

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
November 1, 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: 19

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 member will participate in the meeting in place of the absent regular member.

**OLD BUSINESS:**

1. CASE NUMBER: 23-25  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-09-152-001  
PROPERTY ADDRESS: 4354 David Dr  
APPLICANT: Patrycja Krzok  
OWNER: John P. Krzok  
VARIANCE REQUESTED: A 30-foot variance from the 40-foot calculated rear yard setback to 10-feet provided.  
(Sec 9.02.C. and Figure 2.13)  
This request is for a 36 ft by 48 ft pole barn with covered porch.

Mr. Raimondo made a motion in Case #23-25, 4354 David Dr., parcel # 11-09-152-001, to remove the case from the table. Mrs. Michaels supported the motion and it carried with a unanimous voice vote.

Chairman Gerathy introduced the case and asked if the applicant was present and had anything else to add that was not included with the application.

**Discussion from the Applicant:**

Patrycja Krzok, applicant, was present. She provided each of the Board members a packet that included three new site plans along with excerpts from previous ordinances regarding corner lot setbacks. She noted that the updated site plan noted as plan #3 showing a request for a 20-foot variance from the 40-foot calculated rear yard setback was created as a compromise from her original request in order to satisfy the Board. She noted that her original request

of a 30 ft variance is the most aesthetically pleasing and leaves the most amount of usable yard though. Per plan #1 the structure meets setbacks but then only leaves 21 feet of usable yard between the house and the structure rendering the remaining yard behind the structure unusable.

Ms. Krzok stated that when her father bought this property in 1988, he always planned to build an accessory structure but had not had time until now as he is only recently retired. She points to the ordinance that was in place when he purchased his property and notes that it was the regulation then to have two front and two side yards. She stated that the topography (slope) of the lot creates a practical difficulty and feels that this request is not of a personal nature because it will enhance the property for all future owners as well. She further noted that she believes this is not a self-created situation but is a result of the ordinance change in 2000 and the topography of the parcel.

**Discussion from the Public:**

There was no public comment offered.

**Discussion from the Board:**

Mr. Gerathy stated that he would have preferred to get this packet for review prior to this meeting.

Mr. Jickling noted that all of the site plans that the applicant has provided have not been to scale and so do not represent the request accurately. He stated that it seems that there is plenty of room to comply with the requirements and a drawing that is not to scale does not reflect the true impacts of the structure on the parcel.

Mrs. Michaels noted that if the Board approved a certain variance, then it will be the responsibility of the applicant and her builder to ensure that the structure is located properly.

Mr. Hoffman agreed with Mrs. Michaels and Mr. Jickling. However, he stated that he would agree to the revised request plan #3 since the applicant made an effort to find a compromise.

Mr. Eichinger stated that, as noted in plan #1, there is room to build within the setback requirements. Ms. Krzok responded that if she builds within the setbacks then the remaining yard would be unusable because it would be behind the structure.

Mr. Borg stated that building a structure within the setbacks does still leave a usable yard even if it is not in the location desired by the applicant.

Mr. Borg and Mr. Gerathy both noted that this request is of a personal nature. Ms. Krzok reiterated her earlier statement that she believes this request is not of a personal nature because it will enhance the property for all future owners and enhance the surrounding property values as well.

Mr. Raimondo stated that he appreciated the effort made by the applicant to find a compromise but does not see a practical difficulty. He asked if the applicant has considered reducing the size of the structure. Ms. Krzok stated that they did but the desired use for the structure would not be usable for them.

Facts and Findings:

- Compliance with current requirements does not prevent the applicant from using the property for the permitted uses of the zoning district
- This property does not pose a practical difficulty.
- This request is of a personal nature.
- This request is not the minimum necessary.

**Motion:**

Mr. Hoffman made a motion in Case #23-25, 4354 David Dr., parcel # 11-09-152-001, to approve a 20 ft variance from the calculated 40 ft rear setback to 20 ft provided for the construction of a 36 ft by 48 ft pole barn with covered porch. Mr. Raimondo supported the motion. **Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-no, Mr. Eichinger-no, Mr. Raimondo-no, Mr. Jickling-no, Mrs. Michaels-no, Mr. Gerathy-no, (1 yes vote, 6 no votes). The motion failed and the variance was denied.

