

**ZONING BOARD OF APPEALS
AUGUST 19, 2003
7:00 P.M.**

MINUTES

Chairman Rick Staley 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: Rick Staley, Barbara Figurski, Chris Hensick, Jean Ledford and Dean Tengel. Also present were Township Ordinance Enforcement Officer Adam VanTassell and approximately 50 persons in the audience.

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

03-37...A request by Providence Steel, Section 5, 1200 Victory Drive, for a sign variance to place two pole signs on one property.

Moved by Hensick, supported by Ledford, to table until the next regular meeting of the Zoning Board. The motion carried unanimously.

03-38...A request by Jacobs & Sharp LLC, Section 22, 4078 Highcrest, for a side yard variance, rear yard variance and waterfront variance to construct a new home.

A call to the public was made with the following response: John Jones – I own the northern island. I am concerned with the side access garage. We own the southern half of lot 78 (our shore lot) and park our vehicles there. Can the garage access from this lot be directly from the roadside? Hensick – This lot requires a much smaller structure and the home needs to be further from the property lines.

Moved by Figurski, supported by Hensick, to table until the petitioner can consider other options including a reduction in the size of the home. The motion carried unanimously.

03-46...A request by Mark Ouilette and Blythe Patterson, Section 6, 2160 Grand River, for a special use variance (Family Fun Center within 100 feet of residential district). This matter was denied at the July ZBA and is being reheard due to new information relating to the reasons for denial.

Hensick asked that he be excused from discussion of this petition since he was the council in the real estate transaction on behalf of this petitioner. Hensick was excused.

Letters of support were received from Torie Casson, Angus Miler, Healthy Livingston and Nancy J. Merdzinski. Letters of objection were received from Barb Troe, Susan and Kevin Funke, Rose M. Perkins, Robert Brennan, Robert Wallace and John R. Knauss.

A call to the public was made with the following response: Cindie DeWolf – I am concerned with the present water problem. This site drains directly onto my lot. Patterson – We will correct that problem. Pat Rea – Their reaction is reactive rather than proactive when it comes to addressing our concerns about drugs, noise and trespass. This facility needs to go in another location. Our concerns have not been addressed.

Livingston County has a major drug problem and this facility needs to go in a different site.

Sean – This would be a place for my kids to go. The abandoned building would no longer be abandoned. There would not be the problem of kids in the back parking lot. Vandals have broken the fence along the back. Ted Kuderko – I have no problem with the business if the concerns raised here are dealt with and the building is cleaned up and improved. Peggy Boyd (Bank One) – Considering the demographics of Livingston County, this is a good market for this type of business. Dave Trudeau – We will need to ask the Livingston County Sheriff's Dept. to patrol this facility. This proposal is for persons 14 to 20 years of age and the curfew for that age is 11:00 p.m. Further, the back area of this facility should be fenced to stop foot traffic. Gary Oulette - With the improvements to the buffer zone and additional security it should be a safer site. I am here in support of this petitioner. Rachael Patterson. This is a great opportunity for our children and I am in support. Edmund Patterson – The existing foot traffic through Chilson Hills will not change whether this use is approved or not. Joe Peters – This is a good use of this site.

Moved by Ledford, supported by Tengel, to grant a 30' variance contingent upon the following: The drainage issue raised by Cindie DeWolf will be corrected, the rear property line of the site will be fenced, vegetation along that fence line will be replaced where it was destroyed. The practical difficulty is the configuration of the lot and the peculiar location of this building on the property. The motion carried unanimously.

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

A call to the public was made with no response. Moved by Hensick, supported by Tengel, to table the request in an effort to allow the petitioner time to consider other options with regard to the size and height of the proposed structure. The motion carried unanimously.

03-48...A request by Jordan Grant, Section 19, 3693 Kipling Circle, for a side yard variance and a rear yard variance to construct a detached garage.

A call to the public was made with no response. Moved by Figurski, supported by Ledford, to approve an 18' side yard variance and a 65' rear yard variance contingent upon the following: No plumbing or heating will be installed in the garage nor will there be any business operation out of the facility. The practical difficulty is the unusual topography (wooded and swampy) as well as the location of the abandoned, engineered septic field. The motion carried unanimously.

03-49...A request by Brian and Judy Abbee, Section 14, 2160 Grand River, for a sign variance.

A call to the public was made with no response. Moved by Ledford, supported by Figurski, to deny the request for a second sign facing Kellogg Road since no practical difficulty was presented by the petitioner that specifically related to the land. The motion carried unanimously.

03-50...A request by Jeff and Gina Gangnier, Section 22, 4348 Highcrest, for a side yard variance to construct a detached garage.

Letters of opposition were received from Frank Castle and Richard Ziminsky. A call to the public was made with no response. Moved by Hensick, supported by Figurski, to grant a 6' side yard variance contingent upon the following: Retention of all water runoff on the this lot, no plumbing will be allowed to the addition, and removal of the existing pole barn. The practical difficulty is the narrow width of the existing lot and the location of the overhead power lines. The motion carried unanimously.

The petitioner asked that the board approve a refund of the \$105.00 application fee since they were not offered a chance to table their request the last time their petition was heard. Moved by Hensick, supported by Tengel, to deny this request.

03-51...A request by Richard and Gabriella Hoffman, Section 9, 980 Sunrise Park, for a front yard, side yard and rear yard variance to construct a second story addition.

A call to the public was made with no response. Moved by Ledford, supported by Figurski, to approve the following variances: 5.5' front yard, 4' side yard, 6' height (not to exceed 31') and 3 building stories as requested. The extraordinary circumstance is the application of the ordinance to this property and the location of a two-story home with a basement walkout in the front yard. This action would allow the continuation of a nonconforming use. The motion carried unanimously.

03-52...A request by John Gomez, Section 10, 1094 Chemung Drive, is for a side yard and rear yard variance to construct an addition.

A call to the public was made with the following response: Marian Kujawa – I have no objection to the variance being granted. Diane Rancik – I have no problem with the house but am concerned with the water runoff that floods my property. Rene Jones – I have no objection to the variance being granted. Moved by Hensick, supported by Figurski, to approve the construction of a one-story garage addition and rebuilding of the waterside portion of the house with the following variances: 18' front yard and 1.7' south side-yard. Further, that the addition should not interfere with the neighboring property owner's view of the lake. The house will include full gutters with all water retained on this property. The practical difficulty is the location of the existing residence on a narrow lot. The motion carried unanimously.

Moved by Figurski, supported by Ledford, to approve the minutes of the July 22, 2003 regular meeting of the board correcting pg. 3, para 2 to read: It "would appear..." and deleting It "is determined by the board..." The corrected minutes were voted and approved unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 10:35 p.m.



Paulette A. Skolarus

Genoa Township Clerk