

**GENOA TOWNSHIP**  
**Zoning Board of Appeals**  
**February 12, 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, Barbara Figurski, Chris Hensick, Paulette Skolarus and Jean Ledford. Also present were Township Ordinance Enforcement Officer Adam VanTassell and approximately 30 person in the audience.

A Call to the Public was made with no response.

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

**01-36...A request by Joe and Shannon Orlandini, Section 9, 4689 E. Grand River, is for a front, rear and side yard variance in addition to parking lot variances to construct a new building.**

A Call to the Public was made with the following response: Elaine Grose - This will be a great improvement at our corner and I agree with the variances requested.

Lengthy discussion ensued concerning the size of the building and the number of variances being requested primarily parking. Figurski advised the board that the Planning Commission wanted to determine whether variances were acceptable to the Zoning Board before they made any site plan decisions. She said, that the Planning Commission still felt that there was a need for a green belt between the sidewalk and Grand River. Hensick was concerned with the traffic movement within the site as well as onto Grand River.

Moved by Skolarus, supported by Hensick, to grant the following variances 16' front yard 6' side yard, 54' second front yard, 36' rear and 15' greenbelt. The practical difficulty is the narrowness of the lot and that fact the parcel has two front yard setbacks. The motion failed as follows: Aye - Skolarus. Nay - Staley, Hensick, Figurski, Ledford. The petitioner then asked that his request be tabled. Moved by Ledford, supported by Hensick, to table (at the petitioner's request) until a joint meeting of the Zoning Board of Appeals and Planning Commission can be set. The motion carried unanimously.

The Zoning Board of Appeals requests a joint meeting with the Planning Commission to work out the details of setback, the size of the building relative to size of the lot, parking spaces and the greenbelt.

**01-48...A request by Brian Lynn, Section 10, 733 Pathway, is for a 27-foot rear yard and a 6 foot side yard variance to construct an attached garage.**

A Call to the Public was made with no response. Moved by Figurski, supported by Ledford, to grant a 6' variance on the northwest side and a 27' variance to the rear contingent upon the building being guttered. The extraordinary circumstance is the topography and unusual lot size. The motion carried as follows: Ayes - Figurski, Ledford, Hensick and Skolarus. Nay - Staley.

**02-06...A request by Donald Toomey, Section 28, 4510 Oak Pointe Drive, is for a variance to allow the construction of an accessory structure on a lot without a primary residence.**

A Call to the Public was made with the following response: Letters of objection were received from Paul and Cecile Henderson, David Loan, Jean Merrion and Glenn and Bonnie Price. The following persons addressed the board: David Lardinai (representing the Oak Pointe Homeowners Association) - We believe that there are easements for this property but not ownership of the land. Oak Pointe is a fenceless community by covenant and we feel that this parcel should abide by the restrictions. David Merrion - I am opposed to the variance. This request is not compatible with the neighborhood and may decrease the value of my property. Rich Rachner - I believe that this structure is not compatible with the neighborhood. Dave Parker - This is an area of quality homes. The homeowner's association should follow suit and not allow fences. Connie DeLuca - I am opposed to this building being constructed before the residential structure. Skolarus - Mr. Toomey - Your neighbors are concerned with the fence will you relinquish your permit? Toomey - I will relinquish the fence construction permit.

The board reviewed Adam Van Tassell's memorandum of 02-07-02. It was determined that since Mr. Price was not present his request to rescind the permit was not an appropriate action for the Zoning Board to take. Mike Olson (Attorney for Mr. Price) addressed the board - We agree that the establishment of ownership of the property is necessary before the Zoning Board can act. Toomey - I retract that I have a right to put up a fence. Staley - In light of Mr. Olson's presence and under the township-zoning ordinance, we should take action rescinding Archinal's permit. Hensick disagreed. Moved by Skolarus, supported by Ledford, to rescind the township manager's previous action concerning the construction of a fence and to revoke the fence permit for Mr. Toomey. The motion carried unanimously.

Moved by Hensick, supported by Ledford, to table the request until such time as the petitioner can provide clear ownership of the property to which he seeks a variance. The motion carried unanimously.

**02-07...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 side yard setback and a 2-foot side yard variance with an 8-foot side yard setback to construct an addition.**

A Call to the Public was made with the following response: John Benson - I am opposed to the 2' variance on the south side. I have no objection to the other variances being granted. Letters of objection were received from John Benson and Karen Buckley. Moved by Hensick, supported by Ledford, to deny the variances sought. The overall lot coverage is 90% more than what is allowed in the ordinance. There is also a safety factor with the house being located right on the edge of the road. The motion carried unanimously.

**02-08...A request by Janet Henry, Section 34, 5050 Kintyre Lane, is for a variance to install a lighted ground sign for a Bed and Breakfast in a residential area.**

A Call to the Public was made with the following response: Joan LaCroix - I am not happy with the Bed and breakfast and do not want to see a lighted sign. Richard Starns - There are already two spotlights on the trees on the lot. I object to more light. Ms. Morrison - I have no objection to the bed and breakfast, but the lighted sign is not normal to this use and I object to the sign and the light. Moved by Skolarus, supported by Hensick, to grant the variance for signage along Brighton Road. The sign will be no more than 2.5' off the ground and measure no larger than 3' x 3' in area, as provided in the application for variance. This action is contingent on no lighting be allowed to illuminate the signage because it is located in a residential area. The practical difficulty is the need for identification of the location of the facility for persons using the bed and breakfast. The motion carried as follows: Ayes - Skolarus, Hensick, Ledford and Staley. Nay - Figurski.

**02-09...A request by Chris and Jean Hensick, Section 1, 7589 McClements, is for a 3-foot side yard variance with a 17-foot side yard setback to construct an addition.**

Hensick advised the board that he would abstain from discussion and voting and that his wife Jean would represent their petition. A Call to the Public was made with no response. Moved by Skolarus, supported by Figurski, to grant a 3' variance to construct an addition. The practical difficulty is the unusual orientation of the existing home on an irregularly shaped lot. The motion carried unanimously.

**02-10...A request by David Templeton, Section 12 at 1600 Euler Road, is for a 50-foot variance from wetlands with a 50-foot wetland setback for an accessory structure.**

A Call to the Public was made with the following response: Letters of objection were received from Attorney Michele Formes representing Walter and Jane Wasilewski, and from Scott Williams. The petitioner advised the board that he services tires on heavy equipment. He carries no inventory on his property or hazardous materials. Moved by Hensick, supported by Figurski, to table the petition until the Templetons can supply a boundary survey in relation to the pond, easement, home and barn. The motion carried unanimously.

GENOA TOWNSHIP - Zoning Board of Appeals - Feb. 12, 2002

Moved by Ledford, supported by Figurski, to approve the Minutes of the Jan. 8, 2002 regular meeting of the board correcting pg. 1, para. 6 to read "Hensick" and not "Staley". Further, adding a practical difficulty to the Luff petition according to the written minutes of the meeting. The corrected minutes were voted and carried unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 10:55 p.m.



Paulette A. Skolarus  
Genoa Township Clerk