**NEW BUSINESS:**

2. CASE NUMBER: 23-24  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-11-303-008  
PROPERTY ADDRESS: 1363 Kingsway Dr  
APPLICANT: Cedar Works  
OWNER: Kristen Abraham  
VARIANCE REQUESTED: A 13-foot variance from the 60-foot calculated ordinary high-water mark setback to 47-feet provided.  
(Sec 9.02.D.) and  
A 10-inch variance from the required 20-foot total side yard setback to 19-feet 2-inches provided.  
(Sec 9.02.B.b.).  
This request is for a 10-foot by 25-foot uncovered deck.

Chairman Gerathy introduced the case and asked if the applicant was present and had anything else to add that was not included with the application.

**Discussion from the Applicant:**

Kristen Abraham, applicant, was present and went over the facts of the case as presented in the Board’s packet. Mr. Gerathy asked if the Zoning Administrator had any additional information regarding this case. Mrs. Littlebear stated that this request came before the ZBA because the applicant’s contractor was originally going to simply replace a few rotten deck boards and rails but as he removed the visible rot he found more rot and removed that to the point where the entire section of the deck on the east side of the house had been removed due to extensive rot. At that point he came in to get a permit and was told about the setback restrictions. After those restrictions were explained to Mr. and Mrs. Abraham, they chose to move forward with a variance request for that section of the deck to be rebuilt. Their contractor was issued a permit to replace the few rotted boards and railing on the north section of the deck to be completed while awaiting a decision regarding a variance request for the east section of the deck.

**Discussion from the Public:**

Gregg Joysey, 1372 Ludean Dr, spoke in favor of the variance. He stated that he lives across from the applicant with full view of the deck and that he is in favor of this request as the deck will be rebuilt as it has been for the past few decades.

Patricia Tomsa, 3943 Chevron Dr, spoke in favor of the variance. She noted that the subdivision of Axford Acres was aging as were the residents and that she is so pleased to see young families moving in and refreshing the neighborhood. She asks that the Board not put unnecessary hurdles in front of these young families improving their properties.

**Discussion from the Board:**

Mr. Hoffman, Mrs. Michaels, and Mr. Eichinger each stated that they believe that the request is reasonable and fits in with the neighborhood.

Mr. Raimondo noted that this request is the minimum necessary, will not increase the footprint of the previous deck, and will not negatively impact anyone.

Mr. Jickling noted that there was a very similar request earlier in the year that the Board had approved and believes that this request should be approved as well.

Facts and Findings:

- Request will not negatively impact the health, safety, or welfare of the Township.
- Request is in keeping with the character of the neighborhood.
- Request will not create a larger encroachment than had already existed.
- Request is the minimum necessary.

**Motion:**

Mr. Eichinger made a motion in Case #23-24, 1363 Kingsway Dr., parcel # 11-11-303-008, to approve a 13-foot variance from the 60-foot calculated ordinary high-water mark setback to 47-feet provided and a 10-inch variance from the required 20-foot total side yard setback to 19-feet 2-inches provided for the construction of a 10-foot by 25-foot uncovered deck per the facts and findings. Mrs. Michaels supported the motion. **Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mrs. Michaels-yes, Mr. Gerathy-yes, (7 yes votes). The motion carried and the variance was approved.

3. CASE NUMBER: 23-26  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-13-252-009  
PROPERTY ADDRESS: 2999 Summit Dr  
APPLICANT: Marty Lynch  
OWNER: Margaret & Chloe Lynch  
VARIANCE REQUESTED: A 34.7-foot variance from the 49-foot calculated ordinary high-water mark setback to 14.3-feet provided.  
(Sec 9.02.D.)  
This request is for a roof over an uncovered deck.

Chairman Gerathy introduced the case and asked if the applicant was present and had anything else to add that was not included with the application.

**Discussion from the Applicant:**

Marty Lynch, applicant, was present. He went over the facts of the case as presented in the Board’s packet and apologized for having let the construction of the roof begin before he had approval. He also noted that the roof overhangs the deck by a foot. Mrs. Littlebear stated that the requested distance advertised did not include an excessive overhang so she will look at the ordinance to make sure that the allowable overhang amount falls within what has been constructed.

