

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
November 19, 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
Chuck Benke, Alternate - **absent**
Jacob Probe, Alternate

Kariline P. Littlebear, Zoning Administrator
Samantha George, Assistant 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. He noted that alternate member, Chuck Benke, is absent.

NEW BUSINESS:

1. CASE NUMBER: 25-20
ENFORCEMENT: **EE24-0337**
ZONING: LV – Lake and Village Single-Family Residential District
PARCEL #: 11-11-377-015
PROPERTY ADDRESS: 3394 Ramada Dr
APPLICANT: Brian & Dayle Rogers
OWNER: Brian & Dayle Rogers
VARIANCE REQUESTED: A 62-foot variance from the calculated 62-foot ordinary high-water setback to 0-feet provided.
(Sec. 9.02.D)
This request is for a reduction of the ordinary high water mark setback for the construction of an uncovered 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 there is an enforcement on this case as the work was done without a permit. She noted that it was discovered by the Building Official when he was on a neighboring parcel conducting an inspection.

Discussion from the Applicant:

Brian Rogers, applicant, stated that when he purchased the property the existing deck was in pretty bad shape. When he and his neighbor decided to go in together to get a seawall across their two properties, he decided to replace the dilapidated deck as well. He was unaware that a permit was necessary. He also added that this new deck is 10 ft smaller than the previous deck.

Discussion from the Public:

Mr. Gerathy read into record public comment in support of this variance request from Michelle Spurgeon, 3370 Ramada Dr, and from Ronald and Linda Rinkinen, 3424 Ramada Dr.

Discussion from the Board:

Mr. Hoffman noted that this is a ground level deck that is similar to other decks by seawalls on other properties in the neighborhood.

Mr. Eichinger stated that he had observed several other similar decks as well.

Mr. Borg asked whether the 1-foot or so wide boardwalk along the seawall was permitted. Mr. Rogers explained that it is actually part of the seawall and was approved with the seawall permit by the DNR.

Motion:

Mr. Childs made a motion in Case #25-20, parcel # 11-11-377-015, commonly known as 3394 Ramada Dr, to approve a 62-foot variance from the calculated 62-foot ordinary high-water setback to 0-feet provided for the construction of a 23'11" by 11'8" uncovered deck with the condition that it may not be enlarged and per the facts and findings provided during discussion. Mr. Borg supported the motion.

Facts and Findings:

This structure will encroach into the required setbacks less than the original non-conforming structure as it is smaller.

The structure replaces a significantly dilapidated structure.

This request is the minimum necessary.

This request is consistent with the surrounding neighborhood.

This request will not interfere with water sightlines for any of the neighbors.

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

Roll Call Vote: Mr. Gerathy-yes, Mr. Borg-yes, Mr. Raimondo-yes, Mr. Zeolla-no, Mr. Hoffman-yes, Mr. Childs-yes, Mr. Eichinger-yes, (6 yes votes, 1 no vote). The motion passed and the variance request was approved with conditions.

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| 2. CASE NUMBER: | 25-21 |
| ENFORCEMENT: | EE25-0239 |
| ZONING: | LV – Lake and Village Single-Family Residential District |
| PARCEL #: | 11-12-480-002 |
| PROPERTY ADDRESS: | 3410 Lakeview Dr |
| APPLICANT: | Scott McPhail |
| OWNER: | Scott McPhail |
| VARIANCE REQUESTED: | A 28-foot variance from the calculated 36-foot ordinary highwater mark setback to 8-feet provided; and |

A 7-foot 1-inch variance from the required 20-foot total side yard setback to 12-feet 11 inches provided.

A privacy fence where an open-air type of fence is required and a 10-foot variance from the 10-foot ordinary highwater set back to 0-feet provided.

(Sec. 9.02.D., 9.02.B.b., and 8.09.A.3.)

This request is for the reduction of the ordinary high water mark setback and the reduction of the total side yard setbacks for the construction of a concrete patio with firepit, pathways and a hot tub. This request is also to allow the construction of a privacy fence where only an open-air type of fence is permitted and to allow said privacy fence to extend to the ordinary high-water mark.

