

CHARTER TOWNSHIP OF HIGHLAND  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
JULY 21, 2021

---

This meeting was held at 209 N. John St., Highland, Michigan.

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

Elizabeth Corwin – Planning Director

Visitors: 18

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

**OLD BUSINESS:**

1. CASE NUMBER: 21-21 *Tabled from June 02,2021*  
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.

Mr. Gerathy introduced Case 21-21 for variances for a home and garage addition at 3083 Lake. This case was tabled at the meeting of June 2, 2021, to allow time for the applicant to present revised plans. Since the applicant was not present, it was agreed to take the agenda out of order to provide the applicant time to appear.

- 
2. CASE NUMBER: 21-23 *Tabled from June 15, 2021*  
COMPLAINT #:  
ZONING: LV – Lake & Village Residential District  
PARCEL #: 11-13-402-013  
PROPERTY ADDRESS: 1835 La Salle Blvd  
APPLICANT: Kimberly Dawn Cossin  
OWNER: Robert Lee and Kimberly Dawn Cossin  
VARIANCE REQUESTED: A 16.3-foot front yard setback variance from 35 feet required to 18.7 feet provided (Section 9.02.B.a) This variance is for a covered porch addition.  
An 8.9-foot front yard setback variance from 35 feet required to 26.1 feet provided (Section 9.02.B.a) This variance is for an unattached garage.  
A 0.9-foot side yard setback from 5 feet required to 4.1 foot provided (north lot line) (Section 9.02.B.b.a)  
A 11.9-foot side yard setback variance from total 20 feet required to 9.1 feet provided (Section 9.02.B.b.a)  
This variance is for a reduction in the side yard setback for an unattached garage.

Mr. Gerathy introduced Case 21-23 for variances for a covered porch and an unattached garage at 1835 LaSalle Boulevard. This case was tabled at the June 16, 2021, meeting to correct the variance request due to new survey information that had come to light after the application was submitted.

**Discussion from the Applicant:**

Kimberly Cossin and spouse, Robert Cossin present. Robert Cossin apologized for the error in measurements. He has received the certified survey and acknowledges the fence on the north property line infringes on the common property for the subdivision. He has sited the garage to leave enough space to allow for equipment to enter the rear of the property for possible improvements in the future.

**Discussion from the Public:**

Julie Richardson, 3126 Lake Drive, asks that the applicant to acknowledge the fence and seawall existing encroachment and commit to correcting it if ever reconstructed.

**Discussion from the Board:**

Mr. Hoffman viewed the property, no issues with the proposed request.

Mr. Borg stated that the location of the septic field limits the placement of the garage. Also, he reminded the applicant that the shed is to be removed. Applicant agreed

Mr. Raimondo stated that granting relief does not alter the character of the community. Mr. Gerathy agreed.

Mr. Eichinger asked for clarification of plans for the current driveway. Mr. Cossin explained it will be removed and new concrete will be installed from La Salle Boulevard to the garage at the same elevation

as the existing driveway.

**Motion:**

Mr. Borg offered a motion in Case 21-23, Applicant Kimberly Cossin, 1835 La Salle Blvd, Parcel 11-13-402-013 to grant the following variances based on the facts and findings previously stated with the condition of removing the shed upon completion of the garage. Thus, the following variances are to be granted:

a 16.3-foot front yard setback variance from 35 feet required to 18.7 feet provided (Section 9.02.B.a) for a covered porch addition, a 8.9-foot front yard setback variance from 35 feet required to 26.1 feet provided (Section 9.02.B.a) for an unattached garage, a 0.9-foot side yard setback from 5 feet required to 4.1 foot provided (north lot line) (Section 9.02.B.b.a) and a 11.9-foot side yard setback variance from total 20 feet required to 9.1 feet provided (Section 9.02.B.b.a) for a reduction in the side yard setback for an unattached garage. Mr. Eichinger supported the motion.

Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). The motion passed and the variance was granted.

Mr. Hoffman offered a motion to prepare a final decision form for the secretary's signature so that the applicant could proceed with building permits rather than wait two weeks for approved minutes. Mr. Borg supported the motion.

Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-yes, Mr. Eichinger-yes, Mr. Green-yes, Mr. Gerathy-yes (7 yes votes). The motion passed and the applicant can submit the request for the building permit on July 26, 2021, once the Final Determination Letter is signed.

1. CASE NUMBER: 21-21 *Tabled from June 02,2021 and earlier in this meeting*  
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.

The chairman recalled Agenda Item #1, Case 21-21 for consideration. Mr. Gerathy noted that the applicant, Mr. Gibbard was still not present. The applicant had not notified the Board that he would be absent or requested a postponement. Ms. Corwin attempted to contact the applicant by phone but received no answer.

Mr. Hoffman noted that there have been no changes to the previous request. He suggested that public comment should be accepted since many neighbors were present.

**Discussion from the Public:**

Scott Bower, 3131 Lake Drive, noted that at the prior meeting was via Zoom, the applicant agreed to submit a revised plan.

Frank Simson, 3075 Lake Drive, voiced his opinion that the applicant has not demonstrated compliance with the standards of approval identified in the ordinance nor proved a practical difficulty. He further characterized the proposal as a “want” as opposed to “need”. He thought the project would hamper emergency services due to its proximity to the street and the lack of parking on the site.

