

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
June 8th, 1999**

MINUTES

A regular meeting of the Zoning Board of Appeals was called to order by Vice-chairman Barbara Figurski at 7:00 p.m. at the Genoa Township Hall. The following board members were present constituting a quorum for the transaction of business: Barbara Figurski, Chris Hensick, Nancy Litogot, Robert Murray and Paulette Skolarus. Also present were Township Manager Michael Archinal and approximately 50 persons in the audience.

Moved by Hensick, supported by Litogot, to approve the Agenda with the deletion of petition 99-24. The motion carried.

A call to the public was made with no response.

99-21...A request by Diomede and Tina Lanza, Section 22, 5767 Oak Creek Lane, for both a 68 ft. variance to the 100 ft. setback, and a 20 ft. variance to the 25 ft. setback required by Sec. 3.7812. (Tabled from May 11, 1999 meeting)

Diomede Lanza - Is there any setback from drains? Archinal - Our ordinance does not address drains. Lanza - The water running through my property is a drain not a stream. Archinal - The ordinance does not define a stream. We should research the answer to this question. Murray - The wetland determination, provided by the petitioner, has defined and mapped the wetland that determines that there is no place to build a house on this parcel. Lanza - This is a manmade drain not a stream. Murray - If we disregard the issue of the setback from the drain (stream) we will still need to consider the setback issue in relation to the wetland - which will be impacted.

A call to the public was made with the following response: Carl Lebski - There is a 20' natural waterway that runs along the side of my house and the ground is very wet now. This development will create a water problem for my property.

Moved by Hensick, supported by Murray, to deny the request for the reason that the proposed structure would negatively impact the wetland and endanger the general welfare and safety of the township. The motion carried unanimously.

99-22. The property in question is in Section 27, 4102 Anchor Lane, petitioned by Patrick C. Bradshaw, request is for a variance to build a deck.

A call to the public was made with the following response: Gerald Partello - I like the deck and have no objections. Moved by Murray, supported by Litogot, to

approve a 20' variance to the rear and a 3' variance to allow a deck to be constructed 10' above ground. The hardship is the shallowness of the lot and the unusual topography. The motion carried unanimously.

99-23... The property in question is in Section 01, 7699 McClements, petitioned by David & Kelly Watson, request is for a variance to build a 6' privacy fence.

A call to the public was made with the following response: W. Moto - We knew that no fences were allowed in this neighborhood when we bought. We don't want to have those restrictions ignored. Thomas Smith - Please don't set a precedent by allowing this fence. John Tanzo - A fence is not consistent with the neighborhood and we are disappointed that this fence will split the property line. Todd Esbrook - I am concerned with the placement of the shed. Could it be placed on the other side of the property?

Moved by Murray, supported by Hensick, to deny the request because of the lack of a demonstrated hardship or practical difficulty. The motion carried unanimously.

99-24... The property in question is in Section 38, 5000 Grand River Avenue, petitioned by Stanley Schafer, request is for a variance to build an addition within the setback required.

Deleted.

99-26... The property in question is in Section 19, 3401 Beattie, petitioned by Robert and Robin Dymond, request is to split off 2 acre parcel fronting on Beattie on SW corner of 10 acre property.

A call to the public was made with no response. Moved by Skolarus, supported by Hensick, to deny the request since no hardship or practical difficulty associated with the land was presented by the petitioner.

Moved by Skolarus, supported by Litogot, to recommend to the township board and planning commission a review of the future land use map and a possible rezoning of parcels in this area to LDR. The motion carried.

99-27... The property in question is in Section 36, 5459 Arbor Bay Court, petitioned by Peterica Stoica; request is for a 10' variance to the side setback

Stoica advised the board that he changed the original site plan that was submitted to the township. His builder said to build a bigger house. He was aware that there was an encroachment on the side yard setback at the time the basement was excavated.

A call to the public was made with the following response: Don Lund - The Pine Creek Association had a meeting regarding this home and voted unanimously to have the house moved or taken down. This construction has caused a serious problem with the neighbors. No agreement with the neighbor concerning a landscaping plan has been approved. We ask for enforcement of the township-zoning ordinance. Tom Hickey - This petitioner has a total disregard for the building practices during construction and the site was a blight on the community. Doug Farewall - I object to the variance being granted. Donna Justice - We wrote a letter of objection. Joe peters - The hardship placed on the neighbors is unjust. Desmond Rowan - I concur with the other property owners. Debbie Stafford - I agree with my neighbors and I can't believe that the petitioner knew what he was doing. Jim McGarry - I wrote a letter of objection. Mr. Moechand - The plan was submitted to the association. I don't know if I can buy the house now.

Moved by Murray, supported by Skolarus, to deny the request since the hardship was self-imposed. The motion carried unanimously.

99-28... The property in question is in Section 10, 5385 Wildwood, petitioned by Jeffrey Walker, request is for a 25' variance to the front setback and 6' variances to the side setback to construct a new home and garage.

A call to the public was made with no response. Moved by Murray, supported by Litogot, to grant the following variances: 25' front yard 6' side yard and 6' side yard contingent upon removal of the existing sheds and that the new construction would be placed on the existing foundation. The hardship is the size and shape of the lot. The motion carried unanimously.

99-29... The property in question is in Section 22, 3672 Conrad, petitioned by Todd & Ronda Allen; request is for a 10' variance to the side setback to remodel a home.

A call to the public was made with the following response: Carl Oleski - Has the existing footing been determined to hold the weight of the new house and what about the overhang? Jeff Cameron - I own the home next door and have no objection to the variance especially since fire prevention construction will be in place.

Moved by Murray, supported by Litogot, to grant variances of a 25' front yard, 8.8' side yard and .9' side yard for construction of a new house with the following restrictions:

- fire stopping materials will be used along that side of the home that will be closest to the adjoining neighbor
- the overhang will not be more than 6" from the wall

The hardship is the narrowness of the lot and the location of the existing foundation. The motion carried as follows: Ayes - Murray, Litogot and Figurski. Nay - Skolarus and Hensick.

99-30... The property in question is in Section 35, 5044 Timberline Lane, petitioned by Jeffrey DeLong; request is for an 8' variance to build a deck.

A call to the public was made with no response. Moved by Skolarus, supported by Hensick, to grant an 8' south side variance with a 22' setback for construction of a deck 8 1/2' off the ground. This variance would be the continuation of an existing nonconforming use. The motion carried unanimously.

99-31... The property in question is in Section 04, 4050 East Grand River, petitioned by D & G Equipment, Inc., request is for a variance to add a channel sign.

A call to the public was made with no response. Moved by Murray, supported by Hensick, to table the petition to allow research into the question. The motion carried. It was noted that the Billy Bob's store at Latson and Grand River included three channel signs.

99-32... The property in question is in Section 08, 3394 Beck Road, petitioned by William & Pamela Ganzak, request is for a 5 acre split from original 12.27 acres without bringing driveway easement to private road specifications.

A call to the public was made with the following response: Judy Stuart - I own parcel 10 and would also like to split my property. Moved by Murray, supported by Skolarus, to table until an equitable solution to the funding problem is researched with the township attorney. The motion carried unanimously.

ADMINISTRATIVE BUSINESS:

Moved by Murray, supported by Litogot, to approve the Minutes of the May 11, 1999 meeting as presented. The motion carried.

The regular meeting of the Zoning Board of Appeals was adjourned at 9:25 p.m.

Respectfully submitted,



Paulette A. Skolarus
Genoa Township Clerk