

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
August 16, 2023

The meeting was held at Highland Township Auditorium, 205 N. John St., Highland, Michigan, 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 - absent  
Peter Eichinger  
Robert Hoffman  
John Jickling  
(Alternate) Mary Michaels

Kariline P. Littlebear, Zoning Administrator

Visitors: 5

Mr. Gerathy, Chair, welcomed those in attendance and reviewed the procedures for addressing the Board. He stated that 4 affirmative votes are required to approve a variance. If a variance is approved the applicant has one year to act upon the variance.

**NEW BUSINESS:**

1. CASE NUMBER: 23-18  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-11-228-010  
PROPERTY ADDRESS: 1998 Jackson Blvd  
APPLICANT: Karnik Mossoian  
OWNER: Karnik & Lynne Mossoian  
VARIANCE REQUESTED: A 1.17-foot variance from the required 5-foot minimum side yard setback to 3.83-feet provided.  
(Sec 9.02.B.b.)  
This request is for a 12' by 24' covered deck.

Mr. Gerathy introduced the case and asked if the applicant was present and to step forward if they had anything to add. Mr. Gerathy then asked the Zoning Administrator if she had anything to add. Mrs. Littlebear stated that there is nothing new to add.

**Discussion from the Applicant:**

Mr. Mossoian, applicant, explained the details of the request as presented.

**Discussion from the Public:**

There was no public comment offered.

**Discussion from the Board:**

Mr. Hoffman noted that the request will not block the neighbors' view of the lake. Mr. Jickling noted that the proposed deck is closer to conformity than the existing deck. Mr. Raimondo stated that the proposed request is the minimum necessary and he agreed with Mr. Hoffman and Mr. Jickling that the request will not increase the existing non-conformity nor block the lake view. Mr. Borg asked for some clarification regarding the encroachment onto the neighboring property that is indicated on the survey. Mrs. Littlebear explained that the survey is relatively recent and was done by a reputable surveyor. She noted that the encroachment is recognized by both property owners and that Mr. and Mrs. Mossoian are aware that if the encroachment were destroyed that it would not be allowed to be rebuilt. Mr. Eichinger noted that the deck is very dilapidated and in need of repair. He also noted that when he saw the request on paper, he felt like there should be some way to build without the need for a variance. However, when he visited the property in person, he changed his mind as the property is so narrow and the request seems to be the minimum necessary. Mrs. Michaels stated that she agrees with the observations of the other board members and is in favor of the request.

**Motion:**

Mr. Raimondo made a motion in Case 23-18, parcel # 11-11-228-010, 1998 Jackson Blvd., to grant a 1.17-foot variance from the required 5-foot minimum side yard setback to 3.83-feet provided. This request is for a 12' by 24' covered deck. Mr. Eichinger supported the motion. Mr. Jickling-yes, Mrs. Michaels-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Eichinger-yes, Mr. Borg-yes (7 yes votes). The motion carried and the variance was granted.

2. CASE NUMBER: 23-19  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-12-329-026  
PROPERTY ADDRESS: 2849 Dean Dr  
APPLICANT: Kenneth Krueger  
OWNER: Kenneth Krueger  
VARIANCE REQUESTED: A 4-foot variance from the required 10-foot minimum side yard setback to 6-feet provided.  
(Sec 9.02.B.b.) and  
A 3-foot variance from the required 25-foot total side yard setback to 22-feet provided.  
(Sec 9.02.B.b.)  
This request is for a 26' by 24' attached garage.

Mr. Gerathy introduced the case and asked if the applicant was present and to step forward if they had anything to add. Mr. Gerathy then asked the Zoning Administrator if she had anything to add. Mrs. Littlebear stated that there is nothing new to add.

**Discussion from the Applicant:**

Mr. Krueger, applicant, explained the details of the request as presented. He noted that other houses within the neighborhood have garages that are close to the property lines.

**Discussion from the Public:**

There was no public comment offered.