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 Mr. Bonadeo, as the contractor for this project, spoke with the building and planning departments to find out what permits would be required. The building department and planning department determined that the project could be broken up into two phases. For phase one, a land use permit and gas line permit have been issued for the patio and BBQ that is off the doorwall under the existing second-story deck. Additionally, retaining walls that are under 48 inches are considered landscaping and do not need permits. This first phase meets all of the zoning and construction code requirements. The rest of the project, as phase two, would need variances approved before any further permits could be issued.

Discussion from the Applicant:

Mr. McPhail states that the practical difficulty is the location of the septic system which is placed in the middle of the yard preventing any construction there. He further stated that in 2020 there was a variance granted on another property in the neighborhood for a similar, though much more extensive project, than what he is now requesting. He noted that he had included a photo of that project with his variance request packet. Mr. McPhail also explained that the request for the fence was included with this request even though he did not construct the fence. He explained that the fence was already in place when he purchased the property and he included a copy of a site plan from 2007 that shows that a fence was in place on the parcel at that time. Mrs. Littlebear added that she searched the planning department archives and could find no evidence that there was ever a permit issued for the fence and the site plan does not stipulate the type of fence because it was for a different project by the previous owner. She further explained that because she could not find evidence that it was installed legally it is considered an illegal non-conforming structure and must be addressed by the ZBA now that the planning department has been made aware of it. Mr. McPhail stated that he feels like he is being penalized for something that the previous owner did.

Discussion from the Public:

Jonathon Gregory, 3420 Lakeview Dr., stated that he moved into his home in 2011 and the fence was there at that time. He further stated that because it is on the property line that he shares with Mr. McPhail he would like it to stay as it provides privacy without compromising any of the views of the lake.

Discussion from the Board:

Mr. Eichinger stated that he feels that the fence should be considered “grandfathered” and left alone. He feels that it doesn’t block the sightlines to the lake for any of the other neighbors. He stated that there are a number of other properties along the shores of White Lake that are using their lakefront yards in a similar way.

Mr. Hoffman stated that regarding the fence he feels that the topography and unusual shape of the properties on either side of the fence creates a justifiable reason to allow the privacy fence and to allow it to go all the way down to the seawall. He noted that this would not necessarily be the case in any other area. Additionally, he noted that the rest of this project will enhance the neighborhood, will not interfere with any of the lake views, and is similar to other variances that the ZBA has granted in the past.

Mr. Raimondo stated that the portion of the project not including the fence does seem to be of a personal nature but that it also seems to be the minimum request necessary. He noted that the location of the septic system presents a practical difficulty. Mr. Raimondo asked the board members if they felt that since there are separate requests, the ordinary highwater mark, the sideyard setback, and the fence, should they do three separate votes or bundle them into one vote. Mr. Zeolla felt that voting on each separately would be a good idea. Mr. Hoffman stated that he feels that only the fence should be a separate vote and the other two should be together because they are for the same portion of the request. Mr. Borg agreed with Mr. Hoffman. Mr. Eichinger and Mr. Childs stated that they are comfortable voting on all of the requests in one motion.

Mr. Zeolla asked if the patio is ground level or raised at all. The applicant stated that it will be at ground level.

Motion:

Mr. Eichinger made a motion in Case #25-21, parcel # 11-12-480-002, commonly known as 3410 Lakeview Dr, to approve a 28-foot variance from the calculated 36-foot ordinary highwater mark setback to 8-feet provided and a 7-foot 1-inch variance from the required 20-foot total side yard setback to 12-feet 11 inches provided for the construction of a concrete patio with firepit, pathways and a hot tub. Mr. Hoffman supported the motion.

Facts and Findings:

This request is the minimum necessary.

There is a practical difficulty created by the location of the septic system.

This request is consistent with the surrounding neighborhood.

This request will not interfere with lakefront sightlines for any of the neighbors.

