

**CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
Approved Minutes
June 2, 2021
Electronic Meeting via Zoom**

The meeting was called to order at 7:30 p.m.

ROLL CALL: David Gerathy, Chairman
Michael Borg, Vice Chairman
Anthony Raimondo, Secretary
Peter Eichinger
Scott Green
Robert Hoffman
John Jickling

Lisa G. Burkhart, AICP - Zoning Administrator

Visitors: 15

Mr. Gerathy, Chairperson, welcomed those present and explained the procedure for addressing the Board. Mr. Gerathy stated that four affirmative votes are required to approve a variance. All seven board members are present.

OLD BUSINESS:

1. CASE NUMBER: 21-19 *Tabled from May 19, 2021*
COMPLAINT #:
ZONING: LV – Lake & Village Residential District
PARCEL #: 11-12-476-012
PROPERTY ADDRESS: 3349 Highland Ct. (in 7-Harbors).
APPLICANT: Emily Quigley
OWNER: Emily Quigley
VARIANCE REQUESTED: A variance to allow a 6 ft. tall privacy fence in a front yard setback where only a 4 ft. tall decorative fence is permitted (Section 8.09).
This request is for a six-foot-tall privacy fence.

Mr. Gerathy introduced the case and asked if there was any new or different information not included in the application or discussed at the meeting of May 19, 2021.

Discussion from the Applicant:

Ms. Quigley was present. She stated that she would cut off the deck and run the fence along the lot line; not encroaching into the road right-of-way. The fence would be on the lot line, end at the tree, and then continue along the lot line in front of the house along the deck.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Hoffman stated he is not opposed to the request given that the applicant would be placing the fence on her own property and eliminating the deck encroachment. Mr. Gerathy agreed. Mr. Jickling stated that he wanted to see actual drawn plans and a photo of the proposed fence. Mr.

Borg stated that given the size of the parcel and the need for some privacy; he is not opposed to the request. Mr. Green asked if the fence is to allow the dog to roam freely in the backyard. Ms. Quigley stated it is primarily for the dog and for privacy purposes. Mr. Green stated that he is torn as it is a corner lot, but he is not sure there is a practical difficulty. Mr. Hoffman stated that the parcel has two front yards; if this were a lot in the middle of the block, a six-foot fence would not need a variance. The members discussed practical difficulty and the orientation of the house. Mrs. Burkhart noted that this corner lot is smaller than most. She also noted that it is not typical for a home to be placed so close to a front lot line. Mr. Green did not feel that 6-foot fence along an entire street would be appropriate. Mr. Raimondo stated that he did not support the request. He noted that while a 4-foot decorative fence may not be sufficient for privacy, he would suggest planting arborvitaes in front of the window for privacy. He also felt that a 6-foot privacy fence would change and alter the character of the neighborhood. Mr. Eichinger agreed with Mr. Jickling that a formal drawing and plan is necessary. Mr. Gerathy stated that it looks like there is still concern about the appearance and suggested that it does not appear that approval is at hand. After further discussion, it was suggested that the case be tabled for receipt of a new plot plan and photo of the proposed fence.

Motion:

Mr. Hoffman made a motion to table Case 21-19, Applicant Emily Quigley, 3349 Highland Ct., Parcel Number 11-12-476-012 until June 16, 2021, for new drawings. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The motion was approved, and the case tabled.

NEW BUSINESS:

2. CASE NUMBER: 21-21
COMPLAINT #:
ZONING: LV - Lake and Village Residential
PARCEL #: 11-13-403-003
PROPERTY ADDRESS: 3083 Lake
APPLICANT: Mark Gibbard
OWNER: Mark & Laura Gibbard
VARIANCE REQUESTED: A 0.6-foot side yard setback variance from 10 feet required to 9.4 feet provided (Section 9.02.B.b)
A 1.5-foot total side yard setback variance from 15 feet required to 13.5 feet provided (Section 9.02.B.b)
A 32.1-foot front yard setback variance from 37.5 calculated to 5.4 feet provided (9.02.B.A)
This variance is for a 1.5 story house and garage addition.

Chairman Gerathy introduced the request and asked if the applicant had new information not included in the variance request.