**Discussion from the Board:**

Mr. Borg asked if the applicant could meet the side yard setback by building toward the rear of the property. Mr. Krueger noted that the septic field is currently only seven feet from the house and the proposed garage, so he doesn't want to get closer than that. Mr. Eichinger noted that the county requires a 10-foot minimum setback from septic fields and tanks. Mr. Hoffman noted that the house is only 7 feet from the septic field so an addition should be fine at the same distance. Mr. Gerathy stated that he believed the house is grandfathered at that distance but that a new structure would have to meet the current requirement. Mrs. Littlebear stated that she believed that the 10-foot septic field setback is accurate, and that Mr. Gerathy is correct in his assessment. She stated that the county always reviews building permit applications for compliance with septic and well requirements. Mr. Jickling asked what the front yard setback is on this property. Mrs. Littlebear stated that the calculated front yard setback is 40 feet. Mr. Jickling then noted that his proposed garage is 50 feet from the front lot line. He felt the applicant should redesign the proposal to address the septic field setback and take advantage of the 10 feet that is available toward the front of the property. He felt that maybe tabling the case for redesign would be a good idea. Mr. Borg agreed with Mr. Jickling regarding tabling the case and asked the applicant if they would want to do that. Mr. Krueger agreed to table the case to the next meeting. Mrs. Littlebear confirmed that the next meeting is September 6, 2023. Mrs. Michaels stated that she hopes the applicant is not discouraged and will follow up with the county and maybe come back with a redesign that will at least reduce the amount of variance being requested.

**Motion:**

Mr. Raimondo made a motion to table Case 23-19, parcel # 11-12-329-026, 2849 Dean Dr to the September 6, 2023 meeting. Mr. Eichinger supported the motion. Mr. Jickling-yes, Mrs. Michaels-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Eichinger-yes, Mr. Borg-yes (7 yes votes). The motion carried and the variance was granted.

3. CASE NUMBER: 23-20  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-09-404-006  
PROPERTY ADDRESS: 1025 Woodruff Lake Dr  
APPLICANT: James Frensley  
OWNER: James & Tina Frensley  
VARIANCE REQUESTED: A 17.1-foot variance from the calculated 62-foot high-water mark setback to 44.9-feet provided. (Sec 9.02.D.) and  
A 12.1-foot variance from the calculated 52-foot high-water mark setback to 39.9-feet provided. (Sec. 9.02.D.)  
This request is for a 20' by 43' residential addition and uncovered deck.

Mr. Gerathy introduced the case and asked if the applicant was present and to step forward if they had anything to add.

**Discussion from the Applicant:**

Mr. Frensley, applicant, explained the details of the request as presented. He also asked for clarification as to how the high-water mark is calculated. Mrs. Littlebear explained that the ordinary high-water mark is the line where the character of the land transitions distinctly and is apparent in the soil itself, the

configuration of the surface of the soil, and the configuration of the vegetation. For example, where the lawn ends and the beach begins is the ordinary high-water mark, or where the solid land transitions to marsh, or where there is a seawall built.

**Discussion from the Public:**

There was no public comment offered.

**Discussion from the Board:**

Mr. Borg noted that the worksheet was incomplete, and the applicant wrote that the variance request is not of a personal nature, nor was it created by the current or previous owner. Mr. Borg stated that it seemed that the request is of a personal nature and that it is a situation created by the owner because they are asking for the addition. Mr. Eichinger noted that he was at the site and the landscaping was immaculate. He noted that the request is in keeping with the neighborhood and will not encroach more than the existing deck is now. Mr. Gerathy stated that he agreed with Mr. Eichinger and noted that other houses in the neighborhood have something similar to this request.

**Motion:**

Mr. Eichinger made a motion in Case 23-20, parcel # 11-09-404-006, 1025 Woodruff Lake Dr, to grant a 17.1-foot variance from the calculated 62-foot high-water mark setback to 44.9-feet provided for a residential addition and a 12.1-foot variance from the calculated 52-foot high-water mark setback to 39.9-feet provided for an uncovered deck. This request is for a 20' by 43' residential addition and uncovered deck. Mr. Hoffman supported the motion. Mr. Jickling-yes, Mrs. Michaels-yes, Mr. Hoffman-yes, Mr. Raimondo-yes, Mr. Gerathy-yes, Mr. Eichinger-yes, Mr. Borg-yes (7 yes votes). The motion carried and the variance was granted.

**CALL TO THE PUBLIC:** Mr. Gerathy noted that there were no audience members present and so moved onto the next agenda item.

**MINUTES:**

Mr. Raimondo made a motion to approve the minutes of June 07, 2023, as presented. Mr. Borg supported the motion, and it carried with a unanimous voice vote.

**DISCUSSION:**

Mr. Jickling asked how high-water mark setbacks are calculated in the LV District. Mrs. Littlebear explained the process for calculations that are in the zoning ordinance section 9.02.

**ADJOURN:**

At 8:11 p.m., Mr. Raimondo made a motion to adjourn the meeting. Mr. Borg supported the motion, and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo  
Secretary  
AR/kpl