CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
APPROVED MINUTES
September 16, 2026

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
Anthony Raimondo, Vise Chair
Jacob Probe, Secretary
Michael Zeolla, P.C. Liaison
Peter Eichinger
Robert Hoffman
Gary Childs
Chuck Benke, Alternate

Tim McLean, Zoning Administrator
Samantha George, Assistant Zoning Administrator

Visitors: 9

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.

NEW BUSINESS:

1. CASE NUMBER: 26-18
   ENFORCEMENT:
   ZONING: LV-RPUD –Residential Planned Unit Developments
   PARCEL #: 11-34-401-006
   PROPERTY ADDRESS: 2679 Briar Cliff Dr
   APPLICANT: Blue Hawaiian Pools
   OWNER: Rob Lhamon
   VARIANCE REQUESTED: An 8-foot 6-inch variance from the required 40-foot rear yard setback to 31-feet 6-inches provided;
   (Sec. 7.02.C.5.)
   This request is for a reduction of the rear yard setback for the construction of a pool.

Chair Gerathy introduced the case, and asked if the applicant was present and, if so, to please step up to the podium.

Discussion from the Applicant:

Mr. Langin stated he was representing the homeowner Mr. Lhamon, who was present at the meeting. Mr. Langin stated they initially wanted a 16.5-foot variance but ended up moving the pool closer to the house for a lesser variance.

Discussion from the Public:
None

Discussion from the Board:
Mr. Hoffman stated he did not have any problems with the request.
Mr. Zeolla stated he had a hard time accepting this proposal due to the fact the applicant stated there is no practical difficulty. Mr. Langin stated that was a mistake on his part as this was the first application he had ever completed for the ZBA.
Mr. Eichinger asked if the apron of the pool could be turned 90 degrees so the depth would go out from the house so that the need for a variance would be eliminated. Mr. Langin responded that it would not be possible, that turning the pool would increase the necessary variance and require a side yard variance as well.
Mr. Zeolla asked if the applicant could shrink the size of the pool. Mr. Langin commented that a smaller pool is possible without needing a variance. Mr. Lhamon stated that size reduction could be possible, but they have already made it smaller than the original pool.
Mr. Zeolla asked if it was possible to reduce the amount of concrete surrounding the pool. Mr. Langin responded that for safety reasons he did not like making the concrete apron smaller than 4-feet because the concrete is essentially the apron that holds the pool in place.
Mr. Hoffman stated that he believes a person's home is their castle. In this case he believes the pool will help improve the neighborhood. He commented on strict application of practical difficulty criteria.
Mr. Zeolla stated that zoning ordinance standards are established by the Planning Commission and that any changes should be addressed by that commission.
Mr. Raimondo stated he visited the neighborhood and felt it captured the essence of Highland. Mr. Raimondo asked what the setback requirements would have been if this property had not been an RPUD.
Mrs. George responded that because it is in the LV district that the setbacks would have to be calculated.

Motion:
Mr. Hoffman made a motion to approve Case #26-18, parcel # 11-34-401-006, commonly known as 2679 Briar Cliff Dr, for an 8-foot 6-inch variance from the required 40-foot rear yard setback to 31-feet 6-inches provided, for the construction of a pool. Mr. Childs supported the motion.

Facts and Findings:
This request is the minimum necessary.
A practical difficulty resulted from the approval of the RPUD.
This request will not be detrimental to, nor alter the essential character of the neighborhood.

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

MINUTES:
Mr. Probe made a motion to approve the minutes of September 2, 2026, as corrected. Mr. Hoffman supported the motion, and it was approved with a unanimous voice vote.

DISCUSSION:

Resident Kevin Berger offered public comment regarding VFW Post 9914, 3200 North Duck Lake Road. Mr. Berger stated the VFW post had received an ordinance violation regarding the renting out of dock space in the canal that flows into White Lake. Mr. Berger asked the Zoning Board of Appeals if the post is allowed to have boats on the property. Mr. Berger explained that the VFW Post has the land plot from 1956. He also stated that the VFW post has been on the canal since at least 1976. Mr. Berger stated that it was his understanding that if you have property on a waterway, whether natural or artificial that access is a granted right. Mr. Berger stated that access to the waterway is necessary for several members of the post due to disabilities. Mr. Berger stated he was confused by the violation notice and requested clarification from the Zoning Board of Appeals. Mr. Raimondo responded to Mr. Berger that comments and documentation should be directed to the Planning Commission and not the Zoning Board of Appeals. The Zoning Board of Appeals stated they were not trying to cut off comments from Mr. Berger. Rather, they advised Mr. Berger that the ZBA did not have the authority to act on these comments and requests. The ZBA also directed Mr. Berger to give his copy of relevant documents to Mrs. George to give to Planning Director Corwin.

ADJOURN:

At 8:16 p.m., Mr. Probe made a motion to adjourn the meeting. Mr. Raimondo supported the motion, and it carried with a unanimous voice vote.

Respectfully submitted,

Jacob Probe, Secretary
JP/kpl