**Discussion from the Public:**

There was no public comment offered.

**Discussion from the Board:**

Mr. Hoffman stated that he believes that the roof will enhance the deck, the roof over the deck will not block anyone’s view of the lake, and that the overhang is minimal.

Mr. Raimondo asked if there are future plans to enclose the covered deck. Mr. Lynch said no. Mrs. Littlebear noted that the motion can include language that the deck must remain unenclosed.

Mr. Jickling stated that he does not want to see Mr. Lynch come back for any additional requests for this property.

Facts and Findings:

- The parcel is irregularly shaped creating a practical difficulty.
- Request is in keeping with the character of the neighborhood.
- Request will not negatively impact the health, safety, or welfare of the Township.

**Motion:**

Mr. Raimondo made a motion in Case #23-26, 2999 Summit Dr., parcel # 11-13-252-009, to approve a 34.7-foot variance from the 49-foot calculated ordinary high-water mark setback to 14.3-feet provided for the construction of a roof over an uncovered deck that must remain unenclosed and unscreened per the facts and findings. Mr. Hoffman supported the motion. **Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mrs. Michels-yes, Mr. Gerathy-yes, (7 yes votes). The motion carried and the variance was approved.

4. CASE NUMBER: 23-27  
COMPLAINT:  
ZONING: R1.5 – Single-Family Residential District (1.5 acre min.)  
PARCEL #: 11-13-252-009  
PROPERTY ADDRESS: 1985 E. Wardlow Dr  
APPLICANT: James H. Olari  
OWNER: James H. Olari  
VARIANCE REQUESTED: A 12-foot variance from the 30-foot required North side yard setback to 18-feet provided.  
(Sec 4.15) and  
A 28-foot 9-inch variance from the 30-foot required East side yard setback to 1-foot 3-inch provided.  
(Sec 4.15)  
This request is for a 14-foot by 40-foot shed with a covered porch.

Chairman Gerathy introduced the case and asked if the applicant was present and had anything else to add that was not included with the application. He then asked if the Zoning Administrator had any additional information. Mrs. Littlebear stated that she did not. Mrs. Michaels stated that she needed to recuse herself as she and the applicant are good friends. Mrs. Michaels then left the Board table for the duration of the hearing and subsequent vote.

**Discussion from the Applicant:**

James Olari, applicant, was present and went over the facts of the case as presented in the Board’s packet. He apologized for beginning construction without a permit as he did not realize that he needed one. He noted that the Boards packet contains a letter signed by his five adjacent neighbors in support of his request.

**Discussion from the Public:**

There was no public comment offered.

**Discussion from the Board:**

Mr. Raimondo stated that he visited the property. He asked why the existing pole barn seems to have a different address from the home. Mr. Olari stated that the number is not an address but a number assigned to the pole barn by DTE for the electric service they ran to that structure. Mr. Raimondo asked if there would be electrical run to the proposed structure. Mr. Olari said no.

Mr. Raimondo stated that the lot is substandard for the zoning district and that the location of the septic field creates a practical difficulty.

Mr. Eichinger stated that he agreed with Mr. Raimondo and noted that because the structure would be mostly hidden from both roads it would not negatively impact the character of the neighborhood.

Mr. Jickling asked the applicant if he had approached the eastern neighbor to purchase a portion of that lot. Mr. Olari stated that he has been in contact with both of his neighbors to the north and east inquiring about purchasing some of their land. Nothing has come of it at this point.

Mr. Borg asked if the applicant had considered expanding the existing accessory structure instead. Mr. Olari stated that it didn't seem like it would be a good idea because of the location of the overhead power lines. Mr. Hoffman noted that the location of the septic and the 14-foot drop (slope) both create practical difficulties on the parcel.

**Facts and Findings:**

- This parcel is substandard in size for its zoning district.
- The topography of the lot (a 14 ft elevation difference) creates a practical difficulty.
- The required location of the septic field creates a practical difficulty.
- The request is in keeping with the character of the neighborhood.
- Request will not negatively impact the health, safety, or welfare of the Township.