Discussion from the Applicant:

Mr. Gibbard was present and introduced his Architect Chris Macklin. Mr. Macklin indicated that the Gibbard's desire is to move into this house with their adult handicapped son and to accommodate more storage. He indicated that they have been using the home as a cottage since they purchased the property and would like to live there full time. The addition would

accommodate a bedroom suite for their son and would allow a van utilized for handicapped accessibility.

Discussion from the Public:

Ms. Toni Rancour, 3097 Lake, she felt the house is as big as it needs to be given the size of the lot. She noted that she sent in a letter expressing her concerns. Ms. Rancour is concerned about parking congestion and lot coverage. She questioned if the construction would harm her property.

Mr. Frank Simpson, 3075 Lake, stated that parking is a key issue. He noted that the boat launch and subdivision park is right behind their homes and access can be obstructed by park activities. He continued that if the garage is close to the lot line and a van is kept in the garage, that means other vehicles will be parking on the road blocking access to his home. Mr. Simpson also stated that he sent a letter with his concerns. Mr. Borg stated that item 7 in the Simpson letter indicates that the applicant told him that he plans to raise the grade of the driveway that could cause flooding on neighboring properties. Mr. Gibbard stated that he never made that statement. Mr. Green questioned if the grade would change. Mr. Macklin stated that it is flat and did not feel that was a concern. Mrs. Rancour was also concerned about drainage and asked if the house would have to be built to see if there would be any problems. Mr. Macklin explained that these are early drawings and during the building permit process, he must submit a drainage plan.

Ms. Rachele McCrum, 1814 LaSalle Blvd., stated that there is a 20-foot access to the Gibbard, and Simpson properties granted by the subdivision. She explained the use of the park lot is for the residents and includes a boat launch. She felt that the plan as presented would encroach onto the park property. She also stated that parking is only provided for those subdivision residents actively using the launch and not for guests. She stated that granting the variance would further impact an already congested area. Ms. McCrum also felt that the building is too big and will impact neighbors view of the lake. She concluded that she felt granting the request that encroaches on the park lot would be unfair to the immediate neighbors and people of the subdivision.

Ms. Barb Corvell, 1765 Valley Drive, president of the homeowner's association was present. She indicated that one of the big concerns is access to the lake. She also asked while construction is going on, where will construction vehicles and materials be parked. If the addition is granted, the concern is also about parking congestion and access to the park. Additionally, Ms. Covell was concerned about an emergency vehicle being able to access the property to the west of the applicant's property and the launch.

Ms. Pam Bower, 3131 Lake Drive, agrees with the neighbors and expressed concern with the footprint of the house and addition. She thought it was reasonable to convert the garage but not add a garage addition. She also expressed concern about access of emergency vehicles.

Ms. Rachele McCrum, 1814 LaSalle Blvd., made an additional comment that most of the houses in the neighborhood do not have garages. She also agreed with the comment that conversion of the existing garage to living space seemed reasonable. Ms. McCrum stated that the home has been occupied by the owner's other son since their purchase.

Ms. Tina Milbrath, 3140 Lake Drive, expressed concerns related to safety to the community at large. She stated that the easement is for the access to property and is not for parking. Ms. Milbrath indicated that the park/launch area is used for snow from the roads causing access issues. She stated she is a boat owner and uses the site. She agrees with other neighbors.

Ms. Julie Richardson, 3126 Lake Drive, questions the applicant's need to remodel the home. She referred to the applicant potentially having too many vehicles at the property and parking in the access easement.

Mr. Richard Walker, 3172 Lake Drive, treasurer of the homeowner's association, strongly agreed with his neighbors' concerns. He has documents regarding the easement and will provide copies of what he has. Mr. Walker concluded by stating that he is opposed to the variance.

Chairman Gerathy closed public comment.

Discussion from the Board:

Mr. Raimondo stated that he would like to see any easement documents that are available and suggested that information is important for a thorough review. He suggested tabling the case to review the documents and conduct another site visit.

Mr. Jickling noted the applicant, in worksheet item #3, indicated that his practical difficulty was of a personal nature. Mr. Jickling commented about the standards of practical difficulty.

Mr. Borg asked if the applicant had considered other options for the remodel and implied building up rather than building out. Chris Macklin advised that option does not fulfill the needs of the Gibbard's due to their son's disability. Mr. Macklin noted that there appears to have been several additions making it difficult to add an upper story addition.

