

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 21, 2004**

MINUTES

Chairman Doug Brown called the regular meeting of the Zoning Board of Appeals to order at 7:00 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Barbara Figurski, Jean Ledford, Kevin Brady, Joe Perri and Doug Brown. Also present was Township Staff member Adam Van Tassel and approximately 11 persons in the audience.

Moved by Ledford, supported by Figurski, to approve the Agenda. Motion carried unanimously.

A call to the public was made with no response.

04-38...A request by Lorrie Beno, Section 3, 610 Pathway, for a front yard variance to construct an addition. (tabled 8-17-04)

A call to the public was made with the following response: Jeff Green -604 Pathway- I live next door and I have a question about ingress and egress. I have talked to Troy who owns lot 4 at the entrance of Pathway. It is my understanding that it is a private drive from the east. The only easement that exists is the sewer easement. Karen Green -604 Pathway- The only concern is the damage that will be done to the road other than that concern we have no objection to what she needs to do. Chairman Brown referred Mr. and Mrs. Green to talk to his neighbors about a road agreement.

Moved by Ledford, supported by Brady to grant petitioner's request for a 9 ½ foot variance to construct a second story addition for the same building envelope and a garage to a non conforming structure. The practical difficulty is the narrowness of the lot. The motion carried unanimously.

04-43...A request by Thomas Sweder, Section 22, 3823 Highcrest, for an amendment to the previous granted variance.

A call to the public was made with the following response: Brian Shelters-3829 Highcrest- We agree with you that the deck is too close to our property line. The deck is an invasion in privacy. The ignorance for the law is not an excuse. We went at our own expense to get a survey done. This deck is going to hinder what we can do with our property in the future. If they are allowed to have a deck off of the property line we should be allowed to also. Lynn Shelters- 3829 Highcrest- During the initial meeting we believed that you would protect the legal issue and there was no concern for us. I am surprised knowing now that they want the same size variance.

Moved by Perri, supported by Figurski, to grant a 3 foot variance for a 7 foot setback for case #04-43 for petitioner's at 3823 Highcrest for a second story deck. The practical difficulty is the access to the lake. It was stated that the present deck will be removed in 6 months before petitioner receives Certificate of Occupancy. The motion carried unanimously.

04-44...A request by Daniel Spagnoletti, Section 7, 2365 Chilson Meadows, for a side yard variance to construct a detached accessory structure.

A call to the public was made with no response.

Moved by Ledford, supported by Perri, to grant approval for a 12 foot side yard variance to construct a 1200 sq. ft. detached accessory structure. The practical difficulty is the location of the septic field to the left and rear also the severe drop to the rear of the property which backs up to I-96 thereby limiting the building area. Petitioner will add landscaping to the east side of accessory structure. The motion carried unanimously.

04-45...A request by John Nowicki, Section 22, Vacant Sharp Drive, for a waterfront variance to construct a new construction home.

A call to the public was made with the following response: Greg Davis- 5290 Sharp Drive- submitted a letter to the Board members with the following objections: A variance is not needed for this property. If you can put a 42 x 30 garage on the lot you can put a 40 x 70 house where the garage is. The bottom floor would be 40 x 40 and the main floor would be 40 x 70. If a variance is granted he could remove his garage and incorporate it into his house and thus have a house and garage on the point. Lake houses are supposed to be fairly equal distance from the lake with a split of the differences, between the houses on both sides. The original split was given by Genoa Township and then changed to accommodate a house so a variance would not be needed. I had to bring 3 plans when I got my variance. Before sewers came in, the Hannifords' wrote a letter that there should not be any more homes on that street. I can not see the house from the inside but out on my property I can and the Howes' will be able to see it also. If he is 80 feet back from the waters edge, there should not be an issue than. It is the Zoning Board's right to give a variance and determine a hardship but also look out for the existing property owners on the lake. When you go around the lake there are only a couple houses that stick way out and these are old grandfathered properties (summer cottage types) and keeping these lot lines is not consistant and looks terrible. From anywhere in the backyard or deck he is eliminating a large portion of the lake view, from houses on both sides. If a variance is granted he could remove his garage and incorporate it into his house (it is large enough) and thus have a house and garage on the point. I have no problem with a house going on the lot, I'm not ignorant of the fact that there is always progress, building and changes. The bottom line is, where is the hardship, to grant a variance of this magnitude.

Moved by Figurski, supported by Perri, to table case # 04-45 for up to 3 months per the petitioner's request. The motion carried unanimously.

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The meeting was adjourned at 9:00 p.m.

Respectfully submitted:

Amy Ruthig