

GENOA TOWNSHIP  
ZONING BOARD OF APPEALS  
MAY 14, 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, Jean Ledford, Polly Skolarus and Judy Stornant. Also present were Township Zoning Administrator Adam VanTassell and approximately 20 persons in the audience.

Moved by Ledford, supported by Stornant, to approve the Agenda with the tabling of petition 02-18. The motion carried unanimously.

A Call to the Public was made with no response.

***02-13...A request by Gary Spare, Section 10, 5264 Westwood for an 8 foot side yard variance with a 2 foot side yard setback and a 17.5 foot front yard variance with a 17.5 foot setback to construct an addition.***

A Call to the Public was made with no response. Moved by Skolarus, supported by Ledford, to approve the variance of 8' on the side and 17.5' on the front, contingent on the home being guttered. The practical difficulty is the narrowness of the lot. The motion carried unanimously.

***02-16...A request by Thomas and Beverly Smith, Section 10, 5425 Wildwood, is for a 6.5-foot side yard variance with a 3.5-foot setback and a 31-foot front yard variance with a 4-foot setback to construct an addition.***

A Call to the Public was made with the following response: Joyce Matevia. - My home is on the property line and there is enough room for two cars on the side of the house, next to the fence. A letter of support was received from John Benson. Moved by Skolarus, supported by Ledford, to deny the request because of the potential harm to the safety and welfare of the community when there is no place for a garage or parking. The motion failed as follows: Ayes - Skolarus and Ledford. Nay - Stornant and Staley. Moved by Ledford, supported by Skolarus, to table until the next regular meeting of the board when there are five members present to make a decision. The motion carried unanimously.

***02-18...A request by Mark I Restoration, Section 5, 1091 Victory Dr., is for a 25-foot front yard variance with a 50-foot setback to install additional parking.***

Tabled at the petitioner's request.

***02-19...A request by Timothy Mason, Section 24, 7875 Herbst, is for an 8-foot side yard variance with a 7-foot setback to install an above ground swimming pool.***

A Call to the Public was made with one neighbor voicing approval for the request. Moved by Ledford, supported by Stornant, to approve an 8' side yard variance. The practical difficulty is the slope of the property, the location of the septic field and power lines. The motion carried unanimously.

***02-20...A request by Cindy Jonckheere, Section 22, 3894 Highcrest, is for a 2-foot side yard variance with an 8-foot setback and a 37-foot rear yard variance with a 3-foot setback to construct a new home.***

A Call to the Public was made with the following response: Joann Bartolomucci - I support this request. Moved by Ledford, supported by Stornant, to approve the roadside variance of 37' since there are an additional 16' to the roadside. This action is contingent upon the following: Removal of the existing shed and removal of the concrete porch to the north. The practical difficulty is the location of the existing well that will not allow the placement of the home anywhere else. The motion carried unanimously. (Note: The land use permit stated that the total square feet of the project is 1189 square feet with an estimated value of \$118,900.00 when in fact the total square feet of the new construction is 2,378 square feet.)

***02-21...A request by Troy and Donna Redmon, Section 5, 3897 Sugarbush, is for an 8 foot rear yard variance with a 32 foot setback to construct a deck***

A Call to the Public was made with one resident asking the location of this development. Moved by Ledford, supported by Skolarus, to deny the request since no hardship or practical difficulty related to the land was presented by the petitioner. The motion carried unanimously.

***02-22...A request by E.B.I. Incorporated, Section 10, 5297 Wildwood, is for a 15'4" rear yard variance with a 24'8" setback, a 3'3" side yard variance with a 6'9" setback, and a 21'11" front yard variance with a 13'1" setback to construct a new home.***

A Call to the Public was made with no response. Moved by Skolarus, supported by Ledford, to a 21' 11" front yard variance, a 3' 3" side yard variance and a 15' 4" rear variance for construction of a pre-manufactured home measuring 36' x 22' in area with an attached garage. The practical difficulty is the narrowness of the lot and the placement of the neighboring home. The motion carried unanimously.

***02-23...A request by John Edwards, Section 22, 3671 Highcrest, is for an 8'6" waterfront variance with a 33-foot setback to construct a deck.***

A memo from Adam VanTassell indicated that the homeowner was contacted in February and advised that the deck was not in compliance. Contact was made with the petitioner's

contractor asking him to remove the deck or apply to the ZBA. Nothing further was received from the petitioner and when work resumed on the deck on April 2, 2002 a stop work order was issued. A letter from Andrew Warner was received objecting to the petition being granted. A Call to the Public was made with the following response: Paul Stupak - The variance does not affect me personally, but I am concerned with the neighbors on either side who are negatively impacted. Elizabeth Sharks - I live on the north side of this property. The home is very attractive and I do not want to hurt this person, but I have lost a partial view of the lake and my privacy. The deck should not be there. Arnie Messing - I would compliment Elizabeth on their home. I was dumbfounded when I viewed this deck from her home. The deck is out of proportion to the area. It is out of place and obtrusive. I request denial of their request. Dale Cooper (Attorney for the petitioner) - Changing the roof would be a major change and very expensive. We could remove 2' of deck and bring it back to 35'. Jodie - We built three years ago. This construction is infringing on the shoreline. Al Sharpe - I have lived here 15 years. I was granted a 35' variance but only took 30'. The homes should be lined up and a variance should have been asked before construction. Cooper asked that the request be tabled until the next meeting to work out the problem. Moved by Skolarus, supported by Stornant, to table until the June meeting of the board. The motion carried unanimously.

***Consideration of the adoption of the Zoning Board of Appeals Bylaws as submitted by Strader.***

*The board reviewed the bylaws as submitted. Changes were asked of VanTassell. The board took no formal action. It was the consensus of the board to again review the matter at the next regular meeting.*

**ADMINISTRATIVE BUSINESS:**

Moved by Ledford, supported by Skolarus, to approve the Minutes of the April 9, 2002 meeting of the board, adding a practical difficulty to petition 02-10. The motion carried with Stornant abstaining.

A memorandum was received from Heikkinen concerning the alternate member of the ZBA. It was the consensus of the board to refer the matter to the Township Board.

The regular meeting of the Zoning board of Appeals was adjourned at 9:45 p.m.



Paulette A. Skolarus  
Genoa Township Clerk