Mr. Eichinger visited the site on Memorial Day. He stated that it was crowded. He noted that the neighbors letter indicated that the applicant has 3 or 4 cars and where would they park. He noted that the properties are narrow and was concerned about the location and size of the septic field.

Chairman Gerathy asked if there were further comments from the board. Mr. Raimondo asked the nature of the applicant's disability. Mr. Borg and Mr. Jickling felt strongly that the disability is not a consideration of practical difficulty. Mr. Jickling indicated he will not be voting to approve the variance. Mr. Raimondo agreed that a disability should not impact the decision of the board.

The board members discussed tabling the case for new information. Several other members were not in favor of the variances.

Mr. Green thought that the congestion in the area and in consideration of the safety of the residents; he is not in support of the request. He also felt the addition was too big.

Mr. Hoffman was not in support of the request as presented but suggested that the applicant may want to table their application to consider the comments offered this evening and perhaps revise the plans.

Mr. Gibbard stated that he and the designer could go back and look at the plan to address concerns. Chris Macklin, Architect, asked the board for more time to review alternative options for the property. After further discussion of parking, easement and setbacks and procedural requirements, Mr. Macklin asked to be tabled to the July 21, 2021, meeting.

Motion:

Mr. Hoffman made a motion to table Case 21-21, Applicant Mark Gibbard, 3083 Lake, Parcel #11-13-403-003 until July 21, 2021. Mr. Borg supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Borg-yes, Mr. Hoffman-yes, Mr. Gerathy-yes (7 yes votes). The motion was approved.

3. CASE NUMBER: 21-22
COMPLAINT #:
ZONING: LV – Lake & Village Residential District
PARCEL #: 11-12-106-017
PROPERTY ADDRESS: 2504 Jackson Blvd.
APPLICANT: Ellen Rebeka
OWNER: Thomas & Ellen Rebeka
VARIANCE REQUESTED: A 34-foot ordinary highwater mark setback variance from 65 feet required to 31 feet provided (Section 9.02.D)
This variance is for a house addition.

Chairman Gerathy asked if the applicant had any new information to add that was not included in the application.

Discussion from the Applicant:

The applicant expressed gratitude to the board for hearing her case and added she was looking to improve the character of the property. They have owned the property as a cottage and are asking for a small addition to the west of the existing house.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Borg and Mr. Eichinger visited the property and stated they have no objections to the request. Mr. Eichinger noted the location of the home addition will not impact the property to the west or the property to the east. He thought it was the most logical place to expand the current structure with the least impact to the surrounding properties. Mr. Jickling reviewed the plan noting that the addition is for a Florida room, master bedroom and bathroom.

Mr. Eichinger offered the following facts and finding:

- The house is non-conforming in setback.
- The house was built prior to existing zoning regulations.
- The addition does not impact the neighbors' views.

Mr. Green asked if the existing deck would be removed or altered during the renovation. Mrs. Rebeka stated that they are not removing the deck.

Mr. Hoffman and Mr. Borg did not object to the variance request.

Motion:

Mr. Raimondo based on the facts and findings moved to approve Case # 21-22, applicant Ellen

Rebeka, 2504 Jackson Blvd., Parcel #11-12-106-017, a 34-foot ordinary highwater setback variance from 65 feet required to 31 feet provided (Section 9.02.D) This variance is for a house addition. Mr. Eichinger supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). The motion was approved, and the variance was granted.

The applicant inquired when she could start the project. Mr. Raimondo asked if the board would consider authorizing a final letter of determination since the motion was approved with a unanimous decision.

Motion:

Mr. Hoffman moved to approve the ZBA Secretary to execute a final letter of determination in Case # 21-22, applicant Ellen Rebeka, 2504 Jackson Blvd., Parcel #11-12-106-017, where the ZBA approved a 34-foot ordinary highwater setback variance from 65 feet required to 31 feet provided (Section 9.02.D) Mr. Eichinger supported the motion. Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes. Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes. Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). The motion was approved.

Minutes:

Mr. Eichinger made a motion to approve the minutes of May 19, 2021, as corrected. Mr. Borg supported the motion and it carried with a unanimous roll call vote.

Adjourn

At 9: 15 p.m., Mr. Green made a motion to adjourn the meeting. Mr. Raimondo supported the motion and it passed with a unanimous roll call vote.

Respectfully submitted,

Anthony Raimondo, Secretary
AR/lgb