

CHARTER TOWNSHIP OF HIGHLAND
ZONING BOARD OF APPEALS
Approved Minutes
June `16, 2021
209 N. John St.
Highland, MI 48357

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 - absent
John Jickling

Lisa G. Burkhart, AICP - Zoning Administrator

Visitors: 7

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. Only six board members are present.

OLD BUSINESS:

1. CASE NUMBER: 21-19 *Tabled from May 19, 2021 and June 2, 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 stated that this case was tabled from June 2, 2021. Mr. Raimondo made a motion to remove Case 21-19 from the table. Mr. Borg supported the motion. The motion passed with a unanimous voice vote.

Ms. Quigley was not in attendance. It was determined that she was on route to the meeting. Mr. Borg made a motion to adjourn Case 21-19 until after Case 21-23. Mr. Green supported the motion and it carried with a unanimous voice vote.

NEW BUSINESS:

1. CASE NUMBER: 21-23
COMPLAINT #:
ZONING: LV – Lake and Village Single Family Residential
PARCEL #: 11-13-402-013
PROPERTY ADDRESS: 1835 LaSalle Blvd.
APPLICANT: Kimberly Cossin
OWNER: Robert and Kimberly Cossin
VARIANCE REQUESTED: A 6-foot front yard setback variance from 35 feet required to 29 feet provided (Section 9.02.B.a) This variance is for a covered porch addition.
A 9-foot side yard setback from 14 feet required to 5 feet provided (south lot line) (Section 9.02.B.b.a)
A 9-foot side yard setback variance from total 20 feet required to 11 feet provided (Section 9.02.B.b.a)
This variance is for a reduction in the side yard setback for an unattached garage.

Chairman Gerathy introduced the case and asked if the applicant wished to add any information that was not already submitted.

Mrs. Burkhart stated that the applicant submitted a certified survey yesterday. She noted that the requested variances are less than what is needed to complete the project. Because the variance request and the notice are different, new public notices are required. Public notices include mailings and advertisements in local newspapers.

Mr. Gerathy stated that the applicant and any public present could comment but no decision would be made.

Discussion from the Applicant:

Robert Cossin was present. He explained that the home is small with little storage and does not have a garage. The plan is to add an unattached garage, an addition of a mudroom and porch. If the proposed 24 x 24 garage is approved the existing shed will be removed. He indicated that they will be installing a new septic system. He further stated that the new arrangement will allow for more on-site parking for personal vehicles. The placement of the garage will allow for space between the house and garage to access the septic system and rear yard.

Mr. Cossin stated that what he thought were survey markers were not. He submitted the certified survey as soon as it available.

Discussion from the Public:

Mr. Dave Janette, 2275 Childs Lake Road, Milford, stated that he has obtained a permit from the Oakland County Health Department for the new septic system to be 5 feet from the

proposed garage. He indicated that the septic system setback is normally 10 feet, however; he was able to obtain a reduction in the setback to accommodate the garage.

Mr. Robert Quigley, builder for the Cossins, questioned the necessity for readvertising the application. Mrs. Burkhart pointed out that a variance is needed to place the garage where applicant wishes it to be. This was not noted in the notice to the public.

Discussion from the Board:

Mr. Eichinger asked if the slab is being removed and if the driveway will be improved. Mr. Cossin stated that the slab will be part of the driveway to the garage. Several members commented that they had visited the site. Mr. Gerathy asked for a motion to table for new notice.

Mr. Eichinger asked what the differences are from what is advertised to what is proposed. The board agreed that under State statute they could not vote until the case was re-advertised.

Mr. Cossin stated the fence line was owned by the association and the fence line was not accurate. The property line was undefined. Mr. Cossin stated he plans on removing the deck and would like to see the board take up a vote tonight.

Mr. Green advised he did not feel comfortable committing to plans without knowing the location of the property line to the north.

Motion:

Mr. Jickling made a motion to table Case 21-23, Applicant and owner Robert and Kimberly Cossin to July 21, 2021, for new public notification. Mr. Borg supported the motion and it carried with 5 yes votes. Mr. Green-yes, Mr. Eichinger-no, Mr. Raimondo-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Gerathy-yes.

OLD BUSINESS:

1. CASE NUMBER: 21-19 *Adjourned from earlier in evening*
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 stated that a new plot plan and photo of the proposed fence had been received. He stated that the case was tabled from May 19, 2021 and June 2, 2021.

Discussion from the Applicant:

Ms. Quigley was present. Ms. Quigley stated that she is on a corner lot and needs the fence to keep in a large dog and for privacy.

Discussion from the Public:

There was no public comment.

Discussion from the Board:

Mr. Eichinger stated he observed 23 or more properties in the Seven Harbors community that had property fences along Beaumont. Mr. Borg pointed out that those fences could have been constructed prior to current zoning.

Mr. Green stated that he could not see the practical difficulty. He felt that the main reason was for the dog. Mr. Jickling questioned why a 4-foot fence, or an invisible fence would not work for restraining the dog. Ms. Quigley responded that kids cut through the yard, and she wants to keep them away from the dog. Mr. Jickling felt that a 4-foot fence would prohibit cut throughs. Mr. Jickling and Mr. Borg questioned the height of the deck and observed that the fence would only be a few feet above the deck.

Mr. Jickling had concerns that the variance request was of a personal nature.

Mr. Green asked how this request is different from other corner lots. Mrs. Burkhart commented that this lot is narrower than most corner lots and the home is very close to the lot line.

Mr. Raimondo offered the following facts and findings.

- The lot is substandard in area and width and would not be developed under modern regulations.
- The lot has two front yards.
- The applicant is not planning on removing mature trees.
- Decorative 4 feet fence is permitted.

Ms. Quigley was not present for the meeting introduction. Mrs. Burkhart reminded the applicant that 4 affirmative votes are required to approve a variance.

Motion:

Mr. Green made a motion in Case 21-19, Applicant Emily Quigley, Parcel number 11-12-476-012, 3349 Highland Ct., to grant a variance from Section 8.09 to allow a six-foot fence in the front yard per plans submitted. Mr. Borg supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Eichinger-no, Mr. Raimondo-no, Mr. Borg-yes, Mr. Jickling-no, Mr. Gerathy-yes (3 yes votes, 3 no votes). The motion failed.

Mr. Jickling made a motion in Case 21-19, Applicant Emily Quigley, Parcel number 11-12-475-012, 3349 Highland Ct., to deny a variance from Section 8.09 to allow a six-foot fence in the front yard. Mr. Green supported the motion. Roll Call Vote: Eichinger-yes, Green-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Borg-yes, Mr. Gerathy-yes (6 yes votes). The motion

passed and the variance was denied.

Minutes:

Mr. Borg made a motion to approve the minutes of June 2, 2021, as corrected. Mr. Jickling supported the motion. Roll Call Vote: Mr. Green-yes, Mr. Eichinger-yes, Mr. Raimondo-yes, Mr. Jickling-yes, Mr. Borg-yes, Mr. Gerathy-yes (6 yes votes).

Adjourn

At 8:45 p.m., Mr. Green made a motion to adjourn the meeting. Mr. Borg supported the motion and it passed with a unanimous roll call vote.

Respectfully submitted,

Anthony Raimondo, Secretary
AR/lgb