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

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

Motion:

Mr. Childs made a motion in Case #25-21, parcel # 11-12-480-002, commonly known as 3410 Lakeview Dr, to approve a privacy fence where an open-air type of fence is permitted and a 10-foot variance from the 10-foot ordinary highwater set back to 0-feet provided for the construction of a 6-foot privacy fence on the property line that extends down to the seawall per the facts and findings provided during discussion. Mr. Eichinger supported the motion.

Facts and Findings:

This request is the minimum necessary.

The topography and unusual shape of both properties on either side of the fence creates a practical difficulty.

This request will not interfere with lakefront sightlines for any of the neighbors.

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

Roll Call Vote: Mr. Gerathy-yes, Mr. Borg-no, Mr. Raimondo-no, Mr. Zeolla-no, Mr. Hoffman-yes, Mr. Childs-yes, Mr. Eichinger-yes, (4 yes votes, 3 no votes). The motion passed and the variance requests were approved.

3. CASE NUMBER: 25-22
ENFORCEMENT:
ZONING: LV – Lake and Village Single-Family Residential District
PARCEL #: 11-12-480-001
PROPERTY ADDRESS: 3420 Lakeview Dr
APPLICANT: Jonathan Gregory
OWNER: Jonathan Gregory
VARIANCE REQUESTED: A 7.9-foot variance from the calculated 56-foot ordinary highwater mark setback to 48.1-feet provided.
(Sec. 9.02.D.)
This request is for the reduction of the ordinary highwater mark setback for the construction of a garage addition.

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 there were no public comments received by mail or email before this meeting.

Discussion from the Applicant:

Jonathon Gregory, applicant, went over the case as presented in the board packet. He noted that this request will be blocked from the neighbor's views by the existing trees and other vegetation. Robert Lang, contractor for the applicant, noted that this addition will not encroach into the setback any further than the existing detached garage.

Discussion from the Public:

Scott McPhail, 3410 Lakeview Dr, stated that he is in support of this variance request.

Discussion from the Board:

Mr. Raimondo noted that this parcel is a long thin peninsula, the request is the minimum necessary, and it will not alter the character of the neighborhood. Mrs. Littlebear noted that this parcel is one of only three or four parcels in Highland Township that straddle the border with White Lake Township. Mr. Borg stated that this addition will not encroach closer to the lake than the existing detached garage.

Mr. Zeolla noted that this addition will be covering the side parking spot next to the detached garage. Mr. Eichinger asked if there is an attached garage. Mr. Gregory stated that there is a garage attached to the house over which his bedroom lays.

Motion:

Mr. Raimondo made a motion in Case #25-22, parcel # 11-12-480-001, commonly known as 3420 Lakeview Dr, to approve a 7.9-foot variance from the calculated 56-foot ordinary highwater mark setback to 48.1-feet provided for the construction of a garage addition per the facts and findings provided during discussion. Mr. Eichinger supported the motion.

Facts and Findings:

This addition will not encroach into the required setbacks more than the original non-conforming structure.

This is an odd-shaped parcel, a long slim peninsula with lakefront on 3 of 4 sides.

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.

Roll Call Vote: Mr. Gerathy-yes, Mr. Borg-yes, Mr. Raimondo-yes, Mr. Zeolla-yes, Mr. Hoffman-yes, Mr. Childs-yes, Mr. Eichinger-yes, (7 yes votes, 0 no votes). The motion passed and the variance request was approved.

Motion:

Mr. Raimondo made a motion in Case #25-22, parcel # 11-12-480-001, commonly known as 3420 Lakeview Dr, to approve a Final Decision. Mr. Eichinger supported the motion, and it was approved with a unanimous voice vote.

MINUTES:

Mr. Borg made a motion to approve the minutes of November 5, 2025, as corrected. Mr. Childs supported the motion, and it was approved with a unanimous voice vote.

DISCUSSION:

Mr. Zeolla reviewed several projects going on in Highland that are under Planning Commission consideration.

ADJOURN:

At 8:23 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