

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
OCTOBER 19, 2010
6:30 P.M.
MINUTES**

Chairman Mike Howell called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for transaction of business: Mike Howell, Barbara Figurski, Marianne McCreary, Steve Wildman and Jeff Dhaenens. Also present was Township staff member Adam VanTassell and 32 persons in the audience.

Moved by Figurski, supported by McCreary to approve the agenda as presented. **Motion carried unanimously.**

10-20...A request by Paul Lalewicz, Section 30, Vacant Pardee Lake Road, for a variance to allow a recreation vehicle for temporary living purposes on a vacant parcel.

Paul Lalewicz and Brian Lavan, attorney 7990 W. Grand River, Brighton, was present for the petitioner. Mr. Lavan stated that Mr. Lalewicz obtained a permit from the Michigan Department of Natural Resources in 1993 for the purposes that he is requesting a variance for tonight. Mr. Lalewicz goes to Bishop Lake State Campground to dispose of the waste from the RV. He keeps the lot nicely kept and is there from May to November, then he heads out west for the remainder of the year.

A call to the public was made with the following response: Cheri MacCarrell- 2050 E. Coon Lake Road, read the following letter: "Our property is located on the north side of a small lake called Gale Lake. We spoke briefly concerning our reservations about the request that Mr. Lalewicz has made to allow his RV to stay on his parcel on Gale Lake. It is our concern that in allowing Mr. Lalewicz to park on Gale Lake for extended periods of time, that the wildlife on and around Gale Lake will suffer. We have personally watched the Red Winged Black birds, crane, swans, geese and heron fly away and circle repeatedly without being able to return to their nests. The repeated circling of their pontoon boat pulling kids tubing around the lake causes waves and noise for extended periods of time. When we first purchased our land, we were told that no motor boats were allowed on this lake and that it was a "no wake" lake. For several weekends the loud circling of the lake created waves and noise that scared the birds away. Please understand that we love to see children enjoying the lake, but not at the expense of causing the wildlife to abandon their habitat.

Another of our concerns is for the proper disposal of the waste from the RV. We are not accusing the owners of anything inappropriate, but we would like some assurances that Gale Lake and the surrounding wetlands are not polluted. Will they have regular trash removal as the rest of the home owners must pay for? We wonder, in allowing this land to be designated as "temporary living", whether this also allows the building of other structures, permanent/portable bathrooms, fuel storage, or the clearing of more wetland. The RV is already parked on the property for quite extended periods of time. By allowing this variance, just how long will the "temporary living" be and whose job will it be to police and enforce the new ordinance? Thank you for your kind consideration."

Tom and Linda Plane, 4095 Pardee Lake Road, stated "A vacant lot is not a camp site. This is a residential area with houses, not RVs and trailers or mobile homes. Living on a vacant lot and not being taxed for a dwelling is not fair for others who pay higher taxes to live on their land. This will lower other property values. This will open the door for others to temporarily live in RVs, trailers, or any other kind of junk on any vacant lot. People will be letting other people to temporarily live or camp out on their vacant lots. People bring in run down RVs, trailers and campers. Ones that leak fluids, have things falling off them or just look bad. This could cause problems with other residents with partying, running generators, or just making noise late into the night when other residents in the area have to get up early to go to work. This would cause a hardship on the Township in regards to making sure they don't stay too long. Would that require Adam having to go out every day to make sure that they are within the 21 days a year of staying, making sure toilet waste is not dumped on vacant lots and making sure contaminants are not leaking on soils or lakes such as engine oils, coolants, fuels, or other things. This would also be a loss of tax money for people living on vacant lots with no dwellings. There would be RVs, trailers, and campers being abandoned or being parked or left there for months or years. I contacted several other townships and cities and they all said no."

Joyce Trudel, 2093 Webster Park Drive, asked "If you are not allowed to do something on your property should that be in your deed? Does the title insurance cover that? Mr. Lalewicz keeps the site well maintained.

Sharon Hoerle, 2066 Webster Park Drive, I lived here for 54 years. I live on Pardee Lake which is the feeder lake for Gale Lake. I was president of the lake association. I see nothing that Mr. Lalewicz is doing to be an inconvenience to anyone.

Debra Loveday, 2223 Webster Park Drive, stated "Mr. Lalewicz does keep it looking nice however I am against it. We bought in a residential district and would like to keep it like that.

