



City of Highland

Building and Zoning

Combined Planning & Zoning Board Agenda Virtual Meeting Minutes May 6, 2020 7:00 P.M.

1. Call to Order
2. Roll Call
CPZB Members – Present – Chairperson Brad Korte, Al Stoecklin, Bob Vance, Shirley Lodes, Deanna Harlan, and Anthony Walker
CPZB Members – Absent – Bill Koehnemann
Staff – Breann Speraneo, Mike McGinley, and Kim Kilcauski
3. General Business:
Approval of the April 1, 2020 Minutes
Motion to approve the minutes as written made by Deanna Harlan, seconded by Anthony Walker – 6 Ayes, 0 Nays. Motion approved.
4. Public Comment Section
Persons who wish to address the Combined Planning and Zoning Board regarding items not on the agenda may do so at this time. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney. Any presentation is for informational purposes only. No action will be taken.
Chairperson Korte opened the Public Comment Section. There were no comments. The Public Comment Section was closed.
5. Public Hearings and Items Listed on the Agenda
Persons wishing to address the Combined Planning and Zoning Board regarding items on the agenda may do so after the Chairperson opens the agenda item for public hearing or for public comment. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney.
Chairperson Korte reviewed the process and administered the witness oath to the applicant.
6. New Business
 - a) David & Gina Callahan (1701 Olive Street) are requesting an accessory structure (shed) to be 2'9" from the principal structure at 1701 Olive Street. (PIN#01-2-24-05-16-404-001)
 - b) David & Gina Callahan (1701 Olive Street) are requesting an accessory structure (shed) to be 1'6" from an accessory structure (detached garage) at 1701 Olive Street. (PIN #01-2-24-05-16-404-001)
 - c) David & Gina Callahan (1701 Olive Street) are requesting 31% lot coverage to allow for an accessory structure (shed) at 1701 Olive Street. (PIN #01-2-24-05-16-404-001)**Chairperson Korte opened the hearing. Breann Speraneo presented the staff report that included the three variance requests for the shed at 1701 Olive Street. Breann stated that Staff recognized the need for a variance after the shed was purchased, in place and visible**



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from the right-of-way. She added that the applicant had a smaller shed in place at the same location prior to the purchase of the new shed. The former shed likely would have also required a variance. Breann Speraneo noted Section 90-73 of the City of Highland Municipal Code (5) No accessory structure shall: a.) Be built closer than ten feet from the principal building, nor closer than five feet from any other building on the lot. Also, Section 90-125 of the City of Highland Municipal Code includes R-1-D Maximum Lot Coverage: 30%. The zoning of the surrounding properties of 1701 Olive Street is R-1-D. Breann Speraneo presented the standards for review of variances and staff discussion. The first variance request that the accessory structure (shed) be 2'9" from the principal structure rather than the required 10' is 7'3" closer to the home than the code allows. The second variance request that the accessory structure (shed) be 1'6" from an accessory structure (detached garage) rather than the required 5' is 3'6" closer to another accessory structure than the code allows. Regarding the first two variance requests, the setback requirements help prevent overcrowding, provide for open space and privacy and lessen the risk of fire. The third variance requests a 31% lot coverage to allow for an accessory structure (shed) rather than the maximum 30%. Breann stated that Staff has no concerns with lot coverage. 1% is not enough to cause safety or development concerns, and many lots within City limits slightly exceed maximum lot coverage. Breann added that overall Staff does not typically recommend reducing setback requirements this much to allow for a structure that is not directly essential to the property. It should be noted that the structure is already purchased and, if the board does not grant the three variances, the property owner would have 30 days to relocate the accessory structure. Due to the lot size, there is not another suitable spot for the shed, so it would likely need to be moved off of the property.

Breann Speraneo asked if there were any questions. The board did not have any questions. Chairperson Korte asked if the applicant had any comments. David Callahan added that there had previously been a shed on the site, but the new one looks a lot better. There were no further comments. Chairperson Korte closed the public hearing on item A and asked for a motion to approve the item. Bob Vance made a motion to approve and Anthony Walker seconded the motion. Chairperson Korte asked for discussion. Chairperson Korte asked if staff had something to add. Breann Speraneo noted that a concern had been brought up that the structure was too close to the electric meter. She stated that she then asked Dan Cook, Director of Light and Power, to conduct a site visit at 1701 Olive Street. Breann Speraneo read Dan Cook's email response following the site visit at 1701 Olive Street into the minutes. The email was sent at 4PM on Wednesday, May 6th.

