

**ZONING BOARD OF APPEALS
SEPTEMBER 23, 2003
7:00 P.M.**

MINUTES

Vice chairperson Barbara Figurski called a 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 members of the Zoning Board of Appeals were present constituting a quorum for the transaction of business: Barbara Figurski, Jean Ledford, Doug Brown, Dean Tengel and Chris Hensick. Also present were Township Ordinance Enforcement Officer Adam Van Tassell and approximately about 25 persons in audience.

Moved by Figurski, supported By Ledford, to approve the Agenda as presented. The motion carried unanimously.

Vice Chairperson Figurski stepped down as acting chairperson turning the meeting over to staff member Adam Van Tassell for the purpose of electing a new chairperson for the Zoning Board of Appeals. Mr. Van Tassell received 2 nominations for chairperson: Doug Brown and Barbara Figurski. Figurski declined nomination. A vote of the board was called for nominations of Doug Brown for chairperson. The vote was unanimous. Staff member Van Tassell turned the meeting over to Chairperson Doug Brown.

03-37...A request by Chris Lander (Providence Steel), Section 5, 1200 Victory Drive, is for a sign variance to place two pole signs on one site.

A call to the public was made with no response.

Moved by Hensick, supported by Ledford, to deny the request for a second pole sign on the petitioner's site since no practical difficulty related with the land was presented. The motion carried unanimously.

03-38...A request by Jacobs and Sharp L.L.C., Section 22, 4078 Highcrest, is a side yard, front yard and waterfront variance to construct a new home.

A call to the public was made with no response.

Moved by Ledford, supported by Hensick to grant a 30-foot front yard variance, a 7.5-foot side yard variance and a 17-foot waterfront variance contingent upon the following: the existing house to be demolished, the shed at waterfront will be removed and the house will be completely gutted. The practical difficulty is the condition of the existing home and small lot size. The motion carried as follows: Ayes- Ledford, Brown, Tengel. Nays- Figurski and Hensick.

03-47...A request by Melissa Neal, Section 22, 4330 Highcrest, is for a side yard variance to construct a detached garage and an addition to existing structure.

A call to the public was made with the following response: Marilyn Jamieson, 4336 Highcrest, I live just south of the structure. I am concerned with the 5-foot setback to the side property line. It will seem like a wall next to my walkway. Why can't the new structure be placed in the required setback?

Moved by Tengal, supported by Ledford, to approve a 5-foot side yard variance for the primary structure and a 5-foot side yard variance for a detached garage contingent upon the following: No heat or plumbing will be hooked to the garage and the house and garage to be guttered. The practical difficulty is the slope of the lot and to maintain the existing structure. The motioned failed as follows: Ayes- Ledford, Tengal. Nays- Brown, Figurski, Hensick.

Moved by Hensick, supported by Figurski, to deny the variance for the garage and primary structure due to the proposed structure can be placed in the approved side yard setback. The motion carried unanimously.

03-53...A request by Mark Synder, Section 32, 5679 Richardson Road, for a variance to split property into nonconforming lots.

A call to the public was made with the following responses: Pam Rietsch (passed out a letter) is the legal guardian for Phil Sanford, 5733 Richardson, Mr. Sanford is the owner of the property located immediately to the south of the property. I am concerned that anything that is allowed tonight might affect a future split of Phil Sanford's land. This property has been split since he purchased it approximately 3 years ago, perhaps not legally but in essence with two residences being used that was a matter of fact. The barn was turned into a living residence for either family or renters since the sale of the property. There have been separate mailboxes for at least the last two years. There was a separate well drilled about two years ago. There was a separate propane tank brought in for this second residence. I am wondering if this property has for all intents and purposes been a two residence property, will the back taxes be paid on this property. I am also concerned that the driveway that is there was originally intended for the two land locked properties Phil owned when he put the driveway in. Will there be complications with extra use of the driveway and who will be responsible for said repair and upkeep of the driveway? Will Stoddard- 5787 Richardson Road, I have lived here since 1977 and this barn was never meant to be a residence and it was never rented out until it sold about 3 years ago, it was just meant to be a fancy workshop. Dave Hembre, - 5784 Richardson, I purchased a five-acre parcel here because it was zoned five-acres.

Moved by Hensick, Supported by Figurski, to deny petitioner's request to split property since no practical difficulty with the land was presented. The motioned carried as follows: Ayes- Brown, Figurski, Hensick, Ledford. Nay- Tengal.

03-54...A request by Charles Southwell, Section 10, 1124 Hughes Road, for a rear yard variance to construct an addition.

A call to the public was made with no response. Moved by Ledford, supported by Hensick, to approve the petitioner's request for a 14.5-foot rear yard variance to expand a nonconforming structure. The practical difficulty is the location of the existing structure, the lot size and also the property being considered a corner lot. The motion carried unanimously.

03-55...A request by Jeff and Melissa Lovell, Section 19, 3535 Kipling Circle, is for a side yard, rear yard, height and size variance to construct a detached accessory building.

A call to the public was made with the following response: Joseph Colone, I am president of the homeowners association. When purchasing the property Mr. Lovell was told by the realtor that a 30 X 40 accessory structure was allowed. The further back the barn is the better it is. If you look all through the back yards and putting the structure in the setback would block the view from all the houses. A letter was received from Denny Porto dated 9-23-03.

