

**Genoa Township
Zoning Board of Appeals
February 21, 2006
6:30 P.M.**

Minutes

Chairman Doug Brown called the regular meeting of the Zoning Board of appeals to order at 6:30 p.m. at the Genoa Township Hall. The Pledge of the Allegiance was then said. The following board members were present constituting a quorum for transaction of business: Doug Brown, Steve Wildman, Barbara Figurski, and Joe Perri. Also present was Township staff member Adam Van Tassell and approximately 16 persons in the audience.

Chairman Brown gave a brief introduction of the board members and on why the Zoning Board of Appeals exists.

Moved by Figurski, supported by Wildman, to approve the agenda as presented. Motion carried unanimously.

A call to the public was made for non agenda items with no response.

06-03...A request by John Freeman, Section 29, 3772 E. Coon Lake Road, for a side yard variance and a rear yard variance to construct an addition.

A call to the public was made with no response.

Moved by Perri, supported by Figurski, to grant petitioner's request in case #06-03 for side yard variance and a rear yard variance to construct an addition to the home. The north side variance is to be 20' with a setback of 20' and a northeast rear yard variance of 3' with a 57' setback to construct a 22' X 14' addition. The addition is to be guttered and the practical difficulty is the shape of the lot. **The motion carried unanimously.**

06-04...A request by Andrew Rice/Glen Flewelling, Section 5, 3780 E. Grand River, (Kentucky Fried Chicken) for a sign variance.

A call to the public was made with the following response: Mrs. Swift- 6530 Forest Beach Drive- why could the sign not be down sized to meet the ordinance. The granting of a sign that size would be distracting.

Moved by Perri, supported by Figurski, to deny petitioner's request of case #06-04 for a sign variance of height and an LED sign. The petitioner has demonstrated no practical difficulty. **The motion carried unanimously.**

06-05...A request by Greg Corbat, Section 22, 3668 Cresthill, is for a front yard variance to construct an addition.

A call to the public was made with no response.

Moved by Figurski, supported by Perri, to grant petitioner's request for a case #06-05, Greg Corbat at 3668 Cresthill, for a variance of 12' on the north side to build an attached 32' X 32' garage that is to be guttered. The practical difficulty is the size and shape of lot 39 and 40. **The motion carried unanimously.**

06-06...A request by Brian Smith, Section 22, 3986 Highcrest, for a waterfront variance to construct a new home and a front yard variance to construct a detached accessory structure.

A call to the public was made with the following response: Doug Milne- If this is important to the owner, why is he not here. What is the square footage of the home in the area and is this area septic or sewer? Mr. Bill Rice- I have lived there since 1955 and I am the next door neighbor. The home was in bad shape before Mr. Boland took over. He did some work to make it look nice and then it had a fire. When the LCRC paved the road, they moved it and lowered it by 5 feet. It messed everything up. I have no objection to what Mr. Boland is doing. You are limited with space in this area.

Moved by Perri, supported by Wildman, to grant the following petitioner's requests for case #06-06 for 3986 Highcrest:

- a. A waterfront variance of 11' with a setback of 76' with practical difficulty being the topography of the land which includes the hill and the slope. The home is to be guttered with proper drainage for the water. **The motion carried as follows: Ayes- Brown, Perri and Wildman. Nays- Figurski.**
- b. A variance to allow a 9' variance with a setback of 1' to construct a detached accessory structure. The practical difficulty is the topography of the land which includes the hill and the slope. The garage is to be guttered with proper drainage for the water. **The motion carried as follows: Ayes- Brown, Perri and Wildman. Nays- Figurski.**
- c. A variance amount of 76 sq. ft. of detached accessory structure square footage to include a total of 976 sq. ft. instead of the 900 sq. ft. allowed in the articles of the Zoning Ordinance. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel and the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant. **The motion carried as follows: Ayes- Brown, Perri and Wildman. Nays- Figurski.**

06-07...A request by Peter Young, Section 26, 4694 Baectke Lake Road, is for a side yard variance and a variance to construct a detached accessory structure in the front yard.

A call to the public was made with the following response: Chairman Brown read the following letter from Mr. Cousineau: 1.) What is stated purpose of the Subject - proposed accessory building? What assurances are the neighbors to receive that the use will be strictly Single Family Dwelling residential standards? Mr. Young is a self-employed carpenter who specializes in Pole Barn Building, what would prevent him from storing building materials, tools, vehicles etc. utilized in the pursuit of his commercial business. Per Sec 11.04.01L Accessory building shall NOT be used for any business profession, trade or occupation.

- 2.) Per Sec 11.0401C Detached accessory buildings shall NOT be erected in any front yard. How then can the home owner/builder proceed on this proposal?
- 3.) At the time Mr. Young was remodeling the Single Family Dwelling with attached 2 car garage the setbacks on the mortgage survey were drawn at 30 ft. dimension. How then can he ask for a 25 ft.offset from Side Lot Line on this structure? What is the advantage to the owner? Saving trees, reduction in gravel usage, minimizing obstructed view?
- 4.) Since we are in a Low Density Residential Area and no Pole Barns presently exist in this wooded and wetlands area, can Mr. Young start a precedent unique to the overall landscape and fit and proper use in this residential community?
- 5.) Because of the proposed location of pole barn relative to the topology of the land I am unclear about the elevation of the said structure relative to the House. Will the proposed Pole Barn sit high like the 2 story Dwelling or follow the contour of existing terrain presently some 20 ft. lower in elevation in the wooded/ wetland area? Will he be allowed to back-fill soil or begin footing as is? 14 -15 ft. above existing bog will become finished elevation?
- 6.) The proposed gravel driveway will run parallel to the Side Lot Line to allow entrance to the Pole Barn, but can any driveway pass over the top of an existing Septic tank and/or drain field below at rear of property?
- 7.) How many trees will also have to be removed in order to accommodate the proposed accessory building and change the beauty of this densely wooded and wetland type site?
- 8.) On mortgage survey at S.W. COR. LOT 36 there exists a gravel driveway. How can Mr. Young place gravel in this area when it is clearly NOT his property? Is it a verbal agreement with the true property owner of lot 35? a written agreement? on what authority?

Mrs. Swift- No one is representing the minister house. Mr. Swift- We are gathered here tonight because we are concerned about the property. It is classified as residential. We question if the trucks and equipment are coming in, who is going to help with the roads. I can see that we are going to have road problems. Three to four months out of the year, we have roads that are terrible and 8 months out of the year they are good. With new people coming in, are they going to help pay for the upkeep of the roads. There is a house that looks like a junk yard. This is a serious a problem. Doug Milne- There was another request in this neighborhood and it was denied. Mrs. Cousineau- I did not understand Mr. Young's description of the driveway. Mr. Cousineau-Why can't he be 60 feet instead of 25 feet from the side lot line.

Moved by Perri, supported by Figurski, to grant petitioner's request for case #06-07 for 4694 Baectke Lake Road, for a variance to construct a detached accessory structure in the front yard. The practical difficulty is the property borders Baectke Lake Road on two fronts. Petitioner has agreed to move accessory building to meet side yard setback requirements of the zoning ordinance. **The motion carried unanimously.**

Moved by Figurski, supported by Wildman, to approve the January 18, 2006 Zoning Board of Meeting minutes. **The motion carried unanimously.**

The meeting adjourned at 8:35 p.m.