Breann: Per the request that you relayed to me from the Combined Planning and Zoning Board, I visited 1701 Olive to investigate the meter access in relation to the shed that was recently installed at that property. I measured 32" between the house structure upon which the meter base is attached and the shed wall. The meter and the base extend approximately 9" beyond the house surface. That said, the distance between the base of the meter and the shed wall is only 23". Per NEC, Article 110.26 entitled Phases about Electrical Equipment the required clearance in front of the meter should be at a minimum of 36". Therefore, I must conclude that something needs to move to allow that the situation meet electric code as the current



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installation configuration impairs the basic examination, adjustment and servicing or maintenance of the meter. Regards, Dan Cook – Director of Light and Power

Chairperson Korte added that the National Electric Code (NEC) has the guidelines mentioned in the email and they are not just the City's guidelines. Breann Speraneo stated that all cities are required to adhere to the NEC codes. Chairperson Korte stated that the board may be stuck as far as meeting the National Electric Code. He asked the board to consider voting or tabling it to see if the problem could be solved. Chairperson Korte said that he thought the board would be acting imprudently if they were to move on with this with a known violation of the National Electric Code. Shirley Lodes stated that the more she looked at the requests the dimensions were set for a reason and asking for a variance as great as the first two requests seems a little much. Chairperson Korte stated if there were no other motions, then there would be a vote. Deanna Harlan made a motion to table item A to see if there is another option, seconded by Al Stoecklin – 6 Ayes, 0 Nays. Motion to table item A approved.

Chairperson Korte said that by tabling item A the petitioner had an opportunity to see if this could be rectified. He added that the comments made before the motion are something that the petitioner needs to take into consideration. Chairperson Korte noted that it is the board's obligation to hear the other two requests and act on them.

Chairperson Korte asked if there was further discussion on item B. Breann Speraneo asked for clarification. She said her assumption would be that by tabling the items if the electric issue could be reconciled then the three variances would be considered. Chairperson Korte said that was the point with what Shirley Lodes had mentioned about the variance requests being a stretch with having such close dimensions. He added that the board would want to say that these are without precedence and not setting a precedence, but if the board goes down that road then we are opening ourselves up. Chairperson Korte agreed that the lot coverage is not the issue, but closeness of the structures on the property is the issue. Chairperson Korte stated that it seems like the discussion has been reopened on item A. He said the dimensions are really close. Deanna Harlan expressed concern with regards to setting a precedence without discussing the other issues happening in the same neighborhood. Mike McGinley asked if the issue was an electric code issue versus the other issues that are being proposed. He also asked if the board was suggesting that the owner should fix the electric issue and then the variances would be allowed. Mike McGinley said that the board may want to give the applicant a little more direction or possibly have a little more of an in depth discussion because if the issue is remedied or the shed moved and then it is still not going to carry, then the applicant may do it all for nothing. He suggested discussing it fully, before tabling the item for another month.

Chairperson Korte asked for a motion to place item A back on the table. Shirley Lodes made the motion, seconded by Anthony Walker – 6 Ayes, 0 Nays. Motion to put item A back on the table approved.

Chairperson Korte reopened the discussion on item A. He added that with further discussion they could hopefully give the homeowner some direction. David Callahan addressed the



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board suggesting that he turn the shed and be within 8' of house and the same distance as proposed in the variance request from the garage, which would eliminate the power problem. Chairperson Korte said that the applicant would still have only a 1'6" separation. David Callahan agreed, but stated the shed would be further away from the house. He said it would be better on the one side only. David Callahan added that if there is not a solution, then he has to get rid of the shed off of his property. Chairperson Korte stated that the board's discussion was whether or not to allow less than 2' variances. Bob Vance asked for the dimensions of the shed. David Callahan stated the shed was 12'x16'. Breann Speraneo said staff typically would support 8' rather than 10' from the property line and would not be concerned with a 2' variance, but she understands there are other variances to be considered. Chairperson Korte asked if there was further discussion. Anthony Walker asked about rotating the shed and the dimensions between the shed and the house. David Callahan responded that there is approximately 21' between the house and the garage, 1'6" between the garage and the shed, leaving almost 8'. Shirley Lodes asked for clarification and the figure is about 5'6" and not almost 8'. David Callahan apologized and agreed. Bob Vance asked whether it was possible to turn and move the shed so instead of 1'6" from the garage it is 3' from the garage and about 6' from the house. Shirley Lodes said the numbers didn't add up. Mike McGinley commented that he had lived in that neighborhood. He thanked David Callahan for mowing the yard over the years and that the new shed definitely looks nicer than the old one. David Callahan acknowledged the comments and stated that he was just trying to improve the property value. Bob Vance stated that from the street the shed looked really close to both structures that were already there. Chairperson Korte asked David Callahan if the shed would be in front of his door to the garage if it were turned. David Callahan responded that the garage is 24' wide and the shed would not block the door. Deanna Harlan requested that Breann Speraneo put the picture of the three structures back on the screen. Breann Speraneo asked for verification that if the shed were turned that it would be 36" from the electric meter. David Callahan responded that it would be. Bob Vance asked how the doors to the shed opened. David Callahan responded that they currently open toward Lindenthal; however, he could change the doors if need be. Bob Vance also asked if there would be room to get things out of the shed. David Callahan replied that there would be room. Shirley Lodes asked if the shed were turned facing west flush against garage and a variance requested would there be 9' between the shed and the house. David Callahan responded that would be correct. Shirley Lodes said that she still had safety concerns and the NEC requirements are for a reason. She also noted that this would set a precedence. Chairperson Korte agreed that it was a huge concern that the next person comes along and wants to put their whole garage that close to the house. He added that the board wants to accommodate where they can because a new structure is always better than an old structure. Chairperson Korte noted that the current shed being discussed is a temporary structure. David Callahan confirmed that the shed is portable and on skids. Mike McGinley said as for a precedence goes the temporary nature of the shed helps the applicant. He continued by adding that if anyone came to the board and wanted to put a permanent structure remotely this close to the primary structure it would probably be a non-starter with the board. Mike McGinley mentioned the temporary aspect of this shed and the unique lot layout in the old part of town. He said that setting a precedence with a portable shed is less concerning as with a permanent structure for the record. Shirley Lodes asked the dimension of the lot. Anthony