**Motion:**

Mr. Raimondo made a motion in Case #23-27, 1985 E. Wardlow Dr, parcel # 11-13-252-009, to approve a 12-foot variance from the 30-foot required North side yard setback to 18-feet provided and a 28-foot 9-inch variance from the 30-foot required East side yard setback to 1-foot 3-inch provided for the construction of a 14-foot by 40-foot shed with a covered porch per the facts and findings. Mr. Hoffman supported the motion.

**Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-no, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Gerathy-yes, (5 yes votes, 1 no vote). The motion carried and the variance was granted.

5. CASE NUMBER: 23-28  
COMPLAINT:  
ZONING: LV – Lake and Village Residential District  
PARCEL #: 11-15-278-004  
PROPERTY ADDRESS: 2346 Huff Place  
APPLICANT: Laura Hamel  
OWNER: Laura Hamel  
VARIANCE REQUESTED: A 12.3-foot variance from the 65-foot calculated ordinary high-water mark setback to 52.7-feet provided.  
(Sec 9.02.D.)  
This request is for an 11.7-foot by 12.1-foot uncovered deck.

Chairman Gerathy introduced the case and asked if the applicant was present and had anything else to add that was not included with the application. He then asked if the Zoning Administrator had any additional information. Mrs. Littlebear stated that she did not.

**Discussion from the Applicant:**

Laura Hamel, applicant, was present and went over the facts of the case as presented in the Board's packet. She noted that the deck is partially built already, and the reason is because it was supposed to be a surprise gift from an ex-boyfriend. When she realized what happened she stopped the project and came into the township office to apply for a permit. That is when she found that the deck doesn't meet the setback requirements and so proceeded to apply for a variance.

**Discussion from the Public:**

Mr. Gerathy read into record an email from Richard Rogers, 2354 Huff Pl, in support of this request. He also read into record an email from Karen Lamka, 2342 Huff Pl, in support of this request.

**Discussion from the Board:**

Mr. Eichinger stated that he appreciated the applicants' thorough and legible completion of the application packet. He stated that he visited the site and noted that the location of the deck is a great spot. He noted that many other homes in the neighborhood have decks and structures in similar locations.

Mr. Hoffman remarked that both of the public comments stated that the deck would not block views from the lake and he noted that the trees shading the deck are more of a visual obstruction.

Mr. Jickling noted that docks are allowed at the water, and they often extend a bit onto the land. He noted that many people often place patio furniture and other items on the docks. He asked why that is allowed. Mrs.

Littlebear stated that docks are largely regulated by the state and the Townships authority is limited there.

Mr. Borg and Mrs. Michaels both agreed with the other board members.

Mr. Raimondo stated that he would be okay approving this request but noted that it should not be enclosed or turned into anything else in the future.

Facts and Findings:

- Request is in keeping with the character of the neighborhood.
- The location of the septic field makes the requested location of the deck the most suitable.
- The topography (slope) of the property makes the requested location the most suitable.

**Motion:**

Mr. Eichinger made a motion in Case #23-28, 2346 Huff Place, parcel # 11-15-278-004, to approve a 12.3-foot variance from the 65-foot calculated ordinary high-water mark setback to 52.7-feet provided for the construction of an 11.7-foot by 12.1-foot uncovered deck that may not be enclosed or used for any other structures per the facts and findings. Mr. Raimondo supported the motion.

**Roll Call Vote:** Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mrs. Michaels-yes, Mr. Gerathy-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 left and so moved on to the next agenda item.

**MINUTES:**

Mr. Borg made a motion to approve the minutes of October 18, 2023, as presented. Mr. Eichinger supported the motion and it was approved with a unanimous voice vote.

**DISCUSSION:**

Mr. Jickling requested that the format for the minutes be adjusted to be more legible. Mr. Raimondo asked that the facts and findings be on a bullet point list.

**ADJOURN:**

At 9:05 p.m., Mrs. Michaels made a motion to adjourn the meeting. Mr. Hoffman supported the motion and it was approved with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo  
Secretary  
AR/kpl