

Estral Beach ZBA Meeting March 16, 2022

Meeting held at the Village Hall 7194 Lakeview, Estral Beach

Meeting called to order by Bill Smereka @ 6:02 p.m.

Pledge of Allegiance

PRESENT

- Bill Smereka – Chair
- Elayne Petrucci – Vice Chair
- Madonna Burkit - Secretary (abbreviated Sec'y)
- Ben Nietubicz
- Steve Chapman

PLEDGE OF ALLEGIANCE

Bill Smereka moved to approve the November 2021 minutes, Madonna Burkit Seconded, Motion carried approving the minutes.

CALL TO ORDER: Discussion Roberts Rule of Order, speaker must be recognized by chair, people within 300 feet of variance are asked to speak first, one person at a time, specifically on what part of the variance is discussed with a 3 minute limit, discuss issues and not personalities.

Individuals signed in to speak: Michelle Emmerich, Dave Emmerich, Bernie Ciupek, Greg Braunlich, Craig Borowski, Seth Borowski, Chris Anglin, David Millar, Joe Ciupak, Shelly Bowles

- **COMMUNICATIONS READ:** Kenneth Evanoff, Pam Knierim, Kelly & Gary Bogdanski

NEW BUSINESS:

- Variance Request by Danny and Beth Ann Swindle to erect a house on an empty lot in the 7500 block of Lakeshore Drive is presented with copies of documentation provided.
- Property Owner Danny Swindle invited to discuss the project: 5-foot front variance requested, height in revised 1031 to 32' is requested, does not wish to incur cost of additional survey or plans until there is clarity and approval of requested variances outlining the footprint to build.
- ZBA Questions to property owners of project:
 - Ben Nietubicz asks Fire Chief Dave Millar is 32' height is appropriate as outlined in the updated 1031 (not yet approved/voted) however, the 32' is not the peak. Chief Millar outlined the difficulty of getting fire vehicle equipment to the property and the danger of blocking the road where no one may exit. Sprinklers in tall homes are an option. Chief

Millar discussed the possible implications of an ISO audit which could impact insurance rates.

- Madonna Questioned 32', Chief Millar discussed the 32' is the peak and not the soffit.
- Madonna asked Chief Millar the process of an ISO audit. Chief Millar discussed all the hydrants, paperwork, response time. If blockages are an issue this is included in his ISO report.
- Madonna asked Chief Millar if Chief Millar was involved with the EB Planning Commission establishing the 32' limit in the updated 1031 which is not yet approved. Chief replied that was part of his input including setbacks.
- Bill Smereka asked Chief the percentage of houses that are closer than 25' currently. Chief replied 4 that he can think of built in the 30's or decades ago.

AUDIENCE PARTICIPATION: Limited to 3 minutes each person

Question from unidentified audience member asked about the 32' height limit. It was explained the 32' is for any construction in the updated 1031 that the village attorney approved but has not yet been voted on.

Another unidentified audience member volunteered that technically the updated 1031 is not approved by the village attorney and there are currently changes being made including the 32' height maximum limit.

Anne Borowski asked to be recognized and read her communication letter protesting the variance. Craig Borowski stepped up and read his communication letter protesting the variance and the ZBA.

Elayne Petrucci explained the ZBA will be as fair as possible with no predetermined decisions. Ms. Petrucci explained the reasoning for ZBA appeals that a person has reasonable use of their land. Reading from the ZBA book, if some has property with exceptional or extraordinary circumstances inherent to the property and not generally applied to nearby property. Ms. Petrucci repeated this comment throughout the meeting during various debates.

Audience members, without being recognized by the Chair, call out their desire for fairness and activities in the past they have disagreed with and calling out fairness, profit, greed not keeping focus on the existing variance request details but on personal opinion.

Greg Braunlich argued the requested variance from the applicant does not own the 75' lot as described but only a 50' lot and the variance request is not valid until the add'l property is purchased.

An audience member called out personal remarks and Madonna Burkit called Point of Order to remain civil without personal remarks or individuals would be asked to leave. This theme was repeated several times throughout the meeting.

Bernie Ciupak asked to speak bringing concern for a set plan without a site plan by a surveyor and that the variance should start with the Building Department.

Danny Swindle discussed wanting to request a variance to see what he is able to build with setbacks and dimensions.

Madonna called Point of Order as discussion got out of hand.

Anne Borowski stated that in order for a variance request to go forward the plan first must go through the building department.

Dan Swindle remarked he did go through the building department.

Further back and forth discussion on the permit. Madonna Burkit advised there is a zoning permit issued by the Building Department and Mr. Swindle did initially go through the building department.

Chris Anglin gave support of the project and going through the process discussing the setbacks and concerns. Chris asked the ZBA to not be influenced by others not in support of this project and to continue objectively also pointing out non-permit structures on adjacent properties.

ZBA Board member, Ben Nietubicz, pointed out the reason for a ZBA to keep relative conformity.

Further call out with conjecture, disagreement, dialogue, and arguments not keeping on target with the existing variance. Dialogue over building and safety.

Chair B. Smereka called on a resident in the back who asked how a variance can be applied for when the purchase of additional 25' of property has not yet been completed also complaining of fairness from past experiences and safety concerns.

Bernie Ciupak was recognized speaking about process.

Further discussion is asking for a building plan.

ZBA members discussion for further information such as a more detailed site plan and table the variance.

Danny Swindle briefly discussed the 1031 ordinance, setbacks, and nonconforming lots and his reasoning for applying for the variance.

ZBA Vice Chair, Elayne Petrucci, asked Dan Swindle the timeframe he may need for updated information.

Further call outs, argument, and out of order discussion.

Anne Borowski was recognized by the Chair to speak, Ms. Borowski spoke on the need for the Building Department to be involved in the variance.

Craig Borowski also spoke requesting blueprints and also making personal remarks against others.

ZBA Board Member Steve Chapman discussed the hypocrisy of Craig Borowski and others in the audience calling out past violations and activities and asking not to sling mud at each other. Heated discussions.

Madonna Burkit called Point of Order several times.

Another resident brought up the Access which had nothing to do with the reason for the meeting, old prejudices and frustrations were called out further discussing tenure and generations on Estral Beach.

Dave Millar intervened to bring order.

Greg Braunlich was recognized by the Chair saying he never received a letter from the ZBA also complaining that the notice was unreadable. Mr. Braunlich brought up that the lot existing is 4220 sq feet and should be 6000 sq feet and asking to keep with the 25' setback. Further discussion on concerns with the variance request.

Vice Chair Elayne made a motion to table the variance until we see three things: Property ownership, Blueprints* (i.e. rendering or drawing of footprint), and Site Plan in eight weeks May 11th to reconvene and will make allowance for extension if necessary. Motion Seconded by Ben Nietubicz, Motion carried.

ADJOURNMENT

Bill Smereka motion to adjourn at 7:23 pm, seconded by Madonna Burkit, Motion carried.

*Note: Blueprints are not required as the applicant is looking for approval of dimensions to build a house. However, a rendering or drawing of the exterior proposed building is requested.

Addendum - Estral Beach Council disbanded the ZBA after this meeting and prior to making any follow up or decisions. The ZBA did communicate with Council President that provided all procedures were properly followed the ZBA would approve the variance request.