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Walker asked if this were a request for an addition to the accessory structure garage the board wouldn't be talking about the separation between the temporary structure and the garage. He said it is tight to the back of the garage, but he would be most concerned over the distance from the shed to the habitable structure. Anthony Walker said if the distance between the shed and the house can be resolved, then he will be less concerned. Breann Speraneo stated that the dimension of the lot on Madison County GIS is 50' x 140'. She said all variances should be taken seriously. She said that she agreed with Anthony Walker that typically the primary structure is the main concern and this being a temporary structure does ease her mind a bit and wouldn't be setting quite a precedence, but she acknowledged the serious concerns. Chairperson Korte stated that Anthony Walker's point was well taken. He said if it were not a portable and principal structure that would be different. He suggested the board move on and amend the motion to allow the petitioner to turn the building so the doors face west giving them 9' instead of 2'9" from the principal structure if the shed is butted up to the garage. David Callahan said that he would probably have to keep the shed 6" to 8" from the garage for the power supply that comes in behind there and a piece of conduit.

Chairperson Korte asked for a motion to amend item A to permit the structure to be 8' from the primary structure rather than the required 10'. Motion made by Deanna Harlan, seconded by Anthony Walker – 6 Ayes, 0 Nays. Motion approved to amend the original motion for item A.

Chairperson Korte asked for a vote on the original motion as amended for item A. 6 Ayes, 0 Nays. Motion approved.

Chairperson Korte asked for clarification that item B needed to be amended from 1'6" to 1'. Mike McGinley confirmed. Chairperson Korte asked for a motion on the original request of item B. Motion made by Bob Vance, seconded by Al Stoecklin. Chairperson Korte asked if there were any comments. Hearing none, Chairperson Korte asked for a request to amend the original motion to say that the accessory structure will be 1' from the accessory structure (detached garage) at 1701 Olive. Motion made by Shirley Lodes, seconded by Deanna Harlan – 6 Ayes, 0 Nays. Motion approved to amend the original motion for item B.

Chairperson Korte asked for a vote on the original motion as amended for item B. 6 Ayes, 0 Nays. Motion approved.

Chairperson Korte closed public hearing on item C. He asked for a motion to approve the 31% lot coverage. Motion made by Bob Vance, seconded by Al Stoecklin. Chairperson Korte asked if there was further discussion. He added that when we do things around our home we have to be careful that we follow all the rules with regards to structures. Chairperson Korte asked for a vote on item C. 6 Ayes, 0 Nays. Motion approved.

Shirley Lodes asked if the code differentiated between an accessory structure that is permanent like a garage or shed with a foundation as opposed to a temporary structure like a shed that comes in on skids. Breann Speraneo responded that the building code does differentiate; however, the zoning code does not. Shirley Lodes suggested that zoning code



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may need to be cleaned up. Breann Speraneo said that when the setbacks were re-evaluated the differentiation was considered, but it may be a slippery slope the more that you distinguish. She said there are parameters in place, but she could take a look again if the board would like. Chairperson Korte said that he is concerned about what keeps the sheds from flying everywhere in a tornado. Breann Speraneo responded that when it comes to building codes the differentiation is important when you are digging versus putting a structure on a lot. She said zoning codes mostly looks above ground and the structures take the same amount of space so the issue is when you separate too much it becomes deregulated and then you have quite a zoning conundrum. Shirley Lodes clarified that Chairperson Korte was asking if there were any kind of rules about securing the structures. Chairperson Korte confirmed. Breann Speraneo stated that the building codes address that, homeowners are also required to adhere to the manufacturer's guidelines and when appropriate the City's building inspectors will require additional measures. Anthony Walker asked if homeowners are required to get permits for sheds. Breann Speraneo stated that a limited building permit is required for sheds over 200 square feet and if the structure is under 200 square feet, then a zoning compliance application is required. Breann Speraneo stated that the City tries to enforce the codes the best we can.

Breann Speraneo thanked David Callahan for participating in the meeting. She stated that he would have 30 days to turn the shed and she would send an official letter.

7. Calendar
 - a) June 3, 2020– Combined Planning and Zoning Board Meeting
Breann Speraneo stated that the CPZB meeting in June would be a virtual meeting. She also noted that there was only one item on the June agenda which is a variance for a shed.
 - b) Adjournment – **7:57PM**