NUMBER: 25-10
ENFORCEMENT:
ZONING: LV – Lake and Village Single Family Residential District
PARCEL #: 11-12-407-014
PROPERTY ADDRESS: 3569 Woodland Dr
APPLICANT: Black Wolf Custom Builders – Brian Slating
OWNER: Thomas Cullen
VARIANCE REQUESTED: A 19-foot variance from the calculated 34-foot front yard setback to 15-feet provided for the construction of a covered front porch; and
A 16-foot variance from the calculated 34-foot front yard setback to 18-feet provided for the renovation of the existing residence and for the construction of a second story addition; and
A 15-foot 6-inch variance from the calculated 37-foot ordinary high-water mark setback to 21-feet 6-inches provided for the renovation of the existing residence and for the construction of a second story addition and rear deck.
(Sec. 9.02.B.a. and 9.02.D.)
This request is for a reduction of the front yard and ordinary high-water mark setbacks for a complete renovation of the existing residence and the construction of a second story addition with a covered front porch and rear deck.

Chair Gerathy introduced the case and asked if the applicant was present and, if so, to please step up to the podium. He then asked the Zoning Administrator if there was anything new to add. Mrs. Littlebear stated that she had forwarded to the board members an email dated May 20, 2025 with public comment regarding this case. She noted that one of the concerns listed in the email was that a survey was not included with the case file. Mrs. Littlebear explained that a survey was not required because the applicant was able to locate and uncover the existing survey markers and create a site plan from those. She also noted that there is a survey on file for a land division request from 2022 and that information is available for public review at the township office during regular office hours.

Discussion from the Applicant:

Brian Slating, 12240 Dentonview, Fenton, MI, contractor and representative for the property owner, reviewed the case as presented. Tom Cullen, property owner, currently living in Milford, stated that he and his wife will make this property their permanent home once the renovations are finished.

Discussion from the Public:

Mr. Gerathy read into record an email in opposition from Mr. and Mrs. Walker at 3570 Woodland Dr. Mrs. Littlebear noted that this email is also available for review on the township website next to the epacket. John West, 3545 Woodland Dr, spoke in support of this request stating that the planned renovations will not only improve the look of the existing house and property but also the surrounding neighborhood.

Discussion from the Board:

Mr. Gerathy asked the applicant if they have a rebuttal to the email comments. Mr. Cullen noted that the neighboring house is already much closer to the front property line than what is being requesting in this proposal. Mr. Slating noted that the proposed plan will not be encroaching into the road right-of-way and will not block any emergency vehicles from getting past the proposed covered front porch. Mr. Slating stated that currently this is a two-bedroom house with a septic system sized for a two-bedroom house. He noted that the proposal keeps the residence as a two-bedroom house and so there is no need to upgrade the septic system. Mr. Cullen stated that because this will be his retirement home, the additional space is for hosting family events such as holiday celebrations, grandchildren's birthday parties, etc.

Mr. Borg asked for clarification from the Zoning Administrator about the emailed concern regarding the riparian rights and the high-water mark. Mrs. Littlebear stated that Mrs. Walker noted a concern in her email that the measurement to the proposed structure for this request had been taken from the middle of the canal and that is not how the measurement is supposed to be taken. Mrs. Littlebear stated that Mrs. Walker was correct that the measurement cannot be from the middle of the canal. Mrs. Littlebear then displayed the proposed site plan noting that the measurement was taken from the ordinary high-water mark and not from the middle of the canal. She also noted that there is no issue with riparian rights in reference to this case.

Mr. Eichinger stated that he feels that each request should be voted on as a separate motion. Mr. Gerathy noted that this has been done before. Mr. Zeolla agreed with Mr. Eichinger's assertion. Mr. Hoffman stated that he doesn't see why each motion needs to be separated. Mr. Borg and Mr. Benke each stated that they agreed with Mr. Hoffman that separate motions seem unnecessary.

Mr. Hoffman stated that because this neighborhood was platted approximately 100 years ago all of the existing houses in the area are now non-conforming. He also noted that this request is consistent with other LV zoned parcels and that any construction on this parcel would need a variance as the parcel and resulting building envelope are so shallow. He further noted that the south side yard is relatively large to accommodate the septic system and there is a lot of space between this house and the neighboring house to the north as that side yard also accommodates the neighboring septic system.

