

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 10, 2003**

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 25 persons in the audience.

A call to the public was made with no response.

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

02-56...A request by Charles Fillion, Section 28, 4089 Homestead, for a variance to construct an addition and an attached garage on an existing non-conforming building.

A call to the public was made with the following response: Steve Collett – I will lose my view of the lake if this petition is granted. Pat Ellerhold – The lot is pie shaped and I would like to see an official survey before any house is built. Lily Gillespie – I have owned my lot for 51 years. The original house is not 5' from the property line.

Moved by Hensick, supported by Ledford, to table (at the petitioner's request until the July meeting of the ZBA) with the Fillions considering a review of their application with a possible reduction in the size, scope and projection toward the water of the building. The height is restricted to the ordinance designation for Lake Shore Resort Residential and will be included on future site plan drawings. The motion carried unanimously.

03-27...A request by Thomas and Beverly Smith, Section 10, 5424 Wildwood, for a rear yard, side yard and front yard variance to construct a new home.

A call to the public was made with the following response: Leonard Wilde – This proposal would benefit the neighborhood and I am in favor of the request. Moved by Hensick, supported by Ledford, to allow a residential structure and two-car attached garage within the footprint provided for a single story structure with an attic and approximately 1250 sq. ft. of living space on the main floor. Further, the petitioner has agreed that any portion of the structure above the ground floor will not be finished as living space and will not include plumbing or heating. The variances granted are as follows: 19' front, 3' north side, 31.4" road side, 20' waterfront with lot coverage not to exceed 41% for the building surface. This action is contingent upon the shed and part of the ramp being removed and the home will be guttered with all water retained on this

property. The practical difficulty is the unusual shape of the lot. The motion carried as follows: Ayes – Hensick, Ledford, Tengel and Staley. Nay – Figurski.

03-28...A request by Thomas O'Brien, Section 16, 4290 Sweet Road, for a 14 foot side variance to construct an attached garage.

A call to the public was made with no response. Moved by Ledford, supported by Hensick, to approve the construction of a single-story garage measuring 28' x 28' with a 14' side yard variance. The extraordinary circumstance is the location of the pond and septic field and the steep incline that will not allow construction in another location. The motion carried unanimously.

03-30...A request by Dennis Ling, Section 10, 1840 Gray Road, for a size variance to construct a pole barn.

A call to the public was made with no response. Mr. Ling advised the board that he needed the variance for storage of vehicles – a 30' trailer, van, motor home, tools and other vehicles. No hardship was presented related to the land. Moved by Figurski, supported by Ledford, to deny the request since no hardship or practical difficulty was presented other than self-imposed. The motion carried unanimously.

03-31...A request by Robert McColl, Section 7, 2610 Chilson Meadows, for a height and size yard variance to construct a pole barn.

A call to the public was made with no response. Mr. McColl advised the board that the zoning on his property was rural residential and that the property really should be country estate since all parcels in that area exceeded the five acre minimum with the exception of parcels along Chilson Road. He did not feel that he should personally make an application for rezoning since that would be considered spot zoning. Perhaps the township would consider taking this matter up at a later date since it appears that the property should never have been rezoned to rural residential.

Moved by Hensick, supported by Ledford, to deny the request since no hardship or practical difficulty associated with the land was presented. The motion carried unanimously.

03-32...A request by Stuart and Sylvia Willner, Section 28, 4121 Homestead, is for a rear yard and side yard variance to construct an addition.

A call to the public was made with the following response: Tom Rafferty – I have no objection to this petition being granted. It will enhance the neighborhood. Annette Dubanik – It appears that the Zoning Board of Appeals in their granting of variances has now created a “plan” for our community. Moved by Ledford, supported by Tengel, to grant a 4'6” side yard variance and a 22'10” rear yard variance for the construction of an addition. This action is contingent upon removal of an existing shed on the east side. The height of the home will meet the 25' requirement. The practical difficulty is the

configuration of the land and the placement of the existing structure which will not allow expansion elsewhere. The motion carried as follows: Ayes Ledford, Tengal and Staley. Nay Hensick and Figurski.

03-33...A request by Douglas Noggle and Marilyn Jamieson, Section 22, 4336 Highercrest, is for a revision of a condition for a previously granted variance.

Mr. Noggle advised the board that the home was completed a couple years ago but that the shed was not taken down because they understood that they were allowed to keep 370 sq. ft. for storage, since no one complained they have not done anything. Even though the minutes of the meeting from May 12, 1998 state that the existing building will be removed within 60 days of a certificate of occupancy being issued they still believe that they could retain part of that building. Now they would like a variance to continue the use of the out building. A call to the public was made with the following response: Richard Ziminski – These people believe they can do anything they want on this lot. Code does not allow two homes on one site. The parking is atrocious and the shed should be taken down. They are running a business from this shed. Frank Castle – There are trucks going in and out of there all the time. It appears to be a business. Marilyn Jamieson – My husband is a mason and we have equipment that needs to be stored. Mr. Ziminski has not taken down his shed from when he was granted a variance. Beth Genung – The petitioner has done a beautiful job with the house and I have no objection to the variance being granted. Tim Holliday – This side of the lake is hilly. I see no problem with the existing structure.

Moved by Hensick, supported by Figurski, to deny the application to modify the variance granted on May 12, 1998 for the reason that the existing residence was to serve only during construction of the new home. The petitioner has admitted to not complying with the removal of the house hoping that the township would not observe its retention. The minutes of the 05/12/98 meeting state clearly “The existing building will be removed within 60 days of the certificate of occupancy being issued.” The motion to deny was voted and carried unanimously.

Moved by Tengal, supported by Figurski, to approve the Minutes of the May 20, 2003 regular meeting of the Zoning Board of Appeals with Staley abstaining. The motion carried unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 9:30 p.m.



Paulette A. Skolarus
Genoa Township Clerk