

(Corrected)
**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 22, 2003**

MINUTES

Chairman 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 board members were present constituting a quorum for the transaction of business: Rick Staley, Barbara Figurski, Chris Hensick and Jean Ledford. Also present were Township Zoning Administrator Adam VanTassell and approximately 25 persons in the audience.

Moved by Hensick, supported by Figurski, to approve the Agenda with the correcting of the petition numbers. The amended Agenda was voted and carried unanimously.

A call to the public was made with no response.

02-52...A request by Frank White, Section 22, 4058 Highcrest, for a 4-foot side yard variance with a 6-foot setback and a 15-foot waterfront variance to construct an addition.

A call to the public was made with no response. Moved by Figurski, supported by Ledford, to approve a 3.5' west side variance and a 15' waterfront variance with the following conditions: The maximum building height will be 25'; the shed on the road will be removed; and the house will be guttered with all water runoff retained on the property. The motion carried as follows: Ayes – Staley, Figurski and Ledford. Nay – Hensick.

02-53...A request by Keith Penner, Section 22, 3743 Conrad, for a variance to split property into nonconforming lots.

Hensick advised the board that he would withdraw from discussion of this petition since there was a conflict of interest. Hensick then left the room. A call to the public was made with no response. Moved by Ledford, supported by Figurski, to allow three splits creating 3 nonconforming lots according to Exhibit B (as provided by the petitioner). The practical difficulty is the irregular shape of the parcel that does not meet the 4 to 1 depth to width ratio when the division occurs. The motion carried unanimously.

02-56...A request by Charles Fillion, Section 28, 4089 Homestead, for a 27-foot rear yard variance with a 13-foot setback, a 5-foot side yard variance with a 5-foot setback, and a 1-foot side yard variance with a 9-foot setback to construct an addition.

When this petition was called there was no response. Moved by Figurski, supported by Ledford, to table the request for one last time until the next regular meeting of the board. The motion carried unanimously.

02-60...A request by Stephen Gucciardo, Section 22, 4036 Clifford, for a 9-foot side yard variance with a 1-foot setback, a 30-foot rear yard variance with a 10-foot setback and a 4-foot waterfront variance with an 84-foot setback to construct an addition.

A call to the public was made with the following response: Karen Wray - I have not received the revised plan and am concerned with the loss of my view to the lake. Steve Wray – At the last meeting the 3-car garage was discussed versus the 2-car garage. Hensick – I feel that the garage is appropriate considering the neighborhood. I am more concerned with the encroachment of your home onto this parcel. The board was advised that the previous homeowner owned both parcels. No height variance is being asked. Staley – As long as no height variance is being asked and no waterfront variance is required, I can look favorably upon your plan that is headed “optional”. Moved by Hensick, supported by Figurski, to table the petition until the next regular meeting of the board to allow time to determine whether the waterfront variance can be met. The motion carried unanimously.

03-01...A request by Michael Jamros, Section 12, 1062 Hacker, for a variance to allow construction of an accessory building to exceed the maximum square footage allowed.

Letters were received from Mike Ferarolis (no objection) and Tom Sutherland (not in favor of variance). A call to the public was made with Tom, Glen and Bill advising the board that they had no problem with the request. Staley cited Section 19.0612 of the zoning ordinance – The character of the surrounding neighborhood has changed in relation to this site and any rebuild should be in conformance with the zoning ordinance. Moved by Hensick, supported by Figurski, to grant the petitioner’s request to construct a garage 12’ in height with an area of 24’ x 24’ on the exact location as the structure to be demolished. This action would allow a variance of 624 sq. ft. to 1200 sq. ft. limitation of the zoning ordinance. The practical difficulty is the change in character of the surrounding neighborhood and this large parcel surrounded by Suburban Residential Zoning. The motion carried as follows: Ayes – Hensick, Figurski and Ledford. Nay – Staley.

03-03...A request by Geoff Oswalt, Section 28, 4003 Homestead, for a 25-foot rear yard variance with a 15-foot setback, a 5-foot side yard variance with a 5-foot setback, and a 6-foot waterfront variance with a 60-foot setback to construct a new home.

A call to the public was made with no response. Letters were received from Curt and Angie Brown, Mary Ann McNeely and Ron and Jan Franz supporting the variance. Moved by Hensick, supported by Ledford, to approve the variances sought conditioned upon the home not exceeding 2500 sq. ft. in area with the height restriction of 25’ and removal of the old structure. Further, no variance will be sought related to decking nor will any improvement extend closer to the water than shown on the plan approved today. The practical difficulty is the location of the parcel at the end of a dead-end road. The motion carried unanimously.

03-05...A request by Joanne Gibbons, Section 6, 2709 E. Grand River, for a variance to place a dumpster on the fence line at a commercial building.

A call to the public was made with the following response: Mike Dumas – We have a privacy fence between our home and the commercial property. The garbage is being placed in a dumpster right next to the fence. We have a problem with odor, raccoons, skunks and rats. This is a problem when I allow my grandchildren to play in the yard. At first there was only one dumpster and now there are three. Dennis Okopski – The dumpster should be closed at the top.

That would stop some of the problem. John Stevens – The dumpsters have been there since I bought my property at least 10 years ago.

Staley cited section 23.02 item C of the Township Zoning Ordinance related to public nuisance. The dumpsters should be closer to the building since there appears to be an access easement to all properties on the site. That easement runs parallel to the fence line. Moved by Hensick, supported by Ledford, to deny the request to place the dumpsters near the fence since such placement and continued use would endanger the safety and welfare of the residents living near the commercial businesses. The vermin, odor and debris create an eyesore and are a hazard to the living conditions of the residential properties adjacent to this site. The motion carried unanimously.

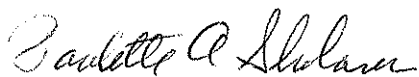
Moved by Figurski, supported by Hensick, to approve the Minutes of the 11-19-02 – adding rear yard “roadside” variance and. ...variance “(all measured from the lot boundary line of lot #10)”. The amended minutes were voted and carried unanimously.

Moved by Hensick, supported by Staley, to approve the 12-17-02 Minutes, correcting typographical errors. The motion carried unanimously.

Moved by Figurski, supported by Hensick, to reappoint Rick Staley Chairman of the Zoning Board of Appeals. The motion carried unanimously.

Moved by Hensick, supported by Ledford, to reappoint Barbara Figurski Vice-Chairman of the Zoning Board of Appeals. The motion carried unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 9:05 p.m.



Paulette A. Skolarus
Genoa Township Clerk