Moved by Ledford, supported by Figurski, to grant a 40-foot rear yard variance to construct an accessory structure. The practical difficulty is the severe slope of the property. The motion carried as follows: Ayes- Ledford, Brown, Tengel. Nays- Hensick, Figurski. Moved by Hensick, supported by Ledford, to deny the petitioner's request for a height variance to construct an accessory structure since no hardship or practical difficulty (related to the land) was presented. The motion carried unanimously. Moved by Hensick, supported by Figurski, to deny the size variance to construct an accessory structure since no practical difficulty with the land was presented by the petitioner. The motion carried unanimously. Moved by Figurski, supported by Ledford, to grant an 8-foot ease side yard variance to construct an accessory structure. The practical difficulty is the topography of the land. The motion carried as follows: Ayes- Ledford, Brown, Tengel. Nays- Hensick, Figurski.

03-56...A request by Mark 1 Restoration, Section 5, 1091 Victory Drive, is for a variance for the placement of the retaining wall within 25-foot of a wetland, a reduction of the setback to the front yard with a parking lot and a setback from the north side property line for the rear yard storage area.

A call to the public was made with the following responses: Michael Bartlett, I represent the owners of lots 15-17. I have no objection to the parking and the retaining wall. The questions that we have is the outdoor storage. What is going to be stored? We would also like to know what is going to be stored and would like to see screening between lot 17.

Moved by Hensick, supported by Figurski, to grant approval of a 20-foot parking variance in the front yard. The practical difficulty is the marsh and wetland characteristics of the property. The motion carried unanimously. Moved by Hensick, supported by Figurski, to grant a 20-foot variance for the wetlands to permit a 4-foot high concrete retaining wall depicted in the plans along the south side of the drive. The practical difficulty is the marsh and wetland characteristics of the property. The motion carried

unanimously. Moved by Ledford, supported by Tengal, to approve an 8-foot fence same as the fence located on the west side of the property, 8-feet from the north side property line or outside storage area whichever is greater. The practical difficulty is the extensive wetlands on the property. The motion carried unanimously.

03-57...A request by Nino Benedetti, Section 9, 1895 Nixon Road, is for a variance to split property into nonconforming lots.

A call to public was made with no response.

Moved by Figurski, supported by Ledford, to deny the petitioner's request to split the property since no hardship or practical difficulty related with the land was presented. The motion carried unanimously.

03-58...A request by Marion Kujawa, Section 10, 1080 Chemung Drive, is for a front yard and side yard variance to construct a new home and a side yard variance to construct a detached garage.

A call to the public was made with the following response: Don Sredzinski, 1064 Chemung Drive, I have a question regarding the ordinance. Would the setback from the property line include the overhang? Van Tassel- according to the Township ordinance it would allow for a 2-foot overhang. I do not agree with the square footage calculations. Building the garage with the slop of the grade is a major concern for me. The 10-foot setback I have no problem with, maybe push the garage further back into the grass area. Regarding lot 12, if he was worried about moving trees than he should move the house up on the property. The garage would be too close to my bushes that would not see any light and die. Best case would be centering the house on the lot or reduce it. Where is the fireplace, it is on the north side? I think that the house it too big for the property. Renee Jones, 1084 Chemung Drive, I called Detroit Edison and they said that they would not move the utility poles. In regards to the waterfront setbacks, his house would be in front of mine. It would block my view. Mark Jones, 1084 Chemung Drive, I wanted to make it known that a petition by the neighbors was turned in to the board.

Moved by Figurski, supported by Ledford, to table petition 03-38 per the petitioner's request. The motion carried unanimously.

03-59...A request by Michael Mack, Section 24, 3499 Bauer Road, is for a variance to split property into three nonconforming lots.

A call to the public was made with no response.

Moved by Hensick, supported by Ledford, to deny the petitioners request to split property since no practical difficulty related with the land was presented. The motion carried unanimously.

03-60...A request by Mark Prince, Section 15, 5864 Sterling Drive, is for a road right-of-way setback variance to install a sign.

A call to the public was made with no response.

Moved by Ledford, supported by Tengel, to grant a 6.5-foot variance from the road right-of-way to install a sign. The practical difficulty is there is no signage to identify Sterling Business Park and the 36 tenants. The motion carried unanimously.

03-61...A request by Coy and Jennifer Millsap, Section 3, 659 Red Oaks Drive, is for a front and rear yard variance to construct a new home.

A call to the public was made with no response.

Moved by Hensick, supported by Ledford, to grant a 6-foot front yard variance with a 29-foot setback and a 2.8-foot rear yard variance with a 37.4-foot setback for a new residence pursuant to the site plan given by the applicant and that the house is to be guttered. The practical difficulty is the lot configuration. The motion carried unanimously.

Moved by Figurski, supported by Ledford, to approve the August 19, 2003 regular meeting minutes of the board correcting pg 3, para 4 deleting "this". The corrected minutes were voted and approved unanimously with Brown abstaining.

The regular meeting of the Zoning Board of Appeals was adjourned at 12:02 a.m.