Mr. Zeolla stated that overall, he is not concerned with the second story addition as it does not increase the existing encroachment but that he is not comfortable with the encroachment of the covered front porch or rear deck as they expand the footprint of the structure unnecessarily.

Mr. Eichinger asked how far the well is from the existing and proposed structures as it seems that it may be in violation of the Oakland County Health Division (OCHD) setback requirements. Mr. Slating stated that it is

seven feet from the existing house and would remain so as they do not plan to replace the well at this time unless instructed to do so by OCHD. Mrs. Littlebear stated that OCHD requires that septic fields and septic tanks be set back a minimum of 10 feet from any structure but that wells can be as close as 3 feet.

Mr. Probe stated that septic systems are sized based on the number of bedrooms. He asked if there was a way to guarantee that the extra rooms such as the game room or office not be used as a bedroom thus resulting in the failure of the septic system. Mrs. Littlebear stated that OCHD always has that concern but that they can only go by the information provided in the proposal and that the system would simply have to be monitored. Then, in the future, if some of the rooms have been converted a system upgrade would be required by OCHD. She also explained that an engineered septic system is required by law to have annual maintenance, and those reports are supplied to OCHD for their review and recordkeeping.

Mr. Raimondo welcomed Mr. Cullen to the Seven Harbors neighborhood. He stated that the existing structure is non-conforming, the lot itself is substandard in depth, a quarter of the parcel is underwater, the practical difficulties of the lot are not self-created, this request is the minimum necessary, and it will not be detrimental to nor alter the character of the neighborhood.

Mr. Borg asked for clarification regarding the site plan stating that he was under the impression that the slashed dark grey section was the old house and that the new house was the slashed white area. Mr. Slating stated that actually it was the opposite; the white section represents the extent of the existing house and the grey section is the proposed second story addition.

Mr. Eichinger asked why they are keeping only a one-car garage. Mr. Slating stated that increasing the size of the garage would encroach onto the septic system and so they are restricted to a smaller garage.

Motion:

Mr. Raimondo made a motion in Case #25-10, parcel # 11-12-407-014, commonly known as 3569 Woodland Dr, to approve a 19-foot variance from the calculated 34-foot front yard setback to 15-feet provided for the construction of a covered front porch, and a 16-foot variance from the calculated 34-foot front yard setback to 18-feet provided for the renovation of the existing residence and for the construction of a second story addition, and a 15-foot 6-inch variance from the calculated 37-foot ordinary high-water mark setback to 21-feet 6-inches provided for the renovation of the existing residence and for the construction of a second story addition and rear deck with the condition that the house remain a two-bedroom home per the facts and findings provided during discussion. Mr. Hoffman supported the motion.

Facts and Findings:

This existing structure is substantially non-conforming.

This parcel is extremely shallow with a portion of the parcel under water.

This parcel slopes toward the water.

This request is the minimum necessary.

This request is consistent with the surrounding neighborhood.

This request will not be detrimental to nor alter the essential character of the neighborhood.

The practical difficulties on this lot are not self-created.

Roll Call Vote: Mr. Eichinger-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Zeolla-no, Mr. Gerathy-yes, Mr. Borg-yes, Mr. Benke-yes (6 yes votes, 1 no vote). The motion passed and the variance requests were approved.

MINUTES:

Mr. Borg made a motion to approve the minutes of May 7, 2025, as corrected. Mr. Zeolla supported the motion, and it was approved with a unanimous voice vote.

DISCUSSION:

Mr. Borg asked the Zoning Administrator to verify the compliance of the shed on the neighboring property to the north of the applicant's property. Mrs. Littlebear stated that she would look into it and follow up with him before the next meeting.

Mr. Benke asked Mr. Zeolla if the Planning Commission is looking at making some adjustments to the ordinary high-water mark regulations because that is a common variance request that comes before the ZBA. Mr. Zeolla stated that because it is such a complex issue, the Planning Commission has decided to wait on a review of those regulations until some of the present issues before the commission have been resolved.

ADJOURN:

At 8:09 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