

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
NOVEMBER 16, 2010
6:30 P.M.**

MINUTES

Vice Chairman Barbara Figurski 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: Jeff Dhaenens, Barbara Figurski, Marianne McCreary, Steve Wildman and Chris Grajek. Also present was Township staff member Adam VanTassell and 10 persons in the audience.

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

Moved by McCreary, supported by Wildman to approve the appointment of Jeff Dhaenens to Chairman of the Zoning Board of Appeals. **Motion carried unanimously.**

Moved by Wildman, supported by McCreary, to approve the appointment of Barbara Figurski as the Vice President of the Zoning Board of Appeals. **Motion carried unanimously.**

A call to the public was made with no response.

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

A call to the public was made with the following response: Mark Lasagna, 6854 Mahinske, "I have no opposition to this variance. The shed is needed so that she can store extra stuff." Eric Smith, 6884 Mahinske, "I live two doors down from Mrs. Lewis and we are a nice neighborhood. She does not want to build a castle; I think that she has modified this addition to fit the neighborhood."

Moved by Wildman, supported by Figurski, to approve case #10-22 for a front yard variance of 20' with a 15' setback to construct an addition. Approval conditioned upon the structure being guttered. The finding of fact is the topography of the land. **Motion carried unanimously.**

10-24...A request by L.Alan and Merylee Mumaw, Sec. 35, 5365 Walnut Hills Drive, for a rear yard variance to construct an addition.

A call to the public was made with no response.

Moved by Wildman, supported by Figurski, to approve case #10-24, 5365 Walnut Hills Drive, for a rear yard variance of 10' with a 50' setback to construct an addition. Approval conditioned upon the addition being guttered. The finding of fact is the topography of land and the proximity of the wetlands. **Motion carried unanimously.**

10-25...A request by Dolores Malysz, Sec. 12, 1330 Clark Lake Road, for a front yard variance to construct an addition.

Mr. Malysz read from the following letter: "I am here this evening to request relief on a unique situation and a hardship that I have to address at 1330 Clark Lake Road pertaining to drainage and runoff of the road and surrounding properties within 300 ft. of 1330 Clark Lake Road.

The finish floor elevation sets between 5 and 6 feet lower than the properties to the north. The drainage and runoff from these properties on their south and east sides all runs towards North Clark Lake Road. Over a period of time the Livingston County Road Commission has changed the direction of the runoff and elevations of the road resulting in the water running into the front yard and driveway at 1330 Clark Lake Road. The drainage and runoff follows a path down the driveway and through the front yard, into and around the crawlspace and basement causing foundation failures, than eventually draining into the neighbor's yard to the east.

Through further inspection it was discovered that the foundation for the crawlspace at 1330 Clark Lake Road isn't deep enough to meet frost codes. It currently only has 24 inches of block below finish grade and code requires a minimum of 42 inches of frost protection.

My requests for relief have taken into the account the following items and none of them being more important or to be concerned about then the other: public safety, drainage and runoff, building codes, topography, neighborhood characteristics, conformity to Genoa Townships Ordinances under Article 24: Non-Conforming structures and uses, any foreseeable concerns of Genoa Township and the neighbors and added value to the community.

With the change of elevation of the structure a change of egress into the structure would be moved from the side of the structure to the roadside front of the home. A ten foot by twelve foot (10 X 12) enclosed entry would be added on. Taking into account the entry would be an encroachment into the front yard setback currently enforced by the Township "a line of sight" for vehicular and pedestrian safety was taken into account.

The Clark Lake Park Community is a rural development, platted and subdivided in 1923 with no sidewalks for pedestrians to walk on. At no point is there less than 300 feet of unobstructed view of the road for vehicle and pedestrian traffic to have sight of one another.

As mentioned before there is a large collection of water that drains onto this property from the property to the north and Clark Lake Road. It drains into the front yard and driveway at 1330 and then into the yard of the property directly to the East, and drain at it's will.