Dan Novak, 2061 Webster Park Drive, stated "I pass this lot every day and have lived there for 8 years. It is a beautiful piece of property. There are other vacant lots in the area. I am going to be purchasing one and I don't intend to put a trailer on it. I have seen no parties.

Jim French, 2191 Webster Park Drive, stated "I have lived here for 30 years. I remember when Paul bought the land. Paul has taken a 30 foot strip of land and put in a small storage shed and a nice dock for his little boat. He is not disturbing the wildlife.

Jack Loveday, 2223 Webster Park Drive, stated "Mr. Lalewicz is a nice guy, always smiling and waving. I don't believe this should be a popularity contest. How can we allow this? As for the other campers on the lake, they adhere to the 21 day rule. There are several other pieces of property that some could do the same thing on. I have seen it on other lakes. The zebra mussels would become a problem with more people coming and going on the lake.

John Liss, 2292 Webster Park Drive, stated "Mr. Lalewicz has been there for several years. I don't think that there is someone else asking for this. I don't see a reason to deny him. The water by his dock is clearer than Pardee Lake.

Mr. Butcher, 4285 N. Gale Drive, stated "Mr. Lalewicz is not the only one with a boat on the lake. The wildlife has remained that same and nothing has changed.

Chairman Howell requested that the following letter be inserted into the record: Cheryl Powell, 4088 Pardee Lake Road, "This letter is in regards to the variance request for Paul Lalewicz on Pardee Lake Road. I have several questions regarding this matter. Water is considered temporary if allowed to park trailer on property? I understand it is 21 days. Is someone supposed to monitor this? Where is sewer discharged if they have no septic field? If this variance passes, will it open the windows for trailers to park everywhere on vacant land? Will having these trailers parked on vacant land decrease our property values?"

The following letter was received from Marsha Noble, 2187 Webster Park Drive, "I would like to voice my support for Paul Lalewicz in allowing a recreational vehicle be used as temporary living purposes. He poses no threat to our environment; in fact he has made the area much nicer than it was previously. The motorhome is not a permanent fixture and I do not find it offensive. Paul is a respected member in our community and I would like to see him continue to live and enjoy his property."

The call to the public was closed. There was a brief board member discussion.

Moved by Wildman, Supported by Figurski, to deny case# 10-20 located on Pardee Lake Road due to no practical difficulty associated with the property. **Motion approved unanimously.**

10-21...A request by Matt Wilson, Sec. 25, 4761 Bauer Road, for a variance to allow a detached accessory structure in the front yard.

A call to the public was made with no response.

Moved by Wildman, supported by Dhaenens, to approve case#10-21 located at 4761 Bauer Road, to allow a detached accessory structure to remain in the front yard upon its removal by July 1, 2011. **Motion approved unanimously.**

10-22...A request by Barbara Lewis, Sec. 14, 6860 Mahinske, for a side and front yard variance to construct an addition.

A call to the public was made with the following response: Mark Lasagna, 6854 Mahinske, stated that he supports that variance.

Moved by Figurski, supported by Wildman, to table case #10-22 located at 6854 Mahinske, per the petitioner's request. **Motion carried unanimously.**

10-23...A request by Genoa Township, Sec. 14, 2911 Dorr Road, for a lighting variance at the Genoa Township Athletic fields.

Ms. Kelly VanMarter, Genoa Township Planning Director, was present for the petitioner. Ms. VanMarter gave a brief presentation on the specifications for the variance.

Moved by Wildman, supported by McCreary, to approve case# 10-23, 2911 Dorr Road, for a property line light level variance of .2 foot-candles, a maximum light level variance of 23.8 foot-candles, a light fixture variance to allow for floodlight and a light fixture height variance of 40 feet. The finding of fact is location of the athletic fields due to the placement of wetlands on the property. Conditioned upon the

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trees and berm being installed that were discussed tonight and that was addressed to the neighbor to the east that was present. **Motion carried as follows: Ayes- Howell, McCreary, Wildman and Dhaenens. Nays- Figurski.**

Moved by Figurski, supported by Wildman to approve the September 21, 2010 Zoning Board of Appeals minutes with corrections. **Motion approve unanimously.**

The meeting adjourned at 7:55 p.m.