

(corrected)

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 20, 2002**

MINUTES

A regular meeting of the Zoning Board of Appeals was called to order by Chairman Staley 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, Judith Stornant, Barbara Figurski, Chris Hensick and Jean Ledford. Also present were Township Zoning Administrator Adam VanTassell and approximately 15 persons in the audience.

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

02-26...A request by Heileman Signs, Section 6, 2798 E. Grand River, is for a sign variance regarding height, total square feet allowed and the number of signs allowed for Krug Ford/Lincoln Mercury.

A Call to the Public was made with no response. Moved by Hensick to deny additional pole signs since no hardship or practical difficulty exists. Hensick then withdrew the motion.

Moved by Hensick, supported by Ledford, to grant the following variances:

- A 10' variance to the setback from the right-of-way, with the new poles being placed in the same area as the existing poles.
- A third pole sign in addition to the Ford sign and used car sign. This sign will be exclusively allowed for the advertisement of the **Lincoln Mercury franchise**. If this business franchise, associated with this property, ceases the sign will be removed.
- A 4-foot variance to the area of the Ford oval (with a Ford Motor Company configuration of 60 square feet in area and a determination of 76 sq. feet in area according to the township zoning ordinance).

This action is contingent upon no further banner signs being placed on the light poles or any other area of the premises, no further signage in the area of the used car sales. The petitioner is also asked to modify the loud speaker system to a reasonable level.

This action of the ZBA is taken because of the following extraordinary circumstances related to this petition:

- The variable right-of-way extending from 50' on neighboring properties to 70' on this site.
- The pre-existing condition (two franchises on a single piece of property) of the site allowing for many sign advertisements.

- This variance brings existing signs into a closer compliance with the township-zoning ordinance.
 - The reduction in height of existing signs that is now in excess of 36'.
- The motion carried as follows: Ayes - Staley, Figurski, Stornant and Ledford. Nay - Hensick.

02-30...A request by Michael Fleming, Section 22, 4011 Highcrest, is for a 4-foot side yard variance with a 6-foot setback and a 28-foot rear yard variance with a 12-foot setback to construct an attached garage.

A Call to the Public was made with no response. Moved by Figurski, supported by Ledford, to approve a 4' side yard variance and a 28' rear yard variance contingent upon the garage being guttered and built according to the plans submitted and matching the finish of the existing home. The practical difficulty is the size of the lot. The motion carried unanimously.

02-35...A request by Dennis Donohue, Section 9, 1248 Sunrise Park, is to construct a detached accessory building with two 2 side yard variances with an 8-foot setbacks and a 27' rear yard variance.

A Call to the Public was made with no response. Moved by Hensick, supported by Figurski, to grant side yard variances of 2' and a rear yard variance of 27' to construct a 1-story pole barn, measuring 24' x 32' on lot 24. This action is contingent upon no further structures being allowed on this parcel and the removal of the existing green shed located on Evergreen Drive. The practical difficulty is the narrow width of the parcel and the unusual configuration. The motion carried unanimously.

02-36...A request by Victor and Patricia Zammit, Section 28, 4177 Homestead, is for a 3-foot rear yard variance with a 37-foot setback to construct an addition.

A Call to the Public was made with no response. Moved by Figurski, supported by Hensick, to approve a 3' variance to the rear setback for a second story addition that would be the continuation of a nonconforming use. This action is contingent upon the addition being constructed with gutters on both sides. The practical difficulty is the location of the existing house. The motion carried unanimously.

02-37...A request by Diane Trierweiler, Section 22, 4370 Clifford, is for a 23-foot rear yard variance with a 17-foot setback and a 6-foot variance from an accessory structure to construct a carport

A Call to the Public was made with no response. Moved by Ledford, supported by Figurski, to approve a 23' rear yard variance for construction of a carport. This action is contingent upon removal of the existing shed. The practical difficulty is the size of the lot and the location of the existing home. The motion carried unanimously.

02-38...A request by Paul and Leslie Sizeland, Section 34, 5600 Brighton Road, is for a variance to split the property with nonconforming widths.

A call to the public was made with the following persons objecting: Jim Mitte - The resident submitted a letter objecting to the variance. Karl Overberg - Three homes in this location will drastically change the entrance to our subdivision. We want to maintain the spirit and nature of the subdivision. Pete Hode - The Copperleaf traffic has already impacted our area and the traffic is too heavy now. Donna Hadde - This development should conform to the rest of the subdivision. Three additional driveways are not acceptable. I am also concerned with water runoff - it is a problem now and will not be better with this development.

Leslie Sizeland - My family has lived in Brighton for 28 years. This land is not part of the Mystic Lake Sub. It is 3 1/2 acres and can be split without a variance by simply changing the configuration of the lots. This split is preferable to the township and will not destroy the trees on the site. There is a safety feature that can be achieved with all the driveways being located on Mystic Lake Road instead of Brighton Road and Mountain Road. Ledford - There should only be two houses on this parcel. I cannot support this request. The road commission may not provide additional driveway access from Brighton Road.

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

02-39...A request by William Kuczek and Mary Van Gordon, Section 22, 5492 Sharp Drive, is for a height variance and a size variance to construct an accessory structure.


A call to the public was made with Connie Jarvis and Dan Darcy raising no objection. William Kuczek - I am asking for 1440 square feet on the main floor and 560 square feet in the loft of this building. I am renting a 2,000 square foot storage unit in another area. The cost is \$1,400.00 a month and the security is not that good. I have a boat and mobile home and I would like to have them on my property rather than have to drive 20 minutes to pick them up. Staley advised the petitioner that the Zoning Board of Appeals could only consider variances related to the land itself. The petitioner was asked to provide a hardship or practical difficulty that was related to the land and not with storage of material possessions or financial difficulty. The petitioner gave no response to this request. Moved by Hensick, supported by Ledford, to deny the request since no hardship or practical difficulty exists that would allow a variance. The motion carried unanimously.

Kuczek asked where he could appeal his petition. Staley advised him that it would need to go to Circuit Court.

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Moved by Ledford, supported by Figurski, to approve the Minutes of the 07-09-02 regular meeting of the ZBA with the deletion of line five from petition 02-29. The motion carried unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 10:05 p.m.



Paulette A. Skolarus
Genoa Township Clerk