The solution that is being proposed will contain and redirect the runoff. The change in grade proposed will redirect 95% of the current runoff towards and around the West side of the garage with the implementation of a small swale adjacent and following the Southside of Clark Lake Road beginning at the Northeast property iron. The swale drainage will be caught in a catch basin and redirected through a storm drain to another swale along the Westside of the existing garage at 1330 Clark Lake Road down to the lake. With respect to the other 5% of the runoff, a small swale along the East property line will be developed to catch the remaining balance from the front yard and directed down towards the lake. No change in grades will be implemented along the Eastside of the structure; all grades will remain the same. To further reduce any uncontrolled runoff, PVC drains from the downspouts will be installed underground and terminated at the lakes edge.

This where a unique situation and hardship takes place. Given the topography, structure elevation, existing grades of the surrounding properties, road elevations, zoning ordinances being enforced, accompanied with the construction standards applied to the structure, corrections and modernization to current standards need to be applied. The increase elevation will allow for control of the runoff and meet currently enforced codes. Here are just a few of the corrections needed to be made that are imperative of your relief: treated sill plate, proper anchoring of the structure to the foundation, proper foundation depth below frost line, proper finish grades and drain water control and diversion, proper waterproofing of the foundation, proper insulation of the foundation, attractive landscaping and ground cover. As I stated above, these are a few of the improvements that will be made to the property but only with your relief.

Clark Lake Park Subdivision was platted in 1923 with no set standards to the homes nor were any deed restrictions registered with the county leaving it an eclectic development of random decorative ideas. Homes range from setbacks of as little as 6 feet to in the front yard to within 2 feet of side yard. The proposed addition to the front of the structure would be within the front yard setback but would not cause any hardships, eyesores or public safety concerns. It would still be setting back from the road approximately 30 feet.

As stated previously, Clark Lake Park Subdivision was platted in 1923 which predates the current zoning and construction standards by more than 80 years. New and more modern ordinances have been put into place such as the Lakeshore Resort Residential (LRR) as a standard for new developments to meet new safety and construction standards. Some of the considerations would be for the following: there is more than adequate sight distances for public safety and operation, separation of structures for fire jumping prevention and adequate room to extinguish and fight a fire, perform any future maintenance or improvements to the property without causing any hardship or inconvenience on adjacent property owners, additionally heights, egress and drainage

considerations. All of these standards and considerations are being addressed and met given the dimensions and topography of the property however a front yard setback is in need for relief. Under Article 24.04.06 of the ordinance the repairs, improvements and or modernization shall be less than ½ of the value of the property during any period twelve months.

Any foreseeable concerns of Genoa Township or the neighbors. I've tried to give everything that is to be undertaken on this project the utmost consideration and concern for public safety and any concerns of the Township and neighbors in this community. The project won't impair anyone's view, I will be alleviating, I am sure unwanted water from the properties to the north, from further damaging mine or the neighbor's property to the east. I've spoken to numerous neighbors in the community and they all think that it is a great idea and would be nice improvement to the development.

Given today's real estate market any type of dollars invested into a residential project is a plus for the community to improve its appearance, make it a more desirable location and create a higher taxable value for the Township."

A call to the public was with the following responses: Kenneth and Cheryle Frasheski, 1348 Clark Lake Road, stated that he had a lot of concerns with the drainage from the property with the addition of the front porch and raising the walls, how much runoff is he going to get on his property. He would like to know where the concrete holding tank and the leech bed is on the property and with the lot being small are the workers going to be driving over the septic while they do the work. This property is located at the shallow end of the lake and what would happen to the overflow?

Moved by Figurski, supported by Grajek to allow the petitioner time to supply the Zoning Board of Appeals with a letter of approval from a drainage engineer. **Motion carried unanimously.**

10-26...A request by Lawrence Bacon, Sec. 22, 5100 Wildberry Lane, for a waterfront variance to construct an addition.

A call to the public was made with no response.

Moved by Wildman, supported by McCreary, to approve case #10-26, 5100 Wildberry Lane, for a 37' variance with a 93' setback . Conditioned upon the structure being guttered. The finding of fact is the topography of the land. Motion carried unanimously.

Moved by Figurski, supported by McCreary to approve the minutes of the October 19th, 2010 Zoning Board of Appeals with corrections as submitted. **Motion carried as follows: Ayes- Figurski, McCreary, Wildman, and Dhaenens. Abstain: Grajek.**

The meeting adjourned at 7:55 p.m.