Rachelle McCrum, 1814 La Salle Blvd, applicant did not comply with request for a new plan. Concern with future encroachments and setting a precedent for Highland Township.

Julia Richardson, 3216 Lake Drive, read letter from Alma Jackson, past president of the Homeowners Association (HOA). She believed the short driveway will causes conflict. Ms. Richardson also provided petition with 24 signatures from neighbors, representing 14 households expressing opposition to the request.

Pam Bower, 3131 Lake Drive, believed the size of the addition will lower value of adjacent properties. She thought the interior space could be remodeled to accommodate the needs of the disabled son. She was strongly opposed to this variance request.

Rick Walker, 3172 Lake Drive, thought the applicant could convert his garage and go without a garage.

Barb Covell, 1765 Valley Drive, was concerned about parking. With no practical parking on site for the residents or the guests, they will use the Common Areas. Construction traffic will create special problems with congestion and present obstacles. She was concerned about this one homeowner converting public space to his own private use.

Mr. Gerathy states the applicant has been given plenty of time to arrive.

Letters entered into record:

- Signatures on petition, LaSalle Gardens Subdivision
- 3075 Lake Drive, Frank Simson
- 1814 LaSalle Blvd, Rachelle and Christopher McCrum
- 3126 Lake Dr, Julia Richardson

Close public hearing at 8:02pm

**Discussion from the Board:**

Mr. Jickling noted that this variance request is clearly for personal reasons, analogous to my wife having triplets and I need more room. It’s time to call a realtor.

Mr. Green reminded the audience that subdivision bylaws are a personal contract. Misuse of the

common space is not something the Board has control over. However, this proposal is just too much for the property, particularly how it may interfere with emergency services.

Mr. Raimondo stated that he is not opposed to the side setbacks, but is opposed to the front yard setbacks, which will alter the character of the community.

**Facts and Findings:**

- The applicant has not proven practical difficulty nor presented design alternatives as promised.
- The proposed project does not represent the minimum variances necessary.
- The reasons offered for the variance request are of a personal nature.
- The bulk and scale of the project may alter character of the community, particularly due to the appropriation of common areas for private parking for this address.
- The public has expressed serious safety concerns with an impact to emergency services.

Mr. Raimondo offered a motion to deny the variance requests for Case 21-21, parcel 11-13-403-003, commonly known as 3083 Lake based on the facts and findings expressed earlier including 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); and a 32.1-foot front yard setback variance from 37.5 calculated to 5.4 feet provided (9.02.B.A). These variances are for a 1.5 story house and garage addition. Mr. Borg provided support for the motion, clarifying that a yes vote is for denial.

Roll Call Vote: Mr. Hoffman-yes, Mr. Borg-yes, Mr. Jickling-yes, Mr. Raimondo-no, Mr. Eichinger-yes, Mr. Green-yes, Mr. Gerathy-yes (6 yes votes/1 no vote). The motion passed and the variance has been denied.

**MINUTES:**

Mr. Borg offered a motion to approve the minutes of July 7<sup>th</sup>, 2021, as corrected. Mr. Hoffman supported the motion which carried by voice vote.

**DISCUSSION:**

Mr. Gerathy opened a discussion of the by-laws, which were last approved in September 2009.

- Mr. Jickling suggested that there should be a better direction regarding variance requests that are of a personal nature, such as the home addition proposed earlier this evening to accommodate barrier free access. Admittedly, this might not be a matter for the bylaws. Ms. Corwin assured the Board that this was typically discussed with applicants at the counter. She suggested perhaps staff could beef up the written explanation in the application materials.
- Mr. Jickling asked for clarification of the limit of four consecutive absences resulting in expulsion from the Board, unless previously arranged. He noted his intention is to be in the Florida Keys in Jan/Feb 2022 and will be absent. The Board discussed the importance of alternates, who would sit in during excused absences. There are currently no alternates sworn in, although Mr. Elwood served in that capacity recently. The Board questioned whether it might be appropriate to include Mr. Beach, who served the ZBA for many years and currently serves on the Planning Commission.

- Mr. Jickling asked about Township issued identification for required site visits. Mr. Raimondo noted that he will take pictures at a future meeting. Mr. Borg suggested Board members make a practice of knocking on the door to alert the occupant of your presence on site visits.
- Mr. Raimondo suggested clarifying language regarding tie votes, which would require alternate motions be offered until the Board passes a motion with a majority
- Mr. Raimondo suggested that language be changed to allow any authorized representative to sign the Final Decision of ZBA and final Approval of the Minutes (Chairman, Vice-Chair, Secretary.)
- Mr. Raimondo suggested language that in the event the ZBA cannot meet in person due to emergency order, actions or regulations, the meeting will be conducted in a virtual forum, and the basic rules of the ZBA will apply.
- He also suggested that written communication should include email/written letter and/or fax.

Staff will develop a draft incorporating these comments and present for further review and approval at a future meeting.

**Adjourn**

Mr. Green moved to adjourn the meeting at 8:45 p.m. Mr. Borg supported the motion and it carried with a unanimous voice vote.

Respectfully submitted,

Anthony Raimondo,  
Secretary AR/ejc